



Updated:

8/25/14 @ 12:45pm

Added communications for Item 2 - Rezoning 720 E 9th St

8/19/14 @ 5:00pm

The Draft July Planning Commission Minutes items will be added when available.

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
AUGUST 25 & 27, 2014 6:30PM - 10:30PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of July 21, 2014.

COMMITTEE REPORTS

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

COMMUNICATIONS

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

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

**REGULAR AGENDA (AUGUST 25, 2014) MEETING
PUBLIC HEARING ITEMS:**

**ITEM NO. 1 SPECIAL USE PERMIT FOR PUMP STATION NO. 10 ADDITION; 3055
LOUISIANA ST (SLD)**

SUP-14-00259: Consider a Special Use Permit for Pump Station No. 10 Addition, located at 3055 Louisiana St. Submitted by the City of Lawrence, property owner of record.

ITEM NO. 2 IG TO IL; 1.88 ACRES; 720 E 9TH ST (MKM)

Z-14-00263: Consider a request to rezone approximately 1.88 acres from IG (General Industrial) District to IL (Limited Industrial) District located at 720 E 9th St. Submitted by Flint Hills Development Group on behalf of 720 LLC, property owner of record.

****DEFERRED****

~~ITEM NO. 3 SPECIAL USE PERMIT FOR WWTP; 2300 W 41ST ST (MKM)~~

~~**SUP-14-00262:** Consider a Special Use Permit for the Wakarusa Wastewater Treatment Plant, located on approximately 531 acres at 2300 W 41st St. Submitted by City of Lawrence, property owner of record.~~

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 MINOR SUBDIVISION VARIANCE FOR SHANK HILL ADDITION NO. 2; 1016 & 1020 E 1292 RD (MKM)

Variance request from the minimum lot width requirement with minor subdivisions in the unincorporated portion of Douglas County. The variance is associated with Shank Hill Addition No. 2, a two lot Minor Subdivision for property located at 1016 and 1020 E 1292 Road (MS-14-00361).

ADJOURN

CALENDAR

July 2014						
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		

August 2014						
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						

September 2014						
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)

Sign up to receive the Planning Commission agenda or weekly Planning Submittals via email:
<http://www.lawrenceks.org/subscriptions>

2014
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM (*Friday Meeting)	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 24*	Planning Commission Retreat - half day Friday		Jan 27	Jan 29
Feb 12	HERE @ KU	Topics for 2014	Feb 24	Feb 26
Mar 12	Small Business Facilitator	Continue H2020 Discussion from Jan Retreat	Mar 24	Mar 26
Apr 9	Apartment Trends – Tim Keller, Keller & Associates		Apr 21	Apr 23
May 14	Comp Plan Update Exercises		May 19	May 21
Jun 11	MPO Multi-Modal Studies http://lawrenceks.org/mpo/study	APA Conference updates	Jun 23	Jun 25
Jul 9	Preview presentation from development team of Annexation & Rezoning applications for proposed commercial & open space development containing approximately 167 acres located south of K-10 & east of US59		Jul 21	Jul 23
Aug 15*	PC Orientation – all day Friday		Aug 25	Aug 27
Sep 10			Sep 22	Sep 24
Oct 8			Oct 20	Oct 22
Nov 5			Nov 17	Nov 19
Dec 3			Dec 15	Dec 17
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i>		<i>New County Zoning Codes</i> <i>Tour City/County Facilities</i> <i>Oread Overlay Districts</i> <i>Comprehensive Plan – Goals & Policies</i> <i>Utilities Master Plan</i> <i>Water Resources</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 05/22/14

2014 PLANNING COMMISSION ATTENDANCE

	Jan 27 2014	Feb 24 2014	Feb 26 2014	Mar 24 2014	Apr 21 2014	Apr 23 2014	May 19 2014	May 21 2014	June 23 2014	July 21 2014	Aug 25, 2014
Britton	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Denney	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Graham	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	
Josserand	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Kelly	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	
Liese	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Rasmussen	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	
Struckhoff	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

2014 MID-MONTH ATTENDANCE

	Jan 24 2014	Feb 12 2014	Mar 12 2014	April 9 2014	May 14 2014	June 11 2014	July 9 2014	Aug 15 2014	Sept 10 2014	
Britton	Yes	Yes	No	Yes	No	Yes	Yes	Yes		
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
Denney	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
Graham	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes		
Josserand	No	Yes	Yes	Yes	Yes	No	Yes	Yes		
Kelly	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
Liese	Yes	Yes	No	No	Yes	Yes	Yes	Yes		
Rasmussen	Yes	Yes	No	Yes	Yes	No	No	Yes		
Struckhoff	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
von Achen	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes		

Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

- [Horizon 2020](#)
- [Sector/Area Plans](#)
- [Transportation 2040](#)
- [2012 Retail Market Study](#)

Development Regulations

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

Online Mapping

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

Planning Commission

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

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
08/25/14

ITEM NO. 1 SPECIAL USE PERMIT FOR PUMP STATION NO. 10 ADDITION; 3055 LOUISIANA ST (SLD)

SUP-14-00259: Consider a Special Use Permit for a pump station, a minor utility, to be located at 3055 Louisiana Street, Pump Station No. 10 Addition. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-14-00259, a Special Use Permit for Pump Station No. 10 located at 3055 Louisiana Street, a *minor utility*, based upon the findings presented in the body of the staff report and subject to the following condition:

1. Approval of a Floodplain Development Permit prior to issuance of a building permit.

Applicant's Reason for Request:

"SUP required for use of property as a pump station site."

KEY POINTS

- This pump station is a *Minor Utility*, that will serve more than one specific development.
- This request is to construct the pump station on property owned by the City of Lawrence.
- The regulatory floodplain encumbers this property. A local floodplain development permit is required.
- The Utilities Department held neighborhood meetings to present the project and to allow public comment on the building design.
- Improvement is included in the City's Capital Improvement Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the Special Use Permit and adoption of ordinance.
- Administrative review and approval of Floodplain Development Permit for development activity associated with the pump station.

ATTACHMENTS

1. Area Map
2. Site Plan
3. Fact Sheet
4. Building Elevations
5. Photo simulation of improvement

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for project.
- *Downstream Sanitary Sewer Analysis* – Not required for a pump station project.
- *Drainage Study* – A drainage study is not required for this project because downstream flooding is confined to the regulatory floodplain.
- *Retail Market Study* – Not applicable to project.

PUBLIC COMMENT

- A neighbor requested information regarding recreation path extensions in the area and connectivity between Naismith Valley Park and Broken Arrow Park. Information was provided to his satisfaction prior to publication of the staff report.

GENERAL INFORMATION

Current Zoning and Land Use: OS-FP (Open Space-Flood Plain Overlay) District; undeveloped land.

Surrounding Zoning and Land Use: To the north: RS7 (Single-Dwelling Residential) District; Existing Religious Institution with surface parking lot and residence.

To the west: OS-FP (Open Space-Flood Plain Overlay) District; Naismith Valley Park

To the south: A (Agricultural) District and B-2 (General Business District); realigned 31st Street and South Lawrence Trafficway right-of-way and an Assembly Use known as "Steve's Place".

To the east: OS (Open Space) District; Broken Arrow Park and Wakarusa Township Fire Station.

Summary of Special Use

This pump station is a *Minor Utility*, which serves more than one specific development; therefore, approval is required through a Special Use Permit per Section 20-530 of the Land Development Code. The facility will include a building enclosing the pump station and a substantial area dedicated to open space. The building design features a green roof with berms providing screening between the pump station and the residential uses to the north. The project was included in a community charrette to identify an appropriate building design to complement the character of the area.

This pump station is defined as a *minor utility* in Section 20-1765 of the Land Development Code: "*MINOR UTILITIES: Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations, lift stations, telephone switching boxes, and water towers. Excludes 'Wireless Telecommunication Facilities' use types.*"

The proposed improvements will be located on the north portion of the site. The south portion will remain as open space. The plans show a future connection of the Naismith Valley trail extended to Louisiana Street as shown on the plans.

SITE SUMMARY:		
	Existing	Proposed
Property Area (sq ft):	247,856 SF (5.68 Acres)	247,856 SF (5.68 Acres)
Total Impervious Area (sq ft):	0	30,056 SF
Total Pervious Area (sq ft):	247,856 SF	217,800 SF

Landscaping and Screening

Street Trees: Street trees are proposed along Louisiana Street and the realigned 31st Street as shown on the site plan.

Interior and Perimeter Landscaping: Interior parking lot standards apply to lots with 11 or more parking spaces. Perimeter landscaping standards apply only to lots with 5 or more spaces. This use requires only 1 parking space. These standards are not applicable to this project. The parking space is un-striped and will be accommodated within the paved area surrounding the pump station.

Buffer Yard Requirements: This property is zoned OS (Open Space) District. The property abuts OS zoning to east and west. Residential zoning is located to the north, County Agricultural and General Business zoning is located to the south. There are no buffer yard requirements for the OS Zoning District. However, development of this project specifically addressed the orientation of the development as it relates to both the residential neighborhood to north and the street frontages to the south and west to provide a visually appealing view.

Mechanical Equipment: The plan states that all mechanical equipment will be internal to the building.

Lighting

The applicant intends to use building mounted lighting for this site. All lighting fixtures will need to be directed down and be provided with a full cut-off shields. Staff has approved the proposed fixtures intended to be used for this project.

Applicable Design Guidelines

There are no specific design guidelines applicable to this proposed improvement. Building elevations and site landscaping have been developed through a series of public workshops and with input from City Parks and Recreation staff.

The pump station will be surrounded by a concrete drive area to allow full access to the pump station as needed for maintenance.

Access

Vehicular access to this site is provided from a driveway to Louisiana Street.

Pedestrian Connectivity

This pump station site is not intended for public access. The plan shows an extension of the Naismith Valley park recreation path along the southern portion of the property that provides connection to Louisiana Street and the SLT recreation path. Ultimately, this path would connect the existing Naismith Valley park trail to the Baker Wetlands area.

Public sidewalk will be located on both sides of Louisiana Street as well as the north side of 31st Street between the Menards Site and Louisiana Street. City staff is working with KDOT to upgrade the sidewalk along the north side of 31st Street from a planned 6' sidewalk to a 10' shared use path. It has not yet been confirmed that this upgrade will be made.

The combination of local, state, public and private investments in this area will result in an extended network for both pedestrians and non-motorized vehicles in the immediate vicinity.

Floodplain

This property is located within the regulatory floodplain and is subject to a local floodplain development permit.

Review and Decision-Making Criteria (20-1306(i))

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

Applicant's Response: *Yes.*

The proposed use, a *minor utility* that serves more than one subdivision, is an allowed use in the proposed OS (Open Space) District subject to Special Use Permit approval. As the property is encumbered with the Regulatory Floodplain, a Floodplain Development Permit is required per Section 20-1203 and must be approved prior to the release of building permits.

A minimum of one off-street parking space is required for minor utilities. The site will be accessed by utility trucks for routine maintenance and there will be no employees regularly on site; therefore, only one parking space is required. Access to the site is accommodated via concrete driveway approach from Louisiana Street. Off-street parking is accommodated within the enclosed area.

A point-by-point illumination array lighting plan is not required. Basic site lighting is proposed for this site. Lighting fixtures will be required to have full cut-off shields, as noted on the plans.

Staff Finding – The Special Use Permit site plan complies with the requirements set out in 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: *Yes.*

The proposed request is for the construction of a new pump station that includes both below ground and above ground improvements.

The pump station is located on the west side of Louisiana Street. Park and open space uses are located to the east and west of this site. An existing religious institution and residence are located to the north. A county commercial use is located on the south side of 31st street to the southwest of the pump station. The facility will not be manned. The design of the building is intended to blend with the surrounding natural and neighborhood elements in the immediate vicinity.

Traffic generated by this site is related to maintenance and upkeep of the site. The proposed use is compatible with the adjacent uses.

Staff Finding – The proposed pump station will be compatible with adjacent uses.

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: *No.*

This pump station is part of a planned improvement that will combine wastewater flow from five existing interceptor sewers and one future interceptor sewer to serve the western and southern parts of Lawrence. The design of the site improvements is specifically intended to blend with the open space uses and residential elements of the neighborhood to the north.

Staff Finding – The construction of this Pump Station is not anticipated to result in any diminution of value of other property in the neighborhood.

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

The pump station is a public facility intended to serve the western and southern portions of Lawrence and to accommodate future growth. The site has been designed to provide access for periodic maintenance.

Staff Finding – The proposed use, a *Minor Utility*, is a public service, which would serve the surrounding area. Sufficient safety, transportation and utility facilities will be available to serve the subject property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

This proposed development will be owned and operated by the City of Lawrence. City staff is responsible for continuing site maintenance.

Staff Finding – The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the approval.

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

Applicant's Response: *"No, This is a minor utility use and is regulated and permitted through KDHE."*

This property is subject to review and compliance with the floodplain regulations of the Land Development Code. Adequate oversight will be provided for the protection of the natural environment through the local floodplain management regulations.

Staff Finding – The proposed use, as conditioned, should not cause significant adverse impacts on the natural environment.

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.

