City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Updated:
10/27/10 @ 4:30pm
Added staff PowerPoint presentation for the following items:
Item 6A & 6B - Annexation and Rezoning of 51.13 acres, N 1800 Rd & E 1000 Rd

10/25/10 @ 11:30am
Added the following:
Addendum to Traffic Study for Item 1 - Rezoning of 120 acres, E 700 Rd & N 1800 Rd
Communications for items:
Item 1 - Rezoning of 120 acres, E 700 Rd & N 1800 Rd
Item 6A - Annexation of 51.13 acres, N 1800 Rd & E 1000 Rd
Item 6B - Rezoning of 51.13 acres, N 1800 Rd & E 1000 Rd
Item 7 - Text Amendment for RM32 District

10/22/10 @ 6:30pm
Added communications for Item 1 – Rezoning of 120 acres, E 700 Rd & N 1800 Rd
Added Draft September Planning Commission Minutes

10/21/10 @ 9:25am
Added the following items:
Item 6A - Annexation of 51.13 acres, N 1800 Rd & E 1000 Rd
Item 6B - Rezoning of 51.13 acres, N 1800 Rd & E 1000 Rd

10/20/10 @ 10:30am
The following items will be added when available:
Item 6A - Annexation of 51.13 acres, N 1800 Rd & E 1000 Rd
Item 6B - Rezoning of 51.13 acres, N 1800 Rd & E 1000 Rd
Draft September Planning Commission Minutes
DEFERRED: Item 3 - Text Amendment for Minor & Major Subdivisions

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
OCTOBER 25 & 27, 2010 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

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

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

COMMITTEE REPORTS

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

COMMUNICATIONS

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

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

REGULAR AGENDA (OCTOBER 25, 2010) MEETING
PUBLIC HEARING ITEMS:

Recess LDCMPC
Convene Joint Meeting with Lecompton Planning Commission

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

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

Adjourn Joint Meeting
Reconvene LDCMPC

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

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

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

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

MISCELLANEOUS NEW OR OLD BUSINESS

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

Consideration of any other business to come before the Commission.

Recess until 6:30 P.M. on October 27, 2010.

BEGIN PUBLIC HEARING (OCTOBER 27, 2010):

COMMUNICATIONS

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

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

REGULAR AGENDA
PUBLIC HEARING ITEMS:

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

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

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

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

NON-PUBLIC HEARING ITEM:

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

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

RESUME PUBLIC HEARING:

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

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

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

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

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

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

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

CALENDAR

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

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

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

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

ADJOURN

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City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

PLANNING COMMISSION MEETING
August 23 & 25, 2010
Meeting Minutes DRAFT

August 23, 2010 – 6:30 p.m.
Commissioners present: Blaser, Burger, Carter, Dominguez, Finkeldei, Harris, Hird, Liese, Rasmussen, and Singleton
Staff present: McCullough, Stogsdill, A. Miller, J. Miller, M. Miller, Ewert

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MINUTES
Receive and amend or approve the minutes from the Planning Commission meeting of July 26, 2010.

Minutes were not available to vote on. They will be voted on during the September meeting.

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

Commissioner Hird said the Agri-Tourism Committee met last week to study the definition and procedural aspects of obtaining consent for agri-tourism activities. The Agri-Tourism Committee meets the first Thursday of the month from 8:30am-10:00am.

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

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST
- Ex parte:
  Commissioner Burger said she received an email from Mr. John Peterson representing Lowe's inviting her to meet with them to hear more about what they are proposing. She responded briefly stating she looked forward to their presentation this evening and that no additional meeting was necessary.

  Commissioner Carter said he had coffee with Mr. Tom Kern to talk about item 1 but that they did not discuss anything that wasn't in the packet. He also had a brief discussion with Mr. Tom Fritzel but again, they did not discuss anything that wasn't in the packet.

  Commissioner Blaser said he also received an email from Mr. Peterson and did not respond.

  Commissioner Hird said he also received an email from Mr. Peterson and had a phone conversation about the procedure before the Commission. We touched on the Lowe's project briefly.

Commissioner Finkeldei said he also talked to Mr. Peterson about the proposal but mainly about what was in the packet. He had brief conversations with numerous people; Tom Kern, Hank Booth, several people he goes to church with, several people he saw at Milton's. He said he spoke with a variety of people but nothing of substance.

Commissioner Harris said she received a phone call from Mr. Hank Booth and he reiterated his position as stated in the letter sent by the Chamber of Commerce. She also received an email from Mr. Peterson and she responded that she was looking forward to the presentation.

Commissioner Liese said he received a voicemail from Mr. Hank Booth, returned the call and left a voicemail for Mr. Booth, and Mr. Booth left him another voicemail.

Commissioner Rasmussen said he spoke with Mr. Peterson on the phone back in July and told him he was interested in hearing about things such as traffic flow, screening, and how the facility would operate at that location. Also spoke with Ms. Beth Johnson and she reiterated information in the letter the Chamber sent. He spoke with his spouse about Lowe's and talked to City Commissioner Dever.

Commissioner Singleton said she spoke with Mr. Booth briefly on the phone. She has also had several friends who contacted her about Lowe's, but did not discuss anything of substance.

Commissioner Dominguez said he spoke with Mr. Booth briefly on the phone too. He also received a phone call from Mr. Bill Fleming regarding the Lawrence Housing Authority and they briefly discussed Lowe's. He also stated he received the same email from Mr. Peterson as everyone else did.

Commissioner Burger said she read the blogger comments on the Lawrence Journal World website regarding the article about Lowes.

- No abstentions.

Commissioner Blaser said the applicant submitted a letter requesting deferral of items 1 and 2. He allowed a few minutes for all the Commissioners to read it in case they had not had the opportunity to do so yet.

Mr. McCullough said the Planning Commission By-Laws speak to deferral requests made by the applicant of items after the packet posting. He read from the By-Laws: *'such requests will be permitted only in cases in severe hardship or for the purpose of making a significant change to the original application and only with the majority vote of the Commission at the meeting.'* He said their options were to either approve the request by majority vote and move the item to next month or deny the request and then proceed as they normally would.

Commissioner Blaser asked if there were any major changes in the application.

Mr. McCullough said the request was for the opportunity to meet with the Lawrence Association of Neighborhoods. He said he knew of no significant changes to the project.

Commissioner Finkeldei said he was interested in hearing from the applicant and public about this.

Commissioner Dominguez asked what next months agenda looked like.

Mr. McCullough said that depends on what was deferred tonight.

Mr. Greg Musil, Polsinelli Shughart, representing the property owner Mr. Pat Kelly, said he received letters from the Lawrence Association of Neighborhoods and the League of Women Voters expressing their concerns and they would like to have good faith discussions with them. He said he didn't know if he could clarify their concerns. He did not know if they would come back with substantial changes. He said the applicant was not in a hurry to get this project through.

Commissioner Dominguez asked Mr. Musil if he wanted to bring harmony by discussing with the Lawrence Association of Neighborhoods and the League of Women Voters but that there are no significant changes.

Mr. Musil said he did not think there would be wholesale changes in the plan. He said the League of Women Voter concerns were access and platting and that was something that could be dealt with at the next step. He said he didn't know if meeting with the neighborhood groups would solve anything or not.

Commissioner Harris asked if the request was submitted in a timely manner.

Mr. McCullough said yes it was received before 10:00am today.

Commissioner Liese wondered if there was an advantage to looking at these items, Lowes and Creekstone, on the same night since they are in the same area.

Mr. McCullough said from staffs perspective it is not an accident that there are two Comprehensive Plan Amendment requests on the same stretch of corridor on the agenda. He said there was value in looking at these things in the context of each other. He said they would be talking about comprehensive plan policies that go beyond a specific parcel. He said staff needs to get good direction about whether the policies along 6th Street are appropriate.

Commissioner Burger asked if the applicant had reviewed the August 23 letter from the Chamber of Commerce about the same corridor.

Mr. Musil said he has not seen the letter.

Commissioner Carter asked if there was anything specific in the League of Women Voter and Lawrence Association of Neighborhoods letters that he did not anticipate from neighborhoods.

Mr. Musil said he was not quite sure about what the League of Women Voters concerns were. He said the letter talked about access drives, the 34 acres being under different ownership in the future, and the Subdivision Regulations. He said they wanted the platting being done parallel with the rezoning. He said the Lawrence Association of Neighborhoods letter spoke more generally about the Northwest Plan and not stripping out 6th Street.

Commissioner Hird said he could not think of another example like this. He was curious about the publics thoughts about a continuance at this point.

Commissioner Blaser asked the audience how many people were there to speak on the subject. (About 4-6 people raised their hands)

Commissioner Dominguez asked if deferring this would set a precedence.

Mr. McCullough said they are all unique in terms of finding the hardship that gets to the deferral. He recommended holding the public hearing to identify things the applicant could address.

Commissioner Carter said based on what he has heard it wouldn't be likely that it would be deferred and it sounded like the proposal wouldn't be significantly changed.

Commissioner Hird said he was not in favor of inconveniencing the public by having them come back to another meeting if it was deferred.

Commissioner Rasmussen said they should receive testimony from the public who do not think they can attend the next meeting.

Mr. John Miller recommended going through the public hearing process.

Commissioner Rasmussen said given the emphasis this Commission has put on getting out there and talking with neighbors and stakeholders they should allow the applicant the opportunity to do that even if they go through the public hearing process tonight.

Commissioner Harris said she was in favor of holding the public hearing and then deferring. She said the request does not meet the requirements of the By-Laws.

Commissioner Hird felt they should hear from the applicant and public and then defer to allow the applicant time to meet with neighborhoods.

Commissioner Blaser said that would also be his preference.

Motioned by Commissioner Hird, seconded by Commissioner Harris, not to defer items 1 and 2 as requested by the applicant and proceed with the applicant presentation and open public hearing and defer decision until next month to allow the applicant time to discuss with various neighborhood associations.

Commissioner Finkeldei said he would not vote for a motion and that they should not pre-judge the outcome of the item.

Commissioner Blaser felt that staff should make their presentation tonight.

Commissioner Liese agreed with Commissioner Finkeldei that this should not be pre-judged and not include deferral.

Commissioner Hird amend the motion, seconded by Commissioner Harris, to conduct the hearing and not defer the item.

Commissioner Rasmussen said he would prefer to defer it and would vote against the motion.

Commissioner Dominguez said there was no reason to defer and he did not want to set a precedence.

Amended motion carried 8-2, with Commissioners Finkeldei and Rasmussen voting in opposition.

PC Minutes 8/23/10 **DRAFT**

ITEM NO. 1 COMPREHENSIVE PLAN AMENDMENT; H2020 CHP 6; NEIGHBORHOOD COMMERCIAL CENTER (DDW)

CPA-5-7-10: Consider amending Horizon 2020 Chapter 6, Commercial Land Use, to include the NW Corner of 6th Street and Queens Road as a potential location for a new Neighborhood Commercial Center.

ITEM NO. 2A UR TO CN2; 3.158 ACRES; NW CORNER W 6TH ST & QUEENS RD (MKM)

Z-5-8-10: Consider a request to rezone approximately 3.158 acres from UR (Urban Reserve) to CN2 (Neighborhood Commercial Center), located at the Northwest corner of W. 6th Street and Queens Road. Submitted by Olsson Associates for Pear Tree Village L.P., property owner of record.

ITEM NO. 2B UR TO CO; 3.113 ACRES; NE CORNER W 6TH ST & STONERIDGE DR (MKM)

Z-5-7-10: Consider a request to rezone approximately 3.113 acres from UR (Urban Reserve) to CO (Office Commercial), located at the Northeast corner of W. 6th Street and Stoneridge Drive. Submitted by Olsson Associates for Pear Tree Village L.P., property owner of record.

ITEM NO. 2C UR TO RM24; 34.527 ACRES; BETWEEN STONERIDGE DR & QUEENS RD (MKM)

Z-5-9-10: Consider a request to rezone approximately 34.527 acres from UR (Urban Reserve) to RM24 (Multi-Dwelling Residential), located north of W. 6th Street between Stoneridge Drive and Queens Road. Submitted by Olsson Associates, for Pear Tree Village L.P., property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 1, 2A, 2B, 2C together.

Commissioner Hird asked what total square footage of commercial was being requested.

Ms. Miller said 14,100 square feet.

Commissioner Hird asked Ms. Miller to explain the condition for no more than 50,000 square feet.

Ms. Miller said there is a requirement for the Com Plan. If a rezoning could have more than 50,000 square feet of commercial space then a retail market study would be required.

Commissioner Burger asked if it was a non binding site plan.

Ms Miller said it is a concept plan and they can change the layout slightly, it's just their intention, not finalized.

APPLICANT PRESENTATION

Mr. Greg Musil, Polsinelli Shughart, on behalf of the property owner Mr. Pat Kelly. (he displayed a color board) He said the 3 acres of commercial does not violate the spirit or intent of H2020 or the Northwest Plan. Horizon 2020 does not consider a single use in a nodal corner of a coordinated development. He said staff was comfortable with higher density because the circumstances are different now than they were when the Northwest Plan was created. He said it would not be a high

intense use, just 14,100 square feet of retail that will go on 150,000 square feet of land. He asked the Commission to look at the 3 acres of commercial on its own because it doesn't strip out 6th Street, it is rather a node that serves a residential development that it is anchored to. He asked that neighborhood uses be allowed. He felt the project would be best done if all approved.

Commissioner Dominguez asked if commercial would drive the marketing of the development.

Mr. Musil said that is one part. It is a development that has all the amenities that would typically be found in a modern apartment complex. What will make it different is that they can walk to serve a lot of their needs.

Commissioner Finkeldei asked if Mr. Musil was okay with the staff recommendation of multi-family being limited to 20.

Mr. Musil said yes.

PUBLIC HEARING

Ms. Patricia Manning, discussed walkability for commercial. She didn't understand why residents couldn't walk to the existing CVS and nearby grocery stores.

Mr. Kirk McClure, Lawrence Association of Neighborhoods (LAN), said they wish to reiterate that the Northwest Area Plan protects this part of the city from commercial strip development. This proposal violates that promise. 6th and Wakarusa was originally a CC150, then a CC200, now a CC400 with an asterisk beside it because it's over 400. He said the Northwest Area Plan specifically says no more commercial. He said there is a lot of distrust in the planning process within the community. He said LAN supports the staff recommendation of denial.

Commissioner Finkeldei asked if it would be fruitful to defer the item to allow time for the applicant to have discussions with the Lawrence Association of Neighborhoods.

Mr. McClure said LAN was opposed to retail and had split opinions on the office. He said since the applicant has already said this was their plan so additional time would probably not result in something fruitful.

Commissioner Rasmussen asked if he saw any potential in this concept to have a traditional neighborhood design.

Mr. McClure said no. He felt that decision was made a long time ago.

Commissioner Singleton asked how he would you feel if they moved the retail space to the northern corner.

Mr. McClure said he has heard no discussion of a change in design.

Commissioner Dominguez asked how many people from the area were at the LAN meeting.

Mr. McClure said there were 2 from that area and the usual 14-15 people. He felt that interest was low due to the distrust of the planning process.

Commissioner Dominguez asked if the mile of characteristic was created in 1996.

Mr. McClure said that was not his memory of the dates.

Mr. McCullough said the boundaries of the nodes have been much more recent than the mid 1990's. The 6th & Wakarusa Area Plan was a 2004 adoption and the 6th & SLT was around the same time.

Commissioner Hird asked Mr. McClure to explain the difference of opinion with LAN about the office portion.

Mr. McClure said it was an ongoing debate on what is the definition of commercial.

Commissioner Hird asked if it would make any difference to LAN if the retail was limited. He asked if the size of proposed retail matter.

Mr. McClure said LAN was aware of the 14,100 square footage when they held discussions.

COMMISSION DISCUSSION
Commissioner Finkeldei felt they should move ahead.

Commissioner Carter agreed with Commissioner Finkeldei.

Mr. Musil said he spoke with Mr. McClure and his position was clear. The Commission hearing the item tonight would probably save everybody time.

APPLICANT CLOSING COMMENTS
Mr. Musil said nobody said this kind of development was considered in the Northwest Plan.

COMMISSION DISCUSSION continued
Commissioner Finkeldei asked if they could deny the Comprehensive Plan Amendment and pass the rezoning.

Mr. McCullough said the Comprehensive Plan is a policy guide in the state of Kansas. He said it isn't required but good policy and practice.

Commissioner Dominguez asked if the rezoning for retail is passed could they ensure that it is tied to building of the residential.

Mr. McCullough said that would be a condition placed on the rezoning. He said it is not a condition he was familiar with so he would have to think about.

Commissioner Dominguez said Mr. Musil said that nobody thought about this type of development being there.

Mr. McClure said there was not supposed to be any retail development there.

Commissioner Carter wondered about precedence.

Mr. John Miller said each circumstance was unique and the decision would be based on the specific rezoning. The Comprehensive Plan would be a city wide change and would be addressed throughout the city. Otherwise each rezoning would be considered a unique situation.

Mr. McCullough agreed with Mr. Miller.

Commissioner Blaser asked if they do not approve the Comprehensive Plan Amendment what would be the next step for the applicant and what could the applicant do if rezonings are approved.

Mr. McCullough said Planning Commission would have a Comprehensive Plan that would not support rezoning. Rezonings do not have to comply with Comprehensive Plan. They would end up with a Comprehensive Plan that does not support the commercial rezoning.

Commissioner Blaser asked if it would limit it to this intersection, not any other place in the city.

Mr. McCullough said that was correct, just rezoning this property.

Commissioner Harris asked for clarification that item 1 was to change the Comprehensive Plan to identify that location for commercial development, not city wide ramifications.

Mr. McCullough said that was correct.

Commissioner Harris asked for an example of another commercial building in town that would be equivalent in size.

Mr. McCullough said CVS or Walgreens pharmacy.

Commissioner Dominguez said it is 1 mile to go to CVS and he wondered if that was really considered walkability.

Mr. McCullough said it was based on a sort of suburban based auto oriented development pattern that maintained some walkability surrounding the immediate node. Staff does not consider it walkable in terms of traditional neighborhood design. It is the development pattern that was chosen for western expansion of Lawrence and it does become difficult to mix once committed to a certain development pattern.

Commissioner Dominguez inquired about development on the other side of Mercato.

Mr. McCullough said the fate of that parcel is unknown right.

Commissioner Rasmussen said that Mr. McCullough stated the Comprehensive Plan clearly sets forth where commercial development was supposed to take place but the Comprehensive Plan are guidelines, not firm and hard. He asked for clarification.

Mr. McCullough said it is a guide. A rezoning request does not have to comply with the Comprehensive Plan. Different elements of Comprehensive Plan are more recent than others so the concepts of nodal development is a relatively newer concept. It should be flexible enough for us to view departures from Comprehensive Plan, whether those are slight or large.

Commissioner Rasmussen inquired about when they do something that is not in conformance with the Comprehensive Plan.

Mr. McCullough said Comprehensive Plan policies can conflict amongst themselves. When we do that we are left to weight the issues and policies to see which one holds a higher public interest. The Northwest Area Plan holds a 15 unit per acre density for multi-family. Staff believes a 20 unit per acre does not specifically comply with the Northwest Area Plan but isn't doing harm to public policy.

Commissioner Rasmussen inquired about the staff report language that says *'Staff agrees that development policy is shifting towards Traditional Neighborhood Design (TND) that creates neighborhoods that are compact, walkable, transit-oriented, and that provide more mixed land uses. However, these policies are best addressed by development that provides all of the elements of a traditional neighborhood or mixed use district. Such developments integrate residential uses with non-residential uses such as commercial, office, civic, educational, and recreational.'*

Mr. McCullough said there can be elements of most of those. Staff does not think this is commercial neighborhood design.

Commissioner Carter wanted to address Mr. McClure's comments about neighborhoods not trusting the planning process. He said it is not a perfect process but it is important for people to participate. He felt the Comprehensive Plan was just as firm as their resolve to stick to it. One of the main goals of the Comprehensive Plan was to avoid commercial strip. He did believe this would be setting a precedence and could result in future requests and possibly lawsuits.

Commissioner Hird asked if CN zoning allows for a Kwik Trip.

Mr. McCullough said he would need a few minutes to look that up.

Commissioner Hird asked if conditional zoning could be used.

Mr. McCullough said yes.

Commissioner Harris agreed with Commissioner Carter and had nothing to add.

Commissioner Liese also agreed with Commissioner Carter.

Commissioner Dominguez said for all intensive purposes that area was meant for development.

Commissioner Singleton said she liked the plan for a variety of reasons. She felt the reliance on vehicles was decreasing. She felt they needed communities and neighborhoods to use pedestrian traffic. She said it is a completely comprehensive neighborhood that is supposed to keep people within the neighborhood and decrease traffic. When she looks at that area she thinks it is a good fit for that strip on 6th Street. She liked the fact that to get to the retail space and commercial space the access is not off of 6th Street.

Commissioner Carter said this store isn't going to survive off the development, they would also want business off of 6th Street.

Commissioner Burger said as far as a traditional neighborhood she did not feel it had gone far enough. She felt it was a good start and improvement on what was done previously based on what people have said. She agreed with Commissioner Carter's comments.

Commissioner Rasmussen said he leans more toward Commissioner Singleton's opinions. He said he does not see this creating strip malls along 6th Street. He said he would be willing to support items 2A, 2B, 2C. He did not think they needed to go as far on item 1 to change the entire Comprehensive Plan to say this parcel is a neighborhood commercial center.

Commissioner Finkeldei said when they saw this previously it had CN2 along the entire front. At that time he did not support CN2 and still does not this evening. In July 2008 Walgreens on 23rd Street came before the Commission and he supported it. He said he would not vote for this. One major difference is that when they voted for Walgreens they voted for conditions and limited it to a neighborhood pharmacy with specific size and design. This is CN2 and could be a pharmacy but it wouldn't be limited it to that. He said the second difference to an extent goes to Mr. McClure's point of there being a major difference between this area and the 23rd Street corridor. This strip of 6th Street still has a lot of building out to do. The risk on 6th Street being strip is higher with the amount of open and unzoned space. He said he would not support the CN2 rezoning. He might be able to support this plan knowing it would be a pharmacy. I thought they could support CO. He said he would not support the Comprehensive Plan Amendment and CN2 rezoning but would support the other two rezonings.

Commissioner Liese said he was concerned about Mr. McClure's comments about distrust in the planning process and he would like to hear more in the future. He said the two retail properties may be more for the purposes of marketing a really good residential area. He said he would be very reluctant to mess with the Comprehensive Plan just so an apartment complex can be more marketable.

Commissioner Hird asked Mr. McCullough if he had an answer to his earlier question about CN2.

Mr. McCullough said CN1 and CN2 are neighborhood compatible districts. CN2 introduces more of the auto related uses, for example drive-thru restaurants are not permitted in CN1 but are permitted with Special Use Permits in CN2. He said it was the same with gas and fuel sales.

Commissioner Hird asked if the applicant wanted to put something more auto intensive could the Planning Commission pass on that.

Mr. McCullough said yes.

Commissioner Hird did not feel this was traditional neighborhood design but that it was a step in that direction. He was concerned if retail was allowed in this portion then what other uses would be allowed other than what is depicted here. He said everyone was concerned about 6th Street being stripped out. He thought they should be consistent with Horizon 2020 and stay true to their values on nodal development. He said given the size and nature of what they are suggesting, if developed consistent with that plan he would not have a problem with it. He felt they should consider using their tool of conditional zoning and require the access to the retail spot be only through the development, limit the retail to 14,100 square feet, and limit the retail use to drug store or other personal convenience services. He felt they could end up with something that could benefit the residents of the area. He expressed concerns about screening and felt it was critical. He felt they should intensify the buffer between 6th Street and any use there. He was not interested in attracting a convenience store/gas station, although he did not think that was what the applicant was proposing. He felt they should allow something reasonable for residents to walk to. He said he would support with conditions. He did not think they needed an amendment to Horizon 2020 and was not substantial enough to do that.

Mr. Musil said they would be interested in doing conditional zoning.

Commissioner Blaser did not feel they needed to change Horizon 2020. He said he would not support item 1. He said strip malls were a thing of the 1970's and created blight. He said without the retail it would still be walkable.

Commissioner Harris said she could not support commercial development on the corner of 6th Street.

ACTION TAKEN on Item 1
Motioned by Commissioner Harris, seconded by Commissioner Liese, to deny the Comprehensive Plan Amendment (CPA-5-7-10) to *Horizon 2020* to amend Chapter 6 to include the northwest corner (approximately 3 acres) of W. 6th Street and Queens Road as a potential location for a new Neighborhood Commercial Center and recommend forwarding to the Lawrence City Commission with a recommendation for denial.

Commissioner Singleton said she would prefer to defer to allow the applicant time to change instead of voting to deny.

Commissioner Hird said to his understanding they could deny the Comprehensive Plan Amendment and still approve the rezoning of residential and office portions and then defer the CN2 zoning.

Mr. McCullough said that was an option.

Commissioner Hird said he would support the motion to deny the Comprehensive Plan Amendment.

Commissioner Harris said the intent of the motion was to deny the request for having that be a commercial center at that location. The staff report supports denial based on the Comprehensive Plan not recommending strip development on 6th Street.

Commissioner Finkeldei agreed. He said he was going to vote in favor of the motion because he did not think Horizon 2020 should be amended. He said he would be in favor of deferring item 2A.

Commissioner Singleton said if they defer item 2A there should be as many options to the applicant as possible.

Commissioner Hird said by supporting the motion his intent was that if Horizon 2020 was amended and designated this as a commercial center they would be opening the door to a variety of uses.

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

ACTION TAKEN on Item 2A
Motioned by Commissioner Rasmussen, seconded by Commissioner Dominguez, to defer the rezoning (Z-5-8-10) of 3.158 acres from UR (Urban Reserve) to CN2 (Neighborhood Shopping Center) as requested by the applicant.

Commissioner Blaser asked if that was a one month deferral.

Mr. McCullough said they will work with the applicant. He said it would help if the motion provided direction of what should be worked on.

Commissioner Singleton said she thought what Commissioner Hird proposed earlier was what they intended.

Commissioner Hird repeated what he said earlier: require the access to the retail spot be only through the development, limit the retail to 14,100 square feet, limit the retail use to drug store or

other personal convenience services, and be a requirement to build out the residential concurrently with the retail.

Commissioner Carter said even with all those conditions, he would not be supportive of that because it would be opening a door. He was not sure a compromise served the community well.

Commissioner Liese agreed with Commissioner Carter.

Commissioner Blaser said he would feel better if they could move it somewhere other than 6th Street.

Commissioner Rasmussen said they should also put screening along 6th Street on the list.

Motion carried 8-2 to defer with Commissioners Burger and Harris voting in opposition.

ACTION TAKEN on Item 2B
Motioned by Commissioner Rasmussen, seconded by Commissioner Hird, to approve the rezoning request (Z-5-7-10) for approximately 3.113 acres from UR (Urban Reserve) to CO (Office Commercial), located at the northeast corner of the intersection of W 6th Street and Stoneridge Drive, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 10-0.

ACTION TAKEN on Item 2C
Motioned by Commissioner Rasmussen, seconded by Commissioner Hird, to approve the rezoning request (Z-5-9-10) for 34.527 acres from UR (Urban Reserve) to RM24 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and with the following condition:

1. The net density shall not exceed 20 dwelling units per acre.

Unanimously approved 10-0.

PC Minutes 8/23/10 **DRAFT**

ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT; H2020; 6TH & WAKARUSA AREA PLAN (AAM)

CPA-5-6-10: Consider Comprehensive Plan Amendment to Horizon 2020, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6th Street between Folks Road and Champion Lane.

STAFF PRESENTATION
Ms. Amy Miller presented the item.

Commissioner Rasmussen asked what her point was by saying it would be unlikely that a home improvement store would be built in Mercato.

Ms. Miller said because of the close proximity she was not sure that three large home improvements could be supported in Lawrence.

Commissioner Carter inquired about the user.

Ms. Miller said a specific user was not identified, but the category was home improvement.

APPLICANT PRESENTATION
Mr. John Peterson, Polsinelli Shughart, attorney representing Lowe's, displayed plans on the overhead and reviewed them. He discussed the issue of leakage, where residents of Lawrence drive to Topeka or Kansas City to shop at Lowes. He stated this location was the only one that Lowe's would be interested in. He said he did not understand the vacancy rates because the store would not be vacant.

Mr. Tim Herndon, Landplan Engineering, said the existing infrastructure was in place. He said they would not be promoting leapfrog development.

Commissioner Harris said Mr. Peterson mentioned he was confident he would get approval from KDOT to get access to 6th Street.

Mr. Peterson said based on preliminary discussions, he was confident they could gain access.

Commissioner Harris asked if he had met with any of the neighbors or neighborhood associations.

Mr. Peterson said he met with a few neighbors but not the neighborhood association.

Commissioner Dominguez inquired about the percentage of what the draw to the area would be.

Mr. Peterson said they have looked at other stores but that it was hard to guess.

Commissioner Liese inquired about 'Horizon 2020 versus Lowes 2011' and why this was the only location Lowe's would locate to, and not the Mercato location.

Mr. Peterson said he said some would suggest that this has to be Horizon 2020 versus Lowe's 2011 and it's a fight to the death. He said he does not believe that but it is the perception. He said that Lowe's would only locate in Bauer Farm, not Mercato.

Commissioner Hird asked if this meant that the concept of new urbanism was dead at Bauer Farm.

Mr. Peterson said he did not think so.

Commissioner Hird said Mr. Peterson mentioned leakage. He said Lowe's was a very high quality store and he was excited. He said his wife drives to Topeka to Lowe's so if she drives there she would drive to Mercato.

Mr. Peterson said on the percentage of leakage, it is a factor that is not going to drive the viability of a store. He said it gets down to where someone is in terms of outboard/inboard, in terms of current development, and in terms of shopping in their own community. He said leakage was incremental development as roof tops are built.

Commissioner Dominguez asked Mr. Peterson if he was saying that Lowe's does not go out to new sites without other stores around.

Mr. Peterson said it is a combination of established commercial area and rooftops in close proximity.

Commissioner Liese said his home was in Lecompton and his business was in North Lawrence. He said he was not convinced with the argument that 'studies have been done' about Lowe's not working in Mercato.

Mr. Peterson said Lowe's would not develop on the Mercato site.

Commissioner Harris asked if he said Lowe's could possibly locate there but not for 5-10 years.

Mr. Peterson said as they look at the picture today that was his estimate.

PUBLIC HEARING

Mr. Jonathan Becker, Briarwood Community Association, was opposed to Lowe's at that location. He said it was contrary to Horizon 2020 and was too big and would lose the buffer to the neighborhood. He expressed traffic and safety concerns such as 18 wheelers turning at Overland and Folks. He said it was not compatible with infill.

Commissioner Dominguez asked how many auto accidents there have been.

Mr. Becker said 2 accidents in 10 years.

Commissioner Dominguez asked what type of infill he wanted.

Mr. Becker said they were happy with the previous proposal of new urbanism. He said Champion lane should be the dividing line of commercial development.

Commissioner Dominguez asked how many members are in the neighborhood association.

Mr. Becker said 49.

Commissioner Hird asked Mr. Becker to respond to Lowe's traffic numbers.

Mr. Becker said he looked at the numbers and he has seen the traffic studies before. He found the City's traffic counts to be unhinged from reality because they did not take into account the fact that 1,300 cars are at Free State High coming and going throughout the day. He was skeptical of the factual basis of the traffic counts.

Commissioner Hird asked if he had seen the traffic study that Lowe's did.

Mr. Becker said no, but he saw the City's traffic study on Folks Road from January 2010.

Ms. Patricia Manning was concerned about the noise produced by Lowe's that would be heard at Free State High. She was also concerned about increased traffic noise and deliveries being scheduled around the school day and activities.

Mr. Jonathan Perkins, resident of Briarwood, said that Mr. Peterson said there wouldn't be less traffic, he said there would be less traffic between the key periods of when school starts and ends. He said there has been a lot of talk about the impact of Lowe's on Home Depot, but it will also affect other hardware stores such as Westlake Hardware.

Mr. Kirk McClure, Lawrence Association of Neighborhoods, discussed the promises made about the pace of growth and about the economic impact. He said they were promised new urbanism and so far they have a drive-thru Taco Bell and drive-thru CVS, and now they are being asked to swallow a 100,000 square foot home improvement center. He said they were promised no commercial space east of Champion Drive and less intensive commercial use in this development. He said they were also told the node would be 150,000 square feet, then 200,000 square feet, then 400,000 square feet, and now 600,000 square feet. He said it would create a crisis in confidence of the planning process. He said regarding pace of growth, commercial space has outpaced income and property. He felt there was a 1.5 million square foot of retail surplus space in Lawrence. He said Lawrence was at least a decade away from having any capacity to absorb it. He felt Lowe's was coming to Lawrence for predatory retailing. He said there would be no new retail sales tax. He said the buyer pays the sales tax so it would only be as much as spending. He said it would also not create new jobs because retail jobs are a function of the retail spending, not the number of stores. He said property values in the market place would equilibrate and the aggregate value of retail space in the market would be a function of spending, not the number of stores.

Ms. Mary Doveton, Executive Director of Lawrence Community Theatre, said they had no objection to being next door to Lowe's.

Mr. Charlie Crabtree said he has lived for 40 years within 2 blocks of 6th Street near Kasold. He expressed concern about increased traffic. He felt this would set a second precedence, with Walmart being the first. He felt that the traffic on 6th Street has increased tremendously, especially in the past 3 years since Walmart was built there. He wondered how many more stop lights would be installed in that area. He thought Lowe's needed to be built on 10th Street or South Iowa.

Mr. Rick Renfro, owner of Johnny's Tavern and Marisco's, said he loves getting new development in his backyard. He was in support of Lowe's.

Mr. Travis Hicks supported the proposal and thought it was a good use of property. He felt it created jobs for Lawrence and a tax base of commercial property as opposed to a residential property.

Mr. Bob Dannevik said he has lived in the area for 17 years and would really like to see a Lowe's in the area.

Mr. Dick Meininger, lives in Westwood, and moved from Topeka to that part of Lawrence based on the mixed use Bauer Farm proposal. He said about 20% of the vehicles he has seen at the Lowe's in Topeka are contractor trucks with trailers. He said the problem with the entry from the west, with the roundabout, would be torn apart quickly by the contractor trailer trucks. He supported Lowe's but was not sure that this was the right location for it.

Ms. Paula Dupigny, lives in Briarwood, said she preferred Lowe's over other choices but felt that it was a quality of life issue as opposed to a financial issue.

Ms. Beth Johnson, Lawrence Chamber of Commerce, said adding jobs and a tax base was a top goal of City Commission. In order to add to that tax base and increase jobs there needs to be projects. She said this project adds to the tax base, both in property and sales tax. She said this project also gives the ability to capture some of those consumer dollars that currently end up in other communities.

Commissioner Carter said when she talked about new sales and property taxes, it is not incremental unless it's additional sales to what would be elsewhere.

Ms. Johnson said there would probably be some that is not leakage. She said Lawrence does have the rooftops to support another home improvement store.

Mr. Glen Westerveldt said they needed another lumber yard in town. He said he shops at Lowe's out of town and he would rather support one in town. He said residential development was tough right now so it will be tough to develop that site for residential. He thanked Planning Commission for their time.

Mr. Hank Booth, Chamber of Commerce, said there is a very different economic climate for the development of the western edge of Lawrence than expected 5-6 years ago. He did not believe that Lawrence would see the kind of growth over the next few years as seen in the past 10 years. He said there was opportunity for infill.

Commissioner Hird asked Mr. Booth to comment on Mr. McClure's statement about promises being made for that area.

Mr. Booth said he appreciated professor McClure's statements, but those who go to his classes, unless they continue to work within the college, will have to go out and work in the world of business, and in order to do that they will have to make a profit and make chances, create jobs, and create a place for people to shop. They aren't teaching it, they are doing it.

Commissioner Liese asked Mr. Booth to comment on Mr. Peterson's statement that Lowe's would go in no other location.

Mr. Booth hoped that if this site was not approved by City Commission that Lowe's would continue to look at other possible sites.

Commissioner Liese said that he and Mr. Booth agreed that they both want Lowe's and would be disappointed if Lowe's walked away if suggested they be somewhere else in Lawrence.

Mr. Booth said he agreed.

Mr. Bill Fleming said he has been working on Bauer Farm for years and that when Lowe's first came to town they said they were only looking at this location. He felt Lowe's was a great opportunity for the community. He felt they needed to find retailers that will bring shoppers to Lawrence.

APPLICANT CLOSING COMMENTS

Mr. Peterson said Lowe's wants to be at this location and this is the only location they will look at. He said Lowe's would only build 25 stores next year and senior management has approved Lawrence as one of those. He said they would work on issues of road alignment and buffers to make a high quality project.

COMMISSION DISCUSSION

Commissioner Dominguez said his biggest reason for supporting were the financial benefits. Lawrence needs the tax revenue. He did not think Horizon 2020 was the rule of the law, it was just a guideline. He did not see this as predatory just good business and economics.

Commissioner Harris said she supported staff and their opinion about it. She felt this proposal would take away residences from the area that would support stores and schools. She said it was mentioned that human behavior should shape what is done in an area but planning aims to shape human behavior with a concept about an environment. She said the planning for that area is for nodal development with a lot of space that's not developed with commercial in between. She said there were earlier comments about whether Horizon 2020 was relevant or not. She said staff thinks it is relevant and so does she. She said Home Depot went into an area that didn't have much residential development. People do drive long distances to get there and they could to Lowe's as well. She said the issue for Lowe's seems to be the cost of development. If they move out to some place like Mercato it would cost more to develop than Bauer Farm and it's reasonable for them to consider that. She said she was not sure this was the time to have another large store in the area and did not want to deviate from the nodal plan for the area.

Commissioner Singleton was concerned about promises made to homeowners in the area and felt it was important to be consistent. She did not want that gateway to end up looking like the southern edge of Lawrence. She did not see Lowe's fitting into that area of town. She did not support the Comprehensive Plan Amendment.

Commissioner Carter said he did not see this as strip development. He said the 6th & Wakarusa plan was more specific than the Northwest plan. He said things will change again through economic cycles. He said the nodal plan is sound and is the right plan for the area. This proposal would triple the 50,000 square foot maximum footprint that was previously conditioned and would greatly alter the look, feel, and operation of the existing development in that area. He said he wanted Lowe's in Lawrence but in a place that is in the community's best interest and Lowe's best interest. He said he would support staff's finding.

Commissioner Hird said when he read the staff report he had a hard time bringing himself to support the request. He was concerned that Bauer Farm would remain empty and this could be an opportunity for infill. He said the new urbanism concept was dead there and it was a shame. He wished it had worked but unfortunately the economy affected it. He would like to have the economic development of Lowe's but was concerned about having it adjacent to the high school and the traffic issues it could create in that location. He thought it would create a nightmare situation in terms of the traffic pressure in the area. He did not think he could support it at this location. He hoped Lowe's would not consider Planning Commission the last stop if this was voted down because City Commission was the governing body. He said reluctantly he could not support Lowe's at this location and he hoped they could find another location.

Commissioner Finkeldei said he does not like taking up Comprehensive Plan Amendments without the rezoning requests. He said the golden factors talk about conformance with the Comprehensive Plan. To vote on that issue alone does not give the complete picture of what should be considered. He said he could vote in support of amending Horizon 2020 but could not vote to change the 6th and Wakaursa Plan and the commitment he voted on to limit it to 40,000 square feet in Bauer Farm.

Commissioner Liese said he was concerned about traffic issues and promises made to the area about how it would be developed. He felt that Lowe's was being inflexible. He could not support the Comprehensive Plan Amendment. He hoped Lowe's would continue looking for a different site in Lawrence.

Commissioner Blaser expressed concerns about promises made to the area and did not feel it was the right location for Lowe's for the many reasons stated by others. He said he could not support this huge change. He felt the tax increases would be short term and eventually even out.

ACTION TAKEN
Motioned by Commissioner Harris, seconded by Commissioner Liese, to deny the comprehensive plan amendment, CPA-5-6-10, to *Horizon 2020*, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6th Street between Folks Road and Champion Lane and forward this comprehensive plan amendment to the Lawrence City Commission with a recommendation of denial.

Motion carried 8-2, with Commissioners Dominguez and Rasmussen voting in opposition.

PC Minutes 8/23/10 **DRAFT**

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT; H2020; CHP 16; ENVIRONMENT (AAM/MKM)

CPA-2008-7: Consider adoption of the Comprehensive Plan Amendment to Horizon 2020 to include Chapter 16 – Environment.

STAFF PRESENTATION
Ms. Amy Miller presented the item.

Commissioner Harris inquired about comments from others who suggesting changes to the plan and whether staff agreed with those suggestions or not.

Ms. A. Miller said she had a lengthy discussion with the League of Women Voters regarding the agricultural soils and the League has included that comment in previous correspondence to the Planning Commission. She said it was the feeling of the Comprehensive Plans Committee that it still should be restricted to the class 1 and 2 soils. She said she has not gone through the rest of the comments point by point. She said some of the comments were redundant and had been submitted with previous correspondence.

Commissioner Harris inquired about the agricultural and related development comment.

Ms. A. Miller said that it would greatly change and limit the intent of that strategy.

Commissioner Harris asked staff to comment on the letter from Ms. Joyce Wolf.

Ms. A. Miller said the Comprehensive Plans Committee changed their mind twice on the term groundwater and went back to the term subsurface water. She said the Committee had information from the Kansas Biological Survey and also discussed a couple other references during meetings and went back to the term subsurface water. She said as far as the other comments, adding timber to resource management was a conscience decision by the Committee.

Commissioner Harris asked for staff's comments on Ms. Wolf's recommendation of adding the following sentence at the end of the water quality paragraph:

> *a. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.*

Ms. A. Miller said she did not necessarily see a problem with adding that sentence.

Commissioner Harris asked for staff's thoughts on Ms. Wolf's comment about adding mercury to the list of pollutants sometimes present in the air.

Ms. Mary Miller said that could be looked into. She said staff took the information from the Environmental Protection Agency. She said staff could research it.

Commissioner Rasmussen asked if Policy 2.7(a) '*The protection of High Quality Agricultural Land ~~should~~ shall be used as a key assumption in the sector planning process.'* would mean it gives high quality agricultural land a priority over other considerations.

Ms. Miller said it adds it as one of the assumptions.

Commissioner Finkeldei asked if Chapter 7 says the importance of economic development shall be used as a key assumption in sector planning or if this is a unique provision.

Mr. McCullough said no, he did not know that it was listed anywhere else. He said this was a new chapter and new policy for consideration. He said the consideration was the protection of the land shall be used as a key assumption.

Ms. A. Miller said Chapter 14 Specific Plans was added after Chapter 7 was revised.

PUBLIC HEARING

Ms. Barbara Clark said the only thing that might possibly be an addition was to add a quantitative mechanism and take inventory to keep track of diminishing class 1 and 2 soils in Douglas County.

Ms. Beth Johnson, Chamber of Commerce, felt that economic development should be considered in other chapters, not just Chapter 7.

COMMISSION DISCUSSION

Commissioner Hird said he met with Ms. Clark to talk about conservation/preservation of high quality soils. He referred to Policy 2.7 where the phrase *'as a key assumption in the sector planning process'* is used. He inquired about the meaning of 'key assumption' and if that meant it was more important than others.

Mr. McCullough said it is a key assumption but one of many to find ways to protect and preserve that land and use it for its quality.

Commissioner Hird thought it was odd to use the phrase for this policy but not others.

Mr. McCullough said it was probably relevant to what was being done with the Northeast Sector Plan. He said it hasn't historically been a strongly worded assumption to protect high quality agricultural land.

Commissioner Hird felt it pits one valid environmental issue against others.

Commissioner Rasmussen suggested striking the words *'used as a key assumption'* and replaced with the word ~~*'considered'*~~:

> Policy 2.7(a) '*The protection of High Quality Agricultural Land* ~~*should*~~ *shall be* ***considered*** ~~***used as a key assumption***~~ *in the sector planning process.'*

Commissioner Hird said he would agree with the language change suggested by Commissioner Rasmussen.

Commissioner Harris said the word *'consider'* had a different spirit.

Mr. McCullough said there was a great deal of discussion with the sub-committee about the degree of importance to give high quality ag-land on several occasions.

Commissioner Rasmussen disagreed that the committee as a whole thought that it should have a priority. He stated that the items the committee was split on would be brought to the full Planning Commission.

Commissioner Liese said it would make more sense for it to say '*…High Quality Agricultural Land should or shall be protected in the sector planning process.'*

Commissioner Hird said he would have a hard time with that because it is a directive with no options.

Commissioner Singleton said the sub-committee looked at every policy to determine if it should be a 'shall' or should' statement.

Commissioner Rasmussen felt it was a huge change to Horizon 2020 and there was not agreement with the committee to the 'shall' and 'should' statements. He pointed out that there were 95 mandatory statements in the policies and only 40 voluntary ones. He said there was a cost associated with many of the 'shall' statements. He felt most of the 'shall' statements should be changed to 'should' statements and leave it to the County and City Commission to decide the 'shall' statements.

Commissioner Singleton said she argued pretty hard in the committee about the 'shall' statements because she wanted to send the strongest document as possible to the County and City Commissioners to protect the environment. She felt the policies were important to the community.

Commissioner Dominguez said the argument was not about cost, it was going to be if they believe in the 'shall' and 'should' statements.

Commissioner Singleton said City and County Commissioners will go through each statement.

Commissioner Harris said it was Planning Commissions job to go through the statements. She said when looking at the goals of the chapter if a statement was important she felt it should be a 'shall' statement and if it was optional then she thought it should be 'should' statement.

Commissioner Rasmussen said the committee did not come to consensus.

Commissioner Dominguez suggested sending it back to the committee. He did not think County or City Commission should have to go through all the statements.

Ms. A. Miller said one of the last things the sub-committee did was go through and specifically look at 'should' and 'shall' statements. Any statements the committee could not be agree upon each of the four committee members was polled on. She said a lot of the items only had three votes.

Commissioner Finkeldei said he respects what the committee did but does not necessarily agree with them. He said if it is sent back to the committee then they need to be provided direction.

Commissioner Rasmussen said he thought the statements should be 'shall' statements instead of 'should' statements so that the elected governing bodies could determine which ones were a priority.

Commissioner Harris said she thought a majority of the committee was comfortable with the language.

Mr. McCullough said staff thought they had a process that got to the point of the committee as a whole.

Commissioner Burger asked what the County and City Commission was expecting Planning Commission to provide them.

Mr. McCullough said the governing bodies are used to 'should' and 'shall' statements in chapters.

Commissioner Liese asked Commissioner Rasmussen if he would vote in favor of passing this tonight given he was the dissenting vote on the committee.

Commissioner Rasmussen said probably. He said he was not a dissenting vote on the plan. He thought they should not be using 'shall' statements and instead use the wording that the city and county should consider. He said this was a very strong document and he was proud of the work the committee did. He thought they needed to strongly consider what they were saying. He said there were a lot of dollars and resources being committed in the wording. He said it would affect every development project going forward.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Dominguez, to approve this comprehensive plan amendment adding Chapter 16: Environment to Horizon 2020 and recommend forwarding to the Lawrence City Commission and the Douglas County Board of County Commissioners with the following changes:

- Change to roman numerals for Class I and II soils.
- Include Ms. Joyce Wolf's suggestion on page 16-5 of the document under "Summary of Issues" 1) Water quality: The following sentence should be added at the end of the paragraph: *a. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.*

Commissioner Hird inquired about page 16-17 Policy 2.2 b.b.1 that says 'shall' and b.b.2 & 3 says 'adopt.'

Ms. A. Miller said the action statements were the same as 'shall' statements.

Commissioner Harris suggested adding two additional changes to the motion; to add Ms. Barbara Clark's comment about tracking soils and to have staff consider adding mercury to the Air Quality section as a pollutant if appropriate.

Commissioner Liese amended the motion, seconded by Commissioner Harris, to approve this comprehensive plan amendment adding Chapter 16: Environment to Horizon 2020 and recommend forwarding to the Lawrence City Commission and the Douglas County Board of County Commissioners with the following four changes:

- Change to roman numerals for Class I and II soils.
- Include Ms. Joyce Wolf's suggestion on page 16-5 of the document under "Summary of Issues" 1) Water quality: The following sentence should be added at the end of the paragraph: *a. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.*
- Include Ms. Joyce Wolf's suggestion on Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current and future agricultural use.
  d. Inventory Capability Class I and II soils acreage. Track loss of these soils to urbanization
- Consider adding mercury to the Air Quality section as a pollutant, if appropriate.

Motion carried 8-1-1, with Commissioner Finkeldei voting in opposition. Commissioner Carter abstained.

Motioned by Commissioner Hird, seconded by Commissioner Harris, to approve and sign Planning Commission Resolution 8-6-10.

Approved 8-1-1, with Commissioner Finkeldei voting in opposition and Commissioner Carter abstaining.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Recess at 1:00am until 6:30pm on August 25, 2010.

Reconvene August 25, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Carter, Dominguez, Finkeldei, Harris, Hird, Liese, Rasmussen, and Singleton
Staff present: McCullough, Stogsdill, Day, Leininger, J. Miller, M. Miller, Warner, and Ewert

BEGIN PUBLIC HEARING (AUGUST 25, 2010):

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

PC Minutes 8/25/10 **DRAFT**

ITEM NO. 5 PRELIMINARY PLAT; RIVERSIDE BUSINESS PARK; 30.527 ACRES; 2030 PACKER COURT (MKM)

PP-6-5-10: Consider a Preliminary Plat for Riverside Business Park, a two lot subdivision containing approximately 30.527 acres, located at 2030 Packer Court and variances from Section 20-810(d)(2)(ii) requiring more than one access to the collector/arterial street network and from Section 20-810(d)(4)(i) requiring additional right-of-way for a principal arterial. Submitted by Bartlett and West for Riverside Development, Inc. and Riverside Business Park LLC, property owners of record.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

APPLICANT PRESENTATION
Mr. Darron Ammann, Bartlett and West, was present for questioning.

PUBLIC HEARING ON VARIANCE
No public comment.

ACTION TAKEN
Motioned by Commissioner Hird, seconded by Commissioner Singleton, to approve:

Requested variance from the requirement in Section 20-810(d)(2)(iii) for more than one access point to the collector/arterial street system for more than 25,000 sq ft of nonresidential space subject to the following condition of approval:

1. The following note shall be added to the plat: "The property will be developed in compliance with the requirements of the International Fire Code (IFC) which may include sprinklering of buildings or provision of a fire access based on the size of development proposed."

Requested variance from the requirement in Section 20-810(d)(4)(i) to allow the right-of-way for N Iowa Street to remain at 100 ft in this location. The plat shall be revised to indicate that this variance was approved.

Preliminary Plat of the Riverside Business Park-Addition No 2 and forwarding the plat to the City Commission for acceptance of dedications of easements and rights-of-way subject to the following conditions of approval:

1. Provision of a revised plat with the following changes:
   a. Show the access restriction graphically and add the following note: "No direct access shall be permitted to N Iowa Street".
   b. Add the following note: *"The drainage, landscape, and utility easements along the south property line will be maintained as 'greenspace' to serve as a buffer for the residential properties to the south."*
   c. Show the existing and proposed water main per approval of the City Utility Engineer.

   Unanimously approved 10-0.

PC Minutes 8/25/10 **DRAFT**

ITEM NO. 6 PRELIMINARY P LAT; H ALLMARK ADDITION; 5 .252 A CRES; 1 51 MCDONALD DR (MKM)

PP-6-6-10: Consider a Preliminary Plat for Hallmark Addition 3rd Plat, a three lot subdivision containing approximately 5.252 acres, located at 151 McDonald Drive and a waiver request from the requirement in Section 20-811 to provide sidewalks along all street frontages. Submitted by Paul Werner Architects for Downtown Equities II, LC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Dominguez asked why the applicant wanted the waiver for the sidewalk.

Ms. Miller said they felt it was not needed because there was no destination on the north side of the street and there was also a large drainage easement.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said he agreed with most of the staff report but did not really like with conditions 2 and 3. He suggested rewording condition 1i to say something along the lines of '...sidewalks to be constructed with the structures of each lot.' 'Or within a year of filing the Final Plat.' He said it was not about the money, it was about timing. He would prefer to build the sidewalks with the structures on each lot. He said the only thing north of the site is Hallmark and the KTA tollbooths and does not go anywhere. He also stated there is a drainage easement under McDonald Drive.

Commissioner Carter asked if he anticipated all three lots being developed within a year.

Mr. Werner said he would think so and that is his hope.

Commissioner Carter said it sounded reasonable to do the sidewalks as each lot is built. He was concerned that the applicant might be back in year though asking to extend the request due to the economy and not being able to build.

Mr. Werner said he would commit to building the sidewalks within a year or as the property is developed.

Mr. McCullough said the sidewalks are part of the public improvements and it is easiest to think about it in terms of a residential subdivision. He said he was not sure the Planning Commission has the authority tonight to depart from the Code. Staff interprets the Code to require public improvement plans prior to the Final Plat being recording which has financial guarantees that all the public improvements will be made and that there are plans for those public improvements before building permits are issued. He said those are the triggers that staff uses to guarantee the public improvements. Staff can and do work with developments in terms of timing issues, like Mr. Werner was discussing, so staff often allow building to begin before complete improvements are made because the assurance is there that they will be completed. There is also the last trigger of a Certificate of Occupancy.

Commissioner Finkeldei inquired about striking condition 10 all together.

Ms. Miller said typically staff asks sidewalks to be shown on plats and Mr. Werner said he would rather a note that says they would be installed with the Site Plan. Staff then requested a note that says they will be shown and constructed with the public improvement plans.

Mr. McCullough said if it is a matter of timing staff will issue building permits while they are working on the public improvements, so that they can be constructed together, versus completing the street, sidewalks, and utilities and then get a building permit. It can happen concurrently.

Mr. Werner said the sidewalk plans are done anyway so he can turn them in with the other public improvements. He said the sidewalks will just have to be installed by the time the first building is done or they will not get their Certificate of Occupancy.

Commissioner Finkeldei asked Mr. Werner if he was okay with the existing wording of conditions in the staff report.

Mr. Werner said he was okay with the conditions as is.

PUBLIC HEARING ON VARIANCE
No public comment.

ACTION TAKEN
Motioned by Commissioner Harris, seconded by Commissioner Dominguez, to approve:

Forwarding of the waiver from the requirement to provide sidewalks along McDonald Drive to the City Commission with a recommendation for approval subject to the following condition:

1. Execution of an Agreement Not to Protest the Formation of a Benefit District for future installation of sidewalk.

Preliminary Plat of the Hallmark Addition 3rd Plat and forwarding the plat to the City Commission for acceptance of dedications of easements subject to the following conditions:

1. Provision of a revised plat with the following changes:
    a. Relocation of the waterline within the access/utility easement with a connection at North Iowa Street and Princeton Boulevard.
    b. Re-labeling of 'access easement' as 'access/utility easement'.
    c. Provision of the following notes regarding the access easement and the joint use driveway: "*The access easement and joint use driveway will be privately-owned and maintained."* and "*The access easement is provided for the purpose of establishing onsite multi-modal circulation. The easement shall not be gated and shall remain unobstructed for vehicles, pedestrians and bicycles."*
    d. Revision of General Note 8 to indicate that the drainage easement will be privately maintained *unless* the City accepts ownership.
    e. Show Fire Hydrants located no further than 500 ft apart as required in the International Fire Code.
    f. Revision of legal description to identify the property as Hallmark Addition 3rd Plat.
    g. Provision of a note which states that access to McDonald Drive, Princeton Boulevard, and N Iowa Street is restricted as shown on the plat.
    h. Revision of the sanitary sewer to extend straight to the west across N Iowa Street.
    i. Revision of General Note 10 to indicate that the 6 ft wide sidewalks will be installed with the public improvements.
2. Submittal of Public Improvement Plans to the Public Works Department for acceptance prior to the recording of the final plat.

3. Provision of certification that the public improvements have been completed or one of the means listed in 20-811(h)(2) for ensuring completion of required public improvements prior to the recording of the final plat.
4. Execution of an Agreement Not to Protest the Formation of a Benefit District for sidewalk, stormsewer or street improvements prior to the recording of the final plat.

Unanimously approved 10-0.

ITEM NO. 7A PRELIMINARY P LAT; G EORGE SU BDIVISION NO. 4 (NORTHWINDS APARTMENTS); 1.31 ACRES; 200 NORTH MICHIGAN ST (SLD)

PP-6-4-10: Consider a Preliminary Plat for George Subdivision No. 4 (Northwinds Apartments), a one lot residential subdivision containing approximately 1.31 acres, located at 200 North Michigan Street. Submitted by Bartlett & West, Inc., for Northwinds L.L.C., property owner of record.

ITEM NO. 7B RS10 TO RM12; 1.31 ACRES; 200 NORTH MICHIGAN ST (SLD)

Z-6-10-10: Consider a request to rezone approximately 1.31 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 200 North Michigan Street for Northwind Apartments. Submitted by Bartlett & West for Northwinds L.L.C., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 7A and 7B together.

Commissioner Dominguez wondered how 'cutting sparingly' would be enforced.

Ms. Day said this is a new process but that hopefully there is enough understanding built in of what the expectation is. The area in the Site Plan would show where those activities are. She said she would not expect a lot of activity with the exception of maybe the applicant creating walking trails.

Commissioner Rasmussen inquired about the definition of conservation values.

Ms. Day said it is not a defined term at this time.

Mr. McCullough said staff is looking at a tract on the Plat versus the ability to develop on that in the future. He said language is being used in the Plat to try and show intent as much as possible to give staff the tools to enforce if needed. It is not air tight but enough to show intent. He said this is the first Environmentally Sensitivity Land Site Plan associated with the development project.

Commissioner Hird inquired about trees being cut for authorized purposes. He asked why they should care if it is used for personal use or sold.

Ms. Day said the draft language received from the County was intended for not selling timber or have a commercial market for this product.

Mr. McCullough said so profit isn't a motive to cutting trees.

Commissioner Hird said if a corporation or limited liability company cuts trees they couldn't have a personal use. He said he would rather the timber go to some use rather than waste.

APPLICANT PRESENTATION

Mr. Darron Ammann, Bartlett and West, said the applicant agrees with the conditions in the staff report. He said the owner is an limited liability company and agrees with Commissioner Hird that the language is a little odd when dealing with personal use of the timber.

Commissioner Dominguez asked what he would foresee as limitations on cutting of trees.

Mr. Ammann said the applicant does not want to take out any trees he doesn't have to but there are a few large trees outside of the environmentally sensitive area that will need to come down. He felt that private property owners should have some right to decide what they want to do with the trees but that he was not here to debate the language.

Mr. McCullough said the language was geared toward single-family lots with several acres of timber, not necessarily guided by multi-family development.

Commissioner Hird said Mr. Ammann talked about cutting trees on the non-protected area. He asked if any trees would be cut in the environmentally sensitive area.

Mr. Ammann said the only trees being cut would be in the non-sensitive area.

Commissioner Hird asked for clarification that the limitation of cutting and selling of timber was only for environmentally sensitive areas.

Mr. McCullough said that was correct.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Harris suggested adding the word 'only' in condition 1e1 and striking the following language:

> *"Timber. Cutting of trees and woody shrubs may be accomplished **only** to maintain the character of the protected property, to maintain fences, and to prevent invasion of woody plants on the native vegetation.; ~~**as long as the same does not adversely affect the conservation values of the protected property**~~. Trees cut for authorized purposes may be utilized for personal use and shall not be sold commercially.'*

Commissioner Finkeldei agreed with the changes Commissioner Harris suggested.

Commissioner Rasmussen asked if they also wanted to eliminate the same wording in condition 1e2:

> *Recreational Use. Property Owner, and its licensees and invitees, may make normal and customary non-commercial recreational uses of the of the Protected Property, such as hiking or unimproved walking trails, ~~**as long as the same does not adversely affect the conservation values of the Protected Property**~~.*

Commissioner Hird agreed with Commissioner Harris that the phrase invites issues and an invitation to lawsuits at some point on other projects. He felt the removal of that phrase in condition 1e1 maintains the intent and gives clear direction. He also felt it was not necessary to have it included in condition 1e2. He suggested removing the last sentence of condition 1e1:

> *"Timber. Cutting of trees and woody shrubs may be accomplished only to maintain the character of the protected property, to maintain fences, and to prevent invasion of woody plants on the native vegetation.~~; as long as the same does not adversely affect the conservation values of the protected property. **Trees cut for authorized purposes may be utilized for personal use and shall not be sold commercially.**~~'*

ACTION TAKEN on Item 7A

Motioned by Commissioner Hird, seconded by Commissioner Finkeldei, to approve a Preliminary Plat for George Subdivision No. 4 (Northwinds Apartments) and forwarding it to the City Commission for consideration of acceptance of easements and rights-of-way, subject to the following conditions:

1) Provision of a revised Preliminary Plat to show the following details of the Environmentally Sensitive Lands to be protected:
    a. Label area as Tract A and show boundaries with dimensions,
    b. Specify that the ownership shall be private,
    c. Specify that the maintenance responsibility for the tract is that of the property owner,
    d. List specific protection measures to be implemented during construction such as fencing and signage,
    e. List specific protection measures to be implemented for long term uses and improvements such as walking trails to include the following specific notes:
        1. Timber. Cutting of trees and woody shrubs may be accomplished **only** to maintain the character of the protected property, to maintain fences, and to prevent invasion of woody plants on the native vegetation~~.; as long as the same does not adversely affect the conservation values of the protected property. Trees cut for authorized purposes may be utilized for personal use and shall not be sold commercially~~.
        2. Recreational Use. Property Owner, and its licensees and invitees, may make normal and customary non-commercial recreational uses of the of the Protected Property, such as hiking or unimproved walking trails~~, as long as the same does not adversely affect the conservation values of the Protected Property~~.
        3. Fences. Property Owner may construct, repair, replace maintain, improve or remove any additional fencing as deemed necessary to secure the Protected Property, as long as done so in compliance with state and local laws including site planning.
        4. Structures. Structures are prohibited within the sensitive lands area. A structure is defined as: A building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes per section 20-1701 of the Development Code. Except, fences may be provided as stated in Note. 3.
2) Update note 7 regarding floodplain to reference August 5, 2010 date and include the FEMA panel number.

Commissioner Harris wondered if the Recreational Use language would make it possible for motorized vehicles to be used on the trails.

Mr. McCullough said it would not be addressed in the Land Development Code. He said it may be a larger issue in a rural area versus within the City limits.

Commissioner Harris asked if it would be subject to the noise ordinance.

Mr. McCullough said it would.

Unanimously approved 10-0.

ACTION TAKEN on Item 7B

Motioned by Commissioner Hird, seconded by Commissioner Harris, to approve the rezoning request for approximately 1.31 acres from RS10 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 200 N. Michigan Street and forwarding it to the City

Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 10-0.

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ITEM NO. 8 CS & RM12 TO RM12; 3.92 ACRES; 2130 SILICON AVE (DDW)

Z-6-11-10: Consider a request to rezone approximately 3.92 acres from CS (Commercial Strip) and RM12 (Multi-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 2130 Silicon Avenue for Crosswinds East. Submitted by Bartlett & West, Inc., for Crosswinds L.L.C., property owner of record.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

APPLICANT PRESENTATION

Mr. Darron Ammann, Bartlett and West, was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the rezoning request for approximately 3.92 acres from CS (Commercial Strip) District & RM12 (Multi-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 10-0.

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ITEM NO. 9A RM32 TO MU; .13 ACRES; 502 W 14TH ST (MJL)

Z-11-21-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 502 West 14th Street. Submitted by Paul Werner Architects, for Oread Villas, LLC, property owner of record.

ITEM NO. 9B RM32 TO MU; .05 ACRES; 414 W 14TH ST (MJL)

Z-11-22-09: Consider a request to rezone approximately .05 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 414 West 14th Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9C RM32 TO MU; .09 ACRES; 1346 OHIO ST (MJL)

Z-11-23-09: Consider a request to rezone approximately .09 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1346 Ohio Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9D RM32 TO MU; .13 ACRES; 1340-1342 OHIO ST (MJL)

Z-11-24-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), including establishing a Bar or Lounge use as an automatic Special Use Permit for The Hawk, located at 1340-1342 Ohio Street. Submitted by Paul Werner Architects, for HDD of Lawrence, LLC, property owner of record.

ITEM NO. 9G RM32 TO MU; .13 ACRES; 507 W 14TH ST (MJL)

Z-11-27-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), including establishing a Bar or Lounge use as an automatic Special Use Permit for The Wheel, located at 507 West 14th Street. Submitted by Paul Werner Architects, for John C. Wooden, property owner of record.

STAFF PRESENTATION

Ms. Michelle Leininger presented items 9A-9D and 9G together.

Commissioner Harris had questions about using the tool of Mixed Use zoning. She said if it is a tertiary zone it should be the same height and general size of the buildings, secondary is a little larger than that, and primary is larger. In the Code it says to use building form to provide buffers from adjacent uses. She asked why it was being recommended as primary instead of secondary.

Ms. Leininger said there are some larger structures in the area (pointed on map) and it was going up a hill. It would have less impact on adjacent historic areas. The four corners being the size they are the primary development zone would be less of an impact than what you could potentially see redevelop in the area.

Commissioner Harris asked if the primary, even though designated as most intense, would have less impact than secondary.

Ms. Leininger said based on the available lot area. She said currently the density was the same and the height was comparable. She said it boils down to looking at the potential developable area of the

lot and the size of the building that could be built on that lot in relation to the surrounding properties. Those three areas would not have the potential for as large of a building as would the southern area.

Mr. McCullough said part of the application process was an exhibit based on height and it is comparable. Then staff also looked along 14th Street, where secondary was recommended, and there was a half block area that could be a continuous building frontage that would not be compatible. He said the stand alone lots would stand alone and there was no need to impart secondary there because it was comparable height and they will stand by themselves. When staff analyzed the two adjacent properties they did not think there was enough contiguous properties there to warrant breaking them up. Staff feels they are compatible in terms of form and height.

Ms. Leininger said the diagram Mr. McCullough was referring to was part of the application packet.

Commissioner Harris asked what guides the mix of uses.

Ms. Leininger said the descriptions of the development zones do and the Code specifies.

Commissioner Harris said the section on what uses were supposed to go in a Mixed Use area says there is governmental and service. She wondered if the people who own the properties want to have all bars in that area or bars and restaurants and no mix of governmental or services. She wondered who makes that decision.

Ms. Leininger said they would have to go through the Site Plan process and identify the potential uses and that would be when staff would say they need to have a mix of residential and non-residential uses.

Mr. McCullough said the Code requires mixing of uses and pays particular attention to the ground level. In the primary zone it prohibits residential uses but also requires a mix of uses but does not provide a specific ratio.

Commissioner Dominguez inquired about residential on the first floor.

Ms. Leininger said if it is a primary district it cannot have residential on the first floor, it would need to be on second floor and up.

Commissioner Dominguez inquired about the chart that shows eligibility. He wondered about a weighted percentage.

Ms. Leininger said they have to meet the first one and at least one of the next ones. They have to be within ¼ mile of a designated transit route.

Commissioner Dominguez asked if The Wheel and The Hawk would automatically be granted a Special Use Permit with these rezoning.

Ms. Leininger said that was correct.

Commissioner Burger asked if commercial uses would be allowed without a public hearing.

Ms. Leininger said they would have to follow what was permitted in the district and would have to go through a Site Plan process which includes public notification, but that the Site Plan process was not a public hearing process, it's an administrative process.

Commissioner Burger inquired about what the footprint of a 50,000 square foot single-story building would look like.

Mr. McCullough gave the example of Best Buy which was approximately 40,000 square feet.

Commissioner Hird said his understanding was that the 50,000 square foot limit applied to the entire district, not just one building.

Ms. Leininger said that was correct.

Commissioner Hird said if there are multi-story buildings with commercial on the first floor the square footage would be based on the commercial areas on all the buildings and is a first come first serve on how it is filled up. He asked if one building took a bunch of that square footage it wouldn't be there for the other buildings.

Ms. Leininger said potentially. She said there was also the potential to have retail on more than one story.

Commissioner Rasmussen asked what the Mixed Use District was. He asked if it is just these properties that they are considering tonight or all the Mixed Use identified properties in the Draft Oread Plan.

Mr. McCullough said it includes the requested items before them tonight.

Commissioner Rasmussen asked if it would include the rezonings that were deferred.

Mr. McCullough said the primary zones could stand on their own if the others were withdrawn. He said they may have to look at the commercial limit when they look at the deferred lots. He said in staff's opinion the lots being looked at tonight can stand alone as primary Mixed Use District zones.

Commissioner Finkeldei asked if staff would be okay with 50,000 square feet for the items being looked at tonight and then an additional 50,000 square feet for the deferred items.

Mr. McCullough said no, it would be 50,000 square feet for the entire area, including the deferred lots.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, agreed with the staff report. He said this came about to provide protection for The Hawk and The Wheel because they are non-conforming uses and if something happens they cannot rebuild.

Commissioner Finkeldei asked if the 50,000 square feet would apply to all properties.

Mr. Werner said yes, all eight. He said there were no plans to add more bars to the area. He said if they add anything to these properties it would be a Site Plan process.

Commissioner Carter said as far as moving it on there may or may not be an issue with RM15 versus RM32.

Mr. Werner said he did not foresee an issue. He said he would like to see some of the bonuses in primary added to secondary.

PUBLIC HEARING

Ms. Carolyn Crawford, Vice President for Sunset Hills Neighborhood Association, was very scared about a Mixed Use district. She said the Mixed Use District was loose and juicy. She said the neighborhood does not want a gas station, liquor store, or bar. She discussed a memo from Scott Miller from last year that discussed violations of bars. She was concerned about crime from bars. She wanted assurance about what would happen in their neighborhood. She asked them to tighten up the Mixed Use District.

Commissioner Liese asked Ms. Crawford to define the term juicy.

Ms. Crawford said poorly defined.

Mr. Dennis Brown, Lawrence Preservation Alliance, was fine with The Hawk and The Wheel needing to be rezoned to protect their property. He felt the rest of the agenda item was quite large, a change from RM32 to Mixed Use primary development for all of the requested properties. Primary development was the most intense development use in the MU Districts. He said the applicant was being vague about the development plans and pretty much saying nothing was going to happen anytime soon. He felt the neighbors deserved to know. He wondered why change the zoning without more information. He was concerned about the staff report citing "consistency with the Oread Draft Plan." He suggested deferring until the plan is adopted.

Commissioner Carter agreed the Oread Plan needed to be moved forward.

Commissioner Dominguez asked if Mr. Brown understood that other bars would need to come back for a Special Use Permit.

Mr. Brown said he was concerned about the lack of detail in the remainder of the district.

Commissioner Harris asked if these rezoning were approved does it automatically approve Special Use Permits.

Mr. McCullough said that was correct. Certain future uses could be required to get a Special Use Permit and Site Plan.

Mr. John Davis, owns the northeast corner, and he initiated the rezoning. He wants to protect his non-conforming properties. He said they have no intentions or thoughts about redeveloping them whatsoever. He said it would not be a strip of bars because they cannot meet parking requirements.

Commissioner Liese asked if there were any other alternatives to Mixed Use.

Mr. McCullough said not necessarily for the minimum area or to resolve their issue of wanting to legalize the use.

Commissioner Liese inquired about the validity of community concerns versus owner claims that numerous bars cannot happen.

Mr. McCullough said it is possible that there could be an application for a third bar in the area. It would require a Special Use Permit, Site Plan, parking regulations and all the other standards of the district. It could be possible if they did underground parking or a parking variance. He said it would be a high hurdle to get a third bar in that area.

Ms. Carol von Tersch said the letter she submitted for the packet summarized her feelings on the subject. She felt the Oread Plan should be in place first. She felt they should find other ways to protect The Hawk and The Wheel. She requested a deferral.

Commissioner Dominguez asked why it should be deferred.

Ms. von Tersch said it should be deferred because the Draft Oread Plan does not include any other Mixed Use areas in the Oread Neighborhood.

Commissioner Carter asked if there was no other way to protect The Hawk and The Wheel under the current Code.

Mr. McCullough said not in the Code today. He stated for clarification there is one other area in the Oread Neighborhood designated as Mixed Use, it's by the Oread Hotel.

Commissioner Finkeldei asked what the holdup was with the Oread Plan.

Mr. McCullough said after Planning Commission forwarded the Oread Plan to City Commission and a study session was held to introduce the plan. He said there has been movement on it but it has not been placed on an agenda yet.

Commissioner Carter asked if staff had a sense if City Commission would be putting it back on the agenda soon.

Mr. McCullough said he did not have a sense either way.

Ms. Marci Francisco, 1101 Ohio St, said she wanted to make sure there was a plan to protect the neighborhood. She felt it would be better if there were criteria for the Mixed Use District. She summarized the letter she sent. She would rather that other ways to protect The Hawk and The Wheel be explored to protect their non-conforming uses. She was also concerned about the size of the lots with redevelopment. She said if the parcels were not large enough to provide for parking then there would not be underground parking in a very limited lot because there would need to be more circulation space. If the other alternative was parking offsite then obviously the lots aren't large enough. She was concerned about them considering a proposal that could not be used. She said if it is simply protection then there needs to be another way to protect properties that should have protection. She felt there should be restrictions about emptying glass in bins at 3:00am and she would like to see that included in a Special Use Permit.

Commissioner Finkeldei said it sounded like she was saying that the area, as small as it is, could never be created as a Mixed Use District. He asked if she thought it should be bigger in the Oread Plan to allow for bigger lots and redevelopment.

Ms. Francisco said she was saying that they should do something with the non-conforming uses to allow The Hawk and The Wheel to rebuild if something happens. She said they were not talking about developing the whole district, just allowing each of those individual lots to be redeveloped.

Commissioner Finkeldei said they were passing a whole district of Mixed Use.

Ms. Francisco said they are separate lots and cannot go over the lot lines.

Mr. McCullough said it could be replatted, or depending on the setbacks, may be able to build over the lot lines. It would be a minor subdivision to replat into one lot.

Ms. Francisco said they are on opposite sides of the street so they would not be platted into one large lot. She inquired about a sketch of the size of the commercial building with residential above that could be built on 507 W 14th Street, for example.

Commissioner Finkeldei said he was surprised at what she was saying because when they went through the entire Oread Plan, to his knowledge, she always supported 507 W 14th Street being in the plan as Mixed Use and now she was saying she did not want it to be Mixed Use.

Ms. Francisco said her job as a neighbor and property owner was to identify their interests in the Oread Plan and listen to what other people felt would work for them. She thought the property owners should be there to say what possibility they would have for construction in the primary zone.

Commissioner Finkeldei said he thought the Oread Plan was ready to go to City Commission but now she was saying she wanted the plan to change. All along she has supported the plan and now she was saying she wanted the plan to pass but as soon as it passes she would object to what the plan says.

Ms. Francisco said she supports protection for The Hawk and The Wheel. Planning Staff suggested the Mixed Use zoning was what would protect The Hawk and The Wheel. Now that it was before us as a zoning issue there was a situation. She said she sent a note to the Planning Director to ask if it could be developed and she was surprised to hear that it would take underground parking or parking offsite. She said she was assuming that if someone proposed it that they would have some information about how they could actually use this zoning to redevelop their property. She said she was not sure it protected The Hawk and The Wheel in the way they wanted to be protected. If the property burns down now they would have zoning where they could rebuild a commercial use but would still have to meet the requirements. All they can rebuild is what they have.

Commissioner Singleton said The Hawk and The Wheel would be protected under the Special Use Permit but the other locations would have to go through the process.

Ms. Francisco said the protection that was being given to The Hawk and The Wheel was to rebuild what they have, not to redevelop.

Mr. McCullough said if approved, The Hawk and The Wheel would have an automatic Special Use Permit because any bar in the Mixed Use district requires a Special Use Permit. The language states any structure in use existing in the time of rezoning is allowed to exist in a non-conforming way and be rebuilt so any use could be rebuilt. He said parking is one of the driving forces for using it to its highest use and that is going to be a limitation no matter what the zoning is there.

Commissioner Liese inquired about deferring until the Oread Plan was adopted.

Ms. Francisco said they are doing this for protection of the existing structures and they need to understand the limits on redevelopment. She said she states that from the neighborhood point of

view because they do not want the area to expand. They will need additional space beyond the limits of the district to be able to actually develop it as was intended. These are very tight limits for a Mixed Use District.

Commissioner Burger said if the rezonings were passed it could perhaps give City Commission confidence that the Oread Plan might be ready to be approved.

Ms. Francisco said it would give them confidence that these five parcels are ready to approve, not the overall plan.

Ms. Serina Hearn said 93% of the Oread Neighborhood is student/landlord owned/occupied. The Wheel and The Hawk are trying to cooperate with the zoning laws that have been superimposed on the neighborhood. She thought it would be great if there was a little store in the area for people to walk to and buy milk, food items, coffee, etc. She did not feel the Draft Oread Plan was ready and said the Oread Neighborhood was having a meeting to discuss it.

Mr. Kirk McClure, Lawrence Association of Neighborhoods, felt there were too many loose ends to this proposal and should be deferred to tighten up. He said in regard to The Hawk and The Wheel, the bars are seen as institutions and he did not have a problem with them being protected. Procedurally they should not be granted automatic Special Use Permits. He said they were concerned about the Mixed Use details. Form based codes will not protect neighborhoods. He expressed concern about uses allowed that could be nuisances.

Mr. Rob Farha said he would take spot zoning if allowed for The Wheel and The Hawk. He said they worked hours with staff and this was the best avenue. He said whether the plan is or is not in place he would have hired Mr. Werner for this process.

Commissioner Liese asked if there was any downside to deferring this decision.

Mr. Farha said it has been a long process and they have exhausted every avenue.

Ms. Candice Davis said the Draft Oread Plan was worked on for almost two years and was a good plan. She said Ms. Francisco was speaking about tweaking the plan. She said if this was deferred it would put pressure on City Commission to hear the Oread Plan.

Commissioner Hird asked if the plan was adopted as is it provides for Mixed Use in this area. He asked if she would object to Mixed Use in this area.

Ms. Davis said she would support the Oread Plan as is today.

Ms. Beth Reiber said 14th Street has changed over the past year due to change to the KU entrance. She felt that a Mixed Use would create more traffic.

APPLICANT PRESENTATION

Mr. Werner said he would rather not have it deferred. He said there was a positive recommendation from Historic Resources and Planning Staff. He felt the best way to get something in front of City Commission was to move it forward. He said a bar would not be granted by right, it would have to go through the Special Use Permit process and would be a big hurtle.

COMMISSION DISCUSSION

Commissioner Rasmussen said if the rezonings are approved it goes to City Commission for ultimate approval so whether or not the Oread Plan is approved or not is a moot point. If City Commission approves this that is a pretty good indication that they will approve that portion of the Oread Neighborhood Plan. If they don't approve the rezoning then that might be an indication that they have some heartburn over that portion of the plan. Either way he said he did not see that the Oread Neighborhood Plan needs to be completed for this application to move forward. Planning Commission did approve the Draft Oread Neighborhood Plan unanimously and during the discussions we talked about this area potentially having coffee shops, delicatessens, bakeries, or other uses allowed. He said the reason this area was designated as Mixed Use was to provide options in the future. He reminded them that the Mixed Use definition in the Development Code specifically refers to businesses that generate foot traffic. He did not care if someone says that they supported the Oread Plan but not Mixed Use in this area. He would like to see this move forward tonight and would support and follow recommendations from staff.

Commissioner Carter agreed that Mixed Use District has largely been brought up to protect The Hawk and The Wheel but there are other things that could fit in the Mixed Use District, such as a coffee shop. He said there seems to be a separation of urgency of getting the Oread Neighborhood Plan done.

Commissioner Liese said he would like to hear more opinions from the Commission about deferral versus not deferring and the issue about whether there was urgency or not.

Commissioner Hird said the comments he heard this evening were questions whether the right tool was being used to protect The Hawk and The Wheel and that by establishing a Mixed Use District with small practically undevelopable lots, we're inviting in the future for developers to come in and ask for exceptions for parking and other requirements for Site Plan approval. He felt that was based upon an assumption that the intent of the Mixed Use District would be abused and that this would become something it wasn't intended to be. He said he did not want to base a decision on that fear. The failure to move the Oread Plan to City Commission needs to be addressed to City Commission. One way to do that is to pass these rezonings up to them. This will allow City Commission to vote on this item and the Oread Plan together. He said when he voted for the Oread Plan he voted for Mixed Use in this district.

Commissioner Finkeldei said it is an appropriate area for Mixed Use and did not feel this should be deferred. He felt it was a good plan. He reminded the Commissioners about what Mr. Farha said about how this was not put in the Oread Plan just to protect the Hawk and The Wheel, but The Hawk and The Wheel have been asking for over two years how they could be protected. There are other ways; changing the non-conforming use rules or using a CN District, but staff does not really support either of those. He wanted City Commission to put the Oread Neighborhood Plan on the agenda and he agreed the best way to do that was to forward these rezonings on to City Commission.

Commissioner Burger said she liked that it did not just protect The Hawk and The Wheel but also protected the other existing property owners in the area. She thanked staff for looking toward the future. She expressed concern about this potentially allowing a sexually oriented business in the area.

Commissioner Rasmussen inquired about restrictions on sexually oriented businesses that would prohibit it from being in the area.

Mr. McCullough said a Sexually Oriented Media Store is permitted with use standards. (He looked it up in the Development Code) He said there were standards that address the theaters. No sexually oriented business may be located within 1,500 feet of another such business. No business may be located on the same block as property in a Residential Zoning District, Religious Assembly, School, Daycare, etc.

Commissioner Rasmussen said there was the same concern with the Jayhawk Bookstore but it was a false concern because it could not be put there due to it not meeting the criteria. He said the Commission did put some restrictions on the Jayhawk Bookstore rezoning such as excluding light manufacturing and recycling center.

Commissioner Singleton asked if buildings like the ones at 14th & Massachusetts could be built at this location without having to build underground parking.

Mr. McCullough said it was possible and there are options for parking such as shared parking. There may be uses that the Board of Zoning Appeals might grant a variance for. In the Primary zone parking can be reduced by meeting certain bonus requirements.

Commissioner Singleton said Ms. Francisco's comment about this being the wrong tool was interesting.

Mr. McCullough said a recent Text Amendment was created that benefited The Hawk and The Wheel after the Draft Oread Plan was created, so it has been evolving where they could benefit from the Mixed Use District. But it's only been evolving because it is appropriate for Mixed Use in this area.

Commissioner Singleton said the best way to get the Oread Plan in front of the City Commission was to bring up an issue that relates to the Oread Plan and not holding this back. She said she would support the item.

Commissioner Harris said some Mixed Use in that area would be appropriate and would be an amenity to the area. She was concerned about there not being guidelines for how to determine uses allowed. She said she was leaning toward approving the rezonings. If approved she would like to see two conditions added to the Special Use Permits for The Hawk and The Wheel. She would like glass and trash cleared from the exterior of the property, including the public right of way, at the end of each business day. She said she would also welcome some language about emptying trash bins at 3:00am.

Commissioner Burger asked staff to confirm that due to the residential nature of the surrounding area that her concern about sexually oriented businesses was not a concern.

Mr. McCullough said he would look it up in the Development Code.

Commissioner Dominguez said the concerns of the neighbors are valid. He felt they should look at the positives instead of the negatives and felt that Mixed Use would be a good asset to the area.

Mr. McCullough answered Commissioner Burger's question. He said the short answer was yes. He said there is a prohibition for sexually oriented businesses on these blocks because of the residentially zoned property. They would need to be at least 600' from Residential zoned property for the one permitted use of Sexually Oriented Media store that is allowed in the Mixed Use District.

Commissioner Carter wanted to talk about Commissioner Harris' suggested additional conditions to the Special Use Permits. He said the condition of having them clean up the glass sounds good but the challenge is the noise created from cleaning up the glass.

Mr. Farha said from the audience that he sells beer cans, not glass.

Commissioner Liese said he would support moving this forward. He felt the glass issue would be more of a noise ordinance issue.

Commissioner Blaser said he would support moving it forward and felt that the Mixed Use was appropriate for the area.

ACTION TAKEN on Item 9A
Motioned by Commissioner Carter, seconded by Commissioner Finkeldei, to approve the rezoning request Z-11-21-09 for 502 W. 14th Street, from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District as a Primary Development Zone based on the findings presented in the staff report with the following condition and forwarding it to the City Commission with a recommendation for approval:

The entire MU District shall not contain over 50,000 square feet of retail space.

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

ACTION TAKEN on Item 9B
Motioned by Commissioner Carter, seconded by Commissioner Finkeldei, to approve the rezoning request Z-11-22-09 for 414 W. 14th Street, from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District as a Primary Development Zone based on the findings presented in the staff report with the following condition and forwarding it to the City Commission with a recommendation for approval:

The entire MU District shall not contain over 50,000 square feet of retail space.

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

ACTION TAKEN on Item 9C
Motioned by Commissioner Carter, seconded by Commissioner Finkeldei, to approve the rezoning request Z-11-23-09 for 1346 Ohio Street, from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District as a Primary Development Zone based on the findings presented in the staff report with the following condition and forwarding it to the City Commission with a recommendation for approval:

The entire MU District shall not contain over 50,000 square feet of retail space.

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

ACTION TAKEN on Item 9D
Motioned by Commissioner Carter, seconded by Commissioner Finkeldei, to approve the rezoning request Z-11-24-09 for 1340-1342 Ohio Street, including a Special Use Permit for the Bar or Lounge Use, from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District as a Primary Development Zone based on the findings presented in the staff report with the following condition and forwarding it to the City Commission with a recommendation for approval:

The entire MU District shall not contain over 50,000 square feet of retail space.

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

Commissioner Harris said she was voting against these for lack of guidelines in the MU district.

ACTION TAKEN on Item 9G

Motioned by Commissioner Carter, seconded by Commissioner Finkeldei, to approve the rezoning request Z-11-27-09 for 507 W. 14th Street, including a Special Use Permit for the Bar or Lounge Use, from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District as a Primary Development Zone based on the findings presented in the staff report with the following condition and forwarding it to the City Commission with a recommendation for approval:

The entire MU District shall not contain over 50,000 square feet of retail space.

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

PC Minutes 8/25/10 **DRAFT**

ITEM NO. 10 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20 ARTICLE 6; RM32 DISTRICT (MJL)

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 6, Section 20-601 to increase the maximum dwelling units per acre limit in the RM32 (Multi-Dwelling Residential) District. *Initiated by City Commission on 7/13/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Dominguez asked why the zoning of RM54 was done away with.

Ms. Stogsdill said the Development Code was rewritten to implement Horizon 2020. Horizon 2020 actually defines high density as over 21 or 22 so two districts, RM3 and RMD, were eliminated into the RM32 as a way to get closer to what Horizon 2020 indicated.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said what he was really asking with this application was for the density to be looked at in a different way.

PUBLIC HEARING

Mr. Kirk McClure, Lawrence Association of Neighborhoods, expressed concern about unintended consequences. He said there was a market trend away from larger units and towards smaller units because students are richer and prefer to live alone. He said the problem was that with this adjustment we are saying the only controls we have now on the total scare is the existing setbacks, height, and massing requirements. He was concerned that if that happens there would be economic pressures for the redevelopment of older properties so they could be changed into the max building possible. He would like to see further analysis done to make sure that adoption of such rule would not have deleterious effects on older properties.

Commissioner Burger asked Mr. McClure if his concern was the demolition of historic properties or just properties in general.

Mr. McClure said the concern was largely with historic properties but that older properties define the fabric of any neighborhood.

Ms. Marci Francisco, 1101 Ohio Street, referred to the letter she submitted to Planning Commission that was included in the packet. She said she was told by City Commission that if they wanted to have a change in zoning they would need to submit that with a petition with a certain percentage of people in the area in support. She said she has talked for 30 years now how the Subdivision Regulations for new developing properties does not fit the Original Townsite Standards. Alley's aren't accommodated or allowed for. There are properties that are developed on narrower and deeper lots and for years couldn't build on an adjoining 50' lot. She felt they should establish a set of setbacks, rules for parking off the alley, what should the backyard be to accommodate that parking, and also have some kind of a yard. The last time this was brought up was when the City was talking about adopting the new zoning ordinance. They talked about it at several sessions and decided it was complicated and decided to allow for it by providing for the opportunity for Overlay Districts. She was concerned that they were talking about this kind of a change without putting any limits or designations for areas.

Mr. Dennis Brown, Lawrence Preservation Alliance, felt there should be a limit on the total number of bedrooms. He felt there needed to be a maximum density. He felt that redevelopment should be used for inappropriate 4-plexes or vacant lot infill but not for the removal of historic homes.

APPLICANT CLOSING COMMENTS

Mr. Werner said that is why they specifically wrote they saw it as an option of removing older apartments. He said a lot of his clients would prefer to build four 2 bedrooms. He said these two buildings were the same. Same size and same number of cars.

Commissioner Carter inquired about the comments about an Overlay District.

Mr. Werner said it was an option with a big time frame.

Commissioner Carter asked his thoughts on the maximum density.

Mr. Werner said he was frustrated about the continued discussions about numbers. He said it would still be 104 bedrooms by swapping out some 1's and 2's for some 3's.

COMMISSION DISCUSSION

Commissioner Dominguez asked if it could be restricted to just infill.

Mr. McCullough said with the current tools the Overlay District is one tool. Use Standards and footnotes could also be used. He said people have different meanings for infill.

Commissioner Burger asked if the Draft Oread Plan identifies historic, but not listed, properties.

Mr. McCullough said no, but there is a process for considering demolition permits for historic structures.

Commissioner Finkeldei said it was something to spend time on and look at. He agreed with Mr. McClure about the unintended consequences. He liked using incentives. He did not think it should be within ¼ mile of campus.

Commissioner Harris agreed with Commissioner Finkeldei about taking a closer look at unintended consequences. She said regarding the options she was mostly in favor of the first one and the last one.

Commissioner Singleton agreed with Commissioners Finkeldei and Harris that it needs to be looked at. She suggested discussing housing, density, and housing direction at a Mid-Month meeting.

Commissioner Rasmussen said the notion of an unrestricted density cap was unsettling. He was in favor of incentives.

Commissioner Carter agreed with Commissioner Rasmussen. He said as far as maximum density he would be fine with coming up with a number of what that actually was.

NO ACTION TAKEN

PC Minutes 8/25/10 **DRAFT**

ITEM NO. 11 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT; BOARDING HOUSE (SDM)

TA-6-17-09: Reconsider Text Amendments to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House." *This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration.* (PC Item 12; approved 6-3 on 5/26/10)

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

Commissioner Dominguez inquired about evidence that shows that investment has taken place in properties.

Mr. McCullough said there is investment any time uses change over.

PUBLIC HEARING

Mr. Kirk McClure, Lawrence Association of Neighborhoods (LAN), supports the Text Amendment. He said numerous LAN members spoke about enforcement issues that are still a problem. He expressed concern about those who are openly running congregate facilities that are not in compliance. He felt the City would have to confront that issue at some point. He felt this Text Amendment should be send forward to City Commission.

Ms. Candice Davis, lives in the Oread Neighborhood and is also landlord, stated she supports the plan and was pleased it was simplified. It makes sense to have one parking spot per bedroom. She said if the Oread Neighborhood Plan goes through an Overlay District could address other specific issues. She said boarding houses violates the 4 persons per dwelling unit. She said the goals in the Draft Oread Neighborhood Plan is to maintain a variety of housing types.

Commissioner Finkeldei said he was surprised to hear she was okay with doing away with the requirement about building on to houses.

Ms. Davis felt it could be addressed better with an Overlay District that fits the original Townsite Plan.

Mr. Dennis Brown, Lawrence Preservation Alliance, said he was still in favor of having an onsite contact person with the ability to quickly contact the property owner. He felt the contact person should be designated and listed on file with Development Services. He suggested the following expansion language: *If the proposed expansion utilizes more stories than the original structure, the square footage of the expansion shall not be greater than the square footage derived from calculating 20% of the existing building footprint, measured at grade.*

Commissioner Dominguez felt they should look at the expansion language. He asked why the onsite contact person would be needed.

Mr. Brown said in a group living situation someone needs some authority to contact the property owner regarding neighborhood concerns.

Commissioner Hird he wondered if an onsite contact person would really do any good in controlling behavior. He said property owners were public information anyway.

Mr. Brown felt there needed to be some mechanism for neighbors to contact property owners.

Mr. Dan Dannenberg, lives on University Drive, said the Sunset Hills Neighborhood was nervous about Boarding Houses and did not want additional problems. He felt this needed to be given careful consideration and that nuisance, trash, and misbehavior needed to be given serious consideration as well.

Commissioner Liese asked Mr. Dannenberg if he had any specific comments about the staff presentation.

Mr. Dannenberg said there was an effort to reach a reasonable compromise between property owners and residents. He said he was on the side of the property owners and they should receive protection.

Ms. Debbie Milks showed pictures on the overhead of many cars parked along Ohio Street on a Sunday morning. She said the streets were old and narrow and the traffic was going to be an issue.

Commissioner Dominguez asked how old she thought the homes were.

Ms. Milks said her home was built in 1915.

Commissioner Dominguez said increased traffic and parking was just a part of living downtown. He asked if she was okay with one car per bedroom.

Ms. Milks said assuming there was one kid per bedroom. She said often there is more than one kid per bedroom.

Mr. Paul Werner displayed on the overhead before and after pictures of boarding houses. He said in many cases the bedroom count went down of what existed before. He did not feel it was fair for recently renovated structures to become legal non-conforming. He felt there should be language to protect legal boarding houses that can rebuild. He was in favor of a Special Use Permit for larger structures instead of a variance.

Commissioner Singleton asked if a property owner could sell a legal non-conforming property.

Mr. Werner said a savvy banker might red flag it. He said insurance and financing can be an issue. He said if a microburst took it out then it could not be rebuilt. He would like to see some language that says all legal boarding houses prior to this adoption should be allowed to be reconstructed if damaged more than 60%.

Mr. Rob Farha, Crimson Properties, said he went through the right process to do boarding houses and now they will be legal non-conforming.

Commissioner Singleton asked Mr. Farha for his thoughts about having a designated contact person in the property.

Mr. Farha said he is pretty well known and that many people have his phone number. He said he already has a designated lead person in his rental properties.

Commissioner Dominguez asked if the neighbors of his rentals have his contact information.

Mr. Farha said no.

Mr. John Davis said he did not want his boarding houses to be legal non-conforming. He said he would prefer to be the contact person for the neighbors, not one of the renters.

Ms. Serina Hearn, owner of 1121 Ohio that she turned into a boarding house, said she did not add onto it, she restored it. She said the houses were already there and the intended use was for multiple people. She felt a time period should be given to allow people to add sprinkler systems to boarding houses in order to afford.

Ms. Beth Reiber felt that Alabama Street was destroyed by four-plexes and houses divided into apartments. She said there was a reason people refer to it as the 'student ghetto.' She felt that boarding houses were the worst thing to come to the neighborhood since the four-plexes and apartment houses. She said the advantages to boarding houses were large rundown structures being rehabilitated and the money that is made from turning structures into boarding houses. She said the disadvantages are that they are party houses and nobody wants to live next to a boarding house. She said the Oread Neighborhood was becoming a nightlight district. Boarding houses are raising the price of the land and it is pricing out single families from buying there. She said renters were having cup parties where they sell cups for $5 and have hundreds of party goers. She felt that 20% was too much. She felt that more work needed to be done on the Text Amendment.

COMMISSION DISCUSSION

Mr. McCullough said if the standards are adopted the use does not become non-conforming. It's the other code standard that becomes non-compliant.

Commissioner Carter asked what would happen if a boarding house was compliant in all ways other than parking and was hit by a tornado.

Mr. McCullough said if it meets the 60% their options would be to seek a variance through the Board of Zoning Appeals or reduce the number of bedrooms. He said the use does not go away. He said Planning Commission could add a Board of Zoning Appeal criteria to grant a variance on standard based on natural disasters.

Commissioner Finkeldei said it would still be a non-conforming structure. He said Insurance companies will only insure for what can be built back.

Mr. McCullough said there are elements of development that cannot be controlled.

Commissioner Finkeldei asked what staffs position was and the policy issue against passing a rule that says the 25 boarding houses that are legally non-conforming can be rebuilt.

Mr. McCullough said it is one use in a table of an entire use table. Those exist for more than just boarding houses. Apartment complexes are a big one where parking standards have changed but the use is still permitted but the parking setback is no longer. The bank will request a zoning compliance letter and staff explains exactly what the situation is. It is a valid permitted use that does not meet parking setbacks.

