



Updated:

11/15/10 @ 1:45pm

Added communications for the following items:

Item 3 - Preliminary Plat for Rockwall Farms Addition, N 1800 Rd & E 700 Rd

Item 4 - Conditional Use Permit for 1879 E 1700 Rd

Item 6 - Preliminary Development Plan for Crossgate Drive Casitas, 2451 Crossgate Dr

11/11/10 @ 3:45pm

Added the following items:

Item 4 - Conditional Use Permit for 1879 E 1700 Rd

Draft October Planning Commission Minutes

DEFERRED Item 5 - Rezoning of 4100 W 24th Pl

11/10/10 @ 10:45am

The following items will be added when available:

Item 4 - Conditional Use Permit for 1879 E 1700 Rd

Draft October Planning Commission Minutes

****The Wednesday, November 17th Planning Commission meeting has been canceled****

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
NOVEMBER 15 & ~~17~~, 2010 6:30 - 10:30 PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of October 25 & 27, 2010.

COMMITTEE REPORTS

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

COMMUNICATIONS

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

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

CONSENT AGENDA (NOVEMBER 15, 2010) MEETING

NON-PUBLIC HEARING ITEMS:

ITEM NO. 1 PRELIMINARY PLAT; CAMPBELL ADDITION; 1.003 ACRES; 204 LANDON CT (SLD)

PP-9-7-10: Consider a Preliminary Plat for Campbell Addition, a 1 lot subdivision containing approximately 1.003 acres, located at 204 Landon Court. Submitted by Landplan Engineering, P.A., for Jeff and Christy Campbell, property owner of record.

REGULAR AGENDA

NON-PUBLIC HEARING ITEM:

Public Comment on Variance Only

ITEM NO. 2 PRELIMINARY PLAT; HELM SUBDIVISION; .253 ACRES; ADJACENT TO 761 ELM ST (SLD)

PP-9-8-10: Consider a Preliminary Plat for Helm Subdivision, a 2 lot subdivision containing approximately .253 acres, located adjacent to 761 Elm Street. Submitted by Landplan Engineering, P.A., for Glen and Carla Helm, property owner of record.

Recess LDCMPC

Convene Joint Meeting with Lecompton Planning Commission

ITEM NO. 3 PRELIMINARY PLAT; ROCKWALL FARMS ADDITION; 156.15 ACRES; N 1800 RD & E 700 RD (MKM)

PP-9-9-10: Consider a Preliminary Plat for Rockwall Farms Addition, a 2 lot subdivision containing approximately 156.15 acres, located near the intersection of N 1800 and E 700 Roads. Submitted by Paul Werner Architects, for Rockwall Farms L.C., property owner of record. *Joint meeting with Lecompton Planning Commission.*

Adjourn Joint Meeting

Reconvene LDCMPC

PUBLIC HEARING ITEMS:

ITEM NO. 4 CONDITIONAL USE PERMIT; 1879 E 1700 RD (SLD)

CUP-9-3-10: Consider a Conditional Use Permit for a wedding venue for Shoshanna's Garden, located at 1879 East 1700 Road. Submitted by Susan Rendall, property owner of record.

****DEFERRED****

~~ITEM NO. 5 RM15 TO RM24; 15 ACRES; 4100 W 24TH PL (SLD)~~

~~**Z-8-12-10:** Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W. 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record. *Deferred by Planning Commission on 10/27/10.*~~

ITEM NO. 6 PRELIMINARY DEVELOPMENT PLAN; CROSSGATE DRIVE CASITAS; 2451 CROSSGATE DR (SLD)

PDP-9-3-10: Consider a Preliminary Development Plan for Crossgate Drive Casitas, approximately 4.6 acres, located at 2451 Crossgate Drive. Submitted by BG Consultants, Inc., for Corporate Holdings II, L.L.C., property owner of record.

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Receive Long Range Planning 2011 Work Program. **(DDW)**

MISC NO. 2 Adopt the 2011 Planning Commission meeting calendar.

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

CALENDAR

October 2010						
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						

November 2010						
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				

December 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

PCCM Meeting:

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

ADJOURN

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PLANNING COMMISSION MEETING

October 25 & 27, 2010

Meeting Minutes **DRAFT**

October 25, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Finkeldei, Harris, Hird, Liese, Rasmussen, Singleton, and Student Commissioner Davis

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

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of August 23 and 25, 2010.

Commissioner Harris said she did not have a chance to read the minutes and would abstain from voting on both August and September.

Commissioner Hird said he was not present for the September Planning Commission meeting so he would abstain from voting.

Motioned by Commission Finkeldei, seconded by Commissioner Hird, to approve the August 23 and 25, 2010 Planning Commission minutes.

Approved 7-0-1, with Commissioner Harris abstaining.

Receive and amend or approve the minutes from the Planning Commission meeting of September 20, 2010.

Motioned by Commission Finkeldei, seconded by Commissioner Singleton, to approve the September 20, 2010 Planning Commission minutes.

Approved 6-0-2, with Commissioners Harris and Hird abstaining.

COMMITTEE REPORTS

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

Commissioner Hird said the Agri-Tourism Committee continues to meet monthly and received good input and continue to look at rules and regulations that affect agri-tourism in Douglas County. He said if anyone was interested in participating or getting more information to let him know.

COMMUNICATIONS

Mr. Scott McCullough reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date. He stated that Commissioner Dominguez would not be present this evening. He also reminded the Commission that the November Mid-Month meeting would be early, November 3rd.

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Liese said he received a telephone call from Ms. Cindy Treester, resident of Lecompton, who had questions about the process but did not discuss anything specific.

Commissioner Burger said she received quite a few emails regarding issues discussed tonight and Wednesday.

Mr. McCullough encouraged the Lecompton Planning Commissioners to declare any ex parte. They did not have any ex parte.

- No abstentions.

PC Minutes 10/25/10 **DRAFT**

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

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

STAFF PRESENTATION

Ms. Mary Miller presented the item.

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

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

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

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

Ms. Miller said the applicant asked for fire protection.

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

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

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

APPLICANT PRESENTATION

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

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

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

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

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

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

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

Mr. Werner said there would be an agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Questions from Lecompton Planning Commission

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

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

Lecompton Commissioner Paslay inquired about the distance to the river.

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

Lecompton Commissioner Jeff Robertson said a few miles.

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

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

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

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

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

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

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

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

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

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

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

Mr. Browning said there are 8' paved shoulders.

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

Mr. Browning said no, there was not adequate right of way and that they could not afford to acquire enough right of way to do that. He said the analysis shows that in 2030 the road will be $\frac{3}{4}$ of its capacity.

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

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

PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPLICANT CLOSING COMMENTS

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

Commissioner Finkeldei asked where the current trucks travel.

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

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

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

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

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

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

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

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

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

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

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

Commissioner Harris inquired about them not seeking a conservation easement.

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

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

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

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

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

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

Mr. Browning said the eastbound shoulder was 8'.

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

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

Commissioner Harris asked if City Commission would approve that.

Mr. McCullough said he was not sure.

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

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

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

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

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

JOINT COMMISSION DISCUSSION

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

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

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

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

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

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

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

Commissioner Liese said he would support the item.

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

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

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

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

Action taken by Lecompton Planning Commission

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

Unanimously approved 5-0.

ACTION TAKEN

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

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

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

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

PC Minutes 10/25/10 **DRAFT**

**ITEM NO. 2 TEXT AMENDMENT TO SUBDIVISION REGULATIONS;
ENVIRONMENTALLY SENSITIVE AREAS (MKM)**

TA-06-12-08: Reconsider approving Text Amendments to Section 20-810 of the Subdivision Regulations [County Code Section 11-110] to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved, Section 20-812 [County Code Section 11-112] to revise the required contents of a plat to include environmentally sensitive lands provisions, and Section 20-815 [County Code Section 11-115] to provide definitions of terms related to environmentally sensitive lands. *Initiated by County Commission on 6/23/08. Previous draft approved by Planning Commission on 8/25/08.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Rasmussen inquired about the definition of mature stand of trees and wondered if the 8" caliper should be diameter at breast height.

*An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties covered by densely wooded growth of mature **containing** trees having a minimum height of **that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aeriels; and field surveys.)***

Ms. Miller said she checked with the City Horticultural Manager because it was a common term in the Development Code and also looked on an arborist website where they refer to diameter at breast height instead of caliper. She said they classify caliper as the instrument used to measure it. She said she could include the height in the definition.

Commissioner Rasmussen said in his experience with tree measurements there needs to be a reference point to where the measurement is taken and typically it's diameter at breast height. He said if this Text Amendment was approved he would recommend the definition be modified. He also asked if the triggering requirement for a sensitive area site plan was 500' square feet of environmentally sensitive land on a parcel of property. He thought that seemed too small.

Ms. Miller said that was in the original Development Code. She said in the first drafts of the Text Amendment it was recommended that any sensitive lands and the discussion was to go back to that original trigger of 500' square feet. She said a stand of mature trees was not considered a stand of mature trees unless it was a certain size. If it was only a 500' square feet area of trees it would not meet the definition of a stand of mature trees. A clump of trees would not put it into the requirement to do a sensitive area site plan, unless there were trees off site that would bring it to that threshold.

Commissioner Hird inquired if a tract of 501' square feet of mature trees and the contiguous tract had several acres would it meet the definition of a stand of mature trees. He asked if the 20% preservation would apply to that 501' square feet.

Ms. Miller said they would have to protect a maximum of 20% of the site but only if there was 500' square foot of trees. The 20% was the maximum required to protect if completely covered with trees.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Singleton, to approve the proposed amendment, [TA-06-12-08] clarifying the types of natural resources and environmentally sensitive areas that are to be protected, along with revisions to other sections of the Code to provide consistency, and forward to the Board of County Commissioners and the City Commission, with the inclusion of Commissioner Rasmussen's comments about the definition of mature stand of trees that the caliper be correlated to diameter at breast height or some other measurement location on the tree.

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

PC Minutes 10/25/10 **DRAFT**

**ITEM NO. 3 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE &
DOUGLAS COUNTY CODE; MINOR & MAJOR SUBDIVISIONS (SMS)**

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

Item No. 3 was deferred prior to the meeting.

PC Minutes 10/25/10 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Letter received from the City of Eudora regarding a proposed sand pit near the Wakarusa River.

Mr. McCullough explained the letter received by the City of Eudora and said at the time the communications was received there was no active application, but a Conditional Use Permit had now been received and would be heard by the Planning Commission at a future date.

Commissioner Rasmussen asked if the letter would become part of application and added to the future packet of communications.

Mr. McCullough said yes.

Commissioner Blaser inquired about how fast it would go through the process.

Mr. McCullough said it was hard to say because they are technical in nature.

Consideration of any other business to come before the Commission.

Recess at 9:27pm until 6:30pm on October 27, 2010.

PC Minutes 10/27/10 **DRAFT**

Reconvene October 27, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Finkeldei, Harris, Hird, Liese, Rasmussen, Singleton, and Student Commissioner Davis

Staff present: Corliss, McCullough, Stogsdill, Day, Leininger, J. Miller, Zollner, and Ewert

BEGIN PUBLIC HEARING (OCTOBER 27, 2010):

COMMUNICATIONS

Mr. Scott McCullough said there were PowerPoint presentations added to the packet.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Finkeldei said all the Commissioners received many emails for item 5. Commissioner Finkeldei said he received a call from Mr. Ron Schneider, attorney representing Mr. Haines, regarding Items 6A and 6B and asked that Commissioner Finkeldei recuse himself because several years ago he represented some tangentially involved parties. Commissioner Finkeldei said he discussed with City and County counselors and did not find any actual conflict that would cause him to recuse himself.
- No abstentions.

PC Minutes 10/27/10 **DRAFT**

ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; IBP DISTRICT (MJL)

TA-4-4-10: Reconsider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Section 20-403, and potentially other sections of the Code, to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. *Initiated by Planning Commission on 4/26/10. Approved 6-4 by Planning Commission on 6/23/10. City Commission returned to Planning Commission on 8/3/10. Deferred by Planning Commission on 9/20/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Rasmussen asked if a hotel, motel, or extended stay in the IBP district could have an accessory bar but not a separate bar, lounge, or nightclub.

Ms. Leininger said yes, they could have an accessory bar. She said currently an accessory bar was allowed in the IBP district, it just could not be accessory to the hotel but it could be accessory to a restaurant.

Commissioner Blaser asked if a hotel or motel that had a happy hour would not be considered a problem since it would only be during a certain time frame.

Mr. McCullough said the intent of the use standards was to reduce the activity that they talked about at the last Planning Commission meeting on this issue, which was the stand alone bar or lounge in the nightclub use. He stated the Code as proposed would allow a hotel with 50 or more rooms to have a restaurant and that the restaurant could have an accessory bar. A hotel could not have just a bar as an accessory use in the IBP district.

Commissioner Blaser gave the example of a Drury Inn that has happy hours.

Mr. McCullough said staff would review those when submitted but the intent was not to have a stand alone or nightclub in the IBP district. He said there are other districts available to those uses that are better suited to that type of use.

PUBLIC HEARING

Ms. Gwen Klingenberg, President of Lawrence Association of Neighborhoods, thanked staff and City Commission for looking at the issue again. She said the surrounding neighborhood already existed and the neighborhood was opposed to a hotel use in the IBP district because they fought for the use to be removed a few years ago. She expressed concern about balconies that might intrude on residential homes. She referenced Article 7 and Article 11 standards that applied to adjacent residential zoning.

Mr. Alan Cowles felt that no alteration was needed to the IBP definition. He said there had been discussion of putting a hotel or motel on McDonald Drive and that there was already a mechanism in place to do that. He said there are several categories already in existence that could handle it. He expressed concern about decreased residential property values. He asked them to deny the Text Amendment and that the entire neighborhood was not in favor.

COMMISSION DISCUSSION

Commissioner Finkeldei did not feel this was a necessary change and did not feel they should change it and at this point as it only affects one area and affects them negatively. He said he would not support the Text Amendment.

Commissioner Rasmussen asked what happened if they didn't move forward with this.

Mr. McCullough said if the Planning Commission failed to respond then it would be taken to City Commission with that as the response. He stated deferral was also an option if they wanted staff to work on various things.

Commissioner Liese inquired about the history.

Mr. McCullough said there was a request to amend the Code to permit hotel, motel, extended stay use in the IL district and a subsequent Site Plan application was submitted for south of Hallmark. When staff did research for that Text Amendment staff was of the opinion that the use was complementary of uses in IL and IBP, but not IG, so it was not a proposed use in the IG district. Staff brought forth the Text Amendment as a product of the IL Text Amendment and then they were separated and the IL went forward and was approved.

Commissioner Liese asked if it was staff's proposal to make it consistent and not a request from an outside party.

Mr. McCullough said that was correct. He said the largest area of IBP zoning today was in West Lawrence and that was where the discussion has focused. There are other areas for potential IBP zoning but staff was of the opinion that it was an appropriate use in that district. He stated there was no pending development today that would benefit by the Text Amendment. He said Mr. Cowles was right; one option for a potential development was to come in and request rezoning to commercial district. He said there were some impediments to that in the commercial districts that carry the hotel use, in terms of their size and designation in the Comprehensive Plan. In staff's opinion it was an appropriate use in the IBP district and would seek to remove any impediment to get the use established, if deemed to be appropriate, to support business uses.

Commissioner Finkeldei stated for the record, he voted against the Text Amendment with no use standards last time. He stated City Commission sent the item back to Planning Commission to look at the use standards. He said if this passes tonight he would like to keep the use standards but not think the Text Amendment was necessary.

Commissioner Burger asked if the Text Amendment did not pass would it be possible for a corporate entity to build an extended stay facility and would they have the means for going through the process to do so and work with the community and neighbors.

Mr. McCullough said yes, a probable avenue would be to apply for an IL rezoning request.

Commissioner Singleton agreed with the staff recommendation that this was an appropriate use in the IBP district. She said if it was built in an area like this it would be geared toward business travelers who need to be close to the facilities they are visiting. She did not think that making a motel, hotel, or extended stay facility go through a special application process was necessary in a situation like this. She did not see a motel, hotel, or extended stay facility designed to be built in a neighborhood like this having a huge detriment to the neighborhood. She felt it would be good for the business traveler to have access, good for the industry, and good for the community.

Commissioner Rasmussen agreed with Commissioner Singleton. He said having a hotel, motel, extended stay built in an IBP area around Bob Billings and Wakarusa would do nothing but benefit the area, such as a Marriott Extended or Drury Inn. He stated that City Commission sent this back to Planning Commission because they were concerned there were no restrictions on bars and clubs. Without those restrictions there could be a separate bar and could advertise just for that business. He said with the incorporated staff suggestions it would allow for an accessory bar that would be part of the restaurant but not a standalone type business. He stated that the types of investors that would build a hotel, motel, extended stay in that area are targeting to business travelers and would not be real tall structures with loud guests. He pointed out that manufacturing was a permitted use already in that area and he did not see a hotel as being as onerous as a manufacturing facility. He said he would support the Text Amendment.

Commissioner Liese said he was leaning toward supporting the Text Amendment. He felt it was safer for guests to be able to eat and drink at the hotel they are staying at instead of getting in their rental car and driving through town. He stated regarding the balcony issue, homes are built so close to each other that people see into each other's homes when their curtains are open so he did not think a hotel would be that different. He said it was not uncommon even in a residential setting.

Commissioner Hird agreed with some of the comments about the usefulness of having some sort of facility in the IBP district and felt it could be done in a non-offensive way. He said he was somewhat concerned about the comments that Ms. Klingenberg made about balconies and said he could see where that might be an issue to consider during the site planning process. He said he supported the concept to allow the use in the district.

Commissioner Harris said she would vote against the Text Amendment and felt that hotels had a different kind of impact on adjacent neighbors than manufacturing. She said hotels have a lot of activity in the parking lot, food service trucks, and different kinds of disruptions. She agreed with Commissioner Finkeldei's statement that it was not really needed at this time.

Commissioner Burger agreed with comments from Commissioners Finkeldei and Harris because of the West Lawrence location of IBP. She said she would prefer a process that encourages more of a community consensus. She said she would vote in opposition.

Commissioner Liese asked what happened if the vote resulted in a tie.

Mr. McCullough said the motion would fail.

Commissioner Liese said he was pleased by the atmosphere on Monday and felt that community collaboration was important.

Commissioner Hird said when talking about community collaboration he sensed what this grew out of was the comment that they could require people to go seek rezoning and that would allow this process to start all over again. He said a change in rezoning was not a given, it was a difficult and sometimes lengthy process. He said they have spent hours talking about economic development and making it easier to do business in Lawrence. If they were going to require someone wanting to build a hotel to seek zoning in an IBP district it would put an impediment which is what they were trying to avoid. He said the Text Amendment was initiated to provide this as a permitted use in all IBP districts.

Commissioner Rasmussen asked Commissioner Finkeldei to clarify his comments about restrictions not being necessary. Commissioner Rasmussen stated that Planning Commission previously

approved the use of hotel, motel, extended stays in IBP areas and then City Commission came back and asked Planning Commission to look at restrictions.

Commissioner Finkeldei said he voted against the Text Amendment last time with no restrictions. He still did not think it was a necessary change to make at this time. He said Commissioner Rasmussen made a good point stating that City Commission sent it back for Planning Commission to consider the use restrictions. City Commission did not send it back for Planning Commission to reconsider the whole thing, they sent it back to consider use restrictions.

Mr. McCullough said that was fair, it was certainly open to expand that through the minutes and convey messages about the whole Text Amendment. Typically when City Commission sends back an item it was to talk about specific issues and the specific issue with this one was should there be use restrictions associated with the permitted use of hotel, motel, extended use in the IBP district.

Commissioner Finkeldei said if that was the case then he would vote to support the use restrictions

Commissioner Rasmussen said to him that was all they were considering. He did not feel they were being asked to consider if hotel, motel, extended stay were permitted uses in IBP.

Commissioner Liese read the motion from the City Commission minutes:

Moved by Dever, seconded by Cromwell, to send this item back to the Planning Commission Text Amendment (TA-4-4-10), regarding the City of Lawrence Land Development Code, Chapter 20, Section 20-403 of the Code of the City of Lawrence, KS to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District, to discuss and consider the use standards for compatibility of the accessory uses. Motion carried unanimously.

Commissioner Finkeldei said if that was what they were being asked to consider then he would vote yes on the use standards but he noted that he still did not think the Text Amendment was a good idea.

Commissioner Burger said she would vote in favor of the changes that have been made but she still did not feel the use was necessarily correct for that area.

Commissioner Blaser said he would support the use standards as well as no balconies.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Liese, to approve standards regarding accessory uses to hotel, motel, extended stay and the revision of language for wording consistency for Text Amendment TA-4-4-10 to amend the Land Development Code, Chapter 20, Sections 20-403, 20-509 and 20-1724 in accordance with the staff report and for the reasons set forth in the staff report.

Commissioner Harris said she had been in some hotels that had an interior courtyard with balconies but no balconies on the outer areas and she said that was a concept she could support.

Commissioner Blaser said he would not want to see balconies facing private homes.

Commissioner Finkeldei said the balconies would be a Site Plan issue.

Commissioner Rasmussen said it also works that way for the patrons of the hotel because there could be people looking in the hotel as well.

Motion carried 7-1, with Commissioner Harris voting in opposition. Student Commissioner Davis voted in favor.

PC Minutes 10/27/10 **DRAFT**

ITEM NO. 5 RM15 TO RM24; 15 ACRES; 4100 W 24TH PLACE (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W. 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

STAFF PRESENTATION

Mr. Scott McCullough presented the item. He said staff received direction last week from the mayor through another City Commissioner to bring forth a memo tentatively scheduled for the November 9th City Commission meeting that would put forth a plan for the area. He said the memo would go to City Commission on November 9th that would give them the option to initiate a district plan that could be used in this type of situation to basically master plan these undeveloped parcels.

Mr. McCullough said the applicant would like to have the hearing tonight.

Commissioner Harris asked if they defer the item and send to City Commission to talk about a new plan for the area would it result in a less continuous process for further development of the area.

Mr. McCullough said staff would hope that the product would be policy guidance about how the undeveloped parcels should be developed so that it sets the expectation to surrounding neighbors, owners of those undeveloped parcels, staff, and the governing bodies.

Commissioner Finkeldei asked if it was City Commission, not Planning staff, that was requesting this.

Mr. McCullough said yes.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants, Inc., said he spoke with Planning staff this morning. His concern was that if it was delayed it will be at least a month. He stated if City Commission decided to study the property it would cause a 4-6 months delay. He would like to keep going in the process.

Commissioner Liese said he would probably be permanently influenced by how well the Monday Planning Commission meeting went with how well the developer worked with the community.

Mr. Hamby said on another Casitas project they did spend a lot of time with the neighborhood and it was approved by Planning Commission twice. He said it was sometimes tough to get everybody on the same page sometimes. He did try and work with the neighborhood as part of the process and the City sent out an extended mailed notice to the neighborhood.

Commissioner Liese asked if Mr. Hamby saw potential value in taking the time to look at the master plan as a way of meeting everyone's needs

Mr. Hamby said he did not have an answer for that other than he has tried to work with some of the land owners and property owners. He said it was a tough balance to strike when talking with developers and residents about where to meet in the middle. He said 4-6 months was a long time to wait in the development world and would push back construction to 2012.

Commissioner Harris asked if Mr. Hamby held neighborhood meetings.

Mr. Hamby said on the rezoning process, no.

Commissioner Rasmussen said he used to live next to Crossgate and it has changed a lot. He said he could understand the frustration of the neighbors in the area. He also said he understood there was an evolution to properties. He said City Commission came forward and expressed an interest in doing a more comprehensive look at the property and he would like to see that done. He said he would prefer to defer the item to allow time for that.

Commissioner Finkeldei agreed with Commissioner Rasmussen. He said Planning Commission's job was to give recommendations to City Commission and if they want to look at issues more comprehensively then they should listen to them and defer this tonight.

Commissioner Singleton said she was comfortable with the deferral since it would only be three weeks.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Hird, to defer the item to the November 15, 2010 Planning Commission meeting.

Mr. McCullough clarified that City Commission did not ask for a deferral, it was staff's process interpretation of what the options are.

Commissioner Burger said she would support the deferral because they received a lot of input from the community on the issue but the applicant did not. She felt the deferral would allow time for the applicant to review the objections.

Motion carried 8-0. Student Commission Davis voted in the affirmative.

PC Minutes 10/27/10 **DRAFT**

ITEM NO. 6A 51.13 ACRES; N 1800 RD & E 1000 RD (SLD)

A-9-3-10: Consider an Annexation request of approximately 51.13 acres, located at the southwest corner of N 1800 Rd (Farmer's Turnpike) and E 1000 Rd (Queens Extended). Submitted by Venture Properties, Inc., property owner of record.

ITEM NO. 6B COUNTY A-1 TO CITY IG; 51.13 ACRES; N 1800 RD & E 1000 RD (SLD)

Z-9-13-10: Consider a request to rezone approximately 51.13 acres from County A-1 (Suburban Home Residential) to City IG (General Industrial), located on the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Extended). Submitted by Venture Properties, Inc., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 6A and 6B together.

Commissioner Harris asked why staff was recommending annexation for this item but not for the Berry Plastics rezoning they heard on Monday.

Ms. Day said this was a voluntary annexation by the property owner and it was within the Urban Growth Area. City plans talk about seeking and encouraging voluntary annexation over the City annexing it. She said the Berry Plastics site was further out and was not within any identified areas at this time.

Mr. McCullough said this was an area currently being studied for water and wastewater master planning and the Berry Plastics site was outside of that.

APPLICANT PRESENTATION

Ms. Jane Eldredge, Barber Emerson said both this site and the Berry Plastics site were not contiguous to the City limits so an annexation could only be done with consent or at the request of the property owner. She showed pictures of the area on the overhead. She also showed on the overhead different sector plans that were considered during the sector plan process. She said this annexation and rezoning request were the poster child of long range planning. She said the principals and goals in Horizon 2020 identify this area of the city as one that would be helpful in assisting job growth. She said the Sector Plan for the area was not uniformly loved by all but that it was a compromise that was the result of a lot of hard work in trying to keep the community goals in mind as well as the residents. She stated one of the reasons annexation was required along this corridor was to bring into play the much more rigorous city standards that would apply to landscaping, parking, stormwater, sewer, buffering, and setbacks. All of those things are required under city codes but not county codes. She also said it would bring it within the ambience of the city industrial zoning as opposed to the county industrial zoning. She said the property owners have had prospects looking at the site.

PUBLIC HEARING

Mr. Tom Kern, President of Lawrence Chamber of Commerce, said the site was within the Horizon 2020 and Farmer's Turnpike Plan as industrial and follows the logical process of planning already done. He said there exists a significant need for additional industrial sites in Lawrence and Douglas County, especially larger tract sites of 45-50 acres or larger. He said the land was relatively flat and had excellent road access. He said the Chamber, the City, and others have done significant investigations looking at the economic feasibility of providing water and sewer to the sites so that

eventually a benefit district could be created. He said the Chamber supported the annexation and rezoning and felt it was in the best interest of the community.

Ms. Beth Johnson, Chamber of Commerce, discussed the limited availability of properties for industrial use. She said some of the properties that show up on the map as being available industrial land are not willing land owners so they are not available. She mentioned several businesses that looked at coming to Lawrence. She displayed on the overhead the economic development prospect overview from 2006-September of 2010:

Economic Development Prospect Overview from 2006-2010 (Sept.)

	2006	2007	2008	2009	2010
Number of Inquiries - Total	66	63	47	46	30
Number of Inquiries - Land	16	18	10	18	7
I70 Specific Request				3	4
% Eliminated due to lack of site	35%	51%	55%	35%	71%
Requests for up to 5 Acres	12%	6%	0%	0%	0%
Requests for 6-10 Acres	19%	17%	0%	6%	0%
Requests for 11-30 Acres	31%	11%	0%	6%	0%
Requests for 31-50 Acres	0%	17%	30%	17%	29%
Requests for 51-99 Acres	12%	33%	20%	11%	29%
Requests for 100+ Acres	26%	17%	50%	28%	43%

Number of Inquiries - Buildings	33	31	24	35	21
% Eliminated due to lack of building				43%	33%
Requests for 1-25,999 Square Feet	18%	13%	38%	20%	29%
Requests for 26,000-44,999 SF	24%	23%	13%	23%	14%
Requests for 45,000-75,999 SF	18%	13%	4%	9%	19%
Requests for 76,000-99,999 SF	6%	16%	13%	6%	14%
Requests for 100,000-149,999 SF	9%	10%	8%	14%	5%
Requests for 150,000-199,999 SF	9%	10%	13%	20%	10%
Requests for 200,000-399,999 SF	6%	13%	13%	11%	19%
Requests for 400,000+ SF	9%	3%	0%	3%	5%

Mr. Dan Brogren, The Trust Company of Kansas, agent and attorney-in-fact for an individual who owns property to the west of the subject-tract, on N 1800 Road. He said the owner had no objection whatsoever to the requested annexation/zoning request referenced under Items 6a and 6b.

Mr. Greg Burger, lives at 1847 E 800 Road, expressed opposition to the rezoning and annexation. He felt it was too soon for this to take place. He did not want an industrial park in his neighborhood. He expressed concern about the bike path not being wide enough. He said currently the bike lane is 2' between Kasold and the Farmer's Turnpike/K-10 by-pass. He was concerned about decreased property values. He said it was farmland and he moved to the country to get away from the city. He was disappointed in the process in general.

Commissioner Liese asked how far Mr. Burger lived from the proposed site.

Mr. Burger said about two miles in driving distance.

Commissioner Liese asked how likely it would be that he would see the property from his house.

Mr. Burger said it was not likely he would see the property from his house but he was concerned about a domino effect.

Commissioner Liese asked if his main concern was aesthetics.

Mr. Burger said yes and increased traffic as well.

Ms. Marguerite Ermeling, lives north of the area about ½ mile on 950 Road, said she wanted to point out several things she felt needed to have the curtain pulled back on. She appreciated the comments by the Commission in expressing interest in public participation with Berry Plastics and how it moved along well. She said that did not happen with the Sector Plan process for this area as suggested earlier. She said this particular Commission gave a 9-0 vote to go explore Ms. Bonnie Johnson's presentation in work meetings. She said the one big public announcement meeting had about 75 people in attendance and that they met at the Lawrence Aquatic Center. She said the Planning Staff was nearly tarred and feathered out of there because the people were presented with a 'done deal' type plan of what staff had come up with and what they expected it to be. She felt the process did not start out well and was not at all what happened with the Northeast Sector Planning process. She said they were offered three work sessions and they offered 13 names on a list to the Planning Department. She said they were only allowed 5 people to be present and that they were told by Mr. McCullough that he had been instructed that they were only allowed to stay in the toolbox and not allowed to pursue any investigation into Ms. Bonnie Johnson's presentation. She said they ended up with a plan that did not register the neighbors and did not register the larger group of the area at all. She stated the plan that her group presented was not considered on any level. She said the plan that was adopted was the one that was pushed upon the group and not what the neighborhood would like to see. She also said this annexation and rezoning was brought to the Planning Commission falsely with the suggestion that there was any real participation of the neighborhood or other stakeholders. She felt this was not a well done study or sector plan, upon which was now going to base another opportunity for annexation. She recommended that the Sector Plan needed to come back and done correctly.

Commissioner Burger asked Ms. Ermeling what she would change about the Sector Plan.

