



Updated:

8/22/16 @ 12:00pm

Added Draft July 25, 2016 Planning Commission minutes

8/17/16 @ 2:30pm

The following will be added when available:

Draft July 25, 2016 Planning Commission minutes

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
AUGUST 22 ~~& 24~~, 2016 6:30PM - 10:30PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of July 25, 2016.

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 22, 2016) MEETING

PUBLIC HEARING ITEMS:

ITEM NO. 1 RM12D TO RM12; 4.81 ACRES; STEEPLE CHASE CT & RENAISSANCE DR (SLD)

Z-16-00259: Consider a request to rezone approximately 4.81 acres from RM12D (Multi-Dwelling Residential) District and RM12 (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 6304, 6305, 6310, 6311, 6316, & 6317 Steeple Chase Court and 905, 911, 917, 923, 929, & 935 Renaissance Drive. Submitted by Wallace Engineering on behalf of NKR Properties LLC and Langston Heights Development LLC, property owners of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 2A PRELIMINARY PLAT FOR JOHNSTON ADDITION; 706 E 23RD ST (MKM)

PP-16-00261: Consider a Preliminary Plat for Johnston Addition, a one lot commercial subdivision containing approximately 1.5 acres, located at 706 E 23rd St. Submitted by Johnston Investments Company, LLC, for Lawrence Brothers, LLC, property owner of record.

RESUME PUBLIC HEARING:

ITEM NO. 2B SPECIAL USE PERMIT; MICROBREWERY; 706 E 23RD ST (MKM)

SUP-16-00262: Consider a Special Use Permit for a *Manufacturing and Production, Limited* use to accommodate a microbrewery, located at 706 E 23rd St. Submitted by Johnston Investments Company, LLC, for Lawrence Brothers, LLC, property owner of record.

ITEM NO. 3 TEXT AMENDMENT TO DEVELOPMENT CODE; PUBLIC NOTICE PROCEDURES

TA-16-00180: Text Amendment to the City of Lawrence Land Development Code, Article 13, regarding Public Notice Procedures.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

July 2016						
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 2016						
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 2016						
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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2016
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM <i>** alternate day/time</i>	Mid-Month Topics	Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 13	Article 9 text amendments - Parking	Jan 25	Jan 27
<i>Feb 18 ** Thursday 6:00 PM meeting</i>	<i>Joint meeting with HRC – Oread Design Guidelines</i>	Feb 22	Feb 24
<i>Mar 9 ** Wednesday 5:30 PM meeting</i>	<i>Joint meeting with Sustainability Advisory Board [Meeting Room C – Lawrence Public Library – 707 Vermont Street]</i>	Mar 21	Mar 23
Apr 13	Retail Market Study	Apr 25	Apr 27
May 11	APA Conference recap & Nonconformities 101	May 23	May 25
Jun 8	<i>Cancelled</i>	Jun 20	Jun 22
Jul 13	Future Growth Factors	Jul 25	Jul 27
Aug 10	Future Growth Factors – <i>discussion continues</i>	Aug 22	Aug 24
<i>Sep 28 **</i>	<i>PC Orientation – all day</i>	Sep 26	Sep 28
Oct 12	<i>TBD</i>	Oct 24	Oct 26
Nov 2	<i>TBD</i>	Nov 14	Nov 16
Nov 30	<i>TBD</i>	Dec 12	Dec 14
	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>Water Resources</i>	<i>Communication Towers – Stealth Design, # of co-locations, notice area</i> <i>WiFi Connectivity & Infrastructure Planning</i> <i>Oread Overlay Districts & Design Guidelines</i> <i>Comprehensive Plan – Goals & Policies</i> <i>Affordable Housing</i> <i>Retail Market Impacts</i> <i>Case Studies</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			

2016 PLANNING COMMISSION ATTENDANCE

	Jan 25 2016	Feb 22 2016	Mar 21 2016	April 25 2016	May 23 2016	June 20 2016	July 25 2016	Aug 22 2016				
Britton	Yes	Yes	Yes	Yes	Yes	Yes	Yes					
Butler	Yes	Yes	Yes	Yes		Yes	Yes					
Carpenter	Yes	Yes	Yes	Yes	Yes	Yes	Yes					
Culver	No	Yes	Yes	Yes	Yes	Yes	Yes					
Denney	Yes	Yes										
Harrod						Yes	Yes					
Kelly	Yes	Yes	Yes	Yes	Yes	Yes	Yes					
Liese	Yes	Yes	No	Yes	Yes							
Sands	Yes	Yes	Yes	Yes	Yes	No	Yes					
Struckhoff	Yes	Yes	Yes	Yes	Yes	Yes	Yes					
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes					
Willey						Yes	Yes					

2016 MID-MONTH ATTENDANCE

	Jan 13 2016	Feb 18 2016	Mar 9 2016	April 13 2016	May 11 2016	June 8 2016	July 13 2016	Aug 10 2016	Sept 14 2016	Oct 12 2016	Nov 2 2016	Nov 30 2016
Britton	Yes	Yes	Yes	Yes	Yes	-	No	No				
Butler	No	No	Yes	No	No	-	No	No				
Carpenter	Yes	Yes	Yes	Yes	Yes	-	No	Yes				
Culver	Yes	Yes	Yes	Yes	Yes	-	No	No				
Denney	Yes	Yes										
Harrod						-	No	No				
Kelly	Yes	Yes	Yes	Yes	No	-	Yes	Yes				
Liese	No	No	No	No	Yes							
Sands	No	Yes	No	No	Yes	-	Yes	Yes				
Struckhoff	Yes	No	No	Yes	Yes	-	Yes	Yes				
von Achen	Yes	Yes	Yes	Yes	Yes	-	Yes	Yes				
Willey						-	Yes	Yes				



PLANNING COMMISSION MEETING
July 25, 2016
Meeting Action Summary

July 25, 2016 – 6:30 p.m.

Commissioners present: Britton, Butler, Carpenter, Culver, Harrod, Kelly, Sands, Struckhoff, von Achen, Willey

Staff present: McCullough, Stogsdill, Crick, Day, Kidney, Pepper, M. Miller, Ewert

GENERAL BUSINESS

Introduction of new Planning Commissioners Lynn Harrod & Karen Willey.

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary minutes from the Planning Commission meeting of June 20, 2016.

Motioned by Commissioner Culver, seconded by Commissioner Harrod, to approve the June 20, 2016 Planning Commission minutes.

Unanimously approved 10-0.

COMMITTEE REPORTS

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

Commissioner Culver said the Metropolitan Planning Organization met July 5th and July 21st. He said they reviewed and approved the 2015-2019 Transportation Improvement Program #5. He said they also reviewed and approved the 2016 Coordinated Public Transit-Human Service Transportation Plan.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Receive written communications from staff, Planning Commissioners, or other commissioners.
- No ex parte.
- Abstentions:
Commissioner Kelly said he would abstain from item 2 since the applicant, USD 247 Lawrence Public Schools, was his employer.
Commissioner Harrod said he would abstain from item 2 due to the applicant, USD 247 Lawrence Public Schools, being his former employer when the item started.

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ITEM NO. 1 CAPITAL IMPROVEMENT PLAN

Review projects proposed for inclusion in the 2017 – 2021 Capital Improvement Plan.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen asked what KLINK was.

Mr. McCullough said it was transportation funding from the Kansas Department of Transportation.

Commissioner Carpenter asked about the location of the collection system field operations building.

Mr. McCullough said a future project would have a process and may not have zoning entitlements yet.

Mr. Bryan Kidney, Director of Finance, said it would be based on where the development would be located.

Commissioner Carpenter asked if it didn't specify a location because it was on the wish list.

Mr. Kidney said that was correct.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to make a finding that the projects presented in the 2017 - 2021 CIP Recommended Projects List are in conformance with the City's comprehensive plan and forward a recommendation to the City Commission for approval.

Unanimously approved 10-0.

PC Minutes 7/25/16

ITEM NO. 2 GPI TO IG; 7.7 ACRES; 711 E 23RD ST (MKM)

USD 497 Vehicle Storage: **Z-16-00147**: Consider a request to rezone approximately 7.7 acres located at 711 E 23rd St from GPI (General Public and Institutional Use) District to IG (General Industrial) District. Submitted by Lawrence Public Schools USD #497 and BG Consultants, Inc. on behalf of Douglas County, property owner of record. *Deferred by Planning Commission on 6/20/16.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants, addressed concerns that were included in communications from the public. He said this new site would be similar to the existing site.

PUBLIC HEARING

Ms. Marsha Heeb, 2134 Learnard Ave, wondered if the traffic impact study really addressed traffic during peak times. She expressed concern about 160 busses every hour to an already busy segment of 23rd Street. She felt a better location could be found.

Mr. Kerry Altenbernd expressed concern about increased traffic. He felt a traffic light should be added during the times the busses would be coming and going. He did not feel it was addressed properly in the traffic impact study.

COMMISSION DISCUSSION

Commissioner Struckhoff thanked staff for their work on this.

Commissioner Sands asked if Planning Commission would be making a decision on whether to rezone and put a condition on the method of exit.

Mr. McCullough said a condition like that would happen during the site planning stage.

Commissioner von Achen inquired about the turning distance and clarification on the number of busses.

Mr. Hamby said it would be 80 vehicles in and 80 vehicles out and they wouldn't all be at the same time. He said all of the backup would take place on their property or perimeter road. He showed a picture on the overhead of the turning movement.

Commissioner Sands said some of the public comments referred to alternate sites.

Mr. Hamby said he could not speak to that.

Mr. Ron May, Lawrence Public Schools, said he had been working with First Student and that they would absorb the cost through their contract. He said the school district wasn't shopping around to move the busses, it was just an opportunity that came up.

Commissioner Willey asked if personal vehicles would be restricted to right turns only.

Complete audio & video from this meeting can be found online:
<http://www.lawrenceks.org/boards/planning-commission/agendas>

Mr. Hamby said passenger vehicles would not be restricted to turning movements.

Commissioner Carpenter inquired about busses routing through the Barker Neighborhood.

Mr. Wayne Zachary, First Student, said currently the busses were located on 23rd Street to the north near Harper. He said there would be some busses potentially using Learnard.

Commissioner Carpenter asked if there was a difference between long and short busses.

Mr. Zachary said he would not want the large busses trying to maneuver the turn onto the frontage road. He said Learnard Avenue would not be used as a main avenue for returning routes.

Commissioner von Achen asked if there was a need for a stoplight there.

Mr. Hamby said he did not think it was a valid option or would be permitted by City Public Works.

Commissioner Struckhoff said he felt better about learning of the policy of right out and right in. He said his concern was for the south end of Learnard Avenue being used as egress and ingress. He was interested in knowing how many busses would come from the east that might require a left turn from 23rd Street into the site.

Mr. Hamby said only short busses and that it would be infrequent.

Commissioner Britton asked if restricting the busses to right in and right out would come during the site planning stage.

Mr. McCullough said that was correct. He said uses with zoning could change over time. He said part of the site plan review was looking at the traffic impact study by the traffic engineer.

Commissioner Britton asked if staff would not recommend for Planning Commission to see the site plan.

Mr. McCullough said he did not feel it rose to that occasion. He said it was a large site and anything on that site would need to use the existing network of streets.

Commissioner Britton inquired about busses coming from Learnard to the frontage road.

Mr. Zachary said he would not recommend that for the large busses. He said there was a left turn lane there that they could potentially use. He said his preference was to not have busses making a left turn across more than one lane of traffic, when possible.

Commissioner Sands asked if the existing traffic impact study would be used for the site plan.

Mr. McCullough said it would depend on the final site project.

Commissioner Sands said the opening of the South Lawrence Trafficway would relieve some of the congestion on 23rd Street.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Butler, to approve the rezoning request, Z-16-00147, for approximately 7.7 acres from GPI (General Public and Institutional Uses) District to IG (General 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, including direction to staff to scrutinize and mitigate traffic impacts to Learnard Ave and other residential streets at a high level during the site plan process.

Commissioner Britton said he would support the motion. He felt safety concerns would be continuously looked at during the site planning process by staff. He said there would never be a perfect spot for it but that this site would be a better location than the current one. He felt the right-in, right-out should be the preference for the site.

Commissioner Carpenter wanted busses kept off Learnard Ave.

Commissioner Willey said she would support the motion. She said there were good elements to the site but would put more pressure on commuters using the frontage road. She was in favor of the right-in, right out.

Commissioner von Achen thanked the applicant for the traffic impact study. She urged staff to try to keep the right-in, right-out condition.

Motion carried 8-0-2, with Commissioners Harrod and Kelly abstaining.

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ITEM NO. 3 IBP TO IL; 2.11 ACRES; 1300 RESEARCH PARK DR (BJP)

Z-16-00215: Consider a request to rezone approximately 2.11 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1300 Research Park Drive, Lot 3, Block 3. Submitted by Wallace Engineering, for Lydia L. Neu and Robert M. Neu, property owners of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Mr. Tim Herndon, Wallace Engineering, said he reached out to property owners in the area and informed them of the proposal. He agreed with the staff report.

PUBLIC HEARING

Mr. Tiraz Birdie, Lawrence Montessori School, expressed concern regarding decreased property values. He said he would feel better if he knew what the design/layout would look like. He said he supported the rezoning in general.

Mr. Max Bruce, 4911 Legends Drive, said he did not have an issue with the rezoning or with the property owner, but was concerned about increased water flow coming down hill. He stated that development at the site would increase water drainage.

APPLICANT CLOSING COMMENTS

Mr. Herndon said Oread West had restrictive covenants associated with the plat as well as the Industrial Design Guidelines for site development. He showed a concept sketch on the overhead. He said the site plan would include notice to property owners within 200' of the site. He said the City Stormwater Engineer would be onsite tomorrow. He offered to meet later with the neighbors as the project developed.

COMMISSION DISCUSSION

Commissioner Carpenter inquired about the restrictive covenants on the property.

Mr. Herndon said the covenants limited certain uses in the way things were stored or displayed on the property. He said the covenants were more about the building materials used.

Commissioner Carpenter asked if the covenants were more design than land use.

Mr. Herndon said that was correct.

Commissioner Carpenter expressed concern about conditional zoning and notice to future property owners. He was concerned that if a Court determined in the future that conditional zoning was invalid and if determined so, then there would be IL in the middle of IBP with all uses available to this property.

Mr. Herndon said he understood Commissioner Carpenter's concerns. He was reluctant to commit his client to do something that was in excess of what the laws and statutes required for this project. He

felt it would be unfair. He said he would be reluctant to place a deed restriction that would state what the ordinance already stated for the property. He felt it would be redundant and supercilious.

Commissioner Kelly asked staff to talk about the conditional zoning.

Mr. McCullough said conditional zoning was a great tool to create compatibility for projects. He said it was the City's position that conditional zoning was a legal method.

Commissioner Britton asked if nearby neighborhoods had restrictive covenants.

Mr. McCullough said he was unsure since covenants were private.

Mr. Herndon said he did not know of any other properties that have been awarded conditional zoning. He said the area was mostly zoned IBP. He said every property within Research Park was subject to the same general covenants.

Commissioner Carpenter asked if this property would be the only property in Research Park zoned IL.

Mr. Herndon said yes.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Sands, to approve the request to rezone approximately 2.11 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, with use restrictions, 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. Permitted uses are limited to those listed below:
 - a. *Work/Live Unit*
 - b. *Cemetery*
 - c. *College/University*
 - d. *Day Care Center*
 - e. *Event Center, Small*
 - f. *Event Center, Large*
 - g. *Postal & Parcel Service*
 - h. *Public Safety*
 - i. *Funeral and Interment*
 - j. *Social Service Agency*
 - k. *Health Care Office, Health Care Clinic*
 - l. *Active Recreation*
 - m. *Participant Sports & Recreation, Indoor*
 - n. *Participant Sports & Recreation, Outdoor*
 - o. *Passive Recreation*
 - p. *Nature Preserve/Undeveloped*
 - q. *Kennel*, provided that the use be accessory to the *Veterinary* use
 - r. *Veterinary*
 - s. *Restaurant, Quality*

- t. *Administrative and Professional*
- u. *Financial, Insurance & Real Estate*
- v. *Payday Advance, Car Title Loan Business*
- w. *Office, Other*
- x. *Parking Facility, Commercial*
- y. *Building Maintenance*
- z. *Business Equipment*
- aa. *Business Support*
- bb. *Construction Sales and Service*
- cc. *Maker Space, Limited*
- dd. *Maker Space, Intensive*
- ee. *Manufacturing & Production, Ltd.*
- ff. *Manufacturing & Production, Tech.*
- gg. *Research Service*
- hh. *Wholesale Storage & Distribution, Light*
- ii. *Agriculture, Crop*
- jj. *Broadcasting Tower*
- kk. *Communications Service Establishment*
- ll. *Recycling, Small Collection*

Commissioner Britton said he would be interested in talking further about conditional zoning at a future Mid-Month meeting.

Commissioner Carpenter said he was going to vote in favor of the rezoning but was concerned about creating an individual lot of land in Research Park that had an extended list of possible uses. He would like Planning Commission to have a discussion about policy review so as not to run into legal issues in the future.

Commissioner Culver said he would support the motion. He said he would like to see the applicant and neighbors work together to make sure it was compatible with the surrounding uses.

Unanimously approved 10-0.

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ITEM NO. 4 SPECIAL USE PERMIT; SEEDS FROM ITALY; 1501 LEARNARD AVE (MKM)

SUP-16-00217: Consider a Special Use Permit for Seeds From Italy, located at 1501 Learnard Avenue. The applicant proposes to renovate an existing building on the property for office and warehouse use supporting their mail-order garden seed business. Submitted by Lynn Byczynski, for Sunrise Green LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Lynn Byczynski, Seeds From Italy, was present for questioning.

PUBLIC HEARING

Mr. Kerry Altenbernd supported the Special Use Permit and felt it was a good extension of the initial use of the property.

COMMISSION DISCUSSION

Commissioner Carpenter asked staff about the platting process.

Mr. McCullough said there was a Code requirement that before a building permit could be issued it had to be a platted piece of property. He said when a new building was constructed the land would need to be platted first.

Commissioner Carpenter inquired about the total square footage of building area and if there was a cap.

Ms. Miller said there was a minimum amount of green space that had to be maintained. She said if the building size was increased it would be considered a major project.

Mr. McCullough said yes, there was a cap.

Commissioner Willey said it looked like a great use for the site and she would support it.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner Carpenter, to approve the Special Use Permit, SUP-16-00217, for Seeds From Italy a *Wholesale Storage and Distribution, Limited* use to be located at 1501 Learnard Avenue as Phase 1 of the Sunrise Green Project, and forwarding the item to the City Commission with a recommendation of approval subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Provision of shop drawings for the new manhole construction/connection and the inspection fee to the City Utilities Division for approval prior to the release of the Special Use Permit to Development Services for processing of a building permit.
3. New manhole constructed and connected to service lines per utilities approval prior to release of Certificate of Occupancy.
4. Prior to the release of the Special Use Permit for issuance of a building permit the applicant shall provide a revised drawing to include the following note:

- a. *"Alternative Compliance from the Bufferyard Requirement on the south property line was approved to allow the building itself to serve as a buffer. Alternative Compliance was approved based on site constraints, primarily the lack of area to the south of Building C to install a landscaped bufferyard, and the fact that the building serves as an effective screen for the facility and operations to the north."*

Unanimously approved 10-0.

DRAFT

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ITEM NO. 5A RM12D TO RS5; 13.268 ACRES; 751 W 29TH TERR (SLD)

Z-16-00219: Consider a request to rezone approximately 13.268 acres from RM12D (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 751 W 29th Terrace. Submitted by Landplan Engineering, for Savannah Holdings, LC, property owner of record.

ITEM NO. 5B RM12D-FP TO RS5-FP; 1.262 ACRES; 751 W 29TH TERR (SLD)

Z-16-00220: Consider a request to rezone approximately 1.262 acres from RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay) District to RS5-FP (Single-Dwelling Residential-Floodplain Overlay) District, located at 751 W 29th Terrace. Submitted by Landplan Engineering, for Savannah Holdings, LC, property owner of record.

ITEM NO. 5C PRELIMINARY PLAT FOR NAISMITH CREEK ADDITION; 751 W 29TH TERR (SLD)

PP-16-00221: Consider a Preliminary Plat for Naismith Creek Addition, for 66 single-dwelling residential lots, located at 751 W 29th Terrace. The subdivision will take access from Alabama Street and W 29th Terrace east of Belle Haven Drive. Submitted by Landplan Engineering, for Savannah Holdings, LC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 5A-5C together.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, said he agreed with the staff recommendations and thanked staff for their work. He said there would be no negative impacts to the Naismith Creek floodplain by this subdivision. He said all buildable lots would be out of the floodplain. He said this property would be down zoned and would mean fewer units/lots. He said this subdivision had a pedestrian easement and the developers agreed to build the shared use path to the edge of City property.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Harrod inquired about the floodplain and what the elevation drop was for the creek.

Ms. Day said the bottom of the stream is at elevation 811. She displayed the elevation on the overhead. She said this project met the current design standard and staff felt there was adequate area to absorb the higher water.

Commissioner Harrod expressed concern about the potential for future flooding in the area.

Mr. McCullough said the pooling to the east was designed as a result.

Commissioner von Achen inquired about the floodplain overlay.

Ms. Day said those properties would have to get a floodplain development permit when built.

Commissioner Harrod asked about the bike path going around the perimeter of the subdivision.

Ms. Day said a path would encroach upon the floodplain if it didn't go around. She said going into the subdivision was not feasible in terms of where to connect the loop.

Commissioner Kelly inquired about easements and setbacks for the sanitary sewer.

Ms. Day said the placement of structure would be critical moving forward for construction. She said the north side was exclusively sanitary sewer easement and no other utilities could go into that easement.

Commissioner Sands said he liked this project because it was low-density and infill. He was confident there were sufficient controls in place to mitigate most heavy rains.

ACTION TAKEN on 5A

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to approve the request to rezone, Z-16-00219, approximately 13.268 Acres, from RM12D (Multi-Dwelling Residential) District to RS5 (Single-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 Harrod said he was not sure he could support this. He expressed concern about flooding and did not feel the study was extensive.

Commissioner Willey said Planning Commission may want to hear more about the floodplain during a monthly Mid-Month meeting. She understood the concerns about the floodplain but would support the motion based on the data they had.

Commissioner Carpenter expressed concern about this development being too close to the floodplain and the potential impact of pesticides, motor oil, and runoff.

Commissioner Butler asked the Planning Commission why there was apprehension of changing the zoning from multi-dwelling to single-family since it would reduce the number of homes.

Commissioner Willey said the preliminary plat would have impact to the land.

Commissioner Butler said the applicant could already build multi-dwelling there today.

Commissioner Kelly said he supported infill development and thanked staff and the applicant on making it look like a nice neighborhood.

Unanimously approved 10-0.

ACTION TAKEN on 5B

Motioned by Commissioner Sands, seconded by Commissioner Butler, to approve the request to rezone, Z-16-00220, approximately 1.262 Acres, from RM12D-FP to RS5-FP (Single-Dwelling

Residential Floodplain Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Motion carried, 9-1, with Commissioner Harrod voting in opposition.

Commissioner Kelly thanked staff for looking at all the reports and he trusted staff when they said all the data met the Code.

ACTION TAKEN on 5C

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to approve the Preliminary Plat, PP-16-00221, for Naismith Creek Addition subject to the following conditions:

1. Provision of a revised Preliminary Plat with the following notes and changes:
 - a. Differentiate between existing and proposed contours lines (indicate where existing topography is changing) per the approval of the City Stormwater Engineer.
 - b. Show additional traffic calming per the City Traffic Engineer's approval.

Commissioner Willey asked if Planning Commission could recommend pulling some of the lots from the development due to the floodplain.

Mr. McCullough said Planning Commission was the double check that staff was doing their job in the technical reviews of looking at the studies, data, and Code. He said this type of project received a high level of review by the City stormwater engineer, traffic engineer, and utilities. He said Planning Commissions role was to make sure staff applied the existing Codes.

Commissioner Willey said she would vote in favor because she felt it met the Code.

Motion carried 9-1, with Commissioner Harrod voting in opposition.

PC Minutes 7/25/16

ITEM NO. 6 FINAL DEVELOPMENT PLAN FOR PETSMART, BAUER FARM; 4820 BAUER FARM DR (SLD)

Bauer Farm: **FDP-16-00216**: Consider a Final Development Plan for PetSmart, located at 4820 Bauer Farm Dr. The plan proposes a new 18,000 sq. ft. building west of Sprout's. Submitted by Treanor Architects, for Wakarusa Investors, LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Brian Kemp, Treanor Architects, was present for questioning.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Willey asked who set the 50,000 square foot cap and who paid for the existing parking lot.

Ms. Day said the 50,000 square foot cap was set when the property was rezoned. She said the applicant had kept the design within that cap. She said she was unsure who paid for the parking lot. She said the project had shared access and parking.

Commissioner von Achen asked if office counted as retail in the square footage.

Ms. Day said no.

Commissioner Kelly asked why hotel didn't count as retail space.

Ms. Day said hotel would be commercial, not retail.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Britton, to approve the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Prior to recording the Final Development Plan with the Register of Deeds Office the applicant shall provide the following additional documentation:
 - a. Submission of a site plan performance agreement.
2. Prior to recording the Final Development Plan with the Register of Deeds Office the applicant shall provide a revised drawing with the following notes and changes:
 - a. Revise the off-street parking table based on the Net Square Feet of the building at 1 space per 200 NSF.
 - b. Provision of a revised landscape plan to show shrubs planted between street trees along Overland Drive to screen the service drive per staff approval.

- c. Provision of a note that states that outdoor storage of materials, supplies, products, display equipment and containers in the rear of the building is prohibited.

Commissioner Kelly expressed his frustration that aspirations for a pedestrian plan were great but that they had not selected business that people would walk to. He said guests who stay at a hotel would not walk to a pet store. He was disappointed in the Bauer Farm project. He felt like they gave everything away with the project.

Unanimously approved 10-0.

DRAFT

PC Minutes 7/25/16

ITEM NO. 7 TEXT AMENDMENT TO DEVELOPMENT CODE; OREAD DESIGN GUIDELINES

Oread Design Guidelines: Consider a Text Amendment, TA-12-00171, to the City of Lawrence Land Development Code, Chapter 20, Articles 3, 4, 5, 6 and 9 regarding the adoption of the Oread Design Guidelines. *Initiated by City Commission on 8/28/12.* Adopt on first reading, Ordinance No. 9211, for a Text Amendment (TA-12-00171) to the City of Lawrence Land Development Code, Chapter 20, Articles 3, 4, 5, 6 and 9 regarding the adoption of the Oread Design Guidelines. (PC Item 2; approved 8-0 on 3/21/16)

ITEMS NO. 8A-8F RECOMMEND THE ESTABLISHMENT & ADOPTION FOR AN URBAN CONSERVATION OVERLAY DISTRICT (-UC) FOR 190.8 ACRES WITHIN THE OREAD NEIGHBORHOOD BASED UPON ADOPTION OF THE OREAD NEIGHBORHOOD DESIGN GUIDELINES. Districts 1-6 AS IDENTIFIED IN THE INTERACTIVE MAP:

http://lawrenceks.org/pds/draft_plans

Consider Rezoning, Z-12-00172, Oread Design Guidelines District 1 (Low Density), 38.1 Acres, from RM12 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RM32 (Multi-Dwelling Residential) District, U-KU (University) District to RM12-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM12D-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, U-KU-UC (University – Urban Conservation Overlay) District. Adopt on first reading, Ordinance No. 9212, to rezone (Z-12-00172) Oread Design Guidelines District 1 (Low Density), 38.1 Acres, from RM12 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RM32 (Multi-Dwelling Residential) District, U-KU (University) District to RM12-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM12D-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, U-KU-UC (University – Urban Conservation Overlay) District. (PC Item 3A; approved 8-0 on 3/21/16)

Consider Rezoning, Z-12-00175, Oread Design Guidelines District 2 (High Density), 43.7 Acres, from MU (Mixed Use) District, MU-PD (Mixed Use – Planned Development Overlay) District, PCD (Planned Commercial) District, RM32 (Multi-Dwelling Residential) District, RM32-PD (Multi-Dwelling Residential – Planned Development Overlay) District, RMG (Multi-Dwelling Residential – Greek Housing) District, RMO (Multi-Dwelling Residential – Office) District, U-KU (University) District to MU-UC (Mixed Use – Urban Conservation Overlay) District, MU-PD-UC (Mixed Use - Planned Development Overlay - Urban Conservation Overlay) District, PCD-UC (Planned Commercial – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM32-PD-UC (Multi-Dwelling Residential – Planned Development Overlay – Urban Conservation Overlay) District, RMG-UC (Multi-Dwelling Residential – Greek Housing - Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office District - Urban Conservation Overlay) District, U-KU-UC (University - Urban Conservation Overlay) District. Adopt on first reading, Ordinance No. 9213, to rezone (Z-12-00175) Oread Design Guidelines District 2 (High Density), 43.7 Acres, from MU (Mixed Use) District, MU-PD (Mixed Use – Planned Development Overlay) District,

PCD (Planned Commercial) District, RM32 (Multi-Dwelling Residential) District, RM32-PD (Multi-Dwelling Residential – Planned Development Overlay) District, RMG (Multi-Dwelling Residential – Greek Housing) District, RMO (Multi-Dwelling Residential – Office) District, U-KU (University) District to MU-UC (Mixed Use – Urban Conservation Overlay) District, MU-PD-UC (Mixed Use - Planned Development Overlay - Urban Conservation Overlay) District, PCD-UC (Planned Commercial – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM32-PD-UC (Multi-Dwelling Residential – Planned Development Overlay – Urban Conservation Overlay) District, RMG-UC (Multi-Dwelling Residential – Greek Housing - Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office District - Urban Conservation Overlay) District, U-KU-UC (University - Urban Conservation Overlay) District. (Z-12-00172) (PC Item 3B; approved 8-0 on 3/21/16)

Consider Rezoning, Z-12-00177, Oread Design Guidelines District 3 (Medium Density), 63.5 Acres, from CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District to CS-UC (Commercial Strip - Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential - Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office - Urban Conservation Overlay) District. Adopt on first reading, Ordinance No. 9214, to rezone (Z-12-00177) Oread Design Guidelines District 3 (Medium Density), 63.5 Acres, from CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District to CS-UC (Commercial Strip - Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential - Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office - Urban Conservation Overlay) District. (PC Item 3C; approved 8-0 on 3/21/16)

Consider Rezoning, Z-12-00173, Oread Design Guidelines District 4 (Hancock Historic District), 4.8 Acres, from RM32 (Multi-Dwelling Residential – Urban Conservation Overlay) District to RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District. Adopt on first reading, Ordinance No. 9215, to rezone (Z-12-00173) Oread Design Guidelines District 4 (Hancock Historic District), 4.8 Acres, from RM32 (Multi-Dwelling Residential – Urban Conservation Overlay) District to RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District. (PC Item 3D; approved 8-0 on 3/21/16)

Consider Rezoning, Z-12-00174, Oread Design Guidelines District 5 (Oread Historic District), 28.9 Acres, from CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District, RSO (Single-Dwelling Residential – Office) District to CS-UC (Commercial Strip – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office – Urban Conservation Overlay) District, RSO-UC (Single-Dwelling Residential – Office – Urban Conservation Overlay) District. Adopt on first reading, Ordinance No. 9216, to rezone (Z-12-00174) Oread Design Guidelines District 5 (Oread Historic District), 28.9 Acres, from CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District, RSO (Single-Dwelling Residential – Office) District to CS-UC (Commercial Strip – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office – Urban Conservation Overlay) District, RSO-UC (Single-Dwelling Residential – Office – Urban Conservation Overlay) District. (PC Item 3E; approved 8-0 on 3/21/16)

Consider Rezoning, Z-16-00058, Oread Design Guidelines District 6 (Commercial), 11.9 Acres, from CN2 (Neighborhood Commercial) District, CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District to CN2-UC (Neighborhood Commercial – Urban Conservation Overlay) District, CS-UC (Commercial Strip – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office – Urban Conservation Overlay) District. Adopt on first reading, Ordinance No. 9217, to rezone (Z-16-00058) Oread Design Guidelines District 6 (Commercial), 11.9 Acres, from CN2 (Neighborhood Commercial) District, CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District to CN2-UC (Neighborhood Commercial – Urban Conservation Overlay) District, CS-UC (Commercial Strip – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office – Urban Conservation Overlay) District. (PC Item 3F; approved 8-0 on 3/21/16)

STAFF PRESENTATION

Mr. Jeff Crick presented items 7 and 8A-8F together.

PUBLIC HEARING

Ms. Candice Davis, Lawrence Association of Neighborhoods, supported the Oread Neighborhood Guidelines.

Mr. Rick Cupper wondered how the plan reduced density in the Oread Neighborhood.

Ms. Serina Hearn, Oread Neighborhood Association, said the neighborhood was occupied by 93% renters. She wondered about the reasoning for the overlay district and who benefited from it.

Mr. Chris Schmidt said landlords were just trying to protect their investments.

Mr. Kyle Thompson, Oread Residents Association, read the first page of the Oread Design Guidelines that talked about its purpose.

Ms. Marci Francisco said she was a property owner and landlord in the Oread Neighborhood since 1977. She was sorry to hear that there was still misunderstanding about the Oread Design Guidelines. She said it was not affecting density but rather how developments of the density and underlying zoning should be built.

Mr. Jon Josserand thanked staff for their work on this. He said the document was not perfect but that he believed it would help prevent some of the abuse that had happened in the district over the years. He said the landlords he had talked to supported the document.

COMMISSION DISCUSSION

Commissioner Culver asked if Planning Commission comments and discussion from March's meeting be forwarded to City Commission.

Mr. McCullough said it could be included as reference to City Commission.

Commissioner Kelly encouraged staff to forward the March Planning Commission minutes to City Commission since it was a long meeting full of comments.

Planning Commission wanted their previous comments to stand.

Commissioner von Achen asked staff to comment on the density questions.

Mr. McCullough said the guidelines would not take away density and did not affect the base zoning district. He said the guidelines would apply to the design of the property, such as setbacks and architectural features of a home. He said the parking issue for duplexes was one part of the discussion as a reduction in intensity. He said the guidelines did not affect anything existing today and were not retroactive. They would only be applied to new projects.

Commissioner Britton thought it was a great idea to include the minutes from the last time they heard this issue. He said coming into tonight he wondered if they would hear anything new. He said they heard from new people but the same comments and concerns and did not change how he viewed it since the last time. He said he would support the item again this time.

Commissioner Sands said public outreach was very difficult in communities. He felt it spoke highly of Lawrence to go back and do it right to ensure all view points were heard. He said he supported the design guidelines and it reflected a value in the community about maintaining structures.

ACTION TAKEN on Item 7

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to recommend adopting the Oread Neighborhood Design Guidelines and approval of the revised text for Article 3 and forwarding of the proposed guidelines and text amendment to Chapter 20, Articles 3 to the City Commission with a recommendation for approval and adoption.

Commissioner Culver said he was supportive of the Oread Design Guidelines as a whole. He was concerned about creating legal non-conforming uses within the zoning areas and creating a disadvantage for people who made investments in the neighborhood. He wanted City Commission to have further discussions on ways to mitigate that and represent those that made investments in the area.

Commissioner Harrod said he could not make a very well informed decision on the topic since he was a new Planning Commissioner and felt he should abstain.

Commissioner Willey agreed with Commissioner Harrod and said she would also abstain.

Commissioner Carpenter wanted to point out that City Commission would be looking at changing the duplex parking city wide, not just the Oread Neighborhood.

Commissioner Kelly shared Commissioner Culver's concerns but would vote in favor of the motion. He said Planning Commission looked at land use. He said the larger financial issue and how it impacted individual land owners was for City Commission to consider.

Motion carried 8-0-2, with Commissioners Harrod and Willey abstaining.

ACTION TAKEN on Items 8A-8F

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to approve the rezoning of 190.8 acres to apply the –UC (Urban Conservation Overlay District), and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in this staff report.

Motion carried 8-0-2, with Commissioners Harrod and Willey abstaining.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Commissioner Kelly said the August Mid-Month topic would be the same growth presentation from last month.

