



**Updated:**

**11/16/15 @ 11:45am**

**Added communications for the following items:**

**Item 5 - Conditional Use Permit for Public Wholesale Water Supply District No. 25**

**Item 7 - Rezoning 1021 E 31<sup>st</sup> St**

**11/13/15 @ 4:30pm**

**Added the following:**

**Revised Mid-Month Calendar (December's meeting has been cancelled)**

**Draft October 19, 2015 Planning Commission Minutes**

**Item 10 - Text Amendment for Parking & Access Standards**

**Added Misc 2 & 3 to Agenda**

**11/12/15 @ 11:15am**

**Added the following:**

**Staff Memo for Item 3 - Rezoning 1501 Learnard Ave**

**Item 9 - Text Amendment for Personal Convenience Services & Personal Improvement**

**11/10/15 @ 5:00pm**

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

**Staff Memo for Item 3 - Rezoning 1501 Learnard Ave**

**Item 9 - Text Amendment for Personal Convenience Services & Personal Improvement**

**Item 10 - Text Amendment for Parking & Access Standards**

**Draft October 19, 2015 Planning Commission Minutes**

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION**

**CITY HALL, 6 EAST 6<sup>TH</sup> STREET, CITY COMMISSION MEETING ROOM**

**AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS**

**NOVEMBER 16 & 18, 2015 6:30PM - 10:30PM**

**GENERAL BUSINESS:**

**PLANNING COMMISSION MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of October 19, 2015.

**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 16, 2015) MEETING**

### **PUBLIC HEARING ITEMS:**

#### **ITEM NO. 1      MINOR SUBDIVISION VARIANCE FOR LAWRENCE-OUSDAHL NO. 1; 1714 W 23<sup>RD</sup> ST (SLD)**

Minor Subdivision, MS-15-00213, variance request to reduce the right-of-way for a principal arterial street per section 20-813(g) of the Land Development Code for Lawrence-Ousdahl No. 1, located at 1714 W. 23<sup>rd</sup> Street. Submitted by Lawrence Ousdahl, LTD, property owner of record.

#### **ITEM NO. 2      MINOR SUBDIVISION VARIANCE FOR TOWER PLAZA ADDITION; 2540 IOWA ST (BJP)**

Minor Subdivision, MS-15-00462, variance request to reduce the right-of-way for a principal arterial street per section 20-813(g) of the Land Development Code for Tower Plaza Addition, located at 2540 Iowa St. Submitted by Strick & Co. Inc., for Iowa 33 LLC, property owner of record.

#### **ITEM NO. 3      RS7 TO IL; 2.96 ACRES; 1501 LEARNARD AVE (MKM)**

**Z-15-00427:** Consider a request to rezone approximately 2.96 acres located at 1501 Learnard Ave from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District with conditions to limit certain uses. Submitted by Sunrise Green LLC, property owner of record. *Deferred by Planning Commission on 10/19/15.*

#### **ITEM NO. 4      RM12D TO RS7 & OS; 11.855 ACRES; 5800 OVERLAND DR (BJP)**

**Z-15-00463:** Consider a request to rezone approximately 11.855 acres from RM12D (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District and OS (Open Space) District, located at 5800 Overland Dr. Submitted by Grob Engineering Services, LLC on behalf of Oregon Trail Holdings, LC and the City of Lawrence, property owners of record.

#### **ITEM NO. 5      CONDITIONAL USE PERMIT FOR PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO. 25; E 1300 RD & N 650 RD (MKM)**

**CUP-15-00474:** Consider a Conditional Use Permit for a Water Storage Tank & Booster Pump Station for Public Wholesale Water Supply District No. 25, on approximately 3 acres in the southeast corner of the intersection of E 1300 Rd & N 650 Rd/County Route 460. Submitted by Public Wholesale Water Supply District No. 25, for Harrison Family Farms LLC, property owner of record, and Public Wholesale Water Supply District No. 25, contract purchaser.

#### **ITEM NO. 6A      GPI, RM12, & RS40 TO RM12; 14.756 ACRES; 5200 & 5300 CLINTON PKWY (SLD)**

**Z-15-00469:** Consider a request to rezone approximately 14.756 acres from GPI (General Public and Institutional) District, RM12 (Multi-Dwelling Residential) District and RS40 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 5200 & 5300 Clinton Pkwy. Submitted by Paul Werner Architects, for Genesis Health Clubs of Lawrence LLC, property owner of record.

#### **ITEM NO. 6B      SPECIAL USE PERMIT FOR FITNESS & TENNIS FACILITY; 5200 & 5300 CLINTON PKWY (SLD)**

**SUP-15-00468:** Consider a Special Use Permit for an *Active Recreation* use, an indoor/outdoor Fitness & Tennis Facility, located at 5200 & 5300 Clinton Pkwy. The proposed facility will include 54,000 SF of indoor space and continue the use of the 6 existing outdoor tennis courts. Submitted by Paul Werner Architects, Genesis Health Clubs of Lawrence LLC, property owner of record.

**ITEM NO. 7      IG TO IL; .972 ACRES; 1021 E 31<sup>ST</sup> ST (KES)**

**Z-15-00471:** Consider a request to rezone approximately .972 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 1021 E 31<sup>st</sup> St. Submitted by Richard G. Sells on behalf of Spirit Industries Inc, property owner of record.

**ITEM NO. 8      TEXT AMENDMENT FOR EVENT CENTER USE (JSC)**

**TA-15-00443:** Consider a Text Amendment to the City of Lawrence Development Code, Chapters 4, 5, 9 and 17, to define and create an *Event Center* use. *Initiated by Planning Commission on 8/24/15.*

**ITEM NO. 9      TEXT AMENDMENT FOR PERSONAL CONVENIENCE SERVICES & PERSONAL IMPROVEMENT SERVICE (SMS)**

**TA-15-00391:** Consider a Text Amendment to the City of Lawrence Land Development Code to review the *Personal Convenience Services* and *Personal Improvement Service* uses and determine if amendments are necessary to permit salons as a use in the RSO (Single-Dwelling Residential-Office) zoning district. *Initiated by City Commission on 9/1/15.*

**ITEM NO. 10    TEXT AMENDMENT FOR PARKING & ACCESS STANDARDS (SMS)**

**TA-13-00235:** Continue discussion related to proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards. Discussion will focus on defining types of Major Recreational Equipment and identifying permitted parking locations for this equipment on residential properties. *Action on this item will not occur until after the commission completes their discussion on several of the elements of the code language and a final draft is available for their review.*

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

**MISC NO. 1      2016 PLANNING COMMISSION MEETING CALENDAR**

Review and consider adopting the 2016 Planning Commission meeting calendar.

**MISC NO. 2      REQUESTS FOR JOINT MEETINGS**

Planning Commission/Historic Resources Commission joint discussion regarding Oread Design Guidelines at the Thursday, February 18, 2016 Historic Resources Commission meeting at 6:30pm.

Planning Commission/Historic Resources Commission joint public hearing regarding Oread Design Guidelines during the March, 2016 Planning Commission meeting.

Planning Commission/Sustainability Advisory Board joint evening Mid-Month meeting during the first quarter of 2016.

**MISC NO. 3      RECEIVE RETAIL MARKET REPORT**

Receive the 2015 Retail Market Report. In accordance with *Horizon 2020* and Land Development Code Section 20-1107(b)(1), Planning Staff has developed the 2015 Retail Market Report:

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## ADJOURN

## CALENDAR

October 2015						
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 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### PCCM Meeting:

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

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

**2015**  
**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION**  
**MID-MONTH & REGULAR MEETING DATES**

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM (*Friday Meeting)	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 14	Work Plan & Topics for 2015		Jan 26	Jan 28
Feb 11	Entrepreneur Incubator Spaces		Feb 23	Feb 25
Mar 11	Legal Review – Open Meetings & Communication Issues		Mar 23	Mar 25
Apr 8	Article 9 - Parking Amendments		Apr 20	Apr 22
May 6	Article 9 – Parking Amendments	APA Conference Updates	May 18	May 20
Jun 10	Discussion of Future Land Uses at Iowa Street/K-10 interchange	Health Impact Assessments - Charlie Bryan, LDCHD		Jun 24
Jul 8	Article 9 - Parking Amendments		Jul 20	Jul 22
Aug 12*	CANCELLED		Aug 24	Aug 26
Sep 9	Sustainability – Eileen Horn		Sep 21	Sep 23
Oct 9**	PC Orientation – all day Friday		Oct 19	Oct 21
Nov 4	Cultural Plan – Porter Arneill		Nov 16	Nov 18
Dec 2	CANCELLED		Dec 14	Dec 16
	<b>Suggested topics for future meetings:</b> <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>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>Water Resources</i>		<i>Communication Towers – Stealth Design, # of co-locations, notice area</i> <i>WiFi Connectivity &amp; Infrastructure Planning</i> <i>Oread Overlay Districts &amp; Design Guidelines</i> <i>Comprehensive Plan – Goals &amp; Policies</i> <i>Sustainability</i> <i>Affordable Housing</i> <i>Retail Market Impacts</i> <i>Cultural Plan/9<sup>th</sup> Street Corridor</i> <i>Case Studies</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 <sup>st</sup> floor of City Hall, 6 <sup>th</sup> & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services   Lawrence-Douglas County Planning Division   785-832-3150   <a href="http://www.lawrenceks.org/pds">www.lawrenceks.org/pds</a>				

## 2015 PLANNING COMMISSION ATTENDANCE

	Jan 26 2015	Feb 23 2015	March 23 2015	April 20 2015	May 18 2015	June 22 2015	July 22 2015	Aug 24 2015	Sept 21 2015	Oct 19 2015	Nov 16 2015
Britton	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Butler				Yes	No	Yes	Yes	Yes	Yes	Yes	
Culver	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	
Denney	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	
Graham	Yes	Yes	Yes	No	Yes	Yes	No	No	No		
Josserand	Yes	Yes	Yes	Yes	Yes	No					
Kelly	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Liese	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	
Sands							Yes	Yes	Yes	Yes	
Struckhoff	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

## 2015 MID-MONTH ATTENDANCE

	Jan 14 2015	Feb 11 2015	March 11 2015	April 8 2015	May 6 2015	June 10 2015	July 8 2015	Aug Canceled	Sept 9 2015	Oct 9 2015	Nov 4 2015
Britton	Yes	Yes	No	Yes	Yes	Yes	Yes		Yes	Yes	No
Butler					No	Yes	No		No	Yes	No
Culver	Yes	Yes	Yes	Yes	Yes				Yes	Yes	Yes
Denney	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes
Graham	No	No	No	Yes	Yes	No	No		No		
Josserand	No	No	Yes	No	Yes						
Kelly	Yes	No	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes
Liese	Yes	Yes	No	No	Yes	Yes	No		Yes	Yes	No
Sands									Yes	Yes	No
Struckhoff	Yes	Yes	Yes	No	Yes	Yes	Yes		Yes	Yes	Yes
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes



**PLANNING COMMISSION MEETING**  
**October 19, 2015**  
**Meeting Minutes**

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October 19, 2015 – 6:30 p.m.

Commissioners present: Butler, Britton, Culver, Denney, Kelly, Liese, Sands, Struckhoff, von Achen

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

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**PLANNING COMMISSION MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of September 21, 2015.

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to approve the September 21, 2015 Planning Commission minutes.

Approved 9-0.

**COMMITTEE REPORTS**

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

Commissioner Culver said the Metropolitan Planning Organization (MPO) Policy Board met last week. He said they covered two agenda items; amendment #2 to the Unified Planning Work Program and a request to support a grant application for KU Jayhawk Blvd streetscape project.

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- No ex parte.
- No abstentions.

PC Minutes 10/19/15 **DRAFT**

**ITEM NO. 1 RS7 TO IL; 2.96 ACRES; 1501 LEARNARD AVE (MKM)**

**Z-15-00427:** Consider a request to rezone approximately 2.96 acres located at 1501 Learnard Ave from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District with conditions to limit certain uses. Submitted by Sunrise Green LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Dave Milstein said he supported the staff report. He did not feel this would impact the neighborhood the way Sunrise Garden Center did with the amount of customers. He said the new plan would reduce the density.

**PUBLIC HEARING**

Ms. Melissa Feiburger, Sunrise Project, said they were committed to being on the site with other businesses. She felt the historic location was an ideal site for this kind of work. She said there were lots of programs and projects to promote growing healthy food and trees. She felt this would engage youth and adults in meaningful projects and education. She stated it would be a vibrant community center that would provide space to learn from each other.

Mr. Dan Nagengast, Rolling Prairie, said he imported seeds from Italy and currently operated out of a farm near Lone Star. He said it would be hard to even tell he was there as a business because most of his business was done through the mail.

Ms. Debbie Rascoll, Limestone Pizza, supported the project.

Ms. Crystal Hammerschmidt, USD 497 Farm to School Coordinator, supported the project.

Mr. Byron Wiley expressed concern about a potential zoning nightmare similar to the 12<sup>th</sup> & Haskell Recycle Center. He said after the successful relocation of the junk yard the neighborhood met with the new owners of the property to limit the uses that would be incompatible with the neighborhood. He stated conditional zoning and a Special Use Permit allowed for safeguards for the neighbors and he was highly satisfied with the outcome. He felt Planning Commission should give careful consideration and protection to the neighborhood.

Ms. Bonnie Uffman expressed concern about the rezoning and what the future would hold for the property. She wanted more time to explore zoning options.

Ms. Jane Gibson, Barker Neighborhood Association, echoed Ms. Uffman's concerns. She felt they needed more time to understand the project further and the implications for the future.

Mr. Ray Beaumont said he attempted to get a neighborhood meeting together last minute last week. He said not enough people in the neighborhood had been notified. He asked for additional time to organize the neighborhood better.

Ms. Lisa Harris said she supported the people in the project but felt it was unusual to change zoning to industrial next to residential. She said staff did a good job of conditioning the uses on the property to be compatible with the residences around it. She wished there was another mechanism for allowing this to happen. She said she would support it being zoned to Urban Agriculture once it was an option.

Mr. Jim Carpenter said he struggled to find out what the plans were. He said he met with staff and talked about the different possibilities. He felt it was possible to meet the requirements of everyone with Urban Agriculture zoning. He said it would also provide for an urban agriculture overlay district to permit a Special Use Permit, such as agriculturally related limited manufacturing. He said it would have the benefit of preserving the RS7 underlying base district zoning and provide for all the uses requested by the applicant. He said the zoning change was problematic for what comes in the future. He wondered why the greenhouse was not registered as a historic structure. He felt the site could be made into a showpiece to preserve the character of the neighborhood.

### **APPLICANT CLOSING COMMENT**

Mr. Milstein said time was not of the essence and he was fine with the neighborhood reviewing it further if needed. He said the number of options that would happen were smaller than the potential of uses. He said waiting a month was not going to hurt him but he was not sure what would be gained by delaying a month.

### **COMMISSION DISCUSSION**

Commissioner von Achen asked if Central Soy and Optimal Living would be on the south side of the property.

Mr. Milstein said he was not sure about Optimal Living because the owner was having a hard time making a commitment. He stated he would probably increase the size of the building for Central Soy.

Commissioner von Achen inquired about possible modifications to the greenhouses.

Mr. Milstein said his vision for the greenhouses was to have them grow things but he has not really thought beyond that. He said that was what greenhouses were built for and that's how he wanted to keep it. He said he had not considered doing anything else with the greenhouses other than growing things and providing education.

Commissioner Sands inquired about the timeline for improvements to the parking area.

Mr. Milstein said he wanted to keep the gravel for runoff. He said the City recommended putting concrete aprons to the parking and to make sure a fire truck could get in and out.

Commissioner Sands asked if there would be paved parking.

Mr. Milstein said no.

Commissioner Sands asked staff if the Historic Resources Commission had weighed in on this.

Ms. Miller said staff had not talked about registering it.

Commissioner Britton asked staff to comment on the notification process used.

Ms. Miller said standard notification of 200' letters were mailed out 20 days before the Planning Commission meeting. She said letters were also sent to the Barker Neighborhood Association and East Lawrence Neighborhood Association, as well as public notice signs posted at the site.

Commissioner Sands asked staff about future use concerns. He asked if the ownership changed or any of the uses changed would it have to come back to Planning Commission.

Mr. McCullough said this was a difficult project to accommodate with the Code. He said there were not many zoning districts that could accommodate the mix of uses proposed with the Sunrise project. He said IL zoning was about the only one with limited manufacturing production. Staff understood that it would be an issue in any residential neighborhood. He said because of the desire for flexibility they chose the tool of conditional zoning which set forth a list of uses appropriate with the surrounding area. He stated this was only the beginning of the project in terms of process. And that if the zoning was approved at the City Commission level there would still be a Special Use Permit required for the tofu production facility. He said the zoning would run with the land not the ownership. If the owner changed or any use was added it would go back through this process. He stated any use approved would be added through the site plan process. He said after the zoning goes forward a site plan would still be needed to change the use and/or a Special Use Permit to add those items deemed only approved only with a Special Use Permit.

Commissioner von Achen inquired about the idea of utilizing the urban agriculture zoning.

Mr. McCullough said urban agriculture was in the beginning stages and would require the applicant to wait substantially longer. He said there were more unknowns with the outcome of the urban agriculture text amendment than to take this conditional zoning forward.

Commissioner von Achen asked if staff was concerned about this never being tested in the courts.

Mr. McCullough said staff used this tool plenty of times when there were compatibility issues with requested projects. He said the public comment was correct, it has not been tested in court but a lot of things haven't been tested in the courts. He said staff was comfortable with its use or they wouldn't be recommending it.

Commissioner Butler asked staff to respond to a fast food or health care use.

Mr. McCullough said some of the permitted uses, such as health care office and fast order food, had standards associated with them that limited them in scope. He said they both had a 3,000 square foot limitation. He said they were allowed but only allowed in a limited fashion. He said a fast order food with drive-thru would not be allowed. He said staff was utilizing the best tool in zoning to propose a tight restrictive IL to accommodate the Sunrise project.

Commissioner Kelly asked how long the urban agriculture text amendment process would take.

Mr. McCullough said it depended on the idea of urban agriculture being allowed in all zoning districts. He said there were some unknowns with urban agriculture and that not every part of Sunrise may fit in the urban agriculture text amendment.

Commissioner Liese felt it was important to give staff direction if they deferred the item. He wondered if staff thought it was legitimate to put it on hold to see where the urban agriculture text amendment would go over the next month.

Mr. McCullough said they operated under the framework of notice with ample time to get involved. He said staff was comfortable if the applicant was willing to allow more time to allay fears of the neighborhood.

Commissioner Liese asked Mr. Milstein about delaying the project.

Mr. Milstein said he did not want to be delayed in moving forward with the clean-up and restoration of the greenhouse. He said all the parts would not come together for another 6 months but that did not mean he wanted to pour money into this and then have it denied.

### **ACTION TAKEN**

Motioned by Commissioner Liese, seconded by Commissioner Britton, to defer one month to allow the Barker neighborhood additional time to become educated on the request.

Commissioner Britton said this was a pretty unique situation and project. The applicant was not opposed to the delay so having the opportunity to get everyone on the same page was a good thing to do.

Commissioner Struckhoff said he would support the motion but was prepared to approve it under the IL zoning.

Commissioner Britton echoed Commissioner Struckhoff's comments. He said it was a little awkward because IL seemed out of place but that staff did a good job with the conditions.

Commissioner Struckhoff said he was a Barker Neighborhood resident and shared the concerns of the neighborhood.

Commissioner von Achen thanked the applicant for being willing to work with the neighborhood.

Commissioner Kelly said he would support the motion. He said it sounded like the project was still developing and he encouraged the applicant to think about going down the road of fast order food.

Commissioner Sands said he would be prepared to support the rezoning but felt it was a good thing to allow the public to review the staff report further. He asked those with concerns to make use of the resources, such as staff, to familiarize themselves with the uses.

Commissioner Liese asked staff to give a second thought on how the community could be protected if the ownership should change.

Motion carried 9-0.

PC Minutes 10/19/15 **DRAFT**

**ITEM NO. 2 TEXT AMENDMENT FOR URBAN AGRICULTURE (MKM)**

**TA-15-00346:** Consider a Text Amendment to the City of Lawrence Land Development Code, to add Urban Agriculture as a permitted use and establish standards. *Initiated by City Commission on 6/23/15.*

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**PUBLIC HEARING**

Mr. Steve Tipton, Kansas Honey Producers, said the rules and guidelines set forth were very compatible with rural areas. He felt the text amendment looked good for protection of the public. He encouraged Planning Commission to make Lawrence a pollinator district. He said not everybody needed a beehive, but everybody needed a pollinator friendly plant in their yard.

Mr. Skylar Adamson, Lawrence Fruit Tree Project, was pleased with how collaborative the process had been. He expressed concern about the registration of bees because it might encourage theft. He felt the bee regulation was too restrictive. He was in favor of slaughtering animals. He said fruit street trees had not been addressed.

Mr. Michael Almon, Sustainability Action Network, thanked staff for their time. He requested they wait at least two months to sort through all the details. He felt that under the urban agriculture text amendment certain terms, such as permaculture, animal husbandry, aquaculture, agroforestry, beekeeping, horticulture, etc. should be added. He felt a number of things still needed to be worked out. He felt language regarding debris should identify urban agriculture implements and materials as legitimate, not to be considered debris, when in use. When not in use they can be contained in storage sheds and screened. He said under agriculture processing, accessory to an urban farm, was far too limited.

Mr. Russell Mullin, Food Policy Council, thought the bee regulations were too strict.

Ms. Emily Ryan felt the language surrounding bees was too restrictive.

Mr. Travis Weller asked for more flexibility in terms of expanding where urban farm areas and small animal agriculture could exist.

Mr. Daniel Pool did not think there would be a tremendous stampede toward becoming commercial growers or gardeners. He encouraged them to move forward with the text amendment.

Mr. Matthew Stephens echoed the comments made about beekeeping standards. He felt the licensing and regulation section for bees was over burdensome. He did not want a list of bee keepers listed publically due to the potential for theft. He said a list could also create a false sense of security for those allergic when they could get stung in any public area that has bees.

**COMMISSION DISCUSSION**

Commissioner Liese said bees did not concern him at all. He wondered about other animals, such as fowl.

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

<http://www.lawrenceks.org/boards/planning-commission/agendas>

Ms. Miller said fowl was already adopted so staff decided not to change any of those standards.

Commissioner Liese asked if complaints were received about other animals in town, such as fowl.

Mr. McCullough said there was a recent Code amendment to allow chickens and ducks within city limits. He said it had not been much of an issue but that there also hadn't been a rush for people to get chicken and ducks. He could not think of any complaints received.

Commissioner Denney asked if this did not include any new zoning categories.

Mr. McCullough said no new zoning category, but new uses.

Commissioner Denney asked if an operation such as Sunrise had a use that was immediately applicable.

Ms. Miller said at first some thought the Urban Agriculture Overlay District or Urban Agriculture district but it would be difficult to make a whole new zoning district for the site.

Commissioner von Achen asked if pets for personal use fell under the definition of animal agriculture.

Ms. Miller said no, it had to be an animal providing a product.

Commissioner von Achen asked if this would open the door for puppy mills.

Ms. Miller said puppy mills would fall under another section of the Code regarding kennels.

Commissioner von Achen said she would be more comfortable with adding explicit language that puppy mills/kennels were not allowed. She agreed that registration of bees did not make sense and that getting stung by a bee was not really a risk. She liked Mr. Almon's earlier comments about potential language.

Commissioner Kelly had concerns about agricultural sales. He was not comfortable with any residential property within the city limits being seen as a farmers market without limitations because it seemed problematic.

Commissioner Britton felt that there should be some limit to sales. He also felt the slaughtering of animals should be restricted to indoor or out of sight of the public view. He said regarding rabbits he was not an expert and he did not have any additional thoughts on it.

Commissioner Sands said the only agricultural benefit of rabbits was breeding or harvesting for meat. He said if there was a restriction on the slaughtering of small animals he was not sure having a standard for rabbits applied. He felt the language for puppy mills should be expanded or the definition for commercial use should be specified in talking about sale of live animals for breeding purposes.

Commissioner Culver said he supported language that would allow for slaughtering of animals with parameters for commercial versus personal use. He said regarding property maintenance providing

further definition on debris as it pertains to agricultural implements being utilized was a good idea. He said he was inclined to limit the hours and visits to protect the residents in these areas.

Commissioner Butler said she was not in favor of the slaughtering of animals within the city limits. She wondered how many bee structures someone would have on their property.

Ms. Miller said according to the proposed language if the property was under ¼ acre there could be two bee structures.

Mr. Tipton said in an urban setting there needed to be some limitation.

Commissioner von Achen agreed that there should be a limit to the number of hives a person could have within the city limits. She felt the language for slaughtering of animals should be specific so people don't slaughter dogs and cats. She wondered about enforcing the number of visits per day.

Mr. McCullough said it was a standard that was enforced, usually with the documentation by neighbors.

Commissioner Struckhoff felt the slaughtering of animals should only be permitted indoors. He felt limiting the number of beehives in the city was appropriate.

Commissioner Sands said he did not support the slaughtering of animals within the city. He expressed concern about public health standards being met.

## **NO ACTION TAKEN**

## **MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

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**ADJOURN 9:18pm**

# Planning Commission

## Key Links



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES



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### Plans & Documents

- [Horizon 2020](#)
- [Sector/Area Plans](#)
- [Transportation 2040](#)
- [2012 Retail Market Study](#)

### Development Regulations

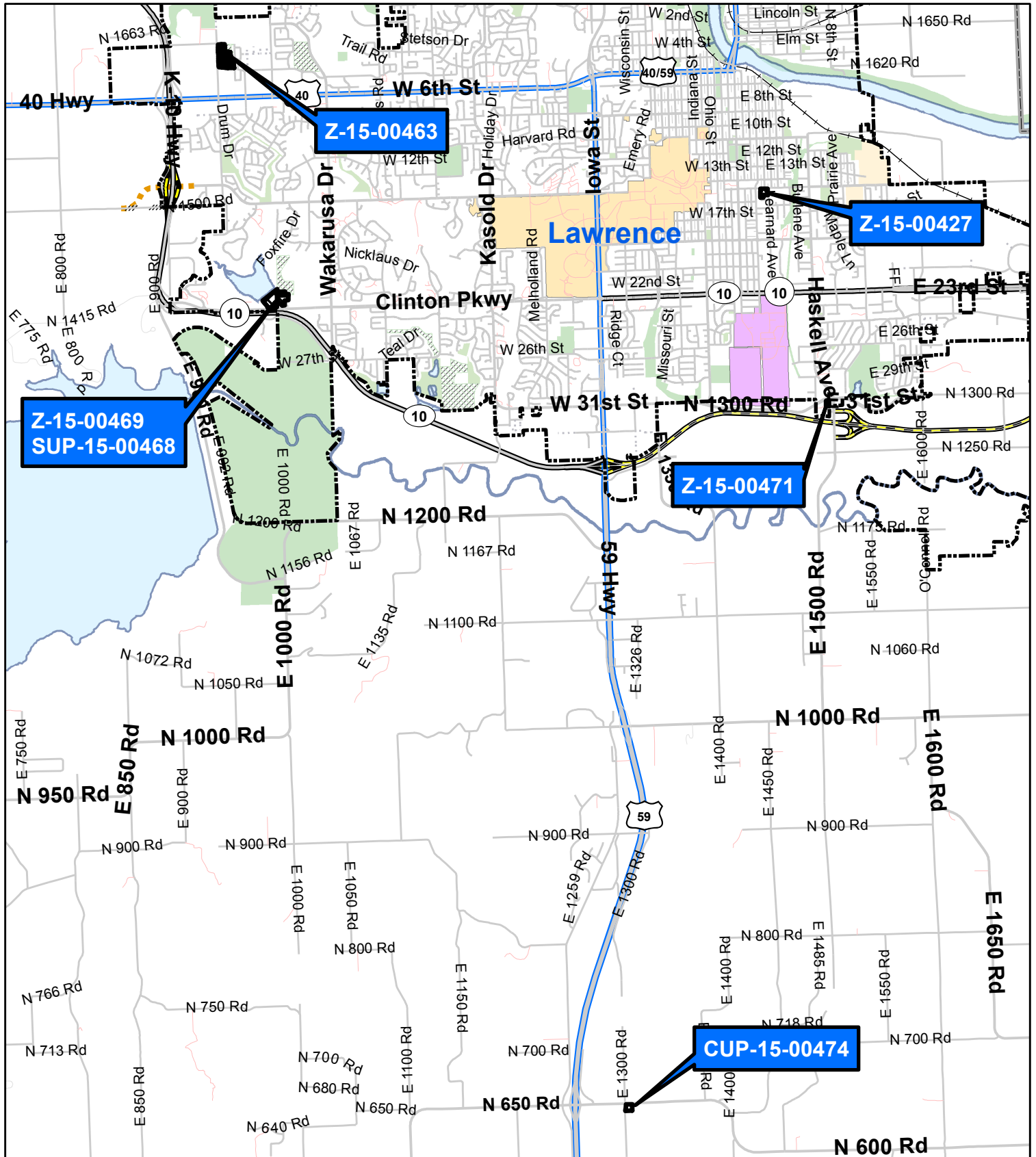
- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [Land Development Code](#)
- [Subdivision Regulations](#)

### Online Mapping

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

### Planning Commission

- [Bylaws](#)
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- [Planning Commission Schedule/Deadlines](#)



## Lawrence-Douglas County Planning Commission November 2015 Public Hearing Agenda Items



# Memorandum

## City of Lawrence

### Planning and Development Services

**TO: Planning Commission**

**FROM: Planning Staff**

**CC: Scott McCullough, Planning and Development Services Director**

**Date: November 6, 2015**

**RE:** Minor Subdivision, MS-15-00532, variance request to reduce the right-of-way for a principal arterial street per section 20-813(g) of the Land Development Code for Lawrence-Ousdahl No. 1, located at 1714 W. 23<sup>rd</sup> Street. Submitted by Lawrence Ousdahl, LTD, property owner of record.

**Attachment A:** Minor Subdivision MS-15-00532

Minor Subdivisions are processed administratively. Planning Commission approval is required for variances from the Subdivision Design Standards. This Minor Subdivision is subject to Planning Commission approval for the reduced right-of-way for W. 23<sup>rd</sup> Street. A copy of the Minor Subdivision is included with this memo for context; no action is required for Minor Subdivision approval.

The property is located along the north side of W. 23<sup>rd</sup> Street. The property also extends to the east and is adjacent to Ousdahl Road. This is a developed corridor. The applicant intends to redevelop the property as a *Fast Order Food* use and is replatting the property. The redevelopment includes the consolidation and relocation of existing driveways along W. 23<sup>rd</sup> Street.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in accordance with the variance procedures outlined in Section 20-813(g). This section lists the criteria that must be met in order for a variance to be approved. The requested variance is evaluated for compliance with the approval criteria below. As noted in previous reports, the 150' of required right-of-way is more applicable to new greenfield development rather than existing, developed corridors.

**VARIANCE #1:** Reduction in the width of the right-of-way from 150' to 100' as required for a principal arterial street (W. 23<sup>rd</sup> Street) per Section 20-810(e) (5). The standard for the required right-of-way width changed in 2006 from 100' to 150' with the adoption of the Land Development Code.

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

**STAFF FINDING:** Strict application of the regulations would require acquiring additional right-of-way that would result in a reduction of the developable area of the parcel. Strict application of the regulations would limit the owner's ability to develop the property based on an existing development pattern in the immediate area that generally recognizes a 100' right-of-way width along the corridor. Additional right-of-way dedication would be especially burdensome due to the shallow lot depths along the north side of W. 23<sup>rd</sup> Street. Granting this requested variance from the required right-of-way dedication is not opposed to the purpose and intent of the regulations.

***Criteria 2: The proposed variance(s) is (are) in harmony with the intended purpose of these regulations.***

This design standard was adopted in 2006 with the Land Development Code. The wider right-of-width accommodates street design with boulevards, multiple lanes and amenities that may or may not exist along developed street segments within the community. A similar variance has been granted for other projects located along developed urban corridors that are designated arterial streets.

Section 20-810(e)(1) provides general design criteria for streets. Subsection iii states "*Arterial and collector streets shall be laid-out, arranged and designed in accordance with any adopted Major Thoroughfares Map or corridor plan.*" W. 23<sup>rd</sup> Street is identified as a principal arterial street and is an existing street.

**STAFF FINDING:** Granting this requested variance from the required right-of-way is not opposed to the purpose and intent of the regulations.

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

W. 23<sup>rd</sup> Street is a designated "Principal Arterial Street". Its current width includes 100' of public right-of-way along this segment of the corridor. As properties redevelop along this corridor best practices for access management have been and are being applied. This has resulted in a reduction of curb cuts by consolidating access points, the addition of greenspace and parking lot setbacks as well as construction of sidewalks and the installation of street trees.

**STAFF FINDING:** Granting this requested variance from the required right-of-way will not harm the public health, safety or welfare.

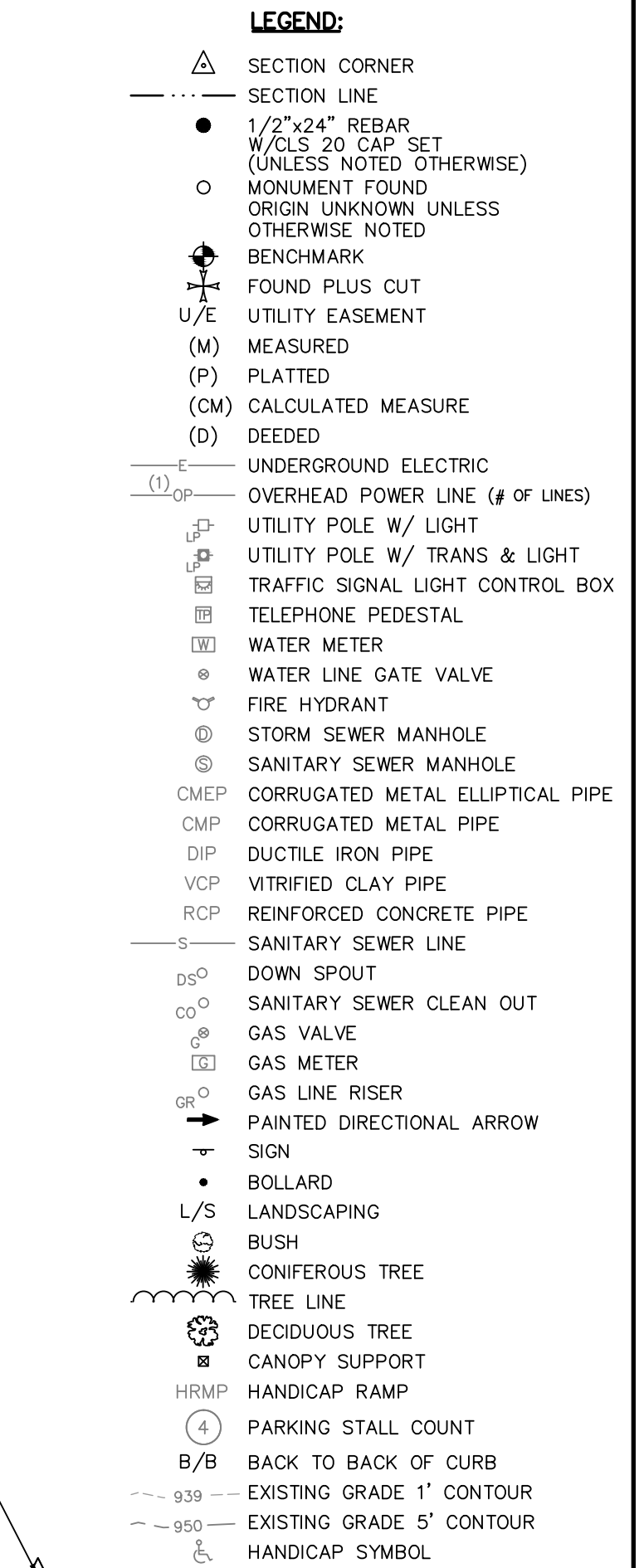
### **STAFF RECOMMENDATION**

Approve the variance from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for W. 23<sup>rd</sup> Street subject to the following condition:

1. The plat shall be revised to include the following note: *On November 16, 2015 the Lawrence/Douglas County Planning commission approved a variance from right-of-way requirements in Section 20-810 (e)(5) of the Subdivision Regulations to allow the W. 23<sup>rd</sup> Street right-of-way to remain at 100 feet within this Minor Subdivision in Lieu of the 150 feet required for a Principal Arterial Street.*

A MINOR SUBDIVISION REPLAT OF ALL OF LOT 7  
& PORTIONS OF LOTS 6, 8 AND 9  
SOUTHWEST ADDITION NUMBER 9

CONTAINS 27,397 SQUARE FEET OR 0.629 ACRES MORE OR LESS.



I, KENNETH J. DEDRIK, BEING A DULY REGISTERED AND LICENSED LAND SURVEYOR IN THE STATE OF KANSAS, HEREBY CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT WAS BASED WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND MEETS OR EXCEEDS THE CURRENT KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. THAT THE SUBJECT PARCEL IS THE SAME AS THAT DESCRIBED IN THE TITLE COMMITMENT REFERENCED HEREON, THAT THE LINES OF THE SURVEY SHOWN HEREON, THE MEASUREMENTS AND CALCULATIONS THEREON, AND THOSE MEASURED ON THE DATE OF THE SURVEY AND THAT THE SURVEY WAS COMPLETED IN THE FIELD AND ON THE GROUND AND MAY BE RELIED UPON BY THE PARTIES CERTIFIED AS TO BEING CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE.

DATE OF SURVEY: JULY 17, 2015

KENNETH J. DEDRICK \_  
KANSAS RLS NO. 1067

1. BASIS OF BEARING FOR THIS MINOR SUBDIVISION IS KANSAS STATE PLANE, NORTH ZONE (NAD 83) AND DOUGLAS COUNTY HIGH ACCURACY REFERENCE NETWORK.
2. THIS MINOR SUBDIVISION IS A REPLAT OF LOT 7 AND PORTIONS OF LOT 6, 8 AND 9, AND SOUTHWEST ADDITION NO. 9. FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS MAJOR SUBDIVISION, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION 20-808(c)(5)(i).
3. TOPOGRAPHIC INFORMATION SHOWN WAS PERFORMED BY KAW VALLEY ENGINEERING, INC., JUNE 2014.
4. STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS BOOK \_\_\_\_\_ PAGE \_\_\_\_\_. IF THE STREET TREES DIE, THE PROPERTY OWNER IS RESPONSIBLE FOR REPLANTING TREES WITHIN THE RIGHT-OF-WAY. NO TREES ON THE RIGHT-OF-WAY CAN BE REMOVED WITHOUT PERMISSION OF THE CITY OF LAWRENCE PARKS DEPARTMENT. TREES WITHIN THE RIGHT-OF-WAY REQUIRE TREE ROOT PROTECTION WITHIN 10' RADII OF THE TRUNK.
5. THE PROPERTY WITHIN THIS MINOR SUBDIVISION/REPLAT IS ZONED CS. ALL NEW CONSTRUCTION SHALL CONFORM TO THE SETBACK REGULATION OF CS ZONE DISTRICT AS DEFINED BY THE CITY OF LAWRENCE DEVELOPMENT CODE.
6. THE LOTS WILL BE PINNED PRIOR TO RECORDATION OF THE MINOR SUBDIVISION/REPLAT AT THE REGISTER OF DEEDS OFFICE (PER SECTION 20-811(g)).
7. NO PORTION OF THE EXISTING LOTS ARE LOCATED WITHIN A DESIGNATED "SPECIAL FLOOD HAZARD AREA" PER FEMA MAP NUMBER: 20045 C 0159D, MAP REVISED: AUGUST 5, 2010.
8. THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO SECTION 20-811(g) OF THE CITY SUBDIVISION REGULATIONS.
9. TYPICAL SOIL TYPE: Mc = MARTIN SILTY CLAY LOAM

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

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

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME OF "LAWRENCE-OSUDAHL NO. 1" AS SHOWN AND FULLY DEFINED ON THIS PLAT.

ITS: (TITLE)

BE IT KNOWN ON THIS \_\_\_\_\_ DAY ON \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME \_\_\_\_\_, WHO IS PERSONALLY KNOWN TO ME TO THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

NOTARY PUBLIC

HORIZONTAL DATUM IS KANSAS STATE PLANE, NORTH ZONE (NAD 83) AND DOUGLAS COUNTY HIGH ACCURACY REFERENCE NETWORK, BY GPS OBSERVATION OF CONTROL POINTS: DG-41 AND DG-43.

VERTICAL DATUM IS BASED ON GPS OBSERVATION AND DOUGLAS COUNTY HIGH ACCURACY REFERENCE NETWORK OF DG-41, (NAVD 88).

BM #1  
SET A CHISELED SQUARE CUT IN THE SOUTHWEST CORNER OF A CONCRETE TRAFFIC CONTROL POLE  
BASE IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF 23RD STREET AND OUSDAHL STREET.  
ELEV = 871.27

SW COR, SW 1/4 SEC 1-13-19  
NORTHING: 233734.2614' (GROUND COORDINATES)  
EASTING: 2091535.3228' (GROUND COORDINATES)  
ELEVATION: 895.30'

1. PLAT OF SOUTHWEST ADDITION NUMBER 9 RECORDED IN VOLUME 5, PAGE 7.

"THE UTILITIES SHOWN HAVE BEEN LOCATED FROM OBSERVABLE FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA. EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES."

THIS DRAWING SHALL NOT BE UTILIZED BY ANY PERSON, FIRM, OR CORPORATION IN WHOLE OR IN PART WITHOUT THE SPECIFIC PERMISSION OF KAW VALLEY ENGINEERING, INC.

# Memorandum

## City of Lawrence

### Planning and Development Services

TO: Planning Commission  
FROM: Planning Staff  
DATE: For November 16, 2015 Planning Commission meeting  
RE: ITEM NO. 2

**MS-15-00462:** A Minor Subdivision Replat of all of Lot 2, Block 1 Hopkins Addition located at 2540 Iowa Street. Submitted by Strick & Company, Inc. for Iowa 33, LLC, property owner of record.

The Minor Subdivision proposes to replat one existing lot into two lots. Minor Subdivisions are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. A copy of the Minor Subdivision is included with this memo for context; however, no action is required on the Minor Subdivision.

The subject property is located at 2540 Iowa Street, and contains an existing shopping center. Iowa Street is classified as a principal arterial street on the Major Thoroughfares Map. Per Section 20-810(e)(5) of the Subdivision Regulations, principal arterial streets require 150' of right-of-way, however Iowa Street was constructed with approximately 100' of right-of-way. A variance is required to reduce the required right-of-way along Iowa Street from 150' to 100'.

#### **Citations to Consider:**

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

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

The Minor Subdivision (MS-15-00462) replats one existing lots into two lots. The subject property contains an existing shopping center located adjacent to Iowa Street with a right-of-way width of 100'. The Minor Subdivision facilitates development of a *Fast Order Food* use to be constructed at the south end of the property. There are no other changes associated with the Minor Subdivision.

**Staff Finding:** Requiring the dedication of additional right-of-way for Iowa Street at this time would constitute an unnecessary hardship on the property owner, as a portion of the property is developed and the City Engineer has indicated that additional right-of-way is not necessary.

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

The area along Iowa Street is developed with 100' of right-of-way. This is because the standard for 150' of right-of-way was adopted with the 2006 Land Development Code. Areas developed prior to 2006 do not typically meet the 150' right-of-way requirement. The standard that requires the 150' of right-of-way is more applicable to new development rather than existing corridors.

**Staff Finding:** The variance will allow the proposed Minor Subdivision to occur without requiring the dedication of additional right-of-way. Adequate right-of-way is available for Iowa Street. The request is in harmony with the intent of the regulations given the nature of this land division.

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

Maintaining the existing right-of-way width for Iowa Street will not hinder the public health, safety, or welfare. Conversely, increasing the right-of-way to 150' does not affect these factors. There are no future plans for improvements along Iowa Street that would require additional right-of-way.

**Staff Finding:** The variance will not affect the public health, safety, or welfare.

**Staff Recommendation:**

Approve the variance request from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Iowa Street subject to the following condition:

*The plat shall be revised to include the following note: "On November 16, 2015, the Lawrence/Douglas County Planning Commission approved a variance from right-of-way requirements in Section 20-810(e)(5) of the Subdivision Regulations to allow the Iowa Street right-of-way to remain at 100 feet within this Minor Subdivision in lieu of the 150 feet required for a Principal Arterial Street."*

October 30, 2015

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**MS-15-00462:** A Minor Subdivision/Replat of Lot 2, Block 1 of Hopkins Addition located at 2540 Iowa Street. Submitted by Strick & Company, Inc. for Iowa 33, LLC, property owners of record.

**ADMINISTRATIVE DETERMINATION:** The Planning Director approves the above-described Minor Subdivision, subject to the following conditions:

1. Submission and approval of the Master Street Tree Plan
2. Submission of mylar with signatures and recording fees for this Minor Subdivision.

**KEY POINTS**

- Per Section 20-808(c)(5) of the Subdivision Regulations, only one lot combination or division may be approved through the Minor Subdivision process except that lot line adjustments or mergers that do not increase the total number of lots may be accomplished through the Minor Subdivision/Replat process even if the property had previously been part of a Minor Subdivision or Repat. Any future lot divisions or combinations, except lot line adjustments, will require approval through the Major Subdivision Process.

**SUBDIVISION CITATIONS TO CONSIDER**

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.

**ASSOCIATED CASES**

- SP-5-34-92: A site plan for Tower Plaza Shopping Center
- SP-15-00359: A site plan for changes to the Tower Plaza Shopping Center with partial demolition of the center and façade upgrades.

**OTHER ACTION REQUIRED**

- Provision of an original mylar of the Minor Subdivision Plat bearing the notarized signature(s) of the property owner and the Land Surveyor's signature and seal; and, the appropriate recording fees.
- Recording of the Minor Subdivision and associated documents at the Douglas County Register of Deeds.

**GENERAL INFORMATION**

Current Zoning and Land Use

CS (Commercial Strip) District; a *Retail Specialty* shopping center which includes the following uses: *General Retail Sales, Quality Restaurant Fast Order Food, Personal Convenience, Food and Beverage*, and a *Payday Advance Loan Business*.

Surrounding Zoning and Land Use

To the north:

CS (Commercial Strip) District; *Financial, Insurance, Real Estate Office; Personal Convenience; and Quality Restaurant.*

To the west:

CS (Commercial Strip) District; *General Retail Sales and Fast Order Food with Drive-In.*

To the south:

CS (Commercial Strip) District; *Health Care Clinic/Office and Multi-Dwelling Structure.*

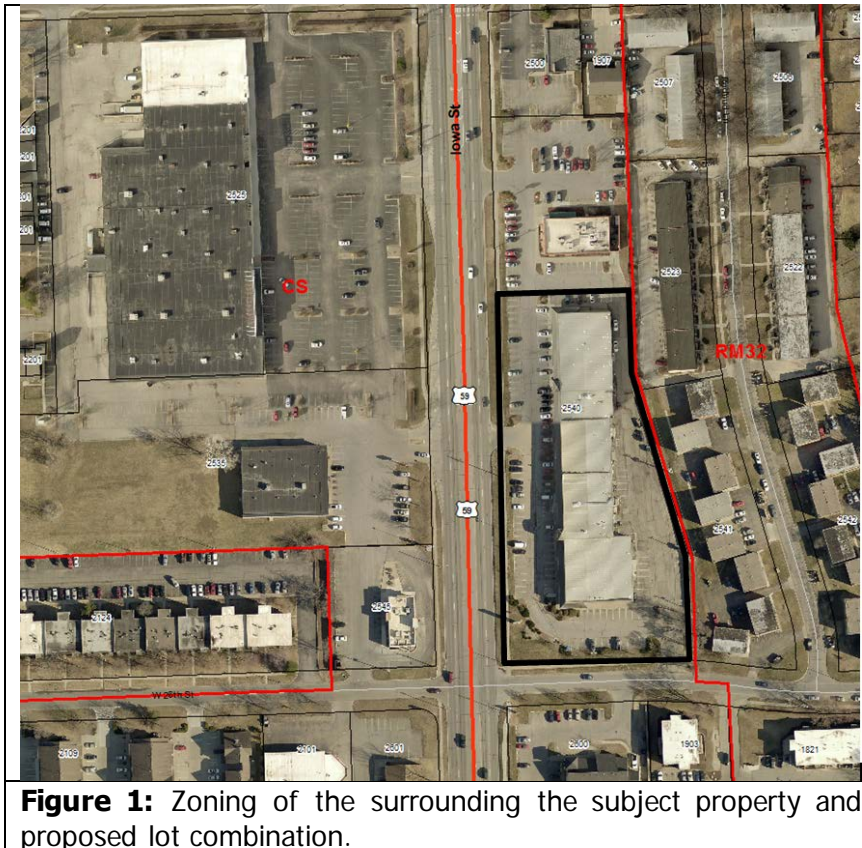
To the east:

RM32 (Multi-Dwelling Residential) District; *Multi-Dwelling Structures.*

Number of Existing Lots: 1

Number of Proposed Lots: 2

**STAFF REVIEW**



**Figure 1:** Zoning of the surrounding the subject property and proposed lot combination.

The property is located on the east side of Iowa Street, and north of W. 26<sup>th</sup> Street. The property within this subdivision consists of one platted lot (Lot 2, Block 1, Hopkins Addition). The majority of the surrounding area is zoned CS (Commercial Strip) District, however there is RM32 (Multi-Dwelling Residential) zoning district located to the east of the property (Figure 1).

#### RIGHT-OF-WAY

Street	Classification	Required	Existing
Iowa Street	Principal Arterial	150 feet	100 feet
W. 26 <sup>th</sup> Street	Local	60 feet	60 feet

The streets surrounding the site meet the minimum right-of-way requirements of Section 20-810(e)(5), with the exception of Iowa Street, which is classified as a principal arterial street on the Major Thoroughfare Map. Per the Subdivision Regulations, a principal arterial street requires 150' of right-of-way; however Iowa Street was constructed with approximately 100' of right-of-way. Variance approval by the Planning Commission is required prior to final approval of this Minor Subdivision. The variance is scheduled for the November 16, 2015 Planning Commission meeting.

#### DIMENSIONAL REQUIREMENTS

SITE SUMMARY				
Existing			Proposed	
Total Area: 123,811 sq. ft.	Lot	Existing Lot Area	Lot	Lot Area
Number of existing lots: 1	2	123,811 sq. ft.	Lot 1	86,913 sq. ft.
			Lot 2	36,898 sq. ft.
Minimum required Lot Area for the CS District			5,000 sq. ft.	

#### UTILITIES/EASEMENTS

There are no new easements or dedications provided with this Minor Subdivision. The Stormwater Engineer indicated that an additional utility easement would not be required due to the public stormwater improvements being covered by the existing platted utility easement.

#### ACCESS

No changes are being proposed to the vehicular ingress and egress to the site. Access to the site is provided from Iowa Street and W 26<sup>th</sup> Street. An existing access easement will remain to provide vehicular cross-access through the property.

Pedestrian access is provided by existing sidewalks along Iowa Street and W. 26<sup>th</sup> Street.

#### MASTER STREET TREE PLAN

Revisions are needed to the Master Street Tree Plan that was previously provided. Prior to recording the Plat with the Register of Deeds, a Master Street Tree Plan must be submitted and approve.

**Conclusion:** The Minor Subdivision, as conditioned, conforms to the approval criteria in Section 20-808(d) of the Subdivision Regulations.

