



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Updated:

4/25/16 @ 11:45am

Added communications from Staff regarding Landmark Nominations

Added communications for Item 1 - CUP Stony Point, 1514 N 600 Rd

Added Draft March 21, 2016 Planning Commission Minutes

4/20/16 @ 3:00pm

Added Items 5A-5C – King’s Recycle Center, N 1300 Rd & E 1750 Rd

4/19/16 @ 7:00pm

The following will be added when available:

Items 5A-5C – King’s Recycle Center, N 1300 Rd & E 1750 Rd

Draft March 21, 2016 Planning Commission Minutes

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
APRIL 25 & ~~27~~, 2016 6:30PM - 10:30PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of March 21, 2016.

COMMITTEE REPORTS

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

COMMUNICATIONS

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

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

REGULAR AGENDA (APRIL 25, 2016) MEETING

PUBLIC HEARING ITEMS:

Recess LDCMPC

Convene Joint Meeting with Baldwin City Planning Commission

ITEM NO. 1 CONDITIONAL USE PERMIT; STONY POINT HALL; 1514 N 600 RD (MKM)

Stony Point: **CUP-16-00035**: Consider the renewal of a Conditional Use Permit for Stony Point Hall, a reception and banquet hall, on approximately 13.98 acres, located at 1514 N 600 Rd, Baldwin City. Submitted by Russell and Lucretia Carlson, property owners of record. *(Joint meeting with Baldwin City Planning Commission)*

**Adjourn Joint Meeting
Reconvene LDCMPC**

NON-PUBLIC HEARING ITEM:

ITEM NO. 2 PRELIMINARY PLAT FOR WALNUT ADDITION; 775 WALNUT ST (BJP)

Walnut Addition: **PP-16-00057**: Consider a Preliminary Plat for Walnut Addition, a 7 lot residential subdivision containing 2.018 acres, located at 775 Walnut St. Submitted by Grob Engineering Services LLC, for Lawrence Habitat for Humanity, property owner of record.

PUBLIC HEARING on Variance Only:

ITEM NO. 3 PRELIMINARY PLAT FOR FREESTATE DENTAL ADDITION; 4111 W 6TH ST (BJP)

Freestate Dental: **PP-16-00073**: Consider a Preliminary Plat for Freestate Dental Addition, a one lot residential-office subdivision containing 0.850 acres, located at 4111 W 6th St. Submitted by Landplan Engineering, PA, for Freestate Dental Building LLC, property owner of record.

RESUME PUBLIC HEARING:

ITEM NO. 4 CONDITIONAL USE PERMIT; PINE FAMILY TREE NURSERY; 1782 E 1500 RD (SLD)

Pine Family Tree Nursery: **CUP-16-00070**: Consider the renewal of a 30.5 acre Conditional Use Permit for Pine Family Tree Nursery, Landscape Center, *Retail Nursery*, located at 1782 E 1500 Rd. Submitted by Landplan Engineering PA, for Pine Family Investments LC, and Sue A Pine, Trustee property owners of record.

ITEM NO. 5A A & VC TO I-3; 77.5 ACRES; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **Z-16-00067**: Consider a request to rezone approximately 77.5 acres from County A (Agricultural) District and VC (Valley Channel) District to County I-3 (Heavy Industrial) District, located at N 1300 and E 1750 Rds. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 5B PRELIMINARY PLAT FOR KING'S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **PP-16-00068**: Consider a Preliminary Plat for Four King's Subdivision, an industrial subdivision containing approximately 77.5 acres, located at N 1300 Rd & E 1750 Rd. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

RESUME PUBLIC HEARING:

ITEM NO. 5C CONDITIONAL USE PERMIT; KING'S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **CUP-16-00069**: Consider a Conditional Use Permit for King's Recycling Center, located at N 1300 Rd & E 1750 Rd. The CUP proposes the operation of a borrow pit and recycling of construction materials, as well as continued residential and agricultural uses on the property. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

ITEM NO. 6 TEXT AMENDMENT TO ZONING REGULATIONS & SUBDIVISION

REGULATIONS; ACCESSORY DWELLING UNITS (MKM)

TA-15-00461: Consider Text Amendments to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* and the *Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS* to add Accessory Dwelling Units as a permitted use and to establish standards for the use. *Initiated by County Commission on 9/2/15.*

ITEM NO. 7 IG TO CS; 3.82 ACRES; 1235 N 3RD ST (KES)

Z-16-00066: Consider a request to rezone approximately 3.82 acres from IG (General Industrial) District to CS (Strip Commercial) District, located at 1235 N 3rd St. Submitted by Allen Belot Architect, for Don E. Westheffer Trustee and Wanda L. Westheffer Trustee, property owners of record.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 OREAD DESIGN GUIDELINES

Receive staff memo regarding Oread Design Guidelines.

ADJOURN

CALENDAR

March 2016						
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		

April 2016						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May 2016						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

PCCM Meeting:

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

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

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

2016
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM <i>**alternate day/time</i>	Mid-Month Topics	Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 13	Article 9 text amendments - Parking	Jan 25	Jan 27
<i>Feb 18 ** Thursday 6:00 PM meeting</i>	<i>Joint meeting with HRC – Oread Design Guidelines</i>	Feb 22	Feb 24
<i>Mar 9 ** Wednesday 5:30 PM meeting</i>	<i>Joint meeting with Sustainability Advisory Board [Meeting Room C – Lawrence Public Library – 707 Vermont Street]</i>	Mar 21	Mar 23
Apr 13	Retail Market Study	Apr 25	Apr 27
May 11	<i>TBD</i>	May 23	May 25
Jun 8	<i>TBD</i>	Jun 20	Jun 22
Jul 13	<i>TBD</i>	Jul 25	Jul 27
Aug 10	<i>TBD</i>	Aug 22	Aug 24
Sep 14	<i>TBD</i>	Sep 26	Sep 28
Oct 12	<i>TBD</i>	Oct 24	Oct 26
Nov 2	<i>TBD</i>	Nov 14	Nov 16
Nov 30	<i>TBD</i>	Dec 12	Dec 14

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
Joint meeting with other Cities’ Planning Commissions
Joint meeting with other Cities and Townships – UGA potential revisions
New County Zoning Codes
Tour City/County Facilities
Water Resources*

*Communication Towers – Stealth Design, # of co-locations, notice area
WiFi Connectivity & Infrastructure Planning
Oread Overlay Districts & Design Guidelines
Comprehensive Plan – Goals & Policies
Affordable Housing
Retail Market Impacts
Case Studies*

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.

2016 PLANNING COMMISSION ATTENDANCE

	Jan 25 2016	Feb 22 2016	Mar 21 2016	April 25 2016	May 23 2016	
Britton	Yes	Yes	Yes			
Butler	Yes	Yes	Yes			
Carpenter	Yes	Yes	Yes			
Culver	No	Yes	Yes			
Denney	Yes	Yes				
Kelly	Yes	Yes	Yes			
Liese	Yes	Yes	No			
Sands	Yes	Yes	Yes			
Struckhoff	Yes	Yes	Yes			
von Achen	Yes	Yes	Yes			

2016 MID-MONTH ATTENDANCE

	Jan 13 2016	Feb 18 2016	Mar 9 2016	April 13 2016	May 11 2016	June 8 2016
Britton	Yes	Yes	Yes	Yes		
Butler	No	No	Yes	No		
Carpenter	Yes	Yes	Yes	Yes		
Culver	Yes	Yes	Yes	Yes		
Denney	Yes	Yes				
Kelly	Yes	Yes	Yes	Yes		
Liese	No	No	No	No		
Sands	No	Yes	No	No		
Struckhoff	Yes	No	No	Yes		
von Achen	Yes	Yes	Yes	Yes		



PLANNING COMMISSION MEETING

March 21, 2016

Meeting Minutes DRAFT

March 21, 2016 – 6:30 p.m.

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

Historic Resources Commissioners present: Arp, Buchanan Young, Hernly, Fry, Quillin

Staff present: McCullough, Stogsdill, Day, Crick, Larkin, M. Miller, Simmons, Zollner, Ewert

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of December 14, 2015.

Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the December 14, 2015 Planning Commission minutes.

Approved 6-0-2, with Commissioners Butler and Carpenter abstaining.

Receive and amend or approve the minutes from the Planning Commission meeting of February 22, 2016.

Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the February 22, 2016 Planning Commission minutes.

Approved 8-0.

COMMITTEE REPORTS

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

Commissioner Kelly said the Horizon 2020 committee met and took a look at a draft comprehensive plan for some different structures.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Receive written communications from staff, Planning Commissioners, or other commissioners.
- Ex parte:
Commissioner Struckhoff said he met with Ms. Candice Davis in December regarding the Oread Design guidelines and stacked parking issues.

Commissioner Kelly said he had a conversation with Mr. Matt Gough about the Oread Design Guidelines clarifying his letter of concerns.

Commissioner Culver said he had a brief discussion with Mr. Matt Gough regarding the letter he submitted for the packet. He said Mr. Gough went through the points in his letter.

- No Abstentions.

DRAFT

PC Minutes 3/21/16
Recess LDCMPC
Convene Joint Meeting with Historic Resources Commission

ITEM NO. 1 OREAD DESIGN GUIDELINES

Joint meeting with Historic Resources Commission for public hearing on Oread Design Guidelines.

ITEM NO. 2 TEXT AMENDMENT TO DEVELOPMENT CODE; OREAD DESIGN GUIDELINES

TA-12-00171: Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 3 adopting the Oread Design Guidelines and incorporating them by reference. *Initiated by City Commission on 8/28/12.*

STAFF PRESENTATION

Mr. Jeff Crick presented the items.

Historic Resources Commissioner Hernly asked if the district that doesn't allow combining lots #5?

Mr. Crick said that was correct.

PUBLIC HEARING

Ms. Candice Davis, Lawrence Association of Neighborhoods, said the Design Guidelines and overlay districts were important tools that could help preserve the historic integrity of the Oread neighborhood, as well as other neighborhoods. She felt they should reflect the intention of neighborhood plans which specifies areas of varying density. She stated that single-family houses make up 80% of the Oread neighborhood. She said the Oread zoning was changed over 40 years ago from low density to the highest density in the city. She stated the high density zoning did not conform to existing structures or lot sizes. She felt the problem was that the lowest density area was zoned duplex. She said the duplexes had become the size of many apartment units. She expressed concern about stacked parking.

Mr. Jon Josseland said it was not inevitable that a ghetto had to exist next to a university. He felt duplexes had been widely abused. He said stacked parking wasn't allowed for tri-plexes, four-plexes, apartments, or commercial. He thanked staff for their work and agreed with the parking recommendations.

Mr. Paul Werner, Paul Werner Architects, discussed renovating older homes to make them safe. He said the houses were not going to be converted into single-family homes. He said some houses were too large to renovate and that the parking accommodated the investment. He said 1338 Ohio was currently being renovated into an 8 bedroom duplex but would be a non-conforming structure by the time the guidelines were finished. He showed before and after pictures on the overhead of houses his clients had renovated.

Mr. Matt Gough, Barber Emerson Law Firm, felt the guidelines should provide procedural clarity and fairness. He said a duplex destroyed by fire could not be rebuilt with the same amount of occupancy. He said the parking language was just one component of a 132 page document called Design

Guidelines, not Parking Guidelines. He said there were a large number of properties in the Oread neighborhood that may have been built as single-family but were used as rental property. He showed a map on the overhead of rental properties in the area. He wondered how many of them would become non-conforming under the new guidelines. He felt they were taking a policy decision and putting it in the middle of a large document. He said rental properties worth was based on revenue and the amount of occupants. He felt they should accommodate the people who followed the code.

Ms. Janet Gerstner said she lived in the Oread Neighborhood for 10 years and one of the areas that disturbed her the most was north of the stadium. She felt large duplexes were a way around regulations. She expressed concern about stacked parking. She thanked staff for their time working on this.

COMMISSION DISCUSSION

Historic Resources Commissioner Hernly asked how many 60' plus lots were in zone 1.

Mr. McCullough said duplexes in the district north of the stadium would need a 60' wide lot and a certain number of square feet per lot to get two units on it. He said 23 parcels fit both that criteria in that district.

Historic Resources Commissioner Hernly asked how many parcels.

Mr. Crick said 142 parcels.

Historic Resources Commissioner Hernly asked how many of the 23 lots were developed as duplexes.

Mr. Crick said 18 of the 23 were identified as single-family structures in 2012.

Mr. McCullough said the duplex use was allowed in the rest of the Oread neighborhood.

Historic Resources Commissioner Hernly asked if zone 5 could have duplexes on 50' lots.

Mr. McCullough said that was correct.

Commissioner Kelly inquired about an accessory garage and parking behind it. He asked about how rare that could occur due to the depth behind the building and the depth of the lot.

Mr. Crick said it was very specific in geography of where it could and could not occur. He said it tended to occur mainly in district 1 which was north of the stadium. He said where it would occur would also be governed partially by a historic district.

Commissioner von Achen asked if stacked parking was only allowed in single-family and duplexes.

Mr. Crick said that was correct. He said anything above that would typically require a code compliant parking lot like an apartment complex.

Commissioner von Achen said that would not impact the houses Mr. Werner referred to.

Mr. Crick said it would be a parking space per bedroom. Above 10 would require one additional space for every 10. He said for example, a 10 bedroom unit would require 11 parking spaces which would require a code compliant parking lot.

Commissioner von Achen said they couldn't be stacked under the current code.

Mr. Crick said he believed that to be the case.

Mr. McCullough said they were mixing discussions of congregate living and duplex development. He said there were variances for the stacked parking for congregate living.

Commissioner von Achen asked if variances could be obtained for stacked parking with congregate living.

Mr. McCullough said a variance could be requested but that it wasn't common. He said they were talking about parking along alleyways, not driveways in the front yard.

Mr. McCullough said staff agreed with item #1 of Mr. Gough's letter that there needed to be clarified language on the scope of the project. He said item #3 regarding legal non-conforming lots afforded the same protection. He said regarding non-conforming, congregate living was only recently added to this section. He said it was a policy question before them tonight about whether they want to afford duplexes the protection to rebuild or not.

Commissioner Sands felt clarifying the scope should be included in the motion. He said they may need to address parking in each district. He wondered if stacked parking was more concentrated in certain districts.

Commissioner Kelly said he would be interested to hear from sub-committee members if the intention was to amortize stacked parking for duplexes.

Commissioner Culver said during his time on the sub-committee he did not hear any discussions about trying to reduce density, but rather preserving the integrity and character of the area. He felt there needed to be some protection for duplex owners.

Commissioner Britton inquired about the 60% threshold.

Mr. McCullough said it was based on the State Statutes. He said it was a rolling system of bringing properties into compliance.

Commissioner Britton asked if a person was just remodeling or renovating would it apply.

Mr. McCullough said no.

Historic Resources Commissioner Hernly asked if the number of tenants allowed in a single unit was not controlled by the number of parking spaces.

Mr. McCullough said that was correct.

Historic Resources Commissioner Hernly said by reducing the number of potential parking spaces without reducing the number of tenants parking would be forced onto the street.

Mr. McCullough said that was discussed as a possible unintended consequence. He said reducing parking and bedrooms would not necessarily reduce the number of occupants.

Historic Resources Commissioner Arp said the idea with the 60% threshold was that over time non-conforming properties, through acts of God, would slowly bring the area into total conformity with the code. He wondered if other areas of town had protection.

Mr. McCullough said non-conforming structures and non-conforming uses could seek a variance from the Board of Zoning Appeals or conform with a new use or rezone.

Historic Resources Commissioner Arp said it sounded like there were legal ways for someone to get a variance or comply with current code.

Mr. McCullough said there were no guarantees.

Historic Resources Commissioner Arp inquired about grandfathering these current non-conforming structures.

Mr. McCullough said the code could be very specific to reflect directly to these areas.

Historic Resources Commissioner Arp wondered why they wouldn't require non-conforming properties to go through a legal process on their own merits.

Mr. McCullough said that was the policy question before them.

Historic Resources Commissioner Fry said a variance wouldn't be an option.

Mr. McCullough said the guidelines would be the applied code but a variance would be able to be pursued.

Commissioner Britton asked if the Planning Commission and Historic Resources Commission recommendations needed to be the same.

Mr. McCullough said no.

Commissioner Carpenter asked Mr. Jon Josserand and Ms. Candice Davis about preserving what was there. He asked if the Design Guidelines were meant to preserve all the duplexes or create non-conforming uses.

Ms. Davis said no. She said the notion of duplexes and stacked parking was brought to the attention of the Planning Department years ago. She said most duplexes used to be small but have become large apartment complexes. She felt they were detrimental to the neighborhood. She said they needed to create balance for renters, home owners, and families living in the neighborhood, while preserving the integrity of the neighborhood.

Mr. Jossierand said he did not believe the sub-committee ever discussed it. He did not feel there should be a different process for duplexes.

Commissioner Sands asked Mr. Werner about the 13 bedroom house example he mentioned earlier.

Mr. Werner said he received a variance for stacked parking with the support of the Oread Neighborhood Association because it was the best option for that structure.

Commissioner Sands asked what stacked parking allowed him to do with the rest of the lot.

Mr. Werner said it was landscaped and had 9 parking spots on the lot and off the alley.

Commissioner Sands asked what the next best options would be for non-stacked parking.

Mr. Werner said for 1338 Ohio Street the best thing would be to allow 5 cars off the alley. He said that option wouldn't add a garage or impervious surface. He said for a non-conforming structure it would be difficult to get a variance right after a rule change.

Commissioner Kelly said it was important to establish whether they wanted to preserve or back it up. He said he did not want to move anyone backwards. He would like to add four duplexes to the language of section 1503(e)(2).

Mr. McCullough asked if Commissioner Kelly was saying that if a structure was damaged past 60% they would get to keep the stacked parking.

Commissioner Kelly said yes.

Commissioner Carpenter said he was having a hard time providing special protections for duplexes in the overlay district that don't exist for duplexes in other areas of town. He said some of the duplexes were bigger than congregate living.

Commissioner Britton said he was comfortable with the option for a variance when needed. He said it could slow renovations but that it was a balancing act.

Historic Resources Commissioner Buchanan Young asked who determined the 60%.

Mr. McCullough said it was based on an exercise that Planning and Development Services does sometimes on what the fair market value is from the County Appraisers office and the cost to repair. He said as it gets closer to the 60% threshold more information is needed, such as bids.

Commissioner Sands agreed with Commissioner Carpenter about the variance process and letting each project speak to its own merit, whether it's needed or not. He said there was already an established process.

Commissioner Struckhoff agreed that there was an avenue for special projects, such as requesting a variance.

Historic Resources Commissioner Buchanan Young said there were processes in place and she favored not protecting duplexes. She said regarding parking there was a cultural shift with millennials and they were not getting their driver's license as early.

Mr. McCullough clarified that in the overlay district in the design standards there were appeals to the standards that go to Historic Resources Commission for review, then to City Commission, then to District Court.

Historic Resources Commissioner Fry felt there ought to be protection for duplexes since the Board of Zoning Appeals was not an option.

Historic Resources Commissioner Quillin felt having appropriate channels would be the best avenue.

Historic Resources Commissioner Buchanan Young asked Historic Resources Commissioner Hernly if he had read through the guidelines.

ACTION TAKEN by Historic Resources Commission

Historic Resources Commissioner Buchanan Young made a motion to determine the proposed urban conservation overlay district meets the selection criteria under Chapter 20-308(b) and recommend approval for the UC district zoning and associated design guidelines to the Planning Commission and City Commission that the required 20-308(d)(3)(1-3) is included in the design guidelines document.

Historic Resources Commissioner Buchanan Young asked for someone else to make the motion.

Motioned by Historic Resources Commissioner Hernly, seconded by Historic Resources Commissioner Quillin, to determine the proposed urban conservation overlay district meets the selection criteria under Chapter 20-308(b) and recommend approval for the UC district zoning and associated design guidelines to the Planning Commission and City Commission that the required 20-308(d)(3)(1-3) is included in the design guidelines document.

Historic Resources Commissioner Hernly said the only ones they were adjusting were items #1 and #3 from Mr. Matt Gough's letter.

Motioned by Historic Resources Commissioner Hernly, seconded by Historic Resources Commissioner Arp, to approve with changes to include points #1 and #3 from Mr. Matt Gough's letter.

Unanimously approved 5-0.

ACTION TAKEN by Planning Commission

Commissioner Culver expressed concern about wholesale changes that could create legal non-conforming uses.

Commissioner Britton said there seemed to be difference between a renovation versus an act of God. He said he was less concerned about voluntary renovations having to meet new guidelines.

Commissioner Carpenter said they were creating non-conforming uses by adopting the guidelines and they should not add duplexes to the list. He felt any damage could be reviewed on a case-by-case basis.

Commissioner von Achen said they should not include duplexes. She stated that replacing large duplexes misses the point of what they were trying to do.

Commissioner Struckhoff said he did not want to include the exemption for duplexes.

Commissioner Butler did not feel an exemption for duplexes was warranted. She would like to see the neighborhood returned to its intended use.

Motioned by Commissioner Carpenter, seconded by Commissioner Kelly, to echo the motion by Historic Resources Commission to adopt the guidelines as recommended by staff, which would exclude including additional exemption to non-conformities for duplexes, with instructions to clarify points #1 and #3 from Mr. Matt Gough's letter.

Commissioner Culver encouraged City Commission to have further discussion about duplexes and how to retain and protect property owner rights.

Commissioner Britton said the variance and appeal process was enough to make the exceptions that need to be made for some of the duplexes or larger houses.

Commissioner Kelly said the guidelines were not just about parking and the 60% rule. He said there were a lot of wonderful things in the guidelines to protect and preserve a special part of Lawrence.

Approved 8-0.

**Adjourn Joint Meeting
Reconvene LDCMPC**

ITEMS NO. 3A-3F RECOMMEND THE ESTABLISHMENT & ADOPTION FOR AN URBAN CONSERVATION OVERLAY DISTRICT (-UC) FOR 190.8 ACRES WITHIN THE OREAD NEIGHBORHOOD BASED UPON ADOPTION OF THE *OREAD NEIGHBORHOOD DESIGN GUIDELINES. Districts 1-6 AS IDENTIFIED IN THE INTERACTIVE MAP:*

http://lawrenceks.org/pds/draft_plans

Z-12-00172: Oread Design Guidelines District 1 (Low Density), 38.1 Acres, from RM12 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RM32 (Multi-Dwelling Residential) District, U-KU (University) District to RM12-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM12D-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, U-KU-UC (University – Urban Conservation Overlay) District.

Z-12-00175: Oread Design Guidelines District 2 (High Density), 43.7 Acres, from MU (Mixed Use) District, MU-PD (Mixed Use – Planned Development Overlay) District, PCD (Planned Commercial) District, RM32 (Multi-Dwelling Residential) District, RM32-PD (Multi-Dwelling Residential – Planned Development Overlay) District, RMG (Multi-Dwelling Residential – Greek Housing) District, RMO (Multi-Dwelling Residential – Office) District, U-KU (University) District to MU-UC (Mixed Use – Urban Conservation Overlay) District, MU-PD-UC (Mixed Use -

Planned Development Overlay - Urban Conservation Overlay) District, PCD-UC (Planned Commercial – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM32-PD-UC (Multi-Dwelling Residential – Planned Development Overlay – Urban Conservation Overlay) District, RMG-UC (Multi-Dwelling Residential – Greek Housing - Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office District - Urban Conservation Overlay) District, U-KU-UC (University - Urban Conservation Overlay) District.

Z-12-00177: Oread Design Guidelines District 3 (Medium Density), 63.5 Acres, from CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District to CS-UC (Commercial Strip - Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential - Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office - Urban Conservation Overlay) District.

Z-12-00173: Oread Design Guidelines District 4 (Hancock Historic District), 4.8 Acres, from RM32 (Multi-Dwelling Residential – Urban Conservation Overlay) District to RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District.

Z-12-00174: Oread Design Guidelines District 5 (Oread Historic District), 28.9 Acres, from CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District, RSO (Single-Dwelling Residential – Office) District to CS-UC (Commercial Strip – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office – Urban Conservation Overlay) District, RSO-UC (Single-Dwelling Residential – Office – Urban Conservation Overlay) District.

Z-16-00058: Oread Design Guidelines District 6 (Commercial), 11.9 Acres, from CN2 (Neighborhood Commercial) District, CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District to CN2-UC (Neighborhood Commercial – Urban Conservation Overlay) District, CS-UC (Commercial Strip – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office – Urban Conservation Overlay) District.

ACTION TAKEN on Items 3A-3F

Motioned by Commissioner Kelly, seconded by Commissioner Carpenter, to approve rezoning of 190.8 acres to apply the –UC (Urban Conservation Overlay District), and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 8-0.

PC Minutes 3/21/16

**ITEM NO. 4 RM12 TO RS7; 2.235 ACRES; 805, 811, 817, 823, 829, 835
RENAISSANCE DR (SLD)**

Langston Heights: **Z-16-00022**: Consider a request to rezone approximately 2.235 acres from RM12 (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 805, 811, 817, 823, 829 and 835 Renaissance Drive. Submitted by Tim Herndon for Langston Heights Development, LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Tim Herndon agreed with the staff report and was present for questions.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve the request to rezone, Z-16-00022, approximately 2.23 acres from RM12 (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 805, 811, 817, 823, 829 and 835 Renaissance Drive, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Approved 8-0.

PC Minutes 3/21/16

ITEM NO. 5A RM24-PD TO RMO-PD; 14.2 ACRES; 1800, 1809, 2021 CROSSGATE DR (SLD)

Alvamar: **Z-16-00026**: Consider a request to rezone approximately 14.2 acres from RM24-PD (Multi-Dwelling Residential with Planned Development Overlay) District to RMO-PD (Multi-Dwelling Residential with Planned Development Overlay) District, located at 1800, 1809, & 2021 Crossgate Drive. This rezoning applies only to Proposed Lot 3 of the Alvamar Planned Development. Submitted by Paul Werner Architects, for Eagle 1968, LC, (contract purchaser). Alvamar Inc. is the property owner of record.

ITEM NO. 5B PRELIMINARY DEVELOPMENT PLAN FOR ALVAMAR; 1800, 1809, 2021 CROSSGATE DR (SLD)

Alvamar: **PDP-16-00052**: Consider a Revised Preliminary Development Plan for Alvamar PD, Lots 1, 2a, 2b, and 3, located at 1800, 1809, & 2021 Crossgate Dr. Submitted by Paul Werner Architects, for Eagle 1968, LC, (contract purchaser). Alvamar Inc. is the property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented Items 5A and 5B together.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said his biggest discrepancy was over the office use. He showed an overall plan on the overhead and pointed out features of the project. He said underground parking would be provided. He said he was fine with the traffic calming condition but that it was a little open ended.

PUBLIC HEARING

Mr. Warren Corwan, Quail Point at Alvamar Neighborhood Association, said about 52 resident families live around the back 9. He said they had about 30-40 million dollar investments in their homes and want to see the golf course stay viable. Said the concept plan showed by Mr. Werner tonight looked like it would be helpful to maintain. He wanted something in writing instead of just talk. He thought they were in agreement with Alvamar now and that it would make the golf course solvent.

Mr. Doug Lawrence said that 27 holes was a very viable business plan for the new owners of Alvamar. He thanked staff and the applicant. He expressed concern about traffic on Crossgate and the aesthetics of the course.

Mr. Paul Davis, attorney representing Woodfield Meadows residents living on the north side of Crossgate, said he approached the developer and expressed the concerns they had, such as the construction road, drainage, and increased traffic.

Mr. Steve Koger, 2004 Crossgate Dr, supported the project. He appreciated staff and the developer arriving at a transition plan to minimize construction traffic.

Mr. Don Johnston urged Planning Commission to help work with the developer to make this happen to preserve a viable golf course.

*Complete audio & video from this meeting can be found online:
<http://www.lawrenceks.org/boards/planning-commission/agendas>*

Mr. Bob Johnson, President of Alvarado Corporation, said the golf course needed to be viable to ensure its success. He felt sports medicine would be consistent with the golf course and he didn't realize staff was recommending denial of it.

Mr. Franklin Linseisen, 1911 Crossgate, expressed concern about increased traffic and noise.

APPLICANT CLOSING COMMENTS

Mr. Werner appreciated the comments from the public.

COMMISSION DISCUSSION

Commissioner Sands asked staff to summarize recommendation for denial.

Ms. Day said the parking was an ancillary issue. She said staff did not believe the range of uses and intensity of uses was there and accountable within the project.

Commissioner Carpenter said lot 4 had no specific use yet.

Ms. Day said that was correct.

Commissioner Carpenter asked if it would come back to Planning Commission.

Ms. Day said that was correct.

Commissioner Britton said any time staff recommended denial he gave it a lot of weight because staff tries to make projects work. He said the office use gave him some concern about it generating additional traffic and how compatible it would be.

Commissioner Kelly asked Mr. Werner about how strong the sports medicine office was as part of the plan since it had changed a few times.

Mr. Werner said it may change again and that he was trying to narrow down the client. He thought the sports medicine was an allowed use as accessory to the golf course. He said they had users that would like to be up there with the sports medicine idea.

Commissioner Kelly asked Mr. Werner if he saw people using the sports medicine when they are already there or going there just for the that service.

Mr. Werner said both. He said there may be less trips to someone who has an office there. He liked the idea that the hours were different. He said he would rather chop away the unwanted uses in RMO.

Commissioner Butler inquired about the use changing again.

Mr. Werner said the plan would change again. He said there was empty space on lot 3 and nothing on lot 4.

Commissioner Kelly asked staff if they went through an exercise to limit the uses.

Ms. Day said she previously asked the applicant that and he was not comfortable limiting the uses at that time.

Commissioner Culver asked if a cap would include limiting the square footage.

Ms. Day said it would be based on the development plan and what was being requested. She said changes to increase that above 5% could require a public hearing.

Commissioner Struckhoff said this project was to save and support Alvamar. He was struggling with the idea of having services not directly related to the golf course. He said he was leaning against the rezoning request. He felt it should be populated by services in direct support of golf course and its patrons.

Commissioner Britton said when staff recommends denial he usually goes with that recommendation because it was rare and means there may not be other options. He said there were other areas available for the office use and that it was not an essential component to the project.

Commissioner Sands asked if the 19,000 square foot office building would remain if the use was denied.

Mr. Werner said no, it would be taken off the plan.

Commissioner Britton said changes at Bauer Farm over the years moved away from the concept. He said the use creep was a concern even though it was a PD. He felt it was hard to draw the line down the road.

Commissioner Sands said regarding comments about increased traffic, there was no traffic data to base that concern on. He felt the office use would be ancillary. He felt the zoning needed to stay related to the golf course.

ACTION TAKEN On Item 5A for Rezoning

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to deny the request to rezone, Z-16-00026, approximately 14.2 acres from RM24-PD (Multi-Dwelling Residential) District to RMO (Multi-Dwelling Residential Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for denial.

Commissioner Kelly said he did not want Alvamar to become Bauer Farms. He felt there could be additional work done and he would support the motion.

Commissioner von Achen said she would support the motion. She said she did not have a problem with the office use, but the zoning and potential uses it could bring in. She said the staff report stated the zoning was more appropriate for arterial and collector roads.

Commissioner Britton said the denial was not the direct impact of this specific use of sports medicine, but issue of future changes.

Commissioner Culver said he would like to see some compromise with staff and the applicant to limit specific uses.

Commissioner Carpenter said he would support the motion and felt the rezoning could open the door to other possible negative uses.

Mr. Werner asked what he should do to work on it.

Commissioner Kelly said Mr. Werner should work with staff on conditions.

Mr. Werner would rather have the opportunity to narrow the scope and come back with that.

Commissioner Culver suggested the applicant work with staff to refine the conditions.

Motion carried 8-0.

ACTION TAKEN On Item 5B for Preliminary Development Plan

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve the Alvamar Preliminary Development Plan, PDP-16-00052, based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the conditions of the staff report.

Commissioner Kelly responded to Mr. Lawrence's comments about design. He noted that the Commission does have design guidelines for some things and not for this one. He noted the Commission heard Mr. Lawrence's concerns but could not address them in this project.

Commissioner von Achen asked what direction staff was looking for.

Ms. Day said that the first issue was the parking table. Reflecting what the required parking is across the top of the table. She provided an example of the required parking. The fitness building plan showed 59 spaces, staff calculated that the required parking was 60 spaces. The grill/pool use required 17 spaces, the plan showed only 5 spaces required. She noted that the plan was designed with anticipation of approval of the medial office use and the related 64 off-street parking for that use. Staff recommends that if the use is removed the related parking for the use should be retained.

Commissioner von Achen asked if the 64 spaces were retained what would be the parking deficit.

Ms. Day estimated that the deficit of parking would be about 30 spaces. The difference between the number of parking spaces required and the number of parking spaces provided was manageable for this project. The concern was the distribution of off-street parking within the development and where those parking spaces would be located. Ideally, staff recommended the project capture an additional 20 spaces between Lot 2a and Lot 1. The project was hemmed in by the topography, location of existing buildings and street design. She stated it was unlikely that the 20 spaces could be captured without going additional levels underground. The most reasonable option was to add spaces to Lot 3. This would place that parking closer to where that activity area was located and then maintains the residential parking at its level at 100%.

Commissioner von Achen summarized that plan would retain the 64 spaces and add an additional 20 spaces with shared parking. This concept would result in only a handful of spaces short for the project.

Ms. Day responded affirmatively. The project assumes some sharing. She stated the project was unique and included uses that would have a different time demand. Some uses would have a high daytime parking demand and some a high evening demand. Some uses would have a high seasonal demand such as the pool. When the pool is closed the project picks up 97 spaces. She said to get this project right was to manage getting the parking in the right locations. Where it was missing was on Lot 1 and possibly the south portion of Lot 2B. She stated the plan as proposed used a lot of "on-street" parking to support building K, a multi-dwelling use.

Commissioner Culver asked if shared parking was calculated into the numbers shown on the plan.

Ms. Day responded that she did not calculate the shared parking. The applicant provided the commission a spreadsheet of that parking as a shared analysis. It is a comparable study to a shared parking analysis that staff would have completed. She said it was difficult to do that kind of analysis for this type of analysis.

Commissioner Culver asked if that was an analysis that would be beneficial to take on with the applicant to see if there was a balance without adding more parking. He thought that the project would have an element of shared parking.

Ms. Day agreed that there was shared parking and that the issue was the distribution of parking. She said it was a challenge. She stated the residential use relied heavily on the parking that was provided on the private street. The project did not allow capturing the whole 114 spaces that were on the street for non-residential uses because almost half were required to meet the residential demand.

4:40

Mr. Werner was recognized and stated that he was looking at the banquet facility for 409 people and that it was not occupied 100% of the time. When the pool is closed there would be 80 more spaces. He said he was already over 200 more space. He said he would have to figure out a shared percentage and that he cannot build 1200 spaces. He said they were not needed.

Commissioner Sands agreed that the central area around Lot 1 and Lot 3 was the core where the parking should go and that there was still a shortage of 41 spaces in the residential use stated in the staff report. He stated that was the focus of his concerns. He said if there was overflow in either the residential or the activity area it was going to cause that spillover. He said what they don't want to have happen on a Sunday, when the pool is open, and people are playing golf and people are coming home from church, are going to result in time when residents can't find parking. He agreed that 1200 parking spaces would not be needed all the time. He said the provision of that much parking would ruin the aesthetics of Alvamar. He did not know if there was a method to squeeze another 41 spaces. The spaces freed up by the medial office use would not really be supporting the uses of Lot 2A or Lot 2B.

Commissioner Britton asked staff if Planning Commission wanted to focus on the 41 spaces that were lacking for the residential use could they condition 2e to revise the parking table to show the

total required off-street parking for residential uses that the applicant would need to show. He recognized that Commissioner Sands made a good point that a lot of asphalt was not desirable. But he stated that he had a level of trust that Alvamar had the knowledge to know how much parking was needed to run these uses and that if this turned out to not be enough then they would want to add parking. He said customers attending a wedding reception when rainy would not want to walk through the grass and that would be an undesirable perception of an event facility. He agreed that it was difficult to figure out and that there should be some accommodation for those non-residential uses. He said he could not imagine people living there without cars and that it was a well known quantity and that it was a use that needed to be accounted for at least for the 41 spaces. He asked for consensus from Planning Commission if they agreed to the need for the 41 residential spaces. Planning Commission indicated affirmatively. He asked for consensus regarding the non-residential parking deficiency.

Commissioner Struckoff commented with regard to the shared parking and the differences in the time differential between uses and occupancy of residential and non-residential uses leave room. He was okay with the project as proposed but thought the residential use needed to be addressed.

Commissioner von Achen stated that she did not feel qualified to judge if the shared parking was adequate or not and wanted to know or have something in the conditions that required the applicant and staff to go back and assess what was needed in terms of the number of spaces and how to get them.

Commissioner Kelly stated he concurred with Commissioner von Achen and asked staff if there was something specific staff was looking for.

Ms. Day said the suggestion to revise condition 2e so that parking was provided on Lot 2a and Lot 2b. She said it would have to meet the residential parking provided off-street, traditional off-street parking, garage, surface parking, satellite parking, which was the applicant's design task, not Planning Commission or staff.

Commissioner Carpenter said other than the residential he thought it was premature to be discussing parking because they did not know what iteration of the plan would be coming forward for Lot 3 and Lot 4.

Commissioner Struckoff withdrew his second to the motion.

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve the Alvamar Preliminary Development Plan, PDP-16-00052, based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the conditions of the staff report, with a revision to condition 2e: *Revise the parking table per this staff report to show the total required off-street parking for residential uses on Lots 2A and 2B.*

1. The applicant shall provide a revised Preliminary Development Plan that includes the following notes:
 - a. Applicant shall execute an agreement, at the time of recording the Final Plat, not to protest the formation of a benefit district, for a period of 20 years, for the installation of a traffic signal at the intersection of Bob Billings Parkway and the new street, if one is determined by the City Engineer to be needed in the future.

- b. The development shall include the installation of traffic calming devices installed on Crossgate Drive north of Clinton Parkway to mitigate concerns of the neighbors. The timing of the installation shall be prior to issuance of a certificate of occupancy for any residential structure. The design of the improvements shall be coordinated with the Public Improvement Plans for the development.
 - c. Per section 20-1009 (b) of the Land Development Code, any use of artificial turf, located on any lot or as part of the golf course, shall require City Commission approval prior to installation.
 - d. The development shall adhere to the construction and phasing plan as approved by the City Commission.
2. The applicant shall provide a revised Preliminary Development plan that includes the following changes:
- a. Revise the width of the 30' access/utility easement for the "private street segment" to include sidewalks on both sides of the private street.
 - b. Revise drawing to remove all references to "Sports Medicine".
 - c. Revise drawing to provide parking for the chapel use.
 - d. Revise parking table to show the required parking for the Banquet Facility based on the standard for *Event Center, Large* at 1 space per 4 occupancy. This correct parking requirement should show 103 spaces.
 - e. Revise the parking table per this staff report to show the total required off-street parking.

Unanimously approved 8-0.

PC Minutes 3/21/16

ITEM NO. 6 COMPREHENSIVE PLAN AMENDMENT; K-10 & FARMER'S TURNPIKE PLAN (JSC)

CPA-14-00005: Consider a revised Comprehensive Plan Amendment to *Horizon 2020* Chapter 7: Industrial Land Use, and Chapter 14: Specific Plans – *K-10 & Farmer's Turnpike Plan* to revise the Future Land Use map. Submitted by B.G. Consultants, Inc. *Planning Commission recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/08/15. The revised Comprehensive Plan Amendment has been reduced in scope; retaining the request to reclassify approximately 13.5 acres from Residential/Office to Office/Research but removing the request to include adjacent parcels for additional residential land use.*

STAFF PRESENTATION

Mr. Jeff Crick presented the item.

APPLICANT PRESENTATION

Mr. David Hamby, B.G. Consultants, thanked staff for their work. He showed the concept plan on the overhead. He said the site was constrained by the existing easements. He said it was pretty well screened by the tree line to the south and the natural topography.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen expressed concern about an aesthetic gateway to the city. She did not feel this was it.

Commissioner Britton echoed Commissioner von Achen's concerns and comments. He felt if they were going to change the Sector Plan for a specific project it should be an exciting project.

Commissioner Sands said it would still require a Conditional Use Permit and would come back to the Planning Commission.

Mr. Crick said it would have the same future land use.

Commissioner Culver said it would be stretch to get something grand and exciting on that piece of land.

Commissioner Kelly said it was a tricky piece of property and there weren't guidelines for what a gateway should look like. He said he did not like making Comprehensive Plan Amendments but this was a specific piece of property with easement issues. He said he was not sure what else could be put there.

Commissioner Struckhoff said it was a limited parcel. He said there was already an industrial warehouse building and electrical substation at this gateway entrance. He said he was okay supporting this.

Commissioner Britton said two years had passed and there was no more clarity on gateways.

*Complete audio & video from this meeting can be found online:
<http://www.lawrenceks.org/boards/planning-commission/agendas>*

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve the Comprehensive Plan Amendment, CPA-14-00005, and forwarding to the Lawrence City Commission and Douglas County Board of Commissioners with a recommendation for approval.

Unanimously approved 8-0.

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to authorize the Chair of the Planning Commission to sign Planning Commission Resolution PCR-16-00019.

Motion carried, 8-0.

DRAFT

PC Minutes 3/21/16

**ITEM NO. 7 TEXT AMENDMENT TO ZONING REGULATIONS & SUBDIVISION
REGULATIONS; ACCESSORY DWELLING UNITS (MKM)**

TA-15-00461: Consider Text Amendments to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* and the *Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS* to add Accessory Dwelling Units as a permitted use and to establish standards for the use. *Initiated by County Commission on 9/2/15.*

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Kelly, to defer until April 25, 2016 Planning Commission.

Motion carried 8-0.

DRAFT

PC Minutes 3/21/16

**ITEM NO. 8 TEXT AMENDMENT TO ZONING REGULATIONS; WIND ENERGY
CONVERSION SYSTEMS (SLD)**

TA-15-00571: Consider a Text Amendment to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems. *Initiated by County Commission on 10/21/15.*

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen asked about the key issue conditions required for approval.

Ms. Day said staff would tell a perspective applicant that they need to address these key issues and provide some kind of response to it.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Kelly, to approve Text Amendment, TA-15-00571, to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems, and forwarding to the Board of County Commissioners for approval.

Approved 8-0.

PC Minutes 3/21/16

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 APPOINTMENT TO MPO POLICY BOARD

Appoint Planning Commission member to Metropolitan Planning Organization (MPO) Policy Board.

Commissioner Britton said he would recommend Commissioner Struckhoff.

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to appoint Commissioner Struckhoff to serve as the county appointee on the MPO.

Motion carried 7-0-1, with Commissioner Struckhoff abstaining.

MISC NO. 2 UPCOMING CALENDAR EVENTS

A possible quorum of the Planning Commission may attend the following event:
Regional Economic Development Educational Seminar, Thursday, April 21, 3:30 – 5:00 p.m.
Location: Carnegie Building, 200 W. 9th Street. Public is invited.

ADJOURN 11:52PM

Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

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

Development Regulations

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

Online Mapping

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

Planning Commission

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

Memorandum

City of Lawrence

Planning & Development Services

TO: Lawrence Douglas County Planning Commission
CC: Scott McCullough, Director PDS
Amy Miller, Assistant Director Planning
Sheila Stogsdill, Planning Administrator
FROM: Lynne Braddock Zollner, Historic Resources Administrator
DATE: April 22, 2016
RE: Lawrence Register of Historic Places Nominations

According to Chapter 22 of the City Code, the Historic Resources Administrator must notify the Planning Commission of nominations to the Lawrence Register of Historic Places and shall transmit to them copies of the application and report. The Planning Commission may comment on the nominations; however, **no action is required by the Planning Commission.**

The following properties have been nominated by the property owner of record for inclusion in the Lawrence Register of Historic Places:

L-15-00631 643 Indiana Street, Wilder-Clark House
L-15-00632 2301 Massachusetts Street, Carl A. Preyer House
L-16-00053 402 N 2nd Street, Union Pacific Depot
L-16-00054 839 Vermont Street, Carnegie Building
L-16-00055 745 Vermont Street, Fire Station No. 1
L-16-00121 1605 Oak Hill Avenue, Oak Hill Cemetery
L-16-00122 901 W 5th Street, Clinton Park

The applications and reports are located on the Planning and Development Services web page here http://www.lawrenceks.org/pds/hrc_agendas_minutes.

Action No action is required.

PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
4/25/16

**ITEM NO. 1 CONDITIONAL USE PERMIT; STONY POINT HALL; 1514 N 600 RD
(MKM)**

CUP-16-00035: Consider the renewal of a Conditional Use Permit for Stony Point Hall, a reception and banquet hall, on approximately 13.98 acres, located at 1514 N 600 Rd, Baldwin City. Submitted by Russell and Lucretia Carlson, property owners of record. *(Joint meeting with Baldwin City Planning Commission)*

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for Stony Point Hall, a *Recreation Facility* use, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report subject to the following condition:

1. The Conditional Use shall be administratively reviewed every 5 years.

Reason for Request: *"We wish to renew the C.U.P. for Stony Point Hall. Our business has reliably and responsibly provided a rural space for weddings and special events since 2007 and we desire the opportunity to continue to do so into the future."*

KEY POINTS

- A Conditional Use Permit, CUP-12-09-05, for the Stony Point Reception Hall was approved by the County Commission on March 15, 2006. One of the conditions was that the approval was valid for a ten year period unless the CUP was renewed. This CUP application is a request for a renewal following the expiration of the ten year approval period.
- The Zoning Regulations do not require that time limits be set for Conditional Use Permits but they can be applied in cases where it is expected that the use may not be compatible with the surrounding area as it develops.

ATTACHMENT

- A --CUP Plans
- B –Public communications

ASSOCIATED CASES

- A Conditional Use Permit, CUP-12-09-05, for the Stony Point Reception Hall was approved by the County Commission on March 15, 2006.
- A Site Plan was administratively approved on May 31, 2007 for changes to the structure which included addition of porch areas and a vestibule and enclosing an existing porch and additional parking. This site plan was included as part of the Conditional Use Permit and a new file was not created.
- A Site Plan, SP-16-00101, was administratively approved on March 28, 2016 for the addition of a gazebo in the reception/garden area.

OTHER ACTION REQUIRED

- Approval of the Conditional Use by the Board of County Commissioners.
- Applicant shall obtain a permit for the Conditional Use from the Zoning and Codes Office.