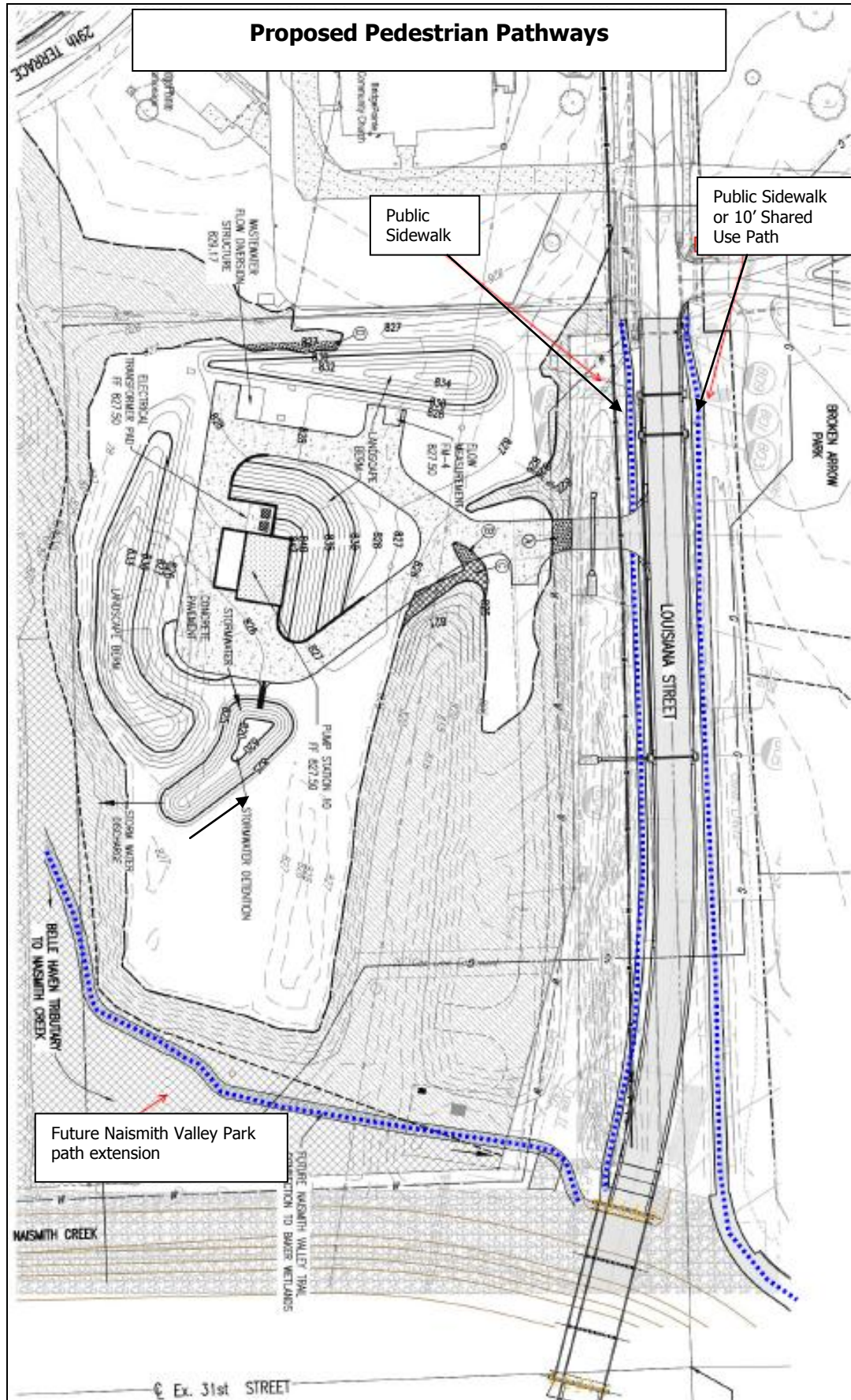
Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area or if a rezoning would be appropriate. A pump station is

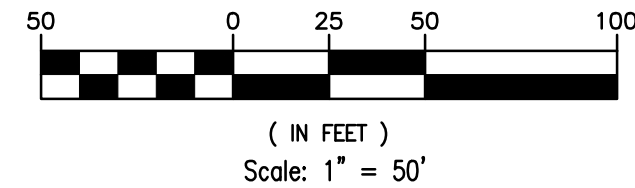
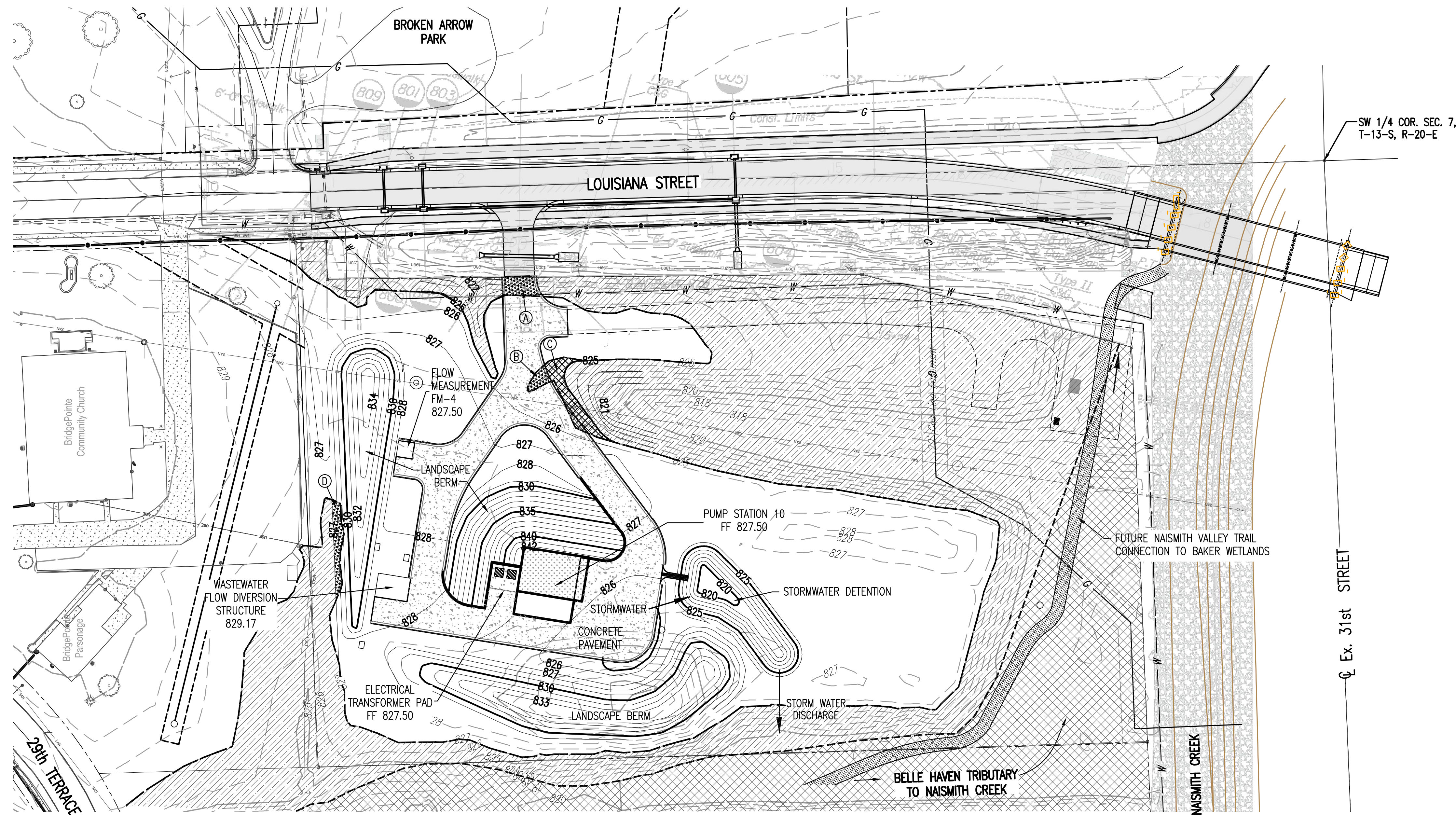
part of necessary infrastructure whose life span will be determined by demand and operational characteristics. It would not be appropriate to place a time limit on this use.

Staff Finding – The project is part of a citywide system upgrade; therefore, it would not be appropriate to place a time limit on this use.

Conclusion

The proposed pump station will positively impact the area by improving wastewater flow and providing system redundancies. Additionally, the system is designed to facilitate future growth of Lawrence consistent with the adopted Utility Master Plan.





- LEGEND**
- Ex. Section Line
 - Ex. Property Line
 - Flow Distribution
 - Manhole (Underground Structure)
 - Concrete Structure
 - Ex. Gas Line
 - Ex. Water Line
 - Ex. Fire Hydrant
 - Ex. Water Meter
 - Ex. Water Valve
 - Ex. Gas Meter
 - Ex. Overhead Electric Line

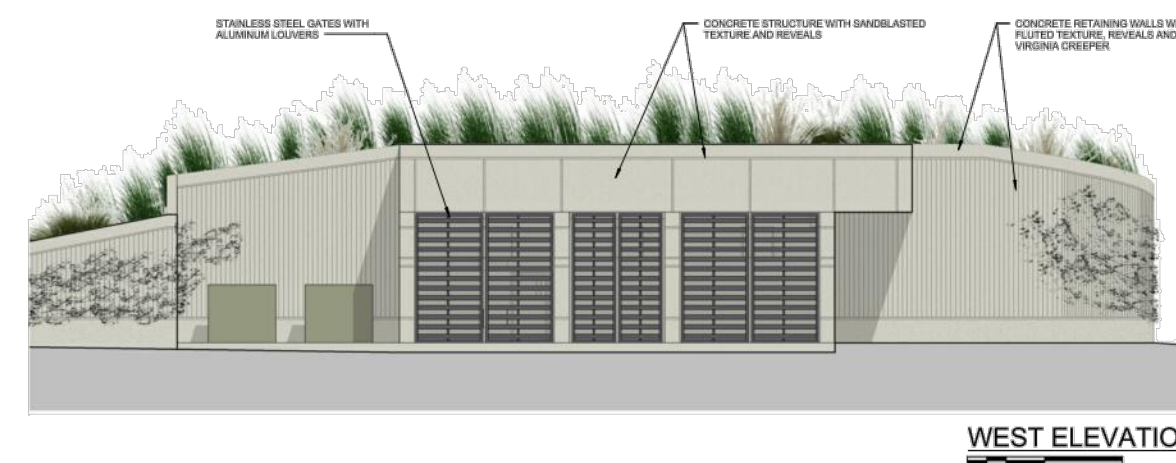
- GENERAL NOTES:**
- See sheet SP-3 for Landscaping Plan.
 - See attached information for "Green" roof details.
 - 100 year Flood Plain elevations vary 825± SE to 827± NW.
 - Flood Plain Fill Remediation for areas A+B+C+D will include stormwater detention volume as indicated.
 - Assumed Flood Plain Control elevation for the site (per City Direction) = 826-826.50 minimum FF elevation set @ 827.50.
 - Future Trail shown for illustration only.

- LEGEND**
- 100 YEAR FLOOD PLAIN
 - FLOODWAY
 - CONCRETE PAVEMENT

PROPOSED SITE GRADING



SOUTH ELEVATION



WEST ELEVATION



VIEW FROM W29th TER.

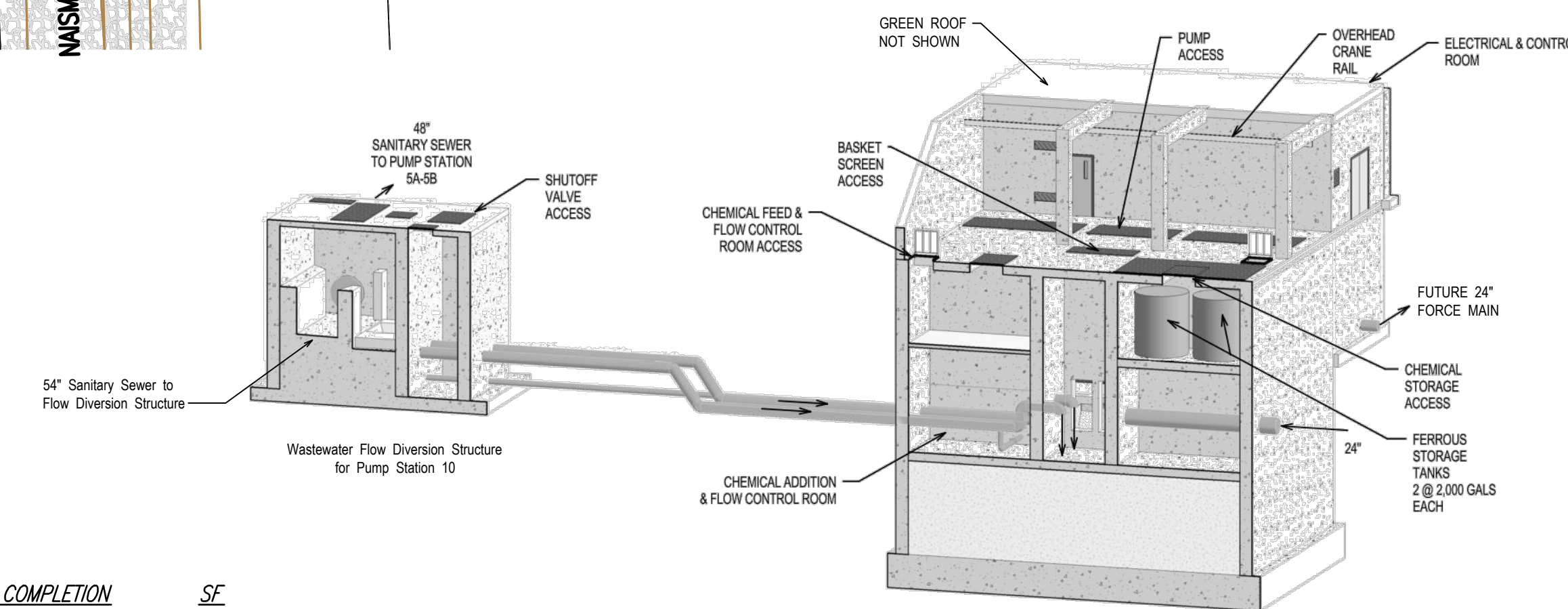


VIEW FROM CHURCH



VIEW FROM 31st & LA

PRELIMINARY CONCEPT VIEWS



BELOW GROUND SECTIONAL CONCEPT VIEW

PROPERTY SURFACE SUMMARY:

