



Updated:

11/18/13 @ 11:45am

Added Communications for the following items:

Item 1 - Rezoning 1360, 1380, 1400, 1410 N 3rd St

Item 4 - Conditional Use Permit 1480 N 1700 Rd

11/13/13 @ 4:50pm

****The Wednesday, November 20th Planning Commission meeting has been cancelled****

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
NOVEMBER 18 & 20, 2013 6:30 - 10:30 PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of September 23, 2013.

Receive and amend or approve the minutes from the Planning Commission meeting of October 21, 2013.

COMMITTEE REPORTS

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

COMMUNICATIONS

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

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

REGULAR AGENDA (NOVEMBER 18, 2013) MEETING

PUBLIC HEARING ITEM:

ITEM NO. 1 IG TO CS; 1.95 ACRES; 1360, 1380, 1400, 1410 N 3RD ST (SLD)

Z-13-00401: Consider a request to rezone approximately 1.95 acres from IG (General Industrial) District to CS (Strip Commercial) District, located at 1360, 1380, 1400, and 1410 N. 3rd St. Submitted by Colliers International, for Evenshar, LLC., property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 2A ANNEXATION OF 10.684 ACRES; 1338 E 1600 RD (SLD)

A-13-00291: Consider a request to annex approximately 10.684 acres, located at 1338 E 1600 Road. Submitted by Grob Engineering Services, LLC., for Going South, LLC., property owner of record.

RESUME PUBLIC HEARING:

ITEM NO. 2B A TO RM15; 10.684 ACRES; 1338 E 1600 RD (SLD)

Z-13-00290: Consider a request to rezone approximately 10.684 acres from County A (Agricultural) District to RM15 (Multi-Dwelling Residential) District, located at 1338 E 1600 Road. Submitted by Grob Engineering Services, LLC., for Going South, LLC., property owner of record.

PUBLIC HEARING ITEM on Variance Only:

ITEM NO. 3 PRELIMINARY PLAT FOR MENARDS ADDITION; 1900 W 31ST ST & 1352 N 1300 RD (SLD)

PP-13-00338: Consider a Preliminary Plat for Menards Addition, a 7 lot commercial subdivision, located at 1900 W 31st St & 1352 N 1300 Rd. Consider variance request from section 20-810 (e)(5) regarding minimum right-of-way for a principal arterial street. Submitted by Menard, Inc. on behalf of Tom Horner III and Bruce Snodgrass, property owners of record. *Deferred by Planning Commission on 10/21/13.*

ITEM NO. 4 CONDITIONAL USE PERMIT; SEASONAL CAMPING; 1480 N 1700 R D (MKM)

CUP-2-1-10: Consider a Conditional Use Permit to allow seasonal camping accessory to farm operations, on approximately 12 acres, located at and adjacent to 1480 N. 1700 Road. Submitted by Natalya Lowther, property owner of record. *Deferred by Planning Commission on 9/23/10.*

****WITHDRAWN****

ITEM NO. 5 ~~SPECIAL USE PERMIT; 1520-1540 WAKARUSA DR (SMS)~~

~~SUP-13-00405:~~ Consider a ~~Special Use Permit for art classes and art-related activities located at 1520-1540 Wakarusa Drive. Submitted by Block Real Estate Services, LLC., for Wak2012, LLC., property owner of record.~~

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 2014 PLANNING COMMISSION MEETING CALENDAR

Adopt the 2014 Planning Commission meeting calendar.

ADJOURN

CALENDAR

September 2013						
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					

October 2013						
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 2013						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

PCCM Meeting:

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

Sign up to receive the Planning Commission agenda or weekly Planning Submittals via email:

<http://www.lawrenceks.org/subscriptions>



PLANNING COMMISSION MEETING
September 23, 2013
Meeting Minutes **DRAFT**

September 23, 2013 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Graham, Josserand, Kelly, Liese, Rasmussen, Struckhoff, von Achen

Staff present: McCullough, Stogsdill, Day, Larkin, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of August 26, 2013.

Motioned by Commissioner Liese, seconded by Commissioner Kelly, to approve the August 26, 2013 Planning Commission minutes.

Unanimously approved 10-0.

COMMITTEE REPORTS

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

Commissioner Culver said the MPO did not meet in September.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Denney said he made a telephone call to the County Administrator regarding Item 6. He said he called Mr. Craig Weinaug to find out who the property owner was. He said the County gave the property to Tenants To Homeowners with the understanding it be used for this purpose.

Commissioner Liese said he received an email after the 10:00am deadline regarding Item 4.

Commissioner Josserand said he received an email late in the day from a neighbor regarding Item 2 who expressed concern regarding the size of the lot.

Commissioner Graham said she received a call from a resident regarding Item 8 who was concerned about parking.

Commissioner Kelly said he spoke to USD 497 superintendent, Mr. Rick Doll, about Item 5 and Mr. Doll wanted him to be aware the proposed rezoning was next to a school.

Commissioner Struckhoff said he received an email from Mr. Mike Myers regarding Item 6 who felt the project was appropriate and acknowledged the concerns of the neighbors.

- Abstentions:

Commissioner Kelly said he would abstain from Item 1 due to his employment by USD 497.

PC Minutes 9/23/13 **DRAFT**

ITEM NO. 1 PRELIMINARY PLAT FOR HOLCOM SCHOOL SUBDIVISION; 2600 W 25TH ST (SLD)

PP-13-00282: Consider a Preliminary Plat for Holcom School Subdivision, a 1-lot subdivision containing 8.763 acres, located on the east side of Lawrence Avenue and north of the Holcom Park tennis courts. The property is currently addressed as 2600 W. 25th Street. Submitted BG Consultants, Inc., for USD 497, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

David Hamby, BG Consultants, was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Rasmussen, to approve the Holcom School Subdivision Preliminary Plat.

Motion carried 9-0-1, with Commissioner Kelly abstaining.

PC Minutes 9/23/13 **DRAFT**

**ITEM NO. 2 MINOR SUBDIVISION VARIANCES FOR HASKELL PLACE NO. 4; 2035
BARKER (SMS)**

MS-13-00341: Consider Minor Subdivision variances for Haskell Place No. 4, located at 2035 Barker. Variances requested include reducing minimum lot size and waiving requirements to dedicate right-of-way for Barker and construct sidewalk along Rhode Island. Submitted by Grob Engineering Services, LLC, for Architectural Consulting Source, property owner of record.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering Services, was present for questioning. He agreed with the staff recommendation.

PUBLIC HEARING on Variance Only

Mr. Shawn Cargill said he lived at 21st and Barker and he did not believe the applicant had met the hardship required for a variance, nor did he feel it was harmonious with the neighborhood. He felt it would create two substandard lots. He said the lot provided enough space to build a single-family home on it. He felt the lot provided more of an advantage rather than a disadvantage for someone trying to build it with the dual frontages. He felt the open space was important. He said regarding the harmony of the neighborhood, comparing the subject property to adjacent lots was not a good representation of what the neighborhood was. He said there were several thru lots with single-family homes on them. He felt Barker and Rhode Island were more the exception not the rule. He said most of the lots were well in excess of 5,000-6,000 feet. He wished something greater would be done than the bare minimum. He felt they should maintain the integrity of the neighborhood by keeping it simple with single-family homes.

APPLICANT CLOSING COMMENT

Mr. Grob said the house being over a sewer line created some issues with improving the house so the options included either trying to get around that or raze the building. He said he spoke with Planning staff about the rules and regulations and he felt like it was a reasonable situation to divide the lot. He said if the applicant wasn't allowed to split the lots he would have to deal with the house being over the sewer line or go to the expense of tearing it down to take it off the sewer. He said there were numerous lots that were sub-regulation size, some where the double frontage lots were split, and some that had more width than originally platted but he did not feel this subdivision critically impaired the neighborhood.

COMMISSION DISCUSSION

Commissioner Liese said in looking at the findings of fact in the staff report it appeared everything had been addressed extremely well. He said during the public comment it was suggested it would not be a hardship for the owner to maintain one plat but it looked like it would be based on the findings of fact in the staff report. He said based on the findings of fact in the staff report he did not believe the division into two lots would create substandard lots, as stated during the public comment. He said if that lot was substandard it would mean all the other lots that already exist in that subdivision were substandard, which he did not feel was the case. He said based on the applicant's response and confirmation in the staff report it would not be out of harmony and would resolve a problem that would create a hardship. He said he would vote in favor of the variances.

Commissioner Josserand asked if there had been applications from any of the three lots south of the proposed lot to divide. He presumed they would be recommended as well.

Ms. Stogsdill said it would depend on whether those homes would stay because the homes would not meet the rear yard setback for creating a new line. She said there would be a lot more lot coverage with keeping the existing larger homes and subdivided the backyards. She said if this property was subdivided into two, each of the lots would have the required rear yard setback from the common property line and the building envelopes for each lot was smaller than what would be allowed on the through lot by itself.

Commissioner Josserand asked if they would be hard pressed to deny the three lots south based on their actions tonight.

Ms. Stogsdill said the distinction was the fact that the plan was to move an obstruction from the City's infrastructure and then to build two new homes so that those new homes have to meet the individual setbacks of each of those lots.

Commissioner Josserand wondered how they could be sure the house would be razed if they approve the variances.

Ms. Stogsdill said a demolition permit application had already been submitted and noticed in the newspaper.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the following variances:

1. Approve the variance requested from Section 20-810(2)(a) to allow the creation of lots that do not meet the minimum lot size requirement of 5,000 square feet for lots in the RS5 District as identified in Section 20-601(a).
2. Approve the variance requested to allow the right-of-way for Barker Avenue to remain at 60 feet rather than the 80 feet right-of-way requirement in Section 20-810(e)(5) for Collector Streets.
3. Approve the variance requested from Section 20-811(c) to waive the requirement to construct a sidewalk on the east side of Rhode Island Street and accept an Agreement Not to Protest the Formation of a Benefit District in its place.

Motion carried 9-1, with Commissioner Josserand voting in opposition.

PC Minutes 9/23/13 **DRAFT**

Recess LDCMPC

Convene Joint Meeting with Eudora Planning Commission

ITEM NO. 3 CONDITIONAL USE PERMIT; WATER TREATMENT PLANT; ¼ MILE E OF E 1750 RD & N 1500 RD (MKM)

CUP-13-00281: Conditional Use Permit for a water treatment plant to produce water for Public Wholesale Water Supply District No. 25, located ¼ mile east of the intersection of E 1750 Rd and N 1500 Rd. Submitted by Public Wholesale Water Supply District No. 25, property owner of record.
Joint meeting with Eudora Planning Commission.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Eudora Planning Commissioner Kurt von Achen said the Eudora Planning Commission did not have quorum.

Mr. McCullough said that they could allow a few weeks for Eudora Planning Commission to meet and then send the Lawrence Planning Commission and Eudora Planning Commission minutes to the County Commission.

APPLICANT PRESENTATION

Mr. John Ruckman, Bartlett & West, was present for questioning. He said he agreed with the staff recommendation.

PUBLIC HEARING

Ms. Cille King, League of Women Voters (LOWV), said they were concerned about the location being close to the river, the ground water level, and possible drought issues that would determine how effective this would be. She said in addition to the letter the LOWV's sent they wanted to emphasize that the LOWV has long been concerned with maintaining agricultural lands and sprawl in the county. She said the LOWV did a study in 1999 that looked at the environmental impact from loss of prime agricultural land and the true cost of urban sprawl. She asked the Planning Commission to reconsider approving more water for urban sprawl development.

APPLICANT CLOSING COMMENT

Mr. Ruckman responded to some of the concerns outlined in the League of Women Voter's letter. He said any of the water lines within the UGA would be reviewed and would follow guidelines. He said all of the physical structures would be outside of the 500 year floodplain. He said regarding drought, by taking water out of the eluvium of the river they would become a member of the Kansas River Assurance District, which meant they would comply with the vision of Water Resources. He said any water taken from the eluvium was backed by water stored in reservoirs along the Kansas River.

COMMISSION DISCUSSION

Eudora Planning Commissioner Kurt von Achen said the Eudora Planning Commission had no comments at this time.

Commissioner von Achen asked if the easements obtained for future mains would be obtained upfront or down the road.

Mr. Ruckman said they would be obtained before construction occurred. He said the water line routing would be determined for the water lines and then easements would go out to private land owners prior to any bidding or construction.

Commissioner Denney asked if there was a water shortage in these areas or reason for doing this.

Mr. Ruckman said Osage #5 to the south draws water out of Clinton Lake and have had issues with the water treatment plant they currently utilize so this would be a supply to take care of that in the future. He said there was also growth in these areas with a 2% growth rate of meter sales, which would drive the additional water need.

Commissioner von Achen inquired about the Valley Channel zoning with the Conditional Use Permit and if there would be mitigation for potential flooding.

Mr. Ruckman said the facility would be above the 500 year floodplain. He said they could not do any moving of earth inside the floodway itself, which was the majority of the property.

Commissioner von Achen asked what would happen when wells flood.

Mr. Ruckman said wells were built in such a way for that. He said most water treatment plants that take ground water lay in the floodway, which was where the water was at. He said they would be using pit-less units which were sealed and could be flooded. He said any electrical going to the well would be brought in through junction boxes located above the 500 year floodplain and the power would be dropped down into the well itself. He said those could run in an inundated situation for a period of time.

Commissioner Kelley appreciated the public comments about this. He said he wanted to preserve as much agricultural land as possible but also understood the need for water. He said the growth of the area would be somewhat controlled by Planning Commission. He said he was in favor of this and would vote for it.

Commissioner Liese said it was not zoned for this and a Conditional Use Permit would be required. He was not sure that it was necessary. He appreciated the letter by the League of Women Voters. He asked if the water mains connecting this would potentially pass through Lawrence City boundaries.

Mr. McCullough said that was correct.

Commissioner Liese he said the League of Women Voters questions about that were valid. He asked staff to respond.

Mr. McCullough said running the main lines was a separate matter from the Conditional Use Permit before them tonight. He said the route could change or be altered. He said at the time of the request to the City or property owners the City would have some ability to look at the request to go through the City right-of-way and negotiate whatever issues there may be.

Commissioner Liese asked what Planning Commission should be mostly concerned about if the line wasn't what they should be concerned about.

Mr. McCullough said the blue line on the map was provided as general information about the request to see where the District intends to expand service. He said the Conditional Use Permit would not be

applied to the routing of the main line, it would be applied to the treatment plant itself and well sites in terms of a land use compatibility issue. He said the project would need to go through the floodplain development permit process in the County and meet the requirements.

Commissioner Liese asked if it would be considered and addressed in the future.

Mr. McCullough said water was controlled by the State, not the County or City.

Commissioner von Achen asked Mr. Ruckman what percentage of water would go to Osage County and Douglas County.

Mr. Ruckman said it was split almost 50/50% between Osage #5 and Douglas # 5 with both entering as equal partners.

Commissioner Denney expressed concern about doing away with agricultural farmland. He asked if the Conditional Use Permit would allow water from any part of the property.

Mr. McCullough said the Conditional Use Permit was married to a site plan that would go to the County Commission for approval. He said any modifications to the site plan in the future would be administratively reviewed or reapproved by County Commission, depending on the scope of change.

Commissioner Denney asked for clarification that this was only include a small part of the property where the character of the land would change.

Mr. McCullough said that was correct.

Commissioner Rasmussen inquired about staff recommendation 2 where it states the property shall be platted to Zoning and Codes. He asked if that meant County Zoning and Codes.

Ms. Miller said she could clarify the language to say Douglas County Zoning and Codes.

Commissioner Rasmussen commented about the first condition and asked why the applicant would need to be told to obey the law and comply with their permit. He wondered what would happen if the applicant got into a dispute or some sort of issue with their permit and if the City or County would be pulled into the dispute since it was included as a condition of the permit. He wondered why that was included as a condition.

Ms. Miller said it was not so much for the applicant because the applicant knows they need to comply with the permit. She said it was more of a notice for the Zoning and Codes office.

Commissioner Rasmussen asked if the Zoning and Codes office would enforce the State water permit.

Ms. Miller said if the applicant was not in compliance the Conditional Use Permit could be rescinded. She said they needed to comply with the State and the Conditional Use Permit was based on compliance.

Commissioner Rasmussen asked if the Conditional Use Permit was tied to compliance with the State permit.

Ms. Miller said that was correct.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Kelly, to approve the Conditional Use Permit for the water treatment plant for Public Wholesale Water Supply District No. 25 and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

- 1) The CUP shall comply with the terms, conditions, and limitations specified in the Division of Water Resources permit.
- 2) The property shall be platted prior to release of the Conditional Use Permit plan to Zoning and Codes.
- 3) The provision of a revised Conditional Use Site Plan with the following changes:
 - a. Delineation of a wooded area near the east side of Tract 2 that is 20 ft wide and extends 240 ft north of the south property line, and the addition of the following note: *"The trees and other vegetation in this area will be retained to screen the facility from the east. In the event the trees are removed, native conifers will be planted on 30 ft centers to provide screening."*
 - a. Note the revision date on the plan.
 - b. Show one ADA accessible parking space on the plan. This space shall also be marked and signed on site.

Commissioner Liese said he would have voted against the motion because of concerns raised by the League of Women Voters but staff convinced him those should not be part of their decision making process.

Commissioner Culver agreed with Commissioner Liese regarding looking at the Conditional Use Permit as it pertains to land use. He said the concerns and questions he had were brought up and addressed. He appreciated the input from the League of Women Voters. He said he was confident some of those concerns would be discussed and worked out by the County Commission. He said he would support the motion for approval.

Commissioner von Achen said she was not comfortable sending 50% of the water in Douglas County out of the county. She agreed with the League of Women Voters comments about how this would encourage county sprawl but staff has indicated it was not within Planning Commission purview. She said she would support the motion but had reservations.

Commissioner Rasmussen said Kansas was an arid state and it was not Douglas County water it was State water. He said Kansas was a prior appropriation state which meant water could be moved great distances within the state. He said all of the citizens of Kansas share the water.

Ms. Suzannah Vasquez-Bridgens was confused about Commissioner Rasmussen's comment about this being the State's water. She said she was under the impression that the entire state was a water table and had access to the water table. She did not understand why there would be a need to move it from one area to another if the entire state had a water table available to it. She asked if the State was requesting this.

Commissioner Rasmussen said the State was issuing a permit to the applicant to take water from the Kansas River eluvium and that Planning Commission had to decide whether the building could be built there.

Commissioner Denney said he would support this even though it does change some of the characters of the land use. He said a significant portion of Douglas County was served by Osage Water District #5 so it was not like all the water was going outside of Douglas County.

Commissioner Struckhoff said he would support the Conditional Use Permit but shared the League of Women Voters concerns about agricultural land and water tables.

Commissioner Josserand agreed with Commissioner von Achen's comments.

Unanimously approved 10-0.

Adjourn Joint Meeting
Reconvene LDCMPC

PC Minutes 9/23/13 **DRAFT**

ITEM NO. 5 UR TO CO; 4.767 ACRES; 4930 OVERLAND DR & 450 WAKARUSA (SLD)

Z-13-00319: Consider a request to rezone approximately 4.767 acres, including right-of-way, from UR (Urban Reserve) District to CO (Office Commercial) District, located at 4930 Overland Drive and 450 Wakarusa Drive. Submitted by Colliers International on behalf of EBRPH LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

No applicant presentation.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Culver inquired about the allowed uses in the CO district.

Ms. Day said the uses allowed in the district were predominantly office uses. She said there was a specific limitation on commercial pieces not to exceed 3,000 square feet. She said if there was a retail element it had to be in conjunction with the office. She referenced the table in the staff report that highlighted the uses allowed.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the request to rezone approximately 4.767 acres from UR (Urban Reserve) District to CO (Commercial-Office) District based on the findings presented in the staff report and forwarding it to the City Commission.

Unanimously approved 10-0.

PC Minutes 9/23/13 **DRAFT**

**ITEM NO. 4 CONDITIONAL USE PERMIT; SEASONAL CAMPING; 1478 N 1700 RD
(MKM)**

CUP-2-1-10: Consider a Conditional Use Permit to allow seasonal camping accessory to farm operations, on approximately 12 acres, located at and adjacent to 1478 N. 1700 Road. Submitted by Natalya Lowther, property owner of record. *Deferred by Planning Commission on 5/26/10.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Natalya Lowther, Pinwheel Farm, showed farm activities on an overhead slideshow while she talked about the farm. She said since 2010 she had gained insight into the puzzling opposition to camping at Pinwheel Farm. She said many opponents probably grew up playing on the Pinwheel Farm land and their parents sold the parcels to her not to them so she thought maybe they still thought of the land as their childhood playground. She said that six years before she moved to Lawrence a North Lawrence child was murdered by a mentally ill individual who happened to be living in a tent in North Lawrence. She said her neighbors enjoy activities that she does not, such as riding ATV's and hunting, which have been carried out in unsafe ways, illegally, and adversely affect her farming operation. She said she has had to discuss these situations with enforcement agencies to protect her Code compliant farm business operation. She said of course her neighbors are angry for turning them in and insisting they comply with regulations they do not like. She felt this should be about how the land was used and not who was using it. She said the benefits of camping at Pinwheel Farm included economic, reduced lodging expenses for out of town participants, reduced transportation expenses for all participants, use of multi-modal transportation which was cheaper than personal vehicles, time management, increased time at the farm for learning, working, and social purposes, decreased driving time, increased amount of time to spend money in town, sustainable living, reduced carbon footprint, more time to learn and practice off grid living skills and emergency preparedness skills, full emersion in daily farm activities around the clock, to practice and learn camping, sustainable living and emergency management skills, to experience the farm environment and ecology at all times of night and day, and more shared relaxation time for in depth discussion and teaching. She said regarding health and safety it allowed participants to sleep or rest when tired, more flexible work schedule, and allowed people to clean up and change clothes when needed. She said it would also reduce driving which would mean less potential for accidents. She stated the social benefits included shared meals, deeper conversations and friendships, more spiritual connection, and more shared relaxation time. She stated she had never been shown exactly what regulation camping violated. She said there was no specific code provision prohibiting camping. She read a memo she received from Mr. Keith Dabney from the Zoning & Codes Department that stated temporary camping was not listed as a permitted use in the regulations and would require a Conditional Use Permit. She said there are a lot of things done in the county not specifically mentioned in the regulations. She said she would like camping to be allowed and was not convinced there was a legal basis for not allowing farm participants to camp. She said all activities other than sleeping were permitted. She said people from all over the country come to visit Pinwheel Farm and she was working hard to be ahead of the game on water shortage situations through developing innovative farming methods where irrigation was not needed. She said people want to come and learn that and the best way to learn farming was hands on.

PUBLIC HEARING

Ms. Mary Spencer wanted to know why Pinwheel Farm needed a camping area. She wondered if it was for the farm or campers and wondered what the purpose of camping was.

Ms. Diane Menzie, 509 North St, inquired about access lanes to the property. She said she lives directly in front of Pinwheel Farm. She said the main access driveway to 1480 N. 1700 Rd was to the farmhouse which was currently rented to a young couple with two young children. She said the property requesting the Conditional Use Permit was behind the farmhouse and she wondered how it would be accessed by RV's. She said the other driveway to the property was at 501 North St., which was in the City and the access could be used as a roundabout for agritourism to come in at 1480 N. 1700 Rd. and go out at 501 North St. She said this was not a personal vendetta. She said she spoke in favor of Pinwheel Farm for the agritourism portion. She said this Conditional Use Permit was deferred from 2010 and she was informed by the Planning office that the only people who could put a time limit on it was the Planning Commission. She said a temporary camping trailer was approved in 2012 to be parked at 1480 N. 1700 Rd for 90 days. She said it was still in operation and she was assuming it was still in use. She said today was the third hearing on the same issue and now it had escalated to more people, more camping trailers, more tents, less sanitary facilities, and less fresh water. She said a ground approved privy was approved by the Health Department but that it was for agritourism visitors. She said there were no provisions for running water and showers. She said Ms. Lowther told Channel 6 News that she was going to allow people to use her personal home at 501 North Street for showering. Ms. Menzie said that property, as well as 1478 N 1700 Rd, were both under contract and Ms. Lowther was not the property owner of record for either property. She felt Ms. Lowther did not have legal approval from the property owner. She expressed concern about the lack of sanitary facilities and also felt there needed to be ADA approval for people to use her personal shower. She expressed concern about there not being background checks on campers and was worried about recent burglaries in the area. She stated Home Occupations require the owner to live on the property and Ms. Lowther does not live at 1480 N. 1700 Rd.

Mr. Ted Boyle, North Lawrence Improvement Association, said this same discussion took place in 2010. He stated the neighborhood was in favor of the farm agritourism but that they were not in favor of camping. He did not believe her farm was very productive at this time and a lot of work needed to be done. He said the immediate residents were concerned citizens that live in the area. He felt camping at this site would be like camping in South Park. He said if the Conditional Use Permit was approved it should only be for 2 years and checked every year.

Mr. Clint White said he was the tenant at 1480 N. 1700 Rd that Ms. Lowther rented to. He said he was excited about maybe having the Boy Scouts at the site to camp. He felt that what she was doing was ground breaking. He felt that the sharing of knowledge was important as well as learning farming operations without irrigation and how to live sustainably. He felt that camping would allow people to learn and share knowledge and that what Ms. Lowther was doing was wonderful.

Mr. Charles NovoGradac said he operates an organic nut tree farm and employs about 45 part-time people during harvest season. He said he buys produce from Ms. Lowther at the Farmers Market and also employs her as a harvester a few hours a week. He said in order to learn his chestnut tree business he spent time on farms in New Zealand and Australia and was always treated very well and welcomed by the neighbors. He said it was a very good learning experience that put him in the forefront of his industry in this part of the world. He felt living on a farm was a good learning model and he hoped the community could make it work out.

Mr. Will Katz, Director of KU Small Business Development Center, said this had the potential to be an emotional issue and he felt it was difficult for Planning Commission to settle issue of neighbors living with neighbors. He said there were a lot of agricultural and agritourism based businesses in Kansas. He felt the mobility of the workforce was a key component to the success of an agricultural based business. He referenced a League of Women Voters letter that said 16-18% of the total workforce in

the United States rests with agricultural based businesses. He said about 77% of all businesses in Kansas employ between 1-5 employees. He said he visited Pinwheel Farm and felt the camping line could be moved farther north and still be okay. He felt the location placement was a pretty good compromise.

Ms. Melinda Henderson felt a lot of effort had gone into trying to meet the neighbor's concerns and still allow Pinwheel Farm to be able to have people on the farm to learn. She said she was sad to see and hear that neighbors were concerned about the camping specifically. She said she did not know Ms. Lowther well but did know her well enough to know she would not tolerate campers that would wreak havoc. She felt the conditions on the Conditional Use Permit addressed concerns. She hoped a resolution could be found to move the project forward.

Mr. Michael Almon, Sustainability Action Network, said 20% of primary energy in the United States was used in agricultural. He felt Lawrence needed a resilient local and regional food system to anticipate when the national and global food supply might be in danger. He felt they needed to develop extensive food growing capacity in the urban fringe and that this opportunity should not be thrown away. He said some of the volunteers on Ms. Lowther's farm would be World Wide Opportunities on Organic Farms (WWOOF) who move around from farm to farm to learn how to grow organically. He said WWOOF's were not rag-tag people who had no respect for property, environment, and neighbors, but were well respected people who were on an educational plan to develop a career in agriculture.

Ms. KT Walsh said there were a number of young people who leased land in North Lawrence to farm because the soil was good. She stated Pinwheel Farm was a learning facility and she urged Planning Commission to support the camping proposal.

Ms. Brook White said she currently rented from Ms. Lowther and was a former volunteer. She said while she was a volunteer she missed out on lambing season due to not being able to be close enough during night hours. She said she was an accounting manager for a firm in Kansas City and not a hoodlum. She urged Planning Commission to approve the request.

Mr. Marvin Schaal said he owned the property west of Ms. Lowther's and that the pictures she showed during her presentation were not an accurate representation of what the property looked like. He said he retained a lawyer regarding the issue and he requested the issue be deferred for a month.

Mr. Rocky Daniels said his family lived next door to Ms. Lowther. He was concerned about Ms. Lowther's ability to manage the property. He said he did not know a child was killed by someone who lived in a tent. He said last fall Ms. Lowther held a meeting at Prairie Moon school and said she feared for her life and her animals lives from golf balls being hit into her property. He said part of the Conditional Use Permit application said there would be zero tolerance for smoking and drinking but now there were designated areas for smoking. He said Ms. Lowther's only answer to what the campers would do is pick up sticks and pull weeds. He felt the property needed gravel or asphalt to get campers on to the property and also needed showers and background checks for the campers.

Ms. Cille King, League of Women Voters, said a previous speaker asked the question about why people needed to camp on the property. She said her daughter went to Colorado and worked for 8 months on an organic farmed market operation and lived on the farm in a trailer. She said her daughter got up at 5:30am-6:00am and helped tend the plants and harvest produce to take to market. She said sometimes her daughter would be working till 8:00pm-9:00pm at night. She said

her daughter went on to pursue her Master's degree in sustainable agricultural. She said there was a real reason for volunteers to camp on a farm and she urged Planning Commission to consider that.

Ms. Suzannah Vasquez-Bridgens said she was at the public meeting that was reference by Mr. Daniels and she did not remember Ms. Lowther saying volunteers would only pick up sticks and pull weeds. She said she was looking forward to being a volunteer at Pinwheel Farm and that Ms. Lowther was doing for free what Kansas State University was teaching currently. She said Kansas State had a program where they promote self-sustainable growing. She said farming was a 24/7 job to protect the animals and plants. She said Ms. Lowther was not requesting campers for profit or for no reason, they were coming to learn from her. She stated Ms. Lowther was teaching the full cycle of life. She encouraged Planning Commission to approve the request.

Ms. Barb Higgins-Yoger said most of the people in opposition to camping were growers themselves and none of them were utilizing tent living individuals in their backyard. She said there were a lot of warm fuzzy comments about sustainable growth and organic gardening. She said nobody has ever been in opposition to those activities. She said the opposition has almost always been about camping not the farming. She said there was still plenty of opportunity to learn about farms without camping on the property.

Ms. Joyce Higgins said she has lived beside Pinwheel Farm for years and that a lot of what goes on at Ms. Lowther's farm was great. She said she had seen a lot of people come and go over the years and despite what volunteers were learning she advised them to watch their backs. She said she felt sorry for the volunteers.

APPLICANT CLOSING COMMENT

Ms. Lowther showed pictures on the overhead of activities her farm was surrounded by with her neighbors' property. She said one of the reasons for she wanted camping allowed was so she could have friendly neighbors.

COMMISSION DISCUSSION

Commissioner Liese reiterated all the positive things said about Pinwheel Farm and felt the efforts Ms. Lowther had put in to the farm were important. He said Ms. Lowther had inspired people in a lot of good directions regarding the environment, sustainability, agricultural, etc. He said knew the value of being on a farm 24/7. He said he listened hard to as many arguments as possible regarding the camping itself. He said a lot of what he heard was important and interesting but didn't address the camping and he felt they needed to pay attention to the camping portion. He felt the business model was a good one. He said the comments in the minutes from April 2010 were crystal clear. He shared some of the comments that were relevant to their discussion tonight. He said there were multiple comments regarding the condition of the property. He said concerns were expressed by several Planning Commissioners during the April 2010 meeting about the structural issues. He said one of the speakers described Pinwheel Farm as being run down and not kept up. He stated Planning Commissioners had gone by the property and felt the property was not well kept. He said he personally drove by the property today and was shocked and disappointed that the comments made three years ago didn't have an impact on the property. He said within 10' of the front door of the property there were at least three bicycles in various states of disrepair, two saw horses, an upside down wheelbarrow, and trash on the ground. He felt it was obvious that attention was not paid to what he felt the neighbors would be concerned about regarding the condition of the property. He said within 15' of the house there was a pile of cement blocks, an old tire, empty plastic cans, a broken chair, and several pieces of lumber. He said in April of 2010 Planning Commission expressed explicit concern about the condition of the property. He said the slides shown by Ms. Lowther made the neighborhood out to be trashed but he said there were some beautiful homes across the street

that were extremely well groomed. He did not feel some of the activities shown in Ms. Lowther's slide presentation represented the neighborhood. He said the picture of the strip club All Stars was irrelevant to what they were considering tonight. He said most of the pictures shown were completely irrelevant. He felt deferring the item would be inappropriate and that they had all the information they needed. He hoped fellow Planning Commissioners drove by and looked at the property. He said he wanted the farm operation to continue but wanted it to be in greater harmony with the neighborhood. He felt if the property had been cleaned up in the past three years it would have made a difference to him. He mentioned Mr. Daniels comment about whether this kind of operation could be managed by the applicant. He thought it was important for the applicant to maintain the property in such a way to get along with the community. He felt camping would only exacerbate that disharmony. He said the signage on the property directing people to the farm and parking was barely visible from the road and did not look like it was prepared well for the community to support it. He said the property did not look like any effort had been put into it making it look like a good place for a nestled away campground. He felt the property looked haphazard.

Commissioner von Achen asked staff to show a map with the locations of the access, Ms. Lowther's home, and the rental house.

Ms. Miller showed a map on the overhead showing the property.

Ms. Lowther pointed to the access points on an overhead map. She said there was ADA parking and signs. She said she had widened the driveway and had received new gravel today for improving some of that. She said she was slowly working on it due to the lack of people she had to help. She said there were three existing gravel access points from North Street. She said one was more for just farm use. She said another one could be used to circulate the traffic one way or the other. She said there was a 16' wide road going north to the camping area. She said the tenants of the rental home were currently moving in so there was some clutter on the property. She said she wished some of the Planning Commissioners had contacted her to receive a recent site visit.

Commissioner Denney asked which building Ms. Lowther lived in and which was the rental

Ms. Lowther pointed out her house and the rental house on an overhead map.

Commissioner Denney said he drove by the property and the area today. He stated that Google Earth had a record of property photographs from 1991-2012. He said in 1991 it was a pristine and nice looking farming area and that the character changed in the late 1990's. He said the photographs showed the property, as well as others in the area, deteriorating during the last 10-12 years. He said there were a few nice individual homes in the area and that it was disheartening that the whole neighborhood doesn't rise to the same standard. He asked Ms. Lowther what her crop was.

Ms. Lowther said she raised vegetables that she sells at the Farmer's Market. She said she also raises lamb and wool. She said in some seasons she milks sheep as well as value added products with wool and sheep hides.

Commissioner Denney asked if Pinwheel Farm had year round agricultural activities.

Ms. Lowther said yes. She stated there were agricultural activities throughout the year. She said Google Earth may show pictures with row covers that were used in the winter to extend the crop season.

Commissioner Denney asked if the people who would be camping were workers, students, or migrant workers. He wondered about the procedure for camping on her property.

Ms. Lowther said people make contact with her normally weeks and months in advance of their stay and each person has a specific focus on what they would like to learn.

Commissioner Denney inquired about the length of stay for campers.

Ms. Lowther said the longest stay to day was about 10 months and that she would not anticipate someone staying for an entire year. She said the typical stay was a month or two. She said a lot of campers stay for the weekend or one week.

Commissioner Denney asked how she arrived at the number of campers that should be allowed.

Ms. Lowther said the number came from her original proposal when thinking about the scenario of seasonal help, such as a group during Spring Break. She said the twelve adults would allow two groups to overlap a few days, for example.

Commissioner Denney said he heard several public comments regarding background checks of campers. He asked how people would know about her program.

Ms. Lowther said through volunteer matching organizations, such as Growing Growers and World Wide Opportunities on Organic Farms, or through word of mouth. She said she gets to know people before she commits to a plan to have them stay.

Commissioner Denney asked Ms. Lowther what she talked to potential volunteers about.

Ms. Lowthers said she grills volunteers about their interests and expects them to have a focused reason for being at Pinwheel Farm. She said she asks people for a resume and talks to them about things on their resume. She said she asks them to read the general policies of the farm and talks to them about various aspects of that. She said she talks to them about what their learning goals are and any limitations they may have.

Commissioner Liese felt the pictures Ms. Lowther showed of her neighbors was a misrepresentation because they were not about camping. He said the site plan shown on the overhead was not how the property currently looked and Planning Commission could not make a decision based on an ideal set of circumstances.

Commissioner Graham asked Ms. Lowther about the average number of people camping.

Commissioner Lowther said nobody had been camping because it was not allowed to yet. She said the expectation was there would be a few at a time but that the peak seasons may be busier. She said realistically she preferred not to work with more than 3-4 volunteers at a time.

Commissioner Britton asked staff to address Ms. Lowther's history memo that states there was confusion about where the restriction on camping came from and that it was somehow tied to a definition of mobile home.

Mr. McCullough said Zoning and Codes interpreted the Code and that interpretation went to the Board of Zoning Appeals. He said that process happened a few years ago and it was determined that camping was not a permitted use and that it required a Conditional Use Permit.

Ms. Miller said a mobile home could be considered a tent. She stated that farm employees could stay on an agriculturally zoned property in a mobile home. She said Zoning and Codes determined that the Pinwheel Farm volunteers were not employees because they were not paid a wage.

Commissioner Rasmussen inquired about a seasonal limit for seasonal camping.

Ms. Miller said she did not think Ms. Lowther meant just certain seasons of the year and that she may want camping for each season of the year.

Commissioner Rasmussen said in 2010 the Conditional Use Permit being considered was proposed to be 1 year and now the staff recommendation was 10 years.

Ms. Miller said she did not remember it only being a 1 year period but that Planning Commission discussed putting a shorter timeframe on it, such as a trial year.

Commissioner Rasmussen asked if the Conditional Use Permit was recommended for approval in 2010.

Ms. Miller said yes.

Commissioner Rasmussen asked if a privy/outhouse was acceptable to county health officials.

Ms. Miller said yes.

Commissioner Britton asked if staff visited the property.

Ms. Miller said she visited Pinwheel Farm in 2010 and then drove by more recently.

Commissioner Britton asked if staff noted the same conditions that Commissioner Liese did about the property.

Ms. Miller said she did not notice the items in the yard but did notice the vegetation. She said Ms. Lowther indicated in 2010 she would be going to native landscaping, which was allowed.

Commissioner Denney said the staff recommendation was for 10 years with administrative review in 5 years. He wondered if Planning Commission could change that.

Mr. McCullough said Planning Commission could make a different recommendation to the County Commission.

Commissioner Kelly asked about the pros and cons of making the Conditional Use Permit shorter or longer. He wondered how it would impact the process.

Mr. McCullough said it wouldn't necessarily impact the process. He said it could be a common tool to use if they want to review the impact without granting a long time that may harm the neighborhood and community. He said once granted an applicant had the right to operate under the framework of the Conditional Use Permit as long as it was complied with. He said sometimes shorter periods of time provide a test period. He said sometimes it was judged by the amount of investment, such as a Conditional Use Permit for a multi-million dollar water treatment plant which may not get any time limit.

Commissioner Rasmussen asked about the criteria to evaluate the Conditional Use Permit versus a rezoning, specifically, the language that talked about the length of time the subject property had remained vacant as zoned.

Mr. McCullough said it was a much more minor criteria with this application.

Commissioner Rasmussen asked who would enforce or inspect the Conditional Use Permit.

Mr. McCullough said County Zoning and Codes.

Commissioner Culver asked if the campers would use the same parking facilities that were designated for agri-tourism.

Ms. Miller said the RV's would park wherever they were located and campers in tents could park in the agri-tourism area or closer to their tent as long as they were on the access drive.

Ms. Lowther said it would be case specific, depending on how closely related their camping was to their car. She said for example, if they were storing stuff in their car and not driving it to town it may make more sense to have it closer to their campsite. She said if they were planning on going to the library every evening they would probably park in the agri-tourism area, which was usually unused due to low volume. She said the bicycles Commissioner Liese described earlier were used daily by her tenants for transportation.

Commissioner Liese asked about the small bicycle that was permanently affixed to a wood plank.

Ms. Lowther said it was a cleaver device the tenant invented for his 3 year old son so they could bike together as a family.

Commissioner Liese asked if the application was denied the applicant could apply again in a year.

Mr. McCullough said yes.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Denney, to deny the Conditional Use Permit for camping at this location.

Commissioner Liese strongly encouraged the applicant to clean up the property in the next year and make peace with the neighbors.

Commissioner Britton said there seemed to be some tension between the neighbors and the applicant. He appreciated Commissioner Liese's comments about the property and said he did not have the opportunity to drive by the property. He said he was having trouble factoring the condition or neatness of the yard into the analysis of whether a Conditional Use Permit was appropriate to allow camping at the site. He did not think the quality above some certain baseline of how the property was maintained was something they should be looking at. He felt the property not being maintained in an optimal fashion should not be the basis for denying the Conditional Use Permit. He said there was a fairly extensive list of conditions on the Conditional Use Permit that represented a pretty good compromise between the concerns of the neighbors and the ability of the property owner to use her property in the way she wishes to use it. He said he would vote against the motion and lean toward approval. He said given the tension among the neighbors and property owner it

seemed like the status quo was not a good thing and anything that changed it might have a hope of making something better. He said maybe by having some people out there to work the property the conditions may improve.

Commissioner Denney said he was not sure he could use the neighborhood tension as part of his decision. He said camping was the issue they were looking at. He said generally he was behind anything that promoted agricultural use. He said normally he would lean toward approving the Conditional Use Permit with a few modifications, because unless the public health safety or welfare was involved, they should not interfere with what people do with their own property. He said from what he could observe from a distance he had concerns about public safety and welfare. He said his impression that there were physical things on the property that may be dangerous to campers.

Commissioner Rasmussen said this was not about organic farming, sustainable living, sustainable agricultural, or agricultural education. He said the issue was about camping and that it was a location issue with the proximity to the city and residents in the area. He said if this was an application associated with a farming activity miles outside the city border it would be approved with no problem. He felt that camping on a seasonal basis may work but that this Conditional Use Permit was too much for him to feel comfortable with. He said one of the problems he had with it is that there was no duration on the camping. He said it was different than camping at Clinton Lake or Perry Lake. He said there were no accommodations for shower or bathing and that the applicant's house was a different address and not part of the application. He said there was nothing in the Conditional Use Permit for the property concerning bathing or shower provisions. He felt camping for profit should be limited and included as a condition. He felt that this Conditional Use Permit as proposed was not appropriate for this property. He discussed the Golden Factors. He stated the zoning and uses of nearby property was important and not given enough attention in the staff report. He said the character of the area was rural but rural right on the city boundary. He did not have a problem with the suitability of the subject property for the use for which it was restricted. He said the length of time it had been vacant was a non-issue on this item. He did not think camping would detrimentally affect nearby properties but that it did have the neighbors worried and concerned. He said a 10 year Conditional Use Permit would have him worried, which is why he asked about 1 year versus 10 years. He did not feel there was a lot of gain to public health, safety and welfare by permitted or prohibiting this. He said the concerns he had about the Golden Factors were the uses of the nearby property and the character of the area, and possibly about whether it would detrimentally affect nearby properties. He was concerned about whether this Conditional Use Permit satisfied all the review that needed to be done to grant a Conditional Use Permit. He said he could not support voting for a 10 year Conditional Use Permit but that he might consider a 1 year Conditional Use Permit to see how it goes. He felt there needed to be some sort of duration on the camping so it didn't end up being a permanent living situation. He also felt there should be language about shower and bathing facilities.

Commissioner Kelly said he drove by the property and had a little bit of a different view than Commissioner Liese. He said he was looking for an overall sense of the neighborhood in general. He said he was disappointed that the neighbors were not getting along and was not sure the Conditional Use Permit would elevate the neighborhood for better or for worse. He expressed the same feelings that Commissioner Britton had about looking at the land use. He said he was interested in the Golden Factors. He said he did not know if camping would detrimentally affect the neighborhood and that it may have a better effect because there may be people there to bring it up to the level that others may like to see it. He did not want to recommend a Conditional Use Permit that he did not believe the provisions could be met right now by the land owner. He said he would be more supportive of a much shorter term Conditional Use Permit. He shared Commissioner Rasmussen's concerns about showering and he wanted to be sure it didn't become a boarding

situation. He said the only way he would be supportive of this was on a trial basis and hoped with all the provisions in Conditional Use Permit it may meet the needs of the community members that shared valid concerns.

Commissioner Josserand agreed with Commissioner Britton's comments about being uncomfortable with acting on the Conditional Use Permit on the basis of trash issues. He agreed with a number of Commissioner Rasmussen's comments. He said he was inclined to be very supportive of this type of operation but also took to heart the comments made by the public. He said he would not be able to support the current proposed Conditional Use Permit. He said he had concerns about the duration of the Conditional Use Permit and the public health aspect, such as no showing facilities and camping during the winter months. He said he was more inclined to defer the item to narrow it down. He said he would be interested in Commissioner Denney's reaction to background checks.

Commissioner Struckhoff said he was very inclined to support the Conditional Use Permit and felt the efforts to educate and develop that enterprise were worthwhile. He was concerned about Commissioner Liese's observations but did not want to base the suitability of camping on the appearance of the property, although it did give some indication of the management of the property. He said he would like to support this and the concept of this type of business but was concerned about the duration. He said he would be inclined to consider a shorter duration, such as 1-2 years with review. He asked if the privy facilities and future shower facilities for workers would be vetted by the Health Department.

Ms. Miller said the privy and porta potty had been looked at by the Health Department and future showers would be as well. She said Ms. Lowther has commented that people can go other places to shower.

Commissioner Struckhoff asked if the Conditional Use Permit was approved would the property be ready to receive workers right now and house them temporarily.

Ms. Lowther said the plan was a phased entry into actively using the permit. She said she could not build facilities before she had a permit to build them. She said she also could not invest thousands of dollars of lateral fields for a one year trial basis. She said initially camping would be limited to RV's and campers that have their own bathing facilities in them or individuals who wish to use sponge bathes to cleanse the body. She said she had Red Cross instructions on how to properly do a sponge bath.

Commissioner Britton agreed with the comments made by other commissioners. He felt that putting a shorter time limit on the Conditional Use Permit was a good idea as long as it could still remain economically viable for the applicant. He also felt putting a time limit on the duration an individual or group could camp there would help minimize the impact to the neighbors. He said regarding the bathing issue it would probably be hard for an applicant to invest in a facility that they may not have for more than a year or two. He suggested the possibility of amending the Conditional Use Permit to a 1 year duration, an 8 month limitation on camping, and including language about RV's with bathing facilities as opposed to tents, or offsite access to bathing facilities at Ms. Lowther's residence. He felt that they could further restrict the Conditional Use Permit to avoid deferring it.

Commissioner Liese felt the most important Golden Factors had to do with the zoning of nearby property, character of the area, and suitability of the property for uses. He said the reason he was concerned about the condition of the property was because he was interested in the nearby property. He was concerned about the condition of the property because they needed to support the character of the area. He said property was probably suitable for the use of camping as long as the

camping was in the county. He felt the length of time the land had been vacant was important for weighing the benefits of making an exception. He felt it was relevant because there were several years where the property could have been brought up to a better condition so it wouldn't be like a vacant property to the neighbors. He said it was easy to put the condition of the property into the context of the Golden Factors. He did not feel a shorter Conditional Use Permit was an option due to it being a burden on the applicant, the neighbors, and the system to revisit it in a very short period of time. He said he wanted to see camping in the area but did not want it to happen until some of the more obvious problems were ironed out. He did not think a shorter Conditional Use Permit would do that but instead just raise tension in the neighborhood. He felt the applicant should come back in one year after having worked with the neighbors and making an effort to clean up the property.

Commissioner Denney asked if the Conditional Use Permit was approved would it include language preventing camping for profit.

Ms. Miller said there would be nothing to stop that so it may be best to include that language. She said the language included that camping would be accessory to farm operations.

Mr. McCullough said staff felt conditions 2 and 3 addressed that issue because camping was an accessory to the farm operations, not as a standalone enterprise, and that camping should not be publically promoted in any way, although it could be mentioned in the farm volunteer opportunity description.

Commissioner Denney said he was concerned about how far they were going into peoples personal lives. He did not feel like they should tell people how and when to take a shower.

Commissioner Rasmussen said he did not care if there was a shower but stated the application said there would be water in jugs so he was curious how people would bath. He wondered if there would be an enclosure for people to use for a sponge bath or if they would just have to stand undressed out in the open using gallon jugs of water.

Commissioner Denney asked if Planning Commission could add conditions addressing that.

Mr. McCullough said yes.

Commissioner Josserand said lack of showers was not a deal breaker for him on a short term Conditional Use Permit but after 1-2 years he would like to see shower facilities.

Commissioner von Achen inquired about the administrative review and what options there would be if the conditions were not being met.

Ms. Miller said the Zoning & Codes office would do the administrative review and enforce non-compliance. She said if Zoning & Codes visits the site and finds things that are not in compliance with the conditions they will send a letter to the applicant to let them know they are not in compliance and allow them time to come into compliance. She said it depended on what the issue was and that if it was a major issue they would take action right away. She also said there was a provision in the Zoning Regulations that if a Conditional Use Permit was found to be out of compliance it could go back to County Commission for another public hearing. She said County Commission could rescind the Conditional Use Permit, amend it, put different conditions on it, or find other steps to bring it into compliance.

Commissioner Denney asked if Zoning & Codes noticed any other health code violations while doing an inspection would they take action on those as well, such as unsafe structures.

Ms. Miller said that was correct.

Commissioner Struckhoff said he wanted to clarify his earlier comment and said he was not suggesting that shower facilities were necessary but wanted to be sure it was in compliance with health department regulations.

Commissioner Rasmussen said he was not inclined to rewrite this for the applicant tonight. He felt if it was deferred it should be deferred for a few months to allow the public to review any new conditions. He said he really questioned the need for the Conditional Use Permit in the first place because he didn't realize camping was outlawed county wide.

Commissioner Culver agreed with Commissioner Rasmussen about revising the conditions tonight. He felt it may take more time working with staff, applicant, and neighbors to revise the conditions to address issues raised this evening. He said he could not support the Conditional Use Permit as written, especially for 10 years. He agreed with Commissioner Liese that having a 1 year trial period would be hard to make meaningful progress on perceived issues. He did not feel denial was the best option but said he could not support the Conditional Use Permit as written.

Commissioner Liese said he was disappointed when he saw Ms. Lowther's property today but hoped a year from now the property would show improvement. He said if a year from now the application comes back and there's a big difference in the property and the community doesn't support it he will be disappointed in the community. He said Ms. Lowther was an innovator, a hard worker, and dedicated to important principals, but felt the Conditional Use Permit should occur under much more friendly circumstances.

Commissioner Liese restated his motion of recommending denial of the Conditional Use Permit for camping at Pinwheel Farm.

Motion failed 6-4, with Commissioners Britton, Culver, Denney, Josserand, Struckhoff, and von Achen voting in opposition. Commissioners Graham, Kelly, Liese, and Rasmussen voted in favor of the motion.

Commissioner von Achen felt they were making this much more difficult than it should be. She felt they should tweak the conditions and act on it tonight. She said they could reduce the Conditional Use Permit to 5 years with an administrative review in 1 year, stipulate a length of term the campers could stay, and address the shower facilities as being something that could be installed in the future. She said the fact the farm didn't look appealing and tidy was not part of Planning Commission's purview to be passing judgment on how it looks. She said Planning Commission was tasked with looking at whether the land was suitable for camping.

Mr. McCullough said there would be some options even with the revision and tweaking of conditions that Planning Commission may want to review with more time. He said given the late hour and the fact the public may want to review the conditions, he recommended deferral for two months to allow some language options to be drafted.

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to defer the Conditional Use Permit for two months with direction to staff to consider the things discussed this evening, such

as a shorter time limit on the Conditional Use Permit (1-2 years), a time limit on the length of stay for campers, some way to address bathing issues and maintenance of future showering facilities, and clearer language that the camping portion should not be operated as a for-profit enterprise.

Commissioner Rasmussen said he was concerned about length of time for the Conditional Use Permit and would prefer it proceed in baby steps by starting with something shorter than a year. He felt there should not be as many camping/trailer/tents units. He would prefer it limited to two camping units to try it out. He said he would also like additional information about sanitary facilities and being able to clean up from activities such as lambing operations and spreading manure on crops. He also said he would like to see duration on the camping.

Commissioner Liese said he would like staff to address, that by the neighbors standards, the Conditional Use Permit does not conform to the nearby property or the character of the area. He requested some evidence that the transition was not so stark. He said he would like some evidence that the conditions of the property would improve.

Unanimously approved 10-0.

PC Minutes 9/23/13 **DRAFT**

ITEM NO. 6 RS7 TO RM12; 2.119 ACRES; 2518 RIDGE CT (MKM)

Z-13-00288: Consider a request to rezone approximately 2.119 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 2518 Ridge Court. The portion of the property proposed to be rezoned is located on the east half fronting on Cedarwood Avenue. Submitted by Tenants To Homeowners, Inc., for Douglas County, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Mike Myers, Hernly Architects, provided a brief description of Tenants to Homeowners (TTH). He said TTH was a non-profit that developed permanently affordable housing through land leases for first time homebuyers. He said in addition to TTH also provided affordable rental options. He stated this project was tailored to downsizing toward the later years in life and would be active senior housing. He said the project would provide a high quality infill housing product that would be within walking distance to multiple businesses, such as CVS and Dillons. He said he was an East Lawrence resident and lived close to a TTH project at 11th and Rhode Island Street. He said he was so pleased with the TTH work on that project that he became a board member. He said the project would provide housing for a population that was underserved and would be located in an area of mixed housing types with infrastructure already in place. He stated the community was interested in attracting retirees and that it was well received by the Douglas County Commission. He said TTH held a few neighborhood meetings and received comments from the neighborhood.

PUBLIC HEARING

Ms. Mary Spencer said the housing project was in her backyard and she felt it would decrease her property value. She stated she did not want more multi-family rental homes in her neighborhood. She stated she would prefer single-family homes that would be occupied by the home owner. She said the majority of seniors would not be capable of walking to Dillons. She opposed this project and felt senior needs were already being met in the community. She felt other things could be put at the site to better the community. She said the County gave the land away for free and that she had to buy her land. She said she asked TTH if they had to purchase the land would they still be proposing this development and TTH said no. She said TTH was a non-profit organization but at some point it would become profitable.

