



Updated:

4/23/18 @ 1:00pm

Added communication for the following:

Items 1A-1B – Preliminary Plat & Special Use Permit, 1601 & 1701 Research Park Dr

Item 2 – Special Use Permit, 4120 Clinton Pkwy

Items 9A-9E – Annexation & Rezoning, 1700 Block E 902 Rd

4/19/18 @ 4:00pm

Added the following:

Communication for Item 2 – Special Use Permit for Bishop Seabury, 4120 Clinton Pkwy

Communication for Item 8 – Conditional Use Permit, 1055 E 1500 Rd

Communication for Items 9A-9E – Annexation & Rezoning, 1700 Block E 902 Rd

Misc 1 – Residential Lot Inventory Report

4/18/18 @ 4:45pm

Added the following:

Draft March Planning Commission Action Summary Minutes

Item 2 – Special Use Permit for Bishop Seabury, 4120 Clinton Pkwy

Item 5 – Text Amendment, Group Homes in GPI District

Use Narrative for Item 8 – Conditional Use Permit, 1055 E 1500 Rd

Items 9A-9E – Annexation & Rezoning, 1700 Block E 902 Rd

Item 10 – Rezoning 1212 Louisiana St

Item 11 – Rezoning 912 N 3rd St

4/17/18 @ 6:00pm

The following items will be added when available:

Item 2 – Special Use Permit for Bishop Seabury, 4120 Clinton Pkwy

Item 5 – Text Amendment, Group Homes in GPI District

Items 9A-9E – Annexation & Rezoning, 1700 Block E 902 Rd

Draft March Planning Commission Action Summary Minutes

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION

CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM

AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS

MONDAY & WEDNESDAY, **APRIL 23 & 25, 2018 6:30PM - 10:30PM**

GENERAL BUSINESS:

Elect temporary Planning Commission Chair for the April 23, 2018 meeting.

PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of March 28, 2018.

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.
- f) General public comment.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION **REGULAR AGENDA (APRIL 23, 2018) MEETING** **NON-PUBLIC HEARING ITEM:**

ITEM NO. 1A PRELIMINARY PLAT FOR OREAD WEST NO. 17; 1601 & 1701 RESEARCH PARK DR (BJP)

PP-18-00072: Consider a Preliminary Plat for Oread West No. 17 located at 1601 & 1701 Research Park Dr. Submitted by BG Consultants on behalf of Beckmeisters LLC, property owner of record.

PUBLIC HEARING ITEMS:

ITEM NO. 1B SPECIAL USE PERMIT FOR BRIDGE HAVEN; 1601 & 1701 RESEARCH PARK DR (BJP)

SUP-17-00697: Consider a Special Use Permit for Bridge Haven, located at 1601 & 1701 Research Park Drive. Submitted by Paul Werner Architect, for Beckmeisters LLC, property owner of record.

ITEM NO. 2 SPECIAL USE PERMIT FOR BISHOP SEABURY; 4120 CLINTON PKWY (SLD)

SUP-18-00076: Consider a Special Use Permit for a 30,342 SF building addition at Bishop Seabury Academy, to accommodate additional classrooms, office, cafeteria/kitchen and chapel spaces, located at 4120 Clinton Parkway. Submitted by BBN Architects Inc, for Bishop Seabury Academy, property owner of record.

ITEM NO. 3 REZONING 2.48 ACRES FROM RM12-FP TO RM12; 3172-3257 ATCHISON AVE, 3209 & 3215 YANKEE TANK LN (LRM)

Z-18-00071: Consider a request to rezone approximately 2.48 acres from RM12-FP (Multi-Dwelling Residential and Floodplain Overlay) District to RM12 (Multi-Dwelling Residential) District, located at 3172-3257 Atchison Ave, 3209 Yankee Tank Ln, and 3215 Yankee Tank Ln. Submitted by Grob Engineering Services LLC on behalf of Yankee Tank Estates LLC, property owner of record.

ITEM NO. 4 VARIANCE; 1803 W 6TH ST (SLD)

MS-18-00113: Consider a variance from the right-of-way width for a Minor Subdivision (lot combination) for Eagle Subdivision No. 2, located at 1803 W 6th St. Submitted by BG Engineers on behalf of Mount Oread AERIE 309 FOE, Inc., property owner of record.

ITEM NO. 5 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; GROUP HOMES IN GPI DISTRICT (SLD)

TA-18-00121: Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 4 and 9, to permit *Group Homes* in the GPI district. *Initiated by Planning Commission on 2/21/18.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 RESIDENTIAL LOT INVENTORY

Receive 2017 residential lot inventory report.

Recess until 6:30pm on April 25, 2018

BEGIN PUBLIC HEARING (APRIL 25, 2018):

COMMUNICATIONS

- a) Receive written communications from staff, Planning Commissioners, or other commissioners.
- b) Disclosure of ex parte communications.
- c) Declaration of abstentions from specific agenda items by commissioners.
- d) General public comment.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION **REGULAR AGENDA (APRIL 25, 2018) MEETING**

NON-PUBLIC HEARING ITEM:

****DEFERRED****

ITEM NO. 6 — PRELIMINARY PLAT FOR MERCATO 2ND ADDITION; 6200 W 6TH ST (MKM)

~~**PP-18-00028:** Consider a Preliminary Plat for Mercato 2nd Addition, a five-lot subdivision on approximately 116.8 acres located at 6200 W 6th St. Submitted by Landplan Engineering, for Kentucky Place LC, JDS Kansas LC, Venture Properties Inc, Tat Land Holding Co LC, Sojac Land Company LC, Scotsdale Properties LC, Tanglewood LC, property owners of record.~~

PUBLIC HEARING ITEMS:

ITEM NO. 7 REZONING 2.54 ACRES FROM A/A-1 TO A; 548 N 1700 RD (MKM)

Z-18-00069: Consider a request to rezone approximately 2.54 acres located at 548 N 1700 Rd from A/A-1 (Agricultural and Suburban Home Residential) Districts to A (Agricultural) District. Submitted by Kevin Sontag on behalf of Kanwaka Township, property owner of record.

ITEM NO. 8 CONDITIONAL USE PERMIT; 1055 E 1500 RD (MKM)

CUP-17-00313: Consider a Conditional Use Permit for a *Recreation Facility* (event center), and a *Rooming, Boarding, and Lodging Houses* (Short Term Rental) located on approximately 1.26 acres at 1055 E 1500 Road. Submitted by Stan Trekell, for Linda G. Fritz, Inc., property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 9A ANNEX 97.4 ACRES; 1700 BLK E 902 RD (MKM)

A-18-00068: Consider the annexation of approximately 97.4 acres, in the 1700 Block of E 902 Rd. Submitted by BG Consultants, Inc., for Garber Enterprises, Inc, property owner of record. *Initiated by City Commission on 4/17/18.*

RESUME PUBLIC HEARING:

ITEM NO. 9B REZONING 24.96 ACRES; 1700 BLK E 902 RD (MKM)

Z-18-00070: Consider a request to rezone approximately 24.96 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District. Submitted by BG Consultants, Inc. for Garber Enterprises Inc., property owner of record.

ITEM NO. 9C REZONING 60.95 ACRES; 1700 BLK E 902 RD (MKM)

Z-18-00073: Consider a request to rezone approximately 60.95 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5 (Single-Dwelling Residential) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

ITEM NO. 9D REZONING .78 ACRES; 1700 BLK E 902 RD (MKM)

Z-18-00074: Consider a request to rezone approximately 0.78 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5-FP (Single-Dwelling Residential and Floodplain Overlay) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

ITEM NO. 9E REZONING 11.49 ACRES; 1700 BLK E 902 RD (MKM)

Z-18-00075: Consider a request to rezone approximately 11.49 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to IL (Limited Industrial) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

ITEM NO. 10 REZONING .13 ACRES; 1212 LOUISIANA ST (MKM)

Z-18-00086: Consider a request to rezone approximately 0.13 acres located at 1212 Louisiana Street from RMO-UC (Multi-Dwelling Residential-Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District) to correct a rezoning error made with Ordinance No. 4235. *Initiated by Planning Commission on 2/21/18.*

ITEM NO. 11 REZONING .97 ACRES; 912 N 3RD ST (MKM)

Z-18-00087: Consider a request to rezone approximately 0.97 acres located at 912 N 3rd Street from CS/UR (Commercial Strip and Urban Reserve) Districts to CS (Commercial Strip) District. *Initiated by Planning Commission on 2/21/18.*

****WITHDRAWN****

~~ITEM NO. 12 CONDITIONAL USE PERMIT FOR PUBLIC UTILITIES; 2338 N 1100 RD (MKM)~~

~~CUP-18-00077:~~ Consider a Conditional Use Permit for a *Public Utilities* (fiber optics business) use, located on approximately 5 acres at 2338 N 1100 Rd, Eudora. Submitted by Josh Pacheco for Cody D Bryan, property owner of record. *Joint meeting with Eudora Planning Commission.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

February 2018						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March 2018						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 2018						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

PCCM Meeting:

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

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2018
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, Monday and Wednesday	
Jan 10	Strategic Plan	Affordable Housing Update	Jan 22	Jan 24
Feb 7	Annexation Process		--	Feb 21
Mar 14	Bufferyard & Sensitive Land Code Standards		Mar 26	Mar 28
Apr 11	<i>Cancelled</i>		Apr 23	Apr 25
May 9	Community Design Manual & Design Guidelines		May 21	May 23
Jun 13	Residential Lot Inventory		Jun 25	Jun 27
Jul 11	Comprehensive Plan Update - <i>tentative</i>		Jul 23	Jul 25
Aug 8	Retail Market Study	Industrial Inventory Update	Aug 20	Aug 22
Sep 12			Sep 24	Sep 26
Oct 10			Oct 22	Oct 24
Nov 7			Nov 12	Nov 14
Dec 5			Dec 17	Dec 19
	Suggested topics for future meetings: <i>New County Zoning Codes</i> <i>Water Resources</i> <i>Comprehensive Plan Update</i>		<i>KU Central District Plan/Master Plan</i> <i>Comprehensive Housing Study</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

Revised 4/17/18

2018 PLANNING COMMISSION ATTENDANCE

	Jan 24 2018	Feb 21 2018	Mar 28 2018	April 23 2018	April 25 2018	
Butler	No	No	Yes			
Carpenter	Yes	Yes	Yes			
Culver	Yes	Yes	Yes			
Kelly	No	Yes	Yes			
Paden	Yes	Yes	Yes			
Sands	Yes	Yes	Yes			
Sinclair	Yes	Yes	Yes			
Struckhoff	Yes	Yes	Yes			
Weaver	Yes	Yes	Yes			
Willey	Yes	Yes	Yes			

2018 MID-MONTH ATTENDANCE

	Jan 10 2018	Feb 7 2018	Mar 14 2018	April 11 2018	May 9 2018	
Butler	Yes	Yes	Yes	-		
Carpenter	Yes	Yes	Yes	-		
Culver	Yes	Yes	Yes	-		
Kelly	Yes	Yes	Yes	-		
Paden	Yes	Yes	Yes	-		
Sands	Yes	Yes	Yes	-		
Sinclair	Yes	No	Yes	-		
Struckhoff	Yes	Yes	Yes	-		
Weaver	Yes	Yes	No	-		
Willey	Yes	Yes	Yes	-		



PLANNING COMMISSION MEETING

March 28, 2018

Meeting Action Summary

March 28, 2018 – 6:30 p.m.

Commissioners present: Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey

Staff present: McCullough, Stogsdill, Day, Ewert, Larkin, M. Miller, Mortensen, Pepper

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of February 21, 2018.

Motioned by Commissioner Culver, seconded by Commissioner Paden, to approve the February 21, 2018 Planning Commission action summary minutes.

Motion carried 9-0-1, with Commissioner Butler abstaining.

COMMITTEE REPORTS

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

Commissioner Culver said the Metropolitan Planning Organization Policy board met and approved Transportation 2040. He said the topic would be on the Planning Commission Mid-Month agenda in May.

Commissioner Willey said the Comprehensive Plan Committee met and reviewed public comment and the committee was going through the document chapter by chapter.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

GENERAL PUBLIC COMMENT

No general public comment.

PC Minutes 3/28/18

ITEM NO. 1A REZONING FROM RM12 & RM12 UC TO RM32; 929 ARKANSAS ST (SLD)

Z-18-00024: Consider a request to rezone approximately .82 acres from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District, located at 929 Arkansas St. Submitted by Paul Werner Architects, for DJC Holdings LLC, property owner of record.

ITEM NO. 1B VARIANCE; 929 ARKANSAS ST; 913, 931, 935 MICHIGAN ST; 1000 EMERY RD (SLD)

MS-18-00046: Consider a variance from the right-of-way width and for terminating Michigan Street without a cul-de-sac for a Minor Subdivision (lot combination) for Sinclair's Addition No. 2, located at 929 Arkansas, 913, 931, 935 Michigan Street and 1000 Emery Road. Submitted by BG Consultants, on behalf of DJC Holdings LLC, Kirsten & Robin Krug, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented Items 1A-1B together.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said this was a good infill project. He stated the real work would be on the west side of the property and was outside the Oread Neighborhood. He said the property was in bad shape. He said this would solve the existing parking and access around the property. He said 18 of the 21 units would be one bedroom.

PUBLIC HEARING

Ms. Candice Davis recapped a letter from Ms. Linda Haskins who lived on 10th Street. She said Ms. Haskins requested Planning Commission vote in opposition of the rezoning because it did not take into account the needs of the neighborhood or other property owners. She said the Oread Neighborhood Plan was completed about 7 ½ years ago and the Urban Overlay District and Oread Neighborhood Guidelines were approved last year. She said the documents represented years of work from the neighborhood. She said she supported improvements but wanted to see it worked within the parameters that exist. She did not support the zoning change request.

Mr. Kyle Thompson read the League of Women Voter letter that was not included in the packet due to it being received after the deadline:

"The League concurs that it is preferable to have an entire parcel located in one uniform district. The staff report comments that "The development pattern along the east side of Michigan Street is not proposed to be altered by the change in zoning or modifying the platted lot lines." However the new proposed parking for the duplex dwellings on Arkansas Street is a significant change to the development pattern.

The argument presented by the applicant for terminating Michigan Street without a cul-de-sac is that "Approval of the variance to terminate Michigan Street in a code compliant cul-de-sac would reduce the area allowed to redevelop." Providing an easement in lieu of the right-of-way recognizes the need for reasonable vehicular access and turning movement, exactly the reasons that right-of-way is required.

The League appreciates the submittal of a "concept site plan" with this request. That site plan indicates a pattern of development that is inconsistent with the patterns within the Oread Neighborhood. A large parking lot behind duplex housing and parking areas on two

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<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

sides of a single-family residence are consistent with intense urban development and not respectful of those lower density uses. It is not clear that covered parking could be developed for the single-family uses in the future.

The League recognizes that the current development in this area could be improved but is concerned that the proposal for the highest density zoning in combination with the vacation of right-of-way allows for an intensity of development that is inappropriate given the adjacent lower density properties."

Mr. Thompson said he was confused by the project and maps and originally thought 929 Arkansas would become RM32.

APPLICANT CLOSING COMMENT

Mr. Werner said the real work would be on the west side, outside of the Oread Neighborhood. He said the cul-de-sac worked and people would be able to get around the parking lot.

COMMISSION DISCUSSION

Commissioner Struckhoff said the site was in need of some serious attention. He felt this was a suitable project with the real work happening on the west side of proposed Michigan Street improvement and parking lot. He said he was sensitive to the slight encroachment of RM32 zoning into RM12 but that this would be an improvement to the area that was very much needed. He felt it was suitable to the existing zoning on the west side of the street.

Commissioner Sands asked if the lots zoned RM12 would change.

Ms. Day said the lot lines would change a little bit.

Mr. McCullough said the zoning would not change.

Commissioner Willey inquired about the sidewalk on the west side of Emery and right-of-way on the east.

Ms. Day said the right-of-way was from the center line of the road. She said the property owner may be asked to dedicate 5' of right-of-way. She said there were no plans at this time to look at sidewalks on the west side of Emery. She said they were still working through the Site Plan so she was not sure yet if a sidewalk would be recommended.

Ms. Day said there would be sidewalk connectivity through the development to the public sidewalk.

Commissioner Paden asked about the width of the sidewalk.

Mr. McCullough said it would probably be a normal 5-6' sidewalk.

Commissioner Kelly said the property on the east side of Michigan was within the Oread Neighborhood and currently zoned RM12-UC. He said to the west of Michigan was not in the Oread Neighborhood and zoned RM32. He asked if the developer could build an RM32 building under the current zoning.

Mr. McCullough said the zoning would allow an RM32 building but the cul-de-sac would have constraints. He said staff does not encourage split zoning and they view it as a clean up to match zoning lines.

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Commissioner Willey said the new access and parking lot was much better for emergency access. She said overall it was a fairly urbanized area and infill would add to that in a good way. She said she was inclined to support the rezoning.

Commissioner Sands asked Ms. Davis about making considerations for the neighborhood. He asked what her specific concerns were.

Ms. Davis said initially it looked like it would impact lots on Arkansas Street but that did not appear to be the case now.

Commissioner Sands said the Oread Design Guidelines were recently approved and now they were changing it.

Commissioner Kelly said there was nothing changing the Oread Design Guidelines. He said he supported it because they were honoring those guidelines. He said it would add parking to an area where parking was an issue. He thought it was a nice way of keeping the Oread Neighborhood in RM12. He said the project was cleaning it up and adding benefits such as better parking, draining, curbs, and sidewalks.

Commissioner Paden wondered if it really fit. She thought it felt more like a West Lawrence development with a parking lot.

Mr. McCullough said there were multi-dwelling and parking lots in the area. He said Planning Commission had a zoning before them and what she was referring to was more of a site plan issue.

Ms. Day showed on the overhead an aerial of the area.

Commissioner Carpenter said the rezoning appeared to be cleaning up the boundary. He thought the boundary was odd by not including Michigan in the Oread neighborhood. He said it was a very creative cul-de-sac design and felt it was a good solution.

ACTION TAKEN on Item 1A

Motioned by Commissioner Struckhoff, seconded by Commissioner Carpenter, to approve the request to rezone approximately .82 acres, located at 929 Arkansas St, from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 10-0.

ACTION TAKEN on Item 1B

Motioned by Commissioner Struckhoff, seconded by Commissioner Carpenter, to approve the variance requested for a Minor Subdivision, MS-18-00046, to reduce the right-of-way, required per Section 20-810(a)(5) for a local street, from 60' to 50' and to approve the variance to terminate Michigan Street in a dead-end in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at 929 Arkansas, 913, 931, 935 Michigan Street and 1000 Emery Road.

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Unanimously approved 10-0.

DRAFT

PC Minutes 3/28/18

ITEM NO. 2 REZONING FROM PUD/UPR TO RM15; 2111 KASOLD ST (SLD)

Z-18-00023: Consider a request to rezone approximately 6.49 acres from PUD/UPR (Planned Unit Development) District to RM15 (Multi-Dwelling Residential) District, located at 2111 Kasold Dr. Submitted by Paul Werner Architects, for Quail Creek LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said the project started by the owner wanting to upgrade the pool and clubhouse facilities to keep up with other apartment facilities. He said the property falls within the 400 acre Alvarado Planned Unit Development. He said rezoning to conventional zoning made it easier and more manageable. He said adding more units would help offset the cost of improving the pool and clubhouse. He showed elevation plans on the overhead.

PUBLIC HEARING

Mr. Richard Funk, 2101 Quail Creek Dr, expressed concern about parking and traffic. He suggested that there be 1 ½ parking spaces per bedroom. He said the City Traffic department had already identified the area as having parking issues.

APPLICANT CLOSING COMMENTS

Mr. Werner said an advantage of the new parking requirements was that they had to meet today's standards which were higher. He said parking would be provided for the new units. He felt the Quail Creek Drive parking issues were due to the townhomes on Quail Creek.

COMMISSION DISCUSSION

Commissioner Sinclair asked if the project could happen as currently zoned but would have to include the entire Alvarado PUD.

Ms. Day said yes, it would have to have a fully developed plan come through the public process.

Commissioner Willey asked if there was precedent of releasing properties from Alvarado.

Ms. Day said yes. She said there were a number of subdivisions within the area that were simply single-family detached homes.

Commissioner Struckhoff inquired about the number of parking spaces.

Ms. Day said staff had not reviewed the site plan so she could not confirm where the parking was at but that it would be looked at during the site plan review.

Commissioner Culver said the rezoning made sense to take it out of the large PUD and provide the zoning that fit. He felt it made sense to allow the applicant/owner to make updates and maximize the density they had by meeting the requirements of parking and looking at the topography so it doesn't impact the surrounding area.

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Commissioner Sinclair asked about traffic concerns raised by the public. He asked if a Traffic Impact Study would be required.

Ms. Day said yes.

Commissioner Butler agreed the zoning made sense but felt the neighbors had valid concerns regarding traffic and parking.

Commissioner Willey asked if the site plan would have a public hearing.

Ms. Day said no, site plans were administrative but had an appeal process.

Commissioner Carpenter asked if sidewalks would be added.

Ms. Day said it was possible.

Mr. McCullough said it would depend on what type of site plan was submitted. He said if it was a major site plan then it would trigger the threshold of adding sidewalks. He stated additional parking would impact stormwater so it was certainly something to consider.

Commissioner Willey asked if new parking standards applied to the whole project or just new units.

Mr. Werner said parking would be for the entire project and new visitor parking would be added. He said around 60 additional parking spaces would be added. He said the additional spaces should create a better parking situation.

Commissioner Paden asked about parking changes with the new 2006 Code.

Ms. Day said today multi-dwelling projects require guest parking at a ratio of 1 space for every 10 units. She said prior to 2006 no guest parking was required. She said the new calculations were more equivalent to what was being built.

ACTION TAKEN

Motioned by Commissioner Culver, seconded by Commissioner Paden, to approve the request to rezone approximately 6.49, from PUD/UPR (Planned Unit Development) to RM15 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Willey asked if street trees would be added.

Ms. Day said landscaping would be part of the site plan review.

Commissioner Willey said the sidewalks would be a bigger gain if something else needed to give.

Unanimously approved 10-0.

PC Minutes 3/28/18

ITEM NO. 3 CONDITIONAL USE PERMIT FOR O'CONNELL YOUTH RANCH; 1623 N 1320 RD (BJP)

CUP-18-00021: Consider a Conditional Use Permit for an Event Center space for O'Connell Youth Ranch, located at 1623 N 1320 Rd. Submitted by O'Connell Youth Ranch Inc, property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Mr. Donald Riggs, was present for questioning and agreed with the staff report.

PUBLIC HEARING

Ms. Diana McNish, 1643 N 1300 Rd, inquired about access and septic.

Mr. Riggs said everything had been approved by the State Health Department.

COMMISSION DISCUSSION

Commissioner Culver asked why a separate Conditional Use Permit was requested instead of amending the existing one.

Ms. Pepper said the structure was built as part of the other Conditional Use Permit but would be used as a separate activity. She said in case there were issues it could be revoked without effecting the current Conditional Use Permit.

Commissioner Carpenter asked if the ranch was license by state. He asked if it created a conflict.

Mr. Riggs said yes, it was licensed by the state and that there was no conflict. He said the existing roads would not change. He said the lagoons had been approved by the State. He said well water was provided on the site. He said there would be no light going beyond 20' from the edge of the parking.

Commissioner Struckhoff inquired about screening.

Ms. Pepper said some landscaping was provided but was not required by the County Code. She said from the existing barn going to the north was about 400'.

Ms. Bernice Vervynck, 1637 N 1300 Rd, asked about well water and if it would lower the water table.

Ms. Pepper said that was part of the review and there were no concerns received.

Mr. Riggs said there would be two functions, maximum, a month with 100 people. He said there was no preparation kitchen so use of water would be minimal. He said the events would be catered and the kitchen would only be a warming kitchen.

ACTION TAKEN

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Motioned by Commissioner Kelly, seconded by Commissioner Carpenter, to approve the Conditional Use Permit for an Event Center space for O'Connell Youth Ranch, located at 1623 N 1320 Rd, and forwarding a recommendation for approval to the Board of County Commissioners.

Unanimously approved 10-0.

DRAFT

PC Minutes 3/28/18

**ITEM NO. 4 PRELIMINARY PLAT FOR MAPLE STREET SUBDIVISION; 772-782
MAPLE ST (LRM)**

PP-18-00020: Consider a Preliminary Plat for Maple Street Subdivision, located at 772-782 Maple Street. Submitted by BG Consultants Inc, on behalf of Lawrence Kansas Rentals LLC, property owner of record.

STAFF PRESENTATION

Mr. Luke Mortensen presented the item.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants, was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to approve the Preliminary Plat of Maple Street Subdivision, located at 772-782 Maple Street.

Unanimously approved 10-0.

PC Minutes 3/28/18

**ITEM NO. 5 PRELIMINARY PLAT FOR MERCATO 2ND ADDITION; 6200 W 6TH ST
(MKM)**

PP-18-00028: Consider a Preliminary Plat for Mercato 2nd Addition, a seven-lot subdivision on approximately 116.8 acres located at 6200 W 6th St. Submitted by Landplan Engineering, for Kentucky Place LC, JDS Kansas LC, Venture Properties Inc, Tat Land Holding Co LC, Sojac Land Company LC, Scotsdale Properties LC, Tanglewood LC, property owners of record.

Item No. 5 was deferred prior to the meeting.

DRAFT

PC Minutes 3/28/18

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 AMENDMENTS TO PLANNING COMMISSION BY-LAWS

Receive update on Planning Commission By-Law amendments.

Mr. McCullough reviewed the update to the By-Laws. He noted that City Commission requested the general public comment be received at the beginning of the agenda.

Commissioner Willey said Planning Commission would need to be clear that the dedicated time to speak for specific agenda items was not during general public comment.

Commissioner Sands asked about the time limit for general public comment.

Mr. McCullough said it was not specifically spelled out in the bylaws but it should be in line with the allowed 3 minute period for agenda items.

Motioned by Commissioner Willey, seconded by Commissioner Struckhoff, to affirm approval of the Planning Commission bylaws and uphold the revision made by City Commission about moving general public comment to the beginning of the agenda.

Motion carried 9-1, with Commissioner Butler voting in opposition. Commissioners Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey voted in favor.

Commissioner Struckhoff advised that on April 23, 2018 Planning Commission would need to nominate a temporary Chair as he and Vice-Chair Willey would be at the National American Planning Association conference in New Orleans.

ADJOURN 8:17pm

Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

- [Horizon 2020](#)
- [Sector/Area Plans](#)
- [Transportation 2040](#)
- [2015 Retail Market Study](#)

Development Regulations

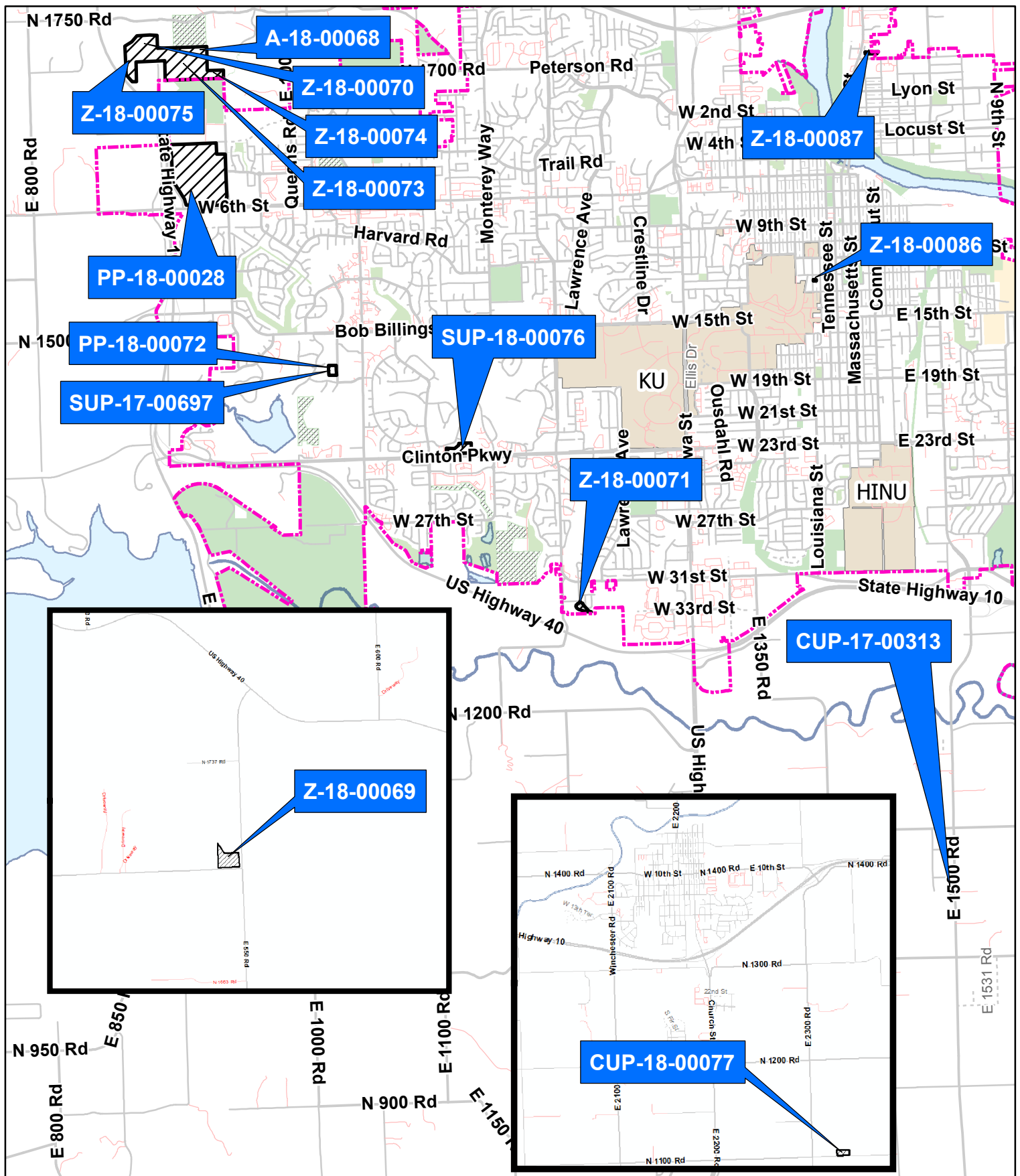
- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [City Land Development Code](#)
- [Subdivision Regulations](#)

Online Mapping

- [City of Lawrence Interactive GIS Map](#)
- [Douglas County Property Viewer](#)
- [Submittals to the Planning Office](#)

Planning Commission

- [Bylaws](#)
- [Mid-Months & Special Meetings](#)
- [Minutes](#)
- [Planning Commission Schedule/Deadlines](#)



Lawrence-Douglas County Planning Commission April 2018 Public & Non-Public Hearing Agenda Items



**PLANNING COMMISSION REPORT
NON PUBLIC HEARING ITEM**

PC Staff Report
04/23/18

**ITEM NO. 1A PRELIMINARY PLAT FOR OREAD WEST NO. 17; 1601 & 1701
RESEARCH PARK DR (BJP)**

PP-18-00072: Consider a Preliminary Plat for Oread West No. 17 located at 1601 & 1701 Research Park Dr. Submitted by BG Consultants on behalf of Beckmeisters LLC, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat for Oread West No. 17.

KEY POINTS

- The subject property includes one platted lot and one unplatted parcel. This request combines the two properties for the creation of one platted lot.
- Platting required as pre-development step.
- A related application for a Special Use Permit has been submitted for what is proposed as Lot 1 of the Preliminary Plat.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 10, 2012.

ATTACHMENTS

Attachment A: Preliminary Plat

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- **SUP-17-00697:** Consider a Special Use Permit for Bridge Haven, located at 1601 & 1701 Research Park Drive. Submitted by Paul Werner Architect, for Beckmeisters LLC, property owner of record.

Other Action Required:

- Submission of the Final Plat for administrative review, approval, and recording at Register of Deeds Office by staff.
- City Commission acceptance of dedication of easements on the Final Plat.
- City Commission approval of the Special Use Permit and publication of the SUP ordinance.
- Submittal and approval of building plans prior to release of building permits for development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – approved by City staff.
- *Downstream Sanitary Sewer Analysis* – approved by City staff.
- *Drainage Study* – approved by City staff.
- *Retail Market Study* – not applicable to Preliminary Plat.

PUBLIC COMMENT

- Staff received general inquiries into the project with specific questions related to parking. Individuals indicated that Bridge Haven staff currently park along Research Park Drive. Inquirers had questions about parking requirements and the amount of parking that would be provided with the new facility.

Site Summary	
Gross Area:	128,647 sq. ft.
Additional Right-of-Way (acres):	0.0 acres
Number of Proposed Lots:	1
Lot Size:	128,647 sq. ft.

GENERAL INFORMATION	
Current Zoning and Land Use:	IBP (Industrial Business Park) District; <i>Extended Care Facility, General</i> and undeveloped land.
Surrounding Zoning and Land Use:	IBP (Industrial Business Park) District to the north, south, and east; undeveloped land. RS10 (Single-Dwelling Residential District) to the west; <i>Detached Dwellings.</i>

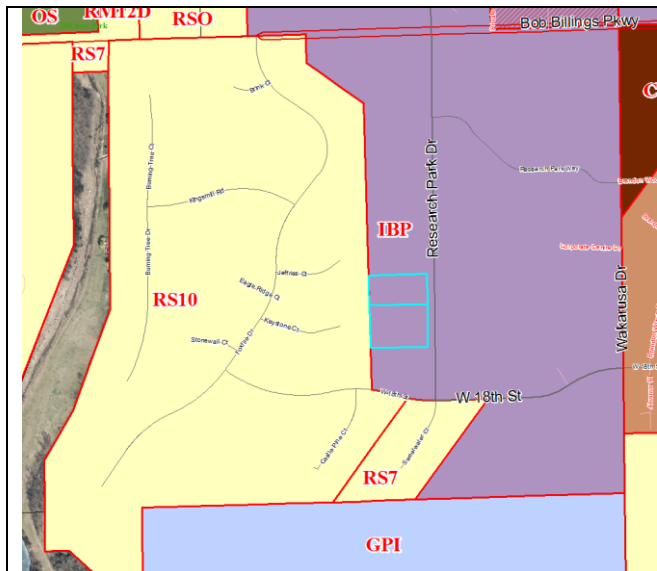


Figure 1a. Zoning of the area.

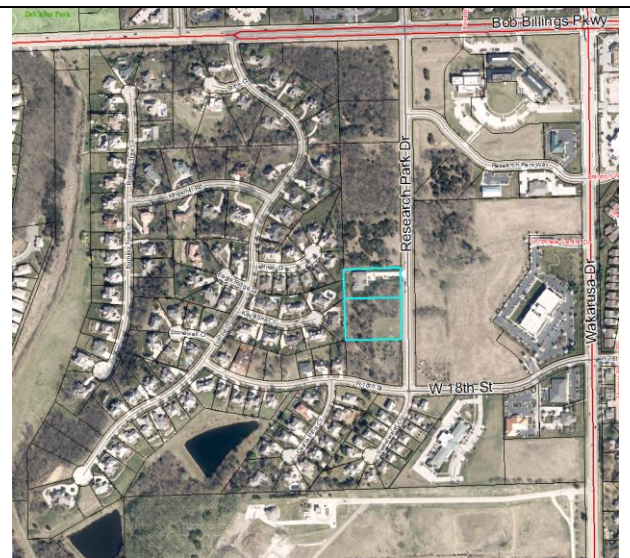


Figure 1b. Land use in the area.

STAFF REVIEW

The subject property is located on the west side of Research Park Drive. There is no dedication of street right-of-way associated with this application. Research Park Drive was constructed with development to the east. No additional right-of-way is needed for this project. The proposal is to combine one platted lot with an unplatted parcel to create one platted lot. The Preliminary Plat is a pre-development step. The existing platted lot contains two extended care medical buildings. The Preliminary Plat facilitates development of a third building that will be located south of the existing two buildings.

Zoning and Land Use

The property is in the IBP District and abuts a developed low density residential district along the west property line. The residential neighborhood is developed with detached homes on larger lots. The portion of the IBP District is dominated by medical offices and research facilities, and also contains undeveloped parcels.

Streets and Access

Research Park Drive is designated as a collector street in the Major Thoroughfares Map of T2040 extending from W. 18th Street to Legends Drive. Access to the proposed lot will be from the abutting collector street. Research Park Drive is the only street to abut this property and provide access to the site.

A cross access easement is proposed to provide access to the property located to the south of the subject properties. That property, located at the northwest corner of Research Park Drive and W 18th Street, is currently undeveloped. Section 20-915(e) of the Development Code dictates that driveway spacing for properties taking access from a collector street shall be 250' from other driveways and 250' from the intersection of a local street. The proposed south driveway will inhibit the ability of the southern property to comply with the driveway spacing development standards. Future development of that lot would require a driveway near the north property line, which would not meet the 250' driveway spacing requirement. Given this, a cross access easement is proposed to provide access to the property to the south when it is developed.

Density and Dimensional Standards

The proposed Preliminary Plat meets the density and dimensional standards of Section 20-602 of the Land Development Code, as shown in the table below.

Article 6. Density and Dimensional Standards – Industrial Business Park District		
	Required	Provided
Min. Lot Area	20,000 sq. ft.	128,647 sq. ft.
Min. Lot Frontage	200 ft.	401.91 ft.
Front Setback	40 ft.	41.72 ft.
Interior Side Setback	15 ft.	18.39 ft. (north) 30.36 (south)
Read Setback	40 ft.	51.81 ft.
Max. Building Coverage	65%	16%
Max. Impervious Coverage	75%	33%

Utilities and Infrastructure

Water and sewer service exists to serve the proposed lot. Sanitary sewer was previously extended to serve the existing development.

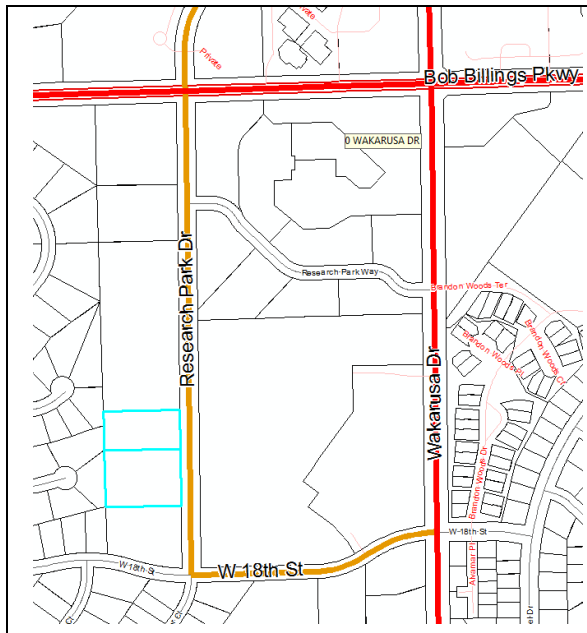


Figure 2a. Street Classification; gold = Collector Streets, red = Arterial Streets.



Figure 2b. Existing infrastructure; gold= sanitary sewer, blue & red=water, green = stormwater. (aerial does not show the second building that was built later)

Easements and Rights-of-way

The sanitary sewer line was previously extended from the south to provide service to the existing development. This plat includes the dedication of a 15' utility easement to compass the existing sewer line. The Preliminary Plat also includes the dedication of a 10' utility easement along the east property line. No changes in the right-of-way are required with this Preliminary Plat.

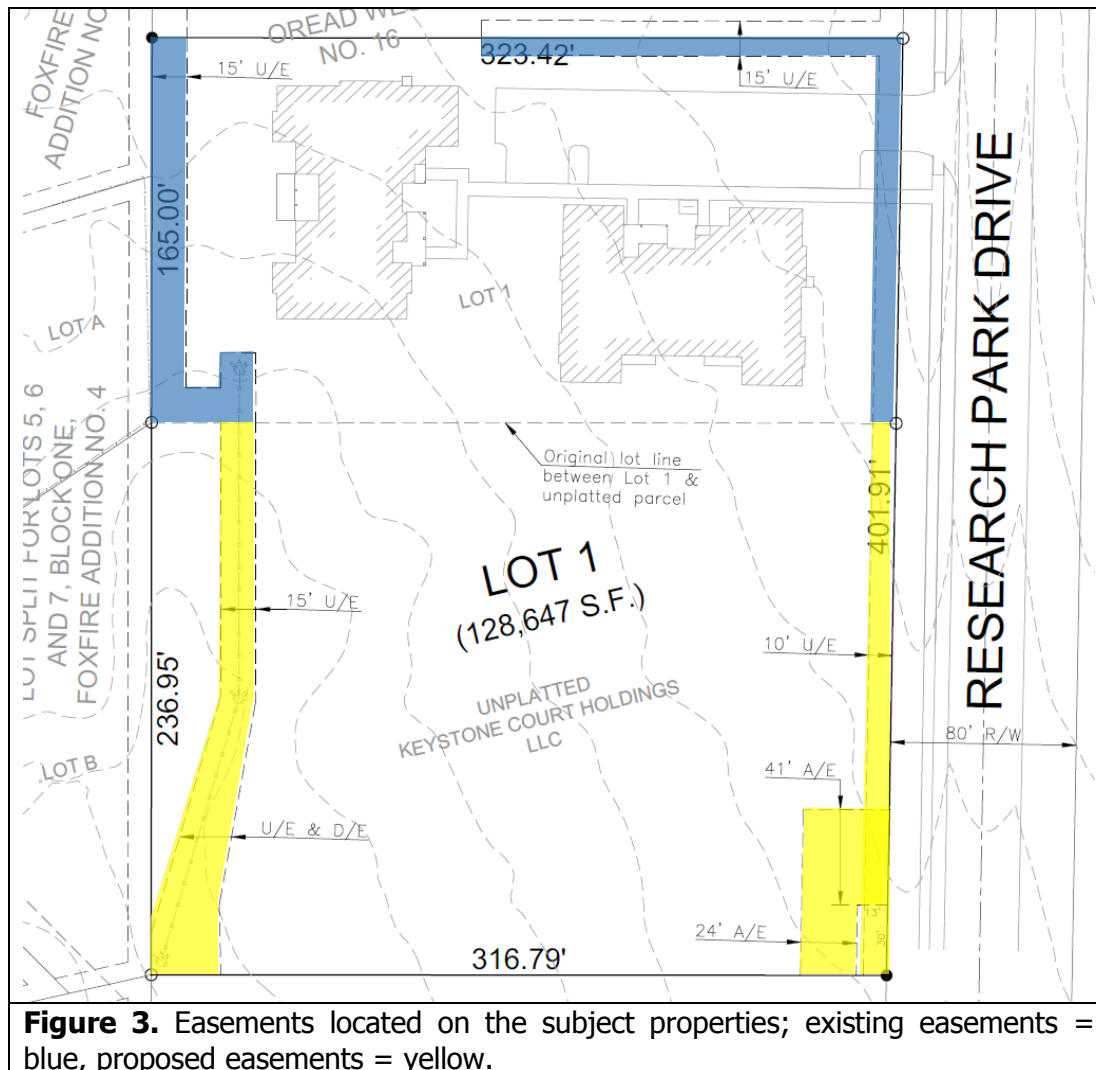


Figure 3. Easements located on the subject properties; existing easements = blue, proposed easements = yellow.

Sensitive Lands

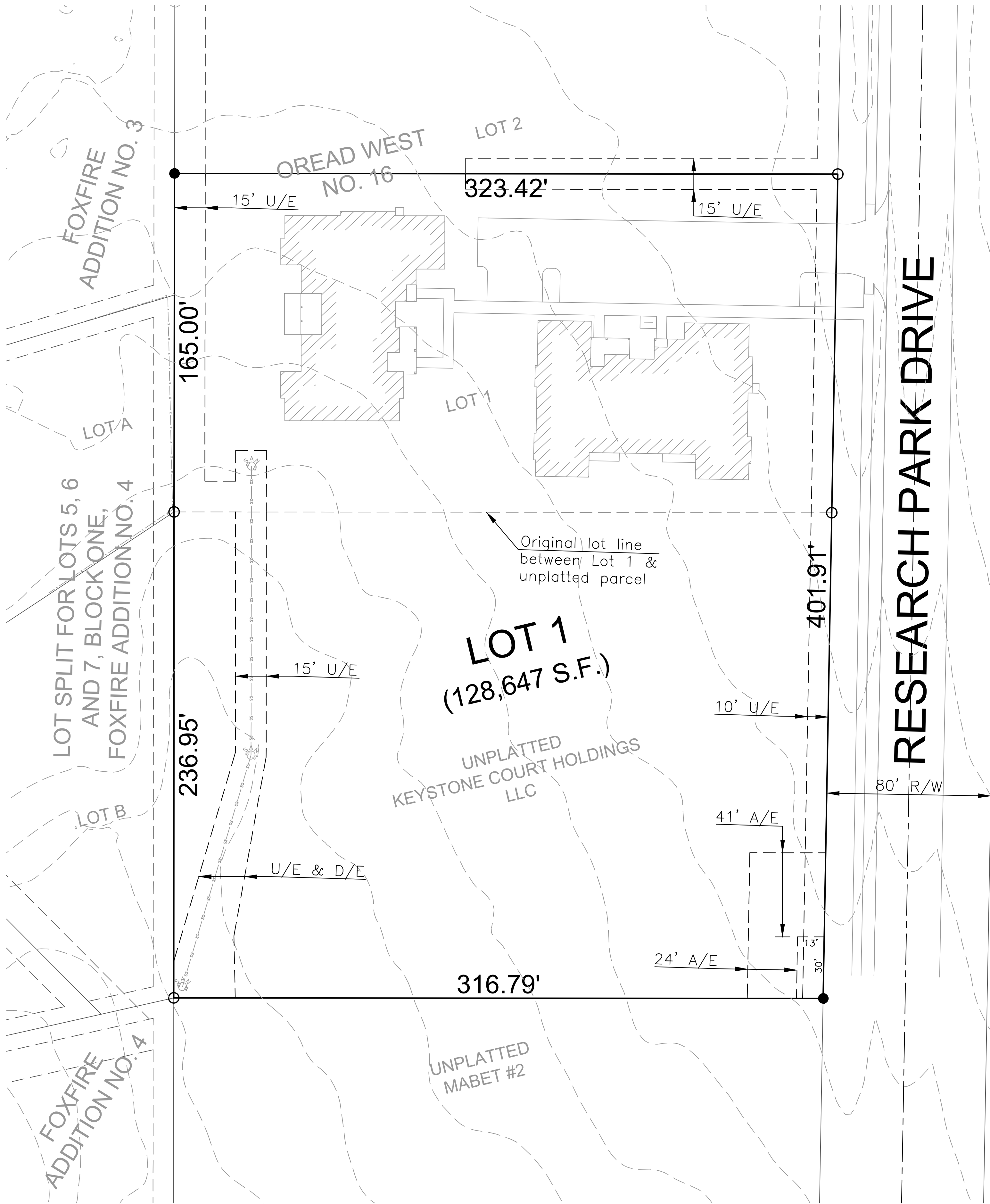
A portion of the property is undeveloped and contains stands of mature trees. While Section 20-1101 provides protection standards for this type of sensitive lands, this section is applicable to development in all RS (Single-Dwelling Residential) and RM (Multi-Dwelling Residential) Districts, but is not applicable to non-residential zoning districts. The property is zoned IBP and as such this standard does not apply to the proposed development. However, as discussed above, the applicant proposes maintaining a portion of the existing vegetation as a mechanism to buffer the development from the residential development located to the west.

Compliance with Major Subdivision Regulations

The Preliminary Plat conforms to the review criteria provided in Section 20-809(d) of the Land Development Code.

Conclusion

This Preliminary Plat conforms to the standards and requirements of the Subdivision Regulations, and the land use plans of the area. Staff recommends approval of the Preliminary Plat for Oread West No. 17



OWNER - APPLICANT

BECKMEISTERS LLC
842 LOUISIANA ST.
LAWRENCE, KS 66044

OWNER

KEYSTONE COURT HOLDINGS LLC
624 FORDSMERE RD.
CHESAPEAKE, VA 23322

ENGINEER

DAVID J. HAMBY, P.E. (KS #15594)
BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KS 66049
785.749.4474

BENCHMARK

BM #DG43 - CHARN #DG43 - CONCRETE WITH REBAR AND DOUGLAS COUNTY CAP.
ELEV. = 994.38

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C00158D, EFFECTIVE DATE AUGUST 5, 2010.

GENERAL NOTES

1. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS DERIVED FROM CITY LIDAR DATA.
2. EXISTING ZONING: IBP (CITY)
3. PROPOSED ZONING: NO CHANGE
4. EXISTING LAND USE: EXTENDED CARE FACILITY
5. PROPOSED LAND USE: EXTENDED CARE FACILITY
6. THE SOIL ON THIS PROPERTY CONSISTS OF SOGN-VINLAND COMPLEX, MARTIN SILTY CLAY LOAM AND OSKA SILTY CLAY LOAM.
7. UTILITIES WILL BE UNDERGROUND PER SEC. 20-809(f)(4)(iv).

PROVISION AND FINANCING OF ROADS, SEWER AND OTHER PUBLIC SERVICES:

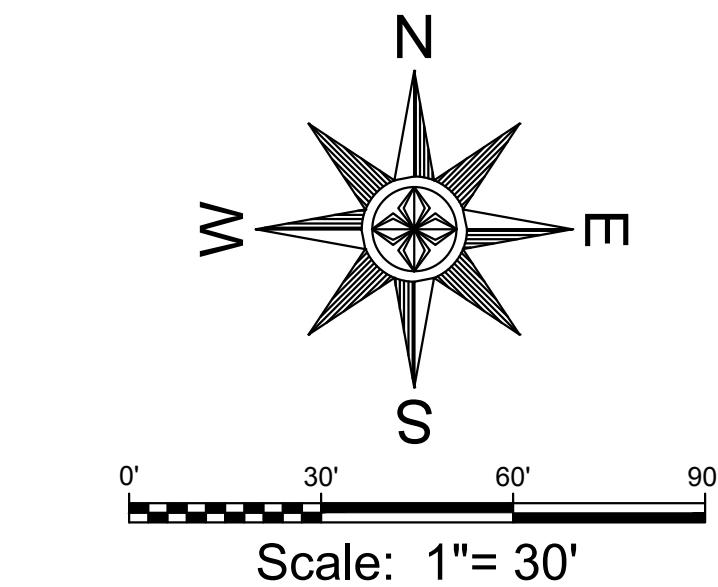
1. THE SUBDIVISION DOES NOT INCLUDE ANY PUBLIC ROADS.
2. THE SUBDIVISION WILL CONNECT TO THE CITY OF LAWRENCE WATER SYSTEM VIA CONNECTION TO THE 12" WATERLINE ON THE WEST SIDE OF RESEARCH PARK DRIVE.
3. THE SUBDIVISION WILL CONNECT TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA CONNECTION TO THE EXISTING SANITARY SEWER MAIN ON THE WEST SIDE OF THE PROPOSED LOT.
4. PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
5. THE PROVISION OF IMPROVED ROADS, WATER SERVICE, AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

LEGAL DESCRIPTION:

LOT 1, OREAD WEST NO. 16, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

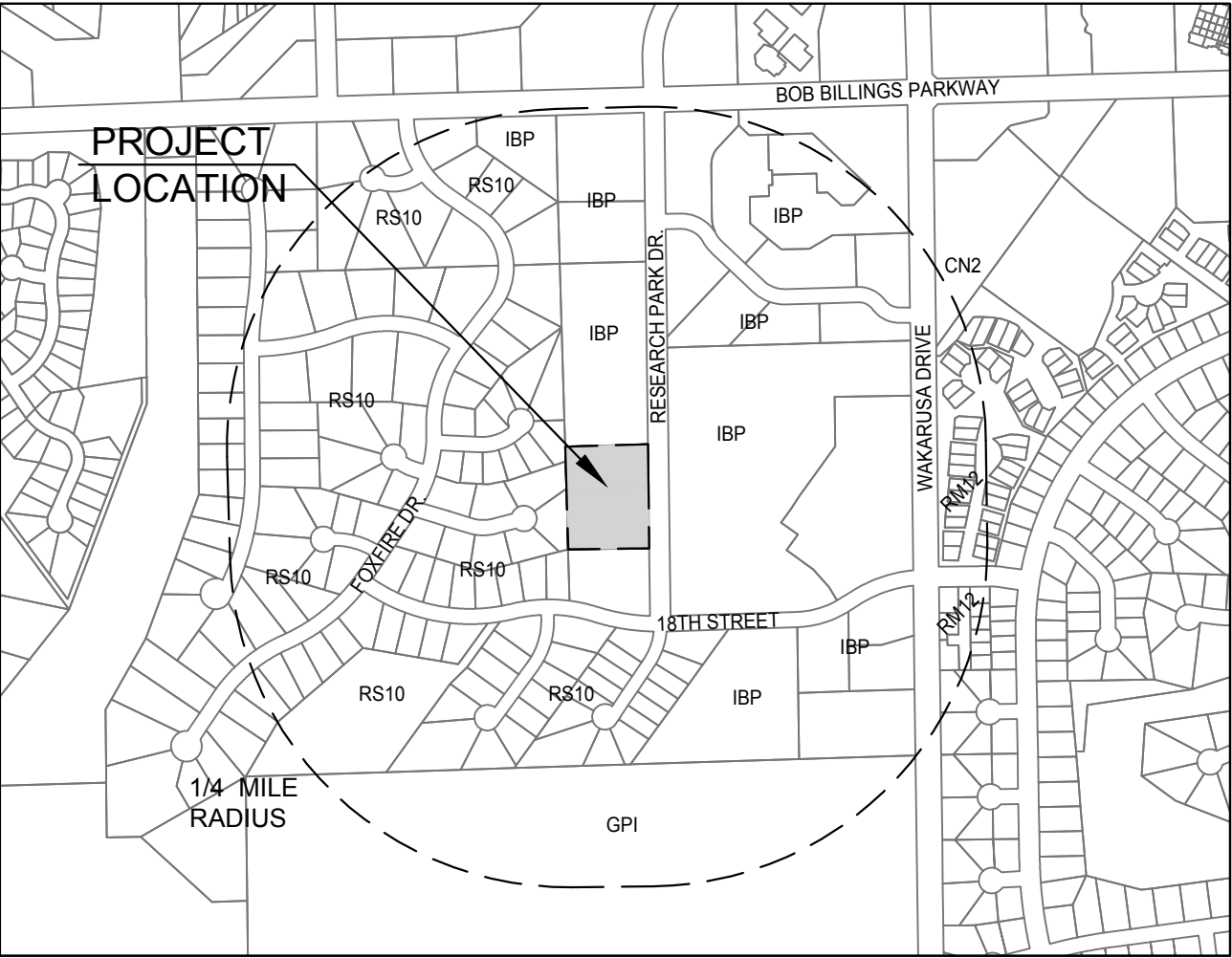
AND AN UNPLATTED TRACT DESCRIBED AS:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT B, OF A LOT SPLIT FOR LOTS 5, 6 AND 7, BLOCK ONE, FOXFIRE ADDITION NO. 4, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 01°39'44" EAST, ALONG THE EAST LINE OF SAID LOT B, 236.85 FEET TO THE SOUTHEAST CORNER OF SAID LOT B; THENCE NORTH 89°17'43" EAST, 316.76 FEET TO THE WEST RIGHT-OF-WAY LINE OF RESEARCH PARK DRIVE; THENCE NORTH 00°42'17" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 236.82 FEET; THENCE SOUTH 89°17'43" WEST, 320.72 FEET TO THE POINT OF BEGINNING.



LEGEND

- SET 1/2" x 24" IRON BAR WITH PLASTIC CAP MARKED "BG CONS PS 758"
 - FOUND 1/2" IRON BAR
 - △ FOUND MONUMENT AS NOTED
 - B., P. REFERS TO BOOK AND PAGE AT THE DOUGLAS COUNTY REGISTER OF DEEDS
- BEARING USED HEREON ARE ASSUMED BEARINGS



LOCATION MAP

OREAD WEST NO. 17
LAWRENCE, KANSAS

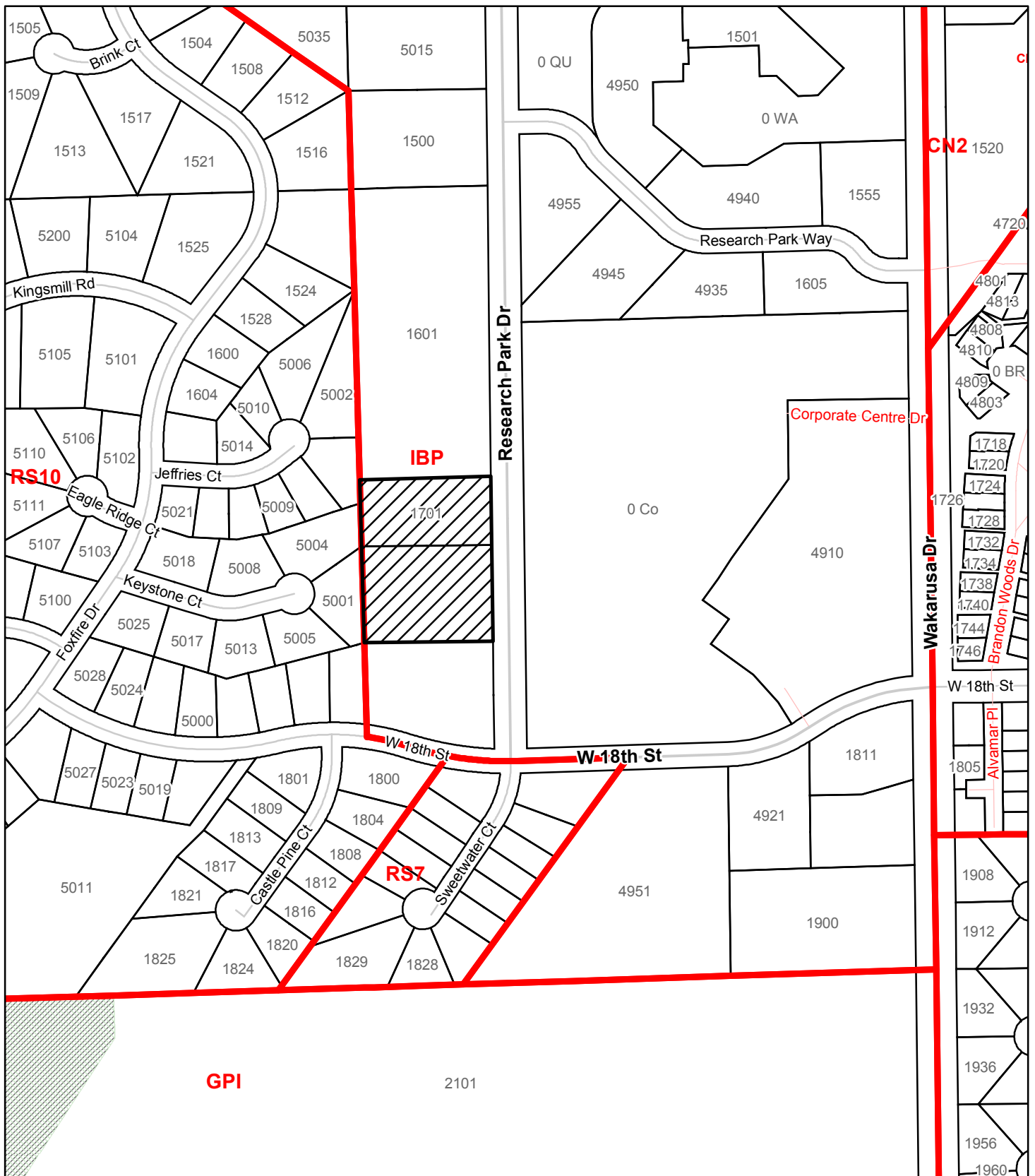
PRELIMINARY PLAT



Project No. 18-1139L
Date: Jan. 22, 2018
Revised: Apr. 17, 2018

SHEET NO.

1



PP-18-00072: Preliminary Plat for Oread West No. 17 located at 1601 & 1701 Research Park Dr.
SUP-17-00697: Special Use Permit for Bridge Haven, located at 1601 & 1701 Research Park Dr.



5021 Jeffries Court
Lawrence, Kan. 66047
April 17, 2018

Lawrence-Douglas County Metropolitan Planning Commission
P.O. Box 708
Lawrence, KS 66044



Dear Commissioners:

I write concerning your April 23, 2018, agenda items **PP-18-00072**, and **SUP-17-00697**, related to a requested expansion of the Bridge Haven facility on Research Drive. I am a property owner in the notification district. Unfortunately, I will not be in town on the date of your hearing on these matters.

I believe that this expansion, the second since the facility was established, should not be allowed. Bridge Haven is no longer the unobtrusive, residential-like care home that was initially permitted, and this proposed expansion certainly will make it a burgeoning commercial facility that threatens property values of the adjacent residences.

I drive and jog past the existing care facility regularly. The operators routinely require a dozen or so autos to be parked on the street, and also place up to 15 trash carts along the curb. These situations are not characteristic of residential uses, and certainly are not what I observe at Brandon Woods, Pioneer Ridge and Presbyterian Manor.

I am attaching two photos of the trash situation I've described, along with a list detailing the street parking I have observed in recent days.

Frankly, this facility should find a location that is already properly zoned and that needs no special governmental consideration in order to be allowed adjoining a residential area.

Thank you for your consideration of these issues.

Sincerely,

Ralph D. Gage Jr.

Encl: As noted

PARKING ON RESEARCH DRIVE AT BRIDGE HAVEN

Saturday, April 7, 12:15 p.m.—5 cars on street

Sunday, April 8, 9:10 a.m.—7 cars on street

Monday, April 9, 7:45 a.m.—5 cars on street, plus 9 trash carts (photo attached)

Tuesday, April 10, 10:15 a.m.—10 cars on street

Wednesday, April 11, 1:30 p.m.—11 cars on street

Thursday, April 12, 11:15 a.m.—9 cars on street

Friday, April 13, noon—12 cars on street

Saturday, April 14, 8:30 a.m.— 5 cars on street

Sunday, April 15, 12:15 p.m.-- 5 cars on street

Monday, April 16, noon—8 cars on street, plus 15 trash carts (photo attached)



04-09-18



04-15-18

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/23/18

ITEM NO. 1B SPECIAL USE PERMIT FOR BRIDGE HAVEN; 1601 & 1701 RESEARCH PARK DR (BJP)

SUP-17-00697: Consider a Special Use Permit for Bridge Haven (*Extended Care Facility, General*), located at 1601 & 1701 Research Park Drive. Submitted by Paul Werner Architect, for Beckmeisters LLC, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of the *Extended Care Facility, General* use located at 1601 & 1701 Research Park Drive and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Prior to release of the accompanying site plan for building permits, the applicant will provide a photometric plan to the Planning Office for review of compliance with Section 20-1103;
2. Approval by the Stormwater Engineer of a best management practice at the west end of the proposed parking lot to mitigate the amount of parking that exceeds parking code requirements.

Applicant's Reason for Request: *The owner would like to add a third building to serve the memory care needs of aging senior citizens.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

The following item is also being considered by the Planning Commission at their April 23, 2018 meeting:

- **PP-18-00072:** Consider a Preliminary Plat for Oread West No. 17 located at 1601 & 1701 Research Park Dr. Submitted by BG Consultants on behalf of Beckmeisters LLC, property owner of record.

Other Action Required

- Publication of the Special Use Permit ordinance.
- Administrative approval and recording of the Final Plat for this property.

KEY POINTS

- This staff report assumes approval and execution of the Major Subdivision.
- A Special Use Permit (SUP) was previously approved by the City Commission on June 12, 2012 for the *Extended Care Facility, General* use. With approval of that SUP, two buildings were constructed for the purpose of providing care to individuals suffering from Alzheimer's disease in a residential type setting.
- This proposed Special Use Permit request would accommodate expansion of the *Extended Care Facility, General* use with the construction of a third building.

FACTORS TO CONSIDER

CHARACTER OF THE AREA

- Property abuts a collector street.
- Property is within the IBP (Industrial Business Park) District.
- Property abuts a developed residential subdivision.

CONFORMANCE WITH *HORIZON 2020*

- The Plan does not specifically address special uses as defined in the Zoning Code.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Staff received general inquiries into the project with specific questions related to parking. Individuals indicated that Bridge Haven staff currently park along Research Park Drive. Inquirers had questions about parking requirements and the amount of parking that would be provided with the new facility. One email was also provided regarding the on-street parking.

ATTACHMENTS

Attachment A: Site Plan

Attachment B: Traffic Impact Study

Attachment C: Public Communication

GENERAL INFORMATION

Current Zoning and Land Use: IBP (Industrial Business Park) District; *Extended Care Facility, General* and undeveloped land.

Surrounding Zoning and Land Use: IBP (Industrial Business Park) District to the north, south, and east; undeveloped land.

RS10 (Single-Dwelling Residential District) to the west; *Detached Dwellings*.

Summary of Request

In 2012, a Special Use Permit (SUP) was approved by the City Commission for the development of two facilities that would provide care to individuals suffering from Alzheimer's disease in a residential setting. This SUP request is for the development of a third facility to be located to the south of the existing buildings.

A review of the accompanying site plan is provided at the end of this report, after the Review and Decision-Making Criteria section.

Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response: *With a Special Use Permit, the proposed facility is permitted per the Development Code.*

This proposed use, *Extended Care Facility, General* is a use allowed in the IBP (Industrial Business Park) District subject to a Special Use Permit. This proposed site plan accompanying this request complies with the building height, area and massing standards, along with the applicable off-street parking standards, as noted later in this report. There are no proposed variances associated with this project.

Staff Finding – This use complies with the applicable provisions of the Development Code.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING

HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: *The proposed use is an extension of the existing business on site for memory care of senior citizens and is therefore compatible.*

The proposed building elevations match the existing development on the property and reflect a residential character for this project. This character is consistent with the large homes located to the west of the property. The properties immediately to the north, south, and east are undeveloped at this time.

As an *Extended Care Facility, General* use, operation of the business will be 24 hours 7 days a week. The active time associated with this use would typically be normal daytime hours with visitations, appointments, care providers and therapists traveling to and from the site. This would be consistent with anticipated business hours of future development in the area.

The site is designed in such a way as to provide a maximum separation between the proposed use and the residences to the west. The retention of a large portion of the existing vegetation will provide an additional buffer between this use and the existing residential uses to the west and future development to the north, south, and east.

Staff Finding – The proposed use is compatible with the adjacent uses in terms of size, massing, orientation, hours of operation and other external impacts.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response: *The proposed use will not cause a decrease to property values in the neighborhood. Instead, it will serve senior citizens and fit into the neighborhood very well.*

The SUP request facilitates the development of a third building for the *Extended Care Facility, General* use. A SUP was previously approved in 2012 that accommodated the development of two buildings for the same use. The proposed building will be similar in size and style to the existing facilities and will be compatible with the existing development.

The west side of Research Park Drive is wooded providing an opportunity to use existing mature vegetation to buffer this use from the adjacent residential area to the west. The design of the project provides a transition between the future office development planned to the east and the residential neighborhood to the west. These features are anticipated to protect the value of the neighborhood of which it is a part.

Staff Finding – Substantial diminution of other property values in the area is not anticipated.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

This property is located within the existing city limits and located adjacent to a collector street. Infrastructure is available to provide service to this development.

Staff Finding – Adequate public facilities and transportation access is accommodated for this development. The uses do not preclude the ability to service the existing uses with respect to public safety, transportation, and utilities.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The site plan and SUP provide enforceable tools to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking.

Staff Finding – Adequate assurances of continued maintenance are inherent in the use and the Special Use Permit approval process.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: *The existing wooded area will be removed from the center of the site, however, the tree cover on the west property line will remain as a buffer for the neighborhood to the west. Adverse impacts on the natural environment are not anticipated and new trees will be provided with the new development.*

The proposed use includes existing vegetation intended to be incorporated into the screening requirements for the site. While some areas will be disturbed, a portion of the mature vegetation will be retained and utilized in this project. There is no designated regulatory floodplain that encumbers this property.

Staff Finding – The proposed development is subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

This Special Use Permit is required to accommodate a specific use in this district to ensure its compatibility with other uses in the area. The purpose of this district is to accommodate an *industrial/business park district intended to provide space in attractive and appropriate locations for certain lot-impact employment and manufacturing uses in a planned industrial/business park setting (Section 20-214 (a))*. The *Extended Care Facility, General* use is categorized within the overall Public and Civic Use Group and more specifically part of the Medical Facilities uses. The facility provides transitional care for individuals suffering from Alzheimer's disease who can no longer live unsupervised but are not in need of skilled nursing care found in more institutional type facilities. The development is designed to provide care in a residential-type setting. The location on the boundary of the neighborhood makes this specific development a reasonable transition between other future industrial/office uses to the east and the neighborhood to the west.

A time limit was not placed on the previously approved Special Use Permit for the *Extended Care Facility, General* use. The first building was constructed in 2012 and the second building in 2016. There have been no complaints or enforcement issues since the development of the use. The Development Code, Section 20-1305 (I), includes a process to revoke an approved Special Use Permit. Other than non-compliance with the scope or conditions of approval, reasons for revocation could include nuisance complaints from adjacent property owners or some future incompatibility with the neighborhood. This provision provides an opportunity to monitor the use as needed.

Staff Finding – Staff does not recommend a time limit on the Special Use Permit.

STAFF REVIEW OF THE ACCOMPANYING SITE PLAN

A. Site Summary

This project includes the construction of a third building to provide additional rooms for patient care in an Extended Care Medical Facility located on the west side of Research Park Drive. The building is designed to match the existing two facilities which are intended to have a residential character both interior and exterior.

Site Summary			
	Existing	Proposed	Change
Lot Size:	128,647 sq. ft.	128,647 sq. ft.	0
Buildings:	13,402 sq. ft.	20,637 sq. ft.	7,235 sq. ft.
Impervious Cover: %	21,647 sq. ft. 17%	43,123 sq. ft. 34%	21,476 sq. ft. 17%
Pervious Cover: %	107,000 sq. ft. 83%	85,524 sq. ft. 66%	-21,476 sq. ft. -17%

B. Access and Parking

On-site Parking:

The existing development contains 15 surface parking spaces. The proposed development includes the addition of a second off-street parking area near the south property line. The new parking area will contain 26 parking spaces.

Parking Summary			
Use	Parking Requirements	Spaces Required	Spaces Provided
<i>Extended Care Facility, General</i>	Auto: 1 space per 3 beds	34 beds / 3 = 12 spaces	41
	Bicycle: 5 or 1 per 10 spaces	5	6
Note: bedrooms are designed for occupancy that could accommodate the registered individual and one care giver (spouse) that would share the same bed/bedroom. While the facility may accommodate dual occupancy of rooms, use of rooms/beds may not be used to accommodate a "resident caregiver".			

The overall parking for this use exceeds the minimum Development Code Standard. Staff received phone calls from nearby property owners that indicated Bridge Haven staff currently park along the side of Research Park Drive, which is legal but does place vehicles on a collector road. While the current development meets the Land Development Code parking requirements of 1 space per 3 beds, the parking requirements do not address the parking needs associated with caregivers and other staff. The proposed development exceeds the minimum parking requirement by 29 parking spaces which will provide additional spaces for caregivers and other staff during shift changes.

Per Section 20-901(c), developments that provide parking in excess of the required standards must mitigate the impacts of the increased impervious surface through use of storm drainage Best Management Practices (BMPs) as provided in the City's adopted BMP manual [Mid-America Regional Council and American Public Works Association Manual for Best Management Practices for

Stormwater Quality -- Sept. 2003 and subsequent updates]. A condition of approval of the Special Use Permit is approval by the Stormwater Engineer of best management practices to mitigate the excess parking.

Access: Access to this site is provided via two driveways intersecting with Research Park Drive, a collector street. There is an existing driveway located near the north property line that provides access to the existing parking area. A second driveway, located approximately 282' to the south, is proposed to provide access to a new parking area.

A cross access easement is proposed to provide access to the property located to the south of the subject properties. That property, located at the northwest corner of Research Park Drive and W 18th Street, is currently undeveloped. Section 20-915(e) of the Development Code dictates that driveway spacing for properties taking access from a collector street shall be 250' from other driveways and 250' from the intersection of a local street. The proposed south driveway will inhibit the ability of the southern property to comply with the driveway spacing development standards. Future development of that lot would require a driveway near the north property line, which would not meet the 250' driveway spacing requirement. Given this, a cross access easement is proposed to provide access to the property to the south when it is developed.

C. Design Standards

Building Elevations: The new structure will resemble the existing two buildings. The buildings were designed to have a distinctive residential character that could easily be found in traditional neighborhoods. While larger, the building orientation and architecture are intended to and succeed in reflecting a residential character.

Pedestrian accessibility: The site includes a public sidewalk along Research Park Drive and a connecting sidewalk from the development to the public sidewalk. Pedestrian accessibility is accommodated with this project.

D. Landscaping and Screening

Street Trees: Street trees are required as part of the subdivision design standards and are shown on the proposed drawing.

Street Tree Summary			
Street	Requirement	Required	Provided
Research Park Dr	1 shade tree per 40 ft of street frontage	401.91 ft / 40 = 10 Trees	10

Interior Landscaping:

As shown in the calculations below, the interior landscaping requirements per section 20-1003 are met.

Interior Landscaping Summary		
	Required	Provided
41 parking spaces	Landscaping Area: 41 stalls X 40 sq. ft. = 1,640 sq. ft.	2,043 sq. ft.
	Trees: 41 stalls / 10 = 5 X 1 = 5 trees	8 trees
	Shrubs: 41 stalls / 10 = 5 X 3 = 15 shrubs	19 shrubs

Perimeter Landscaping:

The parking areas will be screened from Research Park Drive by a continuous row of shrubs. The street trees will be counted toward this requirement.

Bufferyard: The bufferyard standard is applicable only to the rear (west) property line for this project where IBP zoning abuts residential zoning. The Development Code requires a Type 3 Bufferyard. This yard can range from 15' with a wall or fence to as wide as 25'. The rear yard setback of this district is 40'. A private covenant restricts the development setback to 50'. The existing development met a 51.71' setback with a note to retain existing vegetation. The proposed development will be located further west of the existing development, adjacent to Research Park Drive. Similar to the existing development, the plan notes that existing vegetation will be retained. Sufficient vegetation will be retained to meet and exceed the bufferyard standards of the Development Code. Should this vegetation be removed or lost due to disease, comparable planting shall be required to be installed. A note is included on the site plan that states this requirement.

Sensitive Lands:

A portion of the property is undeveloped and contains stands of mature trees. While Section 20-1101 provides protection standards for this type of sensitive lands, this section is applicable to development in all RS (Single-Dwelling Residential) and RM (Multi-Dwelling Residential) Districts, but is not applicable to non-residential zoning districts. The property is zoned IBP and as such this standard does not apply to the proposed development. However, as discussed above, the applicant proposes maintaining a portion of the existing vegetation as a mechanism to buffer the development from the residential development located to the west.

Mechanical Equipment Screening:

As noted on the site plan, exterior ground-mounted or building mounted equipment shall be fully screened from view of the adjacent properties and from street right-of-way (as measured 6' above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the principal building.

Alternative Compliance: None is proposed with this request.

E. Lighting

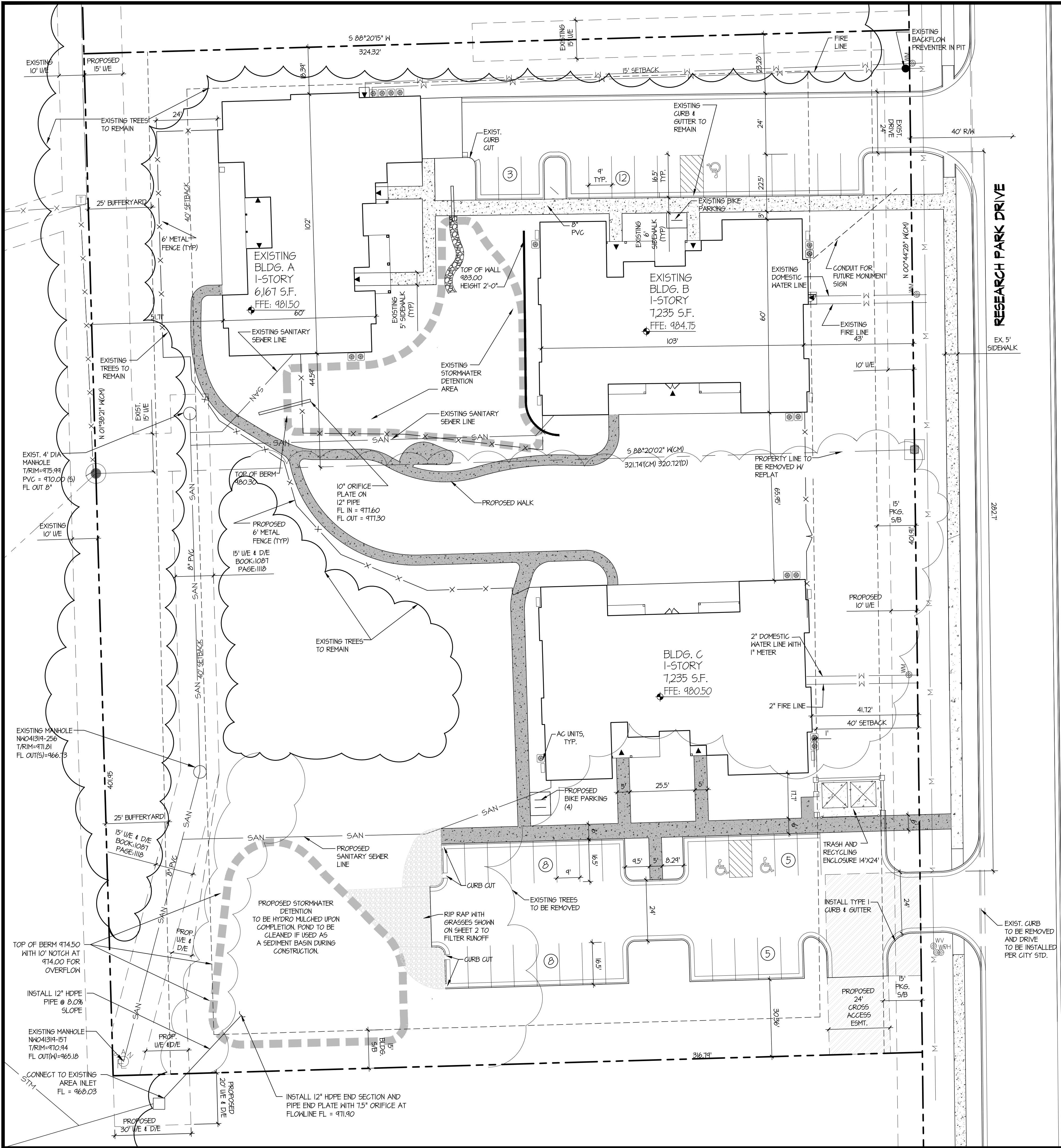
The plan notes that exterior lighting will be less than 150 watt incandescent fixtures and that a photometric plan will be provided for review. A condition of approval of the Special Use Permit is submittal of a photometric plan for review for compliance with Section 20-1103.

F. Floodplain

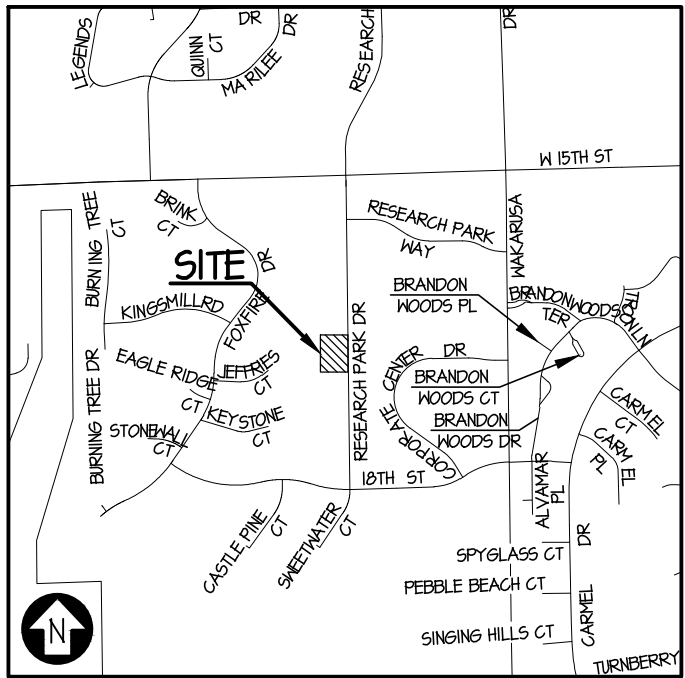
This property is not encumbered by regulatory floodplain.

CONCLUSION

This development is intended as a small scale institutional use with a residential character. The design provides a land use transition between the future industrial or office uses to the east and the developed residential neighborhood to the west. Based on the findings in this report, and as conditioned, staff recommends approval of the Special Use Permit.



LOCATION MAP:
NOT TO SCALE



LEGAL DESCRIPTION:

LOT 1, CREAD WEST NO.16, LAWRENCE, DOUGLAS COUNTY, KANSAS

PROJECT SUMMARY:

- 1.1 CURRENT ZONING: IBP
1.2 PROPOSED ZONING: IBP
1.3 CURRENT USE: MEDICAL FACILITY, EXTENDED CARE FACILITY, GENERAL
1.4 PROPOSED USE: MEDICAL FACILITY, EXTENDED CARE FACILITY, GENERAL
1.5 EXISTING BUILDINGS: BLDG A - 10 BEDROOMS WITH UP TO 16 OCCUPANTS PER BUILDING, EXTENDED CARE MEDICAL FACILITIES
BLDG B - 12 BEDROOMS WITH UP TO 16 OCCUPANTS PER BUILDING, EXTENDED CARE MEDICAL FACILITIES
1.6 PROPOSED BUILDINGS: BLDG C - 12 BEDROOMS WITH UP TO 16 OCCUPANTS PER BUILDING, EXTENDED CARE MEDICAL FACILITIES

GENERAL NOTES:

- 2.1 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.
2.2 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE FAIR HOUSING ACCESSIBILITY GUIDELINES, 24 CFR, CHAPTER 1, SUBCHAPTER A, APPENDIX II, OF THE FAIR HOUSING ACT OF 1968, AS AMENDED.
2.3 THE CITY OF LAWRENCE WILL NOT BE HELD RESPONSIBLE FOR PAVEMENT DAMAGE CAUSED BY TRASH TRUCKS.
2.4 A PHOTOMETRIC PLAN WILL BE PROVIDED FOR REVIEW ALL EXTERIOR LIGHTING WILL BE LESS THAN 150 WATT INCANDESCENT FIXTURES.
2.5 PLAN FOR CITY APPROVAL ONLY. CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.
2.6 INFORMATION TAKEN FROM AERIAL PHOTOS AND SURVEY PERFORMED BY ALLPOINTS SURVEYING JANUARY 2012.
2.7 ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORMS TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROFLECTIVITY, AND POSITION.
2.8 ADEQUATE INFRASTRUCTURE EXISTS TO INSTALL THE PUBLIC IMPROVEMENTS FOR THIS PROJECT.
2.9 A STORMWATER DETENTION POND WAS CONSTRUCTED WITH THE FIRST PHASE OF THIS PROJECT. REFER TO SUP-2-1-12. STORMWATER DETENTION AREA OUTLET PIPE SHALL BE RESTRICTED TO 2.20 CFS DISCHARGE RATE PER CITY STORMWATER CRITERIA AND DRAINAGE STUDY PERFORMED BY GROB ENGINEERING. A NEW DETENTION POND WILL BE BUILT WITH THE CONSTRUCTION OF BUILDING C. THE STORMWATER DETENTION AREA WILL BE PRIVATELY OWNED AND MAINTAINED. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME VIA INDIVIDUAL OWNER MAINTENANCE. NO FENCES OR STRUCTURES OTHER THAN NECESSARY RETAINING WALLS WILL BE ALLOWED WITHIN THE STORMWATER DETENTION AREA.
2.10 ADULT DAYCARE SERVICE MAY BE PROVIDED AS AN ACCESSORY USE.
2.11 WHERE A SINGLE ROOM CONTAINS A DOUBLE OCCUPANCY BASED ON TENANTS LIFE PARTNER STATUS, THEY SHALL SHARE THE SAME BED.
2.12 ALL EXISTING SIDEWALKS ALONG THE PROPERTY FRONTAGE SHALL BE BROUGHT INTO COMPLIANCE WITH CURRENT CITY ADA STANDARDS. THIS INCLUDES BUT IS NOT LIMITED TO SIDEWALK CROSS SLOPE, RUNNING SLOPE, VERTICAL DISCONTINUITIES, WIDTH, ETC.
2.13 EXTERIOR GROUND-MOUNTED OR BUILDING MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITIES BOXES AND METERS, SHALL BE FULLY SCREENED FROM VIEW OF ADJACENT PROPERTIES AND FROM STREET RIGHTS-OF-WAY (AS MEASURED 6 FEET ABOVE GROUND LEVEL). SCREENING SHALL BE IN THE FORM OF LANDSCAPE PLANTINGS OR AN ARCHITECTURAL TREATMENT COMPATIBLE WITH THE ARCHITECTURE OF THE PRINCIPAL BUILDINGS.

