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**From:** Michael Almon [mailto:paradigm@ixks.com]  
**Sent:** Monday, March 23, 2009 4:42 PM  
**To:** Bobbie Walthall; Amyx, Mike ; Dever, Michael  
**Subject:** H2020 Ch7 - 24 March 2009 CC

Dear Mayor Dever & Commission:

Although there has been a great deal of indecision by the various jurisdictions about Horizon 2020 Chapter 7, a few things about the process are certain.

Everybody has emphasized how it now is of community importance to preserve our best prime soils. Everybody agrees it's a question of what mechanism(s) should be used to preserve those soils. And most everybody thinks multiple mechanisms should be used, rather than exclusively one or another - Eco2, transferable development rights, a land conservancy, and Code regulations.

Regarding the Code regulations, the most intensely discussed and considered regulation is to have Category I & II prime soils listed as General Locational Criteria in Chapter 7. But additional comments by most Commissioners at various times have called for this stipulation to appear in ALL chapters of Horizon 2020 - virtually all the Planning Commissioners, all the current County Commissioners including Jim Flory, and I believe most of the current City Commission as well (see attached PC transcription from 21 May 2008, and see attached BoCC transcription from 26 January 2009).

Reasons given for having parallel language for locational criteria in ALL chapters have been because of consistency sake, because prime soils need protection from residential and commercial development as well, and because such language would be an immediate guide post for developers looking for sites by way of each of the chapters.

And the reasons given for adopting prime soil locational criteria first and foremost in Chapter 7 were because this is the chapter under consideration at the moment, and because industrial development is the strongest threat to prime soils by virtue to needing flat treeless terrain. Yes, we want these locational criteria in other chapters too, but start at Chapter 7, and extend them from there.

When the Planning Commission "recommended" the 21 May 2008 edition of Chapter 7, they did so explicitly as a first blush, with a directive to Planning Staff to draw up language for more discussion that would clarify a definition of Category I & II prime soils. With such clarification, they agreed that they would be more comfortable making Category I & II prime soils a locational criteria. Staff did do just that, and it came to you in the form of the October 2008 edition of Chapter 7 - the so called "green line" edition. The City Commission, of course, considered that edition on 21 October 2009 (see attached minutes from that meeting).

As you recall, the Commission came within a hair's breadth of adopting the "green line" edition, but became hamstrung by parliamentary procedure. **The vote to adopt the October 2008 "green line" edition was a majority vote in favor**, but failed because it needed to be a super majority. The vote to send it back to the Planning Commission failed 2-3.

The Chapter 7 October 2008 edition is the one apparently favored by the Planning Commission, the Planning Staff, and the City Commission all. The County Commission seems to have read procedural confusion as being problematic, so ventured very minimally with their opinion.

I am requesting the City Commission do exactly what the Planning Commission requested in the first place on 21 May 2008. Please refer Chapter 7 October 2008 "green line" edition back to the Planning Commission, so they can have their crack at it as they requested of Staff (Chapter 7 October 2008 "green line" edition attached).

Respectfully,  
Michael Almon

Planning Commission  
21 May 2008

ITEM NO. 11 CPA-2004-02  
Horizon 2020, Chapter 7: Industrial and Employment Related Land Use.

Michael Almon: I'm here representing the Sustainability Action Network, concerned with the sustainability of our food security and food system. As Gwen Klingenberg pointed out earlier, the future is going to encompass a lot about prime agriculture land. For pretty much every commodity in the world right now, the demand is outstripping the supply. And that, as you well know, applies to food as well.

It's going to be increasingly important with the phenomenon of Peak Oil and the cost of the oil inputs – pesticides, fuels, whatever – into agriculture, that much, much more of our food be grown regionally, and our soils are what's going to be able to make that happen.

As far as the approximate million acres of prime farmland that's lost each year in the United States, most of that, the lion's share, is urban fringe. That's due to sprawl, but it's also due to the fact that most cities are built near rivers, near the bottoms, near flood plains. That's also where the best soil is. So to say that the urban growth area should exempt our concern for the prime soils contradicts the very fact that the urban growth area is pretty much guaranteed to encompass the prime soils.

Likewise, those prime soils, as Ms. Thellman pointed out, the best prime soils – Class I and Class II – are the bottom lands. They are the flat soils that the criteria “Have minimal average slope” also applies to. So we have a built in conflict here.

I want to point out about these locational criteria. I'm opposed to removing the “prime soils” from the locational criteria as long as they're clearly defined with references to maps, as Ms. Clark pointed out. These criteria are not “negative” or “positive” criteria [as the Director of Planning called them]. That's faulty logic; that's expedient logic. These criteria, as are any criteria, are limits. They set the limits of where we want to put something and where we don't want to put something, pure and simple. They're not negative or positive.

“By highways” is saying you're not going to locate industrial sites fifteen miles from highways. By “adequate parcel size” says you're not going to locate industry on sites that are smaller than forty acres, and such and such. It's semantics whether you think of this as positive or negative. Obviously, “outside the regulatory floodplain”, the way that's worded is negative phrasing. But it's just semantics.

So to eliminate from the locational criteria “prime agricultural lands” - and that needs to be defined very clearly – because it's a negative criteria, that's faulty logic. So when you review this whole thing, remember that these simply are limits, and the limits are logical limits. and all the developers need to know what the rules are when they walk into the game.

Commissioner Eichhorn: Thank you Michael. Any questions? Anyone else? I don't think we have anyone else. Alright, we'll close the public hearing.

Commissioner Finkeldei: Definition – can we put up the definition – I guess it's not a definition – the new paragraph [of prime soils]? And I guess this goes to some of these overarching depending on how we tend to use this. To me that's not a definition, it's a paragraph that says “it's generally defined as”. And is that last one supposed to be – previously it said “primarily”, and that's why I want to look at this. And now it says “Within Douglas County, these are Capability I and Capability II” [soils]. So would that be the definition of prime farmland? You removed the word “primarily”.

Amy Miller: And that was in direct response to Mr. NovoGradac's letter.

Commissioner Finkeldei: So that was intentional to remove the word “primarily”. Okeh. So the sentence before that is just description for someone who might not know what number I and II is.

[interim]

Commissioner Eichhorn: So discussion among ourselves? I guess one of the thoughts I had, I believe it was Barbara who brought it up, or Nancy did, is the discussion of as the locational criteria for industrial, it being flat, treeless – all the criteria that would be an absolute must for industry for the siting process - are the best prime soils. So that it may, in fact, have the ability to carry some extra weight in this chapter, as opposed to our residential and commercial chapters. I think as for that discussion among ourselves, I think that's a pretty decent point. We took it out because we want to put it everywhere. However, it really does hold a little bit more weight here, because that's exactly what's being looked at.

Commissioner Moore: My thought is that if it's being looked at as the fact that it's a resource [prime soil], you should not look at the future use, you should look at the fact that it's as a resource. And that's why I struggle with it.

Commissioner Harris: I don't understand what you mean.

Commissioner Hird: I don't either.

Commissioner Lawson: I don't either.

Commissioner Moore: If you're valuing the land because it's a resource, the future use should not matter to the fact that it's a resource.

Commissioner Finkeldei: I mean what, now that it, now help me Greg, I . . .

Commissioner Moore: Go ahead, Brad, since I'm not very clear. It's my fourth meeting until past 9:00 in the last four days.

Commissioner Finkeldei: I think the question is, the reason you would put it as a location requirement would be to keep in – if you put it just here – to keep industrial development from prime agricultural farmland. And is the goal to exclude industrial development on prime agricultural farmland? Or is the goal to exclude development of prime agricultural farmland? I mean, so what he's saying is, if your goal is to protect prime farmland, putting it in the locational requirement of an industrial chapter doesn't get you to that goal. You should put it somewhere in Horizon 2020 that says our goal in this community is to preserve prime agricultural farmland from soccer fields, from residential, from a commercial development, from an airport, from a road, from a waste water treatment plant; you know,

our goal is to preserve the prime agricultural farmland. I think, is that what you're saying?

Commissioner Moore: If you're saying it's a resource, value it for the resource it is, not because of future use that someone wants it to be. Value it for how it is today.

Commissioner Lawson: Well, if that's all it takes, then it's fairly simple because, yes, we do value it as a resource. And we take the first step to insure the understanding of that value by establishing it as a locational criteria for this, and all future related and associated embellishments that are coming on down the line, it seems to me.

Commissioner Harris: Um huh.

Commissioner Carter: I guess we're still, when we're talking about prime agricultural farmland, I'm still not clear if we're going specifically to that definition over there? Or if everyone's on the same page. And if we map this out and say it's a locational criteria, have we gone to the point of knowing whether we have any industrial sites left, or is this realistic criteria, or should it just simply be a goal?

Commissioner Lawson: I'm glad you asked that question, because it's one of the things that became clear to me tonight still is that there is a big gap in the understanding of the definition that's been proposed here, with respect to the specificity of the two classes of soils. All I'm trying to convince you is that soil classes, as established by originally the ASCS, the Agricultural Soil Conservation Service, now succeeded by the NRCS, those were done, those were started being done many years ago, and done with a very scientific approach. They're not smoke and mirrors, they're not guesswork. They're a matter of going in and they actually went around and poked probes into the ground and took up soil samples, evaluated them, and then classified them so that there was a uniform and clearly understood manner of addressing what the soil's abilities were. I mean, it's not a guesswork thing, and I think Ms. Clark did us a great favor this evening when she brought in that map that illustrated very, very well how rare and how finite that particular classification is within Douglas County. Whereas, we have seen, we've had presented to us maps or overlays that when you looked at it, it made it look as though 60% or 70% of Douglas County was prime farmland. And folks, from an economic standpoint, that is absolutely not the case. And I'm really amazed that we're struggling so hard to come to accept this fact, when we spent quite a bit of time tonight talking about the merits of somehow protecting and preserving at all costs some remnants of native prairie and rock outcrops. And I don't say that to denigrate the importance of those features in many people's minds, but we're talking here an entirely different thing in my estimation. We're talking about something that is of real, true economic merit, today and tonight and forever, I'm satisfied. So I don't think we make a mistake by putting as much emphasis as we can on the protection of those soils in this chapter and then other chapters as you, who will continue to labor in this manner, have an opportunity to do during your service.

Commissioner Blaser: Do we have any idea on Class II? All that was presented on the map was Class I.

Commissioner Lawson: But Class II, but still the thing that is, there will be some Class II's that will be upland soils. You'll find some Class II soils, for instance, in southwestern part of Douglas County, and you'll notice those because typically they will be relatively flat, relatively black, and they don't have terraces on them, and people are farming them. All the rest of this stuff that you drive in around Douglas County that's up and down, and they're farming them, but they're either terraced or they're washing away. And so there's not that big a, and really most of the other Class II within my understanding in Douglas County are going to be along creeks. They're going to tend to be in lower lying areas, and they'll be relatively level, and fertile. And from a standpoint of percentage, do either

of you ladies, I can't honestly call up a percentage number estimate off the top of my head. And I don't know if you can, or.

Barbara Clark: I have a chart that I could . . .

Commissioner Eichhorn: Well, the public hearing is closed, and if I going to include one, I need to . . .

Commissioner Lawson: Well, I understand, I appreciate that, I was only searching to find all good possible immediate available resources, but we'll forgo that.

Commissioner Eichhorn: I understand.

Commissioner Finkeldei: And in response, I don't – well, I don't want to speak for everyone here, but - I'm not struggling with the idea of putting the importance on protecting prime agricultural farmland as an overall theory. You know the issue I think is being debated is “Where do you put it?” You put it as a general locational criteria? Do you put it as a specific criteria for a site plan? Or do you put it as an overarching goal in the chapter?

Commissioner Lawson: Well, where do you think it makes the most beneficial use of the determination? Where does it protect the land the best?

Commissioner Finkeldei: If it protects the land the best, it would probably be in the specific criteria for the site plan. Because the general locational criteria says well, “Tell me where you're going to look?” Well, we're going to look close to transportation network. But then we say they should meet these specific criteria – they must preserve environmentally sensitive areas; they must encourage natural stormwater; they must have available and adequate utilities; they must - . I mean, if you want to say that, you would put it more in the specific rather than in the general. I mean, to me - . And then the second thing, as a practical matter, and not that I'm proposing this, and certainly we've voted differently but, based on what I'm hearing tonight and on that map, you would eliminate, you would take the Airport [Business Park] out of this plan.

Commissioner Lawson: I think that's exactly right.

Commissioner Finkeldei: And that's what you'd do. I mean, that would be the maximum protection.

Commissioner Lawson: I think that's exactly right.

Commissioner Finkeldei: Yeah.

Commissioner Lawson: Which I would have probably spoken for, but I recused at the time that was being dealt with, but I think you're right in your observation.

Commissioner Finkeldei: In answering your question, I'm not supporting it or agreeing with it, but that's, I mean, I think that's what you'd do.

Commissioner Lawson: Yeah.

Commissioner Harris: Um huh.

Commissioner Eichhorn: Brad, I just want to ask you this, to go back to the “general” and the “specific”. The general locations are really rather succinct. We're looking at eight words max – have minimal average slopes; lie primarily outside the regulatory floodplain. Something that said “lie out of prime agland as we define it” would be very succinct and very direct, and really, move someone on towards another area rather quickly. Putting it in the specific, I think, each one of those is two to three lines. By putting it in the general, I think, it moves someone quicker down the road, which is what we should be trying to do.

Commissioner Finkeldei: Well then, of course, I don't, to me that, again it goes down to the question, I mean, you have general, to me, if you're trying to protect something you want to be as specific as, you know.

Commissioner Eichhorn: We're trying to move someone out of the floodplain, we're trying to move someone, at least I.

Commissioner Finkeldei: Yeah, yeah, I'm not going to do, you could put it in lots of places, again, if you really wanted to do it, you'd be, the first thing you would say is, you know, “industrial and prime ag use” paragraph one. You know that's, getting that technical, you could put it lots of places.

Commissioner Lawson: There are several aspects of these that we've not hesitated to be redundant about. So if concern about redundancy is, I mean I think we could skip by that concern and follow that pattern.

Commissioner Carter: My concern just to be clear is that, the difference between a goal and a specific criteria. Because I really don't know yet, if you took Type I & II and really put Type I & II on a map and looked at where. It might make sense, if we didn't know where these soils were as far the industrial locations for Lawrence industry, they could be completely eliminated by this. You know to say it's a goal, but I'm not ready to say I support a criteria when I don't know if I'm completely saying. For instance, when we now talk about sprawl, are we now saying we're going to maybe have to just jump over large expanses because they're Type I & II to find the next spot where we can put industrial? And now you're really talking sprawl, because we're even more disconnected than when we're current proposed locations. I think there's a lot for me that's just on, I don't think I know enough to support saying it's specific criteria that could be eliminating all industrial growth here by doing that. And that may be the goal of some, but I just don't think that's reality.

Commissioner Echhorn: I don't think that's the goal up here.

Commissioner Carter: No, no, I don't mean that, I just mean in general there's certainly some people that don't want to see it out there, not on this Board.