# Memorandum

## City of Lawrence

### Douglas County

### Planning & Development Services

TO: Planning Commission

FROM: Mary Miller, Planner

Date: November 11, 2015

RE: Item No. 3: Z-15-00427 – RS7 to IL; 2.96 acres; 1501 Learnard Ave

The Planning Commission deferred taking action on this item at their October meeting to allow members of the Barker Neighborhood time to become more informed about the rezoning request. Staff, representatives from the neighborhood association, and the applicant met on November 10, 2015 to discuss the proposed project and various options for the rezoning. The neighborhood representatives expressed a desire for greater assurance that the agricultural character of the property would not change, even if the ownership of the property changed. The following options were discussed:

1. Register the property on the Historic Register and develop the Sunrise Green project as an *Adaptive Reuse*.

This option would facilitate the proposed project, but would not require the property to be rezoned. Staff discussed this option earlier with the Historic Resource Administrator. She indicated that listing was not feasible because the property doesn't meet the criteria for listing in Section 22-403 of the City Code. She could not support the nomination because of the lack of integrity. For listing as a utilitarian structure, it has to be "a particularly fine or unique" structure with a "high level of integrity or architectural significance."

2. Holding the rezoning until the Urban Agriculture text amendment is complete. If the Urban Agriculture text amendment includes an Urban Agriculture Overlay District, the property could be rezoned to this district.

This would insure the agricultural nature of the property would remain; however, it is unlikely that an Urban Agriculture Overlay (if developed) would permit the variety of uses being proposed on this property. At this time, an Urban Agriculture Overlay District is not being proposed.

3. Change the IL Zoning:

- a. In addition to the IL zoning request, request rezoning to the PD (Planned Development Overlay) District. Uses could still be restricted by the rezoning ordinance but a preliminary and development plan would be required for the project. If 'Major Changes,' as defined in Section 20-1304(e) of the Development Code, are proposed to the project, the preliminary development plan would need to be revised and brought to the Planning Commission for a public hearing and to the City Commission for approval. The final development plan would then be revised and processed administratively.
- b. Keep the IL zoning but add a condition that any site plans for standard and major projects would require City Commission approval. This condition would provide an additional level of review to insure the property maintains its agricultural character and to insure continued compatibility with the nearby land uses without adding the additional process of a preliminary and final development plan. This condition was applied to the IL zoning of the former recycling facility at 1146 Haskell, now Struct/Restruct's construction shop and yard.

**Staff recommendation:**

If the Planning Commission determines that additional protection is needed, Staff recommends addition of the following condition to the IL rezoning:

- All site plans submitted for standard or major development projects shall require approval by the City Commission.

In staff's opinion, both the PD Overlay and the additional condition would provide additional protection but requiring City Commission approval of standard and major site plans would be a more efficient and effective way to maintain the agricultural character of the property and insure continued compatibility with nearby land uses.

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

PC Staff Report  
10/19/15

**ITEM NO. 1: RS7 TO IL; 2.96 ACRES; 1501 LEARNARD AVE (MKM)**

**Z-15-00427:** Consider a request to rezone approximately 2.96 acres located at 1501 Learnard Avenue from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District. Submitted by Sunrise Green LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for approximately 2.96 acres from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District, with use restrictions and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition:

1. Permitted uses are limited to those listed below:

- a. *Crop Agriculture*
- b. *Social Service Agency*
- c. *Health Care Office/Health Care Clinic*, provided that the gross floor area shall not exceed 3,000 sq ft
- d. *Administrative and Professional Office*
- e. *Personal Improvement*, provided that the gross floor area shall not exceed 3,000 sq ft
- f. *General Retail Sales*, provided that the gross floor area shall not exceed 3,000 sq ft
- g. *Fast Order Food*, provided that the gross floor area shall not exceed 3,000 sq ft
- h. *Limited Manufacturing and Production* when approved with a Special Use Permit
- i. *Light Wholesale Storage and Distribution* when approved with a Special Use Permit
- j. *Agricultural Sales*
- k. *Neighborhood Religious Institution*
- l. *Telecommunication Tower* when approved with a Special Use Permit
- m. *Telecommunication Antennae*, accessory
- n. *Satellite Dish*, accessory

**REASON FOR REQUEST**

Applicant's Response:

*"Vacant for 6 months."*

**KEY POINTS**

- The Douglas County Appraiser's records note that the retail store and greenhouses were built in 1926. The property was annexed into the City of Lawrence in 1956.
- Per Section 20-1502 of the Development Code, a use that was installed in compliance with the regulations at the time but no longer conforms due to a change in zoning or the regulations is considered a nonconforming use. Nonconforming uses are permitted to

remain in accordance with the provisions in this section of the Code. The nursery operation was established in the unincorporated portion of the County prior to the adoption of Zoning Regulations and was, therefore, a nonconforming use. The nonconforming status was lost when the greenhouse/retail use was determined to have been abandoned in 2014. As the nonconforming use status has expired, rezoning to an appropriate zoning district would be necessary for the continued use of the Garden Center and for the additional uses which are being proposed.

- The Sunrise Garden Center would have required IL (Limited Industrial) Zoning. The garden center is classified as *Agricultural Sales* in Section 20-1705 of the Development Code. *Agricultural Sales* are permitted in the following zoning districts:

CC (Community Commercial),  
CR (Regional Commercial),  
CS (Strip Commercial),  
IL (Limited Industrial) or  
IG (General Industrial).

The Commercial zoning districts listed above would not be feasible in this location as the Comprehensive Plan and Development Code contain specific locational and size criteria for these districts which this location would not meet. The IG District would not be appropriate as intense industrial activity could be allowed that would not be suitable in a residential neighborhood. The IL would have been the appropriate zoning district; however, the zoning would have been conditioned to restrict uses which were seen as inappropriate for the residential area.

- The property is located within the boundaries of the Barker Neighborhood.
- The recommendation for approval of the IL District is based on the unique characteristics and historic use of the subject property and is not an indication that the IL District would be appropriate for other properties in the area.

### **ASSOCIATED CASES**

- SP-01-06-01; Site plan for 4,200 sq ft of building addition. 2,200 sq ft was to be reconstruction following fire damage and the additional 2,000 sq ft was second floor offices above the reconstructed area. The site plan was administratively approved on June 1, 2001; however, building permits were not issued for the addition within the required time frame and the site plan approval expired.

### **OTHER ACTION REQUIRED**

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of the property through the Major Subdivision process: submittal and approval of a Preliminary and Final Plat and Public Improvement Plans.
- Submittal and approval of a site plan and Special Use Permit application for the proposed site improvements and change of use.
- Planning Commission recommendation on Special Use Permit application following public hearing.
- City Commission approval of Special Use Permit and adoption/publication of ordinance.

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

## **ATTACHMENTS**

Attachment A: Use Group Table

Attachment B: Concept Plan

Attachment C: Public Communications received prior to the printing of this report

## **PUBLIC COMMENT**

Staff received several inquiries and comments from the public about the proposed uses. The comments were primarily supportive of the project but concerned with the impact that IL Zoning might have on the neighborhood. A neighbor provided a letter of support for the project. The letter is included with this report as Attachment C.

## **Project Summary**

The property at 1501 Learnard Avenue was developed with greenhouses and a retail store in 1926, while located in the unincorporated portion of the County. Zoning Regulations in the County were not adopted until 1966. The property was annexed into the City of Lawrence in 1956 and the 1966 zoning map shows the zoning as RS-2 (Single Family Residence). This zoning converted to RS7 (Single-Dwelling Residential) with the adoption of the Development Code in 2006.

The garden center/retail use was not a permitted use in the residential districts but was allowed to remain per the provisions in Article 20-1502 of the Development Code as a 'nonconforming use'. The garden center ceased operation on December 24, 2013 and the property was offered for sale. The Planning Office requested information from the property owner regarding their future plans for the property and the measures that were being taken to continue the use. These were not provided and the use was considered abandoned and the nonconforming use status expired after the use had been discontinued for over 12 months. It would be necessary to rezone the property if the nursery/garden center use was to be restored. As noted earlier in the report, the garden center/retail sales use would be classified as *Agricultural Sales* in the Development Code and the zoning required would be IL (Limited Industrial).

The garden center was an established feature in the area and many residents have expressed interest in seeing the use continued and the buildings maintained. Rezoning is being requested to allow the use of the greenhouse and property in a different manner than the retail garden center. The applicant provided the following information about the plans for the property:

*"Sunrise Green LLC was organized to purchase, rehabilitate, develop, lease, manage and maintain what was formerly Sunrise Garden Center located at 1501 Learnard.*

*The LLC intends to partner with various other entities to accomplish our stated organizational goals. The following potential lessees include: The Sunrise project, a nonprofit whose general mission is to integrate food, the environment and social justice into an educationally oriented, culturally aware organization. The nonprofit is spearheaded by the Lawrence Community Food Alliance; Emily Hampton is the executive director, Melissa Freiburger is the program manager. One of their programs is the Lawrence Fruit Tree Project which would also have a footprint in this development.*

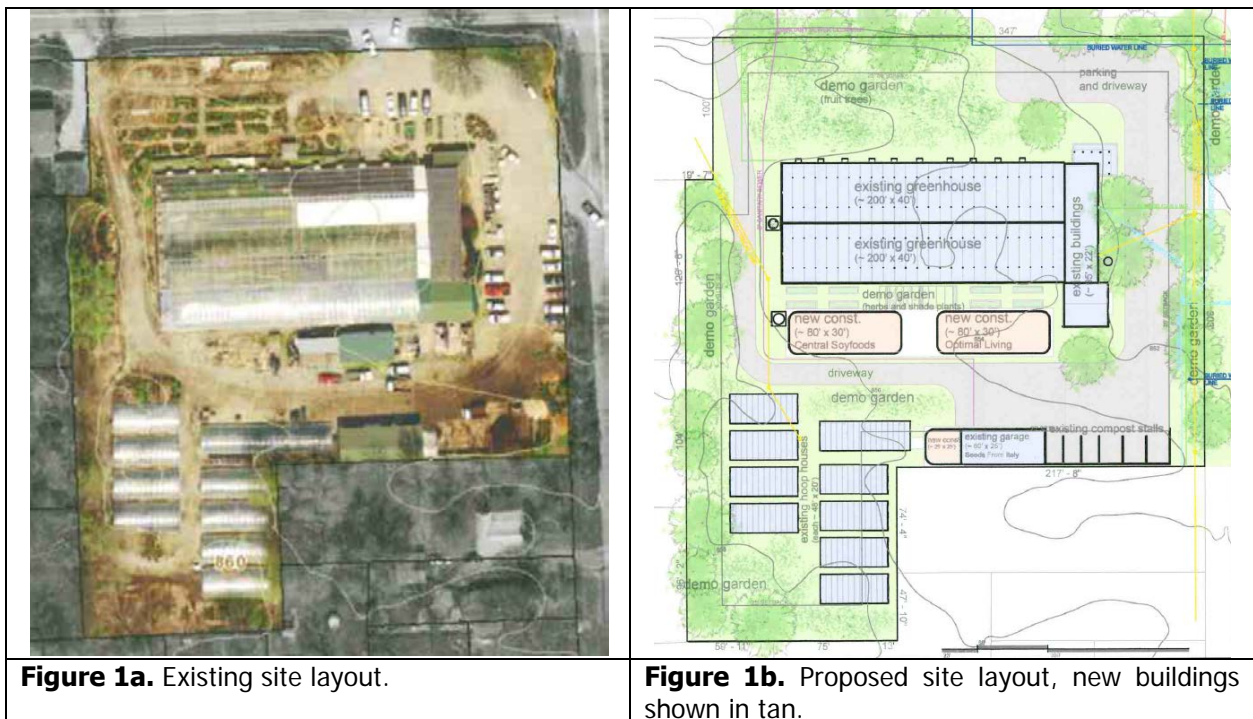
*There are 2 proposed food production facilities included in the preliminary site plan that would occupy two structures of 2400 square ft. each adjacent to the 2 gabled greenhouses on the south. Optimal Living, a boutique production kitchen, specializing in 'convenience food without the sacrifice of health', Jeremy Rodrock D.C., owner and founder and Central Soyfoods LLC, a Lawrence based soyfoods processor. Central Soyfoods currently employs 5 part time people and Optimal Living, 4.*

*The central greenhouses would ideally be used by producers for growing micro greens, seasonal greens and organic seedlings. We are in discussions with several interested parties at this time. As much of the remaining grounds as possible will be converted to gardens, their exact nature has not been formalized.*

*A tenant for the masonry building attached to the east side of the greenhouses has not been identified. Ideas abound but no decisions have been made.*

*We have an interested party inquiring about the possibility of building a free standing seed house of 2000 square feet. This would be another low impact addition to this project and one that would benefit from and gain by being part of this mix.*

*Many of our decisions will turn on neighborhood needs, desires, and restrictions and, of course, zoning possibilities."*



Minor physical changes are proposed to the site, as shown in the concept plan provided with the rezoning application. (Figure 1) The southern greenhouse and accessory building to the south of the greenhouse would be demolished and two new structures would be constructed in that location. The structure along the south property line would be expanded and the access drive and parking area would be improved.

The proposed uses are the focus of this rezoning request. The following list includes the proposed uses with their classification in the Development Code shown in italics:

- Greenhouses for growing of greens, micro-greens / *Crop Agriculture*
- Gardens / *Crop Agriculture*
- Education component / *Personal Improvement*
- Seed house (wholesale importer and seller of garden seed) / *Agricultural Sales/Light Wholesale, Storage and Distribution*
- Production uses: tofu production and boutique kitchen / *Limited Manufacturing and Production*

The following are uses that may be proposed in the future but are not part of the current concept plan:

- Garden related retail / *General Retail Sales*
- Coffee shop / *Fast Order Food*
- Holistic health center / *Health Care Office/Clinic*
- Non-profit counseling or life skills training, food bank / *Social Service Agency*

The following review is based on the assumption that all the uses listed above may be included in the project.

## **REVIEW & DECISION-MAKING CRITERIA**

### **1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response:

*"The general plan overview supports infill development and redevelopment in neighborhoods and also protection of historic buildings."*

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

#### **General Plan Overview** (Page 3-1, *Horizon 2020*)

*"The Plan encourages the identification, protection and adaptive reuse of the wide diversity of historic buildings, structures, sites and archeological sites that can be found in Lawrence and Douglas County."*

The Sunrise Garden greenhouses were built in 1927 and are a historical component of the area. The zoning request is intended to accommodate uses that would allow the reuse of the Sunrise Garden structures and maintain the crop agriculture use.

The property is located in an existing residential neighborhood and the garden center/nursery has been a feature of this area since the 1920s. For this reason, many of the locational recommendations for industrial districts in the Comprehensive Plan are not met.

The recommendation to rezone the property to IL is based on the unique nature of the property/project and the conditions which have been crafted to insure compatibility with the surrounding uses and does not indicate that other properties in the area may be suitable for the IL Zoning or for similar uses.

#### **Policy 3.2 Consideration of Transitional Uses**

*"Consider low-intensity commercial or office development as a transition between industrial and employment-related development and low-density residential neighborhoods. The low-intensity commercial or office development should include:*

1. *Design elements such as: height, massing, and scale compatible with the surrounding low-density residential uses;* The only change being proposed along the exterior of the site is the expansion of the existing accessory structure along the south property line. Two new buildings are proposed in the interior of the site and these are planned to be approximately 2,400 sq ft in area and 11 ft tall. (Figure 1) The height, massing, and scale of the project will be compatible with the surrounding low-density residential uses. The *Limited Manufacturing and Production* use and the *Light Warehouse Storage and Distribution* use will occur in structures designed as recommended for transitional uses between industrial and residential uses.
2. *"Site design compatible with surrounding residential neighborhoods with consideration given to extensive screening, building and parking orientation, and preservation of natural site amenities."* The site is currently designed with green space around the perimeter which will be enhanced with demonstration gardens. The current site design is compatible with the surrounding neighborhood. The proposed site design will be evaluated in closer detail with the future reviews of the site plan and Special Use Permit application to insure that buffer yards, exterior lighting, off-street parking and other measures are compliant with the Development Code and are compatible with the nearby land uses.
3. *"Site access provided from arterial, collector, or access/frontage streets and traffic directed away from surrounding residential uses."* No changes are being proposed to the access points. There are two access points on E 15<sup>th</sup> Street, a major collector, and one access point on Learnard Avenue, a local street. The access points will be reviewed by the City Engineer as part of the site plan review based on information provided with the Traffic Impact Analysis.



**Figure 2.** Concept plan overlain on aerial photo of area. New structures are shown in tan.

**Staff Finding** – Rezoning to allow the reuse of the structures on the subject site is consistent with *Horizon 2020* goals and policies related to preservation and reuse of historic buildings and aesthetic transitions between uses of differing intensities. The rezoning request does not comply with the locational criteria for industrial uses as this is an attempt to re-use an existing facility rather than new, greenfield development. With the restrictions and standards on permitted uses, the proposed rezoning will accommodate the project in general conformance with the recommendations in the Comprehensive Plan.

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

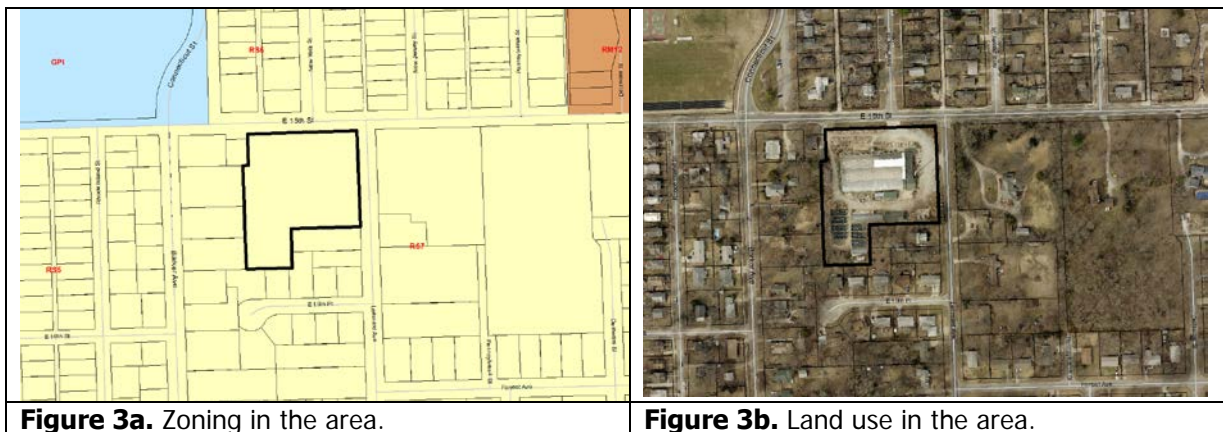
Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; *Agricultural Sales, General Retail Sales, Crop Agriculture*; former Sunrise Garden Center

Surrounding Zoning and Land Use: To the north:  
RS5 (Single-Dwelling Residential) District; *Detached Dwellings*

To the east, west, and south:  
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*

To the northwest:  
GPI (General Public and Institutional Use) District;  
*School*, Liberty Memorial Central Middle School

(Figure 3.)



**Staff Finding** – The surrounding properties are zoned for residential uses and have been developed with detached dwellings. An institutional use, *School*, is in the immediate area. Most uses categorized as Industrial uses in the Development Code would not be suitable for this area; however, the limited uses and standards proposed in this report for the IL District, would be compatible with the existing zoning and land uses in the area, while allowing for the re-use of the Sunrise Garden Center facilities.

## 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

*"The Barker neighborhood is diverse, well maintained and interested in this project as the greenhouse has been a fixture in the community for 88 years."*

The subject property is located in a single family neighborhood with uses that are typically associated with neighborhoods, a school and religious institutions. The nursery/garden center was a defining element in this area and it provided visual variety in the area as well as a variety of uses. There are registered historic properties in the nearby area, with the Samuel A. Riggs House to the east and the Edward House House to the southwest. The nursery/garden center is outside of the environs for these registered properties, and is not a registered historic property itself, but is an important factor in the character of the area.

**Staff Finding** – The neighborhood contains residential land uses and uses typically associated with residential neighborhoods, such as schools and churches. The garden center is an important element in the character of the area. The limited uses proposed in the IL District would result in a project that allows the reuse of the garden center facility and is compatible with the character of the area.

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

**Staff Finding** – The subject property is located within the boundaries of the Barker Neighborhood. Barker Neighborhood does not have any adopted area or sector plans 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:

*"Cannot be used under a residential zoning."*

The property is currently zoned RS7 which permits residential uses and uses which are typically associated with residential uses. Given that the property is developed with greenhouses and garden structures, residential development on the property would require the demolition of the existing structures.

The property is suitable for converting to the residential uses permitted under the RS7 Zoning, but is also suitable for the nursery/garden center use which has historically been on the property and the uses which were included with it: *Crop Agriculture, General Retail Sales* and *Agricultural Sales*. Because of its size and the limited scope of the proposed project, it is also suitable for the *Limited Manufacturing and Production* and *Light Wholesale Storage and Distribution* uses that are being proposed.

The Development Code (Section 20-1739) defines *Limited Manufacturing and Production* as:

*"Establishments generally employing fewer than 20 persons, do not involve outside storage of materials, do not require Federal air quality discharge permits, are compatible with nearby residential uses because there are few or no offensive external effects, and are involved in one of the following..."* The list of uses includes: *"manufacturing, processing, or packaging of small-scale food production operations with limited on-site retail sales."*

The use is intended to be compatible with nearby residential uses. Additional standards can be placed on the use, if necessary, through the Special Use Permit process to insure compatibility with nearby properties.

The proposed *Light Wholesale, Storage and Distribution* use is of such small scale, 3 employees and 2,000 sq ft, that it should be compatible with the nearby residential uses; however, *Light Wholesale, Storage and Distribution* uses as a whole may not be compatible with nearby residences. To insure the compatibility of the proposed uses, or of uses proposed in the future, staff recommends that these two uses be permitted only when approved with a Special Use Permit. This will allow a public hearing process and it will be possible to establish specific standards on the proposed uses to minimize any negative impacts.

**Staff Finding** – The property is suited for residential development, but has been developed with a nursery/garden center in a fashion compatible with the area. Redevelopment with residential uses would require the demolition of the garden center structures. The property is well suited to the restricted uses which are proposed in this report for the IL District.

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

Applicant's Response:

*"18 months."*

**Staff Finding** – The building was vacated in December 2013 and the property was advertised for sale.

#### **7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES**

Applicants Response:

*"It will enhance nearby properties."*

The removal of restrictions will allow the greenhouse structures to be re-used for the former uses on the site and the new uses proposed with this project. The facility will have an educational component and is intended to be part of the local food production system. Two small manufacturing businesses, a tofu production facility and a boutique kitchen, and a small wholesale, storage and distribution business, a seed house, would be located on the property. These would all be small scale agriculturally based businesses and would complement the other uses on the property. Limited retail sales are also planned with the project. The applicant indicated that future uses could include a holistic health center with 3 or 4 practitioners, a coffee shop, and perhaps a counseling service or other use which would be considered a *Social Service Agency*.

#### **USE RESTRICTIONS**

All uses permitted in the RS7 District should be compatible with the area as the subject property is surrounded by RS7 zoned property; however, the goal of this rezoning request is to allow the retention and reuse of the existing garden center facility and some of the uses permitted in RS7 would not be conducive to that reuse. The permitted use table in Attachment A compares uses that are permitted in the RS7 District with uses that are permitted in other low-intensity zoning districts that have been designed to be compatible with residential uses: the RSO (Single-Dwelling Residential-Office) District and the CN1

(Inner Neighborhood Commercial Center) District and also with the uses permitted in the proposed IL (Limited Industrial) District.

To facilitate the re-use of the garden center facilities, only those uses that would accommodate the reuse and retention of the existing Sunrise Garden facility will be included. (Religious Institutions and Telecommunication uses are required by law to be included in most zoning districts so these uses will be included in the list of permitted uses.) These include the following uses which are permitted in the RS7 District:

- *Religious Institution, Neighborhood*
- *Crop Agriculture*
- *Telecommunication Tower, w/SUP*
- *Telecommunication Antennae; accessory use*
- *Satellite Dish; accessory use*

The RSO and CN1 Districts were reviewed as these districts are designed to be compatible with nearby residential uses. Per Section 20-203 of the Development Code, the purpose of the RSO District is: “..to accommodate low to medium-intensity administrative and professional offices that are compatible with the character of low and medium-density residential neighborhoods.” The CN1 District's purpose is defined as: “*The CN1, Inner Neighborhood Commercial District is primarily intended to accommodate pedestrian-oriented, small-scale retail and service businesses that serve nearby residential areas, typically within a developed neighborhood.*” (Section 20-207, Development Code)

Uses which are not allowed in the RS7 District but are permitted in the RSO or CN1 Districts and that would be conducive to the reuse of the Sunrise Garden facility include:

- *Social Service Agency*
- *Health Care Office/Health Care Clinic*
- *Administrative and Professional Office*
- *Personal Improvement*
- *Retail Sales, General*
- *Fast Order Food*

The CN1 District permits *General Retail Sales, Fast Order Food* and *Personal Improvement* uses subject to the standard that the establishments be no larger than 3,000 sq ft. As the subject property is located in an existing single-dwelling neighborhood, the CN1 (Inner Neighborhood) District standards should be applied to uses at this location to insure compatibility with surrounding area. A similar standard should also be set on the *Health Care Office/Health Care Clinic* use to insure it remains an accessory component of the project.

The proposed use of the facility includes crop agriculture and educational programs of a non-profit nature and also includes some production activities. These uses would be classified as *Limited Manufacturing and Production* and *Light Wholesale, Storage and Distribution*; two uses that are not permitted in the RS7, RSO, or CN1 Districts. Staff recommends that these uses be permitted when approved with Special Use Permits to allow a public hearing process for the use and the site plan. Standards can be established with a Special Use Permit to minimize negative impacts that may be associated with the use. In addition, the *Agricultural Sales* use may be continued on the property. As this is the historical use, staff does not recommend any additional standards.

### ***Limited Manufacturing and Production/ allow with SUP***

*Limited Manufacturing and Production* is defined as:

“establishments generally employing fewer than 20 person, do not involve outside storage of materials, do not require Federal air quality discharge permits, ***are compatible with nearby residential uses because there are few or no offensive external effects,***” (Section 20-1739, Development Code/ emphasis added).

The definition includes activities that are considered *Limited Manufacturing and Production* and the following is included “*Manufacturing, processing, or packaging of small-scale food production operations with limited on-site retail sales. Typical uses include caterers, bakeries, bottling and beverage manufacturing operations.*” The tofu facility and the boutique kitchen would fit into this type of use.

Staff recommends that the *Limited Manufacturing and Production* use be permitted in this zoning district with approval of a Special Use Permit. The Special Use Permit process includes a public hearing at the Planning Commission and approval by the City Commission. Site specific standards will be developed based on the characteristics of the proposed use and surrounding area to insure compatibility with the established neighborhood. Standards assigned with the SUP could include a limitation on the number of employees, maximum size of the establishment, limit on size of delivery vehicles, or other standards that would be developed through the review of the specific application and the public hearing process to minimize any negative impacts.

### ***Light Wholesale, Storage and Distribution***

This use is defined in the Code as:

“*Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants.*” (Section 20-1767, Development Code)

The definition lists several types of uses and in Staff’s opinion, the proposed use fits into the following category: “*Light wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.*”

In Staff’s opinion, the *Light Wholesale, Storage and Distribution* use would be appropriate in this area with approval of a Special Use Permit. This will allow site specific standards to be developed to insure compatibility with surrounding properties.

### ***Fast Order Food***

The applicant noted that a future use for the site might be a coffee shop or similar use. As noted earlier, the CN1 District permits the *Fast Order Food* use with a limited area of 3,000 sq ft. Two fast food uses are permitted in the Development Code, with the difference being that one permits a drive-through, *Fast Order Food with Drive-in*, and the other, *Fast Order Food*, does not. Without a drive-through, the traffic associated with the use is less and the use can be compatible in neighborhood locations. In staff’s opinion, the *Fast Order Food* use, with the same size limitation as in the CN1 District, would be appropriate for this property.

### ***Agricultural Sales***

In addition, the *Agricultural Sales* use may be continued on the property; however, as it is the historical use of the property it is considered to be compatible with the surrounding area and no additional standards or restrictions are proposed.

Following the review of the various low-intensity zoning districts based on the goal of retaining and re-using the Sunrise Garden greenhouse facility, Staff recommends the following uses be permitted in the IL District: (those that are in blue are permitted in the current zoning district)

- *Crop Agriculture*
- *Social Service Agency*
- *Health Care Office/Health Care Clinic*, provided the building or business size limited to no more than 3,000 sq ft
- *Administrative and Professional Office*
- *Personal Improvement*, provided that the gross floor area shall not exceed 3,000 sq ft
- *General Retail Sales*, provided that the gross floor area shall not exceed 3,000 sq ft
- *Fast Order Food*, provided that the gross floor area shall not exceed 3,000 sq ft
- *Limited Manufacturing and Production* when approved with a Special Use Permit
- *Light Wholesale, Storage and Distribution* when approved with a Special Use Permit
- *Agricultural Sales*
- *Neighborhood Religious Institution*
- *Telecommunication Tower* when approved with a Special Use Permit
- *Telecommunication Antennae*, accessory
- *Satellite Dish*, accessory

**Staff Finding** – The IL Zoning District is being restricted to allow only those uses which were included with the Sunrise Garden Center or are a part of the proposed re-use of the Sunrise Garden Facility. The recommended standards and conditions set on these uses should minimize negative impacts to nearby properties. The rezoning, with the proposed restrictions on permitted uses, should have a positive impact on the nearby properties as it would allow the continued use of the garden center facility, increase access to locally grown food, and provide educational and other activities in the neighborhood.

**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**

Applicants Response:

*"A piece of their history will be maintained and added to, hopefully improved upon. If denied, the property will revert back to residential."*

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

Denial of the rezoning would limit the area to uses which are permitted in the RS7 District and would prevent the re-use of the site with a similar use to the Sunrise Garden Center. The property could be developed with detached dwellings, which would be compatible with the

surrounding area; however, the Sunrise Garden Center has been a principal feature in this neighborhood and the removal of the facility would change the character of the area.

Approval of the rezoning would allow the Sunrise Garden Facility to be reused with a limited range of uses. The standards and conditions placed on the uses, as well as the measures taken during the site planning and Special Use Permit processes would insure compatibility with the neighborhood.

**Staff Finding** – Approval of the rezoning request would benefit the public health, safety, and welfare by allowing the reuse of the Sunrise Garden Center as part of the local food network and providing educational opportunities. Denial would require that the property be redeveloped with uses that are permitted in the RS7 District. While the reuse of the Sunrise Garden Center would not be possible with RS7 Zoning, single-dwelling residential redevelopment would be compatible with the area.

### **PROFESSIONAL STAFF RECOMMENDATION**

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development. The rezoning request is unique in that it seeks to bring a nonconforming use which had been in existence since 1926 into compliance with the Development Code. The proposed zoning district, IL, would be required if the Sunrise Garden Center were to continue as it had operated or with the new uses that are proposed. The rezoning complies with several recommendations in *Horizon 2020*, but due to the fact that the use was established in 1926, the property does not comply with locational recommendations for industrial uses.

Staff recommends approval of the rezoning request for approximately 2.96 acres from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District, with use restrictions and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition:

1. Uses permitted in the IL District shall be limited to only those uses listed below:
  1. *Crop Agriculture*
  2. *Social Service Agency*
  3. *Health Care Office/Health Care Clinic*, provided the gross floor area shall not exceed 3,000 sq ft
  4. *Administrative and Professional Office*
  5. *Personal Improvement*, provided that the gross floor area shall not exceed 3,000 sq ft
  6. *General Retail Sales*, provided that the gross floor area shall not exceed 3,000 sq ft
  7. *Fast Order Food*, provided that the gross floor area shall not exceed 3,000 sq ft
  8. *Limited Manufacturing and Production* when approved with a Special Use Permit
  9. *Light Wholesale, Storage and Distribution* when approved with a Special Use Permit
  10. *Agricultural Sales*

11. *Neighborhood Religious Institution*
12. *Telecommunication Tower* when approved with a Special Use Permit
13. *Telecommunication Antennae*, accessory
14. *Satellite Dish*, accessory

**TABLE 1. COMPARISON OF PERMITTED USES: RS7, RSO, CN1, and IL**

Uses identified for this project (current or future) are shown in bold blue print.  
Uses permitted in the IL District and in less intense districts (RS7, RSO, and CN1) are highlighted.

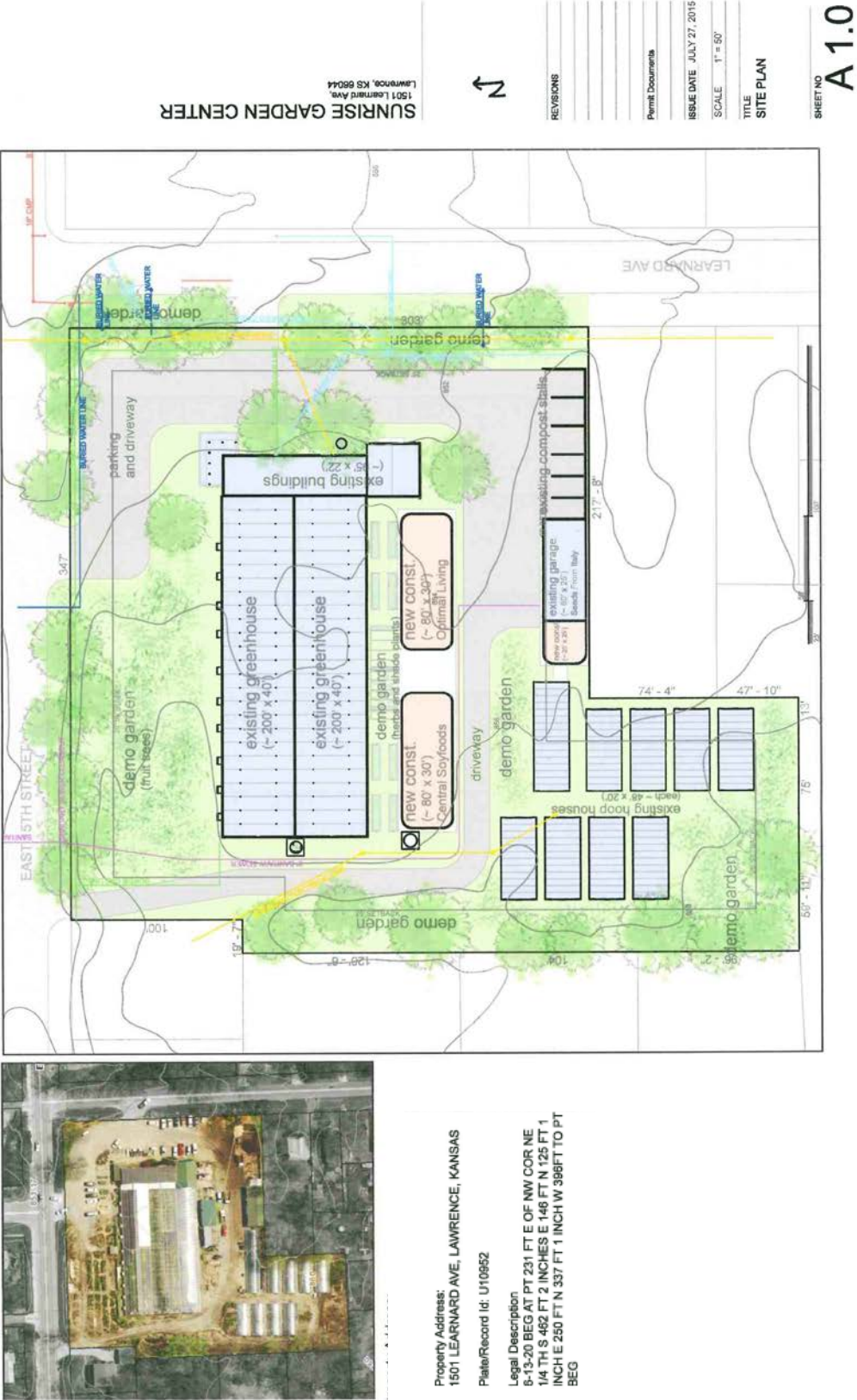
<b>A = Accessory</b> <b>P = Permitted</b> <b>S = Special Use</b> <b>* = Standard Applies</b> <b>- = Use not allowed</b>	RS7	RSO	CN1	IL	STDS
<b>Household Living</b>					
Accessory Dwelling Unit	A*	–	P*	–	534
Attached Dwelling	S*	S*	P*	–	503
Cluster Dwelling	P*	P*	–	–	702
Detached Dwelling	P*	P*	P*	–	508
Duplex	–	P*	P*	–	503
Manufactured Home	–	–	–	–	
Manufactured Home, Residential-Design	P*	P*	P*	–	513
Mobile Home	–	–	–	P	
Mobile Home Park	–	–	–	–	514
Multi-Dwelling Structure	–	–	–	–	517
Non-Ground Floor Dwelling	--	P*	P*	–	517/542
Work/Live Unit	--	P*	P*	P*	517/542
Zero Lot Line Dwelling	P*	P*	P*	–	531
Home Occupation, Type A or B	A*	A*	–	–	537
<b>Group Living</b>					
Assisted Living	S	P	–	–	
Congregate Living	–	–	–	–	546
Dormitory	–	–	–	–	
Fraternity or Sorority House	–	–	–	–	
Group Home, General [11 or more]	S	S	S	–	
Group Home, Limited [10 or fewer]	P	P	P	–	
<b>Community Facilities</b>					
Adult Day Care Home	S	P	n/a	n/a	
Cemeteries	P*	P*	P*	P*	505
College/University	S	S	S	P	
School	S	S	P	–	
Cultural Center/ Library	S	S	S*	–	
Day Care Center	S*	S*	S*	P*	507
Day Care Home, Class A	A*	A*	P	–	507
Day Care Home, Class B	S*	S*	S*/A*	–	507
Detention Facilities	–	–	–	S	
Lodge, Fraternal & Civic Assembly	S*	S*	S*	P*	512
Postal Service	–	–	–	P	
Public Safety	S	S	S	P	
Funeral and Interment	–	P*	–	P*	505
Temporary Shelter	A*	S*/A*	S*/A*	S*/A*	544/522
Social Service Agency.....	--	P	P	P	
Community Meal Program	A*	S/A*	S/A*	S/A*	522
Utilities, Minor	P*/S*	P*/S*	P*/S*	P*/S*	530
Utilities and Service, Major	S	S	S	S	

<b>Medical Facilities</b>					
Community Mental Health Facility	--	--	--	--	
Extended Care Facility, General	-	S	-	-	
Extended Care Facility, Limited	P	P	P	-	
Health Care Office, Health Care Clinic	-	P	P	P	
Hospital	-	-	-	-	
Outpatient Care Facility	-	P*	P*	-	519
<b>Recreational Facilities</b>					
Active Recreation	S	S	S	P	
Entertainment & Spectator Sports, General	-	-	-	-	
Entertainment & Spectator Sports, Limited	-	-	-	-	
Passive Recreation	P	P	P	P	
Nature Preserve/Undeveloped	P	P	P	P	
Private Recreation	P	P	P	-	
Participant Sports & Recreation, Indoor	-	-	-	P	
Participant Sports & Recreation, Outdoor	-	-	-	P	
<b>Religious Assembly</b>					
Campus or Community Institution	-	-	P*	P*	522
Neighborhood Institution	P*	P*	P*	P*	522
<b>Animal Services</b>					
Kennel	-	-	-	P	
Livestock Sale	-	-	-	P	
Sales and Grooming	-	-	P	P	
Veterinary	-	P	-	P	
<b>Eating &amp; Drinking Establishment</b>					
Accessory Bar	-	-	A*	A*	
Bar or Lounge	-	-	-	-	
Brewpub	-	-	-	-	
Fast Order Food	-	-	P*	P	511/509
Fast Order Food, Drive-in	-	-	-	P*	
Nightclub	-	-	-	-	
Private Dining Establishments	S*	S*	P*	-	539
Restaurant, Quality	-	-	P*	P*	
<b>Office</b>					
Administrative and Professional	-	P*	P*	P	518
Financial, Insurance & Real Estate	-	P*	P*	P	510
Payday Advance, Car Title Loan Business		P*	P*	P	510
Other	-	P	P	P	543
<b>Parking Facilities</b>					
Accessory	-	A*	A*	A*	535
Commercial	-	S	-	P	
<b>Retail Sales &amp; Services</b>					
Building Maintenance	-	-	-	P	
Business Equipment	-	-	-	P	
Business Support	-	-	-	P	
Construction Sales and Service	-	-	-	P	
Food and Beverage	-	-	P*	P*	
Mixed Media Store	-	-	P*	P*	
Personal Convenience	-	-	P*	P*	

Personal Improvement	-	P*	P*	P*	521
Repair Service, Consumer	-	-	P*	P*	
Retail Sales, General	-	-	P*	P*	525
Retail Establishment, Large	-	-	-	-	
Retail Establishment, Medium	-	-	-	-	
Retail Establishment, Specialty	-	-	-	-	
<b>Sexually Oriented Businesses</b>					
Sexually Oriented Media Store	-	-	-	-	
Physical Sexually Oriented Business	-	-	-	-	
Sex Shop	-	-	-	-	
Sexually Oriented Theater	-	-	-	-	
<b>Transient Accommodations</b>					
Bed and Breakfast	S*	S*	P*	-	504
Campground	-	-	-	-	
Hotel, Motel, Extended Stay	-	-	-	P	
<b>Vehicle Sales &amp; Services</b>					
Cleaning (e.g., car wash)	-	-	-	P	
Fleet Storage	-	-	-	P	
Gas and Fuel Sales	-	-	-	P	
Heavy Equipment Repair	-	-	-	P	
Heavy Equipment Sales	-	-	-	P	
Inoperable Vehicles Storage	-	-	-	P	
Light Equipment Repair	-	-	-	P	
Light Equipment Sales/Rental	-	-	-	P	
RV and Boats Storage	-	-	-	P	
Truck Stop	-	-	-	-	
<b>Industrial Facilities</b>					
Explosive Storage	-	-	-	-	
Industrial, General	-	-	-	P	
Industrial, Intensive	-	-	-	-	
Maker Space, Limited	--	--	P	P	
Maker Space, Intensive	--	--	--	P	
Laundry Service	-	-	--	P	
Manufacturing & Production, Limited	-	-	-	P	
Manufacturing & Production, Tech	-	-	-	P	
Research Service	-	-	-	P	
Salvage Operation	-	-	-	S*	
Exterior Storage	n/a	n/a	-	A*	
<b>Wholesale Storage &amp; Distribution</b>					
Heavy	-	-	-	S	
Light	-	-	-	P	
Mini-Warehouse	-	-	-	P	
<b>Adaptive Reuse</b>					
Designated Historic Property	S*	S*	S*	S*	501
Greek Housing Unit	-	-	-	-	501
<b>Agriculture</b>					
Agricultural Sales	-	-	-	P	
Agriculture, Animal	-	-	-	-	502
Agriculture, Crop	P	P	P	P	
<b>Communication Facilities</b>					

Amateur and Receive-Only Antennas	A*	A*	A*	A*	536
Broadcasting Tower	–	–	–	P	
Communications Service Establishment	–	P	P	P	
Telecommunications Antenna	A*	A*	A*	A*	529
Telecommunications Tower	S*	S*	S*	S*	529
Satellite Dish	A*	A*	A*	A*	536
Mining					
Mining	–	–	–	–	
Recycling					
Large Collection	–	–	–	P	540
Small Collection	–	–	P	P	540
Processing Center	–	–	–	S	

CONCEPT PLAN





**Z-15-00427: Rezone 2.96 acres from RS7 District to IL District  
Located at 1501 Learnard Avenue**



City Planning Commission  
September 30, 2015  
R.E. Rezoning Sunrise Garden Center lots

To Whom It Concerns:

My name is Laurel Sears. I live at 1428 Connecticut Street with my family. We have owned our house since 1978 and are very familiar with the Barker/ Connecticut neighborhood, as well as the property in question for rezoning. We firmly support the rezoning of the former Sunrise Garden Center to light industrial or urban agriculture designation.

We have spent many hours and money at Pence's and then Sunrise Garden Center. It saddened us to watch our beloved garden center close up. But it has been even more distressing to watch this valuable and historically meaningful site degrade through vacancy. We are excited to welcome the Sunrise Project, LLC to the neighborhood. With their investment in small, local business partners like Central Soyfoods and focus on urban agricultural outreach/ education, they fit with the neighborhood character and intentions.

They have worked hard to inform neighbors and build consensus about their upcoming projects and plans. We are well acquainted with Central Soyfoods, who may occupy a small part of the site and produce local tofu. We believe that this designation will not stress the neighborhood infrastructure, nor will it create noise or air pollution. Overall, the occupancy of this site by a neighborhood-based organization, intent on making urban agriculture and UA education available for participants, will benefit our neighborhood.

Please accept our letter of support for the rezoning of the Sunrise Garden Center property to light industrial or urban agriculture.

Sincerely,

Laurel Sears and the Sears-Reese family

**From:** [Cindi Kroll Hauptli](#)  
**To:** [Mary Miller](#)  
**Subject:** Sunrise project  
**Date:** Thursday, October 08, 2015 3:08:40 PM

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Hi. I live at 1530 Barker Ave. my backyard runs up to the sunrise garden center. My family would be happy to have the Sunrise project in our neighborhood. We do not see a problem with the tofu factory. I would like to see a clause that it would go back to residential/not factory if the businesses were to close. I wanted to voice my support. We would be excited to see the greenhouses up and running again. I think it would be Great for our neighborhood. Thank you, Cindi Kroll Hauptli

.....

**From:** [Will Nagengast](#)  
**To:** [Mary Miller](#)  
**Subject:** Sunrise Rezoning project  
**Date:** Thursday, October 08, 2015 11:15:53 PM

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Dear Ms. Miller,

I am writing in support of the rezoning request for the Sunrise Garden Center. My wife and I recently moved into a house directly across the street, and we are excited about the proposed project. I work for Seeds from Italy, and hope our business might be able to relocate there. Our business is a very small, quiet business with virtually no traffic other than the postal service once a day.

But even apart from my personal interest, I think the project would benefit the neighborhood by bringing Sunrise back to life. It promises to bring people together in positive, interesting activities. I hope it will provide jobs for neighborhood kids, and I think it will make the area feel safer to have more people present on the site, rather than just a large, dark, abandoned building and lot. Based on what I know of the project, I don't think it will cause much of an increase in traffic or noise, certainly not more so than when it was a retail garden center. As one of the nearest neighbors, we welcome the new energy it will bring.

Thank you,  
Will Nagengast  
1429 New Jersey

**From:** [Pat Kehde](#)  
**To:** [Mary Miller](#)  
**Cc:** [Emily Hampton](#)  
**Subject:** Sunrise site plan and zoning for Central Food facility  
**Date:** Thursday, October 08, 2015 5:45:33 PM

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Dear Ms. Miller:

I live at 1636 Learnard, half a block south of the Sunrise site. Our family has lived at this address since 1981.

We support the use of the corner of Learnard and 15th St. site for the Sunrise Garden Project and we support the limited conditional zoning for Central Tofu on that site.

I have talked with several others in our neighborhood and they all are relieved and happy that the site will retain its agricultural/horticultural character and not become an apartment complex with lots of student car traffic. They too support this Project.

In addition, I know David and Susan Millstein because when I owned the Raven Bookstore we rented the space on 7th Street from them.

They are very reliable and responsible people who have done wonderful things for the city of Lawrence e.g. Liberty Hall renovation, which included the space now occupied by the video store, The Raven and Prima Tazz. The whole area of Liberty Hall (then the Opera House) was derelict in 1986 when they bought it with Charles Oldfather. They also renovated the Casbah space in the 800 block of Mass, and of course started and operated Sunflower Surplus, which is now Sunflower Bike shop. The Millsteins have a long and illustrious track record and can be relied on to do the best for the neighborhood and to abide by the zoning restrictions.

I hope that the Planning Commission will support this request for the Sunrise Project and for limited industrial zoning for the corner of 15th and Learnard.

Thank you,

Pat Kehde  
1636 Learnard  
Lawrence, KS 66044  
785.841.8296

**From:** [Holly Krebs](#)  
**To:** [Mary Miller](#)  
**Subject:** Feedback from Planning and Development Services contact page  
**Date:** Saturday, October 10, 2015 9:56:44 PM

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Hi Mary,

I'd like to express my support for the rezoning of the old Sunrise Garden Center to the light industrial classification.

It is a wonderful opportunity for the City to have this land revitalized in such a way that maintains some of the gardening space and brings in local businesses to create a mixed-use location in the heart of a neighborhood. If this rezoning is not allowed to go forward, I think it unlikely that the neighborhood would receive a comparable improvement of the land that would also support the community.

I'm sure that stipulations can be clearly written to guarantee that this zoning is only allowed for the current entities that will inhabit the land.

I hope the City and Planning Commissions will support this great community-based, healthy-food-oriented venture. I think it would only strengthen the neighborhood.

Thank you,  
Holly Krebs

.....

**From:** [judamama@iuno.com](mailto:judamama@iuno.com)  
**To:** [Mary Miller](#)  
**Subject:** zoning for the sunrise project  
**Date:** Monday, October 12, 2015 10:51:38 AM

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I am writing to support the proposed rezoning for the Sunrise Project at 15th and Learnard. I live three blocks from the site, at the corner of Johnson and Learnard, and I believe the project will be a wonderful addition to the neighborhood. I have been a longtime customer of Central Soy and have visited their operation at two different locations, and from what I observed at those locations I believe that there will be very little disturbance caused by their presence as part of the sunrise project. I think the overall benefits of the proposed project would make it a great asset for the neighborhood and the city. Thanks for your consideration, Juda Lewis  
342 Johnson Ave.

**From:** [Chris Taylor](#)  
**To:** [Mary Miller](#)  
**Subject:** 1501 Learnard Rezoning  
**Date:** Tuesday, October 13, 2015 11:27:05 AM

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Dear Ms. Miller,

I was encouraged by the Barker Neighborhood Association to send concerns regarding the rezoning of 1501 Learnard your way for consideration by the planning commission. As a homeowner in the Barker neighborhood, I do have concerns, but not regarding Central Soy. I love the idea of locating Central Soy in the neighborhood and support Mr. Millstein's efforts. My concerns are around the plans of the Sunrise Project. I have written and asked them on more than one occasion if they plan to promote urban animal agriculture and/or backyard slaughter and have not received a straight answer. I fear they may be planning for some kind of small animal slaughter facility at the 1501 Learnard site or the promotion of backyard slaughter in the neighborhood. I do not support urban animal agriculture. I do not support urban animal slaughter. The research simply does not support animal agriculture in any form as sustainable. The encouragement of such is misleading and dangerous, so I cannot support the rezoning of 1501 Learnard for this purpose. I would like to encourage all involved to focus their efforts on truly sustainable plant-based practices.

Warm regards,  
Chris Taylor

Mike and Carrie Wendel-Hummell  
314 E 15<sup>th</sup> Place  
Lawrence, KS 66044

October 15, 2015

Lawrence-Douglas County Metropolitan Planning Commission  
6 East 6<sup>th</sup> Street  
Lawrence, KS 66044

RE: Z-15-00427; rezoning at 1501 Learnard Ave.