ADJOURN 10:32pm

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
08/22/2016

ITEM NO. 1 Z-16-00259 RM12D AND RM12 TO RS7; 4.81 ACRES (SLD)

Z-16-00259: Consider a request to rezone approximately 4.81 acres from RM12D (Multi-Dwelling Residential) District and RM12 (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 6304, 6305, 6310, 6311, 6316, & 6317 Steeple Chase Court and 905, 911, 917, 923, 929, & 935 Renaissance Drive. Submitted by Wallace Engineering on behalf of NKR Properties LLC and Langston Heights Development LLC, property owners of record. **SLD**

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 4.81 acres, from RM12D (Multi-Dwelling Residential) District and RM12 (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *To permit construction of detached single-family dwellings on twelve existing lots.*

KEY POINTS

- Properties included in request are platted lots.
- Utility infrastructure has been installed for lots.
- The subdivision has developed with detached residential dwellings on all but 5 of the existing lots and one lot that is undeveloped is held in reserve for duplex development.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Langston Heights Addition Final Plat
- Z-12-00232; A to RM12 lots along Renaissance Drive
 - Ordinance No. 8838 restricted development to not more than 62 units on 6.48 acres.
- Z-12-00229; UR to RM12D lots east of Renaissance Drive
- Z-15-00252; RM12D to RS5 Serenade Ct. lots
- Z-16-00022; RM12 to RS7 lots along Renaissance Drive

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

1. Area Map
2. Subdivision plat map with building type

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Michael Kelly, neighborhood resident

Project Summary:

The current zoning districts (RM12 and RM12D) were designed to accommodate duplex development. Proposed request is for the development of detached residential houses on individual lots. The current zoning, RM12 and RM12D, allows detached residential development as a special use. The proposed request is intended to reflect the housing type anticipated for these

lots. The existing subdivision includes 92 platted lots. Five of the lots are developed or reserved for duplex development (10 total units) the remaining 87 lot would be designated for detached residential dwelling use. The overall density, if approved is 4.5 dwellings per acre.

This property was originally discussed in 2012 and 2013 (Z-12-00232/Z-12-00229) with the initial development proposal for Langston Heights Subdivision. The intent of the mixed residential zoning districts; including RM12, RM12D and RS5, was to provide a range of housing types while keeping the overall density low and to provide land use transition, through housing type between W. 6th Street to the north and Bob Billings Parkway to the south. Since the original approval, density has been adjusted down by rezoning the duplex areas to detached residential housing districts. The Multi-dwelling zoning along K-10 Highway was also adjusted down through the subdivision process that created additional duplex lots along the west property line of the subdivision. This proposed request seeks to rezone an area approved for duplex development through previous zoning and subdivision approvals to a district for detached residential dwellings on individual lots (RS7).

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"Horizon 2020 recommends low-density (fewer than six units per gross acre) residential use for the subject property; the requested zoning will facilitate a density of less than three units per acre."*

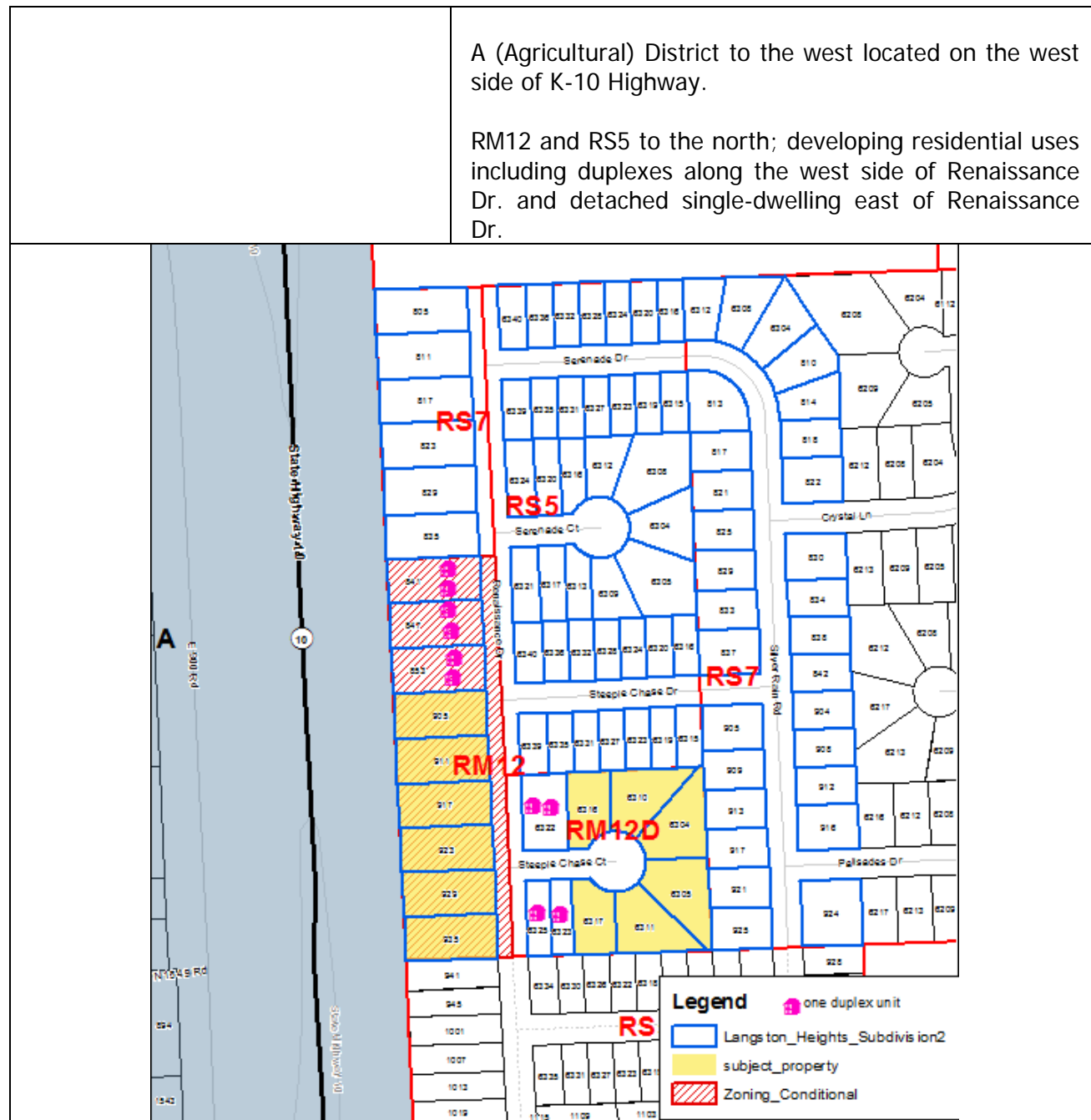
Horizon 2020 recommends infill development over new annexation and compatibility of densities and housing types within neighborhoods. The plan also recommends the provision of a mix of housing types and styles for new residential and infill developments. This application represents an extension of development pattern from the Diamondhead and Langston Heights Subdivisions. Larger residential lots, zoned RS7, are located along Silver Rain Road east of this application. If approved the proposed RS7 lots will be larger than those to the east. This larger lot format accommodates the extraordinary setback associated with the South Lawrence Trafficway Overlay that encumbers the rear of the lots along the west side of Renaissance Drive and the cul-de-sac lots along Steeple Chase Ct.

The overall density within the subdivision is 4.5 dwelling units per acre, a reduction of less than one dwelling unit per acre with the existing zoning/development pattern. The development is consistent with the low density land use recommendations for the area as recommended in *Horizon 2020*.

Staff Finding – The proposed request represents a low-density residential development pattern that is consistent with the land use recommendations in *Horizon 2020*. The generally larger lots may off-set the proximity of the lots to the highway by providing additional depth compared to comparable development along Silver Rain Road.

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

Current Zoning and Land Use:	RM12 (Multi-Dwelling Residential) District vacant lots located on the west side of Renaissance Dr. and RM12D (Multi-Dwelling Residential) District; vacant lots east of Renaissance Dr. and north and south of Steeple Chase Ct.
Surrounding Zoning and Land Use:	RS5 (Single-Dwelling Residential) District to the south; platted residential subdivision for detached housing. Currently developing.



Staff Finding – The subject property is surrounded by similar low-density residential development.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood consists of predominantly detached single-family residential structures, varying between RS7 and RS5-zoned lots.*

This property is located within the West Lawrence Neighborhood Association boundary. The area is developing as an extension of the existing subdivision pattern for the area. Six of the lots included in the request are adjacent to the highway to the west (rear yards) and were designed to accommodate duplex development. The remaining lots are located along the Steeple Chase Court

Cul-de-sac and all adjacent to RS zoned properties. The proposed request reduces the overall density and intensity of the development subdivision by changing the base zoning from duplex uses to detached residential uses.

Staff Finding – The proposed request does not substantially change or alter the developing character of the immediate neighborhood.

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

This property is located within the boundary of the *West of K10 Plan*. The area shown is located within an interior portion of a developing area that reflects a low density residential development pattern. The residential portion of the plan generally recommends low-density residential development. The previous zoning plan for this property included multiple zoning districts and lot sizes to achieve an overall density consistent with the plan. The proposed request for RS7 zoning is consistent with the land use plan for this area.

Overall, the proposed zoning change does not substantially impact the residential density. The proposed rezoning is consistent with the residential land use recommendations for low-density residential development described in the *West of K10 Plan*.

Staff Finding – The proposed rezoning represents a single dwelling housing type consistent with the existing zoning to the east. The overall density proposed complies with the residential land use recommendation included 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 subject property and surrounding neighborhood is generally suited for single-family and some two-family development.*

The current zoning of the lots along Renaissance Drive is RM12, a multi-dwelling residential district. Ordinance No. 8838, approving the rezoning, restricted maximum number of units within the district to not exceed 62. The property was subdivided as part of the Final Plat of Langston Heights Addition that created 15 lots along the west property line specifically to develop duplex lots. The zoning restriction and the platted lot configuration work together to keep the overall density low. The RM12 district allows detached dwelling subject to a Special Use Permit. By rezoning the property to a detached dwelling district, the additional processing associated with the desired development form is eliminated and simplified for the developer and for any future property owner.

The lots along Steeple Chase Ct. were zoned and platted for duplex development. The corner lot on the south side of Steeple Chase Ct. has been developed with a duplex. The lot across the street on the north side of Steeple Chase Ct. has not been built but is not included in this request so that it provides continuity with the south development. The Lots as platted are sufficiently large enough to accommodate detached residential development.

Staff Finding – The proposed change does not substantively change the suitability for low density residential development, as planned for this area.

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

Applicant's Response: *The subject properties (twelve lots) have remained vacant since zoned RM12, in 2012 and RM12D in 2013.*

Development of the Langston Heights area has been fluid since the original approval in 2013. As the demand for detached housing on individual lots has increased in the area, the developer has responded with rezoning areas previously intended for duplex development to accommodate the desired detached housing form. The property is currently undeveloped. The portion of the request located west of Renaissance Drive was originally zoned RM12 with a restriction on the total development density allowed.

Staff Finding – This property has been zoned RM12 and RM12D since September 2013.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *No potential detrimental effects upon nearby properties are identifiable.*

The immediately surrounding area is developing with residential uses. This area includes school district property to the southeast, planned neighborhood commercial zoning to the south, and K-10 Highway to the west.

Staff Finding – There are no anticipated detrimental effects for nearby 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

Applicant's Response: *The gain to the public by approval of this application is the addition of sought-after single-family housing stock to the Lawrence Residential market and in the neighborhood; the hardship imposed by denial would lie in the reduced availability of such stock in the predominantly single-family neighborhood.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

The proposed request and zoning change is reflective of the demand for detached housing on individual lots in this area. The request is consistent with a similar zoning change from RM12D to RS5 (Z-15-00252) approved a year ago. Approval of the requested zoning change allows the developer to respond to the demand for a particular housing type. If denied, the same development type could be accommodated through a Special Use Permit that results in unnecessary process for both the developer and the public as well as future property owners.

Staff Finding – Approval of the proposed request facilitates infill residential development in an area planned for low-density residential development.

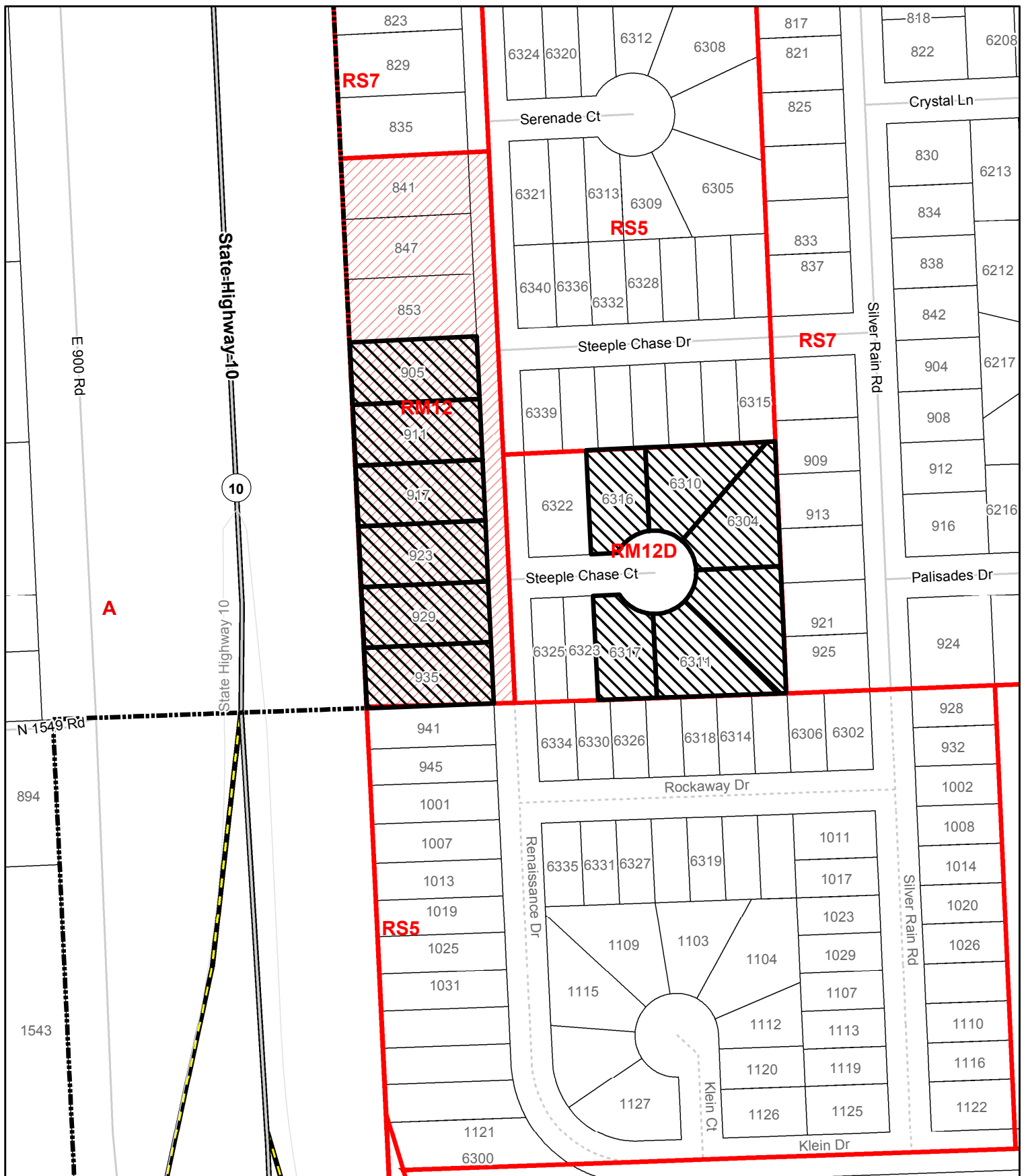
9. PROFESSIONAL STAFF RECOMMENDATION

This request is consistent with the developing land use for low-density residential development in the form of single detached dwelling units on individual lots. The proposed change does not require changes to the platted subdivision. City Utility staff noted that the existing lots include infrastructure to support duplex development meaning that each lot was constructed with two sanitary sewer stubs. As part of the building permit process the builder/developer will be required

to properly cap the unused sewer service for each lot to comply with Utility Department design requirements. If approved, staff will set up, in Innoprise, a requirement that building permits shall not be issued for these lots until confirmation that the utility work has been completed and inspected.

CONCLUSION

Staff recommends approval of the proposed zoning change.



**Z-16-00259: Rezone Approximately 4.81 acres from RM12D and RM12 Districts to RS7 District
Six Lots Located at 905-935 Renaissance Drive and Six Lots Located
at 6304, 6305, 6310, 6311, 6316 & 6317 Steeple Chase Court**



PLANNING COMMISSION REPORT
Regular Agenda – Non-Public Hearing Item

PC Staff Report
PP-16-00261

ITEM NO. 2A: PRELIMINARY PLAT FOR JOHNSTON ADDITION; 706 E 23RD ST (MKM)

PP-16-00261: Consider a Preliminary Plat for Johnston Addition, a one lot commercial subdivision containing approximately 1.5 acres, located at 706 E 23rd Street. Submitted by Johnston Investments Company, LLC for Lawrence Brothers, LLC, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of Johnston Addition subject to the following conditions:

1. Applicant shall provide a revised preliminary plat with the following changes:
 - a. Addition of the following note: *"With the dedication of additional right-of-way for E 22nd Street the existing building encroaches into the required rear setback; however the structure is not considered a nonconforming structure per Section 20-1503(a) of the Development Code."*
 - b. Add leader line between portion of open-sided building to be removed and label.

Reason for Request: Subdivision is required prior to redevelopment of property with new use and site improvements.

KEY POINTS

- The subject property was developed in the 1960's with a lumber yard, but was not platted at that time. Section 20-813 of the Subdivision Regulations notes that platting is required prior to issuance of a building permit unless the Planning Director determines the lot to be a Lot of Record or a nonconforming lot. The subject property has not been determined to be a Lot of Record or a nonconforming lot; therefore, platting is required.
- A previous deed for the subject property referred to the 30 ft right-of-way line for E 22nd Street. No records of right-of-way having been recorded by separate instrument have been found. The right-of-way necessary to meet the 30 ft right-of-way on the property side of the center line is being dedicated with this plat. The structure is not considered a nonconforming structure per Section 20-1503(a) of the Development Code which states that a previously conforming structure that fails to conform due to the taking or acquisition of right-of-way shall not constitute a nonconformity.

SUBDIVISION CITATIONS TO CONSIDER

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

ASSOCIATED CASES

- Z-16-00154, rezoning from IG (General Industrial) to CS (Commercial Strip). Approved by the City Commission on July 12, 2016 with the adoption of Ordinance No. 9262.
- SUP-16-00262, *Manufacturing and Production, Limited* (micro-brewery), being considered at the August, 2016 Planning Commission meeting.

OTHER ACTION REQUIRED

- Submittal and administrative approval of Final Plat.
- City Commission acceptance of dedications of easements shown on the Final Plat.
- Submittal and approval of Public Improvement Plans and means of assurance of completion.
- Recording of the Final Plat with the Douglas County Register of Deeds.
- City Commission approval of Special Use Permit and publication of ordinance.
- Application and issuance of Building Permits prior to development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required with the Preliminary Plat.
- *Downstream Sanitary Sewer Analysis* – The analysis provided on June 20, 2016 was accepted by the City Utilities Department.
- *Drainage Study* – The drainage study dated 6-21-2016 meets the specified requirements and was approved.

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use: CS (Commercial Strip) District; vacant lumberyard, proposed use: microbrewery with tap room/bar and incidental retail sales and food truck permanently on the premises (*Manufacturing and Production, Limited; Bar or Lounge; General Retail Sales, and Fast Order Food*)

Surrounding Zoning and Land Use: To the north:
IG (General Industrial) District; *Light Wholesale Storage and Distribution* and *General Industrial*
To the west:
IG (General Industrial) District; *Construction Sales and Services* and *Manufacturing and Production, Limited*
To the east:
CS (Commercial Strip) District; *Car Wash, Light Equipment Repair*
To the south:
IG (General Industrial) and CS (Commercial Strip) south of K-10; *Veterinarian, Light Equipment Repair*
(Figure 1)

STAFF REVIEW

This property is located on the north side of E 23rd Street/ K10 Highway, a designated principal arterial and a state highway. The property is not encumbered by the regulatory floodplain and is not within the environs of a registered historic property. The subject property was developed with a lumber store and yard, which is now vacant. The lumberyard went out of business quite some time ago and various tenants have utilized portions of the building. The most recent business vacated the building in 2009.

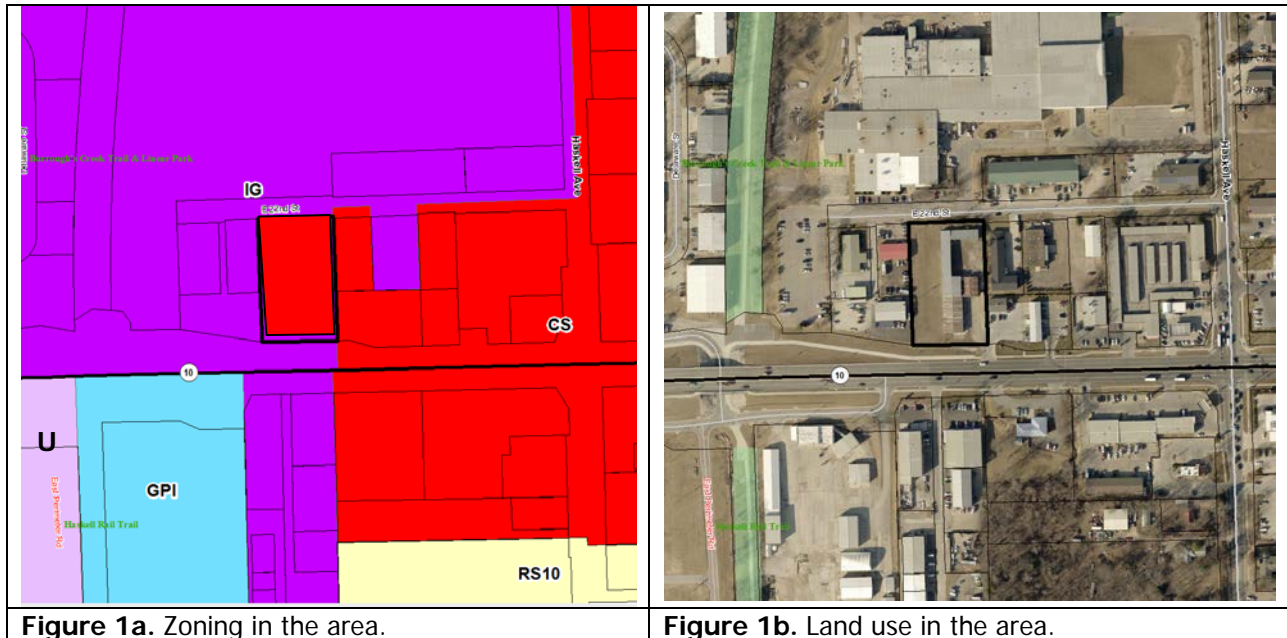


Figure 1a. Zoning in the area.

Figure 1b. Land use in the area.

Compliance with Zoning Regulations for the CS District

Per Section 20-809(d)(2) of the Development Code, each lot resulting from the division will conform with the minimum lot size and other dimensional requirements applicable to the property through the Zoning District regulations. Lots created in the CS District must have a minimum area of 5,000 sq ft and a minimum lot width of 100 ft, per the Dimensional Standards in Section 20-601(b) of the Development Code. The proposed lot has an area of 64,702 sq ft and a minimum lot width of 200 ft.

The proposed lot complies with the Dimensional Standards in Section 20-601(b).

Streets and Access

Access to arterial streets, such as E 23rd Street, is prohibited except in redevelopment or infill situations where the subject property has no other reasonable access to the street system and the City Engineer determines that access onto the arterial street, based on the street's ultimate design, can be safely accommodated. The subject property and the property to the east currently utilize a shared access point on E 23rd Street. This is the only access on E 23rd Street that is permitted the subject property. A secondary access point will be installed to E 22nd Street with the Special Use Permit site plan.

Utilities and Infrastructure

The subject property is located within a developed portion of the city. City water mains and sanitary sewer mains are located in the right-of-way to the north and south of the property. A storm sewer main is located in the right-of-way to the south of the property. Utilities are available in the area to serve the proposed lot.

Easements and Rights-of-way

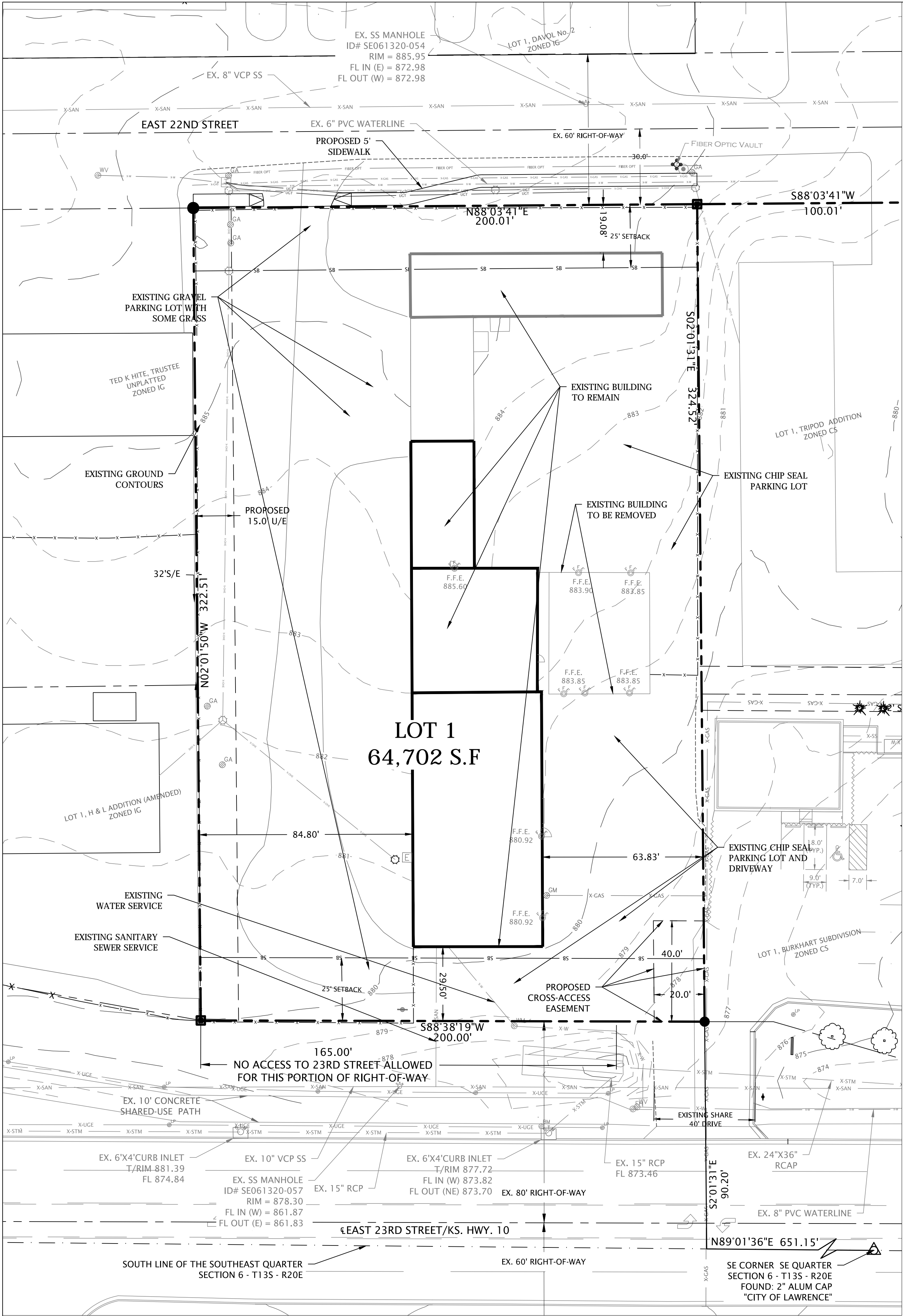
A 15 ft wide utility easement is provided along the west side of the property to accommodate overhead electric lines. Water and sanitary sewer lines are located within the rights-of-way for E 22nd and E 23rd Streets.

E 23rd Street/K10 Highway has 140 ft of right-of-way in this location. The Subdivision Regulations Design Standards require 150 ft of right-of-way for principal arterials, with half or 75 ft being dedicated on either side of the centerline. While the street right-of-way width is less than the required 150 ft, 80 ft of right-of-way is provided on the north side of the centerline. Any additional right-of-way width would be necessary from the south side of the street.

30 ft of right-of-way for E 22nd Street is shown on the plat. Staff has not found any record of this right-of-way having been dedicated by separate instrument, but it is noted in an early deed for the property. The County Surveyor indicated that showing the right-of-way on the plat will include it in the dedications and it will be dedicated with this plat. The building is shown on the plat to insure the property lines observe the required setbacks. The north side of the building is located approximately 19.08 ft from the north property line, while 25 ft setback is required by Code. The building observed the setback when it was originally constructed; however, it now encroaches into the required setback due the dedication of the additional right-of-way. Per Section 20-1503, a building that conformed with the required setback but no longer conforms due to a governmental taking or acquisition of right-of-way shall not constitute a nonconformity. The building may remain and can be used, without being classified as a nonconforming structure. This should be noted on the plat.

Preliminary Plat Conformance

The preliminary plat is the first step in platting the existing parcel into a lot to allow for the redevelopment of the vacant lumberyard with a micro-brewery and bar. The preliminary plat, as conditioned, is in conformance with the review criteria of Section 20-809 of the Subdivision Regulations.



LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

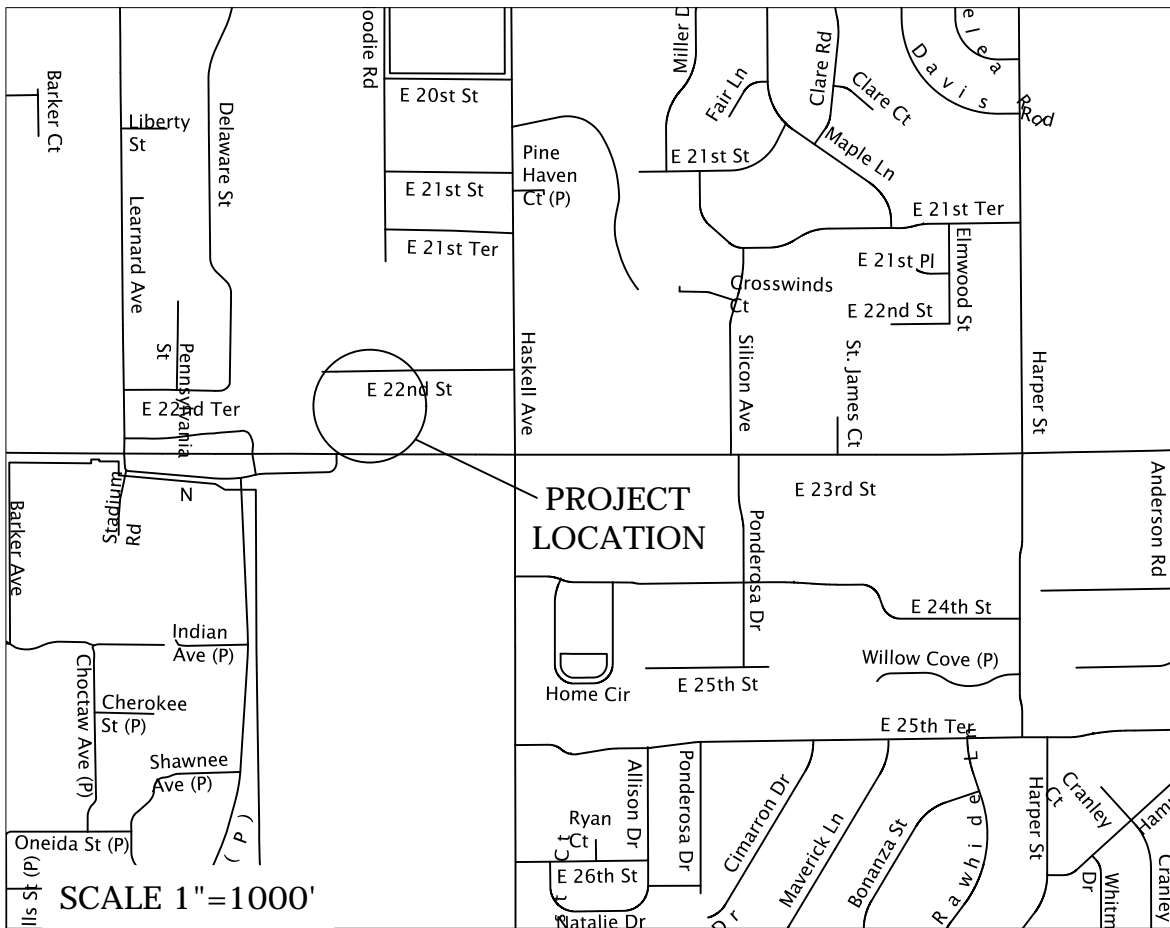
COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89° 01' 36" WEST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 651.15 FEET; THENCE NORTH 02° 01' 32" WEST, 90.20 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF EAST 23RD STREET; THENCE CONTINUING NORTH 02° 01' 32" WEST, 324.52 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EAST 22ND STREET; THENCE SOUTH 88° 03' 42" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, 200.02 FEET; THENCE SOUTH 02° 01' 51" EAST, 322.51 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF EAST 23RD STREET; THENCE NORTH 88° 38' 18" EAST ALONG SAID NORTH RIGHT OF WAY LINE, 200.00 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 1.485 ACRES, MORE OR LESS.

GENERAL NOTES

Owner: Lawrence Brothers, LLC
879 N 200 Road
Baldwin City, Kansas 66006
Contract Purchaser: Johnston Investments Company, LLC
10745 S. Oakcrest Lane
Olathe, Kansas 66061
Land Planner/Engineer: Grob Engineering Services, LLC
3210 Mesa Way, Suite A
Lawrence, Kansas 66049
Surveyor: All Points Surveying, LP
P.O. Box 4444
Lawrence, Kansas 66045

- Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2006 and 2013. Specific topographic and boundary information for property & directly adjacent obtained from field survey provided by All Points Surveying LP, June, 2016.
- Typical Soil Type: Pc - Pawnee Clay Loam
- Existing Land Use: Vacant Lumber Yard
- Proposed Land Use: Microbrewery/Tap Room
- Current Zoning: CS - Commercial Strip
- No part of the property is located within a SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% CHANCE FLOOD per FEMA Flood Insurance Rate Map (FIRM) Panel 178 of 460, Map # 20045C0178E, Map Revised September 2, 2015.
- Proposed utility locations, elevations, and sizes are preliminary and will be finalized during final design of improvements.
- New telephone, cable television and electrical lines (except high voltage lines) must be located underground. The developer is responsible for the cost of relocation of existing utilities, if necessary to serve the subdivision.
- Soils investigations shall be performed before primary structures are erected on lots with slopes greater than 3:1, or non-engineered fill greater than 12 inches. A soils engineer licensed by the State of Kansas, shall perform investigations, and a report of the investigation shall be submitted to the City of Lawrence Codes Enforcement Division. Other lots may be required to be investigated where excavation reveals indications of unsuitable conditions.
- No new public right-of-way or streets will be created as part of this subdivision. No improvements are proposed for 22nd or 23rd Streets. Sidewalks exists along 23rd Street. Sidewalks will be constructed along 22nd Street in accordance with Public Improvement Standards Section 20-811(c). This subdivision will connect to the City of Lawrence public water source. This subdivision will connect to City of Lawrence public sanitary sewer system. The above mentioned public improvements will be financed and completed by the Subdivision Developer.

