



**Updated:**

**5/21/18 @ 2:00pm**

**Added the following:**

**Communication for Item 6 – Text Amendment Short Term Rental  
Draft April Planning Commission Action Summary Minutes**

**5/18/18 @ 11:45am**

**Added Staff Memo & Site Plan Attachment for Item 2 – Preliminary Plat, 6200 W 6<sup>th</sup> St**

**5/15/18 @ 4:45pm**

**The following will be added when available:**

**Draft April Planning Commission Action Summary Minutes**

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION  
CITY HALL, 6 EAST 6<sup>TH</sup> STREET, CITY COMMISSION MEETING ROOM  
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS  
WEDNESDAY, MAY 23, 2018 6:30PM - 10:30PM**

#### **GENERAL BUSINESS:**

#### **PLANNING COMMISSION ACTION SUMMARY**

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of April 23 & 25, 2018.

#### **COMMITTEE REPORTS**

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

#### **COMMUNICATIONS**

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

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

#### **REGULAR AGENDA (MAY 23, 2018) MEETING**

#### **PUBLIC HEARING ITEMS:**

#### **ITEM NO. 1 CAPITAL IMPROVEMENT PLAN**

Presentation of recommended Capital Improvement Plan.

#### **PUBLIC HEARING on Variances Only:**

#### **ITEM NO. 2 PRELIMINARY PLAT FOR MERCATO 2<sup>ND</sup> ADDITION; 6200 W 6<sup>TH</sup> ST (MKM)**

**PP-18-00028:** Consider a Preliminary Plat for Mercato 2<sup>nd</sup> Addition, a five-lot subdivision on approximately 116.8 acres located at 6200 W 6<sup>th</sup> St and an associated variance from the standard in Section 20-811(c) of the Subdivision Regulations that sidewalks be installed on both sides of all streets. Submitted by Landplan Engineering, for Kentucky Place LC, JDS Kansas LC, Venture Properties Inc, Tat Land Holding Co LC, Sojac Land Company LC, Scotsdale Properties LC, Tanglewood LC, property owners of record.

**ITEM NO. 3      VARIANCE; 893 E 1650 RD (MKM)**

Variance from 1,320 ft frontage requirement for Residential Development Parcels which take access from a Principal Arterial. The variance is associated with a Certificate of Survey, CSR-18-00137, for approximately 20 acres located at 893 E 1650 Road. Submitted by Ryan J. Niehoff, property owner of record.

**RESUME PUBLIC HEARING:**

**ITEM NO. 4      CONDITIONAL USE PERMIT FOR MARION SPRINGS EVENT CENTER; 316 E 900 RD (MKM)**

**CUP-18-00127:** Consider a Conditional Use Permit for Marion Springs Event Center, located on approximately 9.58 acres at 316 E 900 Rd, Baldwin City. Submitted by Jay I and Mary D Bessey, property owners of record.

**ITEM NO. 5      REZONING 14.13 ACRES FROM PID TO IG; 3641, 3660, 3661 THOMAS CT & 3640-3660 E 25<sup>TH</sup> ST (BJP)**

**Z-18-00131:** Consider a request to rezone approximately 14.13 acres from PID (Planned Industrial Development) District to IG (General Industrial) District, located at 3641, 3660, 3661 Thomas Ct and 3640 & 3660 E 25<sup>th</sup> St. Submitted by Paul Werner Architects on behalf of Arbor Properties LLC & Roger Johnson, property owners of record.

**ITEM NO. 6      TEXT AMENDMENT TO LAND DEVELOPMENT CODE; SHORT TERM RENTAL (JSC)**

**TA-18-00079:** Consider a Text Amendment to the City of Lawrence Land Development Code regarding Short Term Rental. *Initiated by City Commission on 2/20/18.*

**ITEM NO. 7      TEXT AMENDMENT TO LAND DEVELOPMENT CODE; CONDITIONAL ZONING (SLD)**

**TA-18-00154:** Consider a Text Amendment to the City of Lawrence Land Development Code, Article 13 to review and potentially remove conditional zoning. *Initiated by City Commission on 4/17/18.*

**ITEM NO. 8      TEXT AMENDMENT TO LAND DEVELOPMENT CODE; RECORDING SUBDIVISION DOCUMENTS WITH REGISTER OF DEEDS (SLD)**

**TA-18-00199:** Initiate a Text Amendment to the City of Lawrence Land Development Code, Articles 8 and 13, to update requirements for recording subdivision documents with the Douglas County Register of Deeds Office.

**ITEM NO. 9      TEXT AMENDMENT TO COUNTY ZONING REGULATIONS; DATA COLLECTION DEVICES (SLD)**

**TA-18-00155:** Consider a Text Amendment to the Douglas County Zoning Regulation Article 13-319-5.01, to include and define *Data Collection Devices*, such as SODAR and metrologic equipment and similar equipment as a Temporary Business Use. *Initiated by County Commission on 3/28/18.*

**\*\*DEFERRED\*\***

**ITEM NO. 10 — ~~TEXT AMENDMENT TO LAND DEVELOPMENT CODE; OUTDOOR LIGHTING STANDARDS (MKM)~~**

**TA-18-00085:** Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 11 and 17, to update outdoor lighting standards to include standards for various types of light fixtures, such as LED. *Initiated by Planning Commission on 2/21/18.*

**\*\*DEFERRED\*\***

**ITEM NO. 11 — ~~TEXT AMENDMENT TO LAND DEVELOPMENT CODE; STORAGE USES IN IBP DISTRICT (SLD)~~**

**TA-18-00150:** Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 4, 5, 9 and 17 to define certain types of storage uses; *Mini-Warehouse, self-storage, climate-controlled self-storage and similar uses* and to permit some uses in the IBP (Industrial/Business Park) District. *Initiated by City Commission on 4/17/18.*

**\*\*WITHDRAWN\*\***

**ITEM NO. 12 — ~~CONDITIONAL USE PERMIT; 1055 E 1500 RD (MKM)~~**

**CUP-17-00313:** Consider a Conditional Use Permit for a *Recreation Facility* (event center), and a *Rooming, Boarding, and Lodging Houses* (Short Term Rental) located on approximately 1.26 acres at 1055 E 1500 Road. Submitted by Stan Trekell, for Linda G. Fritz, Inc., property owner of record. *Deferred by Planning Commission on 4/25/18.*

## **MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

### **MISC NO. 1      VARIANCE; 3300 W 6<sup>TH</sup> ST (BJP)**

Consider a variance from the right-of-way width for a Minor Subdivision (lot combination), MS-18-00188, for RCB Bank Subdivision, located at 3300 W. 6<sup>th</sup> Street and 534 Frontier Road. Submitted by BG Consultants on behalf of RCB Bank, property owner of record.

### **MISC NO. 2      METROPOLITAN PLANNING ORGANIZATION POLICY BOARD**

City Appointee Planning Commissioner to Metropolitan Planning Organization Policy Board.

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**ADJOURN**

## CALENDAR

April 2018						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May 2018						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June 2018						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

### PCCM Meeting:

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

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**2018**  
**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION**  
**MID-MONTH & REGULAR MEETING DATES**

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Monday and Wednesday	
Jan 10	Strategic Plan	Affordable Housing Update	Jan 22	Jan 24
Feb 7	Annexation Process		--	Feb 21
Mar 14	Bufferyard & Sensitive Land Code Standards		Mar 26	Mar 28
<del>Apr 11</del>	<i>Cancelled</i>		Apr 23	Apr 25
May 9	Community Design Manual & Design Guidelines		May 21	May 23
Jun 13	Residential Lot Inventory		Jun 25	Jun 27
Jul 11	Comprehensive Plan Update - <i>tentative</i>		Jul 23	Jul 25
Aug 8	Retail Market Study	Industrial Inventory Update	Aug 20	Aug 22
Sep 12			Sep 24	Sep 26
Oct 10			Oct 22	Oct 24
Nov 7			Nov 12	Nov 14
Dec 5			Dec 17	Dec 19
	<b>Suggested topics for future meetings:</b> <i>New County Zoning Codes</i> <i>Water Resources</i> <i>Comprehensive Plan Update</i>		<i>KU Central District Plan/Master Plan</i> <i>Comprehensive Housing Study</i>	
<b>Meeting Locations</b>	The Planning Commission meetings are held in the City Commission meeting room on the 1 <sup>st</sup> floor of City Hall, 6 <sup>th</sup> & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services   Lawrence-Douglas County Planning Division   785-832-3150   <a href="http://www.lawrenceks.org/pds">www.lawrenceks.org/pds</a>				

Revised 4/17/18

## 2018 PLANNING COMMISSION ATTENDANCE

	Jan 24 2018	Feb 21 2018	Mar 28 2018	April 23 2018	April 25 2018	May 23 2018						
Butler	No	No	Yes	Yes	Yes							
Carttar												
Carpenter	Yes	Yes	Yes	Yes	Yes							
Culver	Yes	Yes	Yes	Yes	Yes							
Kelly	No	Yes	Yes	Yes	Yes							
Paden	Yes	Yes	Yes	Yes	Yes							
Sands	Yes	Yes	Yes	Yes	Yes							
Sinclair	Yes	Yes	Yes	Yes	Yes							
Struckhoff	Yes	Yes	Yes	No*	Yes							
Weaver	Yes	Yes	Yes	Yes	Yes							
Willey	Yes	Yes	Yes	No*	Yes							

**\*APA Conf**

## 2018 MID-MONTH ATTENDANCE

	Jan 10 2018	Feb 7 2018	Mar 14 2018	April 11 2018	May 9 2018	June 13 2018					
Butler Carttar	Yes	Yes	Yes	-	No						
Carpenter	Yes	Yes	Yes	-	Yes						
Culver	Yes	Yes	Yes	-	Yes						
Kelly	Yes	Yes	Yes	-	Yes						
Paden	Yes	Yes	Yes	-	Yes						
Sands	Yes	Yes	Yes	-	No						
Sinclair	Yes	No	Yes	-	Yes						
Struckhoff	Yes	Yes	Yes	-	Yes						
Weaver	Yes	Yes	No	-	Yes						
Willey	Yes	Yes	Yes	-	Yes						



## **PLANNING COMMISSION MEETING**

### **April 23 & 25, 2018**

### **Meeting Action Summary**

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April 23, 2018 – 6:30 p.m.

Commissioners present: Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Weaver

Staff present: McCullough, Ewert, Larkin, A. Miller, Mortensen, Pepper

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### **GENERAL BUSINESS**

Elect temporary Planning Commission Chair for the April 23, 2018 meeting.

Commissioner Carpenter nominated Commissioner Kelly as temporary Planning Commission Chair. Seconded by Commissioner Butler.

Motion carried 7-0-1. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sinclair, and Weaver voted in favor. Commissioner Sands was not present for the vote.

### **PLANNING COMMISSION ACTION SUMMARY**

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of March 28, 2018.

Motioned by Commissioner Culver, seconded by Commissioner Sinclair, to approve the March 28, 2018 Planning Commission action summary minutes.

Motion carried 7-0-1. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sinclair, and Weaver voted in favor. Commissioner Sands was not present for the vote.

### **COMMITTEE REPORTS**

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

Commissioner Kelly said the Comprehensive Plan Committee continues to meet. He said they were going through the issue action report in more detail. He encouraged Planning Commission to look at the plan.

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

- No ex parte.
- No abstentions.

### **GENERAL PUBLIC COMMENT**

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

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

No general public comment.

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**ITEM NO. 1A PRELIMINARY PLAT FOR OREAD WEST NO. 17; 1601 & 1701 RESEARCH PARK DR (BJP)**

**PP-18-00072:** Consider a Preliminary Plat for Oread West No. 17 located at 1601 & 1701 Research Park Dr. Submitted by BG Consultants on behalf of Beckmeisters LLC, property owner of record.

**ITEM NO. 1B SPECIAL USE PERMIT FOR BRIDGE HAVEN; 1601 & 1701 RESEARCH PARK DR (BJP)**

**SUP-17-00697:** Consider a Special Use Permit for Bridge Haven, located at 1601 & 1701 Research Park Drive. Submitted by Paul Werner Architect, for Beckmeisters LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Becky Pepper presented items 1A-1B together.

**APPLICANT PRESENTATION**

Ms. Joy Rhea, Paul Werner Architects, said the site would be more neighborhood friendly by adding parking and addressing the trash issue, which were the complaints by the neighbors.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Kelly asked how many beds were in the current facility.

Ms. Pepper said building A had 10 bedrooms, building B had 12 bedrooms, and the new building would have 12 bedrooms.

Commissioner Kelly wondered if the parking numbers should be looked at since people were parking on the street.

Mr. Robert Wilson, Bridge Haven, said he was not the developer on the original building. He said each building had four staff members with a shift change twice a day where there are double the staff for about 20-30 minutes. He said the parking was doubled to get all employees off the street. He also said there would be several reserved spots near the front as a courtesy to family members visiting residents. He said adding a large dumpster would solve the trash issue. He said the first building had 10 bedrooms but two were semi-private so each building had 12 bedrooms.

Commissioner Paden inquired about parking on Research Park Drive.

Mr. Wilson said some employees were parking on Research Park Drive and that there were no other businesses on that street.

Commissioner Paden asked what type of street Research Park Drive was.

Ms. Pepper said it was a collector street.

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

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

Commissioner Kelly asked how many residents drive.

Mr. Wilson said none of the residents drive and that the parking was only for staff and family members. He said during shift changes staff overlap and parking may be on the street.

Commissioner Kelly wondered about the parking calculations being too low.

Mr. McCullough said the Code did not take into account staffing.

Commissioner Sinclair said it was worth recognizing that the applicant was retaining the mature trees on the property. He asked if the trees could be altered at a later date.

Mr. McCullough said yes but that there was still a bufferyard requirement.

**ACTION TAKEN on Item 1A**

Motioned by Commissioner Butler, seconded by Commissioner Paden, to approve the Preliminary Plat, PP-18-00072, for Oread West No. 17 located at 1601 & 1701 Research Park Dr.

Motion carried 7-0-1. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sinclair, and Weaver voted in favor. Commissioner Sands was not present for the vote.

**ACTION TAKEN on Item 1B**

Motioned by Commissioner Butler, seconded by Commissioner Culver, to approve the Special Use Permit, SUP-17-00697, of the *Extended Care Facility, General* use located at 1601 & 1701 Research Park Drive and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Prior to release of the accompanying site plan for building permits, the applicant will provide a photometric plan to the Planning Office for review of compliance with Section 20-1103;
2. Approval by the Stormwater Engineer of a best management practice at the west end of the proposed parking lot to mitigate the amount of parking that exceeds parking code requirements.

Motion carried 7-0-1. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sinclair, and Weaver voted in favor. Commissioner Sands was not present for the vote.

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**ITEM NO. 2 SPECIAL USE PERMIT FOR BISHOP SEABURY; 4120 CLINTON PKWY (SLD)**

**SUP-18-00076:** Consider a Special Use Permit for a 30,342 SF building addition at Bishop Seabury Academy, to accommodate additional classrooms, office, cafeteria/kitchen and chapel spaces, located at 4120 Clinton Parkway. Submitted by BBN Architects Inc, for Bishop Seabury Academy, property owner of record.

**STAFF PRESENTATION**

Ms. Becky Pepper presented the item.

**APPLICANT PRESENTATION**

Ms. Lorie Bowman, BBN Architects, agreed with the conditions in the staff report. She said 12-18 months was a reasonable construction phase and that a majority of the staging would happen on the south side of the lot. She said the tennis court would be demolished but that it would be used as part of the construction phase. She said there would not be a lot of traffic on the north and east sides of the building. She said the majority of the construction traffic would be along the south and west side. She said the contractor would be responsible for securing the construction site with construction fencing. She said PSI Services conducted a full soil analysis and recommended backfill material. She said the pool would be removed and filled with engineered fill material. She said regarding noise during construction the contractor would work Monday-Friday 7:00am-5:30pm and possibly Saturday's half-day if they get behind. She said some neighbors wanted more landscaping and others wanted less so she felt the best way to handle landscaping would be to meet with the neighbors again.

Mr. Don Schawang, Bishop Seabury, said regarding the line of juniper bushes mentioned in a letter from a neighbor, those were far enough from the construction site that they would remain. He said the tree mentioned on the far west side of property would be maintained and cared for.

Ms. Bowman said a significant addition of landscaping would be added. She said one giant tree was requested to be removed by the neighborhood so it was removed. She said she was happy to meet with the neighbors about landscaping concerns. She said the new building addition would be consistent with the look of the building now and would not introduce new materials.

**PUBLIC COMMENT**

Mr. Bob Banning, 4211 Wimbledon, said condominiums/townhomes were treated as multi-use buildings in the Code in terms of landscaping barriers. He recommended they revisit the Code and how it views landscaping for condominiums/townhomes. He expressed concern regarding drainage especially during high rain seasons.

Mr. Tom Cotte said the east building would back up to the new construction by about 40-50'. He said the south side faces the tennis courts. He said the entire Bishop Seabury campus shielded the townhomes from Clinton Parkway which helps with noise and traffic. He felt the construction process would drastically change the landscaping. He expressed concern regarding construction scheduling, sanitary sewer pipe, property values, and drainage. He felt a year and a half was a long time to witness construction. He asked Planning Commission to consider limiting the construction timeframe. He expressed concern about decreased property value, especially during the construction phase. He

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recommended a barrier of fast growing trees be planted as screening. He said the removal of the tennis courts would expose the neighborhood.

Ms. Hilary Griggs, Bishop Seabury student, said she took three out of eight classes in a mobile classroom. She said there was an increasing need for Bishop Seabury to expand. She said there would be some extent of inconveniences to the neighborhood during construction but that there was a definite effort by Bishop Seabury to mitigate those inconveniences. She said the project was essential to continue improvements to the student body education. She urged Planning Commission to vote in favor of the Special Use Permit.

Ms. Patsy Cotte' said there were six units/homes that would be directly impacted. She wanted construction to be kept on task and the contractor held liable. She said the neighborhood would be subjected to the back of the building and that it would be very close.

Mr. Michael Almon said the expansion would be the same design the current buildings had. He said landscape screening was not necessary since it would be no different than what was there now.

### **APPLICANT CLOSING COMMENT**

Mr. John Chamberlain, SK Group, addressed stormwater concerns expressed by Mr. Banning. He said the existing 35' drainage easement along the north side of the property picks up drainage to the northwest of the property and drains to the north of the existing townhomes. He said that was a pre-existing drainage issue with pre-existing water flows established by previous development. He said the current plan would increase the pervious area. He said along the back of the six townhomes the area was flat and did not drain well so underground storm sewer would be added to drain to the drainage easement on the north side of the property. He said the existing sanitary sewer line was a private line and construction would not impact that line. He said a note could be added to construction plans so the contractor was aware the line was there. He said the sanitary sewer for Bishop Seabury would come out of the north side of the building and tie into a 12" city main sewer line.

Ms. Bowman said the backside of the building wasn't the backside for the school. She said it would be the science wing and would have windows and doors to bring in as much daylight as possible. She said there were a substantial amount of cedar trees and Bishop Seabury would be planting more. She said trees could be moved to fill in gaps.

### **COMMISSION DISCUSSION**

Commissioner Butler asked where the residential six-plex was located.

Ms. Pepper showed an overhead map.

Commissioner Butler asked about the pre-existing drainage issue that Mr. Chamberlain mentioned. She wondered if the drainage issue was on Bishop Seabury property.

Mr. Chamberlain said no, there was a large box culvert that goes underneath Wimbledon Drive with an existing drainage easement on the north side of the six-plex which turns and goes east along the north side of Bishop Seabury and ties into the creek east of Bishop Seabury. He said a new stormwater system would be added to provide drainage to the flat area near the six-plex. He said the tennis courts would be removed so there would be less impervious surface than currently on site.

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

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Commissioner Paden did not feel that 12 bicycle spaces were enough.

Mr. Schawang said Bishop Seabury encouraged students to bike to school but that more bicycle racks would not make that happen.

Commissioner Paden said it was an issue that needed to be addressed citywide. She felt reducing bicycle spaces from 43 to 12 was too few spaces.

Mr. Scott Zaremba, Bishop Seabury President of Board of Trustees, said as things progress Bishop Seabury will expand with that progression.

Mr. McCullough said Lawrence Memorial Hospital received a reduction. He said institutional uses allow for bicycle additions if needed in the future.

Commissioner Kelly said townhomes were different than what is typically thought of for multi-family. He wondered about screening language in the Code.

Mr. McCullough said bufferyards were dictated by zoning districts. He said schools were allowed in many residential districts so it was more of a use issue than a zoning issue. He said the townhomes were situated fairly close to the property line when developed. He stated there were mechanisms through the Special Use Permit to mitigate impacts.

Commissioner Kelly inquired about the request for fencing.

Ms. Bowman said there was a fence around the pool about 10' inside the property line that would be removed. She said she would prefer to mitigate with landscaping and that there was substantial screening on the Bishop Seabury side.

Mr. Banning said the buffer would be greater if single-family homes instead of multi-family.

Mr. McCullough said the applicant would have the choice of bufferyard. He said it would need to be put forth as a condition.

Mr. Matt Bond, City Stormwater Engineer, said there were constraints on the placement of additional landscaping and how it would impact sewer lines.

Commissioner Carpenter asked about how the Special Use Permit ties into construction timelines.

Mr. McCullough said the Special Use Permit allows 24 months to pull a building permit or seek extension.

*Commissioner Rob Sands arrived at the meeting at 7:57pm.*

Mr. Schawang suggested removing neighbor trees and replacing with new trees.

Mr. Bond said the current placement was fine.



Ms. Cotte' said the current trees were beautiful. She expressed concern about the building being too close. She said she would prefer a fence for screening.

Mr. Bond said a 6' fence was not going to hide a 20' building.

Commissioner Butler said the residents have the choice to put up fence on their side. She said the property owner had rights and the ability to develop their site. She encouraged the applicant to work with neighbors. She was not a fan of requiring the applicant to spend extra money on screening the neighbors would prefer.

Commissioner Kelly asked staff if it would provide enough direction to say that the applicant and neighbors could work together on the location of landscaping as they agree to. He said the applicant was following the Code and the neighbors could put up a fence and landscaping if they chose.

Mr. McCullough said minor changes could be made administratively.

Commissioner Carpenter said there was nothing that would prohibit the applicant from working with the neighbors.

### **ACTION TAKEN**

Motioned by Commissioner Butler, seconded by Commissioner Culver, to approve the Special Use Permit for Bishop Seabury Academy, a *School Use*, located at 4120 Clinton Parkway and forwarding the request to the City Commission with a recommendation of approval, including the following waivers:

1. Reduction of required bicycle parking from 43 to 12 as determined to be acceptable by the City Engineer.
2. Waiver to reduce required perimeter parking lot landscaping due to underground utility conflicts.
3. Waiver to reduce the width of the north and west access driveway as shown on the site plan.

subject to the following conditions:

1. The applicant shall submit a revised Site Plan with the following changes prior to the release of the site plan to Development Services for processing of building permits.
  - a. Revise the parking summary General Note 9 to update the total bicycle parking provided is 12 spaces and include a note that references a wavier for the reduction in bicycle parking and to show on the drawing a minimum of 12 bicycle parking spaces that meet APBP bike parking spacing requirements.
  - b. Reconfigure the storm sewer at the north end of the new parking lot to terminate in a bio-retention cell along the north property line per the City Stormwater Engineer's approval.
  - c. Provision of a revised site plan to show either a dry stand pipe or a wall indicator valve with a 2.5" hose connection at the exterior of the building per Fire Prevention Staff approval.

Commissioner Kelly said it was great to see goodwill between the school and neighborhood.

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

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

Motion carried 7-0-1. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sinclair, and Weaver voted in favor. Commissioner Sands was not present for the item.

DRAFT

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**ITEM NO. 3      REZONING 2.48 ACRES FROM RM12-FP TO RM12; 3172-3257  
ATCHISON AVE, 3209 & 3215 YANKEE TANK LN (LRM)**

**Z-18-00071:** Consider a request to rezone approximately 2.48 acres from RM12-FP (Multi-Dwelling Residential and Floodplain Overlay) District to RM12 (Multi-Dwelling Residential) District, located at 3172-3257 Atchison Ave, 3209 Yankee Tank Ln, and 3215 Yankee Tank Ln. Submitted by Grob Engineering Services LLC on behalf of Yankee Tank Estates LLC, property owner of record.

**STAFF PRESENTATION**

Mr. Luke Mortensen presented the item.

**APPLICANT PRESENTATION**

Mr. Dean Grob, Grob Engineering Services, said the rezoning was still contingent upon the Federal Emergency Management Agency (FEMA) letter.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Culver asked if FEMA took the initiative to make map changes or if it was applicant driven.

Ms. Amy Miller, Assistant Planning Director, said the vast majority of FEMA map changes were driven by the applicant.

**ACTION TAKEN**

Motioned by Commissioner Kelly, seconded by Commissioner Culver, to approve the rezoning request, Z-18-00071, for approximately 2.48 acres from RM12-FP District to RM12 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 subject to the following condition:

1. Applicant must receive Letter of Map Change (LOMC) from FEMA (pending) before rezoning request moves on to the City Commission for consideration.

Commissioner Paden asked why the rezoning couldn't wait for the FEMA letter.

Ms. Miller said waiting for the letter of map change would delay the applicant. She said it was a good faith effort to allow it to move forward through Planning Commission. She said the FEMA letter would be needed for City Commission approval. She said there was a current structure under construction that was part of the Floodplain Overlay District, therefore time was of concern.

Mr. McCullough said the structure was being constructed under the floodplain regulations. He said one of the solutions was to allow a gravel driveway. He said the impact of having the FP Overlay is that there are requirements over and above the Code related to the amount of impervious surface material in the floodplain. He said they do not desire to have a gravel driveway forever. He said it would not become effective unless FEMA accepted the map change.

Unanimously approved 8-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, and Weaver voted in favor.

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**ITEM NO. 4      VARIANCE; 1803 W 6<sup>TH</sup> ST (SLD)**

**MS-18-00113:** Consider a variance from the right-of-way width for a Minor Subdivision (lot combination) for Eagle Subdivision No. 2, located at 1803 W 6<sup>th</sup> St. Submitted by BG Engineers on behalf of Mount Oread AERIE 309 FOE, Inc., property owner of record.

**STAFF PRESENTATION**

Mr. Luke Mortensen presented the item.

**APPLICANT PRESENTATION**

No applicant present.

**PUBLIC COMMENT**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Paden, seconded by Commissioner Carpenter, to approve a variance requested for a Minor Subdivision, MS-18-00113, to reduce the right-of-way, required per Section 20-810(e)(5) for a principal arterial street, from 150' to 100' in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at 1803 W. 6<sup>th</sup> Street.

Unanimously approved 8-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, and Weaver voted in favor.

PC Minutes 4/23/18

**ITEM NO. 5      TEXT AMENDMENT TO LAND DEVELOPMENT CODE; GROUP HOMES IN GPI DISTRICT (SLD)**

**TA-18-00121:** Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 4 and 17, to permit *Group Homes* in the GPI district. *Initiated by Planning Commission on 2/21/18.*

**STAFF PRESENTATION**

Mr. Scott McCullough presented the item.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Sands said the Group Home permitted 10 or less people in the GPI district and 11 or more would require a Special Use Permit.

Mr. McCullough said that was correct.

**ACTION TAKEN**

Motioned by Commissioner Sands, seconded by Commissioner Weaver, approve the proposed text amendment, TA-18-00121, amending sections of Article 4 and Article 17 of the Lawrence Land Development Code to permit *Group Homes* in the GPI District and to update the definition to align with current State legislation, forwarding to the City Commission with a recommendation for approval.

Unanimously approved 8-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, and Weaver voted in favor.

## **MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

### **MISC NO. 1      RESIDENTIAL LOT INVENTORY**

Planning Commission received the 2017 residential lot inventory report.

DRAFT

Motioned by Commissioner Carpenter, seconded by Commissioner Sands, to recess until 6:30pm on April 25, 2018.

Motion carried 8-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, and Weaver voted in favor.

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**Recess at 8:39pm until 6:30pm on April 25, 2018**

PC Minutes 4/25/18

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Reconvene April 25, 2018 – 6:30 p.m.

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

Staff present: McCullough, Ewert, Larkin, M. Miller

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## **BEGIN PUBLIC HEARING (APRIL 25, 2018):**

### **COMMITTEE REPORTS**

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

Commissioner Willey said the Comprehensive Plan Committee met April 16, 2018 and continue to go through the document chapter by chapter and digest all the public comments. She said Staff would come up with another draft and eventually it would come back to Planning Commission for public hearing.

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

- Mr. McCullough said the applicant for Item 9 had requested a deferral.
- No Ex parte.
- No Abstentions.

### **GENERAL PUBLIC COMMENT**

No general public comment.



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**ITEM NO. 6      PRELIMINARY PLAT FOR MERCATO 2<sup>ND</sup> ADDITION; 6200 W 6<sup>TH</sup> ST  
(MKM)**

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

*Item 6 was deferred prior to the meeting.*

DRAFT

PC Minutes 4/25/18

**ITEM NO. 9A ANNEX 97.4 ACRES; 1700 BLK E 902 RD (MKM)**

**A-18-00068:** Consider the annexation of approximately 97.4 acres, in the 1700 Block of E 902 Rd. Submitted by BG Consultants, Inc., for Garber Enterprises, Inc, property owner of record. *Initiated by City Commission on 4/17/18.*

**ITEM NO. 9B REZONING 24.96 ACRES; 1700 BLK E 902 RD (MKM)**

**Z-18-00070:** Consider a request to rezone approximately 24.96 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District. Submitted by BG Consultants, Inc. for Garber Enterprises Inc., property owner of record.

**ITEM NO. 9C REZONING 60.95 ACRES; 1700 BLK E 902 RD (MKM)**

**Z-18-00073:** Consider a request to rezone approximately 60.95 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5 (Single-Dwelling Residential) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

**ITEM NO. 9D REZONING .78 ACRES; 1700 BLK E 902 RD (MKM)**

**Z-18-00074:** Consider a request to rezone approximately 0.78 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5-FP (Single-Dwelling Residential and Floodplain Overlay) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

**ITEM NO. 9E REZONING 11.49 ACRES; 1700 BLK E 902 RD (MKM)**

**Z-18-00075:** Consider a request to rezone approximately 11.49 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to IL (Limited Industrial) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

**STAFF PRESENTATION**

Mr. Scott McCullough said the applicant was requesting a deferral. He said there were about four parcels requesting to be annexed into the city. He stated a few parcels were served with existing sewer but that the other half of the property was not yet served by sewer. He said the applicant wanted to defer to explore possibilities for funding and the mechanics of getting a benefit district formed to get sewer to the northern and western properties. He said the applicant was trying to explore ways to get infrastructure to consider part of the annexation request.

**APPLICANT PRESENTATION**

Mr. David Hamby, BG Consultants, said he was trying to tie down those loose issues on how to serve the property with sewer. He felt it would be premature for Planning Commission to make a decision without additional information.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

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

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

Commissioner Struckhoff said it was probably appropriate to give the applicant a chance to explore and discuss a plan with the city. He said although there wasn't a specific master plan for the area there was a general outline of what the utility system was expected to look like in the future.

**ACTION TAKEN on Item 9A-9E**

Motioned by Commissioner Willey, seconded by Commissioner Carpenter, to defer Items 9A-9E indefinitely until the applicant was ready to bring it back to Planning Commission.

Motion carried 10-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

DRAFT

PC Minutes 4/25/18

**ITEM NO. 7      REZONING 2.54 ACRES FROM A/A-1 TO A; 548 N 1700 RD (MKM)**

**Z-18-00069:** Consider a request to rezone approximately 2.54 acres located at 548 N 1700 Rd from A/A-1 (Agricultural and Suburban Home Residential) Districts to A (Agricultural) District. Submitted by Kevin Sontag on behalf of Kanwaka Township, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

No applicant present.

**PUBLIC COMMENT**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Sands, seconded by Commissioner Weaver, to approve the rezoning request for approximately 2.54 acres from A (Agricultural) and A-1 (Suburban Home Residential) Districts to A (Agricultural) District 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.

Unanimously approved 10-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

PC Minutes 4/25/18

**ITEM NO. 8      CONDITIONAL USE PERMIT; 1055 E 1500 RD (MKM)**

**CUP-17-00313:** Consider a Conditional Use Permit for a *Recreation Facility* (event center), and a *Rooming, Boarding, and Lodging Houses* (Short Term Rental) located on approximately 1.26 acres at 1055 E 1500 Road. Submitted by Stan Trekell, for Linda G. Fritz, Inc., property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Stan Trekell said he cleaned up the previously blighted property. He provided history of the property. He said the building was built in 1890 on a limestone foundation. He read from a 1935 Lawrence Journal World article about the property and its past use as a community center where various types of meetings were held. He said he was interested in holding "polite society" events, not rowdy parties.

**PUBLIC COMMENT**

Mr. Ralph Leary expressed concern about the septic system and outdoor events being held on top of it. He also expressed concern regarding the number of restrooms, parking, lateral fields, and increased traffic. He felt the building should be a single-family residence.

Mr. Tony Smith expressed concern about traffic, health and safety, building and property code enforcement, decreased property value, noise and light pollution, and hours of operation. He asked Planning Commission to deny the Conditional Use Permit request.

Ms. Sonya Smith wondered if all the conditions needed to be met to obtain a Conditional Use Permit. She expressed concern about the hours of operation, noise level, and traffic. She requested Planning Commission deny the Conditional Use Permit request.

Mr. Doug Riley requested Planning Commission deny the Conditional Use Permit.

Mr. Art Kuehler expressed concern about the placement of lateral lines. He wondered when the traffic study was done because the traffic had doubled with the opening of the K-10 bypass.

Ms. Leila Leary expressed concern about traffic safety, noise, and increased trash. She felt it should be a single-family residence. She wondered about lateral fields. She asked Planning Commission to consider denial.

Mr. Roger Wolfram agreed with the comments already made. He was concerned about road safety and lateral fields.

**APPLICANT CLOSING COMMENT**

Mr. Trekell said he used to be an event promotor and never had any complaints or issues. He said the Health Department would not allow him to do anything that would not meet the occupancy load and their approval. He said regarding parking the County plans to rebuild East 1500 Road with 12' wide lanes with 8' shoulders in January 2019. He said all parking would be on-site with no parking on the road. He said the speed limit was posted as 45 miles per hour and he wasn't sure what more could be done to slow traffic. He said it was suggested to move the driveway to the south end of the

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property to give people time to react. He said he would make every effort to bring people in from the south. He said he was very concerned about safety and has a vested interest in making his property safe. He said regarding comments about property values, Mr. & Mrs. Smith's property value had increased since being built even though the proposed site was blighted during that time period. He said he would enforce any issue at the site. He said for the most part building activities would typically be on the weekends. He said gunshots from the Cedar Hill Gun Club could be heard in the distance from 2.4 miles away. He said agricultural equipment could also be heard in the area. He said he was not interested in loud rock-n-roll music or stage band events at his venue. He said he contacted the Kansas Department of Transportation (KDOT) to find out information about single and multiple vehicle accidents along 1500 Road but had not heard back from them.

### **COMMISSION DISCUSSION**

Commissioner Sands inquired about when the traffic counts were done.

Ms. Miller said Mr. Keith Browning, Douglas County Public Works, would have to provide that.

Commissioner Willey asked for examples of other event centers this close to residences.

Ms. Miller said Good Earth Gatherings had craft activities and classes. She said Stony Point did not have very close neighbors. She said Serenata Farms was a recreation center at one time but turned into an indoor softball facility.

Commissioner Butler addressed Ms. Smith's public comment about the conditions in the staff report. Commissioner Butler stated where the word "shall" was used would make the condition a requirement.

Ms. Miller said the conditions would be finalized by the County Commission.

Commissioner Carpenter inquired about the current rules for obtaining a water meter in the county.

Ms. Miller said she had not heard of a minimum lot size. She said she talked to Rural Water District #4 and they said they could serve the property.

Commissioner Carpenter asked about the requirements of a septic system.

Ms. Miller said that would be looked at by the Health Department.

Commissioner Carpenter said bathroom facilities would have to hook up to a system.

Ms. Miller said well water may be used for toilets.

Mr. Trekell said there was a well on site.

Mr. Sean Reid, Douglas County Zoning & Codes Director, said based on a rough drawing he had seen the maximum occupant load was used to determine the building maximum capacity for safe exiting and determining the toilet facilities.

Commissioner Willey asked if there had been discussion about the use of porta potty's.

Mr. Trekell said there had not been discussions about porta potty's.

Commissioner Willey said she was having difficulties imagining a septic system on such a small lot. She felt it would be a struggle to fit it there. She said she would be surprised if the Health Department approved having activities on top of lateral fields.

Mr. Reid said the calculations for leach fields were based on the tank capacity and the leaching quality of the soil. He said the quality of soil would determine the amount of leach field required.

Commissioner Willey inquired about enforcement for issues.

Ms. Miller said County Zoning and Codes would handle complaints.

Mr. Reid said County Zoning and Codes would investigate complaints from the public. He said a method of enforcement was taking the Conditional Use Permit back to County Commission and seeking revocation or modification.

Commissioner Carpenter said one of the proposed recommendations was for review every 5 years.

Mr. Reid said County Zoning and Codes keeps a history of complaints and investigations. He said staff go to the site at 5 year intervals and conduct an investigation to determine if the site is in compliance with the conditions of the Conditional Use Permit.

Commissioner Carpenter asked if County Zoning and Codes could initiate revocation of the Conditional Use Permit prior to 5 years.

Mr. Reid said yes.

Commissioner Weaver asked if there was already a drilled well.

Ms. Miller said that was correct. She said it was determined not to be used for drinking.

Commissioner Willey said the well would not be useful for the apartment.

Ms. Miller said an apartment could have large bottles of water for drinking.

Commissioner Sands asked where the well was located.

Mr. Trekell said the well was located north of the northwest corner of the building. He said it was his understanding it was functional up until he took the property over.

Commissioner Sinclair asked if the diagram plan in the packet was binding or just for informational purposes.

Ms. Miller said it would be binding when approved. She said the plan would be signed and stamped and released to the County Zoning and Codes office, along with a release memo from Planning Staff. She said County Zoning and Codes would make sure the remaining conditions were met, such as the septic system and driveway. County Zoning and Codes could then issue the Conditional Use Permit. She said the applicant would also need a building permit and certificate of occupancy.

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

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

Commissioner Sinclair asked if there was a chance the driveway would be moved to where the lateral fields were currently.

Ms. Miller said that was possible. She said the Health Department would have to consider whether to move the lines.

Commissioner Sinclair said the plan may look different if the driveway was moved. He wondered if the change would need further public hearing.

Ms. Miller said major changes would need review and approval by County Commission and possibly Planning Commission.

Commissioner Willey asked if Airbnb or short term rental was allowed in the county.

Ms. Miller said yes, they were permitted with a Conditional Use Permit.

Commissioner Kelly said the purpose of conditional zoning was to allow flexibility. He said Planning Commission was a land use commission and they should leave the rest for review by experts, such as the Health Department. He felt the use had to be both desirable for neighbors and property owner and was not a tool to force a different use in. He was concerned that the land use was not compatible with the neighbors due to the size of the lot and distance from homes.

Commissioner Butler said there were social event establishments within city limits surrounded by residential neighbors.

Commissioner Struckhoff said he would like to see the building revived but that the use and proximity were a struggle. He felt the aims of the application were good and he would like to see the highest use of the property. He shared concerns about the septic system but the Health Department would look at that issue.

Commissioner Willey said she was struggling with the proximity of the event location to other rural residences. She said she could not vote in favor of an event space at that location. She said she would still possibly be in favor of the short term rental use.

Commissioner Sinclair asked if the schoolhouse was on any historic registry.

Mr. Trekell said it was not.

Commissioner Sinclair asked if a dog kennel use would be allowed.

Ms. Miller said that use would have certain setback requirements so the property would not probably work for that type of use.

Commissioner Sinclair said if Planning Commission recommended denial he wondered what the alternatives could be for the applicant and whether they would be more/less acceptable to neighbors. He said the Conditional Use Permit did not give him as much heartburn as other Commissioners as long as the conditions were met. He said he was hesitate to approve it without knowing more solid information, such as where the driveway would be located.



Commissioner Culver wondered if the parcel was appropriate for the use under the conditions with proximity to neighbors. He expressed concern about traffic safety. He said he would like to see the site be used but he did not know if this was the right place for the use.

Commissioner Carpenter wondered how realistic the project was with all the concerns raised without answers. He felt the project was premature in coming to Planning Commission without additional details on sewer, parking, traffic, lighting, safety, etc.

Commissioner Willey said she would support a deferral to allow time to figure out additional details, such as the driveway and the health department details.

Commissioner Sands said if the motion was to defer there would still be the same issues with the use. He said the neighbors weren't going to change their minds if the lateral fields, driveway, etc were solved. He said they were trying to give the applicant a chance to monetize it but he did not think a deferral would get them anywhere. He wondered if the Conditional Use Permit use of short term rental and event space could be split.

Commissioner Kelly asked the applicant if he met with neighbors.

Mr. Trekell said he sent out a letter to the neighbors that included his contact information but he did not hear from anyone. He said he wanted to be responsible to the neighbors and would be agreeable to meeting with them.

Commissioner Struckhoff asked staff to comment on the uses being divided.

Mr. McCullough said it was possible. He said regarding deferral, it was important to understand the septic issue to the greatest extent possible. He said it seemed there was a greater link about the technical issues to the use itself, such as parking, outdoor space, noise, etc. He suggested Planning Commission direct staff and the applicant on some of the specifics regarding septic issues, conditions on noise, lighting, amplified music, etc.

Commissioner Struckhoff said if the item was deferred he would like to look further at the use.

Commissioner Willey said she was leaning toward deferral to get more answers. She said the event center was a high bar to meet.

### **ACTION TAKEN**

Motioned by Commissioner Willey, seconded by Commissioner Carpenter, to defer the Conditional Use Permit to the May Planning Commission with direction to address septic, occupancy levels, live and amplified music, lighting plan, and potential revised site plan.

Motion carried 10-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

PC Minutes 4/25/18

**ITEM NO. 10     REZONING .13 ACRES; 1212 LOUISIANA ST (MKM)**

**Z-18-00086:** Consider a request to rezone approximately 0.13 acres located at 1212 Louisiana Street from RMO-UC (Multi-Dwelling Residential-Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District) to correct a rezoning error made with Ordinance No. 4235. *Initiated by Planning Commission on 2/21/18.*

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**PUBLIC COMMENT**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Kelly, seconded by Commissioner Butler, to approve the rezoning request (Z-18-00086) for approximately 0.13 acres from RMO-UC (Multi-Dwelling Residential-Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 10-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

PC Minutes 4/25/18

**ITEM NO. 11 REZONING .97 ACRES; 912 N 3<sup>RD</sup> ST (MKM)**

**Z-18-00087:** Consider a request to rezone approximately 0.97 acres located at 912 N 3<sup>rd</sup> Street from CS/UR (Commercial Strip and Urban Reserve) Districts to CS (Commercial Strip) District. *Initiated by Planning Commission on 2/21/18.*

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Willey inquired about a floodplain overlay on the east portion of the lot.

Ms. Miller said in the city the floodplain overlay was automatically attached. She said if the property was annexed today then the floodplain overlay would probably apply to the entire lot.

Commissioner Sands inquired about the property use.

Ms. Miller said vintage motorcycle business.

**ACTION TAKEN**

Motioned by Commissioner Butler, seconded by Commissioner Sands, to approve the rezoning request (Z-18-00087) for approximately 0.97 acres from CS/UR (Commercial Strip and Urban Reserve) Districts to CS (Commercial Strip) 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

Unanimously approved 10-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

PC Minutes 4/25/18

**ITEM NO. 12     CONDITIONAL USE PERMIT FOR PUBLIC UTILITIES; 2338 N 1100 RD  
(MKM)**

**CUP-18-00077:** Consider a Conditional Use Permit for a *Public Utilities* (fiber optics business) use, located on approximately 5 acres at 2338 N 1100 Rd, Eudora. Submitted by Josh Pacheco for Cody D Bryan, property owner of record. *Joint meeting with Eudora Planning Commission.*

*Item 12 was withdrawn by the applicant prior to the meeting.*

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission

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**ADJOURN 8:53pm**

# Planning Commission

## Key Links



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES



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### Plans & Documents

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

### Development Regulations

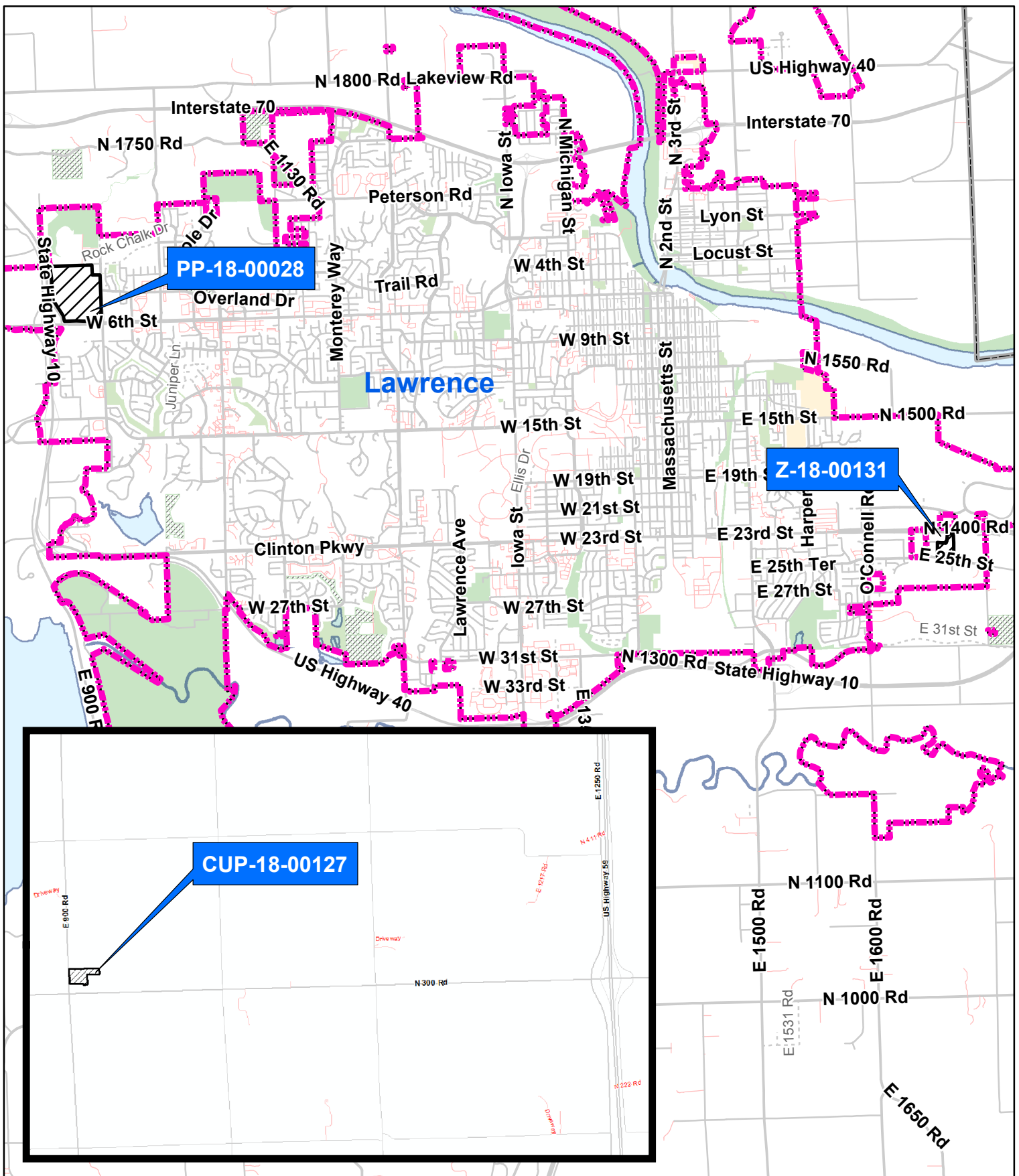
- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [City Land Development Code](#)
- [Subdivision Regulations](#)

### Online Mapping

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

### Planning Commission




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



# Lawrence-Douglas County Planning Commission May 2018 Public & Non-Public Hearing Agenda Items

Lawrence-Douglas County Planning Office  
May 2018

## Subject Properties

-  Z-18-00131
-  CUP-18-00127
-  PP-18-00028



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

**ITEM NO. 1: 2019 – 2023 CAPITAL IMPROVEMENT PLAN (JSC)**

Review projects proposed for inclusion in the City of Lawrence 2019 - 2023 Capital Improvement Plan.

**STAFF RECOMMENDATION:** Staff recommends the Planning Commission make a finding that the projects presented in the 2019 - 2023 capital improvement plan are in conformance with the City's comprehensive plan and forward a recommendation to the City Commission for approval.

**GENERAL INFORMATION**

[K.S.A. 12-748](#) provides the basis for the [Capital Improvement Plan](#) (CIP), which is a planning tool that helps guide city investments in constructing public facilities and utilities that are in conformance with the comprehensive plan. The statute emphasizes the link between public improvements and adopted land use plans. The Planning Commission's role in the CIP process is to review the multi-year plan that includes the attached CIP Recommended Projects List, and determine if these proposed projects are consistent with the goals and policies in *Horizon 2020*.

For example, if a proposed street improvement project was located miles outside the adopted Urban Growth Area, the Planning Commission would make a finding that the proposed improvement was not in conformance with the Comprehensive Plan and provide a report to the governing body identifying how the project did not conform. In staff's opinion, the proposed projects included in the attached CIP project list conforms to the adopted policies in *Horizon 2020*.

**BACKGROUND**

To keep pace with Lawrence's growth and to provide for many of the community's needs identified in the City's comprehensive plan, it is necessary for public investments to be made annually in capital improvements. If needed improvements are not made annually, the condition of the City's infrastructure will deteriorate and eventually will not be able to be ignored. At that point, the cost will be much greater due to the size and scope of the needed improvements, in addition to the increase in associated construction costs.

In addition to growth, there are also older areas of Lawrence that were developed without adequate facilities, such as storm sewers and sidewalks. Capital improvements are needed to address these inadequacies, benefiting not only the neighborhoods where they are located, but the entire community.

It is necessary to create a multi-year plan based on priority of need and the anticipated resources available each year because as the cost of addressing all of the City's capital needs in one budget year is too great.

There are many benefits of having a Capital Improvement Plan. It provides an overall perspective of the development pattern of the city, thereby enabling the citizens, the City Commission and city staff, to take a long-range view of their future activities and responsibilities. It calls attention to the deficiencies within the city and stimulates action to correct them. It promotes coordination of projects across city departments and across overlapping governmental jurisdictions. It also can allow city staff to more effectively budget the annual operating expenditures that are necessary to maintain new projects and stabilize personnel demands.

### **Capital Project Defined**

A capital project is defined as a project with a minimum estimated cost of \$100,000 and a life expectancy of at least five years. These projects may be funded from any source or a combination of sources, such as property and sales taxes, rate payer or user fees, general obligation debt or intergovernmental revenues. Project examples include construction or expansion of public buildings; new storm and sanitary sewers; water line upgrades and extensions; the acquisition of land for public uses; planning and engineering costs; and street and sidewalk construction & maintenance.

### **Capital Improvement Plan Development Process**

For this year, capital project request forms were prepared by various City departments, agencies, and members of the public. Completed forms were submitted to the City Manager's Office for all needed improvements that should be constructed or started during the next five fiscal years ending in 2023. The request forms included a description of the scope and justification for the projects, as well as a budget for anticipated costs and expected funding sources. The departments also suggested a year for the project based on priorities and needs. If appropriate, master plans were used as a basis for recommendations.

The projects were reviewed by the City's administrative review team using [scoring criteria](#). The scores were translated into priority rankings and a funding plan was developed for the highest priority projects. The 2019 recommended CIP projects are those that, by virtue of priority and need, are recommended for inclusion in the 2019 budget.

The plan includes a list of the recommended projects by department and by funding sources, indicating expected expenditures in each year of the 5-year plan. In addition to the project list, the CIP [detailed project summary sheets](#) for each of the recommended projects is included in the plan. The Capital Improvement Plan is ultimately approved by the City Commission and implemented through the adopted annual budgets.

The City Commission memo states that the CIP addresses the critical success factors identified in the Strategic Plan:

1. Effective Governance/Professional Administration
  - A long-range CIP is a critical component of effective governance and professional administration. The CIP was scored based on compliance with the critical success factors.
2. Safe, Healthy, and Welcoming Neighborhoods



- Affordable housing continues to be included in the CIP as well as funding for sidewalk/ADA improvements, bike/pedestrian improvements, neighborhood parks and trails.
- 3. Innovative Infrastructure and Asset Management
  - The CIP includes funding for repair and replacement of numerous infrastructure, facilities, and assets.
- 4. Core Services
  - The CIP includes funding for services that address the health, safety, and welfare of the community.
- 5. Sound Fiscal Stewardship
  - This data is presented in a way that staff hopes assists the governing body in prioritizing across all city services and balances the needs with the available resources.
- 6. Collaborative Solutions
  - The CIP includes collaborative solutions, such as the partnership with the Humane Society, and reflects projects that are funded in partnership with other government agencies.

### **CIP RECOMMENDED PROJECTS LIST**

The CIP list includes projects underway this year or anticipated for construction/implementation within the next five years. The list is presented by departments, programs, and also by funding source. There is a significant emphasis on infrastructure reinvestment in the City's water and wastewater systems; street and facility maintenance; and operational equipment and vehicles. In addition to the expected expenditures for facilities and maintenance, infrastructure and equipment, the plan includes funding for land acquisition and social justice initiatives.

- *Facilities & Maintenance* projects include new buildings; upkeep or upgrades to existing sites; or work group projects proposed to increase efficiencies in the city.
- *Infrastructure* encompasses projects that are being constructing and/or developing public infrastructure (primarily street and stormwater improvements; sanitary sewer and water improvements; and service delivery programs); non-motorized transportation improvements; and public transit and parking facilities.
- *Equipment* includes projects such as vehicle and machinery replacements; transit amenities; and public safety equipment.
- *Land Acquisition* projects identify the need for future parkland and other needs, such as rights-of-way or easements associated with transportation, utility or fiber improvements.
- *Social Justice Initiatives* include identified funding for affordable housing projects and programs.

As noted above, the recommended projects list is followed by a series of project summary sheets that provide a description and justification explaining the details of the project and the necessary reasons for undertaking the project. Projects are not specifically prioritized in this list, although funding is recommended in specific years within the plan. The City Commission prioritizes projects as part of the annual budget process.

### **PLANNING COMMISSION'S ROLE**

Per K.S.A. 12-748, the Planning Commission is required to review all Capital Improvement Projects included in the CIP to ensure conformance with *Horizon 2020*, the City's comprehensive plan. All of the projects listed are supported by goals and policies in *Chapter 10 – Community Facilities*:

#### **GOAL 1: Provide Facilities and Services to Meet the Needs of the Community**

Provide quality public and semi-public facilities equitably distributed throughout the community.

##### **Policy 1.1: Maintain Existing Facilities**

- a. Encourage the adaptive reuse or redevelopment of excess community facilities and sites.
- b. Maintain or upgrade existing facilities and services where necessary to serve existing development.

##### **Policy 1.3: Coordinate the Delivery of Services**

- a. Plan cooperative use of facilities, services and land to optimize use of resources and avoid duplication.
- b. Encourage the coordination of services and facilities among those municipal service providers engaged in similar services in the county.

##### **Policy 1.4: Combine Facilities**

- a. Encourage multiple uses of educational facilities for recreation and/or other service programs.
- b. Promote combined public facilities such as school/community centers, police/fire stations, or library/community centers in several locations throughout the community to improve accessibility and promote efficient delivery of services.

Many of the *Infrastructure* projects are specifically transportation projects. A number of the *Equipment and Facilities* projects, such as vehicle replacements, mobile radio upgrades, ITS video detection installations and street/intersection/turn lane improvements, are related to security, mobility and accessibility. This also includes planning and evaluating for a new public parking garage in Downtown Lawrence associated with the pending grocery store application. (This was added by the City Commission at a recent [work session](#) to be included into this CIP.) These projects are supported in *Chapter 8 – Transportation*:

#### **GOAL 1: Improve Safety & Security**

Strategy 1.1.4: Collect and analyze crash, injury and fatality data to set high priority areas for safety improvements.

**GOAL 2: Focus on System Preservation and Economic Efficiency**

Strategy 2.1.1: Maintain the existing road and bridge assets by adequately maintaining transportation facilities to preserve their intended function and maintain their useful life.

Strategy 2.2.4: Implement Intelligent Transportation Systems (ITS) and upgrade traffic signal equipment and communications and other technology to improve traffic flow with existing roadway capacity.

**GOAL 3: Maximize Accessibility and Mobility**

Objective 3.1: Minimize delay and congestion to improve travel times through identifying and upgrading traffic signal technology and communications to improve traffic flow.

Objective 3.2: Provide viable transportation alternatives (transit, bicycle, pedestrian) with better interconnectivity for people and goods by considering transit, bikeway and pedestrian facility details in all new development site planning, and adhering to local Complete Streets policies.

**GOAL 4: Consider the Environment and Quality of Life**

Strategy 4.1.5: Encourage the use of alternative modes of transportation and encourage development that minimizes reliance on the automobile, especially the single occupant car.

Strategy 4.2.1: Improve connectivity between existing employment centers, retail activity areas, and regional destinations as feasible to foster the continued growth and vitality of those areas.

*Parks and Land Acquisition* projects are supported in both *Chapter 10 – Community Facilities* and *Chapter 9 – Parks Recreation and Open Space*:

**GOAL 2: Protect the Existing Parks, Recreation, and Open Space System**

Maintain and enhance the existing parks, recreation, and open space system to meet an expressed community need for improvements to this system and to improve the overall community image.

**GOAL 3: Expand the Existing Parks, Recreation, and Open Space System**

Acquire new parkland and open space areas to stay ahead of growth and to meet anticipated community demand and locate such areas in a manner that is consistent with the coordinated planning and development efforts of the community. Within urban areas, work towards providing public green spaces within ¼ mile of each residence.

**GOAL 4: Connectivity To, From, and Between Park, Recreation, and Open Space Areas and Facilities**

Provide linkages to the parks, recreation, and open space system that improve community accessibility to such areas and that take into consideration the variety of linkage types available for active and passive recreational needs.

The improvements for E. 19<sup>th</sup> Street, Naismith Drive, and 27<sup>th</sup> Street bridge reconstruction, as well as the sidewalk hazard mitigation program, support the continued improvements in our

existing infrastructure. Airport improvements facilitate new, private investment and continue to increase safety. These projects are supported by goals and policies in *Chapter 7 – Industrial and Employment-Related Land Use* and *Chapter 12 - Economic Development*:

**GOAL 2: Criteria for Location of New Industrial and Employment-Related Development**

Provide industrial and employment-related areas to meet the economic needs of the community.

**GOAL 4: Transportation Considerations**

Promote a multi-modal transportation system which provides or improves access and circulation within and adjacent to industrial and employment-related areas.

A number of projects are related to attracting visitors to the community through Parks & Recreation department sporting and golf tournaments, regional swim meets, National Heritage Area activities and maintenance of civic spaces, and Downtown Lawrence improvements are supported by the goals and policies in *Chapter 12 - Economic Development*:

**Policy 5: Visitor Industry Development**

Visitors play a vitally important role in economic development. Douglas County is attractive because of its higher-education resources and activities, its arts, its unique heritage, and its authentically historic downtown with locally-owned retail businesses. The extraordinary quality of life that attracts residents and businesses also attracts high-quality visitors.

The projects related to *Affordable Housing Initiatives* are supported by the goals and policies in *Chapter 5 – Residential Land Use*. The chapter is based on the **Neighborhood Concept**:

Neighborhoods are the building blocks of strong communities both physically and socially. Consequently, neighborhoods should be designed to promote social interaction, efficient use of automobiles, and encourage pedestrian and non-motorized activity. To enable this, neighborhoods should provide residents with a functional and aesthetic environment where a sense of identity is created, historic features and cultural traditions are respected, choices are offered, basic services are provided, and connections to a common past maintained.

The concept describes physical elements that support strong neighborhoods, including:

**3. Mixed Housing Types**

Different types, styles, sizes, densities, and price ranges should be incorporated. Where possible, rehabilitation of existing structures is encouraged. Live/work opportunities should be explored.

**Goal 2: Create a Functional and Aesthetic Living Environment**

**Policy 2.7: Provide for a Variety of Housing Types**

- a. Intersperse low- to moderate-income housing throughout the city.
- b. Encourage the use of a variety of housing types.

The Capital Improvement Plan includes a number of projects that will provide increased pedestrian & bicycle infrastructure throughout Lawrence. These projects include the sidewalk

gap program, reconstruction of major streets with bike lanes and sidewalks, downtown brick pavers, trail connections, and public transit shelters & amenities. These projects are supported by the strategies in *Chapter 8 – Transportation*, as well as goals and policies throughout the plan. *Chapter 16 – Environment* includes a variety of policy statements that emphasize alternative transportation methods, encourage development patterns that strengthen connectivity, and investments in ways to support a sustainable, healthy, and active community.

**Policy 1.7: Develop stormwater management policies and programs in a manner that ensures water quality and properly controls runoff.**

- c. Maintain an inventory of stormwater structures for ongoing inspection, compliance and maintenance procedures. Establish an inspection and maintenance plan with property owners as part of Best Management Practices (BMPs).
- d. Use nonstructural or natural approaches to stormwater system design and management. Encourage stormwater management that uses natural features, rain barrels, rain gardens, bio-retention swales, pervious paving materials, and limits the use of impervious surfaces, etc.

**Policy 2.6: Preserve existing open space and create new open space areas to preserve and expand a sustainable green infrastructure system.**

- a. To maximize the advantages to the community that the natural and built environments provide, open space preservation shall remain a goal especially as it relates to protecting and preserving natural features discussed in the Comprehensive Plan. This should be done through:
  - a.1 Maintaining and enhancing existing open space.
  - a.2 Creating new designated open space areas.
  - a.3 Creating a large interconnected network of open space.
- e. The acquisition and continued maintenance of open space that is publicly accessible shall be strongly encouraged.

**Policy 3.1: Improve air quality through reduction in emissions from vehicle exhaust by reducing the number of vehicle miles traveled.**

- g. Develop a walkable, complete street program stressing connectivity and street design that safely accommodates all users including non-motorized vehicular traffic.

**Policy 3.2: Reduce emissions from vehicle exhaust and encourage the use of more energy efficient vehicles.**

- c. The City and County should take a leadership role in reducing emissions from the city/county vehicles and public transit vehicles, purchasing more energy efficient vehicles, and reducing the number of miles traveled when possible.

**Policy 5.1: Manage solid waste through a program that emphasizes the principles of Reduce, Reuse, and Recycle.**

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends the Planning Commission make a finding that the projects presented in the 2019 - 2023 capital improvement plan are in conformance with the City's comprehensive plan and forward a recommendation to the City Commission for approval.

## CITY COMMISSION AGENDA ITEM



City of Lawrence

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**Department:** Finance

**Commission Meeting Date:** May 08, 2018

**Staff Contact:** Bryan Kidney, Finance Director

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**Recommendations/Options/Action Requested:**

Review and provide input on the draft 2019-2023 Capital Improvement Plan (CIP).

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Staff has drafted the 2019-2023 Capital Improvements Program for City Commission review. This, along with other financial forecasting, is an important tool in financial planning and prioritizing limited resources.

The CIP consists of projects that are greater than \$100,000 and have an expected life of at least 5 years. It should be noted that staff is still working through some of the CIP numbers and it should be considered a draft at this point. The recommended CIP will be presented to the Planning Commission to ensure conformance with the City's Comprehensive Plan. A final CIP will be presented for adoption as part of the City Manager's recommended 2019 budget.

Detailed Project sheets can be found on the City's 2019-2023 Capital Improvement Plan Site: <https://lawrenceks.org/budget/cip/>

**Executive Summary:**

The projects that are identified as unfunded are not financially feasible at this time without an increase in the city's debt service mill levy or other corresponding revenue adjustments, or adjustments to recommended projects.

Staff is presenting a balanced CIP program that is within current revenue capacity, based on the following assumptions:

- Of the City's special sales tax rate of 0.55%, the Infrastructure portion (0.3%) and transit operations portion (0.2%) reflects the approved renewal from last November 2017 ballot.
- New debt service for any projects will be paid from property tax at an estimated valuation growth of 2% annually. A flat mill levy rate is assumed.
- The utility funded projects are funded through their fees based on moderate annual fee rate increases.

It is important to note that the CIP is tentative pending finalization of the operational budgets. Departments have submitted budget requests for evaluation and the budget team is working on review. The operational budget will be a focus of the upcoming June 12 budget work session.

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The CIP addressed the critical success factors identified in the strategic plan:

**Strategic Plan  
Critical Success  
Factor:**

- Effective Governance/Professional Administration
    - A long-range CIP is a critical component effective governance and professional administration. The CIP was scored based on compliance with the critical success factors
  - Safe, Healthy, and Welcoming Neighborhoods
-

- Affordable housing continues to be included in the CIP as well as funding for sidewalk/ADA improvements, bike/pedestrian improvements, neighborhood parks and trails.
- Innovative Infrastructure and Asset Management
  - The CIP includes funding for repair and replacement of numerous infrastructure, facilities, and assets.
- Core Services
  - The CIP includes funding for services that address the health, safety and welfare of the community.
- Sound Fiscal Stewardship
  - This data is presented in a way that staff hopes assists the governing body in prioritizing across all city services and balances with the needs with available resources.
- Collaborative Solutions
  - The CIP includes collaborative solutions such as the partnership with the Humane Society and reflects projects that are funded in partnership with other government agencies.