Commissioner Singleton felt it was a public policy issue and she was concerned about the grandfather issue. These are historical structures in our community different than apartment

buildings. She said these are people who participated in the process and did the right thing and they deserve a reward.

Commissioner Finkeldei said he preferred the May language of 20% and tiered option. He preferred language that saved historic structures. He felt the use should be permitted rather than a Special Use Permit. If they went back to the one to one language the 20% wouldn't be needed.

Commissioner Singleton felt the problems of enforcement needed to be addressed by City Commission. She liked the one parking space per bedroom. She said the only change specifically to the language she would make would be adding language that the 25 known boarding houses should be granted a variance.

Commissioner Dominguez agreed with Commissioner Singleton.

Commissioner Carter agreed with grandfathering the existing legal non-conforming properties, including the parking. He said he was for the one to one parking going forward.

Commissioner Harris felt they should protect the 25 existing boarding houses and also felt enforcement needed to be beefed up. She felt the property owner needs to have email on record with the City. She also felt that boarding houses should be limited to the Oread neighborhood.

Commissioner Rasmussen said he supported the staff recommendation about not putting the 20% addition restriction on there. Also supported the staff recommendation that it be a permitted use and not require a Special Use Permit. He thought that if it goes to one to one parking it will either shut down any future development of boarding houses or there will be multiple reoccurring requests to the Board of Zoning Appeals for variances on parking restrictions.

Commissioner Hird thought the emphasis should be on preservation of large historic structures, not simply allowing investment to avoid the apartment complex rules. He said beefing up enforcement was important and adding a contact person was a good idea. Doing away with the 20% rule and having the one to one parking was workable. He was concerned about the larger structures creating a situation where there's a lot of uncertainty in getting the right variance in parking restriction. He said he could live with the one to one but thought it could create a problem. He was not sure about special rewards for doing what was required by law.

Commissioner Harris said she liked the one to one parking language and that it would help discourage the proliferation of boarding houses.

Commissioner Rasmussen said he likes boarding houses so he was not opposed to the proliferation of them.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to approve Text Amendment TA-6-17-09 with an additional condition that owners name, phone number, and email be on record with the city. And direct staff to provide language to City Commission that would protect the investment of the 25 properties already developed.

Commissioner Finkeldei said he would vote against the motion and said if it failed he would offer alternative language that would strike a balance between not proliferating boarding houses but encouraging older large historic homes to be renovated. He was in favor of the proposed language by staff regarding parking:

Parking shall be provided at the following rates.
– For new construction: 1 parking space per bedroom
– For conversion of an existing Structure:
- *6 or less bedrooms – 4 spaces required*
- *7 or greater bedrooms – 4 plus .5 spaces per bedroom over 6 bedrooms*

Commissioner Hird said he agreed with Commissioner Harris position but agreed with Commissioner Finkeldei on the parking issue. He said he would vote against the motion.

Commissioner Dominguez inquired about Board of Zoning Appeal requests.

Commissioner Singleton said even with the limitation they can go to the Board of Zoning Appeals and ask for a variance. She said she was comfortable with one parking space per bedroom because it gives the appropriate level of review for a large structure. She said there have only been 25 boarding houses in the last 30 years.

Commissioner Carter felt it was a pretty low threshold to say 4 parking spaces for 6 bedrooms.

Mr. McCullough said in listening to the Commissions comments he would prefer to get away from language about a variance. He said if their will was to grandfather existing boarding houses then he would prefer to add them to the list of uses that get to be rebuilt without a variance in the non-conforming article.

Commissioner Blaser said he would vote in favor of the motion because he felt parking should be one to one and hoped there were other ways to preserve the older structures.

Commissioner Burger said she had a hard time with the one to one ratio because in older neighborhoods there isn't one to one ratio for single-family households.

Commissioner Liese said in order to preserve older homes it was optimal for them to become boarding houses but having 12 cars in the back of homes was not realistic. He said he would probably vote against the motion. He said in theory he was in favor of the one to one parking but did not see it as being practical.

> Motion failed 4-6, with Commissioners Burger, Carter, Finkeldei, Hird, Liese, and Rasmussen voting in opposition. Commissioners Blaser, Dominguez, Harris, and Singleton, Blaser voted in favor of the motion.

Commissioner Finkeldei said there was a different set of language regarding parking in the May Planning Commission packet:

> *A Congregate Living use shall provide one (1) parking space per bedroom. In cases where a structure greater than 4,000 square feet exists on a lot too narrow to accommodate the code-required parking, the Planning Director may reduce the parking amount required by code to no less than five (5) spaces.*

Commissioner Hird said the language from the May agenda seemed easier to administer. He felt it also addressed the concern of preserving larger structures.

Commissioner Rasmussen asked how many of the 25 boarding houses were greater than 4,000 square feet.

Ms. Francisco said if a size is set then there is the issue of adding on. It would be possible for anyone to put an addition and then reach the threshold which would then get back to parking issue. If there was not some limitation on expansion then it wouldn't make sense. The idea was to present equity between boarding houses and apartments and let the market decide.

Mr. McCullough said 6 of the boarding houses were 4,000 or greater square feet.

Commissioner Singleton inquired about an Overlay District and how that would work with one parking.

Mr. McCullough said it allows all the code standards that are city wide to be very specific for an area about lot coverage, setbacks, character defining issues, number of bedrooms, parking ratios, etc.

Commissioner Rasmussen said his preference for parking was:

Parking shall be provided at the following rates.
– For new construction: 1 parking space per bedroom
– For conversion of an existing Structure:
- *6 or less bedrooms – 4 spaces required*
- *7 or greater bedrooms – 4 plus .5 spaces per bedroom over 6 bedrooms*

Commissioner Hird suggested deferring the Text Amendment.

Commissioner Dominguez said anything less than one to one ratio parking encourages boarding houses. He said he was against boarding houses.

Motioned by Commissioner Hird, seconded by Commissioner Liese, to defer the Text Amendment to the September Planning Commission.

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

PC Minutes 8/25/10 **DRAFT**

ITEM NO. 12 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & COUNTY SUBDIVISION REGULATIONS; MINOR & MAJOR SUBDIVISIONS (SMS)

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

STAFF PRESENTATION

Ms. Sheila Stogsdill advised them the update was for their information.

NO ACTION TAKEN

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

Adjourn at 1:00am

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

PLANNING COMMISSION MEETING
September 20, 2010
Meeting Minutes DRAFT

September 20, 2010 – 6:30 p.m.
Commissioners present: Blaser, Burger, Carter, Dominguez, Finkeldei, Harris, Liese, Rasmussen, Singleton, and Student Commissioner Davis
Staff present: McCullough, Stogsdill, Girdler, Leininger, J. Miller, Warner, Zollner, Bond, Ewert

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MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of July 26, 2010.

Commissioner Harris found a minor error on the first page of the document that she emailed to Ms. Denny Ewert prior to the meeting.

Motioned by Commissioner Harris, seconded by Commissioner Finkeldei, to approve the July 26, 2010 Planning Commission minutes with the correction suggested by Commissioner Harris.

> Approved 7-0-2 with Commissioners Blaser and Rasmussen abstaining. Student Commissioner Davis abstained.

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

Minutes were not available to vote on. They will be voted on during the October meeting.

COMMITTEE REPORTS

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

Commissioner Blaser said the Industrial Design Committee met and will present the whole plan at the October Mid-Month meeting. He encouraged all the Commissioners to attend.

COMMUNICATIONS

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

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Liese said he spoke with Ms. Marci Francisco briefly at a social event and she reiterated points she made at the last Planning Commission meeting.

  Commissioner Carter said he met with Ms. Candice Davis to discuss the boarding house Text Amendment and talked briefly on the telephone with Mr. John Davis and Mr. Rob Farha.

Commissioner Dominguez said he briefly spoke with Ms. Candice Davis. He said he also received many emails from the public.

- No abstentions.

PC Minutes 9/20/10 **DRAFT**

ITEM NO. 1 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT; BOARDING HOUSE (SDM)

TA-6-17-09: Reconsider Text Amendments to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House." *This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration.* (PC Item 12; approved 6-3 on 5/26/10) *Continued by Planning Commission on 8/25/10.*

STAFF PRESENTATION

Mr. Scott McCullough, Planning Director, presented the item.

Commissioner Dominguez inquired about an appeal process for parking request.

Mr. McCullough said at the end of this process there would be a set of standards and assuming it would be a permitted use in the zoning district they would submit a site plan and staff would process the site plan to make sure all the standards were met and then the applicant would seek building permits.

Commissioner Dominguez asked if someone could make a boarding house out of something that is not a boarding house.

Mr. McCullough said the permitted uses of the zoning district RM32 would allow multi-dwelling structures and non-conforming single detached dwelling structures. In the Oread neighborhood boarding houses and several other types of land uses would be allowed.

Commissioner Dominguez asked if the applicant could seek a variance through the Board of Zoning Appeals if the parking was limited to one to one.

Mr. McCullough said yes.

Commissioner Finkeldei inquired about the language *'The planning director could alter the parking requirement, for boarding houses or multi-dwelling structures, to assist in the preservation of the architectural nature of the structure and neighborhood.'*
He asked if he intended that to apply over a certain square footage or in any case.

Mr. McCullough said it meant over a certain square footage so code language would have to be built. The intent would be to build in administrative variance procedure for those that are over a certain threshold of size. He said an alternative way to do it was some sort of ratio that just very objectively shows the reduction of ratio past a certain square footage. He said there seemed to be support for coming up with some mechanism to grant some relief to certain size structures. He said it could also be certain size structures within historic districts or environs of listed properties if they want to go that far.

Commissioner Finkeldei asked if this was passed but the non-conforming change was not passed, could staff retroactively go back and approve those structures and make them conforming.

Mr. McCullough said typically it would take some sort of action by the applicant to get re-approval of the property.

Commissioner Harris asked staff to respond to the Lawrence Preservation Alliance diagram that showed how a small house could become a really big house under the code.

Mr. McCullough said the current code allows that.

Commissioner Harris inquired about previous discussion about the current code being sufficient to keep a building from becoming 20% bigger than its footprint. She asked if that was not always the case.

Mr. McCullough said hopefully he didn't portray that there are codes in place that keep it from becoming 20%. He said staff has tried to help people recognize that the current code allows certain development rights in the RM32 zoning district on a certain size lot. He said if the governing bodies think that is too much for the district or neighborhood than the standards need to be addressed. He said staff was trying to pull away from demonizing someone who was working within the current code.

Commissioner Singleton inquired about the procedure for deciding to move forward with the August language.

Mr. McCullough said they could make a motion like that using the previous language and it would be forwarded on. He said if the language starts getting into different code sections, like multi-dwelling parking, it would have to be re-advertised and brought back at a future date.

Commissioner Finkeldei did not think they would get uniformity on the discussion. He felt there was a place for boarding houses and a place to try and save large structures. He supported sending it back to create incentives to save large structures. He liked the language '*…to assist in the preservation of the architectural nature of the structure and neighborhood.*' He felt the people who have followed the rules and have a non-conforming use should be protected. He said the question becomes in this current version if 4,000 square feet is the definition of a large structure. He felt they needed to limit it to no more than 10% or 20% for the reasons the Lawrence Preservation Alliance pointed out. He said he might prefer 3,500 square feet and any structure larger than that could be granted a parking waiver to allow more parking spaces to save that structure without going to the Board of Zoning Appeals.

Commissioner Harris said she supported Commissioner Finkeldei's comments in general. She asked him about the scenario of an addition being added to a building that makes it large enough to be considered by the Planning Director for parking reductions.

Commissioner Finkeldei said he would support a provision that says if the gross square footage did not expand more than 10% or 20% in the last 5 years.

Commissioner Dominguez asked why Commissioner Finkeldei would not want the issue to go to the Board of Zoning Appeals.

Commissioner Finkeldei said the Board of Zoning Appeals can only consider certain items and saving an historic structure is not one of their decision making criteria.

Commissioner Rasmussen said there has to be unique circumstances and if the hardship is self inflicted that is not one of the criteria and neither is the dollar cost.

Commissioner Liese asked staff to review the current parking requirements for multi-dwelling and boarding houses.

Mr. McCullough said for multi-dwelling structures it is 1 parking space per bedroom, for boarding houses it is 1.5 parking spaces per two lawful occupants.

Commissioner Rasmussen asked about the current parking requirements for dormitories.

Mr. McCullough said it was the same as boarding houses, 1.5 parking spaces per occupant.

Commissioner Blaser felt that the parking should be the same across uses with boarding houses being 1 parking space per bedroom.

Commissioner Rasmussen asked if that meant he also favored a change in sorority and fraternity parking.

Mr. McCullough said currently sororities, fraternities, and boarding houses have a reduced parking standard than apartments.

Commissioner Blaser said he would have to think about that.

Commissioner Carter said he did not want to address fraternities and sororities separate from this. He felt the one to one parking was the way to go and also grandfather in the legal non-conforming issues. He said the Overlay Districts could address large structures.

Commissioner Finkeldei said there are quite a few structures that are 10 bedroom apartments. He said if an owner tries to renovate those and does not comply with the parking standards then they would probably just leave them the way they are.

Mr. McCullough said of the 22 boarding houses originally provided to them 7 of those were over 3,500 square feet.

Commissioner Dominguez asked Commissioner Finkeldei what he wanted changed from the August language.

Commissioner Finkeldei said he favored the 1 to 1.5 parking for structures over 4,000 square feet. He said adding multi-dwelling structures would require more time.

Commissioner Singleton said if the majority of people in attendance tonight were in agreement that parking should be 1 to 1 and in agreement that the only other modification was to grandfather approved boarding house structures then it could be forwarded to City Commission.

Mr. McCullough said yes, if it did not include a standard for waiving parking requirements.

Commissioner Singleton said they were close to getting it done last month. She said her understanding was that they were going to vote on this tonight. She said there was new information about potential language for parking, how to handle non-conforming structures, and how to address the issue of an onsite property manager. She said if they look at the language from the August meeting that says the parking should be 1 space per bedroom. She felt that the majority of the Commission believed it should be 1 parking space to 1 bedroom. She said the only other issue was the issue of grandfathering in structures that were already in place.

Commissioner Finkeldei asked if Commissioner Singleton was suggesting the motion should be to adopt the August language plus the non-conforming language from this month's memo.

Commissioner Singleton said yes.

Commissioner Harris said if the vote was to forward to City Commission she would only be comfortable doing that if she could see the language that they would be voting for and preferably review the minutes from the August meeting to refresh her memory.

Commissioner Rasmussen said he would like to see the language too. He said when looking at the August language he would support the 1 parking space per bedroom but would like to see some relief for large structures and felt they were creating a problem by ignoring it.

Commissioner Carter said he was concerned about the unintended consequences. He was comfortable with the 1 parking space per bedroom and including language to allow the Planning Director if it's based on saving a larger structure.

Commissioner Harris asked if Commissioner Carter meant large or large historic.

Commissioner Carter said he meant large historic.

Commissioner Rasmussen said the reason he liked boarding houses was it preserved the character of the neighborhood.

Commissioner Liese said in the staff memo it states that there appears to be consensus that large structures in the Oread neighborhood or another established neighborhood should be provided relief from parking requirements in a way that treats multi-dwelling structures and boarding houses the same. He wondered if there was really consensus.

Commissioner Finkeldei said he thought there was consensus.

Commissioner Blaser thought so too.

Commissioner Carter thought so as well.

Commissioner Singleton said there was a difference between an historic home being maintained but she does not want to encourage them to be torn down and an apartment complex be built instead.

Commissioner Dominguez said the incentive to turn a house into a boarding house was to make money. He said he liked the Board of Zoning Appeals route in order to get the neighborhood involved.

ACTION TAKEN
Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to defer the item and direct staff to work on language consistent with the staff memo set forth in item 1 and include language that saves larger structures, includes language that does not allow it to expand over a certain percentage, and look at the non-conforming language again.

Commissioner Singleton said staff did an excellent job of raising good points to take into consideration. She said she would like information about how many houses are over 4,000 square

feet. She suggested during the Mid-Month meeting having a theoretical discussion about the issue of grandfathering non-conforming structures. She agreed that maybe the Board of Zoning Appeals was not the best route to be making these decisions because the factors they consider aren't relevant to the issue they would be asked to address. In reference to an onsite property manager, she strongly felt there needed to be someone who had some level of responsibility. She suggested a phone number onsite to get a hold of owner. She said she supported Commissioner Finkeldei's motion.

Commissioner Liese supported Commissioner Finkeldei's motion. He would like staff to elaborate on the statement that parking regulations should be revised to create uniform relief from the parking standards for multi-dwelling structures and boarding houses.

Mr. McCullough said hundreds of Text Amendments have been done since the Code was adopted in 2006 because there have been discrepancies and inequities. He said this Commission has worked a long time on that. The process has brought up the notion that there are inequities between multi-dwelling structures and boarding houses if they are both to thrive in established neighborhoods in the RM Districts. He said the code today gives advantage to boarding houses.

Commissioner Dominguez did not know if he would support or vote against the motion. He said regarding not having the Board of Zoning Appeals hear items because of the five criteria, the first two criteria are unique circumstances to a variance being requested by a boarding house. He did not like decisions being made by the city instead of being heard through the public process and did not think it was good for public policy. He said he did not think he would support motion

Commissioner Harris said Commissioner Dominguez made some good points. She said she was not ready to move it forward just yet.

Commissioner Carter said he would vote in favor of the motion. He said the motion was for including language that saves larger structures and he would like to see it for large historic structures. He said he would rather use Overlay Districts to address all large structures.

Commissioner Burger asked if the motion was approved if the public comment period would be open again.

Mr. McCullough said he would recommend they have a public hearing on that language.

> Motion carried 7-2, with Commissioners Burger and Dominguez voting in opposition. Student Commissioner Davis abstained.

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ITEM NO. 2 UR TO CN2; 3.158 ACRES; NW CORNER W 6TH ST & QUEENS RD (MKM)

Z-5-8-10: Consider a request to rezone approximately 3.158 acres from UR (Urban Reserve) to CN2 (Neighborhood Commercial Center), located at the Northwest corner of W. 6th Street and Queens Road. Submitted by Olsson Associates for Pear Tree Village L.P., property owner of record. *Deferred by Planning Commission on 8/23/10.*

Item 2 was deferred prior to the meeting.

ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT; H2020 CHP 8; TRANSPORTATION (RTG)

CPA-3-1-10: Consider Comprehensive Plan Amendment to Horizon 2020 for an update to Chapter 8 – Transportation. *Initiated by Planning Commission on 2/22/10.*

STAFF PRESENTATION
Mr. Todd Girdler presented the item.

Commissioner Harris asked if there was anything in the current Transportation Chapter that was contradicted by Transportation 2030.

Mr. Girdler said the current chapter heralds back to the Transportation 2020 timeframe and things have moved forward since then and are not consistent. He said the text was out of sync, as well as the map, and the new chapter would alleviate confusion.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the use of the latest L-DC MPO approved Metropolitan Transportation Plan (MTP) as amended as the transportation policy guide for comprehensive planning activities conducted by the Lawrence-Douglas County Planning & Development Services Department and Lawrence-Douglas County Metropolitan Planning Commission and agree to use that document as local and regional policy in their decision-making process for all transportation related matters.

Unanimously approved 9-0. Student Commissioner Davis voted in the affirmative.

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve and authorize the Planning Commission Chair to sign the PC Resolution (PCR-6-2-10).

Unanimously approved 9-0. Student Commissioner Davis voted in the affirmative.

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ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT; H2020 CHP 14; NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Deferred by Planning Commission on 7/26/10.*

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Harris asked if in Option 2 the name of the category would be Agri-Industry but would permit other kinds of industrial uses.

Mr. Warner said that was correct, it clarified that industrial uses were appropriate but mandates setting aside 50% of the soil in perpetual protection.

Commissioner Harris asked Mr. Matt Bond what the area would look like if it was 50% farming and 50% industrial. She asked if the industrial sites would have to be built up to meet other codes.

Mr. Matt Bond, City Stormwater Engineer, said it would be based on where it falls on the FEMA floodplain map. He showed area floodplain maps on the overhead.

Commissioner Harris asked if more conventional industry, not agri-industry, are built in that area and the land next to it is saved would it affect the quality of the land that is trying to be protected.

Mr. Bond said as far as additional runoff, yes. He said impervious surface creates more runoff downstream.

Commissioner Rasmussen inquired about the language in the definition of Industrial that says *'Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also….'* He wondered if the word 'and' should be 'or' instead.

Mr. Warner said the language describes two areas so he suggested adding a comma:
'Land west of the airport and north of Highway 24/40, and south of Highway 24/40 is also….'

Commissioner Rasmussen asked if it would be possible to just reference the map instead of having a written description.

Mr. Warner said that was possible.

Mr. McCullough said they have typically tried to include a narrative in the map. Option 1 is depicting a change in land use classification for the area south of 24/40. The narrative talks about the existing industrial developments and also the undeveloped land. He said it was a matter of wordsmithing or referencing a map.

Commissioner Blaser asked that public comments be kept to the options proposed tonight.

PUBLIC HEARING

Mr. Hank Booth, Lawrence Chamber of Commerce, said he was amazed at the patience and calm determination of the people who have lived and farmed the area for generations. He said he has attended all the meetings outside of Planning Commission and has left some of those meetings with

the sense that farmers can't be trusted or are somehow incompetent when it comes to making sure the land is well cared for. He thanked staff for providing Option 1 and that a large number of people are in favor of proceeding with at this level. He said after a decade of basic zero job growth in Douglas County that every opportunity to move forward in job creation was needed. He did not believe that using Option 1 would jeopardize that opportunity. He said Option 1 most closely represents what was originally passed in Horizon 2020. He asked that Planning Commission support Option 1.

Mr. Roger Pine, Pine Family Investments, was pleased and felt encouraged after working on this for a year and a half. He said he was in favor of Option 1 and felt it gave land owners options to have choices in how they use the land. He showed a map of land owners who supported Option 1. He said the green areas on the map were equal to 5,000 acres of the 7,000 acres that staff identified as agricultural land.

Commissioner Rasmussen asked Mr. Pine to clarify the green areas on his map.

Mr. Pine said the green areas of the map identify agricultural land that owners are in support of Option 1.

Mr. Matt Eichman, Midwest Concrete Materials, said he was one of the land owners on the map that Mr. Pine showed in favor of Option 1. He said Option 1 still includes language specific to class 1 and 2 soils. He said at the last meeting he went into detail about other resources being important. He requested an amendment to take out specific language of class 1 and 2 soils and add language that protects all natural resources in the area.

Mr. Charles Novogradac, Chestnut Charlie's, owns land on other side of Maple Grove. He said he did not sign the letter Mr. Pine mentioned in favor of Option 1. He was concerned about drainage. He said drainage follows from capability of the soils. He said at an earlier meeting he tried to explain that the soaking up capability of capability 1 lands is much greater than capability 2 lands. He said since 1995 when he started planting his tree crop, all the absorbing capability of the soil in that drainage district was being sucked up by other development. He said when he started his tree crop the FEMA floodplain did not touch his land but the most recent map has the FEMA touching his land. He was concerned the incremental development of the area and felt that industrial development may conflict with his ability to grow crops.

Ms. Barbara Clark, owns 47 acres in Grant Township, said the dynamics of the water issues in the area was changing at a rapid clip. She said Citizens for Responsible Planning was still in favor of the original 3rd draft proposal as presented at the July meeting. She said she could not support Option 1 because flooding concerns for the area were high. She said any impervious surface on those soils would exacerbate flooding issues already affecting the North Lawrence community. She showed a map on the overhead of planned growth areas. She said the total acres of capability class 1 and 2 soils in the planned growth area was 93.56%. She said that was a staggering figure of contiguous class 1 and 2 soils. She was not in favor of dropping out language regarding the preservation of class 1 and 2 soils.

Commissioner Singleton asked which language Ms. Clark preferred.

Ms. Clark said she preferred the language in the original 3rd draft as presented.

Commissioner Singleton asked what her concerns were with the 2nd draft.

Ms. Clark said her greatest concern was clarification of just what that might be. It would come down to this body deciding whether they were compatible uses.

Commissioner Dominguez asked if there was a percentage she was willing to compromise with.

Ms. Clark said that was difficult without having an actual application to look at. She thought the soil conserving agri-industry language was stronger and a much better language rather than trying to look at a percentage.

Commissioner Liese said it seemed that one of the biggest controversies was what an agri-industry was. He asked what Ms. Clark would consider an agri-industry business.

Ms. Clark said it would have to be all four words, soil conserving agri-industry. She said the seed research being done on a lease basis on that land is a soil conserving agri-industry. She said the Endowment has also initiated a native medicinal plant area.

Commissioner Dominguez asked staff to confirm the numbers Ms. Clark came up with for class 1 and 2 soils.

Mr. McCullough said staff has not studied them in that way.

Mr. Ted Boyle, President of North Lawrence Improvement Association, said he was representing approximately 2,500 North Lawrence residents. He expressed concern about class 1 and 2 soils and storm drainage. He felt they went hand in hand. He said as a result of the 1993 flood the City built a big pump on North 2nd Street in 1995. He said that pump today is small, overwhelmed, and over capacity. He said the residents of North Lawrence were not worried about the river flooding, but rather a 1-2" rainstorm in a short time creating a lot of storm water runoff. He said North Lawrence has endured stormwater flooding for 15 years and was concerned about more runoff due to development.

Mr. Frank Male said he owns two businesses in North Lawrence as well as three industrial properties and three single-family homes with basements in North Lawrence. He said he was deeply invested in North Lawrence. He said drainage was a prime consideration. He said as part of the City's drainage study in 2005 two pumps will be installed at 5th & Maple Street and he felt that would be a tremendous help to North Lawrence. He liked Option 1. He said the area was a good transportation hub.

Commissioner Liese asked Mr. Male if he had seen any basement flooding.

Mr. Male said no.

Commissioner Dominguez inquired about benefit of his property value.

Mr. Male felt Option 1 benefited the entire community. He said his true interest was economic development.

Mr. Bill Woods said he was a professor in the Geography Department and Courtesy Professor in the Anthropology Department at KU. He said his research specialty was human influences on soils through time. He said soils were really a nonrenewable and finite resource and they are the most important resource. He said they were being called upon to produce ever more as populations rise and that they are increasingly under pressures throughout the world and are degrading. He felt that

every effort must be made to adversely impact highly productive soils and put them into other uses. Almost always these alternate, less productive sites exist for whatever alternate uses are proposed. He was highly dismayed by what he has seen during his 40 years of working with agricultural soils in this hemisphere and felt the US should lead in efforts to protect productive soils. He said generally, an alternative use has a finite lifetime of a few years or at most decades and then is done. Soils have been destroyed in the meantime and the site from an agricultural standpoint is worthless. He said as stewards for future generations they need to think beyond this time scale and look to the future. Productive soils, with proper treatment, have proved to be resilient for hundreds, if not thousands of years. He urged the Commission to do everything in their power to aid in the effort to protect these fertile soils.

Ms. Sue Pine said the hardest vote she ever made while serving on Planning Commission was to expand the Urban Growth Area. She said Douglas County needed a tax base to support the community and to do that they needed to expand the urban growth area to the Douglas county line. She said she was not sorry for her decision. She said this area was important to the community. She felt they needed to allow the entire area to develop. She said soils were great but that climate and irrigation were contributing factors to the quality of those soils.

Mr. Jim Congrove said he signed the letter in support of Option 1. He provided data compiled by the Sustainable Agriculture Specialist at K-State. The study focused on 51,518 acres of class 1 cropland between Manhattan and Kansas City that could support local food production. He said climate was the limiting factor, not soil, as far as local food production. He said class 1 was not necessarily the best for some crops like melons.

Mr. Pat Ross said he owns 450 acres within the Northeast Sector Plan. He felt Option 1 gave direction to staff and the Commission that was easy to understand and directly reflects the policies of Chapter 7 and Horizon 2020. He felt it eliminated the controversial grey area of what fits in the soil conserving agri-industry category. He also felt it allowed staff and Commissioners to be proactive not reactive.

Commissioner Harris asked about his comment regarding eliminating confusion about soil conserving.

Mr. Ross felt the way it was presented in Option 1 was easier to understand that it would be encouraged but not demanded.

Ms. Crystal Hammerschmidt said Lawrence has a wonderful community of young growers and she was in favor of soil conservation for food production.

Mr. Ken Holladay said he grew up in North Lawrence. He owns farm land and wants to be able to do with it what he wants and not be confined even though agricultural was the current use.

Mr. Jerry Jost, resident of Grant Township, wondered why the area wasn't already developed since it has all the assets of transportation, airport, railroad, etc. He felt it hadn't already been developed due to flooding. He said there were better places to invest limited public resources for industrial development. He supported the original 3rd draft of the plan.

Ms. Debbie Milks, Chestnut Charlie's, said their business was not a hobby, it was 15 years worth of investment. She said if soil was covered by parking or development she would be drown out of business. She supports the original 3rd draft.

COMMISSION DISCUSSION

Commissioner Blaser said that Ms. Gwen Klingenberg requested item 6 be deferred.

Motioned by Commissioner Harris, seconded by Commissioner Finkeldei, to defer item 6 to the next Planning Commission meeting.

Motion carried 9-0. Student Commissioner Davis voted in the affirmative.

Commissioner Finkeldei said he didn't hear support for Option 2. He agreed that class 1 and 2 soils were important and should be protected but there were competing concerns. He felt that Option 1 was consistent with what was approved in Chapter 7. He said draft 3 expanded that language greatly and he does not support draft 3. He said he supported Option 1.

Commissioner Liese asked for input on stormwater and flooding.

Mr. Bond said everything (water) off of E 1500 Road goes to the east. He said everything (water) on the west side of E 1500 Road ends up in Maple Grove Drainage the way it is now.

Commissioner Finkeldei asked if a development plan could include improvements to mitigate.

Mr. Bond said some of it could be kicked east by putting in a culvert pipe under 7th Street based off of the ridgeline and then upsize the pumps at the 2nd Street pump station.

Commissioner Burger asked staff to comment about Ms. Pine's comments about water rights for irrigation.

Mr. McCullough said he did not have any information about water rights on irrigation and said that was the first time they had heard that issue.

Commissioner Harris asked Mr. Bond about the improvements he just mentioned and how much they would cost and if it could be funded by a developer.

Mr. Bond said the cost would be determined by the size of the pump. He said as far as a small drainage culvert it would probably be $50,000-$100,000.

Commissioner Rasmussen asked how many acres in the entire Northeast Sector area were class 1 and 2 soils.

Mr. Warner said he did not have that information right at hand.

Commissioner Carter said it was easy to get emotional and think they are overdoing things as far as growth goes but he didn't think it was a choice of drowning or not drowning Chestnut Charlie's or other businesses out there. He said the site planning process would address issues of flooding. He said even if they choose Option 1 they are not committing to send the infrastructure out there to develop it they are just allowing it to be an option for the future.

Commissioner Harris responded to Commissioner Liese's question about stormwater. She said if the area that's agri-business is developed more intensely than talked about before, not only would they be adding more impervious surface but they would be taking away the soil that retains water so well. She said that Mr. Bond mentioned earlier that there would be a problem if a stormwater

detention area was built because it would attract water fowl. She said the vision she has for the area would be very limited buildings and a lot of land saved. She did not think Option 1 did that and had way too much leeway for development of the area and that there would be a potential for problems with stormwater because of that. She said she could not support Option 1. She said she would support the original language but did not think it was perfect.

Commissioner Singleton said she would not support Option 1 and preferred draft 3. She felt they needed to look past traditional job growth and encourage preserving the soil to be used for innovative green types of industry. She felt this would be a win-win for future generations as well as for the economy. She said they needed to change the way they look at growth. She did not think the language in Option 1 was the best for future generations.

Commissioner Liese inquired about language under Option 1: *'Add language to the Industrial category encouraging soil conserving agri-industry businesses to locate in areas with class 1 and 2 soils.'* He wondered what the 'encouraging' part meant.

Commissioner Finkeldei said the language in Option 1 was almost word for word from Chapter 7. He said they don't know exactly what 'soil conserving agri-industry' meant except that they want to encourage it.

Commissioner Rasmussen said the Northeast Sector Plan encompasses a very large area of 10,640 acres and considers a number of potential uses in that area. All of the discussions have focused on less than 200 acres out of the 10,000 acres. He said the reality is that the 200 acres is best suited for industrial use. It's bounded by highways, close to airport and railroad. He said Option 1 makes the most sense from a Planning perspective and he would support it.

Commissioner Dominguez agreed with Commissioner Rasmussen's comments. He said he is pro-business. He said Sector Plans change lives. He said he would support the original language.

Commissioner Blaser said they are not asking anyone to change their lives if they don't want to. He said he would support Option 1 because it gives options to the landowner.

Commissioner Finkeldei said just because he would vote against it doesn't mean the land would go away and doesn't mean he don't care about class 1 and 2 soils. He said 200 acres was the total area but once building starts there would be setbacks, stormwater, etc so it would actually only be built on a small fraction of the 200 acres.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the Northeast Sector Plan (CPA-6-5-09) with the addition of Option 1 as set forth in the staff memo for item 4.

> Motion carried 5-4, with Commissioners Burger, Dominguez, Harris, and Singleton voting in opposition. Commissioners Blaser, Carter, Finkeldei, Liese, and Rasmussen voted in favor of the motion. Student Commissioner Davis abstained.

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve and authorize the Planning Commission Chair to sign PC Resolution (PC-7-5-10).

Motion carried 5-4, with Commissioners Burger, Dominguez, Harris, and Singleton voting in opposition. Commissioners Blaser, Carter, Finkeldei, Liese, and Rasmussen voted in favor of the motion. Student Commissioner Davis abstained.

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ITEM NO. 5 DE-ANNEXATION; 2.4 ACRES; 1820 N 3RD ST (DDW)

A-6-1-10: Consider the de-annexation of approximately 2.4 acres, located at 1820 N 3rd Street, legally described as: the north 90 feet of the southwest quarter of the southeast quarter of Section 18, Township 12 South, Range 20 East, of the sixth principal meridian. Submitted by Eugene F. Reding, property owner of record.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Harris asked what the cost to the city was to de-annex the property.

Mr. Warner said the normal cost of publishing an ordinance and lost tax income.

Commissioner Harris asked if there was any cost to the land owner or the city to annex back in.

Mr. McCullough said it would be minimal if it was not a litigation matter.

Commissioner Harris inquired about the service plan for the area. She asked if there was an immediate need for it or compelling reason to do it in that area at this time.

Mr. McCullough said staff has been speaking with the Utilities Department about the Wastewater Master Plan which will shed more light on a lot of different areas of the city. He said during this research and in inquiries with developers along the corridor of the highway there have been recent discussions about extending service along the highway. He said the city has intended to capture the county industrial park but it needs to be reviewed at a higher level.

Commissioner Blaser inquired about the cost difference in taxes between annexed and de-annexed.

Mr. Warner said he did not know.

Commissioner Rasmussen asked Mr. Warner to review the staff analysis for denial.

Mr. Warner said the issue was the existing county development in the area. He said the city intends to annex the property immediately south in the future. The comprehensive plan supports annexing property and doing a service plan if it is in service area 4, which this property is. He said there were a number of reasons. He said the property was also within the urban growth area.

APPLICANT PRESENTATION

Mr. Eugene Reding said he acquired the property in June, 2009. He said the previous owner requested to be annexed into the city due to well problems. He said the city has had 22 years to get water out there. He said he has no city services such as garbage collection, water, city road maintenance, etc. He said the difference in taxes was $230 more a year and he gets nothing for it. He said when he had a theft at the property he called the city police and they told him to call the county sheriff. He said he has gotten attitude from city departments and that the City Manager and City Commissioner Amyx would not answer his letter. He asked the Planning Commission to please de-annex his property and that he would sign any paperwork necessary agreeing to future annexation.

Commissioner Liese asked Mr. Reding when he bought the house what research he did to determine whether or not the property was in the city.

Mr. Reding said the realtor who listed the property said the property was in the city and listed it as having city water. He said he wanted the property for use of outbuildings. He wanted to tear the outbuildings down but couldn't because they could only be rebuilt as a footprint of the house, which was too small.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Mr. Warner said the item was properly notified to the public.

Commissioner Singleton said she felt the land should be de-annexed since the property was not receiving any city services.

Commissioner Harris agreed that this piece of land should be de-annexed with the provision that staff recommended in the staff report for the owner to sign a "Consent to Annex." She said the reason for the annexation in 1988 never materialized so it was fair to de-annexed for the time being.

ACTION TAKEN
Motioned by Commissioner Carter, seconded by Commissioner Singleton, to approve the requested de-annexation with a condition that the owner execute a "Consent to Annex" agreement with the City of Lawrence that outlines when the property must be annexed into the city (when water and sewer are extended within a certain distance of the property for example.)

Unanimously approved 9-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 9/20/10 **DRAFT**

ITEM NO. 6 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; IBP DISTRICT (MJL)

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

Item 6 was deferred to next month by Planning Commission.

ACTION TAKEN

Commissioner Blaser said that Ms. Gwen Klingenberg requested item 6 be deferred.

Motioned by Commissioner Harris, seconded by Commissioner Finkeldei, to defer item 6 to the next Planning Commission meeting.

Motion carried 9-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 9/20/10 **DRAFT**

ITEM NO. 7 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & COUNTY SUBDIVISION REGULATIONS; MINOR & MAJOR SUBDIVISIONS (SMS)

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

Item 7 was deferred prior to the meeting.

PC Minutes 9/20/10 **DRAFT**

ITEM NO. 8 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; INDUSTRIAL DESIGN STANDARDS & GUIDELINES (MJL)

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

Item 8 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Commissioner Blaser reminded them about the Mid-Month meeting.

PUBLIC COMMENT SECTION

Adjourn 10:20pm

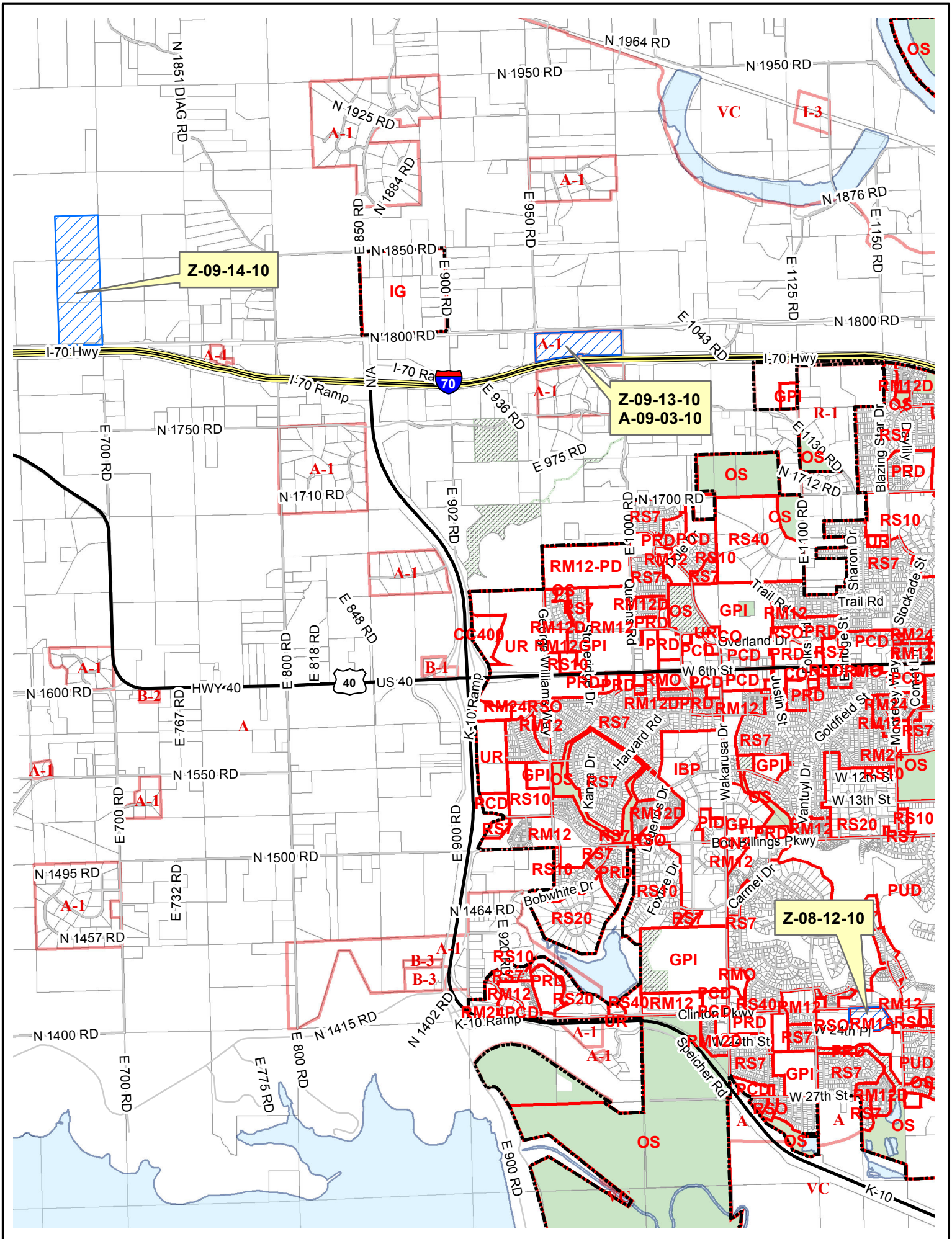
2010
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	**Mid-Month Topics**		**Planning Commission Meetings 6:30 PM, Mon & Wed**	
Jan 13	Midland Junction Sand Facility		Jan 25	Jan 27
Feb 10	KU Endowment	Kansas Biological Survey	Feb 22	Feb 24
Mar 10	Industrial Design Guidelines		Mar 22	Mar 24
Apr 14	Environmental Chapter Presentation		Apr 26	Apr 28
May 12	APA Conference Report	Northeast Sector Plan Presentation	May 24	May 26
~~Jun 09~~	*Cancelled due to Friday Training this week*			
June 11 All day Friday	PC Orientation *[including Joint City/County Commissions session]*		Jun 21	Jun 23
~~Jul 14~~	*Cancelled*		Jul 26	Jul 28
~~Aug 11~~	*Cancelled*		Aug 23	Aug 25
Sep 08	Air Quality/Ozone Issues Tom Gross & Richard Ziesenis – Health Dept		Sep 20	~~Sep 22~~
Oct 13	Discuss Proposed Industrial Design Standards		Oct 25	Oct 27
Nov 03			Nov 15	Nov 17
Dec 01			Dec 13	Dec 15

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

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

Revised 09/28/10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N 1964 RD
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I-70 Hwy
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E 700 RD
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HWY 40
US 40
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K-10 Ramp
N 1415 RD
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Trail Rd
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Overland Dr
Harvard Rd
Kansas Dr
Legends Dr
Wakarusa Dr
Justin St
Goldfield St
Vantuyl Dr
W 12th St
W 13th St
Bob Billings Pkwy
Bobwhite Dr
Foxtail Dr
Camel Dr
Clinton Pkwy
W 24th St
W 24th Pl
W 27th St
Speicher Rd
Blazing Star Dr
Sharon Dr
Stockade St
Concord Ln
Mcgeey Way
Gerald Williams Way
Brooks Rd
Quail Run Rd
Delaware St
Bridge St
A-1
B-1
B-2
B-3
A
IG
I-3
VC
R-1
RS7
RS10
RS20
RS40
RM12
RM12D
RM12-PD
RM24
RMO
PRD
PCD
GPI
IBP
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PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

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

Z-09-14-10: Consider a request to rezone approximately 120 acres from County A (Agricultural) to County I-2 (Light Industrial), located west of E 700 Road and north of N 1800 Road (Farmer's Turnpike). Submitted by Paul Werner Architects for Rockwall Farms L.C., property owner of record. *Joint meeting with Lecompton Planning Commission.*

STAFF RE COMMENDATION: Staff recommends approval of the rezoning request for approximately 96 acres from A (Agricultural) to I-2 (Light Industrial) District and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

Applicant's reason for request: "*To rezone a parcel of ground from 'A' to 'I-2' in order to provide Berry Plastics a warehouse facility to support their existing manufacturing facility. The primary request is to provide this much needed support space; however, there are additional benefits to the community at large.*"

KEY POINTS

- The subject property is located within 3 miles of the Lecompton city limits and this rezoning request will be considered at a joint meeting of the Lawrence-Douglas County Metropolitan and Lecompton Planning Commissions.
- The property has immediate access to an improved arterial street (N 1800 Rd) and is in close proximity to the I-70/K10 Lecompton Interchange.
- Property within the I-2 District must be platted prior to obtaining a building permit. A preliminary plat has been submitted and is scheduled for consideration at the November Planning Commission meeting.
- A request [Z-11-19-08] was approved by the BoCC at their June 24, 2009 meeting (pending the recording of a final plat) for a rezoning of the property east of the subject property to the B-2 District with conditions for a rural conference center. The applicant intends to masterplan the two developments to ensure compatibility and will include both lots in the same plat.

ATTACHMENTS

Attachment A: Addendum to the application
Attachment B: Table of uses permitted in the I-2 District
Attachment C: Summary from Traffic Impact Study
Attachment D: Concept Plan
Attachment E: Berry Plastics proposed operation summary
Attachment F: Preliminary Plat for Lots 1 and 2 of Rockwall Farms
Attachment G: Written public comment submitted prior to publication

[1] The exact acreage needed for this development was not known at the time of the application submittal so the request included the maximum acreage that was thought possible. Following the development of more complete plans, the rezoning request has been reduced to 96 acres.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

a. The area is primarily rural/agricultural in nature with large areas of woodland. The area is served by a principal arterial, N 1800 Road (Farmer's Turnpike), bounding the property to the south and the Kansas Turnpike in close proximity, to the south of N 1800 Road.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from A (Agricultural) District to I-2 (Light Industrial) is generally consistent with land use recommendations found in *Horizon 2020.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- PP-9-9-10; Preliminary Plat for Rockwall Farms Addition No 2. This plat is scheduled for consideration at the November Planning Commission meeting.

Other Action Required

- Approval of the rezoning request by the Board of County Commissioners.
- Approval of rezoning by Board of County Commissioners and publication of resolution.
- Planning Commission approval of the preliminary plat and Board of County Commission acceptance of dedications of easements and rights-of-way.
- Submittal, administrative approval and recording of final plat.
- Submittal and Board of County Commission approval of site plan.
- Prior to beginning of construction, building permits must be obtained from the Douglas County Zoning and Codes Office.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Steve McClure, area resident, called to express concern with the rezoning. He stated there might be other locations within or closer to the City limits which may be suitable for this development. He was also concerned with the impact of this development on the traffic in the area and the amount of water available for RWD#6.
- Letter from John Lewis, area resident, expressing opposition to the rezoning request. The letter is included as Attachment G. The letter stated the following as basis for the opposition: loss of high-quality agricultural land, change in the amount and type of traffic on N 1800 Road, few financial/economic benefits, and the concern that this development may lead to other similar developments in the area.

Project Summary:

The request is to rezone the property from A (Agricultural) to I-2 (Light Industrial) to allow warehousing and light industrial uses. This rezoning request is associated with the proposed development of an expansion of Berry Plastics warehouse facility which would include some printing operations.

GENERAL INFORMATION

Current Zoning and Land Use:	A (Agricultural) Districts; Agricultural uses and woodlands.
Surrounding Zoning and Land Use:	To the north and west: A (Agricultural) District; Agricultural uses, woodlands and scattered rural residences.

To the south: A (Agricultural) District; right-of-way for N 1800 Road and I-70.

To the east: A (Agricultural District) with rezoning to B-2 (General Business) District with conditions pending for a portion of the property to the east, pending the recordation of the final plat. (See Figure 1)

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

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

II. CHARACTER OF THE AREA

This is a rural area with woodlands, agriculture and rural residences. The large woodlands throughout the area contribute to the rural character. The area also contains the corridor of I-70, a state highway, and N 1800 Road, Farmer's Turnpike, which is classified a principal arterial on the Major Thoroughfares Map.

Staff Finding -- The area is a rural area containing woodland, farmland and rural residences in close proximity to a major transportation corridor.

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

Applicant's Response:

"The property is currently restricted to agricultural uses and is suitable for the use; however, the proposed I-2 zoning is also suitable for the property. I-2 zoning is a light industrial zoning that will fit well with surrounding 'A' zoning and the 'B-2' to the east. The benefits to rezoning the ground to 'I-2' provide Berry Plastics with a site for their warehouse, which would be in close proximity to a highway network and their existing facility. The 'I-2' zoning is also suitable for the site because minimal amounts of trees will be disturbed to locate the warehouse. By master planning the proposed 'Woods' and warehouse facility, we can design the spaces to work together and benefit from developing/designing the improvements at the same time."

The property is currently zoned A (Agricultural) District which permits agricultural activities including farms, nurseries, as well as animal hospitals, commercial greenhouses, churches, schools, and country clubs. The property is located within an area that contains an interstate highway, woodlands, agricultural land uses, and rural residences. Agricultural activities are appropriate for the property. The property is also suitable for the proposed industrial uses due to its size, topography, and access to a suitable transportation network.

Staff Finding -- The property as zoned would allow for agricultural uses, rural residences, animal hospitals, dog kennels, schools, country clubs and churches. The subject property is well

suited for the uses to which it has been restricted and is also suited to industrial uses, including warehousing and light manufacturing.

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

The property is currently undeveloped with the exception of an accessory agricultural building.

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

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

Applicant's response:

> *"There will be no detrimental impacts to the nearby properties. The concept site plan will show how the facility can be located to take advantage of existing on-site screening, the distance to the north off Farmers Turnpike for which the building can be located works well for the site. Additionally, appropriate steps will be taken to design any road improvements deemed necessary by the slight increase in traffic. Even though stormwater detention is not required in the county, this proposal will submit a stormwater plan for review to show that there will be no impact on surrounding properties. Appropriate bufferyards and setbacks will also be provided to minimize any potential for impacting an adjoining property owner."*

The rezoning would permit the development of light industrial uses and other uses permitted in the I-2 district. The applicant proposes the development of a large warehouse facility with limited manufacturing. Possible negative impacts that could be associated with this development are discussed below.

1) The development (large building, parking areas, and exterior lighting) could alter the rural character of the area.

The facility will be located in a predominately agricultural area with the nearest residences approximately ½ mile to the west and east. Woodlands in the area will provide a buffer for the development from these residences. The proposed location of the facility, approximately 1000 ft from Farmer's Turnpike, should minimize the visual impact from the road.

Development of this facility will require County Commission approval of a site plan. One purpose of site planning is to minimize any negative impact the development may have on nearby properties. For instance, light or noise from the facility may be minimized through the use of screening, such as landscaping, fencing, berms, and/or walls. The concept plan shows the structure located centrally on the property with a 200 ft wide loading dock/semi-trailer storage area located to the west and a 140 ft wide loading dock/semi-trailer storage area to the east of the structure. (Attachment D) The loading dock/semi-trailer storage area is located about 120 ft from the west property line. This area will be partially buffered from the neighboring property owner to the west by an off-site wooded area. A landscaped buffer should be installed on the subject property to insure that the loading/storage area will be permanently buffered from surrounding property to the west. The property to the east has a pending rezoning and site plan for a corporate retreat which is being designed to take advantage of and blend with the rural character of the area. The applicant proposes to construct overlapping

landscaped berms in the required buffer area to minimize the impact of the industrial development on the corporate retreat. **With proper site design and buffering, the facility should not negatively impact surrounding properties.**

2) The project will increase traffic on N 1800 Road.

The applicant provided a Traffic Impact Study which analyzed the amount of additional traffic which is expected to be generated from this development and the effect this could have on the safety and functioning of N 1800 Road. The study's summary is included as Attachment C. Some changes which would help maintain the safety and functioning level of N 1800 Road were identified in the study. These are listed in the staff analysis under Goal 4 of the 'Conformance with the Comprehensive Plan' section (Section VII) of this staff report. N 1800 Road is a principal arterial and has been designed to accommodate large amount of traffic. With any changes recommended by the County Engineer, the increase in traffic should not negatively impact the safety or functioning level of N 1800 Road.

Staff Finding – Detrimental effects on nearby properties could be prevented or minimized through the appropriate site design and buffering of the new facility and any changes to N 1800 Road that are recommended by the County Engineer.

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

Applicant's Response:

> *"The gain to the public would be to help secure the success of a longstanding business in the community. The worst-case scenario would be this business builds the proposed facility outside the county limits. Additionally this proposal will provide numerous needed construction jobs for the residents of the city and county. Appropriate steps will be taken to provide safety and the necessary road improvement to accommodate the minimal increase in traffic on the adjacent roads. It is also important to note that this proposal is for 'Light Industrial' and that this is not their manufacturing facility."*

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

If the rezoning request were denied, the area would remain in agricultural land uses, or could be developed with uses that are permitted in the A District, such as rural residences, a church, school, country club, or animal hospital. Additional uses that are not permitted by right within the A district could be allowed with a Conditional Use Permit.

The applicant has researched several locations within the City of Lawrence and the county and determined that this location is the optimal location for the new facility. Maintaining the A zoning and proceeding with a Conditional Use Permit for the requested use is not an option as a warehouse or manufacturing facility are not uses which can be permitted with a CUP. Denial of the rezoning request may prevent the applicant from finding a suitable location for the storage

warehouse and limited manufacturing facility in Douglas County. Berry Plastics is one of the county's largest employers and contributes significantly to the region's economy.

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

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"*Horizon 2020 states that industrial site selection should take into consideration industrial user's needs and best interest of the community. This site meets several of the criteria noted in H2020, specifically:*

a. *Have feasible access to Federal and State transportation networks.*
   (This project is approximately 1.5 miles from the nearest interchange on I-70; using ECO^2 scoring criteria, that would give it a 4 out of 5 maximum points.)
b. *Be of adequate parcels size, generally over 40 acres.*
   (Site is approximately 60 acres.)
c. *Lie primarily outside of the regulatory floodplain.*
   (There is no floodplain on this site.)
d. *Have minimal average slopes.*
   (Area for this proposal meets this requirement. 0-6%.)

This site has Class 2 soils located on it that will be disturbed for the construction of the proposed building. In choosing a location for the building it was decided that disturbing the Class 2 soils was the least intrusive route to take rather than moving the building location to the west which would require removal of a large stand of mature trees. The amount of Class 2 soils on the site is a small isolated amount and does not contribute significantly to the total amount of Class 2 soils in Douglas County. Larry Sabata, a soil scientist in Topeka with the National Resource Conservation Service, was contacted to discuss the best option for removal and placement of the existing Class 2 soils. His recommendation was to stockpile the soil and reuse it on site where needed and sell the remainder for improvement of land elsewhere that is lacking in topsoil. He did not suggest placing the removed soil on adjacent land to improve it because the construction equipment would compact the existing soil in addition to covering up functioning topsoil.

In addition to other points mentioned, this site conforms to H2020 due to the ability to provide necessary services. While on-site sewer management is not considered in the city limits, it is an acceptable scenario for a large parcel in the county. In addition, water, electricity, and gas are all available.

The proposal also plans to take advantage of the rainwater development from the site to provide fire protection and provide water for the non-potable needs of the facility.

It should be noted that the 'industrial location map' in H2020 is for larger industrial parks and does not apply to a proposal such as is being presented."

Following are sections of *Horizon 2020* that relate to this rezoning request and development proposal. The citation is in bold print followed by the recommendation from the Plan. Staff's comments are in *italics*:

Chapter Four, Growth Management.
Rural Area (page 4-4)
Lands in the Rural Area are not planned to develop or to support urban densities of development during the planning period. There are a few locations, however, in the Rural Area which may be expected to receive some level of urban development consistent with the Plan. These include commercial areas to serve county residents and, potentially, to provide conference and recreation facilities at Clinton Lake....(information on conference, recreation or tourism facilities).... Otherwise, urban uses are not planned within the Rural Area.

Staff comments:
Map 3-1 shows the subject property as being located in the Rural Area, outside of the Urban Growth Area. While Horizon 2020 does not plan for urban uses within the Rural Area, the locational criteria in Chapter Seven includes the Rural Area; indicating that some industrial uses may be appropriate in the Rural Area.

Goal 1. Policy 1.3.2.: Nonresidential Land Uses

a) Require proponents of commercial and/or industrial development beyond the corporate limits to provide reasonable documentation to substantiate that similar competitive sites are not available within the municipalities.
b) Non-residential developments should be developed in a planned manner with respect to adjacent uses, common access and integration of uses with the surrounding neighborhood.
c) Location of non-residential uses should occur only at designated nodes of intersecting street/roads.
d) Environmentally sensitive areas within the UGA should be protected, conserved and incorporated within the design context of a proposed development.

Staff comments:
The applicant conducted a site search throughout the City of Lawrence and Douglas County for a suitable location for their expansion facility. After an extensive search, it was determined that no Lawrence site is available to meet the applicant's needs or timetable. The concept plan illustrates that a buffer is being planned with the development for the property to the east. Woodlands in the area provide buffering to the north and west. This location is not a designated location for industrial uses in Chapter 7 of the Comprehensive Plan; however, it does meet the locational criteria mentioned in Policy 2.1 of Chapter 7. The northern portion of the subject property contains environmentally sensitive areas with stands of mature trees which shall be protected as required through the platting process.

Unincorporated Douglas County Natural and Environmentally Sensitive Areas (page 5-9)
The Comprehensive Plan does not preclude development of land within environmentally sensitive areas, but does discourage it. The Plan recommends that criteria for site plan review in these areas would include the incorporation and voluntary preservation of natural areas and wildlife habitats into the development's design concept.

Staff comments:
The northern portion of the subject property contains stands of mature trees. Protection of these areas shall be provided with the platting process while accommodating the expansion shown on the concept plan.

Chapter Seven-- Industrial and Employment-Related Land Use (page 7-1)
Horizon 2020 recognizes that as the county continues to grow, and more residents are expected to commute outside of the community for employment, there is a recognized need that more industrial and business development is necessary to provide local job opportunities.

Strategies: Industrial and Employment-Related Land Use (page 7-2)
"Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future."

Staff comments:
This proposal is intended to accommodate expansion of an existing industry in Lawrence and is intended to ensure their retention in the community as recommended in the Comprehensive Plan.

Goal 2: Criteria f or Locati on of New Industrial and Employment-Related Development (page 7-13)
Policy 2.1: "A given site, whether located within City limits, in the UGA, or in unincorporated areas of Douglas County, should *substantially* meet the following **general** locational criteria:

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

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

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

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

Staff comments:
The subject property is not shown on Map 7-2 as a future industrial development; therefore, the general locational criteria are used to evaluate the request. The property substantially meets the general locational criteria (3 out of 4). The criteria of 'minimal average slopes' (0% to 3%) is not met. Figure 5 shows that the subject property contains some minimal slopes of up to 3% (shown in white), with larger areas of 3-7% slope (green) and 7 to 15% slopes (red).

Based on the areas located in above minimal slopes, the average slope would be greater than minimal. A GIS analysis of the slope data for the entire 120 acres included in the original rezoning request resulted in the determination that minimal slopes (0% to 3%) made up approximately 28.5% of the property.

Per the specific criteria, the environmentally sensitive areas should be preserved. These areas will be protected through the platting process per the Design Standards of the Subdivision Regulations. Stormwater management will utilize detention ponds and natural stormwater management. The property owner has requested that the City of Lawrence provide 'first responder' fire assistance for this property as the facility may be too large for protection through the township volunteer fire department. Rural Water District No. 6 is analyzing the request for an additional water meter and is evaluating if any waterline improvements are needed. Alternative methods for providing water are available as indicated by the applicant in their Addendum, Attachment A of this report.

Individual Site Analysis
"Future Industrial and Employment land use sites not included on Map 7-2, Potential Locations for Future Industrial and Employment Related Development, should balance the agricultural significance on the site against the need for industrial and employment related development." (page 7-8)

Staff comments:
The site contains approximately 90 acres, with approximately 80 acres being in active agricultural production as hay meadow. The subject property contains approximately 25 acres of class II soils, but no class I soils. While the subject property contains class II soils, the soils are isolated and exist in a strip pattern and in small amounts relative to areas where significant contiguous amounts exist in Douglas County, such as are found in Grant Township. (See Figure 4) When weighing the goal of protection of class II soils for this specific location against the transportation system and the criteria that supports industrial land use, the property is well suited for industrial development.

Goal 4: Transportation Considerations (page 7-19)
Policy 4.1: "Permit the expansion of existing or construction of new industrial and employment-related development in areas where the additional traffic generated by such development would result in an acceptable Level of Service.**"**

Staff comments:
The TIS indicated that there are no indications of any operational deficiencies for traffic in the study area resulted by the proposed 'Berry Plastics' development. The TIS recommends an intersection warning sign for the intersection with E 758 Rd, and a dedicated westbound right-turn lane on N 1800 Rd (DG-CO 438) at the proposed driveway location to the site. It also recommends a dedicated eastbound left-turn lane and a dedicated eastbound acceleration lane on N 1800 Rd at the proposed driveway as desirable improvements. (Information from the TIS is included in Attachment C.) The County Engineer is completing his review of the TIS and a staff memo will be provided prior to the Planning Commission meeting with his recommendations based on the TIS.

Policy 4.3 Vehicular Circulation and Access

This policy recommends that direct vehicular access from industrial development be prohibited to local residential streets. Traffic through residential areas is strongly discouraged. The principal access should be limited to arterial, collector or access/frontage roads.

Staff comments:
The property is adjacent to, and will take direct access from, N 1800 Road, which is designated as a 'future arterial' on the Major Thoroughfares Map.

Staff Finding -- The proposed rezoning request is generally compliant with *Horizon 2020* policies related to industrial development within the rural area of the county.

STAFF REVIEW
The subject property is currently in agricultural production and is located adjacent to N 1800 Road. Figure 3 provides a view of the subject property, the land to the south as well as N 1800 Road adjacent to the existing access point. The applicant provided an operation summary which is included with this report as Attachment E. The subject property is located north of N 1800 Road and I-70 just west of the property which was recently approved to be rezoned to B-2, with conditions, for the development of a corporate retreat. (Figure 1) Approximately 120 acres were requested to be rezoned from the A (County-Agricultural) to the I-2 (Light Industrial) District. As the plans for the facility were developed, the required size was reduced. The preliminary plat (Attachment F) indicates that approximately 96 acres will be utilized for this facility. An accurate legal description must be provided prior to the publication of the rezoning resolution.

The applicant has been working with Planning and other City Staff to identify a suitable location for the expansion of the facility. The applicant indicated that the site should be large enough to accommodate the proposed facility with a possibility for future expansion, should have access to the I-70 corridor and should be in close proximity to the existing facility. Various sites were identified within the City limits as potential locations; however, they either did not meet the applicant's locational criteria or were encumbered with other issues. The proposed location meets the applicant's criteria as it has adequate area for the proposed facility, is approximately 6 miles west of the principal facility and is approximately 1.6 miles west of the Lecompton/I-70 Interchange. (Figure 2)

Staff recommends approval of the rezoning request based on the facts that the rezoning is in conformance with the recommendations in the Comprehensive Plan, the property has good access to the transportation network, and compatibility with the surrounding area can be ensured through site-planning.

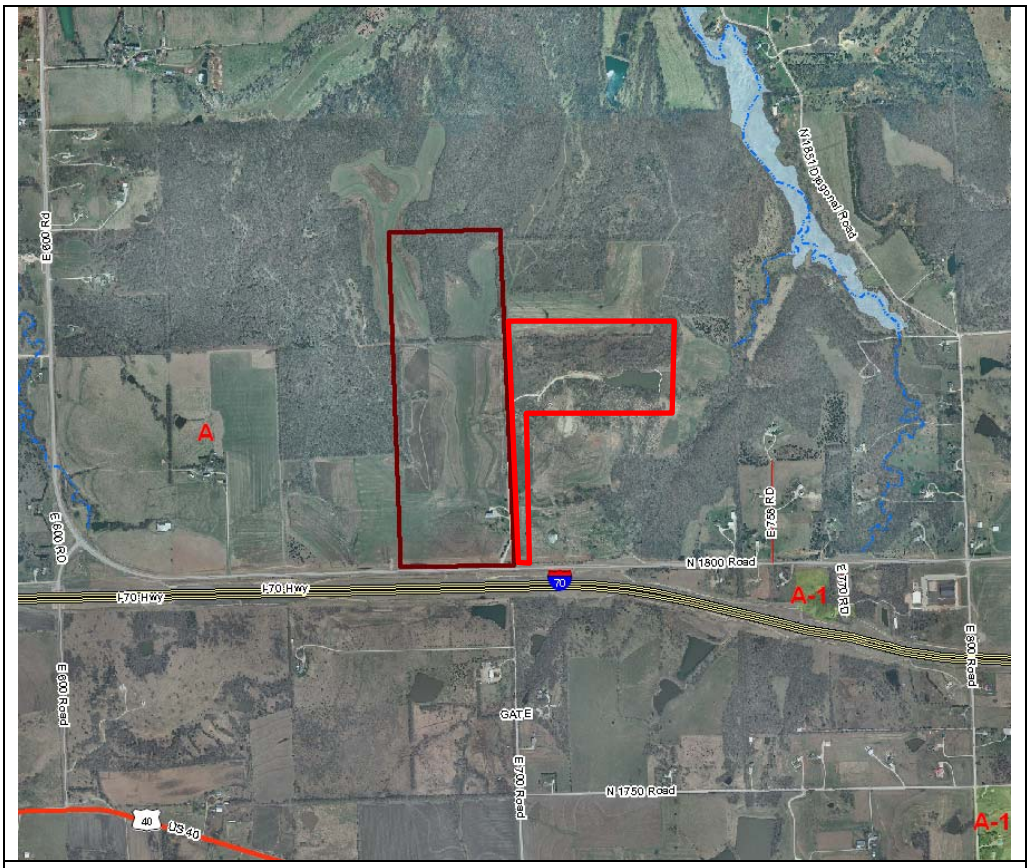


Figure 1. Zoning and Uses in the Area. Subject property is outlined in brown. Property to the east with conditioned B-2 rezoning pending is outlined in red.

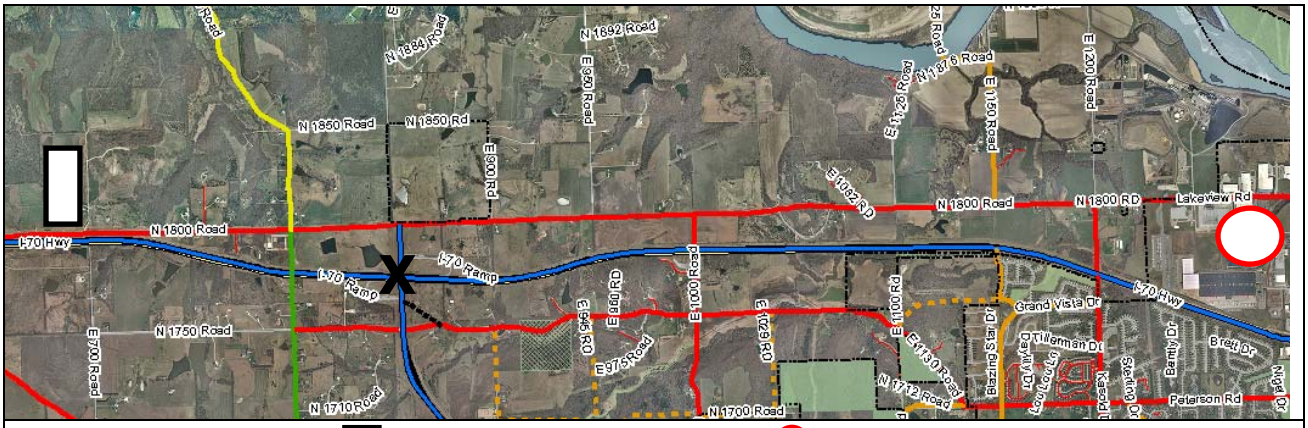


Figure 2. Subject property ☐ Principal Berry Plastics facility ○ I-70 Interchange **X**
Subject property to K10/I-70 Interchange: 8340 ft (1.6 miles)
Subject property to principal facility: 30,810 ft (5.8 miles)

Figure 3(a). View of subject property from N 1800 Road.

Figure 3(b) View of N 1800 road showing right-turn lane and access point to subject property.

Figure 3(c). View south of subject property. N 1800 Road with I-70 further to the south.

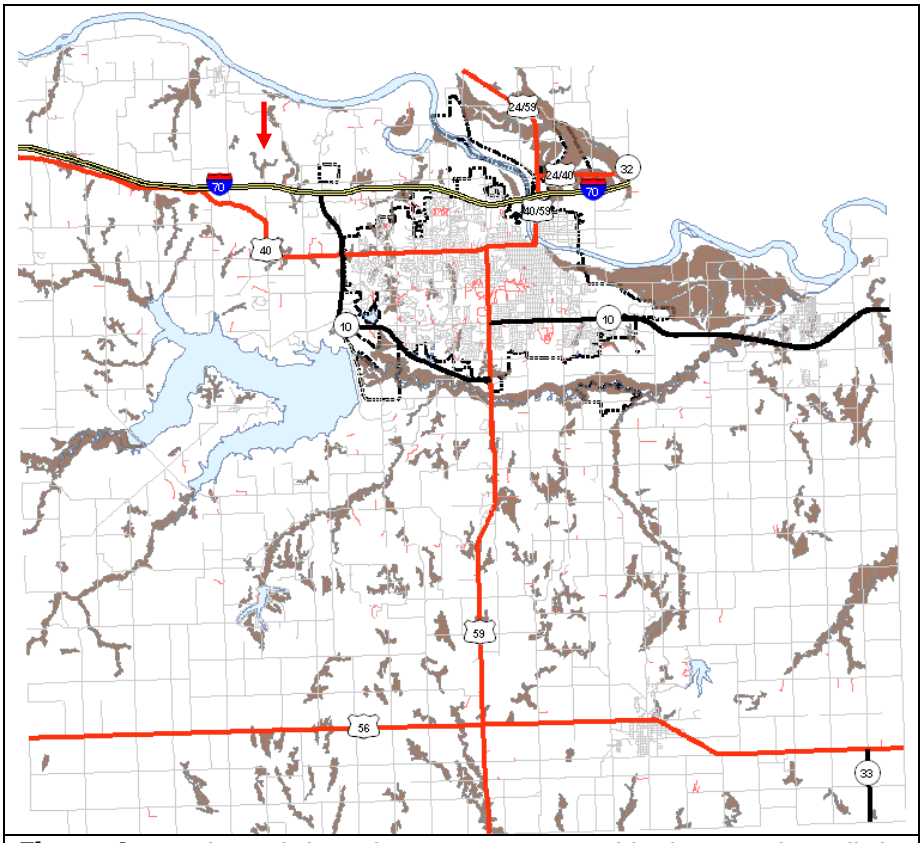


Figure 4. Locations of sites of 20 acres or more with Class I and II soils in Douglas County. Subject area shown with arrow.

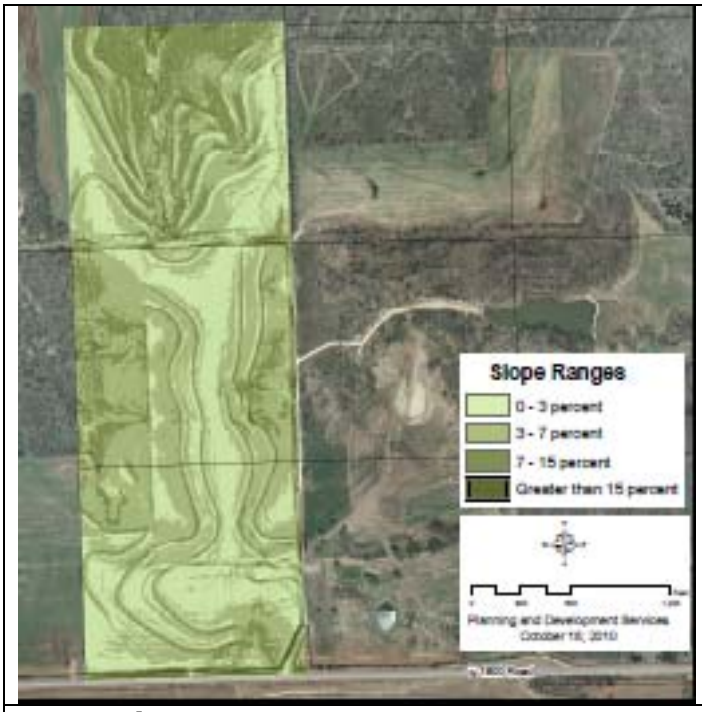


Figure 5. Slopes of subject property

0-3% --- 28.5 percent of area
3-7% --- 46.1 percent of area
7-15% -- 23.6 percent of area
>15% --- 1.8 percent of area

Slope calculations.

paulwerner
ARCHITECTS

MEMORANDUM

FROM : Joy Rhea
TO : Lawrence/Douglas County Planning Department
RE : Rockwall Farms/Berry Plastics Rezoning Addendum
DATE : October 15, 2010

1. Please replace the original language for question number 5 on Sheet A with the following:

~~The site does have some Class 2 soils. With no mitigation, we would impact approximately 18% of these soils, which is fairly minimal when considering the conflict between low sloping grades and where class 2 soils generally exist. However, it is our plan to create a mitigation plan in which this impact can be reduced even further, and/or possibly create a conservation easement on adjacent property.~~

This site has Class 2 soils located on it that will be disturbed for the construction of the proposed building. In choosing a location for the building it was decided that disturbing the Class 2 soils was the least intrusive route to take rather than moving the building location to the west which would require removal of a large stand of mature trees. The amount of Class 2 soils on the site is a small isolated amount and does not contribute significantly to the total amount of Class 2 soils in Douglas County. Larry Sabata, a soil scientist in Topeka with the National Resource Conservation Service, was contacted to discuss the best option for removal and placement of the existing Class 2 soils. His recommendation was to stockpile the soil and reuse it on site where needed and sell the remainder for improvement of land elsewhere that is lacking in topsoil. He did not suggest placing the removed soil on adjacent land to improve it because the construction equipment would compact the existing soil in addition to covering up functioning topsoil.

2. As part of this rezoning process steps have been taken to meet with the surrounding neighbors and the City of Lecompton.
    a. On October 7th a meeting was held for property owners in the area surrounding the project. The invitations were sent to 52 households and 9 households attended. See the attached map the notification area. Several comments were made from the neighbors attending but the traffic. Those concerns included the traffic volume the project would generate, the wear and tear on the Farmers Turnpike from additional semi trailers and safety regarding making a turn from E. 758 Road onto the Farmers Turnpike and not being able to see the Farmers Turnpike traffic coming over the hill from the west.

Office : 123 W. 8th Street Suite B2 : Lawrence, Kansas : 66049
Mail : PO BOX 1536 : Lawrence, Kansas : 66044-8536
PHONE: 785.832.0804 FAX: 785.832.0890

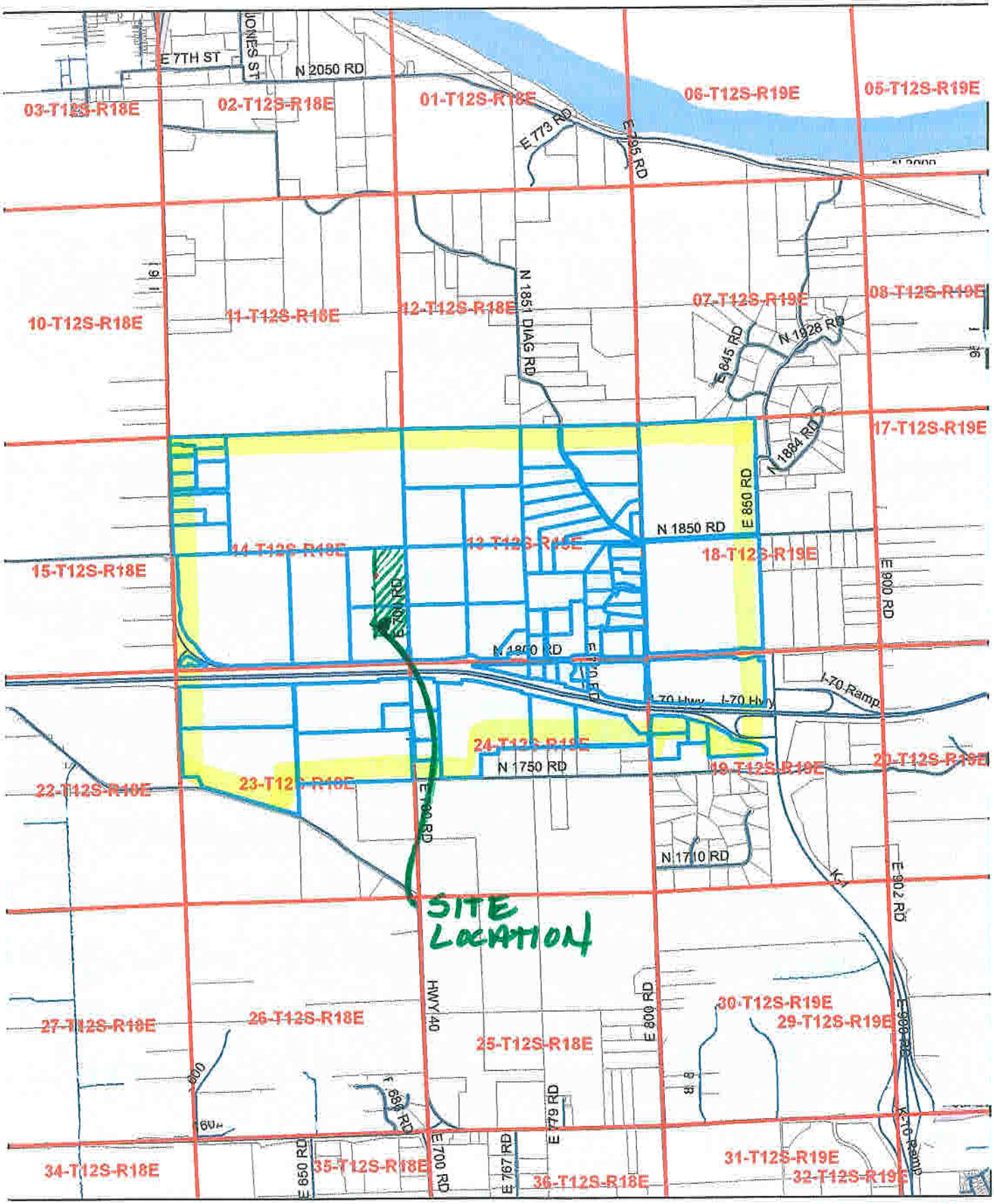
b. On October 11th the Lecompton Planning Commission held a meeting where the public was invited to attend. A positive meeting was held to inform those in attendance about the project. The Lecompton Planning Commission will be present at the November Lawrence/Douglas County Planning Commission meeting.

3. Traffic Study – The Traffic Study was turned in by the deadline set by the Planning Department. We are currently awaiting review comments on the traffic study. The traffic study does indicate that currently as the E. 758 Road and Farmers Turnpike exist today there is insufficient intersection site distance for traffic negotiating a left turn from E. 758 Road heading east. We are currently awaiting review comments on the traffic study.

4. Drainage Analysis – The Drainage Analysis was turned in by the deadline set by the Planning Department. We are currently awaiting review comments on the study.

5. We are currently working with RWD#6 for the water supply to the site. They have a meeting scheduled for October 18th to determine if they will supply the site with water. RWD#6 has over 15 million gallons of water for distribution per year. The City of Lawrence has indicated they'd provide an additional 10 million per year if needed to help serve this site. As a back-up plan, The Woods development to the east already has a 1.6 million gallon allotment that could be shared between the two sites, we do not anticipate sharing a meter to be necessary but it is an available option.

6. We contacted Marguerite Ermeling, a concerned neighbor of the general area, and had a positive conversation with her about the project. We've sent her a site plan to review.


E 7TH ST
JONES ST
N 2050 RD
03-T12S-R18E
02-T12S-R18E
01-T12S-R18E
06-T12S-R19E
05-T12S-R19E
E 773 RD
E 795 RD
10-T12S-R18E
11-T12S-R18E
12-T12S-R18E
N 1851 DIAG RD
07-T12S-R19E
08-T12S-R19E
E 845 RD
N 1928 RD
17-T12S-R19E
N 1884 RD
E 850 RD
N 1850 RD
14-T12S-R18E
13-T12S-R18E
18-T12S-R19E
15-T12S-R18E
E 900 RD
E 700 RD
N 1800 RD
I-70 Hwy
I-70 Ramp
24-T12S-R18E
N 1750 RD
19-T12S-R19E
20-T12S-R19E
22-T12S-R18E
23-T12S-R18E
E 750 RD
N 1710 RD
E 902 RD
SITE LOCATION
HWY 40
E 800 RD
30-T12S-R19E
29-T12S-R19E
27-T12S-R18E
26-T12S-R18E
25-T12S-R18E
E 779 RD
E 767 RD
E 700 RD
E 650 RD
34-T12S-R18E
35-T12S-R18E
36-T12S-R18E
31-T12S-R19E
32-T12S-R19E
K-10 Ramp

USES PERMITTED IN THE I-2 DISTRICT

(FROM SECTION 12-312 OF THE ZONING REGS FOR THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS)
Uses associated with this development proposal are highlighted.

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

CHEMICAL, PETROLEUM, COAL AND ALLIED PRODUCTS

- Cosmetics and toiletries
- Ice manufacture, including dry ice
- Ink manufacturing,(mixing only)
- Blending of insecticides, fungicides, disinfectants, and related industrial and household chemical compounds
- Laboratories
- Compounding of perfumes and perfumed soap
- Pharmaceutical products
- Compounding of soap, washing or cleaning, powder or soda

CLAY, STONE, AND GLASS PRODUCTS

- Clay, stone and glass products
- Concrete products (except central mixing and proportioning plant)
- Pottery and porcelain products

FOOD AND BEVERAGE

- Bakery products, wholesale (manufacturing permitted)
- Beverage, blending, bottling (all types)
- Candy, wholesale (manufacturing permitted)
- Chewing gum
- Chocolate, cocoa, and cocoa products
- Processing and packaging of coffee, tea, and spices,
- Processing and canning of condensed and evaporate milk
- Creamery and dairy operations
- Dairy products
- Processing, packing, and storing of fish, shrimp, oysters, and other sea food (except fish curing)
- Packaging, blending, and storage of flour, feed and grain
- Processing, including canning, preserving, drying and freezing, of fruit and vegetables
- Gelatin products
- Glucose and dextrin
- Blending and packaging of grain, but not milling
- Ice cream, wholesale (manufacturing permitted0
- Macaroni and noodle manufacture

- Malt products manufacture (except breweries)
- Meat products, packing and processing (no slaughtering)
- Oleomargarine (compounding and packaging only)
- Poultry packing and slaughtering (wholesale)
- Yeast

METALS AND METAL PRODUCTS

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

TEXTILES, FIBERS, AND BEDDING

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

WOOD AND PAPER PRODUCTS

- Basket and hamper
- Box and crate
- Cooperage works (except cooperage stock mill)
- Furniture

- Lumber yard
- Pencils
- Planing and millwork
- Pulp goods, pressed or molded
- Shipping container
- Trailer, carriage, and wagon
- Veneer
- Wood products

UNCLASSIFIED USES

- Animal pound or hospital
- Animal, poultry and bird raising, commercial
- Storage and sales of building materials (cement, lumber, gravel, etc)
- Bus garage and repair shop
- Button manufacture
- Carbon paper and inked ribbons manufacture
- Cigar and cigarette manufacture
- Circus grounds
- Cleaning and dyeing of garments, hats and rugs
- Coal and coke storage and sales
- Contractor's shop and storage yard
- Exposition building or center
- Fairgrounds
- Fur finishing Greenhouses, wholesale
- Industrial vocational training school, including internal combustion engines
- Kennels, commercial
- Laboratories, research, experimental, including combustion type motor testing
- Leather goods manufacture, (not tanning operations)
- Laundries
- Livery stables and riding academy
- Market, wholesale
- Moving, transfer or storage
- Outdoor advertising structure
- Printing, publishing and engraving
- Produce and storage warehouse
- Railroad switching yard
- Sign painting or fabrication
- Theater, including drive-in or outdoor theater
- Tire re-treading and vulcanizing shop
- Truck or transfer terminal, freight
- Wholesale houses and distributors

And the following uses which are permitted in the B-1 or B-2 Districts:

- Automobile parking lots and storage garages.
- Display room for merchandise to be sold on order where merchandise sold is stored elsewhere.

- Dressmaking, tailoring, decorating, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing and bakery, with sales of baker products on the premises and other uses of a similar character.
- Filling stations
- Frozen food lockers
- Hospital or clinic for large or small animals
- Offices and office buildings, including clinics
- Outdoor advertising structure
- Personal service uses including barber shops, banks, beauty parlors, photographic or artists' studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants (but not drive-in restaurants), taverns, undertaking establishments and other personal service uses of a similar character.
- Retail stores, including florist shops and greenhouses in connection with such shops
- Self-service laundry or self-service dry cleaning establishment
- Amusement place, skating rink, swimming pool or dance hall in a completely enclosed building, auditorium or theater, except open-air drive-in theaters.
- Bottling works, dyeing and cleaning works or laundry, plumbing and heating shop, painting shop, upholstering shop not involving furniture manufacture, tinsmithing shop, tire sales and service including vulcanizing but no manufacturing, appliance repairs, and general service and repair establishments, similar in character to those listed in this item.
- Bowling alleys and billiard parlors
- Drive-in restaurants
- Hotels, motels, or motor hotels
- Material storage yards, in connection with retail sales of products where storage is incidental to the approved occupancy of a store.
- Printing, publishing, and engraving establishments.
- Public garage
- Wholesale establishment or warehouse in a completely enclosed building (no size limit in the I-2 District. Size restricted to 20,000 sq ft of floor area in the B-2 District)
- Used car lot

Traffic Impact Study

for

Proposed Berry Plastics Development

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

Douglas County, Kansas

Prepared
for
Paul Werner Architects

Prepared
by

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

September 2010

Introduction

Proposed Development

The proposed development site comprises of approximately 96 acres, located on the north side of DG-CO 438 (N. 1800 Road), approximately 1-3/4 miles west of K-10 Highway (See Figure 1 of Appendix I for Location Map) in Douglas County, Kansas. The proposed land use for this site (Berry Plastics) will be an industrial use consisting of:

- A 600,000 Gross Square Feet (GSF) of warehouse building to store variety of plastic products for distribution in the area. The ITE Land Use Code for this use is assumed to be High-Cube Warehouse (Code 152); and
- A 75,000 GSF building for printing labels on the plastic products prior to their distributions. The ITE Land Use Code for this use is assumed to be Manufacturing (Code 140).

The facility will be open for operation 6 days a week (Monday – Saturday) and will employ up to 200 people over three overlapping shifts as follows:

- 70 employees from 7:00 a.m. to 3:30 p.m.;
- 65 employees from 3:00 p.m. to 11:30 p.m.; and
- 65 employees from 11:00 p.m. to 7:30 p.m.

Access

Access to the site will be provided at one location onto DG-CO 438 (N. 1800 Road) at the same location as the proposed access to the future corporate retreat center “The Woods” (adjacent property to the east of this site). The location of this shared access drive is already established as part of recently reconstructed DG-CO 438 as shown on the Site Plan. Under existing conditions, a dedicated westbound right-turn lane is already constructed at this location with a full-lane length of 425’ and taper length of 180’.

Existing & Approved Nearby Developments

Currently, the vast majority of the land in the proximity of the site is undeveloped with exception of a few residential dwellings along north side of DG-CO 438 (N. 1800 Road) between DG-CO 1029 and K-10 Highway.

The adjacent land just to the east of this development site is approved for a corporate retreat center "The Woods". A traffic analysis, titled *"Turn-Lane Treatment at Proposed Driveway to "The Woods", A Corporate Retreat"*, was prepared and submitted on 11/19/2008.

Purpose

The purpose of this study is to:

- Evaluate the existing operating conditions of traffic along DG-CO 438 in the vicinity of this development site, and identify any deficiencies (if any);
- Assess the impact of trips generated by this development at the proposed access drive on DG-CO 438 (including the impact of trucks), identify any deficiencies (if any), and recommend mitigation measures as necessary;
- Assess the cumulative impact of trips generated by this development **and** the future corporate retreat center "The Woods" at the proposed access drive on DG-CO 438, identify any deficiencies (if any), and recommend mitigation measures as necessary; and
- Evaluate the future operating conditions of traffic (Target Year 2030) along DG-CO 438 in the vicinity of this development site, and recommend mitigation measures as necessary.

Data Collection and Summary

Traffic Counts

For analysis purposes, most recent traffic counts on DG-CO 438 were obtained from Douglas County Public Works. These counts were conducted in May 2010 between K-

10 Highway and DG-CO 1029, after construction of the new improved and realigned roadway, when traffic was back in its normal operating conditions. According to these counts, 24-hour traffic volumes along this section of DG-CO 438 is somewhere between 4,300 and 4,500 vpd. Comparing these counts with the ones conducted in November 2008 (as part of the traffic study for "The Woods" development, dated 11/19/2008) shows consistency in the 24-hour volumes with little variation. Because the counts obtained from the county did not have the hourly breakdown, the peak-hour traffic volumes conducted in "The Woods" study were selected for analysis since all counts seem to be consistent. According to these counts, on a typical weekday:

- Morning peak occurs between 7:00 and 8:00 a.m. with directional distribution of approximately 35% - 65% (westbound – eastbound);
- Afternoon peak occurs between 4:00 and 5:00 p.m. with reverse directional distribution of approximately 65% - 35% (westbound – eastbound); and
- There is approximately 8% to 11% truck traffic on DG-CO 438 between K-10 Highway and DG-CO 1029.

Traffic Speed Data

The posted speed limit on DG-CO 438 within the study area is 55 mph. The 24-hour traffic count information obtained from the county also included speed results, which indicates that the 85th percentile speed in the study area is approximately 63 mph. This information is also consistent with the result of the spot speed analysis that was conducted as part of "The Woods" study. For analysis purposes, however, this value is rounded up to 65 mph and used as 85th percentile speed (operating speed).

Plan & Profile Data

Plan and profile sheets for the newly reconstructed DG-CO 438, dated July 2008, was obtained from Douglas County Public Works for the entire section between K-10 Highway and DG-CO 1029. According to this information, the design speed for this roadway is 55 mph.

Evaluation of Existing Operating Conditions

Intersection Sight Distance Analysis

Because of the high operating speed of traffic along DG-CO 438 in the study area and expressed safety concerns (by local review agencies) resulted by traffic accessing the development site, an Intersection Sight Distance (ISD) analysis was conducted to evaluate the adequacy of available sight distance at the following locations:

- Proposed access location to this development site where a dedicated westbound right-turn lane is already constructed;
- Old E. 700 Road (Rockwall Farm Entrance), which was previously vacated as public facility and is, now, serving the Rockwall property as a gated entrance; and
- E. 758 Road, which serves a few homes north of DG-CO 438 and is requested by local review agency to be evaluated.

The analysis was conducted for posted speed limit of 55 mph (Design Speed) **and** operating speed of 65 mph (measured 85th percentile speed) considering both passenger cars **and** combination trucks (semi-trailers) separately. The results, as summarized in Table 1, indicates that:

- There is ***sufficient*** ISD at proposed access drive to the development site for all types of vehicles at both design speed of 55 mph and operating speed of 65 mph for both directions;
- There is ***sufficient*** ISD at Old E. 700 Road (Rockwall Farm Entrance) for all types of vehicles at both design speed of 55 mph and operating speed of 65 mph for both directions; and
- There is ***marginally sufficient*** ISD at E. 758 Road for passenger cars at design speed of 55 mph in both directions. The ISD for operating speed of 65 mph (85th percentile), however, is ***insufficient*** for traffic negotiating a left turn from E. 758 Road heading east. Note: Because E. 758 Road serves a few local homes, ISD analysis for combination truck is not relevant and is omitted.

Heavy-Truck Performance

In order to evaluate impact of the existing grades on heavy trucks along this section of DG-CO 438 between DG-CO 1029 and K-10 Highway, guidelines listed in AASHTO "Green Book", 2004 Edition were used. These guidelines are illustrated as speed-distance curves for a typical heavy truck with weight to power ratio of 200 lb/hp for *deceleration on upgrades* and *acceleration on upgrades and downgrades* (See Appendix V for details). The results of this analysis, as illustrated in Figure 10 of Appendix I, indicate that heavy trucks approaching the proposed access drive:

- from east, can attain a maximum operating speed between 49 mph and 52 mph; and
- from west, can attain a maximum operating speed between 53 mph and 56 mph.

The operating speed of passenger cars, on the other hand, is not affected by these grades. They remain at 65 mph.

Target Year 2030 Analysis

Based on the information provided by KDOT, future Average Daily Traffic (ADT) volumes along this section of DG-CO 438 (N. 1800 Road) for tear 2030 may be between 7,000 vpd and 8,000 vpd (See last page of Appendix IV for details).

Assuming an annual growth factor of 2.5% and applying it to the current 24-hour traffic counts will result in an estimated 24-hour traffic volume of 6,500 vpd to 7,500 vpd for target year 2030, which is consistent with KDOT's numbers.

Generally, a two-lane highway can handle up to approximately 10,000 vpd before widening to a four lane roadway is necessary. This means that, DG-CO 438 (N. 1800 Road) will likely be operating at 75% of its capacity by the year 2030 with much fewer acceptable gaps, hence increasing the need for both, dedicated westbound and eastbound acceleration lanes at the proposed driveway location to the site.

Summary & Recommendations

This study evaluates the existing operating conditions of traffic along DG-CO 438 (N. 1800 Road) between K-10 Highway and DG-CO 1029 from stand point of Intersection Sight Distance (ISD) at selected locations and the effect of existing grades on performance of heavy trucks along this route. It also assesses impact of the traffic generated by proposed "Berry Plastics" development (passenger cars and heavy trucks) on DG-CO 438 at the proposed access location to the site.

Moreover, the study evaluates the cumulative impact of this development and previously approved corporate retreat center (The Woods) at the proposed shared access drive to both sites. In addition, a cursory evaluation for target year 2030 is conducted as well.

In summary, there are no indications of any operational deficiencies for traffic in the study area resulted by the proposed "Berry Plastics" development. The following improvements, however, are recommended (or desirable as noted):

1. Under existing conditions, Intersection Sight Distance (ISD) at the proposed access drive to the site, and old E. 700 (Rockwall Farm Entrance) is not restricted. E. 758 Road, however, has a restricted ISD for the exiting traffic negotiating a left-turn heading east on DG-CO 438. This is an existing deficiency and is not resulted by this development. Installation of an appropriate "Intersection Warning" sign (MUTCD W2-2) on DG-CO 438 west of E. 758 Road will provide for an added safety mitigation measure.

2. Provide a dedicated westbound right-turn lane on DG-CO 438 at the proposed driveway location to the site. This lane is already constructed as part of the recent reconstruction of DG-CO 438 with a total length of 605' (taper length of 180' and full-lane length of 425'). Using AASHTO guidelines and the peak-hour traffic volumes for combined "Berry Plastics" and "The Woods", suggested length of this lane is approximately 620' including:
    a. 100' of storage length to accommodate two(2) cars and one (1) large truck; plus
    b. 340' of deceleration length assuming an entry speed of 45 mph (10 mph speed differential from posted speed limit of 55 mph); plus
    c. 180' of taper length (15:1 longitudinal to transverse).

    Note: If an entry speed of 55 mph is to be assumed, the deceleration length should be extended for an additional 145' for a total of 485'.

    Therefore, the existing dedicated westbound right-turn lane needs to be extended by 25' to 170' depending on which entry speed is assumed for design.

3. Although not required from capacity point of view, provision of two outbound lanes at the proposed access drive is desirable in order to reduce the stacking for outbound traffic on this driveway. This can be done by providing a dedicated southbound right-turn lane with 50' of storage bay.

4. Although not required, a dedicated eastbound left-turn lane on DG-CO 438 at the proposed driveway location is desirable. Using AASHTO guidelines and the peak-hour traffic volumes for combined “Berry Plastics” and “The Woods”, suggested length of this lane is approximately 595’ including:
    a. 75’ of storage length to accommodate one (1) car and one (1) large truck; plus
    b. 340’ of deceleration length assuming an entry speed of 45 mph (10 mph speed differential from posted speed limit of 55 mph); plus
    c. 180’ of taper length (15:1 longitudinal to transverse).