LOCATION MAP



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
08/22/16

ITEM NO. 2B SPECIAL USE PERMIT; MICROBREWERY; 706 E 23RD STREET

SUP-16-00262: Consider a Special Use Permit for a *Manufacturing and Production, Limited* use, to accommodate a microbrewery, located at 706 E 23rd Street. Submitted by Johnston Investments Company, LLC for Lawrence Brothers, LLC, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit for a *Manufacturing and Production, Limited* use to be located at 706 E 23rd Street and forwarding the item to the City Commission with a recommendation of approval subject to the following conditions:

1. The following items shall be provided prior to the release of the site plan for processing of a building permit:
 - a. Executed site plan performance agreement.
 - b. Erosion control plan for the City Stormwater Engineer's approval.
 - c. Lighting spec sheets to insure building mounted fixtures are the lumen equivalent of lights less than 150 watt incandescent or that full cut-off fixtures are used.
2. Prior to the release of the Special Use Permit site plan, the applicant shall provide a revised drawing with the following changes:
 - a. Application of additional architectural treatment to the main entry to achieve visual prominence.
 - b. Revision of the access drive on E 23rd Street, if necessary, based on KDOT's review of the additional Traffic Information.
 - c. Addition of the following note, " Special Events on the property require approval of a Special Event Permit."
 - d. Addition of recording information (Book and Page Number) for the dedicated shared access easement.
 - e. Addition of the following note: *"The future building addition is shown for information purposes. A site plan will be submitted for approval prior to the construction of this addition."*

Reason for Request: *"In the CS zoning, 'Manufacturing and Production, Limited' is only allowed by special use. CS zoning was required for the facility to have a tap room/bar."*

KEY POINTS

- The property was recently rezoned from the IG (General Industrial) District to CS to accommodate the proposed tap room/bar in addition to the microbrewery. The microbrewery would have been permitted by right in the IG District, with site plan approval; however, it requires approval of a Special Use Permit in the CS District.
- The subject property is not platted. Platting is required and a Preliminary Plat has been submitted in conjunction with the Special Use Permit application.

ASSOCIATED CASES

- Z-16-00154; Rezoning of the subject property from IG to CS. Approved by the City Commission on July 12, 2016 with the adoption of Ordinance No. 9262.
- PP-16-00261; Preliminary Plat for Johnston Addition, a one-lot subdivision. The plat was submitted concurrently with the Special Use Permit application and is also on the August Planning Commission agenda.

OTHER ACTION REQUIRED

- City Commission approval of Special Use Permit and adoption of related ordinance.
- Publication of Special Use Permit ordinance.
- Planning Commission approval of Preliminary Plat.
- Submittal and administrative approval of a Final Plat.
- City Commission approval of easements or right-of-way being dedicated on the Final Plat.
- Building permits obtained from Development Services Division prior to commencement of development activity.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* – Fixture count analysis provided as the Downstream Sanitary Sewer Analysis was accepted by the City Utilities Engineer.
- *Drainage Study* – The drainage study dated 6-21-2016 met the specified requirements and was approved.
- *Traffic Study* – A 7-step Traffic Impact Study was provided and accepted by the City Engineer. KDOT requested additional traffic information, which was provided on August 10, 2016. The review of the additional information is not complete; however, KDOT indicated the purpose of the review was to insure the design of the access drive on E 23rd Street was appropriate.

ATTACHMENT

1. Site Plan
2. Traffic Impact Studies

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use:

CS (Commercial Strip) District; vacant lumberyard, proposed use: microbrewery with tap room/bar and incidental retail sales and food truck permanently on the premises (*Manufacturing and Production, Limited; Bar or Lounge; General Retail Sales, and Fast Order Food*)

Surrounding Zoning and Land Use:

To the north:

IG (General Industrial) District; *Light Wholesale Storage and Distribution and General Industrial*

To the west:

IG (General Industrial) District; *Construction Sales and Services and Manufacturing and Production, Limited*

To the east:

CS (Commercial Strip) District; *Car Wash, Light Equipment Repair*

To the south: IG (General Industrial) and CS (Commercial Strip) south of K-10; *Veterinarian, Light Equipment Repair* (Figure 1)

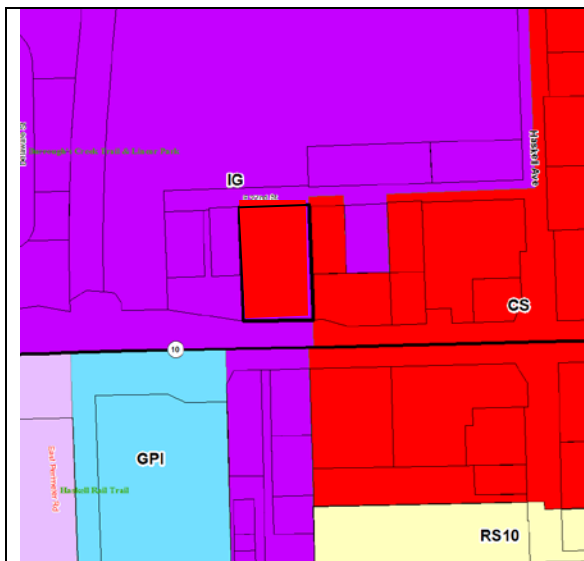


Figure 1a. Zoning in the area, subject property outlined.



Figure 1b. Land use/development in the area.

SUMMARY OF SPECIAL USE

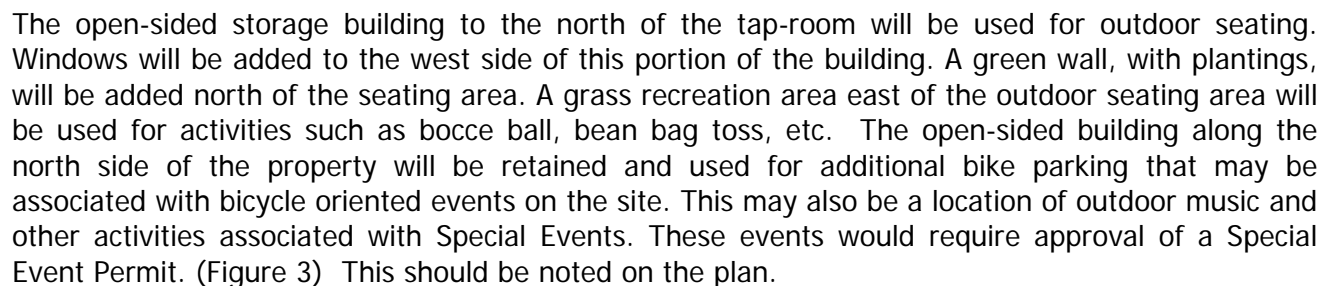
The applicant proposes to renovate the former lumber yard on the site to house a microbrewery and taproom with the sale of beer for on-site consumption. Taprooms where product can be sampled before being purchased is typically considered an accessory use to a microbrewery. A taproom which includes the sale of alcohol for on-site consumption is classified as a *Bar* use and requires the appropriate zoning. Retail sales of branded merchandise is also being proposed; this would be classified as *General Retail Sales* but would be considered an accessory use to the bar. A small kitchen will be provided in the taproom, for appetizers and other items. Most of the food sales for the facility will be provided by a Food Truck. The site plan shows a dedicated parking area for the Food Truck on the west side of the building.

The small kitchen and the appetizers, or typical bar food, is considered an accessory use to a bar while the food truck is classified as *Fast Order Food*. The *Fast Order food* and *Bar/Lounge* uses are allowed in the CS District with site plan approval. The micro-brewery, classified in the Development Code as *Manufacturing and Production, Limited*, requires approval of a Special Use Permit in the CS Zoning District.

SITE SUMMARY	Existing	Proposed	Change
Land Use:	Vacant	<i>Manufacturing and Production, Limited; Bar/Lounge; General Retail Sales;</i>	Change in use
Land Area:	64,702 sq ft	64,702 sq ft	---
Building Area:	14,780 sq ft	11,390 sq ft	-3,390 sq ft
Pavement Area:	47,452 sq ft	33,687 sq ft	-13,765 sq ft
Impervious Area:	62,232 sq ft (96.2%)	45,077 sq ft (69.7%)	-17,155 sq ft
Pervious Area:	2,470 sq ft	19,625 sq ft	+17,155 sq ft

The facility will continue to use the shared drive on E 23rd Street/K10 Highway and will add a second access on E 22nd Street to the north. Parking areas will be constructed on the west and east side of the building. The portion of the building at the loading area, 2,140 sq ft, will be demolished and a portion of the covered, open-sided metal building that was the lumber storage area will be removed. (Figure 2) The existing sign pole and fencing will also be removed and the existing overhead electric lines from the building to the line along the west property line will be placed underground.

A future building is shown on the plans to illustrate the future plans for the property; however, the addition is not being approved with this plan. Additional review and approval is required before building permits would be issued for this improvement. The plan should note that the future building addition will require site plan approval.



A Special Use Permit is intended to insure compatibility with adjacent residential uses. Section 20-1306(a), of the Development Code provides the following information on the review procedures for a Special Use:

"The process entails a public review and evaluation of the use's operating characteristic and site development features and is intended to ensure that proposed Special Uses will not have a significant adverse impact on surrounding uses or on the community at large."

The Development Code defines the *Manufacturing and Production, Limited* use as

"Establishments generally employing fewer than 20 persons, do not involve outside storage of materials, do not require Federal air quality discharge permits, are compatible with nearby residential uses because there are few or no offensive external effects, and are primarily engaged in one of the following: ...

(3) Manufacturing, processing, or packaging of small-scale food production operations with limited on-site retail sales. Typical uses include caterers, bakeries, bottling and beverage manufacturing operations." (Section 20-1739)

A *Manufacturing and Production, Limited* use is typically considered to be compatible with nearby residential use because there are few or no offensive external effects. The Special Use Permit review process allows the use to be reviewed and conditioned to insure there are few or no offensive external effects that would impact land uses in the area.

SITE PLAN REVIEW

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

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

Applicant's Response:

"The request does comply with the applicable development code. Manufacturing and Production, Limited is allowed in the CS district as a special use."

The proposed use, a microbrewery, is classified in the Development Code as a *Manufacturing and Production, Limited* use. Standards that apply to this development include density and dimensional requirements in Article 6, parking in Article 9, landscaping in Article 10 and general development standards in Article 11. The following is a review of the change being proposed with this project for compliance with the Development Code.

DENSITY AND DIMENSIONAL STANDARDS

The property is not currently platted. Platting is required by Code prior to issuance of building permits. A preliminary plat was submitted concurrently with the SUP application and will also be considered by the Planning Commission at their August meeting.

CS District Density and Dimensional Standards		
STANDARD	REQUIRED	PROVIDED
Minimum Lot Area	5,000 sq ft	64,702 sq ft
Minimum Lot Width	100 ft	200 ft
Maximum Impervious Lot Coverage	80%	69.7%

Setbacks		
Front	25 ft	29.5 ft
Side	0 ft	84.8 ft (west) / 63.83 ft (east)
Rear(double frontage)	25 ft	19.08 ft*

*The Douglas County Appraiser's records indicate that the lumber storage shed was built in 1975. At that time, the property was zoned M-2 (General Industrial). This District required a 25 ft setback when the property abuts a street right-of-way and is across the street from a non-residential district. The structure was in compliance with the setback when it was constructed, but with the additional right-of-way being dedicated with the platting of the property it now encroaches into the required setback.

A deed described the property a certain distance from the 22nd Street right-of-way; however, the right-of-way was assumed and hadn't been formally dedicated. The additional right-of-way is being dedicated with the plat for this property. Section 20-1503 of the Development Code contains provisions for nonconforming structures, but notes that a building which encroaches into the setback due to the acquisition of right-of-way is not a nonconforming structure. The building is allowed to remain in this location and is not considered a nonconforming structure. This should be noted on the plan.

PARKING SUMMARY

Use	Requirement	Required	Provided
<i>Manufacturing and Production, Limited</i>	1 parking space per 1,000 sq ft of building area and 1 space per vehicle used in the business.	5000 sq ft building and 3 vehicles: 8 spaces	67 spaces, (plus 1 space reserved for the Food Truck)
<i>Bar/Lounge</i>	1 parking space for 3 people based on maximum occupancy and 1 space for each employee on largest shift	162 occupants and 5 employees: 59 spaces	
<i>General Retail Sales</i>	Ancillary use with the bar, no additional parking required	Ancillary to bar use: 0 spaces	
<i>Fast Order Food (Food Truck)</i>	No additional parking unless additional customer service area provided	No additional customer service area provided: 0 spaces	
TOTAL		67 spaces	
ADA parking	3 spaces (1 van accessible) for lots with 51 to 75 spaces	3 spaces, 1 van accessible	3 spaces, 1 van accessible
Bicycle parking	5 or 1 per 10 auto spaces	8 spaces	8 spaces

LANDSCAPING / BUFFERYARD

Street trees are required at the rate of 1 tree per 40 ft of street frontage. Each street frontage is 200 ft; therefore, 5 street trees are required on E 22nd and on E 23rd Street each. The plan provides the required number of street trees.

The property is adjacent to CS District on the east and IG properties to the north, west, and south-across W 23rd Street/K10 Highway. A Type 1 Bufferyard is required between developments in the CS and IG Districts. (Figure 4)

The structure and use of the property is very similar to that on the surrounding properties. The property is separated from the property to the south by E 23rd Street/ K10 Highway right-of-way which is approximately 140 ft wide in this location. The bufferyard requirement along W 23rd Street/K10 Highway is administratively waived, due to the separation provided by the right-of-way. The property is separated from the property to the north by E 22nd Street right-of-way, 60 ft wide. Given the separation and the similar building types on each property, the bufferyard requirement is administratively waived on the north property line.

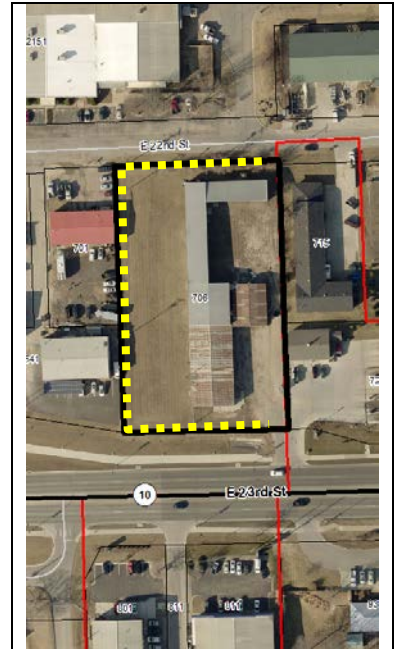


Figure 4. Type I Bufferyard (marked in yellow).

A bufferyard is required along west property line, Figure 5. Per Code, a 10 ft wide Type 1 Bufferyard requires 4 trees and 10 shrubs per 100 linear feet. The west property line is 322.51 ft in length, which would require 12 trees and 33 shrubs. A 10 ft wide bufferyard with a 6 ft tall wooden privacy fence in the open area between the buildings -is proposed (Figure 5).

The unfenced area contains the sides of the adjacent buildings and parking areas. Given the mixed use nature of the subject property (Commercial and Industrial) and the fact that the buffer areas beyond the fence would be buffering adjacent parking areas; the 6 ft tall privacy fence and the planting of 4 bufferyard trees has been approved to meet the bufferyard requirement as Alternative Compliance. The waiver and Alternative Compliance approved for the bufferyards should be noted on the plan.



Figure 5. View to the west. Location of proposed privacy fence -shown in red.

PARKING LOT LANDSCAPING

The perimeter and interior parking lot landscaping shown on the plan is compliant with Code requirements.

SITE COVERAGE.

The CS District permits a maximum of 80% of the site to be covered with impervious materials. Approximately 70% of the site will be covered with impervious materials. The proposed plan reduces the amount of impervious surface on the site by more than 25%.

LIGHTING

The lighting proposed with this project consists of three single head LED fixtures on 22 ft poles on 3 ft foundations and fourteen 42-watt lights mounted on the building near the entrances and along the building face. The lighting levels at the property line are compliant with the lighting standards in the Development Code. The parking lot lighting will be LED lights with full cut-off fixtures. In keeping with the industrial nature of the property, industrial style lighting is proposed for the building (Figure 6). The lighting utilizes a 32-watt fluorescent lamp. This emits 2,200 lumens of light, which is less the equivalent of a 150 watt incandescent bulb, 2,600 lumens; therefore, full cut-off fixtures are not required.



Figure 6. Building mounted lighting fixture.

ACCESS

The project will utilize the shared access drive on E 23rd Street/K10 Highway and will add a secondary access on E 22nd Street. The second access will provide an option for traffic entering and leaving the site and will provide a secondary access for emergency vehicles.

COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS

The proposed project contains a mix of industrial and commercial uses which would require compliance with the Commercial and Industrial Design Standards in the *Community Design Manual*. However, as these uses are located within the same structure the Commercial Design Standards will be applied based on the commercial zoning of the property. The standards are intended to be applied on a case by case basis. Flexibility will be allowed with this project based on the mix of commercial and industrial uses and the reuse of an existing industrial building.

Part Three of the Commercial Design Standards pertains to infill and redevelopment projects. The following is a review of the standards provided in Part Three (Pages 2-39 through 2-51, *Community Design Manual*) Building elevations are provided in Attachment A. Standards are underlined and planning discussion follows in italics.

- Stormwater and Site Drainage developed as an attractive amenity. *Adequate stormwater management and drainage is being provided; however, due to the existing development of the site, room is not available to develop the detention area as an attractive amenity.*
- Streetscape and Neighborhood Transitions:
 - Fencing along a property line should be decorative using materials and accents which are compatible with the building design. *A short span of fencing is proposed for screening along the west property line. It will be a 6 ft tall wooden fence. While not decorative, this is compatible with the design of the building.*
 - Pedestrian connections into the site shall be clearly defined and continuous. *A walkway connects the facility with adjacent walkways on E 22nd and E 23rd Streets. Markings identify the crossing across the access drive near E 23rd Street.*
- Vehicular Access and Parking Areas.
Access easements ensure that adjacent parcels have adequate access in the event that ownership changes. *An access easement for the shared access on E 23rd Street/K10*

Highway is being dedicated with the plat for the property. The recording information should be included on the plan.

Accessible parking spaces shall be located adjacent to walkways and at building entryways to minimize pedestrian-vehicle conflicts. All ADA spaces are adjacent to walkways so it is not necessary to cross drive aisles to access the building. Two ADA spaces are provided near the ramp to the tap room/bar. Another ADA space is proposed on the southeast corner of the microdistillery near the entry, for employee use.

- Pedestrian Access and Amenities

All internal pedestrian walkways of the commercial development shall be a minimum of 6 ft wide. The shape of the property and configuration of the existing development provide site constraints; therefore, 5 ft wide walkways are acceptable.

Pedestrian walkways should be provided along the full length of any building and along any façade abutting public parking areas. These walkways shall be separated from the building to provide an area for foundation plantings. A walkway is provided along the west side of the building with an area for foundation plantings, where the ADA ramp is not necessary. The east side is an area for overflow and employee parking. There is an entrance into the building directly from the parking lot on the east but a walkway is not provided along the back façade of the building. Given the small size of this parking lot and the fact that it will be used primarily for employees and company vehicles, the walkway is not required.

- Outdoor storage, Sales and Service Areas.

The dumpster is oriented to the northeast, out of view of the adjacent property and the right-of-way. The mechanical equipment will be screened on all visible sides with a fence.

- Landscaping

One-third of the plantings (excluding street trees and interior parking lot trees) shall be evergreen species. Evergreen or year-round plantings make up a large portion of the shrub plantings.

- Facades and Exterior Walls and Roofline.

As this project is reusing an existing industrial building, it is not possible to meet all the standards regarding the building façade and roofline. A variety of materials are used for the building exterior. Windows are provided for the taproom/bar and the outdoor seating area; however, windows are not included in the industrial portion of the building used for the microbrewery. A green wall, a wall covered with plantings, to the north of the outdoor seating area provides additional variety. The principal entry should be a prominent feature on the façade. Additional architectural measures or features should be added to the plan to increase the prominence of the entry to the taproom. With this condition, the proposed changes to the building comply with the standards to the degree that the mix of uses and the reuse of the building would permit.

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

3. 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 adjacent properties are zoned IG or CS and are compatible with the proposed use."

The proposed use will utilize an existing structure that was built in the 1970s. The structure originally housed a lumber store with an open-sided storage shed. The structure has an industrial design and character, and the intent of the applicant is to maintain this character. The property is located along a principal arterial, E 23rd Street/K10 Highway; is adjacent to commercial zoning to the east and is surrounded on other sides by industrial zoning. The microbrewery is an industrial use that will be similar in nature and operational characteristics to other uses in the area. The Bar/taproom may have later hours than the other uses in the area, but as there are no nearby residences and the other uses would be closed at that time. Outdoor activity area is proposed, but it is located between the outdoor seating area and the back of the commercial property to the east.

Staff Finding – The proposed project contains both industrial and commercial uses that will be located in a pre-existing industrial style building. The proposed uses are compatible with the adjacent commercial and industrial land 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, a remodeled building with a vibrant business would increase the value of other property as opposed to the vacant dilapidated building that exists."

The lumberyard property has been vacant for several years. Development projects have been proposed for this site, but the additional process and cost of platting; in addition to site planning the use and possibly rezoning have deterred the applicants. This project will reuse the vacant lumber building and maintain/enhance the character of the area. The site improvements should have no negative effect, and would more likely have a positive effect, on the value of other property in the area.

Staff Finding – The reuse and rehabilitation of the existing structure on this property in addition to the landscaping and other site improvements should enhance the character of this area. This project is not expected to have any negative impact, and may have a positive impact, on property values in the area.

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

Staff Finding – As this is an infill redevelopment project, safety, transportation and utility facilities are currently available to serve the subject property. However, as E 22nd Street is not currently constructed with curb and gutter, the property owner may be asked to participate in future improvements if the street is improved by a benefit district in the future.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The site plan will function as the enforcement document to assure that the 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, the proposed use is generally indoor and being food grade production will be quite sanitary."

The proposed use should have no adverse impact on the natural environment. The facility will reuse and rehabilitate a vacant building.

Staff Finding – The proposed use should have no adverse impact on the natural environment.

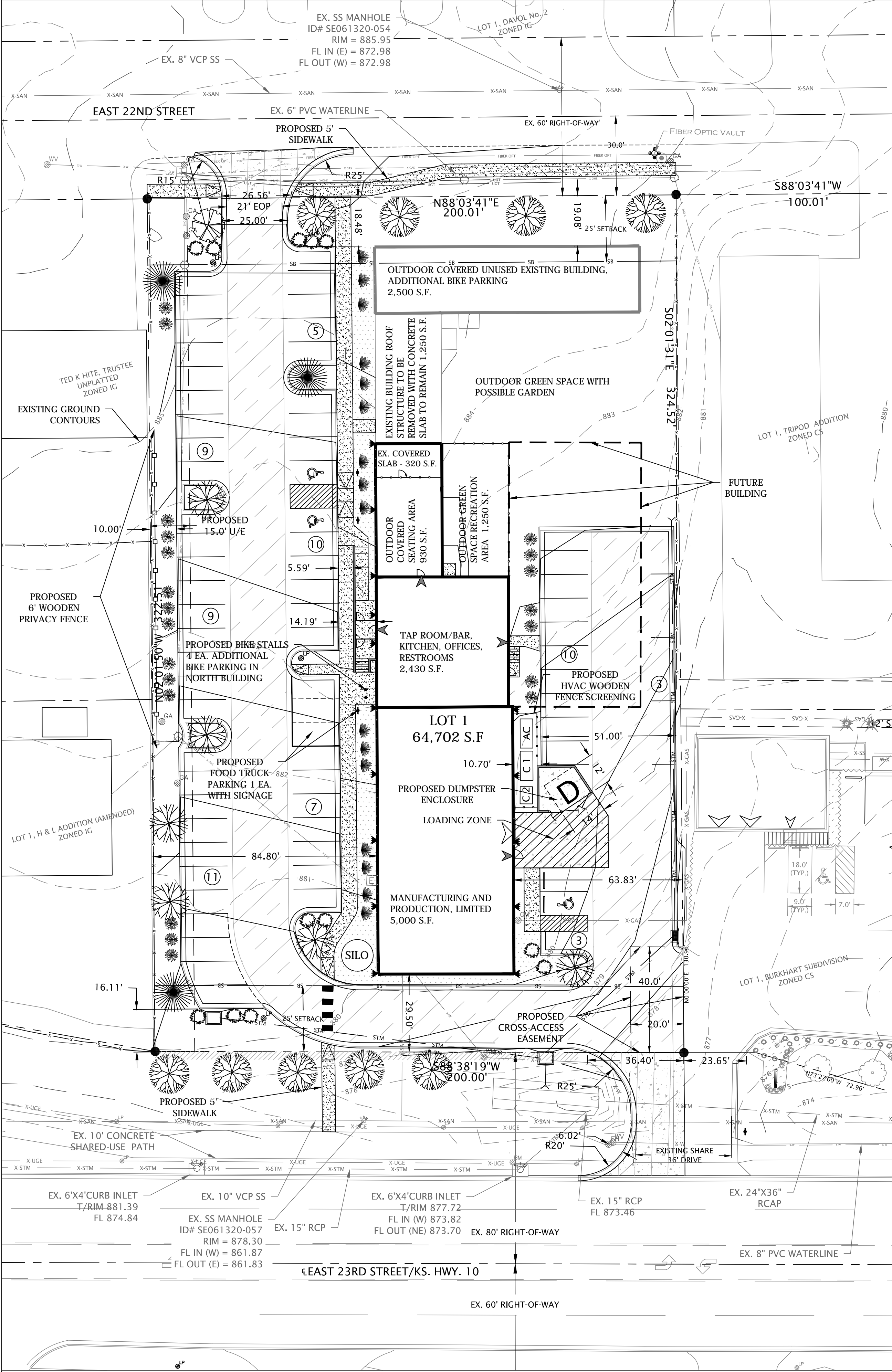
7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area. The microbrewery, being an industrial use, is very similar in nature to the other uses in the area. The use, as approved, should remain compatible with the area.

Staff Finding – The Special Use Permit is required for the limited industrial use due to the recent rezoning of the property. The proposed industrial use is very similar to other uses in the area. It would not be appropriate to place a time limit on the Special Use Permit.

CONCLUSION

Based on the findings in this report, and as conditioned, staff recommends approval of the proposed Special Use Permit.



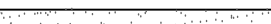


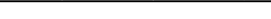

DEVELOPMENT SUMMARY

IMPERVIOUS SURFACE SUMMARY			
Existing Summary	AREA (SQ. FT.)	Summary After Project Completion	AREA (SQ. FT.)
Existing Building	14,780	Proposed Buildings	11,390
Existing Pavement	47,452	Proposed Pavement	33,687
Existing Impervious	62,232	Proposed Impervious	45,077
Existing Pervious	2,470	Proposed Pervious	19,625
Property Area	64,702		64,702
BUILDING COVERAGE 22.8% IMPERVIOUS LOT COVERAGE 96.2%		BUILDING COVERAGE 17.6% IMPERVIOUS LOT COVERAGE 69.7%	

PARKING SUMMARY		
PARKING REQUIREMENT	# OF UNITS	PARKING REQUIRED
BAR OR LOUNGE 1 PER 3 PERSONS MAXIMUM OCC. PLUS 1 PER EMPLOYEE	162 OCC. 5 EMPLOYEES	59 SPACES
MANUFACTURING AND PRODUCTION, LIMITED 1 PER 1000 SF PLUS 1 PER VEHICLE USED	5,000 S.F. 3 VEHICLES	8 SPACES
PERMANENT FOOD TRUCK	1 VEHICLE	1 SPACE
PARKING PROVIDED		
TOTAL PARKING SPACES	67	
STANDARD SPACES	64	
ADA HANDICAP SPACES	3 (1 VAN)	
FOOD TRUCK 18'x30'	1	

LANDSCAPING SCHEDULE			
SYMBOL	QUANT.	NAME	SIZE & COND
	0	EX. CONIFEROUS/DECIDUOUS TREES	—
	9	STREET TREES - 1 PER 40' OF FRONTAGE LARGE CANOPY - LACEBARK ELM. SHUMARD OAK, SUMMERSHADE NORWAY MAPLE, GREENSPIRE LINDEN, OR APPROVED EQUAL (2 SPECIES MIN.) MEDIUM CANOPY - SHANTUNG MAPLE, GOLDENRAINTREE, CHICKAPIN OAK OR APPROVED EQUAL	2.5" CAL - B&B
	2+1*	PERIMETER LANDSCAPING REQUIREMENT 1 TREE PER 25' OF PARKING LOT PLUS CONTIN. ROW OF EVERGREEN SHRUBS * DENOTES COUNTED AS STREET TREES	2.5" CAL - B&B
	1+1	LACEBARK ELM. SHUMARD OAK OR SUMMERSHADE NORWAY MAPLE, BOSNIAN PINE OR WHITE SPRUCE DWARF BURNING BUSH, MAGIC CARPET SPIREA OR APPROVED EQUAL	2.5" CAL - B&B 5 GAL - CONT.
	12	DWARF BURNING BUSH, MAGIC CARPET SPIREA OR APPROVED EQUAL	2 GAL.
	5+2	INTERIOR LANDSCAPING REQUIREMENT PARKING LOTS - 40 S.F. PER STALL, 1 SHADE TREE & 3 SHRUBS PER 10 STALLS (67 STALLS - 2680 S.F./7 TREES/21 SHRUBS) AREAS PROVIDED AT END ISLANDS, CENTER ISLANDS; PLANTERS AND BETWEEN FENCE AND PARKING EXCEED 3,450 S.F. LACEBARK ELM. SHUMARD OAK, SUMMERSHADE NORWAY MAPLE, GREENSPIRE LINDEN + BOSNIAN PINE, LIMBER PINE, WHITE SPRUCE OR APPROVED EQUAL DWARF BURNING BUSH, MAGIC CARPET SPIREA, KNOCK-OUT ROSES, BLUE HOLLY OR APPROVED EQUAL	2.5" CAL - B&B
	21	DWARF BURNING BUSH, MAGIC CARPET SPIREA, KNOCK-OUT ROSES, BLUE HOLLY OR APPROVED EQUAL	2 GAL.
	16	LANDSCAPE AREAS + LOW MAINTENANCE GRASSES - BLUESTEM, PAMPAS GRASS, MAIDEN GRASS, INDIAN GRASS, WITH A MATURE SPREAD OF LESS THAN 3' OR APPROVED EQUAL MULCH, RIVER GRAVEL OR OTHER GROUND TREATMENT	1 GAL.
		ALL UNPAVED AREAS SHALL BE PLANTED WITH TURF GRASSES	

BUFFERYARD LANDSCAPING REQ.	
CS TO IC ZONING - TYPE 1 - 10' TO >25'	
ALTERNATE COMPLIANCE - THE PROPERTY WAS REZONED FOR THIS REDEVELOPMENT FROM IC TO CS TO ALLOW FOR SPECIFIC USES. THIS PROPERTY HAS SIMILAR CHARACTERISTICS TO THE ADJACENT IC ZONED PROPERTIES. THE WEST PROPERTY LINE HAS BEEN LANDSCAPED WITH 4 TREES, 14 SHRUBS, AND 120 L.F. OF 6 FOOT WOODEN PRIVACY FENCE IN ADDITION TO THE EXISTING CHAINLINK FENCE TO ACT AS A BUFFERYARD. AS THE INTENT OF A BUFFERYARD HAS BEEN ESTABLISHED, NO ADDITIONAL BUFFERING IS PROPOSED.	

PAVING SCHEDULE	
SYMBOL (SHADED FOR CLARITY)	NAME
	4" CONCRETE PAVING FOR SIDEWALKS
	5.5" ASPHALT PAVING
	7" ASPHALT PAVING
	6" CONCRETE PAVING
	8" CONCRETE PAVING CITY SPEC. FOR APPROACHES

LEGAL DESCRIPTION

LOT 1, JOHNSTON ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

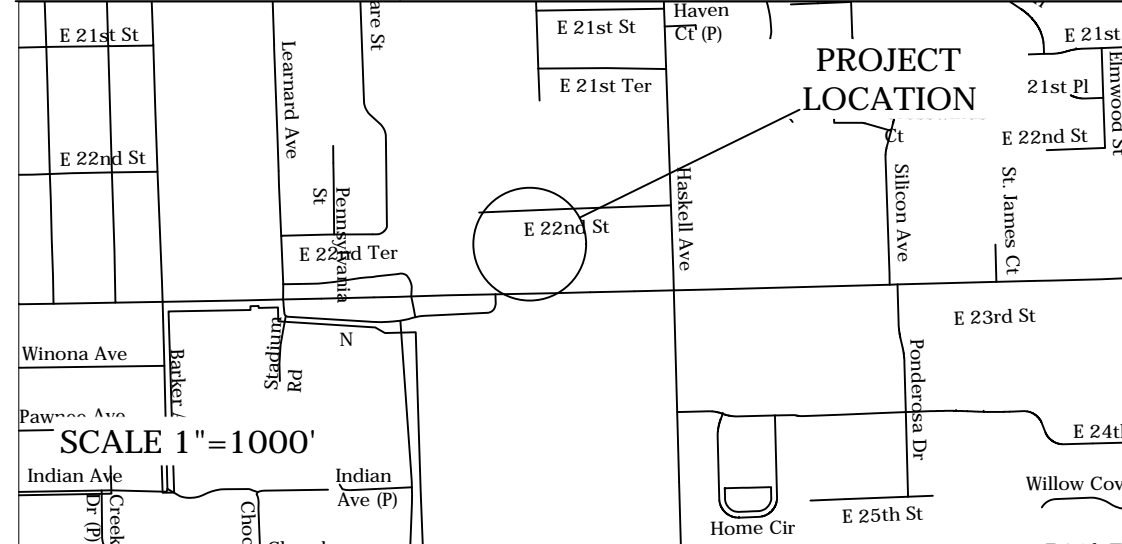
GENERAL NOTES

- Owner: Lawrence Brothers, LLC
879 N 200 Road
Baldwin City, Kansas 66006
- Contract Purchaser: Johnston Investments Company, LLC
10745 S. Oakcrest Lane
Olathe, Kansas 66061
- Land Planner/Engineer: Grob Engineering Services, LLC
3210 Mesa Way, Suite A
Lawrence, Kansas 66049
- Surveyor: All Points Surveying, LP
P.O. Box 4444
Lawrence, Kansas 66045
- Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 1995, 2006 and 2013. Specific topographic and boundary information for property & directly adjacent obtained from field survey provided by All Points Surveying LP, June, 2016.
 - Typical Soil Type: Pe - Pawnee Clay Loam
 - Existing Land Use: Vacant Lumber Yard
 - Proposed Land Use: Manufacturing and Production, Limited; Bar or Lounge; and Fast Order Food (Microbrewery/Tap Room; Food Truck)
 - Current Zoning: CS - Commercial Strip
 - No part of the property is located within a SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% CHANCE FLOOD per FEMA Flood Insurance Rate Map (FIRM) Panel 178 of 460, Map # 20045C0178E, Map Revised September 2, 2015.
 - Proposed utility locations, elevations, and sizes are preliminary and will be finalized during final design of improvements.
 - New telephone, cable television and electrical lines (except high voltage lines) must be located underground. The developer is responsible for the cost of relocation of existing utilities, if necessary to serve the subdivision.
 - Soils investigations shall be performed before primary structures are erected on lots with slopes greater than 3:1, or non-engineered fill greater than 12 inches. A soils engineer licensed by the State of Kansas, shall perform investigations, and a report of the investigation shall be submitted to the City of Lawrence Codes Enforcement Division. Other lots may be required to be investigated where excavation reveals indications of unsuitable conditions.
 - No new public right-of-way or streets will be created as part of this subdivision. No improvements are proposed for 22nd or 23rd Streets. Sidewalks exists along 23rd Street. Sidewalks will be constructed along 22nd Street in accordance with Public Improvement Standards Section 20-811(c). This subdivision will connect to the City of Lawrence public water source. This subdivision will connect to City of Lawrence public sanitary sewer system. The above mentioned public improvements will be financed and completed by the Subdivision Developer.
 - With the dedication of additional right-of-way for E. 22nd Street, the existing building encroaches into the required setback; however the structure is not considered a nonconforming structure per Section 20-1503(a) of the Development Code.
 - City of Lawrence will not be responsible for pavement damage due to refuse collection.
 - This 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.
 - Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utility boxes and meters, shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 ft above ground level). Screening shall be in the form of landscape planting or an architectural treatment compatible with the architecture of the principal building.
 - 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' as published by the Federal Highway Administration, with respect to size, shape, color, retro-reflectivity, and position: Per Ordinance No. 7542.
 - Turf areas to be seeded unless noted otherwise.
 - Bufferyard requirements on the north and south property lines were waived based on the separation provided by the intervening right-of-way and the similar land uses. Alternative compliance was approved for the bufferyard along the west side to allow the use of a 6 ft tall privacy fence along the open area to serve as the buffer. Four bufferyard trees will be planted along the bufferyard area.