<b>Fiscal Impact (Amount/Source):</b>	The CIP as presented has a five-year cost of \$271,658,486. The 2019 impact is estimated to be \$74,252,060 from all funds.
<b>Attachments:</b>	2019-2023 CIP Projects & Funding Sources by Department 2019-2023 Unfunded CIP Projects 2019-2023 Debt Funded CIP Projects

Reviewed By: (for CMO use only)	<input type="checkbox"/> TM
	<input type="checkbox"/> DS
	<input checked="" type="checkbox"/> CT
	<input type="checkbox"/> BM



City of Lawrence, Kansas  
*Adopted Capital Improvement Plan*  
 2019 thru 2023

**PROJECTS & FUNDING SOURCES BY DEPARTMENT**

Department	Project #	2019	2020	2021	2022	2023	Total
<b>City Manager's Office</b>							
Affordable Housing General Fund Transfer	CI05	350,000	350,000	350,000	350,000		1,400,000
General Fund		350,000	350,000	350,000	350,000		1,400,000
City Hall 1 Floor Comm/Tech Updates	CM1901	12,000	88,000				100,000
General Fund		12,000	88,000				100,000
<b>City Manager's Office Total</b>		<b>362,000</b>	<b>438,000</b>	<b>350,000</b>	<b>350,000</b>		<b>1,500,000</b>
<b>Facility Repair &amp; Maintenance</b>							
Training Center Remodel	FM2045CIP		250,000				250,000
General Obligation Debt			250,000				250,000
Oak Hill Cemetery Mausoleum ( Historic Structure)	PR1906CIP	120,000					120,000
Capital Improvement Reserve Fund		120,000					120,000
Recreation Center Renovation HPC and ELC	PR1907CIP	175,000					175,000
General Fund		175,000					175,000
Union Pacific Depot Renovations	PR1909CIP	125,000					125,000
Capital Improvement Reserve Fund		125,000					125,000
Indoor Aquatic Center - Roof Resurface	PR1920CIP	100,000					100,000
General Fund		100,000					100,000
Prairie Park Nature Center - Classroom Expansion	PR2025CIP		175,000				175,000
General Fund			175,000				175,000
Sports Pavilion- Install Acoustical Panels in Gyms	PR2230CIP				200,000		200,000
General Fund					200,000		200,000
Indoor Aquatic Center -- Add Event Space	PR2321CIP					1,500,000	1,500,000
General Fund						1,500,000	1,500,000
Cemetery Maintenance Shop - Replacement	PR2333CIP					350,000	350,000
General Fund						350,000	350,000
Community Health parking surface reconditioning	PW18B2CIP	400,000					400,000
General Obligation Debt		200,000					200,000
Intergovernmental County		200,000					200,000
Pavement Maintenance airport	PW19A2CIP				100,000		100,000
Airport					100,000		100,000
Downtown parking lot maintenance	PW19B3CIP	100,000	100,000		100,000		300,000
Public Parking		100,000	100,000		100,000		300,000
ITC Exterior repairs and HVAC	PW19B4CIP	250,000	500,000				750,000
General Obligation Debt		250,000	500,000				750,000
Parking Garage repairs	PW19B5CIP	390,000	390,000	390,000	390,000	390,000	1,950,000
General Obligation Debt		390,000	390,000	390,000	390,000	390,000	1,950,000
Fire Medical pavement replacement	PW19B7CIP	3,000,000					3,000,000
General Obligation Debt		3,000,000					3,000,000
Santa Fe Depot Parking Lot	PW19E3CIP	400,000					400,000
General Obligation Debt		200,000					200,000
Intergovernmental State Grant		200,000					200,000
Elevator rehab New Hampshire Garage	PW20B4CIP	210,000					210,000
General Obligation Debt		210,000					210,000

Department	Project #	2019	2020	2021	2022	2023	Total
Elevator Rehab Comm Health	PW20B5CIP	225,000					225,000
<i>General Obligation Debt</i>		112,500					112,500
<i>Intergovernmental County</i>		112,500					112,500
Roof Replace (ITC, Maint Garage, Fire Training)	PW22B1CIP				750,000		750,000
<i>General Obligation Debt</i>					750,000		750,000
<b>Facility Repair &amp; Maintenance Total</b>		<b>5,495,000</b>	<b>1,415,000</b>	<b>390,000</b>	<b>1,540,000</b>	<b>2,240,000</b>	<b>11,080,000</b>
<b>Finance</b>							
Customer Service Build Out City Hall	FA1801CIP	100,000					100,000
<i>Utility - Operations/Maintenance</i>		100,000					100,000
Upgrade Finance Systems	UB201901	300,000	300,000	300,000	300,000	300,000	1,500,000
<i>Capital Improvement Reserve Fund</i>		300,000	300,000	300,000	300,000	300,000	1,500,000
<b>Finance Total</b>		<b>400,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>1,600,000</b>
<b>Fire Medical</b>							
Training Burn Tower Replacement	FM1703CIP	410,000					410,000
<i>Equipment Reserve - Infrastructure</i>		410,000					410,000
Personal Protective Equipment Alternate Set	FM1908CIP	540,000					540,000
<i>Equipment Reserve - Infrastructure</i>		540,000					540,000
645 Replacement Rescue 5 (incl equip)	FM1920CIP		986,000				986,000
<i>Equipment Reserve - Infrastructure</i>			910,000				910,000
Mobile Radios	FM2009CIP			600,000			600,000
<i>Equipment Reserve - Infrastructure</i>				600,000			600,000
Portable Radios	FM2010CIP				900,000		900,000
<i>General Obligation Debt</i>					900,000		900,000
642 Replacement Quint 20	FM2127CIP		1,350,000				1,350,000
<i>General Obligation Debt</i>			1,350,000				1,350,000
643 Replacement Truck 5	FM2128CIP			1,500,000			1,500,000
<i>General Obligation Debt</i>				1,500,000			1,500,000
<b>Fire Medical Total</b>		<b>950,000</b>	<b>2,336,000</b>	<b>2,100,000</b>	<b>900,000</b>		<b>6,286,000</b>
<b>Information Technology</b>							
Access Layer Switches	IT1701CIP	60,000					60,000
<i>Equipment Reserve Fund</i>		60,000					60,000
VMWare Hardware Refresh	IT2001CIP		100,000				100,000
<i>Equipment Reserve Fund</i>			100,000				100,000
Annual Fiber Projects	ITFIBER	150,000	150,000	150,000	150,000	150,000	750,000
<i>Equipment Reserve Fund</i>		150,000	150,000	150,000	150,000	150,000	750,000
I.T. Security and Network Systems Enhancements	ITSECCIP	120,000					120,000
<i>Equipment Reserve Fund</i>		120,000					120,000
<b>Information Technology Total</b>		<b>330,000</b>	<b>250,000</b>	<b>150,000</b>	<b>150,000</b>	<b>150,000</b>	<b>1,030,000</b>
<b>Parks and Recreation</b>							
Parks & Recreation Maintenance and Repairs	PR1901CIP	650,000					650,000
<i>General Fund</i>		650,000					650,000
Broken Arrow Park - Shelter, Restroom, Playground	PR1902CIP	250,000					250,000
<i>General Fund</i>		250,000					250,000
Burcham Park/Upgrade Shelter and Playground	PR1910CIP	100,000					100,000
<i>General Fund</i>		100,000					100,000
Downtown Pavers Replacements ( year 3 of 3)	PR1913CIP	125,000					125,000
<i>Guest Tax Fund</i>		125,000					125,000

Department	Project #	2019	2020	2021	2022	2023	Total
Replace Cardio / Weight Equip <i>Special Recreation Fund</i>	PR1919CIP	125,000 125,000					125,000 125,000
Parking Lots and Roads - Parks & Rec ( 1of 4 ) <i>Capital Improvement Reserve Fund</i>	PR1921CIP	200,000 200,000					200,000 200,000
Water Spray Park - Watson Park or South Park <i>General Fund</i>	PR1922CIP	250,000 250,000					250,000 250,000
Eagle Bend Golf Course - Added Parking <i>Golf Course</i>	PR1923CIP	125,000 125,000					125,000 125,000
Parks & Recreation Maintenance and Repairs <i>General Fund</i>	PR2001CIP		700,000 700,000				700,000 700,000
Lyons Park Playground and Shelter Replacement <i>General Fund</i>	PR2006CIP		120,000 120,000				120,000 120,000
Park Land Acquisition <i>General Fund</i>	PR2012CIP		300,000 300,000				300,000 300,000
Parking Lots and Roads - Parks & Rec ( 2 of 4 ) <i>Capital Improvement Reserve Fund</i>	PR2026CIP		100,000 100,000				100,000 100,000
Holcom Sports Complex - Interior Improvements <i>General Fund</i>	PR2027CIP		125,000 125,000				125,000 125,000
Parks & Recreation - Rollback Truck <i>General Fund</i>	PR2081CIP		100,000 100,000				100,000 100,000
Parks & Recreation Maintenance and Repairs <i>General Fund</i>	PR2101CIP			700,000 700,000			700,000 700,000
Lawrence LoopTrail - Downtown Section <i>General Fund</i>	PR2121CIP			600,000 600,000			600,000 600,000
Parking Lot and Roads - Parks & Rec ( 3 of 4 ) <i>General Fund</i>	PR2125CIP			100,000 100,000			100,000 100,000
Youth Sports Complex - ADA sidewalks <i>General Fund</i>	PR2135CIP			120,000 120,000			120,000 120,000
Equipment Replacement - Chipper Truck <i>General Fund</i>	PR2181CIP			100,000 100,000			100,000 100,000
Parks & Recreation Maintenance and Repairs <i>General Fund</i>	PR2201CIP				700,000 700,000		700,000 700,000
Overland Drive Park Development <i>General Fund</i>	PR2220CIP				200,000 200,000		200,000 200,000
Parking Lots and Roads - Parks & Rec (4 of 4 ) <i>General Fund</i>	PR2225CIP				200,000 200,000		200,000 200,000
Parks & Recreation Maintenance and Repairs <i>General Fund</i>	PR2301CIP					700,000 700,000	700,000 700,000
Equipment Replacement- Aerial Lift Truck <i>General Fund</i>	PR2322CIP					180,000 180,000	180,000 180,000
Lyons Park - Spray Park <i>General Fund</i>	PR2329CIP					225,000 225,000	225,000 225,000
Cemetery - Roads and Parking Lots <i>General Fund</i>	PR2334CIP					100,000 100,000	100,000 100,000
Outdoor Aquatic Center - Pool Slide Replacements <i>Capital Improvement Reserve Fund</i>	PR2426CIP	130,000 130,000					130,000 130,000
<b>Parks and Recreation Total</b>		<b>1,955,000</b>	<b>1,445,000</b>	<b>1,620,000</b>	<b>1,100,000</b>	<b>1,205,000</b>	<b>7,325,000</b>

## Police

Police Radios <i>General Obligation Debt</i>	PD1801CIP	450,000 450,000	450,000 450,000				900,000 900,000
Police Facility Phase 1 <i>General Obligation Debt</i>	PD1803CIP	17,000,000 17,000,000					17,000,000 17,000,000

Department	Project #	2019	2020	2021	2022	2023	Total
Vehicle Replacement <i>General Fund</i>	PD1901CIP	446,000 446,000					446,000 446,000
Driving Simulator <i>General Obligation Debt</i>	PD1902CIP				175,000 175,000		175,000 175,000
Public Safety Mobile Command Vehicle <i>Capital Improvement Reserve Fund</i>	PD1903CIP	550,000 550,000	550,000 550,000				1,100,000 1,100,000
Public Cameras <i>Equipment Reserve Fund</i>	PD1904CIP	108,000 108,000					108,000 108,000
<b>Police Total</b>		<b>18,554,000</b>	<b>1,000,000</b>		<b>175,000</b>		<b>19,729,000</b>
<b>Public Transit</b>							
Multi Modal Facility <i>Public Transit Fund</i>	TI01	4,000,000 4,000,000					4,000,000 4,000,000
Transit Shelters and Additional Amenities <i>Public Transit Fund</i>	TI02	150,000 150,000	150,000 150,000	150,000 150,000			450,000 450,000
Fixed Route Transit Buses <i>Public Transit Fund</i>	TI03	500,000 500,000	500,000 500,000	500,000 500,000	500,000 500,000		2,000,000 2,000,000
Pay-by-Plate Stations <i>Public Parking</i>	TI04		400,000 400,000	400,000 400,000			800,000 800,000
License Plate Recognition System (LPR) <i>Public Parking</i>	TI05	210,000 210,000	320,000 320,000	20,000 20,000	20,000 20,000	20,000 20,000	590,000 590,000
<b>Public Transit Total</b>		<b>4,860,000</b>	<b>1,370,000</b>	<b>1,070,000</b>	<b>520,000</b>	<b>20,000</b>	<b>7,840,000</b>
<b>Public Works</b>							
Sidewalk/Bike / Ped Improvements / ADA Ramps <i>Capital Improvement Reserve Fund - Infrastructure</i>	CI09	600,000 600,000	750,000 750,000	1,000,000 1,000,000	1,000,000 1,000,000	900,000 900,000	4,250,000 4,250,000
KLINK / CCLIP <i>Capital Improvement Reserve Fund - Infrastructure</i>	PW1701Kcip	0	600,000 300,000	0	600,000		1,200,000 300,000
<i>General Obligation Debt</i>		0		0	300,000		300,000
<i>Intergovernmental State Grant</i>		0	300,000	0	300,000		600,000
Annual Vehicle Replacement Program <i>Capital Improvement Reserve Fund</i>	PW1702CIP	400,000 400,000	400,000 400,000	400,000 400,000	400,000 400,000	400,000 400,000	2,000,000 2,000,000
19th Street Reconstruction - Harper to O'Connell <i>General Obligation Debt</i>	PW17E3CIP	3,625,000 1,775,000					3,625,000 1,775,000
<i>Intergovernmental County</i>			750,000				750,000
CDBG Sidewalk Gap Program <i>Intergovernmental Federal Grant</i>	PW17E7CIP	100,000 100,000	100,000 100,000	100,000 100,000	100,000 100,000		400,000 400,000
Traffic Calming <i>Capital Improvement Reserve Fund - Infrastructure</i>	PW17E8CIP	300,000 300,000	300,000 300,000	300,000 300,000	300,000 300,000		1,200,000 1,200,000
Contracted Street Maintenance Program <i>Capital Improvement Reserve Fund - Infrastructure</i>	PW17SM1CIP	3,440,000 1,300,000	3,440,000 1,300,000	3,440,000 1,300,000	3,740,000 1,300,000	3,940,000 1,500,000	18,000,000 6,700,000
<i>General Fund</i>		2,000,000	2,000,000	2,000,000	2,300,000	2,300,000	10,600,000
<i>Stormwater Fund</i>		140,000	140,000	140,000	140,000	140,000	700,000
Curb and Gutter Rehabilitation Program <i>Capital Improvement Reserve Fund - Infrastructure</i>	PW17SM2CIP	400,000 400,000	400,000 400,000	450,000 450,000	500,000 500,000	500,000 500,000	2,250,000 2,250,000
Contract Milling for In House Pavement Rehab <i>Capital Improvement Reserve Fund - Infrastructure</i>	PW17SM4CIP	100,000 100,000	100,000 100,000	100,000 100,000	125,000 125,000		425,000 425,000
ITS Video Detection/ upgrade and replacement <i>Special Gas Tax Fund</i>	PW17SM5CIP	156,060 156,060	159,181 159,181	162,365 162,365	165,480 165,480	170,400 170,400	813,486 813,486
Kasold - Clinton Pkwy to HyVee <i>Capital Improvement Reserve Fund - Infrastructure</i>	PW18E2CIP	1,000,000 1,000,000					1,000,000 1,000,000
23rd Street - Haskell Bridge to East City Limits <i>Capital Improvement Reserve Fund - Infrastructure</i>	PW18E3CIP		500,000 500,000	2,250,000 1,250,000	4,000,000 3,000,000	3,000,000 1,000,000	9,750,000 5,750,000

Department	Project #	2019	2020	2021	2022	2023	Total
<i>Intergovernmental Federal Grant</i>				1,000,000	1,000,000	2,000,000	4,000,000
Backhoe Lease program	PW18F6CIP			210,000			210,000
<i>Special Gas Tax Fund</i>				70,000			70,000
<i>Stormwater Fund</i>				140,000			140,000
Sidewalk Hazard Mitigation	PW19E4CIP	1,000,000	500,000	500,000	500,000	500,000	3,000,000
<i>Capital Improvement Reserve Fund</i>		1,000,000					1,000,000
<i>General Fund</i>			500,000	500,000	500,000	500,000	2,000,000
Asphalt Paving Equipment Replacement	PW19F8CIP		250,000				250,000
<i>Special Gas Tax Fund</i>			250,000				250,000
361 Street sweeper replacement	PW19F9CIP	290,000					290,000
<i>Stormwater Fund</i>		290,000					290,000
Grant Match	PW20EGCIP		250,000	250,000	250,000	250,000	1,000,000
<i>Capital Improvement Reserve Fund - Infrastructure</i>			250,000	250,000	250,000	250,000	1,000,000
362 Street sweeper replacement	PW20F6CIP		285,000				285,000
<i>Stormwater Fund</i>			285,000				285,000
765 Single axle dump truck replacement	PW21F7CIP			175,000			175,000
<i>Special Gas Tax Fund</i>				175,000			175,000
27th St Bridge	PW21SM3CIP					500,000	500,000
<i>Capital Improvement Reserve Fund - Infrastructure</i>						500,000	500,000
395 Street flush tank truck replacement	PW22F11CIP					150,000	150,000
<i>Stormwater Fund</i>						150,000	150,000
307 Road tractor replacement	PW22F12CIP				115,000		115,000
<i>Special Gas Tax Fund</i>					115,000		115,000
Patch Unit	PW22F13CIP	200,000					200,000
<i>Special Gas Tax Fund</i>		200,000					200,000
Naismith - 19th to 23rd	PW23E02CIP					300,000	300,000
<i>Capital Improvement Reserve Fund - Infrastructure</i>						300,000	300,000
322 Single axle dump truck replacement	PW23F8CIP					165,000	165,000
<i>Special Gas Tax Fund</i>						165,000	165,000
760 Mobile crane truck replacement	PW23F9CIP				300,000		300,000
<i>Stormwater Fund</i>					300,000		300,000
<b>Public Works Total</b>		<b>11,611,060</b>	<b>8,034,181</b>	<b>9,337,365</b>	<b>12,095,480</b>	<b>10,775,400</b>	<b>51,853,486</b>

#### Public Works - Airport

Reconstruct RWY15-33	PW19A3CIP	2,450,000					2,450,000
<i>Airport</i>		200,000					200,000
<i>Intergovernmental Federal Grant</i>		2,250,000					2,250,000
Terminal Apron Rehab - Phase 2	PW21A9CIP			1,500,000			1,500,000
<i>Airport</i>				250,000			250,000
<i>Intergovernmental Federal Grant</i>				1,250,000			1,250,000
Airport Lighting system	PW22A10CIP					825,000	825,000
<i>Airport</i>						75,000	75,000
<i>Intergovernmental Federal Grant</i>						750,000	750,000
<b>Public Works - Airport Total</b>		<b>2,450,000</b>		<b>1,500,000</b>		<b>825,000</b>	<b>4,775,000</b>

#### Public Works - Solid Waste

413 Front load refuse truck replacement	PW19F1CIP	280,000					280,000
<i>Solid Waste Operations Fund</i>		280,000					280,000
499 Small container truck replacement	PW19F2CIP	110,000					110,000
<i>Solid Waste Operations Fund</i>		110,000					110,000
472 Rear load refuse truck to ASL replacement	PW19F3CIP	255,000					255,000
<i>Solid Waste Operations Fund</i>		255,000					255,000
473 Rear load refuse truck replacement	PW19F4CIP	135,000					135,000

Department	Project #	2019	2020	2021	2022	2023	Total
<i>Solid Waste Operations Fund</i>		135,000					135,000
431 Rear load refuse truck replacement	PW19F5CIP	125,000					125,000
<i>Solid Waste Operations Fund</i>		125,000					125,000
491 container truck replacement	PW19F6CIP	110,000					110,000
<i>Solid Waste Operations Fund</i>		110,000					110,000
Tub Grinder	PW19SW1CIP	550,000					550,000
<i>Solid Waste Operations Fund</i>		550,000					550,000
Smart Truck Technology	PW19SW2CIP	850,000					850,000
<i>Solid Waste Operations Fund</i>		850,000					850,000
447 Roll off container truck replacement	PW20F1CIP		170,000				170,000
<i>Solid Waste Operations Fund</i>			170,000				170,000
414 Front load refuse truck replacement	PW20F2CIP		240,000				240,000
<i>Solid Waste Operations Fund</i>			240,000				240,000
437 Automated side load refuse truck	PW20F3CIP		260,000				260,000
<i>Solid Waste Operations Fund</i>			260,000				260,000
436 Automated side load refuse truck	PW20F4CIP		260,000				260,000
<i>Solid Waste Operations Fund</i>			260,000				260,000
432 Rear load refuse truck replacement	PW20F5CIP		170,000				170,000
<i>Solid Waste Operations Fund</i>			170,000				170,000
449 Automated side load refuse truck	PW21F1CIP			270,000			270,000
<i>Solid Waste Operations Fund</i>				270,000			270,000
452 Automated side load refuse truck	PW21F2CIP			270,000			270,000
<i>Solid Waste Operations Fund</i>				270,000			270,000
445 Roll off container truck replacement	PW21F3CIP			170,000			170,000
<i>Solid Waste Operations Fund</i>				170,000			170,000
444 Roll off container truck replacement	PW21F4CIP			170,000			170,000
<i>Solid Waste Operations Fund</i>				170,000			170,000
486 Rubber tire loader replacement	PW21F5CIP					185,000	185,000
<i>Solid Waste Operations Fund</i>						185,000	185,000
415 Front load refuse truck replacement	PW21F6CIP			265,000			265,000
<i>Solid Waste Operations Fund</i>				265,000			265,000
448 ASL Replacement	PW22F1CIP				270,000		270,000
<i>Solid Waste Operations Fund</i>					270,000		270,000
477 Hook Lift Replacement	PW22F2CIP				115,000		115,000
<i>Solid Waste Operations Fund</i>					115,000		115,000
438 Hook Lift Replacment	PW22F3CIP				115,000		115,000
<i>Solid Waste Operations Fund</i>					115,000		115,000
430 Rear load replacement	PW22F4CIP					155,000	155,000
<i>Solid Waste Operations Fund</i>						155,000	155,000
434 Rear load replacement	PW22F5CIP				175,000		175,000
<i>Solid Waste Operations Fund</i>					175,000		175,000
435 Rear load replacement	PW22F6CIP				175,000		175,000
<i>Solid Waste Operations Fund</i>					175,000		175,000
470 Container maintenance truck replacement	PW22F7CIP				100,000		100,000
<i>Solid Waste Operations Fund</i>					100,000		100,000
479 Roll off container truck replacement	PW22F9CIP				130,000		130,000
<i>Solid Waste Operations Fund</i>					130,000		130,000
433 Rear load replacement	PW23F1CIP					140,000	140,000
<i>Solid Waste Operations Fund</i>						140,000	140,000
416 Front load refuse truck replacement	PW23F2CIP					270,000	270,000
<i>Solid Waste Operations Fund</i>						270,000	270,000
457 Automated refuse truck replacement	PW23F3CIP					270,000	270,000
<i>Solid Waste Operations Fund</i>						270,000	270,000

Department	Project #	2019	2020	2021	2022	2023	Total
<b>Public Works - Solid Waste Total</b>		2,415,000	1,100,000	1,145,000	1,080,000	1,020,000	6,760,000
<b>Public Works - Stormwater</b>							
Storm Water Culvert Lining	PW17S3CIP	250,000	250,000	250,000	275,000	275,000	1,300,000
Stormwater Fund		250,000	250,000	250,000	275,000	275,000	1,300,000
Naismith Drainage Channel	PW18S1CIP	1,000,000					1,000,000
Stormwater Fund		1,000,000					1,000,000
17th and Alabama Drainage Improvement	PW19S1CIP	100,000	2,400,000				2,500,000
Stormwater Fund			2,500,000				2,500,000
Concrete Channel W of Arrowhead Princeton to Peter	PW20S1CIP			1,500,000			1,500,000
Stormwater Fund				1,500,000			1,500,000
19th St Maple Ln to Brook	PW21S1CIP				2,000,000		2,000,000
Stormwater Fund					2,000,000		2,000,000
<b>Public Works - Stormwater Total</b>		1,350,000	2,650,000	1,750,000	2,275,000	275,000	8,300,000
<b>Utilities</b>							
Collection System Field Operations Building	UT1884CIP	1,180,000	5,980,000				7,160,000
Utility - Bond Wastewater		590,000	2,990,000				3,580,000
Utility - Bond Water		590,000	2,990,000				3,580,000
PS #8 Elimination - 21" Gravity Sewer	UT1892CIP	4,160,000					4,160,000
Utility - Bond Wastewater		4,160,000					4,160,000
Automated Meter Reading Installation	UT1898CIP	4,450,000					4,450,000
Utility - Bond Water		4,450,000					4,450,000
Stratford Tower Replacement	UT1984CIP	760,000	3,040,000				3,800,000
Utility - Bond Water		120,000	2,680,000				2,800,000
Utility - Water		250,000	750,000				1,000,000
Kaw Water TP Basin Infrastructure Rehab	UT1985CIP	1,170,000					1,170,000
Utility - Bond Water		1,170,000					1,170,000
Kaw Lime Slakers Replacement	UT1987CIP	580,000	3,420,000				4,000,000
Utility - Bond Water		580,000	3,420,000				4,000,000
2019 - Tower Inspections and Cleanings	UT1988CIP	250,000					250,000
Utility - Bond Water		250,000					250,000
Fleet Improvement Program	UT1999F1	250,000					250,000
Utility - Operations/Maintenance		250,000					250,000
Kansas River WWTP Nutrient Removal Pilot	UT2083CIP		610,000				610,000
Utility - Wastewater			610,000				610,000
Clinton WTP Plant Piping	UT2094CIP		550,000	3,230,000			3,780,000
Utility - Bond Water			550,000	3,230,000			3,780,000
Pump Station 9 Expansion to 15 MGD	UT2184CIP			3,280,000			3,280,000
Utility - Bond Wastewater				3,280,000			3,280,000
Pump Station 16 Upstream Interceptor Rehab	UT2185CIP			1,320,000			1,320,000
Utility - Bond Wastewater				1,320,000			1,320,000
Clinton Storage Tanks Maintenance/ Coatings	UT2187CIP			2,540,000			2,540,000
Utility - Bond Water				2,040,000			2,040,000
Utility - Water				500,000			500,000
PS9 Forcemain to PS10	UT2188CIP			6,330,000			6,330,000
Utility - Bond Wastewater				6,330,000			6,330,000
23rd St. Haskell - E City Limits Watermain Rplcmnt	UT2196CIP			1,710,000			1,710,000
Utility - Bond Water				1,710,000			1,710,000
Lower Yankee Tank Capacity	UT2285CIP				8,650,000		8,650,000
Utility - Bond Wastewater					8,650,000		8,650,000
2022 Kaw WTP Infrastructure Rehab	UT2286CIP				5,270,000		5,270,000
Utility - Bond Water					1,710,000		1,710,000

Department	Project #	2019	2020	2021	2022	2023	Total
<i>Utility - Water</i>					3,560,000		3,560,000
Kansas River WWTP Side Stream - Belt Press Ammonia	UT2293CIP				1,320,000	3,430,000	4,750,000
<i>Utility - Bond Wastewater</i>					1,320,000	3,430,000	4,750,000
Kaw WWTP Nutrient Removal/Deammo & Sidestream	UT2294CIP				6,580,000	14,720,000	21,300,000
<i>Utility - Bond Wastewater</i>					6,580,000	14,720,000	21,300,000
Wakarusa - Research Parkway to 23rd	UT2299CIP				1,000,000		1,000,000
<i>Utility - Bond Water</i>					1,000,000		1,000,000
Harper Tower Maintenance/Coatings	UT2399CIP					1,370,000	1,370,000
<i>Utility - Water</i>						1,370,000	1,370,000
Clinton WTP Improvement Program	UT9900CIP	705,000	430,000	450,000	470,000	480,000	2,535,000
<i>Utility - Bond Water</i>		500,000	55,000	200,000			755,000
<i>Utility - Water</i>		125,000	375,000	250,000	470,000	480,000	1,700,000
Kaw WTP Improvement Program	UT9901CIP	195,000	430,000	450,000	470,000	480,000	2,025,000
<i>Utility - Bond Water</i>		70,000	55,000	200,000			325,000
<i>Utility - Water</i>		125,000	375,000	250,000	470,000	480,000	1,700,000
Watermain Replacement/Relocation Program	UT9902CIP	4,360,000	4,540,000	3,010,000	3,900,000	5,100,000	20,910,000
<i>Utility - Bond Water</i>		4,360,000	4,540,000	3,010,000	3,900,000	3,430,000	19,240,000
<i>Utility - Water</i>						1,670,000	1,670,000
Sewer Main Relocations for Road Projects	UT9903CIP	250,000	420,000	440,000	450,000	470,000	2,030,000
<i>Utility - Bond Wastewater</i>		250,000	420,000	70,000			740,000
<i>Utility - Wastewater</i>				370,000	450,000	470,000	1,290,000
WW Failed Infrastructure Contingency	UT9904CIP		420,000	440,000	450,000	470,000	1,780,000
<i>Utility - Bond Wastewater</i>			250,000				250,000
<i>Utility - Wastewater</i>			170,000	440,000	450,000	470,000	1,530,000
Pump Station Annual Improvements	UT9905CIP	100,000	150,000	160,000	160,000	170,000	740,000
<i>Utility - Wastewater</i>		100,000	150,000	160,000	160,000	170,000	740,000
Kansas River WWTP Annual Improvements	UT9906CIP	1,000,000	420,000				1,420,000
<i>Utility - Bond Wastewater</i>		750,000					750,000
<i>Utility - Wastewater</i>		250,000	420,000				670,000
WWTP Annual Improvements (2 PLANTS)	UT9907CIP			870,000	900,000	940,000	2,710,000
<i>Utility - Wastewater</i>				870,000	900,000	940,000	2,710,000
Clay Pipe/Manhole Rehabilitation	UT9908CIP	1,170,000	1,220,000	1,270,000	1,320,000	1,370,000	6,350,000
<i>Utility - Bond Wastewater</i>		1,170,000	1,220,000	1,270,000			3,660,000
<i>Utility - Wastewater</i>					1,320,000	1,370,000	2,690,000
Rapid I/I Reduction Program	UT9909CIP	2,940,000	3,060,000	3,180,000	3,310,000	3,440,000	15,930,000
<i>Utility - Bond Wastewater</i>		2,790,000	2,910,000	3,020,000	590,000	1,860,000	11,170,000
<i>Utility - Wastewater</i>		150,000	150,000	160,000	2,720,000	1,580,000	4,760,000
<b>Utilities Total</b>		<b>23,520,000</b>	<b>24,690,000</b>	<b>28,680,000</b>	<b>34,250,000</b>	<b>32,440,000</b>	<b>143,580,000</b>
<b>GRAND TOTAL</b>		<b>74,252,060</b>	<b>45,028,181</b>	<b>48,392,365</b>	<b>54,735,480</b>	<b>49,250,400</b>	<b>271,658,486</b>



**Report criteria:**

- All Address data
- All Categories
- All Contacts
- All Departments
- All Dept. Priority data
- All GIS Coordinate data
- All Priority Levels
- All Source Types
- All Unfunded data
- Selected Projects

City of Lawrence, Kansas  
*Adopted Capital Improvement Plan*  
 2019 thru 2023

**PROJECTS BY FUNDING SOURCE**

Source	Project #	2019	2020	2021	2022	2023	Total
<b>Unfunded</b>							
Citizen Request Wireless gate at 19th-O'Connell	CI0904				15,000		15,000
Citizen Request E 902 Road Improvements	CI1901	5,500,000					5,500,000
Citizen Request Naismith Dr bike track, 18th- 23rd	CI1902	782,500					782,500
Citizen Request 19th Street rehab, Harper-O'Connell	CI1903	300,000					300,000
Citizen Request 1650 Rd, 23rd to Venture Park Drive	CI1905		1,050,000				1,050,000
Citizen Request 19th reconst Harper to O'Connell	CI1906	0					0
Fire Station Number 6	FM1811CIP					5,500,000	5,500,000
Quint for New Fire Station	FM1812CIP					1,400,000	1,400,000
634 Replacement Investigation Unit 1	FM2126CIP				375,000		375,000
Human Resources Information System (HRIS)	HR2101			2,000,000			2,000,000
Police Facility Phase 2	PD2301					10,000,000	10,000,000
Community Building - Security / ADA Improvements	PR1930CIP	800,000					800,000
Carnegie Building tuck-point (Historic Building)	PR2002CIP		250,000				250,000
Parks & Rec Maint Facility - Overland Drive Park	PR2214CIP				500,000		500,000
Veterans Park Courts	PR2423CIP	115,000					115,000
YSC - Install Asphalt on Parking Lots	PR3032CIP					250,000	250,000
Clinton Lake Regional Park -New Roads to the South	PR3034CIP					400,000	400,000
New Trail Connecting Major Roads on West Side	PR3035CIP					400,000	400,000
YSC -Add Lights and Artificial Turf to Football #1	PR3038CIP					550,000	550,000
Amphitheater At Sesquicentennial Point	PR3044CIP					1,300,000	1,300,000
Solid Waste Facility at Kresge Phase 2	PW17SW1	3,700,000					3,700,000
PW/ Utilities/ P&R operations center	PW18B7CIP				20,125,000		20,125,000
Solid Waste Phase 3 - Fuel Facility at Kresge	PW18SW1CIP		650,000				650,000
Wakarusa - 18th St to Research Pkwy	PW19E1CIP				1,000,000		1,000,000
Wakarusa Extended - 27th St to CR458	PW22E1CIP					9,970,000	9,970,000
T-Hangers	PWTBDA6CIP			1,800,000			1,800,000
<b>Unfunded Total</b>		<b>11,197,500</b>	<b>1,950,000</b>	<b>3,800,000</b>	<b>22,015,000</b>	<b>29,770,000</b>	<b>68,732,500</b>
<b>GRAND TOTAL</b>		<b>11,197,500</b>	<b>1,950,000</b>	<b>3,800,000</b>	<b>22,015,000</b>	<b>29,770,000</b>	<b>68,732,500</b>

Source	Project #	2019	2020	2021	2022	2023	Total
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### Report criteria:

- Active Projects
- All Address data
- All Categories
- All Contacts
- All Departments
- All Dept. Priority data
- All GIS Coordinate data
- All Priority Levels
- All Projects
- All Unfunded data

City of Lawrence, Kansas  
*Adopted Capital Improvement Plan*  
 2019 thru 2023

**PROJECTS BY FUNDING SOURCE**

Source	Project #	2019	2020	2021	2022	2023	Total
<b>General Obligation Debt</b>							
Two Percent for Art	CM1902	340,000					340,000
Portable Radios	FM2010CIP				900,000		900,000
Training Center Remodel	FM2045CIP		250,000				250,000
642 Replacement Quint 20	FM2127CIP		1,350,000				1,350,000
643 Replacement Truck 5	FM2128CIP			1,500,000			1,500,000
Police Radios	PD1801CIP	450,000	450,000				900,000
Police Facility Phase 1	PD1803CIP	17,000,000					17,000,000
Driving Simulator	PD1902CIP				175,000		175,000
KLINK / CCLIP	PW1701Kcip	0		0	300,000		300,000
19th Street Reconstruction - Harper to O'Connell	PW17E3CIP	1,775,000					1,775,000
Community Health parking surface reconditioning	PW18B2CIP	200,000					200,000
ITC Exterior repairs and HVAC	PW19B4CIP	250,000	500,000				750,000
Parking Garage repairs	PW19B5CIP	390,000	390,000	390,000	390,000	390,000	1,950,000
Fire Medical pavement replacement	PW19B7CIP	3,000,000					3,000,000
Santa Fe Depot Parking Lot	PW19E3CIP	200,000					200,000
Elevator rehab New Hampshire Garage	PW20B4CIP	210,000					210,000
Elevator Rehab Comm Health	PW20B5CIP	112,500					112,500
Roof Replace (ITC, Maint Garage, Fire Training)	PW22B1CIP				750,000		750,000
City Hall replace roof	PW23B1CIP					300,000	300,000
<b>General Obligation Debt Total</b>		<b>23,927,500</b>	<b>2,940,000</b>	<b>1,890,000</b>	<b>2,515,000</b>	<b>690,000</b>	<b>31,962,500</b>
<b>GRAND TOTAL</b>		<b>23,927,500</b>	<b>2,940,000</b>	<b>1,890,000</b>	<b>2,515,000</b>	<b>690,000</b>	<b>31,962,500</b>

**Report criteria:**

- Active Projects
- All Address data
- All Categories
- All Contacts
- All Departments
- All Dept. Priority data
- All GIS Coordinate data
- All Priority Levels
- All Projects
- All Unfunded data

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

PC Staff Report  
5/23/2018

**ITEM NO. 2:      PRELIMINARY PLAT FOR MERCATO 2<sup>ND</sup> ADDITION; 6200 W 6<sup>TH</sup> ST  
(MKM)**

**PP-18-00028:** Consider a Preliminary Plat for Mercato 2<sup>nd</sup> Addition, a five-lot subdivision on approximately 116.8 acres located at 6200 W 6<sup>th</sup> St and an associated variance from the standard in Section 20-811(c) of the Subdivision Regulations that sidewalks be installed on both sides of all streets (specifically along proposed Renaissance Drive). Submitted by Landplan Engineering, for Kentucky Place LC, JDS Kansas LC, Venture Properties Inc, Tat Land Holding Co LC, Sojac Land Company LC, Scotsdale Properties LC, Tanglewood LC, property owners of record.

**STAFF RECOMMENDATION:**

Staff recommends denial of the variance requested from Section 20-811(c) of the Subdivision Regulations to waive the requirement to install sidewalks on both sides of proposed Renaissance Drive based on the findings listed in this staff report.

Staff recommends approval of the Preliminary Plat of Mercato 2<sup>nd</sup> Addition subject to the following condition:

1. Applicant shall provide a revised preliminary plat with the following change:
  - a. Show and label a 5 ft wide sidewalk along the east side of Renaissance Drive, to be constructed with the Renaissance Drive improvements.
  - i. Alternatively, if the Planning Commission approves a variance from this requirement, note the variance and the date of the Commission's action.

**Reason for Request:** Subdivision is required prior to development of property. The property was included in a Preliminary Plat for Mercato Addition in 2017. As the Mercato development is being phased as development is proposed, a lot in the northeastern corner was included in a final plat in 2017 to accommodate a hotel. This preliminary plat reconfigures the proposed lot lines and street layout in the remaining unplatted area to accommodate the proposed development of a medical facility in the northwestern portion of the property.

**KEY POINTS**

- Platting is required to accommodate the applicant's plans to divide the property into lots for development. This preliminary plat revises the lots and rights-of-way which were designated with the Preliminary Plat of Mercato Addition for the portion that remains after the northeastern 3.2 acres of the property were platted with the Final Plat of Mercato Addition.
- The project driving this plat is a Lawrence Memorial Hospital medical facility proposed for Lot 1, Block One of the subject plat.

**SUBDIVISION CITATIONS TO CONSIDER**

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

### **ASSOCIATED CASES**

- Z-14-00458 rezoning the property from CC400 (Community Commercial), RS7 (Single-Dwelling Residential), RM12D (Multi-Dwelling Residential), RM24 (Multi-Dwelling Residential), PCD-[Mercato] (Planned Commercial Development), and RMO (Multi-Dwelling Residential-Office) Districts to CC600 (Community Commercial) District. Approved by the City Commission on January 27, 2015 with the adoption of Ordinance No. 9070. The rezoning was conditioned with limitations on the amount of commercial uses permitted in this quadrant of the 6<sup>th</sup> Street/Hwy 40 and K-10 Hwy intersection and the maximum size of commercial buildings.
- PP-17-00010; Preliminary Plat for Mercato Addition which was approved by the Planning Commission at their March 15, 2017 meeting.
- PF-17-00182; Final Plat for Mercato Addition. A one-lot Final Plat for approximately 3.2 acres in the northeastern portion of the property to accommodate a *Hotel* use. Approved administratively on May 9, 2017 and recorded with the Douglas County Register of Deeds on August 30, 2017.

### **OTHER ACTION REQUIRED**

- Submittal and administrative approval of final plat.
- City Commission acceptance of dedication of rights-of-way and easements shown on the final plat.
- Submittal and approval of public improvement plans and means of assurance of completion for public improvements required with this plat.
- Recording of the final plat with the Douglas County Register of Deeds.
- Submittal and administrative approval of a site plan prior to development of any lot.
- Applicant shall obtain building permits prior to development.

### **PLANS AND STUDIES REQUIRED**

- *Traffic Impact Study* – A Traffic Impact Study, dated January 22, 2017, was provided with this plat. The study was not accepted; however, the City Engineer agreed with the conclusion that improvements to the street network would not be required as a result of the proposed medical facility planned for Lot 1, Block One. Prior to the submittal of any future site plans or plats, other than for Lot 1, Block One of this plat, the City will have a Traffic Impact Study completed, per Section 20-916(d)(2) of city code, at the developer's cost, for the adjacent transportation network to determine the public improvements required to accommodate additional development at Mercato.
- *Downstream Sanitary Sewer Analysis* – A Sanitary Sewer Capacity Analysis, dated January 22, 2017, provided with this plat was accepted.
- *Drainage Study* – The Drainage Study dated 1-22-2018 meets the specified requirements and is approved.

### **ATTACHMENTS**

- Traffic Impact Study
- Variance request

### **PUBLIC COMMENT**

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

## SUBDIVISION SUMMARY

Gross Area: 116.804 acres  
Number of Lots: 5  
Number of Tracts: 0  
Minimum Lot Area: 6.393 acres  
Maximum Lot Area: 56.455 acres

## GENERAL INFORMATION

Current Zoning and Land Use: CC600 (Community Commercial) District and SLT/K10-TC (South Lawrence Trafficway/K10 Highway Transportation Corridor) Overlay District; *Undeveloped*.

Surrounding Zoning and Land Use: To the north: GPI (General Public and Institutional Uses) and OS (Open Space) Districts, and SLT/K10-TC (South Lawrence Trafficway Corridor) Overlay District; Rock Chalk Park KU Sports Facility and City of Lawrence Sports Pavilion: *Spectator Sports and Entertainment, Participant Sports and Recreation, Active and Passive Recreation*

To the west: CC600 (Community Commercial) District and SLT/K10-TC (South Lawrence Trafficway Corridor) Overlay District; Undeveloped land across the K-10 Hwy right-of-way,

To the South: UR (Urban Reserve) District and SLT/K10-TC (South Lawrence Trafficway Corridor) Overlay District; *Detached Dwelling*.

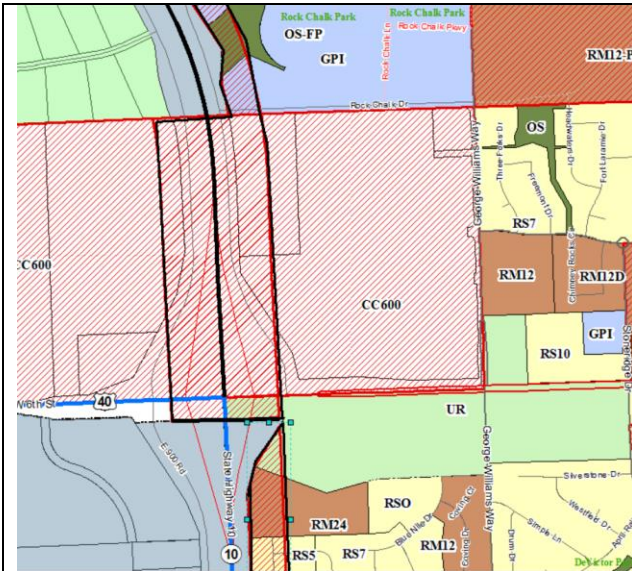
To the east: RS7 (Single-Dwelling Residential) District, platted Oregon Trail Subdivision, currently under development with *Detached Dwellings*; OS (Open Space) District, park *Passive Recreation*, RM12 (Multi-Dwelling Residential) District, *Undeveloped*; and UR (Urban Reserve) District, *Undeveloped*.

(Figure 1)

## STAFF REVIEW

The subject property contains approximately 117 acres located in the northeast quadrant of the intersection of W 6<sup>th</sup> Street/ Hwy 40 and K-10 Hwy. This area is in various stages of development. Construction of the Rock Chalk Park and the Sports Pavilion, Lawrence facilities, was recently completed. Oregon Trail Addition, a residential subdivision with a mix of multi-and single-dwelling uses and the Links at Lawrence, a multi-dwelling development are currently under construction to the east and northeast.

The subject preliminary plat proposes the reconfiguration of the lot/street layout proposed with the Mercato Addition Preliminary Plat which will result in 5 lots. The lots will be developed with uses that are permitted within the CC 600 Zoning District, with a maximum of 360,000 sq ft of commercial uses. Lawrence Memorial Hospital is proposing to develop a medical facility on approximately 20 acres in the northwest corner of the property; which is being platted as Lot 1, Block One.



**Figure 1a.** Zoning in the area. Zoning Districts outside the city limits are designated as 'County'. The hatchmarks designate Conditioned Zoning Districts. The South Lawrence Trafficway Corridor Overlay District is outlined in black; the subject outline is outlined in white dashes.



**Figure 1b.** Land use/Development in the area.

The property is bounded on the south by W 6<sup>th</sup> Street, a principal arterial; on the west by K-10 Hwy, a freeway, and E 902 Road, a collector designated street that will be constructed to city collector street standards; on the east by George Williams Way, a collector street; and on the north by Rock Chalk Drive, a local street.

Final plats will be submitted for lots as development proposals come forward. A medical facility has been proposed for Lot 1, Block One and the final plat for this lot is expected to be submitted in the spring of 2018.

### Compliance with Zoning Regulations for the CC600 District

Per Section 20-809(d)(2) of the Development Code, each lot must conform with the minimum lot size and other dimensional requirements in the Zoning District. Lots created in the CC Districts must have a minimum area of 20,000 sq ft and a minimum lot width of 100 ft, per the Dimensional Standards in Section 20-601(b) of the Development Code. The proposed lots exceed these minimum standards as shown in the following table:

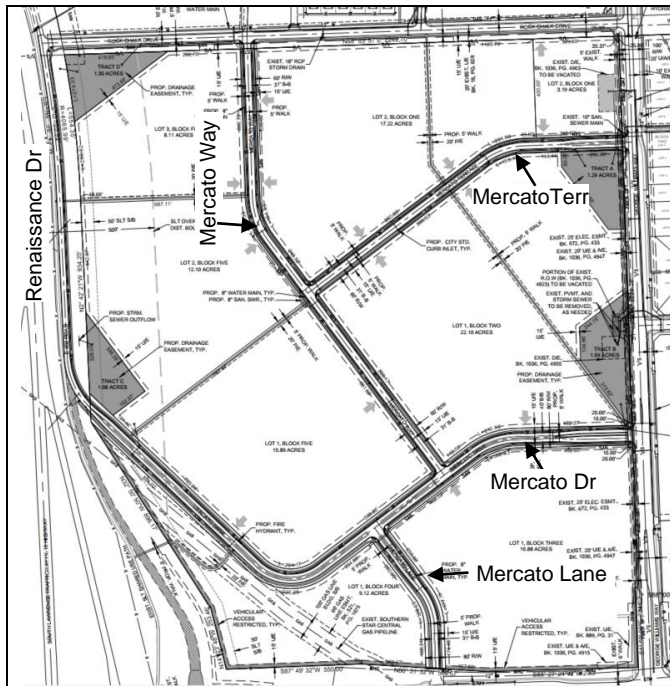
	<b>Lot Area</b>	<b>Lot Width</b>
	20,000 square feet (0.46 acres) (Minimum Requirement)	100 feet (Minimum Requirement)
Lot 1, Block One	20.07 acres	994.68 feet
Lot 2, Block One	11.50 acres	381.77 feet
Lot 3, Block One	51.57 acres	1,138.30 feet
Lot 1, Block Two	16.58 acres	575.16 feet
Lot 1, Block Three	10.15 acres	583.23 feet

### Streets and Access

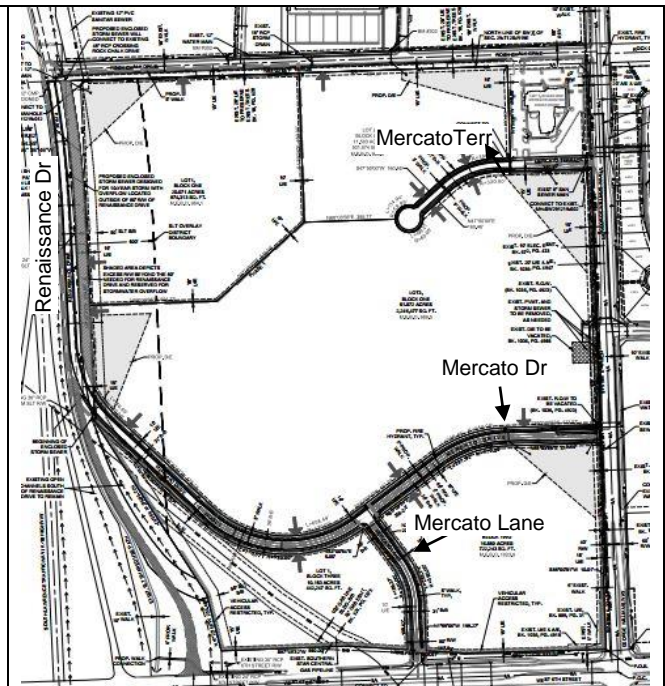


The plat shows access restrictions along W 6<sup>th</sup> Street (except for the approved right-in/right-out access point) and for approximately 520 ft along Renaissance Drive on the west side of the property. Access is also shown as restricted along George Williams Way for approximately 324 ft north of the intersection with W 6<sup>th</sup> Street/Hwy 40.

The proposed street layout varies from that approved with the Mercato Addition Preliminary Plat as described below and as illustrated in Figure 2.



**Figure 2a.** Street layout shown on Mercato Addition Preliminary Plat, approved in 2017.



**Figure 2b.** Street layout shown on Mercato 2<sup>nd</sup> Addition Preliminary Plat.

Mercato Lane will be constructed to city local street standards in the right-in/right-out access point on W 6<sup>th</sup> Street and the E 902 Road access to W 6<sup>th</sup> Street will be removed by the developer at that time, and returned to a grass condition, similar to the previously approved preliminary plat. Mercato Drive will be constructed to city collector street standards east/west in the southern portion of the property to connect George Williams Way with Mercato Lane and Renaissance Drive. There has been a slight change in the alignment of Mercato Drive/Renaissance Drive. Principal changes to the street network occur to the north of Mercato Drive. The previously approved preliminary plat included Mercato Way to provide a north/south connection through the property from Rock Chalk Drive to Mercato Drive and provided an additional east/west connection with Mercato Terrace from George Williams Way to Mercato Way. Street connections have been removed from the north portion of the property, with the exception of Mercato Terrace which culminates in a cul-de-sac. The applicant indicated that cross access would occur between the lots and pedestrian walkways would be provided to insure adequate connectivity.

Mercato Lane will be constructed to local street standards to W 6<sup>th</sup> Street with the development of Lot 1, Block One in the northwest corner of the lot. The E 902 Road access to W 6<sup>th</sup> Street will be removed by the property owner/developer at this time and E 902 Road along the west side of the property will be reconstructed as Renaissance Drive, a collector street, to connect with Rock Chalk Drive to the north and Mercato Drive to the south. The Code requires that Renaissance Drive be built to city collector street standards, which includes an enclosed stormwater drainage system.

During review of the plat, it was identified that an open ditch was planned for conveying drainage along Renaissance Drive and the applicant was advised that an enclosed stormwater system is required. The developer appealed this requirement to the Public Works Director, as permitted in Ordinance 6778. The appeal was denied and a revised preliminary plat was provided which included an enclosed stormwater drainage system, with an adjacent drainage swale that is located in excess right-of-way for Renaissance Drive.

An enclosed stormwater management system is required along Renaissance Drive. The applicant provided a revised plat which shows an enclosed system, with a swale for overflow located within the Renaissance Drive right-of-way. A drainage swale is not permitted within street right-of-way; however, this swale is located within excess right-of-way. Renaissance Drive is currently located within the KDOT SLT/K-10 right-of-way. City staff and KDOT are working toward KDOT releasing E 902 Road (Renaissance Drive) right-of-way, measured as 40 ft of right-of-way to the west of the street centerline and all the right-of-way between Renaissance Drive center line and the Mercato property to the east. The right-of-way between Mercato and Renaissance Drive is in excess of 40 ft. When the right-of-way has been transferred to the City, the City could vacate the excess portion (more than 40 ft from the centerline of the road) with the final plat so that it becomes part of the Mercato property. This would place the overflow drainage swale on private property, which is permitted and would require the property owner to maintain the drainage swale. The transfer and vacation of right-of-way will be finalized prior to the recording of the Mercato 2<sup>nd</sup> Addition Final Plat. Final right-of-way widths and storm water connections will be determined with the Public Improvement Plans, required with the final plat. If this change to the right-of-way doesn't occur, the stormwater management system would need to be re-engineered to remove the open drainage from the right-of-way.

The traffic impact study provided for this plat was not accepted by the City due to concerns with the methodology used to calculate the trips generated by the medical facility. The City Engineer agreed with the applicant that the trips generated by the medical facility would not necessitate improvements to the adjacent street network, but noted that more accurate traffic counts would be needed with future traffic studies to insure improvements were made as needed. As provided in Section 20-916(d)(2) of the Development Code, the City will engage an engineer or engineering firm to conduct a Traffic Impact Study with any development on the Mercato property, with the exception of the proposed medical facility on Lot 1, Block One. This study shall be conducted for the City at the owner or developer's expense.

The Public Improvement Standards in the Subdivision Regulations require public sidewalks on each side of the street. Sidewalks are shown on both sides of all streets in the development with the exception of the east side of Renaissance Drive. The applicant requested a variance from this standard for Renaissance Drive. This variance will be discussed later in this report. A 6 ft wide sidewalk is located along the north side of W 6<sup>th</sup> Street and a 10 ft wide shared use path is located on the south side. The shared use path extends to the north on the west side of E 902 Road (which will be renamed Renaissance Drive with this plat). The plat shows a 5 ft wide sidewalk along both sides of Mercato Drive with the southern sidewalk extending to connect to the shared use path. The sidewalk will not need to cross a road to connect with the existing shared use path as E 902 Road will be removed in this location.

Originally, Overland Drive had been planned to continue into the Mercato Development. The current plan has two access points on George Williams Way; one to the north, and one to the south, of Overland Drive. The right-of-way that had been dedicated for this extension will be maintained to provide adequate area for the installation of a roundabout at this intersection. The

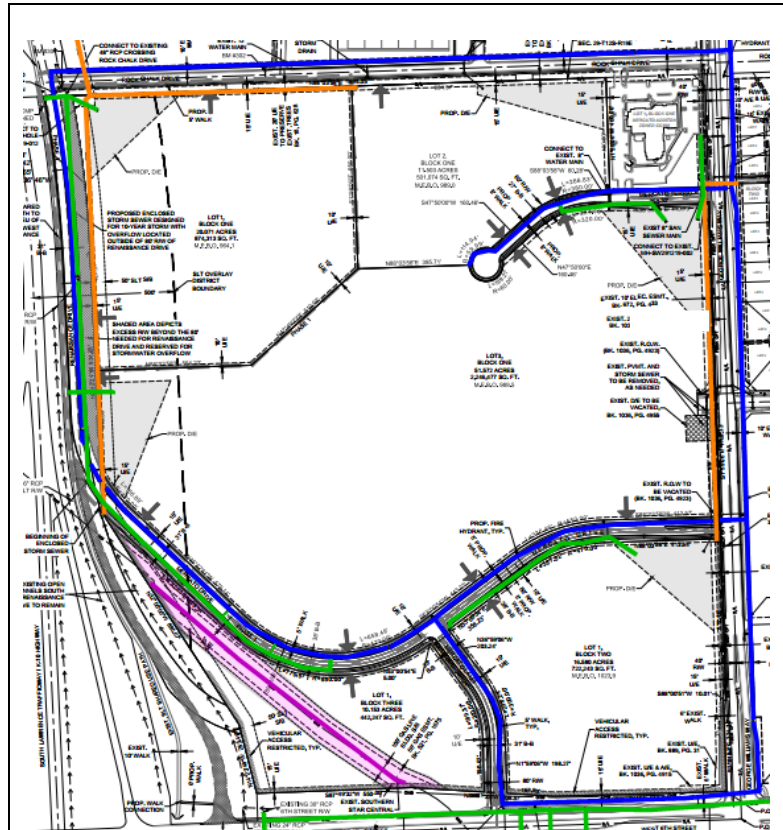
plat notes that the existing concrete, stormwater pipes, and inlets are to be removed. In addition, drainage easements are shown on the plat. Dimensions will be required for these drainage easements on the final plat.

### Utilities and Infrastructure

An existing sanitary sewer main is located in the northwest corner of the subject property, having been extended as part of the Rock Chalk Park development. This main will be extended along the south side of Rock Chalk Drive to the west side of Lot 2 Block One. This main will also be extended to the south, within a Utility Easement, along the west side of the property to the south side of Mercado Drive.

Another existing sanitary sewer main is located in the northeast corner of the property, having been extended as part of the Oregon Trail Addition public improvements. This main will be extended to the south along the west side of George Williams Way and will terminate on the south side of Mercado Drive. As required by Code, the sanitary sewer mains extended to touch each lot. Service lines will be extended to serve the individual lots as they develop. (Figure 3)

Existing water mains are located along the north side of Rock Chalk Drive, the east side of George Williams Way, and along the north side of W 6<sup>th</sup> Street/Hwy 40 to the Mercado Lane access point. The plat proposes the extension of a water main along the east side of Mercado Lane, the north side of Mercado Drive, and the east side of Renaissance Drive to connect back into the water main on Rock Chalk Drive. A water main will also be installed along Mercado Terrace as it is extended. This will provide a looped system throughout the development.



**Figure 3. Utilities.** Sanitary sewer mains (orange), water mains (blue), stormwater mains (green) through the property. Gas main and easement shown in pink.

Public Improvement Plans will be required with the final plats for the extension of these mains. Mercado Lane, the west portion of Mercado Drive, and Renaissance Drive connecting to Rock Chalk Drive will be constructed with this phase of the project. The E 902 Road access on W 6<sup>th</sup> Street will be removed, along with the unused portion of E 902, and the area will be regraded and planted to grass. The developer will maintain this area until vegetation has been established. Storm sewer, sanitary sewer, and water mains will be extended to serve the proposed medical facility on Lot 1, Block One of the plat, per City approval.

The City Utility Engineer noted that the West Hills water service area will not serve elevations over 1060 and recommended the developer take this into consideration when the elevations of the

buildings are configured. Additional booster pumping may be necessary to provide adequate pressure for developments in this area.

### **Easements and Rights-of-way**

The plat provides a 15 ft wide utility easement around the periphery of the property within the plat, utility easements are being dedicated to accommodate the extension of utility mains through the property, and drainage easements are provided throughout the site for the stormwater detention ponds.

Existing easements: A 20 ft wide utility/ access easement is currently in place on the west side of George Williams Way. A 25 ft wide electric easement also exists in this area; however, some of this easement is located in the proposed right-of-way. A Utility and a Utility/Access Easement have been dedicated in the southeastern corner of the plat, adjacent to George Williams Way and W 6<sup>th</sup> Street. A 66 ft wide gas line easement cuts diagonally across the southwestern portion of the property. The plat also notes the 100 ft building setback, measured from the center of the gas line. Southern Star will need to approve any grading plans in the area of their easement.

A 20 ft wide landscape easement is located in the Rock Chalk Drive right-of-way north of the property. This easement was dedicated with the platting of the KU Sports Facility property to the north to protect the tree row along the south side of Rock Chalk Drive and was intended to mitigate the impact of the sports complex on the Mercato development. At the time the Rock Chalk Park property was developed, Mercato had preliminary approval for residential uses on the south side of Rock Chalk Drive. This easement remains with the expectation that existing trees in this area will be protected.

Right-of-way (R-O-W) widths required and provided for the adjacent roadways are as noted in the table below. No additional right-of-way for the adjacent roads is required with this plat.

<b>Street/Classification</b>	<b>R-O-W required</b>	<b>R-O-W provided (min)</b>
K-10/Freeway	As determined by KDOT	510 ft
W 6 <sup>th</sup> Street/ Principal Arterial	150 ft	175 ft
George Williams Way/ Collector Street	100 ft	100 ft
Rock Chalk Drive/ Local Street	60 ft	80 ft

Right-of-way (R-O-W) widths required and provided for the interior roadways proposed with this plat are noted in following table:

<b>Street/Classification</b>	<b>R-O-W required</b>	<b>R-O-W provided (min)</b>
Mercato Lane, Local Street	60 ft	80 ft
Mercato Drive, Collector Street	80 ft	80 ft
Renaissance Drive, Collector Street	80 ft	in K-10 Hwy right-of-way; 80 ft to be provided
Mercato Terrace, Local Street	60 ft	60 ft

While not specifically an easement or right-of-way, the plat does show the 50 ft South Lawrence Trafficway building setback as required in Section 20-307(c) of the Development Code. In addition, the area that is within 500 ft of the centerline of the SLT/K-10 Hwy right-of-way is within the boundaries of the South Lawrence Trafficway Corridor Overlay District and is subject to landscaping and screening requirements in addition to the building setback.

## **VARIANCE**

Per Section 20-813(g) of the Development Code, the Planning Commission may grant a variance from the design standards of the Subdivision Regulations in cases where there is hardship in carrying out the literal provisions of the standards. This section also lists the criteria which must be met in order for a variance to be approved. The variance requested with this preliminary plat is reviewed with these criteria in the following section.

### **Sidewalk variance request**

Variance from the requirement in Section 20-811(c) to provide public sidewalks on both sides of all streets, to allow improvements to Renaissance Drive without the installation of a sidewalk along the east side. A 10 ft wide shared use path exists on the west side of this street and is part of the Lawrence Loop.

### **Criteria 1. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.**

Applicant's response: *"The Mercato development, as described in the proposed Mercato 2<sup>nd</sup> Addition, is the western terminus of all east-west roads located north of W 6<sup>th</sup> Street. No other streets will cross over the SLT in the future. This site does not have the ordinary and typical traffic dynamic that other properties do. Consequently, the western side of Mercato should not be required to build the same number of sidewalks that typical developments do. The SLT shared use path extends along the entire length of the development's west boundary (inside KDOT right-of-way) and can fully address and support all north-south pedestrian traffic without need for additional sidewalk infrastructure on the east side of Renaissance Drive.*

*Moreover, the development will have comprehensive internal sidewalk infrastructure. As part of the proposed Mercato 2<sup>nd</sup> Addition, the Subdivider proposes to install sidewalks on both sides of all internal streets. The Subdivider proposes to connect the existing sidewalk on the north side of W 6<sup>th</sup> Street to the existing SLT shared use path. The Subdivider has previously agreed to provide +- 2,000 linear feet of sidewalk on the south side of Rock Chalk Drive, despite the existence of a 10-foot wide shared use path on the north side of Rock Chalk Drive. The Subdivider also finances the installation of a half-mile of sidewalk on the west side of George Williams Way in 2010 through a benefit district. In addition, the Subdivider has agreed to rebuild approximately 2,250 linear feet of the existing E 902 road as part of this subdivision (a.k.a. Renaissance Drive).*

*Because of this extensive sidewalk network and the geography of the Mercato development in relation to the SLT, a 5-foot wide sidewalk on the east side of Renaissance Drive is unnecessary and, as such, represents a hardship to the Subdivider."*

### **Staff Review:**

The Subdivision Regulations define an 'Unnecessary Hardship' as:

*"The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute unnecessary hardship."*

The sidewalk on the east side of Renaissance Drive will provide pedestrian access from W 6<sup>th</sup> Street to Rock Chalk Drive and to pedestrian walkways which will be installed with the Mercato Development. At this time, it is unclear how the Mercato property will develop, but the plat shows



proposed driveway connections to Renaissance Drive from individual lots or businesses. It is reasonable to assume that pedestrian walkways will be provided along these drives, and could be provided throughout the development. The installation of the sidewalk on the east side of Renaissance Drive will in no way interfere with the use of the property. In staff's opinion the installation of the sidewalk along the east side of Renaissance Drive as required by Section 20-811(c) of the Subdivision Regulations does not meet the criteria of an 'unnecessary hardship'.

It is anticipated that Mercato will develop with uses that create high pedestrian demand. If the sidewalk is not constructed along the east side of Renaissance Drive, there will be a hardship to pedestrians who will not have a high quality pedestrian network at their disposal.

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

Applicant's response:

*"The intended purpose of this regulation is to provide reasonable pedestrian access and safety. The presence of the SLT makes this development unique and creates a distinction from all other properties contemplated by the development code. Unlike a typical development, where vehicular and pedestrian traffic might come from any direction, the SLT cuts off all direct east-west vehicular and pedestrian traffic. Consequently, one shared use path can fully service all pedestrian traffic, together with crosswalks to any east-west road that may subsequently be connected to Renaissance Drive. As discussed above, the subject property already provides sidewalks on its southern and eastern frontages via W. 6<sup>th</sup> Street and George Williams Way, and the Subdivider has agreed to install sidewalk along the south side of Rock Chalk Drive as well as sidewalks on both sides of all internal streets. Thus, pedestrians will have access to a full network of safe and accessible pedestrian routes throughout and around the entire property without need for an additional, unnecessary 5-foot sidewalk on the east side of Renaissance."*

Staff review:

The purpose and intent are listed in Section 20-0801(a) of the Subdivision Regulations. This section notes that the purpose of the regulations is to ensure that the division of land, which in many instances, is an initial step in urbanization, will serve the public interest and general welfare. This section also notes that the regulations are intended to provide for the harmonious and orderly development of land by making provisions for various items, one of which is the continuity of the transportation network.

The applicant makes a distinction between sidewalks on both sides of streets which may have vehicular traffic approaching from both directions versus a street which would have vehicular traffic approaching from only one direction, in this case the east. An argument could be made, based on this distinction, that a sidewalk might not be needed on the west side of Renaissance Drive, as there are no development or pedestrian connections to be made to the west. However, a sidewalk on the east side of Renaissance Drive would be needed to provide connection to the future pedestrian walkways providing access into the Mercato development, as well as to Rock Chalk Drive.

The commercial uses planned along Renaissance Drive will create demand for safe, convenient, pedestrian infrastructure. In staff's opinion, omitting a sidewalk on the east side of Renaissance Drive would not provide appropriate pedestrian connection to the pedestrian walkways that will be provided into the Mercato development and would not be in keeping with the intended purpose of the Subdivision Regulations. The amount of development and access that is proposed to the west of Renaissance Drive would have no impact on the need for a sidewalk on the east side.

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

Applicant's response:

*"All public rights-of-way adjacent to this subdivision provide sidewalk on at least one side of the street. This subdivision proposes to augment that network of connectivity by adding sidewalk to the south side of Rock Chalk Drive as well as to both sides of all internal streets. The public health, safety and welfare of residents and pedestrians on these streets will not be jeopardized by approval of this variance. This subdivision, combined with those neighboring it, provides for a safe and accessible pedestrian environment. The subdivision's proximity to the SLT renders the typical model of sidewalk construction unnecessary, at no sacrifice for public health, safety, and welfare."*

Staff review:

Omitting the sidewalk on the east side of Renaissance Drive would make it necessary for pedestrians to travel on the shared use path on the west side of the street, creating both unsafe and inconvenient pedestrian ways. (Figure 4) Pedestrian trips generated from the LMH site, for example, would need to cross Renaissance Drive, a collector street, in mid-block in order to walk south to visit one of the planned commercial uses and then cross Renaissance Drive again in mid-block, with possibly no crosswalk amenities proposed to direct pedestrians.

Sidewalks are required on both sides of the street to provide a safe and continuous pedestrian connection. Good transportation for pedestrians has become a strong community value and a priority of the City Commission. Various organizations have made statements in the past regarding the need for sidewalk connections throughout the city. The following quote is from the City Bicycle/Pedestrian Task Force Report:

*"Continuing to invest in high quality pedestrian and bicycle facilities built during new road construction and existing road reconstruction projects. This practice is vital to achieving a connected system that works for all. Every new road and road reconstruction should include the highest possible quality of walk, wheel and bike facilities. This is consistent with the Lawrence Complete Streets Policy."*

The following is from a letter from the Lawrence Pedestrian Coalition to the City Commission in 2013. At that time, variances from the sidewalk standard were considered by the City Commission. Since then, the Code has been revised so that variances from sidewalks are considered by the Planning Commission:

*"We ask that the City work to avoid granting regular variances to codes requiring sidewalks on both sides of the street. Every time such a variance is granted, the City takes a step backward in realizing a complete pedestrian network. We would also like the city to place requests for variances on the regular agenda, not the consent agenda, so that the public receives adequate notification and can comment on variance requests."*

Sidewalks on both sides of the street provide safe access for pedestrians. In staff's opinion, the variance request would negatively impact the public's health, safety, and welfare as the lack of a sidewalk on the east side of Renaissance Drive, where the pedestrian trips will be generated, would require pedestrians to cross Renaissance Drive, a collector street, in mid-block locations in order to access the development to the east.

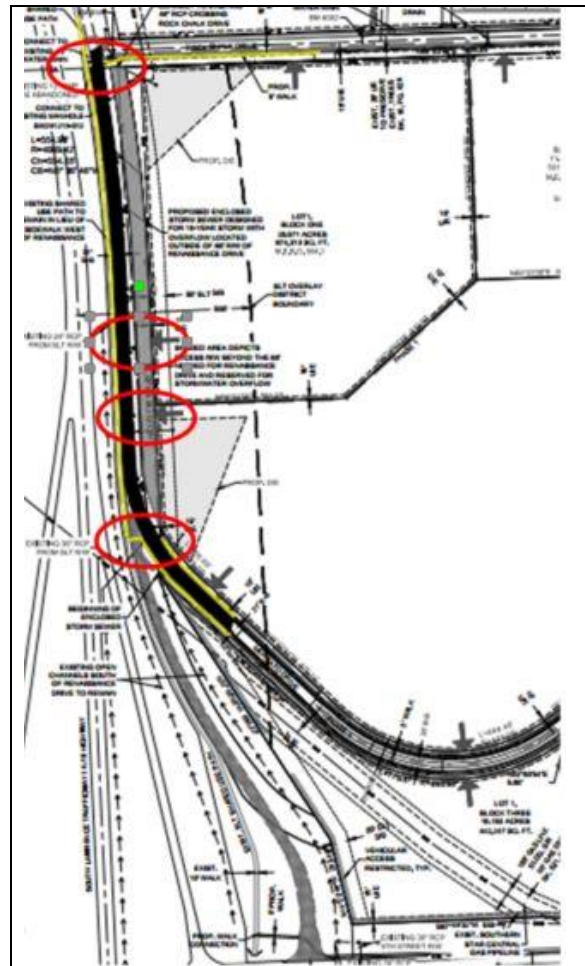
For several years, the City, along with other health-centric organizations, have worked to enhance the city's pedestrian environment. To establish less than safe and convenient pedestrian ways for a greenfield development intended to support uses associated with the community's local hospital would be taking a step backwards in staff's opinion.

Staff does not find that the variance request meets any of the approval criteria required in Section 20-813(g) of the Subdivision Regulations and recommends that the variance be denied.

### Preliminary Plat Conformance

The preliminary plat is the first step in platting property into lots to allow for development. Final Plats will be submitted for lots as development is proposed. A previous preliminary plat, Mercato Addition, was approved in 2017, and Lot 1 Block One, Mercato Addition was final platted later that year. Lots and streets are being reconfigured to accommodate the proposed development of the medical facility in the northwestern corner of the property; therefore, the remaining unplatted property has been included in a revised Preliminary Plat, Mercato 2<sup>nd</sup> Addition. The phasing notes indicate that the lot for the medical facility lot, Lot 1 Block One, will be final platted in the spring of 2018.

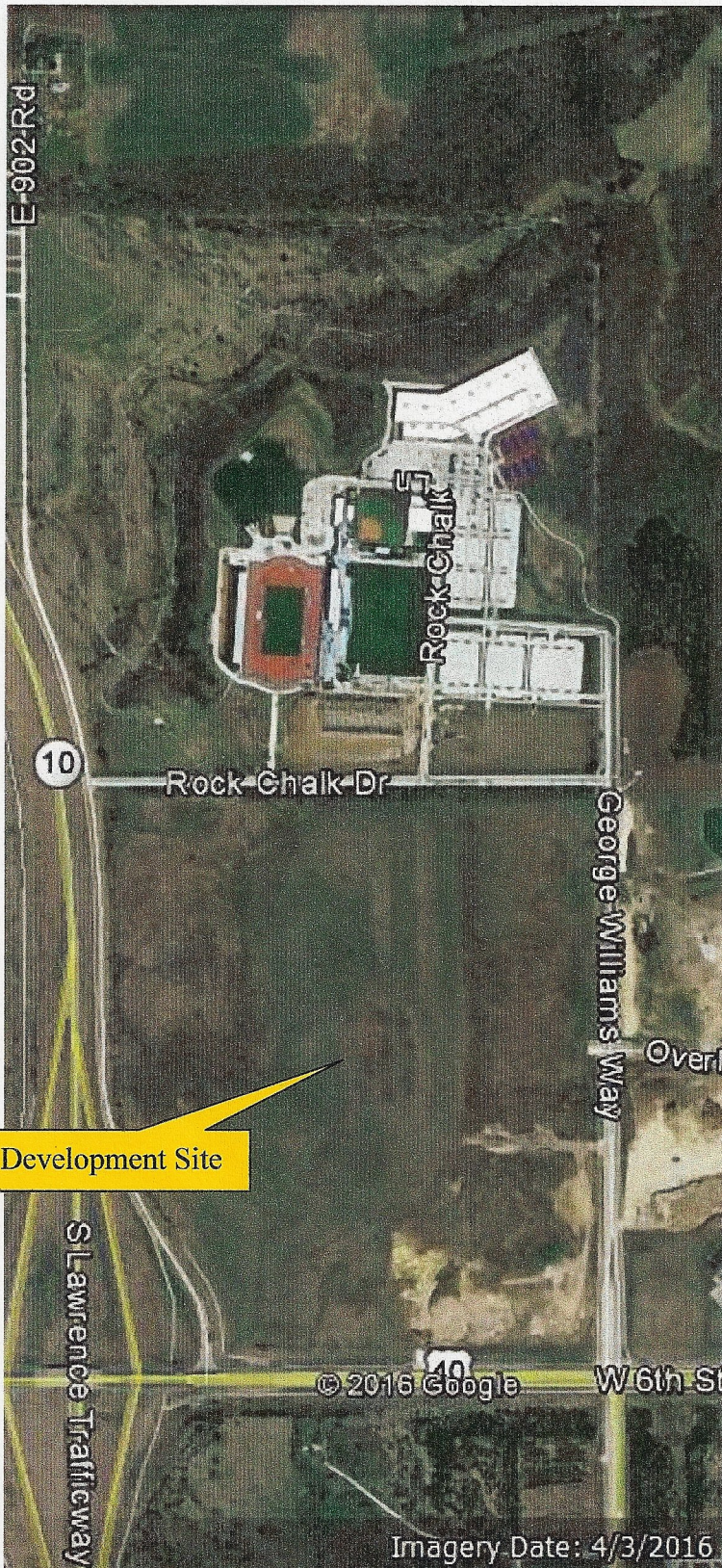
The Preliminary Plat, as conditioned, is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.



**Figure 4.** Possible pedestrian route without a sidewalk on the east side of Renaissance Drive.

- Renaissance Drive shown in black,
- Shared use path and proposed sidewalks shown in yellow,
- Red ovals mark access points identified on the preliminary plat and the intersection with Rock Chalk Drive.





# Trip Generation Analysis

for

## Revised Mercato Development

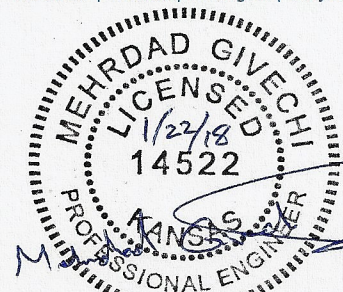
SWC of  
George Williams Way and Rock Chalk Dr.  
Lawrence, Kansas

Prepared  
for  
Landplan Engineering, P.A.

Prepared  
By



*Serving Communities Through Excellence*  
Missouri | Kansas | Michigan | California



Mehrdad Givechi, P.E., P.T.O.E.

**January 2017**



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<b>Appendix</b>	Results of Trip Generation Analysis Using ITE Trip Generation Manual, 9 <sup>th</sup> Edition
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## ***Background***

### **Proposed Development**

The proposed “Mercato” development site is located on the northeast corner of the interchange of K-10 Highway (South Lawrence Trafficway) and US-40 Highway (W. 6<sup>th</sup> Street) in Lawrence, Kansas (See Location Map, Figure 1 of Appendix I). It encompasses an area of approximately 120 acres located in the nodal development area for the interchange at W. 6<sup>th</sup> Street and K-10 Highway, zoned as CC600 (Community Commercial Center limited to 600,000 sq. ft. of commercial of gross square footage with maximum allowable general retail space of 360,000 gross square feet).

A Traffic Impact Study (TIS), dated 3/1/2017, was prepared for the “Mercato” development site to assess impact of its generated traffic on the adjacent street network. The proposed uses listed in that study consisted of:

- 360,000 Gross Square Feet (GSF) of general retail space (*ITE Land Use Code 820, Shopping Center*) with Gross Leasable Area (GLA) of approximately 252,000 sq. ft.;
- 340,000 GSF of Commercial Office (*ITE Land Use Code 710, General Office Building*);
- An 80,000 GSF of a Cinema with potentially 1,000 seats (*ITE Land Use Code 445, Multiplex Movie Theatre*); and
- A few hotels with combined room count of 450 (*ITE Land Use Code 310, Hotel*).

Under the revised plan, the proposed land uses consist of:

- The proposed retail space will remain the same at 360,000 GSF of general retail space (*ITE Land Use Code 820, Shopping Center*) with approximately 252,000 GLA.
- The commercial office (*ITE Land Use Code 710, General Office Building*) space is reduced from 340,000 GSF to 200,000 GSF;
- The combined room counts for the hotels are reduced from 450 to 300 rooms; and

- A 200,000 GSF of hospital (*ITE Land Use 610*) located on the northwest corner of the project site with two access points as shown on the Site Plan – one on Rock Chalk Drive, and the other on E. 902 Road that connects to the existing restricted right-in/right-out access (Mercato Lane) on W. 6<sup>th</sup> Street. Currently, there is no plan to provide any connection between the hospital site and the internal street network of the Mercato site, hence traffic to/from the hospital will use Rock Chalk Drive off of George Williams Way, and Mercato Lane off of W. 6<sup>th</sup> Street to access the facility.

### Purpose

The purpose of this Addendum to the TIS dated 3/1/2017 is to evaluate the net change in the site generated trips resulted by the proposed changes in the size and type of the land uses.

### ***Trip Generation Analysis***

As described in the TIS dated 3/1/2017, the trip generation of a proposed land development project is typically estimated using trip generation rates suggested by the Institute of Transportation Engineers, Trip Generation Manual, 9<sup>th</sup> Edition. For the purpose of this analysis, the following assumptions are made. The results are summarized in Table 1 and shown in detail in Appendix III.

### Assumptions

- **Method of Trip Estimation –**

In the absence of local trip data, ITE Trip Generation Manual provides two methods for estimating trips – *Weighted Average Rate Method* and *Regression Equation Method*. For this study, both methods are evaluated and the one with statistical significance is selected for each land use. It is to be noted that these trips are unadjusted trips and are subject to discounts as described in the following paragraphs.

- **Adjustment for Internal Trip Capture –**

The proposed project is a mixed-use development consisting of retail, commercial office and logging components with potential *internal trip capture*. These rates are typically estimated using the information published in two sources – ITE Trip Generation Handbook and NCHRP (National Cooperative Highway Research Program) Report 684. For the purpose of this study, the ITE rate of 8% for AM peak-hour and 9% for PM peak-hour are selected.

- **Adjustment for Pass-By Trips –**

The retail component of the project is likely to attract a portion of its trips from the existing traffic on the adjacent street network. These are *pass-by* trips that are not considered new trips added to the street network, but are considered new trips at driveways to the site. As suggested in the ITE Trip Generation Handbook, average *pass-by* trip rates for a typical shopping center are 34% for an afternoon peak-hour of a typical weekday; and 26% for a mid-day peak-hour of a typical Saturday.

- **Adjustment for Multi-Modal Use –**

The project site is located in an area with transit service and bike routes. It is anticipated that a portion of the trips generated by the project site will be utilized by these public transportation modes. Currently, there is no information available on multi-modal use in the area, so the study assumes no discounts to the trip numbers.

### Analysis Time Period

As described in the TIS dated 3/1/2017, an overview of the existing traffic volumes in the study area and their peak characteristics, in conjunction with estimated trips generated from the proposed development project, indicate that the most critical peak period will likely occur during the afternoon peak-hour of a typical weekday. For the purpose of this analysis, at the request of City staff, peak-hour of a typical Saturday is also evaluated.

Tables 1 below provides a summary of the trip generation calculation for the previously proposed land uses for the project, and Table 2 provides a summary of the updated trip numbers for the revised land uses. The results indicate that there is an over reduction in the adjusted trip numbers during both morning and afternoon peak-hours (4% and 7%, respectively). The Saturday mid-day peak-hour, however, indicates an increase in the trip numbers by approximately 13%. Further investigation indicates that the background traffic on the adjacent street network during the mid-day peak-hour of a Saturday is less than the afternoon peak-hour of a typical weekday (e.g. by approximately 28% on W. 6<sup>th</sup> Street and by approximately 10% on George Williams Way).

In summary, the afternoon peak-hour of a typical weekday still remains as the critical analysis period with the proposed land use changes for Mercato development generating less traffic than originally described in the TIS dated 3/1/2017.

**Table 1**  
**Summary of Trip Generation Calculation<sup>1,2</sup> (Total Driveway Volumes) for Proposed "Mercato" Development**  
**(Revised February 2017)**

Land Use (ITE CODE)	Size	Typical Weekday							Typical Saturday			
		24-hr, Two-Way Volume (vpd)	AM Peak-Hour (vph)			PM Peak-Hour (vph)			24-hr, Two-Way Volume (vpd)	Peak-Hour (vph)		
			Enter	Exit	Total	Enter	Exit	Total		Enter	Exit	Total
Retail Component												
Shopping Center (820) *	360,000 GSF <sup>3</sup> 252,000 GLA <sup>3</sup>	12,384	170	104	274	534	579	1113	16,540	829	765	1594
Multiplex Movie Theatre (445)	1000 Seats					29	51	80		65	25	90
Hotel (310)	450 Rooms	3,677	141	98	239	138	132	270	3,686	181	143	324
Commercial Office Component												
General Office (710) *	340,000 GSF	3,328	448	61	509	78	381	459	722	79	67	146
<b>Total Unadjusted Trips</b>		19,389	759	263	1,022	779	1,143	1,922	20,948	1,154	1,000	2,154
<b>Internal Capture Trips @ 11% (per ITE)</b>			55	55	110	110	110	220		127	110	237
<b>Trips Adjusted for Internal Capture (Driveway Volume)</b>			704	208	912	669	1,033	1,702		1,027	890	1,917
<b>Pass-By Trips for Retail Component (per ITE)<sup>4</sup></b>						159	182	341		216	199	415
<b>Total Adjusted Trips (Volume Added to Adj. Streets)</b>			704	208	912	510	851	1,361		811	691	1,502

NOTES:

- 1) The trip generation numbers in this table are calculated using the rates suggested in the *"ITE Trip Generation Manual", 9th Edition*.
- 2) The number of trips are determined by both Weighted Average Rate Method and the Regression Equation Method and the method that generates more trips with statistical significance is selected for analysis. ( \* denotes use of Regression Equation)
- 3) GSF denotes Gross Square Foot of building; GLA denotes Gross Leasable Area of building (calculated at 70% of GSF).
- 4) *ITE Handbook* suggests average pass-by trip percentage of 34% for weekday PM Peak-Hour and 26% for Saturday Mid-Day Peak-Hour
- 5) Blank cells indicate no data available.