To Whom it May Concern,

We are writing in support of rezoning the property located at 1501 Learnard Avenue to limited industrial for the Sunrise project. I live at 314 E 15<sup>th</sup> Place, which is in very close proximity to this location. I appreciate the efforts of Sunrise Green leadership and new property owners in reaching out to the neighboring community in detailing their plans and addressing our concerns. I look forward to the possibility of this property serving as community cooperative and educational gardens. I understand that Central Soy Foods will also produce at this location, and have been assured that these operations will be light-traffic, minimal-noise, and low-odor. I am confident that the proposed operations can coincide with a quality living environment in the surrounding neighborhood, and further, that the property owners will be responsive to any concerns that may emerge. In rezoning the property, it is important to us that limits specify that any future operations/uses would also be low traffic, noise, and odor.

We will not be able to attend the upcoming public hearing due to a schedule conflict. Please contact us with any questions regarding our support for associated rezoning needed to help bring the sunrise project to fruition.

Sincerely,



Mike and Carrie Wendel-Hummell  
(785) 393-6366

**From:** [Kelly Jones](#)  
**To:** [Mary Miller](#)  
**Cc:** [kellyjones@ku.edu](mailto:kellyjones@ku.edu); [willnagengast@gmail.com](mailto:willnagengast@gmail.com); [Pat Kehde](#); [laurelb@gmail.com](mailto:laurelb@gmail.com); [cjjhop@att.net](mailto:cjjhop@att.net); [Holly Krebs](#)  
**Subject:** Re: staff report and materials for Sunrise Garden Rezoning  
**Date:** Friday, October 16, 2015 10:11:55 AM

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Thank you, Mary, for forwarding the staff report.

I own property that abuts the former Sunrise Garden Center, 415 E 15th. My family & I have reviewed the attached document & support the proposed project, which focuses on 1) small scale growth & production of primarily local food & 2) health & environmental education. We therefore support the rezoning as its stated in your report.

If the proposed project is not successful, we ask that City be sensitive to approving future uses that are equally reflective of the character & culture of the Barker & East Lawrence neighborhoods.

Best. -Kelly Jones

On Oct 16, 2015, at 8:13 AM, Mary Miller <[mmiller@lawrenceks.org](mailto:mmiller@lawrenceks.org)> wrote:

Hello,

The staff report for the Sunrise Garden rezoning is available on the Planning website [www.lawrenceks.org/pds](http://www.lawrenceks.org/pds) I've also attached a copy for your convenience.

This item will be considered by the Planning Commission at their October 19<sup>th</sup> meeting.

The meeting begins at 6:30 PM in the Commission Room, City Hall (6 East 6<sup>th</sup> Street).

This is the first item on the agenda. This is a public hearing item.

Please let me know if you have any questions.

Thanks,

Mary

**Mary K Miller, AICP, City/County Planner-** [mmiller@lawrenceks.org](mailto:mmiller@lawrenceks.org)

Planning Division | [www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)

P.O. Box 708, Lawrence, KS 66044

Office (785) 832-3147 | Fax (785) 832-3160

*"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey:*

*<http://lawrenceks.org/pds/survey/satisfaction>."*

<pl\_z-15-00427\_sr.pdf>

**From:** [Matthew Stephens](#)  
**To:** [Mary Miller](#)  
**Subject:** rezoning request for 1501 Learnard Ave  
**Date:** Monday, October 19, 2015 9:00:08 AM

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Hello Mary,

I wanted to voice my support for the rezoning of the old sunrise garden center at 1501 Learnard Ave. I live 3 houses south at 1536 Learnard and I have zero concerns about the plans for the site that the Millsteins are proposing. I think that preserving the greenhouses and bringing together local businesses will turn that property into a wonderful resource for both the neighborhood and the city. As a resident who lives next to this property, I hope that the planning commission will approve this rezoning request.

Thank you,

Matthew Stephens

**From:** [John Thompson](#)  
**To:** [Mary Miller](#)  
**Subject:** Sunrise Project  
**Date:** Friday, October 16, 2015 2:32:56 PM

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Hi Mary!

I just want to send you a quick note stating our support for the Sunrise Project in our neighborhood.

We look forward to the activity at that site, and are glad to have small business and community activities represented so near to our home. We believe that the project will have a positive impact on our area and the entire community,

and are excited to see it up and running and to be involved in the project.

Yours,

John and Corrie Thompson

1607 Larnard Ave.

Lawrence, Ks 66044

**From:** [Dan Phelps](#)  
**To:** [Mary Miller](#)  
**Subject:** Support for Sunrise Garden Project  
**Date:** Monday, October 19, 2015 9:09:54 AM

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To whom it may concern-

It'd like to voice my greatest enthusiasm and support for the Sunrise Garden Project, as well as Central Soy Foods, and their plan to operate and educate on the former grounds of the Sunrise Garden Center.

What an amazing opportunity for the Lawrence community! What an incredible resource right in the heart of Lawrence!

I have spent many years of involvement with the local food movement and healthy food initiatives here in Lawrence. I was involved with the Community Mercantile Education Foundation's school garden project, I have operated my own farm, selling at the Lawrence Farmers Market, CSA, the Merc, and area restaurants, and I have work with the Kansas Rural Center to make systematic change in the Kansas food system.

From my perspective this initiative is a necessary progression in Lawrence's efforts to create a thriving local food economy and address issues such as food security, environmental literacy, and social justice.

Thank you.

Dan Phelps.

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

PC Staff Report  
11/16/2015

**ITEM NO.4:      Z-15-00463      RM12D to RS7 and OS; 11.855 acres; 5800 Overland Drive (BJP)**

**Z-15-00463:** Consider a request to rezone approximately 11.855 acres from RM12D (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District and OS (Open Space) District, located at 5800 Overland Dr. Submitted by Grob Engineering Services, LLC on behalf of Oregon Trail Holdings, LC and the City of Lawrence, property owners of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 11.80 acres, from RM12D (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District and 0.055 acres from RM12D (Multi-Dwelling Residential) to OS (Open Space) 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:**      *"Originally believed that multi-family would be best for this area which was before Rock Chalk Park was developed. With the construction of Rock Chalk Park and Sports Pavilion Lawrence, the market is for single-family dwellings."*

**KEY POINTS**

- The intent of this proposal is to rezone approximately 11.80 acres to RS7 District, and approximately 0.055 acres to OS District. The request to rezone to accommodate single-family zoning is prompted by the changes in the housing market, while rezoning to OS will provide consistency with adjacent property.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- MS-15-00546: Minor Subdivision at 5800 Overland Drive and George Williams Way, currently being administratively processed.

**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

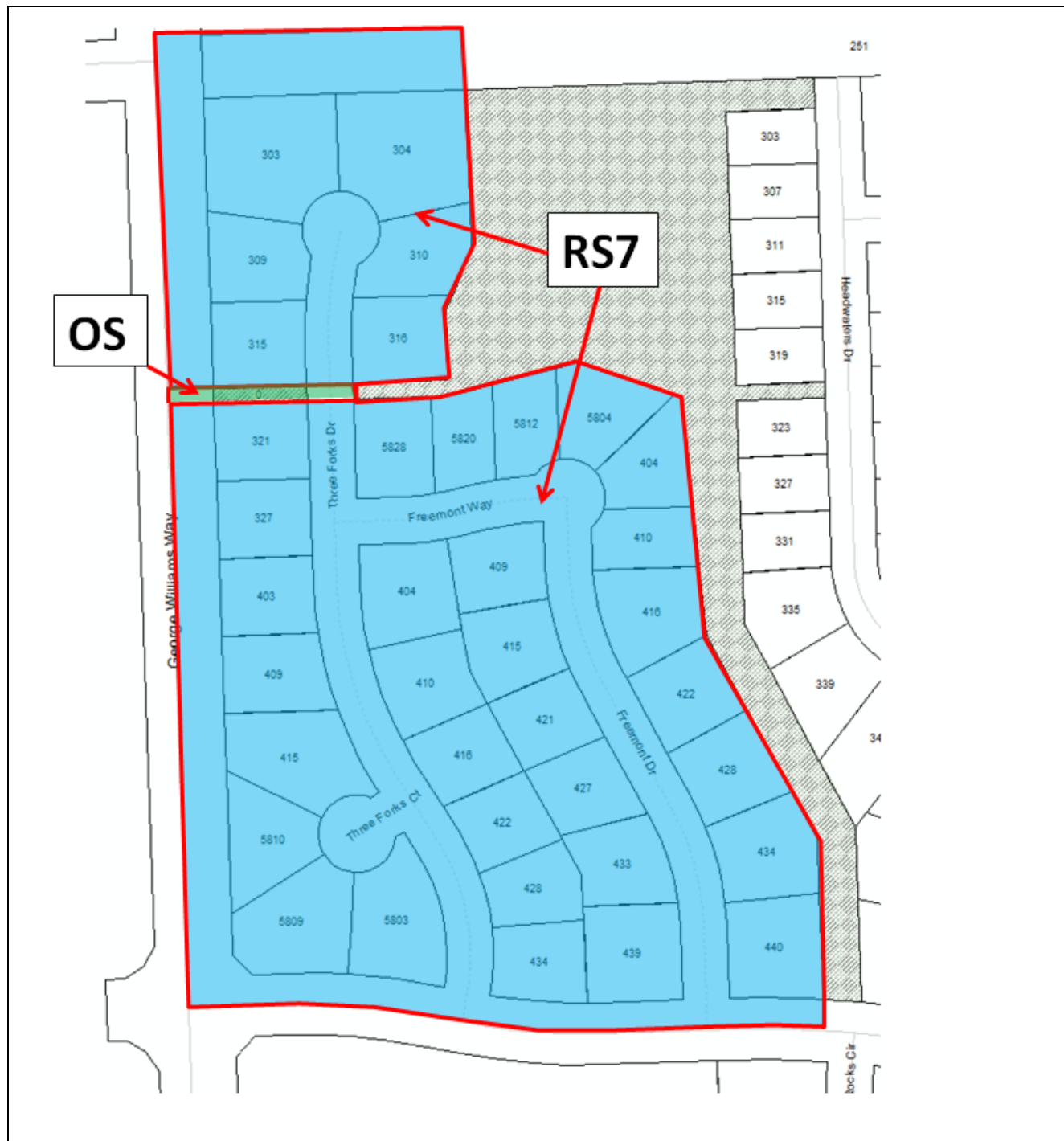
**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None

**Project Summary:**

The subject area is located east of George Williams Way and north of Overland Drive. The proposed request is for the rezoning of approximately 11.80 acres within the Oregon Trail Addition to accommodate single-family development. The rezoning request stems from a change in the housing market and the development of the Rock Chalk Park. A minor subdivision application is currently being administratively processed. The subject property was previously platted with 37 lots at RM12D. The proposed replat would reduce the density to 51 lots at RS7.

The rezoning request also includes a proposal to rezone approximately 0.055 acres from RM12D to the OS District. This area is located between George Williams Way and Three Forks Drive and contains a 20' utility and access easement. This area is identified as Tract B on the Oregon Trail Addition 2<sup>nd</sup> Plat. This easement extends to the east of Three Forks Drive and ties into Tract A, which is zoned OS (Open Space) District. Rezoning Tract B to OS District would align the zoning of that property with that of the adjacent Tract A.



**Figure A:** The 11.80 acre area requested to be rezoned to RS7 is shown in blue, and the 0.055 acre area requested to be rezoned to OS is shown in green.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"Single-family guide to placement is stable, safe, and pleasant neighborhoods. The adjacent property is zoned RS7 and down zoning this property would generally meet the criteria in Horizon 2020 with close proximity to RCP."*

The subject property was annexed into the City in 2001 to facilitate the City's financing of a W. 6<sup>th</sup> Street/US 40 improvement project. As part of the annexation, an agreement was made that the property would retain the Douglas County zoning designation of A (Agricultural) District until development was proposed. On November 16, 2004, the City Commission approved a request (Z-09-48-04) to rezone the subject property from A District to RM-D (Duplex Residential). The intent of the 2004 rezoning request was to provide an area for residential population growth. There were two other zoning requests submitted concurrently (Z-09-46-04, Z-09-47-04), which requested rezoning the surrounding area to single-family and multi-family zoning districts.

Chapter Five of *Horizon 2020*, Residential Land Use, discusses the strategies for residential development. One of the principal strategies given states, "A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments". There are multi-family zoning districts located to the north and south of the subject property, as well as a single-family zoning district to the east. If the subject property were rezoned to RS7, a mixture of housing types would still be available in the immediate area.

*Horizon 2020* also states, "Low-density residential development, reflecting a density of six or fewer dwelling units per acre, would continue to be the predominant land use in the city. While this classification includes densities that would encompass duplex and some townhouse development, emphasis is placed on single-family detached development." This rezoning request aligns with that objective.

Regarding open space, *Horizon 2020* encourages the development of a comprehensive network of open spaces that connect neighborhoods and recreational opportunities. Tract B exists in that capacity. Future development of Tract B will include an extension of the existing multi-use trail. This improvement will provide a pedestrian connection to the existing green space to the east and the Rock Chalk Park to the west.

**Staff Finding** – The proposed request represents a low-density residential development pattern and recreational amenities that are consistent with the land use recommendations in *Horizon 2020*.

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

Current Zoning and Land Use: RM12D (Multi-Dwelling Residential) District; Undeveloped.

Surrounding Zoning and Land Use: North: RM12-PD (Multi-Dwelling Residential with a Planned Development Overlay) District; Undeveloped – development plans for Multi-Dwelling development with accessory golf course have preliminary approval.

GPI; Rock Chalk Park, *General Entertainment and Spectator*

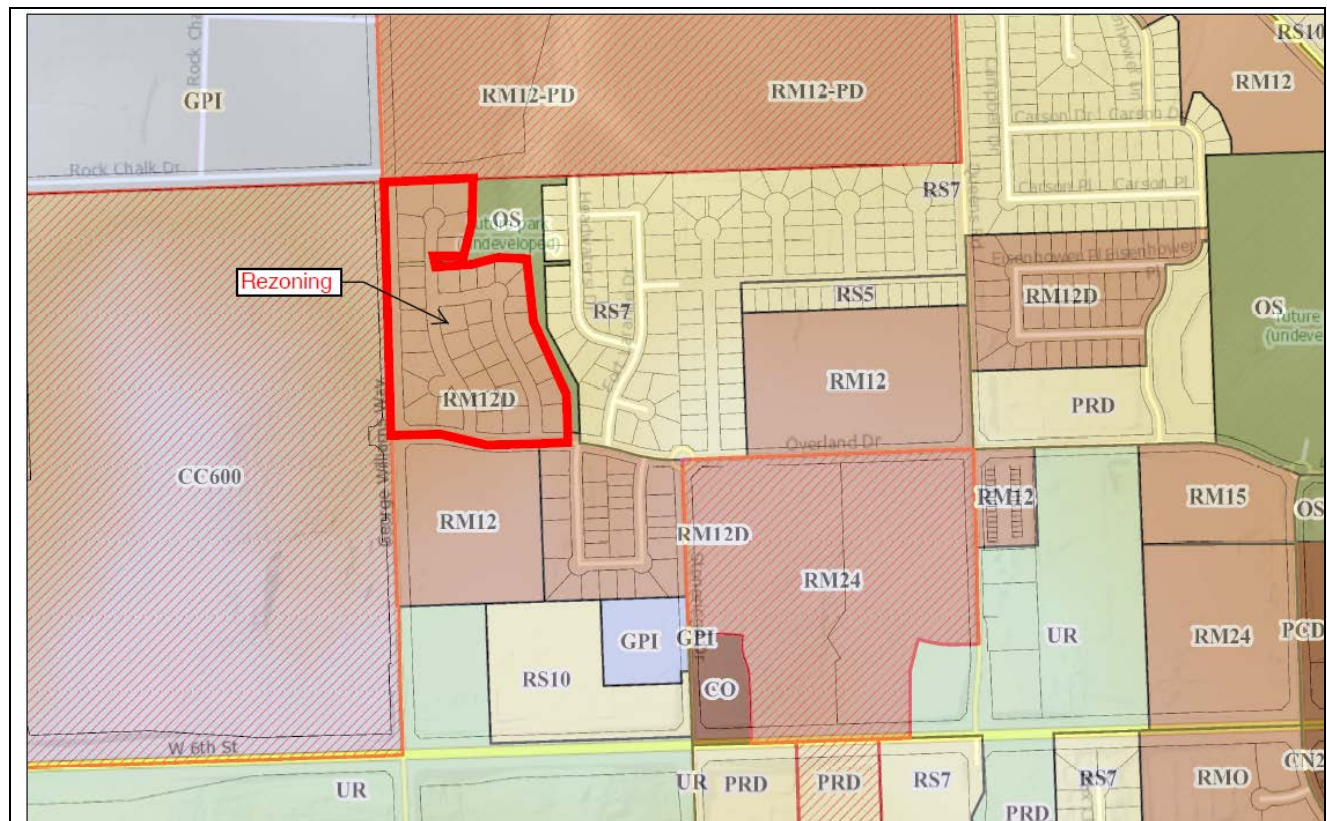
*Sports, Active Recreation, Passive Recreation.*

East: OS (Open Space) District; Detention pond and multi-use trail.

RS7 (Single-Dwelling Residential) District; Undeveloped.

South: RM12 (Multi-Dwelling Residential) District; Undeveloped.

West: CC600 (Community Commercial) District; Undeveloped – development plans for commercial development as part of the Mercato development have preliminary approval.



**Figure B:** Surrounding zoning of the subject property.

**Staff Finding** – As proposed, the subject property will be uniformly zoned similar to development property located to the east.

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

Applicant's Response: *"The property to the north and south is medium density multi-family dwelling and property to the east is the single-family. The property of the west is CC600 and no development has occurred there."*

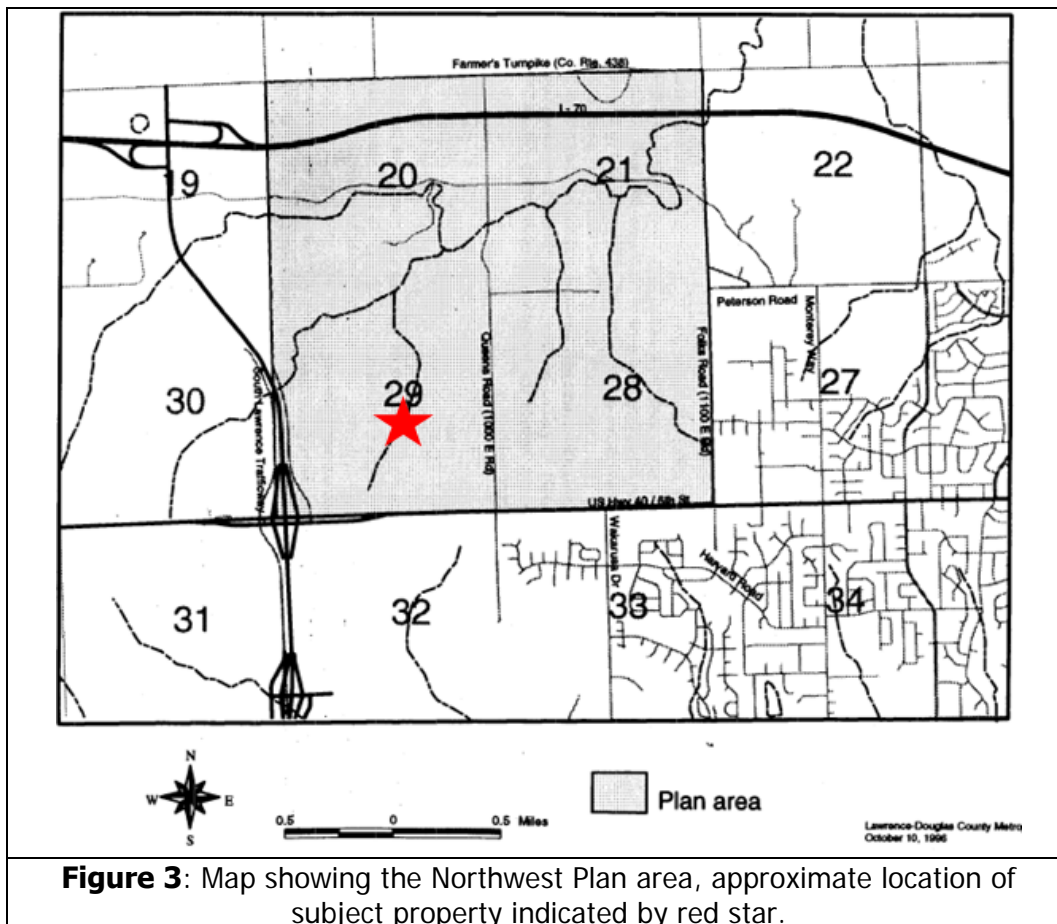
The area is developing with a variety of uses. The subject property is located southeast of the Rock Chalk Park. In addition, single-family and multi-family neighborhoods are being developed to the north, east and south of the property. The property to the north is planned for a multi-family development that will include an accessory golf course. There is also commercial development planned for the area. The property to the west of the subject property is zoned CC600 and is

currently undeveloped. However, this commercially zoned area is part of the Mercato development that has received preliminary approval.

**Staff Finding –** The proposed request is consistent with the developing character of the area and appears to meet a market-defined need for more individual residential lots.

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

The property is located within the boundary of the *Northwest Plan*, which was adopted by the City Commission on January 28, 1997. Specifically, the subject property is located in the section identified as 29 (Figure 3). The plan indicates this section is planned as an urbanized area, and that higher intensive land uses should be directed toward 6<sup>th</sup> Street and K10. Land uses lower in intensity are to be directed toward the north of sections 28 and 29. Furthermore, the plan states that single-family residential is encouraged in the central and northern parts of sections 28 and 29. Finally, the plan also states that “Further south, in the central portions of section 28 and 29, conventional single-family residential is planned. Multiple family residential land uses (duplex through multi-unit apartments) is primarily planned only in the southern portions of sections 28 and 29.”



**Staff Finding –** The proposed rezoning request is consistent with the applicable area plan.

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

Applicant's Response: *"The RM12D is a suitable zoning for project location, but with changes in the surrounding area that have occur, the housing market shows a need for single-family residences in this area."*

The proposed zoning is for a land use that is a detached dwelling housing type located on individual lots. Detached dwellings are allowed in the RM12D District but require a Special Use Permit. This would be an onerous requirement for new development. The applicant's intent is to modify the development pattern to provide more detached housing on smaller lots than previously approved. Therefore, the existing RM12D zoning is not suitable.

**Staff Finding** – The existing zoning is not suitable given the intended development pattern for this property.

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

Applicant's Response: *"Over 5 years."*

As discussed previously, the subject property was rezoned from A District to RM-D District in 2004. On June 12, 2007, the City Commission approved Ordinance 8117 to convert the RM-D zoning to RM12D to align with the newly adopted 2006 Land Development Code. Development has not occurred on the property during that time period.

**Staff Finding** – The property has been zoned for multi-family since 2004.

**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 there is RS7 zoning adjacent to the site within the Oregon Trail Addition. The proposed single-family residential is compatible in location and scope with the existing single-family and multi-family residences."*

The surrounding area will be developed with a variety of uses. There are multi-family and single-family zoned districts to the north, east, and south of the property. Rezoning the subject property to RS7 will provide consistency with the adjacent area to the east that is also zoned RS7.

**Staff Finding** – There are no anticipated detrimental effects for nearby 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: *"The rezoning would be a down-zoning to less density single family dwellings and would provide more single-family lots for housing market. The rezoning would allow for immediate development, while remaining at RM12D zoning would see this property remain vacant for a longer period of time."*

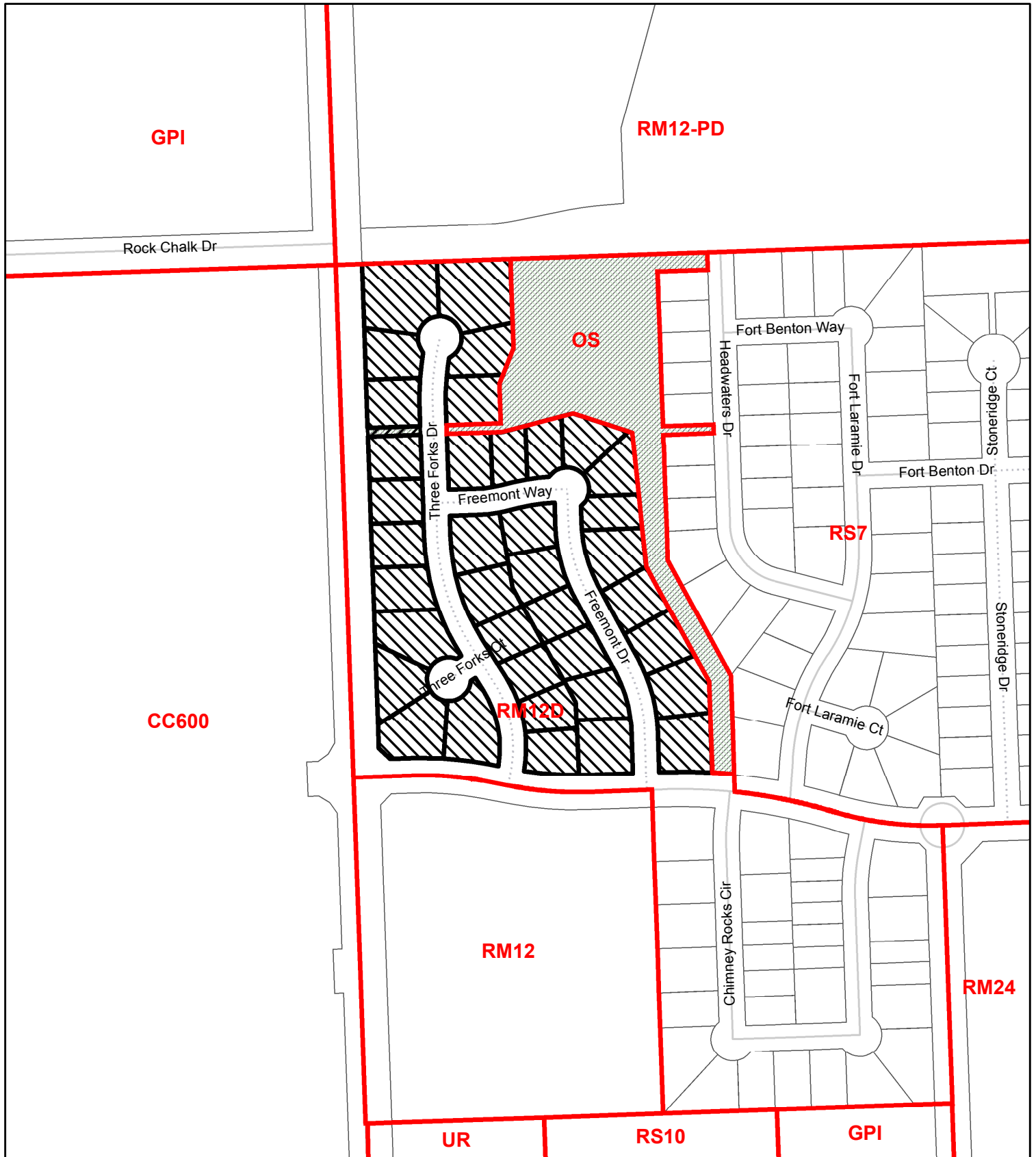
Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

When the rezoning requests were approved for the subject property and the surrounding area, public improvements were provided with the extension of water, sanitary sewer, and stormwater lines. Other public improvements to the area included the extensions of Stoneridge Drive, Overland Drive, and George Williams Way.

**Staff Finding** – Approval of the proposed request facilitates residential development in an area planned for low-density residential development.

## **9. PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of the proposed rezoning of approximately 11.80 acres from RM12D District to the RS7 District and 0.055 acres from RM-12D to the OS District as they are appropriate zoning districts for the subject property.



**Z-15-00463: Rezone 11.855 acres from RM12D District to RS7 District and OS District  
Located East of George Williams Way and North of Overland Drive**



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

PC Staff Report  
11/16/15

**ITEM NO. 5      CONDITIONAL USE PERMIT FOR PUBLIC WHOLESALE WATER  
SUPPLY DISTRICT NO. 25; E 1300 RD & N 650 RD (MKM)**

**CUP-15-00474:** Consider a Conditional Use Permit for a Water Storage Tank & Booster Pump Station for Public Wholesale Water Supply District No. 25, on approximately 3 acres in the southeast corner of the intersection of E 1300 Rd & N 650 Rd/County Route 460. Submitted by Public Wholesale Water Supply District No. 25, for Harrison Family Farms LLC, property owner of record, and Public Wholesale Water Supply District No. 25, contract purchaser.

**STAFF RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit for a Rural Water District standpipe and booster pump station, a *Utility* use, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report subject to the following condition:

- a. The Conditional Use shall be administratively reviewed every 5 years.

**Reason for Request:** *"This 3 acres will be developed into a site for a water tower and a water booster pump station for Public Wholesale Water Supply District No. 25 which will wholesale water to 2 rural water districts in Douglas and Osage Counties."*

**KEY POINTS**

- The Subdivision Regulations exempt utility uses from the requirement to plat; therefore, the acreage for the water standpipe and booster station can be divided from the larger parcel by survey, without the need for a plat.
- The remainder of the property from which the utility parcel is created will need to be divided in accordance with the Subdivision Regulations in order to develop with any use other than *Agriculture*. Adequate frontage and area remains for future subdivision of the remaining parcel.

**ATTACHMENT**

- A --CUP Plans

**ASSOCIATED CASES**

- CUP-13-00281; Conditional Use Permit for Public Wholesale Water Supply District No. 25 water treatment plant at the intersection of E 1750 and N 1500 Roads. A one-year extension for this CUP was approved by the Board of County Commissioners at their October 21, 2015 meeting.

**OTHER ACTION REQUIRED**

- Approval of the Conditional Use by the Board of County Commissioners.
- Applicant shall obtain a permit for the Conditional Use from the Zoning and Codes Office prior to commencing the use.
- Applicant shall obtain building permits from the Zoning and Codes Office prior to construction of the structures.

## PUBLIC COMMENT

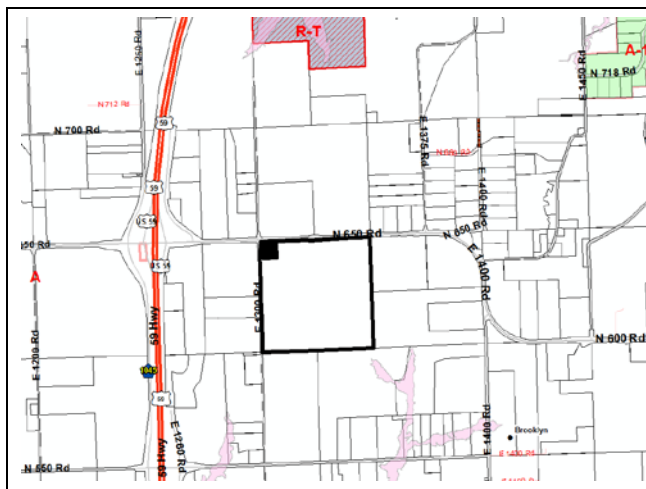
- No public comment was received prior to printing this report.

## GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; *Agriculture*.

Surrounding Zoning and Land Use: A (Agricultural) District; *Agriculture* and *Residential Detached Dwellings*.

F-F (Floodway Fringe Overlay) District to the southwest and southeast.  
(Figure 1)



**Figure 1a.** Zoning of the area: A (Agricultural), A-1 (Suburban Home Residential) District, R-T (Rural Tourism) District. Regulatory floodplain in pink.



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

## Summary of Request

Public Wholesale Water Supply District No. 25 is in the process of developing a water treatment facility and distribution network. They've obtained approval of a Conditional Use Permit to construct a water treatment facility near the intersection of N 1500 and E 1750 Roads. In conjunction with this treatment plant, the water district is in the process of obtaining easements for the extension of water lines through the area. This request is associated with the water treatment plant and will assist in transporting the water through this area of the county.

The water district intends to purchase approximately 3 acres from the Harrison Family Farms LC for their facility. A copy of the executed temporary easement and option to purchase for the purpose of constructing a water standpipe and booster station was provided with the application. The proposed facility includes a 25 ft x 17 ft (425 sq ft) booster pump station which will be approximately 15 ft in height and a 32 ft diameter storage tank, stand pipe, which will be approximately 85 ft in height. These structures will be similar to those in Figure 2.



**Figure 2a.** Example of stand pipe



**Figure 2b.** Example of pump station

The Subdivision Regulations exempt division of lands for public utilities from the requirement to plat, when no new road or easement of access is involved. (Section 20-801(d)(2)(iv), Subdivision Regulations) As the subject property meets that criteria it is not necessary to plat. The remainder of the property will lose its vested right to a building permit with the land division. It will be necessary for the remainder of the property to be divided through a Certificate of Survey, if residential development is proposed, or through a plat, if non-residential development is proposed. The remaining property has adequate frontage and area for future subdivision.

Traffic to the site will be minimal, with only Rural Water District maintenance vehicles, typically ½ ton pick-ups, accessing the site. Two exterior lights will be mounted on the building, one on the west and one on the south side of the building. These will be directed downward to light a portion of the building and the gravel area and to contain the light on the site. The plan should note that the lights will be directed downward. An emergency back-up generator will be installed on the south side of the building. The applicant indicated that the generator will operate only during power outages and would have a noise level similar to vehicles on the adjacent roadway. The plan should note that the generator would be used only during power outages.

The proposed use is permitted when approved with a Conditional Use Permit, as noted below:

***12-319-4.10 Public Utilities:***

*Construction, maintenance and repair businesses that provide services primarily to utility companies or public service uses, buildings, structures or appurtenances thereto."*

The proposed use has been reviewed with the following criteria provided in Section 12-319-1.02 of the Zoning Regulations:

**I. ZONING AND USES OF PROPERTY NEARBY**

The majority of the nearby property is zoned A (Agricultural) District and is used for *Agriculture* and *Residential Detached Dwellings*. There are narrow portions of F-F (Floodway Fringe Overlay) Districts along stream corridors to the southeast and southwest of the subject property. Woodlands are also located throughout the area.

**Staff Finding** –Surrounding uses are predominantly rural residential and agricultural. There are woodlands and narrow strips of floodplain in the area. The proposed project should be compatible with the nearby land uses and zonings, given the low intensity use being proposed.

## **II. CHARACTER OF THE AREA**

In addition to the Agricultural zoning in the area, a property to the north is zoned R-T (Rural Tourism) for future development of a rural tourism use that would include cabins, a conference/lodge, and hunting/fishing areas. To the northeast are platted rural subdivisions zoned A-1 (Suburban Home Residential) Districts. This is primarily an agricultural and rural residential area with woodlands and stream corridors throughout. The 25 ft by 17 ft utility building, with a height of 15 ft, will be similar to agricultural buildings throughout the area and the 85 ft tall water tower/standpipe is similar to other standpipes or silos throughout the county.

**Staff Finding** – The area is rural in character and is zoned A (Agricultural) District with land to the southeast and southwest zoned F-F (Floodway Fringe Overlay) and F-W (Floodway Overlay) Districts. The utility building and standpipe should be compatible with and maintain the rural character of the area.

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

Applicant's Response:

*"The subject property consists of 3 acres of crop ground. The existing 3 acres is suitable for Ag use."*

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

Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. In addition, uses enumerated in Section 12-319 which are not listed as permitted uses in the A District, may be permitted when approved as Conditional Uses. The property is currently in agricultural production and is well suited for uses permitted within the A District. The property will have direct access to E 1300 Road and is also suitable for the proposed *Public Utility* use.

**Staff Finding** – The property is in agricultural production and would be suitable for uses which are permitted within the A (Agricultural) District. The property is also suitable for the proposed *Public Utility* use, when approved as a Conditional Use.

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

**Staff Finding** – The property has been in agricultural production since the adoption of the 1966 Zoning Regulations.

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

Applicant's Response:

*“Removal of these restrictions will not detrimentally affect nearby property. The proposed water tower and booster pump station will not create noise issues, traffic issues. The owner’s access to this site will be 3 to 4 times per week.”*

Section 12-319-1.01 of the County Zoning Regulations recognize that *“certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.”* The proposed use is included in the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as *Public Utility*.

The building will be approximately 25 ft x 17 ft (425 sq ft) and 15 ft in height. The standpipe will be 32 ft in diameter and approximately 85 ft tall. The area is fairly level, the utility structure would have little impact on adjacent properties but the standpipe will be much taller than other features in the area. This would vary from other structures in the area; however, the height is similar to other standpipes throughout the county.

The property has frontage on both N 650 Road/County Route 460 and E 1300 Road, but access will be taken from E 1300 Road. The utility will generate little traffic. The Rural Water District representative indicated that the facility will be unmanned and maintenance vehicles would access the site approximately 4 times a week.

**Staff Finding** – The proposed facility will include a standpipe and a booster station, similar to other water district utilities throughout the county. Approximately 4 trips maintenance trips are anticipated to the site per week. Given the nature of the facility and the low traffic generation, no negative impacts are anticipated on nearby properties.

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

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

Approval of this request would accommodate the placement of a booster station and standpipe in this location to facilitate the transmission of public water throughout the area.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request as the utility use is small scale and low impact. Denial of the request would require the applicant to find another similar property in the area to accommodate the need for a booster station.

**Staff Finding** – In staff’s opinion, there would be no gain to the public health, safety, and welfare by the denial of the request. Approval of the request may increase availability of public water in this portion of the county.

## **VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas and that uses

permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses. The subject property is not located within an identified urban growth area.

The Comprehensive Plan provides the following recommendation regarding the visual appearance of utility improvements:

*"The visual appearance of utility improvements will be addressed to ensure compatibility with existing and planned land use areas." (Page 10-11, Strategies: Utilities; Horizon 2020)*

The appearance of the booster station and standpipe should be compatible with land uses in the area. Screening will be provided along E 1300 Road, as the facility is fairly close to this roadway.

The Plan addresses Community Facilities including educational facilities, municipal buildings and facilities, and utilities in Chapter 10 where it notes that the presence or absence of major utilities directly influences the locations and pace of future development. The Plan recognizes the need to carefully plan for and select locations for new and expanded utilities. (Page 10-15, *Water Supply and Distribution Facilities, Horizon 2020*) The wholesale water district treatment facility and the proposed booster station and water standpipe is intended to increase accessibility to a reliable public water supply.

**Staff Finding** –The proposed use is part of the necessary infrastructure needed to expand access to a public water supply in the rural portion of the county and is consistent with recommendations in the Comprehensive Plan.

## **CUP PLAN REVIEW**

The development area for the facility is approximately 196 ft by 120 ft (23,520 sq ft) in area and includes the following:

- A 25 ft by 17 ft booster station, with emergency generator.
- A 32 ft diameter by 85 ft tall water storage tank.
- Gravel access drive and parking/access area for maintenance vehicles.
- Perimeter 6 ft tall chain link fencing with 3-strands of barbed wire.

**Height, Area, and Density Standards:** The A District allows a maximum height of 35 ft, but Section 12-321.3.01(q) of the Zoning Regulations provides an exception from this standard for water towers and standpipes. The setbacks required in the A District are dependent upon the nature of the adjacent road as noted below:

- The setback for E 1300 Road, a Local Road, is 50 ft (Section 12-318) and is measured 40 ft from the centerline of the road (Section 12-305). The required yard along E 1300 Road is 90 ft from centerline.
- The setback for N 650 Road, a Principal Arterial, is 150 ft and is measured 60 ft from the centerline of the road. The required yard along N 650 Road is 210 ft from the centerline of the road.

**Parking and Access:** The Zoning Regulations do not specify a parking requirement for an unmanned utility use; however, adequate area must be provided for the maneuvering and parking of vehicles. The gravel area, approximately 109 ft x 64 ft, should provide adequate area for access and maneuvering of maintenance vehicles, which the applicant indicated were typically ½ ton pickups.

The property has frontage on both N 650 Road/County Route 460, which is classified in the Douglas County Access Management Standards map as a Principal Arterial, and E 1300 Road, a Local Road. Access will be taken from E 1300 Road.

**Screening:**

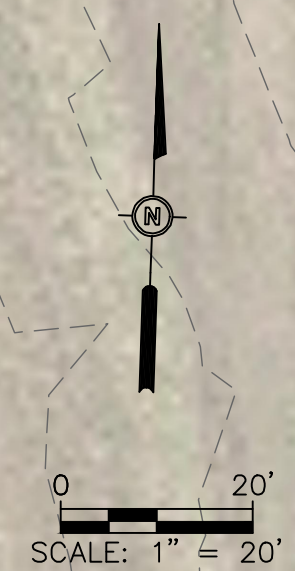
Evergreen trees will be planted on 30 ft centers between the right-of-way for E 1300 Road and the west side of the development area to screen the facility from the roadway. The development area is set back from N 650 Road/County Route 460 approximately 220 ft and screening is not necessary in this area.

**Limits and Conditions:**

The use should be administratively reviewed by the Zoning and Codes Office every 5 years to insure compliance with the standards of the Conditional Use Permit. Expiration dates are often applied to Conditional Uses so they may be re-evaluated to determine if they remain compatible with the development in the area. Given the utility nature of this use, staff does not recommend an expiration date.

**Conclusion**

The proposal complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020*. The facility should be compatible with the surrounding land uses, given the limited intensity of the use.



1. THIS SURVEY DOES NOT CERTIFY OWNERSHIP.
2. ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
3. THERE ARE NO GAPS OR OVERLAPS OR KNOWN DISCREPANCIES BETWEEN OWNERSHIP OR POSSESSION, UNLESS SHOWN.
4. THE CLIENT DID NOT PROVIDE A TITLE INSURANCE POLICY. THERE MAY BE EASEMENTS OF RECORD OTHER THAN THOSE SHOWN HEREON.

[illegible]

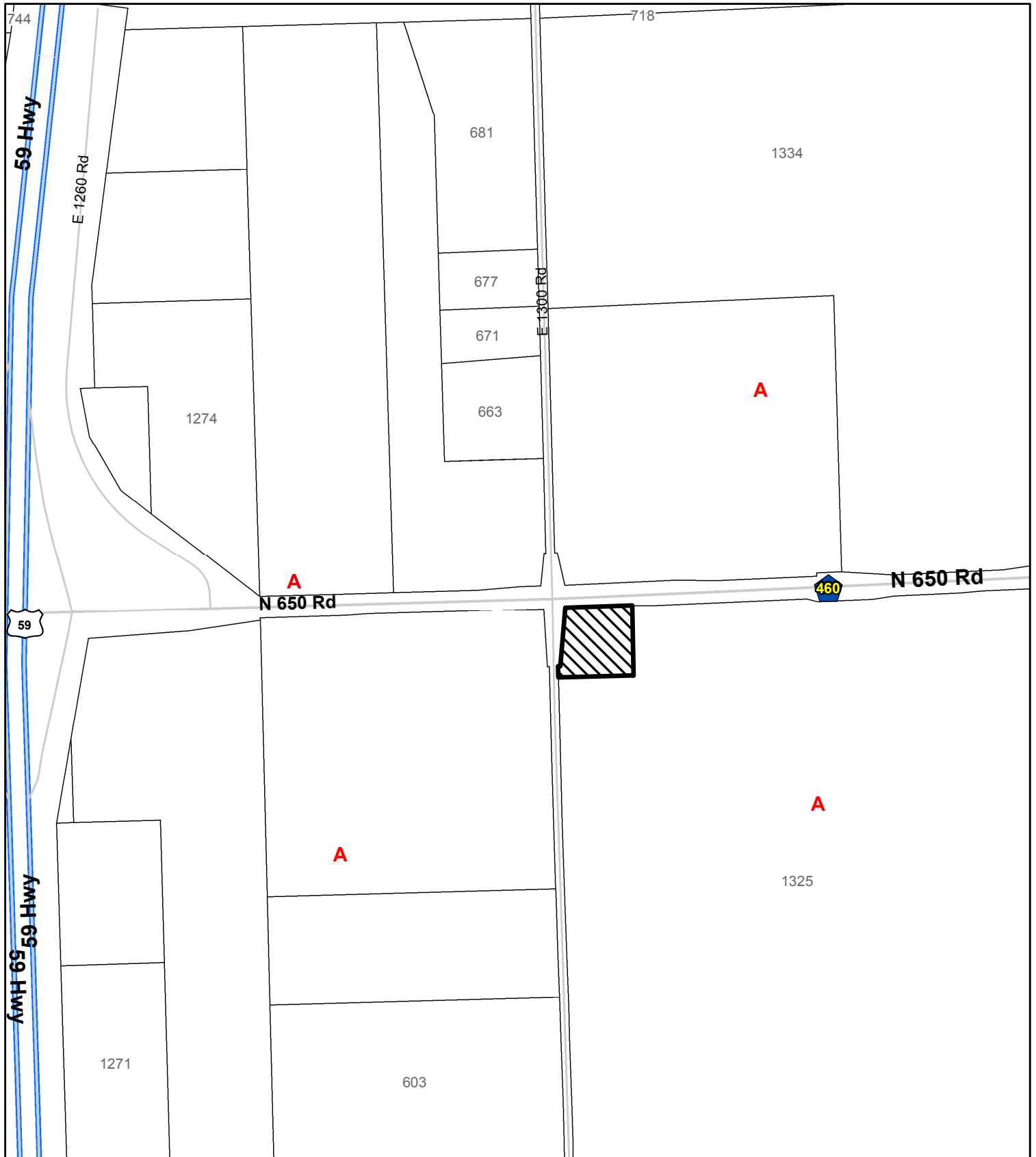
1200 SW EXECUTIVE DRIVE - TOPEKA KS 66615.3850  
PHONE 785.272.2252 - FAX 785.273.8735  
WWW.BARTWEST.COM

**WATER STORAGE TANK & BOOSTER PUMP STATION  
PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO. 25  
DOUGLAS COUNTY, KANSAS**

DESIGNED BY:	ARO
DRAWN BY:	ALB
APPROVED BY:	JAR
DESIGN PROJ:	14366.600
CONST PROJ:	----
SCALE:	AS NOTED
DATE:	AUG 2015
DRAWING NO:	1
SHEET NO:	

1 of 1

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**CUP-15-00474: Conditional Use Permit for a Water Storage Tank & Booster Pump Station for Public Wholesale Water Supply District No. 25 Located on Southeast Corner of E 1300 Road and N 650 Road**



November 15, 2015

City of Lawrence-Douglas County  
Planning & Development Services  
6 East 6th Street  
P.O. Box 708  
Lawrence, Kansas 66044

Dear Commissioners:


We request the Lawrence-Douglas County Metropolitan Planning Commission reconsider the location of the Water Storage Tank & Booster Pump Station for Public Wholesale Water Supply District 25. The proposed location at the southeast corner of E 1300 Rd & N 650 Rd/County Route 460 is located immediately south and adjacent to a rural sub-division.

If this facility with its 85' standpipe/water tower and pump station proceeds it will increase vehicle traffic, increase noise, diminish and obscure the natural landscape of the country side and will de-value our properties.

The Green residence (663 E 1300 Rd) faces in a southeast direction and will view the standpipe/water tower and pump station from their front door. For anyone this would not be a desirable view.

This facility would be best suited in a less noticeable and intrusive location.

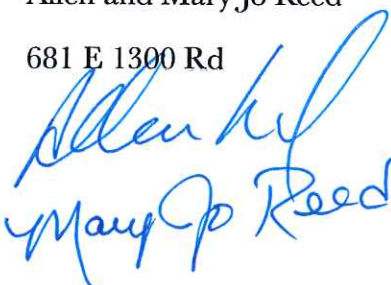
Respectfully,

  
Doug and Sharon Green

663 E 1300 Rd

Allen and Mary Jo Reed

681 E 1300 Rd

  
Allen and Mary Jo Reed

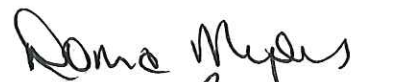

Michael and Donna Myers

671 E 1300 Rd

  
Stan and Lois Zaremba

718 E 1300 Rd

  
Stan and Lois Zaremba

  
Donna Myers  
  
Michael Myers

# View from 663 E 1300 Rd



# View from 663 E 1300 Rd



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

PC Staff Report  
11/16/15

**ITEM NO. 6A     GPI, RM12, & RS40 TO RM12; 14.756 ACRES; 5200 & 5300 CLINTON PKWY (SLD)**

**Z-15-00469:** Consider a request to rezone approximately 14.756 acres from GPI (General Public and Institutional) District, RM12 (Multi-Dwelling Residential) District and RS40 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 5200 & 5300 Clinton Pkwy. Submitted by Paul Werner Architects, for Genesis Health Clubs of Lawrence LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 14.756, from GPI (General Public and Institutional) District, RM12 (Multi-Dwelling Residential) District and RS40 (Single Dwelling Residential) District to RM12 (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:** *To correct the existing zoning to match the current boundaries of the property.*

**KEY POINTS**

- 126 Acres of Lake Alvamar (Yankee Tank Lake) was annexed in 2011 Ordinance Numbers 8697 8698, 8699, 8700, and 8701. [A-8-3-11 and A-8-4-11]
- Annexation of the property was approved and ordinances were adopted. Included in the annexation recommendations was a recommendation to initiate rezoning of the property from A and A-1 to OS and OS-FP. Minutes do not reflect an action on the initiation of rezoning.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- CUP-3-1-95; 5300 Clinton Parkway, Sport 2 Sport adult softball fields.
- UPR-3-3-95; 5200 Clinton Parkway, Sport 2 Sport Indoor Athletic complex (basketball, soccer & volleyball).
- Z-2-6-96; 5300 Clinton Parkway, A-1 to RS-A, City Commission approved on May 14, 1996.
- UPR-3-3-97; 5200 Clinton Parkway, Revision to UPR 3-3-95 for Sport 2 Sport. Expansion to include additional parking and 825 SF building addition.
- UPR-12-15-98; 5150 Clinton Parkway, Dance City, gymnastics and dance studio.
- UPR-4-3-06; 5200 Clinton Parkway, First Serve Tennis.
- PF-04-07-06; Final Plat for Yankee Tank View Addition 2<sup>nd</sup> Plat. Property was replatted as a result of a land purchase from the City of Lawrence from the parkland to the north and the northern portion of Lot 2A to the east.
- Dedication of right-of-way for the extension of Olympic Drive to the parkland to the north and vacation of easements where building expansion was proposed to be located.
- B-04-14-06; First Serve Tennis; 5200 Clinton. Variances were granted by the Board of Zoning Appeals on May 4, 2006 to allow the retaining walls to encroach into the required setbacks as shown on the review plans.
- SUP-15-00459; Special Use Permit for *“Active Recreation Use, Indoor”* for KU Tennis Facility, Minor Modifications reviewed administratively.

- SUP-15-00468; Special Use Permit for “*Active Recreation Use, Indoor*” for KU Tennis Facility, Major Modifications concurrent submittal with rezoning application.

### PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning, refer to related SUP application
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning, refer to related SUP application.
- *Drainage Study* – Not required for rezoning, refer to related SUP application
- *Retail Market Study* – Not applicable to residential request.

### ATTACHMENTS

1. Area Map
2. Surrounding land use map

### PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

1. Wakarusa Watershed Joint District No. 35. Stating opposition to development below the dam.

### Project Summary:

This proposed request is for the rezoning of property to establish a single zoning district and amend the district boundary to incorporate all of the property associated with the use located at 5200 and 5300 Clinton Parkway. This application is submitted concurrently with SUP-15-00468 that includes the expansion of the use for *Active Recreation*.