Ms. KT Walsh, East Lawrence Neighborhood Association, said TTH was a non-profit and when they pay the property off the money gets funneled right back into the program to expand, not for a profit. She felt there was a terrible need for affordable senior housing and she was glad TTH was stepping up to meet it. She said there were at least 25 TTH homes and rental properties in East Lawrence and they had a tremendous record of property maintenance. She said she was in favor of TTH and the good work they were doing for the community.

Ms. Jean Affalter, 2543 Cedarwood, said the proposed field of land was her backyard. She described a video that she took of flood water coming from the field behind her house that damaged her house and property. She felt there were too many rental properties in her neighborhood and that of the 52 properties that fell within the 200' boundary 26 properties were rental properties. She said the neighborhood used to be a close knit community and it was gone because of all the rentals in the neighborhood. She felt the rental properties were the cause of shootings, robberies, and crime in the area. She asked Planning Commission to deny the proposal.

Ms. Gayle Sigurdson, Kaw Valley Older Women's League, discussed the benefits of infill development for the community. She said infill development would bring new life to an established neighborhood, increase the value of the surrounding properties, especially when replacing empty lots or abandoned buildings. She said it would make use of existing infrastructure and increase the use of established community services. She said TTH was an established, qualified, and competent developer that was part of the neighborhood. She said there was a need for senior housing in the community. She said senior housing would be low density with a quiet population with fewer drivers who will be looking for long term tendency. She said TTH was not an out of town landlord and they would maintain the development.

Ms. Bonnie Uffman said as an active senior in the community she was well aware of the need for affordable housing for seniors. She said TTH would be an asset to any neighborhood and she strongly encouraged Planning Commission to support the project.

Ms. Jean Stoneking said she had lived on Ridge Court for 25 years and she welcomed seniors to the neighborhood.

Ms. Jamie Bone, 2537 Cedarwood, said she did not receive notice. She felt the rezoning would reduce the value of her property. She felt the proposed lot would better serve the community as a park or recreational area and that children would not have a place to play without it. She felt more traffic would be unsafe for pedestrians due to no sidewalks on the street. She urged Planning Commission not to approve the project.

Mr. Sean Metzinger, 2537 Cedarwood, said he did not receive notice and that his realtor did not know of the project. He said he did not see the reason for more rental properties and that the US Census numbers from 2000 show 638 vacant units and 1,346 vacant rental units in 2010. He said independent websites show it's closer to 2,000 vacant rental properties in Lawrence. He said a new 120 unit retirement facility was expected to be built on the west side of Lawrence so there was no need for one in the central part of town. He felt the neighborhood was already high density with major thoroughfares surrounding it. He expressed concern about increased traffic and parking in the neighborhood. He asked Planning Commission to deny more rental properties in Lawrence.

Mr. Stan Hernly, Hernly Architects, said he was the original founding member of TTH. He stated the project would be infill development and would not extend new utilities. He said the number of units in the development was about half of what RM12 allowed, and barely above what was allowed with single-family number of units. He said the tenants would be quiet active seniors.

Mr. Don Hawley expressed concern about perpetual water issues and felt this project would make the problem worse. He said there were runoff issues from the lot, as well as water line breaks. He said he was never told about the project and that neighborhood meetings were not very productive. He felt that Ms. Rebecca Buford had a bitter attitude and that Mr. Mike Myers was the only one who had been receptive to his questions about the project. He said he was not in favor of the project. He thanked Mr. Mike Myers for his polite responses to the neighborhood.

Ms. Deborah McMullen, Tenants to Homeowners Board of Directors, felt the project would improve the overall neighborhood and increase property values in the area as well. She said the original intention for the land was for the use as a senior facility and now was the time to proceed with the goal. She felt the improvements made would be a positive step for the senior residents and the community. She said the Chamber was working to encourage seniors to remain and live in the community. She said seniors could bring economic stability to Lawrence in many ways and can anchor a neighborhood and improve the livability. She said TTH can enhance property values in

older neighborhoods. She said TTH improved the diversity of the community as a non-profit for the good of the whole community. She asked Planning Commission to approve the rezoning.

Ms. Spencer made an additional comment and said if she had known the neighborhood she would not have bought her house. She said a police officer sits in front of her house every day because of the drugs on Redbud Lane.

Mr. Dave Affalter, 2543 Cedarwood, expressed concern about water and sewer issues in the area. He said when he first looked at his house he saw the big open field out back and was sold on the house. He felt the lot would be a very good place for a park and has served as a park for years. He asked Planning Commission to consider a park or community garden for the property.

APPLICANT CLOSING COMMENTS

Mr. Matt Gough, Barber Emerson, Member of Board of Directors for TTH, said the Douglas County Commissioners gifted the property to TTH, subject to certain conditions. He said this was one of the conditions; requesting the property be rezoned to determine if the Planning Commission and City Commission wish to give approvals needed for the intended use. He said TTH typically focuses on creating owner occupied opportunities but that they were making an exception to that rule because the target market of active seniors have strongly said that they do not want to be home owners anymore. He stated the stormwater and sewer issues would all be resolved as part of the site planning process. He said the property would be subject to a deed restriction and must be used for affordable housing for a period of 15 years, according to the conditions place by the County Commission. He said he was proud of TTH for all their hard work. He quoted County Commissioner Jim Flory as saying *"If the property is going to be developed eventually I don't think you will find a better neighbor to develop it. We hate to lose that little open space but it is being lost to an excellent cause."*

COMMISSION DISCUSSION

Commissioner Josseland asked if the typical tenant would be someone coming out of the sale of a principal residence or from another rental situation.

Mr. Gough said the expectation was that the majority of the tenants may be coming from the sale of a home but because they were targeting a specific income segment they could not say for sure what their situation would be. He said they were not looking for the lowest end of the spectrum, such as Section 8, but that it was more targeted toward the middle working class.

Commissioner Rasmussen inquired about 6.2 versus 6.6 dwelling units per acre.

Mr. Gough said the purpose of the RM12 was the ability to have more of an apartment type setting with a site plan that would include a private street. He said it was laid out with single-story duplex style with a density lower than what RS7 would permit.

Commissioner Rasmussen said the difference was 13 living units versus 14.

Mr. Gough said it was intended to look and feel like a single-family neighborhood.

Commissioner Liese asked staff to respond to the comments made regarding property values.

Mr. McCullough said those were frequent comments on any number of land use development requests. He said it was difficult to say and that time tells typically what the neighborhood values do because there were so many different variables. He said one project doesn't typically drive that

issue. He said staff's purpose was to seek for compatibility development so there would not be a big shift in property values one way or the other. He said generally speaking staff does not study it to be able to advise Planning Commission about whether a project would work one way or the other regarding property values. He said there was no study or fact basis to judge it by.

Commissioner Liese asked if Planning Commission should not consider it because they don't have facts either way.

Mr. McCullough said there was no appraisers report or study one way or the other.

Commissioner Liese asked staff to respond to the comments made about green space being a park.

Mr. McCullough said any vacant property was subject to development, whether it was developed as a park or otherwise. He said the expectation is that it will be developed, especially if it's within the city and has urban infrastructure to it.

Commissioner Liese asked staff to address the comments made about not being adequately informed about this.

Mr. McCullough said TTH did have several meetings. He said per State Statute the City does a mailed notice, legal notice published in the newspaper, and public notice signs posted at the site.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Liese, to approve the rezoning request for approximately 2.1 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

- 1) The lot at 2518 Ridge Court (Lot A, Block 7, Southridge Addition No. 3) will be divided through the Minor Subdivision process to create a separate lot for the property that is the subject of this rezoning request prior to the publication of the rezoning ordinance.
- 2) The RM12 Zoning is conditioned to limit the permitted uses to single-story *Duplex* dwellings.

Unanimously approved 10-0.

PC Minutes 9/23/13 **DRAFT**

ITEM NO. 7 RM12D-UC TO CS-UC; .27 ACRE; 804 PENNSYLVANIA ST (MKM)

Z-13-00287: Consider a request to rezone approximately .27 acre from RM12D-UC (Multi-Dwelling Residential with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District, located at 804 Pennsylvania St. Submitted by Bartlett & West, Inc., for Ohio Mortgage Investors LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Darron Ammann, Bartlett & West, felt this was a great project for the area.

Mr. Tony Krsnich said he came up with the term bistro to soften the word bar. He said it would be similar to a coffee hangout with local pre-made food, iced tea, beer, and cocktails. He said some of the concerns received were about it turning into another fraternity bar like The Wheel. He said the general manager of the Warehouse Arts District put a petition together of people who were in favor of the project. He said adjacent property owners were in support of the project. He said there was 97% support from the Poehler residents that they talked to. He said he has heard from many of the people who live and/or work in the area that they want a place to go. He said he did not think he would be able to achieve the 55% of gross sales from food during the first year and that it would probably take closer to two years to achieve that. He said Option 2 in the staff report was closer to what he intended to do but that he never planned to have a big loud outdoor venue. He said he disagreed with the outdoor seating limitation with Option 2 and hoped there could be more outdoor seating without amplified music. He said he had no intention to be open until 2:00am. He said instead of fighting with the East Lawrence Neighborhood Association, who has supported him in the past, he would prefer to attempt to try and make the 55% non-alcoholic revenue. He said at this point it will be a long shot and he was not doing this from a revenue generating standpoint but it was one of the pieces to further the progress in protecting the investment in the Warehouse Arts District. He said in the event that he would come up short at the end of the two year period he would like to take a look at doing something closer to Option 2 in the future, if possible.

PUBLIC HEARING

Ms. KT Walsh, East Lawrence Neighborhood Association, said Mr. Krsnich was amazing with historic preservation and this was the first serious hitch they had run in to. She said they were in favor of Option 1, the 55% food sales rule. She said their reasoning for that was because it was a residential area and they had fought for years not to become an expansion of downtown. She said they told Mr. Krsnich at a meeting that they were pro-bar and would like an establishment to eat and drink at. She said she frequently sees the Allen Press employees walking downtown to eat and drink. She said the neighborhood association was in support of the project but that they would like to see the 55% food sales rule stuck to.

Commissioner Josserand asked if Mr. Krsnich meet with Poehler residents as a group.

Ms. Leslie Soden, resident of the Poehler building, said no.

Mr. Krsnich said the building manager was in charge of meeting with the Poehler residents.

Mr. Michael Almon said he attended the September 9th East Lawrence Neighborhood Association meeting and he agreed that the area was in support of a restaurant opportunity and option for

alcohol. He said one thing that came up at the meeting was that Mr. Krsnich wanted to meet the concerns of the neighborhood. He said Mr. Krsnich has shown good faith by offering the condition of meeting the requirement for 55% food sales or offering to condition the deed. He felt Planning Commission should consider conditional zoning.

Mr. John Gasgone, 941 Pennsylvania, said he lived a block from this property and he saw the potential for the neighborhood to grow into a mixed use urban area. He said a project like this was exactly what he was looking for in his neighborhood. He said he supported Option 1. He said having any restrictions on a business like this made an already challenging business more difficult and this was risky on Mr. Krsnich's behalf. He said he did not see an issue with noise or other things associated with this type of establishment.

APPLICANT CLOSING COMMENT

Mr. Krsnich said if he takes this chance he believed it would take 2 years. He said if at the end of those 2 years and he comes up short he would like to refer back to Option 2 that he chose to pass on even though it's 100% what he wants to do.

COMMISSION DISCUSSION

Commissioner Culver asked staff if they could do a 2 year window and then revisit the issue if needed in the future.

Mr. McCullough said typically with the food sales requirement downtown a business gets a year to prove themselves and then submit the gross receipts. He said if they don't meet it during that first year staff will try and work with them to try and comply with the regulation. He said Mr. Krsnich was asking to be able to do that within 2 years instead of 1 year.

Mr. Randy Larkin, staff attorney, said this would be a condition for the property instead of a requirement and that a 2 year recommendation could be made to the City Commission.

Mr. Krsnich said one of the reasons he believed this could be a variation from Massachusetts Street was because of the zoning and restriction that was done voluntarily by the previous developer.

Commissioner Josserand suggested deferring the item to allow Mr. Krsnich time to meet with the Poehler building residents.

Mr. Krsnich said he personally spoke with 15 residents and preferred a more personal approach by reaching out to them individually. He said the building manager met with approximately 52 residents as well. He said there was nobody that cared about his tenants and that area than him. He said they were going to hold a group meeting last week but it got rained out. He said if he did not have the support of the residents/employees of the area he would not be proposing the project.

Commissioner Rasmussen said it did not concern him that there was no group meeting and felt meeting one on one with the tenants was more effective.

Commissioner Liese agreed with Commissioner Rasmussen and felt Mr. Krsnich did his homework in knowing whether he would get the support he needed in the community.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Rasmussen, to approve the rezoning request for approximately 0.27 acre from RM12D-UC to CS-UC with the restrictions of uses

established by Ordinance 8054, with the condition requiring that 55% of the total sales receipts be from food sales be revised to allow a 2 year time-frame for compliance.

Commissioner Britton said he would support Option 1 or Option 2 because they both get to the end result.

Ms. Walsh said the difference between having a big group meeting is that a group provides empowerment to individuals who might feel intimidated by their landlord approaching them individually.

Commissioner Liese agreed with Ms. Walsh. He said the applicant would pay a dear price if he hasn't reached out to the tenants.

Ms. Soden said the two options were new and not part of their meeting.

Commissioner Culver suggested the neighbors voice their opinion to the City Commission.

Mr. Krsnich said he was agreeing with the recommendation of the East Lawrence Neighborhood Association option.

Motion carried 9-1, with Commissioner Josserand voting in opposition.

Mr. Krsnich said Ms. Walsh asked what would happen at end of the 2 year period.

Mr. McCullough said it would be enforced how 1 year grace periods are enforced. He said it would not automatically fall back to Option 2. He said there would be a process of the applicant having avenues to comply with the condition. He said one of those options could be going through the zoning process to amend the conditions.

PC Minutes 9/23/13 **DRAFT**

ITEM NO. 8A IG TO RM32-PD; 1.3 ACRES; 900 DELAWARE ST (MKM)

Z-13-00286: Consider a request to rezone approximately 1.3 acres from IG (General Industrial) District to RM32-PD Overlay (Multi-Dwelling Residential with PD Overlay) District, located at 900 Delaware St. Submitted by Bartlett & West, Inc., for Provident Family, LP, property owner of record.

ITEM NO. 8B PRELIMINARY DEVELOPMENT PLAN FOR 9 DEL LOFTS; 900 DELAWARE ST (MKM)

PDP-13-00299: Consider a Preliminary Development Plan and associated modifications for 9 Del Lofts, a multi-dwelling residential development with 43 dwelling units, located at 900 Delaware St. Modification requests are related to the off-street parking requirements, and setback standards. Submitted by Bartlett & West Inc., for Provident Family, LP, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 8A and 8B together.

APPLICANT PRESENTATION

Mr. Tony Krsnich said the project would provide 43 rent restricted apartment units. He said the Poehler Lofts set a national record of leasing in 11 hours. He said the 9 Del Lofts would probably be leased within 1-2 days of receiving certificate of occupancy.

PUBLIC HEARING

Ms. KT Walsh, East Lawrence Neighborhood Association, said they supported this project. She said they appreciated Mr. Krsnich adding three bedroom apartments to allow more family friendly options. She the intersection of 9th and Delaware would need to be looked at in the future because a lot of the tenants would be parking there and crossing the street. She said there was talk about bringing the rails to trail right in front of the apartment and not all of the neighborhood had an opportunity to comment on that yet.

Mr. Michael Almon, Sustainability Action Network, said he was a member of the Burroughs Creek Park and Trail Task Force that came up with the Burroughs Creek Corridor Plan adopted by Planning Commission and City Commission in 2006. He said the trail should continue to the north to a desired trail head at Hobbs Park and in the future allow the trail to continue farther to the north toward downtown and points other ways. He said it was an ideal opportunity for a public/private partnership to complete this segment of the Burroughs Creek Trail and make connections with this district to downtown. He supported this project.

Mr. John Gascon said he supported the project and felt that 9th and Delaware was an important hub and valuable corridor from downtown.

COMMISSION DISCUSSION

Commissioner von Achen inquired about the substantial gain of impervious area.

Ms. Miller said it was a completely undeveloped lot.

Commissioner von Achen asked if there were any attempts to mitigate that.

Ms. Miller said the applicant was below the total impervious that was allowed at 61.5% of the site so no mitigation suggested.

ACTION TAKEN on Item 8A

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to approve the rezoning request for approximately 1.3 acres from IG (General Industrial) District to RM32-PD (Multi-Dwelling Residential with Planned Development Overlay) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 10-0.

ACTION TAKEN on Item 8B

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to approve the requested modification to allow the provision of 60 parking spaces on the property rather than the 73 required by Code per Section 20-1107(i) and approve the requested modification to allow a 20 ft front yard setback, rather than the 25 ft required by Code per Section 20-1107(g). To approve the 9 Del Lofts Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Provision of a DSSA and a Drainage Study/Grading Plan per the approval of the City Utility Division and the City Stormwater Engineer, respectively.
2. City Utilities Division approval of the proposed sanitary sewer line.
3. Alternative Compliance Landscaping will be reviewed and determined with the Final Development Plan.
4. Obtain and record an access easement to allow access from the north through property owned by Ninth and Delaware LC.
5. Provision of a revised Preliminary Development Plan with the following minor technical changes:
 - a. Note the entity or party that will own and maintain the common open space.
 - b. Delineate the common open space on the plan and note the percentage of the site which is included. Minimum of 20% of the site is required.
 - c. Revise PDP Plan Note No. 14 to list the modification being requested from the required off-street parking and to refer to the change requested to the setback as a 'modification'.
 - d. Revision of water service items per the City Utilities Engineer's approval.
 - e. Addition of revisions per the Fire Code Official's approval.
 - f. Show the access easement on the land to the north and note the Book and Page Number on the plan.

Unanimously approved 10-0.

PC Minutes 9/23/13 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Commissioner Liese reminded Planning Commissioners about the January 24th retreat.

Commissioner Culver reminded Planning Commissioners about the October 9th Mid-Month meeting regarding Planning 101.

Commissioner Liese said he would be absent from the Mid-Month meeting.

ADJOURN 1:08am



PLANNING COMMISSION MEETING

October 21, 2013

Meeting Minutes DRAFT

October 21, 2013 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Graham, Josserand, Liese, Rasmussen, Struckhoff, von Achen

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

COMMITTEE REPORTS

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

Commissioner Culver said the Metropolitan Planning Organization (MPO) met and received updates on various studies. He said they received updates on the multi-model transportation study. He said the MPO took action on the 2014 Unified Work Program.

COMMUNICATIONS

Receive written communications from the public:

Mr. Scott McCullough said a request was received from the applicant to defer Item 3C, Preliminary Plat for Menards Addition, located at 1900 W 31st St.

Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to defer Item 3C, Preliminary Plat (PP-13-00338) for Menards Addition.

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

Receive written communications from staff, Planning Commissioners, or other commissioners: Mr. McCullough said the Board of County Commissioners placed a moratorium on agritourism applications until April to revise some standards. He stated the standards would come back to Planning Commission to look at balancing the issue of administrative review and approval. He said they would be looking at what level of neighborhood impact would demand the Board of County Commission or Planning Commission review and consideration.

- a) Disclosure of ex parte communications.
- b) Declaration of abstentions from specific agenda items by commissioners.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Liese said he talked to someone from North Lawrence regarding an item that would be on the November Planning Commission agenda and wanted to know if he should disclose that now or later.
Mr. McCullough said for Commissioner Liese to declare the ex parte at the time the item was heard in the future.
- Abstentions:

Commissioner Graham said she would abstain from Items 3A & 3B due to Menards being a national account with the company she works for.

PC Minutes 10/21/13 **DRAFT**

ITEM NO. 1 CERTIFICATE OF SURVEY VARIANCE FOR PROPERTY AT, & ADJACENT TO, 1619 E 818 RD (MKM)

Consider a variance associated with Certificate of Survey, **CSU-13-00432**, to allow two access points for Residential Development Parcels at 1619 E 818 Road and the adjacent parcel to the south. Submitted by Doug Garber Construction Inc., property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. & Mrs. Garber were present for questioning.

PUBLIC HEARING

Ms. Marsha Dean wanted to be sure there would be no additional access on the private road.

Ms. Miller showed a map on the overhead and explained the access. She said the only access on the private road would be the one house and the other houses would not be able to access it.

Ms. Dean inquired about the type of homes, quality, and price range that would be built.

Mr. Ron Crawford said they needed to keep in mind that this was part of the Horizon 2020 plan and it was a fairly high density area. He said this would be a major intersection as Trailriders Road came into Highway 40. He said it would create a special tax benefit district and felt it created difficult issues as single-family homes develop in the growth area.

COMMISSION DISCUSSION

Commissioner Liese thanked Ms. Dean for her comments and asked staff to respond.

Mr. McCullough said the application was a land division application, not zoning, so it would be afforded all the uses of the A zoning. He said the expectation was that homes would be built there and that the applicant could speak to the type of homes because staff does not have or ask for that information since this was just a land division at this point. He said the Planning Commission review was limited to the variance issue related to access to the road. He said most of the application was permitted by right and administrative. He said if the application met the standards it was approved and moved on to the next step which would be permitting for the homes, consisting of two administrative processes, building permits and inspection.

Commissioner Liese asked if anything built would have to follow Code.

Mr. McCullough said yes.

Commissioner Denney said Planning Commission was not deciding or looking at what would be built. He wondered if there was a process after this one to look at what was being built.

Mr. McCullough said there would be an administrative building permit process which would be submitted to County for review, as well as a plot plan for setbacks. He said there was additional review but that staff could not determine the final outcome in terms of the size of the home and the home value.

Commissioner Denney asked if it was limited to single-family homes.

Mr. McCullough said that was correct. He said if it weren't for the variance request the Planning Commission wouldn't see this request at all.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the variance requested from Section 11-104(c)(1)(vii)(c) [Section 20-804(c)(1)(vii)(c)/City Code] to allow the Certificate of Survey CSU-13-00432 to provide 2 access points with 1 point being the existing access from the residence to E 818 Road, subject to the following condition:

1. The Certificate of Survey shall be revised so that the Cross Access Easement extends to the east to provide future access to Residential Development Parcel 2, in the event the intersection of E 818 Road and Highway 40 is removed. The additional drive does not need to be constructed with this division.

Unanimously approved 9-0.

PC Minutes 10/21/13 **DRAFT**

ITEM NO. 2A RS10 TO RS7; 2.186 ACRES; 1146 HASKELL AVE (MKM)

Z-13-00350: Consider a request to rezone approximately 2.186 acres from RS10 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.

ITEM NO. 2B RS10 TO IL; 1.785 ACRES; 1146 HASKELL AVE (MKM)

Z-13-00351: Consider a request to rezone approximately 1.785 acres from RS10 (Single-Dwelling Residential) District to IL (Limited Industrial District) District, located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.

ITEM NO. 2C RS10 TO OS; 2.384 ACRES; 1146 HASKELL AVE (MKM)

Z-13-00408: consider a request to rezone approximately 2.384 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC on behalf of BK Rental LLC, property owner of record.

ITEM NO. 2D PRELIMINARY PLAT FOR BURROUGHS CREEK ADDITION; 1146 HASKELL AVE (MKM)

PP-13-00352: Consider a Preliminary Plat for Burroughs Creek Addition, a 6.36 acre subdivision consisting of 9 residential lots, 1 industrial lot, and one open space tract; 1 associated variance from right-of-way requirement in Section 20-810(e)(5) of the Subdivision Regulations. The property is located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 2A-2D together.

APPLICANT PRESENTATION

Mr. Eric Jay & Mr. Matt Jones, Struct/Restruct, said they hoped to purchase the property and move their office to it. He said the property was a lot more space than they needed so they came up with ideas of how to develop the property to mitigate some of the cost. He said they were going to keep the current building at 12th & Haskell for their shop and office, develop the 9 lots to the east, and donate a little over 2 acres to the City for a park or outdoor recreational facility. He said they wanted to have a positive impact in the neighborhood.

Mr. Brian Sturm, Landplan Engineering, said he helped with the preliminary platting. He said this project could revitalize East Lawrence and the Brook Creek Neighborhood. He said the open space provided floodplain management. He said the State of Kansas was currently working on a new floodplain study and the residential properties would not be final platted until after the flood insurance study was complete. He said the plan was to only final plat the IL piece initially. He said they would be setting aside approximately 40% of the property as open space. He said in some places there would as much as 45' of greenspace between the street and property lines that had no underground utilities on it. He said water lines would be the least invasive to install and could be directionally bored from a small hole above ground to avoid significant trenching. He said they would do their best to minimize damage with the installation of water lines south of 12th Street

PUBLIC HEARING

Ms. Julie Mitchell, Brook Creek Neighborhood Association, thanked Struct/Restruct for holding neighborhood meetings. She said the neighborhood understands this may be the best option for the property. She said a lot of the neighborhood questions were answered by Ms. Miller during her presentation, such as the industrial use concerns. The neighborhood was concerned about flooding issues and insurance rates increasing. She wondered if the real estate deal didn't go through for Struct/Restruct to purchase the property if the zoning would still go through.

Mr. McCullough said the zoning would go with the land, not people, so the property would be rezoned with conditions. He said if anyone wanted to lift the prohibitions it would go back through the rezoning process. He said part of the consideration was that no matter who the applicant was the land use should be compatible with the neighborhood.

Ms. Mitchell expressed concern about enforcement and concern about easements. She said it felt like plans were still up in the air.

Mr. Clement Garrick wondered how long the property had been zoned RS10.

Mr. McCullough said since the property was annexed in the 1960's.

Mr. Garrick asked how the recycling use was allowed.

Mr. McCullough said there was an underlying issue in the background that wasn't really up tonight for Planning Commission discussion, in his opinion. He said there was a lot of discussion at the Board of Zoning Appeals and City Commission about a land use enforcement case. He said essentially the property was annexed in 1966 with automotive related uses and some commercial and industrial uses throughout the years. He said in approximately 2003 Mr. Bo Killough began a use that ended up turning out to be not in compliance with the non-conforming status. He said that was enforced and at the end of the day Mr. Killough moved his business up the street, which left the property vacant. He said this proposed use had turned out to be one of the better outcomes for this property. He said he did not want to dwell on the history of the legal non-conforming case.

Mr. Garrick wondered if it was appropriate to have residential development so close to a sewage treatment facility.

Ms. Sharon Vaughn said Brook Creek has not had much work done to improve it. She said she asked the City's first Stormwater Engineer about 10 years ago how long it would be before the Brook Creek stormwater flooding issues would be addressed and he said it would be 30 years. She said there were still flooding problems in the area. She felt that nine curb cuts on 12th Street were a lot and she wondered how that would impact flooding to existing homes. She expressed concern about toxic waste on the site.

Mr. Michael Almon showed slides on the overhead of the property when it was owned by Mr. Bo Killough. He was concerned about extensive industrial use activities by future owners or by Mr. Killough if he retains the property. He said Struct/Restruct considerably requested that 38 use groups be prohibited with the IL. He disagreed with the character of the neighborhood as described in the staff report.

Ms. Melinda Henderson, 1202 Almira, expressed concern about vegetation being destroyed with the water line installation. She was also concerned about development to the north increasing the floodplain area. She said that fill added for new homes would affect the ability for the area to drain to the northeast. She showed pictures on the overhead of 12th Street. She wished the Hydraulic and

Hydrologic study was complete before the rezoning. She said if the rezoning was approved she would like conditions placed on the industrial zoning.

Ms. Cille King, League of Women Voters, said floodplain should be left undeveloped for flood waters. She said if the homes were raised on stilts they would lose tornado protection. She felt the safety of the soil should be proven before rezoning.

Mr. Byron Wiley, 1200 Almira, said he was mostly pleased with the proposal presented by Struct/Restruct. He said his major concern was the rezoning conditions. He felt there was no need for industrial zoning and that it could be zoned CC with restrictions.

APPLICANT CLOSING COMMENTS

Mr. Jay discussed ideas they had about the residential portion. He said they were thinking about the idea of pier construction homes which would have as little impact to the site and floodway as possible. He said it would consist of a structure being on stilts/piers and would still include some sort of storm shelter as part of the structure where the utilities come into the house from beneath. He said there would probably be some sort of pre-construction site grading plan to balance the cut and fill of the site to divert the water differently. He said the plan was that the piers would be the only change to the site. He said regarding access it didn't make economic sense to build two cul-de-sacs within the development which would create higher development costs. He said an environmental study was completed by Larson and Associates and states the contamination levels were below State requirements for residential development. He said he had no objection to the restricted uses.

COMMISSION DISCUSSION

Commissioner Denney asked if Planning Commission rezoned and replatted tonight would that remove any previous non-conforming use agreements that may be out there. He asked if anything that was grandfathered before would go away.

Mr. McCullough said yes.

Commissioner Denney asked if it would be starting new with no previously existing conditions.

Mr. McCullough said that was correct.

Commissioner Denney inquired about addressing the drainage issues.

Mr. McCullough said the State needed to complete the review and analysis with the Hydraulic and Hydrologic study on Burroughs Creek and how it intercepts with Brook Creek. He said the final plat could not be done until that study was received.

Commissioner Denney asked if what they were considering tonight would approve any structures being built at this point.

Mr. McCullough said no. He said another step for the light industrial site would include site planning. He said that may include some property improvements and limited fill or paving.

Commissioner Denney asked if the lots that were being rezoned to RS7 would qualify for RS10.

Ms. Miller said there was enough area to be an RS10 lot but the length of 12th Street with RS10 would require 70' of frontage per lot and RS7 would require 60' of frontage per lot.

Commissioner von Achen asked for examples of other areas in town where industrial was next to single-family.

Mr. McCullough said the City was essentially established in a pattern of linear corridors and Haskell Avenue was one of those corridors where there is industrial development flanked by residential development. He said there was a historic pattern of industrial along corridors with residential back to back with it.

Commissioner von Achen inquired about transitions between uses.

Mr. McCullough said conditional zoning could be employed as another protection. He said the reason staff advised the applicant not to request commercial zoning was because the only commercial zones that support the construction sales and service use was Community Commercial, Regional Commercial, or Commercial Strip. He said IL was the district that most accommodated the requested use. He said conditional zoning can be used on top of that zoning to make it compatible with the neighborhood.

Mr. Jay said the current location of Struct/Restruct at 920 Delaware Street was zoned similarly and contains a mix of uses.

Commissioner von Achen asked if staff had seen the soil test that the applicant did.

Ms. Miller said no, staff had not seen the report.

Commissioner von Achen asked if staff would see the environmental study.

Mr. McCullough said staff could accept the environmental study into the record. He said during the enforcement process staff had been in contact with KDHE and it was his understanding there were no open KDHE cases on the property.

Commissioner von Achen asked if all of the houses in the development would be built by the same developer or would individual buyers purchase the lots and build with their own builder.

Mr. Jay said the plan was to place some covenants on the nine lots for the design of the properties and potentially submit an approved contractor list. He felt the design was more important than who the builder was.

Commissioner Rasmussen asked for staff to put an aerial on overhead. He asked questions based on the Golden Factors. He said he was concerned about going from RS to Industrial zoning. He asked how this fit within the Comprehensive Plan.

Ms. Miller said it was zoned residential because when properties were annexed in the 1960's they were automatically zoned to a placeholder zone of RS1 and that district converted to the RS10 district with the adoption of the Development Code. She said the RS10 zoning was just a placeholder zoning, it wasn't intentionally zoned RS10.

Commissioner Rasmussen asked if when it was annexed in 1966 it was already an industrial use.

Mr. McCullough said it was a vehicle storage lot.

Commissioner Rasmussen asked how it fit with the Comprehensive Plan.

Mr. McCullough referred to the staff report. He said there was industrial zoning and uses in the area.

Commissioner Rasmussen said he felt Brook Creek was a natural stopping place of industrial into the neighborhood. He did not see any properties south of the creek that were industrial.

Mr. McCullough said historically it has been 12th Street where the pattern stops between residential and industrial uses.

Commissioner Rasmussen asked if staff considered the residential parts of the neighborhood. He expressed concern about what happens when Struct/Restruct is no longer at that location in the future.

Mr. McCullough said one of the hardships to the neighborhood has been the unknown with the non-conforming use issue. He said currently the site was RS10 and it may or may not have some non-conforming use rights today. He said one of the positive impacts of this rezoning request was that it would clearly zone the property to a zoning district and could include conditional zoning. He said a site plan would provide an enforcement mechanism. He said in his opinion it was never the intent of the enforcement process to try and get the building and use completely demolished and abandoned.

Commissioner Rasmussen asked Mr. Jay if the conditions Mr. Almon mentioned earlier were accurate.

Mr. Jay said yes.

Ms. Miller said restricting uses from the district that could be compatible could just bring the issue back to Planning Commission if Struct/Restruct decided not to build at the site. She said restricting uses that were allowed in the neighborhood to the south didn't make sense. She said staff went through all the uses recommended and she did not think uses that were actually permitted in the RS7 district should be prohibited in the IL district. She said it would provide a clear zoning district with uses that were compatible, not necessarily all the uses the neighborhood suggested or even the one the applicant would agree to.

Commissioner Rasmussen asked if at this point staff was not including any more conditions than what was recommended in the staff memo.

Ms. Miller said that was correct.

Commissioner Liese said this was a terrific example of a developer, community, and staff doing a professional job working together to get rid of a problem in the community. He appreciated the developer's willingness to approach and talk to the neighborhood. He thanked staff for going through all the questions. He asked about the question that a public member brought up regarding the regulations about residential development near a treatment plant.

Mr. McCullough said there were no distance standards.

Commissioner Liese felt IL was a reasonable transition between the higher intensity industrial uses to the north and the residential uses to the south. He felt it was a sensible plan. He said he would support the rezoning.

Commissioner Josserand agreed with Commissioner Liese's comments. He felt it was a well thought thru plan. He thanked the applicant for meeting with the neighborhood. He said the history of the property was an additional factor that could be considered. He expressed concern about the flooding in the area and hoped some of the stormwater issues could be solved. He said it was unfortunate the water line needed to be on the south but it was right-of-way and he agreed with Mr. Sturm that the water line was not as noxious as some other things that could be in the right-of-way. He said there may be changes to the right-of-way that may be necessary to solve the flooding issue.

Commissioner Liese inquired about the access to the open space.

Ms. Miller said access to the open space would be provided from 12th Street from a pedestrian easement.

Mr. Jay said the leg of open space north of the IL district was for a small pedestrian bridge over the creek.

Commissioner von Achen had strong reservations that the proposal did not meet the criteria necessary for industrial zoning, it's not identified in future land use maps for industrial, it does not meet the setback criteria for street frontage where industrial is across the street from residential, it abuts RS7 district on two sides without any transition. Said she could not support the IL zoning.

ACTION TAKEN on 2A

Motioned by Commissioner Liese, seconded by Commissioner Graham, to approve the rezoning request for approximately 2.186 acres from RS10 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 9-0.

ACTION TAKEN on 2B

Motioned by Commissioner Liese, seconded by Commissioner Josserand, to approve the rezoning request for approximately 1.785 acres from RS10 (Single-Dwelling Residential) District to IL (Limited Industrial) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition:

The following uses are permitted only upon approval of a Special Use Permit:

- Lodge, Fraternal & Civic Assembly
- Active Recreation
- Hotel, Motel, Extended Stay
- Public Safety

The following uses are not permitted within the district:

- Kennel
- Livestock Sales
- Fast Order Food, Drive-in
- Car Wash
- Gas & Fuel Sales

- Heavy Equipment Sales/Rental
- Heavy Equipment Repair
- Light Equipment Sales/Rental
- Light Equipment Repair
- RM & Boats Storage
- Scrap and Salvage Operation
- Broadcasting Tower
- Large Collection Recycling Facilities
- Recycling Processing Center
- Participation Sports and Recreation, Outdoor

Commissioner Britton said this was a unique area and in other circumstances he would echo Commissioner von Achen's concern about the industrial zoning. He said it made sense at this location given its unique history and the fact that the land could be put to good use. He said he would support the motion and felt it was a good compromise.

Motion carried 8-1, with Commissioner von Achen voting in opposition.

ACTION TAKEN on 2C

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the rezoning request for approximately 2.384 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 9-0.

ACTION TAKEN on 2D

Motioned by Commissioner Liese, seconded by Commissioner Josseland, to approve the variance requested from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Haskell Avenue adjacent to Lot 1 Burrough's Creek Addition based on the findings listed in the report, subject to the following condition:

The plat shall be revised to include the following note: *"On October 21, 2013, the Planning Commission approved a variance from the requirement in Section 20-810(e)(5) to dedicate 100 ft of right-of-way for minor arterials to allow the right-of-way for Haskell Avenue as shown on this plat."*

The approval of the Burrough's Creek Addition subject to the following conditions:

1. Provision of a revised plat with the following changes:
 - a. Increase the width of the utility easement between Lots 9 and 10 to 15 ft.
 - b. Revise General Note 10 to note that Tract A will be donated to the City rather than 'dedicated'.
 - c. Revise the site summary to include the tract in the net area.

- d. Add the following note: *"In order to maintain the health and vigor of a Bur Oak Tree (specifically one being a 50" caliber, DBH), and their root systems; the following restrictions apply within the Landscape Easement on Lot 10:*
- *No building.*
 - *No building material or debris storage of any kind.*
 - *No person shall deposit, place, store, or maintain any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing inside the easement.*
 - *No cut/fill grading over 4 inches and no excavation of ditches or trenches.*
 - *No drives shall be installed.*
 - *No driving, parking, or storage of vehicles."*

Unanimously approved 9-0.

PC Minutes 10/21/13 **DRAFT**

ITEM NO. 3A ANNEXATION OF 8.4 ACRES; 1352 N 1300 RD (SLD)

A-13-00340: Consider a request to annex approximately 8.4 acres located at 1352 N 1300 Rd. Submitted by Menard Inc., for Bruce Snodgrass, property owner of record. *Initiated by City Commission on 9/10/13.*

ITEM NO. 3B A TO CR-FP; 8.4 ACRES; 1352 N 1300 RD (SLD)

Z-13-00337: Consider a request to rezone approximately 8.4 acres from County A (Agricultural) District to CR-FP (Regional Commercial-Floodplain Overlay) District, located at 1352 N 1300 Rd. Submitted by Menard, Inc. for Bruce Snodgrass, property owner of record.

****Deferral Requested by Applicant****

~~ITEM NO. 3C PRELIMINARY PLAT FOR MENARDS ADDITION, 1900 W 31ST ST & 1352 N 1300 RD (SLD)~~

~~PP-13-00338:~~ Consider a Preliminary Plat for Menards Addition, a 7 lot commercial subdivision, located at 1900 W 31st St & 1352 N 1300 Rd. Consider variance request from section 20-810 (e)(5) regarding minimum right-of-way for a principal arterial street. Submitted by Menard, Inc. on behalf of Tom Horner III and Bruce Snodgrass, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 3A and 3B.

Item 3C was deferred by Planning Commission at the beginning of the meeting, per the applicant's request.

APPLICANT PRESENTATION

Mr. Tyler Edwards, Menard Inc, was present for questioning.

PUBLIC HEARING

Mr. Dan Watkins, representing First National Development, said they were not opposed to commercial development to the east and rezoning, but did have concerns about the buffer area to the west. He said he would provide more information next month when the plat was heard.

COMMISSION DISCUSSION

Commissioner Denney said he would support the rezoning and would miss the Snodgrass property.

ACTION TAKEN on Item 3A

Motioned by Commissioner Britton seconded by Commissioner Struckhoff, to approve the requested annexation (A-13-00340) of approximately 8.4 acres located at 1352 N 1300 Road based on the findings in the body of the staff report and forwarding the request to the City Commission with a recommendation for approval.

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

ACTION TAKEN on Item 3B

Motioned by Commissioner Britton, seconded by Commissioner Denney, to approve the rezoning request for approximately 8.45 acres from A (Agricultural) District to CR (Regional Commercial)

District and FP (Floodplain Overlay) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1. Applicant shall provide a revised legal description of the property describing that portion of the property within the regulatory floodplain for inclusion in the ordinance for the CR-FP portion of the property and a legal description for the remainder of the property for inclusion of an ordinance for the CR portion of the property.
2. Uses shall be prohibited in this CR (Community Regional) District:
 - a. Animal Services: Livestock Sales
 - b. Eating and Drinking Establishments: Bar or Lounge
 - c. Sexually Oriented Business: Sexually Oriented Theater
 - d. Vehicle Sales and Service: Truck Stop, Heavy Equipment Repair, Inoperable Vehicles Storage; and
 - e. Industrial Facilities; Laundry Service

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

ACTION TAKEN on Item 3C

Item 3C was deferred by Planning Commission at the beginning of the meeting, per the applicant's request.

Commissioner Liese asked about the Preliminary Plat and wondered if there was anything specific they should be thinking about.

Mr. McCullough said the applicant would be submitting a new plat and staff would build a staff report that would highlight any issues.

PC Minutes 10/21/13 **DRAFT**

**ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; BAR OR LOUNGE
AS PERMITTED USE IN CN2 (SMS)**

TA-13-00336: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to include *Bar or Lounge* as a permitted use in the CN2 (Neighborhood Commercial Center) District. *Initiated by City Commission on 9/3/13.*

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

APPLICANT PRESENTATION

Mr. and Ms. Dan and Chelsea Rose were present for questioning. They said they were happy to abide by the Special Use Permit.

Commissioner Josserand asked what location they had in mind.

Ms. Rose said Wakarusa Market Place located at 15th & Wakarusa.

PUBLIC HEARING

Mr. Alan Black, League of Women Voters, asked what the zoning was for 23rd Street Brewery, located at Clinton Pkwy & Kasold.

Ms. Stogsdill said it was zoned PCD.

Ms. Cille King, League of Women Voters, said it would be difficult for neighbors in these areas to have the Code changed on them. She felt the Special Use Permit was the best option.

COMMISSION DISCUSSION

Commissioner von Achen asked if there was any thought to include CN1 as well.

Ms. Stogsdill said all she could find while reviewing the zoning diagnostic to try and identify why it was not included was one comment about there being so many commercial districts and there really wasn't much distinction between them. She assumed that was why CN1 and CN2 didn't include it and the other districts did. She said the CN1 was more for businesses such as a little coffee shop or bakery rather than a shopping center with multiple stores.

Commissioner von Achen inquired about the League of Women Voters concern about neighbors who deal with nuisance noise and what protection they have.

Ms. Stogsdill said there were restrictions through the noise ordinance and any individual could call to request police respond to excessive noise. She said any change to an existing use would still require a revised site plan which would typically include notice to neighbors within 200 feet and a public notice sign posted at the site.

Commissioner Liese wondered about the impact to the neighborhood and asked the applicant to provide a mental image of what they were proposing.

Ms. Rose said she was seeking a Class B club type liquor license which would not allow people to come in off the street and buy a beer. She said the business would have designated hours of operation and clients would pay to participate in the activity. She said clients would purchase an

activity for the evening and the liquor license would only allow for members to be in the establishment drinking. She stated it would be a painting party so they would hire several artists to come in and clients would enjoy wine and learn how to do a painting.

Commissioner Liese asked if there was a downside to Option 3.

Mr. McCullough said there would be more process and cost to the applicant.

Commissioner Rasmussen said it would be harder to get a loan with a Special Use Permit.

Mr. McCullough said that could be a consequence of a Special Use Permit. He said Special Use Permits could be revoked if conditions were not abided by.

Commissioner Liese said at this time he favored Option 3.

Commissioner Josserand inquired about non-conforming businesses.

Ms. Stogsdill said there was one at 19th & Haskell and Hillcrest at 9th & Iowa. She said Wayne & Larry's in Hillcrest Shopping Center, for example, was permitted because it was also a restaurant.

Commissioner Denney inquired about what CN2 meant and if it was meant to be a small neighborhood function.

Ms. Stogsdill read the definition from the staff report:

Section 20-208(a) provides the purpose statement for the CN2 District: The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan's "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Options have been provided that would allow this use with either Development Standards or approval of a Special Use Permit if the Commission does not believe it is appropriate to permit this use by-right in the CN2 District. In Staff's opinion, it is reasonable to permit this use as a by-right use in all CN2 Districts.

She said CN1 was the inner neighborhood commercial district and was very small, such as one property right on the corner. She gave the example of 13th & Haskell where a beauty salon was located.

Commissioner Denney said he was leaning toward Option 2. He asked if there were any negatives to putting a 3,000 square foot limit on it.

Ms. Stogsdill said nothing that she could think of. She said she chose 3,000 square feet because that was the same size used for the standard for a fast food establishment in Section 20-509. She said that was the size of a tenant space that already had that same restriction. She said The Pool Room, for example, would become conforming in terms of use but not conforming to that standard.

Mr. McCullough said they had the option to set a use standard by right and then require a Special Use Permit after that.

Commissioner Liese wondered about limiting it to 3,000 square feet.

Mr. McCullough said they were talking about a limit by right without a Special Use Permit and if that limit was exceeded it would require a Special Use Permit.

Commissioner Denney asked how many people would be allowed in a 3,000 square foot business.

Mr. McCullough said it would depend on the Code design and how the space was laid out. He said there was a distinction between a nightclub and a bar and that this text amendment would not allow a nightclub use.

Commissioner Denney asked if this would allow an outdoor patio without a Special Use Permit.

Mr. McCullough said that was an option they could talk about. He said the way that option could be written was to include outdoor patio space but anything over 3,000 gross square feet would require a Special Use Permit.

Commissioner Denney said he would support that because it seemed like a good compromise.

Commissioner von Achen said since this was in CN2 the size limit wasn't as important to her. She said she would choose Option 1 with a Special Use Permit being required for an outside area.

Ms. Stogsdill said the business would still have to meet the parking requirement. She stated bar and eating establishments had higher parking requirements compared to retail uses. She said sometimes the size of what was available was dependent on the parking that was already built.

Commissioner Denney said he was not married to the idea of including the outdoor area in the 3,000 square feet.

Commissioner Britton agreed with Commissioner von Achen. He felt it was more important to require a Special Use Permit for outdoor areas than relying on total square footage.

Commissioner Struckhoff said he liked the idea of having the total indoor and outdoor square footage under the limit. He said there were practical limits to how big they could be in a CN2 district.

Commissioner Rasmussen said he was inclined to go along with the staff recommendation of Option 1. He did not support Option 2 because he did not feel size restrictions were necessary. He said he was reluctant to require a Special Use Permit because he felt it created more impediments for trying to have a business. He said the staff professional recommendation was Option 1 and he was inclined to follow it. He gave the example of Bambino's outdoor seating area and said it was not a problem. He also said other businesses with bars in the same area, El Mezcal and Shenago Lounge, had not been a problem in the neighborhood. He said when he looks at other site locations zoned CN2 he was not sure there was a need for a Special Use Permit, especially if it would make some of them non-conforming. He said he was more inclined to follow the staff recommendation of Option 1.

Commissioner Culver agreed with Commissioner Rasmussen regarding staff recommendation Option 1. He felt the Text Amendment would correct an inconsistency and felt it was consistent with the Comprehensive Plan. He felt if they got into the size limitations they may be favoring some size businesses and possibly penalizing others. He said he was inclined to support Option 1 but not opposed to other options.

Commissioner Liese felt they should send the discussion tonight to City Commission for their consideration. He said regarding outdoor accommodations, he rarely hears screaming and laughing when he goes past restaurants and bars with outside patios. He said patrons leaving an establishment had the potential to be just as loud as people in an outside area.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Denney, to recommend approval of a modified Option 2: Permit *Bar or Lounge* as a use by right with Use Standards similar to those required for *Fast Order Food* establishments in the CN2 District in Section 20-509(3) which limits the gross floor area of the use, including any outdoor area, to no more than 3,000 square feet. When the gross floor area is greater than 3,000 square feet, a *Bar or Lounge* may be permitted with a Special Use Permit in a CN2 District.

Commissioner Britton said he would support the motion but did think there was a difference between the noise generated by people coming in/out of an establishment where they were having a good time versus a sustained good time outside on a patio. He felt the language could be improved to invoke the Special Use Permit for the sustained outdoor presence.

Commissioner Liese agreed with Commissioner Britton that it wouldn't be bad to consider.

Commissioner Rasmussen asked if the motion was if a bar or lounge was 3,000 square feet or less it would be permitted by right but above that size would require a Special Use Permit.

Mr. McCullough said yes.

Commissioner Culver said he would support the motion but would like the City Commission to take a good look at if the 3,000 square feet was an appropriate number and/or if having a size limitation was appropriate.

Commissioner Liese asked the applicant what size space they were looking at.

Ms. Rose said 2,000 square feet.

Commissioner Struckhoff said he hoped the City Commission looked at the 3,000 square feet and addressed it in some way.

Commissioner Rasmussen said he was reluctant to support the motion. He asked staff about the 3,000 square feet.

Ms. Stogsdill said staff picked a number based on what was already in the Development Code. She said it would be consistent with the standard the code requires of a fast order food restaurant in a CN2 district.

Mr. McCullough said 3,000 square feet would capture the majority of establishments in CN2.

Commissioner Liese said most of the establishments on Massachusetts Street were under 3,000 square feet.

Ms. Stogsdill said a lot of the store fronts on Massachusetts Street were 25' wide.

Commissioner Denney said they were looking at a small neighborhood function, not a major nightclub.

Commissioner von Achen said she would prefer Option 1 and would like a Special Use Permit triggered with an outdoor use. She said even if there was no support for that she would still go with Option 1. She said she would not support the motion.

Commissioner Rasmussen said he would support the motion and let the City Commission decide whether they exercised good judgment.

Motion carried 8-1, with Commissioner von Achen voting in opposition.

PC Minutes 10/21/13 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 RECEIVE UPDATE ON HORIZON 2020

Joint City Resolution No. 7045/County Resolution No. ____, establishing a steering committee to oversee and guide the review and updating of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County; and authorizing the Mayor to appoint steering committee members as noted in the resolution.

STAFF PRESENTATION

Mr. Scott McCullough provided an update on Horizon 2020. He stated there was no budget to hire a consultant.

Commissioner Liese said this topic would be discussed during the Planning Commission retreat in January.

Commissioner von Achen asked if staff would conduct public meetings.

Mr. McCullough said yes, that was correct.

PUBLIC HEARING

Mr. Alan Black, League of Women Voters, hoped a consultant would be hired to overlook the process. He hoped the process would be the same as Horizon 2020 with a great deal of public participation.

Commissioner Rasmussen asked when it would be started.

Mr. McCullough said soon. He said Vice-Major Amyx had a goal of completing the work by the end of 2014.

NO ACTION TAKEN

PC Minutes 10/21/13 **DRAFT**
MISC NO. 2 MPO APPOINTMENT

Appointment for MPO.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Britton, to nominate Commissioner Denney to the MPO.

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

ADJOURN 10:08pm

2013
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 9	Topics for 2013		Jan 28	Jan 30
Feb 13	PD Occupancy		Feb 25	Feb 27
Mar 13	Downtown Redevelopment - HRC Joint Meeting		Mar 25	Mar 27
Apr 10	Downtown Redevelopment - HRC Joint Meeting		Apr 22	Apr 24
May 8	APA Conference follow-up	Process Questions/Updates	May 20	May 22
Jun 12	Water/Wastewater Master Plan update		Jun 24	Jun 26
Jul 12**	PC Orientation – all day Friday		Jul 22	Jul 24
Aug 14	2010 Census Data		Aug 26	Aug 28
Sep 11	Parking Article – review for text amendments		Sep 23	Sep 25
Oct 9	Planning 101		Oct 21	Oct 23
Nov 6	Transportation & Traffic Planning 101		Nov 18	Nov 20
Dec 4	tentative		Dec 16	Dec 18
	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 – what do other states do?</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>New County Zoning Codes</i> <i>Tour City/County Facilities</i> <i>Oread Overlay Districts</i> <i>Water/Wastewater Master Plan Update</i> <i>Downtown Survey Memo – redevelopment options</i> <i>Comprehensive Plan – Goals & Policies</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

Revised 08/30/13

2013 PLANNING COMMISSION ATTENDANCE

	Jan 28 2013	Jan 30 2013	Feb 27 2013	Mar 25 2013	Apr 22 2013	May 20 2013	June 24 2013	June 26 2013	July 22 2013	Aug 26, 2013	Sept 23, 2013	Oct 21, 2013
Britton	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Burger	Yes	Yes	Yes	No	Yes	Yes						
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Denney							Yes	Yes	Yes	No	Yes	Yes
Graham					Yes	Yes	Yes	No	No	Yes	Yes	Yes
Josserand	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kelly									No	Yes	Yes	No
Lamer	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes				
Liese	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rasmussen							Yes	Yes	Yes	Yes	Yes	Yes
Struckhoff										Yes	Yes	Yes
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes

2013 MID-MONTH ATTENDANCE

	Jan 9 2013	Feb 13 2013	Mar 13 2013	Apr 10 2013	May 8 2013	June 12 2013	July 12 2013	Aug 14 2013	Sept 11 2013	Oct 9 2013	Nov 6 2013	
Britton						No	Yes	Yes	No	Yes	No	
Burger												
Culver						No	Yes	Yes	Yes	Yes	Yes	
Denney						Yes	Yes	No	Yes	Yes	Yes	
Graham						Yes	Yes	Yes	Yes	Yes	No	
Josserand						Yes	Yes	Yes	Yes	Yes	Yes	
Kelly							Yes	Yes	Yes	Yes	Yes	
Lamer						No						
Liese						Yes	Yes	Yes	Yes	Yes	Yes	
Rasmussen						Yes	Yes	Yes	Yes	Yes	Yes	
Struckhoff								Yes	Yes	Yes	Yes	
von Achen						Yes	Yes	No	Yes	Yes	Yes	

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
11/18/2013

ITEM NO. 1: Z-13-00401 IG (General Industrial) District TO CS (Strip Commercial) District; 1.95 Acres (SLD)

Z-13-00401: Consider a request to rezone approximately 1.95 acres from IG (General Industrial) District to CS (Strip Commercial) District, located at 1360, 1380, 1400, and 1410 N. 3rd St. Submitted by Colliers International, for Evenshar, LLC., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.95 acres, from IG (General Industrial) District to CS (Strip Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *The property is currently zoned IG, which is general industrial classification. This is a relatively intense classification and is generally found in large industrial parks such as East Hills and Santa Fe Park, where our major manufacturers and warehouse and distribution companies are location. Those users include companies such as Del Monte, Slumberger, Amarr Garage Doors, K-Mart Distribution, etc., and each of those businesses are housed in buildings of between 300,000 SF to more than one million SF. This IG classification allows some uses that would be considered inappropriate for this small area. A few of those includes; heavy equipment sales and rental, heavy warehouse and storage, truck stop, and explosive storage. There are also a number of uses that would be allowed in the CS classification that are not allowed in IG. Some of those include; lodge or fraternal assembly, a variety of recreation uses (such as sports coaching and camps), personal convenience or improvement (such as massage therapy), crematory, and consumer repair service (such as vacuum cleaners, computers, and sewing machines.)*

KEY POINTS

- Existing development of warehouse type buildings with multiple tenant spaces.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- SP-7-64-89 – 1400 N 3rd Street; antique car restoration garage
- SP-07-53-02 – 1410 N 3rd Street 4000 SF building addition to existing structure
- SP-7-48-02 – 1400 N 3rd Street 3600 SF detached building addition

PLANS AND STUDIES REQUIRED

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

ATTACHMENTS

- Area Map
- Letter regarding crematory use
- Land Use Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received to date

Project Summary:

Proposed request is for a change in zoning to accommodate a wider range of uses for this property. This application is for two separate parcels of land located along the east side of N. 3rd Street. The application included multiple addresses since several tenants within the existing buildings have independent addresses from the specific “site address” of 1360 N. 3rd Street and 1410 N. 3rd Street. The following table provides a summary of the subject property and improvements that are included in this request.

