

From: [Bob](#)
To: [Sandra Day](#)
Subject: Re: Attn: Sandy Day
Date: Monday, April 17, 2017 11:11:13 AM

Thanks Sandy

Very helpful information. So as I understand it, the non-conforming use is for the property at 508 Michigan, but does not include the back half of the property. By rezoning to CS, the property would be in compliance with the new zoning and the owner could use the entire property for a lawn care service.

In the interest of full disclosure, I do not live at 1301 West 5th, but my son does. In the 20 years I did live there, the business at 508 Michigan (Acme Fence) had used the back half of the property for storage of equipment and fencing. Other than occasional issues with maintaining the fence behind the residences on 5th St. and some noise, that had not been a problem. At least not for me, but I can't speak for the neighbors.

My initial concern with the rezoning request was all the allowable uses in the CS zoning area. I'm sure some of those uses can be dependent on the size of the property and, up until now, any screening, landscaping, etc. has been on our side of the fence. With the rezoning, that responsibility would be transferred to the other side of the fence-the rezoned property, correct?

Additionally, there is always the possibility that the property at 532 Michigan could be rezoned, creating a larger CS footprint. A larger footprint would allow for a larger area between residential and business, such as exists further east on 5th St. between those houses and the Medical Plaza at 1112 West 6th. Isn't there some provision in the code about rezoning to "square off" zoning areas?

I understand that I am getting somewhat ahead of the process, so I appreciate your walking me through it.

Thanks again, Bob Thurber

Sent from my iPad

On Apr 13, 2017, at 5:00 PM, Sandra Day <sday@lawrenceks.org> wrote:

> That is great. Thank you for responding. I am going to provide some response to your questions and comments below. It may be helpful to discuss the property over the phone or in person.

>

> You are correct that the property owner has not submitted a site plan for the property. This application came about from an inquiry regarding the status of the property as a "non-conforming use". While the site meets that definition and is a permitted non-conforming use this applies only to the part of the property that immediately abuts Michigan Street (existing building). The rear area (two lots adjacent to the vacated Arkansas Street) were not included in the determination of non-conforming status. The question posed by the zoning application is one of use - Should the property be rezoned to allow commercial use? The proposed rezoning will resolve that question if approved. The use would be permitted in the CS (Commercial Strip) District and it would allow the full use of the property for permitted uses in the CS district. At this time the property owner is only trying to resolve the base question of usability of the property for a lawn care business.

>

> A non-conforming use may exist and continue to exist in a particular district, in this case residential, without rezoning. For this specific case that does not extend to the rear of the property and limits the property owner's ability to use the property.

>

> Conformance with provisions of the Development Code with respect to building setback or conformance with the design standards of the code are not being assessed at this time. It is not unusual that older buildings do not comply with current design standards. Depending on the scope of work a property owner engages in when redeveloping the property dictates to what degree full compliance with the design standards is required. As an alternative a property owner could seek a formal variance from some design standards.

>

> The term Strip Commercial describes a type of development but is also the name of a specific zoning district in Lawrence. It is fairly easy to point out strip commercial development. W. 6th Street includes a mix of more traditional strip buildings (with multiple tenants in one building) as well as lots striped out as individual lots along a commercial corridor.

>
> Design standards such as screening, buffers, landscape requirements as well as parking are all things that will likely need to be discussed further. I do not know for sure, at this time, if there will be a site plan submitted. That process does have a notice requirement as part of the review process. When I get more information on that step I will let you know.

>
> In the meantime please do call me if you have any questions.

>
> Sandy

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> -----Original Message-----

> From: Bob [<mailto:bthurb1301@sunflower.com>]
> Sent: Thursday, April 13, 2017 4:32 PM
> To: Sandra Day
> Subject: Re: Attn: Sandy Day

>
> Yes, I got the message.

>
> Sent from my iPad

>
> On Apr 13, 2017, at 4:20 PM, Sandra Day <sday@lawrenceks.org> wrote:

>
>> Mr. Thurber,

>>
>> I wanted to respond to your comments below. Please let me know if you get this message.

>>
>> -----Original Message-----

>> From: Denny Ewert
>> Sent: Wednesday, April 12, 2017 2:07 PM
>> To: Sandra Day
>> Cc: Bob; Caitlyn Cargill
>> Subject: RE: Attn: Sandy Day

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>>
>> -----Original Message-----

>> From: Bob [<mailto:bthurb1301@sunflower.com>]
>> Sent: Wednesday, April 12, 2017 2:05 PM
>> To: PlanningEmail <PlanningEmail@lawrenceks.org>
>> Subject: Attn: Sandy Day

>>
>> Hello. I keep getting an invalid email address for Ms. Day. Can somebody please see that she gets the following email regarding rezoning at 508 Michigan.

>> Thank you, Bob Thurber

>>
>> Dear Ms. Day

>> I am writing in regard to Z-17-00087, request for rezoning 508 Michigan from RS5 and RM12 to CS. I own the property at 1301 West 5th St. After visiting the Planning and Development website and perusing all 519 pages of the Development Code, I have a basic understanding of the process, but questions about the project.

>>
>> I am assuming there is not a site plan as yet, but I did see there is a building permit for a commercial remodel at 508 Michigan. Without a site plan, it is difficult to envision the project and ultimately determine its suitability for the site. Due to the configuration of the lot, which extends basically a whole block east of the frontage property on Michigan, and the commercial strip zoning request, a site plan would be important to understanding what exactly the owner is wanting to do.

>>

>> When I think of Commercial Strip, I think of all the commercial strips in town and what the rear of the buildings, abutting residential properties, look like, sound like, even smell like. I am familiar with the sights, sounds, and smells of Taco Bell, Anderson Rentals and Acme Fence.

>>

>> I also wonder about traffic from a commercial strip being able to exit onto Michigan St, as those people who try to exit Anderson Rentals via Michigan can attest to. A similar situation exists for folks trying to exit Criticare onto Maine St.. When the lights at 6th and Maine and Michigan are red, traffic backs up and there is no where to go. When the lights turn green, traffic flows and there may still not be anywhere to go.

>>

>> Anyway, just wanted to get a dialogue started. I'm sure there will be more discussions about density, buffer yards, and setbacks, etc., but this should get me started.

>>

>> Thanks for your time,

>> Bob Thurber

>>

>>

-----Original Message-----

From: Bob [mailto:bthurb1301@sunflower.com]

Sent: Wednesday, April 12, 2017 2:05 PM

To: PlanningEmail <PlanningEmail@lawrenceks.org>

Subject: Attn: Sandy Day

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Thanks for your time,
Bob Thurber