Commissioner Jennings: Can I preface this by saying I have no interest in paving over prime farmland. My only concern is should it be, if a certain property is a certain percent of prime farmland. Because we could have a little corner of a patch here someplace that falls under Map I or Map II that's really not practical to farm. You know, should it say, and I don't want to put numbers in anyone's mouth, but should it say if it's 10% or more or whatever the case may be. But I can see a little red blob over in the corner getting in the way. But that really isn't practical.

Commissioner Echhorn: In the general criteria, be of adequate parcel size and generally over 40 acres. So if we're talking about something that small, I don't

Commissioner Jennings: That's fine, I echo what Dennis said, and I have no interest in.

Commissioner Lawson: But Tom makes a good point. And I have to acknowledge that's another estimate with respect to land, to soil types in our part of the country. There's lots of

Commissioner Lawson: I think because the quality of Class I and Class II soils of the type that we're talking about here are of so much greater productivity and value economically than anything up on I-70.

Commissioner Hird: What I'm hearing is somewhat frustrating. Because in the last several meetings we have used different definitions of prime farmland, we've used different maps of prime farmland, we've tried to attach percentages to these sites. And underlying all of this, I think there is universal recognition that the consideration of whether a site as prime farmland, however you define it, is important in this community. It's important economically, it's important to recognize it for the importance of agriculture in our community. I don't think anybody is disputing that it is important as a consideration. What we're bantering about now is whether it should be considered a specific criteria, and where to stick it in the language here. I think unless we have a real handle on it, what are we talking about? If we use this definition, what does the map look like? Are we about to exclude ourselves from consideration of industrial development? Is that what we really want? I don't know that I'm prepared to say that it should be a specific criteria, because I don't know what we're talking about at this point as far as where it is. Generally I like the concept of considering it. I think that's important, but I'm feeling a little bit of frustration over this.

Commissioner Harris: I remember some time ago when we first started talking about this, I had recommended that we map those sites and see what we came up with. And then if we didn't find any industrial sites then we would need to reconsider it. And so here we are tonight talking about the same thing. I think it would be worth our time to see what that looks like.

Commissioner Hird: I'm a little bit concerned about the idea of tying us to excluding consideration of any particular site. This is one consideration, it's an important one, it's a vital one, and I understand that. I live in the county, I'm surrounded by farmers, believe me I understand it. But I think that staff's suggestion of inserting this language in this section where they're proposing probably is a sound one. Because it gives the Planning Commission the flexibility to recognize that it's a more important consideration at some sites, and less of an important consideration at other sites. It may be because of the percentage of the land that is prime. It may be because it's Class I instead of Class II, or primarily Class I. I mean I think we have to have the flexibility, and I think that staff's solution really tackles it, and adequately expresses the concern that we universally feel about this being a valid consideration. And I don't want to get too hamstrung in our approach here.

Commissioner Finkeldei: I second it.

Commissioner Harris: I will disagree with that. Based on what we talked about before, that if we really want to protect the land, we better get serious about it having the mechanism to do it. Although I do agree that there are some instances when we might want to look at how much percentage of a project is prime farmland, and then make a determination that way.



Commissioner Blaser: First of all I absolutely agree that we have to have industrial land to develop if we are going to survive from taxes and everything else, I have no argument there. But we have to include soil as a site-specific item, to protect our soils, Class I and II. Nancy said it's cheap soil, but I tell you that farmland's not cheap anymore. It's probably gone up four times in the last couple years. So I think it must be included. So that's where I am. I'm not sure how to get there, and maybe this is the way to get there. But I wish I knew what percent, what the map looked like on Class I and Class II. Or we just say Class I, and we actually saw what that was. But I'm a little like Rick, I'm a little frustrated; I don't know what's out there.

Commissioner Finkeldei: I'm not trying to over complicate this. But if our goal is to protect prime farmland from development, the way to do that is not to spend a lot of time and effort in defining it in Horizon 2020 in the Industrial Chapter. We sent Mary Miller back to work on the Environmentally Sensitive Chapter in the Development Code. Why don't we add prime farmland as an environmentally sensitive character, and restrict development, and do all the things we're doing with trees. If you're going to protect it, you want to do it in the Code, not talk about it generically in the chapter, one chapter.

Commissioner Eichhorn: I might point out that we passed along a site outside of the UGA which is very definitely in our book not to do. So we don't necessarily follow all the policies that we have in H2020. It's a general guideline, and we've treated it as such. If we're really trying to do something spectacular with soils, we probably ought to put it in as many places as we can.

Commissioner Finkeldei: And I don't disagree with that. But, you know, maybe we just want to put this one chapter on hold just like you put the Environmental chapter on hold, and Mary's thing on hold until we can get them all in line. If that's what the will of this Commission is, but you know.

Commissioner Eichhorn: Are we discussing then getting a map of Class I and Class II, and where to put it in the chapter, or where to put it in the rest of the Code? That's really what, of 90% of the discussion, that's all it is.

Commissioner Lawson: The only thing I will point out as far as saying well "perhaps we will move ahead on, and we will procrastinate a step for protection", I'll point out to you what our staff report said October of '04 initiated Text Amendment. Things are changing faster than we are, and the next thing you know, I don't know what to predict that you guys will see in front of you. It might be nice to have something that will start to build a case that will make that next something easy for you guys to deal with.

Commissioner Blaser: He pointed out something will keep coming up, and we already heard that it's going to come up if and when we get to the Smart Code tonight. This same subject's going to come up.

Commissioner Finkeldei: I agree, well, I don't know, I think there's two trains of thought here. I mean maybe we should get closer to a motion and see who has the most votes to move this forward.

Commissioner Eichhorn: We've got nine don't we, so we're going to pass something.

Commissioner Hird: Do we have any super votes? I don't know how to calculate that!

Commissioner Moore: I think to Lisa's point, we may all be on the same page and be able to do this

had we had a, if we really knew what we were talking about as far as what's Class I and II. I mean looking at Class I, I could be on board right away. Saying I and II, and having no idea where that is, I can't, you know what I mean? I like the sounds of doing this, and I want to, I agree with it if it's realistic. And I have no idea if it's realistic without seeing that map with I and II. Yea it's frustrating I'm sure for those of you who have been here a long time. I just got here and I'm surprised we don't have that to look at, but these things happen.

Commissioner Eichhorn: Adding Class II would be a text amendment to an existing chapter once this passes. So if we all agree on Class I, Class II could come in afterwards. Maybe simpler. Just as a thought on a motion.

Commissioner Finkeldei: I can see that, and I think we could move on that. I won't support putting it in as a general location criteria in the Industrial Chapter. That would be my vote. I support the way it's written now; I support that paragraph being in there. I don't support it as a general location criteria. If everyone else agrees otherwise, we'll just vote on it and move on. If they want more information before they vote on it, that's fine.

Commissioner Moore: I agree with Brad. I think as soon as you put it in, you need to be able to clearly define what percentage, how it lays out, if it's sporadic, if it's contiguous. If you're going to get that specific, you have to go all the way. And that's why I think as long as we make a part of the chapter, I think it's good. But as soon as you make it a specific criteria, you know, is it's specific to the site plan as Tom brought up, is it 5% of this 40 acre site, you're done. So that's where I struggle with it. And I think it is important.

Commissioner Eichhorn: A question for staff real quick. In adding what we're talking about, Class I and II, unirrigated, leaving it as an absolute line in what we would like to get finished, bringing forward that definition, how long would that take as far as a text amendment, and adding it to this chapter? We couldn't do it next month, we're probably published or getting real close to it. Are we looking at July?

Amy Miller: I want to make sure I know what you're talking about. Adopting the chapter as presented, having staff look at an actual definition, incorporating it into the general locational criteria, and bringing it back with a map for discussion.

Commissioner Eichhorn: Whether it be the general locational criteria or somewhere else, maybe present two options, because I think that's what we're looking at here, depending on what the map says, absolutely.

Amy Miller: And I think the way this would best work is bringing it back as a discussion item. Bring feedback at that meeting, and then making changes based on that direction, because depending on what you decide to do, it could change a lot of the wording in that chapter. I think the soonest that we could legally advertise would be, we'd probably be looking at the July meeting.

Commissioner Finkeldei: I move for approval of the recommendation and forward to the City Commission Chapter 7 as proposed with the following changes: first, the two changes with the definition in Sec. 2.1E; second, in the Union Pacific Railroad corridor, final sentence in that paragraph, change the final sentence to say "When the industrial usage of a particular property ceases and is no longer practical, it is recommended those properties be converted to residential and/or neighborhood

commercial uses”. Right now, a side note, it talks about when consolidation is impractical. I don't think that's the defining characteristic, because we want to encourage small uses, and there are situations where it would be impractical. In the locational criteria, change the term “proximity” to “feasible access”. In the Airport paragraph, the language, the final two sentences in paragraph one involving starting with “As this area evolves into a community gateway and the interfacing” sentence, make that applicable to all properties. In the I-70/K-10 paragraph, in the second to last sentence “

Second by Commissioner Moore

## **Douglas County Commission – excerpts**

26 January 2009

Rescind previous Commission adoption of H2020 Ch7 from 12 November 2008

Charles Jones:  
(opening statement)

James Flory:

Chapter 16, the Environmental Chapter, is currently underway. I pulled up the timetable and it's progressing, and hopefully will reach the City and County Commissions by July of this year.

One of the features of that Environmental Chapter is prime agricultural land and preservation thereof. My question is, "Once the Chapter 16 is considered, debated and approved, and provides protections, that chapter would transcend Chapter 16 and apply to the entirety of Horizon 2020; is that correct?"

Amy Brown:

Typically when we're working on a new chapter, anytime you adopt a chapter there's associated implementation in that Staff Report. So things could always be changed. Because typically there is some overlap with other chapters. So if Chapter 16 does get adopted and there are protections for soils, part of that implementation would be to initiate comprehensive plan amendments to change things in other chapters.

James Flory:

And that would apply not only to Chapter 7 Industrial, but if approved and considered would apply also to residential land use, and commercial, any land use, if it were so desired.

Amy Brown:  
Correct.

Charles Jones:

Any other questions of staff? Or Craig?

Nancy, would you like to speak to the request, or your suggestion that we give ourselves more time for discussion of this policy?

Nancy Thellman:

Sure. And I'll be brief. My main aim in asking for this resolution is not to be obstructionist, is not to be a problem maker, but simply to ask for a fair amount of time for a new Commission to study this chapter which, after all, is one of the prime concerns of the County Commission - to consider land uses in unincorporated areas of the County. And that is specific to this chapter, because it's unincorporated areas of the County that are where industrial projects are coming up, or typically will be where industrial projects are considered.

And so it seems important to me that our new Commission have a chance to understand this chapter, understand the language ramifications, and to try in as timely a way as possible to come to one voice about it. Especially so that County and City Commissioners can hopefully speak with one voice as projects come along or as land use issues come along. So my wish really is simply for some time, and for some study.

Charles Jones:

So, Craig, help me understand the consequences of passing this resolution. . .

Craig Weinaug:

This resolution doesn't actually send anything back to the Planning Commission or ask them to do anything. It gives you a chance to decide whether you want to send something back and what you want to ask them to do. This simply opens up your options.

Now, if you do not pass this today, it's been passed on first reading by the City Commission. And it was originally scheduled, and may still be scheduled, for tomorrow night on second reading. So at that point, the County Commission could ask for it to be repealed, but it would take approval of both bodies, along with going through process with the Planning Commission. So this is the last option that the County Commission has to, in effect, hold up the current approval, and give you a chance to study it to a point where you actually have a controlling vote. To change it back after action by the City Commission would require an affirmative action by both bodies.

Charles Jones:

So this doesn't go all the way back to the beginning. It just goes back to the last step where we received recommendations from the Planning Commission. We hear those, and we vote on that on the basis of that recommendation.

Craig Weinaug:

It could send it back to the first step. It just depends on what step the County Commission decides to take after you've repealed it. It throws open all the options that you might want to have at that point.

Charles Jones:

Nancy, do you have any sense of what it means to deal with this in a timely fashion? . . .

Nancy Thellman:

Honestly I don't. I'm new enough at this - I know that things can be drawn out far too long. And that's not my hope. I hope this can be studied pretty quickly; and if we want to make our own recommendations, that those would come out soon. And if we opt not to do that, the decision would be soon.

James Flory:

(question – if today we rescind the prior vote, and the County Commission then wants to make substantial changes to Chapter 7, what constitutes a super majority vote?)

Craig Weinaug:

(answer – for the County Commission acting on a substantial change to a Planning Commission recommendation, the statute states that a 2-1 vote constitutes a super majority; verified by the attorney, by Linda Finger, and by Scott McCollough; for the City Commission, a super majority is a 4-1 vote)

Charles Jones:

However, today's vote, just on the rescinding of the earlier resolution, can pass with a simple majority.

Craig Weinaug:

Correct.

James Flory:

I've spent considerable time reading a lot since last Wednesday when this was raised. I've reviewed the Planning Commission minutes and all the public input. I've reviewed the City Commission minutes from several meetings and all the public input and testimony; the County Commission minutes; the Chapter 7 as approved by the Planning Commission and the County Commission; the Chapter 7 amendment language with the more specific prime agriculture protections. I've looked at Horizon 2020 as a whole, and I also have looked at Chapter 16 which is underway, the Environmental Chapter, which will be an important amendment or addition to 2020.

And the conclusion that I've reached is I may very well agree with the ends trying to be achieved by the more specific language in protecting prime agricultural land, but I do not however agree that reconsideration of Chapter 7 and the amendments that are proposed would be the appropriate means to reach that end.

It seems to me that there is an urgent desire to amend Chapter 7 with these provisions, when we have Chapter 16 which will be the all encompassing Environmental Chapter under consideration coming before the Commission in the next few months.

So the only conclusion I can reach is that this urgent desire to amend is project driven. And quite frankly, I don't think that's the way to accomplish long range planning.

I think the concern over prime agricultural land should be considered in all the chapters, if any, not just the Industrial – which is before us, and was before the Commission in November – but the Residential, and the Commercial. If we're going to pass something, it ought to be uniform, not Chapter specific. And the best comprehensive approach – which Horizon 2020 is comprehensive, that's the whole theory – would be to do it through Chapter 16 which is underway and is being considered.

It's a sensitive topic. It needs thorough public discussion, it needs a thorough analysis, because exactly where do we balance individual rights and land use policy? At some point, no matter how well intended, land use restrictions can become a taking by the government. And I'm concerned about that. I think it needs to be a very thorough analysis in the Environmental Chapter.

The former Commission voted unanimously to approve the amendments which were before them. The Planning Commission, after considerable public input and debate and discussion, voted 7-2. I just think it was a good decision. Those amendments do recognize, and I am concerned about, preservation of prime agricultural land. And they even acknowledged the specific Airport site. And that was a matter of some compromise before the County Commission and eventually was included.

This issue is deserving of full discussion, which can be, and should be accomplished through our debate on Chapter 16. I just look at the reversing course, and including language in Chapter 7 without consideration of Chapter 6 or Chapter 5 to be a quick fix that's project driven. And I just personally don't think that's the way we should do long range planning. So based upon that, I agree with the ends, quite likely will be supportive of that, but I don't agree with the means, and I intend to vote against the resolution.

Charles Jones:  
(called for public comment)

Barbara Clark:

Admittedly the odyssey that Chapter 7 has taken is an amazing one. And I have been at, I think, most of the meetings, at least over the last eighteen months. And I have definitely appreciated the forum that we have had to discuss the prime agricultural soils.