**Table 2**  
**Summary of Trip Generation Calculation<sup>1,2</sup> (Total Driveway Volumes) for Proposed "Mercato" Development**  
**(Revised January 2018)**

Land Use (ITE CODE)	Size	Typical Weekday							Typical Saturday			
		24-hr, Two-Way Volume (vpd)	AM Peak-Hour (vph)			PM Peak-Hour (vph)			24-hr, Two-Way Volume (vpd)	Peak-Hour (vph)		
			Enter	Exit	Total	Enter	Exit	Total		Enter	Exit	Total
Retail Component												
Shopping Center (820) *	360,000 GSF <sup>3</sup> 252,000 GLA <sup>3</sup>	12,384	170	104	274	534	579	1113	16,540	829	765	1594
Hospital (610)	200,000 GSF <sup>3</sup>	2,644	120	70	190	71	115	186	2,036	226	226	452
Hotel (310)	300 Rooms	2,451	94	65	159	92	88	180	2,457	121	95	216
Commercial Office Component												
General Office (710) *	200,000 GSF	2,223	293	40	333	51	251	302	438	46	40	86
<b>Total Unadjusted Trips</b>		19,702	677	279	956	748	1,033	1,781	21,471	1,222	1,126	2,348
<b>Internal Capture Trips @ 8% (AM), 9% (PM), per ITE</b>			39	39	78	82	82	164		127	110	237
<b>Trips Adjusted for Internal Capture (Driveway Volume)</b>			638	240	878	666	951	1,617		1,095	1,016	2,111
<b>Pass-By Trips for Retail Component (per ITE)<sup>4</sup></b>					0	175	175	350		216	199	415
<b>Total Adjusted Trips (Volume Added to Adj. Streets)</b>			638	240	878	491	776	1,267		879	817	1,696

NOTES:

- 1) The trip generation numbers in this table are calculated using the rates suggested in the "ITE Trip Generation Manual", 9th Edition .
- 2) The number of trips are determined by both Weighted Average Rate Method and the Regression Equation Method and the method that generates more trips with statistical significance is selected for analysis. ( \* denotes use of Regression Equation)
- 3) GSF denotes Gross Square Foot of building; GLA denotes Gross Leasable Area of building (calculated at 70% of GSF).
- 4) ITE Handbook suggests average pass-by trip percentage of 34% for weekday PM Peak-Hour and 26% for Saturday Mid-Day Peak-Hour
- 5) Blank cells indicate no data available.



# **APPENDIX**

## Trip Generation Summary

Alternative: Alternative 1

Phase:

Project: Mercato

Open Date: 1/18/2018

Analysis Date: 1/18/2018

ITE	Land Use	Weekday Average Daily Trips				Weekday AM Peak Hour of Adjacent Street Traffic				Weekday PM Peak Hour of Adjacent Street Traffic				Saturday Peak Hour of Generator			
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
820	CENTERSHOPPING 1 252 Gross Leasable Area 1000 SF		6192	6192	12384		170	104	274		534	579	1113		829	765	1594
310	HOTEL 1 300 Rooms		1226	1225	2451		94	65	159		92	88	180		121	95	216
710	OFFICEGENERAL 1 200 Gross Floor Area 1000 SF		1112	1111	2223		293	40	333		51	251	302		46	40	86
610	HOSPITAL 1 200 Gross Floor Area 1000 SF		1322	1322	2644		120	70	190		71	115	186		226	226	452
Unadjusted Volume			9852	9850	19702		677	279	956		748	1033	1781		1222	1126	2348
Internal Capture Trips			0	0	0		39	39	78		82	82	164		0	0	0
Pass-By Trips			0	0	0		0	0	0		175	175	350		0	0	0
Volume Added to Adjacent Streets			9852	9850	19702		638	240	878		491	776	1267		1222	1126	2348

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 8 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 9 Percent

Total Saturday Peak Hour of Generator Internal Capture = 0 Percent

\* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012

**TRIP GENERATION 10, TRAFFICWARE, LLC**

P. 1

## Internal Capture Report - Alternative 1

AM & PM Peak Hour

Project: Mercato

Open Date: 1/18/2018

Analysis Date: 1/18/2018

AM	Entering Trips				Exiting Trips			
Category	Internal	External	Total	Percent	Internal	External	Total	Percent
Cinema	0	0	0	0%	0	0	0	0%
Hotel	0	94	94	0%	16	49	65	25%
Office	21	272	293	7%	11	29	40	28%
Residential	0	0	0	0%	0	0	0	0%
Restaurant	0	0	0	0%	0	0	0	0%
Retail	18	152	170	11%	12	92	104	12%
All Other Land Uses	0	120	120	0%	0	70	70	0%
Totals	39	638	677	6%	39	240	279	14%

PM	Entering Trips				Exiting Trips			
Category	Internal	External	Total	Percent	Internal	External	Total	Percent
Cinema	0	0	0	0%	0	0	0	0%
Hotel	16	76	92	17%	11	77	88	12%
Office	12	39	51	24%	43	208	251	17%
Residential	0	0	0	0%	0	0	0	0%
Restaurant	0	0	0	0%	0	0	0	0%
Retail	54	480	534	10%	28	551	579	5%
All Other Land Uses	0	71	71	0%	0	115	115	0%
Totals	82	666	748	11%	82	951	1033	8%



Civil Engineering  
Landscape Architecture  
Community Planning  
Surveying

1310 WAKARUSA DRIVE, SUITE 100 | LAWRENCE, KANSAS 66049 | 785.843.7530 (p) | 785.843.2410 (f) | info@landplan-pa.com

April 9, 2018

Mary K. Miller, AICP  
City/County Planner II  
Planning Division  
6 E. Sixth Street  
Lawrence, Kansas 66044

**Re: PP-18-00028, Preliminary Plat for Mercato 2<sup>nd</sup> Addition  
Request for Variance**

Dear Mary,

On behalf of K-10/40 Development, L.C. (the "Subdivider"), I am requesting a variance from Sec. 20-811(c)(1)(i) of the Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas which specifies that public sidewalks be installed on both sides of all streets. The Subdivider seeks a waiver of the requirement for a 5-foot wide sidewalk on the east side of Renaissance Drive. The below comments address the criteria for variances as outlined in Sec. 20-813(g)(2):

- i. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.*

**The Mercato development, as described in the proposed Mercato 2<sup>nd</sup> Addition, is the western terminus of all east-west roads located north of W. 6<sup>th</sup> Street. No other streets will cross over the SLT in the future. This site does not have the ordinary and typical traffic dynamic that other properties do. Consequently, the western side of Mercato should not be required to build the same number of sidewalks that typical developments do. The SLT shared use path extends along the entire length of the development's west boundary (inside KDOT right-of-way) and can fully address and support all north-south pedestrian traffic without need for additional sidewalk infrastructure on the east side of Renaissance Drive.**

**Moreover, the development will have comprehensive internal sidewalk infrastructure. As part of the proposed Mercato 2<sup>nd</sup> Addition, the Subdivider proposes to install sidewalks on both sides of all internal streets. The Subdivider proposes to connect the existing sidewalk on the north side of W. 6<sup>th</sup> Street to the existing SLT shared use path. The Subdivider has previously agreed to provide ±2,000 linear feet of sidewalk on the south side of Rock Chalk Drive, despite the existence of a 10-foot wide shared use path on the north side of Rock Chalk Drive. The Subdivider also financed the installation of a half-mile of sidewalk on the west side of George Williams Way in 2010 through a benefit district. In addition, the Subdivider has agreed to rebuild approximately 2,250 linear feet of the existing E 902 Road as part of this subdivision (a.k.a. Renaissance Drive).**

**Because of this extensive sidewalk network and the geography of the Mercato development in relation to the SLT, a 5-foot wide sidewalk on the east side of Renaissance Drive is unnecessary and, as such, represents a hardship to the Subdivider.**

ii. *The proposed variance is in harmony with the intended purpose of these regulations.*

**The intended purpose of this regulation is to provide reasonable pedestrian access and safety. The presence of the SLT makes this development unique and creates a distinction from all other properties contemplated by the development code. Unlike a typical development, where vehicular and pedestrian traffic might come from any direction, the SLT cuts off all direct east-west vehicular and pedestrian traffic. Consequently, one shared use path can fully service all pedestrian traffic, together with crosswalks to any east-west road that may subsequently be connected to Renaissance Drive. As discussed above, the subject property already provides sidewalks on its southern and eastern frontages via W. 6<sup>th</sup> Street and George Williams Way, and the Subdivider has agreed to install sidewalk along the south side Rock Chalk Drive as well as sidewalks on both sides of all internal streets. Thus, pedestrians will have access to a full network of safe and accessible pedestrian routes throughout and around the entire property without need for an additional, unnecessary 5-foot sidewalk on the east side of Renaissance.**

iii. *The public health, safety and welfare will be protected.*

**All public rights-of-way adjacent to this subdivision provide sidewalk on at least one side of the street. This subdivision proposes to augment that network of connectivity by adding sidewalk to the south side of Rock Chalk Drive as well as to both sides of all internal streets. The public health, safety and welfare of residents and pedestrians on these streets will not be jeopardized by approval of this variance. This subdivision, combined with those neighboring it, provides for a safe and accessible pedestrian environment. The subdivision's proximity to the SLT renders the typical model of sidewalk construction unnecessary, at no sacrifice for public health, safety and welfare.**

Please let me know if you have any questions or comments regarding the above information. Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Sturm", with a stylized flourish at the end.

Brian Sturm  
RLA, ASLA, LEED AP

cc: S. Schwada, T. Fritzell, M. Gough, D. Kautio, file

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO: Planning Commission**

**FROM: Scott McCullough, Director**

**Date: May 18, 2018**

**RE: PP-18-00028 Mercato sidewalk variance request – supplemental information**

This memo provides additional information on the intensity of pedestrian demand proposed to be created with Lawrence Memorial Hospital's medical office use planned to be constructed on Lot 1, Block One of the Mercato plat as it relates to the sidewalk variance request to forego a sidewalk on the east side of E. 902 Road (Renaissance Drive).

The staff report notes that Mercato, as a commercial node, will have potential to create a large amount of multi-modal (pedestrian and bike) trips, both from within its borders and as users travel to the site from afar. That notion can be reflected in plans recently submitted to the city to fulfill the site plan requirement for the Lawrence Memorial Hospital medical office project. The first submittal of the site plan includes an outdoor therapy garden and other outdoor amenities that might attract visitors not otherwise there for medical services, thus increasing the potential for pedestrians and bicyclists to be attracted to the site. These visitors could come from places interior to Mercato and outside of Mercato.

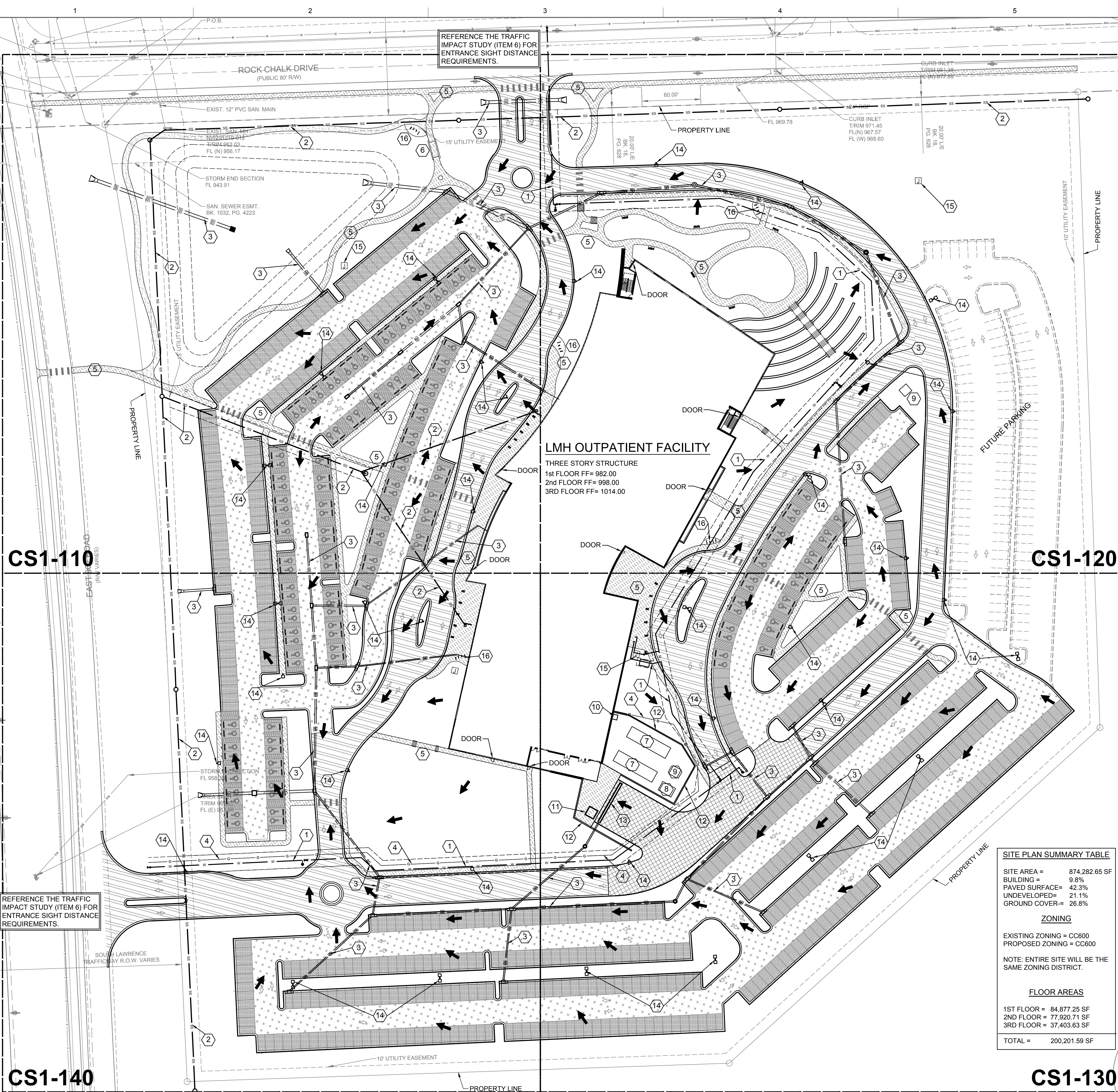
A recent article in the Lawrence Journal World reflected well the pedestrian nature of the use (see renderings) in this story: [http://www2.ljworld.com/weblogs/town\\_talk/2018/may/16/see-renderings-for-lmhs-new-100-million/](http://www2.ljworld.com/weblogs/town_talk/2018/may/16/see-renderings-for-lmhs-new-100-million/). The submitted site plan shows one pedestrian connection crossing E. 902 Road (a marked crosswalk) to the existing recreation path west of the road and no connections to lots east and south in Mercato, which is contrary to the applicant's claim that "the development will have comprehensive internal sidewalk infrastructure" to offset a sidewalk on the east side of E. 902 Road. Leaving the pedestrian system to chance by private developments cannot ensure a safe, efficient, and convenient public pedestrian system. Incorporating sidewalks within the public rights-of-way, with appropriate crossing mechanisms at intersections, can ensure such. The community holds pedestrian connections as a high value. While connections to the recreation path on the west side of E. 902 Road is important and necessary

to the Mercato development, the site plan is currently inadequate regarding connecting to other uses in Mercato and staff will provide comments reflecting this during the site planning process with the intent to plan for good pedestrian connectivity between the medical office site and other uses in Mercato.

The commission is familiar with a pending annexation request north of the Rock Chalk Park property to support residential uses. Extending the applicant's reasoning to this portion of E. 902 Road would support waiving the requirement for a sidewalk on the east side of this portion of the road as well. However, as E. 902 Road eventually develops to the north of Mercato, staff will be requiring and advocating for a sidewalk on each side of that street per the existing code. Pedestrians traveling from the north of Rock Chalk Park, once this area is developed, should have the choice to either use the recreation path or to not cross a collector street and use a sidewalk instead to reach Rock Chalk Park, Sports Pavilion Lawrence, and Mercato. Foregoing a sidewalk along Mercato now would create a gap in the overall system of pedestrian infrastructure and the burden to fund the construction of this infrastructure in the future to fill this gap would be shifted to the taxpayers.

In conclusion, multi-modal transportation systems are about choice. The system should accommodate a range of travelers' needs - from far away using the Lawrence Loop, from intermediate distances where safe infrastructure reaches high activity areas, and from within individual developments to provide needed connectivity. Staff remains opposed to the request to waive the sidewalk requirement for the east side of E. 902 Road (Renaissance Drive).





KEY NOTES

- 1 PROPOSED WATER LINE  
SEE SHEET CU1-110
  - 2 PROPOSED SANITARY SEWER  
SEE SHEET CU1-120
  - 3 PROPOSED STORM SEWER  
SEE SHEET CU1-130
  - 4 PROPOSED GAS LINE  
SEE SHEET CU1-100
  - 5 SIDEWALK  
SEE SHTS. CP1-110 - CP1-140.
  - 6 SIDEWALK BRIDGE  
REFERENCE ARCHITECTURAL.
  - 7 GENERATOR  
REFERENCE MECHANICAL.
  - 8 CONDENSER  
REFERENCE MECHANICAL.
  - 9 TRANSFORMER  
REFERENCE ELECTRICAL.
  - 10 GAS METER  
REFERENCE MECHANICAL.
  - 11 TRASH ENCLOSURE  
COORDINATE LOCATION WITH  
ARCHITECTURAL.
  - 12 RETAINING WALL  
REFERENCE STRUCTURAL.
  - 13 TRENCH DRAIN  
SEE SHEET CP1-501.
  - 14 LIGHT POLE  
REFERENCE ELECTRICAL.
  - 15 ELECTRICAL HANDHOLE  
REFERENCE ELECTRICAL.
  - 16 BIKE RACKS  
REFERENCE LANDSCAPE PLANS
- ➔ DRAINAGE ARROW

LEGEND

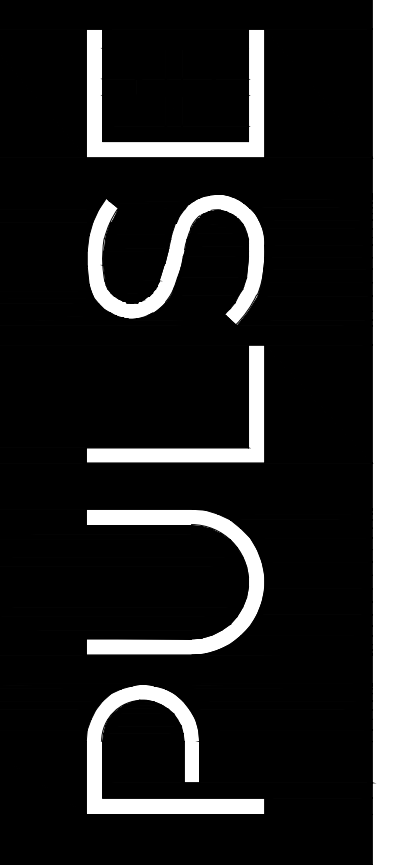
- WATERLINE
- FIRE HYDRANT
- WATER VALVE
- FIRE SERVICE LINE
- POST INDICATOR VALVE
- FIRE DEPARTMENT CONNECTION
- SANITARY SEWER PIPE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- STORM DRAIN PIPE
- GAS LINE PIPE
- GAS VALVE
- LIGHT POLE
- 8" CONCRETE PAVING
- CONCRETE SIDEWALK
- 5" ASPHALT PAVING  
(LIGHT DUTY)
- 6" ASPHALT PAVING  
(MODERATE DUTY)
- 10" ASPHALT PAVING  
(HEAVY DUTY)

REFERENCE SHEETS CP1-110 - CP1-140 FOR PAVING PLAN.  
REFERENCE SHEETS CG1-110 - CG1-140 FOR GRADING PLAN.

NOTE:  
THE PROPOSED SITE IS DESIGNED TO  
COMPLY WITH THE PROVISIONS OF THE  
AMERICANS WITH DISABILITIES ACT  
ACCESSIBILITY GUIDELINES (ADAAG) FOR  
BUILDINGS AND FACILITIES, APPENDIX A TO  
28 CFR PART 36.

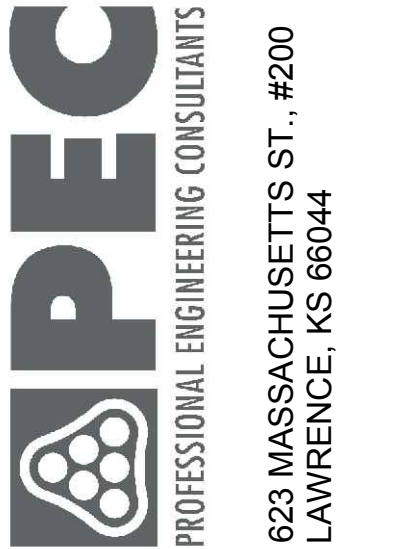
SITE PLAN SUMMARY TABLE

SITE AREA =	874,282.65 SF
BUILDING =	9.8%
PAVED SURFACE=	42.3%
UNDEVELOPED=	21.1%
GROUND COVER=	26.8%
ZONING	
EXISTING ZONING =	CC600
PROPOSED ZONING =	CC600
NOTE: ENTIRE SITE WILL BE THE SAME ZONING DISTRICT.	
FLOOR AREAS	
1ST FLOOR =	84,877.25 SF
2ND FLOOR =	77,920.71 SF
3RD FLOOR =	37,403.63 SF
TOTAL =	200,201.59 SF



PULSE DESIGN GROUP  
8207 Melrose Dr., Suite 145  
Lenexa Kansas 66214  
Ph: (913)438-9095  
Fx: (913)438-2660  
pulse.designgroup.com

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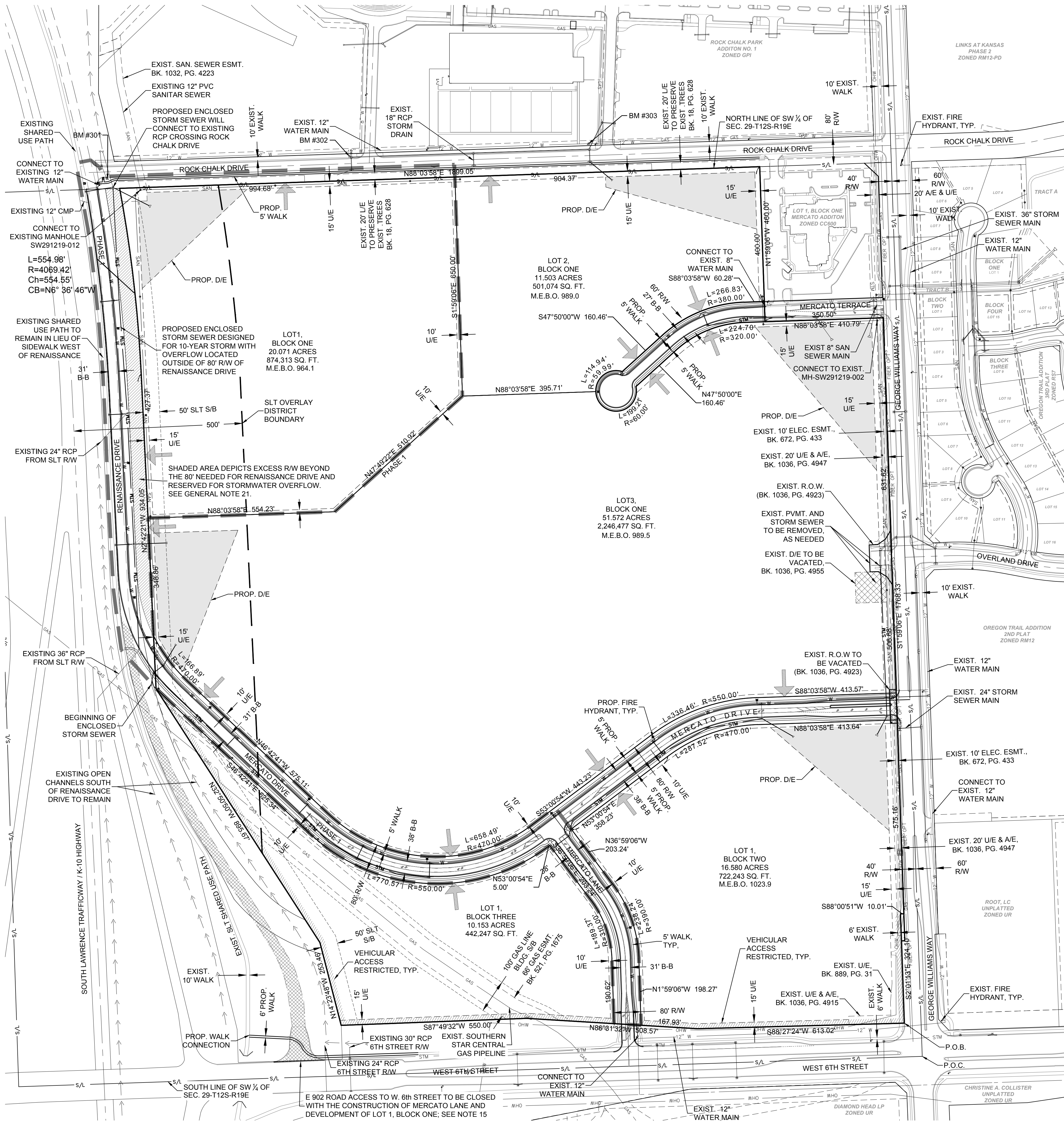


LAWRENCE MEMORIAL HOSPITAL-  
OUTPATIENT FACILITY  
61XX ROCK CHALK DRIVE  
LAWRENCE, KANSAS 66049  
OFFPM DCC PROJECT NUMBER: SDAFASDA  
DRAWN: [blank] DAR [blank]  
DATE: 2018.03.16  
JOB #: 17105.01  
REVISION DATE

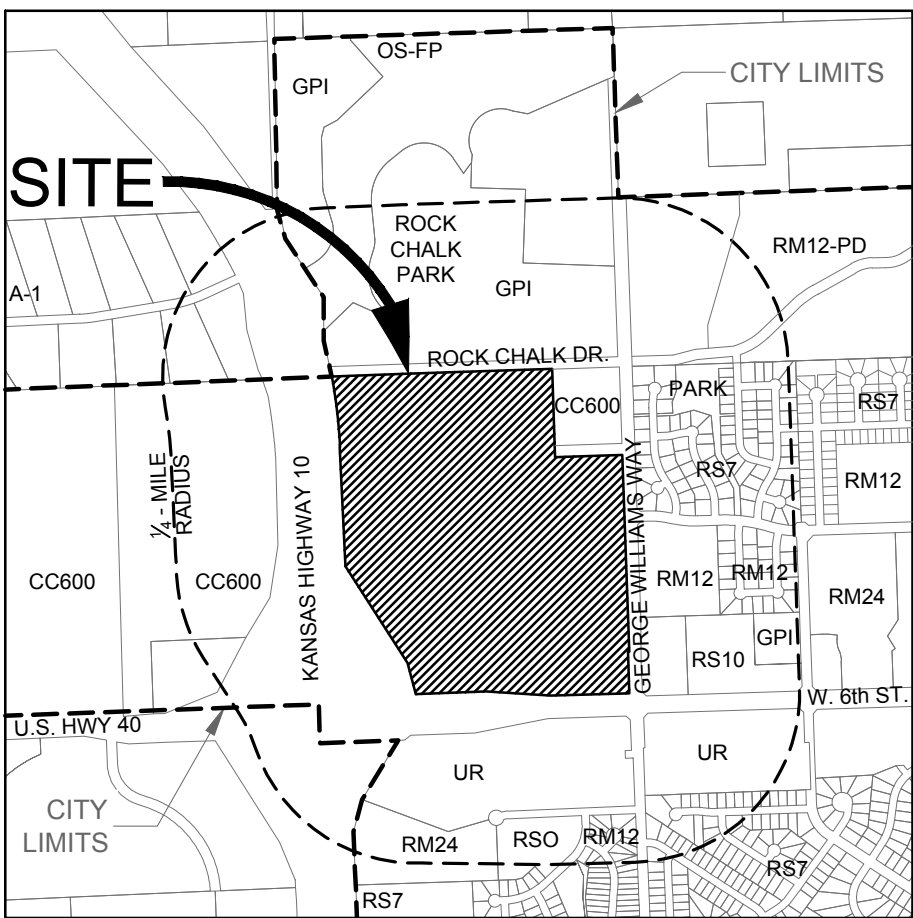
DO NOT SCALE DRAWINGS

CS1-100  
OVERALL SITE  
PLAN





LOCATION MAP:  
SCALE 1 : 1,500



LEGAL DESCRIPTION:

A TRACT IN SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 01° 59' 00" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 100.47 FEET; THENCE SOUTH 88° 00' 54" WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF WEST 6TH STREET AND THE WEST RIGHT-OF-WAY OF GEORGE WILLIAMS WAY; THENCE SOUTH 88° 27' 24" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF WEST 6TH STREET, A DISTANCE OF 613.02 FEET; THENCE NORTH 86° 31' 32" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 508.57 FEET; THENCE SOUTH 87° 49' 32" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 550.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE SOUTH LAWRENCE TRAFFICWAY; THENCE NORTH 14° 23' 48" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF THE SOUTH LAWRENCE TRAFFICWAY, A DISTANCE OF 253.46 FEET; THENCE NORTH 32° 50' 50" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 895.67 FEET; THENCE NORTH 02° 42' 21" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 934.05 FEET; THENCE ON A CURVE TO THE LEFT WITH AN ARC LENGTH OF 555.02 FEET, A RADIUS OF 4,069.72 FEET, AND A 554.59 FOOT LONG CHORD BEARING NORTH 6° 36' 46" WEST ALONG SAID EAST RIGHT-OF-WAY LINE TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY OF ROCK CHALK DRIVE; THENCE NORTH 88° 03' 58" EAST, ALONG SAID NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,899.05 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK ONE, MERCATO ADDITION, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 1° 59' 08" EAST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 460.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MERCATO TERRACE; THENCE NORTH 88° 03' 58" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 350.50 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF GEORGE WILLIAMS WAY; THENCE SOUTH 01° 59' 06" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1,768.33 FEET; THENCE SOUTH 88° 00' 51" WEST, A DISTANCE OF 10.01 FEET; THENCE SOUTH 02° 01' 13" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 324.10 FEET TO THE POINT OF BEGINNING. CONTAINS 116.616 ACRES, MORE OR LESS.

PHASING SCHEDULE:

- LOT 1, BLOCK ONE AND RIGHTS-OF-WAY FOR WESTERN PORTION OF MERCATO DRIVE AND ALL OF RENAISSANCE DRIVE AND MERCATO LANE ARE TO BE PLATTED DURING THE SPRING OF 2018.
- ALL REMAINING LOTS, BLOCKS AND RIGHTS-OF-WAY ARE TO BE PLATTED AND DEDICATED AT A LATER DATE.

PROVISION AND FINANCING OF  
ROADS, SEWER AND OTHER  
PUBLIC SERVICES:

- THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHTS-OF-WAY ASSOCIATED WITH ALL INTERNAL ROADS AND EXTERNAL ROADS SHOWN.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WATER SYSTEM VIA EXISTING 12" MAINS LOCATED ON THE NORTH SIDE OF W. 6TH STREET, THE EAST SIDE OF GEORGE WILLIAMS WAY AND THE NORTH SIDE OF ROCK CHALK DRIVE AND AN 8" MAIN ON THE NORTH SIDE OF MERCATO TERRACE.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA TWO EXISTING MANHOLES: MH-SW291219002 LOCATED NEAR THE SOUTHWEST CORNER OF MERCATO TERRACE AND GEORGE WILLIAMS WAY AND MH-SW291219012 LOCATED AT THE SOUTHEAST CORNER OF ROCK CHALK DRIVE AND E 902 ROAD.
- PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISION OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE MAY OR MAY NOT DEPEND ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

SCALE: 1" = 150'



GENERAL NOTES:

- OWNERS: JDS KANSAS, LC  
2601 DOVER SQUARE  
LAWRENCE, KANSAS 66049  
TANGLEWOOD, LC  
2601 DOVER SQUARE  
LAWRENCE, KANSAS 66049  
KENTUCKY PLACE, LC  
2601 DOVER SQUARE  
LAWRENCE, KANSAS 66049  
TAT LAND HOLDING CO., LC  
2601 DOVER SQUARE  
LAWRENCE, KANSAS 66049  
SOJAC LAND CO., LC  
2601 DOVER SQUARE  
LAWRENCE, KANSAS 66049  
VENTURE PROPERTIES, INC.  
2601 DOVER SQUARE  
LAWRENCE, KANSAS 66049  
SCOTSDALE PROPERTIES, LC  
2601 DOVER SQUARE  
LAWRENCE, KANSAS 66049
- LAND PLANNER, CIVIL ENGINEER, & SURVEYOR: LANDPLAN ENGINEERING, PA  
1310 WAKARUSA DRIVE, SUITE 100  
LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS GENERATED USING PUBLICLY AVAILABLE LIDAR DATA COLLECTED BY THE STATE OF KANSAS IN 2015.
- EXISTING ZONING: CC600
- PROPOSED ZONING: CC600
- EXISTING LAND USE: VACANT
- TYPICAL SOIL TYPES: MARTIN SILT CLAY LOAM, 3 TO 7% SLOPES; VINLAND-MARTIN COMPLEX, 7 TO 15% SLOPES; GYMER SILT LOAM, 1 TO 3% SLOPES; OSKA SILTY CLAY LOAM, 3 TO 8% SLOPES; MARTIN-OSKA SILTY CLAY LOAMS, 3 TO 6% SLOPES; SOGN-VINLAND COMPLEX, 3 TO 25% SLOPES; MARTIN SOILS, 3 TO 7% SLOPES, ERODED; SIBLEYVILLE LOAM, 3 TO 7% SLOPES, ERODED; WOODSON SILT LOAM, 1 TO 3% SLOPES; GRAVEL PITS AND QUARRIES; MARTIN SILTY CLAY LOAM, 1 TO 3% SLOPES.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY, TO SERVE THE PROPOSED SUBDIVISION.
- ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) MUST BE LOCATED UNDERGROUND.
- NO TREES SHALL BE PLACED WITHIN UTILITY EASEMENTS OR WITHIN 8 FEET OF ANY WATER MAIN OR SANITARY SEWER MAIN.
- BASIS OF THE BEARINGS FOR THIS PLAT IS KANSAS STATE PLANE NORTH.
- IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP.
- NO PERSON MAY CONSTRUCT, MAINTAIN, OR ALLOW ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES, AND WALLS) UPON DRAINAGE EASEMENTS THAT THE DIRECTOR OF PUBLIC WORKS FINDS IMPEDES, DETAINS, RETAINS, OR OTHERWISE INTERFERES WITH THE DRAINAGE OF STORMWATER.
- E 902 ROAD ACCESS TO W. 6TH STREET / U.S. HIGHWAY 40 SHALL BE REMOVED BY THE DEVELOPER, AT DEVELOPER'S EXPENSE, WITH THE CONSTRUCTION OF MERCATO LANE AND THE DEVELOPMENT OF LOT 1, BLOCK ONE. THE DISTURBED AREA SHALL BE SEEDED AND MAINTAINED UNTIL VEGETATION IS ESTABLISHED.
- THE DEVELOPER SHALL IMPROVE, AT DEVELOPER'S COST, RENAISSANCE DRIVE TO CITY STANDARDS AS A COLLECTOR STREET FROM THE TERMINUS OF MERCATO DRIVE TO ROCK CHALK DRIVE WITH THE CONSTRUCTION OF MERCATO LANE AND/OR THE DEVELOPMENT OF LOT 1, BLOCK ONE.
- GRADING OR OTHER DEVELOPMENT ACTIVITY WITHIN THE SOUTHERN STAR EASEMENT SHALL REQUIRE SOUTHERN STAR APPROVAL.
- PEDESTRIAN WALKWAYS WILL BE PROVIDED FOR INTERNAL PEDESTRIAN CONNECTION THROUGHOUT THE COMMERCIAL CENTER AS THE LOTS ARE FINAL PLATTED AND SITE PLANNED IN ACCORDANCE WITH SECTION 20-810(d)(2)(i)(a) OF THE CITY CODE.
- OCCUPANCY PERMITS FOR PROPOSED BUILDINGS WILL NOT BE ISSUED UNTIL THE REQUIRED PUBLIC DRAINAGE IMPROVEMENTS ARE COMPLETE, FINAL INSPECTED, AND ACCEPTED BY THE CITY OF LAWRENCE PUBLIC WORKS DEPARTMENT.
- THE DRAINAGE EASEMENTS WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES, AND WALLS). THE PROPERTY OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE DRAINAGE EASEMENTS. FAILURE TO MAINTAIN THE DRAINAGE EASEMENT MAY RESULT IN THE LOSS OF STORM WATER DETENTION CREDIT WHERE APPLICABLE. (CITY CODE 20-1101(C))
- A DRAINAGE EASEMENT TO BE DEDICATED WITH THE FINAL PLAT UPON VACATION OF THE EXCESS RIGHT-OF-WAY OF RENAISSANCE DRIVE TO MERCATO. FINAL RIGHT-OF-WAY WIDTH TO BE DETERMINED IN CONJUNCTION WITH PUBLIC IMPROVEMENT PLANS.

SITE SUMMARY:

GROSS AREA: 5,079,775 SF / 116.616 AC  
RIGHTS-OF-WAY 293,421 SF / 6.736 AC  
NET AREA: 4,786,354 SF / 109.880 AC  
TOTAL LOTS: 5  
AVERAGE LOT SIZE: 957,270 SF / 21.976 AC  
MINIMUM LOT AREA: 442,247 SF / 10.153 AC  
MAXIMUM LOT AREA: 2,246,477 SF / 51.572 AC

BLOCK ONE:  
NET AREA: 3,621,864 SF/ 83.147 AC  
TOTAL LOTS: 3  
AVERAGE LOT SIZE: 1,207,288 SF / 27.716 AC  
MINIMUM LOT AREA: 501,074 SF / 11.503 AC  
MAXIMUM LOT AREA: 2,246,477 SF / 51.572 AC

BLOCK TWO:  
NET AREA: 722,243 SF / 16.580 AC  
TOTAL LOTS: 1  
AVERAGE LOT SIZE: 722,243 SF / 16.580 AC  
MINIMUM LOT AREA: 722,243 SF / 16.580 AC  
MAXIMUM LOT AREA: 722,243 SF / 16.580 AC

BLOCK THREE:  
NET AREA: 442,247 SF / 10.153 AC  
TOTAL LOTS: 1  
AVERAGE LOT SIZE: 442,247 SF / 10.153 AC  
MINIMUM LOT AREA: 442,247 SF / 10.153 AC  
MAXIMUM LOT AREA: 442,247 SF / 10.153 AC

REV	DATE	DESCRIPTION
1	5/15/18	PER STAFF COMMENTS
2	4/15/18	PER STAFF COMMENTS
3	4/17/18	RENAISSANCE DRIVE R/W
4	5/10/18	MERCATO DR. & REN. STORM
5	5/10/18	PER STAFF COMMENTS

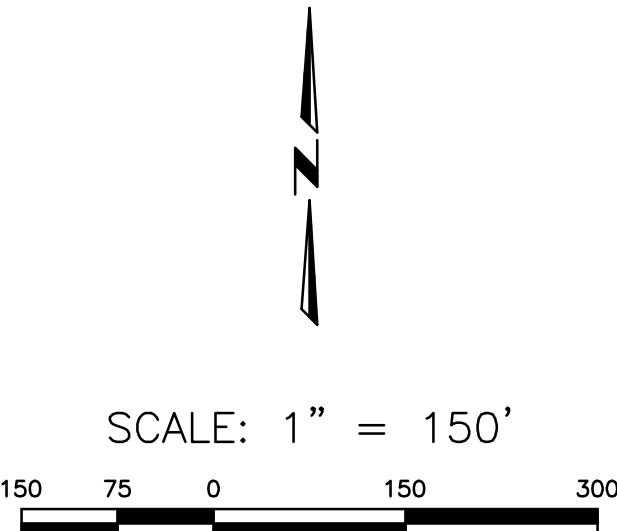
DATE:	1/22/18
PROJECT NO.:	20172027
DESIGNED BY:	LPE
DRAWN BY:	LPE
CHECKED BY:	BS & CMS





### BENCHMARKS:

- BM #301: SQUARE W/ "4" CUT ON SOUTHEAST CORNER OF CURB INLET ALONG THE SOUTH SIDE OF ROCK CHALK DRIVE & THE EAST SIDE OF EAST 902 ROAD. ELEVATION: 954.66
- BM #302: SQUARE W/ "4" CUT ON NORTHWEST CORNER OF CURB INLET ALONG THE NORTH SIDE OF ROCK CHALK DRIVE AND THE WEST SIDE OF THE ACCESS DRIVE TO THE KU TENNIS CENTER AT ROCK CHALK PARK. ELEVATION: 971.49
- BM #303: SQUARE W/ "4" CUT ON SOUTHWEST CORNER OF BACKFLOW PREVENTER ALONG THE NORTH SIDE OF ROCK CHALK DRIVE AND THE WEST SIDE OF ROCK CHALK LANE. ELEVATION: 986.22



REV	DATE	DESCRIPTION
1	5/15/18	PER STAFF COMMENTS
2	4/17/18	PER STAFF COMMENTS
3	4/17/18	RENAISSANCE DRIVE R/W
4	5/10/18	MERCATO DR. & REN. STORM
5	5/15/18	PER STAFF COMMENTS

DATE:	1/22/18
PROJECT NO.:	20172027
DESIGNED BY:	LPE
DRAWN BY:	LPE
CHECKED BY:	BS & CMS

ISSUE	SHEET NO.
	<b>2</b>
	OF 2 SHEETS



# Memorandum

## City of Lawrence

### Planning & Development Services

**TO: Planning Commission**

**FROM: Scott McCullough, Director**

**Date: May 18, 2018**

**RE: PP-18-00028 Mercato sidewalk variance request – supplemental information**

This memo provides additional information on the intensity of pedestrian demand proposed to be created with Lawrence Memorial Hospital's medical office use planned to be constructed on Lot 1, Block One of the Mercato plat as it relates to the sidewalk variance request to forego a sidewalk on the east side of E. 902 Road (Renaissance Drive).

The staff report notes that Mercato, as a commercial node, will have potential to create a large amount of multi-modal (pedestrian and bike) trips, both from within its borders and as users travel to the site from afar. That notion can be reflected in plans recently submitted to the city to fulfill the site plan requirement for the Lawrence Memorial Hospital medical office project. The first submittal of the site plan includes an outdoor therapy garden and other outdoor amenities that might attract visitors not otherwise there for medical services, thus increasing the potential for pedestrians and bicyclists to be attracted to the site. These visitors could come from places interior to Mercato and outside of Mercato.

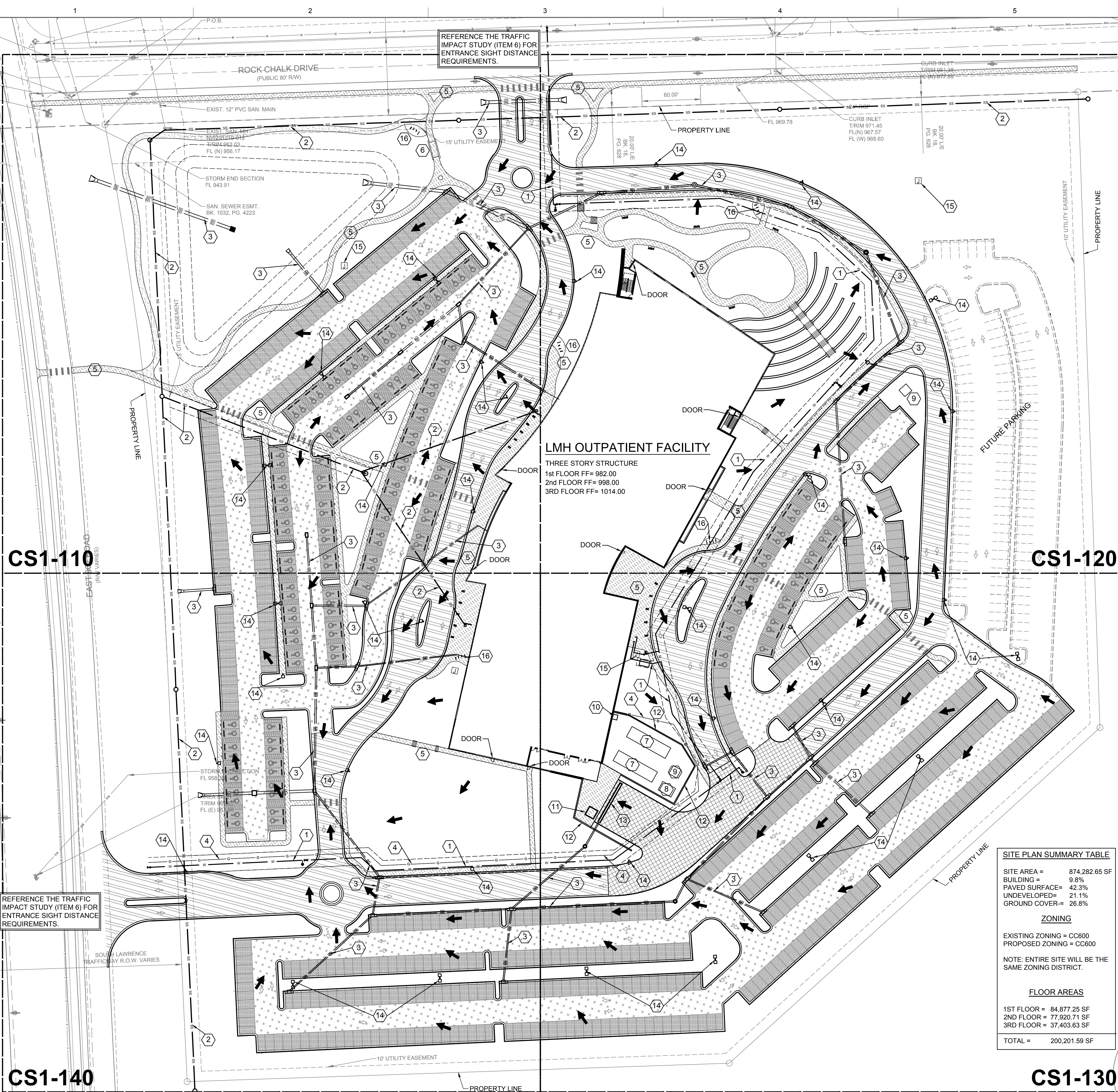
A recent article in the Lawrence Journal World reflected well the pedestrian nature of the use (see renderings) in this story: [http://www2.ljworld.com/weblogs/town\\_talk/2018/may/16/see-renderings-for-lmhs-new-100-million/](http://www2.ljworld.com/weblogs/town_talk/2018/may/16/see-renderings-for-lmhs-new-100-million/). The submitted site plan shows one pedestrian connection crossing E. 902 Road (a marked crosswalk) to the existing recreation path west of the road and no connections to lots east and south in Mercato, which is contrary to the applicant's claim that "the development will have comprehensive internal sidewalk infrastructure" to offset a sidewalk on the east side of E. 902 Road. Leaving the pedestrian system to chance by private developments cannot ensure a safe, efficient, and convenient public pedestrian system. Incorporating sidewalks within the public rights-of-way, with appropriate crossing mechanisms at intersections, can ensure such. The community holds pedestrian connections as a high value. While connections to the recreation path on the west side of E. 902 Road is important and necessary

to the Mercato development, the site plan is currently inadequate regarding connecting to other uses in Mercato and staff will provide comments reflecting this during the site planning process with the intent to plan for good pedestrian connectivity between the medical office site and other uses in Mercato.

The commission is familiar with a pending annexation request north of the Rock Chalk Park property to support residential uses. Extending the applicant's reasoning to this portion of E. 902 Road would support waiving the requirement for a sidewalk on the east side of this portion of the road as well. However, as E. 902 Road eventually develops to the north of Mercato, staff will be requiring and advocating for a sidewalk on each side of that street per the existing code. Pedestrians traveling from the north of Rock Chalk Park, once this area is developed, should have the choice to either use the recreation path or to not cross a collector street and use a sidewalk instead to reach Rock Chalk Park, Sports Pavilion Lawrence, and Mercato. Foregoing a sidewalk along Mercato now would create a gap in the overall system of pedestrian infrastructure and the burden to fund the construction of this infrastructure in the future to fill this gap would be shifted to the taxpayers.

In conclusion, multi-modal transportation systems are about choice. The system should accommodate a range of travelers' needs - from far away using the Lawrence Loop, from intermediate distances where safe infrastructure reaches high activity areas, and from within individual developments to provide needed connectivity. Staff remains opposed to the request to waive the sidewalk requirement for the east side of E. 902 Road (Renaissance Drive).





KEY NOTES

- 1 PROPOSED WATER LINE  
SEE SHEET CU1-110
  - 2 PROPOSED SANITARY SEWER  
SEE SHEET CU1-120
  - 3 PROPOSED STORM SEWER  
SEE SHEET CU1-130
  - 4 PROPOSED GAS LINE  
SEE SHEET CU1-100
  - 5 SIDEWALK  
SEE SHTS. CP1-110 - CP1-140.
  - 6 SIDEWALK BRIDGE  
REFERENCE ARCHITECTURAL.
  - 7 GENERATOR  
REFERENCE MECHANICAL.
  - 8 CONDENSER  
REFERENCE MECHANICAL.
  - 9 TRANSFORMER  
REFERENCE ELECTRICAL.
  - 10 GAS METER  
REFERENCE MECHANICAL.
  - 11 TRASH ENCLOSURE  
COORDINATE LOCATION WITH  
ARCHITECTURAL.
  - 12 RETAINING WALL  
REFERENCE STRUCTURAL.
  - 13 TRENCH DRAIN  
SEE SHEET CP1-501.
  - 14 LIGHT POLE  
REFERENCE ELECTRICAL.
  - 15 ELECTRICAL HANDHOLE  
REFERENCE ELECTRICAL.
  - 16 BIKE RACKS  
REFERENCE LANDSCAPE PLANS
- ➔ DRAINAGE ARROW

LEGEND

- WATERLINE
- FIRE HYDRANT
- WATER VALVE
- FIRE SERVICE LINE
- POST INDICATOR VALVE
- FIRE DEPARTMENT CONNECTION
- SANITARY SEWER PIPE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- STORM DRAIN PIPE
- GAS LINE PIPE
- GAS VALVE
- LIGHT POLE
- 8" CONCRETE PAVING
- CONCRETE SIDEWALK
- 5" ASPHALT PAVING  
(LIGHT DUTY)
- 6" ASPHALT PAVING  
(MODERATE DUTY)
- 10" ASPHALT PAVING  
(HEAVY DUTY)

REFERENCE SHEETS CP1-110 - CP1-140 FOR PAVING PLAN.  
REFERENCE SHEETS CG1-110 - CG1-140 FOR GRADING PLAN.

NOTE:  
THE PROPOSED SITE IS DESIGNED TO  
COMPLY WITH THE PROVISIONS OF THE  
AMERICANS WITH DISABILITIES ACT  
ACCESSIBILITY GUIDELINES (ADAAG) FOR  
BUILDINGS AND FACILITIES, APPENDIX A TO  
28 CFR PART 36.

SITE PLAN SUMMARY TABLE

SITE AREA =	874,282.65 SF
BUILDING =	9.8%
PAVED SURFACE=	42.3%
UNDEVELOPED=	21.1%
GROUND COVER=	26.8%
ZONING	
EXISTING ZONING =	CC600
PROPOSED ZONING =	CC600
NOTE: ENTIRE SITE WILL BE THE SAME ZONING DISTRICT.	
FLOOR AREAS	
1ST FLOOR =	84,877.25 SF
2ND FLOOR =	77,920.71 SF
3RD FLOOR =	37,403.63 SF
TOTAL =	200,201.59 SF

**PULSE**

PULSE DESIGN GROUP  
8207 Melrose Dr., Suite 145  
Lenexa Kansas 66214  
Ph: (913)438-9095  
Fx: (913)438-2660  
pulsedesigngroup.com

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IMPLEMENTATION

**PEC**  
PROFESSIONAL ENGINEERING CONSULTANTS  
623 MASSACHUSETTS ST., #200  
LAWRENCE, KS 66044

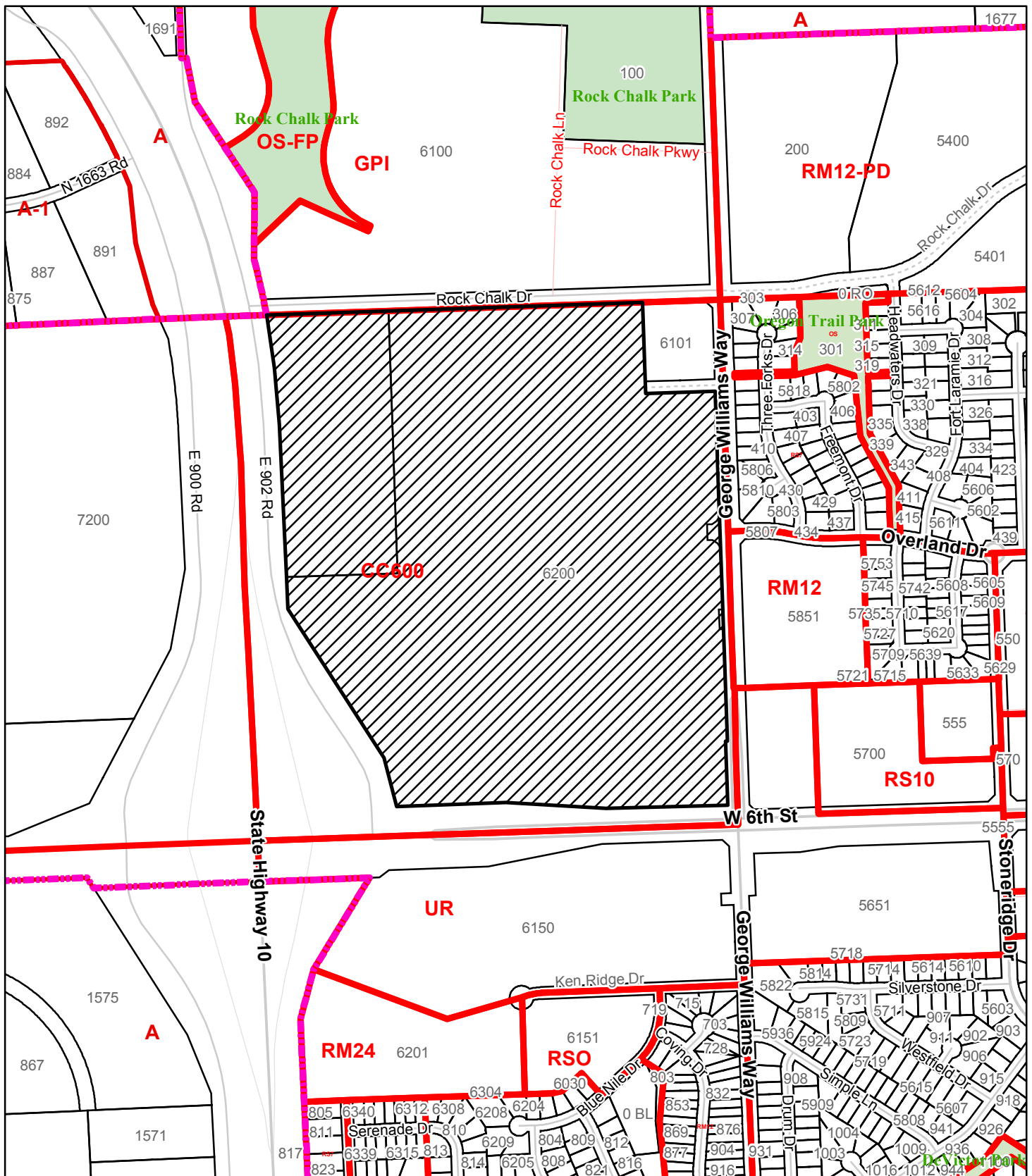
**LAWRENCE  
MEMORIAL  
HOSPITAL**

LAWRENCE MEMORIAL HOSPITAL-  
OUTPATIENT FACILITY  
61XX ROCK CHALK DRIVE  
LAWRENCE, KANSAS 66049  
OFFPM DCC PROJECT NUMBER: SDAFASDA  
DRAWN: [ ]  
CHECKED: [ ]  
DATE: 2018.03.16  
JOB #: 17105.01  
REVISION DATE

CS1-100  
OVERALL SITE  
PLAN

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**PP-18-00028: Preliminary Plat for Mercato 2nd Addition, a five-lot subdivision on approximately 116.8 acres located at 6200 W 6th St and an associated variance from the standard in Section 20-811(c) of the Subdivision Regulations that sidewalks be installed on both sides of all streets.**



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

PC Staff Report  
05/23/18

**ITEM NO. 3:      VARIANCE; 893 E 1650 RD (MKM)**

Variance from the 1,320 feet frontage requirement for Residential Development Parcels which take access from a Principal Arterial. The variance is associated with a Certificate of Survey, CSR-18-00137, for approximately 26 acres located at 893 E. 1650 Road. Submitted by Ryan J. Niehoff, property owner of record.

**STAFF RECOMMENDATION:**

Staff recommends approval of the variance request to allow a Certificate of Survey creating two Residential Development Parcels to occur on the subject property with less than the required 1,320 feet of frontage requirement for each Residential Development Parcel based on the findings of fact found in the body of the staff report, and subject to the following condition:

1. The following note shall be added to the Certificate of Survey:
  - a. *On May 23, 2018, the Planning Commission approved a variance from Section 20-806(d)(2) of the Subdivision Regulations [Section 11-106(d)(2) of the County Code] to allow the creation of two Residential Development Parcels with a total of approximately 1,655 ft of frontage on a principal arterial road rather than the 2,640 feet required by Code."*

**Attachment:** Applicant's request for variance and concept plan

**KEY POINTS**

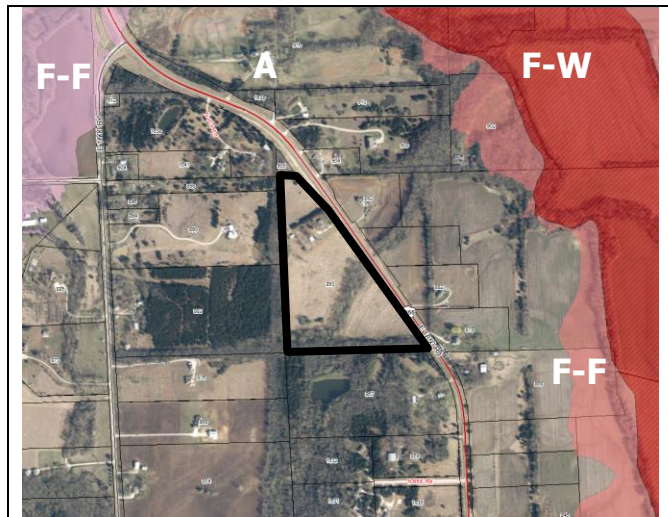
- Certificates of Survey are processed administratively but Planning Commission approval is required for variances from the Subdivision Design standards.
- The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the regulations in accordance with the variance procedures outlined in Section 20-813(g) of the Subdivision Regulations [Section 11-113(g) of the County Code]. This section lists the criteria that must be met in order for a variance to be approved. The requested variance is evaluated in this staff report for compliance with the approval criteria.
- The variance request was submitted prior to the submittal of the Certificate of Survey; however, a concept plan was provided to show the land division that is proposed.
- The subject property contains approximately 1,655 feet of frontage, which is less than the required 2,640 square feet of frontage for two Residential Development Parcels which have frontage on, and take access from, a principal arterial road.

**PUBLIC COMMENT**

Two nearby property owners contacted the Planning Office in response to the notification letter. Staff explained the variance and outlined the public comment process to each caller.

### Project Summary

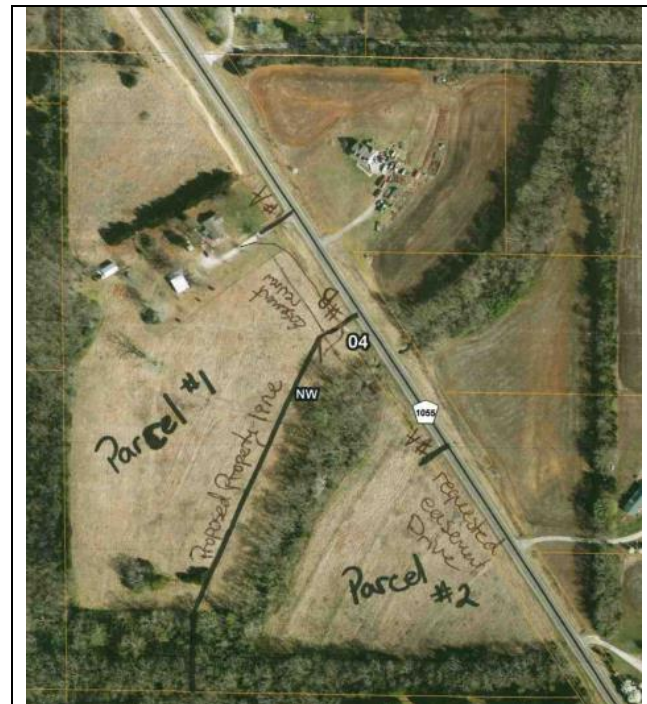
The subject property takes access to, and has frontage on, E 1650 Road/County Route 1055, which is classified in the Douglas County Access Management Standards Map as a principal arterial. The property is not within the City of Lawrence Urban Growth Area; therefore, residential land divisions are processed as 'Property Divisions in the Rural Area (Outside the UGAs)' as outlined in Section 20-806 of the Subdivision Regulations [Section 11-106, County Code]. The subject area is zoned A (Agricultural) with the Floodplain Overlay Districts: F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay). The area has been divided and developed with large parcel residences. Figure 1 shows the zoning and development pattern of the area.



**Figure 1.** Zoning and development in the area. Subject property is outlined.

The applicant is interested in dividing the land through the Certificate of Survey process per Section 20-806 of the Subdivision Regulations [Section 11-106, County Code]. The Subdivision Regulations require that a Certificate of Survey have a minimum of 20 acres and that the Residential Development Parcels which are created comply with the dimensional standards of Section 12-318 of the Zoning Regulations and with the Douglas County Access Management Standards. Both standards require 1,320 feet of frontage for Residential Development Parcels which front on, and take access from, a principal arterial.

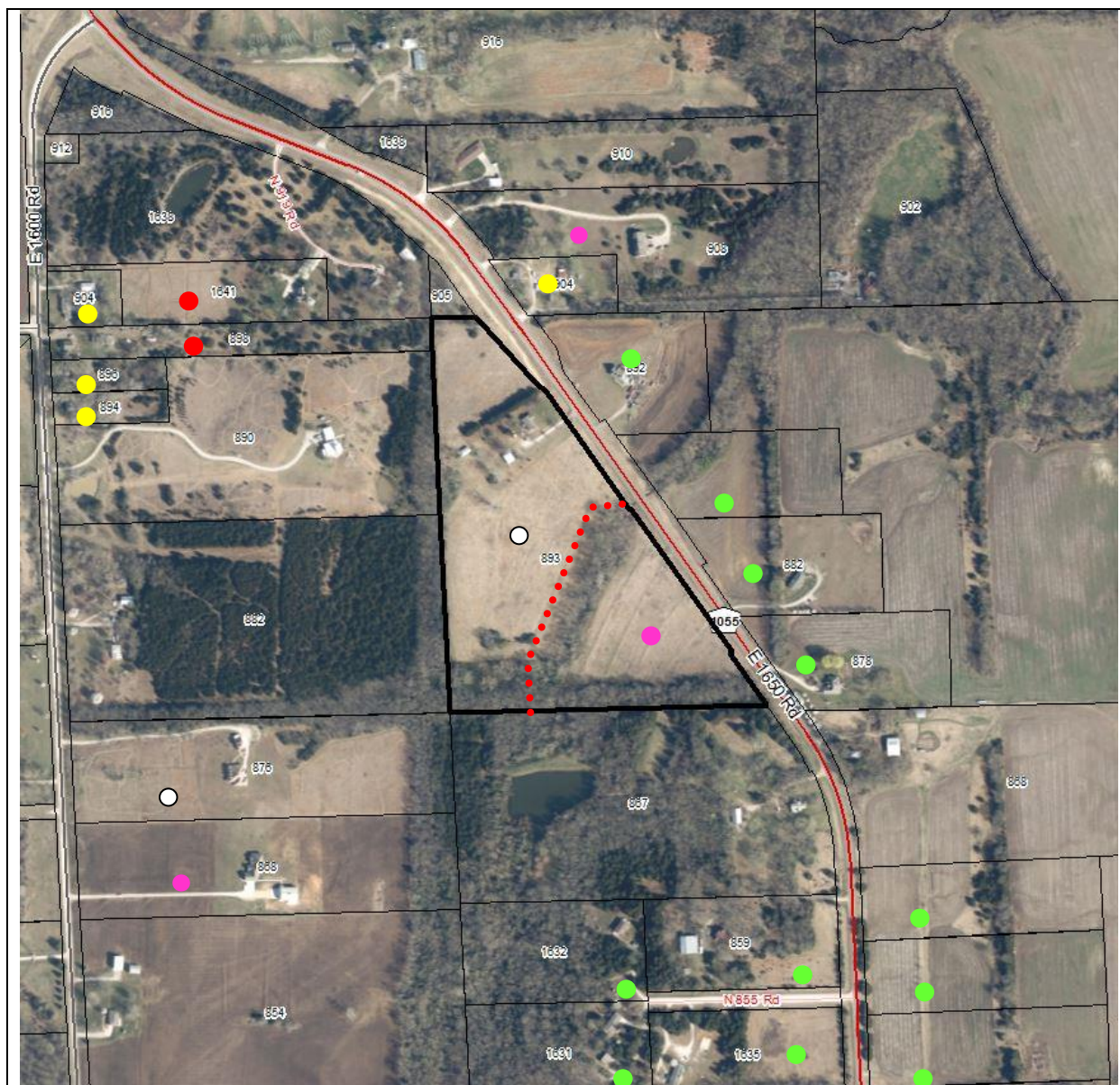
The concept plan provided with this variance request shows the Parent Parcel with 2 Residential Development Parcels, approximately 8.5 and 11.5 acres each. (Figure 2)



**Figure 2.** Concept plan.

The proposed development of these Residential Development Parcels is similar to other parcels in the area. The existing parcels in the immediate area range in size as shown in Figure 3.





**Figure 3.** Development in area with proposed project.

- Residential parcels with less than 2 acres
- Residential parcels between 2 and 4 acres
- Residential parcels between 4 and 6 acres
- Residential parcels between 8 and 10 acres
- Residential parcels between 10 and 12 acres

Residential parcels above 12 acres, unmarked

Proposed land divisions are approximately 11 acres and 9 acres.

The proposed development would be similar to the development pattern in the area. (Figure 3)

**VARIANCE REQUESTED:** A variance has been requested to allow a land division through the Rural (Outside the UGA) Certificate of Survey process on property with less than the 1,320 feet of frontage required per Residential Development Parcel in Section 20-806(d)(2) of the Subdivision Regulations [Section 11-106(3)(2) of the County Code].

## **VARIANCE CRITERIA**

### **Criteria 1. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.**

Strict application of these regulations would prohibit the further division of this property for residential development. The parcel is a vested parcel, which means that it is eligible for a building permit for one use, and currently one residence is located on the property. The frontage requirements for Residential Development Parcels are based on the type of road that the property fronts on and takes access from, as shown in the following chart:

ROAD CLASSIFICATION	FRONTAGE REQUIREMENT PER RESIDENTIAL DEVELOPMENT PARCEL
Local Road	250 feet ---500 feet for two
Minor Collector	330 feet ---660 feet for two
Major Collector or Minor Arterial, speed limit less than 55 map (posted or design speed)	500 feet ---1,000 feet for two
Major Collector or Minor Arterial, speed limit 55 mph or more (posted or design speed)	660 feet---1,320 feet for two (1/4 mile)
Principal Arterial	1,320 feet ---2,640 feet for two (1/2 mile)

Since the adoption of the Subdivision Regulations in 2006, there have been two Certificates of Survey with two Residential Development Parcels fronting on, and taking access to a principal arterial:

- CSR-12-00285 dividing 60.83 acres into two Residential Development Parcels located at 174 Hwy 40, which was recorded in 2013.
- CSR-14-00051, dividing two developed parcels through the Certificate of Survey process to provide frontage and access to a landlocked parcel. Adequate road frontage was not available so an Access Restriction Agreement was approved by the County Engineer allowing the land division to proceed without the required frontage.

### **Staff Finding:**

The strict application of these regulations would prevent the development of the subject property with two residential parcels. This may be seen as an unnecessary hardship as the development would be very similar to other residential properties in the area. In addition, staff recognizes that the frontage requirement for the principal arterial roads of ¼ mile for each Residential Development Parcel may be too strict, based on the fact that only one Certificate of Survey for two Residential Development Parcels meeting this requirement has

been submitted since the adoption of the Subdivision Regulations, approximately 12 years ago.

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

Per Section 20-801(a)(1) of the Subdivision Regulations [11-801(a)(1), County Code] the regulations are intended to provide for the harmonious and orderly development of land; contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity, and efficiency; and provide for the conservation and protection of resources. Section 20-801(a)(1)

The purpose of the 'Property Divisions in the Rural Area (Outside the UGAs)' (Section 20-806 of the Subdivision Regulations [Section 11-106, County Code] is to accommodate suitable residential development in the rural areas of Douglas County.

As illustrated in Figure 3, the proposed development would be similar to other developments in the area, being larger than many of the nearby existing residential properties.

**Staff Finding:**

In staff's opinion, the variance is in harmony with the intent of the regulations since it would allow suitable residential development in the rural areas of Douglas County.

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

The Access Management Standards are intended to control the number of access points on higher classification roads, improving safety along those roadways.

The County Engineer provided the following information regarding the variance request:

*"We would support this variance request for two reasons:*

- There are five properties on the east side of Route 1055 across the road from the Niehoff property. Presumably all five are eligible for an entrance permit since they existed prior to the Access Mgmt. regulations in 2006 (four of the five tracts currently have residential entrances). It does not make sense to us that the Niehoff property would be allowed only one residential entrance on the west side of Route 1055, while on the east side of 1055 there are currently four entrances with a fifth residential entrance likely someday.*
- There used to be a residential entrance in the small one acre tract adjacent to the north property line of the Niehoff property that is currently owned by DGCO. That residence and entrance were removed, and the property purchased, for a DGCO road improvement project in 2006. There will never be another entrance for this small tract. Considering the Niehoff tract and the adjoining one acre tract, there used to be two residential entrances along the combined frontage. A variance would allow a second residential entrance on the Niehoff tract essentially mirroring the situation prior to 2006.*

*Please note a shared entrance for the Niehoff tract is not practicable due to the creek channel bisecting the property.*

The entrances the County Engineer is referring to are shown in Figure 4.

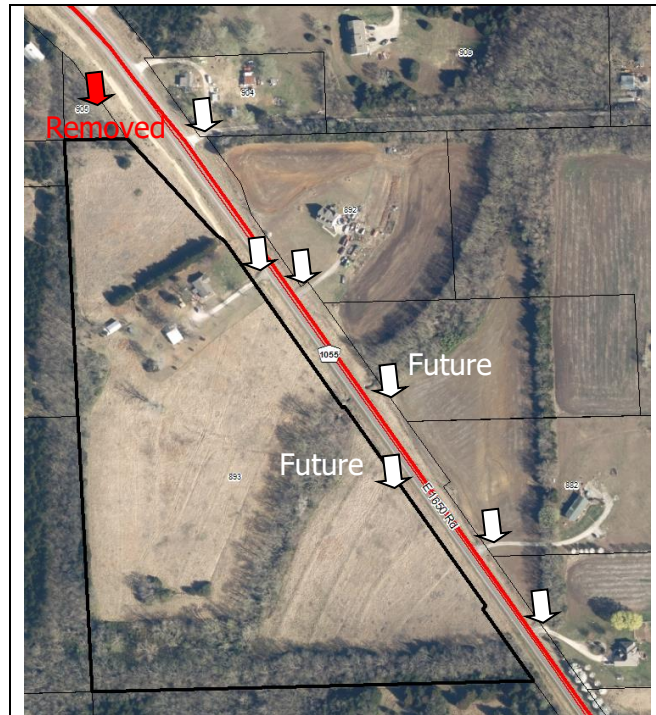
**Staff Finding:**

Based on the information provided by the County Engineer, approving the variance would not increase the number of access points that would have been possible prior to the adoption of the 2006 Access Management Standards and should not negatively impact the safety of the roadway.

**Conclusion:**

The requested variance meets the criteria provided in the Subdivision Regulations for approval of a variance.

One concern with granting variances is the establishment of a precedent that would allow the creation of two Residential Development Parcels on any property with less than the required frontage on a principal arterial. Given that only one Certificate of Survey has been approved for the creation of two Residential Development Parcels on a principal arterial with the required frontage since the adoption of the 2006 Subdivision Regulations, staff is of the opinion that the standard may be too strict.



**Figure 4.** Access points on E 1650 Road/County Route 1055 in the immediate area.

If the Planning Commission approves this variance, staff recommends they also initiate a text amendment to the Subdivision Regulations to revise the frontage requirement for Residential Development Parcels that front on, and take access to, principal arterials. The Subdivision Regulations should be revised to allow two Residential Development Parcels to be created on a Certificate of Survey which has a minimum of 1,320 feet of frontage, provided the Residential Development Parcels share an access point on the principal arterial road; thereby, maintaining the access separation required in the Access Management Standards. Developing with two access points would require a variance from the Planning Commission.

**STAFF RECOMMENDATION:**

Approve the variance requested from Section 20-806(d)(2) of the Subdivision Regulations [Section 11-106(d)(2) of the County Code] allowing the creation of two Residential Development Parcels through a Certificate of Survey on a parcel with less than the required 2,640 feet of frontage on a principal arterial.

If this variance is approved, staff recommends the Planning Commission also initiate a text amendment to the Subdivision Regulations revising the frontage and width requirements for Residential Development Parcels which front on, and take access from, a principal arterial to allow the creation of two Residential Development Parcels with a minimum of 1,320 ft of frontage; provided they share an access point on the roadway.



**Request for Variance**

Ryan Niehoff  
893 East 1650 Rd.  
Baldwin, KS. 66006

I want to start out first by saying thank you for taking the time to read this request for a variance that would allow me to divide my land. I am a new father of 2 living on property I bought in December of 2013 and soon realized there was too much land for one person to maintain with a new growing family... with the acreage too small for someone to make a reasonable profit farming.