PROJECT BENCH MARK:

- DOUGLAS COUNTY PUBLIC WORKS CHARN DG41
NORTHING 233,503.53
EASTING 2,100,788.90
ELEVATION = 862.21 FT.
- CHISELED SQUARE IN THE NW CORNER OF CONCRETE STORMWATER INLET IN THE WEST OF ENTRANCE TO PROPERTY ON 23RD STREET.
ELEVATION = 877.79.

LOCATION MAP



LEGEND			
	OVERHEAD WIRE		B/B BACK OF CURB/BACK OF CURB
	OVERHEAD ELECTRICAL		F.F.E. FINISH FLOOR ELEVATION
	UNDERGROUND TELEPHONE		ROW RIGHT OF WAY
	GAS		C/L CENTERLINE
	WATERLINE		D/E DRAINAGE EASEMENT
	SANITARY SEWER LINE		U/E UTILITY EASEMENT
	SANITARY SEWER SERVICE		(P) PLATTED
	STORMWATER LINE		(M) MEASURED
	BUILDING SETBACK LINE		(C) CALCULATED
	SECTION LINE		● PROPERTY CORNER
	PAVEMENT/SURFACING		➤ BUILDING INGRESS/EGRESS
	PROPERTY LINE		
	EASEMENT		
	RIGHT-OF-WAY ACCESS RESTRICTED		
	CABLE TV BOX		

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Approved and Released

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

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SPECIAL USE PERMIT SITE PLAN FOR
MICROBREWERY AND TAP ROOM
706 E. 23RD STREET
LAWRENCE, KANSAS

DESIGNED BY

JDG

CHECKED BY

JDG

ISSUE DATE

JUNE 20, 2016

REVISIONS

JULY 29, 2016

AUGUST 12, 2016

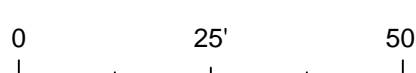
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SCALE: 1" = 25'



SPECIAL USE PERMIT SITE PLAN for
MICROBREWERY AND
TAP ROOM

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 Microbrewery and Tap Room redevelopment located at 706 E. 23rd Street in Lawrence, Kansas (See Location Map in the Appendix).

1. The site is currently occupied by an abandoned building with access at one point onto E. 23rd Street. This access point is a shared driveway also providing access to the two adjoining businesses to the east (i.e. *Solar Concepts Window Tilting* and *Wash Me Carwash*).

Under the proposed redevelopment plan, as shown on the Site Plan in the Appendix, the building will be remodeled and the site will be reconfigured to provide for

- A restaurant / tap room with a total floor area of approximately 3,680 sq. ft. (kitchen = 1,080 sq. ft.; indoor seating = 1,350 sq. ft.; and outdoor patio = 1,250 sq. ft.);
 - A microbrewery (manufacturing and production) area of approximately 5,000 sq. ft.; and
 - A new parking lot on the west side of the site with a new access drive onto E. 22nd Street, while still maintaining the existing shared driveway on E. 23rd Street. Delivery trucks enter the site from E. 23rd Street and exit the site onto E. 22nd Street.
2. The existing zoning for this site is General Industrial (IG). The proposed zoning will be CS (Commercial Strip). 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:
 - E. 23rd Street, running east/west along south side of the site, designated as “Principal Arterial” on City’s T2040 Thoroughfare Map.

- Haskell Avenue, running north/south approximately 660 ft. east of the site, designated as “Minor Arterial” north of E. 23rd Street and as “Principal Arterial” south of E. 23rd Street on City’s T2040 Thoroughfare Map.
 - E. 22nd Street, running east/west along north side of the site, designated as “Local Street” on City’s T2040 Thoroughfare Map.
4. Under the existing conditions, the site is served by a shared access drive onto E. 23rd Street that also serves the two adjoining businesses to the east (i.e. *Solar Concepts Window Tilting* and *Wash Me Carwash*). The proposed redevelopment plan calls for no change to this access, but adds a new access drive onto E. 22nd Street on the northwest corner of the site as shown on the Site Plan.
5. In the vicinity of this redevelopment:
- E. 23rd Street is a four-lane divided roadway with a Two-Way Left-Turn Lane (TWLTL) and posted speed limit of 35 mph. On-street parking is prohibited on both sides.
 - Haskell Avenue is a two-way two-lane roadway with posted speed limit of 30 mph north of E. 23rd Street and 35 mph south of E. 23rd Street. On-street parking is prohibited on both sides.
 - E. 22nd Street is a two-way, two-lane, dead-end local street with no posted speed limit (Statutory speed limit = 30 mph).
 - The intersection of E. 23rd Street and Haskell Avenue is a fully-actuated signalized intersection with camera detection and “protected/permissive” left-turn phasing for north/south approaches and “protected only” left-turn phasing for east/west approaches.
 - East/west approach, each has two through lanes with a dedicated left-turn lane and no dedicated right-turn lane. There is a near-side bus stop for both westbound and eastbound movements on E. 23rd Street.
 - North/south approach, each has one through lane, one dedicated left-turn lane and one dedicated right-turn lane.
 - The intersection of Haskell Avenue and E. 22nd Street is a “T” intersection controlled by stop sign on E. 22nd Street. Each approach has a single lane.

6. As mentioned earlier, under the proposed redevelopment plan, the existing curb cut on E. 23rd Street remains unchanged at its current location. Moreover, a new access drive is proposed on the northwest corner of the site providing access to the proposed parking lot along the west side of the site. Field observations indicate that sight distance is not restricted at either of the two driveways.
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 9th Edition). For this analysis, ITE Land Use Codes that are most similar to the proposed uses were examined and the scenario that generated most trip numbers was selected.
 - For the Tap Room/Bar area (3,680 sq. ft.), ITE Codes 925 (Drinking Place) and 932 (High-Turnover Sit-Down Restaurant) with “gross floor area” as independent variable were examined.
 - For the Microbrewery area with 5,000 sq. ft., ITE Codes 110 (General Light Industrial) and 140 (Manufacturing) with “gross floor area” as independent variable were examined.

The results, as summarized in the Appendix, indicate that total number of trips likely to be generated by the proposed redevelopment will be below the threshold of 100 trip-ends during the critical peak period of a typical weekday as follows:

- On average, 5 trip-ends (4 inbound and 1 outbound) during the morning peak-hour of adjacent street network;
- On average, 54 trip-ends (30 inbound and 24 outbound) during the afternoon peak-hour of generator; and
- On average, 47 trip-ends (29 inbound and 18 outbound) during the afternoon peak-hour of adjacent street network; and
- On average, 73 trip-ends (38 inbound and 35 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

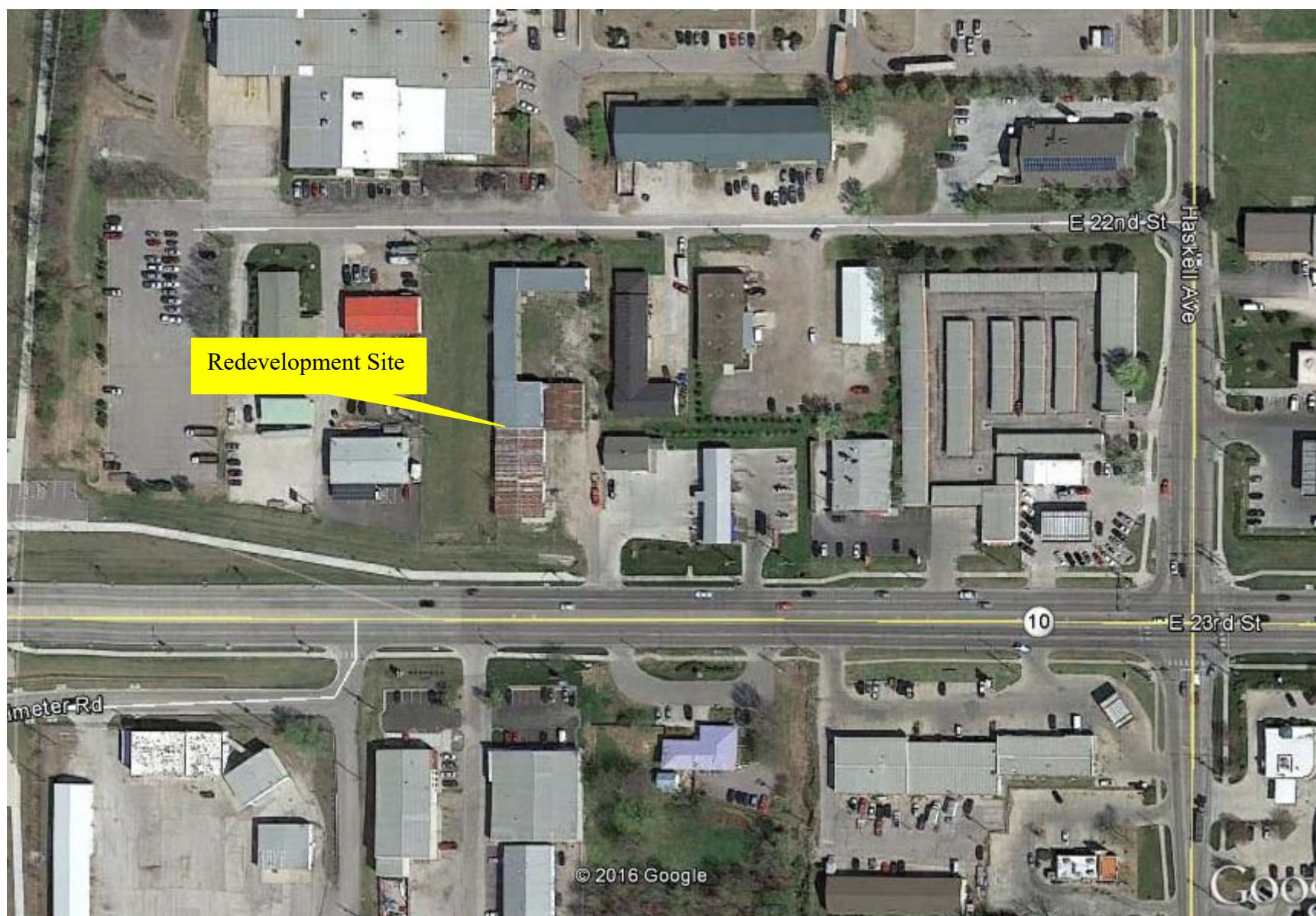


Figure 1
Location Map



PAVING SCHEDULE	
SYMBOL (SHOWN FOR CLARITY)	NAME
	4" CONCRETE PAVING FOR SIDEWALKS
	5.5" ASPHALT PAVING
	7" ASPHALT PAVING
	6" CONCRETE PAVING
	8" CONCRETE PAVING CITY SPEC. FOR APPROACHES

SCALE 1"=1000'

[illegible]

SPECIAL USE PERMIT SITE PLAN FOR
MICROBREWERY AND TAP ROOM
706 E. 23RD STREET
LAWRENCE, KANSAS

PROJECT BENCHMARK:

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NORTHING 233,503.53
EASTING 2,100,788.90
ELEVATION = 862.21 FT.
2. CHISELED SQUARE IN THE NW CORNER OF CONCRETE STORMWATER
INLET IN THE WEST OF ENTRANCE TO PROPERTY ON 23RD STREET,
ELEVATION = 877.79.

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 Planner: _____
 _____ of _____ Sheets
 Asst./Director: _____

**GROB
ENGINEERING
SERVICES, LLC**

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DESIGNED BY
IDG

CHECKED BY _____
IDG

ISSUE DATE
JUNE 20, 2016

REVISIONS

SHEET
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Detailed Land Use Data
For 3.68 Gross Floor Area 1000 SF of RESTAURANTHT 1
(932) High-Turnover (Sit-Down) Restaurant

Project: Microbrewery and Tap Room
Phase: Restaurant
Description: 706 E. 23rd Street, Lawrence, KS

Open Date: 6/18/2016
Analysis Date: 6/18/2016

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	468	0	127.15	73.51	246	41.77	7	50	50	False		
Weekday AM Peak Hour of Generator	49	0	13.33	3	54.09	9.44	7	53	47	False		
Weekday AM Peak Hour of Adjacent Street Traffic	40	0	10.81	2.32	25.6	6.59	6	55	45	False		
Weekday PM Peak Hour of Generator	68	0	18.49	5.6	69.2	13.32	5	54	46	False		
Weekday PM Peak Hour of Adjacent Street Traffic	36	0	9.85	0.92	62	8.54	6	60	40	False		
Saturday Average Daily Trips	583	0	158.37	144.6	172.71		5	50	50	False		
Saturday Peak Hour of Generator	52	0	14.07	4.44	50.4	12.19	4	53	47	False		
Sunday Average Daily Trips	485	0	131.84	119.38	143.8		5	50	50	False		
Sunday Peak Hour of Generator	68	0	18.46	9.79	43.2	13.74	4	55	45	False		

Detailed Land Use Data
For 5 Gross Floor Area 1000 SF of MANUFACTURING 1
(140) Manufacturing

Project: Microbrewery and Tap Room
Phase: Manufacturing
Description: 706 E. 23rd Street, Lawrence, KS

Open Date: 6/18/2016
Analysis Date: 6/18/2016

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	19	0	3.82	0.5	52.05	3.07	349	50	50	False	$T = 3.88(X) - 20.70$	0.87
Weekday AM Peak Hour of Generator	4	0	0.79	0.1	8.75	1.02	363	68	32	False	$T = 0.83(X) - 14.26$	0.81
Weekday AM Peak Hour of Adjacent Street Traffic	4	0	0.73	0.1	8.75	1.04	293	78	22	False	$T = 0.83(X) - 29.52$	0.67
Weekday PM Peak Hour of Generator	4	0	0.75	0.09	7.85	0.98	370	52	48	False	$T = 0.76(X) - 5.15$	0.83
Weekday PM Peak Hour of Adjacent Street Traffic	4	0	0.73	0.07	7.85	1.01	318	36	64	False	$T = 0.78(X) - 15.97$	0.75
Saturday Average Daily Trips	7	0	1.49	0.88	6.42		483	50	50	False		
Saturday Peak Hour of Generator	1	0	0.28	0.2	0.94		483	50	50	False		
Sunday Average Daily Trips	3	0	0.62	0.07	5.09		483	50	50	False		
Sunday Peak Hour of Generator	0	0	0.09	0.01	0.75		483	50	50	False		

Detailed Land Use Data
For 5 Gross Floor Area 1000 SF of GINDUSTRIAL 1
(110) General Light Industrial

Project: Microbrewery and Tap Room
Phase: General Light Industry
Description: 706 E. 23rd Street, Lawrence, KS

Open Date: 6/18/2016
Analysis Date: 6/18/2016

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	35	0	6.97	1.58	16.88	4.24	203	50	50	False	$T = 7.47(X) - 101.92$	0.81
Weekday AM Peak Hour of Generator	5	0	1.01	0.27	4	1.1	358	90	10	False	$T = 1.18(X) - 60.80$	0.92
Weekday AM Peak Hour of Adjacent Street Traffic	5	0	0.92	0.17	4	1.07	336	88	12	False	$T = 1.18(X) - 89.28$	0.92
Weekday PM Peak Hour of Generator	5	0	1.08	0.36	4.5	1.18	364	14	86	False	$T = 1.42(X) - 125.20$	0.89
Weekday PM Peak Hour of Adjacent Street Traffic	5	0	0.97	0.08	4.5	1.16	345	12	88	False	$T = 1.43(X) - 157.36$	0.88
Saturday Average Daily Trips	7	0	1.32	0.69	5.78	1.48	351	50	50	False	$T = 0.85(X) + 163.06$	0.6
Saturday Peak Hour of Generator	1	0	0.14	0.08	0.94	0.41	410	47	53	False		
Sunday Average Daily Trips	3	0	0.68	0.28	5	1.14	486	50	50	False		
Sunday Peak Hour of Generator	1	0	0.1	0.05	0.69	0.33	486	48	52	False		

Detailed Land Use Data
For 3.68 Gross Floor Area 1000 SF of BAR 1
(925) Drinking Place

Project: Microbrewery and Tap Room
Phase: Drinking Place
Description: 706 E. 23rd Street, Lawrence, KS

Open Date: 6/18/2016
Analysis Date: 6/18/2016

<u>Day / Period</u>	<u>Total Trips</u>	<u>Pass-By Trips</u>	<u>Avg Rate</u>	<u>Min Rate</u>	<u>Max Rate</u>	<u>Std Dev</u>	<u>Avg Size</u>	<u>% Enter</u>	<u>% Exit</u>	<u>Use Eq.</u>	<u>Equation</u>	<u>R2</u>
Weekday PM Peak Hour of Generator	57	0	15.49	3.73	29.98	8.63	3	68	32	False		
Weekday PM Peak Hour of Adjacent Street Traffic	42	0	11.34	3.73	29.98	8.04	4	66	34	False		



Basic Traffic Impact Study

for

Microbrewery and Tap Room

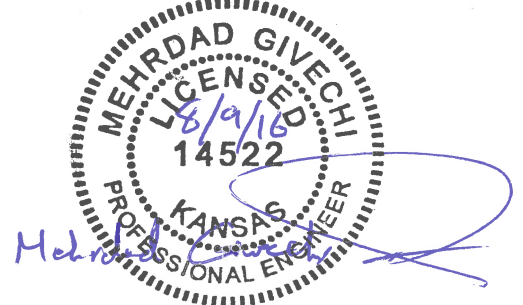
706 E. 23rd Street
Lawrence, Kansas

Prepared
for
Grob Engineering Services, LLC

Prepared
By



Serving Communities Through Excellence
Kansas - Missouri - Michigan - California



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

August 2016

Background

Per the requirements of City of Lawrence Ordinance #7650, a Traffic Impact Data (TID) report was prepared for the proposed *Microbrewery and Tap Room* redevelopment on 6/20/16. Because one of the proposed access drives to the redevelopment site is on the State Highway K-10 (E. 23rd Street), KDOT staff has requested that a Basic Traffic Impact Study (BTIS) be conducted to assess the impact on the subject access drive. This document is prepared as an addendum to the TID to fulfill KDOT's Access Management Policy requirements for this redevelopment.

Proposed Development Plan

- *Location Description* – The proposed *Microbrewery and Tap Room* redevelopment is located at 706 E. 23rd Street, Lawrence, Kansas, in Douglas County, KDOT District 1, Area 2 (See Location Map, Figure 1 of Appendix I);
- *Land Use* - The site is currently occupied by abandoned buildings. Under the proposed redevelopment plan, as shown on the Site Plan (Figure 2 of Appendix I), the site will be reconfigured to provide for
 - A restaurant / tap room with a total floor area of approximately 3,680 sq. ft. (kitchen = 1,080 sq. ft.; indoor seating = 1,350 sq. ft.; and outdoor patio = 1,250 sq. ft.);
 - A microbrewery (manufacturing and production) area of approximately 5,000 sq. ft.; and
 - A new parking lot on the west side of the site with a new access drive onto E. 22nd Street, while still maintaining the existing shared driveway on E. 23rd Street.
- *Zoning* - The site is currently zoned as IG (General Industrial). The proposed zoning will be CS (Commercial Strip). According to the City's Horizon 2020 (Map 3-2), the designated land use for this site is "Office Research and/or Industrial/Warehouse/Distribution".
- *Access (Existing and Proposed)* - The site is currently served by a shared driveway on E. 23rd Street that also provides access to the two adjoining businesses to the east – namely, *Solar Concepts Window Tilting* and *Wash Me*

Carwash. This driveway serves as ingress only for the carwash and as ingress/egress for the other business. The egress for the carwash is located approximately 165 ft. (CL to CL) to the east of the project access.

Access to the proposed redevelopment site, as illustrated on the Site Plan (Figure 2 of Appendix I), will be provided at two locations:

- The existing access on E. 23rd Street will remain in place as a shared driveway. This access is approximately 655 ft. (CL to CL) west of Haskell Avenue.
- A new full-access drive on the northwest corner of the site on E. 22nd Street, near the west property line, approximately 810 ft. (CL to CL) west of Haskell Avenue.

Highway and Area Street Characteristics

In the vicinity of the project site

- KDOT Approved Functional Classification – E. 23rd Street is designated as “Other Principal Arterials”
- National Highway System – E. 23rd Street is on the National Highway System
- KDOT Access Route Classification – E. 23rd Street is classified as “Class B” highway because it is on the National Highway System.
- KDOT Access Control Classification – E. 23rd Street is designated as “Full Access Control”.
- Posted Speed Limit – E. 23rd Street is a 45 mph facility. (*Note: In the previously submitted TID report, the posted speed limit was inadvertently listed as 35 mph. The 35 mph zone starts ¼ mile west of the project site.*)
- On-Street Parking – Parking prohibited on both sides of E. 23rd Street.
- Type of Area – This site is located within the city limits of Lawrence, Kansas in a developed area.
- Roadway Characteristics - E. 23rd Street is a 4-lane divided roadway with a Two-Way Left-Turn Lane (TWLTL) that runs east/west along the south side of the

project site and has a 64 ft. wide asphalt pavement (EOP to EOP) with curb/gutter sections.

- Existing Transportation System Plan – This site is not located in a planned corridor.
- E. 22nd Street - A 2-lane, dead-end roadway that runs east/west along the north side of the project site and has a 22 ft. wide asphalt pavement (EOP to EOP) with open drainage ditches on both sides. Speed limit is not posted (statutory speed limit is 30 mph)
- Haskell Avenue - A 2-lane roadway that runs north/south approximately 660 ft. east of the project site, and has a 27 ft. wide asphalt pavement (EOP to EOP) with curb/gutter sections. The posted speed limit is 30 mph and 35 mph north and south of E. 23rd Street, respectively, with on-street parking prohibited on both sides.
- The intersection of E. 23rd Street and Haskell Avenue - A fully-actuated signalized intersection with camera detection and “protected/permissive” left-turn phasing for north/south approaches and “protected only” left-turn phasing for east/west approaches.
 - East/west approach, each has two through lanes, a dedicated left-turn lane with storage length of approximately 145 ft. (part of the TWLTL), and no dedicated right-turn lane. There is a near-side bus stop for both westbound and eastbound movements on E. 23rd Street.
 - North approach has one through lane, one dedicated left-turn lane with storage length of approximately 170 ft., and one dedicated right-turn lane with storage length of approximately 160 ft.
 - South approach has one through lane, one dedicated left-turn lane and one dedicated right-turn lane, each with storage length of approximately 95 ft.
- The intersection of Haskell Avenue and E. 22nd Street – A “T” intersection controlled by stop sign on E. 22nd Street. Each approach has a single lane.

Existing Traffic Condition plus Site Generated Traffic

- *Existing Traffic Volumes* – The most recent turning movement counts for the intersection of E. 23rd Street and Haskell Avenue (obtained from city records dated February 18, 2016) indicate that the peak characteristics of traffic in the study area are as follows (See Appendix II and Figures 3 and 4 of Appendix I for details)
 - On a typical weekday, the morning peak occurs between 7:15 and 8:15 resulting in the following:
 - E. 23rd Street (K-10) carrying peak-hour volumes of approximately 2,280 vph (west of Haskell Avenue) with directional distribution of approximately 54% - 46% (westbound - eastbound); and 2,350 vph (east of Haskell Avenue) with directional distribution of approximately 46% - 54% (westbound - eastbound).
 - Haskell Avenue carrying peak-hour volumes of approximately 910 vph (north of E. 23rd Street) with directional distribution of approximately 50% - 50% (northbound - southbound); and 990 vph (south of E. 23rd Street) with directional distribution of approximately 70% - 30% (northbound – southbound).
 - On a typical weekday, the afternoon peak occurs between 4:45 and 5:45 resulting in the following:
 - E. 23rd Street (K-10) carrying peak-hour volumes of approximately 2,520 vph (west of Haskell Avenue) with directional distribution of approximately 54% - 46% (westbound - eastbound); and 2,670 vph (east of Haskell Avenue) with directional distribution of approximately 51% - 49% (westbound - eastbound).
 - Haskell Avenue carrying peak-hour volumes of approximately 1,090 vph (north of E. 23rd Street) with directional distribution of approximately 40% - 60% (northbound - southbound); and 1,130 vph (south of E. 23rd Street) with directional distribution of approximately 45% - 55% (northbound – southbound).

- The intersection of E. 23rd Street (K-10) and Haskell Avenue carries approximately 3,260 vph and 3,700 vph during the morning and afternoon peak-hours, respectively.
- Driveway volume counts were also conducted at the existing shared driveway on E. 23rd Street (project access drive) during the peak-hours of a typical weekday from 7:00 to 9:00 and 4:00 to 6:00 on 8/4/2016. Results, as summarized in Appendix II and shown in Figures 3 and 4 of Appendix I, indicate that driveway volumes during the critical peak-period (afternoon peak-hour of a typical weekday) are 16 vph (13 inbound and 3 outbound).
- ITE Trip Generation (9th Edition) - For this analysis, ITE Land Use Codes that are most similar to the proposed uses were examined and the scenario that generated most trip numbers was selected.
 - For the Tap Room/Bar area (3,680 sq. ft.), ITE Codes 925 (Drinking Place) and 932 (High-Turnover Sit-Down Restaurant) with “gross floor area” as independent variable were examined.
 - For the Microbrewery area with 5,000 sq. ft., ITE Codes 110 (General Light Industrial) and 140 (Manufacturing) with “gross floor area” as independent variable were examined.

The results, as summarized in Appendix III, indicate that, under the worst case scenario, total number of unadjusted trips (combined “new” and “pass-by”) likely to be generated by the proposed redevelopment, on a typical weekday, will be:

- On average, 5 trip-ends (4 inbound and 1 outbound) during the morning peak-hour of adjacent street network;
- On average, 54 trip-ends (30 inbound and 24 outbound) during the morning peak-hour of generator; and
- On average, 47 trip-ends (29 inbound and 18 outbound) during the afternoon peak-hour of adjacent street network; and
- On average, 73 trip-ends (38 inbound and 35 outbound) during the afternoon peak-hour of generator.
- On average, 503 trip-ends during a 24-hour period.

These trip generation numbers represent total vehicles entering and exiting the site at its proposed driveways. Because the proposed redevelopment is a retail-oriented development, it attracts a portion of its trips from the traffic passing the site on the way from origin to an ultimate destination. These retail trips are called “pass-by” trips and do not add new traffic to the adjacent street network. The remaining trips are “new” trips added to the adjacent street network. For the purpose of this report zero pass-by trips are assumed.

- *Trip Distribution/Assignment* – It is assumed that distribution of the site-generated traffic, at its two access points, will be proportionate to the volumes on E. 23rd Street and Haskell Avenue – 70% using the driveway on E. 23rd Street and 30% using the driveway on E. 22nd Street. It is further assumed that directional distribution of the site-generated traffic at its driveway location on E. 23rd Street will follow the existing directional distribution patterns on E. 23rd Street – 54% to/from east and 46% to/from west.

Using these distribution patterns and the ITE’s suggested ingress/egress distribution factors, the site generated traffic at its proposed driveway locations will be as follows:

- Afternoon peak-hour of the generator
 - 14 vph westbound right-turn (inbound off of E. 23rd Street)
 - 12 vph eastbound left-turn (inbound off of E. 23rd Street)
 - 12 vph westbound left-turn (inbound off of E. 22nd Street)
 - 13 vph southbound left-turn (outbound onto E. 23rd Street)
 - 11 vph southbound right-turn (outbound onto E. 23rd Street)
 - 11 vph northbound right-turn (outbound onto E. 22nd Street)
- Afternoon peak-hour of adjacent street network
 - 11 vph westbound right-turn (inbound off of E. 23rd Street)
 - 9 vph eastbound left-turn (inbound off of E. 23rd Street)
 - 9 vph westbound left-turn (inbound off of E. 22nd Street)
 - 7 vph southbound left-turn (outbound onto E. 23rd Street)
 - 6 vph southbound right-turn (outbound onto E. 23rd Street)
 - 5 vph northbound right-turn (outbound onto E. 22nd Street)

- 24-Hour period
 - 352 vpd using driveway on E. 23rd Street
 - 151 vpd using driveway on E. 22nd Street
- Design Vehicle – The design vehicle is a passenger car. There will be occasional delivery truck (WB-40), which will enter the site from E. 23rd Street and exit onto E. 22nd Street. The swept paths for the delivery truck are illustrated in Figures 5 and 6 of Appendix I.

Proposed Site Access Characteristics

- Access Type – Using the estimated driveway volumes (existing + project), the access on E. 23rd Street will be of KDOT's Type 5 because it will likely carry less than 50 vph and between 50 and 499 vpd.
- Shared Access – The proposed access drive on E. 23rd Street is a shared access.
- Access Width and Radii – The existing access on E. 23rd Street is 38 ft. wide with no curb/gutter section on the west side and a curb section on the east side. Under the proposed redevelopment plan, a new curb/gutter section will be constructed along the west side of the driveway with 20 ft. radius. The width of the new driveway will be 36 ft. The eastern portion of the driveway is on the adjacent property under a separate ownership.
- Access Surfacing – The western portion of the existing driveway on E. 23rd Street is currently constructed with asphalt. The remaining portion is concrete. Under the proposed redevelopment plan, the asphalt portion will be replaced with 8-inch thick concrete in compliance with the policy.
- Drainage Method and Material – Access on E. 23rd Street will be designed to drain from the right-of-way line to the street, thence to the existing curb inlet downstream.
- Adjacent Access Spacing – The first upstream access (on the same side of E. 23rd Street) is the egress only for the carwash and is located approximately 165 ft. (CL to CL) from the project access. The first downstream access (on the same

side) is Learnard Avenue located $\frac{1}{4}$ mile from the project access. The recommended access spacing per KDOT AMP (Table 4-6) is 450 ft.

The nearest driveway on the opposite side of E. 23rd Street is located to the east of the project access with a slight offset of approximately 20 ft. with no conflicting left-turn movement. The recommended access offset distance per KDOT AMP (Table 4-9) is 275 ft.

- The new access drive on E. 22nd Street will be 21 ft. wide with curb/gutter sections, concrete apron, and 15 ft. radius on the west side and 25 ft. radius on the east side.
- Intersection Influence Area - The nearest intersections (with public streets) are Haskell Avenue (signalized) approximately 655 ft. to the east; and Learnard Avenue approximately $\frac{1}{4}$ mile to the west. No overlap between upstream and downstream influence areas of these two intersections is anticipated.
- Sight Distance – The project access drive on E. 23rd Street is near the low point of a vertical curve with approach downgrade of approximately 3%. The required stopping sight distance per KDOT AMP (Table 4-12) is 378 ft. Field measurements indicate that the available stopping sight distance is greater than 1,000 ft.

The required intersection sight distance per KDOT AMP (Table 4-14) for a passenger car is 530 ft. (for left-turn out) and 430 ft. (for right-turn out). Field measurements indicate that the available intersection sight distance is greater than 1,000 ft. both upstream and downstream of the project access.

- Auxiliary Lane – Currently there is a two-way left-turn lane on E. 23rd Street. A dedicated westbound right-turn lane on E. 23rd Street at the project access point is not warranted

Critical peak-hour = Afternoon peak-hour of adjacent street network

Advance volume (westbound on E. 23rd Street) = 1347 vph

Posted speed limit = 45 mph

Westbound right-turn volume (existing + project) = 6+11 = 17 vph < 18 vph (per KDOT AMP, Table 4-26)

Recommendations

The recommended access spacing for an Access Route Class B in a developed area with 45 mph speed limit is 450 ft. (on the same side) and 275 ft. (on the opposite side). The spacing of the project access drive does not meet these KDOT AMP requirements. Given the fact that the project access drive on E. 23rd Street is a shared driveway with eastern half owned by another entity and other constraints, relocation of the project access drive is not feasible.

As part of the proposed redevelopment plan, however, this project driveway on E. 23rd Street will be improved to have a 36 ft. wide throat with curb/gutter sections (on the east side that is under ownership of the project applicant), 20 ft. radius and 8" thick concrete that replaces the existing asphalt.