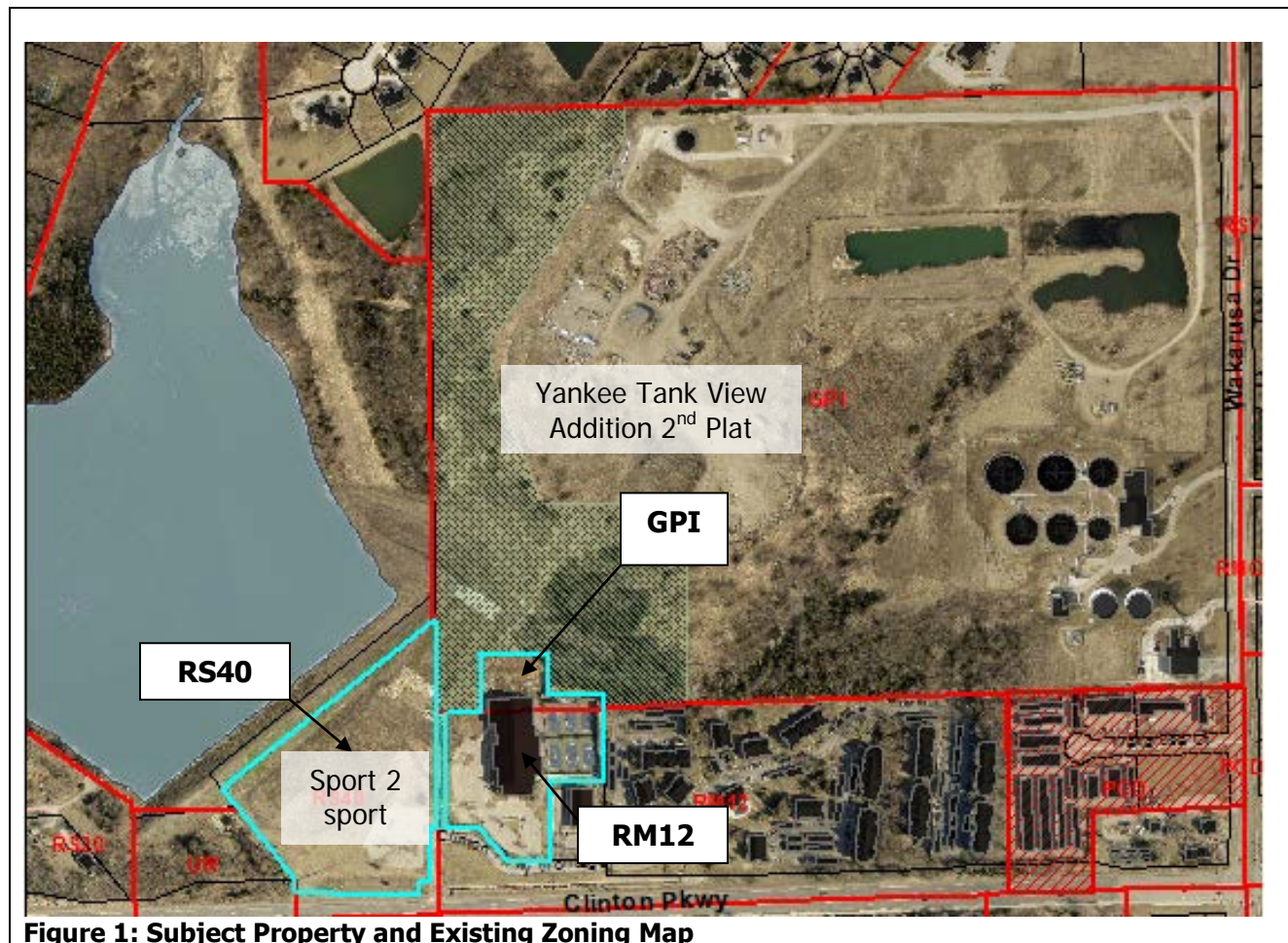


Figure 1: Subject Property and Existing Zoning Map

## History:

In 1995 a Conditional Use Permit [CUP-03-01-95] was approved for ball fields located in the unincorporated county, to the west of the First Serve Tennis property. These fields have since been platted as Sport-2-Sport Addition, Lot 1 and have been annexed into the City. In 1995 a Use Permitted upon Review [UPR-03-03-95] was approved for an indoor athletic complex on Lot 2, The Landing. After the annexation of the ball fields, a UPR was approved for parking and batting cages on the ball fields' site and a building addition to Sport-2-Sport building. Lot 2 of The Landing was split into Lot 2A and Lot 2B in February, 1999 [LS-12-12-98]. A UPR [UPR-12-15-98] was approved for the construction of a gymnastics and dance studio on the southern portion of Lot 2A, The Landing in February, 1999. In 2006, First Serve Tennis occupied the former Sport-2-Sport building on Lot 2B, The Landing and purchased the northern portion of Lot 2A as well as land from the adjoining parkland to the north. In May 2006, UPR-4-3-06 was approved to provide tennis practice facilities for the local university and high-school teams by expanding the building to provide additional indoor courts and constructing 4 outdoor courts.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The request conforms with Horizon 2020 by making a current inappropriate zoning conform with the existing zoning of the facility.*

Key features of the Comprehensive Plan include support for infill development and redevelopment "*which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas.*" The existing land use map identifies the area along the north side of Clinton Parkway west of Wakarusa Drive as suitable for Medium Density/High Density Residential Development. This land use designation is consistent with the predominant RM12 (Multi-Dwelling Residential) District Zoning in the area. RM12 is a medium density residential district. This district allows other non-residential uses including *Community Facilities*, some *Recreational Facilities*, and *Religious Assembly* uses. Medium-density residential zoning is recommended along major roadways.

The proposed request is intended to align the district boundary with the parcel boundaries in the immediate area. The property currently includes two separate parcels with three different zoning districts.

Chapter 5, *Horizon 2020*, addresses residential land use. The subject property is an existing non-residential (*Active Recreation*) use. Policies addressing infill development compatibility density and housing types are not applicable to this request. However, other policies that address neighborhood concepts, patterns, and transitions are applicable. The property, located on the north side of Clinton Parkway, represents the southern edge of the West Lawrence Neighborhood. Medium density residential land uses including transitional land uses, are appropriate along neighborhood edges.

Medium and Higher Density Residential Land Use Policy 1.1 states "*Development proposals shall be reviewed for compatibility with existing land use. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood and the amount and treatment of screening and open space.*" This application include a portion of the property used for the *Active Recreation Facility* that is currently zoned GPI to the north and the parking lot area, located to the west that is zoned RS40. The application aligns the zoning district boundary with the property boundary establishing a uniform district within the surrounding area.

**Staff Finding** – The proposed request is consistent with the land use recommendations in *Horizon 2020*.

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

Current Zoning and Land Use:	5200 Clinton Parkway – RM12 (Multi-Dwelling Residential) District and GPI (General Public and Institution) District. Existing building housing <i>Active Recreation</i> use and outdoor tennis courts.  5300 Clinton Parkway – RS40 (Single Dwelling Residential) District. Existing parking lot and former softball fields (fields have been removed)
Surrounding Zoning and Land Use:	
To the North	County A (Agricultural) District; Existing Lake Alvamar (Yankee Tank Lake) and drainage ways.  GPI (General Public and Institution) District; Existing City property containing multiple primary uses including future park to the immediate north of subject property.
To the East	RM12 (Multi-Dwelling Residential) District along the north side of Clinton Parkway; Existing uses include 5150 Clinton Parkway <i>Sports and Recreation, Participant (Indoor)</i> and <i>Multi-Dwelling Residential</i> development.
To the South	OS (Open Space) located east of Olympic Drive (extended south of Clinton Parkway); Existing K-10 Highway and Clinton Lake Softball Complex [ <i>Sports and Recreation, Participant, Outdoor</i> ]].  County A (Agricultural) District located west of Olympic Drive (extended south of Clinton Parkway); Existing residential uses.
To the West	UR (Urban Reserve); existing vacant land and includes portion of dam.

**Staff Finding** – The area surrounding the subject properties contained in this request includes a mix of residential and non-residential zoning districts and both residential and non-residential uses. The majority of the surrounding area is associated with Lake Alvamar (Yankee Tank Lake) to the northwest and City property to the northeast on the north side of Clinton Parkway. The area on the south side of Clinton Parkway includes property owned by the Corps of Engineers (Clinton Lake Softball complex), K-10 highway right-of-way, and a rural residential neighborhood.

## 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The current structure occupies a majority of the "neighborhood". There is a City park to the north, Lake Alvamar to the west, Clinton Parkway/bypass to the south and multi-family to the east.*

The properties included in this application are located within the boundary of the West Lawrence Neighborhood. The neighborhood boundary does not extend south of Clinton Parkway. The area along Clinton Parkway between Wakarusa Drive and K-10 Highway includes commercial, office and industrial uses at the intersection of Wakarusa Drive and Clinton Parkway. The area includes developed and undeveloped residential uses west of the subject property to K-10 Highway. Both Lake Alvamar, located in the *West of K-10 Plan* boundary and the City's Property to the north represent large tracts of land with open space uses associated with them. The west side of the City property is designated as a future park. The area along Wakarusa Drive is occupied by various public facility uses.

Another significant feature of the surrounding neighborhood is the floodplain boundary within the immediate area of the lake. The existing parking lot, 5300 Clinton Parkway, is completely encumbered by the regulatory floodplain that also covers the lake.

The residential uses in the areas to the east and west of the subject property are located north and south of Clinton Parkway and are generally accessible from an interior street or drive access point. The subject property shares an access with the multi-dwelling use to the east from the Clinton Parkway Frontage Road.

**Staff Finding** – Clinton Parkway is the south boundary of the West Lawrence Neighborhood. A mix of uses are located along the perimeter of the neighborhood.

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

**Staff Finding** – There are no adopted neighborhood, area or sector plans that include the subject property.

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

Applicant's Response: *The application is correcting the zoning that is technically not allowed. We are coordinating the properties to allow for shared parking, and removal of RS40 (which is not an appropriate zoning for this property).*

Property included in this request includes approximately 1.14 acres zoned GPI and 9.7 acres zoned RS40 zoning districts. The existing RM12 property containing approximately 4.5 acres is also included so that one new ordinance can be adopted that will contain all of the parcels under common ownership. If approved, the request will revise the district boundary to follow consistent property lines and result in a uniform district for the subject property. Development restrictions relate to the location and proximity of the Lake Alvamar Dam and spillway. The area west of Olympic Drive is unsuitable for development regardless of the base zoning district.

The existing improvements were permitted through various Conditional Use Permit and Use Permitted upon Review applications per the 1966 Douglas County Zoning Code and the Lawrence Zoning Code. As the property was annexed and a new code was adopted in 2006, the structure of permitted uses in various districts has been altered. Some recreation uses are allowed in the residential districts. *Active Recreation* uses are allowed in the RM12 District subject to a Special Use Permit. Uses that have a strong commercial component or orientation are more likely to be

considered *Participant Sports* or *Entertainment & Spectator Sports* which would not be allowed in an RM12 district.

Section 20-402 of the Land Development Code lists the allowed *Public and Civic Uses* allowed uses in the residential zoning districts including the RM12 District. For the purposes of this discussion only the recreational uses are listed in this report.

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
PUBLIC AND CIVIC USE GROUP																
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	S	-	S	
	Entertainment & Spectator Sports, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Entertainment & Spectator Sports, Limited	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
	Private Recreation	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
	Participant Sports & Recreation, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Participant Sports & Recreation, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

**Staff Finding –** Approval of the request establishes a uniform district boundary along Clinton Parkway that is also consistent with platted lot lines. Development suitability is impacted by additional factors other than the base zoning district.

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

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

2006 to Current: GPI and RS40 zoning districts. GPI zoned property part of existing *Active Recreation* use. RS40 property is developed as existing parking lot and open space.

1996 to 2006: Prior to 2006, the property to the north was zoned RS-1 (Single-Family Residence) District and RS-A (Single-Family Residence Agricultural) District. The RS-1 district was typically associated with designating City or Public properties. The RS-A district was designed and established for very low density residential development with a minimum lot area of 1 acre. The RS-A District was rezoned when the property was annexed in 1996. The property was originally developed as an extension of the Sport-2-Sport complex and included two adult softball fields. Since the property at the time was outside of the City Limits the property was permitted through approval of a Conditional Use Permit (CUP-3-1-95). This CUP was considered concurrently with a Use Permitted upon Review (UPR-3-3-95) for the Sport-2-Sport facility that was located in the City

Limits and zoned RM-1 in 1995. Prior to annexation the softball field had been zoned A-1 since 1966.

The GPI portion of the application was previously owned by the City of Lawrence and included as part of a future park located on the west portion of a 160 acre site adjacent to Wakarusa Drive. The property was transferred to "First Serve Tennis" to accommodate a building addition for a community tennis facility in 2006. The expansion was completed but the property was not rezoned.

**Staff Finding** – Recreation Uses have been developed at this site since the late 1990's. The property is not vacant but is developed with an existing building, outdoor tennis courts, and a surface parking lot.

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

Applicant's Response: *There will be no detrimental affects to any adjacent properties.*

The proposed request is intended to align the district boundary with the property boundaries in the area and remove split zoning from property. This change provides efficiency in administration of the City Code and provides clarity for the property owner.

Staff has been contacted by the Wakarusa Watershed Joint District #35 regarding development plans for the western portion of the property (5300 Clinton Parkway) that is currently zoned RS40. Future development of this property is not recommended. The area located below the dam is the emergency spillway for the lake and not suitable for physical improvements.

**Staff Finding** – There are no detrimental affects anticipated for nearby properties that would result from the rezoning of the property.

## **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: *This application corrects what should have been done years ago; therefore it provides better clarity to the general public.*

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

The proposed change in zoning for this project/application relates to the administrative processes rather than any specific development potential. The portion of the request that is currently zoned RS40 includes an existing surface parking lot. Softball fields that had been located on the property were removed to accommodate the reconstruction of the dam and provide an overflow spillway for the lake. No development in this area should be considered in the future. Additional restrictions, such as establishing a drainage easement may be necessary to articulate the intent and limitation of development on that part of the property included in this application.

The portion of the property that is currently zoned GPI is located on property that is not a *General Public and Institutional* use. Rezoning the GPI portion of the request results in a district boundary

that aligns with the platted lot line and parcel boundary. This provides efficiency for staff in administration of the Development Code and *clarity* to the property owner regarding allowed uses as well as density and dimensional standards applicable to development.

**Staff Finding** – Public gains that result from this application are nominal. The benefits to the public and to the applicant are ease and consistency in administration of the zoning code by providing a uniform zoning district.

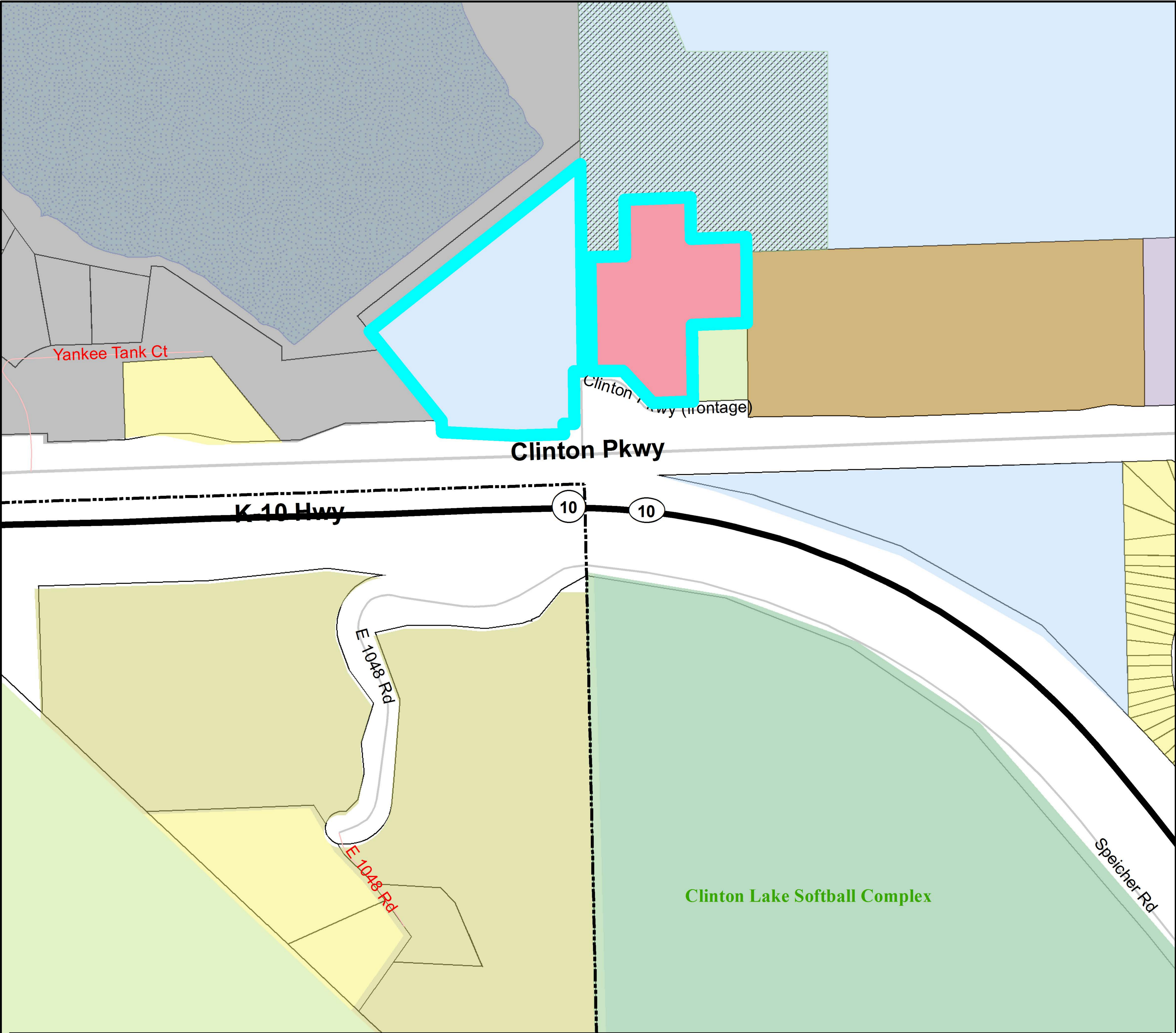
## **9. PROFESSIONAL STAFF RECOMMENDATION**

Key considerations included in the review of this application are the existing improvements and the intended use of the property. The GPI zoning is a remnant from a building addition that required the then property owner to acquire land from the City to accommodate the building improvements in 2006. The existing parking lot is a remaining accessory improvement to the adult softball fields that were added in 1996 and later removed to accommodate the dam reconstruction. The parking lot now provides support for the existing recreation uses located at 5200 Clinton Parkway. Rezoning the property for consistency does not provide any impact to the surrounding area. Future development of that property would however create a hazard since the area is also the designated spillway for the lake.

## **CONCLUSION**

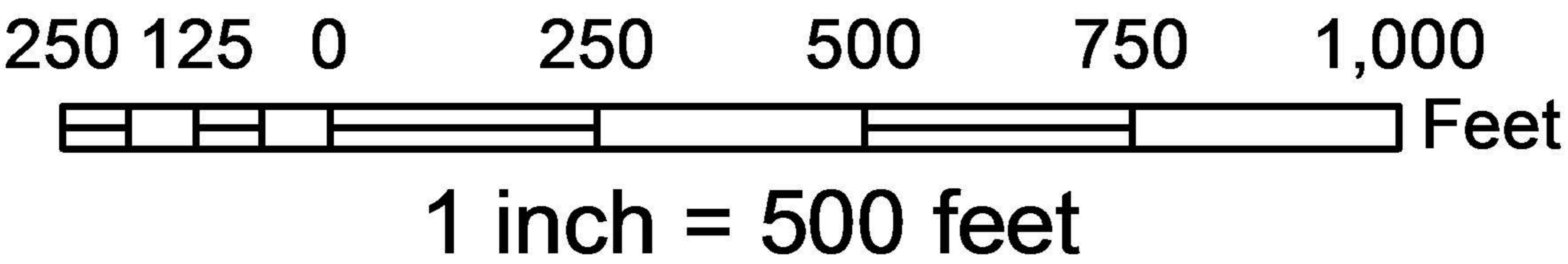
Staff recommends approval of the proposed request. Staff has not identified any restrictions or conditions for the rezoning.

# Existing Land Use

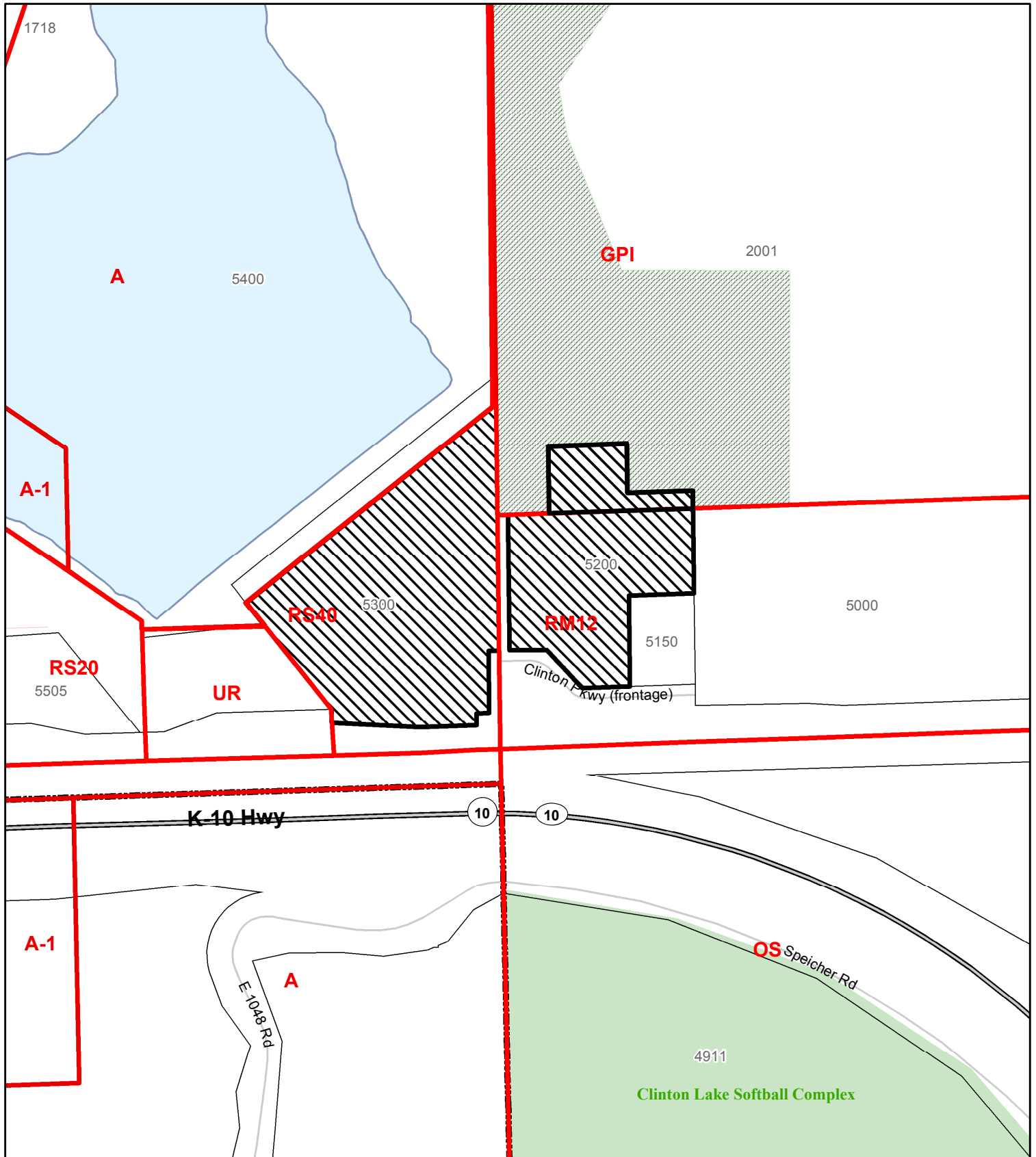


## Legend

----- City Limits	<b>Land-Use_April2012</b>		
Water Bodies	<b>Generalization</b>	Duplex	Institutional
Parcels	No Value	Triplex	Parks/Open Space
	Single Family Residential	Multiple Family Residential	Utility
	Boarding House	Mixed Use	Agricultural
		Commercial	Vacant
		Industrial	



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**Z-15-00469: Rezone 14.756 acres from GPI District and RS40 District to RM12 District**  
**SUP-15-00468: Special Use Permit for an Active Recreation Use, an Indoor/Outdoor**  
**KU Tennis Facility Located at 5200 & 5300 Clinton Parkway**

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

PC Staff Report  
11/16/15

**ITEM NO. 6B SPECIAL USE PERMIT FOR FITNESS & TENNIS FACILITY; 5200 & 5300 CLINTON PKWY (SLD)**

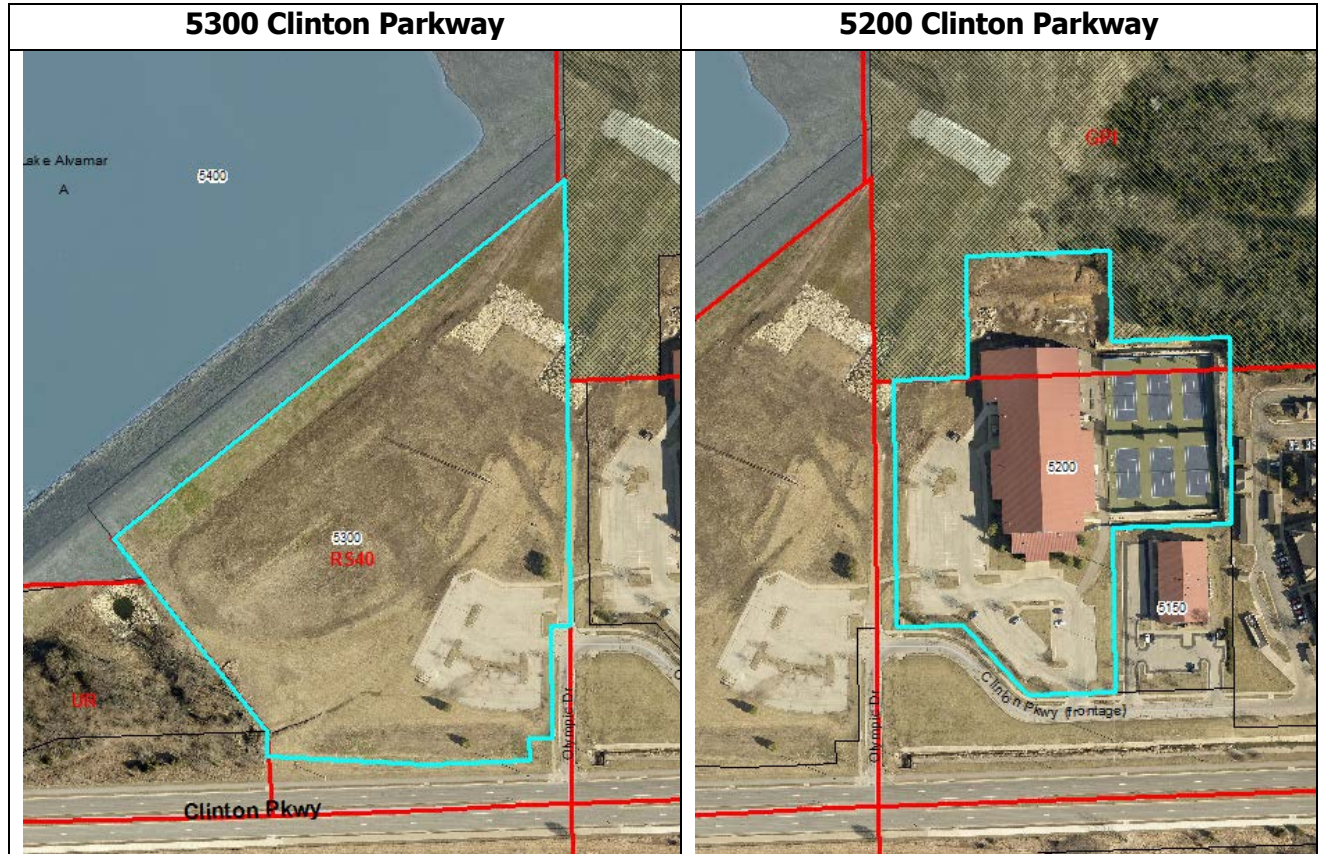
**SUP-15-00468:** Consider a Special Use Permit for an *Active Recreation* use, an indoor/outdoor Fitness & Tennis Facility, located at 5200 & 5300 Clinton Pkwy. The proposed facility will include 54,687 SF of indoor space and continue the use of the 6 existing outdoor tennis courts. Submitted by Paul Werner Architects, Genesis Health Clubs of Lawrence LLC, property owner of record.

**STAFF RECOMMENDATION:** Planning Staff recommends approval of a Special Use Permit for *Active Recreation* uses to be located at 5200 and 5300 Clinton Parkway, and forwarding the request to the City Commission with a recommendation of approval subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Prior to the release of the Special Use Permit for issuance of a building permit the applicant shall provide a revised drawing to include the following notes and changes:
  - a. Provision of a revised plan that removes all references to KU and renames the project.
  - b. Drawing shall be revised per the approval of the City Stormwater Engineer to include the storm sewer information as noted on the previously approved UPR dated 8-9-2007 for the tennis courts east of the building to include pipe materials and sizes.
  - c. Drawing shall be revised per the approval of the City Stormwater Engineer to delineate the "easement" or area of inundation from the emergency spillway for Lake Alvarado/Yankee Tank Lake. This area shall be identified as a no build area in the event of a high water event for the dam and the subsequent use of the emergency spillway.
  - d. Provision of a note on the face of the site plan that states *"Changes to the lighting shall require the submission and approval of a photometric plan per section 20-1103 of the Land Development Code prior to the submission of a building permit."*
  - e. Provide a revised landscape plan per the City Parks Department approval to include a revised list of species for replanting as needed for this site.
  - f. Provision of a note that states: *"Changes or addition to mechanical equipment shall be screened in accordance with section 20-1006 (b) of the Land Development Code."*
  - g. Provision of a revised landscape plan to show the following changes:
    - i. Two additional trees along Clinton Parkway Frontage Road adjacent to 5200 Clinton Parkway.
    - ii. Two additional trees along the west side of Olympic Drive adjacent to 5300 Clinton Parkway.
    - iii. 12 trees along the north side of Clinton Parkway adjacent to 5300 Clinton Parkway.
    - iv. Provision of shrubs to create solid screening along the parking row parallel to Clinton Parkway west of Olympic Drive.
  - h. Update Special Use Permit plan and parking summary to reflect total square

footage.

**Reason for Request:** *The correct procedure under our current code is to convert the UPR to an SUP.*



### KEY POINTS

- Change of Use from University-related facility to public recreation facility.
  - This application was submitted by KU Athletics. Since the submittal of the application the ownership has changed.
- Site includes existing interior and exterior facilities.
- Site was originally developed prior to the 2006 Land Development Code and included property that was in the unincorporated area of Douglas County.
- Site includes interior remodel to expand the interior facilities within the existing building footprint.
- Existing building footprint is 44,437 SF
- Proposed Building, including 2<sup>nd</sup>-story mezzanine is 54,687 SF
- Refer to Article 17 of the Land Development Code for complete list of definitions.

### ASSOCIATED CASES/OTHER ACTION REQUIRED

- CUP-3-1-95; 5300 Clinton Parkway, Sport 2 Sport adult softball fields.
- UPR-3-3-95; 5200 Clinton Parkway, Sport 2 Sport Indoor Athletic complex (basketball, soccer & volleyball).
- Z-2-6-96; 5300 Clinton Parkway, A-1 to RS-A, City Commission approved on May 14, 1996.
- UPR-3-3-97; 5200 Clinton Parkway, Revision to UPR 3-3-95 for Sport 2 Sport. Expansion to include additional parking and 825 SF building addition.

- UPR-12-15-98; 5150 Clinton Parkway, Dance City, gymnastics and dance studio.
- UPR-4-3-06; 5200 Clinton Parkway, First Serve Tennis.
- PF-04-07-06; Final Plat for Yankee Tank View Addition 2<sup>nd</sup> Plat. Property is being replatted as a result of a land purchase from the City of Lawrence from the parkland to the north and the northern portion of Lot 2A to the east.
- Dedication of right-of-way for the extension of Olympic Drive to the parkland to the north and vacation of easements where building expansion is to be located.
- B-04-14-06; First Serve Tennis; 5200 Clinton. Variances were granted by the Board of Zoning Appeals on May 4, 2006 to allow the retaining walls to encroach into the required setbacks as shown on the review plans.
- SUP-15-00459; special Use Permit for *“Active Recreation Use, Indoor”* for KU Tennis Facility, Minor Modifications reviewed administratively.
- Z-15-00469: Submitted concurrently with this application to establish a uniform zoning district.

### Other Action Required

- City Commission approval of rezoning and Special Use Permit and adoption of related ordinance.
- Publication of rezoning and Special Use Permit ordinances.

### PLANS AND STUDIES REQUIRED

- *Traffic Study* – No comments available. An update will be provided to the Planning Commission at the public hearing.
- *Downstream Sanitary Sewer Analysis* – Fixture count analysis accepted.
- *Drainage Study* – A drainage study is not required for this project because there is no change in the property surface summary.
- *Retail Market Study* – Not applicable to this request

### ATTACHMENTS

1. Area Map
2. Site Plan

### PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Concern identified by Wakarusa Watershed Joint District No. 25 regarding any planned development below the dam.

Site Summary			Lot Summary	
	Existing	Proposed	5200 Clinton Pkwy	5300 Clinton Pkwy
Lot Size: 14.77 Acres	643,180	643,180	Lot 2 Yankee Tank View	Lot 1 Sport To Sport
Building Summary:	44,378	44,378	5.69 Acres	9.08 Acres
Proposed Interior Addition:		10,250		
Pavement Cover:	137,453	137,453	Building and outdoor Tennis Courts	Surface Parking Lot and Open Space
Impervious Cover: (SF)	181,831	181,831		
Pervious Cover: (SF) percent	461,349 72%	461,349 72%		

This proposed application includes an expansion of the interior space by increasing a mezzanine area. The total area “under roof” will increase from 44,378 SF to 54,000 SF. No changes to the 6

outdoor tennis courts are proposed with this application. That feature of the development will remain.

The purpose of a special use permit review and approval process is established in section 20-1306. It states that these procedures "*provide a discretionary approval process for uses with unique or widely varying operating characteristic or unusual site development features. The process entails a public review and evaluation of the use's operating characteristic and site development features and is intended to ensure that proposed special Uses will not have a significant adverse impact on surrounding uses or on the community at large.*" This application is intended to bring both properties (previously approved through either a Special Use process or a Conditional Use process through previous Zoning Codes) into a current cohesive development project and to facilitate the expansion of the use through an interior remodel of the building that increases the total floor area within the existing building footprint.

Section 20-1306 (I)(6) allows the modification (amendment) to an approved Special Use Permit. Minor changes may be completed administratively. Limitation of administrative changes restrict the addition of floor area to 5% (or 2,222 SF of the existing building). Because the proposed increase is more than 5%, a public hearing is required to amend the Special Use Permit for this application.

Existing Building	44,437 SF	100%
Proposed Mezzanine	10,250 SF	23%
Addition Allowed Administratively	2,222 SF	5%

GENERAL INFORMATION	
<b>Current Zoning and Land Use:</b>	5200 Clinton Parkway – RM12 (Multi-Dwelling Residential) District and GPI (General Public and Institution) District. Existing building housing <i>Active Recreation</i> use.  5300 Clinton Parkway – RS40 (Single Dwelling Residential) District. Existing parking lot and former softball fields (fields have been removed)
<b>Surrounding Zoning and Land Use:</b>	Surrounding Land Uses are described in the related staff report for Z-15-00469.

### Summary of Request

*Active Recreation* is a subset of the Use Group Recreational Facilities in the Public and Civic Use Group Category. *Active Recreation Uses* are permitted in the RM districts subject to a Special Use Permit. These uses are defined in section 20-1755 of the Land Development Code as a type of *Recreational Facility* and specifically as *Areas and facilities used or designed for active or group sports and recreation activities, including spectator areas associated with such facilities, such areas include but are not limited to:*

- i) *athletic fields and courts, playgrounds and play apparatus*
- ii) *skating rings and swimming pools,*
- iii) *boat docks and launches,*
- iv) *zoos*
- v) *community recreation buildings, including but not limited to meeting rooms, classes or lecture rooms, band shelters or gazebos, and gymnasiums and*

- vi) *structures accessory to community recreation uses such as public restrooms, refreshment stands, concession shops selling sporting goods and miniature golf.*

Fitness Centers are listed as a typical use of a *Participant Sports and Recreation, Indoor use (20-1762)*. Fitness Centers can also be considered as an accessory use to an *Active Recreation* use such as was recently approved for the Alvarado Planned Development.

<b>Sample Recreation Uses</b>	
<b>Proposed Use/Activity</b>	<b>Land Development Code Defined Use</b>
Alvarado Golf Course	<i>Passive Recreation</i>
<ul style="list-style-type: none"> <li>Clubhouse, Lockers,</li> <li>pro-shop, and restaurant</li> </ul>	<i>Accessory to Passive Recreation Use</i> <i>Retail Sales and Eating and Drinking Establishment and/or Structures Accessory to Active and Passive Recreation Uses</i>
Alvarado swimming pools	<i>Active Recreation</i>
Fitness/Wellness center	<i>Accessory to Active Recreation Use</i>
Eagle Bend Golf Course	<i>Passive Recreation</i>
Public Parks, South Park	<i>Active Recreation</i>
Sandra Shaw Trail	<i>Passive Recreation</i>
High School Stadium	<i>Active Recreation Use</i>
Cougar Basketball Training	<i>Active Recreation Use</i>
G-Force	<i>Participant Sports and Recreation, Indoor</i>
Dance Studio	<i>Participant sports and Recreation, Indoor</i>
Family Fun Center with outdoor go-cart Track	<i>Participant sports and Recreation, Outdoor</i>
Royal Crest Bowling	<i>Participant Sports and Recreation, Indoor</i>
Epic Fun Center	<i>Participant Sports and Recreation, Indoor</i>
South wind Movie Theater	<i>Entertainment and Spectator Sports, General</i>
Rock Chalk Park Stadium	<i>Entertainment and Spectator Sports, General</i>

This application includes an expansion of the use by adding a 10,250 Sf mezzanine space. The existing building (44,437 SF) and the mezzanine space (10,250 SF) will result in a total area under roof of 54,687. The addition represents a 23% increase in total floor area in the building. The footprint of the building is not altered by the request except for the changes to the building entry area. The building currently includes 11 indoor courts. The installation of the proposed mezzanine will reduce that to 10 indoor courts. The 6 existing outdoor courts are not altered by this application.

### **Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))**

#### **1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE**

Applicant's Response: *It does.*

The review of this application request is required because *Active Recreation Uses* are allowed in the RM12 District subject to a Special Use Permit. The intent of the review is to address the required processing standards of the Development Code. Only minimal changes to the exterior of the site are proposed. The existing parking lot and access are not modified with this application.

**Staff Finding** – This use complies with the applicable provisions of the Development Code as an allowed use in the RM12 district subject to a Special Use Permit and as conditioned.

**2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS**

Applicant's Response: *Yes.*

Compatibility with site design is retained by providing for this project. The site includes an existing building, exterior tennis courts and surface parking. The softball fields located west of Olympic Drive have been removed as part of the improvements to the lake and dam. Development of the area west of Olympic Drive is not proposed and is not recommended. The majority of the area is a designated overflow area for the lake and not suitable for development.

**Staff Finding** – The proposed use is generally compatible with the adjacent uses in terms of size, massing, orientation, hours of operation and other external impacts.

**3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED**

Applicant's Response: *No, the existing use of this building will continue.*

Approval of the request allows continued use of existing improvements for recreational uses in the area. The intensity of the site has been reduced since the removal of the softball fields.

**Staff Finding** – Substantial diminution of other property values in the area is not anticipated.

**4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT**

The property includes and existing 44,437 SF two story building 6 outdoor tennis courts and surface parking. The proposed changes include an interior remodel to create a 10,250 Sf mezzanine level. The property is currently served with public and private utilities. There are no proposed changes to the existing utility service for this property.

Access to the property is from the Clinton Parkway Frontage Road. No changes to access are proposed with this application.

**Staff Finding** – Adequate public facilities and transportation access is accommodated for this development.

**5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking.

**Staff Finding** – Adequate assurances of continued maintenance are inherent in the use and the Special Use Permit approval process.

## **6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT**

Applicant's Response: *No*

The assessment of this factor is intended to address the "natural environment" or that area that is undisturbed by development and includes floodplains, jurisdictional wetlands, stream corridors and stands of mature trees as well as archaeological and historic sites. This property is developed with a building, exterior tennis courts and surface parking.

The area west of Olympic Drive is within the regulatory floodplain and is a spillway for the adjacent lake. Development of that area is not recommended or permitted. Staff recommends the plan be revised to clearly indicate this use restriction.

**Staff Finding** – The proposed development is subject to regulatory controls to protect the significant natural features including the existing site drainage. This property is encumbered by the regulatory floodplain.

## **7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PEMRIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE**

This Special Use Permit is required to accommodate a specific use in this district. The purpose of this district is to accommodate multi-dwelling residential development as an RM District. However, the property was developed with non-residential uses – specifically as an *Active Recreation* use that included outdoor facilities through previous special use processes.

A variety of recreation uses have operated at this location since 1995. This Special Use Permit brings the property into compliance with the current zoning code.

**Staff Finding** – Staff does not recommend a time limit on the Special Use Permit.

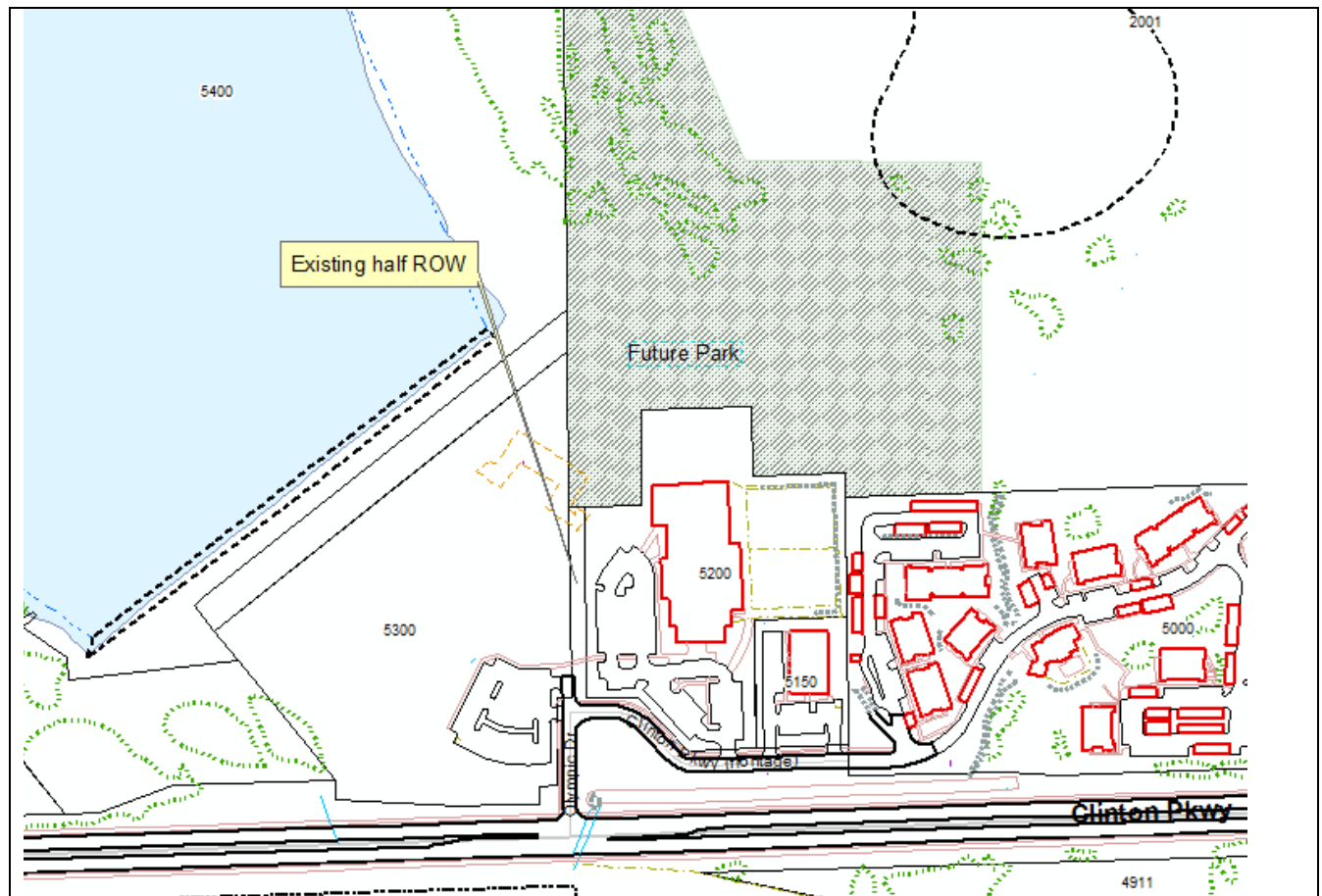
### **STAFF REVIEW**

This section of the staff report typically addresses the site plan elements of the proposed use. This property is developed. The modifications proposed are predominantly interior to the existing building. Exterior changes include minor changes to the front entry of the building.

### **A. Access and Parking**

**Access:** Access to this site is provided via a single driveway to Clinton Parkway Frontage Road on the east side of the property. The surface parking lot to the west is accessed from Olympic drive that intersects the Frontage Road along the west side of the facility.

Olympic Drive is a short local street that connects several properties to Clinton Parkway. The existing street is constructed a length of 175'. Additional right-of-way extends north along the west property line of the property at 5200 Clinton Parkway and provides unimproved access to the City's property to the north, designated as a future park. Only one-half of the street right-of-way exists at this time. The City does not intend, at this time, to pursue acquisition of the additional west half of the right-of-way. The west half of the Olympic Drive, extended, would be located within the overflow spillway of the lake.



As plans for the future park are developed access options will be considered. The existing half right-of-way may or may not be used in the future for access to the park property. There are no proposed changes to site access.

USE SUMMARY /PARKING SUMMARY PER SECTION 20-902		
Use	Parking Requirement	Required Parking
Active Recreation	1 space per 500 SF + 4 spaces per tennis Court	46,658 SF Interior space/500 =94 spaces 6 outdoor tennis courts @ 4 space per = 24 spaces
Total		118 spaces required
Provided		123 spaces provided
Additional parking		96 spaces provided to the west

This site includes 123 surface off-street parking spaces. Not included in this project but related to this site is a surface parking lot located on the west side of Olympic Drive that includes 96 off-street parking spaces. Adequate parking is provided for the proposed use.

## B. Design Standards

### *Site Design:*

The attached site plan shows the location of the existing improvements. As noted, no exterior changes are proposed with the exception of a remodel of the front entryway. The site design is an existing condition of the site.

***Building Elevations:***

There are no changes to the rear and sides of the existing building. The front entrance area is proposed to be remodeled. This project is not subject to design guidelines.

***Pedestrian accessibility:***

Existing pedestrian pathways are provided along the north side of Clinton Parkway Frontage Road and along the west side of Olympic Drive. Sidewalks were previously constructed through and around the parking lot areas and provide reasonable connectivity between the public sidewalk along Clinton Parkway and the adjacent land use. No modifications are proposed with this application.

**C. Landscaping and Screening**

This application represents a change of use with minimal exterior changes to the site. It has been noted that many existing plants will require pest management strategies and/or chemical treatments to remain alive in the future. This will be an ongoing maintenance issue for the site. Staff recommends the applicant provide a revised landscape plan to include a species list for the replacement of trees (Ash and Scotch Pine) in the future. Additionally, since this property is located along a principal arterial street the applicant should develop a strategy to replant trees on the site along the public right-of-way.

***Street Trees:***

The Code requires street trees along public and private streets. Master Street Tree Plans were required when the property was final platted.

5200 Clinton Parkway: Yankee Tank Addition No. 2 was approved with a master street tree plan that required 10 trees along Olympic Drive and 9 trees along Pinewood Drive (Clinton Parkway Frontage Road). The proposed plan shows seven trees along the frontage road and no trees along Olympic Drive. Since Olympic Drive north of the frontage drive has not been constructed the corresponding street trees have not been installed. However, along the frontage road two additional street trees should be added per the approved Master Street Tree Plan for this lot.

5300 Clinton Parkway: Sport-2-Sport Addition was approved with a master street tree plan that requires 4 trees along Olympic Drive and 12 trees along Clinton Parkway. The site plan as proposed does not meet the required street tree standards. Staff recommends the plan be revised to provide the required trees along Clinton Parkway and Olympic Drive.

**Figure 1: Required Street Trees**

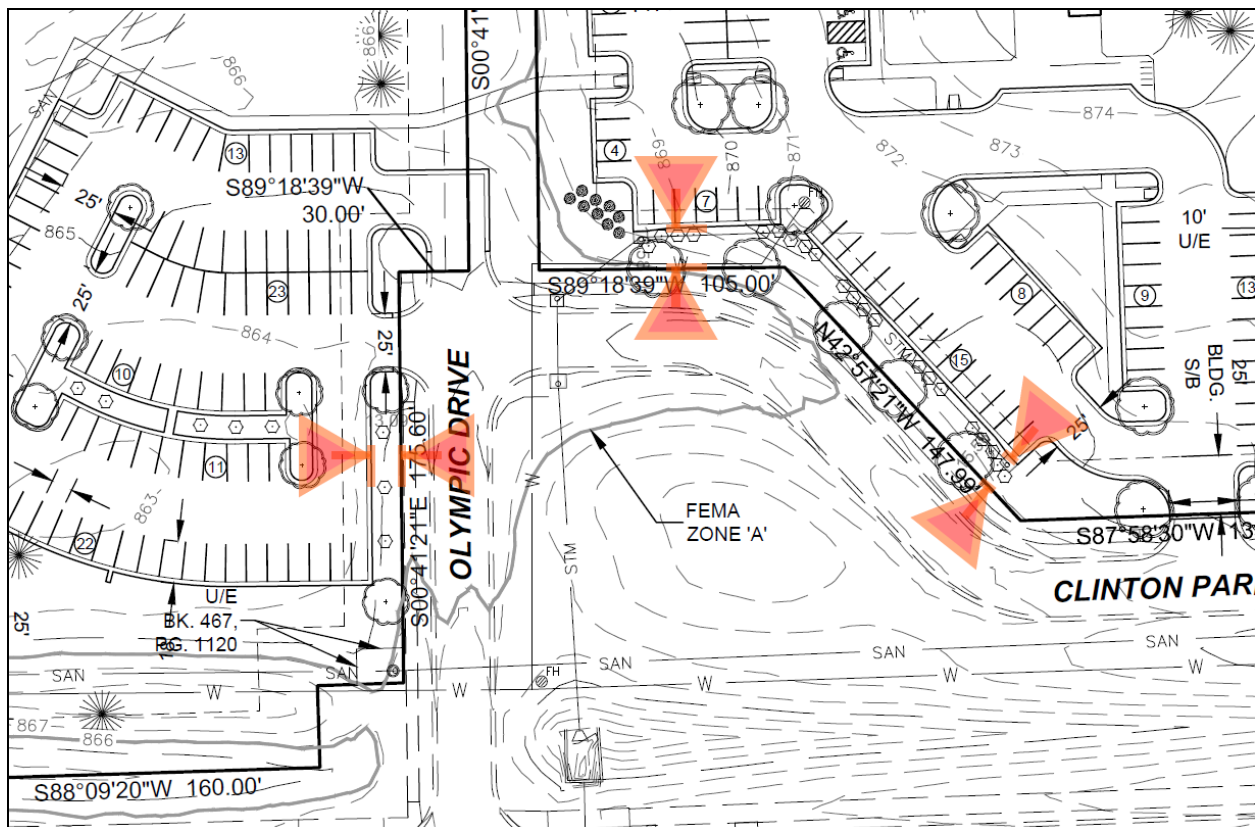
***Bufferyard:***

This design standard is generally applicable to the periphery of a development where different zoning districts abut. The property abuts the same zoning, RM12 to the east. A bufferyard is not required. A type 2 bufferyard would be applicable along the north property line for that portion of the property that abuts the GPI District. The portion of the property that abuts the Lake and the UR District to the west are assumed to have a Type 1 Bufferyard. The property to the south, south of Clinton Parkway includes County A (Agricultural) and A-1 (Suburban-Home Residential) County Zoning Districts and City OS (Open Space), a City Zoning District. The property is separated from the south land uses by K-10 Highway. The west portion of the property is open space and part of the regulatory floodplain. No vegetation or buffer is proposed for this area. The outdoor tennis courts are separated from the adjacent multi-dwelling residential use, along the east property line by a retaining wall and fencing. Garages and an access drive further separate the residential use from the *Active Recreation* use on the residential side of the property line to the east.