    Note: If an entry speed of 55 mph is to be assumed, the deceleration length should be extended for an additional 145’ for a total of 485’.

5. Although not required, a dedicated eastbound acceleration lane on DG-CO 438 at the proposed driveway location is desirable. The suggested length of this lane is approximately 1,400’ in order to bring the differential speed between the trucks entering the main traffic flow and the posted speed limit to less than 10 mph (Derived from Figure 10 of Appendix I).

6. Large trucks should be considered as the design vehicle for design of the proposed access drive to the site.

Addendum #1
To
Traffic Impact Study

for

Proposed Berry Plastics Development

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

Douglas County, Kansas

Prepared
for
Paul Werner Architects

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

October 2010

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

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

Trip Generation Recalculation and Reassessment

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

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

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

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

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

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

Truck Performance Characteristics

Based on the information provided by the applicant:

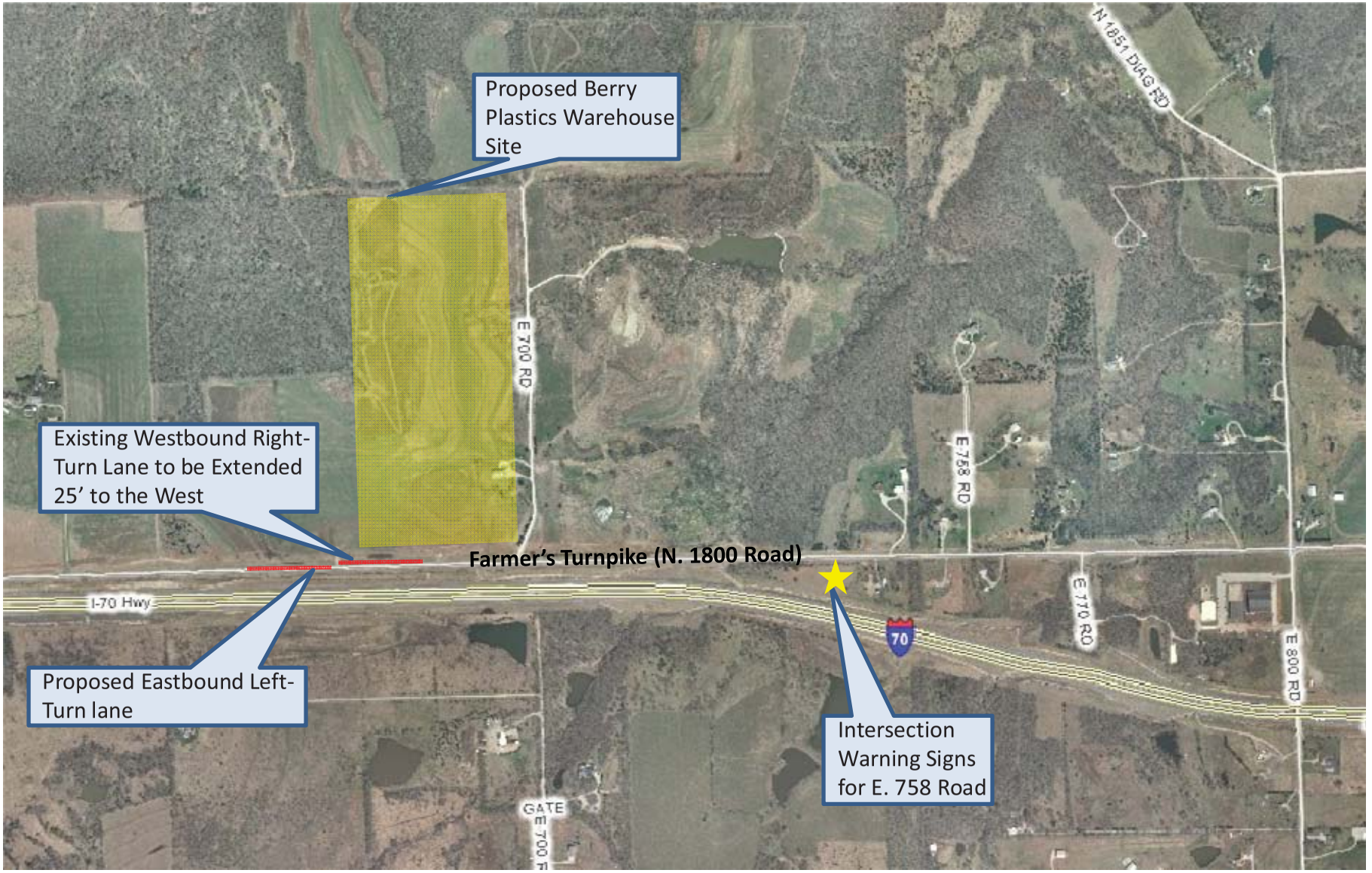
- Typically, most heavy trucks serving the site will have engines with 400 – 450 horsepower; and
- Typically, 16,000 lbs of material will be loaded on these trucks (e.g. 27 lb/box **X** 24 boxes/skid **X** 24 skids/truck).

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

Summary & Recommendations

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

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

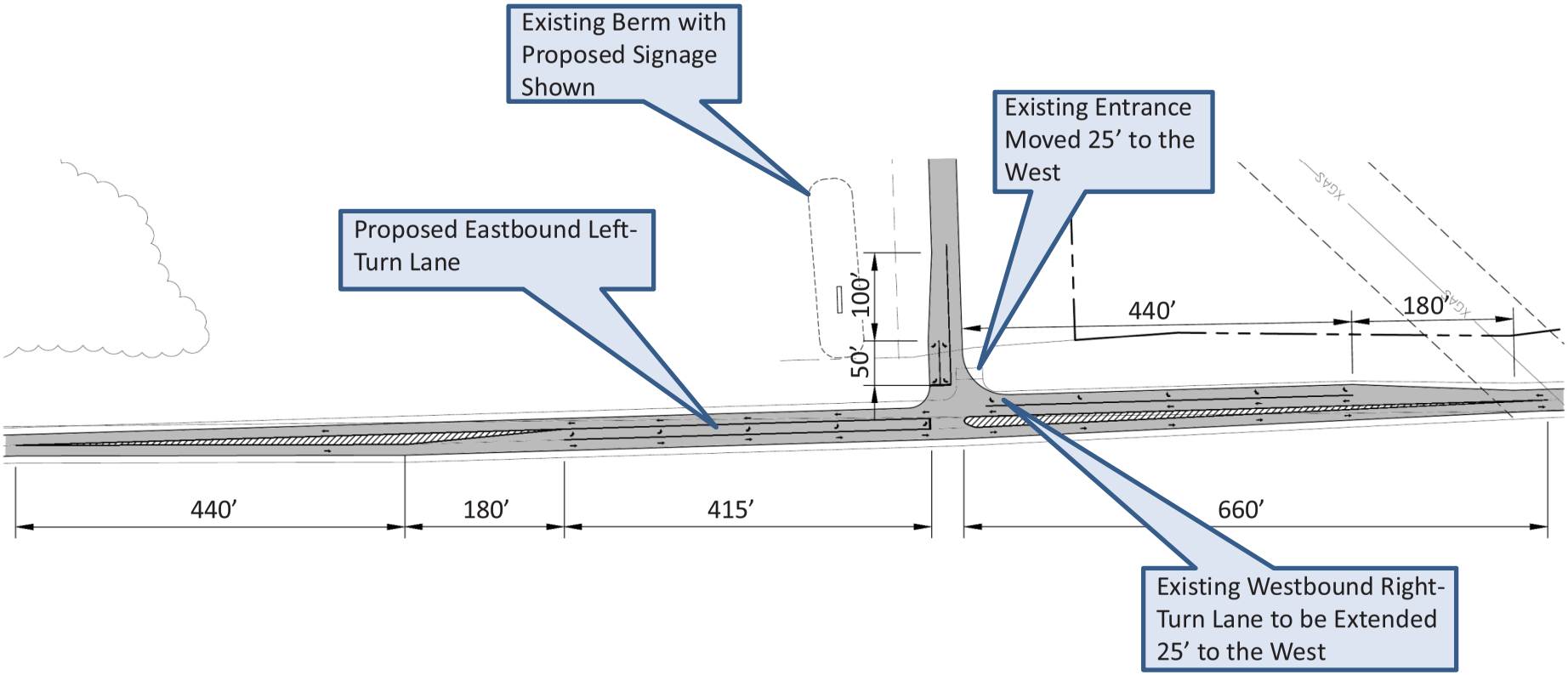


paulwerner ARCHITECTS

Traffic Improvements

Berry Plastics Site
Douglas County, KS

BERRY PLASTICS CORPORATION AND SUBSIDIARIES



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

Berry Plastics Site
Douglas County, KS

paulwerner ARCHITECTS

BERRY PLASTICS CORPORATION AND SUBSIDIARIES

SITE PLAN

SCALE: 1" = 200'

0 100 200 600 800

NORTH

paulwerner ARCHITECTS

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

OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

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A CONCEPT SITE PLAN FOR BERRY PLASTICS & THE WOODS AT ROCKWALL FARMS

PROJECT # 210-610

SEPTEMBER 30, 2010

RELEASE: DATE:

1

J:\Projects\210-610\210-610 Site Planning\Site Plan 210-610 WOODS Berry SPZ.dwg, layout, 9/30/2010 2:19:26 PM, Administrator, DWG To PDF.pc3, ARCH full bleed D (24.00 x 36.00 Inches), 1:2.12

Berry Plastics Warehouse Operational Summary

September 21, 2010

Overview of Project:

Berry Plastics intends to construct a 660,000 sq ft (+/-) warehouse and printing facility at the NW corner of E700 rd & N1800 rd in rural NW Douglas County. The facility will consist of approximately:

- 600,000 sq ft of warehouse
- 52,000 sq ft of printing, printing support, & sample room
- 8,000 sq ft of office area for warehouse, printing, and marketing personnel

Operational Description for Warehouse:

The warehouse operation will be for storage of injection molded and thermoformed products produced at the manufacturing facility at 2330 Packer Road in Lawrence. Products produced at the Packer Road site will be shipped 6 miles west on N1800 road to the E700 road location via Berry Plastics shuttle trucks. It is estimated there will be 50-75 shuttle truck round trips taking place throughout a 24 hour day. Product is stored in the warehouse as a finished good ready for shipment to customers, or as blank work in progress (WIP) inventory ready to be printed and shipped to customers. There will be an average of 90-100 finished good shipments per day. Most of the finished good shipments will take place from 7:00 a.m. to 7:00 p.m. Monday through Friday. The majority of the finished good truck traffic will be coming to the warehouse from the I-70/K-10 interchange 1.5 miles east of the facility.

Warehouse staffing is expected to be 55 employees across three shifts. Day shift staffing is slightly greater than either of the two off shifts. Shifts run from approximately 7:00 a.m. to 3:00 p.m., 3:00 p.m. to 11:00 p.m., and 11:00 p.m. to 7:00 a.m. Shift change activity at the warehouse location will be identical to what is currently taking place at the Packer Road facility or at the leased warehouse facilities at 29th & Haskell in SE Lawrence and in south Topeka (Pauline). The heaviest car traffic will take place before and after shift changes.

Operational Description for Printing:

The printing operation will consist of 16-18 dry offset printing presses and support equipment for decoration of blank molded or thermoformed product. This equipment will be relocated to the E700 road site from the Packer Road injection molding printing facility. Relocation of these presses will create available manufacturing space at the main plant, eliminate or significantly reduce storage of blank product on trailers, and reduce the number of trailer trips between the manufacturing plant, existing leased trailer parking lots and existing finished good warehouses. The majority of the printing requirements for thermoformed product will continue to take place at the Packer Road facility.

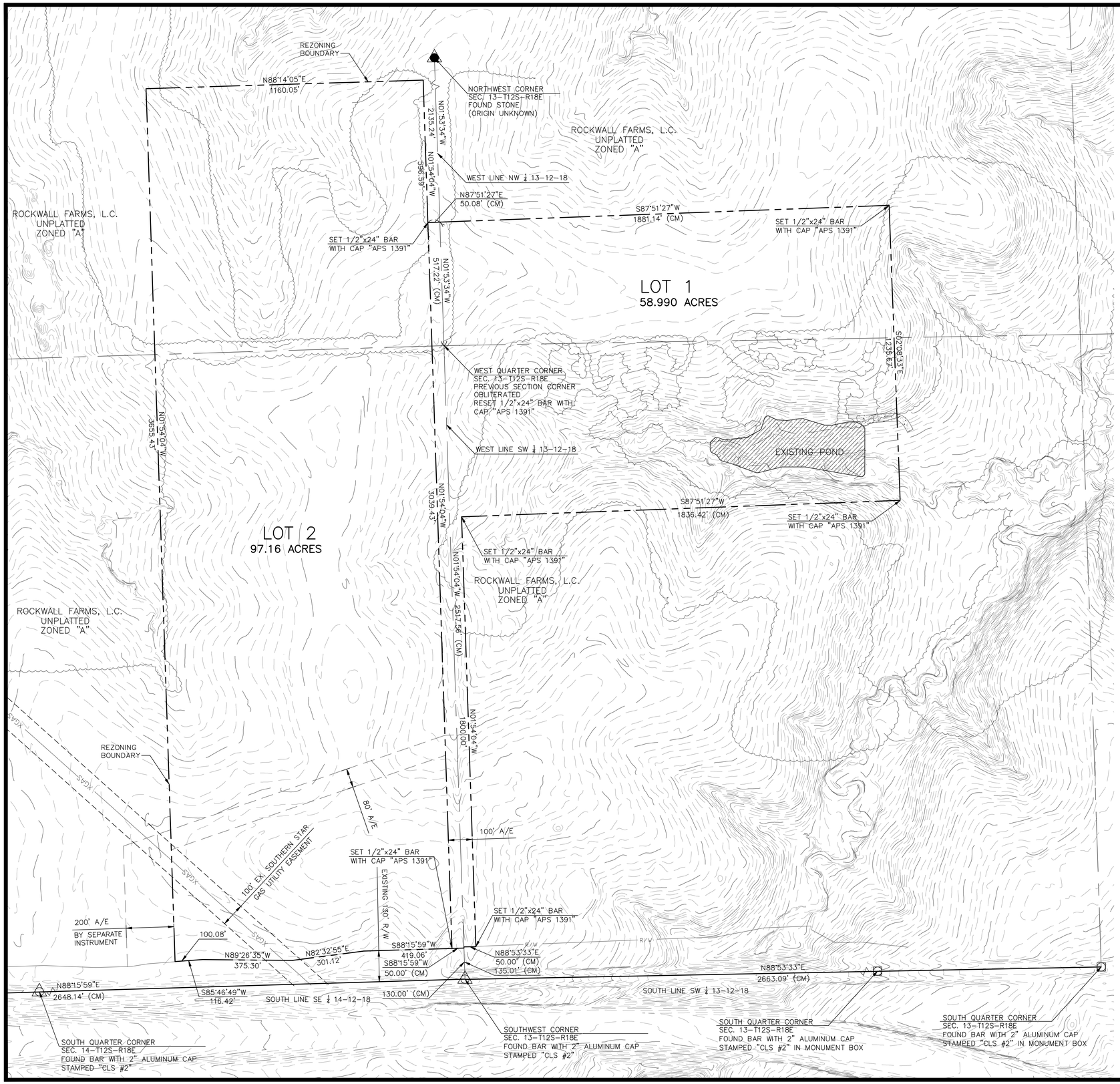
In the printing process, undecorated (blank) molded/formed product is taken to the printing press with cases of product delivered to the press on full skids. Individual cases are unloaded and stacks of cups are fed into the printing press. Once decorated, the printed cup is repacked in the same corrugate package and restacked on a skid as a

finished good. Skids of finished good product are returned to the warehouse for storage until time for final shipment to the customer. Printing presses require electricity, compressed air, and natural gas. Any cooling water required for the printing presses is in a self contained, closed loop system specific to each press.

Printing activity will take place 24 hours a day Monday through Friday with reduced activity or complete shut-down on weekends depending on customer requirements. The printing department is staffed with approximately 150 employees across three shifts. The shift schedules are the same as those outlined above for warehouse personnel. Shift change activity will be identical to what is currently taking place at the Packer Road facility. The heaviest car traffic will take place before and after shift changes.

Operational Description for Marketing:

Approximately 12 marketing and sample room personnel will be located at this facility. Employees in this group are typically working from 8:00 a.m. until 5:00 p.m. Monday through Friday in an office environment.



Legal Description

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

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 13, SAID POINT BEING 130.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 13 AND ALSO ON THE NORTH RIGHT OF WAY LINE OF DOUGLAS COUNTY ROUTE 438; THENCE SOUTH 88° 15' 59" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 419.06 FEET; THENCE SOUTH 82° 32' 55" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 301.12 FEET; THENCE NORTH 89° 26' 35" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 375.30 FEET; THENCE SOUTH 85° 46' 49" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 116.42 FEET; THENCE NORTH 01° 54' 04" WEST, 3655.43 FEET; THENCE NORTH 88° 14' 05" EAST, 1160.05 FEET; THENCE SOUTH 01° 54' 04" EAST, 596.59 FEET; THENCE NORTH 87° 51' 27" EAST, 50.08 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 13; THENCE NORTH 87° 51' 27" EAST, 1881.14 FEET; THENCE SOUTH 02° 08' 33" EAST, 1235.67 FEET; THENCE SOUTH 87° 51' 27" WEST, 1836.42 FEET; THENCE SOUTH 01° 54' 04" EAST, 1800.00 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF DOUGLAS COUNTY ROUTE 438; THENCE SOUTH 88° 53' 33" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 13; THENCE SOUTH 01° 54' 04" EAST ALONG SAID WEST LINE, 5.01 FEET TO THE POINT OF BEGINNING.

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

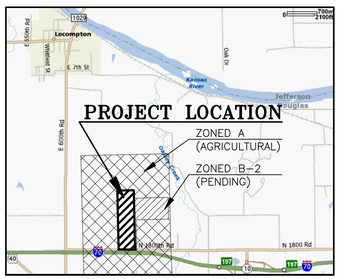
General Notes

1. OWNER/DEVELOPER: Rockwall Farms L.C., 643 Massachusetts Street, Suite 300, Lawrence, Kansas 66044
2. LANDPLANNER: Paul Werner Architects LLC, 123 West 8th Street, Suite B2 Lawrence, Kansas 66044 – Plat prepared August 2009
3. SURVEYOR: Allpoints Survey Co. P.O. Box 4444 – Lawrence, Kansas – 66046
4. Topography obtained from County maps and boundary information from County Section records and survey performed by Allpoints Survey Co, 2009
5. Existing Land Use: Agricultural
6. Zoning: Existing "A" – Agricultural; Proposed "I-2" (Lot 2), Pending "B-2" (Lot 1)
7. Typical Soil Types: Silt Clay Loam
8. This property is not located within the 100 year flood plane per FEMA Maps #20045C0020C and #20045C0008C. Effective date: November 7th, 2001.
9. A permit for the on-site sewage management system must be obtained from the Douglas County Health Office before building permits may be obtained. On-site sewage management systems shall be constructed in accordance with "Standards on Individual on-Site Sewage Management System – Lateral Fields and Other Sewage Disposal Systems for the Unincorporated Territory of Douglas County, Kansas" County Sanitary Code, Resolution 97-48, as amended and must be approved by the County Health Officer
10. An access easement for lots 1 and 2 shall be dedicated by separate instrument, with book and page noted on the final plat.
11. An easement containing the off-site sewage management system for Lot 1 and its connection to the platted lot shall be dedicated by separate instrument, with book and page noted on the final plat.
12. In the event that a lagoon is used for sanitary waste management, the system shall be designed to allow for future connection to a public sewer system and a copy of the Kansas Department of Health and Environment approval documentation shall be provided to the Planning Office. In addition, the easement shall note the appropriate entity for maintenance of a future lagoon.

Site Summary

EXISTING GROSS AREA:	156.150	acres
RIGHTS-OF-WAY AREA:	0.000	acres
NET AREA:	156.150	acres
PROPOSED GROSS AREA:	156.150	acres
RIGHTS-OF-WAY AREA:	0.000	acres
EASEMENT AREA:	5.466	acres
NET AREA:	150.684	acres
BLOCK 1:		
TOTAL ACRES:	156.150	acres
TOTAL NUMBER LOTS:	2	lots

Location Map



SCALE: 1"=1 Mile

Benchmarks

1. A 5/8" BAR LOCATED AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 18 EAST.

ELEVATION = 1039.25

NORTH

SCALE: 1" = 200'

0 100 200 400 800

● = FOUND 1/2" BAR
■ = CALCULATED POSITION
(M) = Measured Distance
(P) = Plat Distance
= Fence
= Tree Line

ROCKWALL FARMS ADDITION

A PRELIMINARY PLAT FOR AN ADDITION IN DOUGLAS COUNTY, KANSAS

E 1/2, SEC. 14-T12S-R18E

RELEASE:		
1.0	9.13.10	FIRST SUBMITTAL
1.1	9.28.10	SECOND SUBMITTAL
1.2	10.5.10	THIRD SUBMITTAL
1.3	10.11.10	FOURTH SUBMITTAL

J:\Project\210-000\210-610\Site\Planning\Plats\plat\210-610 preplat.dwg, 10/11/2010 10:28:22 AM, DWG To PDF.pc3

October 15, 2010

Lawrence-Douglas County Metropolitan Planning Commission
6 East 6th Street
Lawrence, KS 66044

RE: Z-9-14-10

Dear Commissioners;

I am writing to express my opposition to the rezoning request in the above item. The request is to rezone approximately 120 acres from County A to County I-2. This is on property owned by Rockwall Farms, L.C. which will be leased to Berry Manufacturing for them to construct and operate a 675,000 sq. ft. warehouse/distribution center and printing operation. As a point of introduction, I am John Lewis and reside at 1807 East 800 Road, which is the Northwest corner of North 1800 Road (Farmers Turnpike) and East 800 Road (Trailriders Road). I built the house in 1994 believing that the area was scheduled to remain rural in nature; having consulted with numerous City and County officials.

I attended an informational meeting on October 7, 2010, in which the Architect, the Developer, and the Manufacturer presented this project and answered questions from those neighbors in attendance. Let me start by thanking those parties for having the meeting and extending an invitation to as many neighbors as they did (more than legally obligated). I felt the presenters were informative, open for discussion, and very honest during the meeting. While they did ease some of my fears about this project, I cannot support it for reasons I will present.

Obviously, you will hear a lot of argument about quality of life issues from near-by residents, so I won't dwell on those. I will say though, this is prime agricultural land that has been an operating, productive farm for numerous years, and in fact, has large hay bales still on the property from a recent harvest. While I understand industrial land is needed, so too is farm land if we wish to continue to grow food in this country. If this land is rezoned, it will never be used again for agricultural use.

An item I considered from previous readings was a document that the Lawrence-Douglas County Planning Commission published in 2008 outlining future industrial and commercial plans for the northwest portion of the county, listed under The K-10 & Farmers Turnpike Plan. In that plan any industrial or commercial development stops at East 800 Road. The area in Item Z-9-14-10 is one mile outside (west) of that boundary. Additionally, this single request will probably not be the only request for this area. A definite possibility exists that if this zoning is approved, other

manufacturers will request similar, or more intrusive, zoning in the same area. Rockwall Farms owns a large section of land, of which this project is just a small part. Even if Berry has no further plans for expanding, other manufacturers may want to lease the remaining ground. Please note, Berry will not own this land, just lease it, therefore even if **they** have no plans to expand, the **Developer** may have future plans for the remainder of the property. In fact, the Developer already has designs and plans drawn for a corporate retreat (The Woods) to be placed on the this section of land, adjacent to this site. According to the Developer at the Oct. 7 meeting, those plans are progressing, but no timetable was presented.

One of the main concerns for my family, and the neighbors I have spoken to, is not just the traffic increase, but the kind of traffic generated by this project. Since this will be a warehouse/distribution center, a large part of that traffic will be semi-tractor trailers. Berry personnel provided estimates for the number of semi trucks using this road. Using numbers from them, it is estimated about 50 semis per day on a regular (24 hours a day) basis, with that number increasing during their busy periods (3-5 times a year, 7 days each). This is already a busy road, handling about 4,400 cars per day *(LJ-W article 11/20/09),* so adding up to 50 semis per day certainly would add to the already present danger. The road has sight problems at several spots, including the intersection I use every day, and some of the driveways others use. In addition, Berry personnel provided estimates of approximately 200 total employees (all shifts) who will obviously drive to and from work. When the aforementioned The Woods project advances, it will also increase the amount of traffic on the road, in addition to the number of trucks and employees mentioned.

Douglas County recently rebuilt this section of road, opening it in 2009, at a reported cost of $1.63 million *(LJ-W article 11/20/09).* While they did a fantastic job on the construction which improved overall safety, they did not address the sight issues involving the hills (such as near East 800 Road). Adding this many semis to this road will add a great "wear and tear" to this stretch of road. I am sure the engineers did not anticipate this much additional heavy truck traffic when planning and rebuilding this road. Therefore, this road will deteriorate much quicker than estimated, leaving the taxpayers of Douglas County to foot the bill for repair or replacement much sooner than anticipated.

While discussing the topic of money, I have some additional points. I realize this aspect may not be a priority for your committee, but feel you should have this information before making any decisions. During the October 7 meeting, a Berry representative said they estimate they will **save** $1 million dollars per year in operating costs by having a warehouse like this built somewhere in Douglas County. They explained their current operating procedures require manufacturing the product, shipping it to a warehouse, and then bringing the product back to be printed. After printing, they then ship it back to a warehouse until final delivery. By including the printing process into whatever warehouse they build, transportation costs are greatly reduced.

In addition to the money they will save by implementing the new procedures, they also said that they will be approaching the Douglas County Commission to request a 10 year tax abatement for this project. Additionally, an article in *Plastics News* (dated 1/18/2010), states that Berry Plastics received unanimous approval from the Douglas County Commission for their application for $11.7 million in Federal Recovery Zone Bonds to build a warehouse. The article also stated that in 2006, city officials granted them a 90% tax abatement for their recent expansion at their plant. The problem with all of that financing is that Berry personnel stated this project will only create **11 new jobs**. I fail to see a positive cost/benefit return for Douglas County with these numbers.

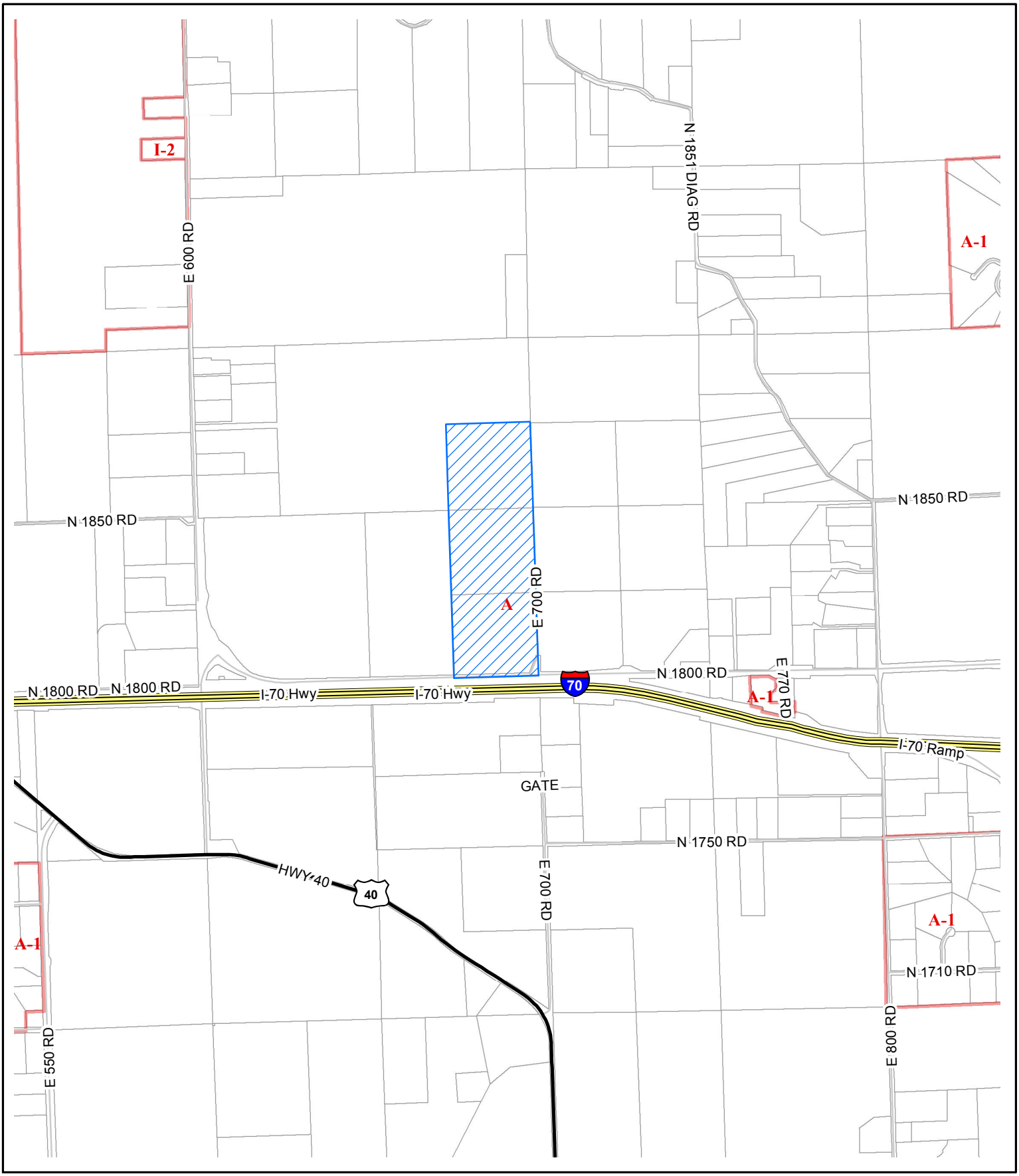
If this zoning is allowed:

a. The rural, positive nature of the area will be lost forever.
b. Fertile, productive farm land will be gone.
c. The taxpayers of Douglas County can expect more expense to maintain or rebuild a road sooner than anticipated.
d. An already busy and dangerous road will have a noticeable increase in large truck traffic and employee traffic.
e. The possibility of an industrial park emerging outside of guidelines already established by your previous commission greatly increases.
f. There does not appear to be a long term benefit to Douglas County with only 11 jobs being created while using low cost Federal bonds for construction and a 10 year tax abatement being requested.

Thank you for your time and consideration, and I do plan to be present at any scheduled meeting to present further information or to answer questions.

Sincerely,

John Lewis
785-917-1121



Z-09-14-10: Rezone 120 acres from A to I-2
West of E 700 Rd & North of N 1800 Rd

Lawrence-Douglas County Planning Office
October 2010

N
W E
S

Area Requested

Scale: 1 Inch = 2000 Feet

RECEIVED
OCT 22 2010
City County Planning Office
Lawrence, Kansas

October 18, 2010

Lawrence Douglas County Planning Commission —

Dear Commissioner —

I would regret that you vote against rezoning the corner at E 700 road and North 1800 from Agricultural to light industrial.

We all know the land in the county is cheaper ~~in the county~~ than the city, and this will open up additional industrial sites in the county.

This is not the right fit. Industrial complexes belong in the city not <u>miles</u> from the city.

Please Vote No on this item.

Thank You,

Ernie Baxter

Lawrence-Douglas County Metropolitan Planning Commission
6 E 6th Street
Lawrence, Ks. 66044

I am asking you think about the consequences of rezoning the property at E700 road at N1800 road. This action will create islands and pockets of industrial areas around the county. We all know when one gets something others will follow. By rezoning this isolated area I feel a bad precedence will be set. I am wondering how many businesses large or small are waiting on this action so they too can dot the county landscape.

Please vote no on this request.

Betty Livet

Mrs. Betty Livet

RECEIVED
OCT 22 2010
City County Planning Office
Lawrence, Kansas

Berry Plastics Warehouse Operational Summary
September 21, 2010
Revised October 25, 2010

Overview of Project:

Berry Plastics intends to construct a 660,000 sq ft (+/-) warehouse and printing facility at the NW corner of E700 rd & N1800 rd in rural NW Douglas County. The facility will consist of approximately:

- 600,000 sq ft of warehouse
- 52,000 sq ft of printing, printing support, & sample room
- 8,000 sq ft of office area for warehouse, printing, and marketing personnel

Operational Description for Warehouse:

The warehouse operation will be for storage of injection molded and thermoformed products produced at the manufacturing facility at 2330 Packer Road in Lawrence. Products produced at the Packer Road site and will be shipped 6 miles west on N1800 road to the E700 road location via Berry Plastics shuttle trucks. It is estimated there will be an average of 20 shuttle truck round trips taking place throughout a 24 hour day. Product is stored in the warehouse as a finished good ready for shipment to customers, or as blank work in progress (WIP) inventory ready to be printed and shipped to customers. There will be an average of 30 finished good shipments per day, with a maximum of 90-100 shipments during peak periods 3-4 times per year for 7-10 days each. Most of the finished good shipments will take place from 7:00 a.m. to 7:00 p.m. Monday through Friday. The majority of the finished good truck traffic will be coming to the warehouse from the I-70/K-10 interchange 1.5 miles east of the facility.

Warehouse staffing is expected to be 55 employees across three shifts. Day shift staffing is slightly greater than either of the two off shifts. Shifts run from approximately 7:00 a.m. to 3:00 p.m., 3:00 p.m. to 11:00 p.m., and 11:00 p.m. to 7:00 a.m. Shift change activity at the warehouse location will be identical to what is currently taking place at the Packer Road facility or at the leased warehouse facilities at 29th & Haskell in SE Lawrence and in south Topeka (Pauline). The heaviest car traffic will take place before and after shift changes.

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Operational Description for Marketing:

Approximately 12 marketing and sample room personnel will be located at this facility. Employees in this group are typically working from 8:00 a.m. until 5:00 p.m. Monday through Friday in an office environment.

Ross Freese
Berry Plastics - Lawrence, KS

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

RECEIVED
OCT 25 2010
City County Planning Office
Lawrence, Kansas

October 25, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: **ITEM NO. 1: COUNTY A TO COUNTY I-2; 120 ACRES; E 700 RD & N 1800 RD**

Dear Chairman Blaser and Planning Commissioners:

We understand the interest of the community in providing an appropriate location to accommodate the Berry Plastics Warehouse, Printing Facility and office. We agree that flexibility in the planning process is sometimes needed to accommodate locations for good industry. However, only occasionally do we find a rezoning issue confronting the Planning Commission that could have such major negative consequences as the rezoning to I-2 of this 96-acre county Rural Area site.

The proposed site for this I-2 District is immediately west and adjacent to the Woods. The location is outside of any Growth Area. It has no prospects for annexation either by Lawrence, or at the moment by Lecompton. Therefore, because of its lack of access to urban uses and services, development of this site can be expected to have wide-ranging effects not anticipated in this isolated decision.

What is the principal justification by the planning staff for recommending approval of this site for the Berry Warehouse and finishing plant?

Staff states that it is in conformance with *Horizon 2020* based on one section of Chapter 7: Industrial and Employment-related Land Use, because

1. it conforms to Goal 2, Policies on Locational Criteria, and
2. it does not have to conform to the Chapter 7, Map 7-2, for future industrial and employment-related locations. The reason is because
    a. a statement following these Criteria reads: "locations initiated through the planning process that are not on Map 7-2 will be weighted against the general locational criteria above," and
    b. the map is for locating "larger industrial parks and does not apply to a proposal such as is being presented," as quoted by the applicant, *and apparently the staff concurs.*

What are some of the far-reaching effects that building the Berry Warehouse-Printing Facility-Office in this location will have?

1. It will establish an urban-type nucleus in the unincorporated county that will begin the extension of urban-type growth throughout the Farmers Turnpike corridor.

2. It will require urban-type services in the unincorporated area. The applicants have asked for "first responder" fire protection from Lawrence, for example. Such an intensive use as this may also require police protection from Lawrence. Lawrence has already pledged to allot water to Rural Water District #6, if needed. It will require publicly funded road improvements. According to the applicant, it will provide its own sewer service.

3. It will encourage commercial development adjacent to it. (There already is a B-2 District adjacent to it, although it is conditioned. With this urban-type industrial use adjacent to the county B-2 District employing prospective customers, it can be predicted that the "Executive Retreat" will become a commercial center.)

4. The emphasis of Horizon 2020 on avoiding urban-type development in the Rural Area of the county has been discarded. The randomness of the decision-making process is establishing a precedent that will lead to massive county sprawl. Why?
    a) The vagueness of the Locational Criteria in the newly adopted Chapter 7 combined with the option to ignore the Future Industry Location Map 7-2, and the staff's selective interpretation of *Horizon 2020* will encourage similar requests throughout the county.
    b) There are countless similar locations throughout the county that would qualify by this current interpretation of our Comprehensive Plan for Industrial and Employment Related Uses..
    c) These Industrial and Employment-related land uses influence where people live. Their county-located urban-type employment uses require housing and services that, for efficiency, are close to these employment areas.

5. Both the City and County will suffer in the future by locating this industrial use on this site. Why? The service system of the county is inadequate for an influx of this and other urban-type development. If the city provides the services, the costs to the city will exceed the reimbursement fees, but at the same time the city will not be reimbursed through property taxes.

What is our suggestion for a solution to this dilemma? The City of Lawrence is already providing a tax abatement for the Berry Plastics plant. Apparently there are several vacant city locations that are suitable for the Berry Warehouse, but aside from one site undergoing litigation, the main deterrent is in the cost of the land. Other cities have provided industrial sites by purchasing them. We suggest that Lawrence should consider this. We suggest that the gains in cost-effectiveness of doing this would exceed the long term deficits of dealing with massive urban sprawl in the county.

We believe that this is one of the most serious and consequential decisions that the Planning Commission has faced recently. We urge that you deny this rezoning request. We suggest that you recommend and, in fact, aid the interested parties in providing a suitable site that is located within the city limits or Urban Growth area and can be annexed and provided city zoning and services.

Sincerely yours,

Brooke Goc — Alan Black

Brooke Goc
President

Alan Black, Chairman
Land Use Committee

To Whom It May Concern,

We would like to state for the record that we are concerned about the talk of possibly 4 industrial/light industrial facilities being built along Farmers Turnpike (N 1800 Rd), between E 1000 Road and E 700 Road, Berry Plastics being the facility on the agenda at tonight's meeting. The Berry Plasticis facility will add 150 or so trucks per day to the already busy two lane road, and if additional facilites go up in the future, how much traffic can that road safely handle? Please think carefully about this decision, there are many residences in the vacinity.

It seems to make the most sense for the Berry Plastics Warehouse to be closer to the main warehouse, since much of the truck traffic will be shuttleing back and forth between warehouses. Also, it doesn't make much sense for the storage warehouse to be west of the Lecompton/K-10 entrance to 1-70, where many of the trucks will eventually be heading.

Our main concern about the Berry Plastic Warehouse project is the increase in traffic on Farmer's Turnpike and the safety issues that go along with adding 150 trucks/day plus the traffic of the shift workers arriving and departing from the facility on an already busy two lane, hilly road.

Sincerely,
James & Kim Ens

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
10/25/2010

ITEM NO. 2: TEXT AMENDMENT TO S UBDIVISION REG ULATIONS; ENVIRONMENTALLY SENSITIVE AREAS (MKM)

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

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendment, [TA-06-12-08] clarifying the types of natural resources and environmentally sensitive areas that are to be protected, along with revisions to other sections of the Code to provide consistency, to the Board of County Commissioners and the City Commission.

Reason fo r Request: To maintain consistency with the recently revised City Development Code and to resolve issues which have been identified through the processing of Certificates of Surveys and plats in the unincorporated portions of the County. These issues include difficulty in identifying the types of Environmentally Sensitive Lands which require protection, and determining the amount of land which is required to be protected if environmentally sensitive lands are present.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Amending regulatory tools, one of which is this amendment to the Subdivision Regulations, is an implementation step in Chapter 13 of *Horizon 2020*, the City/County Comprehensive Land Use Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

No public comment was received.

Attachment: TA-12-27-07 Text Amendment to the City Development Code regarding protection standards for environmentally sensitive lands.

OVERVIEW OF REVISIONS PROPOSED

Section 20-810(i) [County Code Section 11-110(i)]

- Features which are considered natural resources or environmentally sensitive areas within the City of Lawrence and in the unincorporated portions of the County are currently listed in the Subdivision Regulations in Sections 20-810(i) and 20-810(j),

respectively [County Code Sections 11-110(i) and 11-110(j)]. This amendment proposes to combine these Sections as the environmentally sensitive lands to be protected are the same whether located in the City or in the unincorporated portions of the County. One of the purposes of protection of environmentally sensitive lands within the Urban Growth Area is to allow it to be protected following annexation into the City. Utilizing one set of definitions of features will allow one baseline map to be created for the City and unincorporated portions of the County and will allow protection of the environmentally sensitive lands to extend beyond annexation.

- Language is being added to provide objective criteria for the determination of environmentally sensitive lands.

- A maximum limit is set for the *required* protection of environmentally sensitive lands.

- The protection measures for plats and certificates of survey were revised to include requirements in other sections of the Code and were put in list form for clarity.

Section 20-812 [County Code Section 11-112]

- This section is being revised to include the provisions for protection of environmentally sensitive lands for platted property in both the City and the unincorporated portions of the County.

Section 20-815 [County Code Section 11-115]

- Currently, some of the features which make up environmentally sensitive lands are defined only in the City Development Code. This section is being revised to include these definitions as they apply to both the City of Lawrence and the unincorporated portions of the County.

General

Code citations which reference 20-810(j) will be changed to 20-810(i) throughout the Regulations in the City Code. Code citations which reference 11-110(j) throughout the County Code will be changed to 11-110(i).

Baseline Map

A new mapping layer is being developed with these text amendments (TA-12-27-07 and TA-06-12-08) to identify potentially environmentally sensitive lands. This is the map which is referred to in this document as the Baseline Map. Regulatory Floodway, Regulatory Floodway Fringe, Stream Corridors, Stands of Mature Trees and Listed Historical Properties will be identified on the map. It will be necessary to contact the State Historical Society for information on Archaeological sites and the Army Corps of Engineers for information on Jurisdictional Wetlands as maps for these are not currently available.

HOW TO READ THE AMENDED TEXT

The changes being proposed with this text amendment are shown below as follows: new text is identified by ***bold, it alic typefa ce*** and deleted text is identified by ~~strickthrough.~~ Please note, only the portions of the sections which are being modified are shown below.

20-810 Subdivision Design Standards

(County Code Section 11-110)

(i) ~~Resource Preservation – City of Lawrence~~
Protection of Environmentally Sensitive Lands

(1) ***Definition of Environmentally Sensitive Lands***

~~Residential Developments and non-residential~~ ***Certificates of Survey land divisions and platted*** Subdivisions shall be designed to ~~preserve~~ ***protect environmentally sensitive lands which contain*** natural resources and environmentally sensitive areas ~~such as streams, wetlands, prominent natural geographic features, and stands of mature trees~~. ***Environmentally sensitive lands are listed below in a priority order for protection:***

- ***i. Regulatory floodway, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the GIS Baseline Environmentally Sensitive Lands Map;***
- ***ii. Regulatory floodway fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on the 100 year storm and identified on the GIS Baseline Environmentally Sensitive Lands Map;***
- ***iii. Jurisdictional wetlands, as determined by the Army Corps of Engineers;***
- ***iv. Stream corridors as defined in these regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map;***
- ***v. Stands of mature trees, as defined in these Regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map; and***
- ***vi. Archaeological or historic sites listed on local, state, or federal registers and identified on the GIS Baseline Environmentally Sensitive Lands Map.***

(2) Determination of environmentally sensitive lands.

The presence of environmentally sensitive lands shall be determined from an examination of the site and the following resources:

- ***i. FEMA Flood Insurance Rate Map for Douglas County, most current adopted map;***
- ***ii. US Fish and Wildlife Service National Wetland Inventory Maps;***
- ***iii. GIS Baseline Environmentally Sensitive Lands Map.***
- ***iv. Kansas State Historical Society Archeological and Historic Resources Inventory; and.***
- ***v. Other resources which may be appropriate.***

(3) **~~Resource Preservation~~** ***Protection Standards for Environmentally Sensitive Lands.*** **– City of Lawrence**

~~See Section 20-1101(c)(2)(iii)(b), which requires that development of lands containing more than 5% defined sensitive lands can be developed only through a Cluster Development or a Planned Development. Section 1101(c)(3) requires that certain sensitive lands be dedicated, included in private open~~

~~space or otherwise preserved through development design. Note also that Section 1101(c)(4) may limit the achievable density of developments containing specified sensitive lands.~~

i. ***Section 20-1101(d)(2)(i) of the Development Code limits the required protection of environmentally s ensitive lands to a maximum protection area of 20% of the total land area.***

ii. ***Section 2 0-1101(d)(2(ii)(b) requ ires that when platting, environmentally sensitive lands to be prot ected shall be placed within t racts or easements and i nformation regardin g ownership and maintenance respo nsibility of the tract or easement, as well as protectio n measures, shall be in cludio n the preliminary and final plat.***

iii. ***Section 20 -1101(e) c ontains in formation on density bonuses which may be pos sible when environmentally sens itive lan ds are protected in greater amounts than required.***

iv. ***Section 20-1101(d)(2)(ii)(a) requir es that a Sensitive Areas Site Plan be submitted pri or to, or concurre nt with , all subdivision appl ications for properties contai ning environmentally sensitive lands. The requi rements of a Sensitive Areas Site Plan are found in Section 20-1101(f).***

~~(2)Subdivisions shall be designed to preserve archaeological and historical sites. See Section 20-1101(c)(2)(iii)b, which requires that development of lands containing more than 5% defined lands, which include archaeological and historic sites, can be developed only through a Cluster Development or a Planned Development. Section 20-1101(c)(3) requires that certain archaeological and historic lands be included in private open space or otherwise preserved through development design. Note also that Section 20-1101(c)(4) may limit the achievable density of developments containing archaeological and historic sites.~~

(4) ~~**Resource Conse rvation**~~ ***Protection S tandards for Enviro nmentally Sensitive Lands.*** **– Unincorporated Area of the County**

~~Residential Developments and non-residential Subdivisions in the unincorporated area of the County shall be designed in a way that protects and conserves the natural resources and environmentally sensitive areas. through the filing of a Temporary Set Aside Agreement or the filing of a permanent Conservation Easement, with the Register of Deeds. These natural areas and environmentally sensitive areas shall include Floodways, based on the FEMA's one-hundred year storm; Floodplains, based on the FEMA's one-hundred year storm; jurisdictional wetlands; stream corridors; prominent natural geographic features with rocky outcroppings; and, stands of mature trees or individually significant mature trees.~~

i. ***Per Sections 20-804(c)(2)(ii) and 20-805(c)(2)(ii) [County Code Sections 11-104(c)(2)(ii) and 11-105(c)(2)(ii)], Certificates of Survey l and divi sions wi thin the UGA shall p rotect environmentally se nsitive lands*** through the filing of a Temporary Set

Aside Agreement or a permanent Conservation Easement with the Register of Deeds.

ii. ***Per Section 20-80 6(d)(2)(vii) [County Code Section 11-106(d)(2)(vii)] Certificates of Survey outside the UGA for properties which contain environmentally sensitive lands shall designate building envelopes which exclude the protected environmentally sensitive lands.***

iii. All plats which include environmentally sensitive lands shall protect them through ***one of the following methods:***

a. The filing of a Temporary Set Aside Agreement or permanent Conservation Easement with the Register of Deeds.

b. Placement of the environmentally sensitive lands within tracts or easements. Information regarding ownership and maintenance responsibility of the tract or easement, as well as protection measures shall be included on the preliminary and final plat.

iv. Protection of environmentally sensitive lands is encouraged to the maximum amount possible, but required protection is limited to 40% of the site included in the Certificate of Survey and 20% of the total site for platted properties.

J Soils and Soil Testing – City of Lawrence

~~K~~

20-812 Contents of Plats

(County Code Section 11-112)

(a) **Preliminary Plat** *(no change)*

(1) Materials to be Included (*no change)*

(2) Existing Conditions

The Preliminary Plat shall also show the following existing conditions:

(i) Location of any area designated as Floodplain or Regulatory Floodplain, location and direction of the flow of existing water courses; and the surface elevation of the Regulatory Flood.

(ii) Location of any area zoned "Floodplain", location and direction of flow of all water courses; and Base Flood Elevation at water course entrances to and exits from the proposed Subdivision;

(iii) Location of section lines, private or public Streets, Alleys, Easements, and city boundaries within and immediately adjacent to the proposed Subdivision;

(iv) **Natural features and environmentally sensitive lands within the unincorporated portions of the County:**

(a) Location of natural features such as rock outcroppings, unique topographic features, ~~lakes, individually significant mature trees,~~ ***and water bodies,*** and insofar as can reasonably be shown, natural features to be removed;

~~(v)Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites~~

(b) ***Location of features which are listed in Section 20-810(i) [County Code Section 11-110(i)] as environmentally sensitive lands.***

(c) ***The plat shall delineate the environmentally sensitive lands which are to be protected and provide for protection in one of the following ways: note that they will be protected with a temporary set aside agreement or permanent conservation easement which will be recorded prior to the final plat; or place the protected areas within tracts or easements and note the ownership, maintenance responsibility and protection measures on the plat.***

(d) ***Designation of a building envelope which excludes the environmentally sensitive lands.***

(v) ***Natural features and environmentally sensitive lands within the City:***

(a) Location of natural features such as rock outcroppings, unique topographic features, ~~lakes, individually significant mature trees,~~ ***and water bodies,*** and insofar as can reasonably be shown, natural features to be removed;

(b) ***Location of environmentally sensitive lands including those which were identified on a Sensitive Areas Site Plan for protection and those which will be altered with the development.***

(c) ***Article 11 of the Development Code requires that a Sensitive Area Site Plan be submitted with, or prior to, any development proposal for lands containing environmentally sensitive lands. The Sensitive Area Site Plan is to be incorporated into the plats and other plans.***

(d) ***Protected Environmentally Sensitive Lands are to be located within a tract or easement.***

(e) ***Information regarding ownership and maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.***

(b) Final Plats

(1) **Format** (*no change)*

(2) **Material to be Included**

The Final Plat shall show:

(i) Name under which the Subdivision is to be recorded;

(ii) Descriptive information, which shall:

(a) State the name of the proposed Subdivision;

(b) Show date of preparation, north arrow and graphic scale;

(c) Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision. A replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject replat is tied to at least one of these corner monuments;

(d) Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;

(e) Easements, showing width and general purpose;

(f) Sites proposed for Dedication as drainageway, park, school, or other public purposes;

(iii) In addition, the following information is required which is similarly required on the Preliminary Plat:

(a) Location of any area zoned Floodplain or within a Floodplain Overlay District zoning district;

(b) Boundaries of ~~significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological sites on the property proposed for subdivision~~ ***protected environmentally sensitive lands as shown on the preliminary plat.***

(c) **For properties within the City , the environmentally sensit ive lands shall be located wit hin a tract or e asement and the plat shall co ntain i nformation regardi ng ow nership an d maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.**

(d) **For properties within t he unin corporated po rtions of the County, t he plat s hall i nclude a buil ding enve lope wh ich excludes the environmentally sensitive la nds and one of the following: a note that a Temp orary Set Aside Agreement or permanent Conserv ation Easement which cont ains us e restrictions and maintenance and prot ection measures ha s been recorded for the environmentally sensitive la nds and the Book and Page Num ber for the recorded Temporary Set Asi de Agreement or permanent Cons ervation Easement; or the protected environm entally se nsitive lands sha ll be placed within ea sements or t racts and t he plat shall n ote t he ownership, maintenance respon sibility and protectio n measures of the protected lands.**

(e) Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general Development plan of adjacent property; and,

(f) Block and Lot numbers and dimensions of Blocks and Lots.

(iv) Accurate dimensions for all lines, angles, and curves used to describe boundaries, Streets. Easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle;

(v) For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and the comparable provisions adopted by resolution in Douglas County, the following:

(a) The total area of each Lot located in the designated Floodplain;

(b) The Minimum Building Elevation and Minimum Elevation of Building Opening, as determined from Chapter 20, Article 12 or the applicable County Floodplain regulations.

(vi) For any Lot including or adjacent to a lot including **environmentally** sensitive **lands** ~~(See Section 20-1101(c)(iii))~~as defined in Section 20-810(i) **[County Code Section 11-110(i)]** designation of a Building Envelope within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards;

The following definitions shall be added to Section 20-815(b) [County Code Section 11-115(b)]:

20-815 Interpretations, Rules of Construction and Definitions
(11-115 County Code)
(b) Definitions

Easement, Conservation:
A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. 58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of ~~this Development Code~~ ***these regulations.***

Building Envelope:
The buildable area of a Lot or a Residential Development Parcel defined by the minimum required setbacks of the applicable Zoning Regulations and lands i~~dentified in~~ ***to be protected per*** Section 20-810~~(j)~~ ***(i)[County Code Section 11-110(i)]***

Caliper: The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4 inch Caliper size, and as measured at 12 inches above the ground for larger sizes.

Jurisdictional Wetland:

Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).

Floodway Fringe ***or Regulatory Floodway Fringe:***
The area outside the Floodway Encroachment Lines, but still subject to inundation by the Regulatory Flood.

Stand of Mature Trees:
An area of ½ acre (21,780 sq ft) or more located on the 'development land area' or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)

Stream Corridor:
A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.

DEVELOPMENT CODE OF THE CITY OF LAWRENCE, KANSAS, TEXT AMENDMENTS TA-12-27-07, JUNE 22, 2010 EDITION

Amending Sections
20-701, 20-702, 20-703, 20-1101, 20-1701

OF THE CODE OF THE CITY OF LAWRENCE, KANSAS

City of Lawrence
PLANNING & DEVELOPMENT SERVICES

Incorporated By Reference Pursuant to K.S.A. 12-3009, *et seq*. K.S.A. 12-3301 *et seq*. and the Home Rule Authority of the City

Approved by the Governing Body of the City of Lawrence, Kansas on _____, 2010

Ordinance No. 8304
First Reading: _____, 2010
Second Reading: _____, 2010
Date of Publication: _____, 2010

SECTION ONE: Chapter 20, Article 2 Section 20-701 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-701 PLANNED DEVELOPMENT OVERLAY DISTRICT

(a) Purpose

The PD, Planned Development regulations are intended to:

(1) ensure development that is consistent with the Comprehensive Plan;

(2) ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services;

(3) allow design flexibility that results in greater public benefits than could be achieved using conventional Zoning District regulations;

(4) preserve environmental and historic resources; and

(5) promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

(b) Procedure

PDs shall be reviewed and approved in accordance with the procedures of Section 20-1304.

(c) Developer's Statement of Intent

Each PD application shall include a comparison of the proposed development with the standards of the Base District and the otherwise applicable standards of this Development Code. Applications shall also include a Statement by the applicant describing how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable Development Code standards.

(d) Effect of Other Development Code Standards

Except as expressly authorized by the regulations of this section and approved as part of a PD plan (in accordance with the procedures of Section 20-1304), all of the standards of this Development Code apply to development within a PD District.

(e) Minimum District Size

Minimum area for a PD district shall be five acres.

(f) Standards Eligible for Modification

As a condition of approval, the Planning Commission or City Commission may designate by ordinance or as a note on the face of the development plan, any specific use, Structure or Building Type which shall be restricted and excluded as part of the Planned Development Overlay District. The City Commission may modify the following standards during the PD approval process. Standards not listed are not eligible for modification.

(1) Allowed Uses

The Planning Commission shall recommend, and the City Commission shall approve, a list of uses allowed in a PD at the time of PD preliminary approval. Regardless of the fact that the approved uses may be determined by reference to a Base District, the list of approved uses shall be incorporated into and made a condition of the PD approval. The City Commission may approve only uses that are allowed in the Base District, provided that:

(i) PDs in Single-Dwelling and Multi-Dwelling (RS and RM) Districts may include land area for commercial uses at a ratio of up to 50 square feet of land area per Dwelling Unit.

(ii) commercial uses, in addition to those otherwise permitted by right, may be approved in a PD in an RS or RM District, if the PD includes a minimum area of 10 acres or more than 100 Dwelling Units.

(2) Lot Size

The minimum Lot size standards of the Base District may be reduced by the City Commission, provided that Lot sizes shall be adequate to safely accommodate all proposed Buildings and site features.

(3) Residential Density

The City Commission may increase the maximum Net Density beyond that of the Base District by up to 25% if the City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development.

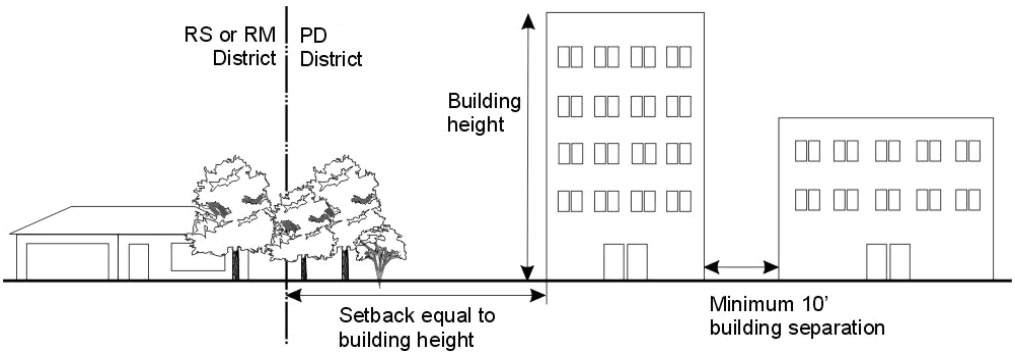
(4) Setbacks

The minimum Setback standards of the Base District may be reduced by the City Commission, provided that:

(i) Buildings located within the PD, and along any District boundary that is adjacent to RS and or RM Zoning Districts shall be Setback a distance at least equal to the Height of the proposed Building; and

(ii) All exterior walls of detached Buildings shall be separated by a minimum distance of 10 feet.

(iii) Balconies shall not be located along peripheral site Setbacks adjacent to RS zoned properties unless privacy Screening and Landscaping is included in the design.



(g) Height

The City Commission may increase maximum Height limits of the Base District if the Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development. Height increases shall be permitted only for Buildings set back from the boundary of the PD by the Height of the proposed Building plus 25 feet, so that the primary impact of the increased Height is on property within the PD.

(h) Balconies

Balconies above the second Story of a multi-Dwelling Unit Building are prohibited along the exterior of a Planned Development unless the Building Setback is increased to at least double the required minimum Setback and Landscaping is enhanced with two or more of the following features: a minimum 4' Berm, a solid Screening fence (6' minimum Height) or a masonry wall (6' minimum Height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.

(i) Parking and Loading

The City Commission may decrease the number of off-Street Parking and loading spaces required. Parking and loading areas shall comply with all otherwise applicable design standards.

(j) Buffer Areas

Development within 60 feet of the peripheral boundary of the PD shall be limited to the following:

(1) use category, Heights, Setbacks and minimum Lot sizes permitted in the Zoning District immediately adjoining the proposed PD on the date of preliminary development plan approval of the PD; and

(2) a landscaped buffer, including a Berm (minimum 4' in Height), a masonry wall (minimum of 6' in Height) or a fence (minimum 6' in Height).

(k) Common Open Space

(1) **A**mount Required

The PD shall include at least ~~the amount of Common Open Space computed using one of the following formulas, whichever produces the largest number:~~

(i) ~~(20%) of the total area included in the PD; or~~

(ii) ~~300 square feet for each proposed Dwelling Unit in the PD.~~

20% of the total site area as Common Open Space. Environmentally sensitive lands, if present, shall be protected and included within the Common Open Space. 50% of the Common Open Space shall be developed as Recreational Open Space unless environmentally sensitive lands are present, in which case the amount of Recreational Open Space may be reduced to no less than 5% and no more than 10% of the Common Open Space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state.

(2) ~~Recreational Open Space~~

~~At least one-half of the proposed Common Open Space shall be suitable for use as and proposed for development as Recreational Open Space.~~

(3) ~~Natural Open Space~~

~~To the maximum extent practicable, the following types of lands shall be included in the Common Open Space as Natural Open Space. To the extent that it is not practicable to include all of such areas in the Common Open Space, the order of types of lands included in this list shall be considered a priority list, with the first item being the most important, the last being the least important:~~

(i) ~~Floodway, based on a 100-year storm;~~

(ii) ~~Floodplain outside the floodway, based on a 100-year storm;~~

(iii) ~~Jurisdictional Wetlands;~~

(iv) ~~Stream Corridors;~~

(v) ~~Stand of Mature Trees or individually significant mature trees;~~

(vi) ~~Prominent Geographic Features with Rocky Outcroppings; and~~

(vii) ~~Archeological and Historic Sites~~

(4) General Provisions

See Section 20-703 for General Provisions applicable to Open Space in a PD or Cluster Development.

(l) Additional Requirements and Standards

(1) Unified Control

No application for a PD will be accepted or approved unless all of the property included in the application is under unified Ownership or a single entity's control.

(2) Street Access

PDs that will generate 100 or more average daily trips (based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual, 7th edition, or subsequent edition, or based on local estimates provided by the City) shall have Access to an Arterial Street using a Frontage or rear Access road or by taking direct Access to a Collector Street.

Individual residential Building Lot shall not take direct Access to an Arterial Street or a non-Residential Collector Street. Each individual residential Lot shall have Frontage on a public or Private Street that has been constructed to the Public Street standards of the City.

(3) Sidewalks

Sidewalks built to City specifications shall be built along both sides of all public and Private Streets. On Local Streets, sidewalks shall be at least 5 feet in width; on all other Streets sidewalks shall be at least 6 feet in width.

(4) Landscaping

The Landscaping and Screening standards of Article 10 apply to PDs. In addition, any part of the development area not used for Buildings, Structures, Parking, Streets, or Accessways shall be landscaped with a sufficient mixture of grass, vegetative Ground Cover, trees, and Shrubs, except those areas designated to be preserved with natural vegetation.

(5) Preservation of Natural Features

Mature stands of trees or individually significant mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. At a minimum ***the common open space provisions in this section and*** the standards of Article 10 apply.

(6) Zoning Map

Approved PDs shall be identified on the Official Zoning District Map.

(7) Additional Conditions

The Planning Commission may recommend, and the City Commission may impose, other reasonable conditions and standards, as deemed necessary to ensure consistency with the purposes of this section and those of this Development Code. Such conditions may include limitations on the types of uses, Structures or Building Types to be allowed in the PD. When such conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions of approval.

(m) Additional Standards for PD's with Residential and Nonresidential Uses

In PDs containing both residential and nonresidential uses, the nonresidential uses shall be designed, located, and oriented on the site so that such uses are directly accessible to residents of the PD. For the purposes of this Section, directly accessible shall mean pedestrian/Bicycle and automobile Access by way of improved sidewalks or paths and Streets that do not involve leaving the

PD or using a major Thoroughfare. “Directly accessible” does not necessarily mean that nonresidential uses need to be located in a particular location but that the siting of such uses considers the accessibility of the residential component of the PD to the nonresidential use.

SECTION TWO: Chapter 20, Article 2 Section 20-702 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-702 CLUSTER HOUSING PROJECTS

(a) Purpose

The cluster housing regulations of this section have several potential public benefits. They:

(1) provide flexible development options where the standard Lot and Block pattern is not practical because of physical constraints;

(2) promote the preservation of open space and natural areas;

(3) allow for grouping of development on a portion of the site while using the entire site area to calculate Density of the Base District.

(4) support reductions in development costs.

(b) General

(1) A Cluster Housing Project is a subdivision containing five (5) or more detached Dwellings each on its own Lot with some or all of the Lots reduced below required minimum Lot Area and width requirements, but where the overall project complies with the maximum Density standard of the Base District. Cluster Housing Projects require that planning for Lots and the locations of houses on the Lots be done at the same time. Because the allowable Building Envelope of each house is predetermined, greater flexibility in development standards is possible while assuring that the single-Dwelling character of the Zoning District is maintained.

(2) Under the cluster housing option, a subdivision can contain no more Lots than would otherwise be allowed for a conventional subdivision in the same Zoning District, but the individual Lots within the development can be smaller than required in a conventional subdivision. Smaller Lot sizes within a Cluster Housing Project are required to be offset by a corresponding increase in Common Open Space.

(c) Where Allowed; Procedure

Cluster Housing Projects are allowed by right in all residential Zoning Districts and in the CN1 District, as provided below.

(1) In RS Districts and the CN1 District, Cluster Housing Projects shall not include more than 35Dwelling Units. Larger projects in said Districts are subject to the Planned Development regulations of Section 20-701 and shall be reviewed and approved in accordance with the procedures of Section 20-1304.

(2) Cluster Housing Projects allowed by-right will be evaluated for compliance with applicable regulations and reviewed and approved in accordance with the subdivision procedures of Article 8 review process.

(d) Lot Area and Lot Width Requirements

There are no minimum Lot Area or Lot Width requirements for Cluster Housing Projects. Lots shall be adequate to meet all applicable standards of this Development Code.

(e) Housing Types

Detached Dwelling Units on individual Lots are the only type of housing allowed in a Cluster Housing Project. The proposed Building Envelope for all houses shall be shown on the subdivision plat with enough detail so that compliance with required Density and Dimensional Standards can be determined.

(f) Setbacks

(1) A Setback equal to the minimum Front Setback of the Base District shall be provided along the entire perimeter of the Cluster Housing Project that is adjacent to any Street or right-of-way.

(2) A Setback equal to the minimum Rear Setback of the Base District shall be provided along the entire perimeter of the Cluster Housing Project that is not adjacent to any Street or right-of-way.

(3) Within the project, the distance between houses shall be at least 10 feet (to be measured in accordance with the Setback measurement provisions of Section 20-602(e)).

(g) Building Coverage

The Building coverage standards of the Base District do not apply to each individual Lot, but the total Building coverage of all Lots (in aggregate) may not exceed the maximum Building coverage standard of the Base District.

(h) Outdoor Area

The required minimum outdoor area standard per Dwelling Units of 240 Sq. Ft. shall be on each Lot.

(i) Common Open Space

(1) Amount Required

The Cluster Housing Project shall include at least ***10% of the total site area as Common Open Space.*** ~~the amount of Common Open Space computed using whichever of the following formulas produces the largest~~

number:

(i) The total area resulting from the sum of the following: the difference between the minimum Lot Area required for the Base District and the actual Lot Area proposed for each Lot in the Cluster Development; or

(ii) Ten percent (10%) of the total site area included in the Cluster Housing Project.

Environmentally sensitive lands, if present, shall be protected and included within the Common Open Space. 30% of the Common Open Space shall be developed as Recreational Open Space, unless environmentally sensitive lands are present, in which case the amount of Recreational Open Space may be reduced to no less than 5% and no more than 10% of the Common Open Space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state.

(2) Recreational Open Space

At least one-third of the proposed Common Open Space shall be suitable for use as and proposed for development as Recreational Open Space.

(3) Natural Open Space

To the maximum extent practicable, the following types of lands shall be included in the Common Open Space as Natural Open Space. To the extent that it is not practicable to include all of such areas in the Common Open Space, the order of types of lands included in this list shall be considered a priority list, with the first item being the most important, the last being the least important and so on:

(i) floodway, based on a 100-year storm;

(ii) Floodplain Outside The Floodway, based on a 100-year storm;

(iii) jurisdictional Wetlands;

(iv) Stream Corridor;

(v) significant Stand of Mature Trees or individually significant mature trees;

(vi) Prominent Geographic Features with Rocky Outcroppings; and

(vii) archeological and historic sites.

(4) General Provisions

See Section 20-703 for General Provisions applicable to Open Space in a Planned Development or Cluster Housing Project.

SECTION THREE: Chapter 20, Article 2 Section 20-703 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-703 OPEN SPACE STANDARDS IN CLUSTER AND PLANNED DEVELOPMENTS

(a) Preservation Required

The Open Space land shall be preserved and maintained solely for the purposes specified in this Section and in such a manner as may be acceptable to the City Commission The method for accomplishing such preservation and maintenance of Open Space land shall be limited to one of the following:

(1) establishment of a mandatory-membership homeowner's association to own and maintain the land in common for the Open Space purposes intended; or

(2) transfer of the land to a conservation trust or an institution, person, organization or other conservation-oriented entity together with the requisite requirements for maintenance of the land for the Open Space purposes intended; or

(3) dedication of the land to the City with executed deed restrictions that the City is party to, which ensure the land shall remain as dedicated open space, subject to City Commission acceptance of such dedication.

(b) Execution of Instruments

The City Commission shall require the ~~Owner~~ ***Developer*** or Owner of the Open Space land to execute, acknowledge and file at the Register of Deeds office such maps and documents as, in the opinion of the Director of Legal Services, will effectively create a trust, Easement or covenant running with the land, for the benefit of the ~~abutting Dwelling Unit Owner~~ ***property owners in the development*** and of the City, which:

(1) will be binding on all future Owner**s** of the Open Space land;

(2) will not be affected by any subsequent changes in zoning;

(3) may be enforced by ~~adjoining property Owner~~ ***property owners in the development*** or the City by appropriate action in court for damage or equitable relief;

(4) will be perpetual;

(5) will assure appropriate maintenance of the Open Space land to the satisfaction of the City Commission;

(6) shall provide that if maintenance, preservation and/or use of the Open Space land no longer complies with the provisions of the trust,

Easement or covenant, the City may take all necessary actions to effect compliance and assess the costs against the Owner in default;

(7) shall provide that such trust, Easement or covenant may not be modified, altered, amended or changed without written approval of the City Commission, and all beneficiary property Owners in the ***PD*** ~~PUD~~ or Cluster ***Housing Project*** ~~development~~ except in the case of City-owned land in which case deed restrictions shall be binding.

SECTION FOUR: Chapter 20, Article 2 Section 20-1101 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-1101 PROTECTION STANDARDS FOR RESIDENTIAL DISTRICTS

(a) **Design and Operational Compatibility Standards—Discretionary Approvals**

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any multi-Family use or nonresidential use located within 500 feet of any less intensive residential district, the City Commission, Planning Director, Planning Commission or other review body may impose conditions that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

(1) location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;

(2) placement and buffering of trash receptacles;

(3) location of loading and delivery areas;

(4) lighting location, intensity, and hours of illumination;

(5) placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;

(6) additional Landscaping and buffering;

(7) Height restrictions to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;

(8) preservation of natural lighting and solar Access;

(9) ventilation and control of odors and fumes; and

(10) paving or other surface treatment for dust control.

(b) **Height Limit on Projects Adjoining Certain Residential Zoning Districts**

See Section 20-701(g) for Height limits in the PD district.

(c) **Balconies of a multi-Dwelling Unit Building**

Balconies above the second Story of a multi-Dwelling Unit Building are prohibited along the exterior of a RM development unless the Building Setback is increased to at least double the required minimum Setback and Landscaping is enhanced with two or more of the following features: a minimum 4' Berm, a solid Screening fence (6' minimum height) or a masonry wall (6' minimum height). This provision shall apply only to those exterior sides of a Planned

Development that are adjacent to RS zoning or to detached Dwelling Units.

(d) ~~**Implementation of Sensitive Land**~~ ***Standards for Environmentally Sensitive Lands***

(1) **Applicability** ~~**of Environmental Design Standards – Generally**~~
The provisions of this Article regarding environmental protection for sensitive lands shall apply to all construction and development in all RS and RM Districts, ***with the exception of individually platted lots for single or duplex dwellings which were platted prior to (the effective date of this Text Amendment).*** ~~except as expressly exempted in this paragraph.~~

(2) ~~**Applicability of Environmental Design Standards – Effect on Development Type**~~ ***Environmentally Sensitive Lands***

(i) ~~**Principal**~~ ***Protected Areas.***
If ~~a significant portion~~ ***500 sq ft or more*** of a proposed development, ~~as specified in this sub-section (d),~~ consists of lands falling in the following categories, any proposed development may proceed only in accordance with the processes allowed by this ~~sub-paragraph~~ ***section***. ***The*** **l**ands affected by this section ~~shall include the following lands,~~ ***are listed below in a priority order for protection***:

a. ***Regulatory*** Floodways, ~~based on 100 year storm~~ ***designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the City GIS Baseline Environmentally Sensitive Areas Map;***

b. ~~Floodplain outside the Floodway~~, ***Regulatory Floodway Fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County*** based on 100 year storm ***and identified on the City GIS Baseline Environmentally Sensitive Areas Map*;**

c. Jurisdictional Wetlands**,** ***as determined by the Army Corps of Engineers;***

d. Stream Corridors ***as defined in this Code and identified on the City GIS Baseline Environmentally Sensitive Areas Map;***

e. Stands of Mature Trees ~~or Individually Significant Mature Trees;~~ ***as defined in this Code and identified on the City GIS Baseline Environmentally Sensitive Areas Map; and***

~~f.~~ ~~Prominent Geographic Features with Rocky Outcroppings~~; ~~and~~

f. Archaeological and Historic Sites ***listed on local, state, or federal registers.***

(i) **Determination of Development Land Area**

In determining whether a portion of a proposed development consists of sensitive lands, all contiguous lands under the same Ownership or control shall be considered. Lands owned or controlled by a partnership, trust or corporation under the same effective control shall be considered, along with lands owned directly by the applicant and lands under option to the applicant or a partnership, trust or corporation under the effective control of the applicant.

(3) **Procedures to be Followed**

(i) **Platted Lots*—Amount Required***

For all types of developments, required protection of environmentally sensitive lands shall be limited to a maximum protection area of 20% of the total land area. The protected environmentally sensitive lands shall be set aside as private Common Open Space or dedicated to the City as parkland or open space. Incentives for protection of environmentally sensitive lands in amounts above 20% of the total land area are included in Section 20-1101(f).

~~Development on a platted Lot or Parcel including more than 500 square feet of sensitive lands shall require submission of a Sensitive Areas Site Plan [see Section 20-1101(e)], which shall be consolidated with any other required site plan submitted. The development shall be subject to any conditions related to the sensitive lands included in approval of the subdivision or any Planned Development application including the platted Lot(s).~~

(ii) ~~**Land not Previously Subdivided**~~ ***Development Process***

Development on land ~~not previously subdivided and including~~ ***which contains*** more than 500 square feet of sensitive lands shall ~~follow the procedures required by this paragraph:~~ ***require submission of a Sensitive Areas Site Plan [see Section 20-1101(f)], and may proceed through one of the following processes:***

a. Site Planning. Development on properties containing more than 500 square feet of environmentally sensitive lands shall require submission of a Sensitive Areas Site Plan [see Section 20-1101(f)], which may be consolidated with any other required site plan submitted, but will be, in any event, required prior to approval of a development proposal. The plan shall clearly delineate the environmentally sensitive lands to be protected and shall include information regarding protection measures and maintenance.

b. Platting. Environmentally sensitive lands to be protected shall be located within tracts and/or easements. Information regarding ownership and maintenance responsibility of the tract or easement, as well as protection measures, shall be included on the preliminary and final plat.

c. Planned Development. Development standards in Section 20-701 apply. Environmentally sensitive lands to be protected shall be included within the Common Open Space.

d. Cluster Housing Project. Development standards in Section 20-702 apply. Environmentally sensitive lands to be protected shall be included within the Common Open Space.

~~**1.** If less than five percent (5%) of the land area consists of sensitive lands, the property may be developed through a conventional subdivision, a cluster subdivision or a Planned Development;~~

~~**2.** If five percent (5%) or more of the land area but less than 15% of the land area consists of sensitive lands, the property may be developed through a cluster subdivision or a Planned Development, but may not be otherwise subdivided or developed;~~

~~**3.** If 15% or more of the land area consists of sensitive lands, the property may be developed only through a Planned Development.~~

~~**(3)….Applicability of Environmental Design Standards – Effect on Development Plan for Sensitive Lands**~~

(i) ~~**Dedication**~~

~~Where the following types of lands are included in a proposed development, such lands shall be included in any land dedicated to the City as part of any required Open Space dedication, in the priority order set forth in this paragraph, up to the required land dedication for the development:~~

~~a. Floodways, based on 100 year storm;~~

~~b. Floodplain outside the Floodway, based on 100 year storm;~~

~~c. Jurisdictional Wetlands;~~

~~d. Stream Corridors;~~

e. Stand of Mature Trees or individually significant mature trees;

f. Prominent Geographic Features with Rocky Outcroppings; and

g. Archaeological and Historic Sites.

(ii) **Private Open Space**

Where the following types of lands are included in a proposed development and will not be dedicated to the City, such lands shall be included in required Open Space for the development, in the priority order set forth in this paragraph, up to one-half the required Open Space for the development, with the remaining one-half of the Open Space to be suitable for active recreation:

a. Floodways;

b. Floodplains outside the Floodway, based on 100 year storm;

c. Jurisdictional Wetlands;

d. Stream Corridors;

e. Stand of Mature Trees or Individually Significant Mature Trees;

f. Prominent Geographic Features with Rocky Outcroppings; and

g. Archaeological and Historic Sites.

(iii) **Other**

Where the following types of lands are included in a proposed development and will not be dedicated to the City or included in private Open Space, the development plan shall be arranged so that every proposed Lot has a Building Envelope meeting the other design standards of this Code without encroaching on the designated sensitive lands:

a. Floodways;

b. Floodplain outside the Floodway, based on 100 year storm;

c. Jurisdictional Wetlands;

d. Stream Corridors;

e. Stand of Mature Trees or Individually Significant Mature Trees;

f. Prominent Geographic Features with Rocky Outcroppings; and

g. Archaeological and Historic Sites.

(4) **Applicability of Environmental Design Standards – Effect on Development Intensity or Density**

Where the following types of lands ***listed in Section 201101(d)(2)(i)*** are included in a proposed development, that land, or a portion of that land, may be included in determining the allowable Density or intensity of development **and *the allowable density, calculated on the total land area, may be transferred to other developable portions of the property.*** , in accordance with the following table. The percentage appearing in a cell at the intersection of a type of sensitive land and its proposed disposition shall be multiplied by the land area of that site to determine the land area which may be considered in the computation of the allowed Density or intensity of development:

Sensitive Land Features	Proposed for Dedication of Open Space	Percentage for Density Calculation
Floodways	100%	50%
Floodplains outside the Floodway, based on 100 year storm	50%	10%
Stream Corridors beyond Floodways	100%	50%
Jurisdictional Wetland	50%	10%
Stand of Mature Trees	100%	100%
Prominent Geographic Features and Rocky Outcroppings	50%	10%
Archaeological and Historic Sites	100%	50%

(e) ***Density Bonus Incentives for Protection of Additional Lands***

Density bonuses are available to encourage the protection of environmentally sensitive lands in a greater amount than required.

(1). Applicability

A development shall qualify for a density bonus if environmentally sensitive lands noted in this Section are committed for preservation either through designation as a tract, through a conservation or landscape easement, or dedication to the City in addition to the area required in Section 20-1101(d)(3)(a) with the following exceptions or additions:

(i) ***The density bonus incentives do not apply to the protection of regulatory floodway above the amount required in this Section.***

(ii) ***Slopes of 25% or greater may be included in the environmentally sensitive lands for the density bonus incentives, provided the required area being protected with features listed in Section 20-1101(d)(2)(i) equals or exceeds 20% of the total developable area.***

(iii) ***Native prairie remnants may be included in the environmentally sensitive lands for the purpose of these incentives. The protection of any amount of native prairie remnant qualifies for the density bonus incentives, regardless of what amounts of other environmentally sensitive lands have been protected. If native prairie remnants are protected, the density bonus is calculated per Table 1 and 2 in Section 20-1101(e) as if the 20% of developable area has been protected.***

(2) ***Approval Criteria***

(i) In addition to these regulations, development on properties with certain environmentally sensitive lands, such as jurisdictional wetlands, may be restricted by state or federal regulations.

(ii) In order for a density bonus to be approved, City planning staff must determine that utilities and infrastructure are available to serve the additional density proposed and the design of the development does not negatively impact adjacent properties.

(iii) Land offered for dedication shall be subject to approval by the Governing Body.

(3) ***Density Bonus -- Increase in Number of Dwelling Units.***

(i) Determination of Base Density.

The Base Density, the number of dwelling units which can be developed on a property, will be determined from a 'concept plat' or sketch plan provided by the applicant which shows the basic street layout and rights-of-way, the areas necessary for stormwater detention (based on an approved conceptual drainage study), the 20% of the site which is being protected with environmentally sensitive lands, and proposed lot layout in conformance with density and dimensional standards in Section 20-601.

(ii) Determination of Density Bonus.

If the density bonus meets the criteria noted in Section 20-1101(e)(1), the density bonus to be applied to the base density shall be calculated using the proportions in Table 1.

- ***a. The density may exceed the Density Cap in multi-dwelling districts.***
- ***b. The density may equal but may not exceed the Density Cap for single-family and duplex districts.***

c. Density Caps set by the Comprehensive Plan are noted in Table 2.

20-1101(e) TABLE 1 *Density Bonus—Increase in number of dwelling units*				
% of property that is protected	*% increase in Dwelling Units*		*% of property that is protected*	*% increase in Dwelling Units*
21	*1*		*31*	*11*
22	*2*		*32*	*12*
23	*3*		*33*	*13*
24	*4*		*34*	*14*
25	*5*		*35*	*15*
26	*6*		*36*	*16*
27	*7*		*37*	*17*
28	*8*		*38*	*18*
29	*9*		*39*	*19*
30	*10*		*40*	*20*

20-1101(e) TABLE 2 **Density Cap per Zoning District**			
Comprehensive Plan Designation	**Density Cap *Horizon 2020* (du/acre)**	**Zoning District**	**Max. Density per Code (du/acre)**
Very-low density: single dwelling	1	RS40	1.09
Low-density: single dwelling	2-6	RS20	2.18
		RS10	4.26
		RS7	6.22
Medium density: single dwelling	7-15	RS5	8.7
		RS3	14.52
		RSO	14.52
Medium density: multi dwelling	7-15	RM12,	12
		RM12D,	12
		RM15	15
High-density: multi-dwelling	16-21 du / acre	RM24,	24 du / acre
		RM32	32 du / acre

(iii) Standards Adjustment

a. In single-dwelling and duplex-dwelling zoning districts, it may be necessary to reduce the lot area and/or lot width requirements to permit the allowable density. These modifications may be made to the minimum degree necessary to accommodate the allowable density.

b. In multi-dwelling districts, it may be necessary to increase the height limitation, in addition to adjustments to the lot area and/or lot width requirements, to permit the allowable density. These modifications may be made to the minimum degree necessary to accommodate the allowable density.

(3). Density Bonus -- Increase in Developable Square Footage.
This bonus permits the construction of larger structures, and/or the addition of more impervious surface on a lot, rather than an increase in the number of dwelling units. The proportions listed in Table 3 apply to the increase in developable square footage. Each 1% of protected environmentally sensitive lands protected above that required by Code results in a 1% increase in the building or impervious surface coverage up to a maximum of 40%. (In no case shall the building coverage or impervious surface coverage exceed 90% of the lot).

20-1101(e)-TABLE 3
Density Bonus — Increase in Developable Area

Zoning District	*Maximum Building Coverage (%)*	*Maximum Impervious Coverage (%)*	*Min Outdoor Area per Dwelling (sq ft)*	*Int Side Setback (ft)*	*Front Setback (ft)*	***Rear setback (ft) Single frontage / double frontage***
RS40	*15*	*25*	*--*	*20*	*25*	***30/35***
RS20	*30*	*50*	*--*	*20*	*25*	***30/35***
RS10	*40*	*70*	*--*	*10*	*25*	***30/25***
RS7	*45*	*70*	*--*	*5*	*25*	***30/25***
RS5	*50*	*75*	*240*	*5*	*20*	***20/25***
RS3	*50*	*75*	*150*	*5*	*15*	***20/25***
RSO	*50*	*75*	*--*	*5*	*25*	***20/25***
RM12D	*50*	*75*	*50*	*5*	*25*	***20/25***
RM12	*50*	*75*	*50*	*5*	*25*	***20/25***
RMO	*50*	*75*	*50*	*5*	*25*	***20/25***
RM15	*50*	*75*	*50*	*5*	*25*	***25/25***
RM24	*50*	*75*	*50*	*5*	*25*	***20/25***
RM32	*60*	*80*	*50*	*5*	*25*	***20/25***
*	*1% increase*	*1% increase*	*1% decrease*	*Adjusted as needed -- not less than 5*	*Adjust as needed—not less than 15*	***Adjust as needed—not less than 15***

**for each 1% protection above the required 20% (to maximum of 40%)*

(iv) ***Standards Adjustment***
In some cases the minimum outdoor area or setbacks may need to be reduced to accommodate the additional building or impervious surface coverage. This reduction may be made to the minimum degree necessary to accommodate the additional building or impervious surface coverage.

~~(e)~~***(f)*** **Sensitive Areas Site Plan Required**

Prior to development on ~~tracts or portions of tracts of~~ land ~~where~~ ***containing more than 500 square feet of environmentally*** sensitive ***lands*** ~~features~~ ***listed in Section 20-1101(d)(2)(i)***~~specified above exist~~, a ***sSensitive*** ~~a~~***A***reas ~~s~~***S***ite ~~p~~***P***lan shall first be submitted to and approved by the City in accordance with the requirements of Site Plan Review, Section 20-1305 ***including the public notice procedures of Section 20-1305(g).*** ~~This application process may occur as part of a Planned Development overlay zoning and/or subdivision review.~~

(1) Sensitive Areas Site Plan Contents

The Sensitive Areas Site Plan must be prepared in accordance with the requirements in Section 20-1305(f) with the exception that a Sensitive Areas Site Plan is not required to be completed by an engineer, architect or other qualified professional. In addition to the contents noted in Section 20-1305(f), the site plan shall:

(i) Clearly delineate the property boundaries.

(ii) Clearly delineate the boundaries of the environmentally sensitive lands listed in Section 20-1101(d)(2)(i).

(iii) Designate protected lands per the priority order in Section 20-1101(d)(2)(i).

(iv) Provide information on the ownership and maintenance responsibility for the protected lands.

(v) Provide information on the methods to be used to protect environmentally sensitive lands, both during construction and after.

~~(f)~~**(g) Drainage Easements**

All express drainage Easements dedicated, purchased or otherwise granted to the City in writing are governed by the standards of this section. No person may construct, maintain, or allow any natural or non-natural Structures or vegetative barriers (including but not limited to trees, Shrubbery, Berms, fences, and walls) upon drainage Easements that the Director of Public Works finds impedes, detains, retains, or otherwise interferes with the drainage of stormwater regardless of the source of stormwater.

~~(g)~~***(h)*** **Administration and Enforcement of Drainage Easements**

The Director of Public Works may enter upon the drainage Easement, at any time and without notice, to inspect the drainage Easement.

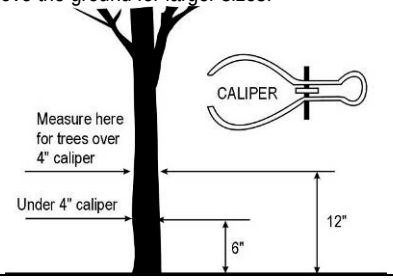
(4) If the Director of Public Works finds that any natural or non-natural Structure or vegetative barrier impedes, detains, retains, or otherwise interferes with the drainage of stormwater, the Director of Public Works shall issue a notice to the Landowner to abate that condition within 30 days or such longer time period as the Director of Public Works deems appropriate. Within 14 days of the mailing of the notice to abate, the Landowner may request a hearing before the City Commission. If the Landowner requests a hearing, the City Commission shall determine the appropriateness of the order to abate, make findings as are appropriate, and order any necessary action as appropriate. The time period set by the Director of Public Works to abate the nuisance shall be stayed from the date the notice is filed until the City Commission has acted on the appeal. If the abatement is not completed within the time frame allowed by the notice to abate, including the period of time a stay is in effect, if any, or by the direction of the City Commission, the Director of Public Works will proceed with the abatement action. Pursuant to K.S.A. 12-6a17, the Director of Public Works shall order collection of the cost of this abatement upon the Landowner.

(5) This section does not create liability upon the City or its employees regarding the creation, dedication, inspection and maintenance of drainage Easements.

SECTION FIVE: Chapter 20, Article 2 Section 20-1701 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-1701 GENERAL TERMS

Term	Definition
Access	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
Access, Cross	A service drive providing vehicular Access between two or more contiguous sites so the driver need not enter the public Street system.
Access Management	The process of managing Access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.
Accessory Dwelling Unit	A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use, when the Principal Building or use is a Dwelling.
Accessory Structure	A subordinate Structure, the use of which is clearly incidental to, or customarily found in connection with, and located on the same Lot as the Principal Building or use.
Accessory Use	A use that is clearly incidental to, customarily found in connection with, and (except in the case of off-Street Parking Space) located on the same Lot as the Principal Use to which it is related.
Accessway , also Access Drive	Any Driveway, Street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
Adult Care Home	See Group Home
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
Airport/Lawrence Municipal Airport	The location from which take-offs and landings may be made by any manned aircraft, excluding free balloons, within the corporate limits of the City of Lawrence, Kansas.
Airport Hazard	Any Structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any Airport or is otherwise hazardous to such landing or taking off of aircraft.
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to abutting property.
Antenna	Any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an Antenna support Structure or attached to the exterior of any Building. The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower or other Antenna support Structure.
Antenna, Receive-Only	An Antenna capable of receiving but not transmitting electromagnetic waves, including Satellite Dishes.
Antenna, Amateur Radio	An Antenna owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio Antenna.
Arterial	A Street classified as an Arterial in the Lawrence/Douglas County MPO Transportation Plan, as amended.
Arterial Street, Minor	A Street which is anticipated to have 2-4 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Arterial Street, Principal	A Street which is anticipated to have 4-6 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Assisted Living	Building or group of Buildings containing Dwellings designed for occupancy by persons 55 years or older where the Dwelling Units are independent but include special support services such as central dining and limited medical or nursing care.
Basement	Any floor level below the first Story in a Building, except that a floor level in a Building having only one floor level shall be classified as a Basement unless such floor level qualifies as a first Story as defined herein.
Base Density	*The number of dwelling units that can be developed on a subject property, rather than the number of dwelling units that are permitted for the zoning district. Base density is the number of dwelling units that can be developed given the size of the parcel, the area required for street rights-of-way or infrastructure, the density and dimensional standards of Section 20-601(a), the environmental protection standards, as well as topographical or other features unique to the property.*

Term	Definition
Base District	Any Zoning District delineated on the Official Zoning District Map under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of Buildings, or use of land, and other regulations relating to the development or maintenance of existing uses or Structures, are uniform; but not including Overlay Zoning Districts.
Base District, Special Purpose	A District established to accommodate a narrow or special set of uses or for special purposes. The use of this term in the Development Code applies to Districts beyond the conventional residential, commercial, industrial and agricultural districts. Examples include government and public institutional uses, open space uses, hospital use, planned unit developments that pre-date the Effective Date of this Development Code or newly annexed urban reserve areas.
Berm	An earthen mound at least two feet (2') above existing Grade designed to provide visual interest, Screen undesirable views and/or decrease noise.
Bicycle	A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.
Bicycle- Parking Space	An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.
Big Box	See Retail Establishment, Large.
Block	A Parcel of land entirely surrounded by public Streets, highways, railroad rights-of-way, public walks, parks or green strips, or drainage channels or a combination thereof.
Block Face	That portion of a Block or Tract of land facing the same side of a single Street and lying between the closest intersecting Streets.
Boarding House	A Dwelling or part thereof where meals and/or lodging are provided for compensation for one (1) or more persons, not transient guests, and where there are not more than 12 sleeping rooms, nor sleeping space for more than 24 people.
Bufferyard	A combination of physical space and vertical elements, such as plants, Berms, fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other.
Build-to-Line (minimum Building setback)	An imaginary line on which the front of a Building or Structure must be located or built and which is measured as a distance from a public right-of-way.
Building	Any Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a Structure is divided into separate parts by one or more walls unpierced by doors, windows, or similar openings and extending from the ground up, each part is deemed a separate Building, except as regards minimum Side Setback requirements as herein provided.
Building Envelope	The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District, or as modified pursuant to a Variance, a site review, or prior City approval.
Building Frontage	That portion of a Building or Structure that is adjacent to or faces the Public Frontage.
Building, Principal	A Building in which is conducted the Principal Use of the Building site on which it is situated. In any residential District, any Dwelling shall be deemed to be the Principal Building on the site on which the same is located.
Building Type (also referred to as housing type)	A residential Structure defined by the number of Dwelling Units contained within.
Caliper	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch Caliper size, and as measured at 12 inches above the ground for larger sizes. 
City Regulations	Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.

Term	Definition
Cross Access Agreement	A document signed and acknowledged by Owner of two or more adjoining pieces of property establishing Easements, licenses or other continuing rights for Access across one property to one or more other properties.
Collector Street	A Street which is anticipated to have two (2) travel lanes designed for speeds ranging from 25-35mph and which serves a collecting function by distributing traffic between local neighborhood Streets and Arterial Streets.
Collector Street, Minor	See Collector, Residential
Collector Street, Residential	Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.
Collector Street System	A system of one (1) or more Collector Streets that allow traffic to be distributed to at least two (2) Arterial Streets.
Common Open Space	~~A Parcel of~~ ~~*I*~~*Land*, water, water course, or drainageway within a *development* ~~site designated for a Planned Development or Cluster Housing Project,~~ *that is* designed and intended for the use or enjoyment of all the residents and Landowners of the ~~Planned~~ Development ~~or Cluster Housing Project~~. Common Open Space, except for Common Open Space designated as *Environmentally Sensitive Lands* ~~Natural Open Space~~, may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the ~~Planned~~ Development ~~or Cluster Housing Project~~. Common open space shall not include space devoted to streets, *alleys,* and parking areas. *While required setbacks may function as common open space, they may not be used to meet the minimum requirements.*
Comprehensive Plan also Comprehensive Land Use Plan	The Lawrence/Douglas County Comprehensive Plan, also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission, as amended or superceded by adoption of a replacement plan from time to time.
Conservation Easement	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. §58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this Development Code.
Deciduous	A tree or Shrub with foliage that is shed annually.
Deferred Item	An item that has been deferred from a published agenda by the Planning Director, Planning Commission or the City Commission (City or County Commission), or by the applicant.
Density	A measure of the number ofDwelling Units contained within a given area of land, typically expressed as units per acre.
Density Bonus:	*An incentive-based tool that permits property owners to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals, such as protection of environmentally sensitive areas.*
Density Cap:	*Maximum density levels set by the Comprehensive Plan. Low-density (6 dwelling units per acre); medium density (15 dwelling units per acre) and high density (24 dwelling units per acre).*
Density, Gross	The numerical value obtained by dividing the total number ofDwelling Units in a development by the total area of land upon which theDwelling Units are proposed to be located, including rights-of-way of publicly dedicated Streets.
Density, Net	The numerical value obtained by dividing the total number ofDwelling Units in a development by the area of the actual Tract of land upon which theDwelling Units are proposed to be located, excluding rights-of-way of publicly dedicated Streets.
Designated Transit Route	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.
Development Activity	Any human-made change to Premises, including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration, or partial or total demolition of Buildings and Structures; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.

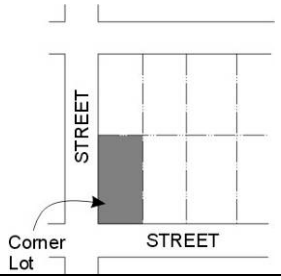
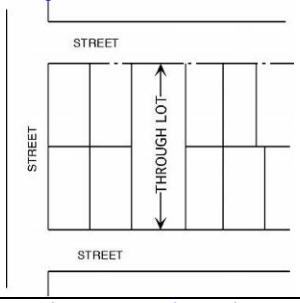
Term	Definition
Development Project, Major (Ord. 8465)	Any development proposing the following: a. Any Development Activity on a site that is vacant or otherwise undeveloped; or b. Any Significant Development Project on a site that contains existing development, defined as: 1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Development Project, Minor (Ord. 8465)	Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.

Term	Definition
Development Project, Standard (Ord. 8465)	a. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: 1. a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or 2. A change in use to a more intensive use regardless of whether modifications to the site are proposed; or 3. the substantial modification of a site, defined as: a. The construction of any new Building(s) on the site; or b. The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or c. Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or d. The addition of Impervious Surface coverage that exceeds 10% of what exists; or e. Any modification determined by the Planning Director to be substantial. b. For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: 1. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or 2. any modification of a site which meets the following criteria or proposes the following: a. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or b. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the Commercial Design Standards; or c. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or d. In the IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or e. In any zoning district other than IG, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or f. In the IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or g. In any zoning district other than IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or h. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development.

