



City of Lawrence Douglas County

PLANNING & DEVELOPMENT SERVICES

6 East 6th St.
P.O. Box 708
Lawrence, KS 66044

www.lawrenceplanning.org

Phone 785-832-3150
Tdd 785-832-3205
Fax 785-832-3160

September 3, 2010

Bo Killough
1146 Haskell Ave
Lawrence, KS 66044

RE: 1146 Haskell Ave

Dear Mr. Killough,

On May 4, 2010, a notice of violation was sent to you regarding the business you operate at 1146 Haskell Ave. Subsequent to that violation notice, a meeting was held on August 11, 2010 between you, neighbors, city staff, and your attorney whereby all parties were given a chance to view the operations of the business and discuss concerns. At that meeting it was agreed that you would present a proposal for bringing the site into compliance with the floodplain and land use regulations identified in the city's previous letter. You requested clarification of the floodplain issues. This letter serves to outline those issues and discuss the next steps in the compliance process.

The particular floodplain on your site is a result of the confluence of Brook Creek and Burroughs Creek. This floodplain area is subject to the rapid rise of floodwaters because of downstream constrictions. Per Section 20-1204 (e)(1)(viii) of the Land Development Code, the storage of Material and Equipment in the floodplain must comply with the following standard:

- a. The storage or processing of materials within the Floodplain Overlay District area that are in time of Flooding buoyant, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited;

Staff is of the opinion that several categories of items located on the property are potentially buoyant and/or injurious to human, animal, or plant life during a flood event.

Options for the proper storage of materials in the floodplain include, but are not limited to:

1. Vehicles: Storage of a limited number of vehicles is permitted in areas as far away from the floodway as possible.
2. Scrap metal items, glass, loose debris, appliances, etc.: These items exist in large piles on the property and should either be removed, stored in enclosed containers that are secured to prevent flotation, or stored inside of structures above the base flood elevation.



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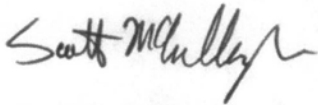
3. Palletized materials including, but not limited to, aluminum cans, cardboard, plastic: These items should either be removed, stored in enclosed containers that are secured to prevent flotation, or stored inside of structures above the base flood elevation.
4. Fluids, chemicals and other potentially hazardous materials: These items should either be removed, stored in enclosed containers that are secured to prevent flotation, stored inside of structures, or stored in sealed drums above the base flood elevation and secured to prevent floatation.

In addition, per Section 20-1204 (b) all materials must be immediately removed from the regulatory floodway located on the north and east of the property as depicted on the attached map.

Please note that becoming compliant with the floodplain regulations does not resolve the other land use violations described in the May 4, 2010 letter that the city alleges exist at the property and the City will continue to seek enforcement of those or any future land use violations.

At the August 11, 2010 meeting it was agreed between all parties that a proposal to bring the site and the operations of the business into compliance with all applicable city codes would be presented to our office within 45 days of this letter. This would include a proposal to satisfy the floodplain regulations and the land use issues outlined in the city's original letter. Staff looks forward to a plan that brings the property into compliance with the approval granted in 2003 for the use of the property and that otherwise meets the city's Land Development Code.

Sincerely,



Scott McCullough
Director

Enc: floodplain map

c: John Miller, City of Lawrence Attorney (via email)
Brad Finkeldei, Counsel for Bo Killough (via email)
Byron Wiley (via email)
Andrea Repinsky (via email)
Michael Almon (via email)
Julia Mitchell (via email)

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