PROPERTY SURFACE SUMMARY:

PROJECT SITE:			
EXISTING SUMMARY:		SUMMARY AFTER PROJECT COMPLETION:	
	SQ. FT.	%	SQ. FT.
TOTAL BUILDINGS:	13,402	10%	20,671
TOTAL PAVEMENT:	8,245	6%	22,496
TOTAL IMPERVIOUS:	21,647	17%	43,123
TOTAL PERVIOUS:	107,000	83%	85,524
TOTAL PROPERTY AREA:	128,647		128,647

PARKING INFORMATION:

3.1 PARKING REQUIRED: 1 SPACE PER 3 BEDS (34 BEDROOMS) = 12 SPACES

TYPE:	REQUIRED:	PROVIDED:
REGULAR	11	30
ACCESSIBLE	1	3
TOTAL:	12	41
BICYCLE (5 OR 1 PER 10 SPACES)	5	6

3.3 ADDITIONAL PARKING: ADDITIONAL 24 PARKING SPACES PROVIDED FOR RESIDENT CAREGIVERS DURING SHIFT CHANGES.

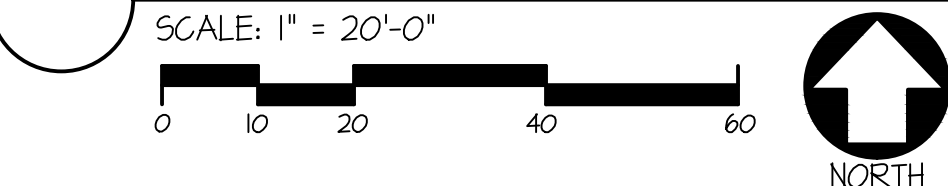
3.4 TYPICAL DIMENSIONS: R' SPACES - 1' X 18' (16.5' + 1.5' OVERHANG AT SIDEWALKS)
SIDEWALKS SHALL BE 4' CONCRETE - 5' OR 6.5' WIDE DEPENDING UPON THE LOCATION.
H' SPACES - 8' X 20' (5' OR 8' AISLE)

3.5 PAVEMENT: APPROACHES: 6" - 4,000 PSI REINFORCED CONCRETE, WELDED WIRE FABRIC (6 X 6 X 2.4 X W2.4) OR REBAR (#4 BARS @18" CENTERS) OR FIBER REINFORCEMENT SHALL BE PLACED IN THE AFRON 2 INCHES FROM THE TOP OF THE CONCRETE SURFACE.
DRIVES & PARKING AREAS: MINIMUM 4" - 4,000 PSI REINFORCED CONCRETE OR 5" ROCK BASE W/ 2" OF ASPHALT OR 1" OF GRANULAR ROCK WITH A DOUBLE ASPHALTIC PRIME AND SEAL OR 5" OF FULL DEPTH ASPHALT

LEGEND:

- PROPOSED CONCRETE SIDEWALK
EXISTING CONCRETE SIDEWALK

LAYOUT AND UTILITY PLAN



Approved and Released

Case No. _____
Approval Date: _____
Release Date: _____
Planner: _____
of _____ Sheets
Asst./Director: _____

paulwerner
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DEVELOPER AND OWNER:
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BECKWEISTERS LLC
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OFFICE: 785.550.6168

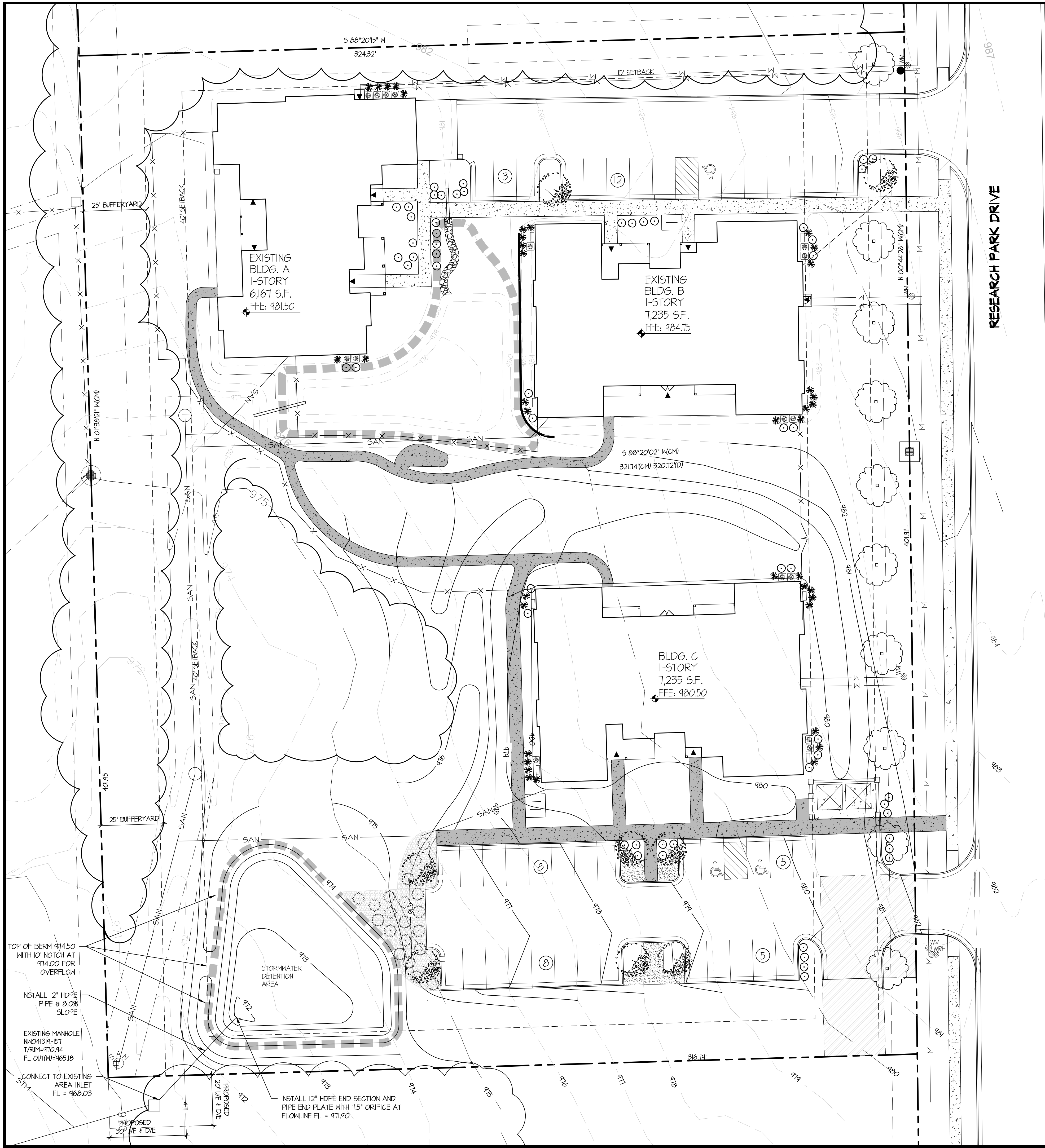
EXTENDED CARE FACILITY
SPECIAL USE PERMIT
1701 RESEARCH PARK DRIVE
LAWRENCE, KANSAS

PROJECT # 217-330

RELEASE:	DATE:
1.0	2.20.18
1.1	4.2.18
1.2	4.4.18
1.3	4.11.18
1.4	4.16.18
1.5	4.17.18

SUP
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LANDSCAPING NOTES:

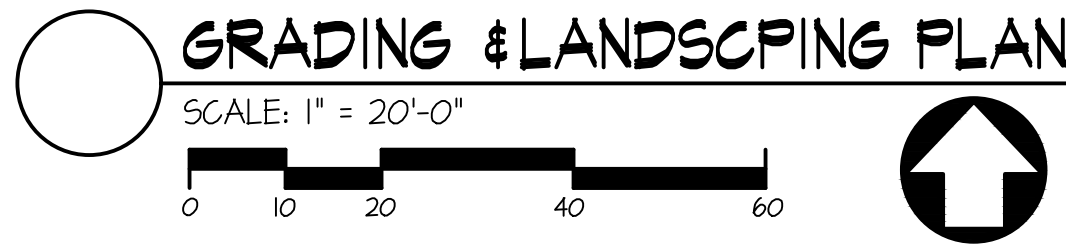
SYM.	DESCRIPTION	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	STREET TREES	10	LEGACY SUGAR MAPLE SUMMERSHADE NORWAY MAPLE LACEBARK OAK SHUMBERD OAK GREENSPIRE LINDEN LONDON PLANE TREE	ACER SACCHARUM 'LEGACY' ACER PLATANOIDES 'SUMMERSHADE' ULMUS PARVIFOLIA QUERCUS SHUMARDII TILIA CORDATA 'GREENSPIRE' PLATANUS OCCIDENTALIS 'BLOODGOOD'	2'-2 1/2" CAL.	B & B
	ORNAMENTAL TREES	6	CLEVELAND SELECT PEAR KUSA DOGWOOD CORAL BURST GRABAPPLE OKLAHOMA REDBUD	PYRUS CALLERYANA 'CHANTELEER' CORNUS KOUSA MALUS 'CORALBURST' CERCIS CANADENSIS VAR. TEXENSIS 'OKLAHOMA'	1 3/4"-2" CAL.	B & B
	EVERGREEN SHRUBS	34	CARMEL CREEPER CREEPING ROSEMARY BLUE PFITZER JUNIPER BAR HARBOR JUNIPER CREEPER ENGLISH YEW	CAENOTHUS GRISEUS HORIZONTALIS ROSEMARY PROSTRATUS JUNIPERUS CHINENSIS 'PFITZERIANA GLAUCA' JUNIPERUS HORIZONTALIS 'BAR HARBOR' TAXUS BACCATA	24"-36" HT.	CONT.
	DECIDUOUS SHRUBS	52	DWARF JAPANESE BARBERRY LEATHERLEAF VIBURNUM BEAUTY BUSH DWARF KOREAN LILAC	BERBERIS THUNDERGII 'CRIMSON PYGMY' VIBURNUM RHYTIDOPHYLLUM KOLKATZIA AMABALIS STRONGA MEYERI 'PALIBIN'	18"-24" HT.	CONT.
	GROUND COVER	103	DAYLILY LIRIOPE LAMB'S EAR	HEMEROCALLIS LIRIOPE MUSCARI STACHYS BYZANTINA	PLUS 12" O.C.	CONT.
	PERENNIALS (PLANTING AREA TO FILTER THE RUNOFF FROM ADDITIONAL PARKING)	14	FOUNTAIN GRASS ECHINACEA LITTLE BLUESTEM COMMON RUSH OR SEDGE		GAL.	CONT.

- 4.1 THERE MUST BE A MIN. OF (2) SPECIES USED IN EACH CATEGORY.
- 4.2 ALL TURF AREAS TO BE SEEDED WITH K-31 FESCUE, SOD, OR AS ALLOWED BY CITY CODE.
- 4.3 CARE SHALL BE TAKEN TO PRESERVE ALL TREES OUTSIDE OF THE IMMEDIATE CONSTRUCTION AREA.
- 4.4 THE PROPERTY OWNER IS RESPONSIBLE FOR THE HEALTH AND SUCCESS OF NATURAL VEGETATION USED FOR BUFFERING. LOSS OR REMOVAL OF EXISTING VEGETATION SHALL RESULT IN THE PROPERTY OWNER BEING REQUIRED TO PROVIDE A BUFFER YARD PLANTING COMPLIANT WITH THE DEVELOPMENT CODE.
- 4.5 REQUIRED STREET TREES (1 PER 40 L.F. OF STREET FRONTAGE)
RESEARCH PARK DRIVE - 401.41/40 = 10 TREES; PROVIDED - 10 TREES

REQUIRED INTERIOR PARKING LOT LANDSCAPING (40 SQ.FT. OF LANDSCAPED AREA PER PARKING SPACE & 1 SHADE TREE AND 3 SHRUBS PER 10 PARKING SPACES)
41 PARKING SPACES X 40 = 1640 SQ.FT. OF LANDSCAPED AREA; PROVIDED 2,043 SQ.FT.
41 PARKING SPACES / 10 = 5 TREES AND 15 SHRUBS; PROVIDED 8 TREES AND 14 SHRUBS

REQUIRED PARKING LOT PERIMETER LANDSCAPING (1 SHADE TREE PER 25 LINEAR FEET OF PARKING LOT FRONTAGE)
RESEARCH PARK DRIVE - 50 L.F. / 25 = 2 TREES; PROVIDED 2 TREES

REQUIRED BUFFERYARD - TYPE III ON WEST SIDE OF SITE - 25' WIDE WITH 4 TREES AND 20 SHRUBS PER 100 L.F.
WEST - 25' WIDE WITH 401.14 L.F. = 17 TREES AND 81 SHRUBS; PROVIDED 25' WIDE EXISTING DENSE TREE LINE ALONG PROPERTY LINE TO REMAIN.



Approved and Released	
	Case No. _____
	Approval Date: _____
	Release Date: _____
	Planner: _____ of _____ Sheets
	Asst./Director: _____

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EXTENDED CARE FACILITY
SPECIAL USE PERMIT
1100 RESEARCH PARK DRIVE
LAWRENCE, KANSAS

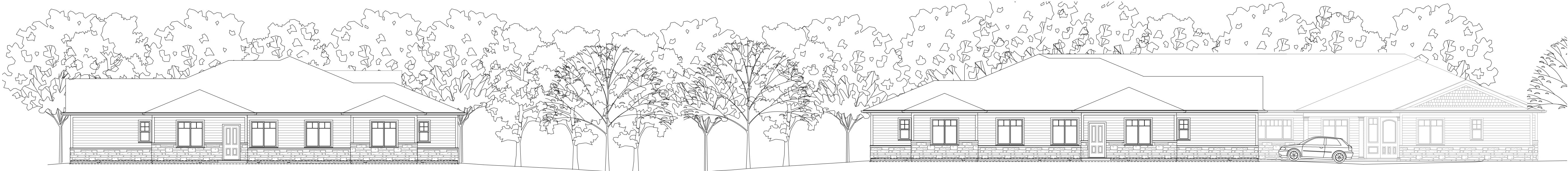
PROJECT # 217-330

RELEASE:	DATE:
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1.2	4.4.18
1.3	4.11.18
1.4	4.16.18
1.5	4.17.18

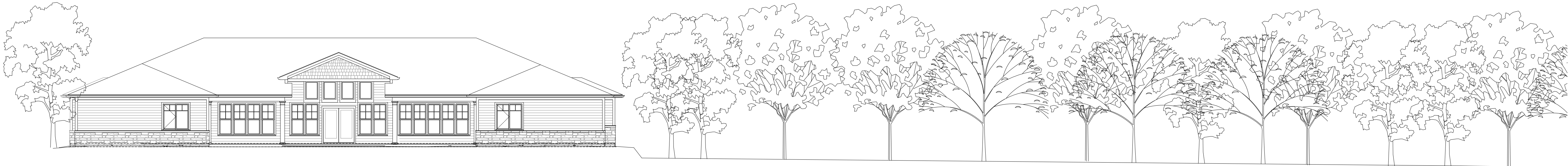
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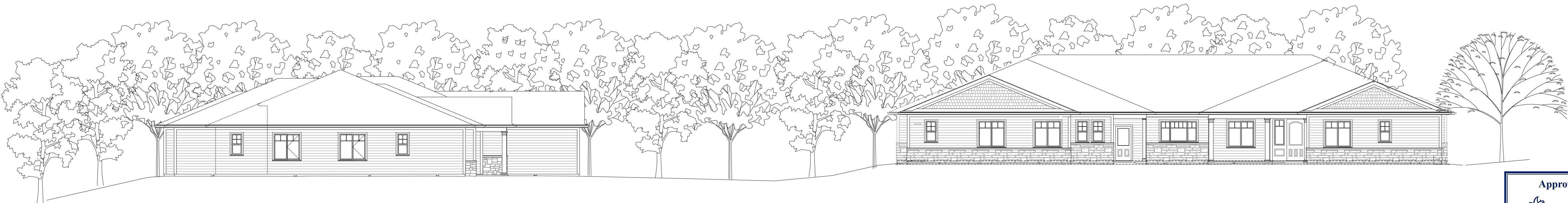
NORTH ELEVATION VIEW
SCALE: 3/32" = 1'-0"



EAST ELEVATION VIEW
SCALE: 3/32" = 1'-0"



WEST ELEVATION VIEW
SCALE: 3/32" = 1'-0"



SOUTH ELEVATION VIEW
SCALE: 3/32" = 1'-0"

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	_____ of _____ Sheets
	Asst./Director: _____

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**EXTENDED CARE FACILITY
SPECIAL USE PERMIT**
RESEARCH PARK DRIVE
LAWRENCE, KANSAS

PROJECT # 217-330

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1.4	4.16.18

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SHT. 3 OF 3



Traffic Impact Data for Bridge Haven Extended Care Facility

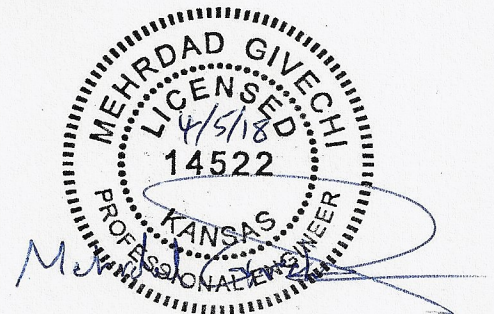
1701 Research Park Drive
Lawrence, Kansas

Prepared
for
Paul Werner Architects

Prepared
By



Serving Communities Through Excellence
Missouri | Kansas | Michigan | California



Mehrdad Givechi, P.E., PTOE

April 2018

According to City Ordinance #7650, collection of Traffic Impact Data (TID) is required for all non-residential new developments or redevelopments and all residential developments of eleven (11) or more lots or dwelling units. The following information is compiled to fulfill the requirements of this ordinance for the proposed “*Bridge Haven Extended Care Facility*” development located at 1701 Research Park Drive in Lawrence, Kansas (See Location Map in the Appendix).

1. The existing Bridge Haven facility consists of two 1-story buildings with 22 bedrooms and maximum occupancy of 32 patients. Under the proposed redevelopment plan, another 1-story building (Building C) will be added on the south side of Building B as shown on the Site Plan (See the Appendix for details). The new building will have 12 bedrooms with maximum occupancy of 16 patients. With the new addition, the facility will have 34 bedrooms with maximum occupancy of 48 patients.

Currently, there is a parking lot on the north side of Building B with a capacity of 15 stalls (14 regular and 1 accessible). Field observations between 7:00 and 9:00 a.m. and 4:00 – 6:00 p.m. indicate that, typically, 5 to 8 vehicles are parked on the west side of Research Park Drive as a result of spill over from this parking lot. Under the proposed redevelopment plan a new parking lot with an entrance off Research Park Drive will be constructed. The parking lot will provide 27 additional parking stalls on the south side of the new Building C for a total of 42 stalls for the entire site (3 accessible and 39 regular). Furthermore, 6 parking spaces will be provided for bicycles.

2. The existing and proposed zoning for this site is Industrial Business Park (IBP). According to the Horizon 2020 (Map 3-2), the designated land use for this site is “Office Research and/or Industrial/Warehouse/Distribution”.
3. The street network surrounding the site consists of:
 - Research Park Drive, running north/south along east side of the site, designated as “Collector” on the City’s T2040 Thoroughfare Map.

- Bob Billings Parkway, running east/west approximately 1,425 ft. north of the site, designated as “Principal Arterial” on the City’s T2040 Thoroughfare Map.
 - W. 18th Street, running east/west approximately 645 ft. south of the site, designated as “Collector” east of Research Park Drive, and as a “Local” Street west of Research Park Drive on the City’s T2040 Thoroughfare Map.
4. Currently, access to the site is provided at one point off of Research Park Drive on the north side of Building B. With the addition of Building C, a second access on Research Park Drive will be provided on the south side of Building C approximately 306 ft. (CL – CL) from the existing driveway.
5. In the vicinity of the project site:
- Bob Billings Parkway is a 4-lane divided roadway with a center two-way left-turn lane west of West of Wakarusa Drive except for the section between Research Park Drive and Foxfire Drive where there is a raised median. Posted speed limit is 40 mph.
 - Research Park Drive and W. 18th Street are both 2-lane roadways with no posted speed limits (Note: Statutory speed limit is 30 mph.)
 - The intersection of Research Park Drive and Bob Billings Parkway is controlled by stop signs on Research Park Drive with dedicated left-turn lane on east/west approaches, and no dedicated turn lanes on Research Park Drive.
 - The intersection of Research Park Drive and W. 18th Street is an uncontrolled intersection with a traffic calming circle.
6. Field investigations indicate that the departure sight triangles at both driveway locations to the site are obstructed by on-street parked vehicles on the west side of Research Park Drive. However, it is anticipated the additional parking lot connected by walkways to the existing buildings in the development, will provide adequate on-site parking spaces for the entire development. Field investigations also indicate

that once on-street parking is eliminated, there is no sight distance restriction from the roadway geometric stand point.

7. The trip generation of a proposed land development project is typically estimated using trip generation rates suggested by the latest edition of the Institute of Transportation Engineers, Trip Generation Manual (Currently, the 10th Edition). For the purpose of this analysis, the *ITE Land Use Codes 620 (Nursing Home)* and *254 (Assisted Living)* with “occupied number of beds” as the independent variable are selected. Both “weighted average rate” and “regression equation” methods are evaluated for each land use code, and the one with statistical significance meeting the requirements of the ITE guidelines is selected for analysis. The results, as shown in the Appendix, indicate that the proposed Bridge Haven redevelopment (at full occupancy with 48 beds in all three buildings) will likely generate the following number of trips:

- On average, 10 trip-ends during the morning peak-hour of the adjacent street network; and
- On average, somewhere between 5 – 14 trip-ends during the afternoon peak-hour of the adjacent street network.

In summary, the proposed “*Bridge Haven Extended Care Facility*” redevelopment will generate less than the 100 vph threshold during the critical peak-hour of a typical weekday.

APPENDIX

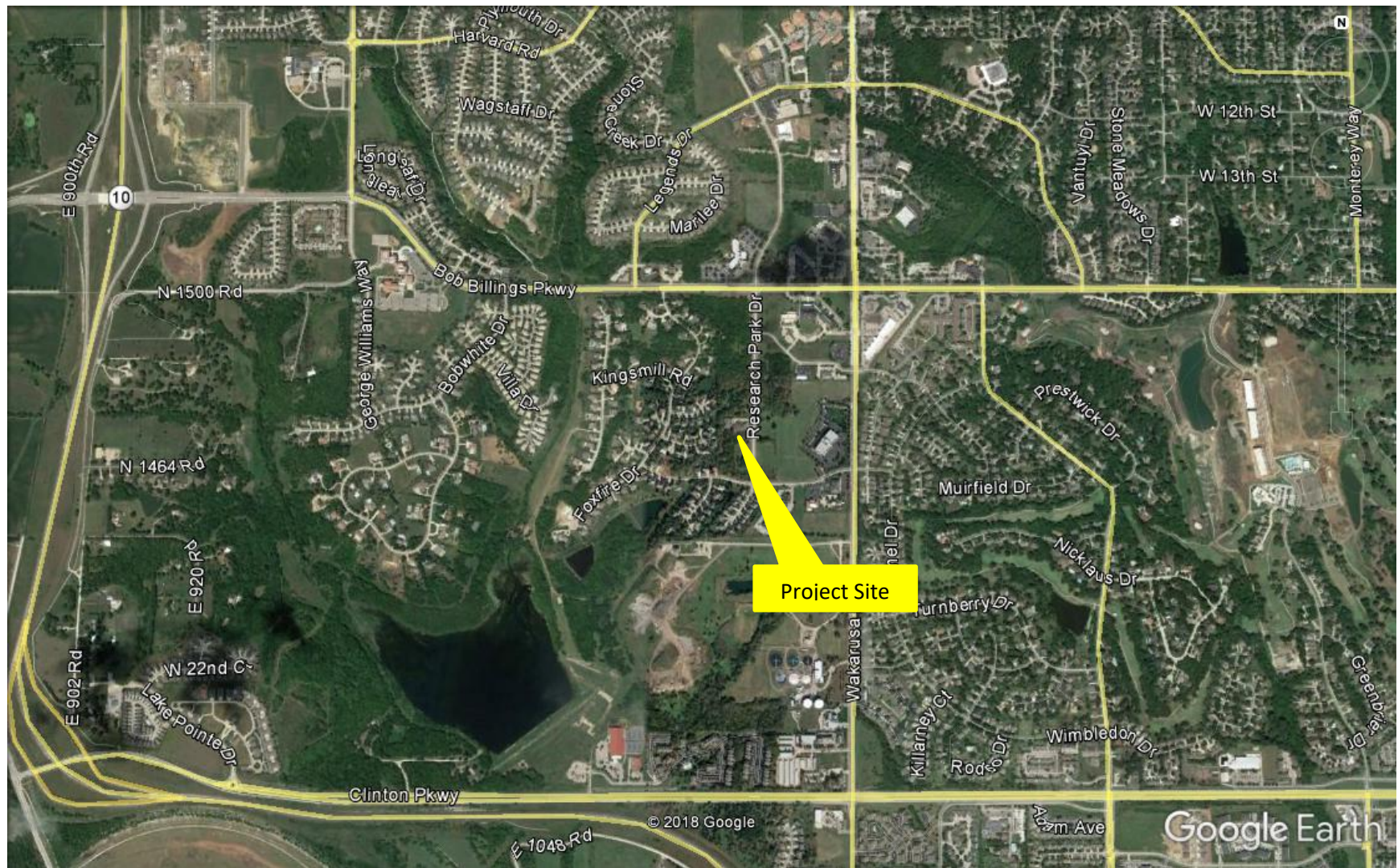


Figure 1 - Location Map

Nursing Home (620)

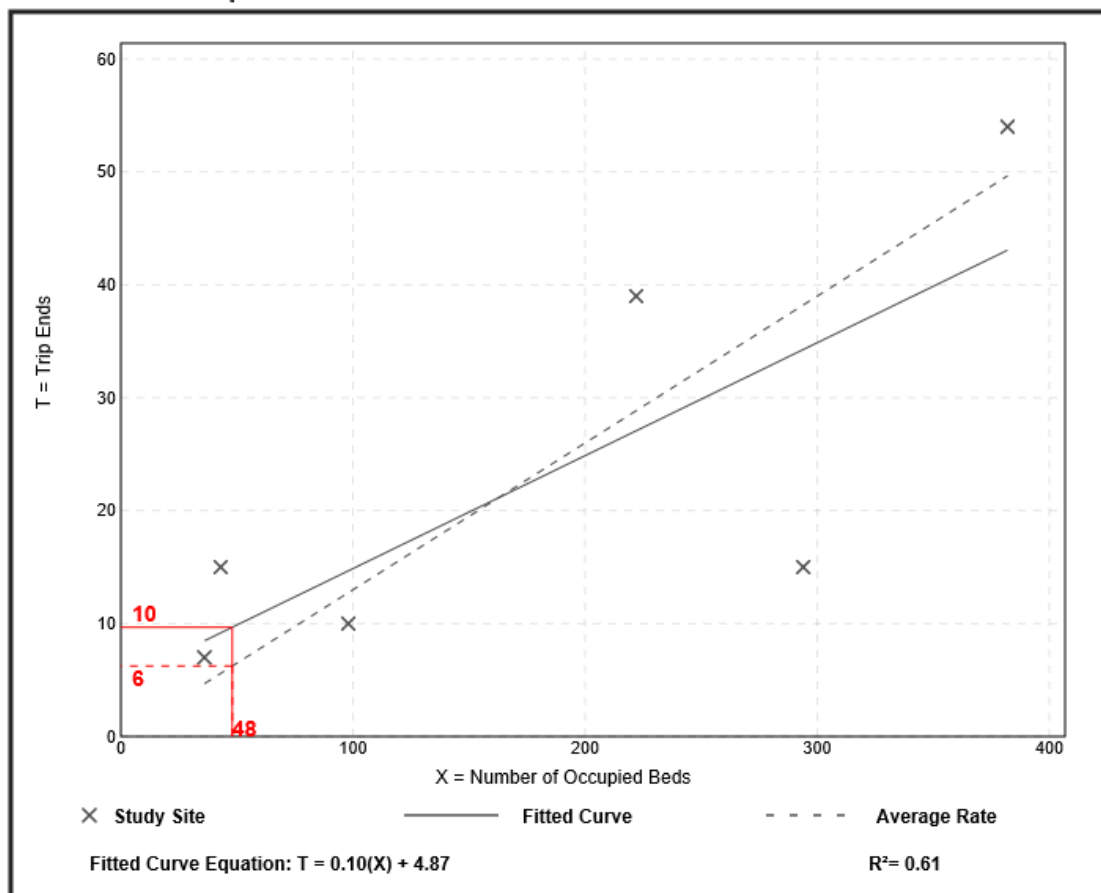
Vehicle Trip Ends vs: Occupied Beds
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 6
 Avg. Num. of Occupied Beds: 179
 Directional Distribution: 72% entering, 28% exiting

Vehicle Trip Generation per Occupied Bed

Average Rate	Range of Rates	Standard Deviation
0.13	0.05 - 0.35	0.07

Data Plot and Equation



Nursing Home (620)

Vehicle Trip Ends vs: Occupied Beds

**On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.**

Setting/Location: General Urban/Suburban

Number of Studies: 5

Avg. Num. of Occupied Beds: 171

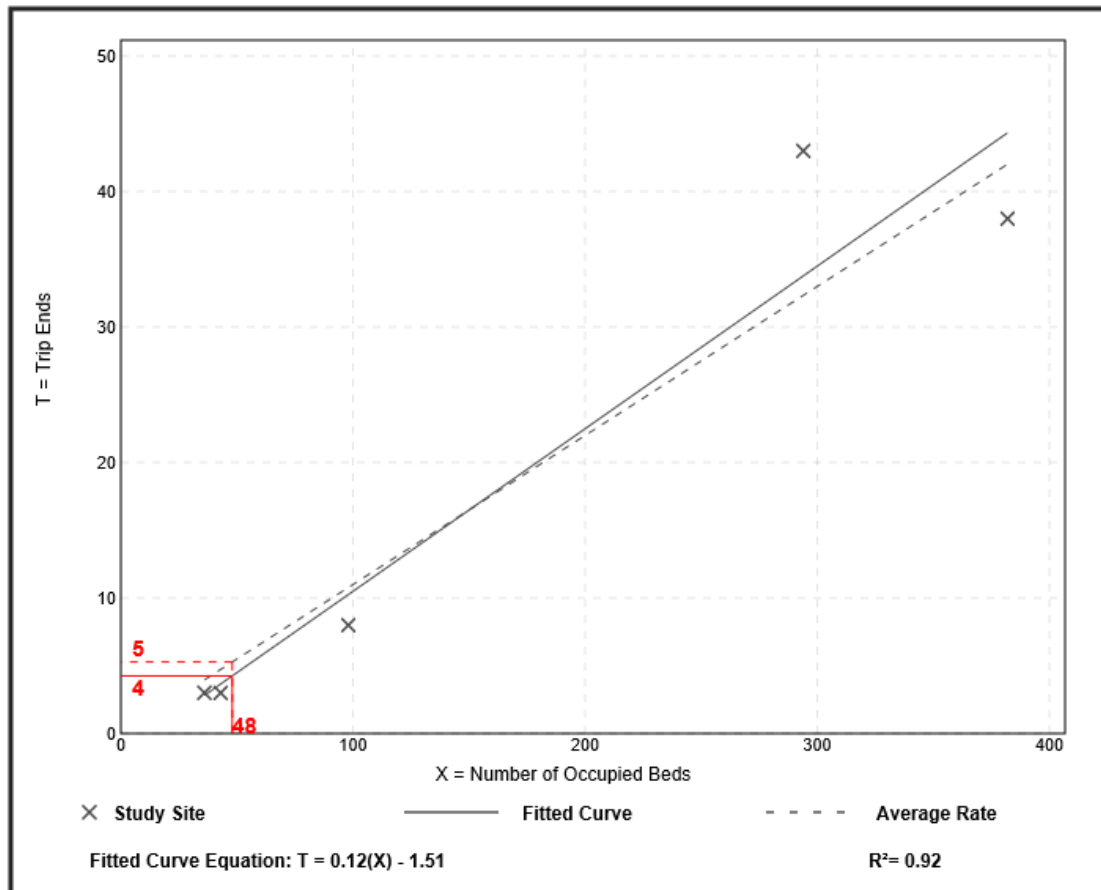
Directional Distribution: Not Available

Vehicle Trip Generation per Occupied Bed

Average Rate	Range of Rates	Standard Deviation
0.11	0.07 - 0.15	0.03

Data Plot and Equation

Caution – Small Sample Size



Assisted Living (254)

Vehicle Trip Ends vs: Occupied Beds

**On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.**

Setting/Location: General Urban/Suburban

Number of Studies: 2

Avg. Num. of Occupied Beds: 69

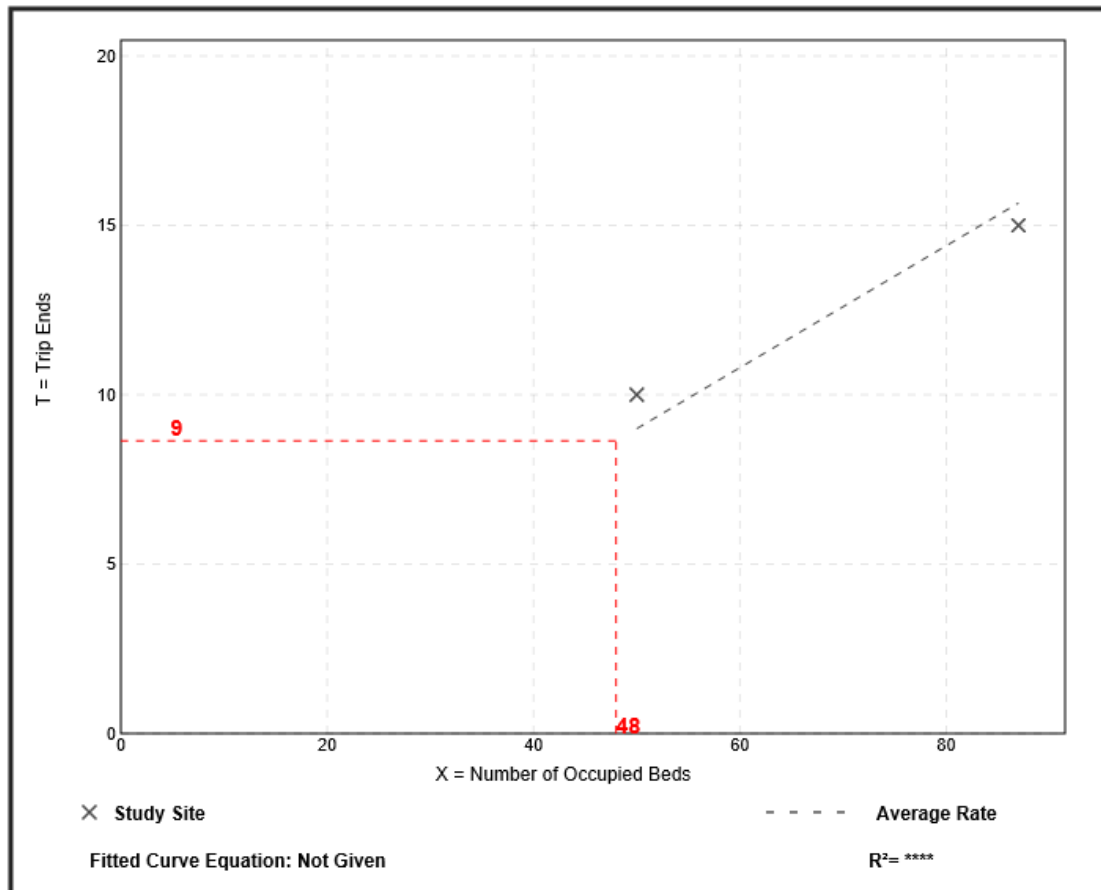
Directional Distribution: 68% entering, 32% exiting

Vehicle Trip Generation per Occupied Bed

Average Rate	Range of Rates	Standard Deviation
0.18	0.17 - 0.20	*

Data Plot and Equation

Caution – Small Sample Size



Assisted Living (254)

Vehicle Trip Ends vs: Occupied Beds

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 2

Avg. Num. of Occupied Beds: 69

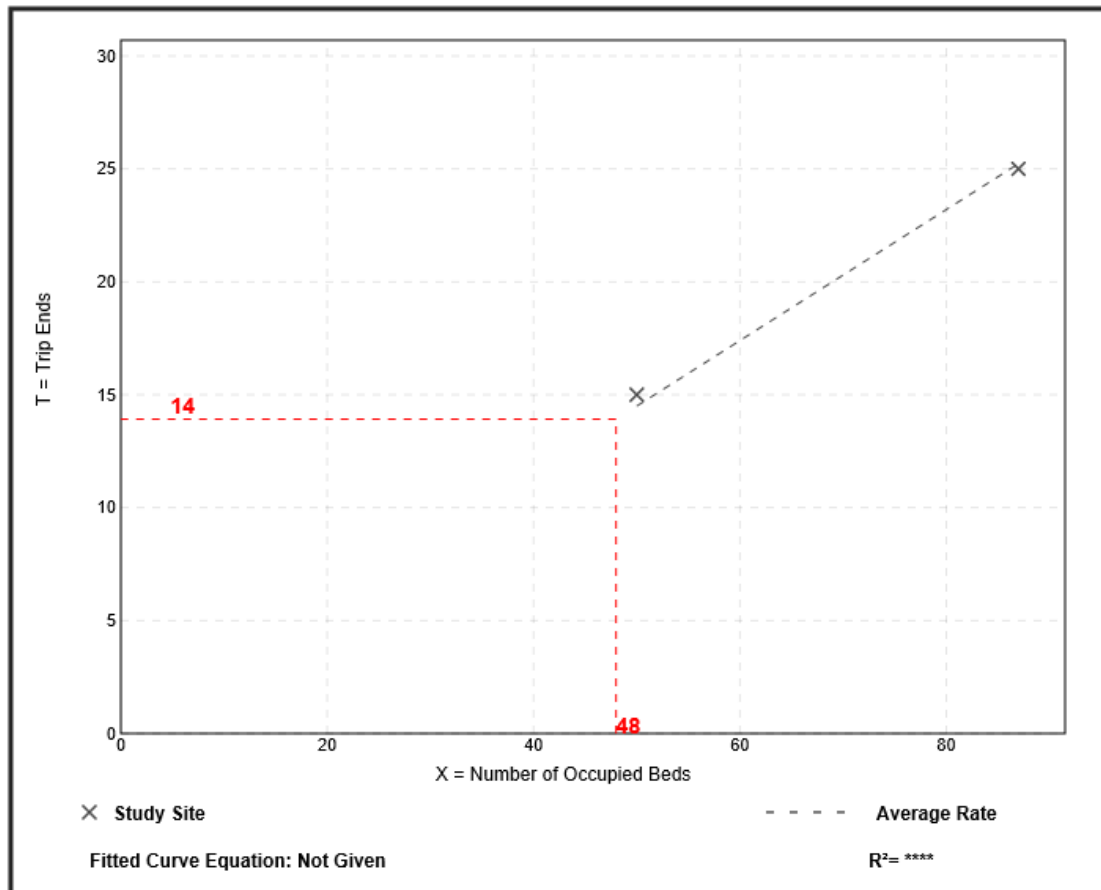
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Occupied Bed

Average Rate	Range of Rates	Standard Deviation
0.29	0.29 - 0.30	*

Data Plot and Equation

Caution – Small Sample Size



Becky Pepper

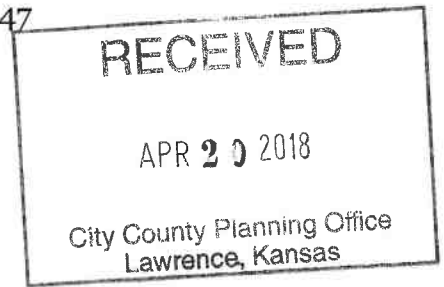
From: Larry Gadt <lgadt@sunflower.com>
Sent: Saturday, April 14, 2018 11:51 AM
To: Becky Pepper
Subject: parking associated with Bridge Haven development

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Becky, I am sending this message in response to signs that have been posted on Research Parkway regarding expansion of the existing Bridge Haven facility. Since the opening of that facility there have been between 10-20+ vehicles parked on the Research Parkway street daily. There are consistently 10+ vehicles on a daily basis and occasionally 20+. I do not know if the days the 20+ are parked there are due to an open house, employee training, or whatever, but it happens frequently. I am not an expert on traffic being hindered by parked vehicles on the street, but I can say that when I am driving my car and meet other vehicles traveling in the opposite direction on Research Parkway, that the clearance between the parked vehicles and those traveling, is very restricted. My concern is that if emergency vehicles were involved it could become a safety issue. I am hoping that the expansion of the existing facility will require adequate parking on the expanded site, as well as supplementing the lack of adequate parking on the existing facility so that parking on the street is eliminated. Due to conflicts I am unable to attend the meeting on the 23rd of April, so I am requesting that this note be included as input for that meeting. If I need to do anything additional please let me know by responding to this message or you can call me at 785-856-0361. Thanking you in advance, Larry O. Gadt.

5021 Jeffries Court
Lawrence, Kan. 66047
April 17, 2018

Lawrence-Douglas County Metropolitan Planning Commission
P.O. Box 708
Lawrence, KS 66044



Dear Commissioners:

I write concerning your April 23, 2018, agenda items **PP-18-00072**, and **SUP-17-00697**, related to a requested expansion of the Bridge Haven facility on Research Drive. I am a property owner in the notification district. Unfortunately, I will not be in town on the date of your hearing on these matters.

I believe that this expansion, the second since the facility was established, should not be allowed. Bridge Haven is no longer the unobtrusive, residential-like care home that was initially permitted, and this proposed expansion certainly will make it a burgeoning commercial facility that threatens property values of the adjacent residences.

I drive and jog past the existing care facility regularly. The operators routinely require a dozen or so autos to be parked on the street, and also place up to 15 trash carts along the curb. These situations are not characteristic of residential uses, and certainly are not what I observe at Brandon Woods, Pioneer Ridge and Presbyterian Manor.

I am attaching two photos of the trash situation I've described, along with a list detailing the street parking I have observed in recent days.

Frankly, this facility should find a location that is already properly zoned and that needs no special governmental consideration in order to be allowed adjoining a residential area.

Thank you for your consideration of these issues.

Sincerely,

Ralph D. Gage Jr.

Encl: As noted

PARKING ON RESEARCH DRIVE AT BRIDGE HAVEN

Saturday, April 7, 12:15 p.m.—5 cars on street

Sunday, April 8, 9:10 a.m.—7 cars on street

Monday, April 9, 7:45 a.m.—5 cars on street, plus 9 trash carts (photo attached)

Tuesday, April 10, 10:15 a.m.—10 cars on street

Wednesday, April 11, 1:30 p.m.—11 cars on street

Thursday, April 12, 11:15 a.m.—9 cars on street

Friday, April 13, noon—12 cars on street

Saturday, April 14, 8:30 a.m.— 5 cars on street

Sunday, April 15, 12:15 p.m.-- 5 cars on street

Monday, April 16, noon—8 cars on street, plus 15 trash carts (photo attached)



04-09-18



04-15-18

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
04/25/18

ITEM NO. 2 SPECIAL USE PERMIT FOR BISHOP SEABURY; 4120 CLINTON PKWY

SUP-18-00076: Consider a Special Use Permit for a 30,342 SF building addition at Bishop Seabury Academy, to accommodate additional classrooms, office, cafeteria/kitchen and chapel spaces, located at 4120 Clinton Parkway. Submitted by BBN Architects Inc, for Bishop Seabury Academy, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit for Bishop Seabury Academy - a *School Use*, located at 4120 Clinton Parkway and forwarding the request to the City Commission with a recommendation of approval, including the following waivers:

1. Reduction of required bicycle parking from 43 to 12 as determined to be acceptable by the City Engineer.
2. Waiver to reduce required perimeter parking lot landscaping due to underground utility conflicts.
3. Waiver to reduce the width of the north and west access driveway as shown on the site plan.

subject to the following conditions:

1. The applicant shall submit a revised Site Plan with the following changes prior to the release of the site plan to Development Services for processing of building permits.
 - a. Revise the parking summary General Note 9 to update the the total bicycle parking provided is 12 spaces and include a note that references a wavier for the reduction in bicycle parking and to show on the drawing a minimum of 12 bicycle parking spaces that meet APBP bike parking spacing requirements.
 - b. Reconfigure the storm sewer at the north end of the new parking lot to terminate in a bio-retention cell along the north property line per the City Stormwater Engineer's approval.
 - c. Provision of a revised site plan to show either a dry stand pipe or a wall indicator valve with a 2.5" hose connection at the exterior of the building per Fire Prevention Staff approval.

Applicant's Reason for Request: *Per the acquisition agreement between Alvamar Country Club (previous owner) and Bishop Seabury Academy, the swimming pool area may now be demolished. This space will accommodate a much-needed building addition to link the two classroom buildings and better accommodate an increased enrollment in the school.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

Table 1: List of associated projects

2014 <ul style="list-style-type: none">• SP-14-00296; Sports Equipment Shed Addition• FP-14-00297; Local Floodplain Development Permit 2012 <ul style="list-style-type: none">• SUP-03-02-12; Parking Lot Addition	2007 <ul style="list-style-type: none">• SUP-09-09-07; Bishop Seabury Building Addition 2002 <ul style="list-style-type: none">• SP-07-49-02; Bishop Seabury Academy – change of use CC approve July 23, 2002.
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<ul style="list-style-type: none">• B-04-08-12; Parking Lot Setback Reduction 2011-2010 <ul style="list-style-type: none">• FP-03-02-11; Local Floodplain Development Permit• SUP-12-08-10; Portable classrooms and parking• SP-11-60-10; Portable classrooms and parking lot restriping 2009 <ul style="list-style-type: none">• SUP-05-05-09; Bishop Seabury Building Addition• SP-05-22-09; Bishop Seabury Practice Field Addition• FP-06-08-09; Local Floodplain Development Permit	<ul style="list-style-type: none">• SP-07-56-02; Revision to Clubhouse 1980-1984 <ul style="list-style-type: none">• SP-10-57-84; Alvamar Racquet Club (Clubhouse Addition)• UPR-6-5-80; Withdrawn Application• UPR-6-4-80; Alvamar Tennis courts and Racquet Club Variances: <ul style="list-style-type: none">• B-10-37-02; Deferral of curb and gutter installation for period of 5 years.• B-04-08-12; Parking lot expansion and setback.
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Other Action Required

- City Commission approval of Special Use Permit and adoption of ordinance.
- Publication of Special Use Permit ordinance.
- Submission and approval of Local Floodplain Development Permit.
- Submission of an erosion control plan.
- Submission and approval of building permit.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – The Traffic Study has been accepted by the City Traffic Engineer.
- *Downstream Sanitary Sewer Analysis* - The fixture count analysis and cover letter dated February 20, 2018, provided by BBN Architects, has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76. The proposed number of plumbing fixtures is less than the current number.
- *Drainage Study* – The drainage letter dated 2-20-2018 meets the specified requirements and is approved.
- *Retail Market Study* – Not applicable to this development application.
- *Historic/Commercial/Industrial Review Standards* – Not applicable to this development application.
- *Alternative Compliance/Waivers* –
 - Reduced access aisle width along the east and north sides of the building from 24' to 20' and 12' as discussed in the body of the staff report.
 - Reduction of required bicycle parking from 43 to 12 as determined to be acceptable by the City Engineer.
 - Waiver from implementation of specific stormwater best management practices to accommodate 16 excess parking spaces.
 - Reduced perimeter landscape along Clinton parkway.

KEY POINTS

- Phased development. Project includes a building addition on the northwest side of the building.
- Existing mobile classrooms will be removed.
- Existing pool will be removed.
- Existing tennis courts will be removed and area will be returned to greenspace.
- Future addition include building on the north side of the structure, addition on the southeast side of the building, and future classroom addition to the west.
- Current enrollment is 206 students future enrolment is estimated to be 252 students (46 student increase).
- Existing access to the site is not changed with this revision.
- This application includes waivers to reduce the number of bicycle parking and to allow parking in excess to the maximum code requirement without implementing stormwater best management practices.

- This application includes waivers for reduced/alternative compliance for perimeter landscape requirements.
- Applicant acknowledged the requirements to provide a local floodplain development permit and related erosion control plan. They have deferred the preparation and submission of these document pending approval of this application.

ATTACHMENTS

- A. Traffic Impact Study
- B. Site Plan
- C. Building Elevations and Cross Sections
- D. Public Communications

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

Wimbledon Townhomes Association representative expressed concerns about view, screening, vegetation, and property safety.

Terri Johnson, expressed concern about stormwater runoff.

GENERAL INFORMATION

Current Zoning and Land Use:	RM12 (Multi-Dwelling Residential) District; Existing <i>School</i> campus grades 6-12.
Surrounding Zoning and Land Use: To the north:	RS7 (Single-Dwelling Residential) District and PRD [Wimbledon Terraces and Wimbledon Townhomes]; Existing <i>Detached</i> and Townhouses (<i>Multi-Dwelling</i>) uses.
To the south: south side of Clinton Parkway	RSO (Single-Dwelling Residential – Office) District and RM15 (Multi-Dwelling Residential) District. Developing duplex subdivision and existing <i>Multi-Dwelling</i> apartment known as Remington Square apartments.
To the east:	RM12 (Multi-Dwelling Residential) District. Existing <i>Multi-Dwelling</i> use known as Courtside Apartments.
To the west:	PRD [Wimbledon Terraces and Wimbledon Townhomes]; Existing Townhouses (<i>Multi-Dwelling</i>) uses.

Figure 1: Surrounding Zoning

SUMMARY OF SPECIAL USE

Bishop Seabury was approved as a change of use in 2002 from a *Participant Sports, Indoor* use to a *School* use. Prior to 2006 *School* uses were permitted in residential districts subject to site plan approval only. After the adoption of the Land Development Code in 2006, *School* uses located in residential districts require a Special Use Permit. Section 20-1306 (b) provides for uses that were allowed by-right at the time they were established but now are regulated as a Special Use. The use is considered an approved Special Use and was allowed to continue in 2006 without a public hearing. Alterations and expansions of the use are subject to the Special Use Amendment procedures of Section 20-1306.

This application is submitted for a proposed building addition that will be completed in phases. The total square feet of the new building is 30,086 SF or 59% of the existing building. Included in the change is the removal of portable classrooms and the pool/clubhouse improvements. A portion of

west end of the larger existing building will be demolished. The site plan also shows a small parking lot addition on the north side of the property.

SITE PLAN REVIEW

The site plan submitted with a Special Use Permit application is required to meet the site plan requirements in Section 20-1305(f) of the Development Code. Site plans are grouped into 'minor', 'standard', and 'major' classifications based on the degree of development being proposed. This classification determines the degree of compliance with City Codes that is required. While the Code does not provide this distinction for Special Use Permits, it is reasonable to extend these classifications to determine the degree of compliance that is required for various projects. The proposed building additions involves a 59% increase in building; therefore, this project fits the criteria for a Major Development Project and would be processed with a major site plan. (Section 20-1305(b), Development Code). A 'major' site plan requires the entire property to comply with the Development Code, and all other City Codes.

Table 2: Development Phase Summary


	<p>Phase I:</p> <ul style="list-style-type: none">• Building Addition to classrooms and commons building• Removal of portable classrooms• Demolition of existing pool/clubhouse improvements• Demolition of existing tennis courts• Demolition of portion of existing building (Commons Room and Administrative Office wing) <p>Phase II:</p> <ul style="list-style-type: none">• Classroom wing addition to the west• practice gymnasium to the north• New Parking lot to the north
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Figure 2: General location of Phase I and II

Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response: *This grade 6-12 private school is a permitted use in the RM district and was originally approved through the City of Lawrence Special Use Permit process in 2002 when Bishop Seabury Academy acquired the property from Alvarado County Club. Though the proposed improvements are significant, they do not constitute a change of use of the property. The old Alvarado County Club pool area was originally separated off as a separate parcel, allowing club members use of the pool for several years during summer months. That agreement has expired and now the pool is under the same contiguous ownership as the school. All of the improvements proposed will occur within the single platted lot.*

This section of the staff report evaluates the site plan component of the application.

A. Site Summary

This property is a single platted lot with existing buildings and surface parking. At the completion of the project the building coverage will only be 23% of the site and the total impervious cover will be 41%. The project complies with these density and dimensional standards per section 20-601.

Table 3: Site Summary

Site Summary: Proposed Lot 1, Research Park Addition			
Total area:	Existing	Proposed	The proposed improvements increase the total building footprint and increases the total area of greenspace for the site. This is accomplished through the demolition of the existing tennis courts that will be removed and converted to open space.
Lot Size:	350,720	350,720	
Building: (SF)	49,773 14%	79,859 23%	The maximum building coverage permitted in the RM12 District is 50% The maximum total impervious cover permitted in the RM12 District is 75%.
Impervious Cover: (SF)	153,331 44%	144,858 41%	
Pervious Cover: (SF) percent	197,389 56%	205,862 59%	

B. Access and Parking

Access: Access to this site is provided by Clinton Parkway frontage road.

On-site Parking: The site includes an existing parking lot located along Clinton Parkway and a future parking area to be located on the north side of the building. The proposed project will increase the available off-street parking for this use.

Parking Lot Design: The existing parking lot will only be modified on the west end to accommodate the new building entry, provide a circle drop-off lane and additional accessible parking spaces along the west side of the parking lot. The site includes a drive along the east and north sides of the property. The existing drive will be extended to access the future parking area. Off-street parking is required to be located 25' from the public right-of-way in residential districts. A variance was approved in 2012 to accommodate the expanded parking lot and reduced parking lot setback from 25' to 0'. This project retains that parking lot curb line along the south property line, without setback.

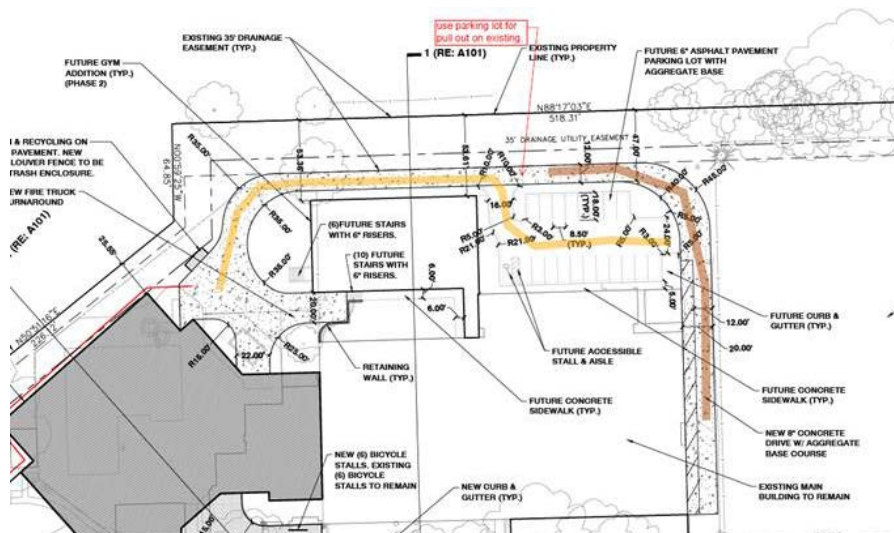


Figure 3: North access Drive to Service Area

The existing site includes an existing 20' wide drive along the east side of the building providing access to the service area of the building. This drive will provide access to the new proposed parking lot. The width of the existing drive is less than 24' and is not proposed to be widened with this project. The new parking lot includes a code compliant 24' access aisle. Widening the drive will future encroach into the existing multi-purpose athletic field and the regulatory floodplain area. The current drive is not within the regulatory floodplain area of the site.

The perimeter driveway is extended along the north side of the site parallel to the 35' drainage easement along the north property line. This segment is 12' wide. This drive extends west to the service area in the rear of the building and includes a 16' wide driveway to the north side of the new parking lot. The width of the drive is limited by the existing improvements and the wide drainage easement. Widening the drive encroaches into the easement, disrupts surface drainage and encroaches on the sanitary sewer line. Pass by traffic movements will need to use the new parking lot which will accommodate two-way traffic as needed. The 12' wide access drive is intended only for service delivery, solid waste service, and emergency access as needed.

The site plan shows excess off-street parking; 110 spaces required with 126 spaces proposed at full buildout. The site exceeds the minimum required off-street parking by 16 spaces (15% of the required parking). Section 20-901 (c) requires the mitigation of additional impervious surface that results from excess parking through the implementation of stormwater best management practices. The applicant is requesting a waiver from this requirement. The applicant believes that the excess parking is necessary to meet demand and is not excess and therefore subject to mitigation required per section 20-901 (c).

Applicant Justification: This site includes 105 parking spaces. The proposed parking lot adds 21 spaces to the total available parking. This *School* is a private facility with students from around the region. The *School* accommodates 34 existing faculty and staff. School administration estimates that 75 students use this area for parking. A high rate of 10, 11 and 12 graders drive to school. The future additions will accommodate 39 total faculty and staff. Parking is provided at a ratio of 1 space per faculty and staff currently. The frontage road is currently used for overflow parking. The overall site changes reduce the total impervious surface area by 8,473 SF from 43.7 % coverage to 41.3% coverage. The additional parking spaces will provide parking on-site and will reduce the need for parking along the frontage road.

Staff Response: Staff acknowledges the applicant's request for additional parking. A small bio-retention cell can be added along the north property line to the north of the new parking lot in the existing 35' drainage easement. By shortening the storm sewer from the parking lot, stormwater can be directed in to this area. Staff recommends the site plan be revised per the approval of the City's Stormwater Engineer to implement this best management practice to meet the mitigation requirements per section 20-901 (c).

Table 4: Parking Summary

Use	Vehicle Parking Requirements	Spaces Required	Spaces Provided
School			
K-9 th Grade	1 space per 1.5 teachers & employees		
10 th Grade +	1 space per 1.5 teachers & employees + 1 space per 3 students		
Students all grades	206 students existing (29.4 per grade) 252 students proposed (36 per grade)	252/3 = 84 spaces	
Teachers/Employees	34 faculty existing; 39 faculty proposed	39/1.5 = 26 spaces	34 spaces provided at 1 space per staff (existing)
Total Spaces Required	106 spaces provided SUP-3-2-12	110 spaces	
Total Spaces Provided	105 spaces per 2016 aerial		105 existing spaces 126 proposed spaces
Accessible Spaces		5 spaces	6 spaces (2 van accessible)

Table 5: Bicycle Parking Summary

Bicycle Parking Spaces	Required Bicycle Parking					
	K-9 1 space per 5 students 10-12 5 spaces or 1 per 10 auto spaces whichever is greater					Bicycle Parking Provided
Student Summary	Average per grade	Total 6-9	Total 10-12	Total 6-9	Total 10-12	
Existing 206 Students	29.4	117.7	88.3	24	11	
Proposed 252 Students	36	144	108	28	13	
Total Required Existing				35 spaces		6 spaces
Total Required Proposed				42 spaces		6 spaces

The applicant estimates that the project would require 30 additional bicycle parking spaces. The applicant requests a waiver from the required bicycle parking requirement.

Applicant Justification: *"As Bishop Seabury Academy is a private school, it draws children from all parts of the City. The Owner estimates that only about 20 students live within 2 miles of the school and another 20 students within 5 miles of the school. The existing 6-staff bicycle rack has been in place for many years and on nice weather days there are never more than 3 bikes parked there. Most of the time it is empty. The City's requirements equate to an additional 30 bicycle parking stalls in order to be conforming."*

Staff Response: The City Engineer concurs with the applicant's assessment that the calculated bicycle parking spaces are high. The current student/staff demand does not necessarily reflect the future demand for this mode of transportation. Staff recommends that a minimum of 12 bicycle parking spaces be provided. Spaces shall meet minimum spacing design standards. The site plan drawing shows an area reserved for bicycle parking at the new front entry to the building. The site will retain the 6 existing spaces and will add an additional 6 spaces. The general note on the site plan does require an update so that the table summary and the drawing information align. This is reflected as a condition of approval.

C. Design Standards

Site Design: This site includes multiple buildings located on the north side of Clinton Parkway. The site was originally built in 1983 with various additions made in later years. The existing pool and associated accessory structures will be demolished to accommodate the proposed Phase I construction that will connect the two primary buildings. The existing tennis courts will also be removed, returning this area to open space. The building exceeds the minimum required front, rear and side setback requirements. Other than the parking lot discussed in the previous section, the off-street parking lot complies with the required setbacks. Appropriate screening is required for this site and is discussed in section D of this report.

Building Elevations: The building profile along Clinton Parkway is of a single story building. The east end of the main building includes a higher peaked roof that add height and bulk to the building giving an appearance of a two story structure. The existing building (41') exceeds the maximum building height (35') on the east side of the building. This is an existing condition of the site. There are no records of a variance that addressed building height. The Phase II weight room addition extends the building footprint south toward Clinton Parkway but does not modify the height of that portion of the building.

The bulk of the building additions are located on the north and west ends of the building. The attached building elevations show a two story addition on the back side. The building height steps up closer to the center of the building. The area facing the adjacent multi-dwelling residential uses on the

rear is only one story (14'). The Phase II addition of the practice gym is located on the north side of the building and aligned with the existing building.

Pedestrian accessibility: The proposed site changes creates a new building entry area and plaza space at the front of the site. A pedestrian sidewalk will extend from the front of the building to the public sidewalk along Clinton Parkway.

D. Landscaping and Screening

Street Trees: This site abuts Clinton Parkway along the south property line. The site requires a minimum of 26 shade trees per section 20-1002 is met. The site plan shows 27 trees.

Interior Parking Lot Landscaping: This project includes a new parking area located on the north side of the building (21 new spaces) and a revision to a portion of the existing parking lot (8 existing spaces) at the new building entrance (8 new spaces). Total vehicular parking spaces provided for this project is 126 spaces. As shown in the calculations below, the interior landscaping requirements per section 20-1003 are met.

Table 6: Interior Landscape Area Summary

		Required	Provided
		Landscaping Interior Parking Lot Area: # Spaces x 40 SF	
South Lot	Existing	105 spaces x 40 = 4,200 SF (8 existing spaces will be removed and replaced with 8 new spaces in other areas of south lot)	4,458 SF
North Lot	Proposed	21 new spaces x 40 = 1,120 SF	1,259 SF
Total Parking Area		126 stalls X 40 = 5,320 SF	5,717 SF
Total Interior Landscape Plants		Proposed 126 stalls/10 = 12.6 x 1 = 13 Trees	14 trees
		Proposed 126 stalls/10 = 12.6 x 3 = 38 shrubs	54 shrubs

Perimeter Parking Lot Landscaping: Per a previously granted variance to reduce the parking lot setback from 25' to 0' the perimeter landscape area is located in the public right-of-way of Clinton Parkway Frontage Road. Section 20-1004 of the Development Code requires that parking lots be screened from view of street right-of-way with a minimum of one tree per 25 linear feet. The parking perimeter is 240 linear feet along Clinton Parkway Frontage Road and requires 10 trees. The site plan shows 5 existing trees that will remain. These trees are located in public right-of-way.

Parking lots abutting public right-of-way are required to be screened with fences, landscape and or berms. The previously approved plan included shrubs along the south property line to show compliance with this design standard. These plants would have been located in the public right-of-way. These plants are missing from the site and were not installed as required. The proposed site plan shows a new landscape plants for perimeter screening that accounts for the limited planting area that is restricted by existing underground utilities.



Figure 4: Parking Lot view from Clinton Parkway

A 24" water line is located south of the parking lot. In addition to the municipal water line, other underground utilities are located in the right-of-way. Plantings must be 8' from water and sanitary

sewer lines. The applicant is requesting a waiver from compliance with the design standard to add additional shrubs as discussed below.

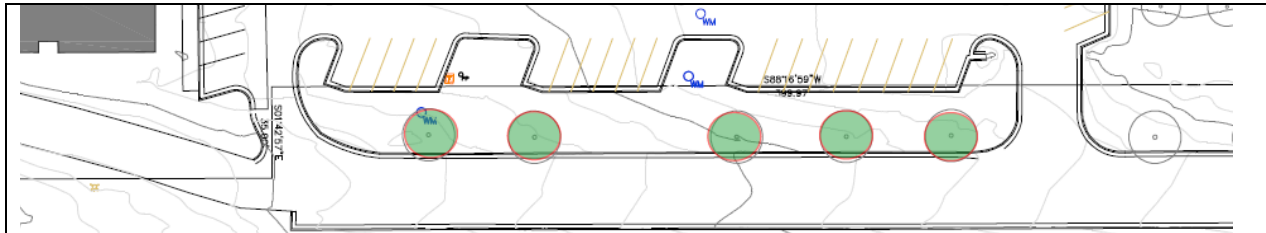


Figure 5: Proposed Landscape Plan – Street trees are located in public ROW

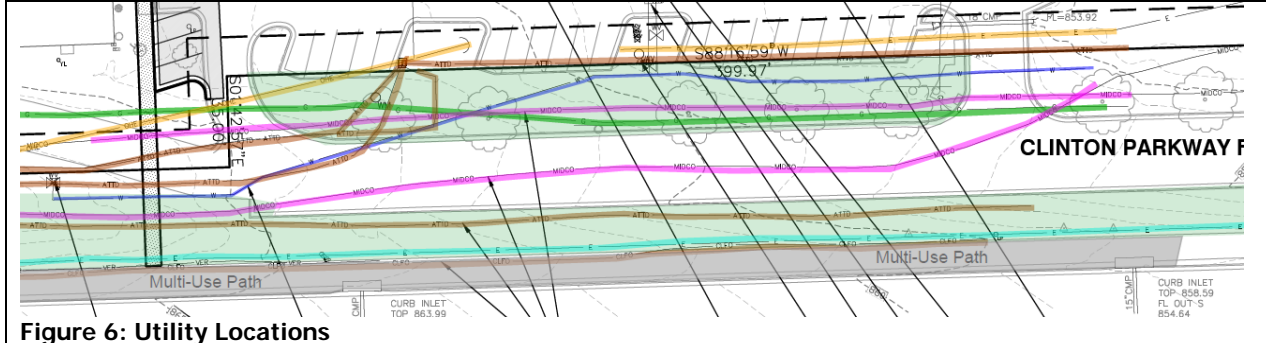


Figure 6: Utility Locations

Applicant Justification: *“Due to site constraints (Multiple utilities running the length of the island, including fiber, phone, gas, electrical and 24' main water line); we request a waiver of this recommendation per section 20-1004. Additionally, Clinton Parkway Frontage Road does not function as a public thoroughfare in this location. It terminates at Seabury and there is no cul-de-sac.*

Staff Response: Both the Utility Engineer and the City's Horticulture/Forestry Manager concurs that the addition of trees in this green space is not feasible. However, it is possible to plant small shrubs in specific locations. The full screening of the parking lot is not possible because of the existing utility locations. The proposed landscape plan provides additional shrubs that will screen some of the perimeter parking lot along Clinton Parkway. This is preferable to granting a waiver. Staff recommends the waiver be denied and that the plan be revised to provide minimal landscape, per the approval of the City Horticulture/Forestry Manager.

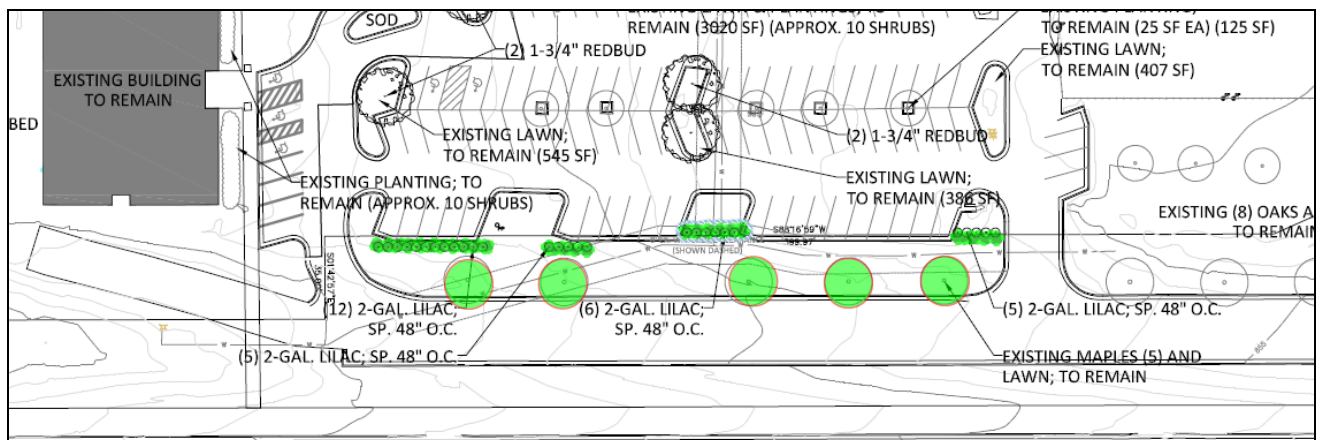


Figure 7: Perimeter Landscaping.

Bufferyard Requirements: The subject property is surrounded by residential development in all

directions. The adjacent property zoning includes RM, RS and Planned Unit Development District zoning. A bufferyard is required where RM and RS Districts are adjacent. The bufferyard applies to the portion of the north property line adjacent to RS7. The following figures show the location where bufferyard requirements are applicable to this development. The Land Development Code prescribes a Type I bufferyard with options for 10, 15, 20, and 25' widths and corresponding landscape planting requirements. The proposed site plan shows a 35' wide buffer yard with new vegetation along the north property line parallel to the building and existing vegetation along the north side of the athletic field along the east property line.

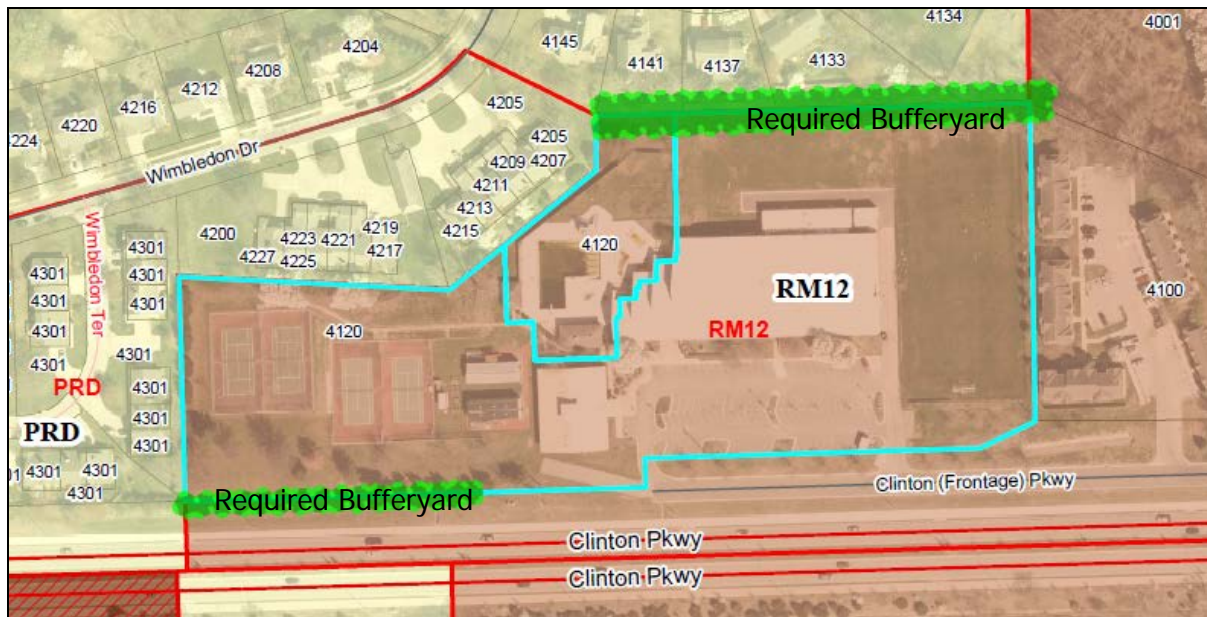


Figure 8: Type 1 Required Bufferyard Areas per 20-1005

The area to the south, zoned RSO is located on the south side of Clinton Parkway and does not abut the property but is separated by more than 200'. The site includes existing mature vegetation that provides appropriate screening along the public right-of-way and between the RS and RM district uses.

Table 7: Buffer Yard Summary Table

	Type	Requirement per 100'	Required	Provided
North Property Line	Type 1 – 25 ft 518'	2 Trees & 6 Shrubs	11 Trees & 32 Shrubs	35' wide bufferyard proposed 7 new Trees & 38 new Shrubs and existing vegetation Requirement is met with proposed and existing vegetation
South Property Line (Partial)	Type 1 – 25 ft 549'	2 Trees & 6 Shrubs	7 Trees & 19 Shrubs	Existing vegetation meets requirement, No Proposed Changes
East Property Line	Not required	Not applicable	Not applicable	
West Property Line	Not required	Not applicable	Not applicable	Existing vegetation, No Proposed Changes

The Land Development Code does not prescribe a bufferyard for Planned Unit Developments. The property abuts PUD zoning along the west and portion of the north property line. The existing residential development includes individual attached units on a single lot with shared access and parking located on the north/west side of the property. This type of residential use is considered *Multi-dwelling*. The overall density is approximately 7 dwelling units per acre (medium density). The equivalent zoning district in the Land Development Code would be RM12 District. Typically, a bufferyard would not be required. This portion of the property is currently developed with an outdoor pool. The pool was separated from the residential uses by a fence. The revised site plan includes new landscape that will buffer the rear of the school building from the adjacent residential uses.

This property abuts residential development with access to Wimbledon Drive to the north. Per Code, screening is not required along this segment of the north property line. However, residents have expressed concern about the project and screening between the residences to the north and the proposed building additions. The plan submitted includes new trees and shrubs located along a portion of the north property line to augment the existing trees located on the residential side of the property line.

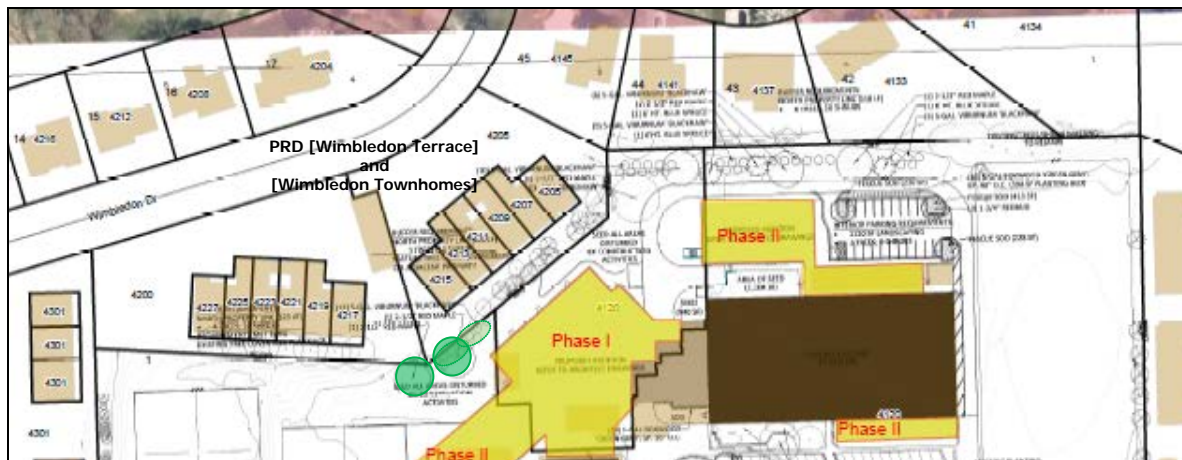


Figure 9: Bufferyard PUD to RM12

The property is currently buffered by a fence along the rear of the property, separating the pool area from the residential uses to the north. The new project does not include a fence.

Mechanical and Equipment Screening

The site plan includes a note indicating the project is subject to screening requirements per section 20-1006 of the Land Development Code. This applies to roof and building mounted equipment as well as trash storage areas.

Alternative Compliance: The applicant proposes wider bufferyards than required by the Land Development Code and provides adjusted landscape material accordingly. Along the south and west property line the applicant proposes to maintain existing vegetation.

As discussed above, the applicant requests a waiver from the provision of additional landscape along the south property line to screen the parking lot.

E. Lighting

A photometric plan is required for this special use. The applicant has provided an update to the existing site with a photometric plan for the new parking lot. The plan shows compliance with the minimum design requirements and maximum lighting levels for the parking lot.

F. Sensitive Lands / Floodplain

This property is partially encumbered by the regulatory floodplain. A portion of new parking lot and extended driveway will be located within the regulatory floodplain. There are no other identified sensitive lands on this property. A local Floodplain Development Permit is required for this project prior to issuance of a building permit. The floodplain boundary shown on the drawing is not correct. The City Stormwater Engineer noted this discrepancy that must be revised.

Staff Finding – This use, as conditioned, complies with the applicable provisions of the Development Code as an allowed use in the RM12 District subject to a Special Use Permit.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: *The proposed improvements of this SUP application include removal of the entire pool area (main pool, kiddie pool, concessions/restroom building and pump house), as well as the removal of the existing commons Room/Administrative Office wing of 5,300 SF, two temporary classroom buildings and six tennis courts. The adjoining neighbors have complained about the noise generated from the Alvamar Pool during summer months due to its extended hours of operation, and now due to its unsightly appearance while being used by the school as a science experiment. Additionally, they have requested that the tennis courts be removed so that the site can increase its green area. We believe the neighbors will be pleased with the proposed improvements, and the Head of School, Don Schawang, has maintained very positive communications with the President of the Homes Association to ensure good relations are maintained.*

Phase I improvements include a one-story classroom and commons building that will be built over the old pool area linking the two existing classroom buildings. The Phase II improvements include the addition of another classroom wing to the west, a small addition to the existing gymnasium and a practice gymnasium to the north. All of these structures will be within the prescribed height limitations of the Land Development Code.

The proposed improvements will have no impact on the existing hours of school operations, traffic generation, lighting, odor, dust, and other external conditions.

The site was originally developed as a *Participant Sports, Indoor* use. It was renovated and converted to a *School* use in 2002. The site currently provides education to students grades 6-12 (Middle and High School). The use, hours of operation, and other external impacts are not proposed to change. The applicant expects a maximum enrollment of 252 students, current enrollment is 204 per the proposed application documents. The proposed building additions are intended to provide a more efficient use of space. The site development is constrained by the location of existing improvements that limit the developable area for this site.

The proposed additions are intended to provide a similar massing to the existing buildings. The bulk of the structures and overall height are located toward the center of the facility. The proposed gym is located on the north side of the building with a greater separation between the building addition and the existing residential development than the classroom addition.

Staff Finding – The proposed use is compatible with the adjacent uses in terms of size, massing, orientation, as a school. The hours of operation and traffic will not be substantively altered by building expansion.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response: *Bishop Seabury Academy is now a well-established use within its neighborhood context and has been well accepted by the neighborhood. The school has been successful in implementing several capital improvements over the years at this location, all by virtue of private donations. These improvement will be the most significant in comparison and will greatly enhance the overall appearance of the entire complex as well as improve life safety and security for school operations.*

This application represents an expansion of the campus within the boundaries of the property (infill development). Major public services are available and currently serve this property. Within the context of the neighborhood, there are no changes in use or access for the proposed site.

The proposed building additions extend the building to the north and west. The existing pool and tennis court spaces will be removed to accommodate new construction. The current pool and surrounding deck extend to within 10' of the north property line and are separated from the adjacent residences by a fence. The revised plan shows a 25' wide green space along the back side of the building addition between the school building and the property line. The proposed landscape plan shows new landscape plantings to provide additional screening.

Staff Finding – Substantial diminution of other property values in the area is not anticipated.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

This site is currently served by public utilities. The proposed parking lot is designed to preserve an existing transmission waterline along the frontage road. The north portion of the parking lot includes a wider access aisle to accommodate fire apparatus if needed for this use.

Minimum access standards are required to meet fire protection standards. The applicant has provided a turn analysis demonstrating that fire apparatus can adequately maneuver the site. However, the site plan must be revised to meet the minimum access requirements for all exterior surfaces (150'). The applicant can provide a dry standpipe or add a wall indicator valve with a 2.5" hose connection at the exterior of the building.

Staff Finding – As conditioned, adequate public facilities and transportation access is accommodated for this development.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking.

Staff Finding – Adequate assurances of continued maintenance are inherent in the use and the Special Use Permit approval process.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: *The proposed Phase I improvements will have minimal impacts on the natural environment. The Phase I building addition will occupy the previously disturbed area of the old Alvamar swimming pool, kiddie pool, pool house, pool pump house and concrete decking areas which will be demolished to make room for the new construction. A new access drive is proposed around the north side of the site. The drive is an open yard area and has no impacts. There may be some minor disturbance to the natural environment along the 35 feet wide drainage easement along the north property to allow for drainage improvements. Additional site landscaping is proposed to mitigate any impacts.*

The future Phase II improvements including a new gym addition, additional parking and classroom addition have minimal impacts to the environment. Approximately one-half of the gym is located within the area of the old Alvamar pool complex to be removed and the remainder is open yard area. The additional parking located east of the gym is in the open yard area and will be constructed over the existing sand volleyball court. The classroom addition will occupy the same space as the old existing tennis courts where the temporary trailer are located.

The proposed improvements are located within the existing urban area. The property is encumbered by floodplain and is subject to the local floodplain regulations. A small portion of the new parking lot is located within the regulatory floodplain. A local floodplain development permit is required for this property prior to issuance of a building permit.

Staff Finding – The proposed development includes regulatory controls to protect the significant natural feature, floodplain, of this site. A local floodplain development permit is required for this property prior to issuance of a building permit.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

This Special Use Permit is required to accommodate a specific use and related improvements in this district. The intention of the development and purpose of the base zoning district is to accommodate a growing private education facility. The school has been located at this site since 2002.

Staff Finding – Staff does not recommend a time limit on the Special Use Permit.

CONCLUSION

Overall, the project complies with the Land Development Code and the development pattern of the area. The proposed building addition has been deferred until the ownership of the pool was conveyed to the current property owner. Alvamar Country Club has retained ownership until recently. The new development of the country club facilities made this pool obsolete. The transfer of the ownership of the property allows Bishop Seabury Academy to proceed with plans for full development and use of the site.

Traffic Impact Data for Bishop Seabury Academy Expansion

4120 Clinton Parkway Frontage
Lawrence, Kansas

Prepared
for
SK Design Group, Inc.

Prepared
By



Serving Communities Through Excellence
Missouri | Kansas | Michigan | California



Mehrdad Givechi, P.E., P.T.O.E.

January 2018



According to City Ordinance #7650, collection of Traffic Impact Data (TID) is required for all non-residential new developments or redevelopments and all residential developments of eleven (11) or more lots or dwelling units. The following information is compiled to fulfill the requirements of this ordinance for the proposed *“Bishop Seabury Academy Expansion”* located at 4120 Clinton Parkway Frontage in Lawrence, Kansas (See Location Map in the Appendix).

1. The existing Bishop Seabury Academy is a private co-educational, Episcopal middle and high school with current enrollment of 204 students. Access to the facility is provided at two points (approximately 290 apart) off of Clinton Parkway Frontage – a city street that ends at the project site with an outlet to the east onto Crossgate Drive.

The proposed expansion to the school calls for an initial addition of approximately 23,142 sq. ft. to the west of the existing main building, north of the Reese Hall to provide for 4 classrooms, a physics and computer science lab, a biology lab, a chemistry lab, a MS lab, a small chapel, a small office space, and a cafeteria with kitchen. The future expansion includes an additional 7,200 sq. ft. space for more classrooms as illustrated on the Site Plan in the Appendix. The enrollment number is expected to increase from current 204 to 225 students with the initial expansion, and to 252 students with future expansion. In summary, the proposed expansion, at build-out, will add a total of 30,342 sq. ft. of floor area to the existing facility, and will accommodate 48 additional students.

Parking for the existing facility is provided on the south side of the site with 106 parking spaces. Under the proposed plan, a new drop off area will be provided on the northwest corner of the existing parking lot while maintaining the same number of stalls (106) in this lot. Furthermore, additional parking will be provided on the north side of the existing main building with a capacity of 28 stalls. In summary, a total of 134 stalls will be provided at build-out.

2. The existing and proposed zoning for this site is RM12 (Multi-Family Residential with maximum 12 dwelling units per acre). According to the Horizon 2020 (Map 3-2), the designated land use for this site is “Parks, Recreation, and Open Space”.
3. The surrounding street network consists of:
 - Clinton Parkway, running east/west a short distance (60 ft.) south of the project site, designated as “Principal Arterial” on the City’s T2040 Thoroughfare Map.
 - Crossgate Drive, running north/south approximately 1080 ft. east of the project site, designated as “Local” street north of Clinton Parkway, and as “Collector” south of Clinton Parkway on the City’s T2040 Thoroughfare Map.
 - Clinton Parkway Frontage, running east/west on the south side of the site, designated as “Local” street on the City’s T2040 Thoroughfare Map.
4. Under the proposed development plan, there will be no change in the number and configuration of the site access driveways.
5. In the vicinity of the project site:
 - Clinton Parkway is a 4-lane divided highway raised median and posted speed limit of 45 mph. On-street parking is prohibited on both sides.
 - Crossgate Drive is a two-way, 2-lane street with posted speed limit of 30 mph. On-street parking is prohibited along both sides of the street.
 - Clinton Parkway Frontage is a two-way, two-lane street with no posted speed limit (Statutory speed limit = 30 mph). On-parking is prohibited along the north side of the street.
 - The intersection of Clinton Parkway Frontage and Crossgate Drive is a two-way stop-controlled intersection with traffic on Crossgate having the right-of-way and each approach having one shared lane.
6. Field measurements indicate that sight distance is not restricted at any of the site driveway locations. Reason being, for 30 mph speed, the required minimum intersection sight distance is 335 ft. for left-turn and 290 ft. for right-turn onto a two

lane roadway. The available sight distance, as measured in the field, is 650' for the east driveway and 940 ft. for east and west driveway, respectively.