APPENDIX I

Figures

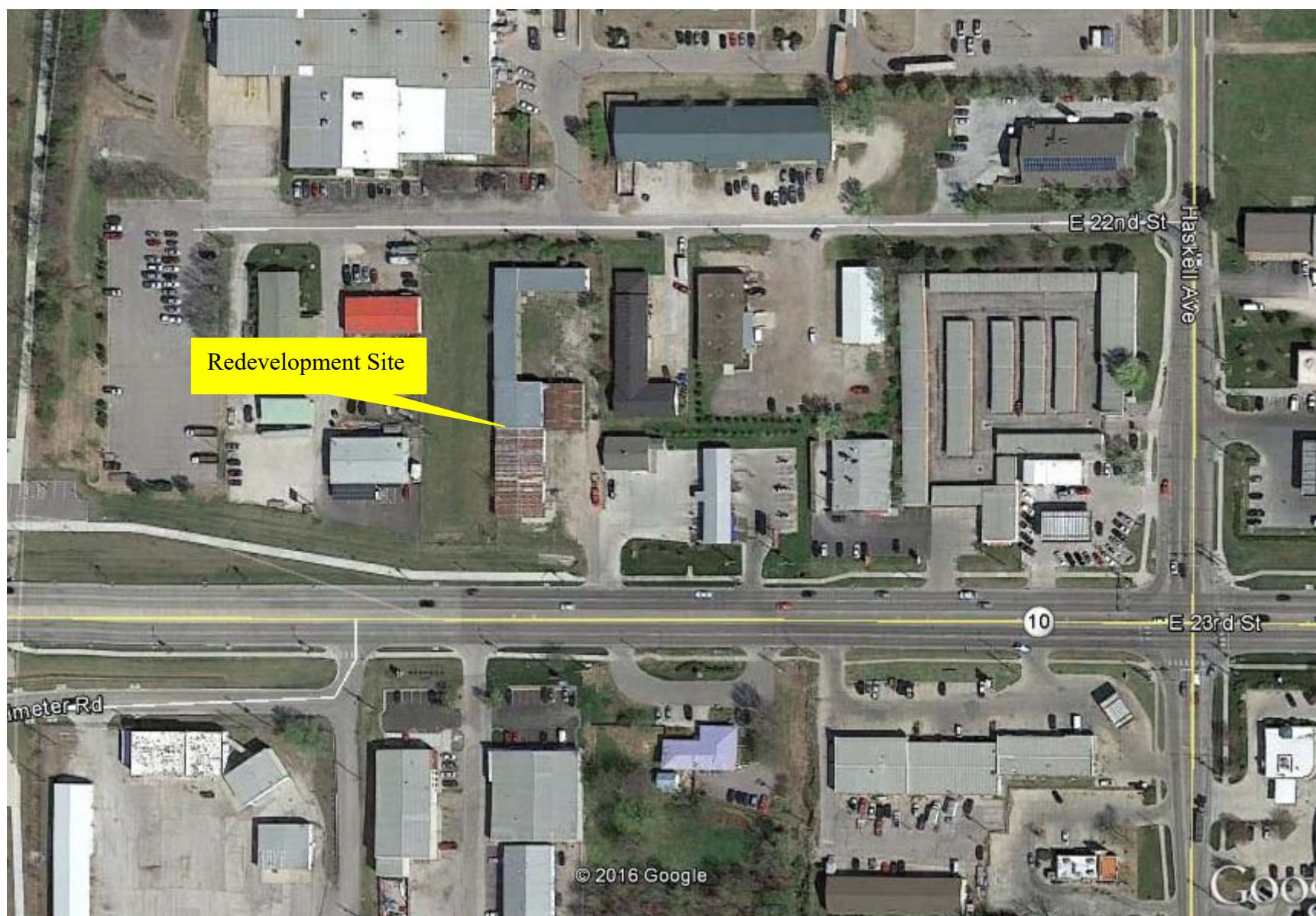
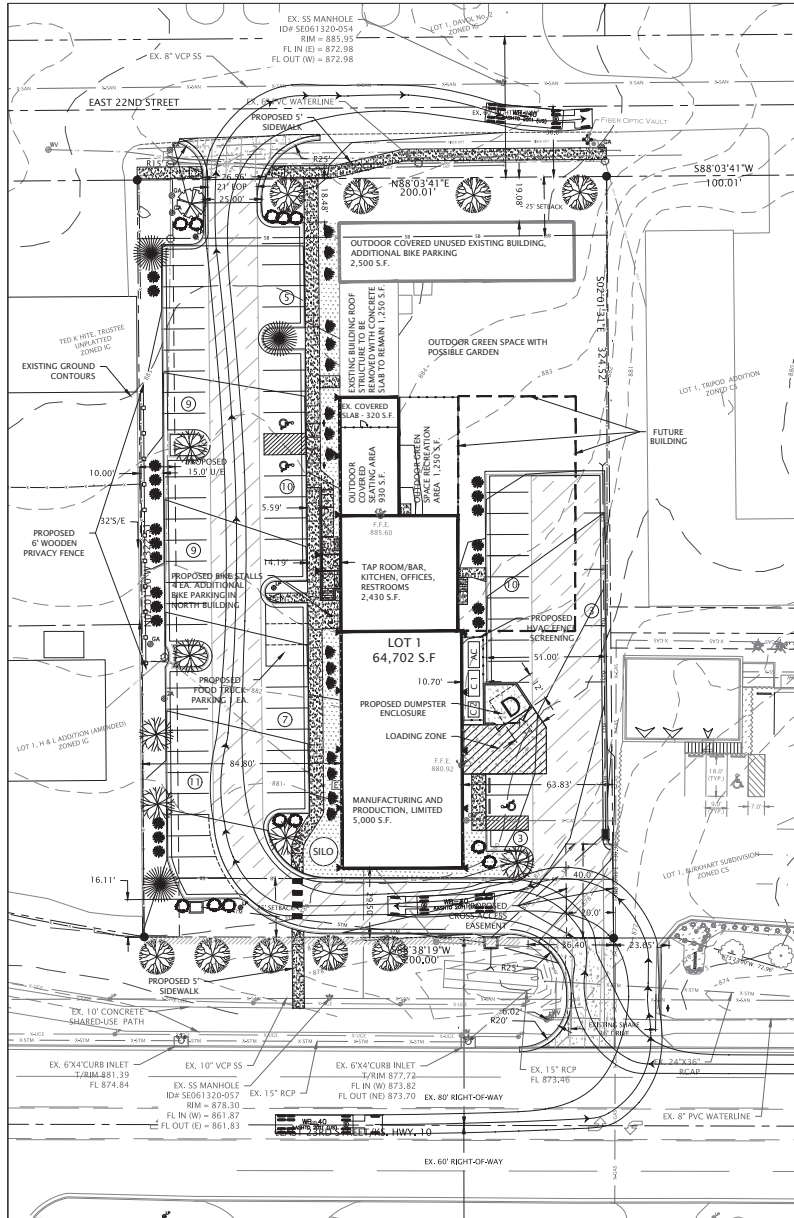


Figure 1
Location Map



DEVELOPMENT SUMMARY

IMPERVIOUS SURFACE SUMMARY			
Existing Summary	AREA (SQ. FT.)	Summary After Project Completion	AREA (SQ. FT.)
Existing Building	14,780	Proposed Buildings	11,390
Existing Pavement	47,452	Proposed Pavement	33,687
Existing Impervious	62,232	Proposed Impervious	45,077
Existing Pervious	2,470	Proposed Pervious	19,625
Property Area	64,702	Property Area	64,702
BUILDING COVERAGE 22.8%		BUILDING COVERAGE 17.6%	
IMPERVIOUS LOT COVERAGE 96.2%		IMPERVIOUS LOT COVERAGE 69.7%	

PARKING SUMMARY		
PARKING REQUIREMENT	# OF UNITS	PARKING REQUIRED
BAR OR LOUNGE 1 PER 3 PERSONS MAXIMUM OCC. PLUS 1 PER EMPLOYEE	162 OCC. 5 EMPLOYEES	59 SPACES
MANUFACTURING AND PRODUCTION, LIMITED 1 PER 1,000 SF PLUS 1 PER VEHICLE USED	5,000 S.F. 3 VEHICLES	8 SPACES
PERMANENT FOOD TRUCK	1 VEHICLE	1 SPACE
PARKING PROVIDED		
TOTAL PARKING SPACES	67	
STANDARD SPACES	64	
ADA HANDICAP SPACES	3 (1 VAN)	
FOOD TRUCK 18'x30'	1	

LANDSCAPING SCHEDULE		
SYMBOL	QUANT.	NAME
0	0	EX. CONIFEROUS/DECIDUOUS TREES
9	9	STREET TREES - 1 PER 40' OF FRONTAGE LARGE CANOPY - LACEDARK ELM, SHUMARD OAK, SUMMERSHADE NORWAY MAPLE, GREENSPRING LINDEN, OR APPROVED EQUAL (2 SPECIES MIN.) MEDIUM CANOPY - SHANTUNG MAPLE, GOLDENRAIN TREE, CHICKAPIN OAK OR APPROVED EQUAL
4+1	4+1	PERIMETER LANDSCAPING REQUIREMENT 1 TREE PER 25' OF PARKING LOT PLUS CONTIN. ROW OF 10-12 SHRUBS IDENTIFIED AS STREET TREES
1+1	1+1	LACEDARK ELM, SHUMARD OAK OR SUMMERSHADE NORWAY MAPLE + BOSSIAN PINE OR WHITE SPURGE DWARF BURNING BUSH, MAGIC CARPET SPIREA OR APPROVED EQUAL
12	12	INTERIOR LANDSCAPING REQUIREMENT PARKING LOTS - 40 S.F. PER STALL - 1 SHADE TREE & 3 SHRUBS PER 10 STALLS (67 STALLS - 2680 S.F. / 77 TREES/21 SHRUBS) AREAS PROVIDED AT END ISLANDS, CENTER ISLANDS, PLANTERS AND BETWEEN FENCE AND PARKING EXCEED 1,450 S.F.
5+2	5+2	LACEDARK ELM, SHUMARD OAK, SUMMERSHADE NORWAY MAPLE, GREENSPRING LINDEN + BOSSIAN PINE, LIMBER PINE, WHITE SPURGE OR APPROVED EQUAL
21 + 16	21 + 16	DWARF BURNING BUSH, MAGIC CARPET SPIREA, KNOCK-OUT ROSES, BLUE HOLLY OR APPROVED EQUAL - LOW MAINTENANCE GRASSES - BLUESTEM, PAMPAS GRASS, MILDEN GRASS, INDIAN GRASS, WITH A MATURE SPREAD OF LESS THAN 3' OR APPROVED EQUAL LANDSCAPE AREAS - MULCH, RIVER GRAVEL OR OTHER GROUND TREATMENT ALL UNPAVED AREAS SHALL BE PLANTED WITH TURF GRASSES

BUFFERYARD LANDSCAPING REQ.
CS TO IG ZONING - TYPE 1 - 10' TO 25'
ALTERNATE COMPLIANCE - THE PROPERTY WAS REZONED FOR THIS
REDEVELOPMENT FROM IG TO CS TO ALLOW FOR SPECIFIC USES. THIS PROPERTY
HAS SIMILAR CHARACTERISTICS TO THE ADJACENT IG ZONED PROPERTIES. THE
WEST PROPERTY LINE HAS BEEN LANDSCAPED WITH 4 TREES, 14 SHRUBS, AND 120
L.F. OF 6 FOOT WOODEN PRIVACY FENCE IN ADDITION TO THE EXISTING
CHARLUNG FENCE TO ACT AS A BUFFERYARD. AS THE INTENT OF A BUFFERYARD
HAS BEEN ESTABLISHED, NO ADDITIONAL BUFFERING IS PROPOSED.

PAVING SCHEDULE	
SYMBOL	NAME
4"	CONCRETE PAVING FOR SIDEWALKS
5.5"	ASPHALT PAVING
7"	ASPHALT PAVING
6"	CONCRETE PAVING
8"	CONCRETE PAVING CITY SPEC. FOR APPROACHES

LEGAL DESCRIPTION

LOT 1, JOHNSON ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

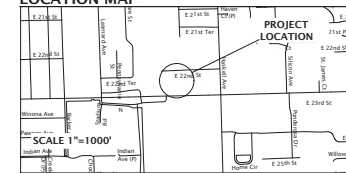
GENERAL NOTES

- Owner: Lawrence Brothers, LLC
879 N 200 Road
Baldwin City, Kansas 66006
- Contract Purchaser: Johnston Investments Company, LLC
10745 S. Oakcrest Lane
Olathe, Kansas 66061
- Land Planner/Engineer: Grob Engineering Services, LLC
3210 Mesa Way, Suite A
Lawrence, Kansas 66044
All Points Surveying, LP
P.O. Box 4444
Lawrence, Kansas 66044
- Surveyor: Lawrence, Kansas 66044
- Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 1995, 2006 and 2013. Specific topographic and boundary information for property & directly adjacent obtained from field survey provided by All Points Surveying LP, June, 2016.
 - Typical Soil Type: PC - Paines Clay Loam
 - Existing Land Use: Vacant Lumber Yard
 - Proposed Land Use: Manufacturing and Production, Limited; Bar or Lounge; and Fast Order Food (Microbrewery/Tap Room; Food Truck)
 - Current Zoning: CS - Commercial Strip
 - No part of the property is located within a SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% CHANCE FLOOD per FEMA Flood Insurance Rate Map (FIRM) Panel 178 of 460, Map # 20045C0128E, Map Revised September 2, 2015.
 - Proposed utility locations, elevations, and sizes are preliminary and will be finalized during final design of improvements.
 - New telephone, cable television and electrical lines (except high voltage lines) must be located underground. The developer is responsible for the cost of relocation of existing utilities, if necessary to serve the subdivision.
 - Soils investigations shall be performed before primary structures are erected on lots with slopes greater than 3:1, or non-engineered fill greater than 12 inches. A soils engineer licensed by the State of Kansas, shall perform investigations, and a report of the investigation shall be submitted to the City of Lawrence Codes Enforcement Division. Other lots may be required to be investigated where excavation reveals indications of unsuitable conditions.
 - No new public right-of-way or streets will be created as part of this subdivision. No improvements are proposed for 22nd or 23rd Streets. Sidewalks exist along 23rd Street. Sidewalks will be constructed along 22nd Street in accordance with Public Improvement Standards Section 20-811(k). This subdivision will connect to the City of Lawrence public water source. This subdivision will connect to City of Lawrence public sanitary sewer system. The above mentioned public improvements will be financed and completed by the Subdivision Developer.
 - With the dedication of additional right-of-way for E. 22nd Street, the existing building encroaches into the required setback; however the structure is not considered a nonconforming structure per Section 20-1503(a) of the Development Code.
 - City of Lawrence will not be responsible for pavement damage due to refuse collection.
 - This 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.
 - Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utility boxes and meters, shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 ft above ground level). Screening shall be in the form of landscaping or an architectural treatment compatible with the architecture of the principal building.
 - 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, retro-reflectivity, and position. Per Ordinance No. 7542.
 - Turf areas to be seeded unless noted otherwise.

PROJECT BENCH MARK:

- DOUGLAS COUNTY PUBLIC WORKS CHAIN DC41
NORTHING 233,503.53
EASTING 2,100,788.90
ELEVATION + 862.21 FT.
- CHEELED SQUARE IN THE NW CORNER OF CONCRETE STORMWATER INLET IN THE WEST OF ENTRANCE TO PROPERTY ON 23RD STREET, ELEVATION = 877.25

LOCATION MAP



LEGEND				
OVERHEAD WIRE	OVERHEAD ELECTRICAL	SANITARY SEWER MANHOLE	R/R	BACK OF CURB/BACK OF CURB
OVERHEAD TELEPHONE	UNDERGROUND TELEPHONE	STORM MANHOLE	ROW	RIGHT OF WAY
GAS	GAS	STORM DRAIN	CA	CONTRAIL
WATERLINE	WATERLINE	CUT ANCHOR	D/E	DRAINAGE EASEMENT
SANITARY SEWER LINE	SANITARY SEWER SERVICE	WATER METER	U/E	UTILITY EASEMENT
STORMWATER LINE	STORMWATER SERVICE	WATER VALVE	PI	PLANTED
BUILDING SETBACK LINE	BUILDING SETBACK LINE	SECTION LINE	MO	MEASURED
PROPERTY LINE	PROPERTY LINE	SECTION LINE	CA	CALCULATED
EASEMENT	EASEMENT	SECTION LINE	PO	PROPERTY CORNER
RESTRICTED	RESTRICTED	SECTION LINE		
RIGHT OF WAY ACCESS				
	</			

THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY - NOT FOR CONSTRUCTION

SPECIAL USE PERMIT SITE PLAN for MICROBREWERY AND TAP ROOM

GES

GROB ENGINEERING SERVICES, LLC
3210 Mesa Way, Suite A * Lawrence, Kansas 66044
P.O. Box 502 * Lawrence, Kansas 66044
Phone 785 856-1900 * Fax 785 856-1901

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SPECIAL USE PERMIT SITE PLAN for MICROBREWERY AND TAP ROOM 706 E. 23RD STREET LAWRENCE, KANSAS

DESIGNED BY

JDG

CHECKED BY

JDG

ISSUE DATE

JUNE 20, 2016

REVISIONS

JULY 29, 2016

AUGUST 8, 2016

Approved and Released

Case No. _____
Approval Date: _____
Release Date: _____
Planner: _____
City of Lawrence
Douglas County
Assistant Director

SHEET

1

1

FIGURE 3

EXISTING CONDITIONS
MORNING PEAK-HOUR

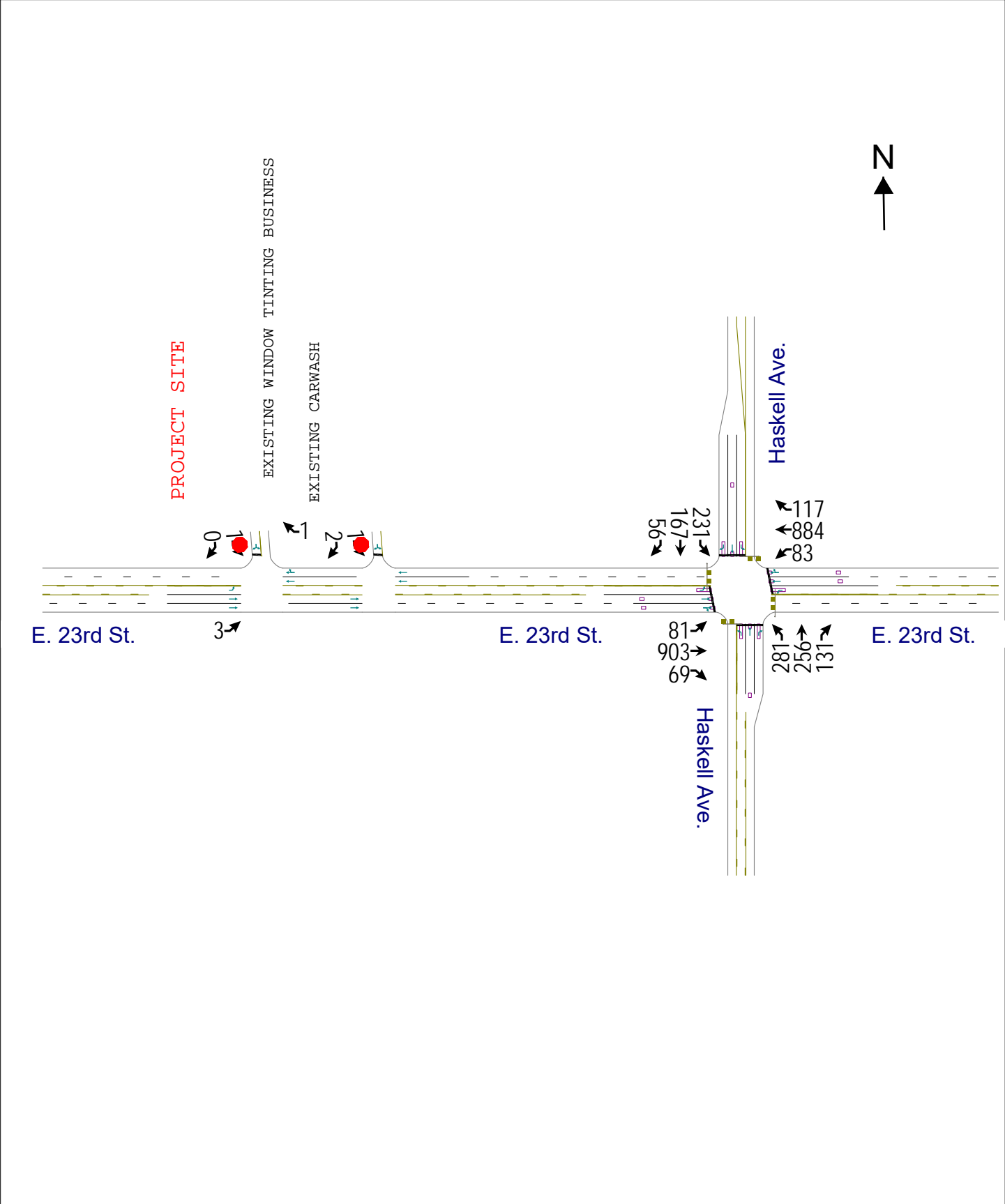
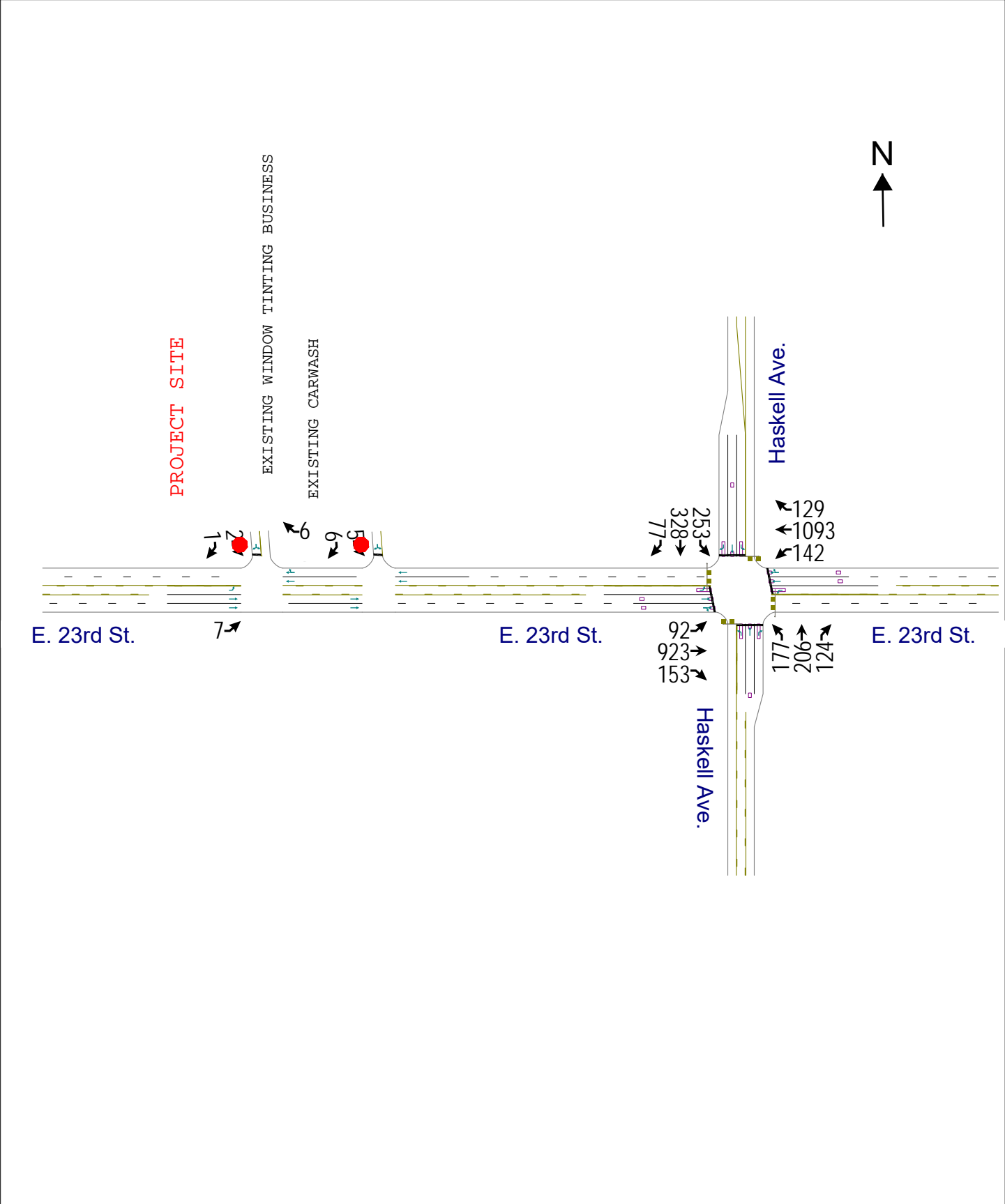
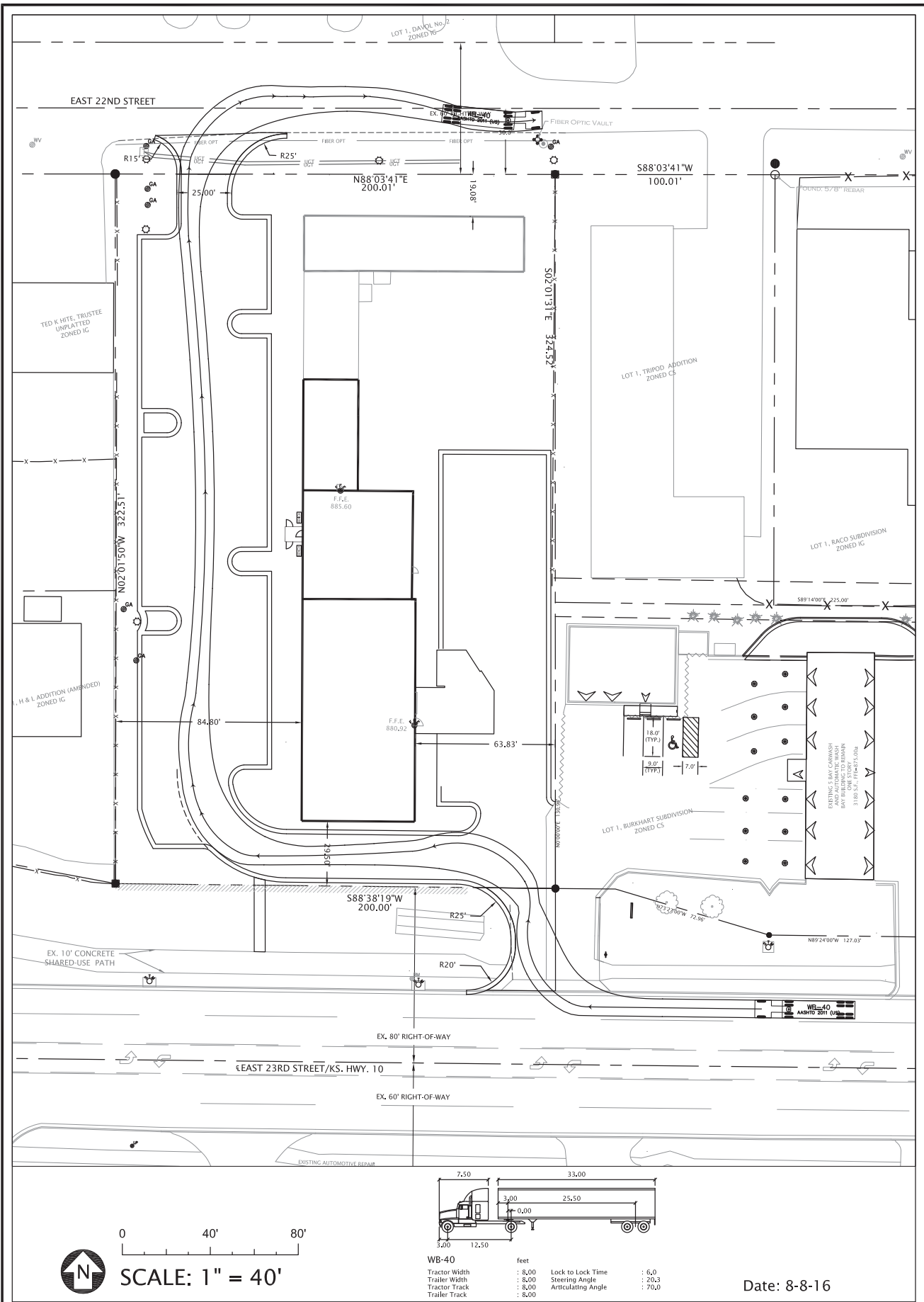
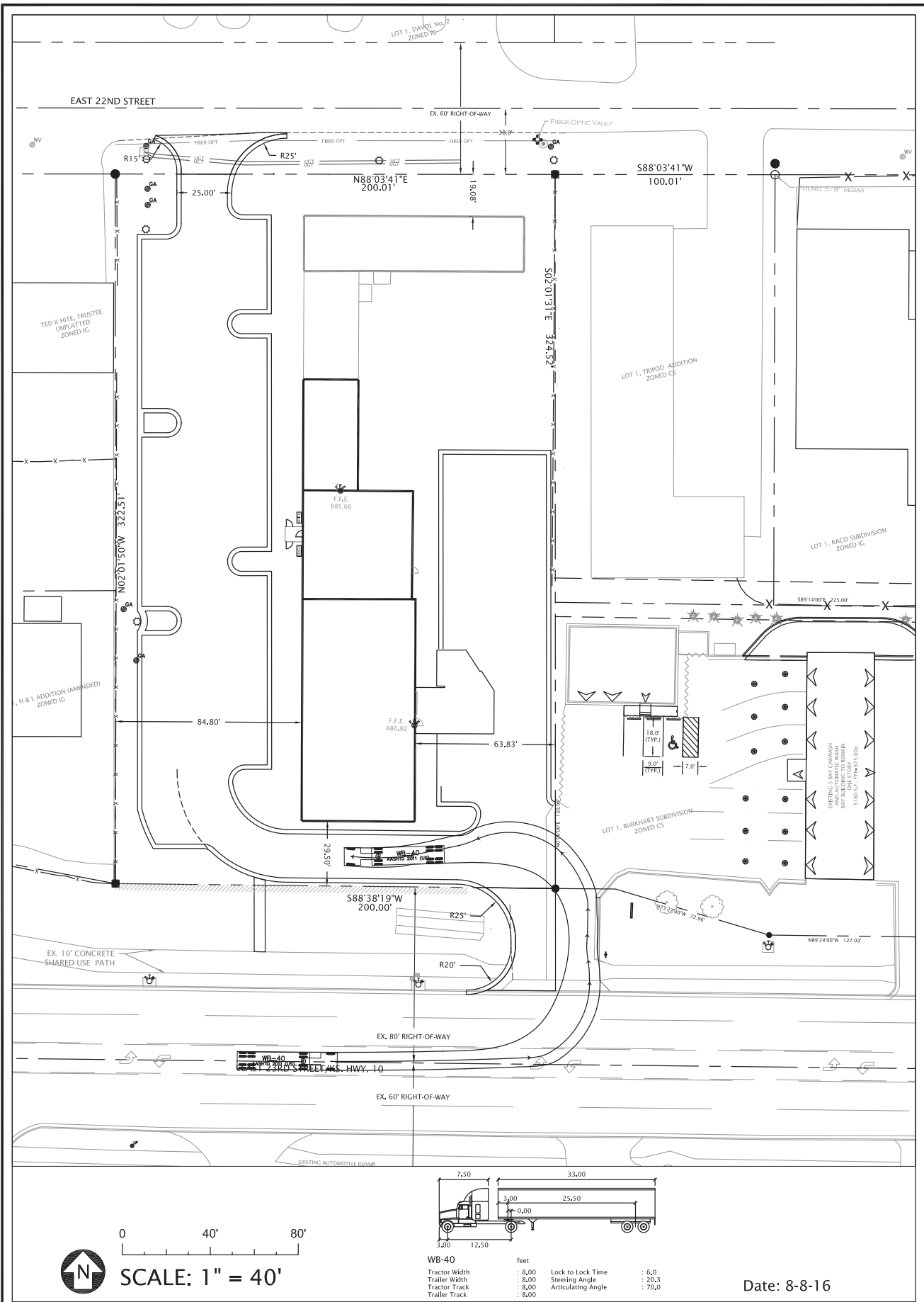


FIGURE 4

EXISTING CONDITIONS
AFTERNOON PEAK-HOUR







APPENDIX II

Summary of Traffic Counts

PEAK AM Count

Signal Location		Count AM Date	Begin Peak	Peak Volume	South Bound			West Bound			North Bound			East Bound		
STREET1	STREET2			TOTAL	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left
23 rd St.	Haskell Rd.	18-Feb-16	7:15	3259	56	167	231	117	884	83	131	256	281	69	903	81

PEAK PM Count

Signal Location		Count PM Date	Begin Peak	Peak Volume	South Bound			West Bound			North Bound			East Bound		
STREET1	STREET2			TOTAL	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left
23 rd St.	Haskell Rd.	18-Feb-16	16:45	3697	77	328	253	129	1093	142	124	206	177	153	923	92

Source: City Public Works Department, Traffic Division

Summary of Vehicular Turning Movement Counts

Project Access
Afternoon Peak-Hours
Sunny, Hot

File Name : 706 E. 23rd Brewery-epm
Site Code : 1
Start Date : 8/4/2016
Page No : 1

Groups Printed- Unshifted

Start Time	Project Access From North					E. 23rd Street From East					From South					E. 23rd Street From West					Int. Total
	R-out	Thru	L-out	Peds	App. Total	R-In	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	L-in	Peds	App. Total	
04:00 PM	0	0	1	0	1	1	0	0	0	1	0	0	0	0	0	0	0	2	0	2	4
04:15 PM	0	0	0	0	0	3	0	0	0	3	0	0	0	0	0	0	0	4	0	4	7
04:30 PM	1	0	1	0	2	1	0	0	0	1	0	0	0	0	0	0	0	1	0	1	4
04:45 PM	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Total	1	0	2	0	3	6	0	0	0	6	0	0	0	0	0	0	0	7	0	7	16
05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	2
05:15 PM	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	3
05:30 PM	1	0	0	0	1	2	0	0	0	2	0	0	0	0	0	0	0	2	0	2	5
05:45 PM	0	0	0	0	0	2	0	0	0	2	0	0	0	0	0	0	0	1	0	1	3
Total	1	0	1	0	2	4	0	0	0	4	0	0	0	0	0	0	0	7	0	7	13
Grand Total	2	0	3	0	5	10	0	0	0	10	0	0	0	0	0	0	0	14	0	14	29
Apprch %	40	0	60	0		100	0	0	0		0	0	0	0		0	0	100	0		
Total %	6.9	0	10.3	0	17.2	34.5	0	0	0	34.5	0	0	0	0	0	0	0	48.3	0	48.3	

Summary of Vehicular Turning Movement Counts

Project Access
Afternoon Peak-Hours
Sunny, Hot

File Name : 706 E. 23rd Brewery-epm
Site Code : 1
Start Date : 8/4/2016
Page No : 2

	Project Access From North					E. 23rd Street From East					From South					E. 23rd Street From West					
Start Time	R-out	Thru	L-out	Peds	App. Total	R-in	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	L-in	Peds	App. Total	Int. Total

Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1

Peak Hour for Each Approach Begins at:

	04:00 PM					04:00 PM					04:00 PM					04:00 PM				
+0 mins.	0	0	1	0	1	1	0	0	0	1	0	0	0	0	0	0	0	2	0	2
+15 mins.	0	0	0	0	0	3	0	0	0	3	0	0	0	0	0	0	0	4	0	4
+30 mins.	1	0	1	0	2	1	0	0	0	1	0	0	0	0	0	0	0	1	0	1
+45 mins.	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Total Volume	1	0	2	0	3	6	0	0	0	6	0	0	0	0	0	0	0	7	0	7
% App. Total	33.3	0	66.7	0		100	0	0	0		0	0	0	0		0	0	100	0	
PHF	.250	.000	.500	.000	.375	.500	.000	.000	.000	.500	.000	.000	.000	.000	.000	.000	.000	.438	.000	.438

APPENDIX III

Results of Trip Generation Analysis
Using
ITE Trip Generation Manual, 9th Edition

Detailed Land Use Data
For 3.68 Gross Floor Area 1000 SF of RESTAURANTHT 1
(932) High-Turnover (Sit-Down) Restaurant

Project: Microbrewery and Tap Room
Phase: Restaurant
Description: 706 E. 23rd Street, Lawrence, KS

Open Date: 6/18/2016
Analysis Date: 6/18/2016

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	468	0	127.15	73.51	246	41.77	7	50	50	False		
Weekday AM Peak Hour of Generator	49	0	13.33	3	54.09	9.44	7	53	47	False		
Weekday AM Peak Hour of Adjacent Street Traffic	40	0	10.81	2.32	25.6	6.59	6	55	45	False		
Weekday PM Peak Hour of Generator	68	0	18.49	5.6	69.2	13.32	5	54	46	False		
Weekday PM Peak Hour of Adjacent Street Traffic	36	0	9.85	0.92	62	8.54	6	60	40	False		
Saturday Average Daily Trips	583	0	158.37	144.6	172.71		5	50	50	False		
Saturday Peak Hour of Generator	52	0	14.07	4.44	50.4	12.19	4	53	47	False		
Sunday Average Daily Trips	485	0	131.84	119.38	143.8		5	50	50	False		
Sunday Peak Hour of Generator	68	0	18.46	9.79	43.2	13.74	4	55	45	False		

Detailed Land Use Data
For 5 Gross Floor Area 1000 SF of MANUFACTURING 1
(140) Manufacturing

Project: Microbrewery and Tap Room
Phase: Manufacturing
Description: 706 E. 23rd Street, Lawrence, KS

Open Date: 6/18/2016
Analysis Date: 6/18/2016

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	19	0	3.82	0.5	52.05	3.07	349	50	50	False	$T = 3.88(X) - 20.70$	0.87
Weekday AM Peak Hour of Generator	4	0	0.79	0.1	8.75	1.02	363	68	32	False	$T = 0.83(X) - 14.26$	0.81
Weekday AM Peak Hour of Adjacent Street Traffic	4	0	0.73	0.1	8.75	1.04	293	78	22	False	$T = 0.83(X) - 29.52$	0.67
Weekday PM Peak Hour of Generator	4	0	0.75	0.09	7.85	0.98	370	52	48	False	$T = 0.76(X) - 5.15$	0.83
Weekday PM Peak Hour of Adjacent Street Traffic	4	0	0.73	0.07	7.85	1.01	318	36	64	False	$T = 0.78(X) - 15.97$	0.75
Saturday Average Daily Trips	7	0	1.49	0.88	6.42		483	50	50	False		
Saturday Peak Hour of Generator	1	0	0.28	0.2	0.94		483	50	50	False		
Sunday Average Daily Trips	3	0	0.62	0.07	5.09		483	50	50	False		
Sunday Peak Hour of Generator	0	0	0.09	0.01	0.75		483	50	50	False		

Detailed Land Use Data
For 5 Gross Floor Area 1000 SF of GINDUSTRIAL 1
(110) General Light Industrial

Project: Microbrewery and Tap Room
Phase: General Light Industry
Description: 706 E. 23rd Street, Lawrence, KS

Open Date: 6/18/2016
Analysis Date: 6/18/2016

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	35	0	6.97	1.58	16.88	4.24	203	50	50	False	$T = 7.47(X) - 101.92$	0.81
Weekday AM Peak Hour of Generator	5	0	1.01	0.27	4	1.1	358	90	10	False	$T = 1.18(X) - 60.80$	0.92
Weekday AM Peak Hour of Adjacent Street Traffic	5	0	0.92	0.17	4	1.07	336	88	12	False	$T = 1.18(X) - 89.28$	0.92
Weekday PM Peak Hour of Generator	5	0	1.08	0.36	4.5	1.18	364	14	86	False	$T = 1.42(X) - 125.20$	0.89
Weekday PM Peak Hour of Adjacent Street Traffic	5	0	0.97	0.08	4.5	1.16	345	12	88	False	$T = 1.43(X) - 157.36$	0.88
Saturday Average Daily Trips	7	0	1.32	0.69	5.78	1.48	351	50	50	False	$T = 0.85(X) + 163.06$	0.6
Saturday Peak Hour of Generator	1	0	0.14	0.08	0.94	0.41	410	47	53	False		
Sunday Average Daily Trips	3	0	0.68	0.28	5	1.14	486	50	50	False		
Sunday Peak Hour of Generator	1	0	0.1	0.05	0.69	0.33	486	48	52	False		

Detailed Land Use Data
For 3.68 Gross Floor Area 1000 SF of BAR 1
(925) Drinking Place

Project: Microbrewery and Tap Room
Phase: Drinking Place
Description: 706 E. 23rd Street, Lawrence, KS

Open Date: 6/18/2016
Analysis Date: 6/18/2016

<u>Day / Period</u>	<u>Total Trips</u>	<u>Pass-By Trips</u>	<u>Avg Rate</u>	<u>Min Rate</u>	<u>Max Rate</u>	<u>Std Dev</u>	<u>Avg Size</u>	<u>% Enter</u>	<u>% Exit</u>	<u>Use Eq.</u>	<u>Equation</u>	<u>R2</u>
Weekday PM Peak Hour of Generator	57	0	15.49	3.73	29.98	8.63	3	68	32	False		
Weekday PM Peak Hour of Adjacent Street Traffic	42	0	11.34	3.73	29.98	8.04	4	66	34	False		



SUP-16-00262: Special Use Permit for Manufacturing and Production, Limited
Use to Accommodate a Microbrewery Located at 706 E 23rd Street



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
08/22/16

ITEM NO. 3 TEXT AMENDMENT TO DEVELOPMENT CODE; PUBLIC NOTICE PROCEDURES

TA-16-00180: Text Amendment to the City of Lawrence Land Development Code, Article 13, regarding Public Notice Procedures. *Initiated by the Planning Commission on April 25, 2016 and the City Commission on 7/5/2016.*

STAFF RECOMMENDATION:

Staff recommends forwarding a recommendation of approval to the Lawrence City Commission of the text amendments to the Land Development Code, Chapter 20 of the Code of The City of Lawrence, Kansas modify Article 13 to correct reference errors/housekeeping updates as noted and to modify the sign posting requirements for UC Overlay District rezoning processes.