The developed conditions of the site are not suitable for installation of additional bufferyards for the abutting property. The open space uses to the north and northwest provide a natural buffer between the existing development and the future park and existing lake that are adjacent to this property.

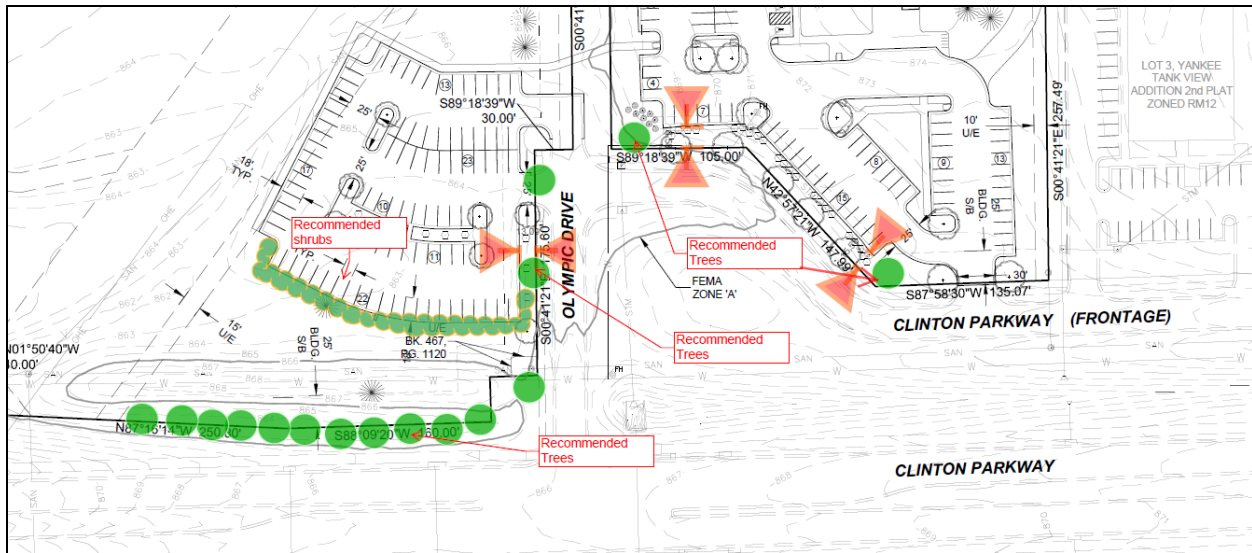
***Interior and Perimeter Landscaping:***

The plan shows two separate parking areas. The landscape summary and off-street parking summary are combined. The primary parking lot includes 123 spaces on the south and west sides of the building. The parking lot located west of Olympic Drive includes 96 off-street parking spaces. Off-street parking is typically required to be 25' setback from all right-of-way lines in residential districts. This site was not developed per that design standard. The off-street parking is generally located 10-15' setback from the Clinton Parkway Frontage Road and from Olympic Drive rights-of-way.



**Figure 2: Existing parking lot setback 10' to 15'**

No changes to the existing parking configuration are proposed. The site plan shows shrubs located along Clinton Parkway to screen the primary parking lot from the adjacent public street. The west parking lot does not include similar screening. Staff recommends that shrubs be added along the periphery of the parking lot to the west to provide additional parking lot screening.



**Figure 3: Recommended additional landscape**

***Alternative Compliance:***

None is proposed with this request at this time.

***Mechanical Equipment Screening:***

The site plan does not indicate if any changes to mechanical equipment are proposed with this application. Mechanical equipment is required to be screened per section 20-1006 (b). Staff recommends a note be added to the face of the site plan stating that changes or addition to mechanical equipment shall be screened in accordance with section 20-1006 (b) of the Land Development Code.

**D. Lighting**

This application did not include a photometric plan. It is staff's understating that no changes to the parking lot lighting are proposed. Staff recommends a note be added to the face of the site plan that states that changes to the lighting shall require the submission and approval of a photometric plan per section 20-1103 of the Land Development Code prior to the submission of a building permit.

**E. Floodplain**

The development application is a Special Use Permit. There is no new development in the regulatory floodplain. A floodplain permit is not required. Floodplain on west side of property (west of Olympic Drive) is designated Zone A. Per code, BFE's will need to be determined before any development activity in the floodplain. Future development activity is not recommended for the area west of Olympic Drive.

**CONCLUSION**

Based on the findings in this report, and as conditioned, staff recommends approval of the proposed Special Use Permit.

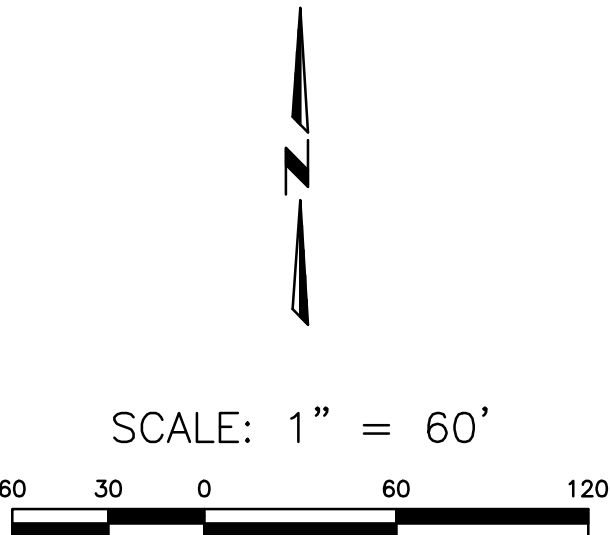
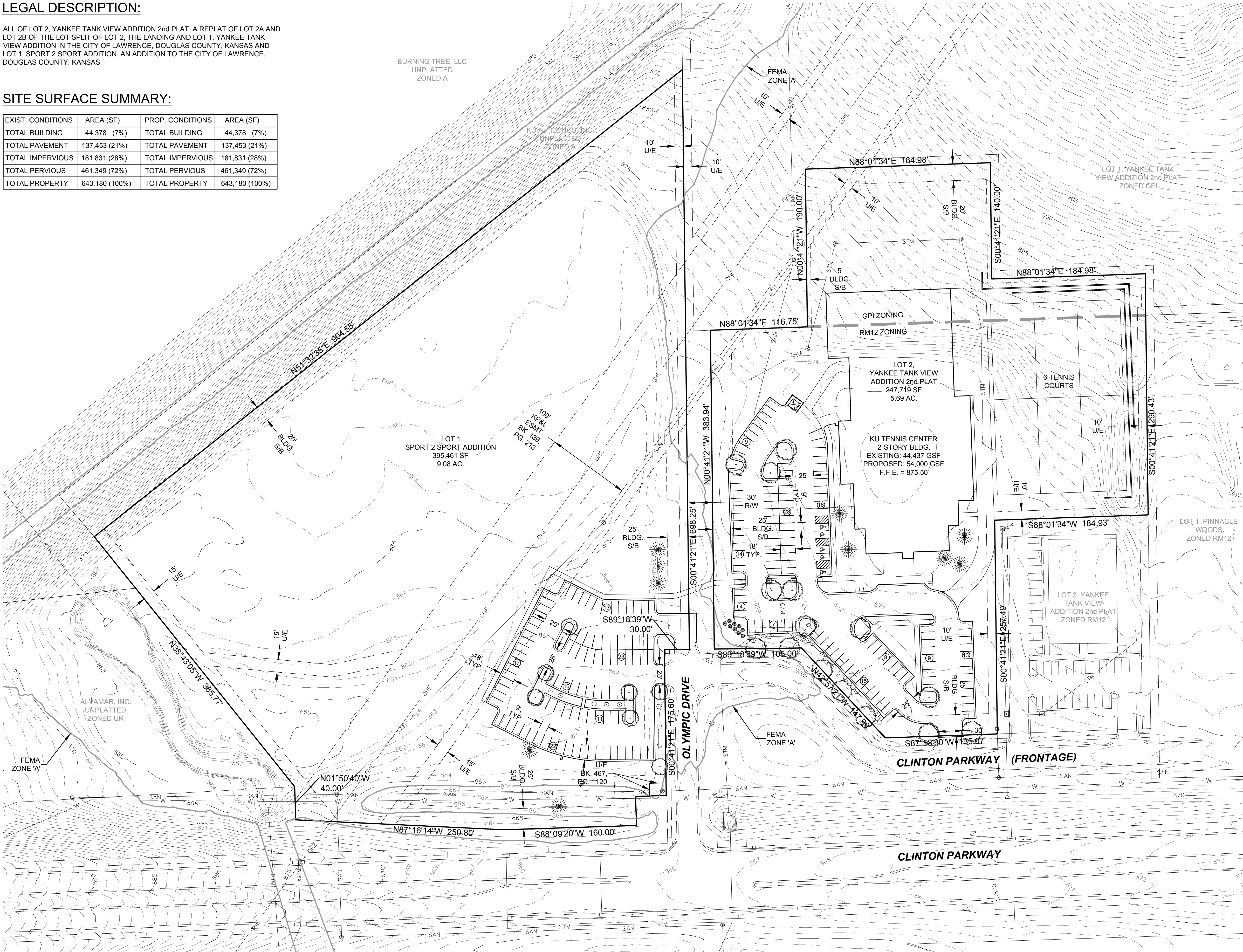
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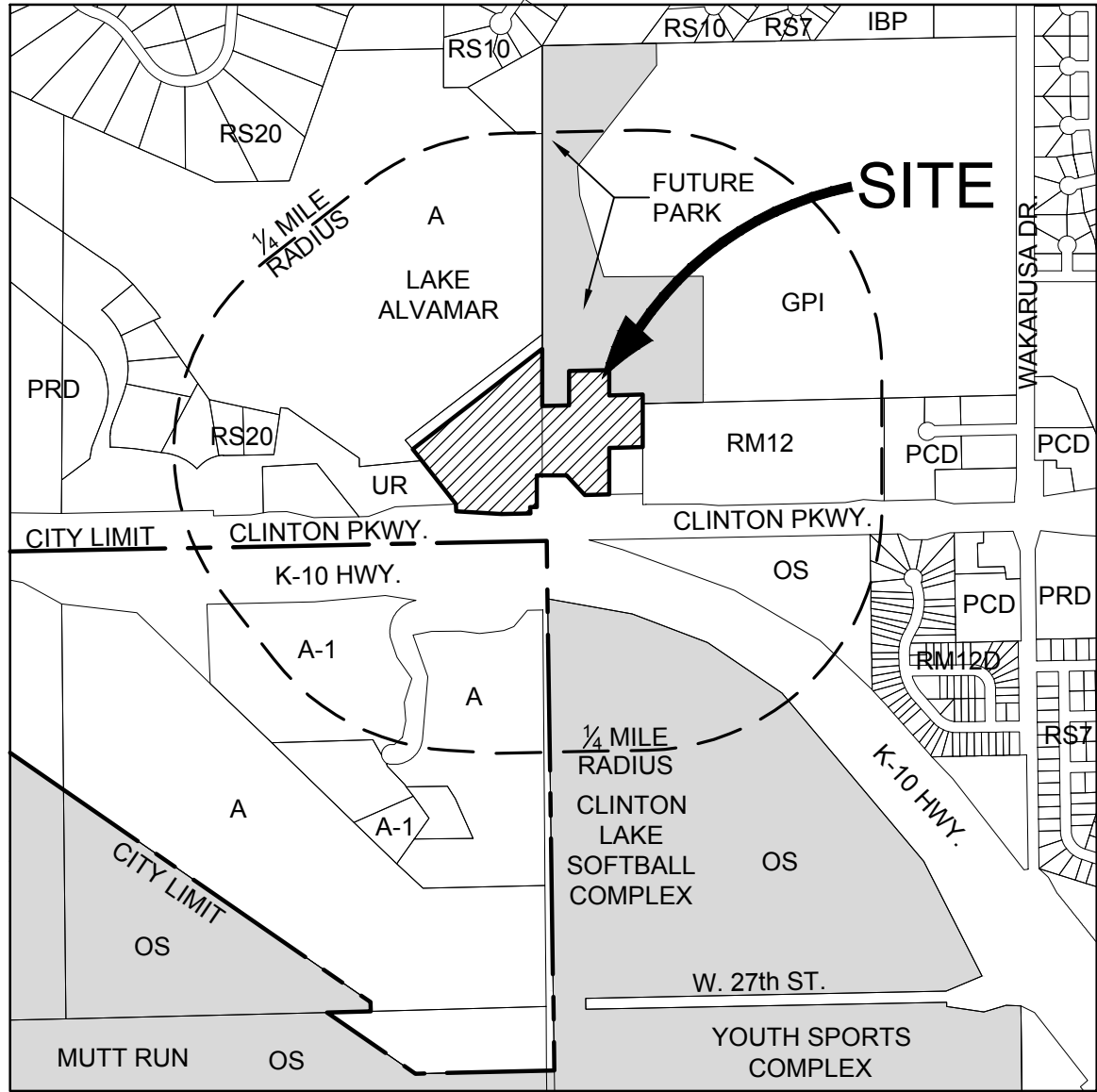
ALL OF LOT 2, YANKEE TANK VIEW ADDITION 2nd PLAT, A REPLAT OF LOT 2A AND LOT 2B OF THE LOT SPLIT OF LOT 2, THE LANDING AND LOT 1, YANKEE TANK VIEW ADDITION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS AND LOT 1, SPORT 2 SPORT ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

SITE SURFACE SUMMARY:

EXIST. CONDITIONS	AREA (SF)	PROP. CONDITIONS	AREA (SF)
TOTAL BUILDING	44,378 (7%)	TOTAL BUILDING	44,378 (7%)
TOTAL PAVEMENT	137,453 (21%)	TOTAL PAVEMENT	137,453 (21%)
TOTAL IMPERVIOUS	181,831 (28%)	TOTAL IMPERVIOUS	181,831 (28%)
TOTAL PERVIOUS	461,349 (72%)	TOTAL PERVIOUS	461,349 (72%)
TOTAL PROPERTY	643,180 (100%)	TOTAL PROPERTY	643,180 (100%)



LOCATION MAP:



GENERAL NOTES:

- OWNER: JAYHAWK TENNIS FACILITY, LLC AND KANSAS ATHLETICS, INC., 1651 NAISMITH DRIVE, LAWRENCE, KANSAS 66045
- LAND PLANNER/ PAUL WERNER ARCHITECTS, 123 W. 8th STREET, LAWRENCE, KANSAS 66044
- CIVIL ENGINEER/ SURVEYOR: LANDPLAN ENGINEERING, P.A., 1310 WAKARUSA DRIVE, LAWRENCE, KANSAS 66045
- TOPOGRAPHIC INFORMATION SHOWN WAS GENERATED USING 2006 DOUGLAS COUNTY LIDAR DATA.
- EXISTING ZONING: RM12, GPI, RS40
- PROPOSED ZONING: RM12
- EXISTING LAND USE: ACTIVE RECREATION
- PROPOSED LAND USE: ACTIVE RECREATION
- A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A DESIGNATED "SPECIAL FLOOD HAZARD AREA" AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 154, MAP NUMBER 20045C0154D, DOUGLAS COUNTY, KANSAS, BEARING AN EFFECTIVE DATE OF SEPTEMBER 2, 2015.
- THIS SITE HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.

PARKING SUMMARY:

OFF-STREET PARKING	
REQUIRED:	ACTIVE RECREATION 1 SPACE / 500 SF OF BUILDING + 4 SPACES / TENNIS COURT [54,000 SF / 500] + [4 x 6 COURTS] = 108 + 24 132 SPACES
PROVIDED:	219 SPACES, INCL. 5 ACCESSIBLE
BICYCLE PARKING	
REQUIRED:	1 SPACE / 10 AUTO SPACES 219 AUTO SPACES / 10 = 21.9 22 SPACES
PROVIDED:	10 SPACES

LANDSCAPE SUMMARY:

STREET TREES	
REQUIRED:	1 TREE / 40 FEET OF R.O.W. FRONTAGE 799 LF CLINTON PARKWAY R.O.W. FRONTAGE / 40 = 20 176 LF OLYMPIC DRIVE R.O.W. FRONTAGE / 40 = 5 25 TREES
EXISTING:	9 TREES
PROVIDED:	9 TREES
INTERIOR PARKING LOT LANDSCAPING	
REQUIRED:	40 SF LANDSCAPING AREA / PARKING SPACE 40 SF * 219 PARKING SPACES = 8,760 SF LANDSCAPING AREA 1 SHADE TREE & 3 SHRUBS / 10 PARKING SPACES 1 SHADE TREE & 3 SHRUBS * (219 PARKING SPACES / 10) = 22 & 66 22 TREES & 66 SHRUBS
PROVIDED:	11,134 SF LANDSCAPING AREA 13 TREES & 5 SHRUBS

PLANT SCHEDULE:

SYMBOL	QTY.	NAME	SIZE	COND.
EXISTING TREES				
	22	FRAXINUS AMERICANA WHITE ASH	6-8" CAL.	N/A
	10	PINUS SYLVESTRIS SCOTCH PINE	4-6" CAL.	N/A
EXISTING SHRUBS				
	30	EUONYMUS ALATUS BURNIGN BUSH	5' HT.	N/A
	9	JUNIPERUS SABINA 'BROADMOOR' BROADMOOR JUNIPER	2' HT.	N/A

LANDPLAN ENGINEERING P.A.

Lawrence, KS • Kansas City, MO • The Woodlands, TX

1310 Wakarusa Drive, Suite 100  
Lawrence, Kansas 66049  
785.843.7530(p) | 785.843.2410(f)  
info@landplan-pa.com | www.landplan-pa.com

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5200 CLINTON PARKWAY  
LAWRENCE, KANSAS 66047

KU TENNIS CENTER  
SPECIAL USE PERMIT SITE PLAN

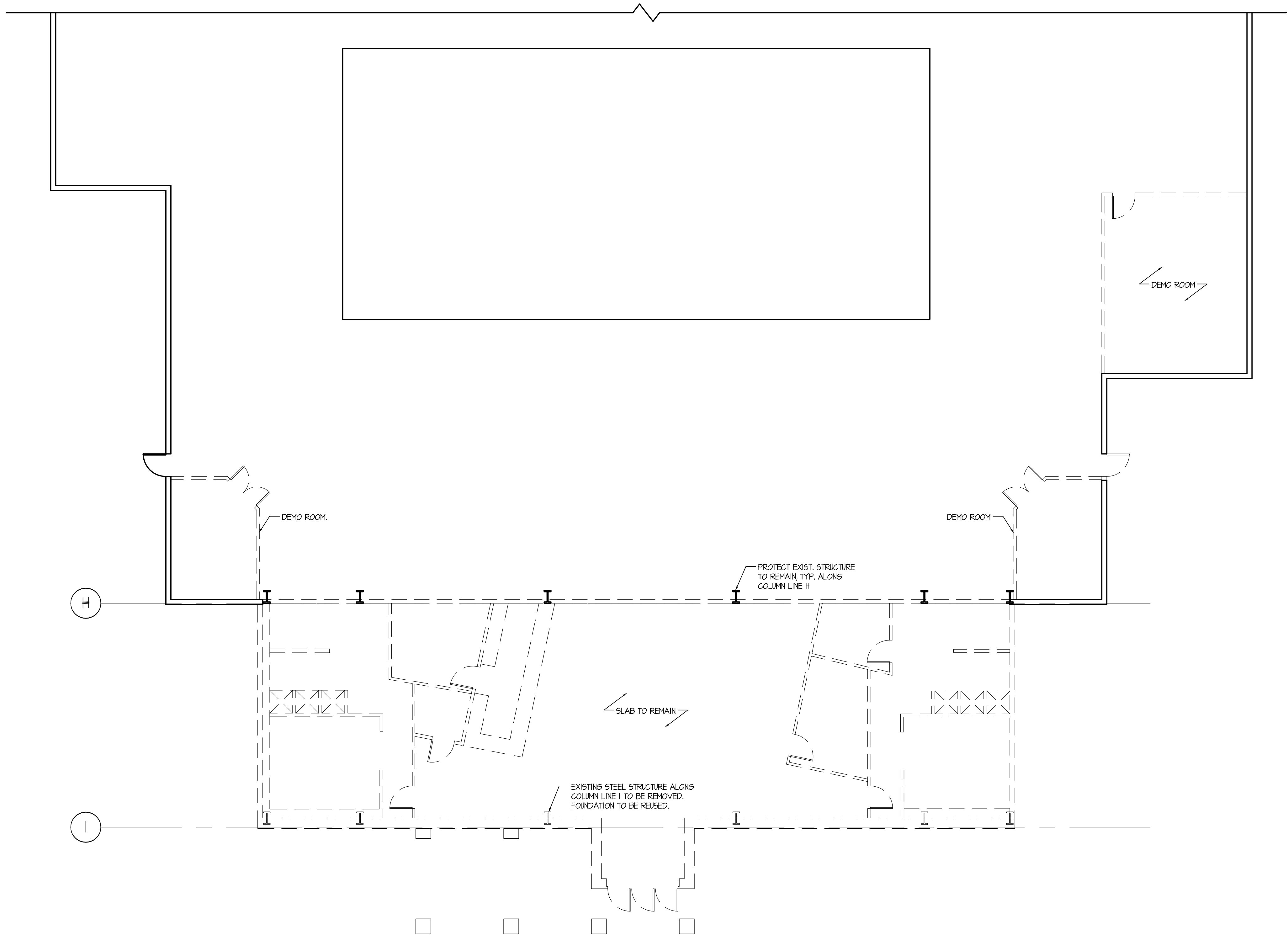
REV.	DATE	DESCRIPTION

DATE: 9/14/15  
PROJECT NO.: 20153018  
DESIGNED BY: PWA  
DRAWN BY: LPE  
CHECKED BY: BS

ISSUE SHEET NO. 1

OF 1 SHEETS

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**DEMO PLAN**  
SCALE: 1/8" = 1'-0"



**paulwerner**  
ARCHITECTS

123 W. 8th STREET  
SUITE B2  
LAWRENCE, KS 66044  
OFFICE: 785.832.0804  
FAX: 785.832.0890

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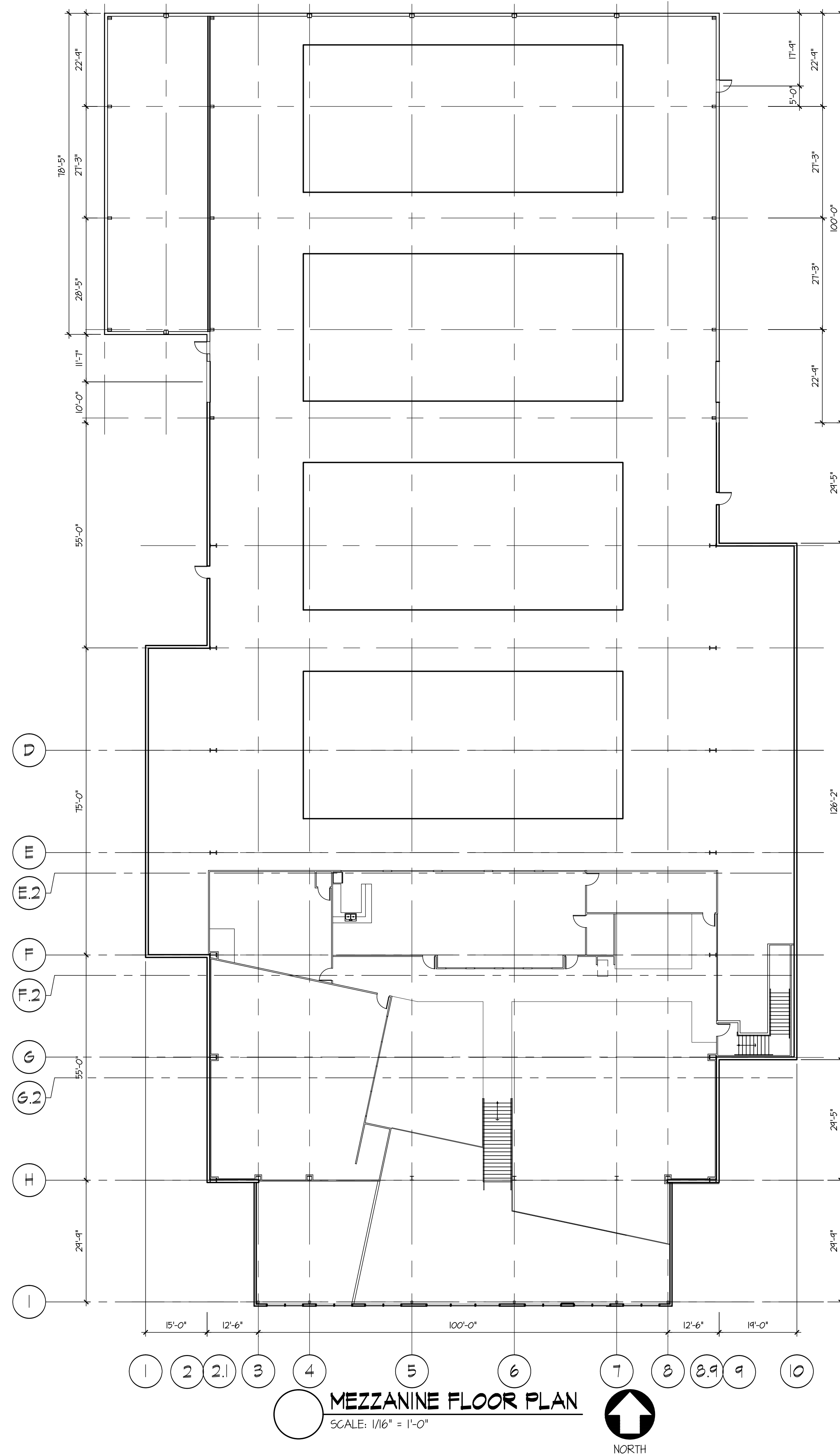
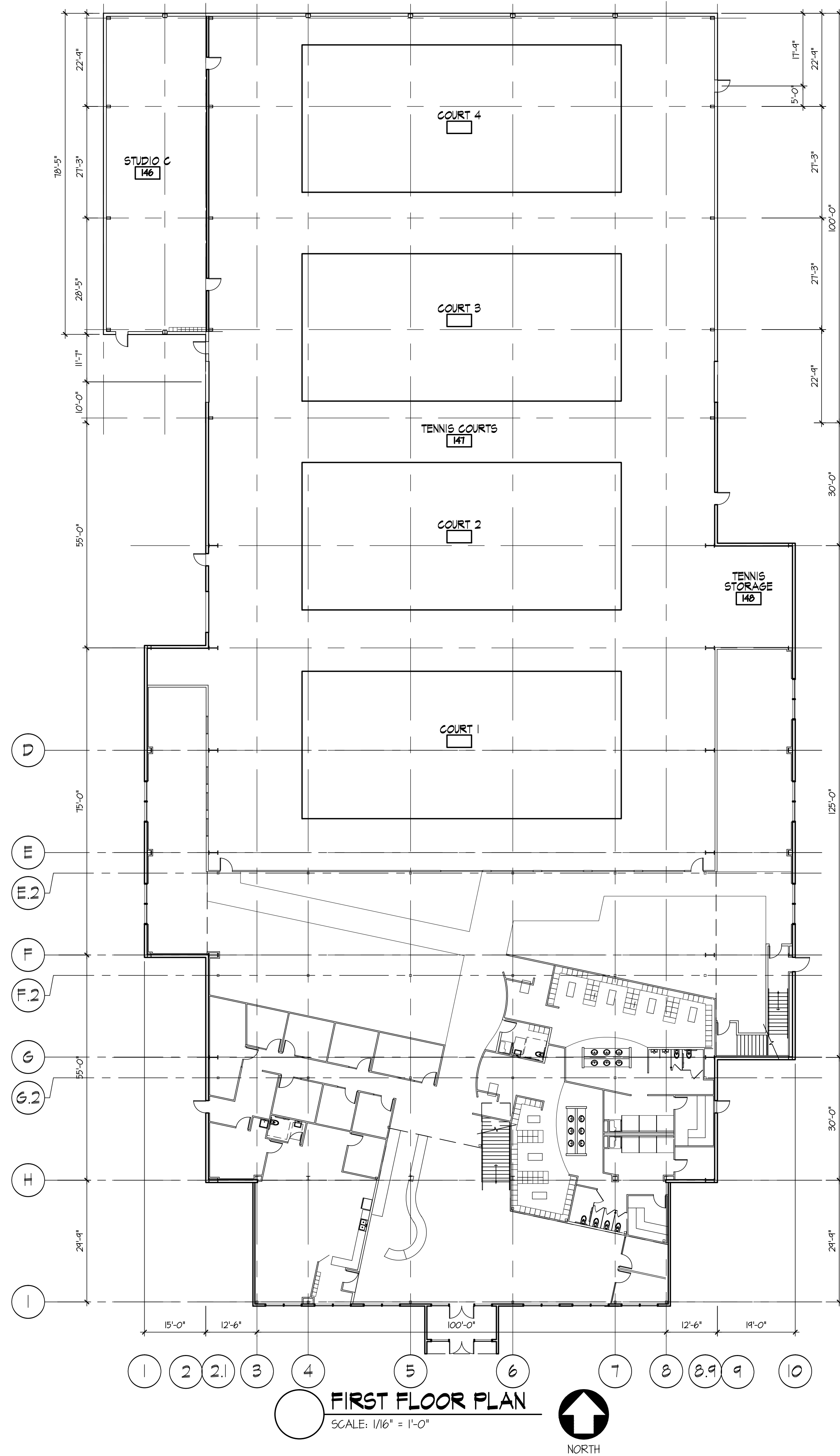
**KU TENNIS CENTER  
RENOVATIONS**  
LAWRENCE, KS

PROJECT # 215-570  
AUGUST 1, 2015

RELEASE:	DATE:
1.0	08.05.15
2.0	09.28.15

A-100

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RENOVATIONS**  
LAWRENCE, KS

PROJECT # 215-570  
AUGUST 1, 2015

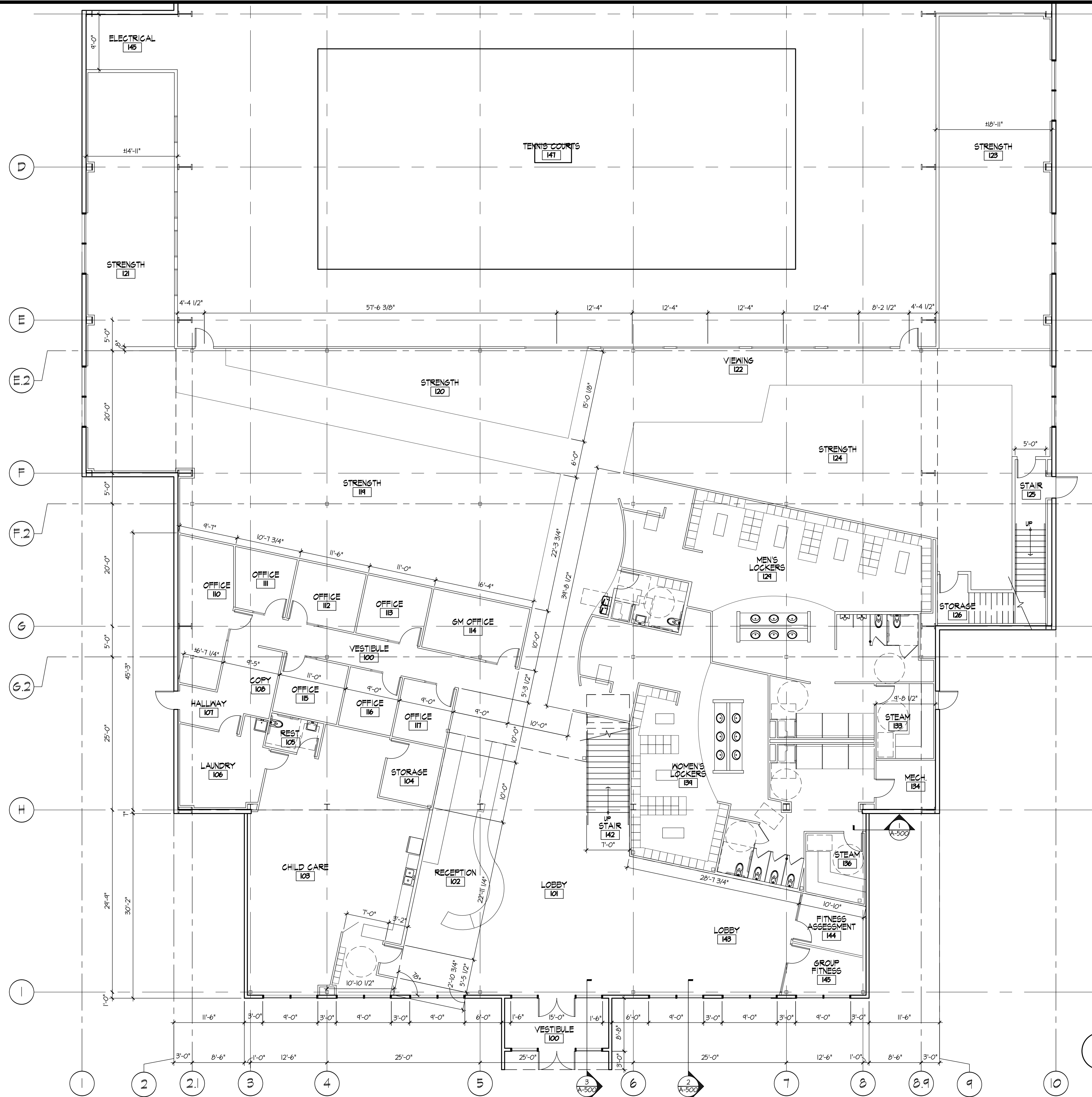
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2.0 09.28.15

A-101

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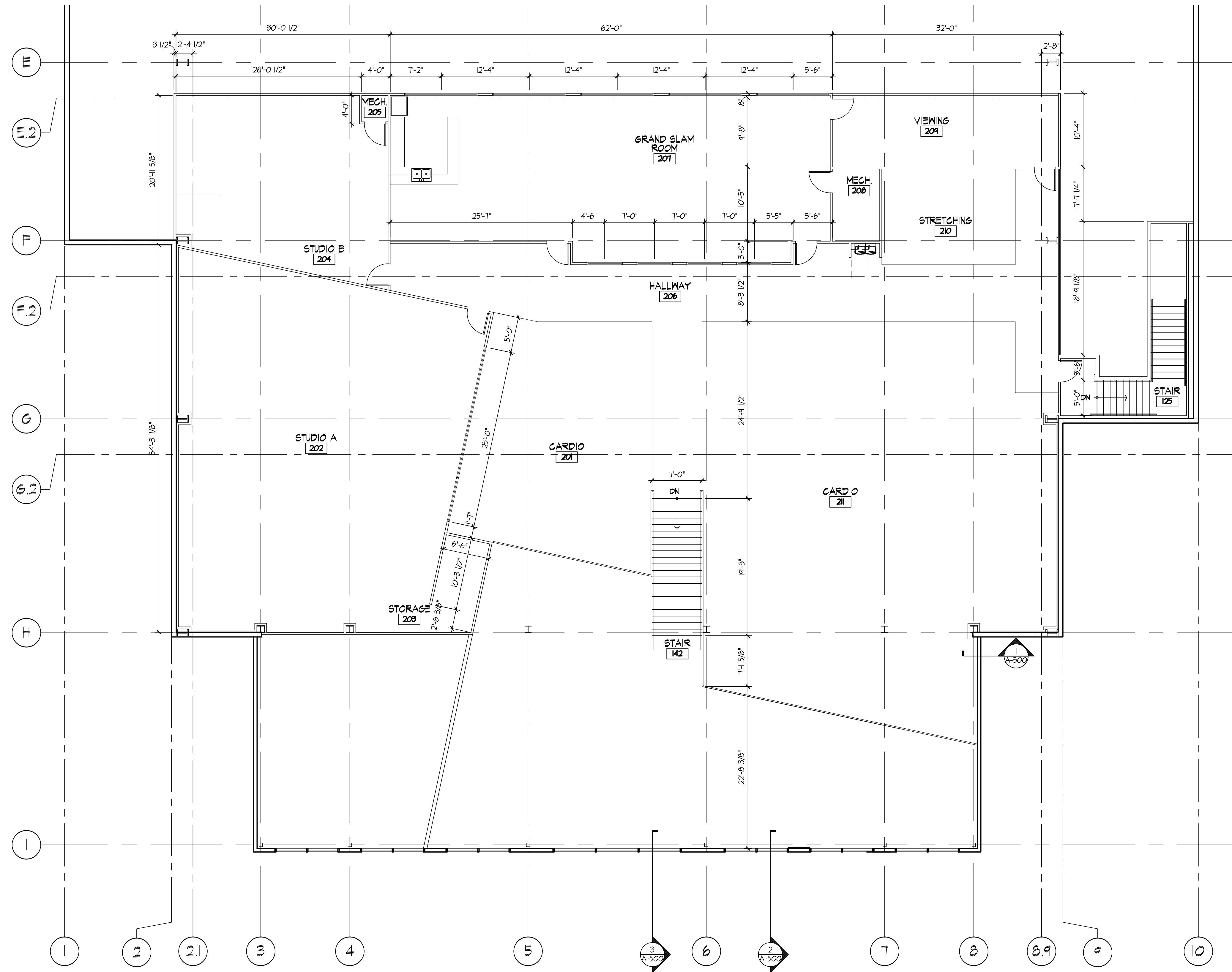
PROJECT # 215-510  
AUGUST 1, 2015

RELEASE: 1.0 DATE: 08.05.15  
2.0 09.28.15



**ENLARGED FIRST FLOOR PLAN**  
SCALE: 1/8" = 1'-0"





**ENLARGED MEZZANINE FLOOR PLAN**  
SCALE: 1/8" = 1'-0"  
NORTH

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RENOVATIONS**  
LAURENCE, KS

PROJECT # 215-510  
AUGUST 1, 2015

RELEASE: 1.0 DATE: 08.05.15  
2.0 09.28.15

A-103

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#### CEILING LEGEND

	NEW SUSPENDED ACOUSTICAL CLG GRID
	NEW BULKHEAD CONSTRUCTION
	PORCELAIN TILE CEILING
	EGG GRATE DIFFUSER
	PORCELAIN TILE FINISH BULKHEAD
	EXPOSED CEILING, PAINTED

FIRST FLOOR  
REFLECTED CEILING PLAN  
SCALE: 1/8" = 1'-0"



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123 W. 8th STREET  
SUITE B2  
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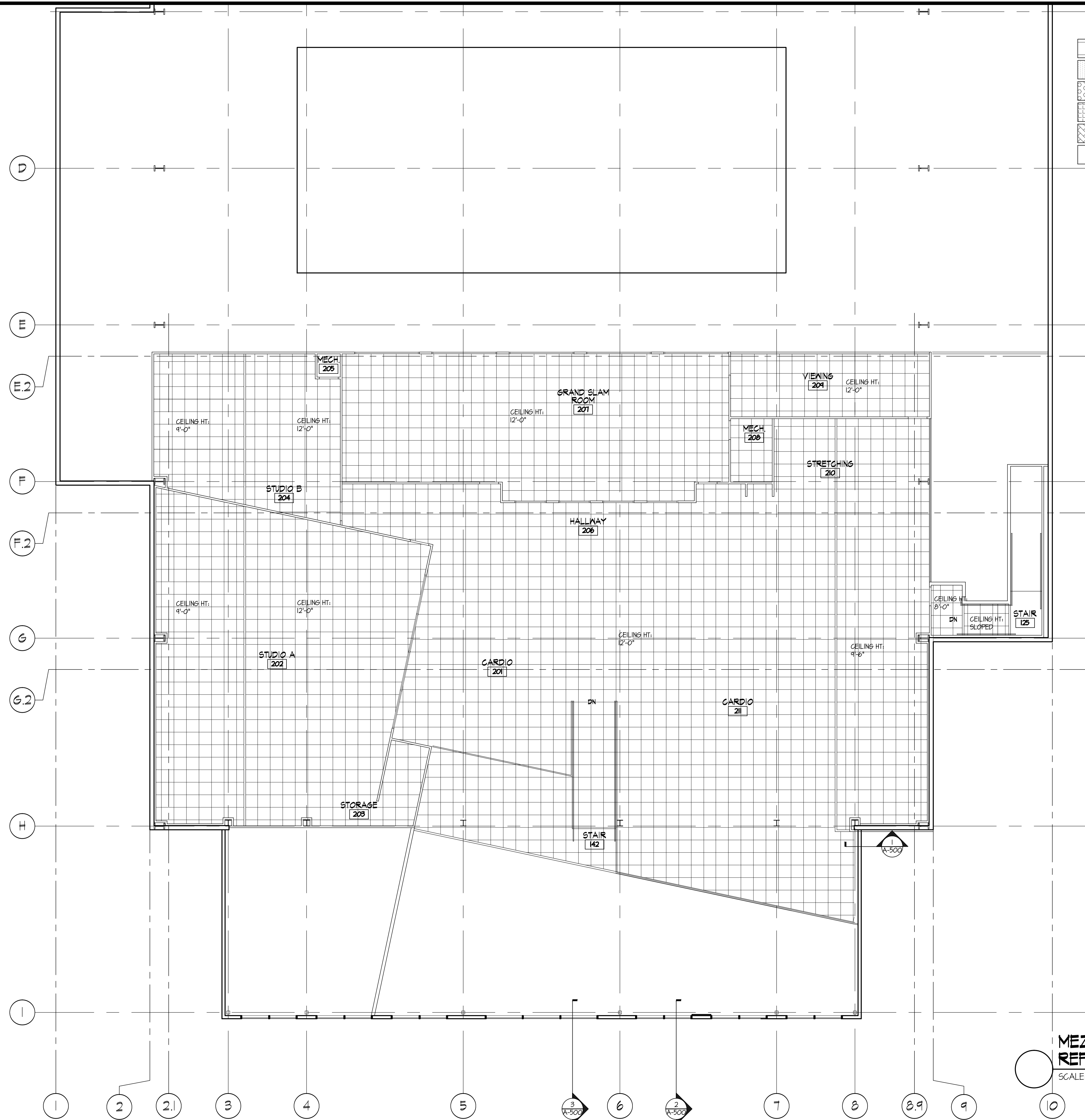
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RENOVATIONS**  
LAWRENCE, KS

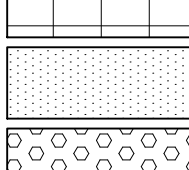
PROJECT # 215-570  
AUGUST 1, 2015

RELEASE: 1.0 DATE: 08.05.15  
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A-105



### CEILING LEGEND



NEW SUSPENDED ACOUSTICAL CLG GRID

NEW BULKHEAD CONSTRUCTION

PORCELAIN TILE CEILING

EGG GRATE DIFFUSER

PORCELAIN TILE FINISH BULKHEAD

EXPOSED CEILING, PAINTED

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SUITE B2  
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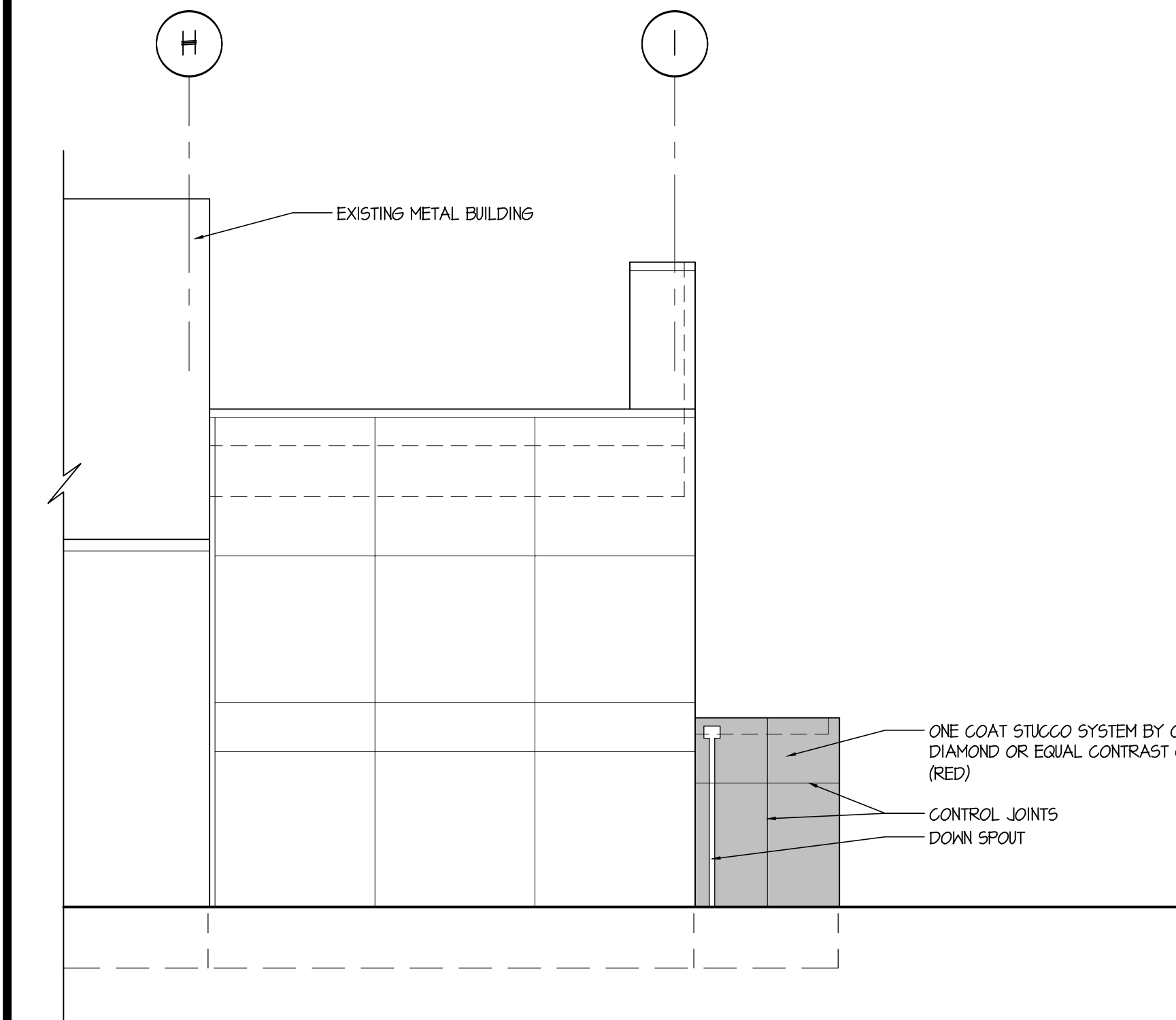
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LAURENCE, KS

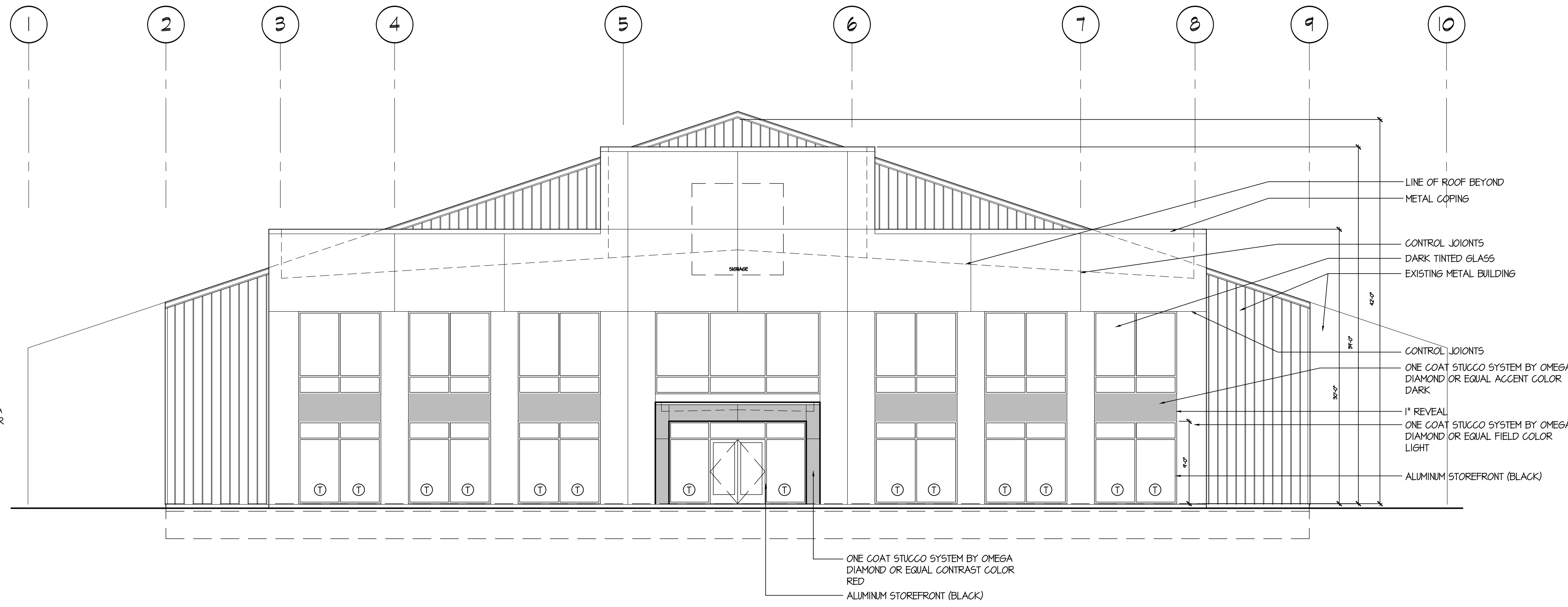
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AUGUST 1, 2015

