



**Updated:**

**4/23/12 @ 1:15pm**

**Added communications for the following items:**

**Item 2 - Annexation of 146 acres; NW corner W 6<sup>th</sup> St & K-10**

**Item 3 - Inverness Park District Plan**

**Item 4 - Northeast Sector Plan**

**Item 5 - Variance for North Lawrence Addition No. 17**

**4/19/12 @ 11:45am**

**Added communications for the following items:**

**Item 2 - Annexation of 146 acres; NW corner W 6<sup>th</sup> St & K-10**

**Item 4 - Northeast Sector Plan**

**Added Draft March Planning Commission minutes**

**4/17/12 @ 11:45am**

**The Draft March Planning Commission minutes will be added when available**

**\*\*The Wednesday, April 25<sup>th</sup> Planning Commission meeting has been cancelled\*\***

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION  
CITY HALL, 6 EAST 6<sup>TH</sup> STREET, CITY COMMISSION MEETING ROOM  
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS  
APRIL 23 & 25, 2012 6:30 - 10:30 PM**

**GENERAL BUSINESS:**

**PLANNING COMMISSION MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of March 26, 2012.

**COMMITTEE REPORTS**

Receive reports from any committees that met over the past month.

**COMMUNICATIONS**

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

***AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION***

**REGULAR AGENDA (APRIL 23, 2012) MEETING  
PUBLIC HEARING ITEM:**

**Recess LDCMPC**  
**Convene Joint Meeting with Eudora Planning Commission**

**ITEM NO. 1      CONDITIONAL USE PERMIT FOR TWIN OAKS GOLF COURSE; 1326 E 1900 RD (MKM)**

**CUP-2-1-12:** Consider a Conditional Use Permit to allow wine tasting and sales at Twin Oaks Golf Course, located at 1326 East 1900 Road. Submitted by Pep Selvan, for JF Burey, property owner of record. *Joint meeting with Eudora Planning Commission.*

**Adjourn Joint Meeting**  
**Reconvene LDCMPC**

**NON-PUBLIC HEARING ITEM:**

**ITEM NO. 2      ANNEXATION OF 146 ACRES; NW CORNER W 6<sup>TH</sup> ST & K-10 (MKM)**

**A-3-1-12:** Consider annexation of approximately 146 acres plus adjacent public right-of-way of property at the northwest corner of W. 6<sup>th</sup> Street (US-40) and K-10. *Initiated by City Commission on 3/27/12.*

**RESUME PUBLIC HEARING:**

**ITEM NO. 3      INVERNESS PARK DISTRICT PLAN (DDW)**

**CPA-2-1-12:** Consider revisions to the Inverness Park District Plan. *Initiated by City Commission on 1/17/12. Deferred by Planning Commission on 3/26/12.*

**ITEM NO. 4      NORTHEAST SECTOR PLAN (DDW)**

**CPA-6-5-09:** Reconsider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues. Deferred by Planning Commission on 1/23/12.*

**NON-PUBLIC HEARING ITEMS:**

**ITEM NO. 5      VARIANCE FOR NORTH LAWRENCE ADDITION NO. 17 (MKM)**

Variance associated with Minor Subdivision for North Lawrence Addition No 17 (MS-3-3-12), from the frontage requirement in Section 20-810(b). Submitted by Tenants to Homeowners, Inc, property owner of record.

**ITEM NO. 6      VARIANCE FOR PRAIRIE WIND ADDITION NO. 2 (MKM)**

Variances associated with Minor Subdivision for Prairie Wind Addition No 2, MS-3-4-12, from the side yard setbacks in Section 20-1007(E)(3) of the Pre-2006 Zoning Ordinance, and from the right-of-way requirement in Section 20-810(e)(5)(i) of the Subdivision Regulations. Submitted by Grob Engineering, for Tenants to Homeowners, property owner of record.

**ITEM NO. 7      VARIANCE FOR WAL-MART ADDITION NO. 4 (MKM)**



Variance associated with Minor Subdivision for Wal-Mart Addition No. 4, (MS-2-2-12), from the right-of-way requirement in Section 20-810(e)(5). Submitted by Davidson Architecture and Engineering for Wal-Mart Real Estate Business Trust, property owner of record.

## RESUME PUBLIC HEARING:

### ITEM NO. 8 TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS; SPECIAL EVENT PERMIT PROCESS (MKM)

**TA-8-10-11:** Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish a Special Event Permit Process and associated Standards for certain temporary uses in various zoning districts.

**\*\*DEFERRED\*\***

### ~~ITEM NO. 9A PRELIMINARY PLAT FOR RESEARCH PARK DRIVE, 1600 BLOCK RESEARCH PARK DRIVE (SLD)~~

~~**PP-2-2-12:** Consider a Preliminary Plat for Research Park Drive, located in the 1600 Block of Research Park Drive. Submitted by Paul Werner Architects, for Mabet #2, LC, Alvamar Development Corporation, property owner of record.~~

**\*\*DEFERRED\*\***

### ~~ITEM NO. 9B SPECIAL USE PERMIT FOR AN EXTENDED CARE MEDICAL FACILITY, 1600 BLOCK RESEARCH PARK DRIVE (SLD)~~

~~**SUP-2-1-12:** Consider a Special Use Permit for an Extended Care Medical Facility, located in the 1600 Block of Research Park Drive. Submitted by Paul Werner Architects, for Mabet #2, LC, Alvamar Development Corporation, property owner of record.~~

**\*\*DEFERRED\*\***

### ~~ITEM NO. 10 PRELIMINARY PLAT FOR NORTH LAWRENCE RIVERFRONT ADDITION, 401 N 2<sup>ND</sup> ST (SLD)~~

~~**PP-2-1-12:** Consider a Preliminary Plat for North Lawrence Riverfront Addition, located at 401 North 2<sup>nd</sup> Street. This subdivision includes variances related to block length, right-of-way dedication for N. 2<sup>nd</sup> Street as a principal arterial, and connection of a local street to an arterial street. Submitted by Paul Werner Architects, for North Mass Redevelopment, LLC, Douglas County Kaw Drainage District, City of Lawrence, Kaw River Estates, LLC, HDD of Lawrence LLC, D & D Rentals of Lawrence LLC, Jeffrey W. Hatfield, Exchange Holdings LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.~~

## MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

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## ADJOURN

## CALENDAR

March 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10

April 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14

May 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12

**PCCM Meeting:**

(Generally 2<sup>nd</sup> Wednesday of each month, 7:30am-9:00am)

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## **PLANNING COMMISSION MEETING**

**March 26, 2012**

### **Meeting Minutes**

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March 26, 2012 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Culver, Finkeldei, Hird, Liese

Staff present: McCullough, Larkin, M. Miller, Warner, Ewert

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## **MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of February 27 & 29, 2012.

Commissioner Burger emailed two minor changes to Ms. Denny Ewert earlier in the day.

Motioned by Commissioner Burger, seconded by Commissioner Finkeldei, to approve the February 27 & 29, 2012 Planning Commission minutes with the suggested changes.

Unanimously approved 8-0.

## **COMMITTEE REPORTS**

Receive reports from any committees that met over the past month.

Commissioner Blaser said the MPO met a week ago and talked about three things, one of which was on the agenda tonight. He said they received an update for the Public Participation Plan and a consultant would be collecting data. He said they also submitted an application for the TIGER IV grant for the Bob Billings connection to K-10.

Commissioner Hird said the Agritourism Committee met on March 8<sup>th</sup> to discuss the Planning Commissions direction on the Agritourism text amendment.

## **EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- Ex parte:  
Commissioner Blaser said he talked with Ms. Mary Doveton regarding Theatre Lawrence.  
Commissioner Belt received an additional email from Ms. Candice Davis regarding item 4.
- No abstentions.

PC Minutes 3/26/12 **DRAFT**

**ITEM NO. 1 FINAL DEVELOPMENT PLAN FOR BAUER FARM PHASE 7; THEATRE LAWRENCE; 4700 BAUER FARM DR (MKM)**

**FDP-1-1-12:** Consider a Final Development Plan for Bauer Farm Phase 7, for Theatre Lawrence, approximately 34.59 acres located at 4700 Bauer Farm Drive. Submitted by Treanor Architects, PA, for Theatre Lawrence, Inc., property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Matt Murphy, Treanor Architects, agreed with all conditions except of 3b, 3e, and 3f. He said they did not feel the need to construct two sidewalks to the north to Overland Drive. He said one sidewalk to the north would provide walkability and connectivity with the neighbors to the north as well as to the east and west since there was an existing sidewalk along Overland Drive. He said a sidewalk to the east of the pond would be squeezing a walkway in an area that was not intended to be a walkway. He said with the detention basin and side slopes there was not sufficient room for a sidewalk. He said regarding the additional landscape requirement, condition 3e, the development to the east was not currently planned any time soon. He requested the landscaping be deferred until development occurred. He recapped that they would like to build one sidewalk to Overland Drive along the west, eliminate the sidewalk on the east side of the detention basin, and defer the landscaping along the eastern parking edge.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Finkeldei asked staff to comment on the issue of adequate space for a sidewalk with the slope on the detention pond and parking line.

Ms. Miller said further removed from the detention pond would be at the top and when it was added to the plan she assumed there was space for it. She said she requested it and the applicant provided a plan showing the sidewalk in that location so assumed it was possible to locate it there.

Commissioner Finkeldei asked Mr. Murphy to comment.

Mr. Murphy said it had been reviewed further and was very close to the slope with a 10' drop.

Commissioner Liese asked staff to comment.

Mr. McCullough said staff analyzed it with best site planning practices in mind. He stated all the residential areas were to the east and northeast so staff felt pretty strongly about having two sidewalks on the frontage of Overland Drive. He said people tend to walk on the path of least resistance regardless of whether there's a sidewalk. He referenced Complete Streets concepts and policies, even if adjustments had to be made in the field to make it work. He said staff felt the sidewalks were necessary given the retirement community to the east, residential to the north and east, and high school nearby.

Commissioner Liese inquired about the width of available space for the sidewalk.

Mr. McCullough said it was presented by the applicant as feasible. He said there was some room for adjustment in the field.

Commissioner Finkeldei asked if there was a sidewalk along Bauer Drive.

Ms. Miller said yes but it did not currently connect through so it was not a continuous sidewalk.

Commissioner Belt asked staff to comment on the landscaping.

Mr. McCullough said landscaping was standard in site planning and the subject property bears the burden of fulfilling the Code requirements of screening regardless typically of what may or may not occur on the adjacent property.

Commissioner Blaser said on Champion Lane there was a sidewalk that would come in from the north and toward the front of where people would enter the theater.

Commissioner Burger said across the street on Overland Drive to the northeast was an apartment complex, multifamily to the north of that, and single-family north on Folks Road. She said she could see advantages to having the sidewalk on the east but as it develops there would probably be other sidewalks along the way that could accommodate that traffic. She said she would prefer to have the landscaping go in at the time of development because it would make the development as a whole more attractive to people that might be interested in looking at developing to the east. She expressed concern about the landscaping looming around for a later date.

Commissioner Finkeldei asked how close the sidewalk on Champion Lane was.

Mr. Murphy showed Champion Lane on the overhead.

Commissioner Finkeldei said if they had to choose one side for the sidewalk the east side would be the one to keep.

Mr. Murphy said he would be willing to look further at developing the east walk in lieu of the sidewalk on the west.

Commissioner Finkeldei said he was in favor of connectivity, but with this development there was a sidewalk, a detention pond, and another sidewalk. He said the way Champion Land sidewalk terminates closer to the entrance someone would only come that direction if they were coming directly from the high school and he did not think people would be coming for an evening play from the high school. He thought the landscaping should be installed now because it would help aesthetically and have rooted itself by the time the residential area would be built.

#### **ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the Final Development Plan, FDP-1-1-12, with the following revised conditions: (**bold** text is new, ~~struckthrough~~ text is deleted):

1. A revised photometric plan and cut sheets for the lighting fixtures shall be provided and approved prior to release of the plan for building permits.
2. The final plat for the subject property, Bauer Farm Addition No 5, shall be recorded with the Register of Deeds, prior to the recordation or release of the Final Development Plan.
3. Submission of revised Final Development Plan with the following changes:

- a. Addition of a note indicating that the property owner will provide the future walk from the main entry area to the development to the east when development occurs on the property to the east.
- b. ~~The word 'future' removed from the label for~~ **Remove** the western sidewalk **parallel to the drive accessing to Overland Drive from the plan.** ~~Both sidewalks connecting to Overland Drive, the sidewalk west of the drive to Overland Drive and .The sidewalk to the east of the detention pond shall be provided when the building is constructed.~~
- c. Note the amount of bicycle parking that is required (14 spaces) and that which is provided (16).
- d. The final orientation/location of the dumpster is contingent upon approval of the City Solid Waste Division.
- e. **The landscaping plan shall be revised to include screening landscaping as shown on the most recently approved Preliminary Development Plan, PDP-12-4-19.**
- f. **The pedestrian walkway along the east side of the detention pond shall be relocated and/or reconfigured to provide an unobstructed pedestrian access into the parking area.**

Mr. McCullough said if it was a choice of one or the other sidewalk, the east side served the community better. He said one of the other reasons for the sidewalk on the west side was the separation of vehicular and pedestrian traffic.

Commissioner Hird said he was really happy for the community theatre and excited about the progress being made.

Commissioner Burger inquired about bus parking available.

Ms. Miller said there were no plans for the transit to enter Bauer Farm. She said the public bus goes up Overland Drive and stops at the aquatic center.

Commissioner Burger felt the west sidewalk was needed for the community.

Motion carried 7-1, with Commissioner Burger voting in opposition.

PC Minutes 3/26/12 **DRAFT****ITEM NO. 2      INVERNESS PARK DISTRICT PLAN (DDW)**

**CPA-2-1-12:** Consider revisions to the Inverness Park District Plan. *Initiated by City Commission on 1/17/12.*

**STAFF PRESENTATION**

Mr. Dan Warner presented the item.

**PUBLIC HEARING**

Ms. Jamie Hulse, spoke on behalf of the neighborhood, said neighbors do not support any language in the Inverness Park District Plan that increases density. She stated approval of the plan increases the density to RM24 which exceeds the definition of high density. She said density was already increased for The Grove, Legends Place, and Remington Square to levels that previous Planning staff, Planning Commission, City Commission, and County Commission determined would have a detrimental impact on existing neighborhoods. She said the attorney for Remington Square previously provided property values for every home owner who wrote a letter to Commissioners showing that property values have not decreased. She said she was a realtor for 12 years and she could sell her house for more and the property tax value would be higher if there were offices along the north side of W. 24<sup>th</sup> Place and if there was a cul-de-sac of one story senior citizen duplexes across the street from the back of her house instead of The Grove. She said there were buyers who would choose to not even consider looking at a house in her neighborhood, which decreases her property value. She said a mixed development would have increased her property value over and above what it is now. She said there was no logical justification for approving a plan that increases density in this location again. She stated if a developer wants to purchase the two remaining vacant lots and build multi-family projects under the current RSO zoning the neighborhood would support that. She said neighbors did not support any changes to the plan that would increase density. She said neighbors have been asking for over three years for staff and Commissioners to create an avenue, plan, or overlay district that would not allow any additional multi-family or increased density for Inverness Park. She said neighbors were frustrated with staff and Planning Commission members and have given up and stop coming to the meetings. She felt the only way to protect the existing neighbors was to add language to the Inverness Park District Plan that states there shall be no additional density increases for future development.

**COMMISSION DISCUSSION**

Commissioner Finkeldei asked if Remington Square sold off the five acres would it be a non-conforming use unless rezoned.

Mr. McCullough said when City Commission was presented with that issue they believed that it could be appropriate infill development. He said the direction of City Commission to staff was to recognize that five acres exists with infrastructure that could support infill development and to bring forth a plan that could accommodate appropriate uses but recognize that would make Remington Square non-compliant. He said it would hold Remington Square where it was today but would allow five acres to develop in a non-residential way. He said it does not affect the commercial properties on the corners in any way.

Commissioner Finkeldei said he understood the neighbors point when looking at the map it shows high density. He asked if they could leave it medium density on the map but put a note in the plan that says if the five acres was developed as commercial office we would support a rezoning to bring Remington Square into conformity.

Mr. McCullough said banks would look hard at whether it was compliant or not. He said the real issue was zoning it to RM24 to allow the density.

Commissioner Finkeldei said they were going to have to do it and they want the Comprehensive Plan to support the rezoning request. He suggested maybe leaving it medium density but note Planning Commission would support rezoning to RM24 to bring it into compliance.

Commissioner Britton asked if what they would be doing was rezoning to RM24 and saying that the existing Remington Square would be compliant with the zoning and not give it the opportunity to redevelop and have twice as many people there.

Mr. McCullough said that was correct.

Commissioner Britton asked Ms. Hulse if the five acres was developed what would she like to see.

Ms. Hulse said the developer bought the property and chose to max it out speculating that at some point he could come back and ask for an increase in density. She said the neighbors believe it was maxed out and that 24 units per acre was too high for the location. She felt nothing else should go there because it shouldn't be the burden of the homeowners to fix the developers problem. She felt the five acres was the 'backyard' to Remington Square.

Commissioner Burger said as she read the packet she was excited because she thought this would give the neighbors what they want, Remington Square would not be allowed to build anymore apartments

Ms. Hulse said the neighbors want the plan to say no more increased density and no more multi-family.

Commissioner Burger asked if the plan was approved as is would it give increased density to the five acres if it was sold.

Mr. McCullough said it would prevent any more residential. He said this discussion was fully vetted at City Commission. City Commission recognized the developer took a risk by doing things the way he did, but also believed that some Commission was apt to say yes to some development plan. He said they wanted to get plan support to at least guide the development so that the five acres could be some other type of non-residential use. He said to accommodate the technical glitch of the existing Remington Square the zoning had to be increased. He said that was where the alternative language came into the plan that somehow someday if there was an approved non-residential development plan on the five acres the existing Remington Square would need to be rezoned to make it not non-conforming.

Ms. Hulse said City Commission had their discussion after public comment was closed so all the neighbors opposed what they asked staff to do. She said the same thing could be accomplished by saying no more residential.

Commissioner Belt asked if the same result was achieved by not increasing density and limiting residential.

Mr. McCullough said this was the process. He stated the whole purpose for initiating the plan was from a development master plan that went through different zonings and the City Commission initiated this plan at the neighborhoods request. He said the public process they were involved with



now was setting up the plan for the future. He said the idea was that they would be able to say yes to a non-residential plan. He believed the plan should address the issue.

Commissioner Culver said he would support the infill of development of the five acres. He appreciated the neighborhoods concern regarding no more residential. He felt this proposal and approach addressed that. He said he would not support creating a non-conforming use for the existing Remington Square development. He said having the five acres as a commercial office seemed appropriate.

Commissioner Britton said he was struggling with this because when he read it he thought it accommodated the concerns of the neighbors by not having any more multi-family residential. He said the City Commission was probably correct to say that the property would be developed at some point so they should act now and plan for the future. He thought there may be some disconnect in the communication that resulted in some of the comments heard tonight in opposition. He said he has been outspoken about the Inverness Park area and not further developing with multi-family residential. He said he thought this was achieving what the neighbors wanted and does so in a way that directs the five acres to a use that should be good for the community. He said a church or office building would be consistent with the area. He said he was inclined to support this but he was open to being enlightened to what the problem was.

Commissioner Finkeldei said Ms. Hulse expressed wanting the five acres left empty. He said the neighborhood has taken issue with how the developer went about doing this but he has never seen it that way. He gave the example of Bauer Farm being amended about 14 times and changing immensely. He did not hold that against that the developer. He did not agree with the comment from Ms. Hulse that the five acres was the 'backyard' to Remington Square. He said one option was to have a plan that says it would forever be empty but he did not think that was good for the city. He did see Ms. Hulse's point about the map saying high density. He said he would prefer it stated medium density on the map with a caveat that if a plan came forward and was approved to put CO in that location that the plan would support a rezoning to bring Remington Square into compliance.

Commissioner Liese said he liked Commissioner Finkeldei's idea of the caveat and asked staff to comment.

Mr. McCullough said both ways try to get at framing the unique issue.

Commissioner Hird asked if it was kept RM15 with a note that if a plan for a CO project was brought forward the rezoning of Remington Square would be addressed. He asked if they took that route would they be applying the medium density zoning to the five acre parcel as well.

Mr. McCullough said the density calculation would be for the residential property, not the CO property.

Commissioner Hird asked if a project other than CO came forward.

Mr. McCullough said he interpreted it to keep the CO designation but for the Remington Square piece revise that from high density to medium density with the caveat that if the five acres develops to the CO designation that it recognizes that a rezoning to RM24 may be required to keep it conforming to the zoning code.

Commissioner Hird said he had no objection to that but was concerned about people missing the caveat. He thought it was a snake in the grass waiting for them and they may not realize what a CO project would mean for the density for Remington Square.

Commissioner Finkeldei said it would only affect Remington Square and they already know it. He said if they sell the five acres they have two choices; become a non-conforming use, or ask to be rezoned. He said if they tell Remington Square they are not be allowed to change the density then they will never sell the piece because they will never want to become a non-conforming use. He said even if they sell the five acres to the City of Lawrence to become a park they would still be non-conforming and need to be rezoned to RM24.

Commissioner Hird said if it was deeded to the City of Lawrence that would not be a CO project. He was concerned about creating uncertainty for the neighbors. He said other things other than a CO project might fit there.

Mr. McCullough felt the current language worked but it was a matter of perspective of framing the issue.

Commissioner Blaser inquired about Remington Square selling the actual apartments first.

Mr. McCullough said it would come through the Planning Office and it would put them in a non-conforming state because it goes with the legal boundary of the parcel and it would have to be addressed at that time.

Commissioner Blaser felt they should change it now.

Commissioner Finkeldei said the plan would not change the zoning, the plan effects what happens in the future upon a rezoning request.

Commissioner Blaser agreed with Commissioner Hird and was in favor of proceeding with the plan now. He said if the plan does not go in someone could come in and request RM32 zoning on the five acres. He felt it was safer to do it this way now than the suggested way.

Commissioner Britton said he supported having indications in the plan. He said he would support language that stated the upzoning to RM24 for Remington Square was no indication that there should be upzoning for multi-family residential on the five acres.

## **ACTION TAKEN**

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to approve the Comprehensive Plan Amendment, CPA-2-1-12, to the Inverness Park District Plan as presented in the staff report.

Commissioner Hird said he did not feel strongly about either approach but he would rather not delay and could live with Commissioner Finkeldei's suggestion.

Commissioner Britton asked Commissioner Finkeldei to explain what type of motion he would make.

Commissioner Finkeldei said his motion would be to defer the item and send it back to staff to come back with a plan that leaves the map as medium density with a caveat that upon a rezoning it would support Remington Square being brought into compliance.

Commissioner Britton said a deferral may allow for everyone to be on the same page and understand what the amendment would be seeking to accomplish. He said it sounded like it may do a better job of not giving any indication that anything other than commercial would be acceptable on that corner. He agreed with Commissioner Hird that he could go either way.

Motion failed 3-5, with Commissioners Blaser, Culver, and Hird voting in favor.  
Commissioners Belt, Britton, Burger, Finkeldei, and Liese voted in opposition.

Motioned by Commissioner Finkeldei, seconded by Commissioner Britton, to defer the Inverness Park District Plan with direction to staff to revise the plan and come back with a plan that shows medium density for Remington Square with some sort of caveat that we would support a rezoning to bring it into conforming use upon proper rezoning of the adjacent five acres.

Motion carried 7-1, with Commissioner Blaser voting in opposition.

PC Minutes 3/26/12 **DRAFT**

**ITEM NO. 3      TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS;  
AGRITOURISM (MKM)**

**TA-8-11-11:** Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish *Agritourism* as a use in the County A (Agriculture) District. *Deferred by Planning Commission on 2/29/12.*

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**PUBLIC HEARING**

Ms. Natalya Lowther, Pinwheel Farms, did not feel it should be the job of the Douglas County Zoning & Codes Administrator to decide what is and isn't an agricultural activity in situations where agritourism is involved. She felt it added to the duties of one already very busy individual in an area that was not their main field of work and training. She said putting one individual in charge of making that decision was a violation of Kansas State Statute.

Ms. Marci Francisco, League of Women Voters, said the intention of the committee in recommending the language was not to have one person make the determination. The language recommended talks about contacting the Zoning & Codes office. She said their concern was that it was confusing and they didn't want someone to assume they had an agricultural use and then be told they should have started the process through the County. The League felt this was a fuzzy area for determination between what was an agricultural use and what was not.

**COMMISSION DISCUSSION**

Commissioner Belt asked if there was sufficient guidance from the committee for the definition of agritourism.

Commissioner Hird put two definitions of agritourism on the overhead. One was the definition from the State Statute and the other was the definition they settled on for the Text Amendment language. He said the State Statute defines agritourism activity in a very general way, which was intentional to encourage it. He felt the State Statute and Text Amendment language were enough to indicate to someone what was and was not agritourism. He stated saving the family farm was one of the goals of agritourism but another component was the economic development component. He stated it was not purely for farms in the traditional sense, but it was also to stimulate economic activity based upon a rural experience.

Commissioner Belt said he liked the definition to provide as many opportunities as possible. He expressed concern about when the decision maker position changes their perspective might be different.

Mr. McCullough said the Zoning Official was charged through the Codes of the County with making those decisions. He said determinations were made by looking at case law, State Statutes, local Codes, and there was always an appeal process as well.

Commissioner Blaser said the committee tried to keep the definition simple. He felt simple was better. He hoped they could approve this and send it on and tweak later if needed.

Commissioner Liese asked Ms. Francisco if the League of Women Voters was satisfied.

Ms. Francisco said she could not represent the committee because they did not see the language staff was suggesting. She said this was a general definition and would be confusing for an individual to make that determination. She said the language presented by staff seemed appropriate based on the comments made by the League of Women Voters.

Commissioner Finkeldei said he would support the changes. He said if they adopt it tonight they were saying they want to encourage agritourism. He felt it sent the right message to County Commission. He said if the County Commission wants to regulate it more than the State they will send it back.

### **ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the Text Amendment, TA-8-11-11, to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish *Agritourism* as a use in the County A (Agriculture) District, as outlined in the staff report with the additional language staff drafted to accommodate the concern of the League of Women Voters.

Commissioner Blaser asked if everyone would need to check with the County Zoning & Codes office before deciding to do agritourism.

Commissioner Hird said he thought it was reasonable step and could prevent problems.

Commissioner Blaser said it was still an interpretation.

Commissioner Hird said when the committee first drafted language it looked more like typical zoning regulations than something to promote an activity, so they backed off and started over.

Ms. Miller said the language was only a recommendation that they 'should check' not that they need to. She said if they are agriculturally exempt they do not have to look at the zoning regulations.

Mr. McCullough said it was a way for a person not to invest in something that wasn't agritourism. He said it was better to get that determination upfront.

Commissioner Blaser inquired about the appeal process.

Mr. McCullough said if someone gets a determination of one category or another that could be appealed to the Board of Zoning Appeals. He said they could find out upfront if they are Code compliant moving forward.

Unanimously approved 8-0.

PC Minutes 3/26/12 **DRAFT**

**ITEM NO. 4      TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARKING SPACE PER BEDROOM STANDARD (SDM)**

**TA-2-1-12:** Consider a text amendment to the Land Development Code to revise the minimum amount of area of a structure needed to be eligible for a .5 parking space per bedroom standard from 3,500 square feet to 4,500 square feet. *Initiated by City Commission on 1/24/12.*

**STAFF PRESENTATION**

Mr. Scott McCullough presented the item.

**PUBLIC HEARING**

Ms. Candice Davis, Oread Residents Association, said they supported the suggestion by the City Commission. She thanked Commissioner Hird that he brought up gross square footage and how much simpler it would be to calculate. She said that the exception should be a small one. She felt it was important to respect the one parking space per bedroom. She felt it would provide equity and balance in the neighborhood.

**COMMISSION DISCUSSION**

Commissioner Finkeldei said this was the direction of City Commission and he would support it.

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Britton, to approve the text amendment, TA-2-1-12, as presented in the staff report.

Commissioner Burger said her husband and business associate own a piece of property that might be impacted by this but she was not sure how large it was. She said it was on Indiana Street. She said she did not personally have any issue with voting on the matter objectively but she would abstain if needed.

Commissioner Larkin asked if it was a business or residence.

Commissioner Burger said it was a rental property on Indiana Street.

Commissioner Larkin said there may be a conflict.

Commissioner Hird said the prudent thing to do would be to abstain.

*Commissioner Burger left the room.*

Commissioner Belt thanked the neighbors for their persistence.

Motion carried 7-0-1, with Commissioner Burger abstaining.

PC Minutes 3/26/12 **DRAFT**

**ITEM NO. 5 US-40 & K-10 AREA TRANSPORTATION PLAN**

Receive presentation on the US-40 & K-10 Area Transportation Plan.

Mr. Jason Hoskinson, BG Consultants, gave a PowerPoint presentation.

Commissioner Blaser asked what short term was.

Mr. Hoskinson said the plan was originated when the economy was still chugging along and started as the economy tanked. He said if the economy had been strong it would have happened already or in the near future. He said as is he would gage short term to be 2-5 years. He said KDOT did not have construction dollars for the interchange yet but as soon as the design was done and this was adopted they expected that avenue to open up quickly. He said other than the signalization of the ramps, a lot of it would be development driven.

Mr. Hoskinson said the recommendations should fit the demand of new development.

Commissioner Liese inquired about seasonal activity through the interchange, such as boating on Clinton Lake.

Mr. Hoskinson said they did not do a specific seasonal analysis. He said peak hour movements more often than not dictated the needs of the facility.

Commissioner Blaser expressed concern about pedestrian safety.

Mr. Hoskinson said the bridge was already being designed to be widened for a shared use path and sidewalks going over K-10.

Commissioner Culver asked for clarification of the red line on a map.

Mr. Hoskinson pointed to a pedestrian walkway on the overhead map. He said they met with the Bicycle Advisory Committee. He said the current 10' shared use path along Highway 40 was on the south side and tied into the shared use path on the east side of K-10. He said one of the hurdles was how to get folks from one side of K-10 to the other side. He said one option was to route them across the bridge but a disadvantage to that was they would have to cross two signalized ramps. He said another option, the red dashed line, was to build a separate pedestrian bridge over K-10 without interacting with vehicles at the ramps.

Commissioner Hird felt the intersection of John Wesley Way and Hwy 40 was a disaster waiting to happen. He felt a huge priority should be placed on cutting down the sightline and improving the intersection.

Mr. Hoskinson said that was recommended in the plan

Commissioner Hird asked if action was needed.

Mr. McCullough said no action was needed.

PC Minutes 3/26/12 **DRAFT**

**ITEM NO. 6      TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS;  
SPECIAL EVENT PERMIT PROCESS (MKM)**

**TA-8-10-11:** Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish a Special Event Permit Process and associated Standards for certain temporary uses in various zoning districts.

*Item 6 was deferred prior to the meeting.*



## **MISCELLANEOUS NEW OR OLD BUSINESS**

Mr. McCullough asked the Commission to be thinking of topics for the April Mid-Month meeting.

Commissioner Liese inquired about the yearly Planning Commission orientation.

Mr. McCullough said it would be in June or July.

Commissioner Liese encouraged the Commission to mark the date of July 13<sup>th</sup> down on their calendars so that everyone could plan on attending. He said he would like to see a summary of what's ahead on the April Mid-Month agenda.

Consideration of any other business to come before the Commission.

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**ADJOURN 9:00pm**

**2012**  
**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION**  
**MID-MONTH & REGULAR MEETING DATES**

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 11	Industrial Districts TA		Jan 23	Jan 25
Feb 8	Agritourism		Feb 27	Feb 29
Mar 14	Northeast Sector Plan		Mar 26	Mar 28
Apr 11	"Planning for Planning: What we need to do at our upcoming orientation."		Apr 23	Apr 25
May 9	APA Conference follow-up		May 21	May 23
Jun 13			Jun 25	Jun 27
Jul 13	PC Orientation – all day Friday		Jul 23	Jul 25
Aug 8			Aug 20	Aug 22
Sep 12			Sep 24	Sep 26
Oct 10			Oct 22	Oct 24
---			Nov 12	Nov 14
---			Dec 10	Dec 12
	<b>Suggested topics for future meetings:</b> <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms – what do other states do?</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities' Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i>		<i>Presentation from KC-metro Planning Directors</i> <i>Tour City/County Facilities</i> <i>2010 Census Data</i> <i>Oread Overlay Districts</i> <i>KDOT 5-County Regional Transportation Study</i> <i>US40/K-10 Area Transportation Plan</i> <i>Water/Wastewater Master Plan Update</i>	
<b>Meeting Locations</b>	The Planning Commission meetings are held in the City Commission meeting room on the 1 <sup>st</sup> floor of City Hall, 6 <sup>th</sup> & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services   Lawrence-Douglas County Planning Division   785-832-3150   <a href="http://www.lawrenceks.org/pds">www.lawrenceks.org/pds</a>				

Revised 4/4/12

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**  
**Joint Hearing with Eudora Planning Commission**

PC Staff Report  
April 23, 2012

**ITEM NO. 1: CONDITIONAL USE PERMIT FOR TWIN OAKS GOLF COURSE; 1326 E 1900 RD (MKM)**

**CUP-2-1-12:** Consider a Conditional Use Permit to allow wine tasting and sales at Twin Oaks Golf Course, located at 1326 East 1900 Road. Submitted by Pep Selvan, for JF Burey, property owner of record. *Joint meeting with Eudora Planning Commission.*

**STAFF RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit for the addition of a wine tasting area subject to the following conditions:

- 1) The provision of a revised floor plan with the following changes:
  - a. Addition of a note that the CUP permit may be released after the applicant has obtained the necessary State license for the wine tasting room.
  - b. Addition of a note that states that this CUP approves a wine tasting area with sales for off-site consumption. Sales of alcohol for on-site consumption would require rezoning to an appropriate zoning district.
  - c. The square footage of the area to be used for retail sales should be noted on the plan.
- 2) Parking shall be provided on surfaced parking area shown on approved CUP site plan. Additional parking would require the submittal of a revised site plan for the Golf Course CUP.
- 3) Compliance with Douglas County Building Codes as determined necessary by the Director of Zoning and Codes prior to the release of the Conditional Use Permit.

**Attachments:**

Attachment A: KSA-41-308a, Kansas Farm Winery Act

Attachment B: Letter of Determination

Attachment C: Clubhouse floor plan

**Reason for Request:** *"The approval of this application would allow us to expose our facility to another layer of adult interest. Some of our customers would enjoy the golfing activities, some wine tasting, and some both. This would increase the flow of traffic for new customers to realize the value of the entertainment that we provide."*

**KEY POINTS**

- Wine tasting rooms located on a winery are permitted as agriculturally exempt uses. The State allows additional wine tasting areas; however, off-site wine tasting areas require approval of a CUP or location in an appropriate zoning district.
- The property is zoned V-C (Valley-Channel) which permits only agricultural and recreational uses. Residential uses are limited to 'farm dwellings'.
- This Conditional Use Permit is in addition to the previous approved permit for the golf course [CUP-10-16-97].

**DESCRIPTION OF USE**

The subject property, 1326 E 1900 Road has an approved CUP for a golf course, driving range, pitch

and putt course, and clubhouse. This proposal is to add a second CUP for the addition of a wine tasting area within the clubhouse. The Kansas State Farm Winery Act, attachment A, allows each farm winery up to three locations for wine tasting and sales. BlueJacket Crossing Winery intends to locate their second location for wine tasting and sales within the clubhouse. No physical changes are proposed to the property. A mobile stand will be used for the sale of wine bottles and pouring of the samples. (See floorplan, Attachment C) The floor plan should note the approximate square footage of the area dedicated for retail sales of wine. If the wine tasting area increases the business at the clubhouse to the point that the parking area provided is inadequate, it will be necessary to revise the golf course CUP site plan to increase the parking area.

### ASSOCIATED CASES/OTHER ACTION REQUIRED

- Board of County Commissioner's approval of the Conditional Use.
- Release of Conditional Use Permit by the Douglas County Zoning and Codes Office.
- State license for the wine tasting room obtained.

### PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

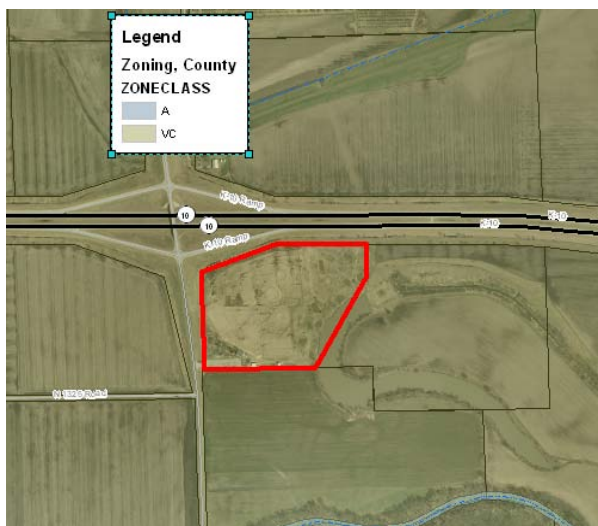
### GENERAL INFORMATION

Current Zoning and Land Use:

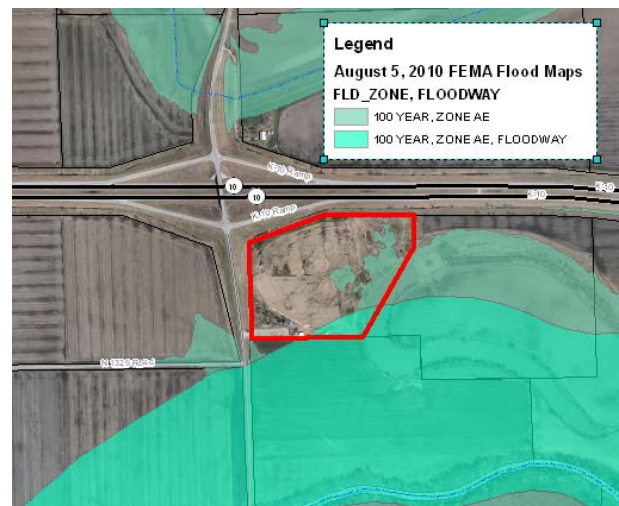
V-C (Valley Channel) F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay) Districts; *Recreation facility*; golf course/pitch and putt/driving range and clubhouse. Proposed addition of wine tasting area.

Surrounding Zoning and Land Use:

VC (Valley Channel) District in all directions; F-W (Floodway Overlay) District to the south and south east and F-F (Floodway Fringe Overlay) District to the southeast and east. Agricultural land uses in all directions. K-10 right-of-way adjacent to north property line. (Figure 1)



**Figure 1A.** Zoning of subject and surrounding properties.



**Figure 1B.** Floodplain Overlay Districts. Dark Green F-W (Floodway Overlay), Light Green, F-F (Floodway Fringe).

## II. CHARACTER OF THE AREA

The subject property is approximately 24 acres in size, and is encumbered with the floodplain on the southeast portion. The property is developed with a clubhouse, driving range, pitch and putt area, and a golf course. The property is approximately 1.5 miles west of the City of Eudora and is adjacent to K-10. An off-ramp in this area provides access to K-10.

The surrounding area is agricultural with farm residential uses. (Figure 2)

**Staff Finding** – This agricultural area is characterized by its close proximity to the city of Eudora and K-10, a state highway.



**Figure 2.** Surrounding land use in the area is predominately agricultural. (Subject property outlined)

## III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response:

*"The addition of a farm winery tasting space within the existing clubhouse compliments the adult golf experience. Both the driving range and farm wineries are zoned agriculturally. Most golf facilities provide the sales of beverages, including adult beverages. In this case patrons would be limited to free wine tasting and the opportunity for them to buy unopened wine by the bottle. This would be another item of ancillary sales already included in our CUP. The existing clubhouse has plenty of interior space to arrange a moveable tasting and sales area. There exists another farm winery tasting room within ½ mile of this location on the same paved road. There is plenty of parking. This could reduce the number of cars currently traveling the gravel roads to BlueJacket Crossing Winery. The location adjacent to K-10 Highway provides a high rate of traffic, great visibility and easy off ramp access on major paved roads. There are no neighbors to disturb.*

*Finally it is compatible with the Kansas State Farm Winery Act. Each farm winery is allowed up to 3 locations for wine tasting and sales. A state license is required and subject to state law and inspections."*

The current zoning designation for the property is V-C (Valley Channel), F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay) Districts. The golf facility is located within the V-C District which permits a limited range of uses including agriculture, recreation and farm residences. The proposed use, a wine tasting facility, would be permitted by right in this district as an agriculturally exempt use if it were located on the same property as the vineyard and winery. As this is a satellite location, the wine tasting area is not considered agriculturally exempt and a Conditional Use Permit is required. The property is suited to the uses which are permitted in the V-C District. The proposed use, an addition of a mobile wine tasting and sales area to the interior of the clubhouse, would be considered an accessory use to the clubhouse and would not result in any exterior changes and would therefore also be compatible with uses permitted in the V-C District.

**Staff Finding** – A Conditional Use Permit (CUP) does not change the base, underlying zoning; therefore, the suitability of the property for the uses permitted in the V-C District will not be altered. The property has been developed with a golf course and clubhouse and is well suited for the uses to which it has been restricted, as well as the proposed addition of a wine tasting and sales area to the clubhouse.

#### **IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED**

**Staff Finding** – The property is not vacant but has been developed with a golf course and clubhouse.

#### **V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

Applicant's Response:

*"There should be no change to nearby property."*

Section 12-319-1.01 of the County Zoning Regulations recognize that *"Certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."*

The proposed CUP would allow the addition of a wine tasting and sales area to the golf course clubhouse. This would be an ancillary use within the clubhouse. No exterior changes are being proposed and the property has no nearby residential neighbors. The addition of the wine tasting/sales area within the clubhouse may increase traffic to the golf course facility, but should have no detrimental effects on nearby property. As noted earlier, if the business increases to the point that parking cannot be accommodated on the surfaced parking area it will be necessary to revise the golf course CUP site plan to provide additional on-site parking.

**Staff Finding** – The addition of the wine tasting/sales area to the Twin Oaks golf clubhouse will not significantly alter the use and should have no detrimental effect on surrounding property.

#### **VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS**

Applicant's Response:

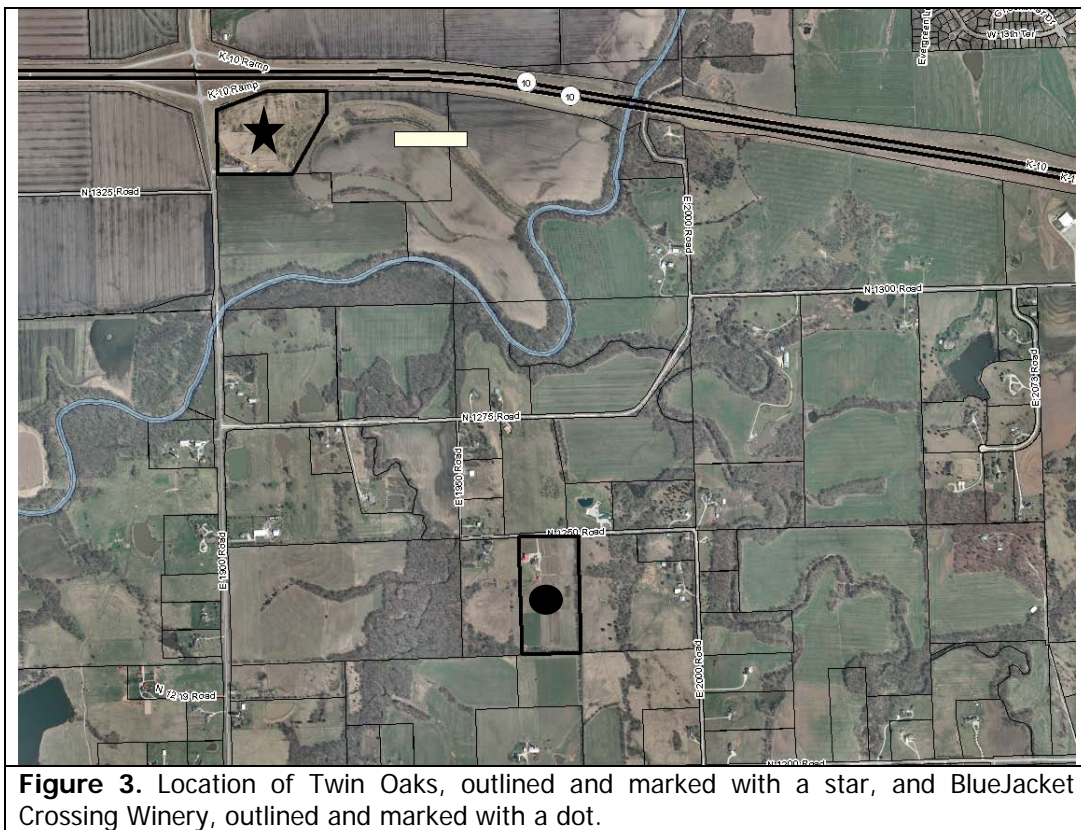
*"No apparent changes."*

The purpose of this criterion is to compare the effect of denial of the request on the public health, safety and welfare to the effect of denial on the individual landowner. If the request were denied, the facility could continue to function as a golf facility with a clubhouse with accessory sales but a wine tasting/sales area would not be permitted within the clubhouse. The property is located in very close proximity to the on/off ramps for K-10 so an adequate transportation network is available if the addition of wine tasting and sales would increase business at the golf facility.



The addition of the wine tasting and sales area to the golf facility provides BlueJacket Crossing Winery with another outlet and would remove the need for some customers to travel to the winery site at 1969 N 1250 Road. (Figure 3) There will be no sales for on-site consumption and the sales will occur in a limited area as shown on the floor plan in Attachment C.

**Staff Finding** – Denial of the request would provide no benefit to the public health, safety and welfare. Denial of the request would prevent the applicant from locating their off-site wine tasting/sales area to this location while approval of the request would benefit the applicant by allowing them to site one of their off-site tasting facilities in a location with good access to the major transportation network. In addition, approval of the request may result in increased business benefits for both the winery and existing golf facility.



## VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The subject property is not located within an identified urban growth area but is within 3 miles of the city limits of Eudora. The comprehensive plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas.

**Staff Finding** – The Comprehensive Plan recommends that uses in the rural area be limited to those compatible with agricultural uses and that the design should be consistent with the rural character. A Conditional Use Permit can be used to allow specific non-residential uses subject to approval of a site plan. This tool allows proportional development in harmony with the surrounding area. The proposed request is consistent with the Comprehensive Plan.

## **STAFF REVIEW**

Per Section 12-314-3.04 of the Zoning Regulations of the Unincorporated Territory of Douglas County, public or private commercial recreational facilities and structures are permitted within the V-C District provided structures conform to the requirements of Sections 12-314-2 and 12-319 of the Regulations. Section 314-2 contains restrictions on structures that will cause an obstruction to the flow of the Kansas or Wakarusa River. Section 12-319 is the Supplemental Use Regulations, Conditional Uses and Temporary Uses Section. This Section requires approval of a Conditional or Temporary Use for any structure associated with recreation in the V-C District. A Conditional Use Permit was issued for the golf facility and clubhouse [CUP-10-16-97]. This CUP is not being altered with the subject request.

A Kansas Statute permits the owner of a farm winery to have three winery outlet licenses. (Attachment A) The applicant contacted staff about the possibility of locating an off-site wine tasting room/sales area in the clubhouse and the determination was made that the wine tasting area/sales would not be considered a part of the accessory sales use that was approved with the CUP for the clubhouse but would require separate approval through a Conditional Use Permit. (Attachment B) While the satellite winery outlet is a relatively new use, it has been determined to be similar to a *Fruit and Vegetable Stand* as defined in Section 12-303-1.39: "*A place, with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from one fruit or vegetable stand.*" As the use has been determined to be similar to a *Fruit and Vegetable Stand* and this use is listed as a Conditional Use in Section 12-319-4.28; the determination was made that either rezoning or a Conditional Use Permit would be required for the wine tasting/sales area.

The applicant is proposing a mobile stand for the wine tasting/sales area to be located within the clubhouse. The wine tasting may occur anywhere within the clubhouse. The sales use being proposed is the sale of unopened bottles of wine produced by the winery hosting the tasting, similar to other tasting facilities. On-site consumption, beyond the tasting, is not being proposed with this Conditional Use application. The sale of wine or other alcohol for on-site consumption would require a rezoning to an appropriate zoning district. A note to this effect should be added to the plan.

The Zoning and Codes Director has commented that the addition of the wine tasting area may require that the building be brought into compliance with Building Codes and the restrooms be brought into ADA compliance. This was added as a condition of approval to the Conditional Use Permit.

If signage is to be used, the signage must comply with the sign regulations noted in Section 12-306-2.18 for the Ag District.