Legal Description of property included in request	Parcel Address	Additional site addresses
Lot 1 RM One Subdivision (.933 ac)	1360 N. 3 rd Street	1380 N. 3 rd Street 1400 N. 3 rd Street
Lot 2 RM One Subdivision (1.03 ac)	1410 N. 3 rd Street	1412 N. 3 rd Street 1414 N. 3 rd Street

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The comprehensive plan indicates this general are in North Lawrence is appropriate for a variety of commercial and industrial uses.*

The N. 2nd Street and N. 3rd Street corridor is noted in *Horizon 2020* as an existing commercial area. The plan states that this “area should play an enhanced role in the community as a commercial corridor, acting as an important entryway/gateway to Lawrence.” The plan suggests the relocation of heavy industrial uses and property be “redeveloped with compatible commercial, service or retail uses.”

The property to the west (Advantage Metal) was recently annexed into the City of Lawrence. The property was rezoned to IG-FP. Although the property is located along the N. 2nd and N. 3rd Street Corridor as noted by *Horizon 2020*, the zoning prior to annexation was a county industrial district. The historic use of land for this property had been intensive industrial use and was proposed for redevelopment to an existing intensive industrial use. This is a consistent land use pattern along the west side of N. 3rd Street. Additionally, the Advantage Metal property was identified as an industrial area as part of the Northeast Plan. The east side of N. 3rd Street has a greater variety of uses, and generally, smaller lots along the frontage.

The makeup of land uses in this immediate area includes a strong pattern of commercial uses especially located along the east side of N. 3rd Street. [See land use map].

Horizon 2020 identifies this portion of the N. 3rd Street corridor for *Office Research, Industrial, Warehouse, and Distribution* uses per Map 3-2. The land use map designation and the commercial chapter do not align for this area.

Staff Finding – The proposed zoning change will facilitate uses of this property consistent with the land use recommendation for this portion of the Corridor.

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

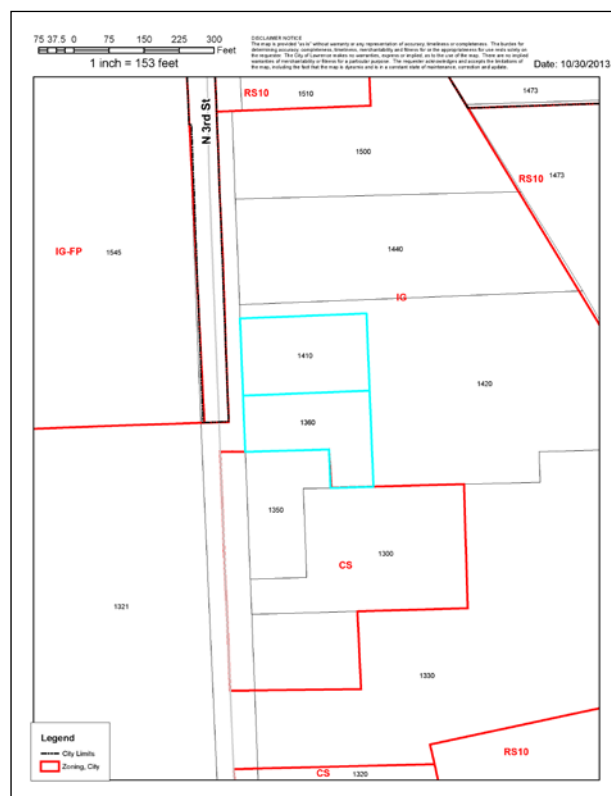
Current Zoning and Land Use:	IG (General Industrial) District; existing buildings with multiple tenants spaces. Uses include vacant space, automotive repair and contractors sales and service uses.
------------------------------	---

Surrounding Zoning and Land Use:

IG (General Industrial) District to the north and east. The immediate north includes a shared access drive with the property to the east a contractor's sales and service use – Paul Davis Restoration. Property farther to the north includes a manufacturing and production, technical use – Scanning America.

IG-FP (General Industrial and Floodplain Overlay) District to the west; Advantage Metals - a recycling facility and BC & R - storage.

CS (Commercial Strip) District to the south. Existing eating and drinking establishment and open storage lot.



Surrounding Zoning



Surrounding Land Use

Staff Finding – The property is surrounded by both industrial zoning to the north, east and west and commercial zoning to the south. Surrounding uses vary widely between intensive industrial uses and commercial uses.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood includes a mix of light industrial uses such as; automotive repair, assembly, gas stations, warehouse; commercial uses such as car wash, restaurants, greenhouse, and sales of retail goods and services; and office uses such as call centers, contractor and sub-contractor offices. There are also agricultural uses in the surrounding area.*

This property is located in the area known as North Lawrence. However, it is not within the boundary of the designated North Lawrence Neighborhood. This property is located along the N.

3rd Street (Highway 40/59) corridor between US 24/40 and I-70. This segment of the corridor includes industrial and commercial uses as well as residential uses. The City Limit boundary in this location includes the east half of the right-of-way of N. 3rd Street but does not include the west half of the right-of-way adjacent to the Advantage Metal Recycling facility located to the west of the subject properties. The average industrial parcel in this area is 4.7 acres. The largest is 13.2 acres. The smallest is .7 acres. The two properties proposed for rezoning are 1.02 acres and .92 acres (for 1410 N. 3rd Street and 1400 N. 3rd Street respectively). The total combined change of the subject properties from an industrial district to a non-industrial district is less than one-half percent of the total area along this segment of the corridor. These parcels are relatively small and less suitable for intensive industrial land uses. The distribution of industrial to non-industrial zoning in this area is roughly 51% to 49%. The proposed zoning change will not impact the overall character of this area.

Staff Finding – This property is located along the highway corridor between 24/40 and I-70. The area is characterized by a mix of industrial and commercial activities.

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

This property is located in a portion of North Lawrence that is outside both the North Lawrence Neighborhood Plan boundary and the Northeast Sector Plan area. However, the corridor is influenced by both areas. The subject property is located along N. 3rd Street, which is also a principal arterial, and a main corridor to the City of Lawrence as noted in *Transportation 2040*. *Transportation 2040* notes that gateways into the city “should be reviewed for aesthetic and informational enhancements when they are improved.” At this time, there are no plans to redevelop or modify the property. This proposed request for CS zoning is to accommodate a wider range of uses suitable for mixed tenant buildings. There are no specific adopted land use area or sector plans that governing this area.

Staff Finding – There are no specific land use plans for this area at this time. As properties redevelop, a review of aesthetic elements and conformance with adopted design guidelines will be implemented. There are no proposed changes to the property at this time.

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

Applicant's Response: *The buildings that comprise the subject property are not appropriate for many of the uses within the IG classification. Most of the IG zoning in Lawrence is concentrated in large industrial parks of 50 to several hundred acres such as East Hills, Lawrence Industrial Park, Santa Fe Park and Timberege Park. The subject property, which has been fully improved, is a total of just under two acres. Neither the location, nor the small size of the buildings on the site are suitable for many of the uses allowed in the IG District.*

Staff concurs with the applicant's statement that the subject properties are comparatively small for typical industrial development. The CS zoning allows a wider range of uses that are suitable for tenant spaces within the existing buildings.

The land use recommendation for this area contained in *Horizon 2020* is as a commercial area. The plan identifies the intersection of N. 3rd Street and I-70 as a possible location for an auto related commercial center. These centers are characterized by containing a small amount of

commercial square footage under roof but require a large area of parking or sales display. At this time, there are no plans for this type of development.

The purpose of the IG District is *"primarily intended to accommodate moderate and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas."* (20-217). The existing development is not large scale or intensive in nature. The vehicle related uses that currently operate at this location are also allowed in the CS district.

The purpose of the CS district is *"primarily intended to provide for existing commercial strip development along the City's major Arterial Streets. No new undeveloped parcel shall be zoned CS, except in the case where an undeveloped parcel is adjacent to an existing CS, then the adjacent undeveloped parcel maybe zoned to the classification CS to allow for expansion of an existing CS use onto the undeveloped adjacent parcel."* (20-213). While this request does not fully meet this description this property is developed and used for a strip type development in the multi-tenant buildings. The property is adjacent to an existing CS property. This corridor is recommended for commercial development and this rezoning request facilitates reuse use of these buildings.

Staff Finding – The existing IG zoning is not suitable for these lots given the size and development pattern in this immediate area. The CS district is a more suitable district to facilitate tenant leases in the existing buildings.

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

Applicant's Response: *The property is not vacant land, the land has had improvements constructed, but 2 of the 4 suites are currently vacant, and attempts to market the vacant suites over the last several months have not been successful. Many of the inquiries about the spaces have been from businesses that would not be allowed uses within the IG zoning classification.*

Both properties are developed with buildings that accommodate multiple tenants. The property has been zoned IG since 2006 upon the adoption of the Land Development Code. Prior to 2006 the property was zoned M-2 (General Industrial) District. The buildings were originally constructed in 1989 with additions made in 2002.

Staff Finding – This property is not currently vacant and is zoned for industrial uses. The existing development accommodates a variety of tenant spaces and uses which are more typically found in the CS District.

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

Applicant's Response: *The zoning change should not have any detrimental effect on nearby properties. The adjoining property to the south has CS commercial zoning, which is a less intense classification, and some of the uses allowed in the IG would not be compatible with the CS uses next door. Many of the uses that would be allowed in the CS classification are either already existing uses in the area, or would be compatible uses with other tenants and owners in the area. There are also areas with residential zoning to the north, south, east, and CS would also be a better neighbor to those adjoining residential areas.*

The property located at 1360 N. 3rd Street abuts existing CS zoning along the south property line. The property at 1410 N. 3rd Street shares access with the adjacent lot to the east that will remain

IG zoned. The purpose of the request is to allow greater flexibility of tenant space for non-industrial uses within the existing development. There are no proposed changes to either property with regard to the physical development of the sites.

Any change of use within either building will need to operate within the existing limits of the buildings and available surface parking. There are no detrimental impacts anticipated with this proposed rezoning.

Staff Finding – Approval of the request will not detrimentally impact adjacent properties.

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

Applicant's Response: *Having half of the suites vacant in this small park is a hardship on the owner, and it is a hardship on the adjoining owners. Vacant buildings are subject to neglect and vandalism, which can have a spillover impact on adjoining property owners and the condition and value of their properties. Occupied properties are better kept, they have daily activity, they provide jobs and economic growth, and lend stability to the neighborhood. Expanding the positive uses that would be allowed under the CS classification would broaden the pool of prospects who might become tenants in these buildings. The uses that would be allowed would be positive additions to the immediate area as well as the larger surrounding neighborhood. Denial of the application would severely restrict the ability of the owners to find suitable tenants that would fit within the current classification.*

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

Benefits that could result from rezoning to CS include reinvestment in existing infrastructure and improvements and the potential to fill vacant space. The CS district offers a wider variety of uses than the current IG zoning for commercial oriented uses.

Staff Finding – New tenants represent the opportunity for public gains through reinvestment and revitalization of existing properties. Rezoning is unlikely to have harmful impacts. Approval of the request provides increased flexibility for uses that do not currently exist on this property. The size and location are not conducive to intensive industrial uses unless the property is substantially redeveloped.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject property is currently zoned IG (General Industrial) and thus is part of the industrial property inventory. Rezoning property from an industrial to a non-industrial classification should be considered in the context of the properties' relevance to the overall inventory.

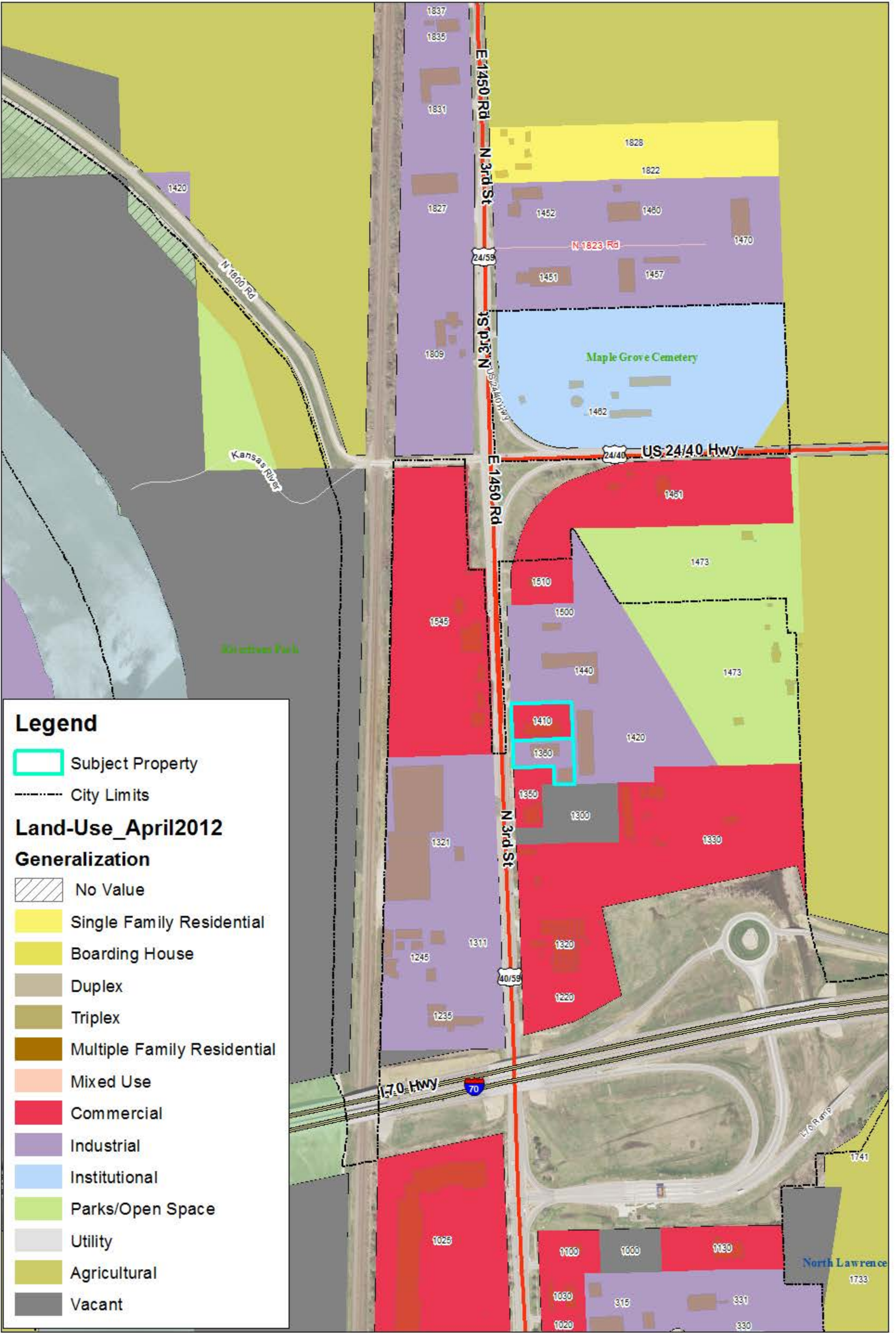
- *Horizon 2020* identifies this corridor as commercial.
- Existing land use classifications include 1410 N. 3rd Street as part of the commercial inventory.
- Approval of the request increases the types of land uses that may occupy existing vacant tenant spaces.
- The total land area included in the request is a small fraction of the overall industrially zoned land along this corridor.

The impact of the proposed CS zoning is focused on the benefits to the property owner in his ability to fill vacant tenant spaces and offer a wider variety of optional uses for the site. As a result, the vicinity has the potential for reinvestment and vitality. There is no recognizable public harm by removing these properties from the industrial inventory. Staff recommends approval of the CS zoning.

CONCLUSION

While some uses allowed in the CS district (particularly multi-dwelling residential uses) would not be suitable for this location, it is highly unlikely the property would be redeveloped for such a use. Because the likelihood is so low for redevelopment of this type of use staff is not recommended the zoning be conditioned. It is probable that the CS zoning will foster reinvestment in the property as vacant tenant spaces are filled.

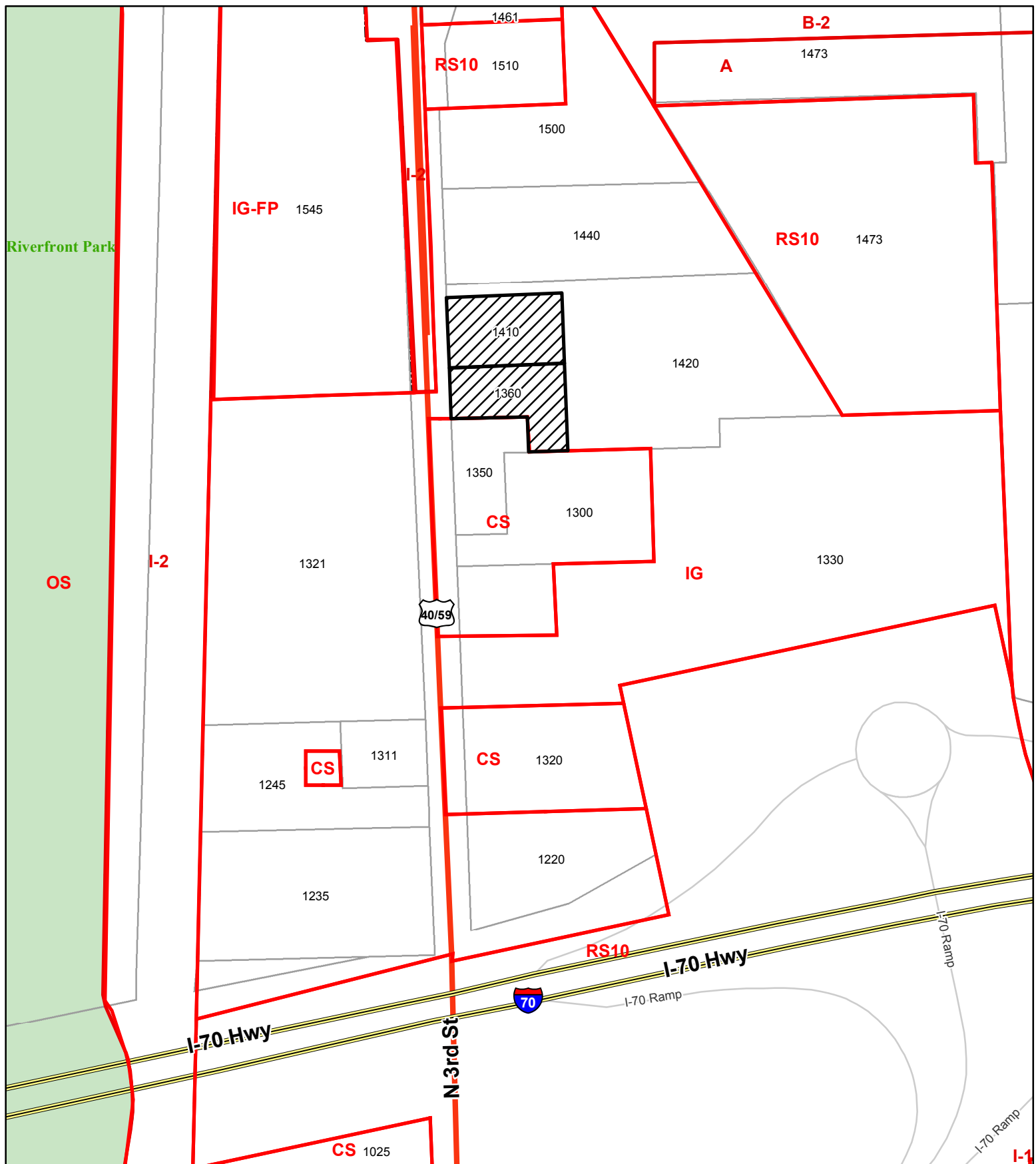
Existing Land Use Map



200 100 0 200 400 600 800
Feet
1 inch = 400 feet

DISCLAIMER NOTICE
The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 11/12/2013



**Z-13-00401: Rezone 1.955 acres from IG District to CS District
located at 1360 N 3rd Street and 1410 N 3rd Street**

September 17, 2013

Marilyn Bittenbender
Colliers International
805 New Hampshire Suite C
Lawrence, KS 66044

Dear Marilyn:

This letter is to confirm the conversation you and I had on the phone over the noon hour on Tuesday September 10, 2013. When I returned your call a bit later I learned that you wanted to visit about my experience of having owned and operated Stone Creek Restaurant, which was located next door to Lawrence Funeral Chapel over the last several years.

During that conversation you asked if I had ever had any complaints about being located next to the chapel and crematory. I said that for the most part they had been a very compatible neighbor, although I did mention that on a few occasions when they would conduct a service that attracted a large number of guests, those guests would sometimes park in the restaurant parking lot.

You then asked specifically if I had ever had any complaints about odor or smoke, or any other issues or concerns about the crematory. I said no, that I had not personally ever experienced any negative issues and to my knowledge there had never been any complaints from any of my restaurant patrons. Stone Creek had a large outdoor dining area, and I do not believe that anyone ever experienced any issues or concerns as a result of having a crematory next door.

The summary of my experience over a period of several years is that other than their occasional parking overflow, they were very compatible neighbors and I did not have any concerns about owning and operating a restaurant with outdoor dining next door to them.

I believe this is an accurate reflection of our conversation. I hope this is helpful information.

Best Regards,

A handwritten signature in black ink that reads "David Clemente". The signature is written in a cursive, flowing style.

David Clemente

original sent to Chris Hutton.



DEPARTMENT OF HEALTH
AND ENVIRONMENT

Division of Environment

Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

www.kdheks.gov

AIR PERMIT SECTION RESPONSE

Source Name: Lawrence Funeral Chapel

Source Location: 3821 W. 6th Street
Lawrence, Kansas 66049

Mailing Address: Lawrence Funeral Chapel
c/o: Hutton Monuments
201 S.W. Topeka Blvd.
Topeka, Kansas 66603
Attn: Mr. Chris Hutton

Contact Person: Chris Hutton, Owner
Telephone: (785) 841-3822

This document is based on information provided by the owner or operator of the subject air emission source. The emission unit or stationary source is required to be operated in compliance with all applicable requirements of the Kansas Air Quality Act and the Federal Clean Air Act, and all applicable regulations promulgated under the Kansas Air Quality Act and the Federal Clean Air Act.

Subject

Lawrence Funeral Chapel intends to install a crematorium at its place of business in Lawrence, Kansas. Department policy on crematoriums used for the disposal or volume reduction of human remains states that these units do not meet the definition of, and are not classified as incinerators. Therefore, no air construction or operating permit(s) is required.

DIVISION OF ENVIRONMENT
Bureau of Air & Radiation
Air Permitting Section

CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 310, TOPEKA, KS 66612-1366

Voice 785-296-1570 Fax 785-291-3953

Air Emission Unit Technical Specifications

The proposed crematorium is to consist of one (1) Crematory Manufactured Therm-Tec, SQC 300 model, or equivalent for cremation of human remains.

All relevant applicable regulations remain in effect. These regulations may include:

K.A.R. 28-19-650 limits the opacity of visible air emissions from any emission unit in Kansas.

This document does not relieve the owner or operator of the obligation to obtain other approvals, permits, licenses, or documents of sanction which may be required by this or other federal, state, or local government agencies.

Permit Engineer

Sergio Guerra

Sergio Guerra
Engineering Associate II
Air Permitting Section

Sep^A 17, 2007
Date Signed

SG:saw
c: NEDO
c: FC Industries
13508 Oak St.
Kansas City, MO 64145

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
11/18/13

ITEM NO. 2A: ANNEXATION OF 10.684 ACRES; LOCATED AT 1338 E 1600 RD (SLD)

A-13-00291: Consider a request to annex approximately 10.684 acres, located at 1338 E 1600 Road. Submitted by Grob Engineering Services, LLC., for Going South, LLC., property owner of record. *Initiated by City Commission on 11/5/13.*

STAFF RECOMMENDATION:

Staff recommends approval of the requested annexation [A-13-00291] of approximately 10.684 acres located 1338 E 1600 Road based on the findings in the body of the staff report and forwarding this request to the City Commission with a recommendation for approval.

Reason for Request:

Applicant's Response: *"Annexation is predicated on multi-family zoning."*

KEY POINTS

- The property abuts city limits along the north and west property lines.
- The property is located within Service Area 1 of the Urban Growth Area, an area that has been identified for future urbanization.
- Annexation requests of more than 10 acres require a Planning Commission recommendation.
- This annexation includes right-of-way area for O'Connell Road and E. 28th Street extended.
- The property is not within any Rural Water District service area.

COMPREHENSIVE PLAN FACTORS TO CONSIDER

- The annexation request is compliant with the Growth Management and Transportation policies of the Comprehensive Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-13-00290: A to RM15
- PP-00343: Going South preliminary plat – pending future Planning Commission Agenda.

Other action required:

- City Commission approval of annexation and adoption/publication of ordinance.

PUBLIC COMMENT

- No written public comments were received prior to the printing of this staff report.

ATTACHMENTS

- Map of area
- Annexation vicinity map
- Concept plan for site development
- Southeast Area Land Use Plan Map

EXISTING CONDITIONS

- Current Zoning and Land Use: A (County-Agricultural) existing vacant land.
- Surrounding Zoning and Land Use:
- To the north:
PD [Prairie View PRD]; existing duplex development
 - To the east:
A (County-Agricultural); open space part of O'Connell Youth Ranch group home.
 - To the south:
A (County-Agricultural); Heart of America, Teen Challenge group home.
 - To the west:
RS7 (Single-Dwelling Residential); developed subdivision with detached residences.

Site Summary

Gross Area: 10.684 acres includes right-of-way for existing O'Connell Road and area for right-of-way to extend E. 28th Street.

Project Summary

The applicant is proposing to develop this property for medium density residential uses. In order for the developer to improve this property, the property must be located within the city limits.

In addition to this application, the developer has submitted an accompanying application for RM15 zoning. The applicant also submitted a preliminary plat that will be placed on a future Planning the Planning Commission agenda.

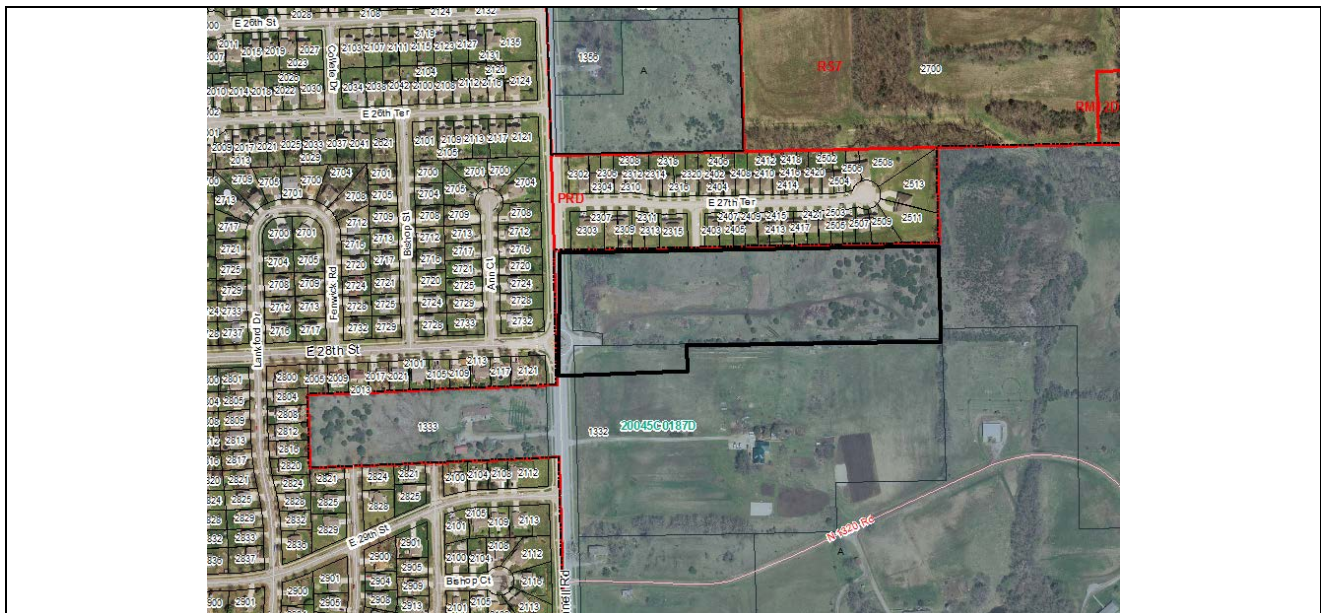


Figure 1. Proposed annexation

Annexation Procedure

Kansas Law [*K.S.A. 12-519 et. seq.*] provides for annexation by ordinance of the City Commission. Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. Following a recommendation from the Planning Commission, the City Commission will consider the request and adopt an ordinance.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid pursuant to Kansas Statutes. The property included in this request is located in a part of the county that is not served by any Rural Water District; therefore, no additional action is required for compliance.

General Location

This property is located on the east side of O'Connell Road north of E. 28th Street extended. The annexation includes right-of-way for E. 28th Street as a requirement for development of this property. The property is also located within the boundary of the *Southeast Area Plan*.

Infrastructure and Utility Extensions

Water lines are in place along O'Connell Road and will be extended to this property as the area develops. The application states this property is part of the SE Lawrence Sanitary Sewer Benefit District. As this area develops, sanitary sewer lines will need to be extended to serve this property.

COMPREHENSIVE PLAN

The subject property is located within the Lawrence Urban Growth Area. As city services become available, properties will be encouraged to annex prior to development. Annexation Policy No. 1 listed on page 4-5 of *Horizon 2020* states that Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed.

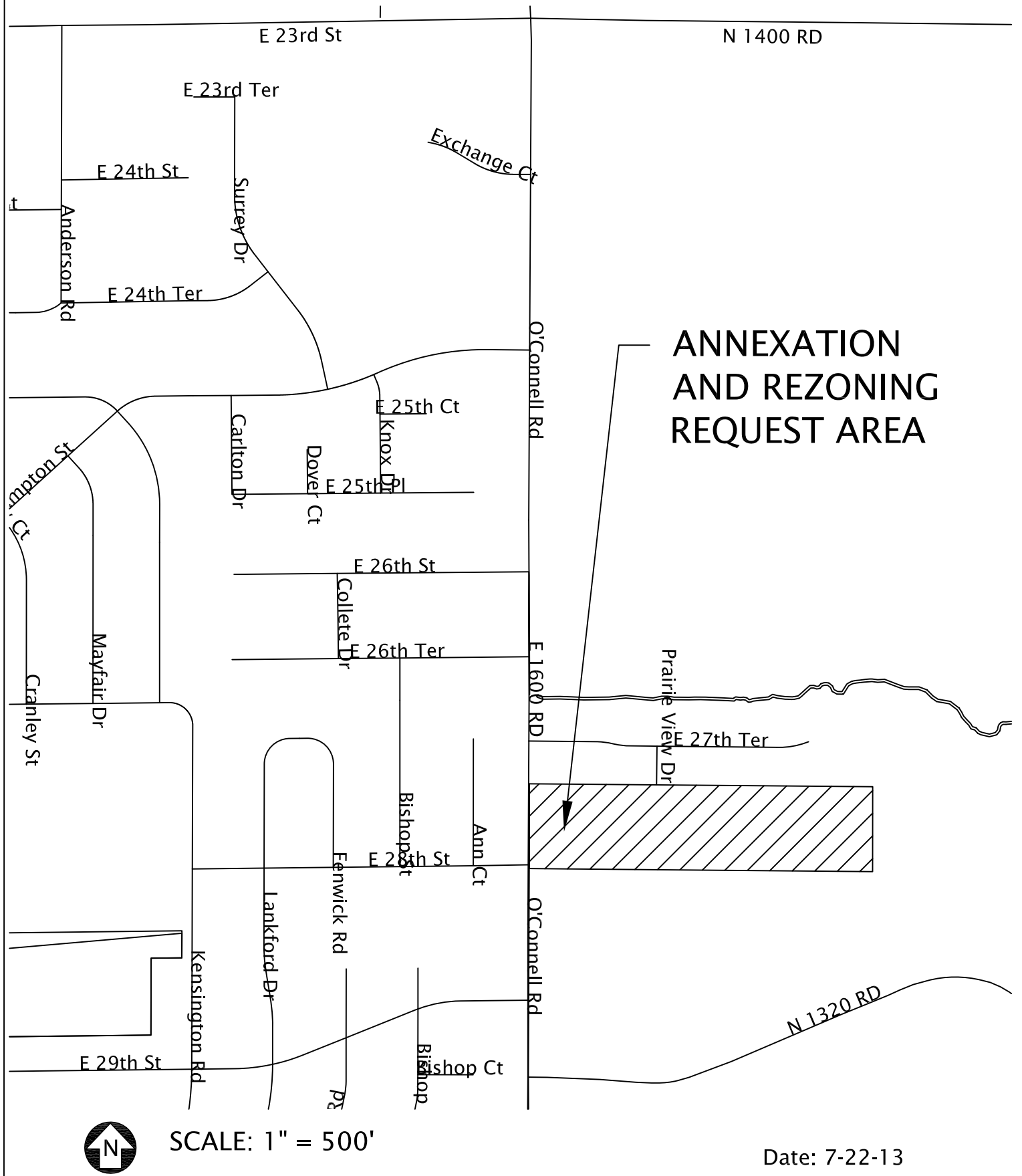
The annexation request is consistent with the growth management policies found in *Horizon 2020*.

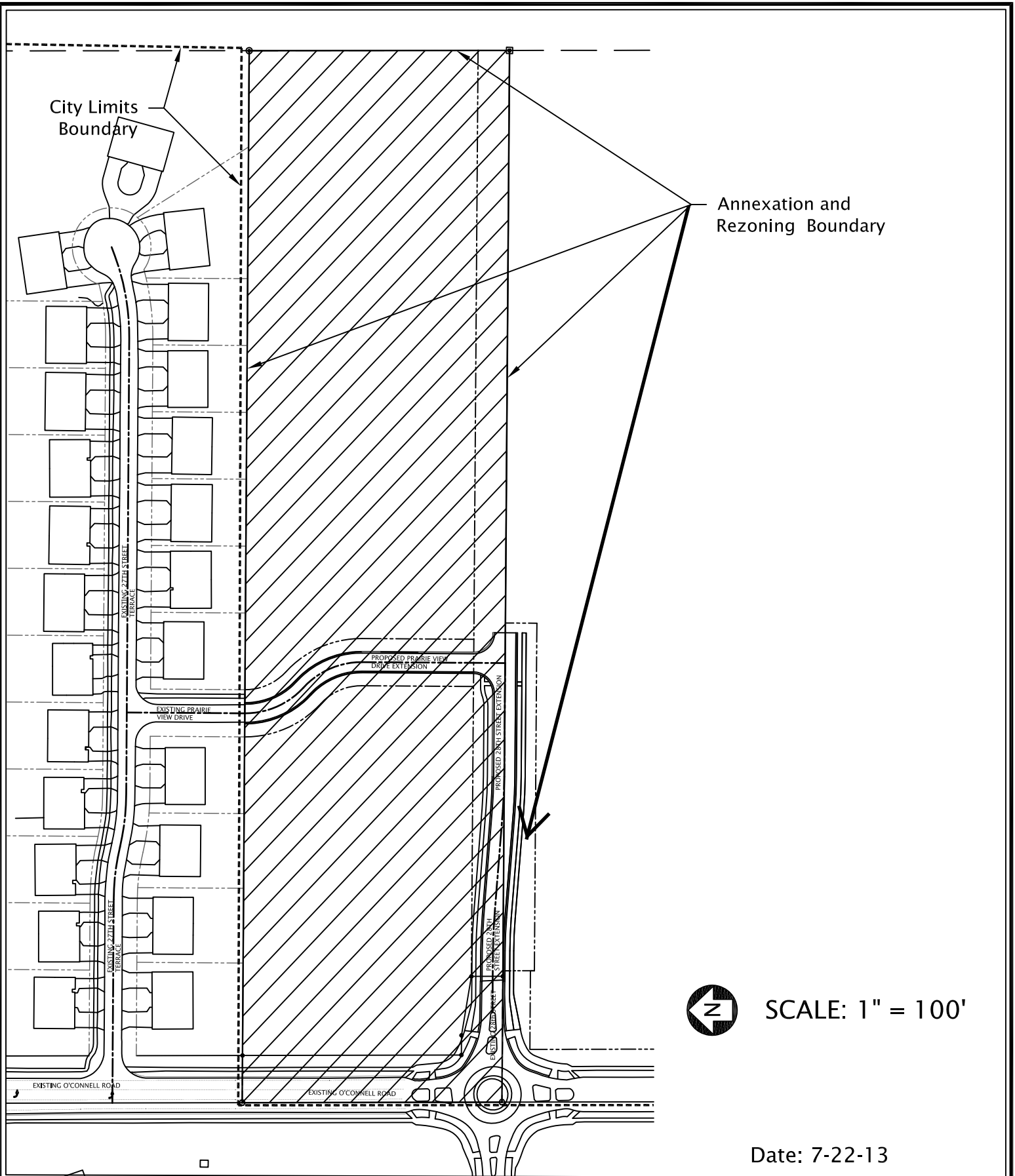
COMPLIANCE WITH ADOPTED AREA PLANS

The subject property is located within the boundary of the *Southeast Area Plan*. Annexation of the area and planned E. 31st Street improvements to the south provide the opportunity for improved connectivity as this part of the City is urbanized.

CONCLUSION

The proposed annexation is compliant with recommendations of *Horizon 2020*. The subject property is located within the Lawrence Urban Growth Area and City services are available to serve the property; therefore, annexation is appropriate.





SCALE: 1" = 100'

Date: 7-22-13



GROB
ENGINEERING
SERVICES, LLC

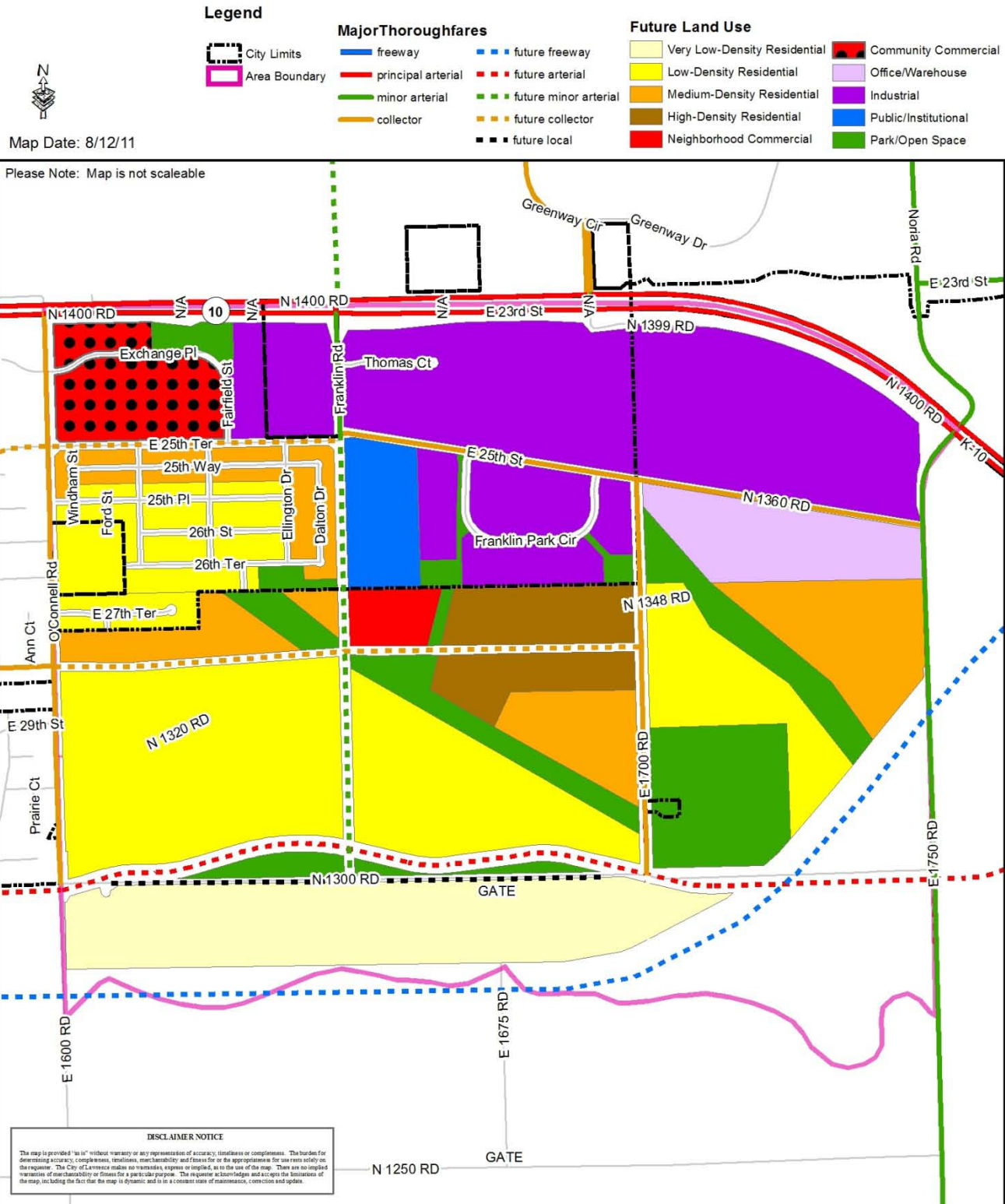
Site | Civil | Consulting | Construction Management

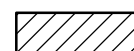
3210 Mesa Way, Suite A * Lawrence, Kansas 66049
Phone 785 856-1900 * Fax 785 856-1901

GOING SOUTH ADDITION ANNEXATION & REZONING EXHIBIT

Southeast Area Plan

Map 3-1 Future Land Use





PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
11/18/2013

ITEM NO. 2B A TO RM15; 10.684 ACRES; LOCATED AT 1338 E 1600 RD (SLD)

Z-13-00290: Consider a request to rezone approximately 10.684 acres from County A (Agricultural) District to RM15 (Multi-Dwelling Residential) District, located at 1338 E 1600 Road. Submitted by Grob Engineering Services, LLC., for Going South, LLC., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 10.684 acres from A (Agricultural) District to RM15 (Multi Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Property was included in the SE Lawrence Sanitary Sewer benefit district and Southeast Area Plan for development as Medium-Density Residential. Property has been owned by present owners over 10 years and feel it is time to bring property onto the market.*

KEY POINTS

- Request is part of an overall development package with annexation and preliminary plat.
- This request will implement the land use recommendations of the *Southeast Area Plan*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-13-00291: annexation of 10.684 acres. Concurrent item with this rezoning request
- PP-13-00343: Going South preliminary plat to be considered on future Planning Commission Agenda.

PLANS AND STUDIES REQUIRED

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

ATTACHMENTS

- Area map
- Concept plan
- Southeast Area Plan Land Use Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to publication of staff report.

Project Summary:

The application represents 10.684 acres of development including existing and proposed right-of-way for medium density residential development. This request is for RM15 (Multi-Dwelling Residential) Development intended for the area adjacent to the Prairie View PRD. The impact of density is often a function of the proposed subdivision design. At this time, the Planning Commission is not considering the preliminary plat however, a draft of the preliminary plat is included for context. As proposed, the overall development could include up to 121 dwelling units.

Lot	acres	Density at 15 DU/ac (units)
Lot 1, Block 1	2.988	44.82
Lot 1, Block 2	5.087	76.305
Total units	8.075	121.125

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Yes, the density is consistent with the Southeast Area Plan and the surrounding neighborhoods and promotes integration between multi-family and single-family units. Timing is appropriate. The Farmland property is being developed and the South Lawrence Trafficway is planned.*


Horizon 2020 provides key strategies that are applicable to this development request and the related applications. They are:

- *The plan defines urbanizing areas of the county and directs development to these areas.*
- *A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments.*
- *Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses.*
- *The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods.*

The proposed request for RM15 zoning permits a maximum density of 15 dwelling units per acre. *Horizon 2020* also addresses medium density by defining it as reflecting an overall density of 7-15 dwelling units per acre. This use is recommended as "*clustered development at selected locations along major roadways near high-intensity activity areas, and when adjacent to important natural amenities.*" In this application, the development is located along a collector street (O'Connell Road). The property is also within proximity to the Lawrence VenturePark located on the north side of E. 23rd Street.

Horizon 2020 states that *medium density areas should include a mix of single-family, detached and attached homes, cluster homes, townhouses, and similar housing types.* The RM15 district is designed to accommodate multi-dwelling residential uses. The table on the previous page summarizes the proposed density for this district when considered concurrently with the proposed preliminary Plat.

Horizon 2020 states most sites recommended for new medium-density residential development occupy transitional locations between single-family neighborhoods and office/commercial areas. Other recommended sites occur near open spaces or natural areas. These open space and medium density residential uses share a relationship by accommodating density and preserving open space when combined in development. This development has a proximity to designated open spaces within the planning area but no direct connection.

 <p>Planned Land Uses</p>	<ul style="list-style-type: none"> • Subject property is located near future industrial/employment center. • Density is clustered within the southeast area. • Proposed request is consistent with recommended medium density residential land use for area.
---	---

Staff Finding –The proposed RM15 district conforms to the land use recommendations included in *Horizon 2020* with regard to infill development, housing mix, adjacency to good access and a future employment center.

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

Current Zoning and Land Use: A (County-Agricultural) existing vacant land.

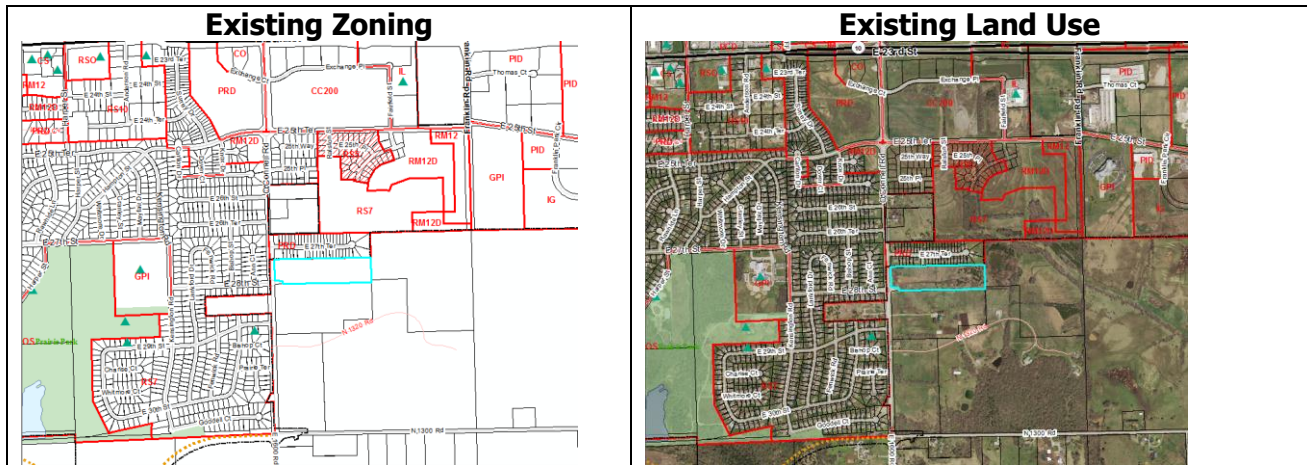
Surrounding Zoning and Land Use:

To the north:
PD [Prairie View PRD]; existing duplex development

To the east:
A (County-Agricultural); open space part of O’Connell Youth Ranch group home.

To the south:
A (County-Agricultural); Heart of America, Teen Challenge group home.

To the west:
RS7 (Single-Dwelling Residential); developed subdivision with detached residences.



Staff Finding – This area is surrounded by a mix of residential zoning districts. A significant portion of the area to the east and south is zoned A (Agricultural). Both O’Connell Youth Ranch and Teen Challenge occupy large tracts of land in the unincorporated area and operate as a group home type use.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response: *The property to the west is single-family dwelling and property to the north is multi-family. The property to the east and south is undeveloped. O’Connell Road, which is a major collector, will separate the single family and multi-family residences.*

The subject property is located along the east side of O’Connell Road within the Southeast Area. The southeast area is a developing neighborhood with mixed uses. As the area develops, the neighborhood will become more defined. The area to the immediate north is a developed residential cul-de-sac with 24 duplex lots and an overall density of 6 dwelling units per acre. The proposed development would extend the street network in this area and provide a connection between the proposed development and the existing development to the north. The area south of E. 25th Street and west of Franklin Road has recently been subdivided and rezoned to RS5 to accommodate detached residential development.

There are no known plans for redevelopment of O’Connell Youth Ranch or Teen Challenge located to the east and south of the subject property. These uses are likely to remain for the foreseeable future providing a large open area around the proposed development. If these areas redevelop, low-density residential uses are projected in the *Southeast Area Plan*. The current character of this area is urban west of O’Connell Road and rural east of O’Connell Road.

Staff Finding – The overall neighborhood is developing east of O’Connell Road with a variety of uses. Intensive uses are located and planned north of E. 25th Street and east of Franklin Road. O’Connell Road is the current boundary between urban and rural development.

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

This property is located within the boundary of the Southeast Area Plan. Specific land uses were identified including medium density residential development north of what would be the E. 28th Street alignment. The plan specifically identifies the area east of O’Connell Road and north of E. 28th Street as suitable for medium density residential development. Primary uses anticipated for this area include “*detached dwellings, attached dwellings, duplex, multi-dwelling structures, group home, civic and public uses.*”

The property owned by O'Connell Youth Ranch and Teen Challenge are described in the plan as "*two private institutional uses*". They occupy a substantial portion of the area within the boundary of the Southeast Area Plan. These two uses are located east and south of the proposed RM15 district.

Staff Finding – The proposed request is consistent with the recommended land use for this area.

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

Applicant's Response: *The proposed project is presently zoned County Agricultural. Due to the City of Lawrence public improvements that have recently been completed for future increase development, use as county agricultural is no longer suitable.*

Upon annexation, the property must be rezoned to a suitable City designation. The Southeast Area Plan identifies suitable zoning districts for medium density residential development as RS5, RS3, RM12, RM12D, RM15 and PD overlay districts. The proposed request is for the RM15 district to accommodate development.

The purpose of the RM district is to accommodate multi-dwelling housing. The districts are intended to create, maintain and promote higher density housing opportunities in areas with good transportation access.

Staff Finding – The existing A (County Agricultural) District will no longer be a suitable zoning district after annexation. The proposed RM15 district is suitable for this location.

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

Applicant's Response: *Over 25 years.*

This property is undeveloped (vacant). The existing zoning, A, was established in 1966 with the adoption of the County Zoning Regulations..

Staff Finding – The area is undeveloped. The property has been zoned A (Agricultural) since 1966.

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

Applicant's Response: *The rezoning will have no detrimental impact on nearby properties because the RM15 zoning was outlined in the Southeast Area Plan and the adjacent developed property is already zoned multi-family. By the Southeast Area Plan the remaining adjacent property will have similar zoning.*

The proposed RM15 zoning is a medium-density residential development. The district is associated with a maximum density of 15 dwelling units per acre and a minimum lot size of 6,000 per lot. The intensity of development is limited by the proposed subdivision arrangement. The proposed layout includes two lots that will require applicable setbacks that reduce the developable area. Off-street parking and landscape standards, in addition to building setbacks, will impact the overall intensity of development for this property.

The property immediately south, Teen Challenge, includes property for the extension of E. 28th Street in the request and thus is part of the development application. Upon annexation, an

applicable city zoning designation is required. The proposed land use is consistent with the planned development for this area as medium density residential.

Staff Finding – There are no detrimental effects anticipated for nearby properties resulting from the approval of this request.

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

Applicant's Response: *There is a strong demand for affordable housing, especially as our community increases its efforts to market Lawrence as a retirement destination. The proposed uses are consistent with the City's long-range planning and are compatible with existing neighborhoods and provide appropriate housing.*

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

This property is proposed for medium density residential development. This area will be served by the extension of utility infrastructure. This request represents a logical extension of development outward from the existing city limits. Approval of the request will facilitate additional housing choices in this area.