Ms. Ermeling said her groups plan included the 150 acres of heavy industrial IG and looked at the rest of the area as relatively agricultural. She said Ms. Bonnie Johnson brought awareness to the Commissions that there were possibilities of how integrating different levels of industrial into a rural space and brought forward the kinds of zoning changes or additions of zoning brackets that could be created creatively. She said that was not considered at all. She said regarding the solar company that Ms. Beth Johnson mentioned that looked into Mr. Schwada's 155 acres, her group came forward to meet with the City and Berry Plastics and offered to drop all cases for the purpose of them getting that area to use. She said they offered to drop it all on the basis of two things; a lower industrial rating instead of IG, and a review of the discussion about the Sector Plan. She said their offer was declined.

Commissioner Liese asked Ms. Ermeling to comment on the annexation and zoning separately.

Ms. Ermeling said if the sector plan was different this piece of property would probably not be coming forward right now for annexation. She was concerned about island annexation with no intent of what would go there out on the perimeter of an urban grown area which she felt was massive for this city. She said even if the floodplain and all the protected lands were taken out there was still a massive amount of urban growth area to grow into. She was concerned about the cost of extending infrastructure out there and felt it was premature to annex the property. She said this was not a unique piece of land and was just near an interchange. She said the Commission might want more industrial zoning but that there should be a more coordinated effort than just surrounding the entire community with it.

Commissioner Liese inquired about her compromise of lighter zoning.

Ms. Ermeling said that related to the 155 acres at the intersection of K-10 and Farmer's Turnpike. She said her group sent the letter to the City and requested the meeting to occur, which it did. She said on Monday Berry Plastics told her that they did not have a problem with the condition. She said to her knowledge it was the property owner that did not want lighter zoning. She said she did not know how the City felt about it.

Commissioner Burger asked what percentage of the Sector Plan she objected to.

Ms. Ermeling said she did not have that off the top of her head.

Mr. Jim Haines said he lives directly across the turnpike from the 51 acres being discussed tonight. He said he was with Ms. Marguerite Ermeling during the sector planning process and everything she said was accurate from his perspective. He said there was a tremendous amount of process but he was not able to cite one substantive element that was suggested by the residential neighbors that ended up in the final plan. He said Ms. Jane Eldridge used the word 'compromise' but that it was not an appropriate word to use to describe the sector planning process. He said his preference would be that the property remain agricultural, but he was realistic and a landowner should be able to direct the use of his/her land, within limits. He felt that when a change in use was requested that the requested change should, within limits, be consistent with the established uses in the immediate neighborhood. He said there were residential houses directly in view of this land. He said it was not realistic for him to always expect to see corn growing there and knew at some point the land would be developed, but did not agree with it going from a corn field to the highest level of intensive industrial use when there are residences immediately adjacent.

Commissioner Liese inquired about Mr. Haines statement "that nothing proposed by residents was followed."

Mr. Haines said that was his recollection. He said he was part of the meeting at which they attempted to make a compromise with Berry Plastics and he supported the Berry Plastics proposal of 155 acres.

Mr. Darrel Ward, 922 N 1800 Road, urged them to deny the annexation and rezoning of the property. He discussed the size of the property and timing of the annexation and rezoning. He said regarding the size it was a long narrow site and typically industrial sites would not be a good fit for long narrow sites. He said regarding the timing there was no rush to annex and rezone the property because the developer had no client lined up for this site. He said in the K-10 & Farmer's Turnpike Sector Plan there were a lot of references to large sites and large scale industrial uses. He said he is an industrial designer with Black & Veatch and the site was not big enough for proper industrial use. He stated this was the first rezoning in the K-10 & Farmer's Turnpike Sector Plan and would set a

precedent or create a domino effect for rezoning and development in the area. He read a quote from Benjamin Franklin "one fact will ruin a good argument." Mr. Ward gave one fact that there was no rush to rezone or annex the property.

Commissioner Liese said he was interested in Mr. Ward's thoughts as a neighbor since he too lives in the area. He said he was not convinced that timing wasn't an issue given what Ms. Beth Johnson shared about businesses interested in space on I-70. He said he was not comfortable judging how a developer or industry decide to design their space. He asked how it would affect Mr. Ward as a property owner in the area.

Mr. Ward said he would have to look at it every day and drive past it every day. He spoke about Ms. Beth Johnson's figures on 4 inquiries out of 30 inquiries requested I-70 sites which was only 11% so he was concerned about catering to the minority. He said if half or a third of the applicants asked for I-70 access that would be a different matter. He said he had 47 years invested in the area and did not think this intensive of industrial was a right fit.

Mr. David Corliss, City Manager, told a story about his daughter looking for a prom dress and how she wanted multiple choices not just one dress to choose from. He related the story to businesses also wanting choices for sites. He stated that industries need multiple locations to choose from and the community needs to provide choices. He said some businesses are going to want to locate along the I-70 corridor. He said there have been discussions this evening about the validity of the adopted K-10 & Farmer's Turnpike Sector Plan. He said it was approved by County Commission, City Commission, and a lawsuit against it was dismissed. He asked Planning Commission to use planning documents already in place. He said they have looked at infrastructure extensions at the location. He said this site was active during Berry Plastics discussions until Berry Plastics decided to relocate. He said he wanted to make sure that when the next industry comes to town they have additional sites to try and locate companies within the community. He stated that if the community does not expand its tax base it will either have to increase taxes or decrease services. He stated he was also in some of the meetings regarding the 155 acres for Berry Plastics. He said he had a different recollection as to the number of conditions the plaintiffs proposed in order to dismiss the lawsuit, which he said continued to this day. He emphasized the need for choices in the community and that developers want a selection of sites to choose from.

Commissioner Harris asked Mr. Corliss to elaborate on infrastructure plans.

Mr. Corliss displayed a sewer and water line map on the overhead. He stated the City has Comprehensive Water and Wastewater Master Plans and that one of the ways to determine where lines go was through the Comprehensive Master Plan process. He said the Development Policy indicates that if a property owner consents to annexation within the city they can extend, at their cost, city water and city sewer facilities to their property. He stated those were the two primary guides for getting infrastructure to a site. He said water was a little problematic and the best way to get water to the site was to cut through Rural Water District #6, which they have had discussions with. He said the City treats the water that Rural Water District #6 uses. He said they have also had discussions with Rural Water District #1 which serves the area south of I-70.

Commissioner Harris inquired about what they needed to do to determine whether an annexation and rezoning would not hinder or prevent proper growth of the area. She wondered about getting infrastructure to a property and said it sounded like the line would follow gravity and then go back to the property, not just going the shortest distance.

Mr. Corliss said that was correct. He said the infrastructure installations would make sense for the long term urbanization of the property.

Commissioner Liese said he was trying to keep the annexation and rezoning separate. He inquired about the City's involvement about discussions regarding annexation with community members and if it would be normal.

Mr. Corliss said it would not be normal in this situation or probably in most situations. He said it would usually be the responsibility of the applicant when they have more definitiveness on the project. He said he has not had any conversations with adjacent property owners.

Mr. McCullough said there was an extra process built into the City's policy to send annexation requests over 10 acres to Planning Commission, which was not required by statute, but was a practice to get public input of the community.

Commissioner Liese asked if this was the process.

Mr. McCullough said yes.

Mr. Corliss said there was no statutory requirement for annexation requests made by the applicant to go before Planning Commission. It was a City decision to have annexations of more than 10 acres be reviewed through Planning Commission.

Mr. Dave Ross, President of Scenic Riverview Community Association, said Mr. Dave Corliss was correct, there were actually three things the group asked for in the Berry Plastics meeting Mr. Corliss referenced. He said they saw an article in the Lawrence Journal World in December that Berry Plastics was considering moving out to that area so the group initiated through their attorney a letter to the City Manager requesting a meeting with the City Manager and Berry Plastics. He said after seeing the plan of Berry Plastics and what they were wanting the group had a side meeting for 15 minutes and came back with three suggestions; downzoning to either IBP or IL, incorporate design guidelines with things such as berming and screening, and that the Sector Plan would be looked at again. He thought Berry Plastics and the City Manager thought the requests were reasonable. He said the developer agreed to only downzone the 60 acres that Berry Plastics wanted. He said one thing that had not been pointed out was that he asked Ms. Beth Johnson if there was anything that could be built in East Hills Business Park that could not be built with IL zoning. He said the answer he was given was no. He wondered why the property had to have IG zoning because he said there would be very little resistance to IL zoning. He said the answer he got from the developer was that the developer wants to keep his options open. He said that sort of language scares the neighbors. He requested that if Planning Commission proceeds with the annexation they at least consider a lesser zoning on the property. He said another thing that hasn't been discussed is the quality of life issue. He said he spends a lot of time in Boulder, Colorado and that they have a green zone around the city that no one can build upon. He said he read a recent newspaper about American Planning Association designating Massachusetts Street as a 'great street.' He said in 1986 a developer wanted to knock down the 600 Massachusetts Street and put in a downtown mall. He said the lead developer of record was Mr. Duane Schwada and that the apple hasn't fallen far from the tree.

Commissioner Hird inquired about his comments about a green zone and asked where IG zoning would go.

Mr. Ross said he had not thought about it. He said the offer to the City still stands to drop the litigation. He felt that IL would be more appropriate zoning.

Commissioner Hird asked where he would want IG zoning.

Mr. Ross said the Farmland piece of property and more pieces on the east side of town. He wondered if an IG zoning type of business would really take them to the dance. He felt that IL or IBP zoning could give them what they need in terms of employment, quality of employment, and the type of wages they want. He said he was in favor of helping the Chamber get what they need to attract jobs to the community but felt IG zoning was too intense and was concerned it would create a domino effect. He said one of the comments Commissioner Chestnut made during the Lowe's rejection was that he felt like it was a breach of promise to the neighborhood. Mr. Ross said his group feels that way about this project.

Commissioner Hird asked if Mr. Ross participated in the sector plan process.

Mr. Ross said yes, he was present at every single meeting.

Commissioner Rasmussen said he remembered a lot of effort from City Staff to go out and engage with residents of the area and stakeholders. He said he also remembered a lot of Planning Commission meetings where they worked on the Farmer's Turnpike Sector Plan. He asked how Mr. Ross could say that that plan was adopted without the benefit and inclusion of stakeholder input.

Mr. Ross said that Ms. Ermeling and Mr. Haines already addressed that. He said the plan that the group showed of rural industrial parks in Illinois, Canada, and California seemed to peak the Planning Commissions interest and that Planning Commission instructed the group to pursue those. He said when the group attempted to do that they were told it could not be done in Lawrence. He said the plans Ms. Jane Eldredge showed on the overhead tonight almost reflected a full circle from the original plan to what ultimately happened.

Commissioner Rasmussen said he voted against the K-10 Farmers Turnpike Sector Plan because every time they got an iteration before Planning Commission the amount of industrial land shown on future land use map seemed to go down.

Mr. Ross said when his group did the numbers and showed their plan it had more industrial space with more at the east end.

Commissioner Rasmussen said the ultimate plan that Planning Commission ended up voting on was quite a bit less industrial land then what they started with. He said he voted against it because he felt the amount of industrial space along that corridor went down inappropriately.

Commissioner Blaser inquired about the comment in the Scenic Riverview Community Association letter regarding the probability of Kmart relocating its facilities away from Lawrence. He said he has not heard anything about that and asked if he had facts regarding that statement.

Mr. Ross said that was just conjecture based on some of the things the Scenic Riverview Community Association has talked about. He said it was a probability statement for them to think about.

Mr. McCullough said the Planning Commission inquired to him about the factuality of that statement because it was stated as a pretty hard statement in the letter 'it appears probable that Kmart will relocate its facilities away from Lawrence.' He said there have been recent discussions with Sears about a minor improvement at that site but there was no indication that they were ready to leave

Lawrence, and in fact it was quite the opposite indication because they have invested a lot of time, money, and effort into a state of the art warehouse facility for their needs.

Mr. Don Rothwell said he was the executive of his father's estate which was directly west of the property in question and they agree with the annexation and rezoning. He said the new road was progress and if they don't have facilities in place for these corporations to relocate they will go somewhere else. He was in favor of the proposal.

Mr. Rich Mahaley said he lives across the highway from the land proposed for annexation and rezoning. He said at neighbor meetings he felt like the sector plan was in place and did not feel like the neighbors were involved. He said he would be able to see the facility across the highway. He said he has no problem with progress but he does have a problem with the level of zoning and felt that a lower zoning would be more appropriate. He expressed concern regarding drainage and flooding issues of the property. He said the property was far from the interchange and traffic would increase. He stated Queens Road was a chip-n-seal road and expressed concern about increased traffic on it. He also expressed concern about his property value being lowered.

Ms. Ermeling said she understood the need for some level of industrial but that it seems to be a committed major move to make it really available everywhere all around this community. She said it was necessary to have some of that and some variety of choices. She wondered why the solar business didn't consider the northwest corner of Highway 40/10. She said the point was to look at the bigger scope of things and that IG zoning does not necessarily equal jobs. She said this site and area has been determined that it is going to be IG and eliminates it to be something else that still brings in jobs and taxes. She said they do need sites for IG but how much. She questioned the concept that the whole thing needed to be IG and felt they needed variety.

APPLICANT CLOSING COMMENTS

Ms. Jane Eldredge thanked the Commission for being patient.

COMMISSION DISCUSSION

Commissioner Finkeldei asked staff to comment about the drainage that one of the speakers mentioned as a concern.

Mr. McCullough said development was a linear process. He said they will determine through studies where warrants will exist for making improvements for adding elements of bike lanes, sidewalks, paths, and such. He said that development starts out unimproved and as development occurs they make the necessary improvements required. The road improvements and drainage issues would be studied at the appropriate process development time and that it was not necessarily at the rezoning and annexation time. He felt the city stormwater standards were higher than the county and that they go to great lengths to retain/detain water appropriately for each development.

Commissioner Harris inquired about the sentence 'will not hinder or prevent the proper growth of that area.' She asked for examples of projects that they would conclude that it would hinder growth and development.

Mr. McCullough said if there were a utility plan that was associated with this request that may not have been thoughtfully planned out and wouldn't take the whole watershed into account. Some of those decisions have to be made as they move down the line on those projects. He said they have tried to demonstrate that if they are seeking to develop industrially there may be interim infrastructure solutions that may have to occur in the interim until urban services are required or can be extended to those development projects. He said industrial development was a little different

animal than residential and commercial development because it could be a much longer timeframe to get full occupants. He said East Hills Business Park, for example, was still not fully occupied. He said in this particular case the ground work and foundation have been laid for proper growth and development because they have done the sector planning, in the midst of utility planning, reviewing master plans, and looking at a first step in development on a couple of parcels. He said this was not the first parcel to annex and rezone in the Farmer's Turnpike Sector Plan.

Mr. Corliss said the language was taken from KSA520c, which was the island annexation statute. He said its primary purpose was to make sure cities would not annex property that would interfere with the orderly development of other cities. He gave an example of where there would be major conflict, such as if the city wanted to annex property that would be in the orderly growth pattern of another urbanizing area or incorporated city.

Commissioner Harris said on Monday they talked a lot about traffic on Farmer's Turnpike and that it was good that Berry's Plastics would have lighter truck loads. She wondered about the possible impact of heavier truck loads on the road from this project.

Mr. McCullough said if there were improvements warranted, such as turn lanes or signalization, could be paid for by a specific project or part of a benefit district that would be shared by a finite area of property owners. He said the traffic studies help determine when those things are needed. He said the Farmer's Turnpike carries a lot of truck traffic today because of the industry to the east over to the west interchange. He said typically arterial road sections were borne by the public at large.

Commissioner Harris asked if the public at large was the county or city.

Mr. McCullough said it could be either and depends on whether it's a shared or internal road.

Commissioner Liese said he was really doing his best to keep the annexation and rezoning separate. He asked each Commissioner to comment about keeping them separate. He wondered if they could really break the requests apart.

Commissioner Finkeldei said the short answer was yes because it was two separate votes. He said he would support the annexation and rezoning. He said a few months ago he voted against the Lowe's project location because it went against a lot of different sector plans in place. He said in this case he would support the annexation and rezoning because of the sector plan that was passed designating the land as IG. He said he respectfully disagreed with people who said there was no public input process. He said he personally sat through five Planning Commission meetings regarding the subject. He said it was true they did not adopt the plan everyone agreed with or liked but that there was certainly a public input process. He said Planning Commission, City Commission, and County Commission all adopted the sector plan. He said the request complies with the plan. He said annexation was consistent within the urban growth area and in an area that was planned for. He felt it was important to have IG zoned land available. He said regarding the domino effect, it depended if there was other land to be used. He felt it was important to follow plans that they pass.

Commissioner Singleton said she would support both the annexation and rezoning for a variety of reasons. She said it does go along with sector plan that went through the appropriate process. She said she voted against the sector plan and was in the minority. She said she remembered Planning Commission meetings that went till 1:00am listening to public comment and that some of the compromises went into the plan. She said there was public participation and that this was the sector plan that came out of the process. She felt as a Planning Commission they were responsible for looking to the sector plan for guidance when making decisions. She said this piece of property makes

complete sense because it abuts I-70 which is noisy and not pretty. She felt this was an appropriate use of the land and would be good for the community.

Commissioner Liese said their comments were helpful.

Commissioner Hird said the process was long and not easy. He respectfully disagreed with the comments about there not being public input. He said unfortunately sometimes when people's substantive ideas are not incorporated it becomes the fault of the process instead of the ideas. He said that intelligent honest people can disagree and that's what they had in developing this sector plan. He reminded them not to lose sight of Horizon 2020 which applies to this region identified for growth. He said he was a rural resident himself and he appreciated the comments about the change that comes to an area. He said he would probably be opposed to it as well if he lived in the area and he was glad people have been participating in the process. He said the fact of the matter is that it was consistent with the sector plan. He stated through the 14 public meetings he felt everyone had a chance to air their opinions and this was the sector plan that was adopted. He agreed with Commissioner Finkeldei that if they adopt a sector plan and then immediately turn around and say "we really didn't mean it" then they undermined the process. He said he would support the applicant and hoped that a refinery would not be what people see when they drive into town because the appearance of the community was important.

Commissioner Harris agreed that there was public input and compromises at the Planning Commission stage. She felt that some of the heartburn from the folks who live out there comes from the beginning process where a plan was presented to them. She said another area of heartburn was that the plan Ms. Bonnie Johnson presented didn't get any traction. She said the majority of Planning Commissioners did not agree with the public concerns and instead approved the sector plan, and so did the City and the County. She said although she did not vote in favor of the plan it was the tool that was in place and they must use now. She said when she discussed her thoughts about this plan she thought there should be some industry out in that area near the interchange and this property was near the interchange. She said she would be happier if it was zoned IL instead of IG, but she did not have a problem with it being industrial. She said as far as the annexation being tied with the zoning Ms. Eldredge pointed out earlier if this was in the city then the property would comply with city standards and guidelines which were more stringent than the county. She said she would prefer to annex property after the infrastructure plan was completed. She said if they deny the annexation they would have to come back with county zoning.

Commissioner Hird inquired about the difference between the public process of a sector plan versus a neighborhood plan.

Mr. McCullough said probably each one of the sector plans and neighborhood plans have started out a little bit differently. He said there was staff analysis to determine elements and issues. He said one big difference is that the neighborhood plans is typically urbanized already and sector plans are typically non-urbanized in nature. He said typically staff likes to go to meetings with a concept plan for the public to react to. He said if they don't start with something for the public to react to it doesn't go very far very quickly and can be muddled.

Commissioner Rasmussen said they heard a lot of testimony and continuing frustration about the 155 acre parcel but that was not what was before them tonight. He said the property before them tonight fits with the sector plan. He said they took a lot of public comment for the sector plan and compromises were made on both sides. He said he voted against the sector plan because he felt that with the access to I-70 this was a natural location for more industrial development. He felt they would see more requests for industrial development and that they would probably be amending the

sector plan at some point in the future to provide for more industrial development. He said the Development Code says the purpose of IL land was to primarily intended to accommodate low impact industrial wholesale and warehouse operations that are employment intensive and compatible with commercial land uses. He said he wouldn't consider this area as commercial land area. He said the definition of IG zoning was primarily intended to accommodate moderate and high impact industrial uses, including large scale or specialized industrial operations requiring good transportation access. He said this proposal fits that definition so he would be support the annexation and rezoning.

Commissioner Burger said she would support the annexation and rezoning because it falls within the guidelines of the sector plan. She agreed that there needed to be multiple sites to choose from. She said if the city perhaps owned all the available property that could be developed that might not be an issue, but having various sites was as much about having different opportunities to deal with different developers. She said she did not like everything about this but felt that sticking with the sector plan was the best thing they could do at this point.

Commissioner Liese said his responsibility was to the larger community and that the sector plan was important. He said if he were to vote for the annexation and against the zoning it would be because he was disturbed by stories regarding the process. He said he would vote in favor of the annexation and zoning given that the sector plan was in place before he was on the Planning Commission.

Commissioner Blaser said he would vote in favor of both proposals. He felt that IG zoning was the right zoning for the area. He did not necessarily agree that the shape of the land was a big issue. He wished they did not have to do spot annexation but in this case they need industrial land and need all kinds of industrial land in different locations.

Commissioner Rasmussen said they needed to keep in perspective that the interchange added to I-70 where K-10 meets I-70 changed the dynamic and changed the character of the land radiating out from that, which was a natural occurrence.

ACTION TAKEN on Item 6A

Motioned by Commissioner Rasmussen, seconded by Commissioner Hird, to approve the annexation (A-9-3-10) and forward a recommendation to the City and County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and;

Recommend that the City Commission approve the requested annexation of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended) and subject to the following conditions:

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).
2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

Commissioner Harris said she would reluctantly vote in favor of the motion but said she would prefer it was zoned to IL not IG. She said she was not comfortable with approving annexation without

having an infrastructure plan ahead of time but said having the land annexed before it was rezoned would give the residents out there the best possible industrial project on that land.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

ACTION TAKEN on Item 6B

Motioned by Commissioner Rasmussen, seconded by Commissioner Hird, to approve the rezoning (Z-9-13-10) request for 51.13 acres from County A-1 (Suburban Home Residential) to City IG (General Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Commissioner Liese said he would vote in favor of the motion because they were supposed to support the sector plan.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

PC Minutes 10/27/10 **DRAFT**

ITEM NO. 7 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT (MJL)

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District including potentially increasing the maximum dwelling units per acre limit in that district.
Initiated by City Commission on 7/13/10.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Harris inquired about 80% impervious surface that was mentioned in the staff report. She said that seemed high.

Ms. Leininger said that was a current regulation in the Code.

Commissioner Harris inquired about the cost of adding energy efficient elements to building.

Ms. Leininger said she did not have a specific answer but that she would lean toward yes.

Commissioner Harris asked if the returns would benefit the community.

Ms. Leininger said it would benefit the property owner by using the earth to heat/cool the structure with no chemicals or gas. She also mentioned tax rebates.

Commissioner Hird said dwelling units are counted by the number of kitchens, so this could save 32 kitchens per acre. He wondered why and how dwelling units were counted by the kitchen.

Mr. McCullough said its more than just a kitchen or bedroom, it's a living unit which has those elements in it. He said it was possible to have one dwelling unit with two kitchens.

Commissioner Harris asked for clarification on the goal of what they were trying to do. She said one goal was to target higher density to locations where it serves the community and where infrastructure can support it and another goal was to provide incentives for energy efficiency in buildings. She wondered who benefited from the energy efficiency and why provide incentives for that.

Mr. McCullough said that was the overriding public and national goal, to become energy efficient and that would be done incrementally through each building that would be approved. It could benefit both the public and the individual property owner/tenant.

Commissioner Harris said it would make sense to provide incentives if it in fact costs the builder more to provide that service to the community.

Commissioner Finkeldei said Mr. Paul Werner put together some of his own bonuses and one that struck him as interesting was the renovation of contributing structure or redevelopment of inappropriate structures in the Oread neighborhood.

Ms. Leininger said staff has not had the text for very long but that their initial thought was who says if they are appropriate or inappropriate. She said there was a process to identify what was appropriate and what was inappropriate.

Commissioner Finkeldei said the Lawrence Preservation Alliance made a good point by saying that if it doesn't support the Oread Neighborhood Plan then it should not get a density bonus.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, apologized to staff for not getting information to them earlier. He said the premise was about properties around KU that should be ripe for redevelopment in the upcoming years. He suggested possibly coming up with language to look at equivalent bedrooms or some sort of density bonus.

Commissioner Harris was concerned about density bonuses applying to the entire district.

Mr. Werner said a percentage of the Oread falls under the Historic Resources Commission. He said there could be discussions about what the appropriate structures are. He suggested maybe having something tied to the existing building that could get the bonus.

PUBLIC HEARING

Mr. Dennis Brown, President of Lawrence Preservation Alliance, said it was easy to understand the concept of adding kitchens as they move from 4 bedroom units to 1-2 bedroom units. He wondered if it would just be a reshuffle of the same number of occupants. He struggled with understanding if the proposal would add occupants and allow more occupants within the same footprint. He suggested additional considerations; the new Oread Plan does allow for the creation of urban conservation overlay districts that are named low, medium, and high density districts, as well as the two historic districts. If they increase density in the RM32 why not restrict the amendment to areas they all agree are high density. He said RM32 was found in other areas outside of the Oread Neighborhood as well. He expressed concern about incentivizing tearing down older single family homes.

Ms. Marci Francisco, 1101 Ohio, said the proposal encourages redevelopment and not necessarily targeted to those areas with inappropriate structures. She did not want to give bonuses to replace an inappropriate structure if it was not replaced with a more appropriate structure. She said there was still confusion about bonuses for distances from a school or university. She did not want to see bonuses given in the RM32 areas that are not next to a university. She felt it was important to protect some of the areas in the Oread Neighborhood that were identified as moderate density. She said there has to be some limit to redevelopment through overlay districts or looking at a much smaller area.

Mr. Stan Hernly said Mr. Werner addressed some of the issues he expressed in his letter. He was concerned about the number of occupants per apartment unit. He felt they should adopt a method to reduce the number of people allowed based on the number of bedrooms. He said it was a good idea but really hard to police. He said it was important for the community to know that zoning regulations were in place that provide a known entity of what's possible. He did not want to have something changed that would leave the door wide open because architects were creative and could create more possible density. He felt parking should increase to 1.5 parking spaces for one bedroom units. He felt that bonuses shouldn't be available for historic properties that are eligible for listing on the state or national register.

COMMISSION DISCUSSION

Mr. McCullough said staff needed time to digest the new information provided by Mr. Werner this evening.

Commissioner Singleton said this was an exciting amendment. She felt there would be a shift in the way housing was looked at in the next 20 years because nobody can afford a single family house anymore. She said they have the opportunity to address that with some of the language. She said Lawrence has an interesting housing situation because of all the college students and that there are apartment buildings all over town but that as students become more green they will prefer to be more focused around the university. She felt they needed to figure out a way to get more density to the neighborhoods around the campus but make it look good with the policy. She also felt that they needed to address low income housing, allow for density, encourage green building, and encourage public policy about the appearance and amenities available. She also felt they needed to figure out a way as a community to address enforcement issues of the housing policies.

Commissioner Harris said there were some things she liked and other things that concerned her. She did not think having density bonuses throughout the area for RM32 was a good idea. She did favor another high density zoning district and thought they should decide where they would want those higher densities to be. She liked the idea of looking at a different way to calculate density. She also liked the idea of having higher densities in a district in the Oread Neighborhood through an Overlay district. She agreed with comments about understanding the parameters of increased density. She was interested in Mr. Hernly's comments about having 1.5 parking spaces for one bedroom units. She stated she was also interested in hearing how parking has worked in apartment complexes that were already built at a higher density with that standard and if there was sufficient parking for the tenants living there.

Commissioner Liese said inquired about college communities to use as an example.

Mr. McCullough said staff did a lot of research of different programs from different cities. He said how Lawrence does it was pretty typical.

Commissioner Finkeldei suggested a two step process of a simpler way to look at density definitions and identifying properties that should be redeveloped and allow bonuses.

Mr. McCullough said that was an issue identified in the Oread Plan and the Overlay district would help get to that in that area.

NO ACTION TAKEN

PC Minutes 10/27/10 **DRAFT**

**ITEM NO. 8 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
COMMERCIAL & INDUSTRIAL DESIGN STANDARDS (MJL)**

TA-4-5-10: Consider Text Amendment to various sections of the City of Lawrence Land Development Code, Chapter 20, in relation to the Commercial Design Standards and to add reference to the proposed Industrial Design Standards. *Initiated by Planning Commission on 4/26/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Harris asked if there were any changes in the plan from the Mid-Month meeting.

Ms. Leininger said yes, on the front page of the draft under the applicability standards, some of the language was clarified and an ampersand sign was changed to the word. She said the first page had the only substantial changes.

Commissioner Rasmussen said during the process of preparing these design guidelines and standards there was a representative from the Chamber of Commerce and Grubb & Ellis that participated intimately with the development of it and by the time they were finished they were comfortable with what had been developed and there was general support.

Commissioner Hird said at the Mid-Month meeting they discussed thoroughly the differences of opinion at which this was approached and how it was resolved. He thought it was helpful to go through those discussions.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to approve the proposed amendments, TA-4-5-10, to Sections 20-207, 20-208, 20-209, 20-211, 20-212, 20-213, 20-1301, 20-1304, 20-1305 and 20-1701 to the Land Development Code and forward to the City Commission.

Commissioner Harris said she appreciated all the hard work the committee did.

