

LAW OFFICES  
**BARBER EMERSON, L.C.**

1211 MASSACHUSETTS STREET  
POST OFFICE BOX 667  
**LAWRENCE, KANSAS 66044**  
(785) 843-6600  
FACSIMILE (785) 843-8405

JOHN A. EMERSON  
BYRON E. SPRINGER  
RICHARD L. ZINN  
CALVIN J. KARLIN  
JANE M. ELDRIDGE  
MARK A. ANDERSEN\*  
CHERYL L. TRENHOLM\*  
TERENCE E. LEIBOLD\*  
TERRENCE J. CAMPBELL\*

\*ADMITTED IN KANSAS AND MISSOURI

MATTHEW D. RICHARDS\*  
LINDA K. GUTIERREZ  
MATTHEW S. GOUGH\*  
CATHERINE C. THEISEN  
KRISTOPHER S. AMOS

RICHARD A. BARBER  
(1911-1998)

GLEE S. SMITH, JR.  
OF COUNSEL

February 25, 2008

Jane M. Eldredge  
E-Mail: [jeldredge@barberemerson.com](mailto:jeldredge@barberemerson.com)

Mr. Grant Eichhorn, Chairman  
Lawrence/Douglas County Metropolitan  
Planning Commission  
City Hall  
6 East Sixth Street  
Lawrence, Kansas 66044

*Via Facsimile and U.S. Mail*

Re: TA-07-14-07 Text Amendment

Dear Mr. Eichhorn:

Please adopt a text amendment that will restore the former M-2 zoning district setbacks to the Development Code IG (General Industrial) district.

Under the former zoning code M-2 was the general industrial district that was:

“designed to accommodate a wide range of manufacturing,  
wholesaling, warehousing. . . .”

The M-2 lot area was a minimum of 5,000 feet with a minimum width of 50 feet and depth of 100 feet and setbacks varying from none to 50 feet depending on what type of street it abuts and what type of property use it abuts or faces. It allowed significantly smaller industrial uses than the more intensive M-3 and M-4. *Please see attached Exhibit A.*

At the time of the Development Code zoning conversion M-2, M-3 and M-4 were lumped into the IG district. There were a total of approximately 30 industrial districts of which 21 were M-2, or medium density; 8 were M-3 or high density; and one was M-4, a salvage yard.

More than two-thirds of the number of districts and most of the land area had been zoned M-2. M-2 included small lots in multiple ownerships where most of our incubator and home-grown industries have started and flourished. These uses were and continue to be of medium not intensive uses. To structure the IG district to provide setbacks for intensive industrial uses stifles the continued growth and expansion of an existing medium density business and discourages

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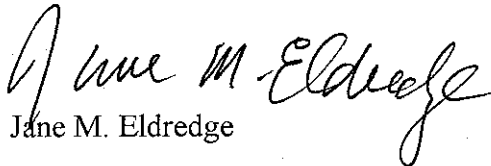
redevelopment of these older lots. Such an action flies in the face of Horizon 2020. Strategies for Industrial Land Use, attached as Exhibit B, particularly because it fails to:

**“Recognize the need to protect, enhance and retain existing industrially-related land use areas serving the community.”**

It makes much more sense to separate out the heavy or intensive uses - those few that had been zoned M-3 and M-4, and continue to treat them with their larger setbacks and more screening than, to put a strangle hold on the growth and development of the vast majority of industrial sites that were in the M-2 district before the adoption of the Land Development Code. Please fix the IG problem now, so that most of the industrial uses will be conforming and be allowed to expand.

Very truly yours,

BARBER EMERSON, L.C.

  
Jane M. Eldredge

JME:klb

Attachments

TABLE V

ZONING DISTRICTS (c)	LOT AREA MINIMUM (Square feet)	LOT WIDTH AT FRONT BUILDING LINE MINIMUM (feet)	LOT DEPTH MINIMUM (feet)	YARDS, MINIMUM (feet)						STORIES	HEIGHT, MAXIMUM (a)
				WHEN ABUTTING A STREET RIGHT-OF-WAY (b)			WHEN ABUTTING OTHER PROPERTY LINES (a)				
				When Across Street From Residential District	When Across Street From a Non-Residential District		When Abutting Property in a Residential District	When Abutting Property in a Non-Residential District			
					Minor Thoroughfare	Major Thoroughfare					
M-1 (Research Industrial)	304,920 (7 acres)	200	200	40	40	40		40	15	3	40
M-1A (Light Industrial)	20,000	100	200	50	25	50		20	15	3	35
M-2 (General Industrial)	5,000	50	100	25	25	50		20	15	3	35
M-3 (Intensive Industrial)	20,000	100	100	50	25	50		50	15	7	75
M-4 (Limited Intensive Industrial) (d)	87,120	200	200	50	25	50		50	15	3	35

- (a) In the M-1 and M-1A Districts there shall be no exterior storage of industrial supplies, goods, equipment, or trucks within 20 feet from any street line. In the M-2 and M-3 districts there shall be no exterior storage of industrial supplies, goods, equipment, or trucks within 20 feet from any street line when across the street from any residential district or when abutting any street designed as a major thoroughfare on the comprehensive plan.
- (b) In any industrial district (M-1, M-1A, M-2, M-3, M-4) where a yard abuts a railroad right-of-way with a minimum width of 50 feet, no structural setback from said right-of-way shall be required.
- (c) Minimum yard requirements set forth for the M-4 district shall apply only to buildings. Fencing setback requirements are set forth in Section 20-1418.
- (d) A building or structure may exceed the district maximum height regulations up to a maximum of 150 feet: provided, that each front, side and rear yard is increased by the greater of the following quantity:  
 (1) One foot for each additional two feet of height, or  
 (2) Five feet for each additional story.
- (e) See Section 20-806 for further conditions.

(Ord. 5583, Sec. VII)

**EXHIBIT A**

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## **CHAPTER SEVEN**

### **INDUSTRIAL AND EMPLOYMENT-RELATED LAND USE**

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Business and industrial development has occurred within Lawrence and a few areas of unincorporated Douglas County. Technology development, related to ties with the University of Kansas, and growth in the greater Kansas City area indicate potential for substantial new jobs in the future. The Plan recommends a number of new office, office/research and industrial development locations in Lawrence.

#### **STRATEGIES: INDUSTRIAL LAND USE**

The principal Comprehensive Plan strategies for the development and maintenance of industrial areas are:

- Strive to increase the number and diversity of jobs available to citizens of Douglas County, with the intent of stabilizing the future employment base and generate additional wealth in the community. This strategy requires the community to make available an adequate amount of land in a number of locations to meet diverse development needs. The plan designates and encourages the development of a number of employment areas.
- Increase the community's involvement in economic development in order to secure a job growth goal of 20,000 total new jobs in Douglas County by the year 2020. The plan encourages the continued cooperation of the local business community and area educational institutions to bring new technology and investment to the community.
- Recognize the need to protect, enhance and retain existing industrially-related land use areas serving the community.
- Continue to address the needs of existing local employers and industrialists to ensure their retention and to facilitate expansion plans for the future.
- Work with developers and industrialists to make available sites, improvements and amenities which best respond to the market demands while meeting community objectives for the type and quality of development.
- Provide employment locations in various parts of the community and encourage bicycle and pedestrian access improvements to employment centers from community neighborhoods.

#### **INDUSTRIAL AND EMPLOYMENT RELATED LAND USE CATEGORIES**

The Plan designates several areas for future industrial and employment-related development. These include continued development of existing light industrial areas as well as development of new office, office research and warehouse distribution areas.