## **Joint Hearing**

County Resolution No 80-5 established the policy that a joint hearing be held for requests within 3 miles of the incorporated cities in Douglas County so that the County Commission would have the benefit of both Planning Commissions' Recommendations. A joint meeting is being held between the Lawrence/Douglas-County Metropolitan Planning Commission and the City of Eudora Planning Commission and their recommendations will be forwarded to the Board of County Commissioners.

## **Conclusion**

Approval of a CUP can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and provide screening requirements. This Conditional Use Permit (CUP-2-1-12) adds the use of a wine tasting/sales area to the golf clubhouse which was approved with the previous CUP for this property (CUP-10-16-97).



Staff recommends approval of CUP-2-1-12 for a wine tasting area at the Twin Oaks Golf facility as conditioned.

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**41-308a: Farm winery license; authority of licensee.** (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments, holders of temporary permits as authorized by [K.S.A. 41-2645](#), and amendments thereto, and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(6) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(7) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(8) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2009 Supp. 41-348, and amendments thereto.

(b) Upon application and payment of the fee prescribed by [K.S.A. 41-310](#), and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser

proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by [K.S.A. 41-501](#), and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

**History:** L. 1983, ch. 161, § 3; L. 1985, ch. 170, § 25; L. 1987, ch. 182, § 141; L. 1988, ch.

165, § 1; L. 1990, ch. 178, § 1; L. 1992, ch. 201, § 2; L. 1998, ch. 191, § 3; L. 2005, ch. 201, § 14; L. 2006, ch. 206, § 5; L. 2007, ch. 178, § 2; L. 2008, ch. 126, § 1; L. 2009, ch. 114, § 4; July 1.



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

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Lawrence, KS 66044

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Fax 785-832-3160

March 31, 2011

Kandaya Selvan  
1969 N 1250 Road  
Eudora KS 66025

**RE: Process for wine tasting room at Twin Oaks Golf Course**

Dear Pep:

Evan Ice, Linda Finger, Keith Dabney and I discussed your proposal to locate a secondary wine tasting room at the Twin Oaks Golf Course to determine whether the use could occur at this location, and if so the appropriate approval process. The information below is the result of our meeting:

1. Ag Exempt Status. A wine tasting room is an agriculturally exempt use only when it is located on the same property as the vineyard, orchard or field where the plants are grown. Wine tasting rooms located off the property require approval through a Conditional Use Permit or location in a zoning district where alcohol sales is a permitted use.
2. Alcohol sales with a CUP prohibited. The question of whether alcohol sales for on-site consumption could be permitted with a CUP was presented to the Board of Zoning Appeals (BZA) with the Conditional Use Permit application for The Woods. The BZA determined that alcohol sales for on-site consumption would require appropriate zoning, rather than a Conditional Use Permit.
3. Distinction between a farm winery tasting room and alcohol sales. A 'farm winery tasting room' is not listed as a permitted use in the current Zoning Regulations. In our opinion an additional location for a farm winery tasting room is not equivalent to an establishment which sells liquor for on-site consumption. Therefore, a farm winery tasting room, without on-site consumption, could be approved with a Conditional Use Permit. On-site consumption (beyond the wine tasting) would require locating in a zoning district in which alcohol sales, such as bars and taverns, are permitted.
4. Existing CUP. We have reviewed and re-reviewed the existing CUP for Twin Oaks Golf Course and have concluded that your desired farm winery tasting room is not permitted without an amendment to the CUP.

The Twin Oaks CUP [CUP-2-2-92] was approved by the County Commission in 1992 with conditions of approval which included "*The submission of an operations plan for the facility which delineates commercial uses and square footage allocated to such uses within the approved structures. Expansion of uses or the location of additional uses within the complex will require review and approval by the Planning commission and Board of County Commissioners prior to operation*". (Condition No. 9) When the pitch and putt use was proposed a new CUP [CUP-10-16-97] was submitted and considered by the Planning Commission and approved by the County Commission (Jan 5, 1998). Given this previous action, the wine-tasting room would also require consideration by the Planning Commission and approval by the County Commission.

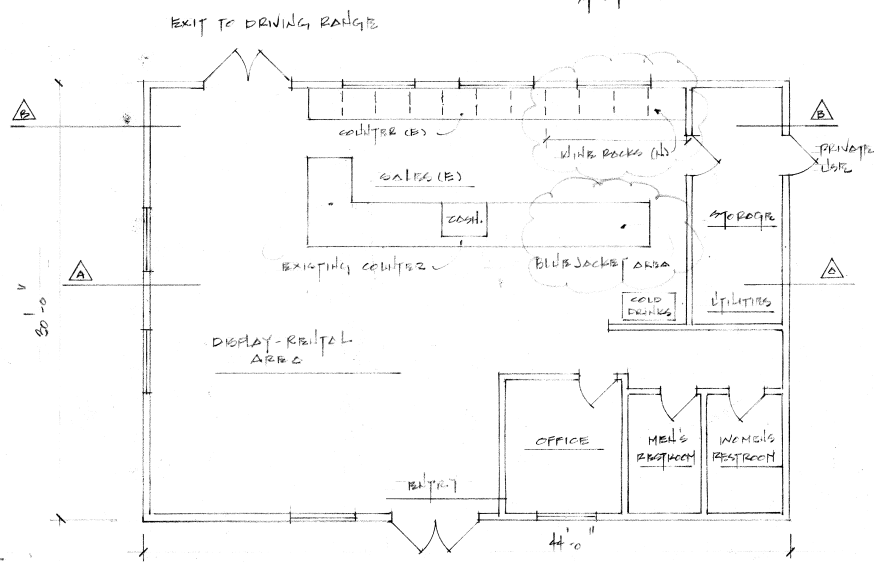
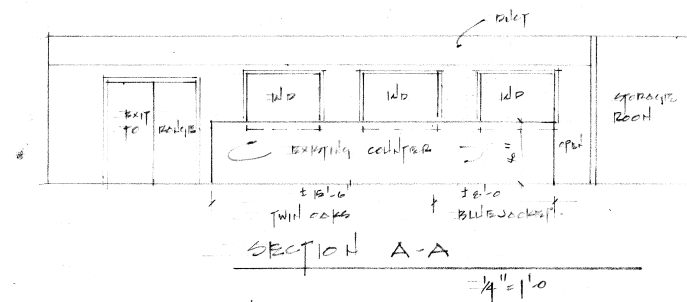
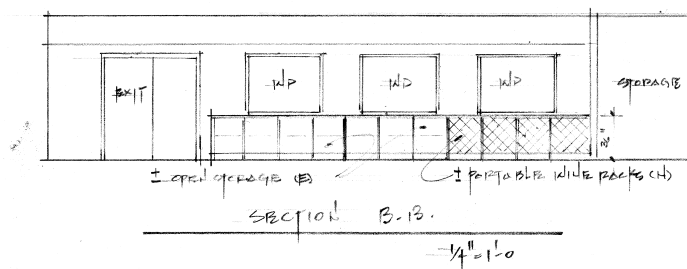
We're sorry that we couldn't reach the conclusion you desired, but we were unable to conclude that the testing room is ancillary to the operation of the golf course.

5. Approval process. The wine-tasting room would require the submittal of a new CUP or the amendment to the existing CUP for Twin Oaks Golf Course. The CUP would limit the new use to a 'farm winery tasting room' and would not allow on-site consumption of alcohol. A CUP application would be filed with the Planning Office, placed on the Planning Commission's agenda for consideration and then forwarded to the Board of County Commissioners for action.
6. Follow up: The 'farm winery tasting room' use should be addressed in the Zoning Regulations. With the revisions that are currently underway for the Zoning Regulations the term 'farm winery tasting room' shall be defined, the use included in the permitted use table so it is clear where it is permitted either as an agricultural exemption, where it requires a CUP and the zoning districts in which it would be permitted with a site plan.

We appreciate your diligence in working with us in deciphering where this new type of use in Douglas County would be permitted and hope this summary explains the necessary process adequately. If you have any questions, or would like to discuss this further, please contact me at 785-832-3147 or [mmiller@lawrenceks.org](mailto:mmiller@lawrenceks.org)

Sincerely,

Mary K Miller, AICP  
City/County Planner II



NOTES:

1. EXC WINE MATERIALS WILL FIT IN (B) EXISTING CABINETS.
2. SALES MATERIALS AND WINE ARE PORTABLE.
3. THE INTENT OF THIS DRAWING IS TO SHOW THE GENERAL AREA WHERE WINE TASTING MATERIALS WOULD BE ARRANGED.

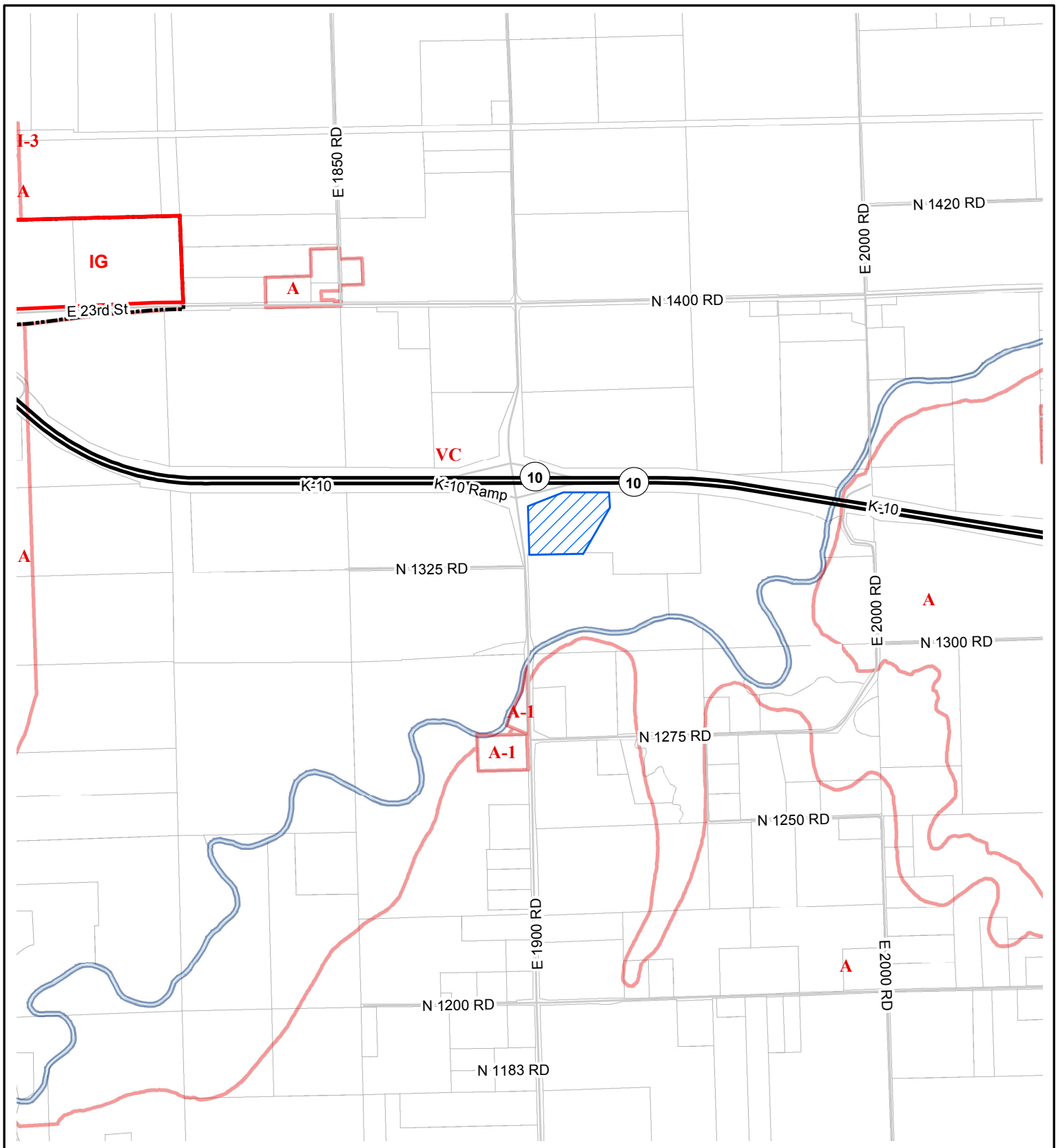
TWIN CREEKS GOLF RANGE

1/4" = 1'-0"

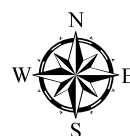


BLUE JACKET CROSSING IDENTITY PREP. CEN/VAL

REQUEST FOR WINE SALES OUTLET  
APRIL 5, 2012. 785 542-1764



**CUP-02-01-12: Conditional Use Permit to allow wine tasting and sales at  
Twin Oaks Golf Course 1326 E 1900 Rd**





**PLANNING COMMISSION REPORT**  
**Regular Agenda – Non Public Hearing Item**

PC Staff Report  
4/23/12

**ITEM NO. 2: ANNEXATION OF 146 ACRES; NW CORNER W 6<sup>TH</sup> ST & K-10 (MKM)**

**A-3-1-12:** Consider annexation of approximately 146 acres plus adjacent public right-of-way of property at the northwest corner of W. 6<sup>th</sup> Street (US-40) and K-10 Hwy. *Initiated by City Commission on 3/27/12.*

**STAFF RECOMMENDATION:** Staff recommends approval of the requested annexation of approximately 146 acres plus adjacent right-of-way located in the northwest quadrant of the intersection of US Hwy 40 and K-10 Bypass subject to the following condition:

1. City shall comply with state law requirements in relation to Rural Water District No. 1 pursuant to K.S.A 12-527.

**Reason for Request:** Development of a Regional Recreation Facility which will require City services.

**KEY POINTS**

- The subject property is not located within Service Area 1 of the Urban Growth Area; therefore, annexation is not required prior to development. Annexation is encouraged when City services are available to serve the property. The property owner has voluntarily consented to annexation.
- Annexation requests of more than 10 acres require a Planning Commission recommendation.
- This annexation request is accompanied by a Comprehensive Plan amendment, Development Code amendment, and rezoning request which are scheduled for the May Planning Commission meeting.
- The subject property is adjacent to the Lawrence city limits; therefore, it is not an island annexation.
- The property is served by RWD No. 1. The water district has been notified of the annexation request.

**COMPREHENSIVE PLAN FACTORS TO CONSIDER**

- The annexation request is compliant with the Growth Management policies of the Comprehensive Plan.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

Items being considered at the May Planning Commission meeting:

- The applicant originally submitted a rezoning request from the County A and B-1 Districts to the CC400, CN2, and IL Districts. Upon further review with staff, it was determined that these districts would not accommodate the proposed project, as described below, and that creating a CC600 comprehensive plan designation and zoning district would be necessary to accommodate the project. Therefore, at their April 10, 2012 meeting, the City Commission initiated the following:

- Amendment to *Horizon 2020*, Chapter 6 Commercial, to create CC600 District policies and to Chapter 14 Specific Plans, to revise the *West of K-10 Plan* and *A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10)* designating the node of 6<sup>th</sup> Street and K-10 as a CC600 commercial node.
- Amendment to the appropriate sections of Chapter 20 of the City Land Development Code to create the CC600 District.
- Rezoning from County A and B-1 to the pending CC600 district for the area being annexed.

It is important to note that these requests are not directly linked to the analysis of the annexation request and will receive their full consideration by the Planning Commission and City Commission.

Other action required:

Annexation

- City Commission approval of annexation and adoption/publication of ordinance.

Action required prior to development:

- Comprehensive Plan Amendment to create CC 600 District and to revise adopted plans for this area. Adoption and publication of joint ordinance/resolution.
- Development Code Text Amendment to create CC 600 District and standards. Adoption and publication of ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of the property through the Major Subdivision process.
- Site plan submitted for administrative approval prior to release of building permits.

#### **PUBLIC COMMENT**

- No written public comments were received prior to the printing of this staff report.
- While not related to the review of the annexation request, the Planning Commission should be advised that the City has invited owners and stakeholders within 2,000 feet of the subject property to a meeting to discuss the project. The meeting is set for April 19, 6:30 p.m. at the Lawrence Aquatic Center.

#### **EXISTING CONDITIONS**

Current Zoning and Land Use: A (County-Agriculture) and B-1 (County-Neighborhood Business) Districts; cellular communications tower and right-of-way for the K-10 Bypass, and frontage road.

Surrounding Zoning and Land Use: To the north:  
A-1 (County-Suburban-Home) District; single-family residences.  
To the west:  
A (County-Agriculture) District; private road and rural residence.  
To the south:  
A (County-Agriculture) District; Church with accessory day care center.

To the east:

CC 400 (Community Commercial) District and UR (Urban Reserve) District with rezonings to the RS7, RM12D, RM24, RMO, and PCD-Mercato pending publication of ordinances; undeveloped property in the process of being platted. Preliminary Development Plan approved for the PCD-Mercato property.

### **Site Summary**

Gross Area: Approximately 208 acres, (146 acres plus 62 acres of right-of-way)  
Area Requested for Annexation: Approximately 208 acres

### **Project Summary:**

The proposed annexation is for approximately 146 acres located in the northwest quadrant of the intersection of US Hwy 40 and K-10 Bypass plus the adjacent road right-of-way. The annexation and requested comprehensive plan and code amendment initiations are intended to accommodate a regional recreation facility on 50 acres of the 146 acres. The project will be a public /private partnership including the donation of 50 acres to the city to construct the facility. While many details need to be determined, the project is currently planned to include basketball courts, indoor recreation track, cardio facilities, recreation areas, an arena capable of holding sporting or entertainment events, potential uses for the University of Kansas, and other ancillary uses typical of such a facility – retail merchandise, food/drink, etc.

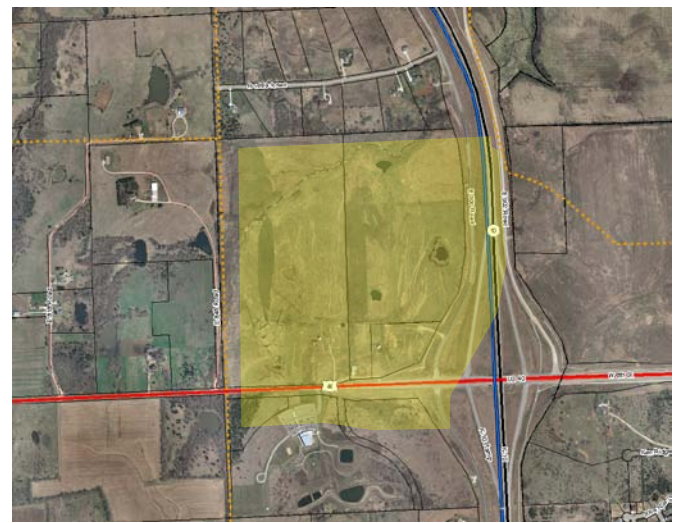
In addition to the 50-acre recreation facility, the remaining acreage is planned to support the facility with expansion opportunities, additional recreation uses, and commercial uses – restaurant, retail, hotel, etc. The current planning documents designate the entire property for industrial/warehouse/office uses. Commercial uses are generally viewed by the Development Code as equal to or lesser uses compared to industrial uses and so the project can feasibly be viewed as compatible with the comprehensive plan designation; however, there are specific policies and Development Code language that tie commercial zoning in the Development Code directly to the comprehensive plan and the plan and code need to be revised to accommodate the project as noted more specifically below.

### **Annexation Procedure**

City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid pursuant to K.S.A 12-527. The Water District has been notified of the annexation request as required by State Statute and adherence to local policy and state law is a condition of approval for the annexation request.

### General Location:

The site requested for annexation is located in the northwest quadrant of the intersection of US Hwy 40 and the K-10 Bypass. A signalized access to Hwy 40 is shown on the KDOT corridor plan for this property. The City Commission received this plan at their April 10, 2012 meeting. The property has no direct access to the K-10 Bypass but access is available to Hwy 40 at the location of the proposed signalized intersection. Other improvements and access points may be appropriate pending analysis of a traffic study. The property is adjacent to the K-10 Bypass right-of-way and Lawrence city limits to the east. The property is bounded on the west by E848 Road, a private county road. The Future Thoroughfares Map shows a future collector street along the west property line. A platted rural subdivision is adjacent to the subject property on the north and rural residences border the property to the west. A church is located south of the property. (Figure 1)



**Figure 1 Transportation Network and Land use.**

Streets as shown on Major Thoroughfares Map.

Red: Principal Arterial

Blue: Freeway

Dotted Yellow: Future Collector

Area included in annexation request (shaded).

### Infrastructure and Utility Extensions

Water lines have been extended to the west of the K-10 Bypass and are located south of US Hwy 40. Sanitary sewer lines have been extended to the east of the K-10 Bypass near the northeast corner of the subject property but have not yet been extended west of the Bypass. (Figure 3) Sanitary sewer lines are not extended to properties that are outside of the City limits. City policy requires properties to annex in order to be served with City sanitary sewer which will require the sanitary sewer lines to cross the K-10 Bypass. The sanitary sewer line follows the Baldwin Creek alignment in the surrounding area. This annexation request will allow the subject property to be served by City sewer.



**Figure 3. Infrastructure in the area**

**Public Right-of-Way:** The subject property abuts the K-10 Bypass to the east and US Hwy 40 to the south. The full right-of-way for these streets will be annexed with the subject property. If additional right-of-way is required, ½ the total right-of-way will be dedicated from the subject property when platted.

### **COMPREHENSIVE PLAN:**

The subject property is located within the Lawrence Urban Growth Area. The Annexation Policies listed on page 4-5 of *Horizon 2020* states that Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed.

This annexation request is also considered under the Community Facilities Chapter of *Horizon 2020* since it will accommodate the development of a community recreation center. Community Facilities Policy 2.1: (page 10-17, *Horizon 2020*) Public facilities that serve community or regional populations and are used directly by the general public should be located on arterial, collector, or access/frontage streets in non-residential areas.

The annexation request is consistent with the growth management and community facilities policies found in *Horizon 2020*.

### **COMPLIANCE WITH ADOPTED AREA PLANS**

The following information was provided in a memo to the City Commission in their consideration of initiating amendments to the comprehensive plan and Development Code related to the recreation center project:

*Horizon 2020*, which includes the *West of K-10 Plan* and *A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10)*, hereafter referred to as the *Nodal Plan*, recommends office/industrial/warehouse and park/open space uses for this location. When this plan was adopted, the future land use recommendations for the property were made based on existing conditions, projections based on past build-out patterns in west Lawrence, the transportation network (intersection of two state highways), and comments from stakeholders and the Planning Commission. Commercial development exceeding 400,000 sq. ft. at this location does not conform with the recommendations in the adopted plans for this area, thus triggering the need to process amendments to the adopted planning documents. Other land use designations, such as the one proposed, may also be appropriate for the area and should be considered within the context of the plan. As mentioned above, the proposed project is arguably an equal or less impactful land use than currently designated at the subject location.

*Horizon 2020* sets CC200 (200,000 sq. ft. of commercial), CC400 (400,000 sq. ft. of commercial), and CR (1.5 million sq. ft. of commercial) as the parameters by which nodes of commercial development may occur. There may be good cause to create a commercial center that permits an amount of commercial between CC400 and CR given the large gap between the two. A CC600 (600,000 sq. ft. of commercial) could accommodate such nodes of commercial and may be appropriate at the subject location.

City services will be required to develop the property to the current designation of office/industrial/warehouse or the proposed designation of CC600. In any event, annexation of the property will be necessary and is appropriate.

### **CONCLUSION**

The proposed annexation is compliant with recommendations of *Horizon 2020*. The subject property is located within the Lawrence Urban Growth Area and City services are available, or can be extended, to service the property; therefore, annexation is appropriate.





RECEIVED

APR 17 2012

City County Planning Office  
Lawrence, Kansas

April 16, 2012

City of Lawrence  
Attn: Mary Miller - City Planning Office  
6 East Sixth Street  
Lawrence, KS 66044

Dear Ms. Miller:

As residents of the Estates of Northwood, we are writing to formally express our concerns regarding the proposed development of the land located at 6<sup>th</sup> street and E. 900 road.

Two years ago we built our home at 875 N. 1663 road. This represented years of planning and saving to be able to secure the perfect location for our "forever" home. The Estates of Northwood combines an amazing country setting with the convenience of being located close to town. We clearly researched this location before purchasing the lot and discovered that the land to the south of the neighborhood was zoned for agriculture only and included a green space adjacent to our property. Additionally, the long-term nodal plan indicated only plans for light research type facilities in the future. Over the past two years we have developed such an appreciation for our setting, neighbors and new way of life. As a result, we were clearly concerned to hear of the proposed recreation center and other sports facilities being discussed for the land directly behind our neighborhood.

We will be attending the public meeting on April 19<sup>th</sup> to learn more about the land use proposal and to share our concerns, but we wanted to provide them in writing as well.

#### Drainage & Visual Concerns

The Estates of Northwood is located at a grade significantly below Sixth Street. In fact, despite 35 ft+ trees that span the back of our property, we can clearly see the traffic on Sixth Street. This is even more evident during the winter when the leaves have fallen. Given this, any construction on the land between Sixth Street and our neighborhood will be easily seen from our home. Light and noise pollution control as well as proper landscaping will be very important to those who live adjacent to the property. Additionally, the slope creates significant drainage issues for several of our neighbors when it rains heavily. There is great concern about the impact construction may have on the drainage down to our neighborhood.

### Traffic & Safety

Currently, N. 1663 is a no outlet road. The amount of traffic in our neighborhood is minimal and almost solely from residents. Adding facilities such as those proposed could generate significant traffic to the corner of West 6<sup>th</sup> Street and K-10. It is extremely important to us that N. 1663 remains a no outlet road. We understand from attending a recent KDOT meeting that there are future plans to open the west end of N. 1663 for an access road that would run from Sixth Street north, but it was shared that the east end of N. 1663 would then become the dead end. Regardless of the location of the cul-de-sac, it is imperative that N. 1663 does not become a thru street. If this would occur, the traffic generated would create noise and safety concerns for the families in our neighborhood.

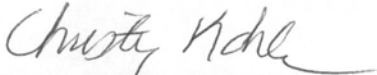
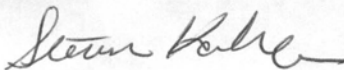
### Green Space

Providing a buffer between the south lots of Northwood and the adjacent property may only provide a small level of separation, but will be important given the high traffic volume these types of proposed facilities could generate.

Admittedly, at this point we can only react to the land use proposals we have heard discussed in the local media. We understand the significance these types of facilities could have for our community, as this intersection could truly become a critical "gateway" to Lawrence. As Lawrencians we want to support development that will be meaningful for our city, but we also ask to have a voice in the planning that could greatly impact our way of life.

Thank you in advance for considering our concerns. We look forward to continued dialogue as the process progresses.

Sincerely,



Steven & Christy Kahle  
875 N. 1663 Road



April 16, 2012

RECEIVED

APR 18 2012

Scott and Jodi Bouyack  
887 N. 1663 Road  
Lawrence, KS 66044  
City of Lawrence  
County Planning Office  
Lawrence, Kansas

Lawrence City Hall  
City Planning Office  
Attn: Mary Miller  
6 East Sixth Street  
Lawrence, KS 66044

Ms. Miller,

As our address above would indicate, my wife and I are residents of Northwood Estates, the development just north of the land where the proposed recreation center and ancillary developments are being discussed. I am writing you today to express some areas of concern that we have, as directly adjacent residents, with this proposed annexation, rezoning, and development.

Prior to purchasing our home in Northwood Estates in 2010 I researched future development plans, and the Nodal Plan, closely. The following excerpt from the Nodal Plan resonated very strongly with me, as it spoke most directly to address potential impact of development on my property:

"Such uses are encouraged at the gateways to the City and it's anticipated the West 6<sup>th</sup> Street/K-10 intersection will evolve into one of the community's most prominent and attractive entryways. This nodal plan also designates a green space buffer along the northern edge of the corner to help preserve the southwestern portion of the Baldwin Creek drainage basin and will likely function in a stormwater management capacity. The green space also acts as a transitional buffer for the lower-density residential development and agricultural activities for unincorporated Douglas County adjacent to this corner.

Specifically, as our southern property line is a direct border the land that is proposed to be annexed and developed, we are expecting that the city will adhere to its own recommendations of a "green zone" or "buffer" to provide a natural transition. The drainage basin that runs through the land is not only directly behind my lot, but also cuts through the southeast corner of my lot, thus future plans for the drainage basin could have very direct impact on my lot.

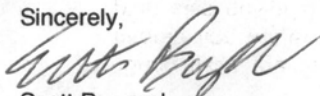
We have some concerns about the recreation center itself. As this is being described as a fairly large building, designed to attract significant crowds, I would like to express our expectation that the city will be addressing such concerns as security, pollution, and traffic control for the adjacent neighborhood, all of which can become problems when frequent crowds are involved. Additionally, as the recreation center project, as has been described, will include some outdoor elements, we have concerns over what sort of lighting may be used, the positioning of the lighting, and the amount of time the lighting might be used in the nighttime hours.

Another considerable area of concern for us is the street plan. As you know, E. 900 Road is currently the only access to our neighborhood, and because N. 1663 Road is a dead end, we have very little traffic other than resident traffic. It would certainly be our hope to maintain that as much as possible, but do have concerns that if we share a road or access point with the recreation center and ancillary developments, it could result in significantly increased traffic on our street, as well as upon entering or exiting our development.

We appreciate the City's willingness to engage us in this process and listen to our concerns. My wife and I will be attending the meeting on April 19, and any such subsequent relevant meetings, and look forward to being a part of the process. If at any time you would like to talk to me directly, I can be reached via phone at (678) 778-0797 or email at [scott.bouyack@gmail.com](mailto:scott.bouyack@gmail.com).

We look forward to being a cooperative part of this process, as long as the city returns the favor.

Sincerely,

  
Scott Bouyack

April 17, 2012

Lawrence Planning Office  
Attn: Mary Miller  
6 East Sixth Street  
Lawrence, KS 66044



RE: Development of the area South of Northwood Estates

Dear Ms Miller,

We appreciate your willingness to consider our concerns regarding future development to the area that is behind our neighborhood..

We have worked very hard for 40 years to save money to "retire" in Lawrence. A couple of years ago, that dream came true when we built our wonderful home in Northwood Estates. We were aware of the future plans for along 40 highway (behind our property) which were similar in nature to Wakarusa and was described as a wonderful entrance from the West to the City of Lawrence. Those plans were acceptable to us.

We are now receiving information that due some negotiating, things are on the fast track to change these plans. We have been advised that 50 acres have been "donated" to the city for a recreation center. At first this sounded great as we "assumed" it would be similar to the East Side recreation center. Now we are hearing of the magnitude of the plan which includes Kansas relays, concerts, etc. We are very concerned about not only the recreation center, but future development that may affect our way of life as we know it.

Our concerns that we have at this time are::

- Green space needs to be left between our properties
- Lighting interfering with our outdoor evening enjoyment needs to be addressed
- Noise affecting our outside enjoyment needs to be addressed
- Excessive traffic through our quiet dead end street now and in the future if the street is opened up as a thru street. Major signage needs to be added on 900 Rd. to keep traffic out of our neighborhood. KDOT has plans in the future to exit our neighborhood to the West. This will also need to be addressed in the planning.
- Security effecting our safe neighborhood needs to be addressed
- The effect of the development on wildlife (owls, deer, opossums, frogs, coyotes)
- Storm drainage needs to be addressed
- What method of sewage disposal will be used needs to be addressed
- A clear boundary needs to be established with a wrought iron fence with signage along the property line to help eliminate trespassing.

We want very much to work toward a mutually agreeable plan that will allow our neighborhood keep its "country" feel while allowing a reasonable expansion of the land to our South.

We will look forward to meeting with you and the other parties who are involved in the future plans.

Respectfully,

A handwritten signature in cursive script, appearing to read "Mike and Debby Kelso", written over the printed name.

Mike and Debby Kelso

891 N 1663 Rd

Lawrence, KS 66049

[kukelso@gmail.com](mailto:kukelso@gmail.com)

Scott and Sharolyn Robinson

850 N 1663 Road, Lawrence, KS 66409

RECEIVED

APR 19 2012

City County Planning Office  
Lawrence, Kansas

April 16, 2012

Lawrence City Hall  
City Planning Office  
Attn: Mary Miller  
6 East Sixth Street  
Lawrence, KS 66044

R.E.: Land use proceedings for the northwest corner of Hwy 40 and K-10

Mary Miller,

We are in receipt of your letters regarding the land use proceedings. As residents of Northwood Estates directly north of that land, we have some major concerns about how that it might be utilized, accessed, and developed.

When making a decision to build in this area we were provided a nodal plan for the area and from what we have been able to gather at this point, it seems that the current discussions for development are a long stretch from that plan.

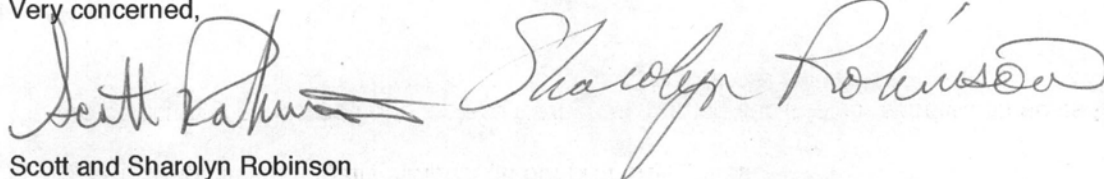
We have major concerns that would affect our current lifestyle here in Northwood Estates that could have a significant negative impact on our property values.

We are particularly concerned about plans for ingress and egress into our subdivision so as to keep it as private as it is today, lighting issues for the commercial activity as well as the proposed outdoor track, visual "pollution" that would destroy our current views, drainage issues, and privacy with the extra potential traffic just to mention a few.

Our point is that we were here FIRST - Douglas County approved this sub-division to create the environment that we currently have and we have MAJOR investment in it. If the City of Lawrence is to annex the adjoining land and change its zoning, they have a responsibility to maintain and preserve, as much as possible, the living environment we invested in to create.

Adverse use (or poor implementation of approved use) of the adjacent land could cause serious financial loss to a whole sub-division of residents. I'm sure the developers have great plans for personal and business profits, but they should not come at our expense.

Very concerned,



Scott and Sharolyn Robinson

## Mary Miller

---

**From:** Carolyn Crawford [ccjava2cups@yahoo.com]  
**Sent:** Monday, April 23, 2012 8:39 AM  
**To:** Mary Miller  
**Cc:** Carolyn Crawford  
**Subject:** Annexation of Northwest Corner of W. 6th Street (US-40) and K-10

Mary,

My wife and I have owned the property adjacent to the northwest corner of US 40 Highway and K-10 for 32 years. Over those we have watched Lawrence grow west from 6th and Kasold, sometimes gracefully and sometimes not, over taking farms and rolling hills. We have watched as sometimes the city controlled the development and sometimes the developers did. Still we have believed in Lawrence and its people, joining them in developing Lawrence into the best it can be.

We share the concerns of the neighbors regarding traffic, light pollution, noise, trash, and property security related to this annexation. Additionally, as owners of expensive purebred cattle and horses, we are further concerned for their safety.

Here are the points that we have regarding the annexation that we would like you to address:

- We are concerned about losing the open, quite, beautiful nature of the neighborhood. This has always been an agricultural area that was held in large land blocks lending a beautiful entry into the city.
- High traffic most hours of the day and night will change the quite peaceful nature of the neighborhood.
- We are concerned about new structures fitting into the beautiful landscape.
- We are concerned that the development of commercial real-estate as a result of this may not be done with quality.
- Light and noise pollution can be very disruptive to the neighborhood
- Trash associated with a new development can have an impact on the area, soil and run off water.
- Our purebred Limousin cattle and quarter horses are accustomed to a quick secure area. People coming up to pet them, feed them or throw things at them can be dangerous to them and the animals.
- We do not favor forced annexation.
- We are concerned about what impacts the annexation will have on current and future zoning.
- We should not be included in a benefit tax district for sewer, water, signalization, and streets.

Over the years raising our five children on this farm, we have tried to be good citizens and neighbors to Lawrence by being a founding family of Kaw Valley Soccer Association in 1980, St. Margaret's Church in 1989, Raintree Lower Elementary in 1994 and Bishop Seabury



Academy in 2001 as well as being leaders in Douglas County 4H, Boy Scouts, serving in LINK and Family Promise, and being in the Chamber of Commerce. It is our hope that the city can be as good of a neighbor to us as we have been to them.

Sincerely,  
Ron and Carolyn Crawford

---

**From:** Mary Miller <mmiller@lawrenceks.org>  
**To:** "ccjava2cups@yahoo.com" <ccjava2cups@yahoo.com>  
**Sent:** Friday, April 20, 2012 3:51 PM  
**Subject:** permitted use table

Carolyn,  
It was very nice talking to you today. I've attached the permitted use table which lists the uses which are permitted in the CC Districts. As I mentioned, we are considering recommending 'conditional zoning', which means only uses which are seen as being associated or compatible with a regional recreational facility would be permitted on this property. You could look the permitted use table over and see if there are any uses that you feel should not be permitted on this property.

The Planning Commission is considering the annexation this Monday, but will be considering the rezoning at their May meeting. You can provide your comments regarding the permitted uses directly to Planning and you can also provide written comments to the Planning Commission on the proposed rezoning as well as the proposed plan and development code amendments. You will receive a notification letter of the amendments and the rezoning about 20 days before the Planning Commission meeting.

The next step will be to plat the property. With platting, street right-of-way is dedicated and decisions on street improvements are made. The preliminary plat will be considered by the Planning Commission and you will be notified of this meeting as well.

The site plan can be submitted in conjunction with the plat. The applicant will provide property owners within 1000 ft notification of the site plan, and you can contact the Planning Office for copies of the plans that have been submitted. Once again, your comments on the layout and design of the site plan will be very helpful.

I just wanted to outline the development process, since there are several steps. Please feel free to contact me if you have any questions.

Thanks,  
Mary

**Mary K Miller, AICP, City/County Planner-** [mmiller@lawrenceks.org](mailto:mmiller@lawrenceks.org)  
Planning Division | [www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)  
P.O. Box 708, Lawrence, KS 66044  
Office (785) 832-3147 | Fax (785) 832-3160

RECEIVED

APR 20 2012

City County Planning Office  
Lawrence, Kansas

Kenneth and Anna Oliver  
873 N. 1663 RD  
Lawrence, KS 66049  
785-550-7746

April 18, 2012

Mary Miller  
City/County Planner  
Lawrence City Hall  
6 East 6th St  
Lawrence, KS 66049

Dear Ms. Miller,

I recently visited with you twice over the phone regarding the proposed annexation, rezoning and development of the parcel of land on the NW corner of the intersection of HWY 40 and K-10. As I mentioned during our conversations, as adjacent property owners, our family is very concerned about the development and its effect on our quality of life and the value to our property. Our hope is that the planning commission and developers actively engage with the residents in our neighborhood, exchange ideas, and address our concerns. We agree that this intersection could potentially be a wonderful gateway to our city, and being long time Lawrence residents, we fully understand the need for thoughtful and meaningful development. We are writing this letter to formally express some of our concerns.

When we purchased our lot, we reviewed the Lawrence City Commission approved Nodal Plan. It recommended an office and research park facility, and the plan designated a green space buffer between our property and any development to preserve storm water drainage and provide a transitional buffer from the commercial/industrial/public use areas and our neighborhood. The necessity for the green space is no different today than it was a few years ago and we trust that you will maintain the green space for these reasons.

The 'Horizon 2020' plan included a goal of: "Neighborhood Conservation. The character and appearance of existing low-density residential neighborhoods should be protected and improvements made where necessary to maintain the values of properties and enhance the quality of life." As you know, the entire north side of the land being considered for annexation would fall under this stated goal. We hope the City Commission, planners and developers hold to their stated goals and the intent of 'Horizon 2020' and the approved Nodal Plans that were in effect when we purchased our property.

We are concerned about the Baldwin Creek drainage basin which is located immediately behind our property. Although we have yet to have serious water drainage issues, the pond and culvert on our property overflow several times a year, usually after seasonal storms pass through the area. With the significant development of the acreage behind us, it's an obvious concern that the runoff is not impeded and can freely flow downstream. Although our neighborhood is not located in a FEMA designated floodplain, there is a floodplain only 1/8 of a mile downstream from our subdivision, therefore, water drainage must be addressed in the zoning, planning and development.

Another concern is access to our property. The current access to our neighborhood is only from E. 900 RD. The KDOT long range plan calls for the improvement of E. 900 RD and for adding another road on the west side of our neighborhood to join 1663 RD with HWY 40. We are very concerned about the increased traffic and safety issues with the added thru traffic caused by two entrances to our subdivision. We would very much like to maintain a single entrance into our subdivision to lessen traffic and noise and to keep the country feel of the property we purchased. I would imagine this would also save the city a considerable sum of money in not having to build additional access roads and associated infrastructure.

It is my understanding that the planning commission is considering conditional zoning for the property. We would like to be involved in this process to limit the future commercial use and make it more compatible with our existing residential neighborhood. The proposed CC600 zone is already a significant increase in the scope and size of the proposed commercial use for this area. Our hope is that responsible conditional zoning would make that significant increase adequate for commercial use while mitigating the negative effects of noise and traffic on the surrounding property owners.

We purchased our property and built our home here because of the quiet, country feel and proximity to the city's amenities. We were aware the property under your consideration was going to eventually be developed, but on a smaller scale than what is currently being proposed. We ask that through this process the planning commission act on our requests and lessen the negative impacts of the rezoning and subsequent development by:

1. Insuring adequate flow of storm water run off through the Baldwin drainage basin.
2. Insuring the mitigation of light and noise pollution that would negatively effect our quality of life and property value through the thoughtful placement of buildings and berms, landscaping, etc. Although we have some trees on the back of our property, from September to April, there are no leaves on the trees and we have a very clear view of the sloped property all the way up to and including US 40.
3. Reclaiming the green zone that was initially addressed in the Lawrence City Commission approved Nodal plan in 2003.
4. Easing the negative view of large buildings and structures with landscaping, berms and building placement to maintain the country feel. This 'country feel' is why we built our homes here.
5. Maintaining the one way street access to our neighborhood to minimize traffic.
6. Being partners with area residents to create meaningful conditional zoning to limit the commercial uses of the property being developed, therefore maintaining our property values and quality of life.

Thank you in advance for addressing our concerns and we look forward to being a partner in making this development a true asset to our city.

Sincerely,



Kenneth and Anna Oliver



# Memorandum

## City of Lawrence – Douglas County Planning & Development Services

**To:** Lawrence-Douglas County Planning Commission

**From:** Dan Warner, AICP, Long Range Planner

**Date:** For April 23, 2012 Planning Commission Meeting

**RE:** CPA-2-1-12: Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to consider changes to the Inverness Park District Plan.

### Introduction:

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan.

The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

The Lawrence-Douglas County Planning Commission reviewed the Inverness Park District Plan at their meeting on March 26, 2012. The Commission took public comment and discussed the Plan. The Commission supported the designation of CO for the currently undeveloped portion of the Remington Square property. The Commission directed Staff to bring back a proposal to designate the currently developed portion of the Remington Square property as Medium Density with a caveat that the developed portion of the property will need a higher density zoning district in the event the undeveloped portion of the Remington Square property is divided for development in the future.

### Remington Square Proposal

This proposal designates the existing Remington Square property as Medium Density Residential to reflect the existing density of the development. This proposal also accounts for the fact that if the undeveloped portion is separated from the developed

portion the density of the property will no longer be medium density as it exists today. The Medium Density category recognizes that the property owner would need to rezone the property to a higher density in order to be compliant with a zoning district after the separation of the undeveloped portion. A plan to develop the undeveloped portion should accompany any proposed division. The plan to develop must be shown to be compliant with this District Plan as any rezoning of the existing development proceeds for review.

The undeveloped portion is classified as Commercial Office, which the corresponding permitted zoning district would be CO (Commercial Office) District. The CO zoning district does not permit residential uses. It permits office uses, religious uses, some community facilities, medical facilities, etc. The commercial retail that is permitted in this category is limited to mixed use situations within an office development. Commercial retail is generally not permitted as a stand-alone use. A summary of the permitted uses (P), special use permit (S), and accessory uses (A) for the CO District, including descriptions of particular use standards (\*) that apply to the CO District:

Use	P/S/A	Use Standard
<b>Group Living</b>		
Group Home, General (11 or more)	S	
<b>Community Facilities</b>		
Cemetery	P*	505
College/University	P	
Cultural Center/Library	S	
Day Care Center	S*	507
Lodge, Fraternal & Civic Assembly	S*	512
Postal & Parcel Service	P	
Public Safety	P	
School	P	
Funeral and Interment	P*	505
Temporary Shelter	S*/A*	544/522
Social Service Agency	P	
Community Meal Program	S/A*	522
Utilities, Minor	P*/A*	530
Utilities and Service, Major	S	
Extended Care Facility, General	P	
<b>Medical Facilities</b>		
Health Care Office, Health Care Clinic	P	
Outpatient Care Facility	P*	519
<b>Recreation Facilities</b>		
Active Recreation	S	
Passive Recreation	P	
Nature Preserve/Undeveloped	P	
<b>Religious Assembly</b>		
Campus or Community Institution	P*	522
Neighborhood Institution	P*	522
<b>Animal Services</b>		
Sales and Grooming	P	
Veterinary	P	

Eating and Drinking Establishments		
Accessory Bar	A*	509
Fast Order Food	P*	511 & 509 – Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Private Dining Establishments	P*	539
Restaurant, Quality	P*	524 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Office		
Administrative and Professional	P*	518
Financial, Insurance & Real Estate	P*	510
Other	P*	537
Parking Facilities		
Accessory	A*	535 – Accessory parking for a use permitted in a C Zoning District may be permitted in an RO or RM Zoning District, provided that the parking area shall be no greater than 10,000 square feet.
Commercial	S	
Retail Sales & Service		
Business Support	P	
Food and Beverage	P*	511 – Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Mixed Media Store	P*	516 – Gross floor area shall not exceed 5,000 square feet.
Retail Sales, General	P*	525 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Industrial Facilities		
Research Service	S	
Adaptive Reuse		
Designated Historic Property	S*	501

### **Residential – ~~High~~ Medium Density**

~~The intent of the high density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses.~~ The intent of the medium-density residential category is to reflect the ~~in this District Plan, only the area located adjacent to the east of what is development that is~~ currently named Remington Square Apartments ~~is designated for this land use.~~ Residential development in the ~~High~~ Medium Density Residential category is limited to 1-bedroom, 2-story apartments ~~That is a similar use to reflect the~~ existing Remington Square property.

~~A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of~~

~~the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.~~

While the existing density of the Remington Square property is medium density, this category recognizes that the property will have a higher density in the event the undeveloped portion to the east of the existing apartments is separated from the development. This Plan recognizes that the property owner will need to seek a rezoning to a higher density zoning district in order to maintain compliance with the Development Code should the property to the east be divided from the current Remington Square property. A plan to develop the undeveloped portion should accompany any proposed division. The plan to develop must be shown to be compliant with this District Plan as any rezoning of the existing development proceeds for review.

No additional development density or intensity is anticipated on the Remington Square property with this designation.

***Primary Uses:*** 1-bedroom, 2 story multi-dwelling structures

***Zoning Districts:*** RM2415 (Multi-Dwelling Residential) as developed; and PD (Planned Development Overlay) District RM24 (Multi-Dwelling Residential) if divided, but with no additional density or intensity at the Remington Square property.

***Density:*** ~~16+ dwelling units/acre, not to exceed 24 dwelling units per acre~~ 15 dwelling units/acre (24 dwelling units/acre if the property is rezoned after a division)

### **Commercial Office**

The intent of the Commercial Office category is to function as a medium-intensity office zoning district. It is also intended to prevent strip commercial development by allowing office uses and only limited commercial retail uses and to serve as a land use buffer between Arterial streets and residential neighborhoods. The category allows freestanding office buildings as well as office parks.

The category permits general office uses along with other uses such as medical offices, community facilities, religious institutions, etc. The category permits limited commercial retail uses, generally limited to being a part of a mixed use office development and not as free standing commercial uses. The Commercial Office category **does not** permit residential uses.

***Primary Uses:*** offices, medical offices, churches, schools, social service agency, post office, limited retail, and banks

***Zoning Districts:*** CO (Commercial Office)

***Density:*** medium

### Neighborhood Commercial

It's also important to note that the Plan as originally approved contains language in the Neighborhood Commercial future land use description discouraging residential development in the commercial district. Therefore, no change is proposed to the Neighborhood Commercial category. Note the existing description below with the emphasis added to the relevant language:

#### **Commercial – Neighborhood Center**

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level.

*Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.*

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6<sup>th</sup> Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connections, will need to include 4-sided architecture and comply with the Commercial Design Standards.