Plan A: I would like to divide my land (26 acres) into two residential parcels... each parcel having an entrance from E1650 Road... however, there is insufficient frontage per the current regulations. A variance to the frontage requirement would be needed to pursue this option. [2 parcels & 2 entrances]

Plan B: is to divide my land into two residential parcels... moving the existing residential driveway to the south closer to the proposed property line and sharing one entrance by both parcels. A variance to the frontage requirement would be needed to pursue this option, too. [2 parcels & 1 shared entrance]

It would be much easier to make into 2 parcels; selling half of the existing parcel; and keeping the other half thereby making maintenance much easier. I was not aware at the time I purchased the land that I could not simply divide it and make two residential driveways off of E1650 Road. In fact my realtor told me it could be easily divided. Also, in support of my request, when looking at an aerial view of the neighboring properties there are many more residential entrances on the other side of E1650 Road than on my side... none of them in compliance with the frontage regulation of 1320 feet for each residential parcel.

So please review this letter along with my application for a variance and request for a certificate or survey and start the process to grant the variance. Thank you for your time.

Respectively,  
Ryan Niehoff





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

PC Staff Report  
5/23/18

**ITEM NO. 4      CONDITIONAL USE PERMIT FOR MARION SPRINGS EVENT CENTER;  
316 E 900 RD (MKM)**

**CUP-18-00127:** Consider a Conditional Use Permit for Marion Springs Event Center, located on approximately 9.58 acres at 316 E 900 Rd, Baldwin City. Submitted by Jay I. and Mary D. Bessey, property owners of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit for a *Recreation Facility* use, subject to the following conditions:

1. The applicant shall provide a revised CUP plan with the following change:
  - a. Provide one additional ADA accessible parking space and update the parking summary.
  - b. List the conditions which have been applied to the Event Center use.
2. The following conditions apply to the Conditional Use:
  - a. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Office to ensure compliance with the CUP conditions.
  - b. Event occupancy is limited to no more than 200 patrons.
  - c. Event center may operate from 8:00 AM to 10:00 PM Sunday through Thursday, and 8:00 AM to 12:00 PM, Friday and Saturday.
  - d. Outdoor night-time events with amplified music are limited to no more than two per month. All other night events with amplified music shall be held indoors or shall be approved as Special Events.
  - e. All parking for the events shall occur on-site. Road-side parking is not permitted.

**Reason for Request:**

Applicant's Response:

*"We are requesting this permit in order to establish a business as an event center. The building has a 4,500 sq ft gymnasium suitable for events. Asphalt parking areas are currently in place with overflow grass parking available. We reside in a portion of the building. (noted on aerial) The facilities are ADA compliant."*

**Project Summary**

The Conditional Use Permit application was submitted to accommodate the conversion of the former Marion School at 316 E 900 Road/County Route 1039 to an event center while maintaining the current residential use. The event center use would be classified as a *Recreation Facility*, which is permitted in the A District with approval of a Conditional Use Permit.



**Figure 1.** Former Marion Springs School building

Marion Springs School was built in 1963 when schools in the area consolidated and was closed in 2012. The property has been determined to be eligible for the State Register of Historic Places and the property owner is in the process of nominating the structure to the register.

The applicant plans on converting the 4,300 sq ft gymnasium to an event center. Classrooms A-E, shown on the floorplan in Figure 2, will be used for classes and small event spaces, and an office will be converted to a conference/meeting room. (Figure 2)

The applicant noted that the facility could be used for receptions, reunions, seminars, meetings, theater, hobbyists, birthdays, retirement celebrations, etc. They plan on holding events ranging from small events to larger events for groups of up to 200. Large events with amplified music would be held in the gymnasium after dark. Outdoor events could take place in the front grass area between the drives, on the playground, or to the east of the building.

The property contains approximately 10 acres and is located on E 900 Road/County Route 1039, which is classified as a minor arterial in the Douglas County Access Management Map.

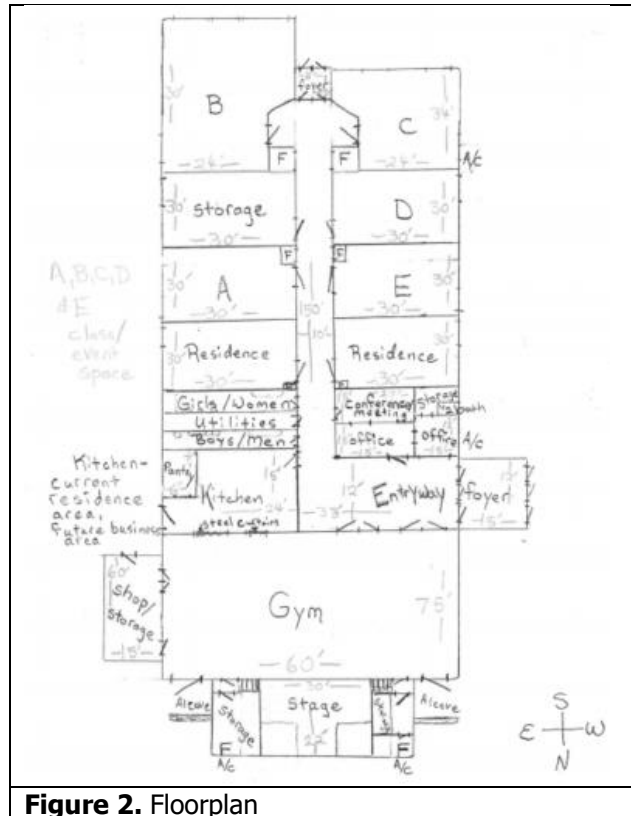


Figure 2. Floorplan

### KEY POINT

- An event center is classified in Section 12-319-4.11 of the Zoning Regulations as the Conditional Use, *Recreation Facility*, which is permitted in the A (Agricultural) Zoning District, and any other district in which it is not listed as a permitted use, with the approval of a Conditional Use Permit.

### OTHER ACTION REQUIRED

- County Commission approval of Conditional Use Permit application.
- Issuance of permit for the conditional use by the Douglas County Zoning and Codes Office.
- Issuance of building permits prior to development activity or the change of use.

### PUBLIC COMMUNICATION

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

### GENERAL INFORMATION

Current Zoning and Land Use:

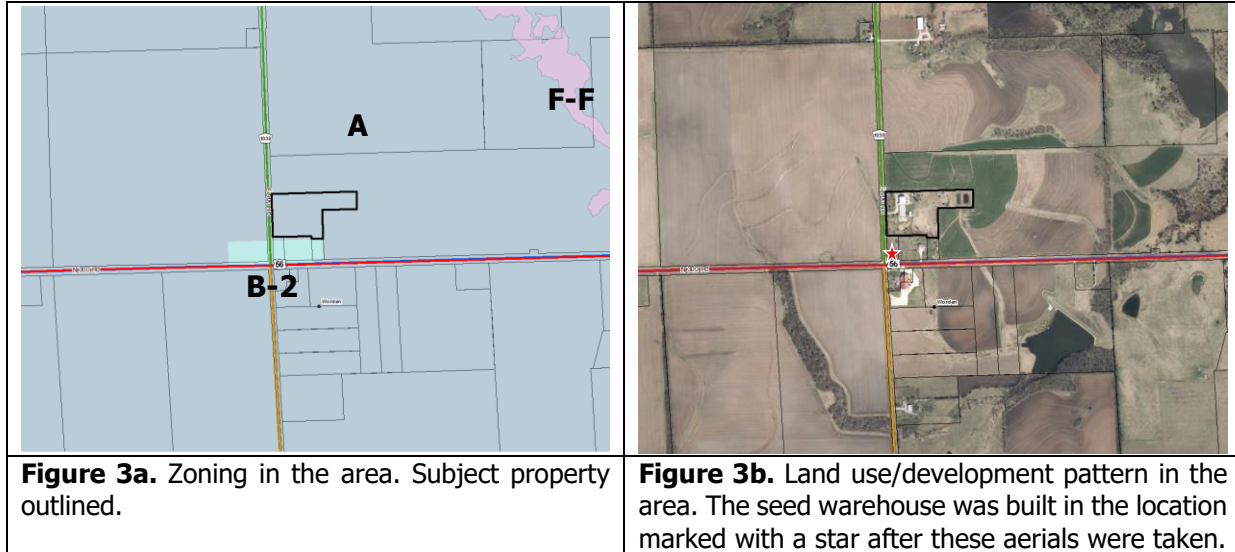
A (Agricultural) District; *Residential Detached Dwelling*, formerly the Marion Springs School

Surrounding Zoning and Land Use:

To the north, east, and west: A (Agricultural) District, with F-F (Floodway Fringe) Overlay District to the northeast; *Agriculture*



To the south: B-2 (General Business) District; *Seed Warehouse, Single Family Residences, and Agriculture, a Church* is located south of N 300 Road/Highway 56 (Figure 3)



## I. ZONING AND USES OF PROPERTY NEARBY

The subject property is zoned A (Agricultural) and is located adjacent to a B-2 (General Business) District to the south, which has been developed with a seed warehouse and two single family residences. The seed warehouse was constructed after these aerial photos were taken and is located in the northeast corner of the intersection of E 900 Road/County Route 1039 and N 300 Road/Highway 56. A church is located on the south side of the N 300 Road/Highway 56. The remainder of the surrounding properties are in agricultural use.

**Staff Finding –** The subject property is surrounded by A (Agricultural) zoning and land uses, with the exception of the south property line which is adjacent to B-2 (General Business) zoning. The B-2 zoned properties have been developed with a seed warehouse and two residences. The proposed use should be compatible with the zoning and uses on nearby property; however, conditions may need to be applied to minimize any negative impacts on the adjacent residences, such as parking and amplified music.

## II. CHARACTER OF THE AREA

The area is well served by the major transportation network. E 900 Road/County Route 1039, a Minor Arterial, crosses the area north to south and connects with N 300 Road/Highway 56, a Principal Arterial, to the south. This is an agricultural area, with development located at the intersection of E 900 Road/County Route 1039 and N 300 Road/Highway 56. In addition to the former Marion Springs School, the subject of this application, the intersection contains a seed warehouse (developed too recently to be shown on the aerial), a church, and two residences. Scattered rural residences are located throughout the area. (Figure 3)

**Staff Finding –** The area is rural in nature with agriculture being the predominate land use. Scattered rural residences are located throughout the area. The intersection of E 900 Road/County Route 1039 and N 300 Road/Highway 56 has been developed with a seed warehouse, two residences, a church, and the former Marion Springs School. The proposed use should be

compatible with the existing land uses in the area; however, conditions may be necessary to minimize negative impacts on the nearby residences.

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

Applicant's Response:

*"Building was built as a school."*

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

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

The subject 10 acre property, shown in Figure 4, contains a former elementary school that is currently being used as the applicant's residence. The property is well suited for uses which are permitted in the A District.

The property is also well suited for the proposed use in that it has an existing structure with space for events, has open space for outdoor activities and adequate space for parking.



**Figure 4.** Aerial of subject property

**Staff Finding** – The property is suitable for uses permitted within the A (Agricultural) District and for the proposed *Recreation Facility* conditional use.

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

**Staff Finding** –The property is not vacant but was developed with a school in 1963. The structure is currently used as a residence.

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

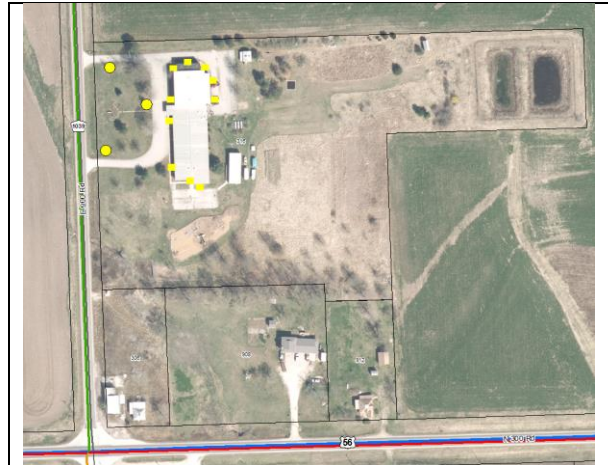
Applicant's Response:

*"None."*

Section 12-319-1.01 of the County Zoning Regulations recognize that, *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and*

*general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.”* The proposed use is included in the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as a *Recreation Facility* use.

Detrimental effects typically associated with event centers include light trespass or glare onto adjacent properties, noise or activity associated with late night events, dust from traffic on gravel roads, and noise from outdoor music or activities. The subject property is located on E 900 Road/County Route 1039, which is classified in the DG County Access Management Standards map as a minor arterial and is approximately 330 ft north of the intersection with N 300 Road/Highway 56, which is classified as a principal arterial. Given its location on a paved, higher classification road and proximity to other paved, higher classification roads in the area, dust and traffic are not expected to be an issue with this event center.



**Figure 5.** Exterior lighting marked in yellow. Pole lighting shown with circles; building mounted lighting with squares.

The applicant indicated that the existing lighting will continue to be used and additional low scale building mounted lighting will be installed as needed providing lighting for the building and a safe parking area. A plan showing the location of the lighting was provided and is illustrated in Figure 5. The building mounted lighting is LED lighting, dusk to dawn 2000 lumen security lights. The light level of a 2000 lumen light is less than that of a 150 watt incandescent light and is not typically required to be shielded to prevent glare. The three light fixtures along the driveway are full cut-off fixtures.



**Figure 6.** Exterior lighting; wall mounted security lighting on the left, driveway lighting on the right.

The applicant noted that they plan on having evening events only, (5:00 PM to 10:00 PM weeknights, 5:00 PM to 12:00 PM weekends), from March through May and August through October, and host limited functions from November through February. June and July would have extended hours (8:00 AM to 10:00 PM through the week, and 9:00 AM to 12:00 PM on weekends). To ensure compatibility with the nearby residences while maintaining flexibility for the event center, operating hours should be limited to 8:00 AM to 10:00 PM Sunday through Thursday and 8:00 AM to 12:00 PM Friday and Saturday. The applicant suggested that late night (after dark) activities with amplified music could be limited to no more than 4 per month. Given the proximity of the nearby residences, a limit of 2 night events with amplified music per month may be more appropriate with additional events being possible with approval of a Special Event Permit. The overall operating hours and restriction on late night outdoor amplified music should be conditions of the conditional use.

The amount of parking required depends on the maximum occupancy for the use. The maximum occupancy can be set with a review of the floorplans, or can be voluntarily set by the applicant.

The applicant indicated that they intended to host events with up to, but not exceeding, 200 people. Parking for assembly type uses, such as an event center, is required at a ratio of 1 space per 5 attendees. Required parking is based on the voluntary attendance limit set by the applicant.

**Parking Summary**

Use	Parking Requirement	Parking Required	Parking Provided
<i>Recreation Facility</i>	1 per 5 occupants	200 attendees=40 parking spaces	40 spaces
<i>Residence</i>	1 per dwelling	1 space	1 space
ADA Parking	2 spaces for parking areas with 26 to 50 spaces. None required for residence.	2 ADA spaces	1 ADA space*

\*The plan needs revision to include one additional ADA space. This parking space can be added to the site, or a standard space can be converted. The parking table should be updated to reflect the change.

While the parking provided on the site will be code compliant, and a large overflow parking area will be provided, the following standard condition should be applied to the conditional use: All parking associated with this conditional use must occur on site. No roadway parking is permitted.

**Staff Finding** – With the proposed conditions, the project should not negatively impact nearby properties. Lighting will be managed to insure there is no trespass on to adjacent properties and to reduce glare to nearby properties; operating hours are established; the applicant has voluntarily limited occupancy to no more than 200 people, and all parking will occur on the subject property.

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

Applicant's Response:

"None."

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

Approval of this request would allow the landowner to add an event center to the former Marion Springs School, a portion of which is currently their residence. Approval would accommodate the reuse of the remainder of the school building, which is being considered for listing on the state historic register, for a public use.

Denial of the request would prevent the reuse of the school house as a recreational facility. As the recommended conditions should minimize negative impacts associated with the proposed uses, the denial would provide no benefit to the public health, safety, and welfare.

**Staff Finding** – In staff's opinion, the approval of the conditional use will accommodate the adaptive reuse of a historic building. The recommended conditions will result in a compatible project that would not harm the public health, safety or welfare while; therefore, denial of the request would provide no benefit to the public health, safety or welfare.



## VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

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

The comprehensive plan recommends the conservation of Douglas County's rural character through the use of a clustered land use pattern and limited commercial development.

*"The development of school sites and other public facility sites which provide recreation opportunities would maximize the public's investment in those facilities and be most consistent with the rural character intended for unincorporated Douglas County." (Page 9-6, 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. (Page 4-4, Horizon 2020)*

This recreation facility would not serve Clinton Lake, but benefits from and integrates with the rural setting at a location meeting the following criteria: Direct access to an improved arterial roadway; public water supply; separated from existing similar facility by an appropriate distance, and would preserve the rural environment through the preservation and reuse of a historic school.

**Staff Finding** –The proposed CUP is compliant with the recommendations in the comprehensive plan.

### CUP PLAN REVIEW

Principal factors associated with the proposed use include adequate buffering from the nearby residential uses, and the appearance of the facility from the nearby residential areas and the adjacent roadway.

The facility has been in place since 1963 and no exterior physical changes are being proposed with the change of use. Existing vegetation and landscaping on the site provides a suitable buffer to the adjacent properties, with scattered trees on the perimeter of the property and denser growth along the southern property line, adjacent to the residential uses. (Figure 7)



**Figure y.** Tree canopy shown on Environmental Baseline Map (using NAIP imagery).

## Utilities

**On-Site Sewage Management System:** Marion School utilized a lagoon for their sewage management. The Lawrence-Douglas County Health department indicated that this would be acceptable for the CUP use, as it was designed for large groups of people.

**Water:** The subject property is served by Rural Water District No. 5. The water district representative noted that the one meter could serve both uses as long as they were in the same building.

## Parking and Access:

Parking will be located on existing asphalt parking areas on the east and west sides of the building. A grass overflow parking area is proposed southwest of the building. All parking associated with this conditional use must occur on site; no roadway parking is permitted. The required number of parking spaces will be provided on the site, with a grassed overflow parking area.

The property has two access points on E 900 Road/County Route 1039 and a circular driveway. This was historically a one-way driveway and will continue to be used as such. The plan should be revised to show the location of the required one-way signage.



**Figure 8.** Site with parking areas identified, including parking diagrams for each parking area.

## Conclusion

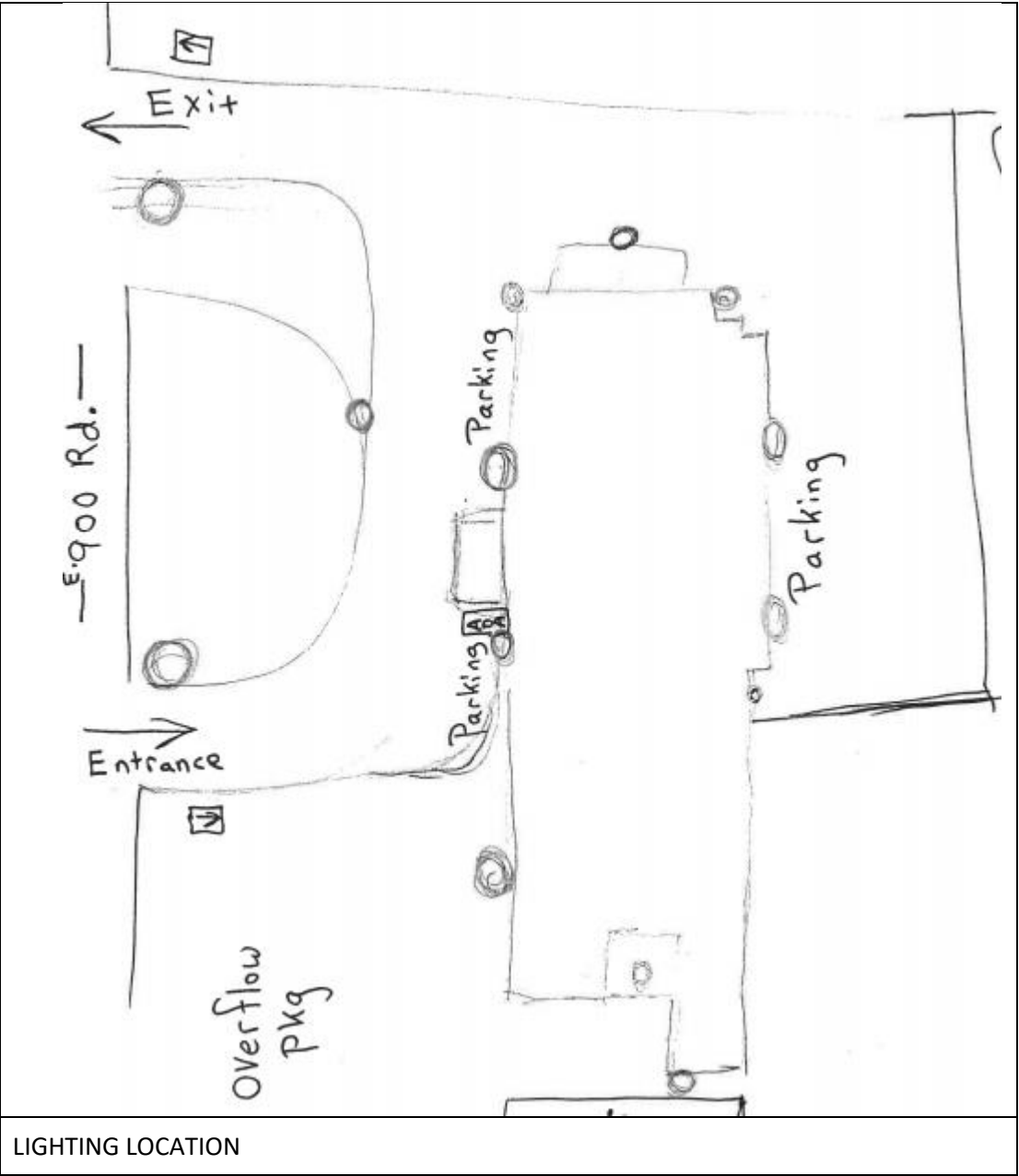
As noted in the report, this proposal will allow for the reuse of the former Marion School as an event center, in addition to its current use as a residence. With the recommended conditions, the proposed use should have minimal negative impacts on nearby properties.

MARION SPRINGS EVENT CENTER

Address: 316 E 900 RD., BALDWIN CITY, KS 66006  
Acreage: 10 ACRES  
Legal Description: SW 1/4 OF SECTION 24 TOWNSHIP 14S RANGE 19E  
Zoning: A (Agriculture)  
Property Owner: JAY I. & MARY D. BESSEY  
Existing use: Residence  
Proposed use: Residence, Event Center/Recreation

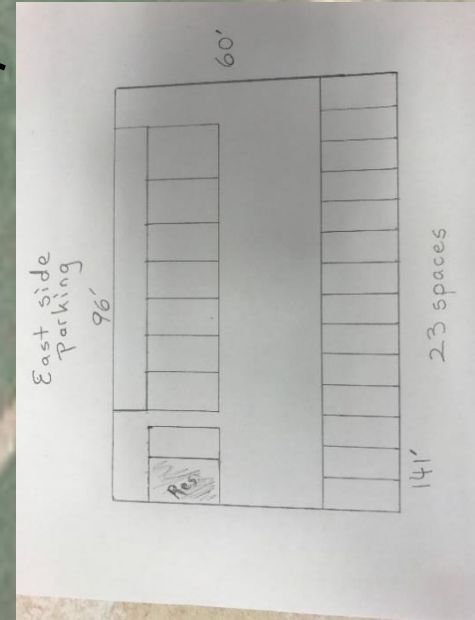
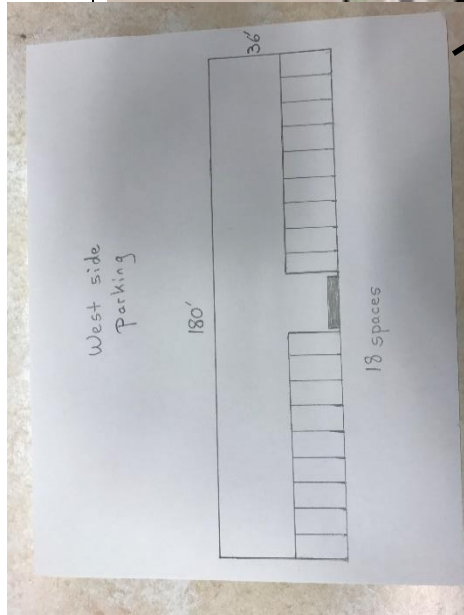
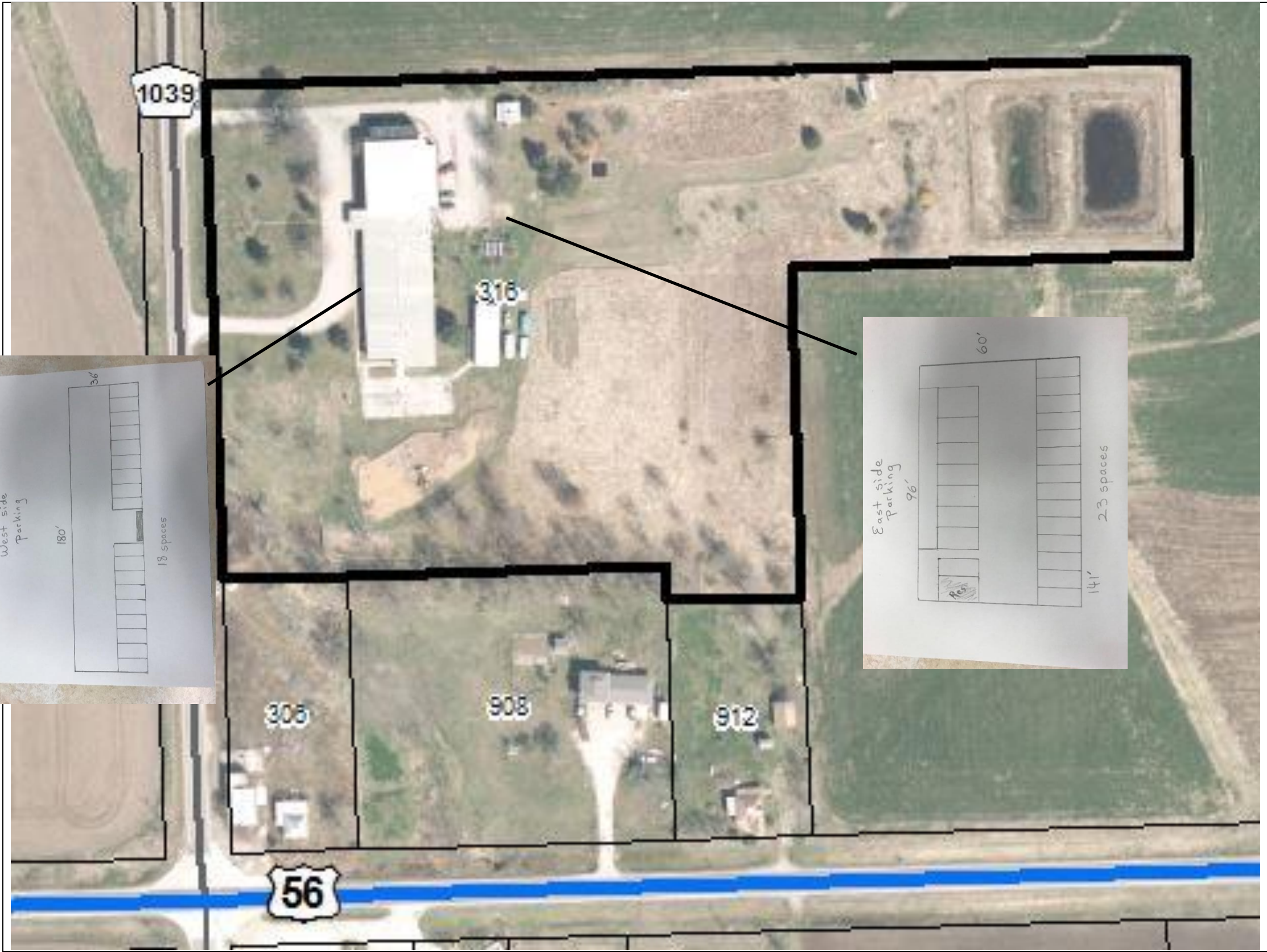
Parking Summary

Residence: Required-- 1 space  
No. of spaces provided 1  
Event Center: Required 1 per 5 occupants based on maximum occupancy.  
Maximum occupancy 200, 40 spaces required  
No of spaces provided 40  
27,000 sq ft grass overflow parking area also provided.  
An on-site lagoon will be used for sewage management.  
Public water is provided by Rural Water District No. 5

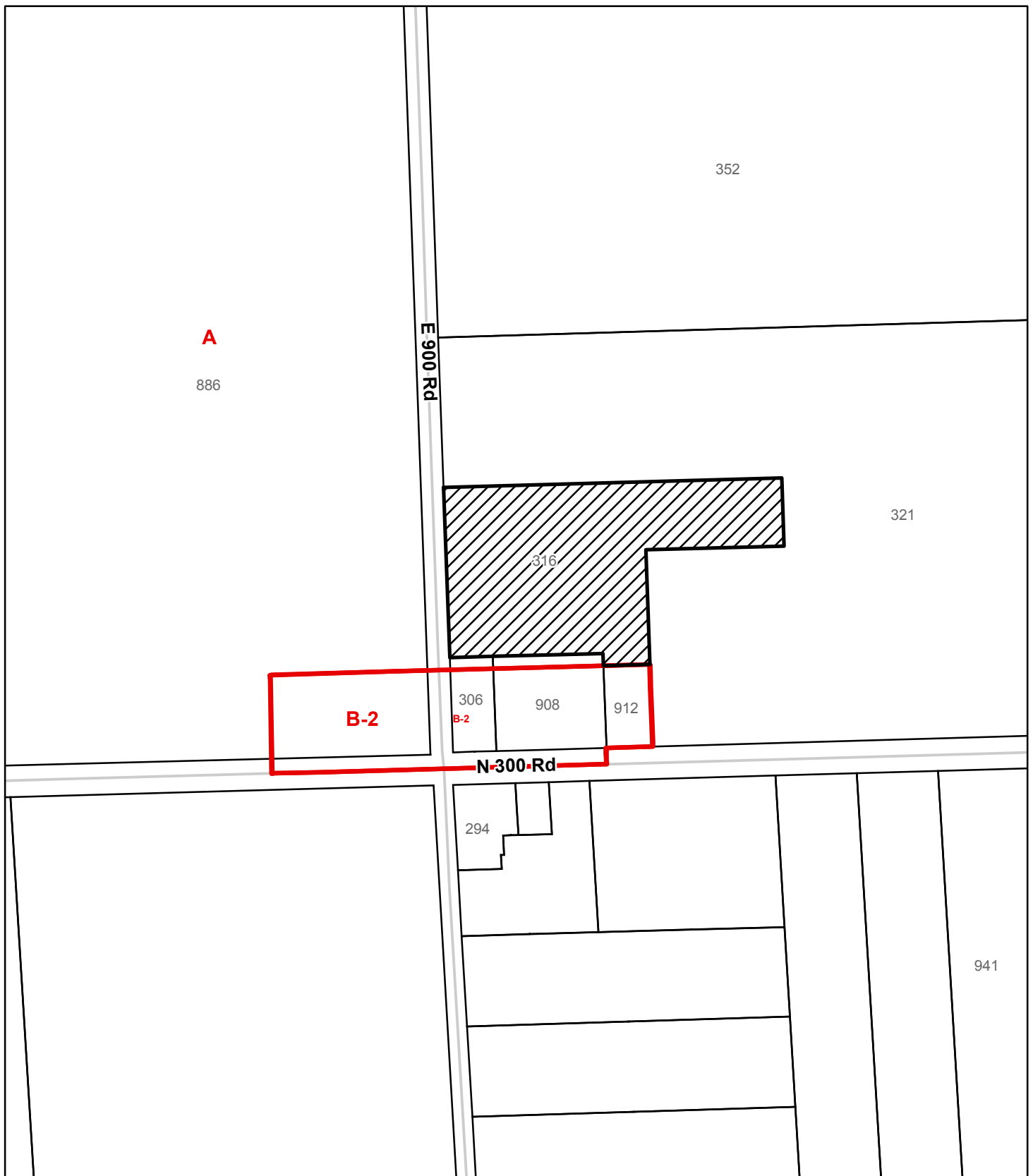


LIGHTING LOCATION









**CUP-18-00127: Consider a Conditional Use Permit for Marion Springs Event Center, located on approximately 9.58 acres at 316 E 900 Rd, Baldwin City.**



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

PC Staff Report  
5/23/2018

**ITEM NO. 5      REZONING 14.13 ACRES FROM PID TO IG; 3641, 3660, 3661 THOMAS CT & 3640-3660 E 25<sup>TH</sup> ST (BJP)**

**Z-18-00131:** Consider a request to rezone approximately 14.13 acres from PID (Planned Industrial Development) District to IG (General Industrial) District, located at 3641, 3660, 3661 Thomas Court and 3640 & 3660 E. 25<sup>th</sup> St. Submitted by Paul Werner Architects on behalf of Arbor Properties LLC & Roger Johnson, property owners of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 14.13 acres, from PID (Planned Industrial Development) District to IG (General Industrial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Applicant's Reason for Request:** *The existing PID zoning on the subject site was zoned under the old development code in which planned developments were encouraged. Although planned developments are allowed under the new development code, the process is often times unnecessary as there are other tools such as site plans which allow review by planning staff, but limit the need for the process of a public hearing for property being developed in conformance with the existing industrial zoning and Horizon 2020.*

**KEY POINTS**

- The subject properties are located at the eastern edge of Lawrence on the south side of E 23<sup>rd</sup> Street, east of Franklin Road, and on the north side of E. 25<sup>th</sup> Street. The project consists of 5 parcels which are included in the Mt. Blue Planned Industrial Development (Figure 1). The original Preliminary Development Plan was approved by the City Commission in 1997.
- The rezoning would remove the subject properties from the Planned Development District; however, the property is not needed to meet any density or open space requirements of the Planned Development.
- The subject property is located within the boundaries of the *Southeast Area Plan*. The proposed zoning is consistent with the recommendations of that plan.



**Figure 1.** Subject properties.

**OTHER ACTION REQUIRED**

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and approval of a site plan application for any proposed site improvements.

- Submittal of construction plans to Development Services for processing of building permits. Building permits must be obtained prior to construction activity.

#### **ATTACHMENTS**

Attachment A: Concept Plan

Attachment B: Use Memo

Attachment C: Permitted Uses in PID

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

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

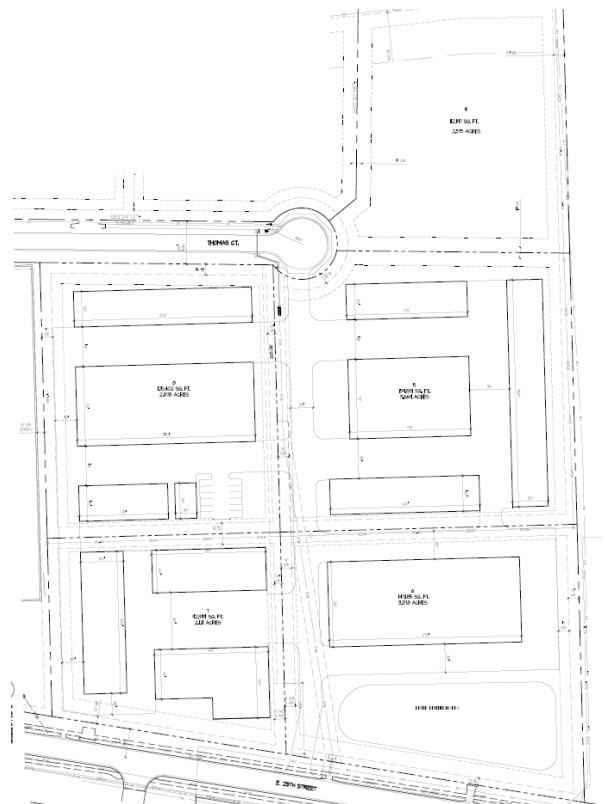
#### **Project Summary:**

The request proposes to rezone approximately 14.13 acres from the PID-[Mt. Blue] (Planned Industrial Development) District to the IG (General Industrial) District to accommodate development of 'garage condos', defined by the applicant as units "for large and small vehicle storage and hobby space that may not be available in a typical garage. Uses for the storage units will include storage of recreational vehicles such as classic cars, boats, campers, motor homes, four wheelers, motorcycles, etc." The concept plan provided by the applicant is included in Figure 2 and Attachment A.

The property was zoned PID prior to the adoption of the 2006 Land Development Code. This zoning designation converted to PID-[Mt. Blue] with the adoption of the 2006 Code; however, the standards of the PID District remain applicable.

The use is permitted in the PID District; however, the property owner elected to rezone to the IG District, which is a base zoning district under the 2006 Land Development Code. By doing so, development of the properties can occur through approval of a site plan.

The storage of vehicles as described by the applicant would be categorized as *Mini-Warehouse* and *Recreational Vehicle and Boats Storage* uses, which are permitted uses in the IG District. The 'hobby space' component of the proposed development would require further evaluation by staff to determine the appropriate use classification. This clarification may be made through a text amendment that staff is currently undertaking. On April 17, 2018, the City Commission initiated a text amendment to the Land Development Code to define certain types of storage uses. As the 'garage condo' is a new concept, staff recognizes that it is not fully addressed in the Land Development Code. As such, the concept may be included as part of that text amendment. As previously mentioned, the vehicle storage component of the proposed development is currently permitted under the Land Development Code as *Mini-Warehouse* and *Recreational Vehicle and Boats Storage* uses.



**Figure 2.** Concept plan

Because many uses are permitted in the IG District, this staff report is not an evaluation of this very specific 'garage condo' use. Rather, the staff report examines the appropriateness of rezoning the subject properties from the PID District to the IG Districts.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 indicates this property should be zoned Office Research and Industrial/Warehouse/Distribution uses. The property as it exists is already in conformance with Horizon 2020.*

Recommendations from *Horizon 2020* related to this development are listed below with staff discussion following in red.

### Industrial and Employment-Related Land Use Goals and Policies (page 7-11)

- Goal 1: Development in Established Industrial and Employment-Related Areas  
"Encourage the retention, redevelopment and expansion of established industrial and employment-related areas."  
The proposed rezoning accommodates development of undeveloped parcels currently zoned for industrial uses. The lots have not been developed since the approval of the original Preliminary Development Plan in 1997. The proposed project would encourage retention of an established industrial area. Undeveloped parcels would be developed with a use compatible with the industrially zoned area, and the properties will retain industrial zoning.
- Policy 1.2: Ensure Compatibility of Development  
"Encourage best management practices or site planning and design that include, but are not limited to, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacing with adjacent neighborhoods and development, and appropriate accommodation of the design to the site's natural features."  
If the rezoning request is approved, the development process will include submittal of the site plan that would be reviewed for compliance with the Land Development Code. The code provides standards related to site landscaping requirements, dimensional requirements (such as building setbacks, building height, and impervious surface maximums), and off-street parking requirements.
- "Encourage building design techniques that include, but are not limited to, the consideration of façade and exterior wall articulation, materials and colors, rooflines, entryways, signage, and energy and resource conservation."  
Future development will be reviewed for compliance with the Industrial Design Guidelines found in the Community Design Manual. The building form, roof type, and exterior materials will be reviewed for compatible architectural context with the surrounding developments and the community as a whole.

**Staff Finding** – The area is identified for industrial zoning and land uses in *Horizon 2020* and the *Southeast Area Plan* and the subject properties are currently zoned for industrial uses. The request is to update the zoning to a current industrial zoning district so that it can develop under the standards of the 2006 Land Development Code. The proposed rezoning complies with the general industrial land use provisions found in *Horizon 2020*.

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

### **GENERAL INFORMATION**

**Current Zoning and Land Use:** PID (Planned Industrial Development) District; vacant.

**Surrounding Zoning and Land Use:**

To the north:  
PID (Planned Industrial Development) District;  
*Wholesale, Storage, and Distribution, Light.*  
North of E 23<sup>rd</sup> Street  
A (Agricultural) District; Franklin Catholic Cemetery.  
IG (General Industrial) District; vacant.

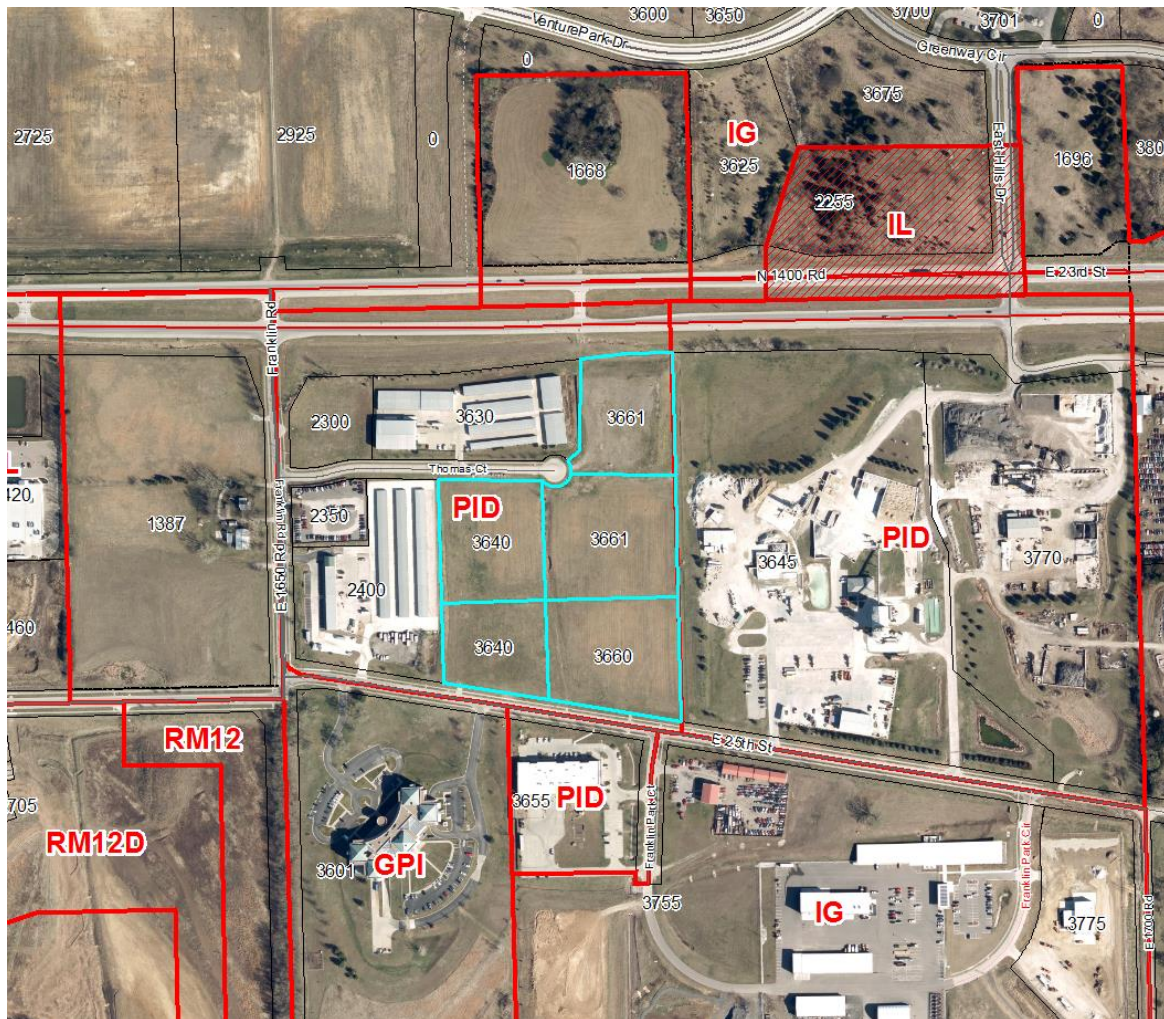
To the south:  
GPI (General Public and Institutional Use) District;  
Douglas County Sherriff's Office and Douglas County  
Jail (*Public Safety and Detention Facility*).  
PID (Planned Industrial Development) District;  
Lawrence Community Shelter (*Temporary Shelter*).

To the southeast:  
IG (General Industrial) District; Douglas County Public  
Works Facility (*Administrative Office, Fleet Storage,  
Light and Heavy Equipment Repair, and Exterior  
Storage*).

To the east:  
PID (Planned Industrial Development) District;  
Asphalt facility and concrete plant (*General  
Industrial*).

To the west:  
PID (Planned Industrial Development) District; *Mini  
Storage, Office/Retail*.





**Figure 3.** Zoning of surrounding area. Subject property outlined.

**Staff Finding –** The subject properties are primarily surrounded by industrial zoning and uses. The proposed rezoning is compatible with the zoning and land uses in the area.

### **3. CHARACTER OF THE NEIGHBORHOOD**

Applicant's Response: *The neighborhood is generally comprised of industrial zoning. There is a small portion north of K-10 still zoned A and south of the site the location of the jail sits on GPI zoned property. Surrounding uses included a concrete plant to the east, the jail, community shelter and the Douglas County offices to the south, mini-storage to the west and north. K-10 borders a portion of the property to the north. The site can be accessed from Thomas Court on the north and E. 25<sup>th</sup> Street on the south.*

The subject properties are undeveloped parcels located on the east edge of the city on the south side of E. 23<sup>rd</sup> Street. The properties are bounded by 2 mini-storage facilities to the west, the Douglas County Jail, the Lawrence Community Shelter, and the Douglas County Public Works facility to the south, and industrial uses to the east that include an asphalt and concrete plant and an excavation company.

**Staff Finding –** The properties are in an industrial corridor at the eastern edge of the city. Changing the zoning from a PID District to the IG District would maintain the existing industrial

character of the area. As such, the proposed rezoning is compatible with the character of the neighborhood.

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

The subject properties are located within the *Southeast Area Plan*, which identifies the properties along the south side of E. 23<sup>rd</sup> Street for industrial uses. The plan also identifies the appropriate zoning districts for the recommended industrial areas as IL (Limited Industrial) District, IG (General Industrial) District, and PD (Planned Development Overlay) District.

**Staff Finding** – The proposed rezoning complies with the land use recommendations of the *Southeast Area Plan*.

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

Applicant's Response: *The subject property is restricted to industrial use with a planned development. Although the planned development is suitable for the site it is not ideal for the Owner or the City as it takes quite a few hours to prepare for a Planning Commission hearing which is not necessary on this site since it is developing within the uses it is restricted to.*

The property is currently zoned PID-[Mt. Blue] (Planned Industrial Development) District. The PID District permits uses listed in the 1966 Zoning Regulations for the following use groups: Use Groups 7 (Community Facilities – Public Utilities), 8 (Temporary Uses), 9 (Professional Offices), 9A (Limited Services), 10 (Off Street Parking), 13 (Automotive Services and Retail Sales), 14 (Retail-Wholesale Sales and Service), 17 (Manufacturing – Low Nuisance), 18 (Research and Testing), 19 (Industrial – Medium Nuisance), 20 (Industrial – High Nuisance). The list of uses permitted within these use groups is provided in Attachment C.

Table 1 lists the permitted uses in the IG District under the current Land Development Code. To assist in the comparison of the two districts, uses which were not specifically listed in the PID-[Mt. Blue] use groups are shown in red italics. Some of the differences in permitted uses may be attributed to changing conditions. Uses such as *Public Safety*, *Social Service Agency*, and *Temporary Shelter* were not included as uses in any Use Group in the pre-2006 Code.

A comparison of the permitted uses in the PID-[Mt. Blue] and the IG District shows that while some uses in the IG District were not included in the PID-[Mt. Blue] District, the IG District permits fewer overall uses than the PID. Some non-industrial uses are permitted in the PID-[Mt. Blue] District but are not permitted in the IG District. Examples of these uses include child care home, museum, community building, church, health center, hospital, library, nursing home, sanitarium, grade school and high school, live theater, funeral home, automotive sales, amusement park, and home improvement center.

The property remains suitable for the uses to which it is restricted. The rezoning to the IG District will place additional restrictions on the permitted uses to those which are more industrial in nature. There are some community facilities, such as *Temporary Shelter* and *Community Meal Program*, that are added with the IG District; however, these specific uses are not individually listed in the pre-2006 code but simply fell into the 'Community Facilities' category.



<b>Table 1.</b> Uses permitted in IG District, (uses not specifically identified in the 1966 Code in the PID District shown in <i>red italics</i> .)	
<b>Permitted by right</b>	<b>Permitted with Special Use Permit</b>
<b>Household Living</b>	
<i>Mobile Home</i>	
<b>Community Facilities</b>	
College/University	<i>Detention Facility (SUP)</i>
Day Care Center	<i>Community Meal Program (SUP)</i>
Postal & Parcel Service	<i>Temporary Shelter (SUP)</i>
<i>Public Safety</i>	
<i>Social Service Agency</i>	
Utilities Minor	
Utilities Major	
<b>Recreational Facilities</b>	
Passive Recreation	Active Recreation (SUP)
Nature Preserve/Undeveloped	
<b>Animal Services</b>	
Kennel	
Livestock Sale	
Sales and Grooming	
Veterinary	
<b>Office</b>	
Administrative and Professional	
Other	
<b>Parking Facilities</b>	
Accessory (permitted as accessory use)	
Commercial	
<b>Retail Sales &amp; Service</b>	
Agricultural Sales	
Building maintenance	
Business Support	
Construction Sales and Services	
<b>Vehicle Sales &amp; Service</b>	
Cleaning (Car Wash)	Truck Stop (SUP)
Fleet Storage	
<i>Gas and Fuel Sales</i>	
Heavy Equipment Repair	
Heavy Equipment Sales/Rental	
Inoperable Vehicles Storage	
Light Equipment Repair	
Light Equipment Sales/Rental	
<i>RV and Boats Storage</i>	
<b>Industrial Facilities</b>	
<i>Explosive Storage</i>	<i>Scrap and Salvage Operation (SUP)</i>
Industrial, General	
Industrial, Intensive	
Laundry Service	
Maker Space, Limited	

Maker Space, Intensive	
Manufacturing & Production, Ltd.	
Manufacturing &U Production, Tech.	
Research Service	
<b>Wholesale Storage &amp; Distribution</b>	
Exterior Storage (accessory)	
Heavy	
Light	
Mini-Warehouse	
<b>Adaptive Reuse</b>	
	Designated Historic Property (SUP)
<b>Urban Agriculture</b>	
Agriculture, Crop	Farmers Market (SUP)
Agriculture, Small Animal (accessory)	
On-Site Agricultural Sales (accessory)	
Urban Farm	
<b>Communication Facilities</b>	
Amateur & Receive Only Antennas (accessory)	Wireless Support Structure (SUP)
Broadcasting Tower	
Communications Service Establishment	
Wireless Facility - Antenna (accessory)	
Satellite Dish (accessory)	
<b>Mining</b>	
	Mining (SUP)
<b>Recycling Facilities</b>	
Large Collection	Processing Center (SUP)
Small Collection	

**Staff Finding** – The property is suitable for the uses to which it is restricted with the current PID zoning. The property is also well suited to the uses to which it will be restricted with the proposed IG zoning.

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

Applicant's Response: *The subject site has been vacant since being zoned.*

**Staff Finding** – The subject properties have been undeveloped since the original Preliminary Development Plan was approved by the City Commission in 1997.

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

Applicant's Response: *Rezoning to IG will not detrimentally affect the nearby properties. Nearby owners will still be notified when a site plan is submitted to the Planning Office for review. Since the underlying industrial zoning designation will remain, detrimental affects will not occur.*

As discussed in an earlier section, rezoning to the IG District will place additional restrictions on the uses that are permitted on the subject properties. The proposed development is permitted in both the current PID and proposed IG districts. Rezoning to a Land Development Code base district will

allow the property to be developed with site planning rather than the current requirement of a preliminary and final development plan. One reason that PID zoning was used as a tool prior to the adoption of the current code was to provide additional buffering elements and design flexibility to ensure compatible development. Since PID-[Mt. Blue] District was approved by the City Commission in 1997, provisions have been adopted that ensure compatible development without the need for a planned development. The 2006 Land Development Code contains buffering requirements, which were not included in the pre-2006 Code for base zoning districts, and the Industrial Design Guidelines have been adopted.

**Staff Finding** – The rezoning to the IG District should not detrimentally affect nearby properties as the IG District has a more restrictive list of permitted uses. Design standards in the Land Development Code and the Industrial Design Guidelines would further ensure compatible development with adjacent properties.

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

Applicant's Response: *Since this property is already zoned for industrial development the gain to the public health, safety and welfare would not change from its current status with rezoning to the general industrial use. The hardship imposed upon the landowner as a result of denial would be lengthier more cumbersome process to develop the property.*

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

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

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

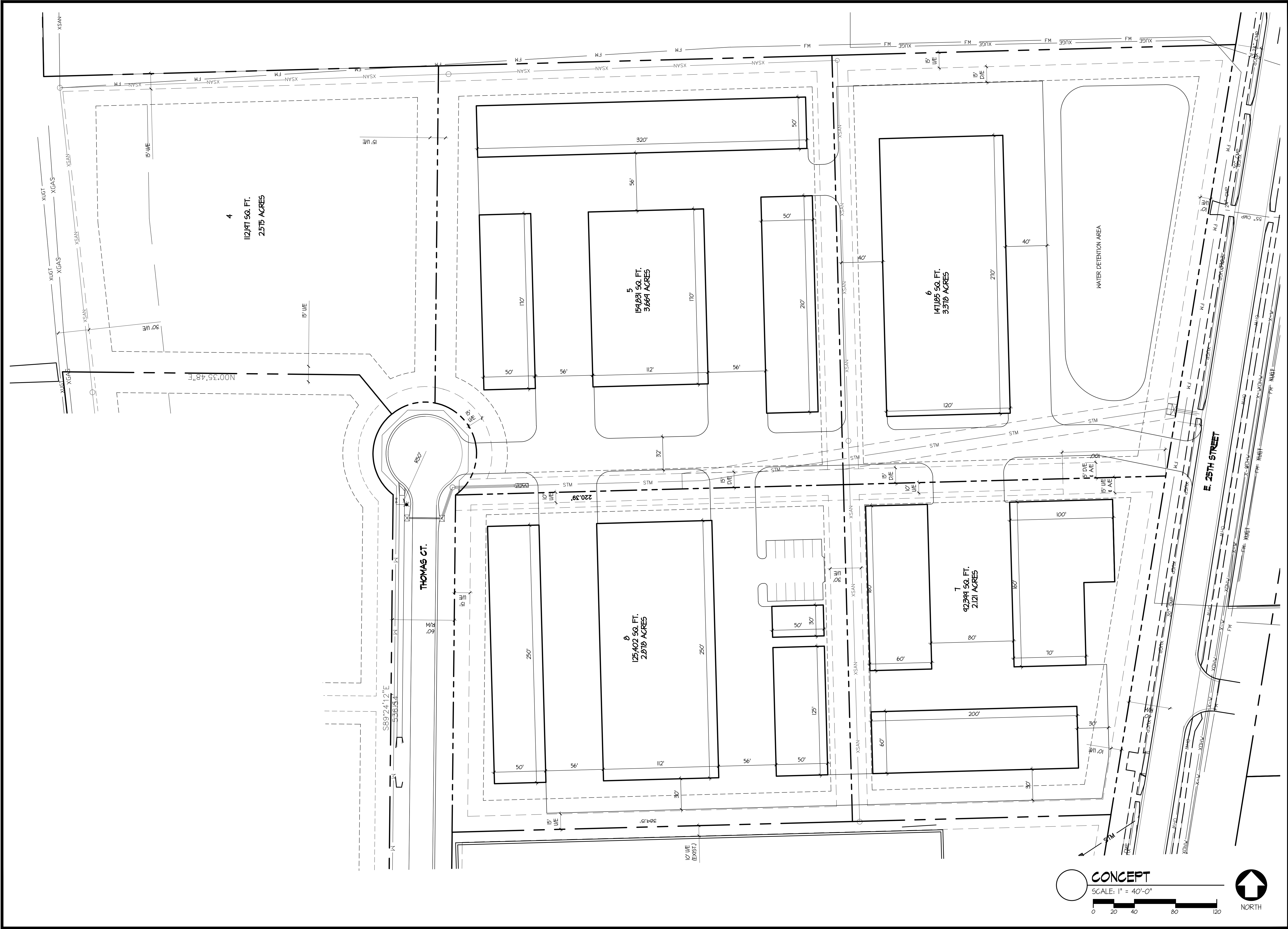
**Staff Finding** – There would be no gain to the public in the denial of this application. Denial of the rezoning would require the property to be developed as a Planned Development subject to the standards of the pre-2006 Code. Approval would allow the property to be developed to current standards.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

**9. PROFESSIONAL STAFF RECOMMENDATION**

This staff report reviews the proposed request for its compliance with the comprehensive plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development.

Staff recommends approval of the rezoning request for approximately 14.13 acres from the PID (Planned Industrial Development) District to the IG (General Industrial) District, and forwarding it to the City Commission with a recommendation for approval based on the findings of facts listed in this report.

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## REZONING CONCEPTS

3641, 3660 AND 3661 THOMAS CT.  
AND 3640 AND 3660 E. 25TH ST.  
LAWRENCE, KANSAS

PROJECT # 217-600

RELEASE: 1.0 DATE: 3.19.18

# paulwerner

ARCHITECTS

## MEMORANDUM

FROM: Joy Rhea  
TO: Becky Pepper  
RE: Z-18-00131 Thomas Court - Garage Condo Description  
DATE: May 10, 2018

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The garage condo project fills a need in the Lawrence community for large and small vehicle storage and hobby space that may not be available in your typical residential garage.

The garage condos will offer different levels of finish per the tenants desire. Some units could be fully finished on the inside with framed walls while others might remain the metal frame building. Tenants would not be allowed to live in the units. The bathrooms on site will be provided in the office building along with a small conference room for meetings/gatherings if tenants want to use it.

Uses for the storage units will include storage of recreational vehicles such as classic cars, boats, campers, motor homes, four wheelers, motorcycles, etc. The units will not be used for commercial repair where there are many cars/customers waiting outside or coming and going on a regular bases.

Garage condos provides a “community” for car and recreational vehicle enthusiasts to congregate, showcase their holdings to other condo tenants and enjoy the comradery of like minded people.

Recreational vehicles from small to large can cost a lot of money and take up space on a residential lot and garage hobbies can be fun, but they also take up necessary space for daily functionality in a residential garage. This project will serve as a safe, secure space for storage and a great local option for garage hobbies.

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PHONE: 785.832.0804 FAX: 785.832.0890



ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
RO-1, 1A, 1B	RO-2	RS	RM	RD			
S	S	S	S	S	<b>USE GROUP 7. COMMUNITY FACILITIES - PUBLIC UTILITIES</b> (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.		1428
					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	25	1608/1451
					Art gallery or museum	12	1427
					Cemetery, columbarium, or mausoleum		1408
					Child care center	22	1424/1608
					Child care home - occupant primary provider	22	1424
					Child care home - non-occupant primary provider	22	1424/1608
					Church or other place of worship, including student center	8	1409
					Club or lodge, private, except those whose chief activity is carried on as a business	15	1608/1410/ 1448
					Communication Towers		14B02/1608
					Community building, public	15	1427
					Golf course, but not including commercially operated driving range, pitch and putt course or miniature golf course	23	1416
					Halfway house or service-oriented rehabilitation center or residence	6	1608/1448
					Health center, government operated	14	1608/1448
					Hospital, general, not including animal	6	1608
					Institution for children and aged, nonprofit	22	1608
					Library or museum: public or private, open to public without charge	13	1427
					Monastery, convent or similar institution of religious training	6	1409
					Mortuary, funeral parlor, or undertaking establishment	7	
					Nursing home or rest home	6	1608
					Parish house, nunnery, rectory, etc.	1	
					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)		1441/1608/ 1448
					Rehabilitation center for persons with disabilities	22	1608/1448
					Sanitarium	6	1608
					School, public, parochial, or private, non-profit:		
					(a) Grades nine and below including kindergarten	22	
					(b) Grades ten and above	16	
					Studio for professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.	13	1608/1457
					Swimming pool, accessory		1437
					Theatre, live (if indoors)	7	1608/1448
					Public Utilities		
					Electrical substation	22	1608
					Gas regulator station		1608
					Radio or television transmitter or tower		14B02/1608
					Sewage disposal plant, private		1608
					Telephone exchange, but not including garage, shop, or service	22	1608
					Water filtration plant, pumping station, elevated storage or reservoir	22	1608
					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. 6489)		



20-7A04.

TABLE IV(A)

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

TABLE IV

20-709.

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



20-709.10

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
CP	C1	C2	C3	C4	C5			
		S	S	S	S	<p>USE GROUP 12. RETAIL STORES - PERSONAL SERVICES. Certain types of retail stores and service establishments which:</p> <p>(a) Provide for a wide variety of local consumer and transient needs, and</p> <p>(b) Have a small service area and are, therefore, not distributed widely throughout the city.</p> <p>(1) Retail Stores and Service Establishments</p> <p>Altering, pressing, repairing of wearing apparel 12</p> <p>Antique sales 13</p> <p>Appliance, furniture, home furnishings, sales, rental repair 13</p> <p>Art supply sales 12</p> <p>Automobile service stations 24</p> <p>Bank, savings &amp; loan and trust company 12</p> <p>Barber or beauty shop 11</p> <p>Bicycle sales, rental, repair 13</p> <p>Book sales 12</p> <p>Bowling alley 10</p> <p>Camera or photographic supply sales 12</p> <p>Clothing sales 15</p> <p>Club or lodge, whose chief activity is carried on as a business 26</p> <p>Computer store; sales, service and equipment 12</p> <p>Confectionery store 12</p> <p>Department store 12</p> <p>Drug store 11</p> <p>Dry cleaning 12</p> <p>Eating place, enclosed, without dancing or entertainment and not providing service in automobiles 26</p> <p>Florist shop and greenhouse 12</p> <p>Food convenience store, including gasoline sales and single-bay auto wash (Ord. 6205) 12</p> <p>Food store, including retail bakery 11</p> <p>Furrier shop, including storage of furs 13</p> <p>Garden supply sales 13</p> <p>Gift, novelty, souvenir sales 12</p> <p>Hardware store and small tool rental, but not including sales of lumber or industrial hardware 12</p> <p>Hat blocking and repair 13</p> <p>Hobby supply sales 12</p> <p>Ice vending machine 13</p> <p>Interior decorating shop 12</p> <p>Jewelry sales and repair 12</p> <p>Laundry pick-up station 12</p> <p>Laundry, self-service only 11</p> <p>Licensed premises 11</p> <p>Liquor, wine and beer sales, for consumption off the premises 12</p> <p>Loan office 13</p> <p>Locksmith, key shop 12</p> <p>Mail order agency 12</p> <p>Music, musical instrument and phonographic record sales 13</p> <p>Newsstand 11</p> <p>Nursery stock sales 13</p> <p>Optical goods, sales 13</p> <p>Orthopedic or medical appliance sales 12</p> <p>Paint and wall paper sales 13</p> <p>Pawnshop (Ord. 5033) 12</p> <p>Photographic processing 15</p> <p>Photographic studio 12</p> <p>Post Office 12</p> <p>Quick copy or duplicating center 11</p> <p>Radio and television studio 12</p> <p>Reading room 12</p> <p>Sewing machine sales and repair 12</p> <p>Shoe repair and sales 12</p> <p>Sporting goods sales 12</p> <p>Surgical and dental supply sales 12</p> <p>Theatre, indoor commercial 9</p> <p>Variety store 12</p> <p>Video store, sale or rental of video equipment, movies and games parlor 12</p>	1428	
								1440
								1453
								1453
								1440
								1453

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

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







**TABLE VI**

20-809.

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

ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
M1	M1A	M2	M3	M4			
					10. Financial institutions Law offices Accounting offices Medical offices Architecture offices 11. Advertising; design of displays and promotional services 12. Educational training; teaching professional occupations 13. Recycling Uses Reverse vending machines Small collection facilities 14. Veterinarian office and incidental boarding, with no open kennel or yard where animals are confined or exercised. 15. Similar Uses. Other uses of a character similar to the function and traffic-generating capacity of the uses listed above. 16. Accessory Uses. (Ord. 7041)	12 13 13 11 13 16 16  14 16	1450
20-809.12		S	S		<b>USE GROUP 19. INDUSTRIAL-MEDIUM NUISANCE.</b> Non-manufacturing and manufacturing uses and accessory uses which have a medium range of objectionable ratings with respect to the emission of smoke, noise, glare, vibration, and other objectionable elements. 1. Non-Manufacturing Uses Airport, aircraft, and landing strip Animal hospital, kennel, pound, or shelter Automobile, go-kart, miniature auto racing, or driving tracks Bag cleaning Construction equipment sales, service, rental or repair Contractor's yard Dry cleaning plant, including carpet cleaning Gases, flammable, storage of Grain elevator Hatchery Liquids, flammable, storage of Petroleum storage, wholesale Pipe storage School, commercial or trade, when involving any danger of fire or explosion or offensive noise, vibration, dust, odor, glare, heat or other objectionable elements Stable, commercial Theatre, drive-in Tire recapping service Truck terminal or depot Veterinarian: animals kept or boarded on the premises in outdoor kennels Well drilling contractor's yard or shop 2. Similar Uses Other non-manufacturing uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group. 3. Manufacturing Uses Air conditioning equipment Aircraft, including parts Automobiles, trucks, or trailer body repair Automobiles, trucks, or trailers, including part or rebuilding of engines Bakery products, unlimited floor area Boats, building or repair Canvas or canvas products Carpets Chemicals, compounding or packaging Concrete products, including concrete blocks, brick and tile Cosmetics or toiletries Dairy products Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies	14 15 16  12 22 22 22 22 22 22 15  12 16 22 14   22	1428  1402 1403 1406    1414  1414 1414   1403 1427  1403

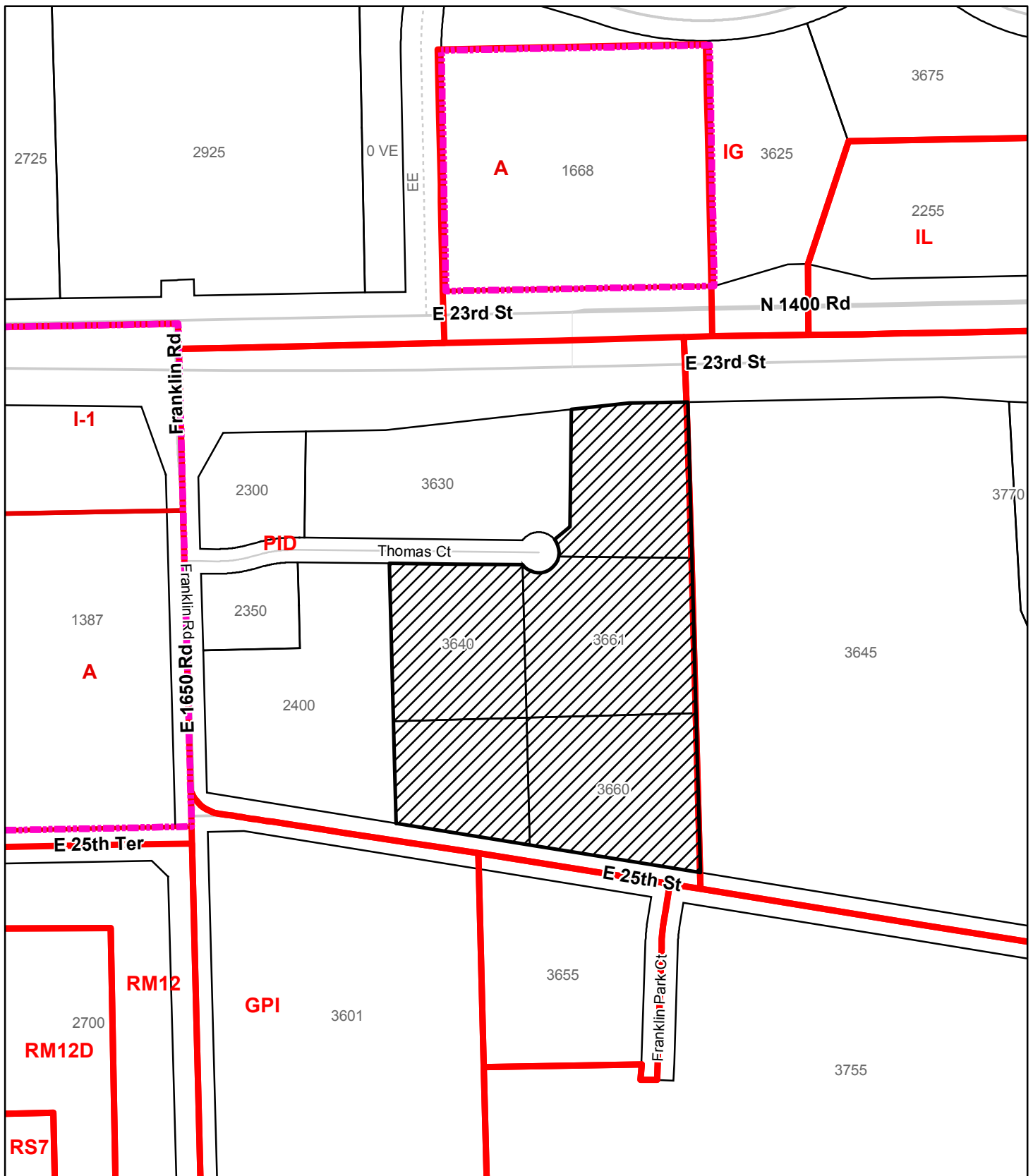
ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
M1	M1A	M2	M3	M4			
					<p>Food products, except slaughtering of meat, or manufacture of vinegar or pickles</p> <p>Fur goods, not including tanning or dyeing</p> <p>Hair, felt, or feather products, except washing, curing or dyeing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

20-809.13

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

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





**Z-18-00131: Request to rezone approximately 14.13 acres from PID (Planned Industrial Development) District to IG (General Industrial) District, located at 3641, 3660, 3661 Thomas Ct and 3640 & 3660 E 25th St.**



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

PC Staff Report  
05/23/2018

**ITEM NO. 6      TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; SHORT-TERM RENTALS (JSC)**

**TA-18-00079:** Consider a Text Amendment to the City of Lawrence Land Development Code to permit short-term rental units. *Initiated by City Commission on February 20, 2018.*

**RECOMMENDATION:** Staff recommends the Planning Commission forward the proposed amendment to Articles 4, 5, 9, and 17 of the Lawrence Land Development Code permitting short-term rental unit uses to the Lawrence City Commission with a recommendation for approval.

**Reason for Request:** The City Commission initiated this text amendment to the Land Development Code at their [February 20, 2018 meeting](#) to consider defining and adding this short-term rental unit use to certain zoning districts.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None received

**ATTACHMENTS**

- Attachment A: Revised Land Development Code sections
- Attachment B: Background material on short-term rental units

**BACKGROUND**

Short-term rental units provide sleeping accommodations on a short-term basis (less than 30 days) where the property owner may or may not be present during the stay. While these have been around for some time, improvements in technology and the expansion of the sharing economy has drastically increased the frequency in which they are used and made available. There are a number of companies providing a web-based platform to locate and use short-term rental units. Most often, people associate this type of use with certain online platforms such as Airbnb, VRBO, HomeAway, FlipKey, and other similar companies. Short-term rental units differ from bed and breakfast uses in that short-term rental units must adhere to the occupancy limits of Section 20-601(d): *Occupancy Limits*, if the recommended language is approved.

There are a number of potential benefits that short-term rental units provide a community. They bring in additional revenues through sales tax and transient guest tax. They also provide hosts with an additional income source. This additional income may be applied towards mortgages, property

improvements, property taxes, and other items. Short-term rental units also give visitors an alternative option to traditional accommodations and the ability to 'live like a local' while visiting Lawrence.

There are a number of potential concerns that short-term rental units impose on a community. This particular use is a transient accommodation, which does place it in competition with hotel/motel uses. By their very nature, they can cause neighbors to wonder who is staying next door, which can often lead to safety concerns. These safety concerns may be present for hosts, guest, and neighbors. Some communities also have seen impacts to affordable housing. Finally, there is often a concern that short-term rental units may be used as a party house.

Currently, short-term rental units are not a permitted land use within the Land Development Code. While the code does enumerate a variety of transient accommodation uses, such as Bed and Breakfast, Campgrounds, Elderhostel, and Hotel, Motel, Extended Stay uses, this new type of use does not fit within their definitions. Additionally, some of the other Land Development Code requirements and regulations for those existing uses could be burdensome to apply to short-term rental units. The enforcement of short-term rental units is a complaint driven process.

City Staff held a [public meeting](#) on September 26, 2017 to meet with stakeholders and community members outlining the process for developing some code language for short-term rental units. Additionally, a survey was available through *Lawrence Listens* from September 26, 2017 to October 13, 2017. During that time frame, staff received a number of letters and written testimony. This public input has been used to help guide the development process. The City Commission held a work session on [November 14, 2017](#) to discuss various aspects of a possible ordinance and provided guidance on some of the higher level aspects of this text amendment.

The guidance and discussion by the Lawrence City Commission included:

1. Licensing and inspection protocols for short-term rental units based on the current rental licensing and inspection program with the required inspection of short-term rental units to occur on a three-year rotation.
2. Remove the local contact person requirement for owner-occupied units because the owner of the property will serve as the contact person for owner-occupied Short-term rentals.
3. All non-owner occupied properties will be subject to the existing Special Use Permit (Section 20-1306) process at which point conditions can be included.
4. Require notice to neighbors within 200 feet of the short-term rental unit. For non-owner occupied short-term rentals, notice to neighbors shall be provided in the normal application and notification process for the Special Use Permit.
5. Develop recommendations regarding properties that are currently receiving City incentives and include language about affordable units within incentivized projects.

Based on the City Commission's discussion and direction, this text amendment addresses those aspects related to the Land Development Code. Other portions of the City Code will be revised and updated to match the intent and direction provided by the City Commission. When this item is forwarded to the City Commission, it will be paired with the other code amendments to implement the complete program.

## **OVERVIEW OF PROPOSED AMENDMENT**

Based on the City Commission's discussion and direction, the proposed text amendment establishes two tracked based on the whether short-term rental unit is or is not owner occupied. As written, this amendment considers a short-term rental unit an accessory use when the unit is concurrently owner-occupied since the principal use would be a Household Living use. This means that the owner of the property lives within the unit a majority of the time. This does not require the owner to be present at the time the unit is being used as a short-term rental unit. The owner may or may not be present when the unit is in use as a short-term rental unit.