My only thoughts on the possibility of rescinding Chapter 7 at this point is exactly what Commissioner Flory said – is that we are working on Chapter 16. And if indeed that is the location for the consideration of Capability Class I & II Soils, if language is adopted for Chapter 16, I believe Amy mentioned that then there will be an amendment necessary for all other chapters. And it would just seem that we're at this tandem point right now where if Chapter 16 progresses, we're into the language now concerning prime agricultural soils. If Chapter 7 could work in tandem with Chapter 16, I think we might save some tennis volleys back and forth.

And the only other thing – and I'm going to make this very brief because I've given it to you in packet that I've handed off to you – again, Commissioner Flory, it is a great concern of private property owner rights versus community interests; and you mentioned takings. There's a mechanism that I would love to see our County explore, and that's "transfer of development rights", which basically are an incentive driven mechanism that will, in some degree, mediate what your concerns are, and, at the same time, help us to preserve areas in our County that we want to preserve as either open spaces or for whatever reason, and direct our development to areas that we've identified. . .

I've recommend this also to both the Planning Commission staff and to City Commissioners. Perhaps a joint study session with a presentation by a gentlemen whose name is Pruetz, who has written pretty much the definitive work on TDR's, come and give us some input. ["Beyond Takings and Givings" by Rick Pruetz](#) It's a forty year old method. It's been very well received in a lot of states throughout the United States. And it's set aside a lot of land while still benefiting landowners.

Ted Boyle:

John Pendleton:

Pat Ross:

Tom Kern:

Good morning. My name is Tom Kern, and I am the President of the Lawrence Chamber. But I'm really here more to talk to you as a former County Commissioner, from Grand Traverse County MI, an agricultural community in northern Michigan, and to offer you an alternative to look at, in lieu of the resolution of concern this morning.

I come from a community that has faced some of the same pressures that Douglas County has in regards to prime agricultural property. Grand Traverse County is located in northern Michigan, and it produces 80% of the world's red tart cherry crop. And obviously as an area adjacent to Lake Michigan, it has a number of very highly valued viewsheds of Lake Michigan. A lot of that is prime agricultural property, and over the years has faced a variety of pressure from development to develop that agricultural property.

And Grand Traverse County, when it faced this issue, utilized the creation of a Land Conservancy to deal with the issue of preserving agricultural property in lieu of placing land use controls into the land use ordinances to deal with that issue. I think we found over the years that to be a far more effective means of dealing with the preservation of agricultural property.

I've provided each of you with a quick little handout, but also I would refer you to their website [Grand Traverse Conservancy : Farmland Protection](#) Over the last twelve years, that conservancy has preserved over five thousand acres of pristine agricultural property through a format similar to the one that was referred to here as transfer of development rights, there it's called PDR [Purchase of Development Rights]. I think the most important characteristic of the PDR program in Michigan was that the voters of those communities actually voted to tax themselves to be able to provide the funds necessary to protect agricultural property. And in that regard, I've offered that as an alternative that I believe more effectively will address the concerns that have been raised by residents in this community about the protection of that property versus actually trying to legislate that through ordinance actions.

Jane Eldredge:

Spoke of Eco<sup>2</sup> as industrial interests and agricultural interests and open space interests working together, which should be the example that is mined as we look at Chapter 16.

Charles Jones:

(closed public comments)

James Flory:

(closing comments)

Nancy Thellman:

(closing comments)

Charles Jones:

(closing comments)

Commission vote:

Aye – Jones, Thellman

Nay – Flory



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
MICHAEL H. DEVER

**COMMISSIONERS**  
SUE HACK  
ROBERT CHESTNUT  
DENNIS "BOOG" HIGHBERGER  
MIKE AMYX

October 21, 2008

The Board of Commissioners of the City of Lawrence met in regular session at 5:30 p.m., in the City Commission Chambers in City Hall with Mayor Dever presiding and members Amyx, Chestnut, and Highberger present.

### **EXECUTIVE SESSION:**

It was then moved by Chestnut, seconded by Amyx, to recess into executive session for approximately 45 minutes to meet with attorneys for the City on matters which are deemed privileged under the attorney-client relationship and to discuss possible real estate acquisition. The justification for the executive session is to keep attorney-client matters confidential at this time and possible terms and conditions of real estate acquisition confidential at this time. Motion carried 4-0.

The Commission returned to regular session at 6:25 p.m. at which time the Commission took a short break until 6:35 p.m.

Commissioner Hack arrived following the end of the executive session.

The regular meeting resumed in the City Commission Room at 6:35 p.m.

Commissioner Amyx pulled from the consent agenda, Ordinance No. 8331, a rezoning located at 1420 Crescent Road.

### **CONSENT AGENDA**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the City Commission meeting minutes from October 7, 2008. Motion carried unanimously.





As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the Public Transit Advisory Committee meeting minutes of August 12, 2008 and September 9, 2008; the Mechanical Code Board of Appeals meeting minutes of June 16, 2008; and the Community Commission on Homelessness meeting minutes of September 9, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve claims to 376 vendors in the amount of \$1,926,758.73. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the Drinking Establishment Licenses for Bullwinkle's, 1344 Tennessee. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the recommendation of the Mayor and appoint Scott Criqui to the Traffic Safety Commission, to a term which will expire April 30, 2011. Motion carried unanimously.

The City Commission reviewed the bids for the 2008 Weatherization Program for the Planning and Development Services Department. The bids were:

<b>BIDDER</b>	<b>Storm Windows</b>	<b>Weather Stripping of Doors</b>	<b>Attic Insulation</b>
Kennedy Glass, Inc.	\$47,209.04		
T & J Holdings, Inc.		\$2,955.00	
Midwest Insulation			\$26,652.00
Staff Estimate	\$48,603.00	\$4,350.00	\$26,150.00

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to Kennedy Glass, Inc., for storm windows, in the amount of \$47,209.04; T.J. Holdings, Inc., for weather stripping of doors, for \$2,955; and Midwest Insulation, for attic insulation, for \$26,652. Motion carried unanimously. **(1)**

The City Commission reviewed the bids for 190 Trees for the Master Street Tree Project for the Parks and Recreation Department. The bids were:

BIDDER	BID AMOUNT
Arbor Masters	\$40,470.00
Rosehill Gardens	\$40,850.00
Green Touch Inc.	\$42,655.00

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to Arbor Masters, in the amount of \$40,470. Motion carried unanimously. **(2)**

Ordinance No. 8336, authorizing Special Use Permit (SUP-07-07-08) for Countryside, a proposed Extended Care Facility to serve as an Alzheimer's treatment facility, located at 1216 Biltmore Drive, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Hack, Dever, Amyx, Highberger, and Chestnut. Nay: None. Motion carried unanimously. **(3)**

Ordinance No. 8297, incorporating by reference, a text amendment (TA-03-01-08) to amend Article 4 of the Development Code relating to uses permitted in the GPI District, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Hack, Dever, Amyx, Highberger, and Chestnut. Nay: None. Motion carried unanimously. **(4)**

Ordinance No. 8339, establishing the Bauer Farms Development Transportation Development District, generally located at the northeast corner of the intersection of West 6<sup>th</sup> Street and Wakarusa Drive, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Hack, Dever, Amyx, Highberger, and Chestnut. Nay: None. Motion carried unanimously. **(5)**

Ordinance No. 8332, for Comprehensive Plan Amendment (CPA-2008-11) amending the Southeast Area Plan to change the area designated for high density residential north of 25<sup>th</sup> Terrace to Community Commercial and change the Land Use Description in applicable areas to reflect the change, was read a second time. As part of the consent agenda, **it was moved by**

**Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Hack, Dever, Amyx, Highberger, and Chestnut. Nay: None. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt Resolution No. 6808, authorizing the execution of a Development Agreement for the Bauer Farm Transportation Development District, northeast corner of 6<sup>th</sup> Street and Wakarusa, and approve the Development Agreement. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve request for a 6 month extension of the site plan (SP-12-93-06) approval for an office building at 501 Rockledge Road. Motion carried unanimously. (8)

Commissioner Amyx pulled from the consent agenda Ordinance No. 8331, rezoning (Z-05-10-08) .48 acres from RMG to MU, located at 1420 Crescent Road. He said last week when there was discussion regarding the bookstore, he asked the City Commission to consider that any change in the use of the property described in section 2 of the ordinance should be approved by the governing body. He said he wanted it understood that any change in the mixed use zoning that was applied would automatically trigger a site plan review by the City Commission.

Scott McCullough, Planning Director said they could alter the condition to meet that requirement.

Commissioner Amyx said he wanted to make sure that it was understood that was the intent of the City Commission.

David Corliss, City Manager, said in Section 3, Condition No. 2, accomplished last week's direction of the City Commission.

Commissioner Amyx asked if it would be a two step process if someone wanted a change in use they would come before the City Commission for a change in use and then go through the site planning process or was it understood both of those processes would be dealt with at the same time.

McCullough said he was not sure staff thought about the actual implementation, but there were probably two ways to implement the process. The vehicle to change use in the code was the site plan. The applicant might want to get the answer in the change of use first before spending money on a site plan effort or if simple enough, it might be that the change of use was the issue. The site plan was the vehicle to change the use for any property per the code.

Corliss said up until the change in the development code, the City Commission approved all site plans. In that situation, there were any number of changes in uses in the same zoning district, but also had changes in the physical footprint of the property that routinely came to the City Commission where the Commission dealt with it in one instance, the change of use and change of footprint. Unless the applicant and/or property owner did not want to have any expense at all, they would write a letter, show up, and notify the change of use, but he thought that was unlikely. He said they could make it a two step process, but it should be a one step process.

McCullough said it should be through the site plan process. If that particular site was redeveloped and structures were replaced, there might be tenant change outs. The structure and parking might not change, but the way that was accomplished now, was by letter. A likely scenario was bringing that issue back to the governing body for approval after staff exercised checking parking requirements and making sure it was valid otherwise.

Commissioner Amyx said the site planning process before the City Commission was to make sure there was that notification process. He said he wanted everyone to be on the same page and that the property owner understood that if there was a change in use, it would go

through the site planning process and that site plan would come before the City Commission. He asked if the language in the proposed ordinance accomplished that idea.

McCullough said that he thought it accomplished that goal.

Commissioner Highberger said the language seemed broader. He said it was broader than just requiring a site plan review.

Commissioner Amyx said as long as the process included that idea, it was fine.

Mayor Dever said there was a requirement that said any change in use would be approved by the governing body.

Corliss said to keep in mind that a change in use could happen in two different ways. It could be a rezoning, which would come before the City Commission, but a change of use could also be a change of use that was allowed within the zoning of the district and the City Code required that a change in use, even within a zoning district, required a notation change to the site plan. If it required any physical changes to the site plan, then the physical changes had to be documented as well on the site plan document.

Commissioner Amyx said if a change in use was going to trigger a change in the site plan, the site plan would come before the City Commission. He said he did not want it to be a two step process.

Corliss said the only reason it would be a two step process was if the applicant made it a two step process.

Mayor Dever asked if anyone had opposition to the proposed language at this time.

Vice Mayor Chestnut said since he opposed this ordinance the first time, he would vote against it because he thought they were introducing process that was not necessary.

Mayor Dever called for public comment.

Jane Eldredge, attorney for the applicant, said that this was an unprecedented move the City Commission was about to make. On another occasion, this body wanted to make sure it had the authority to look at site plans and how things might change and affect neighborhoods.

In that case on Ordinance No. 8293, the language used was any site plan for the property described in Section 2 shall be approved by the governing body. If the governing body wanted control of the site plan, that was the language that should be used. What the implication was of the language proposed, was that there were no uses of right in this district other than the existing one, and that was what made it a two step process because no one would spend money on a site plan unless they knew the use was a use of right. She said when the mixed use district was brought to this body after a year and half of hard work by staff and by Planning Commission, the motion was made by Commissioner Amyx and seconded by Commissioner Chestnut to pass the mixed use district, with the uses that were permitting within, which happened in July 2008. In September there was an amendment to that district and there was a motion made by Commissioner Amyx and seconded by Commissioner Chestnut, both motions were a 5-0 vote. The first chance out of the box to use this district, the Commission was essentially gutting it and it was wrong and should be reconsidered. If there was a compromise that had to be made, it should be with the site plan language because that gave notification and the public hearing without gutting the district.

Commissioner Amyx said there were uses allowed in a mixed use district. If one of those uses came in as a different development to this property, a site plan would be required and the site plan needed to come before the City Commission.

McCullough said that was correct.

Commissioner Amyx said he did not understand the word "gutting" of this ordinance. He asked if this language was accomplishing what Eldredge was saying.

McCullough said where this condition strayed from the current development code was that it did imply a question of whether or not any of the uses in the mixed use district were going to be approved in the future. One of the basic tenants of zoning was zoning to a district. Unless conditioning specific uses out of the district, it provided expectation to the current and future owners about what they could expect to have approved by the code. One of the things the

language meant, in his interpretation, was that they needed to bring those changes of use to the governing body to hold that public debate about whether a use in the mixed use district would be approved by the governing body. It took some of that expectation of the base zoning district away from the owner.

Commissioner Highberger said in theory they were changing the decision maker. He thought the Commission would be applying the same criteria as staff administratively approving.

McCullough said the governing body would appear to be bound by the code and the mixed use district. There might be issues the public brought to the table that would give consideration to the site plan elements. Staff had deleted by condition two uses the mixed use district permitted. He said in the future any other use allowed in the mixed use district was something they believed staff and the governing body needed to consider in their deliberations.

Mayor Dever said one of the reasons they elected to insert item 2 in section 3 was because they wanted to somehow have some control over what happened to that part of the neighborhood. He said he felt it was not a problem and they would be willing to exclude some uses from consideration. He thought that was volunteered last week in front of this body and they did not have a problem with this language. It could be revamped and as items A and B were listed, the Commission could try to decide those uses.

Commissioner Amyx said this was not about the use, but the procedure and who was going to make the final decision on the site plan. He said if there was a difference of opinion on the language, he suggested taking Eldredge's language and making a comparison between the two.

Commissioner Highberger said he disagreed with Eldredge's analysis. He said they were not taking away any uses by right. The uses by right had to be considered by staff and if staff was administratively approving the use, the uses by right had to be taken into consideration when the City Commission was approving the site plan.

Commissioner Hack said the language was a concern because it had the appearance of being far more restrictive than the intent. She said she needed a chance to review the City Commission minutes from last week and have conversation with Corliss and McCullough.

Commissioner Highberger said the downside was the neighbors had to come back and make their case again.

Corliss said the neighbors needed to be notified of change because this was an important issue.

Commissioner Amyx said this issue had nothing to do with the uses of the property as written in the ordinance, but to make sure people were notified of this process based on public comment a week ago and that individuals had the right to come before the City Commission to speak about this piece of property.

Mayor Dever asked if it could be stated in the ordinance that a public hearing had to take place, but that the governing body did not need to decide.