Term	Definition
Dependent Living Facility	See Extended Care Facility
Director, Planning	See Planning Director
Distance Between Structures	The shortest horizontal distance measured between the vertical walls of two Structures as herein defined perpendicular to an axis, all points along which are midway between the vertical walls.
District, Zoning	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.
Dormitory	A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building, provided that the main entrance to these facilities is from within the Building.
Drip Line	An imaginary ground line around a tree that defines the limits of the tree canopy.
Driveway	A private drive or way providing Access for vehicles to a single Lot or facility.
Driveway, Joint-Use	A privately-owned Driveway that provides Access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (without Lots) or a business or industrial park.
Driveway, Shared	A single Driveway serving two or more adjoining Lots.
Driveway Apron (or Approach)	The Driveway area or approach located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line.
Dwelling	A Building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or Mobile Home.
Dwelling Unit	One room, or a suite of two or more rooms, designed for or used by one Family or Housekeeping Unit for living and sleeping purposes and having only one kitchen or kitchenette.
Easement	A grant by a property Owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian Access, and roadways.
Effective Date	The date the ordinance adopting this Development Code takes effect.
Elderhostel	A Building occupied as the more-or-less temporary abiding place of individuals who are either: 1) participating in a travel-study program for senior citizens offered by a university or college; or 2) participating in a visiting faculty program at a university or college. These individuals are lodged with or without meals. These Buildings typically contain more than eight (8) sleeping rooms or 16 sleeping accommodations. The rooms are let on a weekly or monthly basis or for greater period of time, but are not available to the general public on a nightly basis, as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building, provided that the main entrance to these facilities is from within the Building.
Evergreen (Coniferous) Tree	An Evergreen Tree, usually of pine, spruce or juniper genus, bearing cones and generally used for its Screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five (5) feet in Height when planted and reaches a mature Height of at least 20 feet.
Extended Care Facility (Dependent Living or Nursing Care Facility), General	A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a disability who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours and who need not be related by blood or marriage. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.

Term	Definition
Extended Care Facility (Dependent Living or Nursing Care Facility), Limited	A long term facility or a distinct part of an institution occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage, and who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours, and also not to be occupied by more than two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.
Extended Stay Lodging	A Building, including a single-Family residence, or group of Buildings providing living and sleeping accommodations for short-term occupancy, typically three (3) months or less. Bed & Breakfasts, hotels and motels are not considered extended stay facilities, although hotels and motels may provide this service. Extended stay facilities using single-Family Dwellings are not considered rental housing and are not subject to the rental licensing provisions of the City.
Exterior Storage	Outdoor storage of any and all materials related to the principal use of the Lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. Outdoor storage and sales areas, open to the public and in which transactions may occur are not considered Exterior Storage areas.
Facade	Exterior face (side) of a Building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.
Family	(1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District, a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in aDwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, lodging house, motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in aDwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, lodging house, motel, hotel, fraternity house or sorority house.
Floodplain	The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic & Hydraulic Study.
Floor Area	The sum of the horizontal areas of each floor of a Building, measured from the interior faces of the exterior walls or from the centerline of walls separating two Buildings.
Floor Area, Gross	The sum of the horizontal areas of the several stories of a Building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two Buildings, from the centerline of such common wall.
Floor Area, Net	The horizontal area of a floor or several floors of a Building or Structure; excluding those areas not directly devoted to the principal or Accessory Use of the Building or Structure, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.
Floor Area Ratio (F.A.R.)	The sum of the horizontal areas of the several floors inside the exterior walls *(excluding basements)* of a Building or a portion thereof divided by the Lot Area.
Foot-candle	A unit of measurement referring to the illumination incident to a single point. One (1) Foot-Candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
Frontage	All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended, then all of the property abutting on one side between an intersecting Thoroughfare and the Dead-End.
Frontage Road, Private	Any thoroughfare that is not publicly owned and maintained and that is parallel and adjacent to any Lot Frontage as defined above.
Grade	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the Building and the Lot Line or, when the Lot Line is more than 5 feet from the Building, between the Building and a line five feet from the Building.
Greek Housing	A group living Structure occupied by a university approved fraternity or sorority, certified by the Panhellenic Association or Intrafraternity Council at KU. Residential occupancy by the majority of residences primarily follows the academic calendar for fall and spring semesters each year.

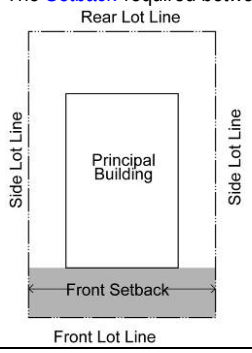
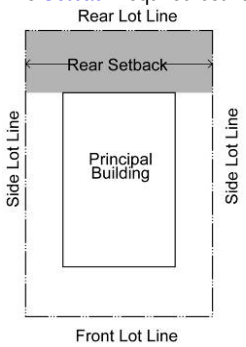
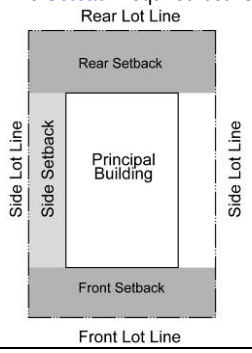
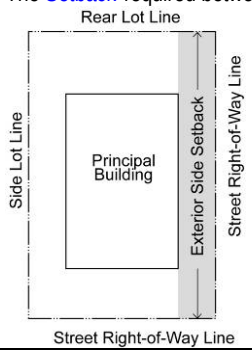
Term	Definition
Ground Cover	Living Landscape Materials or living low-growing plants other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface and which, upon maturity, normally reach an average maximum Height of not greater than 24 inches.
Ground Floor	A level of Building floor which is located not more than 2 feet below nor 6 feet above finished Grade.
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).
Growing or Planting Season	From the beginning of March to the end of June and from the beginning of September to the beginning of December.
Height (Building)	Refers to the vertical distance from the finished Grade, or base flood elevation where applicable, to the highest point of the coping of: a flat roof, the deck line of a mansard roof, or the average Height of the highest gable of a pitch or hip roof.
Historic Resources Commission (HRC)	The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code of the City of Lawrence
Home Occupation	An Accessory Use that complies with the provisions of Section 20-537.
Housekeeping Unit	A suite of one or more rooms having separate cooking facilities, used as the domicile or home of one Family.
Housing for the Elderly	See Assisted Living or Extended Care Facility
HRC	See Historic Resources Commission
Hydrologic and Hydraulic Study	See Hydrologic and Hydraulic Study definition in Section 20-1205
Impervious Surface	That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and Buildings) which either prevent or retard the entry of water into the soil material.
Inactive File	An application, either complete or incomplete, which has had no new information submitted within a period of twelve (12) or more months. New information within this context shall be information that responds to a request for additional information or that provides additional information essential to completing a review of the request in response to the land use review criteria, retail market information, or traffic impact analysis.
Infrastructure	Those man-made Structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian sidewalks, paths or trails and transit stops.
Jurisdictional Wetland	*Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).*
Landowner	See Owner
Landscaped Peninsula	A concrete curbed planting area typically found in Parking Lots to provide areas for trees and Shrubs between Parking Spaces and along the terminus of single and double Parking aisles.
Landscape Material	Such living material as trees, Shrubs, Ground Cover/vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc.

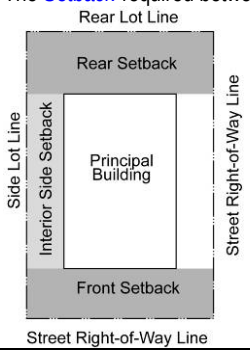
Term	Definition
Landscaping	Any combination of living plants such as trees, Shrubs, plants, vegetative Ground Cover or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, Mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees.
Licensed Premises	A Premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the Premises with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and City Regulations.
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure. It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure.
Light Truck	A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single pair of rear wheels.
Livestock	Any animal customarily kept for producing food or fiber.
Local Street	A Street which is anticipated to have two (2) travel lanes at desirable speeds of up to 30mph and which provides Access to abutting property and primarily serves local traffic.
Local Street System	A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood.
Lot	A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed.
Lot Area	The total horizontal area within the Lot Lines of a Lot.
Lot Frontage	See Frontage
Lot, Corner	A Lot abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an angle of more than 45° and of less than 135°. The point of intersection of the Street Lines is the corner. Any portion of a Corner Lot that is more than 100 feet from the point of intersection of the two Street Lines or the two tangents of the same Street shall not be considered a Corner Lot. 
Lot, Through	A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a Corner Lot shall be considered a Through Lot. 
Lot Depth	The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot.
Lot Line	A boundary of a Lot.
Lot Line, Exterior Side	A Side Lot Line separating a Lot from a Street other than an Alley.
Lot Line, Front	The Street Line at the front of a Lot. On Corner Lots, the Landowner may choose either Street Frontage as the Front Lot Line.

Term	Definition
Lot Line, Rear	The Lot Line opposite and most distant from, and parallel or closest to being parallel to, the Front Lot Line. A triangular Lot has no Rear Lot Line.
Lot Line, Side	A Lot Line that is not a Front Lot Line or Rear Lot Line.
Lot Width	Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.
Manufactured Home	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403, but does not comply with the standards and provisions of Section 20-513.
Manufactured Home, Residential-Design	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403 and that also complies with the standards and provisions of Section 20-513. (Ord. 8098)
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s).
Mature Trees, Stand of	An area of ½ acre *(21,780 sq ft)* or more *located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties* ~~covered by densely wooded growth of mature~~ *containing* trees ~~having a minimum height of~~ *that are* 25 feet *or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)*
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a Building located in the Floodplain may have a door, window, or other opening.
Mixed Use	The development of a Lot, Tract or Parcel of land, Building or Structure with two (2) or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
Mixed Use Structure, Horizontal	A Building or Structure containing both nonresidential and residential uses distributed horizontally throughout the Structure.
Mixed Use Structure, Vertical	A Building or Structure, a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the Structure.
Mobile Home	Any vehicle or similar portable Structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for Dwelling or sleeping purposes. Mobile Home includes any Structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. Mobile Homes are considered to be Dwelling Units only when they are parked in a Mobile Home Park.
Moderately-Priced Dwelling Unit	A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Mulch	Non-living organic material customarily used to retard soil erosion and retain moisture.
Native Prairie Remnants:	*Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairie remnants will be confirmed by the Kansas Biological Survey, or a consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies). A list of approved consulting firms for prairie determination is available in the Planning Office.*
Natural Drainageway	Natural rivers, streams, channels, creeks or other areas that naturally convey Stormwater runoff or portions thereof that have not been channelized and which is unaltered and retains a predominantly natural character.
Natural Open Space	Common Open Space that includes undisturbed natural resources, such as Floodplains, Wetlands, steep slopes, and Woodlands.
Nodal Development Plan	A land use plan for all four corners of an intersection that applies to the redevelopment of existing commercial center areas or new commercial development for neighborhood, community or regional commercial centers, as described in Horizon 2020, and is designed to avoid continuous lineal and shallow Lot Depth developments along Street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the Node.
Node	An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses.
Non-encroachable Area	That portion of a Lot or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by Building or Development Activity, excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.

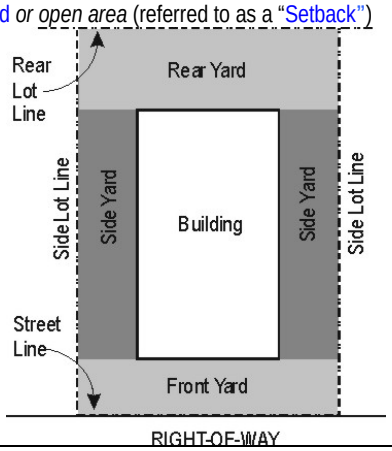
Term	Definition
Nursing Care Facility	See Extended Care Facility
Official Zoning District Map	A map or maps outlining the various Zoning District boundaries of the City of Lawrence, Kansas.
Open Porch	A roofed space attached to a Building on one side and open on the three remaining sides.
Open Use of Land	A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or Accessory Structures. Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and race tracks.
Ornamental Tree	A Deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature Height generally under 40 feet.
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as Building-mounted signs.
Overlay Zoning District (or Overlay Zoning District)	Any Zoning District included in this Development Code with the word "overlay" in its title. The Overlay Zoning District regulations are found in Article 3 of this Development Code.
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Parcel	A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity.
Parking Access	Any public or private area, under or outside a Building or Structure, designed and used for parking motor vehicles including parking Lots, garages, private Driveways and legally designated areas of public Streets.
Parking Area	An area devoted to off-Street Parking of vehicles on any one Lot for public or private use.
Parking Space	A space for the parking of a motor vehicle or Bicycle within a public or private Parking Area. Typically Parking Spaces for private uses are located off the public right-of-way.
Peak Hour	The four (4) highest contiguous 15-minute traffic volume periods.
Pedestrian Scale (human scale)	Means the proportional relationship between the dimensions of a Building or Building element, Street, outdoor space or Streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
Planned Development	Developments processed and considered in accordance with the procedures specified in the Planned Development Overlay Zoning District provisions of Sec. 20-701 and in the Cluster Housing Projects provisions of Sec. 20-702. Generally, an area of land controlled by the Landowner to be developed as a single entity, commonly pursuant to an Overlay Zoning District, for a number of Dwelling Units, office uses, commercial uses, or combination thereof, if any, wherein a development plan detailing the proposed development and adjacent areas directly impacted thereby is reviewed and approved by the appropriate decision maker. In approving the development plan, the decision maker may simultaneously modify specified standards of the Base District.
Planning Commission	The Lawrence-Douglas County Metropolitan Planning Commission established by City Ordinance 3951/ County Resolution 69-8 on March 24th, 1969.
Planning Director	The Director of the Lawrence-Douglas County Metropolitan Planning Commission or her or his designee.
Premises	A Lot, together with all Buildings and Structures thereon.
Principal Building	See Building, Principal
Principal Use	The primary purpose for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use.
~~Prominent Natural Geographic Features with Rocky Outcropping~~	~~A rocky protrusion having greater than a 3:1 slope, a minimum Height of 20' above the surrounding Grade and covering an area of one (1) or more acres. Exposed rock area is 50% or more limestone or sandstone.~~
Public Frontage	The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.

Term	Definition
Public Frontage, Primary	The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures. Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.
Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Recreational Open Space	Common Open Space that is improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables.
Recyclable Materials	Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable Materials do not include refuse or hazardous materials. Recyclable Materials may include used motor oil collected and transported in accordance with environmental and sanitation codes.
Registered Neighborhood Association	A neighborhood or local interest group that represents a defined area of the City and that has registered with the Planning Director in accordance with the applicable registration procedures of the Planning Director.
Regulatory Flood	See Base Flood definition in Article 12.
Regulatory Floodplain	See Floodplain definition in Article 12.
Regulatory Floodway	See Floodway definition in Article 12.
Regulatory Floodway Fringe	See Floodway Fringe definition in Article 12.
Residential Collector	See Collector, Residential
Residential-Design Manufactured Home	See Manufactured Home, Residential-Design
Retail Establishment, Large	An establishment engaged in retail sales, where the aggregate of retail uses within a Building is 100,000 or more gross square feet of Floor Area that may or may not include ancillary uses with internal Access from the Principal Use Building.
Retail Establishment, Medium	An establishment engaged in retail sales, provided the aggregate of retail uses within a Building is less than 100,000 gross square feet of Floor Area.
Retail Establishment, Specialty	An establishment engaged in retail sales where new or used goods or secondhand personal property is offered for sale to the general public by a multitude of individual vendors, usually from compartmentalized spaces within a Building. A specialty retail sales establishment shall not exceed 100,000 gross square feet of Floor Area and may have an unlimited number of individual vendors within it.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and landscaping planted in the Street Tree & Furniture Zone.
Sadomasochistic Practices	Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
Satellite Dish	A dish Antenna, with ancillary communications equipment, whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a Building.
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Screen or Screening	A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or Structure from another by fencing, walls, Berms, or densely planted vegetation, or other means approved by the Planning Director.
Setback	The minimum horizontal distance by which any Building or Structure must be separated from a street right-of-way or Lot line. (See also 20-602(e))

Term	Definition
Setback, Front	The Setback required between a Building and the Front Lot Line. 
Setback, Rear	The Setback required between a Building and the Rear Lot Line. 
Setback, Side	The Setback required between a Building and the Side Lot Line. 
Setback, Side (Exterior)	The Setback required between a Building and the Exterior Side Lot Line. 

Term	Definition
Setback, Side (Interior)	The Setback required between a Building and the Interior Side Lot Line. 
Sexually Oriented Media	Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.
Sexually Oriented Novelties	Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
Shade Tree	Usually a Deciduous tree, rarely an Evergreen; planted primarily for its high crown of foliage or overhead Canopy.
Shared Parking	Development and use of Parking Areas on two (2) or more separate properties for joint use by the businesses or Owner of these properties.
Shrub	A Deciduous, Broadleaf, or Evergreen plant, smaller than an Ornamental Tree and larger than Ground Cover, consisting of multiple stems from the ground or small branches near the ground, which attains a Height of 24 inches.
Significant Development Project	1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Slip Road	A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.
Special Purpose Base District	See Base District, Special Purpose
Specified Anatomical Areas	(1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid State, even if completely and opaquely covered.
Specified Sexual Activities	Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Term	Definition
Story	That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a Basement or unused under-floor space is more than six (6) feet above Grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above Grade as defined herein at any such point, or unused under-floor space shall be considered a Story.
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not ~~an intermittent stream or an intermittent stream specifically identified in the Comprehensive Plan as a significant intermittent stream subject to protection.~~ *ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.*
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressway to Streets of lower classification, and, in some cases, allow traffic to directly Access destinations.
Street, Collector	A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets. Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	Any divided Street or highway with no Access from Abutting property and which has either separated or at-Grade Access from other public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and Grade separated interchanges with all other public Streets and highways.
Street, Limited Local	A Local Street providing Access to not more than eight Abutting single-Family residential Lots.
Street, Local	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street should be discouraged.
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited-Access Street and that is designated to provide direct Access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads."
Street, Private	Any tract of land or access easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general public.
Street, Public	A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys.
Street, Ultimate Design	The Street design that is based on the planned carrying capacity of the roadway consistent with its functional classification on the Major Thoroughfares Maps in the Comprehensive Plan.
Street Line	The line separating the Street right-of-way from the abutting property.
Street Tree and Furniture Zone	An area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.
Streetscape	The built and planned elements of a street that define the street's character.
Structural Alteration	Any change in the supporting or structural members of a Building, including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or Building openings.
Structure	A Building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes.
Subsurface Utility Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.
Thoroughfare	Any public right-of-way that provides a public means of Access to abutting property.
Tract (of land)	An area, Parcel, site, piece of land or property that is the subject of a development application or restriction.
Transitional Use	A permitted use or Structure that, by nature or level and scale of activity, acts as a transition or buffer between two (2) or more incompatible uses.

Term	Definition
Tree Protection	Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after construction projects.
Trip Generation	The total number of vehicle trip ends produced by a specific land use or activity.
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship.
Vertical Mixed Use Structure	See Mixed Use Structure, Vertical
~~Wetlands~~	~~Any Parcel or portion of a Parcel which meets the state or federal definition of Wetlands that are under the jurisdiction of state or federal laws. Synonymous with "jurisdictional wetland".~~
Woodlands	Natural hardwood forests, whether or not actively forested.
Working Days	Monday through Friday, 8AM to 5PM excluding city holidays
Yard	Any Open Space located on the same Lot with a Building, unoccupied and unobstructed from the ground up, except for accessory Buildings, or such projections as are expressly permitted by these regulations. "Yard" refers to the actual open area that exists between a Building and a Lot Line, as opposed to the Required Yard *or open area* (referred to as a "Setback") 
Yard, Front	A space extending the full width of a Lot between any Building and the Front Lot Line and measured perpendicular to the Building at the closest point to the Front Lot Line.
Yard, Rear	A space extending the full width of a Lot between the Principal Building and the Rear Lot Line and measured perpendicular to the Building at the closest point to the Rear Lot Line.
Yard, Required	The unobstructed Open Space measured from a point on a Principal Building to the Lot Line from the ground upward, within which no Structure shall be located, except as permitted by this Development Code. It is the three-dimensional equivalent of the required Setbacks for every Lot.
Yard, Side	A space lying between the side line of the Lot and the nearest line of the Principal Building and extending from the Front Yard to the Rear Yard, or in the absence of either of such front or Rear Yards, to the front or Rear Lot Lines. Side-yard widths shall be measured perpendicular to the side Lot Lines of the Lot.
Zoning District	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

City Of Eudora, Kansas

September 22, 2010

Chairman Thellman
Douglas County Courthouse, 2nd Floor
1100 Massachusetts Street
Lawrence, Kansas
66044

Dear Chairman Thellman,

Representatives from the city of Eudora joined several neighbors in the surrounding rural area to attend a public meeting hosted by the Kaw Valley Company regarding a proposed sand pit they hope to develop near the Wakarusa River. It is our understanding that the developer will begin the process to obtain a conditional use permit for the proposed operation in the near future. In addition, we understand a vote of the Douglas County Commission is required to approve the conditional use permit. The purpose of this letter is to express the city of Eudora's concern with this development and to ask that you take serious consideration of the affects the proposed development may have on our community.

One of the wells that serve as a source of water supply for the city of Eudora is located approximately 2,000 feet from the proposed location of the sand pit operation. As the city grows over time, new wells may need to be established in the area near the proposed project. The city of Eudora requests that the Douglas County Planning Commission and the Douglas County Commissioners require an independent analysis be conducted to assess the potential impact of the proposed sand pit on the Eudora water supply (both current & future) before consideration for approval is given. Any negative effect to the city's water supply and well field will cause extreme damage to the quality of life offered to our citizens and should serve as a reason to deny the permit.

Secondly, the city of Eudora requests a detailed traffic analysis be conducted to determine the anticipated number of vehicles entering and exiting the sand pit operation that will travel through Eudora so we can determine the affect of the development on our roadways. County road 1061 serves as Eudora's Main Street and will likely serve as one route for trucks entering in and out of the sand plant. Numerous pedestrians use Eudora's Main Street on a daily basis and we desire to understand the impacts the sand plant may have on their safety.

We hope this letter articulates our concerns regarding the proposed project and look forward to working with the Douglas County Planning Commission and the Douglas County Commission to assure these concerns are addressed during the planning process.

Sincerely,

Scott Hopson	Bill Whitten	Maria Nelson	Tim Reazin	Ruth Hughs	Jeff Peterson
Mayor	City Council President	City Council	City Council	City Council	City Council

Cc: Commissioner Mike Gaughan
Commissioner Jim Flory
Lawrence-Douglas County Planning Commission
Eudora Planning Commission
Craig Weinaug, County Administrator

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
TA-4-4-10

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

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

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval to the City Commission for TA-4-4-10 to amend the Land Development Code, Chapter 20, Sections 20-403, 20-509 and 20-1724 to permit the *Hotel, Motel, Extended Stay* use in the IBP District, add standards regarding accessory uses to Hotels and revise some language for wording consistency.

Reason for Request: To permit the Hotel/Motel/Extended Stay use in the IBP District.

RELEVANT GOLDEN FACTOR:
- This request is generally in conformance with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Comments received at 6/23/10 PC meeting
- Attached 8/3/10 CC minutes

OVERVIEW OF PROPOSED AMENDMENT
Proposed amendment to Section 20-403, the Nonresidential District Use Table to permit the Hotel, Motel, Extended Stay use in the IBP District.

CONFORMANCE WITH THE COMPREHENSIVE PLAN
Chapter 7, Goal 3 of *Horizon 2020* supports the use of transitions between more intensive and lesser intensive uses for Industrial and Employment Related Land Uses. Additionally Goal 3.2 discusses low-intensity commercial or office uses as a transitional method.

At the August 8, 2010 City Commission meeting, the CC voted 5-0 to return TA-4-4-10 back to the Planning Commission for further consideration. The CC gave direction to review the standards for accessory uses of the Hotel, Motel, and Extended Stay Use in the IBP District. Staff has proposed adding an asterisk in the use table in Section 20-403(b) to reference new standards in Section 20-509. Changes to Section 20-509 Eating and Drinking Establishment regarding the accessory uses to Hotels are proposed and shown in red, italic, underlined font that is highlighted and deletions struck through. The text amendment also includes housekeeping revisions to both Sections 20-509 and 20-1724 to provide consistent terminology with use terms in Section 20-403.

TA-4-4-10 Draft Code Changes

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
RESIDENTIAL USE GROUP																
Household Living	Accessory Dwelling	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	534
	Attached Dwelling	P*	–	P*	–	–	–	–	–	–	–	–	–	P*	–	503
	Cluster Dwelling	–	–	–	–	–	–	–	–	–	–	–	–	–	–	702
	Detached Dwelling	P*	–	P	–	–	–	–	–	–	–	–	–	P*	P*	508
	Duplex	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	503
	Manufactured Home	–	–	–	–	–	–	–	–	–	–	–	–	P	P	
	Manufactured Home, Residential-Design	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	513
	Mobile Home	–	–	–	–	–	–	–	–	–	P	P	–	P	P	
	Mobile Home Park	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Multi-Dwelling Structure	–	P*	P*	–	P*/S*	P*		P*	–	–	–	–	S	P	517
	Non-Ground Floor Dwelling	P*	P*	P*	–	P*	P*	–	P*	–	–	–	–	–	–	517/542
	Work/Live Unit	P*	P*	P*	–	P*/S*	P*	–	P*	–	P*	–	–	–	–	517/541
	Zero Lot Line Dwelling	P*	–	P	–	–	–	–	–	–	–	–	–	–	–	531
	Home Occupation, Type A or B	–	–	P*	–	–	–	–	–	–	–	–	–	–	–	
Group Living	Assisted Living	–	–	P	–	–	–	–	–	–	–	–	–	S	S	
	Boarding Houses & Cooperatives	–	–	P	–	–	–	–	–	–	–	–	–	–	–	
	Dormitory	–	–	–	–	–	–	–	–	–	–	–	–	–	P	
	Fraternity or Sorority House	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	–	–	–	–	–	P	
	Group Home, Limited (10 or less)	P	–	P	–	–	–	–	–	–	–	–	–	–	–	
PUBLIC AND CIVIC USE GROUP																
Community Facilities	Cemetery	P*	P*	–	P*	–	P*	P*	P*	P*	P*	–	P*	P*	–	505
	College/University	S	P	P	P	P	P	P	P	P	P	P	–	P	P	
	Cultural Center/ Library	S	P	P	S	P	P	–	–	P	–	–	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	P*	–	–	–	507
	Day Care Home, Class A	P	P	P*	–	P	P	–	P	–	–	–	–	–	–	
	Day Care Home, Class B	S*/A*	P*	S*	–	P	P	–	P	–	–	–	–	–	–	507

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
	Detention	–	–	–	–	–	–	–	–	–	S	P	–	–	–	
	Lodge, Fraternal and Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	–	P*	–	–	P*	–	512
	Postal & Parcel Service	–	P	P	P	P	P	P	P	P	P	P	–	P	–	
	Public Safety	S	P	P	P	P	P	P	P	P	P	P	–	P	–	
	School	P	P	P	P	P	P	P	P	–	–	–	–	P	–	
	Funeral and Interment	–	P*	–	P*	P*	P*	P*	P*	P*	P*	–	A*	–	–	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	S*	–	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	P	–	P	P	
	Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	S	–	S	S/A*	522
	Utility, Minor	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	–	530
	Utility and Service, Major	S	S	S	S	S	S	S	S	S	S	P	S	P	–	
Medical Facilities	Extended Care Facility, General	–	S	–	S	–	–	–	–	S	–	–	–	–	P	
	Extended Care Facility, Limited	P	P	P	P	–	–	–	–	–	–	–	–	S	P	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	–	–	P	A	
	Hospital	–	–	–	–	–	–	–	–	–	–	–	–	–	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	–	-	–	–	P*	P*	519
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	–	S	A*/S*	A	532
	Entertainment & Spectator Sports, Gen.	–	–	–	–	P	P	P	P	–	–	–	–	S	–	
	Entertainment & Spectator Sports, Ltd.	–	P	P	–	P	P	P	P	–	–	–	S	P	–	
	Participant Sports & Recreation, Indoor	–	P	P	–	P	P	P	P	P	P	–	–	P	A	
	Participant Sports & Recreation, Outdoor	–	–	S	–	–	P	P	P	P	P	–	–	A*/S*	–	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Private Recreation	P	P	P	–	P	P	–	P	–	–	–	P	P	P	

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	*Use-Specific Standards (Sec. 20-)*
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	522
COMMERCIAL USE GROUP																
Animal Services	Kennel	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Livestock Sale	–	–	–	–	–	S	S	S	–	P	P	–	–	–	
	Sales and Grooming	P	P	P	P	P	P	P	P	–	P	P	–	–	–	
	Veterinary	–	P	P	P	P	P	P	P	P	P	P	–	–	–	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	–	–	–	509
	Accessory Restaurant	–	–	–	–	–	–	–	–	A	–	–	–	–	–	
	Bar Or Lounge	–	–	S*	–	P*	P*	P*	P*	–	–	–	–	–	–	509
	Brewpub	–	P*	S*	–	P*	P*	P*	P*	–	–	–	–	–	–	509
	Fast Order Food	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	511 & 509
	Fast Order Food, With Drive-In	–	S	S*	–	–	P	P	P	–	P	–	–	–	–	
	Nightclub	–	–	–	–	P*	–	P*	P*	–	–	–	–	–	–	509
	Private Dining Establishments	P*	P*	–	P*	P*	P*	P*	P*	P*	–	–	–	–	–	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	–	–	–	–	524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	A*	518
	Financial, Insurance & Real Estate	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	–	–	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	–	–	537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	–	S	S	S	S	P	P	P	P	P	P	–	P	A	
Retail Sales & Service	Building Maintenance	–	P	S	–	P	P	P	P	–	P	P	–	A	A	
	Business Equipment	–	P	P	–	P	P	P	P	P	P	–	–	–	–	
	Business Support	–	P	P	P	P	P	P	P	P	P	P	–	–	A	
	Construction Sales and Service	–	–	–	–	–	P	P	P	–	P	P	–	–	A	

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
	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
Sexually Oriented Businesses	Sexually Oriented Media Store	–	–	P*	–	–	-	-	-	–	–	-	–	–	–	528
	Physical Sexually Oriented Business	–	–	–	–	–	–	–	–	–	–	–	–	–	–	528
	Sex Shop	–	–	–	–	–	P*	P*	P*	–	–	–	–	–	–	528
	Sexually Oriented Theater	–	–	–	–	–	P*	P*	P*	–	–	–	–	–	–	528
Transient Accommodation	Bed and Breakfast	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	20-504
	Campground	–	–	–	–	–	P	P	P	–	–	–	S	–	–	
	Hotel, Motel, Extended Stay	–	–	P	–	P	P	P	P	*P**	P	–	–	–	A	*20-509*
Vehicle Sales & Service	Cleaning (e.g., Car Wash)	–	S	–	–	–	P	P	P	–	P	P	–	–	–	
	Fleet Storage	–	–	–	–	–	P	P	P	–	P	P	–	–	A	
	Gas and Fuel Sales	–	S	S	–	–	P	P	P	–	P	P	–	–	–	
	Heavy Equipment Repair	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Heavy Equipment Sales/Rental	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Inoperable Vehicles Storage	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Light Equipment Repair	–	S	–	–	S	P	P	P	–	P	P	–	–	–	

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
	Light Equipment Sales/Rental	–	P*	–	–	S	P	P	P	–	P	P	–	–	–	545
	RV and Boats Storage	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
INDUSTRIAL USE GROUP																
Industrial Facilities	Explosive Storage	–	–	–	–	–	–	–	–	–	–	P	–	–	–	
	Industrial, General	–	–	–	–	–	–	–	–	–	P	P	–	–	–	
	Industrial, Intensive	–	–	–	–	–	–	–	–	–	–	P	–	–	–	
	Laundry Service	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Manufacturing & Production, Ltd.	–	–	P	–	S	S	S	S	P	P	P	–	–	–	
	Manufacturing & Production, Tech.	–	–	–	–	S	P	P	P	P	P	P	–	–	–	
	Research Service	–	–	–	S	S	P	P	P	P	P	P	–	–	–	
	Scrap and Salvage Operation	–	–	–	–	–	–	–	–	–	S*	S*	–	–	–	527
Wholesale, Storage & Distribution	Exterior Storage	–	–	–	–	–	A*	A*	A*	A*	A*	A*	–	A*	A*	538
	Heavy	–	–	–	–	–	S	S	S	–	S	P	–	–	–	
	Light	–	–	–	–	–	P	P	P	P	P	P	–	S	–	
	Mini-Warehouse	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
OTHER USES GROUP																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Agriculture	Agricultural Sales	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Agriculture, Animal	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Agriculture, Crop	P	P	P	P	–	P	P	P	P	P	P	–	P	–	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	–	–	–	–	S	–	–	–	P	P	P	–	–	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	P	–	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	A*	A*	529

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
	Tower															
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	–	–	–	–	–	–	–	–	–	–	S*	–	–	–	515
Recycling Facilities	Large Collection	–	–	–	–	–	P	P	P	–	P	P	–	–	–	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	P	–	A	A	540
	Processing Center	–	–	–	–	–	–	–	–	–	P	P	–	–	–	

20-509 EATING AND DRINKING ESTABLISHMENTS

The restrictions in (1) and (2) shall apply to a Licensed Premises use. The Fast Order Food establishments in 3 and 4 are not permitted to be a Licensed Premise:

(1) Accessory Uses to Hotels

(i) A hotel with 50 or more rooms may have a restaurant as an Accessory Use~~; a restaurant may be permitted as a second Principal Use on the same property as a smaller hotel~~, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

(ii) A hotel with 100 or more rooms may have a Bar *or Lounge* as an Accessory Use, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements. *A Bar or Lounge is not permitted as an Accessory Use to a Hotel, Motel, Extended Stay use in the IBP District.*

(iii) A hotel with 150 or more rooms may have a Nightclub or other live entertainment as an Accessory Use. *A Nightclub is not permitted as an Accessory Use to a Hotel, Motel, Extended Stay use in the IBP District.*

(2) Accessory Bars

In any Zoning District allowing a ~~*R*~~restaurant as a permitted use and allowing an Accessory Bar, the Accessory Bar shall be allowed only subject to the following standards:

(i) the Accessory Bar shall not constitute more than 25% of the Floor Area of the eating & drinking establishment;

(ii) the Accessory Bar shall not have a separate Street entrance; and

(iii) if at any time the sales of alcoholic beverages in the eating & drinking establishment constitute more than 55% of gross sales for any two months or longer measuring period, the Bar shall be deemed to be a Principal Use and the operator shall be subject to penalties under this Development Code for operation of an unlawful use.

(3) Standards that Apply in CN1 and CN2 Districts

Fast Order Food establishments shall be permitted in CN1 and CN2 Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.

(4) Standards that Apply in CO District

Fast Order Food establishments are permitted in the CO District provided that the total Floor Area does not exceed 10 percent (10%) of the total Gross Floor Area of all floors of the office Building or of all Buildings in the office complex in which the use is located.

(5) Standards that Apply in CD District

The following restrictions apply to Licensed Premises in the CD district:

(i) The Licensed Premises use in CD shall be required to derive from the sales of food for consumption on the Premises not less than 55% of all the Licensed Premises' gross receipts for a calendar year from sales of food and beverages on such Premises.

(ii) The City Manager or his/her designee shall establish an administrative procedure for the investigation and enforcement of this requirement that shall include the annual reporting of appropriate sales and receipt information from Licensed Premises governed by this Section.

(iii) The expansion, extension, enlargement, or alteration of a non-conforming use created by these restrictions shall be governed by Article 15 of this Code.

(6) Standards that Apply in the MU District

A Bar or Lounge use shall only be allowed for property applying and approved for a zoning map amendment to the MU District after July 1, 2010. A Bar or Lounge use shall be prohibited for all property with MU District zoning granted prior to July 1, 2010.

20-1724 EATING AND DRINKING ESTABLISHMENTS

Sale of prepared food and beverages for on- and off-Premises consumption. The following are eating and drinking establishment use types:

(1) Accessory Restaurant

An accessory restaurant is not required to be separated by a permanent wall from the Principal Use to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. No sales of alcoholic beverages shall be permitted. Accessory restaurants include, but are not limited to, snack bars, school cafeterias, and supermarket delicatessens.

(2) Accessory Bar

An accessory bar is a part of a ~~q~~*Q*uality ~~r~~*R*estaurant or ~~*high turnover restaurant*~~ *Fast Order Food establishment* offering alcoholic beverages. An accessory bar is not separated by a permanent wall from the restaurant to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. An establishment with an accessory bar will generally characterize itself in its signs, advertising and other promotions as a restaurant or food-service establishment rather than as a bar.

(3) Bar or Lounge

An establishment that may include food service but that emphasizes the service of alcoholic beverages for consumption on the Premises. Any establishment generating more than 45% of its gross revenues from alcoholic beverages (on a weekly average) shall be deemed to be a bar and not a restaurant.

(4) Brewpub

A bar or accessory bar in a restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on Premises for either consumption on Premises in hand-capped or sealed containers in quantities up to one-half barrel or 15 and one-half gallons sold directly to the consumer.

(5) Nightclub

An establishment that may or may not serve alcoholic beverages for on-Premises consumption and that offers live entertainment, which may be amplified, and/or music for dancing by patrons. A nightclub may also offer food service.

(6) Fast Order Food

An establishment whose primary business is the sale of food: a) primarily intended for immediate consumption; b) available within a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside the Premises where it is sold. This use category includes both establishments that have seating areas for consumption of prepared food on the Premises and those that provide food only for consumption off the Premises; this category does not include drive-in fast order food establishments.

(7) Fast Order Food, Drive-In

Sale of food directly to patrons in motor vehicles or to patrons that intend to use the motor vehicle as an eating area. Typically, this use is either dependent on a long Driveway that provides adequate room for vehicle stacking at a drive-up service window or on a Parking Area near a walk-up service window. This use category includes uses commonly called “drive-ins” or “drive-in restaurants,” “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.

August 8, 2010 City Commission Meeting Minutes
TA-4-4-10

Consider approving Text Amendment, TA-4-4-10, to the City of Lawrence Land Development Code, Chapter 20, Section 20-403 of the code of the City of Lawrence, KS to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. Adopt on first reading, Ordinance No. 8543, for Text Amendment (TA-4-4-10).

Scott McCullough, Director of Planning and Development Services, said this revision to the Lawrence Land Development Code would permit by right, the hotel/motel and extended stay use in the City's Industrial Park Zoning category. It was initiated by the Planning Commission at staff's suggestion after recent revisions to the development code that permitted the same uses in the IL (Light Industrial) District.

There were currently only two areas where the IBP District showed up near 19th and Haskell and a very large area near Bob Billings Parkway and Wakarusa Drive. However, there was potential for quite a bit more IBP District zoning in the areas that were Sector Planned and other areas of the community. He said IBP was mainly office use in a light industrial zoning category and had very limited commercial uses permitted in that category.

The specific hotel/motel and extended stay use came with accessory uses which included bar/restaurant or night club and those were permitted based on degrees on number of units with each hotel and 50 or more rooms permitted a restaurant with accessory uses and 100 or more rooms could have a bar as an accessory use and 150 or more rooms could have a night club as an accessory use. He said for example, the Holidome had 192 rooms with a Bar and Grill; Spring Hill Suites, 105 rooms; Hampton Inn, 89 rooms; and, less from that point. The Planning Commission discussed adjacent property protections because of the accessory uses permitted with hotels/motels and extended stays, and staff provided information that there were currently in the code, 40 foot setbacks adjacent to residential zoning districts, commercial design standards did apply to this use and buffer yards were required when adjacent to all residential districts and the type 3 buffer yard, in particular, was required and that was the city's highest density of landscaping.

Staff focused on the west side of the community that had the current IBP zoning district, because that area had the greatest potential for a new use. He said development in this particular research business park would be coming up upon the RS zoning and other types of residential zoning, in the future. He said staff provided the Planning Commission, and idea of a 40 foot setback and its relationship to the property lines for both the north and south areas of that research park.

He said some key points that were discussed and included in the staff report were that hotels and motels could act as supporting uses for industry and office uses, particularly in this part of the community and the existing codes did offer some protections to existing residential districts; that the use would be required to develop with the commercial design standards in mind; and there was potential for use in other districts,

in other areas identified through sector planning. Specific Planning Commission discussion focused on that the Planning Commission in general, desired this use in the IBP zoning, but the Planning Commission was split however, on whether hotels were any more or less intense than other permitted IBP uses.

There was also discussion about the fact that hotels could include, more night time components such as bars and nightclubs that were a little more commercial oriented versus industrial oriented or office oriented. They discussed whether use standards should be created which provided additional protections for adjacent or nearby residentially zoned properties and there was a faction of the Planning Commission that if restrictions were created, it might discourage hotel development in the IBP zoning district if it was otherwise seen as compatible within the IBP zoning district.

After a lengthy discussion, the Planning Commission made a motion to return this issue to staff to consider use standards that would offer those protections and that motion failed 4-6 and a second motion to approve it as proposed without use standards was approved by the Planning Commission 6-4 and staff was asking the City Commission to uphold the Planning Commission's recommendation and adopt on first reading Ordinance 8543, if appropriate, but staff was also considerate of a direction to go back and look at use standards as well.

Mayor Amyx asked McCullough to provide more detail on use standards and the outcome of sending that item back to the Planning Commission for consideration.

McCullough said currently, there were no use standards and the use standards in the development code were a way to address compatibility issues with different types of uses and there were development code permits in the different zoning categories. He said there seemed to be agreement that hotels were an appropriate use, but it was when the accessory use was looked at of a specialty bar and nightclub that tended to get into night time activity which tended to bring increased traffic, potential for noise and lights and other issues. He said staff would look at those specific accessory uses to determine if there should be distance requirements from residential districts where there should be standards related to the size of those accessory uses so there was an amenity to the hotel, but might not open it up to the general public and those types of things.

Mayor Amyx said regarding the second motion to approve the text amendment without the text standards, he asked why the Planning Commission did not want to look at the use standards.

McCullough said the majority believed it was a compatible use, even with those accessory uses in an industrial setting that there were existing protections in the development code through buffer yard, setbacks, and the fact they were accessory in nature anyway that additional protections were not necessary. The other uses permitted in the IBP district could have just as much impact on residential property as a hotel with the accessory uses.

Mayor Amyx said he would have a hard time believing a bar could be screened enough in close proximity to a residential home.

Mayor Amyx asked what would it take to ask the Planning Commission to reconsider the use standard.

McCullough said the City Commission would make a motion to return it to the Planning Commission with specific direction to consider use standards for the accessory uses associated with hotels/motels and extended stay.

Mayor Amyx said since there was already approval of the text amendment and asked if it took a supermajority to return it to the Planning Commission.

McCullough said it would not take a supermajority to return it to the Planning Commission, but a supermajority to do something different than what the Planning Commission had recommended.

Mayor Amyx said he wanted to make sure the Planning Commission had the opportunity to consider the entire request and the use standard seemed like a big sticking point. He said he heard from others that it needed to be looked at further.

Alan Cowles, speaking on behalf of the neighbors, said it was pointed out that the Planning Commission did not send this text amendment to the City Commission with much enthusiasm and one vote the other way would have changed the outcome. He said it was very inappropriate to redefine the zoning as to put hotels/motels, nightclubs, bars and restaurants in the back yards of residences in that area.

He said suggestions were made at the Planning Commission and there were other options which would be reasonable to both the owners of the property which was under consideration and to the neighbors, especially a wide buffer between homes and any types of hotels/motels, nightclubs, bars and restaurants, commercial development. In certain areas of Wakarusa that might be appropriate, but understood at the Planning Commission meeting that a comment was made that it was too much work for the Planning Commission to consider.

He said it was pointed out by a commercial realtor that nobody would want to build hotels/motels, nightclubs, bars and restaurants in that area because it was way off the primary thoroughfares. He said if no one wanted to build those types of uses in that area, he asked why the zoning was being considered to make that possible. At the same time, it would immediately lower the values of those properties that border that area, especially if a buyer knew a bar or restaurant could be placed in someone's backyard.

The reason for this text amendment was a reasonable need to build a hotel in the McDonald Drive Area, but had no objection for that type of facility being built in that area, but not appropriate to affect those homeowners, the way it would if the City Commission took a pass on this issue. He suggested the City Commission asked that it be zoned correctly and if they needed to rezone on McDonald Drive than it should be done, but not injure the homeowners in the process.

Gwen Klingingberg, speaking on behalf of the Lawrence Association of Neighborhoods, said the neighborhood bordered everything on the north and west side of this IBP and in

the past, on the northern border, they saw there was commercial zoning and the neighborhood requested that be changed and down zoned to the surrounding area of industrial because the neighborhood did not want a hotel. Now the City Commission was asking the neighborhood to take back what they had fought to stop. In the northern part, that area was big enough for two large hotels and parking. Also, the road to the north, Biltmore Drive, that part neighborhood requested that that access was stopped and now the City Commission was being asked to take back what was promised in the past. She said if two hotels were constructed at that location, it would force that access because it was determined by sized and use. Someone asked if she would rather have a bottling company at that location, in which she replied "yes" because there would be no bar or night traffic through the neighborhood.

She said what McCullough offered, at the Planning Commission, was a win/win situation because there was room to put hotels further inward away from residential and McCullough could determine the size of a hotel by the proximity to residential and some of those other factors could be taken in to account.

One other option was to grandfather this IBP because that area was already built up.
She said Planning Commissioner Liese said it was wasting the Planning Commission's time to have the Planning Director go through this process again. She asked that this issue be sent back through the Planning Commission.

Commissioner Dever asked McCullough to discuss the restrictions associated with a bar/restaurant.

McCullough said there were not many restrictions associated except it had to be accessory and had to reach that certain room count in order for it to be an accessory use. The smaller hotels would not have the bar and it took 150 rooms to get to the nightclub. He said past that room count, the code did not describe how big the nightclub could be.

Commissioner Dever said it was a permitted accessory use and then the city lost control of the restriction past that 150 room count as long as the lot was large enough and there was adequate parking.

McCullough said correct. It was not a permitted use as a principle use, but with a hotel.

Commissioner Dever asked if it was 150 rooms and not 150 beds.

McCullough said it was 150 rooms.

Commissioner Dever asked where that standard came from.

McCullough said he had to research whether there were standards in the former code and was not sure of the history.

Commissioner Dever said he was curious if that number was common and was it protective enough for the land space and fitting into residential areas.

McCullough said in part, they were seen as true amenities to hotels in terms of once reaching a certain size, providing restaurants, bars and other uses.

Mayor Amyx said in the Planning Commission minutes, McCullough stated spending time reviewing the bar and restaurant portion for the use standards.

McCullough said the testimony provided at the Planning Commission were centered on the accessory use; restaurant, bar, and night club. Most of the discussion centered on the bar and nightclub use.

Mayor Amyx said if this item were to be sent back to the Planning Commission, they would spend their time discussion bar and nightclub use and have a recommendation within 30 days.

McCullough said during the Planning Commission there was some room to look at protection standards and set this particular use up to be compatible with residentially zoned districts and to work well with IBP uses that were already permitted. He said he thought the Planning Commission was accurate in that the hotel use with those accessory use available were a little different than the office industrial uses that tended to shut down after the workday was over, versus a hotel that could be a little more active throughout the evening and night.

Commissioner Chestnut said he agreed there was certainly division among the Planning Commissioners about this issue, but it was not about the use, but about the accessory uses. If reading the comments in the Planning Commission, the vast majority thought the use had some merits, but it was the accessory uses that started become problems.

Also, there was no statement, he could find, in the Planning Commission about not having time, but it was a statement of not a good use of staff time and was more resource allocation discussion than it was trying to do sloppy work, which was something he wanted to clarify.

He said IBP zoning was not industrial and was a type of mixed use that had a lot of office applications.

He said there might have been some discussion and understanding with the developer, at that time, about ending Biltmore, but it was never on a site plan or any Planning staff that ever changed that. In the end he agreed with the discussion of the minority on the Planning Commission that there needed to be some limitations on accessory uses if zoning IBP. He said he envisioned some smaller type of business related use type of hotel that might have a bar and seated about 4 people. He said they needed to ensure that was the case and try to place some reasonable limitations because it was wide open and the land was available.

There seemed to be from the Planning Commission's discussion a concept of what those applications might be, but with the recommendation there was no probability it would come out that way. He said he agreed that there was a win/win situation and if they could take some of those accessory uses and have discussions about what that meant

and how to size that down. There was a challenge to come up with the language, but to make them continue to be accessory uses and not primary uses if it was not controlled. He said there was merit in sending this issue back to the Planning Commission to have a discussion because there was a possibility of having an unintended outcome. He said he was reminded of where mixed use went on 24th and Inverness and all of a sudden it became something that was not intended and he wanted to put a few more boundaries around this one to make sure it did not happen.

Commissioner Cromwell said there was an opportunity for a win/win situation, but the law of unintended consequences ruled and should fight against it.

Commissioner Dever said industrial uses could continue 24 hours a day, 7 days a week as well as, and office use, for example, a call center where there was a shift of people coming and going. The idea that people would come at 8:00 am and leave at 5:00 pm was unrealistic.

He said the City Commission needed to make sure an area was not considered just because it would only be used between 8 am to 5 pm. He said hotels could co-exist well in residential areas, but most were limited service hotels, extended stay hotels, or residence type inn. He said it was important when hotels or motels were constructed next to residential areas that there were limitations. He said he had a concern about negative impact on a neighborhood, but believed there were ways to solve that problem. He said he thought it was a good use, but needed to remove some of the potential negative externalities from having a larger hotel. He said the market would drive some of this use as to where it would locate and how many would be constructed. He said he was in favor of honing the ancillary uses/accessory uses and spending staff time to discuss this purpose.

Commissioner Johnson concurred.

Mayor Amyx said he was glad McCullough, during the Planning Commission, brought the idea of the additional look of the use standards and to come up with a way of addressing the compatibility with the surrounding residential areas for the accessory uses. He said he agreed it was a good use of staff time.

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

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/27/10
ITEM NO. 5: RM15 to RM24; 15.171 ACRES; 4000 W 24TH PLACE (SLD)

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

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

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

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

GOLDEN FACTORS TO CONSIDER
CHARACTER OF THE AREA
- Property is located within an area planned for multi-dwelling residential development.

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

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

ATTACHMENTS
- Area map
- Residential Use Tables
- Development history summary

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

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

GENERAL INFORMATION

Current Zoning and Land Use:	RM15 (Multi-Dwelling Residential); existing multi-dwelling residential development.
Surrounding Zoning and Land Use:	To the north; RM12 (Multi-Dwelling Residential) District; Bishop Seabury Academy and apartment development.
	To the east and west; RSO (single-dwelling Residential Office) District; undeveloped land.
	To the South; PRD [The Legends, Phase 1 and Phase 2 The Grove]; existing multi-family residential development, university oriented housing.

Project Summary:

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

I. CONFORMANCE WITH THE COMPREHENSIVE PLAN

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

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

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

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

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

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

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

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

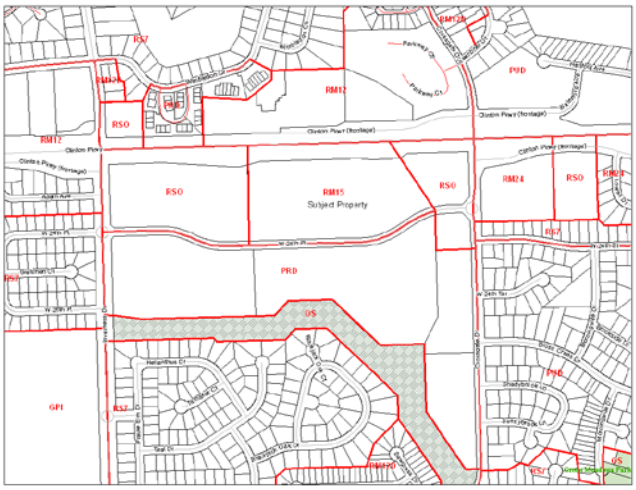
II. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

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

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

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

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



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

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

III. CHARACTER OF THE AREA

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

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

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

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

Multi-Dwelling Development

Existing Development		
	Density	Units
Remington	15	224
Legends	12	200
The Grove	14	172
Wyndam	10	45

Proposed Development		
	Density	Units
Remington	24	360
Legends	12	200
The Grove	14	172
Wyndam	10	45

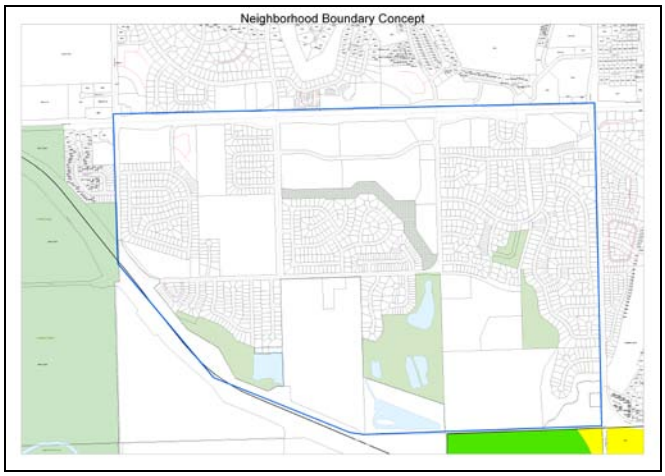
Density is equal to the number of dwelling units per acre regardless of the number of bedrooms.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

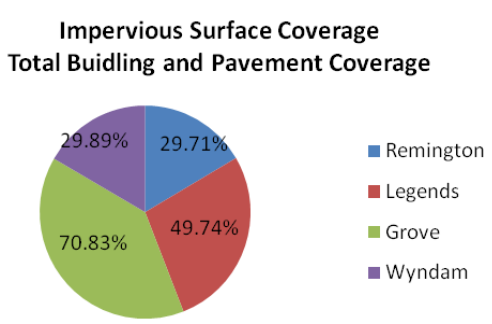
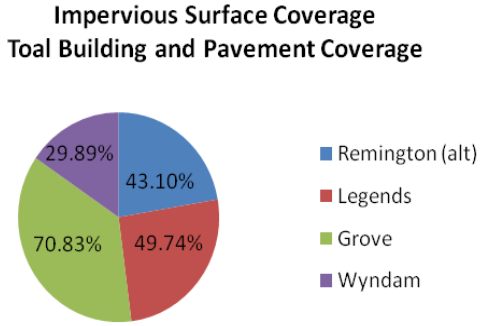
VII. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

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

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

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

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

Existing Conditions	Proposed Conditions[1]
	

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

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

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

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

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

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

[1] Based on proposed site plan for Remington Square.
[2] Wyndam Place is targeted to Seniors 55 years and older. The project includes 28 one-bedroom units and 36 two-bedroom units. Remington Square includes all one-bedroom units.

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

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

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

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

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

STAFF REVIEW

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

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

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

CONCLUSION

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

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

20-402 RESIDENTIAL DISTRICT USE TABLE

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		RS40	*RS20*	*RS10*	*RS7*	*RS5*	*RS3*	*RSO*	*RM12*	*RM12D*	*RM15*	*RM24*	*RM32*	*RMG*	*RMO*	
RESIDENTIAL USE GROUP																
Household Living	Accessory Dwelling Unit	A*	A*	A*	A*	–	–	–	–	–	–	–	–	–	–	534
	Attached Dwelling	–	–	S*	S*	S*	S*	S*	P*	P*	P*	P*	P*	–	P*	503
	Cluster Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	702
	Detached Dwelling	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	–	S*	508
	Duplex	–	–	–	–	–	–	P*	P*	P*	P*	P*	P*	–	P*	503
	Manufactured Home	–	–	–	–	–	–	–	S	S	S	S	S	–	–	
	Manufactured Home, Residential-Design	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	–	S*	513
	Mobile Home	–	–	–	–	–	–	–	–	–	S	S	S	–	–	
	Mobile Home Park	–	–	–	–	–	–	–	–	–	S*	S*	S*	–	–	514
	Multi-Dwelling Structure	–	–	–	–	–	–	–	P*	–	P*	P*	P*	–	P*	517
	Non-Ground Floor Dwelling	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	517/542
	Work/Live Unit	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	517/542
	Zero Lot Line Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	531
	Home Occupation, Type A or B	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	A*	537
Group Living	Assisted Living	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	Boarding Houses and Cooperatives	–	–	–	–	–	–	–	P	–	P	P	P	–	P	
	Dormitory	–	–	–	–	–	–	–	–	–	–	–	–	P	–	
	Fraternity or Sorority House	–	–	–	–	–	–	–	–	–	–	–	–	P	–	
	Group Home, General [11 or more]	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Group Home, Limited [10 or fewer]	P	P	P	P	P	P	P	P	P	P	P	P	–	P	
PUBLIC AND CIVIC USE GROUP																
Community Facilities	Adult Day Care Home	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	Cemeteries	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	505
	College/University	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	School	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Cultural Center/ Library	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Day Care Center	S*/A*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*/A*	S*	507
	Day Care Home, Class A	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	A*	507
	Day Care Home, Class B	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	–	S*	507
	Detention	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	512
	Postal Service	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Public Safety	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Funeral and Interment	–	–	–	–	–	–	P*	–	–	–	–	–	–	P*	505

Key: *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*	
	Temporary Shelter	A*	A*	A*	A*	A*	A*	S*/A*	A*	A*	A*	A*	A*	A*	S*/A*	544/522
	Social Service Agency	--	--	--	--	--	--	P	--	--	--	--	--	--	P	
	Community Meal Program	A*	A*	A*	A*	A*	A*	S/A*	A*	A*	A*	A*	A*	A*	S/A*	522
	Utility, Minor	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	530
	Utility and Service, Major	S	S	S	S	S	S	S	S	S	S	S	S	–	S	
Medical Facilities	Extended Care Facility, General	–	–	–	–	–	–	S	P	P	P	P	P	P	P	
	Extended Care Facility, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Health Care Office, Health Care Clinic, Health Care Center	–	–	–	–	–	–	P	–	–	–	–	–	–	P	
	Hospital	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Outpatient Care Facility	–	–	–	–	–	–	P*	–	–	–	–	–	P*	P*	519
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	S	–	S	
	Entertainment & Spectator Sports, Gen.	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Entertainment & Spectator Sports, Ltd.	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	–	P	
	Private Recreation	P	P	P	P	P	P	P	P	P	P	P	P	–	P	
	Participant Sports & Recreation, Indoor	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Participant Sports & Recreation, Outdoor	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Religious Assembly	Campus or Community Institution	–	–	–	–	–	–	–	P*	P*	P*	P*	P*	P*	P*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	522
COMMERCIAL USE GROUP																
Animal Services	Kennel	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Livestock Sale	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Sales and Grooming	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Veterinary	–	–	–	–	–	–	P	–	–	–	–	–	–	P	

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

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

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*	
Wholesale, Storage & Distribution	Heavy	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Light	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Mini-Warehouse	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
OTHER USES GROUP																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	–	–	–	–	–	–	–	–	–	–	–	–	S*	–	501
Agriculture	Agricultural Sales	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Agriculture, Animal	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	502
	Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	–	P	
Communications Facilities	Amateur and Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	A*	536
	Broadcasting Tower	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Communications Service Establishment	–	–	–	–	–	–	P	–	–	–	–	–	–	P	
	Telecommunications Antenna	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Recycling Facilities	Large Collection	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Small Collection	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Processing Center	–	–	–	–	–	–	–	–	–	–	–	–	–	–	

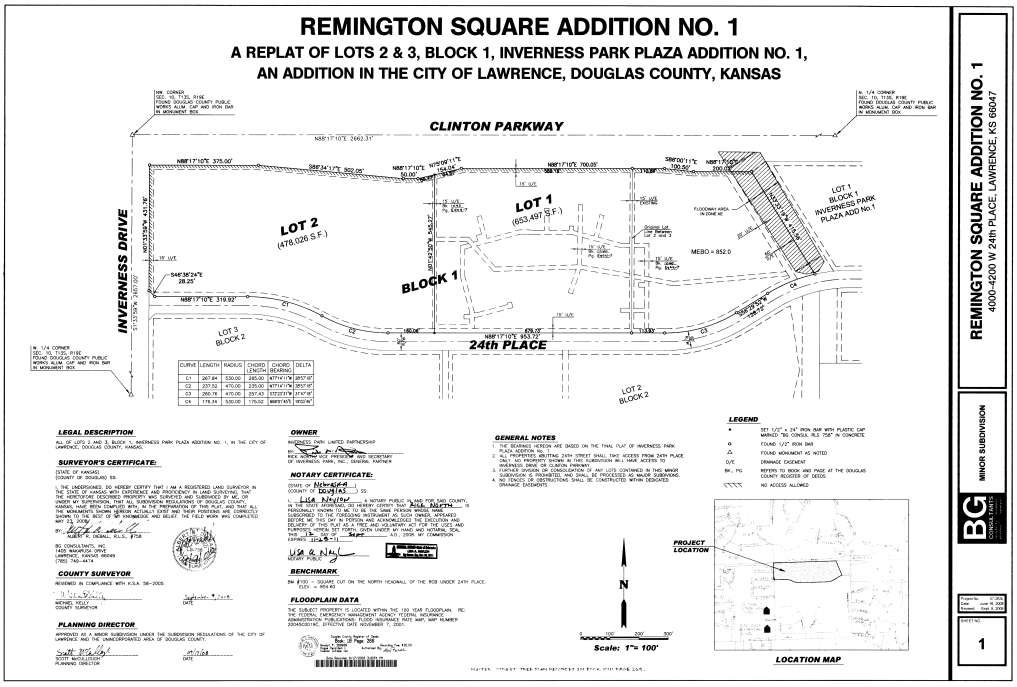
Site History Attachment:

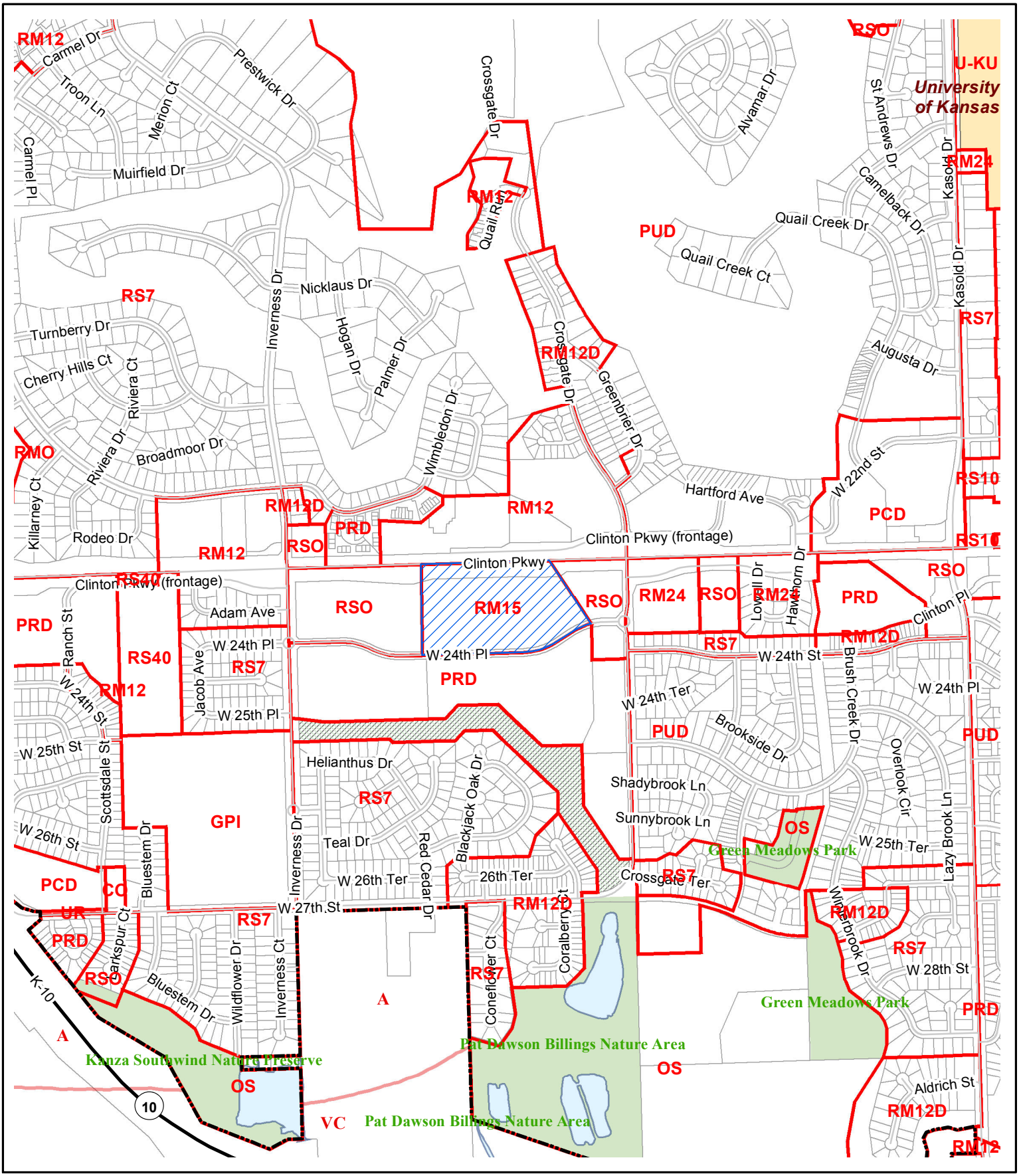
ANNEXATION
- A-4-4-99; 163.46 acres

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

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

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





Z-8-12-10: Rezone 15 acres from RM15 to RM24
4100 W 24th Place

Lawrence-Douglas County Planning Office
October 2010

N
W E
S

Area Requested

Scale: 1 Inch = 1000 Feet

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
10/27/2010

ITEM NO. 6A ANNEXATION OF 51.13 ACRES; SOUTHWEST CORNER OF N 1800 ROAD AND E 1000 ROAD (SLD)

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

STAFF RECOMMENDATION:

Staff recommends the Planning Commission forward a recommendation to the City and County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and;

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

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

Reason for Request: *"This property has recently received a favorable staff review as an industrial site by city and county staff and a potential user of the site. It is in the urban growth area of Lawrence. It is designated for industrial uses in Horizon 2020 and the K-10/Farmer's Turnpike Plan.*

It is bounded by the Kansas Turnpike, a future industrial site, the Farmer's Turnpike and Queens Road; providing excellent transportation for an industrial site.

KEY POINTS

- September 21 of 2010, City Commission received annexation request.
  - Requests more than 10 acres are referred to the Planning Commission for a recommendation.
- This request includes approximately 51 acres to allow for industrial development.
- The property is located within the Lawrence Urban Growth Area.
- This request is accompanied by a rezoning request for IG (Z-9-13-10).

COMPREHENSIVE PLAN FACTORS TO CONSIDER

- Horizon 2020 – Chapter 4, Growth Management
- Horizon 2020 – Chapter 7, Industrial Development and its pending revisions
- Horizon 2020 – Chapter 8 Transportation and its pending revisions
- Horizon 2020 – Chapter 14 Specific Plans
- Sector Plan – K-10 and Farmer's Turnpike Plan

ASSOCIATED CASES OR OTHER ACTION REQUIRED

- Amended "Chapter 7 – Industrial and Employment-Related Land Use" Planning Commission on July 26, 2010, by Resolution No. PCR-6-4-10.
  - City Commission consideration of Comprehensive Plan Amendments scheduled for October 12 and 19, 2010.
  - Douglas County Board of County Commissioners tentatively scheduled consideration of Comprehensive Plan Amendments on October 27, 2010.
  - Publication of ordinance/resolution Chapter 7 – Industrial and Employment-Related Land Use anticipated early November 2010.
- After City Commission receives the Planning Commission's recommendation concerning the annexation request, City Commission may consider passing a resolution requesting the Douglas County Board of County Commissioners make a finding pursuant to state statue that, *"the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county."*
- The Board of County Commission will consider the City's request to make the necessary findings, if appropriate and notify the City of its decision.
- Adoption by City Commission of an ordinance annexing the property.
- Notice to Rural Water District No. 6 of the City's intent to annex.
  - City Commission authorized the City Manager to provide notice of the City's intent to annex the land to Rural Water District No. 6 on September 28, 2010.
  - Notice mailed to RWD No. 6 on September 29, 2010.
  - Staff meeting the Donald Fuston, Rural Water District Board Chair.
- Approval by City Commission and publication of Z-9-13-10 (A-1 to IG).
- Subdivision approval required as a pre-development step.
- Site plan approval required as a pre-development step.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required at this time.
- *Downstream Sanitary Sewer Analysis* – Not required at this time. End user required for analysis
- *Drainage Study* – Not required at this time.
- *Retail Market Study* – Not required at this time.

ATTACHMENTS

- Area map.
- Memo to City Commission – annexation referral
- Staff memo regarding notice to Rural Water District No. 6.
- City Commission minutes from September 21, 2010.
- Land use map – K-10 and Farmer's Turnpike Sector Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Jim Haines and Marguerite Emerling spoke in opposition to referring the annexation request to the Planning Commission at the City Commission on September 21, 2010.

EXISTING CONDITIONS

Current Zoning and Land Use:	County A-1 (Suburban Home Residential) District; existing agricultural field.
Surrounding Zoning and Land Use:	To the north; A (Agricultural) District; existing farms and residences.
	To the south; A-1 (Suburban Home Residential) District; Oak Ridge Estates Subdivision. Includes developed and undeveloped residential lots and Morningstar Christian Church.
	To the east; A (Agricultural) District; existing field.
	To the west; A (Agricultural) District; existing field and residences.

Site Summary

Gross Area:	51.13 acres
Area Requested for Annexation:	51.13 acres
Urban Growth Area:	Service Area 4 as identified in *Horizon 2020.*

Project Summary:

This request is for industrial development. Annexation is a pre-development step.

Annexation Procedure

Kansas Law [12-519 *et seq.*] provides for annexation by ordinance of the City Commission. Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review and make recommendations on all annexation requests in excess of ten acres. Upon annexation, the property is required to be rezoned to a compatible City zoning district. This request is accompanied by a rezoning application for IG.

Because this property is not adjacent to the city it is considered an "island" annexation. Additional requirements for this type of annexation include County Commission consideration and determination that the proposed annexation, *"will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county."* This action is required prior to the passage and publication of an ordinance by the City annexing the property. Additionally, notice of the City's intent to annex the land, along with its plan for the provision of water service to the land being annexed is required to be sent to the Rural Water District serving the property not less than 60 days prior to the effective date of an annexation ordinance.

The subject property is currently served by Rural Water District No. 6. Kansas Statutes require the city to purchase the property, facilities, improvements and going concern value of the facilities, if any, of the district if the City designates a different water supplier to the land proposed to be annexed. The possibility exists that the site will continue to be served by Rural Water District No. 6 or another water supplier prior to the City of Lawrence extending city water service to the site.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed. The subject property is served by Rural Water District No. 6.

General Location and Site Characteristics:
The property is located on the south side of N 1800 Road (Farmer's Turnpike). The property is bounded along the south side by I-70 Kansas Turnpike and on the east by E 1000 Road (Queens Road). The property does not adjoin existing City limit boundaries along any property line.

- The area is currently farmed and includes two small areas with vegetation along the low lying drainage areas of the site.
- The property is located within the existing Lawrence Urban Growth Area and approximately 1 mile east of the Lecompton-K-10/I-70 interchange.

The property is currently zoned county A-1 (Suburban Home Residential). A residential subdivision was preliminarily platted for the property but expired. No additional platting of the property has been approved. This same zoning is located on the south side of the Kansas Turnpike. A platted residential subdivision and an existing church are located south of the Turnpike. Scattered rural residences can also be found along the County roads in the vicinity of the property.

The property is gently sloping from the northeast to the southwest with a stand of trees in the lowest areas consistent with the natural drainage of the site. The property is not encumbered by steep slopes or by regulatory floodplain.

Horizon 2020 recognizes the importance of high-quality agricultural land and that it is a finite resource. Within Douglas County the soils classified as type I and II are referred to as the capability class (chapter 7 *Horizon 2020*.) This site includes a portion of type II soils along the south side of N 1800 Road and extending to the southwest on the interior portion of the site, but contains no type I soils. This annexation request includes approximately 16.25 acres of type II soils on the subject property.

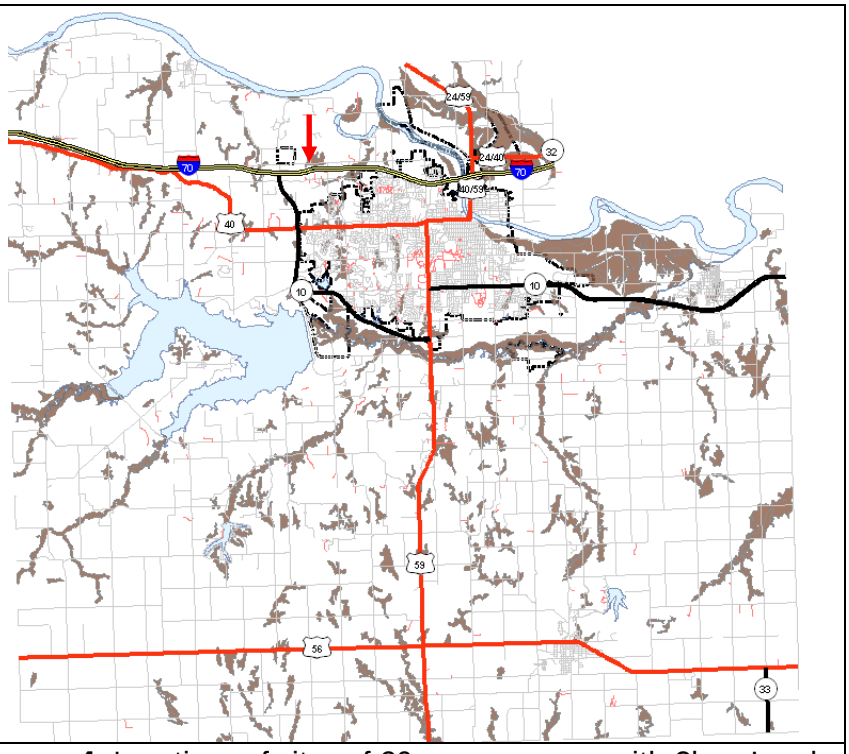


Figure 4. Locations of sites of 20 acres or more with Class I and II soils in Douglas County. Subject area shown with arrow.

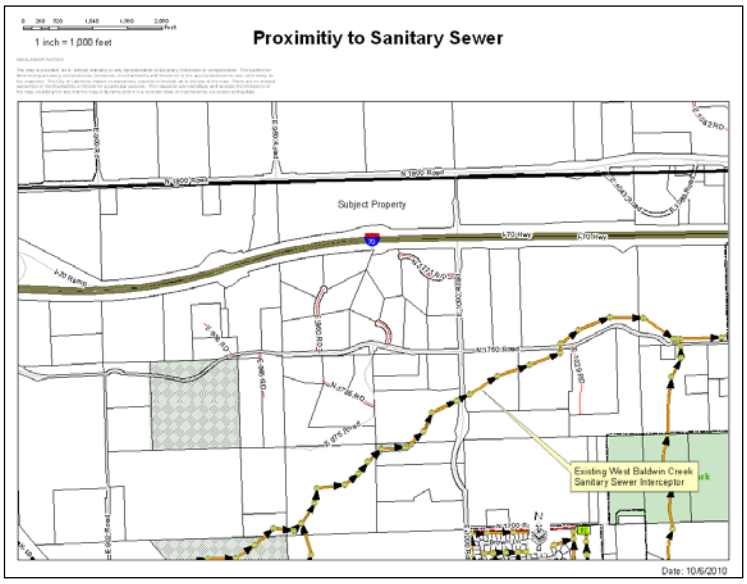
While the subject property contains class II soils, the soils are isolated and exist in a strip pattern and in small amounts relative to areas where significant contiguous amounts exist in Douglas County, such as are found in Grant Township. When weighing the goal of protection of class II soils for this specific location against the transportation system and the criteria that supports industrial land use, the property is well suited for industrial development.

Infrastructure and Utility Extensions

This section of the report addresses the existing and future utility infrastructure serving this site. This property is located in the unincorporated area of Douglas County. Development of the property requires extension of municipal City services or development of an interim service plan.

Sanitary Sewer

Sanitary sewer is not currently extended to this property. Such extension is necessary to support urban development. Details regarding the end user or users are required to assess downstream impacts on the utility. A specific development proposal has not been submitted.



The city is engaged in updating the Wastewater Master Plan. This study is not yet complete. Basic land use was provided to the Utility Department for the study based on the recently adopted K-10 and Farmer's Turnpike Plan. Anticipated uses include industrial development. This broad land use designation does not necessarily convey a specific amount of generated wastewater because data is use specific.

Items for consideration of public sanitary sewer service include the following:

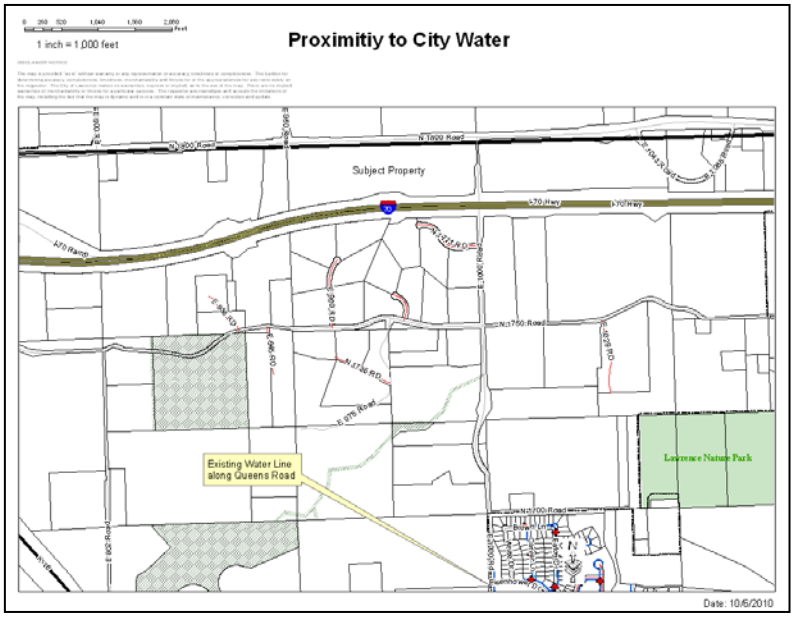
- *City initiated master plan updated anticipate completion of study Spring 2011*
- *Option for single user vs. multiple users*
    - *Waive code standards to accommodate rural type development for temporary time period. This would allow some type of on-site treatment. The method of disposal would depend on the amount to be managed.*
    - *Coordination with the County Health Department and or KDHE regarding on-site management options.*

While an interim plan may be feasible for a single user, such a plan may not be appropriate for multiple users. A specific study of the watershed will be required to assess impacts on the current

municipal system and evaluate designated capital improvement projects that may be affected by development. Extensions of sanitary sewer mains are required for urban development. Approval of sanitary sewer public improvement plans are typically a requirement of the subdivision process.

Water

Extensions of water mains and adequate fire flow are required for urban development. Existing urban service is over 1 mile from the subject property. Rural Water District No. 6 has a facility located along N 1800 Road. Rural Water District No. 1 has a line located along N 1750 Road to the south of the property. (See page 2-7 *K-10 and Farmer's Turnpike Plan*)



The City's plan for providing water service to the 51 acres owned by Venture Properties, Inc. is to permit Rural Water District No. 6 to provide water service to the annexed area. The City could amend its current contract with Rural Water District No. 6 to supply the rural water district with additional water, if the rural water district deems it necessary for it to provide the 51 acres of land with adequate water. If Rural Water District No. 6 is unwilling to supply the property with water at the service level required by the property owner, or if the City and District cannot agree to a contract for the provision of additional water from the City, the City will designate a different water supplier. Rural Water District No. 1 may be amenable to supplying water to the area proposed to be annexed.

Items for consideration of public supply of water include the following:

- *Option for single user vs. multiple users.*
- *Quality of service for long run with single user.*
- *Synergy of development required to generate sufficient demand for service and to maintain quality.*
    - *Waive code standards to accommodate rural type development for temporary time period. This would allow a rural water district to provide service to the annexed area.*
    - *Amend current contract to assure available quantity of water available for development. This could include modifications to the existing agreements between the rural water district and the city regarding water supply.*

While an interim plan may be feasible for a single user, such a plan may not be appropriate for multiple users. A specific study of the water demand will be required to assess impacts on the current municipal system and evaluate designated capital improvement projects that may be affected by future development. Extensions of water mains are required for urban development. Approval of water line public improvement plans are typically a requirement of the subdivision process.

Stormwater
The property includes natural drainage ways across the property that flows generally from the northeast to the southwest. Regional detention is recommended for each watershed as areas develop. No such plan has been developed for this area at this time. Approval of stormwater public improvement plans are typically a requirement of the subdivision process.

Items for consideration of stormwater management include the following:
- *Regional Detention with development application.*
- *Easements for stormwater conveyance.*
- *Submission of a drainage study to assess the downstream impact.*
- *Assessment of the drainage structure at I-70 on the south side of the property.*

Public Rights-of-way
This segment of N. 1800 Road is also a designated principal arterial street. The same is true for E. 1000 Road. This designation will impact dedication of rights-of-way, access, and spacing with future development applications. The property is located within the vicinity of the I70/K-10 interchange. *Transportation 2030* identifies N 1800 Road as a Lawrence minor gateway. As such special attention will be merited during the development phases of the property to assure compliance with applicable design standards. Width of right-of-way along with necessary access control and geometric improvement considerations are typically assessed as part of the subdivision and site plan development processes.

Items for consideration of public streets and roads include the following:
- *Future improvements to KTA ROW for I-70 expansion.*
- *Road Maintenance N 1800 Road and E 1000 Road including snow removal.*
- *Geometric improvements with development.*
- *Access control with development.*
- *Dedication of ROW with subdivision platting process.*
- *Submission and review of a traffic impact study.*

Development of the area would include an assessment of roadway improvements abutting the property. Dual naming of such boundary line roads, maintaining both county and city names, for addressing purposes may be necessary for those properties outside of the annexation boundary.

KTA was advised of the proposed development. They have indicated that right-of-way needed for a future widening project has all ready been acquired. No additional right-of-way needs are anticipated. Additional review will be provided with subdivision plats and site plans for the property in the future.

Internal circulation and access to the abutting roads will need to be addressed with a specific development proposal. A traffic impact study will be required to evaluate proposed access options, separation requirements, geometric improvements, and similar items both internally and as development relates to the surrounding road network. No direct access is permitted to arterial

roads, per the Land Development Code, unless the City Engineer grants a waiver from this requirement which would be necessary given that the property is bounded by two arterial roads. A specific development plan has not been submitted to assess the full scope of transportation issues for this property. Street intersection spacing will be critical as the area develops and should be designed initially for best efficiency.

Emergency Responses Services
Key services include 911, fire protection, and police protection. The site is currently served by the County-wide 911 emergency medical response. Building addressing and street naming, as well as coordination of services between the City, County, and township providers, will be required and continuously reviewed throughout the development process.

Fire protection will depend on the proposed use, construction type, and available fire suppression systems for the site. Fire protection is also related to the availability of a municipal supply of water or some type of on-site storage device, to meet a minimum threshold. A similar request to the northwest of this site proposed an on-site water tower to aid in fire protection. This same method could be considered depending on the end user of this site. Assessment of services and fire protection will be required as part of a specific development proposal. Limited services to the site may limit future development in terms of size or intensity dependent upon the end user or users of the site.

Items for consideration of emergency responses include the following:
- *Adequate fire protection.*
- *Single user versus multiple users.*

Private utilities (Electric, gas, phone, etc)
Electric, phone and gas extensions will be made to this property as it develops. Specific development proposals are needed to determine services required for a specific user. Utility providers have been made aware of the proposed request. Westar provided the following comments during the review: *Only 1-phase service exists in this area. The closest 3-phase line is one mile east of this location that is capable of supporting a small load with installation of larger conductors for more ampacity. If this is a large industrial user, depending on load, upgrade to the 3-phase line (bigger wires) may be needed to carry the current service, which would then be 2 miles east of this location.* Generally the property can be served by private utility providers.

School facilities
The property is located in the Perry Lecompton school district (USD 343). The school district has been advised of this request.

COMPREHENSIVE PLAN:
Several chapters of *Horizon 2020* are applicable to this review. Applicable chapters include growth management, industrial development and transportation concerns. Additionally, the property is within the boundary of the *K-10 and Farmer's Turnpike Plan*.

Horizon 2020 – Chapter 4 Growth Management
Per map 3-1 in Chapter 3 of *Horizon 2020*, the General Plan Overview, and outlined in Chapter 4, Growth Management, the property is located within the Lawrence Urban Growth Area. Specific land uses for the area are identified in the *K-10 and Farmer's Turnpike Plan*. Growth management policies address the need to evaluate the development with respect to the provision of services,

protection of topographic and drainage features, and applicable land use criteria. *Horizon 2020* gives priority to properties that abut existing city limits and to voluntary annexation.

Horizon 2020 allows for the initiation of development within Service Areas, 2, 3, and 4 prior to the full build-out of Service Area 1 when wastewater capacity is clearly available; a plan for interim development for the provision of rights-of-way and easements is complete; and when comparable build-out of Service Area 1 has been addressed.

- The property does not abut existing city limits.
- This request is within the urban growth area and represents a voluntary request.
- Urban services are not currently available to this site.

Horizon 2020 also gives priority to developments that are consistent with adopted utility plans. General policies related to growth management address the need to evaluate the proposed development with respect to the provision of services, protection of topographic and drainage features and with respect to land use criteria. Additional detail is needed to assess these elements including a sanitary sewer impact study, service delivery plan for water and other utility extensions and public services such as fire protection. Additional information is needed regarding the extension of any interior street network to service this property. Reasonable options exist to address all of these elements as development progresses.

Horizon 2020 – Chapter 7 Industrial and Employment-Related Land Use
Existing: A key strategy related to industrial development states:

- *Increase community involvement in economic development activities, by partnering with the local business community and area educational institutions to bring new technology and investment to the region for the purpose of meeting the economic development job growth goal of securing twenty thousand new jobs in Douglas County by 2020.*

Approval of this request facilitates opportunities for industrial development consistent with adopted plans.

The existing Chapter 7 does not include the specific area. However, the recently adopted *K-10 and Farmer's Turnpike Plan* has been amended into *Horizon 2020* and includes the area as a future industrial site. A key strategy in *Horizon 2020* supports the development and increase in the number and diversity of jobs for the entire community (Douglas County as a whole).

Previous revisions to Chapter 7 brought together the importance of the natural environment and a diversified economy as a tool for development consideration. A feature of the plan is stated as follows: *Encourage site availability, site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development*.

- The chapter also defines various types of industrial uses.
- A specific development application has not been submitted.
- Recent changes to *Horizon 2020* include adoption of the area plan (K-10 and Farmer's Turnpike) and pending approval of revisions to Chapter 7 which references this sector plan.

Horizon 2020 – Chapter 7 Industrial and Employment-Related Land Use
Draft: Specific location criteria are included in Chapter 7. The plan has been updated (pending final approval and publication) to reflect the changes affected by the adoption of the *K-10 and Farmer's Turnpike Plan*. The proposed annexation request is located within the revised I-70 and K-10 description for new industrial areas. The Planning Commission considered these changes in July 2010. The City and County Commissions are scheduled to consider the revisions to the Comprehensive Plan during the month of October 2010.

The plan locational criteria for future industrial development were not altered as part of the recent changes. The proposed request complies with the locational requirements outlined in Chapter 7 including location within the UGA, feasible access to highway networks, and adequate size of land, outside of the regulatory floodplain and minimal average slopes.

Horizon 2020 – Chapter 8 Transportation
The transportation chapter provides goals and policies related to development and recognizes the relationship of transportation and land use planning. The plan acknowledges the importance of pedestrian and bicycle access as modes of transportation. Multi-modal transportation (rail and air), as well as ground transportation, are elements of consideration for development. More detail about transit recommendations is contained in *Transportation 2030*. A key feature of both plans is the balancing of land use, transportation, and environmental needs. As noted in previous sections of this report, N 1800 Road is a designated gateway. This will necessitate additional review as part of the plat and site plan process to assure quality development consistent with plan recommendations.

Goals addressing multi-use trails, sidewalks, and alternative modes of transportation can be implemented with specific development proposals. The requirements for traffic impact studies at the site specific level and the larger planning area are needed to identify necessary capital improvements to service the surrounding area as it develops. Assessment of land use will both predict and prescribe appropriate types of access needs. Detailed plans are needed to implement transportation goals and policies listed in *Horizon 2020*.

The proximity of the property to highways and arterial streets provides opportunities to develop the property with higher intensity uses that both need and can be served by excellent access.

The Transportation Plan notes long-term plans for widening I-70 (KTA facility) from 4 lanes to 6. Both KDOT and KTA have been advised of this request. Additional review of the property related to dedications of easements and rights-of-way will be evaluated as part of the subdivision and site plan process.

K-10 and Farmer's Turnpike Plan
This sector plan was adopted and published in 2009. The plan includes the subject property and designates the area as suitable for industrial development. Goals and policies of the plan support development that promotes additional employment opportunities and tax base expansion. The plan recommends development to urban densities while taking care to respect and protect the natural features currently in place in the area as a whole.

Industrial development is intended for, "*moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation."*

Policies for development specifically address property along N 1800 Road. The plan states: *Structures along N 1800 Road (Farmer's Turnpike) should present a front face to N 1800 Road to add to the high quality aesthetics encouraged in the gateway*.

The plan further addresses gateway treatments, access, and circulation depending on the traffic generated and the size of land involved in a development proposal. These criteria will be further evaluated with future development applications for a specific user.

Summary Finding of Comprehensive Plan Review: This request is consistent with recommendations regarding future industrial development in the area. This request is consistent with recommendations that development occur within designated urban growth areas. The lack of available sewer and water service limits development opportunities for the property in the immediate future unless specific agreements for alternate service can be made.

DISCUSSION OF LAND USE AND REQUEST:
Annexation is an initial step of the development process. It is clear that development will be limited by the services available to support an end user. Additional agreements and approval must be executed regarding water supply and wastewater disposal.

Horizon 2020 supports a definitive approach that utility services and major street improvements should be in place prior to development. Significant municipal utilities must be extended to serve this area to support urban development.

Growth management is defined in *Horizon 2020* as the primary tool for ensuring timely and orderly growth. This tool includes establishment of an Urban Growth Area, service delivery areas and specific annexation policies.

Annexation Policy number 1 states that the "*City of Lawrence will actively seek voluntary annexation of land within the Urban Growth Area as development is proposed."* The subject property is not immediately contiguous to existing city limits. Contiguity, as recommended per Annexation Policy number 2, is not provided for in this application. The Comprehensive Plan supports a proactive annexation plan that ensures adequate facilities and services. The Plan specifically recommends annexation of "*areas which are needed to complete sewer or water line extensions for a closed (looped) system*" per Growth Management Goal 3, Policy 3.2.a. The proposed request is inconsistent with this recommendation for annexation. Progressive annexation from existing boundaries northward is needed to fully comply with this recommendation. However, it should be recognized that some industrial uses can exist without City infrastructure and that adequate urban facilities and services could be provided if deemed necessary and if made a priority by the governing body.

The subject property is located within City of Lawrence Urban Growth Area. *Horizon 2020* supports the provision of adequate facilities and services or assurances of adequate facilities in connection with development. Public and private utilities must be extended and/or upgraded to serve this area. Sanitary sewer, water, off-site stormwater, and roadway improvements need to be identified and planned for extension and improvement for both the short term and long term delivery.
It is important to note that other policies, mostly contained in Chapter 7 (*Industrial and Employment-Related Land Use*) and its revisions support the subject site as a key industrial site in the city's future. Staff recognizes that while it will take time and effort to provide utility and other infrastructure to the general area, there is opportunity to plan for and permit some amount of development in the area so that any new construction meets the City's code requirements. This

ensures that when the area does develop to urban densities, it more seamlessly fits into the urban pattern. The I-70 interchange and surrounding area will be an important economic generator for the region and planning today for its eventual build-out is appropriate and valuable.

CONCLUSION

Horizon 2020 and the *K-10 and Farmer's Turnpike Plan* address land uses, infrastructure, transportation and other development opportunities for the area. Weighing all the policies, *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* support this request.

The development of the subject property requires consideration of adequate timing of providing the necessary infrastructure for basic utilities such as water and wastewater. Development of an interim plan for services, such as continued use of rural water and on-site wastewater disposal, would be required to serve development in the short term and is feasible and prudent for certain industrial uses. Such a plan should be tied directly to specific uses for development to mitigate potential harm to the surrounding area and to assure that adequate provisions are provided for integrating the development into the ultimate system when appropriate. This interim proposal may be sufficient to support a single user. Such a system will need to be assessed for multiple users (land divisions within the 51 acres.)