The following is a summary listing of the proposed changes:

1. Article 4: Use Table
  - a. To add "Short-Term Rental Unit" as a use into Section 20-402: "Residential District Use Table."
  - b. To add "Short-Term Rental Unit" as a use into Section 20-403: "Nonresidential District Use Table."
2. Article 5: Use Regulations
  - a. Create Section 20-522 "Short-Term Rental Unit" use standards establishing that owner occupied units are permitted by right and non-owner occupied units are permitted only with the approval of a Special Use Permit. All short-term rental units would adhere to the occupancy limits of Section 20-601(d): *Occupancy Limits*.
3. Article 9: Parking, Loading and Access
  - a. To establish the minimum amount of vehicle parking required in Section 20-902: "Off-Street Parking Schedule A" for "Short-Term Rental Unit: Non-Owner Occupied" (Parking for owner-occupied short-term rentals is enumerated in proposed Section 20-552 "Short-Term Rental Unit" use standards.
4. Article 17: Terminology
  - a. Defining "Short-Term Rental Unit" in Section 20-1781.

Due to the number of housing options permitted by the Land Development Code, there are certain scenarios that may potentially involve Short-Term Rental Unit(s):

- A Short-Term Rental Unit would be considered an Accessory Use when located within a registered Accessory Dwelling Unit. (Note: the Land Development Code requires that the property owner reside in either the primary residence or the Accessory Dwelling Unit, and that the occupancy is limited to amounts listed in Section 20-601(d).
- A Short-Term Rental Unit would be considered an Accessory Use when the property is owned by a corporation, and an agent of that corporation resides in the property. An agent of the ownership group can stand as the property owner in this instance.
- A Short-Term Rental Unit also would be considered an Accessory Use when located within a duplex or multi-dwelling property when the Short-Term Rental Unit is located within the same dwelling unit in which the owner resides.
- If the Short-Term Rental Unit exists within another unit within the duplex or multi-dwelling in which the owner does not reside, the Short-Term Rental Unit would require a Special Use Permit to be eligible as a Short-Term Rental.

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## **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;**

This text amendment originates from a changing condition in both the community and in the larger economy. Short-term rental units are not a new type of use. However, their prevalence has increased in recent years with the implementation of better technology, making the marketing and booking of short-term rentals more convenient than previously possible.

Homesharing existed at the time of the Land Development Code's adoption, but it was not as easily accessible as it has become. With the creation and popularity of peer-to-peer rental websites expanding, this has lowered transaction costs, allowing homeowners and tenants to share available spaces cheaper and easier than previously possible and on a much larger scale. This proposed text amendment would update the Land Development Code to align it with the recent changes in the way that transient accommodations are now operating in today's economy. Other city code chapters also will be updated to implement the associated aspects for licensing and inspection.

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

The comprehensive plan does not specifically address these amendments. *Horizon 2020* categorizes uses very broadly; generally aggregating more specific uses into the broader categories such as residential, commercial, and industrial.

This proposed amendment clearly defines what a "Short-Term Rental Unit" is, and it would allow spaces to be reviewed and approved to perform these functions in a manner that is consistent with their immediate surroundings and ensure more adequate compatibility with surrounding neighborhoods. These amendments carry out the plan's goal of using zoning standards to create compatible neighborhoods and efficient development processes, as noted in chapters 3, 4, 5, and 6 of *Horizon 2020*.

*Horizon 2020* Policy 3.2c addresses, "Use[ing] innovative planning and financing to minimize or eliminate conditions causing decline" (p. 5-15). During the public input process, many stakeholders noted that they chose to make space available for short-term rental uses as a means to generate additional income. This additional income may go towards mortgages, property improvements, property taxes, and other means to help bolster their property and their neighborhood.

Similarly, Policy 3.5 aims to minimize encroachments of nonresidential uses into the neighborhoods by asking the City to, "Carefully consider and evaluate transition areas between different land uses with differing densities, building types and intensities of use to ensure compatibility of uses." While this could be considered an introduction of a non-residential use into neighborhoods, it is similar in many ways to establishing a home occupation in a residential area, which is a permitted use in the Land Development Code.

Short-term rental units would differ in process where the residence is not owner-occupied. Staff feels that by requiring non-owner occupied short-term rental units to obtain a Special Use Permit allows for



the careful consideration and evaluation of this potential use on a case-by-case basis and in the larger context of the overall neighborhood. Utilizing the Special Use Permit process also allows conditions to be placed on the use at that time to help alleviate the effects, if any, in each instance.

The comprehensive plan generally promotes compatible land use activities, which, "The character and appearance of existing residential neighborhoods should be protected and enhanced." (p. 5-1) Staff believes that allowing short-term rental units would both permit owners to take advantage of a new and innovative way to permit people to use their properties and make available a potential new income stream that is developing with recent technological advancements.

## **Conclusion**

The Land Development Code currently does not permit short-term rental units as a permitted land use within the City of Lawrence. The inclusion of this text amendment would permit the use, while providing guidance and regulations to protect both the operator and the neighboring residents. By making short-term rental units accessory to an owner-occupied unit, this allows for a quicker review and licensing process, making it reasonable for those individuals who would like to pursue this use.

For the properties where the owner is not a resident, requiring a Special Use Permit would allow for the use while providing assurances to the surrounding owners and residents. A Special Use Permit is a discretionary approval process that allows conditions to be placed on the use at that time to help alleviate the effects, if any, in each instance. The associated procedure entails public review and evaluation of a use's operating characteristics and site development features, and is intended to ensure that proposed Special Uses will not have a significant adverse impact on surrounding uses or on the community at-large.

Staff recommends the Planning Commission forward the proposed amendment to Articles 4, 5, 9, and 17 of the Lawrence Land Development Code permitting short-term rental unit uses to the Lawrence City Commission with a recommendation for approval.

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**ARTICLE 4. USE TABLE**

<b>20-401</b>	<b>Use Table</b>
<b>20-402</b>	<b>Residential District Use Table</b>
<b>20-403</b>	<b>Nonresidential District Use Table</b>

**20-401 USE TABLE**

The Use Table of this article lists the [Principal Uses](#) allowed within all of the [Base Districts](#) except the UR District (See Section 20-223(b) for UR District use regulations). The symbols used in the Use Table are defined in the following paragraphs.

**(a) [P] Permitted Uses**

A “P” indicates that a use is permitted by right, subject to compliance with all other applicable local, State and Federal regulations, including the regulations of this Development Code.

**(b) [S] Special Uses**

An “S” indicates that a use is allowed only if reviewed and approved in accordance with the Special Use procedures of Section 20-1306.

**(c) [A] Accessory Uses**

An “A” indicates that a use is permitted as accessory to a [Principal Use](#), subject to compliance with all other applicable local, State and Federal regulations, including the regulations of this Development Code.

**(d) Uses Not allowed**

Cells containing a dash (–) indicate that the listed use is not allowed in the respective Zoning District.

**(e) Use-Specific Standards**

Many allowed uses, whether permitted by-right or by Special Use, are subject to compliance with use-specific standards and conditions. An Asterisk (\*) after the P, S, or A use code identifies the use is subject to use-specific standards and conditions. The sections in which these standards and conditions are located are identified in the far right column titled Use Specific Standard.

**(f) Unlisted Uses**

If an application is submitted for a use that is not listed in the use table of this section, the [Planning Director](#) is authorized to classify the new or unlisted use into an existing land use category that most closely fits the new or unlisted use, using the interpretation criteria of Section 20-1702(b). If no similar use determination can be made, the [Planning Director](#) shall initiate an amendment to the text of this Development Code to clarify where such uses will be allowed.

## 20-402 RESIDENTIAL DISTRICT USE TABLE

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

Effective July 1, 2006

Land Development Code

Amended May 6, 2017

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

<b>Key:</b> <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	522
<b>COMMERCIAL USE GROUP</b>																
<b>Animal Services</b>	Kennel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Livestock Sale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Sales and Grooming	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Veterinary	-	-	-	-	-	-	P	-	-	-	-	-	-	P	
<b>Eating &amp; Drinking Establishments</b>	Accessory Bar	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Bar or Lounge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Brewpub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fast Order Food	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fast Order Food, Drive-in	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Nightclub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Private Dining Establishments	S*	S*	S*	S*	S*	-	S*	-	-	-	-	-	-	S*	539
	Restaurant, High-turnover	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Restaurant, Quality	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Office</b>	Administrative and Professional	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	518
	Financial, Insurance & Real Estate	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	510
	Payday Advance, Car Title Loan Business	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	510
	Other	-	-	-	-	-	-	P	-	-	-	-	-	P	P	543
<b>Parking Facilities</b>	Accessory	-	-	-	-	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	-	-	-	-	-	S	-	-	-	-	-	-	-	
<b>Retail Sales &amp; Service</b>	Agricultural Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Business Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Business Support	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Construction Sales and Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Food and Beverage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	



<b>Key:</b> <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Mixed Media Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Personal Convenience Services	-	-	-	-	-	-	P*	-	-	-	-	-	-	P*	520
	Personal Improvement Services	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	521
	Repair Service, Consumer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Sales, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Large	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Medium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Specialty	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Sexually Oriented Businesses</b>	Sexually Oriented Media Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Sex Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Sexually Oriented Theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Transient Accommodation</b>	Short-Term Rental Unit	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	-	S*/A	552
	Bed and Breakfast	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	P*	-	P*	504
	Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Elderhostel	-	-	-	-	-	-	-	-	-	-	-	-	S	-	
	Hotel, Motel, Extended Stay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Vehicle Sales &amp; Service</b>	Cleaning (e.g., car wash)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fleet Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Gas and Fuel Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Heavy Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Light Equipment Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Light Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	RV and Boats Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>INDUSTRIAL USE GROUP</b>																

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		RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
<b>Industrial Facilities</b>	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Maker Space, Limited	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Maker Space, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Laundry Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Manufacturing & Production, Limited	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Manufacturing & Production, Technological	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Research Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Salvage Operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Wholesale, Storage &amp;</b>	Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Mini-Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>OTHER USES GROUP</b>																
<b>Adaptive Reuse</b>	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	S*	-	501
<b>Urban Agriculture</b>	Agriculture, Crop	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	533, 548
	Agriculture, Large Animal	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	502
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	533, 547
	Farmers Market	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	549
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	550
	Urban Farm	S*	S*	S*	S*	-	-	-	-	-	-	-	-	-	-	533, 551
<b>Communications Facilities</b>	Amateur and Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	536
	Broadcasting Tower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Communications Service Establishment	-	-	-	-	-	-	P	-	-	-	-	-	-	P	
	Wireless Facilities - Antenna	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Wireless Support Structure	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536

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

## 20-403NONRESIDENTIAL 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	IM	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*	A*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	P	-	P	-	P	A	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*	-	P*	-	-	-	-	-	S	A	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	
	Congregate Living	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	-	-	-	-	-	-	A	
	Group Home, Limited (10 or less)	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
PUBLIC AND CIVIC USE GROUP																	
	College/University	S	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	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*	A*	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 Facilities	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	
	Event Center, Small	S	S	P	P	P	P	P	P	P	P				S		

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Event Center, Large			S	S	P	P	P	P	P	P				S		
	Lodge, Fraternal & 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	-	P	-	
	Public Safety	S	P	P	P	P	P	P	P	P	P	P	P	-	P	-	
	School	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
	Active Funeral and Interment	-	P*	-	P*	P*	P*	P*	P*	P*	P*	-	-	A*	-	-	505
	Passive Funeral and Interment	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	-	-	P*/A*	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	A	
	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
	Utilities, Minor	P*/S*	P*/S*	P*/S	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	-	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	P	P	S	P	-	
<b>Medical Facilities</b>	Community Mental Health Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	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*	A*	519
<b>Recreational Facilities</b>	Active Recreation	S	P	P	S	S	P	P	P	P	P	-	S	S	A*/S*	A	532
	Entertainment & Spectator Sports, General	-	-	-	-	P	P	P	P	-	-	-	-	-	S	-	
	Entertainment & Spectator Sports, Limited	-	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	A	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	



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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
<b>Religious Assembly</b>	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
<b>COMMERCIAL USE GROUP</b>																	
<b>Animal Services</b>	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	-	-	-	
<b>Eating &amp; Drinking Establishments</b>	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar or Lounge	-	P/S*	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, Drive-In	-	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
<b>Office</b>	Administrative and Professional	P*	P	P*	P	P	P	P	P	P	P	A	P	-	P	A	518
	Financial, Insurance & Real Estate	P*	P	P	P	P	P	P	P	P	P	-	-	-	-	A	510
	Payday Advance, Car Title Loan Business	P*	P	P	P	P	P	P	P	P	P	-	-	-	-	A	510
	Other	P	P	P*	P	P	P	P	P	P	P	A	P	-	-	-	543
<b>Parking Facilities</b>	Accessory	A*	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	-	P	A	

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Retail Sales & Service	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	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 Services	P*	P	P	-	P	P	P	P	-	P	-	-	-	-	A	520
	Personal Improvement Services	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	Short-Term Rental Unit	S*/A	S*/A	S*/A	-	S*/A	S*/A	-	S*/A	-	S*/A	-	S*/A	-	S*/A	S*/A	552
	Bed and Breakfast	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Vehicle Sales & Service	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	P	-	-	-	-	A	
	Cleaning (Car Wash)	-	S	-	-	-	P	P	P	-	P	A	P	-	-	-	
	Fleet Storage	-	-	-	-	-	P	P	P	-	P	P	P	-	-	A	
	Gas and Fuel Sales	-	S	S	-	-	P	P	P	-	P	P	P	-	-	-	
	Truck Stop	-	-	-	-	-	-	S	-	-	-	-	S	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Heavy Equipment Sales/Rental	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	P	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	-	-	-	
<b>INDUSTRIAL USE GROUP</b>																	
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Laundry Service	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Maker Space, Limited	P	P	P	P	P	P	P	P	P	P	P	P	-	A/S	-	
	Maker Space, Intensive	-	S	S	S	S	S	S	S	P	P	P	P	-	A/S	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	S	S	P	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*	A*	538
	Heavy	-	-	-	-	-	S	S	S	-	S	-	P	-	-	-	
	Light	-	-	-	-	-	P	P	P	P	P	P	P	-	S	-	

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Mini-Warehouse		-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
<b>OTHER USES GROUP</b>																	
<b>Adaptive Reuse</b>	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Urban Agriculture</b>	Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	533, 548
	Agriculture, Large Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	533, 547
	Farmers Market	P	P	P	P	P	P	P	P	P	P	S	S	S	A	-	549
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	550
	Urban Farm	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	-	-	533, 554
<b>Communications Facilities</b>	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	-	-	-	-	S	-	-	-	P	P	P	P	-	-	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Wireless Facility - Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Wireless Support Structure	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
<b>Mining</b>	Mining	-	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515
<b>Recycling</b>	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Processing Center	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	

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**ARTICLE 5. USE REGULATIONS**

20-501	Adaptive Reuse of Designated Historic Property
20-502	Agriculture, Large Animal
20-503	Attached Dwellings
20-504	Bed and Breakfast Establishment
20-505	Funeral and Interment
20-506	(Reserved)
20-507	Day Care Establishments
20-508	Detached Dwelling
20-509	Eating and Drinking Establishments
20-510	Financial, Insurance and Real Estate (F.I.R.E.) Services, Payday Advance and Car Title Loan Businesses
20-511	Food and Beverage Sales
20-512	Lodge, Fraternal and Civic Assembly
20-513	Manufactured Homes, Residential-Design
20-514	Mobile Home Parks
20-515	Mining
20-516	Mixed Media Stores
20-517	Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units
20-518	Office, Administrative and Professional
20-519	Outpatient Care Facility
20-520	Personal Convenience Services
20-521	Personal Improvement Services
20-522	Religious Assembly
20-523	Repair Service, Consumer
20-524	Restaurant, Quality
20-525	Retail Sales, General
20-526	Retail Establishments
20-527	Scrap and Salvage Operations
20-528	Sexually Oriented Businesses
20-529	Wireless Facilities
20-530	Utility, Minor
20-531	Zero Lot Line Housing
20-532	Accessory Uses and Accessory Structures; Purpose
20-533	General Standards for Accessory Structures
20-534	Accessory Dwelling Units
20-535	Accessory Parking
20-536	Amateur Radio and Receive-Only Antennas
20-537	Home Occupations
20-538	Exterior Storage
20-539	General Standards for Private Dining Establishments
20-540	Small and Large Collection Recycling Facilities
20-541	Work/Live Units
20-542	Non-Ground Floor Dwelling Units
20-543	Office, Other
20-544	Temporary Shelters
20-545	Light Equipment Sales/Rental
20-546	Congregate Living
20-547	Animal Agriculture, Small
20-548	Crop Agriculture
20-549	Farmers Markets
20-550	On-Site Agricultural Sales
20-551	Urban Farm
20-552	Short-Term Rental Unit

**20-551 URBAN FARM****(1) Special Use Permit for *Urban Farms* in Residential Districts**

- (i) An Urban Agriculture use is considered an *Urban Farm* when it includes uses permitted as *Crop Agriculture* and/or *Small* or *Large Animal Agriculture* but exceeds the standards set by the Code for these uses. These standards include, but are not limited to, the maximum number of animals per size of [Lot](#), the maximum permitted size of the on-site sales area, hours of on-site sales, and accessory activities on the site such as educational sessions.
- (ii) An *Urban Farm* that was in existence in a residential zoning district prior to April 26, 2016, will be deemed to have an automatic Special Use Permit. It will be necessary for owners/operators of *Urban Farms* to register the use with the Planning Office by January 1, 2017, to qualify for the automatic Special Use Permit. Any alteration or expansion of the *Urban Farm* use are subject to the Special Use Amendment procedures of Section 20-1306 with the provisions included in the following subsection.
- (iii) Given the nature of an *Urban Farm* use, an aerial photo may be used as the basis of the Special Use Permit plan. The plans are not required to be developed by a design professional, but must clearly show the details/dimensions necessary to insure [Setbacks](#) are met, required screening is provided, and that [Parking Areas](#) and drive aisles meet the parking standards in Article 9.

**(3) [Accessory Uses](#) Permitted by Right****(i) Agricultural Processing**

- a. The primary agricultural product being processed must be grown or produced on the premises.
- b. Potentially offensive external effects shall be mitigated to insure compatibility with nearby land uses.
- c. Off-Street Parking is required at the same rate as the *Limited Manufacturing and Production* use in Article 9.

**(ii) Education/Training/Outreach Programs.****(iii) Employment**

- a. An *Urban Farm* in a residential district may have employees that exceed the [Home Occupation](#) limit.

**20-552 SHORT-TERM RENTAL UNIT****(1) Purpose**

- (i) These design standards are to ensure [Short-Term Rental Units](#) are compatible with the desired character and livability of the zoning district in which they are permitted.

**(2) Residency Requirements**

- (i) The use shall be considered an Accessory Use when the Short-Term Rental Unit is located in the same Dwelling Unit in which the owner resides.
- (ii) The use shall be considered an Accessory Use when the Short-Term Rental Unit is located on a property with a registered Accessory Dwelling Unit.
- (iii) The use shall be considered a Special Use when the Short-Term Rental Unit is not located in the same Dwelling Unit in which the owner resides.

**(3) Site-Related Standards**

- (i) All Short-Term Rental Units shall comply with the Occupancy Limits established in Chapter 20, Section 20-601(d).
- (ii) Any structure used as a Short-Term Rental Unit shall be initially approved in accordance with the process to establish its Principal Use or Structure.
- (iii) The Dwelling Unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the Dwelling appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to, construction of Parking Lots, paving of required Setbacks, or the addition of commercial-like exterior lighting.
- (iv) Any units utilized as a Short-Term Rental Unit shall be a legally established unit, or shall obtain a Registration of Nonconforming Use as required in Chapter 20, Article 15.
- (v) Signs shall comply with the provisions outlined in Chapter 5, Article 18 of the City Code.

**(4) Parking**

- (i) **Owner Occupied Short-Term Rental Unit**
  - a. Parking for an owner occupied Short-Term Rental Unit shall comply with the parking required for the principal use of the site.
- (ii) **Non-Owner Occupied Short-Term Rental Unit**
  - a. Parking for a non-owner occupied Short-Term Rental Unit shall comply with Section 20-902.

**20-902 OFF-STREET PARKING SCHEDULE A**

Unless otherwise expressly stated in this article, Off-street [Parking Spaces](#) shall be provided in accordance with the minimum ratios of the following, Schedule A.

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
RESIDENTIAL USE GROUPS		
HOUSEHOLD LIVING		
<a href="#">Accessory Dwelling Unit</a>	See 20-534 for standards	None
<a href="#">Attached Dwelling</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Cluster Dwelling</a>		
<a href="#">Detached Dwelling</a>		
<a href="#">Duplex</a>	1 per bedroom	
<a href="#">Manufactured Home</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Manufactured Home, Residential-Design</a>		
<a href="#">Mobile Home</a>	2 per <a href="#">Dwelling Unit</a> (1 may be located in common area)	
<a href="#">Mobile Home Park</a>		
<a href="#">Multi-Dwelling Structure</a>	1 per bedroom, + 1 per 10 units (visitors and guests) <sup>[1]</sup>	1 per 4 auto spaces
<a href="#">Non-Ground Floor Dwelling</a>	1 per bedroom	None
<a href="#">Work/Live Unit</a>	1 per <a href="#">Dwelling Unit</a>	
<a href="#">Zero Lot Line Dwelling</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Home Occupation, Type A or B</a>	See 20-537 for standards	
GROUP LIVING		
<a href="#">Assisted Living</a>	1 per independent living unit; 0.5 per Assisted Living unit	None
<a href="#">Congregate Living</a>	1 per bedroom <sup>[1]</sup>	1 per 4 auto spaces
<a href="#">Dormitory</a> and Scholarship Halls	0.75 per lawful occupant	
Fraternity and Sorority Houses	0.75 per lawful occupant	
<a href="#">Group Homes, General</a>	1 + 1 per employee	None
<a href="#">Group Homes, Limited</a>	2 per <a href="#">Dwelling Unit</a>	
PUBLIC AND CIVIC USE GROUPS		
COMMUNITY FACILITIES		
<a href="#">Adult Day Care</a>	1 per 1.5 employees	None
<a href="#">Cemetery</a>	per Schedule D (Section 20-905)	
College / University	1 per 4 employees + 1 per 10 students [based on average annual attendance]	1 per 5 students
<a href="#">Cultural Center / Library</a>	1 per 500 square feet	5 or 1 per 4 auto spaces, whichever is greater

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Day Care Center	1 per 1.5 employees + 4 spaces	None
Day Care Home, Class A	1 per 1.5 employees	
Day Care Home, Class B		
Detention Facilities	per Schedule D (Section 20-905)	1 per 10 auto spaces
Event Center, Small	1 per 3 Occupants at maximum occupancy	6 spaces, or 1 per 10 maximum occupancy, whichever is greater
Event Center, Large	1 per 4 Occupants at maximum occupancy	1 per 10 maximum occupancy
Lodge, Fraternal and Civic Assembly	1 per 500 square feet	None
Postal Service	per Schedule D (Section 20-905)	5 or 1 per 10 auto spaces, whichever is greater
Public Safety	per Schedule D (Section 20-905)	None
School, Grades K–9	1 per 1.5 teachers and employees	1 per 5 students
Grades 10+	1 per 1.5 teachers and employees + 1 per 3 students	5 or 1 per 10 auto spaces, whichever is greater
Funeral and Interment Cremating Interring Undertaking	1 per vehicle used in the business; 1 per vehicle used in the business; 1 per 300 square feet	None
Temporary Shelter	1 per 1.5 employees	1 per 5 clients
Social Service Agency	1 per 300 square feet	1 per 10 auto spaces
Community Meal Program	1 per 1.5 employees + 1 per 5 seats	5 or 1 per 10 auto spaces, whichever is greater
Utilities, Minor	1 space	1 per 10 auto spaces
Utilities and Service, Major	1 per 1.5 employees	
MEDICAL FACILITIES		
Extended Care Facilities, General and Limited	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Health Care Office; Health Care Clinic	1 per 300 square feet	1 per 10 auto spaces
Hospital	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Outpatient Care Facilities	1 per 300 square feet	1 per 10 auto spaces
RECREATIONAL FACILITIES		
Active Recreation	Per Schedule D (Section 20-905)	5 or 1 per 4 auto spaces, whichever is greater
Entertainment & Spectator Sports, General	1 per 3 seats	1 per 10 auto spaces
Entertainment & Spectator Sports, Limited	1 per 4 seats	5 or 1 per 10 auto spaces



Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Participant Sports & Recreation, Indoor	1 per 500 square feet of customer/activity area	1 per 10 auto spaces
Participant Sports & Recreation, Outdoor	1 per 500 square feet of customer/activity area	
Nature Preserve / Undeveloped	Per Schedule D (Section 20-905)	
Passive Recreation		
Private Recreation		
RELIGIOUS ASSEMBLY		
Campus or Community Institution	1 per 4 seats in sanctuary or principal worship or assembly space plus spaces required for permitted Accessory Uses	5 or 1 per 10 auto spaces, whichever is greater
Neighborhood Institution		
COMMERCIAL USE GROUPS		
ANIMAL SERVICES		
Kennel	1 per 500 square feet	None
Livestock Sales	1 per 600 square feet	None
Sales and Grooming	1 per 300 square feet	1 per 10 auto spaces
Veterinary	1 per 400 square feet	None
EATING AND DRINKING ESTABLISHMENTS		
Accessory Bar	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	None
Accessory Restaurant	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Bar or Lounge	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater
Brewpub		
Fast Order Food	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Fast Order Food, Drive-In		
Nightclub	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	
Private Dining Establishment	Per Section 20-539	Per Section 20-539
Restaurant, Quality	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
OFFICE		
Administrative and Professional	1 per 300 square feet	1 per 10 auto spaces
Financial, Insurance and Real Estate		
Other		
PARKING FACILITIES		
Accessory	None	None
Commercial		
RETAIL SALES AND SERVICE		
Agricultural Sales	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Building Maintenance Service	1 per 500 square feet	1 per 10 auto spaces
Business Equipment Sales and Service	1 per 300 square feet	
Business Support Service	1 per 400 square feet	
Construction Sales and Service	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Food and Beverage Retail Sales	1 per 300 square feet	5 or 1 per 10 auto spaces
Mixed Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Personal Convenience Services	1 per 300 square feet	1 per 10 auto spaces
Personal Improvement Services	1 per 200 square feet	1 per 10 auto spaces
Repair Service, Consumer	1 per 400 square feet	
Retail Sales, General	per Schedule B (Section 20-903)	
Retail Establishment, Large	per Schedule B (Section 20-903)	1 per 10 auto spaces
Retail Establishment, Medium		
Retail Establishment, Specialty		
SEXUALLY ORIENTED BUSINESSES		
Sexually Oriented Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Physical Sexually Oriented Business		
Sex Shop		
Sexually Oriented Theater	1 per 4 seats	
TRANSIENT ACCOMMODATION		
Short-Term Rental Unit (non owner-occupied)	1 per guest room	None
Bed and Breakfast	1 per guest room + 1 per 1.5 employees	None
Campground	1 per camp space	None
Elderhostel	1 per guest room + 1 per 1.5 employees for associated uses	as required for associated uses
Hotel, Motel, Extended Stay		

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<b>VEHICLE SALES AND SERVICE</b>		
Cleaning (Car Wash)	2 + stacking spaces per Section 20-911	None
Fleet Storage	1 per 1.5 employees	
Gas and Fuel Sales	1 per 300 square feet of retail sales area + 2 per pump island	
Heavy Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Heavy Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Inoperable Vehicles Storage	1 per 1.5 employees	
Light Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Light Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Recreational Vehicle and Boat Storage	1 per 25 storage spaces	
<b>INDUSTRIAL USE GROUPS</b>		
<b>INDUSTRIAL FACILITIES</b>		
Explosive Storage	per Schedule C (Section 20-904)	None
Industrial, General		
Industrial, Intensive		
Laundry Service		
Maker Space, Limited	Per Schedule B (Section 20-904)	1 per 10 auto spaces
Maker Space, Intensive	Per Schedule C (Per Section 20-904)	1 per 10 auto spaces
Manufacturing and Production, Limited	per Schedule C (Section 20-904)	
Manufacturing and Production, Technological		
Research Service	per Schedule C (Section 20-904)	1 per 10 auto spaces
Scrap and Salvage Operation	1 per acre	None
<b>WHOLESALE, STORAGE AND DISTRIBUTION</b>		
Exterior Storage	per Schedule C (Section 20-904)	None
Heavy		
Light		
Mini-Warehouse	4 + 1 per 25 rental spaces	

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
OTHER USE GROUPS		
ADAPTIVE REUSE		
Designated Historic Property	As established at time of Special Use approval per Section 20-501	As established at time of Special Use approval per Section 20-501
Greek Housing Unit		
AGRICULTURE		
Agriculture, Crop	None	None
Agriculture, Large Animal	None	None
Agriculture, Small Animal	None	None
Farmers Market	Schedule D	5 or 1 per 5 auto spaces, whichever is greater
On-Site Agricultural Sales	None	None
Urban Farm	1 per employee on largest shift	1 per 5 auto spaces
COMMUNICATIONS FACILITIES		
Amateur and Receive Only Antennas	None	None
Broadcasting Tower	1 space	None
Communications Service Establishment	1 per 400 square feet	1 per 10 auto spaces
Telecommunications Antenna	None	None
Telecommunications Tower	1 space	None
Satellite Dish	None	None
MINING		
Mining	per Schedule D (Section 20-905)	None
RECYCLING FACILITIES		
Large Collection	per Schedule C (Section 20-904)	None
Small Collection		
Processing Center	per Schedule C (Section 20-904)	None
Footnotes:		

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<p>[1] Whenever a structure 4,500 gross square feet or larger as of April 28, 2012 on a property 8,775 square feet in size or less is renovated as a <a href="#">Multi-Dwelling Structure</a> or <a href="#">Congregate Living</a> use, parking shall be provided at the overall rate of 0.5 spaces per one (1) bedroom. For purposes of calculating the structure's gross square feet, the following shall be considered to be included and in existence at the time of making application for use of the parking standard:</p> <ol style="list-style-type: none"> <li>Finished and unfinished area that is able to comply with the building code standard for livable space ceiling height without structural alterations, including the following: <ol style="list-style-type: none"> <li>Attic space when it is accessed by a permanent stairway.</li> <li>Basement space.</li> <li>Enclosed space such as enclosed porches, sunrooms, and breezeways that are seasonal in nature and that may or may not be connected to the structure's heating, ventilation, and air conditioning system.</li> </ol> </li> </ol>		

**20-903 OFF-STREET PARKING SCHEDULE B**

- (a) Off-street [Parking Spaces](#) for Schedule B uses shall be provided in accordance with the following standards. These standards shall be minimum standards for the provision of off-street [Parking Spaces](#).

Gross Floor Area (Sq. Ft.)	Off-Street <a href="#">Parking Spaces</a> Required
1–45,000	1 per 300 square feet
45,001–100,000	150 + 1 per 400 square feet of <a href="#">Gross Floor Area</a> between 45,001 and 100,000 square feet
100,001+	288 + 1 per 500 square feet of <a href="#">Gross Floor Area</a> above 100,000 square feet

- (b) The maximum number of off-street [Parking Spaces](#) for a Schedule B use shall not exceed 120% of the minimum required number of [Parking Spaces](#) for such a use.

**20-904 OFF-STREET PARKING SCHEDULE C**

Off-street [Parking Spaces](#) for Schedule C uses shall be provided in accordance with the following standards:

Gross Floor Area (Sq. Ft.)	Off-Street Parking Required		
		Warehousing <a href="#">Floor Area</a> Manufacturing or Other <a href="#">Floor Area</a>	Outdoor Storage Area
1–20,000	1 per vehicle used in the business +	1 per 1,000 square feet +	1 per acre
20,001 – 120,000		1 per 5,000 square feet +	1 per acre
120,001 +		1 per 10,000 square feet +	1 per acre
If business is employee intensive, parking may be based on ratio of employees	1 per vehicle used in the business +	1 per 1.5 employees on largest shift	1 per acre

**20-905 OFF-STREET PARKING SCHEDULE D**

Schedule “D” uses have widely varying [Parking](#) demand characteristics, making it difficult to specify a single off-street parking standard.

**(a) Standards**

Upon receiving a development application for a use subject to “Schedule D” standards, the [Planning Director](#) shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or shall establish minimum off-street parking requirements.

**(b) Parking Study**



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**ARTICLE 17. TERMINOLOGY**

20-1701	General Terms
20-1702	Use Categories in General
20-1703	Adaptive Reuse of Designated Historic Property
20-1704	Adaptive Reuse of Greek Housing
20-1705	(Reserved)
20-1706	(Reserved)
20-1707	(Reserved)
20-1708	(Reserved)
20-1709	(Reserved)
20-1710	Animal Services
20-1711	Big Box
20-1712	Building Maintenance Services
20-1713	Business Equipment Sales and Services
20-1714	Business Support Services
20-1715	Commercial Node
20-1716	Communication Service Establishments
20-1717	Community Facilities
20-1718	Construction Sales and Services
20-1719	Cultural Exhibits and Libraries
20-1720	Day Care
20-1721	Detention Facilities
20-1722	Dwelling, Attached
20-1723	Dwelling, Detached
20-1724	Eating and Drinking Establishments
20-1725	Entertainment and Spectator Sports
20-1726	Explosive Storage
20-1727	Financial, Insurance and Real Estate (F.I.R.E.) Services
20-1728	Food and Beverage Retail Sales
20-1729	Funeral and Interment Services
20-1730	Reserved
20-1731	Group Living
20-1732	Health Care Office; Health Care Clinic
20-1733	Hospital
20-1734	Household Living
20-1735	Industrial, General
20-1736	Industrial, Intensive
20-1737	Laundry Service
20-1738	Lodge, Fraternal and Civic Assembly
20-1739	Manufacturing and Production, Limited
20-1740	Manufacturing and Production, Technological
20-1741	Medical Facilities, (Health Center, Clinic, Hospital)
20-1742	Mining
20-1743	Mobile Home Park
20-1744	Office, Administrative and Professional
20-1745	Outpatient Care Facilities
20-1746	Parking Facilities
20-1747	Parking Lot
20-1748	Personal Convenience Services
20-1749	Personal Improvement Services
20-1750	Postal & Parcel Services
20-1751	Public Safety
20-1752	Recycling Facilities
20-1753	Religious Assembly
20-1754	Repair Services, Consumer
20-1755	Recreational Facilities

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20-1756	Research Services
20-1757	Retail Sales and Service
20-1758	Retail Sales, General
20-1759	School
20-1760	Scrap and Salvage Operations
20-1761	Sexually Oriented Businesses
20-1762	Sports and Recreation, Participant
20-1763	Transient Habitation
20-1764	Utilities and Services, Major
20-1765	Utilities, Minor
20-1766	Vehicle Sales and Service
20-1767	Wholesale, Storage, and Distribution
20-1768	Wireless Facilities
20-1769	Institutional Use
20-1770	Community Mental Health Facilities
20-1771	Maker Space
20-1772	Event Center
20-1773	Agricultural Processing
20-1774	Agricultural Sales
20-1775	Agriculture, Animal
20-1776	Agriculture, Crop
20-1777	Farmers Market
20-1778	On Site Agricultural Sales
20-1779	Urban Agriculture
20-1780	Urban Farm
20-1781	Short-Term Rental Unit

**20-1779 URBAN AGRICULTURE**

The growing, processing and distribution of plant and animal products — by and for the local community — within an urban environment. Urban Agriculture includes, but is not limited to: aquaculture, horticulture, permaculture, hydroculture, agroforestry, beekeeping, gardening, and animal husbandry. Complementary activities associated with Urban Agriculture include the distribution of food, the collection and reuse of food waste and rainwater, and public outreach activities such as education and employment. Urban Agriculture does not include such commercial activities as commercial dog kennels, dog breeding facilities, or livestock sales.

**20-1780 URBAN FARM**

An Urban Agricultural use which is operated primarily for commercial purposes. An *Urban Farm* is distinguished from other Urban Agriculture uses by scale.

- (1) An *Urban Farm* may have a larger retail sales area and/or more agricultural animals than permitted for *Crop Agriculture* and/or *Small and Large Animal Agriculture*.
- (2) An *Urban Farm* can include other uses such as an educational/training component and/or Agricultural Processing.

**20-1781 SHORT-TERM RENTAL UNIT**

A use where all or part of a *Dwelling Unit* may accommodate transient guests with or without exchange for compensation, for a period of time less than thirty (30) consecutive days. The use may be considered an accessory use when the unit is concurrently owner-occupied. For the purposes of this definition, a dwelling unit shall include all legally established dwelling units, and shall exclude Dormitory, Fraternity or Sorority House, Group Home (General or Limited), Motel, Hotel, Extended Stay, and Bed and Breakfast uses.



# City of Lawrence

## Report on Short-Term Rentals

February 21, 2017

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### Introduction

Communities around the world are trying to come to terms with the new sharing economy and the impacts that it has within a community. The sharing economy has grown drastically through the use of technology which has both positive and negative impacts on a community.

This report aims to understand the sharing economy, specifically homesharing (also referred to as short-term rentals). It will outline the benefits and concerns associated with homesharing. Additionally, it will outline how other communities are addressing this phenomenon as well as the regulations that the City of Lawrence currently has in place. Finally, the report will provide options for the City to take moving forward and elements that should be considered if policy action is taken.

The report is not exhaustive but rather seeks to highlight some of the major elements associated with homesharing.

### Background

Short-term rentals have been around long before the internet;<sup>1</sup> however, with better technology the popularity of short-term rentals has drastically increased. Homesharing provide sleeping accommodations on a short-term basis. The increase of homesharing is largely attributed to the expansion of the sharing economy.

The sharing economy is centered on the notion of using personal resources more efficiently.<sup>2</sup> These personal resources can include anything from a car to a spare bedroom. Companies such as Uber and Airbnb provide a platform for people to share these underutilized goods and services with one another<sup>3</sup> for a fee.

There are numerous short-term rental platforms around the world. The most well know is Airbnb which was founded in 2008. Airbnb is a platform that allows people to list and book unique sleeping accommodations around the world.<sup>4</sup> They have had over 2 million listings in 191 countries and 34,000 cities<sup>5</sup> and those numbers are expected to continue to grow. A few other homesharing platforms include: HomeAway, Flipkey, VRBO, Couchsurfing, and Homestay.

Airbnb, like many other homesharing platforms, provides a marketplace where hosts can rent out spare rooms or entire properties, and guests can book them.<sup>6</sup> Guests are able to communicate with hosts, confirm travel dates, and pay<sup>7</sup> through many homesharing platforms.

Additionally, the State of Kansas and Airbnb have reached an agreement to collect and remit state and local sales tax and local transient guest tax on behalf of Airbnb hosts beginning February 1, 2017.

### **Benefits of Homesharing**

Proponents of homesharing argue there are numerous benefits to regulating and legalizing short-term rentals. The most common arguments include 1) the growth of the sharing economy, 2) economic impact for hosts, 3) economic impact for cities, 4) increased information for users, and 5) reduced blight.

The sharing economy has grown drastically in a short period of time indicating there is a demand in the marketplace for quick access to borrowed goods and services.<sup>8</sup> This demand has been possible through the use of technology and flexibility that users have to enter and exit the market.<sup>9</sup> Additionally, there is a low cost of entry into the market.<sup>10</sup>

Another benefit of homesharing is the additional income it provides hosts. This additional income helps hosts pay their rent or mortgage, property taxes, insurance, or make improvements.<sup>11</sup> This additional income helps preserve property values because homeowners are able to *share* some of the costs associated with homeownership.<sup>12</sup> Additionally, this can enable people to age in place longer before transitioning to an independent or assisted living facility.<sup>13</sup>

In addition to an economic benefit to hosts, there is an economic benefit to cities. Beginning February 1, 2017, the State of Kansas will be receiving state and local sales tax and transient guest tax through Airbnb. This is revenue that previously has not been collected. Additionally, homesharing provides more rooms for tourists particularly during special events.<sup>14</sup> There are a number of travelers that ‘want to live like a local’ and those who use a homesharing service tend to spend more time and more money in the city they are visiting.<sup>15</sup>

The increase in technology has provided hosts and those that use homesharing services more information that they can use to determine whether or not they would like to participate in a given transaction.<sup>16</sup> Many homesharing platforms, including Airbnb, have a feedback mechanism in place to help provide more information to users. For example, Airbnb verifies the true identity of both hosts and guests<sup>17</sup> and both are able to review the transaction. This helps identify if there are problematic hosts or problematic guests.

Finally, proponents of homesharing argue that it can help reduce blight within neighborhoods. The increased potential for earning can lead to the rehabilitation of once blighted properties.<sup>18</sup> It provides incentives and revenue for property owners to make improvements that may not have been possible previously.

### **Concerns of Homesharing**

Opponents of homesharing argue there are numerous concerns with regulating and legalizing short-term rentals. The most common arguments include 1) impact on neighborhoods, 2) zoning, 3) safety, 4) impact on the hotel industry, and 5) impact on affordable housing. It should be noted that many concerns are centered on taxation but given the recent agreement between Airbnb and the State of Kansas those concerns are not addressed here.

There are concerns that residential neighborhoods will become commercialized and will increase the likelihood that investors will purchase homes to rent them out as short-term rentals.<sup>19</sup> Additionally, short-term rentals may erode the character of neighborhoods because it could lead to fewer full-time residents and an increase of short-term guests.

Zoning is another issue that would need to be addressed. The City’s current zoning codes do not allow short-term rentals within the framework of the homesharing model and there is not a one-size-fits-all solution.<sup>20</sup> How cities address this issue varies drastically and will be explored further in the next section.



There are also safety concerns that are worth noting that impact both guests and hosts. There are concerns with host's ability to adhere to fire codes and to what extent those should be tested.<sup>21</sup> Many argue that these properties will see an increase in crime and become a center for partying.<sup>22</sup> There have been several examples of racial discrimination by both hosts and guests.<sup>23</sup> Additionally, there are limited numbers of accessible rooms and accommodations that meet ADA regulations.<sup>24</sup> Finally, there are concerns with liability and insurance<sup>25</sup> if an incident were to occur.

Many within the hotel and bed & breakfast industry argue that homesharing does not have to comply with the same building code, health, safety, fire, and ADA regulations<sup>26</sup> putting short-term rentals at a significant competitive advantage. The exact impact of homesharing on hotels is not known and will vary based on regional markets. There has been research conducted in the State of Texas that showed a greater impact on hotels that operate at a lower price point and do not cater to business travelers.<sup>27</sup> This research is not necessarily indicative of all regional markets, but does demonstrate there is the potential that homesharing impacts the hotel industry.

Finally, there is a concern that short-term rentals negatively impact affordable housing. Homesharing may take housing off the market because owners will be incentivized to use property as a short-term rental which could be more lucrative than long-term tenants. Renting out a house or apartment for a few weekends a month has the potential to earn the property owner as much or more than monthly rent from a full-time tenant.<sup>28</sup> Many cities address this concern through residency requirements which requires hosts to rent out the home they live in for the majority of the year (primary residence).<sup>29</sup> This requirement reduces the ability to property owners to rent out secondary residences or income properties.

### What are other communities doing?

There are numerous communities that have established some form of short-term rental regulation. Each community is different and has tailored a policy to meet their specific needs. There are however, some similarities among the aspects addressed within various regulations. Additionally, there have been some common measures that communities have taken to address some of the aforementioned concerns.

The most common elements of short-term rental regulations include:

- **Zoning:** This is one of the major issues with homesharing. Zoning is used to protect property owners<sup>30</sup> and provide assurance that the land is being used for a specified purpose. Zoning codes would have to be updated to accommodate short-term rentals. Some cities have addressed this by requiring hosts to apply for some form of variance such as a special use permit or a conditional use permit.<sup>31</sup>
- **Permit/Registration Process:** Many municipalities require hosts to obtain a permit. This is done for several reasons. It can be revoked if a host is not adhering to city ordinances.<sup>32</sup> Additionally, there is generally a fee associated with obtaining a permit that can help offset the cost of administering the permit and the cost of an inspection, if required.<sup>33</sup> It can also help ensure that all zoning codes are being followed and a variance has been obtained, if required. Finally, it can ensure that an inspection was conducted and the hosts met all the stated requirements.<sup>34</sup>
- **Residency Requirements:** Many cities require short-term rentals to be within the host's permanent residence.<sup>35</sup> This is done to help alleviate some concerns about the impact that homesharing could have on neighborhoods (i.e. commercialization, loss of character within neighborhoods). It also inhibits landlords from converting long-term rentals into short-term rentals<sup>36</sup> which has the potential to impact affordable housing.
- **Inspections:** Cities that regulate homesharing differ greatly when addressing inspections. Some municipalities do not require any inspections and work on a case-by-case basis when a complaint is received<sup>37</sup> while others have required that short-term rentals adhere to incredibly strict

guidelines.<sup>38</sup> Many cities fall somewhere in the middle and ensure that there are at a minimum, working fire alarms and carbon monoxide detectors.<sup>39</sup>

- **Limit on the Number of Occupants:** Occupant restrictions also vary greatly from city to city. Some communities have restricted the number of occupants allowed per room while other municipalities have restricted the number rooms that can be dedicated to short-term rentals.<sup>40</sup>
- **Maximum Number of Day a Property can be Rented:** Regulations on the number of days a property can be rented out varies. If restricted, many communities set the maximum number of days a property can be rented between 30 days and 90 days although there are some communities allow more than that. For example, the State of Wisconsin permits an unlimited number of days rented if the owner is present, however sets a cap of 30 days if the property owner is not present.<sup>41</sup>
- **Notifications:** Some communities require notifications be sent to property owners within a specified radius of the short-term rental or to adjacent property owners. This notification generally includes a brief description of homesharing and how to file a complaint if an issue were to arise.<sup>42</sup>

Some additional elements that are found within specific homesharing regulations include:

- **Geographic Limits:** Some municipalities restrict the number of permits within each neighborhood or within the city as a whole.<sup>43</sup>
- **Good Neighbor Brochure:** Some communities require hosts share a “good neighbor brochure” with guests that summarize local ordinances that might impact guests (i.e. noise, parking, trash, number of guests).<sup>44</sup>
- **Insurance Requirements:** Insurance and liability have been of some concern as well. Some cities have tried to address this by requiring hosts have homeowner’s insurance.<sup>45</sup> Additionally, Airbnb hosts have access to a \$1 Million Host Protection Insurance program.<sup>46</sup>

Taxation is a major element that communities have to address. However it is not dwelt upon here because Airbnb, the largest homesharing platform in the City of Lawrence, has an agreement with the State of Kansas to collect and remit sales tax and transient guest tax. It should be noted that many cities treat this as a ‘new’ revenue source because it has not been collected previously and use this ‘new’ revenue to address affordable housing concerns, often through a trust or specified fund. Additionally, to Staff’s knowledge, Airbnb is the only homesharing platform that has an agreement with the State. Other platforms may not be collecting and remitting sales and transient guest tax.

Enforcement of the policy was another aspect that was emphasized. Due to a lack of consistent data, it can be difficult to enforce elements such as the number of occupants or the number of days a property can be rented. There is also additional administrative work associated with the permitting/registration process. If inspections are required, that too would add additional responsibilities. Many communities have had to hire additional staff to help offset the additional work.

### What are the current regulations in Lawrence?

The current zoning regulations categorize short term rentals as “transient accommodations”, which include the following uses: bed and breakfast; campground; elderhostel; and hotel, motel and extended stay. In residential zoning districts (RS and RM), the bed and breakfast use is permitted only with a special use permit, except it is an allowed use in the RM24, RM32, and RMO districts. The elderhostel is permitted via special use permit only in the RMG (Greek Housing) district. All residential zoning districts permit rental with a 30-day lease being the minimum amount of tenancy. Renting a unit for a time period less than 30 days is considered a transient accommodation.

Over the last three years, Staff has received and acted on three complaints alleging short term renting of homes. All three cases, to Staff's knowledge, resulted in ceasing of the use without proceeding to court.

### **Next Steps**

Moving forward there are two general options available to the City (1) maintain the prohibition of all homesharing activities and address complaints as they are submitted or (2) regulate homesharing activities through zoning code changes and policies that mitigate potential negative impacts. This may require additional City resources.

Regardless of how the City moves forward there are going to be some benefits and concerns that will need to be addressed. It is clear that there is not a simple one-size fits all solution. If policy action is taken, the City Commission and staff will need to set and implement policy that addresses the specific needs of Lawrence residents.

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## Endnotes

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<sup>2</sup> Joseph Shuford, *Hotel, Motel, Holiday Inn and Peer-to-Peer Rentals: The Sharing Economy, North Carolina, and the Constitution* (North Carolina Journal of Law & Technology, 2015), 302

<sup>3</sup> Roberta Kaplan and Michael Nadler, *Airbnb: A Case Study in Occupancy Regulation and Taxation* (University of Chicago Law Review, 2015), 103

<sup>4</sup> Airbnb Inc., *About Us* (2016)

<sup>5</sup> Ibid.

<sup>6</sup> Robinson & Cole LLP, *Residential Rentals: The Housing Market, Regulations, and Property Rights* (2015), 12

<sup>7</sup> Airbnb Inc., *How Airbnb Works* (2017)

<sup>8</sup> Virginia Municipal League and Center for State and Local Government Leadership at George Mason University. *The Sharing Economy: Implications for Local Government Leaders* (Virginia Municipal League & Center for State and Local Government Leadership at George Mason University, 2015), 5

<sup>9</sup> Georgios Zervas, Davide Proserpio and John W Byers, *The Rise of the Sharing Economy Estimating the Impact of Airbnb on the Hotel Industry* (Boston University School of Management Research, 2016), 1-7

<sup>10</sup> Liran Einav, Chiara Farronato and Jonathan Levin, *Peer-to-Peer Markets* (Annual Review of Economics, 2016), 1

<sup>11</sup> Kindel et al., *Short Term Rental Study*, 29

<sup>12</sup> Jamila Jefferson-Jones, *Can Short-Term Rental Arrangements Increase Home Values? A Case for AirBNB and Other Homesharing Arrangements* (Cornell Real Estate Review 2015), 19

<sup>13</sup> Dwight Merriam, *Peering into the Peer Economy: Short-Term Rental Regulation* (American Planning Association, 2015), 4

<sup>14</sup> Kindel et al., *Short Term Rental Study*, 29

<sup>15</sup> Ibid., 29

<sup>16</sup> Christopher Koopman, Matthew Mitchell and Adam Thierer, *The Sharing Economy and Consumer Protection Regulation: The Case for Policy Change* (Arlington: Mercatus Center at George Mason University, 2014), 5, 15

<sup>17</sup> Einav et al., *Peer-to-Peer Markets*, 10

<sup>18</sup> Kindel et al., *Short Term Rental Study*, 29-30

<sup>19</sup> Ibid., 30-32

<sup>20</sup> Virginia Municipal League and Center for State and Local Government Leadership at George Mason University. *The Sharing Economy*, 13

<sup>21</sup> Joeri van den Steenhoven, Idil Burale, Vanessa Toye and Claire Bure, *Shifting Perspectives* (Toronto: MaRS Solutions Lab, 2016), 46

<sup>22</sup> Kindel et al., *Short Term Rental Study*, 31

<sup>23</sup> Benjamin Edelman, Michael Luca and Dan Svirsky, *Racial Discrimination in the Sharing Economy: Evidence from a Field Experiment* (Harvard Business School, 2016), 1

<sup>24</sup> Kindel et al., *Short Term Rental Study*, 31, 38

<sup>25</sup> Ibid., 78

<sup>26</sup> Ibid., 31, 38

<sup>27</sup> Zervas et al., *The Rise of the Sharing Economy Estimating the Impact of Airbnb on the Hotel Industry*, 4

<sup>28</sup> Kindel et al., *Short Term Rental Study*, 31

<sup>29</sup> Steenhoven et al., *Shifting Perspectives*, 43-44

<sup>30</sup> Leonard Cohen, *The Sharing Economy: Airbnb and Municipal Zoning Regulation*. (Host Compliance, n.d.)

<sup>31</sup> Ibid.

<sup>32</sup> Host Compliance LLC, *A Practical Guide to Effectively Regulating Short-Term Rentals on the Local Government Level*, (San Francisco, 2016)

<sup>33</sup> Kindel et al., *Short Term Rental Study*, 50-51

<sup>34</sup> Ibid., 50-51

<sup>35</sup> Ibid., 47-48

<sup>36</sup> Host Compliance LLC, *A Practical Guide to Effectively Regulating Short-Term Rentals on the Local Government Level*

<sup>37</sup> Lauren Hirshon, Morgan Jones, Dana Levin, Kathryn McCarthy, Benjamin Morano and Sarah Simon, *Cities, the Sharing Economy and What's Next* (Washington DC: National League of Cities Center of City Solutions and Applied Research, 2015), 23-24

<sup>38</sup> Ibid., 23

<sup>39</sup> Kindel et al., *Short Term Rental Study*, 50-51

<sup>40</sup> Ibid., 45

<sup>41</sup> Ibid., 47

<sup>42</sup> Ibid., 49

<sup>43</sup> Ibid., 45-47

<sup>44</sup> ViewPoint Cloud, *A Very Comprehensive Guide to Smart Airbnb Regulation for Local Governments* (2016), 14-15

<sup>45</sup> Shuford, *Hotel, Motel, Holiday Inn and Peer-to-Peer Rentals*, 317

<sup>46</sup> Airbnb Inc., *Host Protection Insurance* (n.d.)

# SHORT-TERM RENTALS

## FAQS

### What is a short-term rental (STR)?

Short-term rentals (STRs) provide sleeping accommodations on a short-term basis where the property owner may or may not be present during the stay. While these have been around for a long time, improvements in technology and the expansion of the sharing economy has drastically increased the frequency in which they are used.

### What is the sharing economy?

The sharing economy is centered around using personal resources more efficiently. Companies such as Uber and Airbnb provide a platform for people to share their resources more efficiently for a fee.

### What are some examples of STR software platforms?

There are a number of companies that provide a platform to use STRs. Some of the most common STR platforms in Lawrence include: Airbnb, VRBO, HomeAway, FlipKey, etc.

### Are STRs currently allowed?

STRs are not currently a permitted land use within the City of Lawrence. Enforcement of STRs is a complaint driven process.

### How many STRs are available in Lawrence?

There are approximately 130 active listings at any given point on Airbnb. The other STR platforms have STRs available but on a much smaller scale.

### What potential code standards will staff be considering for the draft regulations?

1. Whether STRs should be limited to certain zoning districts.
2. Whether STRs should be licensed and what the fee should be to cover costs of regulating the use.
3. Whether a STR must be owner-occupied to participate.
4. Whether certain housing types are more appropriate than others to accommodate STRs.
5. Whether STRs require an inspection to ensure that life-safety systems are present and maintained (similar to the rental inspection program).
6. Whether existing occupancy limits should be maintained for STRs.
7. Whether STRs should be limited to a certain number of rental times per year.
8. Whether there should be a limit on the number of units owned by individuals or corporations.
9. Whether there should be notice to neighbors of the establishment of a STR.
10. Whether owners shall provide contact info to the city and neighbors to address nuisance complaints and other issues that may arise with STRs.
11. Whether proof of insurance should be required to operate a STR.

## How can STRs benefit a community?

There are a number of potential benefits that STRs provide a community. STRs bring in additional revenues through sales tax and transient guest tax. They also give hosts additional income. This additional income can go towards mortgages, property improvements, property taxes, etc. Finally, STRs give visitors an alternative option to traditional accommodations and the ability to 'live like a local' while visiting Lawrence.

## How can STRs harm a community?

There are a number of potential concerns that STRs impose on a community. STRs by their very nature can lead neighbors wondering who is staying next door which can often lead to safety concerns. These safety concerns may be present for hosts, guest, and neighbors. Some communities have also seen impacts to affordable housing. Finally, there is often a concern that STRs may be used as a part house.

## Where can I find additional information?

All information related to STRs can be found online at [www.lawrenceks.org/short-term-rentals](http://www.lawrenceks.org/short-term-rentals).

## What will the ordinance development process look like?

Staff is seeking input from community members and stakeholders to help in the development of a draft ordinance. Once feedback is collected, a draft ordinance will be brought forward to the City Commission; tentatively scheduled for the Nov. 14, 2017 work session. At this meeting, the draft ordinance will be presented, additional comments from the public will be heard, and staff will receive further direction on the policy and next steps.

## How can I provide input?

Staff are requesting community members and stakeholders submit written testimony to Danielle Buschkoetter at [dbuschkoetter@lawrenceks.org](mailto:dbuschkoetter@lawrenceks.org) by October 13. This will help guide Staff through the development process. Additionally, there will be a survey available September 26 through October 13 at [www.lawrenceks.org/lawrence-listens](http://www.lawrenceks.org/lawrence-listens). Finally, stakeholders and community members are encouraged to attend the City Commission work session, tentatively scheduled for Nov. 14, 2017 for further discussion.



## CITY COMMISSION AGENDA ITEM



City of Lawrence

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<b>Department:</b>	Planning & Development Services City Manager's Office	<b>Commission Meeting Date:</b> 2/20/2018
<b>Staff Contact:</b>	Scott McCullough, Director of Planning & Development Services Danielle Buschkoetter, Management Assistant	

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### Recommendations/Options/Action Requested:

Initiate a text amendment to the City of Lawrence Land Development Code to incorporate short-term rental uses and direct staff to develop an ordinance for the licensing, inspecting and regulating of short-term rental properties.

At the work session on November 14, 2017, staff presented a general framework for regulating short-term rentals (STR). That framework outlined eight (8) key elements:

1. STR permitted in all zoning districts;
2. Collect Transient Guest Tax and Sales Tax;
3. Annual License/Fee;
4. Annual Inspection/Fee;
5. Proof of Insurance;
6. Conform with Current Occupancy Standards;
7. Local Contact Person;
8. Notice to Neighbors.

### Executive Summary:

The attached memo summarizes that meeting and the general direction provided by the City Commission. In summation, the direction included proceeding with the recommended framework with the following adjustments: change the inspection cycle to follow current rental registration guidelines of inspecting every three (3) years instead of annually; remove the local contact person, and change the distance related to the notice to neighbors.

The memo also responds to questions raised by the City Commission related to taxation and insurance. Finally, it identifies next steps in the process which includes initiating a text amendment to the City of Lawrence Land Development Code with future public input on such.

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<b>Strategic Plan Critical Success Factor</b>	Effective Governance/Professional Administration Safe, Healthy, and Welcoming Neighborhoods Collaborative Solutions Economic Growth and Security
<b>Fiscal Impact (Amount/Source):</b>	The licensing and inspection program is intended to be cost-neutral. It appears, Planning & Development Services staff will be able to manage the anticipated workload associated with these regulations within current staffing levels.
<b>Attachments:</b>	<a href="#">Memorandum</a>

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Reviewed By: (for CMO use only)	<input type="checkbox"/> TM
	<input checked="" type="checkbox"/> DS
	<input type="checkbox"/> CT
	<input type="checkbox"/> BM

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# Memorandum

## City of Lawrence

### City Manager's Office

TO: Lawrence City Commission  
FROM: Danielle Buschkoetter, Management Assistant  
CC: Scott McCullough, Director of Planning & Development Services  
Randy Larkin, Senior Assistant City Attorney  
Brian Jimenez, Code Enforcement Manager  
Jeff Crick, Planner  
DATE: January 8, 2018  
RE: Short-Term Rental Work Session Follow-Up

#### **Background**

On November 14, 2017, the City Commission held a work session to discuss short-term rentals (STR). At that work session staff recommended the following framework:

#### **1. STR permitted in all zoning districts that allow residential uses.**

- a. Staff is recommending that STRs be permitted in single and multi-dwelling districts.
- b. Additionally, staff is recommending that a distinction be made between owner occupied units and non-owner occupied units. All owner occupied units would follow the framework set forth in STR regulations while all non-owner occupied units would be required to follow the regulations set forth for traditional bed & breakfasts. Therefore, non-owner occupied STRs would be required to obtain a Special Use Permit (SUP).

#### **2. Collection of Transient Guest Tax and Sales Tax.**

- a. STR hosts are responsible for ensuring that all applicable taxes are collected and remitted. Airbnb has signed an agreement with the State of Kansas to collect and remit all local and state taxes. However, the other platforms have not yet reached such an agreement and therefore that responsibility would fall to the operator of the STR.

#### **3. Annual license and fee.**

- a. The annual license and fee is proposed to be similar to the Rental Licensing and Inspection Program. The license fee is anticipated to be \$25 per unit. The fees are set to recover the costs associated with processing the request.

#### **4. Annual inspection and fee.**

- a. The annual inspection and fee is proposed be similar to the Rental Licensing and Inspection Program. The inspection fee is anticipated to be \$50 per unit. The fees are set to recover the costs associated with processing the request.

#### **5. Proof of insurance.**

- a. Staff are recommending that STR operators be required to show proof of insurance in the event that an issue were to arise. It should be noted that

Airbnb does provide some level of insurance for the STR operator, however that is not a universal practice among all STR platforms.

**6. Conform with current occupancy standards.**

- a. Current occupancy standards would apply to STRs. That means in a single-dwelling, residential (RS) district a maximum of three (3) unrelated occupants are permitted. In a multi-dwelling, residential (RM) district a maximum of four (4) unrelated occupants are permitted. There are exceptions to this for congregate living, motel, hotel, bed & breakfast, dormitory, fraternity/sorority, and group homes. It should be noted that for a traditional bed & breakfast to be exempt from the occupancy standards they must apply for and be granted a special use permit.

**7. Local contact person.**

- a. There must be a local contact person to receive notices and attend to issues as they arise. If the owner lives more than 40 miles outside of City limits, a resident agent is required that lives within 40 miles of City limits.

**8. Notice to neighbors.**

- a. Staff are also recommending that a notification be sent out to owners of property within 400 feet of the STR as well as to registered neighborhood associations. The notice would be similar to Type B Home Occupation notices (e.g. tutoring, hair salon, accounting services). It would provide general information about STRs and how to file a complaint if an issue were to arise. Additionally, the notice would reflect that there is no right to appeal the STR use.

**Summary of Direction**

Based on the discussion that occurred during the Work Session, staff will pursue drafting the appropriate text amendments and ordinance to incorporate the recommended framework with the following changes from staff's proposal incorporated:

1. The licensing and inspection protocol will follow our current rental registration guidelines with the required inspection to occur on a three-year rotation instead of annually;
2. remove the local contact person requirement because the owner of the property will serve as the contact person for owner-occupied STRs and all non-owner occupied properties will go through the existing special use permit process at which point that condition can be added;
3. provide notice to neighbors for owner-occupied STRs that are within 200 feet of the STR instead of 400 feet (notice to neighbors will be provided in the normal course of the special use permit process for non-owner occupied STRs); and
4. develop recommendations regarding properties that are currently receiving City incentives and include language about affordable units within incentivized projects.

**Questions Raised During Work Session**

During the City Commission discussion, a number of questions were raised. Staff have attempted to provide answers to those questions.

Taxation. There were a number of questions about the rate at which property taxes would be assessed as well as at which point sales taxes would cease to be collected. In regard to the property tax assessment for properties that operate a STR; the County Appraiser's

Office is responsible for the appraisal of all real estate, both commercial and residential. While the City does receive property tax dollars, the appraisal values are determined and administered through Douglas County.

Currently, it appears there are no STRs residences classified as commercial property. For this classification to occur the County Appraiser's Office would have to determine that a property is being used strictly as a STR for a majority of the tax year. In addition to use, there are many variables looked at by the County Appraiser's Office when making an assessment. The City is in communications with the County Appraiser's Office and will try to provide more clarity on this issue as more details about the proposed regulations are known.

In regard to the sales tax collections, the State of Kansas collects and remits sales tax and transient guest tax to the City. While the City does receive sales tax and transient guest tax, both taxes are administered by the Department of Revenue. It appears as through sales taxes are collected based on gross receipts while transient guest taxes cease to be collected after accommodations are provide to the same individual or entity for 28 consecutive days.

Insurance. Staff is recommending that proof of general liability insurance be provided at time of licensing. Staff will set a minimum amount of insurance required to be maintained. It will be incumbent upon the applicant to ensure that they have the proper insurance to cover STR operations.

Owner Occupied vs. Non-Owner Occupied. Staff's recommendations included a distinction between owner occupied vs. non-owner occupied STR operations. Staff is proceeding with that distinction. Owner occupied STRs will follow the regulations set forth through the proposed text amendments and ordinance that staff will bring forward. Non-owner occupied STRs will have to additionally go through the special use permit (SUP) process, a discretionary approval process that would allow the use in residential zoning districts.

### **Next Steps**

Staff is recommending that the City Commission initiate a text amendment to the City of Lawrence Land Development Code to incorporate short-term rental uses. Once initiated, staff will develop Land Development Code language and a proposed ordinance establishing licensing and inspection regulations for short-term rentals.

Both the text amendment and proposed ordinance will be brought forward to the Planning Commission and ultimately the City Commission for final approval. Additionally, this will be a public process and public input will be gathered throughout the entire process.

### **Action Requested**

Initiate a text amendment to the City of Lawrence Land Development Code to incorporate short-term rental uses and direct staff to develop an ordinance for the licensing, inspecting and regulating of short-term rental properties.

## **Bobbie Walthall**

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**From:** Marc Havener <marc@resonatepictures.com>  
**Sent:** Tuesday, November 14, 2017 11:51 AM  
**To:** Bobbie Walthall  
**Subject:** Short Term Rentals

Bobbie,

I wanted to voice my concern for allowing non-owner occupied homes being used as STRs.

I am a resident and home owner in University Place where it is already a challenge to protect the neighborhood environment. Long term neighbors and home owners increase the safety and quality of life in the area.

Opening up the neighborhood to more rental homes puts our neighborly culture at risk and increases the likelihood of blighted properties by negligent landlords, a problem that already exists.

I ask that you not recommend the use of non-owner occupied STRs to the city commission.

Thanks,

Marc Havener  
1603 Louisiana

**Marc Havener**  
CEO & Founder | Resonate Pictures  
323-273-0333 | [resonatepictures.com](http://resonatepictures.com)

## **Bobbie Walthall**

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**From:** Phil Collison <phil@pcollision.com>  
**Sent:** Tuesday, November 14, 2017 9:20 AM  
**To:** Bobbie Walthall  
**Subject:** Comments STR Work Session

Hi Ms Walthall, can you put this in tonight's packet for Work Session item 1 on Short Term Rentals.

Thanks!

To the Commissioners, I would like to reiterate one comment I made on the Lawrence Listens Forum and add one I didn't think of at the time.

I believe that Short Term Rentals will have a negative impact on affordable housing within Lawrence. First time buyers will have a hard time competing against speculative investors because of the potential rent that STR's can bring in. Staff and the CC need to recognize that and factor in some checks and balances.

STR's are a commercial endeavor and part of the role of good zoning is to limit commercial uses in inappropriate areas. The current proposal will allow commercial mini-hotels into non-commercial zonings. When STRs are strictly for a commercial use they should be recognized as such and be limited to commercially zoned areas with appropriate commercial building requirements. A distinction should be made between an occasional short term tenant and a property that is only used for this purpose.

Thank you for the opportunity to provide input, and I am speaking only for myself.

Phil Collison



## **Bobbie Walthall**

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**From:** Leslie Soden  
**Sent:** Tuesday, November 14, 2017 8:58 AM  
**To:** Bobbie Walthall  
**Subject:** Fwd: Short Term Rental Discussions

Please add to correspondence.

Mayor Leslie Soden  
913-890-3647

Begin forwarded message:

**From:** Jackie Counts <[jacquelinecounts@gmail.com](mailto:jacquelinecounts@gmail.com)>  
**Date:** November 13, 2017 at 9:09:25 PM CST  
**To:** Matthew Herbert <[matthewjherbert@gmail.com](mailto:matthewjherbert@gmail.com)>, Mike Amyx <[mikeamyx515@hotmail.com](mailto:mikeamyx515@hotmail.com)>, Leslie Soden <[lsoden@lawrenceks.org](mailto:lsoden@lawrenceks.org)>, Stuart Boley <[sboley@lawrenceks.org](mailto:sboley@lawrenceks.org)>, Lisa Larsen <[llarsen@lawrenceks.org](mailto:llarsen@lawrenceks.org)>  
**Subject:** Short Term Rental Discussions

Dear City Commissioners,

I am writing to support Short Term Rentals in Lawrence and strongly support the collection of transient guest and sales taxes for such rentals. Based on the survey data, it seems that we are putting in place regulations on a phantom problem that has not been well-articulated. Further, there is insufficient data to support notification of neighbors, as only 8 individuals in your survey indicated that a SRT had a negative impact on the neighborhood.

Finally, I would strongly urge the City Commission to refrain from including anonymous letters in correspondence. If people cannot sign their names, I do not think their opinion should be taken seriously.

Thank you for your service. I appreciate all you do on behalf of our community.

Sincerely,

Jackie Counts  
904 Pennsylvania

## Bobbie Walthall

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**From:** STEPHEN EVANS <scevans704@gmail.com>  
**Sent:** Monday, November 13, 2017 4:47 PM  
**To:** Bobbie Walthall  
**Subject:** Short Term Rentals  
**Attachments:** 1700 Block AL Redacted\_Redacted.pdf

Hello Bobbie,

I am providing the following comments after review of the Memorandum to Tom Markus from Danielle Buschkoetter dated November 14, 2017 regarding the Short Term Rental Work Session scheduled for November 14, 2017.

1. I am a resident of the University Place neighborhood that has been and will continue to pursue the means to protect and preserve the historic and cultural aspects of this place in Lawrence. Change is expected as time moves forward and the manner in which a neighborhood adapts to change can reflect its ability to maintain uniqueness and character with its built environment and social character.
2. Attached is a letter recently sent by an individual owner in the 1700 block of Alabama Street to neighbors requesting they consider "banding together" to sell their properties to KUEA for the purpose of expanding Ambler Student Center to the east. The letter mistakenly states that this block is not a part of the University Place neighborhood. This letter and my opinion on its inappropriateness was shared with City Planning, KUEA and DCM.
3. I provided earlier comments on the subject of STR's that are contained on pages 40-42 of the Correspondence attached to the Memorandum to Tam Markus.
4. I do not believe the proposed framework adequately addresses my comments and concerns in regulation of short term rentals, certainly for the neighborhood in which I reside but likely for all of Lawrence.
5. By allowing non-owner occupied STR's the door would be open for entities, private and possibly corporate too, to purchase and operate STR's not only in homes around town but in larger areas within neighborhoods; reference the attached letter in this context.
6. It is not enough to require that non-owner occupied STR's have a SUP. I'd be interested in the detail required to obtain a SUP, but not optimistic it would change my opinion on exclusion of non-owner occupied STR's.
7. I reluctantly voted in favor of the Sales Tax for Affordable Housing as my management experience has been that a project without a clear plan and expected outcome has diminished potential for success. I voted for this sales tax due to my confidence in Commissioner Boley and other commissioners who carry a passion for this initiative to succeed. I have no regrets but feel that the framework for STR's presented for consideration will create a real barrier for the success of an affordable housing initiative. I believe that University Place carries considerable potential for affordable housing and this would help in preserving what we have now and future improvements. I would ask again that you reference the attached letter in this context.
8. Item 6 of the framework addresses conforming with current occupancy standards permitting up to three unrelated occupants. This does not prevent a large family or families from occupying a STR for a short or longer term stays which any regulation must do to be appropriate for Lawrence and the neighborhoods.
9. The current, complaint driven enforcement of STR's does not work and places a burden on neighbors. There needs to be a reasonable regulation in place to make this safe, fair and a benefit to operators of STR's and neighborhoods like University Place.
10. The current framework may provide a basis for a discussion but a point of departure to a better solution for regulation of STR's would be my request.


Thanks.



Steve Evans

1729 Mississippi Street  
Lawrence, KS 66044

  
Dear

My mother,  and I are writing this letter to the owners of the other 9 houses that make up the West 1700 block of Alabama Street regarding a unique opportunity that may present itself to us in light of ongoing expansion plans at the University. We ask that each of you consider the information and opportunity discussed below and let us know if our proposal holds any interest for you.

The University is currently planning to expand the Ambler Recreation Center with the addition of a "natatorium", or essentially an indoor pool facility, as part of their 2014-2024 Master Plan development. This past semester, the Ambler SRFC staff surveyed the student body entitled "What's Our Future?" in which other potential expansions were proposed as plausible. Some other ideas included an outdoor pool facility and lazy river, a full building expansion to allow more indoor basketball courts and weight rooms, and outdoor astro-turf practice fields. Regardless of which project or projects are undertaken, they will require land; a large chunk of land.

I spoke briefly with a KU Recreation director and it is clear that any project would have to take up the drainage lot to the south of the building (by the outdoor basketball courts) as well as about 30% of the existing parking lot in front of the structure. Since there is already a scarcity of parking on campus there is legitimate concern that utilizing the existing parking lot area for these expansions won't be a viable option. Therefore, the purchase of additional land nearby to fulfill these needs may become necessary. Taking away the existing parking spots could cost KU roughly \$1.5 million, annually, in revenue.

Thus, the half block of houses we own has some potentially significant leverage. The 10 houses that make up the west 1700 block of Alabama Street are rare, in that these properties are not officially a part of any neighborhood association and have resulting freedoms including the possibility of rezoning without any N.A. hearing approval. This means that KU could buyout our properties and rezone them to use for the Recreation Center fairly easily. Pursuing the properties individually would require a great deal of time, effort and money by KU, making it potentially an untenable alternative. However, negotiating for the all the properties as a single transaction makes this a very real opportunity for us all.

We would like you to consider banding together, in some form or fashion, to see if the KU Endowment would consider purchasing these properties before any plans for the Recreation center are finalized. We would consolidate the properties in some manner that would create a legally binding arrangement, providing that the properties can only be sold to KU, or a developer, together, not separately. We can negotiate together through a single party (which could be a representative group and not a single person). This arrangement would be to provide leverage and would restrict their legal teams from trying to pry us apart.

Based on recent purchases by the KU Endowment and other private transactions around the edge of campus these 10 plots could realize as much as a 66% increase over current tax values or more. This is much more likely if we are acting as a group and not individually.

While life holds no guarantees, we believe that a very real opportunity exists and would like feedback from each of you about whether there is any interest in pursuing this proposal further. We look forward to corresponding with you all about this proposal and what we might be able to accomplish together. Please feel free to contact me [REDACTED] with any questions or concerns. Your ideas about how to make this work are also appreciated.