Commissioner Rasmussen thanked Ms. Leininger for her work on the item.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

MISCELLANEOUS NEW OR OLD BUSINESS

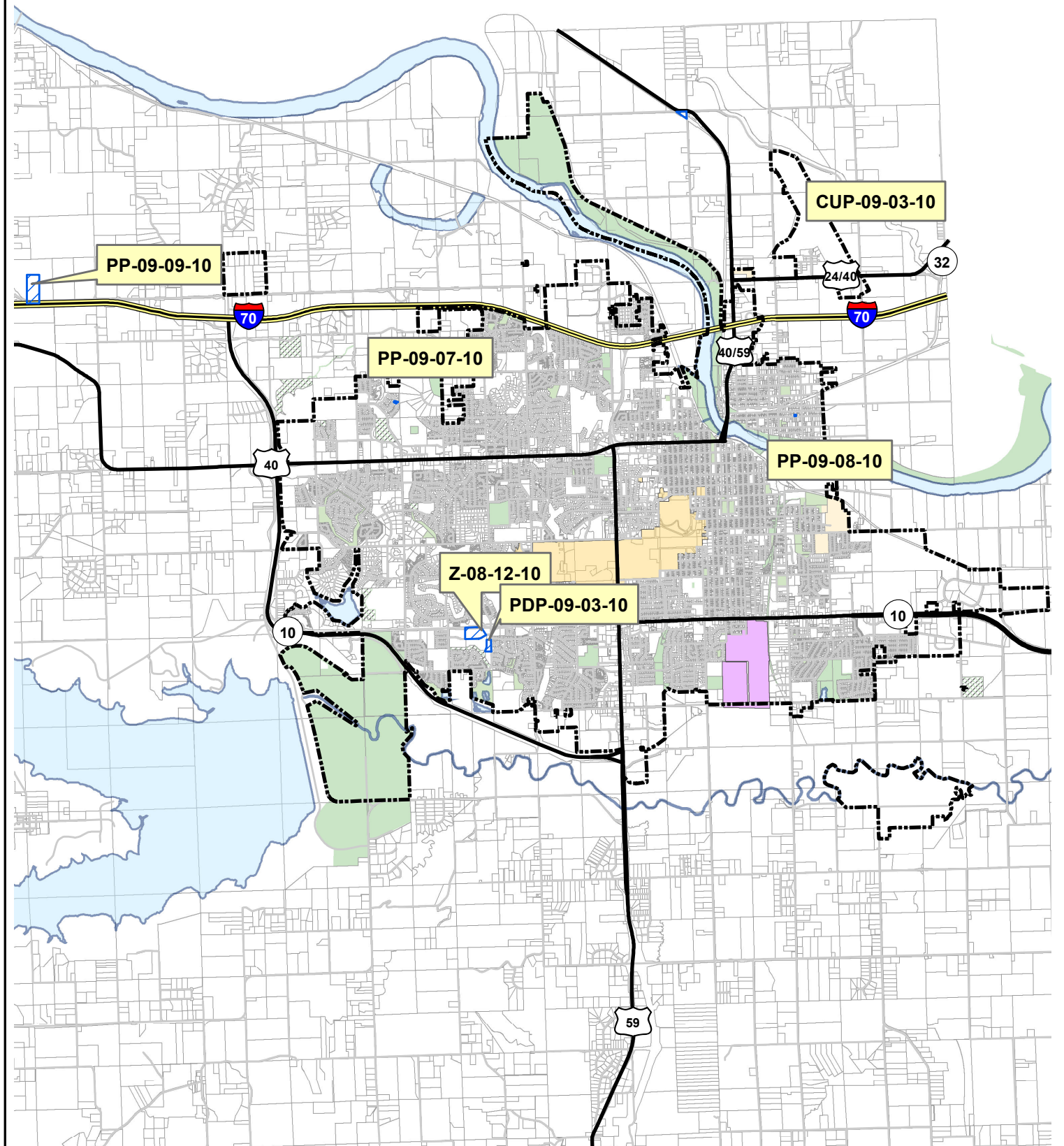
Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

ADJOURN 11:38pm

2010
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 13	Midland Junction Sand Facility		Jan 25	Jan 27
Feb 10	KU Endowment	Kansas Biological Survey	Feb 22	Feb 24
Mar 10	Industrial Design Guidelines		Mar 22	Mar 24
Apr 14	Environmental Chapter Presentation		Apr 26	Apr 28
May 12	APA Conference Report	Northeast Sector Plan Presentation	May 24	May 26
Jun 09	Cancelled due to Friday Training this week			
June 11 All day Friday	PC Orientation [including Joint City/County Commissions session]		Jun 21	Jun 23
Jul 14	Cancelled		Jul 26	Jul 28
Aug 11	Cancelled		Aug 23	Aug 25
Sep 08	Air Quality/Ozone Issues Tom Gross & Richard Ziesenis – Health Dept		Sep 20	Sep 22
Oct 13	Discuss Proposed Industrial Design Standards		Oct 25	Oct 27
Nov 03	Development Review Process	Legal Review – Open Meetings & Open Records	Nov 15	Nov 17
Dec 01	Start at 8:00AM General discussion of Legal Non-Conforming Uses		Dec 13	Dec 15
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms (examples from other states)</i> <i>TDRs</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>Presentation from KC-metro Planning Directors</i> <i>Tour City/County Facilities</i>			
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				



**PLANNING COMMISSION REPORT
CONSENT AGENDA**

PC Staff Report
11/15/10

ITEM NO 1: PRELIMINARY PLAT; CAMPBELL ADDITION; 1.003 ACRES; 204 LONDON CT (SLD)

PP-9-7-10: Consider a Preliminary Plat for Campbell Addition, a 1 lot subdivision containing approximately 1.003 acres, located at 204 Landon Court. Submitted by Landplan Engineering, P.A., for Jeff and Christy Campbell, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of the Campbell Addition and forwarding it to the City Commission for consideration of vacation of easement.

Applicant's Reason for Request: Subdivision requirement prior to construction.

KEY POINTS

- Property is undeveloped.
- Property is not eligible for minor subdivision review process.

SUBDIVISION CITATIONS TO CONSIDER

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

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Westwood Hills Subdivision original final plat of property.
- Westwood Hills 6th Plat a minor subdivision of Lots 10, 11, and 12, Block 1 Westwood Hills.
- City Commission acceptance of easements as shown on the Preliminary Plat and vacation of existing utility easement along the previous common lot line.
- Final Plat submission for administrative review and approval and recording at Register of Deeds Office.
- Building permits prior to construction activity.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required.
- *Downstream Sanitary Sewer Analysis* – Density is decreasing; therefore a DSSA is not required.
- *Drainage Study* – Not required.
- *Retail Market Study* – Not applicable to residential project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

ATTACHMENTS

- Preliminary Plat

Site Summary

Gross Area:	1.003 acres		
Number of Lots:	1	Area of Lot 1:	1.003 acres
Existing ROW:	0 acres	Additional ROW:	0 acres

GENERAL INFORMATION

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; vacant parcel.

Surrounding Zoning and Land Use: RS10 (Single-Dwelling Residential) District in all directions; developing subdivision.

STAFF REVIEW

The preliminary plat proposes to combine previously platted lots into a single lot. This property was the subject of a minor subdivision approved in 2008. It is not eligible for an additional lot split/reconfiguration through the minor subdivision process.

Zoning and Land Use

This property is zoned RS10. The purpose of this district is to allow low density residential development. No changes to the base zoning are proposed with this request. The surrounding and intended development is for low density residential development. The proposed lot configuration complies with the lot area and size requirements for the base district.

Streets and Access

This property is located on the corner of Earhart Circle and Landon Court. Landon Court is not constructed at this time. No additional right of way is needed. Access to this lot is provided via Earhart Circle.

Utilities and Infrastructure

The property currently has access to water and sanitary sewer lines. An existing easement along the portion of the common property line is being vacated with this plat.

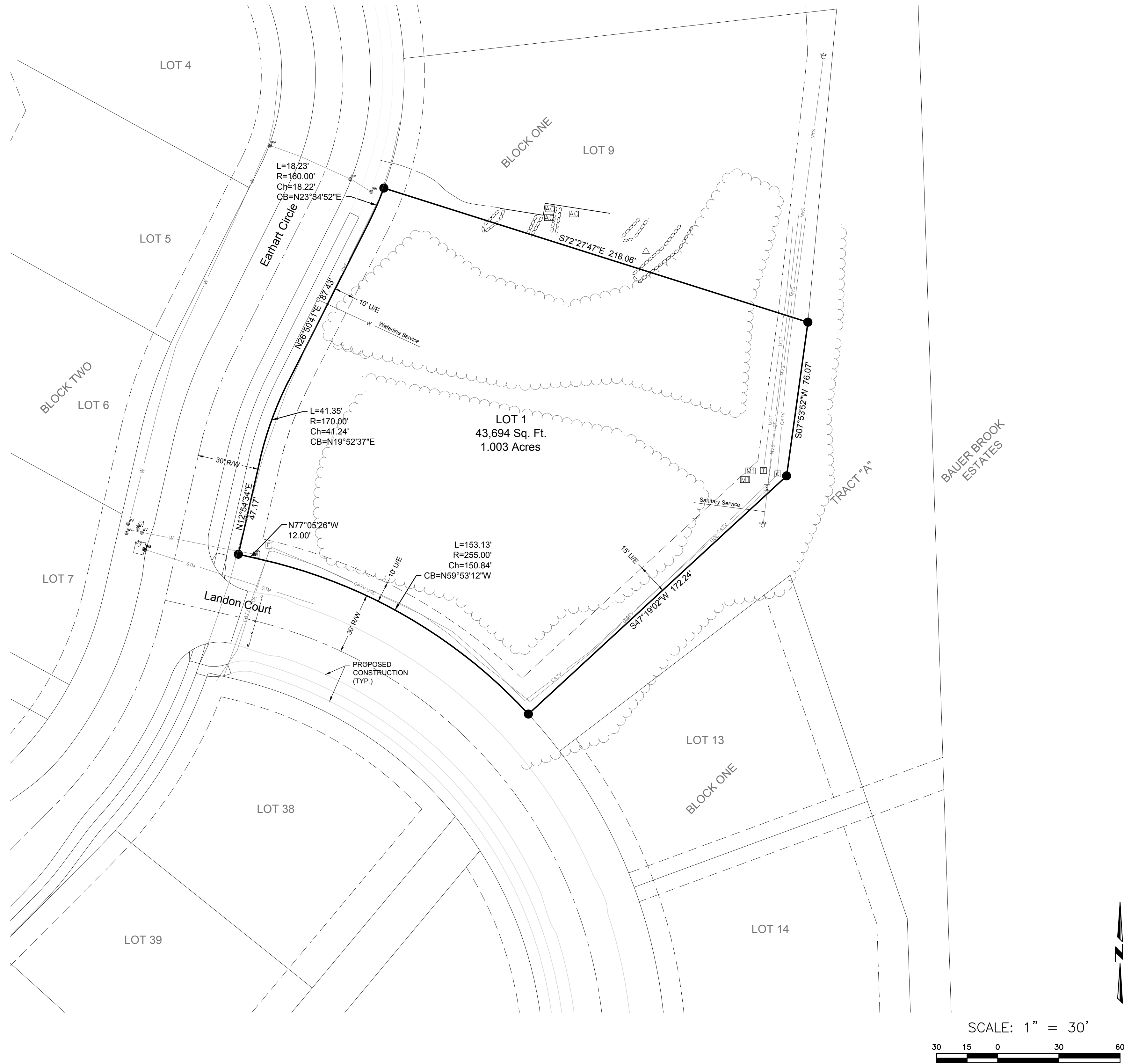
Easements and Rights-of-way

This plat includes perimeter utility easements to accommodate existing and planned service to the property. The plat includes a note from the original document that adjacent Tract A is a pedestrian/utility easement.

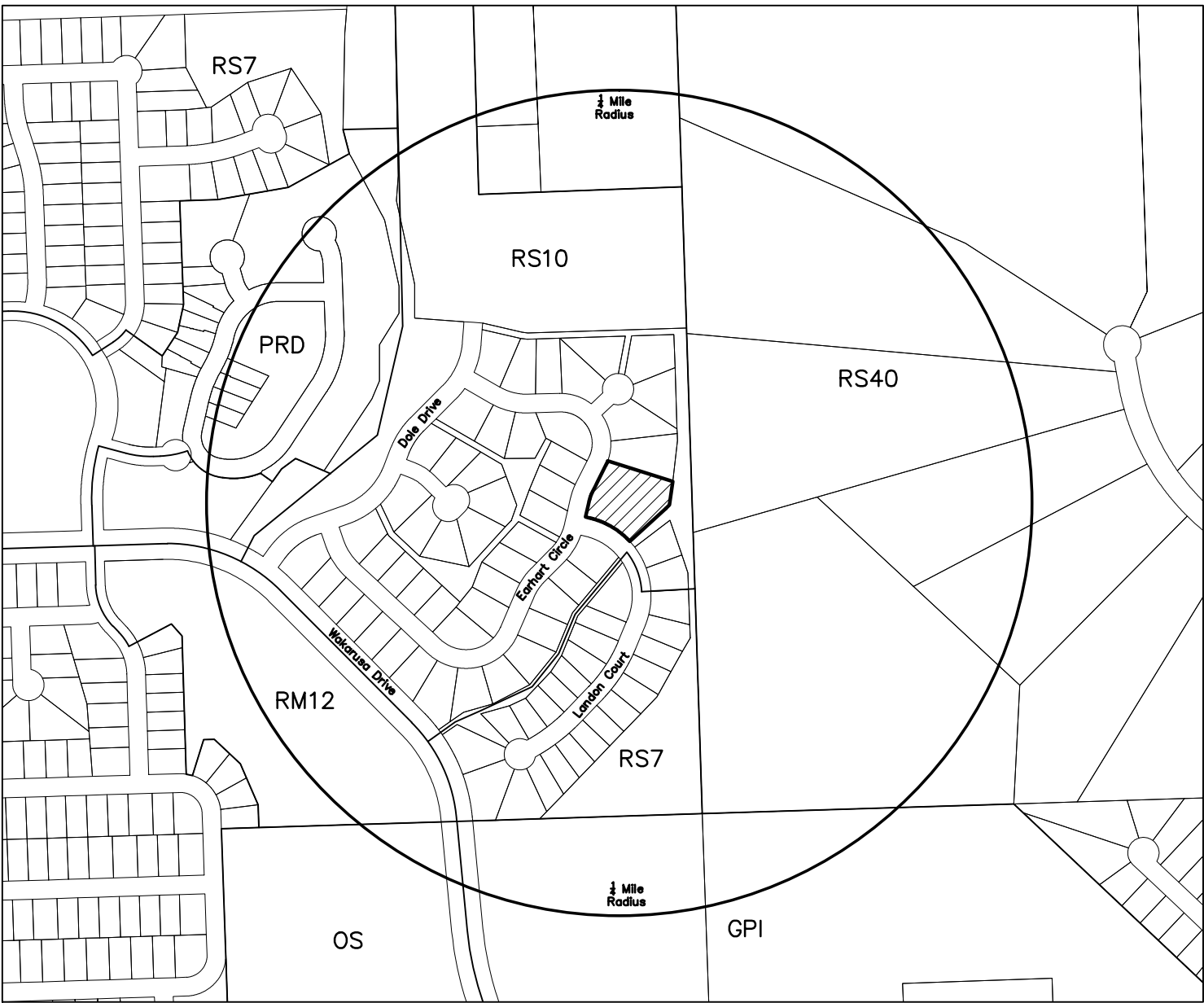


Conformance

The preliminary plat conforms to the standards and requirements of the Subdivision Regulations and the Development Code.



Location Map



Legal Description

LOTS 1 AND 2, WESTWOOD HILLS - 6TH PLAT, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS LYING IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, AS SHOWN ON THE MINOR SUBDIVISION REPLAT THEREOF, RECORDED IN BOOK 18, PAGE 239, DOUGLAS COUNTY REGISTER OF DEEDS. CONTAINS 1.003 ACRES, MORE OR LESS.

General Notes

- DEVELOPER: JEFFREY G. & CHRISTY G. CAMPBELL
813 EASY STREET
LAWRENCE, KS 66049
- OWNER: JEFFREY G. & CHRISTY G. CAMPBELL
813 EASY STREET
LAWRENCE, KS 66049
- LAND PLANNER/
ENGINEER/LAND
SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KS 66049
- PROPERTY ADDRESSES: 204 LONDON COURT
LAWRENCE, KS 66049
- TYPICAL SOIL TYPES: EUDORA - URBAN LAND COMPLEX, 0 TO 1 PERCENT SLOPES
- TOPOGRAPHIC INFORMATION OBTAINED FROM FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, P.A., SEPTEMBER 2010.
- EXISTING LAND USE: RESIDENTIAL
- PROPOSED LAND USE: RESIDENTIAL
- EXISTING ZONING: RS10
- PROPOSED ZONING: RS10
- NO PART OF THIS SITE IS LOCATED WITHIN THE FLOODPLAIN PER FEMA MAP #20045C0156D, DATED AUGUST 5, 2010.
- TRACT 'A' IS DEDICATED AS A UTILITY EASEMENT. LOCATION OF UTILITY STRUCTURES SHALL BE COORDINATED WITH DEVELOPER PRIOR TO THE INSTALLATION OF THE UTILITY.
- TRACT 'A' IS DEDICATED AS A PEDESTRIAN EASEMENT, EXCEPT THOSE AREAS WITHIN TRACT 'A' SHOWN AS DRAINAGE EASEMENT. THE PEDESTRIAN EASEMENT WITHIN TRACT 'A' SHALL BE ALLOWED TO CROSS THE DRAINAGE EASEMENT.

Site Summary

GROSS AREA: 43,694 SF / 1.003 AC
RIGHTS-OF-WAY AREA: 0 SF / 0 AC
NET AREA: 43,694 SF / 1.003 AC
TOTAL LOTS: 1

A Preliminary Plat for
Campbell Addition
Lawrence, Kansas

Civil Engineering
Landscape Architecture
Community Planning
Surveying

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

1310 Wakarusa Drive
Lawrence, Kansas 66049
Tel: (781) 842-2200
Fax: (781) 842-2100
Email: info@landplan-pa.com
Web: www.landplan-pa.com

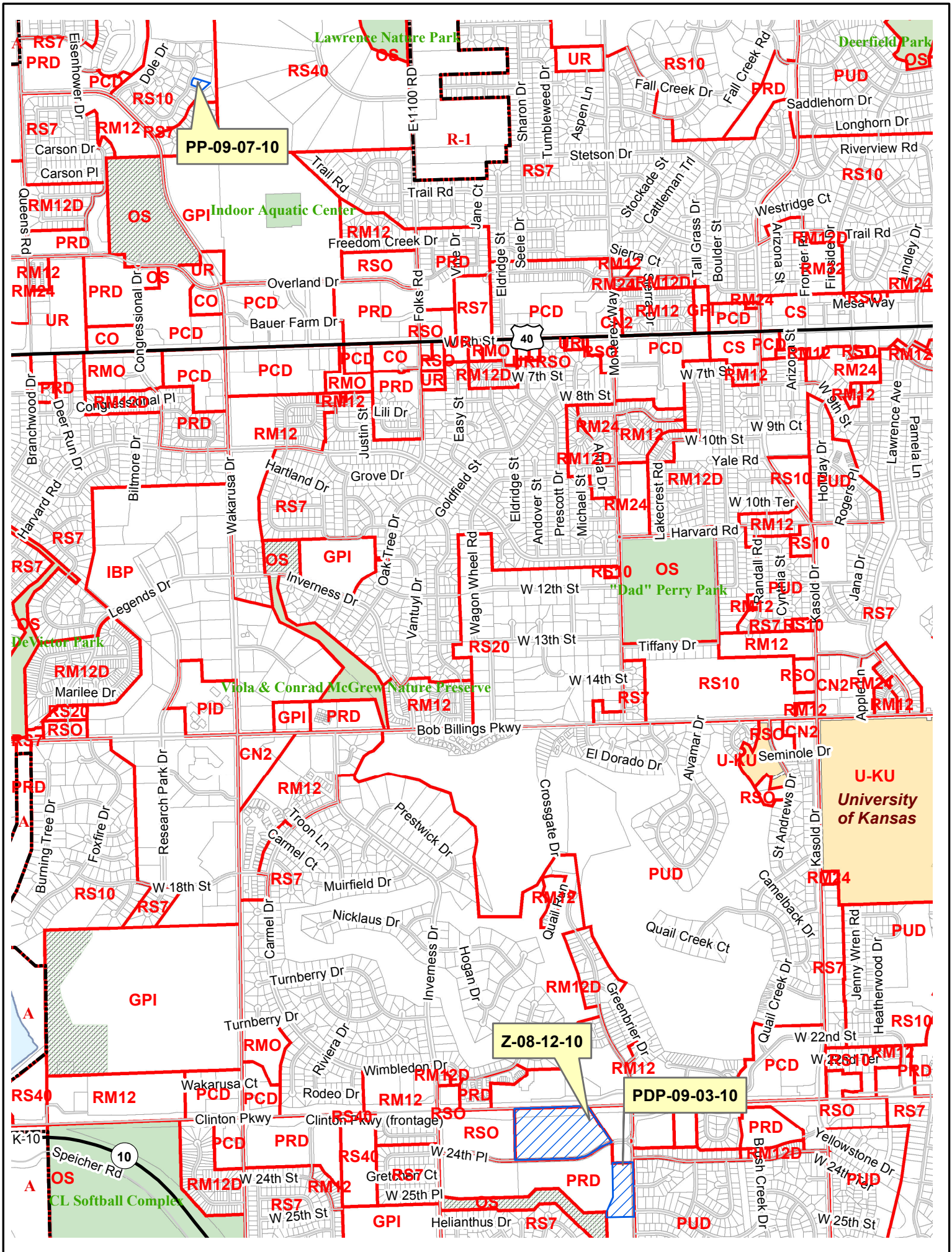
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PRELIMINARY PLAT FOR
CAMPBELL ADDITION
CITY OF LAWRENCE
DOUGLAS COUNTY
KANSAS

REV	DATE	DESCRIPTION
1	11/08/10	CITY COMMENTS
#	#####	#####
#	#####	###
#	#####	###
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#	#####	###
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#	#####	#####

DATE: SEPTEMBER 13, 2010
PROJECT NO.: 20101223
DESIGNED BY: LPE
DRAWN BY: JBS
CHECKED BY: BCZ

ISSUE	SHEET NO.
2	1
OF	1 SHEETS



**PLANNING COMMISSION REPORT
REGULAR AGENDA
PUBLIC HEARING ON THE VARIANCE REQUEST ONLY**

PC Staff Report
11/15/10

ITEM NO 2: PRELIMINARY PLAT; HELM SUBDIVISION; .253 ACRES; ADJACENT TO 761 ELM ST (SLD)

PP-9-8-10: Consider a Preliminary Plat for Helm Subdivision, a 2 lot subdivision containing approximately .253 acres, located adjacent to 761 Elm Street and a waiver request from the requirement in Section 20-810 to provide lots that comply with the applicable zoning. Submitted by Landplan Engineering, P.A., for Glen and Carla Helm, property owner of record.

STAFF RECOMMENDATION ON WAIVER:

Staff recommends approval of the variance requested from Section 20-810(a)(42(i) to permit lots that do not meet the minimum lot area requirements.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of the Helm Subdivision and forwarding it to the City Commission for consideration of acceptance of easements.

Applicant's Reason for Request: Subdivision requirement prior to construction.

KEY POINTS

- Subject property is developed with a detached single-dwelling residence on lot 2.
- Property is located in Zone X protected by Levee (August 5, 2010 Floodplain). Floodplain Development permit is not required for this property.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-810(a)(2)(i) requires subdivisions design to comply with all applicable zoning district standards. A variance has been requested from this requirement to permit the subdivision to occur with lots less than 7,000 SF.
- Section 20-813 states that building permits will not be issued for unplatted property.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission acceptance of easements as shown on the Preliminary Plat.
- Final Plat submission for administrative review, approval, and recording at Register of Deeds Office.
- Site Plan approval for the proposed development.
- Building permits prior to construction activity.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required.
- *Downstream Sanitary Sewer Analysis* – Capacity was evaluated by staff per Administrative Policy 76; no capacity concerns were identified.
- *Drainage Study* – Not required.
- *Retail Market Study* – Not applicable to residential project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

ATTACHMENTS

- Preliminary Plat

Site Summary

Gross Area:	.253 acres (11,007 SF)		
Number of Lots:	2		
Area of Lot 1:	.152 acres	Area of Lot 2:	.115 acres
Existing ROW:	0 acres	Additional ROW:	0 acres

GENERAL INFORMATION

Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; existing single dwelling residence and vacant parcel.

Surrounding Zoning and Land Use: RS7 (Single-Dwelling Residential) District in all directions. Existing residential development.

STAFF REVIEW

The preliminary plat shows the creation of a second residential lot on the vacant portion of the original parcel. The property is located on the north side of Elm Street.

Zoning and Land Use

This property is zoned RS7. The purpose of this district is to allow low density residential development. No changes to the base zoning are proposed with this request. The surrounding and intended development is for low density residential development.

This preliminary plat includes two separate parcels. Both parcels are currently non-conforming lots. If approved, the interior parcel line will be shifted to the east resulting in lots that are similar in size. Parcels have been separately owned from at least 1924 to current.

Property	Parcel 1 (761 Elm St)	Parcel 2 (700 block Elm Street)
Existing lot area	5015 SF existing	6,638 SF existing
Proposed lot area	5517 SF proposed	5517 SF proposed
Development Status	Existing residence	Vacant parcel
Improvements	Built 1900	Undeveloped
Earliest Deed Description	1924	1927
Existing Zoning	RS7	RS7
Minimum Lot Area	7,000 SF	7,000 SF

Historically these parcels have been non-conforming to the zoning district standard. A portion of the 700 block of Elm Street is platted, much of the block is un-platted with properties with a variety of lot sizes.

VARIANCE

The property owner is requesting a variance from the minimum lot area requirement in Section 20-810(a)(2)(i) to permit lots less than 7,000 SF.

Section 20-813(g) states that the Planning Commission may grant a variance from the design standards of these regulations only if the following three criteria are met: that the strict application of these regulations will create an unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of these regulations and that the public health, safety and welfare will be protected.

The evaluation below reviews the proposed development with the criteria necessary for granting a variance.

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

The development pattern within the 700 block of Elm includes a variety of parcel sizes (both platted and unplatted). Many lots are less than 7,000 SF. The current configuration of the parcels was created prior to 1927 (the adoption of the Subdivision Regulations). The undeveloped parcel is exempt and could be issued a building permit with no changes. This applicant proposes to shift the common property line to the east creating a slightly larger parcel (Lot 2) and a smaller parcel (Lot 1). The net result is that the lots will be more uniform and approximately the same size.

The existing ownership and development pattern does not allow for the applicant to acquire additional land to remove the non-conforming situation.

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

Per Section 20-801(a) of the Subdivision Regulations, these regulations are intended to ensure that the division of land will serve the public interest and general welfare as well as to coordinate the development of each parcel of land within the existing community and facilitate the proper development of adjoining land.

These parcels are currently non-conforming parcels that do not meet the minimum lot area of the base zoning district. The approval of the request to allow the interior property line to be shifted to the east will not substantively alter the existing development pattern of the immediate area. Both properties have access to utilities. This requested variance is in harmony with the intended purposes of these regulations.

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

No changes to the public health safety and welfare will result from the approval of this variance. The public interests are not harmed by this request.

Streets and Access

The property abuts Elm Street. Elm Street is a designated local street. No additional right-of-way is proposed for this development.

Utilities and Infrastructure

The property currently has access to water and sanitary sewer lines. It was noted in the review that additional approval regarding the location of the sanitary sewer connection is required. A waiver for sanitary sewer connection will be processed by Utilities staff and forwarded to the City Commission.

Easements and Rights-of-way

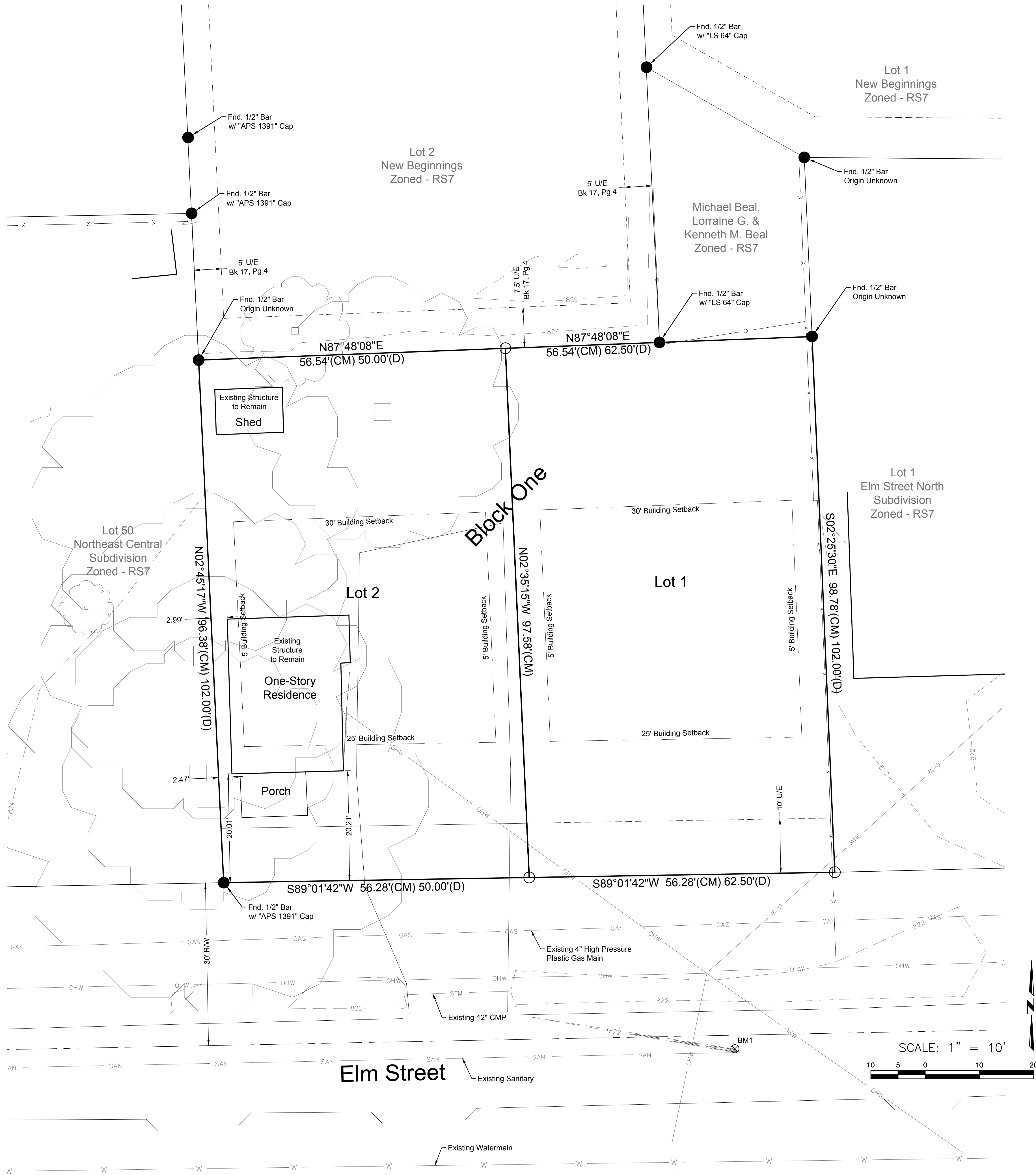
This request includes dedication of utility easement along the south side (front) of Lot 2 to accommodate private utilities.

STAFF RECOMMENDATION

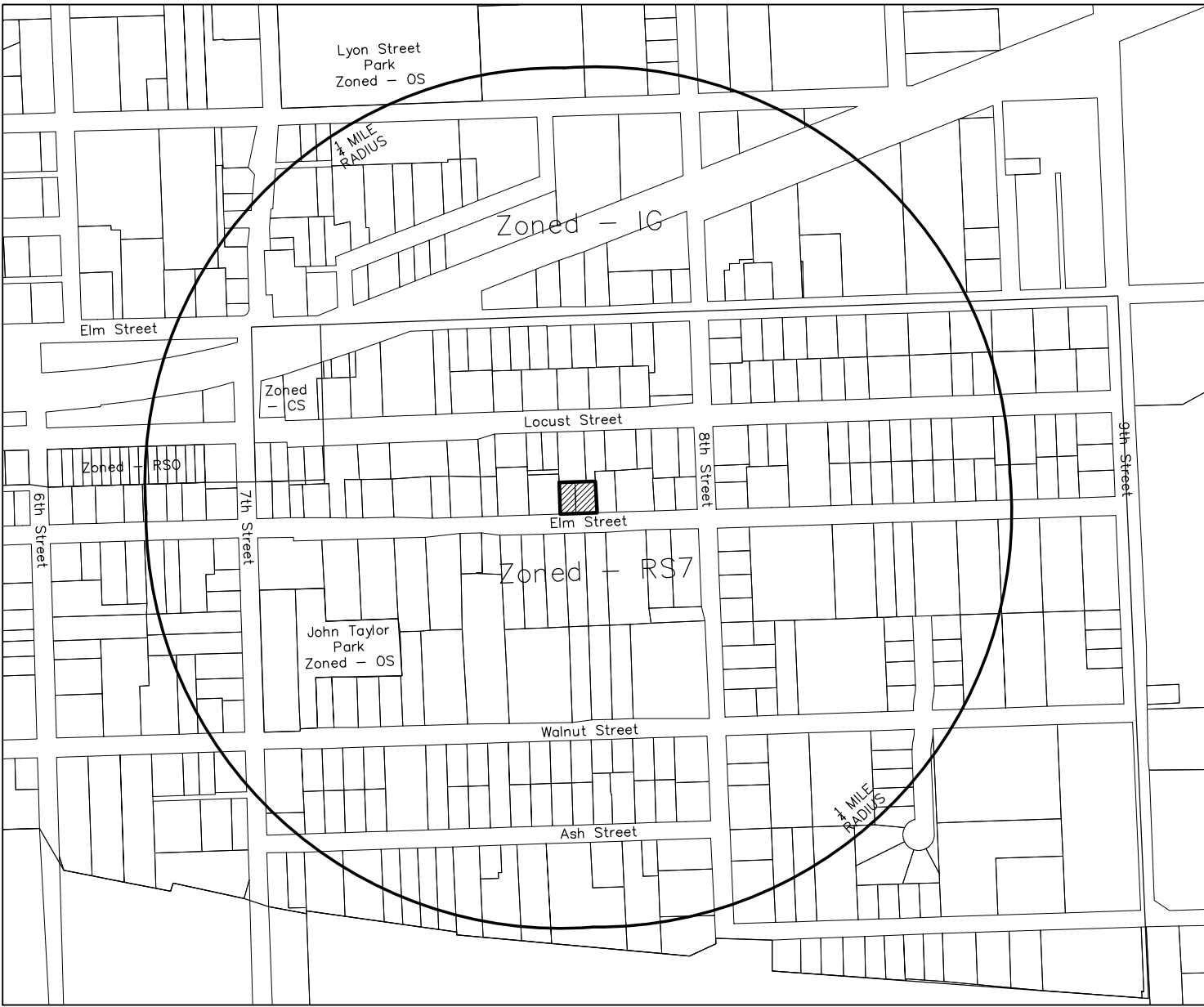
Staff recommends approval of the variance request from Section 20-810(a)(2)(i) to allow creation of lots less than 7,000 SF.