EXISTING	SF	AFTER PROJECT COMPLETION	SF
Total Buildings	0	Total Buildings	1,406
Total Pavement	0	Total Pavement	26,486
Total Impervious	0	Total Impervious	27,892
Total Pervious	247,856	Total Pervious	219,964
Total Property Area	247,856	Total Property Area	247,856

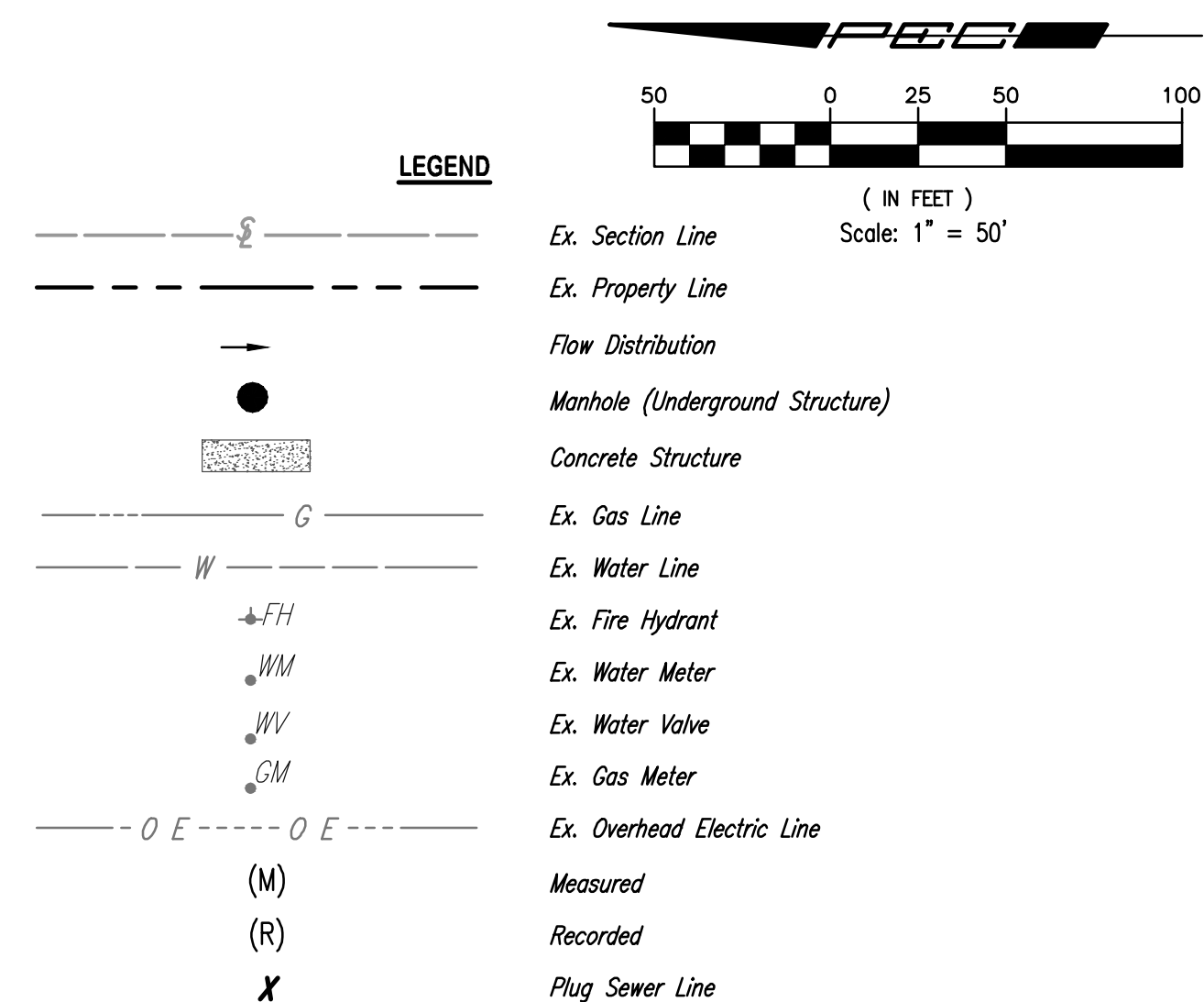
Total Area within 100 year Floodplain (existing) 111,058 SF (2.55 Acres)
 Impervious Area within Floodplain (existing) 0 SF

Total Area within 100 year Floodplain (proposed) 109,215 SF (2.51 Acres)
 Impervious Area within Floodplain (proposed) 540 SF (0.01 Acres)

- NOT FOR CONSTRUCTION -
 - PLANNING DOCUMENT -

Saved 08-15-2014 1:07:11 PM by DMS
 Plot Scale 1:1 08-15-2014 1:11:18 PM by DAVID SCHMITZ
 P:\2013\13A14\13A14-002\WAKARUSA\3-Preliminary Design\Drawings\13A14-002-special use site plan- grading pump station no 10 station.rvt 08-15-2014

*IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST
OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS*



1. Existing Zoning: OS-FP (Open Space with Floodplain Management Regulations Overlay).
2. Boundary and topographic information taken from a field survey prepared by Bartlett & West Engineers (August 2013).
3. Proposed concrete pavement to be 8" reinforced, Portland Cement concrete on prepared and compacted subgrade with curb and gutter.
4. Site lighting will be wall mounted at the pump station building structure. All fixtures shall be provided with full cut-off capability.
5. This site will be designed to comply with provisions of the Americans With Disabilities Act Accessibility Guidelines (ADAAG) for the building structure and facilities (1st floor), Appendix A to 28 CFR Part 36.
6. All mechanical equipment shall be internal to the building structure. Exterior screening will not be required.
7. Primary electrical transformer units shall be screened to the north and east by a concrete wall. This site shall not be open to the general public.
8. Proposed building shall be constructed of reinforced concrete and shall incorporate earth berms and a "Green roof" structure.
10. Pump access and removal areas shall be screened by slatted metal gates, which will pivot about their vertical axis and which will provide complete closure and restricted access when closed and locked.
11. All exterior metal gates shall be coated with high performance coatings and shall be compatible with the exterior aesthetic design of the building and roof structures.
12. The property shall be accessed for routine operations, maintenance, and emergency operations by City staff.
13. Heavy vehicle access shall be provided from Louisiana Street entrance and parking shall be provided on the concrete access pad. Parking stalls will not be designated.
14. Storm water from the pump station structure and the surrounding concrete impervious area shall be collected and routed to an on-site storm water pond for temporary retention followed by discharge to the Naismith Channel along the west side of the site. (See Sheet No. SP-2)
15. Reference Sheet SP-3 for landscape plan.
16. Portions of the site lie within the 100 year floodplain. A Floodplain Development Permit Application will be submitted to the City of Lawrence. Floodplain fill remediation has been indicated on sheet SP-2.
17. There will be no fencing on the site.
18. There will be an entrance gate normally locked.
19. Pump Station 10 Finished Floor Elevation = 827.50.
20. No trash storage receptacle will be placed at this site.



Robert J. Borsick LS-1180
Bartlett & West Inc.
544 Columbia Dr.
Lawrence, KS. 66049
785-749-9452
785-749-5961 (Fax)

Existing Zoning OS-FP

Commencing at the Southeast corner of said Section 12; thence along the East line of the Southeast Quarter of said Section 12 north 01 degree 46 minutes 06 seconds West (bearing based on Warranty Deed recorded in Book 1100, Page 3990, to the Secretary of Transportation of the State of Kansas for procurement of right-of-way for the South Lawrence Trafficway Project) 800.00 feet; thence along the North and East lines of said Secretary of Transportation Deed the following 5 courses: South 88 degrees 13 minutes 54 seconds West 40.00 feet to the Point of Beginning; thence continuing South 88 degrees 13 minutes 54 seconds West, 30.00 feet; thence South 0 degrees 30 minutes 16 seconds East, 427.68 feet; thence South 15 degrees 06 minutes 04 seconds West, 223.40 feet; thence South 87 degrees 47 minutes 23 seconds West, 315.75 feet; thence parallel to the East line of the Southeast Quarter of said Section 12 North 01 degree 46 minutes 06 seconds West, 663.78 feet to the Southwest corner of Lot 1, Indian Hills Church of God, a subdivision in the said City of Lawrence; thence along the South line of said Lot 1, North 88 degrees 13 minutes 54 seconds East, 420.00 feet to the Southeast corner of said Lot 1 and the West right of way line of Louisiana Street, a city street in the City of Lawrence; thence along the West right of way line of said Louisiana Street South 01 degree 46 minutes 06 seconds East, 19.43 feet to the Point of Beginning. Said tract contains 5.69 acres, more or less.



Wakarusa Wastewater Treatment Plant and Conveyance System

Pump Station 10 Fact Sheet

Why is this Project Essential to the Future of Lawrence?

The 2012 Wastewater Facilities Master Plan identified Pump Station 10 as necessary to combine the wastewater flow from five existing interceptor sewers and one future interceptor sewer to serve the western and southern portions of Lawrence. The site chosen for this pump station is at the northwest corner of 31st and Louisiana Streets. The new pump station will split wastewater flow between the Kansas River Wastewater Treatment Plant and the new Wakarusa Wastewater Treatment Plant, currently under design and located on the Wakarusa River. The pump station is also being designed to accommodate future growth.

The pump station will be a state of the art facility, providing for flexibility, redundancy, and reliability of operation and transporting of wastewater flows. Although the pump station will be unmanned on a normal basis, it will be continuously monitored through the City's electronic control systems.

The design and construction of the pump station addresses the following:

Noise – Pump Station noise will be minimal with most mechanical equipment installed below ground level.

Odor – Chemical addition for odor control at the pump station and other future technologies are being designed into the current project.

Reliability – Multiple sources of electrical power, including the ability to utilize a generator unit, are included in the design to provide the most reliable service. The pump station will be tornado resistant to ensure continued emergency operations.

Exterior Appearance – Pump Station aesthetics will blend into the existing neighborhood and adjacent land uses.

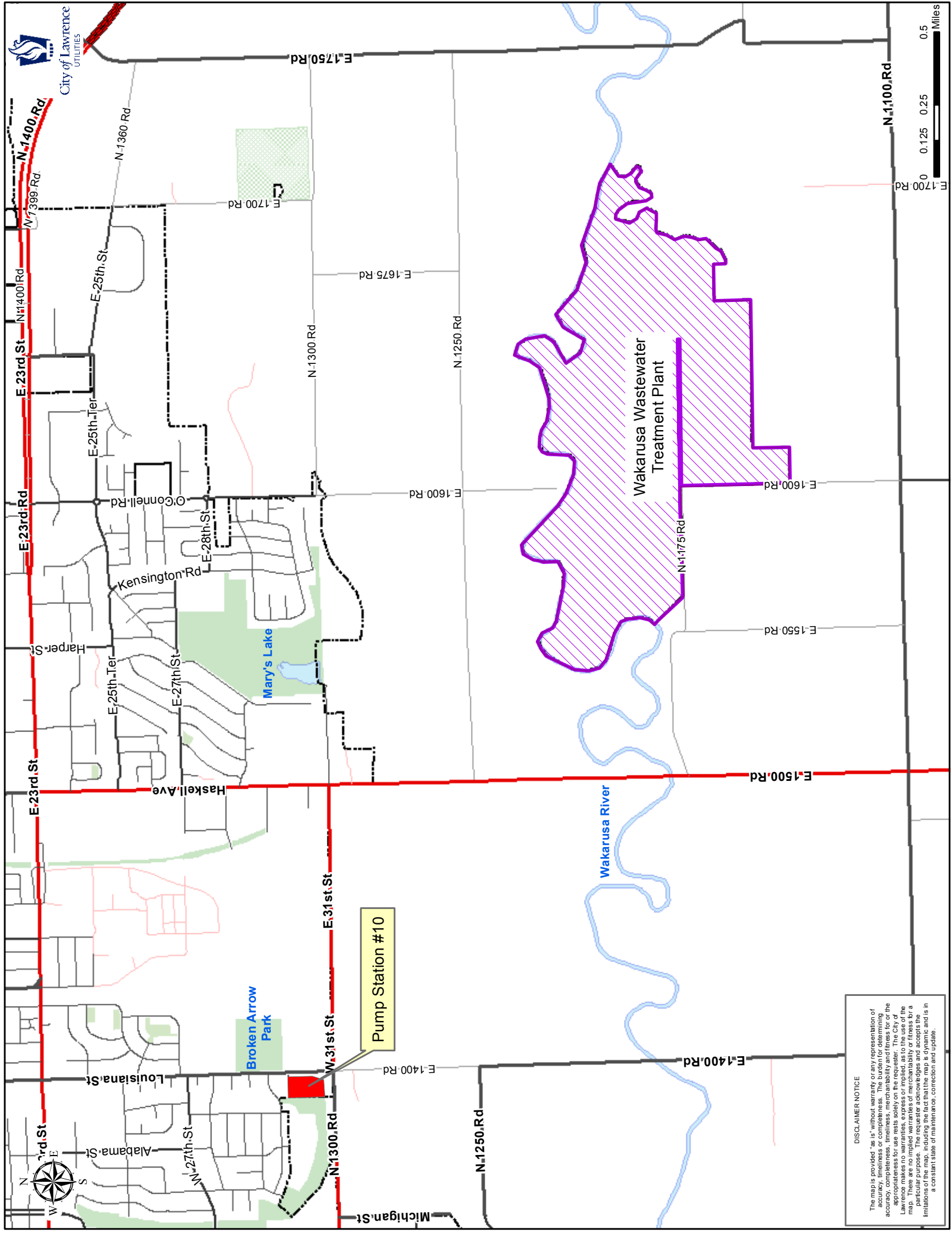
Coordination with South Lawrence Trafficway (SLT) – All pump station and force main design and construction activities are being coordinated carefully with the design and ongoing construction of the KDOT SLT project.