Denial of the request represents a delay in development since the proposed district is consistent with the recommended land use and utilities are available to serve this property.

Staff Finding – Approval of the request facilitates residential development outward from existing city limits. Approval of the request provides additional housing choices within the developing neighborhood context.

9. PROFESSIONAL STAFF RECOMMENDATION

The RM districts include both medium and high-density development depending on the density associated with the specific district. The RM15 district permits multi-dwelling development with a maximum of 15 units per acre. The associated density, 15 du/acre is the maximum range of medium density defined in *Horizon 2020*. There is no guarantee that a development project will result in the ultimate density allowed in this district.

Given the conceptual preliminary plat arrangement, 121 units could be developed on the proposed two lots. The concept plan shows a low profile development of attached housing. A development parcel must be sufficiently large enough to accommodate the dwelling unit structure or structures, applicable building setbacks and off-street parking.

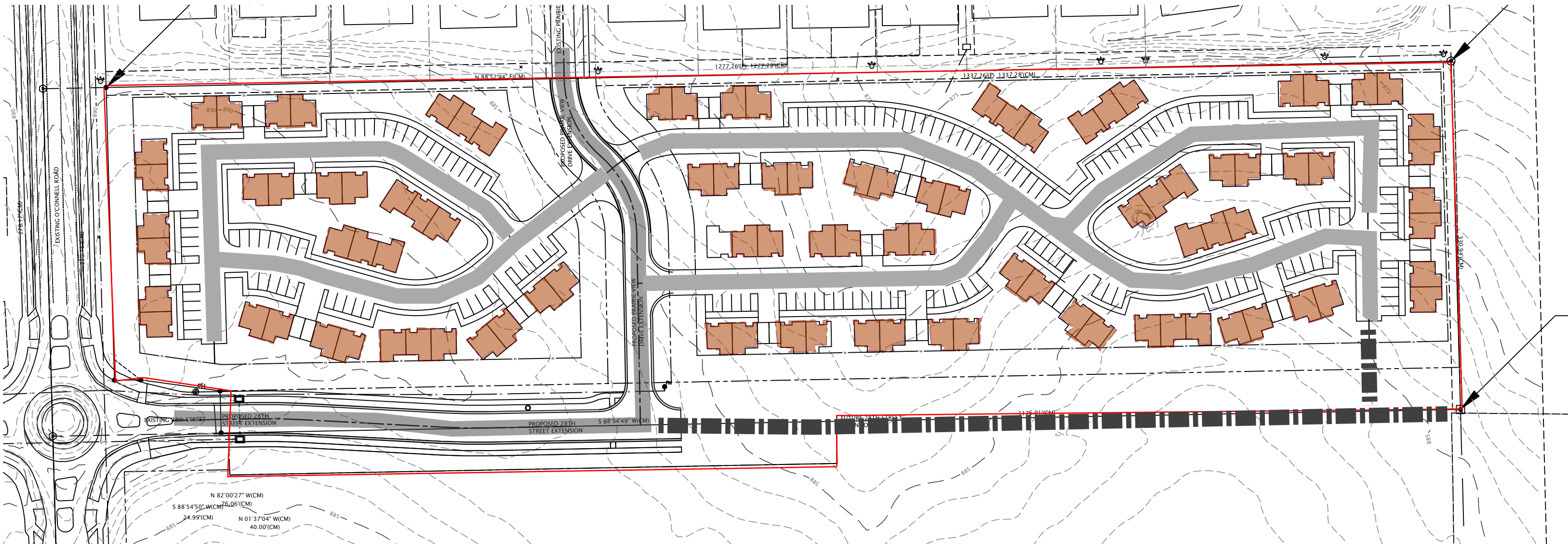
This request is considered concurrently with the annexation request. The Preliminary Plat will be included on a future Planning Commission agenda.

CONCLUSION

The proposed request is consistent with anticipated medium-density residential development.

CONCEPT PLAN

This concept plan illustrates a residential development layout. The site is bounded by a red line. The plan includes several streets: 'EXISTING O'CONNELL ROAD' on the left, 'EXISTING 28TH STREET' at the bottom left, and 'PROPOSED 28TH STREET EXTENSION' running horizontally across the bottom. A 'PROPOSED PRAIRIE DRIVE EXTENSION' runs vertically through the center. The development features numerous brown building footprints, mostly arranged in rows or small clusters, and several parking lots. Topographic contour lines are shown as dashed lines with elevations such as 885, 890, and 895. Various survey points and bearings are noted, including 'N 88°52'44" E (CM)', 'S 88°54'49" W (CM)', and 'N 01°37'04" W (CM)'. A north arrow is located in the upper right corner.



Southeast Area Plan

Map 3-1 Future Land Use

Legend

- City Limits
- Area Boundary

Major Thoroughfares

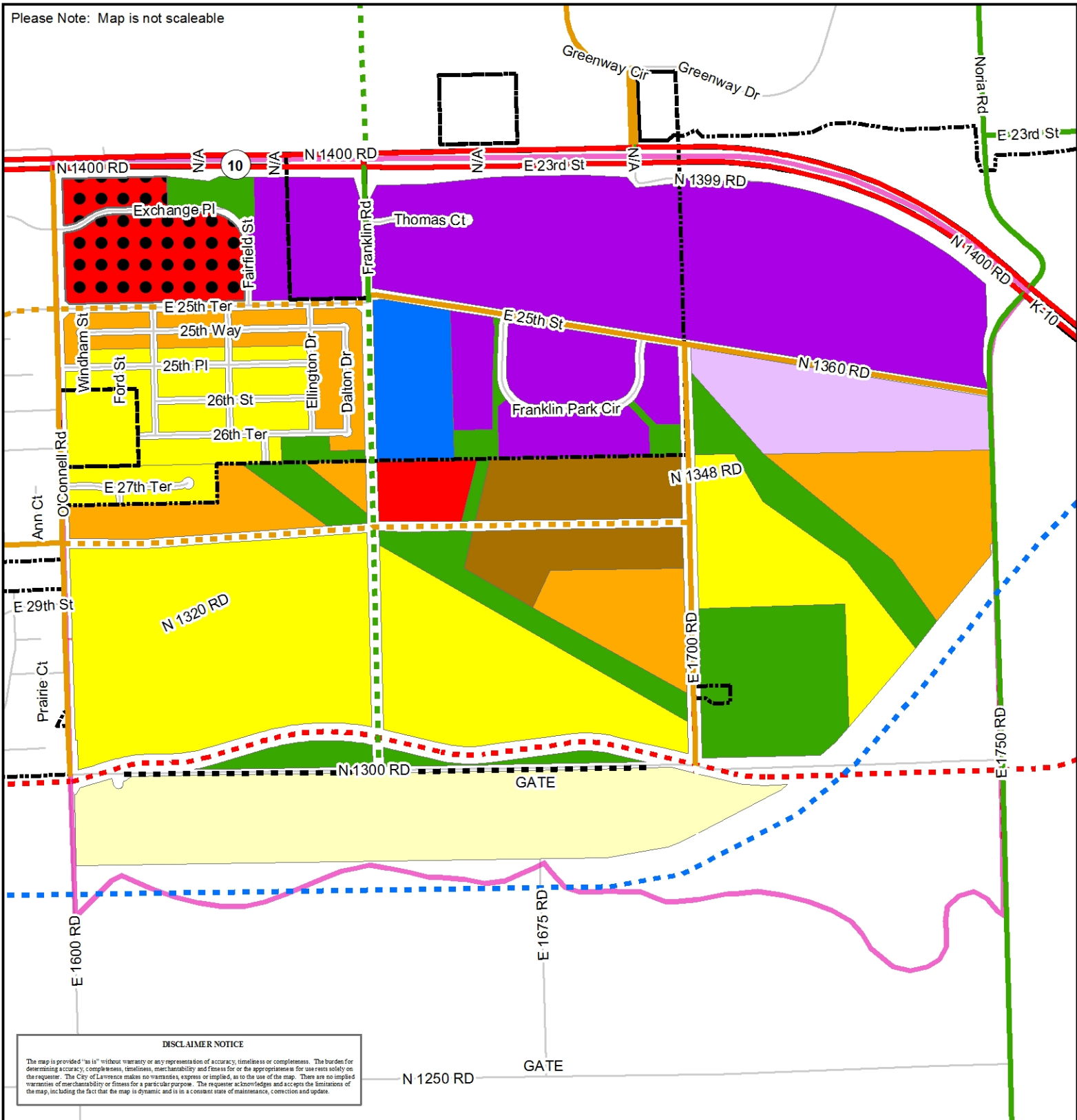
- freeway
- principal arterial
- minor arterial
- collector
- future freeway
- future arterial
- future minor arterial
- future collector
- future local

Future Land Use

- Very Low-Density Residential
- Low-Density Residential
- Medium-Density Residential
- High-Density Residential
- Neighborhood Commercial
- Community Commercial
- Office/Warehouse
- Industrial
- Public/Institutional
- Park/Open Space

Map Date: 8/12/11

Please Note: Map is not scaleable



DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and updates.

Memorandum

City of Lawrence

Planning & Development Services

TO: Lawrence Douglas County Planning Commission

FROM: Sandra Day, AICP, Planner II

CC: Scott McCullough, Director of Planning and Development Services

Date: November 8, 2013

RE: PP-13-00338; Preliminary Plat for Menards revised submittal

Attachment A: November Submittal of Preliminary Plat.
Attachment B: October Submittal of Preliminary Plat.
Attachment C: Concept of Development.
Attachment D: Ousdahl Road Right-of-Way Exhibit.
Attachment E: Watkins Letter dated 10.16.13 and applicant's Response Letter
Attachment F: Revised Site Plan submittal dated 11.12.13
Attachment G: Applicant's letter dated 11.12.13

Summary

Prior to the October 21st Planning Commission, the applicant for the Menards preliminary plat requested deferral of the consideration of the item. The applicant submitted a revised Preliminary Plat for staff's review and recommendation to the Planning Commission on October 24, 2013. The applicant is requesting approval of a revised version of the preliminary plat included in the November Planning Commission Packet as [Attachment A](#).

The staff report included in the October Planning Commission packet recommended approval of the preliminary plat subject to one condition regarding the right-of-way for Ousdahl Road. The October version also included a variance request from the right-of-way width for 31st Street. The previous version of the preliminary plat is identified as [Attachment B](#).

Key changes between the October and November versions include the following:

1. Reduced area for Lot 1 (Menards) from: 24.49 ac. to 21.36 ac.
2. Increased area for Lot 2 (Lot 3 in previous version) from: 1.57 ac. to 5.28 ac.
3. Modified interior access drive east/west alignment and modifying area of lots along 31st Street.
4. Reduced width of Ousdahl Road (east half) from proposed 40' access and utility easement) to a 20' utility easement.

The cumulative effect of these changes creates an additional large pad site to the east of the Menards property and would deny the opportunity to improve and complete Ousdahl Road to the north property line of the adjacent property.

Variance for 31st Street

Regardless of the version proposed, a variance is required from the right-of-way requirement for 31st Street as discussed in the October staff report. Staff recommends approval of the requested variance for a reduced width for 31st Street. The existing 50' right-of-way combined with the proposed easements along the south property line shown in both versions of the drawing (20' pedestrian and utility easement) are sufficient to address infrastructure requirements in this area.

Planned Development Pattern

During the original development discussed earlier this year, a very developed concept plan for this area was the basis for land use recommendations extending commercial development along 31st Street. This concept was based on a single big box user with several smaller lots along the 31st Street frontage. The triangular area known as the Snodgrass residence was added as part of the overall land use discussion for this area and as a terminating point for commercial development along this segment of the corridor.

While the Snodgrass tract includes 8.147 acres, the developable area is restricted by the lot configuration and the presence of floodplain across much of this lot. Development can occur within the regulatory floodplain; however, there are restrictions on the intensity and amount of impervious development that can occur within such a lot. The Concept plan from the summer 2013 meetings is included at [Attachment C](#).

The revised preliminary plat includes two large lots in addition to the Mendards site. One of these lots is the 8-acre Snodgrass property. The October plat complied with the design concept represented during the comprehensive plan amendment of one site for a single big-box user with several small pad sites. This revised plat includes a smaller lot for the Menards site, four pad sites along 31st Street, and a 5.2-acre pad site between Menards and the Snodgrass lot. This arguably is acceptable in the primary discussion at time of comprehensive plan amendment was to forgo big box development along the 31st street frontage. The revisions would permit a second anchor, though more minor in nature, where the larger Menards would otherwise be developed.

Michigan Street and 31st Street

The proposed preliminary plat will extend Michigan Street a short distance north of 31st Street. There is no planned signal at this intersection at this time. The revised preliminary plat and building layout with the delivery activity located on the east side of the building is likely to result in a desired traffic movement especially truck traffic to access the overall development from Michigan Street. As traffic volumes increase, it is probable that a traffic signal will be warranted at this intersection. As such, the applicant should be required to participate in a fair share of any future intersection improvements. This is typically completed as part of a benefit district for geometric improvements to intersections. The applicant should be advised that a condition of approval of the Final Plat would be the execution of an agreement not to protest the formation of a benefit district for intersection improvements of Michigan Street and 31st Street.

Ousdahl Road Right-of-Way

The proposed preliminary plat terminates the extension of Ousdahl Road leaving it with only ½ of existing right-of-way (along the west side of the centerline). Refer to [Attachment D](#).

The October 2013 plat proposed to complete Ousdahl Road to the north lot line of the adjacent property with a 40' access/utility easement adjacent to the existing right-of-way platted with the final Plat of First National Addition. Staff's recommendation was that Ousdahl Road should be developed as a full width local street (30' of Right-of-way each side). Refer to October Staff Report for recommendation.

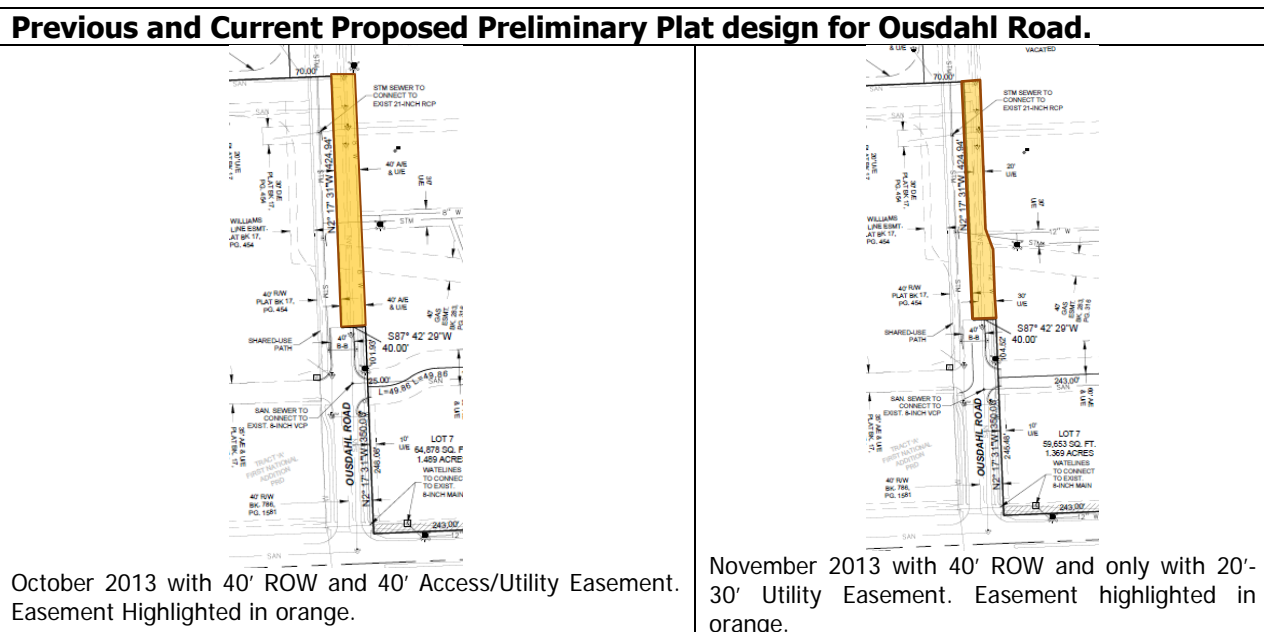
Ousdahl Road was designed to accommodate the future redevelopment of the mobile home park with interior connecting streets. The initial submittal of the Menards request included an access arrangement for Ousdahl Road that created a driveway serving Menards that was partially on public right-of-way (the west half of Ousdahl Road) and the remaining portion on private property.

During the review of the preliminary plat for the October Planning Commission meeting, the adjacent property owner to the west expressed interested in options to redevelop a portion of their property that would benefit from access to Ousdahl Road. Staff recommended that Ousdahl Road be extended as a public street.

The most recent submission reverts to the one-half right-of-way with only a 20' utility easement proposed to be dedicated on the east side of the street centerline. This current configuration leaves a half street with no development potential for the abutting property to the west. Section 20-810 (e) (9) requires dedication of the remaining one-half of a street. This section specifically states:

Whenever ROW for one-half of a street has been dedicated to bring that street to the then current standards, regardless of whether that half of the street has been improved, a subdivision of land adjoining the other half of the street is proposed; the remainder of the right-of-way shall be dedicated and improved by the subdivider.

Staff recommends the preliminary plat be revised to show a complete street right-of-way per the subdivision regulation requirements noted above.



Staff recommends the dedication of 30' of right-of-way east of the centerline of Ousdahl Road extended north to match the existing right-of-way. Additionally the street will need to terminate in a cul-de-sac per section 20-810 (e)(2)(vi).

Street designs require either the street to be extended to accommodate future development of adjacent property or to terminate. Dead-end streets are not permitted per the subdivision regulations. Streets may terminate in a cul-de-sac. The Michigan Street right-of-way is proposed to terminate in a hammerhead to allow turn-around as required especially for emergency vehicles. Likewise, Ousdahl Road must have a proper termination. The street may terminate in a cul-de-sac where the developer of this request must provide his one-half share of the cul-de-sac or a hammerhead design may be acceptable. When the adjacent property to the west redevelops then the additional right-of-way to match either the cul-de-sac or hammerhead will be acquired at that time. This arrangement provides a connected street pattern with appropriate street termination.

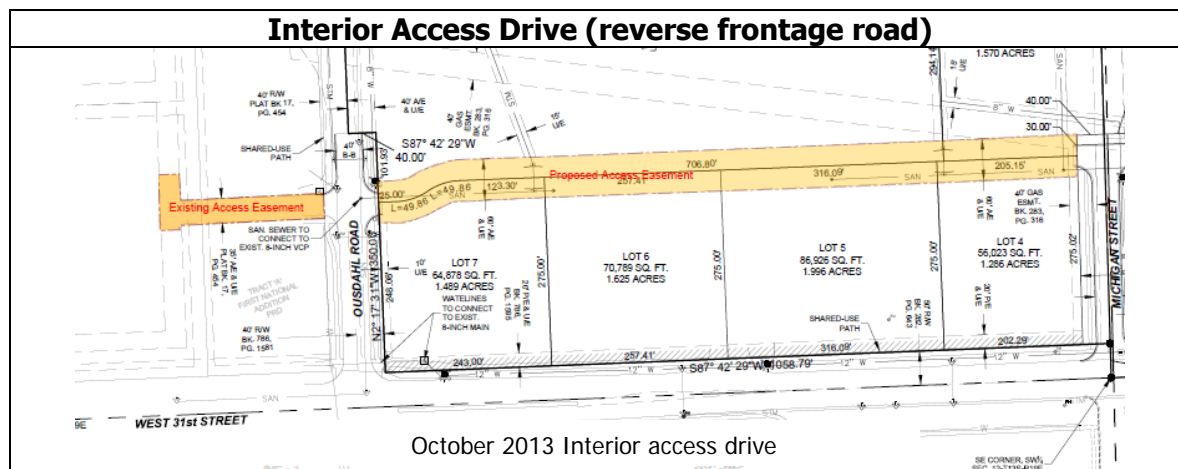
The effect of this recommendation is that the placement of the proposed improvements (Menards Site Plan) must be shifted to the east. This will likely result in a reduction of the width of Lot 2 in the northeast portion of the proposed subdivision.

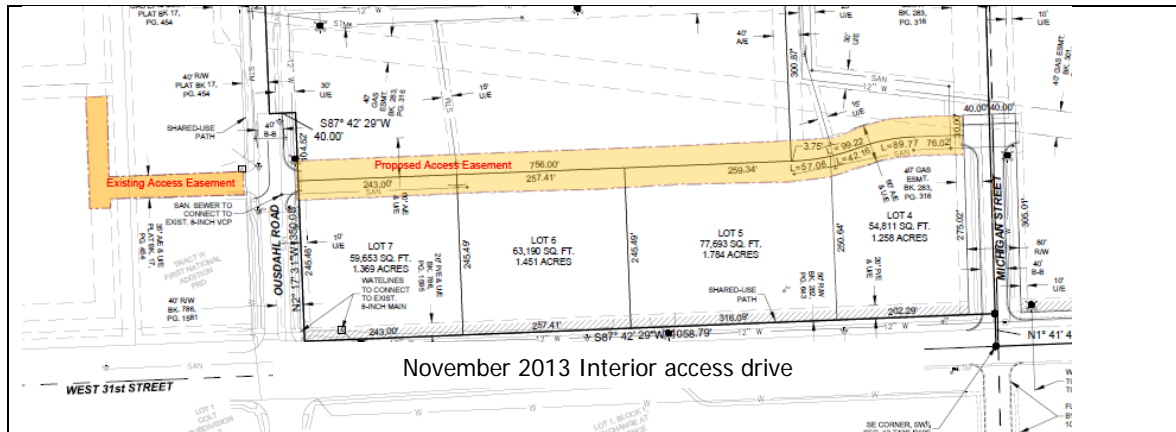
Staff recommends dedication of right-of-way for the termination of Ousdahl Road to accommodate either a hammerhead or cul-de-sac.

Interior Access

The proposed subdivision modifies the interior access drive along the north side of the pad sites (Lots 4-7) resulting in lot depth reduction from the originally proposed 275' to the current 245'. Both plat documents maintain the intersection connectivity with the existing access easements to the west. The alignment changes at the intersection with Michigan Street in the revised version. This access easement aligns with the west portion of the hammerhead that terminates Michigan Street within the subdivision.

The location of the interior drive, parallel to W. 31st Street, serves as a reverse frontage road providing access to all lots within the proposed development. The proposed access drive is aligned such that it creates a 4-way intersection north of 31st Street with the existing access drive to the west for the development within the First National Addition subdivision. The following images show the previous and current proposed alignment of the interior access drive.





Menards Layout

The significant impact of the combined changes to Ousdahl Road, the interior access drive, and the creation of Lot 2 is the ultimate configuration for site development of the Menards Lot. The October version of the preliminary plat provided the development of a Menards store with direct vehicular access to the exterior storage area for both customers and delivery vehicles along Ousdahl Road. Both subdivision plats include private improvements that are partially within the public right-of-way of Ousdahl Road (existing dedicated ½ ROW west of centerline).

Private Improvements within existing ROW			
October Preliminary Plat configuration		November Preliminary Plat configuration	
	<ol style="list-style-type: none"> 1. Initial submittal with full ROW dedicated for Ousdahl Road. Highlighted in blue. 2. Plat revised during review included dedication of 40' access/utility easement in lieu of ROW dedication. 3. Staff recommended dedication of 30' ROW with 10' UE to make complete local street for Ousdahl Road. 		<ol style="list-style-type: none"> 1. Existing Right-of-way highlighted in blue. 2. Access drive uses full width of ROW for extension to private drives to north. 3. Plat includes dedication of 20' of utility easement to accommodate utility extensions to serve this property. 4. No dedication of access easement or ROW is included for remaining ½ width of Ousdahl Road.

The applicant has indicated a desire to flip the site layout and reduce the size of the exterior storage area for the Menards store causing a change to the preliminary plat (abandonment of Ousdahl Road and an increase in Lot 2). The revised site plan concept moves access to the exterior storage yard to the east. The applicant indicates that this design separates the garden area (typically frequented by pedestrians) on the west side of the building from vehicular and

[illegible]

Site Plan (concept) per November Plat

6 | Page
Menards Preliminary Plat

First National Development Request

Enclosed with the packet for this month's consideration is a request from Dan Watkins on behalf of the adjacent property owner, to require the applicant to incorporate sufficient stormwater infrastructure to accommodate the future development of Tract A located along the west side of Ousdahl Road. [See [Attachment E](#), letter from Dan Watkins dated 10/16/13 and applicant's response letter dated 11.8.13]

Upon adoption of the Comprehensive Plan Amendment earlier this year the boundary line for commercial development along 31st Street was extended to the east. Development of Tract A of the First National Development property provides an additional opportunity for infill commercial development along this corridor. Tract A, originally identified as a designated buffer between commercial and residential uses along the corridor, also serves the dual purpose of providing stormwater detention for the existing development. Tract A is currently restricted to open space and stormwater detention uses (per approved subdivision plat). Development of this property would require several land use approvals including rezoning and replatting.

The request made by Mr. Watkins would result in a type of regional detention that would benefit both property owners in addition to properties both up and down stream. However, there is no policy or code requirement to require the applicant to make such a public accommodation. The applicant's design provides the required stormwater detention basis. Because of the volume of fill needed to elevate the building pad site the borrow area is greater than the required detention volume.

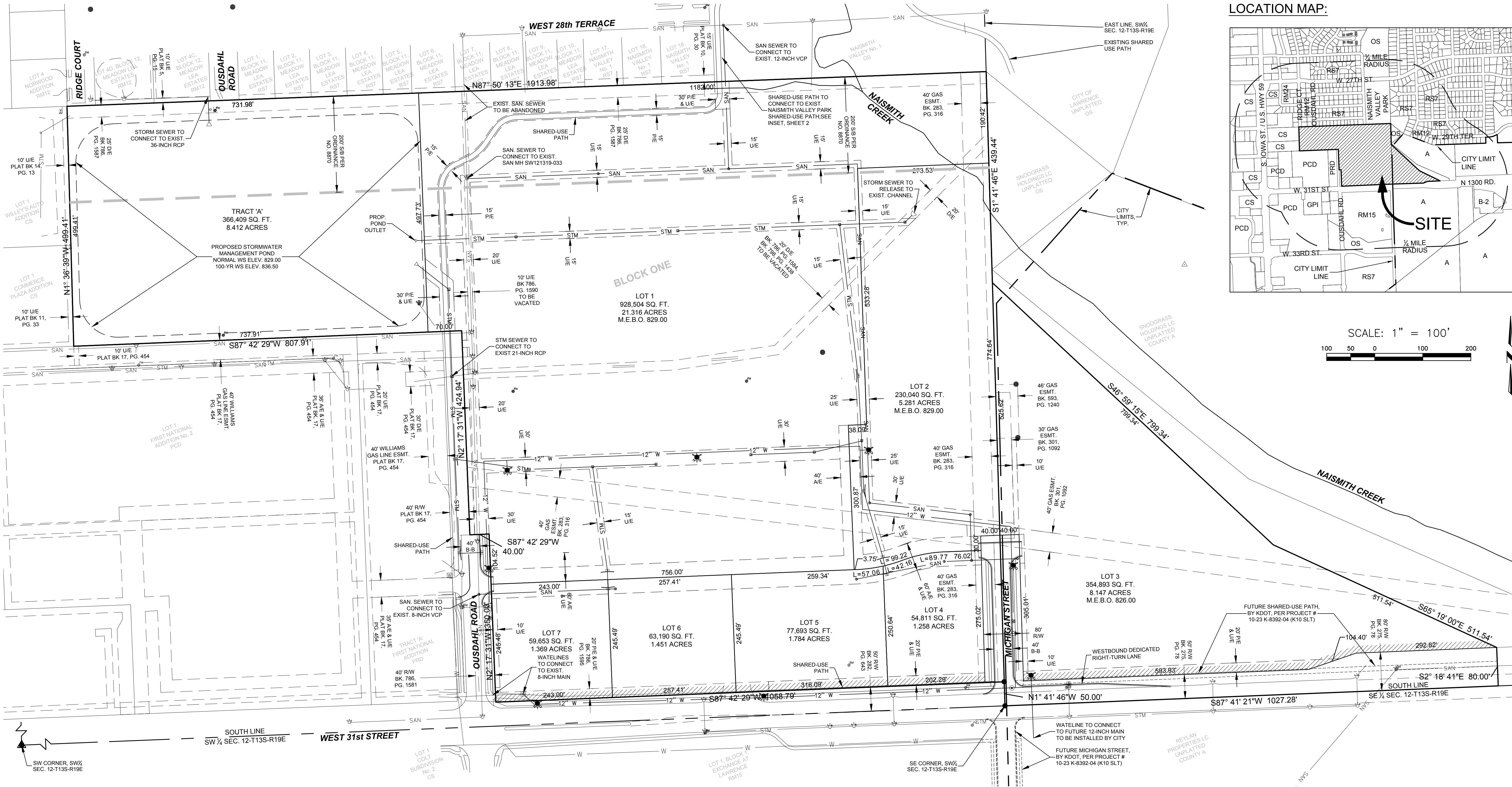
Summary

The revised preliminary plat was submitted to staff on October 24th and reviewed between October 25th and November 6th. Comments were forwarded to the applicant with notes that revisions were needed by the City Stormwater Engineer, Planning Staff, Fire Prevention Staff, City Utility Engineer, and City Engineer. There has not been an opportunity to consider any revisions to the preliminary plat. Since some technical concerns are still unaddressed, staff recommends the preliminary plat be approved subject to conditions.

Staff Recommendation

Staff recommends approval of the preliminary plat subject to the following conditions:

1. Dedication of a minimum of 30' ROW for Ousdahl Road to the north property line of the adjacent property to the west and to include ½ of a cul-de-sac or other approved design of a street termination.
2. Provision of a note on the face of the preliminary plat indicating that an agreement not to protest the formation of a benefit district for geometric improvements to the intersection of Michigan Street and 31st Street will be executed with the Final Plat for this property.
3. Provision of a revised preliminary plat to correct the notation of the 60' AE & UE on Lot 7 and Lot 1.



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12, THENCE NORTH 87°42'29" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1607.74 FEET; THENCE NORTH 02°17'31" WEST, 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 282, PAGE 643 AND THE EAST RIGHT OF WAY LINE OF OUSDAHL ROAD AS RECORDED IN BOOK 1078, PAGE 1045 AT THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE NORTH 02°17'31" WEST, ALONG THE EAST RIGHT OF WAY LINE OF SAID OUSDAHL ROAD, 350.00 FEET; THENCE SOUTH 87°42'29" WEST, 40.00 FEET TO THE EAST LINE OF FIRST NATIONAL ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 02°17'31" WEST, 424.94 FEET TO THE NORTHEAST CORNER OF FIRST NATIONAL ADDITION; THENCE SOUTH 87°42'29" WEST 807.91 FEET ALONG THE NORTH LINE OF SAID FIRST NATIONAL ADDITION, TO THE EAST LINE OF COMMERCE PLAZA ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 01°36'39" WEST, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER AND ALONG THE EAST LINE OF SAID COMMERCE PLAZA ADDITION, ALSO THE EAST LINE OF WILLEY'S AUTO ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, 499.41 FEET TO THE SOUTH LINE OF NORWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 87°50'13" EAST, ALONG THE SOUTH LINE OF SAID NORWOOD ADDITION, THE SOUTH LINE OF MEADOW LEA ESTATES, AN ADDITION TO THE CITY OF LAWRENCE, AND NAISMITH VALLEY NO. 1, ALSO AN ADDITION TO THE CITY OF LAWRENCE, 1913.98 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01°41'46" EAST ALONG SAID EAST LINE, 439.44 FEET; THENCE SOUTH 46°59'15" EAST, 799.34 FEET; THENCE SOUTH 65°19'00" EAST, 511.54 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 275, PAGE 78 AT THE

DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE SOUTH 2°18'41" EAST, 80.00 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12; THENCE SOUTH 87°41'21" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 1,027.28 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12, THENCE NORTH 1°41'46" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 50.00 FEET TO THE NORTH RIGHT OF WAY LINE OF 31ST STREET; THENCE SOUTH 87°42'29" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1058.79 FEET TO THE POINT OF BEGINNING. CONTAINS 50.992 ACRES, MORE OR LESS.

SITE SUMMARY:

GROSS AREA:	2,221,230 SF / 50.992 AC
RIGHT-OF-WAY TRACT:	86,039 SF / 1.975 AC
TRACT:	366,409 SF / 8.412 AC
NET AREA:	1,768,782 SF / 40.605 AC
TOTAL LOTS:	7
AVERAGE LOT SIZE:	252,683 SF / 5.801 AC
MINIMUM LOT AREA:	54,811 SF / 1.258 AC
MAXIMUM LOT AREA:	928,504 SF / 21.316 AC

GENERAL NOTES:

- OWNERS: MID-AMERICA MANUFACTURED HOUSING COMMUNITIES, INC. 10011 WOODEN ROAD EDWARDSVILLE, KANSAS 66111
- LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: BRUCE F. & JOAN SNODGRASS 1352 N 1300 ROAD LAWRENCE, KS 66046
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, P.A., JULY, 2013.
- EXISTING ZONING: CR (CITY), A (COUNTY)
- PROPOSED ZONING: CR
- EXISTING LAND USE: VACANT, DETACHED DWELLING
- PROPOSED LAND USE: COMMERCIAL
- THE SUBJECT PROPERTY DOES LIE WITHIN A FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAPS (FIRM); PANEL NO. 167, MAP NUMBER 20045C0167D AND PANEL NO. 186, MAP NUMBER 20045C0186D, DOUGLAS COUNTY, KS., BOTH BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED; GYMER SILT LOAM, 3 TO 7% SLOPES; PAWNEE CLAY LOAM, 3 TO 6% SLOPES; WOODSON SILT LOAM, 1 TO 3 % SLOPES.
- TRACT 'A' WILL BE A PRIVATELY OWNED, DEDICATED DRAINAGE EASEMENT. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME.
- NO PERSON MAY CONSTRUCT, MAINTAIN OR ALLOW ANY NATURAL OR NON-NATURAL STRUCTURE OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHUBBERY, BERMS, FENCES AND WALLS) UPON A DRAINAGE EASEMENT THAT THE DIRECTOR OF PUBLIC WORKS FINDS IMPEDES, DETAINS, RETAINS OR OTHERWISE INTERFERES WITH THE DRAINAGE OF STORMWATER REGARDLESS OF THE SOURCE OF STORMWATER.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
- ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) MUST BE PLACED UNDERGROUND WHEN IN THE CITY OF LAWRENCE OR IN LAWRENCE UGA.
- DEVELOPER IS RESPONSIBLE FIR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION.
- IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP.

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

- THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHT-OF-WAY ASSOCIATED WITH MICHIGAN STREET. A PROPOSED EAST-WEST ROADWAY AND THE EXTENSION OF OUSDAHL ROAD WILL BE PRIVATE.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH MAIN LOCATED AT THE NORTHEAST CORNER OF OUSDAHL ROAD AND 31ST STREET AND A PROPOSED 12-INCH MAIN TO BE CONSTRUCTED BY THE CITY AT THE SOUTHEAST CORNER OF 31ST AND MICHIGAN STREETS.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA TWO EXISTING MAINS: A 12-INCH MAIN THAT RUNS NORTH THROUGH THE SUBJECT PROPERTY IN A 10-FOOT UTILITY EASEMENT; AND A 12-INCH MAIN THAT RUNS EAST NORTH OF THE SUBJECT PROPERTY IN CITY-OWNED PROPERTY.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE BIKEWAY SYSTEM VIA TWO EXISTING 10-FOOT-WIDE SHARED USE PATHS: ONE THAT RUNS EAST-WEST ON THE NORTH SIDE OF 31ST STREET AND A SECOND THAT RUNS NORTH-SOUTH THROUGH NAISMITH VALLEY PARK.
- PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISIONS OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

Civil Engineering
Landscape Architecture
Community Planning
Surveying

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

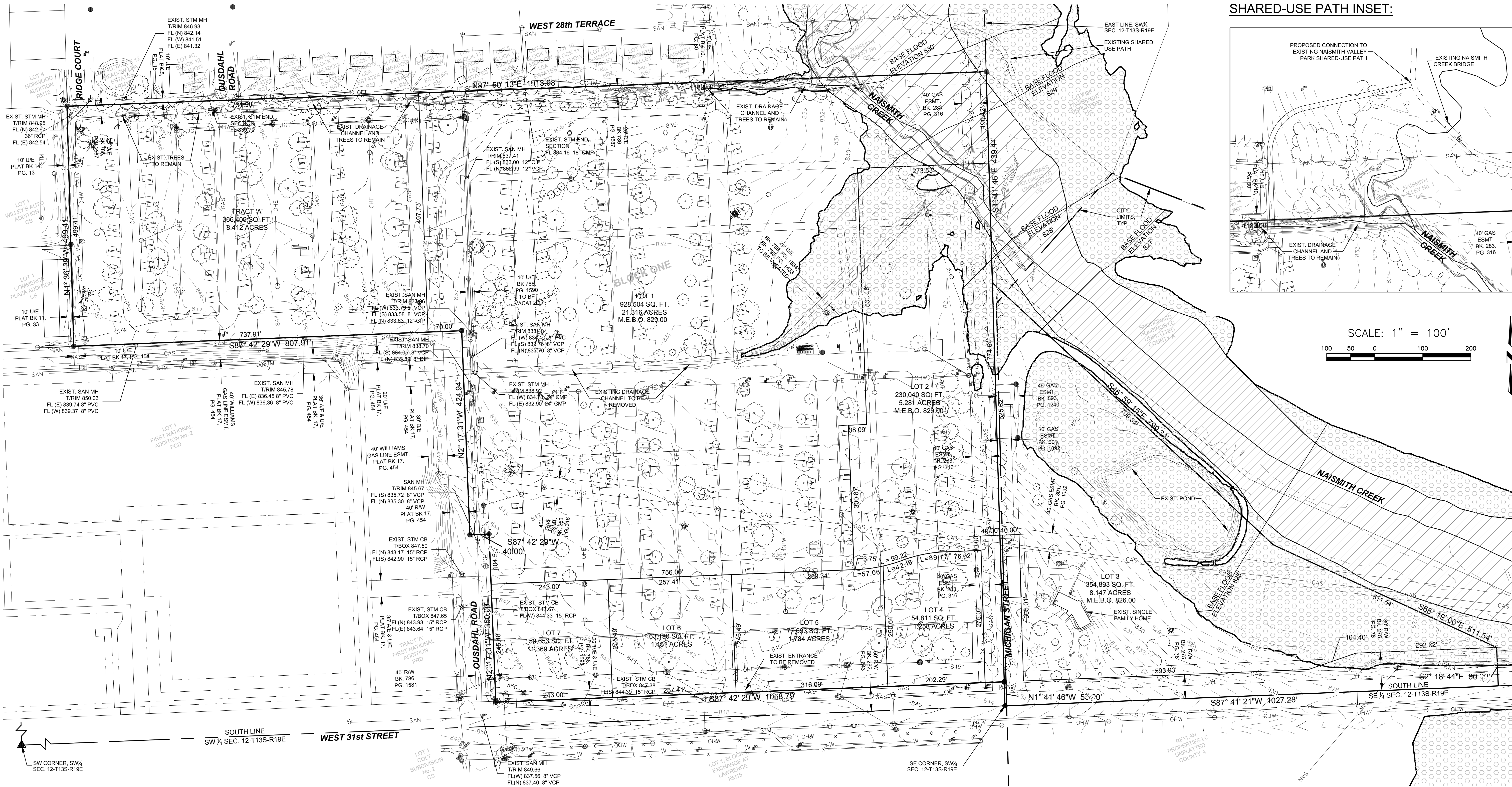
1310 Wakarusa Drive
Lawrence, Kansas 66044
Tel: (785)842-7530
Fax: (785)842-2410
E-mail: info@landplan-pa.com
Web: www.landplan-pa.com

©Landplan Engineering, P.A. 2013. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photographed, traced, or copied in any manner without the written permission of Landplan Engineering, P.A.

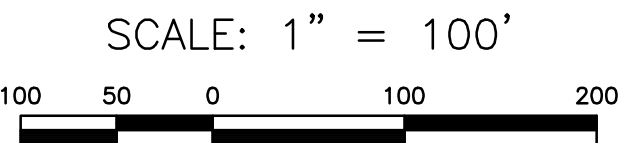
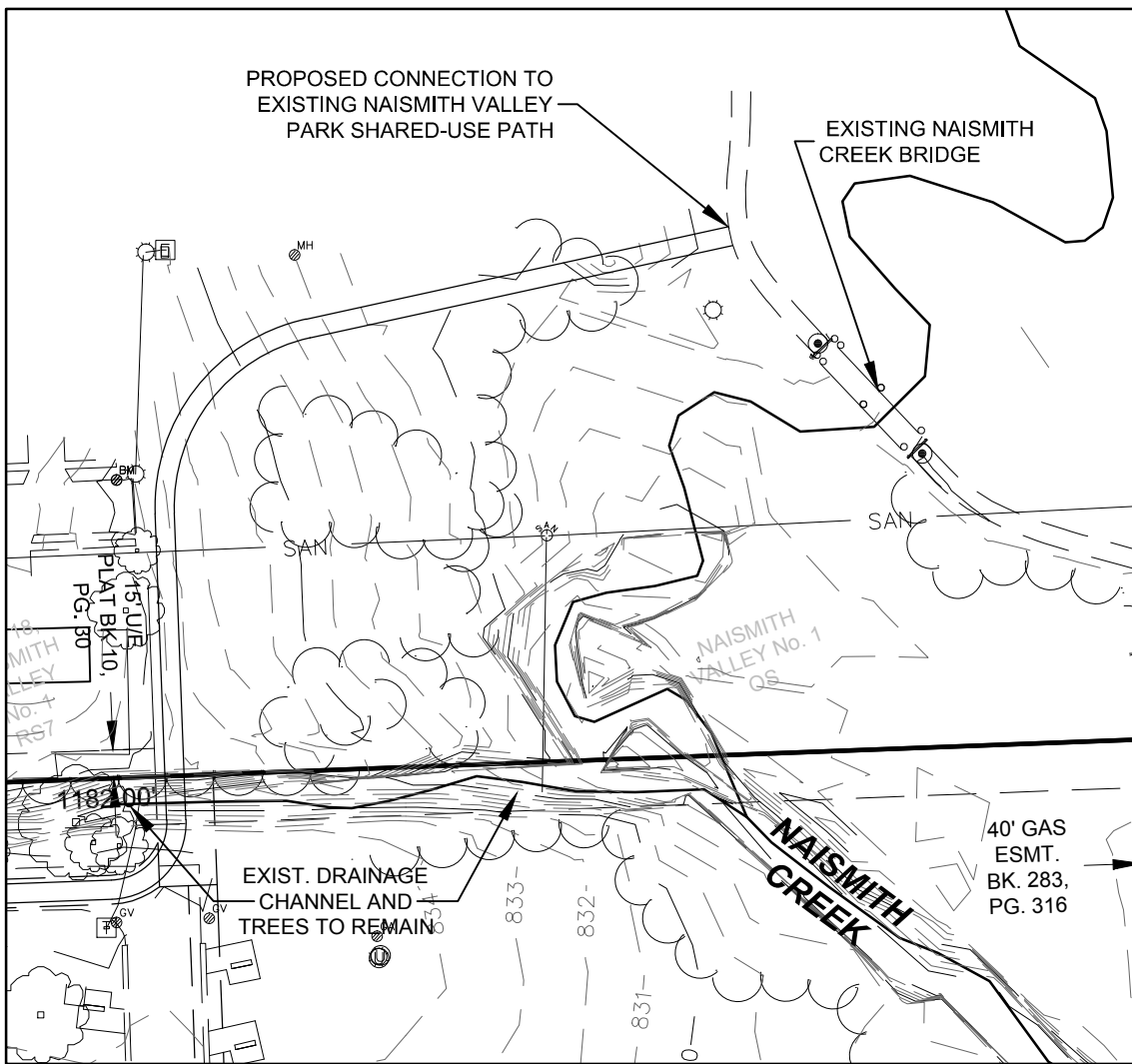
1900 WEST 31st STREET
LAWRENCE, KS 66046
MENARDS ADDITION
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	8/12/13	PER DEPT. COMMENTS
2	10/24/13	PER MENARD, INC.

DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS



SHARED-USE PATH INSET:



LEGEND:

- FLOODWAY (ZONE AE, PER FEMA FIRM)

100-YR FLOODPLAIN (ZONE AE, PER FEMA FIRM)

EXISTING TOPOGRAPHIC CONTOUR

EXISTING WATER LINE

PROPOSED WATERLINE

EXISTING SANITARY SEWER

PROPOSED SANITARY SEWER

EXISTING STORM SEWER

PROPOSED STORM SEWER

EXISTING GAS LINE

EXISTING OVERHEAD WIRE

EXISTING OVERHEAD ELECTRIC

EXISTING UNDERGROUND ELECTRIC

EXISTING CABLE TELEVISION

EXISTING WATER BLOWOFF

EXISTING WATER VALVE

EXISTING FIRE HYDRANT

PROPOSED FIRE HYDRANT

EXISTING MANHOLE

EXISTING SANITARY SEWER MANHOLE

PROPOSED SANITARY SEWER MANHOLE

EXISTING STORM SEWER MANHOLE

EXISTING AREA DRAIN

PROPOSED STORM SEWER CURB INLET

PROPOSED STORM SEWER BOX

PROPOSED STORM SEWER END SECTION

EXISTING GAS VALVE

EXISTING GAS REGULATOR

EXISTING GASLINE MARKER

EXISTING TRAFFIC SIGNAL POLE

EXISTING UTILITY POLE

EXISTING LIGHT POLE

EXISTING ELECTRIC BOX

EXISTING TELEPHONE PEDASTAL

EXISTING CABLE BOX

EXISTING IRON BAR

BENCHMARK

ACCESS PROHIBITED

BENCHMARKS:

BM #1

"□" CUT ON NW COR. CONCRETE GAS VAULT ± 79' W. OF E. SECTION LINE & ± 41' N OF E 31ST STREET. ELEV. 845.59

BM#2

"□" CUT ON CENTER FRONT FACE OF CURB INLET LOCATED AT THE SW CORNER OF THE INTERSECTION OUSDAHL AND U STREET ± 200' NORTH ELEV. 847.62

BM#3

"□" CUT ON THE CENTER FRONT FACE OF CURB INLET LOCATED ON THE EAST SIDE OF RIDGE COURT ± 125' NORTH AND 30' EAST OF NW PROP. COR. OF GASLIGHT VILLAGE. ELEV. 848.26

BM#4

"□" CUT ON BACK OF CURB ±21' EAST OF DRIVEW3AY AT 1602 W. 28TH TERRACE ON NORTH SIDE OF ROAD. ELEV. 839.72

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 Waterview Drive
Lawrence, KS 66044
Tel: (785) 842-7530
Fax: (785) 842-2410
Web: www.landplan-pa.com

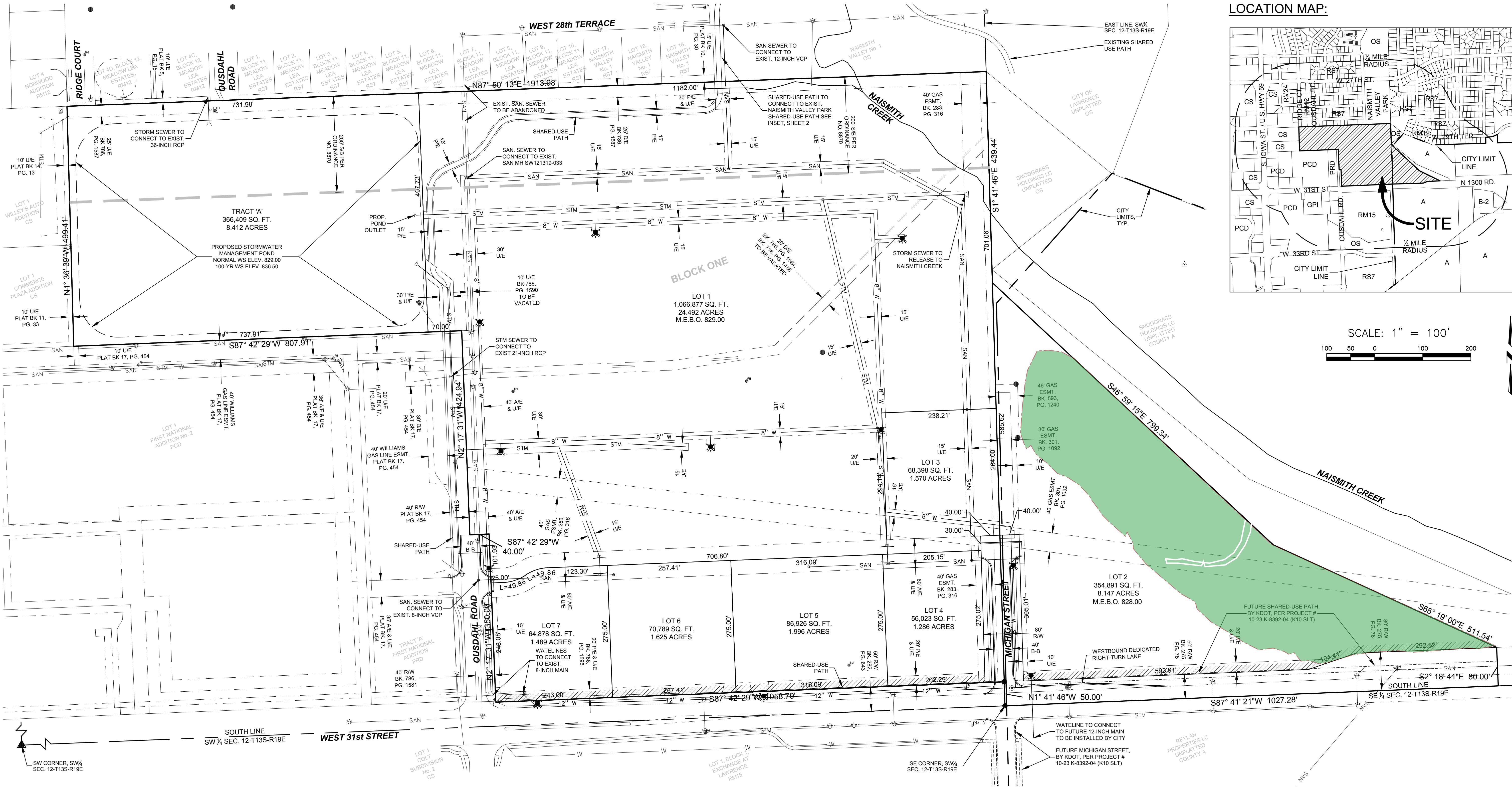
©Landplan Engineering, P.A. 2013. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photographed, traced, or copied in any manner without the written permission of Landplan Engineering, P.A.

1900 WEST 31st STREET
LAWRENCE, KS 66046
MENARDS ADDITION
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	8/13/13	PER DEPT. COMMENTS
2	10/24/13	PER MENARD, INC.

DATE: 8/19/13
PROJECT NO.: 20133001
DESIGNED BY: LPE
DRAWN BY: BS
CHECKED BY: CMS

ISSUE	SHEET NO.
	2
	OF 2 SHEETS



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12, THENCE NORTH 87°42'29" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1607.74 FEET; THENCE NORTH 02°17'31" WEST, 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 282, PAGE 643 AND THE EAST RIGHT OF WAY LINE OF OUSDAHL ROAD AS RECORDED IN BOOK 1078, PAGE 1045 AT THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE NORTH 02°17'31" WEST, ALONG THE EAST RIGHT OF WAY LINE OF SAID OUSDAHL ROAD, 350.00 FEET; THENCE SOUTH 87°42'29" WEST, 40.00 FEET TO THE EAST LINE OF FIRST NATIONAL ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 02°17'31" WEST, 424.94 FEET TO THE NORTHEAST CORNER OF FIRST NATIONAL ADDITION; THENCE SOUTH 87°42'29" WEST 807.91 FEET ALONG THE NORTH LINE OF SAID FIRST NATIONAL ADDITION, TO THE EAST LINE OF COMMERCE PLAZA ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 01°36'39" WEST, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER AND ALONG THE EAST LINE OF SAID COMMERCE PLAZA ADDITION, ALSO THE EAST LINE OF WILLEY'S AUTO ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, 499.41 FEET TO THE SOUTH LINE OF NORWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 87°50'13" EAST, ALONG THE SOUTH LINE OF SAID NORWOOD ADDITION, THE SOUTH LINE OF MEADOW LEA ESTATES, AN ADDITION TO THE CITY OF LAWRENCE, AND NAISMITH VALLEY NO. 1, ALSO AN ADDITION TO THE CITY OF LAWRENCE, 1913.98 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01°41'46" EAST ALONG SAID EAST LINE, 439.44 FEET; THENCE SOUTH 46°59'15" EAST, 799.34 FEET; THENCE SOUTH 65°19'00" EAST, 511.54 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 275, PAGE 78 AT THE

DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE SOUTH 2°18'41" EAST, 80.00 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12; THENCE SOUTH 87°41'21" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 1,027.28 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12, THENCE NORTH 1°41'46" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 50.00 FEET TO THE NORTH RIGHT OF WAY LINE OF 31ST STREET; THENCE SOUTH 87°42'29" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1058.79 FEET TO THE POINT OF BEGINNING. CONTAINS 50.992 ACRES, MORE OR LESS.