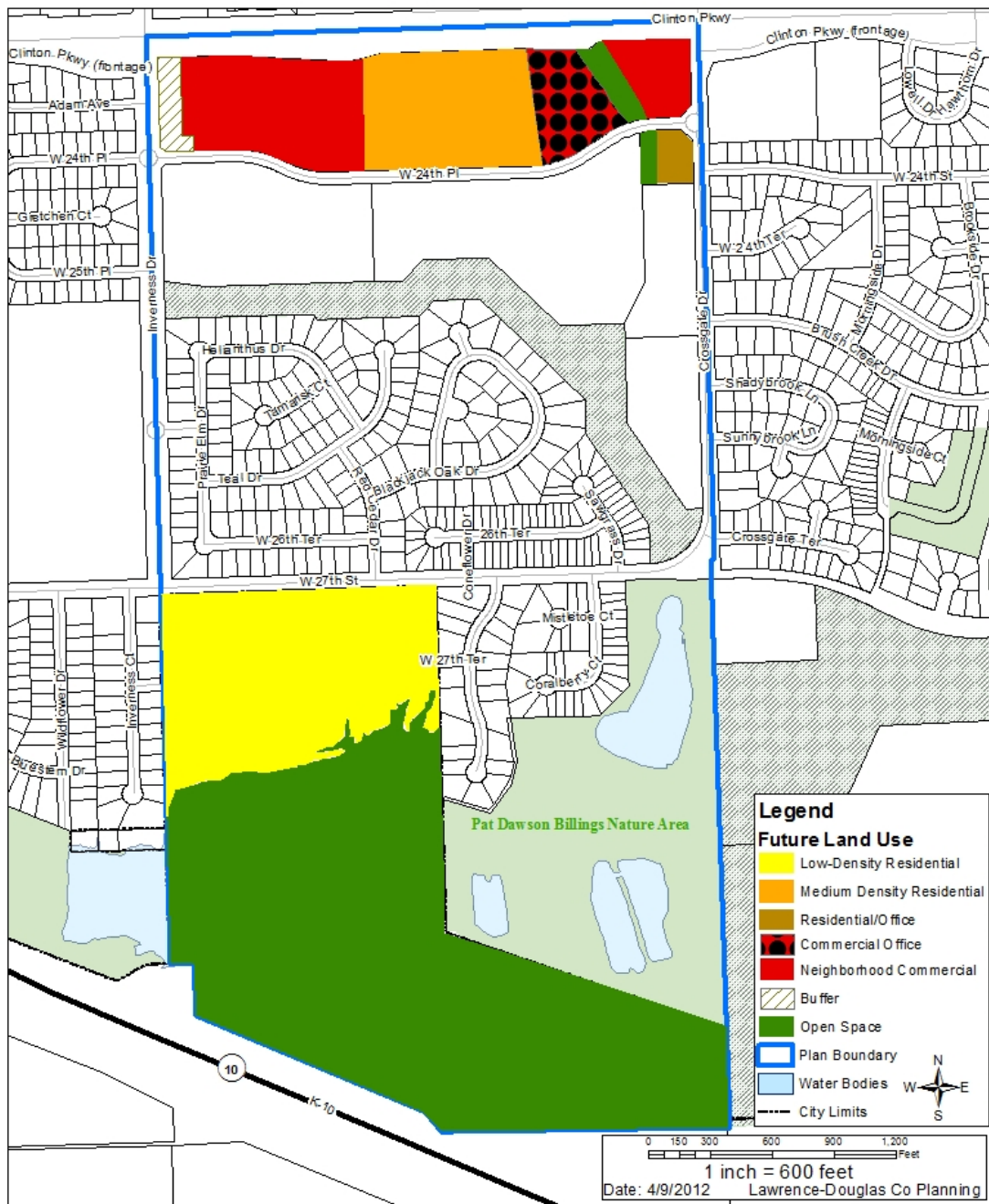
A public process for site planning these properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement applies to these properties because of their location on Clinton Parkway, the fact they are within a developed neighborhood, and because there is public interest in the potential infill development of these properties. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.

***Primary Uses:*** eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities

***Zoning Districts:*** CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District and PD (Planned Development Overlay) District

***Intensity:*** medium-high

## Inverness Park District Plan Future Land Use



**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**

PC Staff Report  
4/23/12

**ITEM NO. 3: CPA-2-1-12 (DDW)**

**CPA-2-1-12** Amend Horizon 2020, Chapter 14, Inverness Park District Plan, to revise the District Plan.

**STAFF RECOMMENDATION:** Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – Inverness Park District Plan – to revise the Inverness Park District Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

**STAFF RECOMMENDATION:** If appropriate, approve and sign Planning Commission Resolution 3-2-12.

**BACKGROUND**

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan.

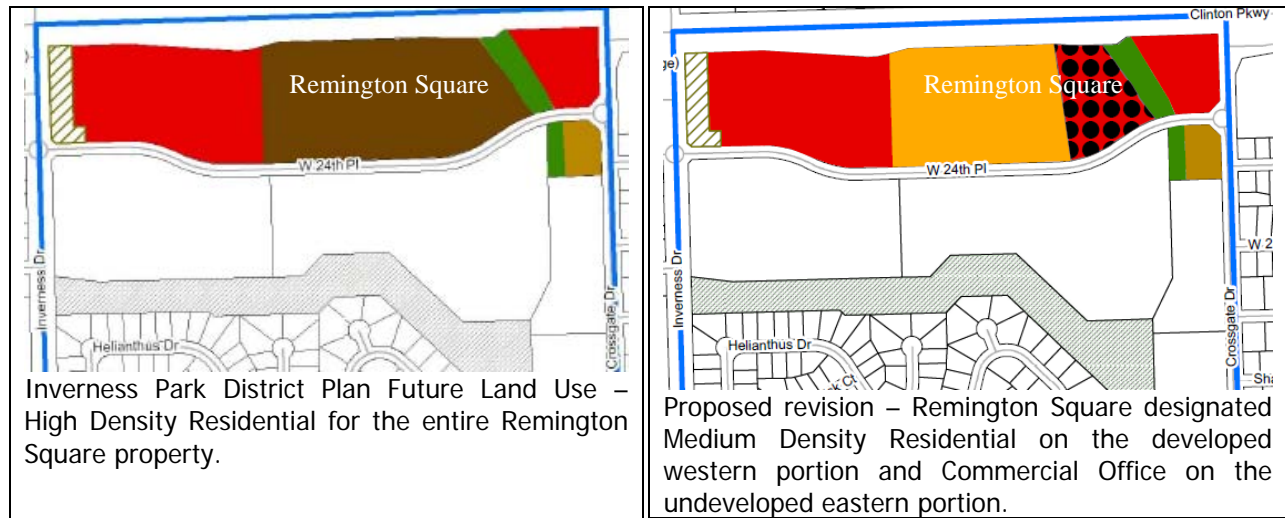
The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

The Lawrence-Douglas County Planning Commission reviewed the Inverness Park District Plan at their meeting on March 26, 2012. The Commission took public comment and discussed the Plan. The Commission supported the designation of CO for the currently undeveloped portion of the Remington Square property. The Commission directed Staff to bring back a proposal to designate the currently developed portion of the Remington Square property as Medium Density with a caveat that the developed portion of the property will need a higher density zoning district in the event the undeveloped portion of the Remington Square property is divided for development in the future.



## STAFF REVIEW

The approved *Inverness Park District Plan* designates the entire property known as Remington Square as High Density Residential. This proposal designates the existing Remington Square property as Medium Density Residential to reflect the existing density of the development. This proposal also accounts for the fact that if the undeveloped portion is separated from the developed portion the density of the property will no longer be medium density as it exists today. The Medium Density category recognizes that the property owner would need to rezone the property to a higher density in order to be compliant with a zoning district after the separation of the undeveloped portion. A plan to develop the undeveloped portion should accompany any proposed division. The plan to develop must be shown to be compliant with this District Plan as any rezoning of the existing development proceeds for review.



The proposed revision designates the undeveloped portion of the Remington Square property as Commercial Office, which the corresponding permitted zoning district would be CO (Commercial Office) District. The CO zoning district does not permit residential uses. It permits office uses, religious uses, some community facilities, medical facilities, etc. The commercial retail that is permitted in this category is limited to mixed use situations within an office development. Commercial retail is generally not permitted as a stand-alone use.

A summary of the permitted uses (P), special use permit (S), and accessory uses (A) for the CO District, including descriptions of particular use standards (\*) that apply to the CO District:

Use	P/S/A	Use Standard
<b>Group Living</b>		
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Cemetery	P*	505
College/University	P	
Cultural Center/Library	S	
Day Care Center	S*	507
Lodge, Fraternal & Civic Assembly	S*	512
Postal & Parcel Service	P	
Public Safety	P	

School	P	
Funeral and Interment	P*	505
Temporary Shelter	S*/A*	544/522
Social Service Agency	P	
Community Meal Program	S/A*	522
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Medical Facilities		
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Recreation Facilities		
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Nature Preserve/Undeveloped	P	
Religious Assembly		
Campus or Community Institution	P*	522
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Animal Services		
Sales and Grooming	P	
Veterinary	P	
Eating and Drinking Establishments		
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Retail Sales, General	P*	525 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Industrial Facilities		
Research Service	S	
Adaptive Reuse		
Designated Historic Property	S*	501

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below which are identified in Chapter 17, Implementation, of *Horizon 2020*.

## **COMPREHENSIVE PLAN AMENDMENT REVIEW**

**A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?**

The proposed amendment is a result of the City Commission revising their position on how the undeveloped portion of Remington Square should be developed. This is a revised plan that provides more clarity regarding the recommended future land use designation of the undeveloped Remington Square property.

**B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?**

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies by guiding development in the planning area while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to residential land use, transportation, parks and recreation, and the various other components of the comprehensive plan. The amendment helps to provide a framework for future development and is more specific regarding policies for the planning area.

**C. Is the proposed amendment a result of a clear change in public policy?**

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan. The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

## **PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – Inverness Park District Plan – to revise the Inverness Park District Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

# Inverness Park District Plan

**Lawrence-Douglas County Planning and Development Services**

**Lawrence-Douglas County Planning Commission –  
Lawrence City Commission –  
Douglas County Board of County Commissioners –**

Proposed revisions are found on pages: 17, 18, 21, and 22. Proposed new language is underlined while proposed deleted language is ~~struck through~~. The proposed new future land use map is located on page 22.

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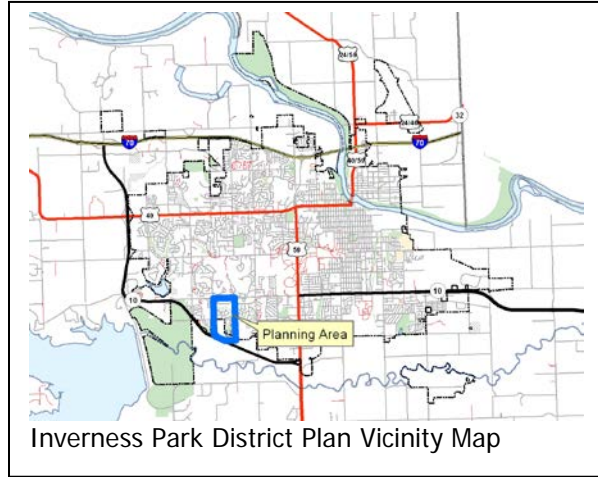
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## I. Introduction and Purpose

### Location

The Inverness Park planning area is located south of Clinton Parkway between Inverness and Crossgate Drives south to K-10 Highway.



### Setting

The area is primarily urban in nature with most of the planning area within the city of Lawrence, but there is a rural residence and undeveloped county farm land in the southern portion of the planning area. Clinton Parkway, a principle arterial roadway, is the northern boundary of the planning area. There are public and private schools west and north of the planning area and park land in the southeastern portion of the planning area.

### Background

The Inverness Park area began developing when an annexation request for 163.46 acres was approved in 1999. The development application for the area included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B to accommodate a mix of multi-family and office uses for the most intensive part of the development of the 163 acres. The area south of W. 24<sup>th</sup> Place, but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W. 24<sup>th</sup> Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24<sup>th</sup> Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24<sup>th</sup> Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land

uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan with more apartments being developed than originally planned.

### **Purpose**

The purpose of the Inverness Park District Plan is to plan for the urban development of the remaining undeveloped property within the planning area. Concerns have been raised by residents in the area about the proliferation of multi-family uses and the impact they are having on the area. This Plan will primarily act as the City's official land use guide for development of the remaining undeveloped land in the Inverness Park District Plan planning area. Development on the property in the unincorporated area is not anticipated until annexed into the city.

### **Relation to Other Plans**

This Plan constitutes an amendment to *Horizon 2020*. The Plan deviates from some elements of *Horizon 2020*. Additional policy guidance has foundation in the following plans:

- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- Lawrence-Douglas County Bicycle Plan, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- City of Lawrence, Kansas Water Master Plan. Black & Veatch. December 2003.
- City of Lawrence, Kansas Wastewater Master Plan. Black & Veatch. December 2003.

### **Process**

The Lawrence City Commission initiated the Inverness Park District Plan on November 9, 2010. A kick-off meeting for the Inverness Park District Plan was held on February 3, 2011. Stakeholders were asked to provide their thoughts on the Strengths, Weaknesses, Opportunities, and Threats (SWOT exercise) for the planning area and participate in a small group future land use exercise. The 2<sup>nd</sup> public meeting for the plan was held on March 3, 2011. Those that attended the meeting reviewed the SWOT exercise results and the draft goals and policies and were also asked to provide comments on future land use options. The group also heard a presentation from developers interested in the Inverness and Clinton Parkway corner. Planning Staff developed the 1<sup>st</sup> draft of the Plan with input from property owners within the planning area and other stakeholders.

The 1<sup>st</sup> draft of the Plan was reviewed by the Lawrence-Douglas County Planning Commission at their meeting on May 25, 2011. The Commission took public comment and provided direction to staff. The 2<sup>nd</sup> draft of the Plan was released on July 5, 2011. The Planning

Commission approved the plan at their meeting on July 27, 2011. The Lawrence City Commission approved the plan on September 13, 2011 and the Douglas County Board of Commissioners approved the plan on October 12, 2011.



## **II. Existing Conditions**

### **A. Current Land Use**

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there are approximately 70 acres which is located within unincorporated Douglas County south of 27<sup>th</sup> Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1.

#### **Undeveloped Property**

The Inverness Park District Plan is focusing on providing future land use guidance for the remaining undeveloped property within the planning area. Those properties are described below (each is numbered and labeled on Map 2-1 and Map 2-1a):

No. 1: The southeast corner of Clinton Parkway and Inverness Drive is an approximately 11 acre parcel currently zoned RSO (previously zoned RO-1B). The property lies at the signalized intersection of Clinton Parkway and Inverness Drive. The access management policy in place along Clinton Parkway (described in Section V) prohibits direct access to Clinton Parkway for this property. Access to Inverness Drive is also restricted by plat, meaning this property would take access from W. 24<sup>th</sup> Place. There is an existing round-a-bout at W. 24<sup>th</sup> Place and Inverness Drive.

Issues:

- This is a larger parcel capable of accommodating neighborhood scale commercial and multi-family residential.
- Landscape buffer to buffer the higher intensity uses from the residential neighborhood to the west.
- Neighbor interest in park vs. feasibility of development potential due to location.

No. 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15 (originally zoned RO-1B – RSO and rezoned to RM15), and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acres parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.
- Owner plans to maintain 1 bedroom development.

No. 3: The property on the southwest corner of Clinton Parkway and Crossgate Drive is approximately 3 acres and is zoned RSO (previously zoned RO-1B). This property has regulatory flood hazard area along the west property line. Access management along Clinton Parkway and plat restrictions along Crossgate Drive meaning this property would take access from W. 24<sup>th</sup> Place. There is an existing round-a-bout at W. 24<sup>th</sup> Place and Crossgate Drive.

Issues:

- The Lawrence-Douglas County Planning Commission supported commercial zoning for a Walgreens at this location in 2008.

No. 4: The property on the southwest corner of Crossgate Drive and W. 24<sup>th</sup> Place is approximately 1 acre and is also zoned RSO. Access is restricted along Crossgate Drive by plat meaning this property would take access from W. 24<sup>th</sup> Place. This property also has regulatory flood hazard area along the west property line.

Issues:

- 1 acre size of property is challenging for development.

No. 5: There are two properties south of W. 27<sup>th</sup> Street that are within unincorporated Douglas County. The two parcels total approximately 70 acres. One parcel is a rural residential use and the other is an agriculture use. A large portion of the property contains regulatory flood hazard area, which will impact the developable area of the properties. This property has low density urban development to the north, west and east. The property is close to schools and parks, which makes it desirable for future urban low density development.

No. 6: Finally, there is another property within unincorporated Douglas County that is immediately south of the Pat Dawson Billings Nature Area that contains approximately 22 acres. This property is entirely encumbered by regulatory flood hazard area.

## **B. Current Zoning**

The City of Lawrence *Land Development Code* and the Douglas County *Zoning Regulations* are intended to implement the goals and policies in *Horizon 2020* in a manner that protects the health, safety, and general welfare of the citizens. The *Land Development Code* and the Douglas County *Zoning Regulations* establish zoning regulations for each land use category which development must follow.

The planning area is primarily located in the city and partially within the county. Map 2-2 shows the current zoning designations and Tables 2-1 and 2-2 below describe the map designations.

Table 2-1

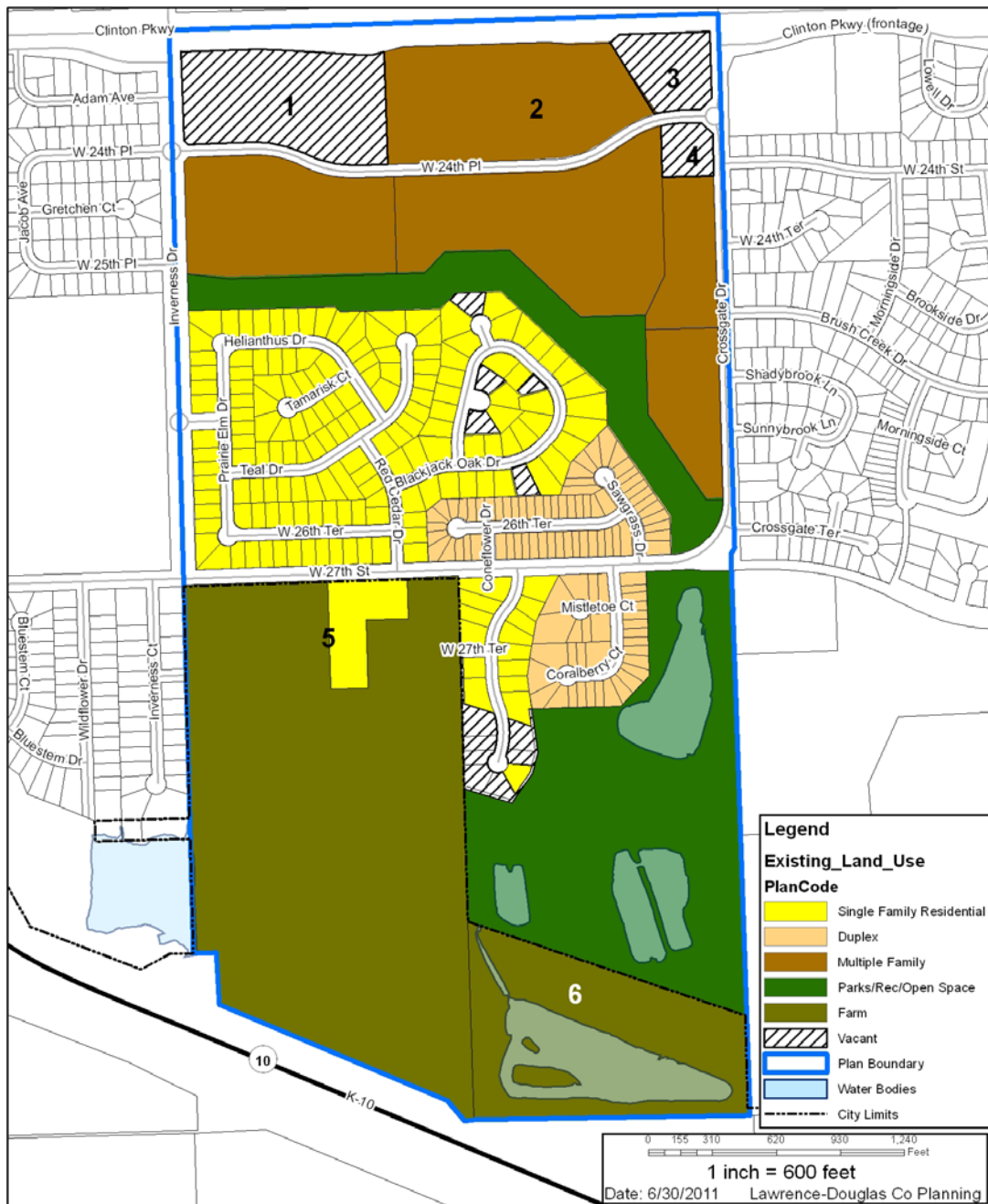
<b>City Zoning</b>	<b>District Name</b>	<b>Comprehensive Plan Designation</b>
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	<b>Low-Density Residential</b>
RSO	Single-Dwelling Residential-Office (2,500 sq. feet per dwelling unit)	<b>Low or Medium-Density Residential</b>
RM12D	Multi-Dwelling Residential (12 dwelling units per acre)	<b>Medium-Density Residential</b>
RM15	Multi-Dwelling Residential 15 dwelling units per acre	<b>Medium-Density Residential</b>
PRD	Planned Residential Development	<b>N/A</b>
OS	Open Space	<b>N/A</b>

Table 2-2

<b>County Zoning</b>	<b>District Name</b>	<b>Comprehensive Plan Designation</b>
A	Agricultural	<b>Agriculture</b>
VC	Valley Channel	<b>N/A</b>

## Map 2-1 Existing Land Use

### Inverness Park District Plan Existing Land Use



### Map 2-1a Aerial

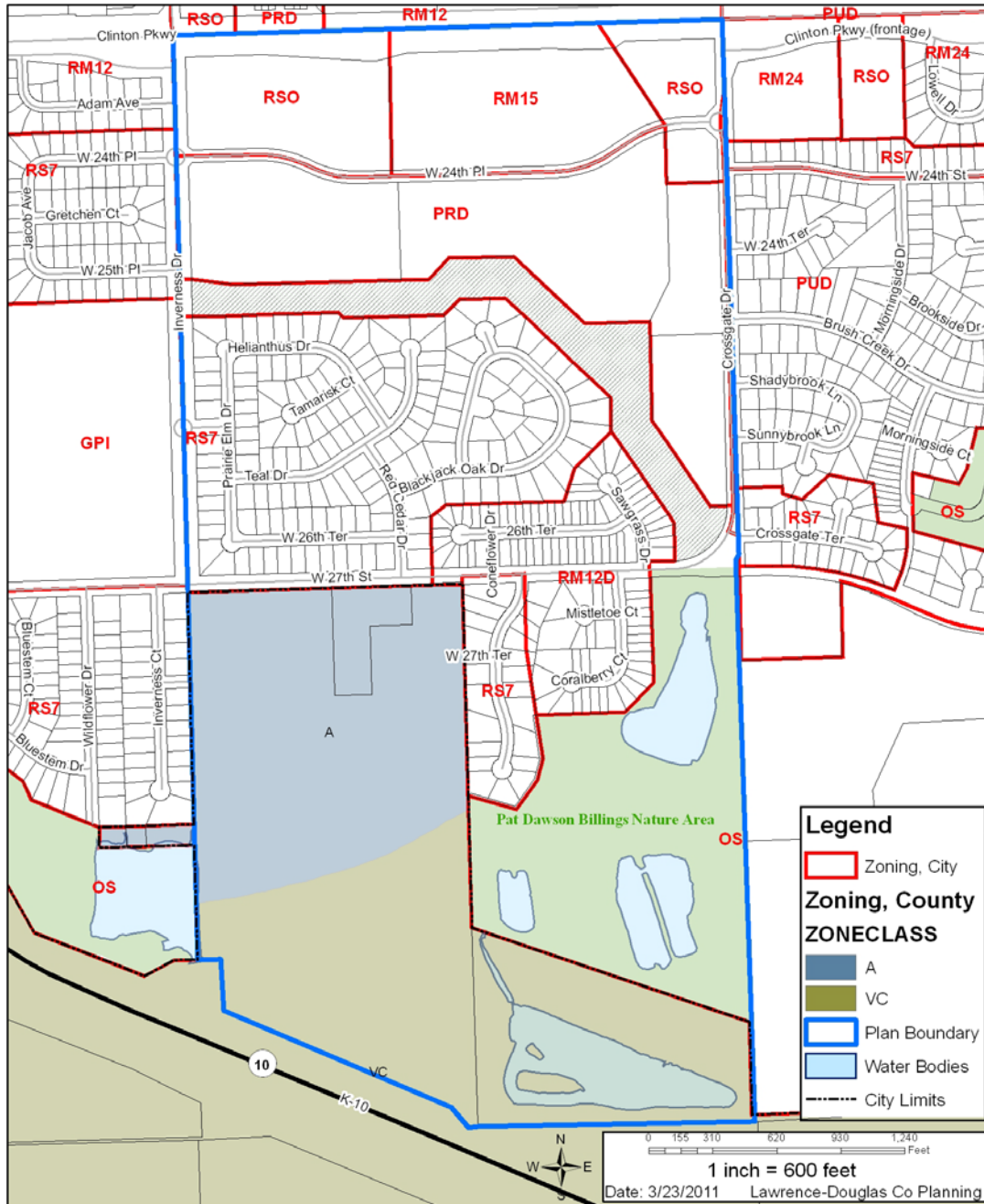
## Inverness Park District Plan Aerial





Map 2-2 Existing Zoning

# Inverness Park District Plan Existing Zoning



### **C. Flood Hazard Area**

There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. See Map 2-3. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

### **D. Parks and Recreational Facilities**

There are currently existing parks or park properties located in the planning area. The Pat Dawson Billings Nature Area is located south of 27<sup>th</sup> Street in the southeastern portion of the planning area. A future linear park is located south of the Legends at KU and The Grove properties, which are south of W. 24<sup>th</sup> Place. See Map 2-4.

### **E. Transportation**

*Transportation 2030* (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-5. The classification system can be described as a hierarchy from the lowest order, (local streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths. Clinton Parkway is designated as a principle arterial. Inverness Drive, Crossgate Drive and W 27<sup>th</sup> Street are designated as collectors. The remaining streets within the planning area are local streets.

There currently are transit routes that travel to or through the planning area.

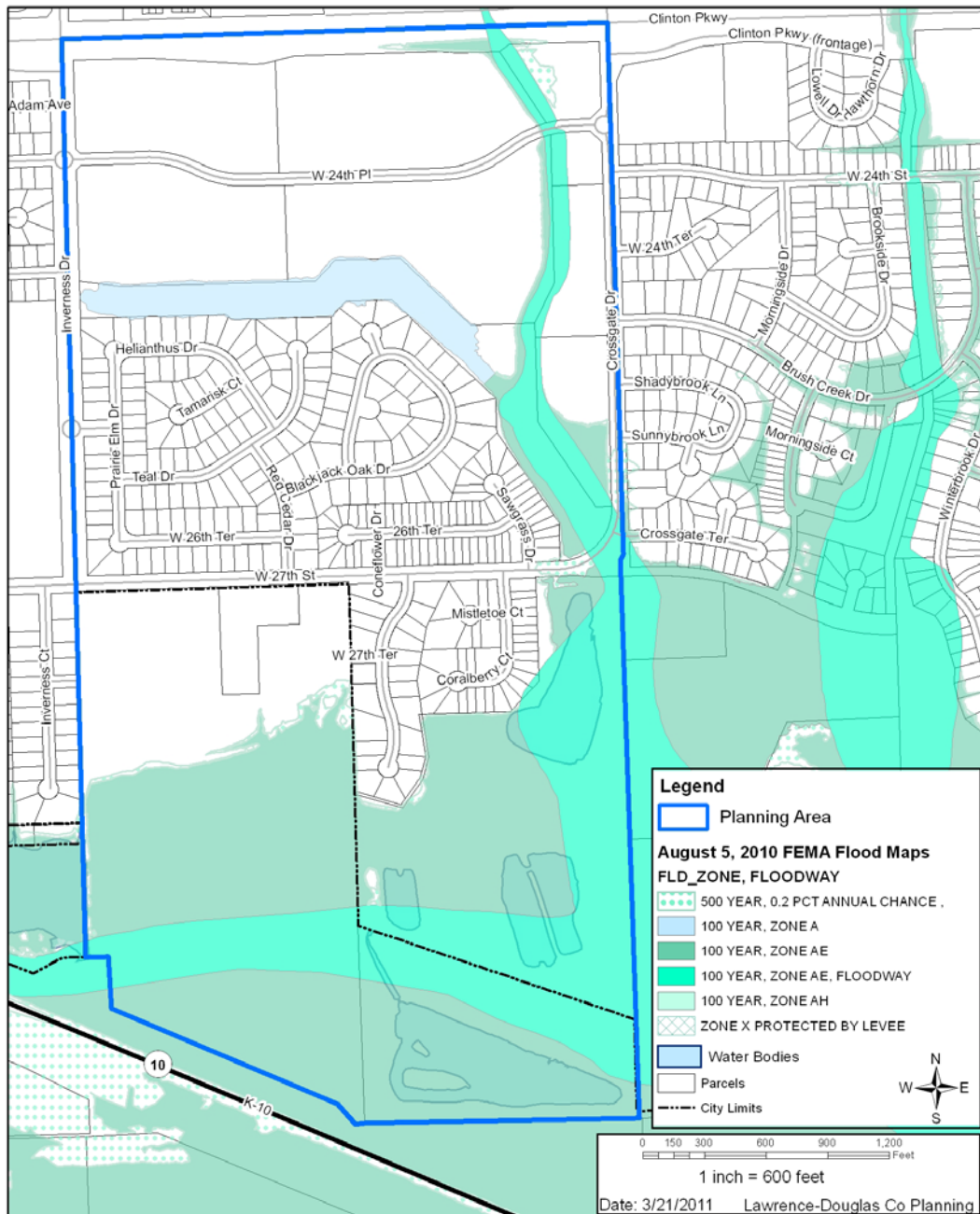
The planning area includes existing and future bike routes, lanes, and recreational paths identified by T2030 and these are shown on Map 2-6. Bike lanes are a separate space designated with striping, signage or pavement markings for exclusive use by bicycles with a street or road. Bike routes are a network of streets to enable direct, convenient, and safe access for bicyclists. A recreational path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.



Different types of bicycle facilities are linked to a certain street classification. Recreational Paths are part of Arterials, Bike Lanes are part of Collectors, and Bike Routes are also part of Collectors. Clinton Parkway, Inverness Drive, and W. 27<sup>th</sup> Street are designated as shared use paths. Crossgate Drive is designated as a bike route.

## Map 2-3 Flood Hazard Area

### Inverness Park District Plan Flood Hazard Area



## Map 2-4 Parks and Recreation Facilities

### Inverness Park District Plan Existing and Future Parks and Recreation Facilities



## Map 2-5 Future Thoroughfares

### Inverness Park District Plan Future Thoroughfares



## Map 2-6 Bicycle Facilities

### Inverness Park District Plan Bicycle Facilities



## **F. Schools**

### School Districts

The planning area is located entirely within the Lawrence USD 497 school district.

### School Locations

Public schools Sunflower Elementary and Southwest Jr. High are located just west of the planning area across Inverness Drive. Private schools are also located near the planning area. Bishop Seabury is located north of the planning area across Clinton Parkway and Raintree Montessori School is located west of the planning area along Clinton Parkway.

### **III. Goals and Guiding Principles**

The following policy statements in Sections III - V are for the development of the remaining undeveloped property in the Inverness Park District Plan planning area.

Revisions to the goals and policies that were released at the 2<sup>nd</sup> public meeting on March 3, 2011 are shown with strikethroughs for deleted language and underlines for new language.

#### **Goals**

Encourage nonresidential land uses at the Inverness and Crossgate corners of Clinton Parkway that are compatible with the residential uses in the planning area.

Develop a strong park/trail system.

Develop single-family residential uses south of 27<sup>th</sup> Street at densities compatible with adjacent densities.

Protect the regulatory flood hazard areas from development.

#### **Policies**

Allow for neighborhood-level commercial, office, civic, institutional and recreation activities on the Inverness and Crossgate corners of Clinton Parkway.

Encourage mixed use development (i.e. residential and non-residential uses) along Clinton Parkway.

Limit additional multi-family uses in the Planning Area.

Develop single-family residential uses south of 27<sup>th</sup> Street.

Encourage a creative mixture of development in the area south of 27<sup>th</sup> Street that includes small lots, but also large lots that can use the regulatory flood hazard areas as an amenity that is protected from development.

Ensure that adequate public facilities are available prior to developing the remaining undeveloped property within the planning area.

Develop a pedestrian trail on the future park land south of the Legends at KU and The Grove developments.

Maintain the integrity of Clinton Parkway as an access restricted thoroughfare.

Redevelopment of any existing properties should maintain their land use designations as reflected on Map 2-1.

#### IV. Future Land Use

The Inverness Park District Plan Future Land Use Section illustrates conceptual guides for future development of the remaining undeveloped properties within the planning area that embody the vision and goals presented in Section III. The future land use map in this Section is conceptual and should not be used to determine precise zoning boundaries. The following land uses, zoning districts, and densities are the “maximum recommended” and assume that less intensive land uses, zoning districts, or densities are appropriate.

##### Future Land Use Categories

###### Residential – Low Density

The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses. Development in this area should be compatible with single-family character, which could include such uses as churches, small-scale daycares and institutional uses.

**Primary Uses:** Detached dwellings, attached dwellings, group home, public and civic uses

**Zoning Districts:** RS10 (Single-Dwelling Residential), RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), PD (Planned Development Overlay)

**Density:** 6 or fewer dwelling units/acre

###### Residential – ~~High~~ Medium Density

~~The intent of the medium-density residential category is to reflect the intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the area located adjacent to the east of what is the development that is currently named Remington Square Apartments is designated for this land use.~~ Residential development in the ~~High~~ Medium Density Residential category is limited to 1-bedroom, 2-story apartments. ~~That is a similar use to reflect the existing Remington Square property.~~

~~A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.~~

While the existing density of the Remington Square property is medium density, this category recognizes that the property will have a higher density in the event the undeveloped portion to the east of the existing apartments is separated from

the development. This Plan recognizes that the property owner will need to seek a rezoning to a higher density zoning district in order to maintain compliance with the Development Code should the property to the east be divided from the current Remington Square property. A plan to develop the undeveloped portion should accompany any proposed division. The plan to develop must be shown to be compliant with this District Plan as any rezoning of the existing development proceeds for review.

No additional development density or intensity is anticipated on the Remington Square property with this designation.

***Primary Uses:*** 1-bedroom, 2 story multi-dwelling structures

***Zoning Districts:*** ~~RM2415 (Multi-Dwelling Residential) as developed; and PD (Planned Development Overlay) District~~ RM24 (Multi-Dwelling Residential) if divided, but with no additional density or intensity at the Remington Square property.

***Density:*** ~~16 dwelling units/acre, not to exceed 24~~ 15 dwelling units/acre (24 dwelling units/acre if the property is rezoned after a division)

### **Residential Office**

The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with medium density residential. This category can serve as a buffer between higher intensity uses and major roads to lower intensity/density land uses.

***Primary Uses:*** office, detached dwellings, duplex dwellings

***Zoning Districts:*** RSO (Single Dwelling Residential-Office)

***Density/Intensity:*** 7-15 dwelling units/acre/medium

### **Commercial Office**

The intent of the Commercial Office category is to function as a medium-intensity office zoning district. It is also intended to prevent strip commercial development by allowing office uses and only limited commercial retail uses and to serve as a land use buffer between Arterial streets and residential neighborhoods. The category allows freestanding office buildings as well as office parks.

The category permits general office uses along with other uses such as medical offices, community facilities, religious institutions, etc. The category permits limited commercial retail uses, generally limited to being a part of a mixed use office development and not as free standing commercial uses. The Commercial Office category does not permit residential uses.

***Primary Uses:*** offices, medical offices, churches, schools, social service agency, post office, limited retail, and banks

***Zoning Districts:*** CO (Commercial Office)

***Density:*** medium



### **Commercial – Neighborhood Center**

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level.

Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6<sup>th</sup> Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connections, will need to include 4-sided architecture and comply with the Commercial Design Standards.

A public process for site planning these properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement applies to these properties because of their location on Clinton Parkway, the fact they are within a developed neighborhood, and because there is public interest in the potential infill development of these properties. A public process for site planning will permit the governing body the ability to require the development to exceed

certain Development Code minimums such as open space, landscaping, building design, etc.

**Primary Uses:** eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities

**Zoning Districts:** CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District and PD (Planned Development Overlay) District

**Intensity:** medium-high

### **Open Space**

The intent of the open space use is to provide space for opportunities for public and private recreational facilities and natural area preservation. This category primarily includes the regulatory flood hazard areas within the planning area.

**Primary Uses:** Park and open space

**Zoning Districts:** GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve)

**Intensity:** light

### **Buffer**

This designation is provided on the property that is on the southeast corner of Inverness Drive and Clinton Parkway. It is to provide a landscape buffer for the low density residential uses that are west of the property across Inverness Drive. This area should be designed in a way to provide an effective buffer from the light and noise impacts associated with the commercial development on the Inverness corner. Compliance with the buffer will be required with site plan/development plan approval.

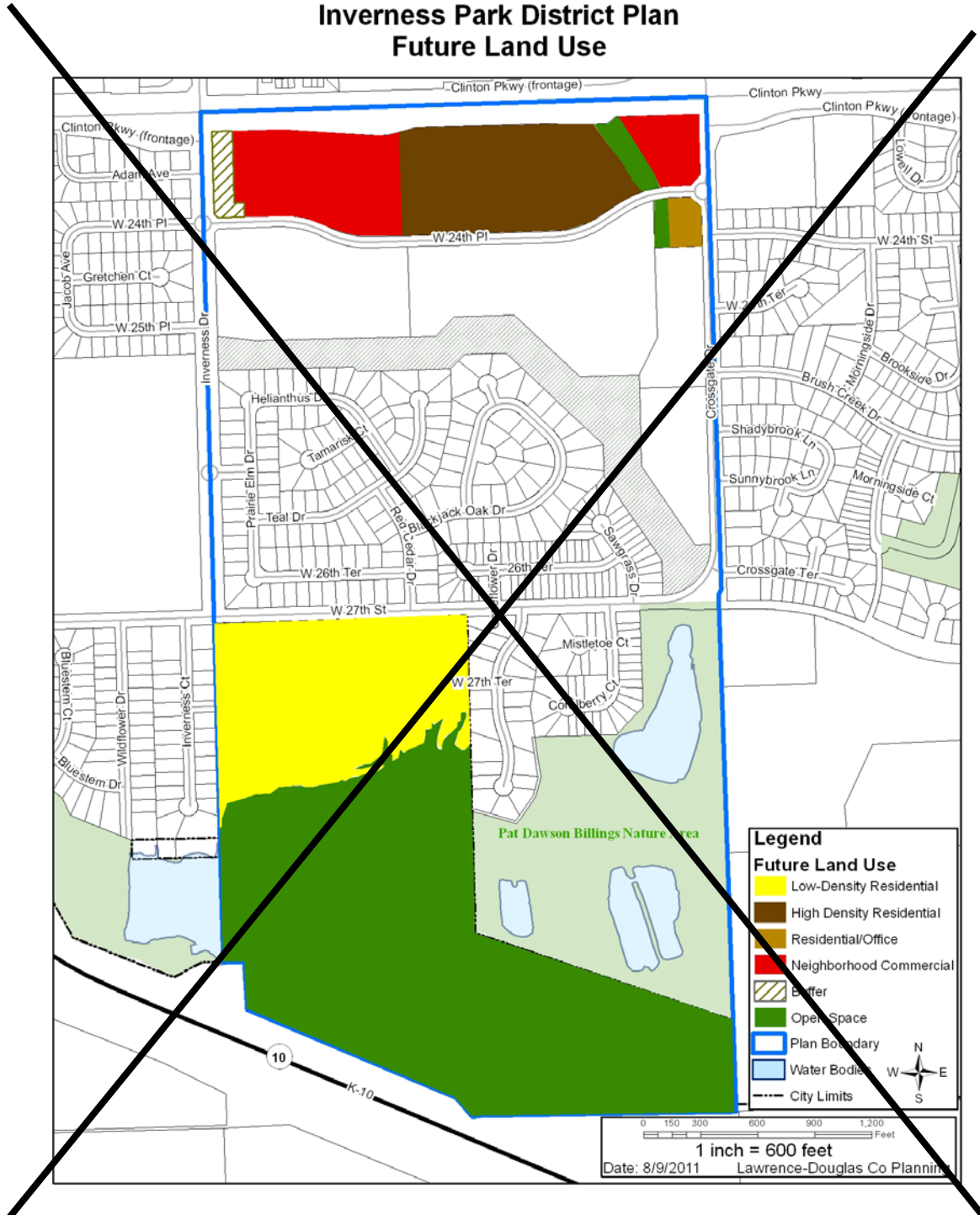
**Primary Uses:** Open Space/Landscaping

**Zoning Districts:** Same as the entire property is zoned

**Intensity:** light

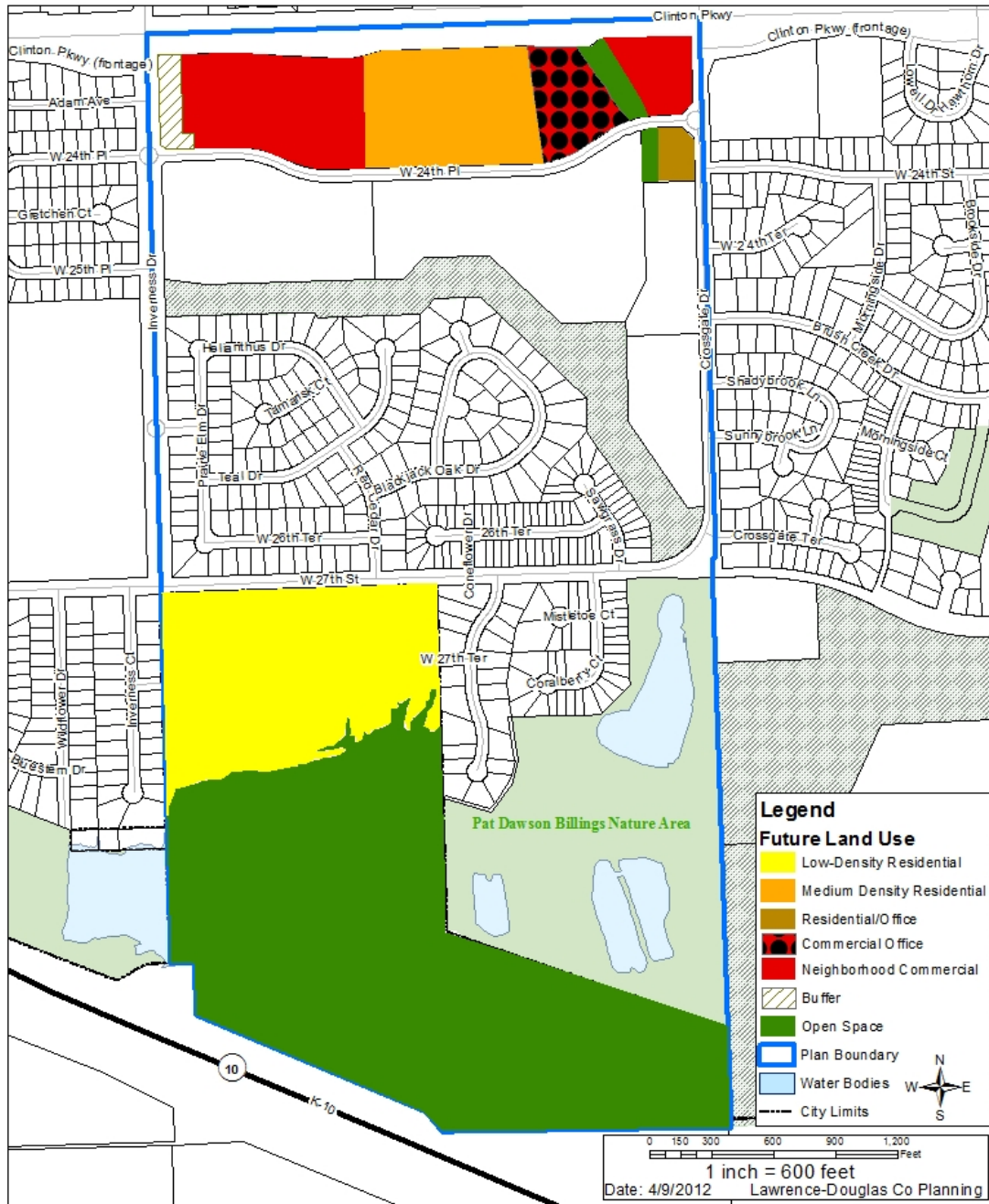
**Map 4-1 — Future Land Use**

**Inverness Park District Plan  
Future Land Use**



Map 4-1 – Future Land Use

### Inverness Park District Plan Future Land Use



## V. Clinton Parkway

### Access Management

The City of Lawrence and the Board of County Commissioners of Douglas County approved a Resolution in October of 1970 concerning access management along Clinton Parkway. The Resolution said this about Clinton Parkway:

RESOLUTION NO. 3727

WHEREAS, the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, recognize that the area within the boundaries of the City of Lawrence and within the growth pattern of the City is one urbanizing area, and

WHEREAS, it is the mutual desire and express intention of the abovenamed governing bodies that the aforementioned area should develop in an orderly manner that will provide a safe, efficient, convenient, and comfortable living environment for residents of said area and

WHEREAS, both bodies realize the importance of the proposed Clinton Reservoir to the economy and general welfare of Lawrence and Douglas County, and

WHEREAS, it is expressly understood and agreed that Clinton Parkway (that portion of 23rd Street west of Iowa Street to the proposed Jayhawk Park) will be the main access to Clinton Reservoir for residents and visitors to the community, and

WHEREAS, preliminary engineering plans have been prepared, showing limited access for Clinton Parkway at approximately every quarter mile along said roadway;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

That it is the mutual desire and intention of the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, that Clinton Parkway shall be a limited access road with no direct access except for intersecting collector roads and streets.

PASSED AND APPROVED this 6th day of October, 1970, by the Governing Body of the City of Lawrence.

THE CITY OF LAWRENCE, KANSAS

by Donald E. Metzler  
Donald E. Metzler, Mayor

ATTEST:

Vera Mercer  
Vera Mercer, City Clerk

PASSED AND APPROVED this 9th day of October, 1970, by the Governing Body of Douglas County, Kansas.

THE BOARD OF COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS

Travis E. Glass  
Travis E. Glass, Chairman

Arthur E. Heck  
Arthur E. Heck

Raymond Ice  
Raymond Ice

ATTEST:

Delbert Mathia  
Delbert Mathia, County Clerk

Clinton Parkway ultimately was constructed with limited access in a manner agreed to by the governing bodies with no direct access except at collector street intersections. Any action to seek relief from this access management decision will require appropriate governing body approval.

The result of the access management put in place has created a highly functioning roadway. This Plan does not support additional access to Clinton Parkway that will degrade the functionality of Clinton Parkway.

However, if the property at the southeast corner of Inverness Drive and Clinton Parkway is designated for commercial uses, consideration may be given to providing some limited access to Clinton Parkway. This could help to limit the impact to Inverness Drive that could result from the traffic generated by the property that would have to use Inverness Drive (and the round-a-bout) to get to W. 24<sup>th</sup> Place in order to access the property. Any consideration for limited access should only be given after a careful and detailed study of a land use proposed. The impact to the traffic signal synchronization along Clinton Parkway should also be part of that study.

## **VI. Implementation**

The purpose of this section is to provide actions that should happen as this Plan is adopted and urban development starts to occur in the planning area. Each implementation action is assigned a group or groups ultimately responsible for completing or approving the action.

- Amend Horizon 2020 Chapter 14, Specific Plans, to include the Inverness Park District Plan by reference.

**Who:** Planning Commission, City Commission, County Commission

- Amend Horizon 2020 Chapter 6, Commercial, to designate the southeast corner of Inverness Drive and Clinton Parkway and the southwest corner of Crossgate Drive and Clinton Parkway as Neighborhood Commercial Centers.

**Who:** Planning Commission, City Commission, County Commission

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

April 22, 2012

RECEIVED

APR 23 2012

City County Planning Office  
Lawrence, Kansas

Mr. Richard Hird, Chairman  
Members  
Lawrence-Douglas County Metropolitan Planning Commission  
City Hall  
Lawrence, Kansas 66044

RE: ITEM NO 3: INVERNESS PARK DISTRICT PLAN; CPA-2-1-12 TO REVISE THE DISTRICT PLAN

Dear Chairman Hird and Planning Commissioners:

We understand that there are two proposed comprehensive plan amendments (CPA) to the Inverness Park District Plan in Horizon 2020. The first proposed amendment is to recommend a Commercial/Office (CO) designation for the five-acre vacant tract on the Remington Square Apartment 15-acre lot. This would require subdividing the currently vacant land from the built-up parcel. However, doing this would render the built-up Remington Square Apartment area non-conforming because, being 5-acres smaller, the current density of the new lot would exceed its official zoning district density allotment, which now is the maximum density allowed for the 15-acre development under its RM15 District zoning. Therefore, the second recommendation of the CPA for the District Plan would be to allow the zoning on the existing apartments to be increased to RM24 in the event that this built-up lot be made smaller by subdividing off the 5-acre tract.