Very truly yours,

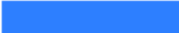




[REDACTED]

[REDACTED]









## Short-Term Rentals Survey Responses





### Which best describes your type of home?

		%	Count
Single-family home (detached house)		85.1%	171
Apartment		10.0%	20
Townhouse		2.0%	4
Duplex, triplex, fourplex		2.5%	5
Condominium		0.5%	1

### Where in the City do you live?



		%	Count
North of 15th Street, East of Iowa		27.0%	54
North of 15th Street, West of Iowa		22.5%	45
South of Bob Billings, East of Iowa		36.5%	73
South of Bob Billings, West of Iowa		7.5%	15
I do not live in Lawrence		3.5%	7
Prefer not to answer		3.0%	6

### How old are you?

		%	Count
18-24		2.5%	5
25-34		12.4%	25
35-44		24.3%	49
45-54		20.3%	41
55-64		17.8%	36
65-74		21.3%	43
75+		1.5%	3



### What is your primary interest in short-term rentals (STRs) (i.e. Airbnb, VRBO)?

		%	Count
I am a host/operator of a STR		12.9%	26
I have a STR in my neighborhood		16.8%	34
I have used a STR elsewhere		38.1%	77
I have used a STR in Lawrence		1.5%	3
Prefer not to answer		4.0%	8
Other		26.7%	54

Other:

- Other - Resident of core neighborhood that could be most impacted.
- Other - resident of Lawrence
- Other - Possible future interest in utilizing short term rental
- Other - I am not a host but do see the value and consider becoming one at some point.
- Other - No interest either way
- Other - maybe rent a bedroom at some point down the road
- Other - Resident of an affected neighborhood.
- Other - I have considered using and/or providing STRs
- Other - I have used STRs in Lawrence, KCMO, and throughout Europe
- Other - The City will not regulate these properly
- Other - None of the above.
- Other - it's Great for the local community who's getting it!
- Other - I have needed STR
- Other - input
- Other - I am interested in having a STR in the future.
- Other - I have considered using short term rentals in vacation plans and I have talked to members of these community who are in neighborhoods where they are run.
- Other - I do not operate a STR but there are several in my neighborhood and even on my block.
- Other - I have used STRs elsewhere and might want to do it here.
- Other - just a citizen
- Other - People across Lawrence have been asking for a process to regulate STR's along with bringing them under the tax umbrella that STR's benefit from for some time now.
- Other - I'm a former host of STR in a different city, I have considered using a STR for myself and visiting family
- Other - I have considered being a STR. Relatives have used an STR.
- Other - Another city attempting to regulate this use.
- Other - I am concerned about their effect on the peace, safety and privacy of my home
- Other - none of the above
- Other - I have no specific interests in STRs
- Other - I have in the past owned an Airbnb

- Other - I would like to rent my home ST over big KU weekends (graduation, home Basketball games, homecoming)
- Other - I may consider offering a short term rental in the future.
- Other - I was a HAPPY host/operator of a STR before the City sent me a cease/desist order.
- Other - Interested citizen - I have not used or lived near a STR.
- Other - might be a possibility for my home
- Other - I have used STR elsewhere and have one STR in my neighborhood.
- Other - Might want to convert a rental to Airbnb.
- Other - More equitable distribution of wealth and creating high quality cultural experience in Lawrence
- Other - Potential future host
- Other - I am planning on hosting an STR
- Other - I may become a host of a STR
- Other - I would like to operate STR
- Other - dont care
- Other - I have used STR elsewhere....London England, Banbury England, Bathe England, Bucharest Romanis. I have leased STR in Lawrence for visiting family members. They are all over the world in it's wonderful.
- Other - I have no direct experience of STRs, but am interested in the policy for Lawrence
- Other - I live in a single family home but lease one of my apartments as AirBNB
- Other - Planning to use this year
- Other - Might be interested in it
- Other - Impact on neighbors
- Other - I have a rental thinking about using it as a STR
- Other - I am a concerned citizen and primarily concerned with affordable housing
- Other - May use in the future; general interest in the new "share economy"
- Other - I have recommended STRs in Lawrence and I like using STR's when I travel
- Other - We own two long-term rentals in Oread neighborhood.
- Other - Feel they need to be on same playing field as other lodgings
- Other - May use in the future.
- Other - I think there should be strict regulations for short-term rentals and believe single-family neighborhoods should have the most strict regulations in regards to owner occupancy required and no more than current occupancy allows.

#### How long have you operated your STR?

		%	Count
Less than a year		38.5%	10
Between 1 and 3 years		38.5%	10
More than 3 years		23.1%	6

**On average, how many nights a month is your STR occupied?**

		%	Count
5 or fewer nights a month		23.1%	6
6 to 10 nights a month		53.8%	14
11 or more nights a month		23.1%	6

**What is your primary reason for renting your property?**

		%	Count
Additional income		76.9%	20
Take advantage of only living in my home part of the year		7.7%	2
STRs are part of my business (management company)		3.8%	1
Other		11.5%	3

Other:

- Other - extra income and I am an empty nester
- Other - In addition to supplemental income, Airbnb puts us in contact with people of many different cultures and facilitates the exchange of ideas. Airbnb hosts make excellent ambassadors to our city and hosting keeps dollars in the local economy.
- Other - Lodging for friends and neighborhood friends





**Do you own/operate more than 1 STR?**

		%	Count
Yes		7.7%	2
No		92.3%	24

**If yes, how many STRs do you own/operate?**

		%	Count
1		33.3%	1
2		33.3%	1
4		33.3%	1

**What platform do you generally use? Select all that apply.**

Airbnb		96.2%	25
HomeAway		7.7%	2
VRBO		3.8%	1
Other		3.8%	1

Other:

- Word of mouth

**How did you become aware there was a STR near you?**

		%	Count
The owner spoke to me about it		17.6%	6
A neighbor spoke to me about it		26.5%	9
I noticed the activity		26.5%	9
Found it listed on a STR website		26.5%	9
Other		2.9%	1

Other:

- Other - Neighborhood email listserv









**How do you perceive the presence of a STR in your neighborhood?**

		%	Count
They have a positive impact		17.6%	6
They have both positive and negative impacts		44.1%	15
They have a negative impact		23.5%	8
They have no impact		11.8%	4
Other		2.9%	1
















Other:

- Other - Overall they have a negative effect. The yard is not cared for like others in the neighborhood. Trash gets let's around. It removes a single family residence from a Lawrence family that could live there

**If you think STRs have a positive impact, why? Select all that apply.**

Property is maintained		83.3%	5
Increase personal income for hosts		83.3%	5
Increase revenues for the City of Lawrence		50.0%	3
Meet new people		50.0%	3
Property is maintained		53.3%	8
Increase personal income for hosts		53.3%	8
Increase revenues for the City of Lawrence		26.7%	4
Meet new people		6.7%	1

**If you think STRs have a negative impact, why? Select all that apply.**

		%	Count
I don't know who is there/high turnover		73.3%	11
Impact on affordable housing		66.7%	10
Litter		33.3%	5
Noise		66.7%	10
Occupancy (Overcrowding)		60.0%	9
Safety		33.3%	5
Traffic/Parking		86.7%	13
Other		6.7%	1
I don't know who is there/high turnover		87.5%	7
Impact on affordable housing		37.5%	3
Litter		50.0%	4
Noise		50.0%	4
Occupancy (Overcrowding)		62.5%	5
Safety		62.5%	5
Traffic/Parking		100.0%	8
Other		12.5%	1

Other:

- Impact on property values in my neighborhood.

- Concerned STRs effect on historical environs.

#### Have you personally experienced any issues, positive or negative, with STRs?

		%	Count
Yes		45.5%	91
No		54.5%	109

#### If yes, what were they?

- It gives great incentive to keep the property up, way friendlier than a hotel. It is driven by customer satisfaction so there is motivation to higher quality.
- First, I think calling this short term rentals is misleading. These are private property homes. This is my home . We have had delightful experiences both restating at air B and B internationally and in Lawrence , and in providing an air B and B in the community
- Many people enjoy the STR as an alternative to hotels. In addition I had a student in need of summer housing stay with me and requests from many more. It was quite rewarding to be able to host a law intern doing pro bono work
- Positive, as a renter in other communities while on vacation
- I've stayed at AirBnBs in LA and Columbia, MO
- Always friendly
- Both experiences were pretty good. Nice room in a comfortable house. I felt comfortable and safe both times. That said we need a little more info than my two stays!
- Nuisance from party attendees
- stayed at them twice, both excellent experiences, nice to stay in non-touristy areas
- Allowed a group of old friends to get together in a remote area
- I'm aware that in some instances speculators might buy real estate in order to turn it around as an AirBnB, but not to live in it. This creates an inflated real estate market. It also bypasses the visitors tax, which is beneficial to promoting the city as a tourist destination.
- Yes, guests were parking on my property. We contacted the owner & manager and it stopped.
- Problems with parking and large groups of unknown people in the neighborhood.
- I have only had positive experiences in each of the STRs I've stayed in. I actually stay in one weekly as I am a doctoral student that commutes from Lincoln, Nebraska. If it wasn't for the STR, my time here in Lawrence and in my doctoral program would look completely different. I travel frequently for my job in Nebraska and stay in hotels around the state between 1/3 - 1/2 of the year depending on my caseload and when cases come up for trial. I love the comfort and home-like quality of the STR I use each time I visit Lawrence. I don't have to worry about noise above me or in the hallway outside my room like I frequently deal with in hotels. The home and the neighborhood are quiet except for the occasional dog barking. I spend money weekly at The Merc for lunch and dinners; I eat at local restaurants regularly like Zen Zero, Merchant's Pub, LadyBird, and The Roost. Finally, the STR host I stay with each week has truly made being commuter student easy and worry-free.
- 99% positive, show a good side of Lawrence to guests, helps keep my property in tip top shape, brings \$ from visitors to the city









- There is no way to tell whether or not a residence is a short-term rental.
- Positive
- What the hell is a positive issue? Remove this question.
- The owners are always pleasant and welcoming.
- positive. fun way to visit other cities
- Parking in alley way to load/unload vehicles.
- Loud talkers out on decks and patios. Extra foot traffic around parking to the home, but nothing too significant.
- Pleasant stays at affordable prices; interaction with local hosts
- Nice cheap way to stay somewhere when i travel
- I stayed in one in another city; it was mostly positive
- Like STRs.... stayed in ~12 airbnbs
- Neighborhoods concerned with significant numbers of properties being purchased as short-term vacation rentals, precluding local residents from purchasing full-time homes.
- I have experienced both positives and negatives. I had a positive experience renting my extra bedroom as a summer sublet, renting it one month at a time via AirBnB to different "guests." It provided extra needed income to me and provided affordable housing compared to a hotel for the "guests" (such as the student temporarily living in the city for a 1-month course and the couple relocating to the city, needing somewhere to temporarily live while apartment hunting). I've had negative experiences with STRs (specifically AirBnB) when apartments or entire apartment buildings are functioning as hotels without regulation and contributing to affordable housing shortages by charging inflated prices and taking away much needed long-term housing.
- STR provide opportunities for travelers who may need alternative accommodations than what is commonly available from the hospitality industry.
- I have used STRs in many cities and always had a great experience.
- Stay in them many times. Much cheaper than hotels, and wonderful to have a kitchen so I can accommodate dietary restrictions.
- The ability to have better control over the maintenance and condition of our home, and those who share it have been the biggest positive.
- My stepson pays extremely high rent in San Francisco, partly due to dwellings purchased solely for STR, thereby reducing the number of properties available for full-time rental.
- It was a great option for my family when we traveled elsewhere. Much more affordable than the available hotels.
- Positive. My neighbors have STR and we have never had a problem.
- Yes, I think they are great.
- Just moved from the UPNA neighborhood where STR are the talk of the UPNA google groups. There was one right behind us that never caused any problems.
- I have used Air B & B when on vacation in 2 different cities
- Problems with noise, trash, and over crowding.
- Can't use our backyard. Short term renters using the outdoor space act unaware that there are neighbors right next to them.
- Wonderful guests, positive experiences here in Lawrence...excellent experience as a guest when out of town...
- The presence of STRs can potentially lower the value of surrounding homes.

- overpopulation, trash, not present landlord, violation of city code, change of occupants each weekend
- Excellent, easy way to travel.
- It has been an extremely positive experience most of time. Only one negative was had and airbnb took care of it.
- I have had positive experiences with STR. Anytime I travel outside of Lawrence we always stay in a STR because they provide a much better experience and accomodation than hotels. Traveling with my family or even our extended family is not feasible in the "traditional" hotel. We want to be able to gather as a group, eat dinner together, have our own rooms/showers, and be able to come and go as we please without the inconveniences of a hotel.
- When traveling, my wife and I typically stay in STRs, preferring them to hotels both for cost and for the experiences they help to facilitate in new cities
- Great experience.
- I have had a positive vacation experience staying in a STR
- I have loved staying in STRs in other cities when I travel; meeting the hosts and their support also encourages me to spend more time and money in a city and its local economies. STRs are often in neighborhoods with fewer chain stores nearby, a plus for the city and the visitor.
- They have provided a more affordable and comfortable option for stay in other cities.
- In general, people are really nice!
- I have stayed in STRs all over the country, and have only had positive experiences. I love being able to stay somewhere with locals, and experience a place for its community.
- Positive experience
- Parking in alleys & traffic
- All positive
- In three years we have not had a troublesome guest. In that time we have never had a neighbor complain.
- Hosting has been a huge positive. It allows us to stay in our home when our income from other sources has declined. And we have met some very nice people.
- The woman who operates it is friendly and a good neighbor
- Positive.... a rental across the street from my elderly mother's house was always problematic, cars parking on the lawn, cars eating up the parking on the street, lawn trashed and unmowed often. The owner converted it to STR and came around and discussed with all the neighbors in advance. Now it's turned around 180 degrees, nicest looking property in the neighborhood now. Never any problem's now.
- Parking and litter problems.
- Just positive experiences generally; it's nice to connect with travelers and provide hospitality and foster trust.
- Having to litigate to get money back on a trip canceled because of Hurricane Irma
- After hosting over 400 guests, we have only had one minor incident that Airbnb helped us resolve quickly.
- They're generally cheaper than hotels in areas and they're a great way to meet and talk with local folk
- They've given us a larger budget to spend in the city we're visiting to try more restaurants and entertainment venues.
- I think they are great! Not just for the cost, but the people you meet, the ability to live with facilities, etc.

- Noise, lack of respect for neighborhood where located. Trash left in yard.
- Very positive -- rented a bungalow in Atlanta. Attractive property, good location, impressive price relative to area motels, helpful host.
- Being part of community where stayed
- Renters have damaged property and owners have not fixed the damage.
- I have used them in several area around the country, all with great stays.
- I have used Air BnB in other communities and found the experience to be good
- They allow people to travel on more of a budget. I've stayed in one that was very nice.
- I have used Airbnb in multiple cities for business and vacation, for short term and up to two weeks. Every experience has been positive.
- Positive experiences renting STRs in several other cities
- Outstanding value plus warm and friendly individuals who were renting the property to me.
- I love how personal STR's are because you often talk to the owner of the property. However I have a group of friends from Saudi Arabia who have not always been treated respectfully, we're not sure what the motivation was. But it might be harder to enforce anti-discrimination rules for STRs because they are so controlled by the owner.
- We have a STR next to the home we own/live in in Salida, Colorado. We have had no issues.
- I think they are wonderful.
- Party noise until 3:40am! Not knowing how to contact owners.
- Positive all-around experience.
- I've never had anything but positive outcomes with all of my stays.
- All positive stays in STRs.
- ...into the night, loud gatherings.
- My Airbnb is more like a bnb in that I interact with the guest(s) most of them are University related guests. Many guests are young foreign first year students that come and visit KU. They live in our home and many become an extension of our family. They see what Lawrencians are, friendly and willing to help those wanting to fit in. This is an opportunity to earn extra funds to improve our home
- STRs are great--I prefer them over hotels whenever possible. That being said, I don't want them in my town.
- All Positive. I love sharing my home with others and making extra income. Every guest I have had gives a 5-Star review and they certainly enjoy staying in the community other than a hotel.
- Positive experience

**What value do you see in allowing STRs in residential neighborhoods? Select all that apply.**





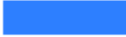


		%	Count
Allows more people to stay the night in Lawrence		57.1%	113
Economic impact for Lawrence		61.1%	121
Gives alternatives to standard hotels and motels		77.8%	154
Improved property care		46.0%	91
Provides additional personal income for hosts		83.3%	165
Other		16.2%	32

Other:

- It keeps people involved and caring toward Lawrence
- I have had prospective students and parents stay with me so that they could get the "feel" of a local residential neighborhood.
- When I keep my place nice it inspires others around me to improve their property
- Unique experience when visiting Lawrence
- This is a new way to do business. We should explore how it works and design rules to support folks doing the best job. Deciding what is the best job will take some work.
- Encourages visitors to be more engaged with the community.
- None
- Helps brand the city as "cool" and "with it"
- allows guests that might otherwise not be able to visit Lawrence, come here to spend time with family, events, and spend \$ in our community
- It is a way more comfortable way to stay in a new city for the night. Hotels are relics from a generation past.
- The rent is too expensive and minimum wage is too low. The economy in Kansas is terrible. How else are we supposed to make money? I need both of my kidneys.
- Provide short-term housing (1-3 months), Lawrence does not currently have any affordable short-term housing especially near Downtown or KU for people visiting for school/business, relocating, or between leases/houses
- negative value of negligent guests or landlords
- cultural connection to local culture and lifestyles.
- Allows visitors to interact with residents and hosts in a meaningful way
- allows owners to choose what to do with their property (within limits)
- Helps us feel connected to people from all over the world...
- no value
- These are all phenomenal contributions that STR provide to the community. People want to stay in nicer STR which encourages owners to update and upkeep their property.
- Hosts often act as ambassadors for the city and help to shape tourist experience
- pays out stupid high taxes

- In the case of AIRB&B, rentals and renters are rated by each other which effectively weeds out the riff raff.
- allows guests their preferred experience of the city
- Hosts are excellent ambassadors for the city
- Unless they are regulated very stringently, so far I don't see any positives except the homeowner who makes money and doesn't have to be a part of the neighborhood.
- No. 1: It allows strangers coming into the city the opportunity to connect much more personally with caring homeowners, making them more likely to return for that reason. Plus, the reason of affordability
- Provides an economical way to spend the night away from home.
- No value to neighborhood
- No known value.
- We do not have the house sitting empty while we are away. Decreases likelihood of breaking and entering and theft.
- I see no value in single family, perhaps in multifamily such as apartments
- NONE

**If an ordinance regulating STRs is approved, what do you see as potential issues? Select all that apply.**

		%	Count
Housing affordability		39.1%	70
I don't know who is there/high turnover		36.3%	65
Noise		39.7%	71
Occupancy (Overcrowding)		36.3%	65
Traffic/Parking		58.7%	105
Safety		33.0%	59
Other		25.7%	46

Other:

- The people who want to regulate this have never used an airBNB. It is not really a short-term rental, do you call hotel rooms a STR?
- Air B and B strictly regulates , and it is not unknown who is staying in a place . In fact there is more data available then if it was a hotel
- over control by the city that has no idea what an AirBnB is
- I don't know if it will affect affordable housing here. Just heard a story about New Orleans having a problem.
- Vacant houses all over that are only STRs-VERY BAD for community/neighborhood feeling, eyes on the street, real estate speculation with no community investment. See Vancouver...
- If you have good hosts who do their due diligence and have well established house rules, then you will also have good guests.

- hosts need to have their spaces inspected for safety and cleanliness, hosts should have proper insurance, hosts should have solid House Rules, including names of all guests and limits on number of cars on property, and NO PARTY HOUSES
- Criminal intent by the renter.
- If these are non-owner occupied STRs, then you have to consider these as hotels without on-site managers and greater increase to the likelihood of personal property damage to that property and neighboring properties.
- Regulation should be kept to a minimum
- No issues--there are a number of long term rentals in my neighborhood that have been sitting empty for years or are full of rowdy students.
- STRs where they shouldn't be; renters acting as "hosts" without owner consent; STRs as investment properties
- In some neighborhoods, especially in and near Downtown, limit housing availability where there is already a housing shortage.
- i don't see any actual issues, but rather more perceived ones.
- Fear of decreased property values; fear of loss of quality of life
- Protecting quality urban core
- No issues
- Too much gov. control.
- While we may not know who is there (high turnover), we also can not control who moves in next door to us or down the street. This is not an issue that is any different than selecting a neighborhood that fits your needs.
- Widening inequality: over-regulation of this industry could come at the expense of average Lawrence citizens and likely favor wealthy individuals and corporations with large numbers of realty holdings who can afford to lobby-for and meet such regulations.
- The city should responsibly support, and not impede STRs, particularly as we lack accommodation space in the City.
- neighborhoods will be less attractive, more touristy
- None of the above have been an issue in our experience.
- I don't see any potential negative issues
- too much regulation
- I'd say it's a win win for all parties including neighborhoods.
- increased liability for hosts
- Loud parties
- The City making it a pain to offer it.
- Lawrence has a low inventory of homes for families that need them. Until we have a true surplus, I do t think there'd should be any STR unless the owner proves that they actually reside in the house 9-10 months of the year.
- I'm not convinced that an ordinance is necessary.
- If additional cost or paperwork discourages hosts from renting, the City of Lawrence is the loser. When I travel, like many now, I do not stay in places where there is no affordable airbnb!
- None of the above
- More cost to the STR because the government will request a fee
- None, rentals are visited more frequently and guests are vetted by platform



- Neighbors retaliation against STR owners
- Impediment to free and open market. Are there actually active problems with the STR business? If not, why regulate?
- I'd like to avoid the same problems we had with massage clinics, so we need to make sure units aren't being used for trafficking. Will this ordinance help protect renters of color from possibly biased owners?
- Loss of local/neighborhood feel.
- I do not understand why the city feels it has a place or purpose to regulate it. These are private homes.
- Loss of income for senior citizens on a fixed income.
- Potential decline in community spirit of my neighborhood, where now "everybody knows your name." Potential long-term negative impact on property value of my real estate.
- STRs (full houses being rented for short terms will be a negative impact on Lawrence in long term.
- None
- I don't see those as issues
- Loss of actual neighbors.






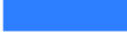




**Do you think existing city codes related to noise, parking, occupancy, safety, property maintenance, ect., mitigate potential issues?**

		%	Count
Yes		45.0%	90
No		24.5%	49
Maybe		18.5%	37
I don't know		12.0%	24

**Do you think STR activity should be regulated?**

		%	Count
Yes		48.0%	96
No		30.5%	61
Maybe		18.0%	36
I don't know		3.5%	7

If STRs are regulated, which of the following elements would you like to see considered most? Select your top three (3).




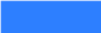




		%	Count
Limit STRs to only owner-occupied houses		45.2%	85
Limit the number of nights units can be rented		13.3%	25
Limit the number of occupants (how many people can rent out a property)		49.5%	93
Limit the number of properties an owner can operate		39.9%	75
Only allow in certain zoning districts		9.0%	17
Require a contact name and phone number to address immediate concerns		58.5%	110
Require a notice to surrounding property owners of a new STR		30.9%	58
Require a license through the City		42.6%	80
Require STR inspections to ensure safe structures		34.6%	65
Other		12.8%	24

Other:

- Limiting the number of nights is ridiculous , especially if this in someone's home or on their property
- Need to move away from complaint driven responses.
- Require a license, require safety inspections, require notice to surrounding RESIDENTS (owners and renters), require a contact name/phone to address immediate concerns...all of these
- Do not allow landlords to increase rent because of the potential income that could be earned from operating an air bnb.
- Ensure all STR's are paying the transient guest tax rate of \$5.00/night per bed
- Airbnb has a good system of regulation set up already.
- I strongly support licensing and inspections for STRs that are not owner occupied. If an entire house or apartment building is a defacto hotel, it should be regulated similar to a hotel.
- Require a local contact for issues at the property.
- More restrictions in solely residential neighborhoods of single family homes. Easy process to suspend/revoke license if there are complaints. DO NOT ALLOW corporate purchase of residential houses for STRs.
- The top 5 options on this list are unreasonable and will stunt economic growth in Lawrence. The majority of progressive cities do not try and manipulate the STR. I believe limiting these in such ways will potentially create an unlevel playing field.

- There is no "top three", all these components need to be included in STR regulation.
- leave them alone
- none of the above... it's a non-issue, the people involved are knowledgeable, wise, and definitely business oriented such that they protect their business interests.
- wd prefer that inspections target fire alarms and the most critical safety issues
- Do not allow renters to offer their homes as an STR (this can be managed in landlord leases)
- Limit the number of units (beds perhaps) allowed per geographic areay, such as census block or block group or neighborhood if possible. Seems like it'd be better if they were distributed throughout the city and not concentrated in particular areas.
- License because I think proof of insurance should be required.
- Put a restriction on the right to rent an STR property if there are numerous complaints from neighbors about noise, parking, or other similar issues that are registered with police.
- You have all the regulation you need on the books today no more is needed.
- Require owners to agree to non-discrimination rules and if they don't follow then their license can be rescinded
- One STR/block. It works well in Salida; we are trying to prevent becoming a Telluride, Crested Butte, Breck.
- Use existing rental laws to inspect and license property.
- Unclear why the city needs to regulate hosts that are using Airbnb.
- If not Owner Occupied then may want to look at fees in lieu of commercial zoning and commercial codes.

#### Who should be allowed to offer units on the STR market?




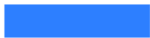




		%	Count
Landlords of entire apartment buildings		29.4%	59
Property owners of a condo		65.7%	132
Property owners of a house		86.6%	174
Property owners that own multiple properties		47.8%	96
Renters		19.4%	39
No one, I don't think STRs should be allowed		6.0%	12
I don't know		2.5%	5
Other		10.9%	22

Other:

- Folks that are properly licensed by the city in appropriate areas.
- Maybe limit the number of units/properties any one owner could have to be allowed to rent. EG my neighbor owns two houses, that's fine. A landlord who owns 200 units should NOT be allowed to do 20 STRs.

- Local property owners only, that are accessible and add to the authenticity of the program
- I think every property should be allowed STRs.
- Owners w very few properties and only those allowed under certain restrictive zoning/ordinances. Otherwise these landlords are simply operating hotels and our residential neighborhoods, even MF residential, neighborhoods are not zoned for those.
- anybody with an otherwise-legal right to do so
- Anyone who is registered on Airbnb
- Landlords of entire buildings and owners of multiple properties should be allowed, BUT only a certain percent (low, such as 10%) of the apartments in the building/houses owned should be allowed to be STRs. There is already an affordable housing shortage.
- I would restrict to 2 or 3 the number of properties one owner could offer for STR. Again, easy suspension or revocation if there are problems/complaints.
- A property owner should have the right to rent or not rent their asset they have purchased. A lease should prevent tenants from using their unit as a STR. Covenants for an HOA should be the only prevention on how a residential property can be utilized
- Renters with Landlord approval (if not all renters)
- If you're going allow STRs, no one should be excluded (not fair to single out property types). But ALL should be strongly regulated. Owners/landlords only, not renters, that will violate their lease terms, renters cannot "sublease" w/o owner/mgr approval.
- anyone
- maybe cap the number of properties owned by one entity
- only if owner occupied in single family residential areas
- One would expect STRs as being appropriate for apartments and condos. Neighborhoods should not be disrupted by this kind of activity.
- Why limit who can offer?
- Renters if allowed by their lease
- Subject to condo's HOA rules; subject to neighborhood association rules
- I always thought of STRs as property owned by individuals.
- I think duplex/triplex/fourplexes should either not be allowed as STRs or the neighbors must be notified and agree to the property being rented. Its a shared building so those sharing it should know.
- If a private citizen offers, and a private citizen responds, why is there the need for government regulations?

**What type of property should be allowed as a STR in Lawrence? Select all that apply.**






		%	Count
Accessory dwelling unit (smaller second house on same lot as primary house)		78.9%	157
Apartment unit		55.8%	111
Condominium unit		69.3%	138
Duplex, triplex, fourplex		67.3%	134
Mobile Home		40.2%	80
Single family home (detached house)		84.4%	168
None		6.0%	12
Other		10.6%	21

Other:

- Any that conform to ordinance. Any of above, assuming they are in proper location.
- Folks should be able to rent out rooms in their own houses.
- Local property owners only that are accessible by guests and neighbors should a problem arise.
- Owners should be local homeowners, not corporate investors. It ruins the authenticity of the STR by having out of town investors.
- Anything that could or would be a residence. Whatever the customer wants.
- Townhouse
- any property fit for habitation
- A room or portion of an owner occupied house
- I have seen RVs, high quality tree houses, and "glamping" style tents available as STRs. As long as they meet requirements such as licensing, inspection, they should be allowed.
- Only a room in owner occupied home
- Again, if they are allowed at all, all property types should be eligible or you're picking winners/losers, not fair.
- Room in owner-occupied dwelling
- Any residential property
- any
- The market will easily dictate this.
- Specialty structures like tiny house or tree house
- Rooms within single family homes
- Why control types of property?
- Again, subject to neighborhood ass'n rules & condo HOA rules
- One side of a duplex.

- If a private citizen wants to stay there and a private citizen who owns it says ok, why does that need to be regulated by the government?

**If you own/operate a STR or have thought about owning/operating a STR, what is important to you if the City regulates STRs? Select your top three (3).**

		%	Count
Ability to own more than one STR property		27.3%	36
Reasonable and efficient inspection program		53.8%	71
Ability to operate a STR in all zoning districts		47.0%	62
Simple registration/licensing process		74.2%	98
Other		25.8%	34

Other:

- I think the City should stay out of it unless there are complaints and then address that specific event.
- I do not agree with having my home inspected
- let it continue as self regulation, handle events on a single basis
- That I would not be negatively impacting a neighborhood for own personal goals.
- A clear set of rules. Insight into the data measuring how STR business affects the city. Maybe a link in the various apps for the clients to recommend forwarding their evaluations to the city to help gather data.
- The STR should have a sign prominently displayed in the front yard and designed by the City
- Licensing should be required.
- Only occupancy regulation and/or Contact Information
- city need not be involved
- Government should butt out unless clear benefits to interference
- safety/security/liability; not competing against "companies" or big landlords
- I rented my spare bedroom as an STR. I do not think owner/renter-occupied STRs need as strong of regulation as STRs that operate as hotels because an owner/renter occupied apartment/house is already mostly regulated through code enforcement.
- Freedom.
- tell my neighbors it is legal and okay
- Number of units and locations regulated
- I can understand that urban core can be protected vitalized by helping residents keep their home by some extra income thru short term room rentals. Some seniors may need this help
- No one should be able to own more than one STR
- Low cost!
- Not applicable
- The city shouldn't put any regulations on them



- not important self regulating thru feedback
- Please do not over regulate, understand.... example, a grandma owns a home with more than one bedroom, she wants to keep her home for when her family comes home to visit, other time's she can STR her bedrooms to help pay home maintenance and other expense
- Does not apply
- I don't own one
- The City government does not need to be involved at all
- No licensing.
- n/a
- Don't want to have to deal with city
- Verify people who they say they are, fight trafficking
- 1 STR/block
- I don't support STRs
- Limitation on the number of STRs in an area -- i.e. no more than one or two per city block.
- N/A
- Really don't see the necessity for the city to regulate how I choose to use my property.

**Any additional comments or concerns:**

Answered

70

**Answers:**

- My guests are paying sales tax; I am paying income tax, federal as well as state. Enough already.
- This is personal property . Air B and B regulates , we are taxed and pay taxes. I can understand if it is not someone's home or on their property , but otherwise , this seems to have some agenda that is not clear . I understand safety but air B and B knows more about person than hotels
- My neighbors welcomed the STR of my property--they even helped me get it into shape for renting. I am using the income to improve the house.

AirBNB has many guidelines which have not been address in this survey such as allowing or not allowing parties. I do not allow parties. I do not allow extra guests. I have more than 3 bedrooms, but I read a city ordinance stating that if I offer more than 3 bedrooms for rent, I fall under the guidelines of a hotel/motel and I didn't want to do that, so I only offer 3 bedrooms. Parking in my area is not an issue as I offer off-street parking for my guests. I do not have any "public" sleeping spaces (such as pull out sofas, air mattresses, etc) so I have a maximum of 6 guests in my 3,000+ sq ft home.

AirBNB does a good job of "self policing" in that the host gets to publicly review the guests and visa versa. This keeps both sides working to provide a safe, comfortable environment for responsible guests and guests that respect the property and the neighborhood. All of my guests are drawn to the quiet residential neighborhood and prefer to stay in a space that feels homey rather than in a party environment.

A host must list all safety items found in the home including first aid kits, fire extinguishers,

carbon monoxide and smoke detectors, etc. If these items were not actually in the home (or if the home were dirty or unsafe), guests would report them to AirBNB. There is a vehicle in place to do just that--report a host or guest directly to AirBNB so that disciplinary action can be taken. For this reason, I do not believe that homes being rented as STRs need to be licensed or inspected by the city. Unsafe or unclean spaces will be eliminated by guest review process.

Hosts have the option of requiring a deposit. And the deposit can be collected for breaking the house rules, which the guest must agree to in order to stay with the host. If my guests break the house rule pertaining to noise or parties, I can collect and keep the entire security deposit. AirBNB also has a standard to which hosts aspire called SUPER HOST. Super Hosts are those hosts that are responsive, responsible, provide a clean and safe space, and advertise their property accurately.

I believe that STR's provide a way for home owners to earn extra income from space that they already have. I am using my extra income to restore my home and have already put thousands of dollars into painting, repairing, and restoring it.

In addition to providing extra income for the home owner that can be used to improve a property or help pay for insurance or mortgage payments, I believe that well-managed STRs are good for the city for many reasons including tax revenue and providing a flexible source of additional accommodations for peak seasons. I can see the potential for issues to arise when people are seeking a large space for partying and hosts are looking to make large sums of income from these large groups of guests. I am not in that market and so cannot speak to the issues--pros or cons--of hosting or being a neighbor to such groups. I own my home as a second home and am interested in improving it so that I can move there in the near future. As such, I am not interested in parties and have found that I do not have to cater to this demographic in order to keep my place rented.

- Lawrence is becoming a party town. Significant resources are being utilized to convince people to come to town for the Lawrence "scene". And we have a very good scene going on. This puts the areas near the "scene" at a significant risk of catering primarily to that scene, making it more difficult for full-time residents to enjoy their homes. Speculative real estate purchases become the norm, shrinking available housing in those areas, which is often in the lower price ranges of housing in Lawrence. It should be noted that where home prices are higher, there are often covenants or HOAs or other legally binding agreements which already prohibit those types of uses. Those areas are already insulated from this type of use. More affordable marginal housing in the core areas often do not have those secondary agreements and are much more vulnerable to being used for STR type rentals. This leads directly to real estate speculation driving up the prices of existing housing.

I would also like to see a correlation of the list of 130 or so houses currently listed in the presentation materials with the building permits that have been issued in last 4-5 years. I believe we would see that entire houses are being purchased, transformed or being built as infill development for the sole purpose of becoming STR's, as well as additions being added for that sole purpose. How many STR's would show up on that list? How many are not owner occupied? That would be very useful information to help see the impact of the issue to be regulated.

STR's should be regulated just as regular rental properties are, following their existing zoning

categories. Which means in RS they are mostly not allowed. It is one thing to rent a spare bedroom occasionally in an owner occupied home with an RS designation and quite another to allow full use of a home as a full time transient rental property. Even the occasional use should be subject to zoning and rental regulations.

The impact to hotels should also be observed. If an STR is available just as a hotel / motel is available then they should be subject to many of the same safety / quality issues as the full time traditional STR's are. The precedent has already been set that when restaurants are allowed via a special use permit within a non-conforming zoning category they must conform to the same safety standards that traditional restaurants must follow. Why would it be any different for STR's?

The City currently is supportive of a sales tax issue that would support a fund for affordable housing. If that is the only plank for encouraging affordable housing, then I will have a problem supporting it. Increasing the amount of affordable housing should be a multi-pronged approach that includes shoring up the funding as well as adopting measures that help prevent the reduction of available affordable housing. Regular rental properties already put great pressure on that availability, and I believe that the current trend for STR's will put an even greater pressure on that availability that will constantly erode the effectiveness of a fund.

I encourage a comprehensive approach to bettering the availability of affordable housing and that this STR regulation process can become a major piece to that puzzle.

Thank you for the opportunity to provide input.

- Can we question folks around existing STR businesses in Lawrence to find out if they feel secure knowing there are transients in their neighborhood? Do STR businesses use our community assets like police, fire, and medical more, less or the same as the existing neighborhood? Is there a place occasional STR owners can go for info, and tips, like when the hotels in town are sold out for one reason or another.
- Having used STRs all over the world while traveling, I am a huge advocate for the concept. We spend significantly more in communities where we use STRs as opposed to staying in a hotel. Using an STR makes us more a part of the community and allows us to get to know the community we're visiting. It's the only way we travel anymore.
- I think we need VERY careful consideration on this because in a college town and as a midpoint between KC and Topeka, this can go bad fast. Crime is increasing and there needs to be some control
- I see a significant difference between owner occupied STRs and those that are not. The latter often seem to have out-of-town owners and/or they operate multiple rentals. Perhaps only the latter need to be regulated.

Also, the background information states that they are paying taxes. I would like to see that revenue dedicated to affordable housing to offset their impact on our neighborhoods.

- My experience of Airbnb in Lawrence is what convinced me to use Airbnb across Europe this summer and I was not disappointed. I have been spoiled by my host and honestly have a hard time imagining staying anywhere else each week while I'm in Lawrence for classes. She is

dependable, reliable, and honest with clear expectations of her guests. My STR is clean, quiet, convenient, and like a second home to me.

- Attention should be given to Hosts who are serious about their business, have experience, and have rules that help keep their properties safe and create a great welcoming experience for guests in our community. Local owners add to the authenticity of the guests experience to "live like a local".
- STR's will put neighborhoods at risk for blight and disruptive behaviors. The City is not competent to adequately regulate them.
- Licensing should NOT be required. Housing is housing. It doesn't matter how long someone is staying there. I have friends who travel to Colorado and Portland almost monthly and stay in "STRs" constantly. By being conservative and regulating an otherwise non-issue item, you are creating more issues than not; you are limiting Lawrence's tourism potential at the cost to owners considering this low-revenue option. Let someone rent out an otherwise vacant or low use property as they please. The individual is responsible and liable for damages or crimes, the landlord is responsible for maintenance as per any other residence, crime, or situation. Let's all be adults here. This shouldn't be regulated and is a non-issue. Any NIMBY complaining about this should open their eyes to the world they actually live in. It's not society's job to cater to their isolationist lifestyle choices.
- Please do not let landlords raise the rent because of this. That is a problem that has occurred in all major cities. I can barely eat and pay rent and I work 40 hours a week and earn above minimum wage. This town will dry up and the population will age rapidly if no one can afford to live here.
- Albuquerque here has their own for hotels! which in return pumps over \$50 million into our local economy during the International Ballon fiesta weekend!!
- I also think sscity needs to monitor Rentals prices better to allow lower income families to rent homes.
- Registering and licensing seems over the top. People are already registering with a website to allow guests to come stay and the feedback is of utmost importance, so they'll do what they need to keep the house/property in good condition.
- seems like you are planning to interfere with personal property rights. overreach
- We have an air bnb next door. We didn't know it was a rental until we started seeing people going into the house, having a drink in the patio, unloading suitcases from cars, etc. without the owners being around. In fact, my neighbor asked the owners if they were renting the house out and they said "no." However, the house is listed on Airbnb.com We live in a historic neighborhood and have little kids who like to play outside. My primary concern is that I have no idea who is renting this house, when it is/isn't being rented, and whether the people renting the house are safe around children. People renting this house for a few days tend to be a bit aloof - it's not like they want to get to know the neighbors - and I can understand that. It's just awkward. I feel like I have to keep a very close eye on my kids, pay extra attention to who is at the house next door (strangers vs. our neighbors), and make sure my kids know to be careful talking to "strangers" (e.g., if a ball goes into their yard) when there are people we don't recognize at the house. While the homeowners make a few bucks by renting the house out, I feel like the families living in the neighborhood are paying the price for their entrepreneurial business ventures.
- I don't see a reason why people in Lawrence can't run STRs. Especially with the rising costs of property taxes and house prices, it can be hard to get by financially. I do believe that anyone

who is running a STR should have the goodwill of their neighborhood. And I see no reason why they shouldn't pay the same \$5 transient guest tax as hotels, or be registered with the city. This community has many attractions and sometimes an STR is more affordably priced with better amenities than a hotel.

- I don't think there needs to be any regulation with these. There are a lot of places in the US and other countries that do STR and do not have regulations set by the local government. Hosts aren't getting rich, they're simply using the money to pay for bills to supplement their income.
- STR's benefit directly from the work performed by Explore Lawrence which is funded via dollars drawn from the transient guest tax. As these individuals benefit financially from the work of a publicly funded entity it would be fair and equitable to have STR operators pay into the very tax they benefit from. This would in turn generate more revenue to promote more events within Lawrence thus bringing more people to town who would use STR's.
- I know that I have been renting my house out since 2012 with no problems--I have 133 positive reviews and am considered a "super host." I do not use automatic booking, and vet all my guests. Generally, they are coming to Lawrence for a conference, a reunion, graduation, bringing kids to KU or other local schools, visiting for parents day, weddings, special events, and often the local hotels are booked or have increased their fees which make it very expensive for families. Just this year a family from Colorado was bringing their daughter to school in Atchinson, for August 21, (eclipse) and could find no accommodations and since they needed Sunday, Monday, my house was available and I rented it to them. I married in 2010 and my husband's house is in Lone Star--35 minutes from town. My house is in East Lawrence and I teach at KU so stay there during the week. Renting it on weekends and school holidays has allowed us to keep both houses, which I love, and to make improvements--I've hired local people to do the work, so the additional money supports the local economy. It also helps us get through the summer months, when I am not paid. And the house is occupied when I would normally not be there. I don't allow parties or events. I use Airbnb when I travel, and have only had positive experiences. I have paid taxes on the income since I started and since Feb. the State has started to collect about 14% taxes, Airbnb charges the guest 12% and the host 3%, which adds up. I feel that Airbnb is a very responsible agent, and would not consider using any other organization. Especially not Craigslist, since you never know who is on there.
- I personally think that Airbnb's system works well in protecting hosts, guests and neighbors. There are already ordinances in place to deal with issues of civility. All areas of Lawrence should be allowed to host, otherwise it is discriminatory.
- I think STRs should be carefully regulated so they don't price owner-occupants and long term renters out of neighborhoods. There should be a way for an individual property owner who has extra space to act as a "host" to vetted visitors and receive some compensation for it. I would not like to see any properties bought as STR properties or used primarily as investments.
- I think existing city regulations regarding noise, traffic, safety, etc. would reasonably cover these issues as they relate to STR housing. However, I think it would be beneficial to Lawrence renters or would-be home-buyers if a regulation was put in place to ensure that only occupants (if permitted to sub-let) or owner-occupants of residences be eligible to operate STRs. Many affordable homes in Lawrence are already often purchased as long-term rental properties by landlords, thereby reducing the number of affordable homes available for purchase for first-time/single-family home-buyers.

- I support STRs being allowed in Lawrence because there is a shortage of hotels and short-term sublets available. My family wanting to visit have had to cancel or reschedule plans because low and average priced hotels were fully booked on many weekends. There are very few, if any, apartment sublets/affordable extended stay hotels for people visiting for conferences, classes, or work. Most Lawrence landlords have a very inconvenient standard-of-practice of having to (1) lease apartments 6 months in advance and (2) Move out at least a day early before a new lease starts. This makes apartment/house hunting for all non-students like myself (including people moving to Lawrence) extremely hard and we rely on hotels, which is less-than-ideal for many reasons. STRs are a much better option. All this said, I am also concerned about STRs further contributing to the housing shortage (especially quality affordable housing for non-students east of Iowa St., both rentals and for sale). Many landlords prefer STRs because of the opportunity for higher profits, at least in theory. Developers/landlords should not be allowed to own multiple residential properties that function as a hotel. There should be a balance between the need for short-term housing and the needs of long-term housing and the communities.
- Living in a single family neighborhood, STR's are the equivalent of new renters CONSTANTLY. We already have crazy parking, inconsiderate noise and overcrowding.
- STR are a fun and important new way for all travelers to afford and experience the local culture and people of a city.
- I would think that the city's ordinances for homeowners and landlords should cover STR's sufficiently and no further regulations would be required.
- I really don't think an STR should be allowed in any way to ruin the rights of surrounding home owners to enjoy their own property in peace and comfort without ANY issues caused by the STR. That's why I favor allowing them, but making it very easy for neighbors to get an STR license pulled quickly if there are issues that are negatively impacting the surrounding neighbors. I would put a heavy burden on the STR owner to monitor and maintain their property and be responsible for their guests. I would strongly recommend ONLY ALLOWING LOCAL OWNERS and disallowing any absentee landlord types from running STRs.
- The hotel industry has been building like crazy in Lawrence and elsewhere in spite of the rapid expansion of STRs in recent years. Clearly they think they can compete so the City should mostly stay out of regulating this. I'm usually skeptical of the free market without some guidelines, but this truly seems like an area that can work itself out due to the reviews that users post. Mainly I think the City should make sure STR users have immediate contact info and also should make sure that you can step in if the case of repeated complaints.
- Regulating STRs means extra city staff/hours will be required at taxpayers' expense.
- My biggest concern is that neighborhoods be protected. Limiting a STR to owner occupied homes will prevent investors from buying houses and creating a tourist zone that degrades the quality of life for neighbors. Home owners that wish to host travelers will be more likely to take care of their properties and show concern for their neighbors.
- I feel strongly that any regulations be strongly enforced. I also would strongly prefer that they be owner occupied and that the owner must be present when they have renters. The present code has not been enforced so I am skeptical that the city will enforce a new code. I believe that this is a serious concern. I live in the University Place neighborhood and it is very fragile. I want to see our neighborhoods protected better than they have been.
- The presence of one or more STRs can potentially lower the value of surrounding homes. Conversely, it could drive up property values, making housing less affordable for ordinary residents of the city. Neither of these outcomes would be good.



- I wanted to live in a neighborhood knowing my neighbors and be part of a community. I am at a risk neighborhood based on proximity to KU. We have had several homes being bought for this purpose and owners out of state or not living at the residence. I have not had any luck (in the past) with the city enforcing violation of rentals and converting houses against code that I can't imagine weekend violations will be corrected. Please see journal world articles on house in 1700 Block of Louisiana which is still operating. I called on house in 1600 block on Indiana when it was split into 2 rentals the city reply about the prior house use was inaccurate but I was not able to pursue further than email and phone call. I knew the owners and she was a founder of our neighborhood association to prevent this. I am 100% against non owner occupied if in a residential neighborhood. I also don't believe that 'tax' is being remitted to the city and if applicable state tax. If it is income, the owner occupants should be registered and pay taxes and be regulated. I think Lawrence should seriously looking at supporting neighborhoods as good neighborhoods assist in keeping our center of town and University safe. I also fear the hotel chains or management companies will start buying up houses for this purpose which is why I strongly want owner occupied. We have an Air BNB in our neighborhood that advertises I believe a dozen people staying in the house. Non owner occupied runs the security risk as we don't know who is next to us when we are out in our yards with family and small children playing and additional traffic from more cars. I am careful with security when staying at a hotel and I do not want that feeling when staying at my own home. I hope you will do something and enforce it. All funding for the regulation should be self supported by the registration and fines. I also think 3 fines and the owner(s) lose their license to have any forever. The fines should start at one night of full cost with a minimum of \$1000, 2nd violation is double nightly fee or min \$1500. So for the house that advertises 12 people for \$2000 a night their first fine is \$2000, 2nd is \$4000. For the house that is \$500 a night first fine is \$1000. 2nd is \$1500. Penalties less than this are not going to have any impact. They still are making money and like other landlords the fine and risk is insignificant so they continue. Thank you.
- Home owners should not be regulated for renting out their own home or room in the home. Anyone that owns more than one property in the city limits should be licensed for STR.
- As little regulation as possible. This is an important way for some people to make extra income, to show Lawrence hospitality to out-of-towners, and to make Lawrence accessible to more visitors.
- I operate 2 listings but they are in the same house, and I only rent one out at a time. I would object then to doubling the cost for inspections, etc. Airbnb (I can only speak of that co.) is basically self regulating as they readily resolve issues as they arise. Negative reviews, if common, would result in suspension if corrections are not made. I have off street parking so that has never been an issue. Owners park in the streets all the time. Please don't make a non problem a problem.
- I don't think there should be any regulation on STR's. Issues can be addressed with the short term renter directly or with the property owner as if it were residents or long-term renters occupying the unit. The ranking system on the sites will handle any safety concerns that may exist and allow for lower costs than a licensing program.
- It seems to me that STRs would bring more people to Lawrence (for sports and cultural events, shopping, visiting students at KU) which would also bring revenue from outside Lawrence. Hotels are expensive, and STRs are a better deal for people who want simpler accommodations. A host who owns a property may be a better ambassador for Lawrence

than hotel employees, which also helps promote tourism. Please consider this could help Lawrence economy in multiple ways.

- Whatever regulations the city comes up with better have some "teeth" to it or it won't make any difference. How much resources will the city be able to dedicate to regulating STRs?? The city is already struggling to effectively regulate rental properties from code violations, over occupancy, shadow dorms, etc. The city wants voters to pass a tax increase for "affordable housing". What do you think opening the floodgates to STRs will cause regarding availability/affordability for full time residents?? City of Lawrence = think long and hard about this before you take any action. You're holding a big can of worms with this issue!
- As an Air BnB host, I have found the guests overall to be very respectful. We have an apartment over our garage. There have been no issues with noise, or property damage. We have an off-street parking spot for our guests. Our home is quite large, and now that our children have moved out, there is certainly room for more people to stay here without causing overcrowding in the neighborhood.
- quit annoying us with all these dumb rules
- Airb&b is all over the world, it's a tremendous advantage for people that want to travel as well as property owners that could use a little additional income to help them to maintain their property. Don't spoil it please.
- I totally agree there must be regulations. STRs should be required to pay taxes on incomes as well as city and state tourism taxes, just like the hotels are required. Should also be some language around revoking a license for properties that continually violate codes, ordinances or require the expense of police visits for noise or parking issues. I have used several VRBOs. Most have been good experiences in tourist locations. I rented once in a condo bldg on a Florida beach that appeared to be used only for rentals. Several of our neighbors where there to drink and party. I would have hated to have lived in that bldg or neighborhood!!
- Because Airbnb has a feedback loop which provides some accountability for guests and hosts alike, both parties have an incentive to be on their best behavior.
- I am worried that potential rental units will be used for STRs and this will, in turn, drive up rental prices due to decreased supply or a certain subsection on rentals (example: single family houses turned apartments) will be removed from potential long-term rentals. The profitability of STRs is a lot higher than those of long term rentals, which is a concern. On the other hand, STRs do allow people with spare bedrooms or living spaces to make money off of them, which can be a boon to many people.
- I see this as a positive thing for Lawrence as it will enable more people to stay in our city and spend money. We're already a college town with many visitors. This will give people more options and funnel more money into our locally owned businesses and citizens rather than to chain hotels.
- I don't see much problem with it, other than maybe the hotels losing business, but it seems like hotel shortages during peak times has been a problem for Lawrence anyway.
- I think only owner properties are eligible. I think it's okay to have more than one....but perhaps have a limit like 5 or something. Not having a bunch clustered together. The whole idea is to be in a neighborhood.
- There is no reason for the city to step in and add additional regulation or licensing for AirBNB. If anything, landlords/operators would be visiting the location more often and keeping it in tip-top shape to attract guests. The very process of each guest leaving positive reviews of the property lends to the property being clean and well taken care of. If you look at the Lawrence

listings you would find that the restrictions on parties, excessive guests, etc are more firm than most long term leases would require. Issues can be handled on a specific case by case basis without punishing all for the sins of a few. Let's not let Lawrence turn into a city with heavy regulation on everything it's citizens attempt to do to better their lives. As a landlord who is also passionate about affordable housing, I can tell you that having one unit with the potential to bring in a higher income enables me to not have to pass a portion of the yearly increases in insurance and property taxes on to my tenants who are already in the low income bracket and thus taxed with the high cost of living in this city. Let's not make this difficult.

- I am not sure if these units should be regulated or not, but some minimal requirements are probably needed.
- Taxes should be collected just like with hotels/motels.
- As a business person in town, I have already been approached to help fund purchases where the purchaser wants to turn the property into a STR. This will become a business model for some members of the community. I am not opposed to STR per se, but they have a specific place and location where they work. Lawrence has a critical housing shortage and until that issue is solved, STR should not be allowed in homes unless they are owner occupied and the owner occupant actually resides in the house for 9-10 months a year. I can see this being relevant for university staff that want to go on sabbatical and want to rent their home out for the duration of the sabbatical. This makes sense from a community and safety perspective. In a regular neighborhood, a single poorly-managed STR can cause bad feelings, lower property values and potential quality of life issues for those who own and are committed to the neighborhood. Without strict regulation, STR rental owners will take advantage of the situation and the City will find itself devoting resources to respond to these issue. Any regulations should be clear and concise and easy to follow coupled with severe repercussions for STR owners who don't follow them or become a nuisance to the surrounding properties.
- STR companies, at least airbnb, have self-policing systems. Owners who offer trashy properties, who mistreat guests, and so on, get bad reviews. I'm not sure the city needs to get into the regulation business unless significant problems arise.
- Please do not make this difficult for the ordinary citizen offering a single home. As long as it does not disturb neighbors and is not providing permanent lodging or lodging in violation of current codes, additional regulations will be counter-productive and possibly cost-prohibitive to many visitors who will choose to stay in STR's in other locations, taking their tourism dollars with them.
- Seems like a great idea.
- I believe these are an asset for the city, but appropriate regulation and oversight will help ensure that they are respectful of surrounding neighbors.
- The STR has been around for as long as there has been houses and people leaving then renting those house out until they were sold. There is no need to regulate this industry.
- It is seriously concerning to have the city make an issue of something that has yet to pose issues. Properties will be visited regularly by the host for changing linens & housekeeping and must be kept in desirable condition to attract guests. Homeowners and landlords do not wish to have too many guests at he time nor to have their property damaged. The city can deal with specific issues as they arise on a case by case basis. Do not punish those who are doing things right for the sins that of a few.
- Although I have used STRs in other cities/states and support the idea of them, I think Lawrence has a unique problem in that there are already far too many property owners who take advantage of (i.e., essentially control) the housing market by purchasing (cash or other

incentives for sellers) and renting out homes that would otherwise be purchased by young families looking for their first home. This is a clear problem in Lawrence, but I think if stipulations are put in place, STRs could benefit Lawrence. Particularly during busy times of the year when parents are in town helping college students move in and at graduation/peak wedding season, traditional hotels are typically completely booked months in advance.

- STRs should be allowed. However, they should be regulated by city code re: safety of premises, limit intrusion on neighbors, etc
- Actual enforcement of existing property codes and noise ordinance would be enough w/o another ordinance. We have many people in violation in my area now.
- I like the idea of requiring STRs to get a license through the city and the license should include an inspection of the property to prevent trafficking, assurance that owners of shared properties (like condos, apartments, duplex/triplex/fourplex) have at least notified adjacent neighbors in the building that the unit will be rented, and owners sign a non-discrimination form.
- Main concerns would be trafficking and how to keep that from expanding beyond what is already happening.
- I've lived all over the world and I've been to many college towns. What makes KU special is the neighborhoods that surround the campus. I believe STR are viable and valuable. But I don't want the perimeter of the campus to only be STRs. I recommend limiting the number of STRs/block. We live in Salida, Colorado. Our city council placed a 1 STR/block in place to decrease the transient feel and increase the number of LTRs/affordable houses. The STR for our block is next to to our home. 1 STR/block retains character, allows for enough neighbors while utilizing this new housing option, and keeps noise, parking, and partying to a minimum. Perhaps a city could go as high as 1 STR per side of a block (2 STRs per block)) without creating too much of an impact.
- We operate a STR 6 months out of the year and our income depends upon it. We have someone locally manage the property should the tenants need immediate assistance. During the time we have operated a STR, we have never had a problem. We are licensed rental owners. There are house rules posted online and in the home. We have never had an issue with our STR.
- My ex husband divorced me four years ago and I kept the large 4 bedroom 3 bathroom house for me and my 7 year old son who I only have 10-15 days of the month. I receive no alimony and no child support. I've tried multiple roommates to supplement the mortgage and they were all unreliable. When I signed up for AirBNB, I was able to consistently make more than a roommate was paying me and didn't have to occupy my house for more than 5-10 days a month. This allows me to rent when my son isn't there to supplement my mortgage payment to be able to keep my house without having to rely on unreliable roommates. I've never had an issue with a tenant and my HOA is fine with this because we've never had issues. I would like to continue being able to supplement my income through this source. Thank you!
- Because of its location (University Place, bordering KU and very near Allen Field House), I see the potential that my neighborhood could change into a dense STR district where there are so many of these that the single family occupants, such as myself, would cease to feel at home. Because there has been a significant increase of late, it is easy to imagine that this change could occur rapidly. I feel this is an urgent situation that requires attention sooner rather than later.

## Danielle Buschkoetter

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**From:** Andy Krzanowsky <andykrzanowsky@yahoo.com>  
**Sent:** Friday, September 29, 2017 7:06 PM  
**To:** Danielle Buschkoetter  
**Subject:** Lawrence STR feedback

Danielle,

I would like to share some feedback that involves my personal opinion on STR in Lawrence.

It is my personal belief that STR are an amazing asset to the community. They have a great ability to provide revenue for the city in various ways. First off the younger generation and future will always look at sites like AirBNB and VRBO before looking at places to stay like hotels. The STR often exceeds anything that a hotel can provide to someone who is visiting. This will provide revenue from taxes collected (hotel taxes) as well as the additional revenue collected through reasonable property inspections/fees that have already been established by the city.

STR provide a unique opportunity to travel anywhere in the world and feel like you are at home. My family and extended family frequently use these services and are able to bring together large groups of people under one roof when necessary. It's important the STR as established to handle the correct number of occupants. It would be a huge disservice to try and make a blanket statement about the number of people who may reside in one STR. It should be based on the number of beds/accommodations. Essentially each unit should have their own occupancy limits. The current limitation of 4 unrelated people to a single occupancy is absolutely archaic.

Requiring the units to be owner occupied is not a good concept. Forcing the people who want to provide this service to "live in" with their tenants is simply unreasonable. It should be an option that people can owner occupy but forcing them to do so is not fair practice. STR are no different than traditional rentals other than turnover is more frequent. Does Lawrence require Hotel owners to owner occupy? Of course not... it doesn't make sense but they have the option to reside on site if they choose.

STR are often kept to a higher standard than traditional rentals. The consistent turnover requires cleaning the units each time they turn over. This means that maintenance and cleaning issues are handled more often than traditional rentals. Also, the units on sites like ABNB and VRBO are rated by the "tenants". This means that the units found to be the best kept, updated, and maintained will be rented the most often. People who want to be the top STR properties will invest more money into their homes, increasing property values, and in turn provides more money to the city in taxes.

There is no limit on rentals in Lawrence currently and the same should be for STR. It would not be fair to current or future people who would like to rent their own personal asset if we limited the number of available "licenses". Why stunt potential growth opportunities for the members of this community? Someone should be free to rent, a property they own, both long and short term. It's not up to the city to determine the duration of leases that are required. The burden is on the homeowner and not the city. The number of units that act as STR will stabilize and have minor fluctuations with time. Landlords will become tired of being landlords and move on from the business. New owners will come along and fill the openings. Basically it's simple supply and demand... the units that are not well kept will not be successful and will need to either fix their properties or get out of renting to short term tenants. Attrition will be natural and happen the same way it does with current landlords/rentals in Lawrence. A landlord should not be limited on the number of days in a year that they can rent their unit. If they have a nice/desirable place to stay why should it not create revenue for the owner and city 365 days a year? Let's let our homeowners have the opportunity to create success for themselves.

With this being a "new" concept I think it's great the city is reviewing how we can best approach this topic. I don't own any STR but they are not going anywhere and will simply continue to grow in popularity. Currently there is one in my neighborhood. I had my initial concerns but we have not had any issues with this property to date and the landlord continues to follow our HOA. Owners should be responsible and on file for nuisances. In reality there is really no reason to approach this any differently than the current rental policy Lawrence has. Charge a fee and mandate inspections that the property is safe. Even the inspections are probably not necessary in this case but we have a system that works currently. The question of insurance has come up... the homeowners carry insurance in 99% of cases because their home loan requires it. This provides the liability insurance needed as well as the landlord has the option to purchase umbrella insurance at a very reasonable rate. This should be up to the landlord and their risk tolerance.

In my opinion STR should be available in all zoning areas due to varying needs of people looking to stay in our community. We have a ton to offer to people traveling into the community but we are certainly short on these STR's to meet the need. Let's regulate very similar to the current rental policy with some minor changes. Limit occupancy based on beds available and not the archaic idea of 4 non related people. Mandate registration as STR and charge a modest annual fee. Hold homeowners accountable for persistent nuisance issues (something we currently don't do with long term rentals). Keep a level playing field for big and small landlords by not limiting the number of STR available in Lawrence. The best will stay in business and the rest will move on from STR.

Thank you for taking the time to read and share my thoughts with everyone!  
Andy Krzanowsky



## Danielle Buschkoetter

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**To:** Dee Miller  
**Subject:** RE: Short-Term Rental Feedback--hostess asking questions

**From:** Dee Miller [mailto:1946writerdee@gmail.com]  
**Sent:** Thursday, September 28, 2017 11:27 AM  
**To:** Danielle Buschkoetter <dbuschkoetter@lawrenceks.org>  
**Subject:** Short-Term Rental Feedback--hostess asking questions

This summer we began hosting an occasional STR, not having any idea we were operating without the blessing of the city. My husband Ron, a former city councilman in an Iowa community, brought the survey to my attention this morning. This was the 2nd time we have done this since we came to Lawrence 6 years ago. The last time, however, was only for a few weeks after we moved in, before Ron's pressing health issues made it impractical to continue. Back then, we were primarily hosting to provide a supplement for income we felt was ample at that time. With his health more stable, we decided to resume now to help pay medical bills.

It is amazing how life-enriching this experience has been! We move cautiously and ask questions, but have not felt unsafe at all nor have there been any issues brought to our attention from anyone--either neighbors or guests, about 1/3 of them families with limited incomes who need a place for their family of 3 or 4 because Lawrence has begun hosting more and more sports events for youth.

ONE QUESTION is raised by the wording of a single statement: STRs are not currently a permitted land use within the City of Lawrence. Enforcement of STRs is a complaint driven process.

Does this mean that those of us who have property (ie. land) on which we have a house that provides personal lodging and is serving also as an STR are operating *outside the law*?

The way I read it, we and 130 others are! Or does this mean something entirely different? If so, please explain.

Dee Miller

## Danielle Buschkoetter

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**From:** Jennifer <nyskansas@aol.com>  
**Sent:** Thursday, October 12, 2017 10:04 AM  
**To:** Danielle Buschkoetter  
**Subject:** Short term rentals  
**Attachments:** short-term-rentals-presentation-2017-09-26.pdf

My primary concern about short term rentals is that they contribute to neighborhood gentrification. I suggest that either a licensing fee or sales tax levied on the rentals be dedicated to affordable housing. Ideally, the money would be distributed proportionally to the number of STRs in a given neighborhood and used to subsidize qualifying tenants' rents.

Thanks for addressing this issue.

Sincerely,  
Jennifer Kimball Brown



## LAWRENCE ASSOCIATION OF NEIGHBORHOODS

Dear City Staff and City Commissioners,

10-12-2017

The Lawrence Association of Neighborhoods wishes to express our concern about the increase in numbers of Air B&Bs and other short-term rentals that have no City regulations. LAN believes that this increase is impacting the stability of lower density zoned neighborhoods as well as the rental market in general. There are presently no regulations with regard to occupants, health and safety, or parking for these types of rentals. Other rentals are registered, regulated and inspected.

### Issues and potential concerns:

- Non-owner occupied Air B/Bs or short-term rentals threaten affordable housing. Affordable homes then become a desirable second home investment given that one can rent the house out to any number of individuals for short periods of time and have no regulations. Affordable houses may then become less affordable due to the financial potential of such rentals.

Owner occupied Air B/B or short-term rentals might need to be a requirement in single family and low density zoned areas.

- Neighborhood stability is threatened by the constant change of occupants.  
No regulations for numbers of occupants, parking, health and safety.

- “Party Houses” are becoming popular in otherwise quiet neighborhoods. Noise, trash, additional cars, crowds, and excessive drinking compromise the quality of life in neighborhoods.

Occupancy requirements are needed as per the existing neighborhood zoning.  
What kind of off street parking is provided by short-term rentals?

- Health and safety are of extreme importance. All other rentals are required to be registered, meet health and safety standards and undergo regular inspections.

How can the City or neighbors contact an AirB/B or short-term owner regarding issues if they are a non-resident owner and are not listed or registered?

LAN would like to see the City implement regulations for Air B/B and short-term rental units. While modest use of this kind of rental offers possible financial assistance for homeowners, there are other individuals that will take advantage of such an unregulated use and cause neighborhoods to suffer and decline. Let’s continue to build strong, stable neighborhoods.

Thank you for your thoughtful consideration,

Courtney Shipley LAN Co-Chair, Candice Davis LAN Co-Chair

# NORTH LAWRENCE IMPROVEMENT ASSOCIATION

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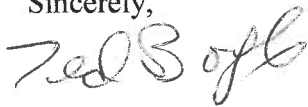
LAWRENCE, KANSAS

October 1, 2017

To Whom It May Concern,

The North Lawrence Improvement Association does not want Airbnb in residential neighborhoods. Perhaps there is a place for this type of thing in multi-family zoning areas, but areas zoned for single family use should not have it. This type of service will cause issues such as lower property values, crime, parking, and trash. If North Lawrence wanted Airbnb in neighborhoods we would have a motel or hotel in a residentially zoned neighborhood. Please, no Airbnb in North Lawrence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ted Boyle".

Ted Boyle, President  
North Lawrence Improvement Association  
310 Elm Street, Lawrence KS 66044  
785-842-7232

Scott McCullough  
Director of Planning and Development  
6 East 6th St.  
Lawrence, KS 66044

RE: City reviewing options on how to regulate properties being used as short-term rentals.

I am writing in regards to my neighbor at 739 Connecticut who appears to have 2 properties (her main home and an apartment above her garage) on Airbnb. "They appear to be extremely successful as there are a variety of renters in and out of the residences almost daily...none of which reside there. I do not have a problem with the Airbnb concept but feel like there should be some regulation in terms of how OFTEN they can be rented. I also don't believe that main residences should be allowed to be rented. Nobody is responsible for WHO rents the property thus we continually have strangers in the neighborhood. I've visited both rentals on Airbnb and it seems they new rented about 80% of the time.

Additional concerns..

- Are we allowed to build apartments above garages for the sole purpose of renting out? Did this apartment get "grandfathered" in? Were there proper inspections on the building process? I don't remember seeing any permits posted when the garage was being built. I haven't raised this concern before because it didn't appear that it was utilized as a airbnb/rental. However, I've spoken with several guests and clearly that is no longer the case. I urge you to check permits and variances to verify. There is another living area above the garage of the neighbor directly to the North of this property but it appears to be a private art studio.
- There is a lot of traffic in the alley behind our houses as a result of these rentals. Is the resident response for alley upkeep?

I will also share our concerns on the survey.

Residents of 700 Block Connecticut

RECEIVED

SEP 27 2017

City County Planning Office  
Lawrence, Kansas

**Danielle Buschkoetter**

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**From:** Ryan Ward <uncleastr@yahoo.com>  
**Sent:** Tuesday, September 26, 2017 7:17 PM  
**To:** Danielle Buschkoetter  
**Subject:** Airbnb

I filled out the survey, but one thing I forgot to mention is I think it is very important to have 4 and 5 bedroom homes be able to advertise and rent to groups of 10 and 12. People choose those homes so they can have their group stay together and not rent 4 or 5 hotel rooms. They want a place they can BBQ/dine together and make memories.

Thank You

Ryan Ward

Sent from my iPad



## Danielle Buschkoetter

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**From:** tena s <tenakat@hotmail.com>  
**Sent:** Monday, October 16, 2017 7:57 PM  
**To:** Danielle Buschkoetter  
**Subject:** Fw: Short Term Rental "testimony"

Hi Danielle, This came back to me because I sent it to the wrong email address. I called Scott and he said it was OK to resend, even though it was a little after the deadline. Hope this helps a little, and I'm available to answer any questions that might be in the best interest of Airbnb Hosts. Thank you, Tena

Sent from [Outlook](#)

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**From:** tena s <tenakat@hotmail.com>  
**Sent:** Friday, October 13, 2017 1:36 PM  
**To:** dbkoetter@lawrenceks.org  
**Subject:** Short Term Rental "testimony"

Hi Danielle, I am writing to you as a Lawrence Airbnb host. I attended the recent meeting at City Hall. First of all, I would like to say thank you to your team for reaching out to hosts, and for presenting your thoughts in such a fashion that we did not feel threatened or defensive. I am hoping that Lawrence, known for being a progressive community, will continue to research and develop Short Term Rentals as a viable option for housing. I was very impressed by the research your team has done, and my only surprise was that only one person on the team had ever used a STR. I would strongly suggest that you all go through the process of staying at a STR, on a business trip or family vacation, stay with a Super Host and gather more information. Having worked at two hotels (Eldridge and Oread) and also the Halcyon House, I have enjoyed a first hand view of hospitality. During my 2 1/2 years at the hotels, I never felt that my job as a front desk associate ever jeopardized my relationship as an Airbnb host or vice versa. As you know, there are thousand of hotel rooms in Lawrence, and only about 150 Airbnb listings, give or take.

Being an Airbnb host is definitely not for everyone. Not everyone enjoys the idea of keeping their home spotless on a daily basis, doing extra laundry, and hosting a "stranger/traveler" in their home. Communicating with guests, to make sure they are a good fit, waiting for guests to arrive, and the general change of logistics in your home with a guest, is not for the faint of heart. Even for offsite properties, I do like to personally welcome my guests when possible, which takes extra time and effort. However, that being said, I have met amazing people from many walks of life and have had the opportunity to personally show them around our city. Some have touched my life briefly, and some have etched a special place in my heart. Being a host has given me income and motivation to maintain my home and make it a better place in my neighborhood. No more deferred maintenance! I have been able to employ local craftsmen, landscapers, painters, carpenters, and cleaning help. As you know regular maintenance and cleaning is required, as guests will complain and you will be out of business quickly with complaints. Most neighbors appreciate the attention to detail that is required of a good host.

As a host, I can see some easy misconceptions and concern regarding STR's. I can also see some legitimate complaints. I am very glad the city is concerned enough to take a look at STR's and perhaps impose some general regulations.

One of the things I see as an important requirement is Accountability from both HOSTS and GUESTS. I do require full names of all guests, and of course, guests need to register through Airbnb before they can book. No private information (phone numbers, addresses, emails) are shared with a guest until after the booking is complete. House Rules should be clearly defined and enforced.

I would also propose that all STR hosts are local homeowners. In my opinion, companies and out of town investors wanting to try to emulate the Airbnb experience, will have a hard time being authentic. So again, I would strongly propose that all Airbnb hosts be local residents.

Number of Guests allowed at a rental should also be limited and that names of all guests be required. Large Party Houses should be banned or restricted to areas that do not have neighbors within a certain number of feet, or within the city limits.

Lastly, I hope you do give special consideration to Super Hosts of those that do hosting and hospitality for a living. Of course, since I am in that category, but there are many hosts who take their job seriously and are concerned citizens who care greatly for their city. Please feel free to contact me if you have any questions that I might be of help. Again, I appreciate very much the city wanting to make it a better community.

Sincerely, Tena Santaularia

Sent from [Outlook](#)

## Danielle Buschkoetter

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**From:** Danielle Buschkoetter  
**Sent:** Monday, October 16, 2017 2:40 PM  
**To:** Danielle Buschkoetter  
**Subject:** FW: LAN Airbnb Feedback

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**From:** STEPHEN EVANS [<mailto:scevans704@gmail.com>]  
**Sent:** Thursday, September 07, 2017 7:26 AM  
**To:** Scott McCullough <[smccullough@lawrenceks.org](mailto:smccullough@lawrenceks.org)>; Brian Jimenez <[bjimenez@lawrenceks.org](mailto:bjimenez@lawrenceks.org)>  
**Subject:** FW: LAN Airbnb Feedback

Scott and Brian,

Below is a message sent Tuesday to the LAN representative for University Place and our Listserv was copied. Brian and I spoke yesterday about this subject and I promised to forward this to you both in the interest of public input. You may see it again through the LAN channels as I understand they are preparing a memo about Airbnbs themselves to send to the City. This represents my own, personal thoughts about short-term rentals in Lawrence and was not based on any direct feedback from the neighborhood. There are, however, some discussions that have occurred in the neighborhood this week that I would like to share with you and also add another thought I've had since this message was sent.

1. Generally and certainly not based on a large sample of the neighborhood, the comments about the operations of the Airbnbs in University Place have been positive. I am cautious in saying this not knowing how the overall population in this area may feel so please understand that. Most of the comments on our Listserv came from neighbors that live close to the Airbnb homes so that may add some value to the discussion.
2. The point made by several was one of communication and I want to add a related thought about the development of your policy/regulation for short-term rentals. Without placing the burden for "enforcement" of complaints on residents should that occur, I think the policy should make every effort to encourage neighbors to communicate as much as possible to prevent formal complaints being sent to Code Enforcement. This would include notification of adjacent neighbors that an Airbnb is under operation "legally" if and when a permit is required. Most importantly, though, it would encourage neighbors communicating if a problem does arise to work it out together first. Of course not everyone involved will be comfortable with this as it may be perceived as confrontational but I think the policy itself should be motivational in this regard. Perhaps some examples of issues you might describe as "just go work it out" vs. some more flagrant violations that would need a formal complaint would be helpful.

Thanks to Brian for taking the time to chat yesterday about this subject and I am encouraged to learn that you are making good progress in developing the regulations for the commissioners to consider. Also, please let me know if any of my statements, particularly related to zoning, are inaccurate as that is not uncomplicated for sure.

Hope this is helpful and good luck to you both in this effort.