SITE SUMMARY:

GROSS AREA:	2,221,230 SF / 50.992 AC
RIGHT-OF-WAY TRACT:	86,039 SF / 1.975 AC
TRACT:	366,409 SF / 8.412 AC
NET AREA:	1,768,782 SF / 40.605 AC
TOTAL LOTS:	7
AVERAGE LOT SIZE:	252,683 SF / 5.801 AC
MINIMUM LOT AREA:	56,023 SF / 1.286 AC
MAXIMUM LOT AREA:	1,066,877 SF / 24.492 AC

GENERAL NOTES:

- OWNERS: MID-AMERICA MANUFACTURED HOUSING COMMUNITIES, INC. 10011 WOODEN ROAD EDWARDSVILLE, KANSAS 66111
- BRUCE F. & JOAN SNODGRASS 1352 N 1300 ROAD LAWRENCE, KS 66046
- LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: LANDPLAN ENGINEERING, P.A. 1310 WAKARUSA DRIVE LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPAN ENGINEERING, P.A., JULY, 2013.
- EXISTING ZONING: CR (CITY), A (COUNTY)
- PROPOSED ZONING: CR
- EXISTING LAND USE: VACANT, DETACHED DWELLING
- PROPOSED LAND USE: COMMERCIAL
- THE SUBJECT PROPERTY DOES LIE WITHIN A FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 167, MAP NUMBER 20045C0167D, DOUGLAS COUNTY, KS., BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED; GYMER SILT LOAM, 3 TO 7% SLOPES; PAWNEE CLAY LOAM, 3 TO 6% SLOPES; WOODSON SILT LOAM, 1 TO 3 % SLOPES.
- TRACT 'A' WILL BE A PRIVATELY OWNED, DEDICATED DRAINAGE EASEMENT. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME.
- NO PERSON MAY CONSTRUCT, MAINTAIN OR ALLOW ANY NATURAL OR NON-NATURAL STRUCTURE OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHUBBERY, BERMS, FENCES AND WALLS) UPON A DRAINAGE EASEMENT THAT THE DIRECTOR OF PUBLIC WORKS FINDS IMPEDES, DETAINS, RETAINS OR OTHERWISE INTERFERES WITH THE DRAINAGE OF STORMWATER REGARDLESS OF THE SOURCE OF STORMWATER.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN. ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) MUST BE PLACED UNDERGROUND WHEN IN THE CITY OF LAWRENCE OR IN LAWRENCE UGA.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION. IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP.

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

- THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHT-OF-WAY ASSOCIATED WITH MICHIGAN STREET. A PROPOSED EAST-WEST ROADWAY AND THE EXTENSION OF OUSDAHL ROAD WILL BE PRIVATE.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH LINE LOCATED AT THE NORTHEAST CORNER OF OUSDAHL ROAD AND 31ST STREET.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA TWO EXISTING MAINS: A 12-INCH MAIN THAT RUNS NORTH THROUGH THE SUBJECT PROPERTY IN A 10-FOOT UTILITY EASEMENT; AND A 12-INCH MAIN THAT RUNS EAST NORTH OF THE SUBJECT PROPERTY IN CITY-OWNED PROPERTY.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE BIKEWAY SYSTEM VIA TWO EXISTING 10-FOOT-WIDE SHARED USE PATHS: ONE THAT RUNS EAST-WEST ON THE NORTH SIDE OF 31ST STREET AND A SECOND THAT RUNS NORTH-SOUTH THROUGH NAISMITH VALLEY PARK.
- PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISIONS OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

Civil Engineering
Landscape Architecture
Community Planning
Surveying

1310 Wakarusa Drive
Lawrence, Kansas 66044
Tel: (785)842-7530
Fax: (785)842-2410
Web: www.landplan-pa.com

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

©Landplan Engineering, P.A. 2013. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photographed, traced, or copied in any manner without the written permission of Landplan Engineering, P.A.

1900 WEST 31st STREET
LAWRENCE, KS 66046

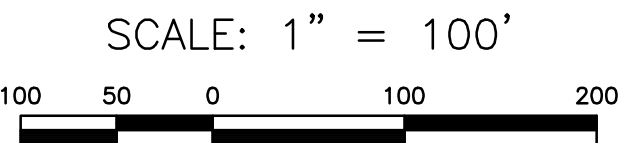
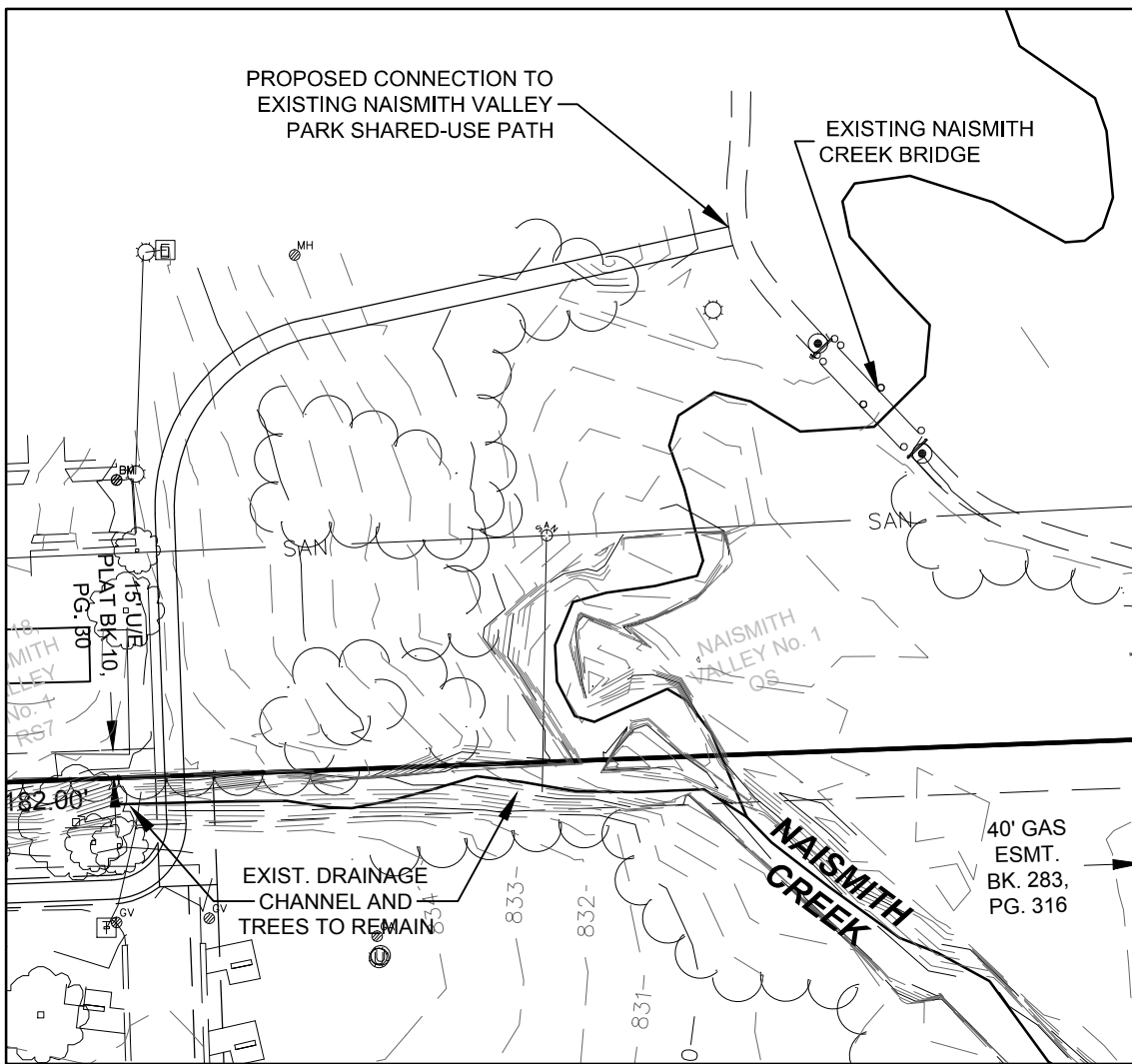
MENARDS ADDITION
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	8/13/13	PER DEPT. COMMENTS

DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS
ISSUE	SHEET NO.
	1
	OF 2 SHEETS



SHARED-USE PATH INSET:



LEGEND:

- FLOODWAY (ZONE AE, PER FEMA FIRM)

100-YR FLOODPLAIN (ZONE AE, PER FEMA FIRM)

EXISTING TOPOGRAPHIC CONTOUR

EXISTING WATER LINE

PROPOSED WATERLINE

EXISTING SANITARY SEWER

PROPOSED SANITARY SEWER

EXISTING STORM SEWER

PROPOSED STORM SEWER

EXISTING GAS LINE

EXISTING OVERHEAD WIRE

EXISTING OVERHEAD ELECTRIC

EXISTING UNDERGROUND ELECTRIC

EXISTING CABLE TELEVISION
- EXISTING WATER BLOWOFF

EXISTING WATER VALVE

EXISTING FIRE HYDRANT

PROPOSED FIRE HYDRANT

EXISTING MANHOLE

EXISTING SANITARY SEWER MANHOLE

PROPOSED SANITARY SEWER MANHOLE

EXISTING STORM SEWER MANHOLE

EXISTING AREA DRAIN

PROPOSED STORM SEWER CURB INLET

PROPOSED STORM SEWER BOX

PROPOSED STORM SEWER END SECTION

EXISTING GAS VALVE

EXISTING GAS REGULATOR

EXISTING GASLINE MARKER
- EXISTING TRAFFIC SIGNAL POLE

EXISTING UTILITY POLE

EXISTING LIGHT POLE

EXISTING ELECTRIC BOX

EXISTING TELEPHONE PEDASTAL

EXISTING CABLE BOX

EXISTING IRON BAR

BENCHMARK

ACCESS PROHIBITED

BENCHMARKS:

- BM #1

"□" CUT ON NW COR. CONCRETE GAS VAULT ± 79' W. OF E. SECTION LINE & ± 41' N OF E 31ST STREET.
ELEV. 845.59
- BM#2

"□" CUT ON CENTER FRONT FACE OF CURB INLET LOCATED AT THE SW CORNER OF THE INTERSECTION OUSDAHL AND U STREET ± 200' NORTH OF OUSDAHL AND 31ST STREET.
ELEV. 847.62
- BM#3

"□" CUT ON THE CENTER FRONT FACE OF CURB INLET LOCATED ON THE EAST SIDE OF RIDGE COURT ± 125' NORTH AND 30' EAST OF NW PROP. COR. OF GASLIGHT VILLAGE.
ELEV. 848.26
- BM#4

"□" CUT ON BACK OF CURB ±21' EAST OF DRIVEW3AY AT 1602 W. 28TH TERRACE ON NORTH SIDE OF ROAD.
ELEV. 839.72

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 Waterview Drive
Lawrence, KS 66044
Tel: (785) 842-7530
Fax: (785) 842-2410
Web: www.landplan-pa.com

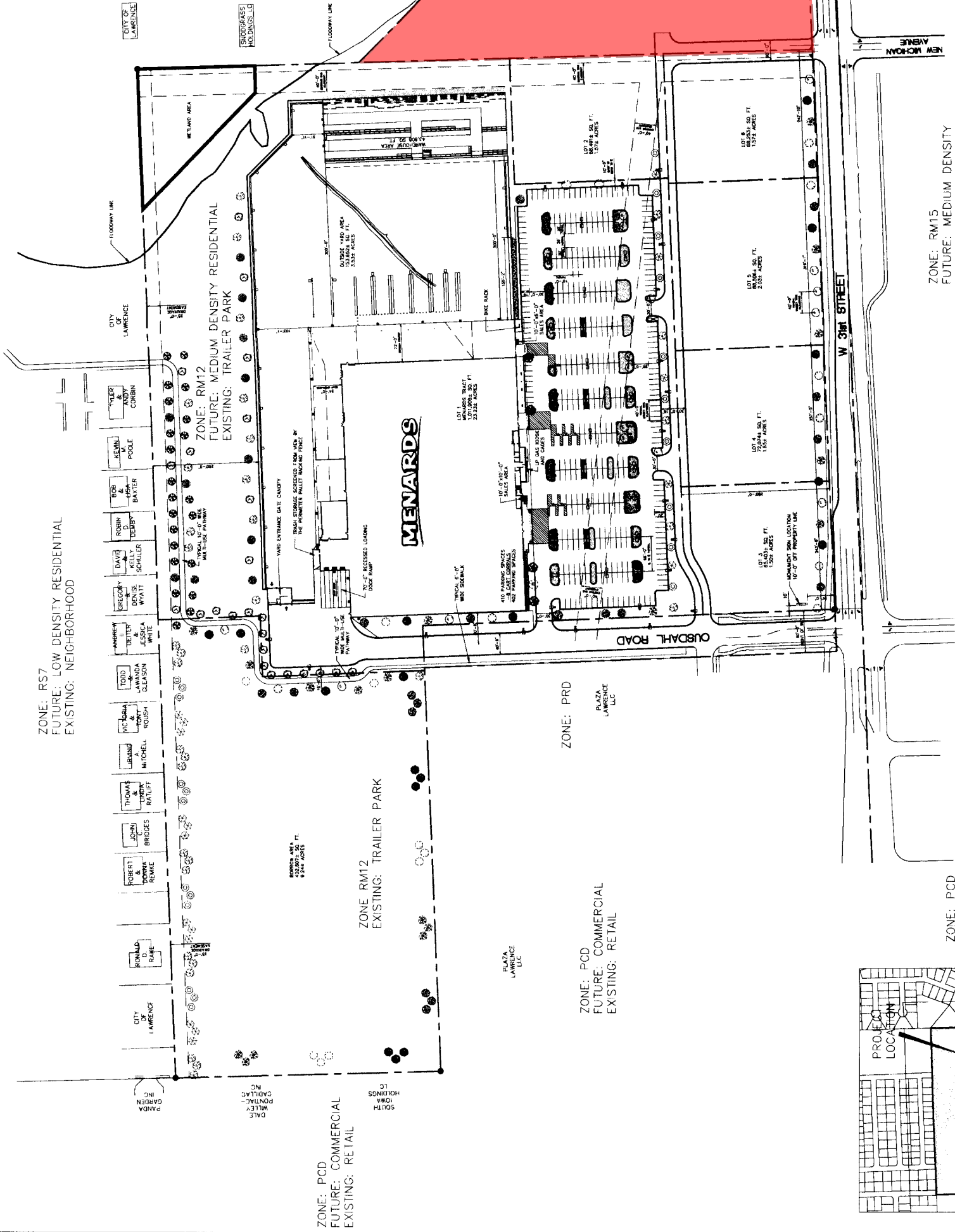
©Landplan Engineering, P.A. 2013. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photographed, traced, or copied in any manner without the written permission of Landplan Engineering, P.A.

1900 WEST 31st STREET
LAWRENCE, KS 66046
MENARDS ADDITION
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	9/13/13	PER DEPT. COMMENTS

DATE: 8/19/13
PROJECT NO.: 20133001
DESIGNED BY: LPE
DRAWN BY: BS
CHECKED BY: CMS

LANDSCAPE LEGEND				
SYMBOL	SCIENTIFIC, COMMON NAME	SIZE	QTY.	MATURE SIZE
	JUNIPERUS VIRGINIANA, EASTERN RED CEDAR	6"-0" TALL	22	40'-0" TO 50'-0" TALL 8'-0" TO 20'-0" WIDE
	ASPLENIUM 'RED SUNSET', 'RED SUNSET' RED	2 1/2" #	14	40'-0" TO 60'-0" TALL 20'-0" TO 30'-0" WIDE
	ACER PLATANOIDES 'EMERALD GREEN', 'EMERALD GREEN', NORWAY MAPLE	2 1/2" #	34	40'-0" TO 60'-0" TALL 20'-0" TO 30'-0" WIDE
	NYSSA SYLVATICA, BLACK TUPELO (BLACK GUM)	2 1/2" #	17	30'-0" TO 40'-0" TALL 20'-0" TO 30'-0" WIDE
	PICEA GLAUCA 'DENSATA', BLACK HILLS SPRUCE	6"-0" TALL	24	30'-0" TO 40'-0" TALL 15'-0" TO 20'-0" WIDE
	PYRUS CALLERYANA 'CHANTICLEER', 'CHANTICLEER' CALLERY PEAR	2 1/2" #	22	30'-0" TO 40'-0" TALL 10'-0" TO 45'-0" WIDE
	CERCIS CANADENSIS 'ALBA', 'ALBA' EASTERN REDBUD	2 1/2" #	33	20'-0" TO 30'-0" TALL 25'-0" TO 30'-0" WIDE
	MALUS X HYBRID 'PRAIRIEFIRE', 'PRAIRIEFIRE' FLOWERING CRAB	2 1/2" #	30	20'-0" TALL 20'-0" WIDE
	GRATIAGO PHAENOPYRUM, WASHINGTON HAWTHORN	2 1/2" #	19	20'-0" TO 25'-0" TALL 20'-0" TO 30'-0" WIDE
	AMELANCHIER X GRANDIFLORA, SERVICEBERRY	2 1/2" #	24	20'-0" TO 25'-0" TALL 15'-0" TO 20'-0" WIDE
	EUKONYMUS BUNGEANUS, WINTERBERRY EUONYMUS	2 1/2" #	16	15'-0" TO 20'-0" TALL 10'-0" WIDE
	POTENTILLA FRUTICOSA 'ABBOTTSMOOD', 'ABBOTTSMOOD', 'POTENTILLA	3 GALLON	73	4'-0" TALL 4'-0" WIDE
	SPIRAEA JAPONICA 'LITTLE PRINCESS', 'LITTLE PRINCESS' SPIREA	3 GALLON	74	2'-6" TALL 2'-6" WIDE
	MICROBIOTA DECUSSATA, SIBERIAN CYPRESS	1 GALLON	27	1'-6" TALL 7'-0" WIDE
	BERBERIS THUNBERGII var. 'ATROPURPUREA', 'CRIMSON PYGMY', 'CRIMSON PYGMY' JAPANESE BARBERRY	3 GALLON	68	1'-0" TO 2'-0" TALL 2'-0" TO 3'-0" WIDE
	HYDROSEED AS NEEDED			
	1 1/2" WASHED RIVER ROCK (PLAYERS BY FRONT OF BUILDING) 4" TO 8" ROCK RIP-RAP (BEHIND WAREHOUSE)			



Tyler Edwards
Menard, Inc.
Real Estate Representative
5101 Menard Drive
Eau Claire, WI 54703

MENARDS

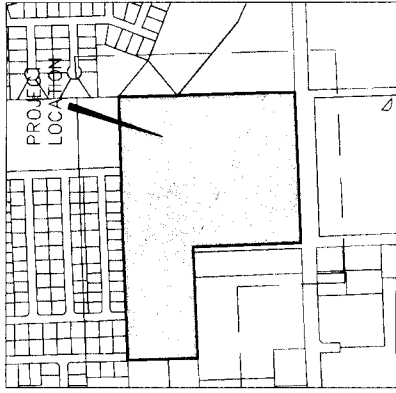
Lawrence, Kansas
Overall Site Plan
August 7, 2013
Scale: 1" = 100'-0"



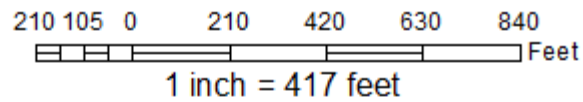
RECEIVED

AUG 19 2013

City County Planning Office
Lawrence, Kansas



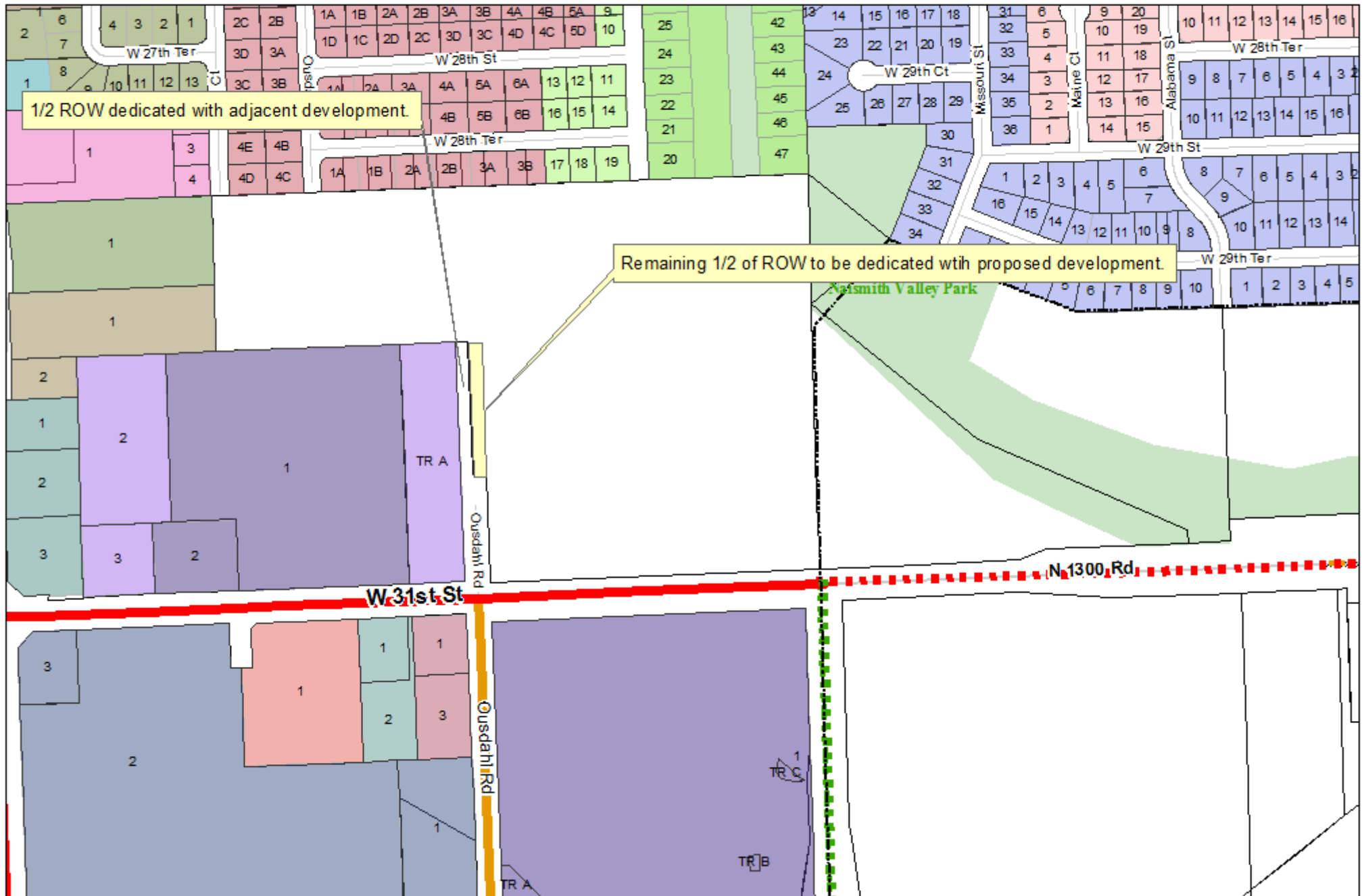
SEC. 12-1135-R19E
CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS
SCALE: 1" = 600'



DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 11/8/2013



THE LAW OFFICES OF
DANIEL L. WATKINS
901 NEW HAMPSHIRE STREET, SUITE 200
LAWRENCE, KANSAS 66044

TELEPHONE:
(785) 843-0181

DANWATKINS@SUNFLOWER.COM

FACSIMILE:
(785) 749-5652

October 16, 2013

Lawrence-Douglas County Planning Commission
ATTN: Bryan Culver, Chair
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Re: Conditions of Menard's Preliminary Plat

Dear Commissioners,

On behalf of First National Development, Ltd.,(FND) with this letter I would like to revise the requested conditions to the Menard's Inc. Preliminary Plat, as proposed in my September 25, 2013 letter to the Commissioners. After reviewing the proposed conditions and discussing planning policy with City staff, FND has agreed to withdrawal requested conditions numbered 1, 2, 3, 5, and 6. However, FND respectfully requests that the Planning Commission consider proposed condition No. 4. That condition would ensure that Menard's Inc. consider and incorporate sufficient stormwater infrastructure for the development of Tract "A".

Stormwater on the FND property is currently collected in the detention ponds located on Tract "A" and channeled by City easement to the creek situated in lower elevations to the north and west of the FND site. The stormwater plan in the Menard Inc. Preliminary Plat diverts this channeled water into Menard's new detention pond, located immediately to the north of Tract "A". Accordingly, the Menard Inc. Preliminary Plat already plans to accommodate the stormwater from the FND property by diverting it through the stormwater pipes it must install in any event. The proposed condition would simply require Menard, Inc. to properly size the pipe to accommodate FND's stormwater, without detention on the FND site. Because FND is otherwise limited in its stormwater options due to the location of the Menard, Inc. site, this proposed condition is the most efficient process for avoiding future undue hardship to either Menard Inc. or FND.

While FND respects the recommendation and policies of the planning staff, it also acknowledges that the competitive advantage to be gained by Menard's is the result of a change in these policies. This equitable resolution would simply allow FND the same opportunity for development that Menard's would receive with the approval of its preliminary plat.

Respectfully yours,



Dan Watkins

cc: T. Edwards, P. Dellaportas



November 8, 2013

Dear members of the Planning Commission,

As we have moved through the preliminary plat process a request was made on behalf of First National that the existing buffer between the shopping center to the west and the Menards lot be eliminated to accommodate their shopping center's future growth. As part of that request First National has asked that Menards increase the size of a stormwater pipe and pond to accommodate the First National stormwater runoff. We have no opposition to the development of that property or the removal of the buffer. However Menards is not willing to accommodate the additional stormwater runoff.

With the commercial Menards development there is no longer a need to screen the Home Depot from the property to the east. Menards would consent to this buffer being eliminated if it was strictly a physical buffer to reduce a commercial to residential zoning transition. However that is not the case, that parcel also serves as the stormwater detention and treatment pond for the entire First National development. This is not a small development or a small pond. All 21 acres of mostly pavement on the First National development drains into this pond. The purpose of this pond is to accumulate rainwater and stormwater runoff when it rains and slowly release it back into the natural water table. The water is also treated in the pond because it encounters significant vegetation and seeps back into the soil through this natural filter. Without the pond, water would flow freely from the parking lots of the First National development and into Naismith Valley creek, carrying all the pollutants it picked up on the way. This would be very troubling to the natural habitat in Naismith Valley and in the Baker Wetlands.

There are currently two drainage ditches that cross the Menards development property carrying stormwater from the east to Naismith Valley Creek. Both of these ditches will be handled in the same capacity they are handled today. Improvements will be made to the drainage ditch to the north so heavy runoff is filtered through the pond at the bottom of the borrow pit and does not flood the neighbors yards as it has in the past. The ditch through the middle of the property will be rerouted to accommodate the store sitting over its existing location. Menards is not taking on any additional stormwater under this scenario, we are simply providing a better alternative to alleviate the existing flooding problems. The First National request would add 21 acres of untreated impervious surface runoff to the Menards property. Stormwater ponds are expensive to maintain and the more water you add the more maintenance that is required. The expenses Menards would incur would be much more than the larger pipe between the properties that was mentioned in the First National letter.

The borrow pit on Menards development was not created strictly as a stormwater pond. If it was it would be significantly smaller. The borrow pit is needed to bring the property up out of the floodplain and closer to the elevation of 31st street and the rest of the neighborhood. Today the property sits significantly lower than the surrounding property,



the borrow pit will provide fill to raise the finished floor elevation of the Menards development.

It seems that because Menards is developing our site with a large borrow area that will handle the stormwater that currently flows across the Menards site the owners of First National feel they are entitled to dump their stormwater into that barrow area as well. It is certainly unreasonable to request that your neighbors assume responsibility for your duties as a property owner. It would be just as unreasonable if Menards requested that First National allow Menards guests to park in their parking lots because we don't feel the need to build our own lot since they have a big lot and we want more outlot space. Or if Menards requested to store our extra products on their property because there is space available. Or if Menards asked First National pay our property taxes because after all they are paying theirs and we are neighbors so why not. None of these would be considered acceptable because as property owners these are our responsibilities. Stormwater runoff is no exception to this responsibility.

Menards is not opposed to First National developing that property however they need to accommodate their own stormwater runoff in a detention pond or in underground tanks. There are certainly viable options available to First National to accommodate their stormwater but pushing it onto the Menards lot is not an acceptable option. A number of plans and supportive materials has been submitted with the preliminary plat but if there is any other information you would like to review please let me know. Thank you.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read "Tyler Edwards", is written over the typed name.

Tyler Edwards
Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com



November 12, 2013

Dear Planning Staff & Planning Commission,

I received the comments on the revised preliminary plat and have put together a response to the comments regarding the revised lot configuration.

I want to explain why this lot shift occurred in the first place. The most influential factor was safety. The stores shipping center was previously located under the overhang along the back of the store and has been moved into the warehouse. This was done because of space issues and a large number of delivery vehicles using space next to areas with pedestrian traffic. The shipping center was moved into the warehouse, further away from the store and pedestrian traffic and into a space more suitable for vehicle traffic. This change required 60 feet to be added to the warehouse to accommodate the new space. Because the city restricted Menards to a 200 foot setback to the north property boundary there was no way to add 60 feet to the old warehouse design and still let traffic in and out. So the warehouse was moved to the north edge of the yard where there is more room for the shipping center. This move also moved the warehouse which has high vehicle traffic away from the garden center which has high pedestrian traffic. The more industrial features of the yard such as lumber, pipe, and other building supplies are to the north. Gardening, landscaping, and decorative products are kept to the east, separating the two uses.

There are a lot of benefits to the new warehouse and yard configuration. Menards reduced the size of the lumber yard therefore reducing the size of our impervious footprint. The warehouse was moved away from the garden center area which generally has the most pedestrian traffic resulting in increased safety. This move will significantly benefit the neighbors to the north as well. The loading dock is now located inside the yard and not visible from their yards or homes. The previous configuration was screened as well as possible but now we have now completely eliminated any potential problems with the neighbors and the loading dock. The previous dock required trucks to drive to the end of the road and back into the truck dock. We all know that when large trucks back up they beep pretty loud for safety reasons, they also sit and idle when the trucks are being unloaded. Now all of that noise takes place behind a significant warehouse and wall buffer. Menards screens the lumber yard with a 14 foot tall fence which does a pretty good job of limiting any sights or sounds from reaching nearby properties but now the neighbors have the warehouse as a buffer which is taller and a more substantial buffer. With the whole lumber warehouse as a buffer, a car could be honking in the yard and the neighbors wouldn't hear a thing. The warehouse also screens any lights that would be visible on the back of the Menards store or in the yard. The view of the back of the store has been completely eliminated and replaced with the rear of the warehouse, which will be made up of treated wood. This should be considered a change that benefits the Menards development and the neighbors to the north.

The change does add to the distance delivery trucks need to travel to get from 31st Street to the loading dock. Menards has run multiple simulations on truck turning programs to ensure that there will not be any potential traffic problems. The trucks can make the new turn without any issue from both the Michigan Street entrance and the Ousdahl entrance. Even with the old plan there was no guarantee that delivery trucks wouldn't try to take the Michigan Street entrance and wind up driving down the frontage road to get to the truck dock anyway. It is important to note that a large majority of the five to eight delivery trucks that stop at the store deliver in the early morning or late night when the store is least crowded. This is by design to ensure that products being delivered are stocked on the shelves as soon as possible but it also means less guest traffic at the store during deliveries.

The revised proposal still adheres to the initial concept that staff and the governing bodies were shown several months ago. There is still only room for one big box user (Menards) and six outlot users. The original site plan that staff and the governing bodies saw had 16 acres of outlot space as part of the development. The revised plan has about 14 acres of developable outlot space, which is slightly less than the original plan. Lot 2 immediately east of the Menards lot did get bigger but not as significantly as the plat would lead you to believe. The plat shows 5.28 acres but with the grades and utilities only about three acres are developable. The parking area of Lot 2 can accommodate about 100 parking spaces and a building about twice as big as the previous configuration allowed. This means the lot went from a small restaurant like a Chili's to a Petco or Dollar Store which is a very small change in the grand scheme of retail space. Additionally not all of the 8.4 acre Snodgrass property will be developable due to the floodplain. At this time only about half of that lot can be converted to commercial space which is significantly less than previously represented. Most of the remainder will stay undeveloped 100 year floodplain. One thing to keep in mind is that none of these lots are developed speculatively. Anyone building on this or any of the other lots would need to have a user under contract and start building within a year to ensure that the building would not become vacant.

I urge you to reconsider the requested changes and allow the current site plan and plat to move forward as they truly are the best configuration. With all things considered this plan has about 3 acres less developable space than the previously reviewed plan. Of the 50 acres Menards is purchasing we are only developing about 30 acres. It is hard to argue that this revised plan will be more harmful than the previous plan when there no change to the amount of developable space and the amount of green space that will be left over is greater than before.

The other issue that has come up is the dedication of the Ousdahl right of way. I question why the city would want more public roads and ROW to maintain especially when it is unnecessary in the first place. Menards eliminating the Ousdahl extension took some burden off of the city and took it into the hands of the private developer. As I understand it the property owner to the west would like to explore their options in developing their property that sits between Menards and Home Depot. It would make sense that the city



would want to dedicate this land back to the owners and resolve two separate issues at once. We understand the need for the public utilities to be in easements and we are very willing to grant those easements but 30 feet of unnecessary ROW dedication seems like a stretch.

Thank you for your consideration and I look forward to meeting with you on the 18th.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read 'Tyler Edwards', is written over the printed name.

Tyler Edwards
Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com

**PLANNING COMMISSION REPORT
REGULAR AGENDA
PUBLIC HEARING FOR VARIANCE ONLY**

PC Staff Report
10/21/2013

ITEM NO. 3C PRELIMINARY PLAT FOR MENARDS ADDITION; 1900 W 31ST ST & 1352 N 1300 RD (SLD)

PP-13-00338: Consider a Preliminary Plat for Menards Addition, a 7 lot commercial subdivision, located at 1900 W 31st St & 1352 N 1300 Rd. Consider variance request from section 20-810 (e)(5) regarding minimum right-of-way for a principal arterial street. Submitted by Menard, Inc. on behalf of Tom Horner III and Bruce Snodgrass, property owners of record.

STAFF RECOMMENDATIONS: Variance

1. Approve the variance requested to allow the right-of-way for 31st Street to remain at 50 feet rather than the 75 feet right-of-way requirement in Section 20-810(e)(5) for Principal Arterial Streets.

STAFF RECOMMENDATIONS: Preliminary Plat

Staff recommends approval of the Preliminary Plat of the Menards Addition subject to the following condition.

1. Provision of a revised preliminary plat to show a dedication of an additional 30' of right-of-way and 10' of adjacent easement for Ousdahl Road extended north.

KEY POINTS

- This preliminary plat is for commercial development.
- The primary development is for Lot 1, Block 1 – Menards Store.
- Proposed development includes extension of public streets and infrastructure to serve this property.
- This property abuts W 31st Street, a designated arterial street requiring 150' of right-of-way. This segment of the existing street is constructed with a narrower total right-of-way thus requiring a variance.
- A similar variance was approved in January 2012 for this property when considered for the residential development project known as Aspen Heights.

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(e)(5)(i) requires 150' of right-of-way for a principal arterial street.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-13-00340; annexation of 8.4 acres
- Z-13-00337; A to CR-FP
- **PP-13-00338; preliminary plat**

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study provided and accepted.

- *Downstream Sanitary Sewer Analysis* - The DSSA letter dated August 19, 2013 (uploaded to ComDev August 20, 2013) provided by Landplan Engineering, P.A. has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in AP-76.
- *Retail Market Study* – refer to CPA-13-00067 and Z-13-00071. Study provided and accepted with the related rezoning application.

ATTACHMENTS

- Preliminary Plat
- Variance request
- Letter from Daniel Watkins on behalf of First National Development, Ltd.
- Response Letter from Tyler Edwards

PUBLIC COMMENT

- None received to date.

Site Summary				
	Acres		Acres	
Area	50.992	Minimum Lot Area	1.286	(Lot 4, Block 1)
ROW	1.975	Maximum Lot Area	24.492	(Lot 1, Block 1)
Tract A	8.412	Average Lot Area	5.801	
# lots	7			

GENERAL INFORMATION

Current Zoning and Land Use:

CR (Regional Commercial) District; Planned Menards store; existing vacant land, former mobile home park and A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; existing residential use and pond Lot 2, Block 1.

Surrounding Zoning and Land Use:

To the north

RM12 (Multi-Dwelling Residential), RS7 (Single-Dwelling Residential) and (OS (Open Space) Districts along the north side of Lot 1, Block 1 (Menards Site). Existing residential development and Naismith Valley Park.

To the northeast:

OS (Open Space) City Zoning District and A (Agricultural) County Zoning District; Existing open space.

To the West of Ousdahl Road extended:

PD [Home Improvement Residential PRD]; existing open space/detention areas.

To the west of Tract A:

CS (Commercial Strip) District; existing automotive and mini-storage uses.

PD [Home Improvement PCD]; existing Home Depot and commercial out lots.

To the south:

RM15 (Multi-Dwelling Residential) District between Ousdahl Road and Michigna Street. Existing apartment development.

A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; agriculture.

To the south of Tract A:

PD [Home Improvement PCD]. Existing commercial development including Home Depot.

STAFF REVIEW

This property is proposed for non-residential development with a variety of lot sizes. The primary development is intended for Menards (Lot 1, Block 1) with several pad site lots to the south and east. This property is located on the north side of W 31st Street between Ousdahl Road and Michigan Street.

A variance is requested as it relates to the total width of right-of-way for W 31st Street. This segment of W 31st Street Right-of-way between Ousdahl Road and Michigan Street is 124 feet wide. The minimum required width per the Subdivision Regulations is 150 feet. The right-of-way widens west of Michigan Street is 166 feet.

Zoning and Land Use

This property includes both existing and pending CR (Regional Commercial) District. The east lot includes Floodplain Overlay District zoning. The majority of the property is vacant at this time. Lot 2, Block 1 includes an existing residence that will be removed with future improvements to the property as part of this redevelopment.

This development will extend the shared use path between W 31st Street and the Naismith Valley Park connection. The Preliminary Plat shows the path extending north along the west side of Ousdahl Road then east along the north portion of Lot 1, Block 1. The path will be included in public improvement plans for this development and will include work on City Property to the north to complete the connection.

Lot and Block Arrangement

This subdivision extends Ousdahl Road and Michigan Street north to serve this development with an interior public access easement between the two streets north of W 31st Street along the rear of Lots 4-7. The CR District requires a minimum lot area of 20,000 SF and a minimum lot width of 150'. The proposed lot configuration exceeds the minimum area requirements. This design follows a general grid pattern consistent with the development pattern to the west.

Lot 1, Block 1 and Lot 3, Block 1 are designed with public right-of-way that extends north to accommodate a designated turnaround. Each public street connects with the interior east-west public access easement.

Lot 1, Block 1 as designed includes 100' of frontage along Ousdahl Road. When combined with the public access easement along the south frontage exceeds the 150' standard. The lot width along the public access easement is more than 700' wide.

Lot 3, Block 1 includes a total of 70' of frontage along Michigan Street in the southeast corner of the lot. This lot is also designed to provide access from the interior public access easement. The lot width along the access easement is 205.15'. The proposed right-of-way when combined with the public access easement exceeds the 150' requirement.

The design of streets to terminate in this configuration was recommended by staff to limit the amount of public right-of-way required to serve this development. The applicant benefits from this arrangement by gaining more developable land area resulting from minimized building setback

DESCRIPTION:

- Public Right-of-Way Existing and Proposed
- 60' access easement Proposed
- 35' access easement Existing

GENERAL NOTES:

PROVISION AND FINANCING OF ROADS:

Streets and Access

Ousdahl Road at W 31st Street includes 80' of right-of-way. While 80' wide, it is classified as a local street. Local streets typically only have 60' of right-of-way. This additional width accommodates turn lanes at the intersection. Farther to the north, Ousdahl Road includes only one half of the right-of-way (the west half) dedicated with a Final Plat of First National Addition. The expectation was that the east half of the right-of-way would be dedicated by the property owner upon development of what is today the Menards project.

Late in the review process a representative for First National Addition contacted staff to discuss development options for property on the west side of Ousdahl Road. Pending other land use review and approval, access to Ousdahl Road extended would be desirable and potentially serve more than just one property. To protect the interests of both property owners, staff is recommending that the applicant for Menards proceed with the dedication of additional right-of-way. Right of way recommended is 30' (one half of a local street) with an adjacent 10' of easement for utilities.

As noted in the summary the total width of right-of-way for W 31st Street as a principal arterial street is required at 150 feet. The street was designed and constructed with less right-of-way, thus a variance is required.

VARIANCE: Reduce the 150 ft right-of-way requirement in Section 20-810(e)(5) for a Principal Arterial Street to allow the right-of-way for W 31st Street to remain 124' (50' from centerline) for that portion between Ousdahl Road and 593' west of Michigan Street.

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

Applicant Response:

The existing right-of-way for 31st Street in this location is 50 feet wide north of centerline. The regulations would require that the right-of-way be widened to 75'. Generally, the right-of-way for 31st Street in this vicinity is 100 feet wide. The existing right-of-way in this location adequately accommodates a 4-lane street with a center turn lane at the intersection with Ousdahl Road. As a measure to accommodate an extension of the 10-foot wide shared –use path on the north side of 31st Street, this subdivision proposes to dedicate a 20' wide pedestrian and utility easement adjacent to the right-of-way. Strict application of this section of the Subdivision Regulations would unnecessarily remove over half an acre of land from this subdivision for improvements that can be installed within the right-of-way that presently exists.

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

Applicant Response:

The subject property is located adjacent to a stretch of 31st Street that is already full improved to four lanes, with a center turn lane. Combined with the proposed 20-foot pedestrian and utility easement, all existing and proposed improvements can be easily accommodated within this space. It is unlikely that this street will need to be widened significantly in the future.

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

Applicant Response:

Maintaining the 31st Street right-of-way as it exists will not jeopardize the public health, safety or welfare, nor would increasing its width serve to improve them. 31st Street functions adequately and there are no plans for future improvements on the north side of the roadway which would require additional rights-of-way.

Staff Finding:

W 31st Street is classified as a principal arterial street in the Future Thoroughfares Map. Per Section 20-810(e)(5), 150 feet of right-of-way must be dedicated for arterial streets when platting property. The applicant is requesting a variance from this requirement to allow the right-of-way to remain at 124' with increasing right-of-way along the eastern portion of Lot 2, Block 1.

The property on each side of the street is responsible for dedicating one-half of the required right-of-way; therefore, an additional 25 feet would be required along lots fronting W 31st Street.

The right-of-way width is inconsistent from Iowa Street to Louisiana Street. The street profile is not anticipated to change from its current four-lane configuration. Modifications near Louisiana Street to the east are planned and right-of-way has been acquired for that construction project.

The 150 ft principal arterial standard is more typically applied when new streets are planned in new development areas. Granting the requested variance is not opposed to the purpose and intent of the regulations.

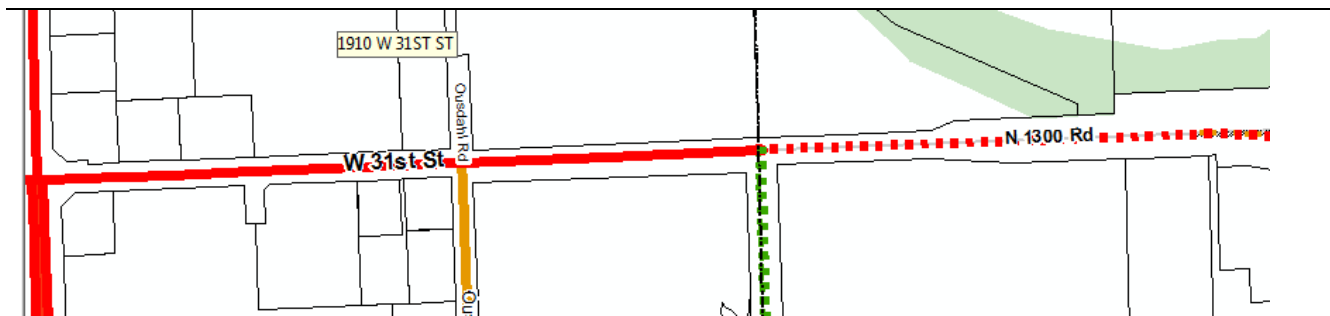


Figure 2: Right-of-way inconsistent for length of Arterial Street.

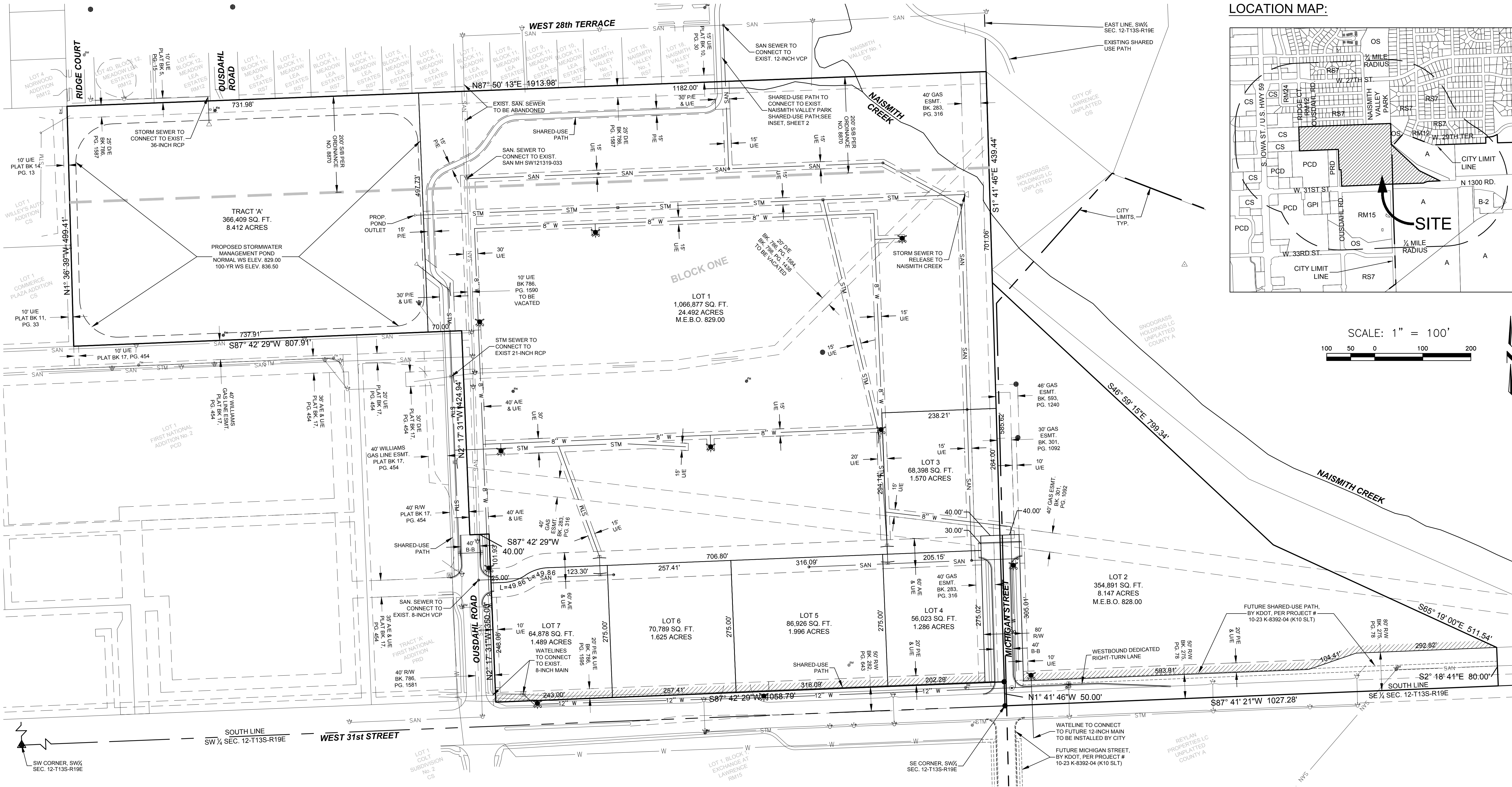
Utilities and Infrastructure

Utilities can be extended to serve this development. The proposed Preliminary Plat includes the necessary easements to accommodate infrastructure needs for the proposed development.

Conformance

The Comprehensive Plan recognizes this area as a future commercial development. The plan also notes that development should provide adequate land use transition between more intense uses and less intense uses. Lot 1, Block 1 includes a 200' area as a designated buffer yard between the commercial development and the residential development to the north.

The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12, THENCE NORTH 87°42'29" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1607.74 FEET; THENCE NORTH 02°17'31" WEST, 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 282, PAGE 643 AND THE EAST RIGHT OF WAY LINE OF OUSDAUL ROAD AS RECORDED IN BOOK 1078, PAGE 1045 AT THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE NORTH 02°17'31" WEST, ALONG THE EAST RIGHT OF WAY LINE OF SAID OUSDAUL ROAD, 350.00 FEET; THENCE SOUTH 87°42'29" WEST, 40.00 FEET TO THE EAST LINE OF FIRST NATIONAL ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 02°17'31" WEST, 424.94 FEET TO THE NORTHEAST CORNER OF FIRST NATIONAL ADDITION; THENCE SOUTH 87°42'29" WEST 807.91 FEET ALONG THE NORTH LINE OF SAID FIRST NATIONAL ADDITION, TO THE EAST LINE OF COMMERCE PLAZA ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 01°36'39" WEST, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER AND ALONG THE EAST LINE OF SAID COMMERCE PLAZA ADDITION, ALSO THE EAST LINE OF WILLEY'S AUTO ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, 499.41 FEET TO THE SOUTH LINE OF NORWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 87°50'13" EAST, ALONG THE SOUTH LINE OF SAID NORWOOD ADDITION, THE SOUTH LINE OF MEADOW LEA ESTATES, AN ADDITION TO THE CITY OF LAWRENCE, AND NAISMITH VALLEY NO. 1, ALSO AN ADDITION TO THE CITY OF LAWRENCE, 1913.98 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01°41'46" EAST ALONG SAID EAST LINE, 439.44 FEET; THENCE SOUTH 46°59'15" EAST, 799.34 FEET; THENCE SOUTH 65°19'00" EAST, 511.54 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 275, PAGE 78 AT THE

GENERAL NOTES:

- OWNERS: MID-AMERICA MANUFACTURED HOUSING COMMUNITIES, INC. 10011 WOODEN ROAD EDWARDSVILLE, KANSAS 66111
- LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: BRUCE F. & JOAN SNODGRASS 1352 N 1300 ROAD LAWRENCE, KS 66046
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPAN ENGINEERING, P.A., JULY, 2013.
- EXISTING ZONING: CR (CITY), A (COUNTY)
- PROPOSED ZONING: CR
- EXISTING LAND USE: VACANT, DETACHED DWELLING
- PROPOSED LAND USE: COMMERCIAL
- THE SUBJECT PROPERTY DOES LIE WITHIN A FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 167, MAP NUMBER 20045C0167D, DOUGLAS COUNTY, KS., BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED; GYMER SILT LOAM, 3 TO 7% SLOPES; PAWNEE CLAY LOAM, 3 TO 6% SLOPES; WOODSON SILT LOAM, 1 TO 3 % SLOPES.
- TRACT 'A' WILL BE A PRIVATELY OWNED, DEDICATED DRAINAGE EASEMENT. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME.
- NO PERSON MAY CONSTRUCT, MAINTAIN OR ALLOW ANY NATURAL OR NON-NATURAL STRUCTURE OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHUBBERY, BERMS, FENCES AND WALLS) UPON A DRAINAGE EASEMENT THAT THE DIRECTOR OF PUBLIC WORKS FINDS IMPEDES, DETAINS, RETAINS OR OTHERWISE INTERFERES WITH THE DRAINAGE OF STORMWATER REGARDLESS OF THE SOURCE OF STORMWATER.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
- ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) MUST BE PLACED UNDERGROUND WHEN IN THE CITY OF LAWRENCE OR IN LAWRENCE UGA.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION.
- IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP.