PUBLIC COMMENT

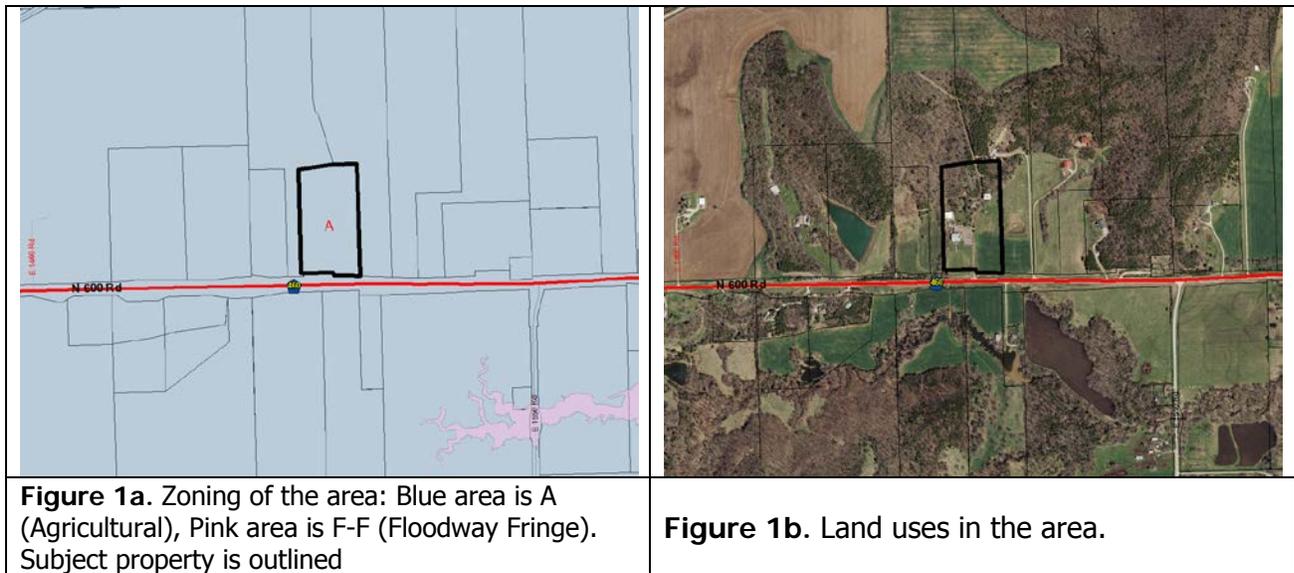
- Two letters of support were provided by nearby property owners. These are included as attachments with this staff report.

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; *Recreation Facility, Residential Detached Dwelling, Agriculture.*

Surrounding Zoning and Land Use: In all directions: A (Agricultural) District; *Agriculture, Woodlands, and Residential Detached Dwellings.*

To the southeast: F-F (Floodway Fringe Overlay) District; wooded stream corridor.



Summary of Request

This request is for a renewal of a previously approved Conditional Use Permit which had a ten-year approval (expired March 15, 2016). The property is not within an urban growth area of any city but is within the 3 mile radius of Baldwin City; therefore, a joint meeting with the Lawrence-Douglas County Planning Commission and Baldwin City Planning Commission will be held on the request.

A 3,500 sq ft building was converted for reception and meeting facilities with the original Conditional Use Permit. The area was increased to 5,065 sq ft with the approval of the 2007 site plan. This plan noted that there was a 3,347 sq ft assembly area and a 462 sq ft kitchen area. Maximum occupancy was listed as 226 persons. The building, as approved in 2007, is shown in Figure 2. A site plan was approved in 2016 for the addition of a gazebo in the garden area.

The proposed use is included in the enumerated list of uses that are permitted as Conditional Uses in Section 12-319-4.11 *Recreation Facility*. This use is permitted in the A (Agricultural) Zoning District only when approved as a Conditional Use Permit.

12-319-4.11 Recreation Facility

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

I. ZONING AND USES OF PROPERTY NEARBY

Nearby properties are zoned A (Agricultural) and the principal land uses are agriculture, rural residences, and woodland. The F-F (Floodway Fringe Overlay) District containing regulatory floodplain is present to the southeast of the subject property.

The reception hall has been in operation since 2007. The Zoning and Codes Office indicated they received a few complaints the first few years of operation, but no complaints have been submitted to the Zoning and Codes Office regarding this use since. Two nearby property owner/residents provided letters of support for the CUP. (Figure 3)

Staff Finding – Surrounding land uses are predominantly agricultural, woodland/open space, and rural residential. The reception hall has been in existence since 2007 and is compatible with the surrounding land uses.

II. CHARACTER OF THE AREA

The area is divided east and west by N 600 Road/County Route 460, a Principal Arterial, and is bounded on the east by E 1700 Road, County Route 1055, also a Principal Arterial. (Figure 4) N 600 Road/County Route 460 connects with E 1700 Road to the east and Hwy 59, another Principal Arterial, to the west. The topography in the area is varied, with steep slopes throughout. The woodlands correspond with the steep terrain. The character of the area is rural with woodlands, agriculture, and rural residences being the predominate uses. The facility has a rustic appearance and is set back from the road (Figure 5). The facility is compatible with, and enhances the rural character of the area.

Staff Finding – The area has access to the major transportation network with the subject property taking access to N 600 Road, an east/west Principal Arterial, which connects with 2 north/south Principal Arterials to the west and east. The area has a varied topography with woodlands corresponding with the steep terrain. Agriculture, woodlands, and rural residences are predominate land uses in the area. The design and location of the facility are compatible with the rural character of the area.

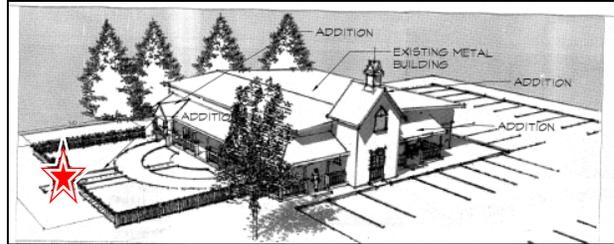


Figure 2. Approved building elevation showing 2007 additions. 2016 approved gazebo location marked with a star.



Figure 3. Subject property outlined. Properties with letters of support are marked with stars



Figure 4a. Area map showing wooded areas and floodplain. Subject property marked with dot.

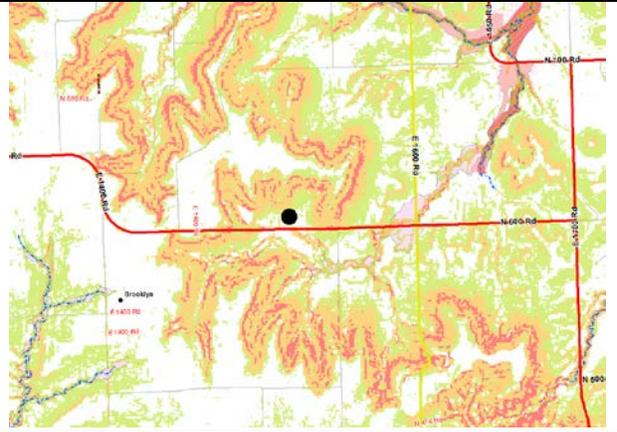


Figure 4b. Topography map. Light green: 3 to 7% slope, Orange: 7 to 15% slope, Red: 15% and above.



Figure 5a. Reception Hall



Figure 5b. View of facility from road, Google Street View map.

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

Applicant's Response:

"The property has been used for this purpose since 2007. We have made many improvements in that time to make the property more suitable and idyllic for large group gatherings to celebrate and enjoy the natural beauty."

The subject property is zoned A (Agricultural). Section 12-306 of the County Zoning Regulations provides the following information on the A District:

"...the purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."

The A District is associated with a majority of the unincorporated portion of Douglas County. Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. Other uses allowed include residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, rural home occupations, and agritourism.

In addition, all uses enumerated in Section 12-319, may be permitted when approved as Conditional Uses. The reception facility was approved with a CUP in 2006 and has been in operation since 2007.

Staff Finding – The property is suitable for agricultural uses which are permitted within the A (Agricultural) District. The property is also well suited for the existing reception hall, a *Recreation Facility* use.

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

Staff Finding – The property is not vacant at this time but is developed with a rural residence, outbuildings, and the reception hall. The reception facility began operation in 2007.

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

Applicant's Response:

"We believe continuing our operations will not be detrimental to nearby property and owners. We strive to be conscientious of the desires, quality of life and property values of our neighbors and the surrounding countryside."

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

Impacts from this type of use are usually associated with traffic, crowd noise or activity, and lighting. The use has been in operation since 2007 and the traffic, noise, and lighting associated

with the existing use have not resulted in complaints from nearby property owners and residents. The Zoning and Codes Office indicated they received a few complaints in the early years regarding fireworks, but that they haven't received any since. Continuing the current operation should have no detrimental impacts on nearby properties.

If the use were to be intensified: the building expanded or additional parking spaces added, for instance, a site plan application would need to be submitted to the Planning Office for review. Impacts of the change on nearby properties and the street network would be evaluated through the site plan review.

Staff Finding – The facility has been in operation since 2007 without detrimental impacts to nearby properties. Approval of the CUP will extend the use but will not change the intensity of the use. The approval of the CUP to allow the continuation of the current reception hall should not result in any detrimental impacts.

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:

"We provide a popular, safe location for local families to hold special celebrations in a private, rural setting. We host a variety of social events including weddings, graduations, charity fundraisers, wakes, and award banquets."

Approval of this request would allow the continuation of the established reception hall, *Recreation Facility*.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request as no negative impacts are anticipated with the facility.

Staff Finding – In staff's opinion, there would be no gain to the public health, safety, and welfare by the denial of the request. Approval of the request would allow the continued use of the Stony Point Reception Hall which offers many city residents a rural Douglas County experience.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The hall's architecture intentionally mirrors local, rural agriculture buildings so it is not obnoxious or non-conforming to the rural atmosphere of the area. It is somewhat unobtrusive to the area and provides an opportunity to share the history of the farm & area."

Chapter 16 of *Horizon 2020* recommends that the County encourage and develop policies that support agri- and eco-tourism. (Policy 2.7(d), Page 16-15, *Horizon 2020*) The Stony Point Reception Hall meets the definition of an Agritourism use: *"..the intersection of agriculture and tourism, when the public visits rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Agritourism uses the rural experience as a tool for economic development."* (Section 12-319-7, *Zoning Regulations of the Unincorporated Territory of Douglas County*.)

The reception hall could be approved through the Agritourism registration process with the County Commission or as a Conditional Use Permit. In many cases, a Conditional Use Permit is requested rather than registering as an Agritourism use due to the longer approval time frame. Agritourism uses must re-register with the State and the County every 5 years.

Staff Finding – The reception hall is in compliance with Policy 2.7(d) of the Comprehensive plan that recommends the encouragement of agritourism uses.

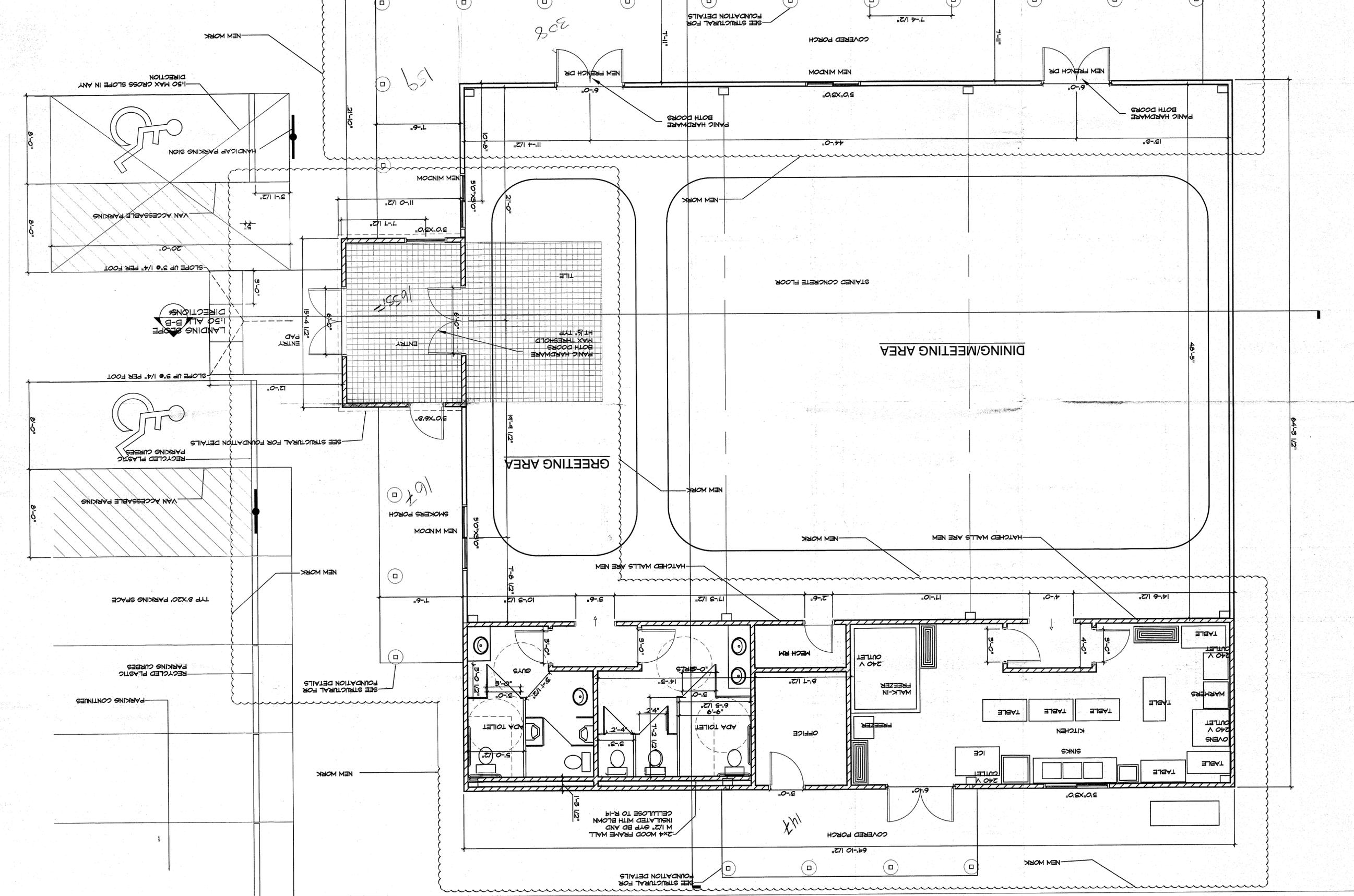
CUP PLAN REVIEW

No physical changes are proposed to the site. This CUP request is solely for the extension of the *Recreation Facility* use. The approved CUP plan is attached with this report for context only.

One change being proposed with this CUP renewal is the removal of the 10 year expiration time frame. An expiration date is a useful tool for managing Conditional Uses in developing areas where it is anticipated that the character of the area may change to the degree that the use is no longer compatible with the nearby land uses. In this case, the reception hall use is compatible with the existing development and should be compatible with the area as it further develops. Any intensification of the use would require site plan approval and impacts on nearby properties and road networks would be evaluated with the review of the site plan. Staff recommends the removal of the 10 year expiration but keeping the 5 year administrative reviews, which provide an opportunity for regular reviews but lessens the impact on the operator to re-apply every 10 years.

Approved & Released
 Case No. Cur-1245 Date: 5/31/07
 Planner Initials: SLO # of Sheets: 3
 Director: *[Signature]*
 Revised to address punch and additions

FIRST FLOOR PLAN
 1/4"=1'-0"



OUTLINE SPECIFICATIONS

GENERAL CONDITIONS
AIA Document A301, General Conditions of the Contract for Construction is hereby made a part of these specifications...

PERMITS
The cost of building permits from any and all required jurisdictions shall be paid for by the contractor...

CONFIDENTIALITY NOTICE
No contractor, subcontractor, supplier, nor any other person shall disclose information...

CONTRACT FORMS
Owner/Contractor Agreement, AIA Standard Form A101 including General Conditions Form A201.

TESTING
Concrete compressive strength and concrete slump tests shall be provided and paid for by the contractor...

LAYOUT
The General Construction Contractor shall provide for the preparation of the building and building upgrade installation...

TEMPORARY FACILITIES - ELECTRICITY, LIGHTING
The General Construction Contractor shall furnish, install, and maintain temporary electrical service and convenience power and lighting...

TEMPORARY FACILITIES - HEAT, VENTILATION
General Construction Contractor shall provide as required to maintain conditions for construction operations...

TEMPORARY FACILITIES - TELEPHONE SERVICE
The Contractor shall provide wireless telephone service at the site during hours and while any work under his contract is underway.

TEMPORARY FACILITIES - WATER
General Construction Contractor shall connect and arrange for a accessible construction water-source as and if required.

TEMPORARY FACILITIES - SANITARY FACILITIES
General Construction Contractor shall arrange or provide for toilet, and pay for proper temporary sanitary facilities and enclosures during the entire project.

TEMPORARY FACILITIES - TRASH AND DEBRIS REMOVAL
General Construction Contractor shall provide, maintain, and pay for required trash and debris containers and removal facilities and enclosures during the entire project.

PROJECT RECORD DOCUMENTS
The contractor shall maintain a complete and accurate record of drawing details and dimensions as adjusted through the course of construction...

SMOKE ALARMS
Hardwired interconnected smoke alarms shall be installed in every sleeping room (existing and new) and outside each separate sleeping area in the immediate vicinity of the bedrooms.

WATER PROOFING
Formed-in-place foundation walls shall be water proofed with 6 mil polyethylene vapor barrier under slab on grade...

LANDSCAPING
Replace stockpiled stripped topsoil and add (if required) back topsoil to maintain minimum 4" final depth with final grades shown on the plans.

DIVISION 5 - CONCRETE
SC022 Concrete work includes building foundations, concrete slabs on grade, slabs on grade, and other miscellaneous concrete...

CONCRETE DESIGN
ASTM C 44-22 Day Compressive Strength shall be Foundations, and Footings, Walls, 4000 psi; Slabs, 5000 psi.

DIVISION 4 - MASONRY
SC025 Masonry work includes concrete block, brick, and limestone masonry construction for architectural and structural requirements.

CONCRETE MASONRY UNITS
Concrete masonry construction is to be of running bond, round topped joint. All reinforcing, anchors, inserts, and other accessories shall be as an on-requirement (min. 1/2" x 1/200psi).

STEEL MASONRY
Limestone pattern and grout method shall be approved by the Architect and used for all masonry walls and columns.

METAL FABRICATIONS
Structural Steel, and other miscellaneous parts and assemblies shall be in accordance with drawings and/or corresponding contract documents...

ROUGH CARPENTRY
All required rough carpentry wood shall be of No. 2 yellow pine joist or Douglas Fir/Larch, 2x4-in and/or 2x6-in joists shall be nailed at 16" o.c. @ 2400 psi.

FINISH CARPENTRY
Finish and trim carpentry and cabinet work shall be constructed in accordance with or superior to the American Woodworking Institute Standards for "PREMIUM" grade installations.

DIVISION 7 THERMAL & MOISTURE PROTECTION
SC026 Thermal and moisture protection work includes slab vapor barriers, foundation and slab perimeter insulation and water proofing building wall insulation, insulated single ply roof system, gutters, flashings, and drain slopes...

ROOF SYSTEMS
Provide and install new roofing as shown on the drawings, to provide for weather tight installation.

FLASHING AND SHEET METAL
Provide flashing over all windows, exterior doors, roof eaves and rafters, chimneys, and the like. All flashing and sheet metal shall be installed in accordance with standards of the Association of Architectural Sheet Metal Manufacturers.

WATER PROOFING
Formed-in-place foundation walls shall be water proofed with 6 mil polyethylene vapor barrier under slab on grade...

SMOKE ALARMS
Hardwired interconnected smoke alarms shall be installed in every sleeping room (existing and new) and outside each separate sleeping area in the immediate vicinity of the bedrooms.

DIVISION 8 DOORS AND WINDOWS
SC028 Work under this section includes exterior insulated windows, solid core interior and exterior wood doors, frames, glazing, and hardware, including slip caps, thresholds, weatherstripping and hardware.

DOOR HARDWARE
Provide and install hardware required to complete the work, generally matching existing hardware. Provide hardware typically specified or required for specific application or as directed by Architect/Owner.

FLOORING
Provide and install materials as selected and described on the Drawings or per owner. Install materials where indicated on plans or as directed by the owner in strict accordance with manufacturers recommendations.

DIVISION 9 MECHANICAL
SC029 Plumbing work includes, but not limited to the redistribution of existing fixtures, drains and vent lines. Coordinate work with the electrician and other trades...

SC030 HVAC work includes, but not limited to the redistribution of existing duct work, air conditioning, heating, ventilation, and air conditioning (HVAC) systems...

SC031 Electrical work includes, but not limited to the redistribution of existing electrical service and branch circuits, switch control wiring, telephone, network, and data wall box and conduit systems...

SC032 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers, fire extinguishers...

SC033 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC034 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC035 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC036 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC037 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC038 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC039 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC040 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC041 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC042 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC043 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC044 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC045 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC046 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC047 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

SC048 Fire Protection work includes, but not limited to the installation of fire alarm systems, fire extinguishers, fire extinguishers, fire extinguishers...

MINIMUM OF TWO MEANS OF EGRESS ARE REQUIRED WHERE NUMBER OF OCCUPANTS IS AT LEAST 50 OCCUPANT LOAD FACTOR 5 (square feet) 15 x T5000

SECTION 505 - REQUIREMENTS FOR GROUP A OCCUPANCIES
505.1.1 Group A Occupancies defined. Group A Occupancies include the use of a building or structure, on a portion thereof, for the gathering together of 50 or more persons for purposes such as civic, social or religious functions, recreation, education or instruction, food or drink consumption, or awaiting transportation.

SECTION 505 - LOCATION ON PROPERTY
505.1 General. Buildings shall adjoin or have access to a public way or yard on not less than one side. Required yards shall be permanently maintained.

SECTION 504 - ALLOWABLE FLOOR AREAS
504.1 One-story Areas. The area of a one-story building shall not exceed the limits set forth in Table 5-B, except as provided in Section 505.

SECTION 505 - BASIC ALLOWABLE BUILDING HEIGHTS AND BASIC ALLOWABLE FLOOR AREA FOR BUILDINGS ONE STORY IN HEIGHT AREA 600SF CONST TYPE V

SECTION 505 - TYPE V BUILDINGS 606.1 Definition. Type V buildings may be of any materials allowed by this code.

SECTION 1001 - ADMINISTRATIVE
1001.1 Scope. Every building or portion thereof shall be provided with a means of egress as required by this chapter.

SECTION 1005 - THE EXIT 1005.1 General. The exit is that portion of the means of egress system between the exit access and the exit discharge or the public way.

SECTION 1005.2 Exit Design Requirements. The exit portion of the means of egress system shall comply with the applicable design requirements of this section.

SECTION 1005.2.1 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.2 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.3 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.4 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.5 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.6 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.7 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.8 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.9 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.10 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.11 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 2405 - GENERAL
Each building shall be provided with sanitary facilities, including provisions for accessibility in accordance with Chapter 11. Plumbing fixtures shall be provided for the type of building occupancy with the minimum numbers as shown in Table A-24-A.1.

SECTION 502 - PREMISES IDENTIFICATION
Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

SECTION 504 - ALLOWABLE FLOOR AREAS
504.1 One-story Areas. The area of a one-story building shall not exceed the limits set forth in Table 5-B, except as provided in Section 505.

SECTION 505 - BASIC ALLOWABLE BUILDING HEIGHTS AND BASIC ALLOWABLE FLOOR AREA FOR BUILDINGS ONE STORY IN HEIGHT AREA 600SF CONST TYPE V

SECTION 505 - TYPE V BUILDINGS 606.1 Definition. Type V buildings may be of any materials allowed by this code.

SECTION 1001 - ADMINISTRATIVE
1001.1 Scope. Every building or portion thereof shall be provided with a means of egress as required by this chapter.

SECTION 1005 - THE EXIT 1005.1 General. The exit is that portion of the means of egress system between the exit access and the exit discharge or the public way.

SECTION 1005.2 Exit Design Requirements. The exit portion of the means of egress system shall comply with the applicable design requirements of this section.

SECTION 1005.2.1 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.2 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.3 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.4 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.5 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.6 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.7 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.8 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.9 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.10 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.11 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.12 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 2405 - GENERAL
Each building shall be provided with sanitary facilities, including provisions for accessibility in accordance with Chapter 11. Plumbing fixtures shall be provided for the type of building occupancy with the minimum numbers as shown in Table A-24-A.1.

SECTION 502 - PREMISES IDENTIFICATION
Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

SECTION 504 - ALLOWABLE FLOOR AREAS
504.1 One-story Areas. The area of a one-story building shall not exceed the limits set forth in Table 5-B, except as provided in Section 505.

SECTION 505 - BASIC ALLOWABLE BUILDING HEIGHTS AND BASIC ALLOWABLE FLOOR AREA FOR BUILDINGS ONE STORY IN HEIGHT AREA 600SF CONST TYPE V

SECTION 505 - TYPE V BUILDINGS 606.1 Definition. Type V buildings may be of any materials allowed by this code.

SECTION 1001 - ADMINISTRATIVE
1001.1 Scope. Every building or portion thereof shall be provided with a means of egress as required by this chapter.

SECTION 1005 - THE EXIT 1005.1 General. The exit is that portion of the means of egress system between the exit access and the exit discharge or the public way.

SECTION 1005.2 Exit Design Requirements. The exit portion of the means of egress system shall comply with the applicable design requirements of this section.

SECTION 1005.2.1 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.2 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.3 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.4 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.5 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.6 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.7 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.8 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.9 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.10 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

SECTION 1005.2.11 Separation of Exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

SECTION 1005.2.12 Travel Distance. Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3.

GENERAL CONSTRUCTION NOTES

GENERAL CODE NOTES

GENERAL INFO
ZONING - AGRICULTURAL (CONDITIONAL USE PERMIT)
SINGLE STORY SLAB ON GRADE METAL FRAME BUILDING
GROSS AREA - 540 SF
CONST. TYPE - VN
OCCUPANCY GROUP - A3
ASSEMBLY AREA 3,347 SF @ 1/5=225
KITCHEN AREA 462 SF @ 1/300=3
TOTAL OCCUPANCY 226
HEIGHT - 34 FT
USE - DINING, MEETINGS, RECEPTIONS
PARKING 34 REQ'D 34 PROVIDED

Approved & Released
Case No. CUP-12-9-5 Date: 5/31/07
Planner Initials: SLD # of Sheets 3
Director: [Signature]
Reviewed to release porch and addition

DATE: 3/17/07
DRAWN BY: KVK
REV: 5/01/07

SHEET NO.:
A5

global homes
kenton knowles
785 594 4115 fax 785 594 0396
globalhomes@myvine.com www.globalhomedesign.com

STONY POINT
1514 N 600 RD BALDWIN CITY, KS 66606

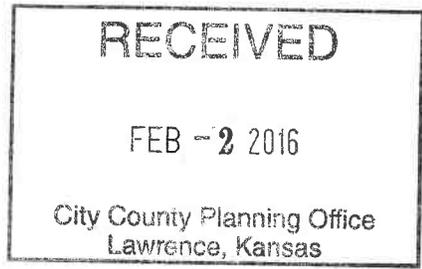


CUP-16-00035: Conditional Use Permit for Stony Point Hall, a Reception and Banquet Hall, Located at 1514 N 600 Road



January 28, 2016

City of Lawrence Planning Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044
Attn: Sandra Day



Dear Ms. Day –

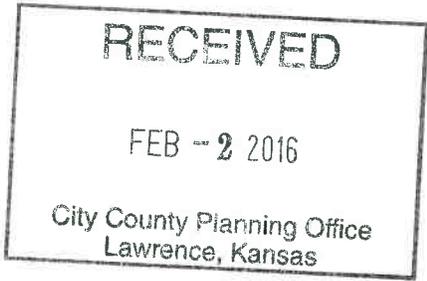
It is our understanding that Stony Point Hall, located 1514 N600th Road, Baldwin City, Kansas, is in the process of renewing their Conditional Use Permit for the business. As neighbors we would like to express our support for their continued operation and renewal of the C.U.P.

Best regards,
Bruce W Martin

Bruce & Linda Martin
1538 N600th Road
Baldwin City, Kansas

January 28, 2016

City of Lawrence Planning Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044
Attn: Sandra Day



Dear Ms. Day –

It is our understanding that Stony Point Hall, located 1514 N600th Road, Baldwin City, Kansas, is in the process of renewing their Conditional Use Permit for the business. As neighbors we would like to express our support for their continued operation and renewal of the C.U.P.

Best regards,

A handwritten signature in blue ink that reads "Joseph M. Harvey". The signature is fluid and cursive.

Joseph M. Harvey
1521 N600th Road
Baldwin City, Kansas

Memo

To: Mary Miller, City/County Planner
From: Tina Rakes, Code Administrator
CC: Planning Commission File
Date: April 25, 2016
Re: Stony Point Hall CUP

On April 12, 2016 the Baldwin City Planning Commission met and reviewed the CUP application for Stony Point Hall.

By a unanimous vote, the Planning Commission voted in support of the continuation of the CUP, in addition, supports removing the requirement of ten year expiration for review.

The use is granted conditionally which allows for a review or investigation should complaints or noncompliance's become an issue.

**PLANNING COMMISSION REPORT
NON PUBLIC HEARING ITEM
PUBLIC HEARING ON THE VARIANCE ONLY**

PC Staff Report
04/25/2015

ITEM NO 2: PRELIMINARY PLAT FOR Walnut Addition; 775 Walnut Street (BJP)

PP-16-00057: Consider a Preliminary Plat for Walnut Addition, a 7 lot subdivision containing 2.018 acres, located at 775 Walnut St. Submitted by Grob Engineering Services LLC, for Lawrence Habitat for Humanity, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of Walnut Addition.

Reason for Request: *Subdivision of existing lot into seven lots.*

KEY POINTS

- The subject property contains one lot, which is undeveloped. This Preliminary Plat proposes to subdivide the lot into 7 lots.

SUBDIVISION CITATIONS TO CONSIDER

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

ATTACHMENTS

Attachment A: Preliminary Plat

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- None

Other Action Required:

- Submittal of final plat for administrative approval and recordation with the Douglas County Register of Deeds, subject to recordation by separate instrument of the private access easement.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis – DSSA provided by applicant, accepted by City Staff.*
- *Drainage Study – Drainage Study provided by applicant, accepted by City Staff.*
- *Traffic Study – 7-Step Study provided by applicant, accepted by City Staff.*

PUBLIC COMMENT

None received prior to publication.

Site Summary	
Gross Area:	2.018 acres
Right-of-Way Dedicated:	None
Number of Proposed Lots:	7
Minimum Lot Size	0.1616 acres
Maximum Lot Size	0.325 acres (14,159 sq ft)
Average Lot Size	0.232 acres (7,020 sq ft)

GENERAL INFORMATION

Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; undeveloped
 Surrounding Zoning and Land Use: RS7 (Single Dwelling Residential) District to the north, south, east, and west; existing detached homes.

STAFF REVIEW

This property is located at the northwest corner of N 8th Street and Walnut Street in the North Lawrence neighborhood. The subject property contains one undeveloped lot and is located in an existing residential neighborhood. The subject property and the surrounding area is zoned RS7 (Single-Dwelling Residential) District. The surrounding properties are developed with *Detached Dwellings*.

The intent behind the application is to subdivide the existing lot into 7 new lots that will be developed by Habitat for Humanity for affordable housing stock.



Figure 1. Zoning and land use of area.

Compliance with Zoning Regulations for the RS7 District

Lot	Lot Area
Lot 1	7,211 sq ft
Lot 2	7,189 sq ft
Lot 3	7,037 sq ft
Lot 4	7,020 sq ft
Lot 5	14,159 sq ft
Lot 6	14,125 sq ft
Lot 7	14,090 sq ft

Table 1. Proposed lot sizes

The square footage associated with each of the seven proposed lots exceeds the minimum 7,000 sq. ft. lot area (Table 1).

The proposed lots comply with the Dimensional Standards in Section 20-601(b).

Streets and Access

The subject property is located on the northwest corner of N 8th Street and Walnut Street. Both streets are classified local streets. Lot 1 and Lot 2 will take access from Walnut Street, while Lots 3-7 will take access from N 8th Street.

There is an existing sidewalk on the east side of the subject property (on the west side of N 8th Street). The southern portion of the subject property does not contain a sidewalk; however the Preliminary Plat indicates that sidewalks will be added on the north side of Walnut Street with development. The new sidewalk will tie into the existing sidewalk on N 8th Street and the sidewalk on the north side of Walnut Street (east of the subject property).

Utilities and Infrastructure

There are existing water and sanitary sewer lines located along the east and south sides of the subject property to serve future development.

The preliminary plat proposes that the private sanitary sewer service lines from each of the lots cross the City right-of-way for approximately 30' before connecting to the existing sanitary sewer line in Walnut Street and N 8th Street. Per Section 19-214(B) of the City Code, a private sanitary sewer service line shall not be located in a City right-of-way for a length greater than 15'. The Owner requested a variance from this provision. Per Section 19-214(E) of the Code, the provisions of Section 19-214 may be waived by the City Manager if, upon review by the Department of Utilities staff and the City Manager, it is found that the requirements of this Section create a hardship on the property owner or that the characteristics of the property are unique in comparison of other properties in the general area. For this variance request, the Department of Utilities indicated that they preferred the service lines connect directly to the existing sanitary sewer located in the City right-of-way so a parallel sanitary sewer would not have to be constructed at the cost of the developer and maintained by the City. The sanitary sewer variance request was approved by the Interim City Manager on February 28, 2016.

Easements and Rights-of-way

The preliminary plat indicates that new 10' utility and drainage easements will be provided along the north and west boundaries of the property.

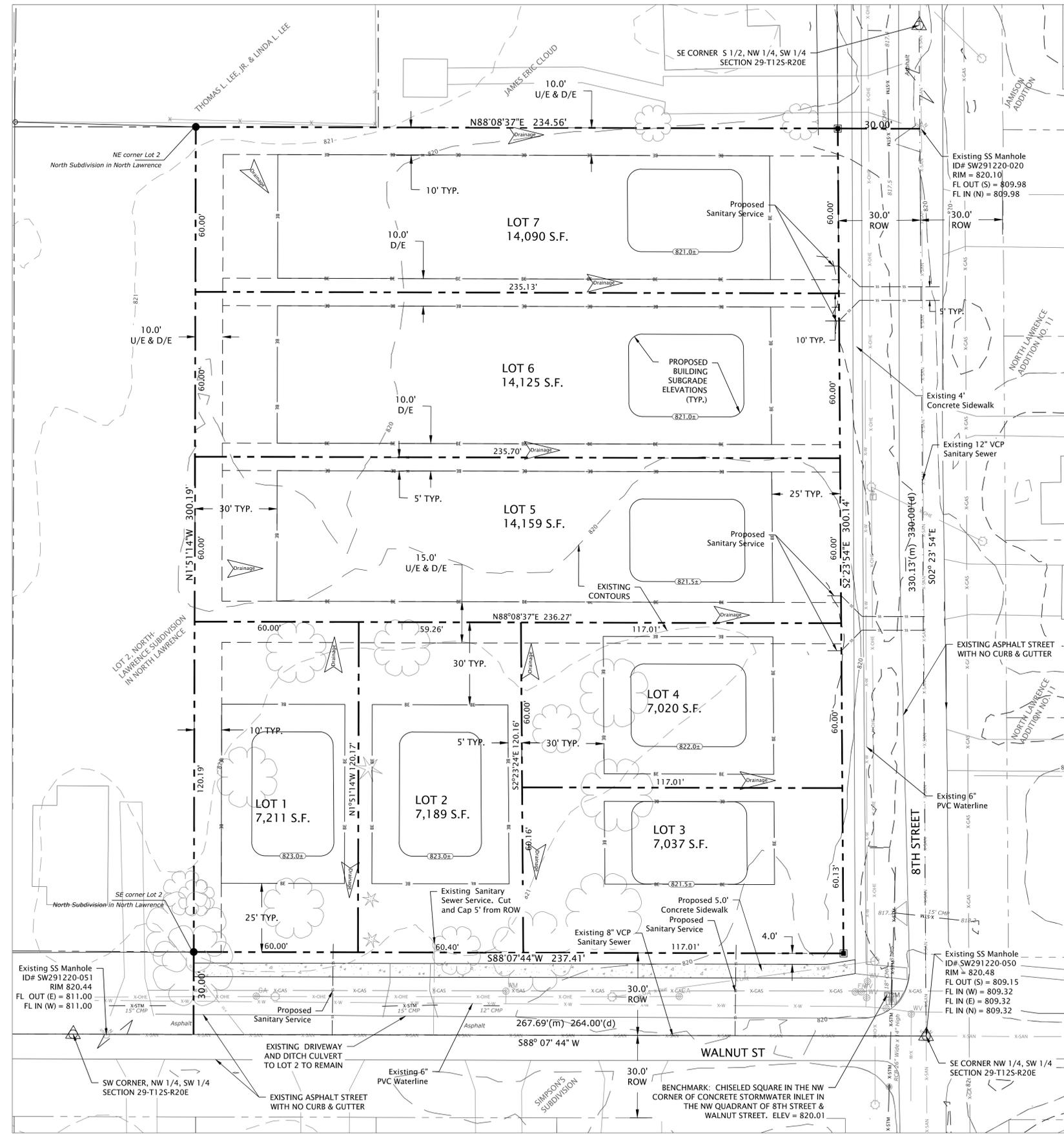
The subject property is bound by N 8th street to the east and Walnut Street to the south. Both streets are classified as local streets and require 60' of right-of-way per Section 20-810(e)(5)(i) of the Land Development Code. The existing right-of-way is 60'; therefore, no additional right-of-way is required.

Floodplain

The subject property is located in Zone X—Protected by the Levee. Properties within this zone are not subject to the Floodplain Management Regulations.

Conformance

The preliminary plat will divide an existing lot into 7 lots to allow for the development of new *Detached Dwellings*. The preliminary plat is in conformance with the recommendations in *Horizon 2020*. The preliminary plat also conforms with the standards and requirements of the Subdivision Regulations and the Development Code.



LEGAL DESCRIPTION - LINCOLN SUBDIVISION

A parcel of land in the Northwest Quarter of the Southwest Quarter of Section 29, Township 12 South, Range 20 East of the 6th P.M., in the City of Lawrence, Douglas County, Kansas and more particularly described as follows: Beginning at the Southeast corner of the Northwest Quarter of the Southwest Quarter of said Section 29; thence South 88 degrees 07' minutes 44 seconds West along the South line of the Northwest Quarter of the Southwest Quarter of said Section 29 a distance of 267.69 feet to the Southeast corner of North Subdivision in North Lawrence; thence North 01 degrees 51' minutes 14 seconds West along the East line of North Lawrence a distance of 330.19 feet to the Northeast corner of North Subdivision in North Lawrence; thence North 88 degrees 08' minutes 37 seconds East a distance of 264.56 feet to the East line of the Northwest Quarter of the Southwest Quarter of said Section 29; thence South 02 degrees 23' minutes 54 seconds East along the East line of the Northwest Quarter of the Southwest Quarter of said Section 29 a distance of 330.13 feet to the Point of Beginning, containing 2.02 acres, more or less, all in the City of Lawrence, Douglas County, Kansas. Subject to rights-of-way, easements and restrictions of record.

PROJECT BENCH MARK:

- NATIONAL GEODETIC SURVEY VERTICAL BENCHMARK IS A DISK MARKED "B 276" RESET 1956" SET IN A CONCRETE HEADWALL AT THE INTERSECTION OF HIGHWAYS 40, 59, AND 24. THE DISK IS 74.0 FEET EAST OF THE CENTER LINE OF THE NORTHBOUND LANE OF HIGHWAY 59, IN THE TOP OF THE NORTHEAST END OF THE SOUTH HEADWALL OF A 6-FOOT CONCRETE CULVERT. ELEVATION = 816.38 FT.
- CHISELED SQUARE IN THE NW CORNER OF CONCRETE STORMWATER INLET IN THE NW QUADRANT OF 8TH STREET & WALNUT STREET, ELEVATION = 820.01.

REFERENCED DOCUMENTS

- Survey No. 1494 and on file at Douglas County Public Works.
- Survey No. 2826 and on file at Douglas County Public Works.
- Final Plat for North Subdivision in North Lawrence.
- Final Plat for Alexander Addition.
- Final Plat for W & H Group Addition No. 1.

SITE SUMMARY

Gross Area of Subdivision:	2.018 AC
Area within RS-7 Zoning District:	2.018 AC
Previously Dedicated Right-of-Way:	0.391 AC
Additional Dedicated Right-of-Way:	0.000 AC
Total Number of Lots:	7
Minimum Lot Size:	0.161 AC
Maximum Lot Size:	0.325 AC
Average Lot Size:	0.232 AC

GENERAL NOTES

- Developer: Lawrence Habitat for Humanity, Inc.
700 Connecticut
Lawrence, Kansas 66044
- Land Planner/Engineer: Grob Engineering Services, LLC
3210 Mesa Way, Suite A
Lawrence, Kansas 66049
- Surveyor: Stebbins Surveying, LLC
4778 Decatur Road
Meridan, KS 66512
- Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2006. Specific topographic and boundary information for property & directly adjacent obtained from field survey provided by Stebbins Surveying LLC, January, 2016.
- Typical Soil Type: Ev - Eudora-Bismarckgrove Silt Loam
- Existing Land Use: Single Family Residential
- Proposed Land Use: Single Family Residential
- Current Zoning: RS-7
- The property is completely encumbered by Zone X of "Other Areas of Flood Hazard, Area with Reduced Flood Risk due to Levee" per FEMA Flood Insurance Study and Map Number: 20045C0176E, Map Revised: September 2, 2015
- Proposed utility locations, elevations, and sizes are preliminary and will be finalized during final design of improvements.
- Drainage culverts (12" min. dia.) will be installed at each residential driveway location to provided driveway connection to 8th and Walnut Streets.
- New telephone, cable television and electrical lines (except high voltage lines) must be located underground. The developer is responsible for the cost of relocation of existing utilities, if necessary to serve the subdivision.
- Soils investigations shall be performed before primary structures are erected on lots with slopes greater than 3:1, or non-engineered fill greater than 12 inches. A soils engineer licensed by the State of Kansas, shall perform investigations, and a report of the investigation shall be submitted to the City of Lawrence Codes Enforcement Division. Other lots may be required to be investigated where excavation reveals indications of unsuitable conditions.

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

- No new public right-of-way or streets will be created as part of this subdivision. No improvements are proposed for 8th or Walnut Streets. Sidewalks exist along 8th Street. Sidewalks will be constructed along Walnut Street in accordance with Public Improvement Standards Section 20-811(c).
- This subdivision will connect to the City of Lawrence public water source.
- This subdivision will connect to City of Lawrence public sanitary sewer system.
- The above mentioned public improvements will be financed and completed by the Subdivision Developer.

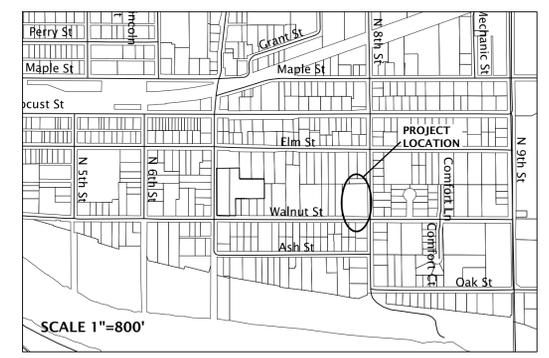
SANITARY SEWER VARIANCE

Pursuant to Land Development Code Section 19-214(B), "A private sanitary sewer service line shall not cross any public right-of-way or drainage easement. A private sanitary sewer service line shall not be located in a City public utility easement or City public right-of-way for a length greater than fifteen (15) feet. (Ord. 7743, Ord. 8747)". The Owners of this property request a variance to this requirement to allow Lots 4-7 be served by individual sanitary sewer service lines connected to the existing main in 8th Street and Lots 1 & 3 be served by individual sanitary sewer service lines connected to the existing main in Walnut Street.

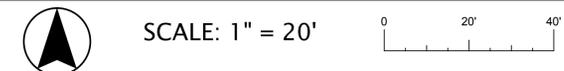
LEGEND

OHV	OHE	OGS	OW	SAN	SS	STM	PROPERTY LINE	SB	BE	OHV	OHE	OGS	OW	SAN	SS	STM	PROPERTY LINE	SB	BE															
OVERHEAD WIRE	OVERHEAD ELECTRICAL	GAS	WATERLINE	SANITARY SEWER LINE	SANITARY SEWER SERVICE	STORMWATER LINE	CENTERLINE	BUILDING SETBACK LINE	BUILDING ENVELOPES	SANITARY MANHOLE	STORM MANHOLE	STORM DRAIN	UTILITY POLE	WATER METER	WATER VALVE	FIRE HYDRANT	TRAFFIC SIGNAL STR.	GAS VALVE	GAS METER	LIGHT POLE	SIGN	ELECTRIC BOX	CABLE TV BOX	B/B	ROW	COL	D/E	U/E	A/E	(P)	(M)	(CM)	FOUND BAR - 2" UNLESS OTHERWISE NOTED - ORIGIN UNKNOWN	SET 2" x 24" REBAR W/CAP 1356"

LOCATION MAP



THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY - NOT FOR CONSTRUCTION



a preliminary plat for
WALNUT ADDITION

GES
GROB ENGINEERING SERVICES, LLC

THIS DRAWING IS COPYRIGHTED WORK BY GROB ENGINEERING SERVICES, LLC. THIS DRAWING MAY NOT BE PHOTOCOPIED, REPRODUCED, OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF GROB ENGINEERING SERVICES, LLC.

PRELIMINARY PLAT
WALNUT ADDITION
775 Walnut Street
LAWRENCE, KANSAS

DESIGNED BY	JDG
CHECKED BY	JDG
ISSUE DATE	February 17, 2016
REVISIONS	March 25, 2016

SHEET
1
1

**PLANNING COMMISSION REPORT
NON PUBLIC HEARING ITEM
PUBLIC HEARING ON THE VARIANCE ONLY**

PC Staff Report
04/25/2015

ITEM NO 3: PRELIMINARY PLAT FOR FREESTATE DENTAL ADDITION; 4111 W 6th Street (BJP)

PP-16-00073: Consider a Preliminary Plat for Freestate Dental Addition, a one lot subdivision containing 0.850 acres, located at 4111 W 6th St. Submitted by Landplan Engineering, PA, for Freestate Dental Building LLC, property owner of record.

STAFF RECOMMENDATION:

VARIANCE FOR RIGHT-OF-WAY WIDTH:

Staff recommends approval of the variance requested from Section 20-810(e)(5)(i) subject to the following condition:

1. The plat shall be revised to note that a variance from the right-of-way width required in Section 20-810(e)(5) of the Subdivision Regulations was granted by the Planning Commission to allow the right-of-way on the subject property side of the center line to remain at 50 ft and list the date of approval.

PRELIMINARY PLAT

Staff recommends approval of the Preliminary Plat for Freestate Dental Addition, subject to the following condition:

1. The plat shall be revised to include the following note:
 - a. Revise the plat to show the 50' Parking and Building Setback along W 6th Street.

Reason for Request: Predevelopment requirement for planned *Health Care Office* use development.

KEY POINTS

- Platting required as pre-development step.
- Preliminary Plat includes 1 lot planned for *Health Care Office* use.

SUBDIVISION CITATIONS TO CONSIDER

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

ATTACHMENTS

Attachment A: Preliminary Plat

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- Z-15-00523; Rezoning of approximately 1.04 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential – Office) District, located at 4111 W 6th Street. Planning Commission recommended approval on 12/15/2015, City Commission approved on 01/12/2016.
- BZA-16-00081; Variance request to reduce the 50' parking and building setback requirement at 4111 W 6th Street. On April 7, 2016, the Board of Zoning Appeals denied, 5-0-1, based upon

findings in the staff report that conclude the request did not meet the unwarranted hardship criteria in Section 20-814(c) for a variance to be approved.

Other Action Required:

- Submittal of final plat for administrative approval and recordation with the Douglas County Register of Deeds.
- Submittal and approval of public improvement plans and provision of means of assurance of completion shall be submitted prior to the recording of the Final Plat.
- Submittal and approval of Major Site Plan application and building plans prior to release of building permits for development.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis – DSSA provided by applicant, accepted by City Staff.*
- *Drainage Study – Drainage Study provided by applicant, accepted by City Staff.*
- *Traffic Study – 7-Step Study will be provided with forthcoming site plan.*

PUBLIC COMMENT

None received prior to publication.