Corliss said yes, but his recommendation was to consider that during regular agenda next week and notify the property owners in that area, or at least the people who came and spoke because they left the meeting understanding what Commissioner Amyx wanted in the ordinance. He said neighbors wanted to be participatory in the discussions and they would not want to change the rules on this property without letting the neighbors in on that discussion. He said staff would work on options for the language. The intent was if the use changed, the site plan had to be approved by the City Commission applying the criteria in the development code, not on a whim as to whether or not they wanted to rezone the property, but in criteria of the development code.

Vice Mayor Chestnut said he wanted to be clear that the language would not really matter because he disagreed with a principle for two reasons. The first was he agreed with Eldredge on one point that mixed use, by definition, was broader, had more uses in it, and was the way it was designed. He thought in every case they would find it to be extraordinary



because it was going to be inside the City with mixed use residential and there was going to be high interest in whichever one they did. They were setting a precedent that every MU that came up, would have the same discussion because they would have interested neighbors that were very contiguously located and a lot of concern that they had a broad set of uses, defined by the code. He said it did minimize it. He agreed they needed to provide notice because they could not change language on the fly.

**Moved by Amyx, seconded by Chestnut,** to defer for one week, the adoption on second and final reading, of Ordinance No. 8331. Motion carried unanimously. (9)

#### **CITY MANAGER'S REPORT:**

During the City Manager's Report, David Corliss said the Assistance to Firefighters Grant application was not successful in applying for a ladder truck; the Street Department completed stripping projects; the City partnered with the School District on a District Employee Wellness Program; and, staff and City Commission participation in the United Way Picnic. (10)

#### **REGULAR AGENDA ITEMS:**

**Consider approving revised CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, revised Joint City Ordinance No. 8283/County Resolution No. \_\_\_\_\_, for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7.**

Amy Brown, Planner, presented the staff report. She said this item was on the September 23<sup>rd</sup>, 2008 City Commission meeting. Direction, at that time, from the City Commission was to add location criteria concerning high quality agricultural soils. That language specifically applied to the general location criteria on Page 7-5 that sites had minimal areas of non-irrigated capability class one and two soils as defined by the National Resources Conservation Service (NRCS). Staff made that change as well as changes to corresponding policies. In addition, staff added language in the site descriptions that followed the locational criteria. Changes to the document were highlighted in green in the copy of the draft that was part of the packet materials.

The site specific language and acreage calculations were figured by staff by using a GIS layer that was obtained by the NRCS. Staff was recommending that the City Commission directed changes be approved tonight as part of the revised Comprehensive Plan Amendment, CPA-2004-02, as well as first reading revised Joint City Ordinance No. 8283/County Resolution. Approval would require a super majority vote as the language was substantially different than the Planning Commission's recommendation.

Commissioner Amyx said he thought staff did a great job based upon the comments from the City Commission at their earlier meeting. They had talked about a 5<sup>th</sup> bullet point placed on the general locational criteria and believed that it was Commissioner Highberger who made the recommendation on this kind of language change on the minimal areas of non irrigated capability class one and class two soils. He thought that this met the ideas he had for the change for the general locational criteria established for future industrial sites.

Mayor Dever called for public comment.

Mark Andersen said he wrote a letter a few weeks ago expressing his opinion on this subject. Basically his position said that all land was valuable and precious. He did not see the need to discriminate against any form of real estate. He said if the City Commission was going to pass this joint ordinance/resolution, he asked if it would be passed retroactively such that it would apply to any project that would be in the planning process or was the Commission adopting this joint ordinance/resolution prospectively so that it would only apply to future projects. He said he did not think the City Commission should adopt the ordinance. He said anyone who knew him, knew he had a life long interest and involvement in agriculture, but also in the community of Lawrence. He said this was his personal opinion and understood that someone had suggested that he was paid or was present at someone else's request, but that was not the case. He said that was not the case and was present out of self interest because he believed strongly on the subject and believed he had something to contribute to the City Commission in the letter he wrote.

He said he had been to three different meetings in the last month and a half where members of the public, the business community, the development community had asked him to come and asked at every one of the meetings about this topic and to explain why the City was doing this. He said he could not answer that question. The City Commission was taking an action contrary to the Planning Commission's recommendation. Under the circumstances, he asked the City Commission to either not approve this amendment or in the alternative, send the amendment back to the Planning Commission.

Marguerite Ermeling, Lawrence, said she would like to have some knowledge about whether her thoughts, recommendations or suggestions were of any benefit or utilized in the rewrite of the amendment. She said she was requesting this amendment go back to the Planning Commission for the opportunity to be thought through or examined with some of the thoughts and recommendations brought forward.

Nancy Thellman, Citizens for Responsible Planning, thanked the City Commission for bringing the issue of Industrial Chapter General Locational Criteria back to the table for public comment. The second chance of adding protective language for class one and two agricultural soils came as somewhat of a surprise because it was not too long ago the City Commission decided to leave prime soil protection to Horizon 2020 yet to be written in the environmental chapter. She said while she was confident the future chapter would play a pivotal role in this community's future planning, she was not confident it could be written and adopted in a timeframe that met the urgency of this moment. It was an amendment that found the very best farm soils under extreme development pressure.

She said despite protests of some people and protests of people on the Industrial Design Subcommittee, it did make sense to have agricultural language in industrial chapters since it was precisely agricultural land that was most vulnerable to industrial development. Builders of large, flat buildings wanted large flat treeless and affordable land which was almost always farmland. What set class one and class two farmland apart was that it was not only flat

and treeless, but typically river bottom land and was prone to flooding one hand, but extra rich in silt and nutrients on the other. Class one and two soils were rare among soil types and class one soil types made up less than 3% of Douglas County's land and together they made up about 10% of Douglas County's land. They were not asking to protect all farmland but asked to specifically and effectively protect the limited soil types that were set apart by their uniqueness and extreme natural productivity.

She said when the Chapter 7 revision process started, the argument was made that the chapter's tone should be positive and it listed too many negatives in the general locational criteria would act as a deterrent to new industry. In truth, the far greater deterrent to new industry came in real time when the land owner and developer found out too late that the project they spent time, money and reputation on was unworkable from the beginning. When that kind of negative development scenario was played out for all of the public to see, it had a far more chilling effect on future industrial development and only prohibited guideline written into the general locational criteria, which might have prevented the failed project to begin with.

In this community, they needed development success and not failure and had to start with a comprehensive plan that had to give land owners, developers and citizens real guidance that aimed to be neither positive or negative, but accurate and accessible. Adding protective language for class one and two soils gave that clear, objective, measurable and mapable reference. It was good information for a complicated process.

She said the issue of protecting the super productive soils had taken a hold in this community. It was not a backyard cause or rural people versus city people. The circle of interested folks was increasing, the coalitions were growing, and the depth and breadth of resolve on this issue solid. Even the Lawrence Journal World now publicly endorses protecting class one and two soils, as evidenced by yesterday's surprise editorial, which was unsolicited. It was not just a local issue but a discussion that was taking place across the country and around the world. The truth was that there was little prime soil left on the planet and the kind of

soil that could grow food well because it had ample access to water from above and below and was nutrient rich so that it did not need fossil fuel based fertilizers. They, in Douglas County, were extremely fortunate to have some large contiguous acres of this special soil, but its future was in the balance and the vote this evening was a balance tipper.

She said Vice Mayor Chestnut not too long ago at one of those long complicated meetings did a wise thing. She said he harkened back to the original goals of Horizon 2020 to help bring some clarity to the discussion of the role the government played in making decisions about other people's land. Vice Mayor Chestnut was intensely aware at that meeting, as they all were tonight, that it was a very serious thing to talk about let alone take action that impacted other people's land. He reminded everyone that night that Horizon 2020's first and highest goal was to safeguard individual rights. She said she was compelled to read more from that same paragraph that stood like a preamble to the City's Comprehensive Plan where it stated: "It is the goal of the planning process to achieve a maximum of individual freedom, but public welfare must prevail."

She said without some significant protective language in place in the City's Comprehensive Plan, this community would loose most of its class one and class two soils to industrialization. The challenge to preserve class one and class two soils which were both rare and finite natural resources, keys to the City's future sustainability and important to the local economy, that challenge rose to the level of protecting public welfare. It was in the community's best interest now and for the future to save the soils before it was too late. She said she respectfully requested the City Commission accept the new draft of Chapter 7, including its protective language for class one and two soils as general locational criteria.

Charles Marsh, Citizens for Responsible Planning, said he was the person in the letter they received from Citizens for Responsible Planning that stated Anderson was a paid advocate in this position, but wanted to apologize to Anderson. He said he saw that on the letterhead and made an assumption he should not have made. He said he was sorry to disagree with that

letter because the letter was well written. He said Anderson asked a good question about a strong and compelling reason to single out class one and two soil for protection. He said in one part of the letter he sent had information from the United States Agency for International Development which stated every year 3.5 to 5.5 million children die because of malnutrition and food shortages. It was the United States Agency for International Development that said they had to find a way to increase food production in tough times. It might be grandiose to say that Lawrence could be part of the solution, but someone had to be part of the solution. He thought it was a compelling reason to protect the best farm land in the world. He said he taught ethics courses at KU and a standard principle of ethics decision making was not to make yourself the exception to a rule which you want others to follow. If they did industrialize development class one and two farmland, he would argue they were making themselves an exception to a rule that they needed others to follow. If their behavior became a precedent and everyone else developed an industrialized and paved, class one and two farmland, the world would not be able to sustain itself.

One person might be the landowners who could sell it for more money than what it was worth for agricultural land. That would change with the growing value of agriculture. The next step would be to look at the landowners and say if the decision did hurt them, what could be done on their behalf.

He said both the New York Times and American Conservative Magazine both had publications that sustaining agricultural land to protect the prime agricultural land needed to be a priority in the coming generation. He did not think it was an issue that everyone could join hands on because it was an important issue.

Ted Boyle, President of the North Lawrence Improvement Association, said the information about prime farmland one and two should be written in Chapter 7. He said the North Lawrence Improvement Association and neighbors of North Lawrence were in agreement with neighbors of CRP and Grant Township. He said he lived in North Lawrence for over 50

years and everyone knew North Lawrence had the best soil around. He said they were delighted prime farmland was being discussed because North Lawrence had 160 homes built in the last 10 – 12 years. He said sometimes the best farmland needed to be saved for future use, not only in North Lawrence but other locations in Douglas County. He said his neighborhood association would like to see the information about prime farmland written into Chapter 7.

Jane Eldredge, Lawrence, said she grew up on a farm and thought agricultural ground was a terribly important resource. If this was a resource they wanted to identify as something that fell into the realm of public welfare, it ought to be as important as a park. If they were going to identify it as important they ought to be able to pay for it. It should not be something that was not considered industrial growth and should not be considered for the extension of the SLT, for the widening of the Kansas turnpike, for the extension of an airport, for a wastewater treatment plant, or the building of a house or business. If it was so important to preserve that land, their conversation needed to be much wider than industrial. It was a wise decision to talk about it in the environmental chapter or perhaps even a chapter devoted to itself. She said if they adopted that type of language in the industrial chapter, she thought there would be some significant unintended consequences and this was the time to be thinking about this issue.

Barbra Clark, Lawrence, said this was extremely important locational criteria and from her perspective, the location criteria were objective criteria. If it took on a negative or positive perspective, it would be because there was some preconceived bias coming to the table. Those criteria could be looked at and objectively answered and whether a site was applicable for development. She said Eldredge felt other situations should warrant looking at capability class 1 or class 2 soils which she agreed. The Planning Commission had already done that to some extent with Chapter 15, the Smart Code, and saw fit to remove two bulls-eyes in the North Lawrence area because of the soils. She said there was already a precedent for looking at soils for other developmental reasons.

She said she hoped the City Commission chose to add this as a criterion and thought there was some authoritative documentation from other sources that might support the Commission's decision. The first would be a statement from United States Department of Agriculture (USDA) that stated prime farmland was of major importance because a supply of farmland was needed and the USDA recognized that a responsible government as well as individuals should encourage and facilitate the wide use of emissions from farmland. She said prime farmland was an extremely open and encompassing statement which was why they chose to narrow that scope down to capability class 1 and 2. Capability Class 1 comprised less than 3% of the soils in Douglas County and there were almost 304,000 acres of soil in Douglas County. The other aspect was capability Class 1 soils were predominately clustered in one area and protecting that area ran no hardship to the selection of other sites. If looking at the new draft of the sites, there were very limited soils in Class 2 on the other sites that should easily be incorporated as green space. She said every minute of every day they lost two acres of agricultural land to development in the United States. That was a statement from the American Farmland Trust. As she talked for 10 minutes, they would have lost 20 acres of prime farmland somewhere in the United States. It was an amazing trend and if it continued to go forward, they would not have soils to feed themselves. The editorial from the Lawrence Journal World stated that preserving high quality agricultural land was a valid development consideration. All things being equal, development on land with little agricultural potential would probably be a better choice for the community's future. She said they were fortunate as a City to have this conversation with the governing body. It was an amazing opportunity and the City was truly at a crossroads. She said Franklin D, Roosevelt stated after having experienced the worst man made soil degradation that North America had seen to date which read: "The history of every nation is eventually written in a way that it cared for its soils." She said they were fortunate to have this conversation and they needed to recognize the extreme value of their soils.



Commissioner Amyx said he appreciated the City Commission listening to him adding the additional locational criteria that dealt with capability Class 1 and Class 2 because it was important in looking into the future. He said this criterion should be added.

Vice Mayor Chestnut looked at the minutes from September 9<sup>th</sup> and mentioned the following: *"It is the goal of the planning process to achieve a maximum of individual freedom, but public welfare must prevail."* He said his statement was public welfare was a difficult process that this body struggled with everyday. He said he did not think this was the right language. The issue he had was not about the preservation of Class 1 and Class 2 soils, but how to balance off all locational criteria because one of the things that had not been discussed was how to have successful planning and economic development. He said he was concerned about those, in particular, the fact that it talked about what they defined as "minimal" that was not defined in that document. He said several comments that were heard was using the airport site with the most soil in question and everything else seemed to be less than that, but the document stated "minimal" and he did not know what that meant. He said the soil criteria would be a litmus test and everything else would fall by the way side. He said there were negative impacts.

One of the comments was who would be hurt by this decision. He said it was not the property owner, but if not done right, the citizens of Lawrence. He said it would be the sacrifice of the possibilities of some very good economic opportunities, but again balancing that off with the preservation of soils. Again, he did not think this was the right language. He said they had gone at this language two or three times with this body. He said they started with taking out references to the airport and then on second reading, added back the locational criteria. He said he was uncomfortable moving forward with this amendment and thought it was appropriate as much as he would hear sighs from the Planning Department to send this back to the Planning Commission because now its been bounced around significantly and they wavered fairly far off the intent of what was recommended by that body. He said he was very concerned about the consequences and it was not because he did not believe in preservation of the soil, but because

from his point of view, he was not as concerned about the subject property that had been the biggest part of the discussion, but all the other locations now that came into play. He said they had not wrestled with how to measure this and to some extent had been done in a rapid fashion at this governing body level. He said it was appropriate to send the amendment back and vetted out more.