SITE SUMMARY:

GROSS AREA:	2,221,230 SF / 50.992 AC
RIGHT-OF-WAY TRACT:	86,039 SF / 1.975 AC
TRACT:	366,409 SF / 8.412 AC
NET AREA:	1,768,782 SF / 40.605 AC
TOTAL LOTS:	7
AVERAGE LOT SIZE:	252,683 SF / 5.801 AC
MINIMUM LOT AREA:	56,023 SF / 1.286 AC
MAXIMUM LOT AREA:	1,066,877 SF / 24.492 AC

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

- THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHT-OF-WAY ASSOCIATED WITH MICHIGAN STREET. A PROPOSED EAST-WEST ROADWAY AND THE EXTENSION OF OUSDAUL ROAD WILL BE PRIVATE.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH LINE LOCATED AT THE NORTHEAST CORNER OF OUSDAUL ROAD AND 31ST STREET.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA TWO EXISTING MAINS: A 12-INCH MAIN THAT RUNS NORTH THROUGH THE SUBJECT PROPERTY IN A 10-FOOT UTILITY EASEMENT; AND A 12-INCH MAIN THAT RUNS EAST NORTH OF THE SUBJECT PROPERTY IN CITY-OWNED PROPERTY.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE BIKEWAY SYSTEM VIA TWO EXISTING 10-FOOT-WIDE SHARED USE PATHS: ONE THAT RUNS EAST-WEST ON THE NORTH SIDE OF 31ST STREET AND A SECOND THAT RUNS NORTH-SOUTH THROUGH NAISMITH VALLEY PARK.
- PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISIONS OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

Civil Engineering
Landscape Architecture
Community Planning
Surveying

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

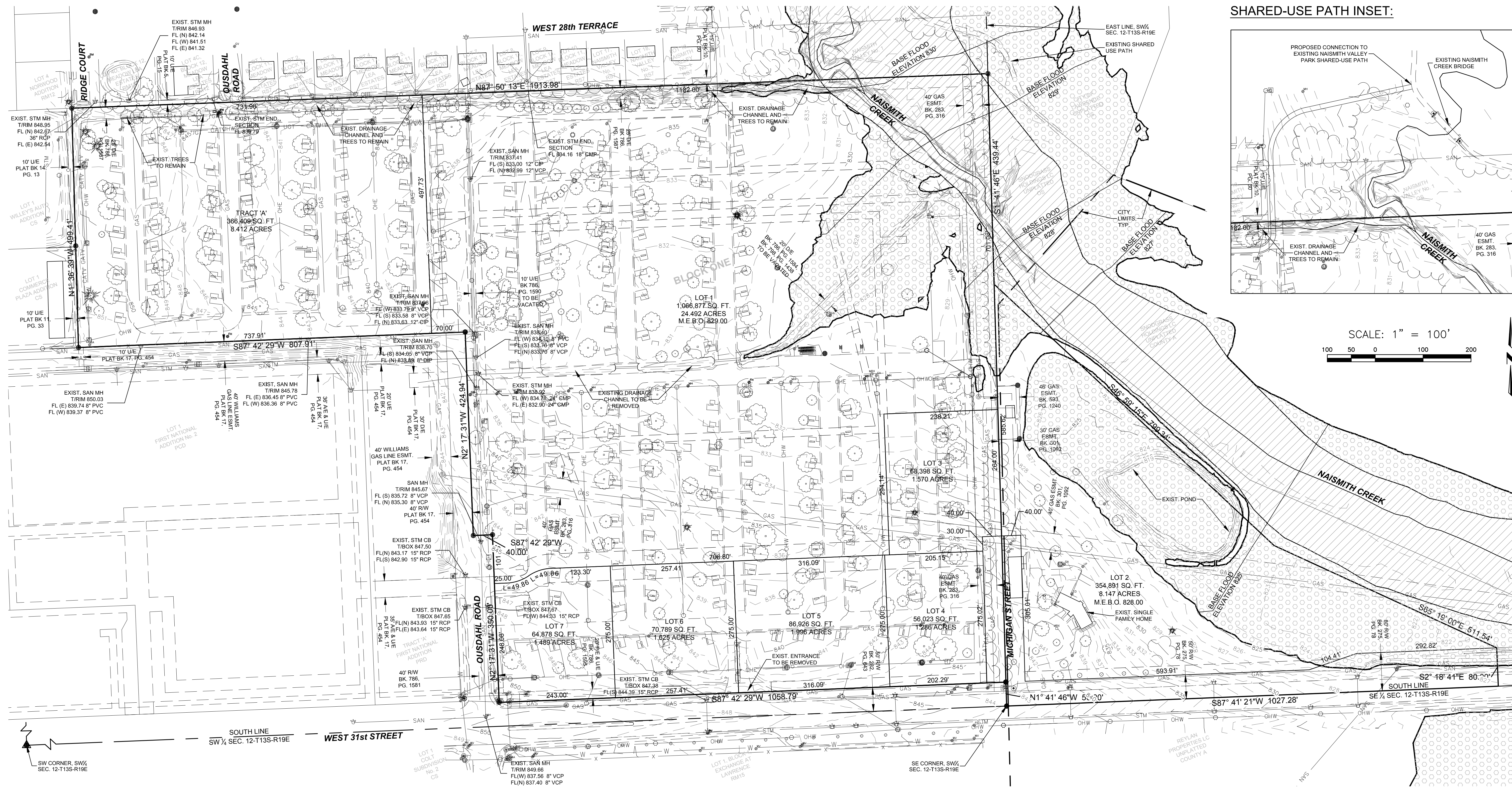
1310 Wakarusa Drive
Lawrence, Kansas 66044
Tel: (785)842-7530
Fax: (785)842-2410
Email: info@landplan-pa.com
Web: www.landplan-pa.com

©Landplan Engineering, P.A. 2013. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photographed, traced, or copied in any manner without the written permission of Landplan Engineering, P.A.

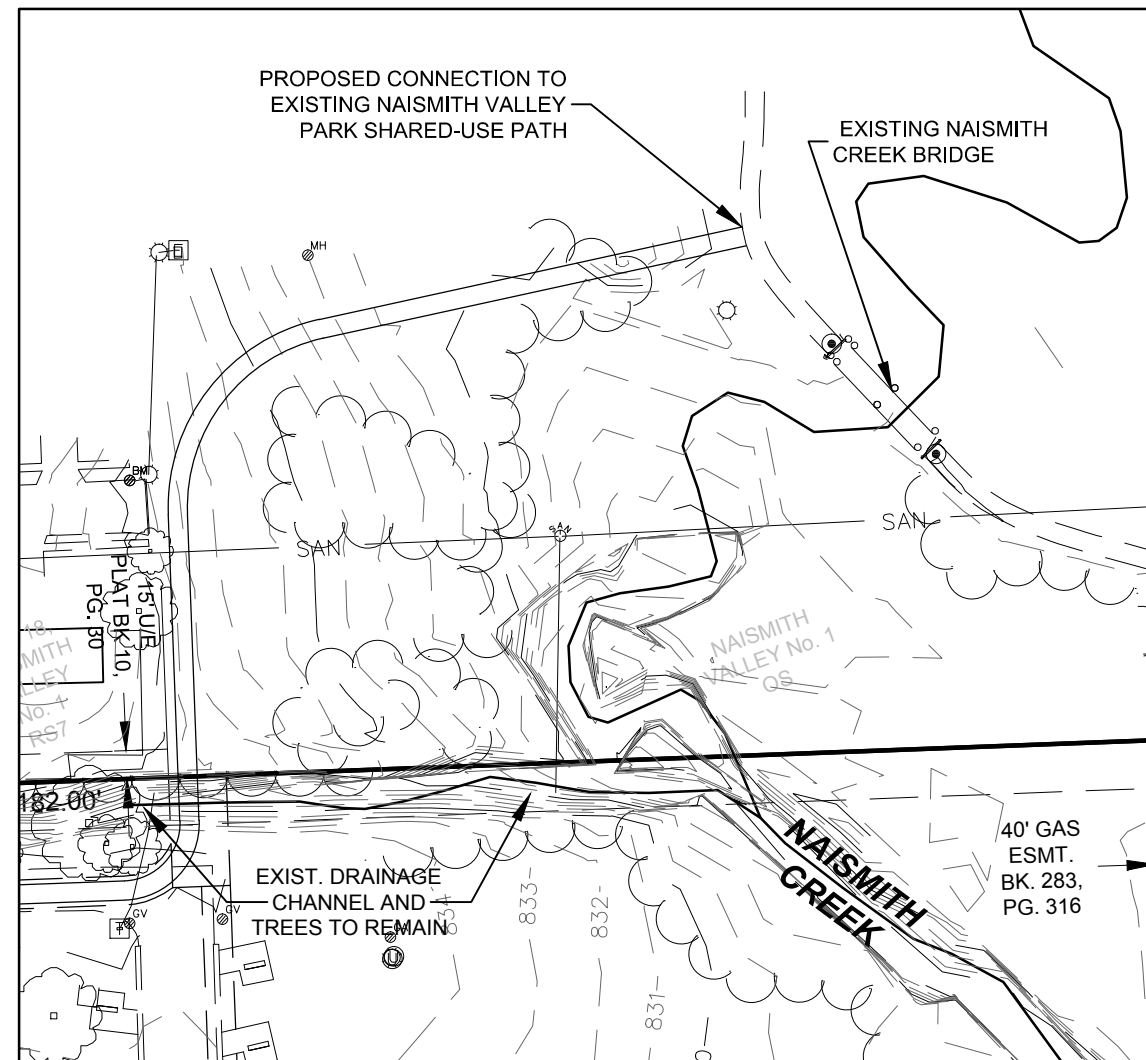
1900 WEST 31st STREET
LAWRENCE, KS 66046
MENARDS ADDITION
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	8/13/13	PER DEPT. COMMENTS

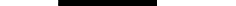
DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS
ISSUE	SHEET NO.
	1
	OF 2 SHEETS



SHARED-USE PATH INSET:



SCALE: 1" = 100'



A horizontal graphic scale bar with alternating black and white segments. Above the bar, the numbers 100, 50, 0, 100, and 200 are marked from left to right, indicating distances in feet.

**1900 WEST 31st STREET
LAWRENCE, KS 66046**

MENARDS ADDITION PRELIMINARY PLAT

Civil Engineering
Landscape Architecture
Community Planning
Surveying

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

©Landplan Engineering, P.A. 2013. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photographed, traced, or copied in any manner with out the written permission of Landplan Engineering, P.A.

[illegible]

DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS

ISSUE	SHEET NO.
	2
	OF 2 SHEETS



Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.

1310 Wakarusa Drive
Lawrence, Kansas 66049

tele 785.843.7530
fax 785.843.2410
email info@landplan-pa.com

September 13, 2013

Sandra L. Day
City/County Planner II
Planning Division
6 E. Sixth Street
Lawrence, Kansas 66044

Re: 1900 W. 31st Street - Request for Variance

Dear Sandy,

On behalf of Menard, Inc., I am requesting a variance from Sec. 20-810(e)(5)(i) of the Subdivision Regulations which specifies a 150-foot right-of-way for all principal arterial streets. The below comments address the criteria for variances as outlined in Sec. 20-813(g)(2):

- i. *Strict application of these regulations will create an unnecessary hardship upon the Subdivider.*
The existing right-of-way for 31st Street in this location is 50 feet wide north of centerline. This regulation would require that the right-of-way be widened to 75 feet. Generally, the right-of-way for 31st Street in this vicinity is 100 feet wide. The existing right-of-way in this location adequately accommodates a 4-lane street with a center turn lane at the intersection with Ousdahl Road. As a measure to accommodate an extension of the 10-foot wide shared-use path on the north side of 31st Street, this subdivision proposes to dedicate a 20-foot wide pedestrian and utility easement adjacent to the right-of-way. Strict application of this section of the Subdivision Regulations would unnecessarily remove over half an acre of land from this subdivision for improvements that can be installed within the right-of-way that presently exists.
- ii. *The proposed variance is in harmony with the intended purpose of these regulations.*
The subject property is located adjacent to a stretch of 31st Street that is already fully improved to four lanes, with a center turn lane. Combined with the proposed 20-foot pedestrian and utility easement, all existing and proposed improvements can be easily accommodated within this space. It is unlikely that this street will need to be widened significantly in the future.
- iii. *The public health, safety and welfare will be protected.*
Maintaining the 31st Street right-of-way as it exists will not jeopardize the public health, safety or welfare, nor would increasing its width serve to improve them. 31st Street functions adequately and there are no plans for future improvements on the north side of the roadway which would require additional rights-of-way.

Please let me know if you have any questions and thank you very much for your consideration.

Sincerely,

Brian Sturm, RLA, ASLA, LEED AP



September 26, 2013

Daniel Watkins
901 New Hampshire St Suite 200
Lawrence, KS 66044

RE: September 25th Letter to the Planning Commission

Dear Mr. Watkins,

After reviewing your 9/25 letter to the Planning Commissioners the simple answer to your request is no Menards will not accommodate your requests. To be quite honest your requests are outlandish and unreasonable.

Menard, Inc. has gone through the public process that every applicant goes through and in several cases gone beyond what is required of applicants to ensure that the process progressed smoothly. It seems that you are implying the City of Lawrence gave Menards some special treatment in our application and development because of what we are allowed to build. Times in Lawrence may have changed but one thing is certain, Menards went through the exact same public process every applicant is legally required to go through and the decisions were made by elected members of the Planning Commission and City Commission.

You are certainly welcome to submit an application to the city to expand the buildings on your property, that is your right as a property owner. However you are responsible for accommodating your own onsite stormwater treatment per city code. Several means of onsite and underground stormwater treatment are available and I encourage you to investigate those further. Your request that Menards take on the burden of your expansion is unacceptable. Menards fully intends to comply with the rules and regulations the City of Lawrence has established in regards to stormwater on our own property. At the present time two drainage channels flow through the property that we are purchasing. We are required to continue to accommodate that drainage and we have planned accordingly. We have also agreed that the flooding problem that occasionally affects the neighbors to the north and the property we are purchasing can be addressed in our site development plans. This arrangement benefits our property as well as the neighbors to the north. Our stormwater tract is not intended to be a new dumping area for the whole neighborhood.

Just as Menards has properly addressed the city laws, rules, and regulations in a legal manner on its own property you too are expected to do the same. You retain the right as a property owner to go through the legal channels and develop your property as you see fit however it should not be expected that Menards will share in your burden developing your property. As for the conditions suggested at the end of your letter, I cannot believe



as a group with experience developing commercial property you would make them and expect a positive result. You essentially asked that not only does Menards handle your entire stormwater burden but we also pay for the whole engineering operation and put money and effort into your physical site development as well.

Anyone involved in the project will tell you we have been very accommodating so far but this request overreaches what is reasonable and we are not willing to allow it.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read 'Tyler Edwards', is written over the printed name.

Tyler Edwards
Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com

THE LAW OFFICES OF
DANIEL L. WATKINS
901 NEW HAMPSHIRE STREET, SUITE 200
LAWRENCE, KANSAS 66044

TELEPHONE:
(785) 843-0181

DANWATKINS@SUNFLOWER.COM

FACSIMILE:
(785) 749-5652

September 25, 2013

Lawrence-Douglas County Metropolitan Planning Commission
ATTN: Bryan Culver, Chair
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Re: Menard Addition

Dear Commissioners,

On behalf of First National Development, Ltd., I am writing to request certain conditions be placed on approval of the Preliminary Plat and Rezoning Request associated with the proposed Menard store at 1900 W. 31st Street. First National Development developed and owns the property immediately west of the proposed Menard site. That property, collectively known as First National Addition, includes among other businesses, The Home Depot and Best Buy. The site was planned and developed between 1999 and 2003, a time when the City desired to limit commercial development on 31st Street to an area west of Ousdahl.

In addition to bringing Lawrence its first large home improvement store, the development of First National Addition provided other benefits to the South Iowa commercial corridor. The improvements paid for by First National, included:

- Reconstruction and widening of 31st Street from Iowa Street to Ousdahl
- Installation of traffic signals at the primary entrance to Home Depot at 31st Street entrance and at the intersection of 31st Street and Ousdahl Road
- Redevelopment of the parking lot and entrance to the U.S. Post Office

It took about four years for First National Development to work out a plan with City staff, across multiple departments, to ultimately achieve approval for the development that exists today. That planning process, following the recommendations of City staff and desires of Planning and City Commissioners, resulted in the following:

- A 15% reduction in the size of The Home Depot building between the initial proposal and the building which was approved. While the size of the initially proposed store was consistent with other nearby commercial developments, such as Super Target and the former K-Mart, The Home Depot building was downsized from roughly 118,000 S.F. to 99,000 S.F.
- The creation of a 3.2-acre buffer zone, platted as Tract "A," First National Addition. Tract "A" sits between The Home Depot and the former Gaslight Village Mobile Home Park, now the Menard development. Tract "A" was intended, in accordance with Horizon 2020, as a transition between the community commercial center and the existing residential use of the neighboring mobile home park. Tract "A" was Zoned PRD-1 and viewed by

Planning staff and Commissioners as the eastern boundary of commercial zoning along 31st Street.

- The installation of two stormwater detention ponds within the aforementioned Tract “A.” Despite the fact that the City’s Stormwater Engineer approved a drainage study for First National Addition which discharged all runoff directly to the adjacent floodplain, two detention ponds were ultimately required.

Ten years later, the City Commission, with Planning Commission recommendation, has now approved an amendment to the comprehensive plan and a rezoning request submitted by Menard, Inc., which facilitate the development of a new commercial center that will compete aggressively with First National Addition. This approval allows for the construction of a Menard store with nearly double the retail square footage of the neighboring Home Depot and the development of six additional pad sites totaling over 120,000 SF of retail.

This dramatic shift in planning policy and allowed development has direct bearing on First National Addition. There is no longer a need for a transitional buffer zone on the eastern edge of the Addition. With all adjacent property to the First National Addition—north, south, east and west—now zoned Regional Commercial (CR) and PCD-2, there is no longer any purpose for zoning Tract “A” PRD-1. Moreover, considering the fact the Menard preliminary plat proposes conveying the runoff from First National’s Tract “A” into its own large stormwater management pond, the elimination of First National Addition detention ponds is warranted.

First National Development would like to convert the 3.2 acres of obsolete PRD-1 buffer space into viable commercial space which would entail rezoning and replatting this property.

I called Tyler Edwards at Menard on behalf of First National to discuss issues related to complementary zoning of Tract “A” and left a voice message about First National’s desire to work cooperatively on the matter. The indirect response from Menard and Mr. Edwards was made to Planning Staff that Menard was not interested in any adjustments or cooperation which would provide competition to their site.

Given the size of the Menard development, as opposed to the severe limitations on the First National Addition, First National Development believes that certain conditions are warranted on the Menard’s Preliminary Plat which would allow for efficient redevelopment of First National Development Tract “A”¹. Those conditions are:

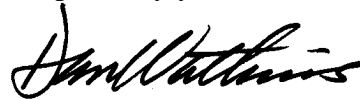
1. Menard amend its Hydraulic and Hydrologic Study to certify that the stormwater management pond proposed with their preliminary plat is sized to accommodate the stormwater runoff generated by a redeveloped First National Addition. Menard is accommodating the City and adjacent neighborhood stormwater detention and can easily do the same for Tract “A” which is also planned to flow into this detention area;

¹ The nearly 50 acre size of the Menard development dwarfs not only the FND development but three other incremental commercial expansions allowed on South Iowa from 31st to 35th Street over the past two decades including Target, Penneys/Southwind and Kohls/Old Navy. (See attached drawings).

2. Menard amend its Traffic Study to include the additional traffic which could be generated by a redeveloped Tract "A," First National Addition. The infrastructure and signals paid for by First National Development are already in place provide sufficient capacity for additional traffic and provide benefit to the Menard property;
3. Menard amend its Downstream Sanitary Sewer Capacity Analysis to include the additional wastewater generated by a redeveloped Tract "A," First National Addition. Again, the capacity is in place and can be confirmed with minimal engineering expense;
4. Menard incorporate into its preliminary plat the necessary stormwater infrastructure to divert First National Addition stormwater runoff to the large detention pond located within Menard Addition;
5. Menard provide the City with a written agreement to not protest future rezoning request for Tract "A," First National Addition; and,
6. Menard incorporate into their preliminary plat a driveway curb cut on the west side of Ousdahl Road opposite the planned entrance to the Menard store or such other access location recommended by City staff.

We would be glad to discuss the basis for these proposed conditions and their minimal cost and impact on the Menard development as you consider the Menard Addition Preliminary Plat. Drawings with First National Addition's Final Plat identifying Tract "A" in relation to the proposed Menard Preliminary Plat are attached to this letter for your reference. FND Tract "A" is in yellow. Thank you very much for your consideration of this equitable request.

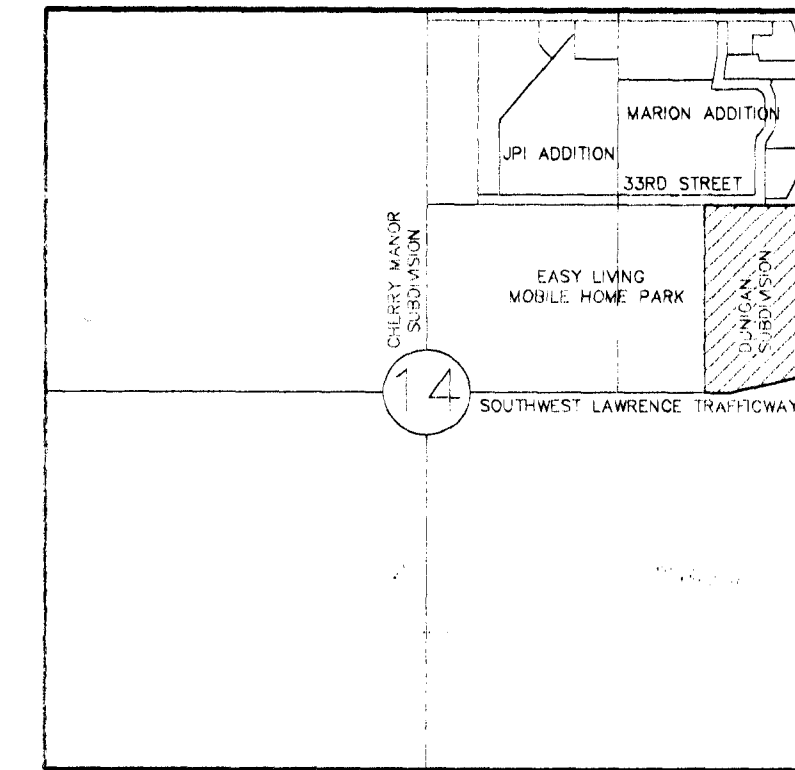
Respectfully yours,

A handwritten signature in black ink, appearing to read "Dan Watkins", written in a cursive style.

Dan Watkins

cc: P. Dellaportas, P. Watkins

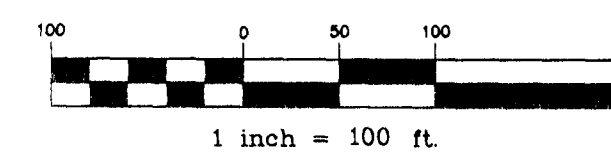
FINAL PLAT OF:
"DUNIGAN SUBDIVISION"
SEC. 14-13-19, LAWRENCE, DOUGLAS COUNTY, KANSAS



LOCATION MAP:
NE 1/4, SEC. 14-13S-19E
NOT TO SCALE

DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 13, RANGE 19, LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14; THENCE N 89°56'43" W ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 525.74 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE N 89°56'43" W CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 333.02 FEET; THENCE N 00°20'29" W A DISTANCE OF 543.49 FEET; THENCE N 89°39'31" E A DISTANCE OF 75.52 FEET; THENCE N 00°20'29" W A DISTANCE OF 572.95 FEET; THENCE ON A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 70.00 FEET AND AN ARC DISTANCE OF 32.45 FEET; THENCE N 26°54'02" W A DISTANCE OF 98.59 FEET; THENCE ON A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 130.00 FEET AND AN ARC DISTANCE OF 61.04 FEET; THENCE N 00°00'00" E A DISTANCE OF 29.48 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID NORTHEAST QUARTER; THENCE S 89°57'31" E ALONG SAID NORTH LINE A DISTANCE OF 716.77 FEET; THENCE S 00°19'19" E A DISTANCE OF 330.00 FEET; THENCE S 89°57'31" E A DISTANCE OF 72.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US 59 HIGHWAY AS IT IS NOW ESTABLISHED; THENCE S 00°19'19" E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 303.42 FEET; THENCE S 89°40'41" W CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 60.00 FEET; THENCE S 00°19'19" E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 60.00 FEET; THENCE N 89°40'41" E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 313.70 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT TANGENT TO THE LAST DESCRIBED COURSE HAVING A RADIUS OF 38,127.20 FEET AND AN ARC DISTANCE OF 211.26 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF K-10 HIGHWAY AS IT IS NOW ESTABLISHED; THENCE S 76°46'39" W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 467.01 FEET TO THE POINT OF BEGINNING. CONTAINS 949,767 SQUARE FEET OR 21.804 ACRES MORE OR LESS. END OF DESCRIPTION.



LEGEND:

- - 1/2" REBAR W/KVE CAP SET - LS 20
- - MONUMENT FOUND
- △ - R/W MARKER
- D.E. - DRAINAGE EASEMENT
- U.E. - UTILITY EASEMENT
- S.S.E. - SANITARY SEWER EASEMENT
- B/L - BUILDING LINE

BASIS OF BEARING:

EAST LINE OF THE NORTHEAST QUARTER SECTION 14, TOWNSHIP 13 SOUTH, RANGE 19 EAST, ASSUMED S 00° 19' 19" E

SURVEY REFERENCE:

TRACT II:
TITLE INSURANCE COMMITMENT NO. 41065
EFFECTIVE DATE: JULY 11, 1995
DOUGLAS COUNTY TITLE COMPANY
700 MASSACHUSETTS
LAWRENCE, KANSAS 66044

PREPARED FOR:

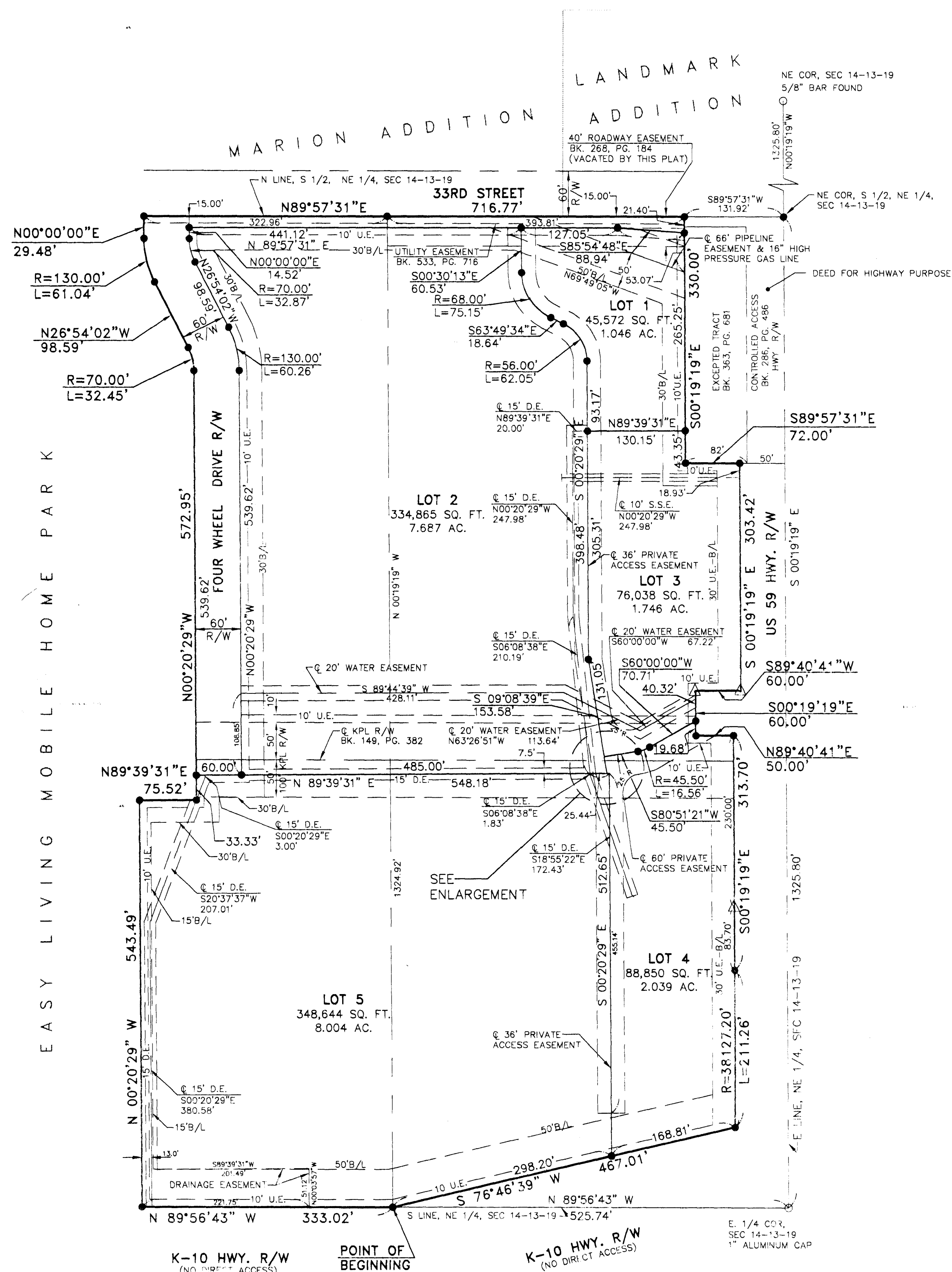
EASY LIVING INVESTMENTS, LTD.
3323 IOWA STREET
LOT #1
LAWRENCE, KANSAS 66046

34TH STREET INVESTORS L.C.
110 McDONALD, SUITE 190
LAWRENCE, KANSAS 66044

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY AND THAT THE PLAT IS A CLOSED TRACT.

DEED BOOK 363, PAGE 681
KANSAS ENGINEERING, INC.
122 W. 12TH STREET
RIVERSIDE, MISSOURI 64150
(816) 587-5033



NOTES:

- STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS IN BOOK 357 AT PAGE 191.
- LOTS 3 AND 4 SHALL NOT HAVE DIRECT ACCESS TO SOUTH IOWA STREET/US HIGHWAY 59.
- LOTS 4 AND 5 SHALL NOT HAVE DIRECT ACCESS TO THE SOUTH-WEST LAWRENCE TRAFFICWAY/K-10 HIGHWAY.
- A CROSS ACCESS EASEMENT SHALL BE PROVIDED FROM THE EXCEPTED TRACT BOOK 363, PAGE 681 TO 33RD STREET AT A LOCATION TO BE DETERMINED BY THE CITY OF LAWRENCE.

DEDICATION:

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "DUNIGAN SUBDIVISION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS AND ROADS, EXCEPT PRIVATE ACCESS EASEMENTS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U.E."

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN STORM DRAINAGE STRUCTURES UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "DRAINAGE EASEMENT" OR "D.E."

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN SANITARY SEWERS UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "SANITARY SEWER EASEMENT" OR "S.S.E."

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN WATERMAINS UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "WATER EASEMENT."

Martin W. Moore MANAGER
SIGNATURE
MARTIN W. MOORE, MEMBER
PRINT NAME AND TITLE
34TH STREET INVESTORS, L.C.

Alice Honger
SIGNATURE
ALICE HONGER, V.P.
PRINT NAME AND TITLE
EASY LIVING INVESTMENTS, LTD.

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS 24th DAY OF JUNE, 1996, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME MARTIN W. MOORE, MANAGER, and ALICE HONGER, V.P., WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON (S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Linda Watson
NOTARY PUBLIC
NOTARY PUBLIC

Linda Watson
NOTARY PUBLIC
NOTARY PUBLIC
MY COMMISSION EXPIRES

ENDORSEMENTS:

APPROVED BY
LAWRENCE-DOUGLAS COUNTY
PLANNING COMMISSION
DOUGLAS COUNTY, KANSAS

RIGHTS-OF-WAY AND EASEMENTS
ACCEPTED BY
CITY COMMISSION
LAWRENCE, KANSAS

David B. Brady
CHAIRMAN
DATE

John Hollander
MAYOR
DATE

Raymond H. H. H.
CITY CLERK
DATE

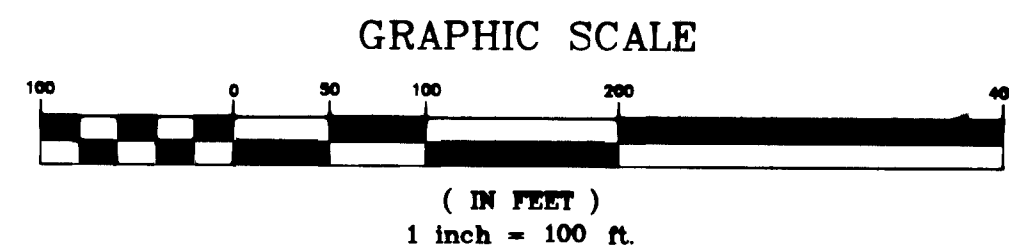
FILING RECORD:

STATE OF KANSAS
COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 24th DAY OF JUNE, 1996, AND IS DULY RECORDED AT 10:00 AM PLAT BOOK 363, PAGE 681.

Shirley A. H. H.
REGISTER OF DEEDS

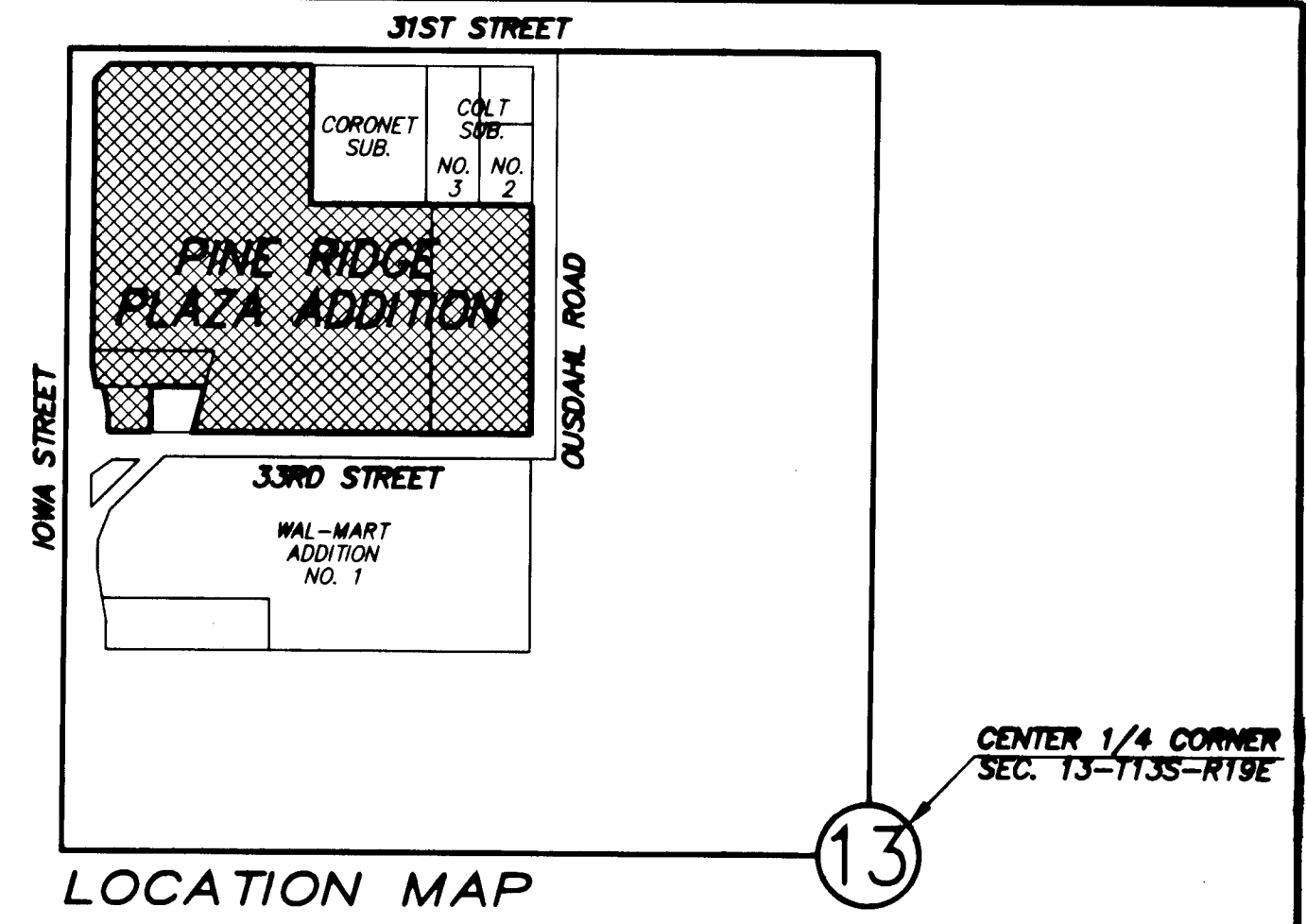
FINAL PLAT OF: "DUNIGAN SUBDIVISION"			
14611 W. 95TH STREET LENEXA, KANSAS 66150 (913) 894-1150 FAX (913) 894-5077	KAW VALLEY ENGINEERING 122 W. 12TH STREET RIVERSIDE, MISSOURI 64150 (816) 587-5033	RIVERSIDE, MISSOURI (816) 587-5033 FAX (816) 587-5077	PROJ. NO.: 40,044 DATE: 6-21-96 CITY: WJR CHECKED BY: [Signature] CITY: LAWRENCE, KANSAS SHEET 1



NOTES

ACCESS TO 31ST STREET SHALL BE LIMITED TO TWO LOCATIONS SHOWN.
STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET
TREE PLAN FILED WITH THE REGISTER OF DEEDS. BOOK 607, PAGE 261.
TRACT 'A' IS HEREBY DEDICATED AS PUBLIC RIGHT-OF-WAY.
THERE SHALL BE NO DIRECT ACCESS TO IOWA STREET FROM LOT 2 OR LOT 3, OR LOT 4.
THERE SHALL BE NO DIRECT ACCESS TO 31ST STREET FROM LOT 3.
THE BEARINGS SHOWN ON THIS PLAT ARE BASED ON THE MODIFIED STATE PLANE
COORDINATE SYSTEM, KANSAS ZONE, NAD-83.

Line Table		
Line	Length	Bearing
L1	155.00	N12°20'01"E
L2	175.92	N87°44'45"E
L3	150.00	S02°01'04"E
L4	140.00	S87°44'45"W
L5	60.00	N02°15'15"W
L6	91.49	S12°37'27"E
L7	25.42	S87°44'45"W
L8	67.89	N12°37'27"W
L9	70.88	N42°50'43"E
L10	43.59	N12°20'01"E



LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
A REPLAT OF LOT 4 OF A FINAL PLAT OF LOTS 4 AND 5 IN ARMSTRONG'S SUBDIVISION NO. 1, A SUBDIVISION IN THE CITY OF LAWRENCE, KANSAS, AND AN ADJACENT TRACT OF LAND SAID LOT 4 AND LOTS 5A, 5B AND 5D OF A REPLAT OF LOT 5, ARMSTRONG'S SUBDIVISION NO. 1, TOGETHER WITH A PORTION OF IOWA STREET (U.S. 59 HIGHWAY) RIGHT-OF-WAY, ALL OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF 31ST STREET; THENCE SOUTH 02°00'28" EAST, ALONG THE EAST LINE OF SAID LOT 4, 440.01 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF CORONET SUBDIVISION, A SUBDIVISION IN THE CITY OF LAWRENCE, KANSAS; THENCE NORTH 87°42'29" EAST, ALONG THE SOUTH LINE OF SAID CORONET SUBDIVISION AND THE SOUTH LINE OF COLT SUBDIVISION NO. 2, A SUBDIVISION IN THE CITY OF LAWRENCE, KANSAS, 730.28 FEET TO THE WEST RIGHT-OF-WAY LINE OF OUSDAHL ROAD; THENCE SOUTH 02°17'30" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 759.83 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 33RD STREET; THENCE SOUTH 87°44'45" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 1116.57 FEET TO THE SOUTHWEST CORNER OF SAID LOT 50; THENCE NORTH 12°20'01" EAST, ALONG THE WEST LINE OF SAID LOT 50, 155.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5B; THENCE SOUTH 87°44'45" WEST, ALONG SAID SOUTH 87°44'45" WEST, ALONG SAID SOUTH 02°17'30" EAST, ALONG SAID SOUTH 02°00'28" EAST, ALONG THE EAST LINE OF SAID LOT 5A, 150.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 33RD STREET; THENCE SOUTH 87°44'45" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 140.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 59; THENCE NORTH 02°15'15" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 80.00 FEET; THENCE NORTH 12°37'27" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 91.49 FEET; THENCE SOUTH 87°44'45" WEST, 25.42 FEET; THENCE NORTH 12°37'27" WEST, 67.89 FEET; THENCE NORTH 02°01'04" WEST, ALONG A LINE 85.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID QUARTER SECTION, 851.90 FEET; THENCE NORTH 42°50'43" EAST, 70.88 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 31ST STREET; THENCE NORTH 87°42'29" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 685.24 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 32.026 ACRES, MORE OR LESS, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "PINE RIDGE PLAZA ADDITION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E."

ACKNOWLEDGEMENT

STATE OF Kansas
COUNTY OF Douglas
BE IT REMEMBERED THAT ON THIS 14 DAY OF April, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME TODD THOMPSON, ATTORNEY-IN-FACT FOR MALAN REALTY INVESTORS, INC., WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Brenda Vogt
NOTARY PUBLIC
MY COMMISSION EXPIRES 4/15/2000

STATE OF Kansas
COUNTY OF Douglas
BE IT REMEMBERED THAT ON THIS 14 DAY OF April, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME BONNIE S. AUGUSTINE, MAYOR OF THE CITY OF LAWRENCE, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Bonnie S. Augustine
NOTARY PUBLIC
MY COMMISSION EXPIRES 5/22/2001

STATE OF Kansas
COUNTY OF Douglas
BE IT REMEMBERED THAT ON THIS 14 DAY OF April, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME PAMELA J. MATTHEW, CITY CLERK OF THE CITY OF LAWRENCE, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Pamela J. Matthew
NOTARY PUBLIC
MY COMMISSION EXPIRES 5/22/2001

ENDORSEMENTS

APPROVED BY LAWRENCE-DOUGLAS COUNTY
PLANNING COMMISSION DOUGLAS COUNTY, KANSAS

Michael Heck
CHAIRMAN
DATE 8/27/98

Bonnie S. Augustine
MAYOR
DATE 9/9/97

Pamela J. Matthew
CITY CLERK
DATE 9/9/97

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION. THIS PLAT IS A CLOSED TRAVERSE.

FIELD WORK CONDUCTED ON JULY 16, 1997. PLAT PREPARED JULY 21, 1997.

KEVIN EATON R.L.S. #1117
P.O. BOX 3050
LAWRENCE, KANSAS 66044
(913) 838-3338



STATE OF Florida
COUNTY OF Lee
BE IT REMEMBERED THAT ON THIS 5 DAY OF March, 1998, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME WILLIAM E. SHAW, CEO OF EARLY MAY SEED & NURSERY, LC, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Juliana DeCosta
NOTARY PUBLIC
MY COMMISSION EXPIRES 134632

STATE OF Kansas
COUNTY OF Douglas
BE IT REMEMBERED THAT ON THIS 14 DAY OF April, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME PAMELA J. MATTHEW, CITY CLERK OF THE CITY OF LAWRENCE, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Pamela J. Matthew
NOTARY PUBLIC
MY COMMISSION EXPIRES 5/22/2001

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 14 DAY OF April, 1998 AND IS DULY RECORDED AT 198 PLAT BOOK 218 PAGE 944.

Don Neustifter
REGISTER OF DEEDS
SUE NEUSTIFTER

STATE OF Kansas
COUNTY OF Douglas
BE IT REMEMBERED THAT ON THIS 14 DAY OF April, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME PAMELA J. MATTHEW, CITY CLERK OF THE CITY OF LAWRENCE, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Pamela J. Matthew
NOTARY PUBLIC
MY COMMISSION EXPIRES 5/22/2001

STATE OF Kansas
COUNTY OF Douglas
BE IT REMEMBERED THAT ON THIS 14 DAY OF April, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME PAMELA J. MATTHEW, CITY CLERK OF THE CITY OF LAWRENCE, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Pamela J. Matthew
NOTARY PUBLIC
MY COMMISSION EXPIRES 5/22/2001

STATE OF Kansas
COUNTY OF Douglas
BE IT REMEMBERED THAT ON THIS 14 DAY OF April, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME PAMELA J. MATTHEW, CITY CLERK OF THE CITY OF LAWRENCE, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Pamela J. Matthew
NOTARY PUBLIC
MY COMMISSION EXPIRES 5/22/2001

A FINAL PLAT OF PINE RIDGE PLAZA ADDITION

A REPLAT OF LOT 4 OF A FINAL PLAT OF LOTS 4 AND 5 IN ARMSTRONG'S SUBDIVISION NO. 1; AND AN ADJACENT TRACT OF LAND; AND LOTS 5A, 5B, & 5D OF A REPLAT OF LOT 5, ARMSTRONG'S SUBDIVISION NO. 1; AND A PORTION OF IOWA STREET (U.S. 59 HIGHWAY) RIGHT-OF-WAY), IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS
NW 1/4, SEC. 13-T13S-R19E

MONUMENTATION

- 1/2" BAR FOUND
- ⊙ 3/4" BAR FOUND
- ⊕ 1" BAR FOUND
- 1/2" BAR SET

NOTES

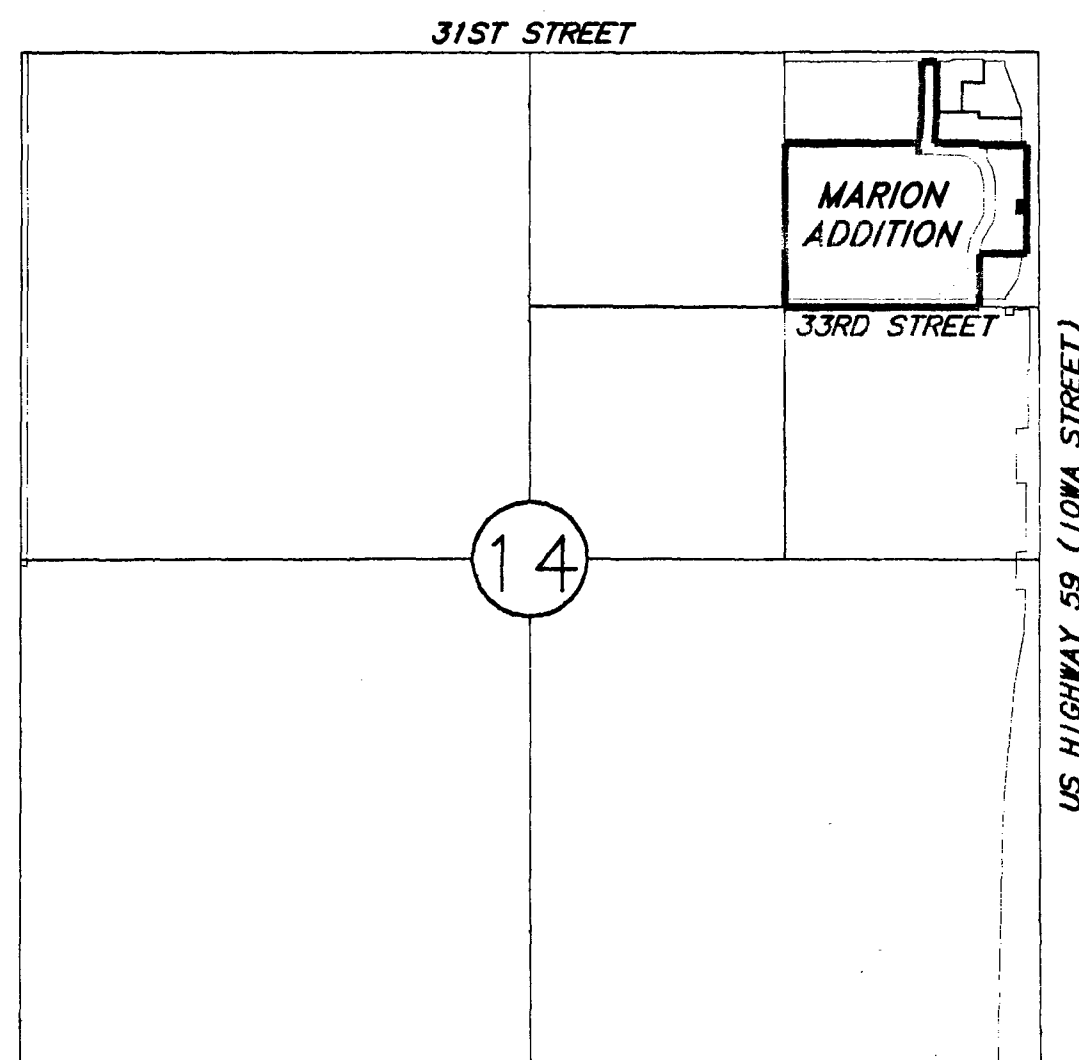
- STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS. BOOK 526, PAGE 7069.
- THIS PLAT IS SUBJECT TO THE STORM DRAINAGE EASEMENT AND AGREEMENT WITH THE ADJOINING COTTONWOOD PROPERTY AND IS RECORDED AT THE DOUGLAS COUNTY REGISTER OF DEEDS AS FOUND IN BOOK , PAGE .
- THIS PLAT IS SUBJECT TO THE PUBLIC ACCESS TO MARKS TRACT AND NIEDER ROAD (REVERSE FRONTAGE ROAD) AGREEMENT RECORDED AT THE DOUGLAS COUNTY REGISTER OF DEEDS, AS FOUND IN BOOK , PAGE .
- TRACT 'A' IS SUBJECT TO SIGN VARIANCE AGREEMENT DATED APRIL 13, 1994.
- WILLIAMS NATURAL GAS EASEMENT IN SOUTHWEST CORNER OF LOT 1, BLOCK 2 TO BE RELOCATED PER AGREEMENT WITH WILLIAMS NATURAL GAS COMPANY.
- THERE SHALL BE NO ACCESS TO US 59 HIGHWAY (IOWA STREET) FROM LOT 1, BLOCK 1, OR TRACT 'A'.

LINE TABLE

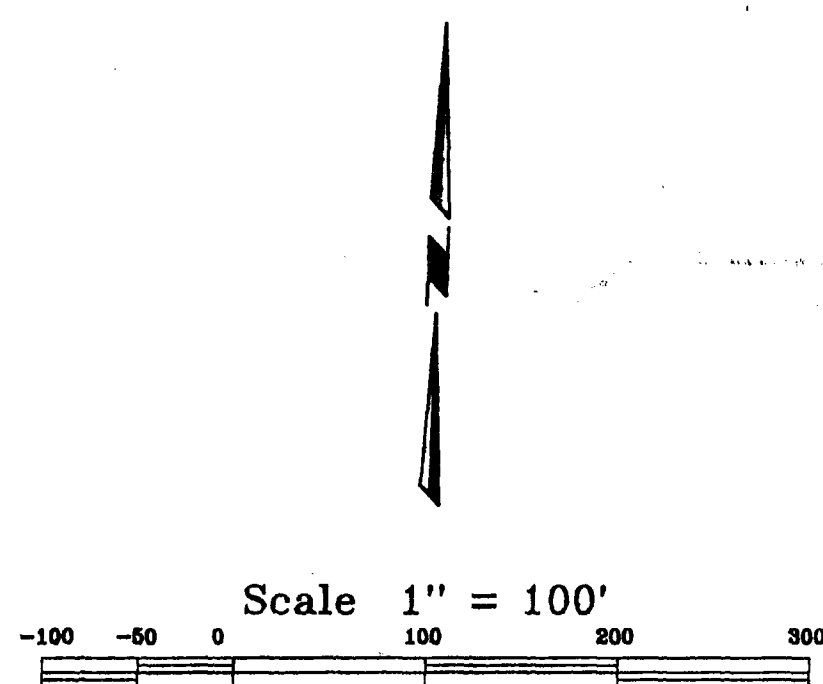
NAME	BEARING	DISTANCE
L1	N 87°58'56" E	40.00
L2	N 02°01'04" W	40.00
L3	N 87°58'56" E	40.00
L4	N 02°01'04" W	40.00

CURVE TABLE

NAME	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	TANGENT
C1	89°49'37"	175.00	274.36	S 46°55'52" E	247.11	174.47
C2	40°53'54"	174.09	124.27	N 18°25'53" E	121.65	64.91
C3	40°53'54"	174.09	124.27	S 18°25'53" W	121.65	64.91
C4	89°49'37"	145.00	227.33	S 46°55'52" E	204.75	144.56
C5	40°53'54"	144.09	102.85	N 18°25'53" E	100.68	53.73
C6	40°53'54"	204.09	145.68	S 18°25'53" W	142.61	76.10
C7	38°41'47"	205.00	138.45	S 21°21'57" E	135.84	71.98
C8	40°53'54"	204.09	145.68	S 18°25'53" W	142.61	76.10
C9	40°53'54"	144.09	102.85	N 18°25'53" E	100.68	53.73



LOCATION MAP
NE 1/4, SEC. 14-T13S-R19E
SCALE: 1" = 1000'



ACKNOWLEDGEMENT

STATE OF Minnesota
COUNTY OF Hennepin

BE IT REMEMBERED THAT ON THIS 18th DAY OF October, 1994, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME ~~WILLIAM E. HARTER~~ William E. Harter and William P. Hise, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Laura R. Miller
NOTARY PUBLIC

12-15-94
MY COMMISSION EXPIRES

LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2 OF HARWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, KANSAS; THENCE SOUTH 02°01'04" EAST ALONG THE WEST LINE OF SAID LOT 2, 262.00 FEET; THENCE SOUTH 03°12'35" WEST, 184.54 FEET; THENCE NORTH 88°09'19" EAST, 235.00 FEET; THENCE SOUTH 02°01'04" EAST, 9.00 FEET; THENCE NORTH 88°09'19" EAST, 247.00 FEET; THENCE SOUTH 02°01'04" EAST, 560.79 FEET TO THE EASTERN EXTENSION OF THE NORTH LINE OF LANDMARK ADDITION, AN ADDITION IN THE CITY OF LAWRENCE, KANSAS; THENCE SOUTH 88°15'03" WEST ALONG THE NORTH LINE AND ITS EASTERN EXTENSION OF SAID LANDMARK ADDITION, 247.00 FEET TO THE NORTHWEST CORNER OF SAID LANDMARK ADDITION; THENCE SOUTH 02°01'06" EAST ALONG THE WEST LINE OF SAID LANDMARK ADDITION, 279.93 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 88°15'10" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION, 1014.58 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION; THENCE NORTH 01°58'27" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION, 847.58 FEET; THENCE NORTH 88°09'19" EAST, 698.12 FEET; THENCE NORTH 03°12'35" EAST, 188.06 FEET; THENCE NORTH 02°01'04" WEST, 258.59 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 31ST STREET; THENCE NORTH 88°09'19" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF 31ST STREET, 80.00 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 23.713 ACRES, MORE OR LESS, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "MARION ADDITION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E."