Staff recommends the Planning Commission forward a recommendation to the City and County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and;

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

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

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Planning Commission
October 27, 2010

A-9-3-10 Annexation - approximately 51 acres

Z-09-13-10; A-1 to IG

A-9-3-10/Z-9-13-10

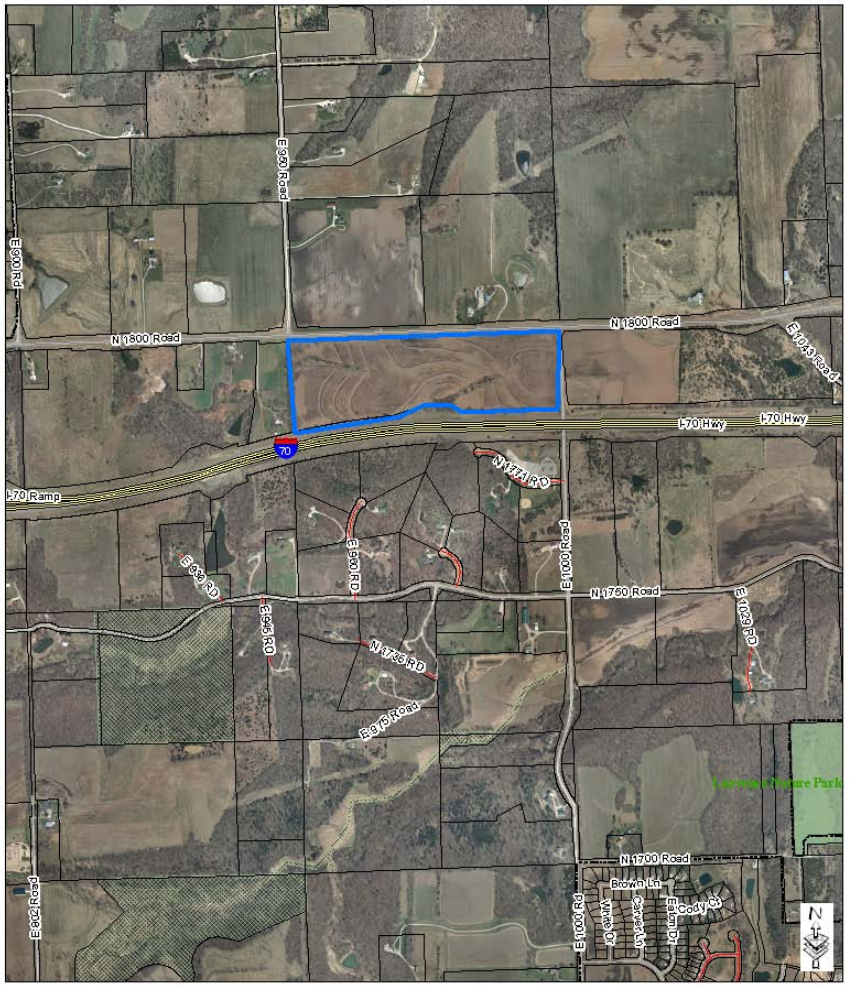
Subject Property

0 250 500 1,000 1,500 2,000 Feet

1 inch = 1,042 feet

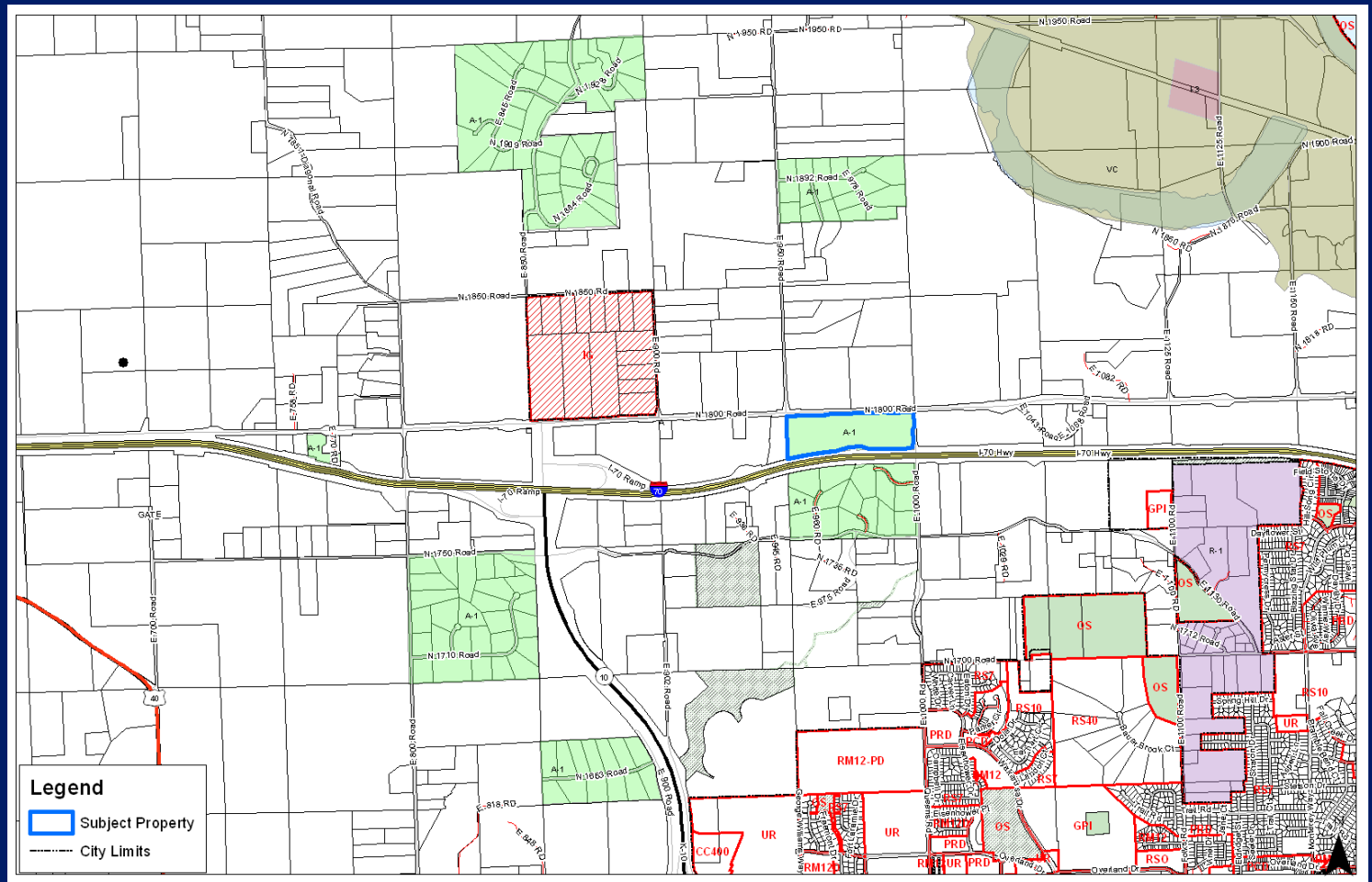
DISCLAIMER NOTICE

Proposed Annexation and Rezoning



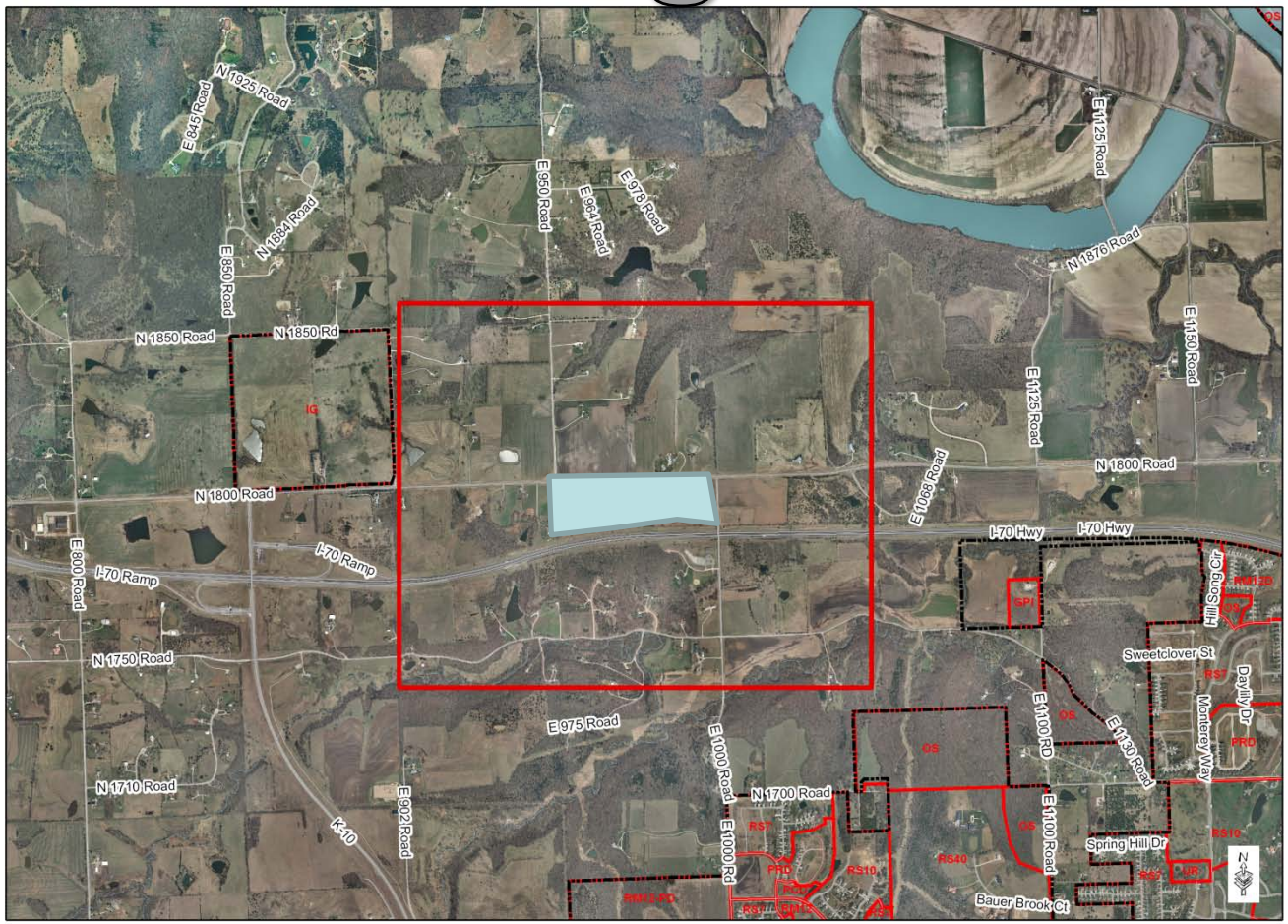
A-9-3-10/Z-9-13-10

Surrounding Zoning



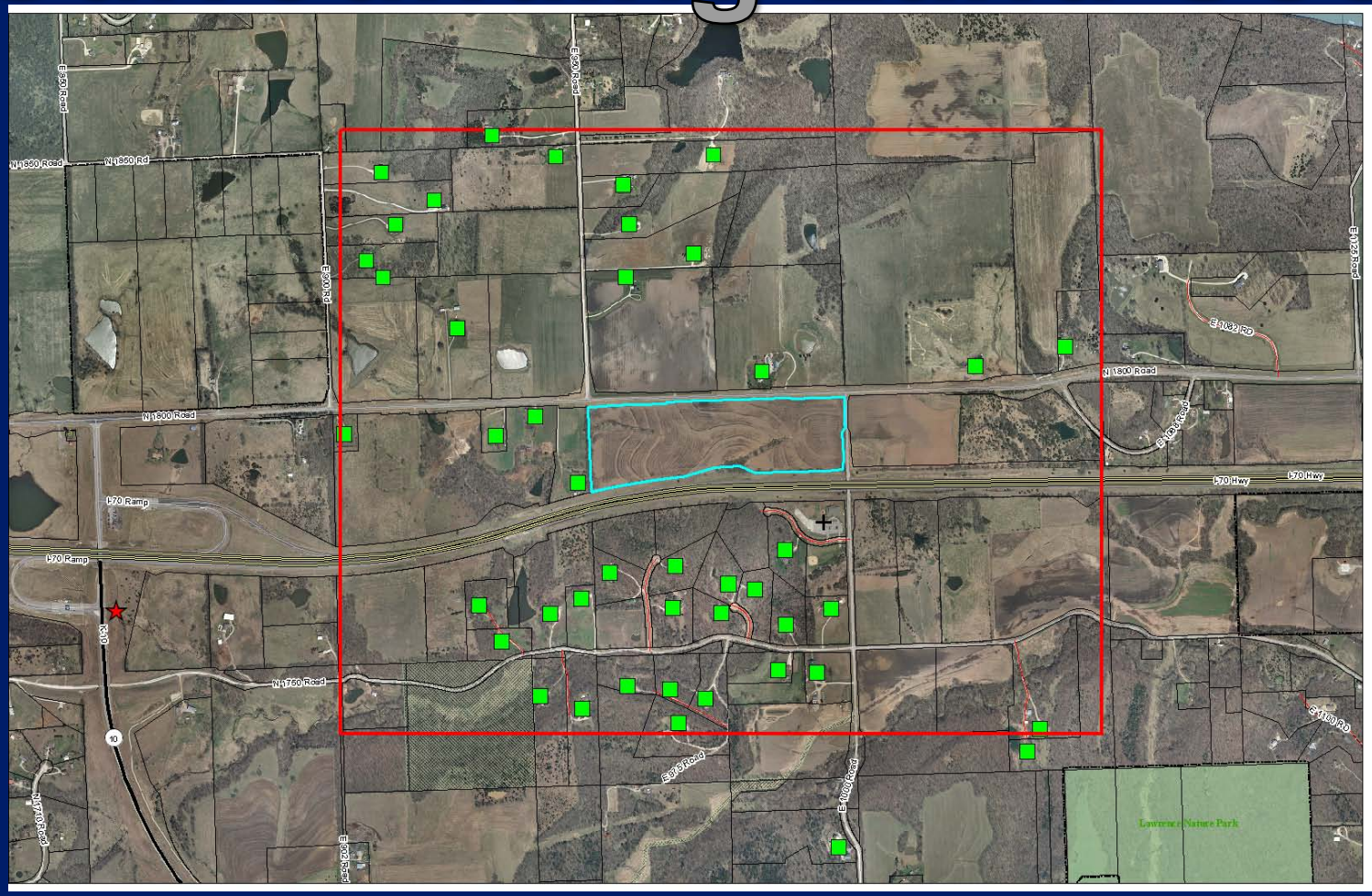
A-9-3-10/Z-9-13-10

Surrounding Land Use



A-9-3-10/Z-9-13-10

Surrounding Land Use



View Looking East along N 1800 Road

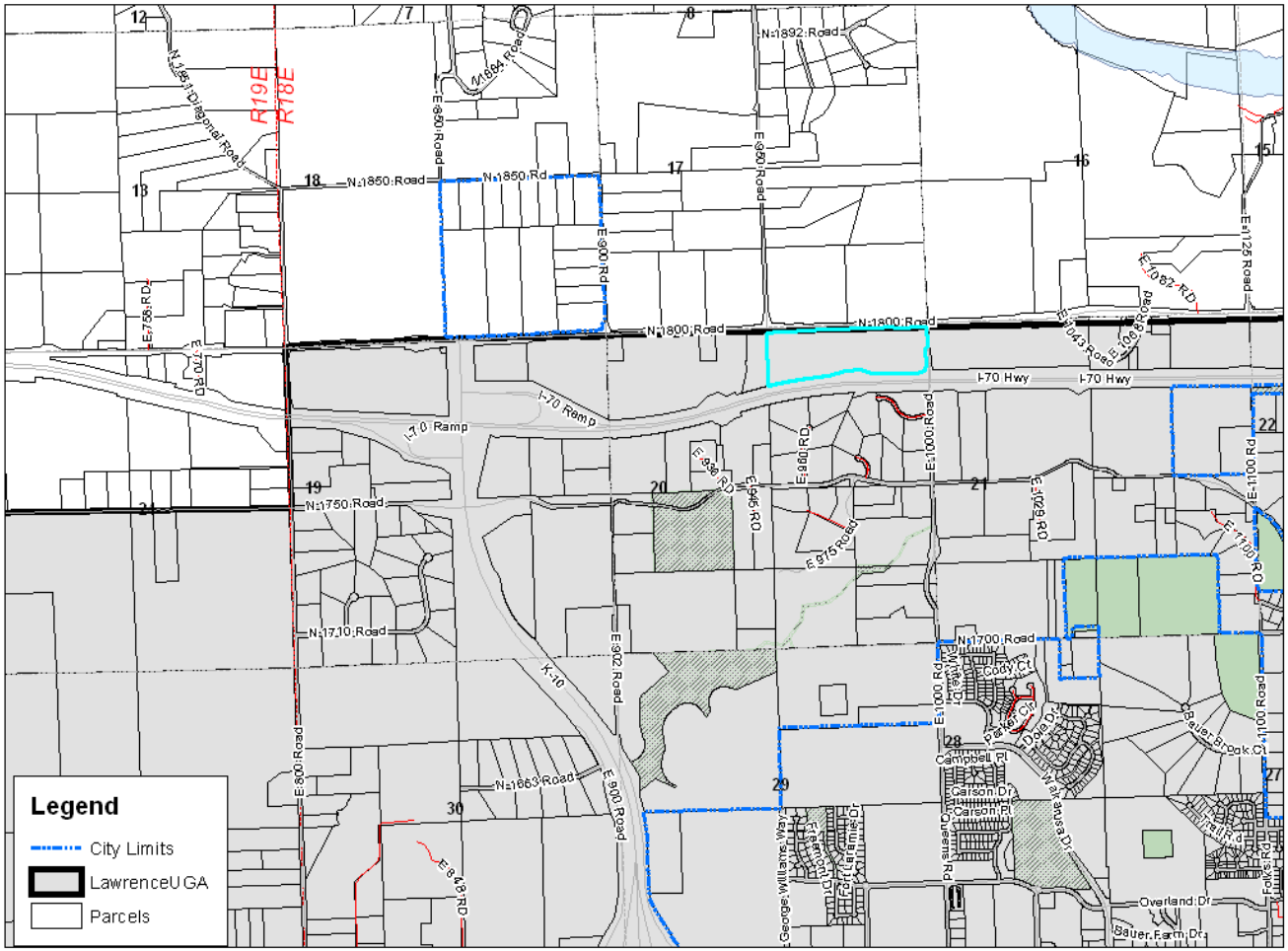
View Looking West along N 1800 Road

View Looking Southwest

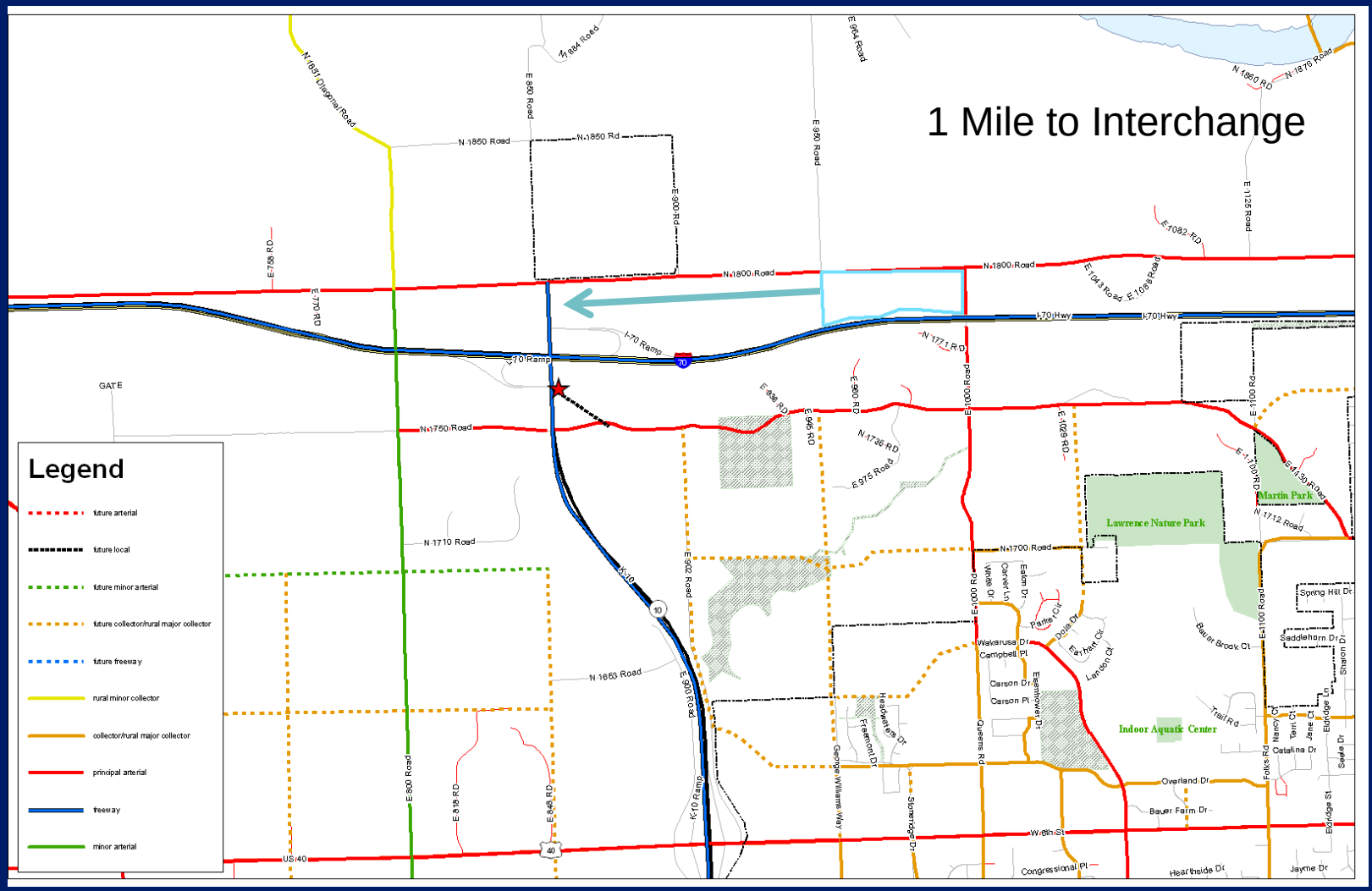
A-9-3-10/Z-9-13-10

Annexation – A-9-3-10; 51 acres

Urban Growth Area



A-9-3-10


1 Mile to Interchange
Legend
future arterial
future local
future minor arterial
future collector/rural major collector
future freeway
rural minor collector
collector/rural major collector
principal arterial
freeway
minor arterial
N 1850 Road
N 1800 Road
N 1750 Road
N 1710 Road
N 1663 Road
I-70 Hwy
I-70 Ramp
K-10
K-10 Ramp
US 40
E 800 Road
E 818 RD
E 848 RD
E 900 Road
E 950 Road
E 964 Road
E 1000 Road
E 1100 Road
E 1126 Road
N 1771 RD
N 1795 RD
E 975 Road
E 926 RD
E 996 RD
E 1082 RD
E 1043 Road
E 1069 Road
E 758 RD
E 770 RD
N 1851 Diagonal Road
N 1850 Rd
E 850 Road
N 1860 RD
N 1876 Road
GATE
Martin Park
Lawrence Nature Park
Indoor Aquatic Center
Spring Hill Dr
Saddlehorn Dr
Bauer Brook Ct
Walvarusa Dr
Campbell Pl
Carson Dr
Carson Pl
Eisenhower Dr
Freemont Dr
Headwaters Dr
George Williams Way
Overland Dr
Bauer Farm Dr
W 6th St
Congressional Pl
Hearthside Dr
Jayme Dr
Folks Rd
Catalina Dr
Trail Rd
Eldridge St
Eldridge Ln
Sharon Dr
Sadie Dr
Nancy Ct
Tom Ct
Jane Ct
Queens Rd
Stranahan Dr
Parma Ct
Dola Dr
Earlham Ct
Landon Ct
Carver Ln
White Dr
Eaton Dr

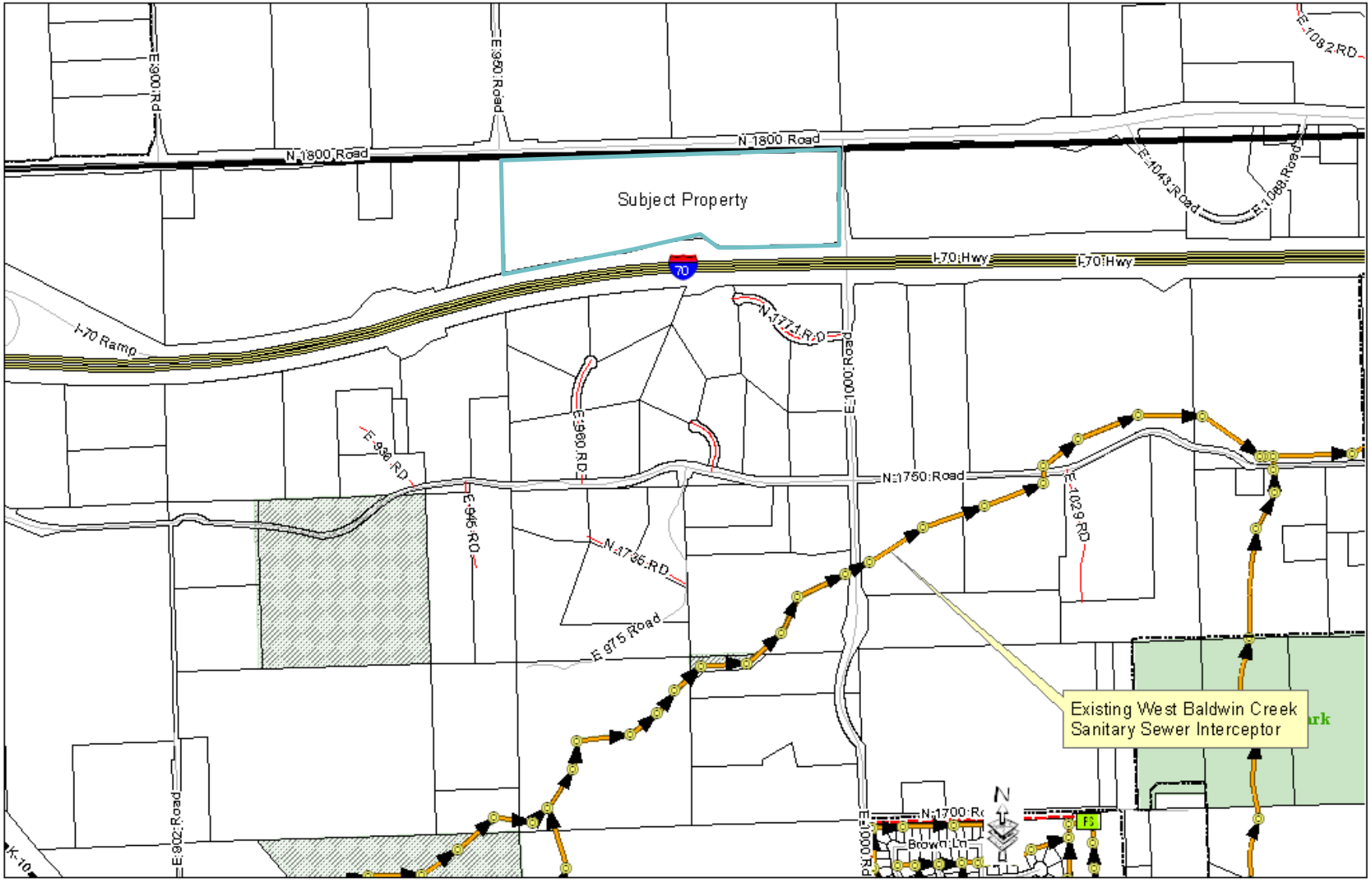
Proximitiy to Sanitary Sewer

0 260 520 1,040 1,560 2,080 Feet

1 inch = 1,000 feet

DISCLAIMER NOTICE

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



Date: 10/6/2010

Proximitiy to City Water

0 260 520 1,040 1,560 2,080 Feet

1 inch = 1,000 feet

DISCLAIMER NOTICE

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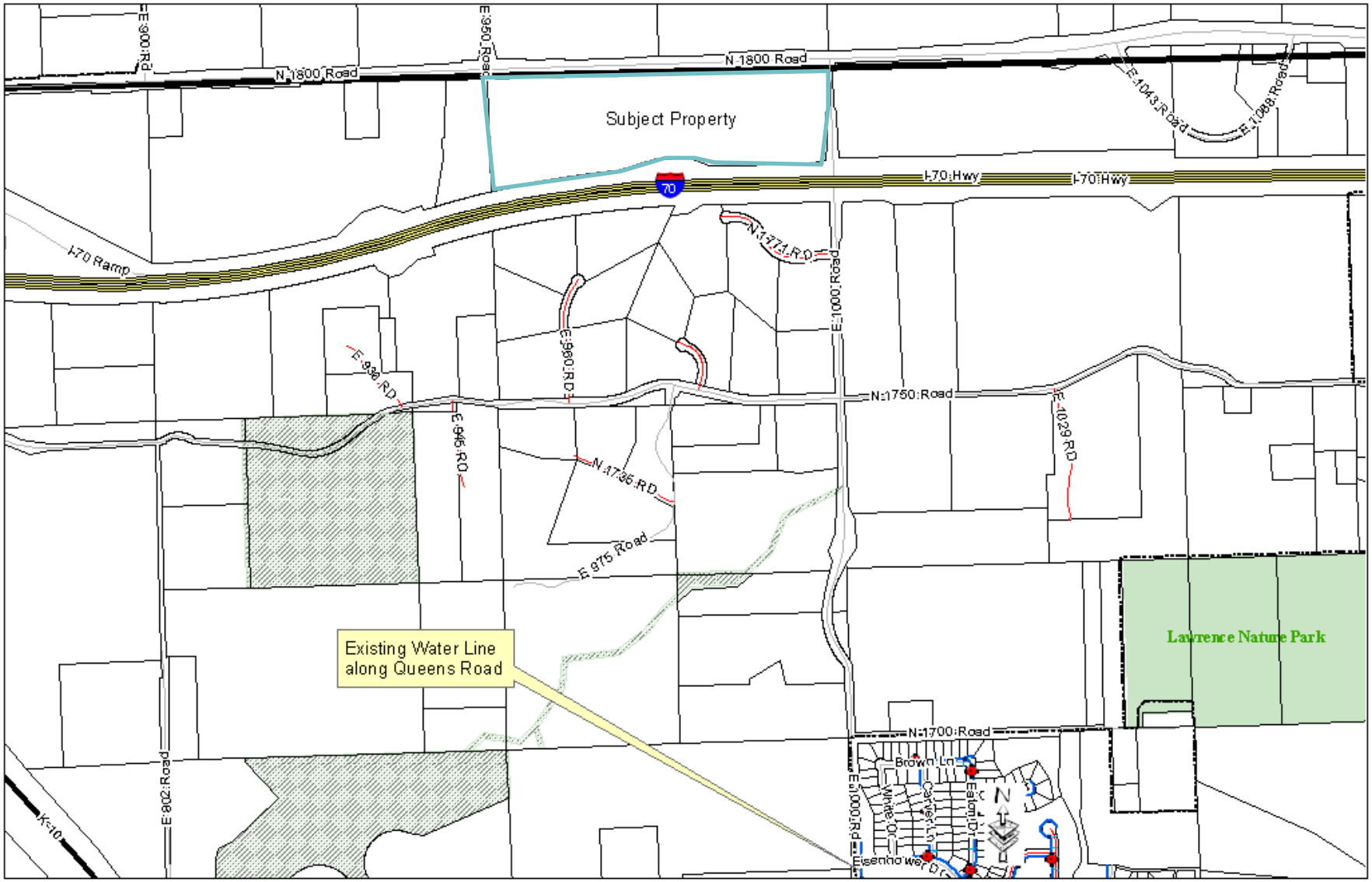
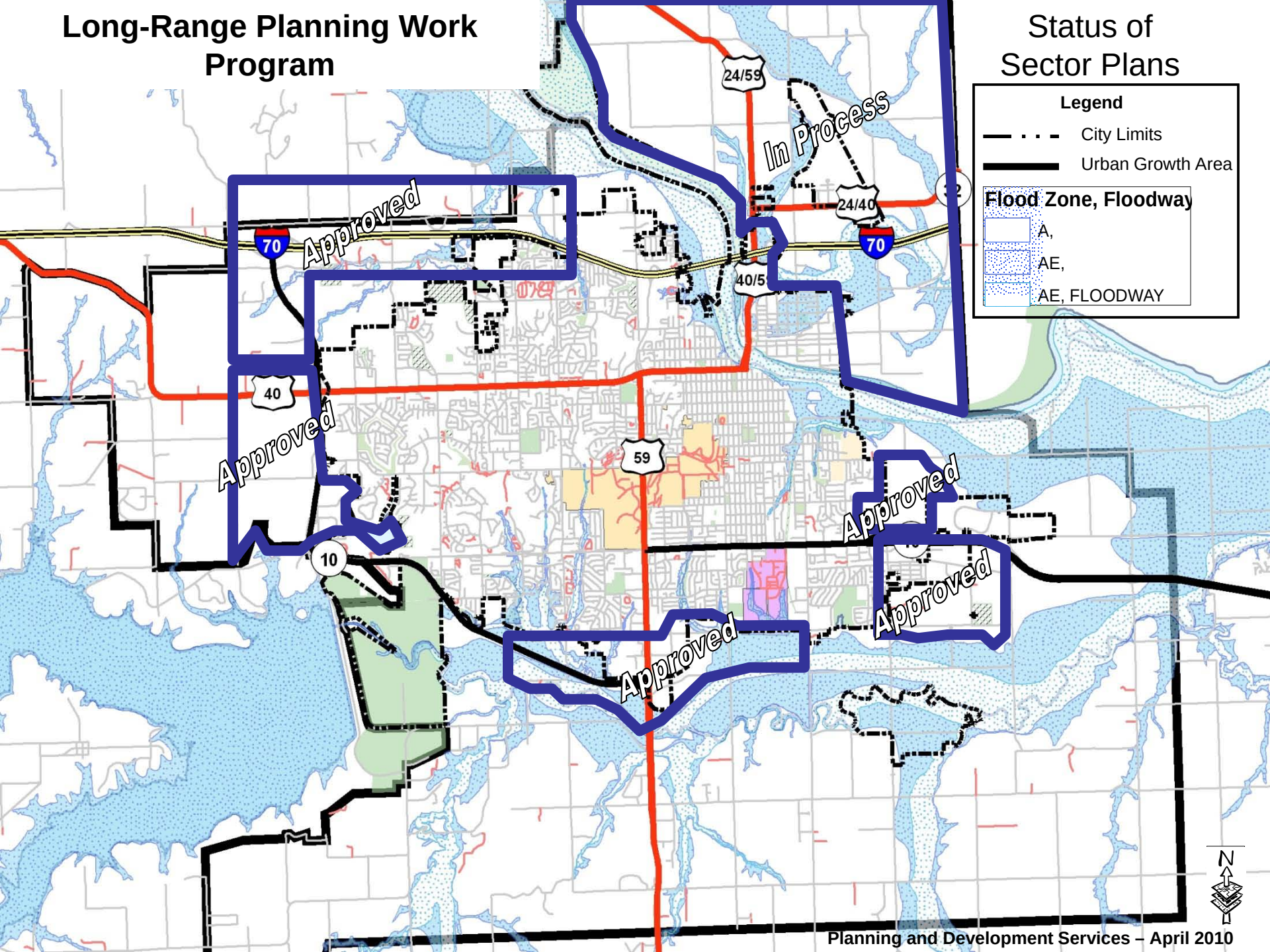


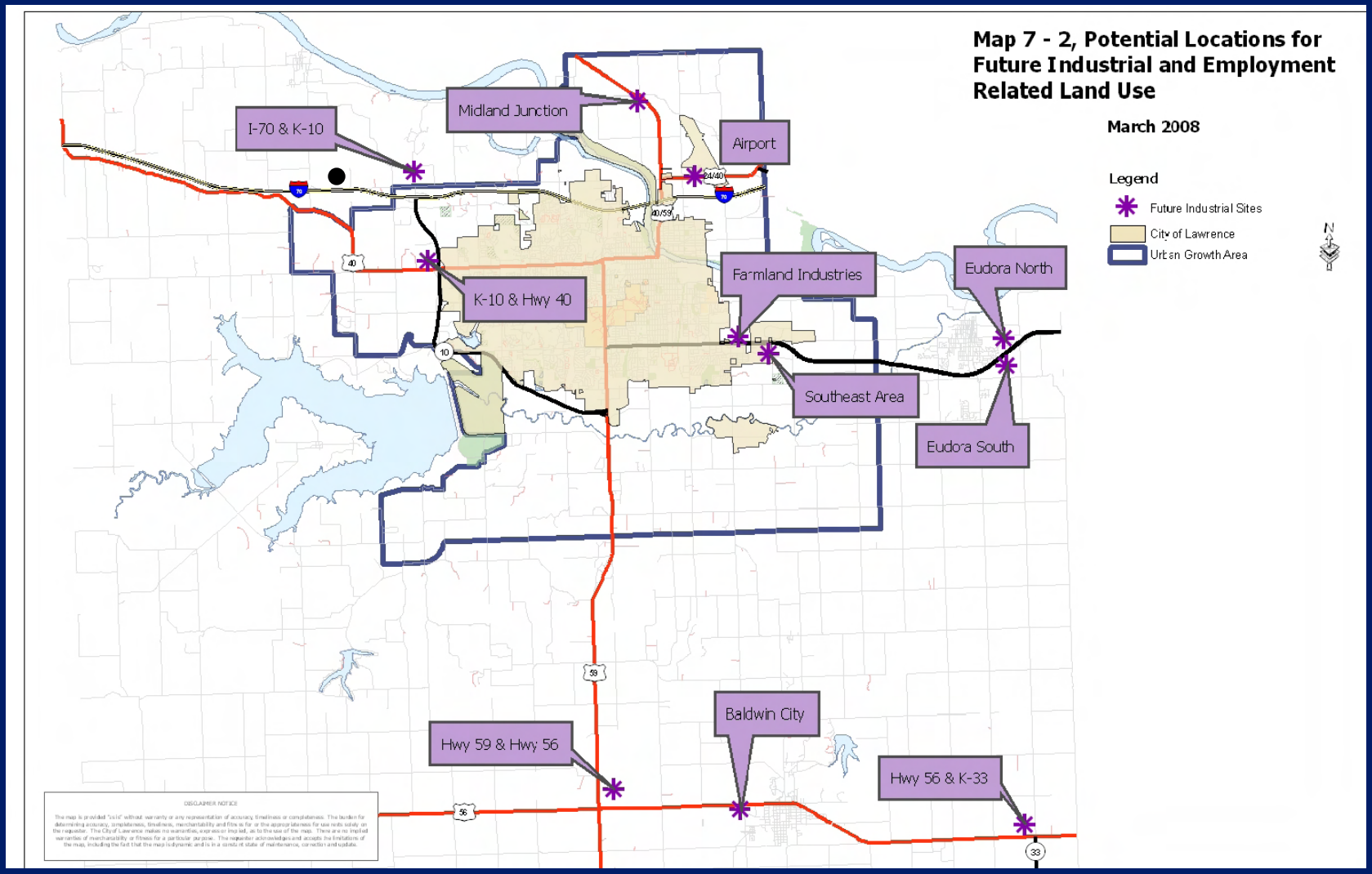
Date: 10/6/2010

Long-Range Planning Work Program



Planning and Development Services – April 2010

Horizon 2020 Map 7-2



Planning Process – K-10 and Farmer's Turnpike Plan

- Process began in February 2008
- Issues & Opportunities Memo released March 27th
  - Approx. 400 letters and emails sent to stakeholders
- Draft completed May 2nd
  - Draft release & public meeting notice (approx. 400 letters and emails sent to stakeholders)
- Public meeting May 15th
  - Approximately 75 people attended
- 2nd draft completed May 23rd
  - 2nd draft release & PC meeting notice (approx. 400 letters and emails sent to stakeholders)
- Email sent to listserv (approx. 88) regarding June Planning Commission meeting May 30th
- Planning Commission meeting June 25th
  - No action taken

Planning Process Cont.

- Email sent to listserv regarding July Planning Commission meeting July 10th
- Planning Commission meeting July 23rd
  - directed staff to meet with a small group to try to reach a consensus
- Workshop meeting August 20th
  - 13 people, 3 staff, and 1 Planning Commissioner attended
- 2nd workshop meeting September 17th
  - Approx. 18 people, including 2 Planning Commissioners and 3 staff attended
- Revised draft posted October 17th
  - Email sent to 117 people on listserv
- Planning Commission meeting October 20th
  - Directed staff to meet a 3rd time with the workshop group
- 3rd workshop meeting October 30th
  - Approx. 8 people attended including 1 Planning Commissioner and 2 staff

Planning Process Cont.

- Revised draft posted November 10th with 2 land use map options
  - Email sent to listserv November 11th
- Planning Commission meeting November 17th
  - Recommended approval of the draft plan with option 1 future land use map (7-3)
- PC approved plan posted November 24th
- Email sent to listserv November 26th for City Commission meeting December 2nd
- City Commission meeting December 2nd
  - Deferred the item to the December 9th meeting

Planning Process Cont.

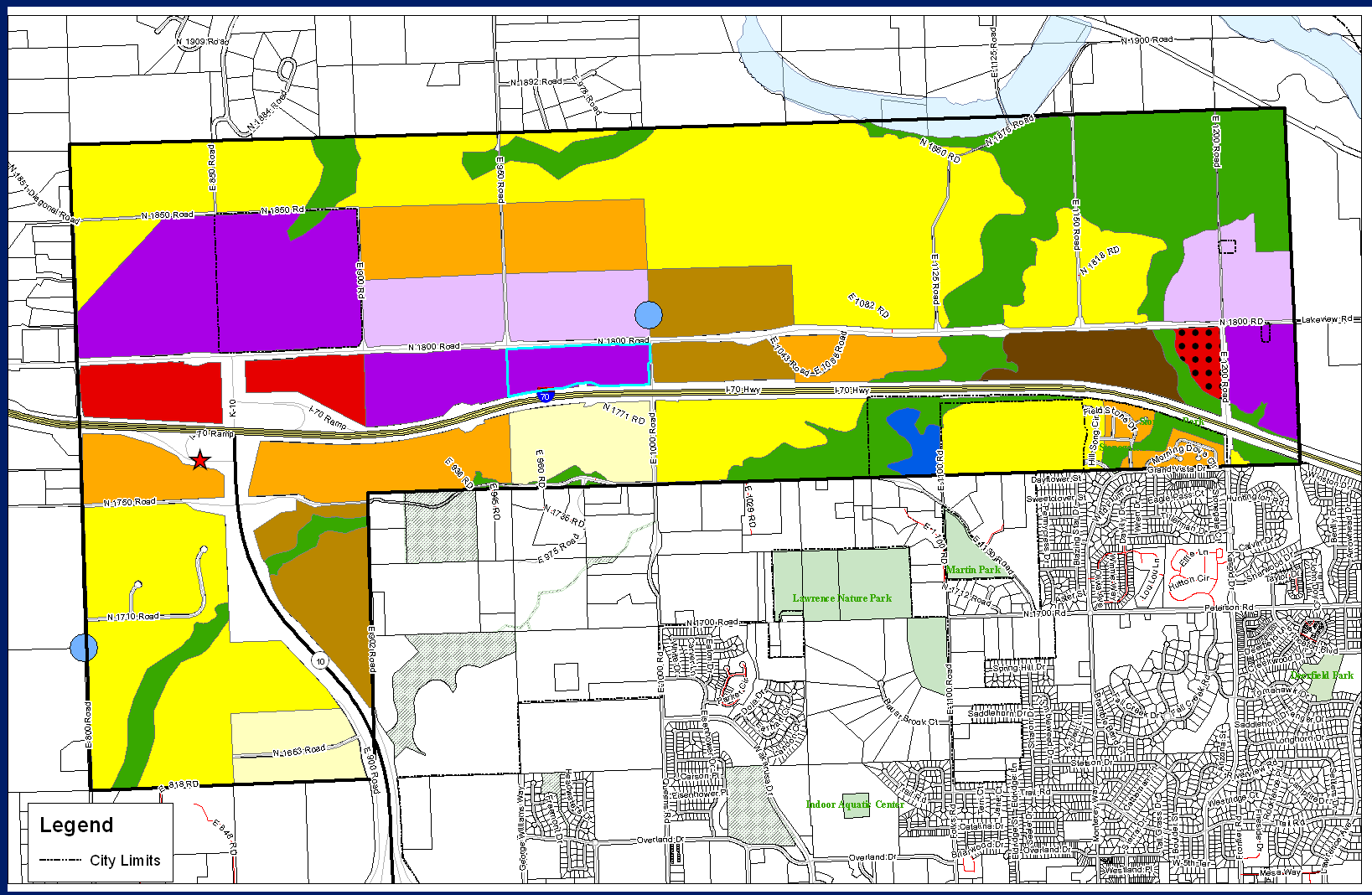
- Email sent to listserv December 3rd for City Commission meeting December 9th
- City Commission meeting December 9th
  - Approved the item and first reading of the joint ordinance resolution
- Notice sent on December 11, 2008 to townships and City of Lecompton by regular and certified mail for the January 6, 2009 City Commission meeting and the January 7, 2009 County Commission meeting
- Email sent to listserv December 18th for City Commission meeting January 6th and County Commission meeting January 7th
- City Commission Meeting January 6, 2009
- County Commission Meeting January 7, 2009
- Effective Date January 11, 2009

Process Summary
February 2008 to January 2009

February 2008 to January 2009

- Hearings/Meetings
  - 1 Public Meeting
  - 3 Workshop Meetings
  - 1 Planning Commission Mid-Month Meeting
  - 5 Planning Commission Hearings
  - 3 City Commission Meetings
  - 1 County Commission Meeting
  - Total – 14 public meetings
- Communication
  - 3 Stakeholder mailings
    - 400 pieces of mail (each)
  - 10 email notices (to listserv)

K-10 and Farmer's Turnpike Plan

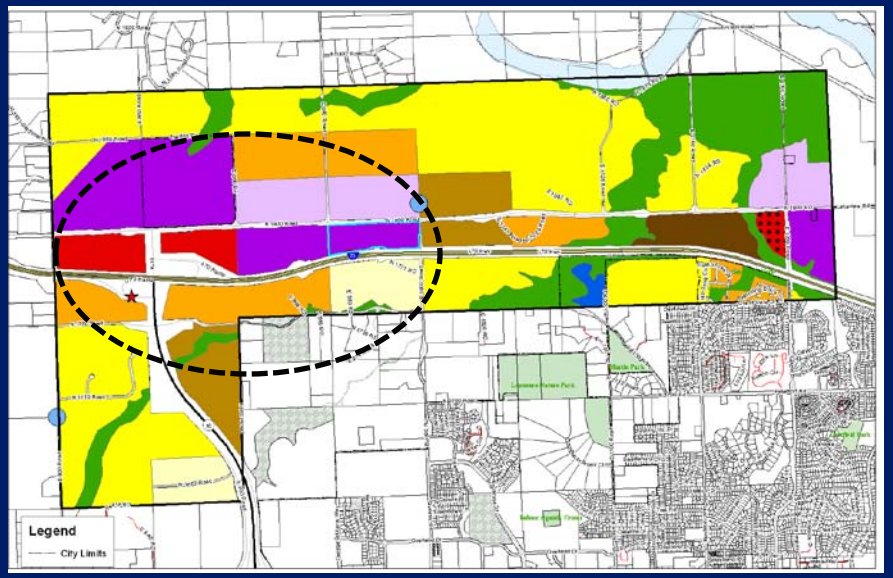


K-10 and Farmer's Turnpike Plan

"The Plan identifies appropriate land uses along an arterial road corridor and a highway interchange that aid in meeting a recognized need for industrial/employment center opportunities that will support the general health and prosperity of the region."

Plan Features:

- Large parcel development with minimal slope.
- Ideal for industrial and employment development - access to highway.
- High activity node.



Industrial

Office/Research

Zoning – Z-9-13-10; A-1 to IG

K-10 and Farmer's Turnpike Plan (page 3-9)

Recommendations

3.2 Land Use

"The intent of the industrial use is to allow for moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation."

K-10 and Farmer's Turnpike Plan (page 3-9)

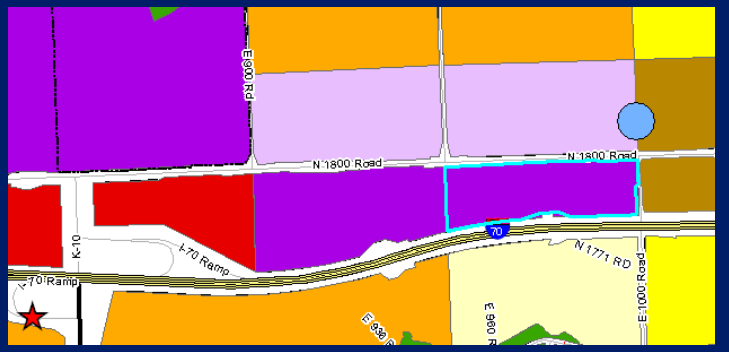
Zoning – Z-9-13-10 A-1 to IG

Recommendation 3.2.1.8

Intensity: Medium-High

Applicable Area:

- Area bound by N 1800 Road (Farmer's Turnpike) on the north, I-70 on the south, E 900 Road extended on the West and E 1000 Road on the east."



K-10 and Farmer's Turnpike Plan (page 3-9)

A-9-3-10 Summary

- Location in the Urban Growth Area
- Proximity to major transportation network
- Conformance with *H2020* and Sector Plan
- Industrial uses are associated with long lead time for development
- City engaged in facility planning for water and sewer
- Some industrial users can function with low utility impact.

A-9-3-10/Z-9-13-10

Zoning – Z-9-13-10

County A-1 to IG

Zoning – Z-9-13-10 A-1 to IG

20-216 IG, General Industrial District

- The IG, General Industrial District, is primarily intended to accommodate moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas.

Zoning – Z-9-13-10; A-1 to IG

Industrial as a use type:

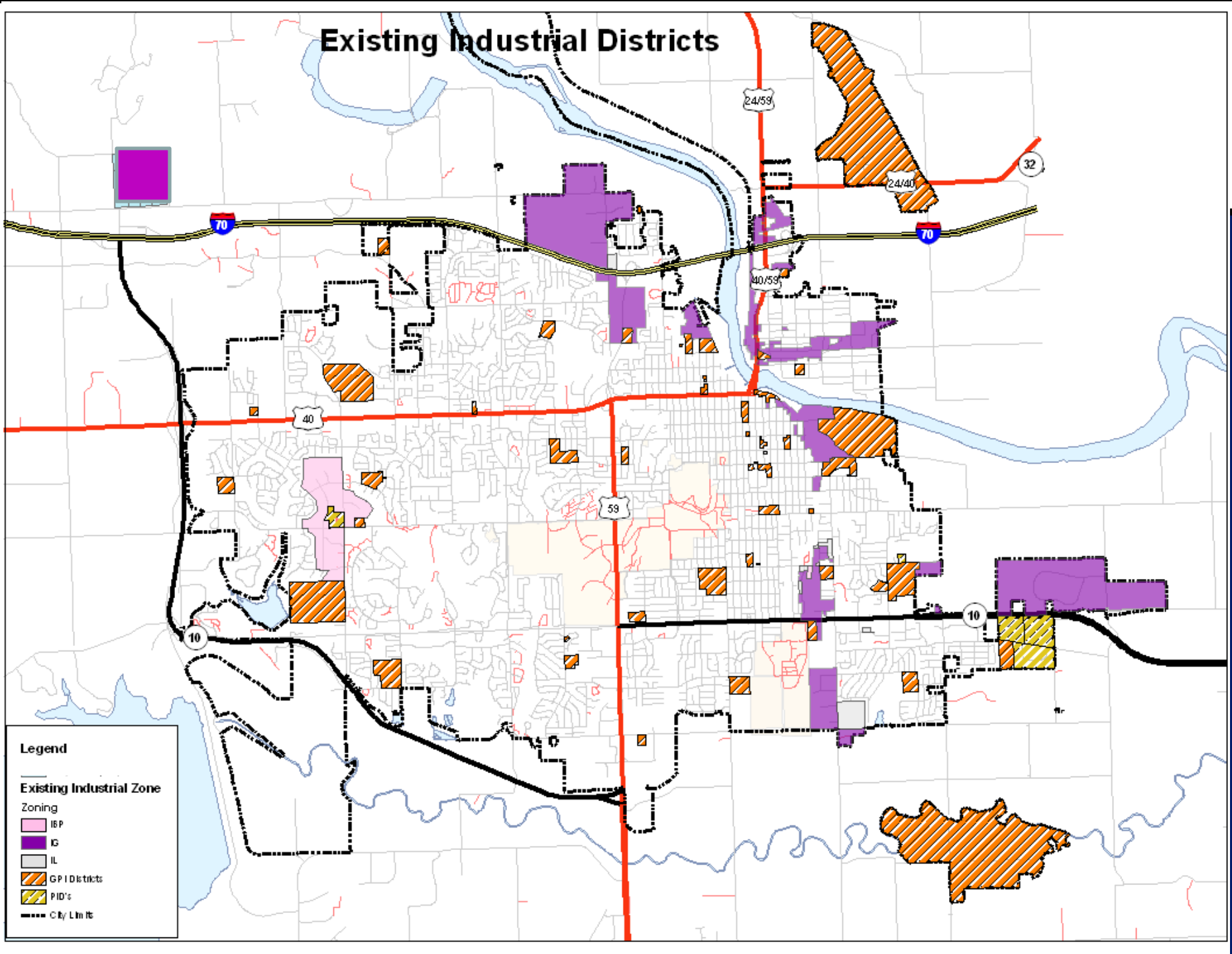
- **20-1735 Industrial, General**
  - Production, processing, assembling, packaging or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. General Industrial uses may require Federal air quality discharge permits, **but do not have nuisance** conditions that are detectable from the boundaries of the subject property.

- **20-1736 Industrial, Intensive**
  - Manufacturing, processing, or assembling of materials (for uses described above in the "General Industrial" use type classification) in a manner that would create any of the commonly recognized nuisance conditions or characteristics.

- **Nuisance conditions can result from any of the following**: continuous, frequent, or repetitive noises or vibrations; noxious or toxic fumes, odors, or emissions; electrical disturbances; or night illumination into residential areas. Exceptions: Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; noise detectable only as part of a composite of sounds from various off-site sources.

Use Group		IBP	IL	IG
Industrial Facilities	Explosive Storage	-	-	P
	Industrial, General Example: Pur-O-Zone Hallmark Cards Allen Press	-	P	P
	Industrial, Intensive Example: **Penny Ready-mix** **LRM** **Hamm**	-	-	P

Use Group		IBP	IL	IG
Retail Sales and Service	Building Maintenance	-	P	P
	Personal Convenience	-	P	-
	Retail Sales, General	-	P	-


Existing Industrial Districts
24/59
32
24/40
70
70
40/59
40
59
10
10
Legend
Existing Industrial Zone
Zoning
IBP
IG
IL
GPI Districts
PID's
City Limits

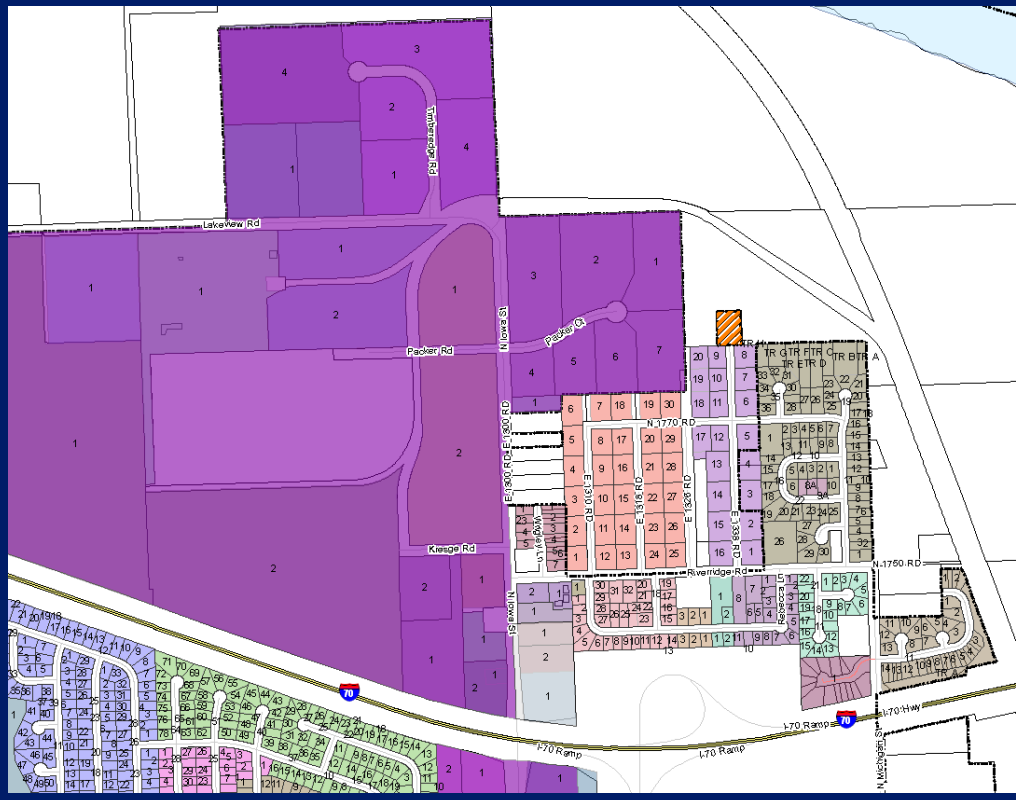
Santa Fe Industrial Area

- IG
- M-2 Originally

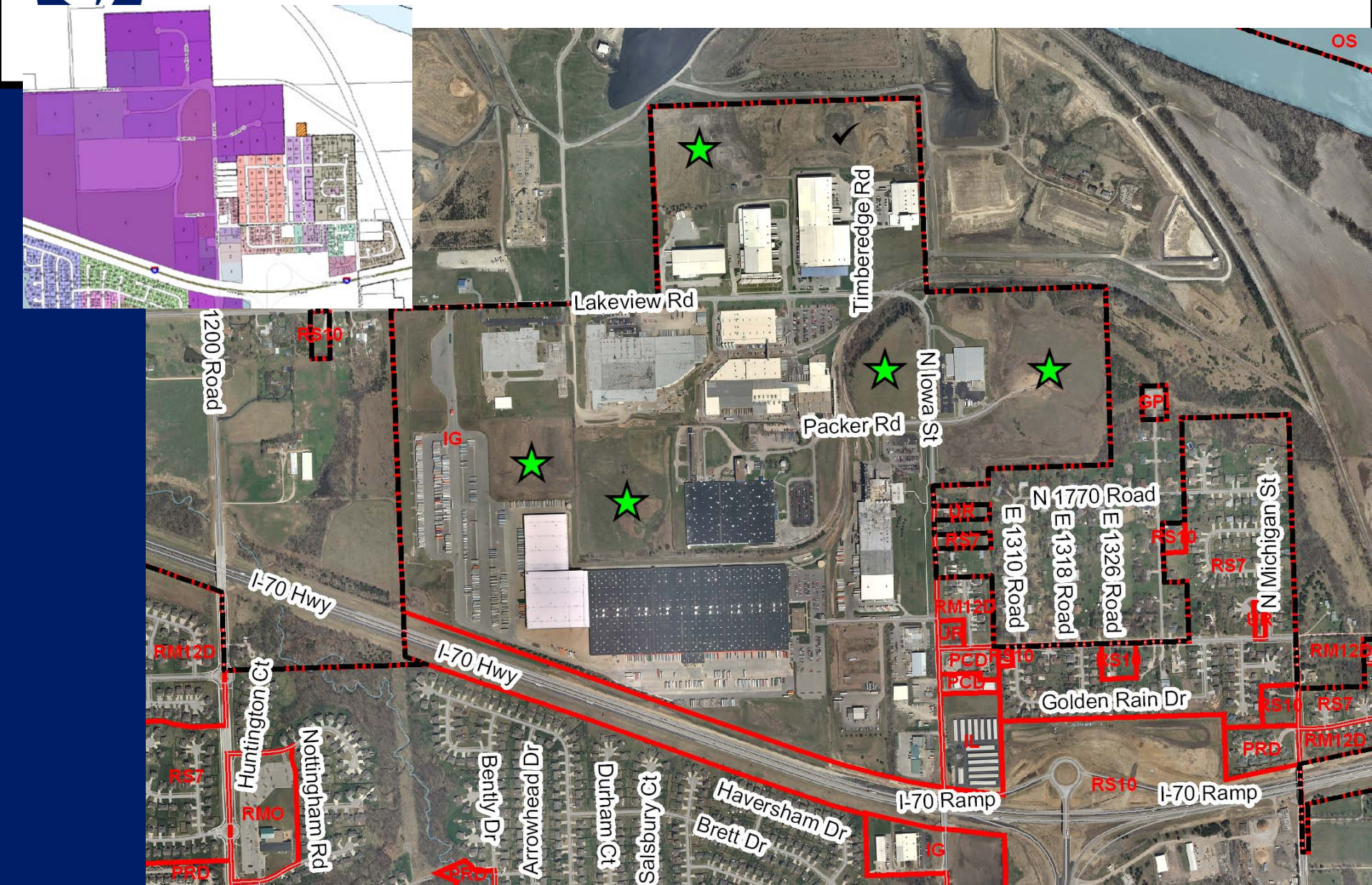
379 acres with 88 acres available 5-6 acre pad sites typical

Changes since 2008

KU Transit (7.04 acres)



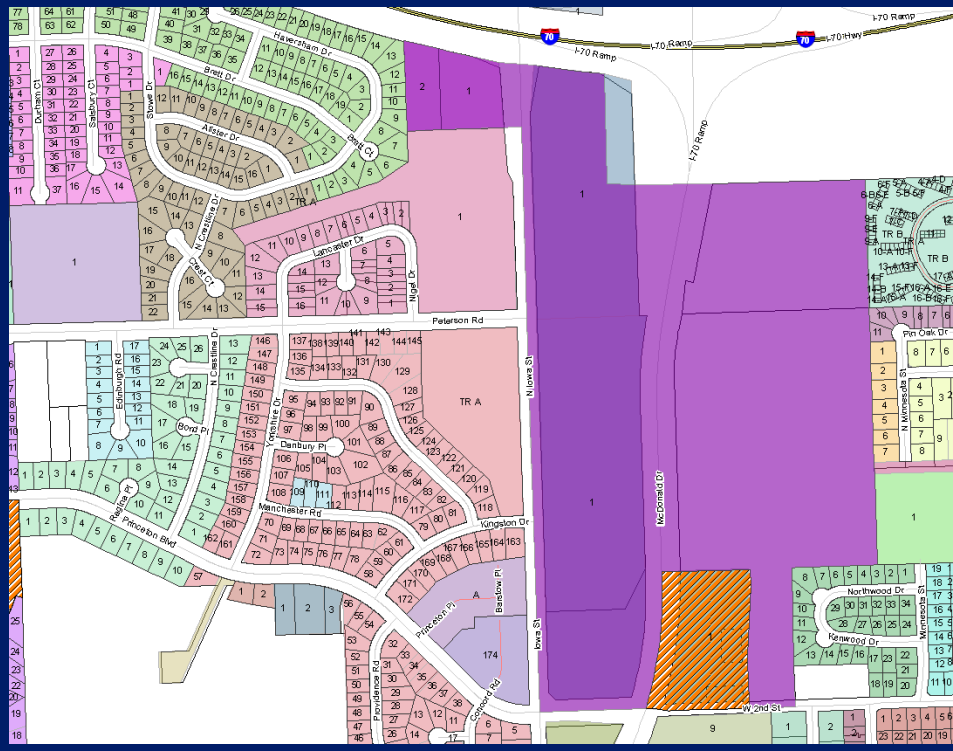
Santa Fe Industrial Area



Hallmark

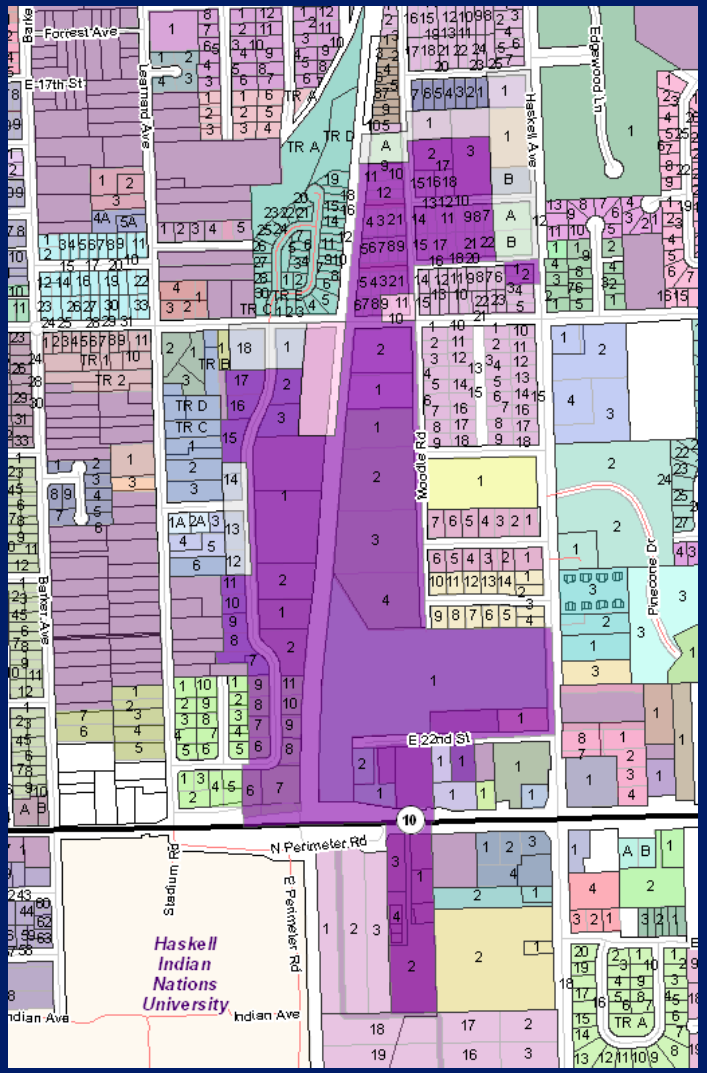
- IG
- M-2 originally
- 32 acre site with additional 45+ acres to the east

Since 2008 – south portion rezoned to IL, proposed hotel, contractor shop, distribution use



Santa Fe Rail Road Corridor

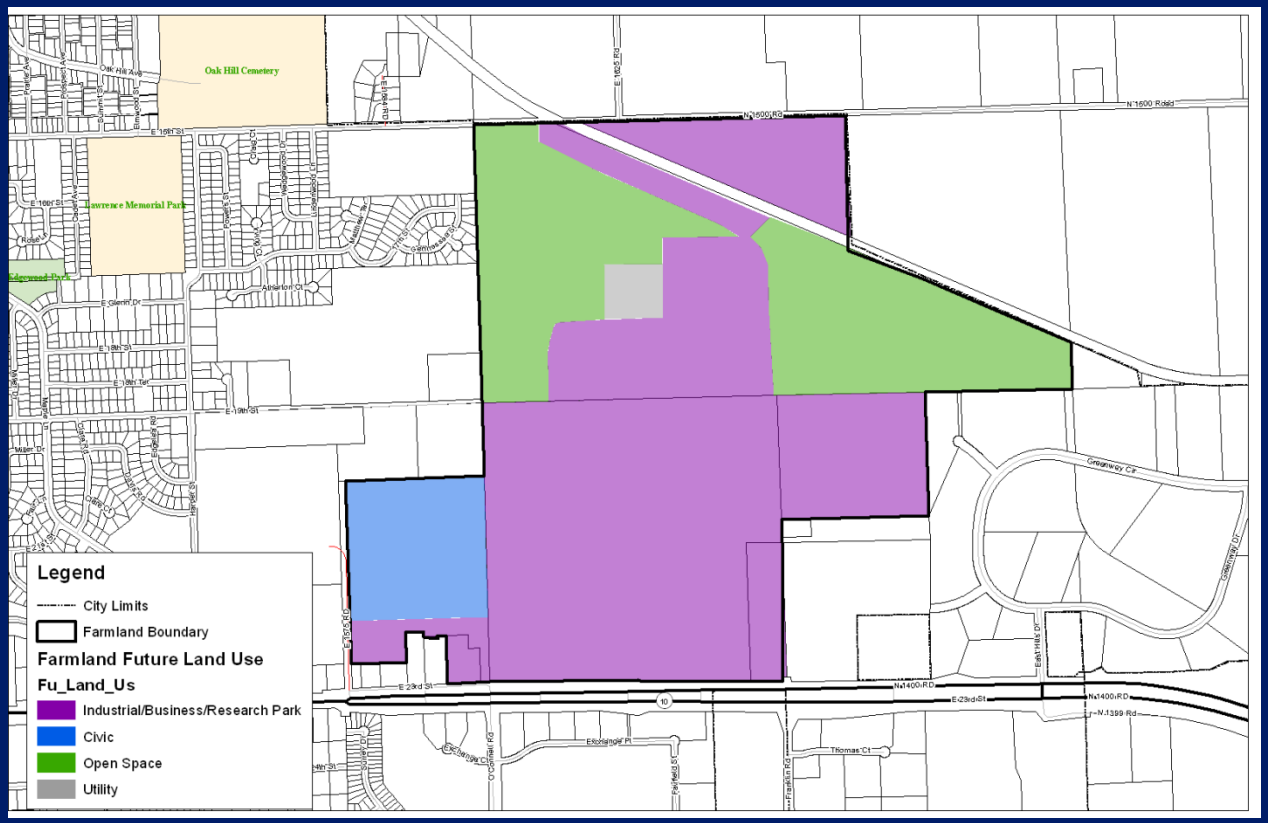
- IG predominant
- IBP and IL along 19th Street
- Original M-2 with M-1 and M-1A along 19th Street
- 96 acres (est)
- 4 pad sites 1-3 acres
- **Since 2008 – No Change**



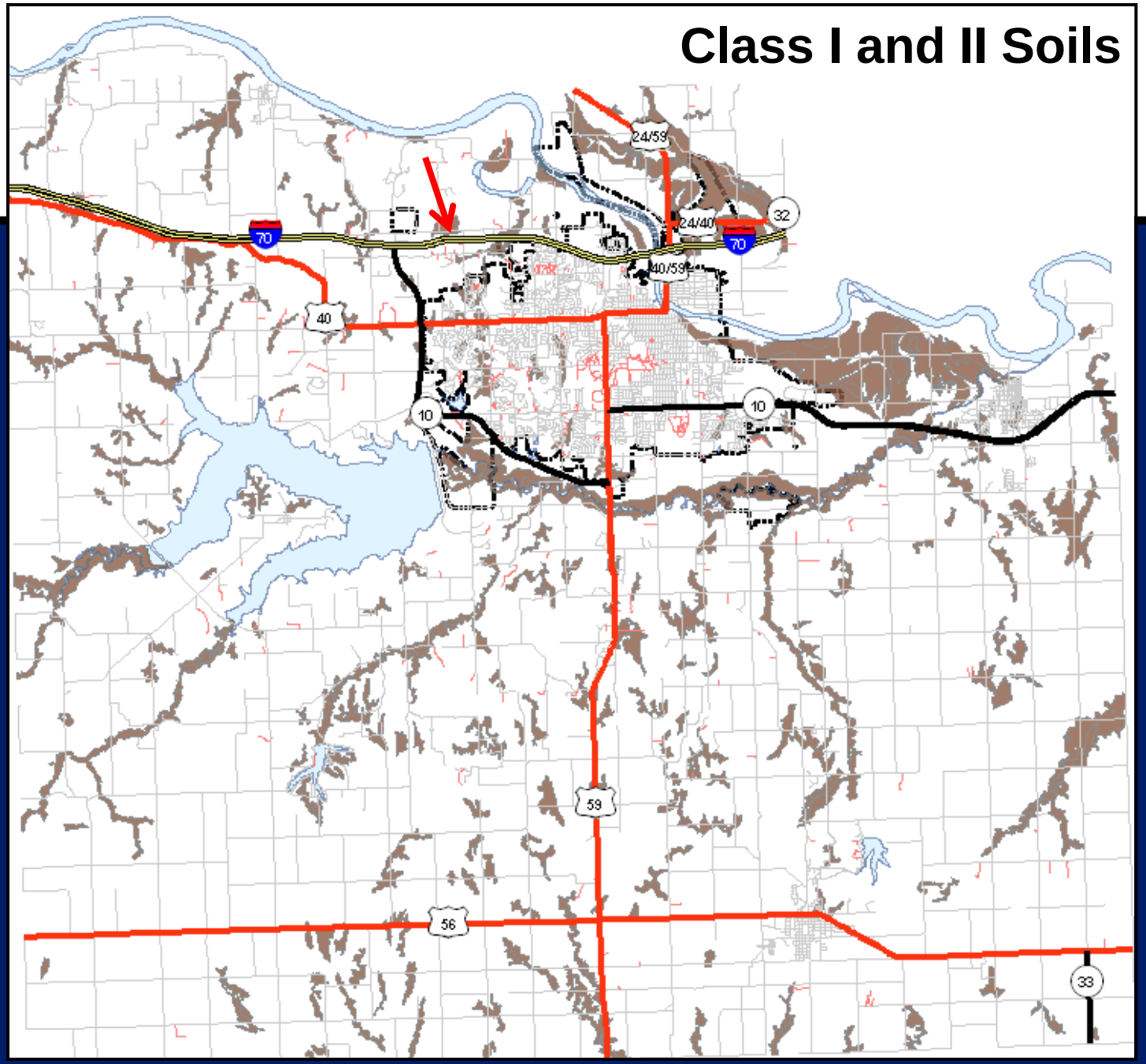
Farmland

- Plan Approved by :
- PC 11/28/07
- CC 3/11/08
- BOCC 3/31/08

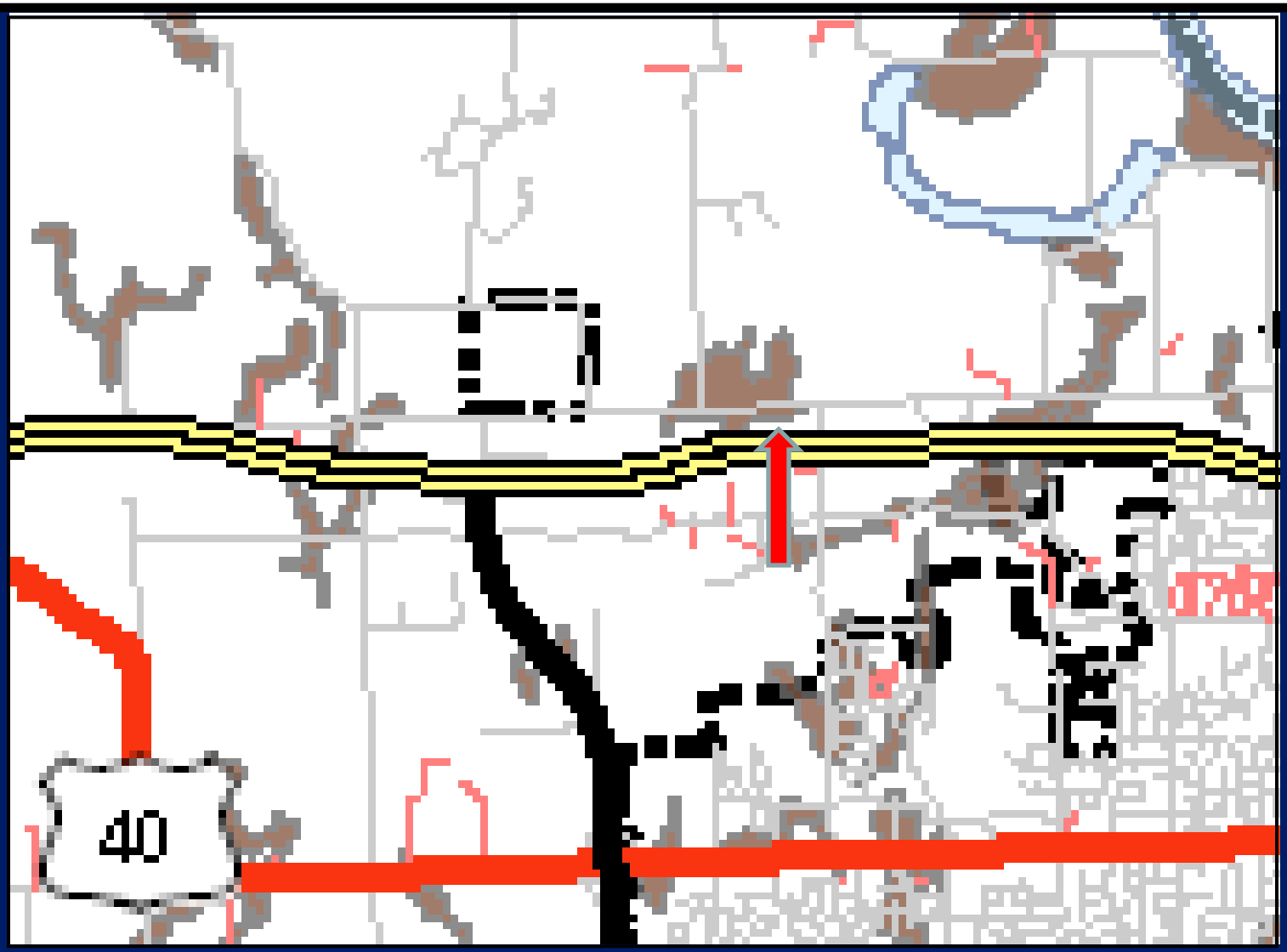
- City acquired on 9/29/10

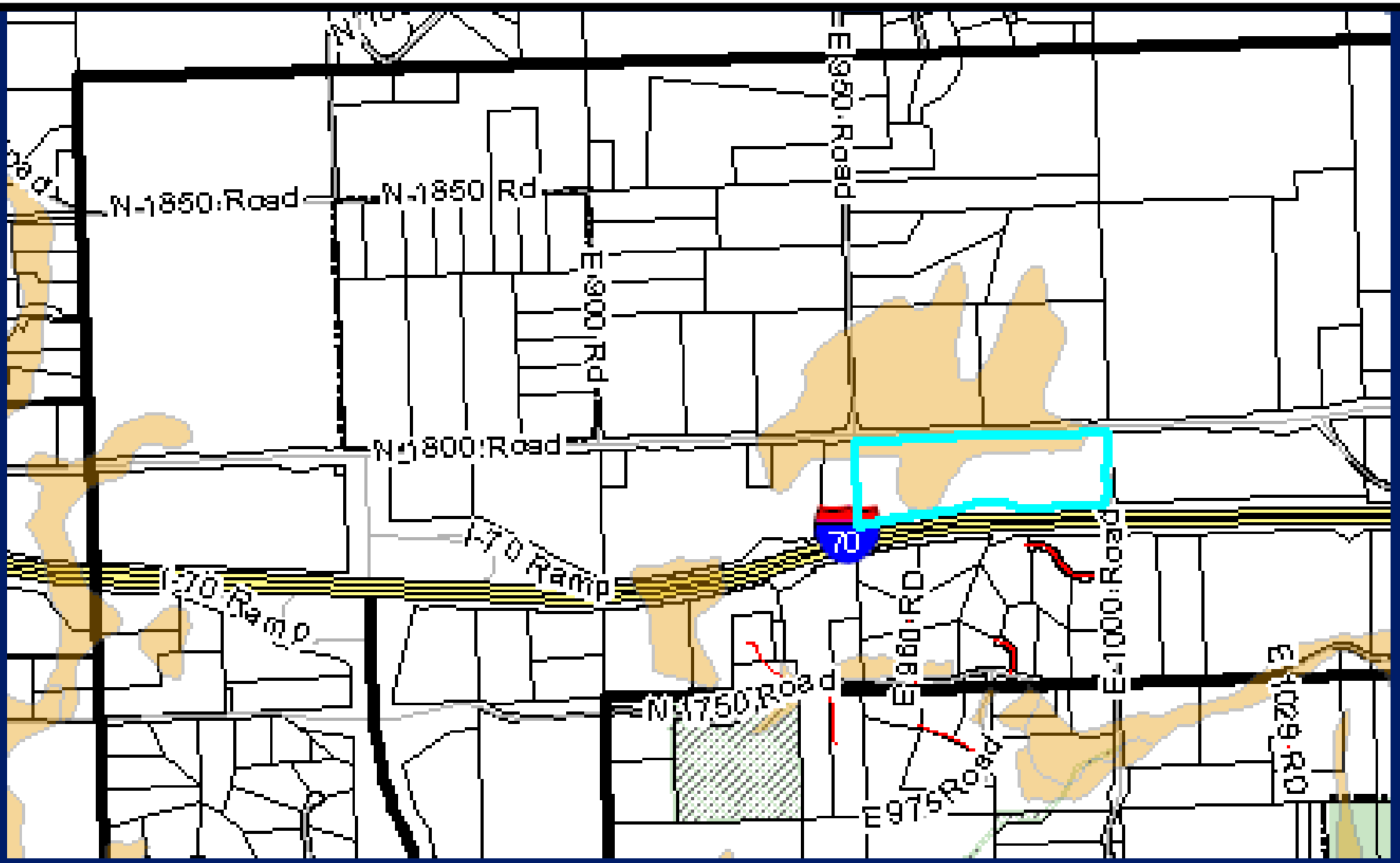


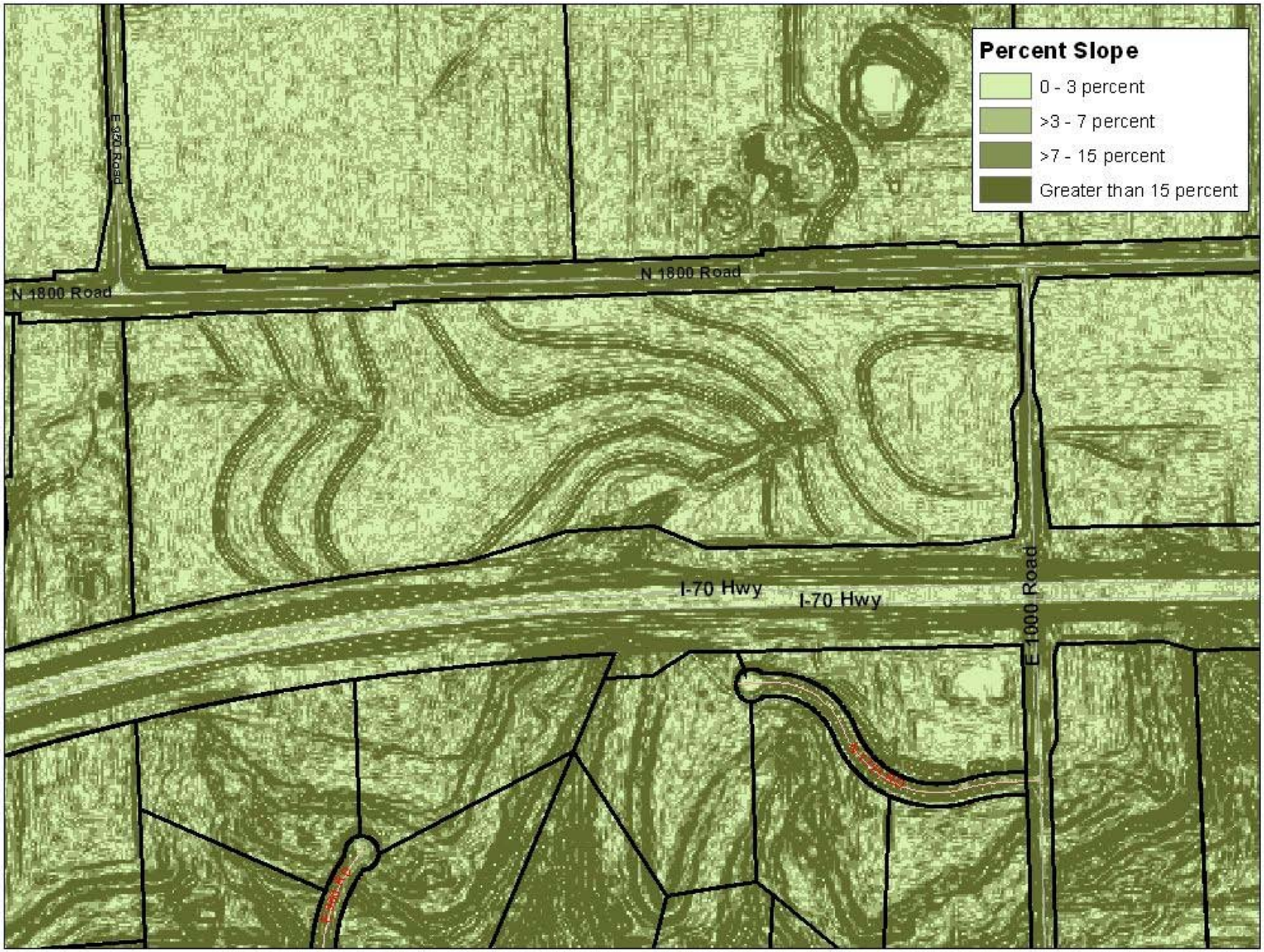
Class I and II Soils



Class I and II soils – subject property




N-1850:Road
N-1850 Rd
E-950 Rd
E-950 Road
N-1800:Road
I-70 Ramp
I-70 Ramp
70
E-1000:Road
E-980 RD
N-1750 Road
E-975 Road
E-1029 RD


Percent Slope
0 - 3 percent
>3 - 7 percent
>7 - 15 percent
Greater than 15 percent
N 1800 Road
N 1800 Road
E 970 Road
I-70 Hwy
I-70 Hwy
E 1000 Road

- 51 acres
- No floodplain
- Minimal slopes

0 250 500 1,000 1,500 2,000 Feet

1 inch = 1,042 feet

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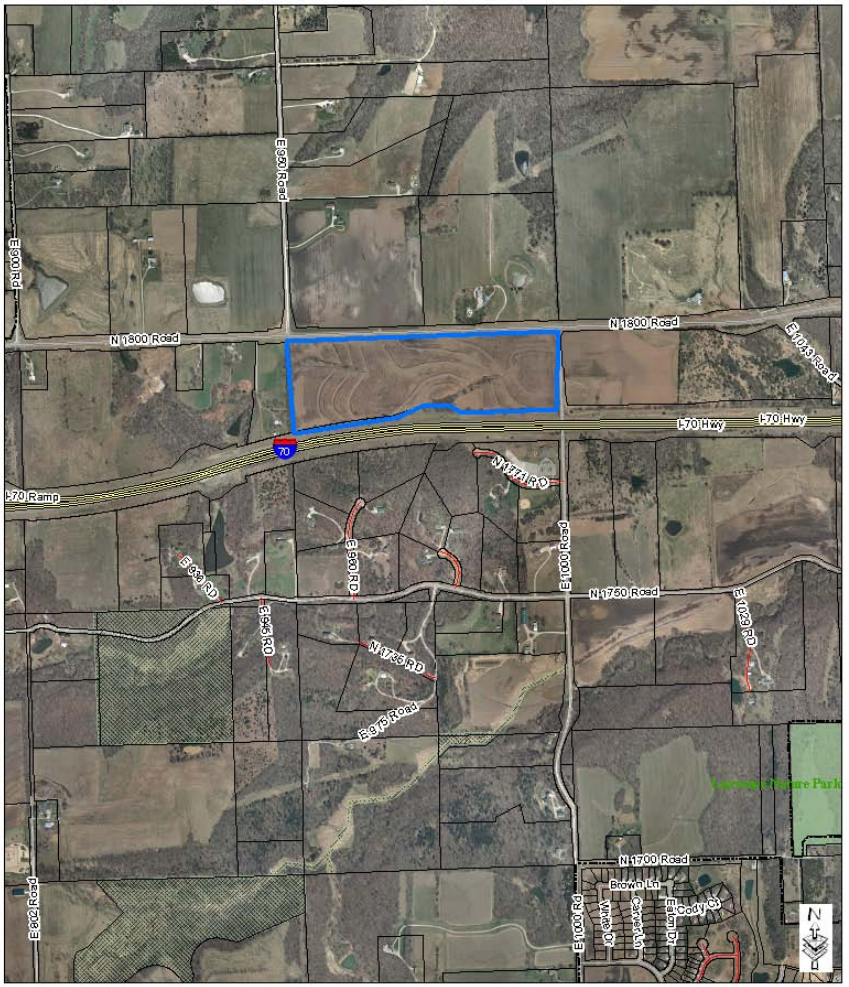
Proposed Annexation and Rezoning



Staff Findings: A-9-3-10

Annexation is:

- within the Lawrence UGA
- Consistent with *Horizon 2020*
- Consistent with *K-10 and Farmer's Turnpike Plan*
- *"The annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county."*

Staff Recommendation: A-9-3-10

STAFF RECOMMENDATION:

- Staff recommends that the Planning Commission forward a recommendation to the City and County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan*

Staff Recommendation: A-9-3-10

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

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).

2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

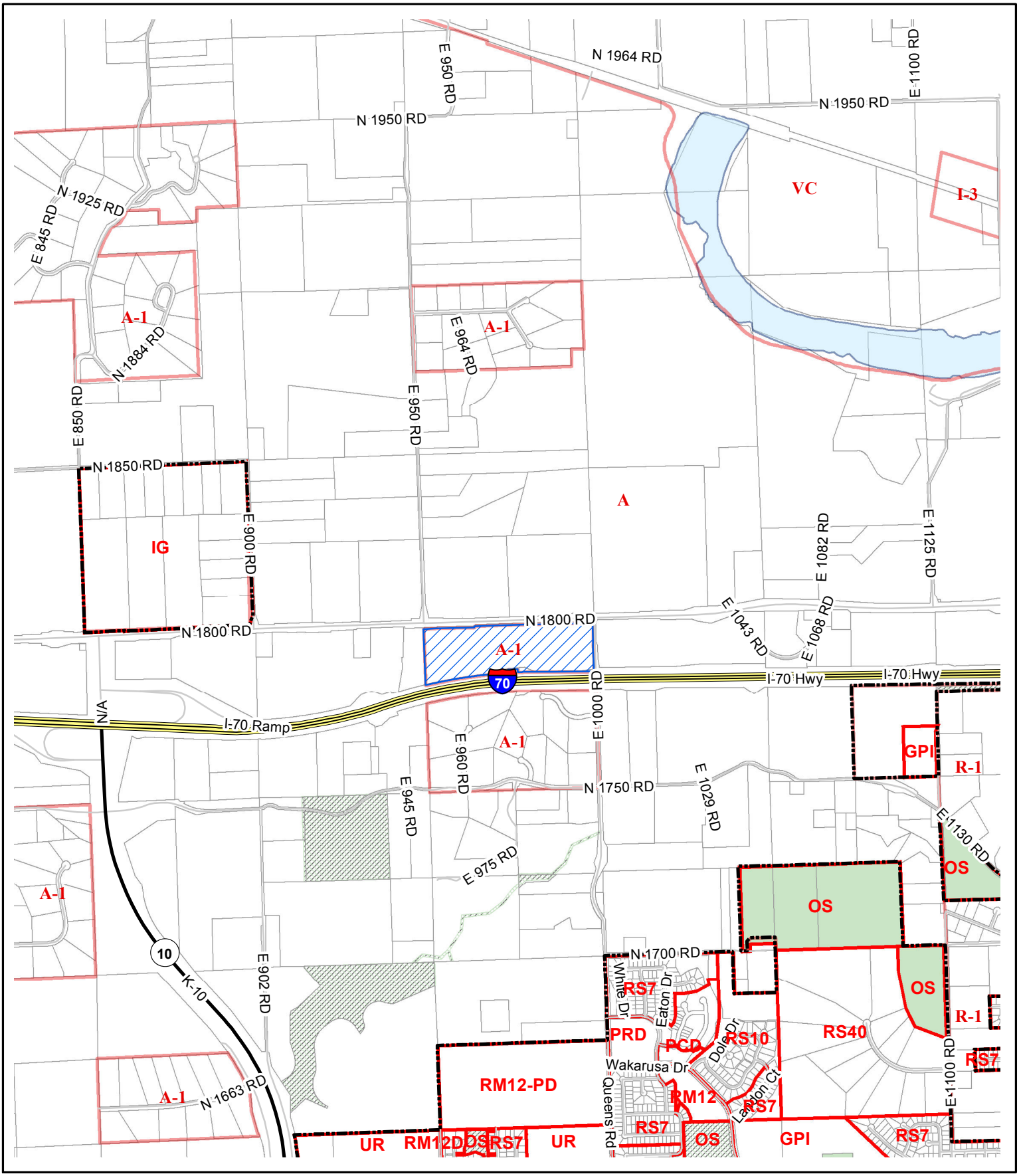
Staff Findings: Z-09-13-10

Zoning is:

- Consistent with *Horizon 2020* and with *K-10 and Farmer's Turnpike Plan*
- Close proximity to a major transportation corridor
- The land is presently undeveloped and will not create a non-conform scenario
- Development will be subject to City Development Standards
- Providing additional opportunities for industrial development adding to the City's economic base.

Z-9-13-10

- **STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for 51.13 acres from County A-1 (Suburban Home Residential) to City IG (General Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.



A-09-03-10: Annex 51.13 acres
Z-09-13-10: Rezone 51.13 acres from A-1 to IG
SW corner of N 1800 Rd & E 1000 Rd

Lawrence-Douglas County Planning Office
October 2010

N
W E
S

Area Requested

Scale: 1 Inch = 2000 Feet

Memorandum
City of Lawrence
Planning & Development Services

TO: **David L. Corliss, City Manager**

FROM: **Planning Staff**

CC: **Diane Stoddard, Assistant City Manager**
Cynthia Wagner, Assistant City Manager

Date: **September 14, 2010**

RE: **Annexation of 51.13 acres**

Please include the following item on the City Commission's September 21, 2010 agenda for consideration:

Requests to annexation of 51.12 more or less.

Background:
On September 13, 2010 Steve Schwada, representing Venture Properties, Inc. submitted an application for annexation and an application for rezoning property located on the south side of N. 1800 and on the west side of E. 1000 Road to IG [General Industrial District].

Per city policy, a request to annex over ten (10) acres should be referred to the Planning Commission for a recommendation.

Action Requested:
Receive annexation request and forward to the Lawrence Douglas County Metropolitan Planning Commission for consideration at their November regular meeting.

Memorandum
City of Lawrence
Legal Department

TO: **David L. Corliss, City Manager**

FROM: **Toni Wheeler, Director of Legal Department**

Date: **September 22, 2010**

RE: **Annexation of 51 Acres – Notice to Rural Water District No. 6**

Staff requests authorization to provide notice to Rural Water District No. 6 of the City's intent to annex approximately 51 acres of land adjacent to Farmer's Turnpike that is in RWD No. 6's service territory. The notice is required by House Bill 2283 passed by the 2010 Legislature and effective July 1, 2010.

Background

At its regular meeting on September 21, 2010, the City Commission received a petition and consent to annexation from Venture Properties, Inc. to annex approximately 51 acres of land immediately south of the Farmer's Turnpike. The City Commission referred the item to the Lawrence-Douglas County Planning Commission for its consideration.

At a future City Commission meeting, the City Commission may consider passing a resolution requesting the Board of County Commissioners of Douglas County to make a finding, as required under state law, that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the County. If the Board of County Commissioners makes the necessary findings with respect to the proposed annexation, the City Commission would have the legal authority to adopt an ordinance annexing the land, if the Commission deems it appropriate.

Under HB 2283, the City must provide written notice to Rural Water District No. 6 of the City's intent to annex the land not less than 60 days before the effective date of an ordinance proposing to annex land into the City. The notice to the rural water district must include a description of the land to be annexed and the city's plan for providing water service to the land being annexed.

The City's plan for providing water service to the 51 acres owned by Venture Properties, Inc. is to permit Rural Water District No. 6 to provide water service to the annexed area. The City could amend its current contract with Rural Water District No. 6 to supply the rural water district with additional water, if the rural water district deems it necessary for it to provide the 51 acres of land with adequate water. If Rural Water District No. 6 is unwilling to supply the property with water at the service level required by the property owner, or if the City and District cannot agree to a contract for the provision of additional water from the City, the City will designate a different water supplier. Rural Water District No. 1 may be amenable to supplying water to the area proposed to be annexed.

Action Requested

Authorize the City Manager to provide written notice to Rural Water District No. 6 of the City's intent to annex approximately 51 acres of land owned by Venture Properties, Inc. located south of Farmer's Turnpike along with the City's plan for the provision of water service to the land being annexed.

EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land located in the Northeast Quarter (NE¼) of Section Twenty (20), Township Twelve South (T12S), Range Nineteen East (R19E) of the 6th P.M., Douglas County, Kansas, more particularly described as follows: Beginning at the Northeast corner of the Northeast Quarter (NE¼); thence South 0°04'49" West a distance of 820.62 feet, said point being on the East line of the Northeast Quarter (NE¼) and the Northerly right-of-way of the Kansas Turnpike; thence North 89°01'11" West a distance of 1,011.18 feet, said point being on the Northerly right-of-way of the Kansas Turnpike and the beginning of a radial curve to the left having a delta angle of 12°15'51", a radius of 7,789.49 feet and a chord bearing South 84°50'53" West a distance of 1,664.17 feet and an arc length of 1,667.34 feet, said point being on the Northerly right-of-way of the Kansas turnpike and on the West line of the Northeast Quarter (NE¼); thence North 0°13'10" West a distance of 951.56 feet, said point being the Northwest corner of the Northeast Quarter (NE¼); thence North 89°58'27" East a distance of 2,673.27 feet to the point of beginning, containing 51.13 acres more or less, less road right-of-way and easements of record granted to Douglas County and the Kansas Turnpike Authority.

Excerpts from the September 21, 2010 City Commission meeting

Jim Haines pulled from the consent agenda, the annexation (A-9-3-10) request of approximately 51.13 acres, located at the southwest corner of N 1800 Road (Farmers Turnpike) and E 1000 Road (Queens Extended), for separate discussion.

He said he and his wife lived directly across the Farmer's Turnpike and were significantly involved in the island annexation of the 155 acres, a mile west of his home and that annexation was still not completely resolved. He said he was requesting that the City Commission not refer this annexation to the Planning Commission.

He said when they went through the process of considering the earlier annexation, one of the objections that were raised by the neighborhood association that opposed that annexation was the piecemeal annexation was not a sound planning process. He said they were told that the earlier annexation was not going to be part of a piecemeal annexation of additional land in that area into the City and the 155 acres that was in question, at that time, was an exceptional circumstance for many reasons and that they had no reason to believe that that would set a pattern for the future and now they were at step one of what appeared to be exactly, what he thought he believed were told, would not happen. He said in his view, at a minimum, the discussion should be set for another evening so there was more adequate notice to the people who lived in that area and could be present for discussion of this annexation. He said he hoped the City Commission would object to this, out of hand, as being an inappropriate approach to land planning.

Marguerite Emerling said she would like to put in that same request that it not be forwarded on the Planning Commission at this time, for a couple of reasons and one was that land was platted as a rural subdivision and it got into a lot of area that was yet to even be understood and comprehended, including Kansas law pertaining to Rural Water District 6 and its entitlement to be compensated for land that was being removed from

their territory into the municipal system and she was not aware there had been any conversation as to how that might be efficient, effective, and economical for this community or for the rural water district.

In addition, if it was predicated on that sector plan, it had been acknowledged by both City and County to their legal representation that it was less than ideally handled. It was to be a process through which there was a negotiation between municipal needs, property owners, and the general public. The majority of property owners were never even entered or advised that this was happening, nor included in the discussion about forming that sector plan.