Site Summary	
Gross Area:	1.044 acres
Right-of-Way Dedicated:	0.194 acres
Number of Proposed Lots:	1
Lot Size	0.850 acres

GENERAL INFORMATION

Current Zoning and Land Use: RMO (Multi-Dwelling Residential — Office) District; *Detached Dwelling.*

Surrounding Zoning and Land Use: North: PCD – [Monterey Center] (Planned Commercial Development); *Office.*

East: RSO (Single-Dwelling Residential – Office); *Office.*

South: RS7 (Single-Dwelling Residential); *Detached Dwellings.*

West: RMO (Multi-Dwelling Residential – Office); *Multi-Dwelling Structure.*

STAFF REVIEW

This Preliminary Plat is a predevelopment requirement for a planned *Health Care Office* use. The property is proposed to be platted as 1 lot. This property is located on the south side of W 6th Street, east of Eldridge Street and west of Monterey Way. The subject property contains a detached dwelling and has been a residential use since 1941.

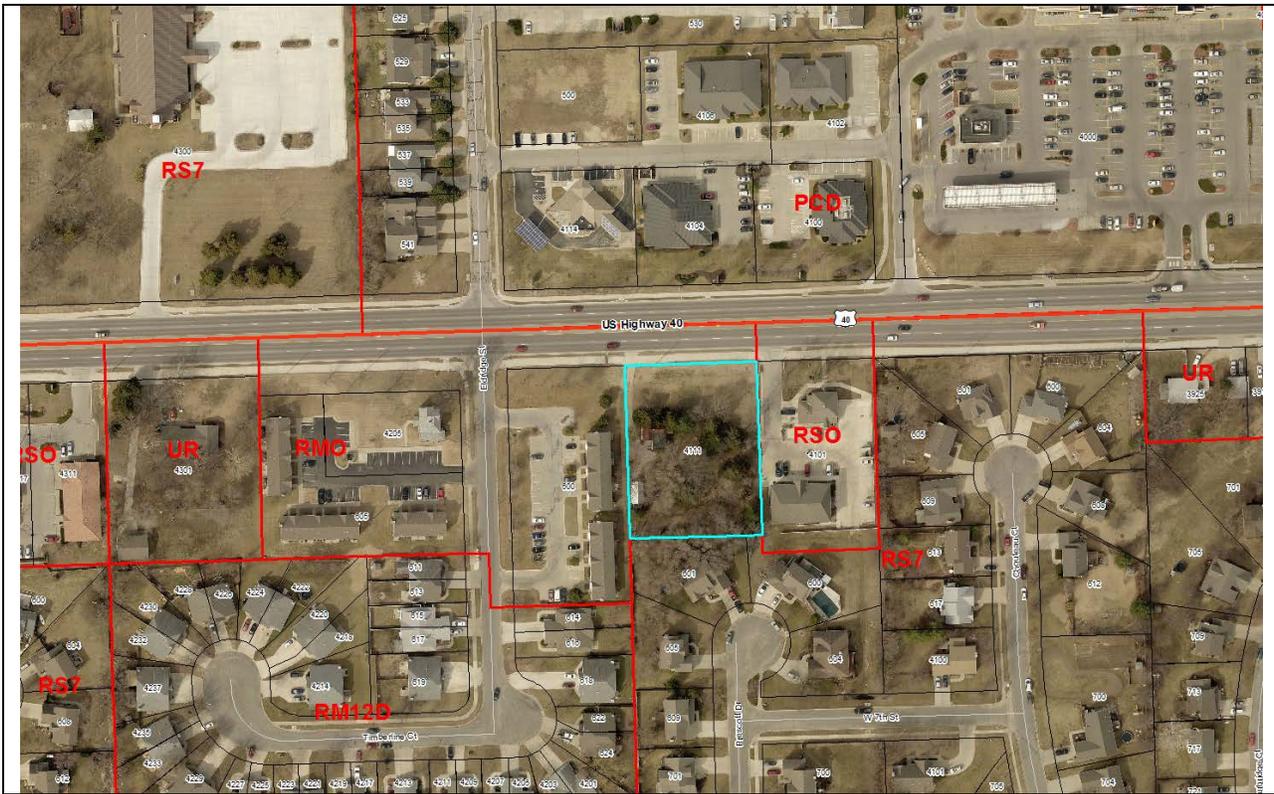


Figure 1. Zoning and land use of area.

Compliance with Zoning Regulations for the RMO District

The property was recently rezoned from the UR (Urban Reserve) District to the RMO (Multi-Dwelling Residential – Office) District in anticipation of future development (Z-15-00523). The proposed lot is 37,039 sq ft which meets the minimum lot area required in the RMO District (5,000 sq ft). The proposed lot will have approximately 168’ of frontage, which also meets the regulations of the RMO District (40’).

Section 20-814(a)(2) of the Land Development Code requires that the building and parking setback lines along W 6th Street from Monterey Way to Folks Road to have a setback line of 50’. A request for a variance from this section was submitted to the Board of Zoning and Appeals (BZA-16-00081). The request was denied by the board based upon findings in the staff report that conclude the request did not meet the unwarranted hardship criteria in Section 20-814(c) for a variance to be approved.

Streets and Access

The subject property is located on the south side of W 6th Street. Access to the property will not be permitted directly from W 6th Street (Hwy 40). The plat indicates the access restriction. The plat to the east of the property (A Final Plat of Freestate Veterinary Hospital) notes that a 30’ wide cross access easement will be established with the property to the west. However, based on stormwater drainage concerns, the Stormwater Engineer indicated that the property should take access from a shared access easement with the property to the west (600 Eldridge Street). The preliminary plat shows a public access easement. The width of this easement will be finalized with the final plat.

There is an existing sidewalk located on both sides of W 6th Street that provided pedestrian connectivity.

Utilities and Infrastructure

The City sanitary sewer line will need to be extended to serve this property. Public Improvement Plans will be required for this. The Utilities Department noted that it may be necessary to alter the proposed alignment of the sanitary sewer based on comments during development of the Public Improvement Plans. Additional easement may be necessary if the proposed alignment changes too much.

Full development of this property will require a detention basin. Further action related to this will be required with the site plan application. Specifically, prior to the release of the site plan for building permits, Public Improvement Plans for the storm drainage system and an Erosion Control Plan must be submitted to the Public Works Department for review. The construction of the detention basin will also require a right-of-way permit from the City of Lawrence and the Kansas Department of Transportation.

Easements and Rights-of-way

The preliminary plat indicates that new 10' utility easements will be provided along the north, west, and east boundaries of the property.

The subject property is bound by W 6th Street to the north. This street is classified as a principal arterial and requires 150' of right-of-way per Section 20-810(e)(5)(i) of the Land Development Code. The existing right-of-way is 50'. The City Engineer indicated he would support the variance request from the requirement to dedicate additional right-of-way for W 6th Street with this plat as the existing right-of-way is consistent with W 6th Street, as developed.

VARIANCE

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

RIGHT-OF-WAY WIDTH VARIANCE REQUEST

Variance from the 150 ft right-of-way width requirement in Section 20-810(e)(5)(i) for a Principal Arterial to allow the right-of-way for W 6th Street to remain at 100' (50' from centerline) for that portion of W 6th Street adjacent to the subject property.

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

Applicant Response:

The existing width of right-of-way for W 6th Street at this location is 100-foot. This 100-foot right-of-way width is generally consistent for the entire half-mile of W 6th Street between Monterey Way and Folks Road. Strict application of this section of the Subdivision Regulations would limit the property owner's ability to develop the subject property in a manner consistent with its neighbors.

The right-of-way width is consistent at 100 ft from Folks Road on the west to Monterey Way on the east. This area has been platted and developed.

The 150 ft right-of-way standard is intended primarily for green field development, rather than infill; however, additional right-of-way is often required to accommodate future street

improvements. There are no plans to improve W 6th Street and the City Engineer indicated there were no plans to widen it in the future. Dedicating the additional right-of-way would remove property from the developable area and would reduce the area the applicant has designated as open space.



Figure 2. Right-of-way for W 6th Street is consistent at 100 ft from Folks Road to Monterey Way. (Subject property is highlighted)

Staff Finding: As the right-of-way is not needed for future street improvements, requiring the dedication for the subject property would be an unnecessary hardship on the applicant.

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

Applicant Response:

The subject property is located adjacent to a portion of W 6th Street which saw significant curb and gutter and sidewalk improvements less than 5 years ago. The current rights-of-way adequately accommodate all improvements. It is unlikely that this street will be significantly widened in the future.

Right-of-way dedication is required when properties are platted to insure adequate right-of-way is available to accommodate improvements to the street, including infrastructure and sidewalks. There are no plans to improve W 6th Street and there are existing sidewalks on both sides of the street.

The right-of-way currently provided adjacent to the subject property is consistent with the pattern of the area. The City Engineer indicated there are no plans for improvements within the W 6th Street right-of-way and that the right-of-way currently dedicated for W 6th Street in this area is adequate.

Staff Finding: The proposed request is consistent with the pattern of the area. The amount of right-of-way currently provided for W 6th Street, 100 ft, is adequate and there are no plans to widen the street in the future. The variance is in harmony with the purpose of the regulations.

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

Applicant Response:

Maintaining the existing W 6th Street right-of-way will not jeopardize the public health, safety or welfare. Increasing its width would not serve to improve them. This stretch of roadway functions adequately and there is no plan for future improvements which would require additional right-of-way.

Staff Finding: As there are no plans to improve W 6th Street in this area and sidewalks are provided on both sides of the street, the variance will not affect the public health, safety, or welfare.

Variance Staff Recommendation:

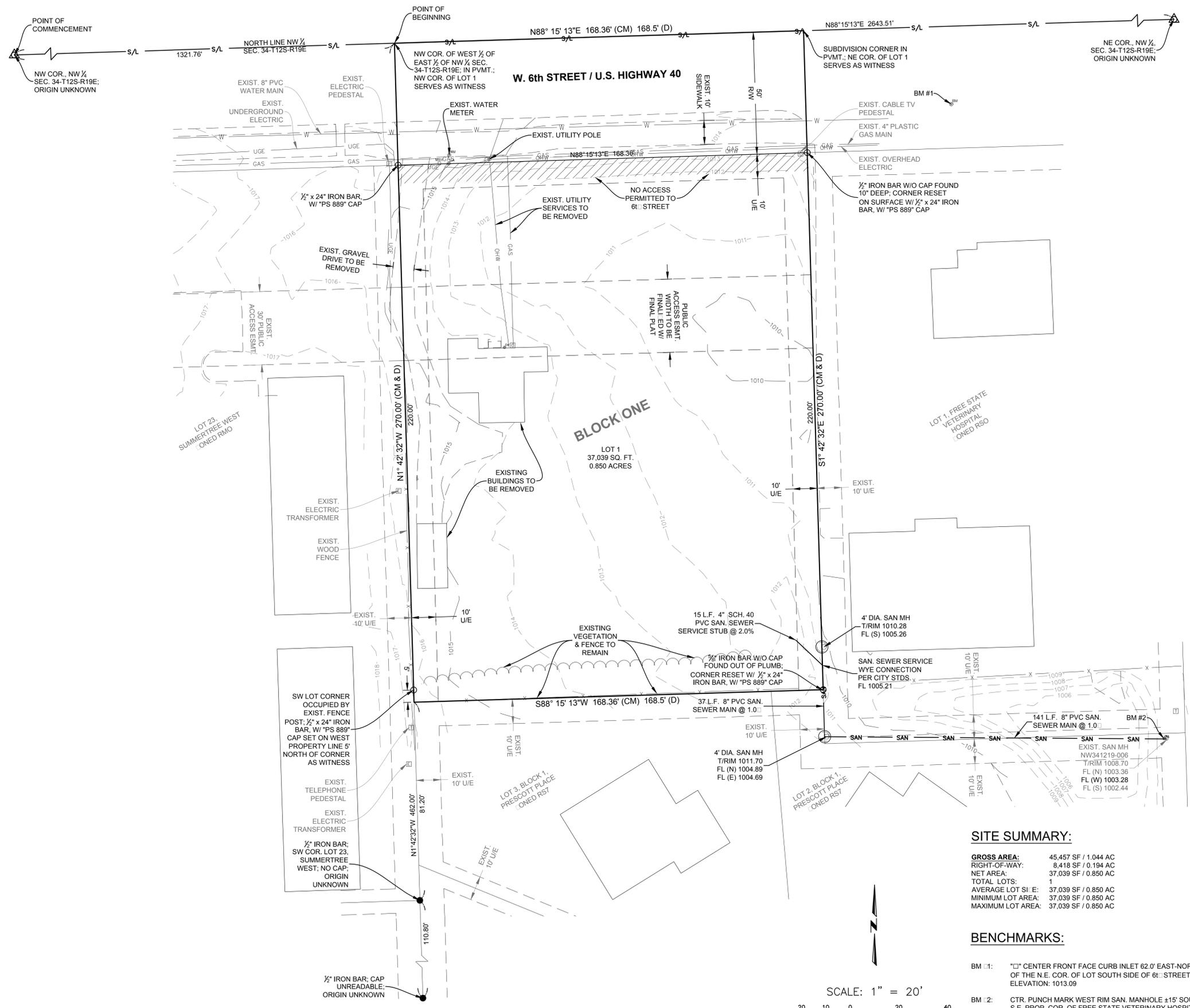
Approve the variance requested from Section 20-810(e)(5)(i) from the requirement to dedicate additional right-of-way for W 6th Street adjacent to this subdivision subject to the following condition:

The plat shall be revised to note that a variance from the right-of-way width required in Section 20-810(e)(5) of the Subdivision Regulations was granted by the Planning Commission to allow the right-of-way on the subject property side of the center line to remain at 50 ft and list the date of approval.

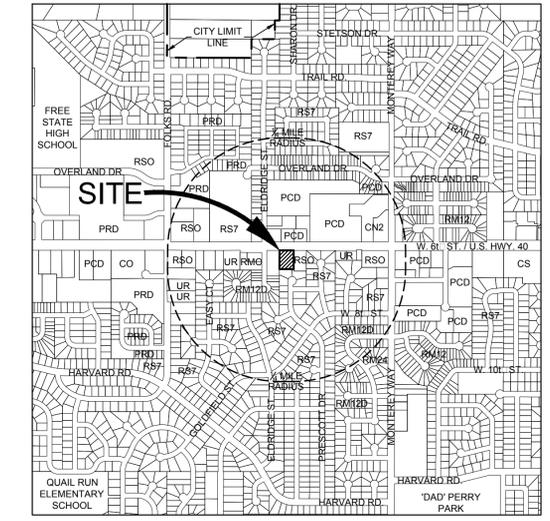
Preliminary Plat Conformance

The preliminary plat will create one lot to allow for the development of a *Health Care Office* use. With the variance and the noted condition, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

FILE NAME: Z:\20152016\CAD\Planning\PP\152016-PP\152016-PP.LAT.dwg LAST SAVED BY: Brian Sturm SAVED DATE: 3/23/2016 1:15 PM PLOTTED: 3/23/2016 1:17 PM



LOCATION MAP:



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 34, THENCE NORTH 88°15'13" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 1,321.76 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF SAID NORTHWEST QUARTER OF SECTION 34; THENCE CONTINUING NORTH 88°15'13" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 168.36 FEET; THENCE SOUTH 1°42'32" EAST, ALONG THE WEST LINE OF LOT 1, FREE STATE VETERINARY HOSPITAL, 270.00 FEET TO AN ANGLE POINT ON THE NORTH LINE OF LOT 2, BLOCK 1, PRESCOTT PLACE; THENCE SOUTH 88°15'13" WEST, PARALLEL TO THE NORTH LINE OF SAID NORTHWEST QUARTER, 168.36 FEET TO THE NORTHWEST CORNER OF LOT 3, BLOCK 1, PRESCOTT PLACE; THENCE NORTH 1°42'32" WEST, ALONG THE EAST LINE OF LOT 23, SUMMERTREE WEST, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, 270.00 FEET TO THE POINT OF BEGINNING. CONTAINS 1.044 ACRES, MORE OR LESS.

GENERAL NOTES:

- OWNER: FREESTATE DENTAL BUILDING, LLC
4137 WIMBLEDON DRIVE
LAWRENCE, KANSAS 66047
- LAND PLANNER: PAUL WERNER ARCHITECTS
123 W. 8th STREET
LAWRENCE, KANSAS 66044
- CIVIL ENGINEER/SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING IN DECEMBER, 2015.
- EXISTING ZONING: RMO
- PROPOSED ZONING: RMO
- EXISTING LAND USE: SINGLE-FAMILY RESIDENTIAL
- PROPOSED LAND USE: HEALTH CARE OFFICE / HEALTH CARE CLINIC
- TYPICAL SOIL TYPES: MARTIN SILT CLAY LOAM, 3 TO 7% SLOPES
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION.
- ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) MUST BE LOCATED UNDERGROUND.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF ANY WATER MAIN, OR WITHIN 6 FEET OF ANY SANITARY SEWER MAIN.
- THE BASIS OF THE BEARINGS FOR THIS PLAT IS KANSAS STATE PLANE NORTH.

SITE SUMMARY:

GROSS AREA:	45,457 SF / 1.044 AC
RIGHT-OF-WAY:	8,418 SF / 0.194 AC
NET AREA:	37,039 SF / 0.850 AC
TOTAL LOTS:	1
AVERAGE LOT SIZE:	37,039 SF / 0.850 AC
MINIMUM LOT AREA:	37,039 SF / 0.850 AC
MAXIMUM LOT AREA:	37,039 SF / 0.850 AC

BENCHMARKS:

- BM #1: "C" CENTER FRONT FACE CURB INLET 62.0' EAST-NORTHEAST OF THE N.E. COR. OF LOT SOUTH SIDE OF 6th STREET
ELEVATION: 1013.09
- BM #2: CTR. PUNCH MARK WEST RIM SAN. MANHOLE ±15' SOUTH OF S.E. PROP. COR. OF FREE STATE VETERINARY HOSPITAL PLAT
ELEVATION: 1008.69

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

- THE SUBDIVISION WILL DEDICATE PUBLIC RIGHT-OF-WAY TO THE CITY FOR W. 6th STREET. THE SUBDIVISION WILL TAKE ACCESS TO AND FROM THE EXISTING ELDRIDGE STREET RIGHT-OF-WAY VIA A DEDICATED PUBLIC ACCESS EASEMENT.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH MAIN LOCATED IN THE W. 6th STREET RIGHT-OF-WAY.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA A PROPOSED 8-INCH MAIN LOCATED IN A DEDICATED UTILITY EASEMENT EAST AND SOUTH OF THE SUBDIVISION.
- PURCHASERS OF THE LOT IN THE SUBDIVISION WILL NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISION OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

LANDPLAN ENGINEERING P.A.
 Lawrence, KS • Kansas City, MO • The Woodlands, TX
 1310 Wakarusa Drive, Suite 100
 Lawrence, Kansas 66049
 785.843.7530 (p) 785.843.2410 (f)
 info@landplan-pa.com | www.landplan-pa.com

©Landplan Engineering, P.A. 2016. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photocopied, traced, or copied in any manner without the written permission of Landplan Engineering, P.A.

**4111 W. 6th STREET
 LAWRENCE, LAWRENCE 66049
 A PRELIMINARY PLAT FOR
 FREESTATE DENTAL ADDITION**

REV	DATE	DESCRIPTION
1	3/22/16	PER DEPT. COMMENTS

DATE:	2/22/16
PROJECT NO.:	20152016
DESIGNED BY:	PWAL/PE
DRAWN BY:	BS
CHECKED BY:	BZ

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/25/2016

ITEM NO. 4 CONDITIONAL USE PERMIT; PINE FAMILY TREE NURSERY; 1782 E 1500 RD (SLD)

Pine Family Tree Nursery: **CUP-16-00070**: Consider the renewal of a 30.5 acre Conditional Use Permit for Pine Family Tree Nursery, Landscape Center, *Retail Nursery*, located at 1782 E 1500 Rd. Submitted by Landplan Engineering PA, for Pine Family Investments LC, and Sue A Pine, Trustee property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a *Retail Nursery* and forwarding it to the County Commission with a recommendation for approval subject to the following condition(s):

- 1) Provision of a revised site plan to include the following notes:
 - a) "Changes to the site to add additional covered storage may be amended by a future site plan approved administratively. Changes to add retail sales on this site should be amended by a revised site plan approved by the County Commission with notice to surrounding property owners."

Reason for Request: *Updated the existing CUP*

A Conditional Use Permit was approved in 2003 to accommodate retail sales associated with an existing commercial agricultural operation. The property included in this request provides an area for display and bulk sales of landscape material. The point of sale occurs on the property located to the west. The Conditional Use Permit allows for a maximum of 3,500 SF of enclosed space for retail sales and unlimited exterior sales. At this time the application does not include any enclosed sales space within the boundary of the Conditional Use Permit.

ATTACHMENTS

1. Area Map
2. Proposed site plan
3. Approved site plan
4. Aerial Map of Development
5. Future Land Use Map, Northeast Sector Plan

KEY POINTS

- Property is part of an existing agricultural/retail operation.
- Request is for renewal of an approved Conditional Use Permit.
- The attached site plan shows the existing improvements and uses of land included in the boundary of the request.
- A Conditional Use Permit, CUP-10-08-03, for the Pine Family Farm landscape nursery and bulk landscape materials sales, *Retail Nursery*, was approved by the County Commission on January 5, 2004. One of the conditions was that; *The Conditional Use Permit will be re-evaluated by the County Commission in December, 2008. The CUP will expire in December, 2013. Continuation of the use beyond November, 2013 will require rezoning or approval of a new CUP.*
- The Zoning Regulations do not require time limits for Conditional Use Permits but they may be applied in cases where it is expected that the use may not be compatible with the surrounding area as it develops.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- CUP-10-08-03; original approval
- SP-05-20-09; Revised site plan for CUP-10-08-03 for the addition of display areas along entry drive.
- Board of County Commissioners’ approval of the Conditional Use.
- Zoning and Codes Office issuance of a Conditional Use Permit when plans have been released to the Zoning and Codes Office and conditions of approval have been met.

PUBLIC COMMENT

- None received

GENERAL INFORMATION	
Current Zoning and Land Use:	A (Agricultural) District and B-2 (General Business) District; landscape materials sales approved with a Conditional Use Permit (CUP-10-08-03).
Surrounding Zoning and Land Use:	A (Agricultural) District to the east, west and south and A (Agricultural) District and B-2 (General Business) District to the north; established farms and rural residences in all directions. To the west, across County Route 9 [E 1500 Road] is the office and scale for this landscape material operation of the Pine Family Farms.

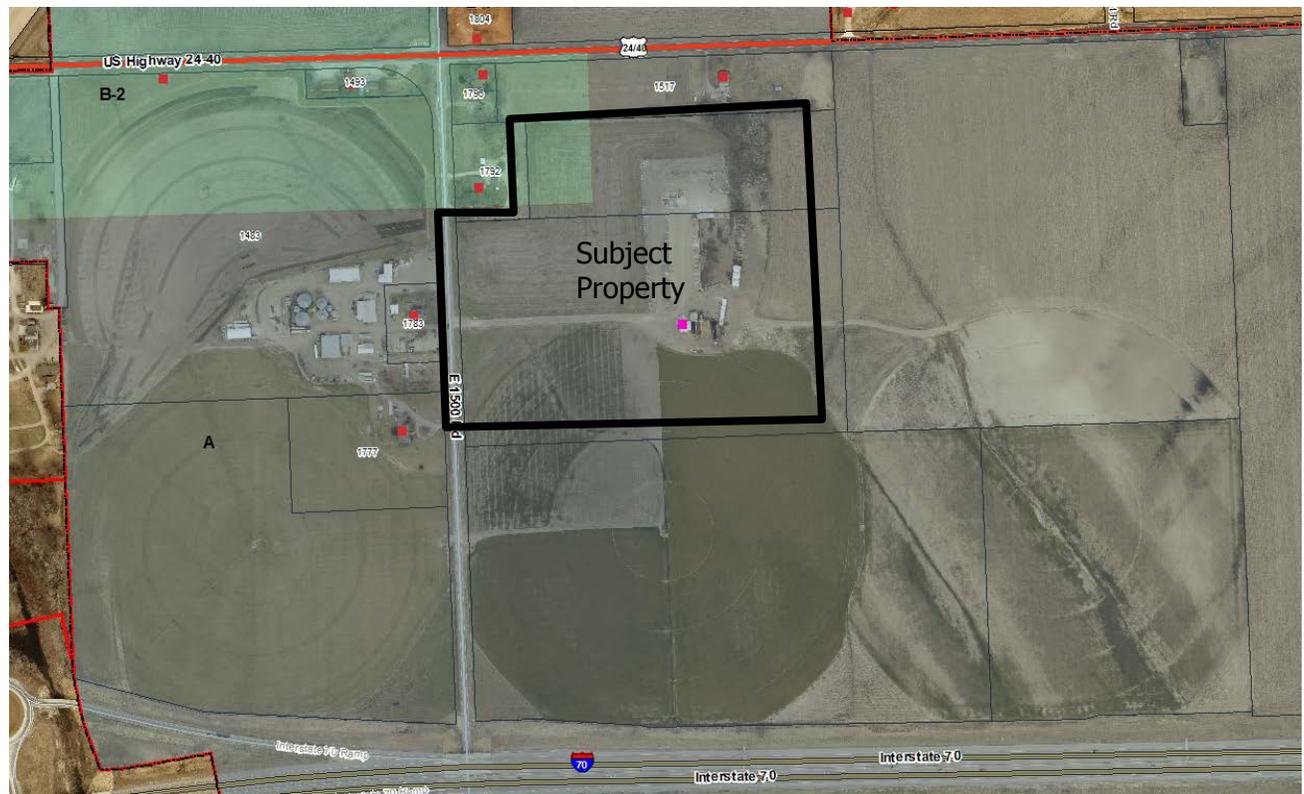


Figure 1: Subject Property - Existing and Surrounding Zoning

Staff Finding – The character of the area is agricultural with only limited commercial activity associated with the nursery operation and uses located along the highway.

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

Applicant's response: *"The purpose of this CUP is to sell nursery items within the tree and sod farm."*

This request does not propose to modify the base zoning. The purpose of the A (Agricultural) District is to "provide a full range of agricultural activities, including agritourism, and the processing of and sale of agricultural products raised on the premises among other purposes listed in section 12-306.1 of the County Zoning Regulations."

Agricultural uses such as farms, truck gardens, orchards or nurseries as well as commercial green houses are among the permitted uses in the A (Agricultural) District. Approval of the Conditional Use Permit allows limited retail sales.

Section 12-319-4.32 Retail Nursery allows for the retail sale of ancillary products that are not produced on the site. This section also limits the amount of enclosed retail space. Green houses and outdoor displays are not included in the maximum cap for allowable net retail space. The property located on the east side of E 1500 Road, included in this request, uses outdoor display areas and open storage bins for containing, organizing and displaying of products. The point of sale occurs in the building located on the Pine Family Farm property on the west side of E 1500 Road, not included in this Conditional Use Permit.

The original approval included a time limit with a five year review. The original approval expired in November 2013. This request is intended to provide a continuation of the operation.

Staff Finding – Approval of this request would not alter the base zoning district. The property will continue to be suitable for agricultural activities and uses. Approval of the request allows for ancillary uses of the property related to the primary agricultural operation.

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

The property is developed with agricultural buildings noted for covered storage. These spaces are not part of the limitation for retail sales so long as they are used for storage. The original agricultural structures were constructed in the 1970's.

Existing Structures





The landscape business was initiated in 2006 and has continued to grow. This application represents an intent to continue the operation.

The property has been zoned A (Agricultural) District since 1966. The majority of the property is used for agricultural fields. The landscape material storage use, Retail Nursery, was approved in 2003. No changes to the base zoning district have been made. The area for the landscape material business has expanded to the north since the approval in 2003 but is still contained within the boundary of the Conditional Use Permit.

Staff Finding – The property is not currently vacant, but includes agricultural buildings that support the use of the property for the related landscape material sales business and landscaping business located to the east.

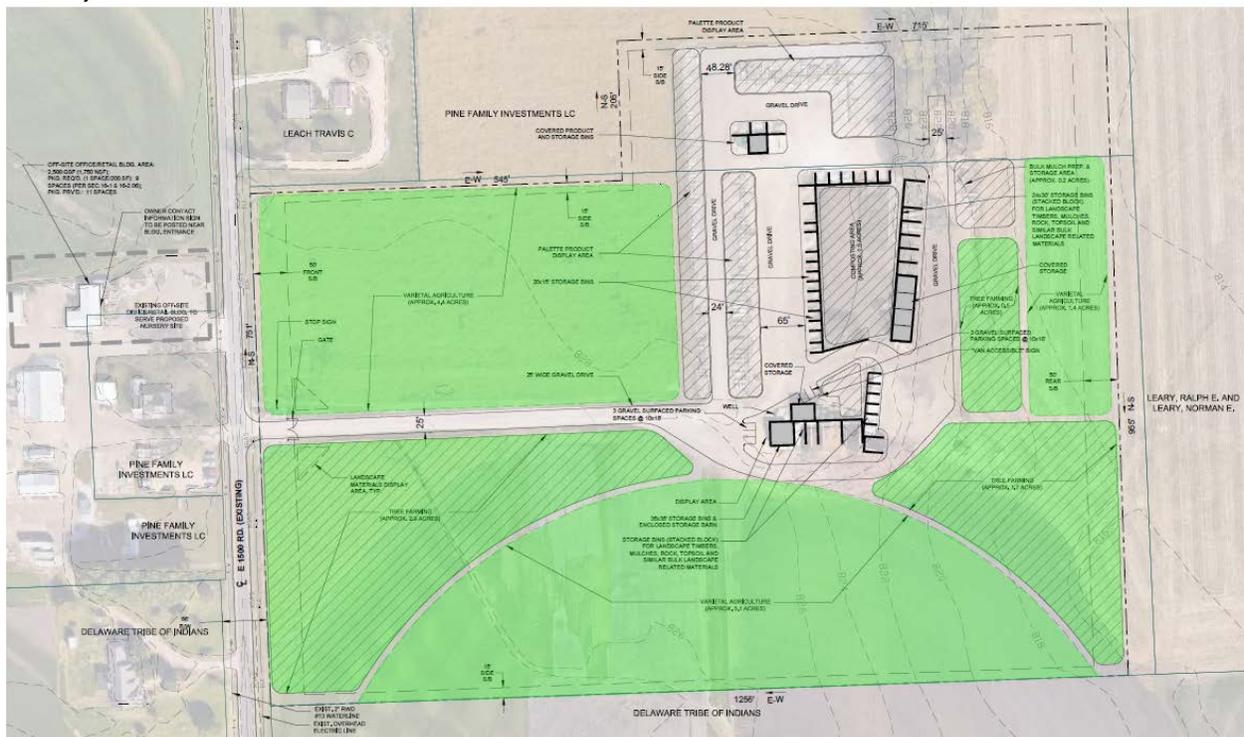
V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response: *"This business for their retail customers has been operation since 2003. The CUP was renewed in 2009."*

Section 12-319-1.01 of the County Zoning Regulations recognize that *"....certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."*

The proposed request anticipates the continued operation of the retail sales for landscape materials. This is in addition to the existing agricultural business located to the east of the subject property. The original Conditional Use Permit was approved with a limitation on the length of the approval. Little has changed for the surrounding area since the approval in 2003. The request does not include a new enclosed retail building. The operation is anticipated to continue within the existing footprint as shown on the attached site plan.

The activity associated with this use includes a gravel drive in the center with areas for landscape display and plant propagation around the perimeter of the site (highlighted in green in image below).



This application seeks to renew the Conditional Use Permit for the continued operation of the retail sales associated with the landscape material business.

No detrimental effects are anticipated by the continued operation of this use and the renewal of the Conditional Use Permit.

Staff Finding – The activity area is located in the central portion of the site. Continued agricultural operations surround the property. No detrimental effects are anticipated by the continued operation of this use and the renewal of the Conditional Use Permit.

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: *"This business has provided retail nursery/landscape material for the last 12 years and has developed a great customer base. The loss of the business would develop a hardship for the local customer to go out of town or county for their nursery needs."*

This business has operated the landscape material storage area and expanded retail sales area since 2003. There are no known violations or complaints associated with the operation. The current code allows for agricultural uses and buildings on the property. The existing buildings provide covered storage and are not subject to the 3,500 SF limit of retail sales. The applicant could add additional storage buildings and covered storage to the site and not impact the Conditional Use Permit. A site plan would, however, be required to demonstrate that any new structures comply with the building setback requirements of the district.

Approval of the request supports an existing commercial operation in the community. Denial of the request would result in a contraction of the existing business but would not necessarily require the removal of existing improvements. There is no harm to the public health, safety or welfare by the continued operation of the existing business.

Staff Finding – There is no harm to the public health, safety or welfare by the continued operation of the existing business. Approval permits a local business to continue to serve residents and businesses in the community.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant’s Response: *"This area is generally in agricultural land use with adjacent land use zoned for industrial land use with the Lawrence Municipal Airport. This use is accessory use with the agricultural use of the area."*

Key features of *Horizon 2020* are listed in Chapter 3- General Plan Overview. "The plan encourages the conservation of sensitive natural and environmental features and discourages development where two or more features exist in combination or would result in costly public improvements."

The area included in the boundary of the Conditional Use Permit includes Class 1 soils. The high quality soil and gentle grade make agricultural uses in the area highly desirable. The property is not located in the regulatory floodplain. The proposed use is consistent with the general policy of preserving natural features of the community.

The property is located within the Lawrence Urban Growth area. The area between US Highway 24/40 and Interstate Highway 70 is identified in *Horizon 2020* as Service Area 2. This area is also included in the Northeast Sector Plan. Generally, the plan does not support urban development unless corresponding urban services are available. This application does not represent a request for urban development. Urban services are not necessary for the continued operation of a commercial agricultural operation.

Chapter 6 of *Horizon 2020* addresses commercial development. A commercial node is indicated north of the subject property at the intersection of E 1500 Road and U.S. Highway 24/40. This node corresponds with existing county commercial zoning and uses at that intersection.

Chapter 12 – Economic Development provides policies regarding employment, tax base growth and income growth for the county. A basic policy stated in *Horizon 2020* is captured in Policy 1: Business Retention and Expansion: *Business retention and expansion of existing businesses has become the core foundation of economic development efforts for Douglas County.*

Horizon 2020 recommended that development of land in Service Area 4 (Grant Township) be deferred until the completion of a regional drainage study. This study, known as the Lawrence Drainage Study was completed in 2005 and adopted by the City Commission in January 2006. The Northeast Sector Plan was amended into *Horizon 2020* in September 2012. The subject property is located within the area shown on the Future Land Use Map in the Northeast Sector Plan as suitable for Agricultural uses. The proposed request is consistent with this land use designation.

Staff Finding – The proposed request is consistent with the policies and land use recommendations included in *Horizon 2020* for continued agricultural use.

VIII. PROFESSIONAL STAFF RECOMMENDATION

This use has operated without incident since being approved in early 2004. Approval of the request facilitates the continued operation of the local business. Staff recommends approval of the Conditional Use Permit. Staff does not recommend the addition of a time limit on the Conditional Use Permit.

Changes to the site to add additional covered storage may be amended by a future site plan approved administratively. Changes to add retail sales on this site should be amended by a revised site plan approved by the County commission with notice to surrounding property owners. This will accommodate changes in business practices over time with adequate review to assure that minimum building setbacks are met, and to identify any other applicable building codes or zoning codes that may be present at the time.

STAFF REVIEW

This site includes two enclosed storage buildings and multiple covered storage bins. Access to these structures is accommodated via a wide interior access drive that accommodates two way traffic as well as area for loading as needed.

Setback

The site plan shows a building envelope with a 50' front setback, 15' side setbacks and 50' rear building setback. All structures are located well within the building envelope. The two enclosed storage buildings are located approximately 745' from the front setback and 447' from the rear setback. The covered storage area is located 290' from the nearest property line. The proposed site plan demonstrates that structures exceed the minimum setback requirements for the district.

Lighting

This project does not include any exterior lighting. Any lighting added to the site in the future would be subject to review by the County Zoning and Codes office for compliance with the design standards.

Access and Circulation

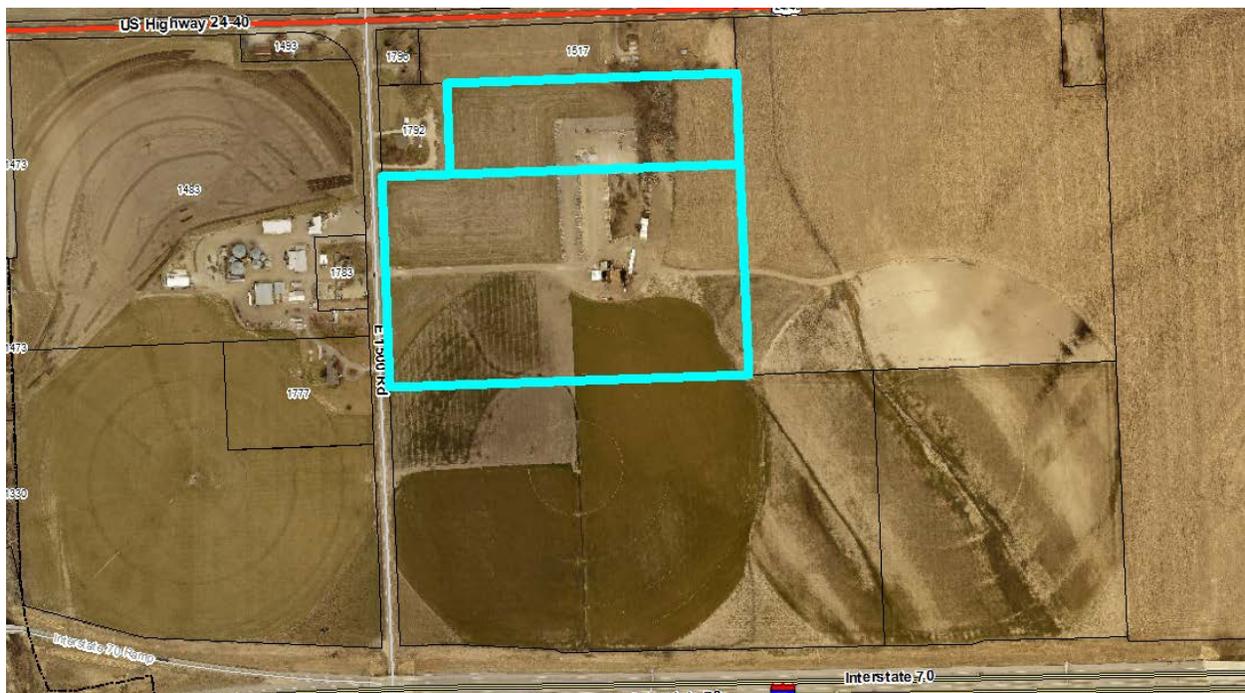
Access to this site is provided via an entrance to E 1500 Road. No changes to the access are proposed. The site includes wide gravel drives. Lawrence City Fire Prevention reviewed the project and provided general recommendations regarding access aisle width. This site exceeds the minimum recommended design standard of 20'.

Off Street Parking

Off-street parking is provided near the enclosed storage buildings on the south side of the site.

Landscaping/buffering

A majority of the property is used for agricultural purposes. Areas are designated for "varietal agricultural" and for "tree farming". Farming activities cross property lines as seen in the aerial photograph below.



Surrounding uses to the south and west are used for agricultural crop production. Buffering is unnecessary in this application. Materials are palletized or stored in bins. This provides organization to the site and minimizes unsightliness resulting from blowing debris. A natural tree line exists on the northeast side of the activity area and provides a buffer between the existing residence located along U.S. Highway 24/40 and the subject property.

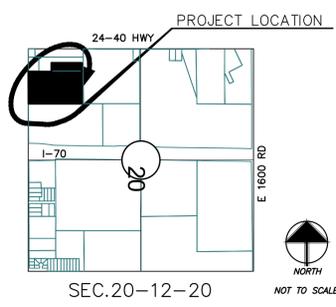


Conclusion

This application updates the site with the current operations and extends the approval of the operation into the future. Improvements to the site are limited allowing for flexibility and use of the property as demands change for various landscape materials.

FILE NAME: V:\2016\3004\CAD\Planning\CUP\163004C-1-CUP.dwg LAST SAVED BY: Mitch Walther SAVED DATE: 4/13/2016 8:59 AM PLOTTED: 4/13/2016 9:40 AM

Location Map



OFF-SITE OFFICE/RETAIL BLDG. AREA:
2,500 GSF (1,750 NSF);
PKG. REQ'D. (1 SPACE/200 SF): 9
SPACES (PER SEC. 16-1 & 16-2.06);
PKG. PRVD.: 11 SPACES

OWNER CONTACT
INFORMATION SIGN
TO BE POSTED NEAR
BLDG. ENTRANCE

EXISTING OFF-SITE
OFFICE/RETAIL BLDG. TO
SERVE PROPOSED
NURSERY SITE

PINE FAMILY
INVESTMENTS LC

PINE FAMILY
INVESTMENTS LC

DELAWARE TRIBE OF INDIANS

EXIST. 2" RWD
#13 WATERLINE
EXIST. OVERHEAD
ELECTRIC LINE

Legal Description

GENERALLY, THE SOUTH 23 ACRES OF THE NW ¼ OF THE NW ¼ OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SW CORNER OF THE NW ¼ OF THE NW ¼ OF SAID SECTION 20; THENCE NORTH, ALONG THE WEST LINE OF SAID QUARTER SECTION, 761 FEET; THENCE EAST, 248 FEET; THENCE NORTH, 331 FEET; THENCE EAST, 1046 FEET; THENCE SOUTH, 1092 FEET TO THE SOUTH LINE OF THE NW ¼ OF SAID QUARTER SECTION; THENCE WEST, ALONG SAID SOUTH LINE, 1296' TO THE POINT OF BEGINNING. CONTAINS 30.60 ACRES, MORE OR LESS.

Site Summary

GROSS SITE AREA:	1,332,829 S.F. / 30.60 AC.
EXISTING ENCLOSED BUILDING AREA:	5,556 S.F. / 0.13 AC. (1%)
REMAINING OPEN SPACE AREA:	1,327,273 S.F. / 30.47 AC. (99%)

Parking Requirements

PARKING REQUIRED (1 SP / 2 EMPLOYEES):	1 (PER SEC. 16-1 AND 16-2.06)
PARKING PROVIDED:	6
ACCESSIBLE PARKING REQUIRED:	1
ACCESSIBLE PARKING PROVIDED:	1

General Notes

- OWNER: SUE A. PINE, TRUSTEE AND PINE FAMILY INVESTMENT LC 1783 E 1500 RD. LAWRENCE, KS 66044
- LAND PLANNER/ENGINEER: LANDPLAN ENGINEERING, P.A. 1310 WAKARUSA DR. LAWRENCE, KS 66049
- TOPOGRAPHY OBTAINED FROM M.J. HARDEN 2003 AERIAL SURVEY
- EXISTING LAND USE: AGRICULTURE
- PROPOSED LAND USE: AGRICULTURE/NURSERY AND ANCILLARY PRODUCT STORAGE, DISPLAY AND LOADING.
- EXISTING ZONING: "A" COUNTY AND B-2
- NO PART OF THIS PROPERTY IS LOCATED IN THE FLOODPLAIN PER FEMA FIRM NO. 20045C0176E, EFFECTIVE DATE SEPTEMBER 2, 2015
- FUTURE BUILDINGS CONSTRUCTED ON SITE ALLOWING PUBLIC ACCESS (IF ANY) SHALL BE CONSTRUCTED PER THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
- PRINTED MATERIAL SHALL BE AVAILABLE AT THE RETAIL SALES OFFICE TO HELP DIRECT CUSTOMERS

A CUP Plan for
PINE FAMILY TREE NURSERY
Douglas County, Kansas

DATE: February 22, 2016
PROJECT NO.: 20163004
DESIGNED BY: CLM
DRAWN BY: MSW
CHECKED BY: BZ

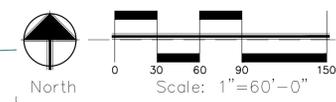
ISSUE SHEET NO.
A 1
OF 1 SHEETS

LANDPLAN ENGINEERING P.A.
Lawrence, KS • Kansas City, MO • The Woodlands, TX
1310 Wakarusa Drive, Suite 100
Lawrence, Kansas 66049
785.843.7530(p) | 785.843.2410(f)
info@landplan-pa.com | www.landplan-pa.com

©Landplan Engineering, P.A. 2016. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photocopied, reproduced, or copied in any manner without the written permission of Landplan Engineering, P.A.