7. Trip generation of a proposed land development project is typically estimated using trip generation rates suggested by the latest edition of the Institute of Transportation Engineers, Trip Generation Manual. For the purpose of this analysis, ITE Land Use Codes 522 (Middle School / Junior High School), 530 (High School), and 536 (Private School, K-12) were evaluated using “*number of students*” as independent variable, and the one generating the higher number of trips during the critical peak-hour was selected. The results, as shown in the Appendix, indicate that the number of trip-ends generated by the proposed expansion is less than the threshold of 100 vph as described below:
 - On average, 39 trip-ends (24 inbound and 15 outbound) during the morning peak-hour of adjacent street network;
 - On average, 8 trip-ends (3 inbound and 5 outbound) during the afternoon peak-hour of adjacent street network; and 28 trip-ends (12 inbound and 16 outbound) during the afternoon peak-hour of generator.

APPENDIX

- Location Map
- Site Plan
- Results of Trip Generation Analysis, Using the ITE Trip Generation Manual, 9th Edition

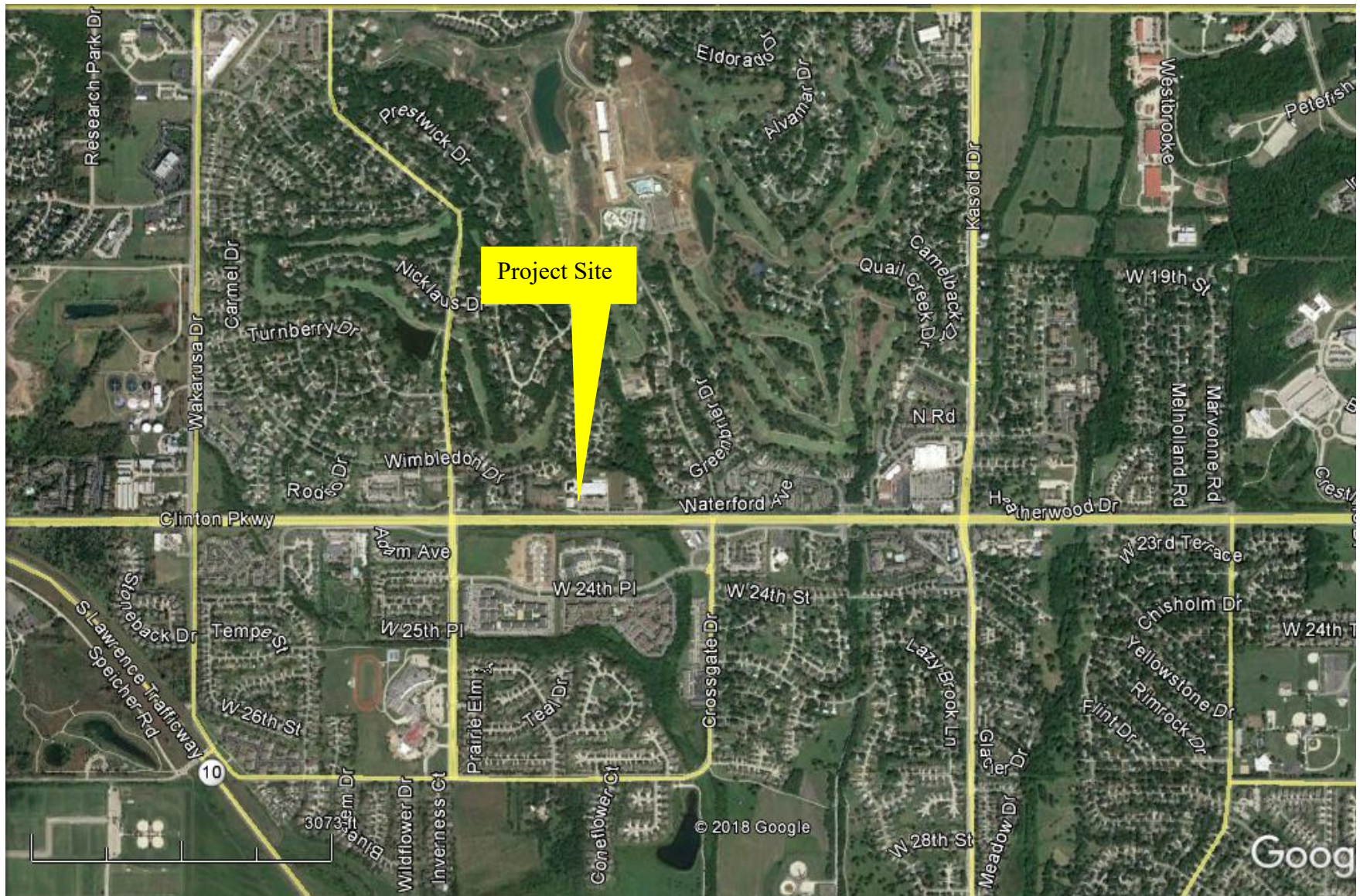


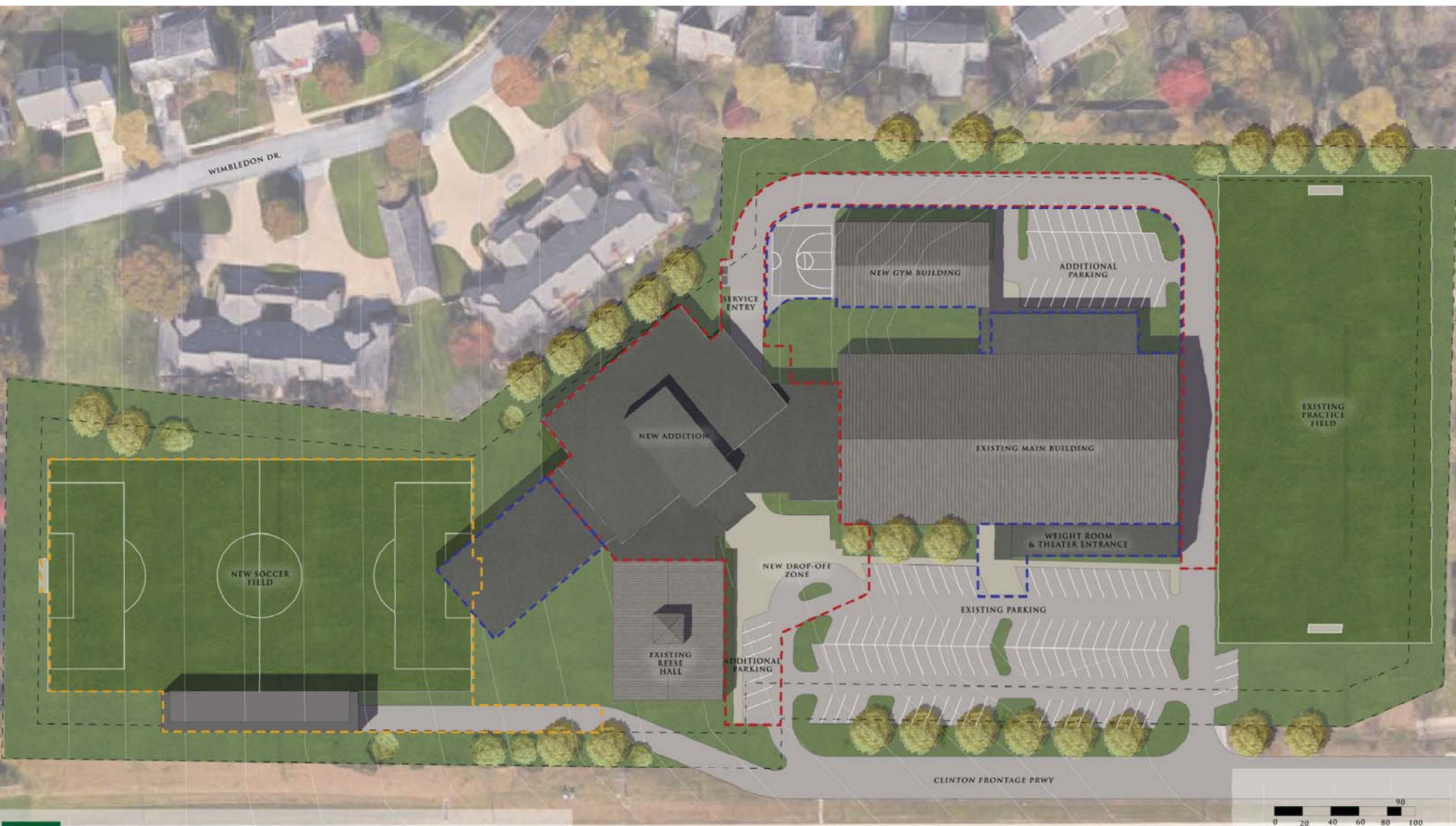
Figure 1
Location Map



BISHOP SEABURY ACADEMY 1 STORY ADDITION CONCEPT - SITE PLAN



1/17/2018



- PHASE 1
- PHASE 2
- PHASE 3

Trip Generation Summary

Alternative: Alternative 1

Phase:

Open Date: 1/16/2018

Project: Bishop Seabury Academy Expansion

Analysis Date: 1/16/2018

ITE	Land Use	Weekday Average Daily Trips				Weekday AM Peak Hour of Adjacent Street Traffic				Weekday PM Peak Hour of Adjacent Street Traffic			
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
522	SCHOOLMID 1 48 Students		39	39	78		14	12	26		4	4	8
Unadjusted Volume			39	39	78		14	12	26		4	4	8
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			39	39	78		14	12	26		4	4	8

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012

TRIP GENERATION 10, TRAFFICWARE, LLC

P. 1

Trip Generation Summary

Alternative: Alternative 2

Phase:

Open Date: 1/16/2018

Project: Bishop Seabury Academy Expansion

Analysis Date: 1/16/2018

ITE	Land Use	Weekday Average Daily Trips				Weekday AM Peak Hour of Adjacent Street Traffic				Weekday PM Peak Hour of Adjacent Street Traffic			
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
530	SCHOOLHIGH 1 48 Students		41	41	82		14	7	21		3	3	6
Unadjusted Volume			41	41	82		14	7	21		3	3	6
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			41	41	82		14	7	21		3	3	6

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012

TRIP GENERATION 10, TRAFFICWARE, LLC

P. 1

Trip Generation Summary

Alternative: Alternative 3

Phase:

Open Date: 1/16/2018

Project: Bishop Seabury Academy Expansion

Analysis Date: 1/16/2018

ITE	Land Use	Weekday Average Daily Trips				Weekday AM Peak Hour of Adjacent Street Traffic				Weekday PM Peak Hour of Adjacent Street Traffic			
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
536	SCHOOLK12 1 48 Students		60	59	119		24	15	39		3	5	8
Unadjusted Volume			60	59	119		24	15	39		3	5	8
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			60	59	119		24	15	39		3	5	8

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012

TRIP GENERATION 10, TRAFFICWARE, LLC

P. 1

Detailed Land Use Data
For 48 Students of SCHOOLMID 1
(522) Middle School/Junior High School

Project: Bishop Seabury Academy Expansion

Open Date: 1/16/2018
Analysis Date: 1/16/2018

Day / Period	Total Trips	Pass-By Trips	Avg Rate	Min Rate	Max Rate	Std Dev	Avg Size	% Enter	% Exit	Use Eq.	Equation	R2
Weekday Average Daily Trips Source : Trip Generation Manual 9th Edition	78	0	1.62	0.72	2.81	1.45	904	50	50	False		
Weekday AM Peak Hour of Adjacent Street Traffic Source : Trip Generation Manual 9th Edition	26	0	0.54	0.14	1.29	0.8	876	55	45	False		
Weekday PM Peak Hour of Generator Source : Trip Generation Manual 9th Edition	14	0	0.3	0.12	0.63	0.56	843	45	55	False		
Weekday PM Peak Hour of Adjacent Street Traffic Source : Trip Generation Manual 9th Edition	8	0	0.16	0.06	0.36	0.4	982	49	51	False		

Detailed Land Use Data
For 48 Students of SCHOOLHIGH 1
(530) High School

Project: Bishop Seabury Academy Expansion

Open Date: 1/16/2018

Analysis Date: 1/16/2018

Day / Period	Total Trips	Pass-By Trips	Avg Rate	Min Rate	Max Rate	Std Dev	Avg Size	% Enter	% Exit	Use Eq.	Equation	R2
Weekday Average Daily Trips Source : Trip Generation Manual 9th Edition	82	0	1.71	0.71	3.96	1.49	1382	50	50	False	$\ln(T) = 0.81 \ln(X) + 1.86$	0.54
Weekday AM Peak Hour of Adjacent Street Traffic Source : Trip Generation Manual 9th Edition	21	0	0.43	0.14	1.15	0.69	1231	68	32	False		
Weekday PM Peak Hour of Generator Source : Trip Generation Manual 9th Edition	14	0	0.29	0.1	0.74	0.55	1235	33	67	False	$\ln(T) = 0.61 \ln(X) + 1.52$	0.51
Weekday PM Peak Hour of Adjacent Street Traffic Source : Trip Generation Manual 9th Edition	6	0	0.13	0.03	0.38	0.37	1352	47	53	False		
Saturday Average Daily Trips Source : Trip Generation Manual 9th Edition	29	0	0.61	0.08	1.62	0.88	1523	50	50	False		
Saturday Peak Hour of Generator Source : Trip Generation Manual 9th Edition	5	0	0.11	0.02	0.24	0.34	1523	64	36	False		
Sunday Average Daily Trips Source : Trip Generation Manual 9th Edition	12	0	0.25	0.04	0.92	0.54	1523	50	50	False		
Sunday Peak Hour of Generator Source : Trip Generation Manual 9th Edition	2	0	0.04	0.01	0.2	0.22	1523	41	59	False		

Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012

TRIP GENERATION 10, TRAFFICWARE, LLC

Detailed Land Use Data
For 48 Students of SCHOOLK12 1
(536) Private School (K-12)

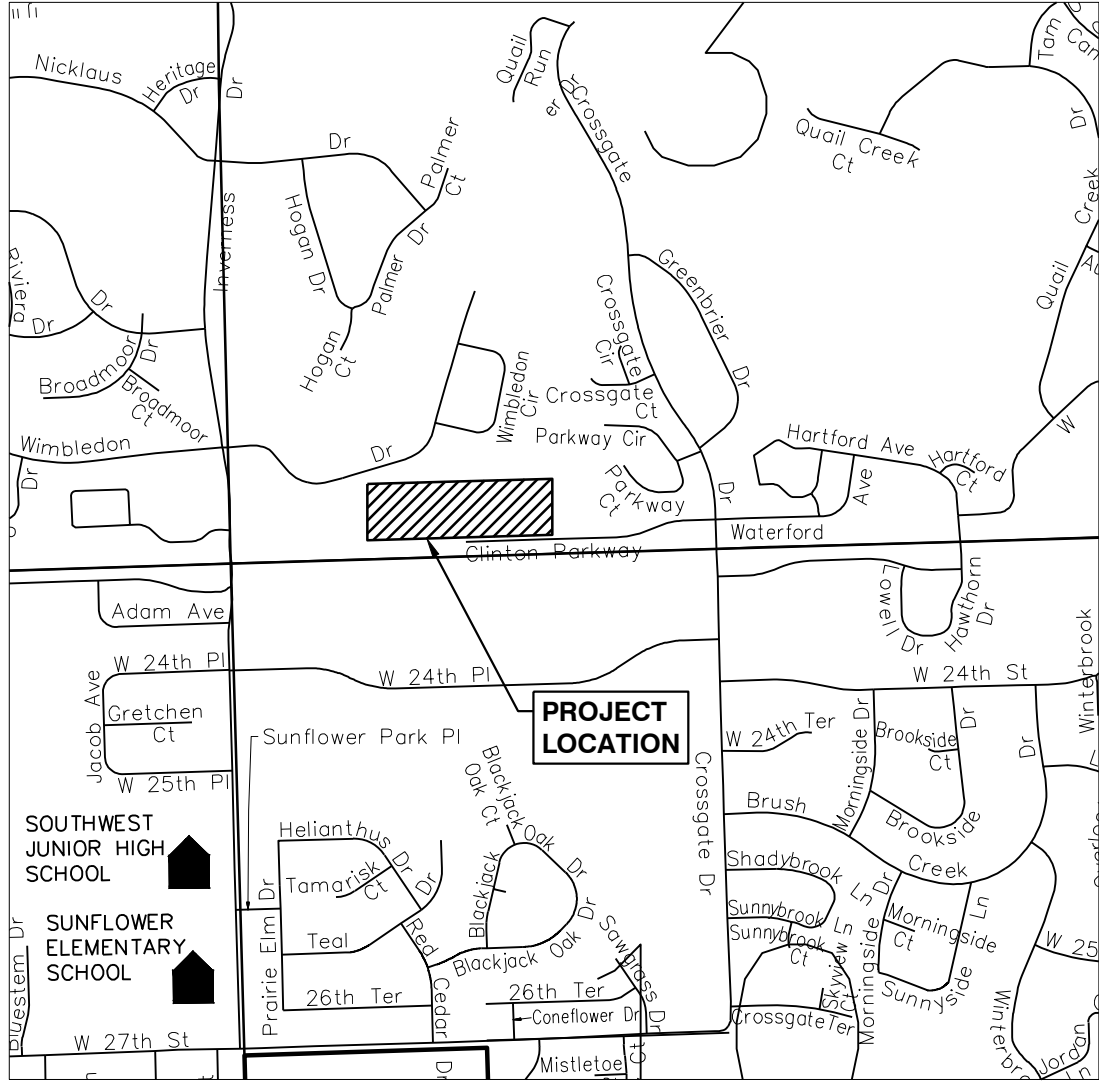
Project: Bishop Seabury Academy Expansion

Open Date: 1/16/2018
Analysis Date: 1/16/2018

Day / Period	Total Trips	Pass-By Trips	Avg Rate	Min Rate	Max Rate	Std Dev	Avg Size	% Enter	% Exit	Use Eq.	Equation	R2
Weekday Average Daily Trips Source : Trip Generation Manual 9th Edition	119	0	2.48	1.74	3.12		537	50	50	False		
Weekday AM Peak Hour of Adjacent Street Traffic Source : Trip Generation Manual 9th Edition	39	0	0.81	0.52	0.96	0.91	460	61	39	False	$T = 0.77(X) + 19.92$	0.73
Weekday PM Peak Hour of Generator Source : Trip Generation Manual 9th Edition	28	0	0.58	0.46	0.79	0.77	506	42	58	False	$T = 0.43(X) + 79.59$	0.75
Weekday PM Peak Hour of Adjacent Street Traffic Source : Trip Generation Manual 9th Edition	8	0	0.17	0.13	0.23	0.41	581	43	57	False		

TOPOGRAPHY SURVEY

BISHOP SEABURY ACADEMY



LOCATION MAP



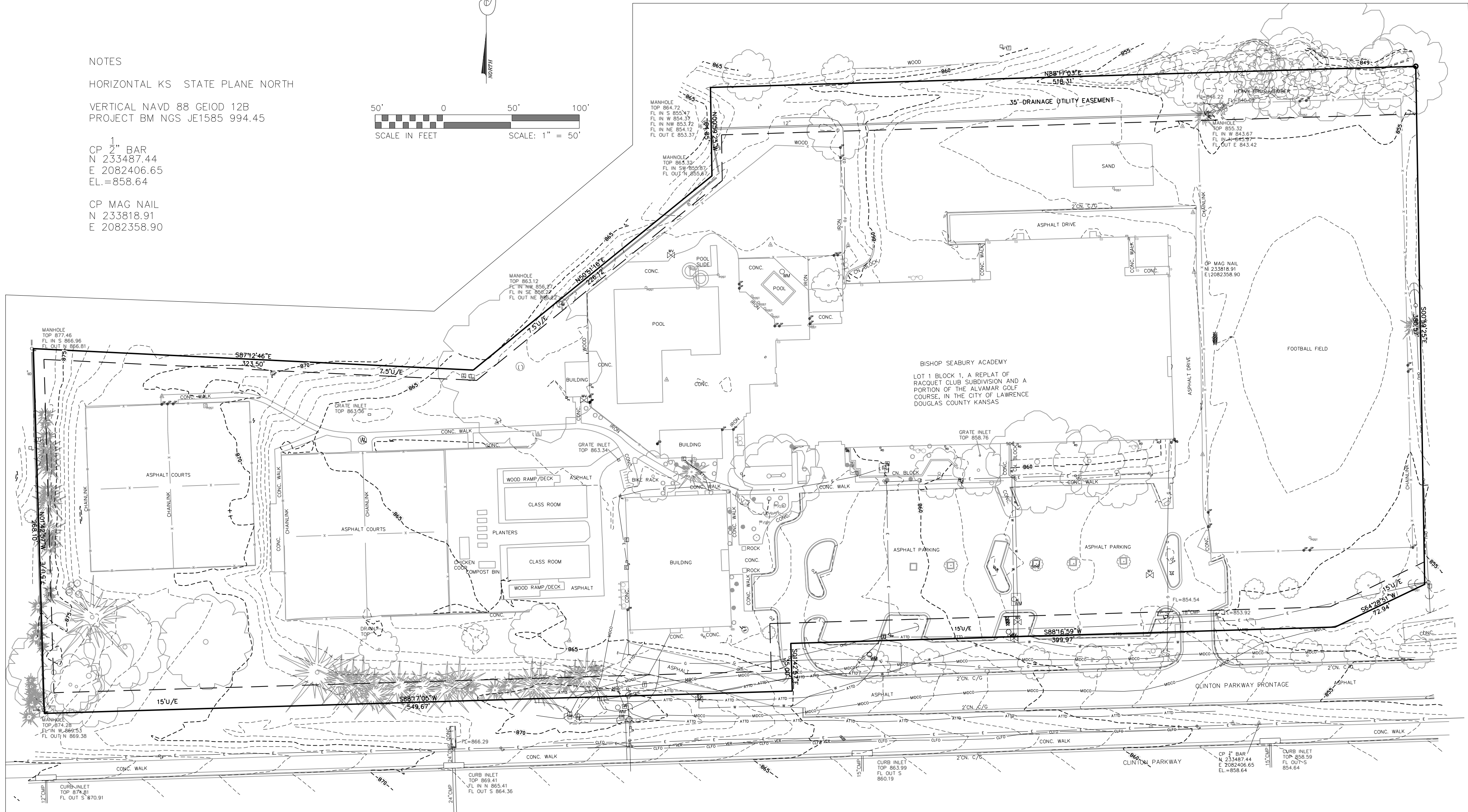
North
Not to Scale



NOTES
HORIZONTAL KS STATE PLANE NORTH
VERTICAL NAVD 88 GEIOD 12B
PROJECT BM NGS JE1585 994.45



























































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N 233818.91
E 2082358.90



NOTE: THE INFORMATION CONCERNING THE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON, WHICH ARE NOT VISIBLE FROM THE SURFACE, HAS BEEN TAKEN FROM THE RECORDS OF THE VARIOUS UTILITY COMPANIES AND FROM FIELD LOCATIONS AS MARKED BY LOCATORS REPRESENTING SAID UTILITY COMPANIES. THESE LOCATIONS ARE NOT TO BE CONSTRUED AS ACCURATE OR COMPLETE. WHERE MEASUREMENTS WERE NOT AVAILABLE, THE LOCATION OF THESE UNDERGROUND LINES HAVE BEEN SCALED FROM RECORD DRAWINGS. UTILITY LOCATIONS SHOULD BE VERIFIED IN THE FIELD PRIOR TO ANY CONSTRUCTION.

LEGEND

	DECIDUOUS TREE		WATER VALVE
	CONIFEROUS TREE		FIRE HYDRANT
	BUSH		GAS VALVE
	SHRUB		CENTERLINE
	BOLLARD		PROPERTY LINE
	GRATE INLET ROUND		SECTION LINE
	GRATE INLET SQUARE		BENCH MARK
	ELECTRICAL TRANSFORMER BOX		FOUND MONUMENT AS NOTED
	GAS METER		SET 1/2" BAR & CAP
	LIGHT POLE		CHISELED "+"
	MANHOLE		YARD LIGHT
	TELEPHONE POLE		SINGLE POST SIGN
	WATER METER		DOUBLE POST SIGN
	POWER POLE	D	DEED
	GUY WIRE	M	MEASURED
	TELEPHONE SPLICE BOX	RM	RADIALLY MEASURED
	CURB INLET	C	CALCULATED
RR	RAILROAD	P	POWER/PLAT
	FENCE	FOUND	FOUND
	CONTINUING LINE	R/W	RIGHT-OF-WAY
	TRAFFIC SIGNAL POLE	G	GAS
	TV SPLICE BOX	S	SANITARY SEWER
	ELECTRIC METER	ST	STORM SEWER
	POWER SPLICE BOX	W	WATER
	POST	T	TELEPHONE
	MAIL BOX	UG	UNDERGROUND
	STUMP	OH	OVERHEAD
	MATCH POINT	CIP	CAST IRON PIPE
	CP (CONTROL POINT)	CMP	CORRUGATED METAL PIPE
	GAS TEST	RCP	REINFORCED CONCRETE PIPE
	GAS REGULATOR	VCP	VITRIFIED CLAY PIPE
	SIAMESE CONNECTOR	PCP	PLASTIC CORRUGATED PIPE
	STEAM VALVE	TV	CABLE TELEVISION
	WATER FAUCET	E	ELECTRIC
	DRAIN	ED	EAVES DRAIN
	FLAG POLE		ROOF DRAIN
	TEST HOLE	PL	PLASTIC
	FIBER OPTIC TELEPHONE MARKER		MARSH AREA
	AIR CONDITIONER		POST INDICATOR VALVE
	CLEAN OUT		PARKING METER
	UTILITY POLE	STM	STEAM
		AI	AREA INLET
		GI	GRATE INLET
		CMAP	CORRUGATED METAL ARCH PIPE
		FO	FIBER OPTIC
			PARKING METER
		L3	FIBER OPTIC



SK Design Group, Inc.

4600 College Boulevard, Suite 100
Overland Park, Kansas 66211
Ph: 913-451-1818, Fax 913-451-7599
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- 7

Project Number:

Date:

Date: 04-16-18

Project Name

Bishop Seabury Academy SUP

Project Address:

4120 Clinton Pkwy, Lawrence, KS
66047

Sheet Title:

EXISTING SITE PLAN

Sheet

C101

LEGAL DESCRIPTION:

LOT 1 BLOCK 1, RACQUET CLUB NO.2 SUBDIVISION, A REPLAT OF A PORTION OF THE ALVAMAR GOLF COURSE, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

GENERAL NOTES:

- OWNER: BISHOP SEABURY ACADEMY
4120 CLINTON PARKWAY
LAWRENCE, KANSAS 66047
1. ENGINEER: SK DESIGN GROUP, INC.
4600 COLLEGE BLVD SUITE 100
OVERLAND PARK, KANSAS 66211
2. TYPICAL SOIL TYPES:
MC: MARTIN SILTY CLAY LOAM, 3 TO 7 PERCENT SLOPES
WC: WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED
VH: VINLAND COMPLEX, 3 TO 7 PERCENT SLOPES, ERODED
KB: KENNEBEC SILT LOAM, FREQUENTLY FLOODED
3. TOPOGRAPHIC INFORMATION OBTAINED FROM SURVEY PERFORMED BY GREG GRANT, 2018.
4. EXISTING LAND USE: SCHOOL
5. PROPOSED LAND USE: SCHOOL
6. EXISTING ZONING: RM12
7. PROPOSED ZONING: RM12
8. PART OF THIS SITE IS LOCATED WITHIN THE FLOODPLAIN PER FEMA MAP #20045C0019C, DATED NOVEMBER 7, 2001.
9. PARKING REQUIREMENTS: K-GRADE 9 1 PER 1.5 TEACHERS & EMPLOYEES
GRADE 10+ 1 PER 3 STUDENTS PLUS 1.5 TEACHERS & EMPLOYEES
- EXISTING: GRADE 10+ 87 STUDENTS/3 = 29 PARKING STALLS REQUIRED
34 FACULTY = 34 PARKING STALLS REQUIRED
TOTAL PARKING REQUIRED = 63 STALLS
TOTAL PARKING PROVIDED = 105 STALLS
- PROPOSED: GRADE 10+ 108 STUDENTS/3 = 36 PARKING STALLS REQUIRED
39 FACULTY = 39 PARKING STALLS REQUIRED
TOTAL PARKING REQUIRED = 75 STALLS
TOTAL PARKING PROVIDED = 125 STALLS
(VARIANCE REQUESTED FOR EXTRA PARKING PROVIDED OVER REQUIRED)
- ADA REQUIREMENTS: 5 ACCESSIBLE STALLS PER 101-150 TOTAL NUMBER OF PARKING STALLS
1 VAN ACCESSIBLE STALL PER 6 ACCESSIBLE STALLS
- EXISTING: TOTAL PROPOSED PARKING = 125 STALLS
ACCESSIBLE PARKING REQUIRED = 5 ADA STALLS INCLUDING 1 VAN ACCESSIBLE STALL
ACCESSIBLE STALLS PROVIDED = 2 ADA STALLS & 1 VAN ACCESSIBLE STALL
- PROPOSED: ACCESSIBLE PARKING PROVIDED = 4 ADA STALLS & 2 VAN ACCESSIBLE STALLS
- BICYCLE PARKING REQUIREMENTS: K-GRADE 9 1 PER 5 STUDENTS
GRADE 10+ 5 OR 1 PER 10 AUTO SPACES WHICHEVER IS GREATER
- EXISTING: TOTAL PARKING PROVIDED = 6 BICYCLE STALLS
- PROPOSED: TOTAL PARKING PROVIDED = 6 BICYCLE STALLS
10. THE CITY OF LAWRENCE SHALL NOT BE RESPONSIBLE FOR DAMAGE TO PAVEMENT DUE TO THE WEIGHT OF REFUSE VEHICLES.
11. THE SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDING AND FACILITIES., APPENDIX 1 TO 28 CFR PART 36
12. ACCESSIBLE SPACES ARE TO BE SIGNED AND STENCILED PER ORDINANCE 20-1205-F.
13. SCREENING OF EQUIPMENT INCLUDING BUILDING MOUNTED EQUIPMENT SHALL BE SCREENED IN ACCORDANCE WITH SECTION 20-1006 OF THE LAND DEVELOPMENT CODE.
14. ALL PROPOSED DRIVING SURFACES HAVE BEEN DESIGNED TO SUPPORT THE 88,000 LB FIRE TRUCK APPARATUS.

SITE SUMMARY:

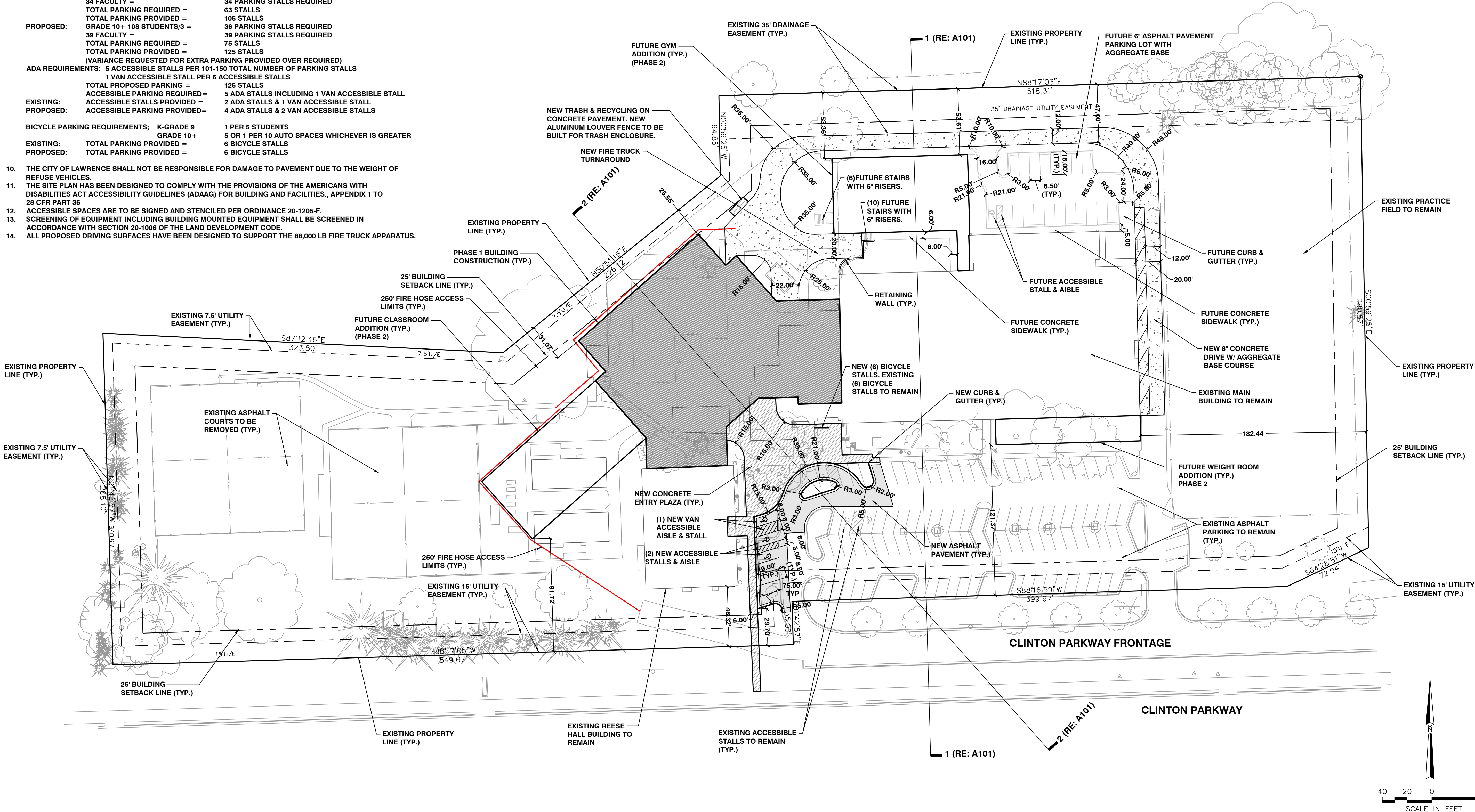
EXISTING:	PROPOSED (ULTIMATE CONDITION)
BUILDING AREA = 49,773 SQ. FT.	BUILDING AREA = 77,729 SQ. FT.
PAVEMENT AREA = 103,558 SQ. FT.	PAVEMENT AREA = 64,999 SQ. FT.
IMPERVIOUS AREA = 153,331 SQ. FT.	IMPERVIOUS AREA = 142,728 SQ. FT.
PERVIOUS AREA = 197,389 SQ. FT.	PERVIOUS AREA = 207,992 SQ. FT.
PROPERTY AREA = 350,720 SQ. FT.	PROPERTY AREA = 350,720 SQ. FT.
% IMPERVIOUS = 43.72%	% IMPERVIOUS = 40.70%

BUILDING FLOOR AREA & CONSTRUCTION TYPE

EXISTING BUILDING FLOOR AREA (TO REMAIN)=	38,990 SF (TYPE II-B & TYPE V-B CONSTRUCTION)
NEW BUILDING FLOOR AREA (PHASE 1)=	23,510 SF (TYPE II-B OR TYPE V-B CONSTRUCTION)
NEW BUILDING FLOOR AREA (PHASE 2)=	15,229 SF (TYPE II-B OR TYPE V-B CONSTRUCTION)
TOTAL BUILDING FLOOR AREA (ULTIMATE)=	77,729 SF

LEGEND:

- NEW ASPHALT PAVEMENT
- NEW PORTLAND CEMENT CONCRETE PAVEMENT
- CONCRETE SIDEWALK
- NEW TYPE CG-1 CURB & GUTTER
- NEW RETAINING WALL
- 250' FIRE HOSE ACCESS LIMIT



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Project Number:

Date: 04-16-18

Project Name:

Bishop Seabury Academy SUP

Project Address:

4120 Clinton Pkwy, Lawrence, KS 66047

Sheet Title:

PROPOSED SITE PLAN

Sheet:

C201

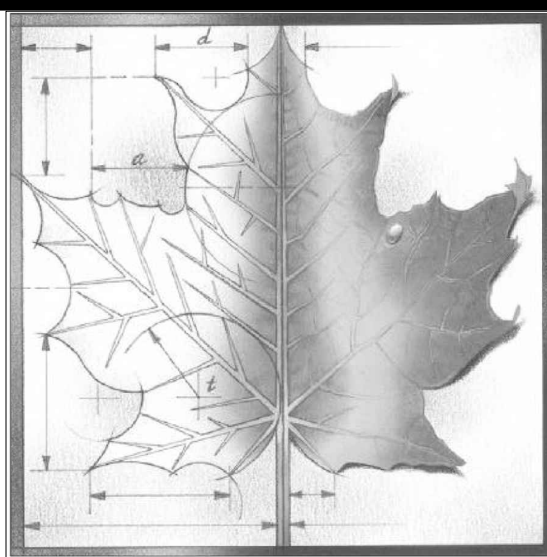
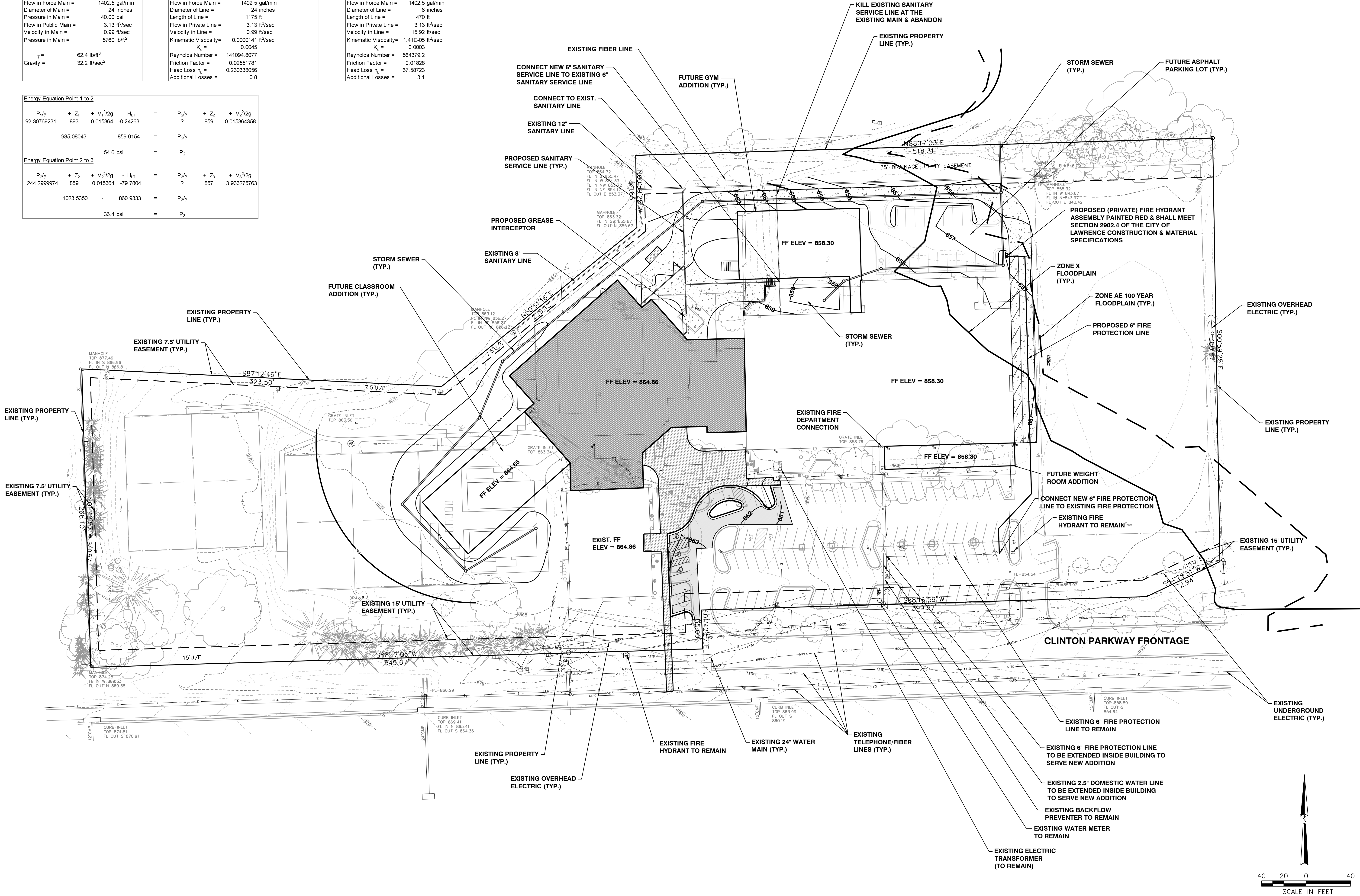
$Q_F =$	1402.5			$Q_R =$	$h_R^{0.54}$
$Q_R =$	1402.5 gal/min	Static	Residual	$Q_F =$	discharge at the pressure loss h_F noted during the test
$h_F =$	12	52.0	40.0	$Q_R =$	unknown discharge at h_R , the desired drop in pressure
$h_R =$	12.00			$h_F =$	pressure loss noted during the test
Residual=	40.00 psi			$h_R =$	desired drop in pressure

Point 1	
Description: Residual Hydrant #4135	
Point of Connection	
Elevation at Point 1 =	893 ft
Flow in Force Main =	1402.5 gal/min
Diameter of Main =	24 inches
Pressure in Main =	40.00 psi
Flow in Public Main =	3.13 ft ³ /sec
Velocity in Main =	0.99 ft/sec
Pressure in Main =	5760 lb/ft ²
$\gamma =$	62.4 lb/ft ³
Gravity =	32.2 ft/sec ²

Point 2	
Description: Watermain Connection to Exist. 6" Fire Line	
Elevation at Point 2 =	
Flow in Force Main =	1402.5 gal/min
Diameter of Line =	24 inches
Length of Line =	1175 ft
Flow in Private Line =	3.13 ft ³ /sec
Velocity in Line =	0.99 ft/sec
Kinematic Viscosity=	0.0000141 ft ² /sec
$K_L =$	0.0045
Reynolds Number =	141094.8077
Friction Factor =	0.02551781
Head Loss $h_L =$	0.230338056
Additional Losses =	0.8

Point 3	
Description: Proposed Dead End Hydrant	
Elevation at Point 3 =	
Flow in Force Main =	1402.5 gal/min
Diameter of Line =	6 inches
Length of Line =	470 ft
Flow in Private Line =	3.13 ft ³ /sec
Velocity in Line =	15.92 ft/sec
Kinematic Viscosity=	1.41E-05 ft ² /sec
$K_L =$	0.0003
Reynolds Number =	564379.2
Friction Factor =	0.01828
Head Loss $h_L =$	67.58723
Additional Losses =	3.1

Energy Equation Point 1 to 2	
$P_1/\gamma + Z_1 + V_1^2/2g - H_{L,T} = P_2/\gamma + Z_2 + V_2^2/2g$	
92.30769231 + 893 + 0.015364 - 0.24263	= P ₂ /γ + 859 + 0.015364358
985.08043 - 859.0154	= P ₂ /γ
54.6 psi	= P ₂
Energy Equation Point 2 to 3	
$P_2/\gamma + Z_2 + V_2^2/2g - H_{L,T} = P_3/\gamma + Z_3 + V_3^2/2g$	
244.2999974 + 859 + 0.015364 - 79.7804	= P ₃ /γ + 857 + 3.933275763
1023.5350 - 860.9333	= P ₃ /γ
36.4 psi	= P ₃



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Project Number: -

Date: 04-16-18

Project Name:

Bishop Seabury
Academy SUP

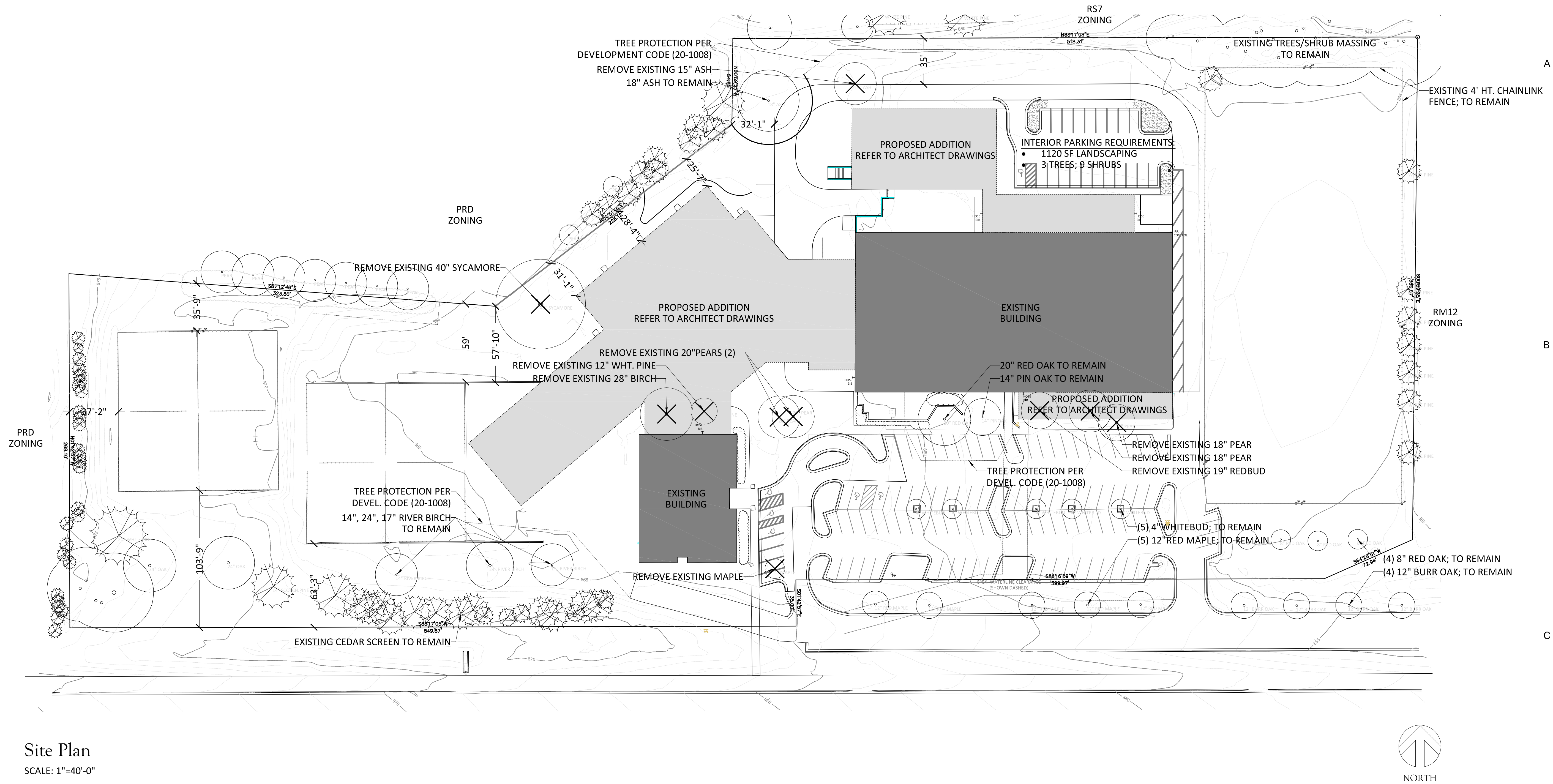
Project Address:
4120 Clinton Pkwy, Lawrence, KS
66047

Sheet Title:

PROPOSED
GRADING &
UTILITY PLAN

Sheet:

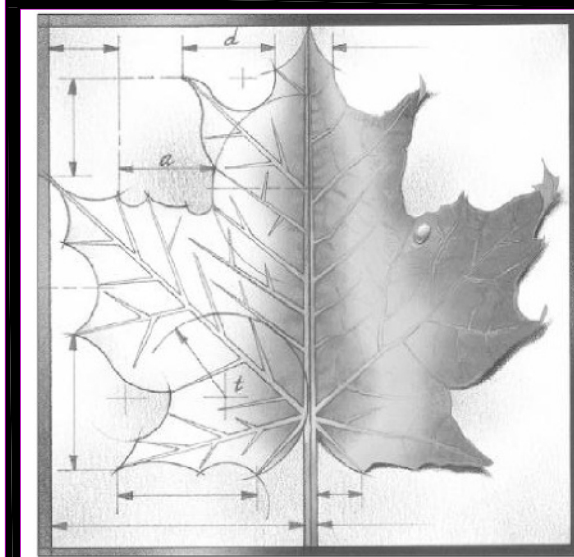
C301



Site Plan
SCALE: 1"=40'-0"

General Notes:

1. ALL PLANT MATERIAL AND LANDSCAPE INSTALLATION SHALL BE INSTALLED PER THE CITY OF LAWRENCE, KANSAS LAND DEVELOPMENT CODE AND ORDINANCES
2. LOCATION OF ALL UTILITIES ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY LOCATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION OPERATIONS.
3. LIMITS OF CONSTRUCTION ARE TO THE PROPERTY LINES, UNLESS OTHERWISE NOTED ON PLANS.
4. ALL DISTURBED AREAS WITHIN APPROXIMATE LIMITS OF CONSTRUCTION NOT DESIGNATED AS LANDSCAPED AREAS OR PAVEMENT, SHALL BE SEEDED OR REPAIRED TO PRECONSTRUCTION CONDITIONS OR BETTER
5. INSTALL TREE PROTECTION FENCING TEN (10') FEET OUTSIDE THE DRIPLINE OF ANY EXISTING TREE DESIGNATED TO REMAIN WITHIN LIMITS OF CONSTRUCTION PER LAWRENCE LAND DEVELOPMENT CODE (20-1008)
6. ALL EXISTING SHRUBS AND PLANTINGS ARE TO BE SAVED FOR REUSE. EXISTING PLANTINGS SHALL BE PLANTED PER DIRECTION OF LANDSCAPE ARCHITECT



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REED & DILLON
ASSOCIATES

Landscape Architecture
& Construction

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reeddillonlandscape.com

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Project Number:

Date:

02-20-18

Project Name:

**Bishop Seabury
Academy SUP**

Project Address:

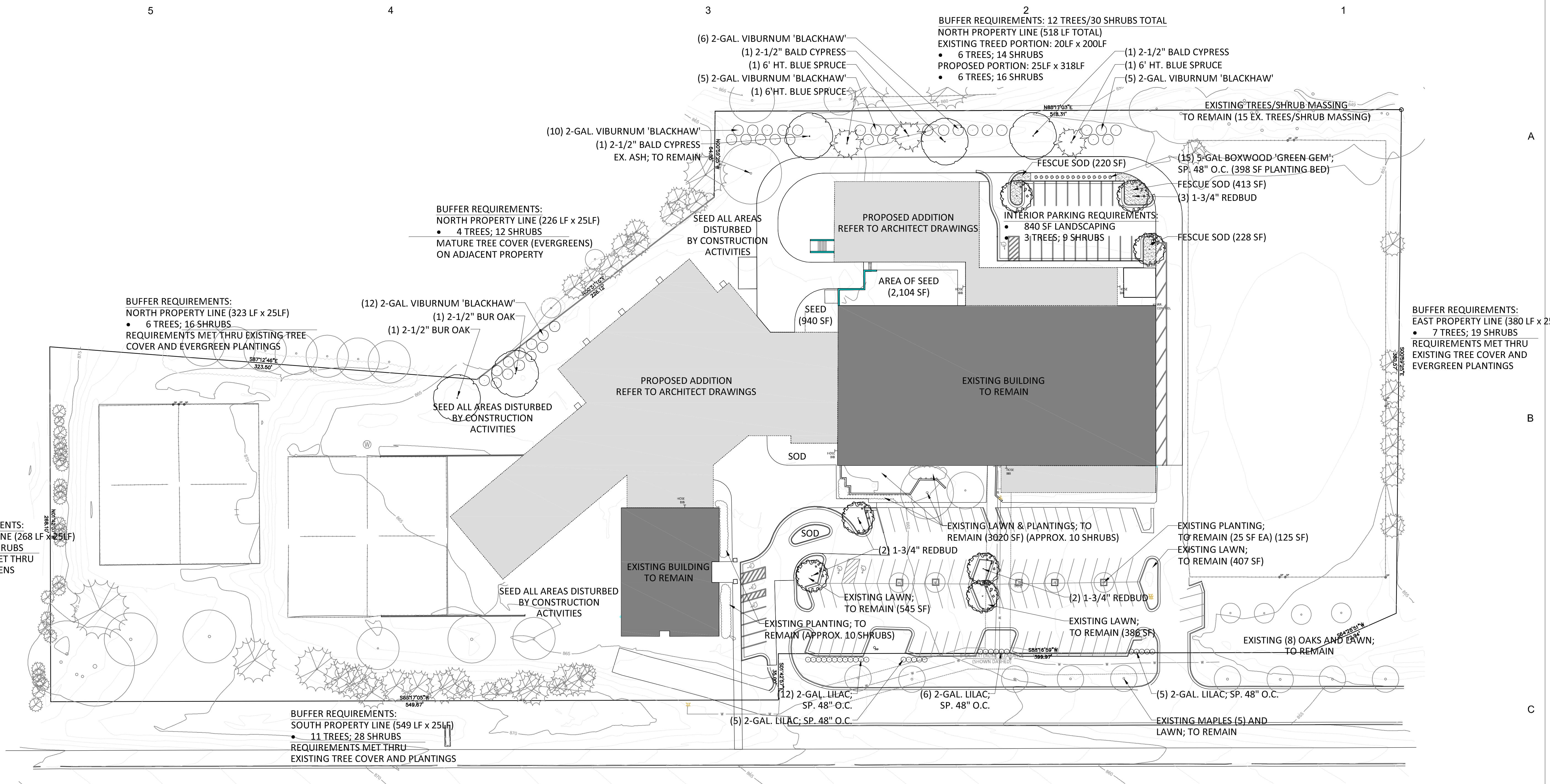
**4120 Clinton Pkwy, Lawrence, KS
66047**

Sheet Title:

**Ex. Trees
and Tree
Protection**

Sheet:

LA101



Site Plan

SCALE: 1"=40'-0"

Landscape Buffer Requirements:

ZONING: RM12

BUFFERYARD REQUIREMENTS: TYPE 1/20' WIDTH
(3) TREES AND 7 SHRUBS EVERY 100 LF (50% TREES MUST BE EVERGREEN)
• TREES REQUIRED: 6 TREES
• SHRUBS REQUIRED: 14 SHRUBS

BUFFERYARD REQUIREMENTS: TYPE 1/25' WIDTH
(2) TREES AND 5 SHRUBS EVERY 100 LF (50% TREES MUST BE EVERGREEN)
• TREES REQUIRED: 39 TREES
• SHRUBS REQUIRED: 104 SHRUBS

TOTAL TREES REQUIRED (FOR SITE): 45 TREES
TOTAL SHRUBS REQUIRED (FOR SITE): 118 SHRUBS

PROVIDED OR EXISTING:
EXISTING TREES = 71 TREES
DECIDUOUS SHADE TREES: 25 TREES
EVERGREEN TREES: 46 TREES
PROPOSED TREES = 8 TREES
DECIDUOUS SHADE TREES: 5 TREES
EVERGREEN TREES: 3 TREES

SHRUBS PROVIDED = 38 SHRUBS PROPOSED / (EXISTING SHRUB MASSING TO COUNT TOWARD REQUIRED BUFFERYARD SHRUBS)

Parking Calculations

EXISTING PARKING LOT (SOUTH):
PERIMETER: (1) TREE PER 25 LF OF FRONTAGE
• 240 LF / 25 = 10 TREES REQUIRED
INTERIOR GREEN SPACE: 40 SF PER PARKING SPACE AND (1) TREE & (3) SHRUBS PER 10 SPACES
• 105 SPACES x 40 SF = 4200 SF REQUIRED GREEN SPACE
• 105 SPACES / 10 SPACES = 11 TREES AND 32 SHRUBS REQUIRED

PROPOSED PARKING LOT (NORTH):
INTERIOR GREEN SPACE: 40 SF PER PARKING SPACE AND (1) TREE & (3) SHRUBS PER 10 SPACES
• 21 SPACES x 40 SF = 840 SF REQUIRED GREEN SPACE
• 21 SPACES / 10 SPACES = 2 TREES AND 6 SHRUBS REQUIRED

TOTAL TREES REQUIRED = 23 TREES
TOTAL SHRUBS REQUIRED = 38 SHRUBS
TOTAL GREEN SPACE REQUIRED = 5,040 SF

PROVIDED OR EXISTING:
TREES: 19 TREES (12 EXISTING: 7 INTERIOR & 5 PERIMETER/7 PROPOSED)
SHRUBS: 63 SHRUBS (APPROX. 20 EXISTING/43 PROPOSED)
GREEN SPACE: 5,742 SF (4,483 SF EXISTING/1,259 SF PROPOSED)

Planting Schedule

DECIDUOUS TREES		
BOTANICAL NAME	COMMON NAME	SIZE
QUERCUS MACROCARPA	BUR OAK	2 1/2" CAL.
TAXODIUM DISTICHUM	BALD CYPRESS	2 1/2" CAL.
CERCIS CANADENSIS	REDBUD	1 3/4" CAL.

EVERGREEN TREES		
BOTANICAL NAME	COMMON NAME	SIZE
PICEA PUNGENS VAR. GLAUCA	BLUE SPRUCE	6' HT.

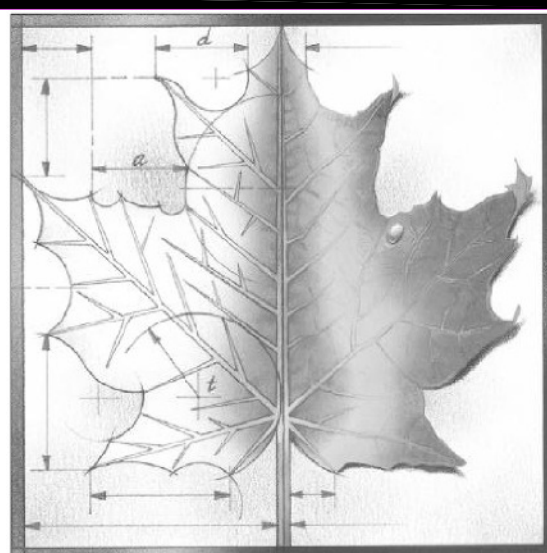
SHRUBS		
BOTANICAL NAME	COMMON NAME	SIZE
BUXUS VAR. KOREANA 'GREEN GEM'	GREEN GEM BOXWOOD	5 GAL
SYRINGA VULGARIS	LILAC	2 GAL
VIBURNUM PRUNIFOLIUM 'BLACKHAW'	BLACKHAW VIBURNUM	2 GAL

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Project Number: -

Date: 02-20-18

Project Name:

**Bishop Seabury
Academy SUP**

Project Address:

**4120 Clinton Pkwy, Lawrence, KS
66047**

Sheet Title:

**Planting
Plan**

Sheet:

LA102

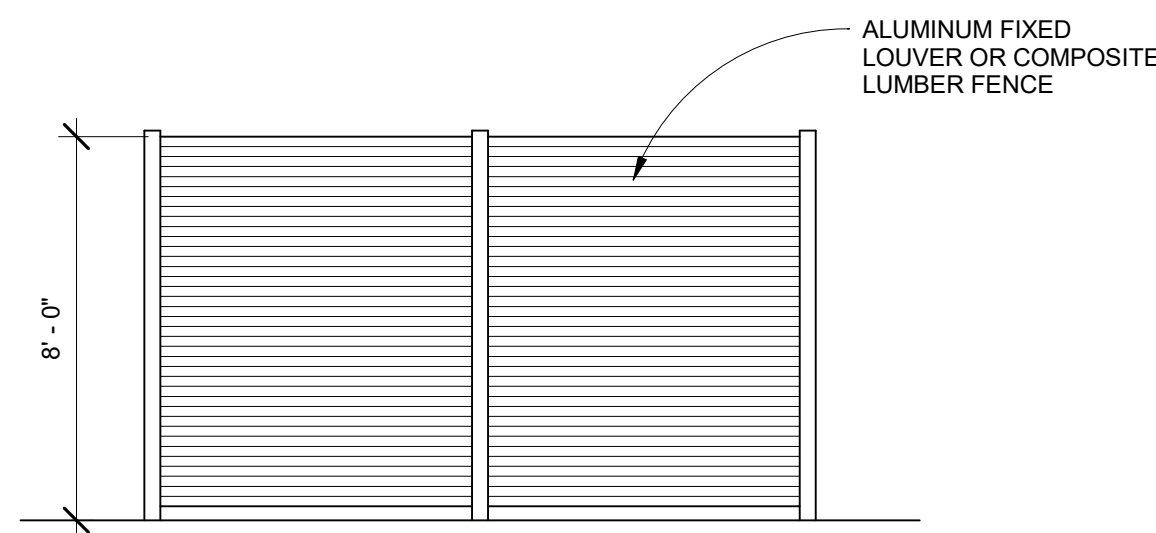
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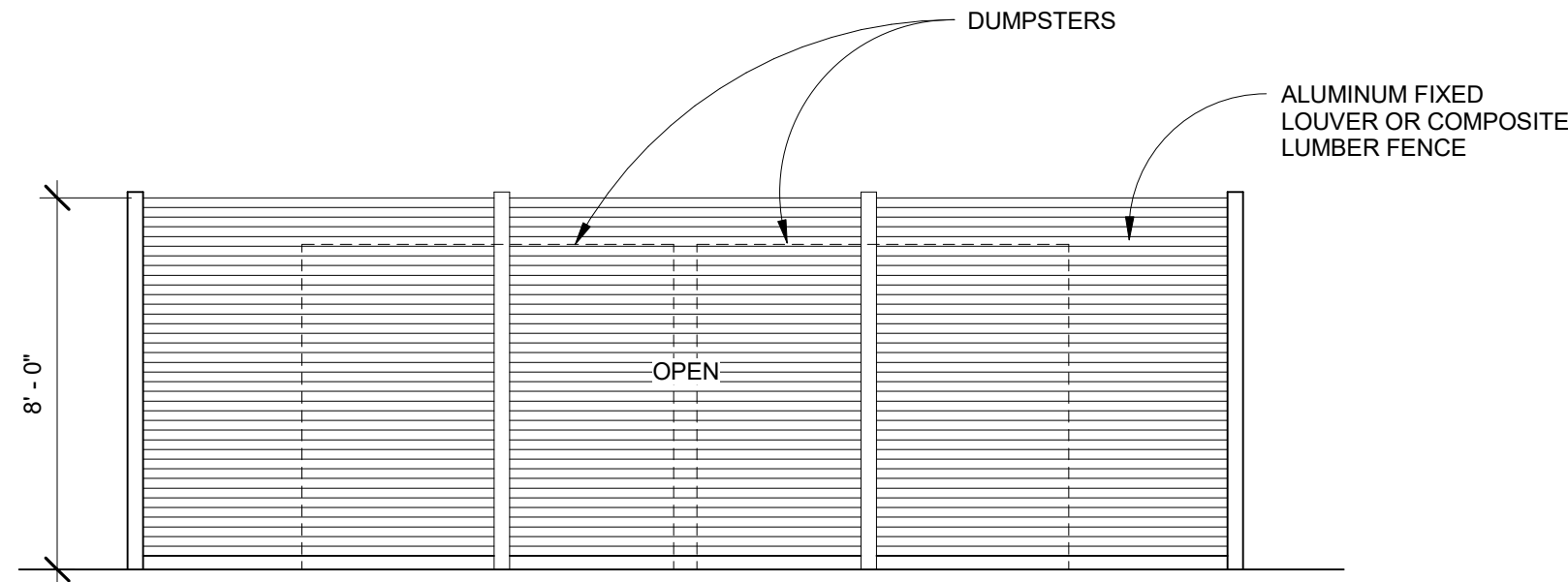
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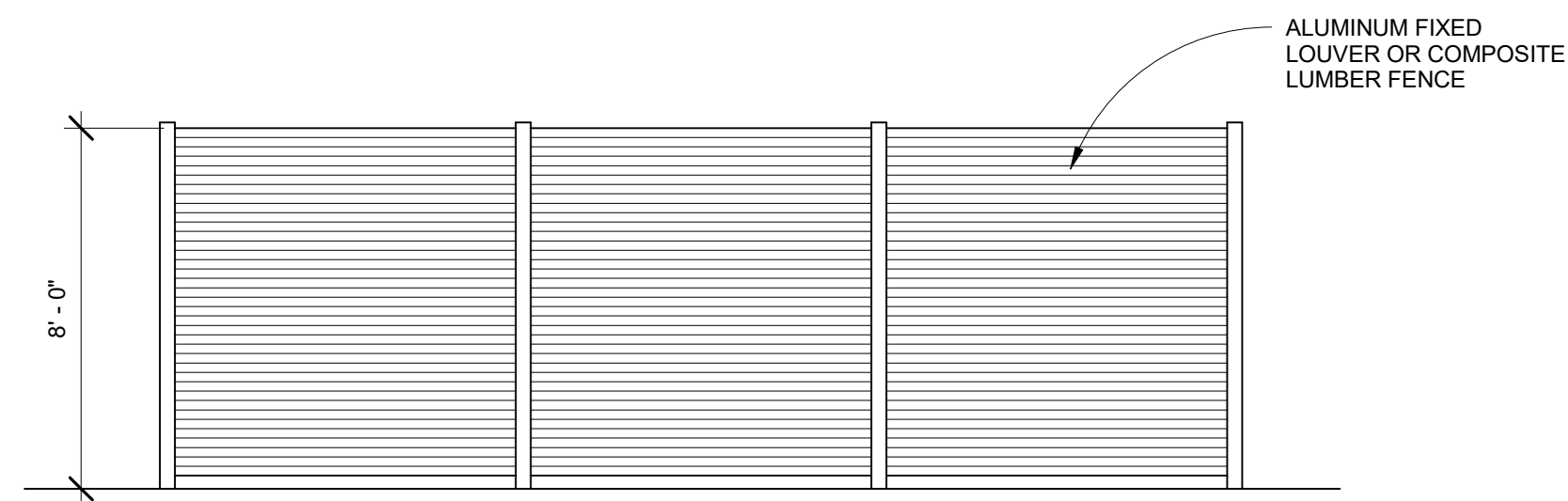
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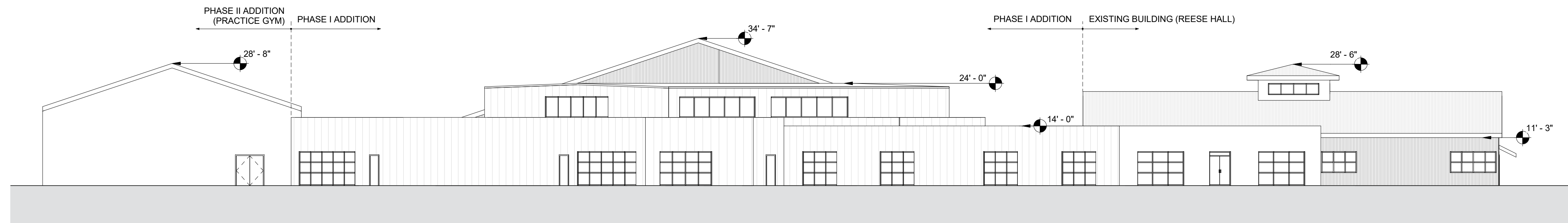
7 TRASH ENCLOSURE SIDE ELEVATION (TYP. 2)
1/4" = 1'-0"



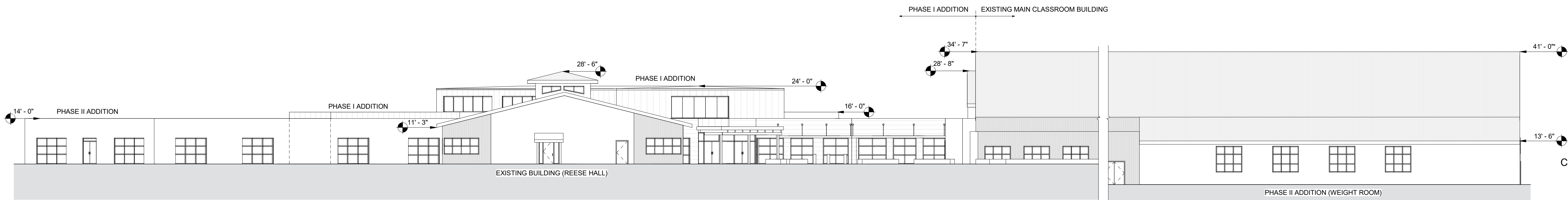
6 TRASH ENCLOSURE FRONT ELEVATION
1/4" = 1'-0"



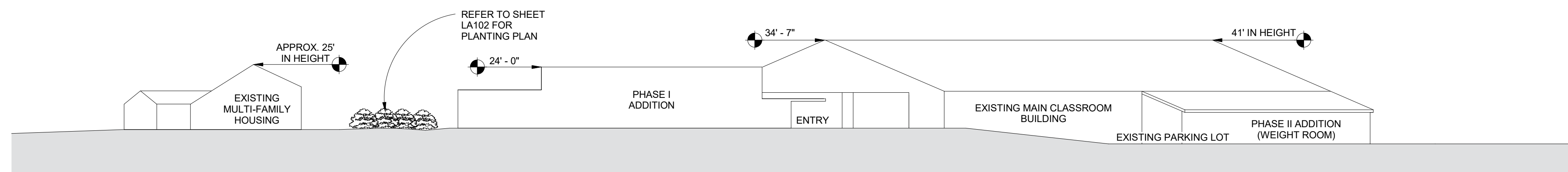
5 TRASH ENCLOSURE BACK ELEVATION
1/4" = 1'-0"



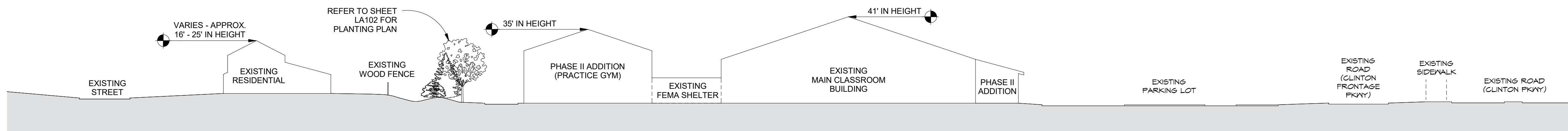
4 WEST ELEVATION
1/16" = 1'-0"



3 SOUTH ELEVATION
1/16" = 1'-0"



2 SITE SECTION LOOKING NORTHEAST
1" = 30'-0"



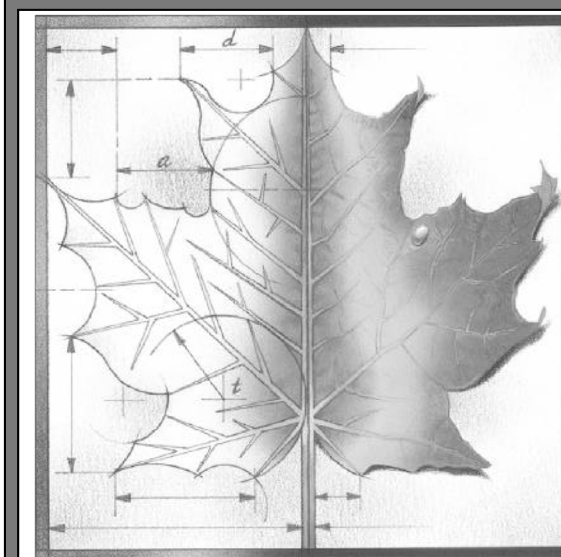
1 SITE SECTION 1 LOOKING EAST
1" = 30'-0"

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Date:

02-20-18

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Academy SUP**

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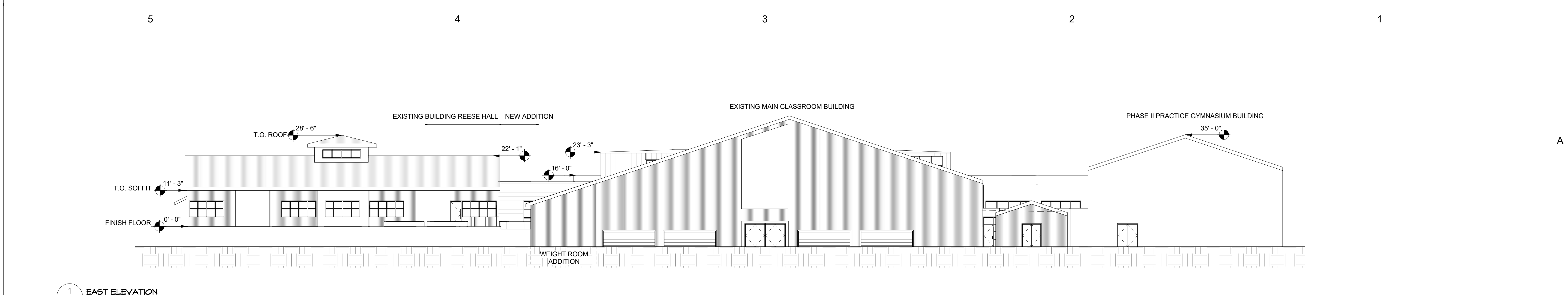
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Sheet Title:

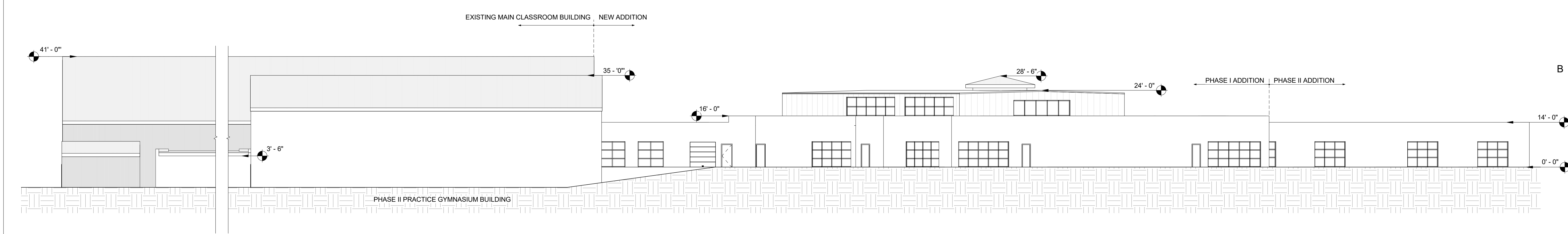
SITE SECTIONS AND ELEVATIONS

Sheet:

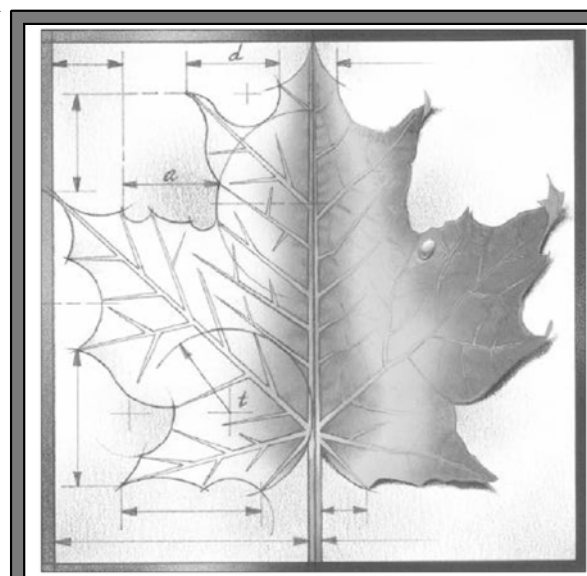
A101



1 EAST ELEVATION
A 102 1/16" = 1'-0"



2 NORTH ELEVATION
A 102 1/16" = 1'-0"



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Information provided on the drawings regarding existing conditions has been obtained from the best sources available, but cannot be guaranteed in all respects. Contractor shall verify all such information prior to proceeding with any new work that may be affected. Include as part of the contract all work required to produce the indicated result. All drawings and written material appearing herein constitute the original and unpublished work of the Architect, and same may not be duplicated, used or disclosed without the written consent of the Architect.
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NOT FOR CONSTRUCTION

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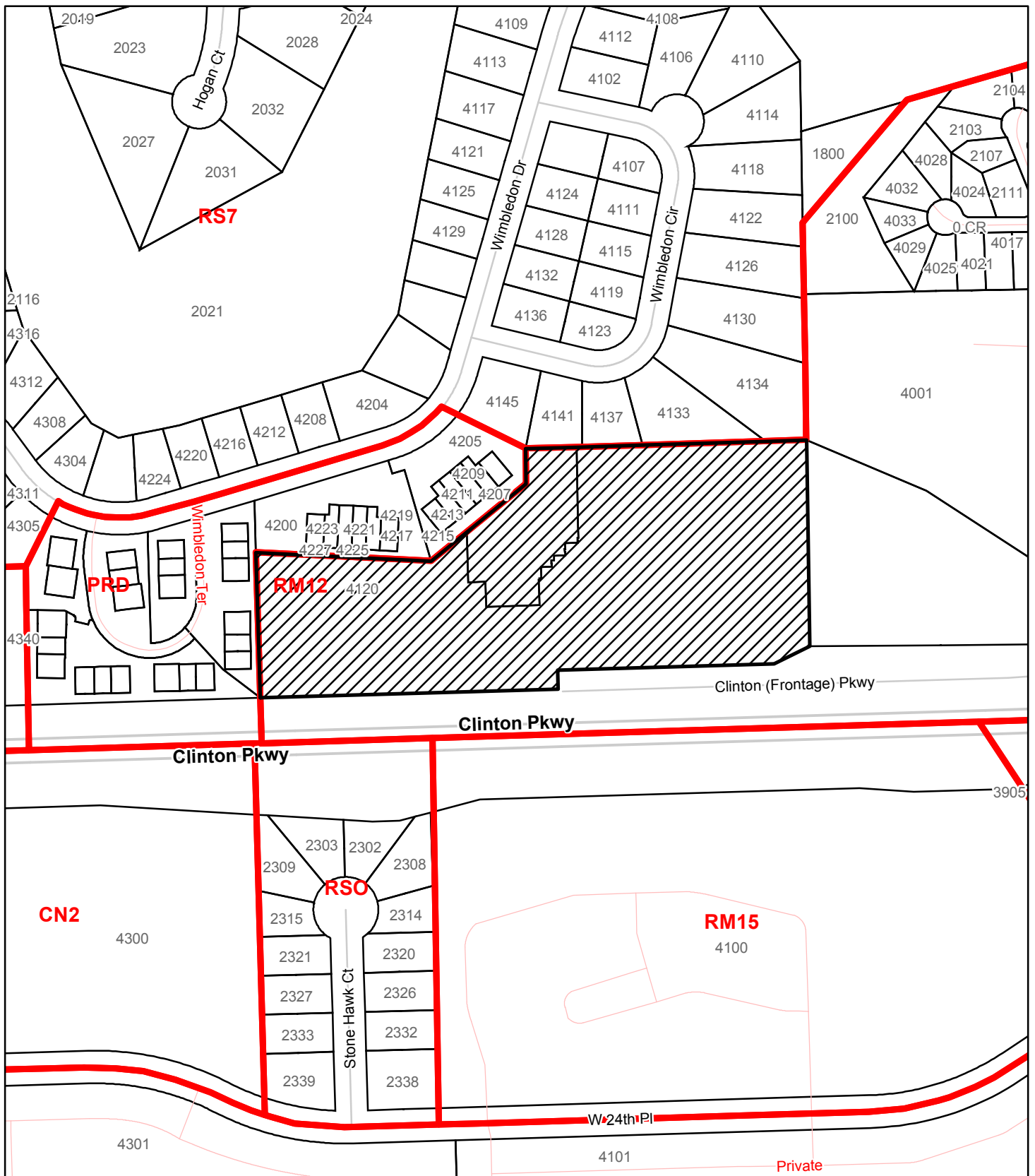
Project Number: -
Date:

Project Name:
Bishop Seabury Academy

Project Address:
4120 Clinton Pkwy, Lawrence, KS 66047

Sheet Title:
EXTERIOR ELEVATIONS

Sheet:
A 102



SUP-18-00076: Special Use Permit for a 30,342 SF building addition at Bishop Seabury Academy, to accommodate additional classrooms, office, cafeteria/kitchen and chapel spaces, located at 4120 Clinton Parkway.



From: Mary Curtis [<mailto:mary@drckansas.org>]

Sent: Tuesday, April 17, 2018 4:17 PM

To: Sandra Day <sday@lawrenceks.org>

Cc: terrij719 <josar2x2@aol.com>; tom <tkc1936@hotmail.com>

Subject: "Special Use Permit", Bishop Seabury Academy, Meeting April 23rd, 2018

Ms. Sandra Day
Planning Commission

Dear Ms. Day:

After meeting with some of the homeowners from the Wimbledon Townhomes Homeowner Association about the proposed construction at Bishop Seabury Academy, I would like to share some concerns that were voiced at the meeting. They are as follows:

- 1) We are, of course, concerned about noise and debris during the construction phase, because it is taking place in our "back yard." We would like assurances that work on the project will be limited to weekdays and to reasonable hours, and that every effort will be made to minimize the disruption to the neighbors.
- 2) We are worried because neighbors, including children, already use the area around the tennis courts to walk their dogs, to play, and to travel back and forth to the school and to 23rd Street. We are concerned that during the construction phase there will be even more traffic through our property, and that neighbors (and especially their children) will have access to and be attracted to the construction area. We would like assurances that during the construction phase there will be adequate fencing to prevent foot traffic through our property and use by neighbors of those potentially dangerous areas where the construction is taking place.
- 3) We are concerned that the project will produce an unsightly view from our townhomes. We would like assurances that the completed project will include landscaping to create a visual barrier between our homes and the new buildings. This is our "back yard," and the finished project should present a pleasant view from our patios and windows. We are aware that the current plans include extensive landscaping along the north side of the Bishop Seabury property, and we would like the school to commit to actually installing the landscaping and to maintaining it.

Thank you for passing along our concerns. I am planning to be at the meeting on Monday, and would like to address the commissioners.

Mary Curtis
4219 Wimbledon Drive
Lawrence, KS 66047
(785)841-5378
mary@drckansas.org

From: terrij719 [<mailto:josar2x2@aol.com>]

Sent: Saturday, April 14, 2018 4:09 PM

To: Sandra Day <sday@lawrenceks.org>; tom <tkc1936@hotmail.com>

Subject: Re: Bishop Seabury project

Dear Sandra,

I am writing regarding the upcoming special use permit that Bishop Seabury Academy is asking for regarding the upcoming expansion. First I want you to know that Bishop Seabury has been a great neighbor and invited the neighborhood to a meeting to explain their project. I attended the meeting and was thankful for the opportunity to see and ask questions. I walked outside after the presentation and talked with the architect. I shared with them my concern regarding the draining and how the water flows, especially during rainy times. The creek space by my unit fills up very quickly and the water runs quickly through the properties. Not only does the water run rapid, the water level raises up onto our property as well up the banks on the opposing side. I want to share my concerns with you as well as I am unable to attend the meeting on April 23rd. I understand the upcoming expansion but want all stakeholders to be aware of the drainage concerns when there is a lot of snow or rain. Thank you for your time to read my concern. Please let me know if you have any further questions.

Terri Johnson
4205 Wimbledon Drive
Lawrence, KS 66047
785-760-4131

From: Tom Kluge [<mailto:tijkluge@gmail.com>]

Sent: Tuesday, April 17, 2018 7:50 PM

To: Sandra Day <sday@lawrenceks.org>; tkc1936 <tkc1936@hotmail.com>

Subject: Bishop Seabury Academy Special Use Permit

Sandra,

I'm writing to express some concerns about the Bishop Seabury Academy renovation project that they are embarking upon. First let me say that they are a very good neighbor to the Wimbledon Town Home association. They invited all of us to a meeting at which they explained what they were planning to do complete with drawings and a detailed explanation by the architect. We appreciated that very much. Nonetheless, I have concerns about the results of what they are planning.

The four tennis courts they have are going to be removed which is a good thing as they are old, cracked, not maintained, and an eyesore. My concern is the drainage that will result from them removing the courts. There is a definite slope to what will remain and I'm not sure the runoff can be handled by the drainage that is now available. I'm also concerned about how they will landscape the bare ground that will remain. I do not recall them mentioning putting in a fence that will separate our properties once the project is complete either. I think aesthetically that would be a good idea. Along with the drainage issue I'm concerned about the Association's sewer line that borders the property. With all the heavy equipment that will be used during construction the possibility of it being run over and damaged is very good. If it is damaged that could be a major expense and headache for the Association.

I'm very much in favor of the Academy expanding because they are a top notch institution.

However, I am asking the Commission to take into consideration the Association's concerns as well so the two entities can continue to live in peace and harmony.