In discussing this issue and its recommended resolution, the Land Use Committee came to the conclusion that this approach would be rewarding a mistake that should not have happened, and could lead the way to rewarding future similar mistakes. This could encourage the practice, with unfortunate consequences.

The Committee had no objections to the vacant land becoming a CO District. However, the Committee did object to the recommendation to rezone the existing apartments to a district with a higher density. The Committee made several alternative suggestions to that of rezoning the existing apartments to RM24:

1. Develop the vacant land with a commercial/office use. Allow the existing apartment complex to be non-conforming. We recognize that this status has some disadvantages.
2. Develop the vacant land with a commercial/office use. Allow the owner to voluntarily eliminate some of the apartments to reduce their density to a conforming status.
3. Continue with the current situation and develop the vacant land as usable open space for the apartment complex.

Thank you for your attention to this issue. We hope that you will take our suggestions seriously.

Sincerely yours,

Milton Scott  
Vice President

Alan Black

Alan Black, Chairman  
Land Use Committee



**From:** Jamie Hulse [mailto:jamiehulse@att.net]  
**Sent:** Monday, April 23, 2012 4:43 AM  
**To:** Dan Warner  
**Subject:** Inverness Park District Plan

Dear Chair of the Planning Commission,

Please leave the **Inverness Park District Plan Map** showing the 15 acre Remington Square lot as **Medium Density**.

If someone at some point in the future wants to purchase the five acres of open space on the east side of the 15 acre lot, (which would require a lot split and upzoning the 10 acres of apartments), let them go through the planning process, including public hearing.

As one PC stated...If you approve this change, you disallow the ability of the owner to donate the five acres to the city as park or green space.

Changing the map confuses planning commissioners and the public into believing the 15 acres is actually divided into 2 lots.

Based on comments by Planning commissioners at meetings, several PC's are already confused about the zoning for the lot directly west of Remington Square, which is currently zoned RSO, but shown as Neighborhood Commercial on the map.

There are PC's who believe the zoning has already been changed.

At the previous PC meeting about this item, one Planning Commissioner said he owned a house on two lots, and decided to sell one of the lots to someone who built a house on it. Neighbors said "you can't do that - it's always been part of your yard."

This is not the same thing. The appropriate comparison would be an owner who had one house on one lot, and had a Planning Map showing his side yard as a separate lot.

Changing the map increases density to the 15 acres to an area that has already maxed out density. I am unable to attend the planning commission meeting, which does not reflect my concern for the outcome of the meeting.

Sincerely,

Jamie Hulse  
4403 Gretchen Ct.  
Lawrence, KS 66047

**From:** Leann Cooper [mailto:lcooper@gcsaa.org]  
**Sent:** Monday, April 23, 2012 8:20 AM  
**To:** Dan Warner  
**Subject:** Tonight: Planning Comm to vote on Inverness Park District Plan

Dear Chair of the Planning Commission,

Please leave the **Inverness Park District Plan Map** showing the 15 acre Remington Square lot as **Medium Density**.

If someone at some point in the future wants to purchase the five acres of open space on the east side of the 15 acre lot, (which would require a lot split and upzoning the 10 acres of apartments), let them go through the planning process, including public hearing.

Just because the developer did not choose to use that acreage as part of the original development, does not mean that it should be treated/zoned differently without additional planning or a public hearing. I'm not really sure why we are still having this discussion, or why we need to continually give our input as neighbors. The neighborhood has been pretty clear as to our feelings on increasing the density in that area!

Please do not change the map to make it look like there are two lots, when there is actually just one. Changing the map increases density to the 15 acres to an area that has already been maxed out. Changing the map confuses everyone.

I am unable to attend the planning commission meeting, which does not reflect my concern for the outcome of the meeting.

Sincerely,

Leann Cooper  
4408 Gretchen Ct.  
Lawrence, KS 66047

# Memorandum

## City of Lawrence – Douglas County Planning & Development Services

**To:** Lawrence-Douglas County Planning Commission

**From:** Dan Warner, AICP, Long Range Planner

**Date:** For April 23, 2012 Planning Commission Meeting

**RE:** **CPA-6-5-09:** Reconsider Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to include the Northeast Sector Plan.

### Background:

The Northeast Sector Plan was approved the Lawrence-Douglas County Planning Commission by a vote of 5-4 on September 20, 2010. The Douglas County Board of Commissioners considered the Northeast Sector Plan at meetings on May 11, 2011 and June 1, 2011. The County Commission, by a vote of 2-1, referred the Northeast Sector Plan back to the Planning Commission with specific direction. The City Commission reviewed the Northeast Sector Plan at their meeting on August 9, 2011. The City Commission also provided direction to the Planning Commission.

The Planning Commission reconsidered the Northeast Sector Plan at their regular meeting on December 12, 2011. The Commission held a public hearing and discussed the Northeast Sector Plan. The Commission provided direction to reduce the industrially designate acreage west and south of the airport from 300 acres to 125 acres, and to bring back options on the configuration of those 125 acres.

The Commission considered the Plan again at their meeting on January 23, 2012. The Commission held a public hearing and deferred the Plan to be heard again before the current membership of the Commission changes in June. The Commission also wanted to discuss the Plan again at their mid-month meeting on March 14, 2012.

The Commission discussed the Plan at their mid-month meeting on March 14, 2012 and directed staff to bring back future land use options for the Commission to consider, one of which is an option that provides for no future industrial or commercial development south and west of the airport. The future land use options are presented below.

The full NE Sector Plan Planning Commission packet can be found with the December 12, 2011 PC agenda.



## **Option 1 land use description (approved Plan – no changes)**

### **3.2.1.3 Neighborhood Commercial Center**

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas designated are rural and are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

### **3.2.1.4 Industrial**

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category is expected to urbanize.

Intensity: Medium-High

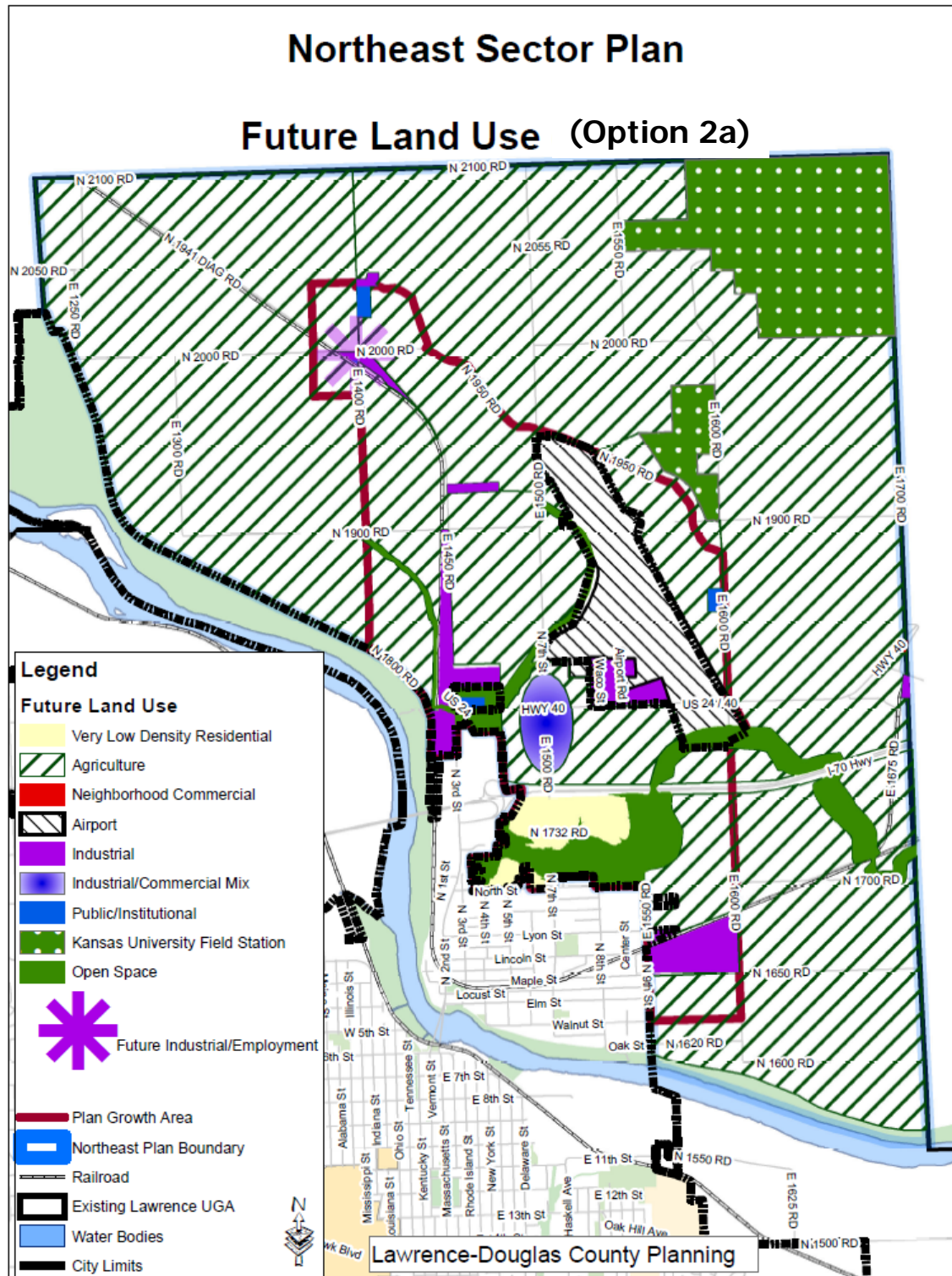
Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses



## Future Land Use Option 2a

Approximately 125 acres of Industrial/Commercial Mix



## Option 2a land use description changes

### 3.2.1.3 ~~Neighborhood Commercial Center~~

~~A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Horizon 2020, Chapter 6 Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas This category designates the property at 1697 Hwy. 40 that are as a rural commercial uses that and are is not anticipated to urbanize.~~

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); ~~Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)~~

Primary Uses: ~~non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash~~

### 3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses, including large scale or specialized industrial uses, that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. ~~Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category Properties in this category may or may not receive urban services is expected to urbanize.~~

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, ~~soil conserving agri businesses~~

#### 3.2.1.5 Industrial/Commercial Mix

The intent of the Industrial/Commercial Mix category is to allow for a mix of commercial and industrial uses proximate to the intersection of Hwy. 24/40 and E. 1500 Rd. that utilize Highway 24/40 and I-70 for materials transportation. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in this area. Commercial uses in this category shall be of a Neighborhood Commercial Center nature intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Properties in this category are expected to urbanize.

Several competing values have challenged the community on how best to plan for the area south of the airport between Hwy. 24/40 and I-70. While multi-modal transportation networks exist and a flat terrain promotes industrial uses, the area contains significant amounts of Class I & II soils, contributes to stormwater absorption, is valued for its potential agriculture production and rural character, and has public infrastructure costs related to stormwater management that must be factored into determining its future use. Additionally, the Lawrence Mayor's Peak Oil Task Force recently released their "Solutions to Peak Oil Vulnerabilities: Response Plan for Lawrence, Kansas", which includes a recommendation to: *Redraw the City's Urban Growth Area boundaries to preserve high quality soils for agricultural uses.*

In order to balance the competing values noted above, the total approximate acreage for the industrial and commercial uses shall be no greater than 125 acres. The development should be organized in a contiguous manner. A master planned project is most appropriate for this category to ensure appropriate planning of all 125 acres.

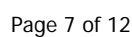
Intensity: Medium-High

Zoning Districts: Lawrence – CN2 (Neighborhood Commercial), MU (Mixed Use), IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses, non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

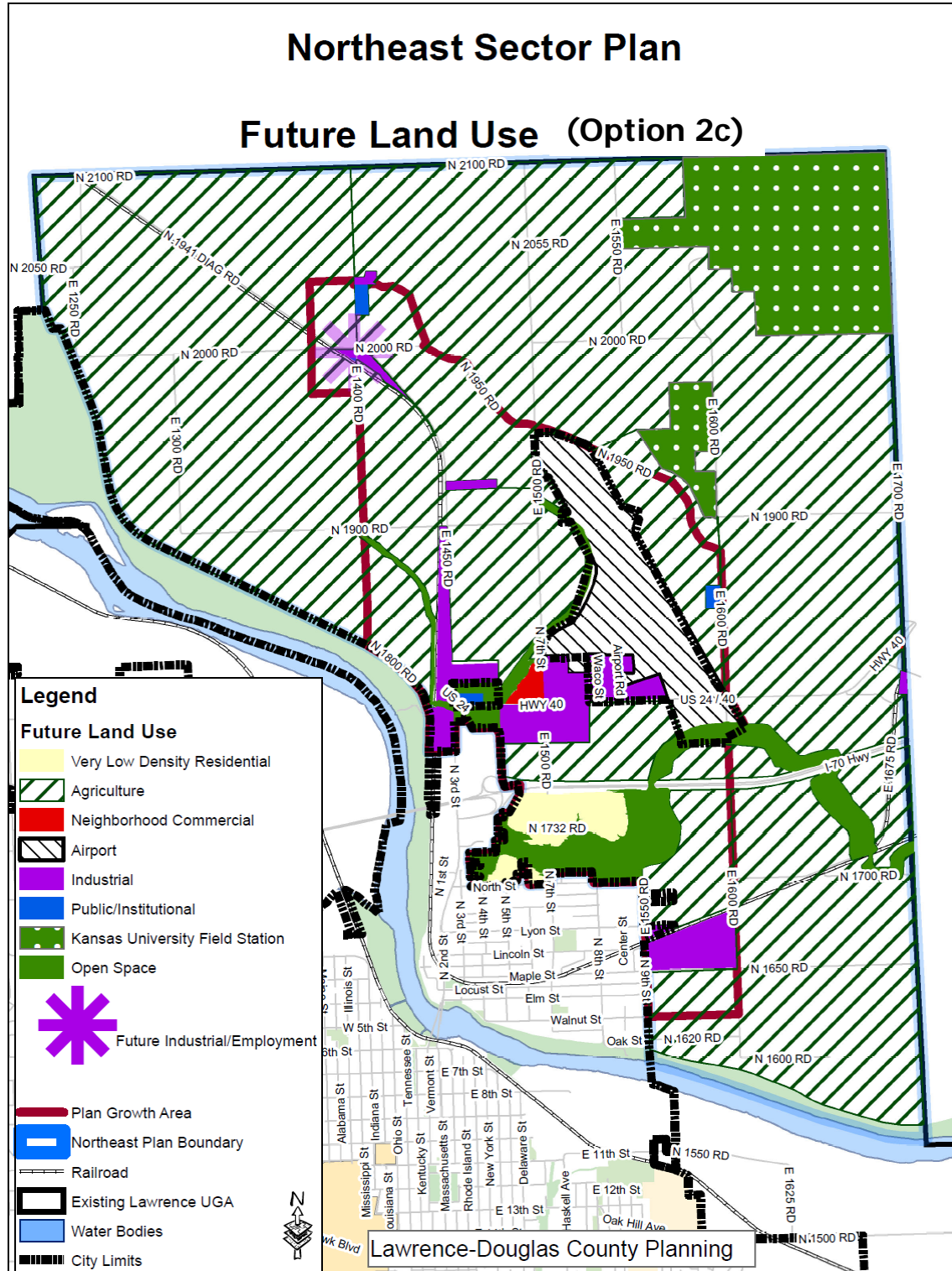


Approximately 105 acres of Industrial south and west of the airport.  
Approximately 20 acres of Neighborhood Commercial at the northwest corner of N. 7<sup>th</sup> Street and US 24/40



## Future Land Use Option 2c

Approximately 105 acres of Industrial south and west of the airport.  
Approximately 20 acres of Neighborhood Commercial at the northwest corner of N. 7<sup>th</sup> Street and US 24/40



## **Options 2b and 2c description changes**

### **3.2.1.3 Neighborhood Commercial Center**

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize at the northwest corner of ~~around~~ Highway 24/40 and E 1500 Rd, and includes approximately 20 acres. ~~Other areas designated are rural and currently exist and are~~ This category also includes the property at 1697 Hwy. 40 that is an existing rural commercial use and is not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

### **3.2.1.4 Industrial**

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. Land west of the airport and north of Highway 24/40 to E. 1550 Rd. and south of Highway 24/40 is also classified as industrial.

Several competing values have challenged the community on how best to plan for the area south of the airport between Hwy. 24/40 and I-70. While multi-modal transportation networks exist and a flat terrain promotes industrial uses, the area contains significant amounts of Class I & II soils, contributes to stormwater absorption, is valued for its potential agriculture production and rural character, and has public infrastructure costs related to stormwater management that must be factored into determining its future use. Additionally, the Lawrence Mayor's Peak Oil Task Force recently released their "Solutions to

Peak Oil Vulnerabilities: Response Plan for Lawrence, Kansas", which includes a recommendation to: Redraw the City's Urban Growth Area boundaries to preserve high quality soils for agricultural uses.

In order to balance the competing values noted above, the total approximate acreage for the industrial uses shall be no greater than 105 acres. The development should be organized in a contiguous manner that is most intense at the intersection of Hwy. 24/40 and E 1500 Rd. A master planned project is most appropriate for this category to ensure appropriate planning of all 125 commercial and industrial acres.

Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. ~~The industrial~~ Properties in this category ~~is~~ are expected to urbanize.

Intensity: Medium-High

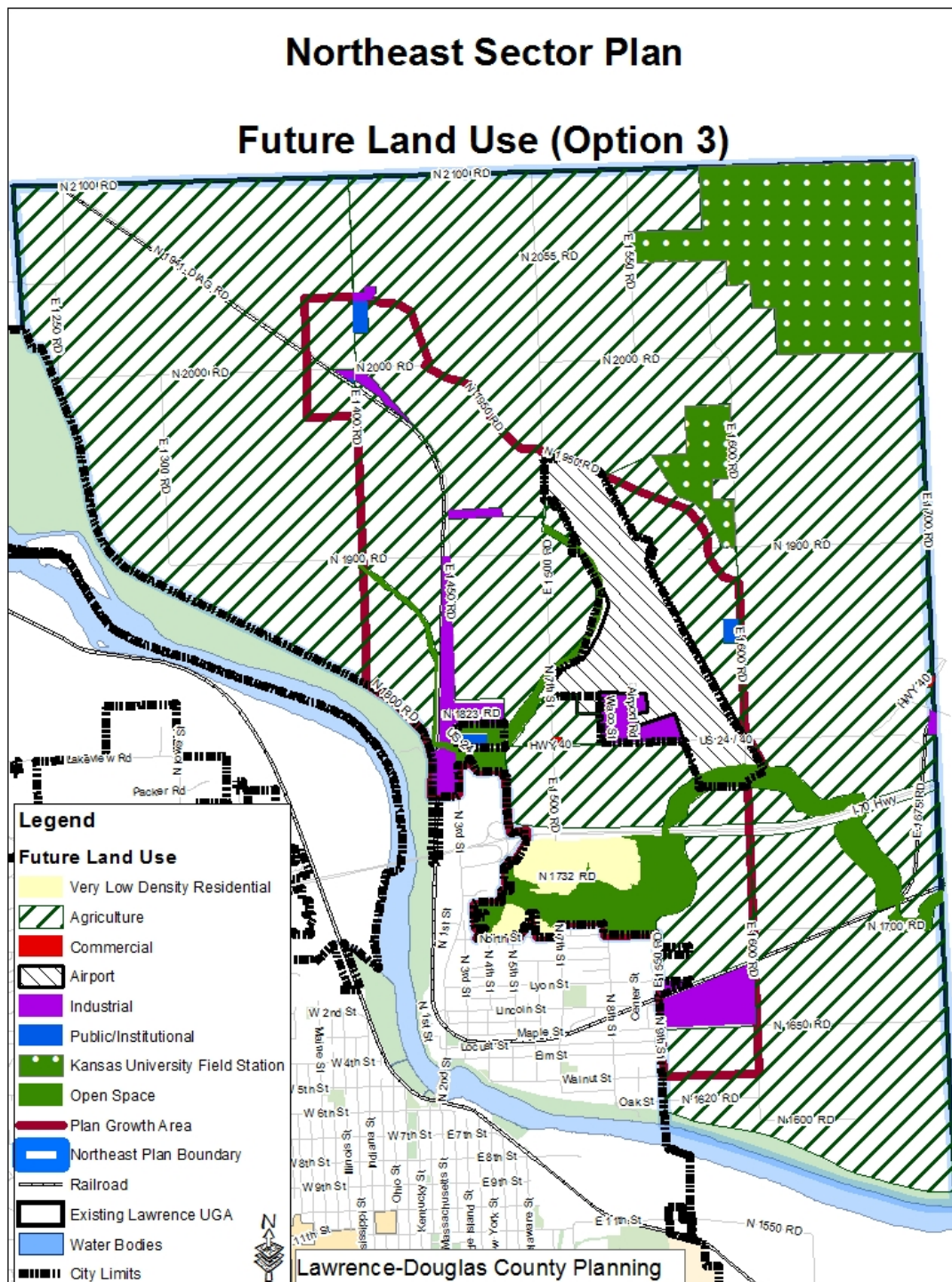
Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses



### Future Land Use Option 3

No future Industrial or Neighborhood Commercial south and west of the Airport.



### 3.2.1.3 ~~Neighborhood Commercial Center~~

~~A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Horizon 2020, Chapter 6 Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas This category designates the property at 1697 Hwy. 40 and the properties at the northeast and southwest corners of US24/40 and E 1500 Rd. that are as rural commercial uses that and are not anticipated to urbanize.~~

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); ~~Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)~~

Primary Uses: ~~non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash~~

### 3.2.1.4 Industrial

The intent of the Industrial category is to ~~allow for moderate to high impact uses, including large scale or specialized industrial uses, that utilize Highway 24/40 and I-70 for materials transportation. This category includes recognize the existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category Properties in this category may or may not receive urban services is expected to urbanize.~~

Intensity: Medium-High

Zoning Districts: Douglas County - I-1 (Limited Industrial), I-2 (Light Industrial), I-3, and I-4 (Heavy Industrial) Districts. Lawrence – ~~IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)~~

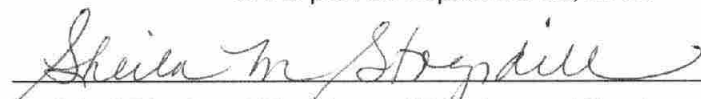
Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, ~~soil conserving agri businesses~~

# Northeast Sector Plan

**Lawrence-Douglas County Planning and Development Services**

**Lawrence-Douglas County Planning Commission – 09/20/10  
Douglas County Board of County Commissioners –  
Lawrence City Commission –**

I hereby certify that this is a true and correct copy of the comprehensive plan or part of the plan; that the Lawrence-Douglas County Metropolitan Planning Commission adopted said comprehensive plan or part of the plan on September 20, 2010.

  
Assistant Director of Planning and Development Services.





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## **Section 1: Introduction**

### **1.1 Purpose**

The purpose of the *Northeast Sector Plan* is to outline specific land use goals, policies and recommendations for the planning area shown on Map 1-1, while being consistent with the overall adopted comprehensive plan for the community. Portions of the planning area are adjacent to the city of Lawrence and because of their proximity to the city and highways, they are likely to be areas of rural and urban development pressure. However, this plan recognizes that this area is unique in its development potential and the community may benefit most by limited development.

The plan outlines future land uses for the planning area to be used as a guide for rural and urban development. This plan does not annex property nor does it rezone property upon adoption. These types of proposals are typically requested by the property owners and/or developers that have a stake in such property and wish to develop within Douglas County and within the city of Lawrence.

The plan should fit like a puzzle piece into the larger context of the surrounding street, utility, and land use network of the entire community. Logical connections between the planning area and adjacent neighborhoods are a key factor in the development of the plan. The recommendations contained within this plan are intended to guide the area's future growth patterns.

It is expected that development in the planning area will occur within the span of decades as the market demands and as urban services are able to be provided. It is anticipated that rural and agricultural uses will continue to be present and maintained as the planning area urbanizes. Because of the long timeframe of the plan, it should be reviewed on a regular basis.

## 1.2 Description of Planning Area

The *Northeast Sector Plan* planning area is located north of the city of Lawrence (see Map 1-1) and within Grant Township, in northeastern Douglas County, Kansas. The planning area contains approximately 10,640 gross acres and encompasses Grant Township north of the Kansas River.

The planning area boundaries are: E 1700 Road on the east, N 2100 Road on the north, the riverfront park on the west, and the Lawrence city limits and the Kansas River on the south. See Map 1-1. The planning area encompasses the Lawrence Urban Growth Area (UGA) in northeast Douglas County, as currently identified in *Horizon 2020*. A majority of the planning area is located in Service Area 4 which is the outer most service area in *Horizon 2020*. For Service Area 4 *Horizon 2020* states: "The land uses north of US-24/40 shall be primarily non-residential uses such as industrial, warehouse and office" and "Urban development in Service Area 4 north of the Kansas River shall not occur until after an extensive drainage study for the area north of the Kansas River has been completed." The North Lawrence Drainage Study was completed in 2005.

A portion of the planning area, south of Highway 24/40 is located in Service Area 2. *Horizon 2020* states: "Until these areas, are served by the extension of municipal services, residential urban densities of development or non-residential urban development will not be permitted. Divisions of land for rural residential development shall be permitted only when the following criteria exist: access to paved roads, conformance with minimum road frontage requirements, and availability of rural water meters. Development shall not be permitted on steep slopes (15% or greater), regulatory floodplains or other environmentally sensitive areas, and state or federally designated historic sites or landmarks. The pattern and lot layout of rural residential developments shall provide, through early planning, dedications or reservations for the logical extension of public roads and infrastructure" and "Development of these areas to urban densities should be allowed only after coordination with the phasing of municipal services and public infrastructure improvements to serve these new urban densities."

As mentioned earlier, the entire planning area is within the Lawrence UGA. The UGA was expanded to the Douglas County line in this area in 2004. This action was largely in response to concerns that the Douglas County Subdivision Regulations did not regulate rural residential growth, i.e., the 5 and 10 acre exemptions allowed the creation of residential lots without platting. The UGA was expanded into this area to help regulate rural residential growth.

The subdivision regulations for Douglas County were amended and adopted in 2007 and put in place standards to regulate rural residential growth. These standards regulate rural residential growth in the Rural Area, as well as the UGA. Since there are now standards for the division of property in the Rural Area, one of the reasons for expanding the UGA to the county line in this area is no longer necessary.



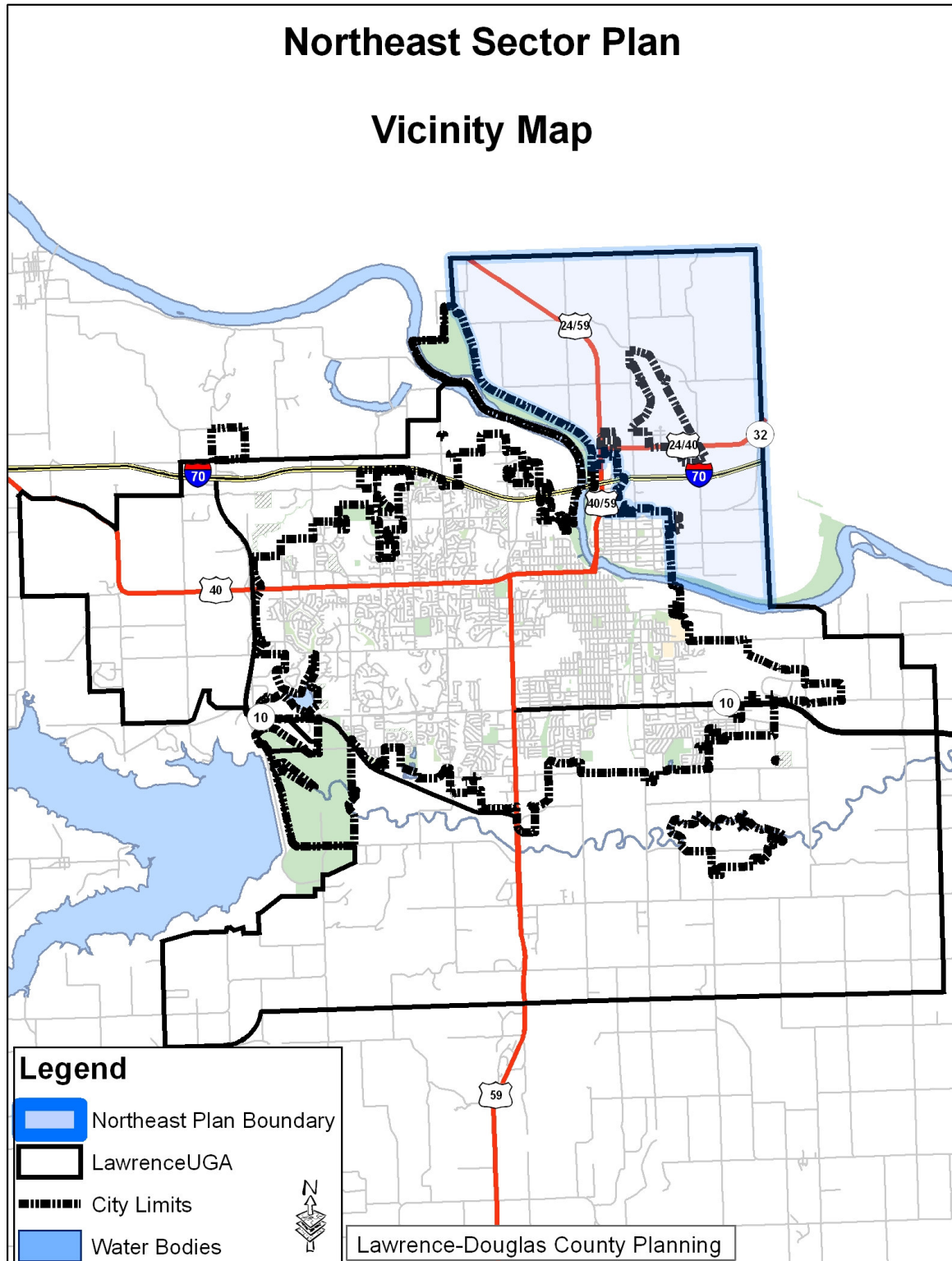
The dominant character of the area is rural in nature although there are a variety of uses within the planning area. The main rural uses in the flat, lower parts of the planning area are agriculture row crop, livestock production, and pastureland uses.

Rural residential uses are found in the higher northern parts of the planning area. Rural uses dominate those portions of Jefferson County that are north of the planning area and also those parts of Leavenworth County east of the planning area. The KU Field Station is located in the northeast corner of the planning area and also within Jefferson and Leavenworth counties.

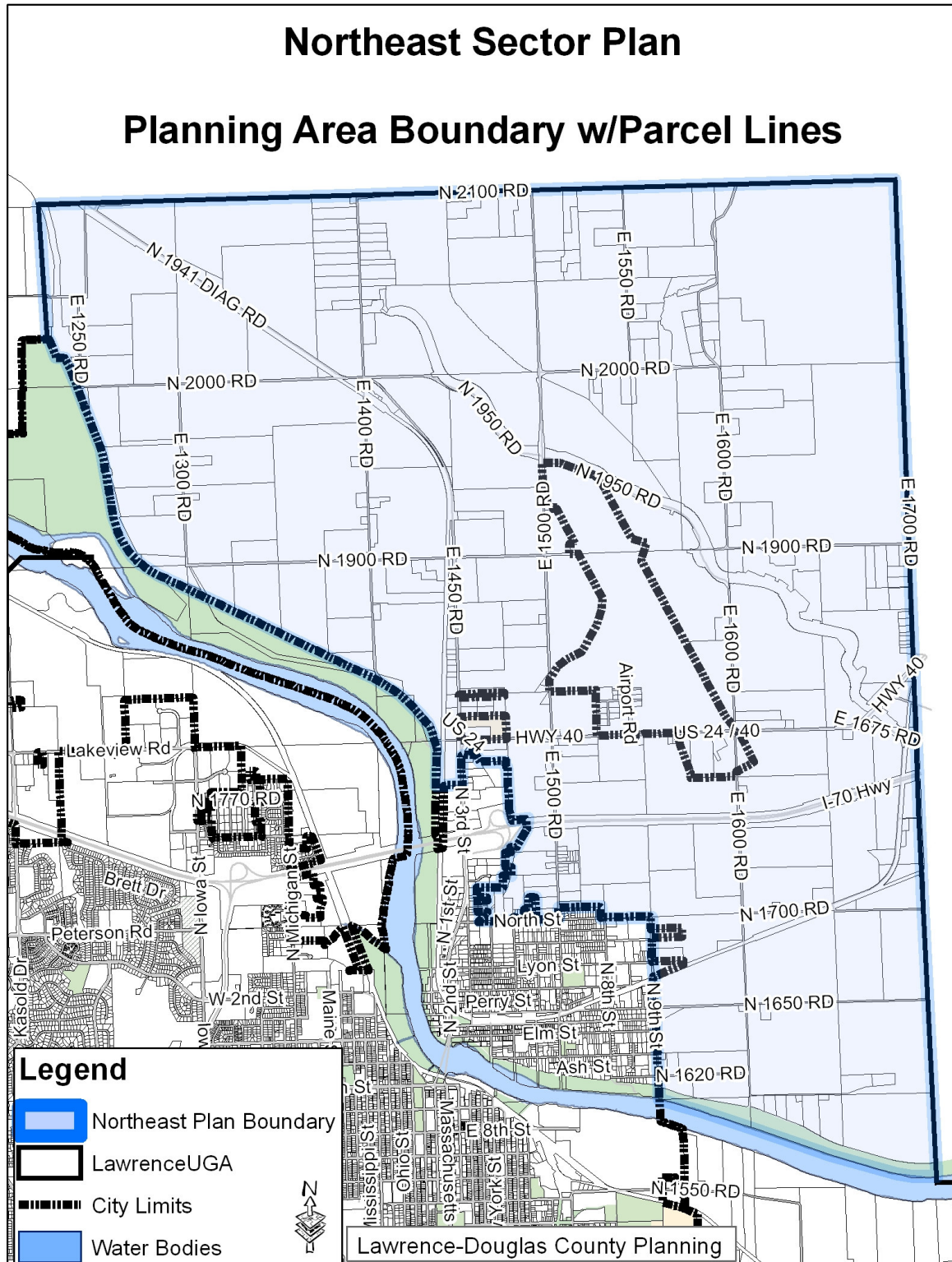
I-70 and a toll plaza, along with Highways 24/40/59 are major elements within the area. Industrial and commercial uses are located along Highway 24/59 and Highway 24/40. The Lawrence Municipal Airport is another major element within the planning area. The airport is annexed into the city, but is an island not contiguous with the corporate boundary of Lawrence. The Kansas River is generally west and south of the planning area. Urban uses within Lawrence are generally south of the planning area.

The planning area boundaries and parcel composition are illustrated in Map 1-2.

Map 1.1 – Vicinity Map



Map 1.2



### 1.3 Policy Framework

*Horizon 2020* serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans provide the general “umbrella” policies under which this plan is developed. Listed, these plans are:

- *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998 as amended.
- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- *Lawrence-Douglas County Bicycle Plan*, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan*. Leon Younger & PROS. 2000.
- *City of Lawrence, Kansas Water Master Plan*. Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan*. Black & Veatch. December 2003.
- *2008-2013 Capital Improvement Plan*. City of Lawrence. June 26, 2007.
- *North Lawrence Drainage Study*. 2005



## Section 2 - Existing Conditions

The inventory and analysis of existing conditions in this plan are intended to serve as a resource and background for the recommendations included in Section 3 of this plan.

### 2.1 Land Uses

#### *2.1.1 Existing Land Uses*

There are currently a variety of land uses within the planning area. The planning area has approximately 10,116 acres of land dedicated to uses other than public rights-of-way. The source information for the existing land use summary and map are based on the County Appraisers' land use code and updated by planning staff.

Agricultural uses, in the form of row crops, livestock production, pasturelands, and farms are the dominant land uses and encompass approximately 7,330 acres of land, which accounts for 72% of the planning area. There are farms of varying sizes (less than 5 acres up to hundreds of acres) within the planning area. Production includes row crops, local market production and animal production. Farms are owner operated or leased to larger operations. The City leases land around the airport for agriculture use.

The second largest land use category is parks/rec/open space use with approximately 956 acres. The parks/rec/open space use category includes the KU Field Station properties in the northeast portion of the planning area.

The third largest land use category is transport/communication/utility. This land use category includes the Lawrence Municipal Airport.

The next largest category is single family residential use. This category includes property with one dwelling unit located on it. The *Douglas County Zoning Regulations* define a dwelling as, "Any building or portion thereof designed or used for residential purposes. This shall include structures designed as underground structures but shall not include trailers or mobile homes". The single-family residential use is seen within the planning area primarily in the rural form – typically a house on 1 to 10 acres (although some larger single family properties in the area range between 10 – 40 acres).

The remaining land is designated a variety of uses ranging from industrial/warehouse/distribution to public/institutional uses. These uses are located primarily along Highway 24/59. The existing land uses are shown on Map 2-1 and the planning area breakdown is described in Table 2-1.

TABLE 2-1: EXISTING LAND USE SUMMARY

Land use	Acres	Percent
Agricultural	7,330	72%
Single Family Residential	550	5%
Vacant Residential	232	2%
Residential - Other	72	1%
Commercial	186	2%
Industrial/Warehouse/Distribution	125	1%
Public/Institutional	110	1%
Parks/Rec/Open Space	956	10%
Transport/Communication/Utility	555	6%
TOTAL	10,116	100%

### *2.1.1 Historic Resources*

Currently, there is one structure listed on the National Register of Historic Places within the planning area. The Vermilya Boener House is located at the northwest corner of N 1900 Rd. and E 1400 Rd and was listed in 1992.

## Northeast Sector Plan



## 2.2 Zoning Patterns

The planning area encompasses approximately 10,640 acres of land including public rights-of-ways. Approximately 520 acres are located within the city of Lawrence and the rest is located within the unincorporated area of Douglas County. The majority of the planning area that is located within unincorporated Douglas County is zoned A (Agriculture District). This is mainly used for row crops, pasture land and farm purposes. Industrial zoning is found in the planning area with specific areas zoned I-1, I-2, I-3 and I-4 Districts. There is also some B-2 (General Business District) zoning along Hwy. 24/40. See Map 2-2.

The main portion of the planning area located within the city of Lawrence is the Lawrence Municipal Airport, which is zoned IG (General Industrial). The Maple Grove Cemetery is also within the city of Lawrence and is zoned OS (Open Space District). Both of these properties are islands that are not contiguous to the corporate limits of Lawrence. See Map 2-2.

Table 2-2 County Zoning Classifications

<b>County Zoning</b>	<b>District Name</b>	<b>Comprehensive Plan Designation</b>
A	Agricultural	Agriculture
A-1	Suburban Homes	Very Low-Density Residential
I-1	Limited Industrial	Industrial
I-2	Light Industrial	Industrial
I-3	Heavy Industrial	Industrial
I-4	Heavy Industrial	Industrial
VC	Valley Channel	N/A

Table 2-3 City Zoning Classifications

<b>City Zoning</b>	<b>District Name</b>	<b>Comprehensive Plan Designation</b>
RS20	Single-Dwelling Residential (20,000 sq. feet per dwelling unit)	Low-Density Residential
IG	General Industrial	Warehouse and Distribution or Industrial
OS	Open Space	N/A

## Northeast Sector Plan



## **2.3 Infrastructure**

### *2.3.1 Water and Wastewater Infrastructure*

A summary of the existing water utilities is shown on Map 2-3 and wastewater utilities (sanitary sewer) is shown on Map 2-4. Municipal water and wastewater is provided to the majority of those properties that are within the current city limits. Properties that are within the planning area, but outside the city limits, are served by Jefferson County Rural Water District #13, or private wells, and private septic systems.

The city of Lawrence sanitary sewer infrastructure does not extend outside the current city limits. The City, however, recently approved extending water and sewer infrastructure to serve the municipal airport. The flat topography of the area poses a challenge to providing urban wastewater infrastructure to the planning area. The flatness of the area makes it difficult to gravity flow wastewater and thus drives up the the relative cost of providing those services.

A portion of the planning area will be included in the City's Wastewater Master Plan update, underway in 2010. That update will provide a better idea of the actual cost of extending wastewater infrastructure. It is important to note that prior to any wastewater infrastructure extensions to the planning area, impacts to the downstream wastewater system will also have to be evaluated. Improvements to that system may also be part of the cost to extend infrastructure to the area.

### *2.3.2 Stormwater Infrastructure*

A summary of the existing stormwater utilities, channels, and natural streams are shown on Map 2-4. The majority of the stormwater is handled by open channels and streams. The stormwater drains to the south, by way of the tributaries, to the Kansas River.

### *2.3.3 Gas Infrastructure*

The planning area includes three natural gas lines. One pipeline owned by Southern Star Gas enters the planning area from the north and crosses to the east through the center of the planning area. A second Southern Star Gas pipeline enters the planning area in the southeast corner, proceeds northeast and exits the planning area near Highway 24/40 and Highway 32. Another pipeline is owned by Williams Natural Gas and it enters the planning area on the west center portion and crosses northeast through the planning area. See Map 2-5.

### *2.3.4 Electric Infrastructure*

Westar serves the planning area. Large electric transmission lines also traverse the planning area. See Map 2-5.

### *2.3.5 Drainage Districts*

The Douglas County KAW Drainage District is the only drainage district in the planning area, but it does not cover the entire planning area. See Map 2-6.



## Northeast Sector Plan

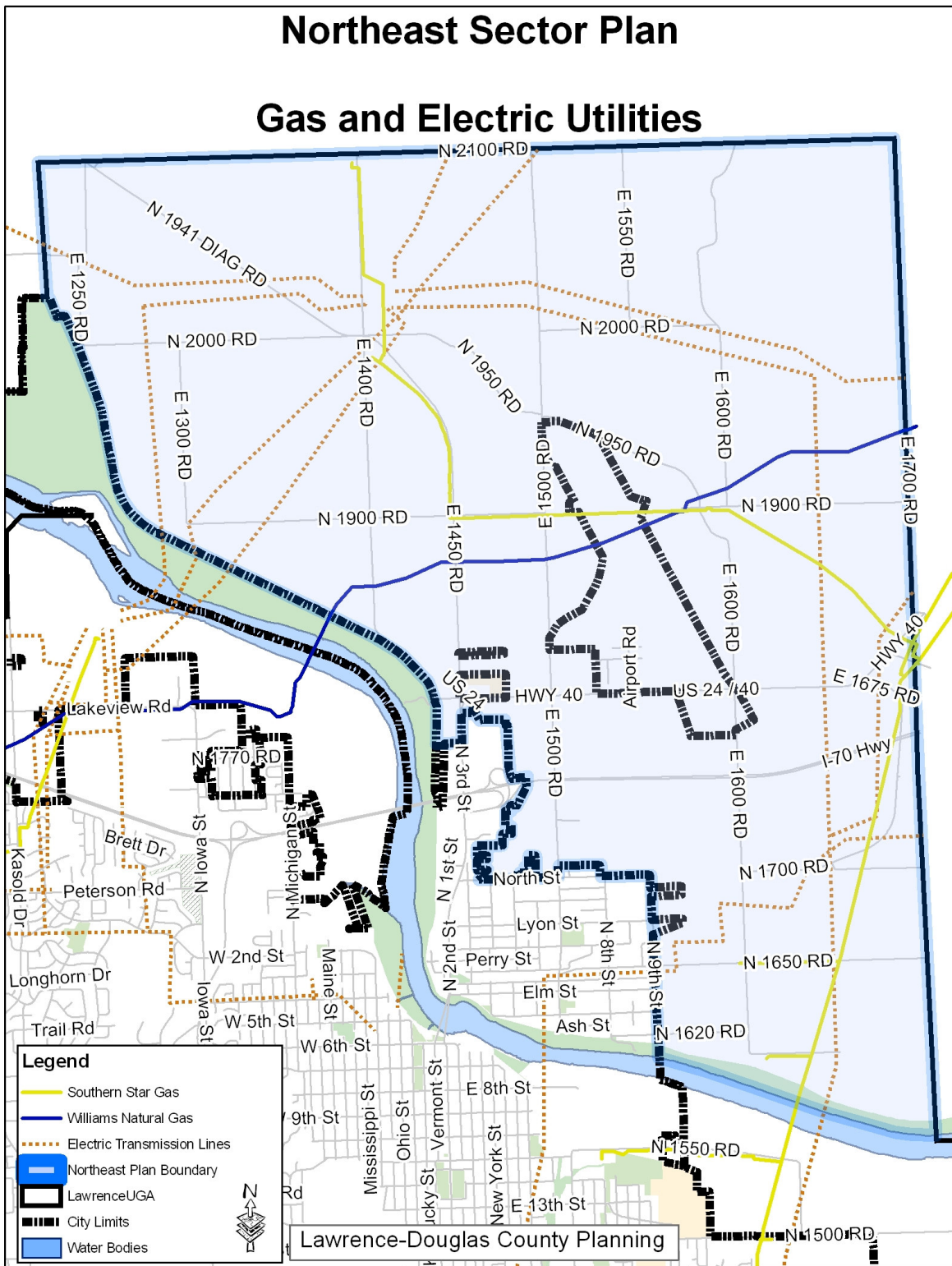


## Northeast Sector Plan

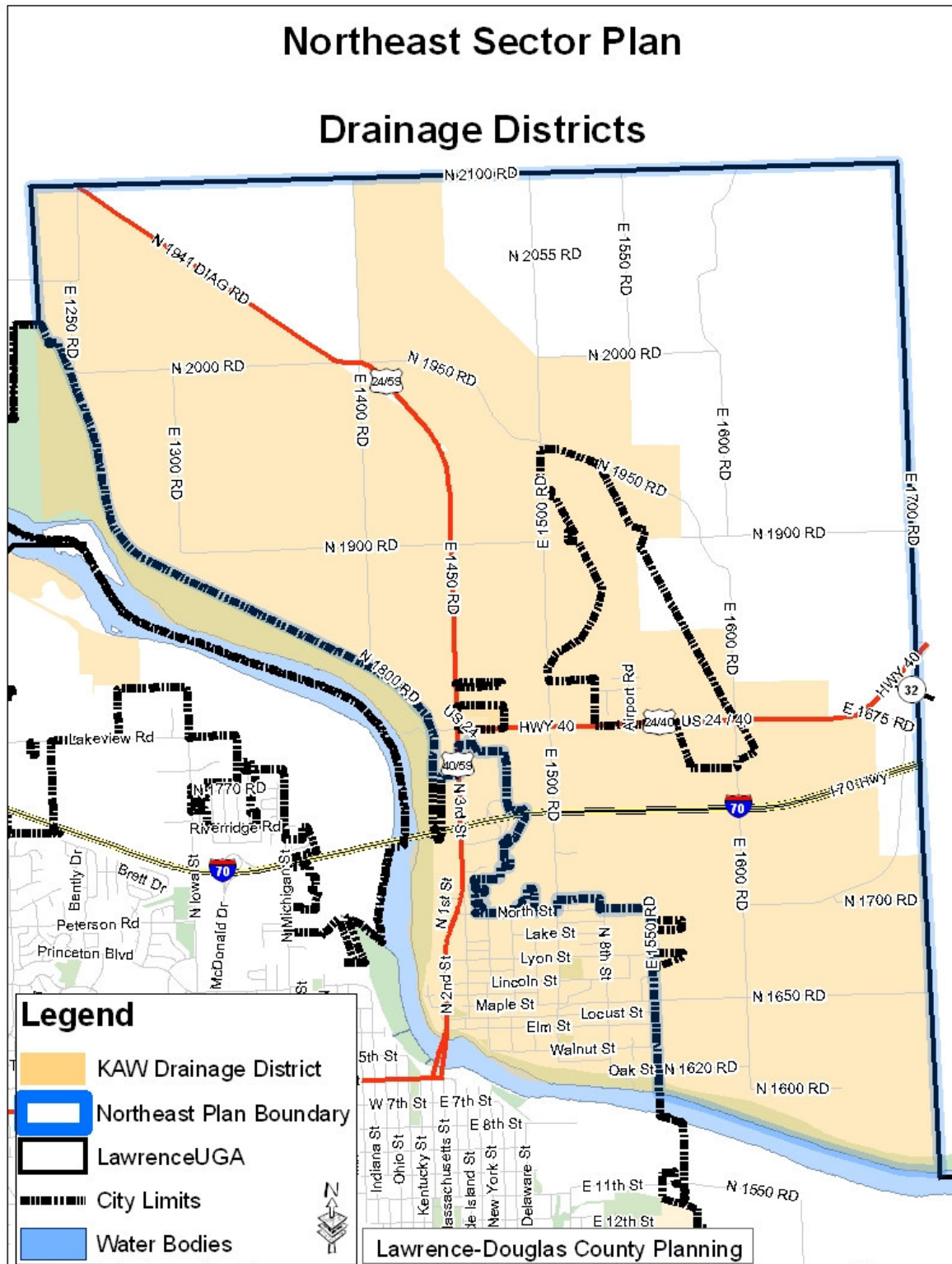




Map 2-5 – Gas and Electric Utilities



Map 2-6 Drainage Districts



### 2.3.5 Transportation

#### 2.3.5.1 Road and Streets

The majority of the roads in the planning area are rural township roads, most of which are gravel. Grant Township maintains the majority of the roads in Grant Township. However, Douglas County has maintenance responsibility over Douglas County Route 9 (E 1500 Rd from city limits north to Highway 24/40) and Wellman Road north of Midland Junction to the Jefferson County line. KDOT has responsibility over Highways 24/59 and 24/40.

