

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** David L. Corliss, Lawrence City Manager

**FROM:** Amy Brown, Long-Range Planner  
John Miller, Staff Attorney

**CC:** Scott McCullough, Planning & Development Services Director  
Toni Wheeler, Legal Services Director  
Cynthia Wagner, Lawrence Assistant City Manager  
Diane Stoddard, Lawrence Assistant City Manager

**DATE:** 2/18/10

**RE:** Approval to proceed with Development Code applications for the proposed Bowersock Hydroelectric Plant on the north side of the Kansas River.

Please place the following item on the City Commission consent agenda for consideration at their February 23, 2010 meeting:

**Approval to proceed with Development Code applications for the proposed Bowersock Hydroelectric Plant on the north side of the Kansas River.**

#### **Background Information:**

The Bowersock Mills & Power Company wishes to construct a new hydroelectric power plant on the north side of the Kansas River immediately east of the bridge and located on City property. Representatives of the Bowersock Mills & Power Company have had numerous conversations with city staff over the last 6 months regarding their project and staff has outlined a process for the project in order to obtain the necessary approvals from Planning and Development Services that includes seeking a floodplain variance through the Board of Zoning Appeals, obtaining a Special Use Permit, issuance of a Floodplain Development Permit, and ultimately obtaining a building permit. In addition to the necessary land use approvals, Bowersock Mills & Power Company will need to successfully enter into a lease agreement with the City of Lawrence for the placement of the structure on City owned property.

The Bowersock Mills & Power Company submitted an application for a floodplain variance on February 5, 2010 for placement on the Board of Zoning Appeal's March 4<sup>th</sup> meeting. They plan on submitting applications for the Special Use Permit and Floodplain

Permit in the next few months. Ultimately, the Special Use Permit will need approval from the City Commission.

The City's approval to proceed with the applications does not constitute prejudgment of the merits of the applications. The applications will be subject to the notice, hearing and decision making criteria required by the Development Code. The City Commission will have an opportunity to consider the special use permit, as well as all information provided in support and in opposition to the applications at a future City Commission meeting.

**Action Requested:**

Staff requests that the City Commission give approval to the Bowersock Mills & Power Company to proceed with the Development Code applications for the proposed Bowersock Hydroelectric Plant on the north side of the Kansas River, if appropriate.