Tom Kluge
4223 Wimbledon Drive
Lawrence KS 66047
316-734-6168

Sandra,

Thank you for visiting with me and explaining some of the things the city planners are doing in preparation for the commission meeting as they consider the approval of the Bishop Seabury special use permit. Bishop Seabury has been a good neighbor; however, I do have some concerns that merit consideration to mediate some of the issues that may arise both before, during, and after the construction of the new building. In this letter, I will discuss two issues I think should be reviewed as you prepare for the meeting: the sewer line / ground water drainage and the landscaping on the north side of the new building.

Sewer line / ground water drainage: After our discussion I walked the grounds on the south and east sides of the Wimbledon Townhomes Association (WTA). As we discussed, it is unknown where the school ties into the city sewer line and I saw no indication where that might be. I did discover what I believe is a ground water drain that captures ground water about 6 feet east of the western manhole. Based on the drawings we reviewed, I believe the drain is inside the city easement, but over or very close to WTA property. I spoke with several WTA owners and no one knows anything about this drain. If the school has a ground water drainage system in that area, I could not see where it drains into the stream on the east side of the property and I think it would be unusual if the ground water were draining into the current sewer line.

As I walked along the stream bed on the east side of WTA looking for any indication of a ground water drain from the school, I discovered an underground drain that begins on the south side of the Wimbledon Drive bridge that allows the normal water flow from the golf course area north of the road to be piped underground for about 100 yards along the northeast corner of the WTA property and exits through what appears to be about a 14" pipe downstream between the homes and school property. During normal flow, there are no issues, but after a heavy snow fall or rain storm the flow exceeds the drainage pipes capacity and the WTA gets a significant amount of ground water in the stream bed that erodes WTA property. As you look at the water flow in the area, I would recommend you consider whether or not the current diversion of the stream flow through the existing pipe is adequate to protect WTA property and consider where the school will connect its proposed ground water drainage system that rings the new building and projected future expansion on the west and north sides of the proposed building sites.

I am also concerned about the sewer line that runs in the easement area between the WTA and the new school building. I recently got a note from Tom Cotte' who had met with the Lawrence Utility and Engineering Departments. To discuss the sewer line position and condition. He said they had followed up on your request and had run a camera through the sewer line. I appreciate your quick action to determine its condition. Additionally, the city engineer, Chris Wice, said the city would maintain the 8" sewer line that they believed is buried 6 – 8' feet deep. The WTA really appreciates the city's agreement to maintain the 8" line.

Given our clay-based soil that expands and contracts depending on moisture content and how close the building will be to the property line, I am concerned that the heavy equipment

required to remove the pool and the tennis courts, as well as haul in and compact the dirt for the building's foundation could damage the line. While I understand from your note that "any damage to the line resulting from construction – that would be the responsibility of the developer/contractor," if it were to be damaged, the impact on WTA would be significant because it is likely that the damage would not be known until the line back-up.

Landscaping on the north side of the new building: I appreciate you taking time to explain how the city views the requirements for the distance between a building and the property line and the density of the landscaping between single-family homes and multi-use buildings (apartment buildings, townhomes, condominiums, etc.). You explained that there is a significant difference in the landscaping density requirements between single-family homes and multi-use buildings. While I understand that currently the city considers connected condominiums and townhomes in the same category as commercial apartment complexes, I do not believe that decision is in line with the city's current **mission**, "We are committed to providing excellent City services that enhance the quality of life for the Lawrence Community," and one of the city's **critical success factors** "Safe, Healthy and Welcoming Neighborhoods - All people in Lawrence live in neighborhoods that provide opportunities to lead a healthy lifestyle through good neighborhood design with access to safe and affordable housing and other services that help them meet their basic needs. The diverse and unique features of our neighborhoods are celebrated, creating a stronger community as a whole."

I recommend the city reconsider its decision to treat the single-family home owners whose walls happen to be connected (condominiums and townhomes) as they do the tenant occupied commercial apartment complexes. Given the dramatic difference in owner and tenant life styles and the neighborhoods where they are generally located, I question if it is consistent with the city's mission and critical success factors in view of the very different perspectives between tenants of commercial apartments and the owners of condominiums and townhouses.

The WTA is very different than a commercial apartment complex where tenants constantly transition through rental units without any vested interest in maintaining the building or the aesthetics of the property. The WTA owners are single-family home owners who live in their homes for many years and are vested in maintaining the building and the aesthetics around the building. Our owners enjoy spending time on their porches with family and friends just like the other single-family homes owners along Wimbledon Drive. The only real difference between single-family home owners and WTA owners is that we have connected walls and we work together to reduce the workload on an individual owner for the maintenance of their individual home. I do believe that the landscaping between the new building and our homes should be more closely in line with that of a single-family home than a commercial apartment complex. In short, it should provide privacy and enhance the view from the WTA owner's porches and not just look like the back of a commercial shopping center with a few windows and doors.

Thanks again for taking time to help me understand a few of the many aspects the city is considering as it reviews this special use permit prior to the commission meeting. I hope you have a good trip next week and I am sorry you will not be at the commission meeting, you have

a wealth of information and I really appreciated how you explained the issues as you considered both the cities, the developer and the WTA perspectives.

Respectfully,

Bob Banning
4211 Wimbledon Dr.
785 979-8038

April 23, 2018

City of Lawrence
Planning and Development Services



Re: SUP-18-00076 Bishop Seabury Academy

I represent Wimbledon Terrace Townhome Association and the 23 unit townhomes on the property adjoining Bishop Seabury's west property line. We have a private drive and private green space and landscaping on our property (4301 Wimbledon Terrace)

As a part of this expansion we would like to request Bishop Seabury install a barrier/wood fence on the west property line to separate the properties. We already have a wood fence along Clinton Parkway on our property to help cut down foot traffic across our property and also noise from 23rd street. A solid fence on the Bishop Seabury west property line would offer a sound barrier and hopefully prevent foot traffic across our property. In the past we have experienced recurring problems with students cutting across our private green spaces to get to the school rather than using the public sidewalks. In some areas it was so bad a foot path was actually cut in the lawn. There have also been times when the students were playing outside and came over west of the tree line and were playing on our property. A solid fence would alleviate this foot traffic on our property. We also have a lot of senior residents/drivers. We do not want the liability concerns of students on our property.

It is our understanding (from city aerial views) the cedar trees are on the Bishop Seabury property. I would also like to point out these need treatment for bagworms and would also like to request during their excavation that the thorny trees and shrubs on their property be removed. They are near our property and constantly putting out thorny feeders.

Your consideration of these factors is greatly appreciated. The fence is essential in eliminating the walking through our private property. Without it the students will continue to cut through and with the expansion this will only become a greater problem.

I am unable to attend the meeting due to other conflicts. Please share and consider our concerns. This letter was provided prior to 10 a.m. to be considered as an official comment.

Sincerely,

Janice Rake (unit 3A)
President, Wimbledon Terrace Townhome Association
620-473-0646 janicrerake@gmail.com

April 20, 2018

RE: Special Use Permit Bishop Seabury Academy

Hello Bishop Seabury

I have lived in the west building of the Wimbledon townhomes next to the tennis courts for over 25 years. We have always enjoyed having Bishop Seabury Academy as our neighbors. Aside from adding to the educational service, culture and character of Lawrence, Bishop Seabury's students and faculty have been courteous and respectful of their residential neighbors.

We recently learned that you plan to expand and renovate your property. It seems that much of the expansion will enhance your property and its appearance to the neighbors. Part of your plan mentions that you will replace the tennis courts with landscaping and plantings. In this aspect of the renovation, there are a couple of issues that residents of the west Wimbledon building wish to raise.

1. We are not sure of the exact property lines but the plantings of the row of juniper shrubs along the south side of the west building. This planting occurred many years ago when Alvamar owned the property. We would like these shrubs to remain in place. We will continue to trim and maintain these juniper shrubs.

2. If possible, we would prefer that the construction time is optimized so that there is minimal time between when the demolition occurs and the new construction is completed.

Again thank you for being excellent neighbors.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Aust".

Ron Aust
4221 Wimbledon Drive

To: Sandra Day, City/County Planner

Lawrence-Douglas County Metropolitan Planning Commission

From: Tom Cotte', Unit Owner Wimbledon Townhomes Association

Re: **Bishop Seabury Academy's Application for a *Special Use Permit***, SUP-18-00076, April 23, 2018

Date: April 19, 2018

Wimbledon Townhomes Association (**WTA**) consists of two six-unit buildings plus a six-stall garage structure, built in the 1980s on 4 acres. Bishop Seabury Academy's (**BSA**) north boundary parallels WTA's south border, about 615 feet. At any one-time, only 15 people occupy these twelve residences: two thirds are retired; 4 working; no less than three occupants are near or 80+ years old. The southern side of the WTA buildings have small back yards and are seriously exposed: All twelve units have medium or large patios, some with two sets of sliding glass doors; eight homes have balconies, each with double sliding doors; and six apartment master bedrooms which have doors leading to some of the patios. Presently, the existing Seabury structures and tennis courts shield our property from Clinton Parkway and people traffic. Generally speaking, in contrast to Seabury's improvement plan, WTA's southern exposure of the Academy looks like the rear yard of a large residence, i.e., the swimming pool, tennis courts, scattered green spaces, etc.

We appreciate our relationship with Bishop Seabury Academy: They have been a good neighbor and cognizant of our interests. Also, we extend a huge thanks to Sandra Day for her efforts in quickly responding to our members' requests and providing helpful suggestions to expeditiously process our appeal to the Commission.

WTA has several CONCERNS regarding Seabury's new project:

1. SCHEDULING OF EXCAVATION AND CONSTRUCTION; OTHER RELEVANT MATTERS:
We understand the building process will occur during the off-school months into the latter half of 2019. We ask: What will be the condition and appearance of the grounds during the interim periods between excavation and construction? Furthermore, what effect will the excavation activity and equipment have on the integrity of the 8" sanitary sewer pipe in the easement shared with Seabury? Reportedly, the funding campaign to finance the project may not be fulfilled (Chad Lawhorn, *Lawrence Journal-World*, April 15, 2018). What delay, if any, will this cause for commencing and completing Phase I? . . . not to mention the continuing inconvenience and discomfort to our town-home owners?
2. DRAINAGE:

Water drains not only along our southern (Seabury's northern) border but also from the west on and through our front lawns toward the eastern channel. Add the water coming off the golf course and this culvert can quickly become flooded with or without the catch basin immediately south of the street bridge. Query: What effect on the drainage situation with emphasis on the reshaping of ground on the west resulting from the tennis courts? What assurance do we have that our property can avoid flooding in the event of long, hard rains?

3. SANITARY SEWER PIPES:

According to Lawrence Engineering and Utility Departments (Chris Rice and Cody Weber commissioned CCTV camera

run), the City's 8" line in the easement behind the east building is the City's responsibility to maintain. Of note however

is that the pipe is a mere twenty feet (+ or-) from the pool which is scheduled to be removed and filled with earth. The

sewer line in the easement south of the west building is only 4" in diameter was installed 40 years ago and owned and

maintained by WTA. Here we are questioning the effect of movement, compacting and terracing of dirt and possible disturbance of WTA's sewer systems.

4. APPEARANCE OF THE NEW COMPLEX FROM WTA'S VIEWPOINT:

Presently, the location of the existing buildings and tennis courts forms a barrier on Seabury's land between Clinton Parkway and WTA. Following the destruction of specified structures and the removal of the tennis courts and finish grading, the question arises as to the appearance of the in-process condition during and following completion of Phase I, which we understand will continue for one and a half years (?) from start to finish of the project. Examples: will the resulting open space created by removal of the tennis courts on the west between the highway and WTA be partially or totally secured in order to prevent open passage to our property from the north and south? The distance between the eastern town-home patios and the northern side of the new building is approximately fifty feet. Can the rear exposure of the new structure be somewhat concealed so as to detract from the strip mall appearance on SBA's north side?

5. EFFECT ON VALUE:

Discussions with three local longtime, seasoned Realtors produced consensus that a decrease in value of Wimbledon Townhomes is inevitable. This condition will occur during the long construction period and for an un-measurable time thereafter.

\

RECOMMENDATIONS:

1. Furnish a current schedule to a representative of WTA (or Tom Cotte', tkc1936@hotmail.com) of the construction process and provide periodic up-dates of any changes.
2. Shield the rear (north side) of the new building with fast-growing trees which will eventually grow into each other to a height of 12-15'.
3. Furnish a detailed plan of the proposed drainage system on BSA's northern border.
4. Furnish a suitable fence or other effective barrier on BSA's northern side which effectively prevents persons from crossing onto WTA grounds from as far south as Clinton Parkway.
5. Present landscaping treatments during non-construction periods.
6. Submit security/lighting plans for buildings and grounds.

Thank you for your consideration.

Tom Cotte'
4215 Wimbledon Dr.
Lawrence, KS 66047
620-481-0756

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/23/18

ITEM NO. 3: **RM12-FP to RM12; 2.48 acres; 3172-3257 Atchison Avenue and 3209 & 3215 Yankee Tank Lane (LRM)**

Z-18-00071: Consider a request to rezone approximately 2.48 acres from RM12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District to RM12 (Multi-Dwelling Residential) District, located at 3172-3257 Atchison Avenue and 3209 & 3215 Yankee Tank Lane. Submitted by Grob Engineering Services, for Yankee Tank Estates, LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 2.48 acres from RM12-FP District to RM12 District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition:

1. Applicant must receive Letter of Map Change (LOMC) from FEMA (pending) before rezoning request moves on to the City Commission for consideration.

Applicant's reason for request:

- *"Property was encumbered with a Floodplain overlay outside the FEMA SFHA because the property was recently annexed. Floodplain fill permits were obtained from COL and State of Kansas to fill lots. FEMA will be issuing a LOMR-F removing the property from the floodplain (pending). Permitted fill placement has raised the ground surface more than 2' above the base flood elevation so the FP overlay zoning is no longer applicable to the requested area."*

ASSOCIATED CASES/OTHER ACTION REQUIRED

- **PP-13-00195:** Yankee Tank Estates Preliminary Plat; a 56-lot subdivision of approximately 36 acres.
- **Z-13-00249:** Rezoning request from RM12 to RM12 to revise the condition restricting maximum density from 6 du per acre to 9.
- **Z-13-00250:** Rezoning request from RM12-FP to RM12-FP to revise the condition restricting maximum density from 6 du per acre to 9.
- **FP-13-00316:** A floodplain permit for fill and grading of the site.
- **B-13-00307:** Variance from Floodplain Regulations to allow fill across lot lines.

Other Action Required:

- Receipt of approved LOMC from FEMA.
- City Commission approval of rezoning request and adoption/publication of ordinance.

KEY POINTS

- The properties are platted.
- The properties are already zoned Multi-Dwelling Residential, Z-18-00071 concerns the floodplain overlay only.

- Applicant has raised subject property surface more than 2' above base flood elevation per fill and grading plan approved under FP-13-00316.
- Applicant is waiting for issuance of FEMA Letter of Map Change (LOMC) which will remove this portion of the property from the regulatory floodplain.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No written comments were received prior to the publishing of this staff report.

Project Summary

The subject parcels were zoned RM12-FP in accordance with Section 20-1201(c)(II) of the *Land Development Code*. For newly annexed land adjacent to regulatory floodways and floodplains, the *Land Development Code* requires the regulation of an additional two feet of freeboard based off of Base Flood Elevation (BFE) data found in the community's Flood Insurance Study (FIS). Therefore, at the time of annexation and zoning, the subject area was required to be zoned to RM12-FP, making it subject to the floodplain regulations. Since the original annexation and zoning, the applicant has added fill and graded the property in accordance with an approved floodplain development permit (FP-13-00316), raising the subject property more than 2'. As part of the fill and grading permit the applicant showed that the addition of fill would cause no rise to the floodplain and the grading plan was approved by the Stormwater Engineer. It is important to note that the majority of the subject lots are not located in the FEMA mapped regulatory floodplain, but only within the City's Floodplain Overlay District. The applicant has applied for a Letter of Map Change (LOMC) from FEMA and provided the application, as well as the updated hydrologic studies to the City. The applicant is submitting this application in anticipation of FEMA issuing a LOMC removing the subject property and some adjacent property from the FEMA mapped regulatory floodplain, in order to accommodate development in a timely manner. Assuming FEMA accepts the LOMC, the properties will no longer meet the requirements to be zoned to the FP District.

The requirement that newly annexed land have an extra 2' above BFE zoned to the Floodplain Overlay District and subject to the floodplain management regulations is designed to provide floodplain hazard protection and mitigation from the effects of development. In this case, the extra protection is no longer necessary because of the fill and grading work that has been approved and completed.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The subject properties fall within the area addressed by the Revised Southern Development Plan (incorporated into Chapter 14 of *Horizon 2020*). This rezoning will not remove any open space area recommended by the *Revised Southern Development Plan*. Zoning Districts suggested for the area are RS7, RS5, RM12, RM12D, and PD Overlay. Primary uses suggested are single-family dwelling, duplex, attached dwellings, group home, and public or civic uses (Page 18). The subject properties' proposed RM12 zoning aligns with the *Revised Southern Development Plan* and *Horizon 2020*.

Staff Finding - The proposed rezoning request conforms to *Horizon 2020* goals and policies related Zoning Districts and Land Use.

2. ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: RM12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District, vacant and Duplex use.

Surrounding Zoning and Land Use: To the east: RM12 (Multi-Dwelling Residential) District; Duplex use.

To the west: RM12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District; Undeveloped.

To the north; RM12 (Multi-Dwelling Residential) District; Duplex use.

To the south: RM12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District, OS-FP (Open Space with Floodplain Management Regulations Overlay) District and A (Douglas County Zoning Agriculture) District.

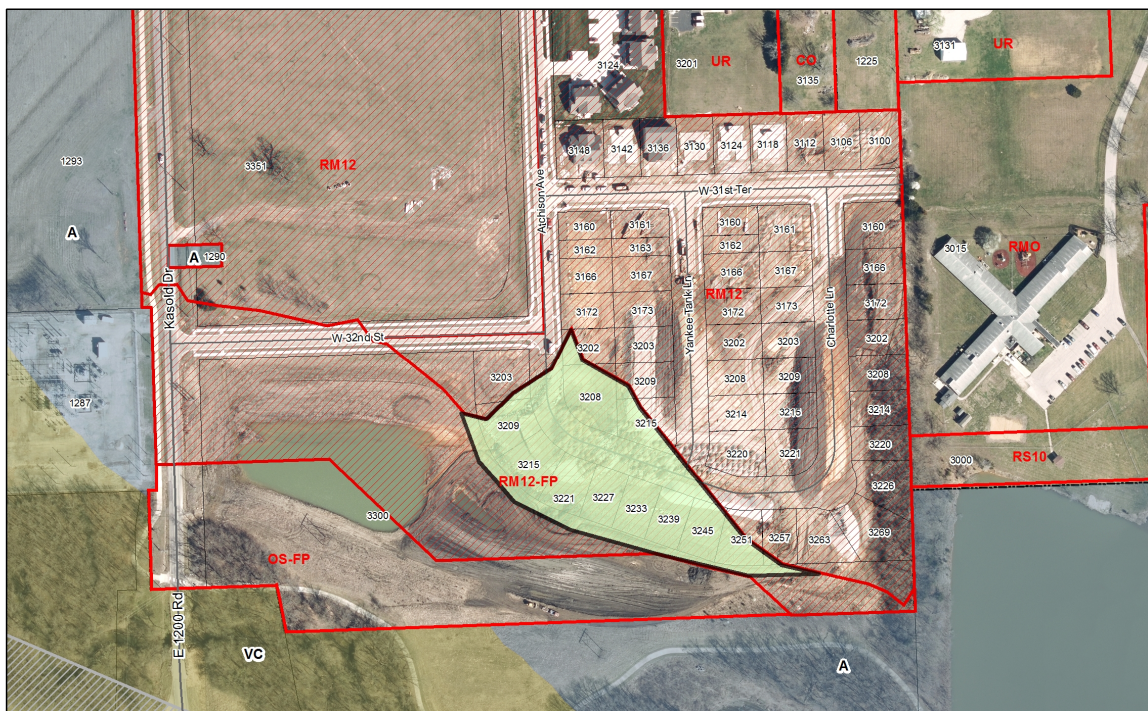


Image 1a: Green polygon represents RM12-FP area proposed to be rezoned to RM12. Floodplain Overlay to be removed.

Staff Finding – Nearby properties are zoned for agricultural uses with County A and V-C Districts. The remaining properties are zoned RM12 (Multi-Dwelling Residential) for townhome and duplex use. A portion of the current RM12-FP Zoning District will remain. This rezoning applies only to the lots along Atchison Avenue and Yankee Tank Lane encumbered with the Floodplain Overlay.

3. CHARACTER OF THE AREA

The immediate character of the area is most recognizable as residential (RM12, RS10, and RMO) and agricultural (County Zoning A District). The subject properties are adjacent to other multi-dwelling units. Maximum density of dwelling units per acre will not change with this rezoning.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the immediate area is principally residential in use.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Horizon 2020 recommends low-density residential development and Open Space use around the subject properties.

Staff Finding – Approval of the request is consistent with land use plans for the area. Maximum density is limited to 9 dwelling units per acre. This rezoning addresses the floodplain overlay only.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Staff Finding – The subject properties are not suitably zoned given the site has been raised more than 2' above the base flood elevation. Multi-Dwelling Residential use will remain but should no longer be encumbered by the Floodplain Overlay District.

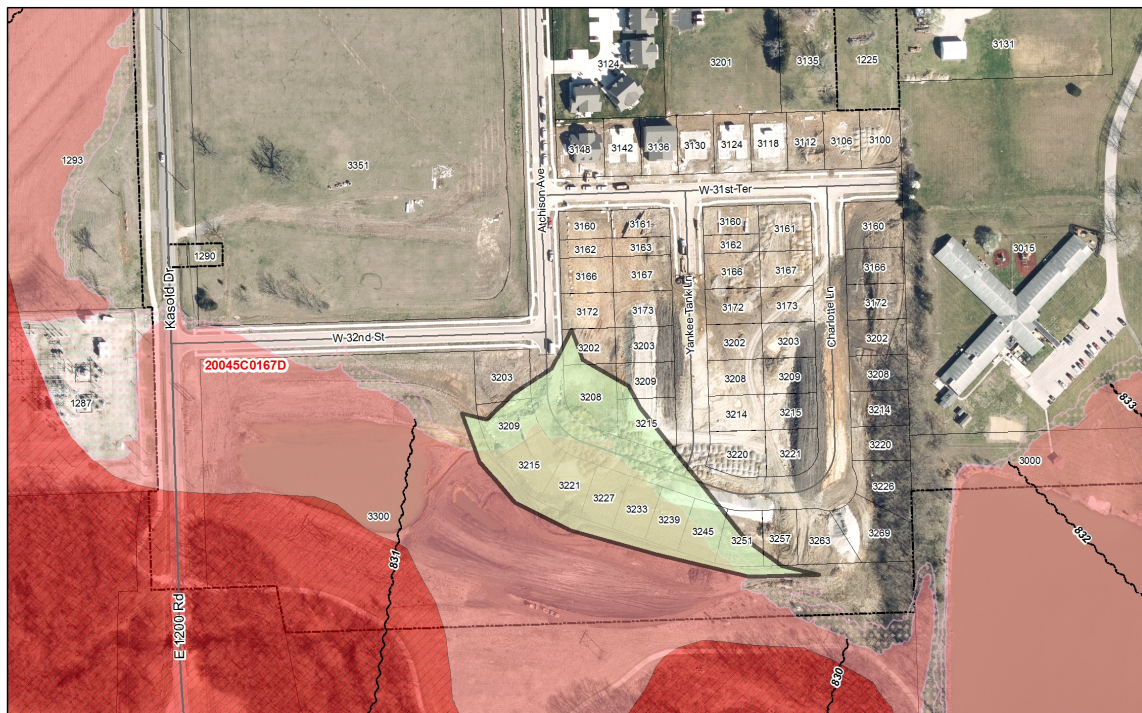


Image 1b: Green polygon represents area requested to be rezoned. Shades of red represent regulatory floodplain.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The subject properties were recently annexed into the City of Lawrence. Some lots have been developed. Lots are zoned for multi-dwelling construction with or without floodplain overlay.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Multi-Dwelling Residential development is permitted on these lots regardless of Floodplain Overlay District status. Maximum Density of dwelling units per acre will not change. The requirement that newly annexed land have an extra 2' above BFE zoned to the Floodplain Overlay District and subject to the floodplain management regulations is designed to provide floodplain hazard protection and mitigation from the effects of development. In this case, the extra protection is no longer necessary because of the fill and grading work that has been approved and completed and there will be no harmful effects on neighboring properties by removal of the Floodplain Overlay District.

Staff Finding – Rezoning from RM12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District to RM12 (Multi-Dwelling Residential) will not detrimentally affect nearby properties.

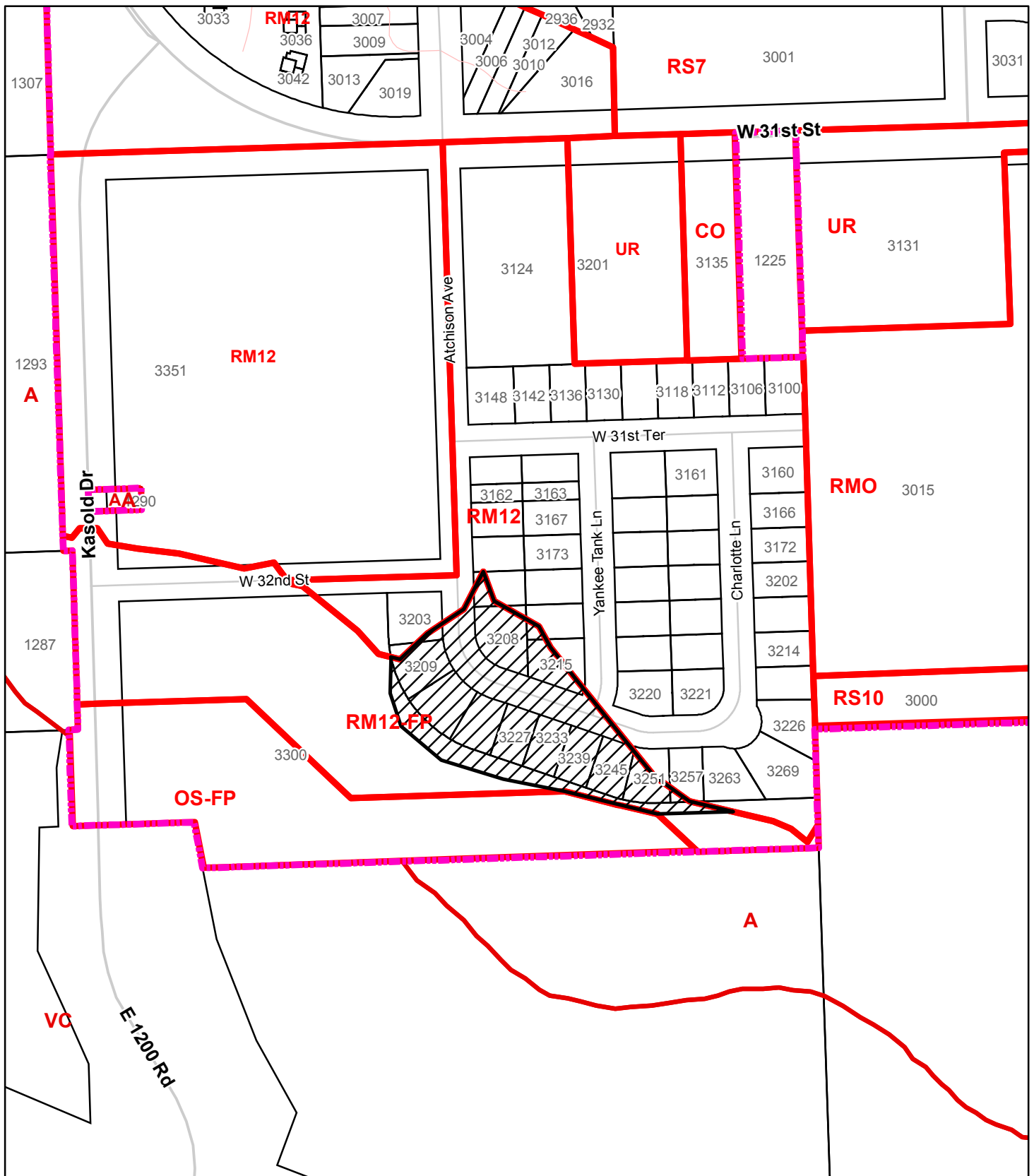
8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Evaluation of these criteria includes weighing the benefits to the public versus the benefits to the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety, and welfare.

Staff Finding – There would be no gain to the public, and there would be a hardship of the Floodplain Overlay District and related regulations to the landowners if the rezoning request is denied. The rezoning request would assign an appropriate zoning designation to the property for its current elevation more than 2' above base flood elevation. Subject properties will be developed in a similar manner to the surrounding RM12 District.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approving the rezoning of 3172-3257 Atchison Avenue and 3209 & 3215 Yankee Tank Lane to the RM12 Zoning District finding it appropriate for the subject properties. The applicant has raised the subject properties more than 2' above base flood elevation and is waiting for FEMA to approve a LOMC for the subject properties. This is in accordance with Section 20-1201(c)(II) of the Land Development Code. Staff believes it is appropriate to remove the Floodplain Overlay District for the subject properties. Staff recommends the Planning Commission approve removing the FP overlay from the subject properties with a condition that rezoning of the subject properties will not proceed to the City Commission until the Letter of Map Change is approved from FEMA.



Z-18-00071: Request to rezone approximately 2.48 acres from RM12-FP (Multi-Dwelling Residential and Floodplain Overlay) District to RM12 (Multi-Dwelling Residential) District, located at 3172-3257 Atchison Ave, 3209 Yankee Tank Ln, and 3215 Yankee Tank Ln.



Memorandum

City of Lawrence

Planning and Development Services

TO: Planning Commission

FROM: Planning Staff

Date: April 9, 2018

RE: **Item No. 4:** MS-18-00113: Consider a variance from the right-of-way width for a Minor Subdivision (lot combination) for Eagle Subdivision No. 2, located at 1803 W 6th St. Submitted by BG Consultants on behalf of Mount Oread Aerie 309 FOE Inc, property owner of record.

Variance requested: Reduction of Right-Of-Way for a Principle Arterial Street from 150' to 100'.

Attachments

- A: Minor Subdivision MS-18-00113
- B: Proposed Site Plan SP-18-00124

Minor Subdivisions are processed administratively; however, Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-18-00113) is under review but is included with this memo for context with the variance request. No other Planning Commission action related to the proposed Minor Subdivision is required.

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 memo provides background information on the variance request and evaluates the request for compliance with the approval criteria.

VARIANCE: Reduction in the width of right-of-way from 150' to 100' as required for a principal arterial street (W. 6th Street) per Section 20-810 (e) (5) of the Subdivision Regulations to allow the consolidation of existing platted lots into a single platted lot located along the W. 6th Street corridor.

BACKGROUND:

The standard for the required right-of-way width changed in 2006 from 100' to 150' with the adoption of the Land Development Code. This property is located on the south side of W. 6th Street and west of Wisconsin Street. This segment of W. 6th Street is a developed commercial corridor.

This segment of W. 6th Street is a uniform 100' wide with the exception of the west 500' between Iowa Street and vacated California Street. The applicant proposes no additional dedication of right-of-way, keeping the ROW width at 100'. As noted in previous reports, the 150' of required right-of-way is more applicable to new greenfield development rather than existing corridors unless a specific need is identified.

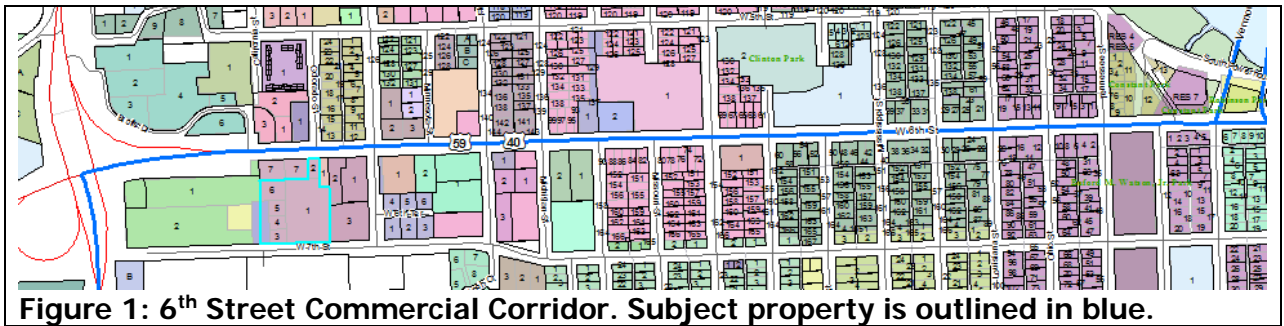


Figure 1: 6th Street Commercial Corridor. Subject property is outlined in blue.

A similar variance was approved by the Planning Commission on October 25, 2017 for the property to the east (MS-17-00554).

REVIEW CRITERIA:

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the subdivider.

Development along this segment of the W. 6th Street corridor includes commercial uses and multi-dwelling uses with building and parking lot setbacks based on the existing property line/right-of-way line configuration. This property is part of a proposed redevelopment project that assumes the same right-of-way as the adjacent properties.

Strict application of the regulations would require a dedication of right-of way for a narrow segment of property along the corridor. As properties have redeveloped along W. 6th Street, the dedication of additional right-of-way has not been required along this street segment. The right-of-way width is uniform between Kentucky Street to approximately 300' west of Colorado Street.

STAFF FINDING: Strict application of the regulations would require the property owner to adjust the existing lot line to the south by 25' and dedicate additional right of way. This would have the impact providing additional right-of-way width for a 65' long segment only. The strict application of the regulations would require the developer make a dedication that was not similarly required for a proposed redevelopment to the east within the same street segment. Granting this requested variance from the required right-of-way dedication is not opposed to the purpose and intent of the regulations.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

This design standard was adopted in 2006 with the Land Development Code. The wider right-of-width accommodates street design with boulevards, multiple lanes, and amenities that may or may not exist along developed street segments within the community. The Planning Commission has granted similar variance requests for other projects located along developed urban corridors designated arterial streets. A list of these projects is provided at the end of this staff report.

The intent of this minor subdivision is to consolidate lots for redevelopment purposes. The change in design requirements in 2006 requires the applicant to seek a variance from this standard as part of the subdivision process – Minor Subdivision Approval.

Section 20-810(e)(1) provides general design criteria for streets. Subsection iii states, "*Arterial and collector streets shall be laid-out, arranged, and designed in accordance with any adopted Major Thoroughfares Map or corridor plan.*" W. 6th Street is a *Principal Arterial Street* and is an existing street/developed commercial corridor.

Per Section 20-801(a) of the Subdivision Regulations, the purpose of the regulations is to ensure that the division of land will serve the public interest and general welfare. The regulations are intended to: "*Provide for the harmonious and orderly development of land within the City by making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related easements, light and air, and other public needs.*"

The property included in the Minor Subdivision application is not being divided; it is being consolidated, to create a single larger parcel for redevelopment purposes. The land combination will not alter the established street network in this area. There are no planned widening projects for this segment of W. 6th Street.

STAFF FINDING: Granting this requested variance from the required right-of-way is not opposed to the purpose and intent of the regulations.

Criteria 3: The public health, safety, and welfare will be protected.

W. 6th Street is a designated *Principal Arterial Street*. Its current width includes 100' of public right-of-way along this property. The current subdivision regulations require *Principal Arterial Streets* to include 150' of right-of-way. The current right-of-way for W. 6th Street is an existing condition of the corridor.

The Minor Subdivision and related site plan are in process. Part of the review includes the evaluation of a Traffic Impact Study. No indication of additional right-of-way is required.

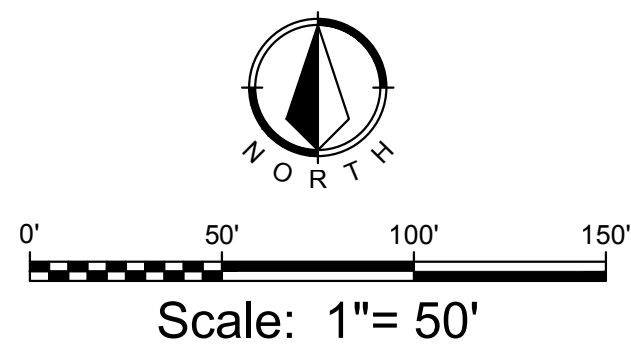
STAFF FINDING: Granting this requested variance from the required right-of-way will not harm the public health, safety, or welfare. These public aspirations will continue to be protected through the site development process.

STAFF RECOMMENDATION

Approval of the variance requested for a Minor Subdivision, MS-18-00113, to reduce the right-of-way, required per Section 20-810(e)(5) for a principal arterial street, from 150' to 100' in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at 1803 W. 6th Street.

Variance for Reduction of ROW for *Principal Arterial Street*

1. PP-15-00067 Dream Haven regarding Peterson Road (4/20/15).
2. PP-14-00303 Schwegler Addition regarding Ousdahl Road, a collector street (9/22/15).
3. PP-13-00338 Menards Addition regarding 31st Street (11/8/13 and 10/21/13).
4. PP-13-00352 Burrough's Creek Addition regarding Haskell Avenue (10/21/13).
5. MS-15-00096 Bella Sera at the Preserve regarding Bob Billings Parkway (5/18/15).
6. PP-16-00304 Rockledge Addition No. 2 regarding Bob Billings Parkway (9/26/16).
7. MS-17-00217 Lawrence Industrial Park No. 2 regarding Haskell Ave (6/28/2017).
8. MS-17-00390 Sunset Hills Estates regarding W. 6th Street (9/27/17).
9. MS-17-00554 Casey's Subdivision regarding W. 6th Street (10/25/17).



SINCLAIR'S ADDITION NO. 2

A REPLAT OF LOTS 3, 4, 5, 7 & 8, REPLAT OF BLOCK A OR LOT A OF SINCLAIRS ADDITION AND LOT A, LEMESANY ADDITION, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

DESCRIPTION

LOTS 3, 4, 5, 7 & 8, REPLAT OF BLOCK A OR LOT A OF SINCLAIRS ADDITION TO THE CITY OF LAWRENCE AND LOT A OF LEMESANY ADDITION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

GENERAL NOTES

- THE BEARINGS HEREON ARE ASSUMED.
- FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS MAJOR SUBDIVISIONS, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION 20-808(c)(5)(i).
- THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO SECTION 20-811(g) OF THE SUBDIVISION REGULATIONS.
- THE LOTS WILL BE PINNED PER SECTION 20-811(k) OF THE SUBDIVISION REGULATIONS.
- THE DRAINAGE EASEMENT (D/E) WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES AND WALLS).

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM), MAP NUMBER 20045C0159D, EFFECTIVE DATE AUGUST 5, 2010.

STREET TREES

STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE DOUGLAS COUNTY REGISTER OF DEEDS. BOOK _____, PAGE _____.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED PROPERTY, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME OF "SINCLAIR'S ADDITION NO. 2" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOT(S) AS SHOWN AND FULLY DEFINED ON THIS PLAT.

KIRSTEN K. KRUG ROBIN L. KRUG

DOUGLAS COMPTON, OWNER
DJC HOLDINGS LLC

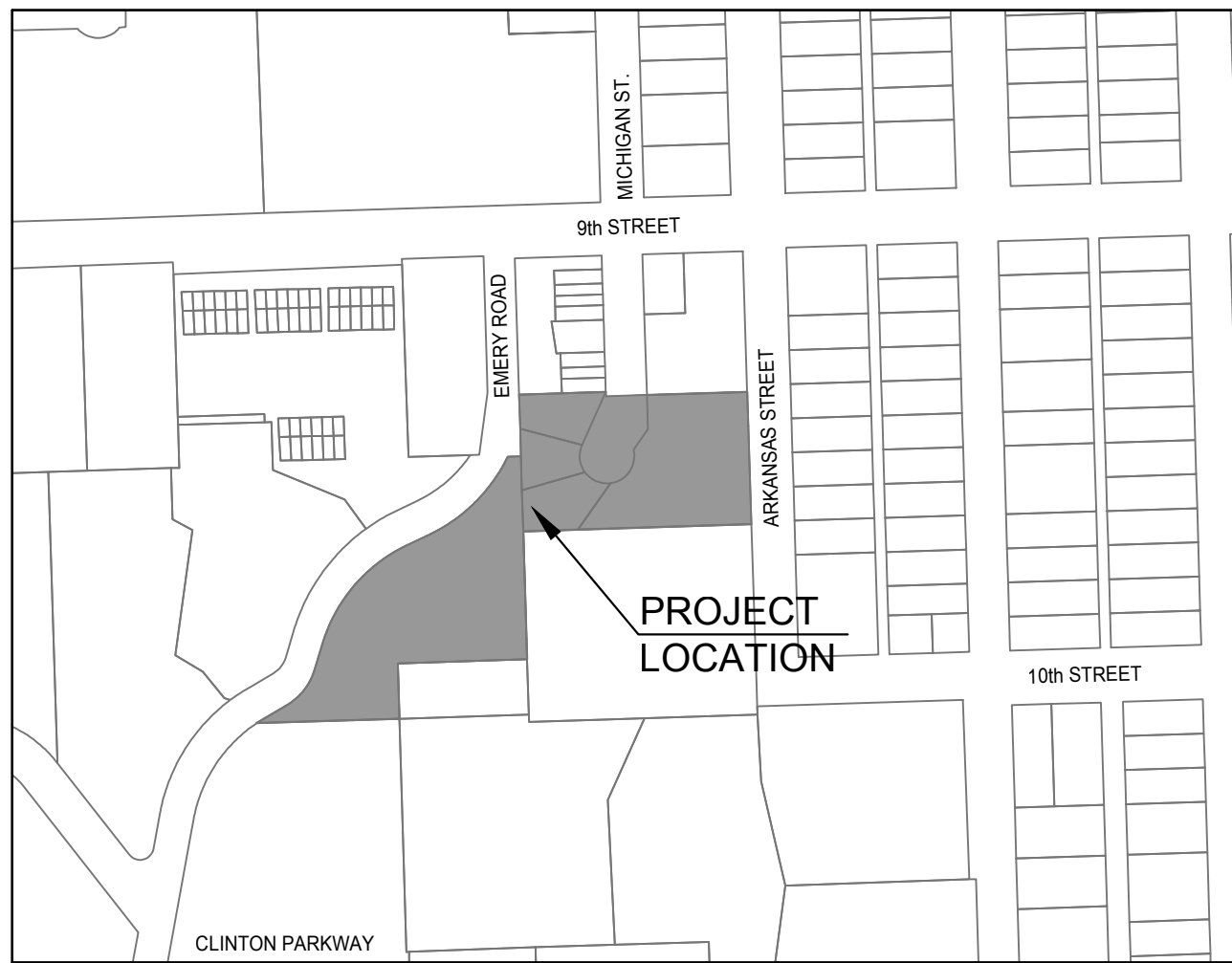
NOTARY CERTIFICATE:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:
I, JESSICA HERMESCH, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT KIRSTEN K. KRUG AND ROBIN L. KRUG, IS(ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH, GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF ____, A.D., 20____, MY COMMISSION EXPIRES APRIL 8, 2018.

NOTARY PUBLIC
(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

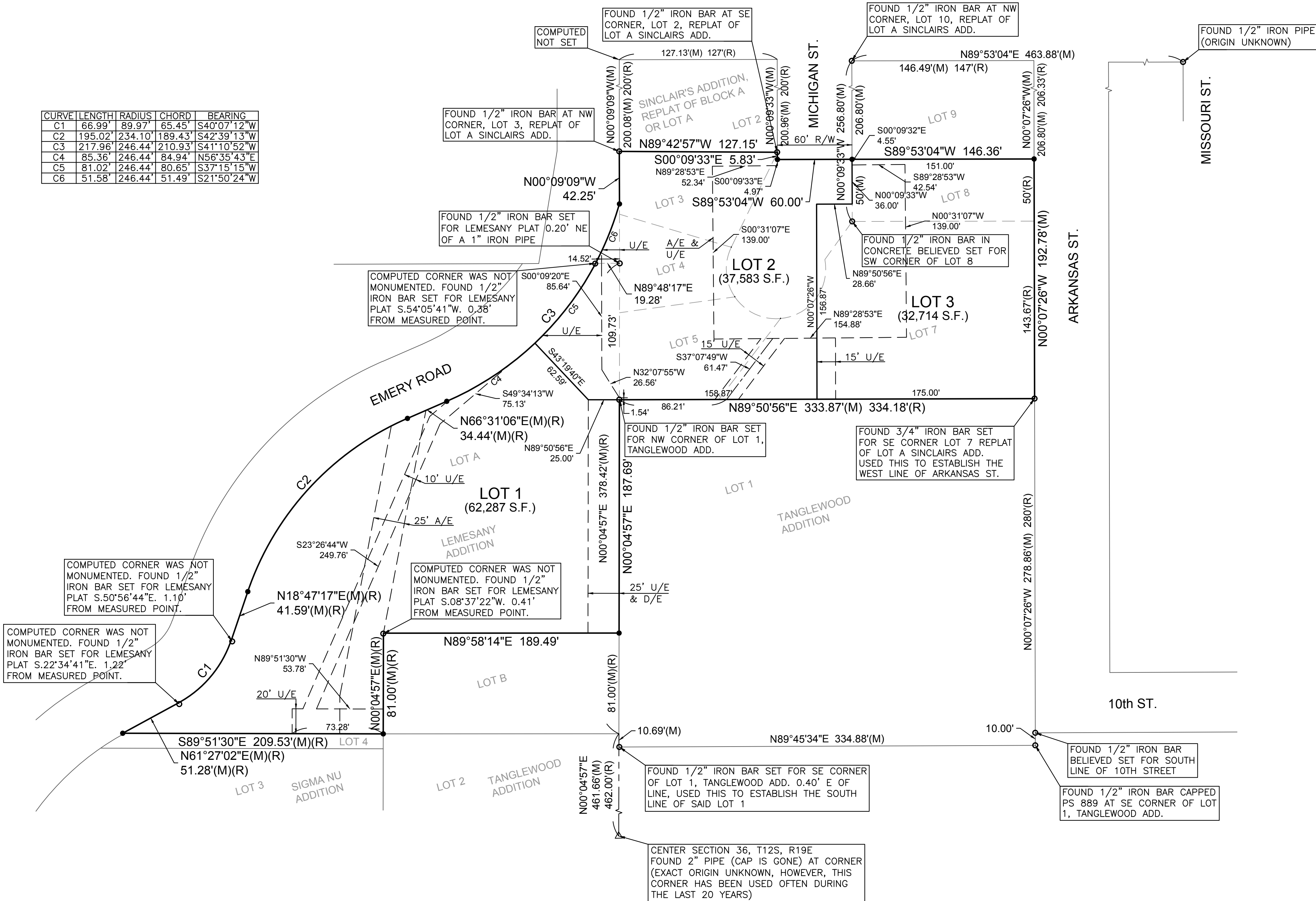
I, JESSICA HERMESCH, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT DOUGLAS COMPTON, OWNER, DJC HOLDINGS LLC, IS(ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH, GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF ____, A.D., 20____, MY COMMISSION EXPIRES APRIL 8, 2018.

NOTARY PUBLIC



LOCATION MAP

CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	66.99'	89.97'	65.45'	S40°07'12"W
C2	195.02'	234.10'	189.43'	S42°39'13"W
C3	217.96'	246.44'	210.33'	S41°10'52"W
C4	85.36'	246.44'	84.94'	N56°35'43"E
C5	81.02'	246.44'	80.65'	S37°15'15"W
C6	51.58'	246.44'	51.49'	S21°50'24"W



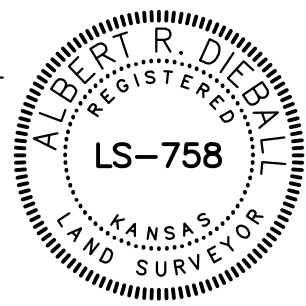
SURVEYOR'S CERTIFICATE:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR IN THE STATE OF KANSAS WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING, THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF DOUGLAS COUNTY, KANSAS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT, THAT THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND THAT ALL THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE FIELD WORK WAS COMPLETED JANUARY 2018.

BY: ALBERT R. DIEBALL, P.S., #758

BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(785) 749-4474



PLANNING DIRECTOR

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

COUNTY SURVEYOR

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005.

KEVIN R. SONTAG, P.S. #1640
DOUGLAS COUNTY SURVEYOR

LEGEND

- SET 1/2" x 24" IRON BAR WITH PLASTIC CAP MARKED "BG CONS PS 758"
- FOUND MONUMENT AS NOTED
- (M) MEASURED
- (R) RECORDED

CERTIFICATE OF THE REGISTER OF DEEDS:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

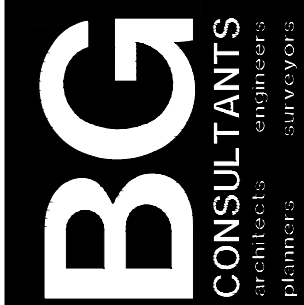
THIS INSTRUMENT WAS FILED FOR RECORD, ON THE ____ DAY OF ____, A.D., 2018 AT ____ O'CLOCK ____, M., AND DULY RECORDED IN BOOK ____ ON PAGE ____.

KAY PESNELL, REGISTER OF DEEDS

SINCLAIR'S ADDITION NO. 2

A REPLAT OF LOTS 3, 4, 5, 7 & 8, REPLAT OF BLOCK A OR LOT A OF SINCLAIRS ADDITION AND LOT A, LEMESANY ADDITION, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

MINOR SUBDIVISION

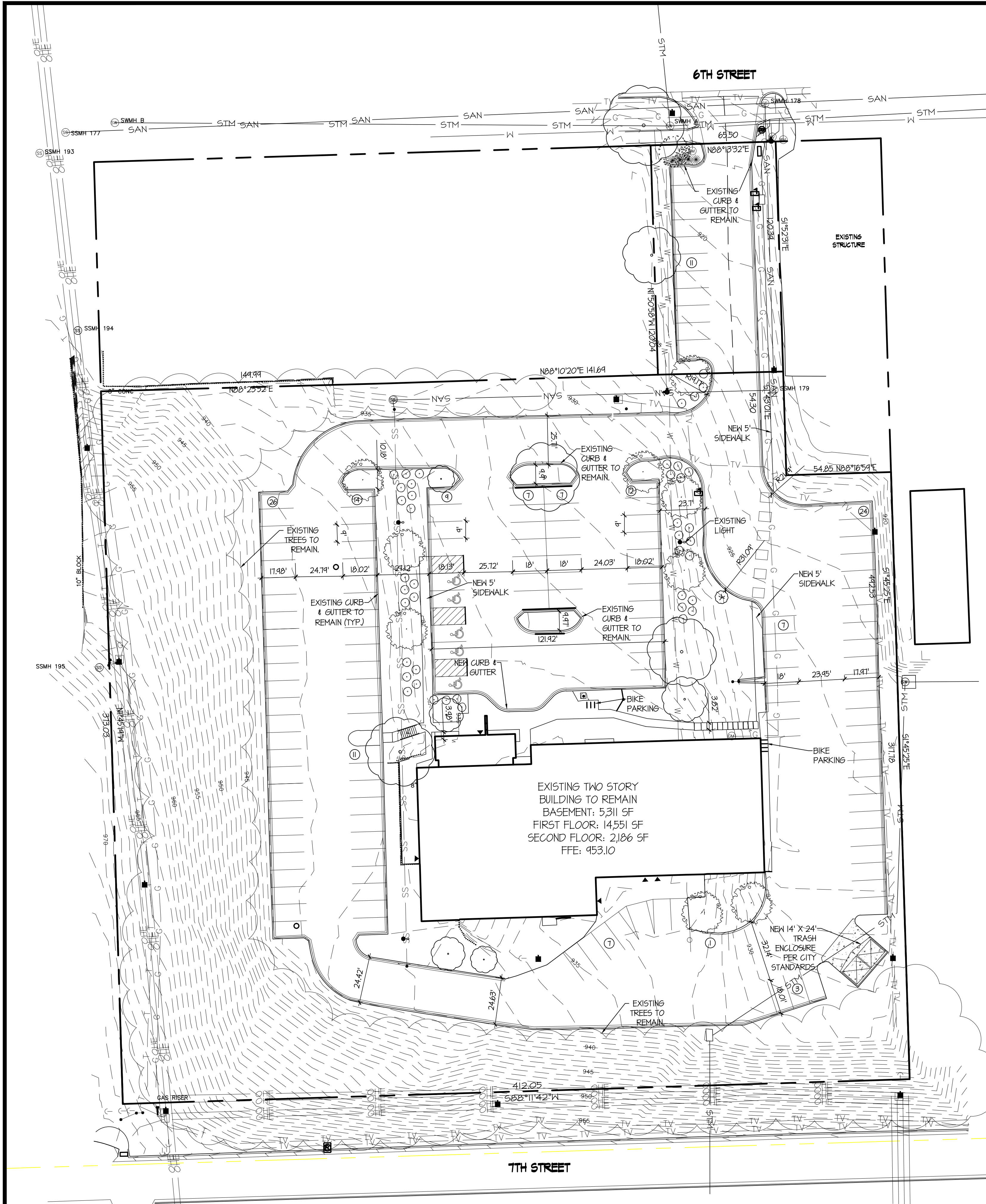


Project No. 18-1120L
Date: Feb. 1, 2018
Revised: Apr. 10, 2018

SHEET NO.

1

A:\Project\217-000\217-720\CAD & CAD PDF's\Site\CAD\SITE PLAN\217-720 SP.dwg, 3/16/2018 12:28:20 PM, DWG To PDF.pc3



LEGAL DESCRIPTION:

LOT 1, EAGLES SUBDIVISION NO. 2, A REPLAT OF LOTS 1-6, EAGLE SUBDIVISION, PART OF BLOCK 50, WEST LAWRENCE, TOGETHER WITH A PORTION OF VACATED CALIFORNIA STREET ADJACENT THERETO, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

PROJECT SUMMARY:

- 1.1 CURRENT ZONING: CS AND RSO
- 1.2 PREVIOUS USE: LODGE, FRATERNAL AND CIVIC ASSEMBLY
- 1.3 PROPOSED USE: HEALTH CARE OFFICE; HEALTH CARE CLINIC

GENERAL NOTES:

- 2.1 ALL GROUND MOUNTED MECHANICAL UNITS SHALL BE SCREENED IN ACCORDANCE WITH SECTION 20-14A04.
- 2.2 ALL ACCESSIBLE SIDEWALK RAMP BY A.D.A. STANDARDS.
- 2.3 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.
- 2.5 THE CITY OF LAWRENCE WILL NOT BE HELD RESPONSIBLE FOR DAMAGE CAUSED BY TRASH TRUCKS.
- 2.6 PLAN FOR CITY APPROVAL ONLY! CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.
- 2.7 SURVEY COMPLETED BY BG CONSULTANTS, WINTER 2018.
- 2.8 ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE 'MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES' AND 'STANDARD HIGHWAY SIGNS,' PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROFLECTIVITY, AND POSITION.
- 2.9 SIGN APPROVAL AND PERMITTING IS NOT PART OF THE SITE PLAN APPROVAL. SEPARATE APPROVAL IS REQUIRED THROUGH NEIGHBORHOOD RESOURCES.

LANDSCAPING NOTES:

SYM.	DESCRIPTION	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
●	EXISTING TREES	7				
●	SHADE TREES	4	SAN TOOTH OAK NORWAY MAPLE THORNLESS HONEY LOCUST	QUERCUS ACUTISSIMA ACER PLATANOIDES 'NORWEGIAN SUNSET' GLEDTISIA TRIACANTHOS VAR. INERMIS	2'-2 1/2" CAL	B & B
●	ORNAMENTAL TREES	1	CLEVELAND SELECT PEAR KOUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD	PYRUS CALLERYANA 'CHANTELIER' CORNUS KOUSA MALUS 'CORALBURST' CERCIS CANADENSIS	1 1/2"-2" CAL	B & B
○	DECIDUOUS SHRUBS	42	DWARF JAPANESE BARBERRY LEATHERLEAF VIBURNUM BEAUTY BUSH DWARF KOREAN LILAC	BERBERIS THUNBERGII 'CRIMSON PYGMY' VIBURNUM RHYTIDOPHYLLUM KOLKATZIA AMABALIS STRINGA MEYERI 'PALIBIN'	18"-24" HT.	CONT
★	EVERGREEN SHRUBS	4	BLUE PFITZER JUNIFER BAR HARBOR JUNIFER CREEPER ENGLISH YEW	JUNIFERUS CHINENSIS 'PFITZERIANA GLAUCA' JUNIFERUS HORIZONTALIS 'BAR HARBOR' TAXUS BACCATA	24"-36" HT.	CONT

- 3.1 EXISTING TREES SHALL BE REPLACED IF DAMAGED DURING CONSTRUCTION WITH APPROVED STREET TREES.
- 3.2 ALL TURF AREA TO BE SEEDED WITH DROUGHT TOLERANT GRASS. ANY APPLICATION OF ARTIFICIAL TURF SHALL BE MADE TO THE CITY COMMISSION PRIOR TO INSTALLATION.
- 3.3 CARE SHALL BE TAKEN TO PRESERVE ALL TREES OUTSIDE OF THE IMMEDIATE CONSTRUCTION AREA.
- 3.4 REQUIRED STREET TREES (1 PER 40 L.F. OF STREET FRONTAGE)
6TH STREET - 65.50/40 = 2 TREES; PROVIDED - 0 (DUE TO LIMITED 6TH STREET FRONTAGE AND EXISTING TREES TO THE WEST)
REQUIRED INTERIOR PARKING LOT LANDSCAPING (40 SQ.FT. OF LANDSCAPED AREA PER PARKING SPACE & 1 SHADE TREE AND 3 SHRUBS PER 10 PARKING SPACES)
142 PARKING SPACES X 40 = 5,680 SQ.FT. OF LANDSCAPED AREA; PROVIDED 0 SQ.FT.
142 PARKING SPACES / 10 = 15 TREES AND 43 SHRUBS; PROVIDED 15 TREES (8 EXISTING) AND 46 SHRUBS
REQUIRED PARKING LOT PERIMETER LANDSCAPING (1 SHADE TREE PER 25 LINEAR FEET OF PARKING LOT FRONTAGE)
6TH STREET - 18 L.F. / 25 = 1 TREES; PROVIDED 1 TREES AND CONTINUOUS ROW OF EVERGREEN SHRUBS
BUFFERYARD -
WEST (123') TYPE II BETWEEN CS AND RM24 - 25' WIDE WITH 4 TREES AND 10 SHRUBS PER 100 L.F. = 5 TREES AND 13 SHRUBS REQUIRED
WEST (250') TYPE I BETWEEN RSO AND RM24 - 25' WIDE WITH 2 TREES AND 5 SHRUBS PER 100 L.F. = 5 TREES AND 13 SHRUBS REQUIRED
SOUTH (412.46') TYPE I BETWEEN RSO AND RST - 25' WIDE WITH 2 TREES AND 5 SHRUBS PER 100 L.F. = 9 TREES AND 21 SHRUBS REQUIRED
PROVIDED - NO ADDITIONAL LANDSCAPING IS BEING PROVIDED AT THIS TIME DUE TO THE HEAVILY WOODED AREA ON THE WEST AND SOUTH SIDE REMAINING AND PROVIDING AN EXISTING BUFFER

IMPERVIOUS SURFACE SUMMARY:

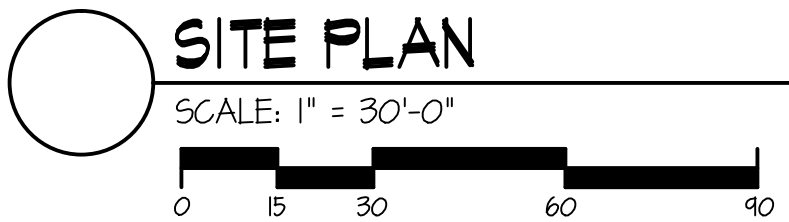
EXISTING CONDITIONS:	SQ. FT.	%	PROPOSED CONDITIONS:	SQ. FT.	%
LAND AREA:	158,401		LAND AREA:	158,401	
BUILDING FOOTPRINT:	14,551	9%	BUILDING FOOTPRINT:	14,554	9%
PAVEMENT AREAS:	11,034	45%	PAVEMENT AREAS:	11,261	45%
TOTAL IMPERVIOUS:	25,585	54%	TOTAL IMPERVIOUS:	25,815	54%
TOTAL PERVIOUS:	12,816	46%	TOTAL PERVIOUS:	12,586	46%

PARKING INFORMATION:

- 4.1 PARKING REQUIRED: 1 PER 300 S.F.
- 4.2

TYPE:	REQUIRED:	PROVIDED:
REGULAR	71	135
ACCESSIBLE	3	5
TOTAL:	74	139

BICYCLE 1 PER 10 SPACES 8 14 SPACES
- 3.3 PAVEMENT: APPROACHES: 7" - 4000 PSI CONCRETE W/ #5 BARS 12" O.C.B.W.
DRIVES: MIN. 6" ASPHALT ON 4" GRAVEL OR 5" CONCRETE
PARKING AREAS: MIN. 5" ASPHALT ON 4" GRAVEL OR 4" CONCRETE
- 3.4 24" CURB & GUTTER AT ENTRANCE.



Approved and Released	
	Case No. _____
	Approval Date: _____
	Release Date: _____
	Planner: _____
	of _____ Sheets
	Asst./Director: _____

paulwerner
ARCHITECTS

123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044

OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

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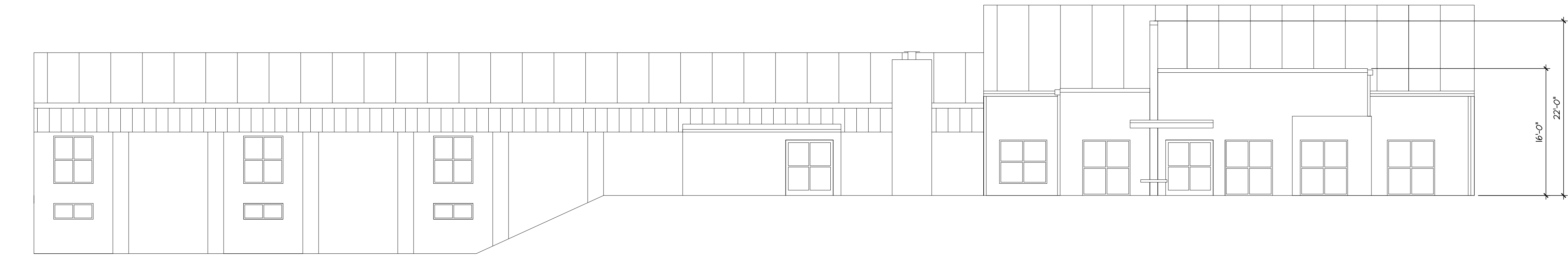
PANDA PEDIATRICS
1803 WEST 6TH STREET
LAWRENCE, KANSAS

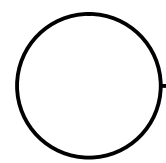
PROJECT # 217-120

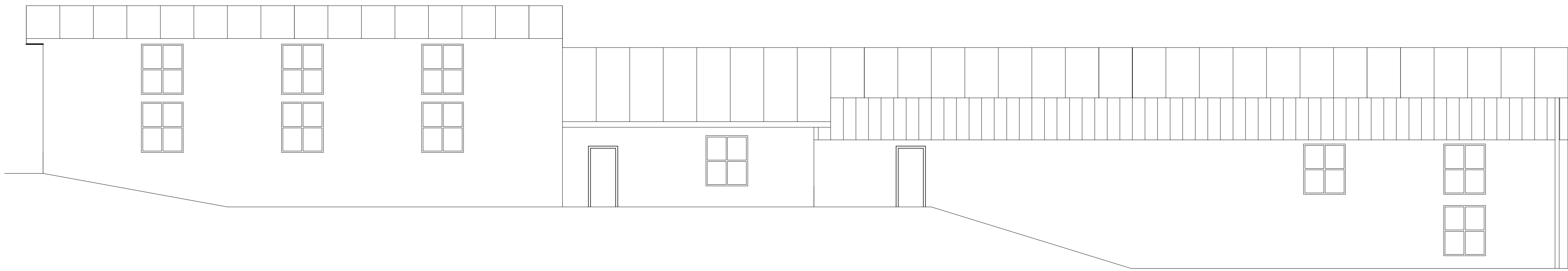
RELEASE: 1.0 DATE: 3/16/18

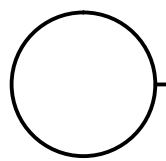
SP-2

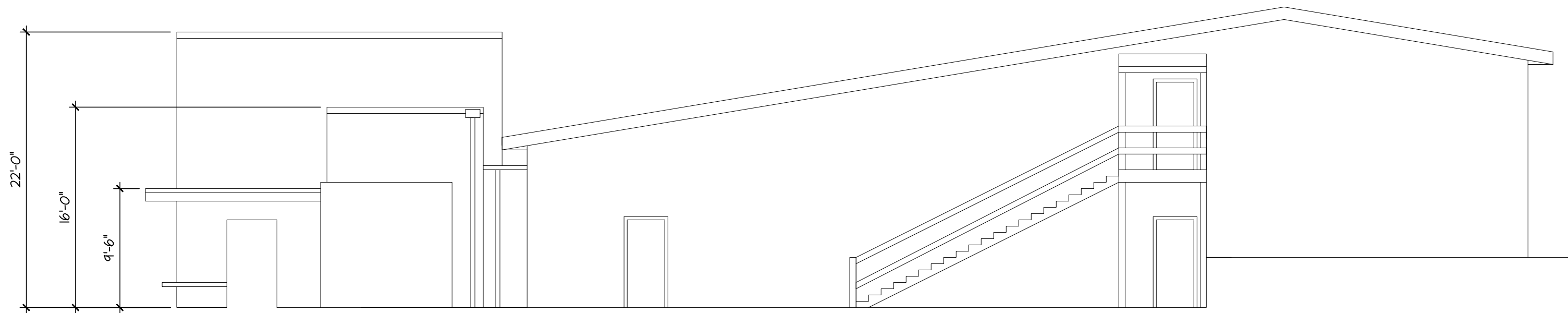
J:\Project\217-000\217-720\CAD & CAD PDF's\Architectural\XREF\Elevations.dwg, 3/16/2018 2:02:16 PM, DWG To PDF.pc3

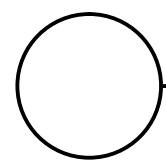


 **NORTH ELEVATION**
SCALE: 1/8" = 1'-0"

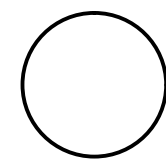


 **SOUTH ELEVATION**
SCALE: 1/8" = 1'-0"



 **WEST ELEVATION**
SCALE: 1/8" = 1'-0"



 **EAST ELEVATION**
SCALE: 1/8" = 1'-0"

PRELIMINARY DOCUMENTS
NOT FOR CONSTRUCTION

paulwerner
ARCHITECTS

123 W. 8th STREET
SUITE B2
LAWRENCE, KS 66044
OFFICE: 785.832.0804
FAX: 785.832.0890

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PANDA PEDIATRICS
1803 W 6TH STREET
LAWRENCE, KS

PROJECT # 217-120
DECEMBER 20, 2017

RELEASE: DATE:
SITE PLAN 03.16.18

A-200

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
04/23/2018

ITEM NO. 5 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; (SLD)

TA-18-00121: Consider a Text Amendment to the City of Lawrence Land Development Code, Articles, 4 and 9, to permit *Group Homes* in the GPI district. *Initiated by Planning Commission on 2/21/18.*

RECOMMENDATION: Staff recommends that the Planning Commission forward the proposed amendment, TA-18-00121, amending sections of Article 4 and Article 17 of the Lawrence Land Development Code to permit *Group Homes* in the GPI District and to update the definition to align with current State legislation to the City Commission with a recommendation for approval.

Reason for Request: The Planning Commission initiated a text amendment to the Development Code at their February 21, 2018 meeting to permit *Group Homes* in the GPI District.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received

ATTACHMENTS

- A. Revised Code Sections
- B. KSA-12-736 Group homes, exclusion of, prohibited; conditions; definitions

BACKGROUND

The Land Development Code defines two types of *Group Homes (also known as Adult Care Homes)* in Section 20-1701 as:

Group Home, General: Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act 21U.S.C.802). A Special Use Permit is required before operation of the home can begin.

Group Home, Limited: Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life

activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).

Current State legislation defines a *Group Home* as a dwelling licensed by a “regulatory agency of this state.” Providers are further defined as a person or agency who provides mental health services and is licensed by;

- (A) *The Kansas department for aging and disability services pursuant to K.S.A. 75-3307b or 65-425 et seq., and amendments thereto; or*
- (B) *the behavioral sciences regulatory board pursuant to K.S.A. 65-6301 et seq. or 74-5301 et seq., and amendments thereto; or*
- (C) *the state board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto.*

This use is included in the Residential Use Group. The two types are distinguished based on size. The *Group Home, Limited* allows a maximum occupancy of 10 residents including any care providers. The smaller *Limited* facilities are typically comparable to a *Detached Dwelling* (Single-Family Residence). Based on K.S.A. 2017 Supp. 12-736 (e) “No municipality shall prohibit the location of a group home in any zone or area where single family dwellings are permitted.” Larger *Group Home* use, with an occupancy that exceeds 10 people, is allowed in all residential districts subject to a Special Use Permit. The exception to this rule is that the larger *Group Homes* are permitted by right in the RMG (Multi-Dwelling Greek) District.

Residential uses are only permitted in some non-residential districts and are typically subject to a Special Use Permit review and approval process. Kansas State law requires a *Group Home, (occupied by not more than 10 persons, including eight or fewer persons with a disability and not to exceed 2 staff resident)* to be permitted the same as any detached dwelling in any other zoning district. *Detached Dwellings* are a permitted use in the GPI (General Public and Institutional) District. By state law, the use listed in the Land Development Code, *Group Home, Limited*, would also be a permitted use. The larger facilities are not clearly permitted in the GPI District.

The intent of this proposed text amendment is to correct and to clarify that *Group Home, Limited and General* are permitted uses in the GPI District. This issue was identified as part of the preliminary planning efforts related to the Crisis Center for Douglas County.

OVERVIEW OF PROPOSED AMENDMENT

The following is a summary listing of the proposed changes:

1. Section 20-403 Nonresidential District Use Table
2. ~~Section 20-902 Off-street Parking Schedule A~~
3. Section 20-1701 Terminology
4. KSA-12-736 Group Homes, Exclusions of , Prohibited; Conditions; Definitions

The portion of the Code being revised is attached to this staff report (Attachment B).

Changes to the nonresidential use table include showing that the use is permitted either by right or by a Special Use Permit. After reviewing Section 20-902, no additional changes to the off-street parking design standards or requirements are necessary for *Group Homes* in the GPI District.

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;

The GPI district is a special purpose district (Section 20-219) intended to accommodate institutional uses occupying significant land areas but not part of the H (Hospital) or U (University) District. Properties zoned GPI (General Public and Institution) District are typically owned by the City, County or School District and are developed or held in reserve for public uses such as schools, fire stations, municipal buildings, and similar uses.

By State law, any district that permits detached dwelling uses must also permit *Group Homes*. Several non-residential zoning districts permit both *Detached Dwellings* and *Group Homes* as shows in the Non-Residential District use table. The GPI District permits *Attached Dwellings*, *Detached Dwellings*, *Manufactured Homes*, *Mobile Homes*, and *Multi-Dwelling Structures*, but does not permit *Group Homes*. This is both an error and inconsistent regulation of the Land Development Code.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Code (Sec. 20-901)

Horizon 2020 addresses Community Facilities in Chapter 10. Public and semi-public uses include “municipal facilities, schools, universities, parks, recreation and open space, and a range of institutions.” The Plan states that these uses are often “difficult to project” and are often “monitored by jurisdictions over which the city and/or county has limited control.”

The GPI District is the preferred zoning district for development of uses with a public or semi-public land use component. This district requires a master plan as part of the development approval process. For projects that include more than 10 acres an “Institutional Development Plan” is required and is subject to a public hearing process as a Special Use Permit. Amending the GPI District clarifies the intent to permit certain types of residential uses as part of a community development project and aligns with State law that permits *Group Homes*, as a type of residential use, to be permitted as other similar uses are allowed in the same district.

Conclusion

The proposed change is minor and amends only Article 4 of the Land Development Code. The change clarifies that *Group Homes* are permitted in the GPI District and specifies that larger *Group Homes* are subject to a Special Use Permit.

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)	
		CN1	CN2	MU (PRIMARY / SECONDARY)	MU (TERTIARY)	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI		H
	RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	-	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508
	Duplex	P*	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	
	Manufactured Home, Residential-Design	P*	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	A	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	P*	-	P*/S*	P*	-	P*	-	-	-	-	-	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	A*	A*	-	-	-	-	-	-	-	-	-	-	-	-	537
Group Living	Assisted Living	-	-	P	P	-	-	-	-	-	-	-	-	-	-	S	S	
	Congregate Living	-	-	P*	S*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	S	-	-	-	-	-	S	A	
	Group Home, Limited (10 or less)	P	-	P	P	-	-	-	-	-	-	-	-	-	-	P	-	
PUBLIC AND CIVIC USE GROUP																		
Community Facilities	College/University	S	P	P	S	P	P	P	P	P	P	P	-	P	-	P	A	
	Cultural Center/ Library	S	P	P	S	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	A*	A*	-	P	P	-	P	-	-	-	-	-	-	-	507
	Day Care Home, Class B	S*/A*	P*	S*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507
	Detention Facilities	-	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	

Existing Text – 20-1701	
Term	Definition
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).

Proposed Text-20-1701	
Term	Definition
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).

12-736. Group homes, exclusion of, prohibited; conditions; definitions. (a) It is hereby declared to be the policy of the state of Kansas that persons with a disability shall not be excluded from the benefits of single family residential surroundings by any municipal zoning ordinance, resolution or regulation.

(b) For the purpose of this act:

(1) "Group home" means any dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state;

(2) "municipality" means any township, city or county located in Kansas;

(3) "disability" means, with respect to a person:

(A) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(B) a record of having such an impairment; or

(C) being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance, as defined in section 102 of the controlled substance act (21 U.S.C. § 802);

(4) "licensed provider" means a person or agency who provides mental health services and is licensed by:

(A) The Kansas department for aging and disability services pursuant to K.S.A. [75-3307b](#) or [65-425](#) et seq., and amendments thereto; or

(B) the behavioral sciences regulatory board pursuant to K.S.A. [75-5346](#) et seq. or [74-5301](#) et seq., and amendments thereto; or

(C) the state board of healing arts pursuant to K.S.A. [65-2801](#) et seq., and amendments thereto.

(c) (1) No mentally ill person shall be eligible for placement in a group home unless such person has been evaluated by a licensed provider and such provider determines that the mentally ill person is not dangerous to others and is suitable for group-home placement. A group home shall not be a licensed provider for the purposes of evaluating or approving for placement a mentally ill person in a group home.

(2) No person shall be eligible for placement in a group home if such person is: (A) Assigned to a community corrections program or a diversion program; (B) on parole from a correctional institution or on probation for a felony offense; or (C) in a state mental institution following a finding of mental disease or defect excluding criminal responsibility, pursuant to K.S.A. [22-3220](#) and [22-3221](#), and amendments thereto.

(d) No person shall be placed in a group home under this act unless such dwelling is licensed as a group home by the department for aging and disability services or the department of health and environment.

(e) No municipality shall prohibit the location of a group home in any zone or area where single family dwellings are permitted. Any zoning ordinance, resolution or regulation which prohibits the location of a group home in such zone or area or which subjects group homes to regulations not applicable to other single family dwellings in the same zone or area is invalid. Notwithstanding the provisions of this act, group homes shall be subject to all other regulations applicable to other property and buildings located in the zone or area that are imposed by any municipality through zoning ordinance, resolution or regulation, its building regulatory codes, subdivision regulations or other nondiscriminatory regulations.

(f) No person or entity shall contract or enter into a contract, restrictive covenant, equitable servitude or such similar restriction, which would restrict group homes or their location in a manner inconsistent with the provisions of subsection (e).

History: L. 1988, ch. 142, § 1; L. 1989, ch. 58, § 1; L. 1991, ch. 63, § 1; L. 1995, ch. 251, § 23; L. 2014, ch. 115, § 5; July 1.

Existing Text – 20-1701	
Term	Definition
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).

Proposed Text-20-1701	
Term	Definition
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/25/2018

ITEM NO. 7 REZONING 2.54 ACRES FROM A/A-1 TO A; 548 N 1700 RD (MKM)

Z-18-00069: Consider a request to rezone approximately 2.54 acres located at 548 N 1700 Rd from A/A-1 (Agricultural and Suburban Home Residential) Districts to A (Agricultural) District. Submitted by Kevin Sontag on behalf of Kanwaka Township, property owner of record.

STAFF RECOMMENDATION: Staff recommends forwarding the rezoning request for approximately 2.54 acres from A (Agricultural) and A-1 (Suburban Home Residential) Districts to A (Agricultural) District to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

Applicant's reason for request:

"Kanwaka Township is buying a piece of ground from their neighbor to expand their fire station operations. They want to build a storage facility for equipment that they currently have to store off site."

KEY POINT

- Lot lines were reconfigured with the Arlo Jay Minor Subdivision, MS-18-00065, to move approximately 0.94 acres from the residential lot at 540 N 1700 Road to the township lot at 548 N 1700 Road. The residential property is zoned A-1 and the township property is zoned A. The lot reconfiguration resulted in split A/A-1 zoning on the township property. This rezoning request will result in uniform A zoning across the township property.

ASSOCIATED CASES

- MS-18-00065. Arlo Jay Minor Subdivision; recorded at the Register of Deeds on April 6, 2018.

OTHER ACTION REQUIRED

- Approval of rezoning request by Board of County Commissioners and publication of resolution.

PUBLIC COMMENT

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

Project Summary:

Kanwaka Township purchased a strip of land, approximately 0.94 acres, from the owner of the adjacent residential property to the west, 540 N 1700 Road, to enlarge the size of the township lot in preparation for a building addition. The residential property is zoned A-1 (Suburban Home Residential) District while the township property is zoned A (Agricultural)



Figure 1. Recently created township lot shown in dashed white line. Rezoning will provide A zoning over entire township lot.

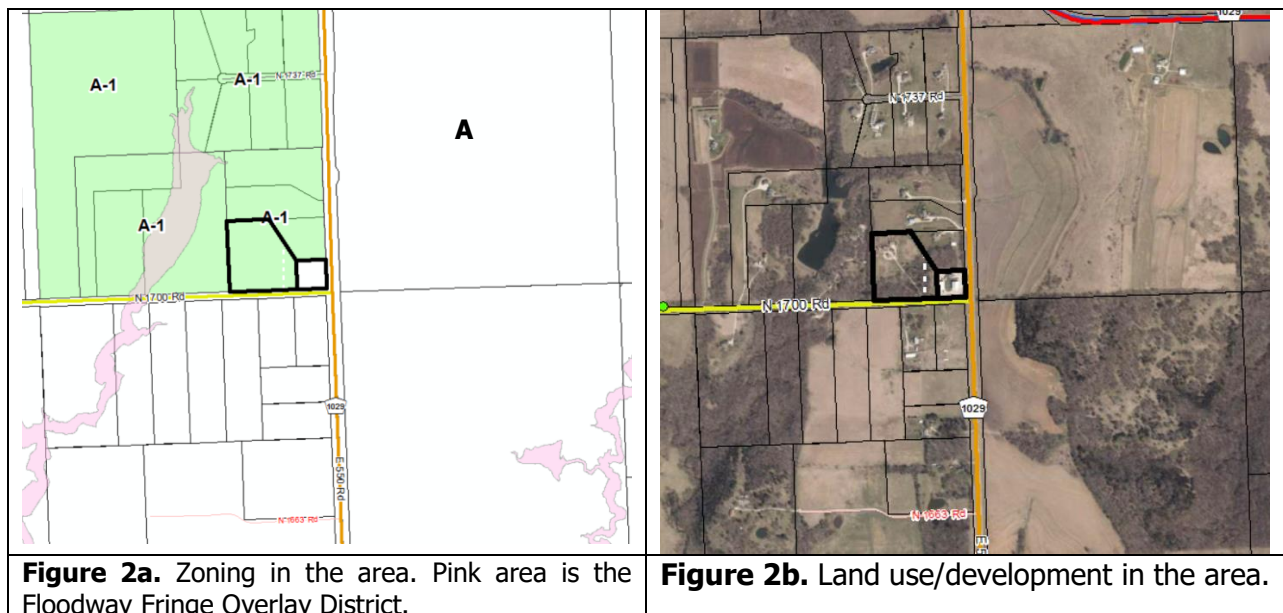
District. The township property is used for their Fire Station and Road Department facility. This use, classified as "*Public or Governmental Buildings*" in the Zoning Regulations, is permitted in both the A and the A-1 District with approval of a Conditional Use Permit. While the current use is permitted in both zoning districts, a uniform zoning over the township lot will result in one set of permitted uses throughout the lot. This rezoning request will result in a uniform zoning district over the township lot. The building expansion on the township property will require an amendment or revision to the Conditional Use Permit. (Figure 1)

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

Current Zoning and Land use	A-1 (Suburban Home Residential) and A (Agricultural) Districts. <i>Single Family Dwelling</i> and <i>Public Utilities</i> (Kanwaka Township Road and Fire Department).
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Surrounding Zoning and Land Use	To the north and west: A-1 (Suburban Home Residential) District with the F-F (Floodway Fringe Overlay) District to the west; <i>Single Family Dwellings</i> and woodland.
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To the east and south: A (Agricultural) District with the F-F (Floodway Fringe Overlay) District to the east; *Agriculture* in all directions, with a *Residential Detached Dwelling* to the south.
(Figure 2)



Staff Finding – The majority of the area is zoned A (Agricultural) with platted residential development to the north and west being zoned A-1 (Suburban Home Residential). The Floodway Fringe Overlay District is located along stream corridors through the area. Principal land uses in the area are *Single Family Dwellings*, *Residential Detached Dwellings*, *Agriculture*, and woodland. No change is being proposed in the zoning or land uses in the area. The A zoning is being extended to match the new lot line for the township property.

II. CHARACTER OF THE AREA

The area is bounded on the north by Highway 40, which is classified on the Douglas County Access Management Map as a Principal Arterial, and is bisected east and west by E 550 Road/County Route 1029, classified on the access management map as a Major Collector road. The area is predominately used for agriculture and rural residences, with more intense residential development located in the northwest corner of the intersection of N 1700 Road and E 550 Road/County Route 1029. Large woodlands are also located throughout the area, adjacent to stream corridors.

Staff Finding – This is an agricultural area with rural residential development of varying intensities, with the more dense development being in the platted subdivision adjacent to the township property.

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

Applicant's Response:

"Everything is proper."

Staff Finding – The properties are well suited to the uses to which they are restricted with the current zonings. Rezoning to the A District will result in uniform zoning across the township lot and will provide a uniform set of standards for the lot.

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

Staff Finding – This property is not vacant. The residential property at 540 N 1700 Road was developed with a residence in 1998. A CUP for the township facility at 548 N 1700 road was approved in 1990.

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

Applicant's response:

"Nothing will fundamentally change."

Staff Finding – The rezoning will provide a uniform zoning over the township property, but the township use would be permitted with a CUP under either zoning district. The lot reconfiguration will permit the expansion of the facility to allow more equipment to be stored on site. This will require a revision to the CUP site plan, which will be reviewed to insure detrimental effects to nearby properties are minimized.

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:

"There should be no destruction of value or hardships imposed by this rezoning."

Evaluation of these criteria includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

Approval of the rezoning request results in a uniform zoning district on the township property.

Staff Finding – There are no detrimental impacts associated with the approval of the rezoning anticipated on nearby properties.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"This request does not make any fundamental changes to the area, therefore it should comply with any current plan."

Staff Finding –The residential development was approved with the rezoning and platting of the Hardrock 25 Subdivision in 1996. The township facility was approved with CUP-3-1-90 in 1990. This rezoning request will revise the zoning of approximately 1 acre which has been added to the township property.

The township CUP was found to be in conformance with the recommendations in *Plan '95*, the comprehensive plan in place at the time. *Horizon 2020* was adopted in May of 1998 so the following is a review of the township use with the recommendations of the current comprehensive plan, with staff comments in red:

The township facility is classified as a 'Community Facility'. Recommendations in Chapter 10 of *Horizon 2020* include:

Goal 1, Policy 1.1, b: *Maintain or upgrade existing facilities and services where necessary to serve existing development.* (Page 10-16, *Horizon 2020*)

The lot reconfiguration and rezoning will accommodate the expansion of the Kanwaka Township Fire Department facility which serves existing development in the area.

VIII. PROFESSIONAL STAFF RECOMENDATION

Staff recommends approval of the request to rezone approximately 2.54 acres from A (Agricultural) and A-1 (Suburban Home Residential) District to A (Agricultural) District to provide uniform zoning on the lot.



Z-18-00069: Request to rezone approximately 2.54 acres located at 548 N 1700 Rd from A/A-1 (Agricultural and Suburban Home Residential) Districts to A (Agricultural) District.



PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
4/25/18

**ITEM NO. 8 CONDITIONAL USE PERMIT; 1055 E 1500 ROAD, FAIRVIEW SCHOOL
EVENT CENTER AND SHORT TERM RENTAL (MKM)**

CUP-17-00313: Consider a Conditional Use Permit for a *Recreation Facility* (event center), and *Rooming, Boarding and Lodging House* (Short Term Rental) located on approximately 1.26 acres at 1055 E 1500 Road. Submitted by Stan Trekell, for Linda G. Fritz, Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a *Recreation Facility* use, subject to the following conditions:

1. The applicant shall update or enlarge the on-site sewage management system, if necessary, per Lawrence-Douglas County Health Department approval.
2. The applicant shall provide a water supply as approved by the Lawrence-Douglas County Health Department: either annexing into Rural Water District No 4's boundary and using rural water or using bottled water.
3. The applicant shall improve the access on E 1500 Road, which may include widening and relocation, per the County Engineer's approval, prior to the commencement of the use.
4. The applicant shall provide a revised CUP plan with the following changes:
 - a. Show the location of the proposed outdoor lights on the plan and provide an illustration of the type of light fixture(s) proposed.
 - b. List conditions which apply to this use (provided in Condition 4).
 - c. Include the parking requirement for the short-term rental use in the parking summary.
5. The following conditions apply to the Conditional Use:
 - a. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department to ensure compliance with the CUP conditions.
 - b. Hours of operation shall be limited to 8:00 AM to 10:00 PM, Sunday through Thursday; 8:00 AM to 11:00 PM, Friday and Saturday.
 - c. All parking associated with this conditional use must occur on the site. No roadway parking is permitted.

Reason for Request:

Applicant's Response:

"I am wanting to restore the structure to its historic origins as a social event venue as per its original purpose from 1890-1961."

Project Summary

The Conditional Use Permit application was submitted to accommodate the conversion of the former Fairview School at 1105 E 1500 Road to an event center and short-term rental use. The structure was built in 1890 as the Fairview School No. 21. The school closed in 1961. An article in the Lawrence Journal World noted that the structure had served the community as a school, a Sunday school and as a community center where political meetings, literary society meetings, and spelling bees were held, according to Watkins Museum of History records. It has most recently been used as a private residence.

The former school house (Figure 1) has a gross area of approximately 2,059 sq ft. The ground floor, 1,401 sq ft, will contain the event center and the second floor, approximately 658 sq ft, will be built as a two-bedroom efficiency apartment to be used for the short term-vacation rental unit. The applicant indicated the maximum occupancy of the rental unit would be no more than 4 to 6 persons. The applicant provided a narrative describing the use which is included with this report as an attachment. Event center uses will be small weddings, family reunions, house concerts, and other similar uses. The applicant noted that both indoor and outdoor events would be a part of this CUP.



Figure 1. Former Fairview School building

The property currently has an access on E 1500 Road; however, the County Engineer expressed concern with the width of the driveway and the available sight distance at its current location. The County will be improving E 1500 Road later this year and the driveway improvements, widening and possible relocation, will be made following these improvements.

The amount of parking required is based on the maximum occupancy of the event center at the rate of 1 space per 5 attendees and one space is required for the short-term rental use. This parking will be provided on the site, on-road parking may not be utilized for the CUP use.

KEY POINTS

- The property is located in the City of Lawrence Urban Growth Area.
- An event center is classified in Section 12-319-4.11 of the Zoning Regulations as the Conditional Use, *Recreation Facility*, which is permitted in the A (Agricultural) Zoning District, and any other district in which it is not listed as a permitted use, with the approval of a Conditional Use Permit.
- A short-term or vacation rental is classified in Section 12-319-4.22 of the Zoning Regulations as the Conditional Use, *Rooming, Boarding and Lodging Houses*.
- The access point on E 1500 Road needs to be widened to accommodate the anticipated traffic. The County Engineer noted that the access point may need to be relocated, based on the available site distance at the existing location. The access point must be improved, and relocated if necessary, prior to the commencement of the use.

OTHER ACTION REQUIRED

- County Commission approval of Conditional Use Permit application.
- Issuance of Permit for the Conditional Use by the Douglas County Zoning and Codes Office.
- Issuance of building permits prior to development activity or the change of use.

PUBLIC COMMUNICATION

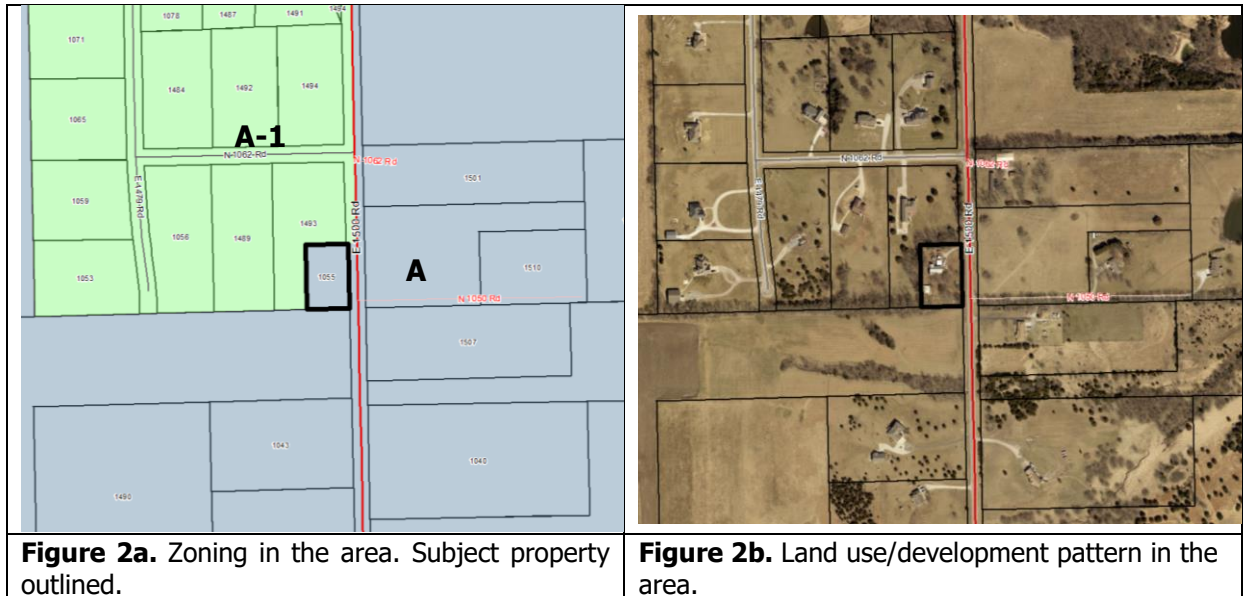
A neighboring property owner visited the Planning Office to discuss the proposal. She was concerned with the event center traffic and its impact on the safety of E 1500 Road.

GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) District; *Residential Detached Dwelling*, formerly the Fairview School

Surrounding Zoning and Land Use: To the north and west: A-1 (Suburban Home Residential) District; *Single Family Dwellings*
To the east and south: A (Agricultural); *Residential Detached Dwellings* and *Agriculture*
(Figure 2)



I. ZONING AND USES OF PROPERTY NEARBY

The subject property is located within the Urban Growth Area of the City of Lawrence. The property is zoned A (Agricultural) and is located adjacent to a platted rural residential subdivision, Fairview Estates No. 2, which is zoned A-1 (Suburban Home Residential) District. Lots containing between 3 and 3.5 acres located to the north and west of the subject property are developed with residences. Properties to the east and south are zoned A (Agricultural) and contain rural residences, agriculture, and woodlands. The property immediately south of the subject property is owned by a church and a church is developed on the southern portion of the property, approximately 2,300 ft southwest of the former Fairview school building. There is no floodplain in the nearby area.

Staff Finding – The subject property is located within the Urban Growth Area of the City of Lawrence and contains a mix of A-1 (Suburban Home Residential) and A (Agricultural) Zoning. Rural residences and agriculture are the principal land uses in the area. The proposed uses could be compatible with the zoning and uses on nearby property; however, conditions may need to be applied to minimize any negative impacts associated with an event center.

II. CHARACTER OF THE AREA

The area is well served by the major transportation network. E 1500 Road, a Principal Arterial crosses the area north to south and connects with N 1000 Road, a Principal Arterial, to the south, and with K10 Highway to the north. Other roads in the area, E 1600, E 1400 and N 1100 Roads, are collector roads. The Urban Growth Area is intended to accommodate more dense rural residential development in anticipation of annexation while maintaining the rural character. The immediate area is primarily residential with rural residences clustered along the road corridors and agricultural uses and woodlands located further from the road.

There is limited floodplain in the neighborhood; primarily to the southwest of the subject property. A church with a sports field is located southwest of the subject property, with access on to N 1000 Road. (Figure 3)

Staff Finding – The area is rural; however, it is more densely developed than most rural areas in the County. A platted subdivision surrounds the subject property to the north and west and small lot rural residences are located along the major roadways in the area. Each mile-line road in this area is a higher classification road; either a Principal Arterial or a Collector. The area further from the roadway contains agricultural uses and woodland.

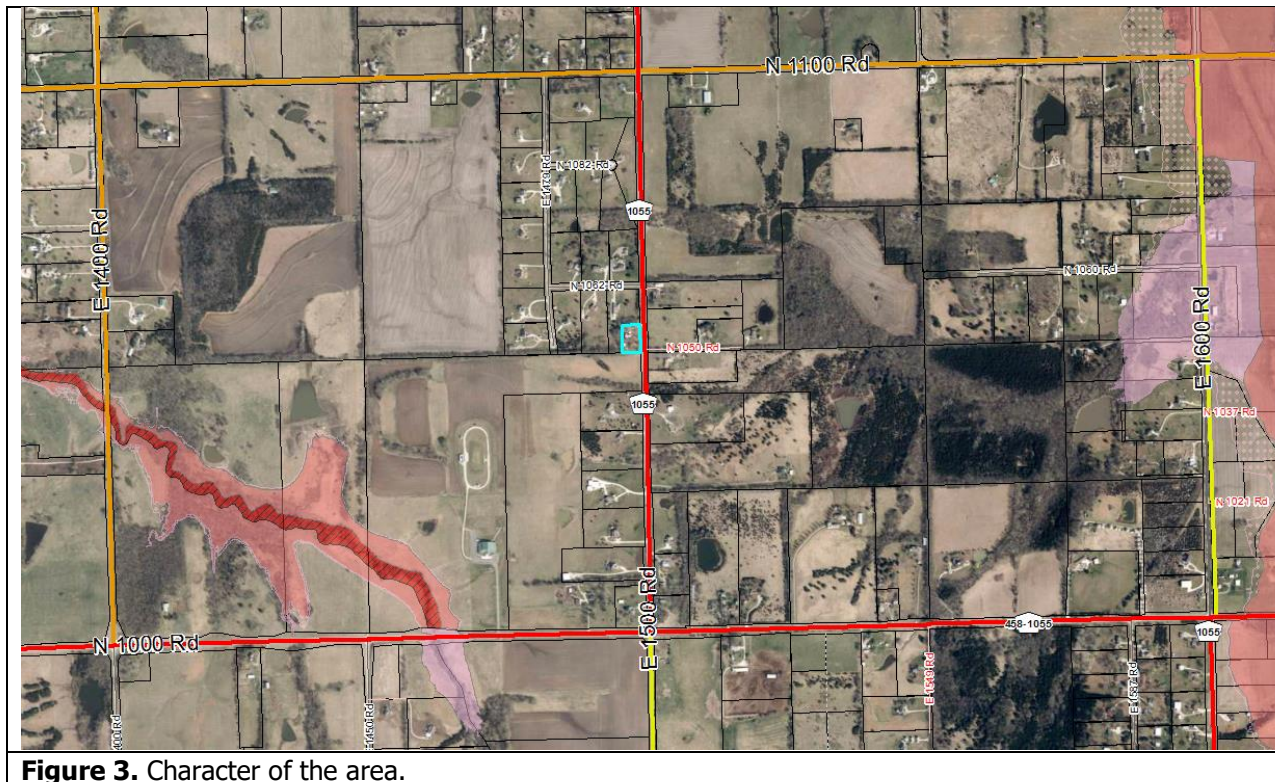


Figure 3. Character of the area.

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

Applicant's Response:

"Currently being used as a single-family residence. The condition of the property is well known to county officials."

The subject property is zoned A (Agricultural) District. Section 12-306 of the County Zoning Regulations notes *"...the purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."* The A District is associated with a majority of the unincorporated portion of Douglas County.

Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. In addition, uses enumerated in Section 12-

319 which are not listed as permitted uses in the A District, may be permitted when approved as Conditional Uses.

The property is too small to be suited for agricultural uses but is well suited for residential uses and other uses requiring less acreage. The applicant noted that county officials were familiar with the property as there have been compliance issues related to the former residence. The applicant is in the process of restoring the structure and rehabilitating the property.

The property, shown in Figure 4, is well suited for the proposed use in that it has an existing structure which had previously been used for community gatherings, has open space for outdoor activities and adequate space for parking.



Figure 4. Aerial of subject property

Staff Finding – Due to the size of the property and the existing development, the property is suitable for some uses which are permitted within the A (Agricultural) District and is also suitable for the proposed *Recreation Facility* and *Rooming, Boarding, and Lodging Houses* use.

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

Staff Finding –The property is not vacant but was developed with a school house in 1890 which operated until 1960. The structure was most recently used as a residence.

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

Applicant's Response:

"I want the facility to be an asset not only for the immediate neighbors but also the community at large."

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 uses are included in the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as a *Recreation Facility* and a *Rooming, Boarding, and Lodging House* use.

Detrimental effects typically associated with event centers include light trespass or glare onto adjacent properties, noise or activity associated with late night events, dust from traffic on gravel roads, and noise from outdoor music or activities. The subject property is located on E 1500 Road, which is classified in the DG County Access Management Standards map as a Principal Arterial. Given its location on a paved higher classification road and proximity to other paved higher classification roads in the area; dust and traffic are not expected to be an issue with this event center.

The applicant indicated that the existing lighting will continue to be used and additional low scale lighting will be installed to provide lighting for the building and provide a safe parking area. The plan should be revised to show where the lighting will be installed and illustrations of the type of fixture proposed should be provided to the Planning Office for review and approval prior to the release of the Conditional Use Permit plan.

The applicant provided a narrative describing the proposed use, which is included with this staff report as an attachment. Proposed hours of operation are from 8 AM to 10 PM on weekdays (Sunday through Thursday) and 8 AM to 11PM on weekends (Friday and Saturday). The applicant plans to use the property for small scale events such as weddings, family reunions, business retreats, art shows, craft functions, and small conferences. The early ending time for events, particularly during the week, and the Douglas County Noise Ordinance should minimize any negative impacts from the outdoor activities.

Future plans may include adding on to the building to create a commercial kitchen which could be offered to outside interests on an hourly rental basis. This use may be processed as a site plan or may require an amended Conditional Use Permit depending on the nature of the use. This will be determined when the change is proposed and more information on the use is available.

Parking will be located on a gravel parking area on the north and east side of the property. A small grass overflow parking area is also proposed on the east side. All parking associated with this conditional use must occur on site, no roadway parking is permitted. As illustrated in the CUP plan review portion of this report (page 9) 41 parking spaces are required for the proposed uses and will be provided on the site.

The County Engineer noted that all site improvements needed to be setback 50 ft from the centerline of E 1500 Road to provide space for future improvements planned for E 1500 Road. Approximately 35 ft of right-of-way is provided on the subject side of the centerline of E 1500 Road; therefore, all improvements must be setback a minimum of 15 ft from the east property line. As shown on the plan, all improvements are setback 15 ft from the east property line.

The following conditions are recommended for this conditional use:

- 1) Hours of operation limited to: 8:00 AM to 10:00 PM, Sunday through Thursday; 8:00 AM to 11:00 PM, Friday and Saturday.
- 2) All parking associated with this conditional use must occur on the site. No roadway parking is permitted.

Staff Finding – With the proposed conditions, the project should not negatively impact nearby properties. Lighting will be managed to insure there is no trespass on to adjacent properties and to reduce glare to nearby properties. The applicant's proposed hours of operation (8:00 AM to 10:00 PM, Sunday through Thursday, and 8:00 AM to 11:00 PM, Friday and Saturday), will limit the late night use of the 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:

"This structure is one of the few remaining historic rural schoolhouses in Douglas County that date back to the 1880s to early 1890s."

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

Approval of this request would allow the landowner to redevelop the property with an event center and a short-term/vacation rental. These uses are similar to the previous uses as the school house was historically used as a community center and most recently as a residence. Approval would accommodate the rehabilitation of the property and the reuse of the schoolhouse which will maintain the structure.

Denial of the request would prevent the reuse of the school house as a recreational facility for public use. As the recommended conditions should minimize negative impacts associated with the proposed uses, the denial would provide no benefit to the public health, safety, and welfare.

Staff Finding – In staff's opinion, the approval of the conditional use, with the recommended conditions, will result in a compatible project that will not harm the public health, safety or welfare; therefore, denial of the request would provide no benefit to the public health, safety or welfare.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"To promote agritourism in Douglas County and to help make Lawrence a destination for out-of-town visitors."

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. A Conditional Use Permit provides additional review for uses which may be desirable in an area, but could have negative impacts. This tool allows development to occur in harmony with the surrounding area and to address specific land use concerns.

The comprehensive plan recommends the conservation of the rural character of Douglas County through use of a clustered land use pattern and limited commercial development.

"The development of school sites and other public facility sites which provide recreation opportunities would maximize the public's investment in those facilities and be most consistent with the rural character intended for unincorporated Douglas County." (Page 9-6, Horizon 2020)

"There are a few locations, however, in the Rural Area which may be expected to receive some significant level of urban development consistent with the Plan, these include commercial areas to serve county residents and, potentially, to provide (i) conference and recreation facilities at Clinton Lake, and (ii) conference, recreation, or tourism facilities that benefit from or integrate with the rural setting at such other locations that substantially satisfy the following criteria; (a) direct access to an improved arterial roadway; (b) public water supply available; (c) separated from existing conference, recreation, or tourism facilities by at least 3 miles or other appropriate distance as determined by the board of county commissioners; and (d) designed to preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering, or other methods. (Page 4-4, Horizon 2020)

This recreation facility does not serve Clinton Lake but does benefit from and integrate with the rural setting at a location that meets the following criteria: Direct access to an improved arterial roadway; public water supply; separated from existing similar facility by an appropriate distance—given the small scale of the facility, and is designed to preserve the rural environment through the preservation and reuse of a historical schoolhouse.

Staff Finding –The proposed CUP is compliant with the recommendations in the comprehensive plan.

CUP PLAN REVIEW

Principal factors associated with the proposed use include adequate buffering from the nearby residential uses, and the appearance of the facility from the nearby residential areas and the adjacent roadway.

Parking and Access:

The event center will have an area of 1,420 sq ft and the Director of Zoning and Codes indicated the maximum occupancy would be 200 persons. The maximum occupancy expected with the short-term/vacation rental unit is 4 persons. The following table summarizes the parking requirements and the parking provided:

PARKING SUMMARY

Use	Requirement	Required	Provided
Event Center (Recreation)	1 parking space per 5 seats or members	200 occupants: 40 spaces	40 spaces plus grass overflow parking area
Rooming, Boarding or Lodging House	1 parking space per 2 sleeping rooms	2 sleeping rooms: 1 space	1 space
Total		41 spaces	41 spaces
ADA accessible	2 spaces for parking areas with 26 to 50 spaces.	2 spaces	2 spaces

The plan shows the ADA spaces on the north side of the building; however, the applicant indicated the spaces may be moved to the east side of the building so the ADA accessible path doesn't go through the kitchen. The location of the ADA spaces will require approval of the Zoning and Codes Director.

Utilities

On-Site Sewage Management System: The Lawrence-Douglas County Health department indicated that they would evaluate the septic system to insure it is adequate for the use. The septic system will be upgraded or expanded, if necessary, per the Health Department's approval.

Water: The subject property is not currently located within the borders of Rural Water District No. 4 but they indicated that they would be able to annex the property and provide rural water service. This would require the extension of a water line, at the applicant's expense, and the purchase of a rural water meter. As an alternative, the Health Department indicated that bottled water could be provided to serve the facility.

Landscape and Screening:

The parking lot will be setback 10 ft from the north and west property line to allow existing vegetation in this location to remain. Existing landscaping along these property lines will screen the parking area from residences to the north and west. The property to the south has been developed with a church with a sports field. The portion adjacent to the subject property is open space, without any improvements.

Conclusion

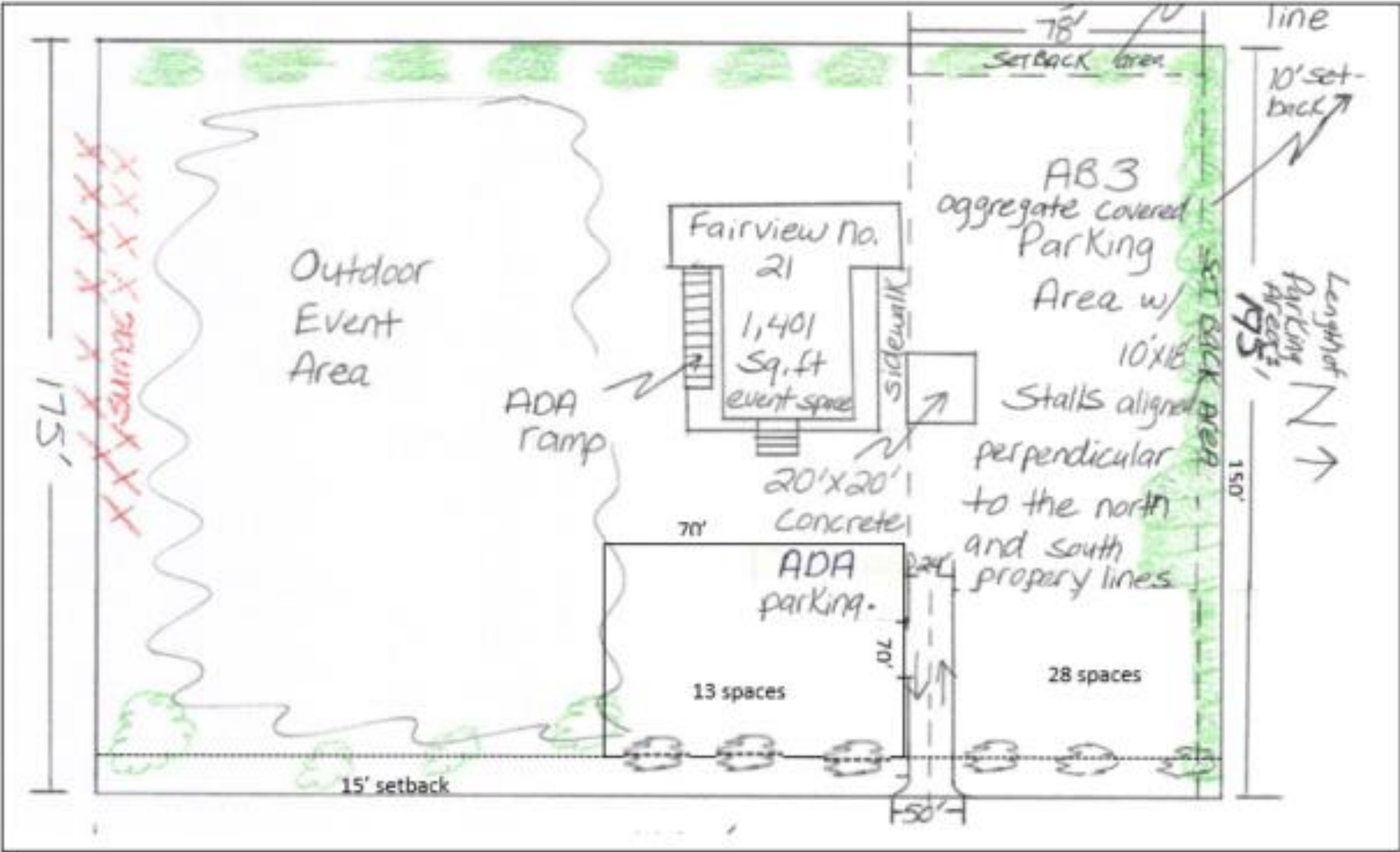
As noted in the report, this proposal will allow the reuse of the former Fairview School. With the recommended conditions, the proposed use should have minimal negative impacts on nearby properties.

Conditional Use Permit Information for:
Fairview No. 21 School
1055 E. 1500 Road
Lawrence, Kansas 66046

1. The upstairs level of the building will be built out as an apartment for use by Airbnb guests. This use is classified in the Zoning Regulations as "Rooming, Boarding, and Lodging Houses, and similar uses" in addition to the "Recreational Facility" (event center) use.
2. Proposed Use: Recreation Facility (event center):
Parking Requirement: 1 parking space per 5 seats or 5 occupants
Number of occupants (maximum occupancy): 200
Parking Required: 40 spaces
Parking Provided: 40 spaces
Overflow Parking: TBD as needed
3. CUP Information: Recreation Facility (event center)
Address: 1055 E 1500 Road, Lawrence Kansas 66046
Zoning: A (Agriculture)
Neighborhood: 406.0
Year Built: 1890

Legal Description: SP & CB 3-13-96 PART FROM 800953B NO COV
46172SF 30-13-20 BEG 33 W OF SE COR NE/4, W 175(S), N 263.7, E
175(S), S 263.7 TO POB 263.7 X 175(S)

Site Area: 1.26 acres
Zoning: A (Agriculture)



Fairview School No. 21

Fairview School No. 21 is a wood framed rural schoolhouse erected in 1890 and located at 1055 E. 1500 Road in Douglas County Kansas. The land it sits on was donated by a local farmer to facilitate the growing educational needs of farm children living in the Wakarusa River Valley area south of Lawrence. The building was in continuous use as a school for the next 71 years until 1961 when unification programs swept through the area. From the early 1960s until the present day, it has been used for a variety of purposes including a township meeting hall, a church and a single-family residence. Over the course of the past few years, the property has fallen into disarray and become an eyesore to the surrounding area.

I purchased the property in August 2017 with the intention of returning the facility to its original roots of a public gathering place for everyone to enjoy. By repurposing the Fairview School building into an event center, future generations will have the same opportunity to enjoy this structure as did their grandparents and great grandparents. The type of events that are anticipated include weddings, family reunions, business retreats, club luncheons, art displays, craft functions, charity fundraisers and small conferences. Other events might include antique fairs, house concerts and the needs of other special-interest groups. Weather permitting, some of these functions might be held outdoors.

I am working closely with county officials to make sure the facility is brought up to current health and safety standards. I have been in consultation with both the state and local health departments, the county engineering department, the county planning and zoning department and the county building codes and inspection departments. I have been advised as to what physical requirements may need to be improved to the property in order to bring it into compliance with modern code requirements including: sanitation, parking, traffic safety and ADA compatibility. Everyone I have discussed my redevelopment plans with have embraced the plan with great support and enthusiasm. Agritourism in northeast Kansas is an emerging opportunity for the people of Douglas County to showcase what we have to offer. Fairview School No. 21 will accommodate a wide variety of public and private functions that larger rural venues currently do not. Its location just two miles south of intersection of Haskell Avenue and 31st Street makes it easy to locate and ideal for convenience.

Preliminary discussions with Sean Reid indicate a +/- 200 person occupancy limit with proper number of ingress and egress emergency exits. This occupancy limit

will necessitate the need for 40 parking stalls (based on five persons/car). There is an adequate sized area to meet this need located immediately to the north of the building. In addition, I have been advised as to the number of men's and women's restroom stalls needed to properly serve the public.

In addition to the main auditorium floor space, there is a raised platform area for special performances and presentations. Future plans call for adding onto the kitchen area so that a state-inspected commercial kitchen can be used by outside interests. The current second floor loft area will be built out as a two-bedroom efficiency to accommodate Airbnb guests. The center bathroom area will have a washer and dryer set as well as an apartment size refrigerator and microwave oven. I would expect the finished lodging area to be used by no more than 4-6 persons at a time. Church youth groups and visiting sports teams would be invited to use the main auditorium as a limited-stay overnight facility with bedrolls made up on the floor.

Proposed hours of operation would be 8 am to 10 pm on weekdays and from 8 am to 11 pm on weekends. Outdoor lighting will be used to illuminate and highlight the building itself with special consideration shown towards adjacent neighbors. I want to be welcomed into the neighborhood as a valuable area resource. Since taking over the property last August, I have demonstrated my awareness by hauling off four 40-yard dumpsters of trash and debris and an additional 4 tons by dump truck and utility trailer. All of the trees on the property have been properly trimmed and dead wooded. Being a conscientious and responsible neighbor is a high priority with me.

Indeed, there are many planning details and logistics that have yet to be addressed but will be as the project approaches completion. I will rely heavily upon the advice offered by the appropriate county officials to help this process along the way. I want meet any and all code requirements and at the same time, exceed the public's expectation of what a first-class event venue is all about.

Thank you for your time and consideration,

A handwritten signature in black ink, reading "Stan Trekell". The signature is fluid and cursive, with the first name "Stan" and last name "Trekell" clearly legible.

Stan Trekell



CUP-17-00313: Conditional Use Permit for a Recreation Facility (event center), and a Rooming, Boarding, and Lodging Houses (Short Term Rental) located on approximately 1.26 acres at 1055 E 1500 Road.



April 9, 2018

Douglas Co. Planning Commission
Lawrence, Kansas

Commissioners,

I am writing in response to your letter regarding the conditional use permit for the 1.26 acres at 1055 E 1500 Rd. This letter states that they would like to build "Rooming, Boarding and Lodging Houses (plural) on the acreage. When we were building houses in that area it took three acres to build one house. I realize regulations could have change by now.

This conditional use center for short term rental could very well be a very nice addition to our facilities offered to the public but it could also be turned into a party house. It is difficult to believe that it will be used for things like receptions when we have so many facilities already available in Douglas County.

We have property very close to the old school house (the property in question) in fact great grandfather Leary gave that acreage for the purpose of building a school years ago. It would be very easy for people to stray off the 1.26 acres onto joining property owners land. This would be very unfortunate.

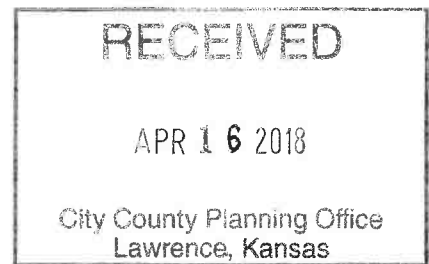
I am concerned that in a short time this facility would turn into something like the "Outhouse" located on N. 1500 Rd. I am sure you are aware of that particular facility. I realize it is just my opinion but I don't feel Douglas County needs another facility with the possibility of loud music and people running on and off the property in an area that people purchased for peaceful living.

Thank you for your consideration.

Norma Leary



4430 Bauer Farm Dr. Apt. 227
Lawrence, Kansas 6604
843-9117



RECEIVED

APR 19 2018

City County Planning Office
Lawrence, Kansas

From: Tony & Sonya Smith
1043 E 1500 Road, Lawrence, KS 66046
785-550-4620
Neighbors of Fairview School 21

To: City of Lawrence Douglas County Planning & Development Services
Date: April 19, 2018

Subj: Permit request: CUP-17-00313

Dear Planning Commission,

My wife and I have lived in Lawrence since 1998. We originally lived on Harrison Ave, but after 8 years we decided we wanted to move into the county. We were looking for less city lights/noise pollution and the chance to have quite evenings sitting on a deck watching the sunset. We moved into our house on E 1500 Rd in 2006 and immediately realized we had checked the boxes on our list.

On April 4, 2018 we received a letter stating a property owner in our neighborhood wanted to turn the house/building located at 1055 E 1500 Rd into a business: an entertainment venue and short term rental. In the letter written by the land owner to the county they stated it would be used for many different events including, but not limited to, concerts, wedding parties, social gatherings, AirBnB, etc. The letter also stated the owner went to great expense and effort to clean up the property for the benefit of the neighborhood and the intention was to restore the property back to its glory days and uses realized from the 1930's to the 1960's.

As one of the property owners who received this notice there are many reasons why we do not want an entertainment venue in our back yard or our neighborhood.

1. Traffic Safety on E 1500 Road

- a. **How will traffic concerns for safety be mitigated?** A turn lane does not exist for traffic entering the property, of which the South bound entry is on the back side of a blind hill. Without a turn lane, south bound traffic entering this property is at risk of being hit if stopped when entering the property, while South bound traffic continues to approach this blind hill without warning. The speed limit on E 1500 Rd is 55 mph. We are requesting a traffic impact study to be completed.
- b. **How would this additional traffic affect both current and new motorists on this part of 1500 road?**
- c. **How will the County and permit requestor guarantee that potential guests of the Fairview school property, who accidentally pass the entrance, won't continually use my driveway, or neighboring driveways, as a turn around?** Our driveway is the first south bound driveway on the west side of E 1500 Rd.

5. Decreased Property Value

- a. **If this permit is granted how is the county or property owner going to financially guarantee our property values will not be decreased?** If approved, this most certainly will affect the value of all property in the neighborhood. While in town, it may be a selling feature to have this type of venue within walking distance of your residence, but it is most definitely not a selling feature in a rural county setting. As stated earlier, we, as well as most county residence, live here to get away from city infrastructure. Having an entertainment venue next to our homes is not a benefit, or a selling feature.

To create some synergy between our request to deny this permit, and Mr. Trezell's (Linda Fritz) request to have it granted, consider Mr. Trezell own submitted written request to the Traffic Safety Commission in Lawrence on March 9, 2009 requesting parking in his neighborhood be restricted, or not allowed, for traffic related safety issues. This motion was granted by the commission on April 6, 2008. We are asking for the same consideration in our request for denial based on safety concerns created by the traffic utilizing this facility.

We do appreciate the effort and thought of restoring this building back to its original glory, however, even though the new owner has stated they went through a lot of work and expense to clean up the property, the reality is this work is a part of property ownership. You do not get credit for what is a responsibility of home/business ownership.

The idea that the owner wants to rekindle the schools glory days and uses from 40-60 years ago can be appreciated, however, back then, few, if any of these homes were here, and at that time, maybe it was needed to support the area. The residences and property uses of this area have **transformed as well as the needs of Wakarusa River Valley residents. The types of guests the permit requestor will cater to will not come from WRV, but from all over.** This type of support is not in needed, especially in our rural residential neighborhood.

Lastly, we'd like to ask you, City of Lawrence Douglas County Planning & Development Commission: If you were in our shoes, in your neighborhood, with this proposed establishment next to your quiet home, potentially your largest investment, would you want an entertainment venue operating 7 days a week, until 10 and 11PM every night? What about enduring traffic safety and parking issues, and nobody monitoring code compliance, except for you as a neighboring resident? My guess is you would not. We do not either.

Please take all my sincere comments into consideration and deny the application for this permit.

Sincerely,

Tony & Sonya Smith

Tony Smith
Sonya Smith 4/19/18

4/19/18

As member of the neighboring properties to 1055 E 1500 Rd, and recipient of a letter stating that a Conditional Use Permit (CUP-17-00313) for this property has been submitted, I/we acknowledge, by signature below, formally request the denial of the permit by the City of Lawrence, Douglas County Planning and Development Services.

Richard & Judy Holder
Name

4-18-2018
Date

1507 N. 1050 Rd. Lawrence Kansas 66046
Address City State Zip

Douglas County judge orders owner of 1890 schoolhouse to clean up property



Karen Dillon

Douglas County filed a lawsuit against Linda Fritz, the owner of the 1890 schoolhouse on County Route 1055, pictured here on Friday, May 6, 2016. The county's petition calls it a junk yard and a nuisance. [Enlarge photo](#)

June 6, 2016

The owner of an 1890 schoolhouse who code inspectors say is operating an illegal junkyard has 30 days to clean up the property, according to a default judgment issued Friday.

Douglas County District Court Judge Kay Huff also ordered the owner, Linda Fritz, and the tenants, who are Fritz's daughter and son-in-law, to "immediately cease and refrain from collecting, placing, and storing any additional junk or salvage materials" on the property.

Huff issued the default judgment and permanent injunction order after Fritz and her family failed to respond to a petition filed on April 29 by the Douglas County Commission that asked the court to order Fritz to stop the illegal operation and to clean up the eyesore.

The county has received dozens of complaints by neighbors and passersby. And codes inspectors have detailed the problem since late last summer.

Fritz does not live at the house at 1055 East 1500 Road but rents the property to her daughter Ann Speicher and son-in-law David Sharon.

By law, the owner of the property is ultimately solely responsible.

Fritz has told county officials and the Journal-World that she has been unable to make the tenants stop trashing the property after having asked numerous times.

On Monday Fritz told the Journal-World she was unaware of the judgment but she said she talked to her daughter that morning on the telephone, imploring her to clean it up.

"I gave her a deadline to clean it up," she said. "I will get hold of them and tell them what is going on."

Sean Reid, director of zoning and codes, has been monitoring the property on a weekly basis and responding to neighbors' questions, said Sarah Plinsky, assistant county administrator.

"We are not seeing a lot of progress," Plinsky said. "(Fritz) is frustrated, but obviously the property is still significantly out of compliance."

If Fritz and her family fail to comply with the court order within 30 days, Huff wrote that the county can request the court to find the defendants in contempt of court. If such an order is granted, the county will be authorized to move ahead with the cleanup, "abate the violations" and recover reasonable costs, Huff wrote.

The judgment also authorized the Douglas County Sheriff's Office to enforce the terms of the order.

Originally published at: <http://www2.ljworld.com/news/2016/jun/06/douglas-county-judge-orders-owner-1890-schoolhouse/>

TRAFFIC SAFETY COMMISSION AGENDA/MINUTES – APRIL 6, 2009

ITEM NO. 6: Consider request to establish NO PARKING along one side of 10th Place, 10th Terrace & Randall Road.

Report:

1. 10th Place, 10th Terrace and Randall Road are all 'local' streets in a residential area paved 26 feet wide.
2. Parking is currently permitted along both sides of each street.
3. City practice has been to establish or removed parking restrictions on 'local' streets only if requested-by and supported-by area property owners and/or residents.

ACTION: Provide recommendation to the City Commission.

ITEM NO. 6:

Consider request to establish NO PARKING along one side of 10th Place, 10th Terrace & Randall Road.

David Woosley presented the information provided in the staff report.

Public comment:

Stan Trekell, 1017 Randall Road: In conversations with my neighbors, I learned of an incident a few years ago when a trash truck was on fire and the fire truck could not make the turn off 10th Place onto Randall Road and had to back-up to Kasold, go south to Harvard Road, west to Randall Road and then north; I took the pictures you have to illustrate how a large wide truck cannot make the turn; I am here as a concerned citizen for my neighbors, my friends, my property and my safety, because we have seen even where an ambulance can't get through between parked cars; there have been occasions when neighbors in trying to maneuver trailers in the neighborhood have asked me to move vehicles for them because they couldn't even get in their own driveway because of parked cars; I do not have a personal interest because I have adequate off-street parking; traffic is increasing in this neighborhood due to increased student rentals; I would encourage the commission to make a proactive move in this case because we've already had the warning signs; we've already had incidences of emergency vehicles not being able to get through; people even park in front of the fire plugs; I think there should be consideration for NO PARKING along one side of the entire route through the neighborhood.

Jim Black, 3510 W. 10th Place: There is a problem at 10th Place & Randall Road; I've never seen the problem at 10th Terrace & Randall Road; I don't see an access problem off Harvard coming north on Randall either east/west on 10th

Terrace or making the turn north onto Randall; usually it is not that congested; I do feel like some parking should be restricted on the inside of the corner at 10th Place & Randall; the only vehicles I've witnessed having a problem making the corner are big tractor-trailers that shouldn't be in the neighborhood in the first place; I don't think it is necessary to remove parking the entire length of 10th Place, Randall Road and 10th Terrace.

Commissioner Miller: To me we should be consistent on both corners; the geometrics appear to be the same even if the current parking situation isn't the same.

Commissioner Smith: I think we would be taking-up fewer spaces if we removed parking from the outside of the corners.

Commissioner Ziegelmeyer: I would suggest that we eliminate parking from Kasold all the way around to Randall Road where it exits off of West 10th Terrace.

MOTION BY COMMISSIONER ZIEGELMEYER, SECONDED BY COMMISSIONER WOODS, TO RECOMMEND ESTABLISHING NO PARKING ALONG ONE SIDE OF 10TH PLACE BETWEEN KASOLD DRIVE & RANDALL ROAD, ALONG ONE SIDE OF RANDALL ROAD BETWEEN 10TH PLACE & 10TH TERRACE AND ALONG ONE SIDE OF 10TH TERRACE BETWEEN RANDALL ROAD & RANDALL ROAD; THE APPROPRIATE SIDE TO BE DETERMINED AFTER CONSULTATION WITH THE FIRE DEPARTMENT; THE MOTION CARRIED 8-0.

From: Stan Trekell [mailto:strekell@gmail.com]
Sent: Monday, March 09, 2009 5:06 PM
To: Traffic Safety Commission
Subject: 1000 Block of Randall Road

March 10, 2009

Dear Sirs,

I am a property owner residing at 1017 Randall Road and wanted to take just a moment to express my concerns regarding the safety and street conditions in my neighborhood. Specifically, I am referring to West Tenth Place, the 1000-1100 blocks of Randall Road and West Tenth Terrace. The condition of the streets in this area are at best, deplorable. There are utility cuts that have settled, abrupt rises in the pavement, dilapidated curb and guttering, potholes that have simply had a shovel load of hot mix dumped in them and the list goes on. Not only because I am a property owner who happens to ride a motorcycle, but also because my car does not have four-wheel drive, it is of increasing concern to me in regards to the ever-increasing deterioration of the driving conditions within my immediate neighborhood that I have found it necessary to write and to inform you that we need new curb and guttering and a complete new asphalt overlay. Our neighborhood streets have gone unattended too long and now everything needs to be pulled out and replaced as soon as possible.

Additionally, you will note the photographs that I have attached which represent a possible scenario that could prove to be life threatening if it ever plays out in reality. I have had reasonable concern about emergency vehicles being able to navigate through our neighborhood ever since a neighbor shared an incident that occurred before I moved into the area. I was told that a city trash truck was reported to be on fire and that a LFD pumper truck was dispatched but it could not navigate the narrow passage ways of our neighborhood due to parking being allowed on both sides of the street. It is my understanding that they had to back out of the neighborhood and go back out onto Kasold Drive and then around to Harvard Road to perform their duties. Had this been a medical emergency, the outcome might have been very different. These photographs are ones that I took during an emergency EMT call to an adjacent neighbor's home (10th Place & Randall Rd) that had their elderly mother residing with them. When I saw the fire truck and ambulance pull up, I purposely backed my white Ford Econoline van into the frame of the pictures shown in order to simulate the danger that the current parking situation represents. You can see the resultant effect--an emergency vehicle simply cannot negotiate our already narrow streets with vehicles parked on both sides of the street. And while I am not a traffic engineer, I do have some very definite opinions on the corrective measures that should be taken and that could be easily incorporated with my requested street repairs. I do appreciate the fact that the city has budget constraints but I, along with the other neighbors who have lived here much longer than myself, have been waiting for too many years for our city service providers to do the right thing. Now is the time for corrective actions to be taken. We have waited long enough and have been more than patient for our streets to be safe and drivable.

Thank you for your time and consideration,

Stan Trekell
766-6969

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
04/25/18

ITEM NO. 9A: ANNEX 97.4 ACRES; 1700 BLK E 902 RD (MKM)

A-18-00068: Consider the annexation of approximately 97.4 acres, in the 1700 Block of E 902 Rd. Submitted by BG Consultants, Inc., for Garber Enterprises, Inc, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the requested annexation of approximately 72.44 acres which consists of Parcels #2, #3, and #4 as identified in Figure 6 based on the findings in the body of the staff report and forwarding this request to the City Commission with a recommendation for approval.

Staff recommends denial of the requested annexation of approximately 24.96 acres identified as Parcel #1 in Figure 6, and the subject of the rezoning request to the RSO District, based on the findings in the body of the staff report and forwarding this request to the City Commission with a recommendation for denial.

Reason for Request: The applicant wishes to develop the property.

KEY POINTS

- The subject property is located within Service Area 2 of the Urban Growth Area. The Comprehensive Plan encourages annexation when development is proposed in this area and city services are available to serve the property. The property owner is requesting annexation in order to develop in the city and receive city services.
- The property is within the service area of Rural Water District No. 1 and notice has been provided of the intent to annex.
- The subject property is adjacent to the Lawrence city limits; therefore, it is not an island annexation.
- This annexation request is accompanied by rezoning requests for the subject property that align with the designation and policies of *Horizon 2020*.

COMPREHENSIVE PLAN FACTORS TO CONSIDER

- The Growth Management policies of the Comprehensive Plan (Chapter 4, *Horizon 2020*).
- Land Use recommendations in the K-10 and Farmer's Turnpike Plan (Chapter 14, *Horizon 2020*).

ASSOCIATED CASES/ OTHER ACTION REQUIRED

Associated cases:

- **Z-18-00070:** rezoning request for approximately 24.96 acres from A (County-Agriculture) to RSO (Single-Dwelling Residential-Office).
- **Z-18-00073:** rezoning request for approximately 60.95 acres from A (County-Agriculture) to RS5 (Single-Dwelling Residential).
- **Z-18-00074:** rezoning request for approximately 0.78 acres from A (County-Agriculture) to RS5-FP (Single-Dwelling Residential with Floodplain Management Overlay)

- **Z-18-00075:** rezoning request for approximately 11.49 acres from A (County-Agriculture) to IL (Limited Industrial).

The associated cases were submitted concurrently with the annexation request and are also being considered at the April Planning Commission meeting.

Other action required for annexation:

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

Action required prior to development:

- City Commission approval of rezoning requests and adoption/publication of ordinances.
- Platting of the property through the Major Subdivision process, including setting aside any required Environmentally Sensitive Lands; Public Improvement Plans and funding; and annexation of Westar and other properties to satisfy requirements for a Benefit District.
- Submittal and administrative approval of site plans if development other than single-dwelling residential or duplex is proposed.
- Building permits obtained prior to development activity.
- Floodplain Development Permits obtained prior to any development activity on parcels which are encumbered with floodplain.

PUBLIC COMMENT

- No public comments were received prior to the printing of this staff report.

ATTACHMENTS

- Attachment A: Rezoning map
- Attachment B: Utilities-Infrastructure Service Plan
- Attachment C: Residential Land Inventory Report

Project Summary

The property owner is requesting annexation of the property in preparation for development. Rezoning requests to the RS5 and RS5-FP (Single-Dwelling Residential District and the Floodplain Management Regulations Overlay District), IL (Limited Industrial), and RSO (Single-Dwelling Residential-Office) were submitted with the annexation request and these are being considered as part of this item at the April Planning Commission meeting. An adjacent property has been developed with a Westar electrical substation. Westar has plans to expand the substation, identified as Item 2 in Figure 1b, and has an approved CUP (Conditional Use Permit) for the expansion. As part of the conditional use requirements, Westar executed an annexation agreement which has been recorded with the Douglas County Register of Deeds. Annexation of the Westar property will be pursued if this annexation is approved.

EXISTING CONDITIONS

Current Zoning and Land Use:

A (County-Agricultural), F-W (County-Floodway Overlay), and F-F (County-Floodway Fringe Overlay) Districts; *Agriculture, Mini-Storage Facility*, under construction on the proposed IL zoned property within this annexation request, and woodland

Surrounding Zoning and Land Use:

To the north: A (County-Agricultural), F-W (County-Floodway Overlay), and F-W (County-Floodway Fringe Overlay) Districts; Baldwin Creek, woodland, stream corridor, future city parkland, and *Residential Detached Dwellings*.

To the west: A (County-Agricultural), F-W (County-Floodway Overlay), and F-F (County-Floodway Fringe Overlay) Districts; *Agriculture*, K-10 Highway, and *Single-Family Dwellings* west of K-10.

To the east: A (County-Agricultural), F-W (County-Floodway Overlay), and F-F (County-Floodway Fringe Overlay) Districts; *Agriculture*, woodland and stream corridor with associated floodplain.

To the south:

Outside city limits: A (County-Agricultural), *Public Utility* -- Westar sub-station, *Residential Detached Dwellings*, and *Agriculture*.

Within the city: GPI (City-General Public and Institutional Use), and OS-FP (City-Open Space with Floodplain Management Regulations Overlay); *Passive Recreation*—city park, *Active and Passive Recreation*, *Entertainment and Spectator Sports*—Rock Chalk Park and the Sports Pavilion Lawrence. (Figure 1)

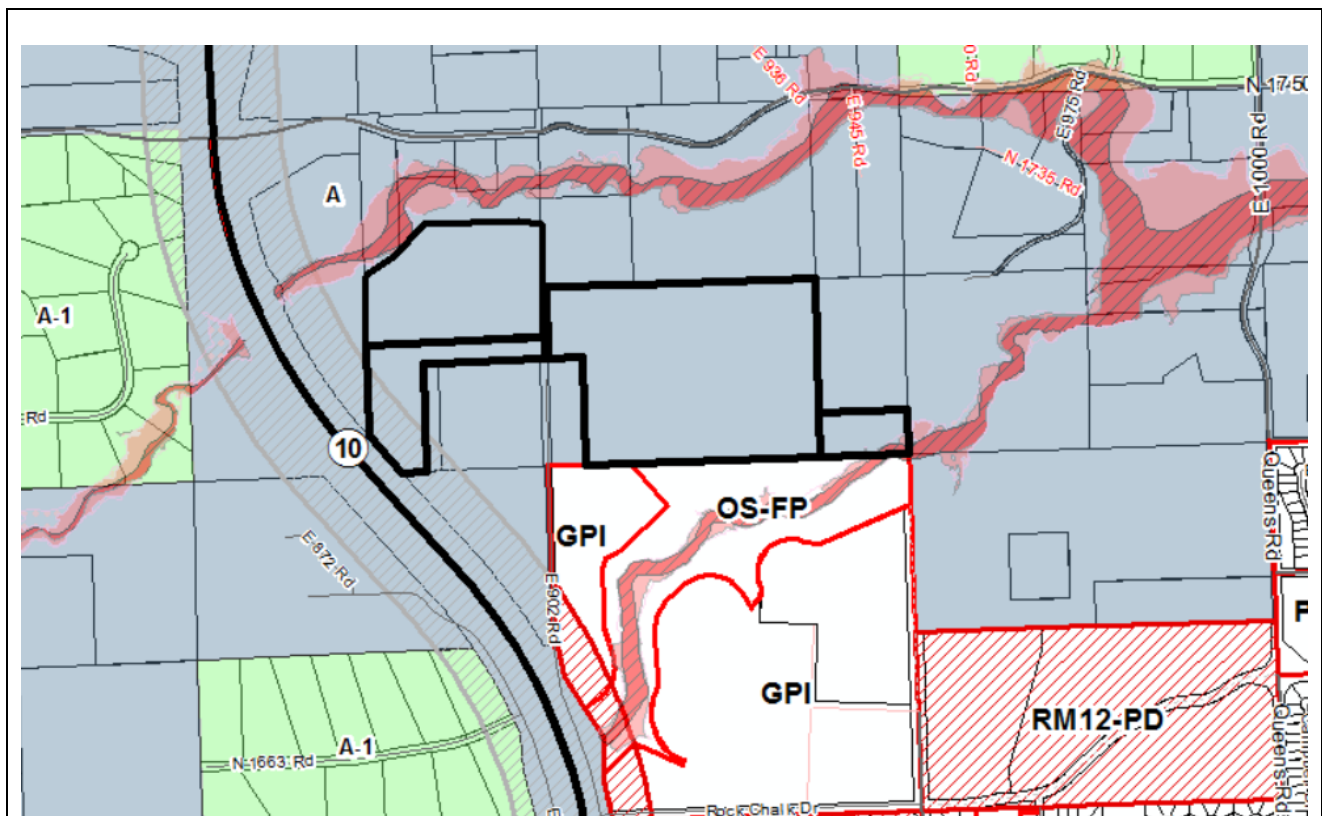
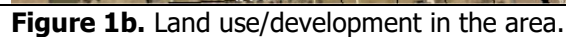
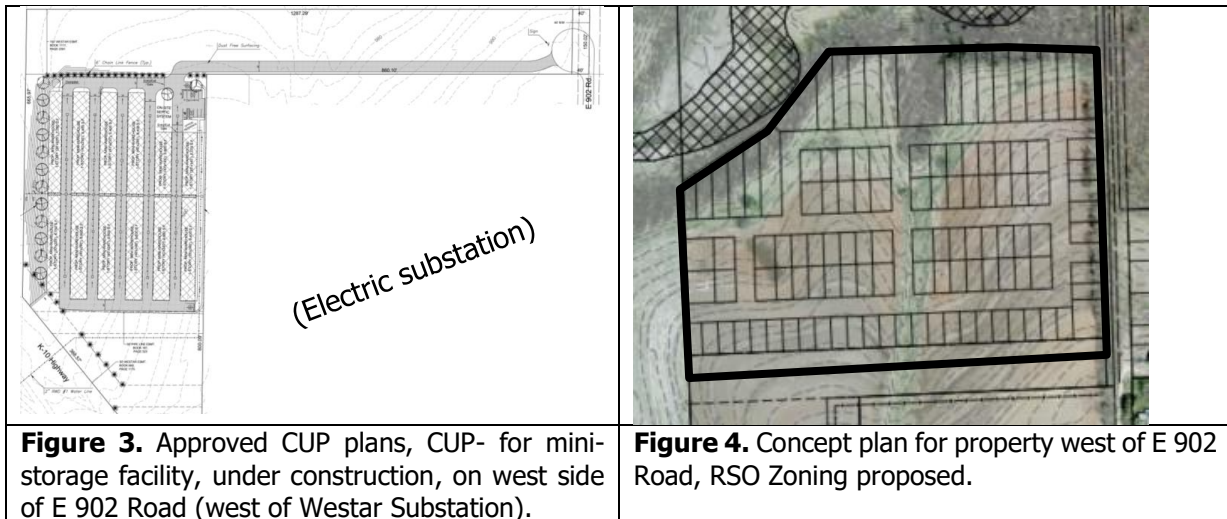


Figure 1a. Zoning in the area. Subject properties are outlined. Hatched area along K10 Highway is the SLT/K10-TC (Transportation Corridor) Overlay District. This district only applies within the city limits but is being shown here as it will apply following annexation. The red areas mark the floodplain overlay districts: dark red is the floodway, pink is the floodway fringe. The hatched area noted as RM12-PD is conditional zoning.



- | | |
|--|---|
| 1: Mini-storage facility, under construction | 2: Westar sub-station |
| 3. Future City park | 4: City park |
| 5. Sports facilities (Rock Chalk Park/Sports Pavilion) | 6. Links, apartments under construction |

Figure 2. Concept plan for parcel east of E 902 Road, RS5 Zoning proposed.



Annexation Procedure

Kansas Law [K.S.A. 12-519 et. seq.] provides for annexation by ordinance of the City Commission. City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. The City Commission received the annexation request on April 17, 2018 and forwarded the request to the Planning Commission for review.

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 Kansas Statute [K.S.A 12-527]. The Water District, Rural Water District No. 1, has been notified of the annexation request as required by State Statute.

Per Code, property which is proposed for development is rezoned to a city zoning designation when annexed. Rezoning requests to the IL (Limited Industrial), RSO (Single-Dwelling Residential-Office) and RS5 (Single-Dwelling Residential) Districts were submitted with the annexation request. A rezoning to the Floodplain Management Overlay District (RS5-FP) was submitted for the portion of the property being rezoned to RS5 that meets the criteria for placement within the Floodplain Management Regulations Overlay District.

General Location

The properties requested for annexation are located northwest of the City, in the general area with the Rock Chalk Park KU sports facility and the Sports Pavilion Lawrence facility, *Active and Passive Recreation* and *General Entertainment and Spectator Sports* uses. Property to the south, between Rock Chalk Drive and W 6th Street is in the early stages of development. A hotel is under construction in the northeast corner of the Mercato development and Lawrence Memorial Hospital has indicated plans to develop a 200,000 sq ft outpatient facility in the northwest corner of the same development.

Access to the area will be taken from E 902 Road (extended), which is designated in the Major Thoroughfares map of *T2040* as a Collector Street. E 902 Road will be improved to Collector Street standards up to the intersection with Rock Chalk Drive with the platting of the Mercato property and the development of the medical facility. (Figure 4)

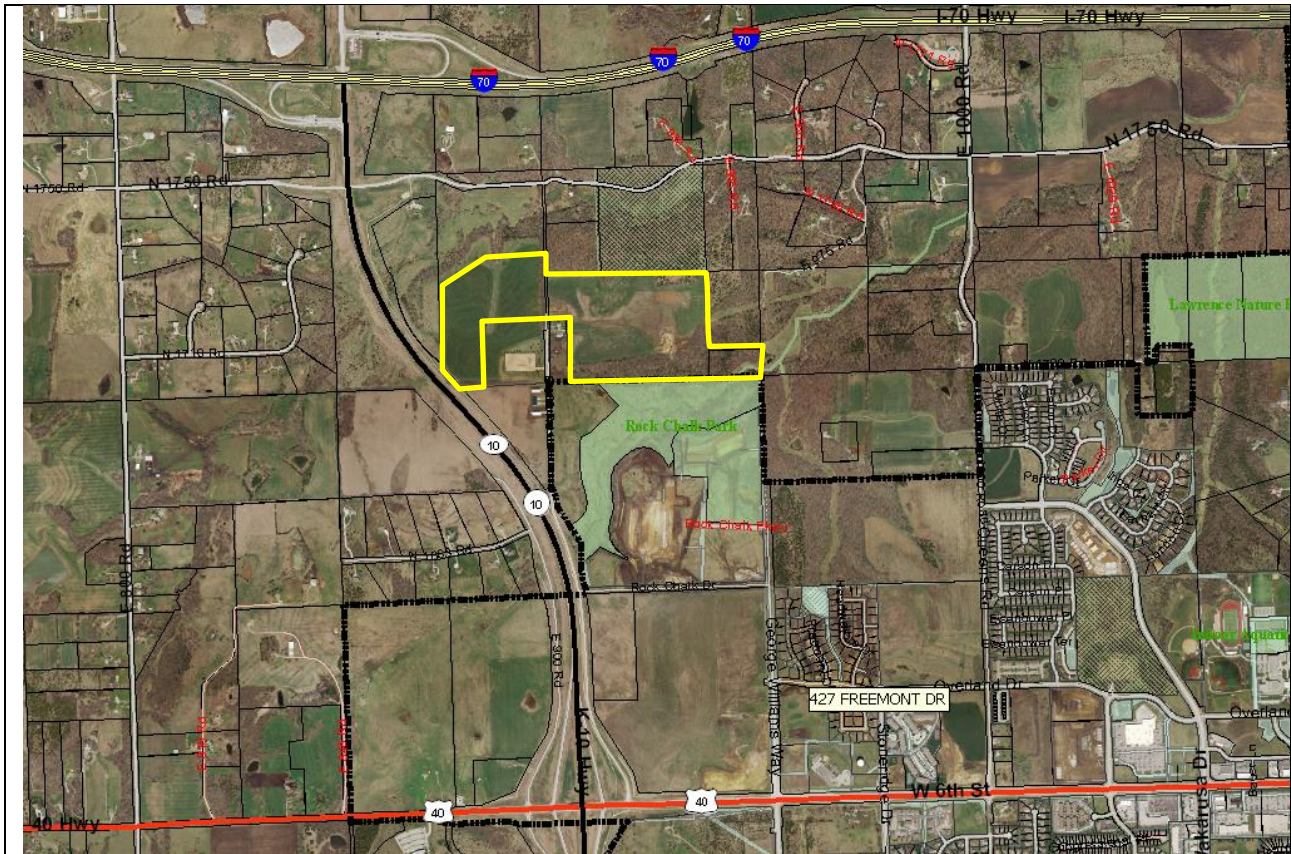


Figure 4. General location of property within annexation request. Subject property outlined in yellow.

Infrastructure and Utility Extensions

The applicant provided a Utility/Infrastructure Service Plan, which is attached with this staff report, to illustrate how services could be extended to serve the property and how these would be financed.

WATER

City water is available to the area. The developer will be responsible for the extension of a looped public waterline to serve the property. The service plan notes that the looped system would consist of one leg which would be installed along E 902 Road when it's improved/extended and a second leg which will connect to the existing water main located near the Sports Pavilion Lawrence.

(Figure 5)

Funding: private/benefit district adjacent to E 902 road

SANITARY SEWER

The Baldwin Creek sanitary sewer interceptor main has been extended through the area. The applicant provided a graphic in the Utility-Infrastructure Service Plan which shows the parcels and which watershed they are located in. (Figure 6)

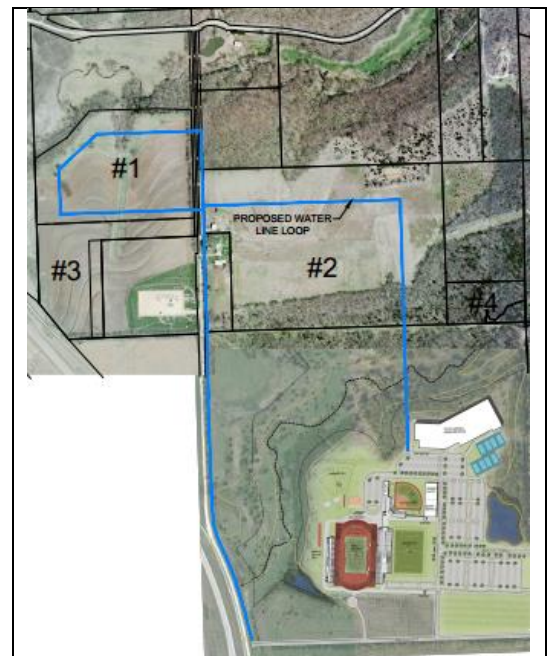


Figure 5. Proposed water mains shown in blue

The service plan notes that the first phase of development will be the portions of Parcel #2 and #4 that are within the BC-2 watershed, shown in red in Figure 6. Due to topography, the portions of the parcels that are located in BC-3 watershed cannot be developed until another interceptor line is installed to the north, unless a pump station is approved for this area. An interceptor line is shown in this area on the master plan, but there is no timeframe noted for its development. It will likely be driven and paid for by development. Development including Parcels 2 and 4 will pay its share of the Baldwin Creek West Sanitary Sewer Line Connection Fee and the Pump Station #48 Sanitary Sewer Connection Fee as noted in Table 1. Figure 7 shows the existing Baldwin Creek Interceptor Line and the future Interceptor Line.

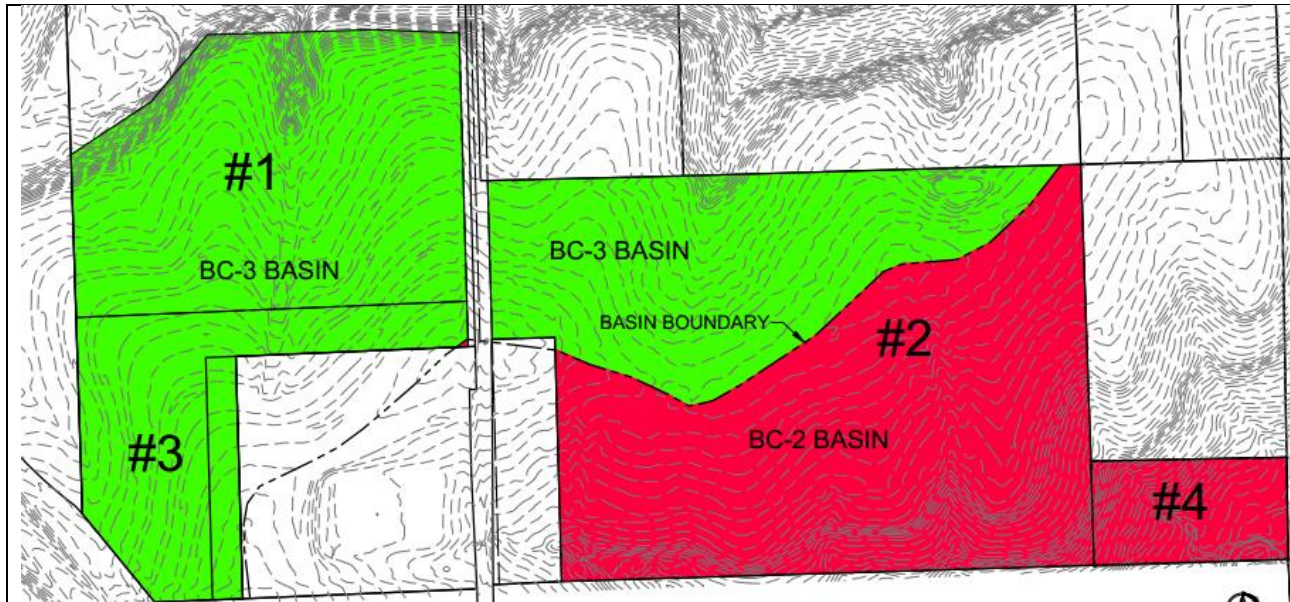


Figure 6. Water shed basins. BC-2 Basin, shown in red, are the areas that are currently served by the Baldwin Creek Interceptor Line.

The applicant is working with the City Utilities Division to determine if it is possible to sewer those portions of the area that lie outside of Watershed BC-2. Before annexation can be recommended it must be demonstrated that it is possible to provide City sanitary sewer services to the property. The City favors gravity sanitary sewer rather than using a pump station primarily because of the cost maintain the pump station. This review and staff's recommendation are based on the information currently available. As the applicant is working on a sewer plan, it is possible there will be additional information on this aspect before the Planning Commission meeting. If so, a staff memo will be provided with the new information.

The City Utility Engineer noted that with grading the northern portion of the parcel identified as #2 in Figure 6 may be able to be served with sanitary sewer. The mini-storage facility requires water and sewer only for the manager residence. The property would connect to City water when it is extended along E 902 Road as part of this project. The facility could maintain the existing septic system and connect to City sanitary sewer when it is extended.

In summary, most, if not all, of Parcels 2 and 4 can be served with gravity sewer. Parcel 3 produces a very low-demand for sewer so could forego sewer utilities until the use changes or intensifies.

Parcel 1 requires sewer but sewer is not available and so staff recommends not annexing this parcel at this time.

Funding: connections to the sanitary sewer and extensions of mains to serve the development, as well as the sanitary sewer service interior to the development would be the responsibility of the developer.

Street Improvements: The subject property abuts E 902 Road, which is classified as a future collector on the Major Thoroughfares Map. The annexation will include the entire right-of-way for E 902 except where the property owner does not have control of both sides of the road. In that case the annexation will include property to the centerline of the road. Right-of-way will be dedicated and E 902 Road will be constructed to city standards to the northern portion of the annexed property. The developer will extend E 902 Road to connect with N 1750 Road to the north. From the north boundary of the annexed property, E 902 Road will be constructed as a county gravel road. (Figure 8)

Funding: E 902 Road Improvements from Rock Chalk Drive to the north boundary of the annexed area would be funded through a Benefit District. This would require annexation of other parcels with frontage on E 902 Road, located south of the northern border of the annexation, into the city so they can participate in the Benefit District. This includes the Westar property, which has executed an Annexation Agreement, the adjacent parcel to the south, which is currently used for agriculture, and the parcel to the east of the Westar property which is developed with a rural residence. These 3 properties are marked with a star in Figure 8.

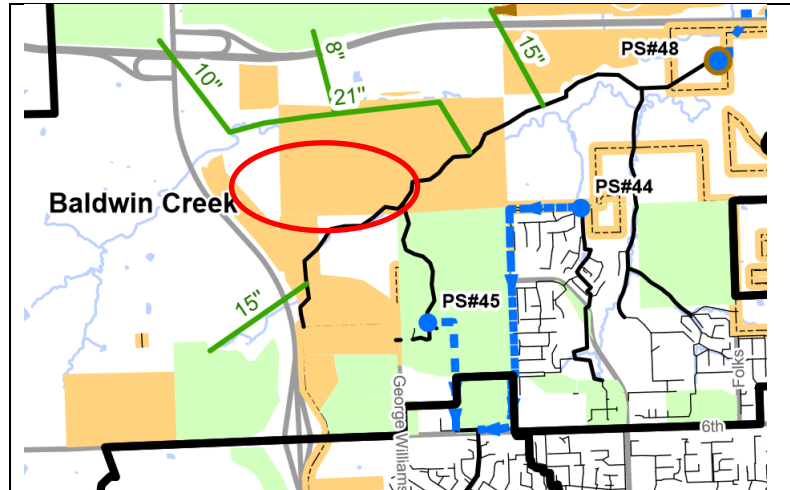


Figure 7. Overall map of existing and proposed public sewer lines. Baldwin Creek Interceptor Line shown in black running southwest from PS#48 to K10 Highway. Future interceptor line to connect to Baldwin Creek Interceptor Line shown in green. General location of property within annexation request circled.

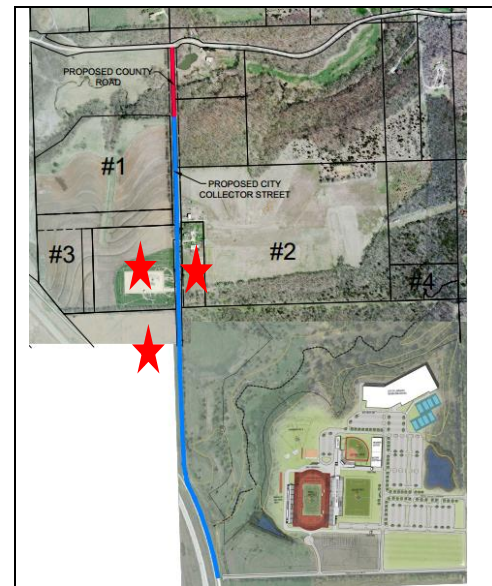


Figure 8. Future improvements to E 902 Road, City Collector St in blue, and County rock road in red.

The Fire Marshall noted that they will be able to provide coverage to the property within the annexation request as it is just outside the four minute travel area and within the 8 minute travel area as depicted in the 2012 Standard of Cover. The Fire Marshall noted that, in addition to being within the travel area noted, site design and access to water are important components. City water will be available following annexation and the Fire/Medical Division will be a part of the committee that reviews the site plan or plats for the new development.

The following table summarizes the city services necessary for development in the area and the funding mechanism.

TABLE 1.	Public Improvement	Funding/Responsible Party
Water Provide a looped water main to serve the property	Water main parallel to E 902 Road	Part of the Benefit District for E 902 Road
	Water main connecting to main near Sport Pavilion	Developer
Sanitary Sewer	Extension of mains to serve the property located in BC-2 Watershed	Developer
		Parcels in BC-2 watershed: Pump Station #48 Sanitary Sewer Connection Fee: \$2,840/gpm peak wastewater flow generated. Subject to Baldwin Creek West Sanitary Sewer Line Connection fee: \$33 per gpm peak wastewater flow.
	Mini-or-self-storage facility west of E 902 Road, Parcel 3 Use current septic system. Connect to City sewer when main is available in the area or the proposed use changes or intensifies.	Developer
Street/Sidewalk	E 902 Road improved to collector standard to north boundary of annexation (with sidewalks on both sides), gravel county road from north boundary to N 1750 Road	Benefit District for portion within the City limits. City to contribute for additional amenities if desired, such as bike lanes. Developer cost outside the city limits.
Stormwater	Installation of internal management system and connection to public system	Developer

COMPREHENSIVE PLAN

The subject property is located within Service Area 2 of the Lawrence Urban Growth Area. Service Area 2 is limited in size and is located northwest and northeast of the City. Annexation Policy No. 1 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.

Other annexation policies include:

- Policy No. 2: Annexation shall be required prior to development in Service Area 1 of the Lawrence Urban Growth Area. This property is located within Service Area 2; therefore, this policy does not apply.
- Policy No. 3: Non-contiguous parcels of land may be developed subject to the policies of the Comprehensive Plan and upon agreement by the owner to annex at the time the parcel of land becomes contiguous to the city. Development is not being proposed on non-contiguous parcels

at this time. Non-contiguous parcels which have developed in the area include Westar's sub-station and the mini-storage facility. Both developments have executed Agreements to Annex recorded with the Douglas County Register of Deeds.

The Comprehensive Plan recommends that no urban development be allowed in the Northwest Lawrence area until the city adopts a policy that establishes a process to provide wastewater collection and treatment, for the entire Baldwin Creek drainage basin or a phased approach for wastewater collection on a sub-basin approach for this area. (Page 4-2, *Horizon 2020*) The Baldwin Creek Interceptor Line, installed in 2009, and plans for the future lines which have been adopted in the City Wastewater Masterplan, provide a phased approach for wastewater collection for this area.

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

COMPLIANCE WITH ADOPTED AREA PLANS

A portion of the subject property is located within the boundaries of the *K-10 & Farmer's Turnpike Area Plan* (Figure 4). Applications to annex and rezone the subject property were submitted in 2014. At the time, the *K-10 & Farmer's Turnpike Plan* recommended Residential/Office uses for the parcels west of E 902 Road. A comprehensive plan amendment, CPA-14-00005, was submitted in 2014 to request a change to this recommendation. The amendment was approved and the future land use recommendation for the parcel with the electric sub-station and the parcel to the west was revised from Residential/Office to Office/Research. This land use includes utility and warehouse uses. A request was made at the time to expand the plan's boundaries to include the parcel to the east of E 9902 Road and recommend residential uses for this property. The staff report notes that this request was compliant with the comprehensive plan and was acceptable to staff; however, this portion of the amendment was removed from the request.

The *K-10 & Farmer's Turnpike Area Plan* provides a set of goals and policies related to development that will be the basis for review of any development proposals (Pages 3-1 and 3-2) within the planning boundaries (Figure 4). Principal policies that would apply to the development of this area include:

- Industrial structures should be aesthetically pleasing from all sides and should incorporate quality building materials and quality architectural elements. (Policy 3.1.2.5.) Given the visibility of the mini-warehouses from K-10 and the proximity of the nearby residential development (proposed), an aesthetically pleasing design was a principal design requirement with the Conditional Use Permit review.

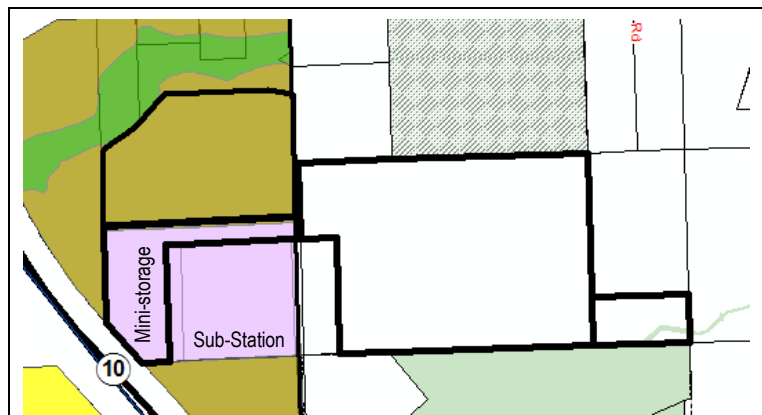


Figure 4. Areas within the *K-10 & Farmer's Turnpike Plan* boundary are highlighted to land use recommendations. The property within this annexation request is outlined. Residential/Office land uses are recommended for the area shown as brown. Research/Office land uses are recommended for the area highlighted in purple. The parcels east of E 902 Road are not included within the plan's boundary.

- Goal 6 (Page 3-1) recommends the development of a strong park/trail system. As the property to the east of E 902 Road is between two City parks, a connecting trail between the two park areas would be required with development.

The property east of E 902 Road is not within the boundary of the *K-10 & Farmer's Turnpike Area Plan*. With the 2014 comprehensive plan amendment, a request was made to expand the plan's boundaries to include the parcels east of E 902 Road and recommend residential land uses. The comprehensive plan amendment staff report notes that this request was compliant with the comprehensive plan and was acceptable to staff; however, this portion of the amendment was removed from the request.

The property east of E 902 Road was included in the *Northwest Plan*. This plan was adopted in 1997 and, while it is viewed as being out of date due to the infrastructure changes and growth which has occurred since then, it has been used as a general guide for land uses in this area. The *Northwest Plan's* general recommendation was to permit a gradient of land uses with the more intense land uses along W 6th Street and decreasing intensities toward the north. Single-dwelling residential land uses to the north of Rock Chalk Park sports facility and the city park would be compliant with this recommendation.

OTHER

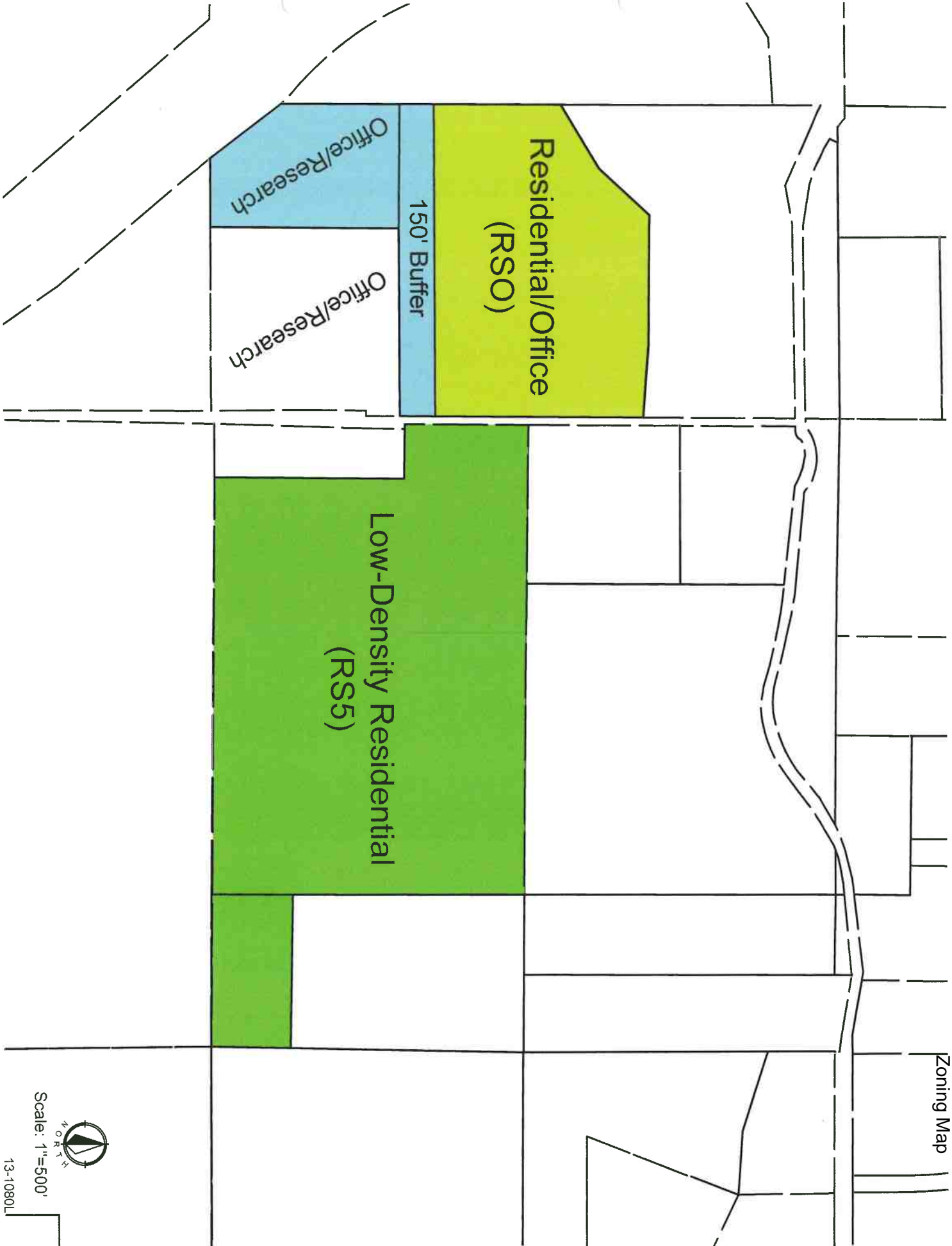
The Comprehensive Plan does not require an analysis of the need for the annexation request, or the benefit it would provide to the community but City staff recently prepared the *2017 Residential Lot Inventory Report*, attached, which shows, in staff's opinion, a need for additional single family lots at this time. The report notes that in 2012 there were 423 residential lots in the newer subdivisions (under 10 years old), and at the rate of building permits at the time these represented 13.4 years of inventory. There has been limited platting in the City since 2008 and the number of lots have not kept pace with the number of building permits issued. Last year's data indicates that 237 residential lots were available in newer subdivisions and these represent 2.1 years of inventory. Making property ready for single family residential development includes the following processes: annexation, rezoning, public improvement plans, preliminary plat, final plat, and building permits, which can take a year or more depending on the complexity of the public improvement plans. Given the time needed to make property development ready, staff recommends taking steps to increase the inventory of single-family residential lots in order to keep up with the housing demand which includes annexation of property when appropriate.

Staff has developed, or plans to develop, reports to monitor the inventory of the range of land uses needed to create the urban fabric – single-family lots, multi-dwelling lots, commercial space and industrial space. The data currently reflects, in staff's analysis of it, a need to support the development of additional single-family lots. Data reflects the same need to pursue industrial areas but does not support adding significant commercial or multi-dwelling areas in or to the city past what is zoned or pending consideration. What is not included in the analysis is a detailed review of potential infill sites to accommodate single-lot development. While there are a few undeveloped areas in the city staff can think of that would support single-family lot development, other vacant parcels in the city would not be conducive to single-family lot development based on compatibility issues or the need to keep such areas reserved for commercial or industrial land uses.

CONCLUSION

The proposed annexation is compliant with recommendations of *Horizon 2020* and the adopted area plans. The subject property is located within the Lawrence Urban Growth Area and City services are available to serve much of the property. As development has been proposed on the property, annexation has been requested. Staff recommends approval of the annexation request for Parcels #2, and 4 due to the availability of city services, and recommends approval of the annexation request for Parcel #3 as the mini-storage use has a very low demand for sewer services and other services are available. In staff's opinion, the annexation request for Parcel #1 is premature as it won't be

possible to utilize the gravity sewer system until the future interceptor has been built; therefore, staff will recommend denial of the annexation request for Parcel #1.



Scale: 1"=500'

13-1080L

GARBER ANNEXATION – UTILITY/INFRASTRUCTURE SERVICE PLAN

Sanitary Sewer

The four parcels proposed for annexation are located in the Baldwin Creek (BC) watershed and split between the BC-2 and BC-3 sub-basins. The watershed boundaries have been shown on the attached diagram along with the parcels proposed for annexation.

Parcel #4 is located fully within the BC-2 watershed. Parcel #2 is located within both the BC-2 and BC-3 watershed while Parcels #1 and #3 are located within the BC-3 watershed. The BC-2 watershed is served by an existing sewer interceptor line that flows to Pump Station #48. It has been designed to accept flow from the parcels within the watershed boundaries. The BC-3 watershed will be served by a future interceptor sewer line that has not yet been constructed. The future interceptor sewer line is shown Figure 3.5, Recommended Plan of Improvements, in the *Integrated 2012 Wastewater Utilities Plan*. It will connect to the existing interceptor sewer and extend north and west toward the I-70/K-10 Intersection area.

The first phase of this project will be the portion of Parcel #2 and #4 that is located within the BC-2 watershed. The remaining parcels will not be developed until the future interceptor sewer serving the BC-3 watershed is constructed. The future interceptor sewer could be financed using a variety of methods including benefit district, capital improvement program or a combination of these funding mechanisms.

The parcels located in the BC-2 watershed are subject to the Pump Station #48 Sanitary Sewer Connection Fee per City Code 19-315.1 in the amount of \$2,840/gpm peak wastewater flow generated. The parcels are also subject to the Baldwin Creek West Sanitary Sewer Line Connection fee per City Code 19-315.3 in the amount of \$311/gpm peak wastewater flow generated. These fees will help the City recoup the costs of constructing the interceptor sewer.

Water Main

The parcels proposed for annexation will need two feeds into the area to provide a consistent water supply. The attached diagram shows a proposed alignment for the water main. One leg of the water main would parallel E 902 Road. The second leg would connect to the existing 12" water main located near the Sports Pavilion Lawrence. These two connections would provide a looped connection for the proposed developments.

The construction of the water main paralleling E 902 Road is anticipated to be constructed with the proposed road improvements and included in that improvement's cost. The feed from Sports Pavilion Lawrence and the internal water mains would be part of the development infrastructure and is anticipated to be funded by the Developer.

Road Improvements

E 902 Road is the only way to access these parcels today. It is currently an unimproved road. This project proposes to improve E 902 Road and connect it to N 1750 Road to improve network connectivity in the area. The proposed project would improve E 902 Road from Rock Chalk Drive approximately 4,400 feet north to a City Collector Road. The remainder of the road would be constructed to a County gravel road standard. The connection of E 902 Road and N 1750 Road would permit two ways into and out of the proposed development.

The funding of the road improvement is anticipated to be by a benefit district. See discussion below about the surrounding parcels and the potential benefit district. A request has been made to include this project on the City's Capital Improvement Program list.

Adjacent Property Owners

The property located on the east side of E 902 Road south of the Garber parcel is owned by RCP, LLC and the City of Lawrence. The RCP, LLC ownership signed an Agreement which states that they will not protest the formation of a benefit district for the E 902 Road improvements. This ground is located within the City of Lawrence.

The property located on the west side of E 902 Road south of the Garber parcel is owned by Fairway LC. This property is located in the unincorporated area of Douglas County. Mike Stultz, representing the owner, has indicated that they are willing to be annexed and participate in a benefit district for the E 902 Road improvements. The annexation request will likely be submitted in April.