Conformance

The preliminary plat conforms to the standards and requirements of the Subdivision Regulations and the Development Code subject to the approval of the variance.



Location Map



Legal Description

A TRACT OF LAND RECORDED IN BOOK 687, PAGE 813, AND BOOK 310, PAGE 650, IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 50, NORTHEAST CENTRAL SUBDIVISION, AS RECORDED IN BOOK 1061, PAGE 5269; THENCE NORTH, ALONG THE EAST LINE OF SAID LOT, 96.38 FEET TO THE SOUTHWEST CORNER OF LOT 2, NEW BEGINNINGS, AS RECORDED IN BOOK 651, PAGE 48; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOT, 113.08 FEET TO A POINT ON THE WEST LINE OF LOT 1, ELM STREET NORTH SUBDIVISION, AS RECORDED IN BOOK 793, PAGE 1575; THENCE SOUTH, ALONG THE WEST LINE OF SAID LOT, 98.78 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ELM STREET; THENCE WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ELM STREET, 112.56 FEET TO THE POINT OF BEGINNING. CONTAINS 0.253 ACRES, MORE OR LESS.

General Notes

- DEVELOPER: GLEN & CARLA HELM
786 WALNUT STREET
LAWRENCE, KS 66044
- OWNER: GLEN & CARLA HELM
786 WALNUT STREET
LAWRENCE, KS 66044
- LAND PLANNER/
ENGINEER/LAND
SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KS 66049
- PROPERTY ADDRESSES: 700 & 761 ELM STREET
LAWRENCE, KS
- TYPICAL SOIL TYPES:
EUDORA - URBAN LAND COMPLEX, 0 TO 1 PERCENT SLOPES
- TOPOGRAPHIC INFORMATION OBTAINED FROM FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, P.A., SEPTEMBER 2010.
- EXISTING LAND USE: RESIDENTIAL
- PROPOSED LAND USE: RESIDENTIAL
- EXISTING ZONING: RS7
- PROPOSED ZONING: RS7
- THE PROPERTY IS LOCATED IN ZONE X, AREA PROTECTED BY LEVEE, PER FEMA MAP #20045C0176D, DATED AUGUST 5, 2010.

Site Summary

GROSS AREA: 11,007 SF / 0.253 AC
RIGHTS-OF-WAY AREA: 0 SF / 0 AC
NET AREA: 11,007 SF / 0.253 AC
TOTAL LOTS: 2

Benchmarks

- BM1 CHISELED "+" ON N.W. RIM OF SANITARY MANHOLE LOCATED NEAR THE CENTERLINE OF ELM STREET SOUTH OF ADDRESS OF 700 ELM STREET (WHICH IS CURRENTLY A VACANT LOT).
ELEV. 822.38
DATUM NAD 83/NAVD 88
- BM2 CHISELED SQUARE ON TOP CENTER OF WEST WING WALL OF A DRAINAGE STRUCTURE LOCATED IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF ELM STREET AND 8TH STREET.
ELEV. 820.82
DATUM NAD 83/NAVD 88
- BM3 CHISELED "+" ON THE EAST RIM OF A SANITARY MANHOLE LOCATED NEAR THE CENTERLINE OF ELM STREET, SOUTH OF A HOUSE WITH AN ADDRESS OF 745 ELM STREET.
ELEV. 823.69
DATUM NAD 83/NAVD 88

A Preliminary Plat for
Helm Subdivision
Lawrence, Kansas

Civil Engineering
Landscape Architecture
Community Planning
Surveying

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

1310 Wakarusa Drive
Lawrence, KS 66049
Tel (785)345-7900
Fax (785)345-2410
Web www.landplan-pa.com

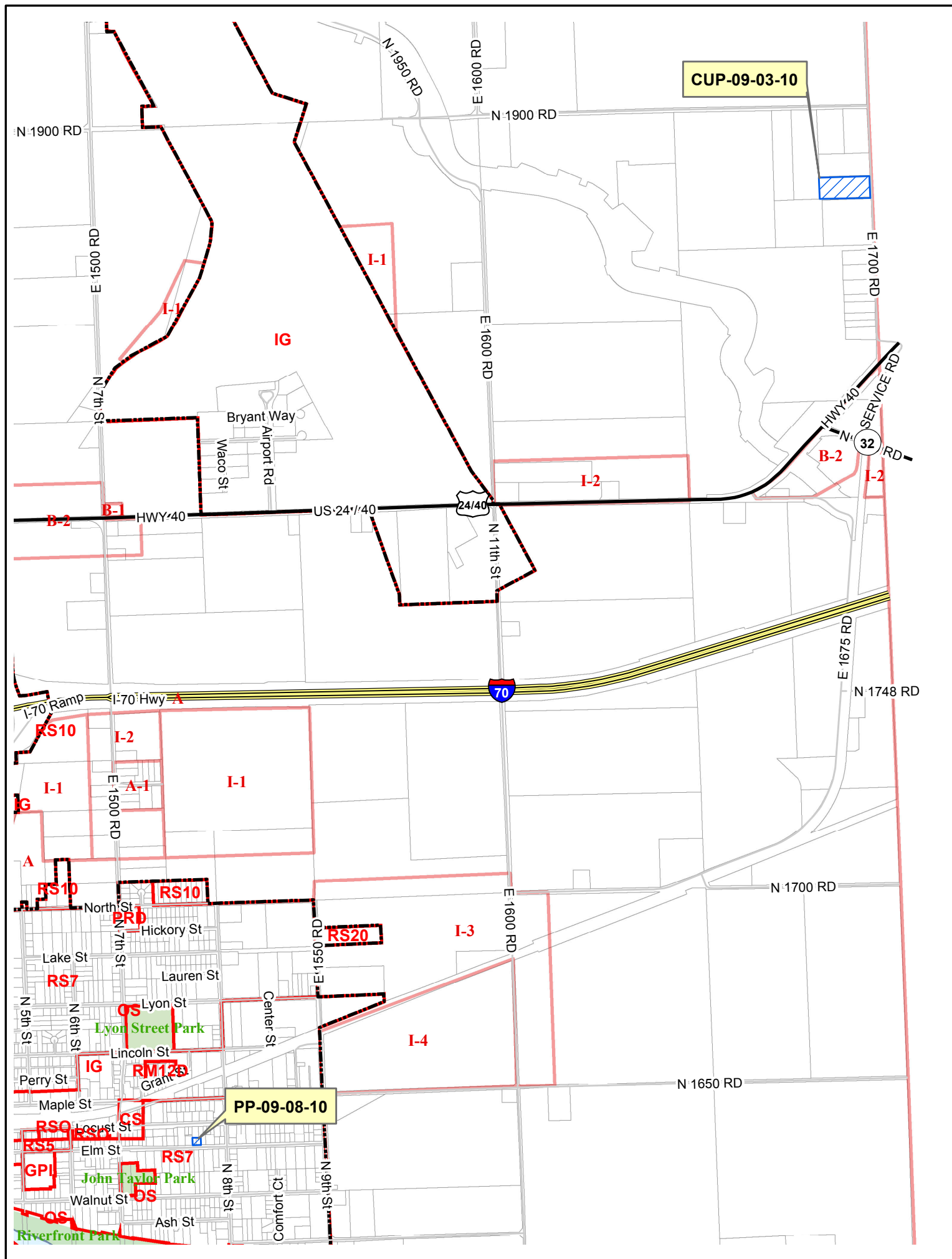
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PRELIMINARY PLAT FOR
HELM SUBDIVISION
CITY OF LAWRENCE
DOUGLAS COUNTY
KANSAS

REV	DATE	DESCRIPTION
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DATE: SEPTEMBER 13, 2010
PROJECT NO.: 20101199
DESIGNED BY: LPE
DRAWN BY: JBS
CHECKED BY: BCZ

ISSUE	SHEET NO.
1	1
OF 1	SHEETS



**PLANNING COMMISSION REPORT
REGULAR AGENDA --NON-PUBLIC HEARING ITEM:**

PC Staff Report
11/15/2010

**ITEM NO. 3: PRELIMINARY PLAT; ROCKWALL FARMS ADDITION; 156.15 ACRES;
N 1800 RD & E 700 RD AND ~~VARI ANCE REQUEST FROM~~
~~TEMPORARY SET ASIDE AGREEMENT REQ UIRED IN SECTION 20-~~
~~810(J)(1)-(MKM)~~**

PP-9-9-10 Consider a Preliminary Plat for Rockwall Farms Addition, a 2 lot subdivision containing approximately 156.15 acres, located near the intersection of N 1800 and E 700 Roads. Submitted by Paul Werner Architects, for Rockwall Farms L.C., property owner of record.
Joint meeting with Lecompton Planning Commission.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of the Rockwall Farms Addition and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions of approval:

1. Per Section 20-811(e)(3)(ii) of the Subdivision Regulations, evidence shall be submitted to the Planning Office showing that the applicable Fire Department has approved the proposed water supply system as being adequate to support firefighting needs prior to the recording of the final plat.
2. Per Section 20-811(d)(4), the final plat may not be recorded until the subdivider has presented evidence that the proposed method of sewage disposal has been approved by the Douglas County Health Department.
3. Temporary set-aside agreements for Lots 1 and 2 shall be executed and recorded prior to the recordation of the final plat. The Book and Page Numbers for the agreements shall be noted on the face of the final plat.
4. The County Engineer shall provide written certification that all public improvements have been completed or one of the means for ensuring completion noted in Section 20-811(h)(2) has been provided prior to recording of the final plat.
5. Off-site drainage easements shall be recorded by separate instrument with Book and Page Number noted on the final plat.
6. The rezoning resolution to the I-2 District (Lot 2) must be approved by the Board of County Commissioners prior to the recording of the final plat.
7. The plat shall be revised with the following changes:
 - a. Note 10 revised to read: "An access easement providing off-site public access to N 1800 Road shall be dedicated by separate instrument and the Book and Page Number noted on the final plat."
 - b. If an off-site sewage management system is proposed for Lot 2, Note 11 should be revised to read: "Easements containing any off-site sewage

management system and its connection to the platted lot(s) shall be dedicated by separate instrument. The Book and Page Number of the recorded easement shall be noted on the face of the final plat."

- c. N 1800 Road shall be labeled.
- d. The distances from the 80 ft wide Access Easement to the south property line of Lot 2 shall be dimensioned on the east and west side of the easement and the overall length of the easement shall be noted.
- e. Location map shall be updated to clearly include both lots.
- f. If the Board of County Commissioners votes to participate in the financing of the off-site street/infrastructure improvements necessary for this development, the preliminary plat shall include a note to that effect.

Attachments:

Attachment A	Concept development plan for Lots 1 and 2
Attachment B	Traffic Impact Study Addendum with recommendations
Attachment C	County Public Work's comments on drainage study

Applicant's Reason for Request: Subdivision requirement prior to obtaining a building permit for development in the I-2 and B-2 Zoning Districts.

KEY POINTS

- Conditional zoning to the B-2 District was approved by the Board of County Commissioners at their September 23, 2009 meeting for Lot 1. The rezoning resolution shall be published following the recording of the final plat.
- Zoning to the I-2 District was recommended for approval by the Planning Commission at their October 25, 2010 meeting. This rezoning will be considered by the Board of County Commissioners at their November 10, 2010 meeting. The approval of the final plat will be dependent upon the approval of the rezoning.
- The applicant indicated that they would submit a Temporary Set Aside Agreement; therefore, the variance noted in the agenda is not necessary.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-813 (Section 12-113 of the County Code) states that building permits in the unincorporated area of the county may be issued only for platted lots, vested land divisions or Residential Development Parcels.
- Section 20-810(j)(1) (Section 12-110(j)(1) of the County Code) requires the execution of a temporary set aside agreement or conservation easement for environmentally sensitive areas.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Board of County Commissioners' acceptance of easements as shown on the preliminary plat.
- Easements dedicated by separate instruments for off-site access to N 1800 Road, off-site sewage management system (if used), and off-site drainage easements.
- A Temporary Set-Aside Agreement must be executed and recorded with the Register of Deeds.
- Final Plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.

- Publication of rezoning resolutions to rezone Lot 2 to the I-2 Zoning District and Lot 1 to B-2 Zoning District with conditions.
- Approval of site plans by the Board of County Commissioners.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Site Summary

Gross Area: 156.150 acres
Number of Lots: 2

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) District [rezoning to B-2 (General Business) District with conditions pending for Lot 1 and rezoning to the I-2 (Light Industrial) District on the BoCC Nov. 10, 2010 agenda for Lot 2.]; woodland and agricultural uses

Surrounding Zoning and Land Use: A (County-Agricultural) District in all directions; woodland and agricultural uses with scattered rural residences; rural residential subdivision development located to the southeast.

STAFF REVIEW

The subject property consists of approximately 156 acres and is located north of N 1800 Road to the east and west of E 700 Road, which has recently been vacated in this area. This plat is preparatory to development of a corporate retreat on Lot 1 and a warehouse facility with limited printing operations on Lot 2. Rezoning to the B-2 District with conditions has been approved for Lot 1; however, the rezoning resolution will not be published until after the final plat has been recorded with the Register of Deeds. Rezoning of Lot 2 to the I-2 District was considered by the Lawrence-Douglas County Metropolitan Planning Commission and the Lecompton Planning Commission at the October 25, 2010 Planning Commission meeting. The Lawrence-Douglas County Planning Metropolitan Planning Commission voted 8 to 0 to recommend approval and the Lecompton Planning Commission voted 5 to 0 to recommend approval of the rezoning request. This item will be considered by the Douglas Board of County Commissioners at their November 10, 2010 meeting and an update on the County Commission's action will be provided prior to the November 15th Planning Commission meeting.

Resource Conservation

Section 20-810(j) of the Subdivision Regulations requires that non-residential subdivisions in the unincorporated area of the county be designed in a way that protects and conserves the natural resources and environmentally sensitive areas through the filing of a Temporary Set Aside Agreement or the filing of a permanent Conservation Easement with the Register of Deeds. This section lists stands of mature trees and individually significant trees as natural areas and environmentally sensitive areas. Stands of mature trees are located on both Lots 1 and 2 (Figure 1) and a temporary set aside agreement has been developed for Lot 1 with a previous preliminary plat. A temporary set aside agreement shall be provided for Lot 2. These agreements must be executed and filed before the final plat is recorded.

Zoning and Land Use of Subject Property

Rezoning requests have been submitted for the subject property. A rezoning request [Z-11-19-08] was approved by the Board of County Commissioners for the property being platted as Lot 1 at their September 23, 2009 meeting to rezone the property from the A (Agricultural) District to the B-2 (General Business) District with conditions. The conditions require that the property be platted before the rezoning resolution is published and that the site plan provide specific information on the required buffer area. In addition, the permitted uses within the B-2 District have been limited to the following uses:

- a. Any use permitted in the "R-1" Single-Family Residential District.
- b. Hospital or clinic for large or small animals, such as cattle, horses, dogs, cats, birds and the like, provided that such hospital or clinic and any treatment rooms, cages, pens or kennels be maintained within a completely enclosed building with soundproof walls and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls and located on a sewer.
- c. Outdoor advertising structure, or non-flashing sign pertaining only to a use conducted within the building, and any sign or display in excess of 30 square feet in area shall be attached flat against a wall of the building, and in no case shall any sign or display attached to a building project above the roofline. The permitted 30 square feet of sign area for projecting or free-standing signs may be in one sign or the aggregate area of several signs.
- d. Personal service uses including barber shops, beauty parlors, photographic or artists' studios, restaurants, (but not drive-in restaurants), taverns, and other personal service uses of a similar character.
- e. Retail stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.
- f. Amusement place, skating rink, swimming pool or dance hall in a completely enclosed building, auditorium or theater, except open-air drive-in theaters.
- g. Bowling alleys and billiard parlors.
- h. Hotels, motels, or motor hotels.
- i. Outdoor advertising structure or sign and any sign or display in excess of 100 square feet in area shall be attached flat against a wall or building. See Section 6-2(17) for height and location of sign requirements.
- j. Accessory buildings and uses.

The applicant proposes to develop a corporate retreat in this location which will include meeting rooms, ball room, restaurant, tavern, and a motel with cabins.

A rezoning request to the I-2 District was recommended unanimously for approval at a joint Lecompton/Lawrence-Douglas County Commission meeting on October 25, 2010. The applicant proposes to develop a large warehouse facility and a limited printing operation to accommodate the expansion needs of Berry Plastics. A concept plan for the two properties was included with the rezoning request and is included with this report as Attachment A.

Zoning and Land Use of Surrounding Area:

The surrounding area is zoned A (Agricultural) and is used primarily for agricultural uses, woodland, and rural residences.

Streets and Access

The property lies north of N 1800 Road, which is commonly referred to as 'Farmer's Turnpike'. Access to Lot 1 will be taken from the previous access point for E 700 Road and Access to Lot 2 will be taken from an access easement on the property to the west to insure adequate separation of access points on a principal arterial. The County Access Management Standards require that drives on a principal arterial be separated by 1320 ft (Section 9-501 of the County Code). The access points on the preliminary plat, measured center to center are 1320 ft apart.

N 1800 Road was recently improved and additional improvements have been recommended with the Traffic Impact Study for this proposal. These improvements are noted in the addendum to the study, which is included with this report as Attachment B and are listed below:

- 1) Installation of an intersection warning sign near the intersection of N 1800 Road and E 758 Road as the sight distance at this intersection is adequate for the posted speed limit, but not for the observed speed traveled.
- 2) Extension of the existing right-turn/deceleration lane into the access point for Lot 2 by 25 ft to accommodate truck traffic.
- 3) Addition of an eastbound left-turn lane into Lot 2 for vehicles accessing the site from the west to remove turning vehicles from the lane of travel.

Utilities and Infrastructure

The property is served by Rural Water District No. 6. The Water District indicated that they cannot meet the flow requirement for fire protection. Per Section 20-811(e) of the Subdivision Regulations, dry hydrants must be installed adjacent to a pond or other water storage device with sufficient capacity, and in an appropriate location, to support firefighting needs as determined by the applicable Fire Department for properties without adequate water pressure for fire hydrants. The Lecompton Township Fire Department is the applicable fire department for this property and the Lawrence Fire/Medical Department is a partner as the applicant indicated they intend to request that Lawrence provide first response to any fire calls. The Lecompton Fire Chief and the Lawrence Fire Marshall both indicated concerns with the use of the pond for a water supply for fire protection. Concerns were raised with the suspended particulate matter which could impede flow through the pumps and also with the possibility that an inadequate supply of water might be available. The applicant has agreed to provide enclosed, underground water storage to meet the necessary requirements.

The applicant is considering various means of sewage management and will either utilize an on-site method such as a septic system or an off-site lagoon. An easement would need to be dedicated for the off-site lagoon location if a lagoon is to be utilized. The Kansas Department of Health and Environment would approve the location of the lagoon and would also issue the permit. The plat indicates that no building permits may be issued until a permit for the on-site or off-site sewage management system has been issued to insure that an adequate sewage management system is available to serve the development.

Easements and Rights-of-way

An off-site easement is necessary to provide for access for Lot 2 onto N 1800 Road to maintain the appropriate driveway spacing per the County Access Management Standards. An easement is shown on the preliminary plat which will be dedicated by separate instrument and the Book and Page Number will be noted on the face of the final plat. An access easement between the

two lots is being dedicated with this preliminary plat. The distance of the access easement to the south property line along the west and east property lines should be noted on the plat to clarify its location and the overall length of the access easement should be noted. N 1800 Road has adequate right-of-way and no additional right-of-way is required. The right-of-way for E 700 Road has been vacated and there will be no public road into the property. Primary access for Lot 1 will be from the east entrance and primary access for Lot 2 will be from the west entrance. An access easement is being provided linking these two access points as the applicant indicated that limited access may be provided for Lot 1 from the west entrance in the case of large events at the corporate retreat and secondary access for Lot 2 may occur on the eastern access point.

The applicant submitted a drainage study which was reviewed by the County Public Works Department. The Director of Public Works provided a letter with their comments which is included with this report as Attachment C. The Director recommended that additional detention be provided for Basin 3 to eliminate or minimize off-site drainage and stated that off-site detention areas should be included in a permanent easement to insure they would continue to function as planned regardless of ownership. The applicant agreed to the requirements and indicated they would provide a revised drainage study addressing the comments.

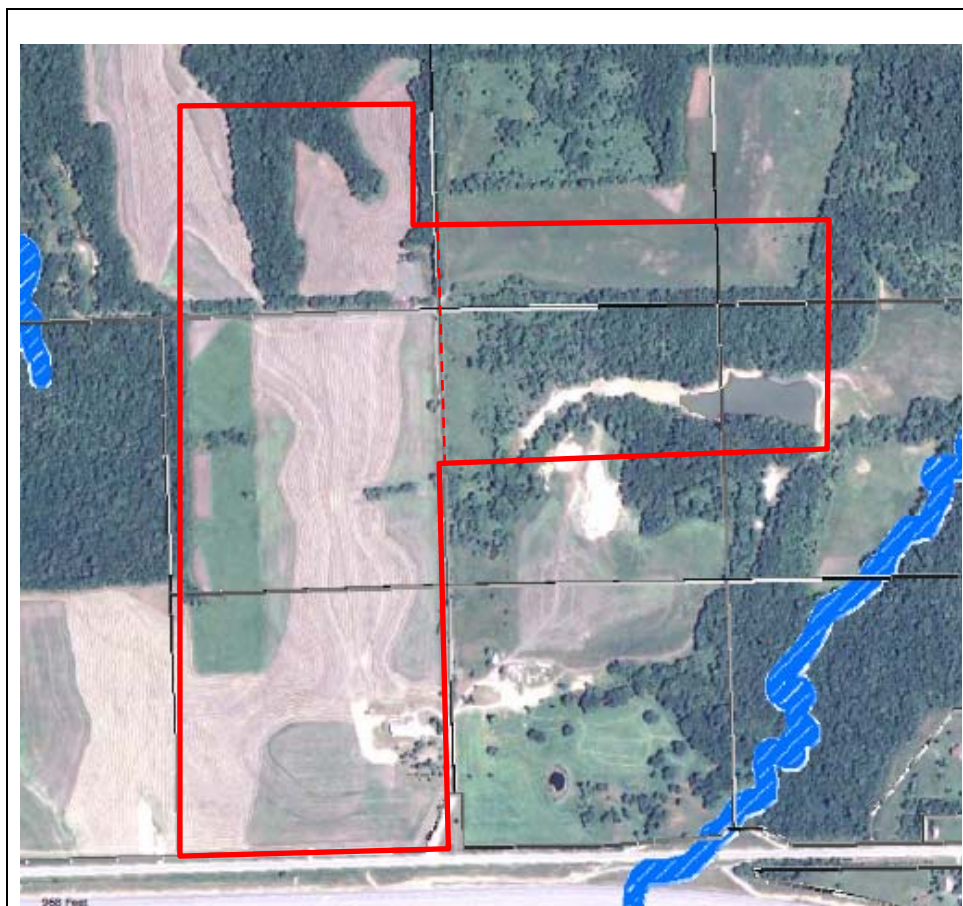


Figure 1. Environmentally Sensitive Areas (Stands of Mature Trees) on Lot 1 and 2 (approximate lot areas outlined in red). Approximately 7 acres of tree cover was calculated from the City Baseline Map using NAIP canopy imagery.

Conformance

The Comprehensive Plan was recently amended to recommend locations for rural conference, tourism and recreational facilities as these uses are considered suitable for certain areas in the unincorporated portions of the county. A text amendment to the Zoning Regulations was approved to permit conditional zoning. The B-2 rezoning for Lot 1 was conditioned to restrict the permitted uses to those associated with a conference center, rural tourism or recreational facility. The proposed use for Lot 2, warehousing with a limited printing facility, are permitted uses in the I-2 District. The rezoning has been recommended for approval by the Planning Commission and the Board of County Commissioners will take action on the rezoning request at their November 10, 2010 meeting.

The proposed uses are permitted in the districts and the plat, as conditioned, conforms with the Subdivision Regulations and the recommendations and locational criteria of the Comprehensive Plan.

**Addendum #1
To
Traffic Impact Study
for**

**Proposed Berry Plastics
Development**

(DG 438 Rd., 1-3/4 miles w/o K-10 Hwy)

Douglas County, Kansas

Prepared
for
Paul Werner Architects



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

October 2010

This memorandum is prepared as an Addendum to the original TIS report dated 9/30/2010, in order to address Douglas County Public Works Department's concerns on the following issues:

- Recheck the number of employees and recalculate the number of trips generated by the proposed development site accordingly, using vehicle occupancy rate of 1.2 persons/vehicle (as listed in the ITE Trip Generation Manual for Land Use Code 140 - Manufacturing). Compare the new trip numbers with the one calculated in the original TIS report and select the larger of the two for analysis purposes. Using the new results, reassess the need for a dedicated eastbound left-turn lane on DG-CO 438 at the entrance to the development site; and
- Provide additional information on the performance characteristics of heavy trucks serving the development site and reassess the need for acceleration lanes (in both directions) at the entrance to the development site.

Trip Generation Recalculation and Reassessment

According to the information provided to the City Planning Department, the number of employees for this development will likely be as follows:

- 150 employees across three shifts for the printing department.
- 55 employees across three shifts for the warehouse department with day shift slightly greater than either of the other two shifts.
- 12 marketing and sample room personnel during day shift.

Assuming 40% of warehouse and printing employees work during the day shift, total number of day shift employees will be 94 persons. Using vehicle occupancy rate of 1.2 persons/vehicle, this translates into **78 inbound trips** to the site during the morning peak-hour of a typical weekday.

Using trip distribution patterns illustrated in Figure 4 of the original TIS report results in the following site generated **inbound trips** for **employee** component of the development during morning peak-hour of a typical weekday:

- 23 vehicles enter the site from west; and
- 55 vehicles enter the site from east.

Although, these trip numbers represent an increase of 44% to what were estimated in the original TIS report, the results of analysis indicate that volume requirements still not met for provision of a dedicated eastbound left-turn lane on DG-CO 438 at the entrance to this development site. However, because the operating speed of the traffic along DG-CO 438 is 65 mph, it is a good practice to provide this lane.

Truck Performance Characteristics

Based on the information provided by the applicant:

- Typically, most heavy trucks serving the site will have engines with 400 – 450 horsepower; and
- Typically, 16,000 lbs of material will be loaded on these trucks (e.g. 27 lb/box X 24 boxes/skid X 24 skids/truck).

Using this information and an empty truck weight of 16,000 – 20,000 lbs, results in a weight/power ratio of approximately 70 – 90 lb/hp. In the original TIS report, analysis was based on typical heavy trucks with weight/power ratio of 200 lb/hp. Reassessing the truck performance characteristics reveals much better operating conditions for the trucks to/from the site resulting in a much less speed differential between trucks entering the main flow of traffic and the cars on the main road. Therefore, provision of acceleration lanes on DG-CO 438 (in order to facilitate trucks entering the main flow of traffic to reach operating speeds along the main road) is not recommended at this time.

Summary & Recommendations

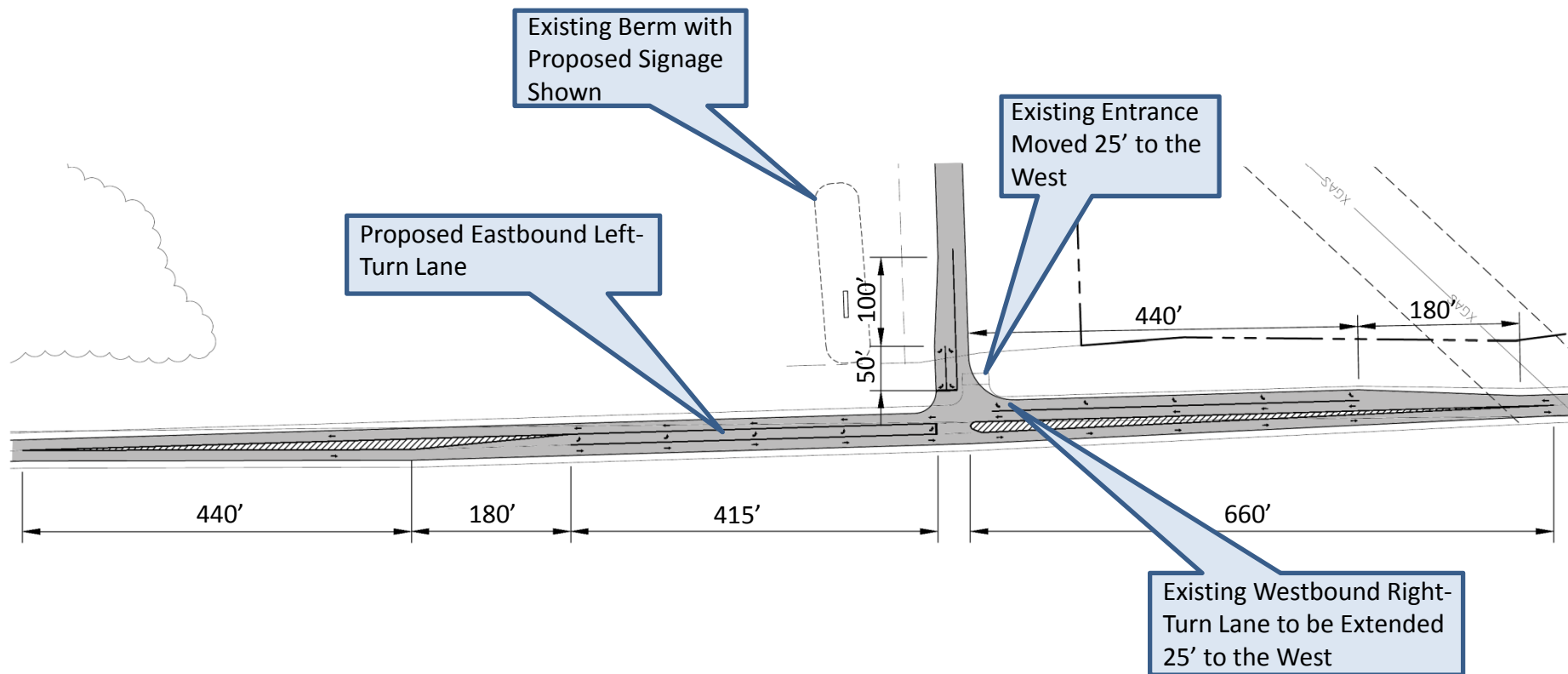
The reassessment of trip generation numbers and truck performance characteristics, as requested by Douglas County Public Works Department's staff, indicate that all items listed in the "Summary & Recommendations" section of the original TIS report dated 9/30/2010 are still valid with the following exceptions:

- Item 1 remains the same with no change;
- Item 2 remains the same with an added note that the extension of the existing westbound right-turn lane be made by relocating the proposed site access drive westward by 25' (See attached sketch for details);
- Items 3 and 4 remain the same with the exception that they are now recommended improvements and are no longer desirable suggestions (See attached sketch for details);
- Item 5 is omitted from the list. This means that no acceleration lane on DG-CO 438 is required as a result of this development; and
- Item 6 remains the same.