Douglas County has adopted access management standards that spell out minimum frontage and access standards for rural roads based upon road classifications.

*Transportation 2030* (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, (local roads and streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local roads and streets, to major thoroughfares (arterial streets) that carry traffic across the entire city and county. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.



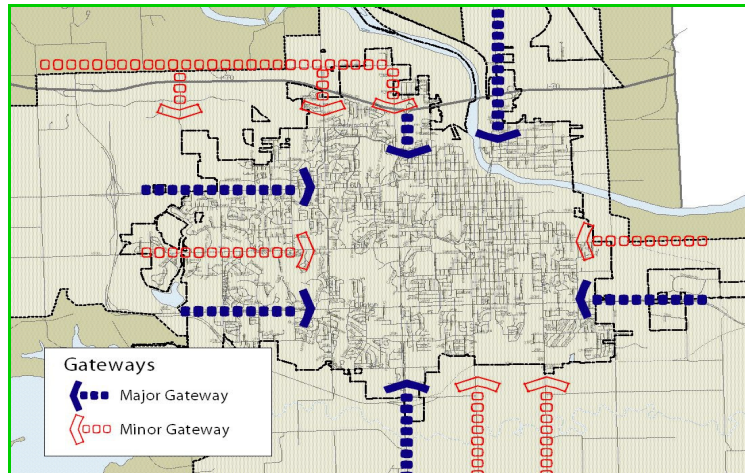
T2030 was adopted in 2008 and is updated at least every 5 years. This area should be fully studied during the next update to address the future street network.

#### 2.3.5.2 Gateways

Chapter 2 of T2030 discusses and identifies minor and major gateway into and out of Lawrence. T2030 states, "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural to urban land uses. As such, cities desire to make these locations as attractive and informative as possible. As noted in T2030 in Figure 2.4, there are several roadways that represent gateways into the city of Lawrence or into smaller communities within the region that should be reviewed for aesthetic and informational enhancements when they are improved."

T2030 identifies Highway 24/59 as a major gateway into Lawrence based on the corporate boundaries shown in Figure 2.4 of T2030.

T2030 Figure 2.4  
**Lawrence Gateways**



### 2.3.5.3 Rail

There are also rail lines that weave through the planning area. All lines are currently active and make a number of trips through the area over the course of a typical day. These rail lines pose issues at the various crossings in the area. See Map 2-7 and Map 3-1 for the location of the rail lines.

### 2.3.5.4 Transit



Lawrence has a public transportation system (The T) which operates throughout the city. This system allows people to travel to other areas of the city without relying on a personal automobile. There are currently no transit routes that travel into the planning area. However, paratransit service is available to all of Douglas County. Paratransit service is a demand response service available to seniors and people with disabilities.

### 2.3.5.5 Bicycle Facilities

Lawrence and Douglas County have a joint bicycle plan for the community, the *Lawrence-Douglas County Bicycle Plan*. This plan identifies existing and future bicycle routes, lanes, and multi-use paths. A bicycle route is a network of streets to enable direct, convenient and safe access for bicyclists. A bicycle lane is a separate space designated with striping, signage or pavement markings for exclusive use by bicycles within a street. A multi-use path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.



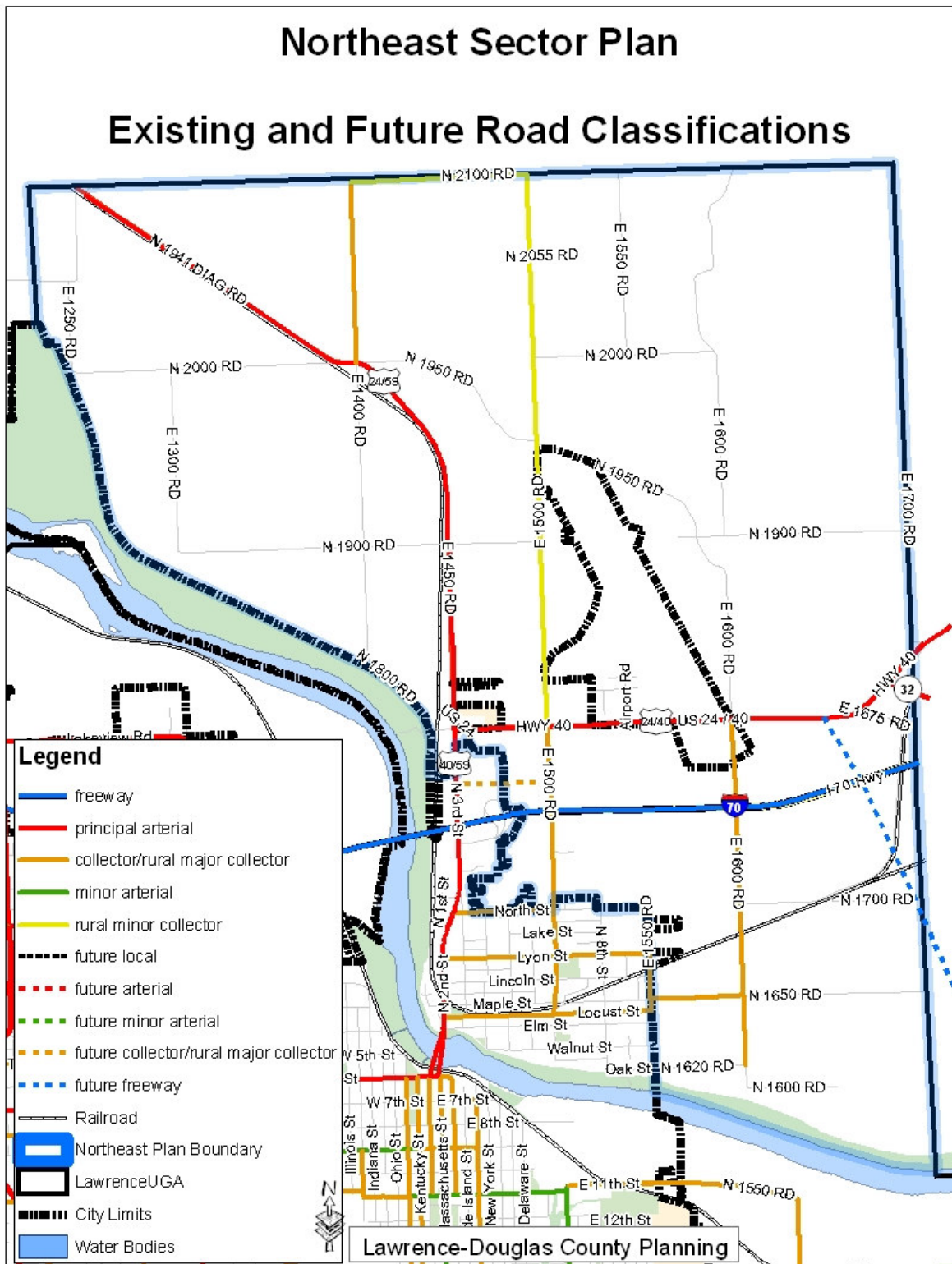
Map 2-8 identifies existing and future bicycle facilities that include:

- An existing multi-use path along the north side of the Kansas River Levee.
- A future bike lane identified along Highway 24/40.
- A future bike route is identified along E 1600 Road, via N 1650 Road east from Lawrence, north to N 2000 Road.

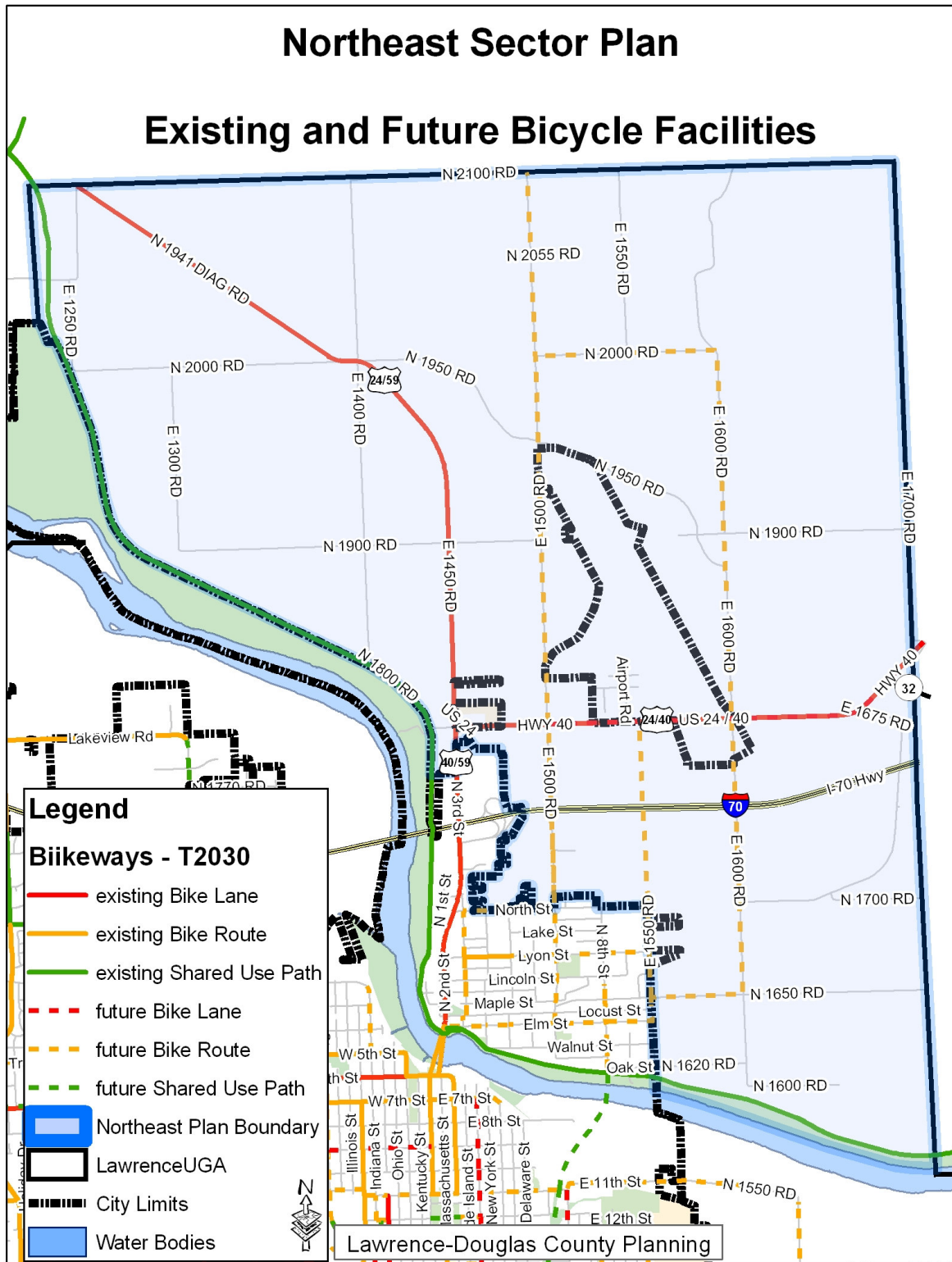
- A future bike route is identified along E 1500 Road from Lawrence north to the county line.
- Another future bike route is identified along E 1550 Road from Lawrence to Highway 24/40.
- A future bike route identified along North Street in Lawrence.



**Map 2-7 – Existing and Future Road Classifications**



Map 2-8 – Existing and Future Bicycle Facilities



## 2.4 Environmental Conditions

The planning area is made up of several drainage basins which drain to the Kansas River. There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. These are areas around Mud Creek and its tributaries, Maple Grove Creek, and the Kansas River. See Map 2-9. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

Mud Creek and its tributaries flow through portions of the planning area. The Kansas River is immediately outside of the west and south parts of the planning area.

The North Lawrence Drainage Study was commissioned by the City in 2005 to develop a stormwater plan for the North Lawrence watershed. Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2<sup>nd</sup> Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

Tens of millions of dollars of cost were identified to accomplish the recommendations of the study for dealing with existing stormwater issues and future ones that will be created with development.

The majority of the land coverage within the planning area is agricultural land used for crop and animal production. The planning area also contains areas of prairie, grazing land and reserved areas of land that are a part of the KU Field Station. There are some water bodies and woodlands are also present in the northwest and northeast parts of the planning area. See Map 2-10 for a land coverage summary.

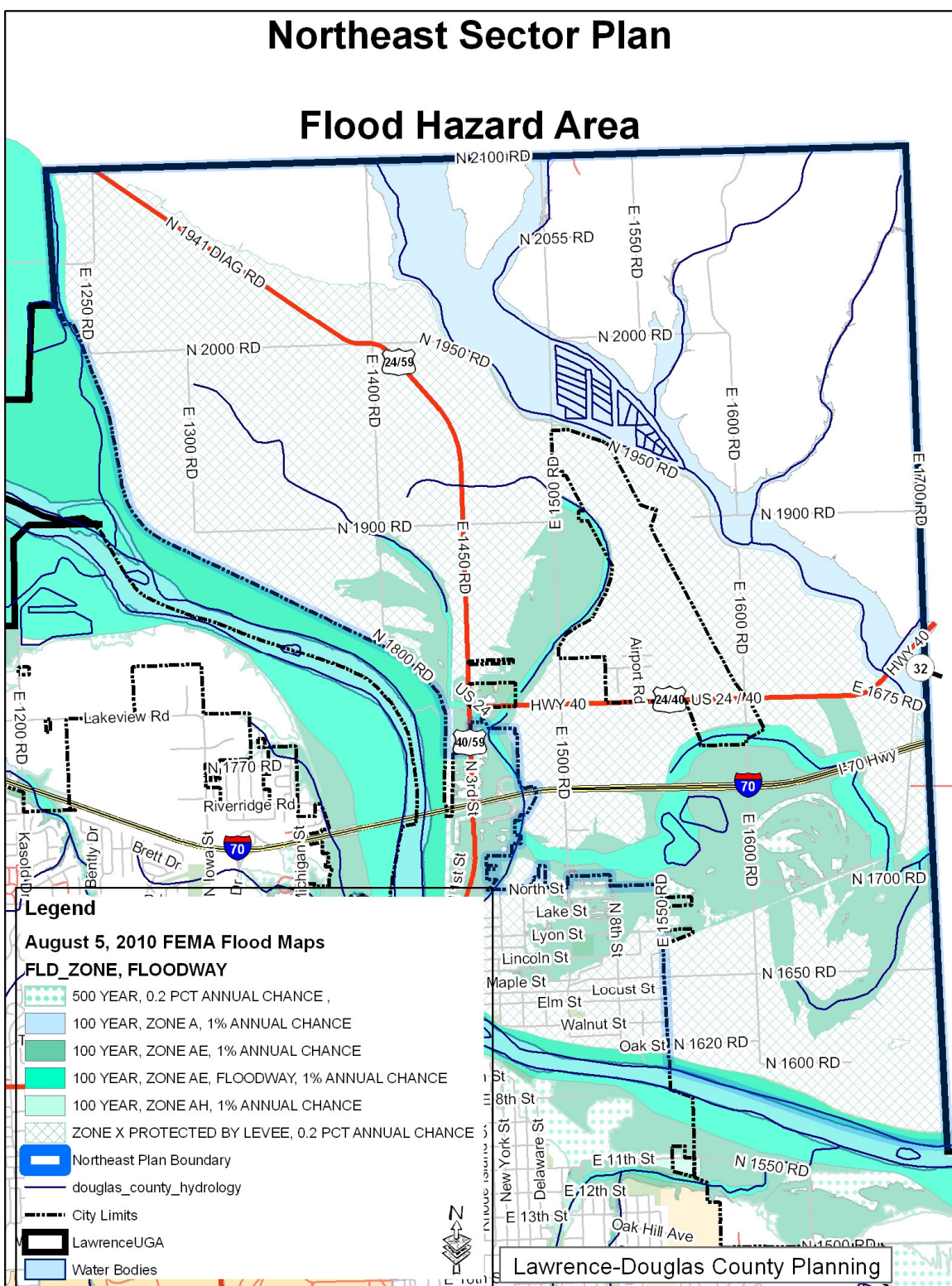
There is a range of topography within the planning area. The high points are along the northern and northeastern portions of the planning area north of the airport and Highway 24/59. The low points are essentially the rest of the planning area. This area is notable for the fact that it is so flat. As such, it is this area that has portions encumbered by floodplain. See

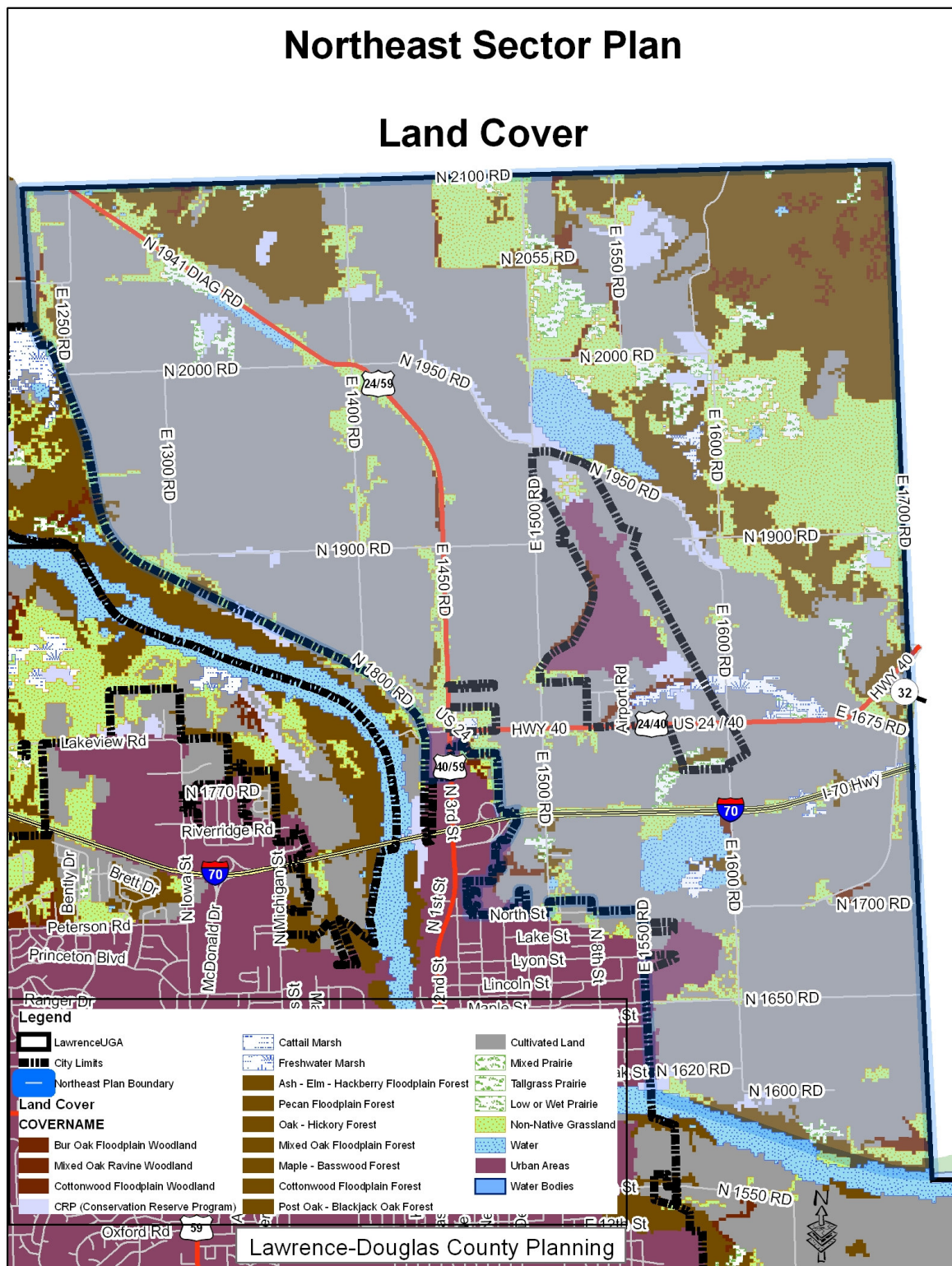


Map 2-11 and Map 2-12. Detailed topographic surveys will be required as individual properties are developed.

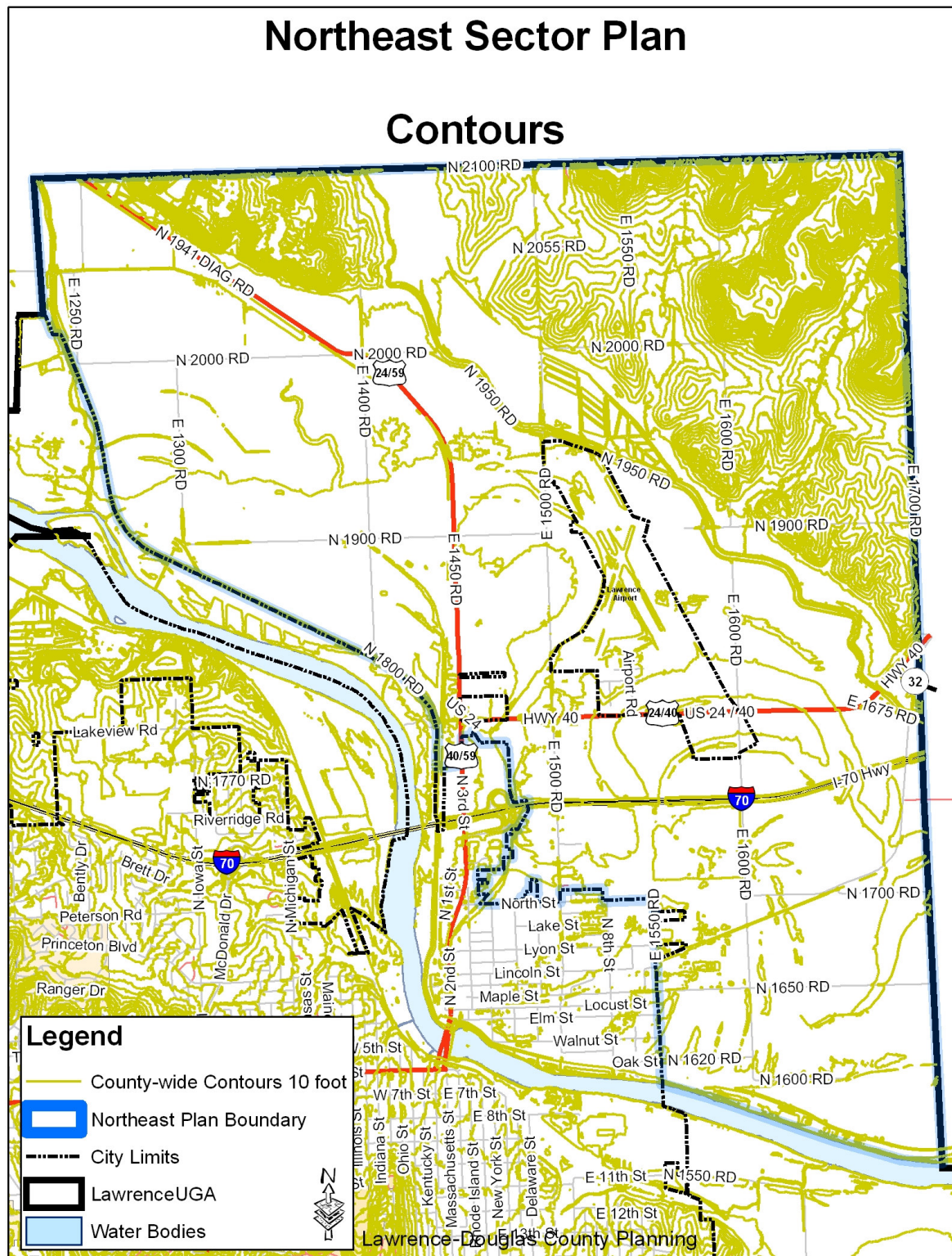
The planning area also contains Class I and II soils as determined by the Natural Resources Conservation Service, a division of the United States Department of Agriculture. These soils are considered to be high quality agricultural land. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states *"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) I and II, as identified by the National Resources Conservation Service."* These soils are highly permeable and assist in stormwater management. See Map 2-13.

### Map 2-9 – Regulatory Flood Hazard Area and Streams

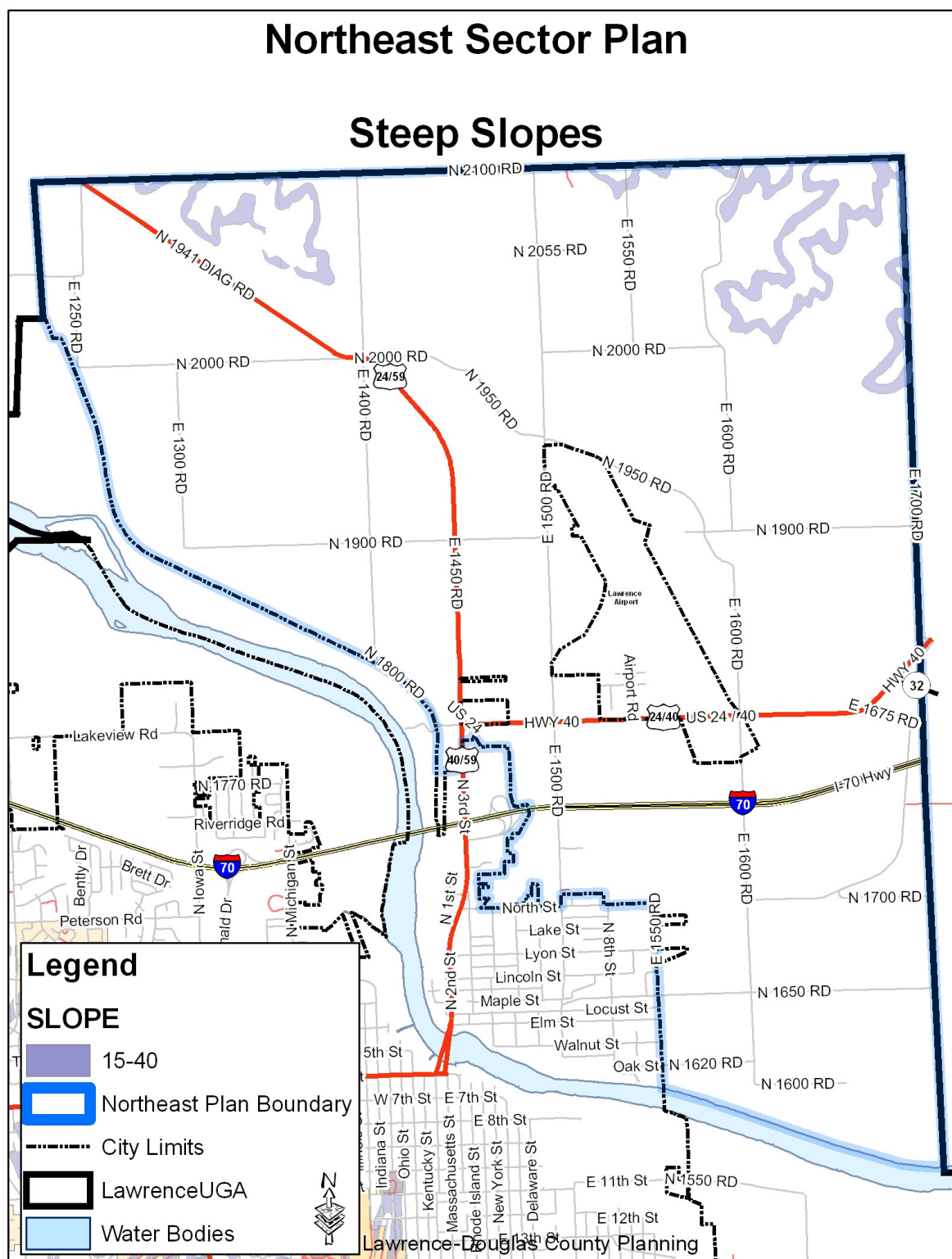






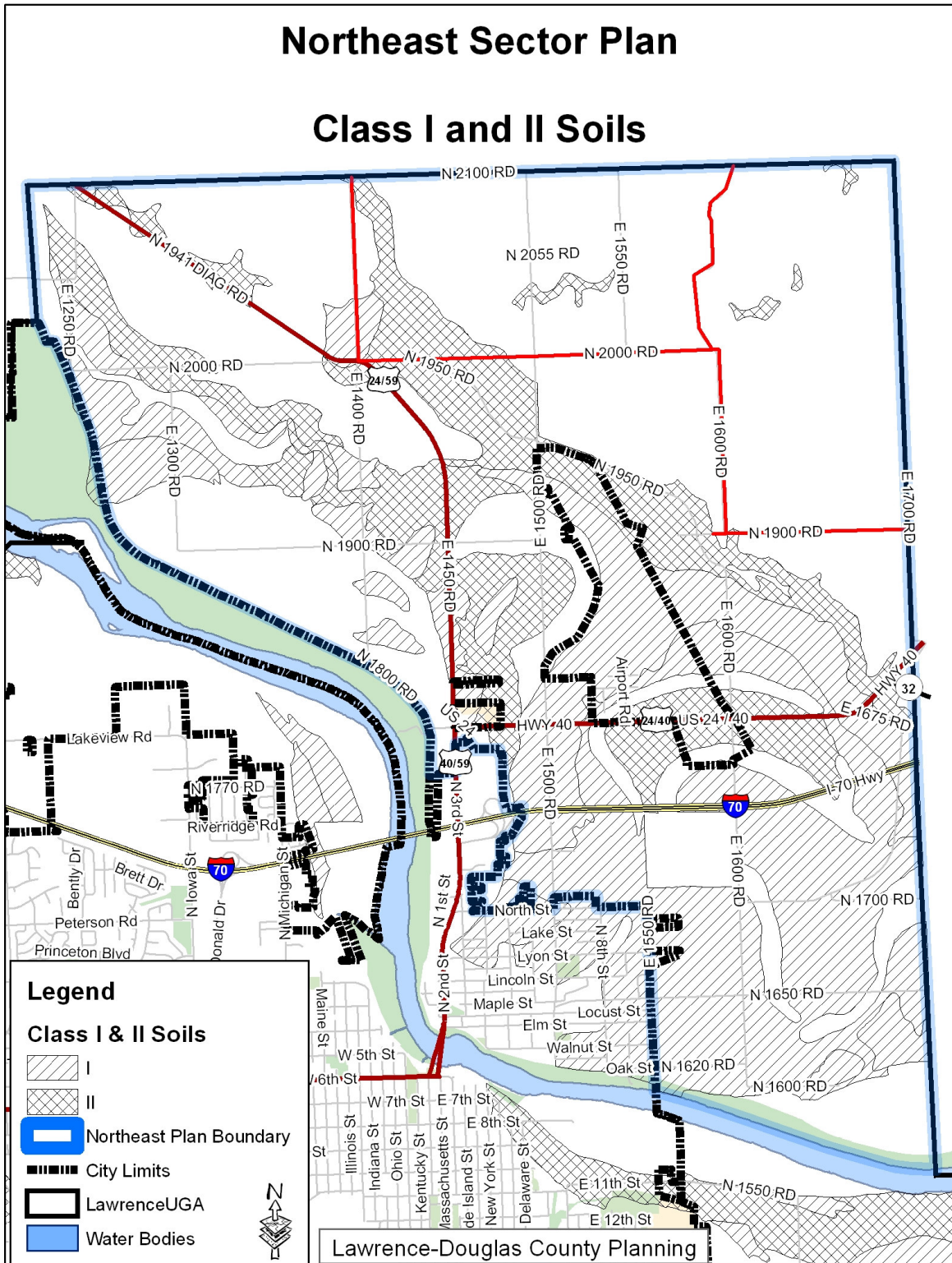


## Map 2-12 – Steep Slopes





Map 2-13 – Class I and II Soils



## 2.5 Community Facilities

Community facilities are services provided either by government or non-government agencies for the benefit of, and use by, the community. Within the planning area there are a few community facilities. Grant Township owns and maintains a community building east of the airport on E 1600 Rd. That building is also currently being used by Prairie Moon Waldorf School, a private kindergarten and grade school. The Township also maintains a facility near Midland Junction where it stores and services equipment needed for road maintenance. KDOT also has a maintenance facility in the planning area at the northeast corner of Highway 24/40 and Highway 24/59.

Kansas University maintains the Kansas University Field Station (KUFS) in the northeast corner of the planning area. The KSR was established in 1947 and is the biological field station of Kansas University. Numerous research and teaching activities take place at the KUFS. Much of the KUFS is also located in neighboring Jefferson and Leavenworth counties and is not accessible to the public. However, the KUFS also maintains ecological reserves in the planning area that are accessible to the public. For example, the Fitch Natural History Reservation and McColl Nature Reserve, located in the very northeast corner of the planning area, have 4 miles of self-guided nature trails within Douglas County that allow users to explore forest, grassland, stream, wetland, and pond areas.

The planning area is located within the Lawrence Public School District (USD 497). The students in the planning area attend Woodlawn Elementary for elementary school; Central Junior High for junior high; and Free State High for high school. Students in the area can also attend the aforementioned private Prairie Moon Waldorf School for kindergarten and grade school.

Most of the community facilities including urban public services, schools, fire/medical, law enforcement, developed parks, etc., are located to the south of the planning area within the city of Lawrence. See Map 2-14

The rural portions of the planning area are served by Lawrence-Douglas County Fire & Medical through an agreement with Grant Township. The Lawrence-Douglas County Health Department ~~is~~ also serves the planning area.

Law enforcement is shared between the City of Lawrence Police Department and the Douglas County Sheriff's Department, depending on whether the property is within the city or in the county. Both are located in the Law Enforcement Center in downtown Lawrence.

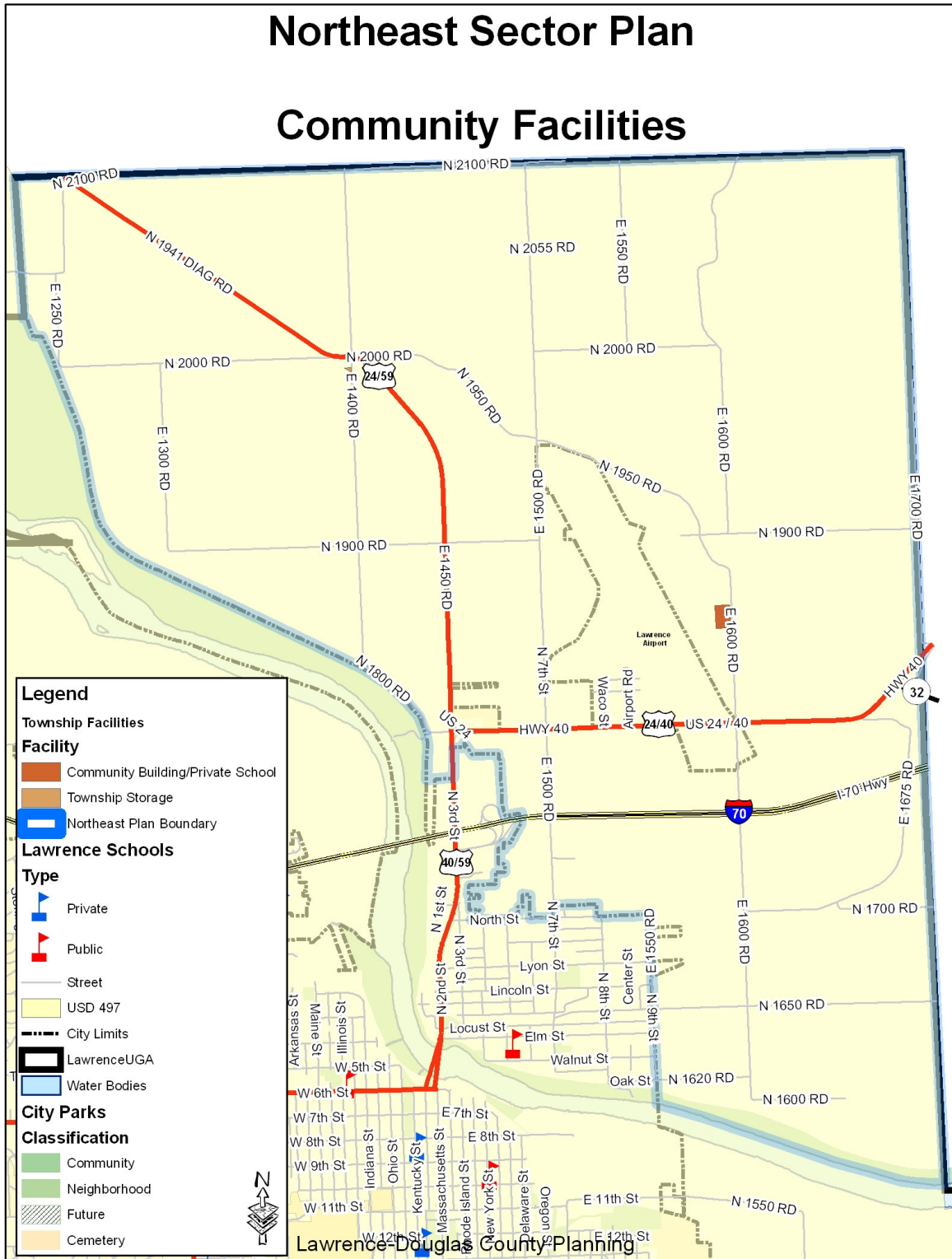
The city-owned Lawrence Municipal Airport is located in the planning area north of Highway 24/40 and east of E 1500 Road. The city has owned and operated the airport at this site since 1929. The airport is a general aviation facility that is an all weather facility for business and recreation flyers. A portion of the airport is dedicated to aviation-related employment activities and the city is actively marketing the airport for new businesses while recently approving water and sewer extensions to serve the airport.

The Federal Aviation Administration (FAA) regulates certain aspects of the operation of the airport and the activity around the airport. There are restrictions in place that manage structure heights around the airport to help maintain the integrity of runway approaches. See Map 2-15. The FAA also mandates a 10,000 foot Wildlife Mitigation Buffer around the runway and taxiway improvements at the airport. The buffer extends 10,000 feet beyond the runway

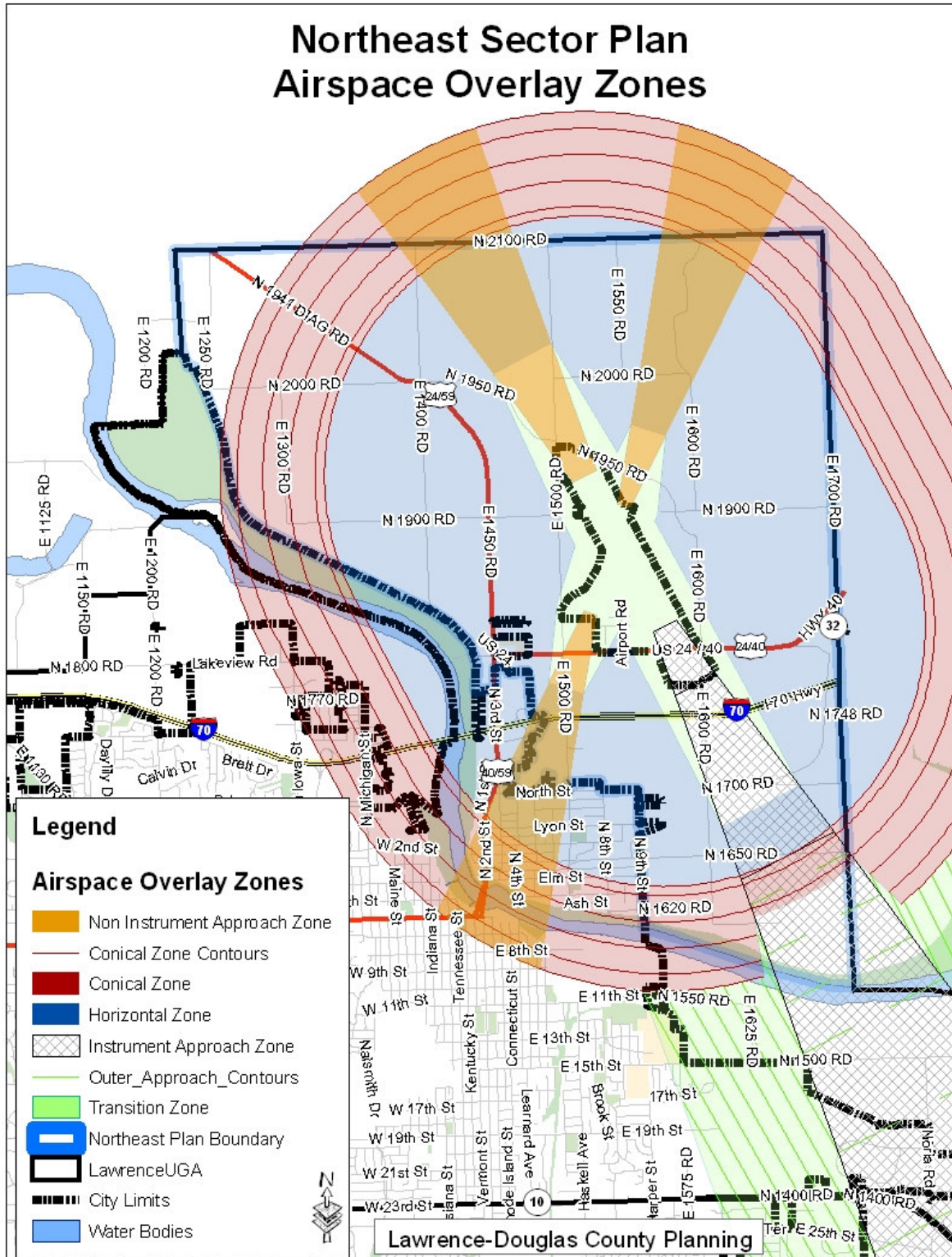


and taxiways. The buffer is meant to keep water bodies and other wildlife attractants to a minimum. Proposed developments within the 10,000 foot buffer require FAA review. See Map 2-16.

Map 2-14 – Community Facilities



**Map 2-15 – Airspace Overlay Zones**



## Northeast Sector Plan



## Section 3 – Recommendations

The Northeast Sector Plan planning area is anticipated to develop with a range of uses and intensities that extend from agriculture to industrial uses. The more intensive industrial and commercial use areas are recommended where they are in close proximity to US 24/40 Highway and the airport. Agriculture uses are located in the majority of the planning area which is not anticipated to urbanize within the foreseeable future.

Compared to other areas of the fringe area of Lawrence, this area is not anticipated to be significantly urbanized.

Due to the area's unique challenges to development, including:

- Costly stormwater infrastructure needs as urbanization occurs
- Significant amounts of regulatory floodplain
- Significant amounts of Class 1 and 2 soils
- FAA Regulations and Lawrence Municipal Airport Protection Zones

Yet the planning area also benefits from the Lawrence Municipal Airport, nearby urban services, and access to I-70.

This plan recognizes the interconnectedness of these unique elements and proposes only limited urban development in the planning area.

### 3.1 Goals and Policies

Goals are broad statements of ideal future conditions that are desired by the community. Policies are guiding principles that provide direction for decisions to be made regarding the planning area in order to meet the goals. These policies are in addition to the policies in *Horizon 2020* and are only applicable to the property within the *Northeast Sector Plan* planning area.

#### 3.1.1 Land Use

**Goal: Establish future land uses appropriate for the following unique characteristics of the area:**

**The interaction of urban and rural lifestyles and development patterns**

**Multi-modal transportation system**

- **Airport**
- **Highway 24/40/59**
- **Interstate 70**
- **Railroad**

**Predominate agriculture use with existing industrial and commercial uses along the highways**

**Relatively flat terrain**

**Floodplain/stormwater challenges**

**KU Field Station and ecological reserves**

**Kansas River/Levee**



### **3.1.1.1 Policies**

#### **3.1.1.1.a General**

1. Establish an urban growth area boundary that considers the costs of urban development and that recognizes that the majority of the planning area will not develop in an urban manner during the time horizon of this plan.
2. Recognize that infrastructure challenges will limit urban growth in the planning area. Stormwater management costs identified by the North Lawrence Drainage Study are significant for urban development. The lack of slope of part of the planning area presents challenges for urban wastewater infrastructure and management.
3. Consider allowing alternate development standards for urbanized development that promote sustainable development– swales, no curb and gutter, pervious surfaces, etc. – that will limit the downstream impact of development.
4. Annex property in an orderly manner as urbanization of new development occurs. Further, consider annexing existing county industrial developments as utility issues in the area are better understood and as properties redevelop.

#### **3.1.1.1.b Agriculture Use**

1. Encourage continued agriculture use for the majority of the planning area, especially in areas with Class I and II soils and in the regulatory floodplain areas.
2. Encourage incentives/partnerships that assist the ongoing agriculture uses in the area.
3. Recognize that the impacts of farming – truck traffic, noises, etc. – are necessary and are not nuisances in the community.
4. Identify and create programs that promote continued agriculture use by supporting existing and new agriculture ventures.

#### **3.1.1.1.c Industrial/Employment Use**

1. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
2. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.
3. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate the Midland Junction area as a future industrial/employment area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Adoption of Nodal Plan is encouraged prior to urbanizing and/or providing urban services to this site.
4. Support continued development of the Airport property for aviation-related businesses.
5. Require compatible land uses within FAA guidelines related to runway protection zones and wildlife mitigation.

#### **3.1.1.1.d Commercial Use**

1. Per Horizon 2020 Chapter 6 – Commercial Land Use, designate the intersection of E 1500 Rd. and Highway 24/40 as a future Neighborhood Commercial Center.
2. Allow future commercial uses, in addition to industrial/employment uses, at Midland Junction to provide a greater mix of uses to support highway travelers after Nodal Plan is adopted. Consider improvements to Highway 24/59 that address the safety of the curves as part of a future Nodal Plan.

#### **3.1.1.1.e Residential Use**

1. Rural residential (rural estate) uses are permitted in portions of the planning area and are encouraged if supporting agriculture uses.
2. Very low density residential uses are encouraged for the non-regulatory floodplain area between the North Lawrence neighborhood and I-70.

#### **3.1.1.1.f Open Space**

1. Protect the existing and future Kansas University Field Station and protect it from future development projects with tools such as appropriate buffers and land uses that will minimize the impact of neighboring development.
2. Encourage continued use of the Kansas River levee as an open space amenity.

#### **3.1.1.1.g Lawrence Urban Growth Area (UGA)**

1. Consider adjusting Lawrence's Urban Growth Area boundary by limiting it to those areas of Grant Township feasible for urban-type development through the analysis of this Sector Plan and the analysis of future water and wastewater master plans.



### **3.1.2 Environmental Resources**

**Goal: Consider the unique environmental resources of the area when reviewing development applications. Environmental resources include:**

**Class I and II soils**

**Flat terrain**

**Floodplain**

**Groundwater/Wells**

**KU Field Station and ecological reserves**

**Kansas River/Levee**

**Sand, gravel, topsoil, etc.**

#### **3.1.2.1 Policies**

##### **3.1.2.1.a Class I and II Soils**

1. Recognize Class I and II soils as valuable to this portion of Douglas County for its permeability (positive attribute for stormwater and flooding) and crop production capabilities.
2. Encourage the preservation of high quality agriculture land (Class I and II soils) through conservation programs, private/public partnerships, and other funding mechanisms.
3. Encourage private agriculture easements that will preserve high quality agriculture land in perpetuity.

##### **3.1.2.1.b Floodplain**

1. The City and County should consider developing and implementing higher regulatory standards that promote no adverse impact in regulatory flood hazard areas as shown on the Flood Insurance Rate Maps for Douglas County and within the Floodplain Overlay District for the City of Lawrence.
2. Development should not be allowed within the regulatory floodway.
3. Promote the natural and beneficial functions of the floodplain.
4. Encourage natural stormwater management.
5. Crop and animal agriculture uses are appropriate in the regulatory floodplain.

##### **3.1.2.1.c Groundwater**

1. Promote land management choices that limit the potential for negative groundwater impacts.
2. Minimize pollutants percolating into groundwater systems to help ensure the quality of the area's groundwater systems.
3. Provide educational opportunities regarding natural stormwater management features, Best Management Practices (BMPs) for stormwater structures and pollutant discharge, erosion and sediment control, and water quality.

##### **3.1.2.1.d Kansas University Field Station**

1. Encourage future development that is compatible with the Kansas University Field Station. Buffers and other methods may be necessary to mitigate the impacts of the built environment of future development projects in close proximity to the Field Station.
2. Promote the research and educational aspects of the Kansas University Field Station.