In addition, those that were presented were denied any representation by the City Planning Department, for their ideas and their ideas were struck down and never brought to the Commission's attention. She said that the entire thing happened in three months which was hardly effective for a proper sector plan discussion.

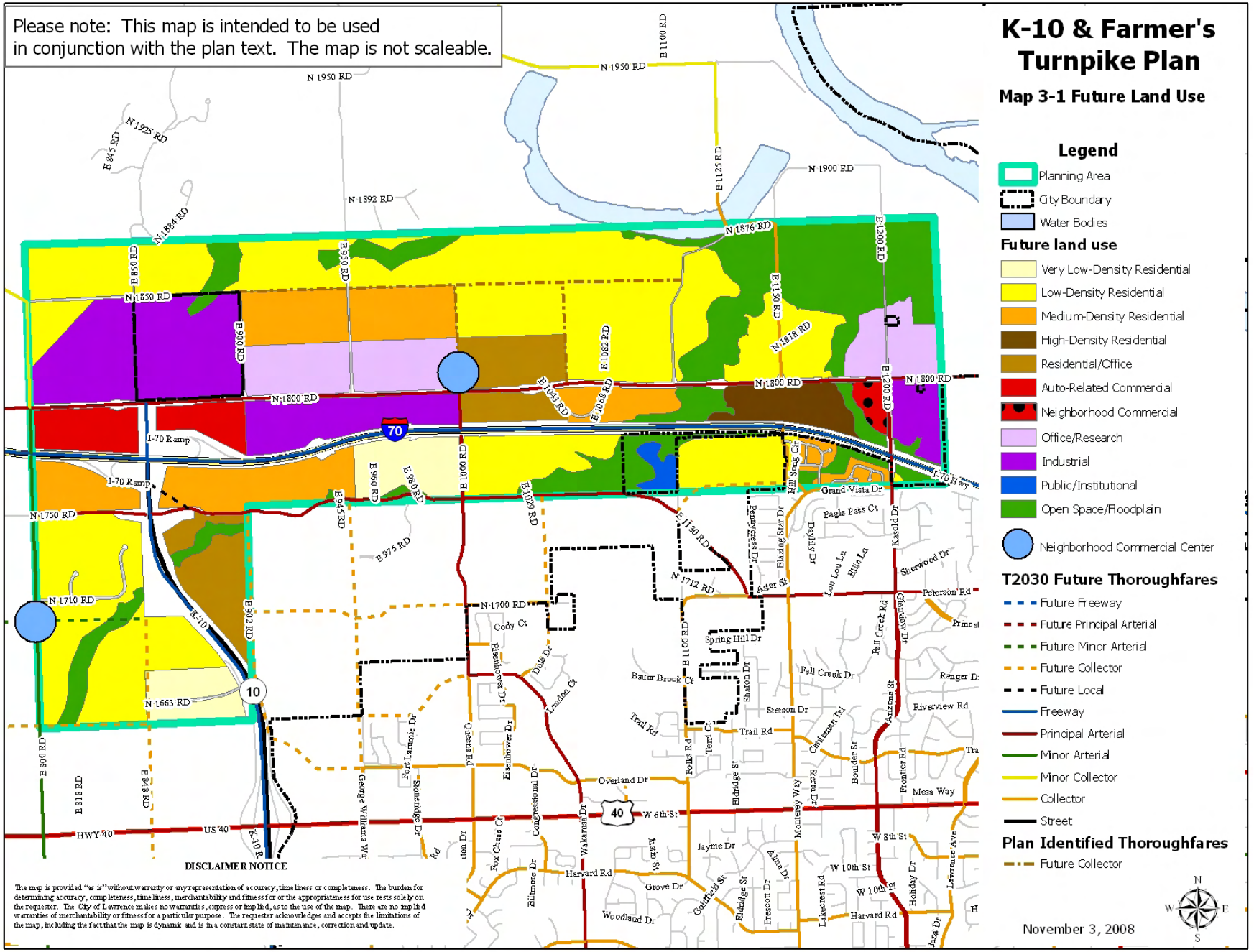
Mayor Amyx said that was absolutely wrong.

Emerling said she would like to have the Mayor explain to the general public the sequence of events, the parties that were present, and in the newspaper. Again, she said generally speaking, the sector plan had something to be resolved which was her belief and shared by others. She said there was so much going on and knew that it had not come to a place where they could be working for something similar to make work. She said they would like to have a different setting on this course, but it would not begin on the basis on entering into another piece of island annexation. She said if there was any way to commit to discussions outside and apart, it would be something the entire area would be willing to do.

Mayor Amyx said he believed that everything deserved its day in court and this was the opportunity to send this item to the Planning Commission for recommendation as to whether or not this property should be annexed. If anything was to change through

that process the property owners in that area would have the opportunity to be a part of the process because that was how the process worked.

Moved by Johnson, seconded by Chestnut to receive the annexation (A-9-3-10) request of approximately 51.13 acres, located at the southwest corner of North 1800 Road (Farmers Turnpike) and E 1000 Road (Queens Extended) and refer the item to the Planning Commission for recommendation. Motion carried unanimously.


Please note: This map is intended to be used in conjunction with the plan text. The map is not scaleable.
K-10 & Farmer's Turnpike Plan
Map 3-1 Future Land Use
Legend
Planning Area
City Boundary
Water Bodies
Future land use
Very Low-Density Residential
Low-Density Residential
Medium-Density Residential
High-Density Residential
Residential/Office
Auto-Related Commercial
Neighborhood Commercial
Office/Research
Industrial
Public/Institutional
Open Space/Floodplain
Neighborhood Commercial Center
T2030 Future Thoroughfares
Future Freeway
Future Principal Arterial
Future Minor Arterial
Future Collector
Future Local
Freeway
Principal Arterial
Minor Arterial
Minor Collector
Collector
Street
Plan Identified Thoroughfares
Future Collector
November 3, 2008
DISCLAIMER NOTICE
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October 25, 2010

Dear Commissioners,

The membership of the Scenic Riverway Community Association wish to share with the Commissioners our thoughts on the proposed annexation and rezoning of the 51 acre site located on the Farmer's Turnpike. We strongly oppose this application based on the following:

Historical Planning Considerations. The community has a rich history of adverse consequences resulting from abrupt departure from comprehensive plans. The South Lawrence Trafficway is an example. Plan 95, adopted in 1977, envisioned a circumferential road connecting I-70 to K-10 east of the city, looping to the west south of the Wakarusa River, and continuing north to North 1800 Road (Farmers' Turnpike). Instead of implementing this plan, or carefully reviewing alternatives, a controversial road has awaited completion for a quarter of a century.

For over 35 years the comprehensive plan projected industrial growth south of K-10 on the eastern edge of Lawrence. This designation appears to have been insightful – particularly if K-10 and I-70 were linked in this area. Based upon the expectation of industrial land use, transitional zones could be planned and land values would adjust to this long-range forecast. Conversely, when a large tract of ground in the northwest was reclassified for industrial use, many existing properties were adversely impacted. This is the kind of situation that comprehensive planning is designed to avoid.

Future Planning Considerations. Lawrence has a significant amount of land within the city limits (much of it platted) zoned for residential, commercial, and industrial use. Improved commercial and industrial properties are available. Land and facilities are available to accommodate the bioscience initiative, which represents the most promising activity in support of economic development. Approximately, 20 years ago (based on informed demographic calculations) a need for 1,000 acres of industrial ground was forecast. This model assumed an annual 2% population growth and industrial site demand based upon historical data. Population growth has slowed dramatically and, more importantly, industrial growth is one of the slowest performing sectors in the US economy. There is little likelihood that traditional industrial

development will play a significant role in attracting new businesses to the Lawrence community.

Before pressing ahead with plan modification, annexations, and rezoning, it would seem wise to undertake an analytical process to reasonably forecast the community's land use needs over the next 20 years. It is a generally accepted planning rule that the Urban Growth Area represents where and how a community will grow over the next 20 years. The Urban Growth Boundary for Lawrence appears to be way too expansive and lacks comprehensive land use definition. The comprehensive plan and Urban Growth Area should be tightly coupled with infrastructure master plans. When land developers are allowed to dictate the direction and nature of development, these valuable planning documents become unsynchronized.

Planning for industrial growth should evaluate several scenarios. Building sites in and around the Santa Fe Industrial Park should be investigated and inventoried. Infrastructure is readily available. Because Kansas City is becoming a major inter-modal distribution center, it appears probable that K-Mart will relocate its facilities away from Lawrence (the cost to move freight by rail is 10% of the cost of truck transport). Lawrence should prepare and plan for this event. Redevelopment of the Farmland site will provide opportunities for growth that should be incorporated into the planning process. Land on the west side of the SLT near Highway 40 is planned for industrial development. This site provides easy access to I-70.

Infrastructure and Fiscal Implications. Annexation is the first step toward developing an area. Normally, the extension of infrastructure is well planned and imminent prior to annexation. Other than sending a clear signal with respect to the direction of development, annexation without intent to extend infrastructure would appear to be premature and pointless. If major development northwest of Lawrence is to be undertaken, the fiscal impact should be carefully measured. The decision to locate the new wastewater treatment facility on the extreme southeast edge of Lawrence was based, in part, on future growth south of the Wakarusa River. The plant will progressively serve thousands of acres of development with gravity-flow sanitary sewer lines. This plan for development is cost-effective. In contrast, large-scale sewer demand northwest of Lawrence will require construction of a major trunk line to covey sewage to the new treatment plant. This plan for development will be very expensive. If development pressure is to continue in the northwest, at a minimum, an engineering study should be commissioned to determine the fiscal implication.

Island annexation is a negative phrase among professional planners. Only in very rare circumstances does this municipal action make sense. The East Hills Business Park may be an example of a defensible exception. It would have been difficult to accomplish a contiguous annexation. There was a need for industrial sites and a plan

in place to immediately extend infrastructure. It would be difficult to find examples across the country of communities engaging in speculative island annexations with no immediate plans to extend infrastructure. Not only does this practice serve no clear purpose, it may create barriers for responsible land use in the future.

Farmer's Turnpike Sector Plan Review. This plan was adopted without the benefit and inclusion of the resident stakeholders input from the sector area or as a part of a master plan. It was initiated and undertaken for a single property owner. The plan concepts by the Neighborhood Association were not adequately represented in the public forum by staff. The Neighborhood Association's ideas and were not included in the adopted document.

Upon annexation of the 155 acre property at the intersection of K10 and Farmers Turnpike, the City Commissioners stated there would be no city funding for utilities to the property for the foreseeable future. The commenting Commissioners and Planning Staff stated that the Sector Plan did not commit this area to specific zoning, only to broad conceptual ideas for urbanization and that it was a plan to evolve over the next 20-30 years. Moving forward on additional new annexations and rezoning within a year's time, is a breach of promise from what was understood by the sector area residents.

In Summary. Before further annexation and rezoning, there needs to be a comprehensive plan tightly coupled with infrastructure master plans. (Utilizing the Charrette Planning Process would be a great option.) This would result in public awareness of the master plan and how we'll get there, prior to any submissions of changes into the City or County.

We can develop a plan that everyone can support.

The members of the Scenic Riverway Community Association respectfully request that the Planning, City, and County Commissioners reject this annexation and subsequent rezoning application, based on the above.

Sincerely,

David J. Ross
President
The Scenic Riverway Community Association

The Scenic Riverway Community Association is a Neighborhood Association of Households in the Northwest Area of Douglas County.

October 23, 2010

Re: Proposed annexation of 51.13 acres at N 1800 Road & E 1000 Road

Lawrence-Douglas County Planning Commissioners:

Thank you for giving me the opportunity to address the Planning Commission on this important issue, and I appreciate you taking the time to read my comments.

I strongly urge you to deny the annexation request for the 51 acre property located at N 1800 Road & E 1000 Road.

This is the first proposal for annexation in this area since the K-10 & Farmer's Turnpike sector plan was approved in January 2009, and this will set the precedent for all the future annexations in this area. I urge you to think more closely about annexation and development in this area before proceeding.

It is not in the best interest of the community at large to develop and/or extend the existing city infrastructure at this time to support this annexation request.

Currently the public investment to extend infrastructure to this site is too high, and the investment return is too low for this site. In September of this year, the city acquired the former Farmland Industries site, which is many times better suited to industrial development than the green-field site at N 1800 Road & E 1000 Road as proposed for annexation. Brown-field sites such as the former Farmland Industries site should be developed prior to green- field sites.

The lead editorial of the Lawrence Journal World on October 1, 2010 carries the message that Lawrence has acquired an industrial site with "significant economic development potential". The Farmland site has infrastructure already in place, and we should be looking to develop sites like Farmland before we consider an island annexation into the city where no infrastructure exists.

Given our current economic climate, the time is not right to proceed with annexation of this site. At some point as the city grows, the extension of infrastructure will be required, and annexation and development should be done at that time. However, now is not the time to annex another piece of property that is outside the current urban growth area. Instead, I urge you to reconsider the development and zoning possibilities for the K-10 & Farmer's Turnpike plan, and together the community can come up with a plan for the future that will benefit all parties.

To recap, this is the first proposal for annexation in this area since the K-10 & Farmer's Turnpike sector plan was approved in January 2009, and this will set the precedent for all the future annexations in this area. I urge you deny the request for annexation.

Thank you,
Darrel Ward

October 23, 2010

Re: Proposed annexation of 51.13 acres at N 1800 Road & E 1000 Road

Dear Lawrence-Douglas County Planning Commissioners:

I strongly urge you to deny the annexation request for the property located at N 1800 Road & E 1000 Road.

There's been a lot of talk about sustainability in Douglas County lately, and one of the sustainability issues that applies to this particular annexation request are the Class I & II soils that make up part of this property. Between 40%-45% of the soil in this property are Class II soils. According to the US Department of Agriculture, this soil is classified as Sharpsburg silt loam, and "is well suited to all crops commonly grown in this county".

There is a significant enough presence of Class I & II soils in the K-10 & Farmer's Turnpike plan to warrant closer consideration of the protection of Class I & II soils within this area.

Various Planning Commissioners have publicly stated that Class I & II soils should be protected resource in Douglas County. I would offer that agriculture is the highest and best use for these types of soils. I don't think I need to remind anyone that when land is removed from agriculture it is removed from agriculture forever as there is no replacement.

The K10 & Farmer's Turnpike plan is not a static document, and it's reasonable to expect that the document will be updated periodically to reflect changes in planning/development best-practices, such as the protection of Class I & II soils.

Referring to documents presented to the Planning Commission on May 26, 2010 by Barbara Clark, Assistant Professor of Environmental Soil Science at Kansas State University, as of 2005, 38.6% of all Class II soils in Douglas County have been developed. As a community we really need to stop and take a hard look at the loss of these soils to development, and balance that the need for development with the preservation of scarce & irreplaceable agricultural resources.

The site at N 1800 Road & E 1000 Road is actively farmed, and has been actively farmed for many, many years; more years than I can remember. This isn't idle farmland, a pasture, or even a hay field. It's actively farmed in row crops. The annexation and subsequent rezoning of this property to an industrial site will remove active and profitable farm land from the books; this farm ground will simply cease to exist.

It is simply not in the best interest of the community at large to develop our Class I & II soils and it is simply not in the best interest of the community to approve this annexation request at this time.

Thank you for allowing me to participate in the discussion of this issue, and thank you for taking the time to consider my comments.

Sincerely,
Lynn M. Ward
922 N. 1800 Road
Lawrence, KS 66049

From: Funksters5@aol.com [mailto:Funksters5@aol.com]
Sent: Sunday, October 24, 2010 11:40 PM
To: Sandra Day; cblaser@sunflower.com; lharris1540@gmail.com; bradfink@stevensbrand.com; laraplancomm@sunflower.com; rhird@pihhlawyers.com; charlie.dominguez@therenewgroup.com; MontanaStan62@gmail.com; ksingleton@kcsdv.org; bruce@kansascitysailing.com; mikeamyx515@hotmail.com; aroncromwell@gmail.com; ljohnson@peridiangroup.com; mdever@sunflower.com; robchestnut@sunflower.com; mgaughan@douglas-county.com; nthellman@douglas-county.com; jflory@douglas-county.com; David L. Corliss; Scott McCullough

Subject: annexation 51 acres

I am writing to oppose the annexation and rezoning of 51 acres along the Farmers Turnpike. This property is sandwiched between a historic 150 year old stone farmhouse and barn and a church. It doesn't seem like IG should be the creamy center here. The sector plan has this area colored in office research purple.

The sector plan I am referring to was rammed through in a record three months. Planners ignored input from area neighbors. Proper planning, which usually takes upwards of 24 months, has been given to other areas such as the Northeast area plan but has been neglected in the Northwest area plan. Its because of injustices like this that there is a lawsuit.

The area neighbors attempted to resolve the lawsuit involving 159 acres at the I-70 Lecompton interchange with a compromise of a lower zoning but was shot down by the developer. I think the city and governing bodies should be as uncompromising with this same developer and not yield to the intense IG zoning request of the 51 acres. I also think its only appropriate to be granted a new sector plan with input from the people who actually live here.

Loren Funk

984 North 1800 Road
Lawrence, Kansas 66049
October 24, 2009

By Hand Delivery
And email to Sandra Day

Lawrence-Douglas County Metropolitan Planning Commission
6 East 6th Street
Lawrence, Kansas 66044

Re: A-9-3-10; Z-9-13-10

Dear Commissioners:

We offer these comments in opposition to the proposed annexation and zoning change referenced above for approximately 51 acres located at the southwest corner of N. 1800 Road (Farmer's Turnpike) and E. 1000 Road (Queens Road). We own the property, approximately 65 acres, which is directly across the Farmer's Turnpike to the north and reside in our home on that property.

Our opposition is based on the following:

As to the annexation,

1. An island annexation, which this would be, is unsound planning. If land in the subject area is to be annexed into the City it should not be done on a piecemeal basis but rather should be done as a whole in areas that are contiguous to the City and from which infrastructure could be extended, and only then after a full opportunity for input from affected property owners.
2. To be useful for the proposed zoning, infrastructure (water and sewer) would have to be extended. There is no present estimate of the cost to the City of such an extension. To annex the land before such cost is known and how that cost would be covered is putting the cart before the horse.
3. As the commission knows, this proposal follows a previous island annexation in this area. Objections were raised to that annexation and in the course of the approval of that annexation, residents of this area who objected were told that exceptional circumstances justified the approval, and, further, that the City was not beginning a process of piecemeal island annexations.

As to the zoning,

1. The property's present use is agricultural - row crops - has been so used for as long as anyone living in this area can remember. Soil maps indicate a substantial portion of the property contains Class 2 soil. We understand that the property is presently platted for residential development. In any case, the requested IG

zoning, by the City's own zoning classification language, is inconsistent with residential uses. In addition to our residence, there are several other residences within the immediate view shed of the property.

2. Without infrastructure, the property has no meaningful potential as IG zoned property.
3. It appears that the City has ample IG zoned property available for development, property that has needed infrastructure.
4. In view of the adjacent residential properties, if there is a zoning change it should be to a more limited classification that is considered consistent with residential uses and even that should be conditioned upon appropriate mitigation measures, such as noise and light limits, the construction of berms, and access should be limited to Queens Road.

General comments as to both,

1. We have read and agree with the comments submitted by David Ross on behalf of the Scenic Riverway Community Association.
2. We participated in the process that led to the island annexation referred to earlier. As you no doubt know, that process was contentious and led to an outcome that remains legally unresolved. Of greater importance, that process did not produce the desired outcome, i.e. the location within the annexed area of a warehouse for a local manufacturer that the City and County and Chamber of Commerce want to retain in Lawrence/Douglas County. We do not want to rehash that matter except to say that the Scenic Riverway Community Association made proposals directly to the affected landowners/developers, the manufacturer, and to representatives of the City and County that would have permitted the warehouse to be built and would have led to an immediate settlement of the legal issues. We were disappointed that those proposals were rejected out of hand. We bring this up to indicate we accept the fact that land uses change and property owners should have the ability to direct the uses of their land. But the inevitability of change and the rights of owners to take advantage of such change should not be without regard to or entirely inconsistent with the desires and rights of other property owners to continue with long established uses. In that regard, we reside in a house and on property that have been in continuous use as rural, agricultural, and residential for well over a century.

Thank you for your consideration of our concerns.

Cynthia Haines James Haines

Steve McDowell
1846 East 900th Road
Lawrence, Kansas 66049

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

Dear Ms. Day,

I am writing to express my opposition to A-9-3-10, the proposed annexation of 51.3 acres, located at the southwest corner of N 1800 Rd and E. 1000 Rd. Until there is an analysis of the costs associated and a plan to develop infrastructure to said annexation this action is premature.

As a resident in the area I listened intently to the Commission when it decided to annex the 155 acres a half mile west of this property. The Commissioners at that meeting stated that this was a unique situation and would not result in a domino effect of more island annexations in this area.

I strongly encourage the planning commission recommend not to annex this property.

Sincerely,

Steve McDowell

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 6B: A-1 TO IG; 51.13 ACRES; SOUTH OF N 1800 ROAD & WEST OF E 1000 ROAD (SLD)

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

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for 51.13 acres from County A-1 (Suburban Home Residential) to City IG (General Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Applicant's reason for request: *"This site is designated for industrial land use in Horizon 2020 and the K-10 & Farmer's Turnpike Plan that have been adopted by the Lawrence City Commission and the Douglas County Commission. This site has recently been reviewed by the City and county staff and a potential industrial user very favorably."*

KEY POINTS
- Sector plan identifies property as suitable for industrial development.
- The property has immediate access to an improved arterial streets and close proximity to the I-70/K-10 Lecompton Interchange.
- Annexation of property requires designation of a suitable city zoning district.

ATTACHMENTS
- Area map.
- Table of uses.

GOLDEN FACTORS TO CONSIDER
CHARACTER OF THE AREA
- The area is primarily rural/agriculture in nature, but within close proximity to 155 acres of IG zoned property.

CONFORMANCE WITH *HORIZON 2020*
- The proposed request is consistent with land use recommendations found in *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan.*

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Approval and publication of annexation ordinance (A-9-3-10).
- Subdivision approval required as a pre-development step.
- Site plan approval required as a pre-development step.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone call requesting information regarding proposed use of property.

Project Summary:
This property includes 51.13 acres as a single parcel. The property has frontage along the abutting County roads. The proposed request is for rezoning the property to IG (General Industrial).

GENERAL INFORMATION

Current Zoning and Land Use:	County A-1 (Suburban Home Residential) District; existing agricultural field.
Surrounding Zoning and Land Use:	To the north; A (Agricultural) District; existing farms and residences. To the south; A-1 (Suburban Home Residential) District; Oak Ridge Estates Subdivision. Includes developed and undeveloped residential lots and Morningstar Christian Church. To the east; A (Agricultural) District; existing field. To the west; A (Agricultural) District; existing field and residences.

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

Staff Finding -- The surrounding property is predominantly zoned A (Agricultural). The area south of I-70 is zoned A-1 Suburban Home Residential. Development of the A-1 area includes single family homes and a church. Agriculture is the primary land use in the area. N 1800 Road (Farmer's Turnpike) and the I-70 Kansas Turnpike are located along the north and south property lines.

II. CHARACTER OF THE AREA

Applicant's Response: *"The neighborhood is presently rural in land use, surrounded by arterial streets and planned for more intense uses. It is transitional. It is west of a major industrial area. It is located at the intersection of two arterial roads (Farmer's Turnpike and Queens Road.)"*

This area includes agriculture and rural residences. The area also contains the corridor of I-70, an interstate highway, and N 1800 Road, Farmer's Turnpike, which is classified a principal arterial on the Major Thoroughfares Map. The site is .5 miles from a 155 acre site that has recently been rezoned to IG and annexed into the City.

Staff Finding -- This area is currently rural and contains farmland, rural residences, a 155 acre IG zoned property, and is in close proximity to a major transportation corridor.

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

Applicant's Response: *"The property is currently suitable to agricultural; but the development of the industrial to the west, the major roads that surround this site and the need for industrially zoned property makes this site less suitable for continued agricultural use."*

The request is to rezone the property to the IG Zoning District which permits industrial uses such as manufacturing and warehousing uses. The property is currently zoned A-1 (Suburban Home Residential) District which permits residential development, when subdivided. This property is separated from the developing residential subdivision to the south by the Kansas Turnpike (I-70 Highway). The property is not currently platted for residential subdivision.

The property is within the boundary of the *K-10 and Farmer's Turnpike Plan* and within an area designated for future industrial development.

Staff Finding -- The property, as zoned, would allow for continued agricultural uses or development of suburban home residences. Approval of the request will convey the intent of future land use development as industrial and prevent unintended development conflicts.

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

Applicant's Response: *"It is not vacant as zoned. It has been agricultural since before any zoning was adopted."*

The property is currently undeveloped. The property was rezoned from A to A-1 in 2000 for residential development. A resolution was published in the spring of 2001 officially amending the county zoning map (Z-09-35-00; A to A-1; 50.96 acres [Resolution 01-11]).

Staff Finding – The property is undeveloped. It is being used for agricultural purposes.

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

Applicant's Response: *"The property is surrounded by two primary arterial streets on the east and north and by an interstate highway on the south and planned industrial property on the west. It will have no detrimental affects on those properties."*

Upon annexation the County A-1 (Suburban Home Residential) District would not be appropriate. The property must be rezoned to a City of Lawrence zoning district. Zoning provides notice to prospective property owners of intended development.

The rezoning would permit the development of industrial uses permitted in the IG. The property is bounded on three sides by significant thoroughfares. It is isolated from development to the south by the I-70 highway. The highway is a large barrier that separates the developing residential uses from the proposed industrial use.

Approval of the request will require compliance with the Land Development Code with regard to building setback, screening and stormwater standards as well as lighting. These standards are more rigorous then the corresponding county regulations. Development impact will be more

fully mitigated than if developed as a county industrial zone. There is no specific development plan for the property at this time.

Approval of the request is consistent with recommended land use plans for the area. Approval will facilitate development consistent with recommendations for industrial development. A comparable residential zoning (County A-1 to City RS) would allow residential development contrary to planned industrial development causing land use conflicts that can be difficult to resolve or mitigate in the future.

Staff Finding – Approval of the request will provide notice, by mapping, of the intended land use for the area. Approval will limit the amount of future residential development in the immediate vicinity thus reducing the opportunity for development conflicts in the future. Annexation and zoning provide more regulatory control than currently exists in the County.

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

Applicant's Response: *"The public will see its long range plan for the area implemented and much needed industrially zoned property added to our inventory and identified as such before the planned residential uses in this area are implemented."*

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

If the rezoning request were denied, the area would remain in agricultural land uses or could be developed with residential homes permitted in the A-1 District. Denial of the rezoning request would maintain the permitted uses as established for the A-1 District during an interim period only. Denial of the rezoning request would defer the implementation of planned development to the future.

Staff Finding – Approval of this request assumes approval of annexation. As zoned, the site does not conform to the recommended land use for industrial development identified in the *K-10 and Farmer's Turnpike Plan.* Approval of the request will provide additional opportunities for industrial development adding to the city's economic tax base.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: "*It is consistent with the goals of Horizon 2020 and with the specific goals of the K-10 & Farmer's Turnpike Plan. It is near another IG site of 155 acres.*

Both *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* address development in this area. A key feature of Chapter 7 of *Horizon 2020* intends to: "*encourage site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development*." The chapter also defines various types of industrial uses. A specific development application has not been submitted.

Principal strategies of Chapter 7 include identification, development and maintenance of industrial and employment related areas. The property included in this request was identified in the *K-10 and Farmer's Turnpike Plan* as suitable for industrial development. Annexation and zoning are necessary steps required to develop the property with urban uses and services. Recent amendments to the plan include identification of 540 acres of industrial and office/research uses as identified in the *K-10 and Farmer's Turnpike Plan*[1].

A key strategy related to industrial development states:

- *Increase community involvement in economic development activities, by partnering with the local business community and area educational institutions to bring new technology and investment to the region for the purpose of meeting the economic development job growth goal of securing twenty thousand new jobs in Douglas County by 2020.*

Approval of this request facilitates opportunities for industrial development consistent with adopted plans.

The locational criteria for industrial development are not altered by changes to Chapter 7. This site meets several of the criteria specifically noted in *Horizon 2020*:

Location Criteria	**Finding**
Have feasible access to Federal and State transportation networks.	This site is approximately 1 mile from the nearest interchange on I-70.
Be of adequate parcel size, generally over 40 acres.	This Site is approximately 51 acres.
Lie primarily outside of the regulatory floodplain.	This site is not encumbered by regulatory floodplain.
Have minimal average slopes.	Slopes across this site are less than 6%.

Horizon 2020 speaks to preservation of high-quality agricultural land. The north portion of this property along N 1800 Road and an area in the central portion of the site include class II soils, but no class I soils. While the subject property contains class II soils, the soils are isolated and exist in a strip pattern and in small amounts relative to areas where significant contiguous amounts exist in Douglas County, such as are found in Grant Township. When weighing the goal of protection of class II soils for this specific location against the transportation system and the criteria that supports industrial land use, the property is well suited for industrial development.

The reader should refer to the annexation report (A-9-3-10) for a complete discussion of available services to the site. Depending on the specific use for the site interim plans may be needed to serve the property. As discussed in the annexation report, this property is located in the Lawrence Urban Growth Area.

The adopted *K-10 and Farmer's Turnpike Plan* designates the area along N 1800 Road between E 1000 and E 900 as suitable for Office/Research (north of N 1800 Road) and Industrial (south

[1] Draft Chapter 7, Lawrence – New Industrial Areas pending full adoption November 2010

of N 1800 Road). The intent of the industrial use is described in section 3.2.1.8 of the area plan as follows:

> *"…to allow for moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation."*

Staff Finding -- The proposed rezoning request conforms with *Horizon 2020* policies related to industrial development. Further, the proposed request conforms with the land use recommendations of the *K-10 and Farmer's Turnpike Plan.*

STAFF REVIEW

A specific development proposal has not been submitted with this request. The subject property is located on the south side of N 1800 Road and north of I-70 on the east side of E 1000 Road. Approximately 51 acres are being requested to be rezoned from the A-1 (Suburban Home Residential) to the IG (General Industrial) District. The site is also located in proximity to the Lecompton/I-70 Interchange.

The 155 acres located to the northwest of this property began the implementation of the *K-10 and Farmer's Turnpike Plan.* Staff recognizes that industrial development typically includes a lengthy timeframe. *Horizon 2020* acknowledges the need for industrial development for job growth. The plan encourages adequate site availability. Approval of the rezoning allows additional opportunities to market and development industrial projects.

If this request is approved, additional development standards including platting, site planning, and compliance with applicable design guidelines will be considered with future development applications.

Figure x. Subject property ☐ ; I-70 Interchange **X**
Subject property to K-10/I-70 Interchange: approximately 1 mile

CONCLUSION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The development proposal meets the locational criteria required for approval. The rezoning request is compliant with recommendations in *Horizon 2020* and *K-10 and Farmer's Turnpike Plan*.

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Planning Commission
October 27, 2010

A-9-3-10 Annexation - approximately 51 acres

Z-09-13-10; A-1 to IG

A-9-3-10/Z-9-13-10

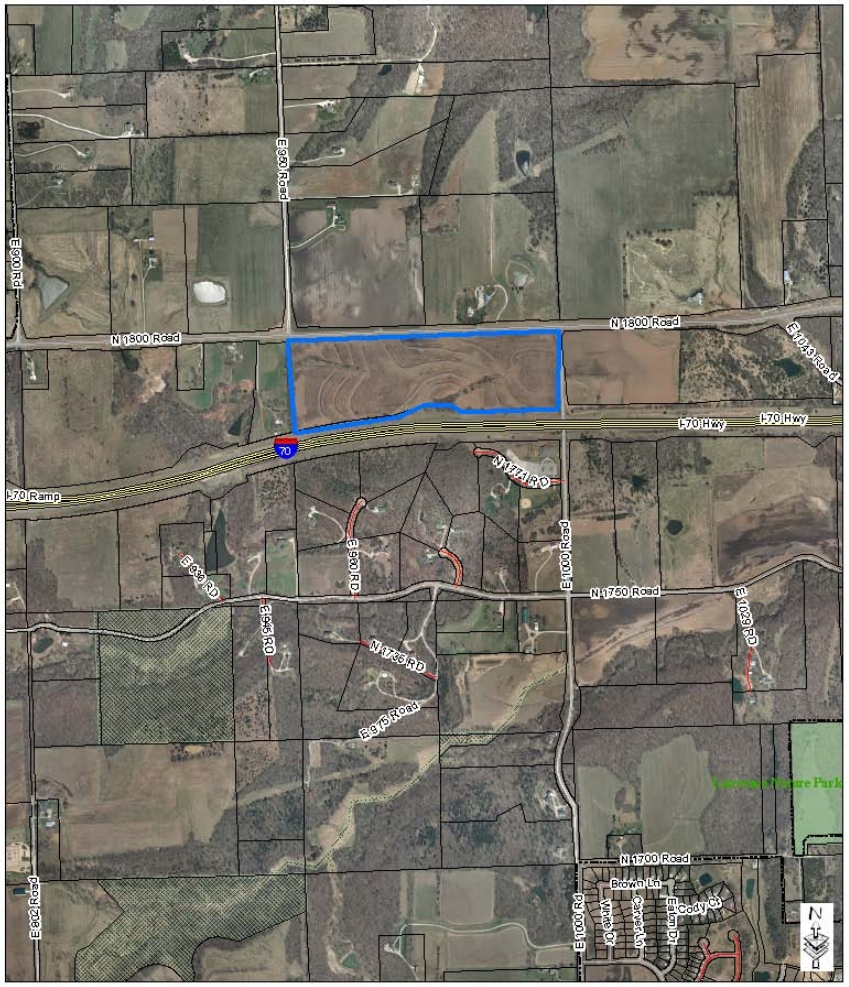
Subject Property

0 250 500 1,000 1,500 2,000 Feet

1 inch = 1,042 feet

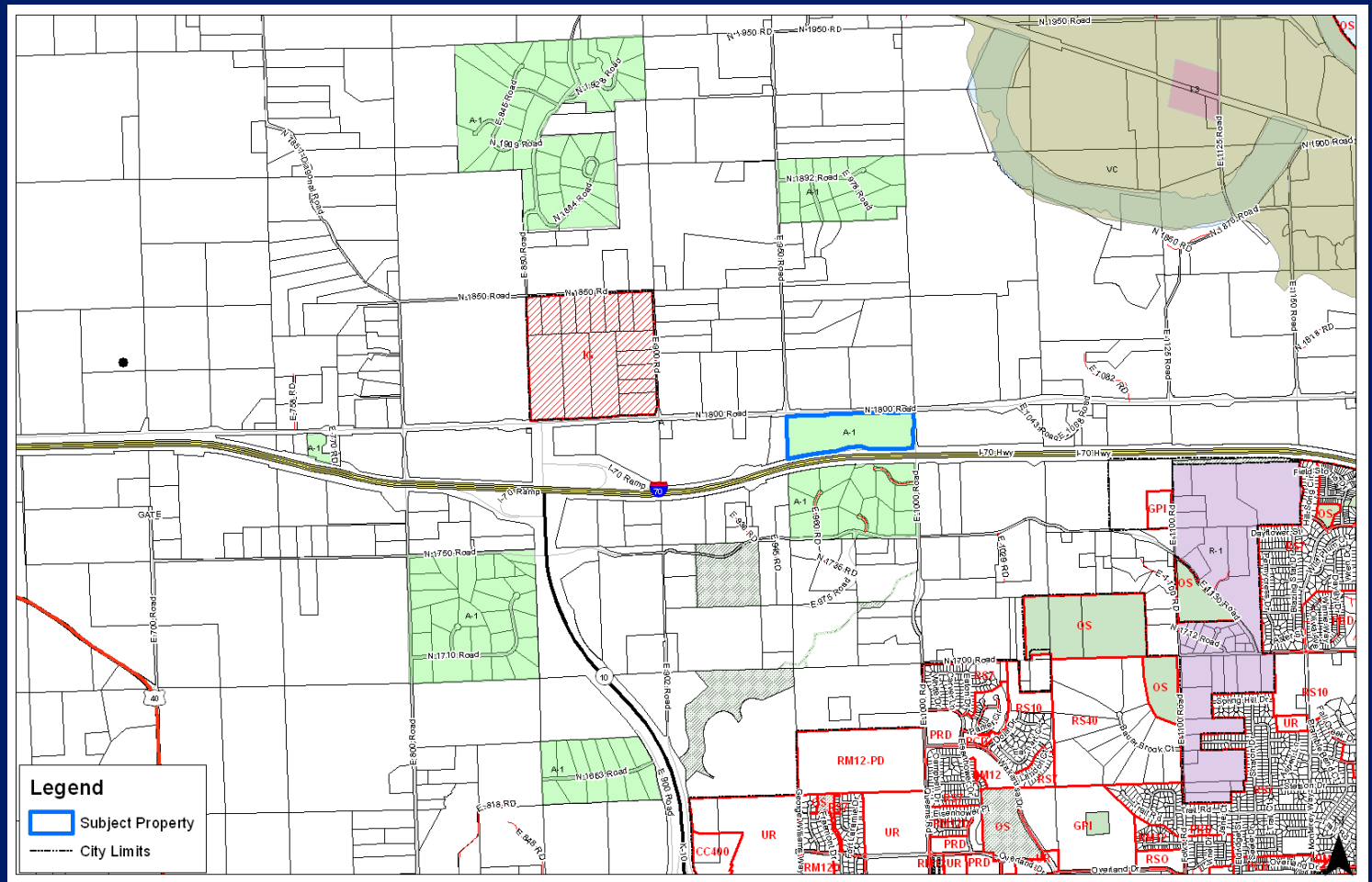
DISCLAIMER NOTICE

Proposed Annexation and Rezoning



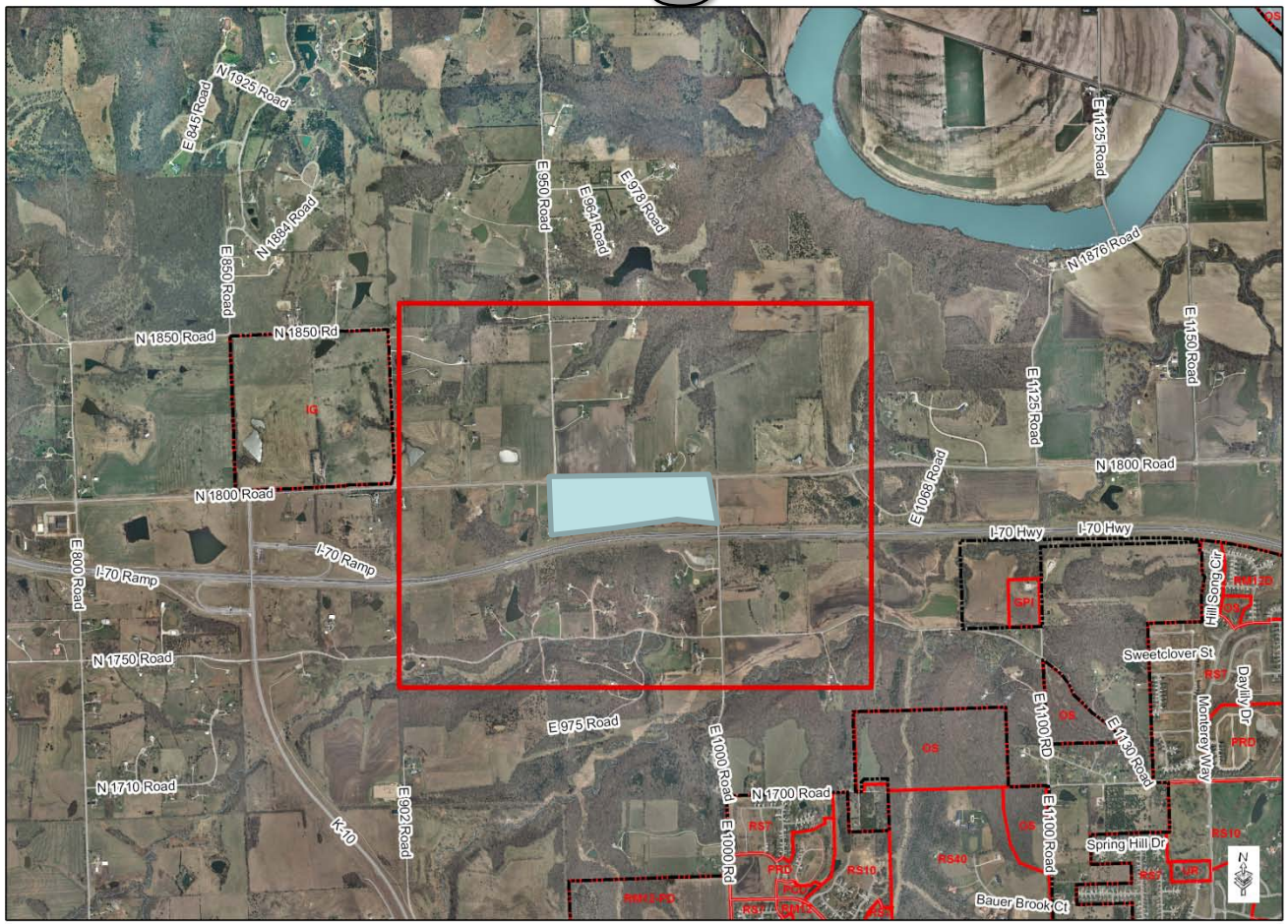
A-9-3-10/Z-9-13-10

Surrounding Zoning



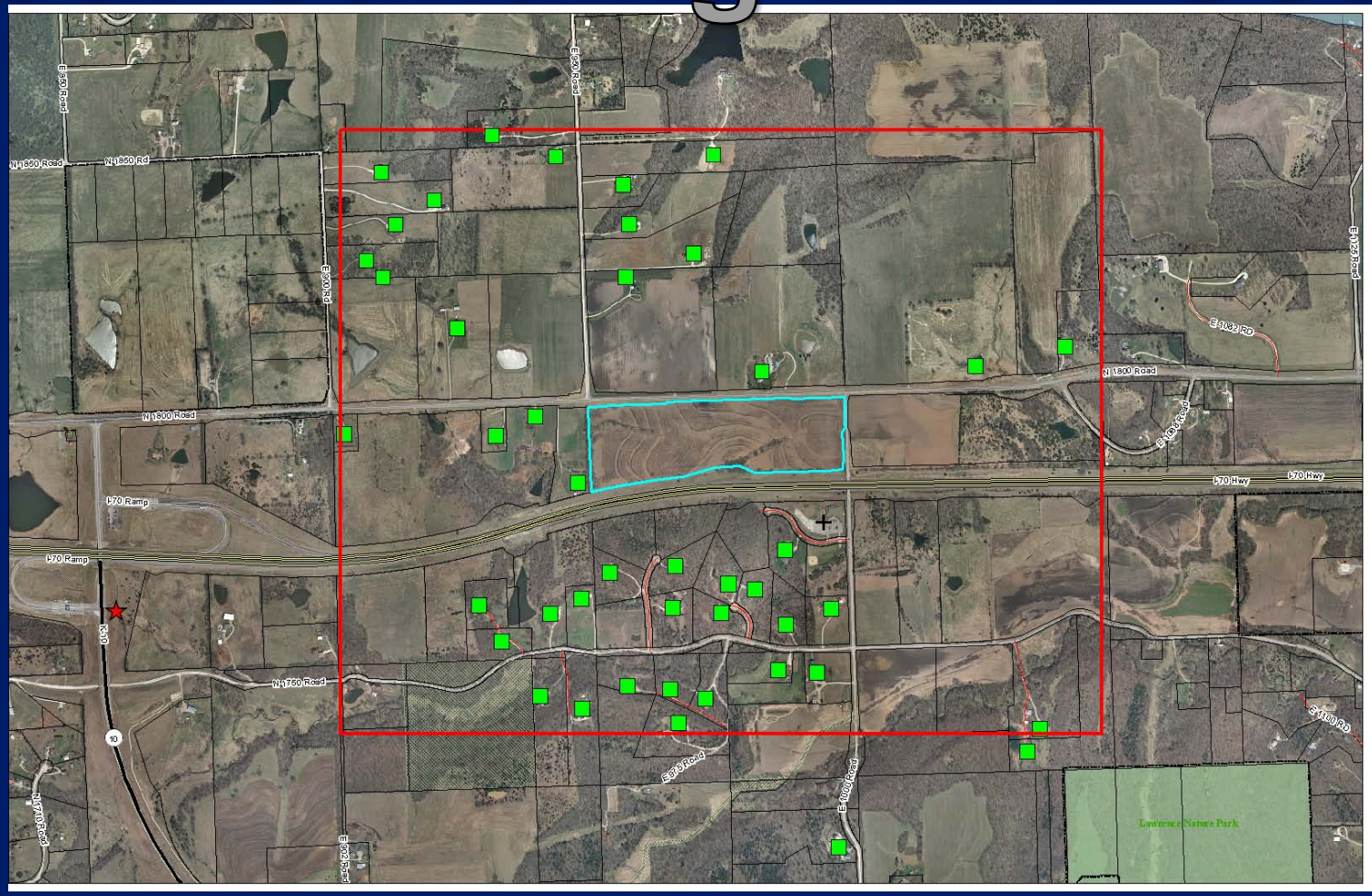
A-9-3-10/Z-9-13-10

Surrounding Land Use



A-9-3-10/Z-9-13-10

Surrounding Land Use



View Looking East along N 1800 Road

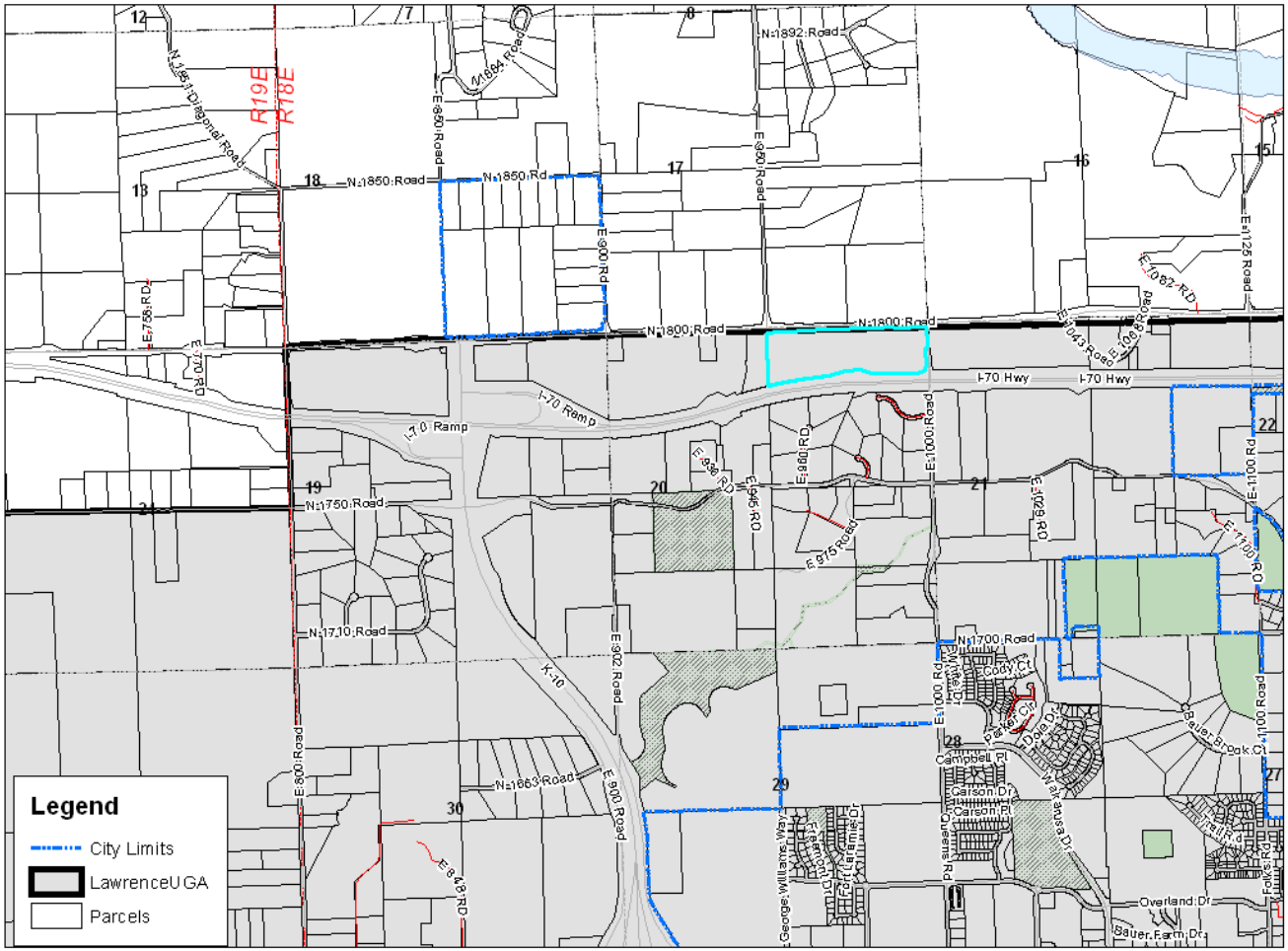
View Looking West along N 1800 Road

View Looking Southwest

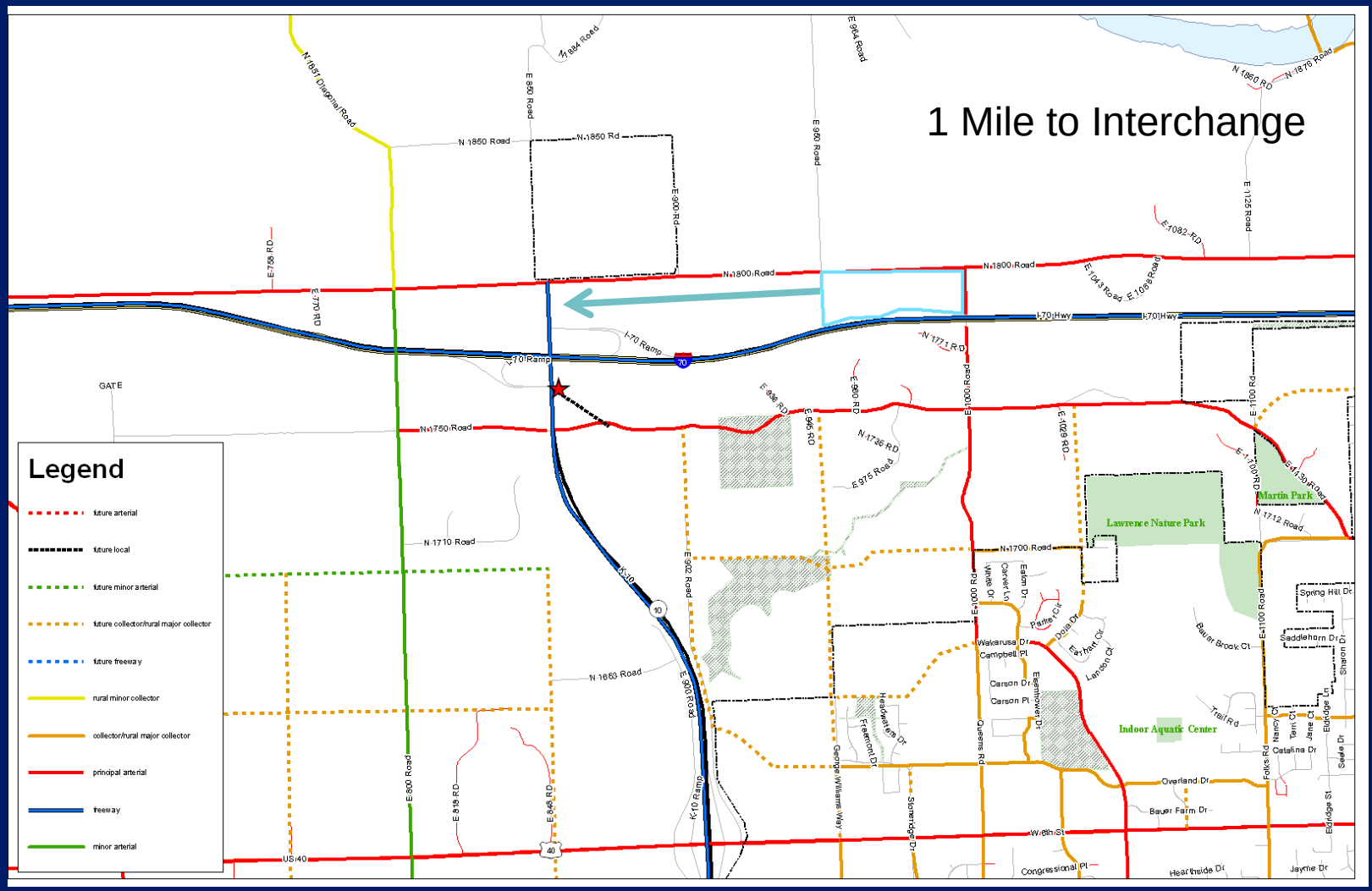
A-9-3-10/Z-9-13-10

Annexation – A-9-3-10; 51 acres

Urban Growth Area



A-9-3-10


1 Mile to Interchange
Legend
future arterial
future local
future minor arterial
future collector/rural major collector
future freeway
rural minor collector
collector/rural major collector
principal arterial
freeway
minor arterial
N 1850 Road
N 1800 Road
N 1750 Road
N 1710 Road
N 1663 Road
I-70 Hwy
I-70 Ramp
K-10
K-10 Ramp
US 40
E 800 Road
E 818 RD
E 848 RD
E 900 Road
E 950 Road
E 964 Road
E 1000 Road
E 1100 Road
E 1126 Road
N 1771 RD
N 1795 RD
E 975 Road
E 926 RD
E 996 RD
E 1082 RD
E 1043 Road
E 1069 Road
E 758 RD
E 770 RD
N 1851 Diagonal Road
N 1850 Rd
E 850 Road
N 1860 RD
N 1876 Road
GATE
Martin Park
Lawrence Nature Park
Indoor Aquatic Center
Spring Hill Dr
Saddlehorn Dr
Bauer Brook Ct
Walvarusa Dr
Campbell Pl
Carson Dr
Carson Pl
Eisenhower Dr
Freemont Dr
Headwaters Dr
George Williams Way
Overland Dr
Bauer Farm Dr
W 6th St
Congressional Pl
Hearthside Dr
Jayme Dr
Folks Rd
Catalina Dr
Trail Rd
Eldridge St
Eldridge Ln
Sharon Dr
Sadie Dr
Nancy Ct
Tom Ct
Jane Ct
Queens Rd
Stranahan Dr
Parma Ct
Dola Dr
Earlham Ct
Landon Ct
Carver Ln
White Dr
Eaton Dr

Proximitiy to Sanitary Sewer

0 260 520 1,040 1,560 2,080 Feet

1 inch = 1,000 feet

DISCLAIMER NOTICE

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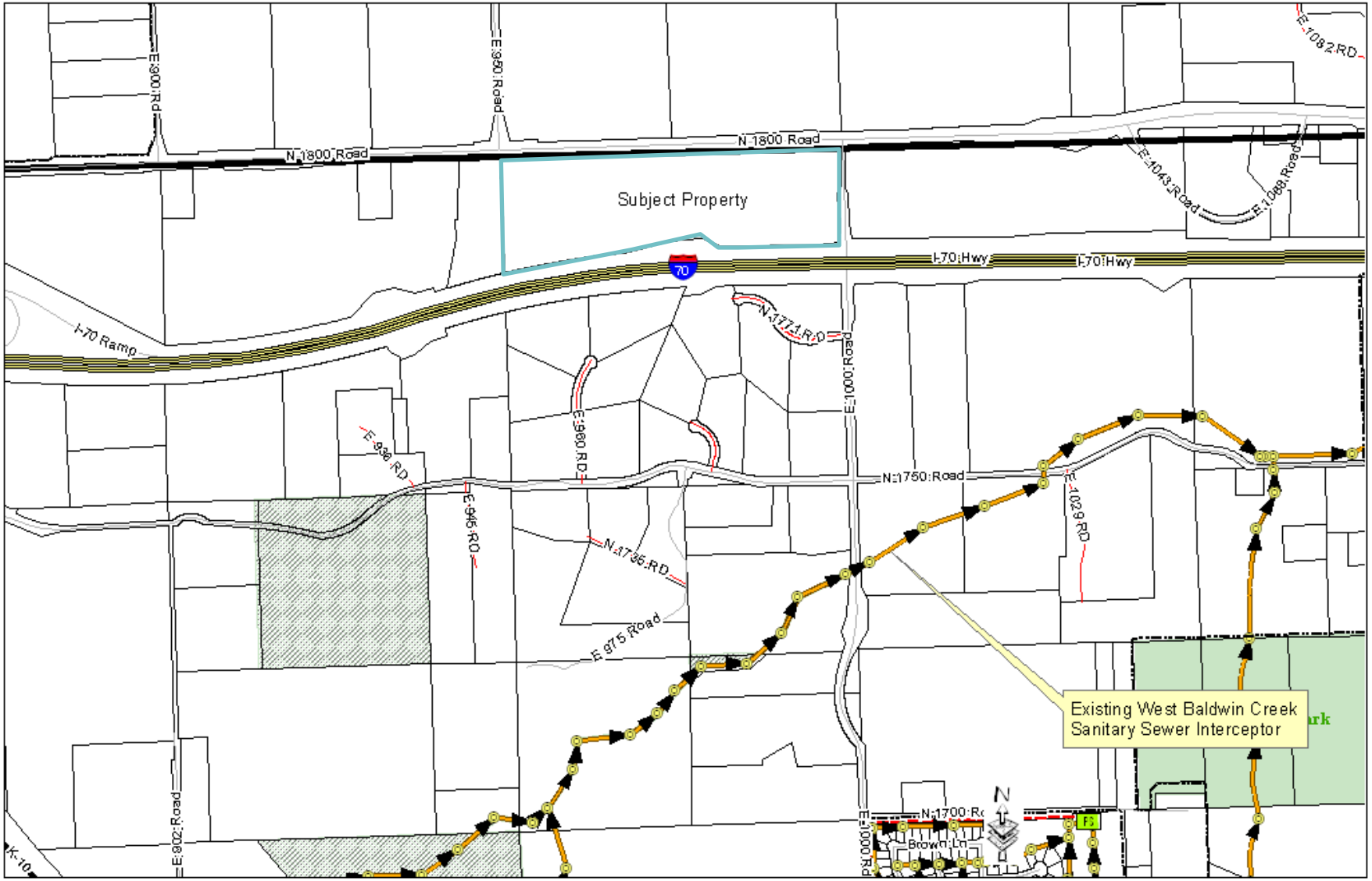


Date: 10/6/2010

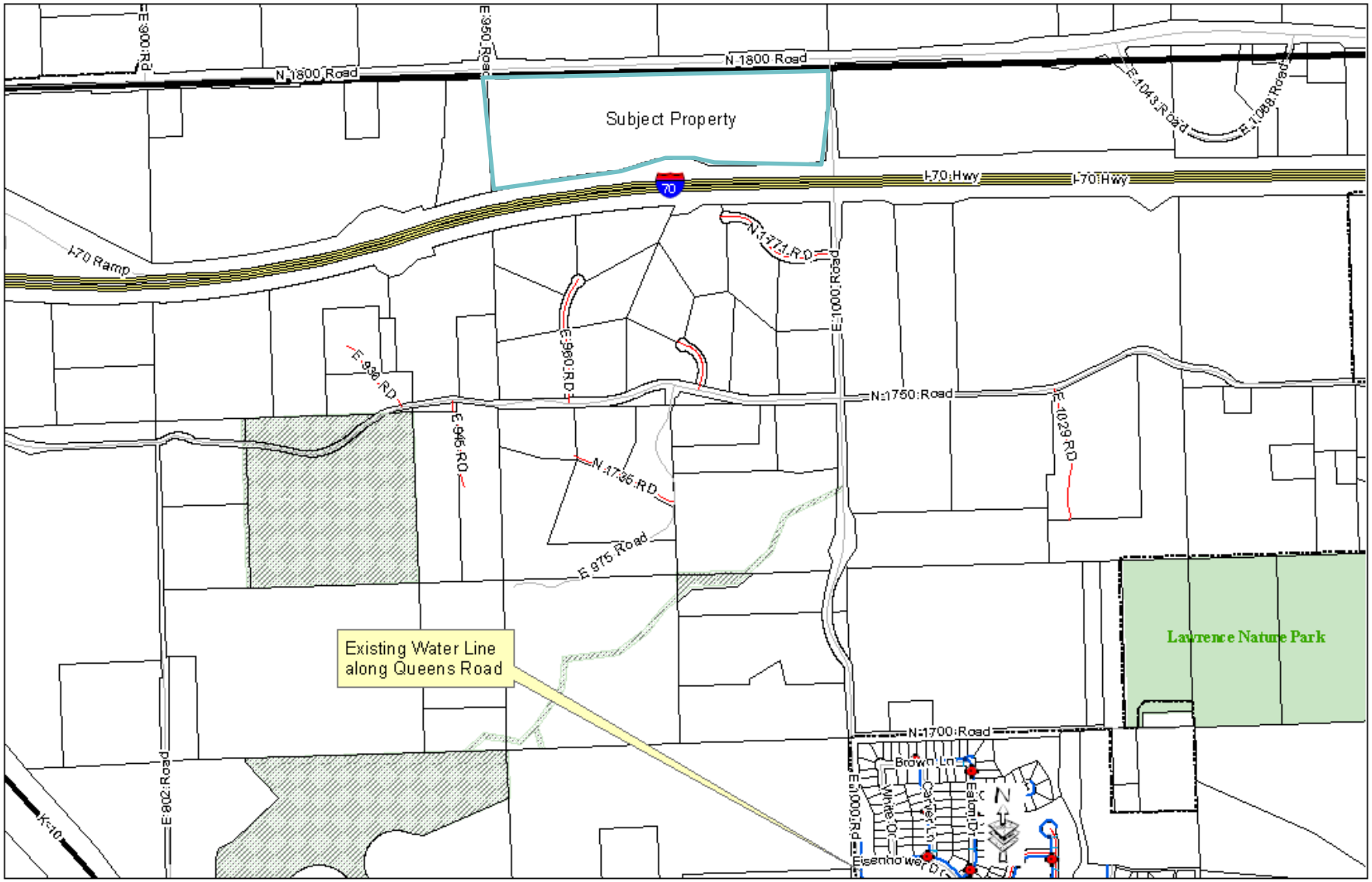
Proximitiy to City Water

0 260 520 1,040 1,560 2,080 Feet

1 inch = 1,000 feet

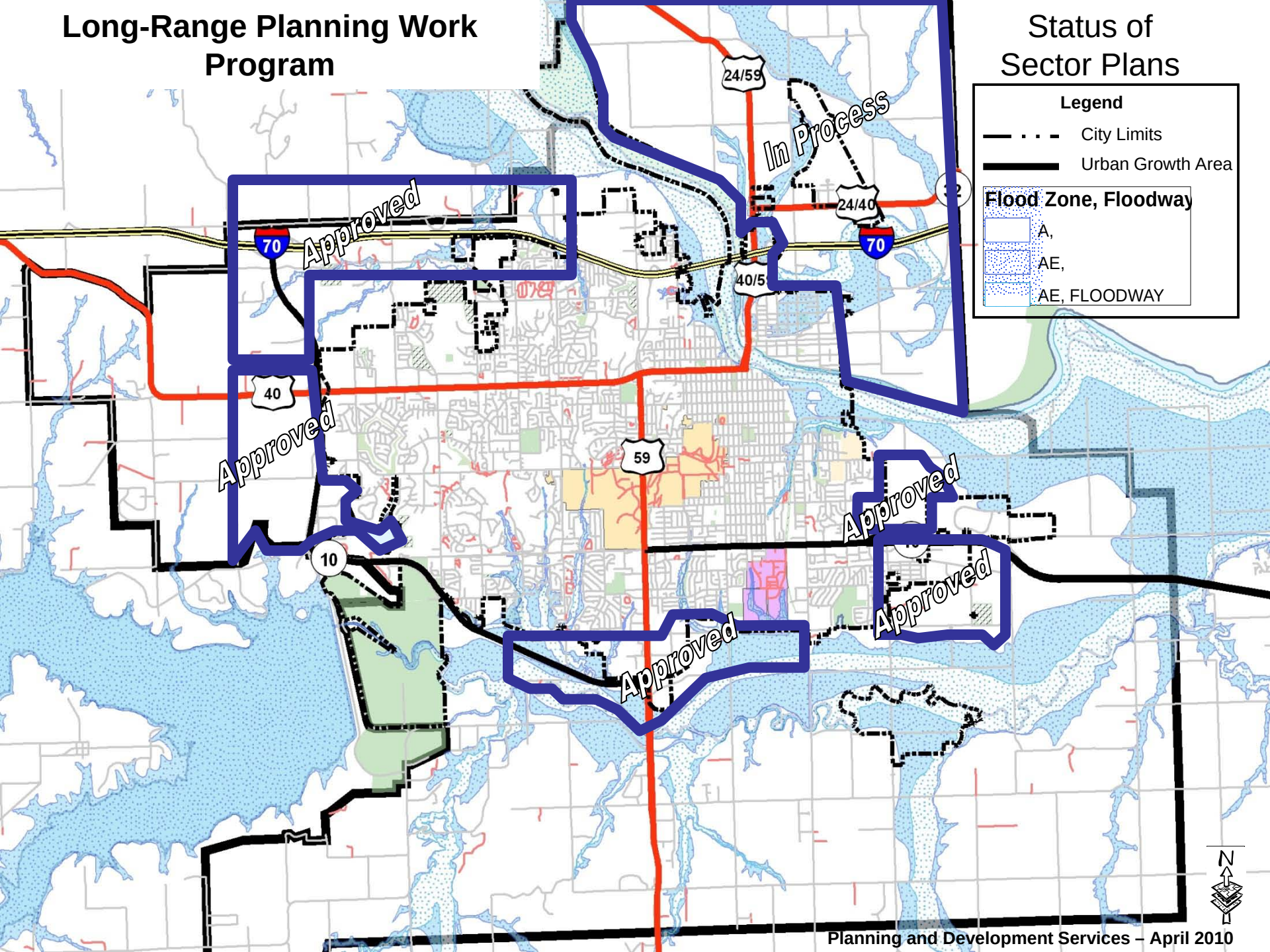
DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requestor. 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 requestor acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.



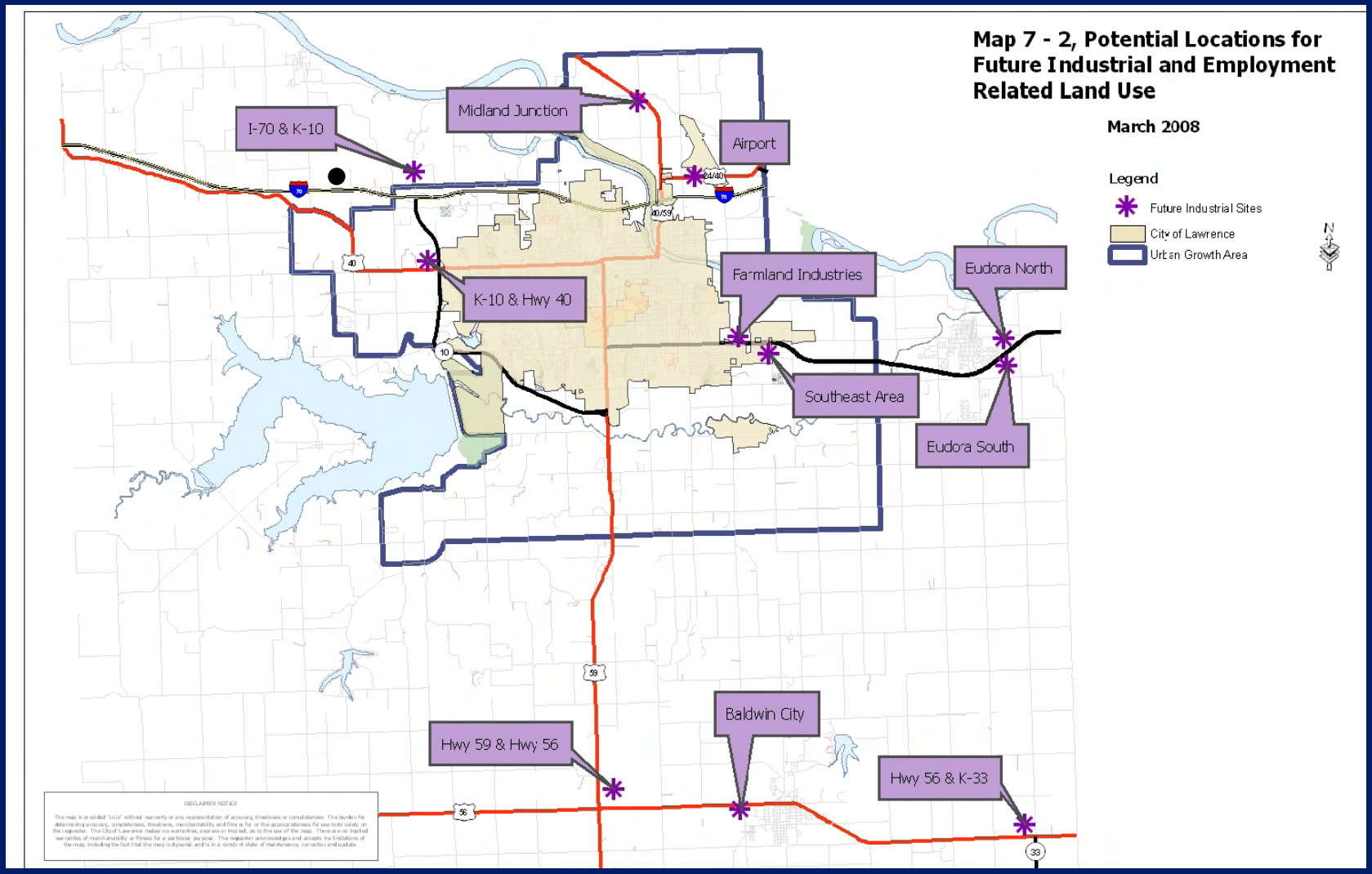
Date: 10/6/2010

Long-Range Planning Work Program



Planning and Development Services – April 2010

Horizon 2020 Map 7-2



Planning Process – K-10 and Farmer's Turnpike Plan

- Process began in February 2008
- Issues & Opportunities Memo released March 27th
  - Approx. 400 letters and emails sent to stakeholders
- Draft completed May 2nd
  - Draft release & public meeting notice (approx. 400 letters and emails sent to stakeholders)
- Public meeting May 15th
  - Approximately 75 people attended
- 2nd draft completed May 23rd
  - 2nd draft release & PC meeting notice (approx. 400 letters and emails sent to stakeholders)
- Email sent to listserv (approx. 88) regarding June Planning Commission meeting May 30th
- Planning Commission meeting June 25th
  - No action taken

Planning Process Cont.

- Email sent to listserv regarding July Planning Commission meeting July 10th
- Planning Commission meeting July 23rd
  - directed staff to meet with a small group to try to reach a consensus
- Workshop meeting August 20th
  - 13 people, 3 staff, and 1 Planning Commissioner attended
- 2nd workshop meeting September 17th
  - Approx. 18 people, including 2 Planning Commissioners and 3 staff attended
- Revised draft posted October 17th
  - Email sent to 117 people on listserv
- Planning Commission meeting October 20th
  - Directed staff to meet a 3rd time with the workshop group
- 3rd workshop meeting October 30th
  - Approx. 8 people attended including 1 Planning Commissioner and 2 staff

Planning Process Cont.

- Revised draft posted November 10th with 2 land use map options
  - Email sent to listserv November 11th
- Planning Commission meeting November 17th
  - Recommended approval of the draft plan with option 1 future land use map (7-3)
- PC approved plan posted November 24th
- Email sent to listserv November 26th for City Commission meeting December 2nd
- City Commission meeting December 2nd
  - Deferred the item to the December 9th meeting

Planning Process Cont.

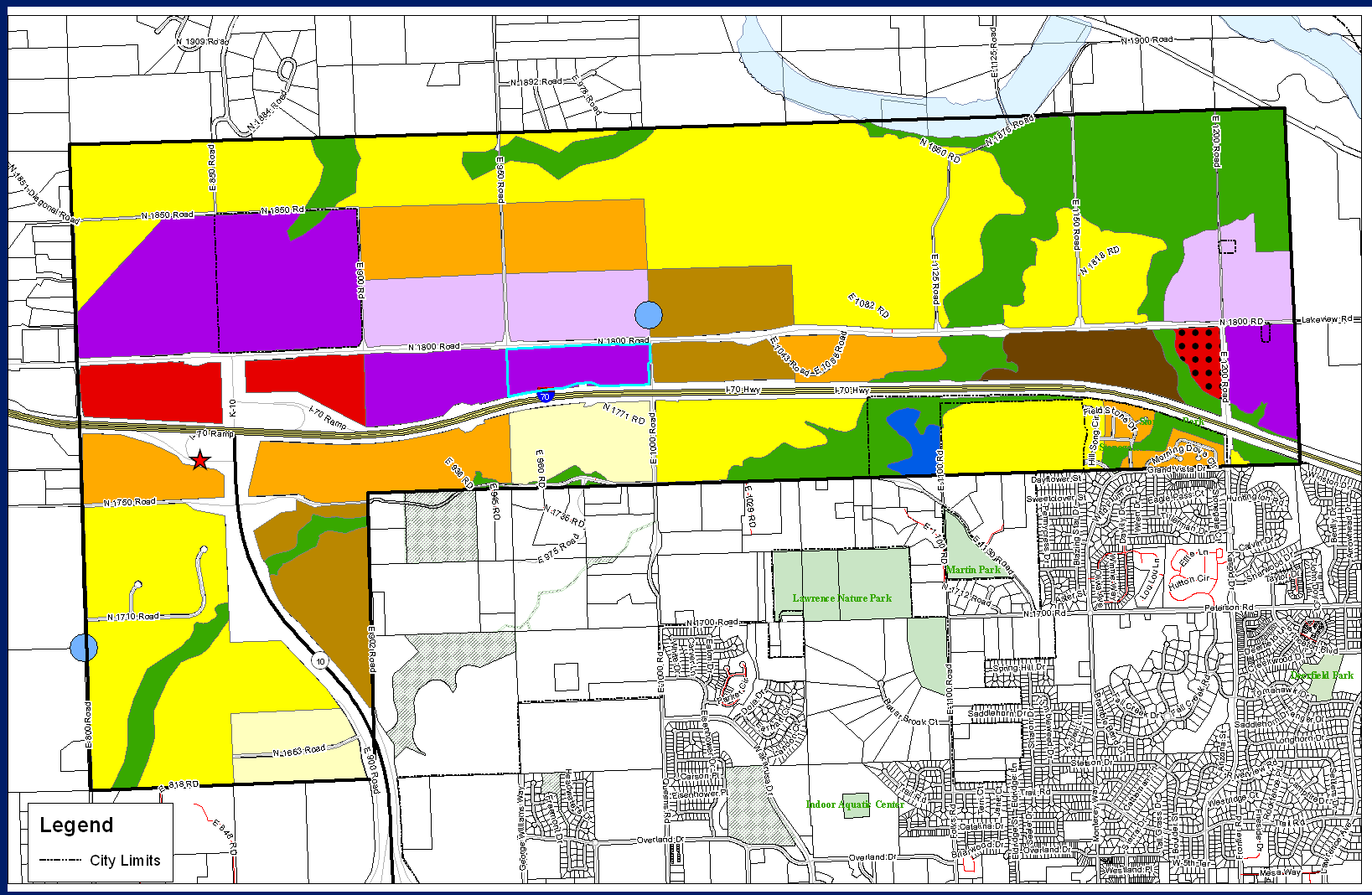
- Email sent to listserv December 3rd for City Commission meeting December 9th
- City Commission meeting December 9th
  - Approved the item and first reading of the joint ordinance resolution
- Notice sent on December 11, 2008 to townships and City of Lecompton by regular and certified mail for the January 6, 2009 City Commission meeting and the January 7, 2009 County Commission meeting
- Email sent to listserv December 18th for City Commission meeting January 6th and County Commission meeting January 7th
- City Commission Meeting January 6, 2009
- County Commission Meeting January 7, 2009
- Effective Date January 11, 2009

Process Summary
February 2008 to January 2009

February 2008 to January 2009

- Hearings/Meetings
  - 1 Public Meeting
  - 3 Workshop Meetings
  - 1 Planning Commission Mid-Month Meeting
  - 5 Planning Commission Hearings
  - 3 City Commission Meetings
  - 1 County Commission Meeting
  - Total – 14 public meetings
- Communication
  - 3 Stakeholder mailings
    - 400 pieces of mail (each)
  - 10 email notices (to listserv)

K-10 and Farmer's Turnpike Plan

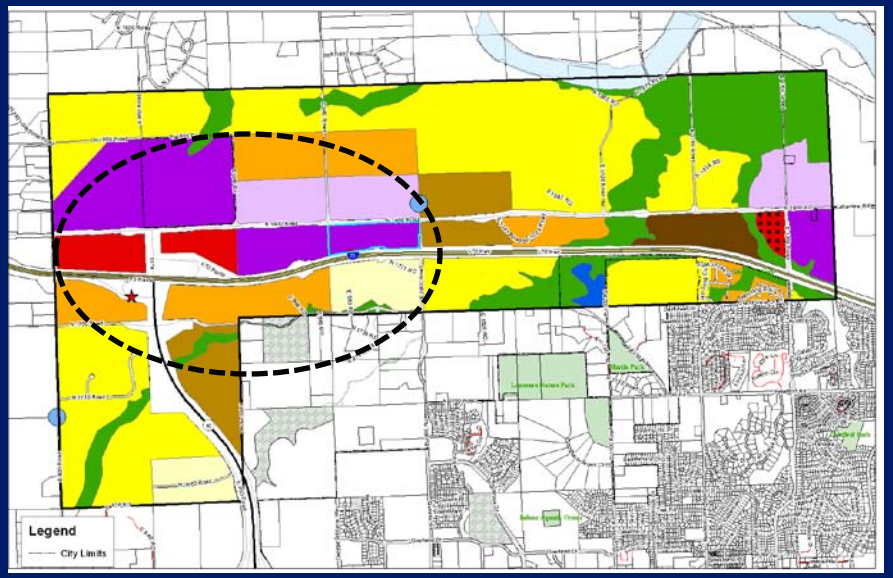


K-10 and Farmer's Turnpike Plan

"The Plan identifies appropriate land uses along an arterial road corridor and a highway interchange that aid in meeting a recognized need for industrial/employment center opportunities that will support the general health and prosperity of the region."

Plan Features:

- Large parcel development with minimal slope.
- Ideal for industrial and employment development - access to highway.
- High activity node.



Industrial

Office/Research

Zoning – Z-9-13-10; A-1 to IG

K-10 and Farmer's Turnpike Plan (page 3-9)

Recommendations

3.2 Land Use

"The intent of the industrial use is to allow for moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation."

K-10 and Farmer's Turnpike Plan (page 3-9)

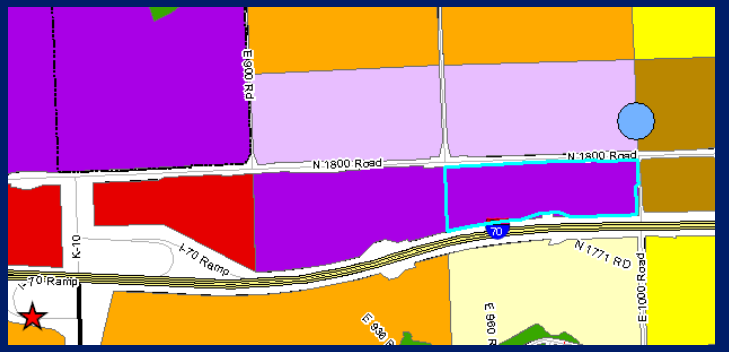
Zoning – Z-9-13-10 A-1 to IG

Recommendation 3.2.1.8

Intensity: Medium-High

Applicable Area:

- Area bound by N 1800 Road (Farmer's Turnpike) on the north, I-70 on the south, E 900 Road extended on the West and E 1000 Road on the east."



K-10 and Farmer's Turnpike Plan (page 3-9)

A-9-3-10 Summary

- Location in the Urban Growth Area
- Proximity to major transportation network
- Conformance with *H2020* and Sector Plan
- Industrial uses are associated with long lead time for development
- City engaged in facility planning for water and sewer
- Some industrial users can function with low utility impact.

A-9-3-10/Z-9-13-10

Zoning – Z-9-13-10

County A-1 to IG

Zoning – Z-9-13-10 A-1 to IG

20-216 IG, General Industrial District

- The IG, General Industrial District, is primarily intended to accommodate moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas.

Zoning – Z-9-13-10; A-1 to IG

Industrial as a use type:

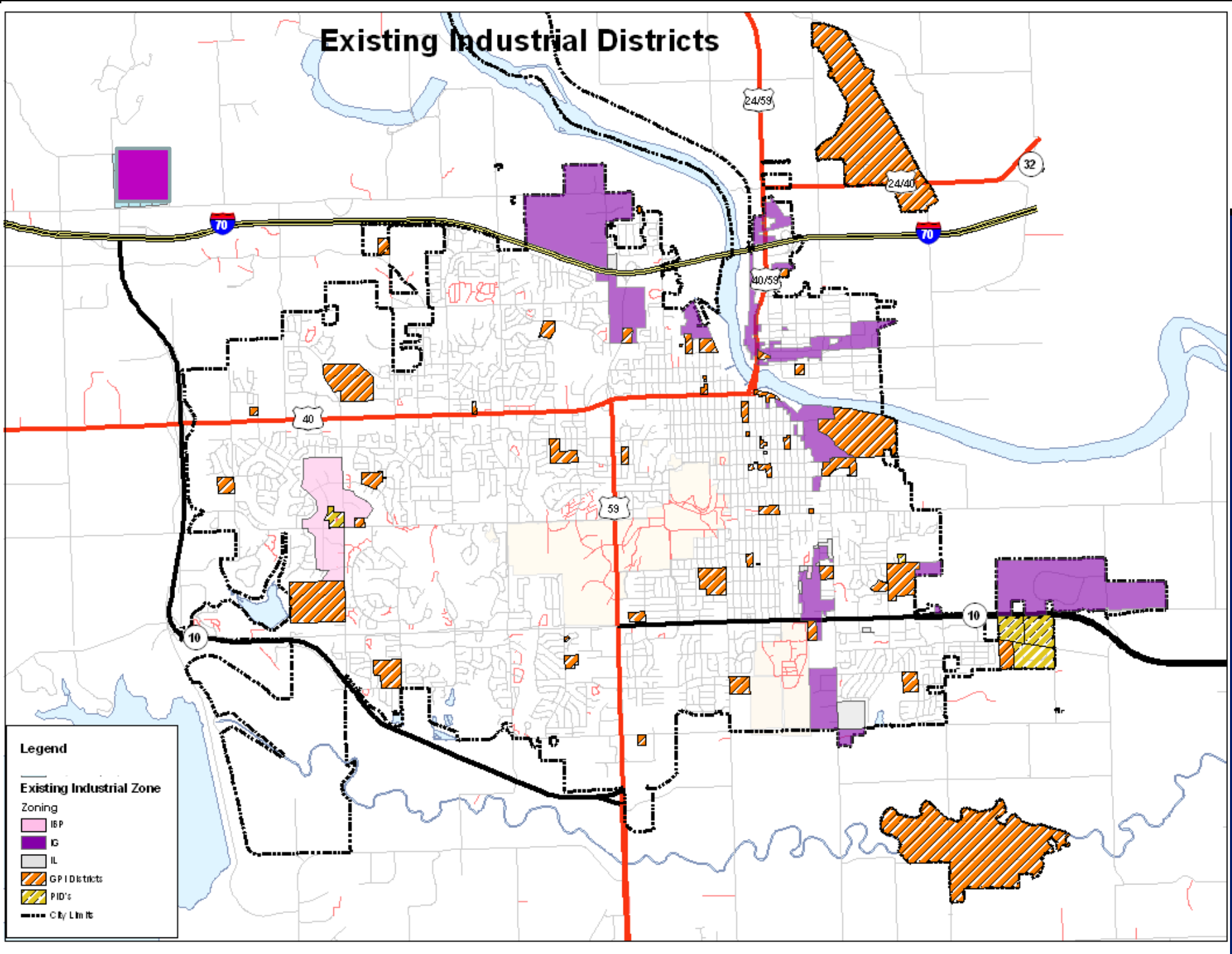
- **20-1735 Industrial, General**
  - Production, processing, assembling, packaging or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. General Industrial uses may require Federal air quality discharge permits, **but do not have nuisance** conditions that are detectable from the boundaries of the subject property.

- **20-1736 Industrial, Intensive**
  - Manufacturing, processing, or assembling of materials (for uses described above in the "General Industrial" use type classification) in a manner that would create any of the commonly recognized nuisance conditions or characteristics.

- **Nuisance conditions can result from any of the following**: continuous, frequent, or repetitive noises or vibrations; noxious or toxic fumes, odors, or emissions; electrical disturbances; or night illumination into residential areas. Exceptions: Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; noise detectable only as part of a composite of sounds from various off-site sources.