DAYTON HUDSON CORPORATION

BY William E. Harter
Attest: William P. Hise
ITS William P. Hise, Asst. Secretary

Mary F. Ruscha
MARY F. RUSCHA, TRUSTEE
OF THE MARY F. RUSCHA REVOCABLE TRUST DATED DECEMBER 19, 1991

ACKNOWLEDGEMENT

STATE OF
COUNTY OF

BE IT REMEMBERED THAT ON THIS 21st DAY OF Sept., 1994, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME MARY F. RUSCHA WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

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

Patricia H. Stewart
NOTARY PUBLIC

June 7, 1997
MY COMMISSION EXPIRES

ENDORSEMENTS

APPROVED BY
LAWRENCE-DOUGLAS COUNTY
PLANNING COMMISSION
DOUGLAS COUNTY, KANSAS

RIGHTS-OF-WAY AND EASEMENTS
ACCEPTED BY
CITY COMMISSION
LAWRENCE, KANSAS

Barbara Flory
CHAIRMAN
BARBARA FLORY

F. Joleene Andersen
MAYOR
F. JOLEENE ANDERSEN

FILING RECORD
NO. 75638
INDEX
NUMERICAL INDEX

Raymond J. Hummert
CITY CLERK
RAYMOND J. HUMMERT

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 25th DAY OF December, 1994 AND IS DULY RECORDED AT 2:51 PM; PLAT BOOK P.15 PAGE 657.

Sue Neustifter
REGISTER OF DEEDS
SUE NEUSTIFTER

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY AND THAT THE PLAT IS A CLOSED TRAVERSE.

John E. Seely
JOHN E. SEELY, C.E., L.S. #610
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(913) 843-7530

PLAT PREPARED APRIL 18, 1994

A FINAL PLAT OF MARION ADDITION A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS NE 1/4, SEC. 14-T13S-R19E

THE LAW OFFICES OF
DANIEL L. WATKINS
901 NEW HAMPSHIRE STREET, SUITE 200
LAWRENCE, KANSAS 66044

TELEPHONE:
(785) 843-0181

DANWATKINS@SUNFLOWER.COM

FACSIMILE:
(785) 749-5652

October 16, 2013

Lawrence-Douglas County Planning Commission
ATTN: Bryan Culver, Chair
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Re: Conditions of Menard's Preliminary Plat

Dear Commissioners,

On behalf of First National Development, Ltd.,(FND) with this letter I would like to revise the requested conditions to the Menard's Inc. Preliminary Plat, as proposed in my September 25, 2013 letter to the Commissioners. After reviewing the proposed conditions and discussing planning policy with City staff, FND has agreed to withdrawal requested conditions numbered 1, 2, 3, 5, and 6. However, FND respectfully requests that the Planning Commission consider proposed condition No. 4. That condition would ensure that Menard's Inc. consider and incorporate sufficient stormwater infrastructure for the development of Tract "A".

Stormwater on the FND property is currently collected in the detention ponds located on Tract "A" and channeled by City easement to the creek situated in lower elevations to the north and west of the FND site. The stormwater plan in the Menard Inc. Preliminary Plat diverts this channeled water into Menard's new detention pond, located immediately to the north of Tract "A". Accordingly, the Menard Inc. Preliminary Plat already plans to accommodate the stormwater from the FND property by diverting it through the stormwater pipes it must install in any event. The proposed condition would simply require Menard, Inc. to properly size the pipe to accommodate FND's stormwater, without detention on the FND site. Because FND is otherwise limited in its stormwater options due to the location of the Menard, Inc. site, this proposed condition is the most efficient process for avoiding future undue hardship to either Menard Inc. or FND.

While FND respects the recommendation and policies of the planning staff, it also acknowledges that the competitive advantage to be gained by Menard's is the result of a change in these policies. This equitable resolution would simply allow FND the same opportunity for development that Menard's would receive with the approval of its preliminary plat.

Respectfully yours,



Dan Watkins

cc: T. Edwards, P. Dellaportas

Memorandum

City of Lawrence

Planning and Development Services

TO: Lawrence-Douglas County Planning Commission

FROM: Planning Staff

Date: For November 18, 2013 meeting

RE: CUP-2-1-10: Pinwheel Farm Camping Revised Recommended Conditions of Approval/Restrictions of Use

Attachment A: Nearby property owners' conditions of approval/restrictions of use.

Attachment B: Applicant's conditions of approval/restrictions of use.

Attachment C: Applicant's materials: Sanitation Plan, Landscape Plan, Fire Safety Plan, Discussion of County Camping Policy

Attachment D: Public Communications

At their September 21, 2013 meeting, the Planning Commission held a public hearing on this item and deferred action on the request to November. The Commission directed staff, the applicant, and interested property owners in the neighborhood to work together to draft a set of revised conditions. The Commission recommended the following changes:

- 1) Shorter CUP timeframe to allow the approval to serve as a 'trial' period. Various Commissioners indicated they felt a one-year, two-year, or five-year time frame would be appropriate.
- 2) Improved water supply and sewage management for campers and participants at farm activities.
- 3) Condition which clarifies that the camping use is not to be 'for profit'.
- 4) Reduced number of campers and camping units that may be on site at one time.
- 5) Time limit on the camping use. The Commission suggested an 8 month limit. Establish the seasonal nature of the camping use.
- 6) Condition related to the improvement of the appearance and upkeep of the property, particularly the areas which face other residences and North Street.

The applicant and Diane Menzie, acting on behalf of nearby property owners, each provided a set of proposed revised conditions/restrictions of use. The materials provided are included with this memo and the proposed conditions are listed in the table at the end of this memo.

STAFF REVIEW OF PROPOSED REVISED CONDITIONS/RESTRICTIONS

1). Time frame. A shorter time frame would provide a 'trial period' so that any impacts that resulted from the camping use could be evaluated before approving the Conditional Use for a longer time period. Time periods of 1, 2, and 5 years were suggested by the Commission. The applicant would prefer a longer approval period with an administrative review in 1 or 2 years rather than requiring the use to go through the CUP process again in a year or two.

- *The CUP approval is valid for 2 years. A new Conditional Use Permit application must be filed for the continuation of the use beyond that time.*

2) Sanitation. The Planning Commission asked for improved water supply and sewage management for campers.

Staff toured the farm and noted the water and sanitary provisions on site and met with Richard Ziesenes of the Lawrence-Douglas County Health Department to discuss the sanitary measures.

Richard Ziesenes indicated that the well water on site was suitable for use as non-potable water and recommended that City or bottled water be provided for drinking/cooking purposes. He indicated the Health Department did not require a specific type of washing/bathing facility but the waste water must be discharged to a septic system.

The applicant provided a sanitation plan which was forwarded to the Health Department for review. The Health Official indicated that one chemical toilet is required on site with any camping.

The applicant is proposing phased sanitary improvements in the sanitation plan and recommends that only fully self-contained RVs be permitted during Phase 1 (no sanitary improvements) Limited tent camping to be permitted during Phase 2 (sponge bath facilities) and camping to the maximum permitted by the CUP with Phase 3 (portable shower station).

The applicant's suggestion that the first phase use only fully self-contained RVs is acceptable to staff, as washing and sanitary facilities are included within the RV.

- Condition #8 (Revised): *A safe water supply and adequate sewage management system shall be provided for the camping use approved with this CUP, per approval of the Lawrence-Douglas County Health Department:*
 - a) *City or bottled water shall be provided for the campers, rather than well water. The health official indicated that the applicant could fill containers with City or treated water for the use of the campers.*
 - b) *The privy may be used to serve the camping use; provided provisions for hand-washing are provided. (Hand sanitizer is acceptable.)*
 - c) *One chemical toilet must be provided on site whenever camping occurs.*

- c) *Only full self-contained RVs are allowed with the current sanitation facilities. When sponge bath accommodations have been provided, the applicant shall notify Douglas County Zoning and Codes. At that time, camping may occur in other camping units. A shower facility will be required for the extension of the CUP beyond the 2 year period.*

3). Nature of use. The Commission wanted the conditions to require that the camping not be operated for profit. The CUP approval would allow camping for farm participants only and would not allow a commercial or for-profit campground. The applicant indicated that a fee to cover some of the costs of the improvements and a security deposit might be charged, but the camping use would not be operated for profit.

Two conditions related to the nature of the camping use were recommended previously:

- *Condition #2: Camping will be operated as an accessory use to farm operations, not as a stand-alone enterprise.*
- *Condition #3: Camping shall not be publicly promoted in any way, although it may be mentioned as a housing option in farm volunteer opportunity descriptions.*

The following condition could be added:

- *Camping is not to be operated for profit.*

4) Scale of use. The Commission wanted a reduction in the number of campers and camping units that would be allowed on the site. The applicant suggested that no more than 4 RVs be present at one time. She also suggested that unused RVs be allowed to remain on site, but that they would count toward the permitted number.

Nearby property owners suggested that camping be limited to 2 units, with one being Pinwheel Farm's RV, a maximum total of 4 people, and no units to be left up after the camping term is over.

The Pinwheel Farm camper should be allowed to remain on site, but all other camping units and RVs should be removed when the camper's stay ends. If camping units are to remain on the site, the use would be *'Boat or RV Storage'* and should be included in the CUP as a separate use.

- *Condition #4 (revised): A total of 3 camping units, with a maximum of 6 adult campers, is permitted on site at any given time. This includes one Pinwheel Farm RV. Camping units are to be removed from the premises at the end of the camper's stay. One Pinwheel Farm RV may remain throughout the year.*
 - a) *Camping units are limited to fully self-contained RVs until the current sanitary provisions are upgraded as directed by the Lawrence-Douglas County Health Department.*
 - b) *Camping units which are not fully self-contained will be allowed when sponge bath accommodations have been made and the Douglas County Zoning and Codes Office has been notified.*

c) The sanitary provisions will be re-evaluated when the CUP is returned to the Commission in 2 years and the number of units/campers may be revised at that time.

5) Duration of camping use. The Commission recommended setting a time frame for the camping use to define it as a seasonal use. The nearby property owners and applicant felt 8 to 9 months was appropriate.

New Condition:

- *Camping may occur on Pinwheel Farm 9 months out of the year: between March 1st and November 30th. No camping units are to be open and/or used outside of this timeframe. Only the Pinwheel Farm camping unit may be stored on site.*

6) Streetscape. The Commission directed staff to develop a condition related to the improvement of the appearance and upkeep of the property, particularly the areas which face other residences and North Street. The applicant provided a landscape plan which indicates she is using Xeriscape landscaping. Agricultural uses are exempt from the zoning regulations; however, there could be a condition that no non-farm related materials may be located within 25 ft of North Street such as bicycles, bricks, and other non-farm related items. While not technically within the city limits, standards similar to the City regulations could be applied to the streetscape portion of the farm (25 ft from the street edge). City Code does not allow vegetation above 12" in height, unless natural landscaping plans have been approved. The applicant has submitted a natural landscaping plan for her properties that are within the city.

The applicant invited the nearby neighbors to her farm to discuss the landscaping along North Street and she reports they had no objection to the landscaping plans.

The following options are provided below for the Commission's consideration for this condition:

- No condition.
- *No non-farm items, with the exception of vehicles, may be located within 25 ft of the edge of the North Street roadway.*
- *Vegetation within 25 ft of the edge of the North Street roadway may not grow to excessive height, greater than 12" in height, unless a Natural Landscaping Plan has been provided and approved for this area.*

The applicant provided information about campfires that might occur with her agritourism uses. She asked that the condition regarding campfires be revised to allow a central campfire facility.

Applicant's proposed revision: *No campfires or other fires will be allowed at individual campsites. A central fire facility will be constructed and operated in compliance with fire safety guidelines.*

A campfire pit or ring had been included in previous conditions along with standards for design. The applicant had asked that the condition prohibiting campfires for individual campsites be added to the list of conditions; however, she would like to operate a central campfire.

Staff has no objection to the proposed revision to Condition No. 9 regarding campfires; however, the standards for design recommended by the Lawrence Fire Department should be included:

Revised Condition No. No campfires or other fires will be allowed at individual campsites. A central fire facility may be constructed and operated in compliance with the following fire safety guidelines:

1. *Fire rings or pits shall be established away from overhanging branches, rotten stumps, logs or dry grass and shall be circled with rocks or a metal fire ring.*
2. *A 5 ft area cleared of vegetation shall be provided around the ring. Extra wood shall not be located within 5 ft of the fire ring.*
3. *A shovel and water shall be available in case the fire gets out of control.*

ADDITIONAL CONDITIONS

The nearby property owners suggested the following additional conditions:

Background checks. The property owners requested KBI background checks on all campers.

Background checks are not required for other short-term habitation uses in the area such as the commercial campground or motels. In staff's opinion, background checks are not necessary; however, if the Commission votes to require them parameters should be established for ineligibility based on the results of the background checks.

- Staff does not recommend a new condition.

Access. Proper entrances and exit drives which do not cross other parcels in the farm that are being purchased on contract by the applicant and are not included in the CUP request.

The City and County both have access management standards which regulate the placement of access points. Access points on local roads outside the City limits are intended to be separated by a distance of 250 ft. One access point on local roads within the City are permitted per each lot; however, a lot must have a frontage of at least 200 ft to have 2 access points. Requiring additional access points for the camping use would not be in compliance with the Access Management Standards of the City or County.

- Staff does not recommend a new condition.

Fire Inspection The nearby property owners expressed concern with fire prevention. The subject property is within Grant Township. The City of Lawrence provides fire and

medical services for properties within Grant Township; however, they do not conduct inspections or review plans. Staff is attempting to contact the State Fire Marshall to identify any fire prevention concerns. A follow-up memo will be provided to the Commission with this information.

ADA compliance. The Zoning and Codes Director and the City ADA Compliance Officer were not aware of any ADA requirements for farms or farm employees/volunteers. Bill Botten with the US Access Board for ADA indicated that any new facility constructed for the camping use, such as a shower facility, would need to comply with ADA requirements. He pointed out the Outdoor Development Area Guidelines on the ADA website. These have not yet been adopted and would apply onto to outdoor uses on Federal Lands but he suggested that the applicant could use these as Best Management Practices.

- New condition: **Any new facilities constructed for the camping use must comply with applicable ADA regulations.**

Insurance. The nearby property owners asked that Pinwheel Farm provide a minimum of \$1 million liability insurance. The applicant indicated that she has insurance coverage on the farm which exceeds this minimum and that she's had this insurance for several years.

- New condition: ***Applicant shall carry a minimum of \$1 million liability insurance on the farm.***

STAFF RECOMMENDATION

Staff recommends approval of a Conditional Use Permit for camping, at Pinwheel Farm, located at 1480 N 1700 Road and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the September 21, 2013 staff report subject to the following revised conditions (conditions which have been revised from the Sept. 21, 2013 staff report are in *italics*, new conditions are in ***bold italics***):

(GENERAL PROVISIONS)

- 1) *The CUP approval is valid for 2 years. A new Conditional Use Permit application must be filed for the continuation of the use beyond that time.*
- 2) Camping will be operated as an accessory use to farm operations, not as a stand-alone enterprise.
 - a. Camping shall not be publicly promoted in any way, although it may be mentioned as a housing option in farm volunteer opportunity descriptions.
- 3) ***Camping is not to be operated for profit.***
- 4) *A total of 3 camping units, with a maximum of 6 adult campers, are permitted on site at any given time. This includes the Pinwheel Farm RV. **Camping units are to be removed from the premises at the end of the camper's stay. The Pinwheel Farm RV may remain throughout the year.***

- a) ***Camping units are limited to fully self-contained RVs with the current sanitary provisions.***
 - b) ***Camping units which are not fully self-contained will be allowed when sponge bath accommodations have been made and the Douglas County Zoning and Codes Office has been notified.***
 - c) ***The sanitary provisions will be re-evaluated when the CUP is returned to the Commission in 2 years and the number of units/campers may be revised at that time.***
- 5) Camping is permitted only on that portion of the farm that is north of the north property line of 1480 N 1700 Road.
 - 6) Camping units shall be placed in areas that are reasonably screened from view of street or neighbors.
 - 7) No camping may occur within the Regulatory Floodway.
 - 8) ***Camping may occur 9 months out of the year, between March 1st and November 30th. No camping units are to be open and/or used outside of this timeframe. Only the Pinwheel Farm camping unit may be stored on site.***
 - 9) *A safe water supply and adequate sewage management system shall be provided for the camping use approved with this CUP, per approval of the Douglas County Health Department:*
 - a) *City or bottled water shall be provided for the campers, rather than well water. The health official indicated that the applicant could fill containers with City or treated water for the use of the campers.*
 - b) *The privy may be used to serve the camping use; provided provisions for hand-washing are provided. (Hand sanitizer is acceptable.)*
 - c) ***One chemical toilet must be provided on site whenever camping occurs.***
 - d) ***Only fully self-contained RVs are allowed with the current sanitation facilities. Camping may occur in camping units that are not fully self-contained when sponge bath accommodations have been provided and the Zoning and Codes Office has been notified. A shower facility will be required for the extension of the CUP beyond the 2 year period.***
 - 10) *No campfires or other fires will be allowed at individual campsites. A central fire facility may be constructed and operated in compliance with the following fire safety guidelines:*
 - a. ***Fire rings or pits shall be established away from overhanging branches, rotten stumps, logs or dry grass and shall be circled with rocks or a metal fire ring.***
 - b. ***A 5 ft area cleared of vegetation shall be provided around the ring. Extra wood shall not be located within 5 ft of the fire ring.***

c. A shovel and water shall be available in case the fire gets out of control.

- 11) RVs or other vehicular camping units must be properly tagged and roadworthy.
- 12) Fire extinguishers are required in all camping units.
- 13) No engines or gas generators may be used for power supply to campers on the farm, except for emergency use in the case of power failure.
- 14) Lights used for camping shall be shielded to prevent glare or light trespass to neighboring properties.
- 15) Camping areas shall be kept in a neat, safe and sanitary manner.
- 16) No electronic sound amplification is permitted that is readily audible from neighboring properties, except for emergency/hazard warning devices.
- 17) ***The portion of the farm that is adjacent to North Street shall be maintained in a manner to provide a pleasing streetscape. Xeriscape landscaping and ornamental materials are permitted; however, no other non-farm items are permitted within 25 ft of the North Street roadway.***

-OR-

No Condition

- 18) ***Any new facilities constructed for the camping use must comply with applicable ADA regulations.***
- 19) ***Applicant shall carry a minimum of \$1 million liability insurance on the farm.***

(CUP PLAN)

- 20) Applicant shall provide a revised CUP plan with the following changes:
 - a) The limits of the Regulatory Floodway shown on the plan with no camping areas within the Floodway.
 - b) Addition of a note that the CUP is subject to conditions and restrictions of use approved by the Board of County Commissioners.

(EASEMENT)

- 21) An affidavit stating the following requirement, in a form acceptable to the Register of Deeds, shall be recorded with the Register of Deeds prior to the final approval of the CUP: "The property owner shall execute a lateral line easement for the off-site lateral lines for 1480 N 1700 Road, per the County Health Official's approval, prior to the sale of either 1480 N 1700 Rd. or the land where the laterals are located, if the off-site lateral lines are still in service. The easement shall be recorded at the Register of Deeds."

REVISED CONDITION TABLE	
Condition per Sept report	Revisions
1) The CUP approval is valid for 10 years; administrative review in 5 years (January 1, 2019) to determine if the use is still appropriate with the level of urbanization that has occurred in the area. The CUP approval will expire at the end of 10 years (January 1, 2024), unless an extension request is approved by the Board of County Commissioners by that date. In the event an extension is not approved, or the CUP approval expires, a new CUP application must be submitted.	COMMISSION'S DIRECTION Establish a shorter CUP timeframe to allow the approval to serve as a 'trial' period. Various time frames were suggested (1, 2, and 5 years).
	APPLICANT'S PROPOSED REVISION CUP approval- should be long term with initial review after 2-3 years; followed by administrative reviews every 5 years.
	NEARBY PROPERTY OWNER'S PROPOSED REVISION No change
2) Camping will be operated as an accessory use to farm operations, not as a stand-alone enterprise.	COMMISSION'S DIRECTION Include a condition which clarifies that the camping use is not to be 'for profit'.
	APPLICANT'S PROPOSED REVISION Reasonable security deposits and use fees based on supply costs, facility construction and maintenance expenses, etc., may be charged; however, camping will not be operated for profit.
	NEARBY PROPERTY OWNER'S PROPOSED REVISION No change
3) Camping is permitted only on that portion of the farm that is north of the north property line of 1480 N 1700 Road.	APPLICANT'S PROPOSED REVISION Camping will be limited to the main farm ground parcel, in areas outside the floodway.
5) No more than 4 self-contained camping trailers or RVs and/or up to 4 tents at a time, with a maximum of 6 units housing up to 12 adults may be located on the site at any given time (exclusive of the permanent house on 1480 N 1700 Road). Vacant RVs or other camping units will count toward the number permitted on the site.	COMMISSION'S DIRECTION Reduce the number of campers and camping units that may be on site at one time.
	APPLICANT'S PROPOSED REVISION No more than 4 RV camping units may be present at one time. Units not in active use may remain on the farm but will be counted in the total number of allowed units. Number of camping participants at one time should be limited to 12, with a maximum average of no more than 6.
	NEARBY PROPERTY OWNER'S PROPOSED REVISION No more than 2 camping units total, including the Pinwheel Farm owned pop-up camper and no more than 4 people in total occupying those units. All camping units must be taken down and removed from the premises after the 8-9 month time frame.
8) A safe water supply and adequate sewage management system shall be provided for the camping use approved with this CUP, per approval of the Douglas County Health Department: a) City or bottled water shall be provided for the campers, rather than well water. The health official indicated that	COMMISSION'S DIRECTION Improve water supply and sewage management for campers and participants at farm activities. Sponge baths may be acceptable during the trial period but additional facilities would be required with the renewal of the CUP in the future.
	APPLICANT'S PROPOSED REVISION A phased implementation of sanitary facilities should be allowed, as outlined in the Pinwheel Farm Sanitation Plan. City or bottled water used for drinking. Hydrants and hoses used for non-potable water needs. Pit privy. RV self-contained with toilets. Pinwheel Farm portable camping chemical toilet to be emptied into a household toilet or RV dumping station. RV's have built-in hand washing and shower facilities. Hand sanitizer provided around the farm. Sponge bath kits will be

<p>the applicant could fill a large jug with City or treated water for the use of the campers.</p> <p>b) The privy may be used to serve the camping use; provided provisions for hand-washing are provided.</p>	<p>provided. Sponge baths will be taken in RVs or tents.</p> <p>NEARBY PROPERTY OWNER'S PROPOSED REVISION Sanitary sewer and sanitation facilities must be put in place and be located near where individuals plan to camp. Permanent structure for bathing and washing with hot water and soap. House cannot be used unless it meets all fire and zoning codes as well as being ADA compliant</p>
<p>9) There will be no outside fires associated with the camping use.</p>	<p>APPLICANT'S PROPOSED REVISION No campfires or other fires will be allowed at individual campsites. A central fire facility will be constructed and operated in compliance with fire safety guidelines. One or more wood-fired cooking facilities (barbecue grill, smoker, oven, etc) may be constructed at appropriate locations.</p>
<p>- Develop a condition related to the improvement of the appearance and upkeep of the property, particularly the areas which face other residences and North Street.</p>	<p>APPLICANT'S PROPOSED REVISION No landscaping should be tied to the CUP. Landscaping plan was provided: Landscaping incorporates permaculture and xeriscape principles Permaculture Self maintained agricultural systems. Xeriscape: Landscaping with minimal water requirements</p>
<p>Establish a time limit on the camping use. The Commission suggested an 8 month limit.</p> <p>Establish the seasonal nature of the camping use.</p>	<p>APPLICANT'S PROPOSED REVISION A maximum stay of 9 months for each individual is acceptable; longer stays should be allowed if for a specific agricultural purpose, and could require approval of the Zoning and Codes Administrator or the County Commission.</p> <p>NEARBY PROPERTY OWNER'S PROPOSED REVISION No individual or group may camp on the Pinwheel Farm property for a time period exceeding 8-9 months.</p>
	<p>NEARBY PROPERTY OWNER'S PROPOSED ADDITION CONDITIONS</p> <ul style="list-style-type: none"> • KBI background checks for all campers. • Proper entrance and exit roadways leading into and out of the area where camping will occur. Access drives must not cross over onto the nearby city zoned properties or any property that is not listed in the CUP request. • Large turn around area toward the back of the property so emergency vehicles can get in and out without any difficulties. • State Fire Marshall or Douglas County Fire Chief should make an inspection on the property due to the wood mulch that is used for drives and pathways. • Pinwheel Farm needs to carry 1 to 1.5 million dollars in liability insurance on the farm business. • ADA compliance. All structures that volunteers may use need to have ramps, ADA compliant bathrooms, and ADA parking (asphalt with -- access width for wheel chairs)

Dated: 11/3/13

Stipulations as agreed by owners of record regarding Pinwheel Farm CUP request for camping

The concerned citizens and homeowners of record in the notification area of CUP request 2-1-10 (Pinwheel Farm) oppose permission of camping under any circumstances at Pinwheel Farm. However, if the Planning Commission decides to grant that permission despite the opposition, there are numerous stipulations that those of record want to have put in place.

1. All individuals living in tents and/or campers MUST be put through a KBI background check. This is standard practice for any employer hiring or accepting volunteer workers. A KBI background check will also assist the neighborhood in feeling more at ease and secure. Without KBI background checks, the citizens of record feel that safety and security of the community is being jeopardized. The owner of Pinwheel Farm is not a reliable source of safety and security for the community, has no police training, and has completely cut off from interacting with neighbors in a respectful fashion. The background checks will also allow police to compare their predator list to anyone that might be coming into the area to live temporarily in the backyard at Pinwheel Farm. NO individual or group may camp on the Pinwheel Farm property for a time period exceeding 8-9 months. There should be NO MORE than 2 camping units total, including the Pinwheel Farm owned pop-up camper, and NO MORE than 4 people in total occupying those units. All camping units must be taken down and removed from the premises after the 8-9 month time frame.
2. Sanitary sewer and sanitation facilities MUST BE put in place and out near the location where individuals plan to live in tents and/or campers. This would require a permanent, closed in structure for bathing and washing with hot water and soap after dealing with blood and other animal parts during lambing or if handling dead carcasses. It is important that this level of sanitation exists since Pinwheel Farm picks and sells food to be sold at restaurants, stores, and even the hospital. Sponge bathing may be acceptable means for the washing up of casual camping individuals, but is far from acceptable under business/food sales circumstances. Also, the house structure cannot be used for this purpose unless it meets all fire and zoning codes as well as being in compliance with ADA. There must be a sound, safe, sanitary and new facility.
3. There must be proper entrance and exit roadways leading into and out of the area where camping individuals will temporarily live. This will require proper zoning officials investigating the property for such roads, that MUST NOT cross over onto the nearby city zoned properties, or any property that is not listed in the CUP request. Large and separate entrance and exits are required by other businesses and also bring a need for large turn around areas toward the back of the property so emergency vehicles can get in and out without any difficulties.
4. With an abundance of dry wood being used for walks, parking spots, etc. it is imperative that the STATE FIRE MARSHALL and/or a DOUGLAS COUNTY FIRE CHIEF make an inspection on the property to ensure the safety of those living there in tents and campers, those living in the house structures, and those living in nearby homes that could catch fire as a result of

a Pinwheel Farm camping fire. We request that he investigate the house structure, the piles of debris, and any other potential fire hazard zones.

5. Additionally and at the recommendation of an attorney, Pinwheel Farm needs to provide \$1-\$1.5 million dollars in liability insurance, SPECIFICALLY on the farm business alone. Home owners liability insurance will not cover the cost of damages and neither will posted signs saying, "enter at your own risk." This is something highly recommended by the Agrotourism organization at the state level. Additionally, the camping at Pinwheel Farm may never, at any time, be used for profit.

6. All parking spots, indoor facilities where visitors or individuals are living there temporarily in tents or campers, as well as those visiting the Pinwheel Farm business need to have access in case of any form of disability. This means proper ramps installed at each structure where they might enter, large bathrooms with bars installed on walls, parking spots that measure appropriate widths for wheelchairs. The neighborhood surrounding Pinwheel Farm requests that someone who is an enforcing authority of the ADA make a visit with at least 2 representatives from the neighborhood to list all areas that are not in compliance. Since Pinwheel Farm is a newly registered agrotourism business, they will not be grandfathered in but will need to come into compliance just as any other newly establishing business.

7. The owners of record in the CUP request area are prepared to approach OSHA and the ADA for assistance in making Pinwheel Farm come into compliance with stipulations.

Diane
Menzie
842-9681
979-2254

PROPOSED CONDITIONS ANNOTATED TO EXPLAIN RATIONALE

Number of camping participants at one time should be limited to 12, with a maximum average of no more than 6.

The proposed maximum number allowed will permit a) large families (I have friends with 10 children, most of whom are adults) and b) organized groups such as church Young Adults groups doing a service project at the farm. It will also allow for smaller groups whose stays overlap by a day or a weekend. The maximum average would ensure that overall occupancy is low.

By comparison, if the farm were developed as a low-density subdivision, some 13 homes could be built, resulting in much greater population density, traffic, social problems, infrastructure needs, etc.

The Conditional Use Permit should be approved for long term, with reviews that run parallel to the State Agritourism Registration reviews.

This means it will be reviewed after 2 - 3 years initially, depending on effective date of the CUP, then reviewed every 5 years. This should be revisited if the Agritourism registration program is changed. Of course, it will also be reviewed if there is bona fide evidence of material and willful non-compliance with the Conditions of the permit.

This makes an important distinction between “review” and “renewal”. “Review” presumes that the operation will continue unless there are clear violations of the Conditional Use Permit. “Renewal” implies that the decision to extend the CUP will be made “from scratch” whether to permit another finite term, and would mean that long-term plans cannot be implemented without considerable risk. The farmer should not be required to invest in expensive permanent sanitation facilities for which she is not allowed to charge, and at the same time place the farmer under the constant threat of having permission to use them revoked.

The farm is a complex business with multiple enterprises. One enterprise is agritourism primarily for educational (not entertainment or recreational) purposes; others include forestry, vegetable crop production, lamb and wool production. The freedom for the farm owner, future business partners, and farm participants to stay in tents or RVs is sometimes a critical component of several of these enterprises, even when it is not the only option for lodging.

It is not reasonable to build permanent specialized infrastructure and develop a business enterprise that is subject to permanent cancellation after just a year or two, when more than 4 years have already been invested trying to gain permission for this activity which in some cases is allowed by the regulations and in many cases is simply done, regardless of regulatory status, on other farms. The farmer’s investments of time, energy and money would be better used by switching to more intensive production-based agricultural

enterprises such as raising hogs, if the camping CUP is granted only for one year. Such permitted-by-right agricultural enterprises may actually be less compatible with a residential neighborhood than the proposed camping for farm participants.

The oppositional attitude of certain neighbors and others will likely continue to escalate if long-term permission is not given from the beginning. It is unwise to set up a situation where certain individuals who do not even live in the neighborhood to continue year after year (in the case of annual renewals) to organize my neighbors to oppose my legitimate agricultural and agritourism business operations. The libelous/slandorous nature of certain parties' words has escalated in the past 4 years. A longer term would allow both Pinwheel and the opposing neighbors to take a break from the issue, and sufficient time for attitudes to change based on uneventful operation under the Conditional Use Permit.

A demonstration camping event will be held prior to hosting camping farm participants from off farm at each Phase.

The demonstration camping event will be held to show that we have planned for all reasonable contingencies. Attendance will be by invitation only, and will include, at a minimum, Douglas County Commissioners, Douglas County Zoning and Codes Administrator, Douglas County Health Dept. Administrator, Lawrence Fire and Medical chief, Lawrence Police Chief, Douglas County Sheriff, State Agritourism program staff person, an ADA compliance specialist, and a Douglas County Extension Agent.

Guns should not be allowed at campsites unless the farm participant is specifically tasked with controlling a predator during that night.

Prohibiting any possession or agricultural use of guns at the farm is inappropriate. Guns are sometimes needed to dispatch an animal that is mortally injured or that is a predator. However, it is reasonable that guns generally not be kept at campsites. Guns should be kept in a properly secured manner at one of the farm residences or outbuildings.

A maximum stay of 9 months for each individual is acceptable; longer stays should be allowed if for a specific agricultural purpose, and could require approval of the Zoning and Codes Administrator or the County Commission.

Most of the gardening yearly cycle or sheep and lamb production cycle can be studied in 8 months if carefully timed. Within those cycles there are slow times where someone wanting to participate in all phases could leave the farm for awhile and then return for a later stage.

No landscaping should be tied to the CUP.

Ms. Higgins-Dover has indicated that the only issue of concern for the neighbors whom she represents is the camping itself, and her mother/my neighbor Joyce Higgins and neighbor Diane Menzie have both indicated to the Pinwheel Landscape Advisory Committee that they don't care how I landscape my frontage. While we will be inclined

to implement the Pinwheel Farm Landscaping Plan no matter what, it does not need to be included as a condition on the CUP.

A phased implementation of sanitary facilities should be allowed, as outlined in the Pinwheel Farm Sanitation Plan.

A gradual start-up of camping activities will be most sustainable, and it will be best to start with self-contained RVs. Participants will be encouraged to contribute some of their volunteer time to improving facilities for subsequent camping participants, as well as to landscaping efforts.

No campfires or other fires will be allowed at individual campsites. A central fire facility will be constructed and operated in compliance with fire safety guidelines.

Per Fire Safety Plan.

Camping will be carried out in compliance with Douglas County Nuisance Ordinances.

This addresses lights, noise, dust, etc.

Reasonable security deposits and use fees based on supply costs, facility construction and maintenance expenses, etc., may be charged, however, camping will not be operated for profit.

Asking farm participants who camp to put down a refundable deposit for use of farm-owned equipment such as the camping chemical toilet, portable shower facility, etc., and charging a modest (<\$5) daily use fee (for supplies such as toilet paper, electricity to pump water, depreciation on structures and equipment, etc.) will “help keep out riff-raff” and provide some of the legitimacy that the community wants to see, while preventing the landowner from operating at a significant loss in order to comply with onerous restrictions and requirements in order to appease a few disgruntled neighbors.

Being compensated for depreciation of facilities and equipment will help to reduce the risk to the landowner of having the permit revoked and being left with expensive equipment and facilities that cannot be used for their intended use.

If a condition is made that requires any kind of background checks, reference checking, or governmental reporting or recordkeeping, then a camping application processing fee should be allowed for each farm participant applicant. The landowner should be compensated for the time and expense of this work as it will reduce time available for farming. Enough time has already been spent on this matter, and the paperwork burden that certain neighbors seek to impose is not reasonable.

Camping will be limited to the main farm ground parcel, in areas outside the floodway.

This provides adequate separation from neighboring residences as well as placing “non-permanent mobile homes” at the regulatory 150’ distance from the nearest residence (1480 N. 1700 Rd.) to comply with the “ag worker mobile home exemption” in the zoning codes. It also provides natural visual screening of camping activities from neighboring residences.

No more than 4 RV camping units may be present at one time. Units not in active use may remain on the farm but will be counted in the total number of allowed units.

The number of allowed units must be sufficient that having the landowners’ unoccupied units present on the property does not preclude other units from coming to the farm.

The landowner should not be required to remove unoccupied units between uses, since an agricultural need can arise at any time and it is most efficient to have the units already in place where needed. Unoccupied units may be used for rest areas, sanitation purposes when working on the pasture, storage of tools and safety equipment, respite from sun, rain, and biting insects, etc. In fact, this use of small self-contained RVs is sometimes more important than using them for lodging. There is no prohibition on this non-lodging use; just as a pickup truck can be used, so can another vehicle. A vehicle is not any more of an eyesore than a stationary shed would be.

Farm business liability insurance in the amount of at least \$1,000,000 must be in place at all times.

Pinwheel Farm’s insurance agent annually reviews our operation and makes recommendations for appropriate risk management tools. We also comply with customer- and marketing-based coverage requirements. This coverage has been in place for many years, and actually covers up to \$2,000,000 aggregate for Business Injury Liability.

The landowner will work with ADA compliance specialists to ensure that any applicable ADA provisions are met.

ADA parking is already implemented—flexible according to the nature of the event—for agritourism events. Pinwheel is committed to making the farm as accessible as possible for all participants. We have had visits from many people with diverse disabilities. Accommodating actual needs as they arise is sufficient in most cases.

People will be required to provide their own camping accommodations (tent or RV). In this manner, those with and without disabilities are equally responsible for providing for their needs. Common use facilities such as handwash stations, camping toilet, etc. can easily be adapted to be ADA compliant. All camping activities will be planned ahead so that special accommodations such as a handicap accessible port-a-potty can be arranged.

It should be remembered that camping is limited to active farm participants. Participation at the farm requires certain levels of ability, just as certain conventional jobs require

weight lifting ability. Those who are not able to participate in farm activities will not be allowed to camp, whether or not they have a disability.

Cost of ADA compliance, infrastructure, recordkeeping and monitoring will be another expense for which the landowner can charge users a fee, so long as extra fees are not charged to persons with disabilities.

11/3/2013

DRAFT FIRE SAFETY PLAN FOR PINWHEEL FARM

Fire safety is very important at Pinwheel Farm for several reasons. First, the farm has experienced two significant fires in the distant past: a house fire that resulted in the death of a child, and a mulch fire that could easily have killed a valuable breeding ram had a neighbor not intervened. These past experiences remind us that fires can and do happen, and must be prevented whenever possible.

Second, the farming operation utilizes a wide range of combustible materials. Some are obvious, like gasoline, wood chip mulch and hay feed/bedding/mulch. Some are not so obvious, such as the plastic sheeting that covers the Green Barn and the High Tunnel.

FIRE SAFETY CONSULTANT

A firefighter, now retired, from the Lawrence Fire and Medical Department staff has consulted with the farm regarding fire safety for over 10 years and will continue to do so.

FIRE SAFETY EQUIPMENT

Water hydrants connected to the farm's well water system are located near each building.

Fire extinguishers should be present at each building other than those housing only farm products, feed, non-power tools, or livestock.

Shovels, rakes, and other tools for fighting fires are also available.

GENERAL FIRE SAFETY PROCEDURES

No fires will be set without the prior approval of the landowner.

Cigarette (etc.) smoking is allowed ONLY inside personal vehicles (including RVs) or in designated smoking areas. When smoking inside vehicles, all ashes and butts must remain within the vehicle. Incense, candles, fireworks, etc. are not allowed.

All fires will be supervised at all times. Embers will be extinguished with water.

Burns will be conducted in compliance with all applicable regulations.

Garden hoses with shut-off valves will be routed to the intended burn area. Hoses will be connected to hydrants and hydrants will be turned on prior to lighting the fire.

Extinguishers and/or fire control tools will be available at the burn site.

Appropriate containment and clearance to other combustible materials will be provided depending on the nature of the fire.

Wind speed and direction will be determined to decide whether it is a safe time to burn. Any burn bans or warnings will be obeyed.

The fire department will be notified of each large burn prior to starting it.

IGNITION AND LIGHT SOURCES

Matches, butane lighters, and magnifying glasses must be safely stored to prevent accidental fires, as well as to prevent access by children.

Kerosene, gas, or other fossil-fuel lanterns designed for outdoor use may be used outdoors only.

Candles may be used outdoors for light, but must be securely fastened and enclosed in a holder that is taller than the flame. Sand in the base of a large jar is an effective candle holder.

AGRICULTURAL FIRES

Several types of fires are used for agricultural purposes.

From time to time, infectious or noxious agricultural waste from vegetable, pasture, or livestock production may be burned in small open piles or in containers (“burn barrel”). Burns will be performed at a time when farm participants will be in the area of the burn.

Pasture or garden areas may be occasionally burned off in a carefully controlled manner. When possible, training workshops will be attended prior to a controlled burn, or trained burn managers will be consulted. Garden hoses will be run to the burn area, and firefighting tools such as shovels and rakes will be on hand.

Brush piles and miscellaneous bulky woody/dry vegetable waste may be disposed of by burning in open piles.

A flame weeder may be used for managing unwanted vegetation. Extreme care must be used to prevent a hazard. Garden hose must be on hand and area surrounding the area to be flamed must be soaked.

NON-AGRICULTURAL FIRES

One or more permanent “campfire” areas will be constructed at appropriate locations on the farm. These areas will feature permanent fire containment structures including both screened and solid covers; non-flammable paved areas around the fire containment; safe storage for fuel, fire tools and fire extinguisher; etc.

One or more wood-fired cooking facilities (barbecue grill, smoker, oven, etc.) may be constructed at appropriate locations.

Other fires are not permitted. This includes use of incense and smoking of cigarettes or anything else.

CAMPING-RELATED FIRE SAFETY

If camping is done at Pinwheel, each camping unit must have:

- fire extinguisher
- smoke alarm

Each group of units must have:

- means of calling 911
- supply of water (hose or 5 gallon bucket)

No campfires or open cooking fires are allowed at campsites; these types of fires should be done at the permanent “campfire” areas. Camping stoves using liquid or solid fuel may be used with prior approval of the landowner. Approval will be based on a safe and secure setup to reasonably prevent accidents.

11/3/2013

PINWHEEL FARM & CAMPING:
A HISTORY OF CONFLICTING POLICY GUIDANCE AND ENFORCEMENT
FROM THE BEGINNING

When the farm ground was purchased, part of it was zoned Industrial. We went to the expense of having it rezoned Agricultural because we recognized the outstanding quality of the soil and underlying groundwater, and wanted to ensure that it would stay in agricultural production. Rezoning was not necessary to implement any of our farming plans, but it seemed like a good way to send a message to the community that we were buying it to preserve it, not to turn around and sell it as a cash-generating investment.

It simply never occurred to us—nor were we advised by Planning staff—that certain activities we associated with farms were actually considered to be more consistent with Industrial or Commercial zoning than with Agricultural zoning. Specifically, we were not told that camping was forbidden on Agricultural land. There is no way from reading the zoning regulations that we could have determined this for ourselves, because camping is simply not mentioned...along with hunting, fishing, hiking, bird watching, and many other outdoor recreational activities associated with farmland.

The farming model which I have been implementing here at Pinwheel Farm for over 15 years depends for its success on several types of camping. Some are for agricultural necessity, such as guarding sheep against predators during critical times, supervising lambing, and observing pest or other environmental problems much as a hunter uses a blind to stalk prey. Some are for educational purposes, enabling an intern or apprentice to experience the farm up close 24-7, and be on call at any hour. Some are more residential in nature, to offer fun, affordable, relaxed housing to people visiting the farm for farm-related and agritourism purposes. Some are spiritual—a quiet retreat away from modern “conveniences”, a chance to fully immerse oneself in the natural ecosystem. For many years, ignorant of Douglas County’s peculiar, ever-changing, and undocumented enforcement position on camping, I continued to invest my time, energy and money in developing a complex sustainable farm as a model to share with and teach others.

My first hint that there was a problem with my reasonable assumption that camping was legal on my farm came in 2000, when the Director of Zoning and Codes responded to my invitation to allow a homeless family to set up a camp on my land. Mr. Dabney wrote, in a letter which has been lost for the past 4+ years, “Certainly, for a very limited time such as a week or two would be allowable but for a long term as described [the family had been at their previous campsite for more than 5 years] would not be allowed without obtaining special permits and possibly rezoning.” Mr. Dabney went on to say that “The “A” Zoning District does not allow recreational facilities or uses without first obtaining a Conditional Use Permit.”

From this guidance, I assumed that limited camping for agricultural purposes was permissible, that it was camping itself—not the use of camping equipment for agricultural purposes such as storing seed and paperwork and providing sanitary facilities—that was forbidden long-term, and that myself as the landowner and my family could camp on my land. These impressions were likely bolstered by conversations between Mr. Dabney and myself at the time, which I recall as very cooperative and cordial.

Thus, I was shocked in 2006 when I was given a violation notice for having a tent camper on my farm, which I used as “break space”, office and sanitation facilities during a temporary period of not having access to the farmhouse, including occasionally spending the night there instead of returning to my apartment at 12th and Almira. During a period when I was out of town, a friend stayed there for security and agricultural purposes. But, suddenly, not only was “very limited” residential camping not allowed, but also camping for agricultural purposes and even mere possession of a tent camper was not allowed. I was told then (and am being told again) that I had to entirely remove the tent camper from the farm (similar enforcement against neighbors’ campers, boats, septic pumping trucks, tow trucks, recreational ATVs, target practice, etc. has been very limited).

At that time, the regulatory justification for disallowing my use of the camper under the Agricultural Mobile Home exemption clause was that the tent camper did not meet the definition of a “mobile home”. But in recent regulatory reviews, I realized that Mr. Dabney had used the very narrow Subdivision regulation definition of “mobile home” instead of the zoning regulation definition of “mobile home”, which includes RVs and campers as “mobile homes”.

In 2010, I was denied permission to camp for a clearly “limited time”—in this case, until I found a replacement guardian animal or the end of the grazing season, which ever came first (not more than 3 months) for emergency agricultural purposes—guarding the sheep on pasture after the sudden deaths of my guardian llama and herding dog. At this time I was residing in the main farmhouse but the sheep were pastured out of sight and hearing distance of my residence. This time, Mr. Dabney stated, “If the request for [sic] a weekend then the issue would be different but long term camping as you know will require a CUP.” So, the allowable camping duration was mysteriously reduced from “one or two weeks” to “a weekend” between 2000 and 2010, with no documentation of either limit that a landowner could find.

A month later, answering my request to see the exact text of the regulations prohibiting camping, Planning Dept. staff emailed the following:

“There is no specific code provision prohibiting camping. Keith Dabney sent the following information behind the prohibition: ‘Our office has consistently cited people who camp as a violation of the zoning regulations. We have cases where raw sewage was being dumped on the ground and trash and debris because of this activity.’”

In 2011, in response to my formal written request for a zoning determination, Mr. Dabney granted me 90 days' permission to use the "Agricultural Mobile Home" exemption to attend to sheep lambing on pasture, but limited this to only myself and "bona fide paid employees" of the farm. The regulation as written does not specify the nature of the employment arrangements for eligibility for the Agricultural Mobile Home exemption; in reality, agricultural workers legitimately operate under many diverse arrangements including contracts, job work, partnerships, internships, volunteer positions, etc., where they are not "bona-fide employees of" the farm where they are working/lodging. So in 2011, the 90 days I needed to guard my sheep were granted, after they were denied in 2010.

NEED FOR CONSISTENCY AND CLARITY

I still believe that the regulations do not prohibit camping, whether for agricultural, recreational, or residential (Ag Mobile Home exemption) purposes. However, I do not have the time and money to initiate a court challenge of this. In hindsight, I should have invited the County to prosecute me for the 2006 "violation", putting the burden of proof on them. After all, I have since been told that the County expects people to continue violations they are cited for, and often does not pursue further action against them...tacitly permitting the activity. Even if the County had taken me to court, in all likelihood, the County would have been unable to prove a code violation beyond a reasonable doubt, once the applicable definition of "mobile home" was brought into the case.

However, as an honest, law-abiding citizen, instead of refusing to obey the violation notice, I reasoned that if the County kept insisting I needed a Conditional Use Permit, it was easier and cheaper comply at the time, then later seek a CUP--rather than to argue that I didn't need one.

I am continuing to seek the CUP as a way of establishing one clear interpretation of the regulations as they applied to my farm, instead of trying to operate a business within constantly, unpredictably changing regulatory interpretations. With the CUP, there would be no arguing about whether I or others were camping on my own land for "recreational", "residential" or "agricultural" purposes. Conditions must be spelled out in readily quantifiable goals, with terms clearly defined in detail, so that there can be no question of interpretation in the future.

UNEXPECTED OPPOSITION

It wasn't until I was committed to the CUP process that I suddenly realized that there was an intense antipathy against camping (and me, personally?) among some of my neighbors. Because my upbringing held camping in high regard as a healthy lifestyle and recreation, I am still unable to fully comprehend this negative attitude towards camping. By the time I realized this, the neighbors' opposition to me was firmly entrenched.

Seeing that support of the neighbors was not likely forthcoming, and that retaliatory enforcement complaints would likely ensue if I did gain a CUP, I spent 2011 and 2012 seeking other avenues of establishing my right to camp on my own land for agricultural purposes, and my right to allow myself and others “employed at” (not “employees of”) the farm to stay in RVs under the Ag Mobile Home exemption, to no avail.

I will follow the CUP process through to the County Commission this time. But these few strenuously opposing neighbors have promised that they will file a protest petition if the Planning Commission approves the CUP, apparently regardless of the conditions set. So it seems it will be an uphill battle all the way—to gain the rights I already technically have according to the written code.

Even if the CUP is approved with reasonable conditions and time frames, I suspect that efforts will be made to have the CUP revoked; myself and camping participants will be harassed and/or given poor service by local businesses allied with the opposing neighbors; adjoining neighbors will continue to engage in code violations that adversely affect my farm operation, then lash out at me for complaining; sabotage of my farm property will continue; and possibly worse.

POSSIBLE RESPONSES TO POTENTIAL HOSTILE ENVIRONMENT

If the CUP is not approved by the County Commission, or if it is approved with conditions that cannot be reasonably and affordably met after more than 4 years of trying to gain this approval, or if it is approved for such a short time as to be irrelevant, or if neighborhood retaliation is so intense that I cannot reasonably carry out the activities allowed by the CUP, then it is incumbent upon me as a business person to pursue alternative long-range plans for my farm. If I cannot carry out the sustainable farming plan which I have been working on for over 15 years—a model that is being used on farms all across the country—then I need to entirely re-think my business plan.

So as we approach the end of this CUP process, it’s important for all of us, regardless of our position on the proposed CUP, to step back, look at the big picture, and consider what Pinwheel’s alternatives might be. Compared to approving and supporting the proposed CUP for limited camping by people who would be allowed at my farm—and around the neighborhood—during any waking hour I and they mutually desired as agritourism participants, which of the following alternatives offers a safer, healthier, more code-compliant, and more neighborhood-friendly alternative? If I cannot use my land in compliance with the existing regulations as they are written, (aside from any unwritten policies or interpretations), what does the community and the Planning Community want me to do with it?

- Abandon agritourism efforts; switch from sheep (high maintenance, year around) to pastured hogs (same fencing and equipment, more yield per animal, not year around, less vulnerable to predators, heat and disease, can control weeds that currently require significant volunteer man-hours) and donkeys (can be heard from the farmhouse in case of alarm). These would almost surely cause more

nuisance to the neighbors than my well-mannered human farm participants who would perform the same weeding and security duties, and neighbors would have no recourse against livestock-related nuisances (smell, dust, sounds, etc.) under state law.

- Maintain it solely as a wildlife preserve with much less human presence, landscaping and maintenance, and go do something somewhere else. Under current conditions with neighbors not being willing to share in the cost of repairing/erecting proper boundary fences as required by law, this would allow even more vagrants than at present to force their way onto my land to access neighboring properties for mischief. Camping on the pasture would be a deterrent to trespassers that are plaguing us all.
- Offer the land for rent as community gardens plots. This would result in much higher traffic volume compared to a few participants camping at the farm while they volunteer. There could easily be 150 20' x 20' garden plots on just the high ground on the farm. If the gardeners are renting the parcels for solely agricultural purposes, no zoning restrictions would apply that would prevent this use. This could create a lot of traffic.
- Rezone the property as Commercial or Industrial and develop a commercial campground, or the warehouse that it would have become had I not bought it. This would pave over a lot of Class 1 soil.
- Sell the property to the Delaware tribe for them to use as they please, since at one time it was probably their land. Maybe if they got tribal status for it, they would let me and my friends camp here.
- Donate the land to Haskell University as a teaching farm for their students, especially those from sheep-raising cultures. This would preserve the agricultural nature of the land, but result in many more people coming and going that I have planned for my operation.
- Annex and subdivide it into 13 RS-10 building lots which could be sold to anyone and occupied by any number of persons related by blood or marriage, resulting in loss of green space, significant impermeable surfaces, significant traffic increase, strangers in the neighborhood, stormwater problems, etc. (non-compliant with the Northeast Sector Plan).

Do any of these options really result in greater safety and security for the neighborhood, compared to the non-permanent use of small-scale off-grid camping for a few farm participants? Are there other realistic options, since I am not willing or able to invest hundreds of thousands of dollars to install “real” mobile homes for housing paid workers when I would not be able to charge any rent for the housing? Do any of them contribute more to the well-being of the general Lawrence community? Do any of them really improve the quality of life for my neighbors, compared to me having a few friends stay here sometime? Which ones would the Planning Commission invite me to submit applications for in 2014 or beyond?

In winter of 2014, I will start a new season with a new business plan. I hope it will be to move forward with producing lots of vegetables and inviting farm participants to share the beauty and learning opportunities of Pinwheel Farm while helping further develop it

as a flourishing diverse model small farm, free of regulatory impediments. But 2014 could be something entirely different. It's up to the Planning Commission, the County Commission, and the opposing neighbors whether I have rights to use my property or not.

The public is very fond of saying "I should be able to do anything I want with my property", and often follows up by doing so even if it isn't consistent with the zoning. Here is a case where I am trying to assure permission to do something the regulations don't appear to forbid. The situation has become sublimely ridiculous. I hope all involved can agree that many folks have been making mountains out of mole hills in this matter, and let us all move on to a more productive future.

11/3/2013

DRAFT NATURAL LANDSCAPE PLAN
PINWHEEL FARM
1478 and 1480 N. 1700 Rd., LAWRENCE, KS 66044

HISTORY AND PURPOSE OF THE PLAN

Since 1994, Pinwheel's natural landscaping incorporating permaculture and xeriscape principles has gradually diverged from the landscaping styles of neighbors to the east, while remaining at all times in compliance with all legal requirements of Douglas County. The contrast between neighbors' landscaping preferences has gradually become quite pronounced, and has been the subject of much misunderstanding. While the appearance may seem unkempt to the uninitiated, in fact the current landscaping has received a surprising amount of regular maintenance, and also provides feed for pollinators, livestock and wildlife (songbirds, etc.), fragrant flowers, fruit, climate amelioration, and other benefits.