#### **3.1.2.1.e Recreation**

1. Maximize recreation opportunities by developing trails that connect to focal points in the area and to the larger interconnected Lawrence and Douglas County network, including the Kansas River levee trail.

#### **3.1.2.1.f Sand, gravel, topsoil, etc.**

1. Support the extraction of natural resources such as sand, gravel, topsoil, etc. if compatible with existing land uses, especially the Lawrence Municipal Airport and Kansas University Field Station, and if infrastructure can support the process of extraction.

### **3.1.3 Economic Development**

**Goal: Promote economic development opportunities that take advantage of the unique characteristics of the area, which include:**

**A multi-modal transportation system**

- **Airport**
- **Highways 24/40/59**
- **Interstate 70**
- **Railroad**

**Class I and II soils**

**Relatively flat terrain**

**Existing industrial and commercial businesses along the highways**

**KU Endowment land**

#### **3.1.3.1 Policies**

##### **3.1.3.1.a Airport**

1. Support aviation-based development at the airport, and the necessary road and utility infrastructure, as an economic development generator for Lawrence and Douglas County.

##### **3.1.3.1.b Industrial/Employment**

1. Support goals and policies of Horizon 2020 Chapter 7 – Industrial & Employment Related Land Use and recognize that certain areas identified in Chapter 7 in the planning area are valuable to the goal of creating jobs for Douglas County.

##### **3.1.3.1.c Agriculture Economy**

1. Encourage public/private partnerships and programs to establish and support a sustainable local food program.
2. Establish incentives as part of a local food program that foster farm to table relationships.
3. Support the ag community by creating partnerships and programs that further economic development of an agricultural nature.
4. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
5. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.

##### **3.1.3.1.d KU**

1. Create partnerships with KU that help build the agricultural, research, aviation, and industrial businesses of the area.

### **3.1.4 Infrastructure**

**Goal: Improve existing services for the area and recognize the infrastructure challenges posed by the unique characteristics of the area when considering development applications. The unique characteristics include:**

**Relatively flat terrain**

**Floodplain/stormwater challenges**

**Township roads**

#### **3.1.4.1 Policies**

##### **3.1.4.1.a Existing Services**

1. Develop partnerships between Douglas County, Grant Township and the City of Lawrence for appropriate road maintenance programs in the planning area as development occurs.
2. When conditions warrant, the City should consider locating a fire station near the airport to improve emergency service for the airport, the North Lawrence neighborhood, and the remainder of Grant Township.
3. Heavy truck traffic from commercial and industrial development should use highways or improved roads for travel through the area.

##### **3.1.4.1.b Floodplain/Stormwater/Flat terrain**

1. Consider implementing alternate sustainable development standards to help reduce the cost of stormwater improvements needed for existing and future development.
2. The flat terrain in some parts of the planning area hinders storm drainage. Stormwater improvements identified in the North Lawrence Drainage Study should be constructed as development occurs in the area.
3. Implement appropriate stormwater management practices throughout the planning area.
4. Flat terrain poses cost challenges to providing sanitary sewer to the area. Consider alternative sewer solutions when prudent.

### **3.1.5 Transportation**

**Goal: Continue developing a multi-modal transportation system that supports the designated land uses of the area.**

#### **3.1.5.1 Policies**

##### **3.1.5.1.a Safety**

1. Work with KDOT to improve the Midland Junction Highway 24/59 curves to make the route safer for travelers.
2. Consider improvements to Highway 24/40 that facilitate easier turning movements onto and off of the highway – in particular at E 1500 Rd./N 7<sup>th</sup> Street and at the airport entrance.
3. Encourage on-going discussion with the railroad companies regarding rail crossing safety.

##### **3.1.5.1.b Trails/Pathways**

1. Develop a trail/bikeway system for the planning area that considers connecting to open space and recreation areas.
2. Include the planning area in the county-wide bikeway system map.
3. Identify and build pathways throughout the planning area.

## 3.2 Land Use

This section outlines the recommended land uses for the planning area. The future land use maps (Map 3-1) and land use descriptions are explained on the subsequent pages. The map is an illustration to help visually identify the recommended land uses in the Northeast Sector Plan planning area. The land use descriptions are more detailed information regarding the different land use categories. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the Zoning Regulations for the Unincorporated Territory of Douglas County and the *Land Development Code* for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area. The map is not intended to provide a scaleable map for determining specific land use/zoning boundaries within this area.

This plan encompasses a large area that for the most part is not intended to urbanize, and as such, a large area is designated Agriculture on the future land use map. There are a number of properties in the planning area that have existing county zoning designations other than Agricultural zoning. Some of those properties are shown on the future land use map to have a different future land use through possible future urbanization. There are also properties that have county industrial and business zoning, and that are currently developed, that are shown on the future land use map as industrial or commercial, reflecting their existing developed use.

There are other properties that have County industrial or business zoning, but that are not presently developed and that are outside the anticipated urbanization area of this plan, that are shown as Agriculture on the future land use map. It is important to note that this plan does not take away those properties' rights to develop under the current county zoning regulations. Properties with zoning other than Agricultural that seek to develop for a permitted use may do so without oversight of the future land use map of this plan as long as they receive the appropriate approvals to do so.

### 3.2.1 Land Use Descriptions

#### 3.2.1.1 Agriculture

The Agriculture classification is intended for those parts of the planning area not anticipated to urbanize over the course of the planning horizon. The primary existing use of this classification is agriculture uses such as row crops, livestock production, and pastureland. Secondary uses include residential and other uses allowed in zoning districts. The intent of the Agriculture classification is to allow for existing and future agriculture activities along with rural residential uses and other uses permitted by the Zoning Regulations of Douglas County. Existing uses that are not agriculture or residential, and that have the appropriate existing zoning for the use, are not affected because this policy classification is not changing the zoning on the property. The Agriculture classification contains regulatory flood hazard areas. Development on properties containing flood hazard area must comply with the flood plain regulations of Douglas County.

Density: Per Douglas County Zoning Regulations

Intensity: Very low

Zoning Districts: Douglas County - A (Agriculture District), "A-1" (Suburban Homes District)

Primary Uses: Agriculture, commercial greenhouse, commercial riding stable, grain storage structures, single-family dwellings, churches, schools, parks and open space and utilities.

#### 3.2.1.2 Very Low-Density Residential

The intent of the Very Low-Density Residential classification is to allow for large lot, single-dwelling type uses. The very low-density classification is expected to urbanize within the city of Lawrence.

Density: 1 or fewer dwelling units per acre

Intensity: Very low

Zoning Districts: Lawrence – RS40 (Single-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, group home, public and civic uses

#### 3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas designated are rural and are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

#### 3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)



Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agribusinesses

#### 3.2.1.5 Airport

The intent of the Airport category is to designate the existing City-owned Lawrence Municipal Airport land and allow for aviation-related development.

Intensity: Medium-High

Zoning District: Lawrence – IG (General Industrial District)

Primary Uses: Aviation-related uses

#### 3.2.1.6 Public/Institutional

The intent of the Public/Institutional Use is to allow for public, civic, and utility uses.

Intensity: Variable

Zoning Districts: Douglas County – A (Agriculture District); Lawrence – GPI (General Public and Institutional)

Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services

#### 3.2.1.7 Kansas University Field Station

The intent of the KU Field Station Use is to classify the existing Kansas University property.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District)

Primary Uses: crop agricultural, cultural center, teaching, active recreation, passive recreation, nature preserve, research

#### 3.2.1.8 Open Space

The intent of the Open Space classification is to provide future opportunities for public and private recreational facilities and natural area preservation. This category primarily includes regulatory floodway areas as well as regulatory floodplain areas that are not in the Agriculture Land Use classification.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District), V-C (Valley Channel District); Lawrence – GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve),

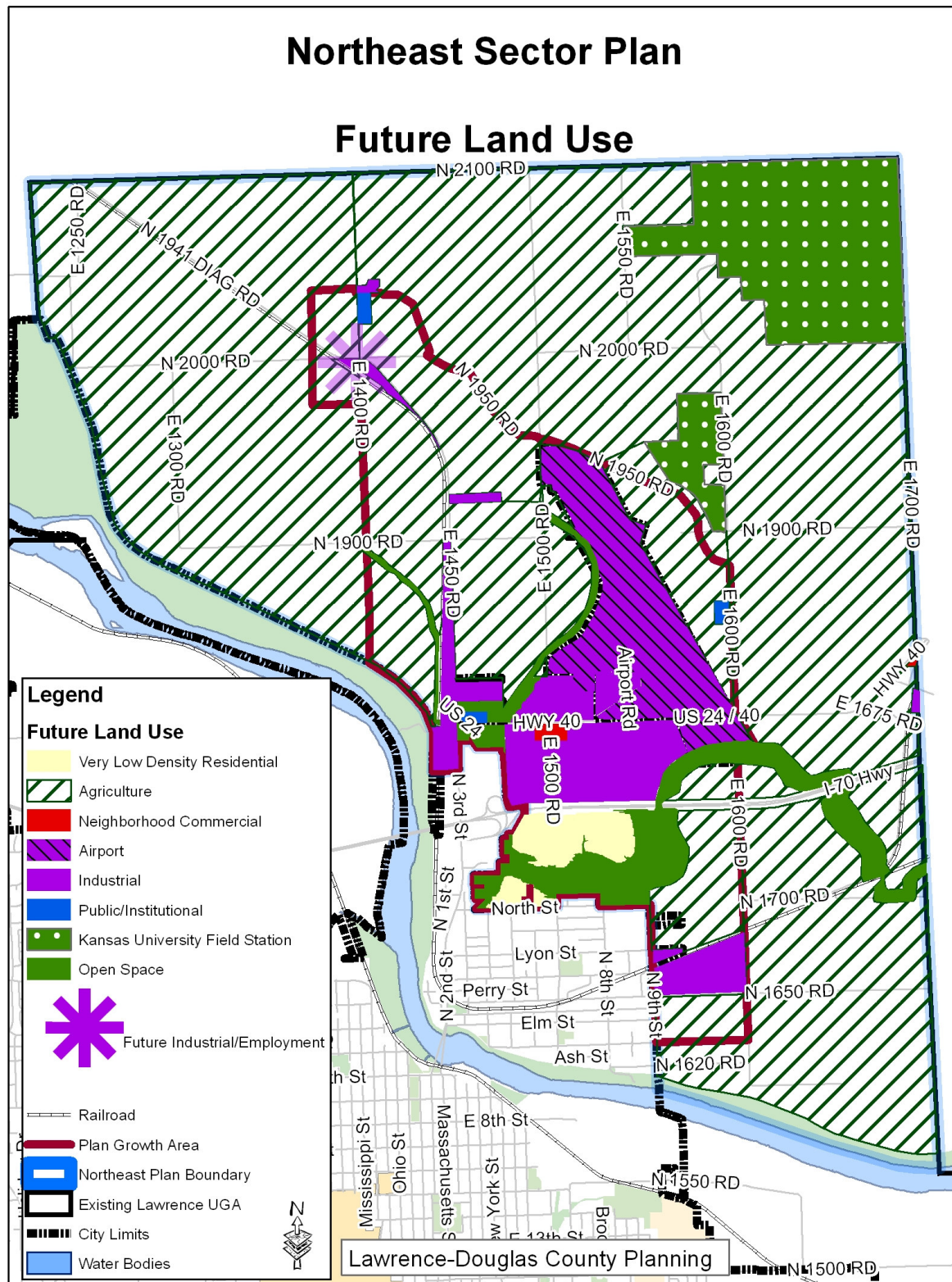
Primary Uses: crop agricultural, cultural center, schools, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation

#### 3.2.1.9 Future Industrial/Employment

This classification recognizes the Midland Junction area as a future employment center. Although the area may or may not urbanize and support a larger employment base and possibly expanded commercial uses, this likely won't happen for at least 30 years (Per Horizon 2020 Chapter 7 Industrial and Employment Related Land Use).

A Nodal Plan will be required prior to the area substantially developing. A Nodal Plan will provide a detailed land use examination of the Midland Junction intersection. The Nodal Plan should determine future land use, including a consideration for some commercial land use. In addition to future land use, among the other issues the Nodal Plan should examine are: traffic safety issues with Highway 24/59, stormwater, and Class I and II soils.

Map 3-1 – Future Land Use



### **3.3 Implementation**

1. Amend *Horizon 2020* Chapter 6 - Commercial Land Use designate the Neighborhood Commercial Center at the intersection of E 1500 Road and US Highway 24/40 to the southern portion of the intersection of E 1500 Road and US Highway 24/40.
2. Reevaluate and update the Lawrence Urban Growth Area (UGA) in *Horizon 2020*.
3. Include the planning area in the future wastewater and water master plan updates.
4. Include the planning area in future long-range transportation plan updates.
5. Reassess the planning area in a Bikeway Map update to include connecting the open space areas to the greater trail network.
6. Consider implementing regulations that promote no adverse impact for floodplain management.

**From:** Rich Bireta [mailto:rbireta@us.ibm.com]

**Sent:** Monday, April 09, 2012 11:07 PM

**To:** Dan Warner

**Subject:** NE Sector Plan - Three Options

Dan,

Nice, comprehensive job on the "three options" memo. Grant Township Board of Trustee will not take a position as to which to select but urge selection of one of the options and passage of the entire NE Sector Plan which is a solid piece of planning work.

~Rich

---

Rich Bireta,  
Grant Township Trustee



March 13, 2012

To: Lawrence-Douglas County Planning Commission

Re: Northeast Sector Plan

Dear Commission Members:

The Lawrence Chamber of Commerce has participated in nearly every public forum and hearing on the Northeast Sector Plan for the past three years and agree that it is time to move forward.

We stand with many of the landowners in Grant Township in maintaining that long-range planning requires consideration be given to the amount of industrial acreage indicated in the long-range plan. Three significant elements are present in this area: It is a unique transportation hub in Lawrence, Douglas County and Northeast Kansas with Interstate 70, four other major highways, the Lawrence Municipal Airport and Union Pacific Railroad all available for movement of goods and services; it contains Class 1 and 2 tillable soils and major farming operations which already have produced significant scientific discovery in production agriculture. Those major producers have indicated a willingness to share access to their soils for smaller garden operations for local consumption; and it lies close to the Kansas City Metro area and directly in the center of the Ag Corridor from Manhattan, Kansas to Columbia, Missouri. This is an area of future agricultural research and production that will be important for generations to come as we learn better ways to feed our own nation and share that knowledge throughout the world.

We also understand that considerable work still needs to be done to protect the interests of those who live and work in North Lawrence. Flooding problems and river shoreline issues must be addressed before any kind of major industrial district might be considered, but the issues listed above should be noted when future consideration is given for development, particularly for agricultural-industrial uses. The judicious use of limited acreage with carefully planned water retention should be open for consideration.

Thanks to the Planning Staff, especially Dan Warner for long hours spent working with many people with many different opinions over the past three years.

Hank Booth  
Interim President/CEO

*Lawrence Chamber of Commerce, 646 Vermont Street, Suite 200, Lawrence, KS 66044*

## **CHESTNUT CHARLIE'S**

Charles NovoGradac  
Box 1166  
Lawrence, KS 66044  
785 841-8505  
[www.chestnutcharlie.com](http://www.chestnutcharlie.com)



April 13, 2012

Lawrence and Douglas County  
Planning Commission  
Lawrence, KS 66044  
(by email)

Re: Comments to Planning Commission on Northeast Sector Plan

Dear Planning Commissioners and Staff:

As landowners in the Northeast Sector Planning area, we disagree with the proposals to designate more farmland for industrial uses. We support the alternatives that call for respecting Capability 1 and 2 farm soils.

We are owners/operators of a tree farm and also an industrial warehouse close to the farm land southeast of the municipal airport. In addition to the exacerbation of storm water and flooding due to incremental development, on which we have previously commented, we would like to illustrate an additional point.

Proximity to the highways and the rail corridor has been touted as being ideal for industry and employment. But these highways and railroads have been in place for over 50 years while development attempts have had mixed and disappointing results. Compared to the prosperous farm soils that have been farmed continuously and successfully for many decades, many of the developed properties are now failed businesses. Much acreage remains vacant, and some properties are blighted.

To illustrate, the following snapshots illustrate some of the many vacancies and under-utilized industrial and commercial properties along US24/40/59 from within one mile north and south of TeePee Junction. All are close also to the I70 (KTA) exit. All of the following photos were taken within the last two weeks.



Former Kaw Metals,  
SW corner, TeePee Junction



South of Kaw Metals





Northwest corner, TeePee Junction, 10 acres



1841 E. 1450 Road, out of business, for rent,  
now owned by the authors



formerly Schmidt Lumber, vacant, for sale



Kaw Valley Supply, closed , half still vacant



Refurniche consignment store  
out-of-business



Bulldog Tow, business liquidation, land and  
building for sale

The above properties on this page are within one mile north of TeePee Junction on US 24/59, and back up to the railroad. One or two may even have rail sidings.



Formerly Midwest Surplus, now vacant



Websters manufactured homes, closed, for sale



Warehouse & office north of I-70, east side



Commercial building with long term vacancies



Former lumber yard, south of former Tanger Outlet Mall



Former Tanger Mall, largely vacant

The number and extent of vacancies in this area suggests a problem which is not addressed by the draft Northeast Sector Plan. There is too much developed industrial/commercial land which is vacant and underutilized in the area. The worst of it we can fairly characterize as blight.

The farms in the area have exceptional soils. The land is consistently planted and apparently prosperous. Our City and County master plan should not encourage development of virgin farm land while so many acres already spoiled for farming remain vacant and under-utilized.

For each of the properties which were developed from farmland, the natural drainage into permeable soil has been compromised by landfill and impervious surfaces. In none of the vacant industrial properties we have surveyed for this letter has there been any drainage mitigation. The burden of additional storm water falls on neighboring and downstream landowners. To add further to this problem would not be wise and responsible planning.

We submit that the Planning Commission should adopt the option recommended by the Citizens for Responsible Planning. Do not add industrial land outside of the properties already so zoned. Remove the industrial “snowflakes” from the area southeast of the airport.

Respectfully submitted

/s/

Charles NovoGradac and Deborah Milks

**From:** Barbara Clark, Maggie's Farm [mailto:maggiesfarm@sbcglobal.net]  
**Sent:** Thursday, April 19, 2012 4:03 PM  
**To:** Dan Warner  
**Subject:** Northeast Sector Plan and value of Capability Class I and II Soils

Hi Dan, Could I ask you to forward this email to the Planning Commissioners for Monday's meeting re: Northeast Sector. Could I also ask that you check my link to the USGS Study...I'm a Luddite when it comes to computer work.

Many thanks.  
Barbara

Dear Planning Commissioners,

I would like to forward to you a link to a recent (2/1/2012) U.S. Geological Survey study, *Irrigation Causing Declines in the High Plains Aquifer* by Stanton and Lubeck.

"Groundwater withdrawals for crop irrigation have increased to over 16 million acre-feet per year in the High Plains Aquifer, according to a recent U.S. Geological Survey study.

The USGS study shows that recharge, or the amount of water entering the aquifer, is less than the amount of groundwater being withdrawn, causing groundwater losses in this already diminished natural resource. Crop irrigation is the largest use of groundwater in the aquifer, and, over the past 60 years, has caused severe water-level declines of up to 100 feet in some areas. The new USGS findings address concerns about the long-term sustainability of the aquifer.

The High Plains Aquifer underlies nearly 175,000 square miles in parts of eight states - Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming - and is a major source of groundwater irrigation in the region. The High Plains region supplies approximately one-fourth of the nation's agricultural production." (USGS - Stanton and Lubeck, *Irrigation Causing Declines in the High Plains Aquifer*, 2/1/2012).

The outcome of this study places an even higher value on preservation of the Capability Class I and II soils in the Northeast Sector. The soils in the Northeast Sector are not dependent on a rapidly depleting aquifer. Rather, the ground water levels of the soils in the Kansas River Valley give us a far greater availability and sustainability for agricultural irrigation needs for the future. These soils will play an important role for the agricultural needs of our county, if not our greater region.

To close with a quote from one of the authors of this study, "Because groundwater losses are greater than recharge, water levels in many parts of the aquifer are currently declining. Such information can inform groundwater management decisions made by state and local agencies." (USGS - ibid)

We as a community should also let this study inform us to the value of our high-quality agricultural land and the importance of their preservation for future generations.

Click [here](#) for the Executive Summary of the article and a link to the entire document.

With thanks.  
Respectfully,  
Barbara Clark

*"The history of every nation is eventually written in the way in which it cares for its soil." Franklin Roosevelt*

Maggie's Farm  
[www.maggiesfarm-ks.com](http://www.maggiesfarm-ks.com)  
"wear more wool"



Citizens for Responsible Planning  
April 23, 2012

Richard Hird, Chair  
Lawrence-Douglas County Metropolitan Planning Commission

Dear Chairman Hird,

Citizens for Responsible Planning, an informal network of interested citizens, support citizen engagement in the planning process for the Northeast Sector Plan. We appreciate the past efforts to build community input into this planning process.

Historically the Northeast Sector has been shaped by the repeated flooding of this river valley. This movement of water has deposited some of the finest soils and created some of the best agricultural land in Kansas. This rich natural asset in the Northeast Sector creates the largest contiguous acres of Capability Class I and II Soils in Douglas County. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states "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."

Of the 303,808 acres in Douglas County, only 8,370 acres have Class I soils and by 2009 24% of those acres have been developed. There are 33,053 acres of Class II soils in our county and 38% has already been developed. (Please refer to the attached Exhibits A and B.) Citizens for Responsible Planning recommends directing industrial development to other areas already designated for industrial that do not have the high concentration of Class I and II soils. Attached with this letter is a comparison of all eleven sites identified on Map 7-2 - Potential Location for Future Industrial and Employment Related Land Use in Chapter 7 of Horizon 2020. (Please refer to Exhibits C and D.) The table in Exhibit D demonstrates the many options available to our community for future industrial sites that do not present the extreme challenges or contain comparable content of contiguous acres of Capability Class I and II Soils.

The December 12, 2011 staff memo identified approximately 1,426 acres of future industrial areas in recent sector plans. This acreage total far exceeds the Horizon 2020 goal of 1,000 acres. This suggests we have an overabundance of other sites within the county for industrial development. These areas come without the costly and failure susceptible infrastructure required for the development on flood prone land. Most significantly these other sites do not carry the risk of catastrophic flooding to the some 3000 downstream residents of North Lawrence.

We would also like to present some important contextual information for your consideration using maps referenced within the Northeast Sector Plan. It is our feeling that graphically placing the proposed industrial area on these attached maps gives clear context to the challenges facing development in this area.

Map 2-9	Regulatory Flood Hazard Area and Streams - Flood Hazard Area pg. 2-18, Exhibit E
Map 2-13	Class I and II Soils pg. 2-22, Exhibit F

We have placed comment boxes on each of these mapping tools. We believe these restrictive conditions would impact development in this proposed industrial area. We would also request that the recommendations within the North Lawrence Drainage Study be considered before creating new industrial areas.

The perennial local storm water problems within the levy, compounded by the likelihood of river flooding and the consequent closing of the floodgates (such as in 1993), and the almost level drainage gradients throughout the area, demand extraordinary engineering solutions. Development on farmland near the drainage ways reduces the natural buffering and increases the risk of property loss from flooding. The high cost of engineered drainage, including the construction costs and maintenance in perpetuity, makes the farmland within the natural floodplain a comparatively costly area to develop.

Proposed new industrial areas within the Northeast Section have included a 300-acre option and a 125-acre industrial development option. Exhibits G and H illustrate the high concentration of Class I and II soils in the proposed industrial areas southwest of the airport.

In addition to the above concerns; perhaps the most important consideration is the impact of increased risk of flooding to public safety.

Therefore, Citizens for Responsible Planning recommend that there be no industrial or commercial areas south and west of the airport. We also recommend that the industrial "snowflakes" be removed from this location adjacent to the airport as well as at Midland Junction.

Respectfully Submitted,

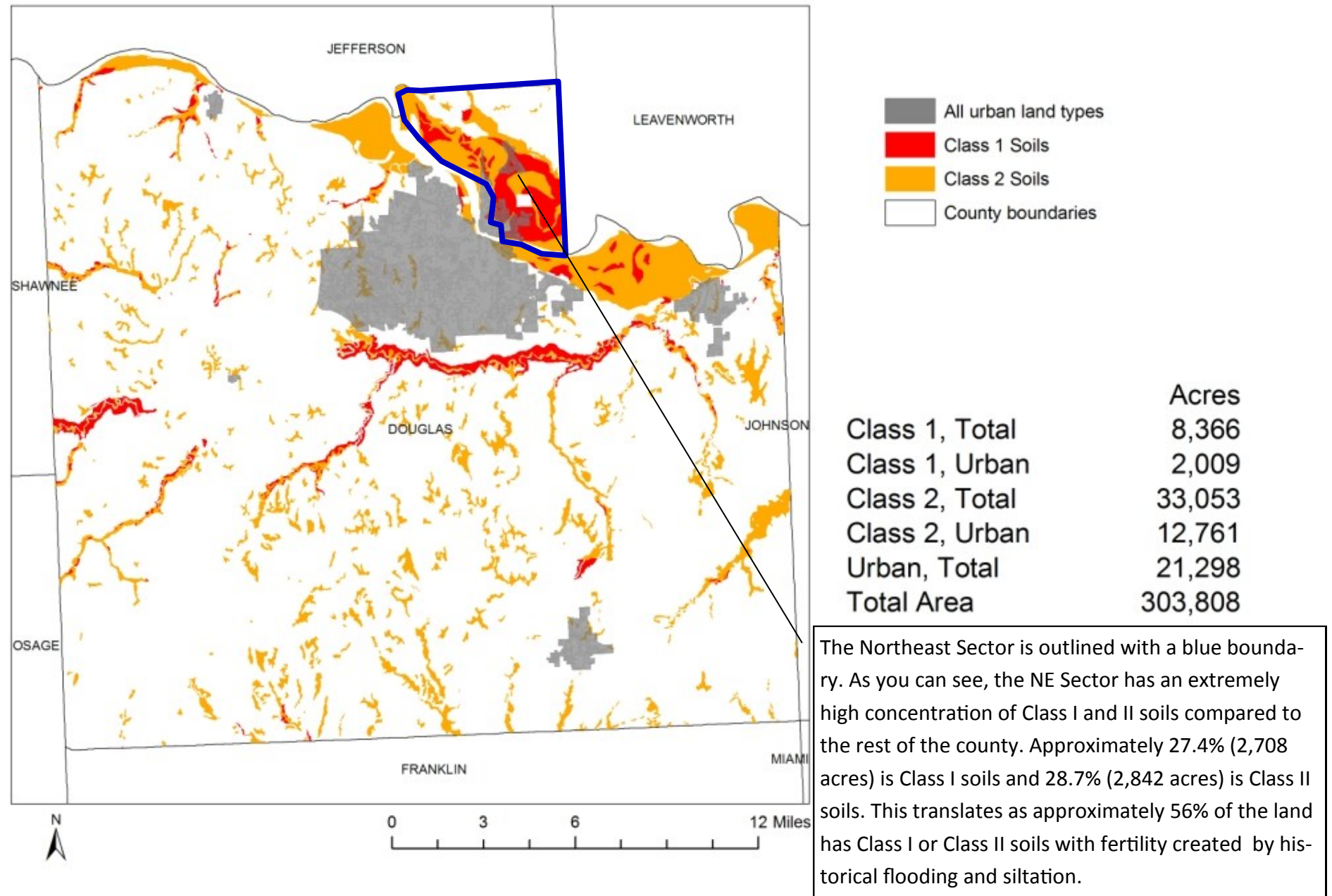
Jerry Jost  
Ted Boyle  
Barbara Clark  
Deb Milks  
Charlie NovoGradac  
Lane Williams  
Deborah Altus  
David Baird  
Kelly Barth  
Kim Bellemere  
Thomas Birt  
Lynne C. Bodle  
Marilyn Brune  
David Buress  
William H. Busby  
Lynn Byczynski  
Alison Cain

Clark Coan  
Joe Douglas  
Vicki Douglas  
Hilda Enoch  
Marcia Fisher  
Chet Fitch  
Deanna Fitch  
Bob Gent  
Lisa Grossman  
Marcel Harmon  
Kim Heck  
Jason Hering  
Carol Huettnner  
Sacie Lambertson  
David F. Lambertson  
Eileen Larson

Alice Lieberman  
Bob Lominiska  
Jake Lowen  
Janet Majure  
Julia Manglitz  
Sally McGee  
Dan McMinn  
Daniel Nagengast  
Daniel Poull  
Joseph Ramagli  
Simran Sethi  
Frank Shopen  
James Smith  
Mary Ann Stewart  
Susanne Stover  
Linda Zohner



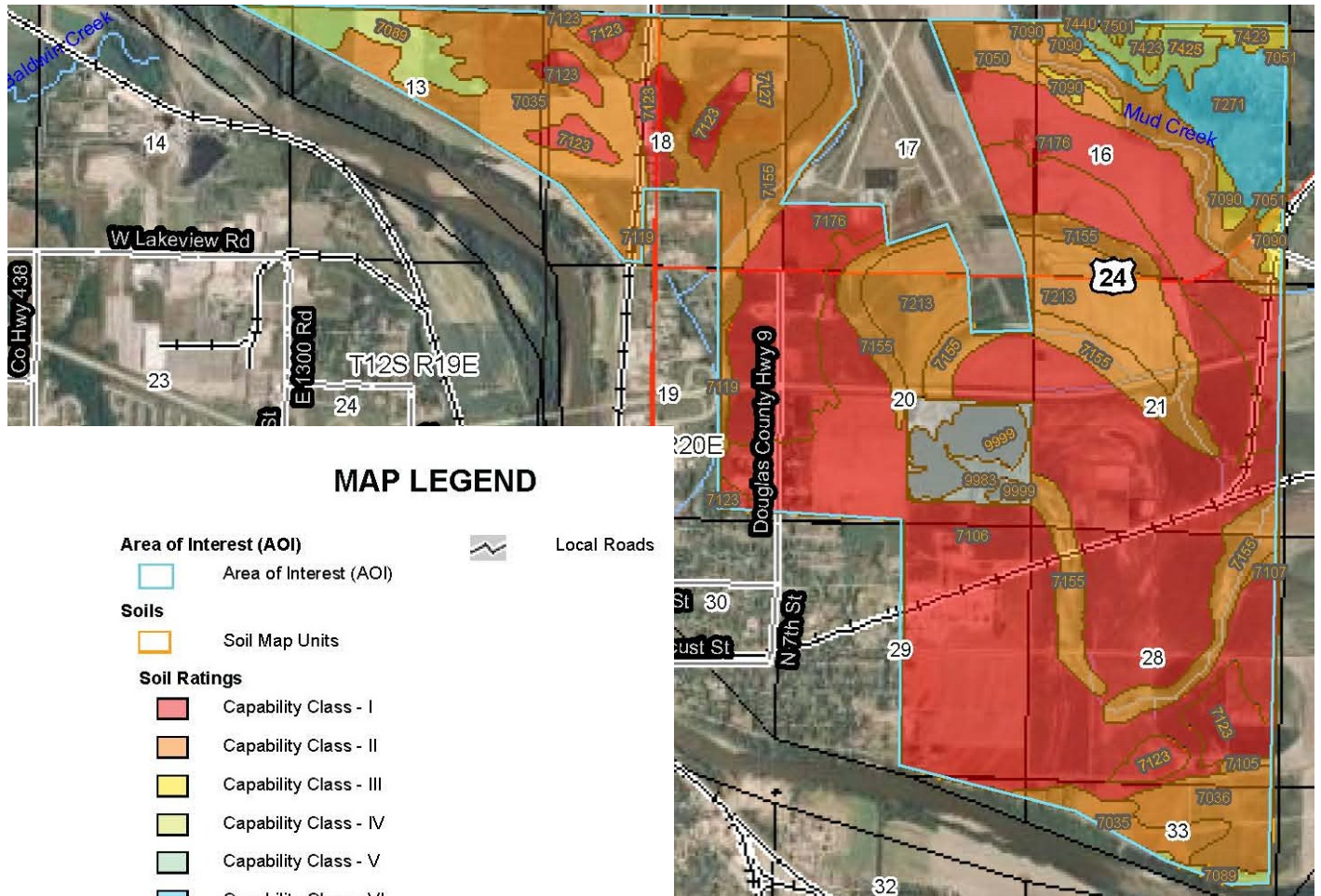
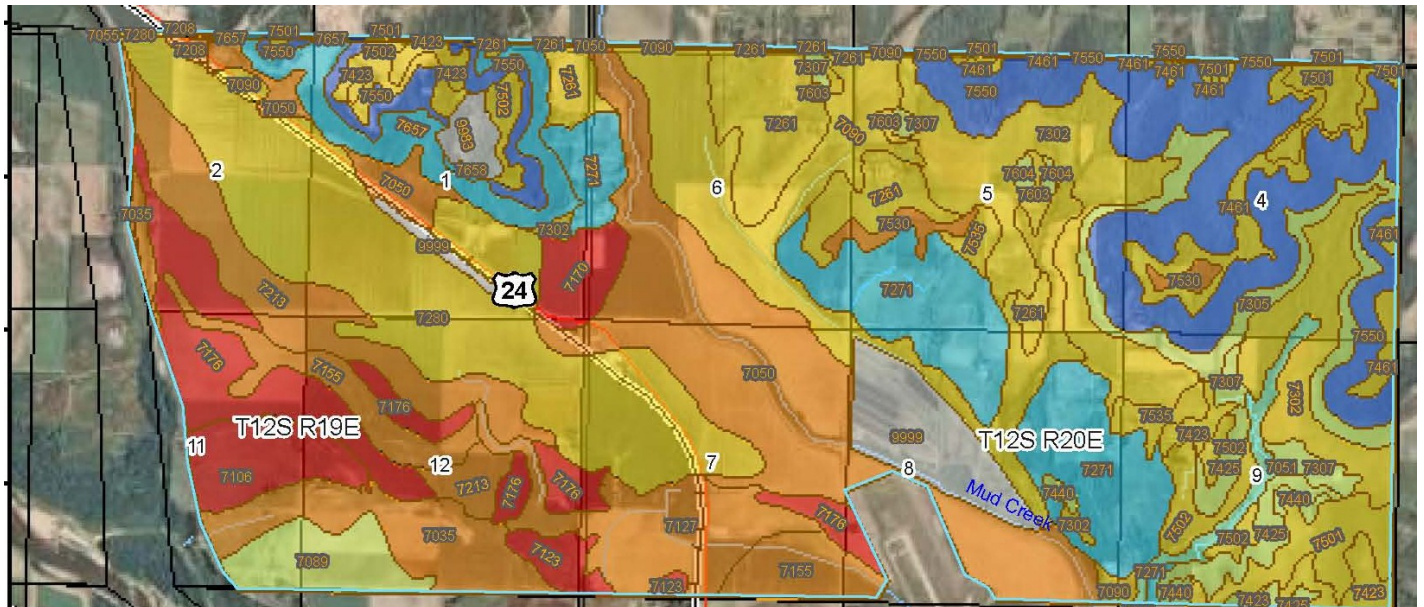
## Class 1 and 2 Soils, plus all Urban land types



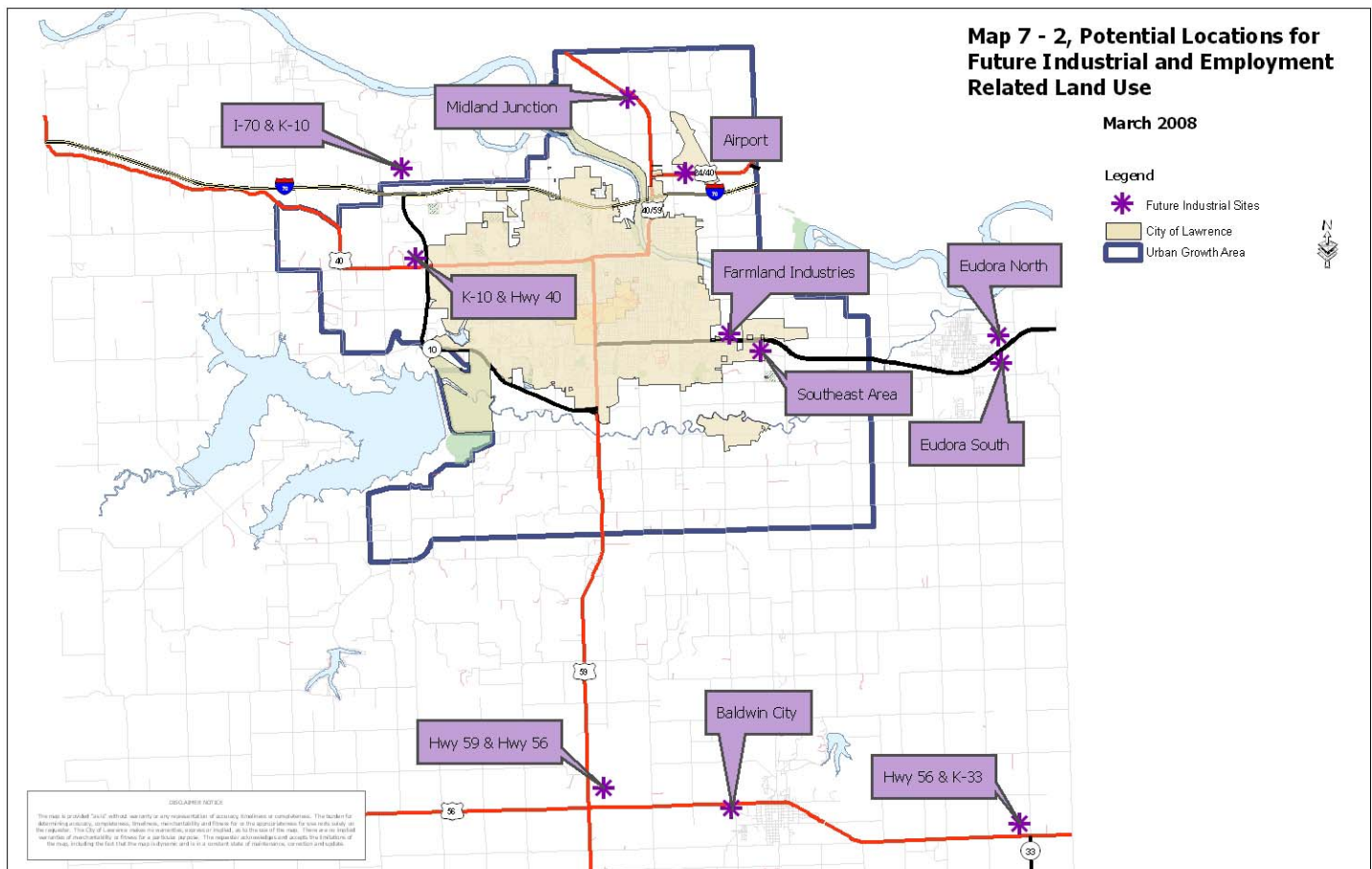


## NE Sector Soil Capability Classes

### USDA NRCS Soil Survey



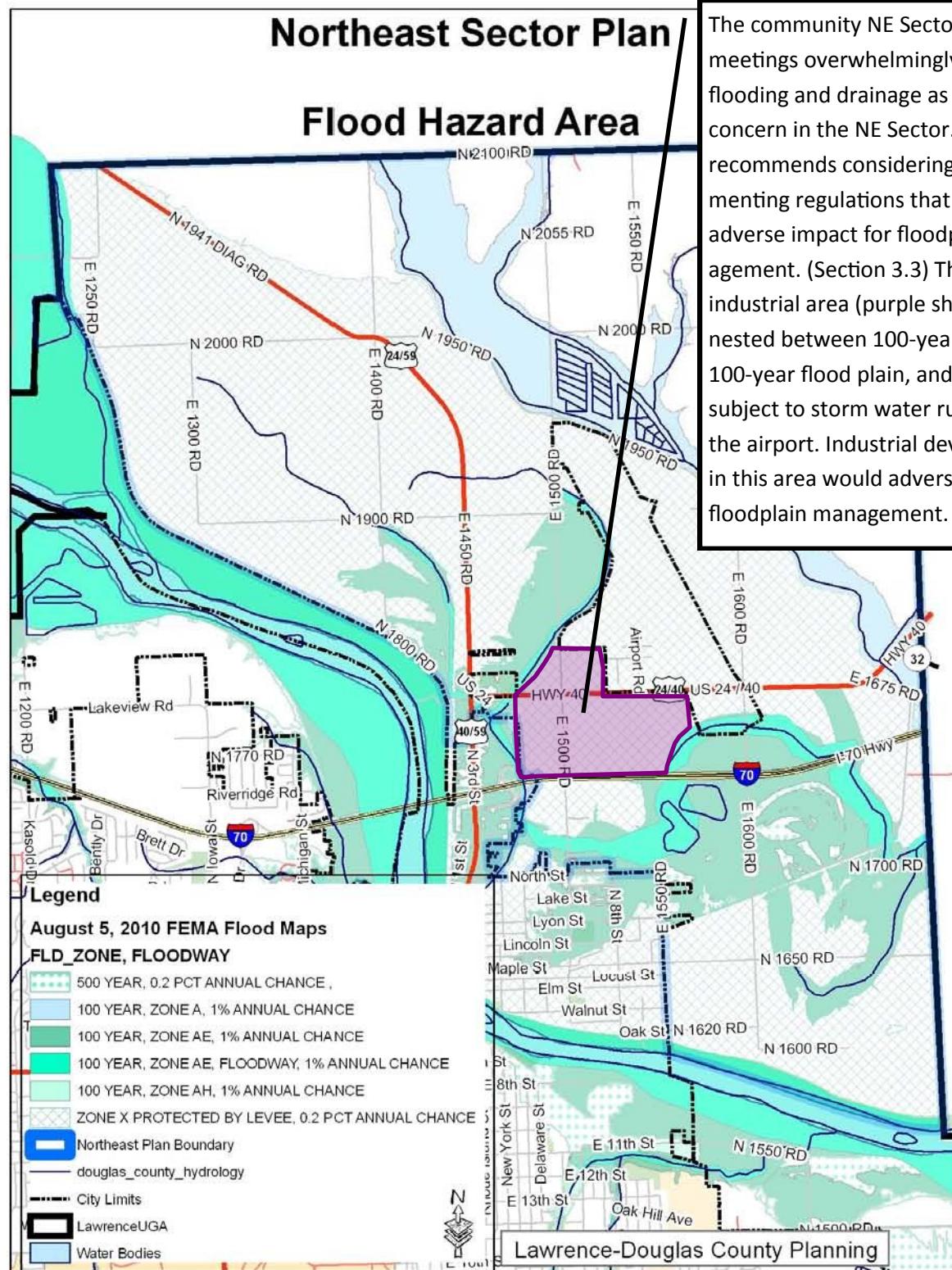
## Exhibit C



## Exhibit D

Approximate Acreages Containing Class I and II Soils in the Potential Industrial Development Sites According to Horizon 2020					
Potential Industrial Development Sites According to Horizon 2020 (Pages 7-4 through 7-8)	Acres (Approximate)	Class I Soils (Approximate Acres)	Class II Soils (Approximate Acres)	Total Class I and II Soils (Approximate Acres)	% Soils that are Class I and II
Farmland Industries	509	12	7	19	3.7%
Southeast Area	173	0	21	21	12.1%
Airport	374	217	157	374	100.0%
I-70 and K-10	607	0	42	42	6.9%
K-10 and Highway 40	386	0	28	28	7.3%
Eudora North and Eudora South	845	8	4	12	1.4%
Baldwin City	648	0	0	0	0.0%
Highway 56 and Highway 59	656	0	36	36	5.5%
Midland Junction	652	69	214	283	43.4%
Highway 56 and K-33	719	0	0	0	0.0%
Total Acres (Approximate)	5569				

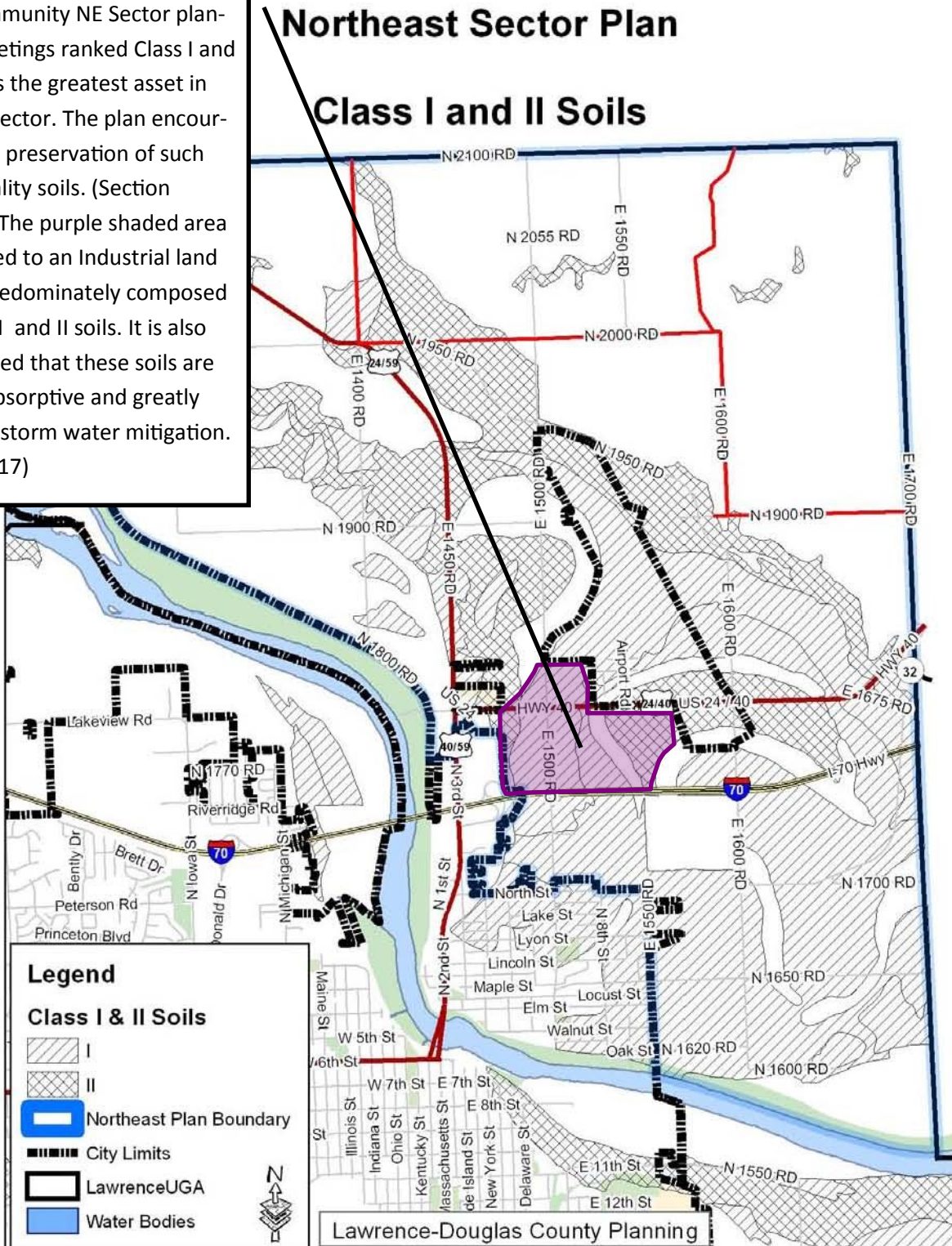




The community NE Sector planning meetings overwhelmingly ranked flooding and drainage as the primary concern in the NE Sector. The plan recommends considering implementing regulations that promote no adverse impact for floodplain management. (Section 3.3) This proposed industrial area (purple shaded) is nested between 100-year floodway, 100-year flood plain, and would be subject to storm water runoff from the airport. Industrial development in this area would adversely impact floodplain management.