Commissioner Hack said she struggled with this chapter and was not at all supportive of criteria that were specific to a particular location. She said at that point, it was very much site specific and was not sure if it changed that much which was a concern. She said she was most concerned with the unintended consequences because if those areas were not appropriate for industrial growth and were those areas were appropriate for commercial, residential, or mixed use. She asked if it was appropriate to even be thinking about future development in North Lawrence because in looking at the map, it was North Lawrence that held the most soil. She said a document like this was not meant to define every single word, but because this was such a big part of this particular chapter, they needed to have some sense of what that meant. She said she did not want anything in Horizon 2020 to become site specific. She said a much better way to talk about soils was in the environmental chapter.

Commissioner Highberger said he voted against the first version of this plan and still had serious concerns about that plan. The proposal Commissioner Amyx suggested was a substantial improvement. He said he agreed with Vice Mayor Chestnut in that this body was not the place for drafting language in general, the language used paralleled with language that existed elsewhere in this chapter and all throughout Horizon 2020. The other alternative was writing hard and fast criteria, which was something the Commission did not want to do.

He said the City Commission's job was to protect the public welfare, but they needed to take the long-term into consideration when making decisions. He said they needed to make sure they were not making decisions in the short run. He said they needed to address this issue

in the Environmental Chapter, which was initiated three or four years ago. He said they needed to move forward with this locational criterion. He said he would be in favor of it.

Vice Mayor Chestnut said one place where the word minimal, in this case, disturbed him more was because of the specific locational criteria that had numbers put to them. He said that was not true with the rest of the document where it was measuring the amount of soil. They did not have what defined minimal. If they were going to go through and quantify it and not define what minimal was, it did not make sense to him. He understood that much of the chapter had broader themes and not much analysis by site specific location, and was more comfortable with the language being less precise. In this chapter when they went through and were looking at the maps and saying minimal, he thought they needed to add a number to it.

Commissioner Highberger asked if the preceding criteria on the industrial sites that had minimal to average slopes needed to be altered.

Vice Mayor Chestnut said maybe. He said with the soils it was precise.

Mayor Dever said the criteria in that document were all vague. The terms, feasible, adequate, primarily and minimal were all vague. The primary reason he wanted to get involved in trying to steer through the class one and two soils was people needed to be mindful of development in those areas. This document did not restrict or prohibit any of these criteria, but they needed to meet the general locational criteria. There needed to be language in that document that made people mindful of the value of this type of soil and how considering it important to criteria in deciding to develop for industrial purposes.

He said he had a problem with the fact sites had been listed in black and white where they disregard their own criteria and show that clearly it did not apply. He thought they were creating precedent for changes and disregard for their own rule by showing sites as listed. That was a big problem in using it as a criteria because now they were showing people they wanted to be mindful but showing sites they thought should be developed. He thought it was very important this document contain category one and two farmland and soil, but thought the way

they had done it was imperfect and a perfect reason to disregard the document. He did not want to agree to a document that made the City Commission look like they wanted to contradict their own actions. He said he would like a professional to make it so they were classifying one and two soils as important resources they wanted to protect or consider when picking sites and they as a community and city thought that was important. It was not what it said before and thought they got closer with one and two and went a little bit too far in using it as locational criteria and disregarding their locational criteria in their own document. The document showed several sites that contained class one and two soils. The question of the term "minimal" was a good question, but he had no problem with leaving the door open, because those were recommendations and guidelines as opposed to a hard and fast law.

Commissioner Hack asked if the Mayor was okay with the locational criteria, but not the individual site analysis.

Mayor Dever said he thought it was hypocritical to not list those if they used it as criteria. He said there were examples of the locational criteria to see how those sites met that criteria, if identifying that criteria, then they needed to show what they were and that it was reasonable and normal and followed the pattern of the document. He thought it was important that they use the language in the document, but he was not sure they could use it as locational criteria if they were going to then list it and deviate from it immediately.

Commissioner Amyx said when picking the site locations for that map, they listed sites that currently and potentially existing sites and placed general locational criteria on those pieces of property. He said this should be a guiding document, an amendment to the Comprehensive Plan. He said they were looking at where potential sites might be based on the current criteria. He asked if that criterion was correct or were they concerned about the breakdown of the property listed in that document.

Mayor Dever said it could be. He said he was in favor of using it as a criterion. He said he had a problem with listing and showing sites and not heeding their own guidance document. He asked if there were any other sites that blatantly deviate from the criteria.

Commissioner Hack said if they were concerned about slope, there was slope at the Farmland property.

Mayor Dever said it was important the City Commission make a stand on the value of farmland to their community and be mindful of the value of farmland for commercial and business development purposes. They needed to realize that it was not necessarily the best place to build their warehouses and buildings, but it was not going to be an exclusive factor. If all other things point up and there was some reason that it really needed to happen, then it was not going to exclude it from happening. He thought it was important to point it out and if Commissioner Highberger said it paid lip service that was the last thing he wanted to do.

Commissioner Amyx said their choices were to approve the revised Chapter 7 by a supermajority; return this amendment to the Planning Commission with direction of what the City Commission wanted the Planning Commission to consider; or approve the previous Chapter 7.

Commissioner Hack said the previous Chapter 7 would also require supermajority. If they sent it back to the Planning Commission, it seemed the areas in green would be the areas the City Commission would want the Planning Commission to look at.

Commissioner Amyx said he was ready to proceed with the revised chapter. This issue had been on the agenda in some form for three and a half years between picking snowflakes on a map to general discussion and he thought they were as close as they were going to get.

Mayor Dever said there was a point where the City Commission should decide if they wanted those amendments to be used as the guide to future planning. If that was the case, then Planning staff should look at it because it was something that none of them had a part of. This document could be the predecessor to the addition to other chapters mentioned in

residential development. He said the Planning Commission's job was to help with those decisions.

Commissioner Hack said the purpose of the document was the balance and that balance was so difficult to achieve because no matter what the City Commission did, they were going to make someone unhappy. As it stood right now, she could not approve the amendments and would like the Planning Commission to have an opportunity to look at those amendments along with the green highlighted areas. She said the Mayor was correct in talking about minimal or substantial and have something that was in opposition, was weird for a planning document. She also thought there had to be some acknowledgment for the type of the soil. She asked if it would belong here, in the commercial chapters or other chapters or in the environmental chapter. The environmental chapter was being worked on, but there had to be some acknowledgment from the community. She said the Mayor expressed her same concerns and they might be getting in over their heads.

Mayor Dever said he wanted to know if this should be done unilaterally or if they were going to create this document did they want to set the precedent and then expect the Planning Commission or Planning Department to apply those standards in the future.

Commissioner Hack said industrial development was very critical to the quality of life and future of this community. She said it had taken a long time, but was an incredibly important part of that document.

Commissioner Highberger said in one of the presentations, they demonstrated economic development potential in local food and prime farmlands were critical.

Commissioner Hack said she did not dispute that thinking one bit and that was a part of it. She said she was not saying by putting this in or taking this out they would prohibit that from consideration.

Commissioner Amyx said if the amendments went back to the Planning Commission and came back in November or December with City Commission approval, he asked when it would go to the county.

McCullough said in typical sense, as soon as staff received minutes provided by the City Commission, which would be three to four weeks.

Vice Mayor Chestnut said it had come up from public comment and Commissioners that if they were going to refer this back to the Planning Commission and have them either in the document or discussion about how it applied to current projects. He said Commissioner Highberger referred to the ambiguity about projects that were in process now. He asked if they needed to get direction from the Planning Commission as well because it was still an unanswered question. From his standpoint, he saw two things; one was to consider the language in green and also have a recommendation or something in the document about how they were going to address projects in process. It might not be in the document, but have some understanding.

Commissioner Amyx asked if that was addressed on page 7-5 where it talked about the non exclusive list of sites that substantially met the general criteria illustrated in Map 7-2 and went on to say that the map of the potential locations for future industrial and employment related land use were detailed in descriptions below.

Vice Mayor Chestnut said it did, but that language was written before the fifth criteria was put in and now they had one that clearly did not conform to that. He thought when they wrote that language, it was with the fourth, not the fifth and now they had the fifth and one of the primary locations listed did not conform to that fifth.

He said the reference could be to refer back, based on the new language that had been added, and then re-assess that specific paragraph to see if they wanted to make some exceptions because now there would be a least one site that did not form to the general criteria.

McCullough said at one of the hearing at the Planning Commission, staff asked as the criteria went in and out of the list of criteria, whether or not adding or removing the high quality agricultural land from the list would alter the snowflake map and alter the list of future sites. The Planning Commission's recommendation was that it would not alter their sites. Staff felt the language Commissioner Amyx mentioned was in the chapter as written, even with the fifth and while it appeared to be a conflict, it was the exercise of substantially meeting the criteria. When those criteria were weighed out, the Planning Commission gave a little more weight to the surrounding development of some of the sites, the transportation networks of the sites, the slopes that were conducive to industrial development and while there was recognition that there was agricultural land on the sites, whether or not this was a criteria or not, there was certainly recognition that there was agricultural land on several of those sites and it did not change the Planning Commission's recommendation from Map 7-2 to show the specific sites as industrial or employment centers.

**Moved by Hack, seconded by Chestnut,** to return Chapter 7 to the Planning Commission for consideration of the language in green as added by staff over the last couple of weeks. Aye: Chestnut and Hack. Nay: Amyx, Dever, and Highberger. Motion failed.

Commissioner Hack said since it failed, it would automatically go back to the Planning Commission.

**Moved by Amyx, seconded by Highberger,** to approve Comprehensive Plan Amendment to Horizon 2020, Chapter 7 and to adopt on first reading Joint City Ordinance No. 8283/County Resolution No. \_\_\_\_\_, the revised edition. Aye: Amyx, Dever, Highberger. Nay: Chestnut and Hack. Motion failed for lack of supermajority.

David Corliss, City Manager, said this amendment also involved the County and suggested the County take a look at the amendment to see if they could work something that would be in a supermajority vote both with their building and this building. He said there was also discussion about having a study session with the Planning Commission, City Commission



and County Commission to see if things could be worked out. If it went back to the Planning Commission and the Planning Commission and City Commission agreed but the County Commission did not, it was going to be a challenge as well. The other Commission that needed to be invited to the meeting was ECO<sup>2</sup> because they had been involved in both of those issues as well. He suggested tabling this issue and see if the County Commission would work its will on this issue and report back accordingly.

**Moved by Highberger, seconded by Chestnut,** to table this agenda item. Aye: Dever, Chestnut, Hack, and Highberger. Nay: Amyx. Motion carried. (11)

**Consider changes to the city environmental code pertaining to trash abatement and adopt on first reading, Ordinance No. 8280, amending Section 9-607 of the City Code related to the issuance of notices of violation under the environmental code.**

Brian Jimenez, Code Enforcement Manager, presented the staff report. He said this change to the environmental code was a result of a study session that took place last fall with the City Commissioners, City staff, and the Oread Neighborhood in attendance. Overall, it was relatively minor changes to the current code with bigger benefits through code compliance. Currently, there were two time compliance dates in the environmental code, 15 days or 30 days depending on the situation. This code amendment would cut the time period in half from the current 15 days to 7 days for items that were classified as trash or refuse or item of no worth. It was one of the major concerns of the Oread Neighborhood Association. From the code enforcement standpoint, there was minimal additional time commitment from city staff. Staff always conducted a second re-inspection, but would be going out for that inspection on an earlier date.

He said there were some specific changes to the notification process. The current code required that all notice of violations be sent certified mail and each time those mailings were sent out, the cost was \$5.32. There would be a significant cost saving to the City to eliminate that cost. The proposal was to send notification by regular first class mail and most importantly

post a notice at the time of inspection on the property to give immediate notice to the property owner and/or the tenant. The other change was to reduce the time to request a hearing from 15 days to 7 days if someone wanted to question the City's interpretation of the code.

He said staff researched other cities and how they addressed this matter and Lawrence had a lengthy turn around time compared to other cities. He said reducing the time was a good place to start.

Mayor Dever called for public comment.

Candace Davis, Lawrence, said she lived in the Oread Neighborhood and wanted to thank City staff for their diligence in following through with this trash ordinance. This change was from a follow up on the study session conducted a year ago. The neighborhood was in support of this amendment to the environmental code and hoped the City Commission would also be supportive.

Commissioner Amyx said this was a good idea and the Commission should adopt the amendment.

Commissioner Hack said the City Commission had been very lenient, but it was time to get serious and inform people this issue was important.

**Moved by Amyx, seconded by Highberger,** to adopt on first reading, Ordinance No. 8280, amending Section 9-607 of the City Code related to the issuance of notices of violation under the environmental code. Motion carried unanimously. (12)

**Conduct public hearing to consider the vacation of an unused utility easement located in Lot 1, Block 1, Legends Addition No. 1 as request by the owner Jack Biegler, Ellison KU, LTD.**

Mayor Dever called a public hearing to consider the vacation of an unused utility easement located in Lot 1, Block 1, Legends Addition No. 1.

Chuck Soules, Public Works Director, presented the staff report. He said the utility easement was not being used. The owner had replatted the final development plan to address

his needs and was requesting the utility easement be vacated and the access easement remained. Staff notified the utility companies and received no comment. Staff also notified the property owners within a 200 foot radius and received no comment.

Mayor Dever called for public comment.

Upon receiving no public comment, **it was moved by Hack, seconded by Amyx**, to close the public hearing.

**Moved by Amyx, seconded by Hack**, to approve the Order of Vacation of an unused utility easement located in Lot 1, Block 1, Legends Addition No. 1. Motion carried unanimously.

(13)

**Consider authorizing the Mayor to sign a letter of intent with the University of Kansas regarding transit and receive report from KU/City Transit Planning Committee.**

David Corliss, City Manager, said the City Commission received a letter of intent indicating KU's support. The letter laid out a number of goals and opportunities to coordinate and cooperate and perhaps merge with KU. He said staff could point to a number of successes regarding transit cooperation with KU such as the study that was conducted and joint selection of a vendor and the timing of the vendor contracts, the recent success they had with the reciprocal past program that indicated a lot of opportunities to cooperate as well. There were a lot of details regarding cooperation that were not finalized. Most importantly was the funding; the City did not have any money budgeted for transit next year and the middle of next year was the target date for some type of additional cooperation or merger with KU, certainly jointly planning the routes was envisioned as the City looked at all their routes.

Staff thought it was appropriate the City Commission be briefed on where staff was in discussions with KU. The best way was to memorialize that in writing, which was what they set out and passed back and forth between KU representatives and City staff. Staff recommended that this letter be executed. There were a number of opportunities for further refinement in this regard. In reading the letter, it could be seen that it was not a unilateral or irrevocable

commitment; there were opportunities to step back and say it was not working for either party. He said it was important for the City and KU representatives as well.

Diane Stoddard, Assistant City Manager, said KU and City Transit Planning Committee was working very diligently, on a weekly basis, to look at the variety of issues, but nothing had been decided at this point, but any plan recommended needed approval of various bodies at the University and the City. During the discussions with the planning team, it was important to make sure there was input from the students and the community as part of that process.

Commissioner Amyx said there were obvious safeguards before any consolidation or merging happened because of the amount of approvals that needed to take place. He said efficiencies and operations of both systems needed to be addressed by the City's T System and KU on Wheels. He said anytime the City could work with the University to create efficiencies not only in transportation, but other opportunities were important for Lawrence and the University.

Mayor Dever called for public comment.