Local Access – Local access to Broken Arrow Park, W. 29th Terrace, and adjacent church facilities at W. 29th Terrace and Louisiana shall be maintained at all times except for short periods of time necessary to connect new underground piping for pump station operations.

Construction Phase Impacts – Sanitary sewer service will continue uninterrupted throughout the immediate area during construction.

Schedule – The Design Phase to be completed December 2014. Construction completion and startup will occur in late 2015 to early 2016.

For additional information or questions concerning this project contact Melinda Harger, P.E., Utilities Engineer, through e-mail at mharger@lawrenceks.org or by phone at (785) 832-7880.

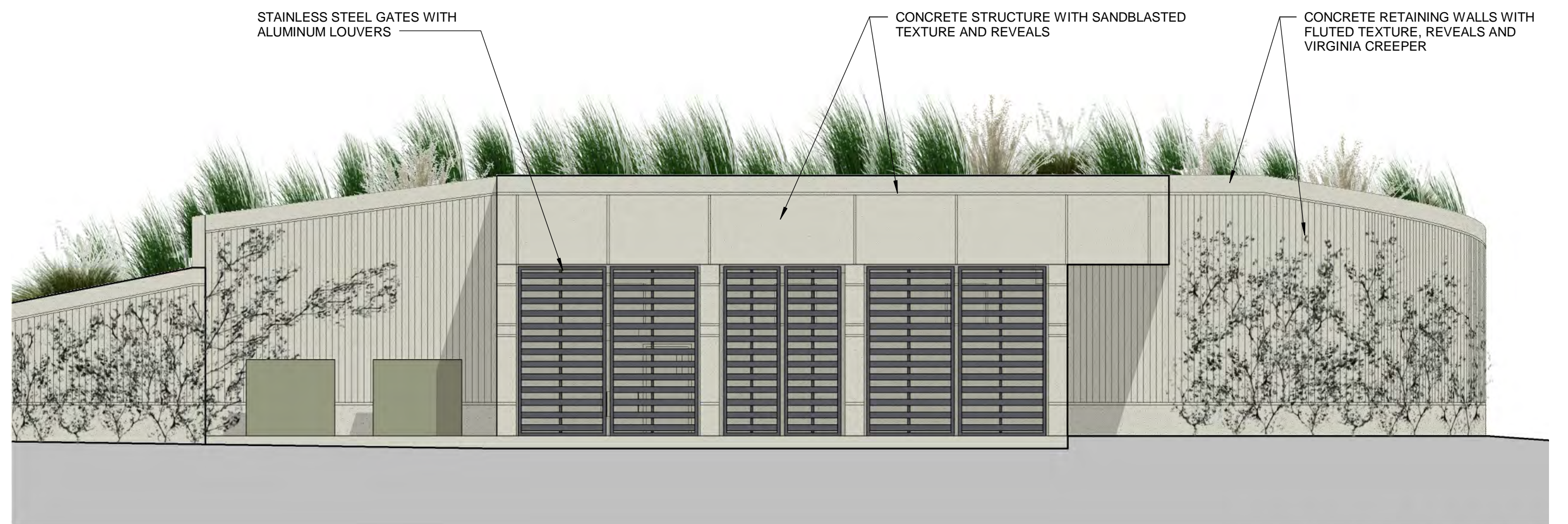
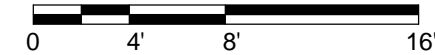


DISCLAIMER NOTICE

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SOUTH ELEVATION



WEST ELEVATION



VIEW FROM W29th TER.



VIEW FROM CHURCH



VIEW FROM 31st & LA

Pump Station No. 10

WAKARUSA CONVEYANCE SYSTEM

06/16/14

Existing View – W. 29th Terrace



Proposed View – W. 29th Terrace



Existing View - Louisiana Street at south end of Church Property



Proposed View – Church Parking Lot



Existing View - 31st ST. and Louisiana Street Intersection




Proposed View - 31st ST. and Louisiana Street Intersection





SUP-14-00259: Special Use Permit for the City of Lawrence Sanitary Sewer Pump Station No. 10, Located at 3055 Louisiana Street

Lawrence-Douglas County Planning Office
August 2014

 Subject Property



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
8/25/14

ITEM NO. 2: IG TO IL; 1.88 ACRES; 720 E 9TH ST (MKM)

Z-14-00263: Consider a request to rezone approximately 1.88 acres from IG (General Industrial) District to IL (Limited Industrial) District located at 720 E 9th St. Submitted by Flint Hills Development Group on behalf of 720 LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 1.88 acres at 720 E 9th Street from IG (General Industrial) 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 with the following condition to restrict uses and maintain consistency with the overall 8th and Penn Neighborhood Redevelopment Zone:

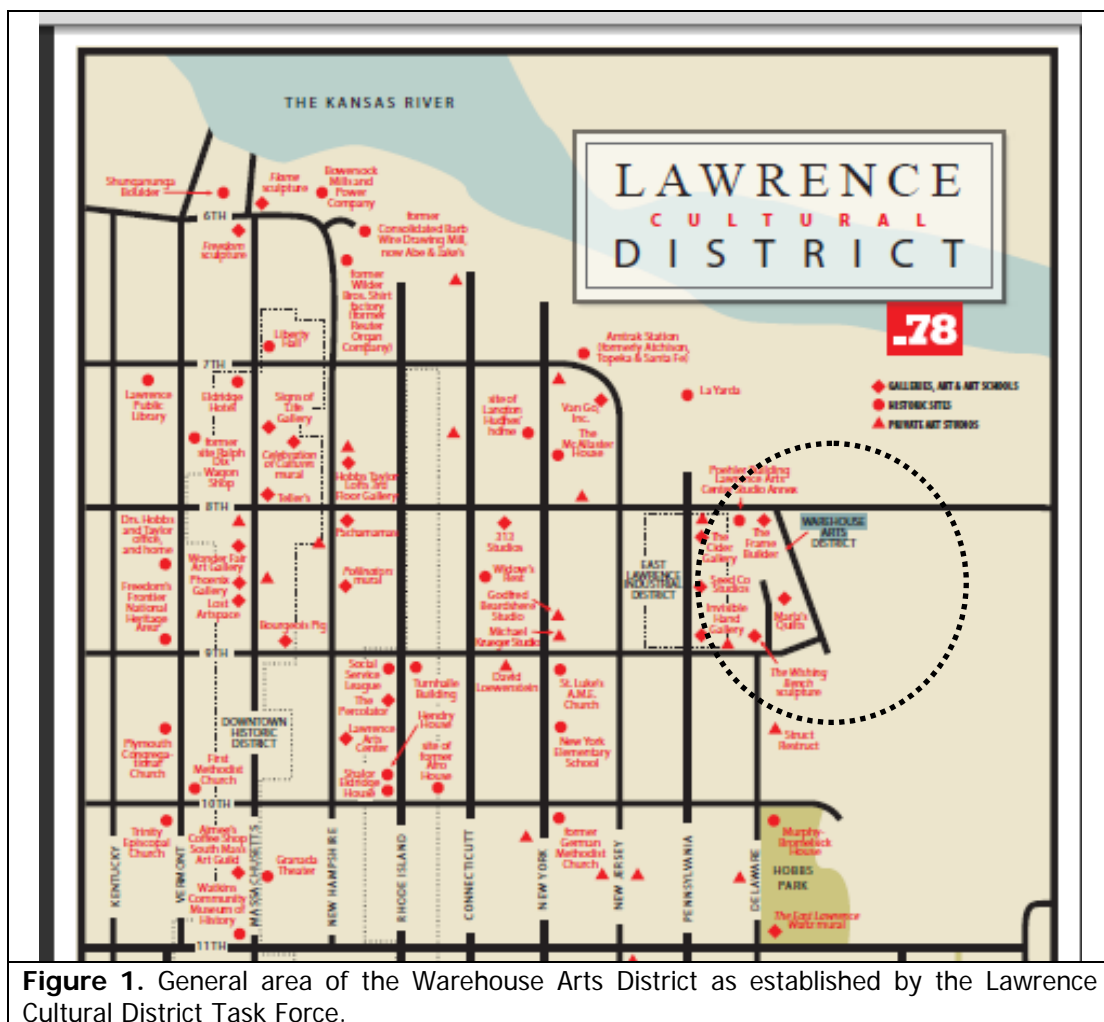
1. The *Financial, Insurance, and Real Estate Offices* use shall be restricted in the District to prohibit the following financial office uses:
 - a. Payday advance or other short term loan businesses defined generally as an establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.
 - b. Car title loan businesses defined generally as an establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

REASON FOR REQUEST

Applicant's Response:

"This building falls within the limits of the Warehouse Arts District (WAD). Over the past few years, the WAD has seen unparalleled growth and investment that has transformed the previously neglected neighborhood into a vibrant destination for locals and tourists. This building and site is an important piece to the neighborhood, and the rezoning approval would allow for the type of tenants that would build on the momentum the WAD is generating as a place to live, work and play. Lawrence has always had what we believe to be the strongest art-centric community in the state and even Midwest, and providing another place where artists can thrive, where current zoning regulations would not fully allow, is vitally important to maintaining the current trajectory of the neighborhood. Private and public investment has proven to generate worthwhile returns in the WAD, and this rezoning approval will enable future investment to continue and the neighborhood to continue to evolve in a way that benefits, the state, city and neighborhood."

- The property is located within the boundaries of the 8th and Penn Neighborhood Redevelopment Zone and is subject to the *8th and Penn Neighborhood Redevelopment Zone Design Guidelines*.
- The north portion of the subject property is located within the East Lawrence Industrial District, which is listed on the National Register of Historic Places. Historic Resources Commission review is required prior to physical changes to the site and this will occur with the site planning process.
- The property is located within the boundaries of the East Lawrence Neighborhood. The rezoning will be reviewed for compliance with the East Lawrence Neighborhood Revitalization Plan.
- The Warehouse Arts District is a term commonly used to identify the artist studios/galleries within the 8th and Penn District. A Cultural District Task Force was created by the City Commission in 2013 to develop recommendations to enhance the creative economy of Lawrence. Figure 1 shows a portion of the Cultural District that was developed by the task force and the galleries, studios and historic sites that are located within the area, including the Warehouse Arts District.



ASSOCIATED CASES

SP-14-00248: Site Plan for change of use in the building at 720 E 9th and minor exterior building changes.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Application and release of building permits prior to revisions to the doors/windows shown on the site plan.

ATTACHMENTS

Attachment A: Use Group Tables for IG and IL

PUBLIC COMMENT

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

Project Summary

The property at 720 E 9th Street contains approximately 1.88 acres and was platted as Lot 1, Block B, 8th and Pennsylvania Neighborhood Redevelopment in 2006 as part of the 8th and Penn development project. The property is developed with a building that houses a mix of uses permitted in the IG (General Industrial) District such as *Manufacturing and Production*, and *Warehouse* uses. The specific uses include event lighting production, video/film production, silk screen printer, artist studios, and a contractor shop.

Rezoning is being requested to accommodate the development of retail and residential uses in the building which are not permitted in the IG District. New uses being proposed include gallery space associated with the artist studios (*General Retail Sales*), a tattoo parlor (*Personal Improvement*), and a *Work/Live* unit which will include an artist studio and residence. The tattoo parlor is currently located on site, and the rezoning would bring this use into compliance with the Code. These uses, both existing and proposed, are shown on the site plan (Figure 2). The site plan notes that the uses which require the IG Zoning are pending the approval of the rezoning request and if the request is denied the site plan will be revised to remove these uses.

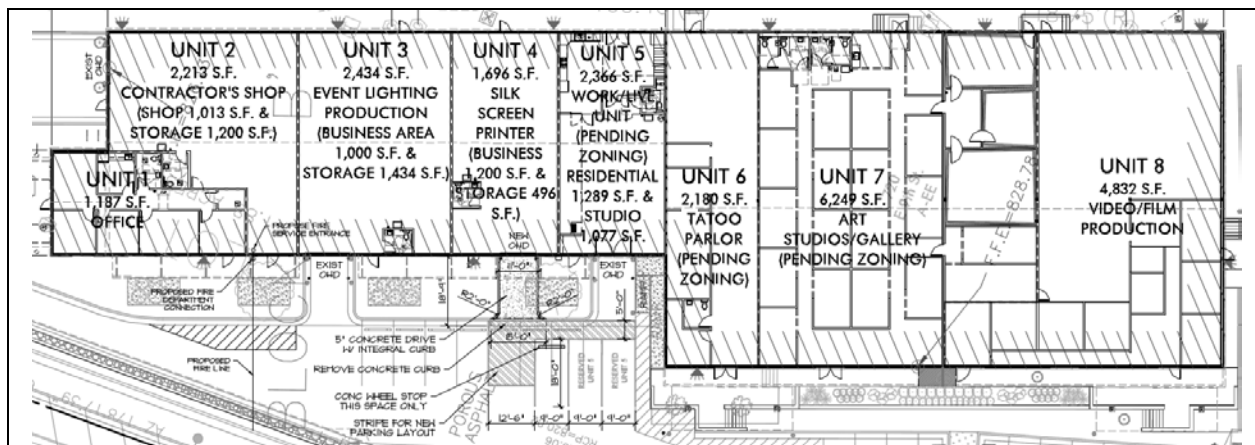


Figure 2. Existing and proposed uses shown on site plan, SP-14-00248.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The request falls in line with the Horizon 2020 plan as it designates this part of the Warehouse Arts District as Office/Research/Industrial/Warehouse/Distribution. IL Restriction would not contradict the plan for Horizon 2020."