**Map 2-13 – Class I and II Soils**

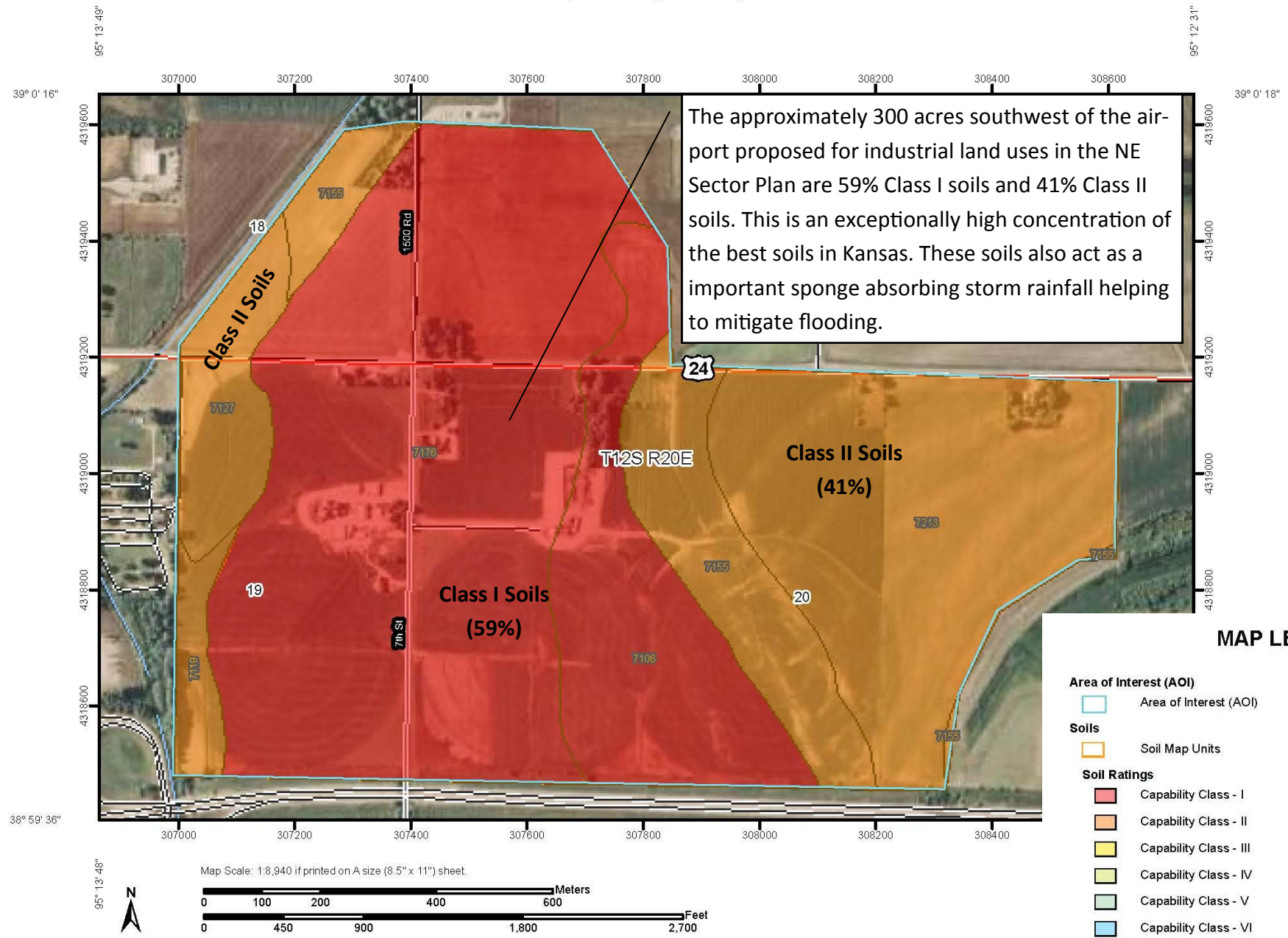
The community NE Sector planning meetings ranked Class I and II soils as the greatest asset in the NE Sector. The plan encourages the preservation of such high quality soils. (Section 3.1.2.1) The purple shaded area converted to an Industrial land use is predominately composed of Class I and II soils. It is also recognized that these soils are highly absorptive and greatly assist in storm water mitigation. (Page 2-17)





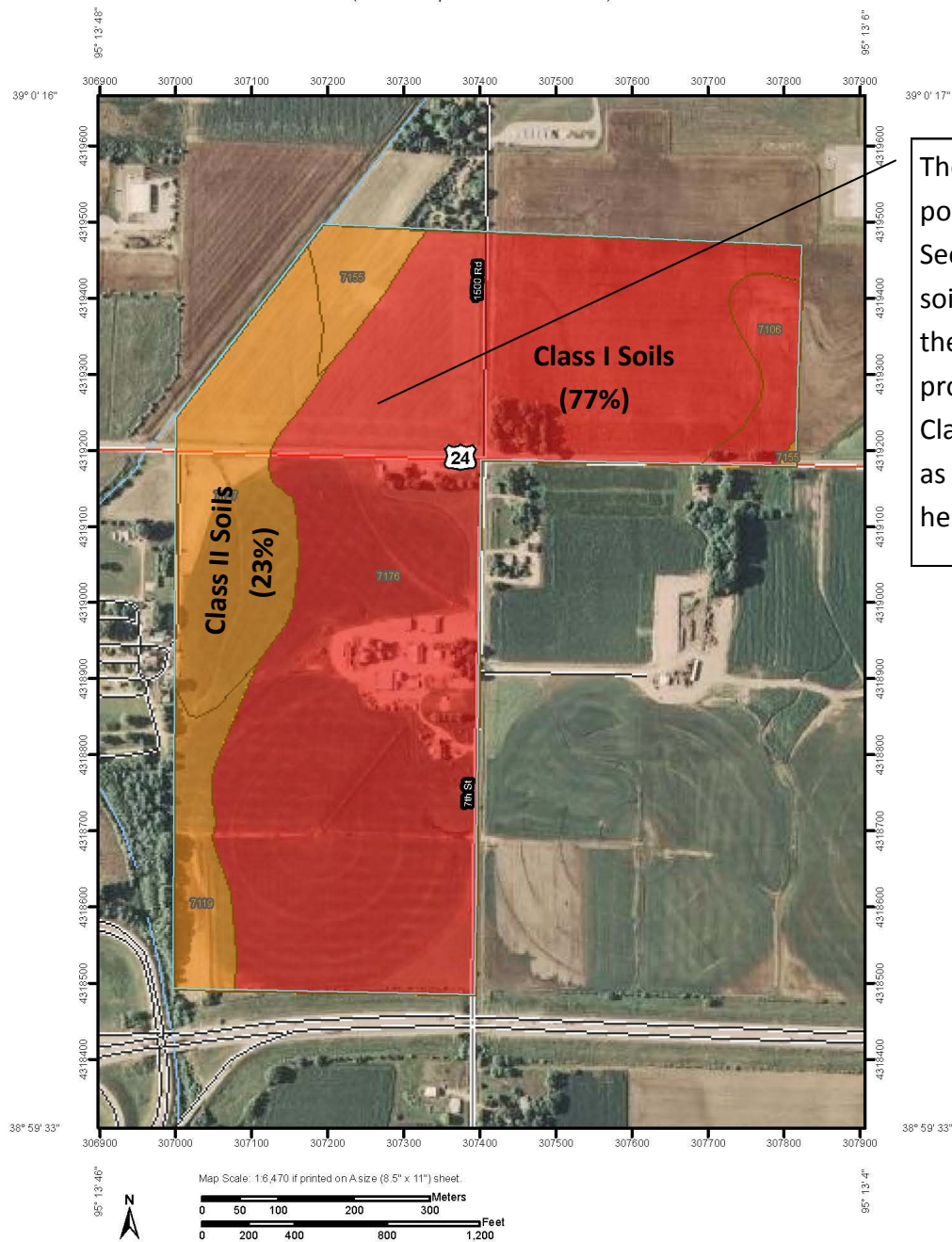
# Exhibit G

Nonirrigated Capability Class—Douglas County, Kansas  
(1500 Road Hwy 24 Soil Class)



# Exhibit H

Nonirrigated Capability Class—Douglas County, Kansas  
(NE Sector Proposed Industrial Soil Classes)



The approximately 125 acres southwest of the airport proposed for industrial land uses in the NE Sector Plan are 77% Class I soils and 23% Class II soils. This is an exceptionally high concentration of the best soils in Kansas. This parcel represents approximately 3.5% of the Class I soils and 1% of the Class II soils in the NE Sector. These soils also act as an important sponge absorbing storm rainfall helping to mitigate flooding.



League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

April 22, 2012

RECEIVED

APR 23 2012

City County Planning Office  
Lawrence, Kansas

Mr. Richard Hird, Chairman  
Members  
Lawrence-Douglas County Metropolitan Planning Commission  
City Hall  
Lawrence, Kansas 66044

RE: ITEM NO. 4: Northeast Sector Plan: CPA-6-5-09

Dear Chairman Hird and Planning Commissioners:

As you know, the Land Use Committee has sent you several letters regarding the issue of future land use for the Northeast Sector Plan.

We have asked that you not designate for industrial or commercial development those areas that are in the identified types of I and II Class soils areas or in the 100-year flood plain.

The Citizens for Responsible Planning has asked that you not include these areas for designated industrial and/or commercial development in their current letter to you. Our Land Use Committee is endorsing that letter.

Of the four Options presented to you by the planning staff to consider in the Future Land Use Map for the Northeast Sector Plan, we believe that Option 3 comes closest to meeting these objectives stated in the letter from the Citizens for Responsible Planning and those positions expressed on this issue in the previous letters to you from our Land Use Committee.

Thank you for your consideration of this issue.

Sincerely yours,

Milton Scott  
Vice President



Alan Black, Chairman  
Land Use Committee

Jerry Jost  
217 North Fifth Street  
Lawrence, KS 66044  
April 23, 2012

Richard Hird, Chair  
Lawrence-Douglas County Metropolitan Planning Commission

Dear Chairman Hird,

I am a resident of North Lawrence and a resident of Grant Township for the past twenty years. I am concerned about the safety issues related to storm water management in the Northeast Sector. The following texts are selected excerpts taken from the North Lawrence Drainage Study. The emphasis is mine.

## **NORTH LAWRENCE DRAINAGE STUDY**

### **Section VI: Watershed Analysis**

#### **Recommendations**

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. Currently, the roads are not raised far above the floodplain and the hydraulic structures are relatively small. The result of this is that there is significant overtopping of the road during times of high flow. During such times, it is very dangerous, if not impossible, for emergency vehicles to traverse these roads. With a dense urban population, this will become unacceptable. Therefore, the roads will not only have to be improved to increase traffic capacity, but will have to be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. By raising the road, it cuts off the large amount of water that used to flow across the lower roads. It is therefore necessary to provide hydraulic structures capable of passing that large amount of additional flow, while not increasing water surface elevations upstream. This results in some significant increases in required flow capacity over the existing hydraulic structures.

#### **Future Hydraulic Drainage Improvements**

As the area develops, the need for uninterrupted transportation and emergency services will increase. An investigation was undertaken to assess the requirements for raising the major roads above the 100-year elevation and building hydraulic structures that would pass the 100-year with out increasing the backwater. In the North Lawrence basin there are approximately 5 miles of roads that would fall under these criteria. To construct major arterial streets on mostly borrowed fill and only across

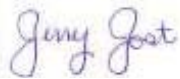
the 100-year floodplain and upgrade the associated hydraulic structures to pass the flows without causing increased flooding upstream would cost approximately \$14.3 million. This does not include ancillary items such as interface with other roadways, bridges, traffic control devices, right-of-way acquisition, etc. There are fourteen hydraulic structures on these roads in the current model.

Judging by the sewer improvement project at the airport, these improvements could be more difficult and expensive than projected. Also proposed engineered solutions can bring unanticipated consequences. What seemed like an easily engineered project has been riddled with cost and time overruns and even a failed first attempt. Even during the past dry summer seven pumps couldn't successfully pump out the underground water to install the septic system tank.

The costs to the taxpayer of improving five miles of roads and eleven bridges along with improving fourteen hydraulic structures and adding new traffic control devices are formidable. Douglas County has more cost effective sites for industrial development with less risk to public safety than planning for increased industrial development in the Northeast Sector.

Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in blue ink that reads "Jerry Jost". The signature is written in a cursive, slightly slanted style.

Jerry Jost

# U.S. Supreme Court rulings on Regulatory Takings – Case Law

## Northeast Sector Plan

26 July 2010

Michael Almon

There is a substantial body of case law on land use and takings, specifically regulatory takings, and the U.S. Supreme Court has established clear precedent in this regard. Regulatory takings are applied in any number of situations, but primarily for the public health and safety.

Reasonable public policy is fully justified for the protection of our population from flooding through flood plain preservation, for assuring the solvency of our city and county infrastructure budgets, and for securing our community's ability to feed ourselves as peak oil increasingly drives up food prices and limits food imports.

The Commission is on firm legal footing when adopting plans with specific provisions for regulatory takings that protect our common health and safety. You would be derelict in your duties if you did not do this. I urge the Commission to incorporate the following into the Northeast Sector Plan.

1. Promulgate public policies and codes that recognize numerous U.S. Supreme Court case decisions which say reasonable, uniformly applied land use regulations do not constitute legal takings. Some of the rulings include:
  - No one may claim damages due to police regulation designed to secure the common welfare, especially in the area of health and safety regulations. The distinguishing characteristic between eminent domain and police regulation is that the former involves the taking of property because of its need for the public use, while the latter involves the regulation of such property to prevent the use thereof in a manner that is detrimental to the public interest. (Nichols' The Law of Eminent Domain Sec. 1.42; J. Sackman, 3d rev. ed. 1973)
  - Land use controls constitute takings, the Court stated, if they do not “substantially advance legitimate governmental interests”, or if they deny a property owner “economically viable use of his land”. ( Agins v. City of Tiburon)
  - When the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking. (Lucas v. South Carolina Coastal Council, 112 S. Ct. 2886, 2895 - 1992)
  - These and considerably more may be found at:  
<http://caselaw.lp.findlaw.com/data/constitution/amendment05/16.html#f236>
2. Adopt a zoning category of “exclusive agricultural use” for rural properties, with a gradient of development limitations keyed to the USDA soil classification levels. This would not be a requirement, merely a zoning category that a landowner may request for their land  
[http://www2.co.multnomah.or.us/Community\\_Services/LUT-Planning/urban/zonordin/efu/efu.html](http://www2.co.multnomah.or.us/Community_Services/LUT-Planning/urban/zonordin/efu/efu.html)
3. Adopt code provisions for the Transfer of Development Rights (TDR) of Capability I and Capability II prime soils specifically. Using such a program, lands containing these soils are so designated, and owners of such farmland can sell the development rights to a publicly managed fund, thus continuing to farm while realizing a financial gain. Land developers who plan to urbanize other second tier farmland would pay to buy the development rights, the proceeds going into the publicly managed fund.  
[http://www.greenvalleyinstitute.org/landuse\\_innovativezoning.htm](http://www.greenvalleyinstitute.org/landuse_innovativezoning.htm)

To: Chairman Richard Hird

Members of the Lawrence-Douglas County Metropolitan Planning Commission

From: Jayhawk Audubon Society

Re: Northeast Sector Plan

We would like to endorse the letter sent to you by the Citizens for Responsible Planning.

We believe that they have made a very thorough case for why there are much more appropriate locations where industrial development should be planned and the Class I and Class II soils preserved for agricultural uses. We also concur that the historic tendency for this area to be flood prone is another significant reason to avoid uses that would exacerbate flooding.

Thank you for taking our comments into consideration.

Sincerely,

Gary Anderson, President

Jayhawk Audubon Society

**From:** Lane Williams [<mailto:lane@drckansas.org>]

**Sent:** Saturday, April 21, 2012 11:19 AM

**To:** Jerry Jost; Dan Warner

**Cc:** Barbara and David Clark; Ted Boyle; Debbie Milks Charlie Novogradac; Debbie Milks

**Subject:** RE: NE Sector Plan - PC Meeting - Proposed Changes

Good job, Jerry. Thanks for preparing it. Charlie and Debbie, I also think your letter to the commission is terrific.

I talked with one of the rail staff at KDOT yesterday. He used to live in Lawrence and is very familiar with the area. As I understand, there are no federal or state regulations on whether/how a siding can cross a US highway, but there are some big negatives to it ever happening:

1. It's strictly up to Union Pacific whether to allow the siding of the existing lines, and it likely will want millions of dollars to allow siding lines;
2. It will require 2 siding lines (one goes to the industrial site and one is used to store cars) so there's a question whether there's enough space between the existing tracks and the highway;
3. UP will require the site to ship a minimum number of cars before it will agree to add the lines. It could be anywhere from 10 to 100 per week;
4. The existing tracks are 2 of UP's primary through lines, particularly for transporting coal, and are rated for speeds of 60 and 70 mph; this makes using a line for switch traffic which runs much slower a potential safety risk;
5. Whether/how it crosses the highway(s) is up to the city and county with KDOT input regarding safety issues;
6. It will cost somebody (the developer or the taxpayers) a bunch of money to make it safe, considering the intersection at TeePee junction is busy and the crossing to the west going into the riverside park is notoriously dangerous;
7. Crossing south of the intersection requires crossing only one highway but would require condemning/buying some of the KOA campground;
8. Crossing north of the intersection seems highly unlikely because the line would have to cross 2 highways, including a potentially raised US 24 (per the N. Lawrence drainage study), and traverse floodplain; and
9. Crossing in either location will clog vehicle traffic because switch trains can take forever to cross.

See everyone Monday.

Lane



# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Mary Miller, Planning Staff

**CC:** Scott McCullough, Planning and Development Services Director  
Sheila Stogsdill, Assistant Planning Director

**Date:** For April 23, 2012 meeting

**Re:** **Agenda Item 5:** Variance from Section 20-810(b) to allow the creation of lots without frontage on a public street. This variance is associated with Minor Subdivision for North Lawrence Addition No 17 (MS-3-3-12).

**Attachment A:** Minor Subdivision MS-3-3-12, North Lawrence Addition No 17

Tenants to Homeowners purchased approximately 39,685 sq ft at 828 Elm Street to develop affordable housing. The property is zoned RS7 which requires a minimum lot area of 7000 sq ft and requires 40 ft of street frontage for each lot. Tenants to Homeowners had originally considered dividing the property into 2 lots, each approximately 20,000 sq ft and developing a principal structure and accessory dwelling unit on each. This would result in 4 affordable residences. However, the Code requires that either the principal or accessory dwelling unit to be owner occupied. This is not possible given the operating practices of Tenants to Homeowners. They enter into long term (99 year) leases with their clients, but retain ownership of the property. The applicant indicated that this is a necessary component of the affordable nature of the homes. The Code also allows only 1 extra person for the definition of family with an accessory dwelling unit. While the RS7 District permits 3 unrelated adults, 4 unrelated adults would be permitted with an accessory dwelling unit.

Given these issues, the applicant decided to divide the property into 4 lots, each which could be developed with a detached dwelling. While the property has adequate area for division into 4 lots, it does not have adequate frontage to provide the required 40 ft of street frontage for each lot. Therefore, the applicant is requesting a variance from the requirement that each lot have frontage on a public street.

The Minor Subdivision review process is administrative. The Minor Subdivision has been included with this memo for context; however, no action is required on the Minor Subdivision.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-813(g). This section lists the criteria which must be met in order for a variance to be approved. The requested variance is evaluated with the approval criteria below:

**Criteria 1.** Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant's response:

*"Tenants to Homeowners, Inc. (TTH) is making great strides to provide affordable housing for the financially disadvantaged members of our community. In an attempt to lower land cost for affordable homes, the minor subdivision will provide 4 lots which exceed the required area for the present zoning district. If the variance is not granted the ultimate lot size will be nearly three times the required area required by zoning. Denial of the variance will create an unnecessary hardship on TTH's ability to provide affordable housing for low income individuals. This project is using city allocated Neighborhood Stabilization Program (NSP) funds and the City of Lawrence Development Services Department is supportive of this effort that will allow us to more efficiently use allocated funds and build all 4 homes required by the grant funding."*

The applicant is proposing a shared access for the 4 lots. This access would remain under Tenants to Homeowner's control and they would be responsible for maintaining the shared driveway. The subject property is approximately 300 ft deep, due to the wide nature of this block. This lot depth is deeper than most lots in the area. (Figure 1) Tenants to Homeowners have indicated that smaller lot sizes are necessary for affordable housing.



**Figure 1.** Block and lot layout in the area.

If the property were being developed by a typical applicant, it could be divided into 2 lots and developed with 4 dwellings, with 2 being accessory dwelling units; however, as it is being developed by Tenants to Homeowners and they maintain ownership of the property, accessory dwelling units are not an option. Strict application of these regulations would require this lot to be developed with 2 dwelling units on deep lots, or with 2 dwelling units with accessory dwelling

units—with one on each lot being owner occupied. Either of these scenarios would prohibit Tenants to Homeowners from developing affordable housing in this location.

**Staff Finding:** The strict application of these regulations would prohibit the Tenants to Homeowner's development of affordable housing in this location.

**Criteria 2:** The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's response:

*"The Minor Subdivision provides individual lots which meet the density and dimensional standards of the Lawrence Development Code. An access easement has been prescribed to provide right-of-entry to all lots. The Minor Subdivision provides a planned residential development concept, thus is in harmony with the intended purpose of the regulations."*

Per Section 20-801, one purpose of these regulations is to provide for the harmonious and orderly development of land. Another is to 'prevent the development of substandard subdivisions and blighted areas that will be a detriment to the community. This variance would accommodate affordable housing while maintaining harmonious and orderly development; however, a condition should be placed on the plat that if a transfer of ownership should occur, a home-owner's association or other entity shall be formed to take responsibility for the ongoing maintenance of the shared drive and access easement. Tenants to Homeowners indicated that the dwellings to the south, on the lots without street frontage, are intended to be smaller units. This could be added as a condition to the variance, with a maximum size limit set in order to insure compatibility with the area.

**Staff Finding:** Permitting the creation of two lots which do not have frontage on a public street will permit the property to be developed with affordable housing. The shared access easement and drive, under the ownership and maintenance of Tenants to Homeowners will provide a varied housing type in the area which should be harmonious with surrounding properties. The proposed variance with the condition regarding ownership and maintenance of the shared access/drive is in harmony with the purpose of the Subdivision Regulations.

**Criteria 3:** The public health, safety, and welfare will be protected.

Applicant's response:

*"Standard City of Lawrence utilities will be provided to the Minor Subdivision lots through utility easements. The proposed access easement will provide safety and welfare of the pedestrian and motor vehicles within the subdivision. The public health, safety, and welfare will be protected with this Minor Subdivision of land. TTH builds energy efficient, durable homes that exceed most for-profit developers' building standards. We do this with the community's health and safety in mind. The neighbors appreciated that we tore down the blighted home on this lot. This blighted structure will be replaced with homes that provide healthy living environments for lower income families that often live in substandard rental housing. This variance will only increase the health and safety provided to the community. TTH, as a nonprofit developer, is committed to that."*

**Staff Finding:** The Fire Code Official and City Utility Engineer have reviewed the minor subdivision and requested a wider shared access and a turn-around area to accommodate their equipment. With these requirements the public health, safety, and welfare shall be protected.

**Staff Recommendation:** Staff recommends approval of the variance from Section 20-810(b) to allow the creation of 2 lots without frontage on a public street subject to the following condition:

Addition of the following note to the Minor Subdivision: *"In the event that a transfer of ownership should occur, a home-owner's association or other entity shall be formed to take responsibility for the ongoing maintenance of the shared drive and access easement."*

# NORTH LAWRENCE ADDITION NO. 17

## A MINOR SUBDIVISION OF LOT 27, NORTH LAWRENCE ADDITION NO. 1 1

### LEGAL DESCRIPTION - LOT 1, BLOCK ONE:

A REPLAT OF PART OF LOT 27 IN ADDITION NO. 11, IN THAT PART OF THE CITY OF LAWRENCE KNOWN AS NORTH LAWRENCE, IN DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 27; THENCE NORTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID LOT 27, 65.96 FEET; THENCE SOUTH 00°43'19" EAST, 150.04 FEET; THENCE NORTH 89°56'25" WEST, 66.09 FEET TO WEST LINE OF SAID LOT 27; THENCE NORTH 00°40'11" WEST ALONG SAID WEST LINE, 149.97 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 0.23 ACRES, MORE OR LESS.

### LEGAL DESCRIPTION - LOT 2, BLOCK ONE:

A REPLAT OF PART OF LOT 27 IN ADDITION NO. 11, IN THAT PART OF THE CITY OF LAWRENCE KNOWN AS NORTH LAWRENCE, IN DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 27; THENCE SOUTH 90°00'00" WEST ALONG THE NORTH LINE OF SAID LOT 27, 65.96 FEET; THENCE SOUTH 00°43'19" EAST, 150.04 FEET; THENCE SOUTH 89°56'25" EAST, 66.10 FEET TO A POINT ON THE EAST LINE OF SAID LOT 27; THENCE SOUTH 00°40'11" WEST ALONG SAID EAST LINE, 150.11 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 0.23 ACRES, MORE OR LESS.

### LEGAL DESCRIPTION - LOT 3, BLOCK ONE:

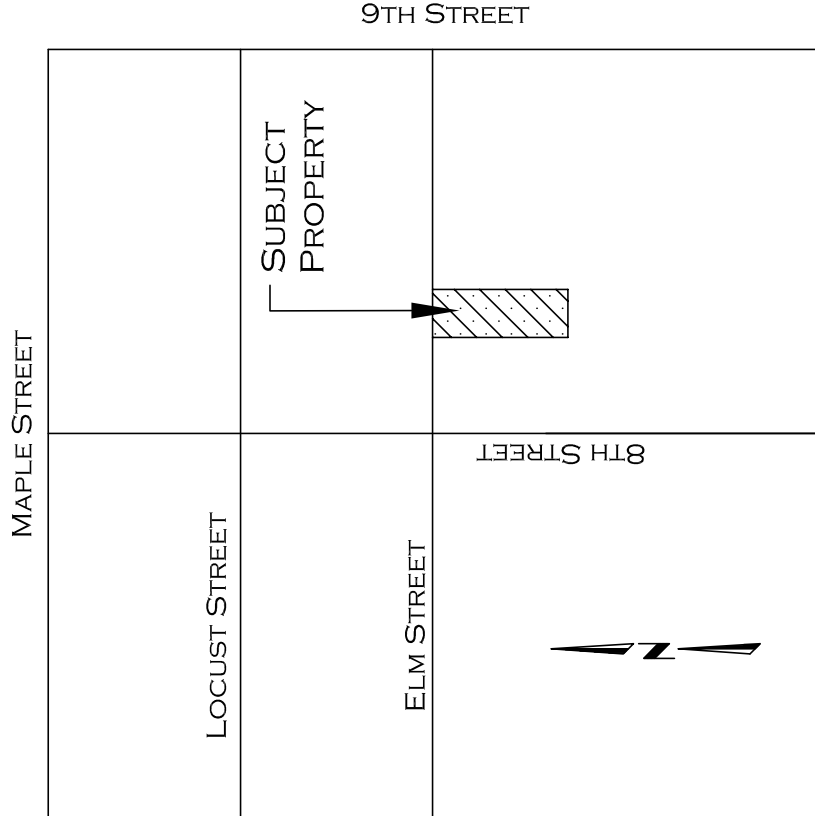
A REPLAT OF PART OF LOT 27 IN ADDITION NO. 11, IN THAT PART OF THE CITY OF LAWRENCE KNOWN AS NORTH LAWRENCE, IN DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 27; THENCE SOUTH 89°52'51" EAST ALONG THE SOUTH LINE OF SAID LOT 27, 66.23 FEET; THENCE NORTH 00°43'19" WEST, 150.04 FEET; THENCE SOUTH 89°56'25" EAST, 66.10 FEET TO A POINT ON THE EAST LINE OF SAID LOT 27; THENCE SOUTH 00°40'11" EAST ALONG SAID WEST LINE, 149.97 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 0.23 ACRES, MORE OR LESS.

### LEGAL DESCRIPTION - LOT 4, BLOCK ONE:

A REPLAT OF PART OF LOT 27 IN ADDITION NO. 11, IN THAT PART OF THE CITY OF LAWRENCE KNOWN AS NORTH LAWRENCE, IN DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 27; THENCE NORTH 89°52'51" WEST ALONG THE SOUTH LINE OF SAID LOT 27, 66.23 FEET; THENCE NORTH 00°43'19" WEST, 150.04 FEET; THENCE SOUTH 89°56'25" EAST, 66.10 FEET TO A POINT ON THE EAST LINE OF SAID LOT 27; THENCE SOUTH 00°46'25" EAST ALONG SAID EAST LINE, 150.11 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 0.23 ACRES, MORE OR LESS.

### LEGEND:

- FOUND: 1/2" BAR W/CAP "JE TAYLOR RLS713"
- FOUND: 1" O.D. PIPE (ORIGIN UNKNOWN)
- FOUND: 3/4" O.D. PIPE (ORIGIN UNKNOWN)
- ▣ SET: 1/2" x 24" REBAR W/CAP "APS 1391"
- DECIDUOUS TREE
- ⊕ SANITARY MANHOLE
- ⊡ TELEPHONE BOX
- ⊙ WATER METER
- ⊙ LIGHT POLE
- ⊙ MAILBOX
- UT — UNDERGROUND TELEPHONE
- DW — OVERHEAD WIRE
- SW — SANITARY SEWER
- W — WATERLINE
- F — FENCELINE
- G — GASLINE
- A — ASPHALT



### NOTES:

- BASIS OF BEARINGS - AN ASSUMED BEARING OF NORTH 90°00'00" EAST ALONG THE NORTH PROPERTY LINE OF LOT 27, NORTH LAWRENCE ADDITION NO. 11.
- THIS MINOR SUBDIVISION IS A REPLAT OF LOT 27, NORTH LAWRENCE ADDITION NO. 11. FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION IS PROHIBITED, AND SHALL BE PROPOSED AS A MAJOR SUBDIVISION.
- THE PROPERTY WITHIN THIS MINOR SUBDIVISION/REPLAT IS ZONED RS-7. ALL NEW CONSTRUCTION SHALL CONFORM TO THE SETBACK REGULATIONS OF THE CITY ZONED DISTRICT AS DEFINED BY THE CITY OF LAWRENCE DEVELOPMENT CODE.
- THE LOTS WILL BE PINNED PRIOR TO RECORDATION OF THE MINOR SUBDIVISION/REPLAT AT THE REGISTER OF DEEDS OFFICE (PER SECTION 20-811 (G)(8)).
- STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS BOOK \_\_\_\_\_ PAGE \_\_\_\_\_. IF STREET TREES DIE, THE PROPERTY OWNER IS RESPONSIBLE FOR REPLANTING TREES WITHIN ONE YEAR. NO TREES ON THE RIGHT-OF-WAY SHALL BE REMOVED OR DAMAGED. ANY REMOVAL OR DAMAGE TO TREES SHALL BE REPAIRED AT THE OWNER'S EXPENSE. TREES SHALL BE PROTECTED WITHIN A 10' RADIUS OF THE TREE TRUNK. TREES SHOWN GRAPHICALLY ARE LIMITED TO THOSE CONSIDERED AS STREET TREES OR THOSE WHOSE CANOPY WOULD BE AFFECTED BY STREET TREES.
- THE CITY IS HEREBY GRANTING A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO SECTION 20-811 (G) OF THE CITY SUBDIVISION REGULATIONS.
- NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A DESIGNATED "SPECIAL FLOOD HAZARD AREA" PER FEMA MAP NUMBER: 20045C0177D, WITH AN EFFECTIVE DATE OF AUGUST 5, 2010.
- THIS MINOR SUBDIVISION/REPLAT DOES NOT MODIFY THE EXISTING RIGHT-OF-WAY FOR ELM STREET. NO PUBLIC IMPROVEMENTS ARE PROPOSED WITH THE MINOR SUBDIVISION/REPLAT. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF ANY PUBLIC IMPROVEMENTS REQUIRED BY THE CITY OF LAWRENCE. "AN AGREEMENT NOT TO PROTEST" THE FORMATION OF A BENEFIT DISTRICT TO FINANCE THE CONSTRUCTION OF SIDEWALKS ALONG ELM STREET FOR PROPOSED LOTS 1 AND 2 AND HAS BEEN FILED WITH THE DOUGLAS COUNTY REGISTER OF DEEDS, LOT 1, BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, LOT 2, BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

### FILING RECORD:

STATE OF KANSAS  
COUNTY OF DOUGLAS - S5

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS \_\_\_\_\_, 2012, AND IS ONLY RECORDED AT \_\_\_\_\_ AM/PM, IN PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

REGISTER OF DEEDS  
KAT FISHELL

### ENDORSEMENTS:

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

SCOTT MCCULLOUGH - PLANNING DIRECTOR DATE \_\_\_\_\_

REVIEWED IN COMPLIANCE WITH K.S.A. 98-2005

MICHAEL D. KELLY, P.L.S. #869 DATE \_\_\_\_\_  
DOUGLAS COUNTY SURVEYOR

### DEDICATION:

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED BY ME (US) OR BY AN AGENT OR ATTORNEY, AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOT(S) AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT.

TENANTS TO HOMEOWNERS, INC. - REBECCA BUFORD  
2518 RIDGE COURT  
LAWRENCE, KANSAS 66046

### ACKNOWLEDGMENT:

STATE OF KANSAS  
COUNTY OF DOUGLAS - S5

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME THE ABOVE NAMED OWNER(S), WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

### CERTIFICATION:

I HEREBY CERTIFY THAT THE PLATTED AREA SHOWN HEREON IS THE TRUE AND ACCURATE RESULT OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN FEBRUARY, 2012, AND THAT THE PLAT IS A CLOSED TRAVERSE.

STEVEN D. WILLIAMS - PLS 1391  
P.O. Box 4444  
Lawrence, Kansas 66046  
(785) 832-2121

ALL POINTS SURVEYING, LLP  
PROFESSIONAL LAND SURVEYING SERVICES  
P.O. Box 4444 - LAWRENCE, KANSAS - 66046 - TEL. (785) 832-2121 - FAX (785) 832-2122



SCALE  
1" = 20'

ORDERED BY:  
REBECCA BUFORD

JOB #:  
12-016

DATE:  
3-1-12

DRAWN BY:  
SEL

CHECKED BY:  
SDW

REVISION DATES:



League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

April 22, 2012

RECEIVED

APR 23 2012

City County Planning Office  
Lawrence, Kansas

Mr. Richard Hird, Chairman  
Members  
Lawrence-Douglas County Metropolitan Planning Commission  
City Hall  
Lawrence, Kansas 66044

RE: ITEM NO. 5; VARIANCE FOR NORTH LAWRENCE ADDITION NO. 17

Dear Chairman Hird and Planning Commissioners:

We ask that you not grant this variance that allows two lots to be developed without frontage to a public street or in the case of a planned development (PD), to a private street.

Tenants to Homeowners is asking for a variance for two lots in a four-lot plat to allow these lots to be subdivided from one larger lot. Two of these four lots would not have frontage on a public street. Unlike flag lots, they would not even have driveway frontage, but would be tucked directly behind the lots that do have frontage, with only a relatively narrow private easement giving them "access." The residents of four separate homes would be responsible for maintaining the access to the landlocked rear lots.

Our Committee members strenuously objected to creating such a dangerous and uncomfortable situation for the prospective homeowners. In reviewing the disadvantages to living on such lots, we listed such problems as not having adequate access to fire protection and other emergency needs, difficulty in disposing of trash, lack of privacy for all of the houses in this arrangement (what would be their orientation on the lots?), difficulties with proper daily maintenance of the access easement (it would have to be separately maintained by the individual residents), long term maintenance of the easement, and other unanticipated problems.

It seemed to the Land Use Committee members that if it is necessary to ask for this type of variance to create affordable housing, the problems created would overshadow the benefits, both for the prospective owners as well as for the City. The reason for our development regulations that require every conventional single family lot to front on a dedicated public street is to avoid the problems that allowing variances such as this would create. We suggest that the element preventing affordability is not in our Code-required lot configuration and improvements, but in the high cost of land caused by speculation.

There is vacant land adjacent to this lot. We ask if it would be feasible to work with neighbors to create a more legitimate subdivision, or, alternatively, to try an established method, such as a planned development (PD) to provide a more conventional access pattern and lot orientation.

We realize that the land ownership situation with Tenants to Homeowners is unique to Lawrence. However, this type of variance to avoid legal lot frontage is so serious that it is rarely, if ever, granted. We suggest that the Planning Commission look at other lot patterns in the area to see what other arrangements have been made to provide smaller, affordable lots. Again, we ask that you not grant this variance that allows two lots to be developed without frontage to a public street or even, in the case of a PD, to a private street.

Thank you considering our concern.

Sincerely yours,

Milton Scott  
Vice President



Alan Black, Chairman  
Land Use Committee



# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Mary Miller, Planning Staff

**CC:** Scott McCullough, Planning and Development Services Director  
Sheila Stogsdill, Assistant Planning Director

**Date:** For April 23, 2012 meeting

**Re:** Agenda Item 7: The following variances associated with the Minor Subdivision for Prairie Wind Addition No 2 (MS-3-4-12)

- Side yard setback in Section 20-1007(E)(3) of the Pre-2006 Zoning Ordinance
- Right-of-way requirement in Section 20-810(e)(5)(i) of the Subdivision Regulations.

**Attachment A:** Minor Subdivision MS-3-4-12, Prairie Wind Addition No 2

The Prairie Wind Planned Residential Development was originally planned as a retirement development. The property was platted as one lot with the intention that the houses would be sold, but the land would remain under a common ownership so that homeowners would not be responsible for lawn maintenance. The development planned has changed to affordable family housing under the current property owner Tenants to Homeowners. Tenants to Homeowners took over the Prairie Wind PRD and intended to townhouse the individual homes and lots to their tenants. However, leased property is not able to be divided through the State Townhouse Act so Tenants to Homeowners will be subdividing the property so that each house has an associated lot as is typical with single family development. A minor subdivision was submitted to divide the lots that have houses developed and are ready for leasing. The remainder of the property will be subdivided through the major subdivision process, and a preliminary plat is scheduled for the May Planning Commission's agenda.

The Minor Subdivision review process is administrative, but has been included with this memo for context. No action is required on the Minor Subdivision.

#### **VARIANCE 1**

##### **Side yard setback in Section 20-1007(E)(3) of Pre-2006 Zoning Ordinance**

The development plan was approved under the pre-2006 Zoning Ordinance. Section 20-1007(E)(3) requires a minimum side yard setback of 10 ft, but also notes that the Planning Commission may approve a lesser setback as long as the 10 ft separation between buildings is provided.

The associated minor subdivision shows that the following side yard setbacks below the required 10 ft:

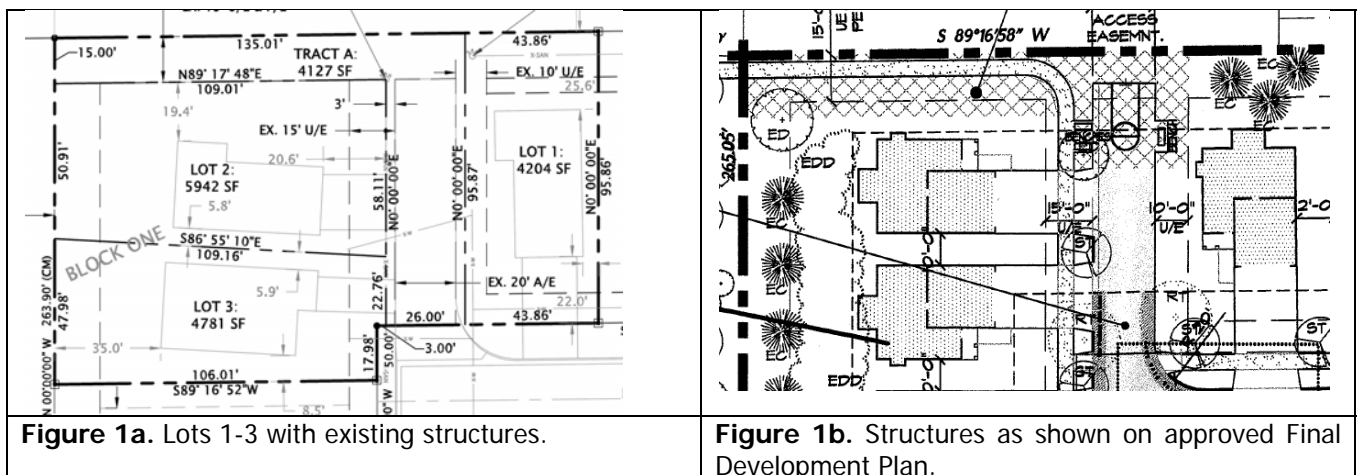
- Lot 1, 5.0 ft, east side
- Lot 2, 5.8 ft, south side
- Lot 3, 5.9 ft, north side
- Lot 3, 8.5 ft, south side

**Criteria 1.** Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant's Response:

*"The presently configured PRD allows for a minimum of 10' between buildings (in essence 5' setback for each side of the building). Requiring 10' setbacks after property lines are established would in part define five homes non-conforming and would reduce the total number of lots for the PRD by two or three."*

When the development plan for the property was approved, the locations of the buildings were shown and the required 10 ft separation between buildings was observed. As the property was originally platted as one lot, there were no lot lines so the only side yard setbacks were along the perimeter of the development.



The development pattern will not change with the subdivision of this property, but the creation of lots will allow each housing unit to have a private yard. (Figure 1) The structures on the lots in this Minor Subdivision were built with the intention to divide them though the State Townhouse Act. The applicant found that the Townhouse Act does not pertain to rented or leased property. Therefore, due to the Tenants to Homeowners long-term leasing program, the lots could not be divided through the Kansas Townhouse Act and it became necessary to subdivide the property into individual lots. Other options to the variance would be for Tenants to Homeowners to rebuild the structures, to observe the 10 ft setback or for Tenants to Homeowners to sell the homes to accommodate land division through the Townhouse Act. This would be in conflict with their operational program which allows them to provide affordable housing in the community.

**Staff Finding:** The strict application of these regulations would require the rebuilding of the existing structures or a major change in the operational program of Tenant to Homeowners. As there

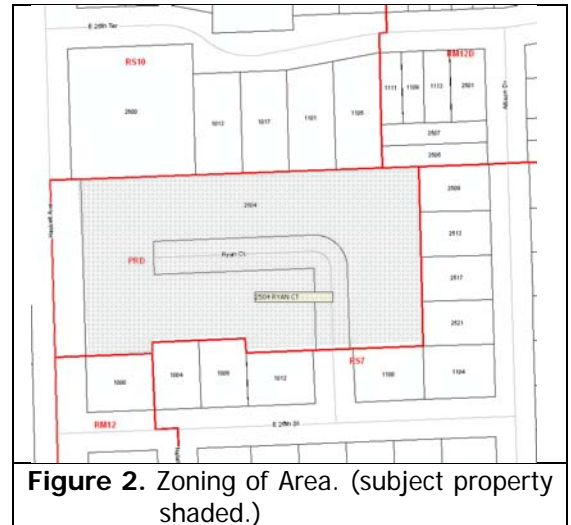
are no physical changes being proposed, and the development pattern will remain as it was approved on the Final Development Plan, the strict application would result in unnecessary hardship upon the subdivider.

**Criteria 2.** The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's Response:

*"The presently configured PRD allows for a minimum of 10' between buildings (in essence 5' setback for each side of the building). The overall configuration will not change, but there will now just be a property line between the structures. The base zoning for the PRD is RS-7 which allows for a 5' side yard setback."*

Per Section 20-801, one purpose of these regulations is to provide for the harmonious and orderly development of land. The subject property is surrounded by property that is zoned RS7, RS10, RM12, and RM12D. (Figure 2 The RS7, RM12, and RM12D Districts require a 5 ft side yard setback. The RS10 District requires a 10 ft side yard setback. The variance will allow several of the side setbacks to be reduced to approximately 5 ft. This reduction will be compatible with surrounding development. The proposed development will not change from that approved on the Final Development Plan.



**Staff Finding:** Permitting the reduced setback will not alter the physical design of the site. The resultant setbacks will be compatible with the development in the surrounding area. The proposed variance is in harmony with the purpose of the Subdivision Regulations.

**Criteria 3:** The public health, safety, and welfare will be protected.

Applicant's Response:

*"The public health, safety, and welfare will be protected in as much as they are under the presently configured PRD. The property lines will provide for lots for homes."*

**Staff Finding:** As no physical changes are being proposed, the amount of open space provided and density will remain unchanged. The granting of this variance would have no negative impact on the public health, safety, and welfare. It may enhance the public welfare by allowing Tenants to Homeowners to continue with their plans for provide affordable housing in this location.

**Staff Recommendation:**

Approve the variance requested from Section 20-1007(E)(3) of Pre-2006 Zoning Ordinance to allow the reduction of the required interior side setback as shown on the Minor Subdivision.

## VARIANCE 2

### Right-of-way requirement in Section 20-810(e)(50(i) of the Subdivision Regulations.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-813(g). This section lists the criteria which must be met in order for a variance to be approved. The requested variance is evaluated with the approval criteria below:

**Criteria 1.** Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant's Response:

*"The 50 foot was deemed acceptable when the property was originally platted in 2009 and the PRD was created. Increasing the Right-of-Way now would in part define three homes non-conforming and would reduce the total number of lots for the PRD by two as the reduction in lot depth would deem them unbuildable."*

The property was platted in 2006 and Development Plans were approved and recorded for a Planned Residential Development with multiple residential structures on one lot. As discussed earlier, it became necessary to divide the property into individual lots. The amount of right-of-way required for a principal arterial, Haskell Avenue, increased with the adoption of the 2006 Subdivision Regulations from the 100 ft which was required when the property was platted to 150 ft. As one-half of the right-of-way is dedicated from each adjacent property, the dedication required from the Prairie Wind property would increase from 50 ft to 75 ft.

The property is being subdivided to allow the division of land that will be leased by Tenants to Homeowners. Tenants to Homeowners remain the property owners and are responsible for the maintenance of the common areas. The City Engineer indicated that the City had no plans to widen Haskell in this location and he is not opposed to the variance to allow the right-of-way to remain at 100 ft, as previously approved.

If the additional right-of-way were required, an additional 25 ft would need to be dedicated on the Prairie Wind property. This could reduce the lot areas to the point that it would be necessary to redesign the Planned Development and reduce the number of lots. Tenants to Homeowners indicated that the project would work as affordable housing only if they were able to provide the planned number of residences (18).

**Staff Finding:** As there are no future plans to widen Haskell Avenue in this area, requiring the dedication of additional right of way would create an unnecessary hardship upon the Subdivider.

**Criteria 2.** The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's Response:

*"The presently configured plat was acceptable under the existing Subdivision Regulations in 2009. The governing sections of those regulations have not changed since the property was platted in 2009. No other part of Haskell Avenue from 23<sup>rd</sup> Street to 31<sup>st</sup> Street has the*

*additional Right-of-Way dedicated so dedicating additional for this property would be an anomaly more than the norm."*

Right-of-way dedication is required when properties are platted to insure the required right-of-way is available for improvements to adjacent roadways. The final plat for the Prairie Wind Addition was submitted in 2006 prior to the adoption of the current Subdivision Regulations and was processed under the standards of the previous Subdivision Regulations. The City Engineer indicated that there were no plans to widen Haskell Avenue at this time and he had no objection to the right-of-way remaining at 100 ft.

**Staff Finding:** As there are no plans to widen Haskell Avenue, and Haskell Avenue is developed throughout this area, the proposed variance is in harmony with the intended purpose of these regulations.

**Criteria 3:** The public health, safety, and welfare will be protected.

Applicant's Response:

*"The public health, safety, and welfare will be protected in as much as they are under the presently configured PRD and Plat. The existing Right-of-Way is sufficient to provide safety and welfare of pedestrians and motor vehicles on Haskell Avenue."*

**Staff Finding:** As Haskell Avenue is developed throughout this area and there are no plans to widen it in the future; the variance would have no impact on the public health, safety or welfare.

**Staff Recommendation:**

Approve the variance requested from Section 20-810(e)(5)(i) of Subdivision Regulations to allow the right-of-way for Haskell Avenue to remain at 100 ft in this location.





# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Mary Miller, Planning Staff

**CC:** Scott McCullough, Planning and Development Services Director  
Sheila Stogsdill, Assistant Planning Director

**Date:** For April 23, 2012 meeting

**RE:** **Item No 8:** Variance associated with Minor Subdivision for Wal-Mart Addition No. 4, (MS-2-2-12), from the 150 ft right-of-way requirement in Section 20-810(e)(5) for principal arterials to allow the right-of-way to remain at 130 ft for the property that is not being redeveloped at this time.

#### **Attachment A:** Minor Subdivision MS-2-2-12, Wal-Mart Addition No 4

A Minor Subdivision for Wal-Mart Addition No. 4 [MS-2-2-12] to divide Lot 1, Wal-Mart Addition No. 3 into 2 lots was submitted to accommodate additional retail development on the newly created lot, Lot 2 (Figure 1). Minor Subdivisions are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. A copy of the Minor Subdivision is included with this memo for context; however, no action is required on the Minor Subdivision. The area that is the subject of this variance request is marked with arrows on Figure 1.



**Figure 1.** Minor subdivision will create the additional lot in the NW corner, shaded. Property included in the minor subdivision is outlined.

The subject property is located at 3300 Iowa Street. Iowa Street is classified as a principal arterial in the Future Thoroughfares Map. Per Section 20-810(e)(5), 150 ft of right-of-way must be dedicated for principal arterial streets when platting property. The applicant is proposing development on the newly created Lot 2, and will dedicate the necessary right-of-way for this lot, but is requesting a

variance from this requirement for the property being platted as Lot 1, Wal-Mart Addition No. 4, the remainder of the Wal-Mart property.