Use Group		IBP	IL	IG
Industrial Facilities	Explosive Storage	-	-	P
	Industrial, General Example: Pur-O-Zone Hallmark Cards Allen Press	-	P	P
	Industrial, Intensive Example: **Penny Ready-mix** **LRM** **Hamm**	-	-	P

Use Group		IBP	IL	IG
Retail Sales and Service	Building Maintenance	-	P	P
	Personal Convenience	-	P	-
	Retail Sales, General	-	P	-


Existing Industrial Districts
24/59
32
24/40
70
70
40/59
40
59
10
10
Legend
Existing Industrial Zone
Zoning
IBP
IG
IL
GPI Districts
PID's
City Limits

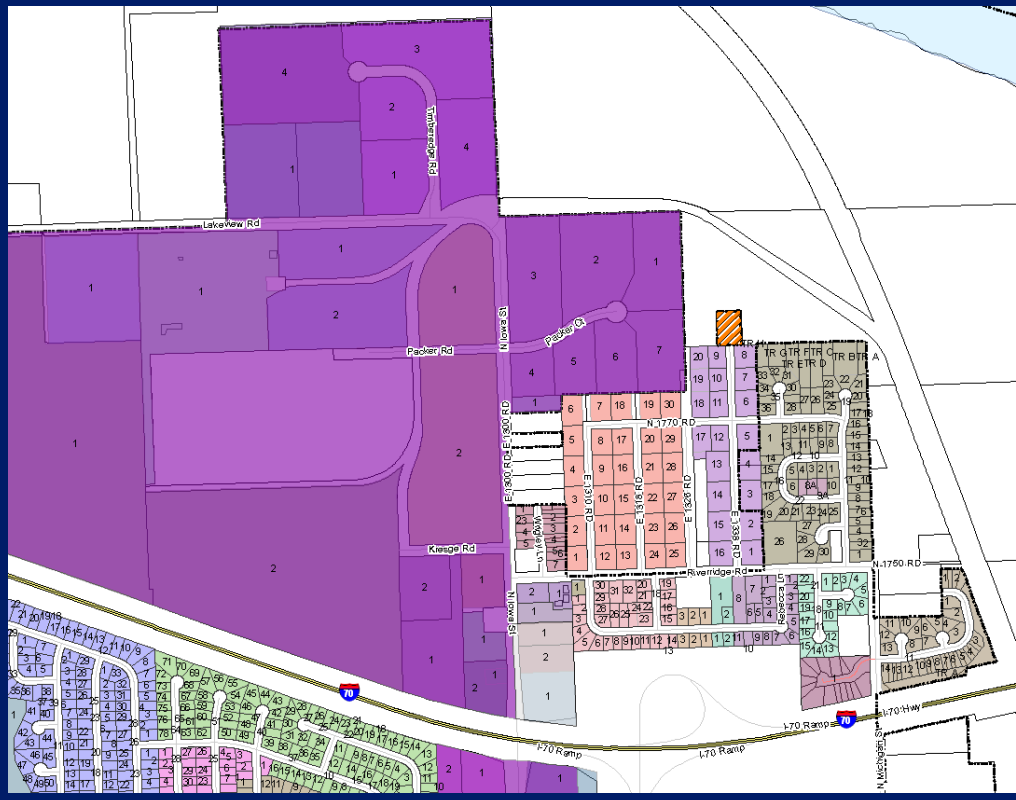
Santa Fe Industrial Area

- IG
- M-2 Originally

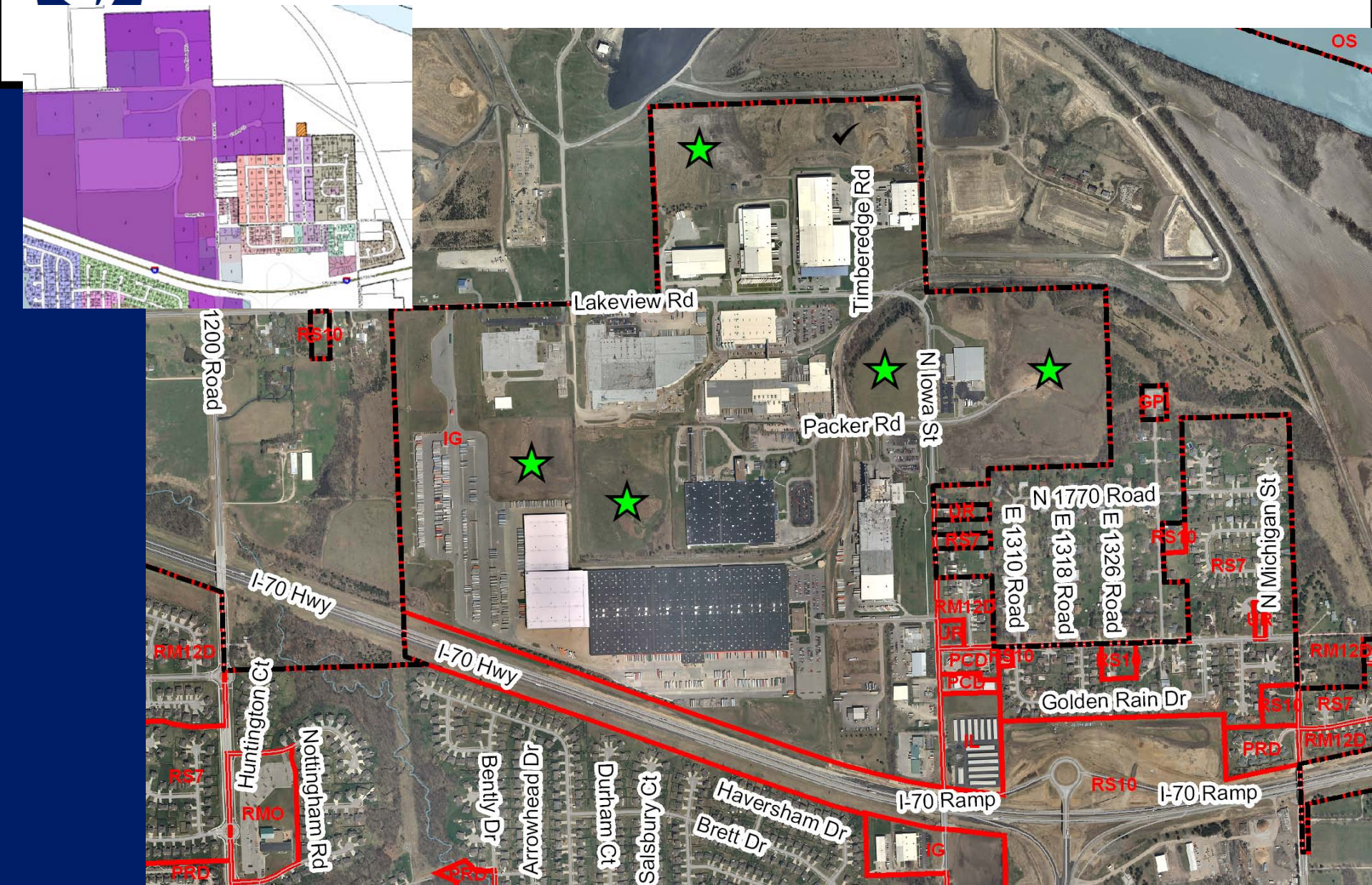
379 acres with 88 acres available 5-6 acre pad sites typical

Changes since 2008

KU Transit (7.04 acres)



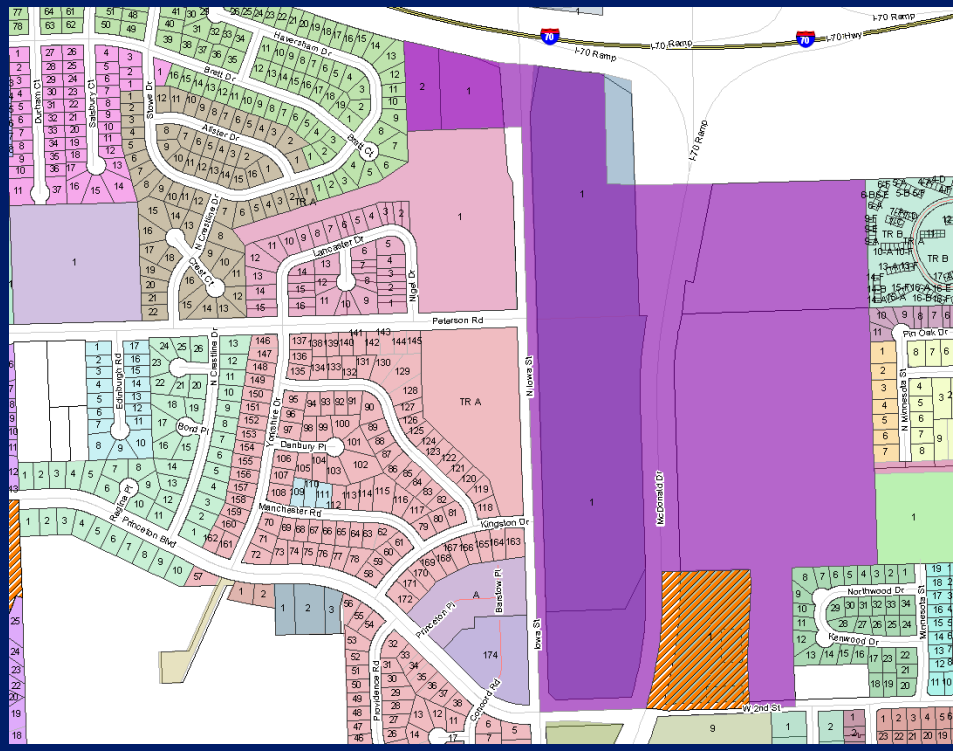
Santa Fe Industrial Area



Hallmark

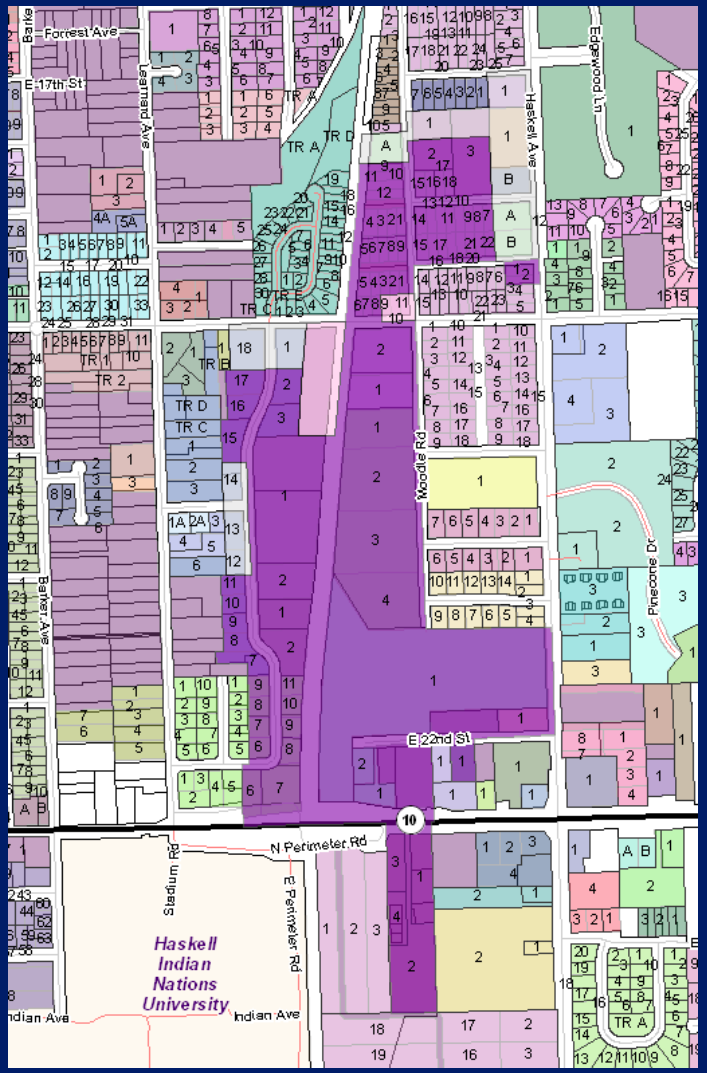
- IG
- M-2 originally
- 32 acre site with additional 45+ acres to the east

Since 2008 – south portion rezoned to IL, proposed hotel, contractor shop, distribution use



Santa Fe Rail Road Corridor

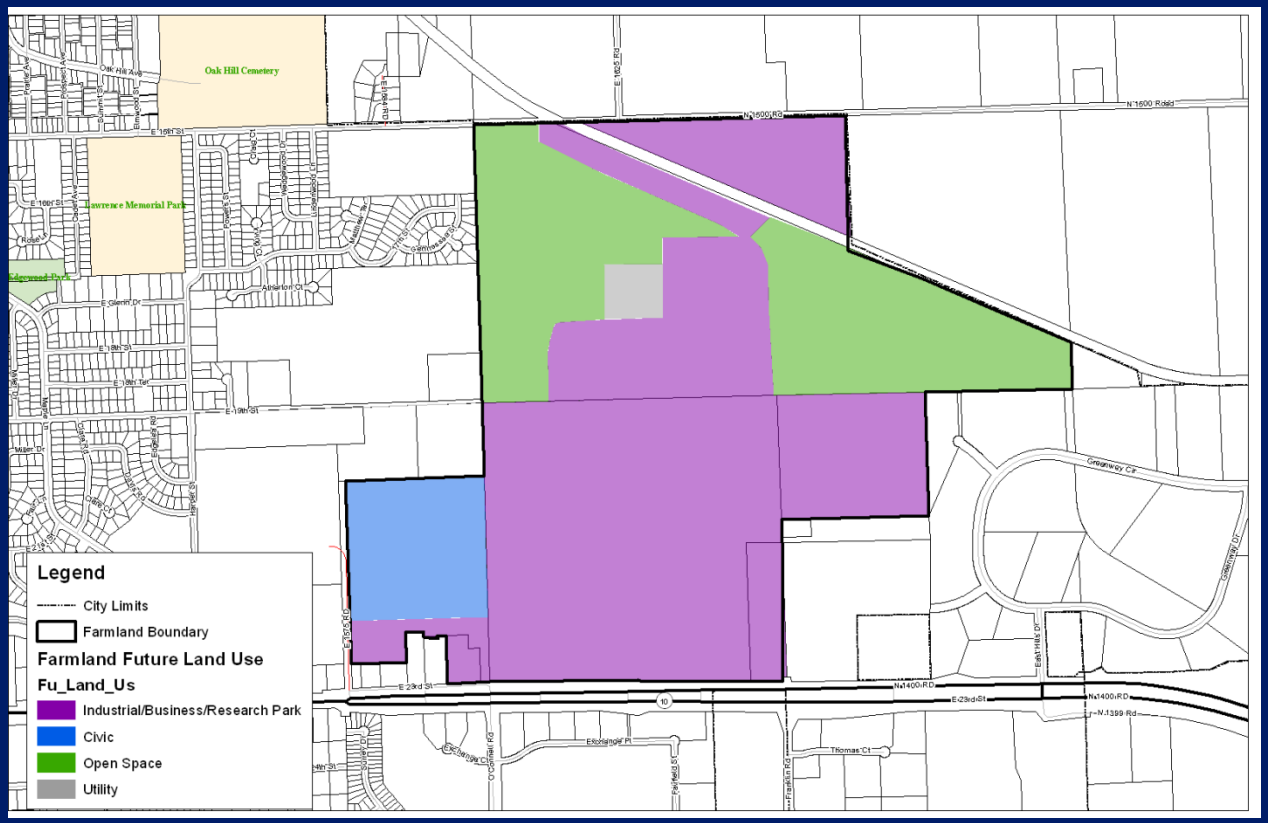
- IG predominant
- IBP and IL along 19th Street
- Original M-2 with M-1 and M-1A along 19th Street
- 96 acres (est)
- 4 pad sites 1-3 acres
- **Since 2008 – No Change**



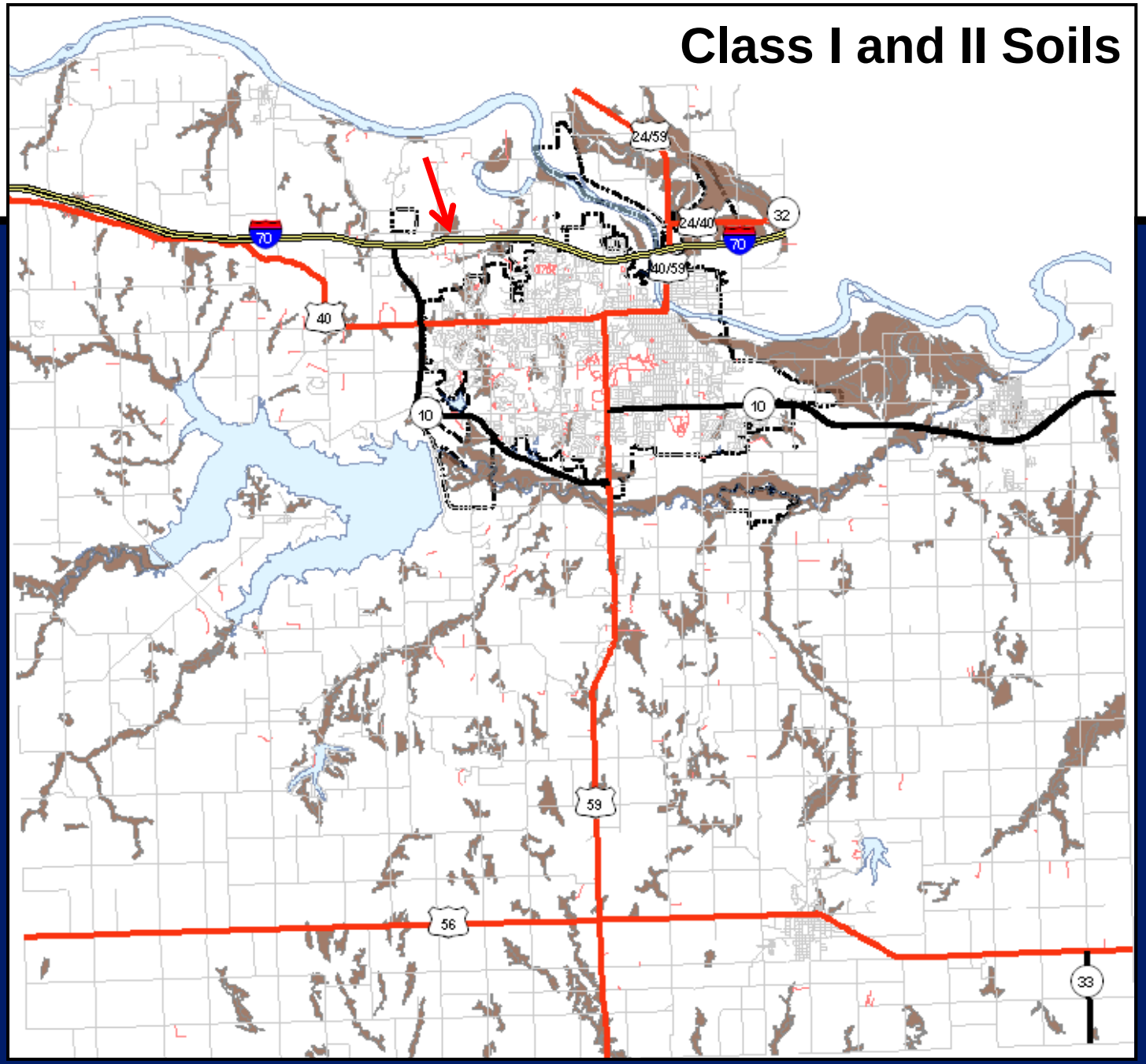
Farmland

- Plan Approved by :
- PC 11/28/07
- CC 3/11/08
- BOCC 3/31/08

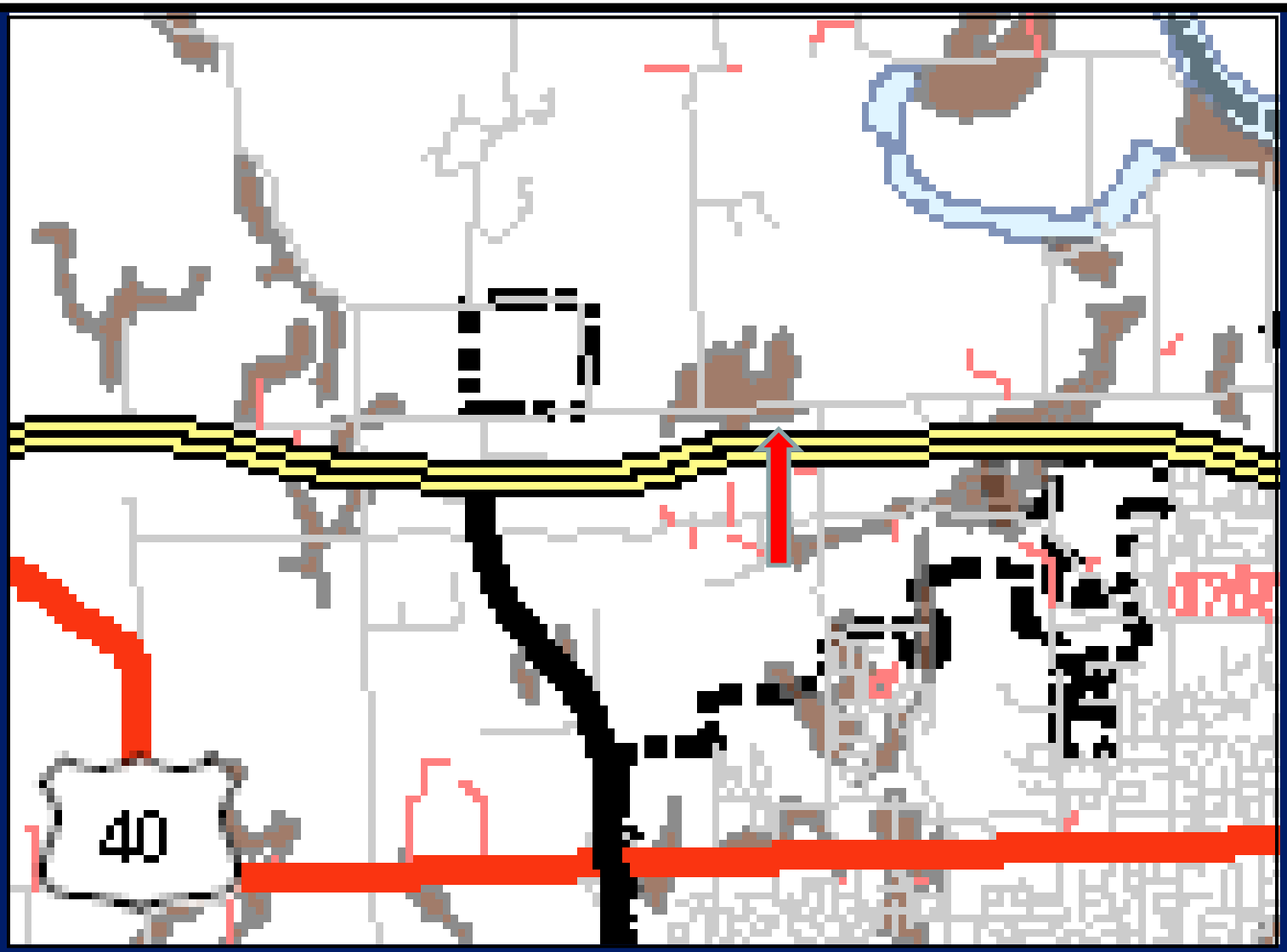
- City acquired on 9/29/10

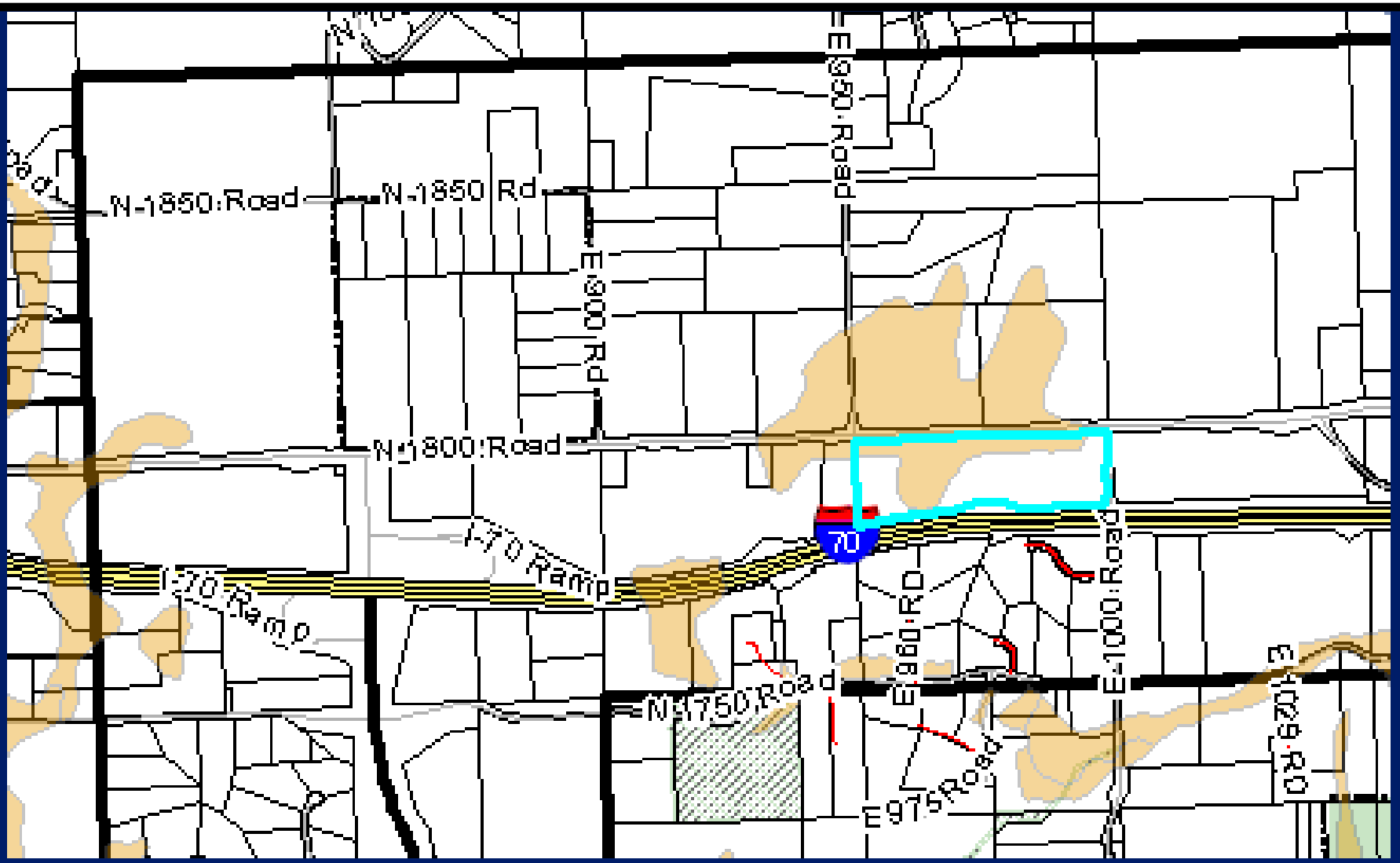


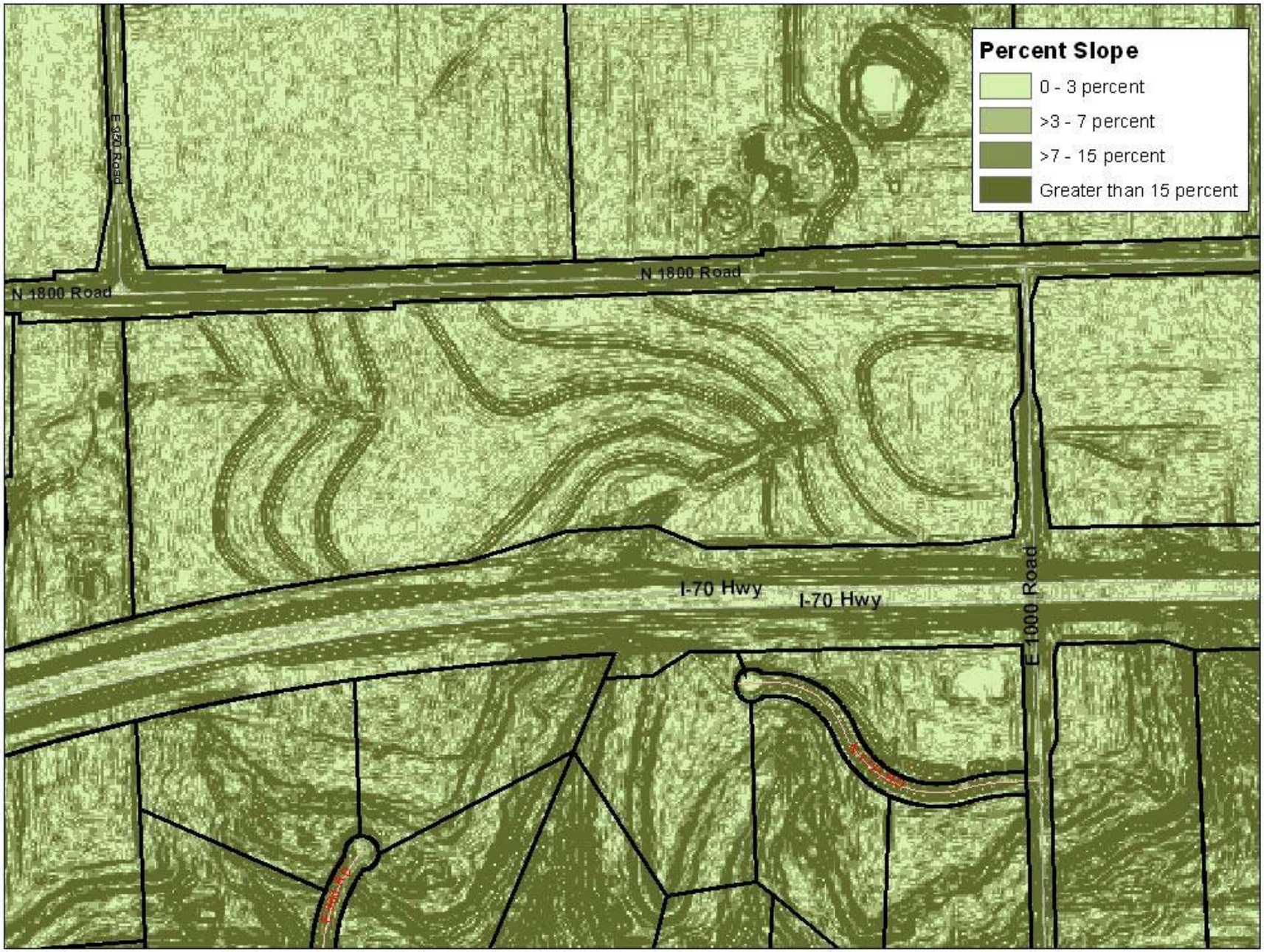
Class I and II Soils



Class I and II soils – subject property




N-1850:Road
N-1850 Rd
E-950 Rd
E-950 Road
N-1800:Road
I-70 Ramp
I-70 Ramp
70
E-1000:Road
E-980 RD
N-1750 Road
E-975 Road
E-1029 RD


Percent Slope
0 - 3 percent
>3 - 7 percent
>7 - 15 percent
Greater than 15 percent
N 1800 Road
N 1800 Road
E 970 Road
I-70 Hwy
I-70 Hwy
E 1000 Road

- 51 acres
- No floodplain
- Minimal slopes

0 250 500 1,000 1,500 2,000 Feet

1 inch = 1,042 feet

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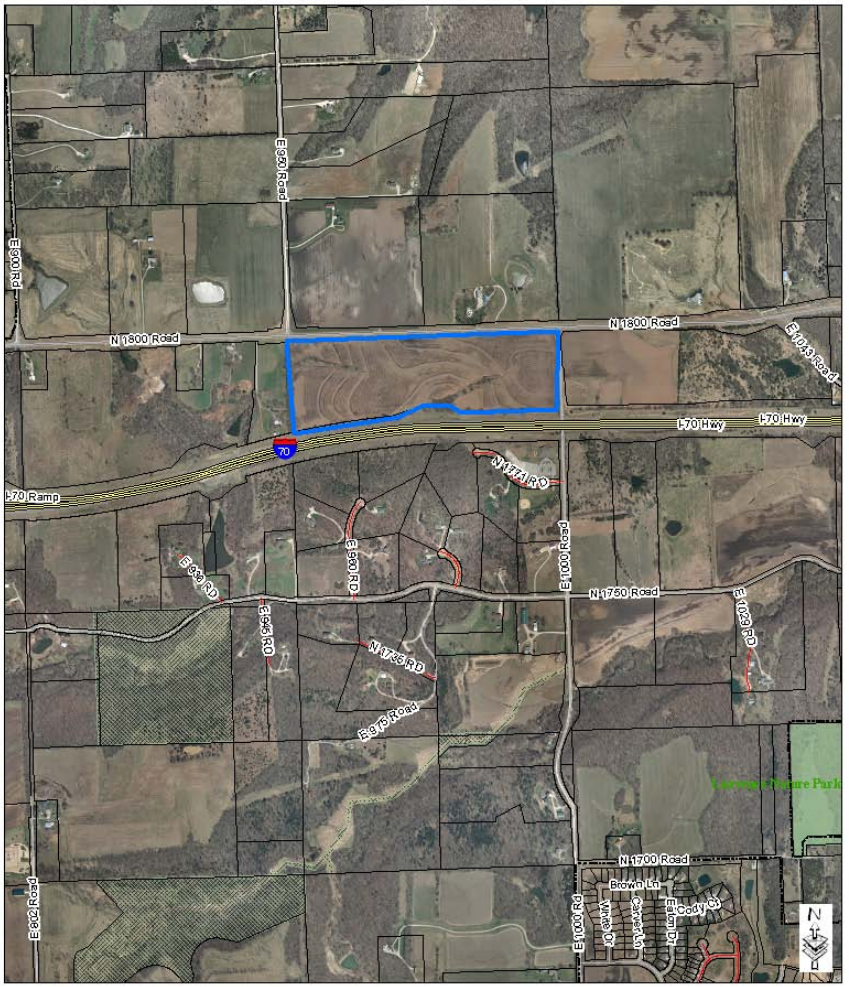
Proposed Annexation and Rezoning



Staff Findings: A-9-3-10

Annexation is:

- within the Lawrence UGA
- Consistent with *Horizon 2020*
- Consistent with *K-10 and Farmer's Turnpike Plan*
- *"The annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county."*

Staff Recommendation: A-9-3-10

STAFF RECOMMENDATION:

- Staff recommends that the Planning Commission forward a recommendation to the City and County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan*

Staff Recommendation: A-9-3-10

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

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).

2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

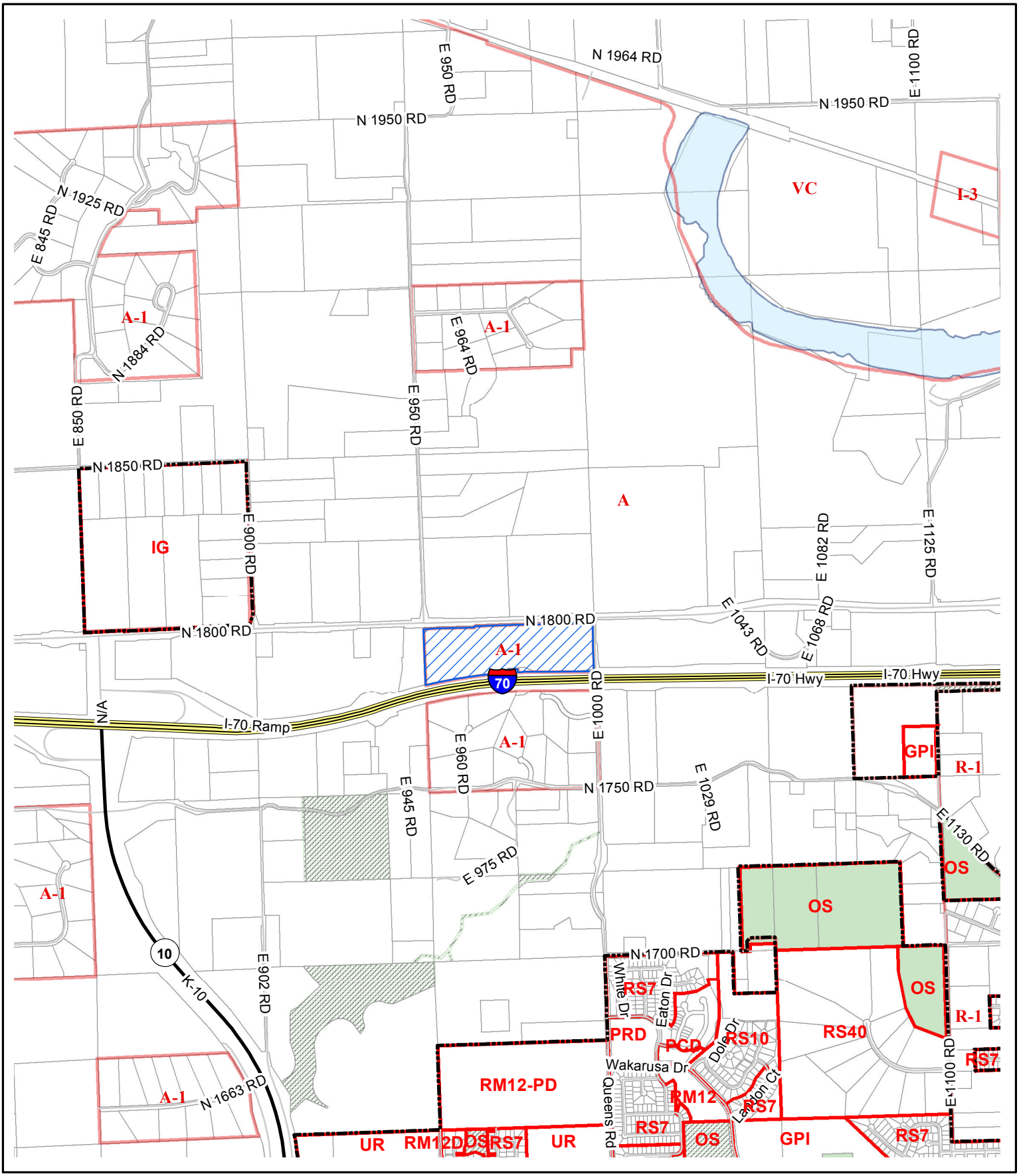
Staff Findings: Z-09-13-10

Zoning is:

- Consistent with *Horizon 2020* and with *K-10 and Farmer's Turnpike Plan*
- Close proximity to a major transportation corridor
- The land is presently undeveloped and will not create a non-conform scenario
- Development will be subject to City Development Standards
- Providing additional opportunities for industrial development adding to the City's economic base.

Z-9-13-10

- **STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for 51.13 acres from County A-1 (Suburban Home Residential) to City IG (General Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.



A-09-03-10: Annex 51.13 acres
Z-09-13-10: Rezone 51.13 acres from A-1 to IG
SW corner of N 1800 Rd & E 1000 Rd

Lawrence-Douglas County Planning Office
October 2010

N
W E
S

Area Requested

Scale: 1 Inch = 2000 Feet

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
RESIDENTIAL USE GROUP																
Household Living	Accessory Dwelling	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	534
	Attached Dwelling	P*	–	P*	–	–	–	–	–	–	–	–	–	P*	–	503
	Cluster Dwelling	–	–	–	–	–	–	–	–	–	–	–	–	–	–	702
	Detached Dwelling	P*	–	P	–	–	–	–	–	–	–	–	–	P*	P*	508
	Duplex	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	503
	Manufactured Home	–	–	–	–	–	–	–	–	–	–	–	–	P	P	
	Manufactured Home, Residential-Design	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	513
	Mobile Home	–	–	–	–	–	–	–	–	–	P	P	–	P	P	
	Mobile Home Park	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Multi-Dwelling Structure	–	P*	P*	–	P*/S*	P*		P*	–	–	–	–	S	P	517
	Non-Ground Floor Dwelling	P*	P*	P*	–	P*	P*	–	P*	–	–	–	–	–	–	517/542
	Work/Live Unit	P*	P*	P*	–	P*/S*	P*	–	P*	–	P*	–	–	–	–	517/541
	Zero Lot Line Dwelling	P*	–	P	–	–	–	–	–	–	–	–	–	–	–	531
	Home Occupation, Type A or B	–	–	P*	–	–	–	–	–	–	–	–	–	–	–	
Group Living	Assisted Living	–	–	P	–	–	–	–	–	–	–	–	–	S	S	
	Boarding Houses & Cooperatives	–	–	P	–	–	–	–	–	–	–	–	–	–	–	
	Dormitory	–	–	–	–	–	–	–	–	–	–	–	–	–	P	
	Fraternity or Sorority House	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	–	–	–	–	–	P	
	Group Home, Limited (10 or less)	P	–	P	–	–	–	–	–	–	–	–	–	–	–	
PUBLIC AND CIVIC USE GROUP																
Community Facilities	Cemetery	P*	P*	–	P*	–	P*	P*	P*	P*	P*	–	P*	P*	–	505
	College/University	S	P	P	P	P	P	P	P	P	P	P	–	P	P	
	Cultural Center/ Library	S	P	P	S	P	P	–	–	P	–	–	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	P*	–	–	–	507
	Day Care Home, Class A	P	P	P*	–	P	P	–	P	–	–	–	–	–	–	
	Day Care Home, Class B	S*/A*	P*	S*	–	P	P	–	P	–	–	–	–	–	–	507
	Detention	–	–	–	–	–	–	–	–	–	S	P	–	–	–	
	Lodge, Fraternal and Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	–	P*	–	–	P*	–	512

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
	Postal & Parcel Service	–	P	P	P	P	P	P	P	P	P	P	–	P	–	
	Public Safety	S	P	P	P	P	P	P	P	P	P	P	–	P	–	
	School	P	P	P	P	P	P	P	P	–	–	–	–	P	–	
	Funeral and Interment	–	P*	–	P*	P*	P*	P*	P*	P*	P*	–	A*	–	–	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	S*	–	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	P	–	P	P	
	Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	S	–	S	S/A*	522
	Utility, Minor	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	–	530
	Utility and Service, Major	S	S	S	S	S	S	S	S	S	S	P	S	P	–	
Medical Facilities	Extended Care Facility, General	–	S	–	S	–	–	–	–	S	–	–	–	–	P	
	Extended Care Facility, Limited	P	P	P	P	–	–	–	–	–	–	–	–	S	P	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	–	–	P	A	
	Hospital	–	–	–	–	–	–	–	–	–	–	–	–	–	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	–	-	–	–	P*	P*	519
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	–	S	A*/S*	A	532
	Entertainment & Spectator Sports, Gen.	–	–	–	–	P	P	P	P	–	–	–	–	S	–	
	Entertainment & Spectator Sports, Ltd.	–	P	P	–	P	P	P	P	–	–	–	S	P	–	
	Participant Sports & Recreation, Indoor	–	P	P	–	P	P	P	P	P	P	–	–	P	A	
	Participant Sports & Recreation, Outdoor	–	–	S	–	–	P	P	P	P	P	–	–	A*/S*	–	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Private Recreation	P	P	P	–	P	P	–	P	–	–	–	P	P	P	

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	522
COMMERCIAL USE GROUP																
Animal Services	Kennel	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Livestock Sale	–	–	–	–	–	S	S	S	–	P	P	–	–	–	
	Sales and Grooming	P	P	P	P	P	P	P	P	–	P	P	–	–	–	
	Veterinary	–	P	P	P	P	P	P	P	P	P	P	–	–	–	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	–	–	–	509
	Accessory Restaurant	–	–	–	–	–	–	–	–	A	–	–	–	–	–	
	Bar Or Lounge	–	–	S*	–	P*	P*	P*	P*	–	–	–	–	–	–	509
	Brewpub	–	P*	S*	–	P*	P*	P*	P*	–	–	–	–	–	–	509
	Fast Order Food	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	511 & 509
	Fast Order Food, With Drive-In	–	S	S*	–	–	P	P	P	–	P	–	–	–	–	
	Nightclub	–	–	–	–	P*	–	P*	P*	–	–	–	–	–	–	509
	Private Dining Establishments	P*	P*	–	P*	P*	P*	P*	P*	P*	–	–	–	–	–	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	–	–	–	–	524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	A*	518
	Financial, Insurance & Real Estate	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	–	–	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	–	–	537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	–	S	S	S	S	P	P	P	P	P	P	–	P	A	
Retail Sales & Service	Building Maintenance	–	P	S	–	P	P	P	P	–	P	P	–	A	A	
	Business Equipment	–	P	P	–	P	P	P	P	P	P	–	–	–	–	
	Business Support	–	P	P	P	P	P	P	P	P	P	P	–	–	A	
	Construction Sales and Service	–	–	–	–	–	P	P	P	–	P	P	–	–	A	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	–	P*		–	–	–	516 528
	Personal Convenience	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	A*	520

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
	Personal Improvement	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	–	523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	525
	Retail Establishment, Large	–	–	–	–	–	P*	P*	S*	–	–	–	–	–	–	526
	Retail Establishment, Medium	–	P*	P*	–	P*	P*	P*	P*	–	–	–	–	–	–	526
	Retail Establishment, Specialty	–	P*	P*	–	P*	P*	P*	P*	–	–	–	–	–	–	526
Sexually Oriented Businesses	Sexually Oriented Media Store	–	–	P*	–	–	-	-	-	–	–	-	–	–	–	528
	Physical Sexually Oriented Business	–	–	–	–	–	–	–	–	–	–	–	–	–	–	528
	Sex Shop	–	–	–	–	–	P*	P*	P*	–	–	–	–	–	–	528
	Sexually Oriented Theater	–	–	–	–	–	P*	P*	P*	–	–	–	–	–	–	528
Transient Accommodation	Bed and Breakfast	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	20-504
	Campground	–	–	–	–	–	P	P	P	–	–	–	S	–	–	
	Hotel, Motel, Extended Stay	–	–	P	–	P	P	P	P	–	P	–	–	–	A	
Vehicle Sales & Service	Cleaning (e.g., Car Wash)	–	S	–	–	–	P	P	P	–	P	P	–	–	–	
	Fleet Storage	–	–	–	–	–	P	P	P	–	P	P	–	–	A	
	Gas and Fuel Sales	–	S	S	–	–	P	P	P	–	P	P	–	–	–	
	Heavy Equipment Repair	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Heavy Equipment Sales/Rental	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Inoperable Vehicles Storage	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Light Equipment Repair	–	S	–	–	S	P	P	P	–	P	P	–	–	–	
	Light Equipment Sales/Rental	–	P*	–	–	S	P	P	P	–	P	P	–	–	–	545
	RV and Boats Storage	–	–	–	–	–	P	P	P	–	P	P	–	–	–	

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
INDUSTRIAL USE GROUP																
Industrial Facilities	Explosive Storage	–	–	–	–	–	–	–	–	–	–	P	–	–	–	
	Industrial, General	–	–	–	–	–	–	–	–	–	P	P	–	–	–	
	Industrial, Intensive	–	–	–	–	–	–	–	–	–	–	P	–	–	–	
	Laundry Service	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Manufacturing & Production, Ltd.	–	–	P	–	S	S	S	S	P	P	P	–	–	–	
	Manufacturing & Production, Tech.	–	–	–	–	S	P	P	P	P	P	P	–	–	–	
	Research Service	–	–	–	S	S	P	P	P	P	P	P	–	–	–	
	Scrap and Salvage Operation	–	–	–	–	–	–	–	–	–	S*	S*	–	–	–	527
Wholesale, Storage & Distribution	Exterior Storage	–	–	–	–	–	A*	A*	A*	A*	A*	A*	–	A*	A*	538
	Heavy	–	–	–	–	–	S	S	S	–	S	P	–	–	–	
	Light	–	–	–	–	–	P	P	P	P	P	P	–	S	–	
	Mini-Warehouse	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
OTHER USES GROUP																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Agriculture	Agricultural Sales	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Agriculture, Animal	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Agriculture, Crop	P	P	P	P	–	P	P	P	P	P	P	–	P	–	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	–	–	–	–	S	–	–	–	P	P	P	–	–	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	P	–	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
Mining	Mining	–	–	–	–	–	–	–	–	–	–	S*	–	–	–	515
Recycling Facilities	Large Collection	–	–	–	–	–	P	P	P	–	P	P	–	–	–	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	P	–	A	A	540
	Processing Center	–	–	–	–	–	–	–	–	–	P	P	–	–	–	

October 25, 2010

Dear Commissioners,

The membership of the Scenic Riverway Community Association wish to share with the Commissioners our thoughts on the proposed annexation and rezoning of the 51 acre site located on the Farmer's Turnpike. We strongly oppose this application based on the following:

Historical Planning Considerations. The community has a rich history of adverse consequences resulting from abrupt departure from comprehensive plans. The South Lawrence Trafficway is an example. Plan 95, adopted in 1977, envisioned a circumferential road connecting I-70 to K-10 east of the city, looping to the west south of the Wakarusa River, and continuing north to North 1800 Road (Farmers' Turnpike). Instead of implementing this plan, or carefully reviewing alternatives, a controversial road has awaited completion for a quarter of a century.

For over 35 years the comprehensive plan projected industrial growth south of K-10 on the eastern edge of Lawrence. This designation appears to have been insightful – particularly if K-10 and I-70 were linked in this area. Based upon the expectation of industrial land use, transitional zones could be planned and land values would adjust to this long-range forecast. Conversely, when a large tract of ground in the northwest was reclassified for industrial use, many existing properties were adversely impacted. This is the kind of situation that comprehensive planning is designed to avoid.

Future Planning Considerations. Lawrence has a significant amount of land within the city limits (much of it platted) zoned for residential, commercial, and industrial use. Improved commercial and industrial properties are available. Land and facilities are available to accommodate the bioscience initiative, which represents the most promising activity in support of economic development. Approximately, 20 years ago (based on informed demographic calculations) a need for 1,000 acres of industrial ground was forecast. This model assumed an annual 2% population growth and industrial site demand based upon historical data. Population growth has slowed dramatically and, more importantly, industrial growth is one of the slowest performing sectors in the US economy. There is little likelihood that traditional industrial

development will play a significant role in attracting new businesses to the Lawrence community.

Before pressing ahead with plan modification, annexations, and rezoning, it would seem wise to undertake an analytical process to reasonably forecast the community's land use needs over the next 20 years. It is a generally accepted planning rule that the Urban Growth Area represents where and how a community will grow over the next 20 years. The Urban Growth Boundary for Lawrence appears to be way too expansive and lacks comprehensive land use definition. The comprehensive plan and Urban Growth Area should be tightly coupled with infrastructure master plans. When land developers are allowed to dictate the direction and nature of development, these valuable planning documents become unsynchronized.

Planning for industrial growth should evaluate several scenarios. Building sites in and around the Santa Fe Industrial Park should be investigated and inventoried. Infrastructure is readily available. Because Kansas City is becoming a major inter-modal distribution center, it appears probable that K-Mart will relocate its facilities away from Lawrence (the cost to move freight by rail is 10% of the cost of truck transport). Lawrence should prepare and plan for this event. Redevelopment of the Farmland site will provide opportunities for growth that should be incorporated into the planning process. Land on the west side of the SLT near Highway 40 is planned for industrial development. This site provides easy access to I-70.

Infrastructure and Fiscal Implications. Annexation is the first step toward developing an area. Normally, the extension of infrastructure is well planned and imminent prior to annexation. Other than sending a clear signal with respect to the direction of development, annexation without intent to extend infrastructure would appear to be premature and pointless. If major development northwest of Lawrence is to be undertaken, the fiscal impact should be carefully measured. The decision to locate the new wastewater treatment facility on the extreme southeast edge of Lawrence was based, in part, on future growth south of the Wakarusa River. The plant will progressively serve thousands of acres of development with gravity-flow sanitary sewer lines. This plan for development is cost-effective. In contrast, large-scale sewer demand northwest of Lawrence will require construction of a major trunk line to covey sewage to the new treatment plant. This plan for development will be very expensive. If development pressure is to continue in the northwest, at a minimum, an engineering study should be commissioned to determine the fiscal implication.

Island annexation is a negative phrase among professional planners. Only in very rare circumstances does this municipal action make sense. The East Hills Business Park may be an example of a defensible exception. It would have been difficult to accomplish a contiguous annexation. There was a need for industrial sites and a plan

in place to immediately extend infrastructure. It would be difficult to find examples across the country of communities engaging in speculative island annexations with no immediate plans to extend infrastructure. Not only does this practice serve no clear purpose, it may create barriers for responsible land use in the future.

Farmer's Turnpike Sector Plan Review. This plan was adopted without the benefit and inclusion of the resident stakeholders input from the sector area or as a part of a master plan. It was initiated and undertaken for a single property owner. The plan concepts by the Neighborhood Association were not adequately represented in the public forum by staff. The Neighborhood Association's ideas and were not included in the adopted document.

Upon annexation of the 155 acre property at the intersection of K10 and Farmers Turnpike, the City Commissioners stated there would be no city funding for utilities to the property for the foreseeable future. The commenting Commissioners and Planning Staff stated that the Sector Plan did not commit this area to specific zoning, only to broad conceptual ideas for urbanization and that it was a plan to evolve over the next 20-30 years. Moving forward on additional new annexations and rezoning within a year's time, is a breach of promise from what was understood by the sector area residents.

In Summary. Before further annexation and rezoning, there needs to be a comprehensive plan tightly coupled with infrastructure master plans. (Utilizing the Charrette Planning Process would be a great option.) This would result in public awareness of the master plan and how we'll get there, prior to any submissions of changes into the City or County.

We can develop a plan that everyone can support.

The members of the Scenic Riverway Community Association respectfully request that the Planning, City, and County Commissioners reject this annexation and subsequent rezoning application, based on the above.

Sincerely,

David J. Ross
President
The Scenic Riverway Community Association

The Scenic Riverway Community Association is a Neighborhood Association of Households in the Northwest Area of Douglas County.

984 North 1800 Road
Lawrence, Kansas 66049
October 24, 2009

By Hand Delivery
And email to Sandra Day

Lawrence-Douglas County Metropolitan Planning Commission
6 East 6th Street
Lawrence, Kansas 66044

Re: A-9-3-10; Z-9-13-10

Dear Commissioners:

We offer these comments in opposition to the proposed annexation and zoning change referenced above for approximately 51 acres located at the southwest corner of N. 1800 Road (Farmer's Turnpike) and E. 1000 Road (Queens Road). We own the property, approximately 65 acres, which is directly across the Farmer's Turnpike to the north and reside in our home on that property.

Our opposition is based on the following:

As to the annexation,

1. An island annexation, which this would be, is unsound planning. If land in the subject area is to be annexed into the City it should not be done on a piecemeal basis but rather should be done as a whole in areas that are contiguous to the City and from which infrastructure could be extended, and only then after a full opportunity for input from affected property owners.
2. To be useful for the proposed zoning, infrastructure (water and sewer) would have to be extended. There is no present estimate of the cost to the City of such an extension. To annex the land before such cost is known and how that cost would be covered is putting the cart before the horse.
3. As the commission knows, this proposal follows a previous island annexation in this area. Objections were raised to that annexation and in the course of the approval of that annexation, residents of this area who objected were told that exceptional circumstances justified the approval, and, further, that the City was not beginning a process of piecemeal island annexations.

As to the zoning,

1. The property's present use is agricultural - row crops - has been so used for as long as anyone living in this area can remember. Soil maps indicate a substantial portion of the property contains Class 2 soil. We understand that the property is presently platted for residential development. In any case, the requested IG

zoning, by the City's own zoning classification language, is inconsistent with residential uses. In addition to our residence, there are several other residences within the immediate view shed of the property.

2. Without infrastructure, the property has no meaningful potential as IG zoned property.
3. It appears that the City has ample IG zoned property available for development, property that has needed infrastructure.
4. In view of the adjacent residential properties, if there is a zoning change it should be to a more limited classification that is considered consistent with residential uses and even that should be conditioned upon appropriate mitigation measures, such as noise and light limits, the construction of berms, and access should be limited to Queens Road.

General comments as to both,

1. We have read and agree with the comments submitted by David Ross on behalf of the Scenic Riverway Community Association.
2. We participated in the process that led to the island annexation referred to earlier. As you no doubt know, that process was contentious and led to an outcome that remains legally unresolved. Of greater importance, that process did not produce the desired outcome, i.e. the location within the annexed area of a warehouse for a local manufacturer that the City and County and Chamber of Commerce want to retain in Lawrence/Douglas County. We do not want to rehash that matter except to say that the Scenic Riverway Community Association made proposals directly to the affected landowners/developers, the manufacturer, and to representatives of the City and County that would have permitted the warehouse to be built and would have led to an immediate settlement of the legal issues. We were disappointed that those proposals were rejected out of hand. We bring this up to indicate we accept the fact that land uses change and property owners should have the ability to direct the uses of their land. But the inevitability of change and the rights of owners to take advantage of such change should not be without regard to or entirely inconsistent with the desires and rights of other property owners to continue with long established uses. In that regard, we reside in a house and on property that have been in continuous use as rural, agricultural, and residential for well over a century.

Thank you for your consideration of our concerns.

Cynthia Haines James Haines

Steve McDowell
1846 East 900th Road
Lawrence, Kansas 66049

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

Dear Ms. Day,

I am writing to express my opposition to Z-9-13-10 the proposed request to rezone 51.3 acres, located at the southwest corner of N 1800 Rd and E. 1000 Rd. from A-1 to IG. Taking this action makes a sham of the planning process. While I disagreed with the speed and lack of local input in the development of the Northwest Sector plan, I understood that serious analysis; discussion and thinking went into its development. If in fact a little over a year later that plan developed and approved by the planning commission is to overturned with a change of such magnitude; one can only come to one the conclusion that the data analysis, development process and conclusions of the plan were highly inadequate.

I strongly encourage the planning commission stand by its approved Northwest Sector Plan and not recommend rezoning of this property.
Vvvvvv,bmnm

Sincerely,

Steve McDowell

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
10/27/10

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

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District including potentially increasing the maximum dwelling units per acre limit in that district. *Initiated by City Commission on 7/13/10.* (Continuation of the pubic hearing from the 8/28/10 meeting)

RECOMMENDATION: Staff recommends that the Planning Commission hold a public hearing and continue it to a later date and provide staff direction regarding this item.

Reason for Request: Current RM zoning has no incentives to help the community achieve one of the goals of the Lawrence/Douglas County Comprehensive Land Use Plan; to encourage redevelopment and development of infill property. We would like to propose that the cap currently on the existing RM32 be removed to allow for increased density provided that all the other restrictions of the RM32 zoning be met under 20-601. [Paul Werner Architects initiation letter to CC dated June 15, 2010]

RELEVANT GOLDEN FACTOR:

- This proposal is generally in conformance with the comprehensive plan providing the opportunity to create a mix of residential types, styles and economic levels in the city.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Communication from the Lawrence Preservation Alliance
- Communication from Stan Hernly

OVERVIEW OF PROPOSED AMENDMENT

The RM32 District is the densest residential district in the Code, permitting 32 dwelling units per acre. The City Commission initiated consideration of a request which to eliminate the maximum dwelling unit per acre cap, only in the RM 32 District, when all other Development Code requirements are met. Below is a summary of the other requirements that would need to be met:

- Density and Dimensional Standards
  - Minimum lot area: 6,000 square feet
  - Minimum lot width: 50’
  - Minimum lot frontage: 50’
  - Minimum setbacks:
    - Front: 25
    - Side exterior: 25’ when abutting an interior side lot line, 10’ when abutting a rear lot line
    - Side interior: 5’
    - Rear: 20’ single frontage, 25’ double frontage

    - Maximum building coverage 60% (applies only to lots platted after the effective date or any improvements which increase the building coverage or impervious coverage.)
    - Maximum impervious cover 80% (applies only to lots platted after the effective date or any improvements which increase the impervious coverage or building coverage)
    - Minimum outdoor area per dwelling: 50 square feet
    - Minimum outdoor area dimensions per dwelling: 5'
    - Maximum building height: 45' (approx 4-5 stories)
- Parking (multi-dwelling structure)
    - Vehicle parking: 1/bedroom + 1/10 units
    - Bicycle parking: 1/4 auto spaces
    - Auto parking dimensions (stalls, drive aisles)
- Landscaping
    - Parking lot landscaping (interior and perimeter)
    - Bufferyards
    - Screening of dumpsters and mechanical equipment
- Balconies on a multi-dwelling unit building
    - Balconies above the second story of a multi-dwelling unit building are prohibited along the exterior of a RM development unless the building setback is increased to at least double the required minimum setback and landscaping is enhanced with two or more of the following features: a minimum 4' berm, a solid screening fence (6' minimum height) or a masonry wall (6' minimum height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.
- Photometric Plan (lighting plan)
- Sidewalks along public streets

One of the issues the applicant has presented is related to how the zoning regulations calculate density. The code defines a dwelling unit by the presence of a kitchen and does not differentiate between a 1-bedroom unit and a 4-bedroom unit. Therefore depending on configuration, the same building mass could include equal numbers of bedrooms but significantly different dwelling unit counts which affects calculated density. Staff recognizes the community need for 1 and 2-bedroom units as well as 4-bedroom units. An argument can be made that if the dwelling units are contained in the same building form (regulated by setbacks, height, parking, bufferyards, and outdoor space) the total number of units is not relevant.

Both the applicant and staff have proposed some density bonuses based on Commission direction from the August meeting. Discussion of the staff proposal is below.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

This change is generally in conformance with the comprehensive plan by giving the opportunity to create a mix of residential types, styles and economic levels in the city.

CRITERIA FOR REVIEW AND DECISION-MAKING

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

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

Applicant Response
No

Staff Response
Over the past few years there have been many discussions of higher density development and building up and not out. This change would support this development perspective of increasing density in the multi-family districts and the potential of infill development at a higher density while meeting all other requirements in the code. With the adoption of the SmartCode the community has shown support for higher density development.

However, the proposed change may increase pressure to consolidate lots to provide larger properties for redevelopment. This could result in significantly larger structures within a neighborhood which could change the streetscape and historic character defining patterns of small structures with yards between.

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

Applicant Response
Horizon 2020 encourages the redevelopment and development of infill property. This revision will encourage redevelopment of the old apartment structure on RM32 zoned areas, with more modern and energy efficient 1 and 2-bedroom apartments.

The intent of the code is to provide higher density housing close to the University of Kansas and near downtown.

Staff Response
Horizon 2020 supports a mix of housing types and densities in addition to the SmartCode concepts of higher density development and a mixing of uses. Such a change may create pressure to demolish existing housing stock in favor of property consolidation. This would pit redevelopment goals against preservation and neighborhood character goals.

Staff Discussion
The Planning Commission gave staff direction at the August 28th meeting regarding this item. Direction was to consider density bonuses if the proposed development met all other standards of the code. Staff has drafted some language and density bonuses which serve to meet a public goal. This is a similar format as to what can be utilized in the MU District. Staff is also proposing a cap to the overall potential density (54 dwelling units per acre) and number of dwelling units that one can earn with the bonuses (22 additional dwelling units). The 54 dwelling unit per acre maximum was chosen because the zoning district in the previous code permitted up to 54 dwelling units per acre. Additionally, all code requirements must be met for the "bonus" units earned. For example, one would have to meet the parking, outdoor area requirements, etc. of the additional units earned in order to utilize the bonuses. The draft language is attached.

Staff has not completed the exercise of proposing the number of units you can earn for each bonus at this time. The number of dwelling units that are assigned transfer from what you could earn for each item as a bonus if utilized in the MU District. The number of dwelling unit potential should be linked to how much value the item is worth to the overall community. For example, incorporating a green roof may be more valuable to the community than the site being within a ¼ mile of a fire station, thus

making the incorporation of a green roof earn more dwelling units as a bonus. If the Commission wishes to continue on the path of incorporating density bonuses, direction as to which bonuses should be included and which bonuses are most important needs to be provided.

Things to consider:

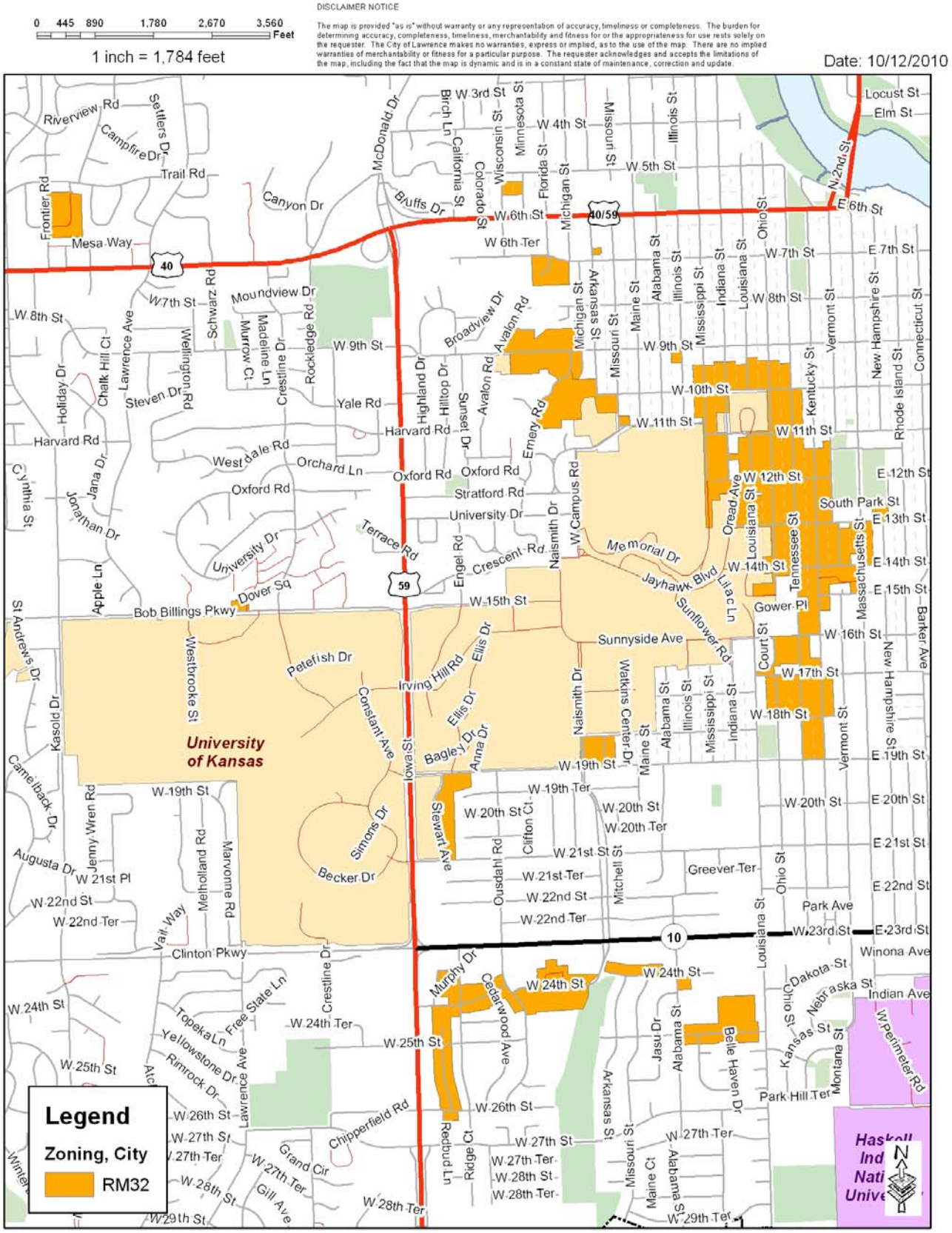
- RM32 District zoning could be located in any area of the city. Would density bonuses be appropriate in the outlying areas versus redevelopment areas?
- Would it be more appropriate to create another multi-dwelling district with a higher density maximum?
- The bulk of the RM32 District is located within the Oread Neighborhood. See map on next page.
    - Would the density bonuses encourage the combination of lots changing the historic pattern fabric of the neighborhood and potential demolition of existing historic structures?
    - The Oread Neighborhood Plan identifies areas for potential overlay districts. Is this amendment premature since the potential overlay districts could address density specifically for those areas deemed appropriate instead of every RM32 location?
- Is there an issue with how the Code calculates density? Currently it calculates density as a per dwelling unit calculation. Would it be more appropriate to calculate it based on the number of bedrooms?

Commission Options

- Continue with the density bonuses that are intended to meet certain public goals
    - Direction on the inclusion of which bonuses
    - Direction on the priority of the bonuses in order to assign the number of dwelling units earned if the bonus is met
- Consider review of density as the part of overlay district process in the areas identified in the Oread Neighborhood Plan and not in the RM32 District as a whole.
- Leave the district as it is
- Investigate alternative ways to calculate density or define dwelling unit

Action Requested: Direct staff as appropriate.

- **Map shows all RM32 Districts**



20-601 DENSITY AND DIMENSIONAL STANDARDS

(a) Residential Districts

Unless otherwise expressly stated, all development in R Districts shall comply with the Density and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	–
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32 *[7]*	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

[1] Minimum garage entrance Setback = 20 feet
[2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line. Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line.
[3] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot.
[4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage.
[5] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
[6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.
[7] The max. Dwelling Units per acre may exceed 32 units per acre subject to the standards of Section 20-602(i).

Section 602 MEASUREMENT OF AND EXCEPTIONS TO DENSITY AND DIMENSIONAL STANDARDS

(i) Maximum Dwelling Units in the RM32 District

The maximum residential Density permitted as stated in Section 20-601(a) may be eligible to be increased if all applicable sections of the code are met (with our without variances) and any of the following density bonuses are achieved up to a maximum Dwelling Units per acre

of 54 (additional 22 Dwelling Units per acre) provided all applicable sections of the code are met for the additional Dwelling Units.

(1) *Density Bonuses*

A Density Bonus is an incentive-based tool that permits an increase in the allowable development potential of a property in exchange for helping the community achieve goals as stated in the Lawrence/Douglas County Comprehensive Land Use Plan. Features identified as public goals in the table below may be eligible to increase Density based upon the number of Dwelling Units earned. The applicant shall make a request for Density Bonus(es) in writing with the site plan or development plan application. The request shall state the goal(s) provided, Dwelling Units earned and density bonus redeemed for the Dwelling Units earned. Such information shall also be stated on the approved site plan or development plan.

Public Goal	*Dwelling Units Earned*
Goal I: Provision of Moderately-Priced Dwelling Units	
Percentage of all Dwelling Units which are considered to be Moderately-Priced Dwelling Units	*10% increase for the first 10%; PLUS* *1 Dwelling Unit for each 1% provided in addition to 10%*
Goal II: Provision of a variety of housing types	
At least two (2) different residential uses as permitted in the Residential Use Group in Section 20-402.	*3 Dwelling Units if two (2) of the types are provided;* *5 Dwelling Units if three (3) of the types are provided;*
Goal III: Provision of transportation facilities	
Provisions for underground parking	*X Dwelling Units* *X Dwelling Units for each public parking space provided above the required parking*
Location within ¼ mile of a Designated Transit Route	*X Dwelling Units*
Location adjacent to Designated Transit Stop	*10 Dwelling Units if located directly adjacent to a transit stop.* *X Dwelling Units if the developer provides a transit shelter within ¼ miles of the proposed site (as determined by the City's Public Transit Administrator)*
Provisions for outdoor bicycle storage lockers	*X Dwelling Units per X lockers*
Goal IV: Ensuring availability of adequate public facilities	
Location within ½ mile of a fire station	*1 Dwelling Unit*
Location within ¼ mile of a public park or open space	*3 Dwelling Units*
Location within ¼ mile of a school, university campus or cultural center	*3 Dwelling Units*
Provisions to fund sidewalks to be built offsite as part of the City's Sidewalk Gap program	*X Dwelling Units for each 50' length of sidewalk (as approved by the City Engineer)*
Location adjacent to the intersection of two streets classified as either Minor Arterial or Principal Arterial according to the adopted Major Thoroughfares Map	*2 Dwelling Units*
Goal V: Ensuring Protection of Environmental Quality	
Provision of a green roof or rooftop garden to control stormwater runoff (determination of materials used to constitute a green roof or rooftop garden shall be made by the City Stormwater Engineer)	*8 Dwelling Units*
Provision of a stormwater best management practice as per the adopted BMP Manual	*3-5 Dwelling Units (as determined by the City's Stormwater Engineer)*
Protection of Sensitive Land Features as per Section 20-1101(d) otherwise not required to be protected or preserved	*See Section 20-1101(e)*
Provisions for solar panels	*X Dwelling Units*
Provisions for geothermal heating and cooling	*X Dwelling Units*

Public Goal	*Dwelling Units Earned*
Provisions for permeable concrete or asphalt	*X Dwelling Units*
Provisions for on-site recycling bins	*X Dwelling Units*
Provision for outdoor lighting using LED technologies	*X Dwelling Units*

APPLICANT PROPOSED BONUS

20-1109 General Development Standards for RM32 District

(a) Development Bonuses

To encourage redevelopment of appropriate properties, we would propose development bonuses as an incentive for redevelopment and development of infill for RM zoned property. Projects that contain features below, which are recognized as public goals, would be eligible for increased development potential based on the proposed design criteria. The applicant would make the request for development bonus as a part of the site plan submittal. The request would show the design criteria that have been met and how the applicant intends to redeem the bonus.

These bonuses are NOT available on any projects in which a State or National Registry listed structure is proposed for demolition.

(b) **Available Bonuses**

Proposed Design	Allowable Increase
% of Units That Meet Energy Star Requirements	Up to 100%
% of Units Which Are Studios, 1 and 2 Bedrooms.	Up to 100%
% of Property Which Would be Classified as Redevelopment of Inappropriate Structures for the Oread Neighborhood	Up to 100%
Any Renovation of a Contributing Structure or Significant Structure per HRC as a Result of the Project (even on another site)	Up to 100% (50% per Structure)
% of Parking Located Underground	Up to 100%

(c) Redemption of Bonuses

(1) Density
Allowed density to be up to 128 units/acre. (No more than 300% redeemable)
Allowable dwelling units per acre=32 + 32(* % Bonuses) = 128 Max.

(2) Height
If a proposed project has more than 250% of redeemable bonuses, the height may be increased by 12 feet. This increase could be used with the density increase.

(3) Front Yard
The front yard may be reduced to a minimum of 15'-0"; 1' reduction for every 10% of redeemable bonuses. This % is NOT allowed to be used with density increase.

Examples:

Density Calculation

Example: 50x117 site=0.135 acres would be allowed initially 4 units. If he built all energy star units, all 1 & 2 bedroom units. 4+4(200)=12 units allowed.

With Front Yard Exception

Example: If you used part of the bonus to reduce the front yard to 15' your redeemable bonus would only be 100%. 4+4(100)=8.
i.e. 10' reduction x 10% = 100% Development Bonus
A 300% Bonus would be reduced to 200%.
4+4(200)=12 Units Allowed

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

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SEP 20 2010
City County Planning Office
Lawrence, Kansas

9-19-10

TA-6-8-10
increase maximum dwelling units per acre limit in RM32.
Planning Commissioners:

I would like to make two points regarding this text amendment. First, a request for clarification regarding whether this amendment would merely add kitchens in the shuffling from 4-bedroom units to one or two-bedroom units, or could the actual number of people within the same building footprint increase? Are the phrases in the staff report, "unrestricted density cap" and "unlimited density" merely an unfortunate choice of words?

Second, LPA would agree with the comment made by the LAN representative at the August PC meeting: what are the unintended consequences of this amendment? Reasonable people can understand a developers need to market one or two bedroom units in today's market. But what if the text amendment also made it more lucrative for a property investor to take out a row of older homes to put up high-density rentals? "Preserving existing housing stock" is a listed goal in the new Oread Neighborhood Plan.

Staff needs to clarify if this amendment will add people as well as kitchens to the same building footprint, and staff needs to study the possible ramifications to development patterns within the Oread neighborhood before further action is taken on this text amendment.

Dennis J Brown

Dennis J Brown

president

Lawrence
Preservation
Alliance

Hernly ASSOCIATES, Inc.
ARCHITECTS
ENVIRONMENTAL CONSULTANTS
GRANT ADMINISTRATORS

920 Massachusetts, Suite 2
Lawrence, KS 66044

October 7, 2010

Planning Commissioners
City of Lawrence, Kansas

Re: Proposed Text Amendment TA6-8-10.

As an architect practicing in Lawrence, I'm writing to provide additional information regarding the proposed text amendment to remove the unit density cap in the RM-32 zoning district. This proposed amendment is presented as a simple measure to allow for the development of more 1-bedroom and studio apartment housing options, especially around the University of Kansas campus. The density increases possible with the proposed amendment need to be fully understood before any action is taken to change the development code.

Under the current regulations, 32 apartment units per acre of property are permitted in the RM-32 zoning district. Taken in conjunction with the regulation which limits the number of unrelated persons living in an apartment unit to 4, **the maximum number of people per acre in the RM-32 district is 128**. This is the only real limitation on density in this, or any, multi-dwelling zoning district. All other zoning regulations (including setbacks, height limitations, and parking requirements) modulate density, but do not control density.

Currently there is no differentiation in the code between apartment types. A studio apartment unit counts the same as a 4-bedroom apartment unit. From a development standpoint, this tends to push toward apartment complexes with more bedrooms-per-unit in order to maximize the financial return on investment. From a market standpoint, apartments with fewer bedrooms-per-unit are becoming more desirable. Therefore the proposed text amendment comes before you for consideration.

The proposed text amendment requests the removal of the 32 units per acre density cap, if all other zoning regulations are met. This is presented as a means to construct new apartment developments which include more 1-bedroom and studio apartments as part of the overall mix of units. In essence, the theory is there is little difference between an apartment complex with ten 4-bedroom units and an apartment complex with 40 1-bedroom units; they both have 40 bedrooms and are both required to have 40 parking spaces. If either development can be designed to fit within the allowable building area on the site, there's little difference between allowing either to be built. Let me tell you, this is a wolf in sheep's clothing.

To demonstrate the potential impact of the proposed change, let's look at some simple numeric possibilities for an original townsite lot measuring 50' x 117'. This lot contains 5,850 s.f., which is equivalent to .1343 acres. At 32 units per acre, four units are allowed on this lot, and at a maximum of 4 unrelated people per unit, there could be **16 people** living on the lot; this is the only absolute control on density under the current development code. With the proposed text amendment the only definitive control on the maximum number of people that could live on the lot is still controlled only by the four unrelated people allowed per unit, and the **total** number

of people living on the lot could skyrocket. For example, on a flat lot with alley access at the rear and street access at the front, it is theoretically possible to provide 16 parking spaces at ground level and to construct 16 1-bedroom apartment units on floor levels over the parking. Working within building setbacks and height limitations each of these apartment units could average 720 s.f. in size. From a design standpoint, this would accommodate a large 1-bedroom apartment that, if so inclined, could be rented legally to four unrelated people, thereby creating a density of **64 people** living on the lot, four times more than the current amount possible and four times the parking spaces provided.

While this example is extreme, two axioms should be understood; architects are creative people and developers want to optimize financial return on every development. Without some definitive control on density, you will be startled by the scale of projects created under the proposed text amendment.

If the desire of the Planning Commission is to modify the zoning code to allow developments with more and smaller apartment units, similar in density to what can be achieved under the RM-32 zoning regulations, then some means needs to be put in place to absolutely control the maximum density for those developments. One way to do this would be to set the density limit as **people-per-acre** rather than **units-per-acre** and to implement regulations reducing the allowable number of unrelated people living in smaller apartment units. This however is fraught with difficulties of enforcement and definitions, and perhaps not the best approach.

If the desire of the Planning Commission is to allow greater density in selected areas of town, then this would more easily be achieved and regulated with a higher density zoning category, rather than modification of the RM-32 district. This would keep the implementation of all developments in standard zoning districts under the same umbrella of maximum density review, defined as units-per-acre.

If the desire of the Planning Commission is to allow developments with more and smaller apartment units in the older part of town, maintaining the same density impact as developments with fewer and larger units, then perhaps the best approach would be to create a new Mini Planned Development code. The smallest property size for using the current Planned Development code is five acres, and a new Mini Planned Development code could be created for properties less than 5 acres in size. This could provide for a more detailed review of a proposed development that incorporates floor plans and building elevations as part of the site development approval. This process could more easily maintain a balance between development density and parking, which is what the proposed text amendment has potential of throwing out of alignment.

As a long time resident of Lawrence, former homeowner in the Oread Neighborhood, and practicing architect with a strong historic preservation focus, I have a keen awareness of the potential impact of the proposed text amendment on areas around the KU campus. I support development and redevelopment within the older areas of town, but not at the expense of losing significant historic properties which help define the character of our community or at the expense of creating developments which do not provide adequate on-site parking. Please be sure to thoroughly explore the potential impact of any changes to the development code before implementing those changes.

Sincerely,

Stan Hernly

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

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OCT 25 2010
City County Planning Office
Lawrence, Kansas

October 25, 2010

Mr. Charles Blaser, Chairman
Members, Lawrence-Douglas County Planning Commission
City Hall, Lawrence, Kansas 66044

RE: ITEM NO. 7, TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:

We are pleased with the staff recommendation for more consideration of the proposal to lift the density cap for the RM32 District. We have some comments to add to those we made in our August letter.

The stated reason for the request was "Current RM zoning has no incentives to help the community achieve one of the goals of the Lawrence/Douglas County Comprehensive Land Use Plan; to encourage redevelopment and development of infill property." Although the community wants to encourage development of infill property, the League does not believe that the intent of our Comprehensive Land Use Plan is to encourage the redevelopment of ALL currently developed RM zoning throughout the city beyond the current limitations. For the most part, zoning should provide stability, not instability, for neighborhoods.

There are certainly arguments that in some areas it may be reasonable to increase density, but again, we believe those areas should be selected carefully until we know some of the impacts of this change. We support the staff proposal to identify some density cap for this district; there are limits to the capacity of the infrastructure to support development in an area. We were pleased to see the wording allowing for a maximum of 54 (additional 22 Dwelling Units per acre) and then we were subsequently confused by the example under "Redemption of Bonuses" that allowed for density to be up to 128 units/acre. The initial proposal stated that all other standards for development should be met, and now we see a discussion of increasing the height and reducing the front yard.

There should be more clarity regarding allowable bonuses; we believe that the staff is asking for direction on this. Perhaps the percentage of the bonus should be higher if more studio or one-bedroom apartments are being developed than if there are more two-bedroom apartments. We agree with the intended purpose of allowing bonuses to redevelop "inappropriate" structures currently in the Oread Neighborhood, but would like assurance that the new structures would be considered to be appropriate. There should also be some equity in the number of additional units that can be developed with similar investments on the part of the developer. It will be much more expensive to develop an underground parking space than it will be to provide on-site recycling bins.

The staff has acknowledged that this change could create additional pressures for the redevelopment throughout areas now zoned RM32. We believe that bonus points should only be available for development that is consistent with the goals of the neighborhood plan. Areas in Oread that are recommended for lower density development should not be considered for these bonuses.

Sincerely yours,

Brooke Goc
Brooke Goc
President

Alan Black
Alan Black, Chairman
Land Use Committee

LWV10-25-10pc Item7 Text Amendment, RM32 District, FINAL

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
10/27/10

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

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

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments to Sections 20-207, 20-208, 20-209, 20-211, 20-212, 20-213, 20-1301, 20-1304, 20-1305 and 20-1701 to the Land Development Code to the City Commission.

Reason for Request: To incorporate the Industrial Design Standards and refer to the Community Design Manual (now that it will contain 2 sections-Commercial and Industrial Standards).

RELEVANT GOLDEN FACTOR:
- The amendments are consistent with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- No comments received prior to printing.

OVERVIEW OF PROPOSED AMENDMENT
The City Commission adopted the Community Design Manual-Commercial Development section in July 2006. This has been referred to as the Community Design Standards. Staff is proposing code changes to reference the Design Manual now that this document would have two sections.

Design Standards Draft
Staff has been working with the Industrial Design Committee to draft Industrial Design Standards. This document is section 3 of the Community Design Manual. A grouping of design standards for residential, commercial and industrial development. Currently the manual only contains commercial design standards. Completing industrial design standards is outlined in *Horizon 2020* in various chapters and is also a recommendation of the K-10 & Farmer's Turnpike Plan. The committee has reviewed design standards from communities all over the country and local communities. Specifically, the committee reviewed the design standards for the city of Olathe. The draft standards are comparable yet not as restrictive as those of Olathe. The committee has completed its work and has forwarded the draft to the Planning Commission for consideration. This draft is attached to the staff report.

Development Code Text Amendments
Sections 20-207, 20-208, 20-209, 20-211, 20-212, 20-213 are amendments to remove the references to the Commercial Design Standards from the text that describes the various commercial zoning districts. Staff is trying to be consistent and not reference any standards in the district descriptions and not duplicate regulations in various sections of the code.

Section 20-1301 contains references to the Commercial Design Standards that are proposed to be changed to Community Design Manual.

Section 20-1304 contains the review procedure for the Planned Developments. The design standards are applicable to uses that fall within the Commercial or the Industrial use groups in Article 6 of the Code. The Community Design Manual would be applicable to commercial and industrial uses in planned developments. Currently the code only references the design standards in the site plan procedure section. If a property has a PD Overlay, the process would involve review of development plans in stead of a site plan. The code needs to clearly state that the Community Design Manual is applicable for development plan process in addition to the site plan process. Amendments to this section include correction of a numbering error was found in the section and is being proposed to be corrected.

Section 20-1305 provides the site plan review procedures of the code. References to the Commercial Design Standards are proposed to change to reference the Community Design Manual. The proposed amendments also include some numbering errors that are proposed to be corrected.

Section 20-1701 is the Terminology section. This section includes a definition of a Standard Development Project and in that definition it references the Commercial Design Standards. The proposed amendment will update the reference to the Community Design Manual.

All proposed changes are highlighted in the sections and attached to the end of this staff report.

CONFORMANCE WITH THE COMPREHENSIVE PLAN
Chapter 17 – Implementation, Follow-up Studies identifies that the city should study design guidelines. Additionally in Chapter 7 – Industrial and Employment Related Land Use, Policy 1.2(a), 2.5(a), and 3.3(a) identify the intent to develop design guidelines for industrial development. The *K-10 & Farmer's Turnpike Plan* also recommends adopting Industrial Design Standards.

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

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

This amendment corrects minor errors and a changing condition. This amendment corrects numbering errors in various sections and changes references to the Commercial Design Standards to incorporate a Community Design Manual. The Commercial Design Standards and the Industrial Design Standards are sections of an overall Community Design Manual. Previously, the adopted manual had one section. With the approval of the Industrial Design Standards, become the second section of the Design Manual. Staff believes since a large portion of the manual complete, it is best to reference it as a whole document versus sections of the manual.

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

The amendment is consistent with *Horizon 2020,* Chapter 7, 14, and 17. Chapter 7 – Industrial and Employment Related Land Use recommends establishing design guidelines. Chapter 14 – Specific

Plans, K-10 & Farmer's Turnpike Plan recommends adopting Industrial Design Standards. Chapter 17 – Implementation recommends studying design guidelines and implementing them. This amendment is consistent with various sections of *Horizon 2020.* The purpose of the Development Code is to implement the Comprehensive Plan. Adoption of the Industrial Design Standards and these related amendments provides an additional tool to implement the goals and policies in the plan.

DRAFT CODE CHANGES

20-207 CN1, INNER NEIGHBORHOOD COMMERCIAL DISTRICT

(a) Purpose

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. The District is restricted in use to unique situations where the Center is part of an overall planned neighborhood development or where the Center can easily be integrated into an existing neighborhood and where it can be served by Collector or Arterial Streets pursuant to adopted Access Management standards.

(b) Principal Uses

Principal Uses are allowed in CN1 Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Accessory Dwelling Units and Home Occupations, are subject to the regulations of Section 20-532, et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in CN1 Districts shall comply with the City's Comprehensive Land Use Plan, ~~*Commercial Design Standards and Guidelines,*~~ and the Density and Dimensional Standards of Article 6.

(1) Site Requirements

Site area of any development within the CN1 District shall not exceed 1 acre. See Article 6.

(2) Lot Requirements

No Additional Standards.

(3) Floor Area Requirements

Floor Area of any Structure for a Principal Use within the CN1 District shall not exceed 3,000 gross square feet.

(e) Street Access

Development in the CN1 District may take Access to local, Collector or Arterial Streets and to public Alleys (if they abut the property being developed).

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1) General Development Standards

See Article 11.

(2) Landscaping

See Article 10.

(3) Off-Street Parking and Loading

See Article 9.

(4) Outdoor Lighting
See Section 20-1103.

(5) Overlay Districts
See Article 3.

20-208 CN2, NEIGHBORHOOD COMMERCIAL CENTER DISTRICT

(a) Purpose

The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan's "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for Collector/Arterial Street intersections or at Arterial/Arterial Street intersections. Development is intended on only one corner of the intersection.

(b) Principal Uses

Principal Uses are allowed in CN2 Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in CN2 Districts shall comply with the City's Comprehensive Land Use Plan, ~~*Commercial Design Standards and Guidelines,*~~ and the Density and Dimensional Standards of Article 6.

(1) Site Requirements

Site area shall not exceed 15 acres for any CN2 development. See Article 6.

(2) Lot Requirements

Lot Area of any development within the CN2 District shall maintain a width-to-depth ratio between 1:1 and 3:2. Neighborhood Commercial Centers shall contain no more than 100,000 gross square feet of commercial space, unless the Center contains a grocery (Food and Beverage Retail Sales) store that has over 60,000 gross square feet. In this case, the Center may contain no more than 125,000 gross square feet of commercial space.

(3) Floor Area Requirements

Floor Area of any Structure for a Principal Use within the CN2 District, other than a grocery (Food and Beverage Retail Sales) store, shall not exceed 40,000 gross square feet. A grocery (Food and Beverage Retail Sales) store shall not exceed 80,000 gross square feet.

(e) Street Access

Development in the CN2 District may take Access to Local, Collector or Arterial Streets and to public Alleys (if they abut the property being developed).

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1) General Development Standards

See Article 11.

(2) Landscaping
See Article 10.

(3) Off-Street Parking and Loading
See Article 9.

(4) Outdoor Lighting
See Section 20-1103.

(5) Overlay Districts
See Article 3.

20-209 CO, OFFICE COMMERCIAL DISTRICT

(a) Purpose

The CO, Office Commercial Zoning District, is generally intended to function as a medium-intensity office Zoning District. The District is intended to prevent strip commercial development by allowing office uses but not allowing other commercial uses and to serve as a land use buffer between Arterial or Collector Streets and residential neighborhoods. The District allows freestanding office Buildings as well as office parks.

(b) Principal Uses

Principal Uses are allowed in CO Districts in accordance with the Use Table Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in CO Districts shall comply with the City's Comprehensive Land Use Plan, ~~*Commercial Design Standards and Guidelines,*~~ and the Density and Dimensional Standards of Article 6.

(1) Site Requirements

No Additional Standards.

(2) Lot Requirements

No Additional Standards.

(3) Floor Area Requirements

No Additional Standards.

(e) Street Access

Development in CO Districts shall take Access to Collector or Arterial Streets.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1) General Development Standards

See Article 11.

(2) Landscaping

See Article 10.

(3) Off-Street Parking and Loading

See Article 9.

(4) Outdoor Lighting

See Section 20-1103.

(5) Overlay Districts

See Article 3.

20-211 CC, COMMUNITY COMMERCIAL DISTRICT

(a) Purpose

(1) The CC, Community Commercial Centers District, is primarily intended to implement the Comprehensive Plan's Community Commercial Centers policy for commercial development at a community scale to serve multiple neighborhoods. Within the Community Commercial Center classification there are two categories of commercial centers; the CC200 Center and the CC400 Center. Permitted uses are the same in both categories; Density and dimensional standards are greater in the CC400 Center than in the CC200 Center.

(2) The Primary Purpose of the CC200 Center is to provide for the redevelopment of existing Community Commercial Centers and to provide an alternative for the existing highway strip commercial areas.

(3) The Primary Purpose of the CC400 Centers is to provide opportunities for development of new Community Commercial Centers for fringe areas as neighborhoods grow and develop.

(b) Principal Uses

Principal Uses are allowed in CC Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Additionally, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in CC Districts shall comply with the City's Comprehensive Land Use Plan, ~~*Commercial Design Standards and Guidelines,*~~ and Density and Dimensional Standards of Article 6, as modified by the design standards set forth in Section 20-526. The following additional Density and Dimensional Standards shall apply in the CC District:

(1) Site Requirements

Not all corners of a CC200 Commercial Node shall be devoted to commercial uses. For a Center that has Buildings between 40,000 and 100,000 gross square feet in size, the maximum gross square feet of the Center shall not exceed 50% of the allowable commercial square feet for a CC200 Commercial Node.

A minimum of 95% of the commercial gross square feet of a new CC400 Center shall be located on two (2) or fewer corners of the Commercial Node intersection. If there are remaining allowable square feet at a Node (intersection) after two or fewer corners are developed, one of the remaining corners may have 50% or less of the remaining 400,000 gross square feet of allowable commercial space. Any corner of an intersection where the gross square feet of commercial space is 20,000 or more shall have a minimum site area of 20 acres and a width to depth ratio between 1:1 and 3:2.

(2) Lot Requirements

Lot Area of any development within the CC Centers District shall maintain a width-to-depth ratio between 1:1 and 3:2. A maximum Building coverage of 25% shall apply to all development within the CC Centers District.

(3) Floor Area Requirements

CC200 Centers: CC200 Centers shall contain no more than 200,000 gross square feet of the entire Node's commercial space as provided in Chapter 6 of Horizon 2020. Floor Area of any Structure for a Principal Use within a CC200 Center shall not exceed 100,000 gross square feet. Within a Large Retail Establishment, no more than 15% of the Floor Area may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public Access internally from the larger Retail Establishment. General retail stores (including general merchandise and apparel) shall not exceed 65,000 gross square feet.

CC400 Centers: CC400 Centers shall contain no more than 400,000 gross square feet of the entire Node's commercial space as provided in Chapter 6 of Horizon 2020. Floor Area of any Structure for a Principal Use within a CC400 Center shall not exceed 175,000 gross square feet. Within a Large Retail Establishment, no more than 15% of the Floor Area may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public Access internally from the larger Retail Establishment.

(e) Street Access

Development in the CC Centers District shall take Access from a Collector Street, Arterial Street, or designated highway. CC200 Centers shall be located at Collector/Arterial Street intersections or Arterial/Arterial Street intersections. CC400 Centers shall be located at the intersection of two Arterial Streets that have at least a four-lane cross section or at the intersection of a four-lane Arterial Street with a State or Federally designated highway. Whenever possible, CC Centers development shall share direct or indirect Access through common curb cuts or private Access roads. When the CC Center site abuts a controlled intersection, Access shall be directed to a side street with adequate distance between the intersection and the site Access point(s).

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1) General Development Standards
See Article 11.

(2) Landscaping
See Article 10.

(3) Off-Street Parking and Loading
See Article 9.

(4) Outdoor Lighting
See Section 20-1103.

(5) Overlay Districts
See Article 3.

20-212 CR, REGIONAL COMMERCIAL DISTRICT

(a) Purpose

The CR, Regional Commercial District, is primarily intended to implement the Comprehensive Land Use Plan's Regional Commercial Center policy of providing the same services as a Community Commercial Center but for a regional market area, offering a greater variety and number of general merchandise, apparel, furniture stores and other tenants. Regional Commercial Centers shall contain no more than 1.5 million gross square feet of commercial space.

(b) Principal Uses

Principal Uses are allowed in CR Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless expressly stated, all development in CR Districts shall comply with the City's Comprehensive Land Use Plan, ~~*Commercial Design Standards and Guidelines,*~~ and the Density and Dimensional Standards Article 6. The following additional Density and Dimensional Standards apply in the CR District:

(1) Site Requirements

Site area of any development within the CR District shall be no less than 40 acres and shall have a minimum primary street Frontage of 1,400 linear feet.

(2) Lot Requirements

Lot Area of any development within the CR District shall maintain a width-to-depth ratio between 1:1 and 3:2 with a maximum Building coverage not to exceed 25%.

(3) Floor Area Requirements

Floor Area of any Structure for a Principal Use within the CR District shall not exceed 175,000 gross square feet. Within a Large Retail Establishment, no more than 15% of the Floor Area may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public Access internally from the larger Retail Establishment.

(e) Street Access

Development in the CR Districts shall be located at the intersection of two State or Federally designated highways or the intersection of a four-lane Arterial Street and a State or Federally designated highway. Whenever possible, such Commercial Development shall share direct or indirect Access through common curb cuts or private Access roads. When the Commercial Development abuts a controlled intersection, Access shall be directed to a side street with adequate distance between the intersection and the site Access point(s).

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1) General Development Standards
See Article 11.

(2) Landscaping
See Article 10.

(3) Off-Street Parking and Loading
See Article 9.

(4) Outdoor Lighting
See Section 20-1103.

(5) Overlay Districts
See Article 3.

20-213 CS, COMMERCIAL STRIP DISTRICT

(a) Purpose

The CS, Commercial Strip District, is primarily intended to provide for existing commercial strip development along the City's Major Arterial Streets. No new undeveloped Parcel shall be zoned CS, except in the case where an undeveloped Parcel is adjacent to an existing CS, then the adjacent undeveloped Parcel may be zoned to the classification CS to allow for expansion of an existing CS use onto the undeveloped adjacent Parcel.

(b) Principal Uses

Principal Uses are allowed in CS Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Section 20-532.

(d) Density and Dimensional Standards

Unless expressly stated, all development in CS Districts shall comply with the City's Comprehensive Land Use Plan, ~~*Commercial Design Standards and Guidelines,*~~ and the Density and Dimensional Standards of Article 6.

(1) Unless otherwise expressly stated, all development in CS Districts shall comply with the Density and Dimensional of Article 6.

(2) Expansion of a Development in the CS District to an adjacent Lot may be allowed only to square off the boundaries of an area designated on the official zoning map as a CS District along the rear or Side Setback of the Development; provided, however, this expansion may not exceed twenty-five percent (25%) of the Lot Area of the development and provided, further, the expansion on the adjacent Lot must implement the goals, policies and strategies of the Comprehensive Land Use Plan by providing one of the following:

(i) Shared Access with adjacent Development;

(ii) Perimeter Landscaping between the street and the development;

(iii) A Bufferyard or other landscape Screening between the development and any residential development; or

(iv) A sidewalk or extension of a sidewalk, along the public right-of-way adjacent to the Lot being redeveloped.

(e) Street Access

(1) The creation of shared public Access or consolidation of multiple Access points shall be required where determined by access management policy or adopted corridor plans identify potential changes upon redevelopment of a Major Development Project in the CS District.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1) General Development Standards
See Article 11.

(2) Landscaping
See Article 10.

(3) Off-Street Parking and Loading
See Article 9.

(4) Outdoor Lighting
See Section 20-1103.

(5) Overlay Districts
See Article 3.

20-1301 GENERAL

(a) Summary of Procedures

The following table provides a summary of the procedures in this Article. In the event of conflict between this summary table and the detailed procedures in this Development Code, the detailed procedures govern.

Procedure	Review and Decision-Making Bodies				Notice
	Staff	PC	BZA	CC	[2]
Text Amendments (§0)	R	<R>		DM	N
Zoning Map Amendments (§0) [3]	R	<R>		DM	N/P/M
Planned Developments (§ 20-1303(l)(2)(v))					
Preliminary Development Plan	R	<R>		DM	N/P/M
Final Development Plan	DM			<A>	M
Site Plan Review (§0)	DM			<A> [4]	P/M
Special Uses (§Article 12. 20-1305(o)(3))	R	<R>		DM	N/P/M
Zoning Variances (§0)	R		<DM>		N/M
Written Interpretations (§0)	DM		<A> [5]		
Appeals of Administrative Decisions (§0)			<DM>		N/M

PC = Planning Commission BZA = Board of Zoning Appeals CC = City Commission <>= Public Hearing Required

[1] R = Review Body (Responsible for Review and Recommendation); DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny); A = Authority to hear and decide appeals of Decision-Making Body's action.
[2] Notices: N = Newspaper (published); P = Posted (signs); M = Mailed (See sub-section (p)(3) of this section)
[3] See Section 20-308(d) for special procedures applicable to UC, Urban Conservation District zoning map amendments.
[4] City Commission is authorized to hear and decide appeals of Planning Director's decision on Site Plans.
[5] Appeals processed as "Appeals of Administrative Decisions."

(b) Authority to File Applications

Unless otherwise expressly stated, applications for review and approval under this article may be initiated by (1) all the Owner of the property that is the subject of the application; (2) the Landowners' authorized Agent; or (3) any review or decision-making body.

(c) Form of Application

Applications required under this Development Code shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Officials responsible for accepting applications shall develop checklists of submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information are available in the office of the Planning Director.

(d) Pre-application Meetings

(1) All applicants for matters that require a public hearing are required to attend a pre-application meeting with staff. Pre-application meetings are also required whenever the provisions of this Article expressly state that they are required. Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 Working Days before submitting an application.

(2) All other applicants are encouraged to arrange a pre-application meeting with City staff. The Planning Director will provide assistance to applicants and ensure that appropriate City staff members are involved in pre-application meetings.

(e) Application Processing Cycles

The Planning Director may, after consulting with review and decision-making bodies, promulgate processing cycles for applications. Processing cycles may establish:

(1) deadlines for receipt of complete applications;

(2) dates of regular meetings;

(3) the scheduling of staff reviews and staff reports on complete applications; and

(4) any required time-frames for action by review and decision-making bodies.

(f) Application Filing Fees

Applications shall be accompanied by the fee amount that has been established by the City Commission. Fees are not required with applications initiated by review or decision-making bodies. Application fees are nonrefundable.

(g) Application Completeness, Accuracy and Sufficiency

(1) An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.

(2) Within 5 Working Days of application filing, the Planning Director shall determine whether the application includes all information required for processing (See Section 20-1301(c)). If an application does not include all of the required information it will be deemed incomplete. If an application includes all of the required information it will be deemed complete. If the application is deemed incomplete, written notice shall be provided to the applicant and the applicant's Agent. The notice shall include an explanation of the application's deficiencies.

(3) No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn. If an application is deemed withdrawn because of failure to correct application deficiencies, notice shall be sent to the applicant and the applicant's Agent.

(4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with the procedures of this Article and the processing cycles established under Section 20-1301(d)(2).

(5) The Planning Director may require that applications or plans be revised before being placed on the agenda of the Planning Commission or City Commission if the Planning Director determines that:

(i) the application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;

(ii) the application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;

(iii) the application or plan cannot be approved without a variance or some other change or modification that the decision-making body for that application or plan does not have the authority to make.

(6) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with Development Code standards shall be revised before they will be placed on agenda of the Planning Commission or City Commission.

(7) Action or inaction by the Planning Director under this section may be appealed to the Board of Zoning Appeals.

(h) Continuation of Public Hearings

(1) A public hearing for which proper notice was given may be continued by the Board of Zoning Appeals or Planning Commission to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.

(2) If a public hearing is tabled or deferred by the Board of Zoning Appeals or Planning Commission for an indefinite period of time or postponed more than three (3) months from the date of the originally scheduled public hearing, new public notice shall be given, in accordance with the notice requirements of the respective procedure, before the rescheduled public hearing.

(3) The applicant or Landowner who requests the postponement is responsible for paying the cost of re-notification per the adopted schedule of fees for publication, and payment of re-notification costs shall be made before the item is placed on the agenda.

(i) Action by Review Bodies

(1) Review bodies may take any action that is consistent with:

(i) the regulations of this Article;

(ii) the City's adopted Development Policy;

(iii) any by-laws that may apply to the review body; and

(iv) the notice that was given.

(2) The review body's action may include recommending approval of the application, recommending approval with modifications or conditions, or recommending disapproval of the application.

(3) The review body may recommend conditions, modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or Zoning District than indicated in the application, reduce the impact of the development, or reduce the amount of land area included in the application.

(4) The review body may recommend that the application be approved conditionally upon the execution of a development agreement acceptable to the Director of Legal Services and/or compliance with the Access Management Standards and ~~*Commercial Design Policies and Standards, or Industrial Design Standards*~~ *the Community Design Manual* adopted by the City Commission from time to time.

(5) Review bodies may not recommend a greater Density of development; a more intensive use or a more intensive Zoning District than was indicated in the public notice.

(6) Review bodies are not required to recommend approval of the maximum Density or intensity of use allowed.

(j) Action by Decision-Making Bodies

(1) Decision-making bodies may take any action that is consistent with:

(i) the regulations of this Article;

(ii) the City's adopted development policy;

(iii) any by-laws that may apply to the decision-making body; and

(iv) the notice that was given.

(2) The decision-making body's action may include approving the application, approving the application with modifications or conditions, or denying the application. A denial of application may be accompanied with a remand to the review body, if any, for further consideration.

(3) The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or Zoning District than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.

(4) The decision-making body may approve the application upon the condition that the applicant executes a development agreement acceptable to the Director of Legal Services and/or compliance with the Access Management Standards and ~~*Commercial Design Policies and Standards, or Industrial Design Standards*~~ *the Community Design Manual* adopted by the City Commission from time to time.

(5) Decision-making bodies may not approve a greater Density of development; a more intensive use or a more intensive Zoning District than was specified in the public notice.

(6) Decision-making bodies are not required to approve the maximum Density or intensity of use allowed.

(k) Lesser Change Table

Pursuant to K.S.A. 12-757, the Planning Commission may adopt a "Lesser Change Table." The Lesser Change Table is for the use of the Planning Commission in determining the hierarchy of Zoning Districts and for determining when public notification or re-notification is required. Such a table lists zoning classifications, by category, in ascending order from the least intense to the most intense. The Planning Commission's Lesser Change Table shall identify only the hierarchy of Zoning Districts within each of the three categories of Base Districts—Residential, Commercial and Industrial. It is not intended to identify hierarchical arrangements among Districts in different categories. For example, the Lesser Change Table may classify the RS40 District as less intense than the RS20 District, but it may not classify (R) Residential Districts as less intense than (C) Commercial Districts, or vice-versa. The Lesser Change Table shall be filed with the Planning Director.

(l) Burden of Proof or Persuasion

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

(m) Conditions of Approval

When the procedures of this Article allow review bodies to recommend or decision-making bodies to approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.

(n) Deferred Items

Once on a published and distributed agenda, Planning Commission action is required to defer an item. If an application is requested for deferral from the next Planning Commission agenda prior to publication of the agenda, the applicant may defer an item by submitting a written request to the Planning Director. For Deferred Items, the Landowner or applicant shall provide an updated property Ownership list from the County Clerk's office for items that have been deferred from an agenda for 3 or more months. If deferred at the applicant or Landowner's request, the cost of republication of legal notice in the newspaper shall be paid by the applicant or Landowner. If an item is deferred by the Planning Commission, no republication fee will be charged.

(o) Inactive Files

For Inactive Files, the Planning Director may notify the applicant and applicant's Agent in writing that a file has been closed when the file has been inactive for a period of time equal to or exceeding 12 months. Requests for action after a file has been declared inactive and the applicant has been notified require resubmittal as a new application. Review fees and cost of publication are required to be paid as part of the resubmittal.

(p) Inaction by Review/Decision-Making Bodies

(1) When a review or decision-making body fails to take action on an application within any time limit that is specified in or under this Article (as with an application processing cycle), that inaction will be interpreted as a recommendation of approval or a decision to approve, respectively. The Effective Date of such a

"non-action" approval or recommendation of approval will be the date that action was required to have occurred under the required time limit.