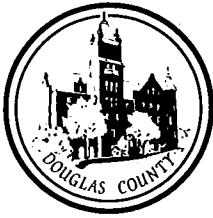
Traffic Improvements

Berry Plastics Site
Douglas County, KS



Conceptual Off-Site Improvements for Farmer's Turnpike (N. 1800 Road)

Berry Plastics Site
Douglas County, KS



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

November 9, 2010

Mary Miller, AICP
Current Planner
City of Lawrence
Planning & Development Services
P.O. Box 708
Lawrence, KS 66044

Re: Drainage Report – Rockwall Farms Addition, Lot 2 (Berry Plastics)

Dear Ms. Miller:

Douglas County Public Works has reviewed the referenced drainage report, and we have the following comments:

1. The pond detaining runoff from Onsite Area C and Basin 1A is located on Lot 1, Rockwall Farms Addition, while the Berry Plastics facility is to be located on Lot 2, Rockwall Farms Addition. A permanent easement or other mechanism is needed to ensure the detention pond continues to function as planned regardless of Lot 1 ownership.
2. The drainage report shows no detention of runoff from Basin 3. While the increased runoff from Basin 3 due to the proposed development is minimal with minimal or no anticipated adverse downstream impacts, it is desirable to provide some detention to ensure no runoff increase. During our meeting on November 8, 2010, the developer agreed to provide some detention in the upper portion of Basin 3 in the unplatted portion of Rockwall Farms property. Similar to the detention pond in Lot 1, this detention facility will require an easement or other mechanism to ensure it continues to function as planned.
3. The FEMA floodplain shown on the drainage map does not appear to be the current, August 5, 2010 version.

This department has no other concerns with the drainage report's methodologies or conclusions.

Please contact me if you require further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Keith A. Browning".

Keith A. Browning, P. E.
Director of Public Works

KAB:rgf

Legal Description

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 13 AND THE EAST HALF OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 13, SAID POINT BEING 130.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 13 AND ALSO ON THE NORTH RIGHT OF WAY LINE OF DOUGLAS COUNTY ROUTE 438, THENCE SOUTH 88° 15' 59" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 419.06 FEET; THENCE SOUTH 82° 32' 55" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 375.30 FEET; THENCE SOUTH 85° 46' 49" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 116.42 FEET; THENCE NORTH 01° 54' 04" WEST, 565.43 FEET; THENCE NORTH 88° 14' 05" EAST, 1160.05 FEET; THENCE SOUTH 01° 54' 04" EAST, 596.59 FEET; THENCE NORTH 87° 51' 27" EAST, 1881.14 FEET; THENCE SOUTH 02° 08' 33" EAST, 1235.67 FEET; THENCE SOUTH 87° 51' 27" WEST, 1836.42 FEET; THENCE SOUTH 01° 54' 04" EAST, 1800.00 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF DOUGLAS COUNTY ROUTE 438, THENCE SOUTH 88° 15' 59" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 13; THENCE SOUTH 01° 54' 04" EAST ALONG SAID WEST LINE, 5.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 156.150 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

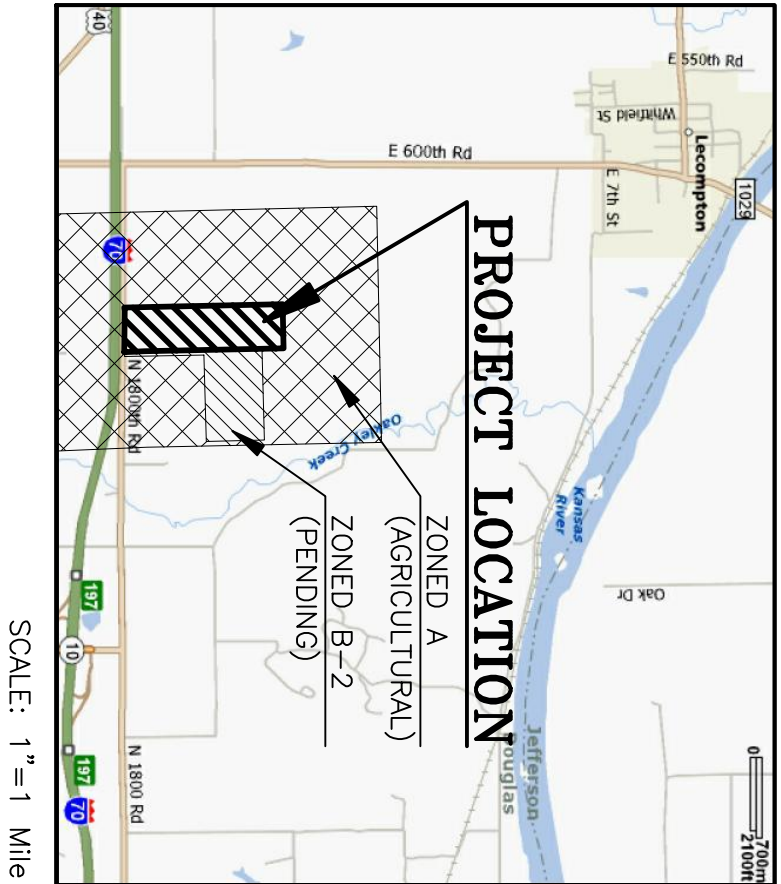
General Notes

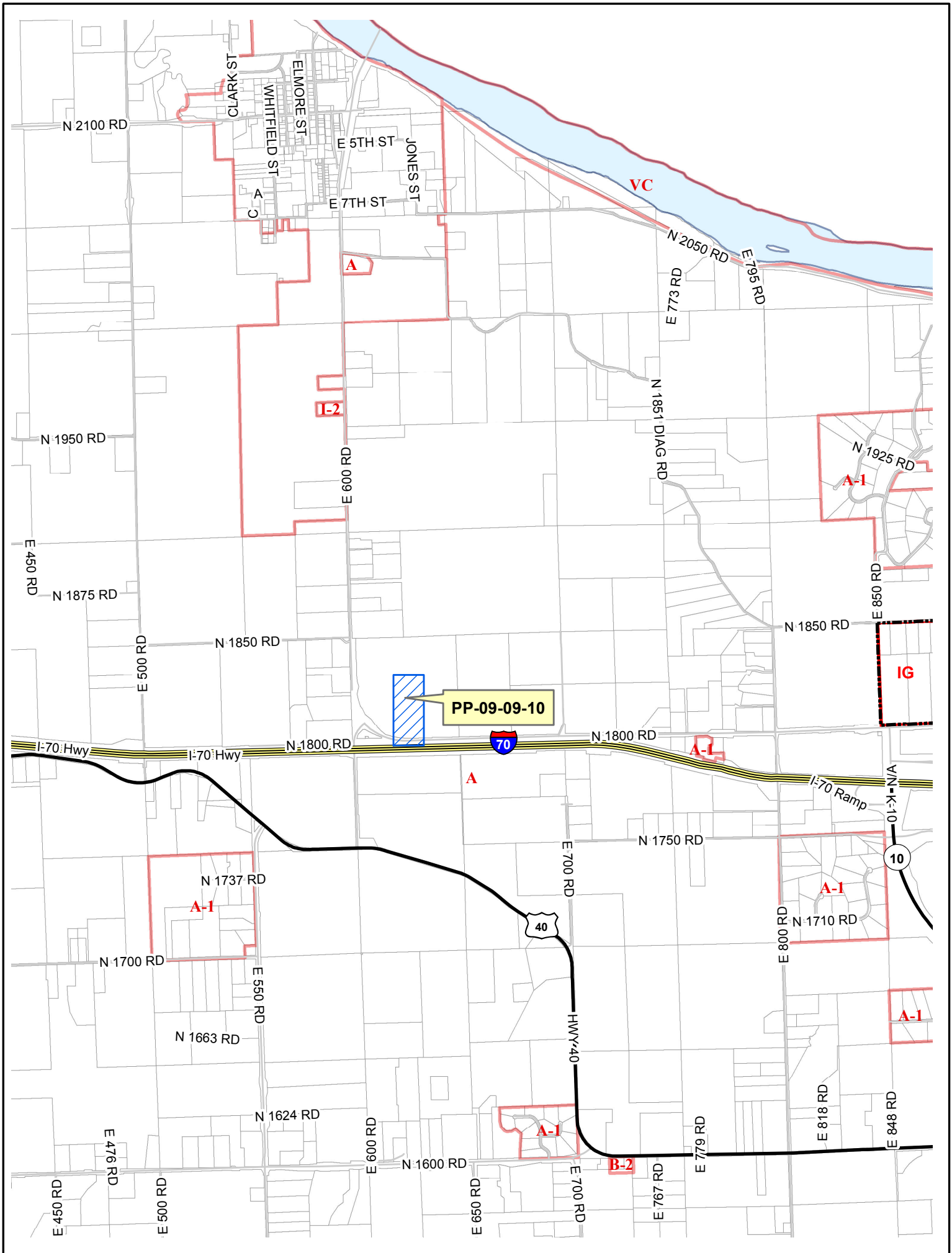
- OWNER/DEVELOPER: Rockwall Farms L.C., 643 Massachusetts Street, Suite 300, Lawrence, Kansas 66044
- LANDPLANNER: Paul Werner Architects LLC, 123 West 8th Street, Suite B2 Lawrence, Kansas 66044 – Plat prepared August 2009
- SURVEYOR: Alpoint's Survey Co, P.O. Box 4444 – Lawrence, Kansas – 66046 and survey performed by Alpoint's Survey Co, 2009
- Topography obtained from County maps and boundary information from County Section records
- Existing Easements: Agricultural and Survey Easements
- Typical Soil Types: Silt, Clay Loam
- This property is not located within the 100 year flood plain per FEMA Maps #2004500020C and #2004500098C. Effective date: August 5th, 2010.
- A permit for the on-site or off-site sewage management system must be obtained from the Douglas County Health Office before building permits may be obtained for each lot. Sewage management systems shall be constructed in accordance with "Standards on Individual on-Site Sewage Management System – Lateral Fields and Other Sewage Disposal Systems for the Unincorporated Territory of Douglas County, Kansas" County Sanitary Code, Resolution 97-48, as amended and must be approved by the County Health Officer
- An access easement for lots 1 and 2 shall be dedicated by separate instrument, with book and page noted on the instrument.
- An easement dedicating the off-site sewage management system for Lot 1 and its connection to the platted lot shall be dedicated by separate instrument, with book and page noted on the final plat.
- In the event that a lagoon is used for sanitary waste management, the system shall be designed to allow for future connection to a public sewer system and a copy of the Kansas Department of Health and Environment approval documentation shall be provided to the Planning Office. In addition, the easement shall note the appropriate entity for maintenance of a lagoon.

Site Summary

EXISTING GROSS AREA:	156,150 acres
RIGHTS-OF-WAY AREA:	0.000 acres
NET AREA:	156,150 acres
PROPOSED GROSS AREA:	156,150 acres
RIGHTS-OF-WAY AREA:	0.000 acres
EASEMENT AREA:	5,466 acres
NET AREA:	150,684 acres
BLOCK 1:	
TOTAL ACRES:	156,150 acres
TOTAL NUMBER LOTS:	2 lots

Location Map





Memorandum
City of Lawrence
Planning & Development Services

TO: Lawrence-Douglas County Metropolitan Planning Commission
Lecompton Planning Commission

FROM: Mary Miller, Planner

CC: Scott McCullough, Planning and Development Services Director

Date: November 15, 2010

RE: Item 3, November 15, 2010 Agenda: Rockwall Farms Addition
Preliminary Plat, PP-9-9-10

Board of County Commissioners' action on I-2 Rezoning for Lot 2 of Proposed Plat

On October 25th, the Lawrence-Douglas County Metropolitan and Lecompton Planning Commissions voted unanimously to forward the rezoning request for Lot 1 of the proposed Rockwall Farms Addition from the A (Agricultural) to the I-2 (Light Industrial) District [Z-9-14-10] to the Board of County Commissioners with a recommendation for approval.

The Board of County Commissioners considered this rezoning request at their November 10, 2010 meeting and voted unanimously to approve the rezoning. The Commissioners signed Zoning Resolution No. 10-28 at the meeting and the zoning will be in effect following publication in the Lawrence Journal World.

PLANNING COMMISSION REPORT Regular Agenda

PC Staff Report
11/15/2010

ITEM NO. 4 CONDITIONAL USE PERMIT; 1879 E 1700 RD (SLD)

CUP-9-3-10: Consider a Conditional Use Permit for a wedding venue for Shoshanna's Garden, located at 1879 East 1700 Road. Section 16, Township 12 Range 20 Submitted by Susan Rendall, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of a Conditional Use Permit for outdoor events subject to the following conditions:

- 1) The provision of a revised site plan with the following changes and notes:
 - a) "Chemical or compost toilets may be used only if approved by the County Health Official."
 - b) "The applicant is responsible for dust control dependant on a complaint basis and to be coordinated with the County Public Works Department prior to events."
 - c) "Maximum number of events limited to not more than 3 events in one week period."
 - d) "Tents used for events shall be erected no more than 24 hours in advance of an event and shall be removed within 24 hours concluding an event."
 - e) "Applicant shall provide a lighting plan per staff approval if lighting is be used for events. Lighting shall be low to the ground, shielded and directed downward."

Reason for Request: *"Have developed an extensive garden and wish to use it as a wedding venue for a fee"*

KEY POINTS

- Existing Residence
- Proposed use is limited to weddings only, no reception events proposed.
- Events typically anticipated being 2-4 hours duration exclusive of set up and cleaning up.
- Trash expected to consist of used decorations and will be disposed of with residential service. No food preparation or food/beverage services are proposed with this use.

ATTACHMENTS

- Site Plan
- Area Map

GOLDEN FACTORS TO CONSIDER

ZONING AND USES OF PROPERTY NEARBY

- The subject property is located in the northeast portion of Douglas County.
- Agricultural zoning and related land uses surround subject property.

CHARACTER OF THE AREA

- The property is located along the eastern County boundary of the Douglas/Leavenworth Counties.

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

RESTRICTED

- The current zoning designation for the property is A (Agricultural) District, a district in which many different agriculture-related uses are allowed. Recreation facilities are allowed in the A District with approval of a Conditional Use Permit.
- The proposed request will not alter the underlying zoning district.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval by Board of County Commissioners.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Sally McGee requested additional information about the proposed use.

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural); developed property with residence.

Surrounding Zoning and Land Use: A (County Agricultural District) in all directions. Agricultural uses, rural residences, and agricultural areas.

RR-5 Rural Residential (5 ac) Leavenworth County.

<http://www.leavenworthcounty.org/pz/documents/Regulations/2006%20Adopted%20Regulations%20updated%20as%20of%205-11-2010.pdf>

Site Summary: Subject Property: Proposed Buildings:	4.728 acres Tent to be used for ceremonies. 10' by 15' building to provide restroom, storage and dressing room space.
Off Street Parking Required: Off Street Parking Provided:	Standard: 1 space per 5 attendees, Section 12-316-1 requirement for <i>place of assembly</i> . 30 spaces required for maximum seating of 150 people. 40 parking spaces provided along existing driveway.

Summary of Request

The request is for a conditional use permit to allow for or accommodate public gatherings primarily for weddings. The application indicates that the use of the property is primarily for wedding ceremonies and does not include or intended to be used for receptions. The distinction being that receptions are typically longer in duration, include catering needs that would have a higher demand for restroom facilities, running water, and trash disposal.

- Events will not begin after sunset. This would accommodate evening use but would be limited by available light around the site.
- Use of the garden is expected to be seasonal between April 1 and November 30.
- A maximum total of 3 events per calendar week are anticipated.
- Proposed tent to provide shelter if needed for inclement weather.
- Proposed 10' by 15' building to provide restroom, storage and changing room for guests.

- Restroom intended to provide single occupancy and would not include a septic tank and lateral field nor be connected to the existing residential system.
- Toilet proposed as a chemical, composting, or incinerator system per County Health Department Approval.
- Other activities considered for this site include photographic sessions such as “senior pictures”, garden tours, and similar gatherings.

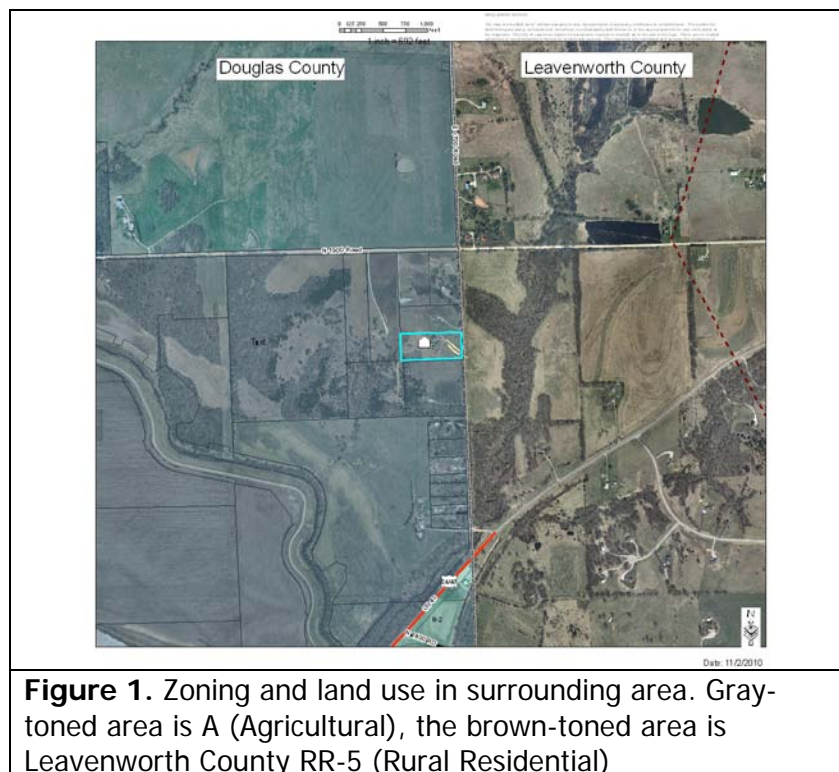
I. ZONING AND USES OF PROPERTY NEARBY

Staff Finding – This property is located along the Douglas/Leavenworth County line. The surrounding zone is agricultural within Douglas County and Rural Residential within Leavenworth County. The property is developed with an existing single-family home. Rural residential homes are located along E 1700 Road.

II. CHARACTER OF THE AREA

This property is located within an agricultural are of Douglas County. Several smaller parcels are located along the county road for residential purposes.

Staff Finding – This is an agricultural area which includes rural residences on 5-10 acre parcels located along the county roads and agricultural areas.



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

Applicant's response:
"Good."

A Conditional Use Permit (CUP) does not change the base, underlying zoning. Therefore, the suitability of the property for continued residential use will not be altered.

The 4.73 acre property is developed with a single-family home and extensive garden. The request is to allow the following accessory recreational uses in conjunction with the existing residence: Outdoor events, such as weddings with this CUP. Additional events such as garden tours and photographic sessions could be considered as exempt as agricultural activities or as a type of home occupation if properly registered. The approval of the CUP will also cover these events.

The applicant proposes to construct a 10' by 15' storage building that will also accommodate a single occupancy restroom. The restroom would be located within the structure so that a portable toilet would not be used for the event. Approval by the County Health Department is required as well as applicable building permits for the structure. As noted in the summary above the toilet facility is intended to be a composting, chemical, or incinerating convenience. The structure size is intended to provide the restroom as well as storage space for the tent and chairs. When the tent and chairs are in use, the storage space could be used as a changing room for guests if needed.

The applicant also intends the construction of a deer fence around the garden to protect it from foraging animals. The fence is shown on the site plan and will be designed with the west end able to fold open for an unrestricted view of the prairie to the west during events. The fence is planned for the site regardless of the approval of the CUP.

Staff Finding – The property is suitable for the uses to which it has been restricted and for the special event venue being proposed.

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

Staff Finding – The subject property is developed with a single-family house and garden. The County Zoning was adopted in 1966, this property has been zoned "A (Agricultural)" since that adoption.

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

Applicant's Response:

"No serious issues. May increase traffic on road."

Section 19-01 of the County Zoning Regulations recognize that *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The proposed use falls under Use 11. Recreation Facility use listed in Section 12-319-4.11 Conditional Uses Enumerated, of the Zoning Regulations for the Unincorporated Territory of Douglas County.

Approval of the CUP will allow the applicant to host outdoor events such as weddings. Outdoor events could be planned that are not associated with a wedding such as garden tours, photography settings.

Several steps could be taken to reduce the negative impact to those traveling or living along this route including, notification of residents and property owners when an outdoor event, such as a wedding, is planned, restrictions on times for events, and/or size limitations for these events to manage the number of cars travelling on the route.

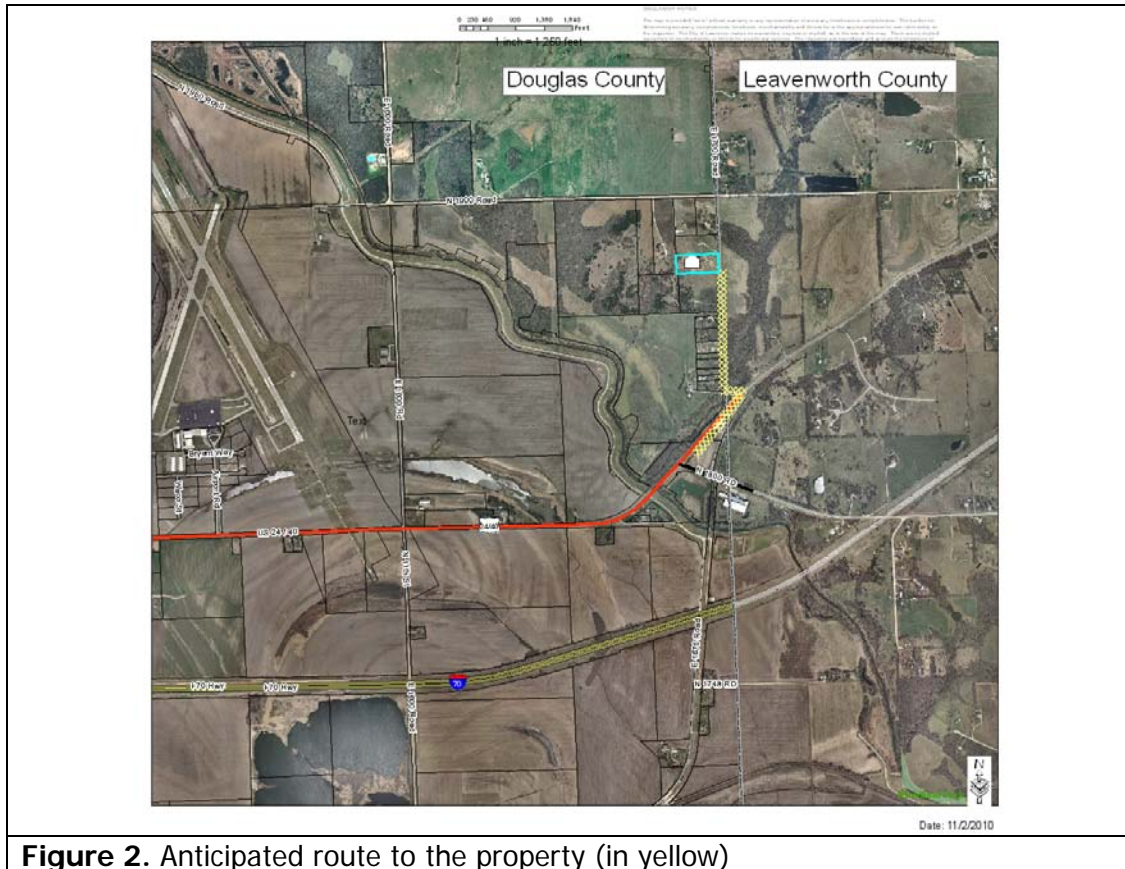


Figure 2. Anticipated route to the property (in yellow)

Improvements:

The purpose of this request is to provide a venue for weddings in a natural setting. Improvements to the site are minimal. The applicant will provide a tent up to 40' by 40' for inclement weather as needed and proposes a garden shed type structure to conceal the restroom and provide necessary storage for the tent and chairs. A fence is also proposed to protect the garden from deer. The fence will be designed to fold open to allow an unobstructed view of the prairie during a wedding or other such event.

The addition of a storage shed and fence could be made to the site without the approval of the conditional use permit. As such there is no inherent harm to adjacent properties by the addition of these improvements.

Screening: The general layout of the proposed activity area is confined to the garden area of the site. This does not preclude the full use of the property. The activity area will be buffered from nearby homes to the north by the existing garden and residence. The property is open to the west and south with scattered trees. Proposed activity would generally be located 200' from the west property line and over 400' from the residence to the west.

Landscape screening with evergreen species could be installed along the west and south property lines to provide an additional buffer.

Hours of operation: This facility does not include a reception hall. Events are expected to be of a shorter duration compared to a facility that offers both a setting for the ceremony as well as reception facilities or options. The use of the property is seasonal and intended to be used during natural daylight hours. Typical duration of events is estimated at 2-4 hours. This does not include any setup or clean up time associated with a particular event.

Lighting:

No additional outdoor lighting is proposed for this use. Events are not intended to begin after full sunset. This should not be interpreted to mean that they may not extend into a period after sunset. For example, a “candle light” ceremony could begin at sunset and extend for an additional time. Artificial lighting may be needed to allow guests to walk safely through the garden to the parking area. Pedestrian lighting could be provided in this case on a temporary basis. Generally any such lighting should be low to the ground, shielded and directed downward to avoid glare or light spill to the surrounding properties. This concern is reflected as a condition of approval.

Traffic: The applicant's proposed limitation on the number of events and hours should minimize negative impacts associated with traffic. County staff indicated during the review that the applicant should be responsible for dust control on E 1700 Road in front of other residences. This comment was forwarded to the applicant during the review. The applicant stated that such a condition could be cost prohibitive for the proposed use.

As a compromise staff suggests that the applicant be responsible for dust control dependant on a complaint basis. If complaints are received then the applicant shall provide for dust control measures to the approval of the Township and County Road Departments prior to additional events.

Staff Finding – Possible negative impacts to nearby properties would be increased noise and traffic on the unpaved road. The Commission has the ability to identify specific recommendations to address a particular concern including road treatment, limiting the activity, requiring a lighting plan, and similar restrictions.

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:
“Not applicable.”

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property. In Staff's opinion, denial of the request for a Conditional Use Permit would affect the individual landowner by prohibiting this opportunity. The property could continue to be utilized as a rural residence. Denial of the CUP request will limit the amount of traffic on this segment of the road to the current uses and activities and potential development of the area.

Staff Finding – Approval of the Conditional Use Permit may indirectly benefit the community by adding to area tourism, thus strengthening the economic base. It does not directly harm the public health, safety and welfare; however the increase in traffic associated with these uses may present a

safety issue for the public in increased traffic and dust on unpaved roads. Restrictions on the frequency and size of events can be used to mitigate increase in traffic.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response—
"No affect."

The property is located within the city of Lawrence Urban Growth boundary. The property is located in Grant Township and is within the planning boundary of the Northeast Sector Plan. Horizon 2020 does not address Conditional Use Permits as a tool to achieve specific policies. This area is generally anticipated to remain agricultural in nature. The existing homes are considered rural residential and are located on 5 and 10 acre parcels.

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

STAFF REVIEW

Approval of the request would allow the property owner to engage in a type of home occupation. The scope of the proposed activity is such that a Conditional Use Permit is applicable. Minimal improvements to the site are proposed as discussed above. The intent of the site plan is to show parking and seating areas. The key feature of the property is the extensive gardens, providing a setting for the activity.

County Health Department approval will be required for the placement of a chemical, compost, or incinerating toilet. The applicant intends to provide a single occupancy facility. The placement of the toilet within the garden shed is intended to screen the facility as opposed to the placement of a portable toilet on the property.

Phasing

This request is for use of the garden for special events, primarily weddings. It is seen by the applicant as a "destination location". No catering that accommodates food and beverage service is proposed for this property. Receptions are typically longer duration and have a higher need for water and trash disposal. Any future plan to add receptions to this property shall require a revised CUP to expand the use and shall require a full public hearing.

The applicant has indicated that a tent may be erected to provide shelter during events. It is not intended that the tent shall be erected the entire season. Staff recommends a condition be added to the site plan that states the tent shall be set up no more than 24 hours in advance of the event and shall be removed within 24 of the conclusion of the event. Obviously, if events occur consecutively, such as over a weekend, the tent could be erected on a Thursday and removed on the following Monday as an example.

Parking

The site plan identifies approximately 40 parking spaces to be located along the existing gravel drive to the site. This is a mowed and grassed area on the site. Adequate area exists on site to accommodate overflow parking if needed.

Conclusion

Approval of a CUP can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and establish screening requirements. The recommended conditions respond to the specific nature of the request without the associated intensity of full-scale commercial zoning. Recent actions by the County Commission have approved Conditional Use Permits with the following term limitations:

- A CUP will be administratively reviewed in 5 years
- A CUP will expire at the end of 10 years, unless an application for renewal is approved by the local governing body

Time limitations may be placed on the activities to reduce any negative impacts to the nearby property owners. The applicant has indicated that activity is to be conducted during daylight hours.

Google maps Address

To see all the details that are visible on the screen, use the "Print" link next to the map.

[Get Directions](#) [My Maps](#)[Print](#) [Send](#) [Link](#)

- A. 40 parking spaces on mowed lawn - with good drainage
- B. space for tent and approximately 100 chairs for guests
- C. 10' x 15' storage building w/ restroom
- D. 8' deer fence

Shoshanna's Gardens

1879 E 1700 Road

DISCLAIMER NOTICE

0 10 20 30 40
Feet
1 inch = 80 feet

This map is provided "as is" without warranty as to any representation of accuracy, timeliness or completeness. The burden is on the user to determine accuracy, completeness, timeliness, availability and fitness for use. The City of Lawrence makes no warranty, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The user 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.