Carrie Lindsey, Lawrence, thanked City staff who spoke at their forum and everyone who had been speaking out about the importance of the sales tax issue. She said it was an important step in the right direction to continue the process so that the citizens could see that they were working on this issue, that sales tax was important, and that they continued to seek public transportation.

Commissioner Hack said the letter and work on this issue was moving in the same direction toward efficiencies to make this the best transit system possible. Whether it was a merger, under one name, or two systems that coordinate, she did not think it mattered to the transit using public, which would hopefully increase as the service was improved with hopefully the sales tax vote. She thought it was a matter of semantics and protected both sides.

Commissioner Highberger said he appreciated the work done by staff.

**Moved by Hack, seconded by Chestnut,** to authorize the Mayor to sign a letter of intent with the University of Kansas regarding transit and receive the report from KU/City Transit Planning Committee. Motion carried unanimously. (14)

**Receive City Auditor's Report on Pavement Condition Materials.**

Michael Eglinski, City Auditor, presented his report. He said this topic was important because the City allocated \$5 million a year and this was one of the tools used to determine where those funds went. The City needed the information to be reliable to make the best decisions. The Pavement Condition Inspection was a fairly new measure and completed the first round of inspections, which was how they rated the streets, in 2005. It was early enough that if there was an issue with the reliability it could be fixed. In the Citizen's Survey, pavement condition showed up as a very high concern. It was also the item that the citizens were least satisfied with.

He said regarding pavement conditions, Public Works staff look at the streets, measure and record the different kinds of distresses and placed that information in a database that had formulas that calculate rating and gave scores on a scale of 0 to 100, where 100 was good, for the current condition of the street. That data could be used to compare streets in different areas of town. Staff used that data to plan whether to resurface and answer questions. The result of the information gathered was that the data was reliable and gave a good picture of the condition of the streets. He said he took two approaches in looking at pavement condition and one was looking at the controls, such as the policies, procedures and rules they had for how they rated the streets which were good. There were calculations set up in the computers and were automated, there were programs on the computer to make sure the calculations were consistent and not making errors. He said he also did a sample of street segments, not enough to be statistically significant, and looked if there was a pothole and checked to see if there was a pothole according to the database. He did that for about 40 streets and it matched up fine. He

also looked at work history and matched that up. He said there were some discrepancies and typically they were not important.

He said one of the things that was important about this was for this information to be most useful, staff had to commit to maintain the information in the medium term. Those systems, according to experts, were very good once each street was inspected a couple of times. Right now, staff had inspected the entire City once and about 45% of the City a second time. Staff was getting the data, but it was still a bit rough. By rough, he meant projections into the future, right now, were the best the City had to offer, but after a few more years of inspections, those projections should get a lot better. He said that meant the City had to devote staff time and a few resources. In doing this work, he discovered that 15 -20 years ago the City had a system like this that was not maintained and there were some problems in that inspections were done by interns and there were computer issues back then because the amount of computer power was not available at that time.

He said he was recommending a couple of recommendations on the control side which was intended to make this data easier to use three to four years from now. One recommendation was to write a manual for the computer side of it. There was a really good manual on the inspection side, but the computer side was a little bit more complicated and not well documented in a single place. They also needed to have a policy on backing up data along with a written policy and instructions on how to back up that data.

He said another thing he discovered was a permit for digging up streets, but it had been 15 years since staff issued those permits. Because it was on the books and a reasonable thing to do, he was recommending the City issue those permits or take this opportunity to go back and generally look at the right-of-way practices. Right-of-way management had come a long way since 1976 when this ordinance was last looked at. He looked at what other cities in Kansas were doing and were doing a lot more of the best practices.

He said it was interesting in how City staff looked at the data, which was the staff side, versus how the citizens looked at the data. He said in City Hall staff looked at the data as telling them something about the condition of the streets and the citizens outside think about the condition of the streets told them something about how good the government was performing. He said it was useful to remind himself of that and was why it showed up so high as a citizen concern. He said the City Manager agreed with his recommendations and thought steps were already being taken to address those recommendations.

He thanked Public Works staff because they made his reporting easy to do. He said he picked this project because it was important not because he thought there was something particularly wrong and thought it was noteworthy that the City had a system for measuring pavement conditions. Streets were important and the City had a system for measuring which was noteworthy. He wanted the message sent that it was good and even though there was room for improvements, it was good.

Commissioner Amyx asked about the right-of-way approach and the excavation permit. He said he did not understand the difference, but asked if it had to do with the infrastructure that was beneath sidewalks.

Corliss said it was related. He said the City's code provision which dated back a number of years really needed some attention. Staff moved away from physically issuing permits, but received the permission of the department. Regarding excavation, staff worked with franchise utilities so they were not making cuts in the street itself, but using the right-of-way area adjacent to the street. In many cases, that was of less concern than the actual cut in the street. He said staff needed to work on that issue on an internal basis.

He said regarding the issue of right-of-way management that was something staff had struggled with because state law had changed and continuously took away the City's authority to regulate the use of the right-of-way. The cable industry and telephone industry had gone in and eviscerated the City's ability to do very much in regulation, regarding right-of-way. The City

still had the ability to adopt reasonable right-of-way regulations, but their ability to revoke a franchise or condition certain payments based on that had been very limited. It was good to look at the entire right-of-way management practices, not just the excavation permit.

Commissioner Highberger asked about the data back up. He asked if the data was not being backed up.

Eglinski said the data was being backed up. The recommended practices in Information Technology was not just backing something up, but adding policies to establish accountability and responsibility so that over time, people knew how to do it.

Corliss said staff would come up with a written policy on backing up the City's data, but the data was being backed up. He said staff would come up with a policy that prioritized and established protocols as to responsibility and storage of that data.

Vice Mayor Chestnut said he agreed with the back up policy because the reason for documentation was it mysteriously stopped happening sometimes and did not have any record. He said regarding the continuous update of the data, right now staff was challenged because that updating of data had not been resourced. The task was not a specific responsibility of someone on staff. The City's GIS person moved to another department and was still contributing to that task, but the City did not have someone on staff that was responsible for that task. He said as the City Commission went through the budget cycle, they needed to talk through that issue because it was important data and wanted to make sure that data was being resourced appropriately because it would end up like the database a couple of decades ago. The City had to commit a level of resource whether reprioritizing people who were doing other things because he did not like to add head count. Either way they needed to figure out a way to commit it to someone's job description.

Corliss said Micah Seybold was the GIS Analyst in Public Works and the GIS Coordinator for Information Systems. He was also helping with a lot of his Public Works former functions, but they eliminated the GIS position in the 2009 budget because it was a vacant



position. He said right now there was an intern that would help with that issue which would get at some of those continuity issues. Staff would follow through in making sure there was staffing for that function. He said Eglinski would take a look at the results of this audit and hold staff accountable.

Mayor Dever called for public comment.

After receiving no public comment, it **was moved by Amyx, second by Hack**, to receive the report. (15)

#### **PUBLIC COMMENT:**

Candice Davis said she had a concern about the vacancies on Boards and Commission and the expiration and term dates.

#### **FUTURE AGENDA ITEMS:**

10/28/08 · Employee Service Awards.

- Consider approval of sale agreement for City property to North Mass Redevelopment (received by City Commission on October 7, 2008).

**ACTION:** Direct staff as appropriate.

- Conduct public hearing to establish maximum assessments for sanitary sewer and waterline improvements for the Bauer Brook Court benefit district.

TBD · Consider the following items related to Lawrence SmartCode:

- a) Consider approval of CPA-2007-6, a Comprehensive Plan Amendment to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. (PC Item 13; approved 8-0 on 5/21/08) [Draft PC Resolution 2008-01](#) [Correspondence](#)

**ACTION:** Approve CPA-2007-6, an amendment to Horizon 2020 by creating Chapter 15 - Place Making, if appropriate.

- b) Consider approval of CPA-2007-7, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan. (PC Item 14; approved 8-0 on 5/21/08)

**ACTION:** Approve CPA-2007-7, an amendment to Horizon 2020, Chapter 14 Specific Plans, if appropriate.

- c) Consider adopting Text Amendment TA-11-24-07 regarding the Lawrence SmartCode and, Pursuant to the provisions of K.S.A. Chapter 12, Article 7, enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The "Lawrence SmartCode" is an optional development code that is parallel to the City's existing zoning and subdivision regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the "Lawrence SmartCode" are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The "Lawrence SmartCode" is also available at [www.lawrenceplanning.org](http://www.lawrenceplanning.org). Adopt Ordinance No. 8286 on first reading regarding TA-11-24-07 for the Lawrence SmartCode. (PC Item 15; approved 8-0 on 5/21/08)

**ACTION:** Approve TA-11-24-07 regarding the Lawrence SmartCode and adopt Ordinance No. 8286, if appropriate.

- K-10 and Farmer's Turnpike Plan.
- West of K-10 Plan
- § Approve revisions to Text Amendment TA-12-27-07 for revisions to multiple sections of the City Development Code to maintain consistency with proposed language recommended for approval in TA-12-27-07 (Sections 20-1101 & 20-1701, Environmentally Sensitive Areas) by Planning Commission at their July 2008 meeting. Adopt Ordinance No. 8304 on first reading regarding TA-12-27-07 for revisions to multiple sections of the City Development Code. (PC item 9; approved 7-0 on 9/24/08)
- Consider authorization of City contribution toward site work for the 87 acre tract adjacent to the East Hills Business Park.
- Consider city laws regarding the keeping of live fowl and domesticated hedgehogs in the city limits.
- Consider changes to the sidewalk snow and ice removal ordinance and enforcement program.
- Consider changes recommended by the Eco2 Commission to be adopted into the Eco2 Plan for Douglas County.
- Status update on Baldwin Woods Open Space Project.
- Accept dedication of easements and rights of way for PP-07-08-08, a Preliminary Plat for Boardwalk Addition, a 3 lot multi-family residential plat containing 1.07 acres, located at the intersection of Frontier Road & Fireside Drive. Submitted by Paul Werner Architects, for Boardwalk Apartments, LC, property owner of record. (PC Item 2; approved 9-0 on 9/22/08)
- Approve Text Amendment TA-06-12-08, to Section 20-810 of the

Subdivision Regulations to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved. Initiated by County Commission June 23, 2008. Adopt Ordinance No. 8317 on first reading for TA-06-12-08, to Section 20-810 of the Subdivision Regulations. (PC Item 3; approved 7-0 on 8/25/08)

**COMMISSION ITEMS:**

**Moved by Chestnut, seconded by Amyx,** to adjourn at 9:00 p.m. Motion carried unanimously.

**APPROVED:**

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Michael H. Dever, Mayor

**ATTEST:**

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Frank S. Reeb, City Clerk

## **CITY COMMISSION MEETING OF OCTOBER 21, 2008**

1. Bid – 2008 Weatherization Program.
2. Bid – Master Street Tree Program to Arbor Masters for \$40,470.
3. Ordinance No. 8336 – 2<sup>nd</sup> & Final Read, SUP-07-07-08, Countryside Extended Care Facility located at 1216 Biltmore Dr.
4. Ordinance No. 8297 – 2<sup>nd</sup> & Final Read, TA-03-01-08 to amend Development Code, Article
5. Ordinance No. 8339 – 2<sup>nd</sup> & Final Read, Free State, Bauer Farms Transportation Dev District, at NE corner of W 6<sup>th</sup> & Wakarusa Dr.
6. Ordinance No. 8332 – 2<sup>nd</sup> & Final Read, Comprehensive Plan Amendment for SE Area Plan
7. Resolution No. 6808 – Devel Agreement for Bauer Farm Transportation Devel District.
8. Request – 6 mo extension of site plan approval for office building, 501 Rockledge Rd.
9. Ordinance No. 8331—Deferral for one week, 2<sup>nd</sup> & Final Read, rezone approx. 0.48 acres from RMG to MU at 1420 Crescent Road.
10. City Manager's Report.
11. Ordinance No. 8283/County Res\_\_\_\_- 1<sup>st</sup> Read, Comprehensive Plan Amendment to Horizon 2020 Ch 7: Industrial & Employment Related Land Use.
12. Ordinance No. 8280 – 1st Read, Changes to city environmental code.
13. Vacation - Utility easement, Lt 1, Blk 1, Legends Add No. 1.
14. Letter of intent with KU regarding transit.
15. City Auditor's Report – Pavement Condition Materials

# **Industrial and Employment-Related Land Use**

**DRAFT**

October 2008 changes are highlighted in green

**October 2008**

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## **CHAPTER SEVEN**

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

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Over time, the City of Lawrence and portions of unincorporated Douglas County have experienced business and industrial development and growth. In recent years, this growth and development has taken the form of new industrial and business development, as well as expansion of existing industries and businesses. As Douglas County continues to grow, and with more residents expected to commute outside of the community for employment, there is a recognized need that more industrial and business development is necessary to provide local job opportunities. Of particular interest to the community is the attraction of industries and employment-related uses that are based in biosciences, agriculture and natural resources, technology, and telecommunications.

Both Douglas County and the City of Lawrence consider a healthy natural environment, a diversified economy, and a fiscally stable government as being interdependent and further recognize that new industrial and employment-related land uses contribute to the local tax base and the creation of a full-service community where residents can live and work. Douglas County and the City of Lawrence are in the unique position of being able to fulfill this vision by tying into the needs and services related to the various University of Kansas research programs and technological developments. It is also recognized that growth in the greater Kansas City and Topeka metropolitan areas indicate the potential for substantial new future job opportunities and industrial development within Douglas County.

The ECO<sup>2</sup> Commission presented their report to both the City and County Commissions in 2007 that develops a long term plan of a public/private partnership for the advancement of industrial/business parks and open space preservation in Douglas County. This Comprehensive Plan, in conjunction with the ECO<sup>2</sup> report, provides a methodology to weigh specific criteria to identify and recommend a number of new business and industrial development locations in the City of Lawrence and unincorporated Douglas County.

While industrial land uses and employment-related land uses share some similar characteristics, such as the need for large areas of land and the ability to provide employment opportunities, they also each have distinct characteristics, such as locational requirements within the community in terms of compatibility with other land uses, as well as co-locational criteria with the specific types of services/industries provided. For this reason, this chapter has been divided into two sections. The first section deals with industrial land uses and the second section deals with employment-related land uses.

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

The principal strategies for the identification, development, and maintenance of industrial and employment-related areas are:

- Increase the number and diversity of jobs available to the citizens of Douglas County to stabilize the future employment base and generate additional wealth in the community.

- Identify an adequate amount of available land in a number of locations in Douglas County to meet diverse industrial and business related development needs.
- Increase community involvement in economic development activities, by partnering with the local business community and area educational institutions to bring new technology and investment to the region for the purpose of meeting the economic development job growth goal of securing twenty thousand new jobs in Douglas County by 2020.
- Protect, enhance, and retain existing industrial-related land use areas serving the community.
- Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future.
- Encourage site availability, site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development.
- Encourage bicycle, pedestrian and public transit access from neighborhoods to industrial and business employment centers.
- Minimize impacts to the natural environment in the identification of new industrial and business development areas or in the redevelopment of existing areas. Whenever possible, industrial and business development should encourage the retention of open space to serve a variety of purposes, including stormwater management, preservation of wildlife habitat and ecological functions, recreational opportunities, and reduction of visual impacts on surrounding areas.
- As new areas evolve, encourage development proposals to employ sound site planning and design principles. Interfacings with surrounding properties and neighborhoods are also encouraged to minimize negative impacts and employ appropriate and compatible industrial and business activities.