**PINE FAMILY TREE NURSERY
CONDITION USE PERMIT
1783 E. 1500 RD
LAWRENCE, KANSAS**

REV	DATE	DESCRIPTION
1	03/29/16	CITY COMMENTS
2	04/12/16	CITY COMMENTS



1296' E-W
DELAWARE TRIBE OF INDIANS

E 1500 RD. (EXISTING)

N-S 761'

E-W 248'

N-S 331'

E-W 1046'

LEARY, RALPH E. AND
LEARY, NORMAN E.
1092' N-S

15' SIDE S/B

15' SIDE S/B

15' SIDE S/B

50' FRONT S/B

STOP SIGN

GATE

25'

25' WIDE GRAVEL DRIVE

3 GRAVEL SURFACED PARKING SPACES @ 10x18'

WELL

DISPLAY AREA

35x35' STORAGE BINS & ENCLOSED STORAGE BARN
STORAGE BINS (STACKED BLOCK) FOR LANDSCAPE TIMBERS, MULCHES, ROCK, TOPSOIL AND SIMILAR BULK LANDSCAPE RELATED MATERIALS

DISPLAY AREA

35x35' STORAGE BINS & ENCLOSED STORAGE BARN

STORAGE BINS (STACKED BLOCK) FOR LANDSCAPE TIMBERS, MULCHES, ROCK, TOPSOIL AND SIMILAR BULK LANDSCAPE RELATED MATERIALS

VARIETAL AGRICULTURE (APPROX. 5.1 ACRES)

3 GRAVEL SURFACED PARKING SPACES @ 10x18'

COVERED STORAGE

COMPOSTING AREA (APPROX. 0.5 ACRES)

GRAVEL DRIVE

PALETTE PRODUCT DISPLAY AREA

20x15' STORAGE BINS

VARIETAL AGRICULTURE (APPROX. 4.4 ACRES)

COVERED PRODUCT AND STORAGE BINS

PINE FAMILY INVESTMENTS LC

VARIETAL AGRICULTURE (APPROX. 3.5 ACRES)

PALETTE PRODUCT DISPLAY AREA

15' SIDE S/B

PALETTE PRODUCT DISPLAY AREA

VARIETAL AGRICULTURE (APPROX. 1.3 ACRES)

VARIETAL AGRICULTURE (APPROX. 0.2 ACRES)

24x30' STORAGE BINS (STACKED BLOCK) FOR LANDSCAPE TIMBERS, MULCHES, ROCK, TOPSOIL AND SIMILAR BULK LANDSCAPE RELATED MATERIALS

COVERED STORAGE

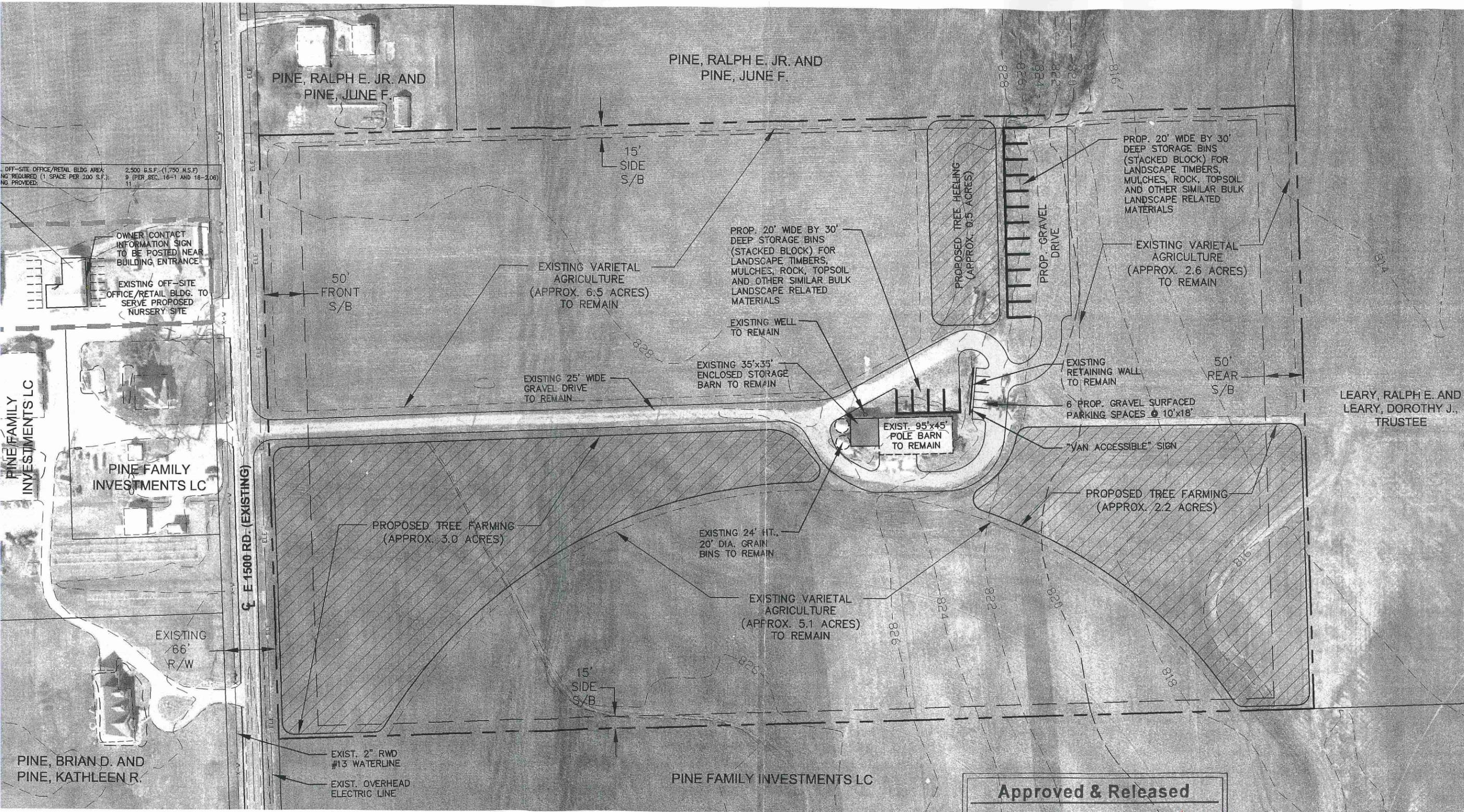
VARIETAL AGRICULTURE (APPROX. 1.4 ACRES)

TREE FARMING (APPROX. 0.5 ACRES)

3 GRAVEL SURFACED PARKING SPACES @ 10x18'

"VAN ACCESSIBLE" SIGN

50' REAR S/B



OFF-SITE OFFICE/RETAIL BLDG AREA: 2,500 S.F. (1,750 N.S.F.)
 NOT REQUIRED (1 SPACE PER 200 S.F.)
 NOT PROVIDED: 9 (PER SEC. 16-1 AND 18-2.06)

OWNER CONTACT INFORMATION SIGN TO BE POSTED NEAR BUILDING ENTRANCE
 EXISTING OFF-SITE OFFICE/RETAIL BLDG. TO SERVE PROPOSED NURSERY SITE

PINE FAMILY INVESTMENTS LC

PINE FAMILY INVESTMENTS LC

PINE, BRIAN D. AND PINE, KATHLEEN R.

E 1500 RD. (EXISTING)

PINE, RALPH E. JR. AND PINE, JUNE F.

PINE, RALPH E. JR. AND PINE, JUNE F.

LEARY, RALPH E. AND LEARY, DOROTHY J., TRUSTEE

PINE FAMILY INVESTMENTS LC

Location Map



Legal Description

THE SOUTH 23 ACRES OF THE NW 1/4 OF THE NW 1/4 OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS

Site Summary

GROSS SITE AREA:	1,001,880 S.F. / 23.00 AC.
EXISTING ENCLOSED BUILDING AREA: (POLE BARN & GRAIN BINS):	1,250 S.F. / 0.03 AC. (1%) 4,850 S.F. / 0.11 AC. (1%)
REMAINING OPEN SPACE AREA:	995,780 S.F. / 22.86 AC. (98%)

PARKING REQUIREMENTS

General Notes

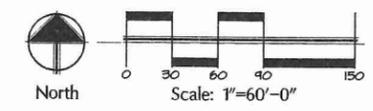
- OWNER: PINE FAMILY INVESTMENTS, LC
1783 E 1500 RD.
LAWRENCE, KS 66044
- LAND PLANNER/ENGINEER: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DR.
LAWRENCE, KS 66049
- TOPOGRAPHY OBTAINED FROM M.J. HARDEN 2000 AERIAL SURVEY
- EXISTING LAND USE: AGRICULTURE
- PROPOSED LAND USE: AGRICULTURE/NURSERY AND ANCILLARY PRODUCT STORAGE, DISPLAY AND LOADING.
- EXISTING ZONING: "A" COUNTY
- PROPOSED ZONING: "A" COUNTY
- NO PART OF THIS PROPERTY IS LOCATED IN THE FLOODPLAIN PER DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION, DOUGLAS CO., KS, MAP NO. 2004SC0037 C DATED NOV. 7, 2001
- FUTURE BUILDINGS CONSTRUCTED ON SITE ALLOWING PUBLIC ACCESS (IF ANY) SHALL BE CONSTRUCTED PER THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
- THE CONDITIONAL USE PERMIT WILL BE RE-EVALUATED BY THE COUNTY COMMISSION IN DECEMBER, 2008. THE CUP WILL EXPIRE IN DECEMBER, 2013. CONTINUATION OF THE USE BEYOND

Approved & Released

Case No. CUP-10-8-03 Date: 1/12/09

Planner Initials: SLD # of Sheets: 1

Director: Andrea M. Lugin



Civil Engineering
 Landscape Architecture
 Community Planning
 Surveying

1310 Wakarusa Drive
 Lawrence, KS 66049
 Phone: (785)842-7100
 Fax: (785)842-2410
 Email: info@landplan-pa.com

Landplan Engineering, P.A.

© Landplan Engineering, P.A. 2003. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photographed, traced, or copied in any manner without the written permission of Landplan Engineering, P.A.

REVISIONS

11.24.03	per dept. comments
12.30.03	per conditions of approval

A CUP Plan for
**PINE FAMILY
 TREE NURSERY**

DATE: 10/31/03
 PRO. FOR: 10-8-03

1995



2003



2006



2012



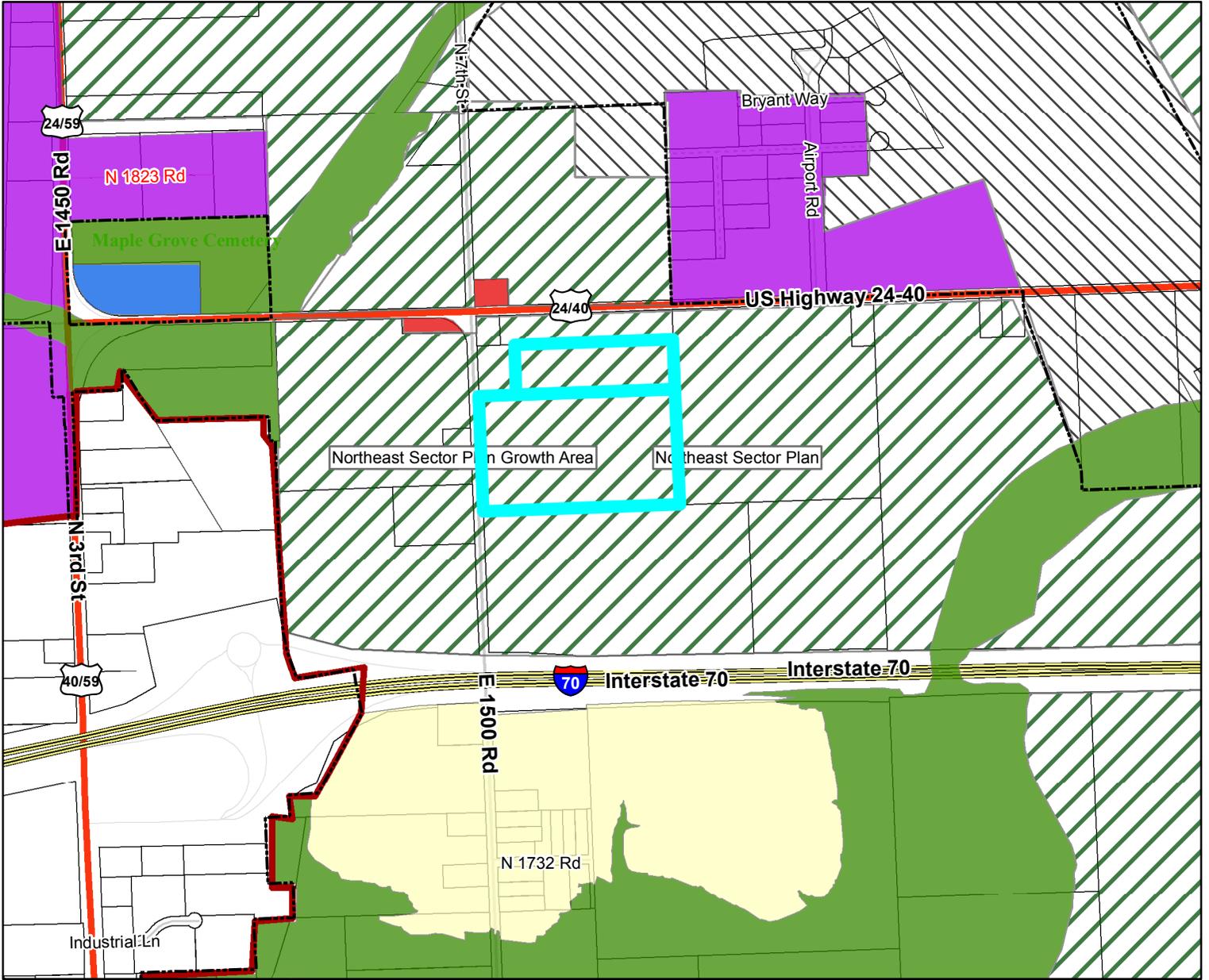
2014



Notes:

- Subject property highlighted in yellow.
- Majority of property used for agricultural purposes.

Future Land Use Map Northeast Sector Plan



Legend

- City Limits
- ▭ Parcels

Boundaries: Plan Areas

- ▭ Plan Boundary

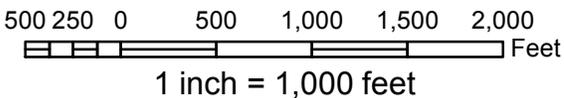
Plan_Name

- ▭ Northeast Sector Plan Growth Area
- ▨ Traditional Neighborhood Development Option

Proposed Land Use

Land Use Description

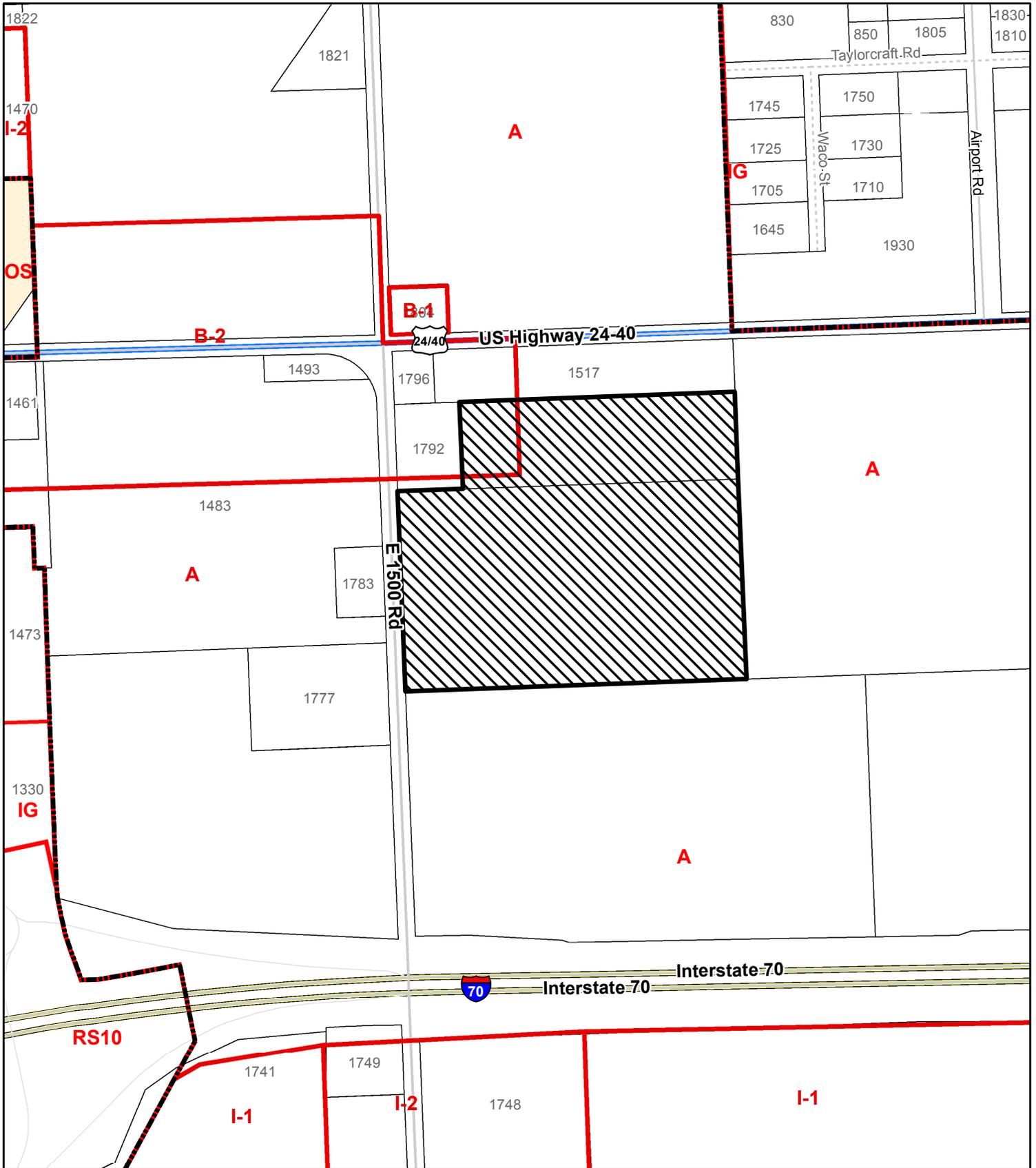
- ▨ Agriculture
- ▨ Airport
- ▨ Auto-Related Commercial
- ▨ Commercial
- ▨ Commercial - Lake Oriented
- ▨ Commercial - Neighborhood
- ▨ Commercial Center - CC600
- ▨ Community Commercial
- ▨ Office
- ▨ Green Space Buffer
- ▨ High-Density Residential
- ▨ Industrial
- ▨ Inner Neighborhood Commercial
- ▨ KU Field Station
- ▨ Low-Density Residential
- ▨ Medium-Density Residential
- ▨ Mixed Use District
- ▨ Neighborhood Commercial
- ▨ Neighborhood Commercial Center
- ▨ Office
- ▨ Office/Industrial/Warehouse
- ▨ Office/Research
- ▨ Office/Warehouse
- ▨ Open Space
- ▨ Open Space/Floodplain
- ▨ Park/Open Space
- ▨ Public/Institutional
- ▨ Residential/Office
- ▨ Transport/Communication/Utility
- ▨ Very Low-Density Residential



DISCLAIMER NOTICE

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

Date: 4/11/2016



CUP-16-00070: Conditional Use Permit for Renewal of Pine Family Tree Nursery, Landscape Center, Located at 1782 E 1500 Road



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/25/16

ITEM NO. 5A: A & VC TO I-3; 77.5 ACRES; N 1300 RD & E 1750 RD (MKM)

Z-15-00617: Consider a request to rezone approximately 77.5 acres from County A (Agricultural) District and VC (Valley Channel) District to County I-3 (Heavy Industrial) District, located at N 1300 and E 1750 Rds. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record

STAFF RECOMMENDATION: Staff recommends denial of the rezoning request for approximately 77.5 acres County A (Agricultural) District to County I-3 (Heavy Industrial) District and forwarding the request to the Board of County Commissioners with a recommendation for denial based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

Applicant's Response:

"The subject property has been a borrow area for the South Lawrence Trafficway. Proposed use to continue the borrow area and recycle construction waste."

KEY POINTS

- The property is located within the planning area of the Southeast Area Plan; however, no future land use recommendations are provided for this property in the plan.
- The area in this rezoning request is part of an approximately 124.8 acre parcel. The southern 47.3 acres of the parcel are not included in this rezoning or development proposal. This remnant acreage will be suitable for Agricultural use, but will need to be subdivided per the provisions in the Subdivision Regulations to be eligible for a Building Permit.
- Per Section 12-319-4 of the *Zoning Regulations for the Unincorporated Territory of Douglas County*, a borrow pit requires approval of a Conditional Use Permit. The borrow pits for the South Lawrence Trafficway were processed as Temporary Business Uses to accommodate the construction schedule of the South Lawrence Trafficway (SLT). Continued use of the borrow pit requires approval of a Conditional Use Permit as a *Mining and Excavation* use. A Conditional Use Permit application and plan have been submitted and will be considered at the April Planning Commission meeting in conjunction with this rezoning request. The CUP plan serves as the overall site plan for the facility.

ASSOCIATED CASES

- PP-16-00068: One-lot plat for property to be included in the recycling facility.
- CUP-16-00069: Conditional Use Permit for the *Mining and Excavation* use, the borrow pits, and for a *Single-Family Dwelling in the Industrial District*. CUP approval of the residence will prevent the existing residence from becoming a nonconforming use if the rezoning request is approved.

These associated cases were submitted as part of this development project and are also being considered at the April, 2016 Planning Commission meeting.

OTHER ACTION REQUIRED

- Board of County Commissioners' approval of rezoning request and adoption/publication of rezoning resolution.
- Board of County Commissioners' approval of the Conditional Use Permit.
- Application for and issuance of permit for the Conditional Use by the Zoning and Codes Office.
- Submittal of Final Plat for administrative review.
- Recording of Final Plat with the Douglas County Register of Deeds, when approved.
- Application for and issuance of building permits by the Zoning and Codes Office prior to development.

ATTACHMENTS

Attachment A: Zoning map

PUBLIC COMMENT

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

Project Summary

The original parcel was a quarter section that was divided with right-of-way for the South Lawrence Trafficway. The subject property is to the south/southeast of the recently constructed trafficway. A construction materials recycling facility is proposed on the northern 77.5 acres of the parcel and the remaining acreage to the south will remain in agricultural production.

The remainder of the parcel to the south has frontage on N 1250 Road and E 1750 Road and can be subdivided in the future. The subdivision required will depend on the future land use proposed: a Certificate of Survey will be necessary to accommodate residential uses and a Plat will accommodate non-residential uses. As the future land use for this portion is not known, it would be premature to subdivide it at this time.

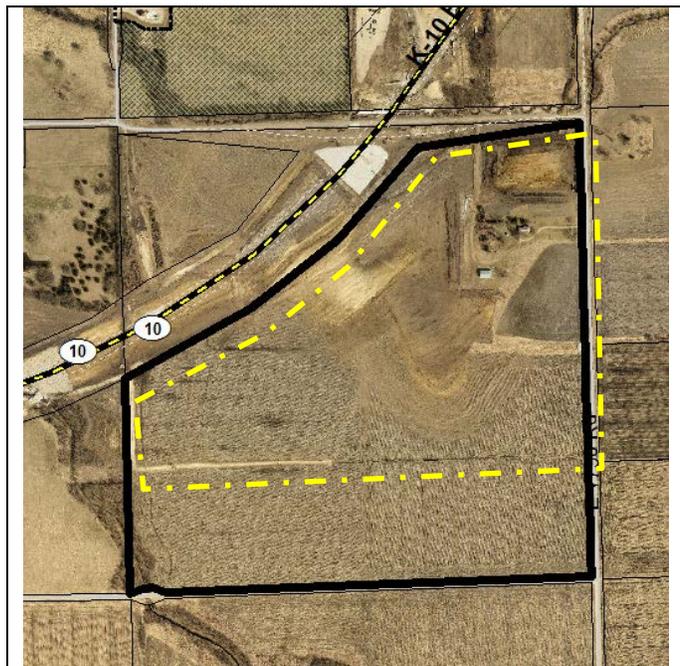


Figure 1. Property within rezoning request. Parent parcel (124.8 acres) is outlined, subject of rezoning request (77.5 acres) is outlined in yellow dashed line.

The property contains a *Single Family Dwelling*, which requires approval of a Conditional Use Permit in the Industrial Zoning Districts. The continued excavation from the borrow pits, which is classified as *Mining and Excavation*, requires a Conditional Use Permit in any zoning district. In addition to these uses, a construction materials recycling facility, contractor

shop/yard and a truck storage area is being proposed. These uses are permitted by right in the I-3 Zoning District with site plan approval. The plans submitted with the Conditional Use Permit application include all the proposed uses.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Map 3-2 Lawrence Future Land Use of Horizon 2020 this area is shown Service Area 4. The surrounding area is shown Industrial to the north GPI & I-2. The area to the south is in the Valley Channel. The area to the east is being developed as a soccer complex and Valley Channel. The area to the west is farm land and South Lawrence Trafficway right of way."

The rezoning will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan. Area plans are incorporated into the Comprehensive Plan but these will be discussed in Section 4 of this report. Policies from the Comprehensive Plan are below, with staff comments in red.

Horizon 2020 includes a list of non-exclusive potential sites for new industrial development in Map 7-2 (Figure 2) and notes locations that are not on the map will be weighted against the general locational criteria. (Page 7-5, *Horizon 2020*).

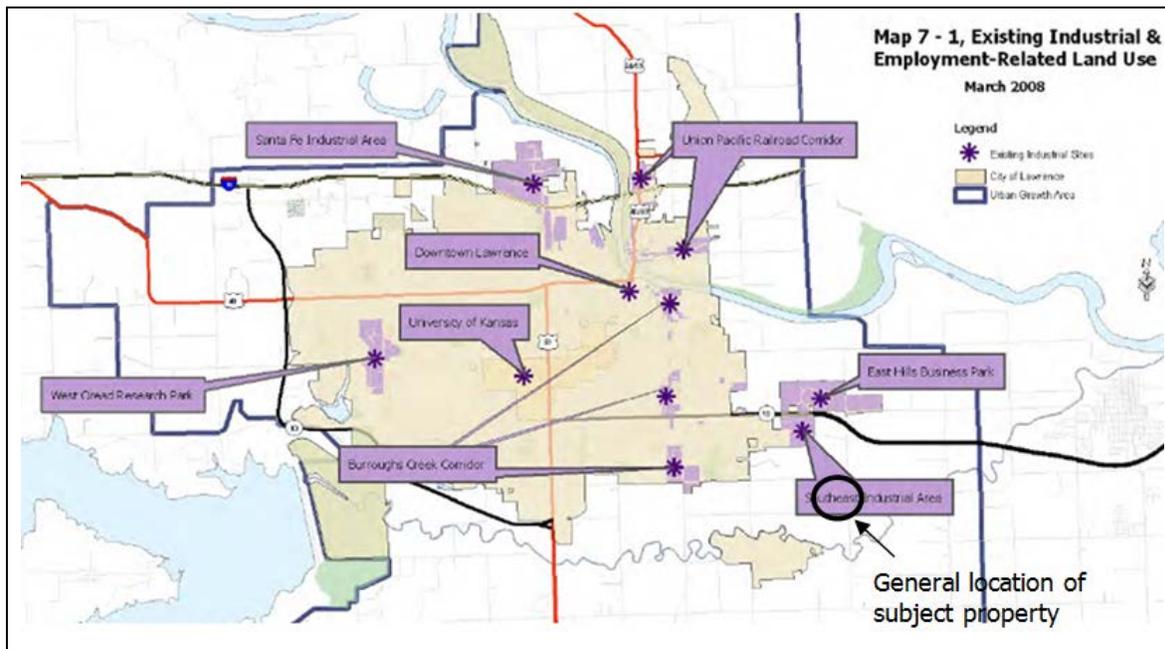


Figure 2. Map 7-2, *Horizon 2020*. Potential sites for new industrial development.

The proposed site is not shown in the map for potential industrial uses so the request is reviewed with the criteria provided in the plan. The Comprehensive Plan recommends that new industrial development *substantially* meet the following general locational criteria for Industrial Development in Chapter 7 (Policy 2.1(1), Page 7-13, *Horizon 2020*):

- Have feasible access to Federal and State transportation networks
While the property is in close proximity to the K10 Bypass, also known as the South Lawrence Trafficway, direct access to the highway is not permitted in

this area. Figure 3 shows the road network in the area. Major Collector roads provide access to the K-10 Highway. The Traffic Study indicated these roads are adequate for the proposed traffic.

- b. Be of adequate parcel size, generally over forty acres;
The property, approximately 77 acres, meets this criterion.
- c. Lie primarily outside of the regulatory floodplain
The subject property is heavily encumbered with the regulatory floodplain (Figure 4).
- d. Have minimal average slopes.
The majority of the property has slopes of less than 3%. This criterion is met.

The property substantially meets the general locational criteria.

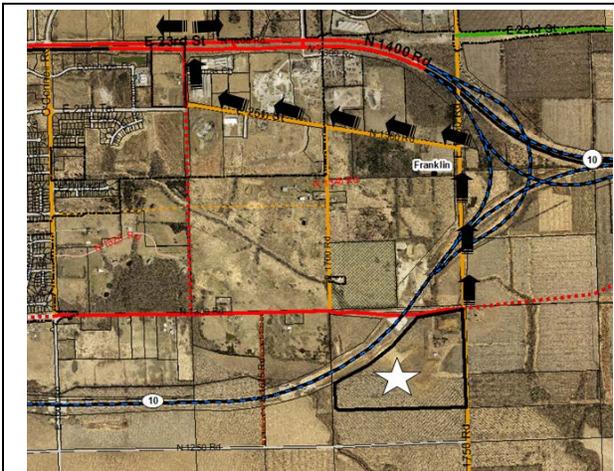


Figure 3. Subject property, outlined and marked with a star, has access to the highway system through E 1750 Road (Noria Road) and N 1360 Road (E 25th Street Extended) and E 1650 Road.



Figure 4. Regulatory floodplain on the property shown in pink. Lighter pink to the northeast is Zone A which does not have a Base Flood Elevation established.

Policy 2.1(2) goes on to list the specific criteria that a site proposed for industrial land uses should substantially meet:

- a. *Preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;*

The site contains Floodplain as shown in Figure 4. The CUP/Site Plan shows borrow pits in these areas, but no storage of materials. No other environmentally sensitive areas are present.

- b. *Encourage natural stormwater management, including locations that permit direct discharge to the floodplain;*

Natural stormwater management will be utilized

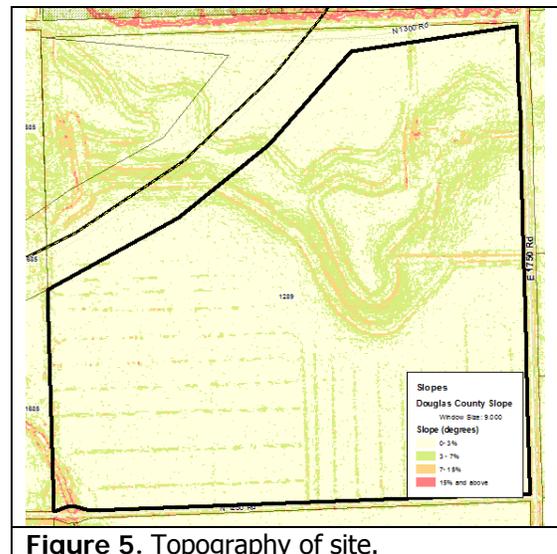


Figure 5. Topography of site.

on this site with the borrow pit serving as detention.

c. Have available and adequate utilities, infrastructure and services for the proposed use.

The property will utilize an on-site sewage management system (septic system) and well water. Property owners in the area raised concerns about the impact the additional water usage of the soccer complex to the east could have on the levels in their wells. As a result, the water usage of the soccer complex was limited until such time as it was served by a Rural Water District. Water usage will also be limited with this project. The proposed facility will have a small number of employees on-site and the limited water usage should be adequate.

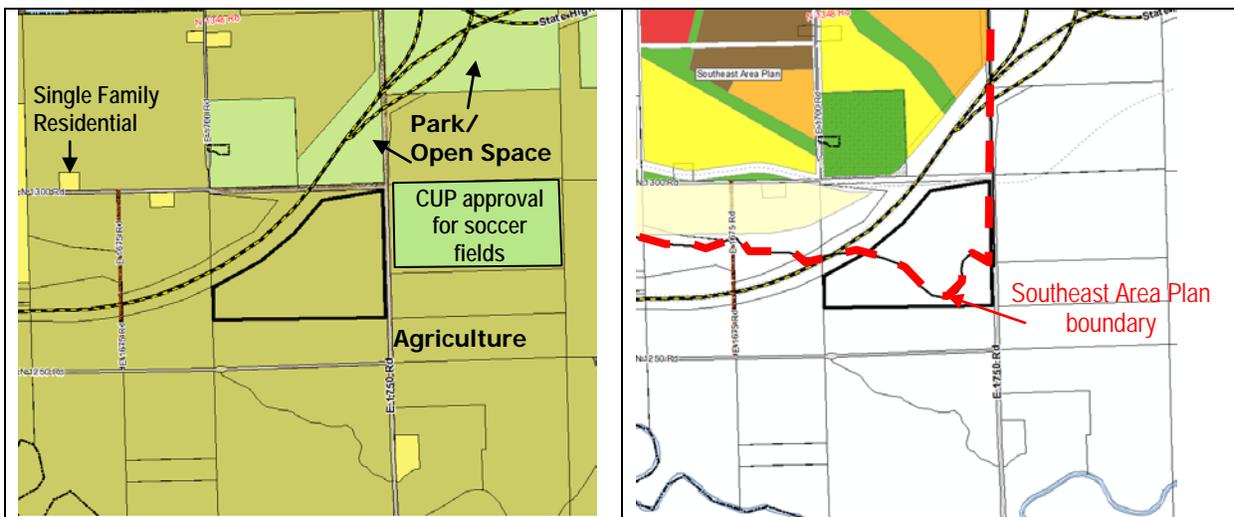
d. Be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;

Figure 6 shows the existing and approved land use patterns in the area and the land use patterns recommended in the *Southeast Area Plan*. In staff's opinion, a heavy industrial use would not be compatible with the existing recreational and wildlife conservation areas to the east and planned recreational uses to the north; nor with the low density uses recommended to the west of the highway with the *Southeast Area Plan*.

The property is adjacent to the K10 Highway/South Lawrence Trafficway and will be visible from the highway. While standards have not been adopted pertaining to the type of development that may occur along the highway, the Planning Commission expressed concern with the 'gateway' treatment along the highway and the aesthetics of proposed uses with other recent applications. In staff's opinion, the proposed construction materials recycling facility would not be an appropriate gateway use along the highway based on Planning Commission's previous discussions.

e. Be annexed before development if adjacent to municipal boundaries.

The site is not adjacent to municipal boundaries but is in the Lawrence Urban Growth Area and is within a sector plan that anticipates urbanization of the area.



Gateway Policies: The comprehensive plan defines a major gateway as an entrance to the city from other transportation facilities that often form a visitor's first impression of the community. (Page 2-18, *Horizon 2020*) The plan notes that East Hills Business Park

serves as the eastern gateway to the community and recommends that the City continue to examine future development plans for this area to ensure they reflect the image and quality the community seeks in gateway development. (Page 7-3 *Horizon 2020*) The plan also notes that the planned Southeast Industrial Area (on the south side of E 23rd Street/K-10 Hwy, south of East Business Park) will also serve as an eastern gateway to the community.

The subject property is located near the connection of the SLT/K10 Trafficway with the K10 Highway. This area would also be considered an eastern gateway to the community.

The plan provides the following recommendations for the airport industrial gateway area:

"As this area evolves into a community gateway, development proposals are also encouraged to employ sound site planning and design principles to make this area an attractive one. Interfacings with surrounding properties and neighborhoods are also encouraged to minimize negative impacts and employ appropriate and compatible industrial and business activities."

And provides the following general gateway recommendation when discussing the use of office research uses as appropriate land uses at gateways:

"Developments occurring at gateways to the community are required to be of high-quality design and visual character utilizing best management practices for site planning and design. Such developments are intended to promote an integrated and contextual design approach that minimizes unnecessary impacts, such as noise, odor, glare, or other similar intrusions to the community and surrounding neighborhoods." (Page 7-10, Horizon 2020)

The intent is for development in a gateway area to be designed and landscaped in such a way as to provide an aesthetically pleasing and inviting appearance.

The plan recommends that developments at gateways into the city be designed not only to minimize negative impacts on neighboring properties but to provide an aesthetically pleasing and inviting appearance. In staff's opinion, the open nature of the proposed construction materials recycling facility could have negative impacts on surrounding properties. The open nature of the use would prevent the use of architectural treatments to improve the aesthetics of the use. In staff's opinion, the proposed construction material recycling facility would not be an appropriate use for this gateway area based on possible negative impacts and the aesthetics of the facility.

Staff Finding – The subject property is not shown on the map of potential locations for future Industrial and Employment Related Land Uses; therefore the location was reviewed with the general and specific criteria included in the Industrial Chapter, Chapter 7, of the Comprehensive Plan. The property is substantially compliant with the general locational criteria in this chapter; however, is not substantially compliant with the specific locational criteria. The property is not compliant with the criteria that the proposed industrial use be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses. The proposed construction material recycling facility would not be an appropriate use for a gateway area based on possible negative impacts to

neighboring properties and the aesthetics of the site. The proposed rezoning is not in conformance with the Comprehensive Plan as it is not substantially compliant with the specific criteria provided in the plan or with the recommendations for gateway development.

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

Current Zoning and Land Use: A (County-Agricultural), V-C (County Valley Channel) Districts with F-F (Floodway Fringe) District; Agriculture, and borrow pit that was approved as a Temporary Business use.

Surrounding Zoning and Land Use: To the north:

A (County-Agricultural) District with F-F (Floodway Fringe) Overlay District / and GPI (City-General Public and Institutional Uses) District; *Agriculture, Residential Detached Dwelling*, undeveloped City park, the SLT/K10 Highway, / and a sanitary sewer pump station, a *Minor Utility*, in the GPI District.

To the west:

A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; *Agriculture*, the SLT/K-10 Highway, and *Residential Detached Dwelling*.

To the east:

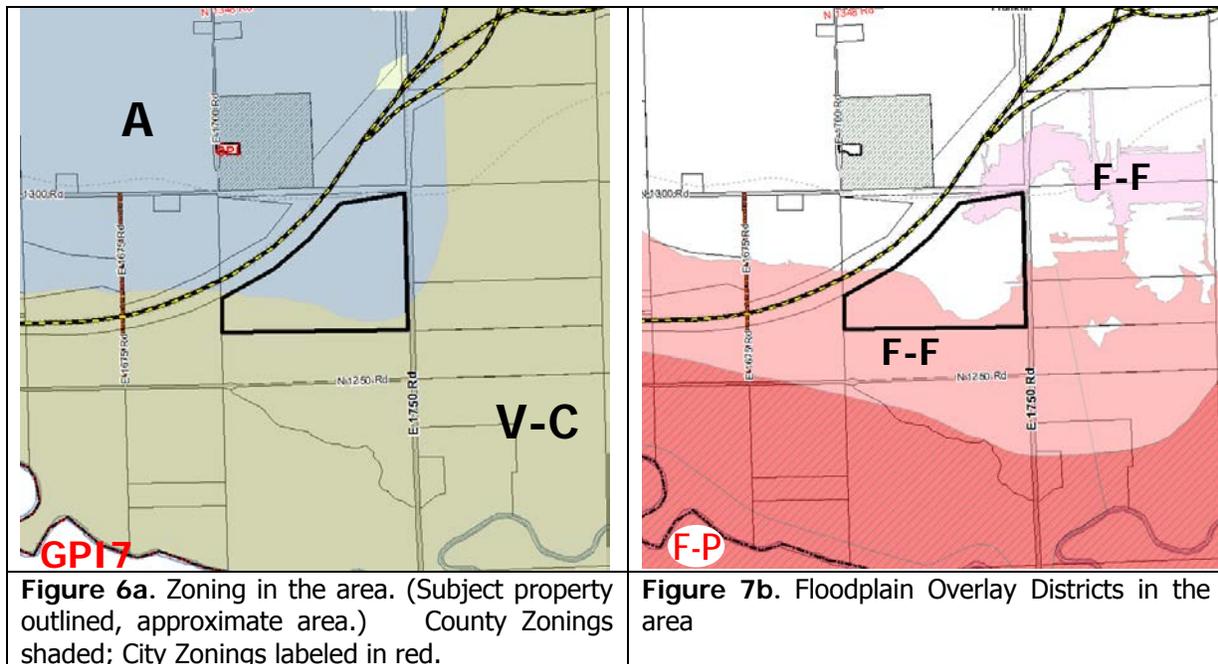
A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; *Agriculture*, northern parcel has Conditional Use approval for a soccer facility, *Athletic Field*.

To the south:

V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts / and GPI-FP (City-General Public and Institutional Uses with Floodplain Management Regulations Overlay District); *Agriculture*, the Wakarusa River corridor / and a City Wastewater Treatment Facility, a *Major Utility*, currently under development in the GPI-FP District.

(Figures 7a and 7b)

Staff Finding –The surrounding properties are zoned A (Agricultural) or V-C (Valley Channel) and F-F (Floodway Fringe Overlay) Districts. Agriculture is the predominate land use with several recreational uses in the planning stages in the area (soccer facility to the east and City park to the north). Scattered residential uses are also located in the area. Heavy industrial uses would be incompatible with the approved recreational uses in the nearby area.



3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"This area is out in the county and the neighborhood is rural in nature and is farmland surrounding this area. The recycle area will have a small portion of the property to be used as farmland."

The area is located approximately 1 mile east of the eastern Lawrence city limits and is bounded on the south by the Wakarusa River Corridor and its associated floodplain and on the north by the K10 Highway. The recently constructed South Lawrence Trafficway, SLT/K10 Highway passes through the area from the west and connects to K10 Highway to the northeast of the subject property. Roads in the immediate area are 2 lane blacktop roads. Recreational uses are located throughout the area, with a future City park to the north of the subject property, a soccer facility to the east of the property (not yet developed but has development approvals), and a ski lake to the northeast. A private wildlife conservation area is located east of the soccer facility property. Industrial uses have been developed in the north portion of this area adjacent to the existing K10 Highway and E 25th Street.

Current and previous industrial uses in the area are shown in Figure 8. A 3.5 acre parcel north of the Trafficway (Parcel 1 in the figure) was rezoned from A to I-2 in 1999 with zoning application Z-8-27-99 and in 2000, a site plan, SP-07-49-00, was submitted and approved for Pioneer Stone, a decorative stone storage and sales facility. This use was classified as *Building Materials Storage and Sales* and was a permitted use in the I-2 Zoning District with approval of a site plan. Stone was to be stockpiled on the site for sales.

A recycling facility had previously been located on E 1750 Road just north of the current SLT/K10 Highway. (Parcel 2 in the figure) A rezoning to the I-3 District, Z-1-3-98, was requested along with a CUP application, CUP-1-2-98, for the recycling facility. The rezoning request was recommended for denial by staff was withdrawn. The Conditional Use Permit was approved for the recycling facility. The CUP had an expiration date of January 1, 2013 for the recycling facility and December 31, 2015 for the reclamation work. The staff report indicated that the CUP was used as a tool to allow the recycling facility on a temporary basis

without permanently rezoning the property to an industrial district. The staff report noted that the recycling facility was not included in the list of uses permitted with a CUP and noted that if it was proposed as a long term purely industrial use it would require industrial rezoning but if the use were of a temporary or interim nature the CUP would be appropriate. The staff report indicated that the temporary facility would be appropriate given the future gateway nature of the area.

The property identified with a '3' in the figure is a permanent recycling facility in the I-3 Zoning District. A contractor's shop and yard is located to the north, on property zoned I-2. Other industrial uses are to the west, within the City limits of Lawrence, and these include an asphalt/cement plant, the Douglas County Public Works facility and yard, and a KDOT facility for vehicle storage.

Staff Finding –

This rural area is characterized by the SLT/K10 Highway Corridor, open space/recreation uses, agriculture, and rural residences and to a lesser degree the Wakarusa River corridor to the south and industrial uses to the north along the existing K10 Highway and E 25th Street. Industrial uses had been located in the area in the past; however, in staff's opinion, heavy industrial zoning and uses would not be compatible with the character of the area in the location proposed but would be more appropriate located to the north with the existing industrial uses.

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

The northern portion of the subject property is located within the planning boundary of the *Southeast Area Plan*; however, the plan does not include any recommendations for this property. The plan shows the general location of the trafficway and the subject property was divided from the remainder of the planning area by the trafficway right-of-way. The drafters of the plan may have assumed that this area would be used primarily for right-of-way for the trafficway and therefore omitted recommendations for this parcel.

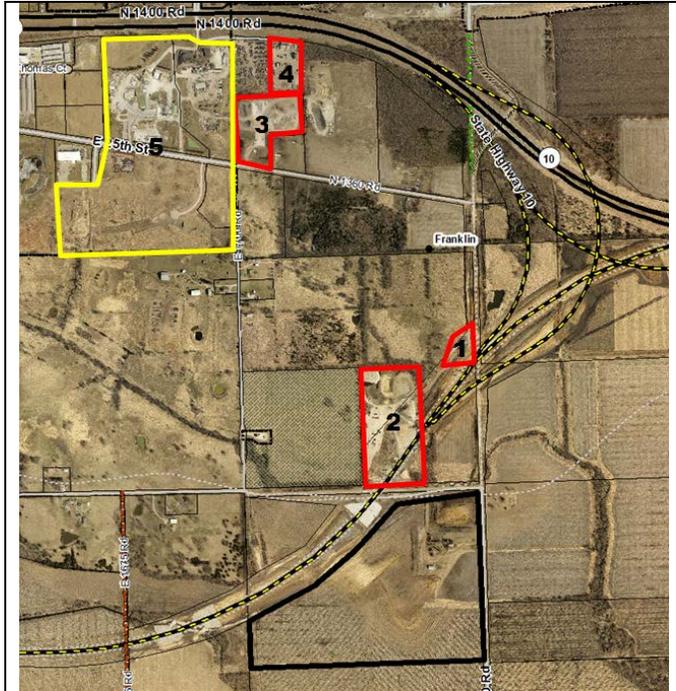


Figure 8. Current and previous industrial uses in the area:

1. Property zoned I-2 for a *Building Materials Storage and Sales* use (property is now almost entirely within the SLT/K10 right-of-way).
2. Construction Materials Recycling Facility, temporary use approved with a CUP. CUP expired in 2013.
3. Property zoned I-3 contains LRM Industries Recycling Facility (site plan approved in 2003).
4. Property zoned I-3 contains an excavating company contractor's office.
5. Property within City limits zoned PID (Planned Industrial Development) and IG (General Industrial) contains asphalt and concrete plant, Douglas County Public Works Facility and yard, and KDOT facility.

The *Southeast Area Plan* recommends very low density residential uses west of the subject property, across the SLT/K10 Highway, and recommends open space and low density residential to the north of the subject property, across the SLT/K10 Highway. (Figure 9) The proposed use, a construction materials recycling facility, will be an open use which will utilize a rock crusher and heavy trucks for hauling the construction debris and products throughout the site. In staff’s opinion, heavy industrial uses and zoning, particularly an unenclosed use such as proposed, would not be appropriate in close proximity to the low density residential uses and open space uses recommended in the area plan.

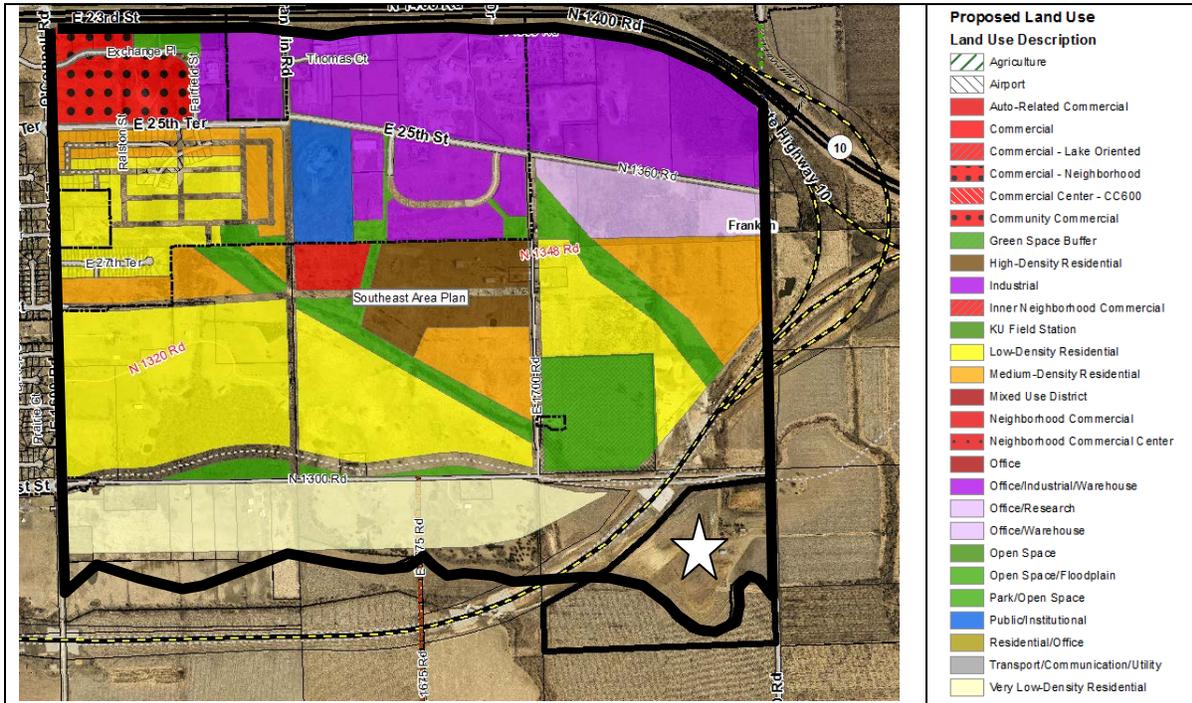


Figure 9. Land use recommendations in *Southeast Area Plan* for area. Planning area boundary outlined and subject property marked with a star.