The property was included in the 8th and Penn Neighborhood Redevelopment Zone which was established in 2006. A Comprehensive Plan Amendment, CPA-2005-05, was initiated with the original applications for the 8th & Penn redevelopment and *Horizon 2020* was amended to provide recommendations related to a mixed use redevelopment center and mixed use district. In addition, guidelines were developed for the 8th and Penn Neighborhood Redevelopment Zone. Recommendations in *Horizon 2020* are discussed below, with staff comments in red. The provisions of the *8th and Penn Neighborhood Redevelopment Zone Guidelines* and the adopted area plans for East Lawrence will be discussed in a Section 4 of this report.

FUTURE LAND USE DESIGNATION

The subject property is identified in the Future Land Use Map of *Horizon 2020* for office/research/industrial/warehouse/distribution uses. (Page 3-4)

The rezoning requested, IL, permits many of the same industrial uses as the existing IG Zoning with the exception of *Explosive Storage* and *Heavy Industrial* Uses, industrial uses which have impacts that occur beyond the property line. The rezoning would remove these intense industrial uses from the list of permitted uses would result in industrial uses which are more compatible with the mixed use nature of the 8th and Penn Neighborhood Redevelopment Zone while maintaining the Industrial/mixed use nature.

COMMERCIAL LAND USE GOALS AND POLICIES

Mixed-Use Redevelopment Center

- Mixed-Use Centers offer a mix of residential, civic, office, small-scale commercial, and open space uses. Maximum retail is limited to 25% of total floor area in the mixed use redevelopment center.
- This mixed use is encouraged in individual structures as well as throughout the area. (Page 6-5, *Horizon 2020*)

The proposed IL zoning will allow a greater mix of uses to occur in the existing building at 720 E 9th Street than is possible with the current IG Zoning. The design guidelines for the district cap the maximum retail at 25% so commercial uses in the district, including the subject property, are limited.

Mixed-Use Redevelopment Center and Mixed-Use District

"Neighborhood integration shall also be accomplished by providing transitions through alleyways and use and landscaping buffers, and by ensuring existing structures are incorporated into the new center where possible." (Pages 6-5 and 6-6)

The Limited Industrial District is primarily intended to accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land uses while the IG District is seen as generally incompatible with residential areas and low-intensity commercial areas. The IL District would maintain the industrial zoning without allowing the intense industrial uses and would provide an effective transition between the 8th and Penn mixed use district to the west and the industrial uses to the east.

Staff Finding – Rezoning to allow mixed-use development on the subject site is consistent with *Horizon 2020* goals and policies related to Mixed-Use Redevelopment Centers. The existing structure will house a mix of limited industrial, warehouse, retail, and residential uses. The amount of retail is included in the district overall cap of 25% of total floor area.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: IG-UC (General Industrial District with 8th and Pennsylvania Street Urban Conservation Overlay District); *Manufacturing and Production, Limited; Warehouse; Office*

Surrounding Zoning and Land Use: To the north:
IG (General Industrial) District; *Undeveloped*.

To the east:
IG (General Industrial) District; *Manufacturing and Production* and railroad right-of-way.

To the south:
RM12-PD (Multi-Dwelling Residential with Planned Development Overlay) District; Undeveloped land with development approval for multi-dwelling residential development.

To the west:
CS-UC (Commercial Strip with 8th and Pennsylvania Street Urban Conservation Overlay District); Parking accessory to the 8th and Penn development.

RM32-UC (Multi-Dwelling Residential with 8th and Pennsylvania Street Urban Conservation Overlay District); Multi-Dwelling residential development.

(Figure 3.)

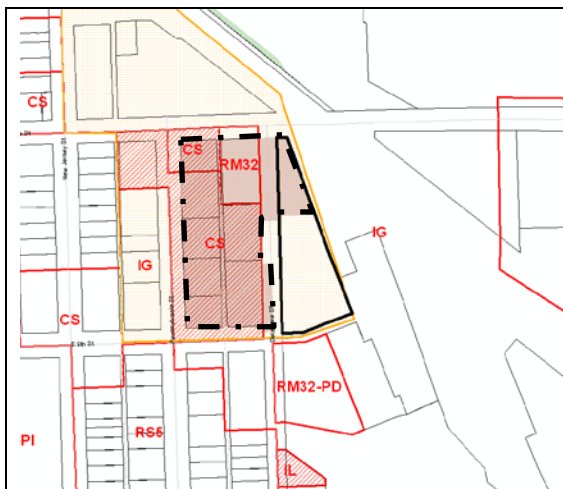


Figure 3a. Zoning in the area. (Subject property outlined.) Urban Conservation Overlay District in gold. East Lawrence Industrial District, a historic district listed on National Register, outlined with dashed line.



Figure 3b. Land use in the area.

Staff Finding – The subject property is surrounded by properties that are zoned for industrial, commercial, and residential uses and is a part of the *8th and Pennsylvania Street Urban Conservation Overlay District*. A mix of industrial, commercial, and residential uses are present in the area. IL zoning would be consistent with the zonings and land uses in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"This is really better described as a neighborhood within a neighborhood in some capacities. The East Lawrence neighborhood is a tremendously important, diverse and prideful neighborhood that envelops the Warehouse Arts District. The WAD has aimed to mimic East Lawrence's sense of place, history and feeling of inclusivity instead of exclusivity. The WAD will continue to provide places to live and work for all economic, social and ethnic groups to create a place where everyone is welcome and all can come to appreciate the culture that makes Lawrence so enjoyable. In terms of history, East Lawrence has done a wonderful job in preserving the history of the neighborhood and this rezoning request allows us to preserve and make use of a building that no longer attracts the type of tenant it previously was targeting."

The subject property is located in the northeast corner of the intersection of Delaware and E 9th Streets in the eastern portion of the 8th and Pennsylvania Redevelopment Zone. The area is bounded on the north by the Kansas River and Floodplain and on the south by Hobbs Park. The neighborhood contains a mix of uses.

Industrial uses lie to the north and east of the subject property, with heavier industrial uses, a sand dredging/concrete plant and a city wastewater treatment plant, being located to the north and east of the railroad right-of-way. Industrial uses near the subject property are of less intensity to the west of the railroad right-of-way and include warehousing and manufacturing and production type uses.

A rezoning from an industrial to residential zoning district and a development plan were recently approved for the lot directly to the south of the subject property for a multi-dwelling residential development as part of the mixed use nature of the area. Property to the west of the subject property, also within the 8th & Penn Neighborhood Redevelopment Zone, includes the Poehler Building, multi-dwelling residential; accessory parking for the 8th and Penn Development; an approved bar/bistro use; and an art gallery/office building. The area beyond the 8th and Penn District also contains a mix of uses with an elementary school, retail, warehouse, single- and multi-dwelling residential, and industrial uses.

Staff Finding – The neighborhood contains a mix of residential, commercial, and industrial uses, with the intensity of the industrial uses being higher to the east of the railroad right-of-way east of the subject property. The mixed uses possible in the IL District would be compatible with the existing and approved land 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 boundaries of the 8th and Penn Neighborhood Redevelopment Zone and is subject to the provisions of the *8th and Penn Neighborhood*

Redevelopment Zone Guidelines and the *East Lawrence Revitalization Plan/East Lawrence Neighborhood Plan*. Sections of these plans are listed below, with staff comments following in red.

East Lawrence Neighborhood Revitalization Plan (adopted in 2000)

"This neighborhood revitalization plan is not a land use plan but a preservation and social action strategy to maintain features that are most important to the homeowners, property owners, business owners, and tenants." (Page 1)

Action Strategy No. 6 (page 1)

"Protect and strengthen the viability of neighborhood businesses."

"One of the main qualities that makes the East Lawrence Neighborhood unique among Lawrence's neighborhoods is the variety of land uses contained within the neighborhood..." (page 3)

"The East Lawrence neighborhood also contains a number of industrial land uses that are important to the long-term viability of the neighborhood." (Page 3)

The revitalization plan stressed the mixed use nature of the area and recommended that neighborhood businesses be protected and strengthened.

East Lawrence Neighborhood Plan (adopted in 1979)

"The land use plan designates most of the neighborhood low density residential as indicated on the future land use map... the present single-family residences in East Lawrence are providing irreplaceable housing for low-income housing." (page 4-3)

The focus of the East Lawrence Neighborhood Plan is on the housing in the neighborhood and with maintaining affordable housing. The plan does not recommend specific areas for retail or industrial uses but shows where such areas were currently zoned. The plan is not particularly relevant to the current rezoning as the mixed use concept used in the 8th and Penn Development was not a part of the plan. The plan was adopted in 1979, but development projects are still reviewed the recommendations in the plan as it was referenced in the 2000 *East Lawrence Revitalization Plan* as the land use plan for the neighborhood.

8th and Penn Neighborhood Redevelopment Zone Guidelines.

The 8th and Penn Neighborhood Redevelopment Zone Guidelines include the following in the purpose of the guidelines:

- " 1. Foster economic viability by encouraging redevelopment and new development.
 - 4. Maintain the unique identity of East Lawrence.
 - 6. Build upon historical character and foster diversity while meeting the goals of the Horizon 2020 Comprehensive Plan and the East Lawrence Neighborhood Plan."
- (page 5)

"As stated in the East Lawrence Neighborhood Revitalization Plan, the unique character of the East Lawrence residential neighborhood is, in part, the coexistence of commercial, manufacturing, and residential uses of land. In other words, this neighborhood has traditionally been a mixed-use community. Redevelopment and new development within the East Lawrence neighborhood should respect and expand this mixed-use tradition." (page 11)

The proposed rezoning would maintain the unique identity of East Lawrence as it would expand the mixed-use tradition and would encourage redevelopment of the subject property.

Staff Finding –The rezoning request is in conformance with recommendations of both the *East Lawrence Neighborhood Revitalization Plan* and *East Lawrence Neighborhood Plans* for redevelopment of existing businesses and maintaining the mixed use nature of the neighborhood.

The 8th and Penn Neighborhood Redevelopment Zone Guidelines recommend the compatible mix of residential, office, industrial, and warehouse uses with limited retail. The rezoning request will allow for the area to be further redeveloped with a mix of uses with the 25% cap on overall retail for the area.

The proposed rezoning and change of use complies with recommendations in the area plans and the *8th and Penn Street Neighborhood Redevelopment Zone Guidelines*.

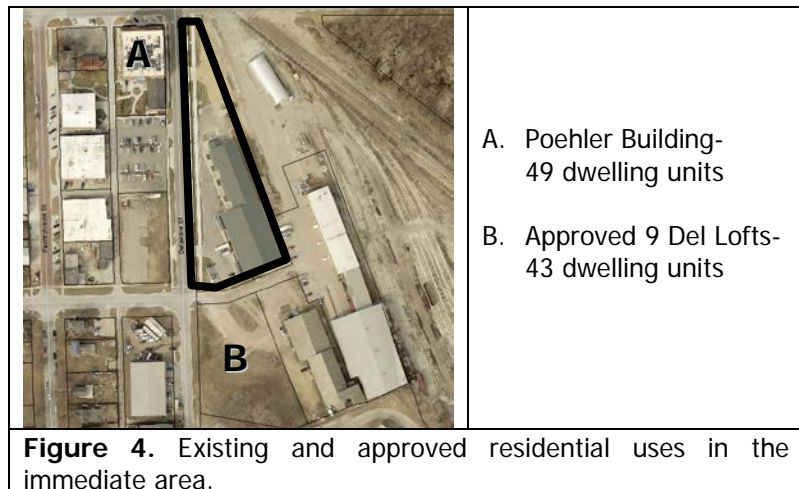
5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response:

"The current IG restriction is only slightly different from the proposed IL restriction, but the difference is enough to warrant the rezoning fee and effort to satisfy a pool of tenants that are inquiring about the building. Particularly, one potential tenant is requesting a live-work studio that would be a huge asset to the neighborhood, but the IG restriction does not allow live-work use. Additionally, there are other artists, tradesmen and professionals such as tattoo artists that are currently not allowed to operate in the IG restriction."

The property is currently zoned IG which permits industrial uses, including high intensity industrial uses with off-site nuisance impacts. The uses which are permitted in the IG (existing) and IL (proposed) Districts are compared in Attachment A.

The property is suitable for industrial uses, but the close proximity of residences, see Figure 4, makes the site unsuitable for explosive storage and the intense industrial uses which could have negative off-site impacts. Given the proximity of these residences, the subject property is not well suited for the uses to which it is restricted with the IG Zoning.



Staff Finding – As the property is located in an area that is identified as an industrial area in the comprehensive plan and has historically been used for industrial uses, industrial zoning and uses are appropriate including the uses to which it would be restricted with the proposed IL Zoning.

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

Applicant's Response:

"It has remained vacant since an industrial drill bit tenant moved out of the space in the winter of 2014."

The property is developed with an industrial building which is used for industrial, warehouse, and associated office uses. The applicant indicated that the particular tenant space which will be filled with this rezoning was vacated in January, 2014. The change in zoning is intended to accommodate tenants that are interested in uses which are not permitted in the IG District such as work/live units and limited retail.

Staff Finding – The property is not vacant. Rezoning is being requested to allow a change of use on a developed property.