## **1. INDUSTRIAL LAND USE**

### **INDUSTRIAL LAND USE CATEGORIES**

Industrial development in Douglas County has taken on many shapes and forms in the past. This Comprehensive Plan recognizes this variety in development and establishes the following categories of industrial-related land use:



- **Warehouse and Distribution** - an area generally characterized by businesses involved in the warehousing and distribution of wholesale goods and supplies.
- **Industrial** - an area generally characterized by business activities that include manufacturing, assembly, processing, and similar operations.
- **Work-live Campus-type Center** – an area that is a campus-like setting with a mix of uses that are compatible which may include industrial, business, retail commercial and residential developments. These areas will be held to a higher standard of design that accents and complements the natural environment and provides a comfortable environment for a live-work relationship where pedestrian activity is planned for and encouraged.
- **Industrial/Business/Research Park** - an area generally characterized by a predominance of office, office research, warehouse and distribution, and/or industrial business activities that typically encompass a large area of land and are designed in a “campus” setting.

## **LAWRENCE - EXISTING INDUSTRIAL AREAS**

The City of Lawrence has several major industrial areas providing employment opportunities to the community. These larger areas include: 1) Santa Fe Industrial Area; 2) East Hills Business Park; 3) Santa Fe Railroad corridor; 4) Union Pacific Railroad corridor; 5) Lawrence Municipal Airport; and 6) Southeast Industrial Area. A description and plan recommendations for these areas are discussed below. In addition to these primary industrial areas, the City of Lawrence also has a number of smaller industrial locations throughout the city. While not specifically addressed in this section, these smaller industrial areas play an important role in the overall industrial and business development composition of the community as a whole. Refer to Map 7-1, Map of Existing Industrial and Employment-Related Land Uses.

### • **Santa Fe Industrial Area**

The Santa Fe Industrial Area, located north of the Kansas Turnpike/I-70 and south of the Kansas River in north central Lawrence, has developed as a large warehouse and distribution location. This Comprehensive Plan recommends an expanded role for this area in the future. The area north of Lakeview Road may alternately develop with more traditional industrial uses. It is also recommended that as additional industrial-related uses develop, impacts on nearby residential development along Riverridge Road will need to be minimized. Additionally, street improvements may be needed and land use transition areas are recommended to protect residential uses in the area.

### • **East Hills Business Park**

East Hills Business Park is located on the eastern edge of Lawrence on the north side of Kansas Highway 10. Planned and developed in the late 1980s and early 1990s, this is one of the community’s first true industrial park developments. As this area reaches capacity, the closure of the Farmland Industries site (immediately to the west) makes expansion of East Hills Business Park a possibility and should be closely examined for such a purpose. East Hills

Business Park serves as the eastern gateway to the community and the City should continue to examine future development plans for this area to ensure they reflect the image and quality the community seeks in gateway development.

- **Burroughs Creek Corridor**

The Burroughs Creek Corridor (the former Santa Fe Railroad Corridor) stretches from East 31<sup>st</sup> Street to the Kansas River in East Lawrence and includes a south and north segment. Parts of the corridor area offer smaller land parcels and provides opportunities for small business owners to coexist with neighboring residential uses. Future development of this area should be in accordance with the Burroughs Creek Corridor Plan.

- **Union Pacific Railroad Corridor**

The Union Pacific Railroad Corridor serves North Lawrence and has historically been the site of a variety of industrial uses. Industrial development patterns along the corridor are somewhat fragmented with interspersed residential and commercial land uses. Many industrially zoned sites have been developed with residential structures or represent vacant lots originally divided for residential purposes. This corridor may also offer opportunities for small business owners to establish smaller industrial operations within the community.

New development and redevelopment in the area should be encouraged to improve the appearance and image of the area. In general, Locust Street, Maple Street, and Lincoln Street west of North 7<sup>th</sup> Street should continue to serve as industrial collector streets in the neighborhood. Efforts to discourage non-residential traffic in other parts of the neighborhood are highly encouraged. It is also recommended that consolidation of industrial sites occur whenever possible to remove those residential and incompatible commercial uses located within predominantly industrial development land use patterns in a concentrated effort to minimize those impacts and conflicts between incompatible land uses. When the industrial usage of a particular property ceases and is no longer practical, it is recommended those properties be converted to residential and/or neighborhood commercial uses.

## **LAWRENCE - NEW INDUSTRIAL AREAS**

This chapter sets out goals and policies to guide present and future industrial and employment development within Douglas County. A key part of the chapter is deciding where Industrial and Employment related development should be located. To assist in the identification of general locations throughout the City of Lawrence, its Urban Growth Area, and unincorporated Douglas County appropriate for industrial and employment park development, there are some basic locational criteria characteristics that should be considered. The following criteria strike a balance between industrial user needs and community interests, as well as being aligned with criteria developed through the ECO<sup>2</sup> process.

## **LOCATIONAL CRITERIA FOR INDUSTRIAL DEVELOPMENTS**

A given site, whether located within City limits, in the UGA, or in unincorporated areas of Douglas County, should *substantially* meet the following **general** locational criteria:

- have feasible access to Federal and State transportation networks;
- be of adequate parcel size, generally over forty acres;
- lie primarily outside of the regulatory floodplain;
- have minimal average slopes;
- have minimal areas of non-irrigated capability class 1 and 2 soils as defined by NRCS (High-quality agricultural land).

After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should *substantially* meet the following **specific** criteria on a site plan or development plan level:

- preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
- encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
- have available and adequate utilities, infrastructure and services (i.e. police and fire protection) for the proposed use;
- be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;
- be annexed before development if adjacent to municipal boundaries.

Initial applications for site considerations should first be weighted against the general locational criteria, and then against the specific criteria as individual proposals move through the development process. A non-exclusive list of sites that substantially meet the general criteria are illustrated in Map 7-2, Map of Potential Locations for Future Industrial and Employment Related Land Use, and are detailed in descriptions below. Locations initiated through the planning process that are not on Map 7-2 will be weighted against the general locational criteria above.

### **INDIVIDUAL SITE ANALYSIS:**

- **Farmland Industries**

**Transportation:** State Highway and Rail access

**Parcel Size:** 275+ acres

**Floodplain:** None

**Slope:** Mostly minimal (0-3%) with some 3-7% and higher

**Soil:** None

Generally this area is located north of K-10, west of East Hills Business Park, south of N 1500 Road, and west of E 1575 Road. While the entire site contains roughly 400+ acres, the proposed Farmland Industries Redevelopment Plan, currently working through the approval process, identifies approximately 275 acres of land for industrial uses. The site has access to K-10 Highway, as well as possible future connections to East Hills Business

Park. In addition the site has direct access to rail lines that exist on the north end of the property. The site lies outside of the 100-year floodplain and is generally covered by minimal (0-3%) slopes, with a few areas having 3-7% and higher slopes. **No portion of the site contains high-quality agricultural land.** Portions of the site pose some challenges related to environmental clean-up from the prior use that needs to be addressed before re-development, but would be a good site for Warehouse and Distribution, Office Research and Industrial uses, especially when combined in a collaborative park setting.

- **Southeast Area**

**Transportation:** State Highway access

**Parcel Size:** 200+ acres (with an additional 30 identified for Warehouse)

**Floodplain:** None

**Slope:** Minimal (0-3%)

**Soil:** Approximately 10% of the 200+ acres

The Southeast Industrial Area is located on the south side of East 23<sup>rd</sup> Street/Kansas Highway 10, south of East Hills Business Park. This area consists of general industrial land uses and it is anticipated this area will experience increased industrial development as noted in the Southeast Area Plan. That plan recommends less intense Industrial uses, such as Warehouse and Distribution and Office Research for approximately 30 acres north of N 1360 Road between E 1700 Road and E 1750 Road. The plan recommends more intense industrial uses for the roughly 200 acres for the area northwest of the intersection of 25th Terrace and Franklin Road, the area east of Franklin Road, north of E. 25th Street and N. 1360 Road, west of E. 1750 Road (Noria Road), and south of E. 23rd Street/K-10 Highway and the area north and south of Franklin Park Circle. Like East Hills Business Park, the Southeast Industrial Area will serve as the eastern gateway to the community. This site has access to Kansas Highway 10 and lies outside of the 100-year floodplain. The area is generally covered by minimal (0-3%) slopes. **Roughly 10% of the area is covered by high-quality agricultural lands; specifically capability class 2 soils are located west of E 1700 Road, around the Franklin Park Circle area.**

- **Airport**

**Transportation:** Federal Interstate, State Highway, Air access

**Parcel Size:** 230+ acres

**Floodplain:** Approximately 10% of those 230 acres

**Slope:** Minimal; 0-3%

**Soil:** Approximately 90% covered

The Lawrence Municipal Airport, located in North Lawrence along US-24/40/59, is a newly developing industrial area of the community. Aviation enterprises are present and there is the potential for additional aviation and related enterprises. Currently, the airport is an island surrounded by some county industrial land use, but mostly agricultural land uses. As development continues to occur in neighboring Leavenworth County, the US-24/40/59 corridor will become a major thoroughfare. As the City begins initiating long-range planning activities for improved municipal services to and stormwater management within this area, development pressures will increase for this area. It is recommended by this Comprehensive Plan that annexation be a part of any

industrial development proposed for this 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.

The area around the Lawrence Municipal Airport best suited for industrial development generally lies southwest of the airport and North of I-70 and encompasses roughly 230 acres. This site has access to I-70, Highways 24 and 40, and the Lawrence Municipal Airport. The majority of the site lies outside of the regulatory floodplain; however, this site has unique challenges related to stormwater management that would need to be addressed during the development process. Slopes in this area are minimal (0-3%). Approximately 90% of the site area is covered by high-quality agricultural land, more specifically capability class 1 soils.

- **I-70 and K-10**

**Transportation:** Federal Interstate and State Highway access

**Parcel Size:** 150 acres, with possibility of more

**Floodplain:** None

**Slope:** Mainly 0-3%

**Soil:** None on the identified 150 acres

The I-70 and K-10 area lies generally north of N 1800 Road (Farmer's Turnpike) near the intersection of Kansas Highway 10 and I-70. The proposed area contains roughly 150 acres with the potential for more land to be identified for industrial and employment related land use through the long-range planning process. The area contains land of minimal slope (0-3%) and also lies outside of the 100-year floodplain. There is no high-quality agricultural land located on the identified 150 acres. This area substantially meets the general locational criteria and will be an important future economic development area for the Lawrence community because of its prime location near the I-70 interchange, which also acts as the primary access point for the City of Lecompton. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that the land is annexed and urban services are able to be provided. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would best be suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

- **K-10 and Highway 40**

**Transportation:** State Highways (access to Federal Interstate within 2 miles)

**Parcel Size:** 300 Acres (split north and south of Highway 40)

**Floodplain:** None

**Slope:** Mainly 0-3%, with some 3-7%

**Soil:** Approximately 5% of total acreage

This area generally lies to the west of K-10 Highway on both the north and south sides of Highway 40 and is detailed in the West 6<sup>th</sup> Street/K-10 Nodal Plan. The area contains approximately 300 acres and lies outside of the 100-year floodplain. The area is located adjacent to both Highway 40 and K-10 Highway, as well as being in close proximity to I-70. The site has mostly minimal slopes (0-3%) with some 3-7% slopes. Approximately 5% of the total acreage contains high-quality agricultural land, primarily on the southwest side of the intersection of Highway 40 and K-10 Highway. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would be best suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

- **Eudora North & Eudora South**

Areas have been generally identified on the east side of Eudora, both north and south of K-10 Highway that would be appropriate for Industrial development. It is recommended that Eudora annex both areas prior to development.

- **Baldwin City**

The Comprehensive Plan already identifies that a general area to the west of the current Baldwin City limits would be ideal for industrial development at such time that the City of Baldwin is able to provide utilities to the site. Baldwin City is currently in the process of drafting and adopting a comprehensive plan and therefore any decisions regarding specific locations for this site should wait until that process is complete.

- **Highway 56 and Highway 59**

The Comprehensive Plan identifies that a general area near the proposed intersection of Highways 56 and 59 would be ideal for industrial development in the future. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that urban services are able to be provided.

- **Midland Junction**

This area generally lies near the intersection of N 2000 Road and Highway 24/59 north of Lawrence. While the area is located within the Urban Growth Area for the City of Lawrence, development is not anticipated for more than 30 years. This area is located in proximity to transportation networks and meets the general location criteria making it ideal for industrial development in the future. Intense development should wait until such time that urban services are able to be provided, and transportation infrastructure is upgraded to ensure safe access.

- **Highway 56 and K-33**

The Comprehensive Plan identifies that a general area near the intersection of Highways 56 and K-33 would be ideal for industrial development in the future due to its proximity to the proposed Gardner Intermodal Facility. It may be possible to develop the site to a

limited extent prior to the availability of urban services; however, intense development should wait until such time that urban services are able to be provided.

The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are *capability class* (non-irrigated) 1 and 2, as identified by the National Resources Conservation Service.

Future Industrial and Employment land use sites not included on Map 7-2, Potential Locations for Future Industrial and Employment Related Development, should balance the agricultural significance on the site against the need for industrial and employment related development.

## **2. EMPLOYMENT-RELATED LAND USE**

### **EMPLOYMENT-RELATED LAND USE CATEGORIES**

Employment-related and business park development in Douglas County has taken on many shapes and forms in the past. This Comprehensive Plan recognizes this variety in development and establishes the following categories of employment-related land use:

- **Office** - an area generally characterized by a predominance of professional offices and service uses that are typically located in commercial areas.
- **Office Research** - an area generally characterized by businesses involved in technology, research, and scientific-related activities, although it may also include traditional light industrial uses, such as manufacturing or assembly.
- **Work-live Campus-type Center** – an area that is a campus-like setting with a mix of uses that are compatible which may include industrial, business, retail commercial and residential developments. These areas will be held to a higher standard of design that accents and complements the natural environment and provides a comfortable environment for a live-work relationship where pedestrian activity is planned for and encouraged.
- **Industrial/Business/Research Park** - an area generally characterized by a predominance of office, office research, warehouse and distribution, and/or industrial business activities that typically encompass a large area of land and are designed in a “campus” setting.

### **LAWRENCE - EXISTING EMPLOYMENT-RELATED AREAS**

The City of Lawrence has several business areas providing employment opportunities to the community. Three of the larger areas include: 1) the University of Kansas; 2) downtown Lawrence; and 3) Oread West Research Park. A description and plan recommendations for

these areas are discussed below. In addition to these primary employment-related areas, the City of Lawrence also has a number of smaller business locations throughout the city. While not specifically addressed in this section, these smaller business centers play an important role in the overall employment and business development composition of the community as a whole. Refer to Map 7-1, Map of Existing Industrial and Employment-Related Land Uses.

- **The University of Kansas**

The University of Kansas, with its main campus on the east side and its west campus on the west side of US-59/Iowa Street, serves as a major employment center for the City of Lawrence and Douglas County. As the university continues to grow and expand its research and technological abilities, opportunities for new and expanded related industrial and business development are a possibility and highly encouraged.