Staff Finding – A portion of the subject property is located within the limits of the *Southeast Area Plan*; however, no recommendations were provided for the future use of the property. The plan recommends very low density residential uses to the west of the subject property and recommends open space and low density residential to the north; both across the SLT/K10 Highway right-of-way. In staff’s opinion, heavy industrial uses and zoning, particularly an unenclosed use such as proposed, would not be appropriate in close proximity to the planned low density residential and open space uses.

5. 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 site for the past two years has been a borrow site for the newly constructed South Lawrence Trafficway. The existing site now has two small pond areas from the borrow site and will continue to have small ponds for the future which will be used for stormwater management. The rest of the area will be used for stockpiling and construction waste and recycle which is a better option than the landfill in the area."

The property is currently zoned A and V-C which permits agricultural uses as well as other low intensity uses in the County. The property is suitable for uses which are permitted within the A and V-C Districts.

The property is relatively level, as shown in Figure 4, and has been in use for a borrow pit, which is classified as *Mining and Excavation* in the Zoning Regulations. This use would require approval of a Conditional Use Permit regardless of the zoning. The residence would require a Conditional Use Permit only if the industrial zoning is approved.

Rezoning to the I-3 Zoning District is being requested for the operation of a construction materials recycling facility. The level topography of the site would be suitable for a recycling use; however, this use may not be compatible with the adjacent SLT/K-10 Highway and open space/ recreational uses.

Staff Finding – The property is well suited for the uses to which it is restricted with the A and V-C Zoning. The topography of the property would be suitable for the recycling use; however, in staff’s opinion, the recycling use would not be compatible with the adjacent land uses: SLT/K-10 Highway and open space/ recreational uses.

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

Applicant’s Response:

"The property has been used as a farm area prior to the borrow for the South Lawrence Trafficway."

Staff Finding – The property is not vacant. The Douglas County Appraiser’s records indicate that the residence on the property was built in 1920. A temporary borrow pit was approved for the site to accommodate the construction of the SLT/K-10 Highway.



Figure 10. Existing residence

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

Applicants Response:

"Approval of this rezoning application will not adversely affect the neighboring properties."

Rezoning to the I-3 District would allow the development of a construction waste recycling facility, or other heavy industrial use. The proposed use is an open use with exterior storage of the waste to be recycled and the resultant product. Heavy equipment will be used to move the material on the property and heavy truck traffic to and from the site is expected. The facility will utilize a rock crusher. The noise and dust created by the heavy equipment, the truck traffic and the rock crusher could detrimentally affect the planned recreational uses to the northwest and east, the approved soccer facility, and the future city park and may have an impact on the private wildlife conservation further to the east.

Ground water level is a principal concern of residents and property owners in the area as Rural Water is not available in this area. The amount of water that would be used with the rock crusher, or other uses on site would need to be limited to insure no detrimental impacts on residences in the area.

This area is considered a 'gateway' into the City of Lawrence. The Planning Commission supported the soccer facility to the east in part because of the aesthetics when seen from the trafficway. The proposed use would be an open industrial use and would not provide the aesthetics required by the Comprehensive Plan or as the Commission indicated they preferred along the trafficway.

Staff Finding – The rezoning to the I-3 District will permit heavy industrial uses on the subject property. This may have detrimental impacts to nearby properties by a reduction in groundwater level, unless water usage is limited; noise impacts to nearby recreational and open space uses, and a negative visual impact along the trafficway.

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

Applicants Response:

"Approval of this application will fill a need of the community for a better alternate to filling up the landfill with construction waste. This will provide a use for concrete, brick and stone that has not been able to be used other than filling the landfill."

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

Approval of the rezoning request would allow development of a recycling facility of clean construction rubble. Reusing these materials would benefit the public welfare by reducing the waste in the landfill and thereby extending the lifespan of the landfill. Recycling would also reduce the need for new materials and could help to maintain low costs for public and private construction projects.

Denial of the rezoning request would prevent the establishment of a heavy industrial use on the property, with potential noise and visual impacts, which would benefit the nearby properties. If the rezoning is denied, an alternate use/zoning may be proposed that would visually enhance this gateway area and have less negative impact on nearby properties.

Denial of the rezoning request would present some hardship to the property owners, as it would not be possible to develop the property with the proposed recycling facility. They could, however, continue with the CUP application for the continued use of the borrow pits and the property could also be used for other uses which may be more compatible with the residential and recreational/open space uses in the area.

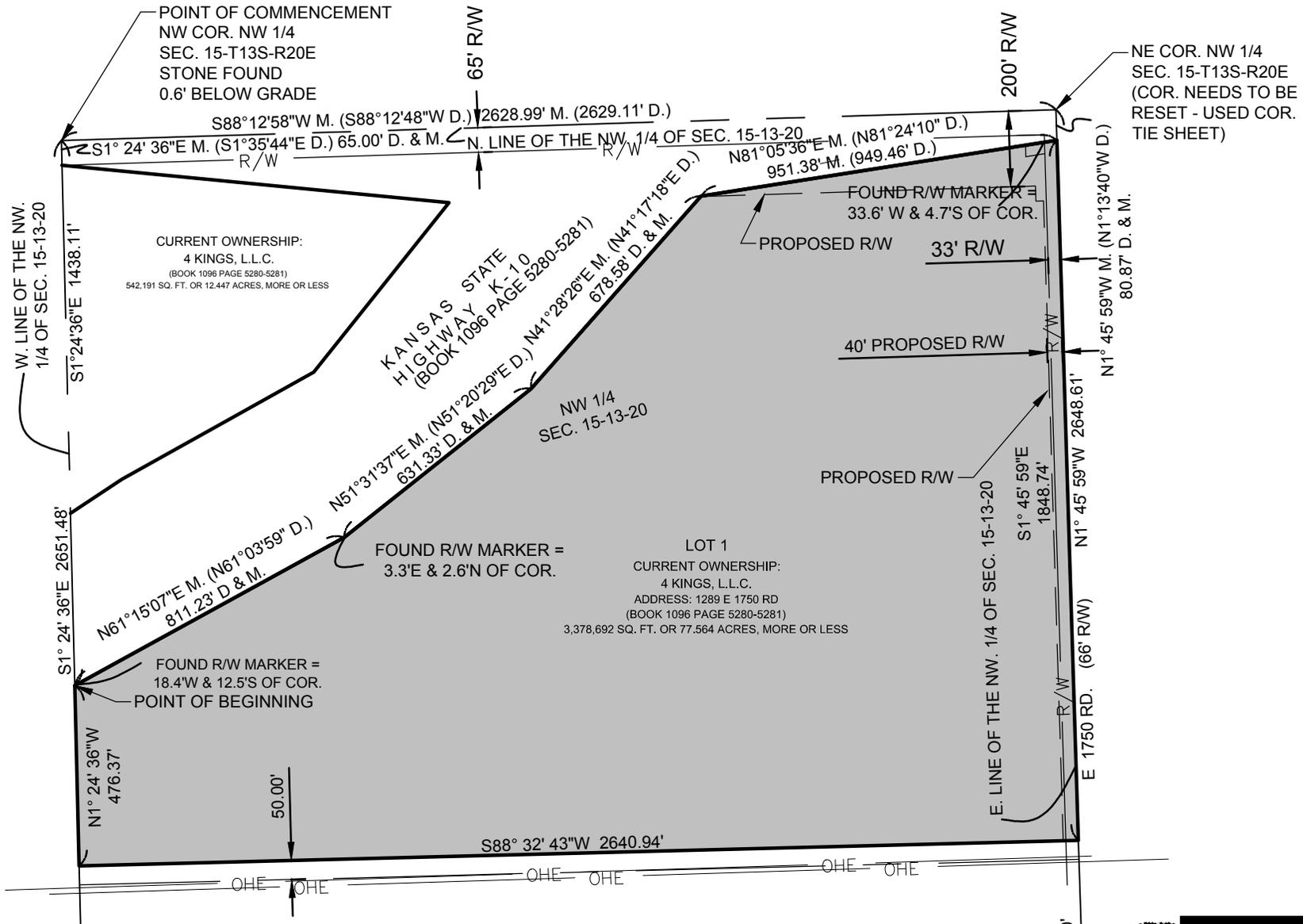
Staff Finding – Approval of the rezoning request would provide a recycling facility for construction clean rubble which would benefit the public welfare by keeping these materials out of the landfill and extending the life of the landfill and reducing the need for new materials. The denial of the rezoning request would benefit the nearby properties by preventing the negative impacts from the noise, truck traffic, and dust associated with the recycling facility and would prevent the negative visual impacts the facility would have on the trafficway area. The denial of the rezoning request would create some hardship for the applicant as they would need a new location for the recycling facility but they could continue with the CUP application for the *Mining and Excavation* to continue the use of the borrow pits

and could develop the property with a use that is more compatible with the existing and approved uses in the area.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. This report finds that the rezoning request is not substantially compliant with criteria for industrial development provide in Chapter 7 of *Horizon 2020*. The request is also not compatible with the character of the area, the land use recommendations in the Southeast Area Plan for nearby properties, or with existing and planned uses in the area. In addition, the rezoning request may have negative impacts on nearby properties. A more appropriate location for the heavy industrial use is located in the north portion of this area, along the existing K10 Highway and E 25th Street. Based on these factors, staff is unable to recommend approval of the rezoning request and recommends that the Planning Commission forward the rezoning request to the Board of County Commissioners with a recommendation for denial.



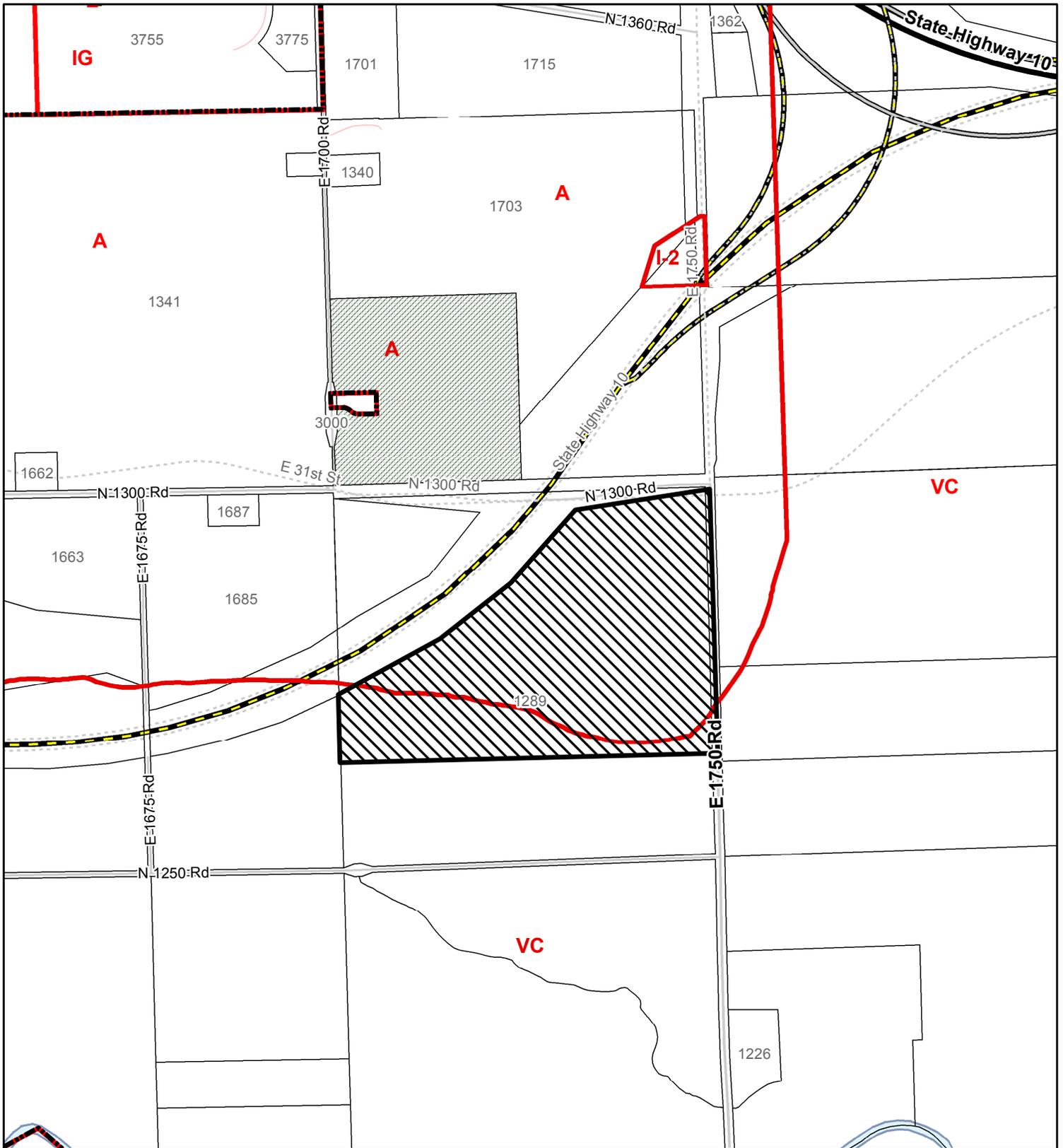


NORTH
SCALE: 1" = 400'

KING'S RECYCLING CENTER REZONING EXHIBIT A TO I-3



Lawrence, KS • Kansas City, MO • The Woodlands, TX
1310 Wakarusa Drive, Suite 100
Lawrence, Kansas 66049
785.843.7530(p) | 785.843.2410(f)
info@landplan-pa.com | www.landplan-pa.com



Z-16-00067: Rezone Approximately 77.5 acres from County A District and County VC District to County I-3 District
PP-16-00068: Preliminary Plat for Four King's Subdivision
CUP-16-00069: Conditional Use Permit for King's Recycling Center Located on the Southwest Corner of E 1750 Road and N 1300 Road



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

PC Staff Report
04/25/16

ITEM NO. 5B: PRELIMINARY PLAT FOR KING’S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

PP-16-00068: Consider a Preliminary Plat for Four King’s Subdivision, an industrial subdivision containing approximately 77.5 acres, located at N 1300 Rd & E 1750 Rd. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

STAFF RECOMMENDATION:

In keeping with staff’s recommendation for the denial of the I-3 rezoning request associated with this Preliminary Plat, staff recommends the denial of the Preliminary Plat for the Four Kings Subdivision.

ALTERNATIVE RECOMMENDATION:

If the Planning Commission determines the rezoning request to the I-3 District is appropriate; staff would recommend the approval of the Preliminary Plat of the Four King’s Subdivision.

Attachments:

Attachment A --- Preliminary Plat

Reason for Request: The property is being platted to accommodate development of a construction material recycling facility.

KEY POINTS

- In the unincorporated portion of Douglas County, a property without a vested right to a building permit must be subdivided through the platting process to be eligible for a building permit for a non-residential use.
- Staff is recommending denial of the associated rezoning request to the I-3 (Heavy Industrial) District. The following review and recommendation are being provided in the event the Planning Commission finds the rezoning request appropriate and votes to forward the rezoning to the Board of County Commissioners with a recommendation for approval.
- The continued use of the borrow pit would require approval of a Conditional Use Permit for a *Mining and Excavation* use in any zoning district. The existing residence would require approval of a Conditional Use Permit for a *Single Family Residence in an Industrial District* if the property is rezoned to I-3. The proposed construction material recycling facility and truck storage area are both permitted in the I-3 District and would require approval of a site plan. The plans submitted for this project includes all the uses and serves as both the Conditional Use Plan and the Site Plan.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective December 31, 2006.

- Section 20-813 (Section 12-113 of the County Code) states that building permits in the unincorporated area of the county may be issued only for platted lots, vested land divisions or Residential Development Parcels. As the proposal is to use only a portion of the parcel, platting is necessary for the proposed development.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Board of County Commissioners approval of rezoning, Z-16-00067, from A and V-C to the I-3 District and adoption of rezoning resolution.
- Final Plat submitted to Planning Office for administrative approval, placement on the County Commission agenda for acceptance of right-of-way and easements, and recordation at the Douglas County Register of Deeds.
- Board of County Commissioners approval of plans for the Conditional Uses, *Single-Family Residence in an Industrial District*, and *Mining and Excavation* (borrow pit) and the uses which are permitted in the I-3 District, Recycling Facility and Truck Storage.

PUBLIC COMMENT

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

Site Summary

Gross Area:	77.564 acres
Right-of-Way:	2.842 acres
Net Area:	74.722 acres
Number of Lots:	1

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (County-Floodway Fringe Overlay) District; *Residential Detached Dwelling*, *Mining and Excavation* (borrow pit), and *Agriculture*. A rezoning request to the I-3 (Heavy Industrial) District has been submitted and is being considered by the Planning Commission at their April meeting concurrently with this preliminary plat.

Surrounding Zoning and Land Use: To the north:

A (County-Agricultural) District with F-F (Floodway Fringe) Overlay District / and GPI (City-General Public and Institutional Uses) District; *Agriculture*, *Residential Detached Dwelling*, undeveloped City park, the SLT/K10 Highway, / and a sanitary sewer pump station, a *Minor Utility*, in the GPI District.

To the west:

A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; *Agriculture*, the SLT/K-10 Highway, and *Residential Detached Dwelling*.

To the east:

A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; *Agriculture*, northern parcel has Conditional Use approval for a soccer facility, *Athletic Field*.

To the south:

V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts / and GPI-FP (City-General Public and Institutional Uses with Floodplain Management Regulations Overlay District); *Agriculture*, the Wakarusa River corridor / and a City Wastewater Treatment Facility, a *Major Utility*, currently under development in the GPI-FP District.

(Figures 2a – 2c)



Figure 2a. Property is currently zoned A (Agriculture) and V-C (Valley Channel).

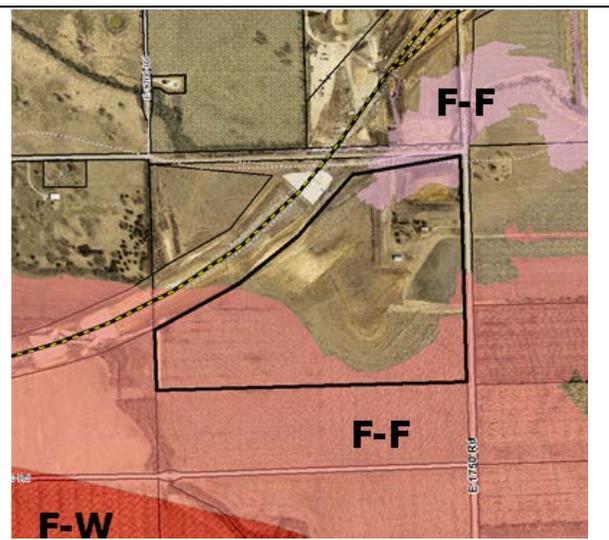


Figure 2b. F-F (Floodway Fringe Overlay) District. F-W (Floodway Overlay) District.

STAFF REVIEW

The subject property contains approximately 77.5 acres and is located in the southwest corner of the intersection of N 1300 and E 1750 Roads. The SLT/K-10 Highway which was recently constructed in the area divided the quarter section owned by the property owners resulting in two vested parcels, a 13 acre parcel northwest of the highway and a 124.75 acre parcel south of the highway. The property owners intend to divide the southern parcel into 2 parcels. The northern portion, approximately 77.5 acres is the subject of this plat. The southern portion, approximately 47.25 acres, will not be

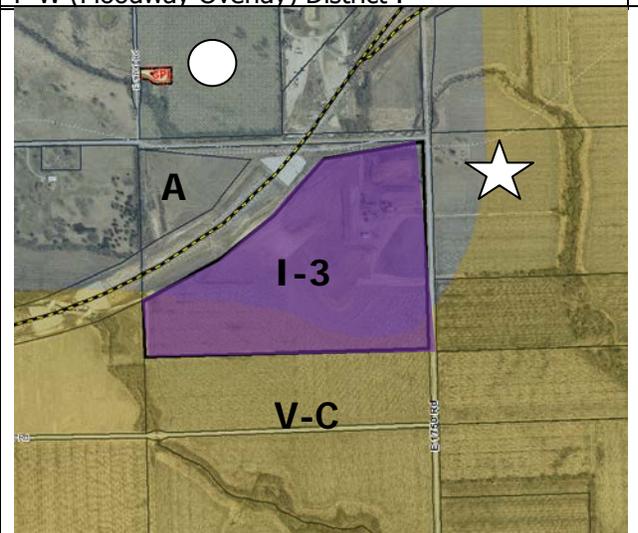


Figure 2c. Rezoning Request is for I-3 (Heavy Industrial) District.

subdivided at this time but will remain in agricultural production. This plat will create one lot for a mix of uses: residential, construction materials recycling facility, borrow pit, and truck storage.

Zoning and Land Use

As noted earlier, a rezoning request to the I-3 (Heavy Industrial) District has been submitted for the subject property and is being considered at the April Planning Commission meeting concurrently with the Preliminary Plat.

The subject property is currently zoned A (Agricultural) and V-C (Valley Channel) Districts. The southern part of the property is encumbered with the F-F (Regulatory Floodway Fringe Overlay) District. The proposed rezoning, if approved, would change the A and V-C zoning on the subject property to I-3 (Heavy Industrial).

Zoning and Land Use of Surrounding Area:

The surrounding area is zoned A (Agricultural) and V-C (Valley Channel) with the F-F (Floodway Fringe) Overlay Zoning in the area (Figure 2). The property marked with a star in Figure 2c received County Commission approval of a Conditional Use Permit for *Athletic Fields*, a soccer complex. The parcel marked with a circle is future city parkland. A wildlife conservation area is located to the east of the approved soccer facility. The surrounding area is used primarily for agriculture, and residential uses and recreational uses are approved for the area.

Compliance with Zoning Regulations for the I-3 District

As shown in the table to the right, the proposed lot meets or exceeds the dimensional requirements for the I-3 District. (Table 3)

	Required	Provided
Minimum Lot Area	15,000 sq ft	77.564 acres
Minimum Lot Width at Right-of-Way	100 ft	951.38 ft
Minimum Lot Depth	150 ft	1,280 ft

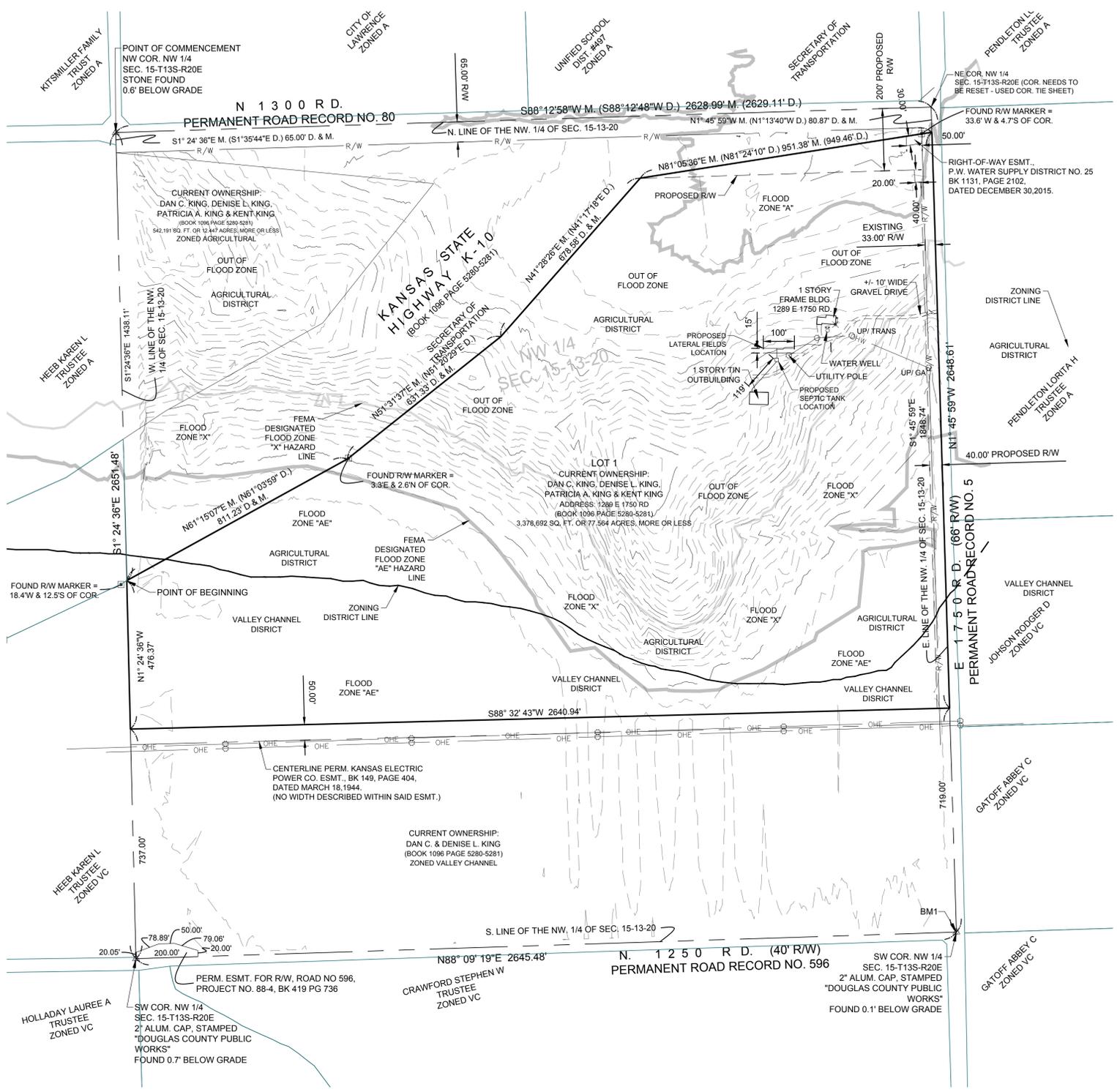
Streets and Access

N 1300 Road is a full maintenance road classified as a Principal Arterial; however, it is currently developed as a two lane blacktop road. The recycling facility and borrow pit traffic will access the site from N 1300 Road. Plans have been approved for the future extension of 31st Street through the area. Where 31st Street will cross the subject property (northeast corner) additional right-of-way is being dedicated to accommodate the realignment of 31st Street, per the County Engineer's recommendation. E 1750 Road is classified as a Major Collector and will continue to be used for access to the existing residence.

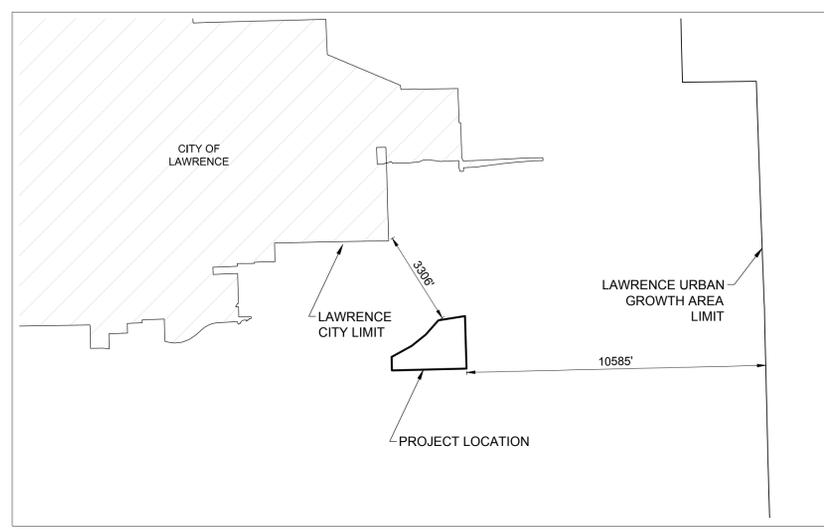
Utilities and Infrastructure

The property is not currently served by a Rural Water District and will use well water. The information the applicant provided to the Lawrence-Douglas County Health Department noted that the recycling facility will have one restroom in the office. There will be one toilet and one sink. The office will also have a break room with a sink. The water usage is 4.2 gpm. The applicant indicated that the rock crusher has a storage tank for water if it is needed. If they do need water, they will pump water from the existing ponds on site. The water usage of the existing residence will not change. The water usage will be limited until such time as the site is served by Rural Water. This limitation will be noted on the CUP/site plan.

FILE NAME: R:\2013\3027\CAD\Planning\PP\133027_PP.dwg LAST SAVED BY: Mitch Walther SAVED DATE: 4/11/2016 10:51 AM PLOTTED: 4/13/2016 9:58 AM



GENERAL MAP:



General Notes

- OWNER: DAN C. KING, DENISE L. KING, PATRICIA A. KING, KENT KING
1310 WAKARUSA DRIVE
OSKALOOSA, KANSAS 66066-4000
- LAND PLANNER/ ENGINEER: LANDPLAN ENGINEERING, P.A. LAWRENCE, KS 66049
 - TOPOGRAPHIC INFORMATION OBTAINED FROM 2012 DOUGLAS COUNTY LIDAR AERIAL DATA.
 - EXISTING LAND USE: BORROW PIT / AGRICULTURAL
 - PROPOSED LAND USE: RECYCLE CENTER; AGRICULTURAL/SINGLE FAMILY HOME/BORROW PIT
 - EXISTING ZONING: AGRICULTURAL / VALLEY CHANNEL
 - PROPOSED ZONING: 1-3
 - PROPOSED OPERATION OF THE BORROW PIT / RECYCLE CENTER REMOVE MATERIAL FROM BORROW PIT, DELIVER TO CONSTRUCTION SITE, DEVELOP POND, STABILIZE ALL DISTURBED AREAS, RECYCLE CONSTRUCTION MATERIAL (CONCRETE, BRICK, ASPHALT, CONCRETE BLOCKS, STONE)
 - A STORMWATER POLLUTION PREVENTION PLAN (SWP3) HAS BEEN SUBMITTED TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) AND IS ON FILE.
 - A KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES PERMIT IS NOT REQUIRED AS ONLY BORROW, NO FILL, WILL OCCUR AT THE SITE.
 - TYPICAL SOIL TYPES: PAWNEE CLAY LOAM, 1 TO 3 PERCENT SLOPES - PAWNEE CLAY LOAM, 3 TO 7 PERCENT SLOPES - PAWNEE CLAY LOAM, 3 TO 7 PERCENT SLOPES, ERODED - WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED - WABASH SILTY CLAY, OCCASIONALLY FLOODED - SIBLEYVILLE LOAM, 3 TO 7 PERCENT SLOPES
 - ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRIC LINES (EXCEPT HIGH VOLTAGE LINES) WILL BE LOCATED UNDERGROUND, PER SECTION 20-809(F)(4)(iv) OF THE CITY CODE

Site Summary

GROSS AREA:	3,378,692 SF / 77,564 AC
RIGHT-OF-WAY AREA:	1,213,818 SF / 2,842 AC
NET AREA:	3,254,874 SF / 74,722 AC
AVG. LOT SIZE:	3,254,874 SF / 74,722 AC
TOTAL LOTS:	1

Legal Description

LOT 1

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 20 EAST IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

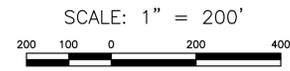
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE SOUTH 01 DEGREE 24 MINUTES 36 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1438.11 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF KANSAS HIGHWAY K-10 AS DESCRIBED IN GENERAL WARRANTY DEED, BOOK 1096 AT PAGE 5280-5281, DATED JANUARY 8TH, 2013 RECORDED IN SAID COUNTY AND STATE AND THE POINT OF BEGINNING; THENCE NORTH 61 DEGREES 15 MINUTES 07 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 811.23 FEET; THENCE NORTH 51 DEGREES 31 MINUTES 37 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 631.33 FEET; THENCE NORTH 41 DEGREES 28 MINUTES 26 SECONDS EAST CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 878.58 FEET; THENCE NORTH 81 DEGREES 05 MINUTES 36 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 951.38 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, ALSO BEING 80.87 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01 DEGREE 45 MINUTES 59 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1848.74 FEET TO A POINT 50 FEET NORTHERLY OF THE CENTERLINE OF A KANSAS ELECTRIC POWER COMPANY EASEMENT, AS DESCRIBED IN BOOK 149 AT PAGE 404, DATED MARCH 18, 1944 AND RECORDED IN SAID COUNTY AND STATE (NO WIDTH DESCRIBED IN SAID EASEMENT); THENCE SOUTH 88 DEGREES 32 MINUTES 43 SECONDS WEST, BEING 50 FEET NORTHERLY OF AND PARALLEL WITH THE CENTERLINE OF SAID ELECTRIC EASEMENT, A DISTANCE OF 2640.94 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE NORTH 01 DEGREE 24 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 476.37 FEET TO THE POINT OF BEGINNING, CONTAINING 3,378,692 SQUARE FEET OR 77,564 ACRES, MORE OR LESS.

Legend

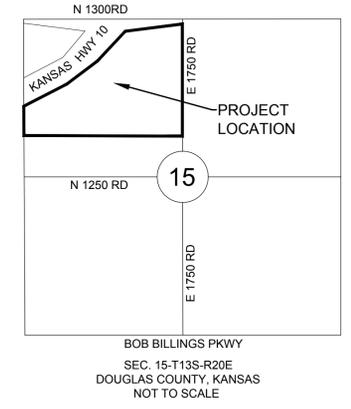
- UTILITY POLE
- R/W MARKER
- FLOOD ZONE AE: SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (BASE FLOOD ELEVATIONS DETERMINED)
- FLOOD ZONE A: SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (NO BASE FLOOD ELEVATIONS DETERMINED)
- FLOOD ZONE X: AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

Benchmarks

BM1 2" ALUM. CAP. STAMPED "DOUGLAS COUNTY PUBLIC WORKS" AT THE SOUTHWEST CORNER OF THE NORTHWEST CORNER OF SECTION 15-113S-R20E



LOCATION MAP:



A Preliminary Plat for
FOUR KING'S SUBDIVISION

IN THE NORTHWEST QUARTER (NW 1/4)
OF SECTION 15-T13S-R20E
DOUGLAS COUNTY, KANSAS

LANDPLAN ENGINEERING P.A.
Lawrence, KS • Kansas City, MO • The Woodlands, TX
1310 Wakarusa Drive, Suite 100
Lawrence, Kansas 66049
785.843.7530 (p) | 785.843.2410 (f)
info@landplan-pa.com | www.landplan-pa.com

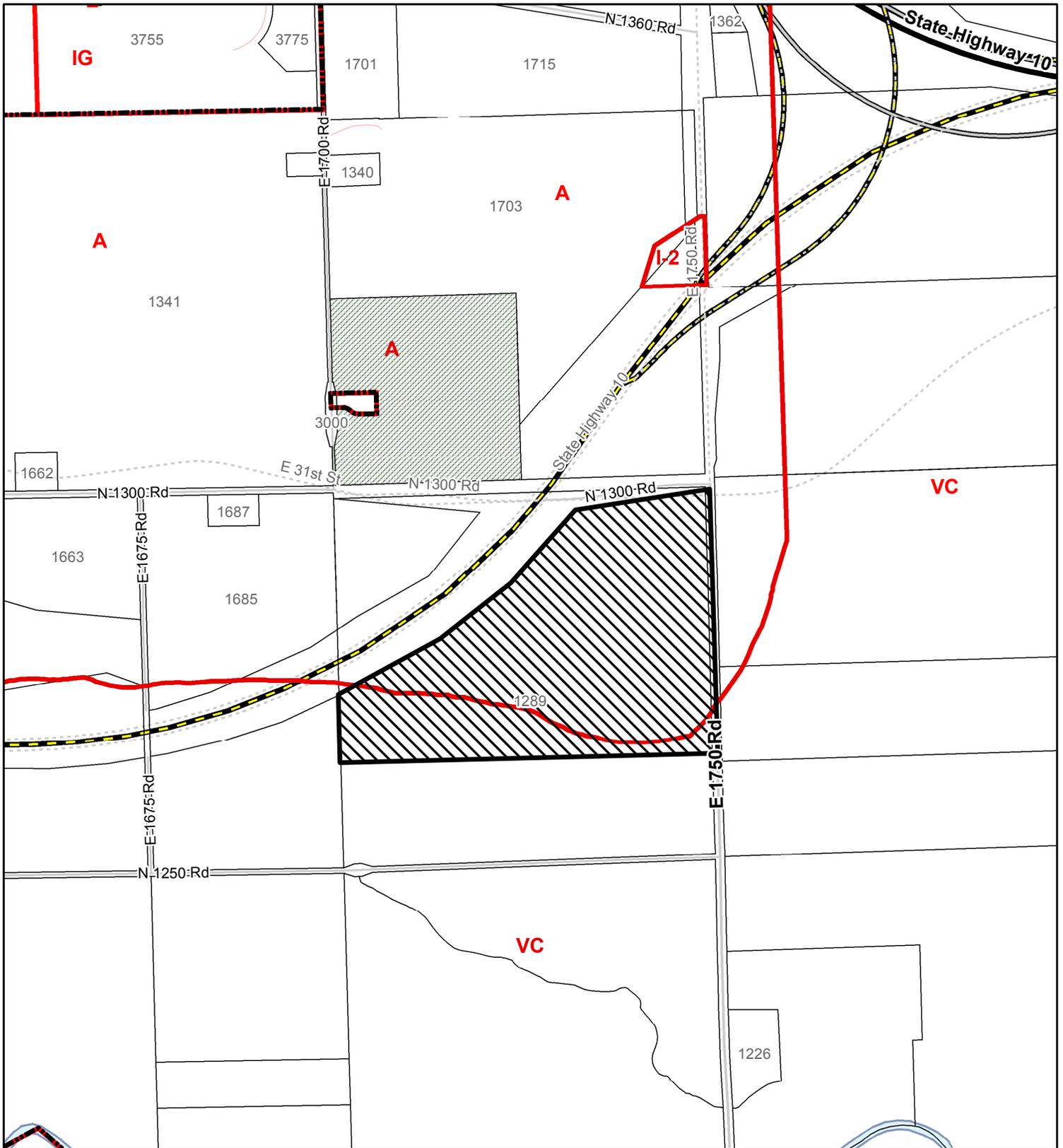
© Landplan Engineering, P.A. 2015. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photocopied, traced, or copied in any manner without the written permission of Landplan Engineering, P.A.

**PRELIMINARY PLAT
FOUR KING'S SUBDIVISION
IN THE NORTHWEST QUARTER (NW 1/4)
OF SECTION 15-T13S-R20E
DOUGLAS COUNTY, KANSAS**

REV	DATE	DESCRIPTION
1	2/22/16	ISSUING NOTE
2	3/24/16	ADDITIONAL R/W
3	3/31/16	OWNERS UPDATE
4	4/13/16	CITY COMMENTS

DATE:	2/22/2016
PROJECT NO.:	133027
DESIGNED BY:	
DRAWN BY:	DV
CHECKED BY:	JJ

ISSUE	SHEET NO.
A	1
OF	1 SHEETS



Z-16-00067: Rezone Approximately 77.5 acres from County A District and County VC District to County I-3 District
PP-16-00068: Preliminary Plat for Four King's Subdivision
CUP-16-00069: Conditional Use Permit for King's Recycling Center Located on the Southwest Corner of E 1750 Road and N 1300 Road



PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
4/25/16

ITEM NO. 5C CONDITIONAL USE PERMIT; KING’S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

CUP-16-00069: Consider a Conditional Use Permit for King’s Recycling Center, located at N 1300 Rd & E 1750 Rd. The CUP proposes the operation of a borrow pit and recycling of construction materials, as well as continued residential and agricultural uses on the property. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

STAFF RECOMMENDATION: Staff provides the following recommendations on the items included in the CUP plans:

1. Staff recommends approval of the Conditional Use Permit for the Borrow Pit.
2. Staff recommends approval of the Conditional Use Permit for the residence within an Industrial Zoning District, if the I-3 Zoning request is approved.
3. Staff recommends denial of the site plan for the recycling facility *unless* the I-3 Zoning request is approved. If the I-3 Zoning request is approved, staff would recommend approval of the site plan.

These recommendations are subject to the following conditions:

1. The Conditional Use Permit shall be administratively reviewed every 5 years. The Conditional Use Approval for the borrow pit use shall expire 10 years from the date of the Board of County Commissioner’s approval.
2. Commercial truck traffic to the facility is limited to the following roads:
E 1750 Road/Noria Road; N 1400 Road (Old K-10 Highway); E 1700 Road; K-10 Highway east or west.
3. Only clean construction rubble shall be stockpiled or processed on the site.
4. Well water usage is limited to the office and employees until the property is serviced by a Rural Water District.
5. The borrow pit shall be excavated no deeper than Elev. 800 Ft. (NAVD).
6. Provision of a revised CUP plan with the following changes to the landscaping, per Planning approval:
 - a. Provide a mix of evergreen and deciduous trees for screening landscaping along N 1300 Road.
 - b. Revise the landscaping shown along E 1750 Road to include evergreen trees west of the street trees that are shown and to extend the landscaping to the north property line.
 - c. Label the species of the trees along E 1750 Road to match those listed on the Master Street Tree Plan, when approved.
 - d. List Conditions No. 1-5 on the plan.

Reason for Request: *“Develop a Recycle Center for Construction Material.”*

KEY POINTS

- The application is for the approval of two Conditional Uses, a borrow pit which is classified as a *Mining and Excavation* use and a residence that, if the property is rezoned to an industrial district, requires approval as a Conditional Use. This report will evaluate these two Conditional Uses for conformance with the Golden Factors. The CUP plans include the construction materials recycling facility, that will be located on the site if the associated rezoning request to the I-3 District is approved. The recycling facility will not be included in the discussion of the Golden Factors in this report, as it was included in the discussion in the I-3 rezoning report, but will be discussed in the Site Plan section at the end of the report.
- A Borrow Pit is classified as a *Mining and Excavation* use and requires approval of a Conditional Use Permit. Borrow pits associated with the K10 Bypass (SLT) were approved through the Temporary Business Permit process. A Temporary Business Permit requires approval of the Board of County Commissioners but does not require a public hearing before the Planning Commission. This process was used for these borrow pits to expedite the reviews in conjunction with KDOT's construction schedule for the bypass. This borrow pit was approved with Temporary Business Use Permit ZTBU-2013-0006 on November 27, 2013. This permit will expire on October 21, 2016. The continued use of the borrow pit beyond that date requires approval of a Conditional Use Permit.
- A caretaker or manager's residence is permitted in the I-3 District; however, a single-family residence that is not accessory to an industrial use requires approval of a Conditional Use Permit. The residence on the site is not planned to serve as a caretaker or manager's residence; therefore, it is included in the Conditional Use Permit application. A Conditional Use Permit is required for the residence only if the I-3 Zoning request is approved.
- The recycling facility will include an office, scale house, rock crusher, and stockpile/sales areas for raw and recycled construction materials. The recycling of construction materials is not specifically defined in the list of permitted uses, but is most similar to the *Concrete Central Mixing And Proportioning Plant* in operational characteristics and impacts. These uses are permitted in the I-3 District with approval of a site plan.

ATTACHMENT

- A --CUP Plans
- B --Traffic Impact Study (TIS)

OTHER ACTION REQUIRED

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

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (County-Floodway Fringe Overlay) District;

Residential Detached Dwelling, Mining and Excavation (borrow pit), and *Agriculture*. A rezoning request to the I-3 (Heavy Industrial) District has been submitted and is being considered by the Planning Commission at their April meeting concurrently with this Conditional Use Permit application.

Surrounding Zoning and Land Use: (Figure 1)

To the north: A (County-Agricultural) District with F-F (Floodway Fringe) Overlay District / and GPI (City-General Public and Institutional Uses) District; *Agriculture, Residential Detached Dwelling*, undeveloped City park, the SLT/K10 Highway, / and a sanitary sewer pump station, a *Minor Utility*, in the GPI District.

To the west: A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; *Agriculture*, the SLT/K-10 Highway, and *Residential Detached Dwelling*.

To the south: V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts / and GPI-FP (City-General Public and Institutional Uses with Floodplain Management Regulations Overlay District); *Agriculture*, the Wakarusa River corridor / and a City Wastewater Treatment Facility, a *Major Utility*, currently under development in the GPI-FP District.

To the east: A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; *Agriculture*, northern parcel has Conditional Use approval for a soccer facility, *Athletic Field*.

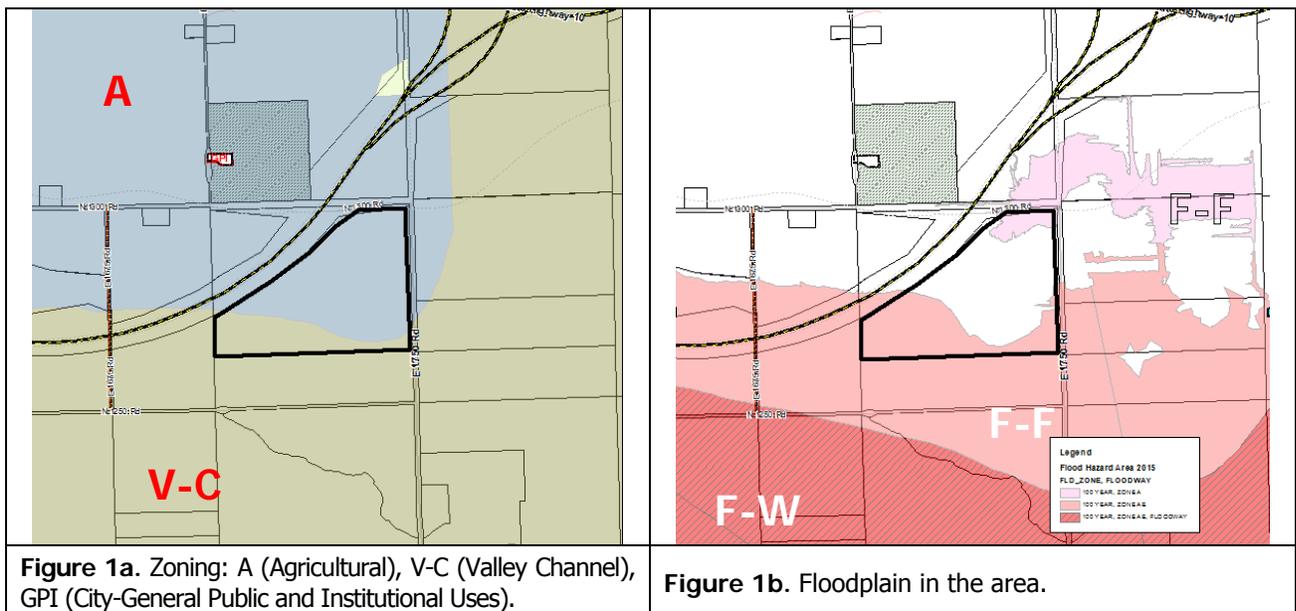




Figure 1c. Land Use in the area.