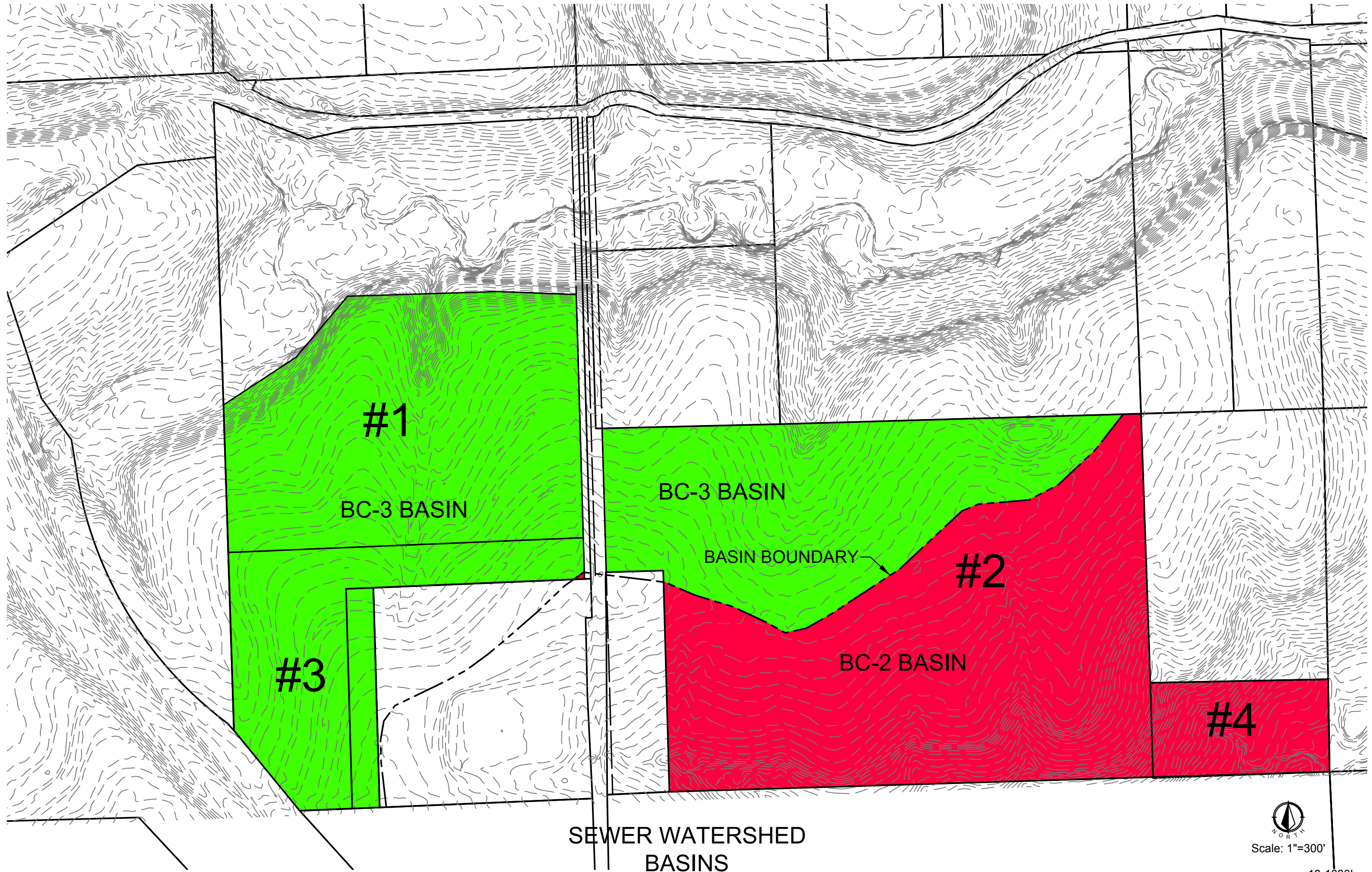
The property located on the east side of E 902 Road north of Rock Chalk Park and west of the Garber parcel is owned by John Henning. This property is located in the unincorporated area of Douglas County.

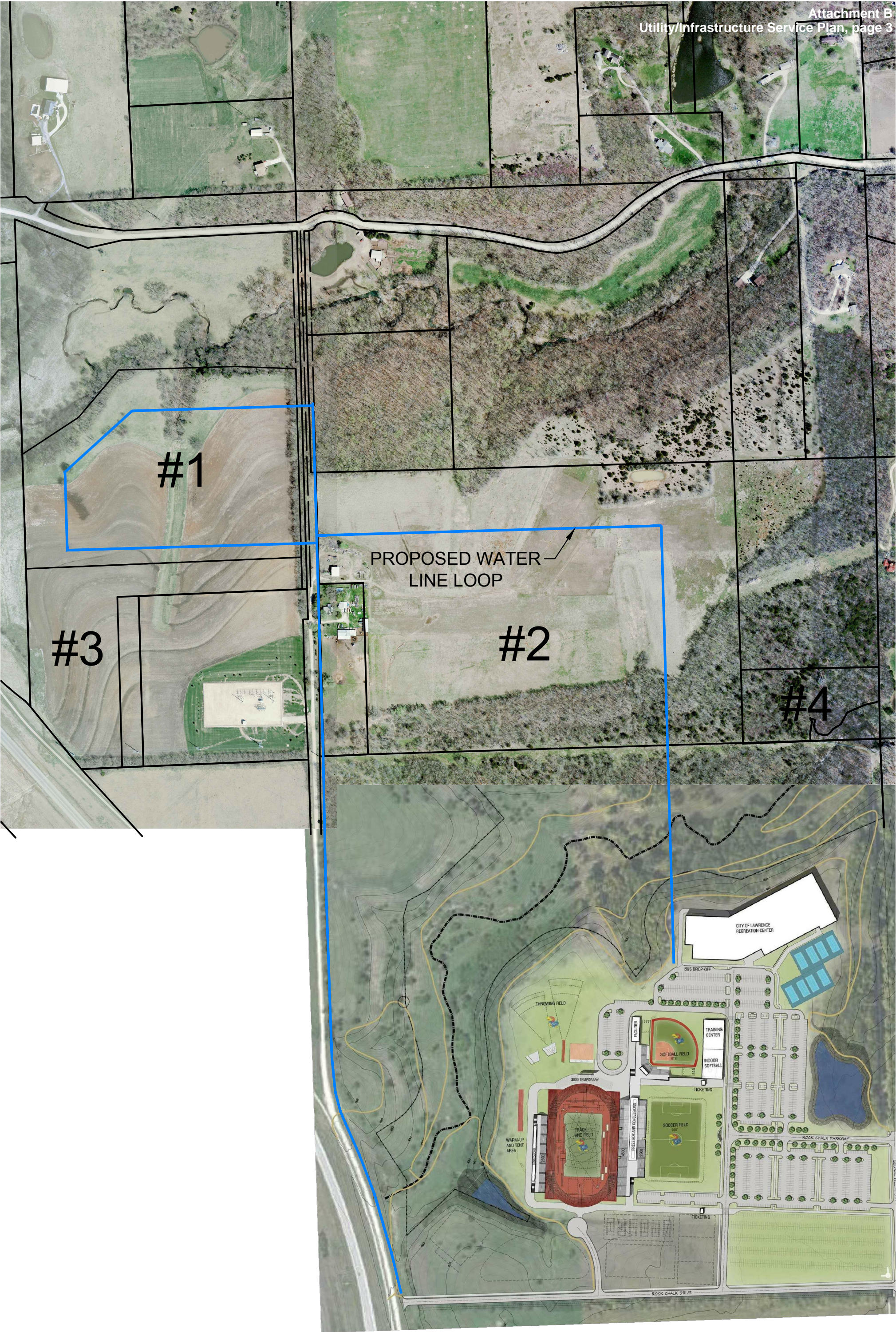
The property located on the west side of E 902 Road north of the Fairway LC parcel and east of the Garber parcel is owned by Westar Energy Inc. & Western Resources Inc. This property is located in the unincorporated area of Douglas County. The ownership of this parcel has signed a Consent to Annex and an Agreement to Annex which states that they will agree to annex when appropriate and also not protest the formation of a benefit district for the E 902 Road improvements.

The property located on the east side of E 902 Road immediately north of the Garber parcel is owned by George Biberstein. This property is located in the unincorporated area of Douglas County.

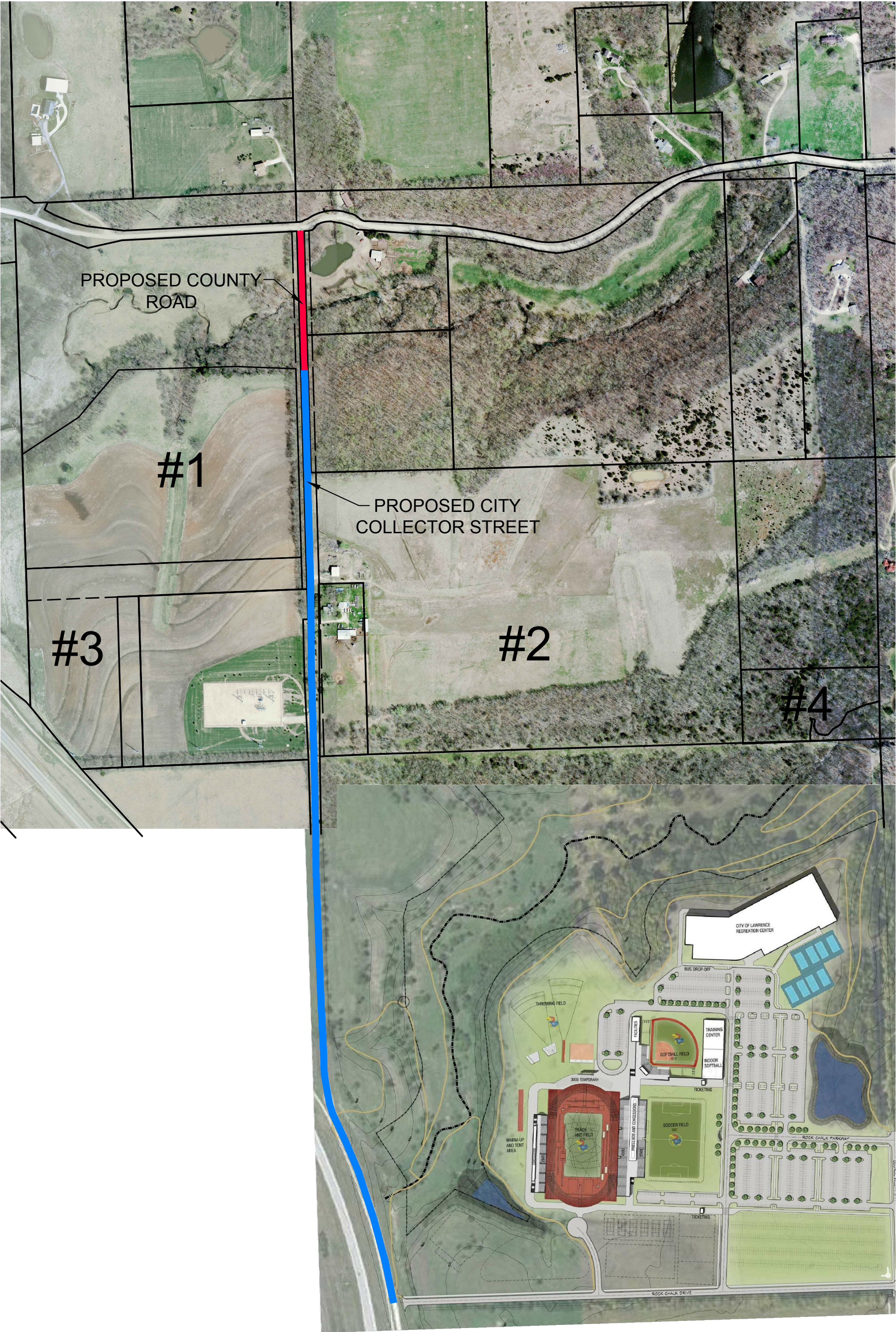
The property located on the west side of E 902 Road immediately north of the Garber parcel proposed for annexation is also owned by Garber Enterprises Inc. This property is located in the unincorporated area of Douglas County.

The property located on the east side of E 902 Road immediately north of the Biberstein parcel is owned by Penelope Keelan and Dennis Bowie. This property is located in the unincorporated area of Douglas County.





PROPOSED WATER
MAINS



PROPOSED ROAD
IMPROVEMENTS



2017

Residential Lot Inventory Report

Britt Crum-Cano
City of Lawrence, Kansas
March 30, 2018

Introduction

This report is an update on the status of available lots for new residential construction as of December 31, 2017 based on market demand, supply, and inventory. Information presented within the report helps determine if there is an abundance or need for single-family lots and is one component of inventorying all land use types in the City.

Data within this report focuses on building permits issued in 2017 as well as lots platted for single-family, residential construction from 2007-2017 (i.e. newer subdivisions). Maps showing residential lots platted are included at the end of this report.

Contents

Executive Summary	2
Residential Lot Supply	4
Residential Lot Demand	6
Residential Lot Inventory	8
2017 Building Permits Map	11
5-Year Building Permits Map	12
10-Year Building Permits Map	13

Executive Summary

2017 saw a 5% decline in residential lot supply for single-family housing compared to the previous year. Almost all lot absorption occurred in newer subdivisions. With demand increasing by 5% from 2016, inventory of single family lots was estimated at 2.1 years in 2017 (approximately 16% less than the previous year).

Residential Lot Supply

Overall residential lot supply decreased in 2017 by 5% compared to 2016 supply. Almost all absorption of lots occurred in newer subdivisions, with supply dropping 12% from the previous year.

Supply of Residential Lots: 2016-2017			
	2016	2017	% Change
Newer Subdivisions	345	303	-12%
Older Subdivisions	639	634	-1%
Total	984	937	-5%

The supply of development-ready, residential lots decreased by 13% in 2017 compared to 2016 supply. Again, the largest absorption of development-ready lots was in newer subdivisions with supply dropping 31% compared to 2016.

Supply of Development Ready Residential Lots: 2016-2017			
	2016	2017	% Change
Newer Subdivisions	345	237	-31%
Older Subdivisions	545	540	-1%
Total	890	777	-13%

Residential Lot Demand

Overall, 2017 demand for single family housing was up slightly and demand for multi-family housing decreased substantially compared to 2016. Demand for new, single family homes increased 5% in 2017, increasing from 137 permits in 2016 to 144 permits in 2017. Demand for duplex units decreased 18% in 2017, dropping from 34 permits in 2016 to 28 permits in 2017. Apartment housing decreased substantially dropping from 74 permits in 2016 to 1 permit in 2017 (99% decline).

Building Permits: 2016-2017			
	2016	2017	% Change
Single Family	137	144	5%
Duplex	34	28	-18%
Apartments	74	1	-99%
Total	245	173	-29%

Residential Lot Inventory

Overall, 2017 annual inventory of single family residential lots decreased 8%, dropping from a 7.2 year supply in 2016 to 6.6 years in 2017. Based on 2017 market demand (144 building permits per year), annual inventory of residential lots in newer subdivision dropped by 16% while inventory in older subdivisions dropped by 4% compared to 2016.

Estimated Lot Inventory in Years: 2016-2017			
	2016	2017	% Change
Newer Subdivisions	2.5	2.1	-16%
Older Subdivisions	4.7	4.5	-4%
Total	7.2	6.6	-8%

Based on average demand over the past five years (140 building permits per year), annual lot inventory remained steady at 6.8 years of inventory. Based on average demand over the past 10 years (127 building permits per year), annual lot inventory was at 7.4 years of inventory.

Residential Lot Supply

At the end of 2017, the City had a total of 937 undeveloped residential lots, 777 of which had infrastructure in place and were considered development ready. The majority of lots having infrastructure are found in older subdivisions (540 as compared to 237 development-ready lots in newer subdivisions).

Residential Lot Supply (As of December 31, 2017)					
	Newer Subdivisions (platted after 1-1-2007)	% of Total	Older Subdivisions	% of Total	Total Lots
Undeveloped Lots: Without Infrastructure	66	22%	94	15%	160
Undeveloped Lots: With Infrastructure (Development Ready)	237	78%	540	85%	777
Total	303	100%	634	100%	937

City of Lawrence, Kansas, GIS Department

Change in Lot Supply

Total supply of residential lots decreased by 5% in 2017, dropping from 984 lots in 2016 to 937 total lots in 2017.

Historic Comparison: Annual Supply of Residential Lots (lots with and without infrastructure)			
Year	Lots in Newer Subdivisions	Lots in Older Subdivisions	Total
2017	303	634	937
2016	345	639	984
2015	463	630	1,093
2014	469	532	1,001
2013	504	534	1,038
2012	732	527	1,259

% Change

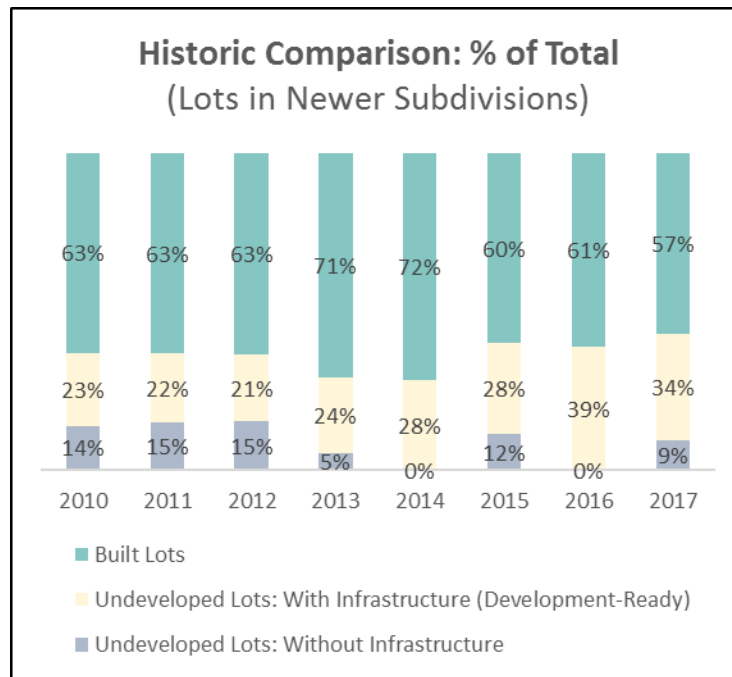
New Sub	Older Sub	Total
-15%	0%	-5%
-25%	1%	-10%
-1%	18%	9%
-7%	0%	-4%
-31%	1%	-18%

City of Lawrence, Kansas, GIS Department

Supply of development-ready lots (with infrastructure in place) decreased by 13% over 2016, dropping from 890 to 777.

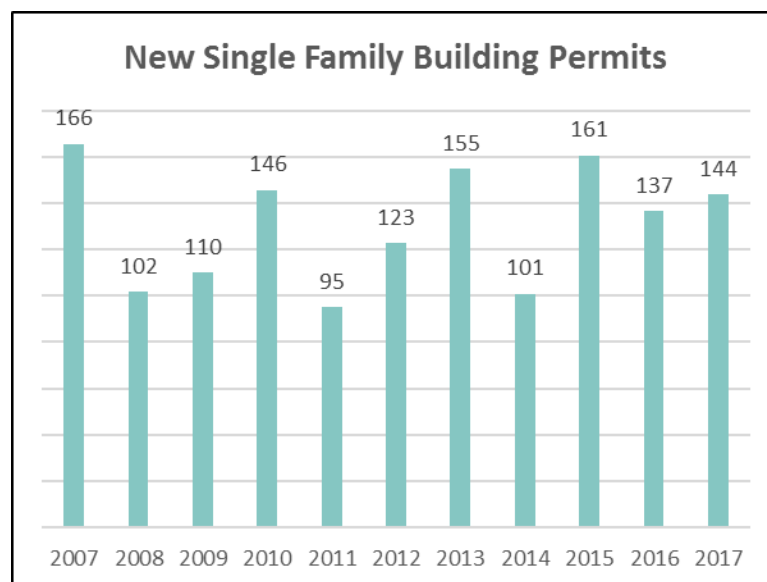
Historic Comparison: Annual Supply of Development Ready Lots (lots with infrastructure)				% Change		
Year	Lots in Newer Subdivisions	Lots in Older Subdivisions	Total	New Sub	Older Sub	Total
2017	237	540	777	-34%	0%	-13%
2016	345	545	890	5%	7%	6%
2015	329	509	838	-30%	24%	-5%
2014	469	409	878	14%	0%	7%
2013	413	411	824	-2%	1%	0%
2012	423	405	828			

City of Lawrence, Kansas, GIS Department



Residential Lot Demand

2017 saw a slight increase in demand for single family housing, but a marked decline in demand for duplex and multi-family housing compared to 2016. Single family building permits were 5% higher than those pulled in 2016 (144 in 2017 compared to 137 in 2016). Duplex demand dropped by 18% (28 permits in 2017 compared to 34 in 2016), with demand for apartments taking a sharp decline in 2017, dropping almost 100% from the previous year (72 permits in 2017 compared to 1 permit in 2016).

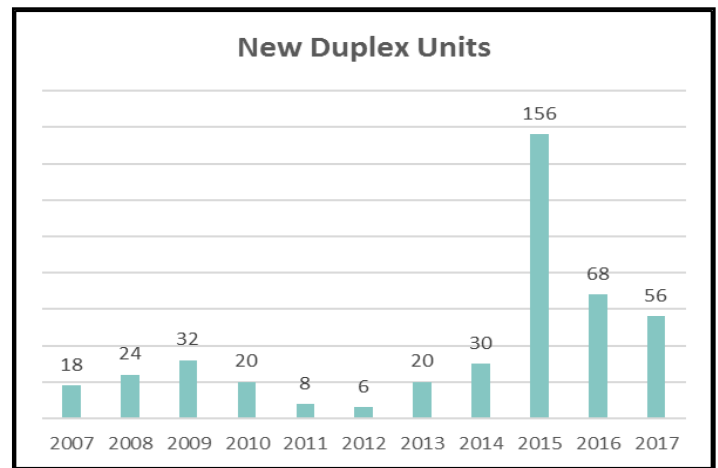
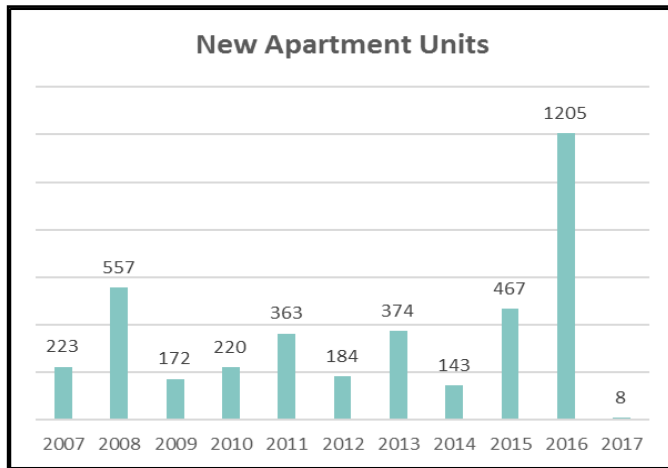


Historic Comparison: New Residential Building Permits				
Year	Single Family	Duplex	Apartment	Total
2017	144	28	1	173
2016	137	34	74	245
2015	161	78	7	246
2014	101	15	6	122
2013	155	10	23	188
2012	123	3	22	148

% Change			
SF	DP	APT	Total
5%	-18%	-99%	-29%
-15%	-56%	957%	0%
59%	420%	17%	102%
-35%	50%	-74%	-35%
26%	233%	5%	27%

The number of new apartment units dropped dramatically over the past year, going from 1,205 in 2016 to 8 in 2017.

The number of new duplex units also dropped, going from 68 in 2016 to 56 units in 2017.



Historic Comparison: New Residential Units				
Year	Single Family	Duplex	Apartment	Total
2017	144	56	8	208
2016	137	68	1205	1410
2015	161	156	467	784
2014	101	30	143	274
2013	155	20	374	549
2012	123	6	184	313
2011	95	8	363	466
2010	146	20	220	386
2009	110	32	172	314
2008	102	24	557	683
2007	166	18	223	407

% Change

SF	DP	APT	Total
5%	-18%	-99%	-85%
-15%	-56%	158%	80%
59%	420%	227%	186%
-35%	50%	-62%	-50%
26%	233%	103%	75%
29%	-25%	-49%	-33%
-35%	-60%	65%	21%
33%	-38%	28%	23%
8%	33%	-69%	-54%
-39%	33%	150%	68%

City of Lawrence, Kansas, Development Services Valuation of Building Permits

Residential Lot Inventory

The inventory of available lots can be estimated by comparing both the supply of, and demand for, lots for new residential construction.

Supply: The number of undeveloped, platted lots for new residential construction is utilized to represent the current supply of available lots.

Demand: Annual demand can be estimated using the number of building permits issued for new residential construction throughout the year. Since the majority of new residential permits are issued for single family homes, this analysis utilizes the number of single family building permits issued to represent demand for residential lots.

Using 2017 data to represent current market conditions (144 building permits per year), total residential lot inventory will last approximately 6.6 years. Lots in newer subdivisions are estimated to last approximately 2.1 years. Overall inventory is down 8% as compared to the previous year.

Estimated Lot Inventory in Years Current year market demand: 144 permits/year			
	Stock in Newer Subdivisions	Stock in Older Subdivisions	Total Stock
Undeveloped Lots: Without Infrastructure	0.5	0.7	1.2
Undeveloped Lots: With Infrastructure (Development-Ready)	1.6	3.8	5.4
Total	2.1	4.5	6.6

Historic Comparison: Lot Inventory in Years Current Year Market Demand (lots with & without infrastructure)					% Change		
Year	Annual SF Permits	Newer Subdivisions	Older Subdivisions	Total	New Sub	Older Sub	Total
2017	144	2.1	4.5	6.6	-16%	-4%	-8%
2016	137	2.5	4.7	7.2	-11%	18%	6%
2015	161	2.8	4.0	6.8	-47%	-54%	-51%
2014	101	5.3	8.7	14.0	-35%	-31%	-33%
2013	155	8.1	12.7	20.8	-40%	-41%	-40%
2012	123	13.4	21.4	34.8			

Since residential real estate market demand can vary from year to year, the following shows inventory given historical trends in market demand.

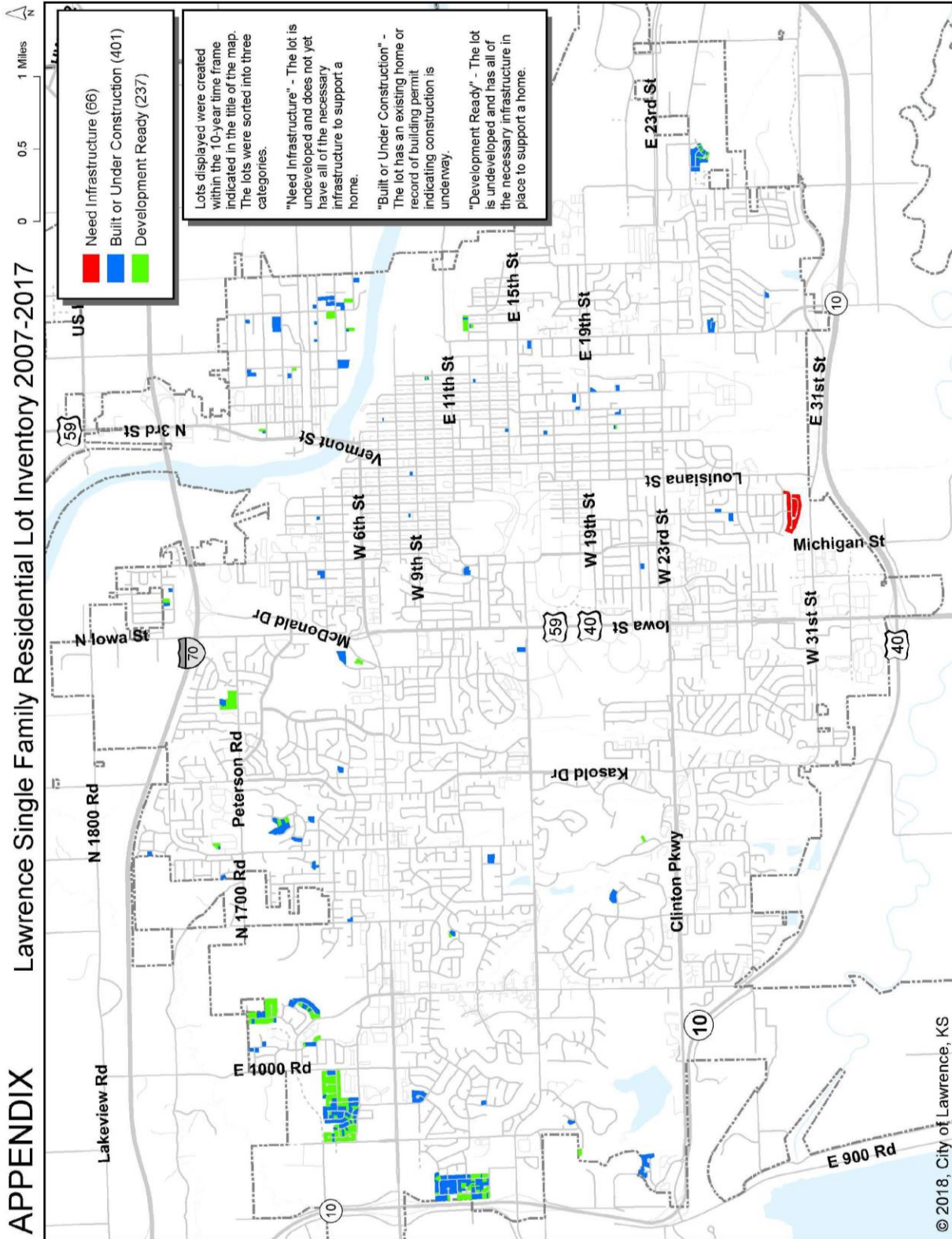
When examining historical demand data over the past five years, the average number of single family building permits issued per year was 140, representing approximately 6.8 years of residential building lot inventory given the current supply of undeveloped lots. Lots in newer subdivisions are estimated to last approximately 2.2 years.

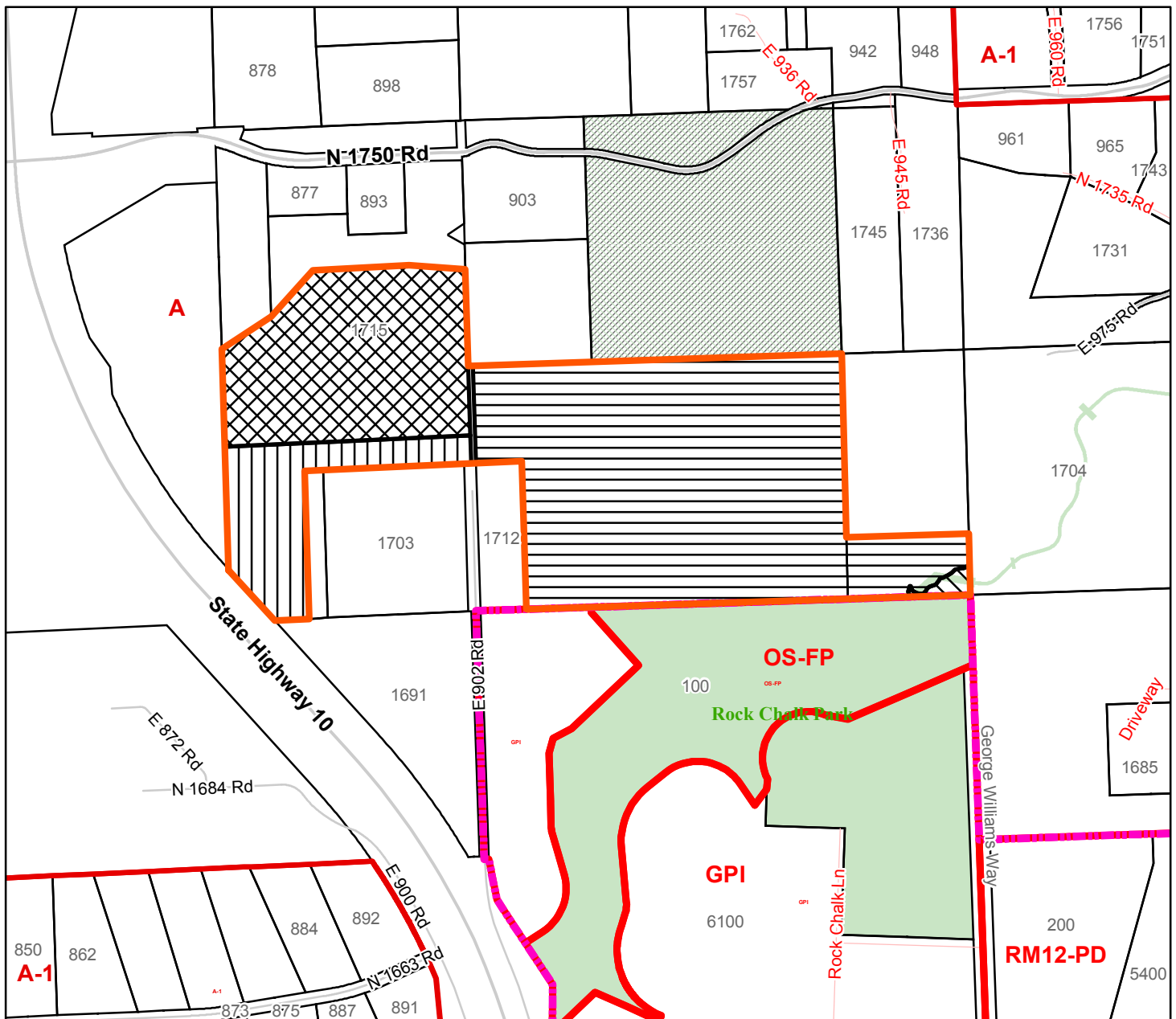
Estimated Lot Inventory in Years 5-year market demand average: 140 permits/year			
	Stock in Newer Subdivisions	Stock in Older Subdivisions	Total Stock
Undeveloped Lots: Without Infrastructure	0.5	0.7	1.2
Undeveloped Lots: With Infrastructure (Development Ready)	1.7	3.9	5.6
Total	2.2	4.6	6.8

When examining historical demand data over the past ten years, the average number of single family building permits issued per year was 127, representing 7.4 years of residential building lot inventory given the current supply of undeveloped lots. Lots in newer subdivisions are estimated to last approximately 2.4 years.

Estimated Lot Inventory in Years 10-year market demand average: 127 permits/year			
	Stock in Newer Subdivisions	Stock in Older Subdivisions	Total Stock
Undeveloped Lots: Without Infrastructure	0.5	0.7	1.3
Undeveloped Lots: With Infrastructure (Development Ready)	1.9	4.2	6.1
Total	2.4	5.0	7.4

2017 Building Permits Map





- A-18-00068:** Annexation of approximately 97.4 acres, in the 1700 Block of E 902 Rd.
- Z-18-00070:** Request to rezone approximately 24.96 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District.
- Z-18-00073:** Request to rezone approximately 60.95 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5 (Single-Dwelling Residential) District.
- Z-18-00074:** Request to rezone approximately 0.78 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5-FP (Single-Dwelling Residential and Floodplain Overlay) District.
- Z-18-00075:** Request to rezone approximately 11.49 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to IL (Limited Industrial) District.

-  A-18-00068
-  Z-18-00075
-  Z-18-00070
-  Z-18-00074
-  Z-18-00073

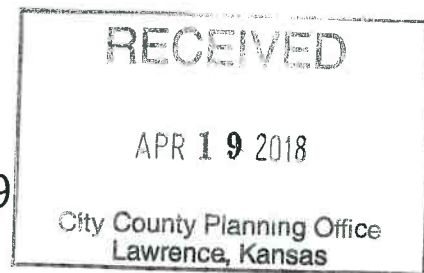


To: The Lawrence Douglas County Planning Commission

Dated: April 19, 2018

From: Shawn & Debra Haley

Address: 1736 E 945 Lawrence, Kansas 66049



Concerning: The multi-annexation requests by Garber Enterprises Inc. of adjacent properties within a close proximity to our home estate.

Our Position on the "Annexation Request": While we want to support annexation and growth of property in the immediate area of our home estate we are concerned about the future of our property and planned growth of the area which will eventually include our property as well. We have extreme topographical issues effecting the north boundary of our property and the current access to our home.

Our desire... has been to patiently wait for area growth in hopes of having eventual access to our property and home from the southern boundary of our property.

Our concern... is that without a major masterplan, for the entire area, that our property may be land locked with no chance for access to the south and the loss of potential development of our property creating a checker board of development projects that do not correctly extend public services to the entire area. The owners of all properties to the south of N 1750 Road should not only be given notice regarding this annexation, but they should also have an opportunity to be included in a needed master plan of the entire area to better utilize the growth and expansion of city services.

We appreciate..... the opportunity to be heard on this matter and hope that the planning commission will see the need for additional planning of the entire area so that all property owners have the ability to benefit from the planned growth of our County.

Respectfully Submitted By,

Debra Haley

1736 E 945

Lawrence, Kansas 66049

4/19/18

Date

To: The Lawrence Douglas County Planning Commission

Dated: April 23, 2018

From: Jan Haley Maxwell, Durable Power of Attorney for Ann W. Haley

Owner & Address: Ann W. Haley, 1745 E. 945 Road, Lawrence, Kansas 66049

Re: Garber Enterprises Inc. Multi-Annexation Request

On behalf of Ann W. Haley and as her durable power of attorney, I join in the request that the Lawrence Douglas County Planning Commission develop a major masterplan for the entire area. The property at 1745 E 945 Road is to the north of the proposed annexation and adjacent to the property for which no plan has been proposed. Although with the crush of nearby development, it will not remain unplanned or unannexed for long.

The Lawrence Douglas County Planning Commission has a reputation for considering the "big picture" and in the past required that development occur in the city limits before annexation could occur. Now that development has occurred, geographical growth of the city is upon us.

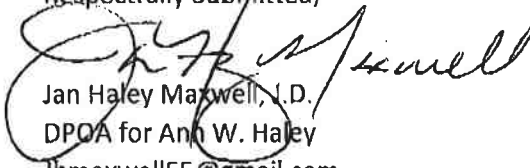
The proposed annexation without consideration of future services for adjacent properties could leave the city without coordination for the future growth of this area. With the flood plans to the south of the city, the recent development of Rock Chalk Park (RCP), the multi-family building nearby RCP, and the explosion of housing north of Lawrence Free State High School, growth of the city to the north of these proposals is almost certain.

The lack of organization, forethought and planning for this continued north and westward expansion of the city could leave the adjacent acreage as an impediment to future growth of the city.

As a resident of Shawnee County, I am all too familiar with the patchwork quilt approval of residential use and pocket developments in our rural areas that fail to plan for the future of the residential growth of Topeka. The Lawrence Douglas County Planning Commission had the foresight to require develop of properties within the city. For the continued progressive plans of the city to advance, the commission should plan for the future for the entire area.

The commitment of Lawrence Douglas County Planning Commission to create a masterplan will serve the future development and maintain the a reputation for planning for the good of the present with an goal of enhanced growth for the future. On behalf of Ann W. Haley, I request the commission create a baster plan for the entire area.

Respectfully Submitted,



Jan Haley Maxwell, J.D.

DPOA for Ann W. Haley

Jhmaxwell55@gmail.com

Owner 1745 E. 945 Road

Lawrence, KS 66049

(785) 221-8007

PLANNING COMMISSION REPORT

Regular Agenda – Public Hearing Item

PC Staff Report
4/25/18

ITEM NO. 9B: REZONING 24.96 ACRES; 1700 BLK E 902 RD (MKM)

Z-18-00070: Consider a request to rezone approximately 24.96 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District. Submitted by BG Consultants, Inc., on behalf of Garber Enterprises Inc., property owner of record.

STAFF RECOMMENDATION:

Staff recommends denial of the rezoning request for approximately 24.96 acres from A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District and forwarding it to the City Commission with a recommendation for denial based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

Applicant's Response:

"Owner has requested annexation."

KEY POINTS

- The property is located within the boundaries of the *K-10 & Farmer's Turnpike Plan*. RSO zoning is recommended in the plan for this location to accommodate residential and office uses.
- The rezoning application is premature as it is not possible to provide city sanitary sewer services to the subject property at this time without the developer's commitment to fund the necessary extension for sanitary sewer service.
- Staff is also recommending denial of the annexation request for the subject property due to the lack of city sanitary sewer services to serve this property. The applicant is continuing to work with the City Utilities Division on this matter and, if a plan is developed which would allow sanitary services to be extended to this parcel, a staff memo with the new information will be provided to the Planning Commission.

ASSOCIATED CASES

- **A-18-00068:** Annexation of approximately 97.4 acres, which includes the subject property and the properties in the following rezoning requests:
- **Z-18-00073:** rezoning request for approximately 60.95 acres from A (County-Agriculture) to RS5 (Single-Dwelling Residential).
- **Z-18-00074:** rezoning request for approximately 0.78 acres from A (County-Agriculture) to RS5-FP (Single-Dwelling Residential with Floodplain Management Overlay)
- **Z-18-00075:** rezoning request for approximately 11.49 acres from A (County-Agriculture) to IL (Limited Industrial).

The associated cases were submitted concurrently with the annexation request and are also being considered at the April Planning Commission meeting.

OTHER ACTION REQUIRED

- City Commission approval of annexation request and adoption/publication of annexation ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of property through the Major Subdivision process. This will include the provision and approval of public improvement plans and acceptance of the means of assurance of completion for the public improvements.
- Submittal and approval of site plan for development of uses other than *Detached Dwellings* or *Duplexes*.
- Application and release of building permits prior to development.

ATTACHMENTS

Attachment A: Zoning map

PUBLIC COMMENT

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

Project Summary

The subject rezoning request to the RSO (Single-Dwelling Residential-Office) District is compliant with the recommendations in the *K-10 & Farmer's Turnpike Plan*. The RSO District permits a range of uses including *Detached Dwellings*, *Duplexes*, *Offices*, *Veterinary Office*, *Health Care Office/Clinic*, *Personal Services*, *Personal Convenience*, and *Social Service Agencies*, along with a range of uses which are permitted when approved with a Special Use Permit. Figure 1 contains the concept plan for this property. The layout of the development may vary from that shown on the concept plan, depending on the type of non-residential land uses which are proposed.



Figure 1. Concept plan for subject property, outlined in bold.

Rezoning the property to an urban zoning district is required when property is annexed into the city. The zoning district being proposed, RSO, is recommended in the adopted area plan, the *K-10 & Farmer's Turnpike Plan* for this area.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The subject property is within the planning boundaries of the *K-10 & Farmer's Turnpike Plan*, which is discussed in Section 4 of this report. The rezoning request will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan for Residential Development. Policies from the Comprehensive Plan are below, with staff comments in red.

The Comprehensive Plan recommends medium and high density residential development along major roadways. High-density residential development is recommended primarily along the SLT (South Lawrence Trafficway) (Page 5-5, *Horizon 2020*)

The area plan recommends Office/Residential land uses, which include medium to higher density residential development for the subject parcel and adjacent parcels, located along the South Lawrence Trafficway.

Policy 1.4: "Encourage the development of housing to be located in areas to maximize the use of existing infrastructure and minimize the cost of expanding community facilities and services." (Page 5-24, *Horizon 2020*)

As noted in the annexation staff report, the proposed development will require city water and sanitary sewer services. The developer provided a Utilities/Infrastructure Service Plan which illustrated how city water service would be provided through the area. The plan noted that it wasn't currently possible to provide city sanitary sewer service to the subject property until the northern branch of the Baldwin Creek Interceptor Line is installed. (Figure 2)

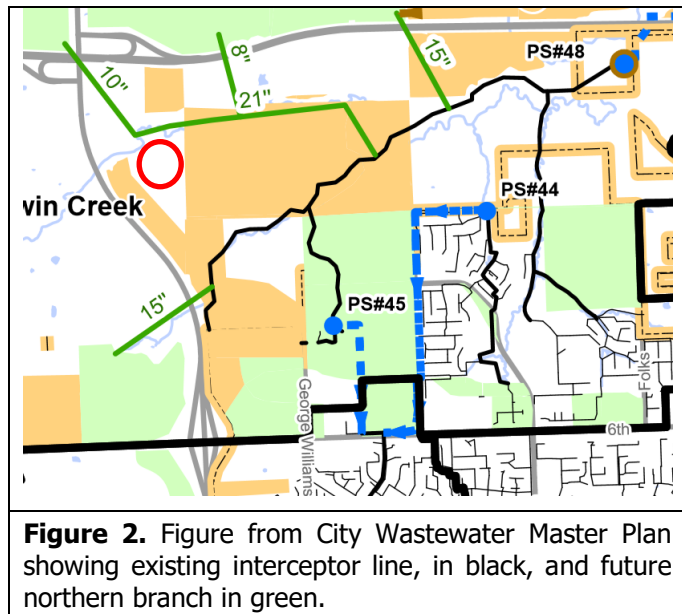


Figure 2. Figure from City Wastewater Master Plan showing existing interceptor line, in black, and future northern branch in green.

Staff Finding – The rezoning request is compliant with the location recommendations of the Residential Chapter of the Comprehensive Plan but is not compliant with the requirement that the development utilize existing infrastructure. As noted earlier in this report, the applicant is working with the City Utilities Division to develop options for extending sanitary sewer service to the property. If an option is developed which is acceptable to the City Utilities Division, a staff memo will be provided to the Planning Commission with this additional information.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: A (Agricultural); Agriculture.

Surrounding Zoning and Land Use: To the north:
A (Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; This area was recently subdivided through the Certificate of Survey process into very low density Residential Development Parcels. *Residential Detached Dwellings*, *Agriculture* and stream corridor.

To the west:
A (Agricultural) F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; *Agriculture* and stream corridor.

To the east:

A (County-Agricultural); Woodland and *Agriculture*.
A rezoning request for the portion containing the agricultural land use to the RS5 (Single-Dwelling Residential) District is on the April Planning Commission agenda as part of this item.

To the south:

A (Agricultural); *Mini-or-Self-Storage Facility*, under construction and a *Public Utility*, Westar Substation.
A rezoning application for the western parcel with the mini-storage facility under construction to the IL (Limited Industrial) District is on the April Planning Commission agenda as part of this item.
(Figures 3 and 4)

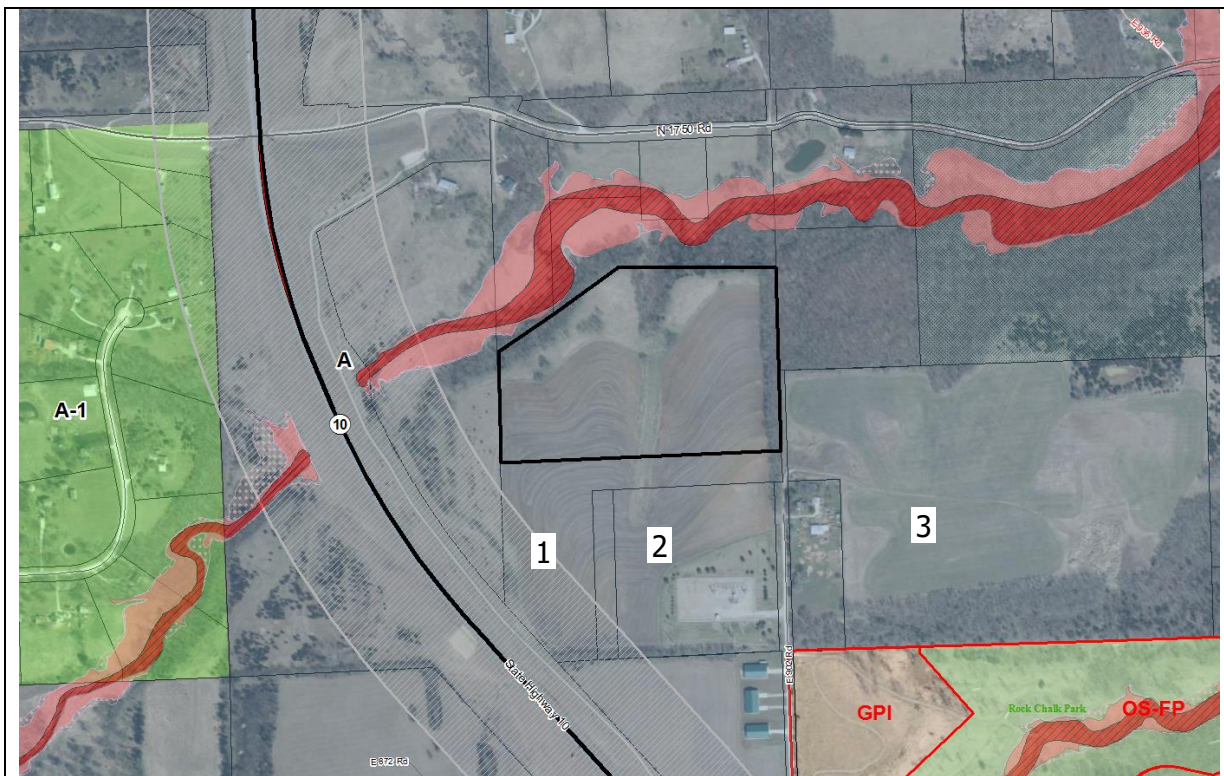
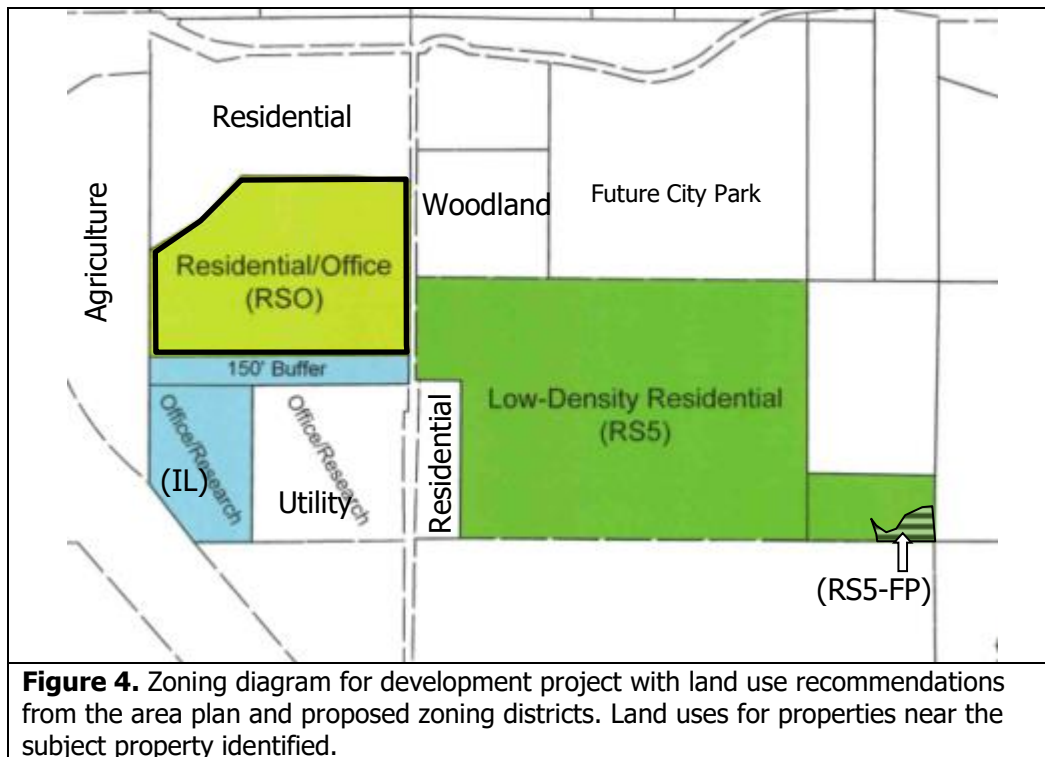


Figure 3. Zoning and land use/development in the area. (Subject property outlined.) Rural zoning districts labeled in black, urban zoning districts labeled in red.

- 1: Approved mini-storage facility, under construction. Part of overall project, rezoning request to the IL District.
- 2: Westar sub-station.
- 3: Part of the overall project; a rezoning request to the RS5 District.



Staff Finding – The surrounding area is zoned A (Agricultural) and includes land that is part of the overall development project. Land to the north was divided through the Certificate of Survey process to create Residential Development Parcels for very low-density rural residential development. A mini-storage facility is being developed on a parcel to the south and the other parcel to the south contains an electric substation. (The mini-storage property is part of the overall project and a rezoning to the IL District has been requested.) Properties to the west and east of the subject property are both used for agricultural land uses. The property to the east is part of the overall project and rezoning to the RS5 and RS5-FP Overlay Districts has been requested. The proposed rezoning to the RSO District for office and residential development would be compatible with the surrounding existing and recommended future zoning and land uses.

3. CHARACTER OF THE NEIGHBORHOOD

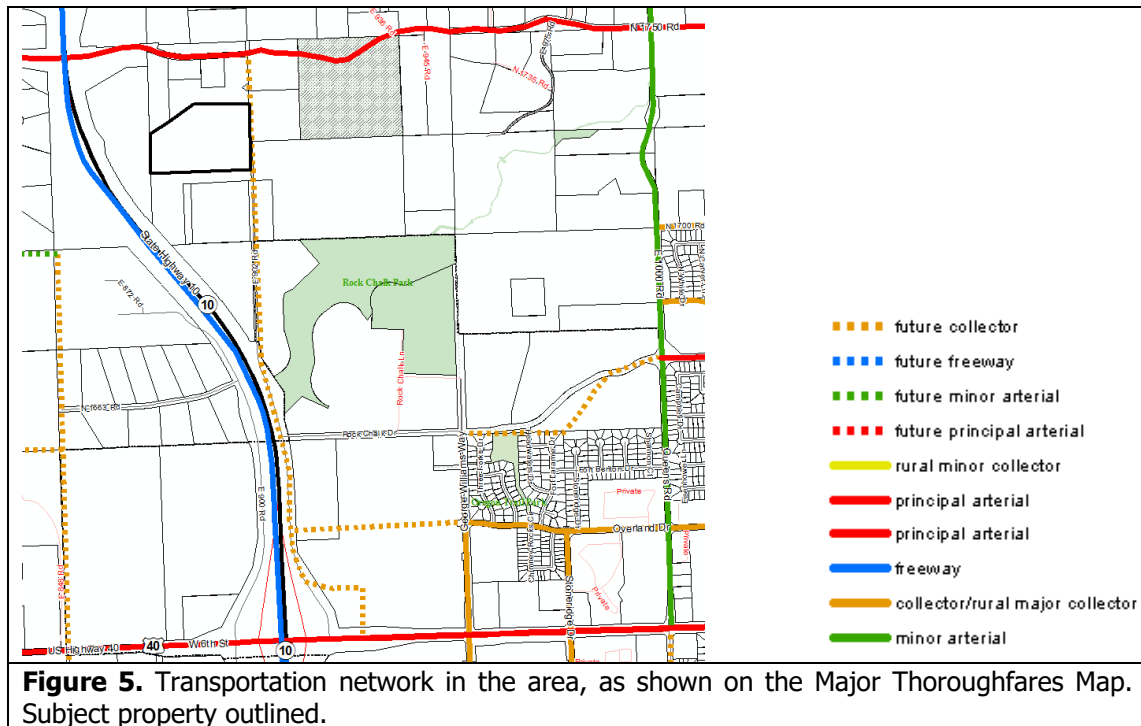
Applicant's Response:

"The subject property is bounded by proposed IL zoning and a Westar substation on the south, rural residential on the north, undeveloped property on the west, and proposed RS5 and undeveloped property on the east."

The area is bounded on the west by K-10 Highway, which is classified in the Major Thoroughfares Map as a Freeway, and on the north by N 1750 Road, which is classified as a Principal Arterial. Future Collector Streets will connect N 1750 Road to W 6th Street/Highway 40 to the south and provide east/west connections to Queens Road, a Minor Arterial and Wakarusa Drive, a Principal Arterial. The subject property will have access to the major transportation network when E 902 Road is improved and extended as part of the proposed development.

A Benefit District has been requested for improvements to Queens Road to accommodate development in the area. A Benefit District will be requested to improve E 902 Road to City

Collector Street standards from the intersection with Rock Chalk Drive to the north boundary of the annexed property. The developer will extend E 902 Road as a County rock road further to the north to connect with N 1750 Road. E 902 Road will be improved to City Collector Street standards from W 6th Street to Rock Chalk Drive with the development of the outpatient facility on the Mercato property.



Development in the area includes the following:

- 1) Westar electrical sub-station which is located west of the subject property, across E 902 Road. A Conditional Use Permit, CUP-14-00167, was approved in 2014 to allow the expansion of the sub-station to accommodate anticipated development in the area.
- 2) A Conditional Use Permit, CUP-17-00092, was approved in 2017 for a mini-storage facility for the property west of the sub-station and this is currently under development.
- 3) Rock Chalk Park, to the south of the subject property, was recently developed with a KU sports facility and a regional City recreation center.
- 4) Development on the Mercato property, to the south of the Rock Chalk Park property, includes :
 - a. A hotel in the southeast corner of the intersection of Rock Chalk Drive and George Williams Way which is currently under construction.
 - b. A Lawrence Memorial Hospital outpatient medical facility proposed for the southeast corner of the intersection of Rock Chalk Drive and E 902 Road (Renaissance Drive). A revised preliminary plat, PP-18-00028, submitted in preparation for this development is scheduled for the Planning Commission's May agenda.
 - c. Phase 1 of The Links at Lawrence, a 845 unit apartment complex, located to the east of Rock Chalk Park, across George Williams Way, is nearly complete and final plans for Phase 2 have been submitted for review.

The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area in addition to areas of woodland. Open space is available in the area in the form of City parklands, with the Rock Chalk Park to the south of the subject property and future City parkland to the north.

Staff Finding – The area has, or will have, a network of collector streets that provide connections to arterials bordering the area on the north (N 1750 Road) and south (W 6th Street) as development occurs in the area. Portions of the area are experiencing development or have recently been developed. Open space (Baldwin Creek Floodplain and riparian corridor, and City parklands) is present in the area. The area contains Environmentally Sensitive Lands in the form of floodplain, stream corridor, and stands of mature trees. The proposed RS5 and RS5-FP zoning designations and residential land use are compatible with the existing, developing, and proposed uses in the area.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The subject property is located within the planning boundary of the *K-10 and Farmer's Turnpike Plan*. The plan recommends this area as Residential/Office on the Future Land Use Map, Page 3-11 of the plan. (Figure 5) The plan lists the following uses as being appropriate in the Residential/Office area: mixed use development of administrative and professional offices with varying degrees of residential that may be achieved through the use of work/live units. Primary uses recommended are: work/live units, non-ground floor dwellings, attached dwellings, multi-dwelling structures, civic and public uses, and offices. The proposed rezoning is compliant with the future land use recommendations in the adopted area plan.

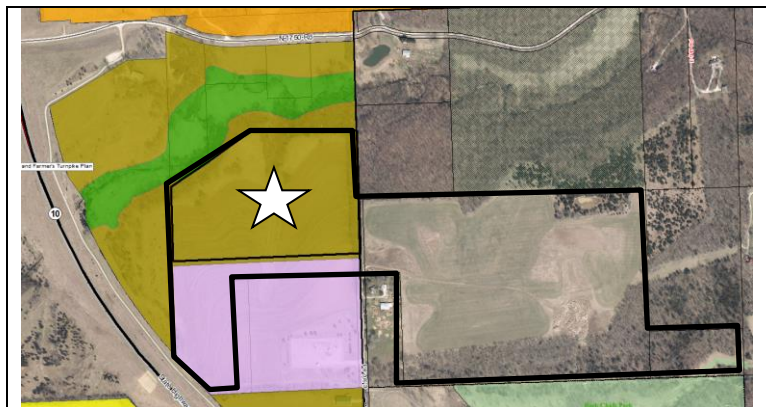


Figure 5. Land use recommendations in current *K-10 & Farmer's Turnpike Plan*. Westar substation marked with yellow dot. Brown area is designated as Residential/Office Development in the plan. Property within the overall development proposal is outlined. Property that is the subject of this rezoning is marked with a star.

Staff Finding – The property is located within the limits of the *K-10 & Farmer's Turnpike Plan* which recommends Residential/Office as the future land use. The plan notes the intent of the Residential/Office designation is to provide a mix of office uses with some degree of residential and recommends rezoning to the RSO, RMO, MU, or PD Districts. The proposed rezoning is compliant with the future land use recommendations in the plan.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response:

"The property currently has a County zoning designation which is unsuitable once it is annexed into the City."

The property is currently zoned A which permits agricultural uses as well as other low intensity uses in the County such as very low density residential. The property is suitable for uses which are permitted within the A District; however, annexation may be appropriate prior to development given the proximity to the City limits. Upon annexation, the property must be rezoned to an urban zoning designation.

The property is suitable for the residential/office mix of uses which are recommended in the long range plan for the area, provided infrastructure is available to provide city services to the property. Development on the property will be separated from the utility and mini-storage uses to the south by an easement for electric transmission lines. This easement will contain a drive for access to the proposed warehouse, if approved, and will be landscaped to screen the industrial use from the residential.

Staff Finding – The property is suitable for the uses to which it is restricted in the A District; however, annexation has been requested given the proximity of the City limits and the property owner's plans to develop the property. The suitability of the subject property for uses which are recommended in the long range plan is constrained by the City's ability to provide services to this property without a plan to fund a capital improvement project. As it is not possible to sewer the property at this time, the property is not suited for urban uses.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response:

"The property has never been developed."

Staff Finding – The property has not been developed since the adoption of zoning regulations in the unincorporated area of the County, 1966. Rezoning is being requested to accommodate development following annexation.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"The rezoning will not create any negative effects as this property is adjacent to the City Limits and has recently seen the development on Rock Chalk Park immediately south of the property. Recent developments in Mercato also have already changed the area."

A mixed development of residential and office uses should be compatible with nearby properties. The long range plan recommends the same residential and office uses on the adjacent property to the west, adjacent to K-10/SLT Highway. A mini-storage facility and electric substation are located on the adjacent properties to the south and are separated from the proposed development by a 150 ft wide easement for the overhead lines. The property to the north has been divided for very low density rural residential development. The area adjacent to the north boundary line of the subject parcel was placed into the Future Development Area due to the location of floodway and a stream corridor in the area. A request to rezone the property east of E 902 Road to the RS5 District was submitted as part of the overall project and is part of this agenda item. The residential uses should be compatible with the residential/office uses on the west side of the road. The use would be compatible with proposed and existing land uses in the area.

Staff Finding – The rezoning to the RSO District would result in a medium- to higher-density residential use with office and other low intensity uses. This type of development should have no negative impacts on nearby properties, either as developed with mini-storage, electric substation, future development area, woodland, and agricultural uses; or with the residential uses that are proposed on the agricultural parcel.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicants Response:

"The annexation and rezoning of this parcel will generate significant tax revenues for the City. An approval would permit E 902 Road to be improved to City standards thus reducing the amount of dust generated by traffic on this road."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

Denial of the rezoning would prohibit development of the site as recommended in the area plan at this time. Development of the property is not currently possible given the lack of sanitary sewer infrastructure in the area. Denial of the rezoning would result in the development approvals being timed more closely with the availability of infrastructure.

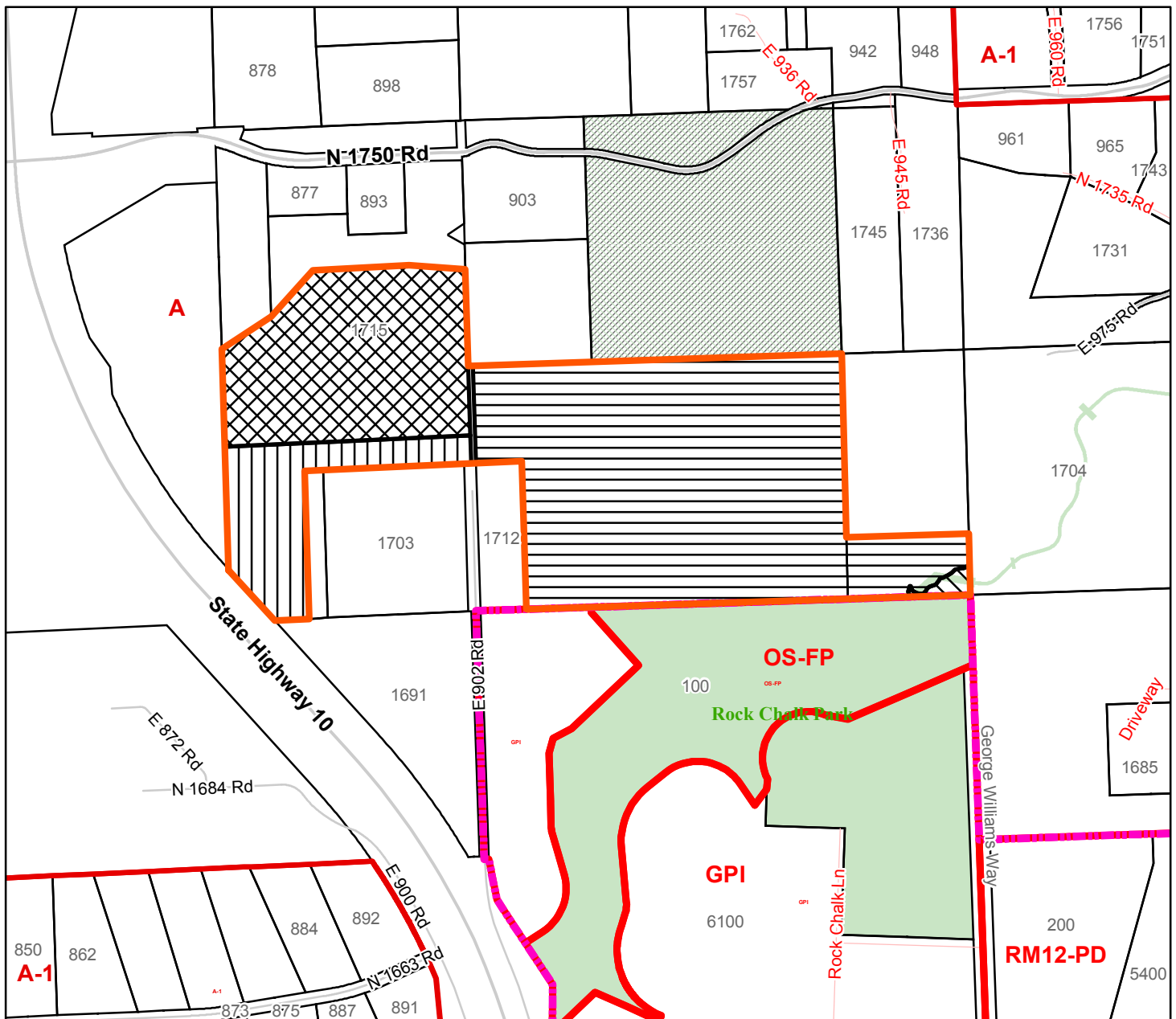
Staff Finding – While RSO is an appropriate zoning district for this property, the request to rezone the property is premature, due to the lack of city sanitary sewer infrastructure to serve the subject property. The benefit afforded to the public by the denial of the rezoning request would be timing the rezoning to coincide with other planning actions needed for the development of the property, such as platting, and linking these actions to the availability of public infrastructure (sanitary sewer mains). This will provide a more accurate representation of land that is available for urban development.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with general recommendations for residential development in *Horizon 2020* and with the area plan. The rezoning request does not comply with the Golden Factors as the property is well suited to the uses it is restricted with the current A Zoning but is not suited for urban development which would be possible with the proposed RSO Zoning due to the lack of public sanitary sewer infrastructure to serve the property; therefore, staff recommends denial of the rezoning request.



Scale: 1"=500'



A-18-00068: Annexation of approximately 97.4 acres, in the 1700 Block of E 902 Rd.

Z-18-00070: Request to rezone approximately 24.96 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District.

Z-18-00073: Request to rezone approximately 60.95 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5 (Single-Dwelling Residential) District.

Z-18-00074: Request to rezone approximately 0.78 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5-FP (Single-Dwelling Residential and Floodplain Overlay) District.

Z-18-00075: Request to rezone approximately 11.49 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to IL (Limited Industrial) District.

-  A-18-00068
-  Z-18-00075
-  Z-18-00070
-  Z-18-00074
-  Z-18-00073

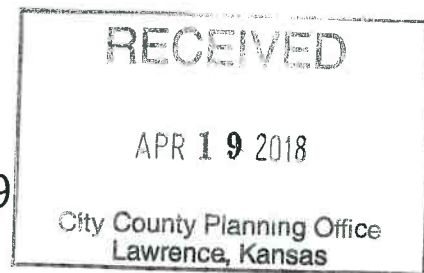


To: The Lawrence Douglas County Planning Commission

Dated: April 19, 2018

From: Shawn & Debra Haley

Address: 1736 E 945 Lawrence, Kansas 66049



Concerning: The multi-annexation requests by Garber Enterprises Inc. of adjacent properties within a close proximity to our home estate.

Our Position on the "Annexation Request": While we want to support annexation and growth of property in the immediate area of our home estate we are concerned about the future of our property and planned growth of the area which will eventually include our property as well. We have extreme topographical issues effecting the north boundary of our property and the current access to our home.

Our desire... has been to patiently wait for area growth in hopes of having eventual access to our property and home from the southern boundary of our property.

Our concern... is that without a major masterplan, for the entire area, that our property may be land locked with no chance for access to the south and the loss of potential development of our property creating a checker board of development projects that do not correctly extend public services to the entire area. The owners of all properties to the south of N 1750 Road should not only be given notice regarding this annexation, but they should also have an opportunity to be included in a needed master plan of the entire area to better utilize the growth and expansion of city services.

We appreciate..... the opportunity to be heard on this matter and hope that the planning commission will see the need for additional planning of the entire area so that all property owners have the ability to benefit from the planned growth of our County.

Respectfully Submitted By,

Debra Haley

1736 E 945

Lawrence, Kansas 66049

4/19/18

Date

To: The Lawrence Douglas County Planning Commission

Dated: April 23, 2018

From: Jan Haley Maxwell, Durable Power of Attorney for Ann W. Haley

Owner & Address: Ann W. Haley, 1745 E. 945 Road, Lawrence, Kansas 66049

Re: Garber Enterprises Inc. Multi-Annexation Request

On behalf of Ann W. Haley and as her durable power of attorney, I join in the request that the Lawrence Douglas County Planning Commission develop a major masterplan for the entire area. The property at 1745 E 945 Road is to the north of the proposed annexation and adjacent to the property for which no plan has been proposed. Although with the crush of nearby development, it will not remain unplanned or unannexed for long.

The Lawrence Douglas County Planning Commission has a reputation for considering the "big picture" and in the past required that development occur in the city limits before annexation could occur. Now that development has occurred, geographical growth of the city is upon us.

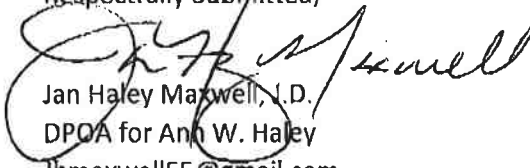
The proposed annexation without consideration of future services for adjacent properties could leave the city without coordination for the future growth of this area. With the flood plans to the south of the city, the recent development of Rock Chalk Park (RCP), the multi-family building nearby RCP, and the explosion of housing north of Lawrence Free State High School, growth of the city to the north of these proposals is almost certain.

The lack of organization, forethought and planning for this continued north and westward expansion of the city could leave the adjacent acreage as an impediment to future growth of the city.

As a resident of Shawnee County, I am all too familiar with the patchwork quilt approval of residential use and pocket developments in our rural areas that fail to plan for the future of the residential growth of Topeka. The Lawrence Douglas County Planning Commission had the foresight to require develop of properties within the city. For the continued progressive plans of the city to advance, the commission should plan for the future for the entire area.

The commitment of Lawrence Douglas County Planning Commission to create a masterplan will serve the future development and maintain the a reputation for planning for the good of the present with an goal of enhanced growth for the future. On behalf of Ann W. Haley, I request the commission create a baster plan for the entire area.

Respectfully Submitted,



Jan Haley Maxwell, J.D.

DPOA for Ann W. Haley

Jhmaxwell55@gmail.com

Owner 1745 E. 945 Road

Lawrence, KS 66049

(785) 221-8007

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report
4/25/18

ITEM NO. 9C: REZONING 60.95 ACRES; 1700 BLK E 902 RD (MKM)

Z-18-00073: Consider a request to rezone approximately 60.95 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5 (Single-Dwelling Residential) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

ITEM NO. 9D: REZONING .78 ACRES; 1700 BLK E 902 RD (MKM)

Z-18-00074: Consider a request to rezone approximately 0.78 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5-FP with (Single-Dwelling Residential and Floodplain Overlay) District. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc., property owner of record.

ITEM 9C STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-18-00073 for approximately 60.95 acres from A to RS5 and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

ITEM 9D STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-18-00074 for approximately 0.78 acres from A to RS5-FP and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Rezoning requests to the RS5 (Single-Dwelling Residential) District were submitted for two adjacent parcels, identified on the Zoning Map in Figure 1 as Parcel #2, approximately 56 acres, and Parcel #4, approximately 5 acres. Rezoning request Z-18-00073 contains all the property in these two parcels that doesn't include regulatory floodplain or area that meets the criteria that would require rezoning to the floodplain overlay district, 60.95 acres, and requests rezoning this property to the RS5 District. The second rezoning request, Z-18-00074, includes the portion which contains floodplain and the area that meets the criteria for the floodplain overlay district, 0.78 acres, and requests rezoning of this property to the RS5 District with the Floodplain Management Regulations Overlay District.

These rezoning requests were submitted separately due to the need to include the floodplain overlay district on 0.78 acres of Parcel 4 but will be reviewed as one item in this report. The rezoning request to the –FP (Floodplain Management Regulations Overlay District) affects only Parcel 4, and will be discussed separately.

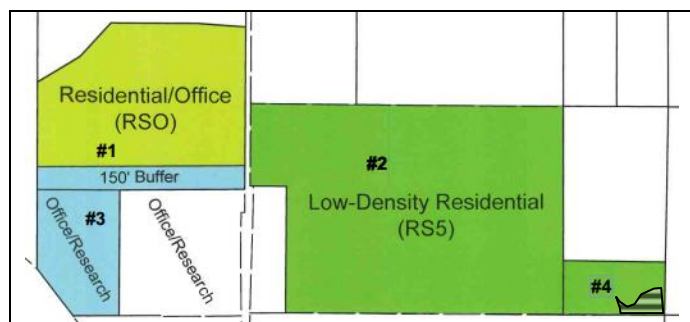


Figure 1. Zoning map. (Hatched area is the approximate area within the proposed floodplain overlay district.)

REASON FOR REQUEST

Applicant's Response:

"Owner has requested annexation."

KEY POINTS

- The property is not located within the boundaries of any future area plan.

ASSOCIATED CASES

- A-18-00068: Annexation of approximately 97.4 acres. This annexation includes the subject property and two parcels to the west of E 902 Road.
- Z-18-00070: Rezoning of approximately 24.96 acres from A (Agricultural) to RSO (Single-Dwelling Residential-Office) District. This rezoning request was submitted concurrently with the annexation request and other rezoning requests for property proposed for annexation.
- Z-18-00075: Rezoning of approximately 11.49 acres from A (Agricultural) to IL (Limited Industrial) District.

These associated cases were submitted as part of the overall development project and are being considered as part of this agenda item at the April Planning Commission meeting.

OTHER ACTION REQUIRED

- City Commission approval of annexation request and adoption/publication of annexation ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of property through the Major Subdivision process.
- Application and release of building permits prior to development.
- Floodplain Development Permits obtained prior to any development activity on parcels which are encumbered with floodplain.

PUBLIC COMMENT

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

Project Summary

This rezoning request is part of an overall development proposal to annex and rezone approximately 97.4 acres of property. The property is located on the east and west sides of E 902 Road, extended, adjacent to the northwest boundary of the City of Lawrence.

The RS5 zoning is requested to accommodate development of the subject property with single-dwelling residences as illustrated in the concept plan, shown in Figure 2. The concept plan proposes development of approximately 220 lots primarily outside of the wooded area. The Subdivision Regulations require the protection of environmentally sensitive lands, such as stream corridors, stands of mature trees, and floodplain when they are present on a property. The maximum area that can be required to be protected is 20% of the total site. The applicant noted they plan on protecting more than is required, approximately 25% of the two parcels. The Environmentally Sensitive Lands will be protected with the plat by being placed in a tract or easement.

East 902 Road will be improved as part of the development project, if annexation is approved by the City Commission. Per the concept plan provided with the rezoning request (Figure 1), the development will take access to E 902 Road in two locations. The streets are being designed in a grid layout so additional connections would be possible when the residential property to the west is annexed and developed. In addition, two street connections would be provided to the property to the east. While this plan is conceptual and the final layout may vary, connection to the adjacent street network will be required with the plat to ensure ease of transportation access and to provide adequate access for fire/medical vehicles.

The portion of the property that can be served with the existing interceptor line will be developed as the first phase of the project. The remainder will be developed as the second phase.

The project is anticipated to serve empty nesters and retirees who are looking to downsize. The property is within the Perry-Lecompton school district. The homes are anticipated to be in the range of 1,400 sq ft with a cost of less than \$200,000. The applicant noted that the development creates an opportunity for housing close to the Lawrence Memorial Hospital out-patient facility to the south.



Figure 2. Concept plan submitted with rezoning request. Proposed access points to E 902 Road marked with red dots. Development in the stands of mature trees is limited. No development is proposed on small parcel with floodplain (southeast corner of property).

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

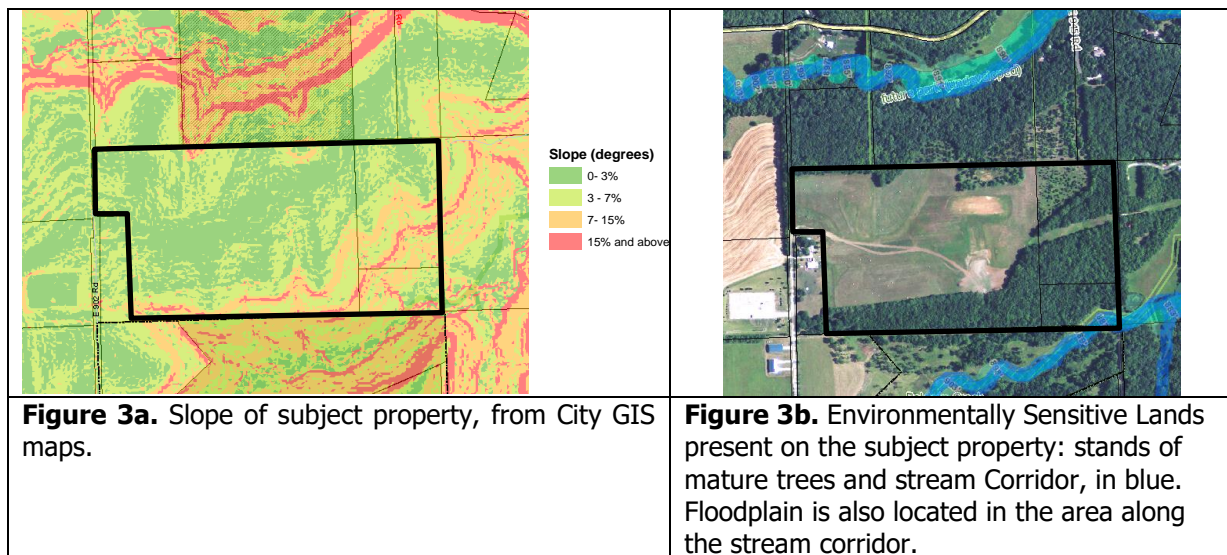
The rezoning requests to the RS5 District will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan for Residential Development. Policies from the Comprehensive Plan are below, with staff comments in red.

A TO RS5

The Comprehensive Plan recommends low density and very low density as an alternative land use for the Northwest area. “*This type of very low-density residential development is intended for use in areas to be annexed to the city and served by urban services, but which, due to the presence of forest, slopes and natural drainageways, may not be capable of sustaining residential densities planned in other locations of the community.*” (Page 5-9, Horizon 2020)

The Development Code notes that the RS5 Zoning District corresponds with the Comprehensive Plan designation of ‘Low or Medium Density’. (Section 20-201(b), Development Code)

The subject property contains floodplain, stands of mature trees, and slopes as shown in Figure 3. The Development Code has been revised since the adoption of the Comprehensive Plan to include protection standards for environmentally sensitive lands. The Development Code requires that features which meet the definition of Environmentally Sensitive Lands, which includes floodplain, stream corridor, and stands of mature trees, be protected on property being developed with residential uses by being set aside in a tract or easement with the platting of the property (Section 20-1101). The Development Code notes that up to 20% of the overall property can be required to be protected; however, it encourages the protection of additional area where possible.



The RS5 District is a low density zoning district and should be able to avoid impacts to the environmental features on the site. The applicant noted that the development shown on the concept plan would protect approximately 15.4 acres of environmentally sensitive lands or approximately 25%.

As shown on the concept plan, 220 lots would be created on the property for a density of 3.6 dwelling units/acre overall or 4.8 dwelling units/ acres without including the environmentally sensitive lands.

The proposed rezoning is compliant with this recommendation in the Comprehensive Plan.

Goal 4 of Chapter 5 provides the following policies for the location of low-density residential development:

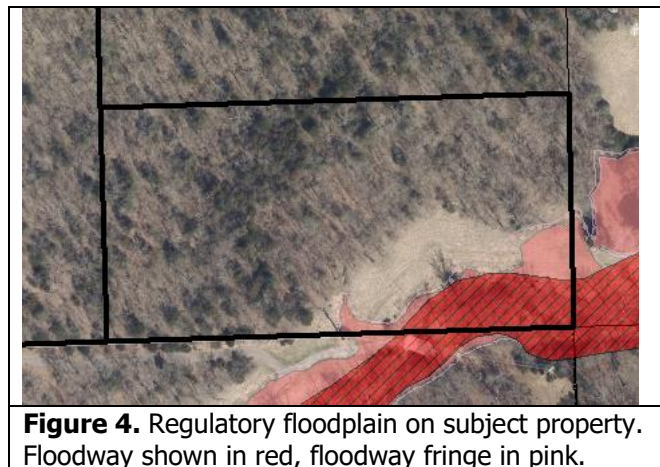
- *"Identify suitable land areas of adequate size to accommodate residential subdivisions in order to facilitate well-planned orderly development with improved coordination of public services and facilities."* (Page 5-17)
- *"Encourage subdivision design in which residential lots are oriented towards, and take access from the neighborhood of which they are a part."* (Page 5-19);

The subdivision, as shown on the concept plan provided with the rezoning request, is compliant with these recommendations.

Staff Finding – The rezoning request to the RS5 District is compliant with the general recommendations of the Residential Chapter of the Comprehensive Plan: the RS5 zoning district proposed is considered a 'low or medium density' zoning. The concept plan shows that, with the exclusion of the Environmentally Sensitive Lands, the actual density achieved for the overall property would be 4.8 dwelling units per acre, which fits the definition of 'low density'. While approval of the rezoning request does not constitute approval of the concept plan, any future plats and development will be evaluated with the Protection Standards for Residential Districts provided in Section 20-1101 of the Development Code and the recommendations of the Comprehensive Plan during the platting process to ensure compliance. The rezoning would achieve low density residential development on the overall property, while allowing tracts to be set-aside for protection.

A TO RS5-FP

A small area of floodplain is located on the southeast corner of the subject property as shown in Figure 4. The Development Code requires that the FEMA designated floodplain and additional areas be rezoned to the Floodplain Management Regulations Overlay District when properties are annexed to account for increases to the Base Flood Elevations and Floodplain Widths due to additional development in the watershed. Section 20-1201(c) of the Development Code provides criteria for property that needs to be included in the floodplain overlay district when property is annexed into the City.



The applicant provided this rezoning request for the 0.74 acres of the total site which meets this criteria, contains the regulatory floodplain or is 2 ft above the Base Flood Elevation.

Policy 1.6 of *Horizon 2020* Chapter 16 'Environment' states: *"The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. Exceeding National and State regulations benefits the community by reducing the threat to human life, reducing property loss and ensuring water quality. Consider further limiting new development from encroaching into the regulatory floodplain by adopting regulations that promote no adverse impact in flood hazard areas."* (Page 16-6, *Horizon 2020*)

The rezoning of the regulatory floodplain and additional area into the Floodplain Management Regulations Overlay District to account for future development within the watershed is compliant with this recommendation.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

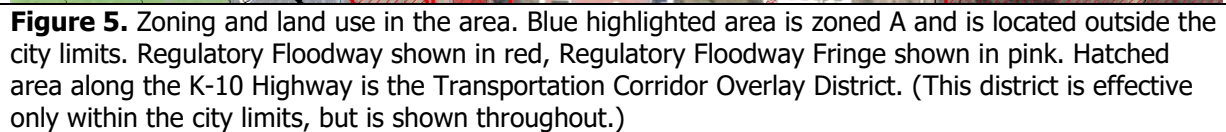
Current Zoning and Land Use: A (County-Agricultural); Agriculture.

Surrounding Zoning and Land Use: To the north and east:
A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Baldwin Creek and woodland. Property to the north is owned by the city and designated as 'future parkland'.