As Pinwheel has attempted to clarify the regulatory status of camping for farm participants during the past 4 years, a few neighbors and others have repeatedly criticized Pinwheel's landscaping style, and have insisted that permission for farm activities planned for the north farm ground be contingent on "beautification" of the frontage areas of the farm.

This landscape plan is intended to serve several purposes:

- To explain the landscape as it currently exists, including the esthetic and functional principles on which it is based;
- To serve as a guide for farm participants (including volunteers, tenants, etc.) who may wish to work on the landscaping in this area;
- To involve neighbors in the landscape planning process and get input from those most directly involved with the farm's landscape;
- To satisfy the Planning Commission's request that "something be done" about the landscaping of the frontage area;
- To set forth measurable guidelines for future enforcement if camping is permitted on the farm and landscaping of the frontage is included as a condition of the permit.

LANDSCAPE ADVISORY COMMITTEE

On Oct. 23, 2013, an initial meeting was held for a Pinwheel Farm Landscape Advisory Committee. Persons invited to attend included the farm's tenants, individuals who have a community garden plot at Pinwheel, several currently active farm volunteers who have assisted with landscaping tasks, neighbors residing at 509 North St. and 517 North St. who have criticized Pinwheel's landscaping in the past, and a longtime friend who is active with the Lawrence Fruit Tree Project. Individuals with no direct connection to

Pinwheel who wished to invite themselves were politely declined, in order to keep the group from becoming too large and to keep the focus on those directly affected by Pinwheel's landscaping.

With limited time, the committee focused on the areas adjacent to the 1480 driveway. Concerns were aired and ideas were shared, many of which have been incorporated into this plan. The only significant areas of concern were:

- Trees growing along the east-west board fence belonging to 509 North St. exacerbate problems with the aging fence; I agreed to continue working on those and to encourage the tenants to work on them;
- Trees along the north-south board fence are shading out 509 North St.'s garden; I agreed to remove all young trees except the persimmon and the redbuds;
- There is a concern of termites in the logs used as edging to contain the wood chip mulch used to control weeds in the area under the oak tree, and in the wood chips themselves; I encouraged the neighbor to install the edging of her choice in place of the offending logs (which were simply what was on hand at the time to quickly solve the problem of chips drifting onto her grass).

A more vague concern was that Pinwheel's landscape be "neat" and "maintained." These concepts are highly subjective and difficult to quantify. There was not time for all parties to try to agree on definitions of these terms.

This plan is being submitted to all Landscape Advisory Committee invitees for review, further suggestions, etc. It is anticipated that this will be an on-going process of review, implementation, and follow-up over the years to come.

Finalization and implementation of this plan rests solely with the landowner(s) of property covered by this plan.

WOOD CHIP MULCH AND TERMITES

A cursory review of on-line information indicates the following:

- Termites may tunnel up to 300 feet from an underground colony to a feed source.
- Termites were found equally beneath eucalyptus mulch, hardwood mulch, pine bark mulch, pea gravel, and bare, uncovered ground.
- Termite activity was significantly higher under gravel mulch than the wood based mulches.
- Termites are capable of only consuming certain types of mulch; these include pine bark, pine straw, ground yard waste, and cypress mulch.
- The presence of moisture in the soil (which is created by mulch) helps the termites tunneling efforts. Therefore, ANY TYPE OF LANDSCAPE MULCH BE IT WOOD, STONE, OR RUBBER will improve conditions for termite colonies, whether the termites consume the mulch itself or not.
- Recommended set-back between wood chip mulch and homes ranges from a few inches to a few feet.
- Wood chip mulch is one of the most fire-resistant. Rubber is the worst.

Based on this research (much of it based on university studies), any termite problems are as likely to be caused by the homeowner's watering of non-xeriscape plantings as by presence of wood chips on my property more than 10 feet from the home in question.

TIMETABLE

Because of natural growing seasons, unpredictable weather, lack of water source, and limited labor availability, it is impossible to set a specific timetable for changes to the landscaping. Many improvements have been made over the past several years, and especially this summer. It is easy for passers-by to focus on what hasn't been done, rather than what has. It is also easy for the untrained eye to mistake flowering plants in their juvenile or non-blooming stages for "weeds". Because we don't grow out our landscaping plants to maturity in remote nurseries and set them in place just in time to bloom like the city does, there will naturally be many times when the landscape is more greenery than flowers.

If camping is not allowed, and volunteer apprentices are not available to dedicate sustained efforts to the landscaping while still assisting in operating the farm itself, progress on this plan will likely continue at the slow pace of recent years. If farm participants are allowed to camp, a portion of each camping participant's hours will be spent working on the ongoing landscaping efforts. Nevertheless, even many hours of labor cannot make plants grow faster.

It's important to understand that xeriscape plants may be very slow to establish where water is not available. Some plants may spend several years establishing root systems before their ornamental aspects are readily visible from a distance. Some plants may benefit from having a "nurse crop" of naturally occurring minimally competitive plants to provide shelter from harsh environmental conditions while they are young.

SCOPE OF THE PLAN

This plan applies to the space between North Street/N. 1700 Rd. and south 100 feet of the subject properties (north property line of 509 North St. as indicated by the board fence).

THEME

The theme of Pinwheel Farm's frontage landscape is a woodland cottage garden integrated with found-object and mixed-media art, as well as decorative/unusual natural objects, with an emphasis on native, traditional, and edible plant materials collected from friends and neighbors. This landscape is designed to serve a number of practical and esthetic purposes:

- Provide a sense of continuity and connection among the three properties (501 North St., 1478 N. 1700 Rd, and 1480 N. 1700 Rd.);

- Mitigate inconveniences and limitations occasioned by site features including 1478's awkward placement too close to the street on an undersized lot, and the presence of a farm access right-of-way between 1478 and 1480 driveways;
- Discourage on-street parking which can create safety hazards by congesting North Street and obscuring a clear view of traffic for vehicles entering North St. from the 501 North St., 1474 N. 1700 Rd. (neighbor to west), and 1478 N. 1700 Rd. driveways;
- Provide a sheltered/shaded walking path among the three properties that is safe from vehicle traffic;
- Minimize mowing, watering and other maintenance to be environmentally friendly and ideally carbon-neutral;
- Provide enjoyment to resident, guests, and passers-by, both pedestrian and vehicle, through ever-changing displays of color, fragrance, and texture coupled with interesting non-plant fixtures to highlight and support the planted landscape;
- Produce certain horticultural crops for household use or for sale, including nursery starts, high-value seed, herbs, vegetables, cut flowers, craft materials, and livestock feed;
- Preserve plants that have known provenance through friends and relatives; and
- Serve as an outdoor gallery for artwork by the property owner and others, for the enjoyment of the neighborhood.

This theme is carried out seamlessly throughout the owner's home at 501 North St. (inside Lawrence city limits) and 2 adjacent properties to the east, 1478 and 1480 N. 1700 Rd., which are located in unincorporated Douglas County, KS. This presents a unified look for the properties that make up the farm. Vestigial picket fence sections "bracket" the frontages of the 3 properties, providing visual separation from the more traditional suburban landscapes to the east and west, and hinting at the set-aside natural microcosm that is Pinwheel Farm.

Individual ornamental plantings, as well as works of art, will tend to be transient over a broad span of time as natural processes are allowed to take their courses.

The 1478 and 1480 N. 1700 Rd. driveway areas will feature a pattern of wood chip "shoulders" to widen the existing gravel driveway to two-lane for large agritourism events. The shoulders will be bordered in liriope, with perennial flowers or ornamental or seed-producing grasses behind that. Further back, coppiced woody browse will be maintained at a height averaging less than 3 feet. Vinca will be used for groundcover in very shady areas wherever it can be established.

LANDSCAPING ZONES

The landscape has several distinct zones:

- Farm sign area, east of the 1480 driveway;
- Orchard strip area, west of the 1480 driveway;
- Right-of-way area, west 25' of the 1480 lot;

- 1478 driveway area, between 1478 structure and east 1478 property line; and
- 1478 front yard.

Each zone has a unique microclimate, site challenges, and uses.

CITY EASEMENT

The city owns an easement along the south portion of each zone.

Structures must be very limited within the City Easement zone, and landscaping easily replaceable. Service features such as the driveway and trash pickup point must be preserved. The view from the driveways at 1478 and 1480 N. 1700 Rd. must be kept as clear as possible, given the existence of valuable shade trees.

FARM SIGN AREA

Plantings in this area need to be drought-tolerant and require minimal care, since a water source is not convenient. Establishing new plantings will be slow because the lack of water will require reliance on natural rainfall.

The Farm Sign is located north of the city easement. It is landscaped with day lilies, Echinacea, liriopse, iris, sedum, and various spring bulbs.

Orchard Grass, a high-value shade-loving pasture grass that grows in dense clumps, will be encouraged between the sign and the oak tree. Seed is collected from it to gradually introduce and reinforce Orchard Grass stands in the sheep pasture. Leaving the stalks after collecting seed helps to identify it so that the clumps are not removed as weeds.

Liriopse, a member of the lily family that is widely used in City-maintained Lawrence landscapes, will be used as a border and broad groundcover. It forms a dense, drought-tolerant “sod” that smothers out most weeds. It will be maintained by mowing in early spring. Care will need to be taken that it does not encroach on areas planted with spring bulbs.

“Ground Ivy”, a naturally-occurring groundcover in the mint family, is encouraged to maintain various areas until such time as other groundcovers can be established after the tree removal. It is durable, attractive, fragrant when crushed underfoot, and has blue flowers in spring.

Virginia Creeper is a low-growing woody vine that makes an attractive groundcover. It needs at least annual attention to ensure that it doesn’t grow up trees.

Other woodland plants such as May Apples may also be included. Also, perennial herbs such as sage and oregano may be included.

Naturally-occurring seedlings of desirable forage tree species (mulberry, redbud, hackberry, elm) in this area will be maintained as coppiced shrubs in a manner not affecting traffic visibility, to provide a sense of depth and privacy as well as discourage parking or walking on the area. Forage will be harvested from them in the process of maintaining the coppice at an acceptable height and density.

The densely shaded area under the oak and arborvitae will gradually be transitioned to a permanent groundcover such as vinca, as time permits. Once a dense groundcover of lirioipe, vinca, and grasses has been established, use of wood chip mulch will no longer be needed. Any future wood installed for landscaping purposes will be naturally termite resistant (hedge, cedar, etc.) due to neighboring landowner concerns.

Non-productive tree saplings will be kept trimmed away from the board fence. The redbud trees and the male persimmon tree will be preserved.

ORCHARD STRIP

Understory growth beneath the fruit trees will be thinned to eliminate unwanted species (catalpa, ailanthus, wild grape) and managed as coppice. Gradually, understory growth will be cleared and replaced with wood chip mulch and low water-conserving groundcovers such as vinca and ground ivy. Fruit trees will be pruned to improve yield and avoid conflicts with aerial service wires.

The south end of the Orchard Strip will retain many of the established perennial flowers already located there: perennial sweet pea, obedient plant, etc. However, wood chip and liriope borders will be established similar to the east side of the driveway. A log edging will define the full width of the driveway. A bench or sitting area may be established in the open space just north of the utility pole, and/or new fruit trees established there.

RIGHT-OF-WAY AREA

Until the formal deeded Right-of-Way is changed to match actual driveway use, the Right-of-Way area must be maintained in such a condition that it could be used to access the farm. This prohibits permanent structures such as fencing, and permanent woody plantings such as trees or shrubs.

A fence that can easily be removed has proven to be a necessity to prevent unauthorized pedestrian access to the farm. It seems logical to locate this fence along the approximate line of the city easement, as a reminder of that easement. Eventually a more attractive option than either the current unobtrusive yellow rope/green plastic netting fence or the previously used chain link panel fence will be utilized.

The area where the city easement coincides with the Right-of-Way—south of the gate/fence—will be kept in mowed grass. The area north of the fence will be planted to perennial grass that is allowed to grow to its natural height most of the time, but can easily be driven down or mowed if the Right-of-Way is needed for access.

The dilapidated agricultural fence between the Orchard Strip and the Right-of-Way Area will eventually be removed or replaced with a more attractive fence. Some posts will remain to indicate the Right-of-Way area until such time as it is vacated. New Right-of-Way boundaries will be clearly marked in some permanent manner such as posts or monuments.

1478 DRIVEWAY AREA

A gravel apron will be maintained for the existing driveway for 1478 N. 1700 Rd. Beyond that, the driveway and yard areas will be maintained with wood chip mulch to control weeds and provide an improved parking and walking surface. The area between the large hackberry tree and the 1478/1480 property line will be wood chipped and lined with liriopse and other ornamental plants. The small oak tree will be encouraged.

The cedar trees separating 1478 and 1480 will gradually be removed to reduce the exposure of the apple trees in the Orchard Strip to Cedar Apple Rust fungus. They may be replaced with fruit trees, flowering or fruiting shrubs, etc. The dilapidated fence between the two properties will be removed, with some posts remaining to indicate the property line.

1478 FRONT YARD

Old-fashioned climbing/rambling red roses rescued from a friend's former house are being encouraged to trail along the inside of the Art Fence to provide a stunning floral display in early summer. Elderberries will provide natural screening between the fence and the structure.

Other lower flowering perennial plants will eventually be added along the slight berm on which the Art Fence is sited. Until then, seed for Bachelor's Buttons has been scattered in hopes of establishing it as a naturalized "ornamental weed" in the Front Yard and West Driveway area.

A tiny patch of lawn will be maintained directly in front of the house. It will be reseeded whenever natural rainfall and temperatures are conducive to establishing a healthy sod.

The area south and east of the patio is still settling after the removal of the huge elm tree that used to grow there. The wild elderberry that appeared there several years ago will be encouraged as an ornamental, fragrant, edible landscape plant that will not develop roots that impinge on the house foundations. A volunteer bittersweet vine now graces the 1478 porch post but will be moved to a separate trellis for the reconstruction of that porch. If the vine turns out to be male, additional bittersweet vines will be planted somewhere in the landscape as an ornamental crop. Understory plants include an ornamental *polygnum* spp. that first appeared at 1480 N. 1700 and has spread around the farm in shady locations, as well as the ubiquitous Ground Ivy.

WEED IDENTIFICATION AND CONTROL

Key “weeds” that will be controlled in all Pinwheel frontage landscaping areas include all Kansas Noxious weeds, Pinwheel Farm noxious weeds as listed in the Pinwheel Farm Environmental Policy, wild grapes, and known toxic plants unless there is an overriding purpose for them to be cultivated.

Dandelion, goldenrod, and several other plants that are commonly considered “weeds” have various culinary, herbal, ecological, agricultural, and craft uses and are not considered “weeds” at Pinwheel.

11/3/2013

DRAFT SANITATION PLAN FOR CAMPING AT PINWHEEL FARM

This plan addresses personal sanitation issues for persons temporarily lodging at the farm in tents, campers, RVs, etc.

Sanitation related to vegetable production, livestock, pets, etc. is not covered by this plan, although the same facilities may be used where feasible. The vegetable washhouse facility will not be used to provide for the sanitation needs of camping participants, except that a hand wash station serving the vegetable washhouse may be used for hand washing regardless of purpose, and general sanitation supplies (extra TP, soap, etc.) may be stored in the veggie washhouse.

The purpose of this plan is to show how compliance with sanitation regulations can be achieved in a low-input, sustainable manner with a minimum initial investment in permanent infrastructure.

All aspects of sanitation will at times be met by use of conventional facilities inside the farm residences, but the residence facilities will never be the only option available to camping farm participants. All persons camping at Pinwheel will be engaged in daily educational, work, and other farm-related activities, and will thus frequently meet, rest, dine and visit with the farmer and other farm residents.

WATER SUPPLY

Camping participants will be advised that the Douglas County Health Dept. strongly encourages them to use drink water from an approved source. Drinking water containers can be filled with city water, or from drinking water dispensers at local grocery stores.

The farm's untreated private well water can be used for other purposes, including hand washing, body washing, dish washing, and laundry. The farm's water supply is tested at least once a year by the Douglas County Health Dept.

At present, the farm's water is supplied by a well and pump system located at the farmhouse at 1480 N. 1700 Rd. A system of underground pipes distributes water to frost-free hydrants near each farm building. Presently, garden hoses are used to supply water to the sheep wherever they are on pasture during the summer months. The same system of hoses would supply water to, or near, most campsite locations on the pasture for safety and non-potable water uses. Eventually, underground piping and frost-free hydrants will serve the pasture as well.

A well permit has been obtained to install another well on the north edge of the garden area of the farm ground. The farm's underground piping system will be disconnected from the 1480 household well when this new well is fully operational.

For purposes not requiring potable water, rainwater may also be collected, stored and used.

TOILET FACILITIES

A licensed pit privy was constructed at the farm under a permit from the Douglas County Health Dept. in 2007. It is conveniently located west of the Green Barn. It features excellent ventilation and natural light to create a pleasant environment for necessary tasks. It is regularly used, inspected and maintained by farm participants. It is stocked with toilet tissue and hand sanitizer.

Many RVs come equipped with small chemical toilets and holding tanks. Participants lodging in RVs that are so equipped will generally use the RV toilet facilities. RV holding tanks can be emptied at Clinton State Park.

Pinwheel has a small portable camping chemical toilet, similar to those in RVs, which can be easily transported to a campsite location for use. It is designed to empty into a household toilet or RV dumping station. In regular use by one person who is sometimes using the pit privy, it needs emptied only once a week or so.

HAND CLEANING

Many RVs have built-in hand washing facilities, and camping participants will use these when available and convenient.

Hand sanitizer is kept in various strategic places around the farm, including the pit privy, the veggie washhouse, the various barns, etc. Back stock is kept at the pit privy and veggie washhouse.

At least one portable, non-plumbed hand wash station (for soap-and-water washing) will be constructed by spring of 2014. A similar, built-in hand wash station will be constructed as part of the veggie washhouse upgrade. These will have a batch type water supply that can be refilled by a garden hose or from a bucket; a valve to control water flow; a sink or basin to catch water; a drain; a catchment container for wastewater; a means of drying the hands, and proper collection and disposal of any waste paper generated. Paper will be burned or sent to the landfill.

The supply water container will be slightly smaller than the wastewater catchment, to prevent wastewater overflow. Those maintaining the stations will be trained to never refill the supply water tank without emptying the wastewater tank. A second wastewater catchment container will be put in place as soon as the full one is removed, so that the station won't be inadvertently used while the catchment is removed for emptying.

Wastewater from hand washing stations will be disposed directly to an approved sewer or septic system.

TOOTH BRUSHING

Camping participants will be trained in low-water-use oral hygiene techniques. Waste water will be included with hand washing, shower, sponge bath or toilet waste.

BODY CLEANING

Some RVs come equipped with shower facilities and holding tanks. Participants lodging in RVs that are so equipped will generally use the RV toilet facilities. RV holding tanks can be emptied at Clinton State Park.

Portable sponge bath and shower stations will be constructed for use by camping participants who don't have access to an RV-based shower facility.

Sponge baths are often sufficient and convenient for freshening up quickly. During hot weather, frequent partial sponge baths are helpful for managing heat when working outdoors, even when showers are available. Sponge baths will be taken in screened areas to preserve modesty, usually in a person's own tent since that's where clothing and supplies will be kept. A sponge bath kit, including printed instructions, will be assembled based on Red Cross guidelines. A towel (which will be laundered) or newspapers (which will be burned or sent to the landfill) will be placed on the floor/ground to catch stray drops of water. Wastewater from the basins will be collected in a carrying container with a lid and disposed of in a sanitary sewer or septic system.

The semi-portable shower station will include a shower pan to catch water and channel it into a transport container; an easily-carried catchment container with a lid; a batch type water supply container (which may also serve as a solar water heating device); a stand to suspend the water supply container; a valve to control the water flow; a rack to hold a shower curtain and top cover; and holders for clothing and toiletries. In most cases, a pit will be dug in the ground to accept the wastewater container. Water will not be disposed in the pit; it will only be used to allow the shower pan itself to sit sturdily on the ground. The dirt from the pit will be set aside in a container for easy refilling of the pit. In most cases, one semi-permanent pit location will be made (probably near the pit privy), rather than digging holes at every campsite.

LAUNDRY

Frank's Coin Laundry is the closest Laundromat. It is on 6th St.

Small items may occasionally be washed by hand. Wastewater will be disposed in a sanitary sewer or approved septic system.

Whether washed at the farm or in town, laundry may be hung on residential clotheslines to dry.

DISH WASHING

Most meals will be shared with the farm residents, and most dish washing will likely happen at the residences. However, it's inevitable that some dishes will need washed.

Many RVs come with facilities for washing dishes, and camping participants with such facilities will generally use them.

Hand washing stations may be used for occasional minor dishwashing (rinsing out a coffee cup, etc.) A dishwashing sink similar to the hand wash stations may be developed if needed.

PHASING

A gradual phase-in of camping activities will allow for limited camping while facilities are being developed.

Phase 1: Initially, camping will be limited to fully-self-contained RVs. No infrastructure changes will be needed to accommodate self-contained RVs that are willing to go to Clinton State Park to empty their holding tanks. Hand cleaning at privy will be through use of hand sanitizer.

Phase 2: Sponge bath kit and portable hand wash stations will be implemented, and limited tent camping will be allowed.

Phase 3: Portable shower station and dishwashing station will be implemented, and full capacity of camping activities will be allowed.

Phase 4: When the future Land Combination is done to join 1478 N. 1700 Rd. with the main farm ground, more refined sanitation facilities will be constructed just north of the existing structure. The Douglas County Health Dept. has recommended a plan to resume use of the existing septic system from the former residential structure as an approved (when proper functionality is demonstrated) disposal facility for wastewater generated by camping and other farm participants and activities.

Initially, an above-grade lockable cover will be installed on the riser of the septic tank so that the tank can be directly accessed for disposal (or pumping). This can be used to dispose of waste from the portable sanitation facilities (chemical toilet, hand wash station, etc.) and as a private RV dumping station (solely for RVs used on the farm).

Eventually, a small sanitation building will be built in accordance with all applicable codes. This building will be ADA compliant and will include a toilet, shower, hand wash sink, dishwashing sink, and washing machine. It will serve the health and safety needs of a) farm residents, operators and volunteers, b) customers and agritourism guests of the farm and c) camping farm participants.

Because it will be located some distance from the farm's permanent water supply system, it will not be conventionally plumbed. It will be equipped with a rainwater collection and reuse system (cistern) to supply water for non-potable water uses. Water supply will be augmented through refilling the cistern from the farm's water system via garden hose. Running underground pipe through the woods would be detrimental to the trees, as well as very expensive. Water use by this facility will likely be very seasonal--much greater in months when the weather is above freezing. If possible, the building will be entirely off-grid for electricity and heat, as well as water supply, as part of Pinwheel's effort to achieve zero net CO₂.

Detailed plans for the sanitation building will be worked out in close collaboration with the Douglas County Health Dept. and Douglas County Zoning and Codes; all necessary permits will be obtained; and licensed contractors will be used as required.

To the Commission,

I have been actively involved in organizing the North Lawrence neighborhood owners of record and speaking on their behalf over the past three years specifically in regard to Pinwheel Farm's continuous requests for camping. I was born and raised in North Lawrence and my parents live next to Pinwheel Farm on North Street. A few years ago Natalya Lowther took her camping requests from the Planning Commission all the way to the Board of Zoning Appeals and was turned down before the BZA, so we have been down this long road before. The fact is, the neighborhood has never tried to stop Natalya from trying to live her life as a farmer. I have repeatedly said those words in North Lawrence meetings, in front of the commission, and to Ms. Lowther herself.

In fact, Ms. Lowther lives exactly the way she wants to as a farmer by:

- Growing produce (with no neighbor complaints)
- Selling produce to businesses and individuals (with no neighbor complaints)
- Raising sheep, chickens and other animals (with no neighbor complaints, in fact one neighbor provided lots of scrap wood for her heating as well as a free chicken coop, even moved it in for her, and a metal gate) At other times, neighbors have helped her round up loose animals to put back behind the fence.
- Making products of soap, cheese, yarn and other items (with no neighbor complaints)
- Having lots of people come and go as volunteer workers (with no neighbor complaints)
- She has been able to register as an agrotourism site permitting a farmers market and large events in her barn (with no neighbor complaints, in fact one neighbor spoke in support of PF desires to do those things)

So, basically Ms. Lowther lives her life just as she wants, earns money doing all the things she wants to do as a farmer.....no neighbor has ever wanted to nor do they prevent her from living as a farmer. The only thing the neighbors truly, truly object to is the idea of allowing her to now bring people to live in tents or campers on her property in a way that is NOT humane, decent, safe or clean.....and she wants it all in the middle of a residential neighborhood.

Let's also think about this now, despite all these things, and because the neighbors object to this CUP camping request....she suggests everyone is out to get her....that all the neighbors are anti-farm/anti-growing, she makes herself out to be a victim every single time anyone objects to her desire for camping in the backyard.....The truth is, Ms. Lowther has isolated herself from and continuously harassed every single person/homeowner that surrounds her to the point that she now seeks to create her own neighborhood of what she referred to at the last CUP request meeting as "friendly neighbors". The truth is, Ms. Lowther has threatened to sue most who she has come in contact with, her own past tenants, people who live next to her, and people who have worked there.... so is it any wonder she has turned every person around her away?

In my opinion, the objective is not about a need or desire to have farm help, but to try to find people she can get along with who live in her backyard. It is truly a sad and self-created situation, but certainly not a good reason to approve backyard camping despite all surrounding

homeowner opinions, despite going down this road before only to be turned down before the Board of Zoning Appeals, despite going against regulations that other county situated businesses have to abide by, and despite the safety, security, health, and cleanliness issues that arise as mentioned in the agrotourism regulations.

With Respect

Barbara Higgins-Dover

Mary Miller

From: Jessica Oshel [jessicaoshel@yahoo.com]
Sent: Monday, November 11, 2013 6:42 PM
To: Mary Miller
Subject: Penwheel farm

Dear Marry,

As a close resident to pinwheel farm I totally object to having camping there! Thank you.

A very concerned sand rat!

Jessica Oshel

Sent via the Samsung Galaxy S™ III, an AT&T 4G LTE smartphone

Mary Miller

From: Tracy Shelby [tracy.shelby39@gmail.com]
Sent: Monday, November 11, 2013 5:26 PM
To: Mary Miller
Subject: Pinwheel farms shanty town

Hello my name is Tracy shelby and I live right down the st. From said farm. I would like to oppose allowing backyard tent towns at said farm the last time they tried this petty theft took a upswing in our community. I seem to remember reading something about a sexual assault happening there? As a parent I'm not comfortable with this at all. Its also unclear to me why my having a car in my backyard is unacceptable but shanty towns are ok? Really? Thank you for your consideration, Tracy shelby.

Mary Miller

From: Whitney Stanton [wemstanton@cox.net]
Sent: Monday, November 11, 2013 8:20 PM
To: Mary Miller
Subject: Marry Miller about penwheel farms

I am writing this letter to voice my concerns about Penwheel farms having people camp on their land while working on their farm. I, as a mother, am very concerned about the type of people it will bring into the neighborhood. I have children and their well being is my number one concern. There are lots of kids that play all around our street and I want them to always be safe.

Thank you for you time
Whitney Stanton

APPLICANT COMMENTS ON STAFF REPORT
11/14/2013

Need to address personal/farming use separate from participant camping

In looking through the current version of the conditions, it's clear that we've all overlooked the most important reason for this CUP: so that I can camp on my own land, and my tenants can camp as well, as they become more integrated with the farm that may someday be theirs. As the restrictions placed on the proposed activity have become increasingly stringent, I think it's time to add a new, overriding condition as follows, so that the farm can move forward with at least the main purpose of the CUP intact:

“In order to clarify and preserve private property rights and the right to humanely and safely engage in agricultural production, the landowner; her family by blood, marriage or domestic partnerships; and residents at the homes affiliated with the farm (501 North St. and 1480 N. 1700 Rd.) and their families by blood, marriage or domestic partnership, have the right to unlimited camping, subject only to the following conditions. Landowner, residents, and their families and camping equipment will not count towards the total number of camping units or persons allowed by this CUP. The following conditions apply:

- ***Owner/resident/family camping may be at time of year, for any duration.***
- ***Owner/resident/family camping may be anywhere on the farm except within the regulatory floodway.***
- ***Owner/resident/family camping may utilize any type of shelter equipment (tent, RV).***
- ***Owner/residents/families are free to make their own decisions about what type of water to drink, since they already use the farm's water system(s).***
- ***Sanitation standards must be met by ensuring that all human body waste and wastewater is discharged to approved sanitation facilities. This may include using facilities in the residences.***
- ***Fire safety conditions apply to all recreational fires on Pinwheel Farm itself, but do not apply to the tenants' exclusively leased yard area.***

Addition of new county land to CUP

By the time this CUP goes to the County Commission, I will have clear title to 1478 N. 1700 Rd. and the landlocked parcel between the farm ground and 501 North St. These should be added back into the CUP at this time, prior to Planning Commission approval, for the sake of completeness and to prevent confusion, as these three parcels will be merged into one combined parcel within the initial time frame of the CUP if it is approved. This will greatly facilitate implementing the eventual sanitary facility at 1478 North 1700 Rd., as well as keep things simple and clear for enforcement purposes.

I will have letters of intent from both Landowner and Lender by the Nov. 18 Planning Commission meeting specifying a closing date prior to Dec. 8. These parcels were

included in both the original and revised CUP submittals so all necessary documentation is already on file and the property was included in the address list for the 2013 mailings to property owners so all necessary owners have been notified of the CUP, even if those properties were not specifically outlined on the most recent map. They were certainly on the maps for the original 2010 submittal. It would be silly to immediately have to turn around and submit a whole new application for these two properties before the ink is even dry on this...not to mention a huge waste of everyone's time, energy and money as there would probably be equal or more opposition from the same neighbors.

Comments on specific items in the Staff Report:

1) Time Frame:

- If an entirely new application must be brought back after the initial approval time frame, then the initial time frame should be 5 years to prevent undue financial hardship. The \$100 fee may seem small to some of you, but to me it is a huge sum after the devastating cost to the farming operation of this past 4 years of the current CUP effort. The farm's profitability has been severely compromised by a) not being able to have this activity that many other similar farms rely on, especially the freedom to camp on my own land for agriculture contingencies, and b) spending a disproportionate amount of time, energy, and money directly on trying to be allowed parity with other similar farm operations.
- In addition to direct financial hardship, the CUP has been incredibly time consuming, not only for me but for Planning staff, County staff, and the Planning Commissioners. Do we really want more 5+ hour Planning Commission meetings? To ensure a seamless transition between initial and subsequent CUPs, AT BEST, I would need to begin the lengthy CUP process in June or July of 2016, after just 1 ½ years of being allowed the use. Once again, I will lose my ability to direct my efforts towards profitable enterprises on the farm by spending the most important season of the year in the house doing paperwork. This short initial time frame prior to the subsequent CUP will not give time for the farm to recoup the losses of the past 4 years regulatory efforts.
- I've been told that the County is considering regulations directly addressing camping. I was told this at the time the initial CUP was deferred, and the lengthy process to promulgate the agritourism regulations was one reason the CUP was deferred so long. It seemed best to wait to bring it back until there was a (temporarily) stable regulatory environment around at least some of the uses. I presume that the County Commission will continue to tackle one aspect of agritourism at a time, and they are now involved in what appears will be lengthy wrangling over the whole agritourism registration program. Needless to say, I will be involved in such regulatory development to the extent possible, so that process alone will be a drain on my profitability. 5 years would give time for the County Commission to address their current

concerns as well as address on a county-wide scale the growing public demand for recreational/educational camping as part of a healthy lifestyle reconnecting people with nature and their food sources. It would be very confusing to require the CUP to be reviewed in the midst of wrangling over camping regulations.

- The construction of the sanitation building, if required for a new CUP, will not only take construction time but also will likely require significant time prior to applying for the building permit to work with Zoning and Codes and the Health Dept. to design an off-grid facility (solar electric, passive solar hot water, and a cistern system for water service. If we are required to have conventional grid-connected electricity and a hard plumbed water connection, then it will not be feasible to build this building at all in the foreseeable future. Yet it will only provide redundant and non-essential services for self-contained RVs. It is not feasible for me as one person also managing a farm to work on this building design & permitting process while also implementing the prior phases of the sanitation plan or while going through an entirely new CUP process.
- Based on Mary Miller's difficulty in finding definitive ADA compliance information for agriculture and outdoor activities, it is likely that there will be a lengthy process in determining applicability of ADA regulations to Pinwheel's situation and applying them to an unconventional plumbing system. This could significantly extend the timeline for construction of permanent sanitary facilities.
- During the 2-year time frame proposed, and possibly a year or two beyond that, I will likely be also taking time and energy away from farming/agritourism/camping for various significant efforts related to the construction of the Water Transmission Main across the pasture. During the construction phase, esp., this is likely to take a huge amount of my time and energy, and possibly require significant presence away from the farm to manage sheep on alternate summer pasture for several years until my own pasture and fencing are re-established on the construction area. I will need uninterrupted camping access for myself and for farm participants during this period to ensure the community's security during this construction, unless the city is willing to pay for licensed security personnel to be present on the site whenever construction personnel are not present.

2) Sanitation

Point of information: "Best practice" for farm workers is that toilet and handwashing facilities be "readily available for use (within ¼ mile walk)". The pit privy is less than 1/8 mile from most camping areas, since the northernmost part of the farm is in the floodway. Also, "portable toilets are serviced and cleaned in an area that is physically isolated from all produce production or handling facilities"—this would be feasible

with the Thetford but not with a full-size porta-potty. Per Cornell University's National Good Agricultural Practices Program publication, "Food Safety Begins on the Farm."

- The requirement for multiple redundant toilet facilities is unnecessary and burdensome. The pit privy and a personal chemical toilet ("Thetford") should be sufficient without requiring the expensive rental of a full-size chemical toilet.
- The conditions are not flexible enough to reasonably address the most basic and pressing need for the CUP, which is to allow those already residing in the residences associated with the farm (501 North St. and 1480 N. 1700 Rd.) to camp on the farm for agricultural and logistical purposes. People who already reside in dwellings on the farm must be allowed to camp out freely, whether in tents or any kind of RV, without use of chemical toilets or sponge bathing facilities unless the individual feels they are needed. They have full access 24-7 to plumbed facilities in the homes, as well as the pit privy. In practice, in most instances, they will probably use the Thetford for convenience.
- There is a discrepancy between Condition 4)c) **The sanitary provisions will be re-evaluated when the CUP is returned to the Commission in 2 years and the number of units/campers may be revised at that time.** and 8)c) **A shower facility will be required for the extension of the CUP beyond the 2 year period.** If "shower facility" means a portable shower facility, this is reasonable although still discrepant. If it means a permanent plumbed facility, the requirement places an onerous burden on the applicant to make a large expenditure for a facility that may not even be permitted to be used, must be operated as an accessory activity to farming, and cannot be for profit. This is not a reasonable risk to expect of a very small business. It cannot be considered an "investment" since there can be no return on it. If we decided to (or are forced to by regulatory hoops such as a variance process or ADA determination) delay our Phase 3 implementation longer than 2 years (or less, if the shower must be constructed prior to applying for the new CUP), we would no longer be allowed our Phase 1 and 2 activities.

5) Camping Use

- My recollection was that the word "seasonal" in the CUP title was confusing and either the word should be changed or "seasons" established. I suggest that the word "seasonal" be changed to "Accessory and Agricultural", and no time-of-year restrictions put on the CUP.
- I am fine with limiting the length of stay of individuals to 8 months out of every calendar year. It would be a simple matter to keep a log of when each camping farm participant (other than the landowner; her family by blood, marriage or domestic partnership; and residents at the homes affiliated with the farm (501 North St. and 1480 N. 1700 Rd.) and their families by blood, marriage or

domestic partnership) arrives so that we can document that no one individual stays longer than 8 months. This list could be kept at an accessible online site (the farm website?) so that monitoring the list is as easy as opening a web page. This will also let neighbors know who is here and how long they will stay, hopefully lessening anxieties about “strangers.”

- Disallowing any camping during parts of the year again results in a CUP that fails to address the most basic and pressing need for the CUP, which is to allow those already residing in the residences associated with the farm (501 North St. and 1480 N. 1700 Rd.) to camp on the farm for agricultural and logistical purposes. In particular, this year breeding occurred throughout the grazing season and we could have lambs arriving at any time. Meanwhile, having the sheep off-site part of the summer due to not being able to let anyone camp out on the pasture during the grazing season for security purposes when my fences were being vandalized means that we have a huge amount of stockpiled grass that we will be grazing through the winter. We need to have shelter out there to supervise this experiment and guard against vandal and predators.
- Disallowing camping in the winter months will prevent educational experiences for small groups such as Boy Scouts working on badges, and will prevent college students from having Winter Break survival camping adventures at the farm. I know this doesn't appeal to everyone, but neither does rock climbing or parachuting. There is work to do and things to learn in all seasons at the farm, and those who want to have their own farm someday need and want the experiences we can uniquely offer.
- If the Planning Commission feels it MUST set aside part of the year when farm residents are not allowed to camp on the pasture, and we cannot have farm participants, then we need to have those periods coincide with the times when camping is least needed from an agricultural perspective. Our slow times when we least want out-of-area farm participants and are most likely to have time to make multiple trips to and from the houses to the pasture night and day are limited to January, when the ground is normally frozen, and mid-July – Mid-August when it is too hot to do much gardening and I may take a vacation anyway. By mid-February, we are starting to have more warm days; starting to plant peas, onions, and bedding plants; and doing a lot of preparatory work on the farm for the main spring season that starts mid-March with Shearing. This is exactly when we need to be teaching people about our unique way of farming, before things get really busy.

6) Streetscape

- Neighbors have stated that they are not concerned about the landscaping, so I don't feel a condition is needed. Even Barbara Higgins-Dover stated, in her letter, that “The only thing the neighbors truly, truly object to is the idea of allowing her to now bring people to live in tents or campers.” So evidently landscaping is no

longer a deal-breaker for the neighbors. With more people involved in the farm, there will naturally be improvements in the front landscaping, especially now that we have the landscaping plan. There will be no change in the use of this frontage area specifically because of camping, since the only people who will be coming into the driveway for camping are already approved to be on the farm as day participants for agritourism purposes.

- If a condition is wanted, then the 25' designation is arbitrary and capricious. There is already a city utility easement across the front of the property at about 22'. Enforcement officials have access to the exact legal description and have the means to set corner pins on their easement, which they ought to have done when they did the initial survey, for situations just such as this. The city easement would be a much more sensible dividing line, since it is delineated by a formal survey. "The edge of the roadway" is subject to change each time it is repaved or crumbles, since there is not a curb. Let's don't set up yet another strip of land with confusing and conflicting regulatory jurisdictions.
- ***"No non-farm items, with the exception of vehicles, may be located within 25 ft of the edge of the North Street roadway"*** I don't think it's possible for anyone but those of us working on the farm at the time to know whether any item is being used for farm or non-farm use. We use bricks as weights for row covers, for example...and bikes to transport farm products. This would also rule out artistic and ornamental landscaping features, or utilitarian items such as bench for pedestrians, and prohibit free-speech (political signs) on private property. Is constructing and maintaining the landscaping an agricultural or non-farm use?
- ***"Vegetation within 25 ft of the edge of the North Street roadway may not grow to excessive height, greater than 12" in height, unless a Natural Landscaping Plan has been provided and approved for this area."*** I have been unable to get a clear understanding from the city about regulatory status of the easement, in terms of landscaping (i.e. street tree requirements), since it belongs to the city but it's in the county. If the County and Planning Staff and Commissions can get the city to make a definitive delineation of if/how city regulations apply to this area, and it's determined that the City has the authority to approve a Natural Landscaping Plan, then I will be happy to submit the final version of the Pinwheel Farm Landscaping Plan for approval. However, I don't think that will happen in time to approve such a condition at the Nov. 18, 2013 meeting.
- If it is not possible to get city approval of a landscaping plan for this area, then no condition addressing height of vegetation is appropriate. It is in the county and can be utilized for crop production, grazing, etc. The proposed condition does not allow for the established trees and ornamental plantings that characterize a significant portion of the area.

This section goes on to discuss the campfire conditions: "Staff has no objection to the proposed revision to Condition No. 9 regarding campfires; however, the standards for

design recommended by the Lawrence Fire Department should be included.”

- There is no reason to include standards for fires, when standards for many other things have not been included in the conditions.
- When I spoke with Jim King at Lawrence Fire and Medical, he said that these standards were not from Lawrence Fire and Medical because they have no advisory authority in Grant Township. He did not know where they might have come from.
- My only concern with the fire standards is that there is no provision for something for people to sit on something warm and comfortable if potentially combustible items such as logs, plastic/wood/fabric camp chairs, etc., can't be used as seating. I asked him about using logs for seating. He felt that logs 10” or more in diameter were not a significant fire hazard from sparks or embers from a contained fire, and could be used as seating inside the 5” clear space for the small scale of fire that we will have (less than 30” diameter). If specific standards are included, they must include use of logs >10” diameter for seating. Logs will be of a size that one person could move away from the fire if needed.
- In the city, they don't regulate recreational fires on private property, although people can be cited if a fire gets away and causes damage. The same should be true in the county.

I appreciate everyone's work that has gone into making this a thoughtful and well-planned project. I regret that personal issues among the neighbors have drawn it out into such a laborious and contentious process. I'm sure that actual camping will be much less disruptive than the process to get here.

Nov. 14, 2013

Planning Commission.

We are totally opposed to any camping at Pinwheel Farm. If it does get approved, many more improvements would be needed.

In previous years she was a reasonable person. In the last few years she has been giving the neighborhood a bad time. Mary calls her an old battleaxe.

I am not able to come to the meeting because of my wife's health. Just know we are ~~top~~posed to the CUP for Pinwheel Farm.

518

530

534

} North
St.

Sincerely

Harry & Mary Cook

Harry & Mary Cook MARPA Cook

Regarding CUP 2-1-10

Nov. 14, 2013

Planning Commission,

I was hoping that a long, involved discussion could be avoided on this CUP- again Unfortunately I cannot visualize that.

Myself and Joyce Higgins have tried to be more cooperative neighbors. We were both on a Pinwheel Farm landscape advisory Committee, by invitation. I also spoke at our NLIA meeting on Nov. 11, 2013 regarding neighborhood notification concerning a termite problem on my property. In both instances our comments were turned around by Ms. Lowther to make it look like we were targeting her individually. She wrote comments to that effect in e-mails and postings on Facebook.

While improvements are visible to 501 North St (Natalya's home) and 1478 N. 1700 Rd, these are not the the key issues concerning seasonal camping at 1480. Is there now a wash-up facility? Is there safe access, in and out for campers and emergency vehicles? Is there a plan in place for background checks of proposed campers? Who is going to check and regulate that proposed conditions are followed?

Pinwheel Farm was given a 90 day permit for a temporary "Starcraft" mobile home in May of 2012. It is still in use at 1480. Why was this not removed or checked on after the 90 days? Is this what will happen to conditions that are enacted in a CUP?

Our neighborhood has never complained of her farming or gardening operations. When her llama died from the heat a few years ago, due to lack of shearing, we were all sad. We support her Agritourism registration.

Pinwheel Farm is in the "county", right at the city limits. In fact my 6' privacy fence to the North is the city-county line. She is not in the "country" as most sheep farms would be. We have a right to our city values as much as she does for her country/farming values.

We have a Neighborhood Watch. We want our neighborhood to be safe, fun and interactive. Everyone nearby tries to work together and live together - except Pinwheel Farm.

It was recommended by Planning & Zoning that proposals and concerns were submitted to them on Nov 4, 2013. Before the meeting date, Nov. 18. Then everyone - commission, Pinwheel Farm, and owners of record - could communicate by e-mail or phone to try and resolve some of this issues. I presented the list of our concerns to Mary Miller on Nov 4. Did I miss something? I have heard nothing about any other opinions or resolutions.

Please consider that a majority of North Lawrence garden in some way or another and

have for decades. We support our neighborhood association, outdoor activities, families, grow your own gardens and ornamental plants and flowers. We all have our rights and desires. We live here; most of the time happily.

Sincerely
Diane Menzie

509 North St

Contact: hokeydory 789 @
yahoo.com

842-9681

Sorry I will be out of town until the afternoon of 18th

Mary Miller

From: hggnsjoy@aol.com
Sent: Friday, November 15, 2013 1:58 PM
To: Mary Miller
Subject: Pinwheel Farm CUP request

Commissioners,

My husband David and I strongly oppose camping at Pinwheel Farm.

The commission asked the neighbors to try and mend relationships. I did attend the landscape planning meeting held at Pinwheel Farm, in an attempt to do as the commission asked. During that time at Pinwheel, I was faced with a staring down by the owner of the farm which made me very upset and uncomfortable. I listened to some of the things she had to say, and finally decided to ask exactly what problem she had with me and why she couldn't be neighborly. I was then hit with many accusations (an attack) on me personally. It was very bizarre and mostly untrue. This behavior all from a woman who admits having stood on her own roof to take pictures of children and other irrelevant things on surrounding neighbors homes, which were shown in the slide show at the last CUP meeting in September. Another nearby neighbor was faced with the owner of Pinwheel Farm driving slowly back and forth in front of his house with a camera. The purpose was to take pictures of his 4th of July gathering that were also used in the slideshow that you were exposed to.

I and many other people in the neighborhood do not feel a person who would do these things is capable of the leadership required to adequately manage what is being requested in the CUP. There have been lots of tenants in the past, they never stay at Pinwheel Farm long. In having conversations with some of the previous tenants, I have come to realize the dysfunction of activity at PF, one tenant was asked to sign a contract denying him permission to speak negatively about the owner if their agreement fell through while others were sued for damages to property that was already in disrepair.

The owner of Pinwheel Farm has sent the police, the sheriff, the fire department, zoning and codes, city of Lawrence, health department, news reporters, and many others to investigate our property as well as most others that surround her and she has done so over and over and over again. Once again, I and all other neighbors surrounding PF do not believe the owner is capable of the leadership required to adequately manage what is being requested in the CUP, and that all these actions are a good indicator of social skill and management style. We feel that granting this CUP will set a bad example for any future applicants and will give the agrotourism program in general an undeserved bad name.

thank you

Joyce Higgins

Mary Miller

From: Mindy Cassin [qualitytow2003@yahoo.com]
Sent: Sunday, November 17, 2013 1:47 PM
To: Mary Miller
Subject: Pinwheel farms camping

Hello Mary this is Mindy Schaal I live next door to pinwheel farms on the west side I have 3 young children at home the only concern I have is that their will be people from all over the US coming to pinwheel farms that we have NO idea if these people are registered sex offenders or what their past is and by them staying For Free and not having back ground checks or proof of who they are at Pinwheel farms just makes me Leary of them we where also told by Natalya that she was gonna get people from the Homeless shelter to camp and live on her "farm" for a place to live in exchange for Free Labor . But she Never told you guys that! I own a company and we tow for AAA EVERYONE of my drivers have to have a back ground check to work for us. All I ask is when you guys make a decision please think about the safety of my children and the children close by!! And make sure someone follows up on the rules that Pinwheel farms is to go by on a regular basis I'm not a tattletail nor do I want to make phone calls complaining!! At this point it's all in the City commoners hands! Thanks for taking the time to read this as a mother I am concerned!! My family has tried and tried to get along with Natayla but seems impossible I have allowed her live stock to come on to our property several times just to be a friendly neighbor! Natayla also asked my husband if our office would do back ground check for her because that 5 minutes it takes to do them she could be working on her Farm!! If I had to Wrap 1 word around this I would say Natayla wants her own "COLT" in her own Yard!! Thanks for taking the time to read this!!! Mindy Schaal!!!

Sent from my iPhone

Mary Miller

From: Katherine Garcia [authorkat369@yahoo.com]
Sent: Monday, November 18, 2013 8:47 AM
To: Mary Miller
Subject: Regarding: CUP 2-1-10...Being sent for Coleen Tabbert.

To whom it may concern,

Myself as well as other home owners in the North Lawrence area have deep concerns in regards to Pinwheel Farm's current/future intentions. Ms. Lowther's property is looked upon by several individuals in this neighborhood as a hazardous environment. I, myself invited Ms. Lowther to join forces with the "Big Event".

This particular event involves KU students/faculty giving back to the Lawrence community by providing free labor and services to individuals in need. These services include; indoor/outdoor maintenance in which would have been a great opportunity for Pinwheel Farm to improve and upgrade the property and become a safer environment for the home owner herself as well as surrounding neighbors.

Unfortunately Ms. Lowther declined immediately yet stated she would give thought to the offer and get back in contact with me although this never took place. Much time has passed and the concerns of Ms. Lowther's property are growing problematic and she is now planning to transform her property into public camping grounds.

This is very alarming due to more than a few concerns beginning with the over abundance of wood chips, tree limbs, trees, and sanitation on down to others concerns such as the campers who will be facilitating the property in which myself along with others feel this is too close to surrounding neighbors. I hope you can correct some of these problems that appear to be ongoing before making any hasty decisions in order to keep our North Lawrence community a safe, clean and healthy environment.

Thank You,
Coleen Tabbert
714 N. 6th St.
Lawrence, Ks. 66044
785-843-0071

Mary Miller

From: Shirley [starp@sunflower.com]
Sent: Wednesday, November 13, 2013 9:01 AM
To: Mary Miller
Subject: Planning meeting Monday November 18, 2013

To the Planning Commission,

I am writing in reference to the opposition against the camping at Penwheeeel Farms. We do not need or want people in campers or tents in our neighborhood. So please take this in consideration.

A concerned Citizen of North Lawrence.

Member of the North Lawrence Improvement Association.

Shirley Tarpy
625 Lake Street
Lawrence , Ks 66044

Mary Miller

From: Margaret Waddell [waddell.margaret@gmail.com]
Sent: Monday, November 18, 2013 1:32 AM
To: Mary Miller
Cc: natalyalouther@hotmail.com
Subject: Public comment re: Pinwheel Farm

City/County Planner Mary Miller,

I am writing as a guest of Natalya Louther. I met Natalya a few years ago through the Lawrence Barn Dance Association's annual contra dance weekend held at Woodlawn school in North Lawrence every November. It is customary for the organizers of dance weekends to offer home hospitality to out of town and out of state dancers who travel to these dance weekends. I had applied to the housing coordinator for a place to stay and was assigned to Natalya's home. I am the president of Mid-Missouri Traditional Dancers in Columbia, MO, a comparable organization that hosts a dance weekend every March. We also provide housing to dancers. Some of it is in the city and some outside of the city.

I fell in love with Pinwheel Farm during my first stay and have requested to stay with Natalya every year since. Before this, I found it impossible to find a host home that was appropriate for my needs because I have allergies and chemical sensitivities. I sometimes stayed in hotels and then had to deal with perfumed cleaning chemicals so that was not desirable either.

I really appreciate having a place to stay that is free, so I can afford to come to the dance weekend and also eat at the great local restaurants in Lawrence all weekend. I have made lasting friendships with other like-minded dancers who have stayed with Natalya over the years (people who appreciate natural living).

This year, I was sharing with Natalya my experience of sleeping in a tent in my backyard all summer and fall. It has been very therapeutic for me in many ways. With the unseasonably warm weather we experienced this past weekend, I would love to have camped out at Pinwheel Farm for the dance weekend, but was told I could not. I have a hard time believing how this could be true. I live a block out of the city of Columbia in a residential neighborhood where I can camp in my own yard if I want to. I didn't realize places existed that have laws against camping.

I don't think it is the place of any governmental body to tell people where and how they can sleep on their own property. I sincerely hope your commission will work towards changing this situation. I would like to come back for farm events and be able to bring my tent with me.

Sincerely,

Margaret Waddell

2211 E. Bearfield Subdivisjon
Columbia, MO 65201-9131



Link to the September 23, 2013 Planning Commission packet information for the Conditional Use Permit for Seasonal Camping at 1480 N 1700 Rd:

http://www.lawrenceks.org/assets/pds/planning/Sept_Item4.pdf

2014
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MEETINGS AND SUBMITTAL DEADLINES

Submittal Deadline		Planning Commission Meetings		City Commission Meetings		County Commission Meetings	
		6:30 PM		Tuesdays **		Wednesdays **	
Monday 3PM *Tuesdays		Monday	& Wednesday				
Nov 18, 2013		Jan 27, 2014	Jan 29, 2014	Feb 11	Feb 18	Feb 12	Feb 19
Dec 16, 2013		Feb 24	Feb 26	Mar 11	Mar 18	Mar 12	Mar 19
Jan 21, 2014*		Mar 24	Mar 26	Apr 8	Apr 15	Apr 9	Apr 16
Feb 18*		Apr 21	Apr 23	May 6	May 13	May 7	May 14
Mar 17		May 19	May 21	Jun 3	Jun 10	Jun 4	Jun 11
Apr 21		Jun 23	Jun 25	Jul 8	Jul 15	Jul 9	Jul 16
May 19		Jul 21	Jul 23	Aug 5	Aug 12	Aug 6	Aug 13
Jun 23		Aug 25	Aug 27	Sep 9	Sep 16	Sep 10	Sep 17
Jul 21		Sep 22	Sep 24	Oct 7	Oct 14	Oct 8	Oct 15
Aug 18		Oct 20	Oct 22	Nov 4	Nov 11	Nov 5	Nov 12
Sep 15		Nov 17	Nov 19	Dec 2	Dec 9	Dec 3	Dec 10
Oct 13		Dec 15	Dec 17	---	Jan 6, 2015	---	Jan 7, 2015
Nov 24		Jan 26, 2015	Jan 28, 2015	Feb 10, 2015	Feb 17, 2015	Feb 5, 2015	Feb 12, 2015
Dec 22		Feb 23, 2015	Feb 25, 2015	Mar 10, 2015	Mar 17, 2015	Mar 11, 2015	Mar 18, 2015

	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	Written communications must be received by the Planning Office by 10:00AM on the Monday of the week in which the Planning Commission meeting is scheduled. If the designated Monday is a holiday, then written communications must be received by 10:00am on the Tuesday of the week in which the Planning Commission meeting is scheduled.
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.