Legend

Parcel



Tent with seating for 100



Parking for 40 spaces.
Mowed lawn with good drainage



10' x 15' storage building/restroom

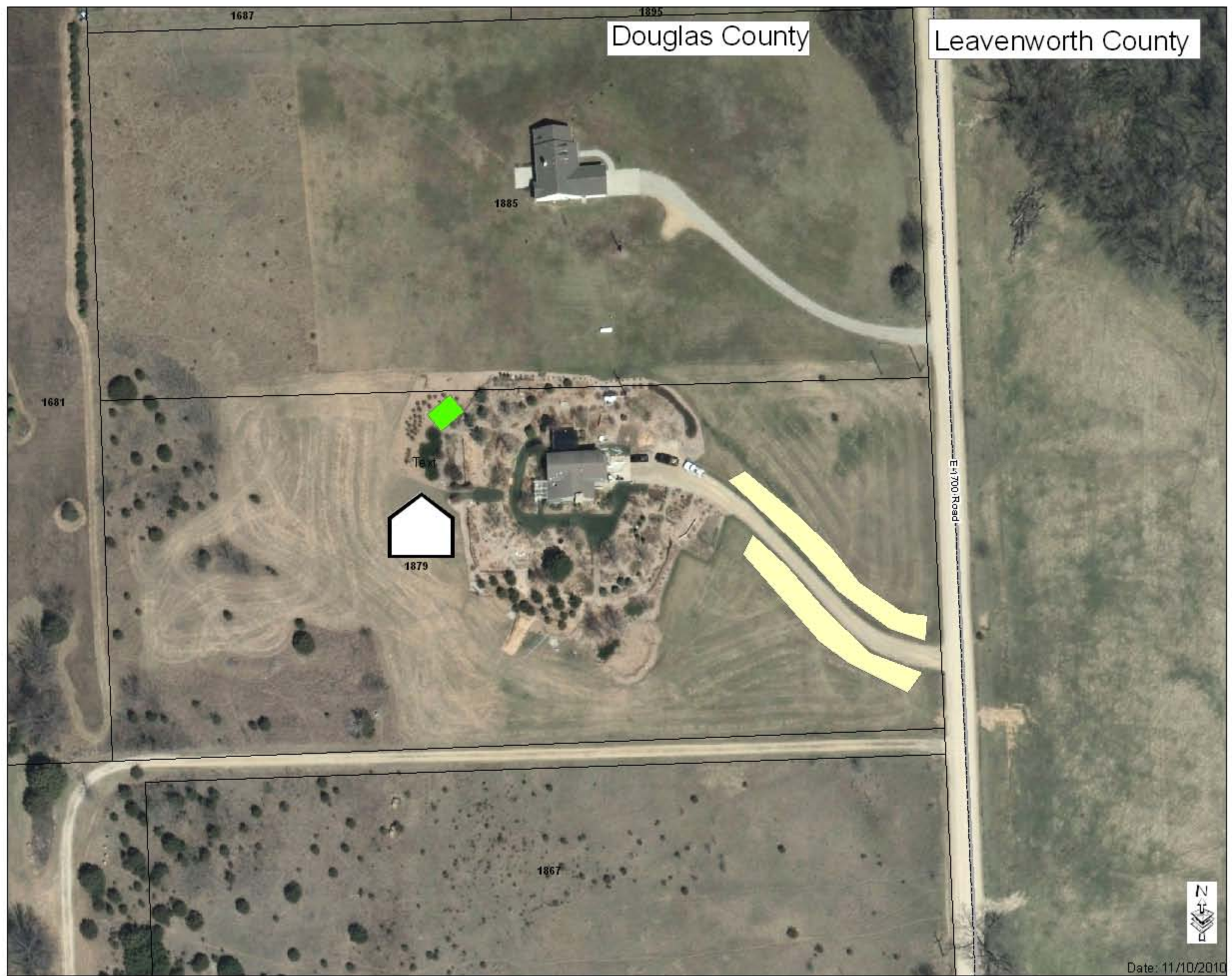
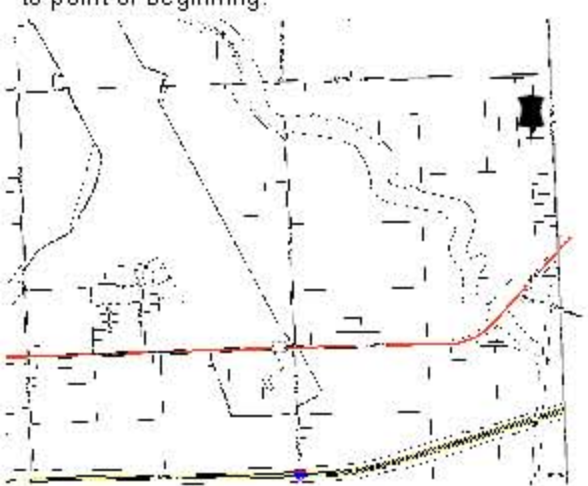
Property Owner
Susan Rendall

NOTES:

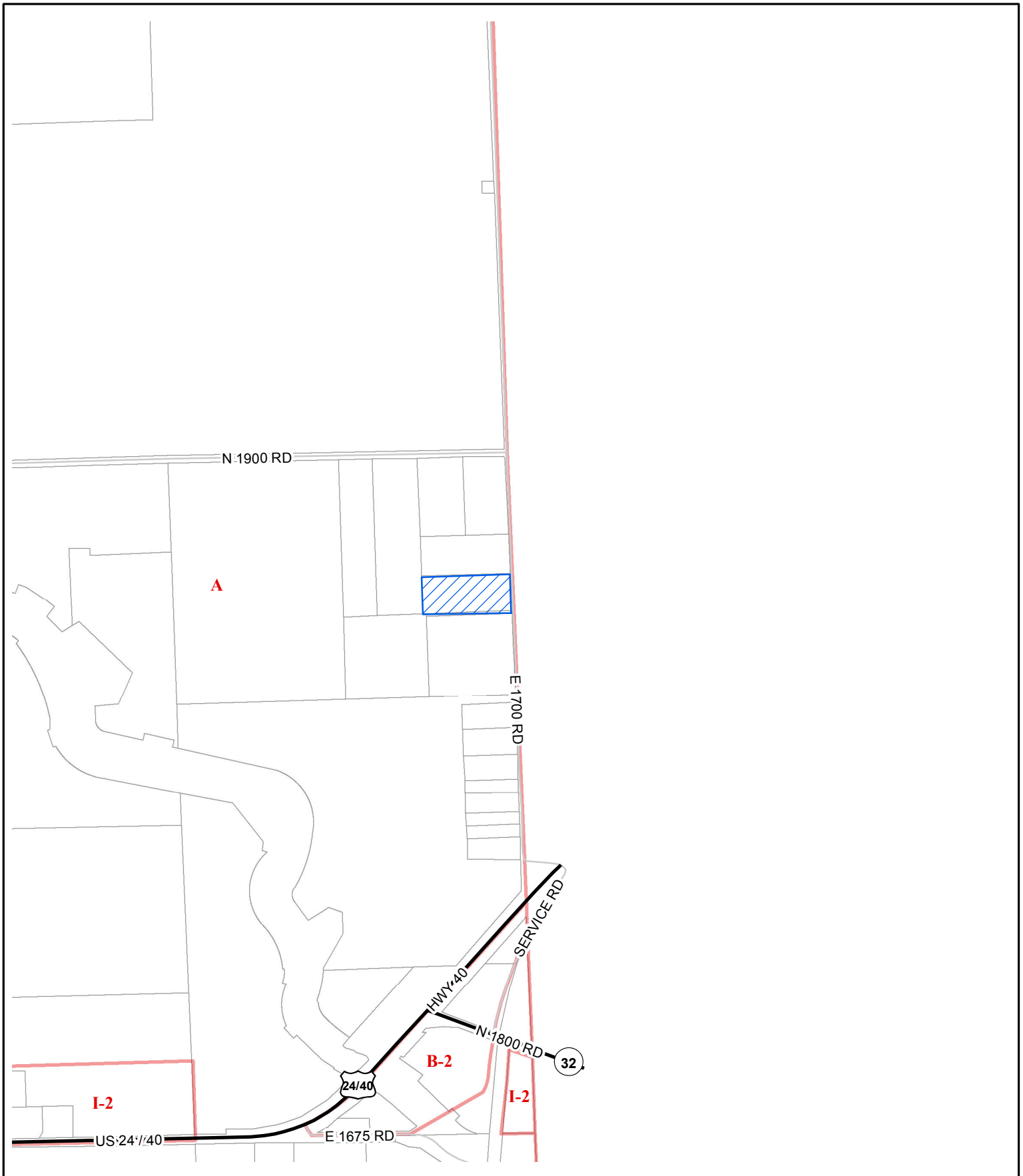
1. Composting toilet. Facility shall be approved by Douglas County Health Department and fully screened from view from adjacent property.
2. Maximum guests 150.
3. Maximum tent size 40' by 40'.
4. Weddings only, no reception.
5. Events shall not begin after full sunset (dark).
6. No exterior lighting is proposed.
7. Season - April 1 - November 30.
8. No smoking signs shall be posted.
9. The permit will be administratively reviewed by the County in 5 years (Calendar Year 2015).
10. The permit will expire at the end of 10 years (December 31, 2020), unless an application for renewal is approved by the local governing body.

Legal Description

5.02 Acres; SEction 16 Township 12 Range 20
commencing at the NE corner of NE 1/4
thence S 0 degrees 20' 40" along the E line of the NE 1/4
926.06' for Point of beginning.
Thence S 0 degrees 20' 40" E along E line NE 1/4 307.7 feet
thence North 89 degrees 20' 40" West 711.12 feet
thence north 0 degrees 15' 30" West 307.77 feet
thence south 89 degrees 20' 02" East 710.66 feet
to point of beginning.



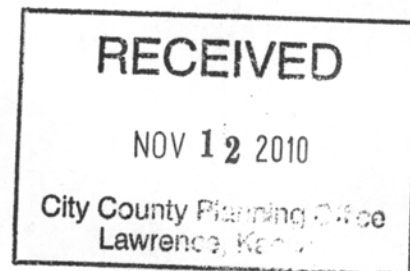
Date: 11/10/2010



CUP-09-03-10
1879 East 1700 Road



City of Lawrence Douglas County
Planning & Development Services



Attn: Sandra Day

Re: CCP-9-3-10

As a nearby landowner and neighbor of the proposed CCP for a wedding venue, we have no objections or concerns regarding this application.

We believe this proposed business will be a welcome asset to our neighborhood. We know the Rendall's and believe they are very responsible and will abide by the conditions of the permit.

Sincerely
Jim and Dorothy Conger
1839 E 1700 Rd
Lawrence KS 66044

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
11/15/10

ITEM NO. 5: RM15 to RM24; 15.171 ACRES; 4000 W 24TH PLACE (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W. 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request [Z-8-12-10] for 15.171 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report. *Deferred by Planning Commission on 10/27/10.*

Applicant's reason for request: *"The rezoning is requested because the Owner desires to build additional buildings on the property. The apartment complex is fully leased with a waiting list for available units. The property has room for additional buildings."*

KEY POINTS

- Property has a history of multi-dwelling type development.
- Property was included in original 160 acre development known as the Getto property (Inverness Park Addition) and zoned RO-1B per the 1966 Zoning Code. A district allowing multi-dwelling development up to 12 dwelling units per acre.
- A previous application for a retirement center included this property (UPR-09-04-07) but was not completed.
- This property was rezoned to RM15 to facilitate multi-dwelling residential development (Z-10-26-07) allowing multi-dwelling development up to 15 dwelling units per acre.
- Property is developed as an apartment complex with 224 1-bedroom units.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- Property is located within an area planned for multi-dwelling residential development.

CONFORMANCE WITH *HORIZON 2020*

- The proposed request is consistent with the general principles of *Horizon 2020* as identified.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-10-26-07; RSO to RM15 for only that part of the subject property known as Lot 1.
- MS-06-09-08; minor subdivision to amend interior lot line.
- SP-6-38-08; approved for multi-dwelling development (Remington Square Apartments)
- FP-06-11-08, a local floodplain development permit for the development of Lot 1 of the subject property.

ATTACHMENTS

- Area map
- Residential Use Tables
- Development history summary

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

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

GENERAL INFORMATION

Current Zoning and Land Use: RM15 (Multi-Dwelling Residential); existing multi-dwelling residential development.

Surrounding Zoning and Land Use: To the north; RM12 (Multi-Dwelling Residential) District; Bishop Seabury Academy and apartment development.

To the east and west; RSO (single-dwelling Residential Office) District; undeveloped land.

To the South; PRD [The Legends, Phase 1 and Phase 2 The Grove]; existing multi-family residential development, university oriented housing.

Project Summary:

The property is located on the north side of 24th Place. It is bounded on the north by Clinton Parkway. The property is developed with 224 1-bedroom apartments. The proposed request is intended to change in the base density to allow additional apartment development on the east side of the property. This would allow up to an additional 136 units (360 units total). A summary of the development history is attached to this report.

I. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"Horizon 2020 supports infill development. The proposed project is an infill development which will provide a consistent and compatible land use with the surrounding area. The proposed project will be a similar land use to the existing adjacent properties. The proposed units will be one bedroom units."*

The existing zoning is RM15 and the existing density is 14.93 units per acre with 14.93 bedrooms per acre. The proposed zoning is 24 units per acre with 24 bedrooms per acre. Medium density residential zoning should be located along major roadways. This project is located along Clinton Parkway. The proposed project will consist of 16 and 24 unit apartment buildings. The proposed buildings will be consistent with the existing buildings on the property."

Residential development is addressed in *Horizon 2020* - Chapter 5. The plan recognizes the need to provide a variety of housing opportunities. A key residential strategy states: *"Infill residential development should be considered prior to annexation of new residential areas."*

The Plan further strives to encourage the enhancement of neighborhoods with compatible densities and housing types. Architectural styles are recommended to reflect qualities and styles of an existing neighborhood.

The proposed request is considered to be high-density as defined in *Horizon 2020* and in the Land Development Code. High density development is typically found along major arterial streets and in proximity to high intensity activity areas. Medium and high density residential land use includes the following policy: *"Policy 2.7(b): Encourage the use of a variety of housing types, including town homes, patio homes, zero lot line homes, cluster housing, garden apartments and retirement housing."*

Additional policies address compatibility with surrounding land uses and adequate vehicular circulation within developments.

High-density residential development is characterized as density occurring between 16 to 21 dwelling units per acre. The Development Code includes zoning districts that allow up to 32 dwelling units per acre. Several areas in the community can be found with this type of density. Typically, high density areas are located near university property.

Staff Finding –The Land Development Code provides for zoning districts that exceed the definition of high density found in *Horizon 2020*. Approval of the request will allow infill development in an area currently built with multi-story apartments. If the Commission determines the requested density is too high for the area, an option to address both density and overconcentration of a specific housing type would include limiting the density, if approved, to something less than the requested 24 dwelling units per acre.

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

This property is surrounded by a variety of land uses and zoning districts. The area to the east was proposed for neighborhood commercial zoning for a Walgreens and later withdrawn by the applicant in 2008 (Z-5-12-08). The property to the west was proposed for multi-dwelling residential development in 2009 which was denied by the City Commission (Z-7-11-09). Both properties immediately east and west remain undeveloped.

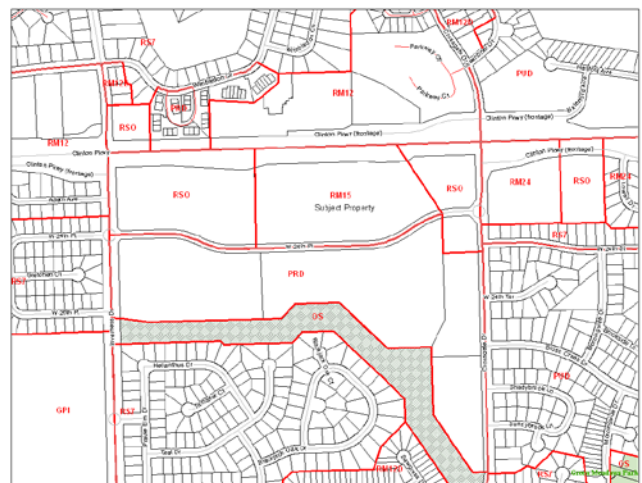
The area located along the south side of 24th Place is developed with apartments (Legends at KU and The Grove). These apartments include 2, 3 and 4 bedroom units. Another apartment complex is located southeast of this request. That development (Wyndam Place), along Crossgate Drive, includes 1 and 2 bedroom units. It is designed for residents 55 years and older. An additional apartment development is proposed on the currently vacant PRD property north of Wyndam Place.

The area located on the north side of Clinton Parkway includes a variety of uses including Bishop Seabury Academy, a private school, apartments and condominiums.

Detached residential uses are located on the east side of Crossgate Drive and the west side of Inverness Drive. An existing drainage easement south of the apartment development, on the south side of 24th Place is designated as a future park. The area is intended to include trails for passive recreation within the area. The area south of the future park (south of 24th Place) is also zoned and developed with detached residential housing.

The east side of the subject property is encumbered by a drainage easement. The drainage features of the site are natural boundaries to development.

Staff Finding -- There are a variety of zoning districts and uses in this area. The subject property is zoned RM15 and developed with apartments. Surrounding land uses include a school, vacant land, and other multi-dwelling residential uses. The development pattern of the area is defined by the existing streets, drainage and built structures of the surrounding area.



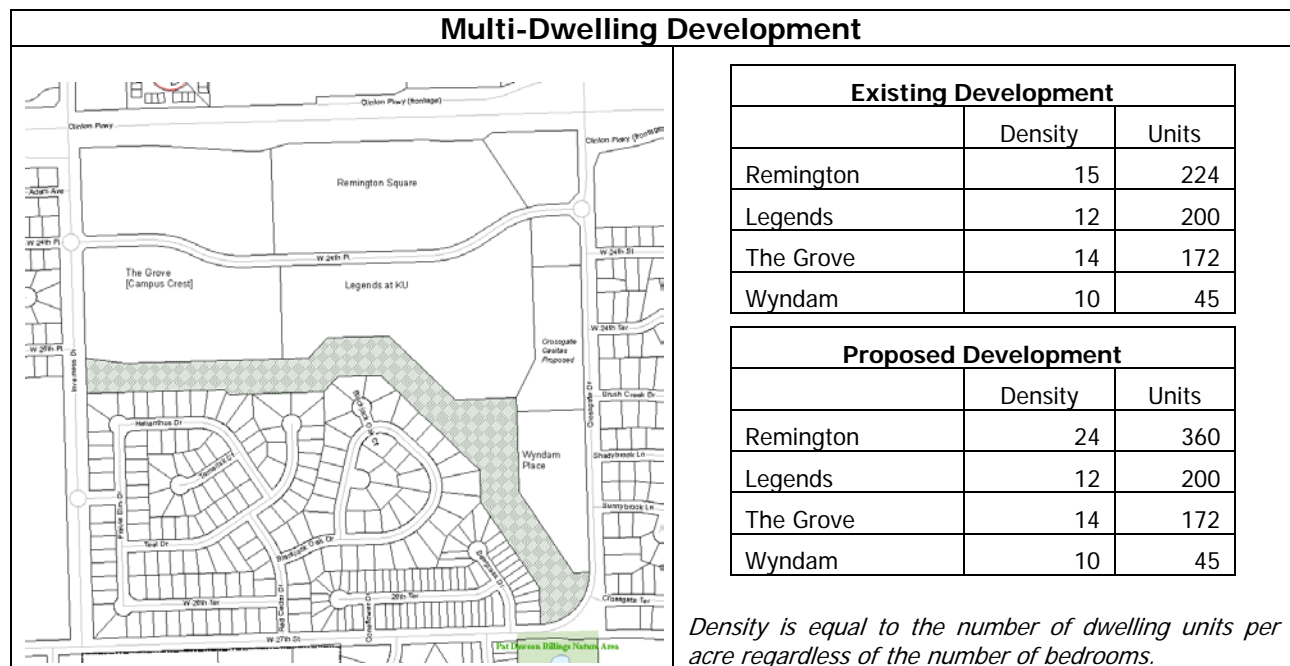
III. CHARACTER OF THE AREA

Applicant's Response: *"The property to the east and west is currently vacant. The properties to the south consist of medium density multi-family residential. The property to the north consists of mixed uses including medium density multi-family residential (RM12 zoning)."*

The subject property is located on the south side of Clinton Parkway (a designated arterial street) and on the north side of 24th Place (a designated local street). Inverness Drive to the west and Crossgate Drive to the east are both collector streets. The property is not located within an established "neighborhood boundary" but is located near Sunflower Elementary School and Southwest Junior High School to the southwest. The area to the immediate south is developed with multi-family university-related housing.

The broader neighborhood includes a range of uses found throughout the area. Intensive uses are concentrated along Clinton Parkway. Detached and duplex housing is found east of Crossgate Drive, west of Inverness and south of the park property (south of 24th Place). Lowest intensity uses (detached homes and open space) are found on the interior portion of the neighborhood.

There are 4 existing multi-dwelling projects in the immediate area (south of Clinton Parkway). The following table provides a summary of existing and proposed development.

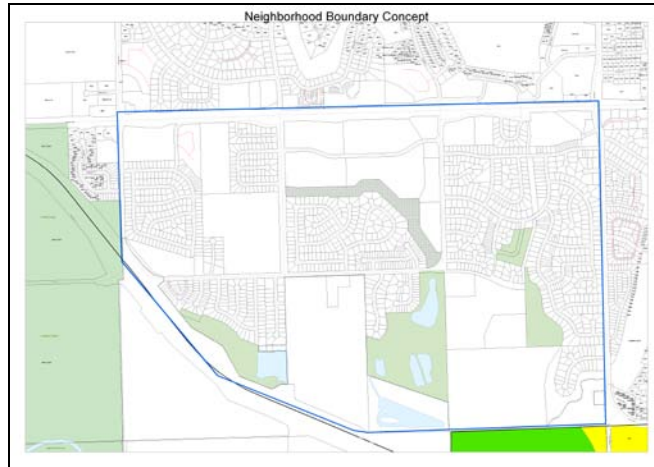


Staff Finding -- The subject property is located in proximity to several developed apartment complexes and existing residential subdivisions. The area has a mixed character. Higher-intensity residential development is located along the arterial streets. Lower intensity, attached town homes and detached single family dwellings are located interior to the overall neighborhood area.

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

This area is not currently included in a designated neighborhood. *Horizon 2020* and *Transportation 2030* are the adopted plans applicable to this request. General neighborhood features reviewed for

this application include: land use, open space, and proximity of public and commercial uses serving the area. There are a number of undeveloped parcels within the neighborhood. The area would benefit from development of a neighborhood plan to address the form and type of development for the undeveloped areas and identification of neighborhood needs to serve the area. Approval of the proposed rezoning will not substantially alter the existing neighborhood makeup.



Staff Finding -- The subject property is not part of a designated neighborhood for which there is an adopted area or sector plan. The guiding document for this property is *Horizon 2020*. The property abuts an arterial street to the north and the general area is between two collector streets. Access to the property will be limited to the local street on the south side.

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

Applicant's response: *"The use of the subject property for multi-family residential is suitable."*

The RM districts are intended to accommodate multi-dwelling housing. These districts allow the creation and maintenance of higher density housing opportunities in areas with good transportation access.

- The RM15 district has a corresponding *Horizon 2020* designation of "medium density" limited to 15 dwelling units per acre.
- The proposed RM24 district has a corresponding *Horizon 2020* Designation of "high density" designation limited to 24 dwelling units per acre.

The property has been developed, as zoned, to its maximum potential with regard to density. The property includes roughly 4 acres on the east side that is currently open space. If approved this open space area could accommodate additional development. Infill development maximizes the building potential without creating sprawl. This type of activity is considered infill development.

The Remington project was developed as a complex with 1-bedroom units. Comparatively, other projects in the immediate area include 2, 3 or 4 bedroom units. The density calculation is "dwelling unit" regardless of the number of bedrooms in an individual dwelling unit. The number of bedrooms impacts the building size. Buildings that include units with 2, 3 or more bedrooms are larger creating more mass and bulk than a development with buildings including only 1 bedroom units. It is for this reason that the Remington Square project has a smaller overall footprint of buildings compared to the two developments on the south side of W. 24th Place. If the Remington project

was renovated, consolidating some of the 1 bedroom units into multi-bedroom units, additional construction could be added to the site without changing the same base density.

Staff Finding – The existing buildings could be remodeled combining units and adding bedrooms thus allowing construction of more buildings at the same base density. Approval of the proposed rezoning would allow the project to retain its existing character and add additional units on the east side of the property.

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

Applicant's Response: *"The property was developed in 2008 under the RM15 zoning."*

The property is developed with 1-bedroom apartments and surface parking. This property has been rezoned a number of times in the recent past.

- RO-1B zoned approved as part of the Getto development project.
- RSO zoned in 2006 per the adoption of the Development Code.
- RM15 zoned in 2007 as part of the Remington Square development project.

Staff Finding – The subject property is developed. It was zoned for multi-dwelling residential use in 2007. A site plan was approved in 2008 for multi-dwelling residential development.

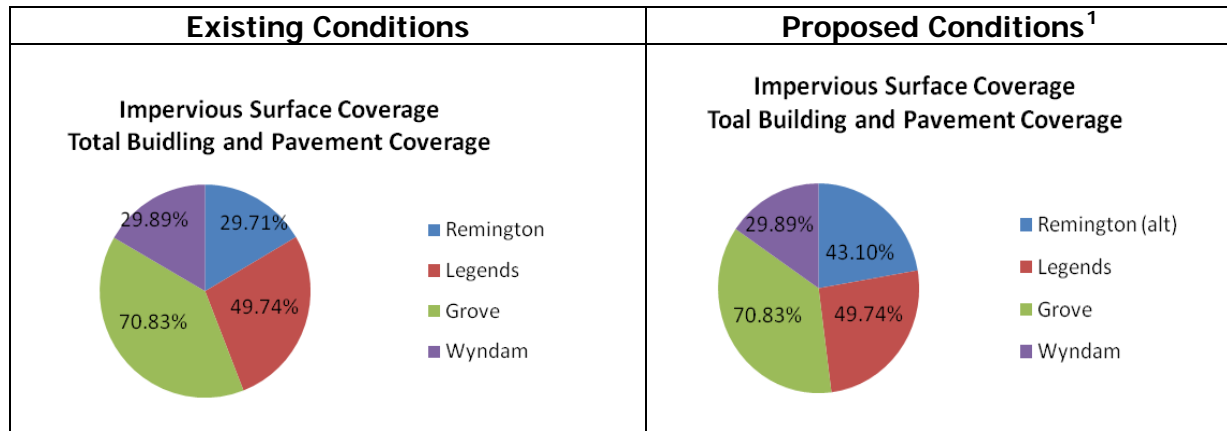
VII. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response: *"The proposed rezoning will not detrimentally affect nearby properties. The properties to the west and east are currently undeveloped. The properties to the south have multi-family apartments on them. The Legends development has an existing density of 11.85 units per acre and 37.4 bedrooms per acre. The Grove development has an existing density of 13.71 units per acre and 39.8 bedrooms per acre. The proposed development will have only 24 bedrooms per acre."*

The applicant is requesting that 15.171 acres of land be rezoned to RM24. The subject property abuts an existing arterial street (Clinton Parkway) and is located across from an existing multi-dwelling residential development. Approval of the request will allow development of additional buildings on the east side of the property. Staff acknowledges that units with more bedrooms directly correlate to more people per unit. Multi-dwelling zoning districts allow a maximum of 4 unrelated individuals per unit (includes RMO, RM12, RM12 D, RM15, RM24, RM32 and RMG zoning districts).

A key consideration of this review is the impact on the appearance and scale of development and the relationship to the surrounding area. As a measure of development impact staff compared the building and open space land coverage of four developments in the area. Developments with more building coverage and less open space appear more dense and intrusive than developments with less building coverage and more open space. All four developments are consistent with medium density descriptions found in *Horizon 2020*, (density 7 to 15 dwelling units per acre). See table in part III of this report.

The following charts show the amount of area within the four projects dedicated to buildings and improvements (Impervious Surface Coverage) as a measure of intensity (building scale and mass).



Both Remington Square and Wyndam Place, as built, include a substantially less built area. This directly correlates to their building type with only 1 or 2 bedrooms. The Grove and the Legends include larger buildings include 2, 3 or 4 bedrooms per unit². Correspondingly, the developments with larger building have less open space.

Approval of this request should not anticipate additional density increase of the remaining undeveloped lots.

With recent multi-family rezoning requests, concerns have been raised regarding the potential to over building in the apartment market. The City has:

- 1,436.8 acres (2.24 sq. miles) zoned for medium density development (RSO, RM12, RM12D).
- 75.7 acres (.118 sq. miles) zoned for medium density development (RM15).
- 657.7 acres (1.03 sq. miles) zoned for high density development (RMO, RM24, RM32).
- 21,845 acres (34.12 sq. miles) total city (all zoning districts).
- 20,602 acres (32.19 sq. miles) total city less island areas (all zoning districts).

As noted in the September 29, 2010 Journal World the City's current vacancy rate is 8.1%. This includes **all** types of housing not just those limited to multi-dwelling units. Both Remington Square and Wyndam Place have reported they are fully leased while Legends has indicated that they do have vacancies. Staff was not able to contact The Grove to confirm vacant units. There appears to be a demand in the community for smaller units based on anecdotal evidence.

Staff Finding – A concern noted in public comment regarding a previous development application for the south east corner of Clinton Parkway and Inverness (just west of subject property) included statements related to overbuilding of apartments in this general area. Not all multi-dwelling units function the same or serve the same market. Approval will allow additional development on this site in keeping with development pattern in terms of building coverage. Approval will also allow additional housing options in the area but should not negatively affect the Single family residences to the south and southwest.

¹ Based on proposed site plan for Remington Square.

² Wyndam Place is targeted to Seniors 55 years and older. The project includes 28 one-bedroom units and 36 two-bedroom units. Remington Square includes all one-bedroom units.

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

Applicant's response: *"If this application is approved it will allow the Developer to construct 136 residential units which will increase the property tax base of the City of Lawrence. The public infrastructure is in place in and around the development so the impact to the public system is minimal. The hardship imposed upon the landowner if the application is denied is such that the additional units will not be built at this time."*

Existing services are available to the property for development purposes. Additional detail is needed regarding specific to the development including a downstream sanitary sewer study. Approval of the request as infill development is preferable to fringe development with regard to extension of municipal services. Adjustments may be needed with regard to land use to assure system capacity remains available as undeveloped land is proposed for development.

While unlikely, if denied the applicant could remodel the recently completed project to add additional bedrooms without altering the base density. This would likely displace current residents of the development.

Staff Finding -- Approving the rezoning request would allow additional 1 bedroom residential housing choices in the community. Existing infrastructure is available to serve this property. Development will not alter existing public health, safety and welfare.

STAFF REVIEW

The subject property is a portion of a larger 160 acre tract originally annexed and zoned in 1999. The property was later platted with large tracts along Clinton Parkway. The area along Clinton Parkway was zoned for the most intensive development as part of the consideration of the 160 acres in 1999. The area south of 24th Place but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots south of the open space/drainage area. Approval of this request increases the base density on the north side of 24th Place. The developed properties on the south side of 24th Place would continue to function as transitional uses between Clinton Parkway at the north end and single-dwelling residences at the south end of the original 160 acre parcel.

In 2004 the subject property was part of a development request known as the Fountains Retirement Center; a multi-lot, multi-phased development intended to provide a variety of housing options (independent and assisted living, skilled nursing, dementia care, and two-unit villas) for senior citizens in Lawrence (UPR-09-09-04). Development was anticipated for this project to be phased and completed by 2011. A final plat was also associated with this proposed development that was not recorded but established lots based on the phases of the development. The total development area of the project was approximately 22 acres. The subject property of this request represents the central portion of that previous development request. The area along Clinton Parkway has historically been associated with higher intensity land use.

In 2008 the Planning Commission voted unanimously to recommend rezoning the property from RSO to RM15. The base density did not change with the zoning approval at that time. The change did modify the allowable building type and prohibit office uses allowed in the RSO district.

CONCLUSION

The area immediately south of the subject property is developed with multi-story units with multiple bedrooms. The units on the south side of 24th Place (The Grove and Legends at KU) are marketed to college age occupants, the units located along Crossgate (Wyndam Place) are marketed to adult residents 55 years and older. This development (Remington Square) is not specifically designed or marketed to a particular age group.

Development of the property will require site plan approval and compliance with the current Land Development Code, if approved.