To the west:
A (County-Agricultural); *Agriculture* and *Detached Residential Dwelling*. Uses to the west of E 902 Road include a *Public Utility*/Westar Substation and a *Mini-or-Self-Storage Facility* under construction. Requests to rezone the parcel containing the Agricultural land use from the A to the RSO District and to rezone the parcel containing the mini-storage facility from the A to the IL District is included in this development proposal and is being considered by the Commission as part of this agenda item.

To the south:
GPI (City-General Public and Institutional Use) and OS-FP (City-Open Space and Floodplain Management Regulations Overlay) Districts; the adjacent GPI zoned property is undeveloped, OS-FP property is a city park, GPI zoned property to the south of the park is developed with a university/city sports facility. (Figure 5)

Staff Finding – The surrounding area includes land to the west that is part of the overall development project. Property to the south is within the city and is zoned GPI (General Public and Institutional Use) and OS-FP (Open Space with Floodplain Management Regulations Overlay) Districts. The GPI properties are phases 1 and 2 of the Rock Chalk Park KU/Regional Sports Center development and the OS-FP property is a City Park. The other surrounding properties are currently outside the city limits and contain Agriculture, woodlands, stream corridors, and scattered rural residences. The property to the west of E 902 Road is included in the overall annexation request for this project and has rezoning request to the RSO and IL Districts on the April Planning Commission's agenda. The proposed RS5 and RS5-FP zonings for residential development and protection of the floodplain are compatible with surrounding, developing, and proposed land uses.

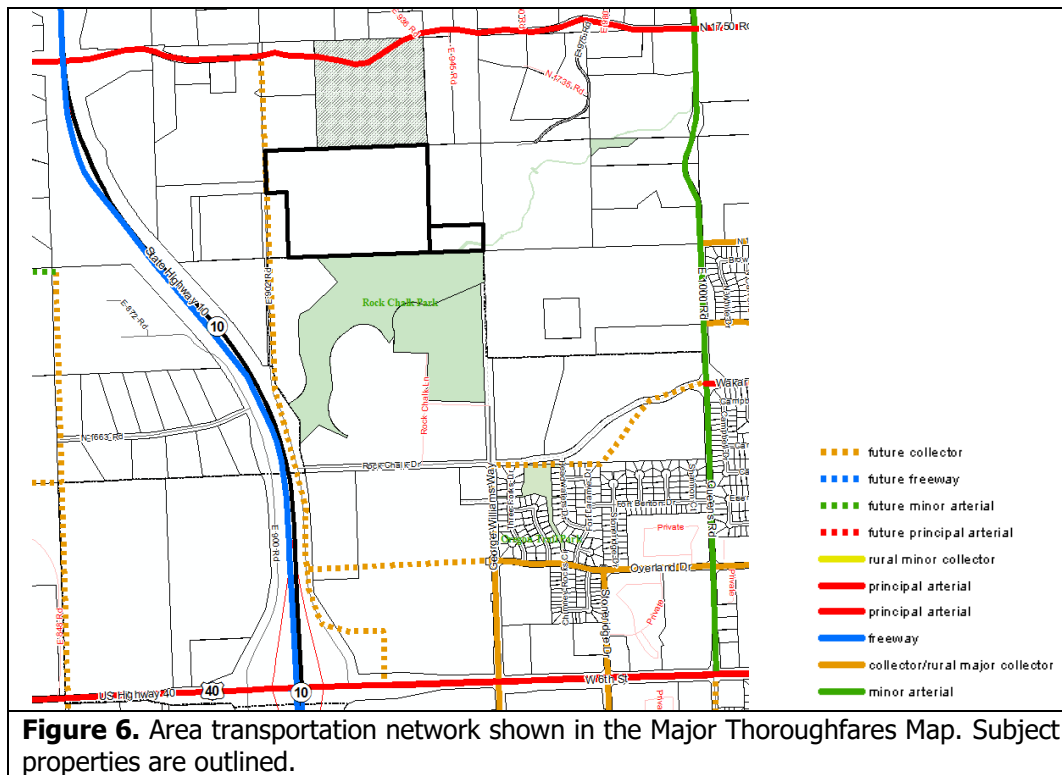


Applicant's Response:

The area is bounded on the west by K-10 Highway, which is classified in the Major Thoroughfares Map as a Freeway, and on the north by N 1750 Road, which is classified as a Principal Arterial. Future Collector Streets will connect N 1750 Road to W 6th Street/Highway 40 to the south and provide east/west connections to Queens Road, a Minor Arterial and Wakarusa Drive, a Principal Arterial. The subject property will have access to the major transportation network when E 902 Road is improved and extended as part of the proposed development. (Figure 6)

A Benefit District has been requested for improvements to Queens Road to accommodate development in the area. A Benefit District will be requested to improve E 902 Road to City Collector Street standards from the intersection with Rock Chalk Drive to the north boundary of the annexed property. The developer will extend E 902 Road as a County rock road further to the north to connect with N 1750 Road. E 902 Road will be improved to City

Collector Street standards from W 6th Street to Rock Chalk Drive with the development of the outpatient facility on the Mercato property.



Development in the area includes the following:

- 1) Westar electrical sub-station which is located west of the subject property, across E 902 Road. A Conditional Use Permit, CUP-14-00167, was approved in 2014 to allow the expansion of the sub-station to accommodate anticipated development in the area.
- 2) A Conditional Use Permit, CUP-17-00092, was approved in 2017 for a mini-storage facility for the property west of the sub-station and this is currently under development.
- 3) Rock Chalk Park, to the south of the subject property, was recently developed with a KU sports facility and a regional City recreation center.
- 4) Development on the Mercato property, to the south of the Rock Chalk Park property, includes :
 - a. A hotel in the southeast corner of the intersection of Rock Chalk Drive and George Williams Way which is currently under construction.
 - b. A Lawrence Memorial Hospital outpatient medical facility proposed for the southeast corner of the intersection of Rock Chalk Drive and E 902 Road (Renaissance Drive). A revised preliminary plat, PP-18-00028, submitted in preparation for this development is scheduled for the Planning Commission's May agenda.
 - c. Phase 1 of The Links at Lawrence, a 845 unit apartment complex, located to the east of Rock Chalk Park, across George Williams Way, is nearly complete and final plans for Phase 2 have been submitted for review.

The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area in addition to areas of woodland. Open space is available in the area in the form of City parklands, with the Rock Chalk Park to the south of the subject property and future City parkland to the north.

Staff Finding – The area has, or will have, a network of collector streets that provide connections to arterials bordering the area on the north (N 1750 Road) and south (W 6th Street) as development occurs in the area. Portions of the area are experiencing development or have recently been developed. Open space (Baldwin Creek Floodplain and riparian corridor, and City parklands) is present in the area. The area contains Environmentally Sensitive Lands in the form of floodplain, and stands of mature trees. The proposed RS5 and RS5-FP zoning designations and residential land use are compatible with the existing, developing, and proposed uses in the area.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The subject property is located east of the planning boundary of the *K-10 and Farmer's Turnpike Plan*.

The *K-10 and Farmer's Turnpike Plan* recommends the property to the west of the subject property be developed as Residential Office and be rezoned to the RSO (Single-Dwelling Residential-Office), RMO (Multi-Dwelling Residential-Office), or MU (Mixed Use) District. The plan recommends a mix of residential uses with office uses based on the proximity of the K-10 Highway. The maximum density recommended for this area is 22 dwelling units per acre. The subject rezoning to the RS5 District would have a maximum density of 8.7 dwelling units per acre, and an actual density of approximately 4.8 dwelling units per acre based on the concept plan. This lower density would be appropriate as the property is further removed from the highway and would be developed with strictly residential land uses, rather than a mix of uses. Development proposals, including plats, for the subject single-dwelling residential development and the mixed office/residential development recommended to the west would be reviewed and conditioned as necessary to ensure compatibility.

The *Northwest Plan*, adopted in 1997, is generally regarded as being out of date and is not listed as one of the area plans that are incorporated in Chapter 14 of the Comprehensive Plan. Due to the age of the *Northwest Plan* and changes which have occurred in the area, the specific recommendations are not utilized; however, the general guidelines have been used to guide development in the area. The *Northwest Plan* recommends that the development in the area occur in a gradated pattern: with the most intense uses being near W 6th Street and the intensity of uses decreasing with distance from 6th Street. The plan also recommends that development be designed to protect the woodlands, floodplain, and steep slopes in the area.

Development in this area is compliant with this guideline. The Mercato Development is adjacent to W 6th Street and is zoned for high intensity commercial uses. The Rock Chalk Park Development to the north of Mercato, north of Rock Chalk Drive, contains high intensity recreational uses while setting aside the stream corridor and steep slopes as undeveloped parkland.

The subject property is to the north of the Rock Chalk Park Development. Residential uses would be a lower intensity than the recreation uses. The southern portion of the subject property contains steep slopes, woodland, and floodplain. The concept plan shows the majority of these areas being set-aside and protected.

Staff Finding – The property is located outside the limits of the *K-10 & Farmer's Turnpike Plan* but the rezoning would be compatible with the land use recommendations in the *K-10 & Farmer's Turnpike Plan* for adjacent lands to the west and is also compliant with the general recommendations of the *Northwest Plan*.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response:

"The property currently has a County zoning designation which is unsuitable once it is annexed into the City."

The property is currently zoned A which permits agricultural uses as well as other low intensity uses in the County such as very low density residential. The A District also permits a range of uses when approved through the Conditional Use Permit process. The property is suitable for uses which are permitted within the A District; however, annexation is appropriate prior to development given the proximity to the City limits. Upon annexation, the property must be rezoned to an urban zoning designation.

The property is suitable for the *Detached Dwelling* use which has been proposed. The environmentally sensitive lands which are present on site will require protection through the platting process and these are shown mostly outside the developed area on the concept plan.

Staff Finding – The property is suitable for the uses to which it is restricted; however, annexation is appropriate given the proximity of the City limits and the ability of the City to provide services. Once annexed, the property must be rezoned to an urban zoning designation. The A Zoning District is not suitable following annexation. The property is well suited to the *Detached Dwelling* use that is being proposed with the RS5 rezoning. The property contains floodplain as defined in Article 12 of the Development Code and is suitable for rezoning to the FP Overlay District.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response:

"The property has never been developed."

Staff Finding – The property has not been developed since the adoption of zoning regulations in the unincorporated area of the County, 1966. Rezoning is being requested to accommodate development following annexation.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"The zoning request will not create any negative effects as this property is adjacent to the City Limits and has recently seen the development on Rock Chalk Park

immediately south of the property. Recent developments in Mercato also have already changed this area."

The rezoning to the RS5 and RS5-FP Districts should not negatively impact nearby properties, as the development would consist of detached dwellings. The property is located between two City parks, Rock Chalk Park to the south and future parkland to the north. Property immediately to the east contains woodland and a rural residence. The property to the west is developed with a rural residence. The concept plan shows two larger lots being located adjacent to this property. Compatibility of lot size and orientation will be determined through the platting process. A detached dwelling development would be compatible with the nearby properties and should have no detrimental effect.

Staff Finding – The rezoning should have no detrimental impact to nearby properties as the surrounding land uses are residential, agricultural, and open space or undeveloped property.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicants Response:

"The annexation and rezoning of this parcel will generate significant tax revenues for the City. An approval would permit E 902 Road to be improved to City standards thus reducing the amount of dust generated by traffic on this road."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

As the RS5 rezoning request is compliant with the recommendations in the Comprehensive Plan and would be compatible with existing, developing, and proposed land uses in the area, the denial of the rezoning request would provide no benefit to the public health, welfare, or safety. If the rezoning request were denied, the hardship to the applicant would be the postponement of residential development on the property.

The RS5-FP rezoning is a protective overlay district required by the Development Code that requires the Floodplain Management Regulations be applied not only to the area within the FEMA designated floodplain but to an additional area which includes 2 ft freeboard above Base Flood Elevation and any stream with over 240 acres of drainage area to account for additional development within the watershed. The denial of the rezoning request would provide no benefit to the public health, safety and welfare, and could be a detriment as it would remove the additional floodplain protection measures.

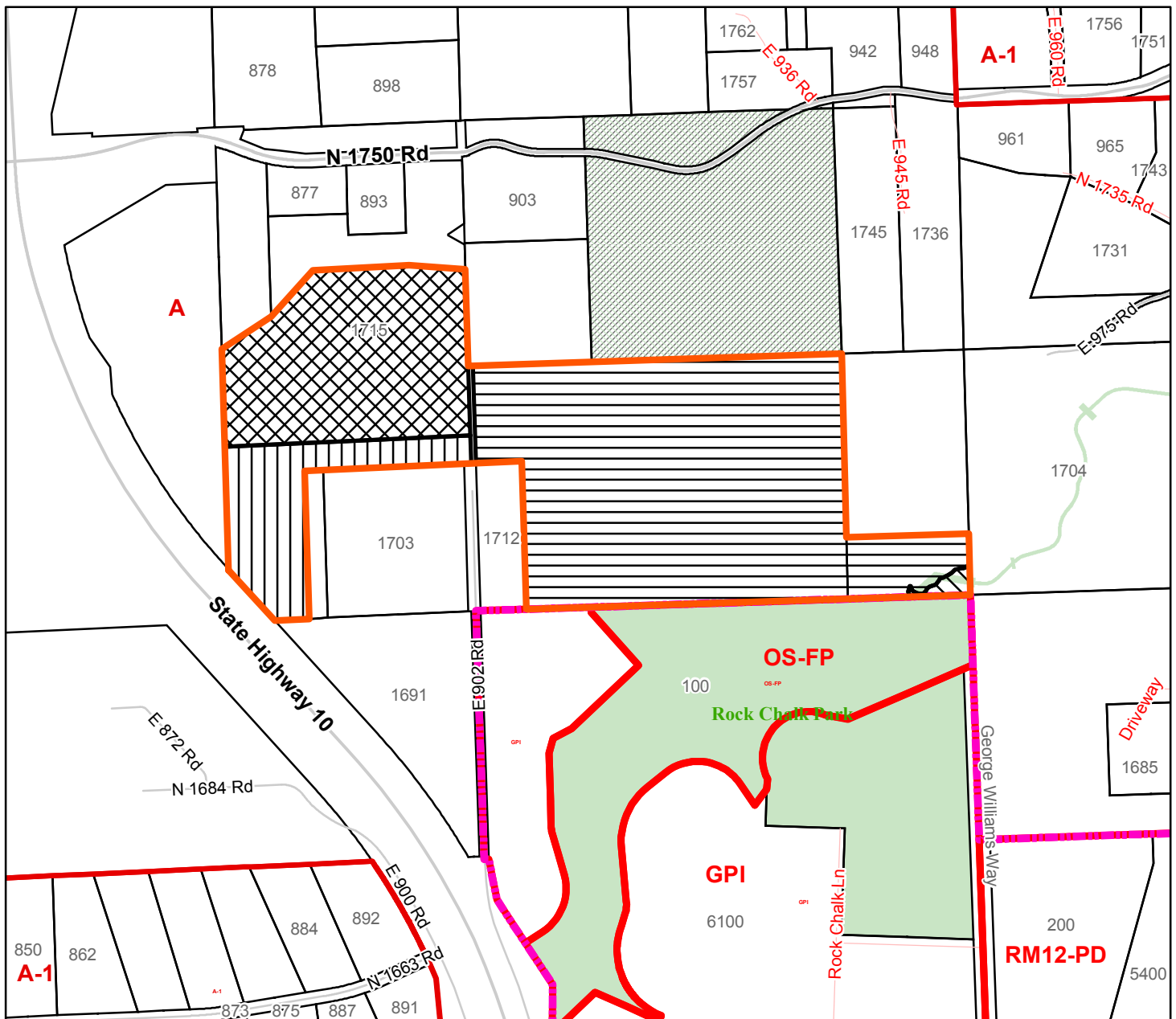
Staff Finding – As the proposed rezoning is compliant with the recommendations in the Comprehensive Plan and would be consistent with existing and proposed development in the area, there would be no gain to the public from the denial of the RS5 or the RS5-FP rezoning requests. The public would benefit from the approval of the RS5-FP rezoning as it provides additional protection measures for the floodplain, and possible floodplain areas.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The RS5 rezoning request is compliant with general recommendations for residential development in *Horizon 2020* and with the general recommendations of the *Northwest Plan*. The concept plan provided with the rezoning request shows most of the woodland being left undeveloped. Protection measures for environmentally sensitive lands will be determined with the platting of the property through the Major Subdivision process and the final development may vary from that shown on the concept plan.

The RS5-FP rezoning request is compliant with general recommendation for Floodplain protection in *Horizon 2020* and with requirements of the Development Code.

Staff recommends approval of the RS5 and RS5-FP rezoning requests.



- A-18-00068:** Annexation of approximately 97.4 acres, in the 1700 Block of E 902 Rd.
- Z-18-00070:** Request to rezone approximately 24.96 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District.
- Z-18-00073:** Request to rezone approximately 60.95 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5 (Single-Dwelling Residential) District.
- Z-18-00074:** Request to rezone approximately 0.78 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5-FP (Single-Dwelling Residential and Floodplain Overlay) District.
- Z-18-00075:** Request to rezone approximately 11.49 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to IL (Limited Industrial) District.

-  A-18-00068
-  Z-18-00075
-  Z-18-00070
-  Z-18-00074
-  Z-18-00073

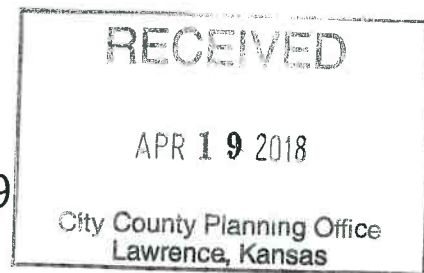


To: The Lawrence Douglas County Planning Commission

Dated: April 19, 2018

From: Shawn & Debra Haley

Address: 1736 E 945 Lawrence, Kansas 66049



Concerning: The multi-annexation requests by Garber Enterprises Inc. of adjacent properties within a close proximity to our home estate.

Our Position on the "Annexation Request": While we want to support annexation and growth of property in the immediate area of our home estate we are concerned about the future of our property and planned growth of the area which will eventually include our property as well. We have extreme topographical issues effecting the north boundary of our property and the current access to our home.

Our desire... has been to patiently wait for area growth in hopes of having eventual access to our property and home from the southern boundary of our property.

Our concern... is that without a major masterplan, for the entire area, that our property may be land locked with no chance for access to the south and the loss of potential development of our property creating a checker board of development projects that do not correctly extend public services to the entire area. The owners of all properties to the south of N 1750 Road should not only be given notice regarding this annexation, but they should also have an opportunity to be included in a needed master plan of the entire area to better utilize the growth and expansion of city services.

We appreciate..... the opportunity to be heard on this matter and hope that the planning commission will see the need for additional planning of the entire area so that all property owners have the ability to benefit from the planned growth of our County.

Respectfully Submitted By,

Debra Haley

1736 E 945

Lawrence, Kansas 66049

4/19/18

Date

To: The Lawrence Douglas County Planning Commission

Dated: April 23, 2018

From: Jan Haley Maxwell, Durable Power of Attorney for Ann W. Haley

Owner & Address: Ann W. Haley, 1745 E. 945 Road, Lawrence, Kansas 66049

Re: Garber Enterprises Inc. Multi-Annexation Request

On behalf of Ann W. Haley and as her durable power of attorney, I join in the request that the Lawrence Douglas County Planning Commission develop a major masterplan for the entire area. The property at 1745 E 945 Road is to the north of the proposed annexation and adjacent to the property for which no plan has been proposed. Although with the crush of nearby development, it will not remain unplanned or unannexed for long.

The Lawrence Douglas County Planning Commission has a reputation for considering the "big picture" and in the past required that development occur in the city limits before annexation could occur. Now that development has occurred, geographical growth of the city is upon us.

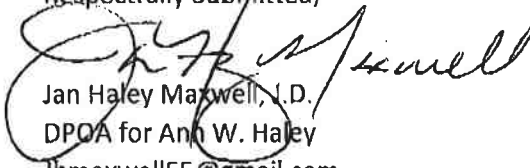
The proposed annexation without consideration of future services for adjacent properties could leave the city without coordination for the future growth of this area. With the flood plans to the south of the city, the recent development of Rock Chalk Park (RCP), the multi-family building nearby RCP, and the explosion of housing north of Lawrence Free State High School, growth of the city to the north of these proposals is almost certain.

The lack of organization, forethought and planning for this continued north and westward expansion of the city could leave the adjacent acreage as an impediment to future growth of the city.

As a resident of Shawnee County, I am all too familiar with the patchwork quilt approval of residential use and pocket developments in our rural areas that fail to plan for the future of the residential growth of Topeka. The Lawrence Douglas County Planning Commission had the foresight to require develop of properties within the city. For the continued progressive plans of the city to advance, the commission should plan for the future for the entire area.

The commitment of Lawrence Douglas County Planning Commission to create a masterplan will serve the future development and maintain the a reputation for planning for the good of the present with an goal of enhanced growth for the future. On behalf of Ann W. Haley, I request the commission create a baster plan for the entire area.

Respectfully Submitted,



Jan Haley Maxwell, J.D.

DPOA for Ann W. Haley

Jhmaxwell55@gmail.com

Owner 1745 E. 945 Road

Lawrence, KS 66049

(785) 221-8007

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report
4/25/18

ITEM NO. 9C: REZONING 60.95 ACRES; 1700 BLK E 902 RD (MKM)

Z-18-00073: Consider a request to rezone approximately 60.95 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5 (Single-Dwelling Residential) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

ITEM NO. 9D: REZONING .78 ACRES; 1700 BLK E 902 RD (MKM)

Z-18-00074: Consider a request to rezone approximately 0.78 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5-FP with (Single-Dwelling Residential and Floodplain Overlay) District. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc., property owner of record.

ITEM 9C STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-18-00073 for approximately 60.95 acres from A to RS5 and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

ITEM 9D STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-18-00074 for approximately 0.78 acres from A to RS5-FP and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Rezoning requests to the RS5 (Single-Dwelling Residential) District were submitted for two adjacent parcels, identified on the Zoning Map in Figure 1 as Parcel #2, approximately 56 acres, and Parcel #4, approximately 5 acres. Rezoning request Z-18-00073 contains all the property in these two parcels that doesn't include regulatory floodplain or area that meets the criteria that would require rezoning to the floodplain overlay district, 60.95 acres, and requests rezoning this property to the RS5 District. The second rezoning request, Z-18-00074, includes the portion which contains floodplain and the area that meets the criteria for the floodplain overlay district, 0.78 acres, and requests rezoning of this property to the RS5 District with the Floodplain Management Regulations Overlay District.

These rezoning requests were submitted separately due to the need to include the floodplain overlay district on 0.78 acres of Parcel 4 but will be reviewed as one item in this report. The rezoning request to the –FP (Floodplain Management Regulations Overlay District) affects only Parcel 4, and will be discussed separately.

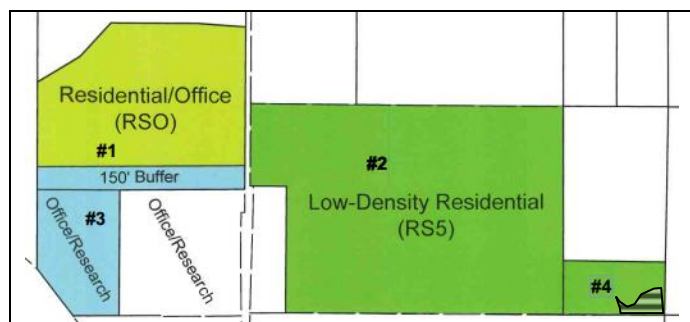


Figure 1. Zoning map. (Hatched area is the approximate area within the proposed floodplain overlay district.)

REASON FOR REQUEST

Applicant's Response:

"Owner has requested annexation."

KEY POINTS

- The property is not located within the boundaries of any future area plan.

ASSOCIATED CASES

- A-18-00068: Annexation of approximately 97.4 acres. This annexation includes the subject property and two parcels to the west of E 902 Road.
- Z-18-00070: Rezoning of approximately 24.96 acres from A (Agricultural) to RSO (Single-Dwelling Residential-Office) District. This rezoning request was submitted concurrently with the annexation request and other rezoning requests for property proposed for annexation.
- Z-18-00075: Rezoning of approximately 11.49 acres from A (Agricultural) to IL (Limited Industrial) District.

These associated cases were submitted as part of the overall development project and are being considered as part of this agenda item at the April Planning Commission meeting.

OTHER ACTION REQUIRED

- City Commission approval of annexation request and adoption/publication of annexation ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of property through the Major Subdivision process.
- Application and release of building permits prior to development.
- Floodplain Development Permits obtained prior to any development activity on parcels which are encumbered with floodplain.

PUBLIC COMMENT

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

Project Summary

This rezoning request is part of an overall development proposal to annex and rezone approximately 97.4 acres of property. The property is located on the east and west sides of E 902 Road, extended, adjacent to the northwest boundary of the City of Lawrence.

The RS5 zoning is requested to accommodate development of the subject property with single-dwelling residences as illustrated in the concept plan, shown in Figure 2. The concept plan proposes development of approximately 220 lots primarily outside of the wooded area. The Subdivision Regulations require the protection of environmentally sensitive lands, such as stream corridors, stands of mature trees, and floodplain when they are present on a property. The maximum area that can be required to be protected is 20% of the total site. The applicant noted they plan on protecting more than is required, approximately 25% of the two parcels. The Environmentally Sensitive Lands will be protected with the plat by being placed in a tract or easement.

East 902 Road will be improved as part of the development project, if annexation is approved by the City Commission. Per the concept plan provided with the rezoning request (Figure 1), the development will take access to E 902 Road in two locations. The streets are being designed in a grid layout so additional connections would be possible when the residential property to the west is annexed and developed. In addition, two street connections would be provided to the property to the east. While this plan is conceptual and the final layout may vary, connection to the adjacent street network will be required with the plat to ensure ease of transportation access and to provide adequate access for fire/medical vehicles.

The portion of the property that can be served with the existing interceptor line will be developed as the first phase of the project. The remainder will be developed as the second phase.

The project is anticipated to serve empty nesters and retirees who are looking to downsize. The property is within the Perry-Lecompton school district. The homes are anticipated to be in the range of 1,400 sq ft with a cost of less than \$200,000. The applicant noted that the development creates an opportunity for housing close to the Lawrence Memorial Hospital out-patient facility to the south.



Figure 2. Concept plan submitted with rezoning request. Proposed access points to E 902 Road marked with red dots. Development in the stands of mature trees is limited. No development is proposed on small parcel with floodplain (southeast corner of property).

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

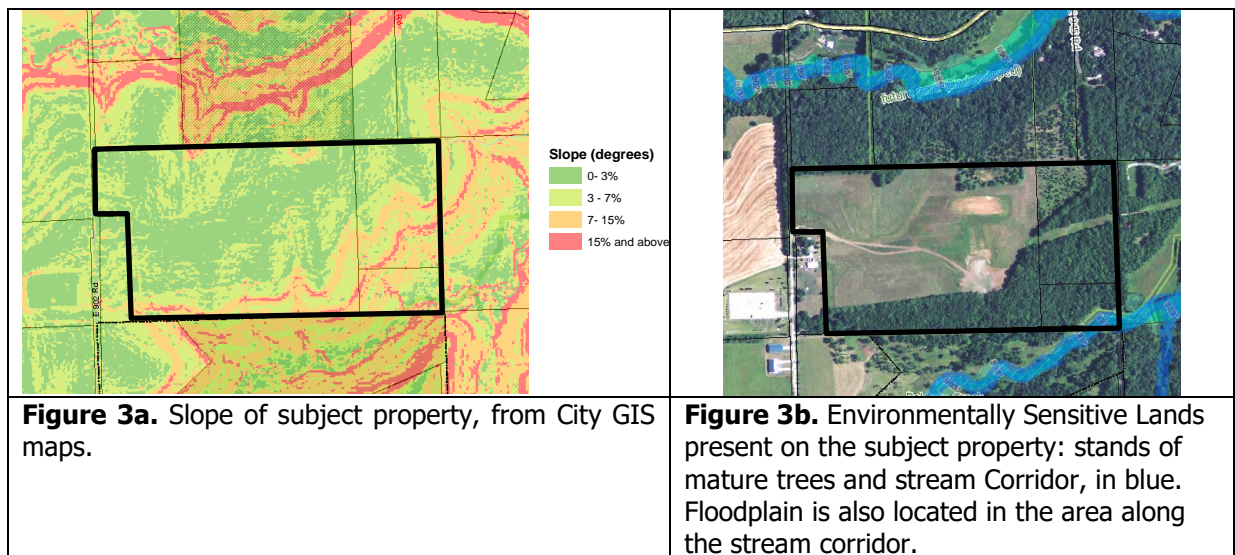
The rezoning requests to the RS5 District will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan for Residential Development. Policies from the Comprehensive Plan are below, with staff comments in red.

A TO RS5

The Comprehensive Plan recommends low density and very low density as an alternative land use for the Northwest area. “*This type of very low-density residential development is intended for use in areas to be annexed to the city and served by urban services, but which, due to the presence of forest, slopes and natural drainageways, may not be capable of sustaining residential densities planned in other locations of the community.*” (Page 5-9, Horizon 2020)

The Development Code notes that the RS5 Zoning District corresponds with the Comprehensive Plan designation of ‘Low or Medium Density’. (Section 20-201(b), Development Code)

The subject property contains floodplain, stands of mature trees, and slopes as shown in Figure 3. The Development Code has been revised since the adoption of the Comprehensive Plan to include protection standards for environmentally sensitive lands. The Development Code requires that features which meet the definition of Environmentally Sensitive Lands, which includes floodplain, stream corridor, and stands of mature trees, be protected on property being developed with residential uses by being set aside in a tract or easement with the platting of the property (Section 20-1101). The Development Code notes that up to 20% of the overall property can be required to be protected; however, it encourages the protection of additional area where possible.



The RS5 District is a low density zoning district and should be able to avoid impacts to the environmental features on the site. The applicant noted that the development shown on the concept plan would protect approximately 15.4 acres of environmentally sensitive lands or approximately 25%.

As shown on the concept plan, 220 lots would be created on the property for a density of 3.6 dwelling units/acre overall or 4.8 dwelling units/ acres without including the environmentally sensitive lands.

The proposed rezoning is compliant with this recommendation in the Comprehensive Plan.

Goal 4 of Chapter 5 provides the following policies for the location of low-density residential development:

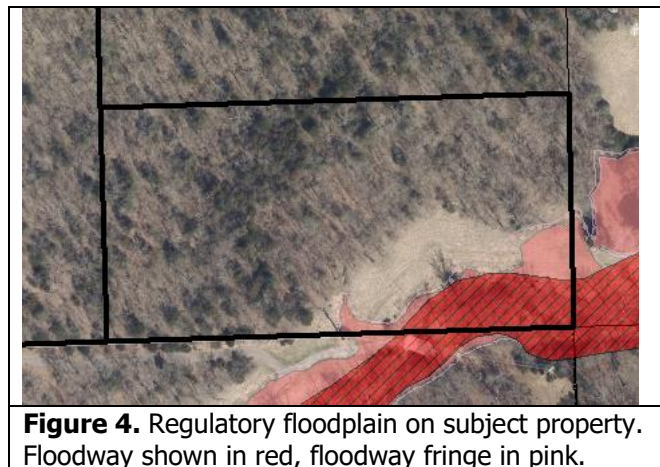
- *"Identify suitable land areas of adequate size to accommodate residential subdivisions in order to facilitate well-planned orderly development with improved coordination of public services and facilities."* (Page 5-17)
- *"Encourage subdivision design in which residential lots are oriented towards, and take access from the neighborhood of which they are a part."* (Page 5-19);

The subdivision, as shown on the concept plan provided with the rezoning request, is compliant with these recommendations.

Staff Finding – The rezoning request to the RS5 District is compliant with the general recommendations of the Residential Chapter of the Comprehensive Plan: the RS5 zoning district proposed is considered a 'low or medium density' zoning. The concept plan shows that, with the exclusion of the Environmentally Sensitive Lands, the actual density achieved for the overall property would be 4.8 dwelling units per acre, which fits the definition of 'low density'. While approval of the rezoning request does not constitute approval of the concept plan, any future plats and development will be evaluated with the Protection Standards for Residential Districts provided in Section 20-1101 of the Development Code and the recommendations of the Comprehensive Plan during the platting process to ensure compliance. The rezoning would achieve low density residential development on the overall property, while allowing tracts to be set-aside for protection.

A TO RS5-FP

A small area of floodplain is located on the southeast corner of the subject property as shown in Figure 4. The Development Code requires that the FEMA designated floodplain and additional areas be rezoned to the Floodplain Management Regulations Overlay District when properties are annexed to account for increases to the Base Flood Elevations and Floodplain Widths due to additional development in the watershed. Section 20-1201(c) of the Development Code provides criteria for property that needs to be included in the floodplain overlay district when property is annexed into the City.



The applicant provided this rezoning request for the 0.74 acres of the total site which meets this criteria, contains the regulatory floodplain or is 2 ft above the Base Flood Elevation.

Policy 1.6 of *Horizon 2020* Chapter 16 'Environment' states: *"The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. Exceeding National and State regulations benefits the community by reducing the threat to human life, reducing property loss and ensuring water quality. Consider further limiting new development from encroaching into the regulatory floodplain by adopting regulations that promote no adverse impact in flood hazard areas."* (Page 16-6, *Horizon 2020*)

The rezoning of the regulatory floodplain and additional area into the Floodplain Management Regulations Overlay District to account for future development within the watershed is compliant with this recommendation.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

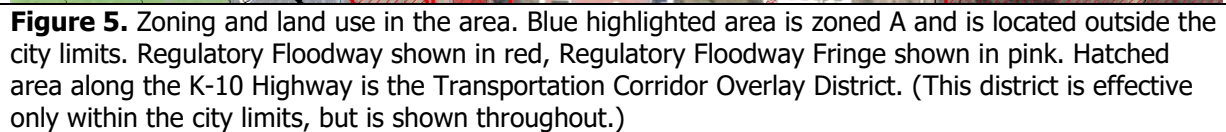
Current Zoning and Land Use: A (County-Agricultural); Agriculture.

Surrounding Zoning and Land Use: To the north and east:
A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Baldwin Creek and woodland. Property to the north is owned by the city and designated as 'future parkland'.

To the west:
A (County-Agricultural); *Agriculture* and *Detached Residential Dwelling*. Uses to the west of E 902 Road include a *Public Utility*/Westar Substation and a *Mini-or-Self-Storage Facility* under construction. Requests to rezone the parcel containing the Agricultural land use from the A to the RSO District and to rezone the parcel containing the mini-storage facility from the A to the IL District is included in this development proposal and is being considered by the Commission as part of this agenda item.

To the south:
GPI (City-General Public and Institutional Use) and OS-FP (City-Open Space and Floodplain Management Regulations Overlay) Districts; the adjacent GPI zoned property is undeveloped, OS-FP property is a city park, GPI zoned property to the south of the park is developed with a university/city sports facility. (Figure 5)

Staff Finding – The surrounding area includes land to the west that is part of the overall development project. Property to the south is within the city and is zoned GPI (General Public and Institutional Use) and OS-FP (Open Space with Floodplain Management Regulations Overlay) Districts. The GPI properties are phases 1 and 2 of the Rock Chalk Park KU/Regional Sports Center development and the OS-FP property is a City Park. The other surrounding properties are currently outside the city limits and contain Agriculture, woodlands, stream corridors, and scattered rural residences. The property to the west of E 902 Road is included in the overall annexation request for this project and has rezoning request to the RSO and IL Districts on the April Planning Commission's agenda. The proposed RS5 and RS5-FP zonings for residential development and protection of the floodplain are compatible with surrounding, developing, and proposed land uses.

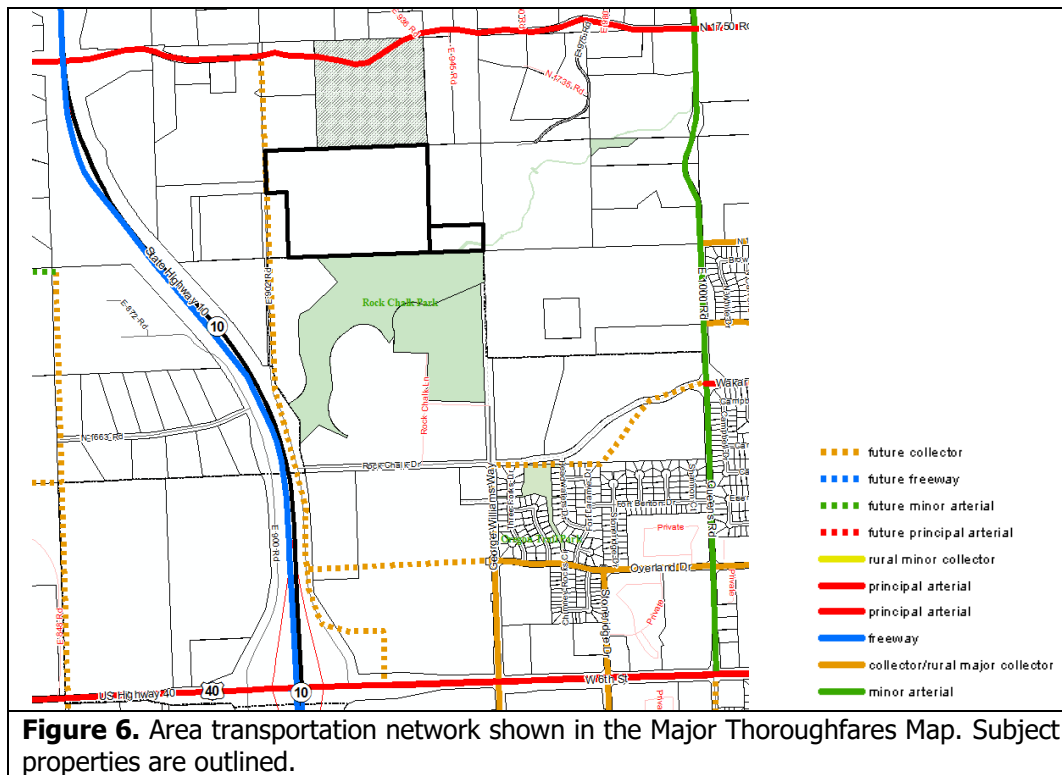


Applicant's Response:

The area is bounded on the west by K-10 Highway, which is classified in the Major Thoroughfares Map as a Freeway, and on the north by N 1750 Road, which is classified as a Principal Arterial. Future Collector Streets will connect N 1750 Road to W 6th Street/Highway 40 to the south and provide east/west connections to Queens Road, a Minor Arterial and Wakarusa Drive, a Principal Arterial. The subject property will have access to the major transportation network when E 902 Road is improved and extended as part of the proposed development. (Figure 6)

A Benefit District has been requested for improvements to Queens Road to accommodate development in the area. A Benefit District will be requested to improve E 902 Road to City Collector Street standards from the intersection with Rock Chalk Drive to the north boundary of the annexed property. The developer will extend E 902 Road as a County rock road further to the north to connect with N 1750 Road. E 902 Road will be improved to City

Collector Street standards from W 6th Street to Rock Chalk Drive with the development of the outpatient facility on the Mercato property.



Development in the area includes the following:

- 1) Westar electrical sub-station which is located west of the subject property, across E 902 Road. A Conditional Use Permit, CUP-14-00167, was approved in 2014 to allow the expansion of the sub-station to accommodate anticipated development in the area.
- 2) A Conditional Use Permit, CUP-17-00092, was approved in 2017 for a mini-storage facility for the property west of the sub-station and this is currently under development.
- 3) Rock Chalk Park, to the south of the subject property, was recently developed with a KU sports facility and a regional City recreation center.
- 4) Development on the Mercato property, to the south of the Rock Chalk Park property, includes :
 - a. A hotel in the southeast corner of the intersection of Rock Chalk Drive and George Williams Way which is currently under construction.
 - b. A Lawrence Memorial Hospital outpatient medical facility proposed for the southeast corner of the intersection of Rock Chalk Drive and E 902 Road (Renaissance Drive). A revised preliminary plat, PP-18-00028, submitted in preparation for this development is scheduled for the Planning Commission's May agenda.
 - c. Phase 1 of The Links at Lawrence, a 845 unit apartment complex, located to the east of Rock Chalk Park, across George Williams Way, is nearly complete and final plans for Phase 2 have been submitted for review.

The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area in addition to areas of woodland. Open space is available in the area in the form of City parklands, with the Rock Chalk Park to the south of the subject property and future City parkland to the north.

Staff Finding – The area has, or will have, a network of collector streets that provide connections to arterials bordering the area on the north (N 1750 Road) and south (W 6th Street) as development occurs in the area. Portions of the area are experiencing development or have recently been developed. Open space (Baldwin Creek Floodplain and riparian corridor, and City parklands) is present in the area. The area contains Environmentally Sensitive Lands in the form of floodplain, and stands of mature trees. The proposed RS5 and RS5-FP zoning designations and residential land use are compatible with the existing, developing, and proposed uses in the area.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The subject property is located east of the planning boundary of the *K-10 and Farmer's Turnpike Plan*.

The *K-10 and Farmer's Turnpike Plan* recommends the property to the west of the subject property be developed as Residential Office and be rezoned to the RSO (Single-Dwelling Residential-Office), RMO (Multi-Dwelling Residential-Office), or MU (Mixed Use) District. The plan recommends a mix of residential uses with office uses based on the proximity of the K-10 Highway. The maximum density recommended for this area is 22 dwelling units per acre. The subject rezoning to the RS5 District would have a maximum density of 8.7 dwelling units per acre, and an actual density of approximately 4.8 dwelling units per acre based on the concept plan. This lower density would be appropriate as the property is further removed from the highway and would be developed with strictly residential land uses, rather than a mix of uses. Development proposals, including plats, for the subject single-dwelling residential development and the mixed office/residential development recommended to the west would be reviewed and conditioned as necessary to ensure compatibility.

The *Northwest Plan*, adopted in 1997, is generally regarded as being out of date and is not listed as one of the area plans that are incorporated in Chapter 14 of the Comprehensive Plan. Due to the age of the *Northwest Plan* and changes which have occurred in the area, the specific recommendations are not utilized; however, the general guidelines have been used to guide development in the area. The *Northwest Plan* recommends that the development in the area occur in a gradated pattern: with the most intense uses being near W 6th Street and the intensity of uses decreasing with distance from 6th Street. The plan also recommends that development be designed to protect the woodlands, floodplain, and steep slopes in the area.

Development in this area is compliant with this guideline. The Mercato Development is adjacent to W 6th Street and is zoned for high intensity commercial uses. The Rock Chalk Park Development to the north of Mercato, north of Rock Chalk Drive, contains high intensity recreational uses while setting aside the stream corridor and steep slopes as undeveloped parkland.

The subject property is to the north of the Rock Chalk Park Development. Residential uses would be a lower intensity than the recreation uses. The southern portion of the subject property contains steep slopes, woodland, and floodplain. The concept plan shows the majority of these areas being set-aside and protected.

Staff Finding – The property is located outside the limits of the *K-10 & Farmer's Turnpike Plan* but the rezoning would be compatible with the land use recommendations in the *K-10 & Farmer's Turnpike Plan* for adjacent lands to the west and is also compliant with the general recommendations of the *Northwest Plan*.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response:

"The property currently has a County zoning designation which is unsuitable once it is annexed into the City."

The property is currently zoned A which permits agricultural uses as well as other low intensity uses in the County such as very low density residential. The A District also permits a range of uses when approved through the Conditional Use Permit process. The property is suitable for uses which are permitted within the A District; however, annexation is appropriate prior to development given the proximity to the City limits. Upon annexation, the property must be rezoned to an urban zoning designation.

The property is suitable for the *Detached Dwelling* use which has been proposed. The environmentally sensitive lands which are present on site will require protection through the platting process and these are shown mostly outside the developed area on the concept plan.

Staff Finding – The property is suitable for the uses to which it is restricted; however, annexation is appropriate given the proximity of the City limits and the ability of the City to provide services. Once annexed, the property must be rezoned to an urban zoning designation. The A Zoning District is not suitable following annexation. The property is well suited to the *Detached Dwelling* use that is being proposed with the RS5 rezoning. The property contains floodplain as defined in Article 12 of the Development Code and is suitable for rezoning to the FP Overlay District.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response:

"The property has never been developed."

Staff Finding – The property has not been developed since the adoption of zoning regulations in the unincorporated area of the County, 1966. Rezoning is being requested to accommodate development following annexation.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"The zoning request will not create any negative effects as this property is adjacent to the City Limits and has recently seen the development on Rock Chalk Park"

immediately south of the property. Recent developments in Mercato also have already changed this area."

The rezoning to the RS5 and RS5-FP Districts should not negatively impact nearby properties, as the development would consist of detached dwellings. The property is located between two City parks, Rock Chalk Park to the south and future parkland to the north. Property immediately to the east contains woodland and a rural residence. The property to the west is developed with a rural residence. The concept plan shows two larger lots being located adjacent to this property. Compatibility of lot size and orientation will be determined through the platting process. A detached dwelling development would be compatible with the nearby properties and should have no detrimental effect.

Staff Finding – The rezoning should have no detrimental impact to nearby properties as the surrounding land uses are residential, agricultural, and open space or undeveloped property.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicants Response:

"The annexation and rezoning of this parcel will generate significant tax revenues for the City. An approval would permit E 902 Road to be improved to City standards thus reducing the amount of dust generated by traffic on this road."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

As the RS5 rezoning request is compliant with the recommendations in the Comprehensive Plan and would be compatible with existing, developing, and proposed land uses in the area, the denial of the rezoning request would provide no benefit to the public health, welfare, or safety. If the rezoning request were denied, the hardship to the applicant would be the postponement of residential development on the property.

The RS5-FP rezoning is a protective overlay district required by the Development Code that requires the Floodplain Management Regulations be applied not only to the area within the FEMA designated floodplain but to an additional area which includes 2 ft freeboard above Base Flood Elevation and any stream with over 240 acres of drainage area to account for additional development within the watershed. The denial of the rezoning request would provide no benefit to the public health, safety and welfare, and could be a detriment as it would remove the additional floodplain protection measures.

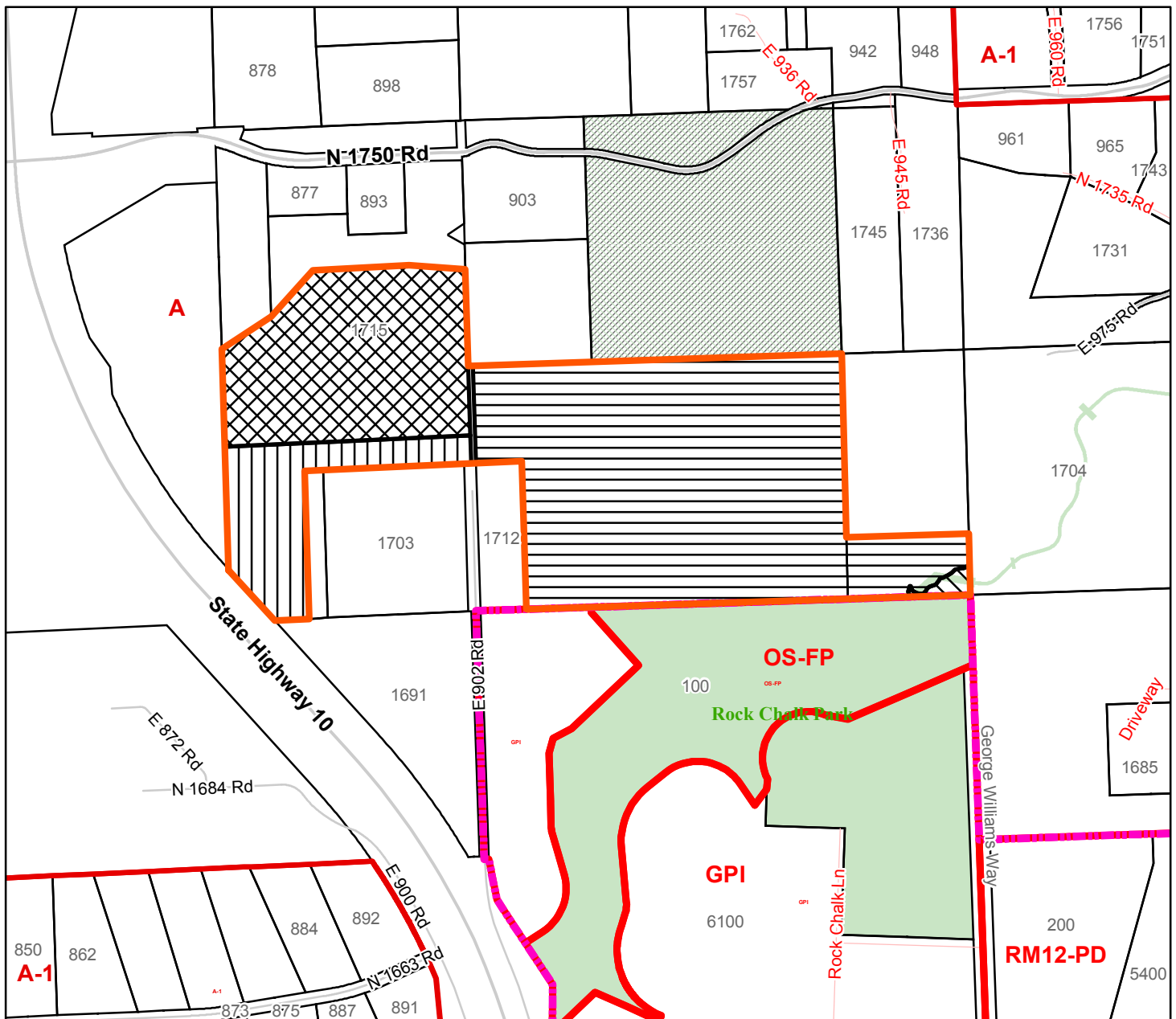
Staff Finding – As the proposed rezoning is compliant with the recommendations in the Comprehensive Plan and would be consistent with existing and proposed development in the area, there would be no gain to the public from the denial of the RS5 or the RS5-FP rezoning requests. The public would benefit from the approval of the RS5-FP rezoning as it provides additional protection measures for the floodplain, and possible floodplain areas.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The RS5 rezoning request is compliant with general recommendations for residential development in *Horizon 2020* and with the general recommendations of the *Northwest Plan*. The concept plan provided with the rezoning request shows most of the woodland being left undeveloped. Protection measures for environmentally sensitive lands will be determined with the platting of the property through the Major Subdivision process and the final development may vary from that shown on the concept plan.

The RS5-FP rezoning request is compliant with general recommendation for Floodplain protection in *Horizon 2020* and with requirements of the Development Code.

Staff recommends approval of the RS5 and RS5-FP rezoning requests.



- A-18-00068:** Annexation of approximately 97.4 acres, in the 1700 Block of E 902 Rd.
- Z-18-00070:** Request to rezone approximately 24.96 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District.
- Z-18-00073:** Request to rezone approximately 60.95 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5 (Single-Dwelling Residential) District.
- Z-18-00074:** Request to rezone approximately 0.78 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5-FP (Single-Dwelling Residential and Floodplain Overlay) District.
- Z-18-00075:** Request to rezone approximately 11.49 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to IL (Limited Industrial) District.

-  A-18-00068
-  Z-18-00075
-  Z-18-00070
-  Z-18-00074
-  Z-18-00073

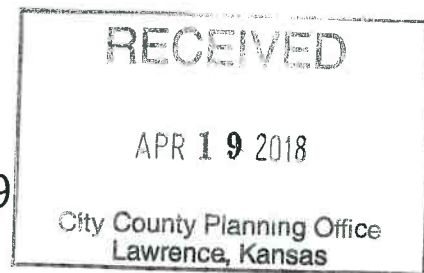


To: The Lawrence Douglas County Planning Commission

Dated: April 19, 2018

From: Shawn & Debra Haley

Address: 1736 E 945 Lawrence, Kansas 66049



Concerning: The multi-annexation requests by Garber Enterprises Inc. of adjacent properties within a close proximity to our home estate.

Our Position on the "Annexation Request": While we want to support annexation and growth of property in the immediate area of our home estate we are concerned about the future of our property and planned growth of the area which will eventually include our property as well. We have extreme topographical issues effecting the north boundary of our property and the current access to our home.

Our desire... has been to patiently wait for area growth in hopes of having eventual access to our property and home from the southern boundary of our property.

Our concern... is that without a major masterplan, for the entire area, that our property may be land locked with no chance for access to the south and the loss of potential development of our property creating a checker board of development projects that do not correctly extend public services to the entire area. The owners of all properties to the south of N 1750 Road should not only be given notice regarding this annexation, but they should also have an opportunity to be included in a needed master plan of the entire area to better utilize the growth and expansion of city services.

We appreciate..... the opportunity to be heard on this matter and hope that the planning commission will see the need for additional planning of the entire area so that all property owners have the ability to benefit from the planned growth of our County.

Respectfully Submitted By,

Debra Haley

1736 E 945

Lawrence, Kansas 66049

4/19/18

Date

To: The Lawrence Douglas County Planning Commission

Dated: April 23, 2018

From: Jan Haley Maxwell, Durable Power of Attorney for Ann W. Haley

Owner & Address: Ann W. Haley, 1745 E. 945 Road, Lawrence, Kansas 66049

Re: Garber Enterprises Inc. Multi-Annexation Request

On behalf of Ann W. Haley and as her durable power of attorney, I join in the request that the Lawrence Douglas County Planning Commission develop a major masterplan for the entire area. The property at 1745 E 945 Road is to the north of the proposed annexation and adjacent to the property for which no plan has been proposed. Although with the crush of nearby development, it will not remain unplanned or unannexed for long.

The Lawrence Douglas County Planning Commission has a reputation for considering the "big picture" and in the past required that development occur in the city limits before annexation could occur. Now that development has occurred, geographical growth of the city is upon us.

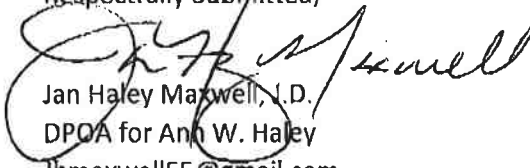
The proposed annexation without consideration of future services for adjacent properties could leave the city without coordination for the future growth of this area. With the flood plans to the south of the city, the recent development of Rock Chalk Park (RCP), the multi-family building nearby RCP, and the explosion of housing north of Lawrence Free State High School, growth of the city to the north of these proposals is almost certain.

The lack of organization, forethought and planning for this continued north and westward expansion of the city could leave the adjacent acreage as an impediment to future growth of the city.

As a resident of Shawnee County, I am all too familiar with the patchwork quilt approval of residential use and pocket developments in our rural areas that fail to plan for the future of the residential growth of Topeka. The Lawrence Douglas County Planning Commission had the foresight to require develop of properties within the city. For the continued progressive plans of the city to advance, the commission should plan for the future for the entire area.

The commitment of Lawrence Douglas County Planning Commission to create a masterplan will serve the future development and maintain the a reputation for planning for the good of the present with an goal of enhanced growth for the future. On behalf of Ann W. Haley, I request the commission create a baster plan for the entire area.

Respectfully Submitted,



Jan Haley Maxwell, J.D.

DPOA for Ann W. Haley

Jhmaxwell55@gmail.com

Owner 1745 E. 945 Road

Lawrence, KS 66049

(785) 221-8007

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/25/18

ITEM NO. 9E: REZONING 11.49 ACRES; 1700 BLK E 902 RD (MKM)

Z-18-00075: Consider a request to rezone approximately 11.49 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to IL (Limited Industrial) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 11.49 acres southwest of N 1750 and E 902 Roads from A (County-Agricultural) District to IL (Limited Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and contingent upon the approval of the associated annexation request, A-18-00068, which will be in effect only after the publication of the annexation ordinance.

REASON FOR REQUEST

Applicant's Response:

"Owner has requested annexation."

KEY POINT

- The property is located within the boundaries of the *K-10 & Farmers Turnpike Plan*.
- A Comprehensive Plan Amendment to the *K-10 & Farmers Turnpike Plan*, CPA-14-00005, was approved on April 20, 2016 to revise the future land use recommendations for the subject property from RSO (Residential/Office) to Office/Research. This land use includes light wholesale, storage and distribution.
- The property has an approved Conditional Use Permit for a Mini-or-Self-Storage Facility, currently under construction.
- The subject property is included in an annexation request, A-18-00068, which is also being considered at the April Planning Commission meeting. The rezoning request is contingent upon the approval of the annexation request.

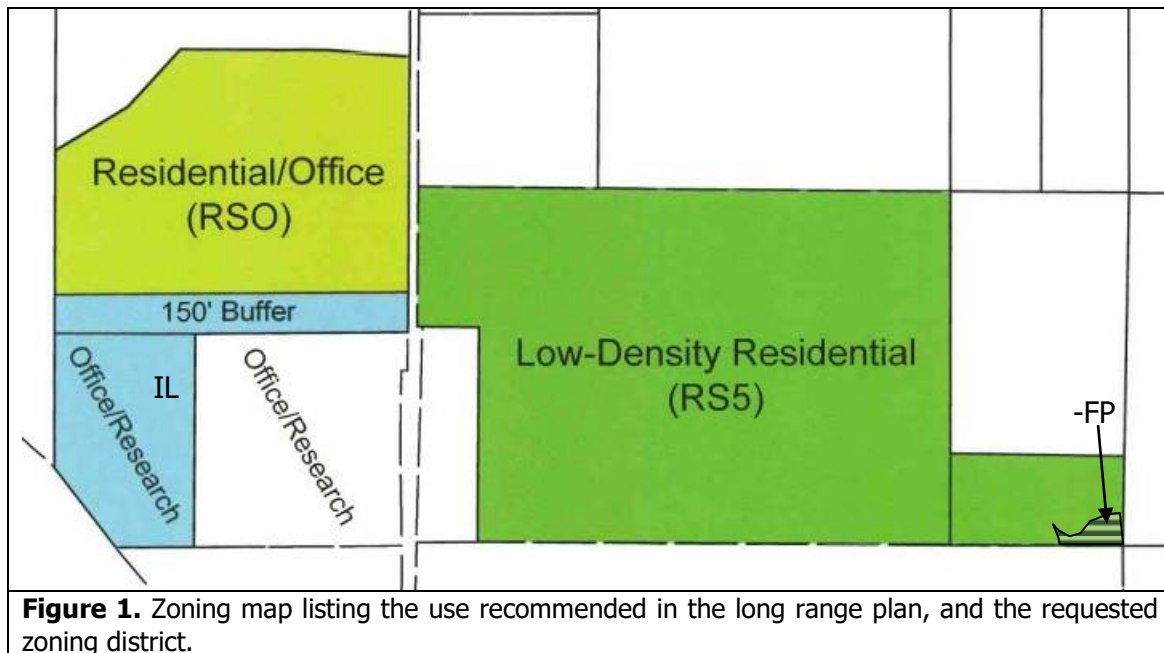
ASSOCIATED CASES

- A-18-00068: Annexation request for approximately 97.4 acres on the east and west sides of E 902 Road south of N 1750 Road. The annexation request includes the subject property.
- Z-18-00073: Rezoning request for approximately 60.95 acres from A to RS5. This request is for the parcels located on the east side of E 902 Road, included in the overall annexation request.
- Z-18-00074: Rezoning request for approximately 0.78 acres from A to RS5-FP. This request is for the small parcel located on the east side of E 902 Road which is part of the annexation request. This small parcel contains land that requires rezoning to the Floodplain Management Regulations Overlay District due to floodplain on the property and portions of the property meeting the criteria listed in Section 20-1201(c) of the Development Code.

- Z-18-00070: Rezoning request for approximately 24.96 acres from A to RSO. This request is for the northern parcel west of E 902 Road which is part of the annexation request.

These associated cases were submitted as part of the same development project and are being considered at the April Planning Commission meeting. Figure 1 illustrates the various parcels associated with the rezoning requests.

- CUP-17-00092: Conditional use Permit for a *Mini-Storage* use on the subject property; approved by the Board of County Commissioners on May 17, 2017. The mini-storage facility is currently under construction.



OTHER ACTION REQUIRED

- City Commission approval of annexation request and adoption/publication of annexation ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of property through the Major Subdivision process.
- Application and release of building permits prior to development.

ATTACHMENTS

Attachment A: Zoning map

Attachment B: Approved Conditional Use Permit Plans

PUBLIC COMMENT

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

Project Summary

The subject property is located in an area that is undergoing development. Rock Chalk Park, which includes a KU sport facility and a City Regional Recreation Center, were recently developed to the southeast of the subject property. Phase 1 of the Links at Lawrence apartment development, also to the southeast, is nearing completion and final plans for

Phase 2 have been submitted. A hotel is under construction on the northeast corner of the Mercato property south of Rock Chalk Park and preliminary plans have been submitted for a medical facility in the northwest corner of the Mercato property. Growth in this area had previously been limited by the lack of City infrastructure; however, the extension of the Baldwin Creek Sanitary Sewer Interceptor Line in 2009 and adoption of a Wastewater Masterplan with plans for future main extensions in the area have made development possible.

An annexation request for the subject property and 3 other parcels is before the Planning Commission as part of this item.

The mini-storage facility was approved with a Conditional Use Permit as it was located outside the city limits at the time. The Conditional Use Permit review noted that the use was compliant with the future land use recommendations in the approved plan for the area, the *K-10 & Farmer's Turnpike Plan*. The building elevations and landscaping were reviewed through the Conditional Use Permit process to ensure the facility would be compatible with nearby uses when the area is annexed into the City. This rezoning request is not in anticipation of additional development, but would provide an appropriate urban zoning designation to the property, as developed, following annexation.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The request is in conformance with the Comprehensive Plan Amendment CPA-14-00005 which was approved by the Lawrence City Commission and the Douglas County Board of County Commissioners."

The subject property is within the planning boundaries of the *K-10 & Farmer's Turnpike Plan*, which is discussed in Section 4 of this report. The IL (Limited Industrial) rezoning request will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan. Policies from the Comprehensive Plan are below, with staff comments in red.

Horizon 2020 recommends that new industrial development *substantially* meet the following locational criteria for Industrial Development in Chapter 7:

- Have feasible access to Federal and State transportation networks
- Be of adequate parcel size, generally over forty acres
- Lie primarily outside of the regulatory floodplain
- Have minimal average slopes. (page 7-4)

The subject location substantially meets these criteria. The parcel is less than 40 acres; however, the area provided, 13.3 acres, is adequate for the mini-storage facility that is being developed on the site. The adjacent property to the east is developed with a Westar facility on approximately 15 acres that will need to be rezoned to an appropriate zoning district following annexation. The IL District would be an appropriate district for the utility.

Policy 3.1 Transitional Methods

- a. *“Encourage industrial, office research and warehouse distribution facilities to have a positive impact on neighboring land uses through the use of natural area separations, broad landscaped yards, or other means of buffering.”* (Page 7-15, *Horizon 2020*)

The mini-storage facility will be separated from future development to the north by open space containing a 150 ft wide Westar easement for overhead lines, which will contain the access drive and buffering landscaping. It will be separated from future development to the south by a 260 ft wide open space containing a 50 ft wide Westar easement and a 50 ft Southern Star gas line easement and the land in between.

Policy 4.3 Vehicular Circulation and Access

- b. *“Prohibit direct vehicular access from industrial and employment-related developments to local residential streets. Industrial and employment-related traffic through residential areas is strongly discouraged.”* (Page 7-19, *Horizon 2020*)

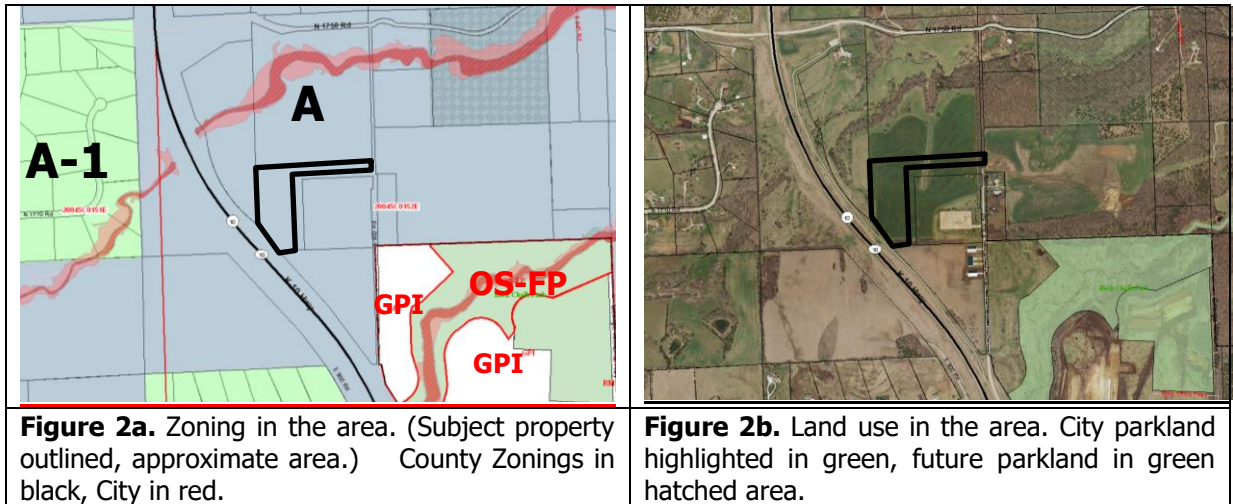
The mini-storage facility will take access directly from E 902 Road, which is classified in the City's Major Thoroughfares Map as a Collector in this location.

Staff Finding – The rezoning request is compliant with the recommendations of the Industrial Chapter of the Comprehensive Plan. The rezoning request will be evaluated with the recommendations of the area plan in Section 4 of this report.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: A (County-Agricultural); Agriculture.

Surrounding Zoning and Land Use: To the north:
A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Baldwin Creek, wooded stream corridor, and *Agriculture*.
To the west:
A (County-Agricultural); *Agriculture* and K-10 Highway.
To the east:
A (County-Agricultural); *Utility*, Electric Substation.
To the south:
A (County-Agricultural); Agricultural land uses and accessory structures and K-10 Highway.
(Figure 2)



Staff Finding – The subject property is part of an annexation request which includes the adjacent parcel to the north and two parcels east of E 902 Road. The properties to the west and south of the subject property are outside of the city limits, are zoned A (Agricultural) and are currently used for *Agriculture* uses. The adjacent property to the east is zoned A, but has a Conditional Use Permit for a *Public Utility*, an electric substation. The property to the north is currently zoned A, but has a rezoning request to the RSO District for a proposed residential-office development. The proposed IL zoning and *Mini-or Self-Storage Facility* land use is compatible with the existing and proposed zonings and land uses in the area.

3. CHARACTER OF THE NEIGHBORHOOD

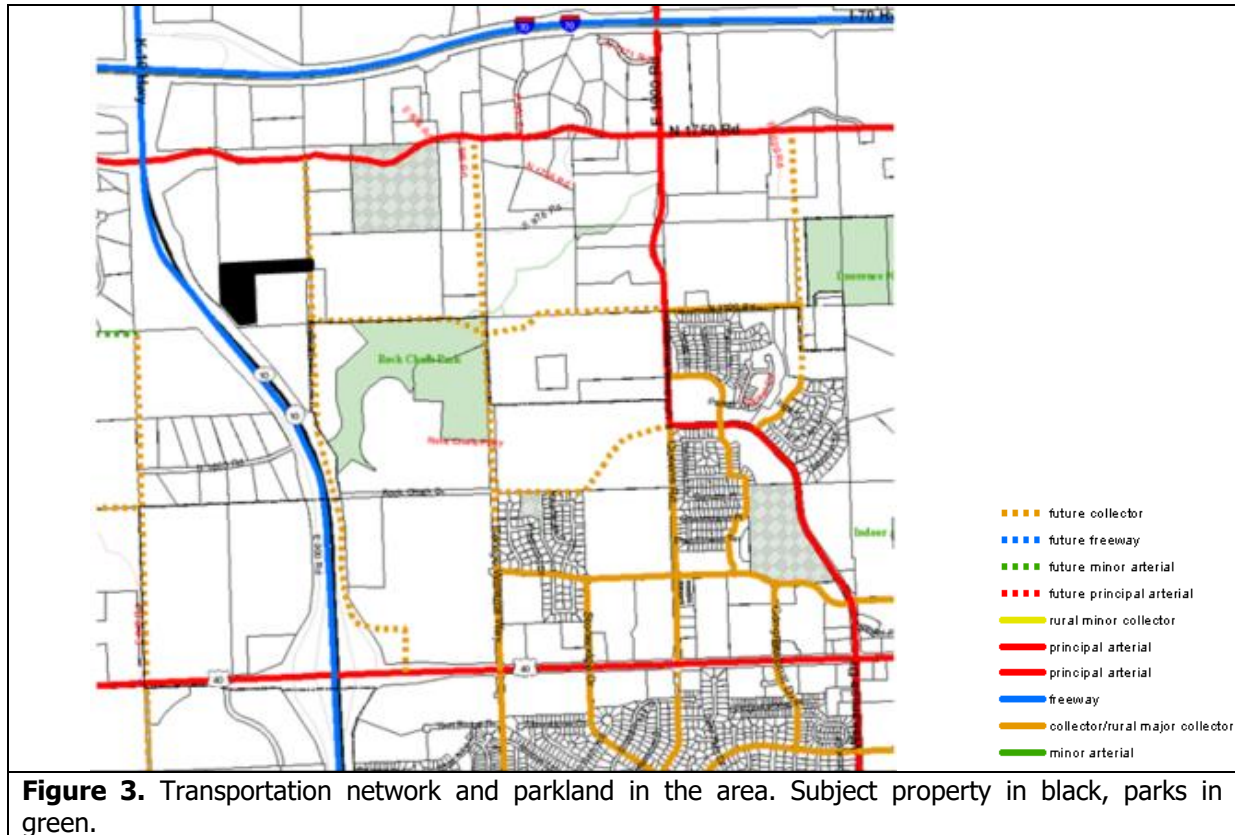
Applicant's Response:

"The subject property is bounded by K-10 Highway on the west, a Westar substation on the east, and undeveloped ground to the north and south. Rock Chalk Park is located ¼ mile to the southeast and additional development is planned along E 902 Road to the south."

The area is bounded on the west by K-10 Highway, which is classified in the City Major Thoroughfares Map as a Freeway, and on the north by N 1750 Road, which is classified as a Principal Arterial. The Thoroughfare Map shows a future Collector Street, E 902 Road, connecting N 1750 Road to W 6th Street/Highway 40 to the south. E 902 Road will be improved to City Collector standards from W 6th Street to Rock Chalk Drive with the development of the medical facility on the Mercato property. The developer indicated that E 902 Road would be improved from Rock Chalk Drive to the northern boundary of the annexed area through a Benefit District and the developer would construct the extension of E 902 Road to connect with N 1750 Road to the north, as a county rock road. (Figure 3)

Current land uses in the area are agriculture, rural residential, woodlands, and utility. Urban properties in the area are in various stages of development: the KU sports center and the City regional recreation center at Rock Chalk Park are completed and in operation; a hotel is being constructed in the northeast corner of the Mercato development, at the intersection of Rock Chalk Drive and George Williams Way; phase 1 of the Links at Lawrence apartments, northeast of the intersection of George Williams Way and Rock Chalk Drive, is nearing completion and final plans for phase 2 have been submitted; and a preliminary plat has been submitted for the northwest corner of the Mercato property, at the intersection of Rock Chalk

Drive and E 902 Road, for a Lawrence Memorial Hospital outpatient medical facility. In addition, the utility use, a Westar electric substation, has an approved Conditional Use Permit (CUP-14-00167) to expand the facility.



The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area. Open space is available in the area in the form of City parklands with the 45 acre Rock Chalk Park southeast of the subject property and a future City parkland of approximately 40 acres to the northeast.

Staff Finding – This area contains both developing urban properties and rural properties. The portion of the area that is within the city limits is experiencing development in the form of a hotel, a medical facility, and apartments. The Westar electric substation has plans to expand to accommodate growth in the area. Open space (Baldwin Creek Floodplain and riparian corridor, and city parkland) is present in the area. The proposed use would access a Collector Street, E 902 Road, which connects to W 6th Street/Highway 40 to the south and should have no negative impact on environmental features or open space in the area. The mini-storage facility should be compatible with the existing and proposed uses in the area.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The subject property is located within the planning boundary of the *K-10 and Farmer's Turnpike Plan*. The plan recommends this area as Office/Research on the Future Land Use Map (Page 3-11 of the plan; Figure 4). The plan describes the Office/Research area as:

"...businesses involved in technology, research and scientific-related activities and/or office, office research activities that are designed in a campus like setting. Light manufacturing and production uses are also acceptable within this use category." Primary uses recommended are: professional offices; research services; manufacturing and production, limited and technology; and light wholesale, storage and distribution. The mini-storage facility is classified in the Development Code as a *Light Wholesale, Storage and Distribution* use.

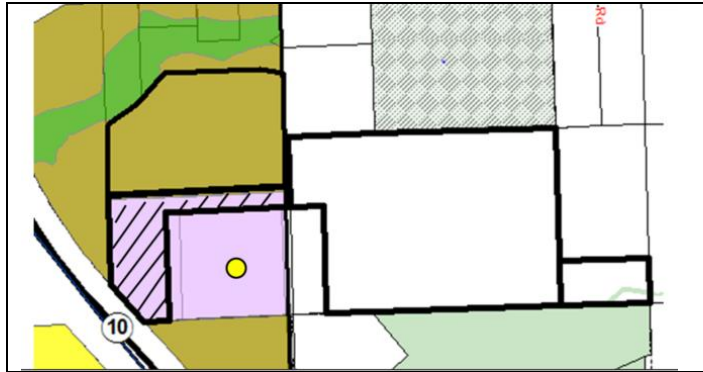


Figure 4. Land use recommendations in current *K-10 & Farmer's Turnpike Plan*. Weststar substation marked with yellow dot. Brown area is designated as Residential/Office Development in the plan. Property within total development proposal is outlined. Property that is the subject of this rezoning is hatched.

Specific recommendations are provided in Section 3.1.2.5 of the *K-10 & Farmer's Turnpike Plan* for Industrial/Office/Research land uses. The following is a review of these recommendations with staff's comments in red.

1. Structures should be aesthetically pleasing from all sides and should incorporate quality building materials and quality architectural elements.

The following information was provided with the CUP application for the mini-storage facility: "The north and west faces will have stucco and/or stone facing; the north and south ends of the buildings will have gables, the interior building walls will be standard metal siding." The building design will be aesthetically pleasing from the north, west, and south. Less attention may be paid to detail on the east side, which is adjacent to the Weststar electric sub-station.

2. Transitions between uses should be accomplished by buffer yards, landscaping, setbacks, scale and massing, and transition of uses to include low-intensity uses along the perimeter of the areas identified as industrial or office/research.

The buildings will be oriented so the narrow ends face the parcels to the north and south which are both designated as Residential/Office in the area plan. The buildings will be setback from the parcel to the north by a 150 ft wide Weststar easement. Trees were permitted only along the southern portion of the easement, but they were added along the north side of the access drive to provide screening/buffering.

The southern edge of the facility will be approximately 250 ft north of the adjacent parcel to the south. This separation is required due to a 50 ft wide Weststar easement and a 50 ft wide Southern Star easement for underground gas lines. These easements restrict plantings; however, the wide separation and the fact that the narrow end of the buildings face the adjacent property to the south should provide adequate buffering. Additional buffering will be required along the adjacent properties north boundary when this property develops.

3. Sites should incorporate a variety of landscaping treatments to alleviate the potential for monotonous perimeter buffering.

Landscaping is being provided along the north side of the property, on the south side of the 150 ft wide Weststar easement. This landscaping may not have the variety that would typically be required, but given the distance between the landscaping and the adjacent

property it should not have a negative impact. A variety of landscaping is being provided along K-10 Highway right-of-way.

4. Structures with visible facades from K-10/South Lawrence Trafficway shall have high quality architecture to enhance and support the gateway entries of this plan, as well as adjacent sector and area plans.

The approved CUP plan shows the separation between the buildings and the K10/SLT right-of-way. The architecture of the buildings will include peaked roofs and stucco walls adjacent to the right-of-way. Given the small area that is near the right-of-way and the buffering landscaping the structure should support the gateway entry.

5. Native and drought resistant landscaping materials are strongly encouraged be utilized to filter drainage and stormwater runoff from large areas of pavement, conserve water, and to create a rural feeling.

The trees selected for buffering landscaping were not native trees. They were selected primarily for their size, due to the location of the utility easements. The Oklahoma Redbud is drought resistant and the Frontier Elm is drought tolerant. The Western Arborvitae are noted as being fast growing trees, but are not exceptionally drought tolerant. If the property redevelops, the property owner will be encouraged to use native and drought resistant landscaping materials.

Staff Finding – The property is located within the limits of the *K-10 & Farmer's Turnpike Plan* which recommends the general land use category 'Office/Research' as a future land use. Limited storage uses are recommended as a permitted use in this category. As illustrated in the review above, the design of the mini-storage facility is compliant with the design recommendations provided in the plan. The proposed rezoning and approved mini-storage development is compliant with the recommendations of the area plan.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response:

"The property currently has a County zoning designation which is unsuitable once it is annexed into the City."

The property is currently zoned A which permits agricultural uses as well as other low intensity uses in the County. A *Mini-Storage or Self-Storage Facility* is a permitted use in the A District when approved with a Conditional Use Permit. A Conditional Use Permit, CUP-17-00072, was approved for the mini-storage facility on May 17, 2017. The property is suitable for uses which are permitted within the A District.

The property is suitable for the *Mini-Storage or Self-Storage Facility* use which is currently under construction. A warehouse use would be compatible with the adjacent uses: K-10 Highway, a freeway, and agricultural land uses to the west; and an electric substation to the east. The property will be separated from future development to the north and south by easements for private utilities.

Staff Finding – The property is suitable for the uses to which it is restricted; however, annexation is appropriate with this development given the proximity of the city limits and the availability of City services. Once annexed, the property must be rezoned to an urban zoning

designation. The mini-storage facility would be permitted in the IL District which is one of the zoning districts recommended in the *K-10 & Farmer's Turnpike Plan* for this area.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response:

"The property has never been developed but has an approved CUP."

Staff Finding – The property had not been developed since the adoption of zoning regulations in the unincorporated area of the County in 1966 but is currently being developed with a mini-storage facility.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"The zoning will not create any negative effects as this property currently has an approved Conditional Use Permit to allow the mini-warehouse use."

A *Mini-or Self-Storage Facility* is permitted in the County A Zoning District with a Conditional Use Permit or in the City IL Zoning District with a site plan. Rezoning to the IL District could permit a range of other uses; however, the site plan review criteria in Section 20-1305(j) of the Development Code requires that the site plan complies with the adopted neighborhood or area plans. As this area has an adopted sector plan, any proposed use would be evaluated for compliance with the recommendations of the *K-10 & Farmer's Turnpike Plan*. The primary uses the plan recommends for Office/Research include: professional offices, research services, manufacturing and production limited and technology, and light wholesale storage and distribution.

As shown in the approved Conditional Use Permit plan, the buildings will be oriented with the narrow sides facing the future Residential/Office uses to the north and south. The mini-storage facility will be separated from the future development to the north and south by over 150 ft, due to the wide private utility easements in these locations.

Staff Finding – As shown on the approved Conditional Use Permit plan, attached, the facility is designed to minimize visibility from the future Residential/Office uses to the north and south and screening and separation will ensure compatibility with the neighborhood and provide an aesthetically pleasing view from K-10 Highway.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicants Response:

"The annexation and rezoning of this parcel will generate significant tax revenues for the City. An approval would permit E 902 Road to be improved to city standards thus reducing the amount of dust generated by traffic on this road."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

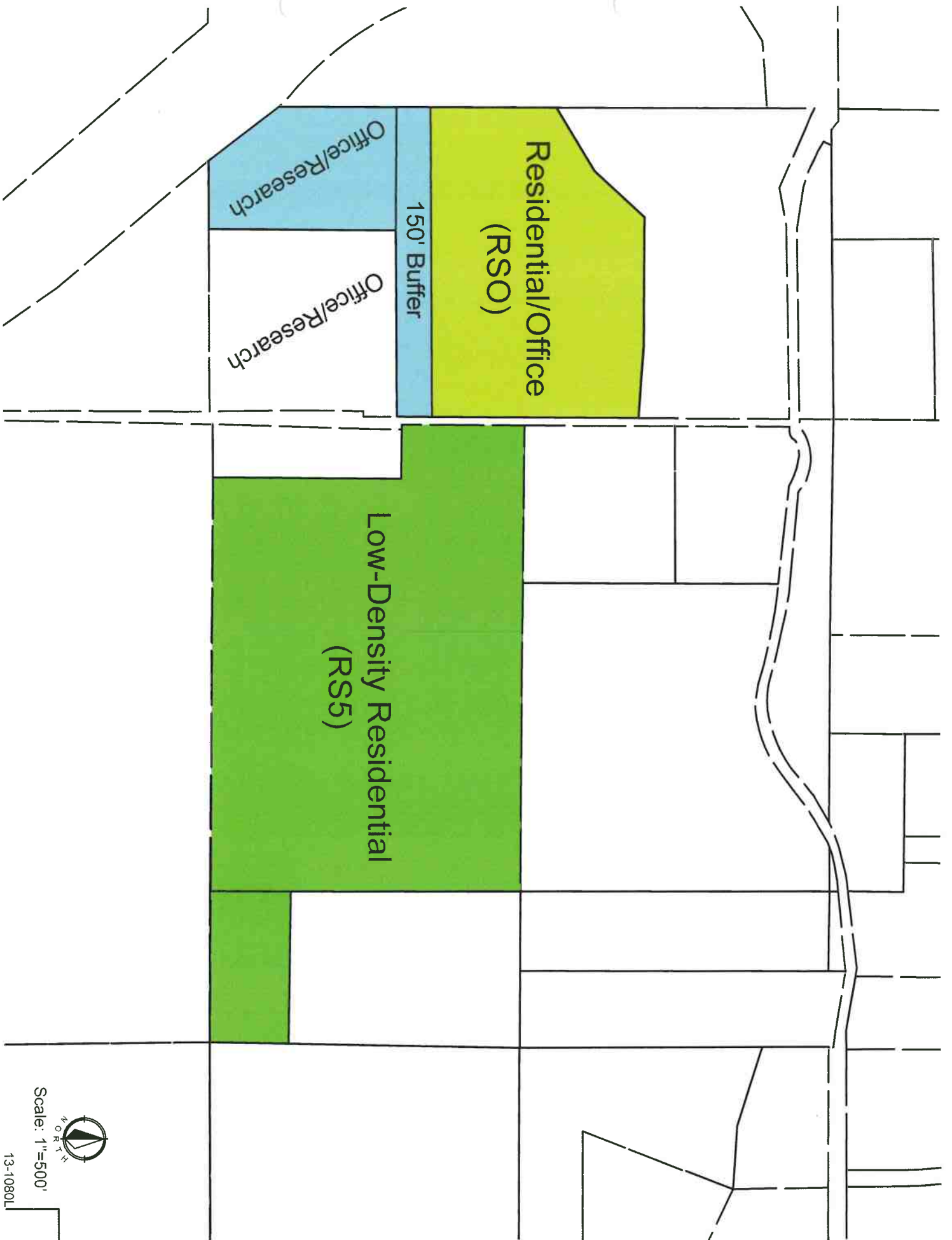
The rezoning request is linked to the approval of the annexation request. If the rezoning request is approved, the mini-storage facility would have an appropriate urban zoning designation that is compliant with the recommendations in the adopted area plan.

If the rezoning were denied, the existing use would become nonconforming following annexation. As the IL zoning and mini-storage use are recommended by the area plan and the design of the facility is compliant with the plan's recommendations, there would be no gain to the public health, safety, and welfare by the denial of the rezoning request.

Staff Finding – The approval of the rezoning to the IL District would provide an appropriate urban zoning designation for the property, as recommended in the adopted area plan. The mini-storage facility, which is currently under construction, is a permitted use in the IL District and is a recommended use in the area plan. As the rezoning and use are recommended in the area plan, and the design of the facility is compliant with the recommendations in the plan, there would be no benefit to the public health, safety, and welfare due to the denial of the application.