Staff does not recommend modification to the required notice area for development applications for the reasons noted above. However, if the Commission desires to increase the required notification area, Staff suggests the following:

1. Legal Staff be directed to research and determine the impacts and changes needed regarding the protest petition process and to recommend any further amendments necessary to implement the revised distance prior to adoption of the ordinance;
2. Modify all notification distances to be uniform across development applications for ease in administration; and
3. Consider implementing an additional fee to recover notification costs incurred.

Reason for Request: The City Commission initiated this amendment on July 5, 2016 as a follow-up to a previous discussion with staff regarding standard public notice for and courtesy mailed notice that has been provided for some development applications. Staff was directed to evaluate the impacts of increasing the distance for all mailed notice and, if appropriate, draft appropriate amendments to the Development Code.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No written comments received to date.

BACKGROUND

During the processing for the Oread Design Guidelines hearings, Staff realized that we had missed a public notice step in that posted notice had not been provided for the area covered by the proposed Overlay Districts. In reviewing the Development Code regarding required notice, several inconsistent references to notice procedures were found in Article 13 – Development Review Procedures. For the Overlay Districts & Design Guidelines, the hearing process before the Historic Resources and Planning Commissions was started over and the Planning Commission was asked to initiate text amendments to correct the errors discovered.

In early June, the City Commission discussed the notice procedures as they related to the submitted site plan for neighborhood commercial development at the southeast corner of W 24th Terrace and Inverness Drive. The Commission suggested that impacts resulting from proposed development may often reach beyond the typical 200 foot radius. The discussion indicated a desire to consider implementing a larger notice area on all development projects.

Staff was directed to develop text amendments to address both issues and evaluate the impacts related to increasing the notice provisions for mailed notice to property owners surrounding proposed development projects.

EXISTING CODE REQUIREMENTS & PRACTICES

The Development Code requires public notice for the following types of development applications:

Applications to Planning Commission

Newspaper, Mailed and Posted

- Rezoning,
- Special Use Permits,
- Preliminary Development Plans

Applications to the Board of Zoning Appeals

Newspaper and Mailed

- Variances
- Appeals of Administrative Decisions

Administrative Processes

Mailed

- Final Development Plans

*Mailed and Posted

- Standard and Major Site Plans
- * Mailed notice by applicant at time of submission

The code requires property owners within 200 feet of the development proposal and registered neighborhood associations to be sent a letter describing the proposed activity when mailed notice is a requirement. Typically the application requires a current property ownership list provided by the County Clerk's office and Planning Staff prepares and mails the notice. The code requires the applicant to prepare and send letters for site plan applications.

In several recent instances, Staff has provided 'courtesy' letters to property owners in a larger notice area at the direction of either the Planning Commission or City Commission or when Staff determines it is appropriate to do so. Development proposals in the Inverness Park District Plan area garnered significant public interest during the plan development. As a result the plan included a requirement that the City Commission approve site plans for the undeveloped parcels in the area through a public process. As those plans came in, Staff determined that extraordinary notice to property owners within 1,000 feet should be provided for the proposed developments.

Similarly, when the Alvarado Planned Unit Development redevelopment applications were submitted, Staff determined that the proposed changes which were internal to the golf course area could potentially be of interest to property owners beyond the required notice area and therefore provided notice to owners within 200 feet of the original PUD rather than only those owners within 200 feet of the requested zoning change.

It is important to highlight other ways that members of the community can be provided notice. The City has a robust subscription and email notification system which allows an individual to select the type of development applications they are notified about. These include meeting notices, board agendas and packets, news in particular neighborhoods, and new submittals to the Planning Office. The new submittals are also viewable on the City's interactive map. As noted above, the majority of projects also include sign posting which provides notice to residents traveling past a proposed development site. Staff prepares a newsletter which is shared at a Lawrence Association of Neighborhoods (LAN) meeting each month. Lawrence also has active newspaper coverage of proposed development activity (both in the electronic Town Talk blog and the print LJW stories).

ANALYSIS

Article 13 provides direction on the types of public notice that are required for various development applications. Depending on the application, the notice may include newspaper, mailed and/or posted notice as defined in Section 20-1301(q). The mailed notice requirements (property owners within 200 feet in the city or, if near the city limits, 1,000 feet into the county) are based on the requirements in state law.

KSA 12-757 prescribes those distances at a minimum and also provides a protest petition option for rezoning and special use applications which is related to the required notice area. The statute provides the ability for property owners within the notice area to file a petition and, if sufficient, to require a supermajority vote by the governing body. A petition is sufficient if *"signed by the owners of 20% or more of any real property proposed to be rezoned or by the owners of record of 20% or more of the total real property within the area required to be notified, excluding streets and public ways."*

Peer City Review

The following summary identifies the notice requirements for other communities in Kansas.

200 feet

- Manhattan, Topeka, Overland Park, Lenexa, Leawood, Mission, Salina
- Mix of certified & regular mail; municipality mailed or applicant responsibility

Variable Distance

- Unified Government: 200 feet property owners; 500 feet homeowners, neighborhood or merchants associations registered with planning department. Distances may be modified by Director up to 30% larger or smaller depending on size, location & density of proposal.
- Wichita: notice distance based on size of proposed development property –
 - 200 feet – up to and including 1 acre
 - 350 feet – over 1 acre to 6 acres
 - 500 feet – over 6 acres to 15 acres
 - 750 feet – over 15 acres to 25 acres
 - 1,000 feet – over 25 acres

Review by County Counselor on Similar Topic

Earlier this year, the County Commission considered new regulations for Wind Towers and considered including expanded notice beyond the statutory 1,000 feet required in state law and the County Zoning regulations. After review it was concluded that the County could not opt out of the 1000 foot notice requirements in K.S.A. 12-757, but could provide for a larger notice area in addition to the 1000 foot notice area provided in the statute. A larger notice area (without including a protest

provision for the larger area) would be a fairly simple proposition. The County would simply notify the additional landowners who could attend and participate in any public proceedings as they may see fit. The formal protest area would remain the 1000 foot area provided by statute.

If, in addition to the larger notice area, the County wanted to include a formal protest procedure for the larger area, staff concluded that the County could do so, but that would result in two protest areas: the 1000 foot area provided by statute, and the larger area provided by the County in addition to the statutory protest area. So, to illustrate, if in addition to the provisions of K.S.A. 12-757, the County provided for a 1 mile notice and protest area following the same criteria as K.S.A. 12-757 (except with a larger area), then a valid protest for the 1000 foot notice area and/or the 1 mile notice area could trigger a supermajority requirement. That is, either area could produce a valid protest that would trigger the supermajority requirement. But the County Counselor concluded that the County could not use the 1 mile radius only (i.e., the County cannot opt out of or abrogate the 1000 foot area provided by statute).

The County Counselor did not find any case authority directly on point, but relied upon the language of the statute, some AG opinions, and some other case law that was persuasive by analogy to reach these conclusions. The City staff has not yet reviewed whether there are any material differences between the regulation of cities and counties that would change the outcome of this analysis.

Impacts & Outcomes of Distance Changes

Staff has analyzed the impact changing the required notice area would have for a variety of properties throughout the city. The evaluation looks at the number of parcels included within the various notice rings; the cost to the city for these notice areas; and the change in number of parcels required for sufficient protest petitions. The analysis provides the change in 100 foot increments and the results are shown on the attached [tables](#) and [maps](#).

Currently the City absorbs the cost for postage, materials and staff time for all mailings. The analysis attempts to quantify the cost for postage and materials only (and does not factor in the cost of signs provided for posting). The City Commission recently increased application fees for PDS. Staff estimated that current mailings were approximately \$15 in mailing costs + \$25 in staff time for a total of \$40 for a typical 200 foot notice area. Staff indicated that while the City currently absorbs this cost, additional fees may need to be considered in the future if the notice area was expanded.

As the notice area increases, the number of parcels required to meet the 20% area requirement for a sufficient protest petition also increases. On average the notice area required 20 parcels, thus 5 parcels could be sufficient for a protest petition. If the notice area increases to 1,000 feet, the number of parcels increases to 44. Practically speaking, while more property owners are provided notice and invited to participate in the process, the larger notice may make it much more difficult to submit a sufficient protest petition. Contacting and meeting with 4 other neighbors to sign a petition could be easier to do when compared to convincing 40 additional property owners. Staff has concerns that increasing the notice area substantially could dilute property owners' ability to affect the system through the petition process. For these reasons, Staff does not recommend changing the required notice area.

In Staff's opinion, if a revised notice area is desired, it would be best to be a standard distance for all types of applications. When there are variable processes involved, the opportunity for mistakes are increased. If the Commission desires to increase the notice area, Staff would recommend an increase in application fees to recapture at least the hard costs associated with increased postage, materials and signs. Legal staff will need to research the impact related to the protest petition

process. If the result is similar to the County Counselor's findings, a regulation that creates two notice areas for petitions could be confusing to administer and confusing to the general public.

OVERVIEW OF PROPOSED AMENDMENT

Housekeeping Revisions

As noted above, several of the proposed revisions are clean-up or clarifying changes within Article 13 that were discovered during the Oread Neighborhood Overlay District rezoning process. These changes correct the reference citations throughout the article that indicate the type of notice required for various applications. In addition to these revisions, there are several amendments to update terms based on changes within the city organization or related to changes in how applications are processed.

Sign Posting for UC Overlay Districts

An additional revision is proposed regarding sign posting requirements for Urban Conservation Overlay Districts. Rezoning to overlay districts includes multiple properties with specific procedures and public hearing processes outlined in Section 20-308. The process includes preparation of design standards with multiple public input meetings prior to formal hearings before the Historic Resources Commission, the Planning Commission and the City Commission. The process is designed to engage the property owners and residents in the area throughout the development of the design standards. Section 20-308(d)(1) indicates that the zoning map amendment procedures of Section 20-1303 apply, *unless otherwise expressly stated*. (emphasis added)

In staff's opinion, the posting requirements in Section 20-1303(c) should be clarified for UC Overlay District zoning amendments because of the intensive, public engagement process anticipated during the design guidelines development process. Posting signs at strategic locations throughout a proposed district, based on staff direction, is a fiscally more prudent procedure.

Required Notice Area

If the Commission desires to increase the required notice area for development applications, Section 20-1303(q)(3)(i) will need to be modified to reflect the distance change. The notice distance is referenced in several places throughout Article 13 as highlighted in the attached text.

Article 13, listing the proposed changes, are attached to this staff report. Text to be deleted is shown with ~~strikeout~~ and proposed text is shown in underlined font.

CRITERIA FOR REVIEW & 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.**

Staff Response:

Several errors have been identified throughout Article 13 where subsections have been incorrectly cited. These are proposed to be corrected. Additional revisions are proposed due to changes in the terminology used in the city organization or related to the method that applications are now processed.

The City Commission has expressed an interest in considering increasing the standard notification area for development applications to provide an opportunity for increased public participation. This

request follows several development applications where impacts were perceived to extend beyond the typical notice area. The desire for increased standard notice could be considered a changing condition.

Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

Staff Response: The comprehensive plan does not specifically address these amendments, however the plan is based on a general premise that development proposals will be responsible, compatible and will consider impacts to nearby properties. The Development Code is intended to provide standards so that projects are implemented in a manner that protects, enhances and promotes the health, safety and welfare of the general public.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends forwarding a recommendation of approval to the Lawrence City Commission of the text amendments to the Land Development Code, Chapter 20 of the Code of The City of Lawrence, Kansas modify Article 13 to correct reference errors/housekeeping updates as noted and to modify the sign posting requirements for UC Overlay District rezoning processes.

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1. Legal Staff be directed to research and determine the impacts and changes needed regarding the protest petition process and to recommend any further amendments necessary to implement the revised distance prior to adoption of the ordinance;
2. Modify all notification distances to be uniform across development applications for ease in administration; and
3. Consider implementing an additional fee to recover notification costs incurred.

Mailing Cost \$ 0.56

1105 E. 23rd Street				
Notice Distance & Counts			Protest Details	
Feet	Parcels	Est. Total Cost	20% of Notice	Above 200' Amount
200	20	\$ 11.20	4	-
300	37	\$ 20.72	8	4
400	52	\$ 29.12	11	7
500	72	\$ 40.32	15	11
600	83	\$ 46.48	17	13
700	106	\$ 59.36	22	18
800	123	\$ 68.88	25	21
900	148	\$ 82.88	30	26
1,000	174	\$ 97.44	35	31

1201 Wakarusa Drive				
Notice Distance & Counts			Protest Details	
Feet	Parcels	Est. Total Cost	20% of Notice	Above 200' Amount
200	15	\$ 8.40	3	-
300	21	\$ 11.76	5	1
400	28	\$ 15.68	6	2
500	51	\$ 28.56	11	7
600	65	\$ 36.40	13	9
700	83	\$ 46.48	17	13
800	105	\$ 58.80	21	17
900	120	\$ 67.20	24	20
1,000	149	\$ 83.44	30	26

211 E. 8th Street				
Notice Distance & Counts			Protest Details	
Feet	Parcels	Est. Total Cost	20% of Notice	Above 200' Amount
200	36	\$ 20.16	8	-
300	76	\$ 42.56	16	12
400	109	\$ 61.04	22	18

500	148	\$ 82.88	30	26
600	199	\$ 111.44	40	36
700	241	\$ 134.96	49	45
800	291	\$ 162.96	59	55
900	338	\$ 189.28	68	64
1,000	382	\$ 213.92	77	73

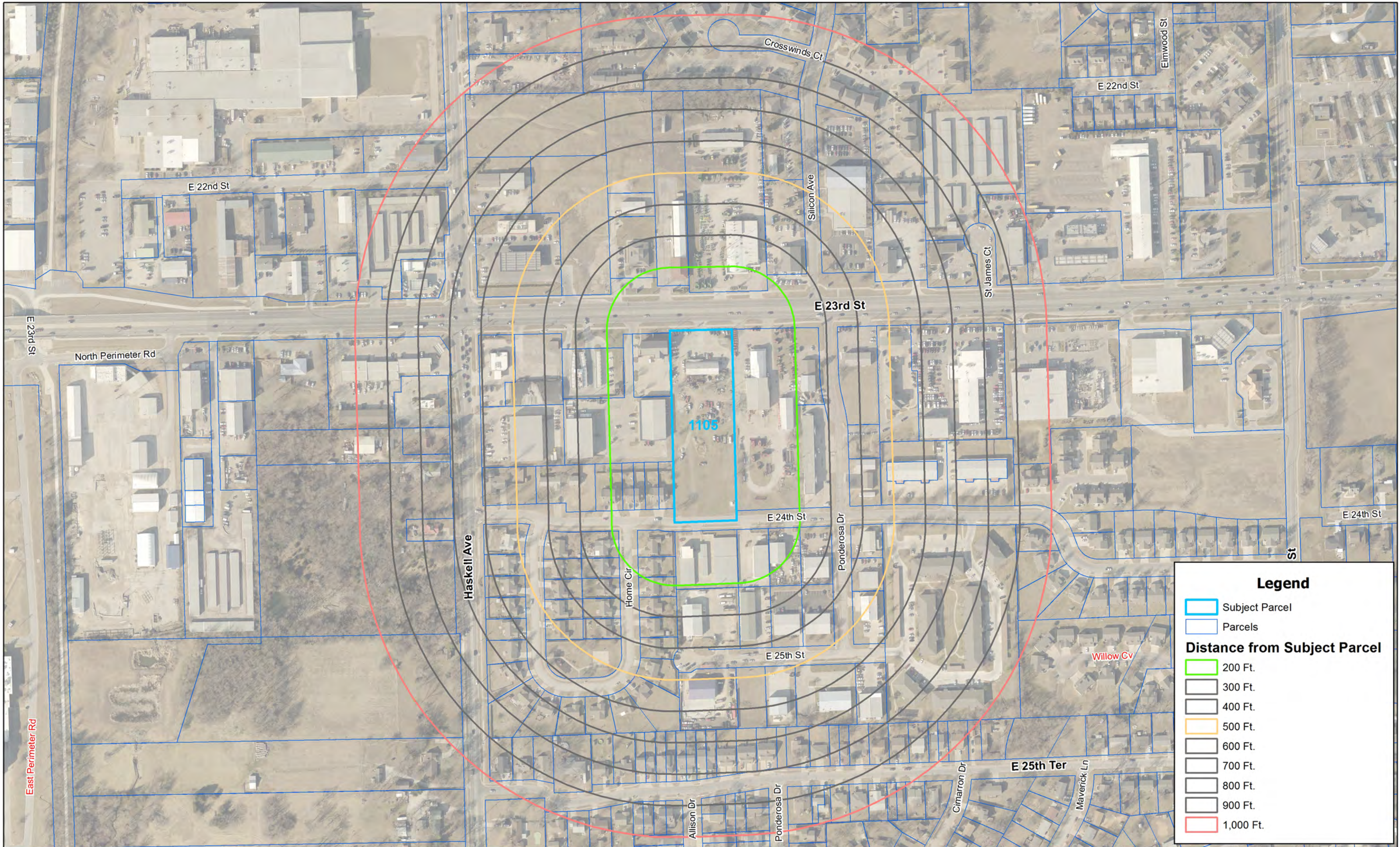
3010 Iowa Street				
Notice Distance & Counts			Protest Details	
Feet	Parcels	Est. Total Cost	20% of Notice	Above 200' Amount
200	7	\$ 3.92	2	-
300	12	\$ 6.72	3	-1
400	14	\$ 7.84	3	-1
500	19	\$ 10.64	4	0
600	24	\$ 13.44	5	1
700	27	\$ 15.12	6	2
800	40	\$ 22.40	8	4
900	51	\$ 28.56	11	7
1,000	59	\$ 33.04	12	8

644 Locust Street				
Notice Distance & Counts			Protest Details	
Feet	Parcels	Est. Total Cost	20% of Notice	Above 200' Amount
200	26	\$ 14.56	6	-
300	40	\$ 22.40	8	4
400	56	\$ 31.36	12	8
500	77	\$ 43.12	16	12
600	92	\$ 51.52	19	15
700	117	\$ 65.52	24	20
800	146	\$ 81.76	30	26
900	175	\$ 98.00	35	31
1,000	207	\$ 115.92	42	38

900 Mississippi Street				
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Notice Distance & Counts			Protest Details	
Feet	Parcels	Est. Total Cost	20% of Notice	Above 200' Amount
200	16	\$ 8.96	4	-
300	41	\$ 22.96	9	5
400	74	\$ 41.44	15	11
500	103	\$ 57.68	21	17
600	149	\$ 83.44	30	26
700	186	\$ 104.16	38	34
800	233	\$ 130.48	47	43
900	278	\$ 155.68	56	52
1,000	323	\$ 180.88	65	61

Average of Selected Parcels				
Notice Distance & Counts			Protest Details	
Feet	Parcels	Est. Total Cost	20% of Notice	Above 200' Amount
200	20	\$ 11.20	5	-
300	38	\$ 21.19	8	4
400	56	\$ 31.08	12	8
500	78	\$ 43.87	16	12
600	102	\$ 57.12	21	17
700	127	\$ 70.93	26	22
800	156	\$ 87.55	32	28
900	185	\$ 103.60	37	33
1,000	216	\$ 120.77	44	40



Legend

Subject Parcel

Parcels

Distance from Subject Parcel

200 Ft.

300 Ft.

400 Ft.

500 Ft.

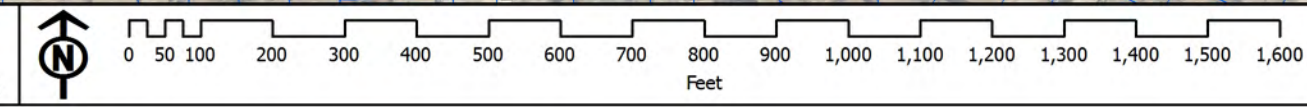
600 Ft.

700 Ft.

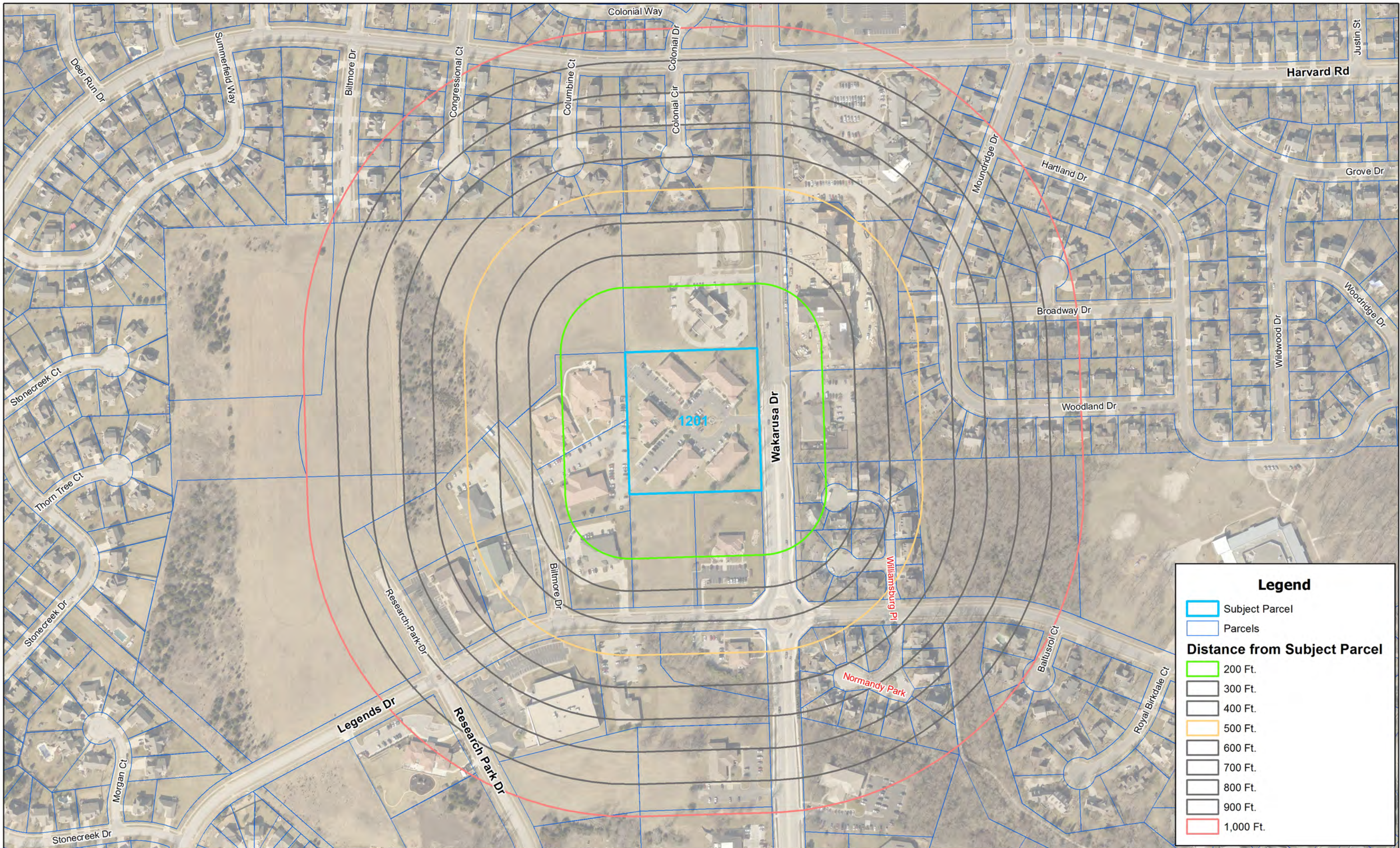
800 Ft.

900 Ft.

1,000 Ft.



DISCLAIMER NOTICE
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Legend

Subject Parcel

Parcels

Distance from Subject Parcel

200 Ft.

300 Ft.

400 Ft.

500 Ft.

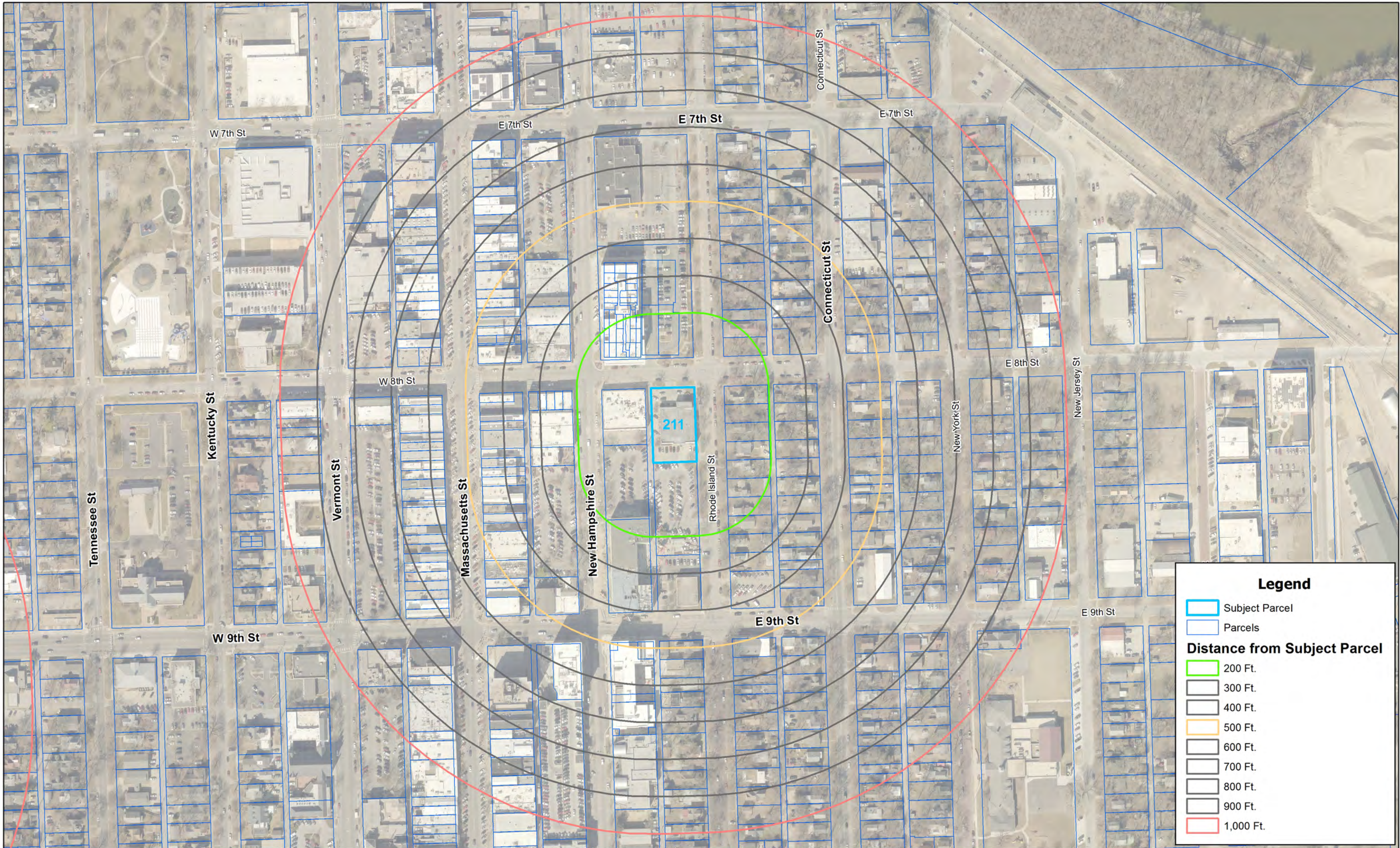
600 Ft.

700 Ft.

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Legend

Subject Parcel

Parcels

Distance from Subject Parcel

200 Ft.

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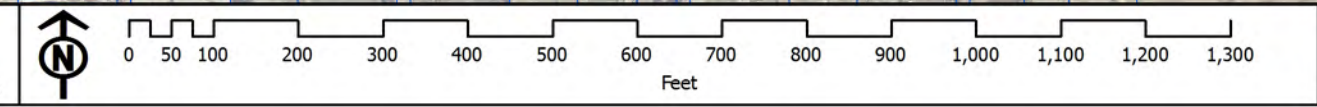
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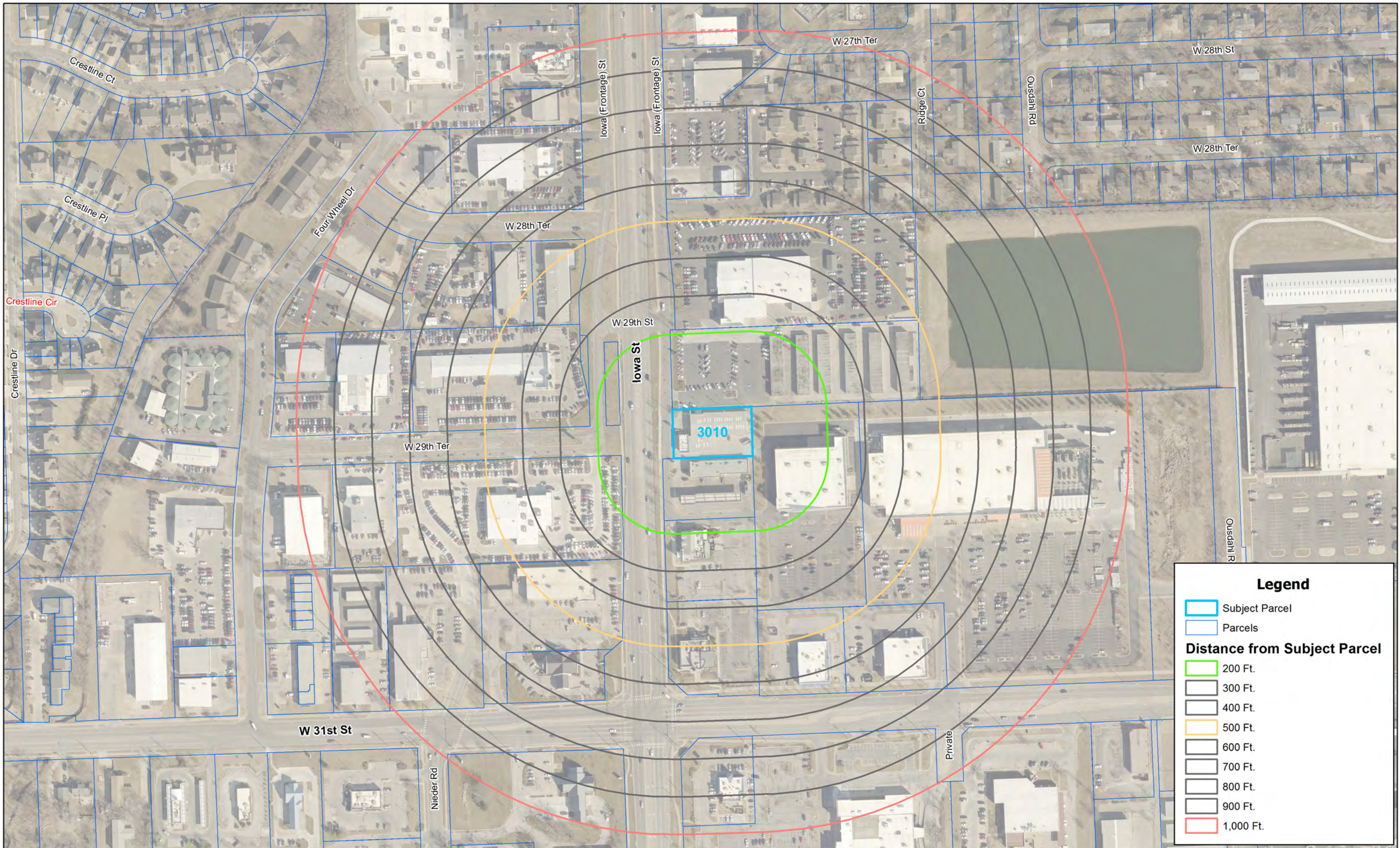
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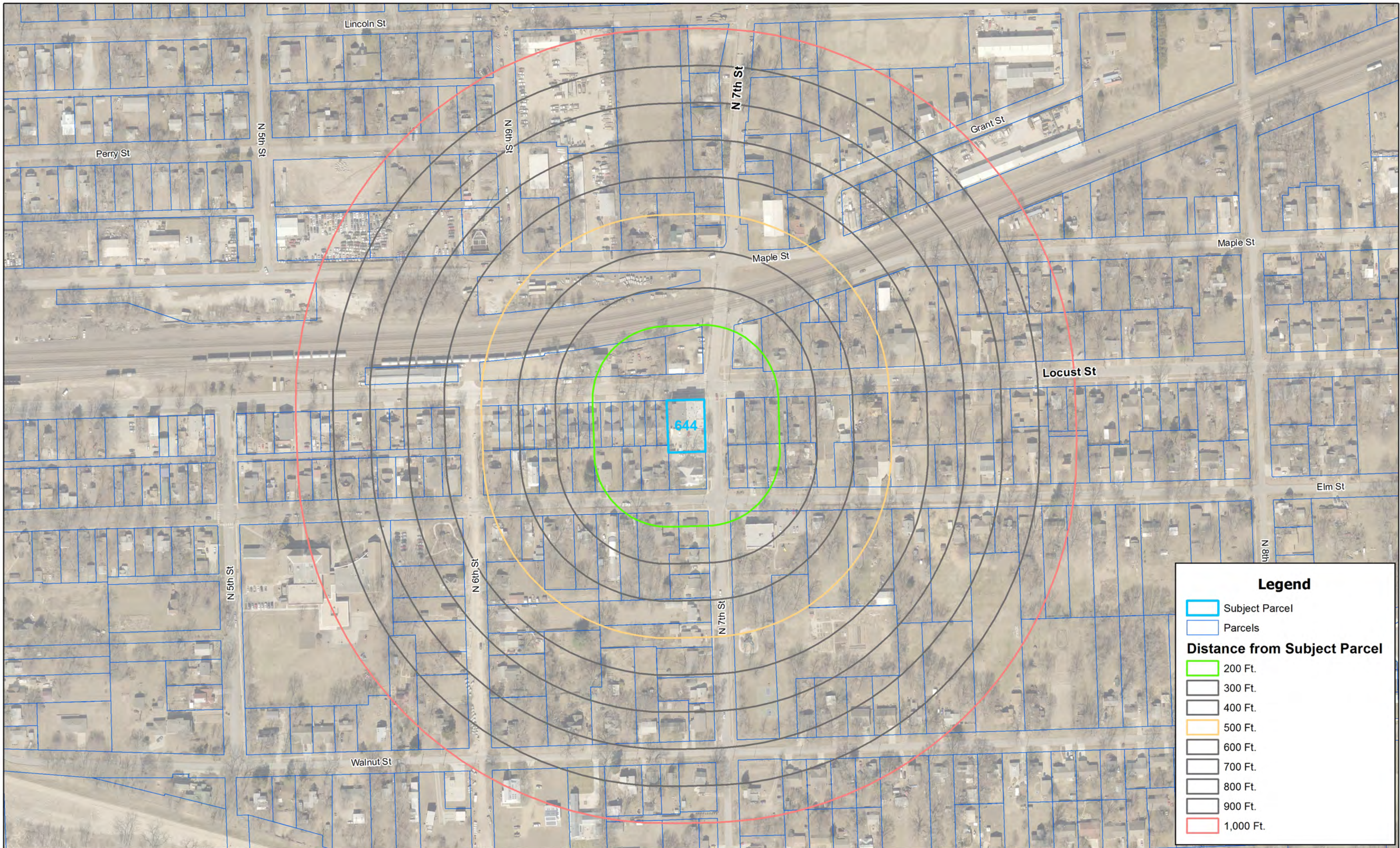
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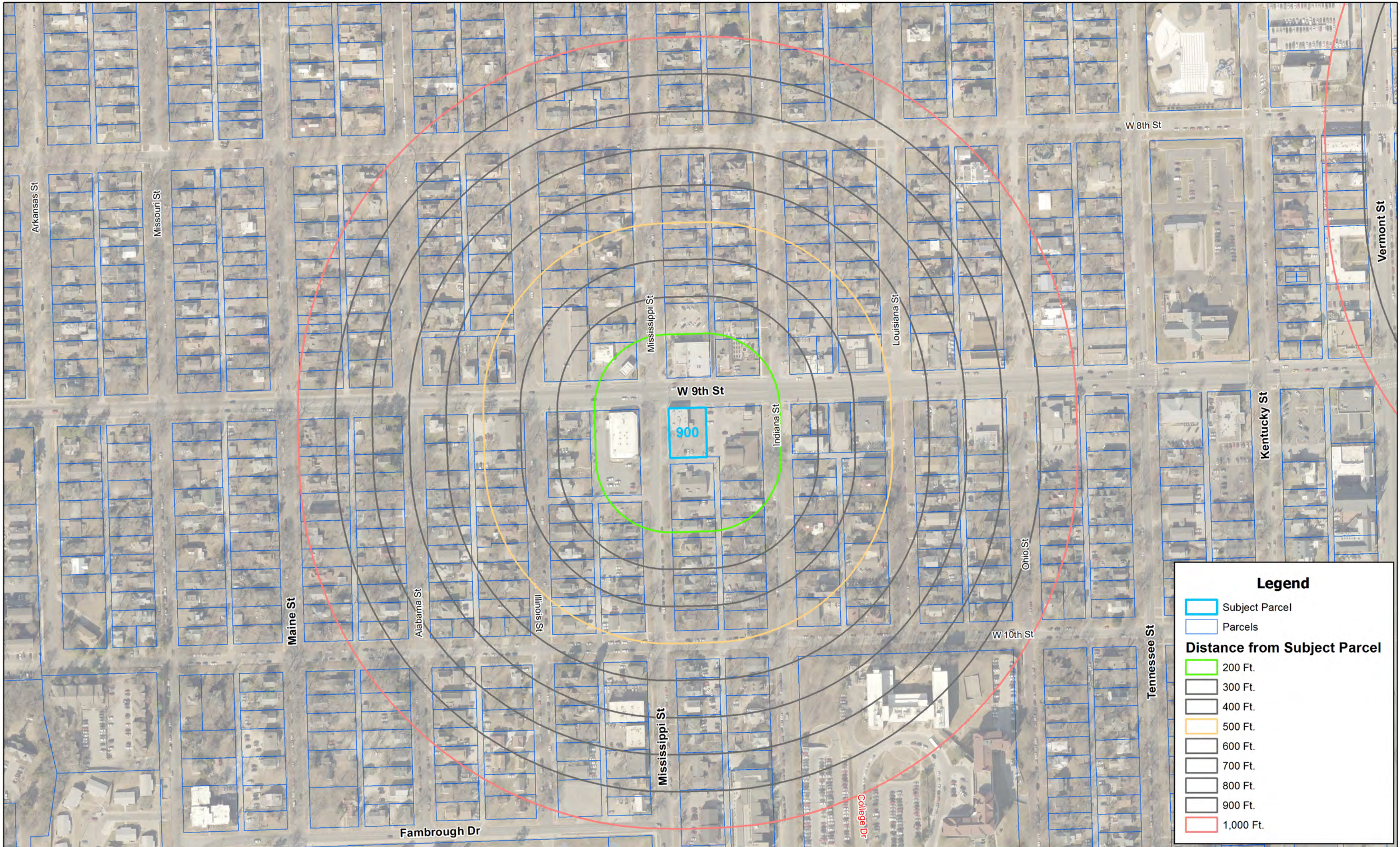