20-402 RESIDENTIAL DISTRICT USE TABLE

<div>Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed</div>		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	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*	-	A*
Group Living	Assisted Living	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	Boarding Houses and Cooperatives	-	-	-	-	-	-	-	P	-	P	P	P	-	P	
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Group Home, General [11 or more]	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Group Home, Limited [10 or fewer]	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
PUBLIC AND CIVIC USE GROUP																
Community Facilities	Adult Day Care Home	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	Cemeteries	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	505
	College/University	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	School	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Cultural Center/ Library	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Day Care Center	S*/A*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*/A*	S*	507
	Day Care Home, Class A	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	507
	Day Care Home, Class B	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	-	S*	507
	Detention	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	512
	Postal Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Public Safety	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Funeral and Interment	-	-	-	-	-	-	P*	-	-	-	-	-	-	P*	505

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	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
	Utility, Minor	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	530
	Utility and Service, Major	S	S	S	S	S	S	S	S	S	S	S	S	—	S	
Medical Facilities	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, Health Care Center	—	—	—	—	—	—	P	—	—	—	—	—	—	P	
	Hospital	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	Outpatient Care Facility	—	—	—	—	—	—	P*	—	—	—	—	—	P*	P*	519
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	S	—	S	
	Entertainment & Spectator Sports, Gen.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	Entertainment & Spectator Sports, Ltd.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	—	P	
	Private Recreation	P	P	P	P	P	P	P	P	P	P	P	P	—	P	
	Participant Sports & Recreation, Indoor	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	Participant Sports & Recreation, Outdoor	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Religious Assembly	Campus or Community Institution	—	—	—	—	—	—	—	P*	P*	P*	P*	P*	P*	P*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	522
COMMERCIAL USE GROUP																
Animal Services	Kennel	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	Livestock Sale	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	Sales and Grooming	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	Veterinary	—	—	—	—	—	—	P	—	—	—	—	—	—	P	

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		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Eating & Drinking Establishments	Accessory Bar	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Bar or Lounge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Brewpub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fast Order Food	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fast Order Food, Drive-in	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Nightclub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Private Dining Establishments	S*	S*	S*	S*	S*	-	S*	-	-	-	-	-	-	S*	539
	Restaurant, High-turnover	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Restaurant, Quality	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Office	Administrative and Professional	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	518
	Financial, Insurance & Real Estate	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	510
	Other	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	510
Parking Facilities	Accessory	-	-	-	-	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	-	-	-	-	-	S	-	-	-	-	-	-	-	
Retail Sales & Service	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Business Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Business Support	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Construction Sales and Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Food and Beverage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Mixed Media Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Personal Convenience	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Personal Improvement	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	521
	Repair Service, Consumer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Sales, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Large	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Medium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Specialty	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Sex Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Sexually Oriented Theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Transient Accommodation	Bed and Breakfast	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	P*	-	P*	504
	Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Elderhostel	-	-	-	-	-	-	-	-	-	-	-	-	S	-	
	Hotel, Motel, Extended Stay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Vehicle Sales & Service	Cleaning (e.g., car wash)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fleet Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Gas and Fuel Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Heavy Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Light Equipment Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Light Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	RV and Boats Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
INDUSTRIAL USE GROUP																
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Laundry Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Manufacturing & Prod., Limited	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Manufacturing & Prod., Technological	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Research Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Salvage Operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Wholesale, Storage & Distribution	Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Mini-Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
OTHER USES GROUP																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	S*	-	501
Agriculture	Agricultural Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Animal	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	502
	Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
Communications Facilities	Amateur and Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	536
	Broadcasting Tower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Communications Service Establishment	-	-	-	-	-	-	P	-	-	-	-	-	-	P	
	Telecommunications Antenna	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Recycling Facilities	Large Collection	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Small Collection	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Processing Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

Site History Attachment:

ANNEXATION

- A-4-4-99; 163.46 acres

REZONING

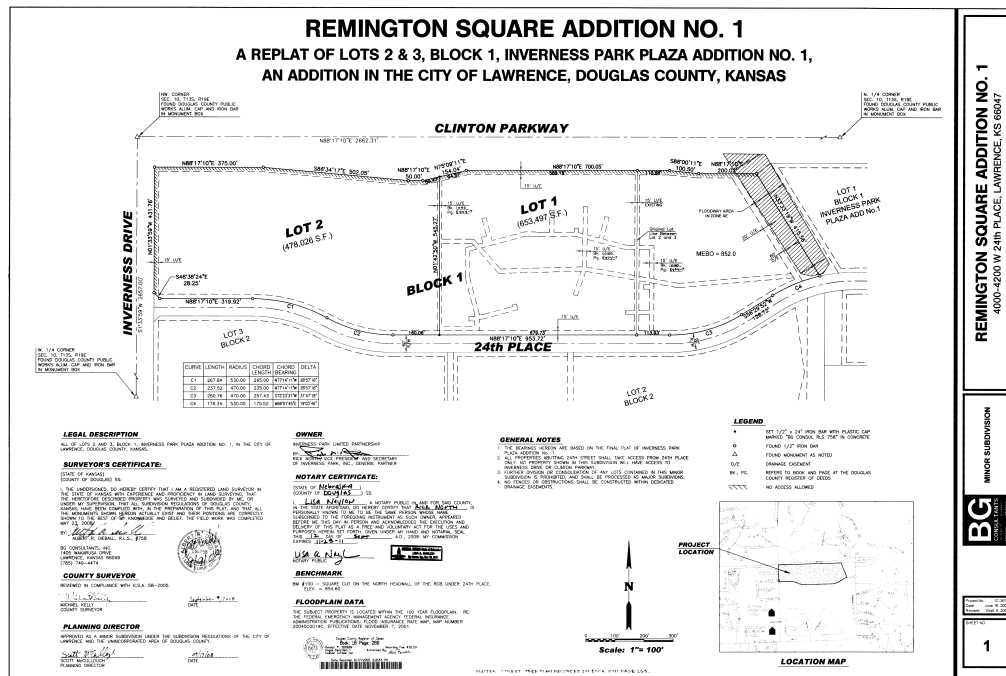
- Z-4-10-99; A to RO-1B; 17.738 acres of original tract
- Adoption of 2006 Zoning Code converted the RO-1B to RSO.
- Z-10-26-07; RSO to RM15 for only that part of the subject property known as Lot 1

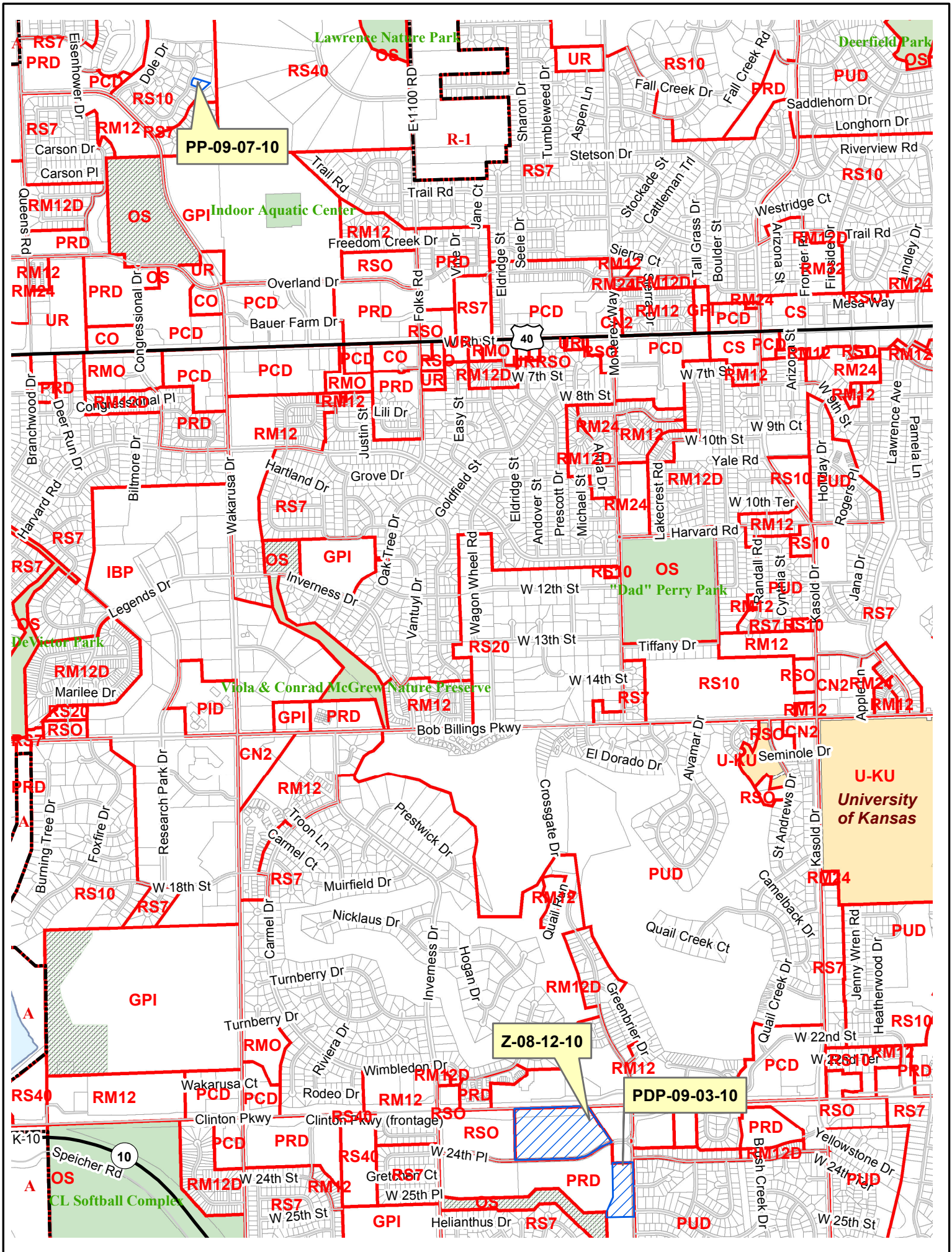
PLATTING

- Inverness Park Plaza Addition No. 1
- PF-09-29-04, a Final Plat for Inverness Park Plaza Addition No. 5, a replat of Lot 2 and Lot 3, Block One, Inverness Park Plaza Addition No. 1. [Expired, conditions not met, document not recorded]
- MS-06-09-08; minor subdivision to amend interior lot line.

DEVELOPMENT

- UPR-09-09-04; The Fountains [Expired, conditions not met]
- B-09-25-04; variance from building height and required parking associated with UPR.
- SP-6-38-08; approved for multi-dwelling development (Remington Square Apartments)
- FP-06-11-08, a local floodplain development permit for the development of Lot 1 of the subject property.





PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item

PC Staff Report
11/15/10

**ITEM NO. 6 PRELIMINARY DEVELOPMENT PLAN FOR CROSSGATE DRIVE CASITAS;
6.6 ACRES; 4700 W 6TH ST (SLD)**

PDP-9-3-10: Consider a Preliminary Development Plan for Crossgate Drive Casitas, approximately 4.6 acres, located at 2451 Crossgate Drive. Submitted by BG Consultants, Inc., for Corporate Holdings II, L.L.C., property owner of record upon application, Fairway L.C., current property owner.

STAFF RECOMMENDATION:

Staff recommends approval of the following waivers and reductions:

1. A reduction in the peripheral setback:
 - a. from 35' to 10' (north property line) and
 - b. from 35' to 5' (south property line).
2. A reduction in side yard setback from 10' to 5' along the south property line.
3. A reduction in parking stall requirements from 71 to 57.

Staff recommends approval of the Preliminary Development Plan for Crossgate Casitas based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: Development of a multi-dwelling residential project.

ATTACHMENTS

1. PDP application summary prepared by applicant.
2. Preliminary Development Plan.

KEY POINTS

- This property has been platted.
- Project complies with density restriction established in the zoning ordinance.

FACTORS TO CONSIDER

- Compliance with zoning code prior to July 2006. The general standards are found in Section 20-1006 and Section 20-1010.
- Property is zoned PRD with density maximum established at 10 dwelling units per acre.
- Property is platted with access restriction to limit only 1 point of access to lot.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission directed special study plan.
- City Commission approval of Preliminary Development Plan.
- Submittal of a Final Development Plan for Planning Commission approval and recordation at the Douglas County Register of Deeds Office.
- Submittal and approval of public improvement plans.
- Approval of a local Floodplain Development Permit (FP-9-17-10)

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Received and accepted by staff.

- *Downstream Sanitary Sewer Analysis* – The downstream sanitary sewer analysis dated 01-20-2010 is accepted with no exceptions noted.
- *Drainage Study* – Received and approved by staff.
- *Commercial Design Guidelines* – Not applicable to this project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None received 10/29/10.

GENERAL INFORMATION

Current Zoning and Land Use: PRD-[Wyndam Place] (Planned Residential Development); undeveloped lot.

Surrounding Zoning: RSO (Single-Dwelling Residential-Office) Districts to the north; undeveloped lot.

PRD-[Legends at KU] (Planned Residential Development) to the west. Apartment Complex.

PRD-[Wyndam Place] (Planned Residential Development) to the south. Apartment Complex.

PUD-[Four Seasons] (Planned Unit Development Overlay) to the east. Existing mixed density residential neighborhood.

Site Summary:

The request is for a single phase, multi-dwelling apartment complex located on the west side of Crossgate Drive. The project includes 46 1-bedroom apartments, a leasing office, and surface parking. The project includes requests to reduce required setbacks and parking for the development. The requested reductions are:

- Reduce peripheral setback from 35' to 10' along the north property line
- Reduce side yard setback from 10' to 5' along the south property line.
- Reduce parking stall requirements from 71 spaces to 57 spaces.

The property is located on the west side of Crossgate Drive and east of an existing drainage way separating the property from the remainder of the neighborhood to the west.

STAFF ANALYSIS

1) In what respects the plan is or is not in general conformity with the provisions of the Comprehensive Plan of the City.

The subject property was approved for medium density residential development at the time of rezoning in 1999. Maximum density was restricted to not more than 10 dwelling units per acre. The proposed development plan complies with this density and land use.

Staff Finding – The proposed plan does not alter the type of development anticipated for this property and is in conformance with the Comprehensive Plan.

2) In what respects the plan is or is not consistent with the Statement of Objectives of Planned Unit Development. [The statement of objectives of planned unit developments is found in Section 20-1002 of the 1966 Zoning Ordinance]

An objective of Planned Unit Developments, noted in Section 20-1002, encourages design flexibility and innovative and imaginative approaches to development resulting in more efficient, aesthetic, desirable and economic uses of land. The PD zoning provides the maximum flexibility to the developer in tailoring the project to community desires.




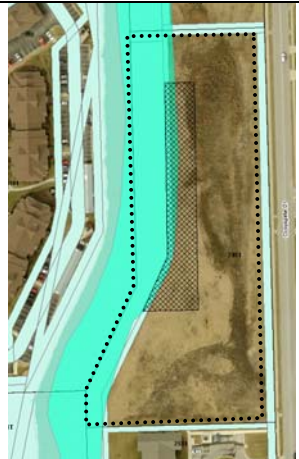
Waivers are included with this request to clearly indicate the intent of development and to provide the Planning Commission the opportunity to evaluate the waivers they determine are warranted. The property is encumbered by both floodway and floodway fringe areas across the site limiting the developable area within the property. This area is incorporated into the plan as dedicated open space.

Staff Finding – The overall development is a single use, residential development that preserves open space consistent with the objectives of a Planned Unit Development. The building type is a 1-story, low profile silhouette.

3) The nature and extent of the common open space in the Planned Unit Development, the reliability of the proposals for main tenance and conserv ation of t he common open space, and the adequacy or inade quacy of the amount and function of the common open space in terms of the den sities and dwelling types proposed in the plan.

Common open space is defined as *“an open area designated and developed primarily for the use and benefit of the residents of the development for recreation (whether private or public, courts, gardens, or parking for open space uses; it shall not include space devoted to streets and parking for residential and nonresidential uses)”* per section 20-1006 (g) – General Development Standards – Planned Unit Development, 1966 Code.

This property is encumbered by the 100 year floodplain (both floodway and fringe areas). A total of 40,128 SF is required to meet the minimum 20% common open space standard set out in 20-1006 (g) and section 20-1008 (B) of the 1966 Code. The plan shows a designated “recreational open space” adjacent to the drainage easement. This space allows for outdoor recreation. The plan notes a disk golf area will be provided.

			
4.606 acres (202,989 SF) Subject Property	1.069 acres (46,579 SF) Floodway	.844 acres (36,761 SF) Drainage Easement	.521 acres (22,690 SF) Recreational Open Space

Additional open space is located along Crossgate Drive in the rear of the buildings and in the southwest corner of the site. Total open space provided for the development including recreational areas and non-recreational areas is 134,764 SF (representing 66% of the total site). This space includes the floodway and perimeter areas as well as the turf areas located at the clustered building entrances.

This project is designed as a single phase, single owner development. There are no maintenance agreements or home owner association restrictions associated with the open space. The property owner will be responsible for all maintenance as noted on the face of the plan (general note 15).

Staff Finding – Common open space is provided around the site. A designated recreation area is provided along the west side of the property. The open space being provided exceeds that required for a Planned Development.

4) Whether the plan does or does not make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

The property is platted as a single lot with one access. The property was restricted to one access point as part of the original Inverness Park subdivision approval. A traffic study submitted for the project, reviewed and approved by staff indicated no public improvements to the surrounding street network or intersections are required for this development.

Other public services, such as water, sanitary sewer, stormwater, are not altered by the approval of the proposed development. The property was zoned for medium density residential development. The proposed use is consistent with facility plans for the area.

A concern expressed by Fire/Medical Staff during the review was the provision and retention of adequate access for emergency purposes. Access to a majority of the development can be provided from either Crossgate Drive or the internal parking lot, thus providing two points of access as required by Code. This layout satisfies the Fire Code. To retain this accessibility, no fence shall be permitted along the front (Crossgate Drive) that will restrict or limit access to the property. This requirement shall be reflected on the face of the Preliminary and Final Development Plans and is a recommended condition of approval for the Preliminary Development Plan.

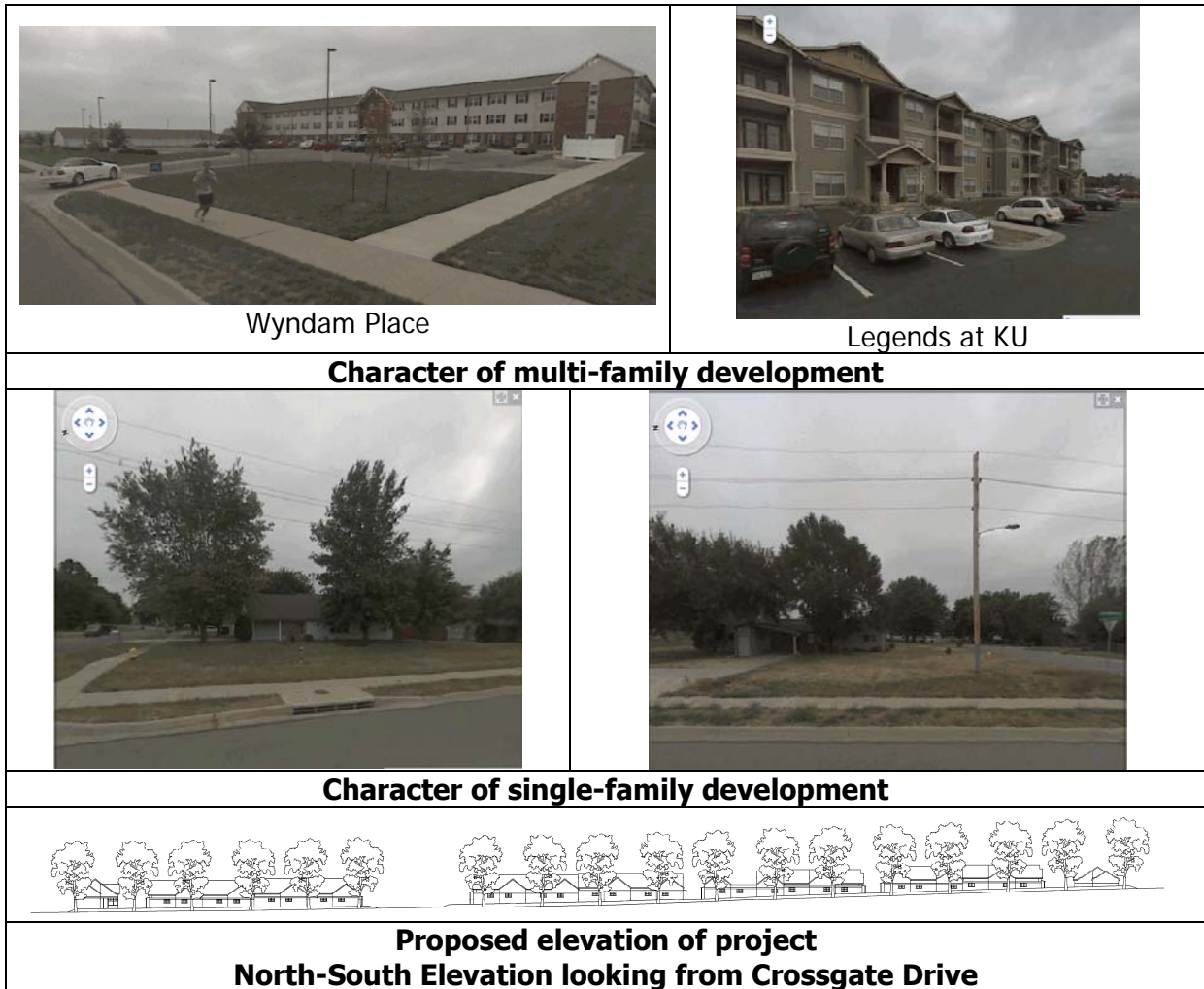
Staff Finding – The plan does make adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.

5) Whether the plan will or will not have a substantial adverse effect on adjacent property and the development or conservation of the neighborhood area.

The proposed changes will result in an additional residential development anticipated for the area. The form of that housing is one-bedroom attached multi-dwelling units. Structures are 1 story providing a much lower profile than the abutting multi-story buildings to the south and west. The area east of Crossgate is developed with a detached single-dwelling and duplex residential pattern.

The streetscape along Crossgate appears to have an extra-ordinary deep setback on the east side. The street was constructed off-center within the right-of-way. Overhead utilities exist on the east side of the street parallel to the right-of-way. These two factors contribute to the appearance of a structures being setback farther from the property line than is actually the case.

The proposed plan includes a 2' berm and street trees planted at regular intervals providing a buffer between the proposed development and the residential neighborhood to the east.



Staff Finding – The proposed development conforms to the initial land use restrictions set forth for the property in 1999. No substantial adverse effects are anticipated with the proposed development. The proposed project, as a low profile residential development, provides a transition between the existing multi-story higher density residential development on the west and the lower density detached residential area to the east.

6) *In what respects the plan is or is not in conformance with the development standards and criteria of this article.*

Specific waivers and variances are associated with this proposed development including a reduction in the peripheral setback, building setback reductions, and reduced parking. The reductions are listed on the face of the proposed development plan. Approval of this Preliminary Development Plan will confirm these deviations from the development standards of the applicable zoning code.

Variance from 35' ft peripheral setback requirement in Section 20-1006 (i) of the 1966 Zoning Regulations to permit a reduced peripheral setback of 10 ft.

The west and south property lines abut other planned developments. Both the subject property and the Wyndam Place development to the south were part of the same PRD zoning application in 1999. A peripheral reduction was not granted for the Wyndam Place development to the south. While clearly separate developments, they are part of the same district. The peripheral reduction request applies specifically to the north property line rather than the shared south property line.

This development also includes a request to reduce the side setback from 10' to 5' applicable to the south property line. The applicant's design is based on the comparable Land Development Code base district RM-12. This district requires 25' for the front setback and 5' for the side setback. The north property line side setback was increased because of an existing utility easement.

	PRD - 2	RM12	Project
Density (Dwelling Units/Acre)	15 (zoning limited to maximum 10)	12	10 dwelling units/acre
Front Setback	15' from streets (20' from sidewalk)	25'	Does not apply
Side Setback	10' for buildings 1-3 stories)	5'	10' north property line 5' south property line
Rear Setback	10' (for buildings 1-3 stories)	20'	Does not apply; met with Peripheral Setback.
Peripheral Setback	35' (applies to east and north property lines)	Does not apply	Does not apply; met with Peripheral Setback.

Setback Recommendation: Staff supports the reductions and recommends that the Planning Commission approve the waivers.

Parking Requirement Reduction Request

Per Section 20-1008(G) of the 1966 Zoning Regulations, the Planning Commission may reduce the parking requirement for a Planned Unit Development.

The parking requirement for this PRD (1966 code) is 1.5 spaces per bedroom or a total of 71 required spaces. The adopted 2006 code requires one space per bedroom plus 1 space per 10 units or a total of 53 required spaces. The parking data is summarized on the face of the proposed Preliminary Development Plan including both the 1966 and the 2006 standards applicable to 1-bedroom residential development.

The request is to allow the parking based on the 2006 parking standard. If approved, less pavement would be needed for the surface parking lot.

Setback Recommendation: Staff supports the parking requirement reduction and recommends that the Planning Commission approve this parking reduction.

Staff Finding –With the approval of the recommended waivers this Preliminary Development Plan is in conformance with the provisions of the 1966 Zoning Regulations.

7) In what respects the plan is or is not in compliance with the requirements for application for tentative approval of the Planned Unit Development. [This finding refers to Section 20-1005 of the 1966 Zoning Ordinance.]

Staff Finding – The plan proposes development consistent with the published zoning ordinance restricting the development to not more than 10 dwelling units per acre. The plan meets the four criteria noted in Section 20-1005 for tentative approval.

8) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

Staff Finding – This project is a single phase development.

9) Stormwater detention calculations and storage of excess stormwater drainage as per City Policy.

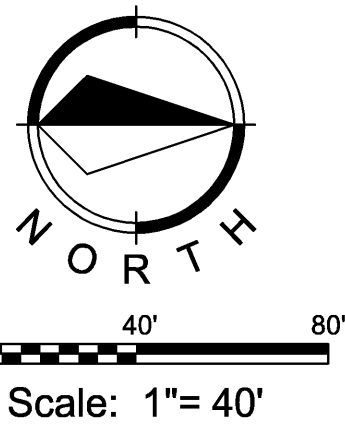
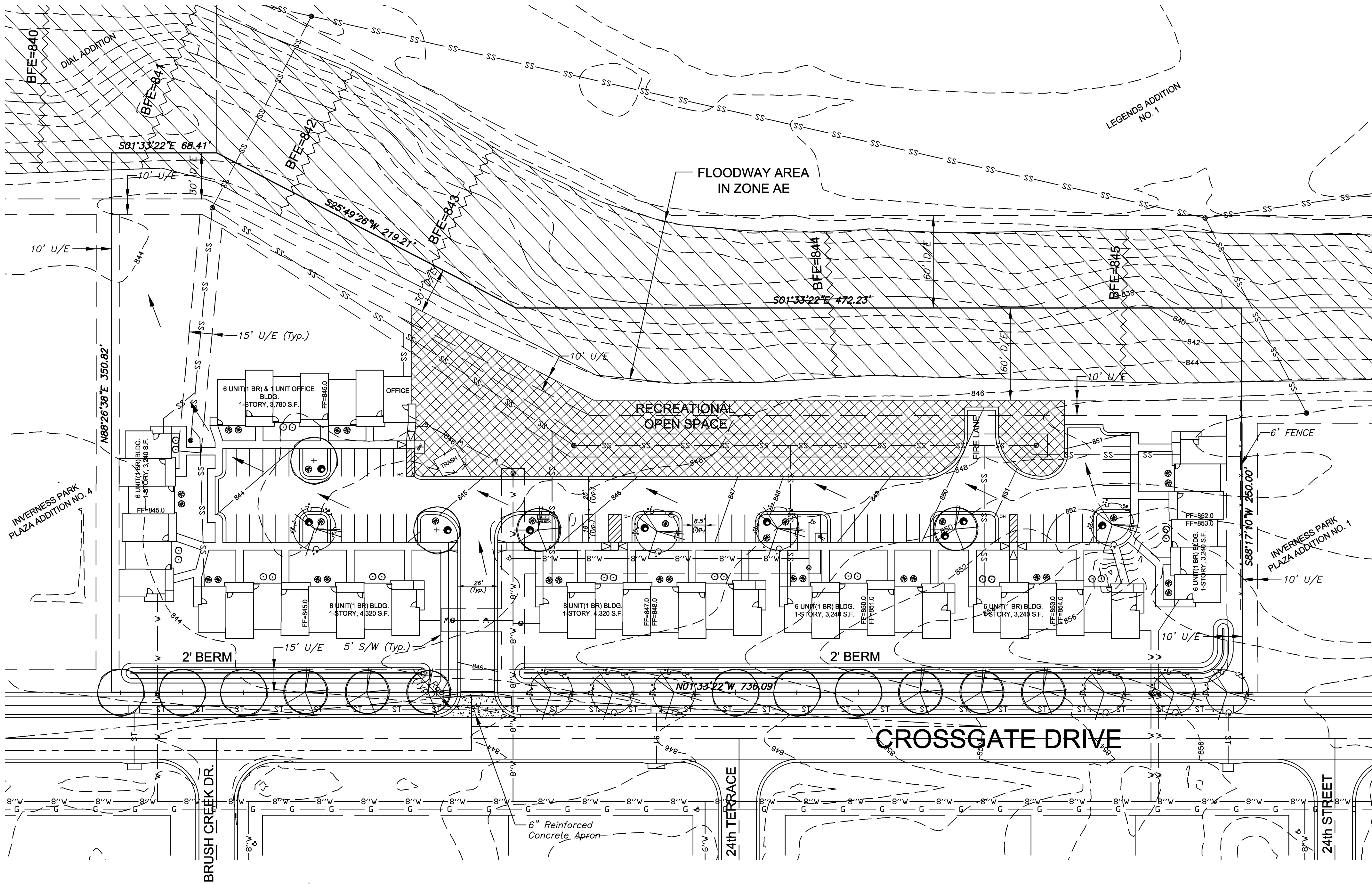
Staff Finding – Stormwater drainage documentation was submitted to staff for review and has been approved.