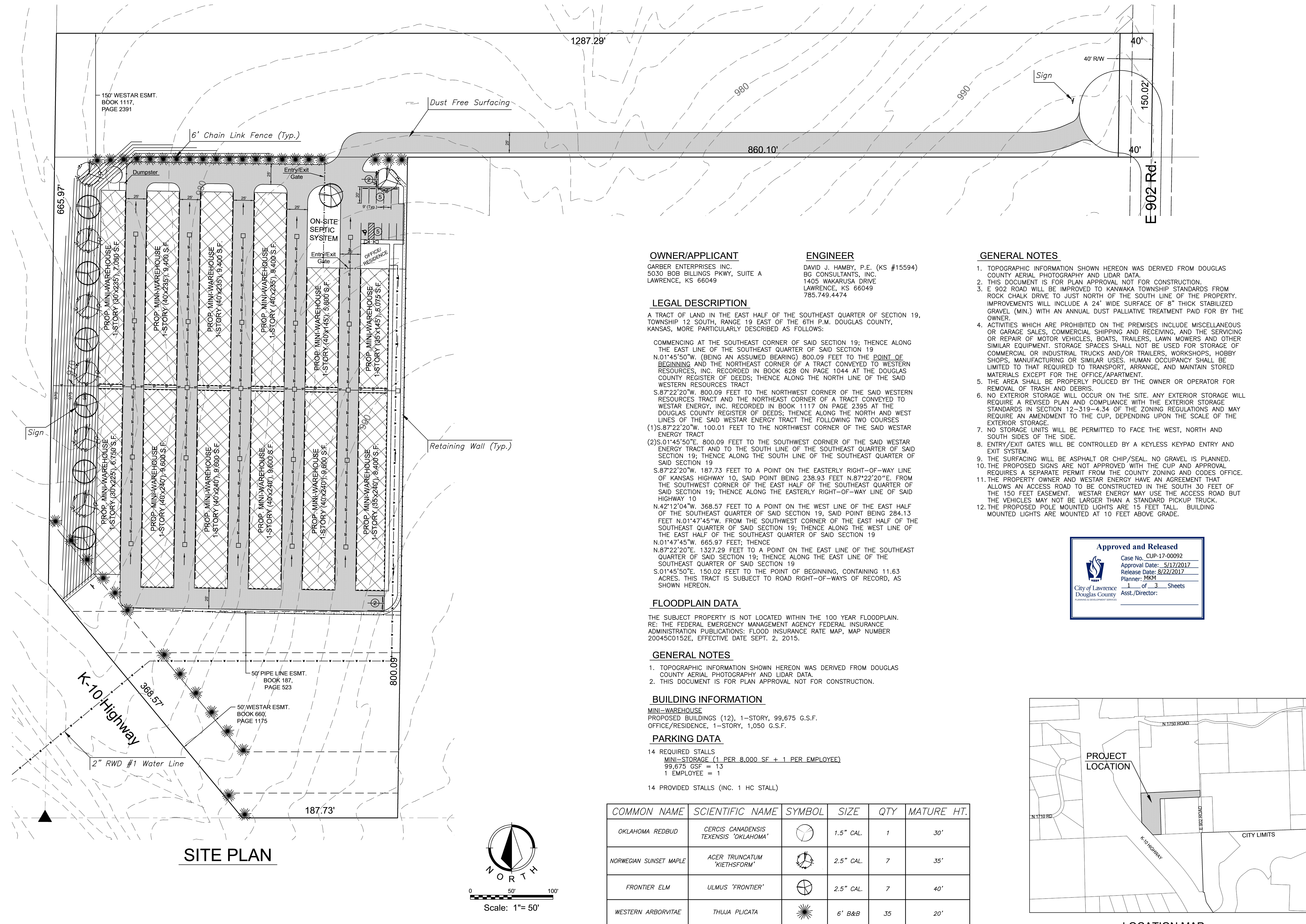
PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the *K-10 & Farmer's Turnpike Plan*, the Golden Factors, and compatibility with surrounding development. The IL (Limited Industrial) rezoning request is compliant with recommendations for industrial development in *Horizon 2020* and with the recommendations for the area provided in the *K-10 & Farmer's Turnpike Plan*. Staff recommends approval of the rezoning request contingent upon the approval of the associated annexation request which will be in effect only after the publication of the annexation ordinance.



Scale: 1"=500'

13-1080L



SITE PLAN

OWNER/APPLICANT

GARBER ENTERPRISES INC.
5030 BOB BILLINGS PKWY, SUITE A
LAWRENCE, KS 66049

ENGINEER

DAVID J. HAMBY, P.E. (KS #15594)
BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KS 66049
785.749.4474

LEGAL DESCRIPTION

A TRACT OF LAND IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH P.M. DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19 N.01°45'50"W. (BEING AN ASSUMED BEARING) 800.09 FEET TO THE POINT OF BEGINNING AND THE NORTHEAST CORNER OF A TRACT CONVEYED TO WESTERN RESOURCES, INC. RECORDED IN BOOK 628 ON PAGE 1044 AT THE DOUGLAS COUNTY REGISTER OF DEEDS; THENCE ALONG THE NORTH LINE OF THE SAID WESTERN RESOURCES TRACT S.87°22'20"W. 800.09 FEET TO THE NORTHWEST CORNER OF THE SAID WESTERN RESOURCES TRACT AND TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19 S.87°22'20"W. 187.73 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF KANSAS HIGHWAY 10, SAID POINT BEING 238.93 FEET N.87°22'20"E. FROM THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY 10 N.42°12'04"W. 368.57 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 19, SAID POINT BEING 284.13 FEET N.01°47'45"W. FROM THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 19 N.01°47'45"W. 665.97 FEET; THENCE N.87°22'20"E. 1327.29 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19 S.01°45'50"E. 150.02 FEET TO THE POINT OF BEGINNING, CONTAINING 11.63 ACRES. THIS TRACT IS SUBJECT TO ROAD RIGHT-OF-WAYS OF RECORD, AS SHOWN HEREON.

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0152E, EFFECTIVE DATE SEPT. 2, 2015.

GENERAL NOTES

1. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS DERIVED FROM DOUGLAS COUNTY AERIAL PHOTOGRAPHY AND LIDAR DATA.
2. THIS DOCUMENT IS FOR PLAN APPROVAL NOT FOR CONSTRUCTION.

BUILDING INFORMATION

MINI-WAREHOUSE
PROPOSED BUILDINGS (12), 1-STORY, 99,675 G.S.F.
OFFICE/RESIDENCE, 1-STORY, 1,050 G.S.F.

PARKING DATA

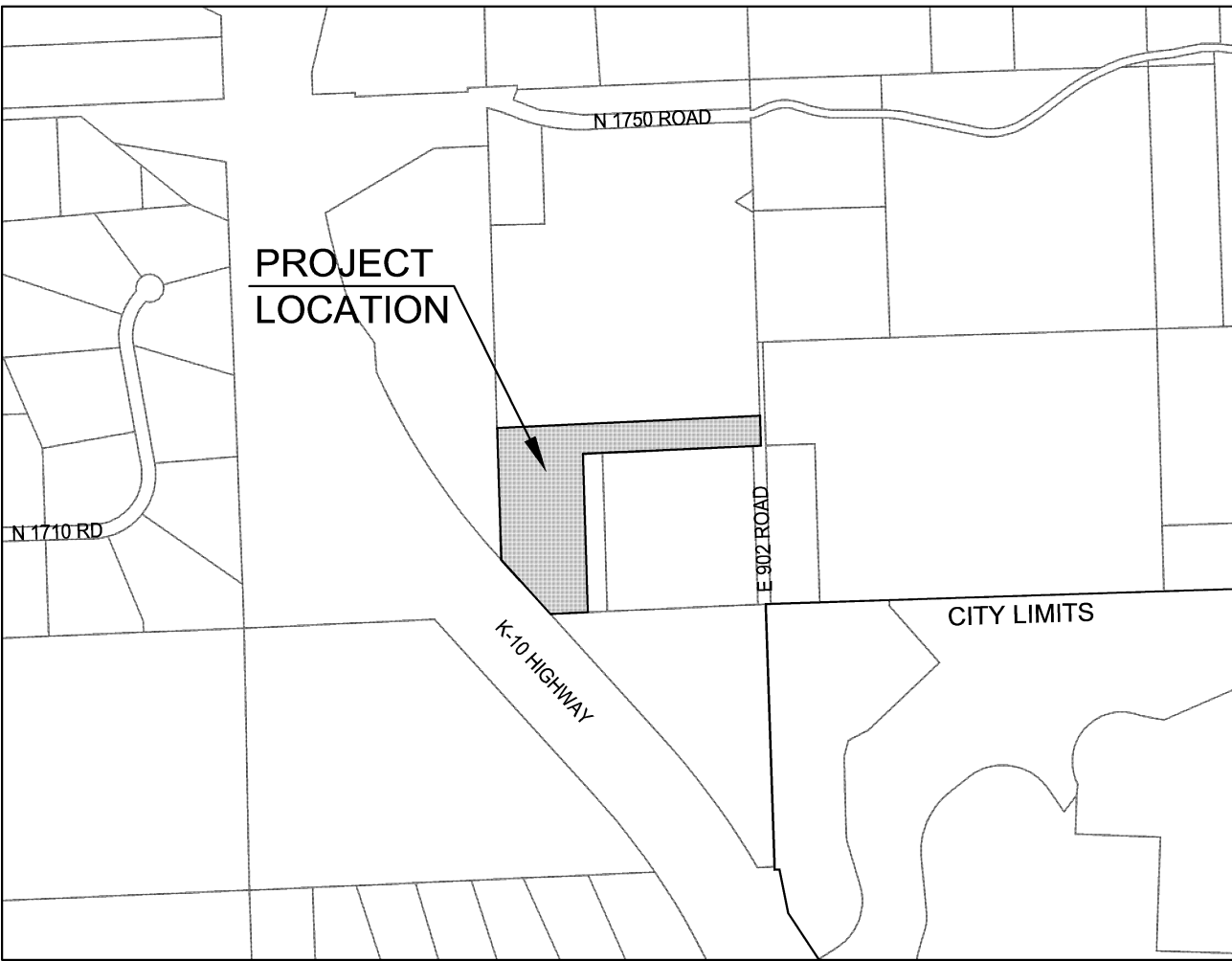
- 14 REQUIRED STALLS
MINI-STORAGE (1 PER 8,000 SF + 1 PER EMPLOYEE)
99,675 GSF = 13
1 EMPLOYEE = 1

14 PROVIDED STALLS (INC. 1 HC STALL)

COMMON NAME	SCIENTIFIC NAME	SYMBOL	SIZE	QTY	MATURE HT.
OKLAHOMA REDBUD	CERCIS CANADENSIS TEXENSIS 'OKLAHOMA'		1.5" CAL.	1	30'
NORWEGIAN SUNSET MAPLE	ACER TRUNCATUM 'KIETHSFORM'		2.5" CAL.	7	35'
FRONTIER ELM	ULMUS 'FRONTIER'		2.5" CAL.	7	40'
WESTERN ARBORVITAE	THUJA PLICATA		6' B&B	35	20'

GENERAL NOTES

1. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS DERIVED FROM DOUGLAS COUNTY AERIAL PHOTOGRAPHY AND LIDAR DATA.
2. THIS DOCUMENT IS FOR PLAN APPROVAL NOT FOR CONSTRUCTION.
3. E 902 ROAD WILL BE IMPROVED TO KANWAKA TOWNSHIP STANDARDS FROM ROCK CHALK DRIVE TO JUST NORTH OF THE SOUTH LINE OF THE PROPERTY. IMPROVEMENTS WILL INCLUDE A 24' WIDE SURFACE OF 8" THICK STABILIZED GRAVEL (MIN.) WITH AN ANNUAL DUST PALLIATIVE TREATMENT PAID FOR BY THE OWNER.
4. ACTIVITIES WHICH ARE PROHIBITED ON THE PREMISES INCLUDE MISCELLANEOUS OR GARAGE SALES, COMMERCIAL SHIPPING AND RECEIVING, AND THE SERVICING OR REPAIR OF MOTOR VEHICLES, BOATS, TRAILERS, LAWN MOWERS AND OTHER SIMILAR EQUIPMENT. STORAGE SPACES SHALL NOT BE USED FOR STORAGE OF COMMERCIAL OR INDUSTRIAL TRUCKS AND/OR TRAILERS, WORKSHOPS, HOBBY SHOPS, MANUFACTURING OR SIMILAR USES. HUMAN OCCUPANCY SHALL BE LIMITED TO THAT REQUIRED TO TRANSPORT, ARRANGE, AND MAINTAIN STORED MATERIALS EXCEPT FOR THE OFFICE/APARTMENT.
5. THE AREA SHALL BE PROPERLY POLICED BY THE OWNER OR OPERATOR FOR REMOVAL OF TRASH AND DEBRIS.
6. NO EXTERIOR STORAGE WILL OCCUR ON THE SITE. ANY EXTERIOR STORAGE WILL REQUIRE A REVISED PLAN AND COMPLIANCE WITH THE EXTERIOR STORAGE STANDARDS IN SECTION 12-319-4.34 OF THE ZONING REGULATIONS AND MAY REQUIRE AN AMENDMENT TO THE CUP, DEPENDING UPON THE SCALE OF THE EXTERIOR STORAGE.
7. NO STORAGE UNITS WILL BE PERMITTED TO FACE THE WEST, NORTH AND SOUTH SIDES OF THE SIDE.
8. ENTRY/EXIT GATES WILL BE CONTROLLED BY A KEYLESS KEYPAD ENTRY AND EXIT SYSTEM.
9. THE SURFACING WILL BE ASPHALT OR CHIP/SEAL. NO GRAVEL IS PLANNED.
10. THE PROPOSED SIGNS ARE NOT APPROVED WITH THE CUP AND APPROVAL REQUIRES A SEPARATE PERMIT FROM THE COUNTY ZONING AND CODES OFFICE.
11. THE PROPERTY OWNER AND WESTAR ENERGY HAVE AN AGREEMENT THAT ALLOWS AN ACCESS ROAD TO BE CONSTRUCTED IN THE SOUTH 30 FEET OF THE 150 FEET EASEMENT. WESTAR ENERGY MAY USE THE ACCESS ROAD BUT THE VEHICLES MAY NOT BE LARGER THAN A STANDARD PICKUP TRUCK.
12. THE PROPOSED POLE MOUNTED LIGHTS ARE 15 FEET TALL. BUILDING MOUNTED LIGHTS ARE MOUNTED AT 10 FEET ABOVE GRADE.

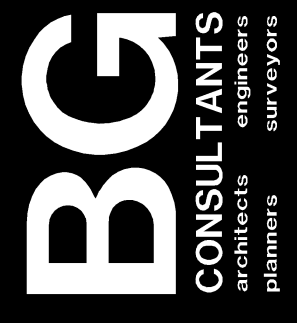


LOCATION MAP

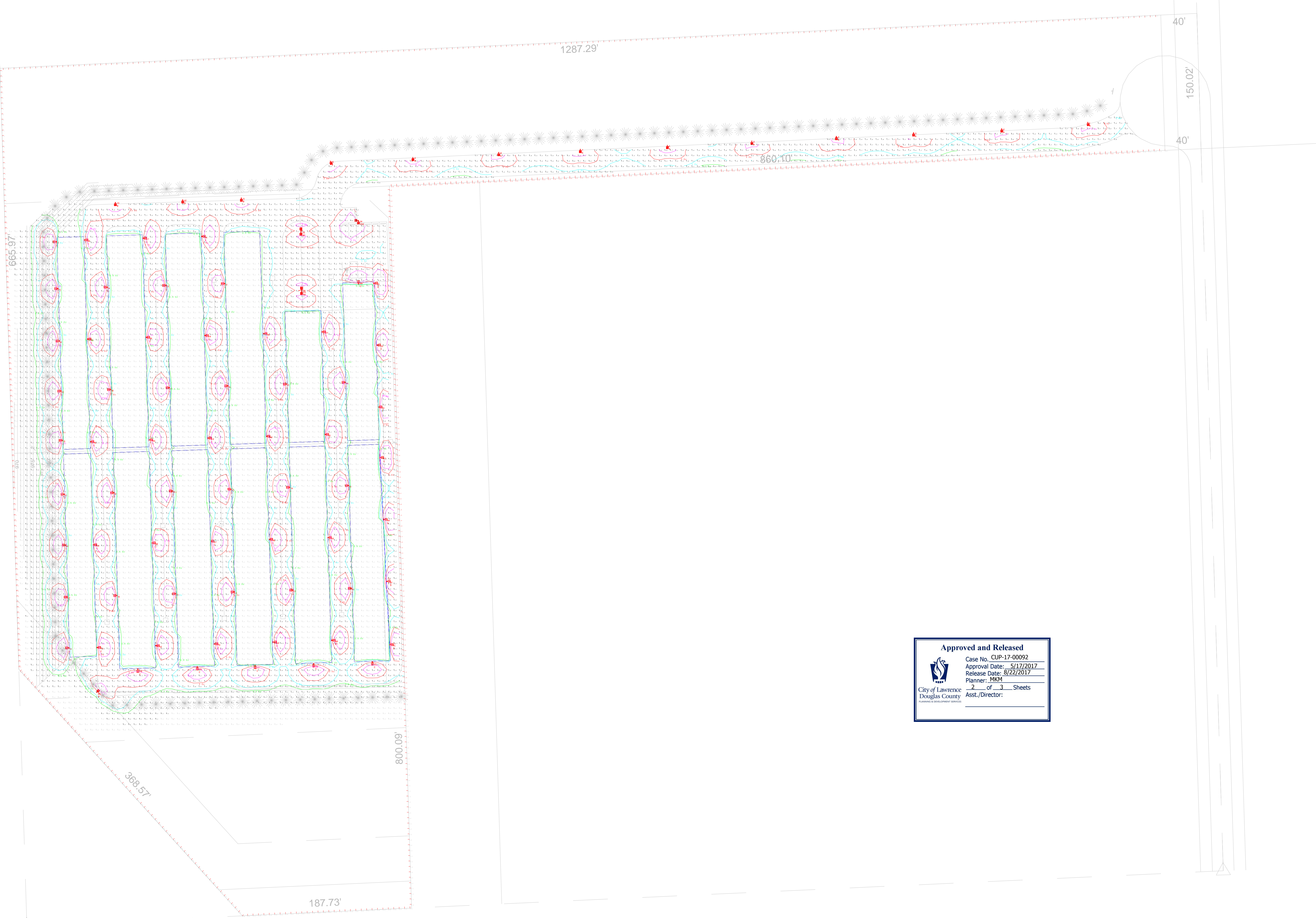
902 STORAGE

1700 BLOCK OF E 902 ROAD, DOUGLAS COUNTY, KS

SITE PLAN




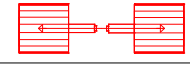
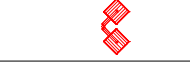


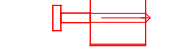
Project No. 13-1080L
Date: Feb. 17, 2017
Revised: Apr. 24, 2017
SHEET NO.



Approved and Released

Case No. CUP-17-00092
Approval Date: 5/17/2017
Release Date: 8/22/2017
Planner: MKM
2 of 3 Sheets
City of Lawrence
Douglas County
Asst./Director:

Calculation Summary											
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Description	PtSpcLr	PtSpcTb	Meter Type
Driveway & Parking Area	Illuminance	Fc	1.31	11.9	0.0	N.A.	N.A.	Readings are taken at 0'-0" AFG	6	6	Horizontal
Property Line	Illuminance	Fc	0.20	2.4	0.0	N.A.	N.A.	Readings are taken at 5'-0" AFG	6	N.A.	Vert-PerpCCW

Luminaire Schedule													
Symbol	Qty	Tag	Label	Arrangement	Lum. Lumens	Arr. Lum. Lumens	LLF	Description	Lum. Watts	Arr. Watts	Total Watts	Filename	BUG Rating
	9	A	ALED2T78N	SINGLE	6301	6301	1.000	ALED2T78N (TYPE II)	78.6	78.6	707.4	ALED2T78N - Neutral - ITL79598.IES	B1-U0-G2
	2	B2	ALED3T78N 2@180°	BACK-BACK	5890	11780	1.000	ALED3T78N 2@180° (TYPE III)	79	158	316	ALED3T78N - Neutral - ITL79604.IES	B1-U0-G2
	1	BB2	ALED3T78N 2@90°	2 @ 90 DEGREES	5890	11780	1.000	ALED3T78N 2@90° (TYPE III)	79	158	158	ALED3T78N - Neutral - ITL79604.IES	B1-U0-G2
	5	B	ALED3T78N	SINGLE	5890	5890	1.000	ALED3T78N (TYPE III)	79	79	395	ALED3T78N - Neutral - ITL79604.IES	B1-U0-G2
	56	C	WPLED3T50N	SINGLE	4134	4134	1.000	WPLED3T50N (TYPE III)	51.7	51.7	2895.2	WPLED3T50N - Neutral - ITL80297.IES	B0-U0-G1
	7	D	WPLED2T50N	SINGLE	4387	4387	1.000	WPLED2T50N (TYPE II)	51.8	51.8	362.6	WPLED2T50N - Neutral - ITL80291.IES	B1-U0-G1



ALED2T78N



ALED3T78N 2@90°



WPLED2T50N



ALED3T78N



WPLED3T50N



ALED3T78N 2@180°

Expanded Luminaire Location Summary							
LumNo	Tag	X	Y	MTG HT	Orient	Tilt	
1	A	1413.111	1004.25	15	280.176	0	
2	A	1317.534	997.12	15	273.193	0	
3	A	1219.924	992.698	15	273.193	0	
4	A	1134.4	988.645	15	273.193	0	
5	A	1040.744	983.468	15	273.193	0	
6	A	947.157	978.755	15	273.193	0	
7	A	850.721	974.332	15	271.592	0	
8	A	760.397	970.904	15	271.592	0	
9	A	665.221	965.415	15	271.592	0	
10	B	574.144	961.294	15	291.493	0	
11	B	475.2	920.441	15	271.242	0	
12	B	410.231	918.44	15	271.242	0	
13	B	335.681	915.518	15	271.242	0	
14	BB2	604.913	895.26	15	269.819	0	
14	BB2	603.418	896.765	15	179.819	0	
15	B2	541.291	885.896	16.5	90	0	
15	B2	541.291	882.896	16.5	270	0	
16	C	434.253	879.087	9.5	1.764	0	
17	C	369.284	877.086	9.5	1.764	0	
18	C	304.315	875.085	9.5	1.764	0	
19	C	267.573	873.021	9.5	180.04	0	
20	C	604.951	829.123	9.5	93.181	0	
21	D	625.14	827.231	9	3.454	0	
22	C	454.013	826.73	9.5	181.764	0	
23	C	389.044	824.729	9.5	181.764	0	
24	C	324.075	822.728	9.5	181.764	0	
25	C	269.342	821.042	9.5	181.764	0	
26	B2	542.01	820.26	16.5	90	0	
26	B2	542.01	817.26	16.5	270	0	
27	C	567.662	773.298	9.5	1.764	0	
28	C	502.693	771.297	9.5	1.764	0	
29	C	437.724	769.296	9.5	1.764	0	
30	C	372.755	767.295	9.5	1.764	0	
31	C	307.786	765.294	9.5	1.764	0	
32	C	270.959	763.073	9.5	180.04	0	
33	D	628.457	758.694	9	3.454	0	
34	C	587.666	717.374	9.5	181.764	0	
35	C	522.697	715.373	9.5	181.764	0	
36	C	457.728	713.372	9.5	181.764	0	
37	C	392.759	711.371	9.5	181.764	0	
38	C	327.79	709.37	9.5	181.764	0	
Total Quantity: 83 (41 shown, 1 through 41)							

Expanded Luminaire Location Summary							
LumNo	Tag	X	Y	MTG HT	Orient	Tilt	
39	C	272.816	707.677	9.5	181.764	0	
40	D	630.116	690.157	9	3.454	0	
41	C	570.919	659.72	9.5	1.764	0	
42	C	505.979	657.719	9.5	1.764	0	
43	C	441.01	655.718	9.5	1.764	0	
44	C	376.041	653.717	9.5	1.764	0	
45	C	274.345	653.125	9.5	180.04	0	
46	C	310.822	651.716	9.5	1.764	0	
47	D	631.805	634.142	9	3.454	0	
48	C	591.247	603.021	9.5	181.764	0	
49	C	526.278	601.02	9.5	181.764	0	
50	C	461.309	599.019	9.5	181.764	0	
51	C	396.34	597.018	9.5	181.764	0	
52	C	331.371	595.017	9.5	181.764	0	
53	C	276.397	593.324	9.5	181.764	0	
54	D	635.835	565.605	9	3.454	0	
55	C	573.9	545.537	9.5	1.764	0	
56	C	508.931	543.536	9.5	1.764	0	
57	C	443.962	541.535	9.5	1.764	0	
58	C	378.993	539.534	9.5	1.764	0	
59	C	314.024	537.533	9.5	1.764	0	
60	C	277.916	537.18	9.5	180.04	0	
61	D	639.253	497.068	9	3.454	0	
62	C	594.696	489.192	9.5	181.764	0	
63	C	529.727	487.191	9.5	181.764	0	
64	C	464.758	485.19	9.5	181.764	0	
65	C	399.789	483.189	9.5	181.764	0	
66	C	334.82	481.188	9.5	181.764	0	
67	C	279.846	479.495	9.5	181.764	0	
68	C	578.283	431.744	9.5	1.764	0	
69	C	513.314	429.743	9.5	1.764	0	
70	C	448.345	427.742	9.5	1.764	0	
71	D	642.652	426.873	9	3.454	0	
72	C	383.376	425.741	9.5	1.764	0	
73	C	318.407	423.74	9.5	1.764	0	
74	C	281.425	423.234	9.5	180.04	0	
75	C	620.465	405.137	9.5	271.764	0	
76	C	555.496	403.136	9.5	271.764	0	
77	C	490.527	401.135	9.5	271.764	0	
78	C	426.541	399.665	9.5	271.764	0	
79	C	360.588	397.133	9.5	271.764	0	
80	B	315.726	374.72	15	45	0	
Total Quantity: 83 (42 shown, 42 through 83)							



PS4-11-15D2



NOTES:
* The light loss factor (LLF) is a product of many variables, only lamp lumen depreciation (LLD) has been applied to the calculated results unless otherwise noted. The LLD is the result (quotient) of mean lumens / initial lumens per lamp manufacturers' specifications.

* Illumination values shown (in footcandles) are the predicted results for planes of calculation either horizontal, vertical or inclined as designated in the calculation summary. Meter orientation is normal to the plane of calculation.

* The calculated results of this lighting simulation represent an anticipated prediction of system performance. Actual measured results may vary from the anticipated performance and are subject to means and methods which are beyond the control of RAB Lighting Inc.

* Mounting height determination is job site specific, our lighting simulations assume a mounting height (insertion point of the luminaire symbol) to be taken at the top of the symbol for ceiling mounted luminaires and at the bottom of the symbol for all other luminaire mounting configurations.

* RAB Lighting Inc. luminaire and product designs are protected under U.S. and International intellectual property laws. Patents issued or pending apply.

The Lighting Analysis, Eclayout, Energy Analysis and/or Visual Simulation ("Lighting Design") provided by RAB Lighting Inc. ("RAB") represents an anticipated prediction of system performance. Actual measured results may vary from the anticipated performance and are subject to means and methods which are beyond the control of RAB Lighting Inc. RAB neither warrants, either implied or stated, with regard to actual measured light levels or energy consumption levels as compared to those illustrated by the Lighting Design. RAB neither warrants, either implied or stated, nor represents the appropriateness, completeness or suitability of the Lighting Design Intend as compliant with any applicable regulatory code requirements with the exception of those specifically stated on drawings created and provided by RAB Lighting Inc. RAB Lighting Inc. does not warrant the Lighting Design for any other purpose and is not intended for construction nor as being part of a project's construction documentation package.

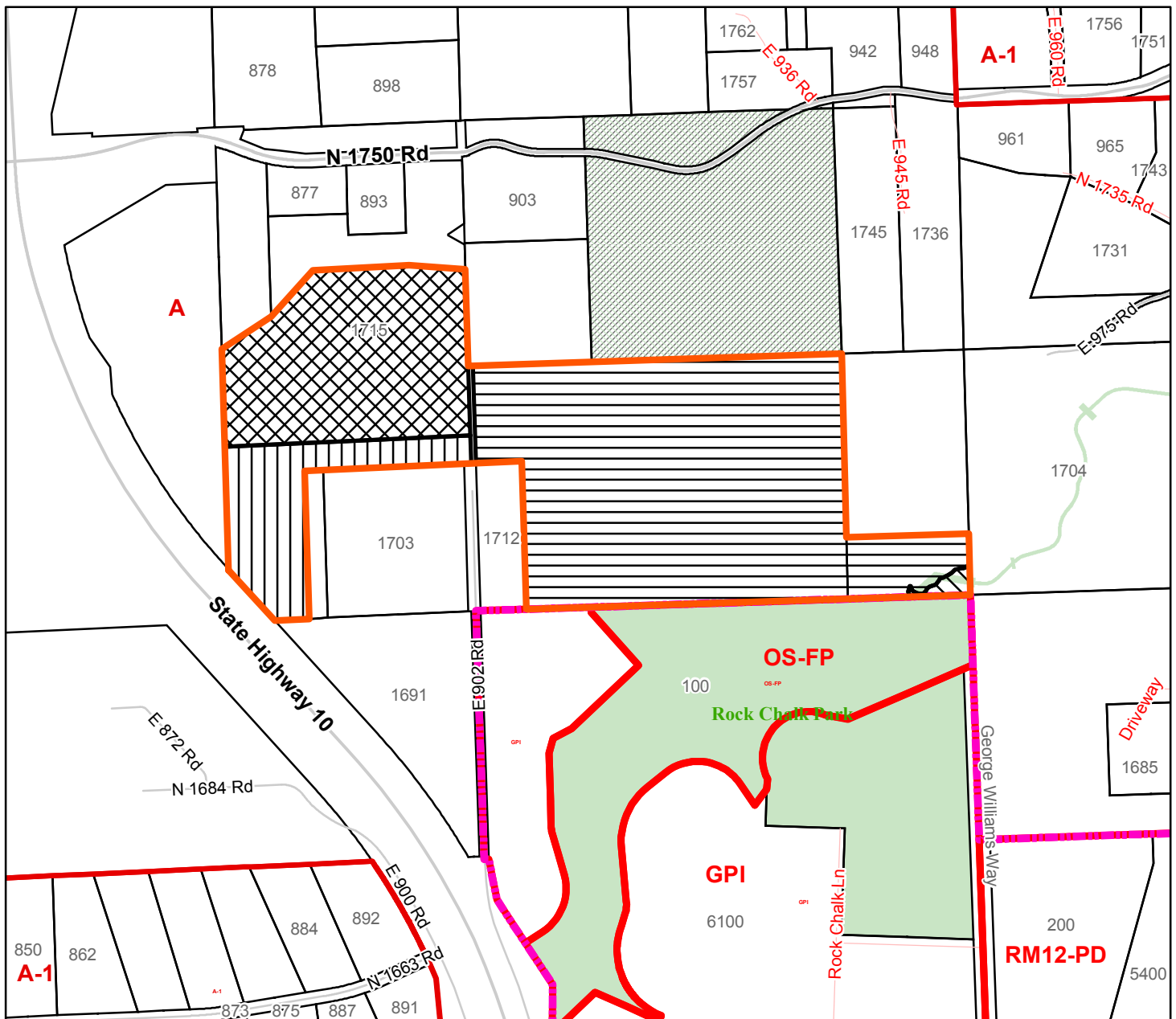
Scale: as noted		CASE # 00086728
	Date:3/20/2017	
Job Name: 902 Storage Facility		Filename: 902 Storage Facility Layout 00086728B.AGI
Lighting Layout Version B		Drawn By: Hasan Sanli

Job Name: 902 Storage Facility		Lighting Layout Version B
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Prepared For:	Current Solutions Inc. 13711 W 107th St Lenexa, KS 66215 Tel: 888-839-1596 Fax: 913-415-2349
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170 Ludlow Avenue, Northvale, NJ 07647
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A-18-00068: Annexation of approximately 97.4 acres, in the 1700 Block of E 902 Rd.

Z-18-00070: Request to rezone approximately 24.96 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District.

Z-18-00073: Request to rezone approximately 60.95 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5 (Single-Dwelling Residential) District.

Z-18-00074: Request to rezone approximately 0.78 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5-FP (Single-Dwelling Residential and Floodplain Overlay) District.

Z-18-00075: Request to rezone approximately 11.49 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to IL (Limited Industrial) District.

-  A-18-00068
-  Z-18-00075
-  Z-18-00070
-  Z-18-00074
-  Z-18-00073

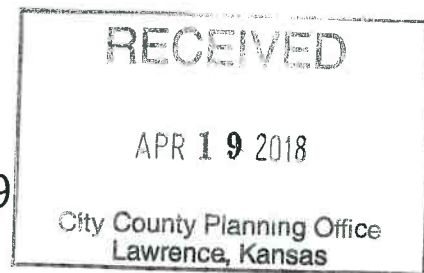


To: The Lawrence Douglas County Planning Commission

Dated: April 19, 2018

From: Shawn & Debra Haley

Address: 1736 E 945 Lawrence, Kansas 66049



Concerning: The multi-annexation requests by Garber Enterprises Inc. of adjacent properties within a close proximity to our home estate.

Our Position on the "Annexation Request": While we want to support annexation and growth of property in the immediate area of our home estate we are concerned about the future of our property and planned growth of the area which will eventually include our property as well. We have extreme topographical issues effecting the north boundary of our property and the current access to our home.

Our desire... has been to patiently wait for area growth in hopes of having eventual access to our property and home from the southern boundary of our property.

Our concern... is that without a major masterplan, for the entire area, that our property may be land locked with no chance for access to the south and the loss of potential development of our property creating a checker board of development projects that do not correctly extend public services to the entire area. The owners of all properties to the south of N 1750 Road should not only be given notice regarding this annexation, but they should also have an opportunity to be included in a needed master plan of the entire area to better utilize the growth and expansion of city services.

We appreciate..... the opportunity to be heard on this matter and hope that the planning commission will see the need for additional planning of the entire area so that all property owners have the ability to benefit from the planned growth of our County.

Respectfully Submitted By,

Debra Haley

1736 E 945

Lawrence, Kansas 66049

4/19/18

Date

To: The Lawrence Douglas County Planning Commission

Dated: April 23, 2018

From: Jan Haley Maxwell, Durable Power of Attorney for Ann W. Haley

Owner & Address: Ann W. Haley, 1745 E. 945 Road, Lawrence, Kansas 66049

Re: Garber Enterprises Inc. Multi-Annexation Request

On behalf of Ann W. Haley and as her durable power of attorney, I join in the request that the Lawrence Douglas County Planning Commission develop a major masterplan for the entire area. The property at 1745 E 945 Road is to the north of the proposed annexation and adjacent to the property for which no plan has been proposed. Although with the crush of nearby development, it will not remain unplanned or unannexed for long.

The Lawrence Douglas County Planning Commission has a reputation for considering the "big picture" and in the past required that development occur in the city limits before annexation could occur. Now that development has occurred, geographical growth of the city is upon us.

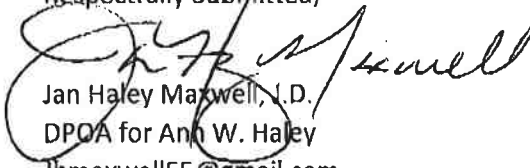
The proposed annexation without consideration of future services for adjacent properties could leave the city without coordination for the future growth of this area. With the flood plans to the south of the city, the recent development of Rock Chalk Park (RCP), the multi-family building nearby RCP, and the explosion of housing north of Lawrence Free State High School, growth of the city to the north of these proposals is almost certain.

The lack of organization, forethought and planning for this continued north and westward expansion of the city could leave the adjacent acreage as an impediment to future growth of the city.

As a resident of Shawnee County, I am all too familiar with the patchwork quilt approval of residential use and pocket developments in our rural areas that fail to plan for the future of the residential growth of Topeka. The Lawrence Douglas County Planning Commission had the foresight to require develop of properties within the city. For the continued progressive plans of the city to advance, the commission should plan for the future for the entire area.

The commitment of Lawrence Douglas County Planning Commission to create a masterplan will serve the future development and maintain the a reputation for planning for the good of the present with an goal of enhanced growth for the future. On behalf of Ann W. Haley, I request the commission create a baster plan for the entire area.

Respectfully Submitted,



Jan Haley Maxwell, J.D.

DPOA for Ann W. Haley

Jhmaxwell55@gmail.com

Owner 1745 E. 945 Road

Lawrence, KS 66049

(785) 221-8007

PLANNING COMMISSION REPORT

Regular Agenda – Public Hearing Item

PC Staff Report
04/25/18

ITEM NO. 10: REZONING .13 ACRES; 1212 LOUISIANA ST (MKM)

Z-18-00086: Consider a request to rezone approximately 0.13 acres located at 1212 Louisiana Street from RMO-UC (Multi-Dwelling Residential-Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District) to correct a rezoning error made with Ordinance No. 4235. *Initiated by Planning Commission on 2/21/18.*

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning request for approximately 0.13 acres from RMO-UC (Multi-Dwelling Residential-Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

In 1971, a rezoning request was approved for property addressed as 1216 Louisiana Street to rezone the property from RD (Residence-Dormitory) to the RO-1 (Residence-Office) District to accommodate the property owner's real estate office on the property. The rezoning application materials listed the address as 1216 Louisiana Street, but listed the lot number as '220', which is the lot number for 1212 Louisiana Street. The rezoning ordinance, Ord. No. 4235, only listed the lot number and the rezoning was applied to 1212 Louisiana Street, rather than 1216 which was the intended subject lot. This rezoning will correct the zoning error.

KEY POINT

- The use of the subject property became nonconforming in terms of density and use as a result of the rezoning error. Correcting the error will reduce the nonconformity as discussed below:

--- The RMO District permits the *Multi-Dwelling Structure* use provided the residential units are constructed as part of a mixed-use project when at least 25% of the gross floor area is developed with nonresidential uses. The structure is not part of a mixed-use project; therefore, the multi-dwelling use is a nonconforming use in the RMO District. Correcting the zoning to RM32 will remove this nonconformity.

---The subject property contains a *Multi-Dwelling Structure* use with 6 dwelling units. The use of the property became nonconforming in terms of density with the application of the RO-1 zoning designation in 1971. The conversion of the RO-1 District to the RM32 District with the adoption of the 2006 Development Code increased the nonconformity. The following table illustrates the density permitted with the different zoning districts. Correcting the zoning error reduces this nonconformity.

1212 Louisiana Street Area: 5,851.49 sq ft Use: 6 dwelling units

Date	Zoning District	Density Requirement (Area/ Dwelling Unit)	Dwelling Units Permitted
Pre-1971	RD (Residence-Dormitory)	800 sq ft	7
1971 Rezoning	RO-1 (Residence-Office)	1,000 sq ft	5*
2006 Development Code	RMO (Multi-Dwelling Residential- Office) 22 dwelling units per acre	1,980 sq ft	2*
	RM32 (Multi-Dwelling Residential) 32 dwelling units per acre	1,361.25 sq ft	4*
	-UC (Oread Neighborhood Urban Conservation Overlay)	No change 1,361.25 sq ft	4*

*The current density of 6 dwelling units on the subject lot is nonconforming.

ASSOCIATED CASES

- Z-05-10-71; Rezoning of 1216 Louisiana Street (erroneously identified as 'Lot 220 on Louisiana Street in the Original Townsite of the City of Lawrence' in the application and on the ordinance). Zoning approved by the City Commission with adoption of Rezoning Ordinance 4235 on August 17, 1971. Zoning applied to 1212 Louisiana Street as a result of the legal description error.

OTHER ACTION REQUIRED

City Commission action on the rezoning request and, if approved, the publication of the rezoning ordinance following adoption on second reading.

Project Summary

The subject property is developed with a 6 unit apartment building, which is classified in the Development Code as a *Multi-Dwelling Structure* use. This use became nonconforming following a rezoning error in 1971 which changed the zoning from RD (Residence-Dormitory) to RO-1 (Residence-Office) as the density exceeded that permitted in the new district. The rezoning error was identified in 2015 when Planning staff was asked to confirm if the structure at 1212 Louisiana Street was a nonconforming use. Staff contacted the property owner for permission to correct the zoning error and he provided permission along with an executed Owner Authorization form. The Planning Commission initiated the rezoning request at their February 21, 2018 meeting. No changes in use are proposed. This rezoning will correct the error and assign the RM32 Zoning to the subject property. The use will remain

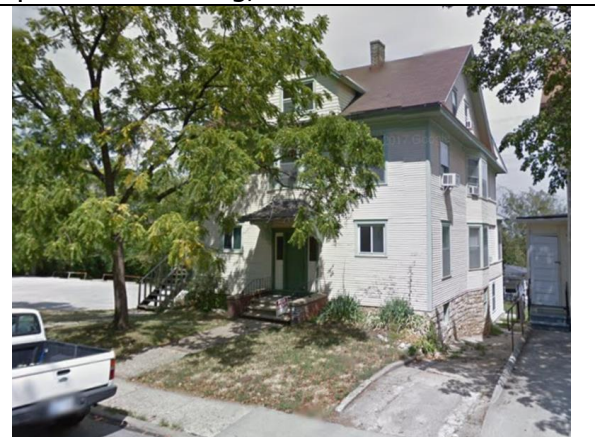


Figure 1. 1212 Louisiana Street. (2012 Google Map)

nonconforming in terms of density, but will be permitted to remain under the provisions of Section 20-1502 of the Development Code. If the nonconformity status was lost, the *Multi-Dwelling Use* would be permitted with a maximum of 4 dwelling units. The loss of the nonconformity status is described in Section 20-1502(c) and includes the abandonment of the use, application for a demolition permit, replacement of the nonconforming use with a conforming use, or damage to the structure occurs to the extent of more than 60% of its market value. When the nonconformity status is lost, the use would be required to comply with the current density standards.

The rezoning request, Z-05-10-71, had originally been submitted to rezone 1216 Louisiana to RO-1 to accommodate the property owner's on-site real estate office. Staff did not request initiation of a rezoning to correct the zoning of 1216 as the ownership has changed and the 2018 Rental Registration indicates that the use is a *Multi-Dwelling Structure* with 4 dwelling units. The RO-1 Zoning (which converted to the RMO District with the adoption of the 2006 Development Code) would result in the multi-dwelling use becoming nonconforming based on the RMO standard that at least 25% of the structure be developed with commercial uses.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Recommendations in *Horizon 2020* are discussed below, with staff comments in red.

The comprehensive plan recommends high-density residential development at selected locations near high-intensity activity areas or near existing high density residential developments. (Page 5-5, *Horizon 2020*)

The property is located within an existing high density residential development and is near the University of Kansas.

"Adopt criteria which will ensure that livability, property values, open space, safety and the general welfare are sustained."

The Oread Neighborhood Urban Conservation Overlay District was established to accommodate the implementation of the Oread Neighborhood Design Guidelines. These guidelines implement recommendations in the Oread Neighborhood Plan.

Staff Finding – Rezoning the property to the RM32-UC District is compatible with the recommendations of the comprehensive plan as the property is located within a high density residential area and is near a high intensity activity area, the University of Kansas. The –UC Overlay District will remain, only the base district will change with this rezoning.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: RMO-UC (Multi-Dwelling Residential-Office District with the Oread Neighborhood Urban Conservation Overlay District); *Multi-Dwelling Structure*

Surrounding Zoning and Land Use: To the north, east, and south: RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District);

Accessory Parking, parking lot to serve the KU Alumni Center; to the northeast, east, and south: *Multi-Dwelling Structures*, *Congregate Living*, and a *Detached Dwelling*

To the west: GPI (General Public and Institutional Use) District; *Major Utility*, a major water storage facility and RM32 (Multi-Dwelling Residential) District; Ecumenical Campus Ministries, *Social Service Agency*

Staff Finding – The subject property is part of the Oread Neighborhood and is surrounded on 3 sides by *Multi-Dwelling* uses and on the west by the Oread Water Tanks and the Ecumenical Campus Ministries. The RM32 District is compatible with the existing zoning and land uses in the area.

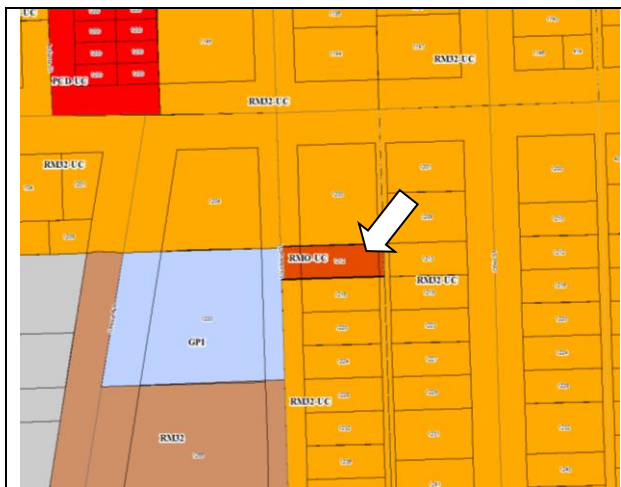


Figure 2a. Zoning in the area. Subject property marked with an arrow.



Figure 2b. Land use/development pattern in the area.

3. CHARACTER OF THE NEIGHBORHOOD

For the purpose of this review the term 'neighborhood' means the area surrounding the subject property. The neighborhood is located on both sides of Louisiana Street with the University of Kansas and the Oread Water Tanks to the west of Louisiana Street and multi-dwelling uses to the east. This rezoning will not alter the multi-dwelling use of the structure and will match the multi-dwelling zoning in the area. In 2016 the properties within the designated Oread Neighborhood were rezoned to the -UC (Oread Neighborhood Urban Conservation) Overlay District so that the Oread Neighborhood Design Guidelines could be implemented. The design guidelines note their purpose is to "...ensure that the unique and historic character of the neighborhood remains". This overlay district is not being revised.



Figure 3. Oread Neighborhood Urban Conservation Overlay District shown in colors. Various districts within the overlay district are identified with different colors. The subject property is located in the Oread High Density district.

Staff Finding – The rezoning will return the zoning of the subject property to its original zoning (as converted with the adoption of the 2006 Development Code) and will match the zoning of the other residential properties in the area. The Urban Conservation Overlay District, which was established to protect the character of the Oread Neighborhood, will not be altered. The rezoning is compatible with the character of the neighborhood.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – The subject property is located within the Oread Neighborhood. The Design Guidelines which apply in the Oread Neighborhood Urban Conservation Overlay District were based on the recommendations in the adopted *Oread Neighborhood Plan*. Maintaining the UC Overlay Zoning will maintain consistency with the adopted neighborhood plan and design guidelines.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

The RMO District permits multi-dwelling uses only when they are a part of a mixed use district. The subject property is developed with only a residential use and is located within a residential area. Developing the property with a mixed use project would not be compatible with the adjacent residential uses. Uses which are permitted in the RMO District but are not permitted in the RM32 District are listed below. These uses are of higher intensity and may not be compatible with the adjacent residential uses, given the proximity of these uses.

- *Work/Live Units*
- *Funeral and Interment*
- *Health Care Office/Clinic*
- *Outpatient Care Facility*
- *Veterinary*
- *Offices*
- *Personal Convenience Services*
- *Personal Improvement Services*

Staff Finding – While the RMO District is intended to be compatible with multi-dwelling development, the subject property is not well suited to many of the uses to which it is restricted under the current RMO zoning due to its location within the interior of a residentially developed neighborhood, the small size of the property (0.13 acres), and the proximity of the residential uses.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The property is not vacant but was developed in 1910.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Staff Finding – As no physical changes are proposed and the proposed zoning district matches the residential zoning in the area, the rezoning should have no detrimental effects on nearby properties.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Rezoning to the RM32 District would remove some of the uses that would be permitted in the current RMO District but not in the RM32. These include: *Work/Live Units, Funeral and Interment, Health Care Office/Clinic, Outpatient Care Facility, Veterinary, Offices, Personal Convenience Services, and Personal Improvement Services*. These uses are more intense and could have an impact on nearby residentially developed properties as the property is located in the interior of a residential area. Approving the rezoning would limit the permitted uses on the subject property to the same uses which are permitted on the adjacent properties.

Staff Finding – Denial of the rezoning request would have no public benefit as no change to the use is being proposed. Approval of the rezoning request would remove several more intense uses which are permitted in the RMO District but not in the RM32 District. This will provide more uniformity through the area and insure compatibility of uses.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development.

Staff recommends approval of the rezoning request for approximately 0.13 acres from RMO-UC (Multi-Dwelling Residential-Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District) based on the findings of fact listed in this report.



Z-18-00086: Consider a request to rezone approximately 0.13 acres located at 1212 Louisiana Street from RMO-UC (Multi-Dwelling Residential-Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District) to correct a rezoning error made with Ordinance No. 4235.



PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report
04/25/18

ITEM NO. 11: REZONING .97 ACRES; 912 N 3RD ST (MKM)

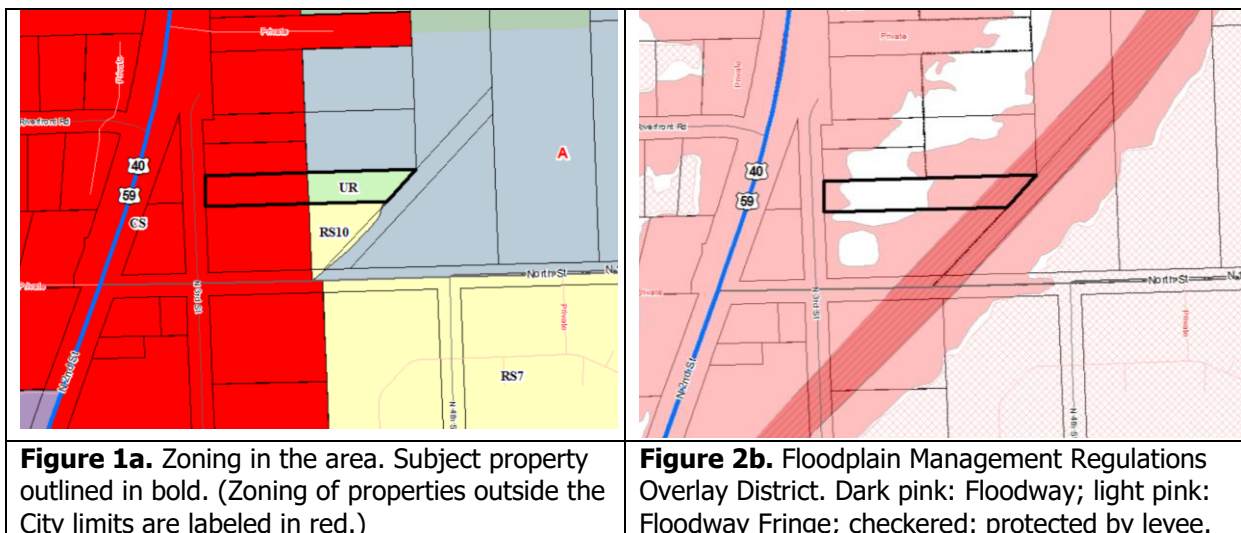
Z-18-00087: Consider a request to rezone approximately 0.97 acres located at 912 N 3rd Street from CS/UR (Commercial Strip and Urban Reserve) Districts to CS (Commercial Strip) District. *Initiated by Planning Commission on 2/21/18.*

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning request for approximately 0.97 acres from CS/UR (Commercial Strip and Urban Reserve) Districts to CS (Commercial Strip) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

A rezoning request, Z-08-34-01, for this property was approved by the City Commission in 2001 subject to the conditions that the property be annexed into the city and that a site plan be approved which included fencing for the exterior storage area. The property was annexed in April of 2003 with Annexation Ordinance 7464 and a site plan was approved in 2003 which did not include exterior storage. With the approval of site plan, SP-02-07-03, noted below, the conditions of approval for the rezoning request, Z-08-34-01, were met; however, an ordinance completing the rezoning was never submitted to the City Commission. Due to the amount of time that has elapsed since the approval of the rezoning request, staff requested that the Planning Commission initiate a new rezoning, rather than processing an ordinance from the 2001 application.



KEY POINTS

The subject property contains split zoning. When the rezoning request was submitted in 2001, the west portion (approximately 300 ft) was developed with a contractor's shop and was zoned C-4. The eastern portion was located outside the city limits and was zoned A (Agricultural).

- 2001: Z-08-34-01, rezoning request for eastern portion of property from A to C-4 was submitted. City Commission approved on November 27, 2001. The following conditions were applied to the rezoning: publication of an annexation ordinance and submission of a site plan to include appropriate screening of the exterior storage area, per staff approval.
- SP-02-07-03: A site plan was submitted and approved to document the existing conditions of the site. The site plan was approved by the City Commission on April 1, 2003 subject to conditions of approval. One condition was the publication of the annexation ordinance.
- Annexation: The Planning Commission recommended annexation of the eastern portion of the property on October 24, 2001 with their consideration of the rezoning request. The City Commission approved the annexation on April 22, 2003 with adoption of Ordinance No. 7467
- SP-17-00063: A site plan for a permanent location for a food truck was approved on March 10, 2017. No exterior storage area was shown on the approved site plan and the property owner indicated exterior storage was not proposed.
- Planning Commission initiated rezoning of the property to the CS (Commercial Strip) District at their February 21, 2018 meeting.

ASSOCIATED CASES

- Z-08-34-01; Rezoning of eastern portion of the property from A to C-4. Approved by City Commission on November 27, 2001. Ordinance not published. Zoning was conditioned on annexation of the eastern portion into the City and approval of a site plan showing appropriate fencing of exterior storage area.
- SP-02-07-03; Site plan to document existing use of the property. Approved by the City Commission on April 1, 2003 subject to conditions of approval which included annexation and rezoning of the rear portion of the property.
- East portion of the property was annexed into the City limits on April 22, 2003 with adoption of Ordinance No. 7467.
- SP-17-00063; Site plan for addition of food truck location to the property, was administratively approved on March 10, 2017. This site plan met the site planning condition required with the 2001 zoning request.

OTHER ACTION REQUIRED

City Commission action on the rezoning request and, if approved, the publication of the rezoning ordinance following adoption on second reading.

PUBLIC COMMENT

No public comment was received for this item prior to the publication of the staff report.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Recommendations in *Horizon 2020* are discussed below, with staff comments in red.

The comprehensive plan identifies N 2nd and N 3rd Streets as an existing commercial area (Page 6-14) and makes the following recommendation: “*marginal, obsolete and underutilized sites and incompatible uses along this corridor should be redeveloped or reconstructed.*” The plan recommends that the city encourage and work with land owners to undertake property improvement within the area.

The rezoning will result in one lot with a uniform zoning district and will allow the eastern portion of the property to be developed with commercial uses.

Staff Finding – Rezoning the property to the CS District is compatible with the recommendations of the comprehensive plan as the rezoning would permit the development of the subject property, located within the N 2nd and N 3rd Street commercial area.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: CS (Commercial Strip) and UR (Urban Reserve) Districts with the FP (Floodplain Management Regulations) Overlay District; *Light Vehicle Repair, Sales and Rentals*

Surrounding Zoning and Land Use: To the north, CS (Commercial Strip) District with the FP (Floodplain Management Regulations) Overlay District; and A (County-Agricultural) District with the F-F (County-Floodway Fringe) and F-W (County-Floodway) Overlay Districts; *Construction Sales and Services* with exterior storage.

To the west: CS (Commercial Strip) District with the FP (Floodplain Management Regulations) Overlay District; *Gas and Fuel Sales.*

To the south: CS (Commercial Strip) District and RS10 (Single-Dwelling Residential) District with the FP (Floodplain Management Regulations) Overlay District; *Construction Sales and Services* and A (County-Agricultural) District with the F-F (County-Floodway Fringe) and F-W (County-Floodway) Overlay Districts; drainage way and a *Residential Detached Dwelling.* (Figure 1)

Staff Finding – The subject property is part of the North 2nd and 3rd Street Commercial Area and is adjacent to the city’s boundary. Nearby properties within the city limits are developed with similar uses while the adjacent rural property contains a drainage district and a rural residence. The proposed zoning is compatible with the zoning and land uses in the area; however, measures to mitigate the impact of future uses on the eastern portion of

the property will need to be established when the future uses are site planned to ensure compatibility with the rural residential property to the east.

3. CHARACTER OF THE NEIGHBORHOOD

For the purpose of this review the term 'neighborhood' refers to the area surrounding the subject property. The neighborhood is located north of North Street and east of Highway 59, N 2nd Street at the urban/rural boundary. The general area has been developed as a commercial strip corridor and this rezoning will provide uniform zoning on the subject property and will permit the eastern portion of the lot to be developed consistent with other commercial properties in the area. The subject property is bounded on the east side by a drainage-way and a wooded rural residential property. The proposed rezoning is compatible with the urban/rural mix which characterizes the neighborhood.

Staff Finding – The rezoning will provide a uniform zoning district for the subject property. This rezoning is in keeping with the character and use of the neighborhood.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The subject property is adjacent to rural property which was included in the *Northeast Sector Plan*. This plan recommends the area to the north and east of the subject property be used as Open Space. This open space area will provide a buffer between the N 2nd and 3rd Street Commercial Area and the lower intensity uses to the east.

Staff Finding – The northeast and eastern portion of the subject property is adjacent to property within the planning boundary of the *Northeast Sector Plan*. The proposed zoning is compatible with the Open Space land use recommended in the sector plan.



Figure 2. Land use recommendations in the Northeast Sector Plan: Green - Open Space, Yellow (bottom right corner) – Very Low Density Residential

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

The property is currently zoned UR (Urban Reserve) District, which is a placeholder district for annexed properties for which no development has been proposed. A rezoning to the C-4 District was approved in 2001 subject to conditions which were met in 2003. The C-4 Zoning District converted to the CS District with the adoption of the Development Code in 2006. The UR District permits only those uses which were in place prior to annexation. Redevelopment of the property requires rezoning to an appropriate district. Given the separation of the property from other agricultural properties and the fact that it is a portion of a commercial lot, redevelopment with commercial uses would be appropriate. The property is not suited for the limited uses permitted in the UR District but is well suited for the range of uses permitted with the proposed CS District.

Staff Finding – The property is not suited to the limited range of uses permitted in the UR District, which are only those uses which were in place at the time the property was annexed. Rezoning to the CS District will provide a uniform zoning on the property, similar to the rest of the commercial corridor, and allow development of this portion of the property.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The Douglas County Appraiser's files don't note when the structure was built; however, historical aerials show the west portion had been developed by 1966. The eastern side of the property, currently zoned UR, does not appear to ever have been developed.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

The rezoning would accommodate future development on the property. The property contains a motorcycle repair/restoration shop and is adjacent to other commercially developed properties, with the exception of property to the east. The area to the east contains a drainage-way and a wooded property with a rural residence. The approved sector plan for the area recommends *Open Space* as the future land use for the adjacent properties to the east. This land use would be compatible with future development of the subject property. If the rural residence is still present when the site develops, mitigation measures would be required with the site plan review to minimize negative impacts. The rezoning should have no detrimental effects on nearby properties.

Staff Finding – Based on the land uses present on the adjacent properties and the future land use recommendations of the *Northeast Sector Plan*, no detrimental effects are anticipated with the rezoning and development of the property. Proper site design would be implemented to minimize impacts of the development to the rural residence to the east.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

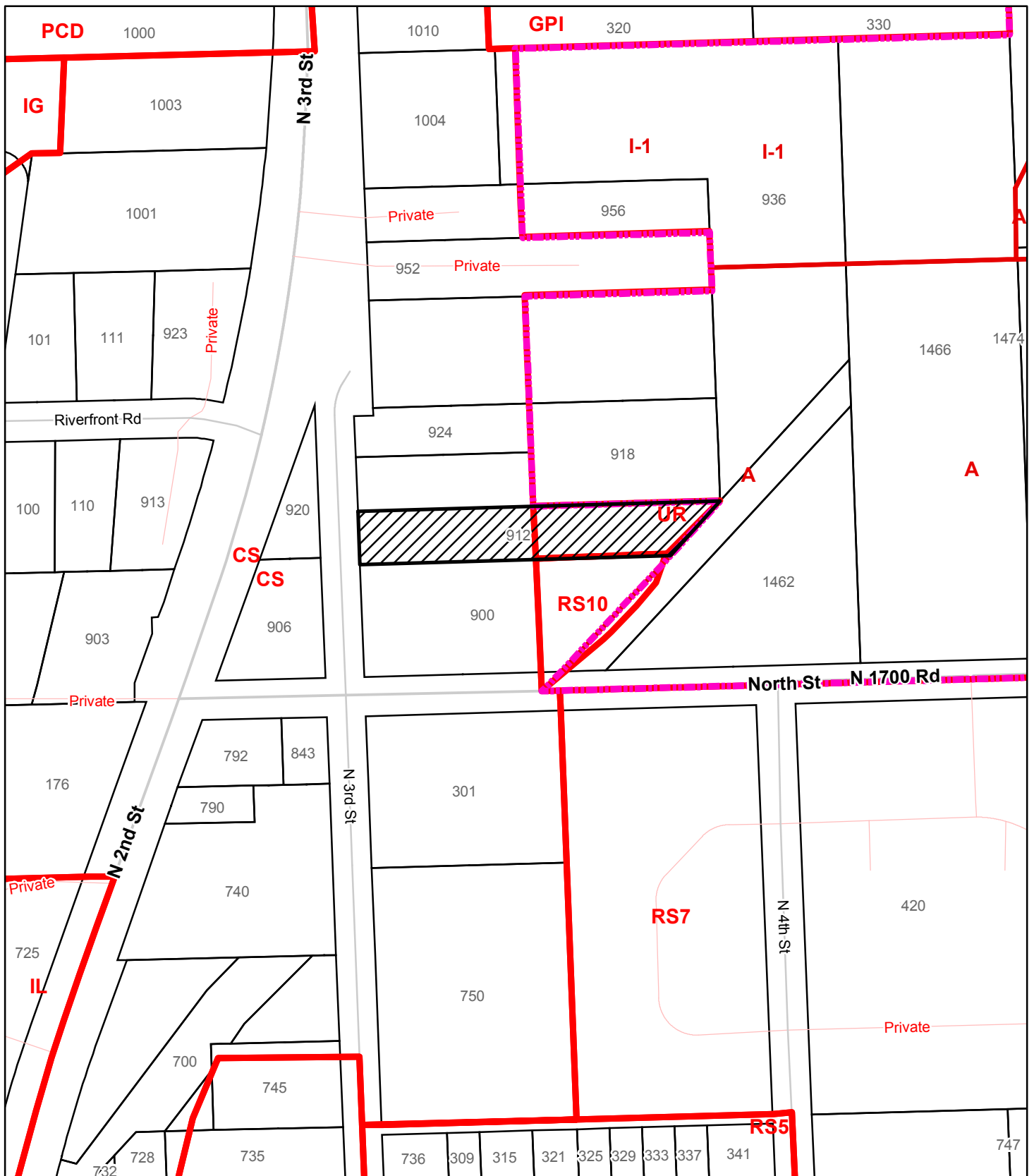
Rezoning to the CS District would provide a uniform zoning over the subject property and allow development of the eastern portion. The development would be compatible with existing land uses in the area and with future land uses recommended in the area plan. Mitigation measures implemented with the site plan review would minimize negative impacts on the existing residence.

Staff Finding – Denial of the rezoning request would have no public benefit as the property would develop in a similar fashion to the remainder of the commercial corridor and would be compatible with existing and future land uses.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development.

Staff recommends approval of the rezoning request for approximately 0.97 acres located at 912 N 3rd St from CS/UR (Commercial Strip and Urban Reserve) Districts to CS (Commercial Strip) District based on the findings of fact listed in this report.



Z-18-00087: Request to rezone approximately 0.97 acres located at 912 N 3rd Street from CS/UR (Commercial Strip and Urban Reserve) Districts to CS (Commercial Strip) District.





2017

Residential Lot Inventory Report

Britt Crum-Cano
City of Lawrence, Kansas
April 16, 2018

Introduction

This report is an update on the status of available lots for new residential construction as of December 31, 2017 based on market demand, supply, and inventory. Information presented within the report helps determine if there is an abundance or need for single-family lots and is one component of inventorying all land use types in the City.

Data within this report focuses on building permits issued in 2017 as well as lots platted for single-family, residential construction from 2007-2017 (i.e. newer subdivisions). Maps showing residential lots platted are included at the end of this report.

Contents

Executive Summary	2
Residential Lot Supply	4
Residential Lot Demand	6
Residential Lot Inventory	8
2017 Lot Inventory Map: New Subdivisions	10
2017 Lot Inventory Map: Old Subdivisions	11
5-Year Building Permits Map	12
10-Year Building Permits Map	13

Executive Summary

2017 saw a 5% decline in residential lot supply for single-family housing compared to the previous year. Almost all lot absorption occurred in newer subdivisions. With demand increasing by 5% from 2016, inventory of single family lots located in new subdivisions (platted within the last ten years) was estimated at 2.1 years in 2017 (approximately 16% less than the previous year).

Residential Lot Supply

The number of undeveloped, platted lots for new residential construction is utilized to represent the current supply of available lots.

Overall residential lot supply decreased in 2017 by 5% compared to 2016 supply. Almost all absorption of lots occurred in newer subdivisions, with supply dropping 12% from the previous year.

Supply of Residential Lots: 2016-2017			
	2016	2017	% Change
Newer Subdivisions	345	303	-12%
Older Subdivisions	639	634	-1%
Total	984	937	-5%

The supply of development-ready, residential lots decreased by 13% in 2017 compared to 2016 supply. Again, the largest absorption of development-ready lots was in newer subdivisions with supply dropping 31% compared to 2016.

Supply of Development Ready Residential Lots: 2016-2017			
	2016	2017	% Change
Newer Subdivisions	345	237	-31%
Older Subdivisions	545	540	-1%
Total	890	777	-13%

Residential Lot Demand

Annual demand can be estimated using the number of building permits issued for new residential construction throughout the year. Since the majority of new residential permits are issued for single family homes, this analysis utilizes the number of single family building permits issued to represent demand for residential lots.

Overall, 2017 demand for single family housing was up slightly and demand for multi-dwelling housing decreased substantially compared to 2016. Demand for new, single family homes increased 5% in 2017, increasing from 137 permits in 2016 to 144 permits in 2017. Demand for duplex units decreased 18% in 2017, dropping from 34 permits in 2016 to 28 permits in 2017. Multi-dwelling housing decreased substantially dropping from 74 permits in 2016 to 1 permit in 2017 (99% decline), though a truer representation of multi-dwelling housing may be measured in unit count as reflected later in this report.

Building Permits: 2016-2017			
	2016	2017	% Change
Single Family	137	144	5%
Duplex	34	28	-18%
Multi-Dwelling	74	1	-99%
Total	245	173	-29%

Overall, 2017 annual inventory of single family residential lots decreased 8%, dropping from a 7.2 year supply in 2016 to 6.6 years in 2017. Based on 2017 market demand (144 building permits per year), annual inventory of residential lots in newer subdivisions dropped by 16% while inventory in older subdivisions dropped by 4% compared to 2016.

Estimated Lot Inventory in Years: 2016-2017			
	2016	2017	% Change
Newer Subdivisions	2.5	2.1	-16%
Older Subdivisions	4.7	4.5	-4%
Total	7.2	6.6	-8%

Based on average demand over the past five years (140 building permits per year), annual lot inventory remained steady at 6.8 years of inventory. Based on average demand over the past 10 years (127 building permits per year), annual lot inventory was at 7.4 years of inventory.

Residential Lot Supply

The number of undeveloped, platted lots for new residential construction is utilized to represent the current supply of available lots.

At the end of 2017, the City had a total of 937 undeveloped residential lots, 777 of which had infrastructure in place and were considered development ready. The majority of lots having infrastructure are found in older subdivisions (540 as compared to 237 development-ready lots in newer subdivisions).

Residential Lot Supply (As of December 31, 2017)					
	Newer Subdivisions (platted after 1-1-2007)	% of Total	Older Subdivisions	% of Total	Total Lots
Undeveloped Lots: Without Infrastructure	66	22%	94	15%	160
Undeveloped Lots: With Infrastructure (Development Ready)	237	78%	540	85%	777
Total	303	100%	634	100%	937

City of Lawrence, Kansas, GIS Department

Change in Lot Supply

Total supply of residential lots decreased by 5% in 2017, dropping from 984 lots in 2016 to 937 total lots in 2017.

Historic Comparison: Annual Supply of Residential Lots (lots with and without infrastructure)			
Year	Lots in Newer Subdivisions	Lots in Older Subdivisions	Total
2017	303	634	937
2016	345	639	984
2015	463	630	1,093
2014	469	532	1,001
2013	504	534	1,038
2012	732	527	1,259

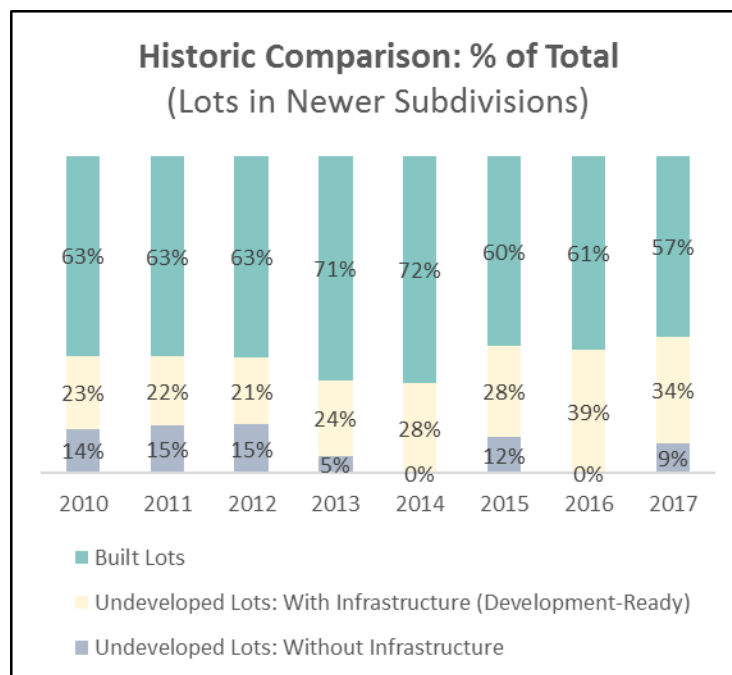
% Change		
New Sub	Older Sub	Total
-15%	0%	-5%
-25%	1%	-10%
-1%	18%	9%
-7%	0%	-4%
-31%	1%	-18%

City of Lawrence, Kansas, GIS Department

Supply of development-ready lots (with infrastructure in place) decreased by 13% over 2016, dropping from 890 to 777.

Historic Comparison: Annual Supply of Development Ready Lots (lots with infrastructure)				% Change		
Year	Lots in Newer Subdivisions	Lots in Older Subdivisions	Total	New Sub	Older Sub	Total
2017	237	540	777	-34%	0%	-13%
2016	345	545	890	5%	7%	6%
2015	329	509	838	-30%	24%	-5%
2014	469	409	878	14%	0%	7%
2013	413	411	824	-2%	1%	0%
2012	423	405	828			

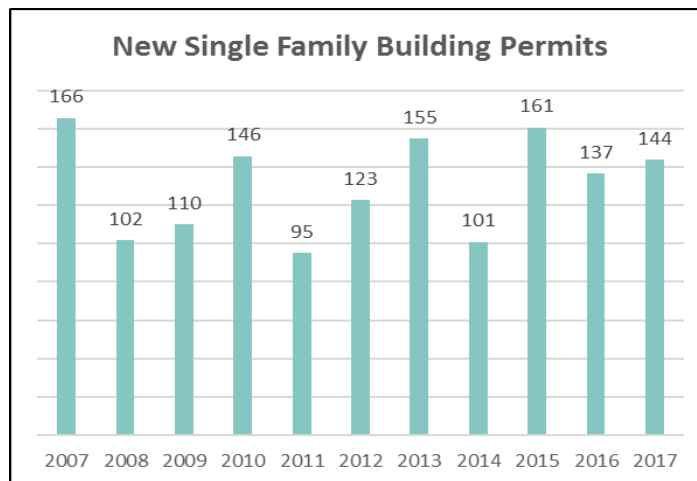
City of Lawrence, Kansas, GIS Department



Residential Lot Demand

Annual demand can be estimated using the number of building permits issued for new residential construction throughout the year. Since the majority of new residential permits are issued for single family homes, this analysis utilizes the number of single family building permits issued to represent demand for residential lots.

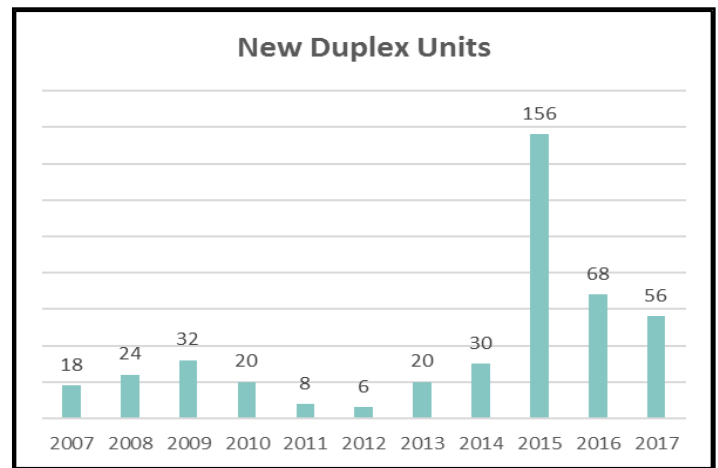
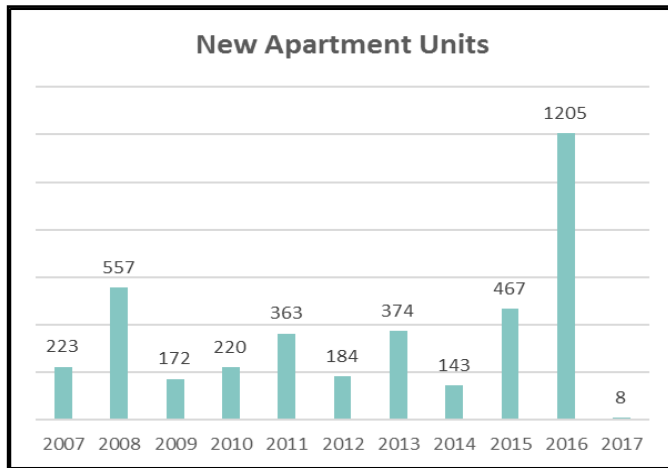
2017 saw a slight increase in demand for single family housing, but a marked decline in demand for duplex and multi-family housing compared to 2016. Single family building permits were 5% higher than those pulled in 2016 (144 in 2017 compared to 137 in 2016). Duplex demand dropped by 18% (28 permits in 2017 compared to 34 in 2016), with demand for multi-dwelling structures taking a sharp decline in 2017, dropping almost 100% from the previous year (72 permits in 2016 compared to 1 permit in 2017).



Historic Comparison: New Residential Building Permits				
Year	Single Family	Duplex	Multi-Dwelling	Total
2017	144	28	1	173
2016	137	34	74	245
2015	161	78	7	246
2014	101	15	6	122
2013	155	10	23	188
2012	123	3	22	148

% Change			
SF	DP	APT	Total
5%	-18%	-99%	-29%
-15%	-56%	957%	0%
59%	420%	17%	102%
-35%	50%	-74%	-35%
26%	233%	5%	27%

The number of new multi-dwelling units dropped dramatically over the past year, going from 1,205 in 2016 to 8 in 2017. The number of new duplex units also dropped, going from 68 in 2016 to 56 units in 2017.



Historic Comparison: New Residential Units				
Year	Single Family	Duplex	Multi-Dwelling	Total
2017	144	56	8	208
2016	137	68	1205	1410
2015	161	156	467	784
2014	101	30	143	274
2013	155	20	374	549
2012	123	6	184	313
2011	95	8	363	466
2010	146	20	220	386
2009	110	32	172	314
2008	102	24	557	683
2007	166	18	223	407

% Change

SF	DP	APT	Total
5%	-18%	-99%	-85%
-15%	-56%	158%	80%
59%	420%	227%	186%
-35%	50%	-62%	-50%
26%	233%	103%	75%
29%	-25%	-49%	-33%
-35%	-60%	65%	21%
33%	-38%	28%	23%
8%	33%	-69%	-54%
-39%	33%	150%	68%

City of Lawrence, Kansas, Development Services Valuation of Building Permits

Residential Lot Inventory

The inventory of available lots can be estimated by comparing both the supply of, and demand for, lots for new residential construction.

Using 2017 data to represent current market conditions (144 building permits per year), total residential lot inventory will last approximately 6.6 years. Lots in newer subdivisions are estimated to last approximately 2.1 years. Overall inventory is down 8% as compared to the previous year.

Estimated Lot Inventory in Years Current year market demand: 144 permits/year			
	Stock in Newer Subdivisions	Stock in Older Subdivisions	Total Stock
Undeveloped Lots: Without Infrastructure	0.5	0.7	1.2
Undeveloped Lots: With Infrastructure (Development-Ready)	1.6	3.8	5.4
Total	2.1	4.5	6.6

Historic Comparison: Lot Inventory in Years Current Year Market Demand (lots with & without infrastructure)					% Change		
Year	Annual SF Permits	Newer Subdivisions	Older Subdivisions	Total	New Sub	Older Sub	Total
2017	144	2.1	4.5	6.6	-16%	-4%	-8%
2016	137	2.5	4.7	7.2	-11%	18%	6%
2015	161	2.8	4.0	6.8	-47%	-54%	-51%
2014	101	5.3	8.7	14.0	-35%	-31%	-33%
2013	155	8.1	12.7	20.8	-40%	-41%	-40%
2012	123	13.4	21.4	34.8			

Since residential real estate market demand can vary from year to year, the following shows inventory given historical trends in market demand.

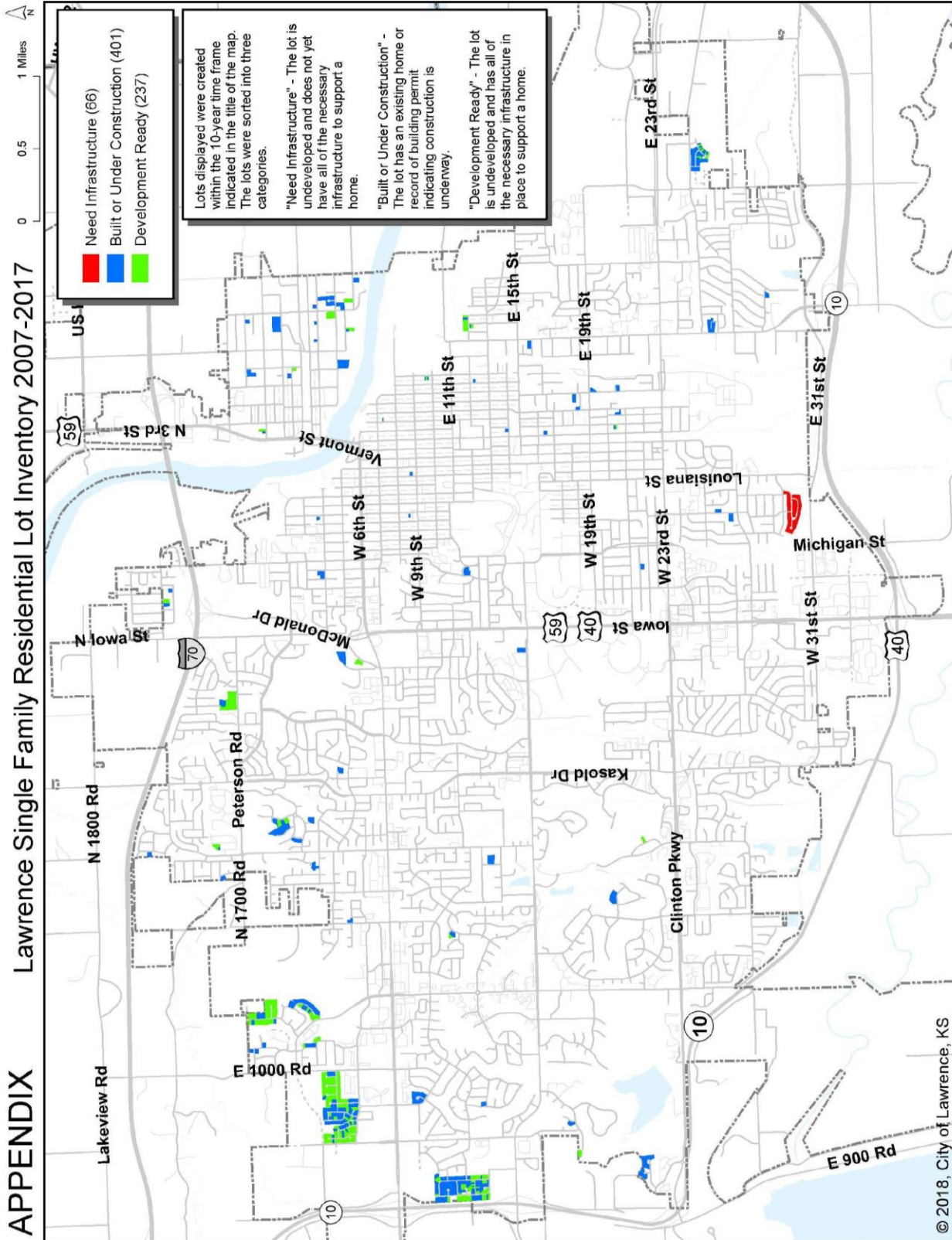
When examining historical demand data over the past five years, the average number of single family building permits issued per year was 140, representing approximately 6.8 years of residential building lot inventory given the current supply of undeveloped lots. Lots in newer subdivisions are estimated to last approximately 2.2 years.

Estimated Lot Inventory in Years 5-year market demand average: 140 permits/year			
	Stock in Newer Subdivisions	Stock in Older Subdivisions	Total Stock
Undeveloped Lots: Without Infrastructure	0.5	0.7	1.2
Undeveloped Lots: With Infrastructure (Development Ready)	1.7	3.9	5.6
Total	2.2	4.6	6.8

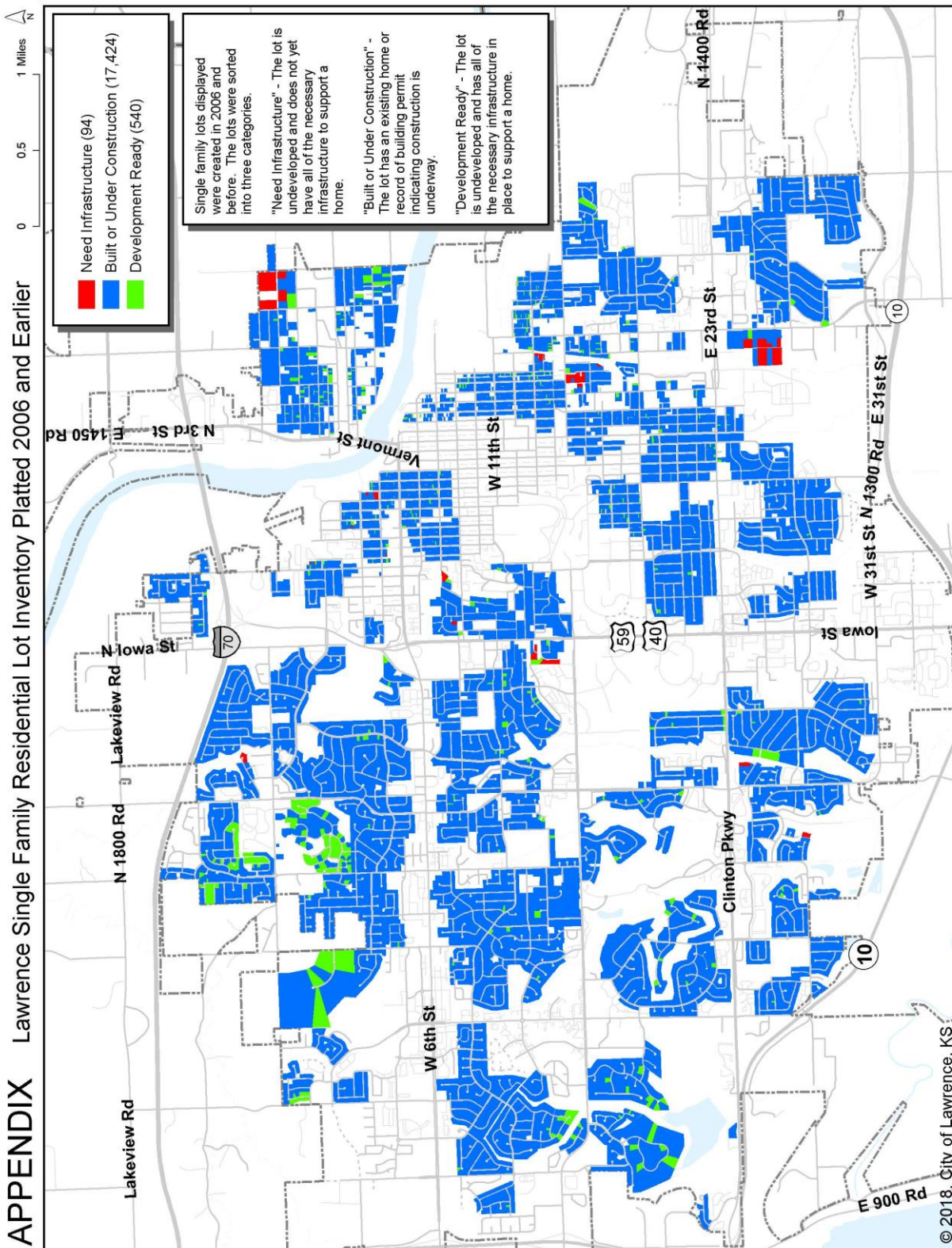
When examining historical demand data over the past ten years, the average number of single family building permits issued per year was 127, representing 7.4 years of residential building lot inventory given the current supply of undeveloped lots. Lots in newer subdivisions are estimated to last approximately 2.4 years.

Estimated Lot Inventory in Years 10-year market demand average: 127 permits/year			
	Stock in Newer Subdivisions	Stock in Older Subdivisions	Total Stock
Undeveloped Lots: Without Infrastructure	0.5	0.7	1.3
Undeveloped Lots: With Infrastructure (Development Ready)	1.9	4.2	6.1
Total	2.4	5.0	7.4

2017 Lot Inventory Map: New Subdivisions



2017 Lot Inventory Map: Old Subdivisions



5-Year Building Permits Map