Legend

Subject Parcel
 Parcels

Distance from Subject Parcel

200 Ft.
 300 Ft.
 400 Ft.
 500 Ft.
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 700 Ft.
 800 Ft.
 900 Ft.
 1,000 Ft.



Legend

Subject Parcel

Parcels

Distance from Subject Parcel

200 Ft.

300 Ft.

400 Ft.

500 Ft.

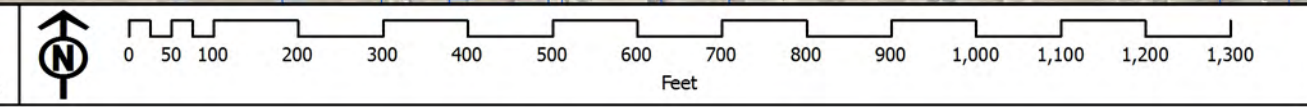
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ARTICLE 13 DEVELOPMENT REVIEW PROCEDURES

20-1301	General
20-1302	Text Amendments
20-1303	Zoning Map Amendments (Rezoning)
20-1304	Planned Developments
20-1305	Site Plan Review
20-1306	Special Uses
20-1307	Institutional Development Plan
20-1308	Floodplain Development Permit
20-1309	Zoning Variances
20-1310	Written Interpretations
20-1311	Appeals of Administrative Orders, Requirements, Decisions, or Determinations

20-1301 GENERAL

(a) Summary of Procedures

The following table provides a summary of the procedures in this Article. In the event of conflict between this summary table and the detailed procedures in this Development Code, the detailed procedures govern.

Procedure	Review and Decision-Making Bodies				Notice
	Staff	PC	BZA	CC	[2]
Text Amendments (§0)	R	<R>		DM	N
Zoning Map Amendments (§0) [3]	R	<R>		DM	N/P/M
Planned Developments (§ 20-1303(l)(2)(v))					
Preliminary Development Plan	R	<R>		DM	N/P/M
Final Development Plan	DM			<A>	M
Site Plan Review (§0)	DM			<A> [4]	P/M
Special Uses (§Article 12. 20-1305(o)(3))	R	<R>		DM	N/P/M
Zoning Variances (§0)	R		<DM>		N/M
Written Interpretations (§0)	DM		<A> [5]		
Appeals of Administrative Decisions (§0)			<DM>		N/M
PC = Planning Commission BZA = Board of Zoning Appeals CC = City Commission <>= Public Hearing Required					
[1] R = Review Body (Responsible for Review and Recommendation); DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny); A = Authority to hear and decide appeals of Decision-Making Body's action.					
[2] Notices: N = Newspaper (published); P = Posted (signs); M = Mailed (See sub-section (p)(3) of this section)					
[3] See Section 20-308(d) for special procedures applicable to UC, Urban Conservation District zoning map amendments.					
[4] City Commission is authorized to hear and decide appeals of Planning Director's decision on Site Plans.					
[5] Appeals processed as "Appeals of Administrative Decisions."					

(b) Authority to File Applications

Unless otherwise expressly stated, applications for review and approval under this article may be initiated by (1) all the Owner of the property that is the subject of the application; (2) the Landowners' authorized Agent; or (3) any review or decision-making body.

(c) Form of Application

Applications required under this Development Code shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Officials responsible for accepting applications shall develop checklists of submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information are available in the office of the [Planning Director](#).

(d) Pre-application Meetings

- (1) All applicants for matters that require a public hearing are required to attend a pre-application meeting with staff. Pre-application meetings are also required whenever the provisions of this Article expressly state that they are required. Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 [Working Days](#) before submitting an application.
- (2) All other applicants are encouraged to arrange a pre-application meeting with City staff. The [Planning Director](#) will provide assistance to applicants and ensure that appropriate City staff members are involved in pre-application meetings.

(e) Application Processing Cycles

The [Planning Director](#) may, after consulting with review and decision-making bodies, promulgate processing cycles for applications. Processing cycles may establish:

- (1) deadlines for receipt of complete applications;
- (2) dates of regular meetings;
- (3) the scheduling of staff reviews and staff reports on complete applications; and
- (4) any required time-frames for action by review and decision-making bodies.

(f) Application Filing Fees

Applications shall be accompanied by the fee amount that has been established by the City Commission. Fees are not required with applications initiated by review or decision-making bodies. Application fees are nonrefundable.

(g) Application Completeness, Accuracy and Sufficiency

- (1) An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
- (2) Within 5 [Working Days](#) of application filing, the [Planning Director](#) shall determine whether the application includes all information required for processing (See Section 20-1301(c)). If an application does not include all of the required information it will be deemed incomplete. If an application includes all of the required information it will be deemed complete. If the application is deemed incomplete, written notice shall be provided to the applicant and the applicant's [Agent](#). The notice shall include an explanation of the application's deficiencies.

- (3) No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn. If an application is deemed withdrawn because of failure to correct application deficiencies, notice shall be sent to the applicant and the applicant's [Agent](#).
- (4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with the procedures of this Article and the processing cycles established under Section 20-1301 ~~(d)~~(e)(2).
- (5) The [Planning Director](#) may require that applications or plans be revised before being placed on the agenda of the [Planning Commission](#) or City Commission if the [Planning Director](#) determines that:
- (i) the application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;
 - (ii) the application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;
 - (iii) the application or plan cannot be approved without a variance or some other change or modification that the decision-making body for that application or plan does not have the authority to make.
- (6) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with Development Code standards shall be revised before they will be placed on agenda of the [Planning Commission](#) or City Commission.
- (7) Action or inaction by the [Planning Director](#) under this section may be appealed to the Board of Zoning Appeals.

(h) Continuation of Public Hearings

- (1) A public hearing for which proper notice was given may be continued by the Board of Zoning Appeals or [Planning Commission](#) to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
- (2) If a public hearing is tabled or deferred by the Board of Zoning Appeals or [Planning Commission](#) for an indefinite period of time or postponed more than three (3) months from the date of the originally scheduled public hearing, new public notice shall be given, in accordance with the notice requirements of the respective procedure, before the rescheduled public hearing.

- (3) The applicant or [Landowner](#) who requests the postponement is responsible for paying the cost of re-notification per the adopted schedule of fees for publication, and payment of re-notification costs shall be made before the item is placed on the agenda.

(i) Action by Review Bodies

- (1) Review bodies may take any action that is consistent with:
 - (i) the regulations of this Article;
 - (ii) the City's adopted Development Policy;
 - (iii) any by-laws that may apply to the review body; and
 - (iv) the notice that was given.
- (2) The review body's action may include recommending approval of the application, recommending approval with modifications or conditions, or recommending disapproval of the application.
- (3) The review body may recommend conditions, modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or [Zoning District](#) than indicated in the application, reduce the impact of the development, or reduce the amount of land area included in the application.
- (4) The review body may recommend that the application be approved conditionally upon the execution of a development agreement acceptable to the ~~Director of Legal Services~~ [City Attorney](#) and/or compliance with the [Access Management](#) Standards and the Community Design Manual adopted by the City Commission from time to time.
- (5) Review bodies may not recommend a greater [Density](#) of development; a more intensive use or a more intensive [Zoning District](#) than was indicated in the public notice.
- (6) Review bodies are not required to recommend approval of the maximum [Density](#) or intensity of use allowed.

(j) Action by Decision-Making Bodies

- (1) Decision-making bodies may take any action that is consistent with:
 - (i) the regulations of this Article;
 - (ii) the City's adopted ~~d~~Development ~~p~~Policy;
 - (iii) any by-laws that may apply to the decision-making body; and
 - (iv) the notice that was given.
- (2) The decision-making body's action may include approving the application, approving the application with modifications or conditions, or denying the application. A denial of application may be accompanied with a remand to the review body, if any, for further consideration.

- (3) The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or [Zoning District](#) than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.
- (4) The decision-making body may approve the application upon the condition that the applicant executes a development agreement acceptable to the ~~Director of Legal Services~~ [City Attorney](#) and/or compliance with the [Access Management](#) Standards and the Community Design Manual adopted by the City Commission from time to time.
- (5) Decision-making bodies may not approve a greater [Density](#) of development; a more intensive use or a more intensive [Zoning District](#) than was specified in the public notice.
- (6) Decision-making bodies are not required to approve the maximum [Density](#) or intensity of use allowed.

(k) Lesser Change Table

Pursuant to K.S.A. 12-757, the [Planning Commission](#) may adopt a “Lesser Change Table.” The Lesser Change Table is for the use of the [Planning Commission](#) in determining the hierarchy of [Zoning Districts](#) and for determining when public notification or re-notification is required. Such a table lists zoning classifications, by category, in ascending order from the least intense to the most intense. The [Planning Commission](#)’s Lesser Change Table shall identify only the hierarchy of [Zoning Districts](#) within each of the three categories of [Base Districts](#)—Residential, Commercial and Industrial. It is not intended to identify hierarchical arrangements among Districts in different categories. For example, the Lesser Change Table may classify the RS40 District as less intense than the RS20 District, but it may not classify (R) Residential Districts as less intense than (C) Commercial Districts, or vice-versa. The Lesser Change Table shall be filed with the [Planning Director](#).

(l) Burden of Proof or Persuasion

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

(m) Conditions of Approval

When the procedures of this Article allow review bodies to recommend or decision-making bodies to approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.

(n) Deferred Items

Once ~~on a published and distributed agenda a staff report is included in a posted agenda packet,~~ [Planning Commission](#) action is required to defer an item. If an application is requested for deferral from the next [Planning Commission](#) agenda prior to ~~publication of the agenda posting of the agenda packet,~~ the applicant may defer an item by submitting a written request to the [Planning Director](#). For [Deferred Items](#), the [Landowner](#) or applicant shall provide an updated property Ownership list from the County Clerk’s office for items that have been deferred from an agenda for 3 or more months. If deferred at the applicant or [Landowner](#)’s request, the cost of republication of legal notice in the newspaper shall be paid by the applicant or [Landowner](#). If an item is deferred by the [Planning Commission](#), no republication fee will be charged.

(o) Inactive Files

For **Inactive Files**, the **Planning Director** may notify the applicant and applicant's **Agent** in writing that a file has been closed when the file has been inactive for a period of time equal to or exceeding 12 months. Requests for action after a file has been declared inactive and the applicant has been notified require resubmittal as a new application. Review fees and cost of publication are required to be paid as part of the resubmittal.

(p) Inaction by Review/Decision-Making Bodies

- (1) When a review or decision-making body fails to take action on an application within any time limit that is specified in or under this Article (as with an application processing cycle), that inaction will be interpreted as a recommendation of approval or a decision to approve, respectively. The **Effective Date** of such a “non-action” approval or recommendation of approval will be the date that action was required to have occurred under the required time limit.
- (2) Time limits for action may be extended if the applicant gives written consent to the extension or the applicant submits a written request for a deferral and agrees in writing to an extension of the time for action.
- (3) When a review body fails to take action on an application within any time limit that is specified in this Article, the decision-making body is free to proceed with its own action on the matter without awaiting a recommendation.

(q) Notices

The notice provisions of this section apply except as otherwise expressly stated.

(1) Content**(i) Newspaper and Mailed Notice**

All Newspaper and Mailed Notices shall:

- a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. describe the property involved in the application by Street address or by general description;
- c. describe the nature, scope and purpose of the application or proposal; and
- d. indicate where additional information on the matter can be obtained.

(ii) Posted Notice

All Posted Notices shall:

- a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. state the language “**Development Activity Proposed**”, and

- c. indicate where additional information on the matter can be obtained.

(2) Newspaper Notice

When the provisions of this Development Code require that “Newspaper Notice” be provided, the City is responsible for ensuring that notice is published in the official newspaper of the City of Lawrence. The notice shall appear in the newspaper at least 20 days before the date of the public hearing.

(3) Mailed Notice

When the provisions of this Development Code require that “Mailed Notice” be provided:

(i) Owner Notice; Radius

The official responsible for accepting the application shall mail notice to the record **Owner** of the subject property and all Owners of property located within **200** feet of the subject property. If the subject property abuts the City limits, the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

(ii) Notice to Registered Neighborhood Associations

The official responsible for accepting the application shall mail notice to any **Registered Neighborhood Associations** whose boundaries include or are contiguous to the subject property.

(iii) Ownership Information

The applicant is responsible for providing certified ownership information. Current ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if, at the time of submission, it is no more than 30 days old.

(iv) Timing of Notice

Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

(4) Posted Notice

- (i) When the provisions of this Development Code require that “Posted Notice” be provided, the applicant shall ensure that notice is posted on the subject property.
- (ii) Posted notice shall be in the form of official signs provided by the City.
- (iii) Posted notice shall be clearly visible to neighboring residents and passers-by from each **Public Street** bordering the subject property. At least one sign shall be posted on each Street **Frontage**. The **Planning Director** is authorized to require the posting of additional signs when deemed necessary for effective public notice, but not more than one sign per 300 feet of Street **Frontage** may be required.

- (iv) Posted notice shall remain in place for at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice.
- (v) During the required notice period, the applicant shall periodically check the condition of the sign and shall replace it if it is no longer legible for any reason, whether through Act of God, vandalism, defect in installation or vegetative growth.
- (vi) For any application requiring posted notice, the applicant shall supplement the application with an affidavit of posting and notice no sooner than the date the sign is posted but no later than seven (7) days prior to the scheduled public hearing, meeting, or date of action that is the subject of the notice. Failure to make timely delivery of such affidavit to the [Planning Director](#) shall render the application incomplete and subject it to removal from the agenda on the hearing date, at the discretion of the [Planning Commission](#).
- (vii) The applicant shall remove notice signs required by this section within 10 days of the date that the decision-making body takes action or the date that the application is withdrawn. Failure to properly post or maintain such signs is grounds for deferral or denial of the application.
- (viii) For applications that do not abut [Public Streets](#), the [Planning Director](#) is authorized to approve an alternative form of posted notice that will be visible to passers-by.
- (ix) The public may submit written statements regarding a specific development proposal that, when the written statement is submitted by the published deadline for receiving public comment, will become a part of the official record in the planning department.
- (x) Parties affected by the actions of a decision making body have the right to appeal the action taken in accordance with the procedures set out in Article 13 of this Chapter.

(r) Written Findings

Unless otherwise specifically provided in this ordinance, written findings are not required for a final decision on any application. Provided, however, that any decision may be expressly made subject to the subsequent adoption of written findings and, in such cases, the decision shall not be considered final until such findings are adopted. Provided further, that where an appeal of any quasi-judicial decision has been filed in the District Court of Douglas County pursuant to K.S.A. 12-760 or K.S.A. 60-2101(d) in cases where written findings have not been adopted, written findings shall be adopted by the approving authority within 45 days of service of the appeal on the City and thereafter shall be certified to the District Court as part of the administrative record. The 45-day time period for adoption and certification of findings may be extended with the permission of the District Court.

(s) Where Ordinance Required

Adoption of an ordinance is required in the case of a zoning text amendment, rezoning and special use permit. In such instances, the decision approving the application shall not be deemed to be final until the ordinance has been published in an official City newspaper.

(t) Planning Director as Administrative Official

Except where otherwise specifically provided in the Development Code, the Planning Director shall be the administrative official charged with interpreting and enforcing the provisions of the Development Code.

20-1302 TEXT AMENDMENTS**(a) Initiation**

An amendment to the text of the Development Code may be initiated by the City Commission, the [Planning Commission](#), or, as to provisions affecting Urban Conservation Districts, by the [Historic Resources Commission](#); and adopted in accordance with the rules of that body. Applications for text amendments may also be initiated by private parties and shall be filed with the [Planning Director](#). The application shall be in writing and shall include the proposed text and the reasons for proposing the amendment. The [Planning Director](#) shall forward the application to the City Commission for review and consideration of initiating the amendment taking into consideration the need for the amendment. Any proposed amendment shall follow the process set forth in this section after initiation.

(b) Public Hearing Notice

Newspaper notice of the [Planning Commission](#)'s public hearing shall be provided in accordance with Section 20-1301(q).

(c) Staff Review/Report

The [Planning Director](#) will review each proposed text amendment in accordance with the review and decision-making criteria of subsection (f) of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the proposed amendment to the [Planning Commission](#) and City Commission.

(d) Planning Commission's Review/Recommendation

The [Planning Commission](#) shall hold a public hearing on the proposed text amendment, review the proposed text amendment in accordance with the review and decision-making criteria of subsection (f) of this Section and recommend in writing that the City Commission approve, approve with modifications or deny the proposed amendment. The [Planning Commission](#) is also authorized to forward the proposed amendment to the City Commission with no recommendation.

(e) City Commission Decision

After receiving the [Planning Commission](#)'s recommendation, the City Commission shall take one of the following actions on the proposed text amendment:

- (1) approve, approve with modifications, or deny; or
- (2) return the application to the [Planning Commission](#) for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
 - (i) The [Planning Commission](#), after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.

- (ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed text amendment, approve it with modifications, or deny it.
 - (iii) If the [Planning Commission](#) fails to deliver its recommendations to the City Commission following the [Planning Commission's](#) next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the [Planning Commission](#) as a resubmission of the original recommendations and proceed accordingly.
- (3) The City Commission may act by a simple majority vote, except for action pursuant to Section 20-1302(e)(1) that is contrary to the [Planning Commission's](#) recommendations, in which case the action shall be by a 2/3 majority vote of the full membership of the City Commission.

(f) Review and Decision-Making Criteria

In reviewing and making decisions on proposed zoning text amendments, review bodies shall consider at least the following factors:

- (1) whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and
- (2) whether the proposed text amendment is consistent with the [Comprehensive Plan](#) and the stated purpose of this Development Code (See Section 20-104).

(g) Date of Effect

The Development Code text amendment will become effective upon publication of the adopting ordinance.

20-1303 ZONING MAP AMENDMENTS (REZONINGS)**(a) Initiation**

An amendment to the zoning map may be initiated by the City Commission, the [Planning Commission](#), or, as to Urban Conservation district, by the Historic Resource Commission; and adopted in accordance with the rules of that body. Applications for zoning map amendments initiated by the [Landowner](#) shall be filed with the [Planning Director](#). Any proposed amendment shall follow the process set forth in this section after initiation.

(b) Application Contents

- (1) An application for amendment shall be accompanied by a conceptual plan and data necessary to demonstrate that the proposed amendment is in general conformance with the [Comprehensive Plan](#) and that the public necessity and convenience; and general welfare require the adoption of the proposed amendment.
- (2) The application shall include a General Location Map, which shall show the location of the property in relation to at least one intersection of two streets shown as [Collector](#) or [Arterial Streets](#) on the City's Major Thoroughfares Map of the [Comprehensive Plan](#).
- (3) Each application for an amendment to the [Zoning Districts](#) map shall be accompanied by a certified list of all property [Owner](#) within the notification area. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to a published notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all [Owner](#) of record of lands located within at least **200** feet of the area proposed to be altered for regulations of the city. If the city proposes a zoning amendment to property adjacent to the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available.

(c) Public Hearing Notice

- (1) Newspaper, posted and mailed notice of the [Planning Commission's](#) public hearing shall be provided in accordance with Section 20-1301 ~~(p)(q)(3)~~, except as noted in subsection (2) below. For purposes of K.S.A. §12-757, any [Zoning District](#) listed in the right-hand column of the Lesser Change Table that follows shall be considered a "lesser change" than a change to the [Zoning District](#) listed in the left-hand column of the same row of the table; in accordance with the cited section, a recommendation or action to amend the zoning map to assign the "lesser change" [Zoning District](#) to the land, rather than the [Zoning District](#) advertised in the notice, shall not require further notice. A recommendation or action to amend the Zoning Map to assign any [Zoning District](#) other than the one advertised in the notice or one included in the corresponding right-hand column of the Lesser Change Table will be inconsistent with the advertised hearing and shall require re-advertising and the holding of a new hearing, after proper notice. Such recommendation or action by the [Planning Commission](#) or the City

Commission shall be construed as an instruction to the [Planning Director](#) to set a new hearing and to give notice of the proposed hearing, including the new [Zoning District](#) in the notice.

Table of Lesser Changes	
Advertised/Proposed Zoning District	Districts to be Considered a “Lesser Change”
RS40	None
RS20	RS40
RS10	RS20 or RS40
RS7	RS10, RS-20 or RS40
RS5	Any other RS except RS3 or RSO
RS3	Any other RS except RSO
RSO	Any other RS except RS-3
RM12, RM12D	Any RS except RSO
RM15	RM12 or any RS except RSO
RM24	RM15, RM12 or any RS except RSO
RM32	Any RM or any RS
RMG	Any RM or any RS
RMO	RM15, RM12 or any RS
CN1	None
CN2	CN1, RSO or RMO
CD	CN1, CN2 or CC200
CC200	CN1 or CN2
CC400	CC200 or CN2
CC600	CC400, CC200 or CN2
CR	CC600, CC400 or CC200
CS	CN1, CN2 or CO
IBP	None
IL	IBP or CN2
IM	IBP or IL
IG	IL, IM, IBP, or CN2
Other Zoning Districts	Not Applicable

(2) Applications for Urban Conservation Overlay District zoning amendments shall include newspaper and mailed notice of the Planning Commission's public hearing in accordance with Section 20-1301(q). Sign posting shall be provided at strategic locations throughout the proposed district based on staff direction.

(d) Staff Review/Report

The [Planning Director](#) will review each proposed zoning map amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the proposed amendment to the [Planning Commission](#) and City Commission. The report will include documentation proof of posting and other required notice.

(e) Planning Commission's Review/Recommendation

The **Planning Commission** shall hold a public hearing on the proposed zoning map amendment, review the proposed amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and recommend that the City Commission approve, approve with modifications or deny the proposed amendment. The **Planning Commission** is also authorized to forward the proposed amendment to the City Commission with no recommendation.

(f) City Commission Decision

After receiving the **Planning Commission's** recommendation, the City Commission shall take one of the following actions on the proposed zoning map amendment:

- (1) approve, approve with conditions or modifications, or deny; or
- (2) return the application to the **Planning Commission** for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
 - (i) The **Planning Commission**, after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.
 - (ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed zoning map amendment, approve it with modifications, or deny it.
 - (iii) If the **Planning Commission** fails to deliver its recommendations to the City Commission following the **Planning Commission's** next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the **Planning Commission** as a resubmission of the original recommendations and proceed accordingly.
- (3) The City Commission may act by a simple majority vote, except for the following cases:
 - (i) action that is contrary to the **Planning Commission's** recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or
 - (ii) approval, or approval with modifications, when a valid protest petition has been submitted in accordance with subsection ~~(g)(h)(9)~~ of this Section, in which case a decision approving the application shall be effective only if supported by the votes of at least 3/4 of the members of the entire City Commission.
- (4) The City Commission shall:
 - (i) State the reasons for its decision on the minutes or official record; and
 - (ii) notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

(g) Review and Decision-Making Criteria

In reviewing and making decisions on proposed zoning map amendments, review and decision-making bodies shall consider at least the following factors:

- (1) conformance with the [Comprehensive Plan](#);
- (2) zoning and use of nearby property, including any overlay zoning;
- (3) 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;
- (5) suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;
- (6) length of time the subject property has remained vacant as zoned;
- (7) the extent to which approving the rezoning will detrimentally affect nearby properties;
- (8) the gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the [Landowner](#), if any, as a result of denial of the application; and
- (9) the recommendation of the City's professional staff.
- (10) For proposals that will create more than 100,000 square feet of retail space within the city: the impact of the proposed project on the retail market. Staff will provide an analysis based on the addition of the square footage to the retail market, vacancy rate trends, square footage per capita trends, and current demand trends, including but not limited to population, income, pull factors, and retail sales using the latest available city-wide retail market report.

(h) Protest Petitions

A valid protest petition opposing a zoning map amendment may be submitted to the City Clerk within 14 days of the conclusion of the [Planning Commission's](#) public hearing.

- (1) A protest petition will be considered "valid" if it is signed by the [Owner](#) of 20% or more of:
 - (i) any real property included in the proposed amendment; or
 - (ii) the total real property within the area required to be notified of the proposed rezoning, excluding streets and public ways.
- (2) In the case of joint Ownership, all [Owners](#) shall sign the petition.

- (3) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the [Owner](#) of the specific property subject to the rezoning, or the [Owner](#) of the specific property subject to the rezoning does not oppose in writing such rezoning, such property shall be excluded when calculating the total real property within the area required to be notified.

(i) Date of Effect

The zoning map amendment will become effective upon publication of the adopting ordinance.

(j) Limitation on Successive Applications

- (1) Withdrawal of an original application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded;
- (2) A successive application shall not be accepted for a period of twelve (12) months from the date of City Commission denial of the original application unless a successive application is substantially different from the original application that was denied;
- (3) A successive application shall not be accepted until 120 days after the date of the City Commission denial and then will only be accepted if substantially different from the original application. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:
 - a. A different [Zoning District](#) category has been applied for;
 - b. The same [Zoning District](#) category has been applied for and the [Density](#) of use is at least 25% greater or less than the original petition;
 - c. The same [Zoning District](#) category has been applied for and the intensity of use is at least 25% greater or less than the original petition; or
 - d. Specific responses to the reasons for denial set forth in the findings of fact by the City Commission are, in the opinion of the [Planning Director](#), addressed in the resubmission.
- (4) A new rezoning application may be submitted after at least twelve (12) months from the date of City Commission denial.

(k) Appeals

Within 30 days of the City Commission's decision on the zoning map amendment, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

(I) Plans

- (1)** A plan shall be prepared and adopted prior to review of a petition for map amendment when:
 - (i)** No water or sanitary sewer mains exist or are planned to serve the proposed site;
 - (ii)** The request is not consistent with adopted plans; or,
 - (iii)** In-fill development is proposed and, at the discretion of the [Planning Commission](#), additional information is needed specific to unanswered questions or concerns related to transportation, compatibility of land use(s), or adequacy of transitions between established and proposed land uses.
- (2)** Depending on the size or type of request, the plans to be prepared include:
 - (i)** Watershed or Sub-basin Plan. This Plan will encompass an entire watershed or sub-basin.
 - (ii)** Sector Plan. This Plan includes approximately one square mile.
 - (iii)** Neighborhood Plan. This Plan encompasses a specific neighborhood.
 - (iv)** Special Area Plan. This includes a Nodal Plan which plans for an area immediately surrounding an intersection. A Corridor Plan is a type of linear area plan that generally encompasses a roadway or specific feature.
 - (v)** Specific Issue/District Plan. Deals with a specific issue or project that does not fall into any of the above listed categories.

20-1304 PLANNED DEVELOPMENTS**(a) Description**

PD, [Planned Development Overlay Districts](#) are established through the approval of zoning map amendments, in accordance with the hearing and notice requirements of Section 20-1303. PD zoning map amendments shall only be processed concurrently with a Preliminary Development Plan application. Final Development Plan approval is required after approval of the zoning map amendment and Preliminary Development Plan. This section sets forth the required review and approval procedures for PD Preliminary and Final Development Plans.

Development Plans for uses included in the Commercial or Industrial Use Groups of Sections 20-402 and 20-403 shall comply with the ~~Community Design Standards included in Manual which is comprised of~~ the Community Design Manual adopted by the City Commission on November 16, 2010 by Ordinance No. 8593 and subsequent amendments. Sections of the Community Design Manual pertaining to site layout will be reviewed with the Preliminary Development Plan and sections pertaining to building detail will be reviewed with the Final Development Plan.

(b) Concurrent Processing

Concurrent submission and processing of Preliminary and Final Development Plans is allowed for a single-use [Structure](#) as long as individual plans are submitted that meet the Preliminary and Final Development Plan standards and criteria. All other developments (those that involve multiple [Structures](#) or multiple uses) require review and approval of a Preliminary Development Plan before submittal of a Final Development Plan.

(c) Prerequisite to [Building Permit](#)

Approval of PD Preliminary and Final Development Plans, and recording with the Register of Deeds, shall occur before any [Building Permit](#) is issued and before any [Development Activity](#) takes place in a PD [Overlay District](#).

(d) Preliminary Development Plans**(1) Application Filing**

Preliminary Development Plan applications shall be filed with the [Planning Director](#) at the same time as a PD zoning map amendment application. The application shall be accompanied by required fees.

(2) Neighborhood Input

- (i)** During the design process for the Preliminary Development Plan, the applicant shall make a reasonable effort to meet with individuals, required to be mailed notice under Section 20-1301(q)(3), to present their project in conceptual fashion and to solicit input on the proposed design.
- (ii)** A statement describing the reasonable effort(s) made to meet with and receive input from individuals required to receive notice shall be submitted with the Preliminary Development Plan application when it is filed for review at the Planning Department.