Summary of Request

The subject property, approximately 76 acres, is intended to be used for the storage of raw and processed construction materials associated with a construction materials recycling facility. A rock crusher will be on site to process the raw construction materials. A shop facility and a truck/equipment storage area will be included with the recycling facility. A borrow pit was approved for the property with the construction of the SLT/K10 Highway with a Temporary Business Permit to accommodate the construction schedule for the SLT/K10 highway. The continued use of the property for a borrow pit would require approval of a Conditional Use Permit (CUP). An existing residence on the site will remain. Some of the proposed uses require a rezoning to the I-3 (Heavy Industrial) District and site plan approval, and some require approval of a Conditional Use Permit. The following table lists the proposed uses and what approvals are required for each:

USE	Current A Zoning	Proposed I-3 Zoning
Residence	Permitted, no Planning Approvals required	CUP
Borrow Pit	CUP	CUP
Recycling Facility	Not allowed	Site Plan

The applicant indicated that the facility would recycle only clean construction rubble, no other materials will be brought to or stored on the site. The Kansas Department of Health and Environment define Clean Rubble as: "... *the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock, and uncontaminated soil as defined in rules and regulations adopted by the secretary.*" Clean Rubble will be brought to the site and a rock crushing plant will reduce the rubble into more usable sizes for resale and reuse. The facility will include stockpile areas for both raw and processed materials. The processed materials will be used for construction projects in the area and will also be available for sale to the public. A truck parking area, scale house and office will be constructed on the access drive to N 1300 Road. The facility will be open for operation on weekdays and some Saturdays as necessary for projects and is expected to be staffed by five employees. The plan shows that portions of the borrow pit will be, or have been, reclaimed for agricultural use and where the borrow pit will be reclaimed as ponds. Information provided with the preliminary plat application noted that the elevation of the water table was approximately 25 ft below grade level on the south side of the property and approximately 50 to 60 ft in the center portion of the property. The City GIS maps show the elevation of the property ranging from 812 at the lowest point to 836 at the highest. The CUP site plan shows the bottom elevation of the ponds as 800, which would be above the water table. The depth of excavation should be limited to 800 to insure the borrow pit does not impact the water table.

CONDITIONAL USES:

The following proposed uses are permitted in the I-3 District when approved with a Conditional Use Permit, as noted below:

- 12-319-4.04 Single-Family Dwellings in an Industrial District***
- 12-319-4.05 Mining and Excavation***

USES PERMITTED WITH SITE PLAN APPROVAL IN THE I-3 DISTRICT

A construction material recycling facility is not listed in the list of uses permitted in the I-3 District; however, the recycling facility has been determined to be similar in characteristics and impacts to a concrete mixing plant which is permitted in the I-3 District.

- 12-313-2.05 Concrete central mixing and proportioning plant***

The proposed conditional uses, borrow pit and residence in an industrial district, have been reviewed with the following criteria provided in Section 12-319-1.02 of the Zoning Regulations:

I. ZONING AND USES OF PROPERTY NEARBY

Nearby property is zoned A (Agricultural), V-C (Valley Channel), F-F (Floodway Fringe Overlay) and F-W (Floodway Overlay) Districts and is used primarily for *Agriculture*. A Conditional Use Permit application for a soccer complex for the property to the east of the subject property was approved by the Board of County Commissioners in February 2016, but the complex hasn't yet been developed. An approximately 40 acre parcel to the northwest of the subject property is designated as a future City park. Approximately one acre of this park area was annexed into the City of Lawrence through an island annexation, rezoned to GPI (General Public and Institutional Uses) District and developed with a City sanitary sewer pump station. Approximately 77 acres to the north of the subject property is owned by Unified School District No. 497. Plans have not been submitted for this property, but it is possible that it could be developed with a public school. (Figure 2)

Staff Finding –Surrounding land uses are predominantly agricultural in nature. There are proposed recreational uses to the north and east of the subject property (soccer complex and future City parkland) as well as a private wildlife conservation area to the east, beyond the soccer facility. The proposed Conditional Uses should be compatible with the zoning and uses in the area.

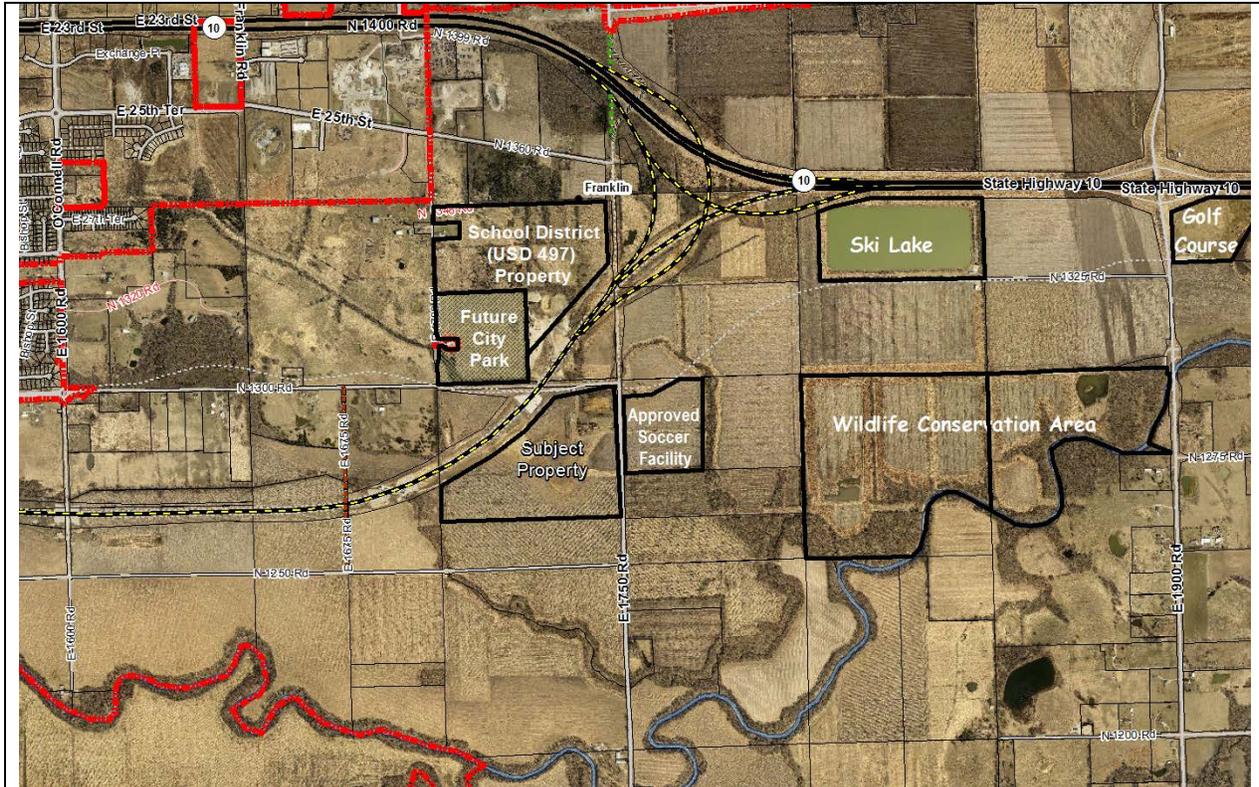


Figure 2. Recreational Uses or Open Space in the area. City limits dashed red lines.

II. CHARACTER OF THE AREA

The property is located within the Urban Growth Area boundaries of the City of Lawrence and is approximately 1 mile east of the city limits. The area is divided from the southwest to the northeast by the SLT/K10 Highway and is bounded on the south by the Wakarusa River Corridor and floodplain. While agriculture is the predominate land use, recreation and open space is also present or planned in the area. A soccer facility to the east of the subject property has development approvals and a wildlife conservation area is located further to the east (Figure 2). A ski lake and a driving range are located in the northeast portion of the area. Future City parkland is north of the subject property and is adjacent to property that is owned by Unified School District #497. The area is also characterized by the Wakarusa River Floodway and Floodplain. Figure 3 shows the future land uses recommended in the adopted Southeast Area Plan. Land to the north and northwest of the subject property is designated in the plan as park/open space (green), and varying densities of residential uses (yellow, tan and brown). Industrial uses and a limited amount of commercial uses are shown to the north, near the main leg of the K10 highway.

Staff Finding – The area is rural in character with agriculture being the predominate land use. The area contains the following open space recreational facilities: ski lake, and a wildlife conservation area. The following future open space recreational facilities are planned in the area:

city park, soccer facility, and areas denoted in the Southeast Area Plan as linear parks. The SLT/K10 bypass was recently constructed through the area to connect with K10 Highway to the north. The uses which require approval as Conditional Uses, the residence in the Industrial District and the borrow pit, should be compatible with the current and future surrounding land uses. The area is currently rural in nature but is expected to urbanize.

Expiration dates are often applied to Conditional Uses so they may be re-evaluated to determine if they remain compatible with the development in the area. A borrow pit is an appropriate temporary use, but should have a limited time frame for operation (ten years) so the compatibility of the use can be re-evaluated with the character of the area at that time.

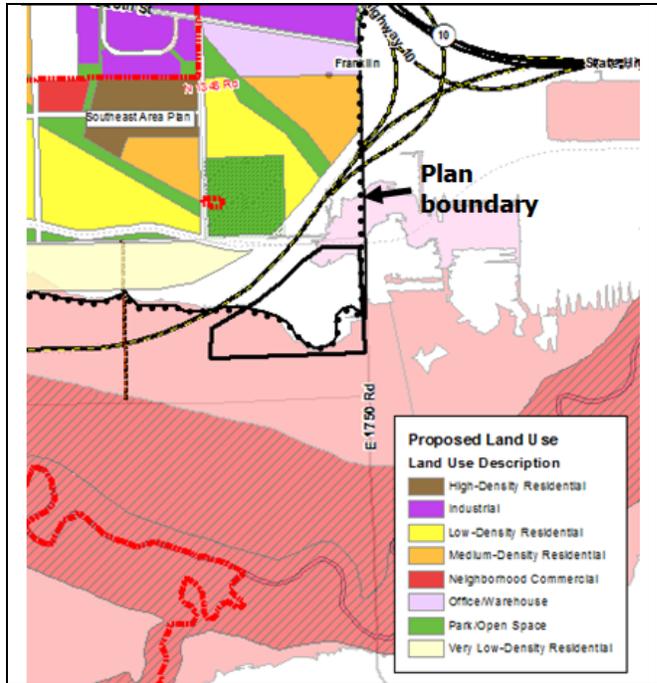


Figure 3. Land uses proposed in the Approved Long Range plan for the area to the north and west.

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

Applicant's Response:

"The purpose is to provide a service in the community to recycle construction waste without filling up the existing landfills."

The subject property is zoned A (Agricultural) and V-C (Valley Channel).

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

The property is relatively level, as shown in Figure 4, and contains an active borrow pit and a residence. The property is well suited for these uses.

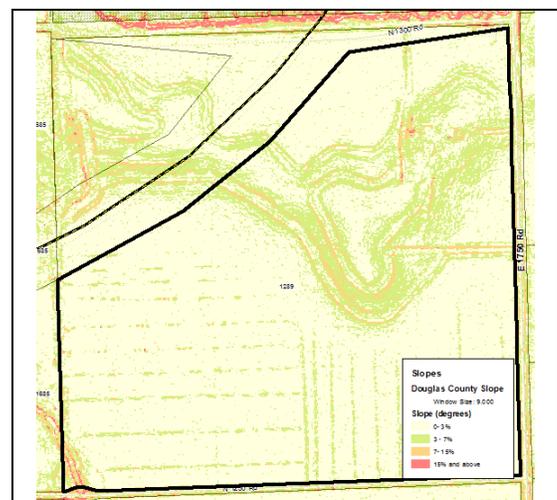


Figure 4. Topography of site.

Staff Finding – The property is well suited for the uses to which it is restricted with the A and V-C Zoning and for the uses which would require Conditional Use Approval: a borrow pit, *Mining and Excavation* and a *Residence in an Industrial Zoning District*.

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

Staff Finding – The property is not vacant. The Douglas County Appraiser's records indicate that the residence on the property was built in 1920. A Temporary Business Permit was administratively approved by the Zoning and Codes Director for a borrow pit on November 27, 2013.

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

Applicant's Response:

"This area has been used as a borrow area for the past two years for the development of the South Lawrence Trafficway."

Section 12-319-1.01 of the County Zoning Regulations recognize that *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The residence and borrow pit are included in the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as *Single-family Dwellings in an Industrial District*, and *Mining and Excavation*.

No negative impact is expected from the continued use of the residence. The borrow pit has been in operation for approximately two years. Impacts from a borrow pit are usually related to the truck traffic to and from the site. When the borrow pit was used for the construction of the SLT/K10 highway, the truck traffic was kept fairly local. It is expected that additional truck traffic will occur through the area with the operation of the borrow pit for other projects. A Traffic Impact Study provided with the application indicated that the road network was adequate for the proposed uses, including the recycling facility and that no improvements were needed.

The Traffic Study evaluated the impacts of the trips to be generated by this development on the following intersections:

- a. E 1750 Road (Noria Road) and N 1300 Road;
- b. E 1750 Road (Noria road) and N 1360 Road;
- c. E 1750 Road (Noria Road) and County Road 442 (N 1400 Road); and
- d. N 1300 Road and E 1700 Road.

The recommendations for improvement were related to signage and trimming of vegetation. No physical changes were recommended to the intersections.

The study noted that the truck route would be from the entrance off N 1300 Road, then east to E 1750 Road (Noria Road) then north to N 1400 Road (Old Hwy 10), east to E 1900 road, then south to the K-10 Highway. (Figure 5) This truck route should be noted on the plan.

The study concluded that the facility would have no negative impact on the nearby roads but did recommend that the first 100 ft of the driveway be paved to insure gravel is not tracked on to N

1300 Road. The access drive into the site will be concrete for approximately 500 ft. Dedicated turn lanes are not warranted at this time, but the study recommended the need be re-evaluated as the background traffic grows with new developments in the area.

Another potential for negative impacts with this type of use is the glare or light trespass from exterior lighting. The applicant indicated that 40 watt exterior wall mounted lighting is being proposed

and lighting spec sheets have been provided to the Planning Office. The lighting should not result in off-site glare or light trespass. In staff's opinion, the borrow pit and the residence, the Conditional Uses, would have noise levels that are compatible with existing nearby land uses.

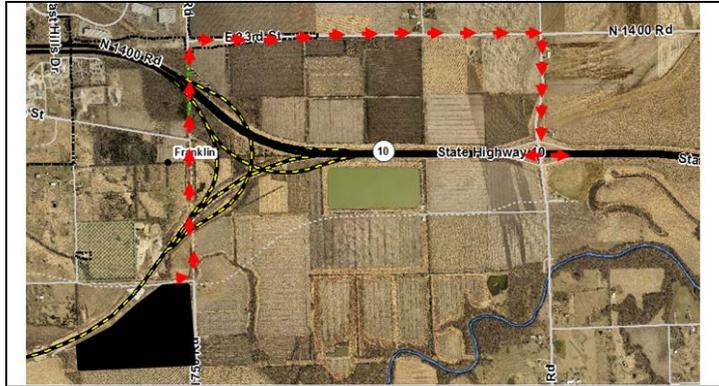


Figure 5. Truck Route shown in red.

The Conditional Uses should be administratively reviewed by the Zoning and Codes Office every 5 years to insure compliance with the standards of the Conditional Use Permit. Expiration dates are often applied to Conditional Uses so they may be re-evaluated to determine if they remain compatible with the development in the area. The borrow pit is compatible with the current development, but may become incompatible as the area develops further. A 10-year expiration on the borrow pit use is recommended.

Staff Finding – The County Engineer indicated that the expected traffic for the facility can be accommodated without any road improvements. Due to the agricultural nature of the nearby properties and the fact that the residence has been on the site since the 1920s and the borrow pit has been in operation for two years, the activities related to the borrow pit and residence should have no negative impact on nearby properties. The CUP for the borrow pit should have a ten year expiration date so the compatibility of the use can be re-evaluated with the development of the area at that time.

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:

"This business has provided an outlet that has not been available to the construction industry for a long time. This will also slow down the filling of our landfills in the area."

Approval of the request for the Conditional Uses would allow the continued use of the residence following rezoning to the I-3 District and the continued use of the borrow pit. The borrow pit would provide soil for projects throughout the area which would benefit the public welfare.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request for the Conditional Uses (residence and borrow pit) as these are currently in existence and have relatively low impacts on nearby properties.

Staff Finding – In staff's opinion, there would be no gain to the public health, safety, and welfare by the denial of the request for the Conditional Uses: the residence and the borrow pit, as they are both low impact uses. The hardship to the property owner of denial would be that the

residence could not continue to be used--if the zoning to the I-3 District is approved. If the Conditional Use for the borrow pit is denied, the borrow pit use would end with the expiration of the Temporary Business Permit on October 21, 2016.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The area is generally in agricultural land use with adjacent land use zoned for industrial land use with the East Hills Business Park to the north along with other industrial uses in the area."

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not directly address Conditional Use Permits; however it does contain recommendations for properties within the Urban Growth Area in Chapter 4, Growth Management. The plan recommends that the Urban Growth Area not be developed to urban densities until infrastructure is in place and recommends that developing properties be annexed. The CUP proposal will maintain the existing rural residence and agricultural uses and the borrow pit, which would not require the extension of infrastructure. The proposed uses are compliant with the comprehensive plan recommendations for properties within an Urban Growth Area.

Staff Finding –The proposed Conditional Uses are in compliance with recommendations in the Comprehensive plan regarding development within the Urban Growth Area.

CUP/SITE PLAN REVIEW

This portion of the report will evaluate the site plan for the residence, borrow pit and the recycling facility. The review will include the conditions listed in Section 12-319A-5 of the Zoning Regulations for site plan approval.

The development area contains approximately 77.5 acres and includes the following new and converted buildings (Figure 6):

1. Scales will be installed and a 12 ft x 33 ft (396 sq ft) equipment building with an office will be constructed to the east side of the access from N 1300 Road.
2. New shop building, 50 ft x 65 ft (3,250 sq ft).
3. Existing 1 story tin outbuilding, 40 ft x 61 ft (2440 sq ft), that will be used for storage. (This change in use and modifications to the building may require a building permit from the Zoning and Codes Office.)
4. Existing residence on east side of property, with access to E 1750 Road.

Other features of the plan include:

5. Gravel parking area for trucks, 381.5 ft x 255. 22 ft (97,366 sq ft).
6. 25 ft wide access drive from N 1300 Road which will be concrete for approximately 500 ft.
7. A temporary access drive will circle the stockpiles and the stockpile pens for loading and customer pick-up.
8. Reclaimed pond areas near the north end of the property. One with reclamation complete and another labeled 'to be reclaimed with topsoil'.
9. Landscaping is provided along the SLT/K10 Highway and E 1750 Road. (Landscaping is discussed in detail later in this report.)

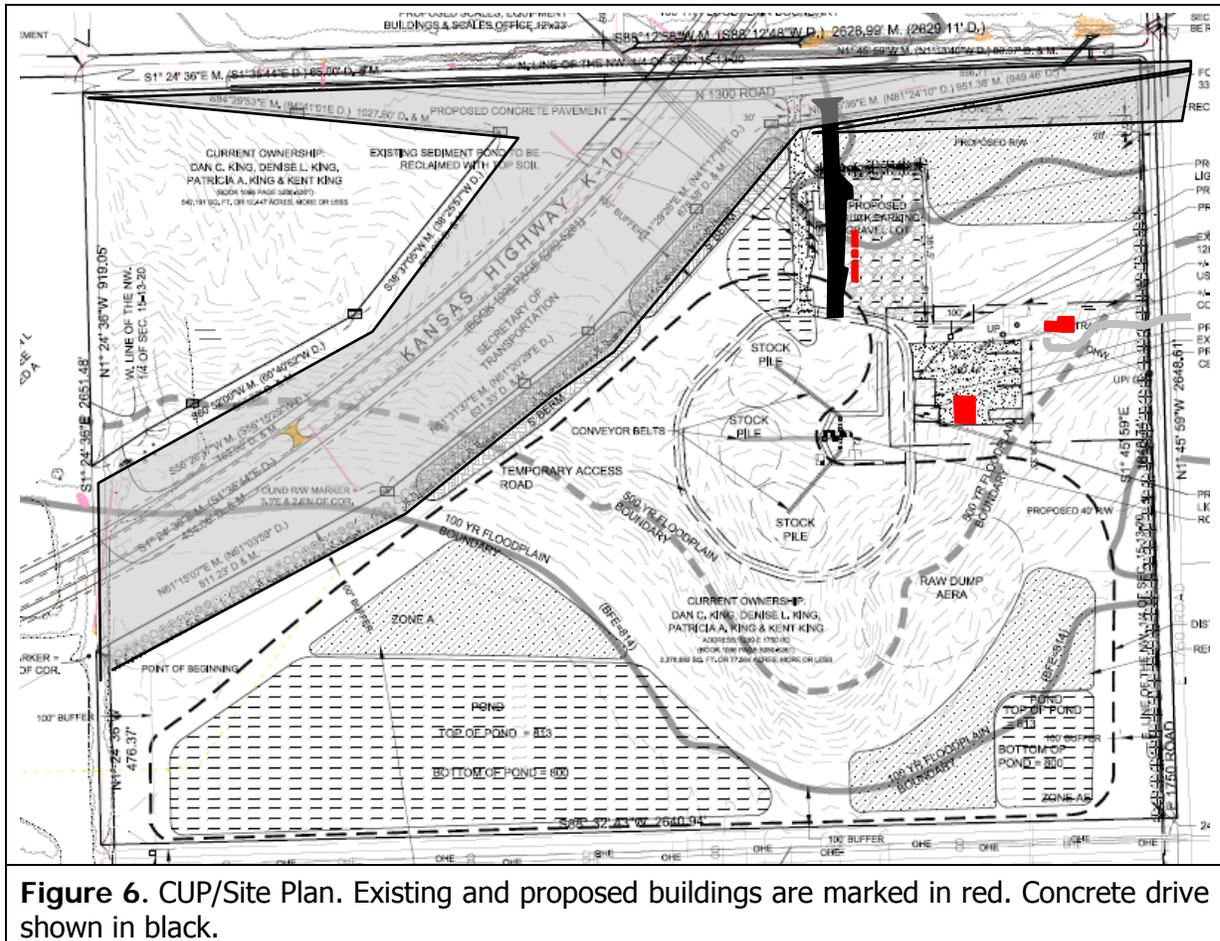


Figure 6. CUP/Site Plan. Existing and proposed buildings are marked in red. Concrete drive shown in black.

Height, Area, and Density Standards: The I-3 District requires the following minimum setbacks: 25 ft front yard, 10 ft side yard, 20 ft rear yard. The buildings located on the site will observe these setbacks.

Parking and Access: The Zoning Regulations require 1 parking space per residence. The current parking for the residence meets this requirement. The borrow pit and recycling facility would be included in the parking use classification of manufacturing or industrial establishment which requires 1 parking space per 2 employees. The Traffic Impact Study noted that there would be 5 employees; therefore, 3 parking spaces are required. The parking will occur in the truck parking area. Employee parking spaces should be shown on the plan and marked on the site.

Water/Sewage Management: Rural water is not currently available in this area. The applicant intends to use well water for employees and in the office. Water for the rock crusher shall be brought to the site, or water may be used from the on-site ponds. The conditions should note that well water usage is limited to only the employees and office use.

The residence will continue to take access from the existing drive on E 1750 Road. The plan notes that this access is for 'residential use only'. The borrow pit and recycling facility uses will take access from N 1300 Road. The location of the access was approved by the County Engineer as it places the access as far from the N 1300 Road / E 1750 Road intersection as possible.

Screening:

The plan shows landscaping along the SLT/K10 right-of-way and along E 1750 Road. A mix of trees and shrubs are shown along the SLT/K10 right-of-way; however, with the highway being elevated it is unlikely that the shrubs would contribute to the buffering effect. The majority of the trees shown are deciduous. A mix of evergreens and deciduous trees would provide a more effective year-round buffer. This landscaping should be revised to include an even mix of evergreen and deciduous trees. The species for the trees along E 1750 Road are not identified at this time as the species that are approved with the Master Street Tree Plan with the final plat will be used. Evergreen trees in this location will also provide a more effective year round buffer; however, they are not acceptable as street trees. In addition to the trees shown on the plan, additional evergreen trees should be included behind the street trees to provide a buffer from noise and dust.

The plan proposes an area of approximately 2 acres for truck/equipment storage south of N 1300 Road. This area will be visible from N 1300 and E 1750 Roads and should be screened with landscaping. A mix of deciduous and evergreen trees should be provided along N 1300 Road for screening of this equipment area and other activities on the site.

Site Plan Conditions of Approval:

The following is a summary of the site plan review with the conditions of approval listed in Section 12-319A-5 of the Zoning Regulations.

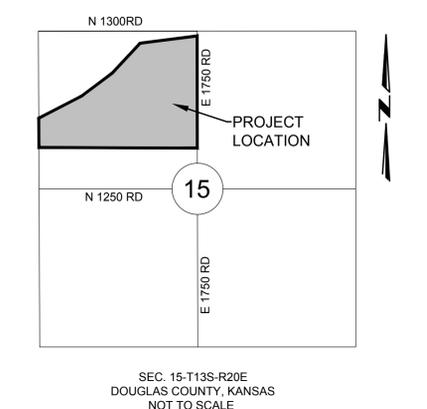
1. The proposed uses are allowed in the zoning district. (The recycling facility requires rezoning to the I-3 District. The borrow pit and the residence are permitted in either the current zoning district or the proposed I-3 District, either by right or with a CUP)
2. The proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses. While the noise and activity associated with the proposed recycling facility may not be compatible with adjacent land uses, the proposed layout of the site is compatible.
3. That the vehicular ingress and egress and circulation within the site provides for safe, efficient and convenient movement of traffic not only with the site but on adjacent roadways as well. The industrial and residential uses will utilize separate access points. The access on N 1300 Road was located to provide as much separation from the N 1300/E 1750 intersection as possible. A concrete access drive will provide access to the truck parking and to the temporary access drive to the stockpile areas.
4. That the site plan provides for the safe movement of pedestrians within the site. No pedestrians are anticipated with this use.
5. Sufficient mixture of grass, trees, so the development is in harmony with adjacent land uses and will provide a pleasing appearance to the public. Additional landscaping is recommended in the event the I-3 rezoning request allowing the recycling facility is approved; however, in staff's opinion, landscaping cannot adequately buffer or screen the open air recycling facility. The landscaping is adequate for the borrow pit and residence.

Conclusion

The Conditional Uses proposed comply with the County Zoning Regulations and the land use recommendation of *Horizon 2020*. These uses, as conditioned, should be compatible with the surrounding land uses.

The recycling facility, which requires I-3 zoning, may have impacts on nearby properties. These impacts were discussed in the I-3 rezoning staff report. Staff is recommending denial of the rezoning request, but provided this site plan review in the event the Commission determines the rezoning and use are appropriate.

Location Map

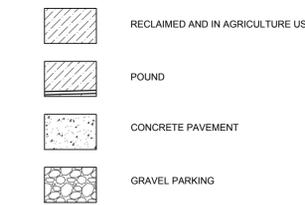


Civil Engineering
Landscape Architecture
Community Planning
Surveying

1310 Wakarusa Drive
Lawrence, KS 66049
Tel: (785)846-7500
Fax: (785)846-7500
Web: www.landplan.com

Landplan Engineering, A.
Lawrence, KS • Kansas City, MO • Manhattan, KS
Blue Springs, MO • The Woodlands, TX

Legend



General Notes

- OWNER: DAN C. KING, DENISE L. KING, PATRICIA A. KING, KENT KING
2015 WALNUT STREET
OSKALOOSA, KANSAS 66066-4000
- LAND PLANNER/ENGINEER: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KS 66049
 - TOPOGRAPHIC INFORMATION OBTAINED FROM 2012 DOUGLAS COUNTY LIDAR AERIAL DATA.
 - EXISTING LAND USE: BORROW PIT / AGRICULTURAL / SINGLE FAMILY
 - PROPOSED LAND USE: RECYCLE CENTER, AGRICULTURAL, BORROW PIT, SINGLE FAMILY
 - EXISTING ZONING: AGRICULTURAL / VALLEY CHANNEL
 - PROPOSES ZONING: I-3
 - PROPOSED OPERATION OF THE BORROW PIT:
REMOVE MATERIAL FROM BORROW PIT, DELIVER TO CONSTRUCTION SITE, DEVELOP POND, STABILIZE ALL DISTURBED AREAS, RECYCLE CONSTRUCTION MATERIAL (CONCRETE, BRICK, ASPHALT, CONCRETE BLOCKS, STONE).
 - A STORMWATER POLLUTION PREVENTION PLAN (SWP3) HAS BEEN SUBMITTED TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KHEM) AND IS ON FILE.
 - A KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES PERMIT IS NOT REQUIRED AS ONLY BORROW, NO FILL, WILL OCCUR AT THE SITE.
 - HOURS OF OPERATION MON-FRI 7:00AM-4:00PM, OCCASIONALLY SAT 7:00AM-12:00AM

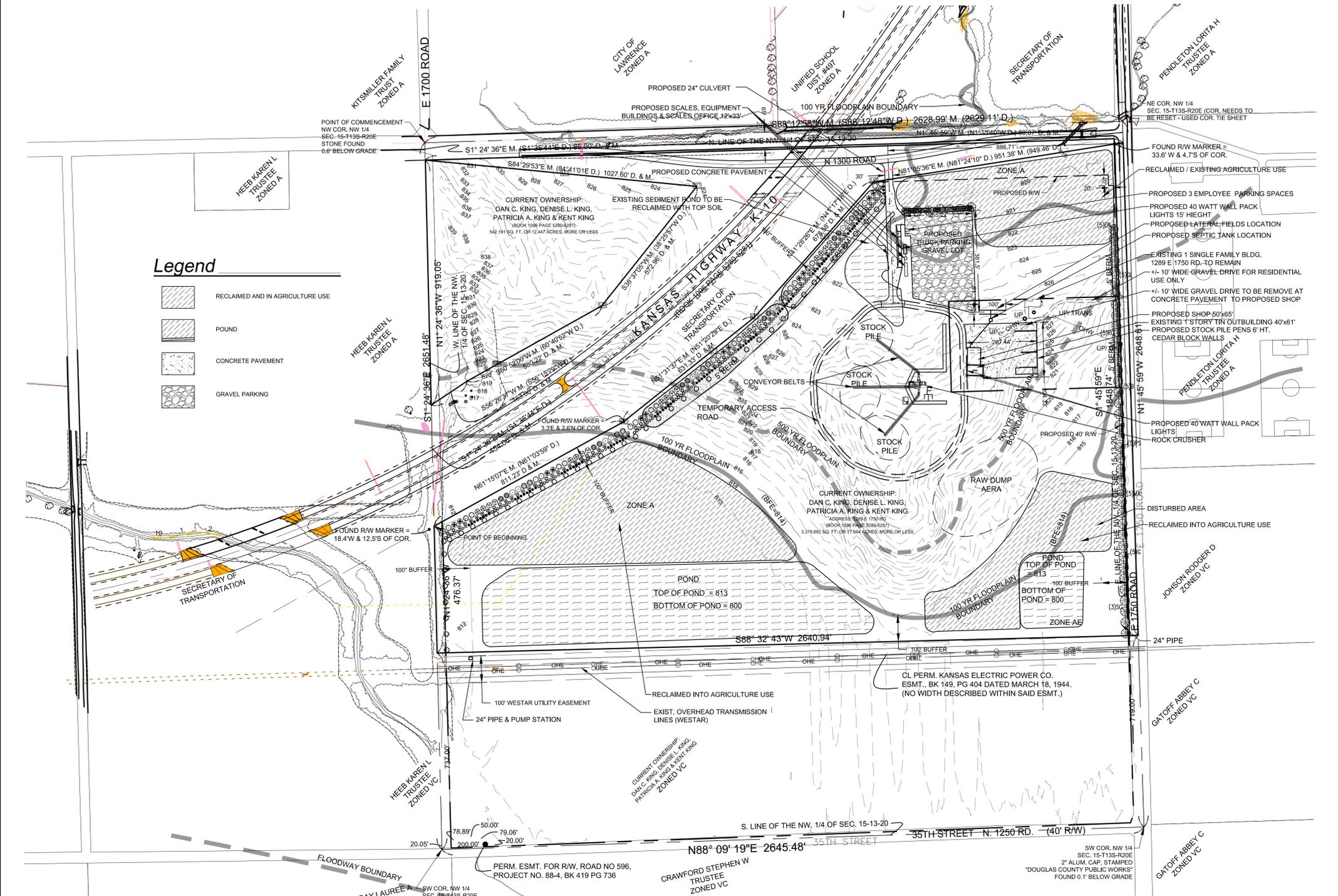
Site Summary

GROSS AREA:	3,378,692 SF / 77.564 AC
RIGHTS-OF-WAY AREA:	60,937 SF / 1.399 AC
NET AREA:	3,317,755 SF / 76.165 AC
AVG. LOT SIZE:	3,317,755 SF / 76.165 AC
TOTAL LOTS:	1

Legal Description

LOT 1
ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 20 EAST IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE SOUTH 01 DEGREE 24 MINUTES 36 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1438.11 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF KANSAS HIGHWAY K-10 AS DESCRIBED IN GENERAL WARRANTY DEED, BOOK 1096 AT PAGE 5280-5281, DATED JANUARY 8TH, 2013 RECORDED IN SAID COUNTY AND STATE AND THE POINT OF BEGINNING; THENCE NORTH 61 DEGREES 15 MINUTES 07 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 811.23 FEET; THENCE NORTH 51 DEGREES 31 MINUTES 37 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 631.33 FEET; THENCE NORTH 41 DEGREES 28 MINUTES 26 SECONDS EAST CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 678.58 FEET; THENCE NORTH 81 DEGREES 05 MINUTES 36 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 951.38 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, ALSO BEING 80.87 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01 DEGREE 45 MINUTES 59 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1848.74 FEET TO A POINT 50 FEET NORTHERLY OF THE CENTERLINE OF A KANSAS ELECTRIC POWER COMPANY EASEMENT, AS DESCRIBED IN BOOK 149 AT PAGE 404, DATED MARCH 18, 1944 AND RECORDED IN SAID COUNTY AND STATE (NO WIDTH DESCRIBED IN SAID EASEMENT); THENCE SOUTH 88 DEGREES 32 MINUTES 43 SECONDS WEST, BEING 50 FEET NORTHERLY OF AND PARALLEL WITH THE CENTERLINE OF SAID ELECTRIC EASEMENT, A DISTANCE OF 2640.94 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE NORTH 01 DEGREE 24 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 476.37 FEET TO THE POINT OF BEGINNING, CONTAINING 3,378,692 SQUARE FEET OR 77.564 ACRES, MORE OR LESS.

**KING'S RECYCLE CENTER
BORROW AREA, SINGLE FAMILY HOME
DOUGLAS COUNTY, KANSAS
N1250 ROAD AND E 1750 ROAD**



Plant Schedule

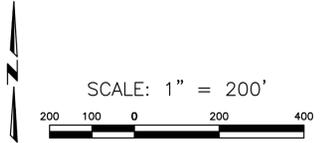
SYMBOL	PROPOSED QTY.	SPECIES	SIZE	COND.
DECIDUOUS TREES				
[Symbol]	10	HACKBERRY CELTIS OCCIDENTALIS	MIN. 2.5" CAL.	B&B
[Symbol]	10	SKYLINE HONEY LOCUST GLEDITSIA TRIACANTHOS 'SKYLINE'	MIN. 2.5" CAL.	B&B
[Symbol]	10	PIN OAK QUERCUS PALUSTRIS	MIN. 2.5" CAL.	B&B
[Symbol]	10	RED OAK QUERCUS RUBRA	MIN. 2.5" CAL.	B&B
[Symbol]	10	BUR OAK QUERCUS MACROCARPA	MIN. 2.5" CAL.	B&B
[Symbol]	12	HICKORY CARYA	MIN. 2.5" CAL.	B&B
[Symbol]	12	EASTERN COTTONWOOD POPULUS DELTOIDES	MIN. 2.5" CAL.	B&B
[Symbol]	12	LACEBARK ELM ULMUS PARVIFOLIA	MIN. 2.5" CAL.	B&B

SYMBOL	PROPOSED QTY.	SPECIES	SIZE	COND.
ORNAMENTAL TREES				
[Symbol]	22	AMUR MAPLE (CLUMP) ACER GINNALA	MIN. 2" CAL.	B&B
[Symbol]	32	RED BUD CERCIS CANADENSIS	MIN. 2" CAL.	B&B
[Symbol]	22	CRABAPPLE MALUS SP.	MIN. 2" CAL.	B&B
[Symbol]	10	AMERICAN PLUM PRUNUS AMERICANA	MIN. 2" CAL.	B&B
EVERGREEN TREES				
[Symbol]	20	CANEART JUNIPER JUNIPER VIRGINIANA 'CANEARTII'	MIN. 2" CAL.	B&B
[Symbol]	64	KETELEERI CHINESE JUNIPER JUNIPER CHINENSIS KETELEERI	MIN. 2" CAL.	B&B
[Symbol]	44	BALD CYPRESS TAXODIUM DISTICHUM	MIN. 2" CAL.	B&B
[Symbol]	97	EASTERN RED CEDAR JUNIPER VIRGINIANA	MIN. 2" CAL.	B&B

SYMBOL	PROPOSED QTY.	SPECIES	SIZE	COND.
DECIDUOUS SHRUBS				
[Symbol]	10	LITTLE PRINCESS SPIREA SPIRAEA JAPONICA 'LITTLE PRINCESS'	36" MIN.	CONT.
[Symbol]	7	BOTTOMBUSH CEPHALANTHUS OCCIDENTALIS	36" MIN.	CONT.
[Symbol]	10	LYNWOOD GOLD FORSYTHIA FORSYTHIA X INTERMEDIA 'LYNWOOD'	36" MIN.	CONT.
[Symbol]	12	MARIESII VIBURNUM VIBURNUM PLICATUM VAR. TOMENTOSUM 'MARIESII'	36" MIN.	CONT.
[Symbol]	12	CHICKENBERRY ARONIA	36" MIN.	CONT.
[Symbol]	5	FRAGRANT SUMAC RHUS AROMATICA	36" MIN.	CONT.

Master Street Trees

SYMBOL	PROPOSED ID QTY.	SPECIES	SIZE	COND.
[Symbol]	5	GL GREENSPIRE LINDEN TILIA CORDATA 'GREENSPIRE'		
[Symbol]	5	B BALDYPRESS TAXODIUM DISTICHUM		
[Symbol]	5	RO NORTHERN RED OAK QUERCUS RUBRA		
[Symbol]	5	PS PACIFIC SUNSET MAPLE ACER TRUNCATUM X PLATANODES 'WARRENRED'	MIN. 2.5" CAL.	B&B
[Symbol]	5	AM AMUR MAPLE ACER GINNALA		
[Symbol]	5	ER EASTERN REDBUD CERCIS CANADENSIS		
[Symbol]	5	G GOLDENRAIN TREE KOELREUTERIA PANICULATA		
[Symbol]	3	SC SNOWDRIFT CRABAPPLE MALUS SNOWDRIFT		



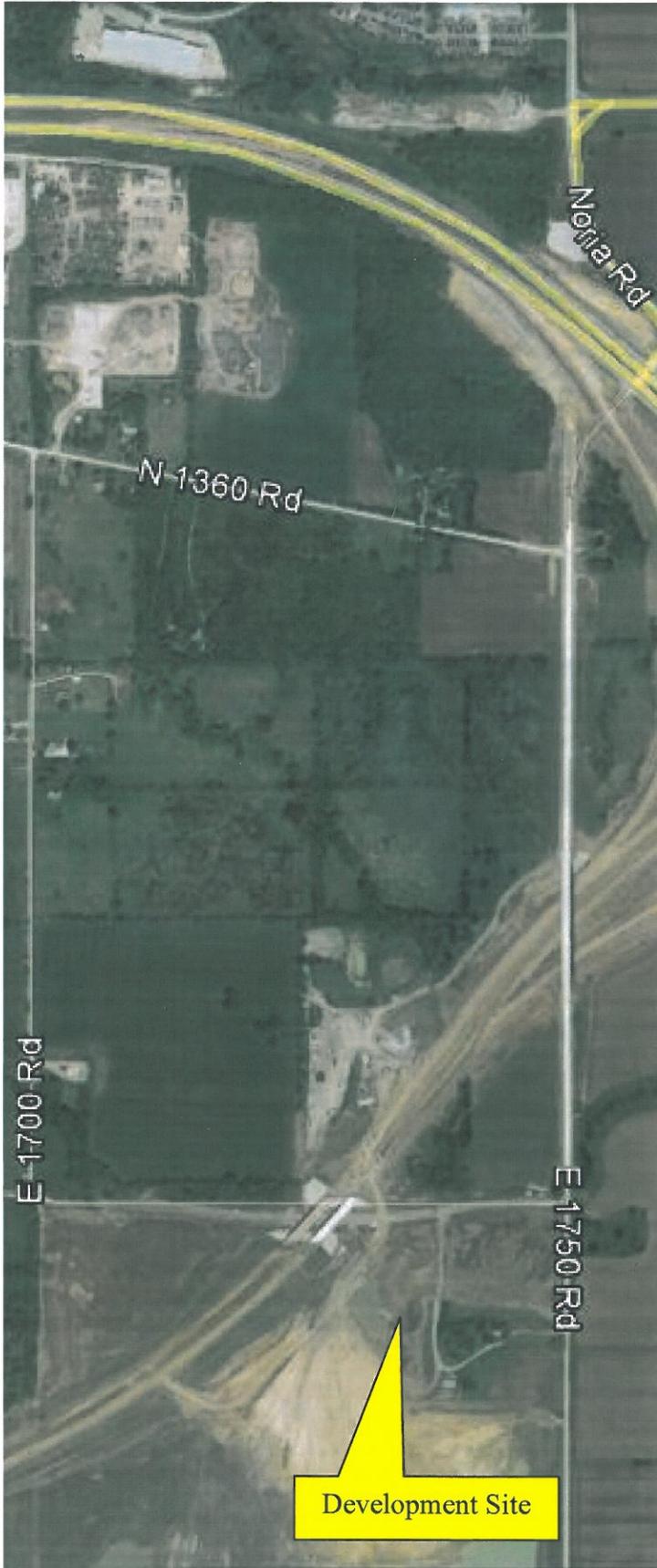
KING'S RECYCLING CENTER

Douglas County, Kansas

DATE: March 2, 2016
PROJECT NO.: 20132027
DESIGNED BY: LPE
DRAWN BY: CLM
CHECKED BY: CLM

ISSUE SHEET NO.
A C-001

OF 1 SHEETS



Traffic Impact Study

for

King's Recycling Center

SWC of E. 1750 Rd. and N. 1300 Rd.

Douglas County, Kansas

Prepared
for

Landplan Engineering, P.A.

Prepared
By



Serving Communities Through Excellence
Kansas - Missouri - Michigan - California



Mehرداد Givechi, P.E., P.T.O.E.

February 2016

TABLE OF CONTENTS

Introduction	1
Data Collection and Summary.....	2
Volume/Capacity Analysis	5
Trip Generation Analysis	6
Trip Distribution and Assignment Analysis	7
Recommendations	8

Appendix

- Location Map
- Site Plan
- T2040 Major Thoroughfares Map, Douglas County, Kansas
- 2011 Traffic Count and Speed Study Results for N. 1300 Road
(Source: Douglas County)
- 2013 Traffic Count Map for Lawrence (Source: KDOT)
- Excerpts from the Preliminary Alignment Study for 31st Street/N. 1300 Road, dated August 31, 2010
 - Appendix A1- Year 2005 Daily Traffic Volumes
 - Appendix A3 – Year 2030 Daily Traffic Volumes (With SLT)
 - Appendix A5 – Year 2030 AM and PM Peak-Hour Traffic Volumes
[31st Street (Two-Lanes) With SLT]
 - Appendix A6 – Year 2030 AM and PM Peak-Hour Traffic Volumes
[31st Street (Four-Lanes) With SLT]
 - Appendix A9 – Year 2030 Intersection Geometry, Traffic Control and LOS
31st Street (Two-Lanes) With SLT]
 - Appendix A10 – Year 2030 Intersection Geometry, Traffic Control and LOS
31st Street (Four-Lanes) With SLT]

Introduction

Proposed Development

The proposed “King’s Recycling Center” development comprises approximately 77 acres on the south side of N. 1300 Road (31st Street extension), between E. 1750 Road (Noria Road) and South Lawrence Trafficway (SLT) in Douglas County, Kansas (See Location Map, Figure 1 of Appendix I). The site was a borrow pit for construction of the SLT.

The primary function of this recycling center is to haul construction waste material such as concrete, brick, asphalt, cinder block and stone from demolition job sites, store them on site and recycle them into gravel and other products. The site will also be open to public as well as contractors. The facility will be open for operation on weekdays and some Saturdays as necessary for projects and will be staffed by as many as five (5) employees.

Access

Access to the site will be provided at one location onto N. 1300 Road approximately 850 feet (centerline to centerline) west of N. 1750 Road. No other access points are proposed for the site.

Zoning

The existing zoning for the site is agricultural. The proposed zoning is Industrial (I-3). According to the 2011 Amendment of the Horizon 2020, Map 3-3, the site is located in the Urban Growth Area of Douglas County.

Existing and Other Proposed Developments

Currently, vast majority of the land in proximity of the site is undeveloped agricultural land with exception of a few scattered homes along N. 1300 Road and E. 1700 Road. In the recent months, a youth soccer park, for the southeast corner of the intersection of E. 1750 Road and N. 1300 Road, has been proposed and is in the process of being approved.

Purpose

The purpose of this study is to evaluate:

1. Evaluate the existing operating conditions of traffic at the intersections of
 - a. E. 1750 Road (Noria Road) and N. 1300 Road;
 - b. E. 1750 Road (Noria Road) and N. 1360 Road;
 - c. E. 1750 Road (Noria Road) and County Road 442; and
 - d. N. 1300 Road and E. 1700 Road.
2. Assess impact of the trips generated by this development on the above mentioned intersections and roadway network; and
3. Recommend off-site improvements needed (if any) as the result of this development.

Data Collection and Summary

In order to assess traffic impacts of this development on the intersections under study, in addition to pertinent information obtained from local agencies, field observations and measurements were also conducted. The following paragraphs summarize the results of data collection tasks for this project.

Roadway Network Geometric & Operating Characteristics

In the vicinity of the development site, the street network consists of:

- SLT, running northeast/southwest above the grade on the west side of the site, designated as “Freeway” on County’s T2040 Thoroughfare Map, as “Other Freeways/ Expressways” on the KDOT’s Functional Classification Map, as “Route C” on the KDOT’s Route Classification System Map, and as “C – Statewide Arterial System; integrated with A and B” on the KDOT’s Access Management Plan Map.
- N. 1300 Road (31st Street extension), running east/west along the north side of the site, designated as “Principal Arterial” on the County’s T2040 Thoroughfare Map. It is a two-way blacktop roadway with open drainage ditch on both sides

and posted speed limit of 35 mph. From O'Connell Road to a short distance east of E. 1700 Road, its cross-section consists of a 22-foot pavement with no shoulders. The remaining section of the roadway thence east to E. 1750 Road has recently been improved to have a 28-foot asphalt pavement and 6-foot gravel shoulders on both sides as part of the SLT overpass construction.

- E. 1750 Road (Noria Road), running north/south along the east side of the site, designated as "Minor Arterial" on the County's T2040 Thoroughfare Map. North of N. 1300 Road, the road is currently under construction as part of the SLT project and has a 24-foot concrete pavement with 8-foot concrete shoulder on both sides. The posted speed limit along this section of E. 1750 Road is 45 mph. South of N. 1300 Road, the road is 22 feet wide (mostly gravel) with no shoulders and no posted speed limits.
- E. 1700 Road, running north/south approximately ½ mile west of the site, designated as "Collector" on the County's T2040 Thoroughfare Map. This is two-way blacktop road with 20-foot pavement, no shoulders and no posted speed limit.
- N. 1360 Road, running east/west approximately ½ mile north of the site, designated as "Collector" on the County's T2040 Thoroughfare Map. This is a two-way blacktop road with 22-foot pavement, no shoulders and no posted speed limit. West of E. 1700 Road, the road is within the city limits of Lawrence and has a posted speed limit of 30 mph.
- Douglas County 442, running east/west approximately one mile north of the site, designated as "Minor Arterial" on the County's T2040 Thoroughfare Map. It is a two-way blacktop road with 22-foot pavement and unpaved 4'-6' shoulders. The posted speed limit on this facility changes from 45 mph within the city limits of Lawrence (near Noria Road) to 55 mph in the county (west of Eudora).
- Currently, the intersection of E. 1750 Road (Noria Road) and N. 1300 Road is a "T" intersection controlled by stop sign on N. 1300 Road. Based on the information provided by the County Public Works Department (Preliminary Alignment Study for 31st Street/N. 1300 Road, dated August 31, 2010), the future plan for this intersection calls for a single lane roundabout.