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**From:** STEPHEN EVANS [<mailto:scevans704@gmail.com>]  
**Sent:** Tuesday, September 5, 2017 1:40 PM  
**To:** 'Pam Burkhead' <[pburkhead@ku.edu](mailto:pburkhead@ku.edu)>

Cc: [upna@googlegroups.com](mailto:upna@googlegroups.com)

Subject: LAN Airbnb Feedback

Pam,

Thanks for coordinating the UP feedback on the discussion about Short-Term Rentals. Here are my own thoughts:

1. We use both BNBs and Airbnbs for our visits to other cities, both large metro areas and smaller communities like Lawrence. Having done this for several years now, we don't even consider hotels, motels, etc. unless in a small town with no other options.
2. I think that Lawrence should allow short-term rentals and have reasonable regulations protecting the character of neighborhoods while relying on neighbors communicating that a) they are operating an Airbnb and b) there are problems when they arise.
3. As the City operates on a "complaint" basis for the most part, when communication fails there is no recourse but to file a formal complaint and this should be done for Airbnbs. I don't feel an individual is under any obligation to inform anyone including the person operating the rental that they are filing a complaint. At that stage it should be the City's job to take appropriate actions, some complaints will be appropriate and some not.
4. Some regulations I think would be appropriate:
  - a. University Place is in a RS5 Residential Zoning District in Lawrence that does not allow accessory dwelling units although some exist historically and are likely used in non-conforming ways; i.e. short-term and long-term rentals. The regulations should address these grandfathered accessory buildings and since these structures rest in various locations and square footages relative to the main residence, I'd not allow Airbnbs in these dwelling units without a special use permit. In most cases I would expect the special use to be denied.
  - b. Areas of Barker, North Lawrence and others are in a RS7 District which does allow for accessory dwellings both attached and unattached. This accessory dwelling use would have to address each relative to Airbnbs which it does not at this time.
  - c. It is somewhat of a dilemma for me regarding the requirement for owner occupied Airbnbs. The Airbnb on Alabama Street appears to be unoccupied and strictly an Airbnb. It appears well-cared for by the owner at least from the exterior. The City points out this may reduce the availability of affordable housing in the Lawrence market and as others have mentioned corporations like Marriott are considering getting into the Airbnb business. For these reasons I would require owner occupied dwellings for short-term rentals in RS5 and RS7 Districts.
  - d. I think there should be a permit/registration process for short-term rentals in Lawrence and it should be renewed annually. This would include the requirement and evidence that adjacent neighbors have been informed that a short-term rental is being operated and a 24/7 contact for communication has been provided. Note this is not a requirement for approval by neighbors although some might think that would be a benefit. Adjacent neighbors would at least be two doors in each direction including across the streets and alleys.
  - e. The owner/operator of the short-term rental would be subject to immediate revocation of their permit and annual non-renewal if substantial complaints occur or have not been addressed and persist.
  - f. There should be restrictions on the number of rooms and occupants allowed in a short-term rental. The current Land Development Code addresses Bed and Breakfast Establishments and is silent on Airbnbs/Short Term Rentals which makes them non-conforming and not allowable in the City. For reference the following is from the current Land Development Code:
    - *20-504 BED AND BREAKFAST ESTABLISHMENT (1) A Bed and Breakfast with 3 or fewer guest bedrooms shall be operated as an incidental use to the Principal Use of an Owner-occupied Structure. (2) A Bed and Breakfast establishment with 4 or more guest bedrooms is considered a Bed and Breakfast Inn. (i) A Bed and Breakfast Inn shall have a full-time resident manager or Owner on the site and be licensed by the State of Kansas to do business. (ii) A Bed and Breakfast Inn shall only be permitted if it is adjacent to or within ready Access to an Arterial or Collector Street. (3) Bed and Breakfast establishments operated as part of an adaptive reuse within a Registered Historic*

*Landmark or within a property located within a Registered Historic District shall not be restricted to a number of bedrooms.*

- g. I would choose to be more limiting on the number of rooms and occupants than is allowed for BNBs reducing these to two rooms and four occupants. I'd also limit parking to two cars at one time and am concerned about this from a neighborhood perspective given our current challenges with parking. Also note that BNBs with more than 3 guest bedrooms would likely not be allowed in University Place under the current codes.
- h. I would limit the number of days a property could be rented to thirty or fewer.
- i. I would consider it a violation if an owner were not present 100% of the time when renters are present; i.e. an owner could not leave town for long periods of time and leave the rental occupied and unattended. This would be difficult to monitor and enforce.
- j. There needs to be considerable thought given to the "density" of short-term rentals in a particular area and how that should be restricted. This is admittedly an opinion based on instinct but I believe if there were more than 10 short-term rentals in University Place that would be a problem. We now have about 250 residences that include some multi-family buildings east of Naismith Hall and about 45 non-owner occupied homes that are currently rented or vacant so in that context 10 may be too many. Honestly I don't know the right answer with this but would ask others to provide opinions. I'd also consider how close these rentals could be as having several in one block would be problematic.
- k. Lastly, I believe how an operator presents their property publicly on the Airbnb or other website can go a long way towards neighborhood acceptance or not. Promoting parties and similar events as options would not be a good approach. Promoting the neighborhood experience that includes respect for the character of the place including quietude would be good.

Pam, thanks for requesting comments from residents in University Place and hopefully others will join the conversation.



City of Lawrence  
Attn: City Manager  
6 East 6th St  
Lawrence, KS 66044

Re: Testimony for City Commission Work Session on Short Term Rental Taxation, Permits, and Standards

Dear Mayor and Commissioners,

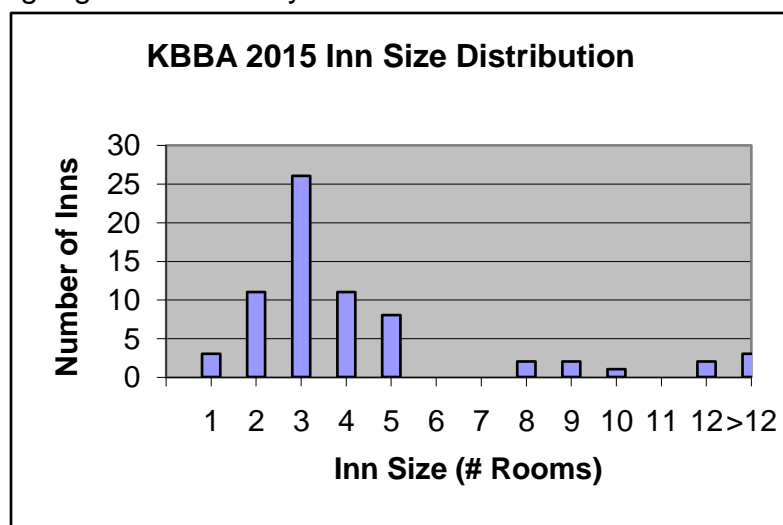
7 November 2017

As a retired bed and breakfast (B&B) innkeeper, I would like to share some of my experiences with short term rentals (STRs) as they relate to taxation, permits, and standards.

Background: Jan and I operated the Prairie Queen B&B in Leavenworth, KS for 12 years. Our B&B experience began with application for Leavenworth's Special Use Permit to operate in a residential district. The Kansas Bed & Breakfast Association (KBBA) assisted greatly and I subsequently served as a board member on the association for 5 years. I achieved two legislative accomplishments: In 2004 Kansas classified B&B with 3 or fewer rooms as residential; later expanded in 2016 for any property with 5 or fewer rooms.

Bottom Line: Short Term Rentals is a modern day term for classic bed & breakfasts and they pose all the challenges that communities always wrestled with B&Bs. Given all the focus on short term rentals, they have certain characteristics that deserve consideration to taxation, permits, and standards. Among the characteristics for STRs, the method of booking a rental should not consume the City's resources. The method of booking is irrelevant other than some players (Airbnb) make it easy to list, find, and pay for the transaction.

B&Bs Defined: KS Statute 79-1439 defines a B&B as, "a property with five or fewer bedrooms available for overnight guests who stay for not more than 28 consecutive days for which there is compliance with all zoning or other applicable ordinances or laws which pertain to facilities which lodge and feed guests." This statute classifies small B&Bs at the Residential Property Tax rate (11.5%) and larger B&Bs as commercial (25% rate). Intentionally absent from the definition are requirements for owner





occupancy, type of property, or frequency. Thus allowing an owner with a carriage house, barn, second property, or adjacent home to pay residential property tax rates. The statute also allows use of other types of buildings such as a downtown loft over a storefront, a renovated warehouse in rural or urban setting, or old schools & churches. The number of units owned should be governed by the property tax rate the owner is willing to sustain. Operations with more than 5 rooms become classified as commercial (25%), regardless of zoning. Lastly, the above chart helps put a typical Kansas B&B into perspective.

Taxation: Property tax is only part of the equation. Sales tax and transient tax are often misunderstood in the industry. The chart below from the KBBA Handbook summarizes when a certain tax kicks in based on the size of the inn. The smallest inns (1 & 2 rooms) don't have to collect any taxes. Guests that stay more than 28 consecutive days do not need to pay Transient Guest Tax.

## KANSAS STATE SALES TAXES, PERMITS, AND LICENSING REQUIREMENTS

Number of rooms with max. # of guests*	KS State Sales Tax to be collected**	Transient Guest Tax to be collected**	ADA Requirements	Lodging License Required***	Food Service License Required
one (1) room with 7 or less guests	NO	NO	NO	NO	If serve others than B&B guests
two (2) rooms with 7 or less guests	NO	NO	NO	NO	If serve others than B&B guests
three (3) rooms with 7 or less guests	NO	YES	NO	NO	If serve others than B&B guests
four (4) rooms OR 8 or more guests	YES	YES	NO	YES	If serve others than B&B guests
five (5) rooms OR 8 or more guests	YES	YES	NO	YES	If serve others than B&B guests
six (6) or more rooms OR 8 or more guests	YES	YES	YES	YES	If serve others than B&B guests

*\*Note: State requirements differ for collecting sales taxes and needing a lodging license:*

*\*\*For Sales Tax and Transient Guest Tax, the State uses number of guest rooms rented as the basis for determining whether you should collect or not.*

*\*\*\*For Lodging Licensing, the State Health Department uses the number of guests that can be accommodated at one time. Any inn that can accommodate eight (8) or more guests, even if they only have one guest unit, needs to apply for a Lodging License.*

Licensing: Kansas requires a lodging licenses to operate with 4 or more rooms. Any size inn must obtain a Food Service License if it serves outside customers (i.e., Tea Room).

Recommendations on the 11 Potential Code Standards:

1. Zoning. Don't limit small inns by zoning districts. Employ a Special or Conditional Use system for a use not specified within the district.

2. License & Fees. Remain consistent with Kansas and inns with 4 or more rooms. As a innkeeper with 3 rooms, Jan and I acquired a license because we thought it a good business practice. I remember to this day the state inspector asking us why. Then going on to say that we should never expect to see her again unless she received a complaint.
3. Owner-occupancy. Stay consistent with Kansas Statute. Don't require it owner occupancy. Absentee owners incur a higher level of management problems as it is. . Allow innovative ways to use existing buildings that don't have an owner present. Set a higher standard for Special or Conditional Use permit renewal periods for non-owner occupied inns. It is a self correcting system based on renewals an complaints.
4. Appropriate housing types: We can't foresee all possible combinations of an innovative way to use existing buildings. Enable innovative use. Manage atypical housing types by Special or Conditional Use permits.
5. Inspections: If there are 130 properties in Lawrence that participate as short term rentals, mandate that they develop their own standards and participate in their own self inspection program; i.e rotating innkeeper inspects other STRs on an annual basis. Use the old Kansas Bed and Breakfast Association inspection program as a model. Provide oversight on the inspection standards.
6. Occupancy limits: Don't place limits. Allow residential versus commercial property tax classifications serve as a control mechanism.
7. Frequency of rental per year: Hotel average 65% occupancy rates. B&Bs less than 30%. B&Bs are a part time business with a full time committment. Don't limit an industry that requires 8-10 rooms to sustain a family with no other forms of income.
8. Limit on the number of units owned: Stay consistent with Kansas definition and permit any size while maintaining the residential versus commercial classification threshold of 5 rooms.
9. Neighbor Notice: It is a good business practice and a sign of a good neighbor.
10. Provide contact info: a good business practice.
11. Proof of insurance: not all insurance is the same. A standard home owners policy does not cover liability for injuries sustained by a paying guest. An owner needs commercial liability to cover a paying guest. Proof of insurance will give the city a false sense of actual coverage.



Bob Topping  
Retired Innkeeper  
Former Kansas Bed & Breakfast Board Member  
425 Pasadena Dr.  
Lawrence, KS 66049  
bjtopping@sbcglobal.net

**From:** tena s [mailto:tenakat@hotmail.com]  
**Sent:** Thursday, May 17, 2018 4:08 PM  
**To:** PlanningEmail <PlanningEmail@lawrenceks.org>  
**Subject:** Airbnb notes

Hello Planning Commissioners,

As a 3 year veteran of Airbnb, I have some thoughts I would like to share before the Planning Commission meeting on May 23. I think about my relationship with visitors on a daily basis, and would like to share some of those thoughts. My background includes managing several rental properties, working at two lovely Lawrence Hotels, as well as a beautiful Bed and Breakfast, so I believe I am a good spokesperson for the benefits to Lawrence of all types of hospitality venues. First I should say that in my opinion, a variety of safe, clean, and well planned Hospitality venues are a benefit to the City of Lawrence. I do not believe it is one vs. the other, as all have their individual charms. All of us want to welcome visitors to our city to create revenue both for Lawrence, and for ourselves. We want to show Lawrence in the best light that we can, with the resources we have available. We all want to create a "welcoming culture" for visitors to feel good about their experience and their perception of Lawrence, and of course return with their friends and family, increasing our tax revenues, shop in our local stores and restaurants, support the arts, and feel like Lawrence is their home away from home. By lightly filtering visitors and guests into some of our neighborhoods, they become part of our community, and our shared economy becomes a benefit to all.

Before Airbnb, I was managing my property on a slim profit margin, barely able to make ends meet. After working hard with my short term rentals, the "Review Process" requires me to keep up my properties, and the extra income allows it. I now have fresh flowers at the entrance to my doors, candy on the tables, a smile on my face, and the bank is happy that I can pay my mortgages on time. By no means is this a "get rich quick" scheme... quite the contrary, as I am constantly spending money in the community at locally owned hardware stores, local flower gardens, and with local workmen and artisans. Now I can be proud of my property and be an inspiration for others, keeping Lawrence pretty and welcoming, without any additional cost to the city.

As far as rules and regulations, I am in complete agreement that we should all be on the same page with some light regulations. I am in hopes of our community supporting and encouraging Short Term Rentals with reasonable guidelines. As hosts, we are already, by the nature of Airbnb, guided to be the best hosts we can. Seasoned hosts know what to ask for and look for in guests. We have the option to accept or deny a request to book with us. We are required to leave a review, and our guests are asked to do the same. It keeps us all aware and on our toes, and naturally weeds out the hosts that are not serious about their business. Too many restrictions will complicate the already in place process. Lawrence is blessed to have a few natural hosts to show off their city in a good light and support our local economy and I would like to play a small part in encouraging our visitors to fall in love with Lawrence.

Tena Santaularia  
Airbnb Super Host  
785-550-2004

**From:** Ronda Miller [mailto:coachingforliferonda@yahoo.com]  
**Sent:** Thursday, May 17, 2018 9:59 AM  
**To:** PlanningEmail <PlanningEmail@lawrenceks.org>  
**Subject:** Short term rentals

Dear Commissioners,

I'm writing about short term rentals for the city of Lawrence. I've been a home owner at my present address for 24 years. I've struggled hard as a single mom of two children (now grown!) and came close to losing my house on more than one occasion. I've always operated an in home childcare facility so I could be with my own children without losing a job when they were sick and out of school. Some of those years I had a double shift from home to survive.

I'm nearing the end of my long career (32 years plus) in the field of Childcare. I would love to not only be able to stay in my home (it will be paid off within the year) but to thrive in it. It's a large home, but being allowed to do STRs would afford me the opportunity to stay in my home, the ability to maintain it to suit the neighborhood, and give me additional income over the minimal social security expectations I won't be able to retire on.

My neighborhood is quiet and residential. Our houses are set back far from the street with quite a distance between homes. I think my neighbors would prefer an occasional weekend car in my driveway over the 8 to 10 cars coming to and from my home during work hours doing Childcare from 7:30 to 5. I know I sure look forward to working less than 48 - 50 + hours weekly.

STRs bring revenue to our wonderful city. I host youth and families. I recently hosted a family from Oregon who were here for a son's graduation. They would not have had a place to stay in Lawrence otherwise. I know the four guests ate all meals from Friday through Monday out. They also bought numerous gifts to take back. It was a win win. I was affordable, they were able to spend money in Lawrence!

Note: there are numerous homes being purchased for the sole objective of running STRs from them. I am against those. They are not owner occupied and are driving the cost of starter homes within our city sky high.

Please do consider the HOME based STR. We aren't doing it to make thousands upon thousands of dollars. We are trying to keep a family home.

Thank you and sincerely,

Ronda Miller  
President, Kansas Authors Club  
<http://www.meadowlark-books.com/p/watersigns.html?m=1>  
<http://www.meadowlark-books.com/2015/05/moonstain-poetry-by-ronda-miller.html?m=1>

**From:** Shreders, Scott [mailto:shreders@ku.edu]  
**Sent:** Sunday, May 20, 2018 10:30 PM  
**To:** PlanningEmail <PlanningEmail@lawrenceks.org>  
**Subject:** Short Term Rentals

Dear Commissioners,

I am writing to you on behalf of allowing short-term rentals within the jurisdiction of the City of Lawrence. For the past six weeks, my mother has operated a short term rental out of her home. I am an engineering student at the University of Kansas and am currently residing there with her. She has worked hard many years and is in sub-optimal health, and if her STR operation can continue to be successful, it will expedite her ability to retire. This is important to me because I want to see her do well and enjoy the life that she deserves. Additionally, her operation provides me some part-time work performing maintenance and various tasks to keep it running. Furthermore, I am of the opinion that these types of operations will benefit our community's economy. Thank you for your time, and consideration, as you begin your decision-making process.

Sincerely,  
Scott Shreders

**From:** Angie Blair [mailto:nurseangie@sunflower.com]

**Sent:** Monday, May 21, 2018 6:38 AM

**To:** PlanningEmail <PlanningEmail@lawrenceks.org>

**Subject:** Short Term Rental

Dear Planning Commission,

I opened up part of my home to Air B and B about a year ago when I lost my job. I was unfamiliar with the how it worked and if it would be safe for me being a single female. I started slowly and soon discovered it was pleasant, the people were quite nice, and I could make some income. I have become friends with several of my guests and they return to my home as they return to Lawrence to visit their family and friends, attend an event, or to shop. I was happy to know the Air B and B support staff is there for me 24 hours 7 days a week for support. If I should have any challenges with my guest they step in and handle the situation.

I feel the short term rental business is self regulated by the rating system utilized by the patrons. The rating system encourages me to keep up my home in pristine condition and to be a welcoming host to my guests. If I do not keep up my rating then my income will suffer. My home looks better than it has in years and I am proud to welcome my guests. I am able to use part of my income to maintain my home and property.

I am able to provide a great, comfortable place to stay at a reasonable rate. Some of my guests have children at KU and have financial challenges trying to make ends meet. I am able to provide a service they can afford to introduce their child into higher education. Please be considerate as we are trying to make a living and keep food on our table.

Thank you for your consideration as we provide a service to our community that we are proud of. We want you to be proud of us too. I hope you can support me and help me remain in business. I want to have this opportunity to live in the town I love and help support it too.

Sincerely,  
Angie Blair



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

From: Danielle Schmidt [mailto:[danimari75@yahoo.com](mailto:danimari75@yahoo.com)]

Sent: Monday, May 21, 2018 8:36 AM

To: PlanningEmail <[PlanningEmail@lawrenceks.org](mailto:PlanningEmail@lawrenceks.org)>

Subject: Airbnb's in Lawrence

I am new to Airbnb and I can already see the advantages for Lawrence. It upgrades the quality and quantities of accommodations for visitors which brings in even more revenues for the city. It helps makes Lawrence the place to go for a great few nights stay.

We have a lot to offer, music, theater, sports, special events, KU visitors, a great downtown, and nature / photography lovers at Clinton lake, baker wetlands and the Arboretum.

And we can say we have the best accommodations in the state providing quality hotels and quality alternative stays.

It also helps your citizens build a better life and at same time always promoting the city. Also hosts and guest will spend more on the retail front.

Short term rental is here. I hope the city will clearly see the advantages and support this business.

Danielle

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

PC Staff Report  
05/23/2018

**ITEM NO. 7      TEXT AMENDMENT TO LAND DEVELOPMENT CODE; CONDITIONAL ZONING (SLD)**

**TA-18-00154:** Consider a Text Amendment to the City of Lawrence Land Development Code, Article 13 to review and potentially remove conditional zoning. *Initiated by City Commission on 4/17/18.*

**RECOMMENDATION:** Staff recommends that the Planning Commission forward the proposed amendment, TA-18-00154, amending Article 13 of the Lawrence Land Development Code to the City Commission with a recommendation to retain the existing language with no changes.

**Reason for Request:** On March 20, 2018, the City Commission considered a rezoning request (Z-17-00689) which included conditions that eliminated certain uses in the IL zoning district. At that meeting, the Commission expressed disfavor in the use of conditional zoning and directed staff to review the use of this tool with the intent of removing conditional zoning from the Land Development Code.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None received

**ATTACHMENTS**

- A. Memorandum from John Miller, April 14, 2009
- B. Communication from League Of Women Voters
- C. City Commission meeting minutes from March 28, 2006
- D. Map/table of existing conditional zoning
- E. Sample of conditional zoning applications
- F. Common zoning terms planners dictionary

**BACKGROUND**

Conditional zoning was included in the Land Development Code when it was adopted in 2006. Staff views conditional zoning as a legal and flexible tool that provides a means to approve appropriate developments while protecting the integrity of the surrounding area. Conditional zoning facilitates development while balancing conflicting needs. There has been past discussions about the legality and use of conditional zoning in Lawrence. Conditional zoning is not illegal under state law or by local code. See attachments listed above for more context.

For the purpose of this discussion, conditional zoning refers to conditions placed on conventional base zoning districts. That is to say, a rezoning or zoning request that is not for a special use permit, a planned development, or part of a site plan. The context of this analysis addresses the underlying uses associated with the specific zoning district being considered. Conditional zoning excludes previous Planned Development overlays that include restrictions or conditions to either the plan or the associated zoning district.

Frequently, conditions included in zoning applications are self-identified by an applicant as part of an application to be transparent about the intended use of the property.

## **ANALYSIS**

Since 2006, the City of Lawrence has approved 35 zoning map amendments (rezoning) applications that include a condition or restriction. Common restrictions include limitations on maximum residential density or commercial retail square footage. Others prohibit or limit certain uses that are permitted by right in a specific district. In each case, the restriction was directly related to the context of the surrounding area with an intent to preserve the character of the area, to implement goals and policies of *Horizon 2020* or incorporated specific plans, or provide additional public processes such as City Commission review and approval of a site plan. An example of conditional zoning requiring an extraordinary approval occurs in the Inverness Park Plan Area. Property located at 3905 Clinton Parkway and 4300 W. 24<sup>th</sup> Place require City Commission approval of any site plan. This condition was established through the neighborhood planning process and implemented in the rezoning applications providing additional notice to the neighborhood of any development application.

**Conditional zoning** differs from spot zoning in that conditions imposed on the zoning are intended to mitigate adverse impacts that can be reasonably expected to occur without imposing such conditions on an otherwise appropriate land use development project. Conditions must be reasonable and further the public health, safety, and welfare of the community. Conversely, **spot zoning** is illegal because it unfairly gives preference to one property or individual over another; it is inconsistent with the community's comprehensive plan; and does not further a community or neighborhood goal or policy.

When reviewing any rezoning application there is a unique set of facts associated with that specific property. The analysis of the rezoning includes the assessment of specific criteria (findings of fact) through a regimented process. It is through adherence to this process that spot zoning is prevented. Disregard of these findings and process would result in spot zoning.

In the situation where conditional zoning is used to eliminate certain uses in a proposed district and as an alternative, a city may consider revising the base zoning district in question through a text amendment to modify the permitted uses. This has the result of diluting the base zoning districts making them indistinguishable from each other in their governing of area, height, use of buildings or land, and other regulations relating to development. The City Commission disfavored the use of conditional zoning to address uses; however, removing this tool from the zoning toolbox would also eliminate the ability to condition density, intensity, and processes when zoning occurs.

## **Challenges**

Conditional zoning poses a unique challenge to administering the zoning code. Each ordinance describes the restrictions or conditions that pertain to that area. The City of Lawrence response to this challenge has been to apply GIS technology to show the difference between conventional zoning and conditional zoning on an interactive map, providing a direct link to the ordinance containing the specific condition. While not a perfect system, staff and applicants have encountered few problems since the implementation of this tracking system in 2006.

## OVERVIEW OF PROPOSED AMENDMENT

This section of the report includes the existing and revised conditional zoning language for consideration. There are two sections of the Land Development Code that are key to the foundation of this land use entitlement tool. Section 20-1301 provides general provisions for all processes and application processors governed by the Land Development Code. Section 20-1301 provides authority to place conditions on site plans, Special Use Permits and other applications, and such authority is vital to mitigate identified issues that arise as such applications are processed. Section 20-1303 is specific to zoning map amendments (rezoning applications). Any change to specific text should be constrained to only address rezoning applications if appropriate.

Affected Section: Article 13 Development Review Procedures

- 20-1301 General *[this section applies to all procedures of the Land Development Code]*
- 20-1303 Zoning Map Amendments (Rezoning)

Existing Language 20-1301	Revised Language 20-1301
<p><b>(a) Action by Review Bodies</b></p> <p>(1) Review bodies may take any action that is consistent with:</p> <ul style="list-style-type: none"> <li>(i) the regulations of this Article;</li> <li>(ii) the City's adopted Development Policy;</li> <li>(iii) any by-laws that may apply to the review body; and</li> <li>(iv) the notice that was given.</li> </ul> <p>(2) The review body's action may include recommending approval of the application, <b>recommending approval with modifications or conditions</b>, or recommending disapproval of the application.</p> <p>(3) The review body may recommend conditions, modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or <b>Zoning District</b> than indicated in the application, reduce the impact of the development, or reduce the amount of land area included in the application.</p> <p>(4) The review body may recommend that the application <b>be approved conditionally</b> upon the execution of a development agreement acceptable to the City Attorney and/or compliance with the <b>Access Management</b> Standards and the Community Design Manual adopted by the City Commission from time to time.</p> <p>(5) Review bodies may not recommend a greater <b>Density</b> of development; a more intensive use or a more intensive <b>Zoning District</b> than was indicated in the public notice.</p> <p>(6) Review bodies are not required to recommend approval of the maximum <b>Density</b> or intensity of use allowed.</p>	<p><b>(a) Action by Review Bodies</b></p> <p>(1) Review bodies may take any action that is consistent with:</p> <ul style="list-style-type: none"> <li>(i) the regulations of this Article;</li> <li>(ii) the City's adopted Development Policy;</li> <li>(iii) any by-laws that may apply to the review body; and</li> <li>(iv) the notice that was given.</li> </ul> <p>(2) The review body's action may include recommending approval of the application, <b>recommending approval with modifications or conditions, except that it may not recommend modifications or conditions for rezoning applications</b>, or recommending disapproval of the application.</p> <p>(3) The review body may recommend conditions, modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or <b>Zoning District</b> than indicated in the application, reduce the impact of the development, or reduce the amount of land area included in the application.</p> <p>(4) The review body may recommend that the application <b>be approved conditionally, except that it may not recommend modifications or conditions for rezoning applications</b>, upon the execution of a development agreement acceptable to the City Attorney and/or compliance with the <b>Access Management</b> Standards and the Community Design Manual adopted by the City Commission from time to time.</p> <p>(5) The review body may not recommend a greater <b>Density</b> of development; a more intensive use or a more intensive <b>Zoning District</b> than was indicated in the public notice.</p> <p>(6) The review bodies are not required to recommend approval of the maximum <b>Density</b> or intensity of use allowed.</p>
<p><b>(j) Action by Decision-Making Bodies</b></p> <p>(2) The decision-making body's action may include approving the application, approving the application with <b>modifications or conditions</b>, or denying the application. A denial of application may be accompanied with a remand to the review body, if any, for further consideration.</p> <p>(3) The decision-making body <b>may impose conditions on the application</b> or allow modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or <b>Zoning District</b> than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.</p>	<p><b>(j) Action by Decision-Making Bodies</b></p> <p>(2) The decision-making body's action may include approving the application, approving the application with <b>modifications or conditions, except that it may not recommend modifications or conditions for rezoning applications</b>, or denying the application. A denial of application may be accompanied with a remand to the review body, if any, for further consideration.</p> <p>(3) The decision-making body <b>may not recommend modifications or conditions for rezoning applications</b>, on the application or allow modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or <b>Zoning District</b> than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.</p>
<p><b>(M) Conditions of Approval</b></p> <p>When the procedures of this Article allow review bodies to recommend or decision-making bodies to approve <b>applications with conditions</b>, the</p>	<p><b>(M) Conditions of Approval</b></p> <p>When the procedures of this Article allow review bodies to recommend or decision-making bodies to approve <b>applications with conditions</b>, the</p>

conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.	conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.
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The revised text shown in the column on the right of Section 20-1301 are intended to exclude the use of conditional zoning on zoning applications. The ability to condition other types of applications such as development plans, special use permits, and site plans would remain intact. The language below in Section 20-1303 is specific to rezoning applications.

Existing Language 20-1303	Revised Language 20-1303
<p><b>(f) City Commission Decision</b> After receiving the <a href="#">Planning Commission</a>'s recommendation, the City Commission shall take one of the following actions on the proposed zoning map amendment:</p> <ul style="list-style-type: none"> <li>(1) approve, <del>approve with conditions or modifications</del>, or deny; or</li> <li>(2) return the application to the <a href="#">Planning Commission</a> for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove. <ul style="list-style-type: none"> <li>(i) The <a href="#">Planning Commission</a>, after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.</li> <li>(ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed zoning map amendment, approve it with modifications, or deny it.</li> <li>(iii) If the <a href="#">Planning Commission</a> fails to deliver its recommendations to the City Commission following the <a href="#">Planning Commission</a>'s next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the <a href="#">Planning Commission</a> as a resubmission of the original recommendations and proceed accordingly.</li> </ul> </li> </ul>	<p><b>(f) City Commission Decision</b> After receiving the <a href="#">Planning Commission</a>'s recommendation, the City Commission shall take one of the following actions on the proposed zoning map amendment:</p> <ul style="list-style-type: none"> <li>(1) approve, <del>approve with conditions or modifications</del>, or deny; or</li> <li>(2) return the application to the <a href="#">Planning Commission</a> for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove. <ul style="list-style-type: none"> <li>(i) The <a href="#">Planning Commission</a>, after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.</li> <li>(ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed zoning map amendment, approve it with modifications, or deny it.</li> <li>(iii) If the <a href="#">Planning Commission</a> fails to deliver its recommendations to the City Commission following the <a href="#">Planning Commission</a>'s next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the <a href="#">Planning Commission</a> as a resubmission of the original recommendations and proceed accordingly.</li> </ul> </li> </ul>

## 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;

A previous review of of the Land Development Code by the City's Legal staff concluded that the Land Development Code is written, "to allow conditioning of conventional zoning." See attachments for more information.

The proposed text amendment is not in response to an error or inconsistency in the Land Development Code; however, it is in response to disfavor by the City Commission for use of the tool.

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

Specific goals of *Horizon 2020* state the intent to protect and preserve neighborhood character, provide compatible infill development, and encourage appropriate commercial development scaled in size and intensity to the surrounding area. These overall goals are found in the principal strategies listed in Chapter 3, General Plan Overview; Chapter 5, Residential Land Use; Chapter 6 Commercial Land Use; and Chapter 7 Industrial and Employment-Related Land Use. Conditional zoning, when used judiciously and thoughtfully is an appropriate tool implementing the goals and policies of the comprehensive plan.

## Conclusion

The application of conditional zoning should be used cautiously, when all other options have been exhausted, and when a clear neighborhood goal can be achieved, or when a clear harm to the surrounding area can be demonstrated. There is a challenge to the tool regarding tracking various conditions and making the general public aware of the unique conditions of the particular ordinance. Staff strives to provide up-to-date interactive mapping and information regarding zoning information for public information through mapping, website applications, and office interactions.

Since 2006, conditional zoning has been employed 35 times to accommodate a development project while mitigating identified impacts. Prior to 2006, a similar tool, in the form of Planned Unit Development, accomplished many of the same things. Without conditional zoning many of the 35 projects approved likely would have been denied. Staff recommends keeping this important method for addressing the context of projects in the Land Development Code.



# Memorandum

## City of Lawrence

### Legal Services Department

**TO:** Scott McCullough, Director of Planning And Development Services  
Toni Ramirez Wheeler, Director of Legal Services

**From:** John Jay Miller, Staff Attorney

**Date:** April 14, 2009

**RE:** Discussion on Conditioning Conventional Zoning

At the February 24, 2009 meeting of the City Commission of Lawrence, Kansas, staff was directed to present information on conditioning conventional zoning to the Lawrence Douglas County Metropolitan Planning Commission. The League of Women Voters of Douglas-County raised the issue of conditional zoning at the City Commission meeting and their letter is attached for your review. For this discussion, conventional zoning means a rezoning request not a request for a special use permit, planned development or site plan. Provided is an overview of the authority to place conditions on conventional zoning and direction for the Planning Commission when considering conditional zoning.

#### **Development Code Provisions**

The Development Code of the City of Lawrence, Kansas is written to allow the conditioning of conventional zoning. Section 20-1301, General, of the Development Review Procedures, allows the approval of zoning map amendments with conditions or modifications. The code language in subsection (i), Action by Review Bodies, states:

##### **(i) Action by Review Bodies**

(1) Review bodies may take any action that is consistent with:

- (i) the regulations of this Article;
- (ii) the City's adopted Development Policy;
- (iii) any by-laws that may apply to the review body; and
- (iv) the notice that was given.

(2) The review body's action may include recommending approval of the application, recommending approval with modifications or conditions, or recommending disapproval of the application.

(3) The review body may recommend conditions, modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or Zoning District than indicated in the application, reduce the impact of the development, or reduce the amount of land area included in the application.

(4) The review body may recommend that the application be approved conditionally upon the execution of a development agreement acceptable to the Director of Legal Services and/or compliance with the Access Management

Standards and Commercial Design Policies and Standards adopted by the City Commission from time to time.

(5) Review bodies may not recommend a greater Density of development; a more intensive use or a more intensive Zoning District than was indicated in the public notice.

(6) Review bodies are not required to recommend approval of the maximum Density or intensity of use allowed.

The code language in subsection (j), Action by Decision-Making Bodies, states:

(j) Action by Decision-Making Bodies

(1) Decision-making bodies may take any action that is consistent with:

- (i) the regulations of this Article;
- (ii) the City's adopted development policy;
- (iii) any by-laws that may apply to the decision-making body; and
- (iv) the notice that was given.

(2) The decision-making body's action may include approving the application, approving the application with modifications or conditions, or denying the application. A denial of application may be accompanied with a remand to the review body, if any, for further consideration.

(3) The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or Zoning District than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.

(4) The decision-making body may approve the application upon the condition that the applicant executes a development agreement acceptable to the Director of Legal Services and/or compliance with the Access Management Standards and Commercial Design Policies and Standards adopted by the City Commission from time to time.

(5) Decision-making bodies may not approve a greater Density of development; a more intensive use or a more intensive Zoning District than was specified in the public notice.

(6) Decision-making bodies are not required to approve the maximum Density or intensity of use allowed.

The code language in subsection (m), Conditions of Approval, states:

(m) Conditions of Approval

When the procedures of this Article allow review bodies to recommend or decision making bodies to approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.

In addition, Section 20-1303 on Zoning Map Amendments states:

(e) Planning Commission's Review/Recommendation

The Planning Commission shall hold a public hearing on the proposed zoning map amendment, review the proposed amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and recommend that the City Commission approve, approve with modifications, or deny the proposed amendment. The Planning Commission is also authorized to forward the proposed amendment to the City Commission with no recommendation.

(f) City Commission Decision

After receiving the Planning Commission's recommendation, the City Commission shall take one of the following actions on the proposed zoning map amendment:

- (1) approve, approve with conditions or modifications, or deny;

### **Historical Background on the Enactment of the Development Code Pertaining to Conditional Zoning**

The City Commission discussed the issue of conditional zoning when considering approval of the Development Code. Stephen P. Chinn, a land use attorney with the firm of Stinson Morrison Hecker LLP, advised the City on the code and presented to the City Commission that he had not worked with a code in the past fifteen years that did not specifically authorize governing bodies to condition the approval of rezoning with reasonable conditions. With Mr. Chinn's assistance, the code was written to allow the conditioning of conventional zoning. An excerpt of the minutes from the March 28, 2006 City Commission agenda is attached for your review.

### **Kansas Case Law on Conditional Zoning**

There does not appear to be any Kansas case law on the specific issue of conditioning conventional zoning. However, the Kansas Supreme Court took up the issue of conditional zoning in a special use permit situation in the 1994 case of *Water Dist. No. 1 of Johnson County v. City Council of City of Kansas City*, 255 Kan. 183, 871 P.2d 1256 (Kan. Apr 15, 1994). In *Water District No. 1*, the court upheld the conditions on the special use permit as reasonable.

Most recently, the Kansas Supreme Court in the case of *Manley v. City of Shawnee*, 287 Kan. 63, 75-76, 194 P.3d 1 (2008) reaffirmed their standard of review on the reasonableness of zoning body decisions and stated that "[w]hen reviewing a decision on zoning, special use permits, and conditional use permits, we are guided by principles set forth in *McPherson Landfill, Inc. v. Board of Shawnee County Comm'rs*, 274 Kan. 303, 304-05, 49 P.3d 522 (2002) (quoting *Combined Investment Co. v. Board of Butler County Comm'rs*, 227 Kan. 17, 28, 605 P.2d 533 [1980]) :

- (1) The local zoning authority, and not the court, has the right to prescribe, change or refuse to change, zoning.
- (2) The district court's power is limited to determining
  - (a) the lawfulness of the action taken, and
  - (b) the reasonableness of such action.
- (3) There is a presumption that the zoning authority acted reasonably.
- (4) The landowner has the burden of proving unreasonableness by a preponderance of the evidence.
- (5) A court may not substitute its judgment for that of the administrative body, and should not declare the action unreasonable unless clearly compelled to do so by the evidence.

(6) Action is unreasonable when it is so arbitrary that it can be said it was taken without regard to the benefit or harm involved to the community at large, including all interested parties, and was so wide of the mark that its unreasonableness lies outside the realm of fair debate.

(7) Whether action is reasonable or not is a question of law, to be determined upon the basis of the facts which were presented to the zoning authority.

(8) An appellate court must make the same review of the zoning authority's action as did the district court."

### **Treatise on Conditional Zoning**

In McQuillin: The Law of Municipal Corporations, 8 McQuillin Mun. Corp. § 25.93.10 (3rd ed.) the concept of conditional zoning is discussed. An excerpt of their explanation of conditional zoning states:

"Conditional zoning is the granting of a zoning change which is subject to agreed upon specific conditions which limit permitted uses in the zoned district. Specifically, conditional zoning occurs when a governmental body, without committing its own authority, secures a given property owner's agreement to limit the use of his or her property to a particular use or to subject his or her tract to certain restrictions as a precondition to any rezoning. Because it permits a given local authority greater flexibility in balancing conflicting needs, the practice of conditional use zoning can be exceedingly valuable. Conditional zoning anticipates that when the rezoning of certain property within the general zoning framework would constitute an unacceptably drastic change, such a rezoning could still be accomplished through the addition of certain conditions or use limitations.

Although sometimes condemned as illegal spot zoning, and as involving surrender of governmental authority to determine proper land use, the court will look to the reasonableness of the conditions and of the zoning change and will sustain the ordinance if found neither arbitrary nor capricious and where a reasonable relationship to the public welfare is found to exist. An increasing number of courts have either expressly held or strongly indicated support for conditional zoning. These courts, which comprise a growing trend, have concluded, among other things, that zoning legislation provides ample authority for the practice; the use under the practice of carefully tailored restraints advanced, rather than injured, the interests of adjacent landowners, and the practice is an appropriate means of harmonizing private interests in land thus benefiting the public interest."

### **Planning Commission Considerations**

If the Planning Commission receives a request from staff, the applicant, the public, or initiates on its own placing conditions on a conventional rezoning request, then the Development Code gives the Planning Commission and then the City Commission the authority to establish reasonable land use conditions on conventional zoning requests. The Planning Commission when considering conditioning conventional zoning must apply the same review criteria they would for any rezoning application and make a recommendation to the City Commission on the rezoning request.

Ultimately, the governing body's decision on the rezoning request must be lawful and reasonable. The issue of lawfulness is whether the city followed statutory requirements and its own codes and procedures. As noted above the Development Code is written to allow conditional zoning and the Planning Commission can condition conventional zoning in conformity with the code.

For the issue of reasonableness in making the rezoning decision, the Planning Commission must at least consider the review and decision making criteria in Section 20-1303(g). The criteria are based on the eight suggested factors described in *Golden v. City of Overland Park*, 224 Kan. 591, 584 P.2d 130 (1978). The review criteria are not exclusive of other appropriate factors. These criteria go to the reasonableness of the rezoning recommendation of the Planning Commission. Any conditions placed on a conventional rezoning request would have to be reasonable and based on the review criteria of the Development Code and the evidence and testimony presented at the hearing.

### **Conclusion**

The Development Code is written to give the Planning and City Commission the authority to place reasonable land use conditions on a conventional zoning request. If a rezoning were legally challenged, staff's opinion is that as long as the procedures are followed and the land use conditions are reasonable then we can make a strong argument to the court that the City had the legal authority to condition the zoning.

The discussion of conditioning conventional zoning only applies to City of Lawrence, Kansas rezoning requests and hearings and not rezoning requests for Douglas County.

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

P.O. Box 1072, Lawrence, Kansas 66044

April 19, 2009

Mr. Brad Finkeldei, Chairman  
Members  
Lawrence-Douglas County Planning Commission  
City Hall  
Lawrence, Kansas 66044

RE: ITEM NO.9, DISCUSSION OF CONDITIONAL ZONING

Dear Chairman Finkeldei and Planning Commissioners:

Please take note of the attached comments from our Land Use Committee on conditioning conventional zoning districts. These were sent to the City Commission and included in the material for discussion on conditioning zoning.

For your convenience we have excerpted the our letter and attachments, printed them in more legible form and resubmitted them to you hoping that they will be more readable to better illustrate our concerns.

Thank you for taking the time to discuss this issue.

Sincerely yours,

Carrie Lindsey  
Board Member

Alan Black, Chairman  
Land Use Committee

*Attachment*



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

P.O. Box 1072, Lawrence, Kansas 66044

February 24, 2009

Mayor Michael Dever  
Members of the City Commission  
City Hall  
Lawrence, KS 66044

**RECEIVED**

**FEB 24 2009**

**CITY MANAGERS OFFICE  
LAWRENCE, KS**

Dear Mayor Dever and City Commissioners:

RE: CONSENT AGENDA ITEM NO. 8, Ordinance No. 8370, Z-11-18-08.

We ask that you remove from the Consent Agenda, Item 8: Second and Final Reading of Ordinance No. 8370.

This Ordinance will rezone 11,000+ square feet of church property located on Connecticut Street to a different zoning district—RSO (Residence-Office)—from its existing RS5 single family district. This would be an ordinary rezoning if not for one fact: the RSO Zoning District Ordinance 8370 has a provision attached to it that excludes two uses, one listed as a permitted use—Financial, Insurance, and Real Estate, and a second—Homeless Shelters—the status of which must still be determined in the Land Development Code (LDC).

We apologize for bringing this to you so late, but the issue we want to address did not come up until the public hearing for this item by the Planning Commission on January 26, and was recorded for the first time in the minutes available to you when you gave it first reading last week on the Consent Agenda.

This issue tonight is similar to what occurred in the case of the Krause Restaurant, where the neighborhood did not object to the use, but rather, they objected to the rezoning to a commercial district and all of the other uses that this district permitted. Staff had originally recommended “conditioning” the Neighborhood Commercial District to exclude all uses except the restaurant. You denied this conditioning based on its not having been determined by case law as a legal option in Kansas, and instructed the staff to resolve the problem by creating a text amendment to the zoning ordinance that added the Krause’s type of restaurant as a Special Use permitted in residential districts.

In this case of Ordinance No. 8370, the requested use is for a mortuary. The neighborhood has no objection to this use nor to the RSO District. The neighborhood objection was with one particular use that the RSO District normally allows—Financial. The RSO District (Single Dwelling Residence Office), allows “Financial, Insurance, and Real Estate” offices, which the neighborhood asked to be excluded from the permitted uses. They also wanted “Homeless Shelters” excluded as a use, but that is a different situation because its use status is still pending in the Land Development Code. The outcome at the Planning Commission was to recommend the rezoning to RSO for approval with two conditions attached: (1) to exclude from the RSO Zoning District the Financial, Insurance, and Real Estate uses and (2) to exclude from the RSO Zoning District the Homeless Shelters use. This rezoning appears, as mentioned above, on Second Reading tonight as Ordinance No. 8370.

Because recently the staff has almost routinely been recommending conditioning zoning to exclude uses as an approach in difficult rezoning situations, we realized that it could be because there is little public understanding of what is actually happening in these cases. We realized that the process has been mislabeled. The term “conditioning” the zoning is inappropriate because this is actually a permanent change to the zoning district on a lot or parcel. What is actually happening here is that when uses are excluded by Ordinance on a single site, the specific Ordinance (law) enabling this is actually creating a new zoning district. This new district is permanent and is different from all our other existing districts.

We discovered that this change to the district on this site is considered permanent by reading the Minutes from the January 26 Planning Commission, Agenda Item No. 3, Rezoning Z-11-18-08, page 8, last paragraph. This refers to a theoretical future buyer of this property who might want to use the excluded category of Financial, Insurance, and Real Estate use. The Minutes read: "Mr. McCullough said they are all one use category and that a future owner could submit a rezoning" [enabling him to use that category on this lot.]

In other words, this is a permanent change to the zoning district on this one lot and does not expire with a new buyer seeking the original RSO District on this lot with its original complement of permitted uses. This district with its excluded uses is permanent to the zoning district on this property until rezoned. Therefore, the zoning on this land is a new district, albeit exclusive to this lot, but nonetheless, a different zoning district unlike any other, and therefore a new district, created by law.

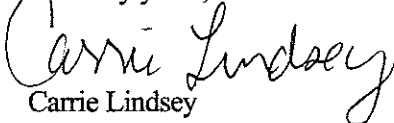
In contrast, why can excluding uses in a district be done in Planned Development Districts? Are they creating new districts? The answer is yes, in a sense, but this is expected because it is expressly written into the PD zoning provisions in the Land Development Code. PD districts are overlay districts and enable conventional zoning districts to be tailored to their sites, and uses are expected to be excluded where inappropriate. That is why Planned Developments exist; they enable flexible zoning provisions. PD opportunities are available to everyone who uses them. On the other hand our standard or "conventional" districts were supposed to be designed to be predictable and stable, easy to use, accessible to all, and to be administered to all citizens equally and not arbitrarily. One developer from Wichita told our City Commission many years ago that he "was prepared to play by the rules no matter what they were," but he had to know the rules first.


The basic problem that we see being created is that the proper procedure for legally making a permanent change to the City Code by creating new zoning districts is not being followed. What should be happening is that each new zoning district that has or will be excluding otherwise permitted uses, in order to legalize their status, should first be provided with a text amendment to the Land Development Code which would create a new and distinct district with its list of permitted uses tailored to the new district. Once the new district is available, a Zoning District Map designation should be adopted that will distinguish it from all other districts, and then the zoning map amendment can proceed. This would allow the new district to be legally adopted not only on the original site but the new district would be legal and available to all other citizens to use also.

We urge the City Commission to recognize that the proper procedure must be followed here and in the other previous cases. We ask that you no longer allow this type of change to our Zoning Code without first using the proper lawful process of text amendment and Zoning District Map amendment that recognize these new and different districts.

Please see the attached information which we hope will help clarify this letter. Thank you for seriously considering this issue.

Sincerely yours,

  
Carrie Lindsey  
President

  
Alan Black, Chairman  
Land Use Committee

*Attachments to be sent by email*

BRIEF SUMMARY OF OBSERVATIONS ON CONDITIONING ZONING.

February 24, 2009

1. Kansas state planning law requires that conventional zoning regulations shall treat everyone equally.

**K.S.A. 12-756(a)** states: "...Except as provided in the zoning regulations, all such regulations shall be uniform for each class or kind of building or land uses throughout each district, but the regulations in one district may differ from those in other districts and special uses may be designated within each district with conditions attached."

2. The cases where exceptions can be made are written into the regulations. This is specifically allowed in Article 13 where conditions can be applied to applications for development approval.

**A. "20-1301(j)(3)** The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment is **to allow a less intensive use** [emphasis added] or **Zoning District** than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application."

3. However, the conditions are limited to those provisions in Article 13 specifically allowing exceptions and conditions (as described by the Sections in those Articles dealing with this issue).

**B. "20-1301(m) Conditions of Approval**

**When the procedures of this Article allow** review bodies to recommend or decision-making bodies to approve **applications with conditions** [emphases added], the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions."

4. The provisions are limited in the sections of Article 13 that allow conditioning and are all different.
  - a.. Those sections of the Code that allow conditioning by excluding uses as well as conditioning uses are in **20-1304, Planned Developments**; and specifically in **Article 20-701(f)(1)**.
  - b. Those sections that allow specific uses not ordinarily allowed by the code and conditioning these uses beyond the specific provisions of the Code are in **Article 20-1306, Special Use Permits**. Special uses are specifically listed in the Use Table by district.
  - c. Those sections that allow conditioning uses based only on specific provisions and standards of the Code come under **Article 13, Site Plans, Section 20-1305**.

**"Article 20-1305 Site Plans**

**(a) Purpose**

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of this Development Code prior to the commencement of Development Activity and **to encourage the compatible arrangement of Buildings, off-street parking, lighting, Landscaping, pedestrian walkways and sidewalks, ingress and egress, and drainage on the site and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.** [Emphasis added] Site Plans for commercial development shall comply with the Commercial Design Standards and Guidelines adopted by the City Commission on July 25, 2006 by Resolution No. 6669."

5. Reducing the permitted density is allowed in Planned Developments, Planned Unit Developments and Special Use Permits. In Site Plans where density adjustments can be made in conventional districts, the land comes under **Article 20-1101(d) and (e) Sensitive Areas Site Plan** and must conform to the density adjustment table in Section 20-1101(d)(4).

6. In cases where conventional zoning has been conditioned to conform to access restrictions, this should be considered a plat condition (supported by case law) or a site plan condition that is supported by a specific article or section in the Lawrence Land Development Code.

7. It is possible that the confusion as to what and how development sites can be conditioned is because the distinction between conditioning a use and conditioning a zoning district hasn't been considered. Our understanding is that a use is one of (usually) many permitted uses within a zoning district, and our code allows placing specific conditions on a specific use on a specific site, but the potential for this type of conditioning applies to all sites in like circumstances. Conditioning a Zoning District to eliminate specific, otherwise permitted uses on a specific site is a totally different type of conditioning, treats individuals with favoritism, and would seem by the language of State law to be unlawful. It should be treated as a text amendment and remedied by adopting the change using the proper procedure as a text amendment so that this new district is available to everyone in like circumstances.

8. If the City wants to be able to condition conventional zoning in ways not specifically allowed by the Code, this should be made legal in the Kansas state planning law and then written into our Code. Before doing so it should be carefully considered, because besides allowing special privileges to individuals (contrary to our 14<sup>th</sup> Amendment in the U. S. Constitution) it renders our conventional zoning districts unpredictable and subject to arbitrary administration. One suggestion is that if the Planned Development Article is not flexible enough to allow it to be used in cases where uses should be restricted and/or eliminated, it should be changed so that it can be more easily used.

The Land Use Committee

## SOME THOUGHTS AND DEFINITIONS (CITIZEN GENERATED)

It is possible that the confusion as to what and how development sites can be conditioned is because the distinction between conditioning a use and conditioning a conventional zoning district to exclude a use from the district hasn't been understood. The comments below are an explanation of our understanding, as citizens, of the interpretation of our Zoning Ordinance as it is written. Perhaps there are other interpretations based on case law.

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Our Zoning Code is a part of our City Code, Chapter 20, Land Development Code, and has a distinct structure that facilitates the uniform access and administration of this code equally to all citizens.

It basically consists of a written text listing and describing the separate zoning districts and the regulations that go with each district. The working portion of each zoning district is a list of permitted use categories within each district. A Zoning District Map illustrates in graphic form the location and boundaries of all of the zoning districts in the city. The combination of text and map is the law that provides the mechanism for regulating land use on our urban land, compatibly, predictably, efficiently and equitably, at least in theory.

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### PERMITTED USES

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When uses are allowed by the Code to be conditioned, it is to apply a type of condition that has been specifically written into the Code. It does not mean that a use can be excluded from its zoning district on a specific site. In conventional districts it means that the height, setback, buffer, parking, landscaping and other physical features normally associated with the use and its site can be modified to make the use less intensive, more compatible and functional within its intended surroundings. In conventional zoning districts; i.e., those not involving Planned Development or Special Use Permits, the potential for conditioning specific uses applies to all

sites in like circumstances and is written into the Code. (See Article 13, Section 20-1305, Site Planning).

Conditioning a Zoning District by excluding a permitted use from a zoning district is very specifically allowed in Planned Development Overlay Districts under Article 20, Section 20-701(f)(1).

Adding an otherwise excluded use from a specific zoning district is allowed by Special Use Permit, if the use is listed as a use permitted by Special Permit in a conventional district in the Use Table.

Conditioning a use in a conventional district on a site plan for a specific site is governed by the Site Plan Section of Article 13, Section 20-1305(a) as mentioned in the “Observations on Conditioning Zoning.” point 4c. (Attachment A).

## STAFF INTERPRETATION

In the most recent case of “conditioning” zoning (Ordinance No. 8370) as shown in the Planning Commission January 26 Minutes, when the Director of Planning was asked how a property buyer would know how the land could be used, he said that the staff looks up the published Zoning Ordinance on each property to check on the restrictions. He also said that if the buyer or new user wanted to use this excluded use, he could get a zoning change. The meaning of that statement is profound. It means that the zoning on this land excluding the two permitted uses is a permanent change. And it will be done by a published zoning district ordinance, the law that changes the zoning on this property.. It means that this modified district is a permanent change to the district. It is a new zoning district. By State Planning Law, it should be available to everyone else to use on their land also. Therefore, it should be listed as a new district in the Land Development Code.

(Two planning commissioners were not happy with this type of “conditioning” and one suggested that the staff should look into this situation before submitting it to the City Commission.)

## CONSEQUENCES OF EXCLUDING USES ON SPECIFIC SITES

Conditioning a Zoning District to eliminate specific, otherwise permitted uses on a specific site that the Land Development Code lists as permitted in that district and will be shown as the standard conventional zoning district on the Zoning District Map is a totally different type of process than anything allowed by our current Code as an exception on a specific property. When this is done with a published ordinance for a zoning district it creates a separate, new district that is different from the existing district in the Land Development Code. It doesn’t matter whether this new district exists on only one property. The point is that if this district is available to the owner of one site, it should be available to all.

The problem is that this new district has not been written into the Land Development Code by a legally prescribed process. Adopting this district with the excluded uses is essentially a text amendment of the Land Development Code. However, it is not listed in the Code, nor is it shown on the Zoning District Map. If the privilege to use this specific district is available to no other person or site, then that circumstance is what makes it illegal based on state law because it allows a special privilege to the applicant that is available to no one else.

If by modifying a district it becomes less objectionable and more usable, the justification for changing the district on a property is good, but the process is wrong. The City Commission and Planning Commission either need to change the whole district to exclude a specific use category, which would make other like districts that have them non-conforming, or create an appropriate new district in the Land Development Code that excludes the objectionable uses or uses, and becomes available to everyone.

The remedies present themselves by the recognition that this practice is contrary to our LDC and state law.

We suggest that the Commissions could

1. create a general new district that does not include the objectionable uses following the legal process of a text amendment to the Zoning Text.
2. change the objectionable use or uses to require a Special Use Permit in the subject zoning districts so that all of the objectionable uses require a Special Use Permit.
4. or change the overall standards for an objectionable use that would prevent it from fitting into any lot smaller than a minimum size or otherwise modify the standards of the objectionable use so that it would rarely be applicable in standard lots. This could be added to Article 5, Use Regulations. This is an extreme measure, however.

We suggest that this issue is sufficiently serious to ask for an opinion of the State Attorney General.

Land Use Committee



My name is Betty Lichtwardt and I represent the Lawrence-Douglas County League of Women Voters. I'm here to speak on Item No. 9, your discussion of Conditional Zoning. We hope that you have had an opportunity to read our letter to you on this issue along with the attachments. We apologize for submitting so much material, but this issue is fundamental to our positions on open and accessible government because it challenges the even-handed administration of the laws, and most importantly, their predictability.

Of all laws that our local governments administer, we view our planning and regulation of land use as possibly the most difficult to administer equally, predictability and not arbitrarily. Because of the wide variety of land uses, in order to simplify identifying uses on a map and in the regulations, the different land uses have been clumped into groups of similar uses and identified in hierarchical order from least intensive uses to most intensive uses. The initial groups are called "Districts" and when pictured on a map are given distinguishing colors: single family districts are yellow and shades of yellow, multiple family districts are shades of brown and tan, commercial districts are reds and shades of red, industrial districts are purples, and so forth.

Within each of these districts are "Use Groups" such as residential, commercial, industrial, etc., and under those are categories of uses such as household living, group living, and then under those you get to specific permitted uses. (Please see the Use Tables, Article 4 of the Land Development Code). The point that I am trying to make is that when you remove one of these categories or groups from its District on a specific property, unless the Code actually says you can do this, it creates a different zoning district. The reason is because each district is an intact entity. When buyers are looking for land, they expect every parcel to allow the uses listed in its district unless there is some indication on the map that the parcel is different.

If you are going to change a district on a parcel individually so that it becomes different from all others in the same district by eliminating all uses except one, or even eliminating only one use category, there is no indication on the Zoning District Map that it is different.

We were originally opposed to your doing this because there was no guarantee that the changes would be permanent. However, now that the staff has indicated that these conditioning changes will be permanent, which makes sense because each change to the zoning district map is done by ordinance, and you now are eliminating the uses in the specific map amendment ordinance, we are concerned that it be done predictably and according to the proper process. We are not concerned how you choose to do it, but we believe that there must be a system for distinguishing these changed districts from other districts having the same color code designation on the map, and there should be a uniform system for doing this. You are actually changing the text of the code when you eliminate a use from a district. Even an asterisk on the map would indicate that the district on this property has different permitted uses than others showing the same color. You also need a change in the State enabling laws on zoning and planning to allow you to do it.

We believe that this is a serious issue, because unless you create a predictable method for people to know how they can use their land without consulting the planning department every time they are looking at a parcel to buy, they will lose faith in our local government.

Thank you for listening.

THIS STATEMENT READ INTO THE RECORD  
BY BOB LICHTWARDT AT THE APRIL 22, 2009  
PC MEETING.

- SM

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

P.O. Box 1072, Lawrence, Kansas 66044

February 24, 2009

Mayor Michael Dever  
Members of the City Commission  
City Hall  
Lawrence, KS 66044

**RECEIVED**

**FEB 24 2009**

**CITY MANAGERS OFFICE  
LAWRENCE, KS**

Dear Mayor Dever and City Commissioners:

RE: CONSENT AGENDA ITEM NO. 8, Ordinance No. 8370, Z-11-18-08.

We ask that you remove from the Consent Agenda, Item 8: Second and Final Reading of Ordinance No. 8370.

This Ordinance will rezone 11,000+ square feet of church property located on Connecticut Street to a different zoning district—RSO (Residence-Office)—from its existing RS5 single family district. This would be an ordinary rezoning if not for one fact: the RSO Zoning District Ordinance 8370 has a provision attached to it that excludes two uses, one listed as a permitted use—Financial, Insurance, and Real Estate, and a second—Homeless Shelters—the status of which must still be determined in the Land Development Code (LDC).

We apologize for bringing this to you so late, but the issue we want to address did not come up until the public hearing for this item by the Planning Commission on January 26, and was recorded for the first time in the minutes available to you when you gave it first reading last week on the Consent Agenda.

This issue tonight is similar to what occurred in the case of the Krause Restaurant, where the neighborhood did not object to the use, but rather, they objected to the rezoning to a commercial district and all of the other uses that this district permitted. Staff had originally recommended “conditioning” the Neighborhood Commercial District to exclude all uses except the restaurant. You denied this conditioning based on its not having been determined by case law as a legal option in Kansas, and instructed the staff to resolve the problem by creating a text amendment to the zoning ordinance that added the Krause’s type of restaurant as a Special Use permitted in residential districts.

In this case of Ordinance No. 8370, the requested use is for a mortuary. The neighborhood has no objection to this use nor to the RSO District. The neighborhood objection was with one particular use that the RSO District normally allows—Financial. The RSO District (Single Dwelling Residence Office), allows “Financial, Insurance, and Real Estate” offices, which the neighborhood asked to be excluded from the permitted uses. They also wanted “Homeless Shelters” excluded as a use, but that is a different situation because its use status is still pending in the Land Development Code. The outcome at the Planning Commission was to recommend the rezoning to RSO for approval with two conditions attached: (1) to exclude from the RSO Zoning District the Financial, Insurance, and Real Estate uses and (2) to exclude from the RSO Zoning District the Homeless Shelters use. This rezoning appears, as mentioned above, on Second Reading tonight as Ordinance No. 8370.

Because recently the staff has almost routinely been recommending conditioning zoning to exclude uses as an approach in difficult rezoning situations, we realized that it could be because there is little public understanding of what is actually happening in these cases. We realized that the process has been mislabeled. The term “conditioning” the zoning is inappropriate because this is actually a permanent change to the zoning district on a lot or parcel. What is actually happening here is that when uses are excluded by Ordinance on a single site, the specific Ordinance (law) enabling this is actually creating a new zoning district. This new district is permanent and is different from all our other existing districts.

We discovered that this change to the district on this site is considered permanent by reading the Minutes from the January 26 Planning Commission, Agenda Item No. 3, Rezoning Z-11-18-08, page 8, last paragraph. This refers to a theoretical future buyer of this property who might want to use the excluded category of Financial, Insurance, and Real Estate use. The Minutes read: "Mr. McCullough said they are all one use category and that a future owner could submit a rezoning" [enabling him to use that category on this lot.]

In other words, this is a permanent change to the zoning district on this one lot and does not expire with a new buyer seeking the original RSO District on this lot with its original complement of permitted uses. This district with its excluded uses is permanent to the zoning district on this property until rezoned. Therefore, the zoning on this land is a new district, albeit exclusive to this lot, but nonetheless, a different zoning district unlike any other, and therefore a new district, created by law.

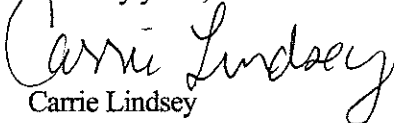
In contrast, why can excluding uses in a district be done in Planned Development Districts? Are they creating new districts? The answer is yes, in a sense, but this is expected because it is expressly written into the PD zoning provisions in the Land Development Code. PD districts are overlay districts and enable conventional zoning districts to be tailored to their sites, and uses are expected to be excluded where inappropriate. That is why Planned Developments exist; they enable flexible zoning provisions. PD opportunities are available to everyone who uses them. On the other hand our standard or "conventional" districts were supposed to be designed to be predictable and stable, easy to use, accessible to all, and to be administered to all citizens equally and not arbitrarily. One developer from Wichita told our City Commission many years ago that he "was prepared to play by the rules no matter what they were," but he had to know the rules first.


The basic problem that we see being created is that the proper procedure for legally making a permanent change to the City Code by creating new zoning districts is not being followed. What should be happening is that each new zoning district that has or will be excluding otherwise permitted uses, in order to legalize their status, should first be provided with a text amendment to the Land Development Code which would create a new and distinct district with its list of permitted uses tailored to the new district. Once the new district is available, a Zoning District Map designation should be adopted that will distinguish it from all other districts, and then the zoning map amendment can proceed. This would allow the new district to be legally adopted not only on the original site but the new district would be legal and available to all other citizens to use also.

We urge the City Commission to recognize that the proper procedure must be followed here and in the other previous cases. We ask that you no longer allow this type of change to our Zoning Code without first using the proper lawful process of text amendment and Zoning District Map amendment that recognize these new and different districts.

Please see the attached information which we hope will help clarify this letter. Thank you for seriously considering this issue.

Sincerely yours,

  
Carrie Lindsey  
President

  
Alan Black, Chairman  
Land Use Committee

*Attachments to be sent by email*

BRIEF SUMMARY OF OBSERVATIONS ON CONDITIONING ZONING.

February 24, 2009

1. Kansas state planning law requires that conventional zoning regulations shall treat everyone equally.

**K.S.A. 12-756(a)** states: "...Except as provided in the zoning regulations, all such regulations shall be uniform for each class or kind of building or land uses throughout each district, but the regulations in one district may differ from those in other districts and special uses may be designated within each district with conditions attached."

2. The cases where exceptions can be made are written into the regulations. This is specifically allowed in Article 13 where conditions can be applied to applications for development approval.

**A. "20-1301(j)(3)** The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment is **to allow a less intensive use** [emphasis added] or **Zoning District** than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application."

3. However, the conditions are limited to those provisions in Article 13 specifically allowing exceptions and conditions (as described by the Sections in those Articles dealing with this issue).

**B. "20-1301(m) Conditions of Approval**

**When the procedures of this Article allow** review bodies to recommend or decision-making bodies to approve **applications with conditions** [emphases added], the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions."

4. The provisions are limited in the sections of Article 13 that allow conditioning and are all different.
  - a.. Those sections of the Code that allow conditioning by excluding uses as well as conditioning uses are in **20-1304, Planned Developments**; and specifically in **Article 20-701(f)(1)**.
  - b. Those sections that allow specific uses not ordinarily allowed by the code and conditioning these uses beyond the specific provisions of the Code are in **Article 20-1306, Special Use Permits**. Special uses are specifically listed in the Use Table by district.
  - c. Those sections that allow conditioning uses based only on specific provisions and standards of the Code come under **Article 13, Site Plans, Section 20-1305**.

**"Article 20-1305 Site Plans**

**(a) Purpose**

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of this Development Code prior to the commencement of Development Activity and **to encourage the compatible arrangement of Buildings, off-street parking, lighting, Landscaping, pedestrian walkways and sidewalks, ingress and egress, and drainage on the site and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.** [Emphasis added] Site Plans for commercial development shall comply with the Commercial Design Standards and Guidelines adopted by the City Commission on July 25, 2006 by Resolution No. 6669."

5. Reducing the permitted density is allowed in Planned Developments, Planned Unit Developments and Special Use Permits. In Site Plans where density adjustments can be made in conventional districts, the land comes under **Article 20-1101(d) and (e) Sensitive Areas Site Plan** and must conform to the density adjustment table in Section 20-1101(d)(4).

6. In cases where conventional zoning has been conditioned to conform to access restrictions, this should be considered a plat condition (supported by case law) or a site plan condition that is supported by a specific article or section in the Lawrence Land Development Code.

7. It is possible that the confusion as to what and how development sites can be conditioned is because the distinction between conditioning a use and conditioning a zoning district hasn't been considered. Our understanding is that a use is one of (usually) many permitted uses within a zoning district, and our code allows placing specific conditions on a specific use on a specific site, but the potential for this type of conditioning applies to all sites in like circumstances. Conditioning a Zoning District to eliminate specific, otherwise permitted uses on a specific site is a totally different type of conditioning, treats individuals with favoritism, and would seem by the language of State law to be unlawful. It should be treated as a text amendment and remedied by adopting the change using the proper procedure as a text amendment so that this new district is available to everyone in like circumstances.

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The remedies present themselves by the recognition that this practice is contrary to our LDC and state law.



We suggest that the Commissions could

1. create a general new district that does not include the objectionable uses following the legal process of a text amendment to the Zoning Text.
2. change the objectionable use or uses to require a Special Use Permit in the subject zoning districts so that all of the objectionable uses require a Special Use Permit.
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We suggest that this issue is sufficiently serious to ask for an opinion of the State Attorney General.

Land Use Committee

Excerpt from the minutes of the March 28, 2006 City Commission meeting discussing conditioning conventional zoning.

Commissioner Schauner asked if those individual requests for rezoning could raise spot zoning issues.

Corliss said that issue could happen. He said spot zoning was an interesting label that had been placed on zoning decisions. He said that to some extent, the label “spot zoning” did not have the disapproval that it might have had in earlier years. A community going through the appropriate process and making reasonable determinations on zoning decided that certain specific tracts should be zoned one way as opposed to other properties, the fact that it showed up as a spot on the zoning map, was not by itself defective to the decision.

Chinn said it had to be determined whether the rezoning was consistent with neighboring properties, and if it was, then even though it was an individual parcel, it was not illegal spot zoning.

Corliss also asked Chinn to address the authority to condition conventional zoning. He said that they had come across that issue in a number of different cases and in this development code they now had a clear code authority for conditioning not only planned unit development zoning, but also conventional zoning. He said he and Chinn had spent quite a bit of time in discussions in review of the law and they felt very comfortable that with this new development code, the City Commission would have the authority to establish reasonable conditions on conventional zoning.

Chinn said that he had not worked with a code for 15 years that did not specifically authorize governing bodies to condition the approval of rezoning with reasonable conditions.

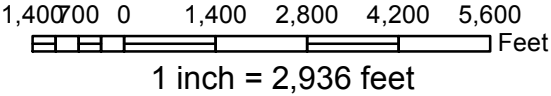
Commissioner Schauner said when using the word “reasonable”, reasonable people could differ as to what was reasonable. He asked if there was some standard in the zoning world that would be used to refine that subjective term.

Corliss said that it was determined by if it achieved the goals that were set out in the comprehensive plan and was it fair in its distinction between one property and another in the sense if it had a rational basis to make those distinctions, and were they further narrowing a particular category in the zoning ordinance to achieve a certain public health, safety, and welfare purpose.

Chinn said if the rezoning were related to the impacts that it might have on the community.

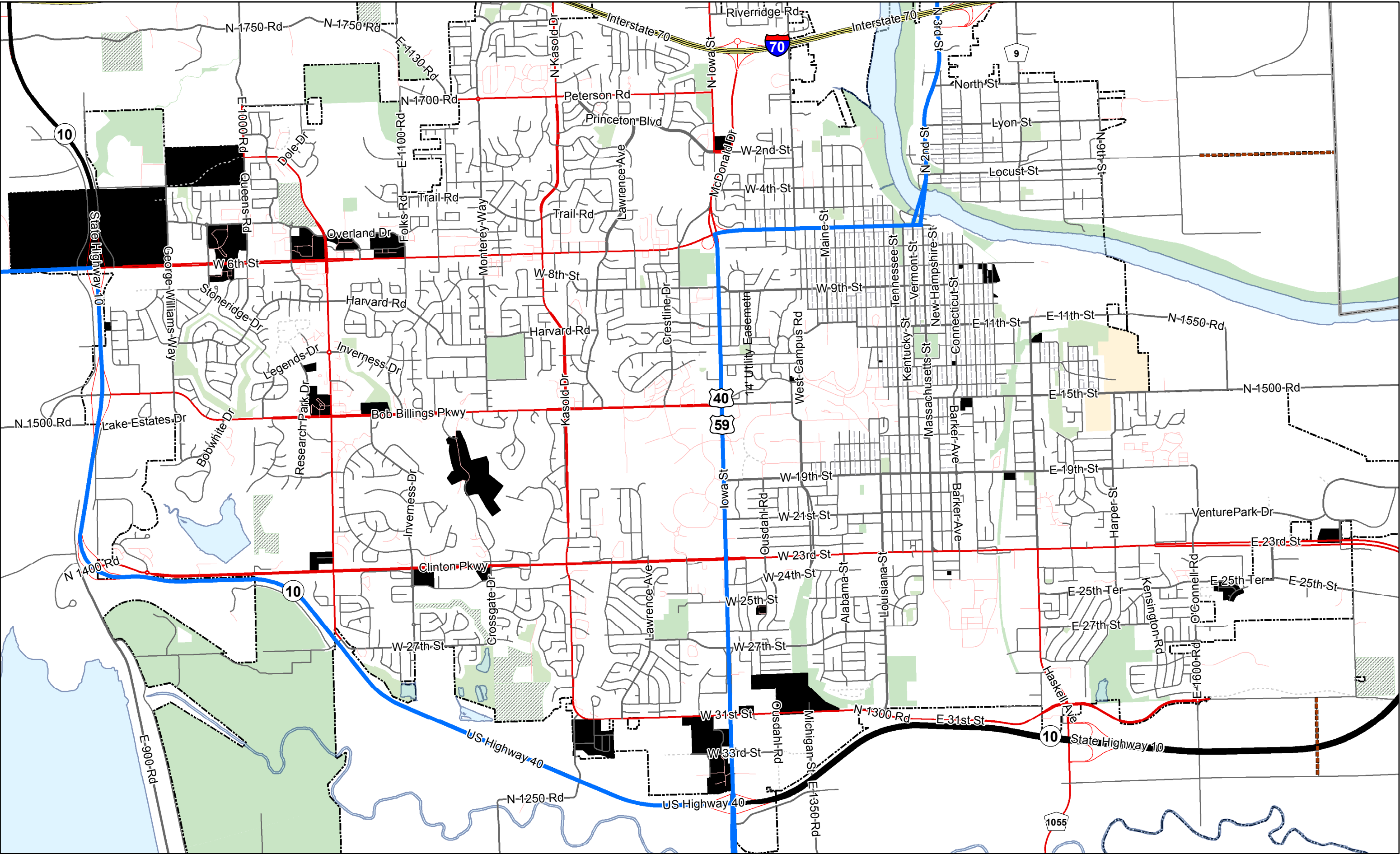
Commissioner Schauner asked if it was a rational basis if someone was to challenge the City Commission’s decision.

Chinn said the court would defer to a legislative determination in every instance in a zoning matter. He said if the City Commission determined this was a reasonable condition to impose upon a rezoning then the courts would defer to the City Commission’s judgment, but they would not always rubber stamp that judgment. He said the courts would always assume that the City Commission had made a reasonable decision and unless the court had an over abundance of evidence that it was not rational, would they ever look behind a City Commission’s determination on reasonableness.