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2.0	09.28.15

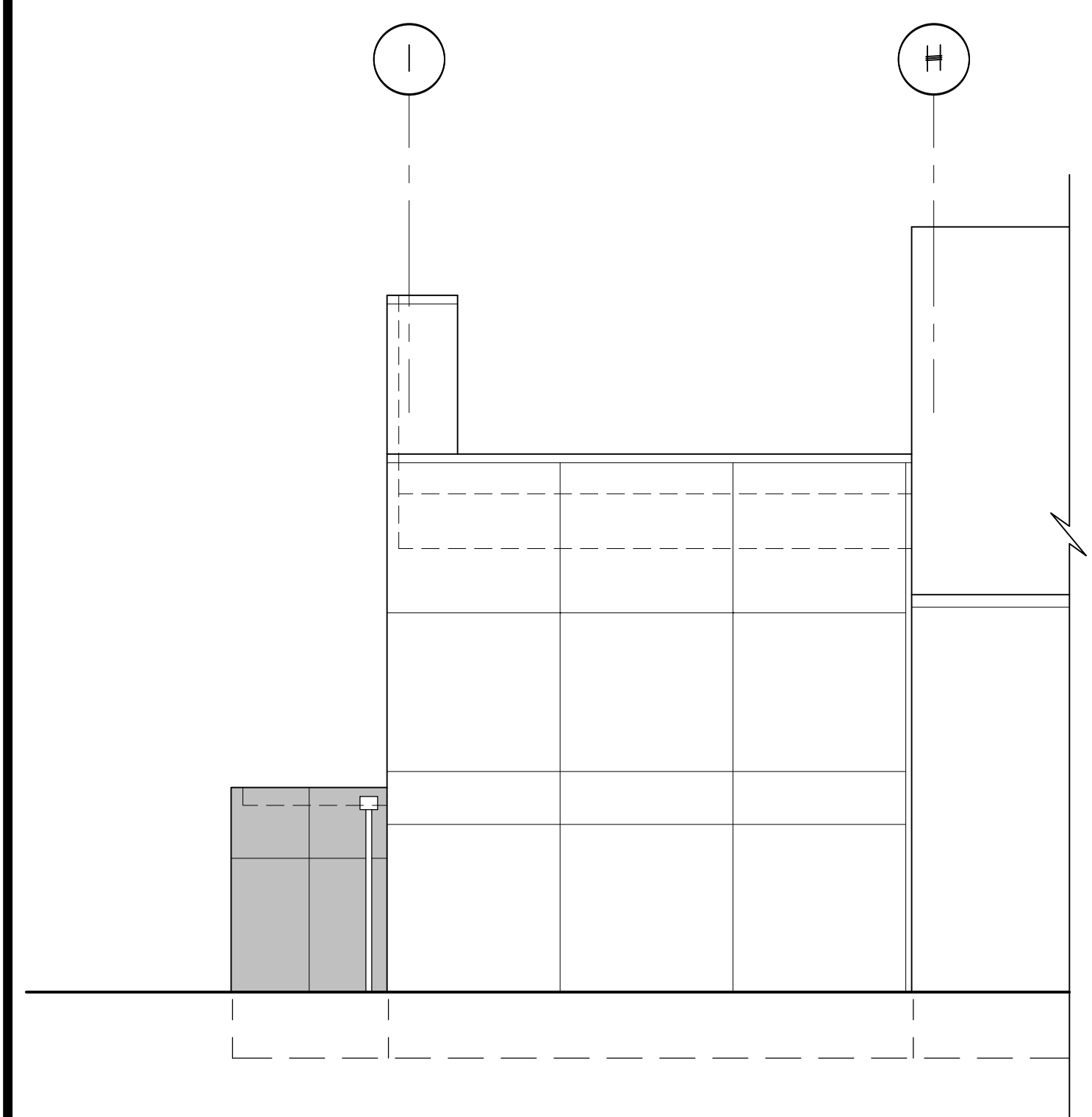
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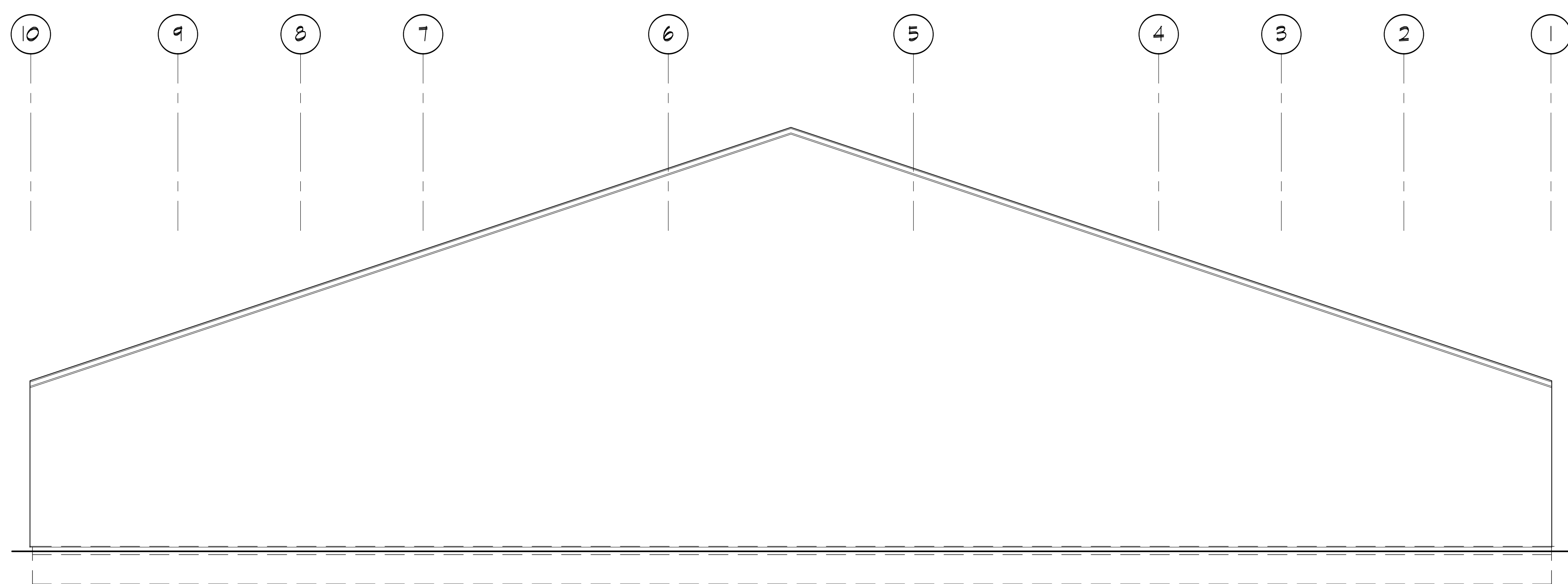
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**3 SOUTH ELEVATION**  
SCALE: 1/8" = 1'- 0"



**2 PARTIAL EAST ELEVATION**  
SCALE: 1/8" = 1'- 0"



**1 NORTH ELEVATION**  
SCALE: 1/8" = 1'- 0"

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LAURENCE, KS

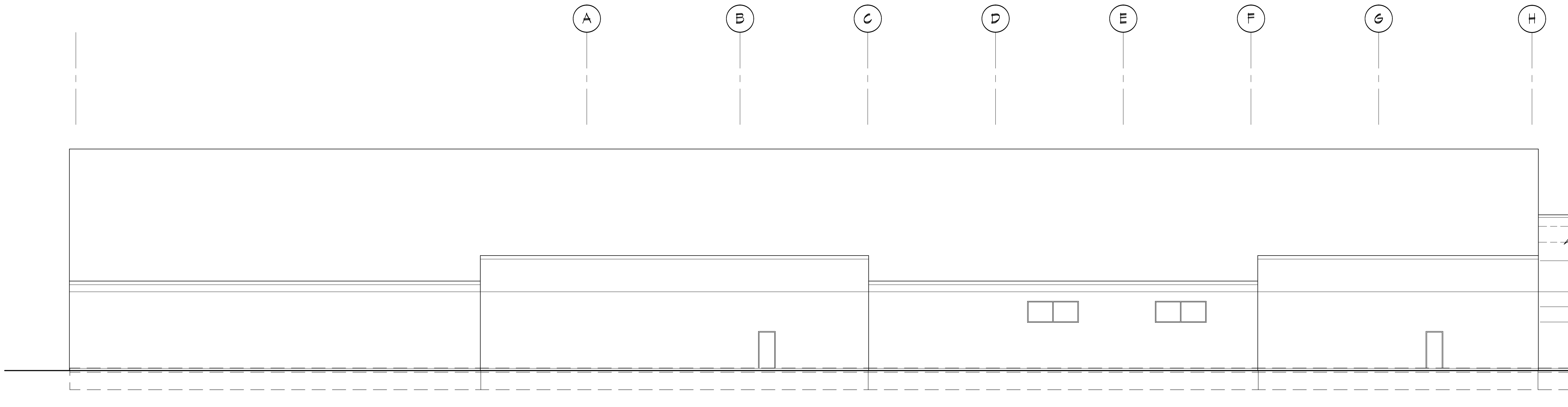
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AUGUST 1, 2015

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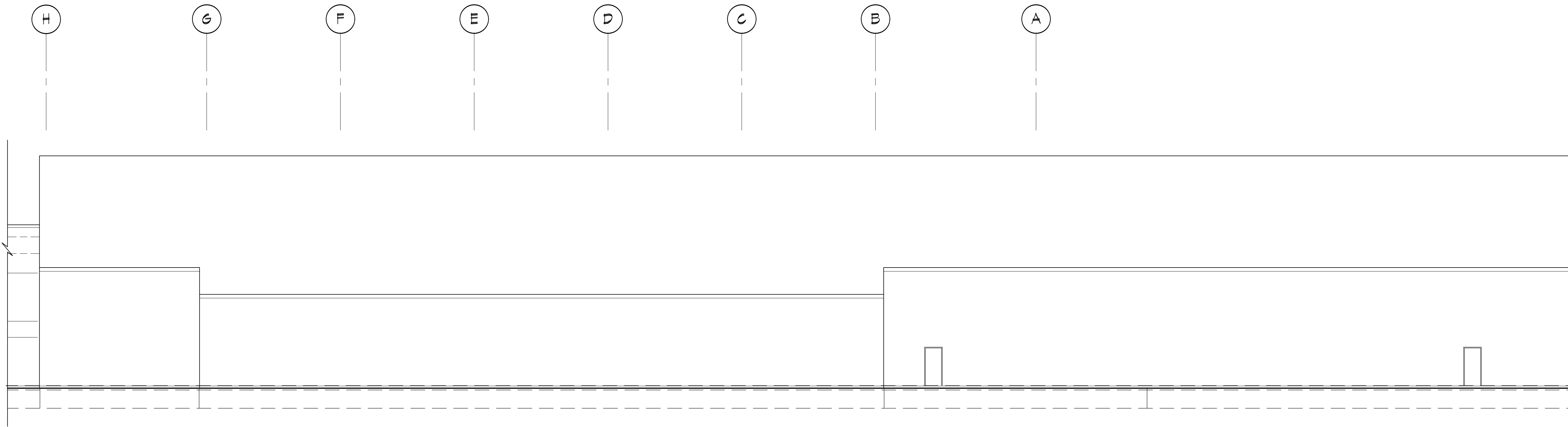
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2 PARTIAL WEST ELEVATION  
SCALE: 3/32" = 1'- 0"



1 PARTIAL EAST ELEVATION  
SCALE: 1/8" = 1'- 0"

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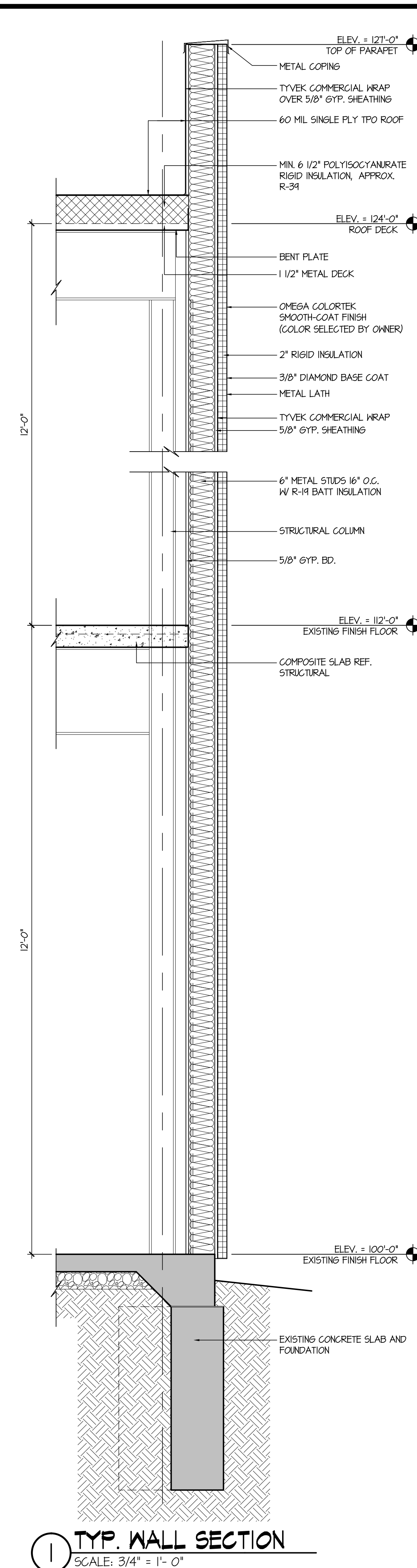
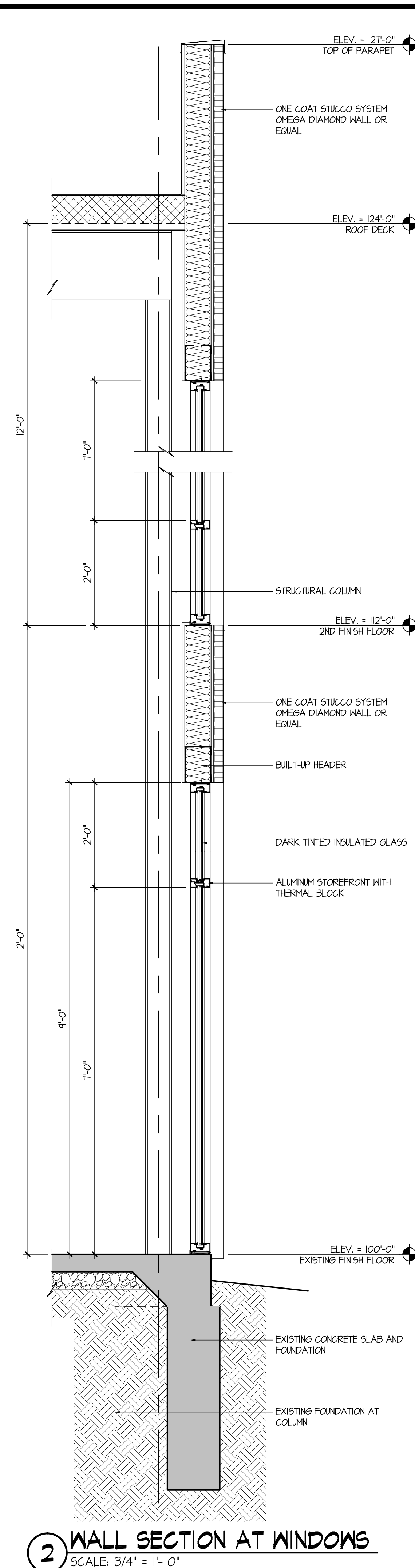
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RENOVATIONS**  
LAURENCE, KS

PROJECT # 215-570  
AUGUST 1, 2015

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1.0	08.05.15
2.0	09.28.15

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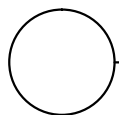


44,437 SF EXIST. BLDG.  
+ 5% = 46,658 SF

44,437 SF + 10,250 SF  
MEZZ = 54,687 SF - 8,029  
SF OF UNUSED STORAGE =  
46,658 SF PROPOSED

8,029 SQUARE FEET  
TO BE USED AS STORAGE

10,250 SQUARE FEET  
NEW MEZZANINE  
ABOVE



## FIRST FLOOR PLAN

SCALE: NT5



NORTH

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

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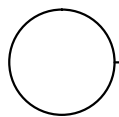
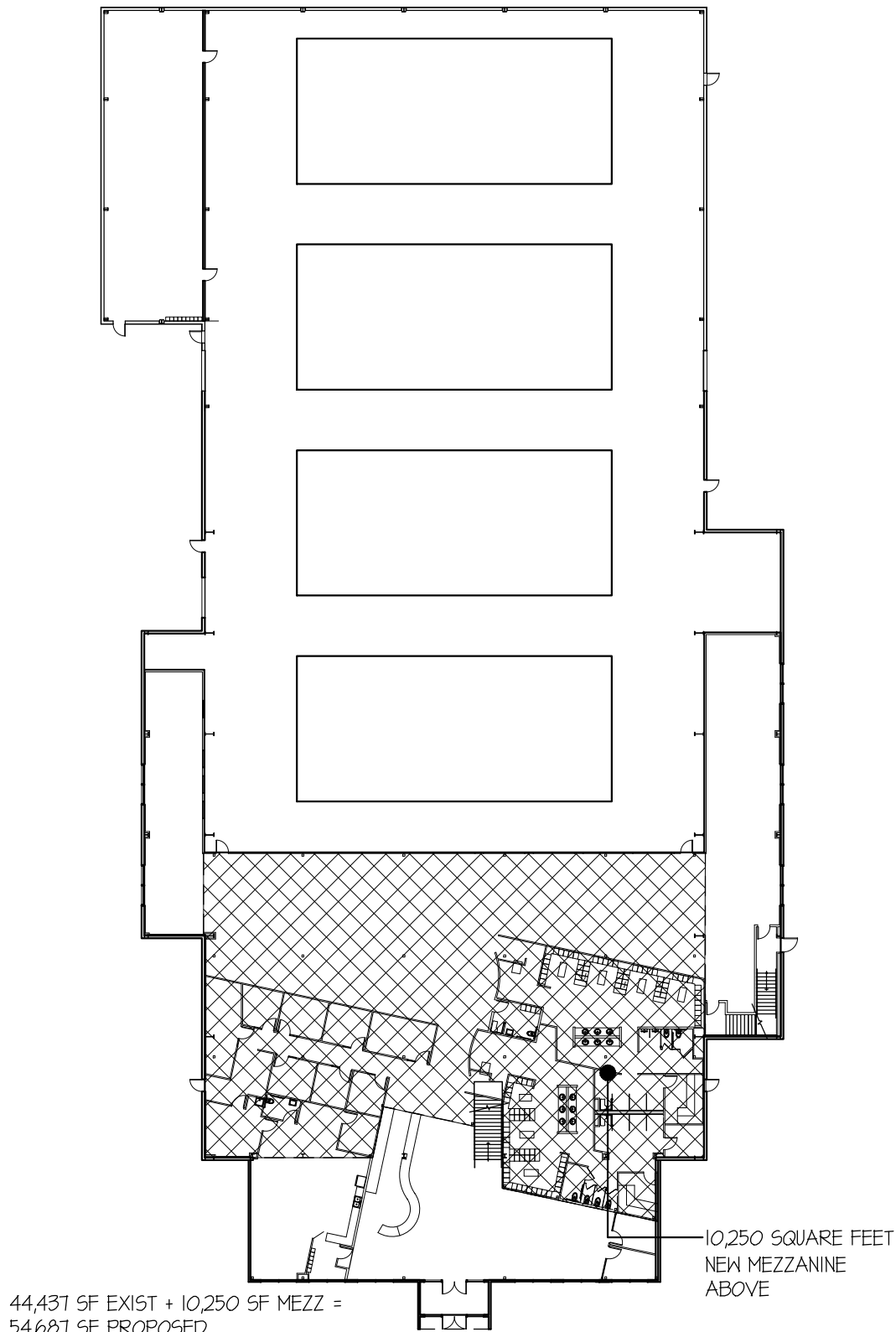
**KU TENNIS CENTER  
SUP SITE PLAN**  
5200 CLINTON PARKWAY  
LAURENCE, KANSAS 66041

PROJECT # 215-570

AUGUST 1, 2015

RELEASE: 1.0 DATE: 10.26.15

**EXHIBIT I**



**FIRST FLOOR PLAN**

SCALE: NT5



NORTH

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SUITE B2  
LAWRENCE, KS 66044

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**KU TENNIS CENTER  
SUP SITE PLAN**

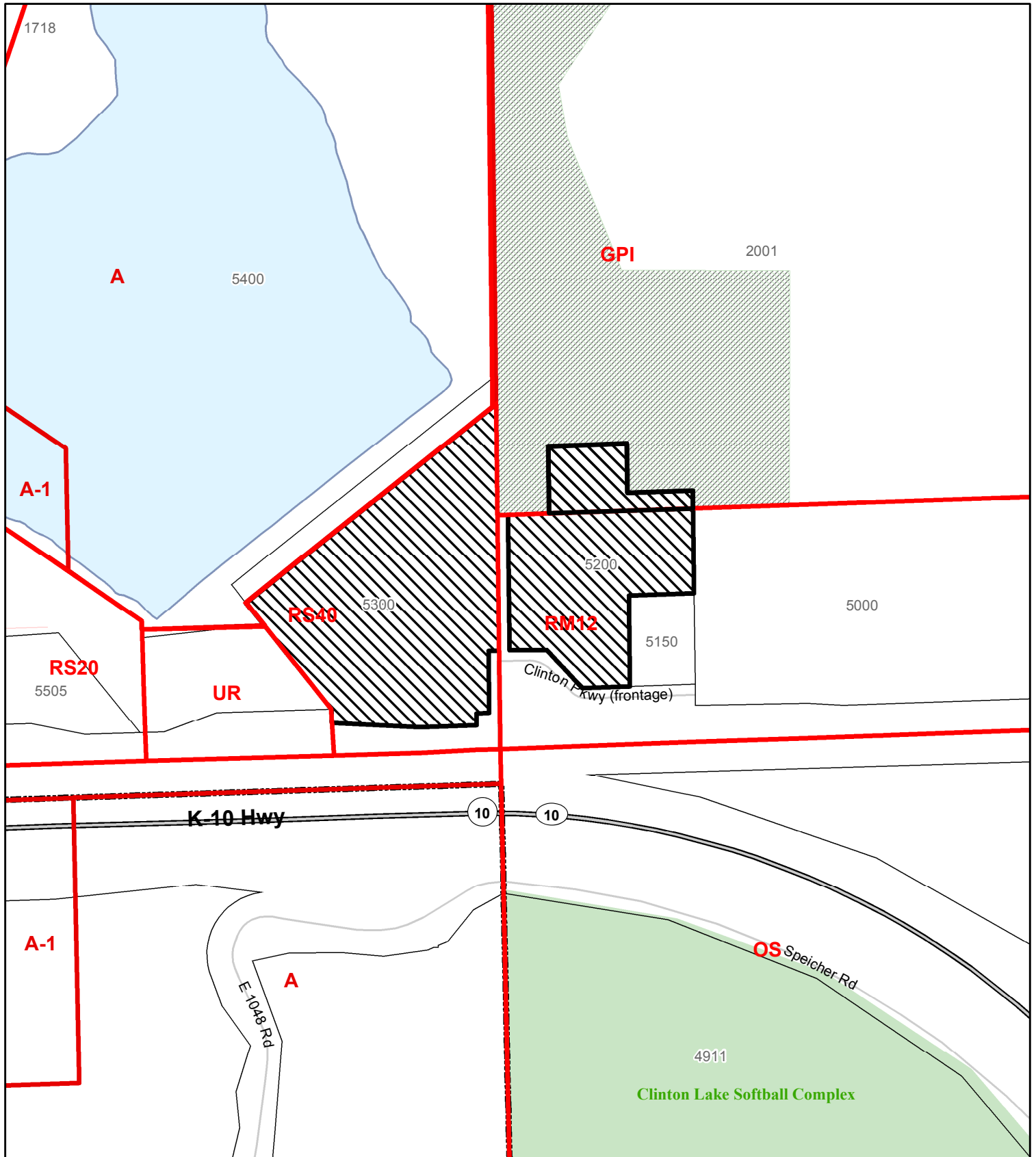
5200 CLINTON PARKWAY  
LAWRENCE, KANSAS 66041

PROJECT # 215-570

AUGUST 1, 2015

RELEASE: DATE:  
1.0 10.26.15

**EXHIBIT 2**



**Z-15-00469: Rezone 14.756 acres from GPI District and RS40 District to RM12 District**  
**SUP-15-00468: Special Use Permit for an Active Recreation Use, an Indoor/Outdoor**  
**KU Tennis Facility Located at 5200 & 5300 Clinton Parkway**

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

PC Staff Report  
11/16/15

**ITEM NO. 7**      **IG TO IL; .972 ACRES; 1021 E 31st (KES)**

**Z-15-00471:** Consider a request to rezone approximately .972 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 1021 E. 31<sup>st</sup> St. Submitted by Richard G. Sells, for Spirit Industries, Inc., property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request from IG (General Industrial) District to IL (Limited Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

**REASON FOR REQUEST**

Applicant's Response:

*"A business man would like to provide an indoor shooting range and a gun sales and repair shop. The present zoning, General Industrial, does not allow this use group."*

**KEY POINTS**

- The property is located at the southwest corner of Haskell Avenue and E. 31<sup>st</sup> Street and is currently zoned IG (General Industrial) District.
- IG zoning does not permit *Participant Sports & Recreation, Indoor* use.
- IL zoning would permit the use and allow the shooting range/gun shop (*Ancillary Retail Sales, General*) within the district.
- As currently zoned, the property has been developed since 1991.
- The proposed rezoning will allow development consistent with the industrial nature of the area and fit within the goals of the comprehensive plan as well as allow the proposed use to better fit within the City Code.

**ASSOCIATED CASES**

SP-10-59-90      Site Plan; Balfour Manufacturing/Silkscreening; approved on November 6, 1990.

**OTHER ACTION REQUIRED**

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submission and administrative approval of a site plan.
- Application and release of building permits prior to development.

**PUBLIC COMMENT**

A question was posed to staff inquiring about any issues the proposed use for this property might pose in regards to the proximity to school property. The property where The Lawrence

College Career Center, Unified School District #497, property owner of record, is located approximately 760 ft. from the subject property.

There are no local codes that would prohibit the location of a gun range or shop within 1000 ft. of a school.

There are two federal acts that relate to guns and schools.

The Gun-Free Schools Act of 1995 (within schools) and the Gun-Free Schools Zone Act (reenacted in 1996 and creating a zone 1,000 ft. around a school).

The Gun-Free School Zones Act (GFSZA) prohibits any person from knowingly possessing a firearm that has moved in or otherwise affects interstate or foreign commerce at a place the individual knows, or has reasonable cause to believe, is a school zone. The GFSZA also prohibits any person from knowingly, or with reckless disregard for the safety of another, discharging or attempting to discharge a firearm that has moved in or otherwise affects interstate or foreign commerce at a place the person knows is a school zone. The GFSZA defines "school zone" as: 1) in, or on the grounds of, a public, parochial or private school; or 2) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

Exceptions to the possession prohibition include:

- Firearm possessors licensed by the state or locality to possess the gun, whose law requires that before the person obtains a license, state or local law enforcement verify that the person is qualified to receive the license; or
- Where the firearm is:
  - Unloaded and in a locked container or locked firearms rack on a motor vehicle; or
  - Unloaded and possessed while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities

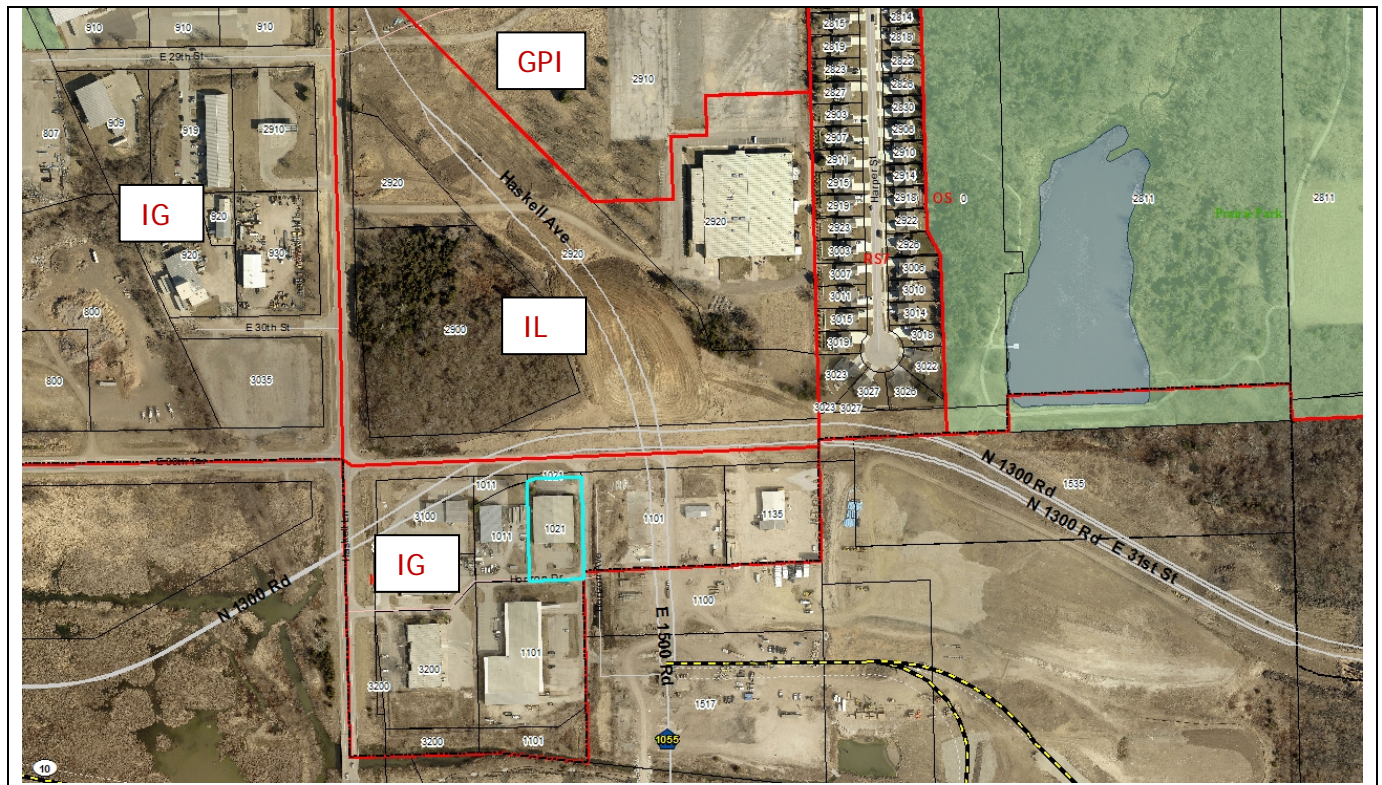
Exceptions to both the possession and discharge bans include:

- On private property no part of school grounds.
- Where the firearm is possessed for use in a program approved by a school held in the school zone, or in accordance with a contract entered into between a school and the individual or an employer of the individual; or
- Where the firearm is possessed or used by a law enforcement officer acting in his or her official capacity.

The Act seems to except possession and firing on private property within 1,000 ft, which is the key to the act not directly prohibiting a gun range near the school. So while neither act prohibits a gun range within 1,000 feet of a school, it appears that the consumers may have certain responsibilities to comply with the federal law.

### **Project Summary**

The property is currently zoned IG (General Industrial) District. A rezoning request to the IL (Limited Industrial) District is requested to better accommodate the proposed indoor recreation use (indoor gun range). Adjacent zoning in the area is IG and IL and the requested rezoning would be in harmony with this industrial area. The request complies with the Comprehensive Plan land use projections in the area. The area remains industrial. The IL zoning district accommodates the proposed use while maintaining the suitability within an industrial zoned area.



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

Properties in the surrounding area of the property are zoned IG (General Industrial) and IL (Limited Industrial) and are developed with industrial and commercial structures. The USD 497 property to the north is zoned GPI (General Public and Institutional Use) District. A zoning map in Figure 1 illustrates the zoning and land uses of the area.

## REVIEW & DECISION-MAKING CRITERIA

### 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's response:

*"The property is within the Lawrence city limits. The property is located in an existing industrial zoned area. Rezoning the property does not effect the comprehensive plan, Horizon 2020."*

This property is currently zoned IG and is in compliance with the current goals of *Horizon 2020* and the urban growth projections for the subject area. No change in density or character of development is proposed.

**Staff Finding** – The proposed rezoning does not change the overall character of development in the area and the request is in conformance with the industrial land use recommendations in the Comprehensive Plan.

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

Current Zoning and Land Use: IG (General Industrial) District; *Developed*.

Surrounding Zoning and Land To the west and south: IG (Industrial General) District;

Use: *Industrial businesses.*

To the north and east: IL (Limited Industrial) District;  
*Undeveloped property to the north and Peaslee Center  
 to the northeast.*

**Staff Finding** – The subject property is adjacent to properties zoned for industrial land uses. The industrially zoned properties are currently developed. The proposed rezoning is compatible with the zoning and land uses, existing and approved, in the area.

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

Applicant's Response:

*"This is an industrial site located at 31<sup>st</sup> Street and Haskell Avenue. The site consists of six industrial lots. All lots have been developed."*

This area is currently developed as an industrial area. The properties south of E 31<sup>st</sup> Street were platted and developed in the 1980's and 1990's. The recent extension of E. 31<sup>st</sup> Street and realignment of Haskell Avenue/E1500 Road as part of the K-10 highway project has modified traffic patterns and parcel sizes in the area.

**Staff Finding** – This is a low intensity industrial area with developed pad sites for industrial use. The proposed rezoning would result in the reuse of an existing building with a use that is compatible with the character of the area.

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

The rezoning request is not changing overall development plans for the area, the character of the area or impacting adjoining property.

**Staff Finding** – The rezoning request is compliant with the area. The request is a change from an IG (General Industrial) District. The IL (Limited Industrial) District permits similar uses with the additional use group that would accommodate a *Participation Sports & Recreation, Indoor* venue that would include a gun range.

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

Applicant's response:

*"An indoor gun range and shop would be very suitable. There are no residential homes or public activities near the site."*

**Staff Finding** – The property is well suited to the uses to which it is restricted under the existing zoning regulations. The proposed rezoning permits additional commercial and recreational uses which will accommodate *Participant Sports & Recreation, Indoor*.

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

Applicant's Response:

*"Twenty-five years."*

**Staff Finding** – The property is not currently being used as a business and the 14,000 sq. ft. structure is currently vacant. The zoning would enable to property to be utilized as a business with a use compatible with the area.

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

As noted earlier, the property is surrounded with industrial zoned property which is developed. The rezoning of this property would allow for business development similar to, and compatible with the adjacent land uses.

**Staff Finding** – The IL zoning is in keeping with surrounding zoning. The rezoning would allow for a proposed use that would be compatible with the nearby uses and should have no detrimental effect. Future development is subject to site plan approval.

**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**

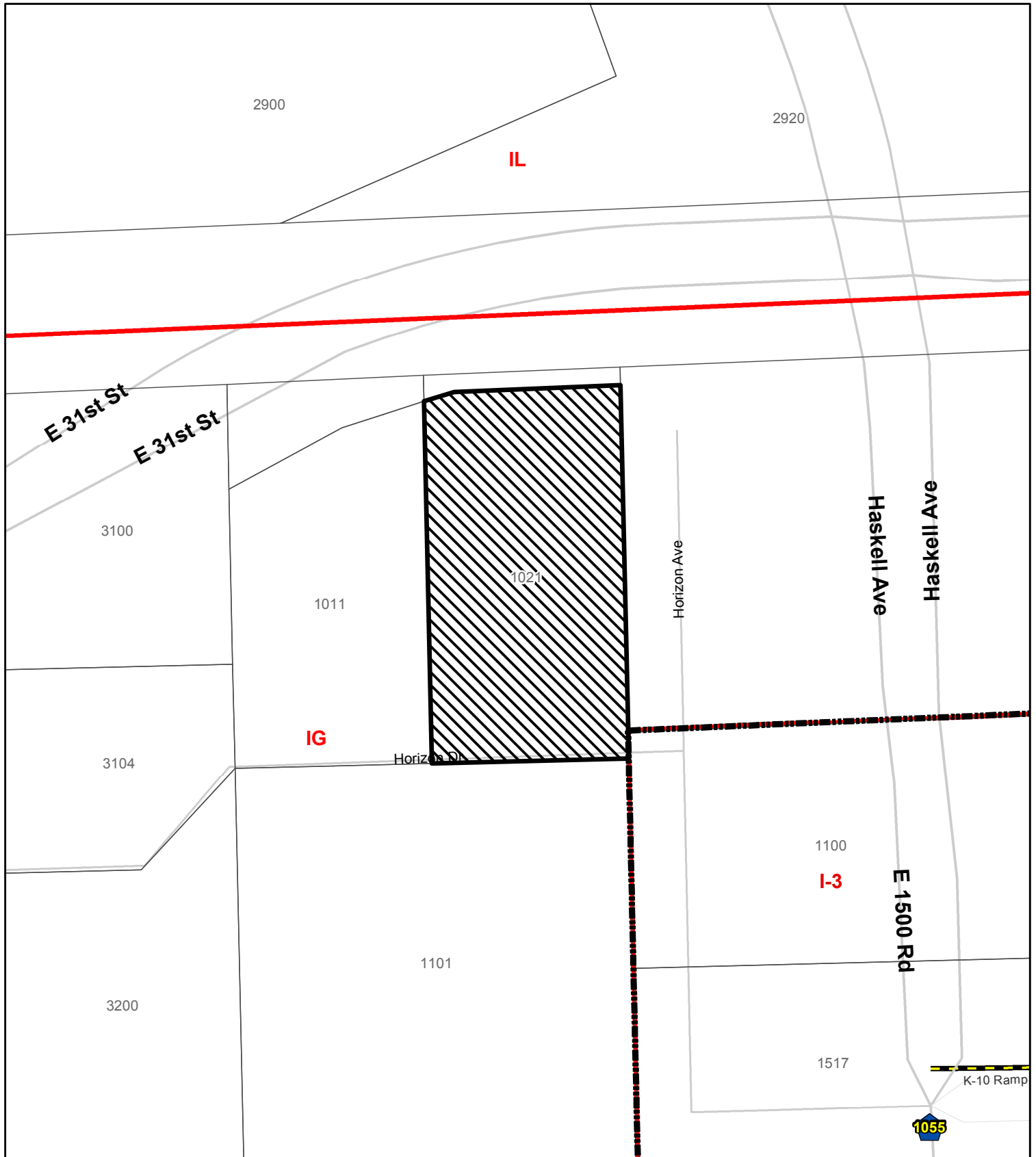
Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

The proposed rezoning is not changing the allowed use of the property in a manner that would be detrimental to public health, safety and welfare. The proposed rezoning allows the applicant to develop a business that is compatible with the area.

**Staff Finding** - Approval of the rezoning request will allow reuse of a currently vacant building with a use similar in intensity and compatible with the uses already in the area. Site plan approval is required prior to the change of use. This review provides an opportunity to specifically address site improvements and potential impacts to nearby properties. There would be no gain to the public health, safety, and welfare through the denial of the rezoning request.

**PROFESSIONAL STAFF RECOMMENDATION**

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan and the Golden Factors, and for compatibility with surrounding development. The rezoning request is compliant with the Comprehensive Plan and the Golden Factors and would be compatible with surrounding development. Staff recommends approval of the rezoning request.



**Z-15-00471: Rezone 0.973 acres from IG District to IL District  
Located at 1021 East 31st Street**



-----Original Message-----

From: Shannon Kimball

Sent: Monday, November 09, 2015 6:48 PM

To: Patrick Kelly <[PKelly@usd497.org](mailto:PKelly@usd497.org)>; Rick Doll <[RDoll@usd497.org](mailto:RDoll@usd497.org)>

Subject: Federal gun free school zones act of 1996 information

I found this information pamphlet while doing a little bit of digging on the federal statutory issues noted by the city. My reading of the attached is that while the gun shop/shooting range would be allowed because it's on private property, any customer entering or leaving the gun shop would have to ensure that the firearm is unloaded and in a locked container except while on the private premises. I am highly skeptical that customers of a gun shop would be willing to lock their guns in a container before putting them in their cars and driving off in order to comply with the federal statute. I think the enforcement issues here are insurmountable and therefore it would not be reasonable to allow the rezoning to occur for the purpose of locating a gun shop less than 1000 feet from our school facility.

Thanks, Shannon

<https://www.atf.gov/file/58691/download>

(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm—

- (i) on private property not part of school grounds;
  - (ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;
  - (iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
  - (iv) by a law enforcement officer acting in his or her official capacity.
- (4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.

If you have any questions, contact:

Bureau of Alcohol, Tobacco, Firearms  
and Explosives  
650 Massachusetts Ave., NW  
Washington, DC 20226  
(202) 927-7770

or

Visit our web site at [www.atf.gov](http://www.atf.gov)



# Gun Free School Zone Notice



U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
*Office of Enforcement Programs and Services*  
*Firearms Programs Division*

**STATE**

## General Information

Generally, it is unlawful for any individual to knowingly possess a firearm within a school zone. A school zone is defined as being within a distance of 1,000 feet from the grounds of a public, parochial, or private school. This prohibition does not apply to the possession of a firearm on private property not part of school grounds such as an FFL's business premise (e.g., commercial storefront, residence, or driveway)

Once a customer leaves private property located within 1,000 feet of a school with a firearm, they may be in violation of Federal Law. However, in the following situations an individual would not be possessing a firearm in violation of 922(q)(A):

1. The individual is licensed by the State or political subdivision to possess the firearm, and the license was issued after law enforcement officials verified that the individual is qualified to receive the license;
2. The firearm is unloaded and is contained within a locked container or a locked firearms rack that is on a motor vehicle;
3. The firearm is possessed by an individual for use in a school-approved program;
4. The individual or his/her employer is doing so in accordance with a contract between the individual and the school;
5. The individual is a law enforcement officer acting in their official capacity; or
6. The individual is crossing school grounds to reach a public or private way. Their firearm is unloaded, and they have permission from the school.

ATF realizes that not all persons who enter or exit an FFL's premises in such case may fall under one of the above-described statutory exemptions. Therefore, ATF advises that in those States where a permit is not needed, the FFL should ensure that prior to a purchaser leaving the business premise with a firearm that it is unloaded and placed in a locked container.

## Federal Law

**The Gun Control Act of 1968, 18 U.S.C. Chapter 44, provides in pertinent parts as follows:**

### 18 U.S.C. 922(q)(1)

**(q)(1)** The Congress finds and declares that—

**(A)** crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

**(B)** crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

**(C)** firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate;

**(D)** in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

**(E)** while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

**(F)** the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

**(G)** this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

**(H)** States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

**(I)** the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

**(2)(A)** It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

**(B)** Subparagraph (A) does not apply to the possession of a firearm—

**(i)** on private property not part of school grounds;

**(ii)** if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

**(iii)** that is—

**(I)** not loaded; and

**(II)** in a locked container, or a locked firearms rack that is on a motor vehicle;

**(iv)** by an individual for use in a program approved by a school in the school zone;

**(v)** by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

**(vi)** by a law enforcement officer acting in his or her official capacity; or

**(vii)** that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

Lawrence Public Schools USD 497  
110 McDonald Drive  
Lawrence, Kansas 66044-1063  
Telephone: (785) 832-5000  
Fax: (785) 832-5020  
www.usd497.org



November 13, 2015

Lawrence-Douglas County Metropolitan Planning Commission  
Scott McCullough, Director, Planning and Development Services  
City Hall, 6 East 6th Street, PO Box 708  
Lawrence, KS 66044

Dear Mr. McCullough and Planning Commissioners,

I write today on behalf of the Lawrence Board of Education, which opposes the staff recommendation to approve the rezoning request (Z-15-00471) from IG (General Industrial) District to IL (Limited Industrial) District in order to allow an applicant to provide an indoor shooting range and gun sales and repair shop at 1021 E. 31st Street. This property is within a school zone; specifically, it's located 760 ft. from a public school, the Lawrence College and Career Center at 2910 Haskell Avenue. In addition, the College and Career Center campus will be home to the Lawrence Boys and Girls Club's future Teen Center, which will serve students as young as the sixth grade.

While the Board understands that the Gun-Free School Zones Act does not prohibit gun sales or a shooting range from locating on private property in a school zone, the federal law does require that consumers entering or leaving the private premises ensure that all firearms are unloaded and stored in locked containers. The Board is highly skeptical that customers will take these lawful precautions prior to entering or exiting the premises. The challenges with enforcement of the federal law relating to Gun-Free School Zones seem insurmountable, and the Board thinks, therefore, that it would be unreasonable to allow the rezoning to occur for the purpose of locating a gun shop/shooting range in a school zone.

The Board discussed this issue at its November 9, 2015, meeting. Due to board members' safety concerns for students and school staff, the Board strongly opposes the staff recommendation to approve the rezoning request related to 1021 E. 31st Street for the purpose of allowing an indoor shooting range and gun sales and repair shop in a school zone. The Board urges Lawrence-Douglas County Metropolitan Planning Commissioners to deny this rezoning request.

Sincerely,

Vanessa Sanburn, President

Cc: Lawrence Board of Education

Marcel Harmon	Jill Fincher
Kristie Adair	Rick Ingram
Jessica Beeson	Shannon Kimball

## **PLANNING COMMISSION REPORT**

### **Regular Agenda - Public Hearing Item**

PC Staff Report  
11/16/15

#### **ITEM NO. 8      TEXT AMENDMENT FOR CREATING AN “EVENT CENTER” USE (JSC)**

**TA-15-00443:** Consider a Text Amendment to the Land Development Code, Chapter 20 of the Code of The City of Lawrence, Kansas to define and create an “Event Center” use. *Initiated by Planning Commission on 8/24/15.*

**RECOMMENDATION:** Staff recommends approval of the revised text for Articles 4, 9, and 17, and forwarding of the proposed text amendments to Chapter 20, Articles 4, 9, and 17 to the City Commission with a recommendation for approval and adoption.

**Reason for Request:** The Planning Commission initiated this amendment on August 24<sup>th</sup>, 2015 to create a specific use category for private facilities, including the structures and/or grounds, used for hosting intermittent events, such as banquets, weddings, receptions, parties, corporate events, meetings or any other gathering (formal or informal) that are intermittent and temporary in nature.

#### **RELEVANT GOLDEN FACTOR:**

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Adoption of a new regulatory item to the existing Land Development Code is an implementation step in Chapter 17 of *Horizon 2020: The Comprehensive Plan for Lawrence and Unincorporated Douglas County*.

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

- No written comments received to date.

#### **OVERVIEW OF PROPOSED AMENDMENT**

The Land Development Code currently does not define this particular type of facility and/or use. Since the Land Development Code's adoption in 2006, facilities that would be classified under this proposed definition/use have been categorized in various ways depending on the details and location of each proposal. In some instances, the prevailing use regulations and parking requirements for these other inappropriate categories either over-regulate the Event Center, or do not provide enough regulation of the Event Centers, causing other impacts in the surrounding areas and neighborhoods.

This proposed amendment would streamline the review process, clearly define the use regulations for applicants, and also affirm the appropriate requirements with regard to parking for these facilities. It also would provide surety to both applicants, as well as neighboring property owners, to the review and approval processes for the establishment of this particular use.

To determine the appropriate demarcation between “Event Center, Small” and “Event Center, Large” staff looked at the two main items that would substantially impact the total occupancy for a new proposed event center: minimum parking ratios and the Fire Code load factor. Staff began by

conducting an analysis of the existing establishments that would fit within the *"Event Center"* use, specifically looking at their total occupancy and their current zoning. The analysis of the existing event spaces determined that the median occupancy of these current locations was 300 occupants. A median value for occupancy was chosen over an average value to help prevent the delineation from being skewed higher by a few extraordinary locations' maximum occupancy. The median is determined by ranking the existing locations from smallest to largest, and then dividing the locations so that there are an equal number of below the median as there are above. In this particular survey, the average maximum occupancy can be significantly influenced by a couple of very-large establishments, making it less representative of the majority of event centers; therefore, the median gives a better representation of existing occupancy than the average would.

Address	Event Center	Advertised Max. Capacity	Zoning	Potential Designation
8 E. 6th St.	Abe & Jake's	600	CD	Large
1266 Oread Ave.	Adams Alumni Center	250	RM32	Small
2161 Quail Creek Dr.	Arterra	250	PCD	Small
800 New Hampshire St.	Alton Ballroom – Pachamamas	175	CD	Small
1800 Crossgate Dr.	Alvamar	1,800	RM24PD	Large
1307 Massachusetts St.	Castle Tea Room	125	RM32	Small
512 E. 9th St.	Culinaria	40	CS	Small
701 Massachusetts St.	Eldridge Hotel	450	CD	Large
201 W. 8th Street	Eldridge Extended	250	CD	Small
940 New Hampshire St.	Lawrence Arts Center	600	GPI	Large
400 Country Club Terr.	Lawrence County Club	450	RS10	Large
644 Massachusetts St.	Liberty Hall	1,050	CD	Large
1031 New Hampshire St.	Maceli's	400	CD	Large
1200 Oread Ave.	The Oread	1,150	PCD	Large
715 New Jersey St.	Van Go	440	IG	Large
704 Connecticut St.	W	275	CS	Small
1510 N. 3rd St.	White School House	100	RS10	Small

#### Other Assembly Spaces Provided for Space Comparison

1020 Massachusetts St.	Granada	1,700	CD	Large
1301 Jayhawk Blvd.	Kansas Union	6,872	U-KU	Large
1601 Irving Hill Road	Burge Union	3,100	U-KU	Large
1651 Naismith Dr.	DeBruce Center	330	U-KU	Large
1600 Stewart Dr.	Lied Center	2,000	U-KU	Large
2350 Petefish Dr.	Dole Institute of Politics	325	U-KU	Large

Once the existing median occupancy was determined between *"Event Center, Small"* and *"Event Center, Large,"* staff began working through the occupancy limits of new spaces based on the International Fire Code's load factors. Once the highest potential occupancy was determined, staff began studying the parking demand that would be required to accommodate the maximum occupancy scenario. Through studying other municipalities' equivalent ordinances, and in studying

the minimum parking ratios required in Article 9 of the Land Development Code, staff proposes a parking ratio that would be consistent to accommodate the highest potential demand, while also not burdening future event centers by requiring excessive parking requirements. In studying the current zoning of the existing locations, staff determined the compatible Base Zoning Districts and review level to help mitigate the impacts an Event Center would most likely have on Residential and certain Non-Residential Base Zoning Districts.

Locations by Zoning		
Zone	Count	% of Total
CD	6	35.3%
CS	2	11.8%
GPI	1	5.9%
IG	1	5.9%
PCD	2	11.8%
RM24PD	1	5.9%
RM32	2	11.8%
RS10	2	11.8%
Total	17	

The following is a summary listing of the proposed changes:

1. Article 4: Use Table
  - a. To include *"Event Center, Small"* and *"Event Center, Large"* into Section 20-402: "Residential District Use Table"
  - b. To include *"Event Center, Small"* and *"Event Center, Large"* into Section 20-403: "Nonresidential District Use Table."
2. Article 9: Parking, Loading and Access
  - a. To establish the minimum amount of vehicle and bicycle parking required in Section 20-902: "Off-Street Parking Schedule A" for both *"Event Center, Small"* and *"Event Center, Large"*
3. Article 17: Terminology
  - a. To refine the existing definition of "Entertainment and Spectator Sports" use in Section 20-1725 to provide clarity between it and the new "Event Center" definition.
  - b. To define *"Event Center,"* and *"Event Center, Small"* and *"Event Center, Large"* in Section 20-1772.