- The intersection of N. 1300 Road and E. 1700 Road is also a “T” intersection controlled by stop sign on E. 1700 Road.
- The intersection of N. 1360 Road and E. 1750 Road is also a “T” intersection controlled by stop sign on E. 1360 Road.
- The intersection of E. 1750 Road and County Road 442 is also a “T” intersection controlled by stop sign on Route 442.

Traffic Counts

At the time this study was conducted, SLT was under construction and E. 1750 Road (Noria Road), north of N. 1300 Road, was closed to traffic. It was, therefore, not practical to conduct traffic volume counts in the area as the results would not be representative of the actual conditions. For the purpose of this analysis, however, traffic volume data from available sources (i.e. County and KDOT records as well as the Preliminary Alignment Study for 31st Street/N. 1300 Road, dated August 31, 2010) were utilized. In summary (see Appendix for details):

- County records (2011 data) show that N. 1300 Road carries daily traffic volumes of approximately 30 vpd.
- KDOT’s 2013 Traffic Count Map shows daily traffic volumes of approximately 85 vpd for N. 1300 Road, 30 vpd for E. 1700 Road and 195 vpd for E. 1750 Road (north of E. 1300 Road), all considered to be very low volume roads.
- The result of a speed study conducted by the county in 2011 indicates that 85th percentile speed (operating speed) along N. 1300 Road just west of E. 1700 Road is 44 mph.
- According to the 31st Street Preliminary Alignment Study, with completion of SLT, the projected future volumes (target year 2030) on the street network surrounding the development site are estimated as follows:
 - N. 1300 Road will carry approximately 6,500 – 8,000 vpd west of E. 1750 Road and 3,200 – 3,900 vpd thence east.
 - E. 1750 Road (Noria Road) will carry approximately 6,100 – 6,500 vpd north of N. 1300 Road and 2,900 – 3,000 vpd thence south.

Sight Distance

Field observations of the study area indicate that the only location that sight distance may be of concern is the departure triangle on the northeast corner of the intersection of E. 1700 Road and N. 1300 Road, where the tree lines obstruct the sight line.

Reasoning:

Operating speed (85th percentile) = 44 mph

Required intersection sight distance (for right turn) = 420 ft.

Measured intersection sight distance (for right turn) = 350 ft. < 420 ft. (inadequate)

Required intersection sight distance (for left-turn) = 485 ft.

Measured intersection sight distance (for left-turn) = 620 ft. > 485 ft. (adequate)

Volume/Capacity Analysis

A volume/capacity analysis (using methodologies outlined in the 2000 Highway Capacity Manual (HCM) published by the Transportation Research Board) was conducted to determine the level-of-service (LOS) for all movements at the intersections under study during the afternoon peak-hour of a typical weekday.

Level-of-service, as defined in the HCM, describes the quality of traffic operating condition and ranges from “A” to “F”, with LOS “A” representing the best (most desirable with minimum delay) conditions and LOS “F” the worst (severely congested with excessive delays). The following chart outlines the level-of-service criteria for unsignalized and signalized intersections.

Level-Of-Service	Control Delay for Unsignalized Intersections (seconds/vehicle)	Control Delay for Signalized Intersections (seconds/vehicle)	Volume/Capacity Ratio for Roundabouts (aaSIDRA Criteria)
A	0 – 10	0 – 10	< 0.6
B	> 10 – 15	> 10 – 20	0.6 – 0.7
C	> 15 – 25	> 20 – 35	0.7 – 0.8
D	> 25 – 35	> 35 – 55	0.8 – 0.9
E	> 35 – 50	> 55 – 80	0.9 – 1.0
F	> 50	> 80	> 1.0

Under the existing conditions, all roadways in the vicinity of the site are very low volume roads with high LOS for all approaches. The results of analysis for target year 2030, as shown in the 31st Street Preliminary Alignment Study and included in the Appendix, indicate that, the intersection of E. 1750 Road and N. 1300 Road will likely operate at LOS “D” under stop-controlled condition; and at LOS “A” with a single lane roundabout.

Trip Generation Analysis

Typically, trips generated by a proposed development are estimated using trip generation rates suggested by the latest edition of the Institute of Transportation Engineers, Trip Generation Manual (currently 9th Edition). Since the Manual does not have information for land use type “Recycling”, the following procedure was used for analysis:

- For the recycling component of this development, number of trucks generated by this site will be difficult to estimate. The facility will be open for operation on weekdays and some Saturdays as necessary for projects and will be staffed by as many as five (5) employees. The operation will not be every day but per the demolition job, frequency and size of which are difficult to anticipate. For

instance, demolition of a small commercial building (4,000 sq. ft.) would require less than 10 truck load of material over a day or two. A job like the KU residence hall (still on-going) would be several months of a 10 to 15 trucks daily.

- For the “Office” component of this development with 5 employees, ITE Land Use Codes 710 (General Office Building) and 715 (Single Tenant Office) are selected as the most relevant land use types with “Number of Employees” as the independent variable. The results indicate that this component of the development will likely generate:
 - On average, 3 trip-ends (2 inbound and 1 outbound) during the morning peak-hour of a typical weekday;
 - On average, 3 trip-ends (1 inbound and 2 outbound) during the afternoon peak-hour of a typical weekday; and
 - On average, 18 trip-ends during 24-hour period of a typical weekday.

Trip Distribution and Assignment Analysis

Based on the information provided by the applicant, the truck route will be from the entrance off N. 1300 Road (31st Street) east to E. 1750 Road (Noria Road) then north to County Road 442 (Old Hwy 10) and east to E. 1900 Road, then south to K-10 Highway. From there the trucks can go west to Lawrence or east to Kansas City area. The plan is not to use 31st Street west of the site, or go south to 35th Street, or use E. 1700 Road and/or N. 1360 Road to go to Lawrence because these roads are not suitable for truck traffic.

Recommendations

Existing Conditions

- 1- Currently, there are no indications of any operational deficiencies in the study area. Movements at all intersections under study operate at high LOS with ample reserve capacity.
- 2- Field observations indicate that the study area is on a relatively flat terrain with no restriction on sight distance at any intersection, except for the northeast corner of the intersection of N. 1300 Road and E. 1700 Road where the departure sight triangle is partially obstructed by a tree line.

Mitigation Measure: Remove/trim some of the trees and shrubs along the north of N. 1300 Road, east of E. 1700 Road.

- 3- Field observations indicate that some of the signs in the study area appear to be low in height and may not be in compliance with the Manual on Uniform Traffic Control Devices (MUTCD).

Mitigation Measure: Consider inspecting the signage in the study area for proper height installation.

- 4- Field observations indicate that the culvert headwalls located on N. 1360 Road just west of E. 1700 Road (inside the City limits) is not properly delineated.

Mitigation Measure: Install Object Markers (OM3) on the headwalls for both directions.

Existing + Proposed King's Recycling Center

- 5- The proposed "King's Recycling Center" will have a no impact on the capacity of the roadway network because the roads in the study area are, currently, very low volume roads (< 400 vpd) with ample reserve capacity.

6- Field observations indicate that in the vicinity of the development site, the following roadway segments are **not** suitable to handle truck traffic with heavy payload.

- E. 1750 Road (Noria Road) south of N. 1300 Road (31st Street);
- N. 1300 Road (31st Street) west of E. 1700 Road;
- E. 1700 Road between N. 1300 Road (31st Street) and N. 1360 Road; and
- N. 1360 Road west of E. 1750 Road (Noria Road)

Mitigation Measure: It is recommended that site generated truck traffic **not** to use any road segments mentioned above. Their designated route, as mentioned earlier, should follow:

- N. 1300 Road (31st Street) east of the site access drive;
- E. 1750 Road (Noria Road) north of N. 1300 Road (31st Street);
- County Road 442 (Old K-10) east of E. 1750 Road (Noria Road);
- E. 1900 Road south of Route 442; and
- K-10 Highway east to Kansas City metro area or west to Lawrence.

7- The proposed driveway to the site is located approximately 850 feet (centerline to centerline) west of E. 1750 Road with no sight distance restrictions. If this is a gravel driveway, the following mitigation measure is recommended.

Mitigation Measure: For safety reasons, the first 100 feet of this driveway (where it intersects N. 1300 Road) should be paved in order to keep the gravel from being tracked onto N. 1300 Road.

8- Under the existing conditions and for a foreseeable future, no dedicated turn lanes are warranted at any intersection in the study area including the proposed driveway location to the site. The need for dedicated turn lanes in future (e.g. for target year 2030) should be evaluated as the background traffic grows with new developments in the area.

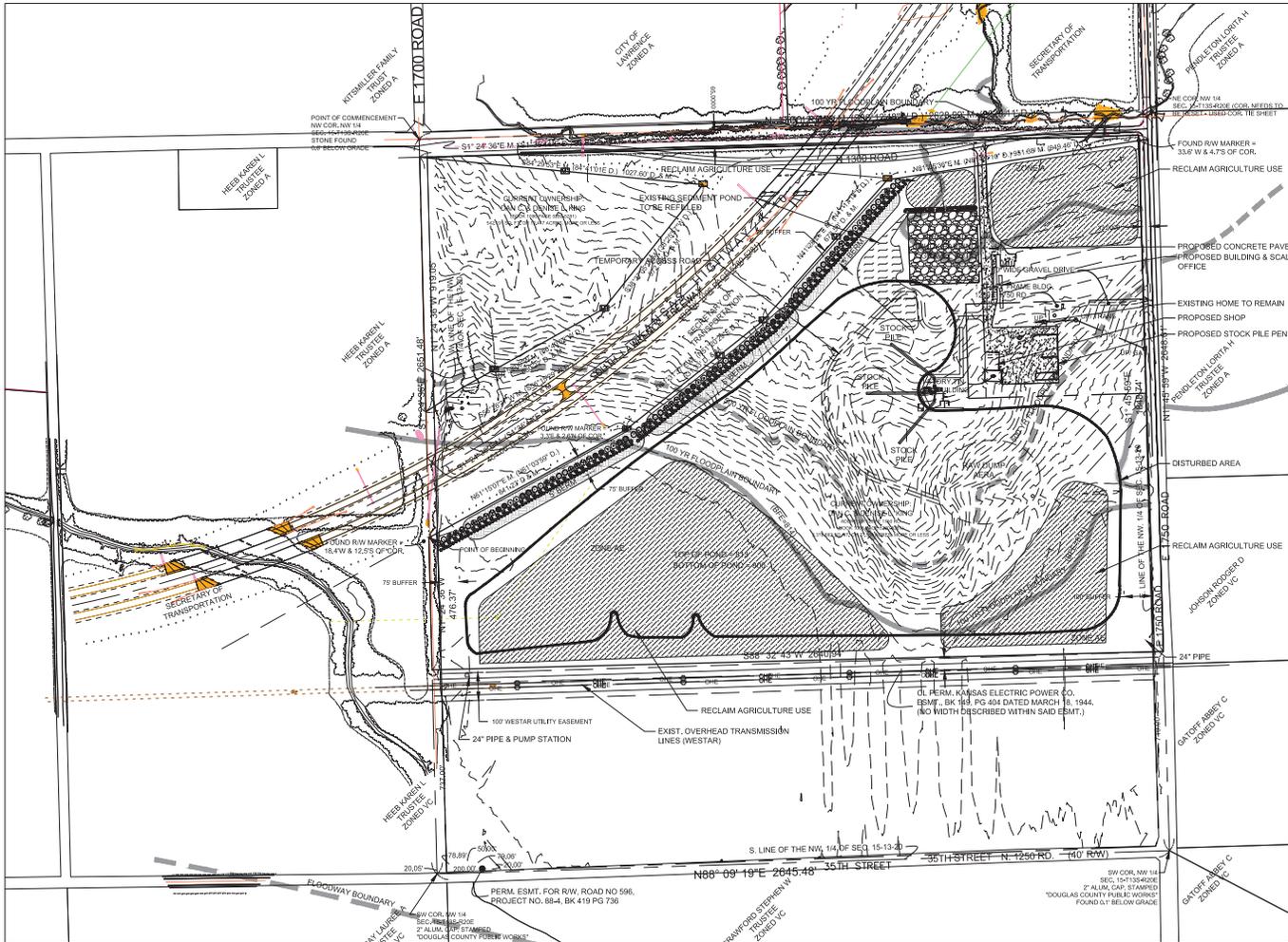
9- For design purposes, the swept path of the site's largest truck should be considered when:

- Establishing turning radii at the driveway location to the site;
- Evaluating turning radii at the northwest corner of the intersection of N. 1300 Road (31st Street) and E. 1750 Road (Noria Road). This is because there is a large box culvert that runs under the north leg of this intersection very close to the intersection. This culvert has a very narrow gravel shoulder followed by a steep (non-traversable) side slope with no headwalls, which may potentially create an unsafe condition for off-tracking trucks negotiating southbound to westbound maneuver; and
- Designing the future single-lane roundabout at the intersection of N. 1300 Road (31st Street) and E. 1750 Road (Noria Road).

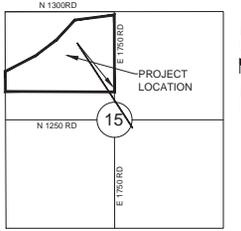
APPENDIX



Figure 1: Location Map



Location Map



General Notes

- OWNER:** FOUR KING'S LLC
2015 WALNUT STREET
TOBACCO, KANSAS 66066-4000
1. LAND PLANNER / LANDPLAN ENGINEERS, P.A. 1310 MANASSAS DRIVE LAWRENCE, KS 66049
 2. TOPOGRAPHIC INFORMATION DERIVED FROM 2013 DOUGLAS COUNTY LIAR AERIAL DATA.
 3. EXISTING LAND USE: BORROW PIT / AGRICULTURAL
 4. PROPOSED LAND USE: RECYCLING CENTER / AGRICULTURAL
 5. EXISTING ZONING: AGRICULTURAL / VALLEY CHANNEL
 6. PROPOSED ZONING: F-2
 7. PROPOSED OPERATION OF THE BORROW PIT: REMOVE MATERIAL FROM BORROW PIT, DELIVER TO CONSTRUCTION SITE, DEVELOP POND, STABILIZE ALL DISTURBED AREAS, RECYCLE CONSTRUCTION MATERIAL (CONCRETE, BRICK, ASPHALT, CEMENT BLOCKS, STONE)
 8. A STORMWATER POLLUTION PREVENTION PLAN (SWPP) HAS BEEN SUBMITTED TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND IS ON FILE.
 9. A KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES PERMIT IS NOT REQUIRED AS ONLY BORROW, NO FILL, WILL OCCUR AT THE SITE.

Site Summary

CROSS AREA:	3,378,892 SF / 77,264 AC
RIGHTS-OF-WAY AREA:	60,937 SF / 1,399 AC
NET AREA:	3,317,955 SF / 76,165 AC
AVG. LOT SIZE:	3,317,955 SF / 76,165 AC
TOTAL LOTS:	1

Legal Description

LOT 1

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 20 EAST IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE SOUTH 01 DEGREE 36 MINUTES 36 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1438.11 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF KANSAS HIGHWAY K-10 AS DESCRIBED IN GENERAL WARRANTY DEED, BOOK 1096 AT PAGE 5280-5281, DATED JANUARY 8TH, 2013 RECORDED IN SAID COUNTY AND STATE AND THE POINT OF BEGINNING; THENCE NORTH 61 DEGREES 16 MINUTES 07 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 811.23 FEET; THENCE NORTH 51 DEGREES 31 MINUTES 37 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 631.33 FEET; THENCE NORTH 41 DEGREES 28 MINUTES 26 SECONDS EAST CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 678.58 FEET; THENCE NORTH 81 DEGREES 05 MINUTES 36 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 951.36 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, ALSO BEING 80.87 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01 DEGREE 45 MINUTES 59 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1848.74 FEET TO A POINT 50 FEET NORTHERLY OF THE CENTERLINE OF A KANSAS ELECTRIC POWER COMPANY EASEMENT, AS DESCRIBED IN BOOK 149 AT PAGE 404, DATED MARCH 18, 1944 AND RECORDED IN SAID COUNTY AND STATE (NO WIDTH DESCRIBED IN SAID EASEMENT); THENCE SOUTH 88 DEGREES 32 MINUTES 43 SECONDS WEST, BEING 50 FEET NORTHERLY OF AND PARALLEL WITH THE CENTERLINE OF SAID ELECTRIC EASEMENT, A DISTANCE OF 2640.94 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE NORTH 01 DEGREE 24 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 476.37 FEET TO THE POINT OF BEGINNING, CONTAINING 3,378,892 SQUARE FEET OR 77.564 ACRES, MORE OR LESS.

Plant Schedule

SYMBOL	PROPOSED SPECIES DATE	SIZE	COND.	SYMBOL	PROPOSED SPECIES DATE	SIZE	COND.	SYMBOL	PROPOSED SPECIES DATE	SIZE	COND.
DECIDUOUS TREES											
	10 HACKBERRY CLETHRA OCCIDENTALIS	MIN. 2.5" CAL.	B&B		22 AMUR MAPLE (CLUMP) Acer ginnala	MIN. 2" CAL.	B&B		10 LITTLE PRINCESS SPIRUA SPRUCE JAPONICA 'LITTLE PRINCESS'	30" MIN.	CONT.
	10 SKYLINE HONEY LOCUST GLEDITSIA TRIACANTHOS 'SKYLINE'	MIN. 2.5" CAL.	B&B		32 RED BUD GLIRICIA CANDIDISSIMA	MIN. 2" CAL.	B&B		7 BOTOLPH CLAYDON MAGNOLIA	30" MIN.	CONT.
	10 PIN OAK QUERCUS PALAUSTRIS	MIN. 2.5" CAL.	B&B		22 CRABAPPLE MALUS SP.	MIN. 2" CAL.	B&B		10 LIRIODENDRON GOLD FORTSYTHIA FORTSYTHIA X INTONDEMA 'LWOOD'	30" MIN.	CONT.
	10 RED OAK QUERCUS RUBRA	MIN. 2.5" CAL.	B&B		10 AMERICAN PLUM PRUNUS AMERICANA	MIN. 2" CAL.	B&B		12 WINTERGREEN VIBURNUM PLATANUM VAR. TOmentosum 'NARENS'	30" MIN.	CONT.
	10 BUR OAK QUERCUS MACROCARPA	MIN. 2.5" CAL.	B&B		20 CAMELLIA JAPONICA JAPONICA 'WONIANA 'CAMELLIA'	MIN. 2" CAL.	B&B		12 CHOSENBERRY AMELAN	30" MIN.	CONT.
	12 HICORIA OAK QUERCUS HICORIA	MIN. 2.5" CAL.	B&B		44 KETELEERIA CHAMAEE JAPONICA 'CHAMAEE'	MIN. 2" CAL.	B&B		5 FRAGRANT SYRINGA SYRINGA AROMATICA	30" MIN.	CONT.
	12 EASTERN COTTONWOOD POPULUS DELTOIDES	MIN. 2.5" CAL.	B&B		44 BALD CYPRESS TAXODIUM DISTICHUM	MIN. 2" CAL.	B&B				
	12 LACEBARK ELM ULMUS PARVIFOLIA	MIN. 2.5" CAL.	B&B		44 EASTERN RED CEDAR JAPONICA 'WONIANA'	MIN. 2" CAL.	B&B				

KING'S RECYCLING CENTER
Douglas County, Kansas

DATE: February 22, 2016
PROJECT NO.: 20130207
DESIGNED BY: CLM
DRAWN BY: LPE
CHECKED BY: CLM

ISSUE: A
SHEET NO.: C-001
OF 1 SHEETS

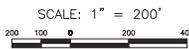
Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.
1000 Westwood Drive
Lawrence, KS 66044
Phone: 785.842.2200
Fax: 785.842.2201
www.landplaneng.com

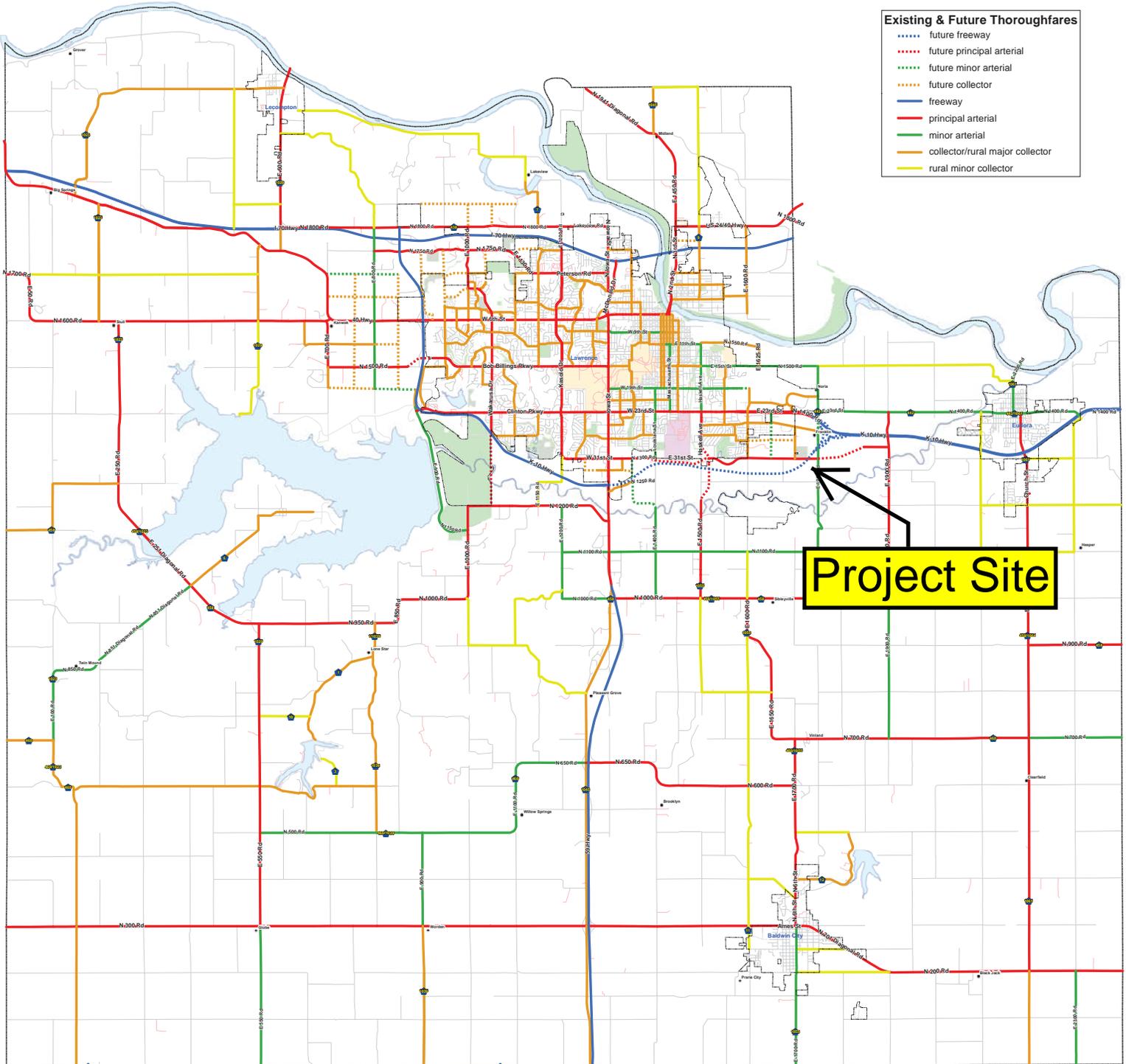
© Landplan Engineering, P.A. 2015. This drawing is the property of Landplan Engineering, P.A. and is not to be reproduced, stored, or used in any manner without the written permission of Landplan Engineering, P.A.

COUNTY ROAD E1750 - BORROW PIT
DOUGLAS COUNTY, KANSAS
N1250 ROAD AND E 1750 ROAD

REV.	DATE	DESCRIPTION

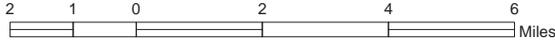


T2040 Major Thoroughfares Map, Douglas County, Kansas



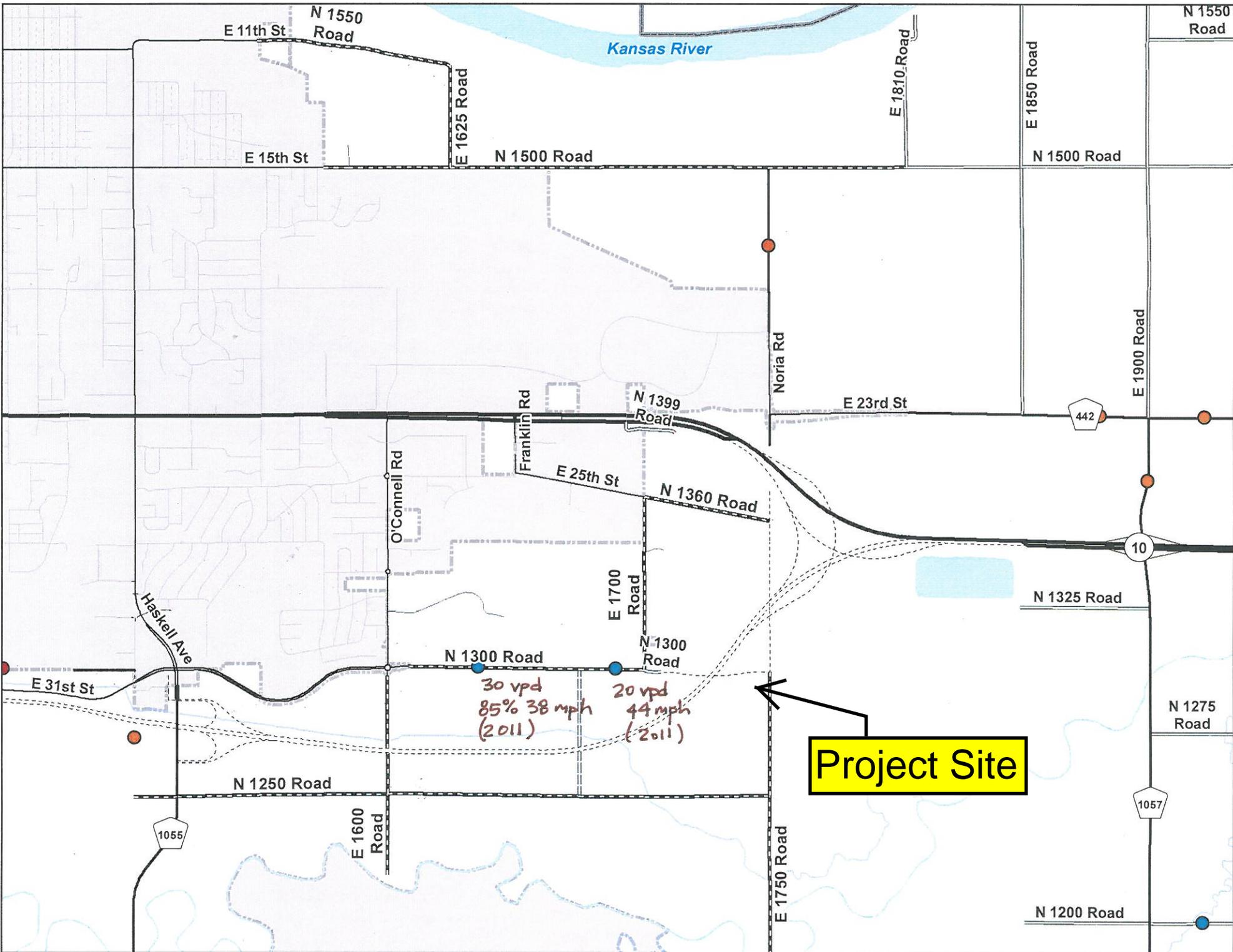
- Existing & Future Thoroughfares**
- future freeway
 - future principal arterial
 - future minor arterial
 - future collector
 - freeway
 - principal arterial
 - minor arterial
 - collector/rural major collector
 - rural minor collector

Project Site



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.

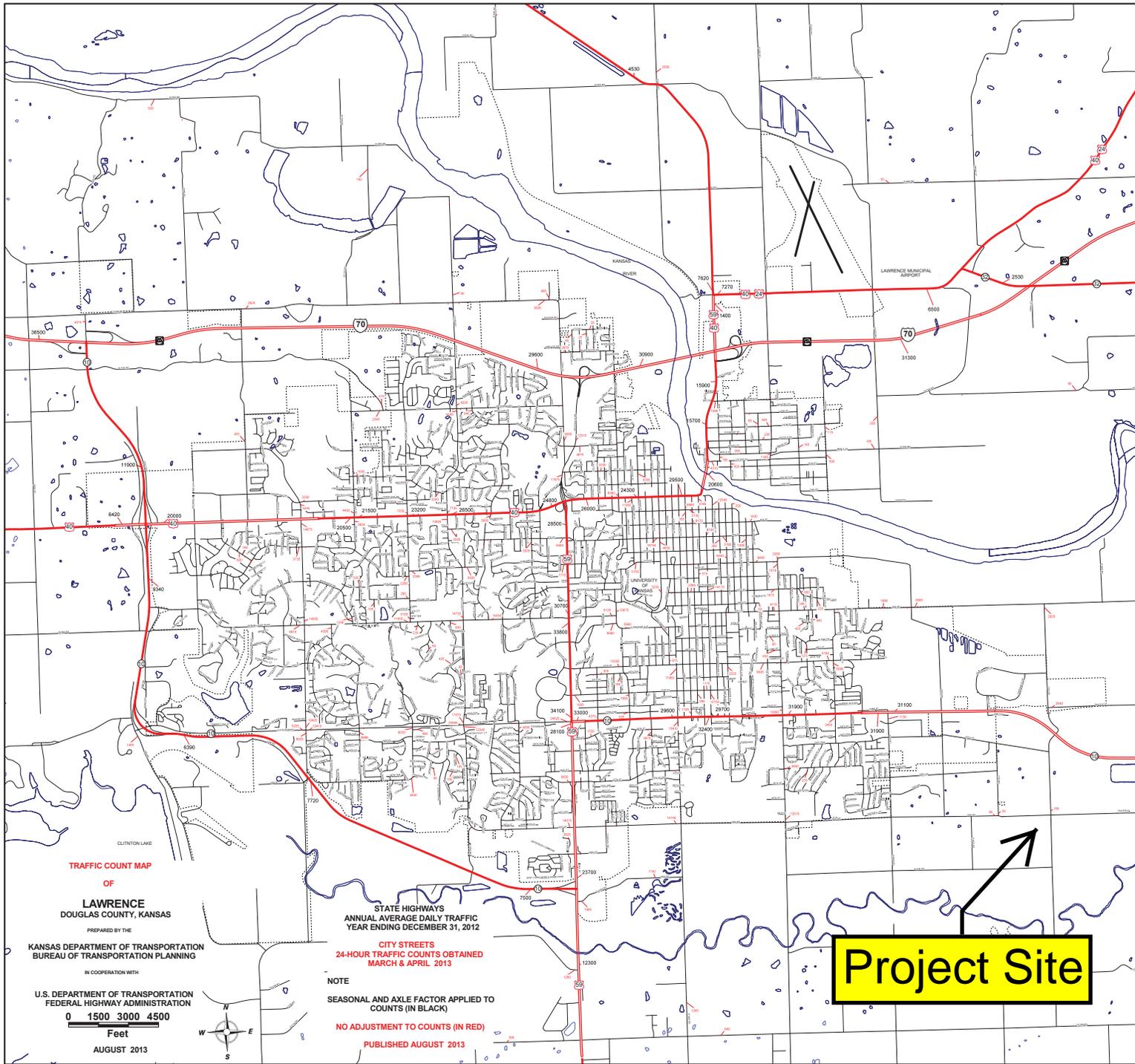


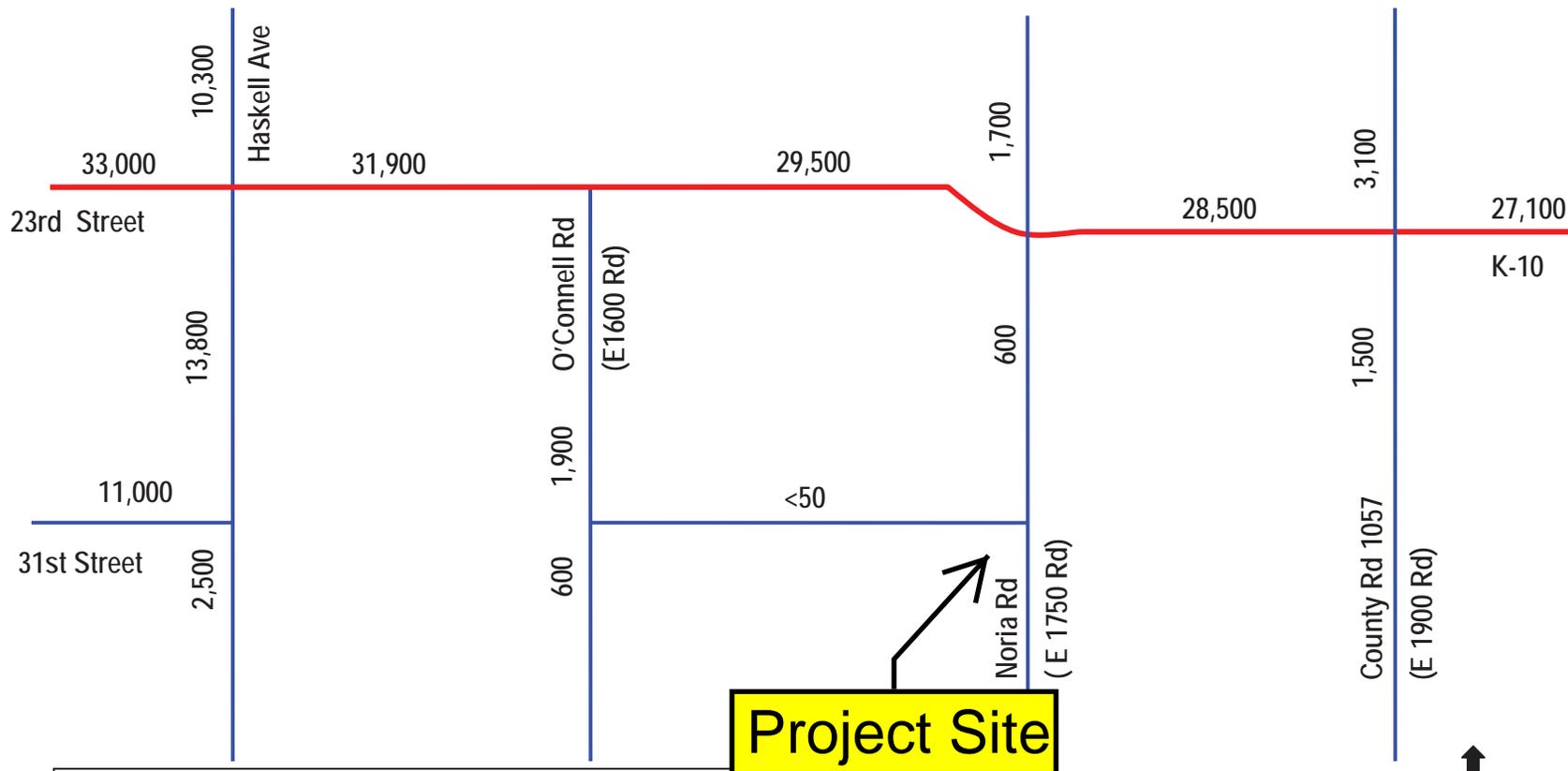


Project Site

30 vpd
85% 38 mph
(2011)

20 vpd
44 mph
(2011)





Project Site

LEGEND

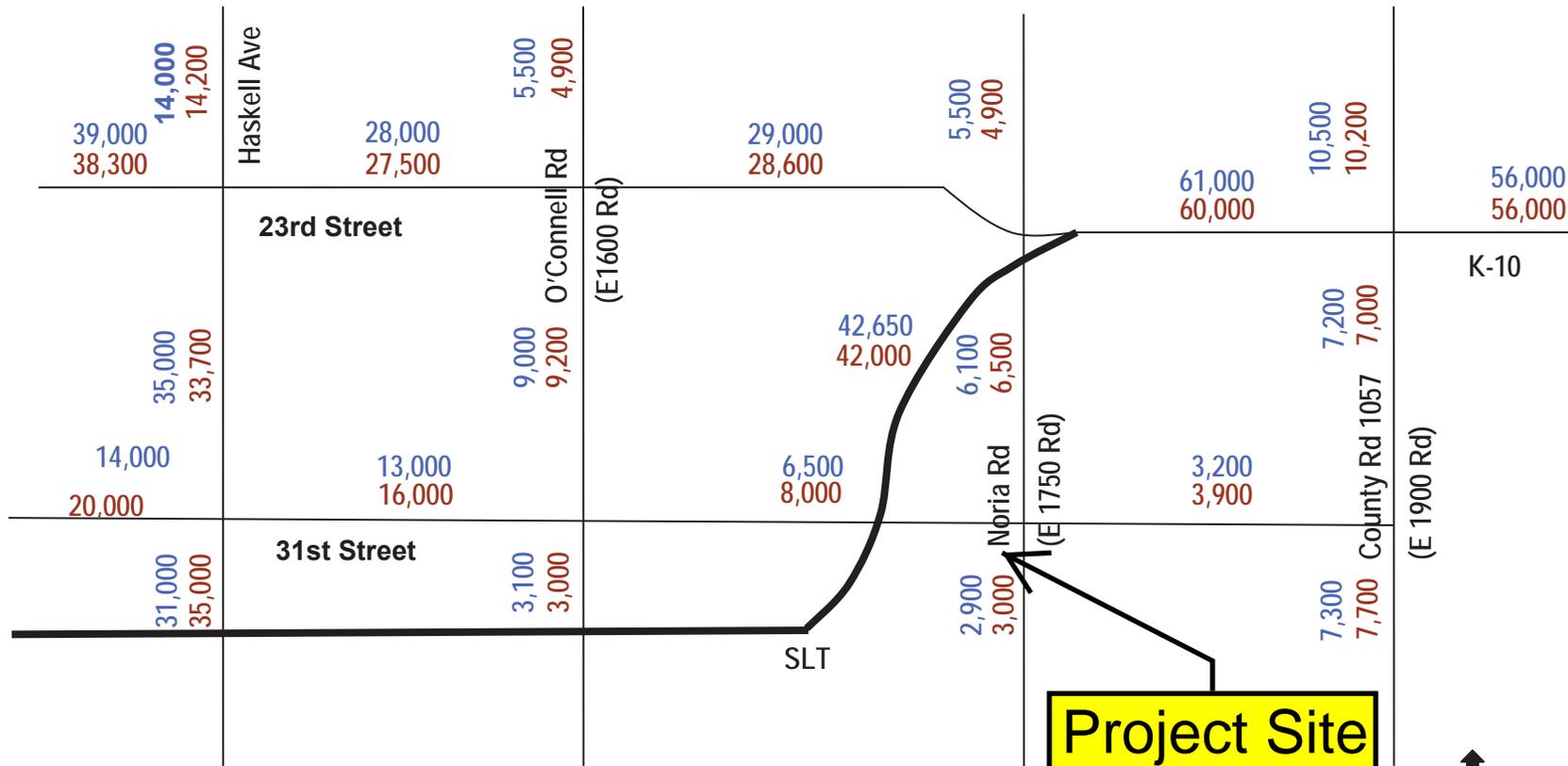
X,XXX DAILY TRAFFIC VOLUMES

— TWO LANE ROAD

— FOUR LANE ROAD

↑
N
NOT TO SCALE

APPENDIX A1
Year 2005 Daily Traffic Volumes



LEGEND

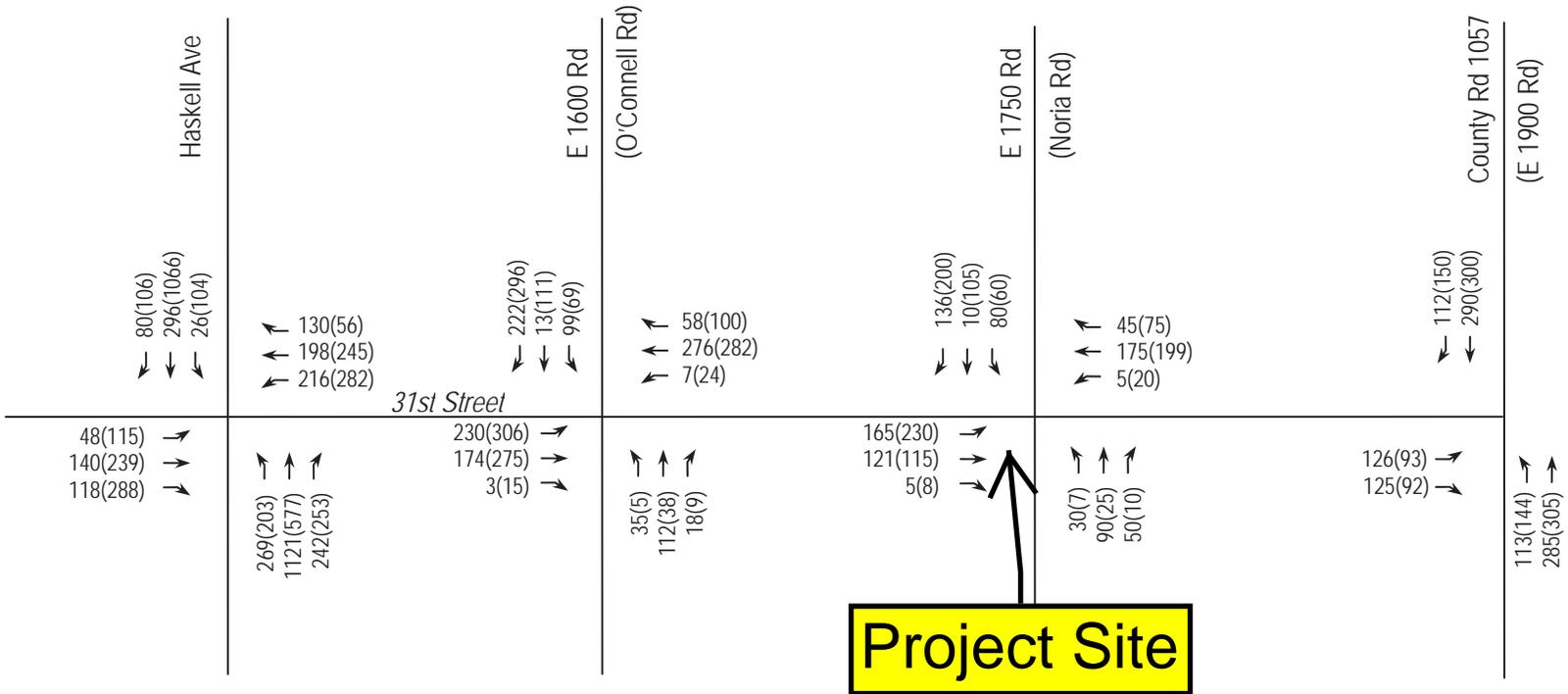
X,XXX DAILY TRAFFIC VOLUMES
31st STREET TWO LANES WITH SLT