DISCLAIMER NOTICE  
The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 4/6/2018



	Address	Project Summary	Zoning	Ordinance	Square Feet	Publication Date	Summary of Restriction
1	7200 W. 6th Street	West of K10 (Brinks Property)	CC600	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8742.pdf	7,638,255.17	4/2/2013	Restricts Commercial Cap and uses
2	6200 W. 6th	Mercato	CC600	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord9070.pdf	6,489,560.40	1/27/2015	Restricts Commercial Cap to comply with comprehensive plan
3	525 Wakarusa Drive	6Walk Addition	CC600-PD	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord9084.pdf	164,735.93	2/17/2015	Restricts Commercial Cap
4	313 E. 8th Street		CN1	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8617.pdf	23,107.73	3/29/2011	prohibits financial uses only
5	3905 Clinton Parkway	Inverness Plan Area	CN2	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8673.pdf	221,612.46	11/22/2011	Requires CC approval of site plan
6	4300 W. 24th Place	Inverness Plan Area	CN2	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord9128.pdf	435,295.22	7/14/2015	Requires CC approval of site plan and other restrictions
7	1470 W. 31st	Menards	CR	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8870.pdf	1,915,744.83	6/25/2013	restricted development from north 200' and restricted uses , required building permit application within specific period
8	1250 W. 31st	Menards	CR	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8935.pdf	174,883.52	11/19/2013	same restricted uses
9	1250 W. 31st	Menards	CR-FP	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8939.pdf	252,606.83	11/19/2013	same restricted uses
10		8th & Penn	CS	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8054.pdf	175,014.39	12/19/2006	restricted uses old code use list to comply with design guidelines
11	605 E. 8th Street	8th & Penn	CS-UC	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord9101.pdf	22,819.29	3/26/2015	restricted use to comply with design guidelines
12	2020 Princeton	Princeton and N. McDonald Dr	IL	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8511.pdf	340,850.18	5/4/2010	restricts commercial cap and specific land uses
13	920 Delaware	Decade Coffee	IL	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8704.pdf	12,233.18	2/21/2012	restricted use
14	2255 East Hills	East Hills Business Park	IL	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8891.pdf	367,990.22	8/27/2013	restricts commercial cap and specific land uses
15	1146 Haskell Ave.	Struct Restruct -	IL	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8936.pdf	86,642.22	11/19/2013	restricted uses and requires CC approval for site plans
16	701 E. 19th Street	Silverback - Active Recreation	IL	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8995.pdf	106,595.80	6/24/2014	restricted uses
17	1501 Learnard Ave.	Sunrise Gardens	IL	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord9181.pdf	149,619.03	12/8/2015	restricted uses and requires CC approval for site plans
18	1310 Research Park Dr.	Rainbow International	IL	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord9277.pdf	100,945.08	8/16/2016	Restricted Uses - per IBP compatible
19	720 E. 9th Street	8th & Penn	IL-UC	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord9036.pdf	81,570.78	9/16/2014	restricted uses
20	1420 Crescent Rd.	Former Jayhawk Book Store	MU	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8331.pdf	30,259.54	10/28/2008	restricted use and notice to 400' and CC approval applied by City Commission
21	Atchison Ave	Yankee Tank Estates	RM12	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8889.pdf	566,310.68	8/13/2013	Restricted Density
22	3351 W. 31st	Yankee Tank Estates	RM12	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8767.pdf	549,781.28	9/11/2012	Restricted Density
23	2525 Cedarwood Ave.	Cedar Wood	RM12	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8918.pdf	101,375.31	11/15/2013	Restricted housing type and required CC approval
24	Renaissance Dr.	Langston Heights	RM12	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8838.pdf	56,563.07	2/19/2013	Restricted Density
25	Atchison Ave	Yankee Tank Estates	RM12-FP	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8890.pdf	311,156.98	8/13/2013	Restricted Density
26	5400 Rock Chalk Dr.	The Links	RM12-PD	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8227.pdf	3,541,944.48	3/4/2008	Restricted Density to comply with comprehensive plan
27	550 Stoneridge	Hunters Ridge	RM24	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8570.pdf	1,507,614.06	10/5/2010	Restricted Density
28	Birdie Way	PD-[Alvamar]	RM24-PD	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord9154.pdf	2,257,238.50	11/3/2015	Restricted non-residential uses associated with golf course
28	Birdie Way	PD-[Alvamar]	RM24-PD	\\lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord9339.pdf	61,797.36	5/2/2017	Restricted non-residential uses associated with golf course
30	Birdie Way	PD-[Alvamar]	RM24-PD	\\lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord9340.pdf	24,072.14	5/2/2017	Restricted non-residential uses associated with golf course
31	1232 Louisiana St.	Previous KU property with restriction about parking.	RM32	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8343.pdf	5,851.29	11/18/2008	prohibits use of property for parking
32	Fairfield Farms	Fairfield Farms	RS5	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8835.pdf	460,475.09	10/22/2013	Restricted Density
33	1245 Connecticut St.	former church use	RSO	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8370.pdf	21,353.34	2/24/2009	prohibits financial uses and shelter uses
34	137 Pawnee Ave	Lutheran Student Center	RSO	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8451.pdf	15,684.27	8/25/2009	restricted uses
35	1701 Massachusetts St.	cat hospital - church reuse	RSO	\\Lawrgis\gisdata\SHAPEFILES\Planning\Ordinance\Ord8610.pdf	17,988.79	2/15/2011	Prohibits use of property for shelter and community meal program



## CONDITIONAL ZONING

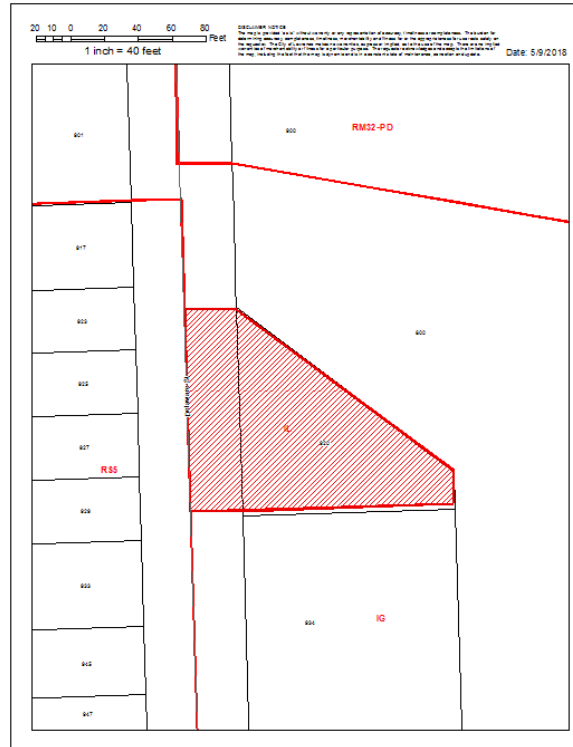
**Z-11-26-11:** Ordinance No. 8704

**920 Delaware Street:** Decade Coffee

**Project Summary:** The purpose of this rezoning request is to permit a wider range of uses that is currently not allowed in the IG district. Specifically, the applicant has indicated a desire to provide a coffee shop in one of the buildings. This use is a commercial use included in the Eating and Drinking Establishments group included in Article 4 Use Tables of the Development Code. This application is accompanied by a preliminary plat as a predevelopment requirement.

### CONDITIONS/RESTRICTIONS: following uses are prohibited:

- a. Animal Services; Kennel
- b. Eating & Drinking Establishments; Fast Order Food, Drive-In
- c. Office; Financial, Insurance & Real Estate
- d. Retail Sales & Service; Mixed Media Store
- e. Transient Accommodation; Hotel, Motel, Extended Stay,
- f. Vehicle Sales & Service;
  - i) Cleaning (Car Wash)
  - ii) Gas and Fuel sales
  - iii) Heavy Equipment Repair
  - iv) Heavy Equipment Sales/Rental
  - v) Inoperable Vehicles Storage
  - vi) RV and Boats Storage
- g. Industrial Facilities; Scrap and Salvage Operation
- h. Wholesale, Storage & Distribution; Mini Warehouse and
- i. All uses included in the Agriculture group



## FINDINGS OF FACT

### 1. CONFORMANCE WITH THE COMP. PLAN

The proposed request does not modify the boundary of the Burroughs Creek Corridor but provides an opportunity to consider other uses than currently permitted in the IG district. Approval of the request may allow for the mixing of uses and provide for the existing construction business to remain in its current location. This request is consistent with land use recommendations of *Horizon 2020*.

### 2. ZONING AND USE OF NEARBY PROPERTY

Surrounding uses include large scale industrial uses and detached residential homes. This request, with restrictions, is compatible with the existing zoning and uses of the neighborhood.

### 3. CHARACTER OF THE NEIGHBORHOOD

East Lawrence is a dynamic neighborhood with a wide range of residential and non-residential uses located throughout the neighborhood. This request is compatible with the character of the neighborhood.

### 4. PLANS FOR THE AREA

An area plan was adopted in 2000 for the East Lawrence Neighborhood. However, the plan does not include a land use element. The plan provides policy recommendations regarding the continued investment in the neighborhood along with the need to recognize that many design standards are not applicable in this neighborhood setting. Approval of the request would allow more flexibility of use for this property consistent with Plan recommendations that "support long term viability of the neighborhood."

### 5. SUITABILITY OF SUBJECT PROPERTY

The current zoning severely limits the ability for this property to redevelop or provide complementary uses to the existing business. Given the size of the property as a separate parcel from the adjacent development, the current IG zoning is not suitable.

### 6. LENGTH OF HAS REMAINED VACANT AS ZONED

This site is developed with two structures. Based on aerial photography these buildings have been present since at least 1966.

### 7. DETRIMENTALLY AFFECT TO NEARBY PROPERTIES

The proposed request will not result in a detrimental impact to adjacent properties other than potential parking demands in the immediate area.

### 8. GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE

Gains to the public are marginal but increase as the focus of the impact of the land use change narrows. Denial of the request would result in the applicant being denied the opportunity to consider other uses for this property.



## CONDITIONAL ZONING

**Z-11-18-08:** Ordinance No. 8370

**1245 Connecticut Street**

**Project Summary:** The purpose of this rezoning to change use of church to mortuary.

### CONDITIONS/RESTRICTIONS: following uses are prohibited:

1. Remove Use Category of Financial, Insurance & Real Estate
2. Remove Use Category of Homeless or Transient Shelter Z-11-18-09 Ord. No. 8370 Page 2 of 2.



## FINDINGS OF FACT

### 1. CONFORMANCE WITH THE COMP. PLAN

The Plan supports the concept of a unique neighborhood identity and the overall preservation of neighborhood characteristics. Reuse of the subject property allows for the existing neighborhood form to be retained.

### 2. ZONING AND USE OF NEARBY PROPERTY

The subject property is surrounded by existing single-family residential development zoned RS5. The subject property is adjacent to the South Rhode Island Historic District, a National Register of Historic Places District. As such, development changes to the subject property are subject to review under the State Historic Preservation Statute by the Historic Resources Commission.

### 3. CHARACTER OF THE NEIGHBORHOOD

The East Lawrence Neighborhood is accurately described in the East Lawrence Neighborhood Revitalization Plan (ELNRP) as unique and inclusive of many residential and non-residential uses found side by side.

### 4. PLANS FOR THE AREA

An area plan was adopted in 2000 for the East Lawrence. An adopted area plan exists for the East Lawrence Neighborhood of which the subject property is a part. The subject property is not identified specifically as a neighborhood institution within the Neighborhood Plan. The ELNRP seeks to preserve and conserve existing physical neighborhood landmarks and to protect and enhance neighborhood streetscapes and other physical assets. Approval of the request would allow for reuse of an existing structure for another non-residential use.

### 5. SUITABILITY OF SUBJECT PROPERTY

The current zoning severely limits the ability for this. The existing RS5 zoning is limited to residential uses and a few community uses such as a daycare, nursing home, or religious institution. The proposed RSO zoning retains the low to moderate intensity of land use of the current district and allows for reuse of existing land improvements.

### 6. LENGTH OF HAS REMAINED VACANT AS ZONED

The subject property is developed with a 4,141 SF structure and parking area to the north. The church was built in 1955 according to Douglas County Appraisal records. The RS5 zoning has been in place since 2006. The property is no longer used as a church.

### 7. DETRIMENTALLY AFFECT TO NEARBY PROPERTIES

In general the proposed zoning is intended as a low to medium intensity use district. To ensure compatibility use restrictions could be considered.

### 8. GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE

Approval of the request allows greater flexibility of the subject property for adaptive reuse.



## CONDITIONAL ZONING

**Z-11-15-10:** Ordinance No. 8610

**1701 Massachusetts Street: Cat Clinic**

**Project Summary:** Proposed request is for rezoning from a single-dwelling residential district to a single-dwelling residential office district to allow for the reuse of the existing vacant religious facility into a veterinary office.

### CONDITIONS/RESTRICTIONS: following uses are prohibited:

1. The following uses as prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas 2011 Edition," and amendments thereto, shall not be permitted as principle uses on the property described in Section Two:
  - a. Temporary Shelter
  - b. Community Meal Program



## FINDINGS OF FACT

### 1. CONFORMANCE WITH THE COMP. PLAN

Horizon 2020, Map 3-2 identifies the subject property as low-density residential use. Horizon 2020 discusses transitions and compatibility of those uses between low-density residential and commercial uses. Currently the subject property is a nonresidential use with office uses adjacent. This is an appropriate transition between the residential uses to the north and west of the subject property and the high-density residential and commercial uses to the east and south of the subject property. The proposal is generally in conformance with the comprehensive plan because it conforms to the transitional policies between uses.

### 2. ZONING AND USE OF NEARBY PROPERTY

The surrounding area of the subject property is a mix of residential, office and commercial uses. The general area to the north is a mix of residential and the general area to the south is a mix of office and commercial uses including Dillon's.

### 3. CHARACTER OF THE NEIGHBORHOOD

The character of the surrounding neighborhood is a mix of different residential, office and commercial uses. The subject property is on the edge of the commercial area to the south generally around 19<sup>th</sup> and Massachusetts Streets.

### 4. PLANS FOR THE AREA

The subject property is adjacent to the Oread and Barker Neighborhoods but not within any formal neighborhood boundaries.

### 5. SUITABILITY OF SUBJECT PROPERTY

The subject property is currently zoned for a single-dwelling residential use and developed with a church structure. The church is a permitted use in the RS5 District in addition to a single-dwelling structure. As developed, the subject property is a permitted use. A church is permitted in all residential districts.

### 6. LENGTH OF HAS REMAINED VACANT AS ZONED

The subject property has been developed as a church since the mid 1900's and has always been zoned a single-dwelling residential district.

### 7. DETRIMENTALLY AFFECT TO NEARBY PROPERTIES

The subject property is currently developed as a nonresidential use. The proposed use, a feline veterinary office, is considered a less intensive use and has a lesser parking requirement than a religious facility. The office uses, in addition to the residential uses, would generally be less intensive and could potentially have less evening and weekend activity. Additionally, the existing building is proposed to be reused, minimizing the change in the neighborhood character. Less intensive uses, and potentially less evening and weekend activity will not detrimentally affect nearby properties.

### 8. GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE

Denial of the request will maintain the strict single-dwelling residential zoning which permits single-dwelling structures, group homes, public and civic uses, recreation facilities and religious facilities. These uses are uses that have been determined to be compatible with single-dwelling residential uses and maintain that type of neighborhood atmosphere. There would be little gain to the public health, safety and welfare if the application was denied as the proposal would permit uses that are potentially less intensive than the existing use.



## **TERMS**

**Conditional zoning** The attachment of special conditions to a rezoning that are not spelled out in the text of the zoning chapter. Conditions can include restrictions as to use, size, design, and development timing and can be stipulated by the city council as a means to mitigate potential adverse impacts that could be expected to occur without imposing such conditions. (Conyers, Ga.)

As a part of classifying land...into areas and districts [by the municipality] . . . the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of, the regulations provided for a particular zoning district or zone by the overall zoning provisions of this chapter. (*Campbell County, Va.*)

**Spot zoning** (*See also floating zone*) [A] change in district boundaries, variances, and other amendments to the zoning code and use and area maps that violate sound principles of zoning and are characterized by the following: (a) Individuals seek to have property rezoned for their private use. (b) Usually the amount of land involved is small and limited to one or two ownerships. (c) The proposed rezoning would give privileges not generally extended to property similarly located in the area. (d) Applications usually show little or no evidence of, or interest in, consideration of the general welfare of the public, the effect on surrounding property (including adequate buffers), whether all uses permitted in the classification sought are appropriate in the locations proposed, or conformity to the comprehensive plan or to comprehensive planning principles (including alterations to the population density patterns and increase of load on utilities, schools, and traffic.) (*Coral Gables, Fla.*)

The zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group, but must be in the general public interest. Such zoning does not conform to the future land use plan and is not otherwise necessary in order to protect the health, safety, welfare, or morals of the community. (*Hot Springs, Ark.*)

A change in the zoning code or area maps that is applicable to no more than a few parcels and generally regarded as undesirable or illegal because it violates equal treatment and sound planning principles. (*Wisconsin Department of Natural Resources*) Rezoning a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan. (*Temple, Tex.*)

An arbitrary zoning or rezoning of a small tract of land, usually surrounded by other uses or zoning categories that are of a markedly or substantially different intensity, that is not consistent with the comprehensive land use plan, and that primarily promotes the private interest of the owner rather than the general welfare. (*Norfolk, Nebr.*)

**Contract zoning** (*See also developer's Agreement*) The establishment of conditions in connection with a rezoning that bind the developer and the community to its terms. Contract zoning has often been invalidated mainly because it is seldom specifically authorized in state enabling legislation. (*American Planning Association*).

**Floating zone** (*See also spot zoning*) An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when the application for development meeting the zone requirements is approved. (*Iowa State University Extension Service*)

A zoning district that is described in the text of the zoning ordinance but not mapped as a specific district in a specific location. When a project of sufficient size anywhere within unrestricted areas can meet certain other requirements, however, the floating zone can be anchored and the area designated on the zoning map. (*Handbook for Planning Commissioners in Missouri*)

An unmapped zoning district that is established on the zoning map only when an application for development, meeting the zoning requirements, is approved. (*Newport, R.I.*)

## ARTICLE 13 DEVELOPMENT REVIEW PROCEDURES

20-1301	General
20-1302	Text Amendments
20-1303	Zoning Map Amendments (Rezoning)
20-1304	Planned Developments
20-1305	Site Plan Review
20-1306	Special Uses
20-1307	Institutional Development Plan
20-1308	Floodplain Development Permit
20-1309	Zoning Variances
20-1310	Written Interpretations
20-1311	Appeals of Administrative Orders, Requirements, Decisions, or Determinations

## 20-1301 GENERAL

## (a) Summary of Procedures

The following table provides a summary of the procedures in this Article. In the event of conflict between this summary table and the detailed procedures in this Development Code, the detailed procedures govern.

Procedure	Review and Decision-Making Bodies				Notice
	Staff	PC	BZA	CC	[2]
Text Amendments (§0)	R	<R>		DM	N
Zoning Map Amendments (§0) [3]	R	<R>		DM	N/P/M
<b>Planned Developments (§ 20-1303(l)(2)(v))</b>					
Preliminary Development Plan	R	<R>		DM	N/P/M
Final Development Plan	DM			<A>	M
Site Plan Review (§0)	DM			<A> [4]	P/M
Special Uses (§Article 12. 20-1305(o)(3))	R	<R>		DM	N/P/M
Zoning Variances (§0)	R		<DM>		N/M
Written Interpretations (§0)	DM		<A> [5]		
Appeals of Administrative Decisions (§0)			<DM>		N/M
PC = Planning Commission BZA = Board of Zoning Appeals CC = City Commission <=> Public Hearing Required					
[1] R = Review Body (Responsible for Review and Recommendation); DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny); A = Authority to hear and decide appeals of Decision-Making Body's action.					
[2] Notices: N = Newspaper (published); P = Posted (signs); M = Mailed (See sub-section (q)(3) of this section)					
[3] See Section 20-308(d) for special procedures applicable to UC, Urban Conservation District zoning map amendments.					
[4] City Commission is authorized to hear and decide appeals of Planning Director's decision on Site Plans.					
[5] Appeals processed as "Appeals of Administrative Decisions."					

## (b) Authority to File Applications

Unless otherwise expressly stated, applications for review and approval under this article may be initiated by (1) all the Owner of the property that is the subject of the application; (2) the Landowners' authorized Agent; or (3) any review or decision-making body.

**(c) Form of Application**

Applications required under this Development Code shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Officials responsible for accepting applications shall develop checklists of submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information are available in the office of the [Planning Director](#).

**(d) Pre-application Meetings**

- (1) All applicants for matters that require a public hearing are required to attend a pre-application meeting with staff. Pre-application meetings are also required whenever the provisions of this Article expressly state that they are required. Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 [Working Days](#) before submitting an application.
- (2) All other applicants are encouraged to arrange a pre-application meeting with City staff. The [Planning Director](#) will provide assistance to applicants and ensure that appropriate City staff members are involved in pre-application meetings.

**(e) Application Processing Cycles**

The [Planning Director](#) may, after consulting with review and decision-making bodies, promulgate processing cycles for applications. Processing cycles may establish:

- (1) deadlines for receipt of complete applications;
- (2) dates of regular meetings;
- (3) the scheduling of staff reviews and staff reports on complete applications; and
- (4) any required time-frames for action by review and decision-making bodies.

**(f) Application Filing Fees**

Applications shall be accompanied by the fee amount that has been established by the City Commission. Fees are not required with applications initiated by review or decision-making bodies. Application fees are nonrefundable.

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

- (1) An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
- (2) Within 5 [Working Days](#) of application filing, the [Planning Director](#) shall determine whether the application includes all information required for processing (See Section 20-1301(c)). If an application does not include all of the required information it will be deemed incomplete. If an application includes all of the required information it will be deemed complete. If the application is deemed incomplete, written notice shall be provided to the applicant and the applicant's [Agent](#). The notice shall include an explanation of the application's deficiencies.



- (3) No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn. If an application is deemed withdrawn because of failure to correct application deficiencies, notice shall be sent to the applicant and the applicant's Agent.
- (4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with the procedures of this Article and the processing cycles established under Section 20-1301(e).
- (5) The Planning Director may require that applications or plans be revised before being placed on the agenda of the Planning Commission or City Commission if the Planning Director determines that:
  - (i) the application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;
  - (ii) the application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;
  - (iii) the application or plan cannot be approved without a variance or some other change or modification that the decision-making body for that application or plan does not have the authority to make.
- (6) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with Development Code standards shall be revised before they will be placed on agenda of the Planning Commission or City Commission.
- (7) Action or inaction by the Planning Director under this section may be appealed to the Board of Zoning Appeals.

**(h) Continuation of Public Hearings**

- (1) A public hearing for which proper notice was given may be continued by the Board of Zoning Appeals or Planning Commission to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
- (2) If a public hearing is tabled or deferred by the Board of Zoning Appeals or Planning Commission for an indefinite period of time or postponed more than three (3) months from the date of the originally scheduled public hearing, new public notice shall be given, in accordance with the notice requirements of the respective procedure, before the rescheduled public hearing.

- (3) The applicant or [Landowner](#) who requests the postponement is responsible for paying the cost of re-notification per the adopted schedule of fees for publication, and payment of re-notification costs shall be made before the item is placed on the agenda.

**(i) Action by Review Bodies**

- (1) Review bodies may take any action that is consistent with:
  - (i) the regulations of this Article;
  - (ii) the City's adopted Development Policy;
  - (iii) any by-laws that may apply to the review body; and
  - (iv) the notice that was given.
- (2) The review body's action may include recommending approval of the application, recommending approval with modifications or conditions, or recommending disapproval of the application.
- (3) The review body may recommend conditions, modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or [Zoning District](#) than indicated in the application, reduce the impact of the development, or reduce the amount of land area included in the application.
- (4) The review body may recommend that the application be approved conditionally upon the execution of a development agreement acceptable to the City Attorney and/or compliance with the [Access Management Standards](#) and the Community Design Manual adopted by the City Commission from time to time.
- (5) Review bodies may not recommend a greater [Density](#) of development; a more intensive use or a more intensive [Zoning District](#) than was indicated in the public notice.
- (6) Review bodies are not required to recommend approval of the maximum [Density](#) or intensity of use allowed.

**(j) Action by Decision-Making Bodies**

- (1) Decision-making bodies may take any action that is consistent with:
  - (i) the regulations of this Article;
  - (ii) the City's adopted development policy;
  - (iii) any by-laws that may apply to the decision-making body; and
  - (iv) the notice that was given.
- (2) The decision-making body's action may include approving the application, approving the application with modifications or conditions, or denying the application. A denial of application may be accompanied with a remand to the review body, if any, for further consideration.



- (3) The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or [Zoning District](#) than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.
- (4) The decision-making body may approve the application upon the condition that the applicant executes a development agreement acceptable to the City Attorney and/or compliance with the [Access Management](#) Standards and the Community Design Manual adopted by the City Commission from time to time.
- (5) Decision-making bodies may not approve a greater [Density](#) of development; a more intensive use or a more intensive [Zoning District](#) than was specified in the public notice.
- (6) Decision-making bodies are not required to approve the maximum [Density](#) or intensity of use allowed.

**(k) Lesser Change Table**

Pursuant to K.S.A. 12-757, the [Planning Commission](#) may adopt a “Lesser Change Table.” The Lesser Change Table is for the use of the [Planning Commission](#) in determining the hierarchy of [Zoning Districts](#) and for determining when public notification or re-notification is required. Such a table lists zoning classifications, by category, in ascending order from the least intense to the most intense. The [Planning Commission](#)’s Lesser Change Table shall identify only the hierarchy of [Zoning Districts](#) within each of the three categories of [Base Districts](#)—Residential, Commercial and Industrial. It is not intended to identify hierarchical arrangements among Districts in different categories. For example, the Lesser Change Table may classify the RS40 District as less intense than the RS20 District, but it may not classify (R) Residential Districts as less intense than (C) Commercial Districts, or vice-versa. The Lesser Change Table shall be filed with the [Planning Director](#).

**(l) Burden of Proof or Persuasion**

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

**(m) Conditions of Approval**

When the procedures of this Article allow review bodies to recommend or decision-making bodies to approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.

**(n) Deferred Items**

Once a staff report is included in a posted agenda packet, [Planning Commission](#) action is required to defer an item. If an application is requested for deferral from the next [Planning Commission](#) agenda prior to inclusion of a staff report in a posted agenda packet, the applicant may defer an item by submitting a written request to the [Planning Director](#). For [Deferred Items](#), the [Landowner](#) or applicant shall provide an updated property Ownership list from the County Clerk’s office for items that have been deferred from an agenda for 3 or more months. If deferred at the applicant or [Landowner](#)’s request, the cost of republication of legal notice in the newspaper shall be paid by the applicant or [Landowner](#). If an item is deferred by the [Planning Commission](#), no republication fee will be charged.

**(o) Inactive Files**

For **Inactive Files**, the **Planning Director** may notify the applicant and applicant's **Agent** in writing that a file has been closed when the file has been inactive for a period of time equal to or exceeding 12 months. Requests for action after a file has been declared inactive and the applicant has been notified require resubmittal as a new application. Review fees and cost of publication are required to be paid as part of the resubmittal.

**(p) Inaction by Review/Decision-Making Bodies**

- (1) When a review or decision-making body fails to take action on an application within any time limit that is specified in or under this Article (as with an application processing cycle), that inaction will be interpreted as a recommendation of approval or a decision to approve, respectively. The **Effective Date** of such a “non-action” approval or recommendation of approval will be the date that action was required to have occurred under the required time limit.
- (2) Time limits for action may be extended if the applicant gives written consent to the extension or the applicant submits a written request for a deferral and agrees in writing to an extension of the time for action.
- (3) When a review body fails to take action on an application within any time limit that is specified in this Article, the decision-making body is free to proceed with its own action on the matter without awaiting a recommendation.

**(q) Notices**

The notice provisions of this section apply except as otherwise expressly stated.

**(1) Content****(i) Newspaper and Mailed Notice**

All Newspaper and Mailed Notices shall:

- a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. describe the property involved in the application by Street address or by general description;
- c. describe the nature, scope and purpose of the application or proposal; and
- d. indicate where additional information on the matter can be obtained.

**(ii) Posted Notice**

All Posted Notices shall:

- a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. state the language “**Development Activity Proposed**”, and
- c. indicate where additional information on the matter can be obtained.

**(2) Newspaper Notice**

When the provisions of this Development Code require that “Newspaper Notice” be provided, the City is responsible for ensuring that notice is published in the official newspaper of the City of Lawrence. The notice shall appear in the newspaper at least 20 days before the date of the public hearing.

**(3) Mailed Notice**

When the provisions of this Development Code require that “Mailed Notice” be provided:

**(i) Owner Notice; Radius**

The official responsible for accepting the application shall mail notice to the record **Owner** of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property abuts the City limits, the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

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

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

**(iii) Ownership Information**

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

**(iv) Timing of Notice**

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

**(v) Mailing Fee Established**

From time to time, in order to recover mailing and notification costs incurred by the City hereunder, the Governing Body may establish a reasonable mailing fee, which fee shall be paid by the applicant.

**(4) Posted Notice**

(i) When the provisions of this Development Code require that “Posted Notice” be provided, the applicant shall ensure that notice is posted on the subject property.

(ii) Posted notice shall be in the form of official signs provided by the City.

(iii) Posted notice shall be clearly visible to neighboring residents and passers-by from each **Public Street** bordering the subject property. At least one sign shall be posted on each Street **Frontage**. The **Planning Director** is authorized to require the posting of additional signs when deemed necessary for effective public notice, but not more than one sign per 300 feet of Street **Frontage** may be required.

- (iv) Posted notice shall remain in place for at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice.
- (v) During the required notice period, the applicant shall periodically check the condition of the sign and shall replace it if it is no longer legible for any reason, whether through Act of God, vandalism, defect in installation or vegetative growth.
- (vi) For any application requiring posted notice, the applicant shall supplement the application with an affidavit of posting and notice no sooner than the date the sign is posted but no later than seven (7) days prior to the scheduled public hearing, meeting, or date of action that is the subject of the notice. Failure to make timely delivery of such affidavit to the [Planning Director](#) shall render the application incomplete and subject it to removal from the agenda on the hearing date, at the discretion of the [Planning Commission](#).
- (vii) The applicant shall remove notice signs required by this section within 10 days of the date that the decision-making body takes action or the date that the application is withdrawn. Failure to properly post or maintain such signs is grounds for deferral or denial of the application.
- (viii) For applications that do not abut [Public Streets](#), the [Planning Director](#) is authorized to approve an alternative form of posted notice that will be visible to passers-by.
- (ix) The public may submit written statements regarding a specific development proposal that, when the written statement is submitted by the published deadline for receiving public comment, will become a part of the official record in the planning department.
- (x) Parties affected by the actions of a decision making body have the right to appeal the action taken in accordance with the procedures set out in Article 13 of this Chapter.

**(r) Written Findings**

Unless otherwise specifically provided in this ordinance, written findings are not required for a final decision on any application. Provided, however, that any decision may be expressly made subject to the subsequent adoption of written findings and, in such cases, the decision shall not be considered final until such findings are adopted. Provided further, that where an appeal of any quasi-judicial decision has been filed in the District Court of Douglas County pursuant to K.S.A. 12-760 or K.S.A. 60-2101(d) in cases where written findings have not been adopted, written findings shall be adopted by the approving authority within 45 days of service of the appeal on the City and thereafter shall be certified to the District Court as part of the administrative record. The 45-day time period for adoption and certification of findings may be extended with the permission of the District Court.

**(s) Where Ordinance Required**

Adoption of an ordinance is required in the case of a zoning text amendment, rezoning and special use permit. In such instances, the decision approving the application shall not be deemed to be final until the ordinance has been published in an official City newspaper.

**(t) Planning Director as Administrative Official**

Except where otherwise specifically provided in the Development Code, the Planning Director shall be the administrative official charged with interpreting and enforcing the provisions of the Development Code.

**20-1302 TEXT AMENDMENTS****(a) Initiation**

An amendment to the text of the Development Code may be initiated by the City Commission, the Planning Commission, or, as to provisions affecting Urban Conservation Districts, by the Historic Resources Commission; and adopted in accordance with the rules of that body. Applications for text amendments may also be initiated by private parties and shall be filed with the Planning Director. The application shall be in writing and shall include the proposed text and the reasons for proposing the amendment. The Planning Director shall forward the application to the City Commission for review and consideration of initiating the amendment taking into consideration the need for the amendment. Any proposed amendment shall follow the process set forth in this section after initiation.

**(b) Public Hearing Notice**

Newspaper notice of the Planning Commission's public hearing shall be provided in accordance with Section 20-1301(q).

**(c) Staff Review/Report**

The Planning Director will review each proposed text amendment in accordance with the review and decision-making criteria of subsection (f) of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the Planning Director will provide a report on the proposed amendment to the Planning Commission and City Commission.

**(d) Planning Commission's Review/Recommendation**

The Planning Commission shall hold a public hearing on the proposed text amendment, review the proposed text amendment in accordance with the review and decision-making criteria of subsection (f) of this Section and recommend in writing that the City Commission approve, approve with modifications or deny the proposed amendment. The Planning Commission is also authorized to forward the proposed amendment to the City Commission with no recommendation.

**(e) City Commission Decision**

After receiving the Planning Commission's recommendation, the City Commission shall take one of the following actions on the proposed text amendment:

- (1) approve, approve with modifications, or deny; or
- (2) return the application to the Planning Commission for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
  - (i) The Planning Commission, after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.





**20-1303 ZONING MAP AMENDMENTS (REZONINGS)****(a) Initiation**

An amendment to the zoning map may be initiated by the City Commission, the [Planning Commission](#), or, as to Urban Conservation district, by the Historic Resource Commission; and adopted in accordance with the rules of that body. Applications for zoning map amendments initiated by the [Landowner](#) shall be filed with the [Planning Director](#). Any proposed amendment shall follow the process set forth in this section after initiation.

**(b) Application Contents**

- (1) An application for amendment shall be accompanied by a conceptual plan and data necessary to demonstrate that the proposed amendment is in general conformance with the [Comprehensive Plan](#) and that the public necessity and convenience; and general welfare require the adoption of the proposed amendment.
- (2) The application shall include a General Location Map, which shall show the location of the property in relation to at least one intersection of two streets shown as [Collector](#) or [Arterial Streets](#) on the City's Major Thoroughfares Map of the [Comprehensive Plan](#).
- (3) Each application for an amendment to the [Zoning Districts](#) map shall be accompanied by a certified list of all property [Owner](#) within the notification area. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to a published notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all [Owners](#) of record of lands located within at least 400 feet of the area proposed to be altered for regulations of the city. If the city proposes a zoning amendment to property adjacent to the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available.

**(c) Public Hearing Notice**

- (1) Newspaper, posted and mailed notice of the [Planning Commission's](#) public hearing shall be provided in accordance with Section 20-1301(q), except as noted in subsection (c)(2) of this Section. For purposes of K.S.A. §12-757, any [Zoning District](#) listed in the right-hand column of the Lesser Change Table that follows shall be considered a "lesser change" than a change to the [Zoning District](#) listed in the left-hand column of the same row of the table; in accordance with the cited section, a recommendation or action to amend the zoning map to assign the "lesser change" [Zoning District](#) to the land, rather than the [Zoning District](#) advertised in the notice, shall not require further notice. A recommendation or action to amend the Zoning Map to assign any [Zoning District](#) other than the one advertised in the notice or one included in the corresponding right-hand column of the Lesser Change Table will be inconsistent with the advertised hearing and shall require re-advertising and the holding of a new hearing, after proper notice. Such recommendation or action by the [Planning Commission](#) or the City



Commission shall be construed as an instruction to the [Planning Director](#) to set a new hearing and to give notice of the proposed hearing, including the new [Zoning District](#) in the notice.

Table of Lesser Changes	
Advertised/Proposed <a href="#">Zoning District</a>	Districts to be Considered a “Lesser Change”
RS40	None
RS20	RS40
RS10	RS20 or RS40
RS7	RS10, RS-20 or RS40
RS5	Any other RS except RS3 or RSO
RS3	Any other RS except RSO
RSO	Any other RS except RS-3
RM12, RM12D	Any RS except RSO
RM15	RM12 or any RS except RSO
RM24	RM15, RM12 or any RS except RSO
RM32	Any RM or any RS
RMG	Any RM or any RS
RMO	RM15, RM12 or any RS
CN1	None
CN2	CN1, RSO or RMO
CD	CN1, CN2 or CC200
CC200	CN1 or CN2
CC400	CC200 or CN2
CC600	CC400, CC200 or CN2
CR	CC600, CC400 or CC200
CS	CN1, CN2 or CO
IBP	None
IL	IBP or CN2
IM	IBP or IL
IG	IL, IM, IBP, or CN2
Other <a href="#">Zoning Districts</a>	Not Applicable

- (2) Applications for Urban Conservation Overlay District zoning amendments shall only require newspaper notice and mailed notice of the Planning Commission's public hearing in accordance with Section 20-1301(q)(2) and (q)(3). Any posted notice under Section 20-1301(q)(4) shall be at the discretion of the Planning Director.

**(d) Staff Review/Report**

The [Planning Director](#) will review each proposed zoning map amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the proposed amendment to the [Planning Commission](#) and City Commission. The report will include documentation proof of posting and other required notice.

**(e) Planning Commission's Review/Recommendation**

The **Planning Commission** shall hold a public hearing on the proposed zoning map amendment, review the proposed amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and recommend that the City Commission approve, approve with modifications or deny the proposed amendment. The **Planning Commission** is also authorized to forward the proposed amendment to the City Commission with no recommendation.

**(f) City Commission Decision**

After receiving the **Planning Commission's** recommendation, the City Commission shall take one of the following actions on the proposed zoning map amendment:

- (1) approve, approve with conditions or modifications, or deny; or
- (2) return the application to the **Planning Commission** for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
  - (i) The **Planning Commission**, after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.
  - (ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed zoning map amendment, approve it with modifications, or deny it.
  - (iii) If the **Planning Commission** fails to deliver its recommendations to the City Commission following the **Planning Commission's** next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the **Planning Commission** as a resubmission of the original recommendations and proceed accordingly.
- (3) The City Commission may act by a simple majority vote, except for the following cases:
  - (i) action that is contrary to the **Planning Commission's** recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or
  - (ii) approval, or approval with modifications, when a valid protest petition has been submitted in accordance with subsection (h) of this Section, in which case a decision approving the application shall be effective only if supported by the votes of at least 3/4 of the members of the entire City Commission.
- (4) The City Commission shall:
  - (i) State the reasons for its decision on the minutes or official record; and
  - (ii) notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

**(g) Review and Decision-Making Criteria**

In reviewing and making decisions on proposed zoning map amendments, review and decision-making bodies shall consider at least the following factors:

- (1) conformance with the [Comprehensive Plan](#);
- (2) zoning and use of nearby property, including any overlay zoning;
- (3) character of the neighborhood;
- (4) plans for the area or neighborhood, as reflected in adopted area and/or sector plans including the property or adjoining property;
- (5) suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;
- (6) length of time the subject property has remained vacant as zoned;
- (7) the extent to which approving the rezoning will detrimentally affect nearby properties;
- (8) the gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the [Landowner](#), if any, as a result of denial of the application; and
- (9) the recommendation of the City's professional staff.
- (10) For proposals that will create more than 100,000 square feet of retail space within the city: the impact of the proposed project on the retail market. Staff will provide an analysis based on the addition of the square footage to the retail market, vacancy rate trends, square footage per capita trends, and current demand trends, including but not limited to population, income, pull factors, and retail sales using the latest available city-wide retail market report.

**(h) Protest Petitions**

A valid protest petition opposing a zoning map amendment may be submitted to the City Clerk within 14 days of the conclusion of the [Planning Commission's](#) public hearing.

- (1) A protest petition will be considered "valid" if it is signed by the [Owner](#) of 20% or more of:
  - (i) any real property included in the proposed amendment; or
  - (ii) the total area of real property located within 200 feet of any real property included in the proposed amendment (or 1,000 feet into the unincorporated area when the real property included in the proposed amendment abuts the city limits), excluding streets and public ways.
- (2) In the case of joint Ownership, all [Owners](#) shall sign the petition.
- (3) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the [Owner](#) of the specific property subject to the rezoning, or the [Owner](#) of the specific property subject to the rezoning does not oppose in writing such rezoning, such property shall be excluded when calculating the total real property within the area required to be notified.

**(i) Date of Effect**

The zoning map amendment will become effective upon publication of the adopting ordinance.

**(j) Limitation on Successive Applications**

- (1) Withdrawal of an original application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded;
- (2) A successive application shall not be accepted for a period of twelve (12) months from the date of City Commission denial of the original application unless a successive application is substantially different from the original application that was denied;
- (3) A successive application shall not be accepted until 120 days after the date of the City Commission denial and then will only be accepted if substantially different from the original application. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:
  - a. A different **Zoning District** category has been applied for;
  - b. The same **Zoning District** category has been applied for and the **Density** of use is at least 25% greater or less than the original petition;
  - c. The same **Zoning District** category has been applied for and the intensity of use is at least 25% greater or less than the original petition; or
  - d. Specific responses to the reasons for denial set forth in the findings of fact by the City Commission are, in the opinion of the **Planning Director**, addressed in the resubmission.
- (4) A new rezoning application may be submitted after at least twelve (12) months from the date of City Commission denial.

**(k) Appeals**

Within 30 days of the City Commission's decision on the zoning map amendment, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

**(l) Plans**

- (1) A plan shall be prepared and adopted prior to review of a petition for map amendment when:
  - (i) No water or sanitary sewer mains exist or are planned to serve the proposed site;
  - (ii) The request is not consistent with adopted plans; or,

- (iii) In-fill development is proposed and, at the discretion of the [Planning Commission](#), additional information is needed specific to unanswered questions or concerns related to transportation, compatibility of land use(s), or adequacy of transitions between established and proposed land uses.
- (2) Depending on the size or type of request, the plans to be prepared include:
  - (i) Watershed or Sub-basin Plan. This Plan will encompass an entire watershed or sub-basin.
  - (ii) Sector Plan. This Plan includes approximately one square mile.
  - (iii) Neighborhood Plan. This Plan encompasses a specific neighborhood.
  - (iv) Special Area Plan. This includes a Nodal Plan which plans for an area immediately surrounding an intersection. A Corridor Plan is a type of linear area plan that generally encompasses a roadway or specific feature.
  - (v) Specific Issue/District Plan. Deals with a specific issue or project that does not fall into any of the above listed categories.

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO: Planning Commission**

**FROM: Sandy Day, Planning Staff**

**Date: May 23, 2018**

**RE: ITEM NO. 10. INITIATE A TEXT AMENDMENT; SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED AREAS OF DOUGLAS COUNTY, KS**

Initiate a Text Amendment to the City of Lawrence Land Development Code and the Subdivision Regulations for the unincorporated areas of Douglas County to revise the requirement related to the material used for recording documents with the Douglas County Register of Deeds Office.

**Attachments:**

1. Resolution No. 17-31
2. List of affected citations

Currently, City Zoning Regulations and Subdivision Regulations for the City of Lawrence and the unincorporated area of Douglas County require documents that must be recorded with the Douglas County Register of Deeds office to be provided on Mylar. The County adopted Resolution 17-31 in September 2017 to allow, "final products on any media that will reproduce a clear image for scanning and microfilming".

This change allows the use of an alternative media (paper) to publish final drawings such as surveys, certificates of survey, final plats, minor subdivision drawings and other similar documents for recording purposes. This memo requests initiation of a text amendment to the Land Development Code Article 8, *Joint Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County KS*. [20-807 (e)(1), 20-808 (g)(2) and (5)], and Article 13; [Section 20-1307 (e)] and the corresponding Douglas County Code sections [County Code 11-107 (e)(1), 11-108 (g)(2) and (5)] to align the requirement and current practices related to recording documents with the Register of Deeds Office.

The proposed text amendment will affect, certificates of survey, minor subdivisions, and institutional development plans. Final plats and final development plans are currently required to be filed with the Douglas County Register of Deeds Office, but the medium used for the drawings is not specified, and therefore sections 20-809 and 20-1304 are not included.

#### **Action Requested**

Initiate a text amendment to the Land Development Code and the corresponding sections of the County Code to revise the requirement regarding the type of media used in preparing document that are used for recordation with the Register of Deeds office.

## **Affected Sections:**

**Topic:** **Certificate of Survey**

**Regulations:** **City of Lawrence** **Unincorporated Douglas County**

*Section Reference:* *20-807 (e) (1)* *11-107 (e) (1)*

The certificate of survey shall be legibly drawing on Mylar with permanent ink or printed or reproduced by a processing guaranteeing a permanent record and shall be a minimum size of 11 inches by 17 inches.

**Topic:** **Minor Subdivision Replat**

**Regulations:** **City of Lawrence** **Unincorporated Douglas County**

*Section Reference:* *20-808 (g)* *11-808 (g)*

(2) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Minor Subdivision/Replat conforms to all of the standards set forth in this Section, the Director shall sign and date an original Mylar copy of the Minor Subdivision/Replat.

(5) The [Planning Director](#) shall forward a signed, original Mylar copy of the [Minor Subdivision/Replat](#) to the Register of Deeds for recording

**Topic:** **Institutional Development Plan**

**Regulations:** **City of Lawrence Only**

*Section Reference:* *20-1307 (e)*

Within 24 months of approval and after completion of all conditions of approval and prior to issuance of a building permit, a mylar copy of the Institutional development Plan shall be recorded at the Register of Deeds Office. Any supplemental covenants, restrictions, Conservation Easements, or public Access Easements shall be on file at the time of recordation of the Institutional Development Plan.



RESOLUTION NO. 17- 31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS ADOPTING REQUIREMENTS FOR  
RECORDING PLATS AND SURVEYS

WHEREAS, K.S.A. 19-1207 requires the Register of Deeds to accept and record surveys and plats; and,

WHEREAS, pursuant to this authority and duty, the Register of Deeds wishes the Board to adopt rules and regulations to improve the recording and storage of such plats and surveys; and,

WHEREAS, the Board has determined it necessary and desirable to adopt rules and regulations as set forth herein.

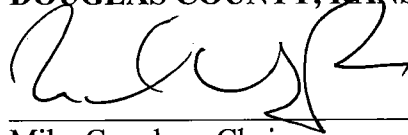
NOW, THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session this 13 day of September, 2017, does hereby adopt the following rules and requirements for recording plats and surveys at the Douglas County Register of Deeds office:

**For Purposes of Recording Plats and Surveys**

1. Definition of Plat: Any survey, drawing, or map, as defined by KSA 58-2001, that divides land, combines land, or otherwise creates a new parcel(s) of land.
2. The minimum size for plats to be recorded shall be 11" x 17". The charge for recording plats will be in accordance with the "town plat" rate as set forth in statute K.S.A. 28-115.
3. Definition of Retracement Survey: Any survey, drawing, or map that does not create a new parcel(s) of land or otherwise change the boundary of an existing parcel of land.
4. The minimum size for retracement surveys to be recorded shall be 8 ½" x 14". The charge for recording retracement surveys will be in accordance with the "other instruments of writing" rate as set forth in statute K.S.A 28-115.
5. Text (letters and numbers) shown on plats and retracement surveys must be large enough for clear and legible scanning and microfilming. The minimum cap height shall be 1/10th of an inch.
6. For both plats and retracement surveys, the Register of Deeds office will accept final products on any media that will reproduce a clear image for scanning and microfilming.

ADOPTED, the year and day set forth above.

**BOARD OF COUNTY COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS**



Mike Gaughan, Chair



Nancy Thellman, Member



Michelle Derusseau, Member

ATTEST:



Heather Dill Deputy

Jameson D. Shew, County Clerk

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

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PC Staff Report  
05/23/2018

**ITEM NO. 9      TEXT AMENDMENT TO COUNTY ZONING REGULATIONS FOR DATA  
COLLECTION DEVICES; (SLD)**

**TA-18-00155:** Consider a Text Amendment to the Douglas County Zoning Regulation Article 12-319-5.01, to include and define *Data Collection Devices*, such as SoDAR and metrologic equipment, and similar equipment, as a Temporary Business Use. *Initiated by County Commission on 3/28/18.*

**RECOMMENDATION:** Staff recommends the Planning Commission forward the proposed amendment, TA-18-00155, amending Chapter 12-319-5 of the Douglas County Zoning Regulations to include *Data Collection Devices* as a temporary business use to the Board of County Commissioners with a recommendation for approval.

**Reason for Request:** The Douglas County Board of County Commission initiated a text amendment to the Zoning Regulations at their March 28, 2018 meeting to permit and define *Data collection Devices* and to clarify the process for permitting such devices as a Temporary Business Use.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None received

**ATTACHMENTS**

- A. Draft Language
- B. ZTBU-2018-0001 application and staff report.

**BACKGROUND**

The Douglas County Board of County Commissioners adopted changes to the Zoning Regulations related to *Wind Energy Conservation Systems* (Resolution 17-12) and *Wireless Communication Equipment* (Resolution 17-19) in response to a recent land use request and changes to Federal Regulations. These changes did not address equipment used in preliminary data collection such as metrologic instruments (MET), SoDAR units, temporary antenna mounted on a truck or trailer (COW, COLT), and similar devices.

Generally, these devices are used for a temporary amount of time for collect scientific data for applicants to determine the feasibility of making a formal application for a *Wind Energy Conversion System*, *Wireless Communication Equipment (tower)*, or other similar type of permanent land use. At the beginning of 2018, Tower Associates LLC contacted County staff regarding the process to install a SoDAR unit on a property in the County for up to 12 months to collect wind data. After reviewing the County Zoning Regulations it was determined that the most similar use was a Temporary Business Use per Section 12-319-5.01.

Staff conferred with County legal counsel and confirmed with the County Commission that the appropriate process for approval was through the Temporary Business Use permit process. This process requires notice of a hearing and the County Commission's approval. The related Temporary Business Use was approved and the County Commission directed staff to prepare a text amendment to the County zoning regulations establishing a clear process for approving future *Data Collection Devices*.

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## **OVERVIEW OF PROPOSED AMENDMENT**

The following is a summary listing of the proposed changes:

1. Douglas County Zoning Regulation Article 13-319-5.01

The portion of the Zoning Regulations being revised is attached to this staff report (Attachment B).

## **CRITERIA FOR REVIEW AND DECISION-MAKING**

Section 12-324 Changes and Amendments, of the Zoning Regulations provides the process for proposed text amendments, but does not include criteria for review and decision-making. The text amendment was reviewed with the following criteria that are similar to those in the City of Lawrence Land Development Code:

### **1) Whether the proposed text amendment corrects an error or inconsistency in the Douglas County Zoning Regulations or meets the challenge of a changing condition;**

The regulations do not currently include data collection devices or a process for considering their placement or approval. These devices were not contemplated when the Zoning Code was originally adopted in 1966. Updates to the code have not include them as temporary uses.

They are a land use that can help forecast a future more intensive land use such as a *Wind Energy Conversion System*. By amending the Zoning Regulations, as recommended with this amendment, proper and reasonable notice and review process can be implemented.

### **2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of the Douglas County Zoning Regulations**

The general goal of the Comprehensive Plan is to provide “...for the optimum in public health, safety, convenience, general social and physical environment and individual opportunities for all the residents of the community, regardless of racial, ethnic, social, or economic origin. It is the goal of the planning process to achieve a maximum of individual freedom, but public welfare must prevail.” (Introduction, page 3, *Horizon 2020*)

The proposed amendment establishes regulations that would provide notice and process for a land use that is generally of interest to the public to ensure the public, health, safety, convenience, and general welfare.

## **Conclusion**

The proposed change accommodates a new process for review, notice, and approval of a type of land use that may have external affects surrounding property owners for a short duration of time.

**General Location:**

Parent parcel is located on the northeast corner of E 1100 Road and N 200 Road.

Parcel Number: 212-03-0-00-00-004.01-0

911 Address: 1132 N 200 Road

**Land Use**

Existing Use: Agricultural

Proposed Use: SODAR – Meteorological data collection equipment

**Surrounding Uses:**

Rural residential and agricultural. Private landing strip and existing communication tower located to the east. **Will proposed equipment affect either use/operation?**

**Zoning**

Existing Zoning: A (Agricultural) District.

Proposed Zoning: No proposed change to existing district

**Urban Growth Boundary:**

Property is not located in any designated urban growth boundary and is not located within 3 miles of another incorporated City in Douglas County.

**Plans**

Area, Sector, or Neighborhood Plans:

This property is not located within a designated planned area.

**Site Characteristics****Environmental Factors:**

Southwest portion of property includes Class 2 soils. Majority of property is sloped less than 3%.

**Floodplain:**

Southwest corner of property is encumbered by regulatory floodplain. Proposed equipment will not be located in floodplain.

**Adverse Impacts on Natural Environment**

None identified

**Length Vacant as Zoned**

Zoning was established in 1966. Property is used for agricultural purposes.

**Detrimental Affect on Nearby Properties**

None identified

**Public Gain**

None identified

**Public Services Availability**

No services are required for use. **Power provided by ????????**

Access from existing public roads

**Compatibility with Surrounding Uses**

Unit is small and portable. No impact on surrounding uses.

Confirm that equipment will not impact tower or private landing strip nearby to the east.

**Adequacy of Continued Maintenance**

Equipment is temporary for data collection purposes. Maintenance is generally not anticipated other than to collect data and to remove equipment at end of collection period.

**Recommended Time Limit**

**???????????????**

**12-319-5. TEMPORARY BUSINESS USES AND TEMPORARY BUSINESS USE PERMITS**

Temporary business uses may be permitted in any district upon the review and finding of the Board of County Commissioners that the proposed use is in the public interest. In making such determination, the Board shall consider the intensity and duration of the use, the traffic that can be expected to be generated by the use, the applicant's plans for dealing with sanitation and other public health and safety issues, and other factors which the Board in its discretion determines will affect the public health, safety and welfare. [Res.13-03]

**12-319-5.01. Definitions.**

- a. "Temporary business use" shall mean the carrying on of any of the activities enumerated in subparagraph (2) of this Section 12-319-5.01 on real property located in the unincorporated area of Douglas County, Kansas, which is not owned and regularly used by the applicant/sponsor of such activity for such purpose; provided that, "temporary business use" shall not include the activities of persons, families, groups or social or religious organizations that conduct fund raising, social or religious activities on real groups for such activity. An activity enumerated in subparagraph (b), below, held on property which is leased or borrowed for the purpose of conducting the activity shall be presumed to be a "temporary business use" which is subject to the requirements of this Section 12-319-5.
- b. Temporary business uses shall include the following activities conducted only for a temporary and specified duration:
  - 1) Batching or rock-crushing plant, including concrete or asphalt.
  - 2) Construction building or construction materials yard.
  - 3) Real estate tract sales office.
  - 4) Flea market or swap meet.
  - 5) Movie or video filming operations involving a combined crew, cast and extras of greater than ten (10) persons, except that one permit may be acquired for a single movie or video filming operation at different locations over a six (6) month period provided the applicant therefore informs the Douglas County Sheriff of each filming location twenty-four (24) hours prior to commencing filming operations.
  - 6) **Data Collection Devices**
    - 1. **Equipment that is mounted on the ground, vehicle, trailer, elevated platform or similar structure that can be removed such as SoDar, metrologic equipment, stream gages and similar equipment for environmental data collection.**
  - 7) Any other similar business use of a temporary and specified duration generating no more traffic or other effects on neighboring property than the foregoing.
- c. **Application Procedure.** An applicant for a temporary business use permit shall make application to the office of the Director of Zoning and Codes Department no less than twenty-eight days before the date of commencement of the proposed temporary business use. For good cause shown, the Board of County Commissioners may allow an application to be filed on shorter notice. All applications shall be accompanied by a non-refundable application fee in an amount set by resolution of the Board of County Commissioners but not less than one hundred dollars. In the application the applicant shall identify each sponsor of or other persons with a financial interest in the proposed activity
- d. **Temporary Business Use Plan.** Each temporary business use application shall be accompanied by ten copies of a plan in which the applicant explains the activity, the number of persons anticipated to attend, the location of the temporary business use, and detailed information concerning the applicant's plans and procedures for the following:
  - 1) Controlling traffic, parking and road conditions during the temporary business use, including provisions for off-road parking;

- 2) Addressing health and sanitation concerns at the site, including toilet and drinking water facilities and supplies adequate to meet the anticipated crowd plus a reasonable allowance for additional persons, including certification by Lawrence-Douglas County Health Department that all sanitation and health concerns have been adequately addressed in the applicant's plans;
- 3) Providing adequate illumination at the site if the temporary business use is to be held at night;
- 4) Providing security at the site, including the hiring of private security guards;
- 5) Providing adequate fire safety precautions at the site, including consultation with the township fire department and approval prior to the activity;
- 6) Evidence that the applicant has secured or can secure adequate general liability and property insurance coverage for the temporary business use; and,
- 7) If applicable, the serving of alcoholic beverages, including cereal malt beverage.
- 8) **Other documentation identified by staff such as but not limited to equipment specifications, noise, parking, health and sanitation, lighting, signage, site changes, floodplain or sensitive lands, access plan, maintenance and servicing plan, removal plan.**

**e. Public Notice Requirements.** Upon receipt of the application for a temporary business use permit, the Director of Zoning and Codes Department shall notify the applicant of the date scheduled for a public hearing on such application before the Board of County Commissioners. No less than ten days prior to the public hearing the Director of Zoning and Codes Department shall cause notice to be sent of the date, time and place of the hearing by first class mail to the following persons:

- 1) The owners and occupants of properties within 1,000 feet of the boundaries of the site at which the proposed use will occur; and,
- 2) The owners and occupants of residential structures served by driveways which take access from the public road which shall serve as the primary access to the proposed site and that are within one mile of the main entrance to such site. The public notice provided for herein also shall contain a copy of the temporary business use plan required in paragraph (d) or a summary thereof. The failure of any of the above described persons to receive the notice provided for herein shall not invalidate any proceedings held concerning a temporary business use permit application. The notice required by this subsection shall only be required to be sent to the non-owner occupants of properties described herein if the names and addresses of such persons can be ascertained from records of the County that are available to the Director of Zoning and Codes Department.

**f. Public Hearing and Decision by Board.** Each application for a temporary business use permit shall be exempt from the requirements of Section 12-319-1, but the application shall be the subject of a public hearing before the Board of County Commissioners on the date and at the time and place set out in the notice required to be given under paragraph (e) of this section. After the public hearing held thereon, the Board may approve or deny the permit, or the Board may continue the hearing or a decision on the permit application until a subsequent meeting. If the permit is approved, the Board shall establish the effective time period for the permit and all conditions under which the permit is granted. Such conditions may include, but shall not be limited to, a requirement that a cash bond be posted by the applicant to reimburse Douglas County for the cost of any overtime incurred by County staff in responding to calls by law enforcement personnel and the provision of other services in connection with the permitted activity. Within 14 days after the conclusion of the use the County Administrator shall review all costs incurred by the County, shall deduct the amount of the costs from the bond, and shall refund the balance of the cash bond to the applicant.

**g. Permit Not Assignable.** Any permit issued under this section may not be assigned by the applicant to any other person without the consent of the Board of County Commissioners.





## DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27<sup>th</sup> Street, Suite I

Lawrence, Ks 66047

Phone: 785.331.1343 Fax: 785.331.1347

### TEMPORARY BUSINESS USE PERMIT REQUEST NOTICE OF PUBLIC HEARING

**TO WHOM IT MAY CONCERN:** Owners of property within 1000' of MNL Farms, generally located 220 E 1100 Rd.

**SUBJECT:** **ZTBU 2018-0001:** Temporary Business Permit for installment of a SoDAR Unit to be located generally at 220 E 1100 Rd, Baldwin City, KS

**DATE:** March 28, 2018

Tower Associates, LLC has submitted an application for temporary installation of a meteorological device on MNL Farms property at approximately 220 E 1100 Rd for a period 12 months. The purpose of the temporary business permit is to measure the scattering of sound waves created by atmospheric turbulence. It will be used to measure wind speed at various heights above the ground.

A Temporary Business Use Permit (TBU) requires a public hearing before the Board of County Commissioners, after which the County Commission can approve, approve with conditions, or deny the TBU permit.

The public hearing for this Temporary Business Use Permit will be on Wednesday, **March 28, 2018, at 6:00 pm.** The Douglas County Commission holds their meetings in the County Courthouse at 1100 Massachusetts Street, Lawrence, Ks, in the Commission Room on the second floor of the Courthouse.

You are welcome to attend this meeting and share your comments or questions with the Commission regarding the location of a Temporary "SoDAR Unit" for temporary data collection at 220 E 1100 Rd. If you would rather ask questions before the meeting or submit comments in writing, you may contact the Zoning & Codes office at 785.331.1343 or by email at Judy Stone ([jstone@douglascountyks.org](mailto:jstone@douglascountyks.org)), Tonya Voigt ([tvoigt@douglascountyks.org](mailto:tvoigt@douglascountyks.org)), or Sean Reid ([sreid@douglascountyks.org](mailto:sreid@douglascountyks.org)).



bcc. Jeffrey Bryce, Project Manager, Nextera Energy Resources  
Ken McGovern, Douglas County Sheriff  
Mike Wintermantel, Willow Springs Township Trustee  
Keith Browning, Douglas County Public Works Director

# Memorandum

## City of Lawrence

### Planning and Development Services

**TO:** Planning Commission

**FROM:** Planning Staff

**Date:** May 23, 2018

**RE:** **Misc. 1:** MS-18-00188: Consider a variance from the right-of-way width for a Minor Subdivision (lot combination) for RCB Bank Subdivision, located at 3300 W. 6<sup>th</sup> Street and 534 Frontier Road. Submitted by BG Consultants on behalf of RCB Bank, property owner of record.

Variance requested: Reduction of Right-Of-Way for a Principle Arterial Street from 150 feet to 110 feet.

#### Attachments

A: Minor Subdivision MS-18-00188

A Minor Subdivision application was submitted for the properties at 3303 W. 6<sup>th</sup> Street and 534 Frontier Road. The properties are currently two platted lots. The request is to adjust the internal lot line to accommodate a future development. Minor Subdivisions are processed administratively; however, Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-18-00188) is under review but is included with this memo for context with this variance request. No other Planning Commission action related to the proposed Minor Subdivision is required.

**VARIANCE:** Reduction in the width of right-of-way from 150 feet to 110 feet as required for a principal arterial street (W. 6<sup>th</sup> Street) per Section 20-810 (e) (5) of the Subdivision Regulations to allow the lot line adjustment of existing platted lots located along the W. 6<sup>th</sup> Street corridor.



**Figure 1: W. 6<sup>th</sup> Street Commercial Corridor. Subject property is outlined in blue.**

**Citations to Consider:**

Section 20-813(g) states that the Planning Commission may grant a variance from the design standards only if the following three criteria are met: that the strict application of these regulations will create unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of the regulations, and that the public health, safety, and welfare will be protected. The following is a review of the variance request in relation to these criteria.

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

Figure 1 illustrates that the right-of-way currently provided adjacent to the subject property is consistent with the pattern of the area, which is developed with approximately 110 feet of right-of-way. This is because the standard for the required right-of-way width changed in 2006 from 100 feet to 150 feet with the adoption of the Land Development Code. Areas developed prior to 2006 do not typically meet the 150 feet right-of-way requirement. The City Engineer indicated that the right-of-way currently dedicated for W. 6<sup>th</sup> Street in this area is adequate.

**STAFF FINDING:** As the right-of-way is not needed for future street improvements, requiring the dedication for the subject property would be an unnecessary hardship on the applicant.

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

Right-of-way dedication is required when properties are platted to ensure adequate right-of-way is available to accommodate improvements to the street, including infrastructure and sidewalks. W. 6<sup>th</sup> Street contains sidewalks on both sides of the street.

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

As the City Engineer indicated that additional right-of-way is not needed, approving the variance to reduce the right-of-way width would be in harmony with the intent and purpose of the Subdivision Regulations.

**STAFF FINDING:** The proposed request is consistent with the pattern of the area. The variance will allow the proposed Minor Subdivision to occur without requiring the dedication of additional right-of-way. Adequate right-of-way is currently available for W. 6<sup>th</sup> Street. The request is in harmony with the intent of the regulations given the nature of replat.

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

Maintaining the existing right-of-way width for W. 6<sup>th</sup> Street will not hinder the public health, safety, or welfare. Conversely, increasing the right-of-way to 150 feet does not affect these factors. There are no future plans for improvements along W. 6<sup>th</sup> Street that would require additional right-of-way.

**STAFF FINDING:** The variance will not affect the public health, safety, or welfare.

**STAFF RECOMMENDATION**

Approval of the variance requested for a Minor Subdivision, MS-18-00188, to reduce the right-of-way, required per Section 20-810(e)(5) for a principal arterial street, from 150 feet to 110 feet in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at 3303 W. 6<sup>th</sup> Street.

Variance for Reduction of ROW for *Principal Arterial Street*

1. PP-15-00067 Dream Haven regarding Peterson Road (4/20/15).
2. PP-14-00303 Schwegler Addition regarding Ousdahl Road, a collector street (9/22/15).
3. PP-13-00338 Menards Addition regarding 31<sup>st</sup> Street (11/8/13 and 10/21/13).
4. PP-13-00352 Burrough's Creek Addition regarding Haskell Avenue (10/21/13).
5. MS-15-00096 Bella Sera at the Preserve regarding Bob Billings Parkway (5/18/15).
6. PP-16-00304 Rockledge Addition No. 2 regarding Bob Billings Parkway (9/26/16).
7. MS-17-00217 Lawrence Industrial Park No. 2 regarding Haskell Ave (6/28/2017).
8. MS-17-00390 Sunset Hills Estates regarding W. 6<sup>th</sup> Street (9/27/17).
9. MS-17-00554 Casey's Subdivision regarding W. 6<sup>th</sup> Street (10/25/17).



# RCB BANK SUBDIVISION

A REPLAT OF LOT 8, PIONEER RIDGE CENTER, A REPLAT OF LOTS 46-52, BLOCK 5 OF PIONEER RIDGE, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

## DESCRIPTION

LOT 8, PIONEER RIDGE CENTER, A REPLAT OF LOTS 46-52, BLOCK 5 OF PIONEER RIDGE, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

## GENERAL NOTES

- THE BEARINGS HEREON ARE ASSUMED.
- FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS MAJOR SUBDIVISIONS, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION 20-808(c)(5)(i).
- THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO SECTION 20-811(g) OF THE SUBDIVISION REGULATIONS.
- THE LOTS WILL BE PINNED PER SECTION 20-811(k) OF THE SUBDIVISION REGULATIONS.

## FLOODPLAIN DATA

THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM), MAP NUMBER 20045C0157E, EFFECTIVE DATE SEPTEMBER 2, 2015.

## STREET TREES

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

## DEDICATION

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED PROPERTY, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME OF "RCB BANK SUBDIVISION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOT(S) AS SHOWN AND FULLY DEFINED ON THIS PLAT.

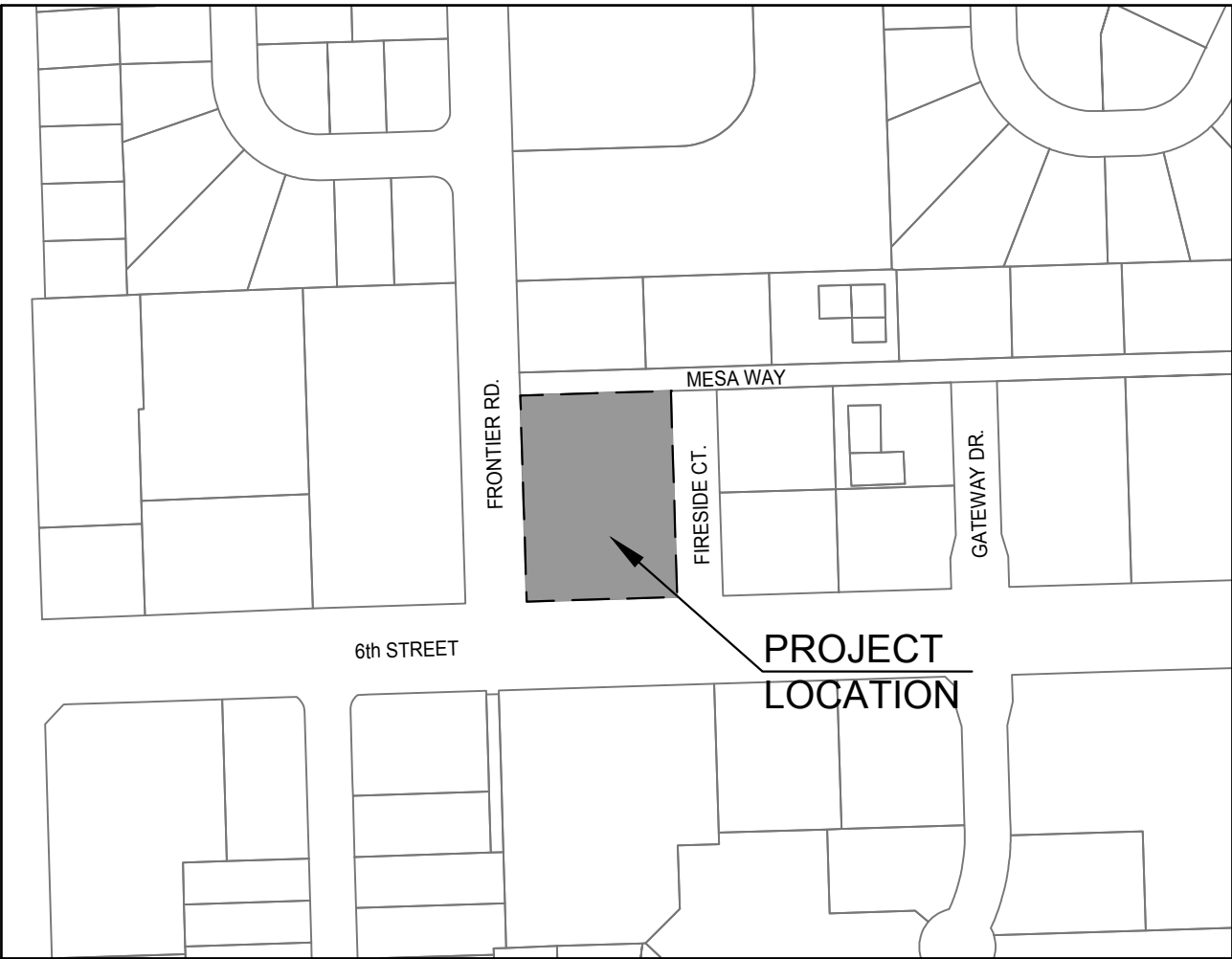
JAMES WEDDINGTON, EXECUTIVE VICE PRESIDENT  
RCB BANK

## NOTARY CERTIFICATE:

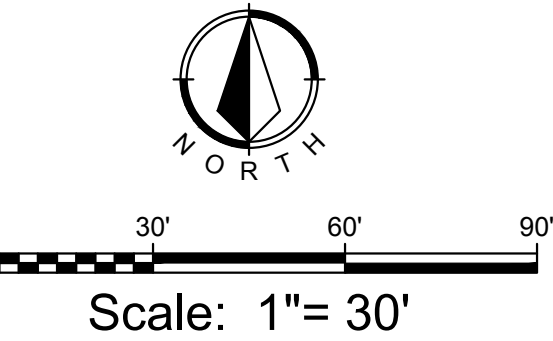
(STATE OF KANSAS)  
(COUNTY OF DOUGLAS) SS:

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

NOTARY PUBLIC

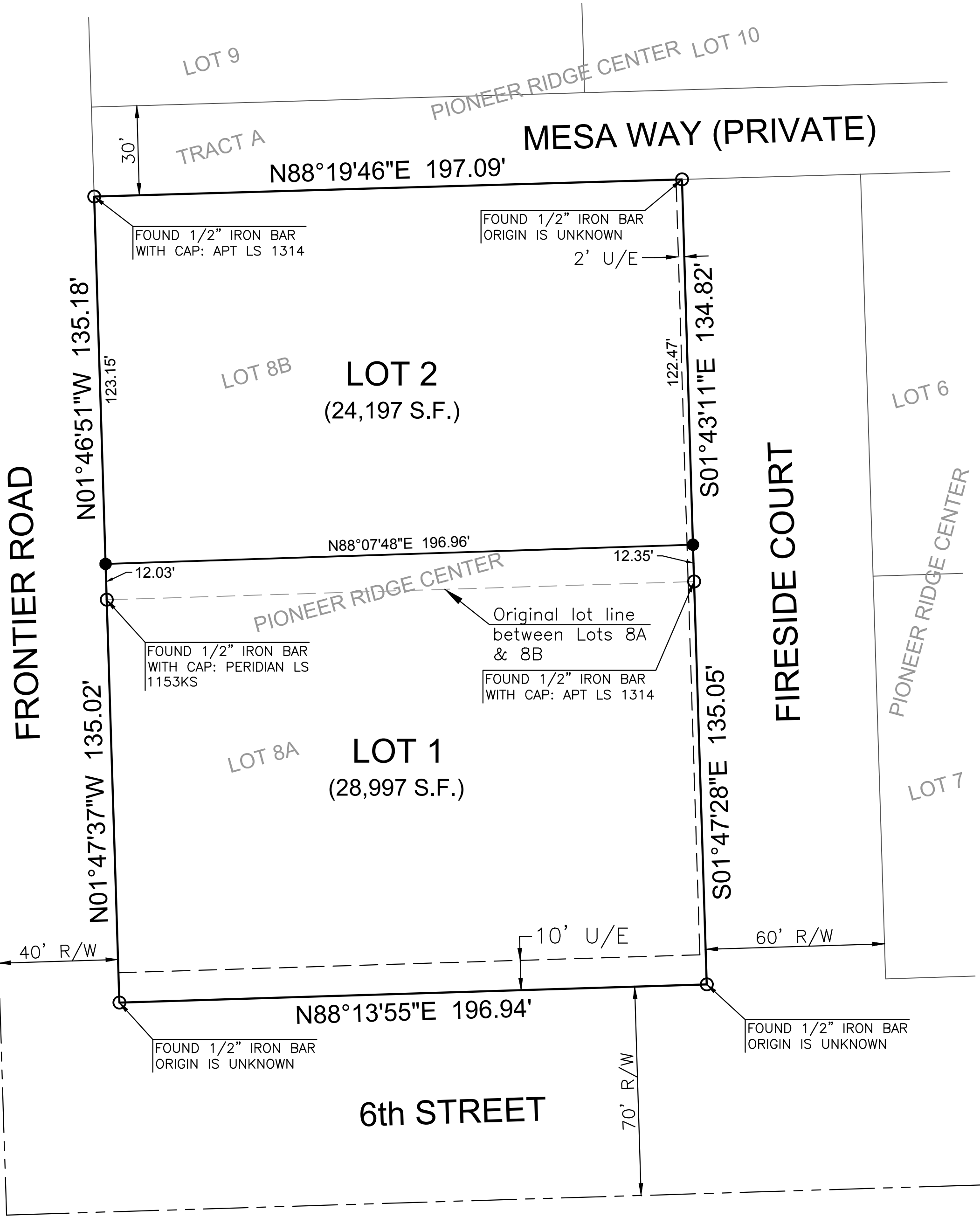


LOCATION MAP



## LEGEND

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



## SURVEYOR'S CERTIFICATE:

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

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR IN THE STATE OF KANSAS WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING, THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF DOUGLAS COUNTY, KANSAS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT, THAT THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND THAT ALL THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE FIELD WORK WAS COMPLETED APRIL 11, 2018.

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

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



## PLANNING DIRECTOR

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

SCOTT McCULLOUGH  
PLANNING DIRECTOR

DATE

## COUNTY SURVEYOR

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

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

DATE

## CERTIFICATE OF THE REGISTER OF DEEDS:

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

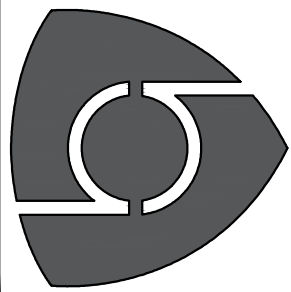
THIS INSTRUMENT WAS FILED FOR RECORD, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2018 AT \_\_\_\_ O'CLOCK \_\_\_\_ M., AND DULY RECORDED IN BOOK \_\_\_\_ ON PAGE \_\_\_\_.

KAY PESNELL, REGISTER OF DEEDS

## RCB BANK SUBDIVISION

A REPLAT OF LOT 8, PIONEER RIDGE CENTER, A REPLAT OF LOTS 46-52, BLOCK 5 OF PIONEER RIDGE, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

## MINOR SUBDIVISION



Project No. 18-1190L  
Date: Apr. 23, 2018  
Revised: N/A

SHEET NO.

1