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

Applicants Response:

"Due to the minimal differences in traffic flow, use and activity, the impact on the nearby properties will be insignificant if not universally positive. Light Industrial Designation compared to General Industrial Designation is only slightly different, but the difference allows for a broader scope of uses to satisfy the current demand for art studios, printmaking shops, furniture creation and live-work spaces."

The removal of restrictions will allow a work/live studio, artist galleries, and a tattoo artist to be located on the property. It will also open up the property for other uses permitted in the IL District in the future.

EXISTING AND PROPOSED USES

The existing and proposed uses are similar to the uses which are located in the 8th and Penn Neighborhood Redevelopment Zone. The only residential use permitted in the IL District is a *Work/Live unit* which is defined in the Code as: *"A space within a building that consists of a dwelling unit which is accessory to a nonresidential use and has direct internal access to the nonresidential use."* Residential uses are located to the west of the subject property in the Poehler Building and a multi-dwelling residential development has been approved for the adjacent property to the south. The addition of the *Work/Live Unit* should be compatible with the adjacent uses. The art galleries are also very similar to the retail uses that are located in other buildings in the 8th and Penn Redevelopment Zone and are compatible with the character of this area. The tattoo parlor is a retail use that is classified as a *Personal Improvement* use similar to a beauty shop. The galleries and tattoo parlor are permitted uses in the commercially zoned portion of the 8th and Penn Redevelopment Zone to the west of the subject property.

The rezoning should have a positive impact on the nearby properties as it would prohibit the more intense industrial uses which are permitted in the IG District and would allow a broader mix of uses on the subject property, in keeping with the mixed use nature of the area. In staff's opinion, the uses permitted in the IL District are compatible with the character of the area and should not have a negative impact.

USE RESTRICTIONS

The following uses permitted in the commercial portion of the 8th and Penn Redevelopment Zone were restricted with rezoning of the property to the C-5 District, Ordinance Number 8054:

- Bars [unless 55% of gross receipts are derived from food sales as outlined in 20-509(5)(i)],
- Liquor Store,
- Ambulance Service
- Car or Truck Wash,
- Auto Repair,
- External drive-through ATM or drive-through window [walk-up ATM's are allowed],
- Furriers,
- Pawnshop,
- Mobile Home Sales and Service
- Golf Driving Range,
- Pet Store [animal sales],
- Loan Office [short-term cash advance loans], and
- Convenience Store with gasoline sales.

Uses on this list that are permitted in the IL Zoning, and their current classification, are:

- Liquor Store, *General Retail Sales*
- Ambulance Service, *Public Safety*
- Car or Truck Wash, *Cleaning (Car Wash)*
- Auto Repair, *Light Equipment Repair*
- External drive-through ATM or drive-through window
- Furriers *General Retail Sales and Services*
- Pawnshop, *General Retail Sales*
- Mobile Home Sales and Service, *Heavy Equipment Sales/Rental/Repair*
- Golf Driving Range, Participant Sports and Recreation, outdoor
- Pet Store [animal sales] *General Retail Sales*
- Loan Office [short-term cash advance loans] *Financial, Insurance, and Real Estate Office*
- Convenience Store with gasoline sales, *Gas and Fuel Sales*

The CS portion of the 8th and Penn Neighborhood Redevelopment Zone is in close proximity to a residential neighborhood to the west. Restricted uses were proposed by the neighborhood association and serve primarily to insure compatibility with the nearby residential area. Given the subject property's current industrial zoning and adjacency to other industrial uses, it is staff's opinion that these restrictions are not necessary to insure compatibility with nearby uses. The restricted uses were listed as individual uses in the pre-2006 Development Code but are now contained within larger use groups. For instance the various retail uses: 'liquor store', 'pet store', and 'furrier', would need to be restricted specifically from the retail uses that are permitted in the IL District. Animal Service uses were added with the adoption of the 2006 Development Code, so while 'pet shops' might be restricted the following animal services would be permitted: *Kennel, Livestock Sale, Sales and Grooming*, and *Veterinary*. Restricting 'auto repair' would be placing a restriction on the industrial district to prohibit one of the predominate uses in the area.

The East Lawrence Neighborhood Association has typically opposed the location of short term loan offices in the neighborhood based in part on the demographics of the neighborhood. Staff recommends conditioning the zoning to restrict the *Financial, Insurance, and Real Estate Office* use so that short-term cash advance loans and car title loan offices

are not permitted in order to maintain consistency with rezonings on other portions of East Lawrence.

Due to the inconsistency between the uses listed in the restricting ordinance and the permitted uses listed in the Development Code, and the fact that this is an industrially zoned property in a mixed use, historically industrial district Staff does not recommend applying the restrictions that were applied to the CS portion of the 8th and Penn District to the IL zoned portion with the exception of the 'loan office-short term cash advance loans' use.

Staff Finding – Uses permitted within the IL District are compatible with the nearby industrial, multi-dwelling residential, and commercial uses. Restricting the *Financial, Insurance, and Real Estate Office* use to prohibit short-term loan offices from the area would maintain consistency with the remainder of the 8th and Penn Neighborhood Redevelopment Zone.

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:

"There is much to be gained for the public in attracting business and uses that are cleaner, require less large equipment and machinery and create more foot traffic in the area. The building needs to stay occupied when the demand is there as it is now, and a fully occupied district helps to attract more private and public investment. More investment leads to an improved sense of place, infrastructure upgrades and more money spent in the area, which inevitably, makes for a safer area to be in when it is an area people want to explore.

If the rezoning application is denied, the site will remain unoccupied and the investment the city has made in the WAD will stall their return on investment by handicapping the growth in the neighborhood. It would be understandable if there were speculation as to the type of tenant that would like to lease space in the building, but the tenants have agreed to terms and are waiting to begin operation in the building as soon as the proper city requirements have been met."

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 leave the area open for development of the uses permitted within the IG District which would include the *Intensive Industrial* and *Explosive Storage* uses. The public health, safety, and welfare would benefit from the approval of the IL zoning request by removal of the more intense industrial uses. The IL District would allow additional retail, recreational, and residential uses which are considered to be compatible with light intensity commercial zoning.

Staff Finding – Approval of the rezoning request would benefit the public health, safety, and welfare by removing the potential for high intensity industrial uses on the subject property which is in close proximity to residential uses: the Poehler Building to the west and the proposed 9 Del Lofts to the south. The rezoning would allow a greater mix of uses on the

subject property with the addition of limited residential and retail uses in addition to the industrial uses which are permitted in the IL District.

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. The rezoning request is compliant with recommendations for mixed use development in *Horizon 2020*. Staff recommends approval of the rezoning request for approximately 1.8 acres from IG (General Industrial) 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 subject to the following condition:

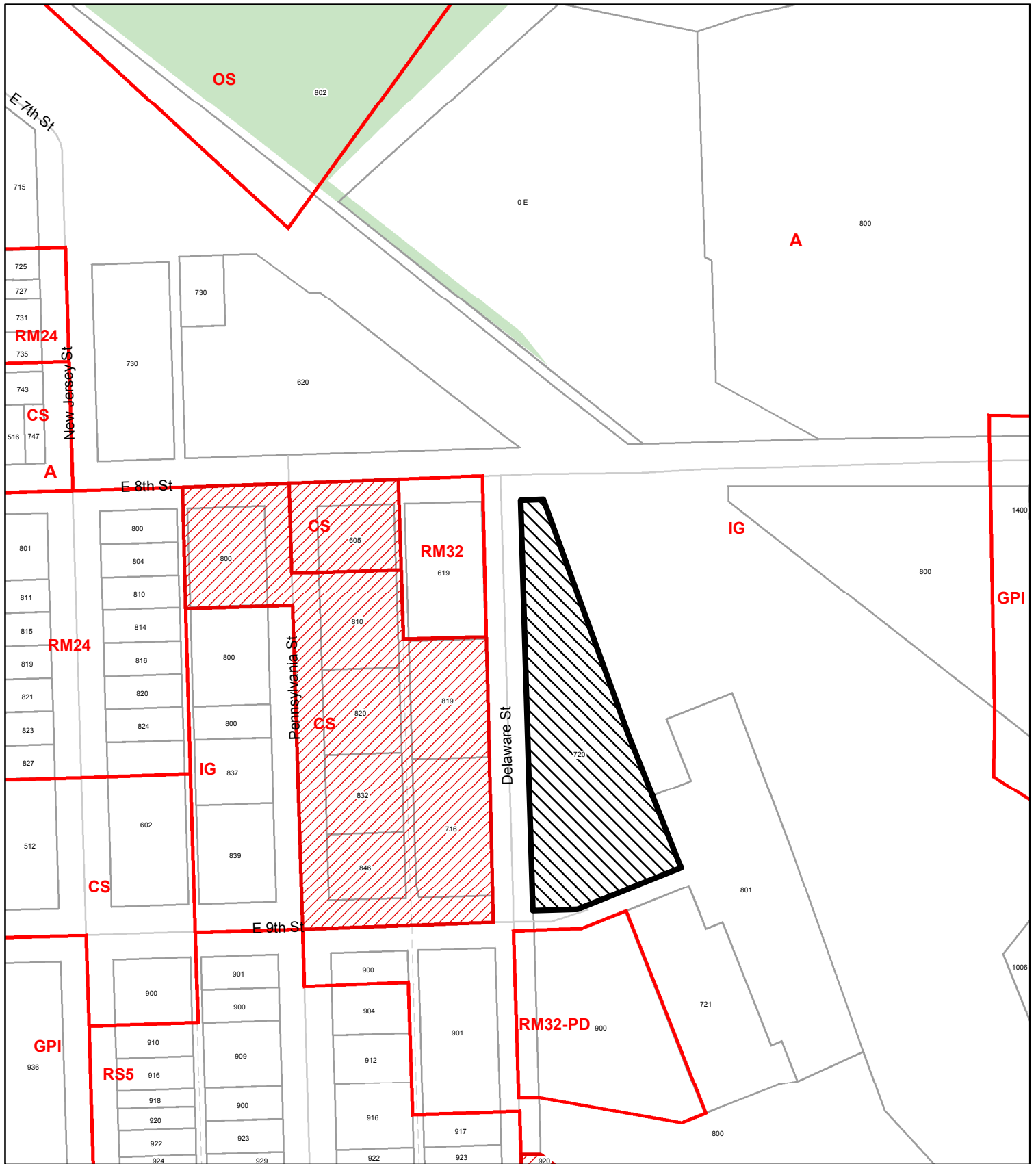
1. The *Financial, Insurance, and Real Estate Offices* use shall be restricted in the District to prohibit the following financial office uses:
 - a. Payday advance or other short term loan businesses defined generally as an establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.
 - b. Car title loan businesses defined generally as an establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

TABLE 1. COMPARISON OF PERMITTED USES: IL and IG

To illustrate the differences between the IL and IG Districts, the uses which are not permitted in both districts are shown in **bold print**. These are evaluated in Table 2.


USE GROUPS	IL	IG
Household Living	Mobile Home	Mobile Home
	Work/Live Unit	
Community Facilities	Cemetery	
	College/University	College/University
	Day Care Center	Day Care Center
	Detention Facilities (SUP)	Detention Facilities (SUP)
	Lodge Fraternal & Civic Assembly	
	Postal & Parcel Service	Postal & Parcel Service
	Public Safety	Public Safety
	Funeral & Interment	
	Temporary Shelter (A/SUP)	Temporary Shelter (SUP)
	Social Service Agency	Social Service Agency
	Community Meal Program (A/SUP)	Community Meal Program (SUP)
	Utilities, Minor	Utilities, Minor
	Utilities, Major (SUP)	Utilities, Major
Medical Facilities	Health Care Office	
Recreational Uses	Active Recreation	Active Recreation (SUP)
	Participant Sports & Recreation (Indoor/Outdoor)	
	Passive Recreation	Passive Recreation
	Nature Preserve/Undeveloped	Nature Preserve/Undeveloped
Religious Assembly	Campus/Community & Neighborhood Institution	
Animal Services	Kennel	Kennel
	Livestock Sale	Livestock Sale
	Sales and Grooming	Sales and Grooming
	Veterinary	Veterinary
Eating & Drinking Est.	Accessory Bar (A)	
	Fast Order Food	
	Fast Order Food/Drive-In	
	Quality Restaurant	
Office	Administrative and Professional	Administrative and Professional
	Financial, Insurance & Real Estate	
	Other	Other
Parking Facilities	Accessory (A)	Accessory (A)
	Commercial	Commercial
Retail Sales & Service	Building Maintenance	Building Maintenance
	Business Equipment	
	Business Support	Business Support

	Construction Sales and Service	Construction Sales and Service
	Food and Beverage	
	Mixed Media Store	
	Personal Convenience	
	Personal Improvement	
	Repair Service, Consumer	
	Retail Sales, General	
Transient Accommodations	Hotel, Motel, Extended Stay	
Vehicle Sales & Services	Cleaning (Car Wash)	Cleaning (Car Wash)
	Fleet Storage	Fleet Storage
	Gas and Fuel Sales	Gas and Fuel Sales
		Truck Stop (SUP)
	Equipment Repair (Light/Heavy)	Equipment Repair (Light/Heavy)
	Inoperable Vehicles Storage	Inoperable Vehicles Storage
	Equipment Sales/Rentals (Light/Heavy)	Equipment Sales/Rentals (Light/Heavy)
	RV and Boat Storage	RV and Boat Storage
Industrial Facilities		Explosive Storage
	Industrial, General	Industrial, General
		Industrial, Intensive
	Laundry Service	Laundry Service
	Mfg & Production, Ltd.	Mfg & Production, Ltd.
	Mfg & Production, Tech.	Mfg & Production, Tech.
	Research Service	Research Service
	Scrap and Salvage (SUP)	Scrap and Salvage (SUP)
Wholesale Storage & Distribution	Exterior Storage (A)	Exterior Storage (A)
	Heavy (SUP)	Heavy
	Light	Light
	Mini-Warehouse	Mini-Warehouse
Agriculture	Agricultural Sales	Agricultural Sales
	Agriculture, Crop	Agriculture, Crop
Communications Facilities	Amateur & Receive-only Antennas (A)	Amateur & Receive-only Antennas (A)
	Broadcasting Tower	Broadcasting Tower
	Communications Service Establishment	Communications Service Establishment
	Telecommunications Antenna (A)	Telecommunications Antenna (A)
	Telecommunications Tower (SUP)	Telecommunications Tower (SUP)
	Satellite Dish (A)	Satellite Dish (A)
Mining		Mining (SUP)
Recycling Facilities	Large Collection	Large Collection
	Small Collection	Small Collection
	Processing (SUP)	Processing



**Z-14-00263: Rezone 1.88 acres from IG District to IL District
Located at 720 E 9th Street**

Lawrence-Douglas County Planning Office
August 2014

 Subject Property



East Lawrence Neighborhood Association

P.O. Box 442393
Lawrence, KS 66044
eastlawrence@yahoo.com



August 25, 2014

Lawrence Planning Commission
Lawrence Planning Department
6 E. 6th Street
Lawrence, KS 66044

Re: Proposed rezoning of 720 E. 9th Street

To the Lawrence Planning Department and Planning Commission members,

The East Lawrence Neighborhood Association would like to show our support for the rezoning of 720 E. 9th Street from General Industrial to Light Industrial. This down zoning matches current use and serves to protect the environs from incongruent heavy industrial commercial use.