A full copy of Articles 4, 9 and 17, listing the proposed changes, is attached to this staff report. Text to be deleted is shown with ~~strikeout~~ and proposed text is shown in underlined font.

## CRITERIA FOR REVIEW & DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

### 1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition.

**Staff Response:** The proposed text amendments address a deficiency that staff has recognized in the Land Development Code. The demand for such facilities has brought to light the need for clearly defined requirements and regulations for both applicants and staff. Previously, other use classifications such as *"Nightclub"* have been applied to Event Center facilities. These classifications do not accurately reflect fitting requirements and regulations within the Land Development Code for these uses, and they also mislead surrounding neighbors/property owners as to the actual use associated with these proposals. These amendments also would provide a discernible process for applicants to follow, a stronger delineation of appropriate zoning districts, and clearly define the Code expectations for such a use for all parties. This use is not currently defined in the Land

Development Code and best fit options are not efficient in establishing such uses currently.

For the residentially zoned districts, staff felt that it was appropriate for Event Centers to obtain a Special Use Permit to ensure that possible impacts to the surrounding area, such as hours of operation, parking, outdoor areas, and lights, are accounted for and managed based on surroundings and context.

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

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

This proposed use clearly defines what an *“event center”* is, and would allow spaces to be planned to perform these functions in a manner that is consistent with their facility and also ensure more adequate compatibility with surrounding areas. These amendments carry out the plan's goal of using zoning standards to create compatible neighborhoods and efficient development processes, as noted in Chapters 3, 4, 5, and 6 of *Horizon 2020*.

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends forwarding a recommendation of approval to the Lawrence City Commission of this text amendment to the Land Development Code, Chapter 20 of the Code of The City of Lawrence, Kansas defining and creating an *“Event Center”* use.

<b>Key:</b> <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Day Care Home, Class A	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	507
	Day Care Home, Class B	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	-	S*	507
	Detention Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Event Center, Small	S*	S*	S*				S*					S*		S*	
	Event Center, Large	S*	S*	S*				S*					S*		S*	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	512
	Postal Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Public Safety	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Funeral and Interment	-	-	-	-	-	-	P*	-	-	-	-	-	-	P*	505
	Temporary Shelter	A*	A*	A*	A*	A*	A*	S*/A*	A*	A*	A*	A*	A*	A*	S*/A*	544/522
	Social Service Agency	--	--	--	--	--	--	P	--	--	--	--	--	--	P	
	Community Meal Program	A*	A*	A*	A*	A*	A*	S/A*	A*	A*	A*	A*	A*	A*	S/A*	522
	Utilities, Minor	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	S	S	-	S	
Medical Facilities	Community Mental Health Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
	Extended Care Facility, General	-	-	-	-	-	-	S	P	P	P	P	P	P	P	
	Extended Care Facility, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Health Care Office, Health Care Clinic	-	-	-	-	-	-	P	-	-	-	-	-	-	P	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Outpatient Care Facility	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	519
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	S	-	S	
	Entertainment & Spectator Sports, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Entertainment & Spectator Sports, Limited	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
	Private Recreation	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
	Participant Sports & Recreation, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Participant Sports &	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

<div>Key:</div> <div>A = Accessory</div> <div>P = Permitted</div> <div>S = Special Use</div> <div>* = Standard Applies</div> <div>- = Use not allowed</div>		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Detention Facilities	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	
	Event Center, Small	<u>S*</u>	<u>S*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>				<u>S*</u>		
	Event Center, Large			<u>S*</u>	<u>S*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>				<u>S*</u>		
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	-	P*	-	-	-	P*	-	512
	Postal & Parcel Service	-	P	P	P	P	P	P	P	P	P	P	P	-	P	-	
	Public Safety	S	P	P	P	P	P	P	P	P	P	P	P	-	P	-	
	School	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
	Funeral and Interment	-	P*	-	P*	P*	P*	P*	P*	P*	P*	-	-	A*	-	-	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	-	S*	-	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	-	S	-	S	S/A*	522
	Utilities, Minor	P*/S*	P*/S*	P*/S	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	-
Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	P	P	S	P	-		
Medical Facilities	Community Mental Health Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	P*	A*	519
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	-	S	S	A*/S*	A	532
	Entertainment & Spectator Sports, General	-	-	-	-	P	P	P	P	-	-	-	-	-	S	-	
	Entertainment & Spectator Sports, Limited	-	P	P	-	P	P	P	P	-	-	-	-	S	P	-	
	Participant Sports & Recreation, Indoor	-	P	P	-	P	P	P	P	P	P	-	-	-	P	A	
	Participant Sports & Recreation, Outdoor	-	-	S	-	-	P	P	P	P	P	-	-	-	A*/S*	-	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Day Care Home, Class A	1 per 1.5 employees	
Day Care Home, Class B		
Detention Facilities	per Schedule D (Section 20-905)	1 per 10 auto spaces
<u>Event Center, Small</u>	<u>1 per 3 Occupants at maximum occupancy</u>	<u>6 spaces, or 1 per 10 maximum occupancy, whichever is greater</u>
<u>Event Center, Large</u>	<u>1 per 4 Occupants at maximum occupancy</u>	<u>1 per 10 maximum occupancy</u>
Lodge, Fraternal and Civic Assembly	1 per 500 square feet	None
Postal Service	per Schedule D (Section 20-905)	5 or 1 per 10 auto spaces, whichever is greater
Public Safety	per Schedule D (Section 20-905)	None
School, Grades K–9	1 per 1.5 teachers and employees	1 per 5 students
Grades 10+	1 per 1.5 teachers and employees + 1 per 3 students	5 or 1 per 10 auto spaces, whichever is greater
Funeral and Interment Cremating Interring Undertaking	1 per vehicle used in the business; 1 per vehicle used in the business; 1 per 300 square feet	None
Temporary Shelter	1 per 1.5 employees	1 per 5 clients
Social Service Agency	1 per 300 square feet	1 per 10 auto spaces
Community Meal Program	1 per 1.5 employees + 1 per 5 seats	5 or 1 per 10 auto spaces, whichever is greater
Utilities, Minor	1 space	1 per 10 auto spaces
Utilities and Service, Major	1 per 1.5 employees	
MEDICAL FACILITIES		
Extended Care Facilities, General and Limited	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Health Care Office; Health Care Clinic	1 per 300 square feet	1 per 10 auto spaces
Hospital	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Outpatient Care Facilities	1 per 300 square feet	1 per 10 auto spaces
RECREATIONAL FACILITIES		
Active Recreation	Per Schedule D (Section 20-905)	5 or 1 per 4 auto spaces, whichever is greater
Entertainment & Spectator Sports, General	1 per 3 seats	1 per 10 auto spaces
Entertainment & Spectator Sports, Limited	1 per 4 seats	5 or 1 per 10 auto spaces
Participant Sports & Recreation, Indoor	1 per 500 square feet of customer/activity area	1 per 10 auto spaces
Participant Sports & Recreation, Outdoor	1 per 500 square feet of customer/activity area	
Nature Preserve / Undeveloped	Per Schedule D (Section 20-905)	

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**ARTICLE 17. TERMINOLOGY**

20-1701	General Terms
20-1702	Use Categories in General
20-1703	Adaptive Reuse of Designated Historic Property
20-1704	Adaptive Reuse of Greek Housing
20-1705	Agricultural Sales
20-1706	Agricultural Services
20-1707	Agriculture
20-1708	Agriculture, Animal
20-1709	Agriculture, Crop
20-1710	Animal Services
20-1711	Big Box
20-1712	Building Maintenance Services
20-1713	Business Equipment Sales and Services
20-1714	Business Support Services
20-1715	Commercial Node
20-1716	Communication Service Establishments
20-1717	Community Facilities
20-1718	Construction Sales and Services
20-1719	Cultural Exhibits and Libraries
20-1720	Day Care
20-1721	Detention Facilities
20-1722	Dwelling, Attached
20-1723	Dwelling, Detached
20-1724	Eating and Drinking Establishments
20-1725	Entertainment and Spectator Sports
20-1726	Explosive Storage
20-1727	Financial, Insurance and Real Estate (F.I.R.E.) Services
20-1728	Food and Beverage Retail Sales
20-1729	Funeral and Interment Services
20-1730	Reserved
20-1731	Group Living
20-1732	Health Care Office; Health Care Clinic
20-1733	Hospital
20-1734	Household Living
20-1735	Industrial, General
20-1736	Industrial, Intensive
20-1737	Laundry Service
20-1738	Lodge, Fraternal and Civic Assembly
20-1739	Manufacturing and Production, Limited
20-1740	Manufacturing and Production, Technological
20-1741	Medical Facilities, (Health Center, Clinic, Hospital)
20-1742	Mining
20-1743	Mobile Home Park
20-1744	Office, Administrative and Professional
20-1745	Outpatient Care Facilities
20-1746	Parking Facilities
20-1747	Parking Lot
20-1748	Personal Convenience Services
20-1749	Personal Improvement Services
20-1750	Postal & Parcel Services
20-1751	Public Safety
20-1752	Recycling Facilities
20-1753	Religious Assembly
20-1754	Repair Services, Consumer
20-1755	Recreational Facilities

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20-1756	Research Services
20-1757	Retail Sales and Service
20-1758	Retail Sales, General
20-1759	School
20-1760	Scrap and Salvage Operations
20-1761	Sexually Oriented Businesses
20-1762	Sports and Recreation, Participant
20-1763	Transient Habitation
20-1764	Utilities and Services, Major
20-1765	Utilities, Minor
20-1766	Vehicle Sales and Service
20-1767	Wholesale, Storage, and Distribution
20-1768	Telecommunications Facilities
20-1769	Institutional Use
20-1770	Community Mental Health Facilities
20-1771	Maker Space
<u>20-1772</u>	<u>Event Center</u>

“drive-up restaurants,” “drive-through food or beverage stands,” and restaurants with “drive-through” facilities. If a fast-food establishment has both seating areas inside the establishment and drive-up or drive-through facilities, it shall be considered Fast Order Food, Drive-In for use purposes; parking standards, however, shall consider the inside dining area.

**(8) Restaurant, Quality**

An eating establishment where the principal business is the dispensing and consumption of prepared foods and/or beverage at tables, not including bars, brewpubs or nightclubs. Table service by food & beverage servers is available at “quality restaurants”.

**(9) Private Dining Establishment**

A dining establishment where the principal business is the dispensing and consumption of prepared food and/or beverage at tables, not including Bars or Lounges, Brewpubs or Nightclubs. A Private Dining Establishment is differentiated from other eating and drinking establishments on the basis that it is open to guests by invitation only and/or to the general public by reservation only and seats no more than 30 guests at once. Typically table service is provided by food and beverage servers.

**20-1725 ENTERTAINMENT AND SPECTATOR SPORTS**

Provision of cultural, entertainment, athletic, and other events to spectators. ~~Also includes events involving social or fraternal gatherings.~~ For participant sports, see Section 20-1762. The following are spectator sports and entertainment use types:

**(1) Limited**

Those uses conducted within an enclosed Building with a capacity of 500 or less people. Typical uses include small theaters and ~~meeting-halls~~ music venues.

**(2) General**

Those uses generating an attendance of 501 or more people such as theaters (movie or legitimate), large exhibition halls, field houses, stadiums and sports complexes.

**20-1726 EXPLOSIVE STORAGE**

Storage of any quantity of explosives. Typical uses include storage in the course of manufacturing, selling, or transporting explosives, or in the course of blasting operations.

**20-1727 FINANCIAL, INSURANCE AND REAL ESTATE [F.I.R.E.] SERVICES**

Financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies and real estate firms.

**(1) Financial Institutions**

Banks, savings & loan banks, credit unions, and other similar facilities open to the public and engaged in deposit banking and related functions such as making loans and fiduciary activities.

**(2) Other**

an emphasis on peers and mentors within the organization of the operation and creating with technology.

**20-1772 EVENT CENTER**

A structure and/or grounds that accommodates a variety of social events such as, but not limited to, banquets, weddings, receptions, parties, corporate events, community events, meetings, or any other gathering (formal or informal) that are intermittent and temporary in nature, that may or may not serve food, beverages, and alcoholic beverages for on-Premises consumption. This definition does not include churches and similar congregations where a wedding or funeral is an ancillary use.

**(1) Event Center, Small**

Maximum occupancy less than or equal to 300, including staff.

**(2) Event Center, Large**

Maximum occupancy more than 301, including staff.

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

PC Staff Report  
11/16/15

**ITEM NO. 9      TEXT AMENDMENT FOR PERSONAL CONVENIENCE SERVICES &  
PERSONAL IMPROVEMENT SERVICE (SMS)**

**TA-15-00391:** Consider a Text Amendment to the City of Lawrence Land Development Code to review the *Personal Convenience Services* and *Personal Improvement Service* uses and determine if amendments are necessary to permit salons as a use in the RSO (Single-Dwelling Residential-Office) zoning district. *Initiated by City Commission on 9/1/15.*

**RECOMMENDATION:** Staff recommends approval of the revised text for Articles 4, 5, and 17, and forwarding of the proposed text amendments to Chapter 20, Articles 4, 5, and 17 to the City Commission with a recommendation for approval and adoption.

**Reason for Request:** The City Commission initiated this amendment on September 1st, 2015 in response to a request from a member of the public. Berniece Garber requested a change in the classification of Beauty Salons & Spas from *Personal Convenience Services* to *Personal Improvement Services* to recognize the health and improvement aspects of these services and to expand the potential location of such uses to RSO and RMO zoned properties.

**RELEVANT GOLDEN FACTOR:**

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- No written comments received to date.

**BACKGROUND**

Beauty Salons & Spas have been classified as a *Personal Convenience Services* use rather than a *Personal Improvement Service* use. The Land Development Code defines land uses and assigns them to certain zoning district locations. Article 17, Terminology provides the following definitions of these land uses:

**20-1748 PERSONAL CONVENIENCE SERVICES**

*Provision of small personal items or consumer-oriented, personal services. These include various general retail sales and personal services of a small, neighborhood-scale. Typical uses include neighborhood grocery stores, drugstores, laundromats/ dry cleaners and barbershops.*

**20-1749 PERSONAL IMPROVEMENT SERVICE**

*Informational, instructional, personal improvement, and similar services of a nonprofessional nature. Excludes services classified as "Spectator Sports and Entertainment", "Sports and Recreation, Participant" or "Transient Habitation." Typical uses include fine arts studios, martial arts centers, yoga meditation or diet centers.*

The Land Development Code permits *Personal Improvement Service* uses in a broader range of zoning districts, specifically RSO and RMO Residential-Office Districts, than *Personal Convenience Services* uses. The applicant owns property zoned RSO and has suggested that salon & spa uses are more closely aligned with uses permitted in the *Personal Improvement Service* category and has suggested that this classification is an error in the Code.

Prior to the adoption of the Land Development Code in 2006, the zoning ordinance listed both barber and beauty shop uses in *Use Group 12 – Retail Stores-Personal Services*. The Use Group included “certain types of retail stores and service establishments which: (a) provide for a wide variety of local consumer and transient needs, and (b) have a small service area and are, therefore, not distributed widely throughout the city.” These uses were only permitted in commercial districts, specifically C-2, C-3, C-4 & C-5 (these districts correspond to CN2, CD, CS, CC & CR in the current Code).

Since the text amendment was initiated, Staff has reviewed a number of different area zoning codes and definitions for similar uses. More often than not, the beauty salon/barber shop use has been categorized as a *personal service* and allowed in commercially zoned properties. Many of the codes combined uses that are listed in the Development Code categories *Personal Improvement Service* and *Personal Convenience Services*.

Staff has concluded that permitting the *salon & spa* use, with some size limitations, in the RSO and RMO Districts is a reasonable amendment and consistent with the organizational structure of the Land Development Code. Staff has also suggested revisions to the definitions of both *Personal Convenience Services* and *Personal Improvement Service*. The suggested revisions are offered to provide more examples of each use and to distinguish the differences between the two uses. In Staff's opinion, the proposed amendment is a simpler solution to address the requested change. Moving uses from one definition to another has the potential to create nonconforming uses. Without more extensive review of uses in the community, Staff does not recommend this path.

In evaluating the proposed amendment, Staff has identified several minor revisions that should be included in this text amendment to align terms in different sections of the code. Staff looked at the standards listed for other uses in RSO and RMO Districts and, in doing so, noticed that the format of these various sections was not consistent in the code. Therefore, these housekeeping changes are also suggested at this time.

## **OVERVIEW OF PROPOSED AMENDMENT**

The following is a summary listing of the proposed changes:

1. Article 4: Use Table
  - a. To modify Section 20-402 to include *Personal Convenience Services* in RSO & RMO Districts with conditions and to remove \* notations in those districts that do not include use standards.
  - b. To modify the terminology listed in both Section 20-402 and Section 20-403 to list both of the uses (*Personal Convenience* and *Personal Improvement*) as *Services*
2. Article 5:
  - a. To establish standards for *Personal Convenience Services* in RSO & RMO Districts
  - b. To modify the code structure in Sections 20-510, 20-520 & 20-521 to reflect consistency in format and terminology.

- c. To include an effective date for standards for financial institutions in Sections 20-510 to recognize uses established prior to the original adoption of the Development Code.
3. Article 17: Terminology
  - a. To refine the existing definitions of both *Personal Convenience Services* and *Personal Improvement Service* in Sections 20-1748 & 20-1749.

Portions of Articles 4, 5 and 17, listing the proposed changes, are attached to this staff report. Text to be deleted is shown with ~~strikeout~~ and proposed text is shown in underlined font. *Article 5 changes show existing and proposed text since part of the revision is to the structure of the code outline.*

## **CRITERIA FOR REVIEW & DECISION-MAKING**

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

### **1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition.**

The applicant has suggested that the Salon & Spa use was incorrectly categorized as a *Personal Convenience* use and is more appropriately aligned with other uses in the *Personal Improvement* use.

**Staff Response:** As noted above, Staff reviewed similar definitions in various area community codes. This use is treated in some codes as a retail service use and in others as a personal service group of uses that potentially may be located in office districts, as well as, commercial districts.

Lawrence is different from some of the communities in that we have combined residential-office districts. As we continue to evaluate how the Development Code can accommodate a wider mix of uses throughout the community, amendments will continue to be made where appropriate. Modifying the code to permit these uses, with standards, can provide an opportunity for a broader mix of uses in these already, mixed use districts. Modifying definitions can address the perceived error in how various uses are classified.

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

**Staff Response:** The comprehensive plan does not specifically address these amendments. The Comprehensive Plan categorizes uses very broadly; generally aggregating more specific uses into the broader categories such as residential, commercial and industrial. However, policy statements throughout *Horizon 2020* emphasize mixing uses and building types throughout the community to maintain vital neighborhoods. The proposed amendment clarifies use definitions and expands the potential locations for these uses with development standards as safeguards.

## **PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends forwarding a recommendation of approval to the Lawrence City Commission of this text amendment to the Land Development Code, Chapter 20 of the Code of The City of Lawrence, Kansas modify the *Personal Convenience* and *Personal Improvement* uses.

**20-402 RESIDENTIAL DISTRICT USE TABLE (EXCERPT)**

[illegible]

<b>Key:</b> <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Retail Sales, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Large	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Medium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Specialty	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>INDUSTRIAL USE GROUP</b>																
<b>OTHER USES GROUP</b>																

**20-403 NONRESIDENTIAL DISTRICT USE TABLE (EXCERPT)**

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
RESIDENTIAL USE GROUP																	
PUBLIC AND CIVIC USE GROUP																	
Medical Facilities	Community Mental Health Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	A*
COMMERCIAL USE GROUP																	
Office	Administrative and Professional	P*	P	P*	P	P	P	P	P	P	P	A	P	-	P	A	518
	Financial, Insurance & Real Estate	P*	P	P	P	P	P	P	P	P	P	-	-	-	-	A	510
	Payday Advance, Car Title Loan Business	P*	P	P	P	P	P	P	P	P	P	-	-	-	-	A	510
	Other	P	P	P*	P	P	P	P	P	P	P	A	P	-	-	-	543

<div>Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed</div>		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Retail Sales & Service	Building Maintenance	–	P	S	–	P	P	P	P	–	P	P	P	–	A	A	
	Business Equipment	–	P	P	–	P	P	P	P	P	P	P	–	–	–	–	
	Business Support	–	P	P	P	P	P	P	P	P	P	P	P	–	–	A	
	Construction Sales and Service	–	–	–	–	–	P	P	P	–	P	–	P	–	–	A	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	–	516/528
	Personal Convenience	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	–	A*	520
	Personal Improvement	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	–	–	523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	A*	525
	Retail Establishment, Large	–	–	–	–	–	P*	P*	S*	–	–	–	–	–	–	–	526
	Retail Establishment, Medium	–	P*	P*	–	P*	P*	P*	P*	–	–	–	–	–	–	–	526
	Retail Establishment, Specialty	–	P*	P*	–	P*	P*	P*	P*	–	–	–	–	–	–	–	526
INDUSTRIAL USE GROUP																	

## ARTICLE 5 REVISIONS

### **Existing Code language:**

#### **20-510 FINANCIAL, INSURANCE AND REAL ESTATE (F.I.R.E.) SERVICES, PAYDAY ADVANCE AND CAR TITLE LOAN BUSINESSES**

All uses in this use category shall be permitted in the RSO, RMG, RMO and CN1 Districts subject to the following standards:

- (1) No external drive-thru automated teller machine, drive-through windows, or night drop windows shall be permitted;
- (2) Total nonresidential **Gross Floor Area** is limited to 5,000 square feet in RSO, RMG, RMO and 3,000 square feet in CN1; and
- (3) Walk-up ATMs are allowed for all uses in this use category.

### **Proposed Revisions change structure of section and eliminate potential nonconformity:**

#### **20-510 FINANCIAL, INSURANCE AND REAL ESTATE (F.I.R.E.) SERVICES, PAYDAY ADVANCE AND CAR TITLE LOAN BUSINESSES**

All uses in this use category shall be permitted in the RSO, RMG, RMO and CN1 Districts subject to the following standards:

- (1) **Standards that Apply in RSO, RMG and RMO Districts**
  - (i) Uses in this category shall be permitted in the RSO, RMG and RMO Districts provided that the Gross Floor Area shall not exceed 5,000 square feet.
  - (ii) No external drive-thru automated teller machine, drive-through windows, or night drop windows shall be permitted for uses created after July 1, 2006.
  - (iii) Walk-up ATMs are ~~allowed~~ permitted.
- (2) **Standards that Apply in CN1 Districts**
  - (i) Uses in this category and shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet ~~in CN1.~~
  - (ii) No external drive-thru automated teller machine, drive-through windows, or night drop windows shall be permitted.
  - (iii) Walk-up ATMs are ~~allowed~~ permitted.

**Existing Code language:**

**20-520 PERSONAL CONVENIENCE STORE**

A personal convenience store shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

**Proposed Revisions change structure of section:**

**20-520 PERSONAL CONVENIENCE STORE SERVICES**

**(1) Standards that Apply in RSO and RMO Districts**

(i) A Personal Convenience Services use shall be permitted in RSO and RMO Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.

(ii) No external automated teller machines, drive-through windows, or night drop windows shall be permitted.

**(2) Standards that Apply in the CN1 District**

(i) A Personal Convenience store Services use shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

(ii) No external automated teller machines, or drive-through windows shall be permitted.

(iii) Walk-up pick-up/drop-off windows shall be permitted.

**Existing Code language:**

**20-521 PERSONAL IMPROVEMENT SERVICE**

**(1) Standards that Apply in RMO, RSO and RMG Districts**

A Personal Improvement Service shall be permitted in the RMO, RSO and RMG Districts; however, no external automated teller machine, drive-through windows, or night drop windows shall be permitted.

**(2) Standards that Apply in CN1 District**

A Personal Improvement Service shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

**Proposed Revisions change structure of section:**

**20-521 PERSONAL IMPROVEMENT SERVICE S**

**(1) Standards that Apply in RSO, RMO and RMG Districts**

~~A Personal Improvement Services use shall be permitted in the RMO, RSO and RMG Districts; however,~~

(i) ~~No~~ external automated teller machines, drive-through windows, or night drop windows shall be permitted.

**(2) Standards that Apply in CN1 District**

(i) A Personal Improvement Service s use shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

## **ARTICLE 17 REVISIONS**

### **20-1748 PERSONAL CONVENIENCE SERVICES**

Provision of small personal items or consumer-oriented, personal services in a small scale setting. These include various general retail sales and personal services of a small, neighborhood-scale. Typical uses include neighborhood ~~grocery~~ convenience stores, drugstores, hookah/retail smoke shops, laundromats/ dry cleaners, shoe repair and alteration/tailor shops, beauty salons and barber shops, tanning salons, nail salons, tattoo/body piercing shops, and massage therapy services.

### **20-1749 PERSONAL IMPROVEMENT SERVICE~~S~~**

Informational, instructional, personal improvement, and similar services of a nonprofessional nature typically provided in a group setting such as classes or meetings. Excludes services classified as "Spectator Sports and Entertainment", "Sports and Recreation, Participant" or "Transient Habitation." Typical uses include fine arts studios, martial arts centers, yoga or meditation studios, or diet centers.

**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.

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## RSO & RMO ZONED PROPERTIES IN LAWRENCE

# Memorandum

## City of Lawrence

### Douglas County

### Planning & Development Services

TO: Planning Commission  
FROM: Sheila Stogsdill, Planning Administrator  
Date: November 16, 2015

RE: Item No. 10: TA-13-00235 –  
Section 20-910 – Use of Off-Street Parking Areas AND  
Sections 20-908 and 20-915 – Location AND Driveways and Access  
FOR DISCUSSION ONLY

*\*\* The summary information and proposed Section 20-910 was provided to the Planning Commission at their August 24, 2015 meeting. Due to the length of the meeting, this discussion was deferred. The overview previously provided is shown below. A summary of Sections 20-908 and 20-915 revisions are provided on the next page.*

#### **Background**

The Planning Commission has spent the past year discussing and reviewing appropriate locations for large recreational vehicles and utility trailers on residential properties. This discussion has been deliberative as individual types and sizes of equipment have been evaluated in terms of location in front, rear and side yards.

Attached is a proposed Section 20-910 which addresses several deficiencies in the current code.

**Weight Limit** – as research has indicated, the automotive industry/departments of transportation no longer use the 'ton rating' to classify sizes of trucks. The size class of trucks is now defined by the gross vehicle weight rating (GVWR) which is the weight of the vehicle and its carrying capacity. The most common trucks on the road are Class 1 through 3, and are used for either light labor or passenger transportation.

#### **Locational Standards** - Recreational Equipment and Utility Trailers

Proposed locations for storage/parking are proposed in tables showing types of vehicles/equipment and permitted yard locations based on previous Planning Commission discussions.

**Additional Standards** such as number of items, occupancy, condition, signage are proposed based on previous Planning Commission discussions.

**Action:** Feedback requested regarding format and standards identified. Planning Commission discussion requested, if time permits this evening. If this format is acceptable, Staff will move forward with proposed revisions to the remaining sections in Article 9.

### **Overview of 20-908 and 20-915 Revisions**

Regulations regarding driveways, parking area locations and access are located in the Chapter 20 – Land Development Code – and in Chapter 16 – Streets, Sidewalks and Right-of-Way. A number of these standards conflict. In the nine years since the Development Code has been adopted, Staff has found that several of the restrictions in Chapter 20 are overly burdensome and have resulted in numerous BZA variance requests.

For example, the Development Code requires 200 feet of frontage on a residential lot before a second driveway can be constructed. Prior to 2006, the Code required 100 feet of frontage which is consistent with the requirements in Chapter 16. The Development Code standard for the minimum residential lot size in RS40 is 150 feet of width and only 40 feet of frontage. The majority of residential properties in the city are zoned RS7 which only requires 60 feet of lot width and only 40 feet of frontage. The 200 feet of frontage requirement does not seem to align with these standards. Staff has recommended that text from Chapter 16 be utilized in portions of 20-915 to provide consistent standards that more reasonably align with development patterns in the community.

Driveway diagrams have been imported from Chapter 16 to provide guidance for driveway configurations serving detached dwellings and duplex structures. Diagrams depicting alley parking that have been utilized since a 2010 Written Interpretation by the Planning Director have been imported into Section 20-908 to provide guidance. The Commission has received communications from LAN and the Oread Neighborhood about the use of tandem (or “stacked”) parking configurations.

Other changes in Section 20-915 have been made to the organizational structure to try to clearly identify the applicability of different standards. The existing code sections are provided along with the DRAFT sections for comparison and discussion.

**Action:** Feedback requested regarding format and standards identified. Planning Commission discussion requested, if time permits this evening. If this format is acceptable, Staff will move forward with proposed revisions to the remaining sections in Article 9.

## 20-910 USE OF OFF-STREET PARKING **SPACES** AND LOADING AREAS

### **(a) Vehicle Parking Spaces in Residential Districts for Motor Vehicles Only**

In all residential districts, Required off-street parking spaces and loading areas are to be used solely for loading, unloading, and the Parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease for sale or lease or for long-term storage of vehicles, boats, truck trailers, motor homes, campers, Mobile Homes, Manufactured Homes, or components thereof, or Building materials.

#### **(1) Detached Dwelling, Attached Dwelling and Duplex Lots**

##### **(i) Surfacing**

Passenger vehicles, motorcycles and trucks shall be parked on an improved driveway surface in the front, side or rear yards as identified in Section 20-913.

### **(b) Weight Limit**

In residential Zoning Districts, required off-street Parking Areas may only be used by vehicles of up to one ton manufacturer's rated capacity.

##### **(ii) Weight Limit**

No commercial may be parked or stored in a residential district unless the vehicle or trailer:

- a. Is classified by the US DOT Federal Highway Administration as a Light or Medium Vehicle having a gross vehicle weight rating (GVWR) of less than 14,000 pounds [Classes 1 – 3] 49,500 pounds [Classes 1 – 5]; or
- b. Is stored within a garage that complies with all applicable standards of this ordinance.
- c. Commercial motor vehicles and trailers that are making normal and reasonable service calls at the property are exempt from this provision.

##### **(iii) Location and Improvement Standards for Major Recreational Equipment**

Major Recreational Equipment, for the purposes of this chapter include: motorized recreational vehicles (RVs/motorhomes)' towable RVs (travel trailers, folding camping trailers, fifth-wheel trailers, truck campers); boats and boat trailers; and sport utility trailers (watercraft, dirt bikes). Major Recreational Equipment is permitted on residential lots as shown in the table below:

Proposed 20-910  
Discussion Only – No Action

	<u>Passenger Cars, Trucks &amp; Motorcycles</u>	<u>Motorized Recreational Vehicles</u>	<u>Non-motorized Recreational Vehicles</u>	<u>Watercraft, Boats &amp; Associated Trailers</u>
<u>Park between street curb and front building line</u>	<u>Yes</u>	<u>Yes, if 18' from curb</u>	<u>Yes, if 18' from curb</u>	<u>Yes, if 18' from curb</u>
<u>Park in side yard</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Park in rear yard</u>	<u>Yes, if alley or detached garage on site</u>	<u>Yes, with screening</u>	<u>Yes, with screening</u>	<u>Yes, with screening</u>
<u>Park in enclosed structure</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

- a. In all yards, Major Recreational Equipment shall be parked on an improved driveway surface as defined in 20-913;
- b. Improved driveway surfaces shall be located at least 2 feet from interior side property lines;
- c. Where screening is required, a 6 foot high fencing or view reducing shrubs shall be provided; and
- d. Distance from the street curb should be at least 18 feet from the rear bumper of the Major Recreational Equipment.

**(iv) Utility Trailers and Commercial Vehicles**

Utility Trailers, for the purposes of this chapter, include both single-axle and dual-axle flatbed trailers for personal use or business use. Commercial Motor Vehicles, for the purposes of this chapter, include vehicles classified by the US Dept. of Transportation (USDOT) as a Medium or Heavy Vehicle having a gross vehicle weight rating (GVWR) of 14,001 pounds or more [Classes 4 – 8]. Trailers and Commercial Vehicles are only permitted on residential lots as shown in the table below

	<u>Commercial Trucks</u>	<u>Utility Trailers</u>
<u>Park between street curb and front building line</u>	<u>No</u>	<u>No</u>
<u>Park in side yard</u>	<u>No</u>	<u>Yes, without equipment stored on them</u>
<u>Park in rear yard</u>	<u>No</u>	<u>Yes, without equipment stored on them</u>
<u>Park in enclosed structure</u>	<u>Yes</u>	<u>Yes, with equipment</u>

- a. In all yards, *Utility Trailers* shall be parked on an improved driveway surface as defined in 20-913;
- b. Improved driveway surfaces shall be located at least 2 feet from interior side property lines;

**(iv) Additional Standards for Major Recreational Equipment, Utility Trailers and Commercial Vehicles**

- a. **Limit**
  - i. No more than two (2) *Major Recreational Equipment* items, *Utility Trailers* or *Commercial Vehicles*, in any combination, may be parked on an individual residential lot containing a Detached Dwelling or Duplex. Only one (1) such item may be parked in the front or exterior side yard, in accordance with the standards of this section.
- b. **Occupancy**

*Major Recreational Equipment* items, when parked, shall not:

  - i. Be used for living, sleeping or housekeeping purposes; or
  - ii. Be used for any business activity.
- c. **Condition**

No *Major Recreational Equipment*, *Utility Trailer*, or *Commercial Vehicle* shall be stored outside of a structure if it is inoperable or unsafe for the function for which it is intended nor may it be stored if its appearance is considered blighted under the City's Property Maintenance Code.
- d. **Sight Triangle**

No *Major Recreational Equipment* shall be parked or stored on a corner lot within the sight triangle defined in Section 20-1102.
- e. **Storage Only for Occupant's Property**

*Major Recreational Equipment*, *Utility Trailer*, or *Commercial Vehicle* parked on a residential lot shall be owned or leased by the resident of the property.
- f. **Signage or Commercial Message**

Only one vehicle with a business name or commercial message may be parked on a residential lot.

## PROPOSED 20-908

### 20-908 LOCATION

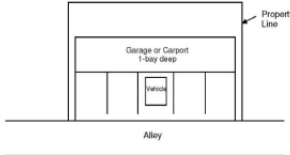
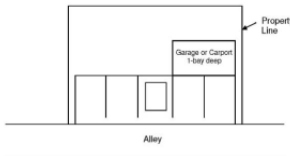
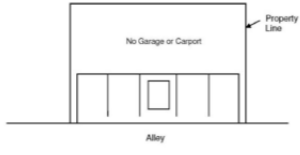
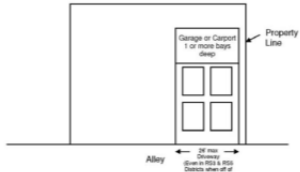
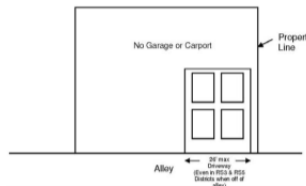
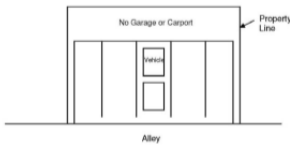
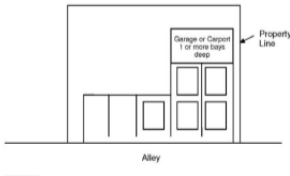
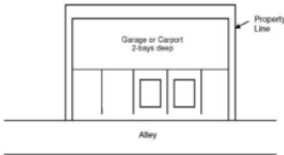
#### (a) General

Except as otherwise expressly provided in this section, required off-street parking and loading spaces shall be located on the same **Lot** as the **Principal Use** (See Section 20-909 for possible exceptions).

#### (b) Residential Districts

No part of a **Parking Area**, other than a **Driveway**, may be located within 25 feet of a Street right-of-way in any residential **Zoning District**.

- (1) No more than 4 vehicles may be parked on **Driveways** or turnarounds within the required Front or **Side Setback** of any **Lot** in a residential **Zoning District**.
- (2) Single or double **Driveways** and turnarounds may not be used to provide required off-street parking within the required **Front** or **Exterior Side Setback** with the exception of when they are serving a **Duplex** or **Detached House Dwelling**.
  - a. With Planning Director permission, a parking area may be permitted closer than 25 feet to an adjacent street in an exterior side yard if the orientation of the structure allows the principal building to be located closer than 25 feet to the adjacent street.
- (3) No parked vehicles required off-street parking spaces shall overhang extend into the right-of-way or block a portion of the any sidewalk.
- (4) Driveways for detached dwellings (single-family homes) and duplex dwellings shall not exceed the standards established in Chapter 16-302 of the City Code and as shown in Section 20-915(b)..
- (5) Driveways shall be located at least 2 feet from side property lines.
- (6) Where alleys are available, parking for detached dwelling and duplex structures shall be provided along the alley in accordance with the following diagrams:

<p><b>Permitted: Figures 1 – 5</b></p>  <p>Figure 1 - permitted</p>  <p>Figure 2 - permitted</p>	 <p>Figure 3 - permitted</p>  <p>Figure 4 - permitted</p>
 <p>Figure 5 - permitted</p>	
<p><b>Not Permitted: Figures 6-8</b></p> <p>Configurations <b>not permitted</b>, whether or not a garage is constructed adjacent to the open parking area:</p>  <p>Figure 6 - not permitted</p>  <p>Figure 7 - not permitted</p>	 <p>Figure 8 - not permitted</p>

- (7) ~~Driveway widths may not exceed 26 feet in residential Districts. All Driveway cuts into the Street require a permit and must be approved by the City Engineer in conformance with the standards outlined in Chapter 16, Article 3 of the City Code.~~
- (8) ~~In RS3 and RS5 Districts, residential Driveways may be constructed a maximum of 12' wide to reduce pavement width and maintain the character of the neighborhood.~~

**(c) Nonresidential Districts**

The location of off-street **Parking Areas** in ~~Commercial and Industrial~~ **nonresidential Zoning Districts** shall comply with the adopted city design standards and the following standards:

District	Allowed Location	Minimum <b>Setback</b> (feet)**		
		From Right-of-Way	From Residential <b>Lot Lines</b>	<u>From Nonresidential Lot Lines</u>
CN1	Not allowed between the <b>Facade</b> of the <b>Building</b> with the main entrance and the Street. <u>when new/major development projects are proposed.</u>	15	10	<u>5</u>
CO	<u>No restriction except as specified in Article 5.</u>			
CN2				
CD	Prohibited between a <b>Building</b> and any Street			
CC	No restriction except as specified in Article 5.			
CR				
CS				
IBP				
IL				
IM				
IG				
H				
GPI				
OS				
MU	Prohibited in the <b>Primary Development Zone</b> and prohibited between a <b>Building</b> and any Street in a <b>Secondary Development Zone</b> . No restriction in a <b>Tertiary Development Zone</b> .			

**\*\* Setbacks may also be affected by required Bufferyards as identified in Section 20-1005.**

**PROPOSED 20-915** *(this section is combination of existing text and new, presented in different format to clarify standards that apply to particular types of development)*

**20-915      DRIVEWAYS AND ACCESS**

The standards of this section apply to all **Driveways** providing **Access** to property, unless specifically noted below.

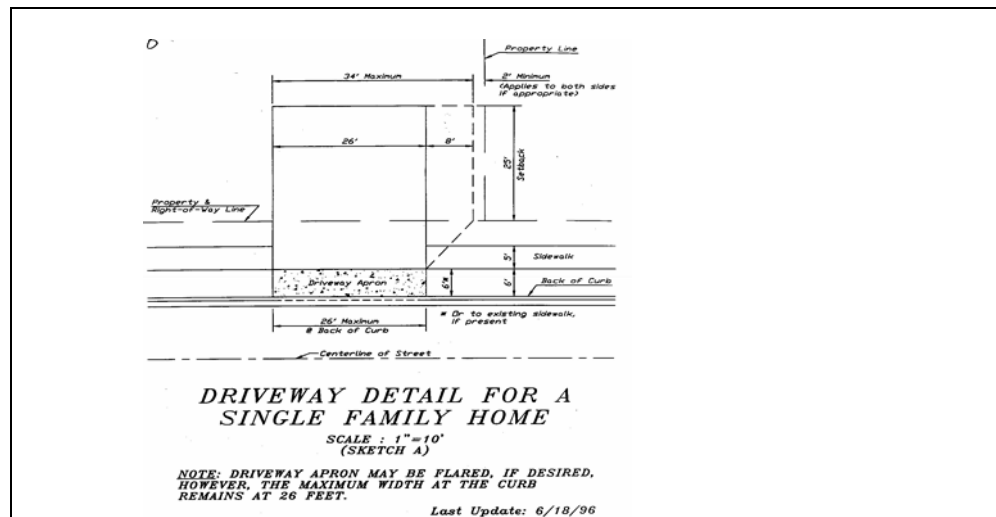
**(a) General Standards**

- (1) **Vehicular Access** to property from the street frontage is allowed only by way of **Driveways**. No other portion of the **Lot Frontage** may be used for vehicle ingress or egress.
- (2) When available, **Alley Access** is encouraged and preferred. Alley parking for Detached Dwellings and Duplex Structures shall conform to the locational diagrams depicted in Section 20-908(b)(6).
- (3) **Driveways** shall intersect the **Street** at right angles, unless approved by the City Engineer.
- (4) All **Driveway** curb cuts require a permit from the Public Works Department unless the **Driveway** is approved through a building permit, site plan or development plan approval.
- (5) **Lots** created (by subdivision or replat) after the **Effective Date** with widths of 50 feet or less shall only have **Access** from an **Alley** or a **Shared Driveway**.

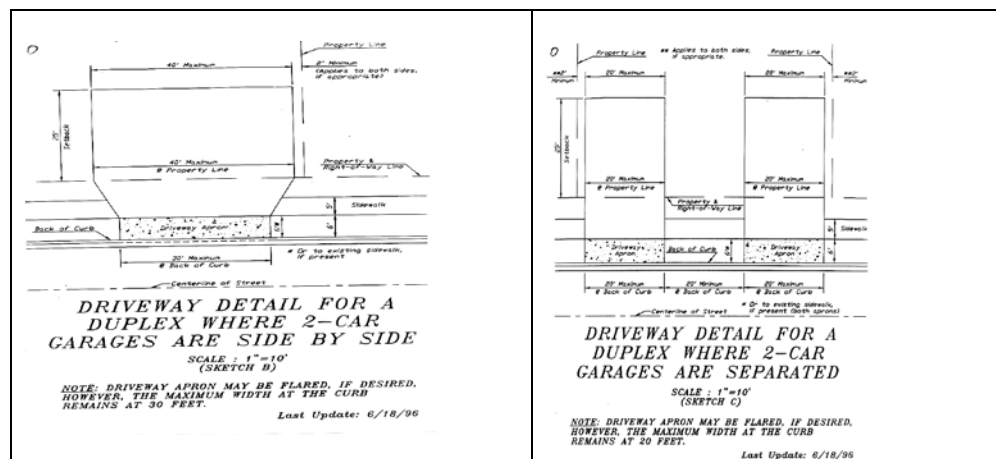
**(b) Driveways serving Detached Dwellings, Attached Dwellings and Duplexes**  
(moved from 20-908)

- (1) **Driveways** may not exceed 26 feet in width at the property line except in conformance with standards outlined in Chapter 16, Article 3 of the City Code or as limited below:
  - (i) In RS3 and RS5 Districts, **Driveways** shall be a maximum of 12 feet wide to reduce pavement width and maintain the character of the neighborhood.
  - (ii) However, in RS3 and RS5 Districts, Driveways may be constructed wider than 12 feet when the Planning Director has determined that a majority of the driveways in the same block are more than 12 feet wide.

- (2) Driveways for detached dwellings (single-family homes) and duplex dwellings shall not exceed the standards established in Chapter 16-302 of the City Code as represented below:



- (3) Driveways for duplex dwellings shall not exceed the standards established in Chapter 16-302 of the City Code as represented below:



(c) Driveways serving Multi-Dwelling developments or Non-Residential Uses

- (1) No **Parking Area** or **Access** drive shall be arranged so that any vehicle may back directly onto the street.
- (2) **Driveways** shall be designed to provide a minimum vehicle turning radii of 15 feet. Greater radii may be required by the City Engineer if needed to accommodate the types of vehicles that the **Driveway** is intended to serve.
- (3) **Access** drives to **Parking Areas** shall be located to provide sufficient on-site space to accommodate queued vehicles waiting to park or exit without interfering with on-street traffic.
- (4) ~~Where appropriate~~, provisions for circulation between adjacent **Parcels** on **Collector** and **Arterial Streets** should be provided through coordinated planning.

- (i) Cross Access or Public Access Easements shall be dedicated to ensure coordinated Access between properties when a property is platted or a site plan/development plan is approved.
- (ii) Easements shall be recorded at the County Register of Deeds office.
- (5) ~~Joint-Use Driveways shall not be used as circulation aisles for Access to Parking Spaces.~~ *(if deleted, should definition also be deleted?)*

**(d) Turn Lanes and Tapers**

Unless determined to be unnecessary by the City Engineer, turn lanes are required when:

- (1) Driveways intersect Arterial Streets. Turn lanes shall be a minimum of 150 feet in length plus the taper.
- (2) Driveways serving non-residential uses intersect Collector Streets.
  - (i) Left-turn lanes shall be a minimum of 100 feet in length plus the taper.
  - (ii) Right-turn lanes shall be required when the projected or existing right-turning volume equals or exceeds 100 vehicles per hour in the peak hour.
- (3) A traffic impact analysis indicates such treatment is necessary to avoid congestion and/or unsafe conditions on the Public Street.

**(e) Driveway Grade**

The Grade of a two-way, one-way or divided Driveway shall not exceed four percent (4%) for a minimum distance of 25 feet from the edge of the Street pavement.

**(f) Sight Distance**

- (1) Direct Access Driveways shall be located to allow for the minimum sight distance based on the intersection type (full or partial Access) and the Street type.
- (2) Sight distances shall be determined by a professional engineer licensed by the State of Kansas, utilizing the most recent AASHTO Green Book Standards\*, and shall be based on the design speed of the Street or the 85<sup>th</sup> percentile speed, whichever is higher. (\* A Policy on Geometric Design of Highways and Streets.)

**(g) Driveway Spacing**

All direct Access to any Public Street shall be in accordance with the City's Access Management Guidelines.

**(1) Multi-Dwelling and Non-Residential Access**

**(i) Arterial Streets**

Direct Access to Arterial Streets is discouraged.

- a. In redevelopment or infill situations where the subject property has no other reasonable Access to the Street system, the Access location shall be determined based on the City Engineer's determination and considering the Street's Ultimate Design configuration.

- b. When direct **Access** to an **Arterial Street** is approved by the City Engineer pursuant to the requirements of this section, the following standards apply. In the event that such standards cannot be met due to an unusually narrow or shallow **Lot** size, the City Engineer may reduce the spacing between curb cuts as long as the reduction does not result in an unsafe traffic condition.

1. **Spacing from Controlled Intersections**

All **Driveways** providing **Access** to **Arterial Streets** shall be constructed so that the curb line extended from a signalized or stop sign-controlled intersection is 300 feet or beyond the limits of the area of influence of the intersection as defined in the accepted TIS, whichever is greater.

2. **Spacing from Other Access Points**

All **Driveways** providing **Access** to **Arterial Streets** shall be constructed so that the curb line extended is at least 300 feet from the closest Street or Driveway intersection.

- (ii) **Collector Streets**

- a. Direct **Access** to **Collector Streets** shall be regulated in accordance with the following standards. In the event that such standard cannot be met because of an unusually narrow or shallow **Lot** size, the City Engineer may reduce the spacing so long as the reduction does not result in an unsafe traffic condition.

1. **Spacing from Controlled Intersections**

All **Driveways** providing **Access** to **Collector Streets** shall be constructed so that the curb line extended from a signalized or stop sign-controlled intersection is at least 300 feet to the closest intersecting **Arterial Street** or at least 250 feet to an intersecting **Collector** or **Local Street**.

2. **Spacing from Other Access Points**

All **Driveways** providing **Access** to **Collector Streets** shall be constructed so that the curb line extended from a non-signalized **Street** or **Driveway** intersection is at least 250 feet to the closest intersecting **Street** or **Driveway**.

- (2) **Detached Dwelling, Attached Dwelling and Duplex Access to Local and Collector Streets**

Direct **Access** to **Collector Streets** is prohibited except when the subject property has no other reasonable **Access** to the **Street** system and the City Engineer determines that **Access** can be safely accommodated.

- (i) **Detached Dwelling Lots** *(modified to align with Chapter 16-114)*

Each property containing a Detached Dwelling shall be allowed one driveway curb cut with the following exceptions:

- a. Interior lots will be allowed two driveway curb cuts if the length of the lot line adjacent to the street is at least 100 feet.

- b. Corner lots will be allowed two driveway curb cuts if the length of either lot line adjacent to the street is at least 100 feet.
  - i. These two curb cuts may both be constructed along one lot line or one along each lot line; however both curb cuts may only be constructed along one lot line if that lot line is at least 100 feet in length.

**(ii) Attached Dwelling Lots**

Driveway standards for Attached Dwelling Lots are provided in Section 20-503 of this Chapter.

**(iii) Duplex Dwelling Lots**

Two curb cuts are permitted on a Duplex Lot in accordance with Section 16-302, Sketch C of the City Code and as shown in Section 20-915(b)(c).

**(iv) Lots with Alley Access (standard in 20-810(c))**

Alley Access is permitted and a preferred Access alternative, where available.

*(Driveway from alley max width – do we want to indicate 12' in RS3 & RS5 (without parking tray) PERHAPS NOT, BECAUSE OF ENCOURAGING ALLEY PARKING)*

**(v) Cul-de-Sac Lots (standard in 16-302(A)(4))**

Not more than one Driveway curb cut per lot is permitted on the bulb of a Cul-de-Sac.

**(vi) Distance from Intersecting Streets (standard from 16-302.1)**

- a. Driveway curb cuts on corner lots shall be at least 25 feet from the curb line extended of a Local Street.
- b. Driveway curb cuts on corner lots shall be at least 50 feet from the curb line extended of a Collector or Minor Arterial Street.
- c. Driveway curb cuts on corner lots shall be at least 75 feet from the curb line extended of a Major Arterial Street.

**(vii) Distance from Other Driveways (standard from 16-302.1)**

Driveway curb cuts on the same lot shall have a minimum of 20 feet between the inner edge of the drives measured at the curb line.

**(h) Waivers**

- (i) Waivers from Section 20-915 may be approved by the Planning Director if the City Engineer determines that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway and only for infill or redevelopment projects where no other feasible option exists.
- (ii) The burden of proof that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway will be on the applicant. The City Engineer may require that the applicant for a waiver submit a traffic impact study pursuant to Section 20-916 if it is

determined that such an analysis is necessary in order to render a competent decision on the requested waiver.

**ARTICLE 9. PARKING, LOADING AND ACCESS**

20-901	General
20-902	Off-Street Parking Schedule A
20-903	Off-Street Parking Schedule B
20-904	Off-Street Parking Schedule C
20-905	Off-Street Parking Schedule D
20-906	Off-Street Loading
20-907	Rules for Calculating Requirements
20-908	Location
20-909	Shared and Off-Site Parking
20-910	Use of Off-Street Parking and Loading Areas
20-911	Vehicle Stacking Areas
20-912	Accessible Parking for Physically Disabled Persons
20-913	Parking and Loading Area Design Standards
20-914	Landscaping
20-915	Driveways and Access
20-916	Traffic Impact Study

**20-901 GENERAL****(a) Purpose**

The regulations of this article are intended to ensure that the off-street parking, loading, and Access demands of various land uses will be met without adversely affecting surrounding areas. The regulations are also intended to help maintain a safe and efficient transportation system and advance other planning goals related to land use and the environment. In recognition of the fact that different approaches may be appropriate in different settings, the regulations allow flexibility in addressing vehicle parking, loading, and Access demand.