X,XXX DAILY TRAFFIC VOLUMES
31st STREET FOUR LANES WITH SLT

Project Site

↑
N
NOT TO SCALE

APPENDIX A3
Year 2030 Daily Traffic Volumes
With South Lawrence Trafficway



LEGEND:
 x(x) AM(PM) PEAK HOUR TRAFFIC VOLUMES

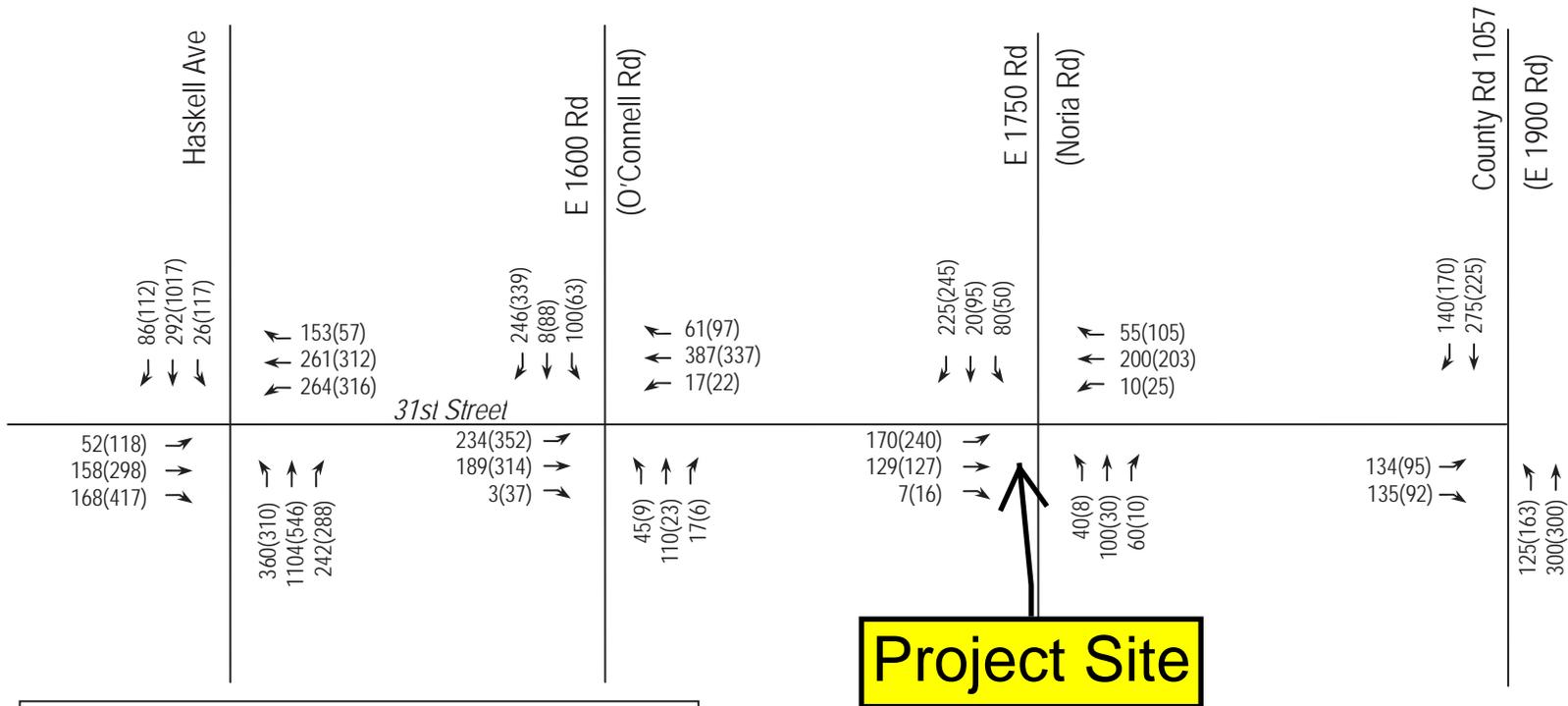
Project Site



NOT TO SCALE

APPENDIX A5

**Year 2030 AM and PM Peak Hour Traffic Volumes
 31st Street (Two Lanes) With South Lawrence Trafficway**



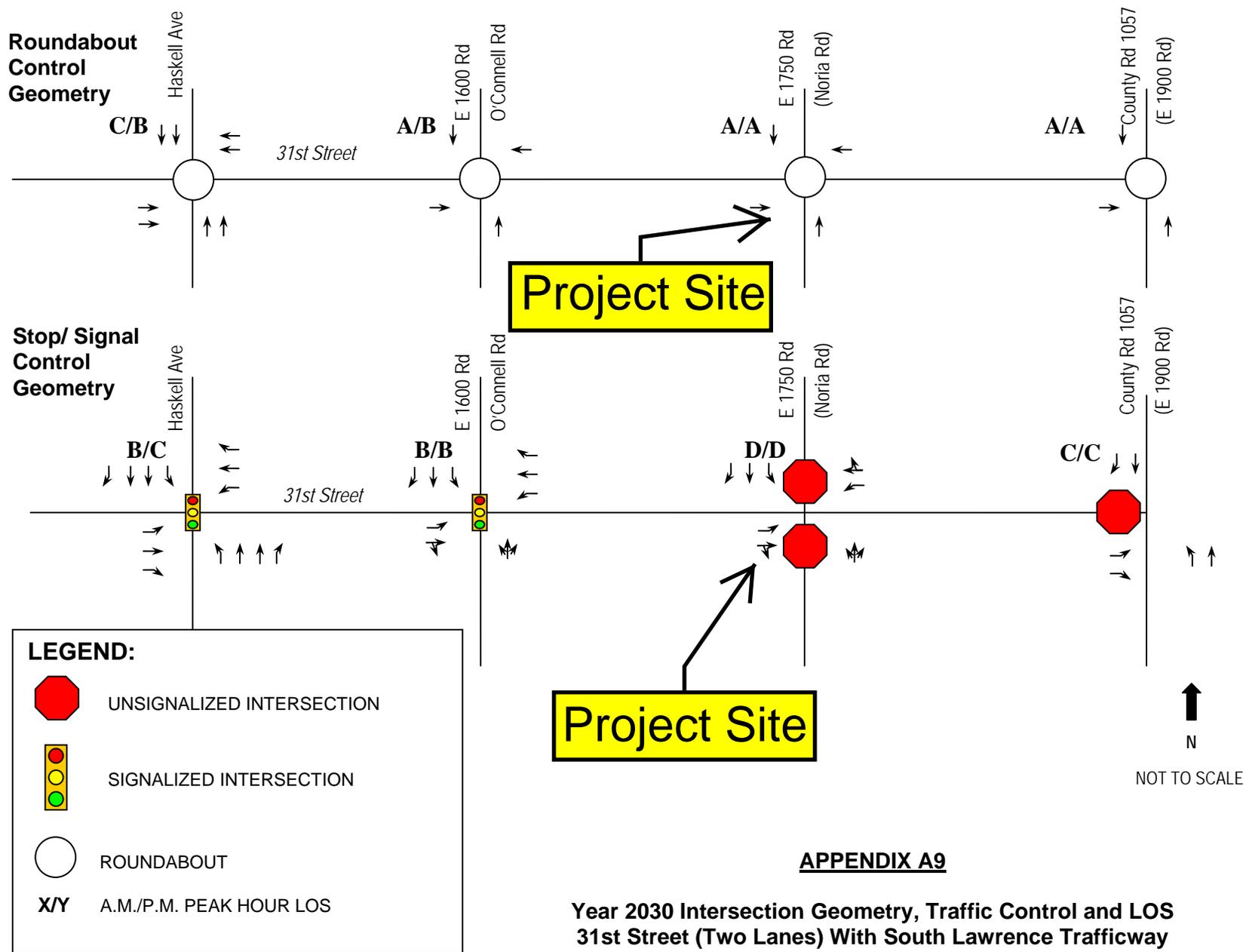
LEGEND:
 x(x) AM(PM) PEAK HOUR TRAFFIC VOLUMES

Project Site

APPENDIX A6

**Year 2030 AM and PM Peak Hour Traffic Volumes
 31st Street (Four Lanes) With South Lawrence Trafficway**

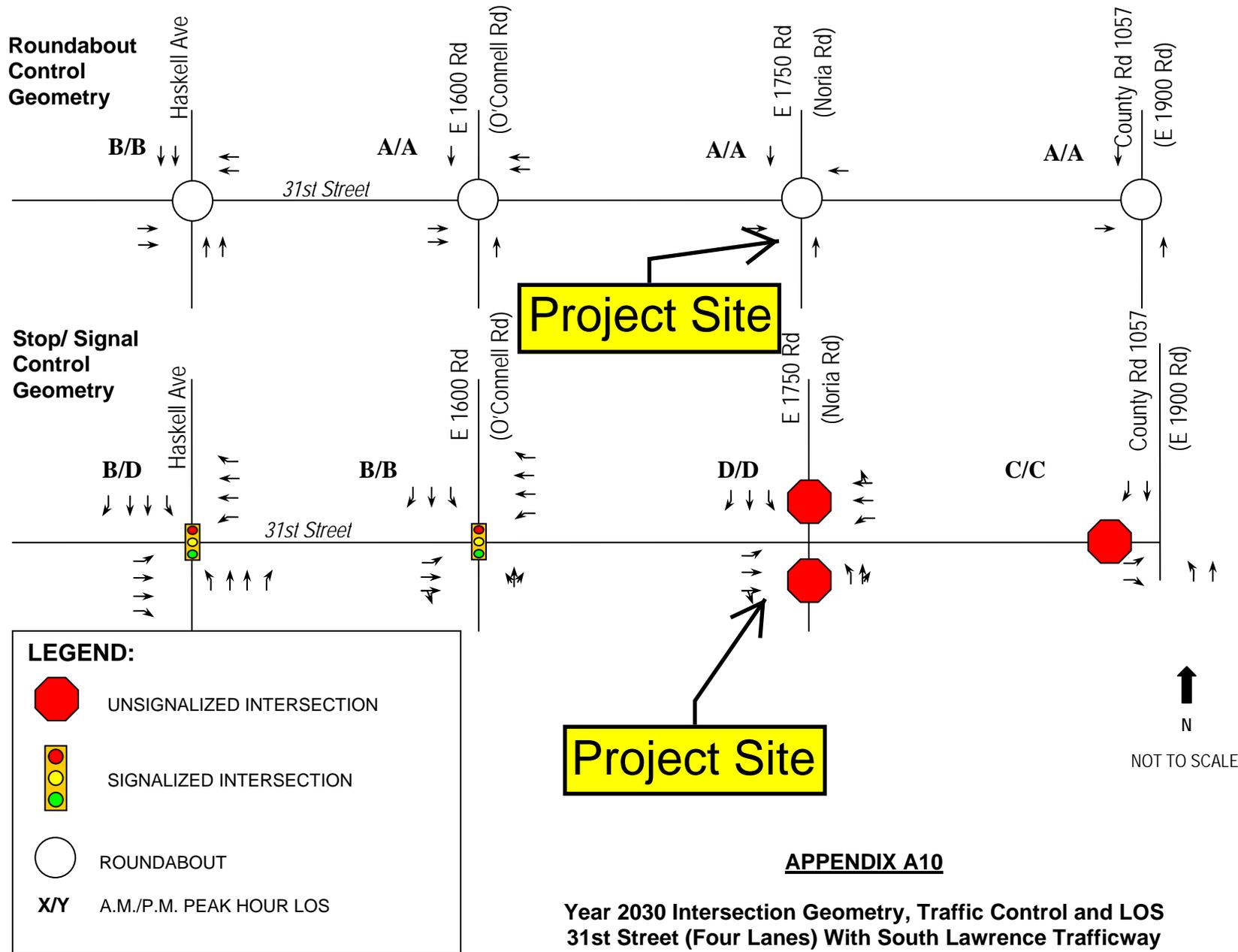
↑
 N
 NOT TO SCALE



Project Site

Project Site

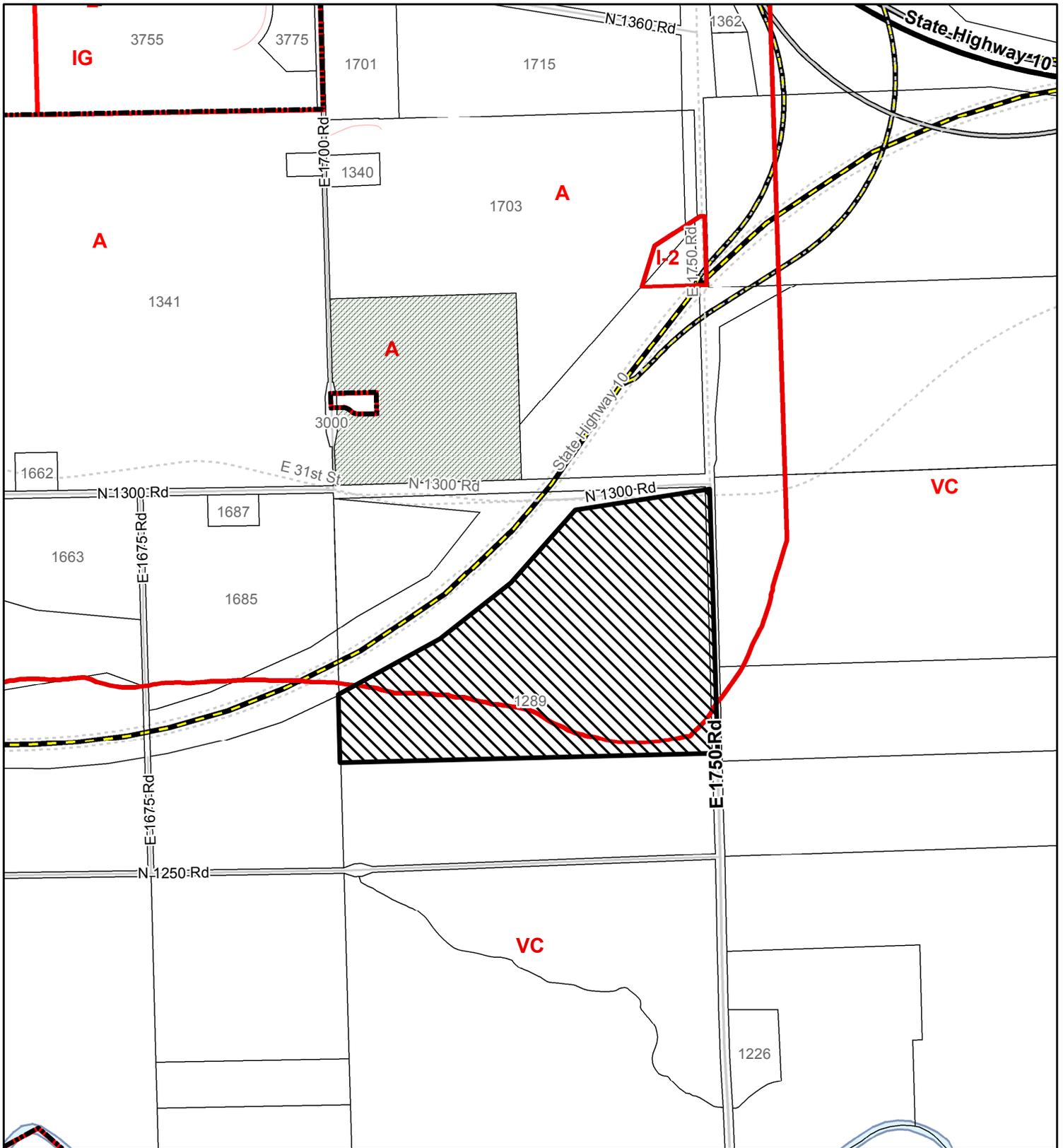
↑
N
NOT TO SCALE



Project Site

Project Site

N
NOT TO SCALE



Z-16-00067: Rezone Approximately 77.5 acres from County A District and County VC District to County I-3 District
PP-16-00068: Preliminary Plat for Four King's Subdivision
CUP-16-00069: Conditional Use Permit for King's Recycling Center Located on the Southwest Corner of E 1750 Road and N 1300 Road



PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
04/25/2016

ITEM NO. 6 TEXT AMENDMENT TO ZONING REGULATIONS & SUBDIVISION REGULATIONS; ACCESSORY DWELLING UNITS (MKM)

TA-15-00461: Consider Text Amendments to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* and the *Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS* to add Accessory Dwelling Units as a permitted use and to establish standards for the use. *Initiated by County Commission on 9/2/15.*

RECOMMENDATION: Staff recommends approval of the proposed amendment, TA-15-00461, to revise Sections 12-303, 12-306, 12-307, 12-308, and to add Section 12-319.9 in the Zoning Regulations and to revise Sections 11-104 and 11-106 in the Subdivision Regulations [20-804 and 20-806, City Code] and that the Planning Commission forward a recommendation for approval to the Board of County Commissioners.

Reason for Request: Accessory Dwelling Units would provide a living area for elderly family members, or persons with health issues or disabilities in close proximity to a caregiver while allowing a degree of independence. In addition an Accessory Dwelling Unit would provide an alternative to mobile homes for farm employee housing.

RELEVANT GOLDEN FACTOR:

- Conformance with the comprehensive plan.

ATTACHMENTS

- Attachment A – Draft language

OVERVIEW OF PROPOSED AMENDMENT

The amendment adds an accessory residential use in agricultural and residential zoning districts that permit *Residential Detached Dwellings, Single Family Dwellings, or Residentially Designed Manufactured Homes*. These uses are permitted in the A (Agriculture), A-1 (Suburban Home Residential), and R-1 (Single Family Residential) Districts.

The amendment also provides an alternative to the farm housing provision in Section 12-306-2.17.

CURRENT ZONING REGULATIONS PROVISIONS FOR ACCESSORY DWELLING UNITS:

Section 12-306-2.17: *"One or more mobile homes shall be allowed as an accessory use to a farm so long as they are occupied by a family related by blood, or marriage, to the occupant of the main dwelling or by a person or persons employed on the farm. This mobile home must be at least 150 feet from another dwelling, and must be provided with a water supply and sanitary sewerage facilities, and may not be used as a rental income property. Mobile homes shall not be located within the 'F-W' or 'F-F' Overlay Districts."*

No changes are being proposed to this provision, but the Accessory Dwelling Unit is being included as another option for farm employee housing.

Existing definitions

Section 12-303-1.02: "Accessory Use: *An accessory use is one, which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Resolution) on the same lot as the principal use of the premises. 'Accessory Use' includes, but is not limited to, the following:*

- a. *Residential accommodations for domestics or guests and not rented or otherwise used as a separate domicile and containing no kitchen facilities or separate utility meters.*
- b. *Residential accommodations for caretakers or proprietors on the same lot with any use listed in section 12-309-2. When 'accessory is used in the text, it shall have the same meaning as 'Accessory Use'."*

Accessory Dwellings are permitted in several Business and Industrial Zoning Districts as caretaker or manager units and accessory farm dwellings are permitted in the I-1, I-2 I-3 and I-4 Industrial Zoning Districts provided they are on lots of 10 acres or greater. The following table lists the various types of accessory residential uses that are currently permitted in Douglas County.

Accessory Residential Use	Standards	Zoning District
Guest House/Servant Quarters	<ul style="list-style-type: none"> • Guest or servant use • No kitchen facilities or separate utility meters • No rentals 	A, A-1, R-1, B-1, B-2, I-2,
Caretaker/Manager House	<ul style="list-style-type: none"> • Caretaker/manager must be employed on the premise 	B-1, R-T, I-1 ,I-2, I-3, I-4
Mobile Home	<ul style="list-style-type: none"> • Farm Employee or • Farm Relative—accessory to existing dwelling 	A
Accessory farm dwelling	<ul style="list-style-type: none"> • On farms with minimum of 10 acres 	I-1, I-3, I-4
Accessory Residential Uses	--	B-3
Accessory Dwelling	<ul style="list-style-type: none"> • When part of a 'living museum' 	R-T

Accessory dwellings are currently permitted in Douglas County but are limited to caretaker or manager dwellings with commercial or industrial uses and mobile homes on farms for employees or members of the farmer's family. There are no limits on the number of mobile homes that can be installed on a property but they must be connected to water and a sewerage system approved by the Douglas County Health Department. The Health Department has typically required the mobile homes to have separate water source and septic systems.

There are several mobile homes in place today for the housing of farm employees or relatives of the property owner. This amendment does not intend to remove this option as that would make these residences nonconforming uses. Rather, this amendment would expand the options to allow an Accessory Dwelling Unit on residential properties (including non-farm properties), to allow permanent structures as an option for farm employee housing or housing for relatives of farm owners.

The amendment includes standards for the Accessory Dwelling Units and provides the review and approval process. Revisions to the Subdivision Regulations are also being proposed to allow the placement of an accessory dwelling on a Residential Development Parcel created through the Certificate of Survey process as the current language restricts development to one dwelling and associated accessory structures.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 promotes the clustering of rural residences to minimize impacts on the rural character of Douglas County and to protect existing agricultural and natural uses in the rural areas. The Accessory Dwelling Unit will allow the installation of a smaller residence in association with a principal dwelling. The residence may be detached from the principal dwelling or located within the interior. This clustering will allow for additional residences without requiring any division of land; thereby protecting the rural character and reducing impact on agricultural and natural uses in the area.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 12-324 of the Zoning Regulations provides the process for proposed text amendments but does not include criteria for review and decision-making. The text amendment was reviewed with the following criteria which are similar to those in the City of Lawrence Development Code:

1) Whether the proposed text amendment corrects an error or inconsistency in the Zoning Regulations or meets the challenge of a changing condition;

The proposed text amendment is in response to a changing condition. As the county develops, citizens are interested in options that would allow an aged or disabled family member to live independently, but in close proximity to the main residence. In addition, farmers who are handing over their land to younger generations may want to have housing for them or have permanent housing, rather than mobile homes, for their farm help. This amendment is drafted in response to changing demographics, economics, and changing community goals.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Regulations

The proposed amendment is consistent with the Comprehensive Plan and the purpose of the Zoning Regulations in that it includes standards and processes to insure the compatibility with nearby land uses which allowing the clustering of residential uses as recommended in Chapter 4, Goal 2 '*Conserve the Rural Character of Douglas County*'.

SECTION 1: NEW LANGUAGE PERTAINING TO ACCESSORY DWELLING UNITS

DEFINITIONS

12-303 Definitions

12-303-1.95 ACCESSORY DWELLING UNIT: A dwelling unit that is incidental to and located on the same lot, vested parcel, or Residential Development Parcel as the principal dwelling.

12-303-1.96 VESTED PARCEL: a parcel lawfully created within the A (Agricultural) District, A-1 (Suburban-Home Residential) District, or R-1 (Single-Family Residential) District in the Unincorporated Area of Douglas County on or before December 31, 2006, that has been maintained in individual ownership (that is, not further divided). (See Section 11-108(e) of the *Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS*.)

DISTRICTS

12-306 'A' Agricultural District

12-306-2.27 Accessory Dwelling Unit.

One Accessory Dwelling Unit is allowed when it is accessory to a principal dwelling on the same vested parcel, Residential Development Parcel or platted lot subject to the supplemental use regulations in Section 12-319.9

12-307 'A-1' Suburban Home Residential District

12-307-2.17 Accessory Dwelling Unit.

One Accessory Dwelling Unit is allowed when it is accessory to a principal dwelling on the same platted lot or vested parcel, subject to the supplemental use regulations in Section 12-319.9.

12-308 'R-1' Single-Family Residential District

12-308-2.16 Accessory Dwelling Unit.

One Accessory Dwelling Unit is allowed when it is accessory to a principal dwelling on the same platted lot or vested parcel, subject to the supplemental use regulations in Section 12-319.9.

STANDARDS

12-319.9 Accessory Dwelling Units

- a. Accessory Dwelling Units are allowed in certain situations to
 - 1) Create additional housing options while maintaining the rural character of unincorporated Douglas County;
 - 2) Provide an independent living area for residents with health issues or disabilities, in close proximity to a caretaker; and
 - 3) Provide housing for persons employed on a farm.
- b. One Accessory Dwelling Unit is permitted on a vested parcel, platted lot or a Residential Development Parcel, which contains a dwelling. This dwelling would be considered the principal dwelling.
- c. An Accessory Dwelling Unit may be established by one of the following means:
 - 1) Conversion of existing space within a principal dwelling or construction of an addition to a principal dwelling.
 - 2) Conversion of existing space within an accessory structure or construction of an

- addition to an accessory structure.
- 3) Construction of a separate accessory structure which will include the Accessory Dwelling Unit.
- d. An Accessory Dwelling Unit shall not be allowed within or attached to a mobile home but may be allowed within a manufactured home.
 - e. There shall be no more than one Accessory Dwelling Unit per vested parcel, Residential Development Parcel or platted lot.
 - f. All Accessory Dwelling Units, whether new construction or conversion of existing space, shall comply with the Douglas County Construction Codes.
 - g. An Accessory Dwelling Unit may be located in a structure which the Zoning and Codes Director has determined is a legal nonconforming structure with respect to building height or setbacks provided any addition to the structure does not extend or increase the degree of nonconformity.
 - h. The following standards apply to all Accessory Dwelling Units:
 - 1) The Accessory Dwelling Unit, if located in a newly constructed detached accessory structure, shall be located a minimum distance of 25 ft from the primary structure.
 - 2) An Accessory Dwelling Unit that is located within or attached to the principal dwelling may utilize the same septic system and water source as the principal dwelling provided the septic system is adequately sized per the Douglas County Health Department requirements.
 - 3) A detached Accessory Dwelling Unit shall have a water source and septic system that are separate from those serving the principal dwelling.
 - 4) The following area requirements apply to a detached Accessory Dwelling Unit:
 - a) A minimum of 3 acres outside the regulatory floodplain must be provided for the septic systems of the principal dwelling and Accessory Dwelling Unit (6 acres total) if the dwellings are served by Rural Water or other public water source.
 - b) A minimum of 5 acres outside the regulatory floodplain must be provided for the septic systems of the principal dwelling and Accessory Dwelling Unit (10 acres total) if the dwellings are served by well water.
 - 5) The Accessory Dwelling Unit and the principal dwelling unit shall share a common access drive unless a new access is approved by the County Engineer. To the greatest extent feasible, existing driveways shall be utilized.
 - 6) An Accessory Dwelling Unit may have an area of up to 1,000 sq ft provided the area of the Accessory Dwelling Unit is not greater than that of the primary dwelling.

- 7) Separate sale or ownership of an Accessory Dwelling Unit is prohibited, unless the parcel or lot is subdivided in accordance with the Subdivision Regulations, creating a separate lot or Residential Development Parcel for each dwelling.
 - 8) The Accessory Dwelling Unit may be rented, but shall not be used as a short term lodging use such as a Bed & Breakfast or motel.
 - 9) An Accessory Dwelling Unit is subject to the same occupancy limits as the principal dwelling. (one family, or group living as a household unit--limited to 4 adults if any of the residents are not related)
- i. The following standards also apply to Accessory Dwelling Units in the A-1 and R-1 Districts:
- 1) The Accessory Dwelling Unit should be located behind the front plane of the principal dwelling whenever possible.
 - 2) The Accessory Dwelling Unit or the principal dwelling shall be occupied by the owner of the property.
- j. Accessory Dwelling Unit Administrative Registration:**
- 1) Accessory Dwelling Units must be registered with the Zoning and Codes Director prior to their establishment. The Registration application, available from the Zoning and Codes Office, shall be provided to the Zoning and Codes Office along with a plot plan with the following information, at a minimum:
 - a) Locations of both the principal and accessory dwellings;
 - b) Property boundaries. For large properties, the boundaries in the area of the dwellings may be shown;
 - c) The distance between the structures and the property boundaries.
 - d) Location of access drive.
 - e) Area and height of the principal and accessory dwellings.
 - f) Locations of the septic system(s);
 - 2) The Zoning and Codes Director shall review the registration application to insure compliance with the Accessory Dwelling Unit Standards, the required setbacks, and to insure adequate access is provided for Fire/Medical emergency vehicles.
 - 3) When approved, the registration is completed with the filing of an affidavit with the Register of Deeds that includes the legal description of the property and identifies the structure as an Accessory Dwelling Unit subject to the standards in Section 12-319.9 of the Zoning Regulations. In the A-1 and R-1 Districts, the affidavit shall also note the requirement that one of the dwelling units is to be occupied by the owner of the property.

k. ADU Registration requiring Board of County Commission Approval.

- 1) A registration for an Accessory Dwelling Unit on a property with a Conditional Use Permit or a Type 2 Rural Home Occupation Business may not be administratively approved, but requires approval by the Board of County Commissioners.
 - a. The registration application shall be reviewed by the Zoning and Codes Director for compliance with the standards in this section and a recommendation forwarded to the Board of County Commissioners.
 - b. The Board of County Commissioners may approve the Accessory Dwelling Unit in addition to the other uses on the property if they determine the combined uses are compatible with nearby land uses.
- 2) The applicant shall provide written notice of the Accessory Dwelling Unit as noted below:
 - a) The applicant shall obtain a list of property owners within 1000 ft of the vested parcel, Residential Development Parcel, or platted lot on which the Accessory Dwelling Unit is proposed from the Douglas County Clerk's Office. If the notification area includes land within the corporate limits of a city, the list shall extend 200 feet into the city. If the notification area extends into the adjacent County, notice must be sent to property owners in the adjacent County.
 - b) The applicant shall mail a letter which contains the information below to the property owners on the list to advise them of the proposed Accessory Dwelling use and provide them the opportunity to contact the applicant or the Zoning and Codes Department if they have questions:

"An Accessory Dwelling Unit at ADDRESS is in the process of being registered with Douglas County. The property at ADDRESS also contains NAME OF BUSINESS a Type 2 Rural Home Occupation Business or Conditional Use and therefore requires approval of the Douglas County Board of County Commissioners. Please contact me at PHONE NUMBER, EMAIL ADDRESS with any questions regarding this registration or the Douglas County Zoning and Codes Department at 785-331-1343 for information."
 - c) A copy of the notification letter, the certified property owner list, and certification of the dates the letters were mailed to the addresses on the list shall be included with the Accessory Dwelling Unit registration materials noted in Section 12-3XX(i)(1).
 - d) The Accessory Dwelling Unit registration will be placed on a Board of County Commissioner's agenda for consideration a minimum of 20 days following the date of the letter.

- 3) When approved, the registration is completed with the filing of an affidavit with the Register of Deeds that includes the legal description of the property and identifies the structure as an Accessory Dwelling Unit subject to the standards in Section 12-319.9 of the Zoning Regulations. In the A-1 and R-1 Districts, the affidavit shall also note the requirement that one of the dwelling units is to be occupied by the owner of the property.

SECTION 2: REVISIONS TO EXISTING LANGUAGE IN OTHER PORTIONS OF THE ZONING REGULATIONS

Proposed language in *bold italics*, Deleted language shown as *struckthrough*.

12-321-2 CONSTRUCTION REQUIREMENTS

All new dwellings constructed, and all dwellings moved from one location to another shall;

~~12-321-2.01 Provide a minimum floor area of eight hundred square feet for each family. *Comply with the Construction Codes, Chapter 13 of the Douglas County Codes.*~~

SECTION 3: REVISIONS TO EXISTING LANGUAGE IN THE SUBDIVISION REGULATIONS:

Proposed language in *bold italics*, Deleted language shown as *struckthrough*.

11-104 (d) Restrictive Covenant

The Immediate Development Area and Future Development Area each shall be restricted by a separate instrument, satisfactory to the County Counselor, which shall:

- (3) For the Immediate Development Area, limit each Residential Development Parcel to one principal dwelling, *one accessory dwelling unit, and accessory buildings until annexation into a city and municipal water and Sanitary Sewer service are extended to the property;*

11-106(d) Residential Development Parcel (RDP)

- (2) Residential Development Parcels can be created through the Certificate of Survey process only when the Planning Director finds: the property is being divided for single-family residential purposes (*limited to a maximum of one principal dwelling and one accessory dwelling unit for each Residential Development Parcel*).
- (3) With respect to any division made according to this Section, the subsequent Residential Development Parcels shall be considered Parcels but shall not be considered platted Lots created through a Major or Minor Subdivision/Replat process. Each Residential Development Parcel shall be eligible for the issuance of building permits for one single-family *principal dwelling, one single-family accessory dwelling unit*, and other permitted accessory uses, buildings, and structures. Use for any other purpose (other than agricultural use), construction of more than one single-family *principal dwelling* or *one single-family accessory dwelling unit*, ~~or further division of the Residential~~

~~Development Parcel~~ shall be prohibited. Development for any other use will require review through the Major Subdivision process.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/25/16

ITEM NO. 7 IG to CS; 3.82 ACRES; 1235 N 3rd St. (KES)

Z-16-00066: Consider a request to rezone approximately 3.82 acres from IG (General Industrial) District to CS (Commercial Strip) District, located at 1235 N 3rd St. Submitted by Allen Belot Architect, for Don E. Westheffer and Wanda L. Westheffer, property owners of record.

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

REASON FOR REQUEST

Applicant's Response:

"The owners of this property have been having occasional public/private events (music concerts, wedding receptions, corporate events, etc.) over the past several years. Each time an event is scheduled, under the current zoning, a special event permit must be issued before the event can take place. A modification to Article 4 of the Land Development Code was recently adopted adding Event Center, Small & Event Center, Large uses to Zoning Districts MU through IL without requiring a special event permit to be issued. This new event category does not apply to the current zoning, IG but is allowed in Zoning Districts CS thus, the owner is requesting a change in zoning to CS to allow the events they hold to be allowed by use rather than applying for a special event permit each time."

KEY POINTS

- The property is located just to the north of Interstate 70 on the west side of N. 3rd St.
- The property has historically been used for occasional events through the Special Event Permit process.
- The proposed zoning change would permit the events use after approval of a Site Plan for an Event Center without requiring the issuance of a Special Event Permit for each event.

ASSOCIATED CASES

SP-07-64-08 Site Plan; Westheffer Company, Inc.; Approved July 28, 2008, Temporary use for Hamm, Inc. offices in addition to existing Westheffer Company, Inc.

OTHER ACTION REQUIRED

- City Commission approval of rezoning.
- Publication of rezoning ordinance if approved.

PUBLIC COMMENT

N/A – no communications received.

Project Summary

The proposed rezoning would accommodate an special Event Center use on site. The property has historically been used to hold occasional special events through the Special Event Permit process. The rezoning would allow the use without having to obtain multiple special event permits. There is no construction or building development proposed. A site plan and building permit would be required to address land development and building code requirements for a Event Center use.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's response:

"The Comprehensive Plan recommends that N. 2nd Street and N. 3rd Street play an enhanced role in the community as a commercial corridor, acting as an important entryway/gateway to Lawrence. This corridor is considered to be an existing Strip Commercial area. The Comprehensive Plan identifies the intersection of the N. 3rd Street and I-70 as a possible location for an Auto-Related Commercial Center. Marginal, obsolete and underutilized sites and incompatible uses along this corridor should be redeveloped or reconstructed. For example, existing heavy industrial uses along the northern portion of the corridor should be relocated within the planning area and the sites redeveloped with compatible commercial, service or retail uses. New development and redevelopment shall include improved parking, signage and landscaping improvements that enhance the overall aesthetic and environmental conditions along the corridor. The city should encourage and work with land owners to undertake property improvement within the area. The city should consider special financing mechanisms, such as benefit districts or tax increment financing to assist in private and public improvement projects for the area."

This property is currently zoned IG (General Industrial). This rezoning to CS (Commercial Strip) District would accommodate the Event Center use that is currently happening on this property under the Special Event Permit process. The change in zoning would accommodate the commercial uses that the property has been used for in the past and would be in compliance with the Comprehensive Plan.

Staff Finding – The proposed rezoning does not change the overall character of development in the area and the request is in conformance with the land use recommendations in the Comprehensive Plan. The rezoning provides an under-utilized property to become a more actively used site along the corridor.

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

Current Zoning and Land Use: IG (General Industrial) District; *Existing retail and warehouse with occasional special events.*

Surrounding Zoning and Land Use: To the east: OS (Open Space) District; *Railroad and Riverfront Park.*

To the south: CS (Commercial Strip) District and RS10 (Single-Dwelling Residential) District; A portion of I-70

is zoned RS10 and south are existing *Commercial structures that are part of the I-70 Business Center*

To the west: IG (General Industrial) District and CS (Commercial Strip) District; *Vacant lot and Pine's Nursery and Retail.*

To the north: IG (General Industrial) District; *Existing Industrial and Warehouse structures.*

The property is currently zoned IG (General Industrial) District. Adjacent zoning in the area is primarily IG (General Industrial) and CS (Commercial Strip). The requested rezoning is consistent with existing zoning in the existing development. The request complies with the Comprehensive Plan land use projections in the area.

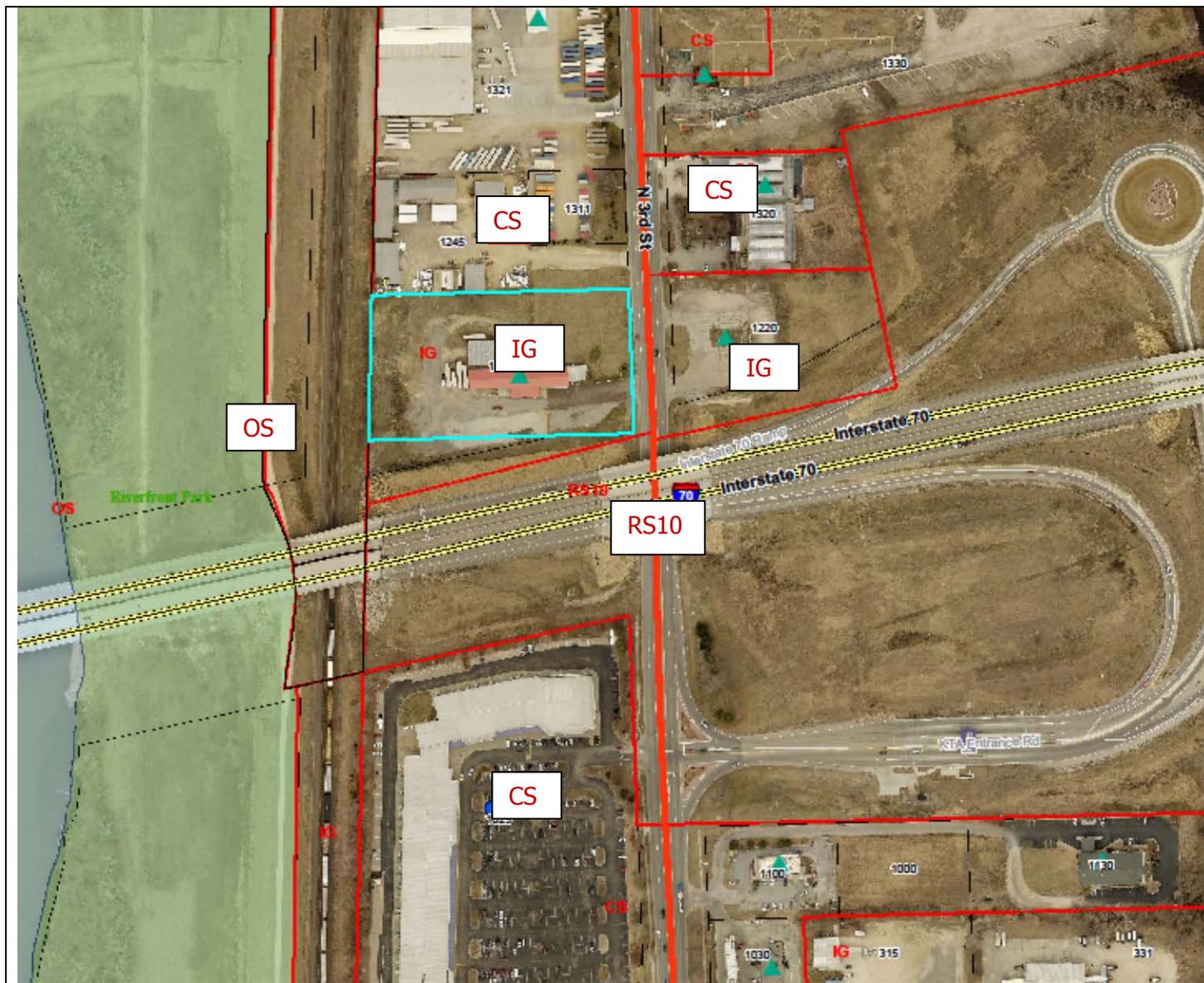


Figure 1. Zoning and land use in the area. Subject property is outlined in cyan.

Staff Finding – The subject property is adjacent to properties zoned for Commercial Strip and Industrial land uses. The properties are already developed with the exception of a vacant lot across N. 3rd St. The proposed rezoning is compatible with the zoning and land uses, existing and approved, in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"Directly to the north is a light manufacturer of small farm equipment and farther north is a large indoor/outdoor commercial storage facility. Across North 3rd Street is an unimproved lot that has display and retail sales office for modular storage buildings. To the North of that is a large retail nursery/greenhouse and beyond that is a restaurant/bar. The south border of this property is the Kansas Turnpike/I-70 but beyond that is the I-70 Business Center and various commercial uses on that opposite side of the street."

This area is currently zoned industrial and commercial. The properties surrounding the subject property are established with both industrial and commercial structures that fall into these uses.

Staff Finding – The proposed rezoning is in keeping with the development in the area. The proposed rezoning would allow uses that are compatible with the character of the area.

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

Applicant's response:

Generally, this property is suitable for the restrictions placed on it by the current IG zoning. However, Horizon 2020 encourages redevelopment of marginal and under-utilized properties in this specific area. Under the current zoning the owner can continue to have occasional special events with proper permits with no changes to the facility required. With rezoning to CS, the property will be required to upgrade the landscaping, parking and building design if they wish to continue with the events they would like to book for the future."

Staff Finding – The property is suitable for the IG District, however the site size would limit any future industrial development. The rezoning does not alter plans for the area and is consistent with the existing development. The proposed rezoning would also encourage improvements to the existing site consistent with the Comprehensive Plan's vision for an updated 3rd Street corridor.

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

Applicant's Response:

"The property has not been vacant but until a couple of years ago was under-utilized with tenant selling wholesale household items and miscellaneous hardware along with outdoor storage of over the road tractors and trails plus some limited warehouse space. Since that time the owner has substantially cleaned the property, painted and eliminated the outdoor storage and is prepared to invest more in upgrades with this impending rezoning request."

Staff Finding – The property is not vacant. It has been zoned IG since adoption of the Land Development Code in 2006. Prior to that, the property had been zoned IG-2, an industrial district, since 1974.

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

Applicant's Response:

"There should not be detrimental effect on surrounding properties as the type of business proposed is ongoing at the current time with no known ill effect to the surrounding property owners. This ongoing business would continue under the new zoning with the added benefit to the neighbors of additional landscaping along North 3rd Street, improvements to the on-site parking areas and upgrading the existing building façade to comply with the Commercial Design Guidelines."

Staff Finding – The CS zoning is in keeping with surrounding zoning. The rezoning would allow for the existing uses to continue and accommodate the Event Center use on a permanent basis. The rezoning would be compatible with the nearby uses and should have no detrimental effect.

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

Applicant's Response:

"Enhanced aesthetic appeal along the North 3rd Street 'Gateway' with improved landscaping and pedestrian connectivity. Compliance with current on-site parking standards, compliance with the current Commercial Design Standards and compliance with ADAGG accessibility inside and out. Increased traffic in the area, when other surrounding business are normally closed, will increase general security to the area."

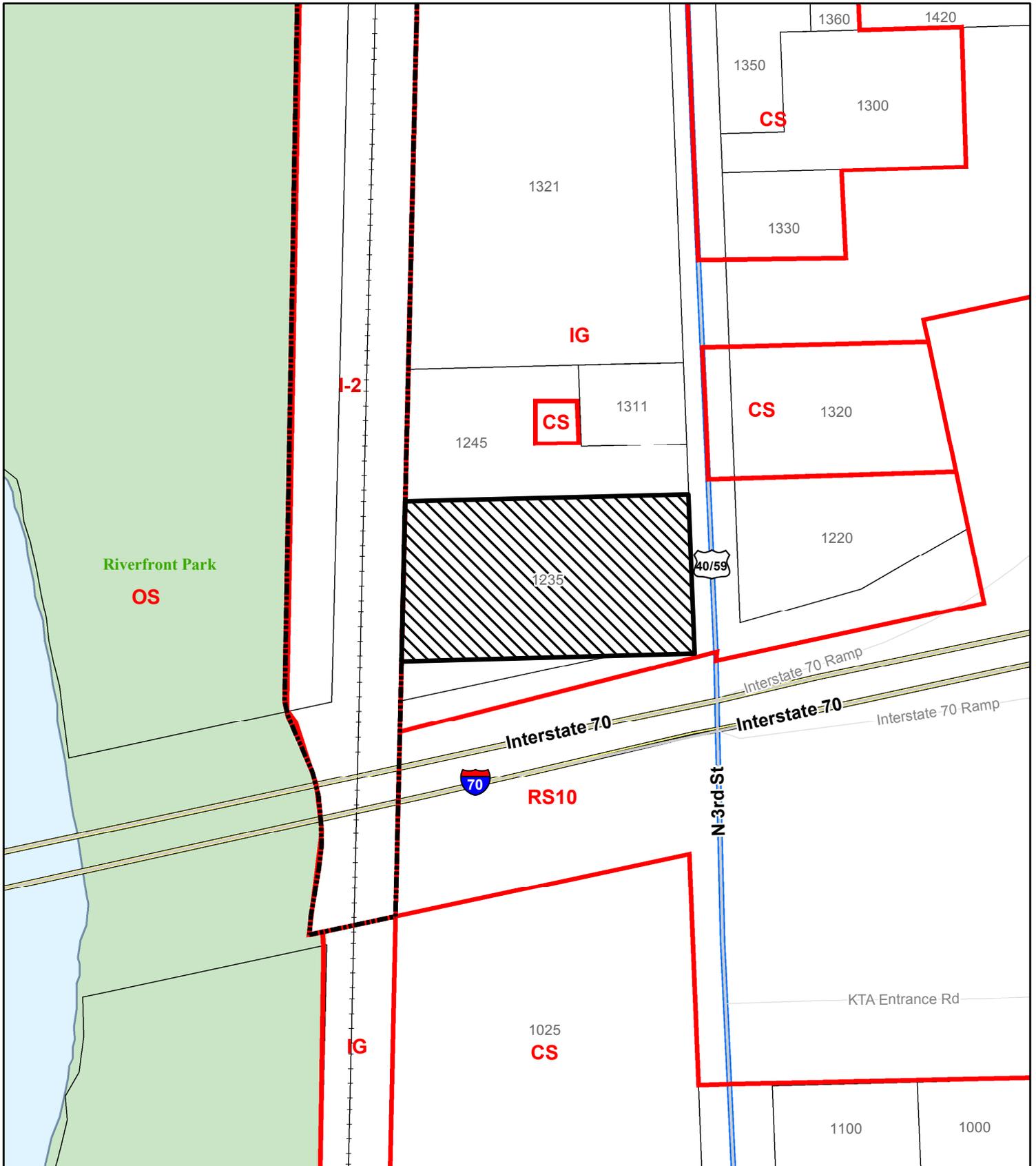
Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

The proposed rezoning will provide the owner with the opportunity to site plan the property with a permanent Event Center use through the Site Planning process, potential impacts will be evaluated and mitigated if necessary.

Staff Finding - Denial of the rezoning request could leave an underutilized site at the gateway to the community. Investment in the site upgrades are expected with the Site Planning process. The improvement of gateway properties provides a benefit to the public health, safety and welfare.

PROFESSIONAL STAFF RECOMMENDATION

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



**Z-16-00066: Rezone 3.82 acres from IG District to CS District
Located at 1235 N 3rd Street**



Memorandum

City of Lawrence/Douglas County Planning and Development Services

TO: Lawrence – Douglas County Planning Commission
Lawrence Historic Resources Commission

FROM: Jeff Crick, AICP, Planner II

CC: Scott McCullough; Planning and Development Services Director
Lynne Braddock Zollner, AICP; Historic Resources Administrator

Date: For the April 21st, 2016 Historic Resources Commission Meeting, and
For the April 25th, 2016 Planning Commission Meeting

RE: *Oread Neighborhood Design Guidelines* Rehearing Process and Outline

Background

The Lawrence – Douglas Co. Planning Commission and the Lawrence Historic Resources Commission held two joint meetings to discuss the proposed *Oread Neighborhood Design Guidelines* on [Thursday, February 18th, 2016](#) and [Monday, March 21st, 2016](#). Both commissions recommended approval of the guidelines and associated rezoning requests to implement them. After the official hearing of March 21st, 2016, staff discovered that the rezoning effort was not properly noticed in the neighborhood and a re-hearing must be completed.

Rehearing Process

To proceed with the adoption process for the *Oread Neighborhood Design Guidelines*, staff will restart the public notice and hearing process for both the Historic Resources Commission and the Planning Commission. This entails hearings before both recommending bodies, not in a joint format as was conducted previously in March. Staff is working to schedule new hearings for the June meetings of each commission separately. The items will be submitted to the City Commission after the re-hearings occur, which staff anticipates will be July at the earliest.

The issue does not stem from a fault with the Guidelines document, nor the recommendations by either commission. Instead, this stems from a process concern of not placing notice signs throughout the neighborhood as required by code. Proper notice and a rehearing of the items are required to remedy the situation. Staff has modified the *Oread Neighborhood Design Guidelines* based on the comments and recommendations from the March joint meeting, and anticipates a similar finding by the commissions as this process continues.

Public Notice Process

Section 20-308(d)(1) of the [Land Development Code](#) outlines the notice provision procedures required for the creation of an Urban Conservation Overlay District (-UC). This section states that it must comply with the Zoning Map Amendment Procedures of Section 20-1303, "Zoning Map Amendments (Rezoning)." Section 20-1303 requires staff to follow the notice provisions in accordance with Section 20-1301(p)(3); however, Section 20-1301(p)(3) is entitled, "Inaction by Review/Decision Making Bodies." Therefore, staff assumes that this reference is an error and was intended to actually reference Section 20-1301(q)(3) "Mailed Notice" instead.

Additionally, upon further review of Section 20-1303(c), which states, "Newspaper, posted and mailed notice of the Planning Commission's public hearing shall be provided in accordance with Section 20-1301(p)(3)," staff determined that the precise citation of Section 20-1301(q)(3), "Mailed Notice" is also not in accordance with the Code's intent, and should have referenced Section 20-1301(q), "Notices" instead.

At the time of the joint Historic Resources Commission/Planning Commission hearing on March 21st, 2016, posted notices were not completed to fulfill the intended spirit of this Code section. To ensure the full and proper intent of the public notice section is followed to the spirit of the Land Development Code, staff feels that the best procedure to uphold the Code would be to recommence the public notices and public hearing requirements ensuring that Section 20-308(d)(1) is followed to the full spirit the Code likely intended.

Land Development Code Clarification

Given the issues cited within Article 13 "Development Review Procedures," staff believes it is in the best interest for the Planning Commission to initiate a text amendment, and direct staff to revise Article 13 to correct the citation issues. This would clarify the citation issues, and also allow for staff to refine the language to prevent future issues regarding public notice requirements.

Recommended Action

Staff recommends that the Planning Commission initiate a text amendment to correct and clarify this portion of the Land Development Code to clearly cite and delineate the intended notice requirements.