We would also like to request that certain uses be prohibited with this new zoning in order to safeguard the people and community that exists within our boundaries. Specifically, we would like to prohibit the use of bars, taverns, night clubs, fast-food drive thrus, payday and car title loan shops within this Light Industrial zoning.

Sincerely,

East Lawrence Neighborhood Association

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Mary Miller, Planner

Date: For August 25, 2014 meeting

**RE: MISC NO. 1; VARIANCE ASSOCIATED WITH SHANK HILL ADDITION NO. 2
MINOR SUBDIVISION, 1016 AND 1020 E 1292 RD(MKM)**

Variance request from the minimum lot width requirement with minor subdivisions in the unincorporated portion of Douglas County. The variance is associated with Shank Hill Addition No. 2, a two lot Minor Subdivision for property located at 1016 and 1020 E 1292 Road (MS-14-00361).

Attachment A: Minor Subdivision, MS-14-00361.

The Minor Subdivision referenced above is currently under administrative review; however, Planning Commission approval is required for variances from the Subdivision Design Standards. A copy of the Minor Subdivision is being provided with this memo for context; however, no action is required on the Minor Subdivision.

The Subdivision Design Standards require that lots be designed and laid out in compliance with all applicable zoning district regulations. (Section 20-810(a)(2)(i); [11-110(a)(2)(i), County Code]) Proposed Lot 1 of the Shank Hill Addition No 2 will have less than the required 225 ft 90% Minimum Lot Width for properties on local roads in the A-1 Zoning District.

The applicant requested a variance from this requirement. A discussion of the requested variance follows with an evaluation with the approval criteria outlined in Section 20-813(g) [11-113(g), County Code].

VARIANCE REQUESTED: From Section 20-810(a)(2)(i) [11-110(a)(2)(i) County Code], to allow a Minor Subdivision lot line reconfiguration resulting in a lot that does not comply with all applicable zoning district regulations (specifically, the 90% Minimum Parcel Width requirement provided in Section 12-318 of the County Zoning Regulations).

The subject property was platted as Lots 4 and 5 of Shank Hill Addition in 1970. The owner of the western lot, Lot 5, had his property surveyed and discovered that the garage had been constructed over the property line. A Minor Subdivision was submitted to reconfigure the interior lot lines so the garage would be located on the west lot, with the required 10 ft side yard setback. Figure 1 shows the garage encroachment onto the east lot and the proposed lot line reconfiguration.

Two issues were identified with the preliminary review of the Minor Subdivision:

- 1) The area of the eastern lot, Lot 4, does not comply with the Douglas County Sanitary Code. The Douglas County Health Official determined that the lot can be replatted, as long as the area is not reduced.
- 2) The lots were compliant with the regulations in place when they were platted in 1970, but are now nonconforming as some lot dimensions do not comply with the current standards of the A-1 (County-Suburban Home) Zoning District. (Table 1)

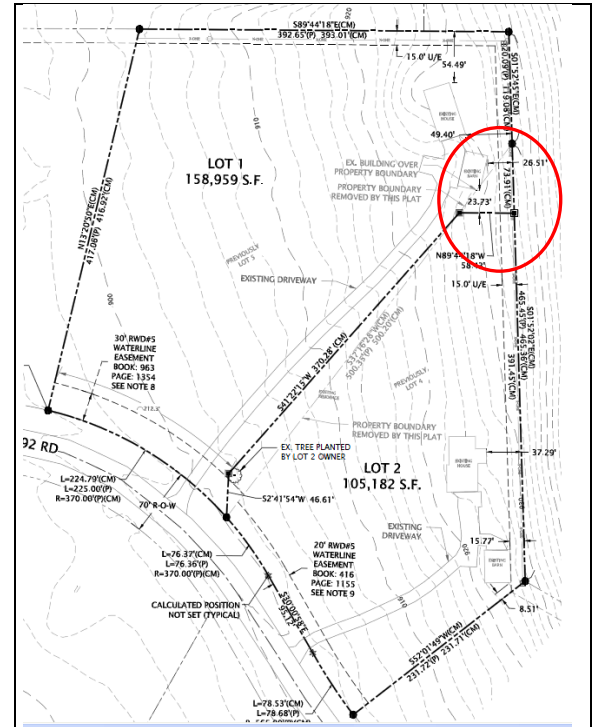


Figure 1. Minor Subdivision exhibit showing proposed and existing lot lines and existing structures.

A nonconforming lot is a lot that was created by deed or subdivision or other lawful means that was established in compliance with regulations in place at the time, but that no longer complies with the regulations. In this case the nonconformity was created by amendments to the Zoning Regulations. A nonconforming lot can continue to be used but the nonconformity cannot be increased. Any increase in the nonconformity or any other reduction below required minimums requires approval of a variance from the Planning Commission.

	Minimum Requirement	Current Dimensions (approximate)	Proposed Dimensions (approximate)
LOT 4 (Proposed Lot 2)			
AREA	3 acres	<u>2.3 acres</u>	2.4 acres
WIDTH AT ROAD	250 ft	<u>248 ft</u>	250 ft
95% MINIMUM LOT WIDTH	225 ft	256 ft	260 ft
LOT 5 (Proposed Lot 1)			
AREA	3 acres	3.7 acres	3.6 acres
WIDTH AT ROAD	250 ft	<u>225 ft</u>	<u>225 ft</u>
95% MINIMUM LOT WIDTH	225 ft	230 ft	<u>212 ft</u>

Table 1. Dimensions of current and proposed lots. Legally nonconforming dimensions are underlined and shown in red. The proposed 95% Minimum Lot Width for proposed Lot 1, highlighted, is below the current requirement. As this change is occurring with this plat, a variance from the Planning Commission is necessary.

A challenge with this Minor Subdivision is to provide an exchange of land area so that the garage is located on the west lot with the required 10 ft setback and the area of the eastern lot is not reduced.

Criteria 1.

Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

The lot reconfiguration is seeking to resolve the encroachment of the garage over the property line and provide the required side yard setback, without reducing the area of the eastern lot (proposed Lot 2). It is necessary to 'swap' land from one lot to the other to maintain or increase the area of proposed Lot 2, to comply with the Sanitary Code.

The applicant proposes to exchange a portion of land near the road frontage. He explained that the neighboring property owner planted an apple tree in this location a few years ago, thinking it was on his property. This proposed reconfiguration of the lot line places the exchanged area close to the road frontage where the lot is narrower and results in the noncompliant lot width.

The land exchange could occur further to the rear of the lot, where the lot widens, without reducing the minimum lot width below the 95% minimum. The applicant indicated this would not be a satisfactory location as the additional land would be separated from the lot by the tree row along the existing lot line (Figure 2). Strict applications of the regulations would require that the neighbor accept a less satisfactory land swap or that the garage be removed.

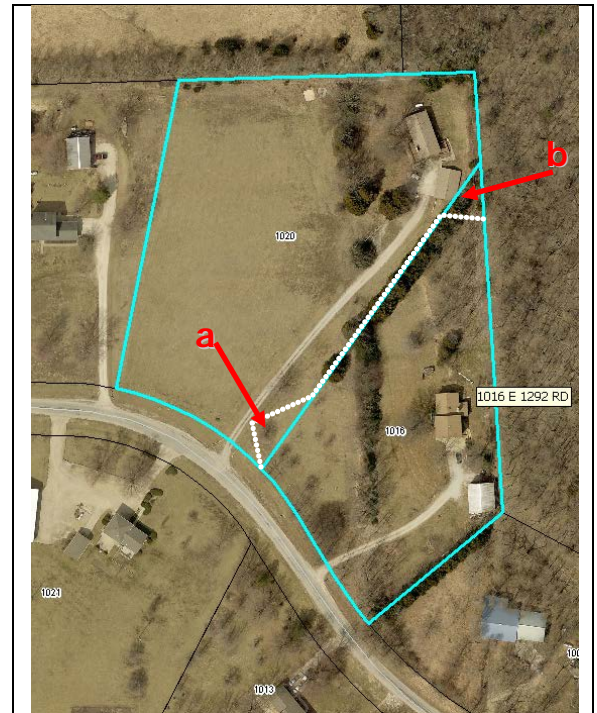


Figure 2. Subject properties and the location of the garage encroachment (a) and tree (b). Proposed lot line dashed (approximate).

Staff Finding:

Strict application of the regulations would require the creation of a lot which maintained the 95% minimum lot width requirement of 225 ft. Providing the 95% minimum lot width is possible, but would be an unnecessary hardship in that the land being exchanged would be of less value to the neighbor or, if the land exchange were not possible, would require the demolition of the garage.

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

The Subdivision Regulations are intended to ensure that the division of land will serve the public interest and general welfare by providing for the harmonious and orderly development of land, contributing to conditions conducive to health, safety, aesthetics, convenience, prosperity and efficiency, and providing for the conservation of human and natural resources.

Staff Finding:

The variance will allow a land swap necessary for a reconfiguration of lot lines so that the garage does not encroach over the lot lines. This will result in a 95% minimum lot width of approximately 212 ft rather than the 225 ft required by the County Zoning Regulations for properties fronting on local roads. This minor variation is in harmony with the purpose of the Subdivision Regulations.

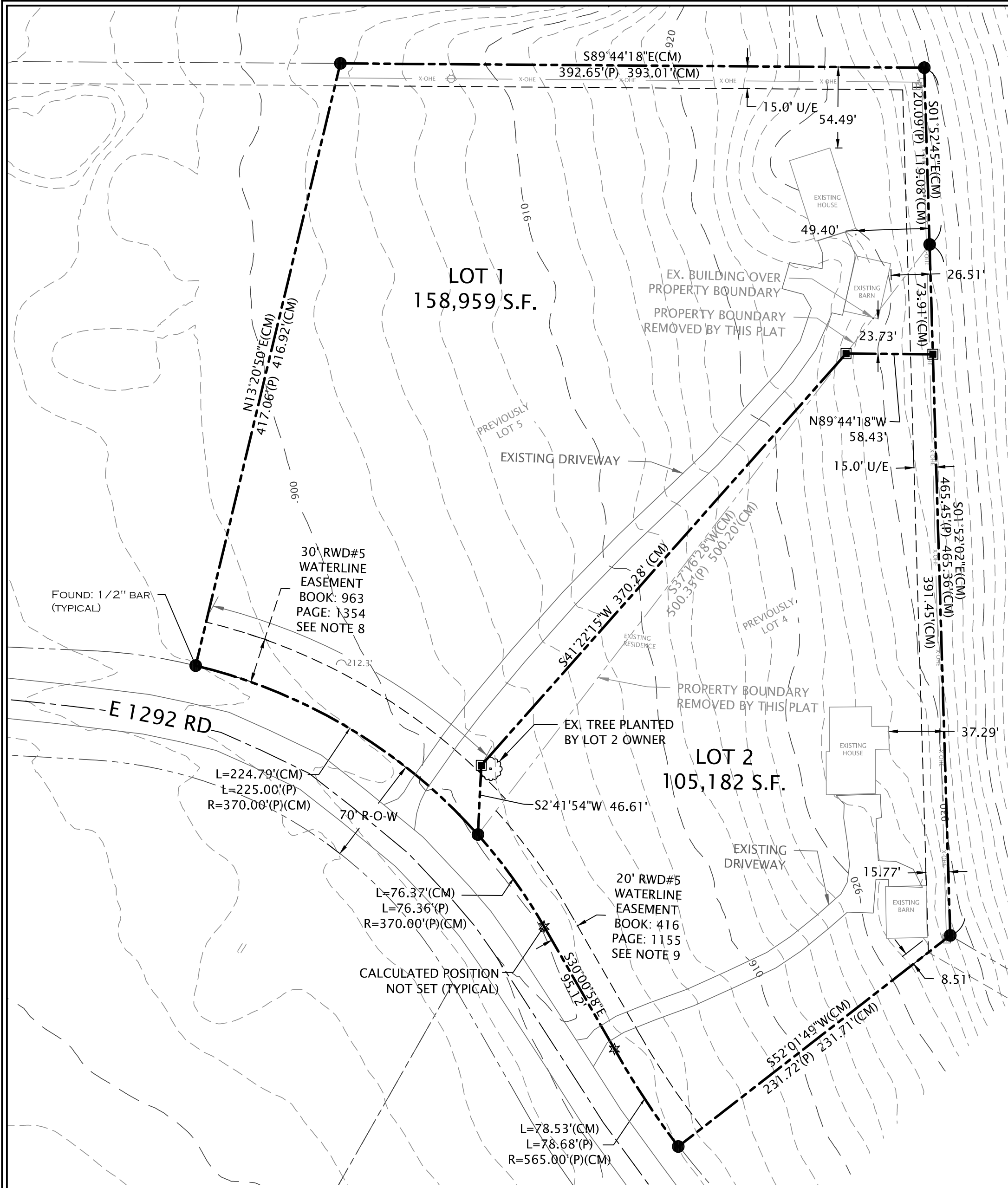
Criteria 3: The public health, safety, and welfare will be protected.