(2) Time limits for action may be extended if the applicant gives written consent to the extension or the applicant submits a written request for a deferral and agrees in writing to an extension of the time for action.

(3) When a review body fails to take action on an application within any time limit that is specified in this Article, the decision-making body is free to proceed with its own action on the matter without awaiting a recommendation.

(q) Notices

The notice provisions of this section apply except as otherwise expressly stated.

(1) Content

(i) Newspaper and Mailed Notice

All Newspaper and Mailed Notices shall:

a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;

b. describe the property involved in the application by Street address or by general description;

c. describe the nature, scope and purpose of the application or proposal; and

d. indicate where additional information on the matter can be obtained.

(ii) Posted Notice

All Posted Notices shall:

a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;

b. state the language "Development Activity Proposed", and

c. indicate where additional information on the matter can be obtained.

(2) Newspaper Notice

When the provisions of this Development Code require that "Newspaper Notice" be provided, the City is responsible for ensuring that notice is published in the official newspaper of the City of Lawrence. The notice shall appear in the newspaper at least 20 days before the date of the public hearing.

(3) Mailed Notice

When the provisions of this Development Code require that "Mailed Notice" be provided:

(i) Owner Notice; Radius

The official responsible for accepting the application shall mail notice to the record Owner of the subject property and all Owners of property located within

200 feet of the subject property. If the subject property abuts the City limits, the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

(ii) Notice to Registered Neighborhood Associations
The official responsible for accepting the application shall mail notice to any Registered Neighborhood Associations whose boundaries include or are contiguous to the subject property.

(iii) Ownership Information
The applicant is responsible for providing certified ownership information. Current ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if, at the time of submission, it is no more than 30 days old.

(iv) Timing of Notice
Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

(4) Posted Notice

(i) When the provisions of this Development Code require that "Posted Notice" be provided, the applicant shall ensure that notice is posted on the subject property.

(ii) Posted notice shall be in the form of official signs provided by the City.

(iii) Posted notice shall be clearly visible to neighboring residents and passers-by from each Public Street bordering the subject property. At least one sign shall be posted on each Street Frontage. The Planning Director is authorized to require the posting of additional signs when deemed necessary for effective public notice, but not more than one sign per 300 feet of Street Frontage may be required.

(iv) Posted notice shall remain in place for at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice.

(v) During the required notice period, the applicant shall periodically check the condition of the sign and shall replace it if it is no longer legible for any reason, whether through Act of God, vandalism, defect in installation or vegetative growth.

(vi) For any application requiring posted notice, the applicant shall supplement the application with an affidavit of posting and notice no sooner than the date the sign is posted but no later than seven (7) days prior to the scheduled public hearing, meeting, or date of action that is the subject of the notice. Failure to make timely delivery of such affidavit to the Planning Director shall render the application incomplete and subject it to removal from the agenda on the hearing date, at the discretion of the Planning Commission.

(vii) The applicant shall remove notice signs required by this section within 10 days of the date that the decision-making body takes action or the date that the application is withdrawn. Failure to properly post or maintain such signs is grounds for deferral or denial of the application.

(viii) For applications that do not abut Public Streets, the Planning Director is authorized to approve an alternative form of posted notice that will be visible to passers-by.

(ix) The public may submit written statements regarding a specific development proposal that, when the written statement is submitted by the published deadline for receiving public comment, will become a part of the official record in the planning department.

(x) Parties affected by the actions of a decision making body have the right to appeal the action taken in accordance with the procedures set out in Article 13 of this Chapter.

(r) Written Findings

Unless otherwise specifically provided in this ordinance, written findings are not required for a final decision on any application. Provided, however, that any decision may be expressly made subject to the subsequent adoption of written findings and, in such cases, the decision shall not be considered final until such findings are adopted. Provided further, that where an appeal of any quasi-judicial decision has been filed in the District Court of Douglas County pursuant to K.S.A. 12-760 or K.S.A. 60-2101(d) in cases where written findings have not been adopted, written findings shall be adopted by the approving authority within 45 days of service of the appeal on the City and thereafter shall be certified to the District Court as part of the administrative record. The 45-day time period for adoption and certification of findings may be extended with the permission of the District Court.

(s) Where Ordinance Required

Adoption of an ordinance is required in the case of a zoning text amendment, rezoning and special use permit. In such instances, the decision approving the application shall not be deemed to be final until the ordinance has been published in an official City newspaper.

(t) Planning Director as Administrative Official

Except where otherwise specifically provided in the Development Code, the Planning Director shall be the administrative official charged with interpreting and enforcing the provisions of the Development Code.

20-1304 PLANNED DEVELOPMENTS

(a) Description

PD, Planned Development Overlay Districts are established through the approval of zoning map amendments, in accordance with the hearing and notice requirements of Section 20-1303. PD zoning map amendments shall only be processed concurrently with a Preliminary Development Plan application. Final Development Plan approval is required after approval of the zoning map amendment and Preliminary Development Plan. This section sets forth the required review and approval procedures for PD Preliminary and Final Development Plans.

Development Plans for uses included in the Commercial or Industrial Use Groups of Sections 20-402 and 20-403 shall comply with the Community Design Manual adopted by the City Commission on July 25, 2006 by Resolution No. 6669 and on DATE by Resolution No. XXXX. Sections pertaining to site layout will be reviewed with the Preliminary Development Plan and sections pertaining to building detail will be reviewed with the Final Development Plan.

(b) Concurrent Processing

Concurrent submission and processing of Preliminary and Final Development Plans is allowed for a single-use Structure as long as individual plans are submitted that meet the Preliminary and Final Development Plan standards and criteria. All other developments (those that involve multiple Structures or multiple uses) require review and approval of a Preliminary Development Plan before submittal of a Final Development Plan.

(c) Prerequisite to Building Permit

Approval of PD Preliminary and Final Development Plans, and recording with the Register of Deeds, shall occur before any Building Permit is issued and before any Development Activity takes place in a PD Overlay District.

(d) Preliminary Development Plans

(1) Application Filing

Preliminary Development Plan applications shall be filed with the Planning Director at the same time as a PD zoning map amendment application. The application shall be accompanied by required fees.

(2) Neighborhood Input

(i) During the design process for the Preliminary Development Plan, the applicant shall make a reasonable effort to meet with individuals, required to be mailed notice under Section 20-1301(q)(3), to present their project in conceptual fashion and to solicit input on the proposed design.

(ii) A statement describing the reasonable effort(s) made to meet with and receive input from individuals required to receive notice shall be submitted with the Preliminary Development Plan application when it is filed for review at the Planning Department.

(3) Application Contents

(i) The application shall include a General Location Map, which shall show the location of the property in relation to at least one intersection of two streets

shown as Collector or Arterial Streets on the City's Major Thoroughfares Map of the Comprehensive Plan.

(ii) The application shall include a statement by the Landowner setting forth the reasons why, in his or her opinion, a Planned Development would be in the public interest and would be consistent with the Developer's Statement of Intent for Planned Development.

(iii) The Preliminary Development Plan submitted by the Landowner as part of his or her application for tentative approval shall be prepared at a scale no smaller than one inch to 50 feet and shall include all of the area proposed to comprise the Planned Development. The plan and supporting documents shall include the following information:

a. A legal description of the site;

b. The dimensions of all property boundaries;

c. The Owner of record and any other parties having an interest in the proposed development;

d. A topographical survey of the site at an interval of not more than two feet or a more detailed plan if requested by the Public Works Department;

e. The location of all existing Structures, Easements, utilities, proposed utilities, and public dedication either through, adjacent to or on the site;

f. The existing public and Private Street system, platted or unplatted ownership, type and location of Structures, curb cuts on adjacent properties and along the opposite side of the Street and topography extending 100 feet beyond the outside boundaries of the proposed development;

g. The width, Grade, location and ownership of all proposed public and Private Streets and sidewalks in the area to be developed;

h. The use, Height, Floor Area, and approximate location of all proposed Buildings and other Structures;

i. The number of Dwelling Units to be contained in each Building proposed for residential use;

j. The location, dimension and capacity of all proposed off-Street Parking Areas in the area to be developed;

k. The location, dimension, acreage, and Ownership of all proposed public and private recreation areas, Open Space and Non-encroachable Areas;

l. Dimensions and notes as deemed necessary to show compliance with the development standards of this Article;

m. A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the Planned Development are intended to be filed. The Planning Commission may either approve or modify the submitted development time schedule. The development phases as shown on the time schedule shall also be indicated on the plan;

n. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number of Dwelling Units, the acreage devoted to residential, non-residential, commercial, recreation, Open Space, Non-encroachable Area, streets (both public and private), off-street parking, and other major land uses, Density, public lands (existing and proposed), and the total number of acres contained in each development phase;

o. A summary of the total number of units of each type of use, number ofDwelling Units, the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public Ownership, the acreage of the total area proposed to be developed, and the overall Net Density of the development;

p. A statement as to the feasibility of proposals for the disposition of sanitary waste and storm water, and how all utilities are to be provided including sewerage, water, storm drainage, gas and electricity, and how completion of all improvements is to be guaranteed;

q. A statement as to the form of Ownership proposed to own and maintain the Common Open Space, recreation facilities, Non-encroachable Area and any other area within the area proposed to be developed that is to be retained primarily for the exclusive use and benefit of the residents, lessee and Owner of the Planned Development;

r. A statement as to the substance of the covenants, grants of Easements or other restrictions to be imposed upon the use of the land; Buildings and Structures, including proposed Easements or grants for public utilities;

s. The Landowner shall also submit a tentative dedication clause including dedication of public utility and drainage Easements, street rights-of-way and the following statement: "We hereby dedicate to the City of Lawrence the right to regulate any construction over the area designated as Common Open Space, open air recreation area, and Non-encroachable Area and to prohibit any construction within said areas and spaces inconsistent with the approved use or enjoyment of residents, lessees and Owner of the Planned Development;"

t. A statement specifying those variances, modifications, reductions and waivers being requested as part of the plan approval and setting forth reasons why, in the opinion of the Landowner, such should be allowed;

u. At least one north-south and one east-west elevation across the site to show typical site layout, Grade, etc.; and

v. Submission of a landscape plan in conformance with Section 20-1001(d).

(iv) The plan shall be submitted so as to conform with the requirements for the submission of a Preliminary Plat in the Subdivision Regulations, except where such requirements conflict with the requirements of this Article.

(v) Approval of the Preliminary Development Plan shall constitute approval of a Preliminary Plat. A preliminary plat review fee shall not be required.

(vi) Provide the supplemental stormwater information required by City Regulations, and provide on the development plan a site summary table which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a Building(s); development as a paved surface; undeveloped and planted with grass, Ground Cover, or similar vegetative surface. When a development is proposed to be phased, the entire detention basin shall be provided during phase one of the project unless otherwise approved.

(4) Phased Development Schedule

If the applicant proposes to develop a PD in phases, the application shall contain a proposed phasing schedule. In a phased development, Open Space and site amenities shall be apportioned among the phases in proportion to the amount of development occurring in each phase, so that, for example, when the development is 40% complete, 40% of the Open Space and amenities will be complete, transferred to the association or other permanent Owner, and properly restricted as required by this Code.

(5) Public Hearing Notice

Newspaper, posted and mailed notice of the Planning Commission's public hearing shall be provided in accordance with Section 20-1301(q).

(6) Staff Review/Report

The Planning Director shall review each proposed PD zoning map amendment and Preliminary Development Plan in accordance with the review and decision-making criteria of Section (9) and distribute the proposed plan to other agencies and reviewers. Based on the results of those reviews, the Planning Director will provide a report on the proposed amendment/plan to the Planning Commission and City Commission.

(7) Planning Commission's Review/Recommendation

(i) The Planning Commission shall hold a public hearing on the proposed amendment/plan, review the proposed amendment/plan in accordance with the review and decision-making criteria of Section (9) and recommend that the City Commission approve, approve with conditions or deny the proposed amendment/plan. The Planning Commission is also authorized to forward the proposed amendment/plan to the City Commission with no recommendation.

(ii) The recommendation on the Preliminary Development Plan shall include findings of fact and set forth reasons for the recommendation, including but

not limited to findings of fact on the review and approval criteria of Section (9).

(iii) The Planning Director shall give written notice of the Planning Commission's recommendation to the applicant and the applicant's Agent.

(8) City Commission Decision

After receiving the Planning Commission's recommendation, the City Commission shall take one of the following actions on the proposed amendment/plan:

(i) approve, approve with conditions or modifications, or deny; or

(ii) return the application to the Planning Commission for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.

a. The Planning Commission, after considering the explanation of the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new and amended recommendation.

b. Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed amendment/plan, approve it with conditions or modifications, or deny it.

c. If the Planning Commission fails to deliver its recommendations to the City Commission following the Planning Commission's next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly.

(iii) The City Commission may act by a simple majority vote, except for the following cases:

a. action that is contrary to the Planning Commission's recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or

b. approval, or approval with conditions or modifications, when a valid protest petition has been submitted in accordance with Section 20-1306(g), in which case the decision shall be by a 3/4 majority vote of the full membership of the City Commission.

(iv) The City Commission shall:

a. State the reasons for its decision in writing; and

b. notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

(9) Review and Decision-Making Criteria

In reviewing and making decisions on proposed Preliminary Development Plans, review and decision-making bodies shall consider at least the following factors:

(i) the Preliminary Development Plan's consistency with the Comprehensive Plan;

(ii) the Preliminary Development Plan's consistency with the PD standards of Section 20-701 including the statement of purpose;

(iii) the nature and extent of Common Open Space in the PD;

(iv) the reliability of the proposals for maintenance and conservation of Common Open Space;

(v) the adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and Dwelling types proposed in the plan;

(vi) whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment;

(vii) whether the Preliminary Development Plan will measurably and adversely impact development or conservation of the neighborhood area by:

a. doubling or more the traffic generated by the neighborhood;

b. proposing housing types, Building Heights or Building Massing(s) that are incompatible with the established neighborhood pattern; or

c. increasing the residential Density 34% or more above the Density of adjacent residential properties.

(viii) whether potential adverse impacts have been mitigated to the maximum practical extent; and,

(ix) the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PD in the case of a plan that proposes development over a period of years.

(10) Effect of Preliminary Development Plan Approval

Approval of the Preliminary Development Plan constitutes approval of a preliminary plat. A preliminary plat review fee is not required.

(11) Status of Preliminary Development Plan after Approval

(i) The applicant and the applicant's Agent shall be given written notice of the action of the City Commission.

(ii) Approval of a Preliminary Development Plan does not qualify as a plat of the Planned Development for Building and permitting purposes.

(iii) An unexpired approved Preliminary Development Plan, including one that has been approved subject to conditions provided that the Landowner has

not defaulted on or violated any of the conditions, may not be modified or revoked by the City without the consent of the Landowner.

(iv) If a Landowner chooses to abandon a plan that has been given preliminary approval, he or she may do so prior to Final Development Plan approval, provided that he or she notifies the Planning Commission in writing.

(v) Major Changes in the Planned Development (see Section 20-1304(e)(2)(iv)) may be made only after rehearing and reapproval of the entire Preliminary Development Plan under the terms and procedures specified in this section. All Landowners within the entire Preliminary Development Plan boundary shall be notified in writing of any proposed Major Change at the time of submittal of the revised Preliminary Development Plan to the Planning Director.

(vi) An approved Preliminary Development Plan with multiple Parcel and multiple Landowners may only be altered or modified if all Landowners of Parcel within the Preliminary Development Plan consent to the proposed alterations or modifications.

(vii) A Preliminary Development Plan may be explicitly conditioned with a provision on the face of the Preliminary Development Plan that all Landowners of all properties waive their right to approve or disapprove any alterations or modifications to the Preliminary Development Plan.

(viii) In the absence of the explicit condition contained in subsection (8)(iv)b, the provision of subsection (v) will govern Preliminary Development Plan alterations or modifications.

(12) Expiration of Approval

In the event the Landowner fails to file an application for Final Development Plan approval within 24 months after final approval of the Preliminary Development Plan has been granted or within 6 months after the date shown on an approved development schedule, in accordance with Section 20-1304(d)(4), then such approval shall expire in accordance with the following provisions:

(i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months, or the proposed phasing schedule may be modified to extend all dates by a period not to exceed one-half the original period allowed for development of that phase. The application for extension may be made by letter to the Planning Director and will be considered only if received before the expiration date of the approval. The Planning Director shall forward such request, with any recommendation of the Planning Director, to the City Clerk for scheduling on the agenda of the City Commission. The Planning Director shall notify the applicant by first class mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

(ii) If the approval of the Preliminary Development Plan for a phased development expires after the completion of one or more phases, the

Preliminary Development Plan will remain in full effect as to those portions of the development that are subject to Final Development Plans in which the developer has acquired vested rights, in accordance with Section 20-1304(e)(2)(vii), but the remaining portions of the Preliminary Development Plan shall expire.

(iii) No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for Final Development Plan or for other Development Activity on the site shall be considered as though the Preliminary Development Plan had not been granted.

(iv) After expiration of a Preliminary Development Plan, or any portion thereof, the PD Overlay zoning shall remain in effect for the affected property, but further development on the property shall require the approval of a new Preliminary Development Plan, in accordance with the procedures and standards in effect at the time of the new application. If a Preliminary Development Plan has expired for any part of a phased development, consistency with the developed parts of the Preliminary Development Plan shall be an additional criterion for consideration of a new proposed Preliminary Development Plan.

(v) Approval of a Preliminary Development Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764.

(e) Final Development Plan

(1) Application Filing

Final Development Plan applications shall be filed with the Planning Director after approval of and before the expiration of a Preliminary Development Plan. A Final Development Plan may be submitted for a portion of the area in the approved Preliminary Development Plan.

(2) Application Contents

(i) Final Development Plan, in its entirety or in phases, drawn at a scale of one inch to 40 feet and supportive documents shall show or contain at least the following:

a. all information required of the Preliminary Development Plan;

b. the placement of all principal and Accessory Structures;

c. the entrances to all Structures;

d. the location and dimensions of all existing and proposed curb cuts, Driveways and aisles, public and Private Streets, off-street parking and loading space areas, sidewalks and pedestrianways, sanitary sewers, storm sewers and drainageways, power lines, gas lines, and fire hydrants;

e. the location, height and material of Screening walls and fences;

f. the type of surfacing and base course proposed for all Private Streets, Driveways, off-street parking and loading space areas, and sidewalks and pedestrianways;

g. the location of all utilities in and adjacent to the property. (No overhead lines, with the exception of high voltage power lines, shall be permitted in Planned Developments);

h. a location map of one inch equals 200 feet or less showing the site of the proposed development in relationship with major Thoroughfares in the city;

i. a landscape plan in accordance with Section 20-1001(d);

j. the proposed topography or grading of the area at a contour interval of not more than two feet;

k. the location of each outdoor trash storage facility;

l. proof of the establishment of an agency or entity to own, manage and maintain the Common Open Space, open air recreation areas, recreation facilities, Non-encroachable Areas, Private Streets and any other area within the development that is to be retained for the exclusive use and benefit of the residents, lessees and Owner;

m. copies of all restrictions or covenants that are to be applied to the development area;

n. proof that no Lot, Parcel, Tract or other portion of the development area has been conveyed or leased prior to the recording of any restrictive covenants, Final Development Plan, or final plat; ~~and~~

o. such other drawings, specifications, covenants, Easements, conditions, and performance bonds as set forth in the granting of preliminary approval~~.~~ *; and*

p. *at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate Building shape, Height, and Screening proposed and to determine compliance with the Community Design Manual.*

(ii) A plan submitted for final approval shall be in substantial compliance with the plan previously given preliminary approval. Modification by the Landowner of the plan as preliminarily approved may not:

a. Increase the proposed gross residential Density or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for Common Open Space, open air recreation area or Non-encroachable Area, nor the substantial relocation of such areas; nor,

b. Increase by more than 10 percent (10%) the total Floor Area proposed for non-residential or commercial uses; nor,

c. Increase by more than 5 percent (5%) the total ground area covered by Buildings nor involve a substantial change in the Height of Buildings.

(iii) Consistency with Preliminary Development Plan; Major Changes
A Final Development Plan will not be considered complete and ready for processing if all approved conditions have not been met or if the Final Development Plan constitutes a Major Change from the approved Preliminary Development Plan. Major Changes may be made only after rehearing and reapproval of the Preliminary Development Plan, and the Planning Director shall notify the applicant of the provisions of this section.

(iv) Major Changes
A Major Change is one that:

a. increases the proposed gross residential Density or intensity of use by more than five percent (5%)

b. involves a reduction in the area set aside for Common Open Space in general, or Recreational Open Space or Natural Open Space in particular, or the substantial relocation of such areas;

c. increases by more than 10 percent (10%) the total Floor Area proposed for nonresidential uses;

d. increases by more than 5 percent (5%) the total ground area covered by Buildings;

e. changes a residential use or Building Type;

f. increases the Height of Buildings by more than 5 feet; or

g. represents a new change to the Preliminary Development Plan that creates a substantial adverse impact on surrounding Landowners.

h. changes a residential Building Type or a non-residential Structure by more than 10% in size.

(v) Review and Action by Planning Director; Appeals

a. Within 45 days of the filing of a complete Final Development Plan application, the Planning Director shall review and take action on the Final Development Plan. The Planning Director shall approve the Final Development Plan if it complies with the approved Preliminary Development Plan, all conditions of Preliminary Development Plan approval and all applicable standards of this Development Code. If the submitted Final Development Plan does not so comply, the Planning Director shall disapprove the Final Development Plan and advise the Landowner in writing of the specific reasons for disapproval.

b. In the event that the Planning Director does not approve the Final Development Plan, the Landowner may either: (1) resubmit the Final

Development Plan to correct the plan's inconsistencies and deficiencies, or (2) within 45 days of the date of notice of refusal, appeal the decision of the Planning Director to the City Commission. In the event such an appeal is filed, a public hearing before the City Commission shall be scheduled with such notice as is required for the Preliminary Development Plan/Zoning Map Amendment.

c. Notice shall be given of the Planning Directors' action to adjacent property Owner or Neighborhood Associations if such request for notice has been made in writing from the adjacent property Owner or Neighborhood Associations.

(vi) Effect of Approval

a. A Final Development Plan or any part thereof that has received final approval shall be so certified by the Planning Director, and shall be filed by the Planning Director with the Register of Deeds immediately upon compliance with all conditions of approval. If the Landowner chooses to abandon a Final Development Plan or portion thereof after it has been given final approval, he or she shall notify the Planning Director in writing.

b. The filing of a Final Development Plan for a Planned Development with the Register of Deeds does not constitute the effective dedication of Easements, rights-of-way or Access control, nor will the filed plan be the equivalent of, nor an acceptable alternative for, the final platting of land prior to the issuance of Building Permits in the Planned Development.

c. The Planning Director shall file the final plats and all supportive documents concerning the Planned Development with the Register of Deeds. The Landowner is responsible for all costs incurred in filing such documents and the Final Development Plan.

(vii) Expiration of Approval

In the event the Landowner fails to obtain a building permit for development shown on the Final Development Plan within 24 months after final approval of the Final Development Plan has been granted, the approval shall expire in accordance with the following provisions:

a. For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension may be made by letter to the Planning Director and will be considered only if received before the expiration date of the approval. The Planning Director shall forward such request, with any recommendation of the Planning Director, to the City Clerk for scheduling on the agenda of the City Commission. The Planning Director shall notify the applicant by first class mail of the date of the proposed consideration by the City Commission. Mailed

Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

b. No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for subdivision review, for a Building Permit or for other Development Activity on the site shall be considered as though the Final Development Plan had not been granted.

c. After expiration of a Final Development Plan and related portions of the Preliminary Development Plan, the PD Overlay zoning shall remain in effect, but further development on the property shall require the approval of a new Preliminary Development Plan and Final Development Plan, in accordance with the procedures and standards in effect at the time of the new application.

d. Rights to the development pattern shown in a Final Development Plan shall vest in accordance with K.S.A. Sect. 12-764 upon approval of a final subdivision plat. If such subdivision plat expires in accordance with K.S.A. Sect. 12-764(a), then the related portions of the Final Development Plan shall also expire at the same time.

(f) Enforcement and Modifications of Final Development Plan

(1) Enforcement by the City

The provisions of a Final Development Plan relating to: (1) the use of land and the use, bulk and location of Buildings and Structures; (2) the quality and location of Common Open Space; and, (3) the intensity of use or the Density of residential units, run in favor of the municipality and are enforceable in law or in equity by the City, without limitation on any powers or regulations otherwise granted the City by law.

(2) Enforcement by Residents and Landowners

All provisions of the Final Development Plan run in favor of the residents and Landowners of the Planned Development, but only to the extent expressly provided in, and in accordance with, the Final Development Plan. To that extent, the Final Development Plan provisions, whether recorded by plat, covenant, Easement or otherwise, may be enforced at law or equity by said residents and Landowners, acting individually, jointly, or through an organization designated in the Final Development Plan to act on their behalf. No provisions of the Final Development Plan will be implied to exist in favor of residents and Landowners of the Planned Development except those portions of the Final Development Plan that have been finally approved and have been recorded.

(3) Modifications of the Final Development Plan by the City

All those provisions of the Final Development Plan authorized to be enforced by the City may be modified, removed or released by the City (except grants or Easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

(i) no such modification, removal or release of the provisions of the Final Development Plan by the City may affect the rights of the residents and Landowners of the Planned Development to maintain and enforce provisions, at law or equity; and

(ii) no modification, removal or release of the provisions of the Final Development Plan by the City may be permitted, except upon a finding by the City, following a public hearing, that the same is consistent with the efficient development and preservation of the entire Planned Development, does not adversely affect either the enjoyment of land abutting upon or across a Street from the Planned Development or the public interest, and is not granted solely to confer a special benefit upon any person.

(4) Modifications by the Residents

Residents and Landowners of the Planned Development may, to the extent and in the manner expressly authorized by the provisions of the Final Development Plan, modify, remove or release their rights to enforce the provisions of the Final Development Plan, but no such action will affect the right of the City to enforce the provisions of the Final Development Plan.

(5) Modification Procedures

Modification of approved Planned Development plans may be initiated as follows:

(i) By the Landowners or residents of the property within the Planned Development, provided that the right to initiate modification has been expressly granted to or retained by the Landowners or residents under the provisions of the plan;

(ii) By the City Commission upon its own motion, duly made and carried by a two-thirds majority vote of the City Commission, when modification appears strictly necessary to implement the purpose of this article and such modification would not impair the reasonable reliance interests of the Landowners and residents of the Planned Development.

(iii) Modifications of the provisions of the Final Development Plan that constitute Major Changes may be approved by an affirmative vote of a majority of all members of the City Commission upon a finding, after a public hearing, that the modification complies with Section 20-1304(f)(3). Newspaper, posted, and mailed notice of the City Commission's public hearing shall be provided in accordance with Section 20-1301(q).

(iv) Modifications to the Final Development Plan that do not constitute Major Changes as defined in Section 20-1304(e)(2)(iv) may be approved by the Planning Director.

(6) Modifications to Final Development Plans Approved Prior to the Effective Date

Final Development Plans, which were approved prior to the Effective Date of this Development Code, shall be modified only in accordance with this Development Code, as amended.

(g) Interpretations

(1) Purpose
Because the very specific nature of the Development Plans approved for Planned Developments may result in unforeseen circumstances, particularly through the passage of time, the purpose of this sub-section is to provide a formal method for interpreting Final Development Plans and related provisions of Preliminary Development Plans.

(2) Applicability and Authority
This sub-section shall apply to any application or request to interpret a Development Plan. The Planning Commission shall have the authority to make such interpretations, subject to appeal as set forth herein. This procedure shall apply only when the effect of the Development Plan is unclear because of the passage of time or as applied to particular circumstances. In most cases, this procedure will be initiated by referral from the Planning Director, when, upon receipt of an application for a permit or interpretation, such official determines that the Development Plan is unclear or otherwise requires interpretation.

(3) Initiation
The interpretation process may be initiated by:

(i) Any Owner of real property included within the land area of the original Development Plan to be interpreted;

(ii) The Planning Director, by referral, or upon the Director's initiative;

(iii) The Director of Neighborhood Resources, by referral;

(iv) The City Commission; or

(v) The Planning Commission.

(4) Procedure

(i) Public Hearing to be Scheduled
At the next meeting following the initiation of the process for interpretation of a Development Plan (or, if initiated by the Planning Commission, at the same meeting), the Planning Commission shall schedule a public hearing on the matter, which hearing shall occur within 45 days of the date of the meeting at which the hearing date is set.

(ii) Notice
If there are 20 or fewer separately owned Parcel of property within the area affected by the Preliminary Development Plan (or comparable document) governing the Planned Development, the Planning Director shall cause written notice of the hearing to be given to the Owner(s) of each such Parcel and to property Owner within 200 feet of the Preliminary Development Plan. If there are

more than 20 separately owned Parcel, then the Planning Director shall cause notice of the hearing to be published in accordance with Section 20-1301(q)(1).

(iii) Public Hearing

At the scheduled time and place, the Planning Commission shall hold a public hearing on the interpretation of the Final Development Plan. The Planning Commission may at that time consider all evidence reasonably brought before it, including but not limited to:

a. Copies of the original plans, as approved;

b. Copies of documents recorded in the chain of title of the Planned Development;

c. Minutes of the meeting(s) of the City Commission and Planning Commission at which the original plans were approved;

d. Copies of pertinent sections of the zoning or development ordinance in effect at the time that the original plans were approved;

e. The Comprehensive Plan in effect on the date of interpretation and, if different, relevant provisions of the Comprehensive Plan in effect at the time of approval of the original plans;

f. Explanation of the applicant (if any), the Planning Director and others regarding the reasons why the Preliminary and/or Final Development Plan or comparable documents are unclear or inadequate to address the issue raised in the request for interpretation;

g. Testimony of persons owning property within the area affected by the Preliminary Development Plan;

h. Testimony of other interested persons;

i. Recommendation of the Planning Director; and/or

j. Such other evidences as the Planning Commission may find relevant to the interpretation of the Plan.

(iv) Criteria for Decision

The criteria for the decision of the Planning Commission in interpreting the Development Plan shall be, in priority order:

a. Consistency with the literal provisions of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;

b. Consistency with the stated purpose of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;

c. Where the original plans referred to or depended upon provisions of the Zoning Ordinance then in effect, consistency with those provisions; and

d. Interpretation of the original plans as reflected in the development of the project and reliance on it by property Owner within it.

(v) Decision

At the same meeting at which the hearing is held, or at its next meeting, the Planning Commission shall render a decision. If it is unable to render an interpretation that resolves the issue placed before it, it shall recommend that the interested parties file an application to amend the Development Plan, in accordance with (f)(5) of this section.

(5) Appeal

An appeal of an interpretation by the Planning Commission under this sub-section shall be to the City Commission. The action, if any, by the City Commission shall be final. Any person aggrieved may file an application for a permit to undertake the proposed action and may follow the appeal process for any action on that, or any person aggrieved may file an application to modify the development plan, in accordance with (f)(5) of this section.

20-1305 SITE PLAN REVIEW

(a) Purpose

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of this Development Code prior to the commencement of Development Activity and to encourage the compatible arrangement of Buildings, off-street parking, lighting, Landscaping, pedestrian walkways and sidewalks, ingress and egress, and drainage on the site and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties. Site Plans for uses included in the Commercial *or Industrial* Use Groups of Sections 20-402 and 20-403 shall comply with the ~~*Commercial Design Standards and Guidelines*~~ *Community Design Manual* adopted by the City Commission on July 25, 2006 by Resolution No. *6669 and on DATE by Resolution No. XXXX.*

For the purposes of this section:

(1) A change to a less intensive use shall be defined as:

(i) a change in use of a site or Structure in which the Development Code requires less parking for the proposed new or modified use; or

(ii) that the operational characteristics of the proposed new or modified use are such that they generate less activity on the site, or result in a decrease in the number of days or hours of operation of the site.

(2) A change to a more intensive use shall be defined as:

(i) change in use of a site or Structure in which the Development Code requires more parking for the proposed new or modified use; or

(ii) that the operational characteristics are such that they generate more activity on the site, or result in an increase in the number of days or hours of operation of the site.

(b) Applicability

In any Zoning District, except as expressly exempted below in Section 20-1305(c), an administratively reviewed and approved site plan shall be required for:

(1) Minor Development Projects

Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.

(i) Requirements of Site Plan Review

a. Amendments to an approved site plan depicting the proposed modification or improvements; and

b. Verification that the use is permitted by zoning; and

c. Verification that adequate parking is available.

(ii) Public Notice

The public notice procedures of Section 21-1305(g) are not applicable.

(iii) Compliance with City Codes

a. Only those improvements or modifications proposed and approved as a Minor Development Project review are required to be compliant with the standards of this Development Code and/or the ~~*Commercial Design Standards*~~ *Community Design Manual*, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

b. Existing conditions of the site are not required to become compliant with all standards of this Development Code and/or the ~~*Commercial Design Standards*~~ *Community Design Manual,* other than those standards which are deemed necessary, by the Planning Director, to ensure the health, safety and welfare of the public and/or user of the site.

(2) Standard Development Projects

~~*a.(i)*~~For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:

~~*1.a.*~~ a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or

~~*2.b.*~~ a change in use to a more intensive use regardless of whether physical modifications to the site are proposed; or

~~*3.c.*~~ the substantial modification of a site, defined as:

~~*a.1.*~~ The construction of any new Building(s) on the site; or
~~*b.*~~*2.* The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or
~~*c.3.*~~ Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or
~~*d.4.*~~ The addition of Impervious Surface coverage that exceeds 10% of what exists; or
~~*e.5.*~~ Any modification determined by the Planning Director to be substantial.

~~b.~~(ii) For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:

~~1.a.~~ any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or

~~2.~~.b any modification of a site which meets the following criteria or proposes the following:

~~a.~~1. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or

~~b.~~2. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the ~~*Commercial Design Standards*~~ *Community Design Manual* or

~~c.~~3. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or

~~d.~~4. In the IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or

~~e.~~5. In any zoning district other than IG, the construction of one or more new Buildings or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or

~~f.~~6. In the IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or

~~g.~~7. In any zoning district other than IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or

~~h.~~8. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.

~~(i)~~(iii) Requirements of Site Plan Review

a. For sites without an existing approved site plan a site plan meeting all the specifications of Section 20-1305(f) must be submitted for administrative review.

b. For sites with an approved site plan on file at the Planning Office, the existing plan if determined appropriate by the Planning Director, may be amended.

~~(ii)~~(iv) Public Notice

The public notice procedures of Section 20-1305(g) are applicable.

~~(iii)~~(v) **Compliance with City Codes**

a. Those improvements or modifications proposed and approved by Standard Site Plan review are required to be compliant with the standards of this Development Code and/or the ~~Commercial Design Standards~~ Community Design Manual unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

b. Other features of the site may be required to become compliant with all standards of this Development Code and/or the ~~Commercial Design Standards~~ Community Design Manual as determined by the Planning Director in order to ensure the health, safety and welfare of the public and/or user of the site.

(3) Major Development Projects

Any development proposing the following:

~~a.~~(i) Any Development Activity on a site that is vacant or otherwise undeveloped; or

~~b~~.(ii) Any Significant Development Project on a site that contains existing development, defined as:

~~1.~~a. Any modification to a site that alters Parking Area(s), drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns~~,~~ that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or

~~2.~~b. In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or

~~3.~~c. In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more~~,~~ of the Gross Floor Area of existing Building(s); or

~~4.~~d. Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or

~~5.~~e. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.

~~(i)~~(iii) **Requirements of Site Plan Review**
Submitted site plans shall meet all the specifications of Section 20-1305(f).

~~(ii)~~(iv) **Public Notice**
The public notice procedures of Section 20-1305(g) are applicable.

~~(iii)~~(v) **Compliance with City Codes**
Full compliance with all City Codes, including this Development Code and the ***~~Commercial Design Standards~~*** ***Community Design Manual***, is required for the entire site, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

(b) Exemptions
The following are expressly exempt from the Site Plan Review procedures of this section:

(1) changes to Detached Dwelling(s) or Duplex(es), as well as site improvements on Lots containing Detached Dwelling(s) and Duplex(es). However, if such types of Dwellings are designed to form a complex having an area of common usage, such as a Parking Area or private recreational area, and such complex contains a combined total of four (4) Dwelling Units or more, Site Plan Review is required.

(2) changes to developments for which plans have been reviewed and approved pursuant to the Special Use or Planned Development procedures of this Development Code. This provision is intended to clarify that Site Plan Review is not required for projects that have received equivalent review through other Development Code procedures.

(3) changes expressly exempted from Site Plan Review process by the underlying Zoning District.

(4) changes that could be considered ordinary maintenance, and which do not change the exterior style, design, or material type.

(5) a change in use to a less intensive use where development exists but where no physical modifications to the site, excluding interior Building modifications, are proposed and where an approved site plan is not on file with the Planning Office.

(6) any Development Activity on a site where development exists but where an approved site plan is not on file with the Planning Office that proposes the following:

(i) The construction of any Building addition that contains less than ten percent (10%) of the current Building's Gross Floor Area; or

(ii) Separate incremental Building additions below 10% of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 10% threshold; or

(iii) The addition of Impervious Surface coverage that does not exceed 10% of what exists.

(7) any change in use, regardless of whether it is less or more intense than the current use, or any Development Activity in the CD district of an existing developed site where the effect of the change in use or Development Activity does not increase a Building's footprint or the number of Building stories. For purposes of this subsection, adding HVAC equipment; fire escapes; awnings; patios, decks and other outdoor areas less than fifty (50) square feet in area, and similar appurtenances, as determined by the Planning Director, shall not be considered as increasing the Building's footprint. This provision shall not exempt a property in the CD district from any other City Code standard, including review by the Historic Resources Commission. Outdoor dining uses and hospitality areas, regardless of their size, and other outdoor uses and areas that exceed fifty (50) square feet in area shall not be exempt from the requirement to site plan under this provision.

(8) changes otherwise exempted from Site Plan Review by state or federal law.

(d) Pre-application Meetings

A pre-application meeting with the Planning Director is required at least 7 Working Days prior to the formal submission of a Site Plan application. See Section 20-1301(d).

(e) Initiation and Application Filing

Site Plan Review applications shall be filed with the Planning Director. At the time of submittal and payment of fees, the applicant shall submit the required number of legible and complete site plans requested at the pre-application meeting.

(f) Application Contents

(1) A site plan shall:

(i) For any Standard or Major Development Project be prepared by an architect, engineer, landscape architect, or other qualified professional and show the name, business address and licensing information for that professional in the information block on each sheet;

(ii) Be prepared at a scale of one inch equals 30 feet or larger for sites of five or fewer acres and be prepared at a scale of one inch equals 40 feet for sites over five acres or at a scale determined to be appropriate by the Planning Director;

(iii) Be arranged so that the top of the plan represents north or, if otherwise oriented, is clearly and distinctly marked;

(iv) Show boundaries and dimensions graphically;

(v) Contain a written legal description of the property; identification of a known vertical & horizontal reference mark approved by the city engineer; and, show a written and graphic scale;

(vi) Show existing conditions of the site:

a. Show existing public and Private Street system,
b. platted or unplatted Ownership,
c. type and location of Structures,
d. curb cuts on adjacent properties and along the opposite side of the street.

(vii) Show topography extending 50 feet beyond the outside boundaries of the proposed site plan;

(viii) Show the present and proposed topography of the site. Present and proposed topography (contour interval not greater than two feet) shall be consistent with City of Lawrence aerial topography. Where land disturbance, grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence obtained aerial topography, an actual field survey shall be required;

(ix) Show the location of existing utilities and Easements on and adjacent to the site including

a. Show the location of power lines, telephone lines, & gas lines.
b. Show the vertical elevation (if available) and horizontal location of existing sanitary sewers, water mains, storm sewers and culverts within and adjacent to the site.

(x) Show the location of ground mounted transformers and air conditioning units and how such units shall be screened if visible from the Street or when adjacent to a Structure on an adjoining Lot(s). In any instance, the location of such units shall occur behind the Front and Side Setback lines as set forth in Section 20-601 in the Density and Dimensional Standards Tables;

(xi) Show, by use of directional arrow, the proposed flow of storm drainage from the site. Provide the supplemental stormwater information required by City Regulations, and provide on the site plan a site summary table, in the format noted below, which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a Building(s); development as a paved surface; undeveloped and planted with grass, Ground Cover, or similar vegetative surface.

PROPERTY SURFACE SUMMARY			
Summary of Existing Conditions		***Summary after project completion***	
Total Buildings	***# ft.²***	***Total Buildings***	***# ft.²***
Total Pavement	***# ft.²***	***Total Pavement***	***# ft.²***
Total Impervious	***# ft.²***	***Total Impervious***	***# ft.²***
Total Pervious	***# ft.²***	***Total Pervious***	***# ft.²***
Total Property Area	***# ft.²***	***Total Property Area***	***# ft.²***

(xii) Show the location of existing and proposed Structures and indicate the number of stories, Floor Area, and entrances to all Structures;

(xiii) Show the location and dimensions of existing and proposed curb cuts, Access aisles, off-street parking, loading zones and walkways;

(xiv) Indicate location, height, and material for Screening walls and fences;

(xv) List the type of surfacing and base course proposed for all parking, loading and walkway areas;

(xvi) Show the location and size, and provide a landscape schedule for all perimeter and interior Landscaping including grass, Ground Cover, trees and Shrubs;

(xvii) The proposed use, the required number of off-street Parking Spaces, and the number of off-street Parking Spaces provided shall be listed on the site plan. If the exact use is not known at the time a site plan is submitted for review, the off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use;

(xviii) Designate a trash storage site on each site plan appropriate for the number of occupants proposed. The size of the trash storage receptacle, its location and an elevation of the enclosure shall be approved by the Director of Public Works prior to approval of the site plan. If a modification to the location of the trash storage area is required during the construction phase or thereafter, both the Planning and Public Works Directors must approve the modification before a revised site plan can be approved.

(xix) For CN2, CC and CR Districts, be prepared for all of the contiguous area in that Zoning District under the same Ownership. If the entire site is not proposed for development in the immediate future, then the initial Site Plan application shall contain a proposed phasing schedule, showing which sections of the property shall be developed in which order and showing in which phases the Easements, Driveways, Parking Areas and Landscaping will be included. The Planning Director may require adjustments in the provision of Easements, Driveways, Parking Areas and Landscaping among the various phases as a condition of approval;

(xx) Provide at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate Building shape, Height, and Screening proposed and to determine compliance with the ~~*Commercial Design Standards and Guidelines*~~ *Community Design Manual*.

a. Photographs of the property may be submitted when no physical changes to the building facades are proposed.

(xxi) Show the intersection visibility triangle required in Section 20-1102.

(xxii) Show the location and height of any sign structures that would not be located on a building.

(2) A note shall be provided on the site plan for a public or governmental Building(s) and facility(ies) indicating that it 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.

(3) If the site plan is for a multiple-Dwelling residential Structure containing at least four (4) Dwelling Units, a note shall appear on the site plan indicating it has been designed to comply with the minimum provisions of the Final Fair Housing Accessibility Guidelines, 24 CFR, Chapter 1, Subchapter A, Appendix II, of the Fair Housing Act of 1968, as amended.

(4) A photometric plan, pursuant to Section 20-1103(c) shall be required for site plan approvals. Show the proposed location, direction and amount of illumination of proposed lighting. Provide information on Screening proposed for the lighting and steps taken to prevent glare.

(g) Public Notice

(1) Notice of the proposed site plan shall be posted on the property covered by the site plan, in accordance with Section 20-1301(q)(4). In addition, written notice of the proposed site plan shall be mailed to the Owner of record of all property within 200 feet of the subject property, and to all Registered Neighborhood Associations whose boundaries include the subject property or are adjacent to the neighborhood the subject property is located in. The notice shall be sent by the applicant by regular mail, postage pre-paid. The applicant shall submit a Certificate of Mailing at the time of submission of the Site Plan application. An application for Site Plan Review will not be considered complete without an executed Certificate of Mailing. The notice shall provide:

(i) a brief description of the proposed Development Activity;

(ii) the projected date for construction of the proposed use;

(iii) the person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed site plan;

(iv) the date the site plan application will be submitted to the Planning Director for review; and a Statement with substantially the following information:

Notice of Site Plan Review pending before the Lawrence Douglas County Planning Office

This letter is being sent to the Owner of property within 200 feet of, or a Registered Neighborhood Association encompassing, the proposed development described further in this

(2) The failure to receive notice of Site Plan Review by an adjoining Landowner or Registered Neighborhood Association will not affect the validity of Site Plan approval or review.

(h) Staff Review/Action

The Planning Director will review each Site Plan application and, within 30 days, the Planning Director shall take one of the following actions:

(1) approve the Site Plan application;

(2) identify those modifications that would allow approval of the Site Plan application;

(3) approve the Site Plan application with conditions; or

(4) disapprove the Site Plan application.

(i) Notice of Decision

Notice of the decision, including the Planning Director's findings and basis for decision in light of the criteria of Section 20-1305(j), shall be mailed to the applicant and all other parties who have made a written request for notification.

(j) Approval Criteria

In order to be approved, a Site Plan shall comply with all of the following criteria:

(1) the site plan shall contain only platted land;

(2) the site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plans;

(3) the proposed use shall be allowed in the District in which it is located or be an allowed nonconforming use;

(4) vehicular ingress and egress to and from the site and circulation within the site shall provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or Access Management policies; and,

(5) the site plan shall provide for the safe movement of pedestrians on the subject site.

(k) Appeals

Appeals of the Planning Director's decision on a Site Plan application may be taken to the City Commission by filing a notice of appeal with the Planning Director. Appeals shall be filed within 9 days of a decision to approve or disapprove a Site Plan application.

(l) Right to Appeal

The following persons and entities have standing to appeal the action of the Planning Director on applications for Site Plan approval:

(1) the applicant;

(2) the City Commission;

(3) the neighborhood association for the neighborhood the site plan is located in or is adjacent to; or

(4) record Owner of all property within 200 feet of the subject property.

(m) Action on Appeal

(1) The City Commission shall consider the appealed Site Plan decision as a new matter, inviting public comment before acting on the original application. Mailed notice of the City Commission's meeting shall be provided to the appealing party and the applicant a minimum of 14 days prior to the Commission's meeting.

(2) After considering the matter, the City Commission shall act on the original Site Plan application, applying the criteria of Section (j), taking action as provided in Section (h) and giving notice of its decision as provided in Section 20-1305(i).

(n) Modifications to Approved Site Plans

(1) An applicant who wishes to alter or revise an approved Site Plan shall contact the Planning Director.

(2) The Planning Director is authorized to approve, without public notice, any modification that complies with the approval criteria of Section (j) as long as the Planning Director determines that the proposed modification does not represent a material change that would create a substantial adverse impact on surrounding Landowners.

(3) Any other modification may be approved only after re-notification in accordance with Section 20-1305(g). The action of the Planning Director on such an application shall be reported in a staff report at the next meeting of the City Commission and shall be appealable by any party aggrieved within 15 days of such meeting, in accordance with the appeal procedures of Section 20-1311.

(o) Expiration; Vesting of Rights

(1) In the event the Landowner fails to obtain a Building Permit within 24 months after final approval of the Site Plan has been granted, then such Site Plan shall expire in accordance with the following provisions:

(i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension or modification may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Site Plan. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.

The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

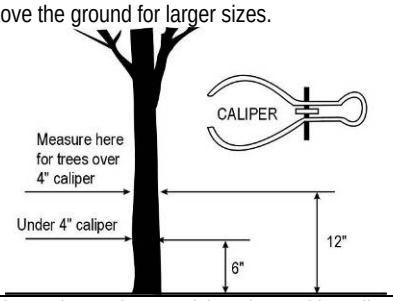
(ii) No action by the City shall be necessary to cause the Site Plan to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a Building Permit or for other Development Activity on the site shall be considered as though the Site Plan had not been granted.

(2) Approval of a Site Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764. Rights vest only after the related Building Permit is issued and substantial construction is begun in reliance on that permit.

(3) Rights in an entire Site Plan shall vest under K.S.A. Sec. 12-764 upon timely issuance of an initial Building Permit and completion of construction in accordance with that Building Permit, or upon timely completion of substantial site improvements in reliance on the approved Site Plan.

20-1701 General Terms

Term	Definition
Access	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
Access, Cross	A service drive providing vehicular Access between two or more contiguous sites so the driver need not enter the public Street system.
Access Management	The process of managing Access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.
Accessory Dwelling Unit	A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use, when the Principal Building or use is a Dwelling.
Accessory Structure	A subordinate Structure, the use of which is clearly incidental to, or customarily found in connection with, and located on the same Lot as the Principal Building or use.
Accessory Use	A use that is clearly incidental to, customarily found in connection with, and (except in the case of off-Street Parking Space) located on the same Lot as the Principal Use to which it is related.
Accessway , also Access Drive	Any Driveway, Street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
Adult Care Home	See Group Home
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
Airport/Lawrence Municipal Airport	The location from which take-offs and landings may be made by any manned aircraft, excluding free balloons, within the corporate limits of the City of Lawrence, Kansas.
Airport Hazard	Any Structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any Airport or is otherwise hazardous to such landing or taking off of aircraft.
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to abutting property.
Antenna	Any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an Antenna support Structure or attached to the exterior of any Building. The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower or other Antenna support Structure.
Antenna, Receive-Only	An Antenna capable of receiving but not transmitting electromagnetic waves, including Satellite Dishes.
Antenna, Amateur Radio	An Antenna owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio Antenna.
Arterial	A Street classified as an Arterial in the Lawrence/Douglas County MPO Transportation Plan, as amended.
Arterial Street, Minor	A Street which is anticipated to have 2-4 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Arterial Street, Principal	A Street which is anticipated to have 4-6 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Assisted Living	Building or group of Buildings containing Dwellings designed for occupancy by persons 55 years or older where the Dwelling Units are independent but include special support services such as central dining and limited medical or nursing care.
Basement	Any floor level below the first Story in a Building, except that a floor level in a Building having only one floor level shall be classified as a Basement unless such floor level qualifies as a first Story as defined herein.
Base Density	The number of dwelling units that can be developed on a subject property, rather than the number of dwelling units that are permitted for the zoning district. Base density is the number of dwelling units that can be developed given the size of the parcel, the area required for street rights-of-way or infrastructure, the density and dimensional standards of Section 20-601(a), the environmental protection standards, as well as topographical or other features unique to the property.
Base District	Any Zoning District delineated on the Official Zoning District Map under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of Buildings, or use of land, and other regulations relating to the development or maintenance of existing uses or Structures, are uniform; but not including Overlay Zoning Districts.

Term	Definition
Base District, Special Purpose	A District established to accommodate a narrow or special set of uses or for special purposes. The use of this term in the Development Code applies to Districts beyond the conventional residential, commercial, industrial and agricultural districts. Examples include government and public institutional uses, open space uses, hospital use, planned unit developments that pre-date the Effective Date of this Development Code or newly annexed urban reserve areas.
Berm	An earthen mound at least two feet (2') above existing Grade designed to provide visual interest, Screen undesirable views and/or decrease noise.
Bicycle	A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.
Bicycle- Parking Space	An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.
Big Box	See Retail Establishment, Large.
Block	A Parcel of land entirely surrounded by public Streets, highways, railroad rights-of-way, public walks, parks or green strips, or drainage channels or a combination thereof.
Block Face	That portion of a Block or Tract of land facing the same side of a single Street and lying between the closest intersecting Streets.
Boarding House	A Dwelling or part thereof where meals and/or lodging are provided for compensation for one (1) or more persons, not transient guests, and where there are not more than 12 sleeping rooms, nor sleeping space for more than 24 people.
Bufferyard	A combination of physical space and vertical elements, such as plants, Berms, fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other.
Build-to-Line (minimum Building setback)	An imaginary line on which the front of a Building or Structure must be located or built and which is measured as a distance from a public right-of-way.
Building	Any Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a Structure is divided into separate parts by one or more walls unpierced by doors, windows, or similar openings and extending from the ground up, each part is deemed a separate Building, except as regards minimum Side Setback requirements as herein provided.
Building Envelope	The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District, or as modified pursuant to a Variance, a site review, or prior City approval.
Building Frontage	That portion of a Building or Structure that is adjacent to or faces the Public Frontage.
Building, Principal	A Building in which is conducted the Principal Use of the Building site on which it is situated. In any residential District, any Dwelling shall be deemed to be the Principal Building on the site on which the same is located.
Building Type (also referred to as housing type)	A residential Structure defined by the number of Dwelling Units contained within.
Caliper	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch Caliper size, and as measured at 12 inches above the ground for larger sizes. 
City Regulations	Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.
Cross Access Agreement	A document signed and acknowledged by Owner of two or more adjoining pieces of property establishing Easements, licenses or other continuing rights for Access across one property to one or more other properties.
Collector Street	A Street which is anticipated to have two (2) travel lanes designed for speeds ranging from 25-35mph and which serves a collecting function by distributing traffic between local neighborhood Streets and Arterial Streets.

Term	Definition
Collector Street, Minor	See Collector, Residential
Collector Street, Residential	Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.
Collector Street System	A system of one (1) or more Collector Streets that allow traffic to be distributed to at least two (2) Arterial Streets.
Common Open Space	Land, water, water course, or drainageway within a development that is designed and intended for the use or enjoyment of all the residents and Landowners of the Development. Common Open Space, except for Common Open Space designated as Environmentally Sensitive may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Development. Common open space shall not include space devoted to streets, alleys, and parking areas. While required setbacks may function as common open space, they may not be used to meet the minimum requirements.
Comprehensive Plan also Comprehensive Land Use Plan	The Lawrence/Douglas County Comprehensive Plan, also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission, as amended or superceded by adoption of a replacement plan from time to time.
Conservation Easement	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. §58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this Development Code.
Deciduous	A tree or Shrub with foliage that is shed annually.
Deferred Item	An item that has been deferred from a published agenda by the Planning Director, Planning Commission or the City Commission (City or County Commission), or by the applicant.
Density	A measure of the number ofDwelling Units contained within a given area of land, typically expressed as units per acre.
Density Bonus	An incentive-based tool that permits property owners to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals, such as protection of environmentally sensitive areas.
Density Cap	Maximum density levels set by the Comprehensive Plan. Low-density (6 dwelling units per acre); medium density (15 dwelling units per acre) and high density (24 dwelling units per acre).
Density, Gross	The numerical value obtained by dividing the total number of Dwelling Units in a development by the total area of land upon which the Dwelling Units are proposed to be located, including rights-of-way of publicly dedicated Streets.
Density, Net	The numerical value obtained by dividing the total number of Dwelling Units in a development by the area of the actual Tract of land upon which the Dwelling Units are proposed to be located, excluding rights-of-way of publicly dedicated Streets.
Designated Transit Route	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.
Development Activity	Any human-made change to Premises, including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration, or partial or total demolition of Buildings and Structures; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.

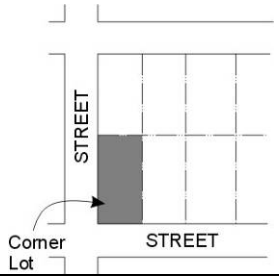
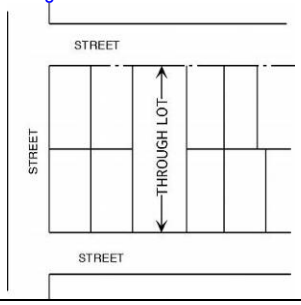
Term	Definition
Development Project, Major (Ord. 8465)	Any development proposing the following: a. Any Development Activity on a site that is vacant or otherwise undeveloped; or b. Any Significant Development Project on a site that contains existing development, defined as: 1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Development Project, Minor (Ord. 8465)	Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.

Term	Definition
Development Project, Standard (Ord. 8465)	a. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: 1. a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or 2. A change in use to a more intensive use regardless of whether modifications to the site are proposed; or 3. the substantial modification of a site, defined as: **a.** The construction of any new Building(s) on the site; or **b.** The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or **c.** Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or **d.** The addition of Impervious Surface coverage that exceeds 10% of what exists; or **e.** Any modification determined by the Planning Director to be substantial. b. For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: 1. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or 2. any modification of a site which meets the following criteria or proposes the following: a. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or b. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the ~~*Commercial Design Standards*~~ *Community Design Manual*; or c. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or d. In the IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or e. In any zoning district other than IG, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or f. In the IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or g. In any zoning district other than IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or h. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development.

Term	Definition
Dependent Living Facility	See Extended Care Facility
Director, Planning	See Planning Director
Distance Between Structures	The shortest horizontal distance measured between the vertical walls of two Structures as herein defined perpendicular to an axis, all points along which are midway between the vertical walls.
District, Zoning	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.
Dormitory	A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building, provided that the main entrance to these facilities is from within the Building.
Drip Line	An imaginary ground line around a tree that defines the limits of the tree canopy.
Driveway	A private drive or way providing Access for vehicles to a single Lot or facility.
Driveway, Joint-Use	A privately-owned Driveway that provides Access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (without Lots) or a business or industrial park.
Driveway, Shared	A single Driveway serving two or more adjoining Lots.
Driveway Apron (or Approach)	The Driveway area or approach located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line.
Dwelling	A Building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or Mobile Home.
Dwelling Unit	One room, or a suite of two or more rooms, designed for or used by one Family or Housekeeping Unit for living and sleeping purposes and having only one kitchen or kitchenette.
Easement	A grant by a property Owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian Access, and roadways.
Effective Date	The date the ordinance adopting this Development Code takes effect.
Elderhostel	A Building occupied as the more-or-less temporary abiding place of individuals who are either: 1) participating in a travel-study program for senior citizens offered by a university or college; or 2) participating in a visiting faculty program at a university or college. These individuals are lodged with or without meals. These Buildings typically contain more than eight (8) sleeping rooms or 16 sleeping accommodations. The rooms are let on a weekly or monthly basis or for greater period of time, but are not available to the general public on a nightly basis, as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building, provided that the main entrance to these facilities is from within the Building.
Evergreen (Coniferous) Tree	An Evergreen Tree, usually of pine, spruce or juniper genus, bearing cones and generally used for its Screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five (5) feet in Height when planted and reaches a mature Height of at least 20 feet.
Extended Care Facility (Dependent Living or Nursing Care Facility), General	A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a disability who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours and who need not be related by blood or marriage. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.

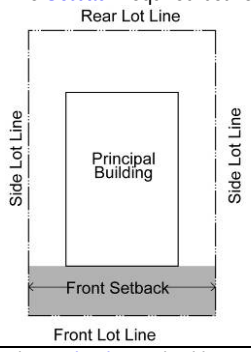
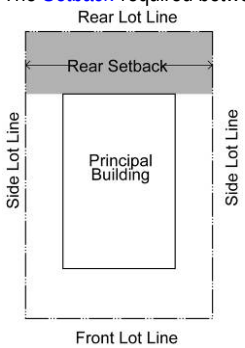
Term	Definition
Extended Care Facility (Dependent Living or Nursing Care Facility), Limited	A long term facility or a distinct part of an institution occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage, and who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours, and also not to be occupied by more than two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.
Extended Stay Lodging	A Building, including a single-Family residence, or group of Buildings providing living and sleeping accommodations for short-term occupancy, typically three (3) months or less. Bed & Breakfasts, hotels and motels are not considered extended stay facilities, although hotels and motels may provide this service. Extended stay facilities using single-Family Dwellings are not considered rental housing and are not subject to the rental licensing provisions of the City.
Exterior Storage	Outdoor storage of any and all materials related to the principal use of the Lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. Outdoor storage and sales areas, open to the public and in which transactions may occur are not considered Exterior Storage areas.
Facade	Exterior face (side) of a Building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.
Family	(1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District, a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in aDwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, lodging house, motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in aDwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, lodging house, motel, hotel, fraternity house or sorority house.
Floodplain	The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic & Hydraulic Study.
Floor Area	The sum of the horizontal areas of each floor of a Building, measured from the interior faces of the exterior walls or from the centerline of walls separating two Buildings.
Floor Area, Gross	The sum of the horizontal areas of the several stories of a Building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two Buildings, from the centerline of such common wall.
Floor Area, Net	The horizontal area of a floor or several floors of a Building or Structure; excluding those areas not directly devoted to the principal or Accessory Use of the Building or Structure, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.
Floor Area Ratio (F.A.R.)	The sum of the horizontal areas of the several floors inside the exterior walls *(excluding basements)* of a Building or a portion thereof divided by the Lot Area.
Foot-candle	A unit of measurement referring to the illumination incident to a single point. One (1) Foot-Candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
Frontage	All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended, then all of the property abutting on one side between an intersecting Thoroughfare and the Dead-End.
Frontage Road, Private	Any thoroughfare that is not publicly owned and maintained and that is parallel and adjacent to any Lot Frontage as defined above.
Grade	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the Building and the Lot Line or, when the Lot Line is more than 5 feet from the Building, between the Building and a line five feet from the Building.
Greek Housing	A group living Structure occupied by a university approved fraternity or sorority, certified by the Panhellenic Association or Intrafraternity Council at KU. Residential occupancy by the majority of residences primarily follows the academic calendar for fall and spring semesters each year.
Ground Cover	Living Landscape Materials or living low-growing plants other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface and which, upon maturity, normally reach an average maximum Height of not greater than 24 inches.
Ground Floor	A level of Building floor which is located not more than 2 feet below nor 6 feet above finished Grade.

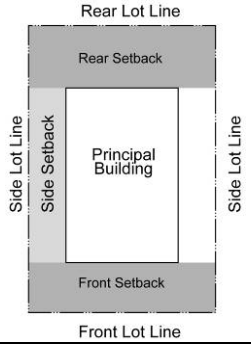
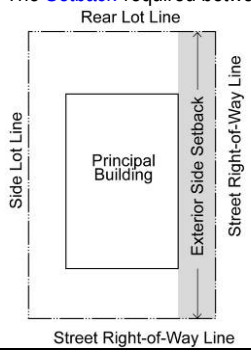
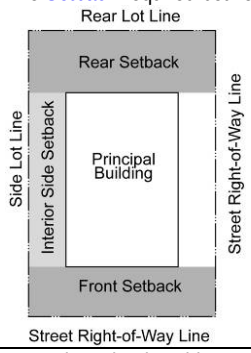
Term	Definition
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).
Growing or Planting Season	From the beginning of March to the end of June and from the beginning of September to the beginning of December.
Height (Building)	Refers to the vertical distance from the finished Grade, or base flood elevation where applicable, to the highest point of the coping of: a flat roof, the deck line of a mansard roof, or the average Height of the highest gable of a pitch or hip roof.
Historic Resources Commission (HRC)	The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code of the City of Lawrence
Home Occupation	An Accessory Use that complies with the provisions of Section 20-537.
Housekeeping Unit	A suite of one or more rooms having separate cooking facilities, used as the domicile or home of one Family.
Housing for the Elderly	See Assisted Living or Extended Care Facility
HRC	See Historic Resources Commission
Hydrologic and Hydraulic Study	See Hydrologic and Hydraulic Study definition in Section 20-1205
Impervious Surface	That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and Buildings) which either prevent or retard the entry of water into the soil material.
Inactive File	An application, either complete or incomplete, which has had no new information submitted within a period of twelve (12) or more months. New information within this context shall be information that responds to a request for additional information or that provides additional information essential to completing a review of the request in response to the land use review criteria, retail market information, or traffic impact analysis.
Infrastructure	Those man-made Structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian sidewalks, paths or trails and transit stops.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
Landowner	See Owner
Landscaped Peninsula	A concrete curbed planting area typically found in Parking Lots to provide areas for trees and Shrubs between Parking Spaces and along the terminus of single and double Parking aisles.
Landscape Material	Such living material as trees, Shrubs, Ground Cover/vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc.
Landscaping	Any combination of living plants such as trees, Shrubs, plants, vegetative Ground Cover or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, Mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees.
Licensed Premises	A Premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the Premises with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and City Regulations.

Term	Definition
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure. It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure.
Light Truck	A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single pair of rear wheels.
Livestock	Any animal customarily kept for producing food or fiber.
Local Street	A Street which is anticipated to have two (2) travel lanes at desirable speeds of up to 30mph and which provides Access to abutting property and primarily serves local traffic.
Local Street System	A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood.
Lot	A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed.
Lot Area	The total horizontal area within the Lot Lines of a Lot.
Lot Frontage	See Frontage
Lot, Corner	A Lot abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an angle of more than 45° and of less than 135°. The point of intersection of the Street Lines is the corner. Any portion of a Corner Lot that is more than 100 feet from the point of intersection of the two Street Lines or the two tangents of the same Street shall not be considered a Corner Lot. 
Lot, Through	A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a Corner Lot shall be considered a Through Lot. 
Lot Depth	The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot.
Lot Line	A boundary of a Lot.
Lot Line, Exterior Side	A Side Lot Line separating a Lot from a Street other than an Alley.
Lot Line, Front	The Street Line at the front of a Lot. On Corner Lots, the Landowner may choose either Street Frontage as the Front Lot Line.
Lot Line, Rear	The Lot Line opposite and most distant from, and parallel or closest to being parallel to, the Front Lot Line. A triangular Lot has no Rear Lot Line.
Lot Line, Side	A Lot Line that is not a Front Lot Line or Rear Lot Line.
Lot Width	Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.
Manufactured Home	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403, but does not comply with the standards and provisions of Section 20-513.
Manufactured Home, Residential-Design	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403 and that also complies with the standards and provisions of Section 20-513. (Ord. 8098)

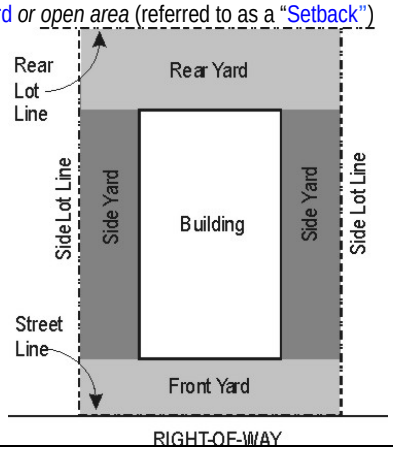
Term	Definition
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s).
Mature Trees, Stand of	An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a Building located in the Floodplain may have a door, window, or other opening.
Mixed Use	The development of a Lot, Tract or Parcel of land, Building or Structure with two (2) or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
Mixed Use Structure, Horizontal	A Building or Structure containing both nonresidential and residential uses distributed horizontally throughout the Structure.
Mixed Use Structure, Vertical	A Building or Structure, a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the Structure.
Mobile Home	Any vehicle or similar portable Structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for Dwelling or sleeping purposes. Mobile Home includes any Structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. Mobile Homes are considered to be Dwelling Units only when they are parked in a Mobile Home Park.
Moderately-Priced Dwelling Unit	A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Mulch	Non-living organic material customarily used to retard soil erosion and retain moisture.
Native Prairie Remnants	Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairie remnants will be confirmed by the Kansas Biological Survey, or a consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies). A list of approved consulting firms for prairie determination is available in the Planning Office.
Natural Drainageway	Natural rivers, streams, channels, creeks or other areas that naturally convey Stormwater runoff or portions thereof that have not been channelized and which is unaltered and retains a predominantly natural character.
Natural Open Space	Common Open Space that includes undisturbed natural resources, such as Floodplains, Wetlands, steep slopes, and Woodlands.
Nodal Development Plan	A land use plan for all four corners of an intersection that applies to the redevelopment of existing commercial center areas or new commercial development for neighborhood, community or regional commercial centers, as described in Horizon 2020, and is designed to avoid continuous lineal and shallow Lot Depth developments along Street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the Node.
Node	An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses.
Non-encroachable Area	That portion of a Lot or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by Building or Development Activity, excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.
Nursing Care Facility	See Extended Care Facility
Official Zoning District Map	A map or maps outlining the various Zoning District boundaries of the City of Lawrence, Kansas.
Open Porch	A roofed space attached to a Building on one side and open on the three remaining sides.
Open Use of Land	A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or Accessory Structures. Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and race tracks.
Ornamental Tree	A Deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature Height generally under 40 feet.
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as Building-mounted signs.

Term	Definition
Overlay Zoning District (or Overlay Zoning District)	Any Zoning District included in this Development Code with the word "overlay" in its title. The Overlay Zoning District regulations are found in Article 3 of this Development Code.
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Parcel	A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity.
Parking Access	Any public or private area, under or outside a Building or Structure, designed and used for parking motor vehicles including parking Lots, garages, private Driveways and legally designated areas of public Streets.
Parking Area	An area devoted to off-Street Parking of vehicles on any one Lot for public or private use.
Parking Space	A space for the parking of a motor vehicle or Bicycle within a public or private Parking Area. Typically Parking Spaces for private uses are located off the public right-of-way.
Peak Hour	The four (4) highest contiguous 15-minute traffic volume periods.
Pedestrian Scale (human scale)	Means the proportional relationship between the dimensions of a Building or Building element, Street, outdoor space or Streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
Planned Development	Developments processed and considered in accordance with the procedures specified in the Planned Development Overlay Zoning District provisions of Sec. 20-701 and in the Cluster Housing Projects provisions of Sec. 20-702. Generally, an area of land controlled by the Landowner to be developed as a single entity, commonly pursuant to an Overlay Zoning District, for a number of Dwelling Units, office uses, commercial uses, or combination thereof, if any, wherein a development plan detailing the proposed development and adjacent areas directly impacted thereby is reviewed and approved by the appropriate decision maker. In approving the development plan, the decision maker may simultaneously modify specified standards of the Base District.
Planning Commission	The Lawrence-Douglas County Metropolitan Planning Commission established by City Ordinance 3951/ County Resolution 69-8 on March 24th, 1969.
Planning Director	The Director of the Lawrence-Douglas County Metropolitan Planning Commission or her or his designee.
Premises	A Lot, together with all Buildings and Structures thereon.
Principal Building	See Building, Principal
Principal Use	The primary purpose for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use.
Public Frontage	The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.
Public Frontage, Primary	The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures. Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.
Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Recreational Open Space	Common Open Space that is improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables.
Recyclable Materials	Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable Materials do not include refuse or hazardous materials. Recyclable Materials may include used motor oil collected and transported in accordance with environmental and sanitation codes.

Term	Definition
Registered Neighborhood Association	A neighborhood or local interest group that represents a defined area of the City and that has registered with the Planning Director in accordance with the applicable registration procedures of the Planning Director.
Regulatory Flood	See Base Flood definition in Article 12.
Regulatory Floodplain	See Floodplain definition in Article 12.
Regulatory Floodway	See Floodway definition in Article 12.
Regulatory Floodway Fringe	See Floodway Fringe definition in Article 12.
Residential Collector	See Collector, Residential
Residential-Design Manufactured Home	See Manufactured Home, Residential-Design
Retail Establishment, Large	An establishment engaged in retail sales, where the aggregate of retail uses within a Building is 100,000 or more gross square feet of Floor Area that may or may not include ancillary uses with internal Access from the Principal Use Building.
Retail Establishment, Medium	An establishment engaged in retail sales, provided the aggregate of retail uses within a Building is less than 100,000 gross square feet of Floor Area.
Retail Establishment, Specialty	An establishment engaged in retail sales where new or used goods or secondhand personal property is offered for sale to the general public by a multitude of individual vendors, usually from compartmentalized spaces within a Building. A specialty retail sales establishment shall not exceed 100,000 gross square feet of Floor Area and may have an unlimited number of individual vendors within it.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and landscaping planted in the Street Tree & Furniture Zone.
Sadomasochistic Practices	Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
Satellite Dish	A dish Antenna, with ancillary communications equipment, whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a Building.
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Screen or Screening	A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or Structure from another by fencing, walls, Berms, or densely planted vegetation, or other means approved by the Planning Director.
Setback	The minimum horizontal distance by which any Building or Structure must be separated from a street right-of-way or Lot line. (See also 20-602(e))
Setback, Front	The Setback required between a Building and the Front Lot Line. 
Setback, Rear	The Setback required between a Building and the Rear Lot Line. 

Term	Definition
Setback, Side	The Setback required between a Building and the Side Lot Line. 
Setback, Side (Exterior)	The Setback required between a Building and the Exterior Side Lot Line. 
Setback, Side (Interior)	The Setback required between a Building and the Interior Side Lot Line. 
Sexually Oriented Media	Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.
Sexually Oriented Novelties	Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
Shade Tree	Usually a Deciduous tree, rarely an Evergreen; planted primarily for its high crown of foliage or overhead Canopy.
Shared Parking	Development and use of Parking Areas on two (2) or more separate properties for joint use by the businesses or Owner of these properties.
Shrub	A Deciduous, Broadleaf, or Evergreen plant, smaller than an Ornamental Tree and larger than Ground Cover, consisting of multiple stems from the ground or small branches near the ground, which attains a Height of 24 inches.

Term	Definition
Significant Development Project	1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Slip Road	A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.
Special Purpose Base District	See Base District, Special Purpose
Specified Anatomical Areas	(1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid State, even if completely and opaquely covered.
Specified Sexual Activities	Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
Story	That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a Basement or unused under-floor space is more than six (6) feet above Grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above Grade as defined herein at any such point, or unused under-floor space shall be considered a Story.
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressway to Streets of lower classification, and, in some cases, allow traffic to directly Access destinations.
Street, Collector	A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets. Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	Any divided Street or highway with no Access from Abutting property and which has either separated or at-Grade Access from other public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and Grade separated interchanges with all other public Streets and highways.
Street, Limited Local	A Local Street providing Access to not more than eight Abutting single-Family residential Lots.
Street, Local	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street should be discouraged.

Term	Definition
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited-Access Street and that is designated to provide direct Access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads."
Street, Private	Any tract of land or access easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general public.
Street, Public	A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys.
Street, Ultimate Design	The Street design that is based on the planned carrying capacity of the roadway consistent with its functional classification on the Major Thoroughfares Maps in the Comprehensive Plan.
Street Line	The line separating the Street right-of-way from the abutting property.
Street Tree and Furniture Zone	An area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.
Streetscape	The built and planned elements of a street that define the street's character.
Structural Alteration	Any change in the supporting or structural members of a Building, including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or Building openings.
Structure	A Building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes.
Subsurface Utility Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.
Thoroughfare	Any public right-of-way that provides a public means of Access to abutting property.
Tract (of land)	An area, Parcel, site, piece of land or property that is the subject of a development application or restriction.
Transitional Use	A permitted use or Structure that, by nature or level and scale of activity, acts as a transition or buffer between two (2) or more incompatible uses.
Tree Protection	Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after construction projects.
Trip Generation	The total number of vehicle trip ends produced by a specific land use or activity.
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship.
Vertical Mixed Use Structure	See Mixed Use Structure, Vertical
Woodlands	Natural hardwood forests, whether or not actively forested.
Working Days	Monday through Friday, 8AM to 5PM excluding city holidays
Yard	Any Open Space located on the same Lot with a Building, unoccupied and unobstructed from the ground up, except for accessory Buildings, or such projections as are expressly permitted by these regulations. "Yard" refers to the actual open area that exists between a Building and a Lot Line, as opposed to the Required Yard *or open area* (referred to as a "Setback") 

Term	Definition
Yard, Front	A space extending the full width of a Lot between any Building and the Front Lot Line and measured perpendicular to the Building at the closest point to the Front Lot Line.
Yard, Rear	A space extending the full width of a Lot between the Principal Building and the Rear Lot Line and measured perpendicular to the Building at the closest point to the Rear Lot Line.
Yard, Required	The unobstructed Open Space measured from a point on a Principal Building to the Lot Line from the ground upward, within which no Structure shall be located, except as permitted by this Development Code. It is the three-dimensional equivalent of the required Setbacks for every Lot.
Yard, Side	A space lying between the side line of the Lot and the nearest line of the Principal Building and extending from the Front Yard to the Rear Yard, or in the absence of either of such front or Rear Yards, to the front or Rear Lot Lines. Side-yard widths shall be measured perpendicular to the side Lot Lines of the Lot.
Zoning District	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

SECTION THREE: INDUSTRIAL DEVELOPMENT

Part One: Introduction

I. Purpose and Intent

Industrial development plays a major role in the economic vitality of the region. Industrial development areas in Lawrence provide economic and employment opportunities for the prosperity of its citizens and the community.

Design standards and guidelines offer a vision for an approach to industrial design that can be beneficial both to developers and to the community. The concepts for industrial development encourage the highest level of design quality and creativity while emphasizing key design concepts such as, but not limited to, enhancing functionality for industrial uses; ensuring efficient multi-modal transportation systems; designing public spaces at a pedestrian-scale; creating visual interest; and ensuring that the overall aesthetic character of new developments are compatible with surrounding uses.

The purpose of these Industrial Design Standards is to facilitate industrial development in a manner which strikes a balance between requiring quality industrial projects and allowing creative, cost effective solutions for site and building development. Recognizing the utilitarian nature of industrial development, these standards and guidelines strive to:

1. articulate community design standards and guidelines for industrial development within the city of Lawrence to maintain the character and heritage of the community and neighborhoods within the community;
2. enhance the community's overall value and appearance;
3. promote well-designed projects;
4. ensure compatibility with surrounding uses;
5. enhance pedestrian safety and walkability in public spaces; and
6. encourage efficient transportation.

It is recognized that design professionals including architects, landscape architects, engineers, and land planners are trained to strive for creative excellence. The standards and guidelines established herein are not intended to restrict creative solutions.

II. Applicability of Standards

All development activities included in the Industrial Use Group in Section 20-403 of the *Land Development Code* for which site plan or development plan approval is required, are subject to these design standards. Additional standards and guidelines may also apply where a *Specific Plan as identified in Horizon 2020, Chapter 14, the City of Lawrence Downtown Design Guidelines, or an Urban Conservation Overlay District are adopted or approved.* Industrial developments subject to review under Kansas Statutes K.S.A. 75-2715 thru 75-2725, as amended (Kansas Historic Preservation Act) and Chapter 22 of the City Code (Conservation of Historic Resources Code) are subject to these Industrial Design Standards to the greatest extent practical. ~~*Additionally, industrial developments subject to review under the City of Lawrence Downtown Design Guidelines or under standards adopted as part of an Urban Conservation Overlay District are subject to these Industrial Design Standards to the greatest extent practical.*~~

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These standards are in addition to the regulations contained in the city's *Land Development Code*. The standards will be used in reviewing projects to further the goals of the community's comprehensive plan, *Horizon 2020*, and any adopted specific plans. Where the provisions of these design standards conflict with provisions in the *Land Development Code* or adopted specific plan, the more site restrictive provision shall apply.

The level of applicability of these standards and guidelines for the development of industrial uses is dependent upon location, visibility, and character of the surrounding area. Design standards and guidelines vary based on the following:

1. High Visibility or Sensitive Areas:
The standards and guidelines should be applied to the greatest degree practical for properties within this category. Properties subject to this category are those with the following attributes:
    a. Properties located along or visible from arterial streets, collector streets, or highways, or
    b. Properties located adjacent to residential development, or
    c. Properties located along gateways identified in the Long Range Transportation Plan.

2. Secluded or Low Visibility Areas:
Properties or portions of properties located in secluded areas or in the middle of industrial parks with minimal visibility will be permitted the greatest flexibility and leniency in achieving the design standards and guidelines.

III. How to Use This Document

The Industrial Design Standards and guidelines are not intended to set a particular style of architecture or design theme. These standards set forth specific criteria that are organized in a format that contains design standards and guidelines. They encourage the establishment of a greater sense of quality, unity, and conformance with the community's urban form.

It is also important to note that the standards are not intended to delay or restrict development, but rather to add consistency and predictability to the development review process. Each subsection contains the following components, which should be applied as discussed.

A. Standards and Guidelines:

Standards express the community's desires for implementing the goals and intent of these design standards. These standards are statement(s) that explain the design intent for the guidelines that follow. Standards are the minimum requirements that each development project should strive to meet.

Guidelines describe ways to achieve the stated standard statement(s) and offer flexibility in meeting the standard. Not all guidelines will or are intended to be met.

The "shall" statements offer relatively little flexibility, unless choices are provided within the statements themselves. The "should", "recommended", or "encouraged" statements offer flexibility and indicate that the city is open to design features that are equal to or better than those stated, so long as the intent is satisfied.

When submitting a site plan for review, each standard must be addressed. A development application shall demonstrate how a project has responded to each standard. The applicant has the burden of proof to demonstrate how a proposed design satisfies the standards and appropriately addresses the guidelines. This determination will be made by the Planning Director.

B. Illustrations and Pictures:

The pictures, drawings, and diagrams in this document are intended to illustrate the intention of the individual guidelines. They are not intended to illustrate the only or even the best way to meet the minimum requirements. Applicants and project designers are encouraged to consider designs, styles, and techniques not pictured in the examples that fulfill the intention of the design standards.

IV. The Design Review Process

Consideration of these standards should be contemplated early in the design process and should be a collaborative effort with the developer and city staff. Developers are encouraged to meet with the Planning Director early to identify any major issues associated with these design standards and guidelines. The design review process authorizes the Planning Director to review, as a part of the site plan or development plan review process, certain development applications for conformance with adopted design standards. Any party aggrieved by the decision of the Planning Director may file an appeal in accordance with the provisions and procedures for appeals set forth in Sec. 20-1305 or 20-1311 of the *Land Development Code*.

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Part Two: Development Standards & Guidelines

I. General Design Objectives:

The design of each industrial project in Lawrence should strive to:

- Establish attractive, inviting, imaginative and functional site arrangement of buildings and parking areas, and quality architecture and landscape.
- Consider the scale, proportion and character of development in the surrounding area.
- Minimize impacts of noise, light, traffic, smells and visual character on surrounding non-industrial properties.

II. Site Planning

These standards and guidelines are intended to promote a quality appearance for industrial buildings and the functional arrangement of buildings and site components.

A. Grading

STANDARD:

Site grading shall be completed in a manner that is functional and appropriate for its context.

GUIDELINES:

1. Industrial developments should be sensitive to their natural surroundings. Grading should follow natural contours as practical.
2. Erosion control measures such as terracing, grasses and plantings should be employed.

B. Building Siting

STANDARD:

The arrangement of structures, parking and circulation areas, and open spaces shall recognize the particular characteristics of the site and relate to the surrounding built environment in pattern, function, scale, massing, character and materials.

GUIDELINES:

1. Structure siting should take into consideration the context of the industrial area, the location of different uses, the location of major traffic generators, as well as the site's characteristics.
2. The placement and design of structures should foster pedestrian access and circulation from the street and parking area to the public entrance.
3. The building's primary facade should front along the primary street frontage

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whenever practical.

4. The facade(s) of the building along the primary public street frontage, or other publicly visible side, should undulate in order to avoid long monotonous building facades and to create an interesting street scene.
5. Building placement that creates opportunities for plazas, courtyards, and recreational areas are encouraged in order to provide design opportunities for integrating the mass and scale of industrial buildings and offer employee and visitor amenities. Shade trees or architectural elements which provide shelter and relief from direct sunlight should be provided within plazas and courtyards. Landscaping, water features, and art should be incorporated into plaza and courtyard design.

C. Vehicular Access/Circulation/Parking

STANDARD:

The parking, access, and circulation systems shall provide for the safe, efficient, convenient and functional movement of multiple modes of transportation both on and off the site where pedestrian, bicycle, and vehicle conflicts are minimized.

GUIDELINES:

1. Conflicts between heavy trucks, employee and public vehicles, and bicyclists and pedestrians should be avoided.
2. Dead-end driveways should include adequate turn around areas.
3. Adequate areas for maneuvering, stacking, truck staging and loading, and emergency vehicle access should be accommodated on site. Designs which encourage the use of external streets for internal circulation should be avoided.
4. If appropriate, driveway entry locations should be coordinated with existing or planned median openings and driveways on the opposite side of the street.
5. Loading and service areas should be provided with separate access and circulation where appropriate based on an analysis of vehicular and truck volume.

Traffic separation

D. Mul timodal Systems

STANDARD:

Multimodal transportations systems, such as transit, pedestrian and bicycle, shall be incorporated into all developments and designed to be safe and inviting.

GUIDELINES:

1. On-site pedestrian and bicycle connections from parking areas and streets to building entrances should be integrated into the site design through striping, materials, or separation.
2. Separation of heavy truck, vehicle, and pedestrian/bicycle traffic should be provided for safety and convenience of all modes of transportation.

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3. Pedestrian access should be provided between or near transit stops and building entrances where applicable.
4. Bicycle parking spaces should be located near customer and employee building entrances.
5. Bicycle racks should not be positioned where they will obstruct building entrances or the flow of pedestrian traffic.

Pedestrian and bicycle system

6. Pedestrian connections between sites should be encouraged.

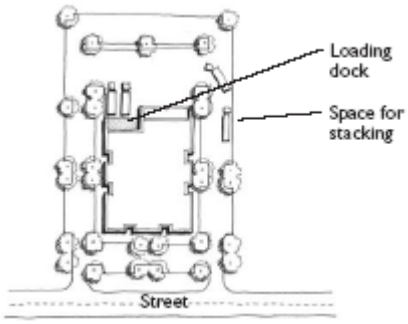
E. Loading & Delivery

STANDARD:

Loading and delivery service areas shall be located and designed to minimize their visibility from public view, to reduce circulation conflicts, and to mitigate adverse noise impacts.

GUIDELINES:

1. Loading and service areas should not be located between the building and the primary public street frontage.
2. When it is not possible to locate loading facilities and service areas on a non-street side of a building, loading docks and doors should not dominate the building facade and should be screened from all adjoining public rights-of-way with landscaping, screen walls or other means.



Loading & delivery

3. Loading and delivery areas should be separate from the employee/visitor vehicular access and circulation.
4. Loading and delivery service areas should be screened with portions of the building, architectural wing walls, freestanding walls or landscape planting.
5. Loading and unloading should be accommodated entirely on site.
6. Loading areas should be located so that the loading or unloading of trucks does not disrupt the smooth flow of traffic within the site.

Loading & delivery located to the center of the facility

7. Loading and service areas should be offset from driveway openings.

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8. On-site space for stacking vehicles waiting to load or unload should be provided as necessary.

F. Utility and Mechanical Equipment

STANDARDS:

Utility and mechanical equipment shall be designed to minimize visual and noise impacts from adjacent public streets and adjacent non-industrial uses.

GUIDELINES:

1. When utility and mechanical equipment are to be installed within the front yard setback, they should be installed underground.
2. All screening devices should be compatible with the remainder of the site.
3. While windmills, solar panels, and similar "green" mechanical devices are not easily screened, their location on the site should respect any non-industrial use on adjacent properties.

G. Trash, Recycling and Exterior Storage Areas

STANDARDS:

Trash and exterior storage areas shall be integrated into the site to be consistent with the overall site and building design and screened from the most visible sides of the site.

GUIDELINES:

1. Trash and recycling storage should be enclosed adjacent to the main structure or located within separate freestanding enclosures.
2. Trash and recycling enclosures should be unobtrusive and conveniently accessible for trash collection but should not impede circulation during loading operations.
3. Trash and recycling enclosures should be located away from residential uses to minimize nuisance to adjacent properties.
4. Where trash compactors are used, they should be screened from public view, either within a trash enclosure or located within the building.
5. Trash, recycling and exterior storage enclosures should be constructed of materials to match or complement the building material.

H. Walls and Fences

STANDARD:

Walls and fences shall contribute to the visual quality of the project and character of the surrounding area when visible from the public street frontage or an adjacent non-industrial use.

GUIDELINES:

1. When not required for security, screening or grade transitions, the height of walls and fences should be minimized.
2. Landscaping should be used to soften the appearance of wall surfaces.
3. Walls and fences longer than 100 feet should contain periodic offsets

Fencing

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or architectural elements designed to prevent monotony.

4. Walls and fences should be designed in such a manner as to create an attractive appearance and complement the project's architecture.
5. Gates provided in walls or fences should be aesthetically pleasing if viewed from the street.
6. High perimeter walls, chain link fence, and walls topped with barbed wire, or razor wire should not be used adjacent to public street frontages or non-industrial uses.

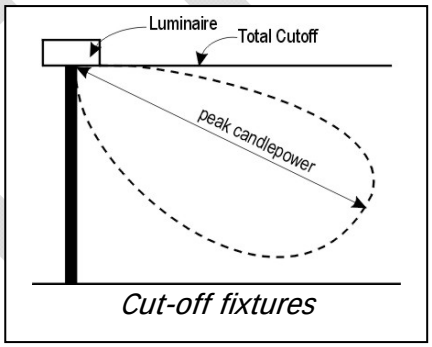
I. Lighting

STANDARD:

Exterior lighting shall be designed to minimize light pollution and provide for safety and security.

GUIDELINES:

1. Exterior lighting should be considered an integral part of the architectural and landscape design.
2. The design of the light fixtures and their structural support should be architecturally compatible with the theme of the development.
3. Pedestrian scale/decorative light fixtures are encouraged within plazas, courtyards, and building entrances.



Cut-off fixtures

4. Lighting sources should be kept as low to the ground as possible while ensuring safe and functional levels of illumination.
5. All fixtures should be cut-off fixtures that confine lighting to the subject site and shield the light source from view.

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III. Architectural Standards

Architectural design shall seek to add to community character while providing flexibility to avoid rigid uniformity of design. A wide variety of design techniques are encouraged to promote the quality and attractiveness of the site.

A. Architectural Character

STANDARD:
Building design shall employ quality architectural elements.

GUIDELINES:

1. The selected architectural style/design should consider compatibility with the project's surrounding character, including harmonious building style, form, size, color, materials and roofline. In developed areas, infill projects should meet or exceed the standards of quality which have been set by surrounding development.
2. The designer should employ variations in form, building details, and materials in order to create visual interest.
3. Individual buildings within industrial/business parks should use similar and/or complementary colors, materials, roof forms, signs, decorative pavement, and architectural style.

Architectural design

B. Building Massing, Forms and Scale

STANDARD:
Buildings shall relate to the terrain and each other in their massing, forms and building heights.

GUIDELINES:

1. Buildings should have features and patterns that provide visual interest which reduces apparent mass and relates to the surrounding architectural character.
2. Buildings should be designed with elements, such as canopies, landscaping, appropriately scaled windows, etc., that relate to the human scale in public areas.
3. Vertical and horizontal offsets should be provided to minimize building bulk and add architectural interest.
4. Buildings should be segmented in distinct massing elements.

Proportional windows and pedestrian scale

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C. Building Facade and Roof Articulation

STANDARD:

Facades and roof articulation shall incorporate structural or design elements to break wall expanses and add visual interest to the roof line.

GUIDELINES:

1. Building windows should have a proportional relationship and be consistent with the design of the building facade.
2. Building facades should be articulated with architectural elements and details. The facade should include shade and shadow patterns that will render the facade more interesting and aesthetically pleasing.

Building elevation variation

3. Facades should incorporate structural or design elements to break wall expanses into smaller parts. Windows, doors and other openings should be incorporated into this rhythm.
4. Variable building elevations along linear street frontages are encouraged.
5. Various building forms should be employed to create visual character and interest.
6. Roof design should be an integral component of the overall building architecture. Long continuous rooflines are discouraged. Multiple roof planes and offsets are encouraged.

D. Building Materials

STANDARD:

Building materials and colors shall be used to create visual interest. When buildings are located within an industrial/business park, they shall utilize colors and materials which are compatible with and complementary to the design of the existing buildings of the park.

GUIDELINES:

1. Exposed gutters and downspouts should be colored to complement fascia or wall materials.
2. Various types of exterior building materials should be used to produce different texture, shade and shadow effects.
3. Use of accent materials and/or colors should be used on all street front facades of the building.

E. Building Entry

STANDARD:

Building entries shall be readily identifiable and relate to human scale.

GUIDELINES:

1. The main or public building entry should front the primary street.

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2. Building entries should be readily identifiable. Use of elements such as recesses, projections, roof detail, columns, and distinctive materials and colors to articulate entrances is encouraged.
3. All building entrances should be well-lit.

Identifiable building entry

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IV. Landscaping Standards

Landscaping for industrial areas is provided within each building site to: enhance the aesthetics of industrial developments; create a pedestrian friendly environment at building entrances; break up the mass of industrial buildings and soften architectural materials; provide screening of service structures and loading areas; buffer the line of site for taller structures; enhance the streetscape environment; define building and parking area entrances; provide shade and reduce the heat island effect; provide buffers between different land uses or site areas; filter drainage and stormwater runoff from parking areas and streets.

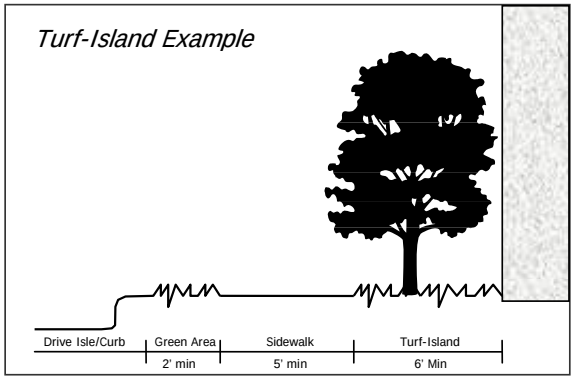
A. General

STANDARD:

Landscaping shall be incorporated to improve the character of the entire site by breaking up large areas of paving and softening building edges. Utilization of a variety of deciduous and non-deciduous plantings shall be used.

GUIDELINES:

1. Landscaping should be used to define entrances to buildings and parking lots, buffer less compatible adjacent uses, and screen outdoor storage, loading and equipment areas.
2. Landscaping should be in scale with adjacent buildings and of an appropriate size at maturity to accomplish its intended purpose.
3. Buildings should be located on 'turf-islands'. Except at loading and service areas, a minimum 12-foot landscape strip, including a sidewalk and other amenities, should be provided between the building, parking areas and drive lanes.



4. Employment of grade differential and/or berming in conjunction with landscaping should be used to reduce the appearance of building mass and height along street frontages.
5. Trees or large shrubs should not be planted under overhead lines or over underground utilities if their growth will interfere with the installation or maintenance of these utilities.
6. Landscaping materials should be spaced so that they do not interfere with the lighting of the premises or restrict access to emergency apparatus.
7. Existing healthy mature trees should be preserved whenever practical and incorporated into the overall landscaping plan.

Building located in a turf-island

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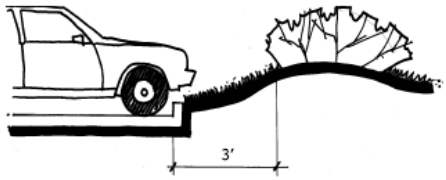
B. Parking Lot Landscaping

STANDARD:

Parking lots shall be designed to incorporate appropriate landscape plantings and grading.

GUIDELINES:

1. Parking lot landscaping should accent driveways, frame the major circulation aisles, and highlight pedestrian pathways.
2. Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces and/or wheel stops.
3. Planting strips should be at least 3 feet in width.
4. Where head-in parking occurs, all shrubs should be located a minimum of 3-feet from the edge of the parking lot curb.



Parking lot landscaping setback

C. Plant Maintenance and Irrigation

STANDARD:

Landscaping shall be provided and designed to be maintained in a healthy and growing condition.

GUIDELINES:

1. Landscape areas should be large enough and wide enough to encourage plant health and match the growing conditions of the site.
2. Effort should be made to conserve water by utilizing native and drought resistant materials that match the growing conditions of the site.
3. Where native and drought resistant materials are not primarily used, automatic sprinkler controllers should be installed to ensure that landscaped areas will be watered properly. Drip irrigation to trees and shrubs are encouraged.
4. Sprinkler heads and risers should be protected from car bumpers. "Pop-up" heads should be used near curbs and sidewalks and should be setback from curbs at least 6-12 inches.
5. The landscape irrigation system should be designed to prevent run-off and overspray.

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V. Signs

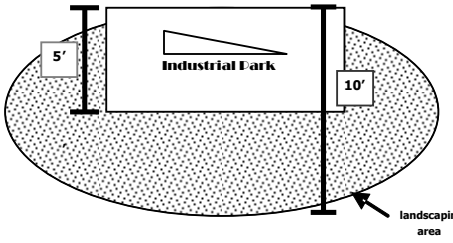
STANDARD:

Signs shall be consistent with overall project design but shall be subordinate to architectural and landscape elements. The size of signs shall afford businesses sufficient visibility and identification without becoming a dominant part of the landscape or interfering with vehicular movement along the public streets.

Monument Sign

GUIDELINES:

1. Sign materials should incorporate the building materials and design features of the building which the sign serves.
2. Monument signs should be located in a planter setting within a landscaped area at least as wide as the sign is tall.



Sign in a Landscaped Island

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