- **Downtown Lawrence**

Downtown Lawrence encompasses a significant number of non-retail employees and geographically represents a major employment area for the community as well. A substantial number of office and service employees are located in this area. The development of new major office employment centers within the community needs to be evaluated to determine the potential effect on downtown Lawrence. A critical assessment should be made to determine that such proposed development will not have a significant negative impact on the Downtown.

- **Oread West Research Park**

The Oread West Research Park, located at the intersection of Wakarusa Drive and Bob Billings Parkway (formerly West 15<sup>th</sup> Street) in West Lawrence, is one of the City's newest employment areas offering a high-quality development setting. Although this area has experienced continued development, vacant land still exists and this Comprehensive Plan recommends continued emphasis on office and research use for this area. The location has strong potential for new technology-related industries and should be the focus of an "industrial cluster" as described in the Economic Development element. This park has ties to the University of Kansas and a continued partnership in technological and research-based industrial and business opportunities is encouraged.

## **LAWRENCE - NEW EMPLOYMENT-RELATED AREAS**

This Comprehensive Plan recognizes the need for smaller scale business development opportunities. The following discussion relates to the office and office/research uses of the employment-related land use classifications mentioned earlier.

- **Office**

New office uses will generally be restricted to existing areas of the city, or new areas that are appropriately identified on future land use maps. Future office uses should only locate in new industrial areas in partnership with office research areas, so that office uses independent of industrial uses do not take up valuable industrial land.



It is desirable that a mix of uses be established for these areas in a planned and unified manner. Like other locations visible from major street corridors, development of these areas should express a high quality living and working environment. Consideration of good site planning and design principles that minimize unnecessary impacts to surrounding neighborhoods and promote compatible land use activities and appropriate neighborhood connections and interfacings are encouraged for any development proposed for this area.

- **Office Research**

Office research uses have been recommended as an appropriate land use activity at gateways into the community. 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.

For information related to Work-Live Campus-type Centers and Industrial/Business/Research Park refer to the text in Section 1 - Industrial Land Use for recommendations relating to this type of land use.

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

Guidelines and incentives are needed to allow for the retention and expansion of development in established industrial and employment-related areas of the City of Lawrence and unincorporated Douglas County.

### **GOAL 1: Development in Established Industrial and Employment-Related Areas**

Encourage the retention, redevelopment and expansion of established industrial and employment-related areas.

#### **Policy 1.1: Retain Established Development and Encourage New Development in Existing Industrial and Employment-Related Areas**

- a. Work with the Lawrence Chamber of Commerce to actively market undeveloped sites in a manner which will stabilize long-term development patterns.
- b. Encourage parcel consolidation to provide infill sites for redevelopment and expansion opportunities.
- c. Provide incentives for expansion of existing facilities and redevelopment of vacant facilities and/or land.

#### **Policy 1.2: Ensure Compatibility of Development**

- a. Establish design guidelines and standards for redevelopment of existing sites and facilities to ensure high quality development.
- b. Encourage best management practices for site planning and design that include, but are not limited to, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacing with adjacent neighborhoods and development, and appropriate accommodation of the design to the site's natural features.
- c. Encourage building design techniques that include, but are not limited to, the consideration of facade and exterior wall articulation, materials and colors, rooflines, entryways, signage, and energy and resource conservation.

#### **Policy 1.3: Concentrate Industrial and Employment-Related Development**

- a. Maintain an appropriate supply of industrially zoned land so that site choices are available and infrastructure expansion can occur in an efficient and orderly manner.

- b. Services to existing industrial and employment-related areas should be improved and upgraded as required to support redevelopment opportunities. Overall stormwater management, vehicular and pedestrian access, water and wastewater abilities, and site maintenance should be undertaken where necessary. Encourage partnerships for redevelopment and improvements.

**Policy 1.4: Provide Opportunities for Limited Industrial and Employment-Related Development in the Unincorporated Areas of Douglas County**

Encourage redevelopment and limited expansion of existing industrial and employment-related areas where specific criteria (p. 7-5) can be met.

Guidelines are needed to provide direction on how much, where and at what scale industrial and employment-related development is appropriate for the market it is intended to serve.

**GOAL 2: Criteria for Location of New Industrial and Employment-Related Development**

Provide industrial and employment-related areas to meet the economic needs of the community.

**Policy 2.1: Utilize Locational Criteria for All Industrial and Employment-Related Development**

1. A given site, whether located within City limits, in the UGA, or in unincorporated areas of Douglas County, should *substantially* meet the following **general** locational criteria:
  - a. have feasible access to Federal and State transportation networks;
  - b. be of adequate parcel size, generally over forty acres;
  - c. lie primarily outside of the regulatory floodplain;
  - d. have minimal average slopes;
  - e. have minimal areas of non-irrigated capability class 1 and 2 soils as defined by NRCS (High-quality agricultural land).
2. After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should *substantially* meet the following **specific** criteria on a site plan or development plan level:
  - a. preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
  - b. encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
  - c. have available and adequate utilities, infrastructure and services for the proposed use;
  - d. be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;
  - e. be annexed before development if adjacent to municipal boundaries.
  - f. Utilize the following general locational criteria in reviewing industrial and employment-related development request.

**Policy 2.2: Review Public Incentive Requests for Compliance with City Adopted Policies**

Review public incentive requests to ensure compliance with city adopted policies.

**Policy 2.3: Adhere to Designated Land Uses**

- a. Locate the development of planned industrial, office research and warehouse distribution facilities in accordance with the general locational criteria listed on p. 7-5. Additionally, sites that meet those criteria are identified on Map 7-2. Require annexation of sites that are adjacent to the City of Lawrence limits.
- b. Designate new industrial, office research and warehouse distribution areas to support job creation. Ensure that new industrial, office research and warehouse distribution developments are concentrated in areas with similar compatible uses.
- c. Large-scale industrial and employment-related development should be located in planned parks to help ensure coordination of circulation systems, lot configuration, site layout [building, parking and access facilities], and environmental amenities.

**Policy 2.4: Maintain an Inventory of Industrial and Employment-Related Land Uses and Develop a Method to Monitor Related Growth**

- a. Maintain a methodology for site selection that takes into consideration industrial users needs and the best interests of the community.
- b. Identify and plan for an appropriate supply of industrially zoned land.
- c. Develop a technique to monitor the aggregate size of industrial and employment-related developments within the community.

**Policy 2.5: Ensure Compatibility of Development**

- a. Establish design guidelines and standards for new industrial and employment-related development.
- b. Encourage best management practices for site planning and design that include, but are not limited to, the consideration of natural site features, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacing with adjacent neighborhoods and development.
- c. Encourage building design techniques that include, but are not limited to, the consideration of facade and exterior wall articulation, materials and colors, rooflines, entryways, signage, and energy and resource conservation.
- d. Major entrances into industrial and business parks should be identified by attractive "gateway" features. Gateways should include special signage, landscaping and accent lighting, and/or a common sculptural feature and should be located outside the public street rights-of-way.

- e. Access to individual building sites within industrial and business parks should be from an internal circulation system. Site access from peripheral arterial and collector streets should be limited to major entrances serving the overall development area. However, industrial users on large lots that are significant generators of traffic may directly access arterial roads if the size of the site is such that it allows internal circulation without the necessity of constructing local roads to direct that circulation to the arterial road. Such access shall be based on sound traffic engineering principles and shall be properly controlled with appropriate signalization and turn lanes. Industrial and employment-related traffic and related conditions should not adversely affect other nearby land use areas.

Guidelines are needed to allow for compatible transition from industrial and employment-related development to other less intensive land uses. This framework is needed both in existing areas and new development areas.

**GOAL 3: Compatible Transition from Industrial and Employment-Related Development to Less Intensive Uses**

Ensure a compatible transition between industrial and employment-related developments and less intensive land uses.

**Policy 3.1: Use Appropriate Transitional Methods**

- a. Encourage industrial, office research and warehouse distribution facilities to have a positive impact on neighboring land uses through the use of natural area separations, broad landscaped yards or other means of buffering.
- b. New industrial, office research and warehouse distribution facilities should be designed and developed so that offices, showrooms, and similar uses occupy high-visibility locations around park peripheries.
- c. Less compatible development should be located to the interior of industrial and employment-related development sites or adjacent to arterial streets rather than adjacent or in close proximity to residential neighborhoods or incompatible commercial uses. A use may be considered less compatible because of height, massing, parking, and light, noise, traffic generation or hours of operation.
- d. Compatible transition and appropriate interfacings from industrial and employment-related development to less intensive land uses should consider:
  1. Site Orientation
    - a. Site design should be oriented toward major streets.
    - b. Site access should be from collector or access/frontage streets to arterials. However, industrial users on large lots that are significant generators of traffic may directly access arterial roads if the size of the site is such that it allows internal circulation without the necessity of constructing local roads to direct that circulation to the arterial road. Such access shall be based on sound traffic engineering principles and shall be properly controlled with appropriate signalization and turn lanes.
    - c. Streets which are designed with elements to provide visual or physical buffering may be used as boundaries between industrial and employment-related development and commercial or higher-density residential land uses.

- d. Encourage the consolidation of access and driveways serving two or more uses within the industrial/business park development.

## 2. Building Relationships

- a. A back-to-back relationship is preferable between industrial-related and residential uses, and may require substantial screening to provide compatibility. A front-to-front relationship is encouraged for all non-residential uses.
- b. Industrial and employment-related buildings and parking areas should have greater setbacks than the required setbacks of abutting residential uses.
- c. The height and massing of industrial and employment-related buildings and accessory structures should be oriented away from residential neighborhoods to avoid creating a negative visual effect. Industrial building height and massing should be complementary and reflect the residential architecture and neighborhood character when adjacent to such development.

## 3. Land Features

- a. Retain mature trees, natural vegetation, natural and environmentally sensitive areas to naturally separate industrial and employment-related developments from residential land uses.
- b. Use existing topography to naturally separate industrial and employment-related developments and other less intensive land uses.

## 4. Screening and Landscaping

- a. Encourage the creative and extensive use of landscaping and berming techniques for effective buffering between differing intensities of land uses.
- b. Fences shall not be used as a sole method of providing screening and buffering. Where fencing is proposed, additional landscaping may be required to soften the monotonous effect of a fenceline.
- c. Encourage the use of existing vegetation, such as stands of mature trees, and other natural site features into the landscape design as natural buffers or focal points.



- d. Use high quality materials in the construction of screening and landscaping to decrease long-term maintenance costs. Quality of site landscaping shall mirror the quality of the overall development.
- e. Unsightly views and light trespass should be screened from neighboring properties and the public right-of-way. Building materials or structures incompatible with the image of a high-quality development, such as chain-link fences, outdoor storage facilities, etc., should not be the means of screening areas visible from public streets or adjacent parcels.

#### 5. Lighting

Any lighting used to illuminate parking areas, signs or structures shall be placed to deflect light away from any adjoining property or from public streets through fixture type, height and location.

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

- a. Consider low-intensity commercial or office development as a transition between industrial and employment-related development and low-density residential neighborhoods. The low-intensity commercial or office development should include:
  - 1. Design elements such as: height, massing, and scale compatible with the surrounding low-density residential uses;
  - 2. Site design compatible with surrounding residential neighborhoods with consideration given to extensive screening, building and parking orientation, and preservation of natural site amenities; and
  - 3. Site access provided from arterial, collector or access/frontage streets and traffic directed away from surrounding residential areas.
- b. Encourage the integration of higher-density residential development through compatible design with industrial and employment-related developments and the surrounding low-density residential neighborhoods. Compatible design includes proper building transition and buffers.
- c. Utilize medium- or high-intensity recreational facilities as a transitional use to lesser-intensity uses. Encourage the joint use of parking facilities to serve the recreational uses.
- d. Incorporate open spaces and natural site features as a transitional use between industrial and employment-related development and low-density residential development.

**Policy 3.3: Consider Image and Appearance in Site Layout**

- a. Establish design guidelines and standards for new industrial and employment-related development.
- b. Encourage best management practices for site planning and design that include, but are not limited to, the consideration of natural site features, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacing with adjacent neighborhoods and development.
- c. Encourage building design techniques that include, but are not limited to, the consideration of facade and exterior wall articulation, materials and colors, rooflines, entryways, signage, and energy and resource conservation.

Traffic impacts continue to be a major concern in industrial and employment-related developments, with much of the concern related to ensuring safe and efficient access and circulation within and around industrial and employment-related areas.

#### **GOAL 4:    Transportation Considerations**

Promote a multi-modal transportation system which provides or improves access and circulation within and adjacent to industrial and employment-related areas.

##### **Policy 4.1:   Level of Service**

Permit the expansion of existing or construction of new industrial and employment-related development in areas where the additional traffic generated by such development would result in an acceptable Level of Service.

##### **Policy 4.2:   Evaluate Traffic Impacts**

An evaluation of the traffic impacts of a development on the surrounding area should consider the existing and projected traffic conditions and their impact on the existing transportation system and should be based on planned improvements which are identified in the Capital Improvement Plan (CIP), the Comprehensive Plan, or the Long-Range Transportation Plan. The Capital Improvement Plan, the Comprehensive Plan, and the Long-Range Transportation Plan shall be updated periodically to recognize changes in priorities and to add new projects with designated priorities.

##### **Policy 4.3:   Vehicular Circulation and Access**

- a.    Require, wherever possible, vehicular circulation within compatible developments that allows internal access to adjacent industrial and employment-related buildings and developments.
- b.    Prohibit direct vehicular access from industrial and employment-related developments to local residential streets. Industrial and employment-related traffic through residential areas is strongly discouraged.
- c.    Limit the principal access for industrial and employment-related centers to arterial, collector or access/frontage roads. Industrial users on large lots that are significant generators of traffic may directly access arterial roads if the size of the site is such that it allows internal circulation without the necessity of constructing local roads to direct that circulation to the arterial road. Such access shall be based on sound traffic engineering principles and shall be properly controlled with appropriate signalization and turn lanes.

- d. Adequate ingress and egress from industrial and employment-related centers should strive to provide a minimum of two access points.
- e. Encourage shared access between adjacent industrial and employment-related developments. Plan for coordinated traffic circulation within and adjacent to proposed development areas.

**Policy 4.4: Pedestrian Access and Circulation**

- a. Provide sidewalks on both sides of all streets (public and private).
- b. Provide safe, convenient pedestrian access from parking areas and avoid pedestrian and vehicular conflicts within these industrial and employment-related developments.
- c. Include bicycle access, or the potential for such access, within industrial and employment-related developments, between major employment areas within the community, and with the community's overall bicycle network.
- d. Strongly consider public transit facilities and pedestrian-related facilities as a requirement of industrial and business park development.
- e. Encourage public transit.

**Policy 4.5: Parking and Loading**

- a. Develop parking areas in convenient locations to support industrial and employment-related traffic.
- b. Identify potential parking areas which will serve mass transit and carpooling.
- c. Ensure adequate loading space, within a building or a side or rear yard, in such a way that all storage, standing and maneuvering of trucks will take place solely on private property and be screened or buffered from adjacent lower-intensity uses.

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## **APPENDICES FOR SUPPLEMENTAL REPORTS**

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