Staff Finding:

The reduction of the 95% Minimum Lot Width for proposed Lot 1 from 225 ft to approximately 212 ft in the small area proposed for the land exchange should have no negative impact on the public health, safety, or welfare.

STAFF RECOMMENDATION: Staff recommends approval of the variance requested from Section 20-810(a)(2)(i) of the Subdivision Regulations [Section 11-110(a)(2)(i) of the County Code] to allow a land division through Minor Subdivision MS-14-00361 with Lot 1 having a 95% minimum lot width of approximately 212 ft rather than the 225 ft required by Code subject to the following condition:

1. The following note shall be added to the Minor Subdivision:
 - a. *"At their August 25, 2014 meeting, the Planning Commission approved a variance from Section 20-810(a)(2)(i) of the Subdivision Regulations to allow a 95% minimum lot width of approximately 212 ft for Lot 1."*



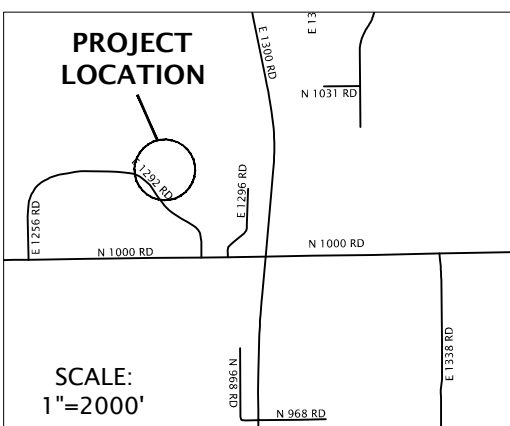
SURVEYOR'S CERTIFICATION

I hereby certify that the platted area shown hereon is the true and accurate result of a field survey performed under my direct supervision in August, 2014, and that the plat is a closed traverse. This Minor Subdivision/Replat conforms to the Kansas Minimum Standards for Boundary Surveys.

ENGINEER'S CERTIFICATION

I hereby certify that the information and area map shown hereon are true and accurate to the best of my knowledge. Plat prepared August, 2014.

LOCATION MAP



COMMUNITY FEATURES WITHIN A MILE:
DOUGLAS COUNTY WELLS OVERLOOK PARK

LEGAL DESCRIPTION

LOT 4 AND LOT 5, SHANK HILL, A SUBDIVISION IN LAWRENCE, DOUGLAS COUNTY, KANSAS.

NOTES

1. Basis of Bearings for this Minor Subdivision is the East property line of Lots 4, Shank Hill (S01°52'02"E)(Assumed).
2. This Minor Subdivision is a replat of a Lot 4 & 5, SHANK HILL, a subdivision all in the Lawrence, Douglas County, Kansas. Further division or consolidation of any lots contained in this Minor Subdivision is prohibited, and shall be processed as a Major Subdivision, unless the action meets the exception noted in Section 20-808(c)(5)(i).
3. Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2006 & 2009. Specific topographic and boundary information for property & directly adjacent obtained from field survey provided by All Points Surveying, August 2014.
4. Typical Soil Types: Vm - Vinland-Martin Complex & Mc-Martin Silty Clay Loam
5. The property within this Minor Subdivision/Replat is zoned Douglas County A-1. All new construction shall conform to the setback regulations of the A-1 zoned district as defined by the Douglas County Zoning Code.
6. The lots will be pinned prior to recordation of the Minor Subdivision/Replat at the Register of Deeds Office (per Section 20-811(k)).
7. No portion of this property is located within a designated "Special Flood Hazard Area" per FEMA Map Number: 20045C0169D, Map Revised: August 5, 2010.
8. A Right-of-Way Easement not to exceed 30 feet in width is held by Rural Water District #5, Douglas County for existing Lot 5 and recorded at the Douglas County Register of Deeds Book 963, Page 1354, with said easement being 15 feet either side of a pipeline constructed for the transmission of water. While the water line is adjacent to the existing roadway, the exact location of existing water line(s) is not known and thus easement location might vary slightly from location shown on this document.
9. A Right-of-Way Easement not to exceed 20 feet in width is held by Rural Water District #5, Douglas County for existing Lot 4 and recorded at the Douglas County Register of Deeds Book 416, Page 1155, with said easement being 10 feet either side of a pipeline constructed for the transmission of water. While the water line is adjacent to the existing roadway, the exact location of existing water line(s) is not known and thus easement location might vary slightly from location shown on this document.
10. Existing topography and improvements, and proposed improvements shown for review purposes only. Topography contours and improvements will be removed from final documents.
11. On August 25, 2014 the following variances/waivers were approved by the Lawrence/Douglas County Planning Commission: (PENDING)
 - a. from Section 12-318 "Height, Area and Bulk Requirements Table to allow for "Lot Width" to be less than 90% of Min. Lot/Parcel Width or 225 Feet. 220 Feet is requested;

REFERENCED DOCUMENTS

1. A final plat of SHANK HILL, recorded with the Douglas County Register of Deeds in Book 11, Page 24, on September 21, 1970.

FILING RECORD

State of Kansas
County of Douglas
This is to certify that this instrument was filed for record in the office of the Douglas County Register of Deeds on this ____ day of _____, 2014, and is duly recorded at ____ AM/PM, in plat book ____ page ____.

Register of Deeds
Kay Pesnell

ENDORSEMENTS

Approved as a Minor Subdivision under the Subdivision Regulations of the City of Lawrence & the Unincorporated area of Douglas County.

Reviewed in accordance with K.S.A. 58-2005

Planning Director Date
Scott McCullough

Michael D. Kelly, P.S. #869 Date
Douglas County Surveyor

Variance Approved by Lawrence-Douglas County Planning Commission
Douglas County, Kansas

Bruce Liese Date
Chair

DEDICATION

Be it known to all men that I (we), the undersigned owner(s) of the above described tract of land, have had cause for the same to be surveyed and platted as a Minor Subdivision under the name of "SHANK HILL ADDITION NO. 2" and have caused the same to be subdivided into lot(s) as shown and fully defined on this plat.

Wilton D. Miller
1020 E. 1292 Road
Lawrence, Kansas 66047

Steven R. Hicks Donna J. Hicks
1016 E. 1292 Road 1016 E. 1292 Road
Lawrence, Kansas 66047 Lawrence, Kansas 66047

ACKNOWLEDGEMENT

State of Kansas
County of Douglas

Be it remembered that on this ____ day of _____, 2014, before me, the undersigned, a notary public, in and for said county and state, came Wilton D. Miller who is (are) personally known to me to be the same person(s) who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

In witness whereof, I have hereunto set my hand and affixed my seal on the day and year last written above.

Notary Public My commission expires

ACKNOWLEDGEMENT

State of Kansas
County of Douglas

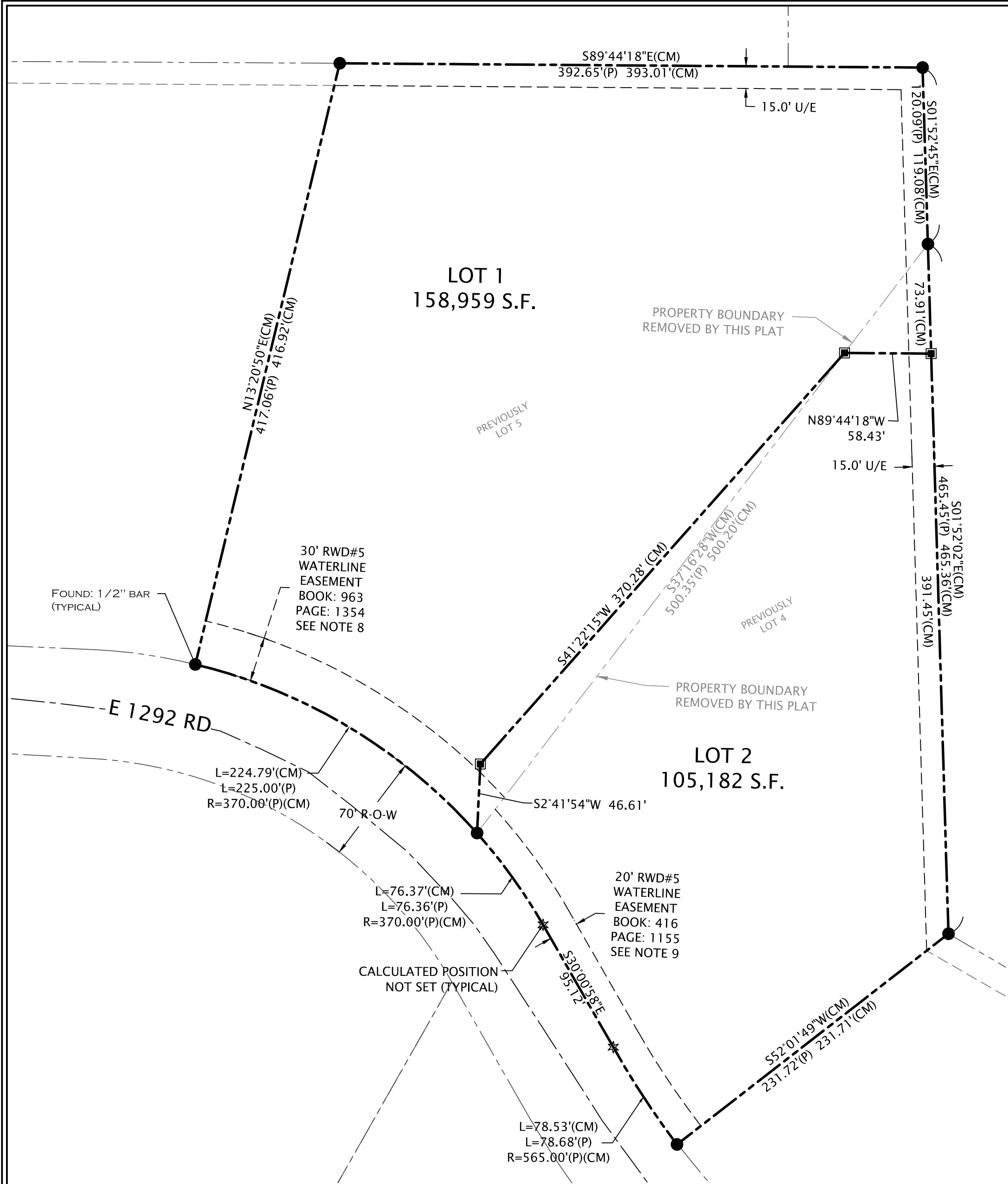
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SHANK HILL ADDITION NO. 2
A MINOR SUBDIVISION/REPLAT OF
LOTS 4 & 5, SHANK HILL,
a subdivision in the SE¼ of Section 26, Township
13 S, Range 19 E, in Douglas County, Kansas

Prepared August 8, 2014



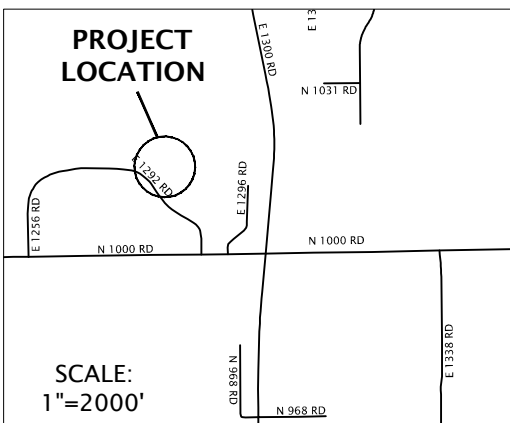
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LOCATION MAP



COMMUNITY FEATURES WITHIN A MILE:
DOUGLAS COUNTY WELLS OVERLOOK PARK

LEGEND

- ROW RIGHT-OF-WAY
- C/L CENTERLINE
- D/E DRAINAGE EASEMENT
- U/E UTILITY EASEMENT
- (P) PLATTED
- (M) MEASURED
- (CM) CALCULATED FROM MEASUREMENTS
- FOUND 3/4" BAR ORIGIN UNKNOWN
- SET 1/2" x 24" REBAR W/CAP "APS 1391"
- ☆ CALCULATED POINT NO PIN SET

LEGAL DESCRIPTION

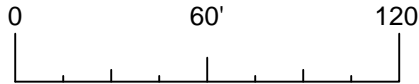
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4. Typical Soil Types: Vm - Vinland-Martin Complex & Mc-Martin Silty Clay Loam
5. The property within this Minor Subdivision/Replat is zoned Douglas County A-1. All new construction shall conform to the setback regulations of the A-1 zoned district as defined by the Douglas County Zoning Code.
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SCALE: 1 inch = 60 feet



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County of Douglas
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