DISCUSSION:

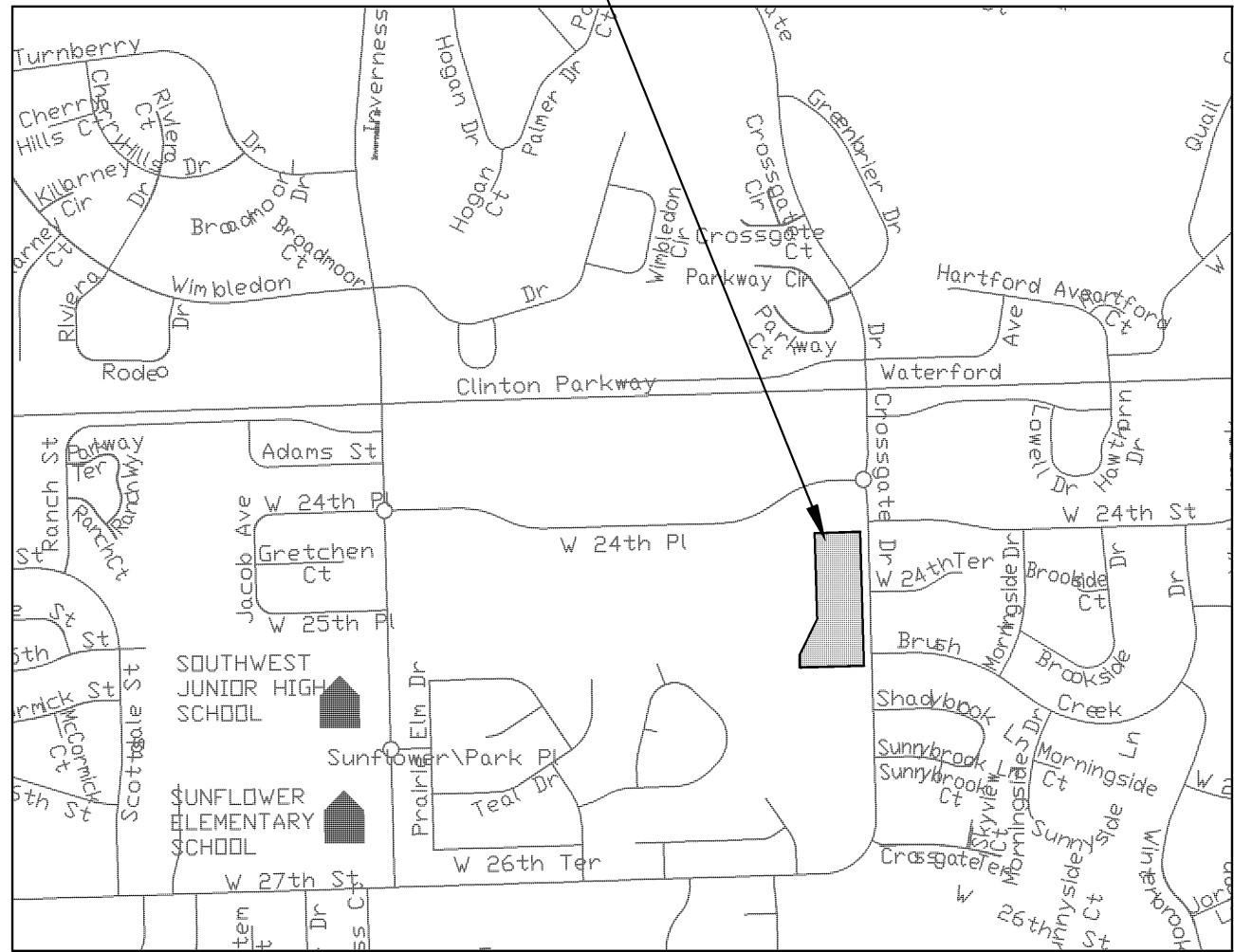
Key features of this proposed development plan include substantial open space that is incorporated into the development as open space. Units are oriented internally and are buffered from Crossgate Drive by a low berm and landscaping. The low profile of the units provides a transition from the apartments to the west to the neighborhood to the east.

CONCLUSION:

The proposed Preliminary Development Plan complies with the approved density plan for the property per the 1999 zoning restriction. The Development Plan conforms to the design standards of the applicable development code. Staff recommends approval of the proposed Preliminary Development Plan.



PROJECT LOCATION



LOCATION MAP

COMMON NAME	SCIENTIFIC NAME	SYMBOL	SIZE	QTY	MATURE HT.
KNOCK OUT ROSE	ROSA 'RADRAZZ'		2 GALLON 24" HIGH(min.)	22	4'
BURNING BUSH	EUONYMUS ALATUS 'TIMBER CREEK'		2 GALLON 24" HIGH(min.)	33	10'
ANTHONY WATERER SPIREA	SPIRAEA X BUMALDA 'ANTHONY WATERER'		2 GALLON 24" HIGH(min.)	9	3'
RED SUNSET MAPLE	ACER RUBRUM 'RED SUNSET'		2.5" CALIPER	10	50'
LACEBARK ELM	ULMUS PARVIFOLIA 'LACEBARK'		2.5" CALIPER	8	50'
THORNLESS HONEYLOCUST	GLEITSIA TRICANTHOS 'INERMIS'		2.5" CALIPER	8	75'

OWNER & APPLICANT

FAIRWAY L.C.
5200 W. 15th, SUITE 303
LAWRENCE, KS 66049
785.841.9933

ENGINEER

DAVID J. HAMBY, P.E. (KS #15594)
BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KS 66049
785.743.4474

LEGAL DESCRIPTION

LOT 1, BLOCK ONE, INVERNESS PARK PLAZA ADDITION NO. 4, A REPLAT OF LOTS 1 AND 2, BLOCK 1, INVERNESS PARK PLAZA ADDITION NO. 3 IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

BENCHMARK

BM #100 – SQUARE CUT ON THE NORTH HEADWALL OF THE RCB UNDER 24TH PLACE. ELEV. = 854.60

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0158D, EFFECTIVE DATE AUGUST 5, 2010.

GENERAL NOTES

1. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS DERIVED FROM THE CITY OF LAWRENCE AERIAL PHOTO.
2. THIS DOCUMENT IS FOR PLAN APPROVAL NOT FOR CONSTRUCTION.
3. CITY OF LAWRENCE SHALL NOT BE RESPONSIBLE FOR PAVEMENT DAMAGE DUE TO THE WEIGHT OF REFUSE COLLECTION VEHICLES.
4. THIS SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
5. THE RESIDENTIAL BUILDINGS HAVE BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE FINAL FAIR HOUSING ACCESSIBILITY GUIDELINES, 24 CFR, CHAPTER 1, SUBCHAPTER A, APPENDIX II, OF THE FAIR HOUSING ACT OF 1968, AS AMENDED.
6. THE EXISTING ZONING OF THE PROPERTY IS PD (WYNDAM PLACE SENIOR RESIDENCE).
7. THE PARKING AREAS WILL BE SURFACED WITH 5" THICK BITUMINOUS SURFACING. THE DRIVEWAY APRON WILL BE BUILT TO CITY STANDARDS WITH 6" REINFORCED CONCRETE. SIDEWALKS WILL BE 4" THICK CONCRETE.
8. PARKING STALLS MEASURE 8.5' WIDE BY 18' DEEP. THE DRIVEWAY AISLES MEASURE 24' WIDE. HANDICAP ACCESSIBLE STALLS HAVE AN ACCESS AISLE THAT MEASURES 5' WIDE AND VAN ACCESSIBLE HANDICAP STALLS HAVE AN ACCESS AISLE THAT MEASURES 8.5' WIDE.
9. A 15' UTILITY EASEMENT WILL BE DEDICATED FOR THE PROPOSED SANITARY SEWER LINES AND THE PROPOSED WATER LINES.
10. A STORMWATER POLLUTION PREVENTION PLAN WILL BE PROVIDED TO THE CITY PRIOR TO THE RELEASE OF BUILDING PERMITS.
11. MECHANICAL EQUIPMENT AND TRASH ENCLOSURES WILL BE SCREENED ACCORDING TO LAWRENCE DEVELOPMENT CODE SECTION 20-14A04.8 (1966 CODE).
12. ALL STORM SEWER PIPES WILL BE INSTALLED WITH END SECTIONS.
13. PER 2006 IFC SECTION 508.5.5 A 3 FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUMFERENCE OF FIRE HYDRANTS.
14. PER 2006 IFC SECTION 508.5.4 POSTS, FENCES, VEHICLES, GROWTH, STORAGE OR OTHER MATERIALS SHALL NOT BE PLACED OR KEPT NEAR FIRE HYDRANTS, FIRE DEPARTMENT CONNECTIONS, OR FIRE PROTECTION SYSTEM CONTROL VALVES IN A MANNER THAT WOULD PREVENT THESE ITEMS FROM BEING IMMEDIATELY DISCERNABLE OR PREVENTING IMMEDIATE ACCESS.
15. THE SITE PLAN HAS BEEN DESIGNED AS A SINGLE OWNER PROJECT AND IS NOT DESIGNED FOR INDIVIDUAL OWNERSHIP OF UNITS. THE PROPERTY OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE UNITS AND PROPERTY.
16. THE PROPOSED UTILITY EASEMENTS SHOWN ALONG WITH THE RECORDING INFORMATION HAVE BEEN SHOWN ON THE PUBLIC IMPROVEMENT PLANS FOR THE PROJECT.
17. THE DRAINAGE EASEMENT WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES AND WALLS).
18. A FENCE ALONG CROSSGATE DRIVE (FRONTING THE PROPERTY) SHALL BE PROHIBITED TO MAINTAIN MINIMUM FIRE ACCESS.

BUILDING INFORMATION

8 UNIT (1 BEDROOM) ATTACHED DWELLING – 2 TOTAL (4,320 S.F. FLOOR AREA EACH)
6 UNIT (1 BEDROOM) ATTACHED DWELLING – 4 TOTAL (3,240 S.F. FLOOR AREA EACH)
6 UNIT (1 BEDROOM)-OFFICE UNIT – 1 TOTAL (3,780 S.F. FLOOR AREA)

PARKING DATA

1966 CODE	2006 CODE
71 REQUIRED STALLS (46 UNITS)	53 REQUIRED STALLS (46 UNITS)
46 UNITS – 1.5 PER BR = 69 REQUIRED	46 UNITS – 1 PER BR+1 PER 10 = 51 REQUIRED
OFFICE – 1 PER 300 SF = 2 REQUIRED	OFFICE – 1 PER 300 SF = 2 REQUIRED
57 PROVIDED STALLS (INC. 3 HC STALLS (1 VAN))	57 PROVIDED STALLS (INC. 3 HC STALLS (1 VAN))
11 REQUIRED BICYCLE PARKING SPACES	14 REQUIRED BICYCLE PARKING SPACES
REQ'D STALLS * 0.15 = 11 REQUIRED	1 PER 4 AUTO = 14 REQUIRED
14 PROVIDED BICYCLE PARKING SPACES	14 PROVIDED BICYCLE PARKING SPACES
7 BIKE SPACES PER RACK – 2 PROVIDED	7 BIKE SPACES PER RACK – 2 PROVIDED

INTERIOR PARKING LOT LANDSCAPING

57 STALLS * 40 S.F./STALL = 2,280 S.F. REQUIRED
3,948 S.F. PROVIDED

- 1 SHADE TREE AND 3 SHRUBS REQUIRED PER 10 PARKING SPACES
6 TREES AND 18 SHRUBS REQUIRED
8 TREES AND 18 SHRUBS PROVIDED FOR INTERIOR PARKING LOT LANDSCAPING

SITE CHARACTERISTICS TABLE:

EXISTING BUILDINGS	0 S.F.	PROPOSED BUILDINGS	25,380 S.F.
EXISTING PAVEMENT	0 S.F.	PROPOSED PAVEMENT	40,318 S.F.
EXISTING IMPERVIOUS	0 S.F.	PROPOSED IMPERVIOUS	65,698 S.F.
EXISTING PERVIOUS	200,642 S.F.	PROPOSED PERVIOUS	134,944 S.F.
PROPERTY AREA	200,642 S.F.		

COMMON OPEN SPACE AREA REQUIRED

200,642 S.F. * 20% = 40,128 S.F. REQUIRED
60,524 S.F. PROVIDED (DRAINAGE EASEMENT AND RECREATIONAL AREA)

RECREATIONAL OPEN SPACE AREA REQUIRED

40,128 S.F. * 50% = 20,064 S.F. REQUIRED
22,870 S.F. PROVIDED (RECREATIONAL AREA)

A DISC GOLF PRACTICE AREA WILL BE PROVIDED IN THE RECREATIONAL OPEN SPACE AREA. TWO ELEVATED METAL BASKETS WILL BE PROVIDED AT EACH END ALONG WITH A PICNIC TABLE.

ZONING AND DENSITY

THE CURRENT ZONING FOR THE PROPERTY IS PD (WYNDAM PLACE SENIOR RESIDENCE) WHICH ALLOWS A MAXIMUM DENSITY OF 10 UNITS PER ACRE. THE PROPOSED DENSITY OF THE PROJECT IS 9.99 UNITS/ACRE (46 UNITS/4.61 ACRES).

THE USES FOR THIS PROPERTY HAS BEEN RESTRICTED PER ZONING Z-4-B-8-99 AS APPROVED BY THE CITY COMMISSION.

REQUESTED WAIVERS (PER 1966 ZONING CODE)

- A REDUCTION IN PERIPHERAL SETBACK FROM 35' TO 10' (NORTH P/L).
– A REDUCTION IN SIDE YARD SETBACK FROM 10' TO 5' ALONG THE SOUTH PROPERTY LINE.
– A REDUCTION IN THE PARKING STALL REQUIREMENTS FROM 71 STALLS TO 57 STALLS.

CROSSGATE CASITAS
2451 CROSSGATE DRIVE, LAWRENCE, KS 66049

PRELIMINARY
DEVELOPMENT PLAN

BG
CONSULTANTS
engineers
architects
surveyors

Project No. 10-1098L
Date: Mar. 22, 2010
Revised: Nov. 9, 2010
SHEET NO.

PDP Application Crossgate Drive Casitas

Description of Project:

This project will consist of two 8-unit and five 6-unit attached dwellings with an administrative office unit along with the associated parking and other site improvements.

Public Input Efforts:

A public meeting was held on March 15, 2010 at 6:00 pm at the office of BG Consultants. Notice to all properties within 200 feet was sent by US mail. A sample of the public meeting notice letter is attached. A phone number was provided in the letter to provide opportunity for input to those unable to attend the meeting. No one attended the public meeting that was held. Scott McDanel, who resides at 2808 W. 24th Terrace, called on March 16 to discuss the project. Information was given to Mr. McDanel over the phone and he was invited to stop by the BG Consultants office to view the preliminary development plan. Shawn Coonen with Beacon Management, the group who own the Wyndam Place Senior Residences, called on March 17 to discuss the project. Information was given to Mr. Coonen over the phone and we offered to email a copy of the Preliminary Development Plan to him.

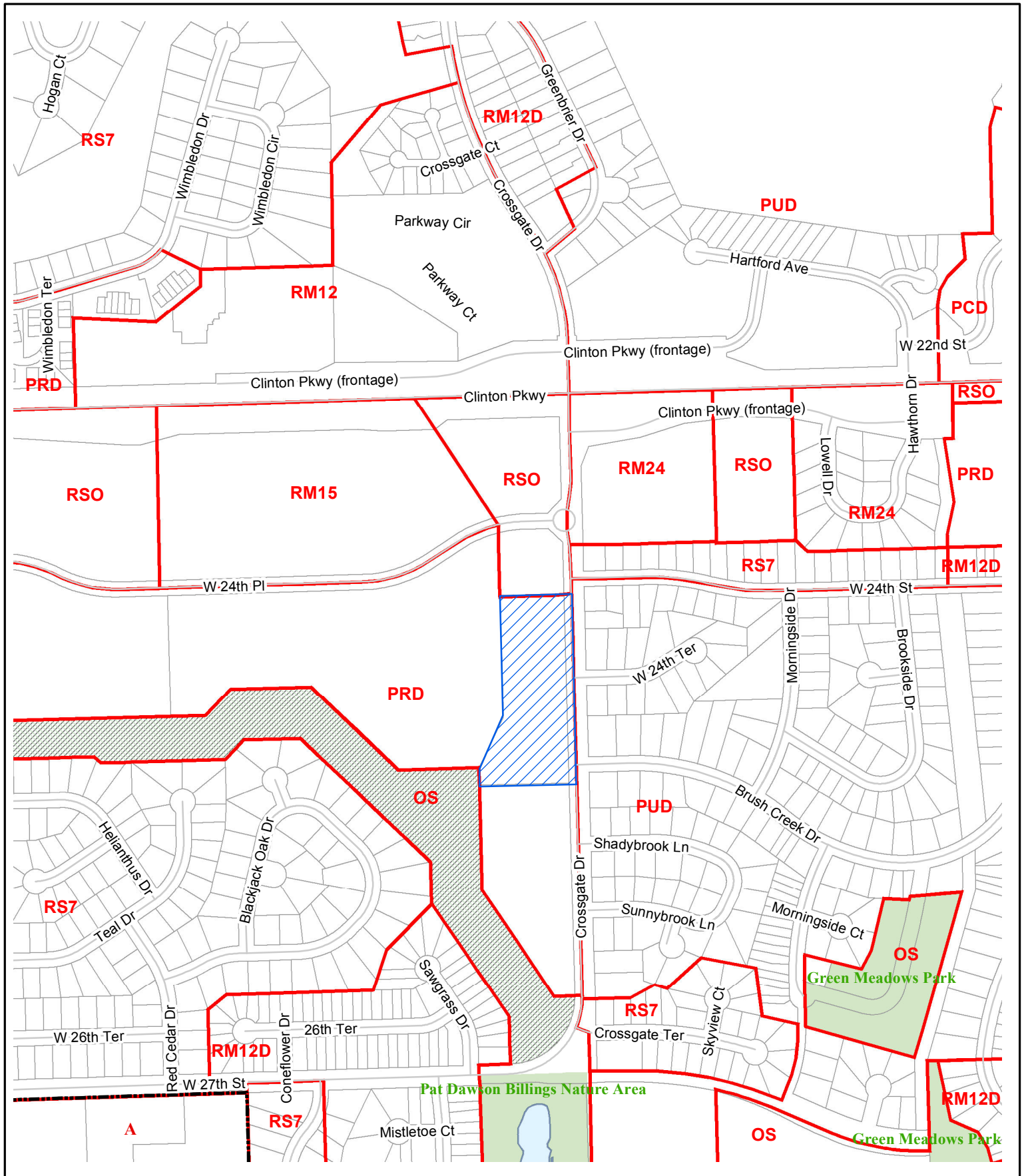
Developer's Statement of Intent

Item 1:

The subject property was rezoned from A to PRD-2 in 1999 with restrictions that limited the maximum gross density of the site to no more than 10 dwelling units per acre. Under the new zoning code adopted in 2006, the PRD-2 zoning does not exist. The developer of the property does not wish to rezone the property but to develop it under the restrictions which exist on the property. The property will be developed to meet the requirements of Article 7, Planned Developments of the current zoning code. The use of the property will be consistent with the RM – Multi Dwelling Residential District.

Item 2:

As previously stated, the property was rezoned in 1999 after working with the neighborhood to determine what was appropriate for this property. The developer desires to work within the existing zoning and not rezone the property. The property will be developed to meet the requirements of Article 7, Planned Developments of the current zoning code. The use of the property will be consistent with the RM – Multi Dwelling Residential District.



PDP-09-03-10
2451 Crossgate Dr



Memorandum

City of Lawrence

Douglas County

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Planning Staff

CC: Scott McCullough, Director of Planning and Development Services

Date: For November 9, 2010 City Commission Meeting

RE: District Plan for Inverness Park Addition

In response to a request from Commissioner Chestnut, this memo provides development history and options for planning several undeveloped properties in the area south of Clinton Parkway, between Inverness Drive and Crossgate Drive south to K-10 Highway. This is commonly referred to as the Getto property and was platted as Inverness Park Addition. [Proposed planning area map](#)

The proposed planning area is predominately developed with a mixture of residential uses. The residential uses include single-family, two-family, multi-family, and a retirement complex. There is regulatory flood hazard area within the planning area. Much of the flood hazard area has been converted to natural areas. [Existing Zoning](#)

Since the late 1990s, the area has been developing according to a [master plan](#), but a number of deviations (use, density) from the original plan have been approved and constructed. The remaining undeveloped properties are found along Clinton Parkway at Inverness and Crossgate and south of W. 27th Street. The concentration of apartments in the area has led to controversy regarding the development of the remaining vacant lots along Clinton Parkway.

There are currently two development proposals for undeveloped property in the proposed planning area: Remington Square rezoning to accommodate an expansion to add additional multi-family units east of the existing development and a development proposal for the land north of the Wyndham Place retirement facility that will add 40+ 1 bedroom multi-family units under the property's existing zoning.

Development History

An annexation request for 163.46 acres was approved in 1999. The development application included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B for the most intensive part of the development of the 163 acres. The area south of W. 24th Place, but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to

the south. The area south of W. 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24th Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163.46 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan.

Staff Recommendation

In order to respond to the current development pattern of the area, and in order to provide guidance on future development to property owners, developers, and surrounding neighbors, it may be helpful to undertake a planning effort to produce a District Plan for the remaining undeveloped properties. If the commission finds value in this, staff recommends that the City Commission act on the following.

1. Initiate a District Plan

If initiated, a planning effort will be undertaken to provide policy guidance for the future land uses of the undeveloped ground identified in this memo within the proposed planning area. Consideration will be given to compatibility with adjoining land uses and efforts will be taken to receive input from property owners within the planning area, neighboring property owners, and others interested in this planning project. An outcome could include rezoning of one or more of the currently undeveloped properties. A District Plan is likely to take 4-6 months to complete.

2. Confirm the proposed planning area

Staff is seeking confirmation that the proposed planning area and identified undeveloped properties are appropriate for this effort.

3. Defer action on the existing development proposals

If a District Plan is initiated, we are left to determine whether to proceed with the current applications identified in this memo. Staff recommends deferring action on the existing development proposals until the District Plan is approved.

Alternative to Staff's recommendation

1. Do not initiate a plan

Do not initiate a plan and allow the development pursuant to existing zoning or consider individual rezoning requests as they are submitted.

2. Initiate a District Plan but permit the two active applications to move forward prior to completing the plan.

[Return to top of document](#)

Proposed District Plan Planning Area



[Return to top of document](#)











Proposed District Plan Planning Area Existing Zoning





Dial
Realty of Kansas City
5201 JOHNSON DRIVE, SUITE 220
MISSION KANSAS 66205
(913) 677-4343

LEGEND

	PROPERTY LINE
	EXISTING 10' CONTOUR
	EXISTING 2' CONTOUR
	REC. CROSS SECTION
	REGULATORY ELEVATION
	PROP. WATER LINE
	PROP. SANITARY LINE
	SECTION CORNER
	UTILITY POLE
	LIGHT POLE

Inverness Park Addition

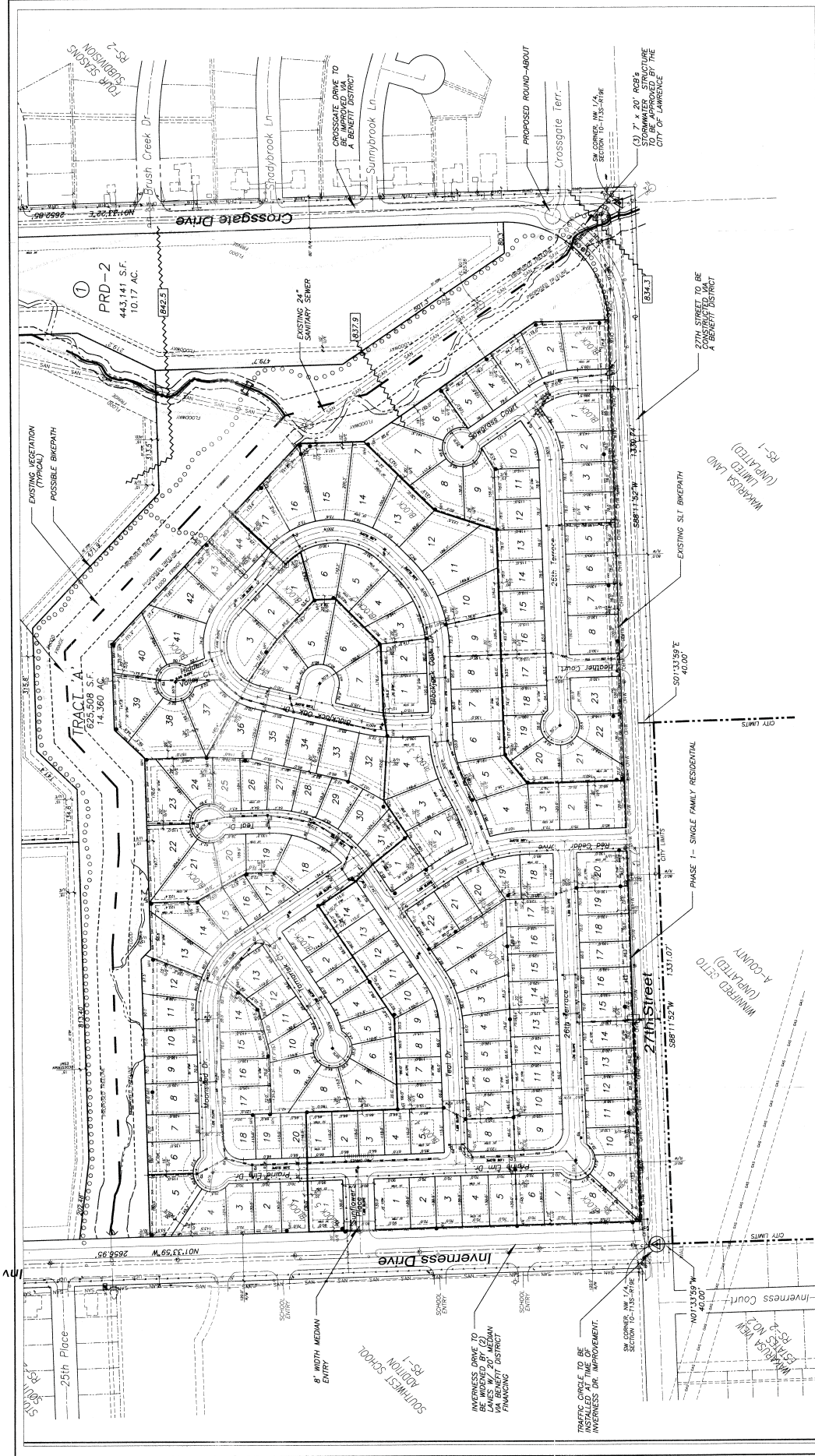
South of 23rd Street
from Crossgate Drive
to Inverness Drive

Preliminary
Plat

REVISIONS:
MAY 08, 1999
JUNE 8, 1999
AUG. 10, 1999
SEPT. 27, 1999
OCT. 04, 1999
OCT. 13, 1999
NOV. 13, 1999
FEB. 20, 2001

PROJECT RECORD:

DIGITAL I.D.:	98091_PP.DWG	9809		
PROJECT NO.:				
DATE:	APR. 21, 1999	MM	LJ	
DRAWN BY:				
CHECKED BY:				
SHEET NO.	2	OF	2	SHEETS



Site Summary:

[illegible]

Memorandum

City of Lawrence

Douglas County

Planning & Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Director of Planning and Development Services

Date: For November 15, 2010 Commission Meeting

RE: Long-Range Planning Work Program

This memo is provided to outline the recommended long-range planning work program. An update of recent efforts is presented, along with a list of future work projects, of which some will begin in 2011. Staff is seeking input from the Lawrence-Douglas County Planning Commission, Lawrence City Commission and Douglas County Board of County Commissioners on the work program to help set priorities for 2011. (*) denotes Staff's recommended priorities for 2011. Other projects will be worked on as resources allow.

Major Projects Completed or In Process – 2010

1. *Oread Neighborhood Plan* – COMPLETE
2. Horizon 2020 – Chapter 16 Environment Chapter – PC Approved
3. *Northeast Sector Plan* – PC Approved
4. Industrial Design Guidelines – PC Approved
5. Retail Market Study – COMPLETE
6. Annual Comprehensive Plan Review – COMPLETE
7. Applicant initiated Comprehensive Plan Amendments - COMPLETE

Future Projects – 2011

1. Inverness Park District Plan *
 - The Lawrence City Commission initiated this plan at their meeting on November 9, 2010
2. *Oread Neighborhood Plan* implementation
 - Overlay districts as identified in the plan *
 - Development Code text amendments *
 - Congregate living
 - Dumpster and trash enclosure standards
 - Detached dwellings permitted by right in multi-dwelling districts
3. *Farmland Industries Redevelopment Plan* implementation *

- Master planning
 - Property platting
 - Rezoning
4. *West of K-10 Plan* implementation
 - Amend subdivision regulations to establish a 50' extraordinary setback on US40/West 6th Street west of K-10 Highway. *
 - Update the *West 6th Street/K-10 Nodal Plan* to reflect adopted Future Land Use designations of the *West of K-10 Plan*.
 5. US-40 and K-10 Plan *
 6. Innoprise implementation – new software to better coordinate development applications *
 7. 2010 Census *
 - Analysis
 - Reports
 - Comprehensive Plan amendments
 8. Horizon 2020 Annual Review *
 9. *Southeast Area Plan* amendments related to 31st Street Alignment (CPA-10-8-10)*
 10. Review requirements/process for Comprehensive Plan Amendments for rezoning cases *
 11. Indian Hills neighborhood plan
 12. Urban Growth Area and Service Areas review – Map 3-1 (CPA-2008-8) (after Census analysis and water/wastewater master plan updates)
 13. Complete Streets – Background work in 2011, completion in 2012
 14. Commercial Design Standards Review
 15. Horizon 2020 – Map 3-3 – Douglas County Growth Areas (CPA-2008-2)
 16. Horizon 2020 – Chapter 10 Community Facilities update
 17. Horizon 2020 – Chapter 17 Implementation update
 18. South of Wakarusa Sector Plans

Other Sector Plan implementation items

Burroughs Creek Corridor Plan

- Rezoning of the 800 Block of Lynn St.

Horizon 2020 Chapter 14 – Scheduled 2011 Plan Reviews

Burroughs Creek Corridor Plan

2011
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MEETINGS AND SUBMITTAL DEADLINES

Submittal Deadline		Planning Commission Meetings 6:30 PM		City Commission Meetings Tuesdays **		County Commission Meetings Wednesdays **	
Monday 3PM		Monday	& Wednesday				
Nov 22, 2010		Jan 24	Jan 26	Feb 8	Feb 15	Feb 9	Feb 16
Dec 20, 2010		---	Feb 23	Mar 8	Mar 15	Mar 9	Mar 16
Jan 24, 2011		Mar 28	Mar 30	Apr 12	Apr 19	Apr 13	Apr 20
Feb 22		Apr 25	Apr 27	May 10	May 17	May 11	May 18
Mar 21		May 23	May 25	Jun 7	Jun 14	Jun 8	Jun 15
Apr 18		Jun 20	Jun 22	Jul 5	Jul 12	Jul 6	Jul 13
May 23		Jul 25	Jul 27	Aug 9	Aug 16	Aug 10	Aug 17
Jun 20		Aug 22	Aug 24	Sep 6	Sep 13	Sep 7	Sep 14
Jul 25		Sep 26	Sep 28	Oct 11	Oct 18	Oct 12	Oct 19
Aug 22		Oct 24	Oct 26	Nov 8	Nov 15	Nov 9	Nov 16
Sep 12		Nov 14	Nov 16	Nov 29	Dec 6	Nov 30	Dec 7
Oct 10		Dec 12	Dec 14	---	Jan 3	---	Jan 4
Nov 21		Jan 23, 2012	Jan 25, 2012	Feb 7	Feb 14	Feb 8	Feb 15
Dec 19		---	Feb 22, 2012	Mar 6	Mar 13	Mar 7	Mar 14
	Complete applications submitted by the deadline day will be <i>tentatively</i> placed on the agenda as shown. More complex projects may take additional time. Deficiencies in submitted plans will be discussed at the applicant's review meeting and revised plans must be submitted by the deadline established by project planner to remain on the scheduled agenda.						
	Deadlines pertain to submittal of completed applications including fees, property owner list, plan and electronic copies. Extensions will not be granted. Deadlines are on Tuesdays if the designated Monday is a holiday.						
**	Public Hearing items which have 14 day protest period will not be forwarded to Governing Body prior to dates listed and contingent upon PC meeting minutes preparation. Governing Body dates subject to change.						
Written Communications	Communications must be received by the Planning Office by 10AM on the day of the first PC meeting.						
Deferred Items	<i>New information or revised plans for deferred items must be submitted to the Planning Office for review by the submittal deadline dates established above to be place on a future PC meeting agenda.</i>						
Meeting Locations	The Planning Commission and City Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets. The Board of County Commissioners meetings are on the 2 nd floor of the County Courthouse located on the southeast corner of 11 th & Massachusetts Streets.						
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds							

Revised 11/04/10