**(b) Applicability****(1) New Development**

Unless otherwise expressly stated, the parking and loading standards of this article apply to all new structures built and all new uses established in all zoning districts.

**(2) Enlargements and Expansions**

- (i)** Unless otherwise expressly stated, the parking and loading standards of this article apply whenever an existing Building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measure used for establishing off-street parking and loading requirements.
- (ii)** In the case of enlargements or expansions of Buildings or uses triggering requirements for additional parking or loading, additional off-street parking and loading spaces are required only to serve the enlarged or expanded area or use, not the entire existing Building or use. There is no requirement to address lawfully created non-conforming existing parking or loading deficits.

**(3) Change of Use or Occupancy**

Unless otherwise expressly stated, when the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the [Building](#), based on the standards of this development code.

**(c) Parking in Excess of Required Standard**

- (i) Developments that provide parking in excess of the required standards must mitigate the impacts of the increased [Impervious Surface](#) through use of storm drainage Best Management Practices (BMPs) as provided in the City's adopted BMP manual. [Mid-America Regional Council and American Public Works Association Manual for Best Management Practices for Stormwater Quality – Sept. 2003 and subsequent updates].
- (ii) [Detached Dwellings](#), [Attached Dwellings](#) and [Duplex](#) residential uses shall be exempt from the requirements of 20-901(c)(i).

**(d) Reductions Below Minimums**

The number of parking and loading spaces existing on a site may not be reduced below the minimum requirements of this Section, except:

- (i) When waived by the [Planning Director](#) on sites where a property owner creates a shared access point or where multiple access points on a property are consolidated consistent with adopted access management policies;
- (ii) For good cause shown, when waived by the [Planning Director](#) as part of Site Plan approval in accordance with 20-1305 and based upon a parking study submitted in accordance with 20-905; or
- (iii) When a variance from the parking requirements is granted by the Board of Zoning Appeals based upon the specific circumstances of the property.

**(e) Issuance of [Building](#) Permits or Certificates of Occupancy**

No [Building](#) permits or certificates of occupancy shall be issued unless the minimum parking standards are being complied with or those standards have been waived in accordance with 20-901(d).

**(f) Exemption for CD District**

Due to the unique characteristics of the Downtown Commercial District, allowed uses in the CD [Zoning District](#) are exempt from the requirement to provide off-street parking and off-street loading spaces.

**(g) Parking Requirements in PRDs, PCDs and PIDs established before July 1, 2006**

Parking standards for uses listed in 20-902, 20-903 or 20-904 of this Development Code shall be applied when establishing minimum requirements for New Developments, Expansions or Enlargements, or Change of Use or Occupancy in these established Planned Unit Developments.

**20-902 OFF-STREET PARKING SCHEDULE A**

Unless otherwise expressly stated in this article, Off-street [Parking Spaces](#) shall be provided in accordance with the minimum ratios of the following, Schedule A.

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
RESIDENTIAL USE GROUPS		
HOUSEHOLD LIVING		
<a href="#">Accessory Dwelling Unit</a>	See 20-534 for standards	None
<a href="#">Attached Dwelling</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Cluster Dwelling</a>		
<a href="#">Detached Dwelling</a>		
<a href="#">Duplex</a>	1 per bedroom	
<a href="#">Manufactured Home</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Manufactured Home, Residential-Design</a>		
<a href="#">Mobile Home</a>	2 per <a href="#">Dwelling Unit</a> (1 may be located in common area)	
<a href="#">Mobile Home Park</a>		
<a href="#">Multi-Dwelling Structure</a>	1 per bedroom, + 1 per 10 units (visitors and guests) <sup>[1]</sup>	1 per 4 auto spaces
<a href="#">Non-Ground Floor Dwelling</a>	1 per bedroom	None
<a href="#">Work/Live Unit</a>	1 per <a href="#">Dwelling Unit</a>	
<a href="#">Zero Lot Line Dwelling</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Home Occupation, Type A or B</a>	See 20-537 for standards	
GROUP LIVING		
<a href="#">Assisted Living</a>	1 per independent living unit; 0.5 per Assisted Living unit	None
<a href="#">Congregate Living</a>	1 per bedroom <sup>[1]</sup>	1 per 4 auto spaces
<a href="#">Dormitory</a> and Scholarship Halls	0.75 per lawful occupant	
Fraternity and Sorority Houses	0.75 per lawful occupant	
<a href="#">Group Homes, General</a>	1 + 1 per employee	None
<a href="#">Group Homes, Limited</a>	2 per <a href="#">Dwelling Unit</a>	
PUBLIC AND CIVIC USE GROUPS		
COMMUNITY FACILITIES		
<a href="#">Adult Day Care</a>	1 per 1.5 employees	None
<a href="#">Cemetery</a>	per Schedule D (Section 20-905)	
College / University	1 per 4 employees + 1 per 10 students [based on average annual attendance]	1 per 5 students
<a href="#">Cultural Center / Library</a>	1 per 500 square feet	5 or 1 per 4 auto spaces, whichever is greater
<a href="#">Day Care Center</a>	1 per 1.5 employees + 4 spaces	None

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Day Care Home, Class A	1 per 1.5 employees	
Day Care Home, Class B		
Detention Facilities	per Schedule D (Section 20-905)	1 per 10 auto spaces
Lodge, Fraternal and Civic Assembly	1 per 500 square feet	None
Postal Service	per Schedule D (Section 20-905)	5 or 1 per 10 auto spaces, whichever is greater
Public Safety	per Schedule D (Section 20-905)	None
School, Grades K–9	1 per 1.5 teachers and employees	1 per 5 students
Grades 10+	1 per 1.5 teachers and employees + 1 per 3 students	5 or 1 per 10 auto spaces, whichever is greater
Funeral and Interment Cremating Interring Undertaking	1 per vehicle used in the business; 1 per vehicle used in the business; 1 per 300 square feet	None
Temporary Shelter	1 per 1.5 employees	1 per 5 clients
Social Service Agency	1 per 300 square feet	1 per 10 auto spaces
Community Meal Program	1 per 1.5 employees + 1 per 5 seats	5 or 1 per 10 auto spaces, whichever is greater
Utilities, Minor	1 space	1 per 10 auto spaces
Utilities and Service, Major	1 per 1.5 employees	
MEDICAL FACILITIES		
Extended Care Facilities, General and Limited	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Health Care Office; Health Care Clinic	1 per 300 square feet	1 per 10 auto spaces
Hospital	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Outpatient Care Facilities	1 per 300 square feet	1 per 10 auto spaces
RECREATIONAL FACILITIES		
Active Recreation	Per Schedule D (Section 20-905)	5 or 1 per 4 auto spaces, whichever is greater
Entertainment & Spectator Sports, General	1 per 3 seats	1 per 10 auto spaces
Entertainment & Spectator Sports, Limited	1 per 4 seats	5 or 1 per 10 auto spaces
Participant Sports & Recreation, Indoor	1 per 500 square feet of customer/activity area	1 per 10 auto spaces
Participant Sports & Recreation, Outdoor	1 per 500 square feet of customer/activity area	
Nature Preserve / Undeveloped	Per Schedule D (Section 20-905)	
Passive Recreation		
Private Recreation		

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
RELIGIOUS ASSEMBLY		
Campus or Community Institution	1 per 4 seats in sanctuary or principal worship or assembly space plus spaces required for permitted Accessory Uses	5 or 1 per 10 auto spaces, whichever is greater
Neighborhood Institution		
COMMERCIAL USE GROUPS		
ANIMAL SERVICES		
Kennel	1 per 500 square feet	None
Livestock Sales	1 per 600 square feet	None
Sales and Grooming	1 per 300 square feet	1 per 10 auto spaces
Veterinary	1 per 400 square feet	None
EATING AND DRINKING ESTABLISHMENTS		
Accessory Bar	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	None
Accessory Restaurant	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Bar or Lounge	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater
Brewpub		
Fast Order Food	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Fast Order Food, Drive-In		
Nightclub	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	
Private Dining Establishment	Per Section 20-539	Per Section 20-539
Restaurant, Quality	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater
OFFICE		
Administrative and Professional	1 per 300 square feet	1 per 10 auto spaces
Financial, Insurance and Real Estate		
Other		
PARKING FACILITIES		
Accessory	None	None
Commercial		

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
RETAIL SALES AND SERVICE		
Building Maintenance Service	1 per 500 square feet	1 per 10 auto spaces
Business Equipment Sales and Service	1 per 300 square feet	
Business Support Service	1 per 400 square feet	
Construction Sales and Service	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Food and Beverage Retail Sales	1 per 300 square feet	5 or 1 per 10 auto spaces
Mixed Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Personal Convenience Service	1 per 300 square feet	1 per 10 auto spaces
Personal Improvement Service	1 per 200 square feet	1 per 10 auto spaces
Repair Service, Consumer	1 per 400 square feet	
Retail Sales, General	per Schedule B (Section 20-903)	
Retail Establishment, Large	per Schedule B (Section 20-903)	1 per 10 auto spaces
Retail Establishment, Medium		
Retail Establishment, Specialty		
SEXUALLY ORIENTED BUSINESSES		
Sexually Oriented Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Physical Sexually Oriented Business		
Sex Shop		
Sexually Oriented Theater	1 per 4 seats	
TRANSIENT ACCOMMODATION		
Bed and Breakfast	1 per guest room + 1 per 1.5 employees	None
Campground	1 per camp space	None
Elderhostel	1 per guest room + 1 per 1.5 employees for associated uses	as required for associated uses
Hotel, Motel, Extended Stay		
VEHICLE SALES AND SERVICE		
Cleaning (Car Wash)	2 + stacking spaces per Section 20-911	None
Fleet Storage	1 per 1.5 employees	
Gas and Fuel Sales	1 per 300 square feet of retail sales area + 2 per pump island	
Heavy Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Heavy Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Inoperable Vehicles Storage	1 per 1.5 employees	
Light Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Light Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Recreational Vehicle and Boat Storage	1 per 25 storage spaces	

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
INDUSTRIAL USE GROUPS		
INDUSTRIAL FACILITIES		
Explosive Storage	per Schedule C (Section 20-904)	None
Industrial, General		
Industrial, Intensive		
Laundry Service		
Maker Space, Limited	Per Schedule B (Section 20-904)	1 per 10 auto spaces
Maker Space, Intensive	Per Schedule C (Per Section 20-904)	1 per 10 auto spaces
Manufacturing and Production, Limited	per Schedule C (Section 20-904)	
Manufacturing and Production, Technological		
Research Service	per Schedule C (Section 20-904)	1 per 10 auto spaces
Scrap and Salvage Operation	1 per acre	None
WHOLESALE, STORAGE AND DISTRIBUTION		
Exterior Storage	per Schedule C (Section 20-904)	None
Heavy		
Light		
Mini-Warehouse	4 + 1 per 25 rental spaces	
OTHER USE GROUPS		
ADAPTIVE REUSE		
Designated Historic Property	As established at time of Special Use approval per Section 20-501	As established at time of Special Use approval per Section 20-501
Greek Housing Unit		
AGRICULTURE		
Agricultural Sales	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Agricultural Services	1 per 1.5 employees	1 per 10 auto spaces
Agriculture, Animal	None	None
Agriculture, Crop	None	None
COMMUNICATIONS FACILITIES		
Amateur and Receive Only Antennas	None	None
Broadcasting Tower	1 space	None
Communications Service Establishment	1 per 400 square feet	1 per 10 auto spaces
Telecommunications Antenna	None	None
Telecommunications Tower	1 space	None
Satellite Dish	None	None

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<b>MINING</b>		
Mining	per Schedule D (Section 20-905)	None
<b>RECYCLING FACILITIES</b>		
Large Collection	per Schedule C (Section 20-904)	None
Small Collection		
Processing Center	per Schedule C (Section 20-904)	None
<b>Footnotes:</b>		
<p>[1] Whenever a structure 4,500 gross square feet or larger as of April 28, 2012 on a property 8,775 square feet in size or less is renovated as a <a href="#">Multi-Dwelling Structure</a> or <a href="#">Congregate Living</a> use, parking shall be provided at the overall rate of 0.5 spaces per one (1) bedroom. For purposes of calculating the structure's gross square feet, the following shall be considered to be included and in existence at the time of making application for use of the parking standard:</p> <ol style="list-style-type: none"> <li>1. Finished and unfinished area that is able to comply with the building code standard for livable space ceiling height without structural alterations, including the following: <ol style="list-style-type: none"> <li>a. Attic space when it is accessed by a permanent stairway.</li> <li>b. Basement space.</li> <li>c. Enclosed space such as enclosed porches, sunrooms, and breezeways that are seasonal in nature and that may or may not be connected to the structure's heating, ventilation, and air conditioning system.</li> </ol> </li> </ol>		

**20-903 OFF-STREET PARKING SCHEDULE B**

- (a) Off-street [Parking Spaces](#) for Schedule B uses shall be provided in accordance with the following standards. These standards shall be minimum standards for the provision of off-street [Parking Spaces](#).

Gross Floor Area (Sq. Ft.)	Off-Street <a href="#">Parking Spaces</a> Required
1-45,000	1 per 300 square feet
45,001-100,000	150 + 1 per 400 square feet of <a href="#">Gross Floor Area</a> between 45,001 and 100,000 square feet
100,001+	288 + 1 per 500 square feet of <a href="#">Gross Floor Area</a> above 100,000 square feet

- (b) The maximum number of off-street [Parking Spaces](#) for a Schedule B use shall not exceed 120% of the minimum required number of [Parking Spaces](#) for such a use.

**20-904 OFF-STREET PARKING SCHEDULE C**

Off-street [Parking Spaces](#) for Schedule C uses shall be provided in accordance with the following standards:

Gross Floor Area (Sq. Ft.)	Off-Street Parking Required		
		Warehousing <a href="#">Floor Area</a> Manufacturing or Other <a href="#">Floor Area</a>	Outdoor Storage Area
1-20,000	1 per vehicle used in the business +	1 per 1,000 square feet +	1 per acre
20,001 – 120,000		1 per 5,000 square feet +	1 per acre
120,001 +		1 per 10,000 square feet +	1 per acre
If business is employee intensive, parking may be based on ratio of employees	1 per vehicle used in the business +	1 per 1.5 employees on largest shift	1 per acre

**20-905 OFF-STREET PARKING SCHEDULE D**

Schedule “D” uses have widely varying Parking demand characteristics, making it difficult to specify a single off-street parking standard.

**(a) Standards**

Upon receiving a development application for a use subject to “Schedule D” standards, the [Planning Director](#) shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or shall establish minimum off-street parking requirements.

**(b) Parking Study**

The decision of the [Planning Director](#) shall be based upon a Parking study prepared by the applicant.

- (1) The study shall include estimates of Parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the [Planning Director](#), and include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use.
- (2) Comparability will be determined by [Density](#), [Scale](#), bulk, area, type of activity, and location.
- (3) The study shall document the source of data used to develop the recommendations.

**20-906 OFF-STREET LOADING****(a) General**

Goods may not be loaded or unloaded from the right-of-way of a Collector or [Arterial Street](#) and no part of any vehicle may extend into the right-of-way of a Collector or [Arterial Street](#) while being loaded or unloaded; provided that, routine deliveries, such as U.S. Mail, Federal Express, Parcel Post and similar services, for reasonable durations, are not hereby prohibited.

**(b) Loading Schedule**

Off-Street loading spaces shall be provided in accordance with the minimum ratios shown in the following table:

Use	Building Floor Area (gross sq. ft.)	Required Loading Spaces	Space Size (feet)
Public and Civic	1-9,999	None	N/A
	10,000+	1 + 1 per 50,000 sq. ft. above 50,000 sq. ft.	10 x 25
Commercial (except Retail Sales, General)	1-9,999	None	N/A
	10,000+	1 + 1 per 50,000 sq. ft. above 50,000 sq. ft.	10 x 25
<a href="#">Retail Sales, General</a>	1-4,999	None	N/A
	5,000+	[1]	[1]
Industrial	1-4,999	None	N/A
	5,000+	1 up to 40,000 sq. ft. + 1 addl up to 100,000 sq. ft. + 1 per 100,000 sq. ft. above 100,000	10 × 25; 10 × 50 for bldgs. over 20,000 sq. ft.

[1] The following standards apply:

Building Floor Area (square feet)	Required Loading Spaces	Space Size (feet)
5,000 to 10,000	1	10 × 25
10,001 to 25,000	2	10 × 25
25,001 to 40,000	2	10 × 50
40,001 to 100,000	3	10 × 50
100,001 to 250,000	4	10 × 50
+250,000	1 per 200,000 above 250,000	10 × 50

## 20-907 RULES FOR CALCULATING REQUIREMENTS

The following rules apply when calculating off-street parking and loading requirements.

### (a) Multiple Uses

Unless otherwise approved, **Lots** containing more than one use shall provide Parking and loading in an amount equal to the total of the requirements for all uses. (See the **Shared Parking** provisions of Section 20-909 for possible exceptions.)

### (b) Fractions

When measurements of the number of required spaces result in a fractional number, any fractional result shall be rounded up to the next consecutive whole number. For example, if a minimum requirement of 1 space per 200 square feet is applied to a 900 square foot **Building**, 5 spaces are required, since the fraction of 4.25 is rounded up to 5 spaces.

### (c) Area Measurements

- (1) Unless otherwise specifically noted, all Parking and loading standards given in square feet shall be computed on the basis of **Gross Floor Area**, which is to be measured using all of the **Floor Area** on each floor of the **Building**, whether or not such area is enclosed by walls. Interior areas used for off-street parking or off-Street loading facilities are not counted in calculating the number of **Parking Spaces** required.
- (2) For outdoor areas, calculations will be based on the portion of the **Lot** actually being used for the specified purpose.

### (d) Occupancy- or Capacity-Based Standards

For the purpose of calculating Parking requirements based on employees, students, residents or occupants, calculations are to be based on the greatest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

### (e) Bench Seating

When seating consists of benches, pews or other similar seating facilities, each 24 linear inches of seating space counts as 1 seat.

### (f) Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the **Planning Director** shall apply the off-street parking standard specified for the listed use that the **Planning Director** deems most similar to the proposed use or the requirements of off-street parking schedule D, Section 20-905.

**20-908 LOCATION****(a) General**

Except as otherwise expressly provided in this section, required off-street parking and loading spaces shall be located on the same [Lot](#) as the [Principal Use](#) (See Section 20-909 for possible exceptions).

**(b) Residential Districts**

No part of a [Parking Area](#), other than a [Driveway](#), may be located within 25 feet of a Street right-of-way in any residential [Zoning District](#).

- (1) No more than 4 vehicles may be parked on [Driveways](#) or turnarounds within the required Front or [Side Setback](#) of any [Lot](#) in a residential [Zoning District](#). Single or double [Driveways](#) and turnarounds may not be used to provide required off-street parking within the required [Front](#) or [Exterior Side Setback](#) with the exception of when they are serving a [Duplex](#) or [Detached House](#).
- (2) [Driveway](#) widths may not exceed 26 feet in residential Districts. All [Driveway](#) cuts into the Street require a permit and must be approved by the City Engineer in conformance with the standards outlined in Chapter 16, Article 3 of the City Code.
- (3) In RS3 and RS5 Districts, residential [Driveways](#) may be constructed a maximum of 12' wide to reduce pavement width and maintain the character of the neighborhood.

**(c) Nonresidential Districts**

The location of off-street [Parking Areas](#) in Commercial and Industrial [Zoning Districts](#) shall comply with the adopted city design standards and the following standards:

District	Allowed Location	Minimum <a href="#">Setback</a> (feet)	
		From Right-of-Way	From Residential <a href="#">Lot Lines</a>
CN1	Not allowed between the <a href="#">Facade</a> of the <a href="#">Building</a> with the main entrance and the Street.	15	10
CO			
CN2			
CD	Prohibited between a <a href="#">Building</a> and any Street		
CC	No restriction except as specified in Article 5.		
CR			
CS			
IBP			
IL			
IM			
IG			
H			
GPI			
OS			
MU	Prohibited in the <a href="#">Primary Development Zone</a> and prohibited between a <a href="#">Building</a> and any Street in a <a href="#">Secondary Development Zone</a> . No restriction in a <a href="#">Tertiary Development Zone</a> .		

**20-909 SHARED AND OFF SITE PARKING****(a) Purpose**

The shared and off-site off-street parking provisions of this section are intended to encourage efficient use of land and resources by allowing users to share off-street parking facilities in situations where a mix of uses creates staggered peak periods of parking demand and to locate off-street parking facilities on a different site than the uses served by the Parking.

**(b) Approval Procedure**

Shared or off-site off-street parking arrangements require review and approval in accordance with the Site Plan Review procedures of Section 20-1305.

**(c) Location**

All shared or off-site off-street [Parking Spaces](#) shall be located no further than 600 feet from the main entrance of the [Buildings](#) or uses they are intended to serve, measured along the shortest legal, practical walking route. This distance limitation may be waived as part of the Site Plan Review process if sufficient assurances are offered that adequate van or shuttle service will be operated between the shared or off-site [Lot](#) and the [Principal Use](#) or uses.

**(d) Zoning Classification**

Shared and off-site [Parking Areas](#) require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared or off-site [Parking Area](#), except as permitted in Section 20-535. Shared and off-site [Parking Areas](#) are to be considered [Accessory Uses](#) to the [Principal Uses](#) that the [Parking Spaces](#) serve.

**(e) Required [Shared Parking Study and Analysis](#)**

For proposed [Shared Parking Areas](#), the applicant shall submit a [Shared Parking](#) analysis to the [Planning Director](#) that clearly demonstrates the feasibility of shared or off-site Parking. The study shall be provided in a form established by the [Planning Director](#) and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants and customers, the anticipated rate of Parking turnover and the anticipated peak Parking and traffic loads for all uses that will be sharing off-street [Parking Spaces](#).

**(f) Parking Agreement**

The sharing or off-site location of required Parking shall be guaranteed by a legally binding agreement, duly executed and acknowledged, between the [Owner](#) of the [Parking Area](#) and the [Owner](#) of all uses that are located on a different [Lot](#) and served by the [Parking Area](#).

- (1) The agreement shall be properly drawn and executed by the parties concerned and approved as to form and execution by the Director of Legal Services. Approved shared or off-site Parking agreements shall be recorded with the Register of Deeds.
- (2) The applicant for a [Building](#) Permit or certificate of occupancy for the use that is served by [Parking Spaces](#) on the other [Lot](#) shall submit a copy of such agreement along with the application for the permit or certificate.
- (3) Any violation of the agreement required under this subsection constitutes a violation of this Development Code.

**20-910 USE OF OFF-STREET PARKING AND LOADING AREAS****(a) Parking for Motor Vehicles Only**

Required off-street parking and loading areas are to be used solely for loading, unloading, and the Parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, truck trailers, motor homes, campers, [Mobile Homes](#), [Manufactured Homes](#), or components thereof, or [Building](#) materials.

**(b) Weight Limit**

In residential [Zoning Districts](#), required off-street [Parking Areas](#) may only be used by vehicles of up to one ton manufacturer's rated capacity.

**20-911 VEHICLE STACKING AREAS**

The vehicle stacking standards of this subsection apply unless otherwise expressly approved by the City Engineer.

**(a) Minimum Number of Spaces**

Off-Street stacking spaces shall be provided as follows:

Activity Type	Minimum Number of Stacking Spaces
Bank teller lane	4 per teller or window
Automated teller machine	2 per machine
Restaurant drive-through	4 at each order box and 4 at each pick-up window
Car wash stall, automatic	4 at each entrance
Car wash stall, self-service	4 at each entrance
Gasoline pump island	1 at end of each pump island
Schools	10 on each elementary and junior high school <a href="#">Driveway</a> 5 on each senior high school <a href="#">Driveway</a>
Other	As determined by the City Traffic Engineer based on a traffic impact analysis

**(b) Design and Layout**

Required stacking spaces are subject to the following design and layout standards.

**(1) Size**

Each stacking space shall be a minimum of 8 feet by 20 feet in size.

**(2) Location**

Stacking spaces may not impede on-site or off-site traffic movements or movements into or out of off-street [Parking Spaces](#).

**(3) Design**

Stacking spaces shall be separated from other internal [Driveways](#) by raised medians if deemed necessary by the City Engineer for traffic movement and safety.

**20-912 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS**

A portion of the total number of required off-street **Parking Spaces** in each off-street **Parking Area** shall be specifically designated, located and reserved for use by persons with physical disabilities.

**(a) Spaces Required**

The following table shows the minimum number of accessible spaces that shall be provided. **Parking Spaces** designed for persons with disabilities are counted toward fulfilling off-street parking standards. These standards may not be varied or waived.

Total <b>Parking Spaces</b> Provided	Required Number of Accessible Spaces		
	Auto	Van	Total
1 – 25	0	1	1
26 – 50	1	1	2
51 – 75	2	1	3
76 – 100	3	1	4
101 – 150	4	1	5
151 – 200	5	1	6
201 – 300	6	1	7
301 – 400	7	1	8
401 – 500	7	2	9
501 – 1,000	7 per 8 accessible spaces	1 per 8 accessible spaces	2% of total spaces
1,001+	7 per 8 accessible spaces	1 per 8 accessible spaces	20, plus 1 per 100 spaces over 1,000

**(b) Special Requirements for Medical Care Facilities**

Facilities providing medical care and other services for persons with mobility impairments shall provide accessible **Parking Spaces** as follows:

- (1) All outpatient facilities shall provide at least one accessible **Parking Space**, or spaces equal to ten percent (10%) of the total number of **Parking Spaces** provided, whichever is greater.
- (2) Facilities that specialize in treatment or services for persons with mobility impairments shall provide at least one accessible **Parking Space**, or spaces equal to 20% of the total number of **Parking Spaces** provided, whichever is greater.

**(c) Special Requirements for Congregate Living and Multiple-unit Residential**

New construction, additions to, or alterations of **Congregate Living** residences containing 4 or more sleeping units shall comply with the accessibility requirements of both the Fair Housing Act and the International Building Code as adopted by the City of Lawrence. Multiple-unit residential **Buildings** containing 4 or more **Dwelling Units** shall provide accessible **Parking Spaces** as follows:

- (1) Designated accessible **Parking Spaces** shall be provided for at least two percent (2%) of the **Dwelling Units**.
- (2) Designated accessible **Parking Spaces** shall be provided at facilities that serve accessible **Buildings**, such as swimming pools and clubhouses.

- (3) Additional designated accessible Parking shall be provided at the request of residents with disabilities, on the same terms and with the full range of choices that are provided for other residents of the project.
- (4) Designated accessible [Parking Spaces](#) shall comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

**(d) Exemptions**

[Detached Dwellings](#), [Attached Dwellings](#) and [Duplexes](#) are exempt from the requirements to provide accessible [Parking Spaces](#). However, accessible Parking shall be provided at the request of residents with disabilities.

**(e) Minimum Dimensions**

All [Parking Spaces](#) reserved for persons with disabilities shall comply with the [Parking Space](#) dimension standards of this section, provided that [Access](#) aisles shall be provided immediately abutting such spaces, as follows:

**(1) Car-Accessible Spaces**

Car-accessible spaces shall have at least a 5-foot wide [Access](#) aisle abutting the designated [Parking Space](#).

**(2) Van-Accessible Spaces**

Van-accessible spaces shall have at least an 8-foot wide [Access](#) aisle abutting the passenger [Access](#) side of the designated [Parking Space](#).

**(f) Location of Spaces**

Required spaces for persons with disabilities shall be located in close proximity to [Building](#) entrances and be designed to permit occupants of vehicles to reach the [Building](#) entrance on an unobstructed path. Curb ramps shall be provided whenever an accessible route crosses a curb in the parking lot. Curb ramps may not be located within required [Access](#) aisle.

**(g) Signs and Marking**

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the [Parking Space](#) at heights that will be visible to the types of vehicles for which they are designed, specifically 60 to 82 inches. Signs shall comply with the Manual on Uniform Traffic Control Devices issued by the Federal Highway Administration.

**20-913 PARKING AND LOADING AREA DESIGN STANDARDS**

The design standards of this section apply to all [Parking Areas](#), including commercial parking lots and “non-required” [Parking Areas](#).

**(a) General Layout Principles**

There shall be safe, adequate, well-lit, and convenient arrangement of pedestrian pathways, bikeways, roads, [Driveways](#), and off-street parking and loading spaces within off-street [Parking Areas](#). Streets, pedestrian walks, and [Parking Areas](#) shall be designed as integral parts of an overall site design, which shall be properly related to existing and proposed [Buildings](#), adjacent uses and landscaped areas. There shall be defined pedestrian ways connecting all public entrances of [Buildings](#) to all modules of the [Parking Area](#), to the required [Bicycle Parking Area](#), to any adjacent bus stop and to the nearest public sidewalks. Such pedestrian ways shall, to the maximum extent practicable, be separated from driving lanes with curbs or other devices. At locations where walkways cross [Driveways](#) or travel lanes, the crossings shall be clearly marked with both signage and pavement markings.

**(b) Approval**

The layout and design of all off-street [Parking Areas](#) shall be approved by the City Engineer prior to the issuance of a [Building](#) Permit. Before approving any off-street parking plan, the City Engineer shall find that the spaces provided are useable and that they comply with the City’s standard design criteria.

**(c) Appearance**

The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be easily maintained and designed to be indicative of their function.

**(d) Maintenance**

Parking lots shall be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be continuously maintained and kept free of debris and hazards. Striping and other pavement markings shall be maintained in an easily readable condition.

**(e) Surfacing**

- (1)** All off-street [Parking Areas](#) and [Driveways](#), including those serving [Attached Dwellings](#), [Detached Dwellings](#) and Duplexes, shall be surfaced with a minimum of one of the following:
  - (i)** 4 inches of reinforced Portland cement concrete;
  - (ii)** 5 inches of granular rock base with 2 inches of asphalt;
  - (iii)** 7 inches of granular rock with a double asphaltic prime and seal;
  - (iv)** 5 inches of full depth asphalt; or
  - (v)** 4 inches of compacted gravel for residential [Driveways](#) constructed in [Floodplains](#) areas with a paved [Driveway Apron](#) constructed to city residential [Driveway](#) standards.

- (2) As an alternative to the surfacing required in the preceding paragraph, all off-street parking for uses allowed by right within residential Districts or areas of low off-street parking use as determined by the City Engineer (such as fire safety lanes or overflow [Parking Areas](#)), may be surfaced with the following alternative methods of paving. The surfacing shall be installed per the manufacturer's recommendations, with the pavement and base designed by a professional engineer licensed in the State of Kansas. The pavement cross-section shall demonstrate the structural ability to support the anticipated vehicle loads for the use. The pavement design shall be reviewed and approved by the City Engineer.

(i) Grid unit pavers with grass; or

(ii) Concrete, brick, or clay interlocking paver units.

- (3) [Private Streets](#) shall be built to City Street standards and maintained by the [Landowner](#).

- (4) [Driveway](#) approaches (aprons) shall be built to City standards, including, where applicable, the Residential [Driveway](#) Requirements adopted by the City Commission on July 10, 1996 as amended, and maintained by the [Landowner](#).

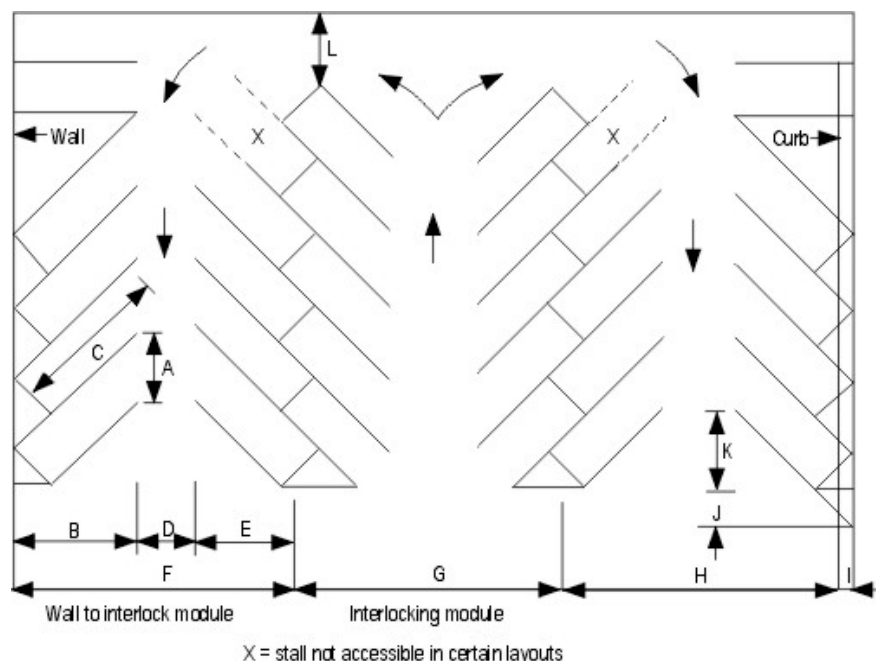
(f) **Dimensions**

(1) **Automobile Parking**

All off-street [Parking Areas](#) shall comply with the following dimensional standards:

Dimensional Feature (all dimensions in feet)	Diagram	Parking Angle				
		0	45	60	75	90
Stall width (parallel to aisle)	A	8.5	12.2	9.9	8.8	8.5
Stall length	B	24.0	24.5	21.4	19.5	18.0
Stall length of line	C	9.0	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	9.0	14.8	17.0	18.3	18.0
Module, wall to interlock	F	30.0	43.8	51.5	59.3	60.0
Module, interlocking	G	30.0	41.6	50.0	58.6	60.0
Module, interlock to curb face	H	30.0	41.8	49.4	56.9	58.0
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0
Offset	J	—	6.3	2.7	0.5	0.0
<a href="#">Setback</a>	K	24.0	11.0	8.3	5.0	0.0
Cross-aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross-aisle, two-way	—	24.0	24.0	24.0	24.0	24.0

Where natural and/or man-made obstacles, obstructions or other features such as but not limited to [Landscaping](#), support columns or [Grade](#) difference exist, the City Engineer may approve a reduction in stall width, stall length and/or module width. In all instances where a reduction is requested, attention to emergency vehicle [Access](#) shall be considered and incorporated into the Parking lot design.



## (2) Loading

Required loading spaces shall have a minimum vertical clearance of 15.5 feet. See Section 20-906 for other dimensional standards.

## (g) Bicycle Parking

Every [Bicycle Parking Space](#), whether used publicly or privately and including a commercial [Bicycle Parking Space](#), shall be designed, built and maintained in accordance with the following specifications:

### (1) Surfacing

A [Bicycle Parking Space](#) shall be surfaced with a minimum of:

- (i) 4 inches of concrete, or
- (ii) 4 inches of asphalt, or
- (iii) 2 inches of concrete with a 2-inch brick overlay, or similar material for overlay.

### (2) Lighting

[Bicycle Parking Space](#) shall be located within a lighted area and within clear view of passersby.

### (3) Barriers

If [Bicycle](#) and automobile [Parking Areas](#) or [Accessways](#) abut each other, there shall be provided a physical barrier between the [Bicycle](#) and automobile areas to prevent a [Bicycle](#) or its operator from being hit by a motor vehicle.

### (4) Structure

Each [Bicycle Parking Space](#) shall provide for a secure method of locking a [Bicycle](#) and be located to accommodate [Bicycle](#) Parking in a manner that is convenient to use and does not interfere with other uses of the property.

**(h) Striping**

To facilitate movement and to help maintain an orderly parking arrangement, all [Parking Spaces](#) shall be clearly striped, with a minimum width of 4 inches. The width of each [Parking Space](#) shall be computed from the centers of the striping.

**(i) Curbs**

The perimeter of the parking lot shall have a curb and gutter in accordance with City standards for concrete curbs.

**(j) Large Parking Lots**

- (1) Parking lots of 220 [Parking Spaces](#) or more shall be divided into smaller Parking modules containing no more than 72 spaces. Landscape strips, Peninsulas, or [Grade](#) separations shall be used to reduce the adverse visual impacts of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walks. Protected pedestrian walkways, leading to [Building](#) entrances, shall be provided within such parking lots.
- (2) Parking lots of 450 [Parking Spaces](#) or more shall place [Landscaping](#) and trees on both sides of entrance drives to create tree-lined entrances, to direct vehicles into and out of the site, and to provide adequate space for vehicle stacking at exits onto perimeter roadways.

**(k) Pedestrian Connections**

Parking lots shall be designed to provide designated walkways for pedestrians. Walkways shall connect [Building](#) entrances with [Parking Areas](#) and with public sidewalks along adjacent streets.

**20-914 LANDSCAPING**

Parking lot [Landscaping](#) shall be provided in accordance with Article 10.

**20-915 DRIVEWAYS AND ACCESS**

The standards of this section apply to all Driveways providing Access to multi-Family or nonresidential uses.

**(a) General Standards**

- (1) Access to property is allowed only by way of Driveways. No other portion of the Lot Frontage may be used for vehicle ingress or egress, nor may any Parking Area or Access Drive be arranged so that any vehicle may back directly onto a Street. All Driveway cuts into the Street shall require a permit from the Public Works department unless approved through site or development plan approval.
- (2) Driveway designs shall allow an entering vehicle turning speed of 15 miles per hour to help reduce interference with through Street traffic. Radii of Driveway shall be sufficient to achieve this standard for the types of vehicles that the Driveway is intended to serve.
- (3) There shall be sufficient on-site space to accommodate queued vehicles waiting to park or exit, without interfering with Street traffic.
- (4) Provisions for circulation between adjacent Parcel should be provided through coordinated planning or Cross Access Agreements.
- (5) Driveways shall be placed and designed so that loading and unloading activities will not hinder vehicle ingress or egress, and that vehicles entering the Driveway from the Street will not encroach upon the exit lane of a two-way Driveway. Also, a right-turning exiting vehicle shall be able to use only the first through-traffic lane available without encroaching into the adjacent through-lane.
- (6) No Lot that is less than 51 feet in width and that was created (by subdivision or re-subdivision) after the Effective Date, shall have a Driveway Access to a Public Street. Driveway Access to such a Lot shall be from an Alley or by a Shared Driveway.
- (7) Driveways shall intersect the Street at right angles.

**(b) Turn Lanes and Tapers**

Turn lanes and tapers are required, unless determined to be unnecessary by the City Engineer, when:

- (1) Driveways intersect Arterial Streets. Turn lanes shall be a minimum of 150 feet in length plus the taper;
- (2) Driveways serving non-residential uses intersect Collector Streets. Left-turn lanes shall be a minimum of 100 feet in length plus the taper. Right-turn lanes shall be required when the projected or existing right-turning volume equals or exceeds 100 vehicles per hour;
- (3) The City Engineer determines, based on a traffic impact analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions on the Public Street.

**(c) Driveway Grade**

The **Grade** of a two-way, one-way or divided **Driveway** shall not exceed four percent (4%) for a minimum distance of 25 feet from the edge of the Street pavement.

**(d) Sight Distance**

Direct **Access Driveways** shall be located to allow the following minimum sight distance based on the intersection type (full or partial **Access**) and the Street type. Sight distances shall be determined by a professional engineer licensed by the State of Kansas and shall be based on the design speed of the Street or on the 85th percentile speed, whichever is higher.

Street Type	Speed		Minimum Sight Distance ( in Feet)		
	miles per hour	feet per second	8 seconds	9 seconds	10 seconds
Arterial	45	66	529	594	660
	40	59	472	531	590
Collector	35	51	408	459	510
	30	44	352	396	440
Residential	25	37	296	333	370

**(e) Driveway Spacing**

All Direct **Access** to any **Public Street** shall be in accordance with the City's adopted **Access Management Policy**.

**(1) Arterial Streets**

Direct **Access** to an **Arterial Street** is prohibited except in redevelopment or infill situations where the subject property has no other reasonable **Access** to the Street system and the City Engineer determines that **Access** onto the **Arterial Street**, based on the **Street's Ultimate Design**, can be safely accommodated.

When direct **Access** to an **Arterial Street** is approved by the City Engineer pursuant to the requirements of this section, the following standards apply. In the event that such standards cannot be met because of an unusually narrow or shallow **Lot** size, the City Engineer may reduce the spacing between cuts as long as the reduction does not result in an unsafe traffic condition. A **Driveway Access** allowed under this section shall be used only to serve a **Detached Dwelling** on the property or an existing business and will be reevaluated when the use or **Lot** size changes.

**(i) Spacing from Signalized Intersections**

All **Driveways** providing **Access** to **Arterial Streets** shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 feet from the perpendicular curb face of the intersecting Street.

**(ii) Spacing from Other (Non-signalized) Access Points**

All **Driveways** providing **Access** to **Arterial Streets** shall be constructed so that the point of tangency of the curb return radius closest to all non-signalized Street or **Driveway** intersections is at least 300 feet from the perpendicular curb face of the intersecting Street or **Driveway**.

**(2) Collector Streets**

Direct Access to Collector Streets shall be regulated in accordance with the following standards. In the event that such standard cannot be met because of an unusually narrow or shallow Lot size, the City Engineer may reduce the spacing so long as the reduction does not result in an unsafe traffic condition.

**(i) Attached Dwelling, Detached Dwelling and Duplex Lots**

Direct Access to Collector Streets from Attached Dwellings, Detached Dwellings and Duplex Lots is prohibited except when the subject property has no other reasonable Access to the Street system and the City Engineer determines that Access can be safely accommodated.

**(ii) Spacing from Signalized Intersections**

All Driveways providing Access to Collector Streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 feet from the perpendicular curb face of an intersecting Arterial Street or 250 feet from the perpendicular curb face of an intersecting Collector or Local Street.

**(iii) Spacing from Other (Non-signalized) Access Points**

All Driveways providing Access to Collector Streets shall be constructed so that the point of tangency of the curb return radius closest to a non-signalized Street or Driveway intersection is at least 250 feet from the perpendicular curb face of the intersecting Street or Driveway.

**(3) Waivers**

- (i)** Waivers from these Access standards may be approved by the City Engineer if the City Engineer determines that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway and only for infill or redevelopment projects where no other feasible option exists.
- (ii)** The burden of proof that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway will be on the applicant. The City Engineer may require that the applicant for a waiver submit a traffic impact study pursuant to Section (g)(1) if it is determined that such an analysis is necessary in order to render a competent decision on the requested waiver.
- (iii)** A Driveway Access allowed with a waiver shall be used only to serve an existing Detached Dwelling or business on the property and for no other purpose.
- (iv)** The action of the City Engineer in granting or denying a waiver under this section shall be reported on the agenda of the next meeting of the Planning Commission after the action. Any party aggrieved may appeal the grant or denial of a waiver to the City Commission in writing within 14 days of the Planning Commission meeting at which the item appears on the agenda. The waiver shall not become effective until the expiration of the 14 days appeal period or, in case of an appeal, until the City Commission has acted on the appeal.

- (v) A Landowner granted an Access waiver shall submit a letter to the City Engineer acknowledging the waiver and the fact that if circumstances change such that the property can meet the city's Access standards, the Access shall be immediately revised to comply with the city's Access standards.

**(f) Driveways per Parcel along Local and Residential Collector Streets**

- (1) Unless otherwise specifically restricted, one Driveway opening shall be allowed per 200 feet of continuous Street Frontage. At least one Driveway shall be permitted for any Lot.
- (2) Parcel with 200 feet of Frontage or less may apply for a second Driveway if it is to be shared with an adjoining Parcel, provided that the required minimum spacing is maintained. In such cases, only one Joint-Use Driveway will be permitted.
- (3) Alleys are permitted and preferred Access alternatives.

**(g) Use of Joint-Use Driveways**

- (1) Joint-Use Driveways shall not be used as aisles for Access to Parking Spaces.

**20-916 TRAFFIC IMPACT STUDY**

The City requires that a Traffic Impact Study (TIS) be prepared and submitted to the City for development or redevelopment, based on thresholds established in the adopted administrative policy. Preparation of a TIS, as part of an application for a permit or plan approval, shall be based upon adopted standards that have been established by Administrative Policy for a TIS adopted by the City Commission from time to time. A list of Engineering Consultants that are approved by the City to prepare a TIS is available from the City Engineer. Only engineers on this approved list meet the criteria established in the Administrative Policy to prepare a Traffic Impact Study.

**(a) Purpose**

The purpose of requiring a Traffic Impact Study is to provide the City with the information necessary to evaluate and make a determination about the impact of a proposed land use change or development project on adjacent land uses, on the existing and Ultimate Street Design, and on the entire transportation network.

**(b) When Required**

- (1)** Applicants are required to follow the Traffic Impact Study (TIS) analysis set forth in Ordinance No. 7650, unless waived with respect to the development because:
  - (i)** the development is covered by a modified site plan, pursuant to Section 20-1305(n)(2), that has been determined not to constitute a material change; or
  - (ii)** the development is covered by a modified final development plan, pursuant to Section 20-1304(n)(4), that has been determined not to constitute a major change; or
  - (iii)** the development involves the reuse of existing Structures or modification of existing Structures, but does not involve a change in existing use or intensity of use;
  - (iv)** the development is a residential development with ten (10) or fewer Lots or Dwelling Units; or
  - (v)** the development has been determined by the City Engineer not to generate traffic impacts sufficient to justify the preparation of a TIS.
- (2)** The applicant for a development that generates 100 or more trips in a Peak Hour shall be responsible for the preparation and submittal of a TIS. TIS submittals shall be in accordance with the most recent version of the Traffic Impact Study Standards adopted by the City Commission.
- (3)** The extent of the analysis required for a TIS shall conform to the following:
  - (i)** the study shall be confined to the Street or Streets from which Access is taken or is proposed and to the first major intersection in each direction, for developments that generate 100 to 499 vehicle trips in a Peak Hour;

- (ii) the study area shall be extended to the next major Street intersection beyond the Streets onto which direct development Access is taken and may extend beyond the Streets onto which Access is taken or is proposed, for developments that generate 500 or more trips in a Peak Hour.
- (4) Land use applications that deviate from the recommended land uses in the Comprehensive Land Use Plan or adopted area or neighborhood plan shall be required to provide a comparative analysis of the traffic that would be generated from the site, based on the adopted plan(s) land uses and the traffic that would be generated by the proposed development.

**(c) Additional Analysis**

When Access points are not defined or a site plan is not available at the time the Traffic Impact Study is prepared, additional analysis shall be conducted or required when a site plan becomes available or the Access points are defined.

**(d) Expense**

**(1) Applications by Review or Decision-Making Bodies**

The Owner or developer shall not be obligated to pay for a Traffic Impact Study where not required, pursuant to Section 20-1301(f), to pay an application filing fee;

**(2) Notice if at Owner's or Developer's Expense**

If the City determines that it is appropriate to engage an engineer or engineering firm to conduct a Traffic Impact Study, the City shall give the Owner or developer written notice of that determination, ten (10) Business Days before work on the TIS begins. This study shall be conducted for the City at the Owner or developer's expense.

**(3) Payment as Permit Condition**

In such instance, payment of a Traffic Impact Study shall be a condition of the issuance of any required permit or approval, pursuant to this Development Code, unless exempted in Section 20-916(d)(1).

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Dear Planning Commissioners,

11-12-15

The Lawrence Association of Neighborhoods (LAN) has been following the Text Amendments for Parking Standards for nearly one year. LAN requested that parking standards for duplexes be included in the Parking Text Amendment review. To date there has been no discussion that LAN is aware of regarding duplexes. More neighborhoods are coming forward regarding their concerns about problems created by *stacked parking* allowed for duplexes. **LAN neighborhood representatives unanimously support removing stacked parking from the duplex parking standard**, making the standard the same as all other multi-family dwelling units- one parking space per BR with **NO stacked parking**.

Building large duplexes has become a trend throughout the city. Stacked parking is a financial incentive for developers to add more renters, thus increasing the density by as much as 50% without providing adequate parking. Cars may be stacked, bumper-to-bumper, limiting adequate egress to the street. This is problematic and not practical.

Duplexes have in the past been allowed to have “stacked parking”, which may have been appropriate for families due to the shared use of cars and that families often have children who have not reached driving age. Duplex zoning is intended to be lower density transitional zoning from single-family zoned areas to multi-family zoned areas. Today duplexes are no longer primarily family oriented or modest in size but rather resemble small apartment complexes. Many are being built with 4 BR’s on each side. In many cases cars spill onto the streets, as parking is inconvenient, taking up shared public space and sometimes reducing emergency vehicle access.

Over-sized duplexes threaten the destruction of historic homes and degrade the livability and attractiveness to homeowners and tenants in all neighborhoods. A duplex is considered 2 units on one property that can house as many as 8 unrelated individuals in multi-family zoned areas and 6 unrelated individuals in single-family zoned areas. City code allows single dwelling units (usually a house) to have 4 unrelated individuals in multi-family zoned areas and 3 unrelated individuals in single-family zoned areas.

**Given the high density of duplex units today and that they no longer target families, they should have the same parking standard as all other multi-family and congregate living units- one parking space per BR with NO STACKED PARKING.**

Sincerely, Candice Davis LAN Chair

**2016**  
**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 23, 2015		Jan 25, 2016	Jan 27, 2016	Feb 9	Feb 16	Feb 10	Feb 17
Dec 21, 2015		Feb 22	Feb 24	Mar 8	Mar 15	Mar 9	Mar 16
Jan 19, 2016*		Mar 21	Mar 23	Apr 5	Apr 12	Apr 6	Apr 13
Feb 22		Apr 25	Apr 27	May 10	May 17	May 11	May 18
Mar 21		May 23	May 25	Jun 7	Jun 14	Jun 8	Jun 15
Apr 18		Jun 20	Jun 22	Jul 5	Jul 12	Jul 6	Jul 13
May 23		Jul 25	Jul 27	Aug 9	Aug 16	Aug 10	Aug 17
Jun 20		Aug 22	Aug 24	Sep 6	Sep 13	Sep 7	Sep 14
Jul 25		Sep 26	Sep 28	Oct 11	Oct 18	Oct 12	Oct 19
Aug 22		Oct 24	Oct 26	Nov 8	Nov 15	Nov 9	Nov 16
Sep 12		Nov 14	Nov 16	Nov 29	Dec 6	Nov 30	Dec 7
Oct 10		Dec 12	Dec 14	Dec 27	Jan 3, 2017	Dec 28	Jan 4, 2017
Nov 21		Jan 23, 2017	Jan 25, 2017	Feb 7, 2017	Feb 14, 2017	Feb 1, 2017	Feb 8, 2017
Dec 19		Feb 20, 2017	Feb 22, 2017	Mar 7, 2017	Mar 14, 2017	Mar 8, 2017	Mar 15, 2017

	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.
<b>Written Communications</b>	Written communications must be received by the Planning Office <b>by 10:00AM on the Monday of the week in which the Planning Commission meeting is scheduled.</b> 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.
<b>Deferred Items</b>	<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>
<b>Meeting Locations</b>	The Planning Commission and City Commission meetings are held in the City Commission meeting room on the 1 <sup>st</sup> floor of City Hall, 6 <sup>th</sup> & Massachusetts Streets. The Board of County Commissioners meetings are on the 2 <sup>nd</sup> floor of the County Courthouse located on the southeast corner of 11 <sup>th</sup> & Massachusetts Streets.