Currently, 130 ft of right-of-way is provided for Iowa Street along Lot 1. The property on each side of the street is responsible for dedicating one-half of the required right-of-way; therefore, an additional 10 ft would be required along the length of the Wal-Mart property, Lot 1.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-813(g). This section lists the criteria which must be met in order for a variance to be approved. The requested variance is evaluated with the approval criteria below:

**Criteria 1.** Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant's Response:

*"Area will be dedicated to the Right-of-Way by the property owner of Lot 2, but the adjacent Wal-Mart is not currently developing and is only subdividing to accommodate the said development at the northwest corner of 33<sup>rd</sup> & Iowa. Since the developer does not own Wal-Mart's property, we cannot enforce the dedication of their land to the Right-of-Way."*

The applicant intends to purchase and develop the parcel being platted as Lot 2, Wal-Mart Addition No 4 with retail uses. A variance has been requested from the requirement to dedicate additional right-of-way for Iowa Street for the portion of the Wal-Mart property that will become Lot 1, Wal-Mart Addition No 4 since there are no plans for additional development on this lot at this time.

**Staff Finding:** Requiring the dedication of additional right-of-way for Iowa Street at this time would constitute an unnecessary hardship on the property owner of Lot 1, Wal-Mart Addition No 4 as the property owner has no development interest at this time, but has agreed to the minor subdivision of the property to accommodate the applicant's development proposal on Lot 2.

**Criteria 2.** The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's Response:

*"This variance will still grant the dedication of the required land on our property to the right-of-way. The present property line (along Iowa Street) of the neighboring Wal-Mart lot will remain in place."*

Right-of-way dedication is required when properties are platted to insure the required right-of-way is available for improvements to adjacent roadways.

It is possible that Iowa Street may be widened at some time in the future and the right-of-way will be required. Rather than approving a variance from the requirement to plat, it would be more appropriate to approve a deferral of the requirement to dedicate additional right-of-way until such time as Lot 1, Wal-Mart Addition No 4 further develops.

**Staff Finding:** Deferring the dedication of right-of-way to coincide with future development of Lot 1 would insure required right-of-way for future improvements to Iowa Street

**Criteria 3:** The public health, safety, and welfare will be protected.

Applicant's Response:

*"This variance will in no way impose upon the health, safety, and welfare of the public."*

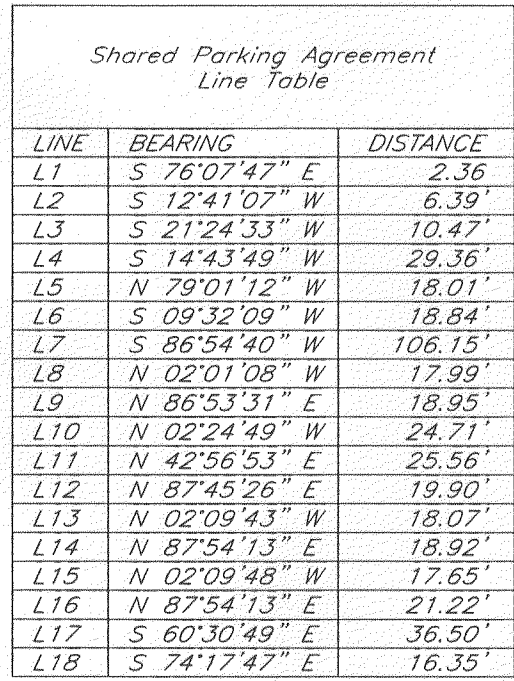
**Staff Finding:** Adequate right-of-way will be available for improvements to Iowa Street, either through dedication or acquisition of additional right-of-way. This variance allows the additional right-of-way to be deferred to a time when either the street is improved or Lot 1 further develops.

**Staff Recommendation:**

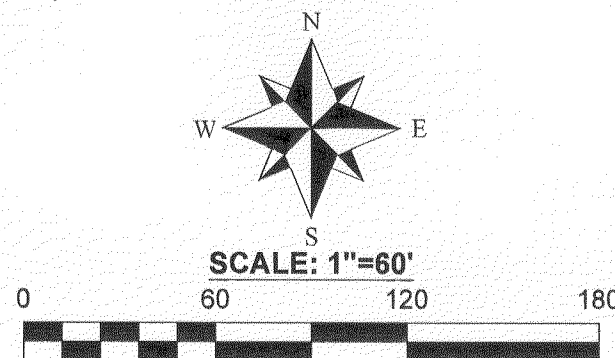
Approve the variance requested from Section 20-810(e)(5) to defer the dedication of additional right-of-way for Iowa Street adjacent to Lot 1, Wal-Mart Addition No 4, to coincide with future development of Lot 1 subject to the following condition:

The plat shall include the following note: *"A variance from Section 20-810(e)(5) was approved by the Planning Commission on April 23, 2012 to defer the dedication of right-of-way for Iowa Street for Lot 1 until such time as Lot 1 is further subdivided."*






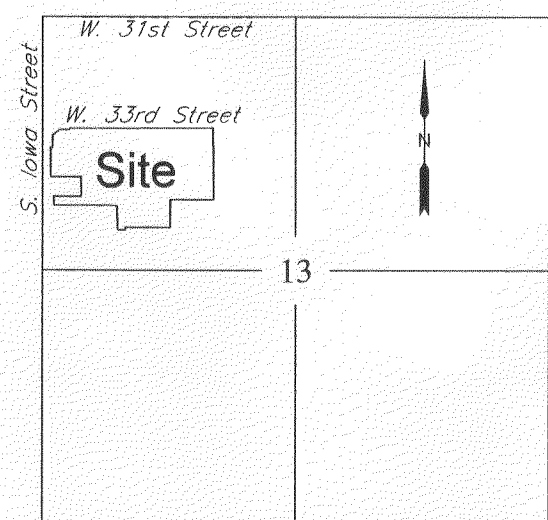


**WAL-MART ADDITION NO. 4**  
A REPLAT OF LOT 1  
WAL-MART ADDITION NO. 3  
LAWRENCE, DOUGLAS COUNTY, KANSAS



These standard symbols will be found in the drawing.

-  Found Survey Monument (As Note)  
 Set Survey Monument (As Noted)  
 No Access




VICINITY MAP  
Sec. 13, Twp. 13S, Rge. 19E  
Not To Scale

**SURVEYOR'S GENERAL NOTES:**

- 1) This survey is based upon the following information provided by the client or researched by this surveyor.  
(A) Plat of Wal-Mart Addition No. 3, recorded in Plat Book 17 at Page 892.
- 2) The Title report was furnished by (Stewart Title Company, Midwest Division) Commitment No. 211110862. Dated: November 16, 2011 at 8:00 A.M.
- 3) The subject property surveyed lies within a Flood Zone designated Zone (X) per F.E.M.A. Map, Panel No. 157 of 480, Community Panel No. 2045C0167D Effective Date: August 05, 2010.
- 4) Bearings shown hereon and their basis are NAD83-Modified State Plane Coordinates, Kansas North Zone and as shown on the Plat of Wal-Mart Addition No. 3.
- 5) Further division or consolidation of any lots contained in this Minor Subdivision is prohibited and shall be processed as Major Subdivisions.

## CERTIFICATION

I hereby certify on this 14th day of February, 2012, that a survey was made by me or under my direct supervision and that said survey meets or exceeds the current "Kansas Minimum Standards for Boundary Surveys" pursuant to K.S.A. 74-7037.

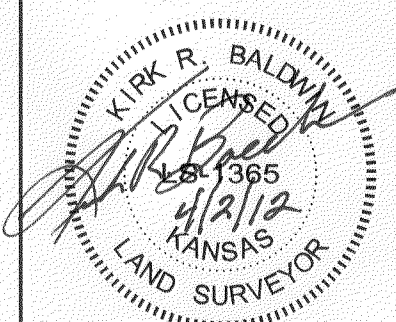
 4/2/12  
Kirk R. Baldwin, Ks Ls 1365  
Engineering Solutions, LLC. CLS 218

REVISIONS		
DATE	BY	CHECKED
3/29/2012	Cty Staff	Review Comments
3/06/2012	Cty Staff	Review Comments

A REPLAT OF LOT 1  
WAL-MART ADDITION NO. 3  
LAWRENCE, DOUGLAS COUNTY, KANSAS

## WAL-MART ADDITION NO. 4

SHEET 1 OF 1	SECTION 13	TOWNSHIP 13S	RANGE 19E	COUNTY DOUGLAS	JOB NO. 3220 IOWA ALTA
DRAWN BY K. BALDWIN, KSLS 1365				SCALE 1"=20' DATE OF PREPARATION FEBRUARY 14, 2012	



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**PLANNING COMMISSION REPORT**  
**Regular Agenda -- Public Hearing Item**

PC Staff Report  
4/23/12

**ITEM NO. 8      TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS;  
SPECIAL EVENT PERMIT PROCESS (MKM)**

**TA-8-10-11:** Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish a Special Event Permit Process and associated standards for certain temporary uses in various zoning districts.

**RECOMMENDATION:**

Staff recommends approval of the amendments to Article 12-319 of the Zoning Regulations for the unincorporated Territory of Douglas County, Kansas to establish a Special Event Permit Process and associated standards by adding Section 12-319-5, Special Events; renumbering the remaining sections, and revising Temporary Business Use Permits to remove activities which would be considered 'special events' and forwarding this recommendation to the Douglas County Board of Commissioners for approval.

**Reason for Request:**      The Lawrence Douglas County Metropolitan Planning Commission initiated the text amendment on the recommendation of the Agritourism Committee to provide an alternative to the Conditional Use Permit process.

**RELEVANT FACTOR:**

- Conformance with the Comprehensive Plan.

**PUBLIC COMMENT**

- No public comment was received prior to the printing of this staff report.

**ATTACHMENTS**

Attachment A: Agritourism Committee Report and Recommendation

Attachment B: Proposed Amendment, TA-8-10-11, *Special Event Permit*

The Agritourism Committee identified concerns among stakeholders with the time and approval process involved with a Conditional Use Permit during its review of Agritourism in Douglas County. As a result, the committee recommended that a text amendment be initiated to create a Special Event Permit process to accommodate temporary events in the County.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Horizon 2020 discusses the need for the protection of agricultural lands and incentives to retain agricultural land in production. Special Event Permits may accommodate agritourism uses or infrequent commercial uses rather than requiring a Conditional Use Permit or rezoning for a more permanent commercial use.

**CRITERIA FOR REVIEW AND DECISION-MAKING**

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) **Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

The County Zoning Regulations currently contain provisions for 'Temporary Business Use Permits'. These contain some activities that could be considered 'Special Events' such as concerts and circuses as well as temporary business uses such as a batch asphalt plant. This amendment will create a Special Event Permit for events and will include the few events that have been included with the business use. The creation of a Special Event Permit will remove 'events' from the temporary business permits and will provide an alternative to the Conditional Use Permit for temporary events.

The text amendment addresses a changing situation: the need for a short term permit for temporary events rather than requiring the approval as a Conditional Use.

**2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

The Comprehensive Plan provides the following recommendations regarding the preservation of agricultural land uses and promotion of agritourism:

**Chapter 5, Residential,** *"Agricultural uses should continue to be the predominant land use within the areas of the county beyond the designated urban growth/service areas (rural area). Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses. Uses which allow farmers to sell directly to the consumer, such as seasonal farm stands and pick-your-own farm operations, provide flexibility and incentives to retain agricultural land in production. Residential development should be limited in these areas so that new development does not unnecessarily remove productive land from agricultural use."* (page 5-6)

**Chapter 5, Residential, Policy 2.1(a)** *"Continue to support and recognize the importance of preserving the agricultural use of land in unincorporated areas of Douglas County."* (page 5-14)

**Chapter 16, Environment, Policy 2.7(d)** *"Encourage and develop policies that support agri- and eco-tourism, as well as a sustainable local/regional food system."* (page 16-15)

The amendment will provide an efficient means for the permitting of temporary events which will support agri- and eco-tourism as well as help maintain agricultural uses as the predominant land use which is in conformance with the policies in *Horizon 2020*.

**OVERVIEW OF PROPOSED AMENDMENT**

The following changes are being proposed to the Zoning Regulations:

- Section 12-319-5 has been revised from 'Temporary Business Uses and Temporary Business Use Permits' to Special Events. This section includes the definition of a Special Event, explains when a Special Event Permit is required and what uses are exempt, outlines the approval process, and establishes general standards for Special Events.
- Temporary Business Uses and Temporary Business Use Permits will be moved to Section 12-319-6 and revised to remove reference to uses which would be considered Special Events.
- All subsequent sections in 12-319 will be renumbered.

**Staff Recommendation**

Staff recommends approval of proposed revisions to Article 12-319 of the Zoning Regulations for the unincorporated Territory of Douglas County, Kansas to establish a Special Event Permit process and standards.



**LAWRENCE DOUGLAS COUNTY PLANNING COMMISSION  
AGRITOURISM COMMITTEE  
REPORT AND RECOMMENDATIONS**

The Agritourism Committee of the Lawrence Douglas County Metropolitan Planning Commission was formed in January of 2010 to study agritourism and make recommendations to the Planning Commission regarding options which could be undertaken to promote and facilitate agritourism activities as well as possible revisions to the Zoning Regulations which would ensure the public health, safety, and welfare is protected while agritourism is facilitated. Agritourism is one means of promoting economic development in Douglas County, although there are certainly other benefits, such as providing additional income for residents engaged in agritourism activities, allowing them to maintain the rural/agricultural lifestyle, and increasing the long-term sustainability of family farms in Douglas County.

**Members of the Agritourism Committee include:**

Nancy Thellman, Douglas County Commissioner  
Chuck Blaser, Planning Commission Chair  
Rick Hird, Planning Commissioner and Committee Chair  
Mary Miller, Planning Staff  
Judy Billings, Freedoms Frontier Chair  
Clint Hornberger, Farm Bureau and Chamber of Commerce Representative  
Hank Booth, Lawrence Chamber of Commerce  
Becky Rhodes, Kansas Department of Commerce  
Pep Selvan, Bluejacket Crossing Winery  
Linda Finger, Douglas County Planning Resource Coordinator  
Keith Dabney, Douglas County Zoning and Codes Director

**PROCESS:**

The early meetings of the Agritourism Committee focused on defining agritourism and identifying the agritourism uses that currently exist in Douglas County. A draft definition of agritourism was developed and amended as the meetings progressed. A map showing where the agritourism uses identified by the committee are located is included in Figure 1 at the end of this report.

Township trustees and the County Engineer were invited to the November, 2010 meeting for a discussion on rock roads and agritourism uses. Keith Browning stated that Calcium Chloride is the cheapest and most effective dust palliative treatment available. A map showing where dust palliative was applied in 2010 is included in Figure 2 at the end of this report. The following is a summary of the discussion on the dust palliative program:

Residents pay for the dust palliative treatment and also for the cost of the township to prepare the road. Cost of the dust palliative is \$1.60 per linear foot with 60 cents a linear foot going to the township for preparation costs. The township prepares the road to stabilize it, and to create a crown to insure adequate drainage so when

the palliative has been applied they will not need to work it again. Dust palliative usually lasts through the summer and most of the year. It is applied in 2 applications, once in May and again about a month later. For areas that do it 4 to 5 years in a row, there is a residual effect. They could even skip a year and still have effective dust treatment.

Dust palliative is available all year, but the County may not have enough on hand if a person didn't sign up in January. It would be possible for them to go through the County's contact to get dust palliative, but they would need to make arrangements with the township about the road preparation.

Agritourism operators in Douglas County were invited to the January, 2011 stakeholder meeting. The meeting's goal was to identify issues that stakeholders felt presented the greatest challenges to establishing and operating agritourism businesses, and what changes would be most beneficial in supporting and encouraging agritourism. The principal concern noted was the process involved with the Conditional Use Permit (CUP). Suggestions for improvement included the following:

- remove the time-limit on CUPs but have administrative reviews at regular intervals,
- develop a Special Event Permit for infrequent or more temporary agritourism uses.
- allow low-intensity agritourism uses through registration.

**This report is divided into five sections:**

1. Mission Statement
2. Definition of Agritourism
3. Economic Impact of Agritourism
4. Applicable Zoning, Permits, Codes and Other Laws and Regulations now in effect
5. Issues and Recommendations

## **1. MISSION STATEMENT**

The Mission Statement adopted by the Agritourism Committee is as follows:

The Agritourism Committee will study existing laws, regulations and procedures and propose changes designed to foster and promote Agritourism in Douglas County. The Agritourism Committee will:

- Establish a definition of Agritourism
- Evaluate the economic impact of Agritourism activities
- Evaluate the effect of zoning regulations, building codes and other laws and regulations on the development of Agritourism activities
- Make recommendations to the Planning Commission to assist in the promotion of Agritourism

## 2. DEFINITION OF AGRITOURISM

Agritourism is defined in several different ways by various agencies and groups. In 2004, the Kansas Legislature adopted the Agritourism Promotion Act, K.S.A. 74-50,165, *et seq* (the "Act"). The purpose of the Act is described as:

The purpose of this act is to promote rural tourism and rural economic development by encouraging owners or operators of farms, ranches, and rural attractions, including historic, cultural, and natural attractions, to invite members of the public to view, observe and participate in such operations and attractions for recreational or entertainment purposes. This act shall be liberally construed to effectuate that purpose. K.S.A. 74-50,166.

The Act provides a manner for registration of agritourism activities with the Kansas Secretary of Commerce and, with appropriate posted signage, provides some insulation from liability for agritourism operators. The Act defines agritourism as:

...[A]ny activity which allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including but not limited to, farming activities, ranching activities or historic, cultural or natural attractions. An activity may be an agritourism activity whether or not the participant pays to participate in the activity. An activity is not an agritourism activity if the participant is paid to participate in the activity. K.S.A. 74-50,167(a)

The Committee was somewhat divided regarding the scope of activities that should be considered within the umbrella of agritourism. The following definition adopted by the Committee is a combination of the statutory definition and the definition used by the Kansas Department of Commerce and other authors:

Agritourism: The intersection of agriculture and tourism. When the public goes to rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Using the rural experience as a tool for economic development.

Using that definition, the Committee suggests the following as examples (although not exhaustive) of agritourism activities:

- Recreation
  - Hiking
  - Hunting, fishing
  - Equestrian
  - Bicycling
- Education
  - Agricultural operations
  - Food production
  - Ranching operations
  - Historical farms
  - Preserved prairies and other natural areas

- Entertainment
  - Demonstrations of agricultural operations
  - Integration of music, theatre, arts to enhance rural experience
  - Gatherings, events, and festivals
  - Shopping
  - Farmer's Markets
- Adventure
  - Discovery of new areas
  - Experiencing wildlife
  - Hands-on involvement in agriculture or ranching
- Relaxation
  - Enjoyment of rural settings, vistas
  - Change of pace
  - Escape from urban environment
  - Bird Watching

### 3. ECONOMIC IMPACT OF AGRITOURISM

The following information was taken from the K-State report "Agritourism: If We Build it Will They Come?" written by Dan Bernardo, Luc Valentin, and John Leatherman (Professor and Department Head, Research Assistant, and Associate Professor, respectively, Department of Agricultural Economics, Kansas State University).

"Despite its relative infancy, agritourism represents a significant revenue source for many farmers across the nation. To lend perspective to the importance of agritourism as a revenue source, estimates of total and average annual income generated from on-farm recreation are reported in Table 2 for eight USDA regions" (page 4) Kansas is included in the 'Prairie Gateway' group in the following table along with Western Oklahoma, Nebraska, and Central Texas.

<b>Region</b>	<b>Annual Total Income</b>	<b>Average Income/Farm</b>	<b>% of Farms w/ Recreation Income</b>	<b>Avg. Income for Farms w/ Recreation</b>
Heartland	\$38,500,000	\$90	7%	\$1,286
Northern Crescent	\$298,000,000	\$963	2%	\$48,150
Northern Plains	\$14,000,000	\$138	5%	\$2,760
<b>Prairie Gateway</b>	<b>\$79,000,000</b>	<b>\$267</b>	<b>4%</b>	<b>\$6,675</b>
Eastern Uplands	\$5,000,000	\$14	1%	\$1,400
Southern Seaboard	\$37,800,000	\$161	3%	\$5,366
Fruitful Rim	\$278,600,000	\$1,127	3%	\$37,566
Basin & Range	\$36,700,000	\$437	6%	\$7,283
Mississippi Portal	\$8,000,000	\$69	1%	\$6,900
<b>TOTAL</b>	<b>\$796,000,000</b>	<b>\$368</b>	<b>2%</b>	<b>\$9,200</b>

The report stated that "Agritourism is being proposed as a local and statewide economic development strategy. As such, it is useful to estimate the economic impact of this industry on the state's economy. An economic impact analysis was conducted to determine both the direct economic impacts of spending by visitors participating in agritourism and the indirect effects arising from the new income generated by that spending." (page 11, *Agritourism: If We Build It Will They Come?*)

Staff contacted the authors of the report who clarified that the information in Table 3 was a model estimation of spending associated with agritourism uses in Kansas. Table 2 shows the total income for the Prairie Gateway and the authors estimated Kansas' share at \$18,000,000. The information in Table 3 shows approximately \$18,000,000 of farm income (farm products + farm services). The other figures are associated estimated expenditures that would occur in conjunction with agritourism uses.

<b>Table 3.</b>		
<b>Category</b>	<b>Total Expenditure Profile</b>	<b>Out-of-State Expenditure Profile</b>
Farm Products	\$8,017,000	\$2,565,440
Farm Services	\$9,342,000	\$2,989,440
Travel Costs	\$37,223,000	\$12,047,426
Lodging	\$8,017,000	\$2,565,440
Eating & Drinking	\$7,466,000	\$2,388,980
Other Retail	\$3,895,000	\$1,246,458
Other	\$3,947,000	\$1,263,122
TOTAL	\$77,907,000	\$25,066,306

"The combined direct and indirect economic impact associated with agri-tourism in 2000 was estimated to be between \$25 and \$78 million (in 2004 dollars). The low estimate arises from spending generated from out-of-state sources and the high estimate is spending originating from both in-state and out-of-state sources. To the extent that spending by Kansas residents would likely not occur in rural regions had it not been spent on an agritourism activity, the high estimate can be construed as an estimate of the economic impact on the state's rural economy." (page 12, *Agritourism: If We Build It Will They Come?*)

In addition, it was estimated that the federal government collected approximately \$2.9 million in tax revenues and that state and local governments garnered approximately \$2 million from the varied activities associated with agritourism spending by out-of-state visitors in 2000. If in-state tourism activities are included, then tax collections increase to \$9.06 and \$6.25 million, respectively.

**In summary, agritourism has a positive economic impact not only on the farm family involved in the activity, but the community as a whole.**

#### 4. APPLICABLE ZONING, PERMITS, CODES AND OTHER LAWS AND REGULATIONS

##### A) ZONING

The following are examples of agritourism uses that are permitted by right, that is no CUP is required:

- Pick Your Own Fruit/Vegetables Patches
- Agricultural Demonstrations
- Seasonal Sale of Products Raised on the Site
- Commercial Hunting and Fishing
- Commercial Riding Stable (site plan is required)
- Country Club (site plan is required)

##### B) CUP

Some Agritourism uses which are not permitted by right can be approved with a Conditional Use Permit. Uses listed in Section 12-319-4 of the Zoning Regulations require a CUP. These include the following agritourism uses:

- Farmer's Market,
- Dude Ranch,
- Fruit or Vegetable Stand,
- Recreation Facility.

##### **Outline of the CUP process:**

A pre-application meeting with staff is recommended to outline the process and identify possible challenges/opportunities.

##### **— Application.**

If the application is filed before the deadline, the Planning Commission may consider it at the meeting following their next meeting. For instance, if a CUP is filed by June 20, 2011 the Commission will consider it at their August 22, 2011 meeting. (Approximately 60 day review period.)

##### **— Review.**

60 days Minimum
-----------------

The application is distributed to County Staff, Utility Providers, Township Trustees, Drainage District Representatives, and Fire Departments. A letter is then mailed to the applicant listing any concerns which were raised regarding the proposal or the plans which were provided. Revisions to the proposal or revised plans may be requested.

##### **— Public Hearing.**

Notice is mailed to property owners within 1000 ft of the property included in the CUP and a public hearing is held with the Planning Commission. If the property is within 3 miles of Eudora, Baldwin City, or Lecompton a joint Planning Commission meeting is held.

##### **— Planning Commission.**



The Planning Commission conducts a public hearing and votes to forward the item to the County Commission with a recommendation for approval, approval with conditions, approval with revised conditions or denial. The Commission may also vote to defer the item if additional information is needed.

— **Protest Period.**

14 days

A mandatory 14 day waiting period is provided before the CUP request is scheduled for consideration by the Board of County Commissioners to allow time required by State Statutes for the filing of a 'protest petition'. If a valid protest petition is filed, approval of the CUP requires a unanimous vote of the County Commission (3/4 majority required).

— **County Commission.**

The County Commission considers the CUP request and accepts public comment. The County Commission could take one of the following actions: approve, approve with conditions or deny the CUP. They may also vote to defer the CUP if necessary.

— **Building Permits.**

Building permits may be applied for concurrently with the CUP request and are required for any new building or change of use of an existing building.

— **Conditional Use Permit.**

A permit for the Conditional Use is issued by the Douglas County Zoning and Codes Office.

C) BUILDING AND OTHER COUNTY CODES

- Agricultural buildings - K.S.A. 74-50,167(b)
- Douglas County Sanitary Code
- Uniform Building, Uniform Mechanical, and Uniform Plumbing Codes and the National Electrical Codes

D) OTHER LAWS/STATUTES

- Agritourism Promotion Act, K.S.A. 74-50,165,

## 5. ISSUES AND RECOMMENDATIONS

### A. ROAD DUST.

Issue: The generation of dust by travelers to agritourism activities has been raised as a concern. Opinions vary from the expectation that travel on rural roads will be dusty, to the expectation that properties with increased activity should mitigate the dust created by traffic to the site.

Recommendation: note the areas where agritourism uses are clustered or where larger agritourism uses are located and establish a dust palliative treatment program for roads in these areas with assistance being offered by the County

## **B. SIGNAGE.**

Issue: Signage is limited by the Zoning Regulations in the 'A' District to accessory identification signs or signs advertising goods which are raised on the premises.

Recommendation: Additional signage should be permitted to advertise agritourism uses both on- and off-site. Various options were discussed, which included the possibility of using standard signage on the highways to identify exits from which agritourism activities can be accessed.

## **C. APPROVAL PROCESS.**

Issue: Some agritourism uses are never pursued due to the time and process involved in getting approved.

Recommendation: Simplify the process for agritourism uses which would not be classified as 'high intensity'.

- i. Create a tiered level of agritourism activities with different approval process for each. For instance: Low intensity agritourism activities – registration; Medium intensity agritourism activities -- site plan; High intensity activities – conditional use permit.
- ii. Establish standards which would apply to uses which do not require a CUP, such as: attendance limited to that which can be accommodated with on-site parking (no on-street parking permitted), retail sales permitted up to a maximum area of a particular square footage and certain level of assembly without requiring a CUP or full compliance with Commercial Building Codes, (This may require an amendment to the Building Codes to facilitate the use of ag buildings for agritourism uses while requiring minimal inspections to ensure basic health, safety and welfare.)
- iii. Establish a Special Event Permit for infrequent or temporary events. Identify events which could be approved administratively, and those which would require County Commission approval and note the time frame for approval; for instance 5 business days for administrative and 14 business days for County Commission permits. Establish standards for special events. Establish time limits for particular uses, with more flexibility provided for agritourism uses.

## **D. COMMUNITY-WIDE BENEFITS OF AGRITOURISM.**

Issue: As illustrated in the economic impact section of this report, agritourism benefits not only the farm family involved in the activity, but the community as a whole. Increased spending within the county is one benefit; increased sustainability of family farms is another.

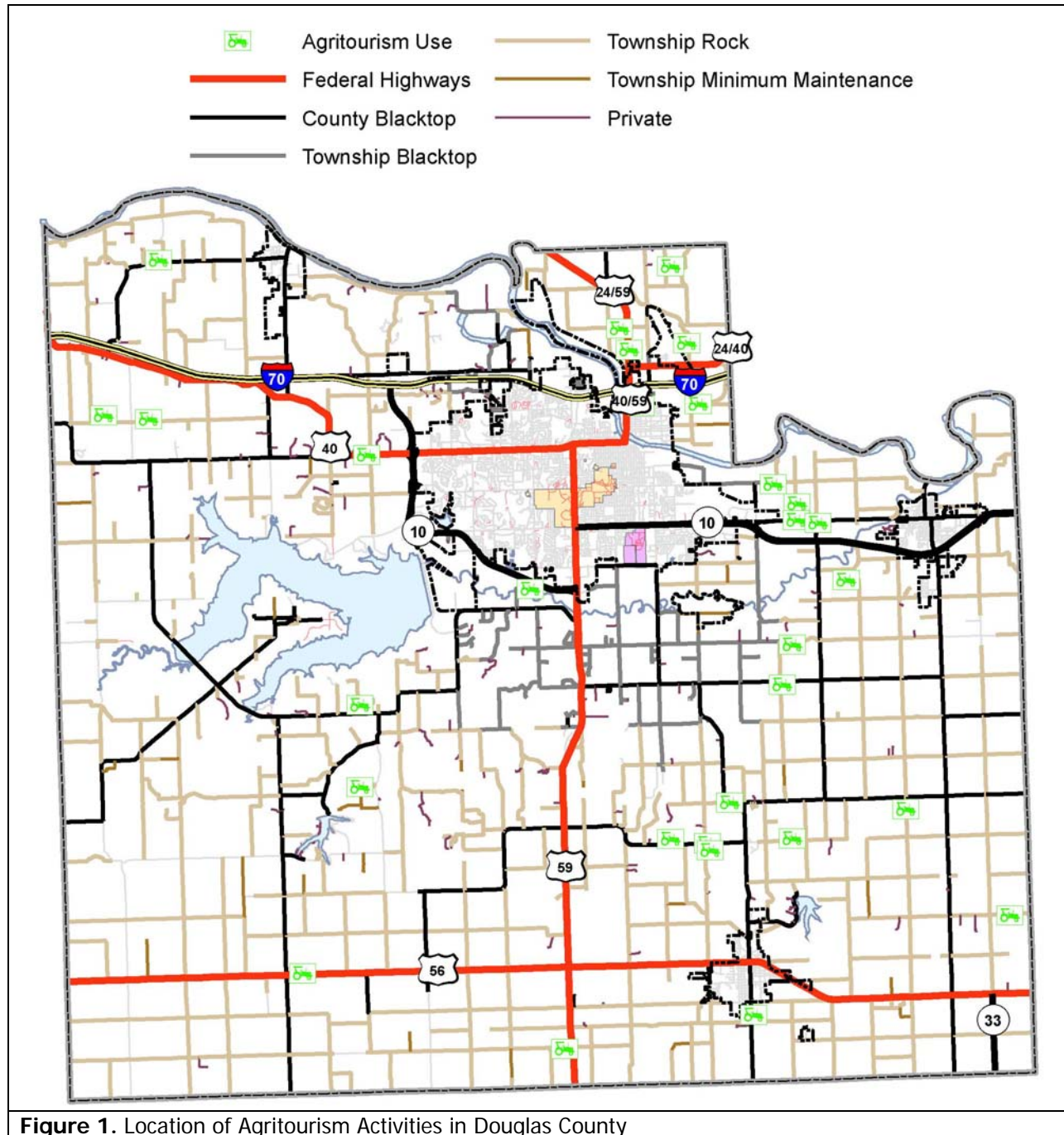
Recommendation: Promote Agritourism Activities in the County.

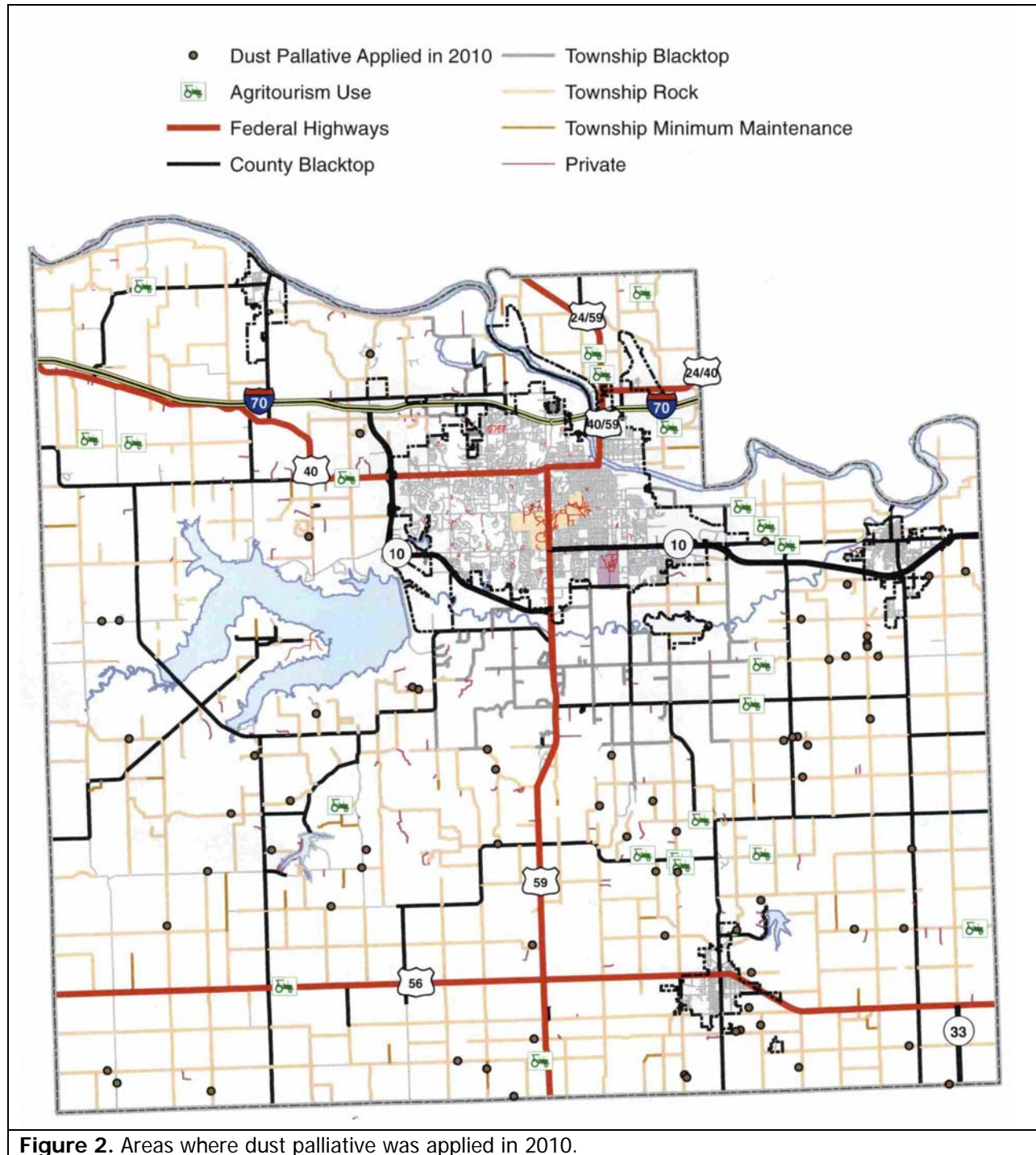
- i. Install an 'Agritourism' link on the Douglas County web-site to provide information on the agritourism uses in the county (and links to their websites) as well as the process to establish new uses. This link can provide information for future agritourism activities as well as promote existing activities.
- ii. Prepare brochures which clearly outline the process and requirements for different types of agritourism activities.

**E. IMPLEMENTATION AND MONITORING OF RECOMMENDATIONS.**

Issue: Many of the recommendations require knowledge of the existing agritourism uses.

Recommendation: Registration of Agritourism Uses. In order to qualify for the simplified approval process or other features, the use must be registered with the Douglas County Zoning and Codes Office as an Agritourism Use and with the State Chamber of Commerce. This registration will assist in the determination of dust palliative treatment program areas, the inclusion of the use on the County Website as well as the monitoring of the effectiveness of the measures adopted to encourage and foster agritourism. The State registration form should double for the County registration, if all necessary information is included on the state form.





*(All language in this section is new.)*

## **12-319-5. SPECIAL EVENTS**

### **12-319-5.01 Purpose and Intent.**

- a. The purpose of this section is to establish procedures and standards for conducting short-term special events on private property within the unincorporated area of Douglas County.
- b. The regulations in this section are intended to provide an efficient procedure for processing special event applications while promoting the health, safety and welfare of all persons in the county by ensuring that special events do not create disturbances, become nuisances, disrupt traffic, or threaten or damage persons or property.

### **12-319.5.02 Special Event Defined.**

The term 'special event' shall mean a short-term use of land or structures which is not otherwise included as a permitted or accessory use by these Zoning Regulations.

### **12-319.503 Exempt Events**

The following types of events are exempt from the requirement to have a Special Event Permit:

- a. Private gatherings held by the property owner or resident, (such as wedding receptions or family reunions)
- b. Garage sale, estate auction, or similar event. A maximum of 2 of these events are permitted through this exemption per calendar year.
- c. Fundraising or non-commercial events for nonprofit religious, political, educational or community service organizations which meet the following criteria and standards:
  - 1) Event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
  - 2) Any structure used in conjunction with the special event shall meet all applicable yard setbacks and shall be subject to a valid building permit.
  - 3) The event shall be restricted to hours of operation between 8 AM and 11 PM
  - 4) Maximum duration of 7 days,
  - 5) Maximum of 4 events on a property per calendar year, and
  - 6) Signs displayed in conjunction with use shall comply with sign regulations for the Zoning District in which the property is located.
- d. Events associated with an agritourism use which is registered with the State and County are exempt from the requirement to obtain a Special Event Permit with the following limitation:
  - 1) Up to 4 events of a similar nature are exempt. More than 4 events of a similar nature would require an amendment to the Agritourism registration with the State and County, or approval through the Special Event Process.

### **12-319-5.04 Events which require Special Event Permits**

Events which do not meet the criteria for exemption listed in Section 12-309-5.03 require a Special Event Permit.



- a. These include events which are open to the general public, whether or not an admission or entrance fee is charged. These events include, but are not limited to auctions, temporary faith-based assemblies, rallies, concerts, performances, festivals, fairs, carnivals, fundraisers, or similar public gatherings.
- b. Events may occur either with or without the sale or provision of alcoholic liquor or cereal malt beverages. The property owner is responsible for obtaining necessary liquor licenses.

**12-319-5.05 Permit Approval Process.**

- a. Special Event Permits may be approved administratively or may require approval by the Board of County Commissioners depending on the nature of the activity and the potential impacts to the surrounding properties.
- b. Special Events which do not meet the criteria listed in Section 12-319-5.06 or the standards listed in Section 12-319-5.07 or have characteristics that the Zoning and Codes Director determines may constitute a nuisance or danger shall require approval of the Board of County Commissioners.

**12-319-5.06 Criteria for Administrative Approval.**

The Zoning and Codes Director shall review the Special Event Permit application with the following criteria to determine if the permit may be processed administratively:

- a. The principal route to the event is on a road network suitable for the anticipated attendance, per the determination of the County Engineer or township official.
- b. Event hours between 7 AM and 11 PM.
- c. The event lasts no more than 14 days.
- d. Up to 4 events within the calendar year may be permitted administratively for a property. Additional events require approval by the Board of County Commissioners.
- e. The event does not propose any overnight sleeping accommodations.

**12-319.507 Standards**

In addition to the criteria noted above, all special events shall comply with the following performance standards and any additional conditions deemed necessary by the Director of Zoning and Codes, or the Board of County Commissioners, if applicable, in order to minimize any negative impacts to surrounding properties and protect the public health, safety and welfare.

- a. **Noise.** The County Noise Ordinance (HR 11-7-3) shall be observed.
- b. **Parking.** Adequate parking areas (including accessible parking) are required for the event.
  - 1) Accessible parking must be located as near to the event area as possible.

- 2) Parking shall be provided on the same property as the event to the fullest extent possible. No parking shall occur on the public right-of-way
  - 3) Parking may be located on adjoining property with advance written consent of the affected landowner. A copy of the written consent shall be provided to the Zoning and Codes Director prior to approval of the permit.
- c. Location of Event.**
- 1) The event shall not interfere with access into the site for emergency vehicles.
  - 2) No special events are permitted to be located within the regulatory floodway.
- d. Health and Sanitation.** All requirements of the Lawrence-Douglas County Health Department shall be met.
- e. Lighting.** All lighting sources shall be shielded or aimed so the direct illumination is confined to the property on which the event is located.
- 1) The operation of searchlights or similar lighting sources is prohibited.
  - 2) Flashing light source is prohibited.
  - 3) Animated or lighted signs are prohibited.
- f. Signage.**
- 1) One temporary freestanding or wall-mounted on-site sign is permitted.
  - 2) The applicable sign regulations for the Zoning District in which the property is located shall apply.
  - 3) Sign text and graphics, which relate only to the special event shall be removed immediately upon cessation of the event.
  - 4) Off-premise directional signage, on private property, that describes the location of the use, shall be allowed with the written approval of the property owner. A map with the location of the signage shall be provided to the Zoning and Codes Office prior to event.
  - 5) Under no circumstance is signage permitted within the public right-of-way.
- g. Other Permits and Laws.** Any required local or state permits or licenses, etc., shall be obtained before the Special Event Permit is issued and the event shall comply with all applicable sales tax and other laws of Douglas County.
- h. Structures.** Any structure used for a special event must comply with Douglas County Building codes, with the exception of the structures which are exempt for Agritourism Uses as specified in Section XXXX.

- i. **Site Restoration.** The site shall be left free of debris, litter or any other unsightly evidence of the use upon completion or removal of the use and shall thereafter be used only in accordance with the applicable provisions of the zoning regulations.

**12-319-5.08      Review and Approval Procedure**

Special events which do not meet the exemption criteria listed in Section 12-319-5.03 shall obtain a Special Event Permit through the following procedure:

- a. Submittal of a completed Special Event Permit application, and the appropriate application fee to the Douglas County Zoning and Codes Office.
- 1) The application must be provided at least 20 days prior to the event to allow time for a review of the application and notification of neighbors.
  - 2) The Director of Zoning and Codes shall make a determination within 7 calendar days of the submittal as to whether the permit may be approved administratively or requires Board of County Commissioners approval.
    - Applications which are referred to the Board of County Commissioners for approval will be reviewed and placed on the next available agenda.
- b. The applicant shall obtain a list of property owners within 1000 ft of the property on which the Special Event is proposed from the Douglas County Clerk's Office and mail a letter which contains the information below to the property owners on the list to advise them of the proposed event and provide them the opportunity to contact the applicant or the Zoning and Codes Office if they have any questions.

*A Special Event Permit is being proposed for property located at \_\_\_\_\_. The event will consist of (brief description of event) and will run from \_\_\_\_\_ to \_\_\_\_\_ between the hours of \_\_\_\_\_. A Special Event Permit application will be submitted to the Douglas County Zoning and Codes Office.*

*Please contact me at \_\_\_\_\_ with any questions regarding this event, or the Douglas County Zoning and Codes Office at 785-331-1343.*

- 1) The applicant must provide a copy of the letter, the property owner list and certification of the date the letters were mailed to the addresses on the list with their application.
- A Special Event Permit may be administratively issued by the Director of Zoning and Codes if the criteria listed in Section 12-319-5.06 and the standards listed in Section 12-319-5.07 are met and the Director determines the event will not create a public nuisance or danger.
  - Special Events which do not meet the criteria for administrative approval, or are determined to constitute a potential nuisance or danger to the public, shall be referred to the Board of County Commission for action.

- Following the approval of the Special Event, a permit shall be issued to the applicant at no additional charge. The permit shall be kept on the premises during the duration of the event.

*(This section has been renumbered, as will be the subsequent sections. Deleted text is shown as struckthrough. New text is in bold.)*

## **12-319-6 ~~12-319-5.01~~ TEMPORARY BUSINESS USES AND TEMPORARY BUSINESS USE PERMITS**

Temporary business uses may be permitted in any district upon the review and finding of the Board of County Commissioners that the proposed use is in the public interest. In making such determination, the Board shall consider the intensity and duration of the use, the traffic that can be expected to be generated by the use, the applicant's plans for dealing with sanitation and other public health and safety issues, and other factors which the Board in its discretion determines will affect the public health, safety and welfare.

### **12-319-6.01 Definitions.**

- a. "Temporary business use" shall mean the carrying on of any of the activities enumerated in subparagraph (2) of this Paragraph (b) on real property located in the unincorporated area of Douglas County, Kansas, which is not owned and regularly used by the applicant/sponsor of such activity for such purpose; provided that, "temporary business use" shall not include the activities of persons, families, groups or social or religious organizations that conduct fund raising, social or religious activities on real property which is owned and regularly used by such persons, families or groups for such activity. An activity enumerated in subparagraph (2), below, held on property which is leased or borrowed for the purpose of conducting the activity shall be presumed to be a "temporary business use" which is subject to the requirements of this Section 12-319-6.
- b. Temporary business uses shall include the following activities:
  - 1) Batching plant, including portland cement, concrete or asphalt.
  - 2) Construction building or construction materials yard.
  - 3) Real estate tract sales office.
  - 4) ~~Flea market or swap meet.~~
  - 5) ~~Concerts, musical performances, plays and other performing arts events.~~
  - 6) ~~Circus or carnival.~~
  - 4) Movie or video filming operations involving a combined crew, cast and extras of greater than ten (10) persons, except that one permit may be acquired for a single movie or video filming operation at different locations over a six (6) month period provided the applicant therefor informs the Douglas County Sheriff of each filming location twenty-four (24) hours prior to commencing filming operations.
- b. Application Procedure. An applicant for a temporary business use permit shall make application to the office of the Douglas County Zoning Administrator no less than

twenty-eight days before the date of the proposed temporary business use. For good cause shown, the Board of County Commissioners may allow an application to be filed on shorter notice. All applications shall be accompanied by a non-refundable application fee in an amount set by resolution of the Board of County Commissioners but not less than one hundred dollars. In the application the applicant shall identify each sponsor of or other persons with a financial interest in the proposed activity.

- c. Temporary Business Use Plan. Each temporary business use application shall be accompanied by ten copies of a plan in which the applicant explains the activity, the number of persons anticipated to attend, the location of the ~~event~~ **temporary business use**, and detailed information concerning the applicant's plans and procedures for the following:

- 1) Controlling traffic, parking and road conditions during the ~~event~~ **temporary business use**, including provisions for off-road parking;
- 2) Addressing health and sanitation concerns at the site, including toilet and drinking water facilities and supplies adequate to meet the anticipated crowd plus a reasonable allowance for additional persons, including certification by Lawrence-Douglas County Health Department that all sanitation and health concerns have been adequately addressed in the applicant's plans;
- 3) Providing adequate illumination at the site if the ~~event~~ **temporary business use** is to be held at night;
- 4) Providing security at the site, including the hiring of private security guards;
- 5) Providing adequate fire safety precautions at the site, including consultation with the township fire department and approval prior to the activity;
- 6) Evidence that the applicant has secured or can secure adequate general liability and property insurance coverage for the ~~event~~ **temporary business use**;
- 7) If applicable, the serving of alcoholic beverages, including cereal malt beverage;

- d. Public Notice Requirements. Upon receipt of the application for a temporary business use permit, the Zoning Administrator shall notify the applicant of the date scheduled for a public hearing on such application before the Board of County Commissioners. No less than ten days prior to the public hearing the Zoning Administrator shall send notice of the date, time and place of the hearing by first class mail to the following persons:

- 1) The owners and occupants of properties within 1,000 feet of the boundaries of the site at which the proposed use will occur; and,
- 2) The owners and occupants of residential structures served by driveways which take access from the public road which shall serve as the primary access to the proposed site and that are within one mile of the main entrance to such site. The public notice provided for herein also shall contain a copy of the temporary business use plan required in paragraph (d) or a summary thereof. The failure of any of the above described persons to receive the notice provided for herein shall not invalidate any proceedings held concerning a temporary business use permit application. The notice required by this subsection shall only be required

to be sent to the non-owner occupants of properties described herein if the names and addresses of such persons can be ascertained from records of the County that are available to the Zoning Administrator.

- e. Public Hearing and Decision by Board. Each application for a temporary business use permit shall be exempt from the requirements of Section 12-319-1, but the application shall be the subject of a public hearing before the Board of County Commissioners on the date and at the time and place set out in the notice required to be given under paragraph (e) of this section. After the public hearing held thereon, the Board may approve or deny the permit, or the Board may continue the hearing or a decision on the permit application until a subsequent meeting. If the permit is approved, the Board shall establish the effective time period for the permit and all conditions under which the permit is granted. Such conditions may include, but shall not be limited to, a requirement that a cash bond be posted by the applicant to reimburse Douglas County for the cost of any overtime incurred by County staff in responding to calls by law enforcement personnel and the provision of other services in connection with the permitted activity. Within 14 days after the conclusion of the use the County Administrator shall review all costs incurred by the County, shall deduct the amount of the costs from the bond, and shall refund the balance of the cash bond to the applicant.
- f. Permit Not Assignable. Any permit issued under this section may not be assigned by the applicant to any other person without the consent of the Board of County Commissioners.