(3) Application Contents

- (i) The application shall include a General Location Map, which shall show the location of the property in relation to at least one intersection of two streets shown as **Collector** or **Arterial Streets** on the City's Major Thoroughfares Map of the **Comprehensive Plan**.
- (ii) The application shall include a statement by the **Landowner** setting forth the reasons why, in his or her opinion, a **Planned Development** would be in the public interest and would be consistent with the Developer's Statement of Intent for **Planned Development**.
- (iii) The Preliminary Development Plan submitted by the **Landowner** as part of his or her application for tentative approval shall be prepared at a scale no smaller than one inch to 50 feet and shall include all of the area proposed to comprise the **Planned Development**. The plan and supporting documents shall include the following information:
 - a. A legal description of the site;
 - b. The dimensions of all property boundaries;
 - c. The **Owner** of record and any other parties having an interest in the proposed development;
 - d. A topographical survey of the site at an interval of not more than two feet or a more detailed plan if requested by the Public Works Department;
 - e. The location of all existing **Structures**, **Easements**, utilities, proposed utilities, and public dedication either through, adjacent to or on the site;
 - f. The existing public and **Private Street** system, platted or unplatted ownership, type and location of **Structures**, curb cuts on adjacent properties and along the opposite side of the Street and topography extending 100 feet beyond the outside boundaries of the proposed development;
 - g. The width, **Grade**, location and ownership of all proposed public and **Private Streets** and sidewalks in the area to be developed;
 - h. The use, **Height**, **Floor Area**, and approximate location of all proposed **Buildings** and other **Structures**;
 - i. The number of **Dwelling Units** to be contained in each **Building** proposed for residential use;
 - j. The location, dimension and capacity of all proposed off-Street **Parking Areas** in the area to be developed;
 - k. The location, dimension, acreage, and Ownership of all proposed public and private recreation areas, Open Space and **Non-encroachable Areas**;

- l. Dimensions and notes as deemed necessary to show compliance with the development standards of this Article;
- m. A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the [Planned Development](#) are intended to be filed. The [Planning Commission](#) may either approve or modify the submitted development time schedule. The development phases as shown on the time schedule shall also be indicated on the plan;
- n. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number of [Dwelling Units](#), the acreage devoted to residential, non-residential, commercial, recreation, Open Space, [Non-encroachable Area](#), streets (both public and private), off-street parking, and other major land uses, [Density](#), public lands (existing and proposed), and the total number of acres contained in each development phase;
- o. A summary of the total number of units of each type of use, number of [Dwelling Units](#), the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public Ownership, the acreage of the total area proposed to be developed, and the overall [Net Density](#) of the development;
- p. A statement as to the feasibility of proposals for the disposition of sanitary waste and storm water, and how all utilities are to be provided including sewerage, water, storm drainage, gas and electricity, and how completion of all improvements is to be guaranteed;
- q. A statement as to the form of Ownership proposed to own and maintain the [Common Open Space](#), recreation facilities, [Non-encroachable Area](#) and any other area within the area proposed to be developed that is to be retained primarily for the exclusive use and benefit of the residents, lessee and [Owner](#) of the [Planned Development](#);
- r. A statement as to the substance of the covenants, grants of [Easements](#) or other restrictions to be imposed upon the use of the land; [Buildings](#) and [Structures](#), including proposed [Easements](#) or grants for public utilities;
- s. The [Landowner](#) shall also submit a tentative dedication clause including dedication of public utility and drainage [Easements](#), street rights-of-way and the following statement: "We hereby dedicate to the City of Lawrence the right to regulate any construction over the area designated as [Common Open Space](#), open air recreation area, and [Non-encroachable Area](#) and to prohibit any construction within said areas and spaces inconsistent with the approved use or enjoyment of residents, lessees and [Owner](#) of the [Planned Development](#);"

- t. A statement specifying those variances, modifications, reductions and waivers being requested as part of the plan approval and setting forth reasons why, in the opinion of the [Landowner](#), such should be allowed;
 - u. At least one north-south and one east-west elevation across the site to show typical site layout, [Grade](#), etc.; and
 - v. Submission of a landscape plan in conformance with Section 20-1001(d).
- (iv) The plan shall be submitted so as to conform with the requirements for the submission of a Preliminary Plat in the Subdivision Regulations, except where such requirements conflict with the requirements of this Article.
- (v) Approval of the Preliminary Development Plan shall constitute approval of a Preliminary Plat. A preliminary plat review fee shall not be required.
- (vi) Provide the supplemental stormwater information required by [City Regulations](#), and provide on the development plan a site summary table which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a [Building\(s\)](#); development as a paved surface; undeveloped and planted with grass, [Ground Cover](#), or similar vegetative surface. When a development is proposed to be phased, the entire detention basin shall be provided during phase one of the project unless otherwise approved.

(4) Phased Development Schedule

If the applicant proposes to develop a PD in phases, the application shall contain a proposed phasing schedule. In a phased development, Open Space and site amenities shall be apportioned among the phases in proportion to the amount of development occurring in each phase, so that, for example, when the development is 40% complete, 40% of the Open Space and amenities will be complete, transferred to the association or other permanent [Owner](#), and properly restricted as required by this Code.

(5) Public Hearing Notice

Newspaper, posted and mailed notice of the [Planning Commission's](#) public hearing shall be provided in accordance with Section 20-1301(q).

(6) Staff Review/Report

The [Planning Director](#) shall review each proposed PD zoning map amendment and Preliminary Development Plan in accordance with the review and decision-making criteria of ~~S~~subsection (9) and distribute the proposed plan to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the proposed amendment/plan to the [Planning Commission](#) and City Commission.

(7) Planning Commission's Review/Recommendation

- (i) The **Planning Commission** shall hold a public hearing on the proposed amendment/plan, review the proposed amendment/plan in accordance with the review and decision-making criteria of **Subsection (9)** and recommend that the City Commission approve, approve with conditions or deny the proposed amendment/plan. The **Planning Commission** is also authorized to forward the proposed amendment/plan to the City Commission with no recommendation.
- (ii) The recommendation on the Preliminary Development Plan shall include findings of fact and set forth reasons for the recommendation, including but not limited to findings of fact on the review and approval criteria of **Subsection (9)**.
- (iii) The **Planning Director** shall give written notice of the **Planning Commission's** recommendation to the applicant and the applicant's Agent.

(8) City Commission Decision

After receiving the **Planning Commission's** recommendation, the City Commission shall take one of the following actions on the proposed amendment/plan:

- (i) approve, approve with conditions or modifications, or deny; or
- (ii) return the application to the **Planning Commission** for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
 - a. The **Planning Commission**, after considering the explanation of the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new and amended recommendation.
 - b. Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed amendment/plan, approve it with conditions or modifications, or deny it.
 - c. If the **Planning Commission** fails to deliver its recommendations to the City Commission following the **Planning Commission's** next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the **Planning Commission** as a resubmission of the original recommendations and proceed accordingly.
- (iii) The City Commission may act by a simple majority vote, except for the following cases:
 - a. action that is contrary to the **Planning Commission's** recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or

- b. approval, or approval with conditions or modifications, when a valid protest petition has been submitted in accordance with Section 20-1306(g), in which case the decision shall be by a 3/4 majority vote of the full membership of the City Commission.

(iv) The City Commission shall:

- a. State the reasons for its decision in writing; and
- b. notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

(9) Review and Decision-Making Criteria

In reviewing and making decisions on proposed Preliminary Development Plans, review and decision-making bodies shall consider at least the following factors:

- (i) the Preliminary Development Plan's consistency with the [Comprehensive Plan](#);
- (ii) the Preliminary Development Plan's consistency with the PD standards of Section 20-701 including the statement of purpose;
- (iii) the nature and extent of [Common Open Space](#) in the PD;
- (iv) the reliability of the proposals for maintenance and conservation of [Common Open Space](#);
- (v) the adequacy or inadequacy of the amount and function of [Common Open Space](#) in terms of the densities and [Dwelling](#) types proposed in the plan;
- (vi) whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment;
- (vii) whether the Preliminary Development Plan will measurably and adversely impact development or conservation of the neighborhood area by:
 - a. doubling or more the traffic generated by the neighborhood;
 - b. proposing housing types, [Building Heights](#) or [Building Massing\(s\)](#) that are incompatible with the established neighborhood pattern; or
 - c. increasing the residential [Density](#) 34% or more above the [Density](#) of adjacent residential properties.
- (viii) whether potential adverse impacts have been mitigated to the maximum practical extent; and,

- (ix) the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PD in the case of a plan that proposes development over a period of years.

(10) Effect of Preliminary Development Plan Approval

Approval of the Preliminary Development Plan constitutes approval of a preliminary plat. A preliminary plat review fee is not required.

(11) Status of Preliminary Development Plan after Approval

- (i) The applicant and the applicant's [Agent](#) shall be given written notice of the action of the City Commission.
- (ii) Approval of a Preliminary Development Plan does not qualify as a plat of the [Planned Development](#) for [Building](#) and permitting purposes.
- (iii) An unexpired approved Preliminary Development Plan, including one that has been approved subject to conditions provided that the [Landowner](#) has not defaulted on or violated any of the conditions, may not be modified or revoked by the City without the consent of the [Landowner](#).
- (iv) If a [Landowner](#) chooses to abandon a plan that has been given preliminary approval, he or she may do so prior to Final Development Plan approval, provided that he or she notifies the [Planning Commission](#) in writing.
- (v) Major Changes in the [Planned Development](#) (see Section 20-1304(e)(2)(iv)) may be made only after rehearing and reapproval of the entire Preliminary Development Plan under the terms and procedures specified in this section. All [Landowners](#) within the entire Preliminary Development Plan boundary shall be notified in writing of any proposed Major Change at the time of submittal of the revised Preliminary Development Plan to the [Planning Director](#).
- (vi) An approved Preliminary Development Plan with multiple [Parcel](#) and multiple [Landowners](#) may only be altered or modified if all [Landowners](#) of [Parcel](#) within the Preliminary Development Plan consent to the proposed alterations or modifications.
- (vii) A Preliminary Development Plan may be explicitly conditioned with a provision on the face of the Preliminary Development Plan that all [Landowners](#) of all properties waive their right to approve or disapprove any alterations or modifications to the Preliminary Development Plan.
- (viii) In the absence of the explicit condition contained in subsection ~~(8)(iv)~~ [\(11\)\(vii\)](#), the provision of subsection ~~(v)(11)(vi)~~ will govern Preliminary Development Plan alterations or modifications.

(12) Expiration of Approval

In the event the [Landowner](#) fails to file an application for Final Development Plan approval within 24 months after final approval of the Preliminary Development Plan has been granted or within 6 months after the date shown on an approved development schedule, in accordance with Section 20-1304(d)(4), then such approval shall expire in accordance with the following provisions:

- (i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months, or the proposed phasing schedule may be modified to extend all dates by a period not to exceed one-half the original period allowed for development of that phase. The application for extension may be made by letter to the [Planning Director](#) and will be considered only if received before the expiration date of the approval. The [Planning Director](#) shall forward such request, with any recommendation of the [Planning Director](#), to the City Clerk for scheduling on the agenda of the City Commission. The [Planning Director](#) shall notify the applicant by first class mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the [Planning Director](#) and may hear from other interested parties.
- (ii) If the approval of the Preliminary Development Plan for a phased development expires after the completion of one or more phases, the Preliminary Development Plan will remain in full effect as to those portions of the development that are subject to Final Development Plans in which the developer has acquired vested rights, in accordance with Section 20-1304(e)(2)(vii), but the remaining portions of the Preliminary Development Plan shall expire.
- (iii) No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for Final Development Plan or for other [Development Activity](#) on the site shall be considered as though the Preliminary Development Plan had not been granted.
- (iv) After expiration of a Preliminary Development Plan, or any portion thereof, the PD Overlay zoning shall remain in effect for the affected property, but further development on the property shall require the approval of a new Preliminary Development Plan, in accordance with the procedures and standards in effect at the time of the new application. If a Preliminary Development Plan has expired for any part of a phased development, consistency with the developed parts of the Preliminary Development Plan shall be an additional criterion for consideration of a new proposed Preliminary Development Plan.
- (v) Approval of a Preliminary Development Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764.

(e) Final Development Plan**(1) Application Filing**

Final Development Plan applications shall be filed with the [Planning Director](#) after approval of and before the expiration of a Preliminary Development Plan. A Final Development Plan may be submitted for a portion of the area in the approved Preliminary Development Plan.

(2) Application Contents

- (i)** Final Development Plan, in its entirety or in phases, drawn at a scale of one inch to 40 feet and supportive documents shall show or contain at least the following:
 - a.** all information required of the Preliminary Development Plan;
 - b.** the placement of all principal and [Accessory Structures](#);
 - c.** the entrances to all [Structures](#);
 - d.** the location and dimensions of all existing and proposed curb cuts, [Driveways](#) and aisles, public and [Private Streets](#), off-street parking and loading space areas, sidewalks and pedestrianways, sanitary sewers, storm sewers and drainageways, power lines, gas lines, and fire hydrants;
 - e.** the location, height and material of [Screening](#) walls and fences;
 - f.** the type of surfacing and base course proposed for all [Private Streets](#), [Driveways](#), off-street parking and loading space areas, and sidewalks and pedestrianways;
 - g.** the location of all utilities in and adjacent to the property. (No overhead lines, with the exception of high voltage power lines, shall be permitted in [Planned Developments](#));
 - h.** a location map of one inch equals 200 feet or less showing the site of the proposed development in relationship with major [Thoroughfares](#) in the city;
 - i.** a landscape plan in accordance with Section 20-1001(d);
 - j.** the proposed topography or grading of the area at a contour interval of not more than two feet;
 - k.** the location of each outdoor trash storage facility;
 - l.** proof of the establishment of an agency or entity to own, manage and maintain the [Common Open Space](#), open air recreation areas, recreation facilities, [Non-encroachable Areas](#), [Private Streets](#) and any other area within the development that is to be retained for the exclusive use and benefit of the residents, lessees and [Owner](#);
 - m.** copies of all restrictions or covenants that are to be applied to the development area;

- n. proof that no [Lot](#), [Parcel](#), [Tract](#) or other portion of the development area has been conveyed or leased prior to the recording of any restrictive covenants, Final Development Plan, or final plat;
 - o. such other drawings, specifications, covenants, [Easements](#), conditions, and performance bonds as set forth in the granting of preliminary approval; and
 - p. at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate Building shape, Height, and Screening proposed and to determine compliance with the Community Design Manual.
- (ii) A plan submitted for final approval shall be in substantial compliance with the plan previously given preliminary approval. Modification by the [Landowner](#) of the plan as preliminarily approved may not:
- a. Increase the proposed gross residential [Density](#) or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for [Common Open Space](#), open air recreation area or [Non-encroachable Area](#), nor the substantial relocation of such areas; nor,
 - b. Increase by more than 10 percent (10%) the total [Floor Area](#) proposed for non-residential or commercial uses; nor,
 - c. Increase by more than 5 percent (5%) the total ground area covered by [Buildings](#) nor involve a substantial change in the [Height](#) of [Buildings](#).

(iii) Consistency with Preliminary Development Plan; Major Changes

A Final Development Plan will not be considered complete and ready for processing if all approved conditions have not been met or if the Final Development Plan constitutes a Major Change from the approved Preliminary Development Plan. Major Changes may be made only after rehearing and reapproval of the Preliminary Development Plan, and the [Planning Director](#) shall notify the applicant of the provisions of this section.

(iv) Major Changes

A Major Change is one that:

- a. increases the proposed gross residential **Density** or intensity of use by more than five percent (5%)
- b. involves a reduction in the area set aside for **Common Open Space** in general, or **Recreational Open Space** or **Natural Open Space** in particular, or the substantial relocation of such areas;
- c. increases by more than 10 percent (10%) the total **Floor Area** proposed for nonresidential uses;
- d. increases by more than 5 percent (5%) the total ground area covered by **Buildings**;
- e. changes a residential use or **Building Type**;
- f. increases the **Height** of **Buildings** by more than 5 feet; or
- g. represents a new change to the Preliminary Development Plan that creates a substantial adverse impact on surrounding **Landowners**.
- h. changes a residential **Building Type** or a non-residential **Structure** by more than 10% in size.

(v) Review and Action by **Planning Director; Appeals**

- a. Within 45 days of the filing of a complete Final Development Plan application, the **Planning Director** shall review and take action on the Final Development Plan. The **Planning Director** shall approve the Final Development Plan if it complies with the approved Preliminary Development Plan, all conditions of Preliminary Development Plan approval and all applicable standards of this Development Code. If the submitted Final Development Plan does not so comply, the **Planning Director** shall disapprove the Final Development Plan and advise the **Landowner** in writing of the specific reasons for disapproval.
- b. In the event that the **Planning Director** does not approve the Final Development Plan, the **Landowner** may either: (1) resubmit the Final Development Plan to correct the plan's inconsistencies and deficiencies, or (2) within 45 days of the date of notice of refusal, appeal the decision of the **Planning Director** to the City Commission. In the event such an appeal is filed, a public hearing before the City Commission shall be scheduled with such notice as is required for the Preliminary Development Plan/Zoning Map Amendment.
- c. Notice shall be given of the **Planning Directors'** action to adjacent property **Owner** or Neighborhood Associations if such request for notice has been made in writing from the adjacent property **Owner** or Neighborhood Associations.

(vi) Effect of Approval

- a. A Final Development Plan or any part thereof that has received final approval shall be so certified by the [Planning Director](#), and shall be filed by the [Planning Director](#) with the Register of Deeds immediately upon compliance with all conditions of approval. If the [Landowner](#) chooses to abandon a Final Development Plan or portion thereof after it has been given final approval, he or she shall notify the [Planning Director](#) in writing.
- b. The filing of a Final Development Plan for a [Planned Development](#) with the Register of Deeds does not constitute the effective dedication of [Easements](#), rights-of-way or [Access](#) control, nor will the filed plan be the equivalent of, nor an acceptable alternative for, the final platting of land prior to the issuance of [Building](#) Permits in the [Planned Development](#).
- c. The [Planning Director](#) shall file the final plats and all supportive documents concerning the [Planned Development](#) with the Register of Deeds. The [Landowner](#) is responsible for all costs incurred in filing such documents and the Final Development Plan.

(vii) Expiration of Approval

In the event the [Landowner](#) fails to obtain a building permit for development shown on the Final Development Plan within 24 months after final approval of the Final Development Plan has been granted, the approval shall expire in accordance with the following provisions:

- a. For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension may be made by letter to the [Planning Director](#) and will be considered only if received before the expiration date of the approval. The [Planning Director](#) shall forward such request, with any recommendation of the [Planning Director](#), to the City Clerk for scheduling on the agenda of the City Commission. The [Planning Director](#) shall notify the applicant by first class mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the [Planning Director](#) and may hear from other interested parties.
- b. No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for subdivision review, for a [Building](#) Permit or for other [Development Activity](#) on the site shall be considered as though the Final Development Plan had not been granted.
- c. After expiration of a Final Development Plan and related portions of the Preliminary Development Plan, the PD Overlay zoning shall remain in effect, but further development

on the property shall require the approval of a new Preliminary Development Plan and Final Development Plan, in accordance with the procedures and standards in effect at the time of the new application.

- d. Rights to the development pattern shown in a Final Development Plan shall vest in accordance with K.S.A. Sect. 12-764 upon approval of a final subdivision plat. If such subdivision plat expires in accordance with K.S.A. Sect. 12-764(a), then the related portions of the Final Development Plan shall also expire at the same time.

(f) Enforcement and Modifications of Final Development Plan

(1) Enforcement by the City

The provisions of a Final Development Plan relating to: (1) the use of land and the use, bulk and location of [Buildings](#) and Structures; (2) the quality and location of [Common Open Space](#); and, (3) the intensity of use or the [Density](#) of residential units, run in favor of the municipality and are enforceable in law or in equity by the City, without limitation on any powers or regulations otherwise granted the City by law.

(2) Enforcement by Residents and [Landowners](#)

All provisions of the Final Development Plan run in favor of the residents and [Landowners](#) of the [Planned Development](#), but only to the extent expressly provided in, and in accordance with, the Final Development Plan. To that extent, the Final Development Plan provisions, whether recorded by plat, covenant, [Easement](#) or otherwise, may be enforced at law or equity by said residents and [Landowners](#), acting individually, jointly, or through an organization designated in the Final Development Plan to act on their behalf. No provisions of the Final Development Plan will be implied to exist in favor of residents and [Landowners](#) of the [Planned Development](#) except those portions of the Final Development Plan that have been finally approved and have been recorded.

(3) Modifications of the Final Development Plan by the City

All those provisions of the Final Development Plan authorized to be enforced by the City may be modified, removed or released by the City (except grants or [Easements](#) relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

- (i) no such modification, removal or release of the provisions of the Final Development Plan by the City may affect the rights of the residents and [Landowners](#) of the [Planned Development](#) to maintain and enforce provisions, at law or equity; and
- (ii) no modification, removal or release of the provisions of the Final Development Plan by the City may be permitted, except upon a finding by the City, following a public hearing, that the same is consistent with the efficient development and preservation of the entire [Planned Development](#), does not adversely affect either the enjoyment of land abutting upon or across a Street from the [Planned Development](#) or the public interest, and is not granted solely to confer a special benefit upon any person.

(4) Modifications by the Residents

Residents and [Landowners](#) of the [Planned Development](#) may, to the extent and in the manner expressly authorized by the provisions of the Final Development Plan, modify, remove or release their rights to enforce the provisions of the Final Development Plan, but no such action will affect the right of the City to enforce the provisions of the Final Development Plan.

(5) Modification Procedures

Modification of approved [Planned Development](#) plans may be initiated as follows:

- (i) By the [Landowners](#) or residents of the property within the [Planned Development](#), provided that the right to initiate modification has been expressly granted to or retained by the [Landowners](#) or residents under the provisions of the plan;
- (ii) By the City Commission upon its own motion, duly made and carried by a two-thirds majority vote of the City Commission, when modification appears strictly necessary to implement the purpose of this article and such modification would not impair the reasonable reliance interests of the [Landowners](#) and residents of the [Planned Development](#).
- (iii) Modifications of the provisions of the Final Development Plan that constitute Major Changes may be approved by an affirmative vote of a majority of all members of the City Commission upon a finding, after a public hearing, that the modification complies with Section 20-1304(f)(3). Newspaper, posted, and mailed notice of the City Commission's public hearing shall be provided in accordance with Section 20-1301(q).
- (iv) Modifications to the Final Development Plan that do not constitute Major Changes as defined in Section 20-1304(e)(2)(iv) may be approved by the [Planning Director](#).

(6) Modifications to Final Development Plans Approved Prior to the Effective Date

Final Development Plans, which were approved prior to the [Effective Date](#) of this Development Code, shall be modified only in accordance with this Development Code, as amended.

(g) Interpretations**(1) Purpose**

Because the very specific nature of the Development Plans approved for **Planned Developments** may result in unforeseen circumstances, particularly through the passage of time, the purpose of this sub-section is to provide a formal method for interpreting Final Development Plans and related provisions of Preliminary Development Plans.

(2) Applicability and Authority

This sub-section shall apply to any application or request to interpret a Development Plan. The **Planning Commission** shall have the authority to make such interpretations, subject to appeal as set forth herein. This procedure shall apply only when the effect of the Development Plan is unclear because of the passage of time or as applied to particular circumstances. In most cases, this procedure will be initiated by referral from the **Planning Director**, when, upon receipt of an application for a permit or interpretation, such official determines that the Development Plan is unclear or otherwise requires interpretation.

(3) Initiation

The interpretation process may be initiated by:

(i) Any **Owner** of real property included within the land area of the original Development Plan to be interpreted;

(ii) The **Planning Director**, by referral, or upon the Director's initiative;

~~(iii) The Director of Neighborhood Resources, by referral;~~

~~(iv)~~(iii) The City Commission; or

~~(v)~~(iv) The **Planning Commission**.

(4) Procedure**(i) Public Hearing to be Scheduled**

At the next meeting following the initiation of the process for interpretation of a Development Plan (or, if initiated by the **Planning Commission**, at the same meeting), the **Planning Commission** shall schedule a public hearing on the matter, which hearing shall occur within 45 days of the date of the meeting at which the hearing date is set.

(ii) Notice

If there are 20 or fewer separately owned **Parcel** of property within the area affected by the Preliminary Development Plan (or comparable document) governing the **Planned Development**, the **Planning Director** shall cause written notice of the hearing to be given to the **Owner(s)** of each such **Parcel** and to property **Owners** within 200 feet of the Preliminary Development Plan. If there are more than 20 separately owned **Parcels**, then the **Planning Director** shall cause notice of the hearing to be published in accordance with Section 20-1301(q)~~(4)~~(2) & ~~(3)~~.

(iii) Public Hearing

At the scheduled time and place, the **Planning Commission** shall hold a public hearing on the interpretation of the Final Development Plan. The

[Planning Commission](#) may at that time consider all evidence reasonably brought before it, including but not limited to:

- a. Copies of the original plans, as approved;
- b. Copies of documents recorded in the chain of title of the [Planned Development](#);
- c. Minutes of the meeting(s) of the City Commission and [Planning Commission](#) at which the original plans were approved;
- d. Copies of pertinent sections of the zoning or development ordinance in effect at the time that the original plans were approved;
- e. The [Comprehensive Plan](#) in effect on the date of interpretation and, if different, relevant provisions of the [Comprehensive Plan](#) in effect at the time of approval of the original plans;
- f. Explanation of the applicant (if any), the [Planning Director](#) and others regarding the reasons why the Preliminary and/or Final Development Plan or comparable documents are unclear or inadequate to address the issue raised in the request for interpretation;
- g. Testimony of persons owning property within the area affected by the Preliminary Development Plan;
- h. Testimony of other interested persons;
- i. Recommendation of the [Planning Director](#); and/or
- j. Such other evidences as the [Planning Commission](#) may find relevant to the interpretation of the Plan.

(iv) Criteria for Decision

The criteria for the decision of the [Planning Commission](#) in interpreting the Development Plan shall be, in priority order:

- a. Consistency with the literal provisions of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;
- b. Consistency with the stated purpose of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;
- c. Where the original plans referred to or depended upon provisions of the Zoning Ordinance then in effect, consistency with those provisions; and
- d. Interpretation of the original plans as reflected in the development of the project and reliance on it by property [Owner](#) within it.

(v) Decision

At the same meeting at which the hearing is held, or at its next meeting, the [Planning Commission](#) shall render a decision. If it is unable to render an interpretation that resolves the issue placed before it, it shall recommend that the interested parties file an application to amend the Development Plan, in accordance with (f)(5) of this section.

(5) Appeal

An appeal of an interpretation by the [Planning Commission](#) under this subsection shall be to the City Commission. The action, if any, by the City Commission shall be final. Any person aggrieved may file an application for a permit to undertake the proposed action and may follow the appeal process for any action on that, or any person aggrieved may file an application to modify the development plan, in accordance with (f)(5) of this section.

20-1305 SITE PLAN REVIEW**(a) Purpose**

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of this Development Code prior to the commencement of [Development Activity](#) and to encourage the compatible arrangement of [Buildings](#), off-street parking, lighting, [Landscaping](#), pedestrian walkways and sidewalks, ingress and egress, and drainage on the site and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties. Site Plans for uses included in the Commercial or Industrial Use Groups of Sections 20-402 and 20-403 shall comply with the Community Design Manual adopted by the City Commission on November 16, 2010 by Ordinance No. 8593.

For the purposes of this section:

- (1)** A change to a less intensive use shall be defined as:
 - (i)** a change in use of a site or [Structure](#) in which the Development Code requires less parking for the proposed new or modified use; or
 - (ii)** that the operational characteristics of the proposed new or modified use are such that they generate less activity on the site, or result in a decrease in the number of days or hours of operation of the site.
- (2)** A change to a more intensive use shall be defined as:
 - (i)** change in use of a site or [Structure](#) in which the Development Code requires more parking for the proposed new or modified use; or
 - (ii)** that the operational characteristics are such that they generate more activity on the site, or result in an increase in the number of days or hours of operation of the site.

(b) Applicability

In any [Zoning District](#), except as expressly exempted below in Section 20-1305(c), an administratively reviewed and approved site plan shall be required for:

(1) Minor Development Projects

Any development proposing the minor modification of a site, as determined by the [Planning Director](#), which does not meet the criteria for a [Standard](#) or [Major Development Project](#), or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a [Minor Development Project](#).

(i) Requirements of Site Plan Review

- a.** Amendments to an approved site plan depicting the proposed modification or improvements; and
- b.** Verification that the use is permitted by zoning; and
- c.** Verification that adequate parking is available.

(ii) Public Notice

The public notice procedures of Section 20-1305(g) are not applicable.

(iii) Compliance with City Codes

- a. Only those improvements or modifications proposed and approved as a **Minor Development Project** review are required to be compliant with the standards of this Development Code and/or the Community Design Manual, unless otherwise determined by the **Planning Director** to be waived for good cause shown by the applicant. The **Planning Director** may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.
- b. Existing conditions of the site are not required to become compliant with all standards of this Development Code and/or the Community Design Manual other than those standards which are deemed necessary, by the **Planning Director**, to ensure the health, safety and welfare of the public and/or user of the site.

(2) Standard Development Projects

- (i) For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:
 - a. a change in use to a less intensive use and where physical modifications to the site, excluding interior **Building** modifications, are proposed; or
 - b. a change in use to a more intensive use regardless of whether physical modifications to the site are proposed; or
 - c. the substantial modification of a site, defined as:
 1. The construction of any new **Building(s)** on the site; or
 2. The construction of any **Building** addition that contains a **Gross Floor Area** of ten percent (10%) or more of the **Gross Floor Area** of existing **Building(s)**; or
 3. Separate incremental **Building** additions below ten percent (10%) of the **Gross Floor Area** of existing buildings if the aggregate effect of such **Development Activity** over a period of 24 months would trigger the 10% threshold; or
 4. The addition of **Impervious Surface** coverage that exceeds 10% of what exists; or
 5. Any modification determined by the **Planning Director** to be substantial.

- (ii) For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a [Major Development Project](#), any development proposing the following shall be considered a [Standard Development Project](#):
- a. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or
 - b. any modification of a site which meets the following criteria or proposes the following:
 - 1. A modification to a site which alters the [Parking Area](#), drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or
 - 2. A development, redevelopment, or modifications to the exterior style, design or material type of a [Structure](#) that is subject to the Community Design Manual; or
 - 3. An outdoor dining or hospitality use in the CD and CN1 [Zoning Districts](#) and any outdoor dining use located in any other [Zoning District](#) that would result in an increase of the number of [Parking Spaces](#) required; or
 - 4. In the IM or IG zoning district, the construction of one or more new [Building\(s\)](#) or building additions that contain a [Gross Floor Area](#) of less than fifty percent (50%) of the [Gross Floor Area](#) of existing [Building\(s\)](#); or
 - 5. In any zoning district other than IM or IG, the construction of one or more new [Buildings](#) or building additions that contain a [Gross Floor Area](#) of less than twenty percent (20%) of the [Gross Floor Area](#) of existing [Building\(s\)](#); or
 - 6. In the IM or IG zoning district, the installation or addition of less than fifty percent (50%) of existing [Impervious Surface](#) coverage; or
 - 7. In any zoning district other than IM or IG, the installation or addition of less than twenty percent (20%) of existing [Impervious Surface](#) coverage; or
 - 8. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the [Planning Director](#).

(iii) Requirements of Site Plan Review

- a. For sites without an existing approved site plan a site plan meeting all the specifications of Section 20-1305(f) must be submitted for administrative review.
- b. For sites with an approved site plan on file at the Planning Office, the existing plan if determined appropriate by the [Planning Director](#), may be amended.

(iv) Public Notice

The public notice procedures of Section 20-1305(g) are applicable.

(v) Compliance with City Codes

- a. Those improvements or modifications proposed and approved by Standard Site Plan review are required to be compliant with the standards of this Development Code and/or the Community Design Manual, unless otherwise determined by the [Planning Director](#) to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.
- b. Other features of the site may be required to become compliant with all standards of this Development Code and/or the Community Design Manual as determined by the [Planning Director](#) in order to ensure the health, safety and welfare of the public and/or user of the site.

(3) Major Development Projects

Any development proposing the following:

- (i) Any [Development Activity](#) on a site that is vacant or otherwise undeveloped; or
- (ii) Any [Significant Development Project](#) on a site that contains existing development, defined as:
 - a. Any modification to a site that alters [Parking Area\(s\)](#), drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns; that the [Planning Director](#) determines to be significant in terms of impacting adjacent roads or adjacent properties; or
 - b. In the IM or IG zoning district, the construction of one or more [Building\(s\)](#) or building additions that contain a [Gross Floor Area](#) of fifty percent (50%) or more of the [Gross Floor Area](#) of existing [Building\(s\)](#); or
 - c. In any zoning district other than IM or IG, the construction of one or more [Building\(s\)](#) or building additions that contain a [Gross Floor Area](#) of twenty percent (20%) or more; of the [Gross Floor Area](#) of existing [Building\(s\)](#); or
 - d. Separate incremental [Building](#) additions below 50% for IM or IG zoning and 20% for all other zoning districts of the [Gross Floor Area](#) of existing [Building\(s\)](#) if the aggregate effect of such [Development Activity](#) over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or
 - e. The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing [Impervious Surface](#) coverage.

(iii) Requirements of Site Plan Review

Submitted site plans shall meet all the specifications of Section 20-1305(f).

(iv) Public Notice

The public notice procedures of Section 20-1305(g) are applicable.

(v) Compliance with City Codes

Full compliance with all City Codes, including this Development Code and the Community Design Manual, is required for the entire site, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

(c) Exemptions

The following are expressly exempt from the Site Plan Review procedures of this section:

- (1) changes to Detached Dwelling(s) or Duplex(es), as well as site improvements on Lots containing Detached Dwelling(s) and Duplex(es). However, if such types of Dwellings are designed to form a complex having an area of common usage, such as a Parking Area or private recreational area, and such complex contains a combined total of four (4) Dwelling Units or more, Site Plan Review is required.
- (2) changes to developments for which plans have been reviewed and approved pursuant to the Special Use or Planned Development procedures of this Development Code. This provision is intended to clarify that Site Plan Review is not required for projects that have received equivalent review through other Development Code procedures.
- (3) changes expressly exempted from Site Plan Review process by the underlying Zoning District.
- (4) changes that could be considered ordinary maintenance, and which do not change the exterior style, design, or material type.
- (5) a change in use to a less intensive use where development exists but where no physical modifications to the site, excluding interior Building modifications, are proposed and where an approved site plan is not on file with the Planning Office.
- (6) any ~~Development Activity~~ change of use or physical improvements on a site where development exists but where an approved site plan is not on file with the Planning Office that proposes the following:

- (i) The construction of any **Building** addition that contains less than ten percent (10%) of the current **Building's Gross Floor Area**; or
 - (ii) Separate incremental **Building** additions below 10% of the **Gross Floor Area** of existing **Buildings** if the aggregate effect of such **Development Activity** over a period of 24 consecutive months would trigger the 10% threshold; or
 - (iii) The addition of **Impervious Surface** coverage that does not exceed 10% of what exists.
- (7) any change in use, regardless of whether it is less or more intense than the current use, or any **Development Activity** in the CD district of an existing developed site where the effect of the change in use or **Development Activity** does not increase a **Building's** footprint or the number of **Building** stories. For purposes of this subsection, adding HVAC equipment; fire escapes; awnings; patios, decks and other outdoor areas less than fifty (50) square feet in area, and similar appurtenances, as determined by the **Planning Director**, shall not be considered as increasing the **Building's** footprint. This provision shall not exempt a property in the CD district from any other City Code standard, including review by the **Historic Resources Commission**. Outdoor dining uses and hospitality areas, regardless of their size, and other outdoor uses and areas that exceed fifty (50) square feet in area shall not be exempt from the requirement to site plan under this provision.
- (8) changes otherwise exempted from Site Plan Review by state or federal law.

(d) Pre-application Meetings

A pre-application meeting with the **Planning Director** is required at least 7 **Working Days** prior to the formal submission of a Site Plan application. See Section 20-1301(d).

(e) Initiation and Application Filing

Site Plan Review applications shall be filed with the **Planning Director**. At the time of submittal and payment of fees, the applicant shall submit the required number of legible and complete site plans requested at the pre-application meeting.

(f) Application Contents

- (1) A site plan shall:
- (i) For any Standard or Major Development Project be prepared by an architect, engineer, landscape architect, or other qualified professional and show the name, business address and licensing information for that professional in the information block on each sheet;
 - (ii) Be prepared at a scale of one inch equals 30 feet or larger for sites of five or fewer acres and be prepared at a scale of one inch equals 40 feet for sites over five acres or at a scale determined to be appropriate by the **Planning Director**;
 - (iii) Be arranged so that the top of the plan represents north or, if otherwise oriented, is clearly and distinctly marked;

- (iv) Show boundaries and dimensions graphically;
- (v) Contain a written legal description of the property; identification of a known vertical & horizontal reference mark approved by the city engineer; and, show a written and graphic scale;
- (vi) Show existing conditions of the site:
 - a. Show existing public and [Private Street](#) system,
 - b. platted or unplatted Ownership,
 - c. type and location of [Structures](#),
 - d. curb cuts on adjacent properties and along the opposite side of the street.
- (vii) Show topography extending 50 feet beyond the outside boundaries of the proposed site plan;
- (viii) Show the present and proposed topography of the site. Present and proposed topography (contour interval not greater than two feet) shall be consistent with City of Lawrence aerial topography. Where land disturbance, grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence obtained aerial topography, an actual field survey shall be required;
- (ix) Show the location of existing utilities and [Easements](#) on and adjacent to the site including
 - a. Show the location of power lines, telephone lines, & gas lines.
 - b. Show the vertical elevation (if available) and horizontal location of existing sanitary sewers, water mains, storm sewers and culverts within and adjacent to the site.
- (x) Show the location of ground mounted transformers and air conditioning units and how such units shall be screened if visible from the Street or when adjacent to a [Structure](#) on an adjoining [Lot\(s\)](#). In any instance, the location of such units shall occur behind the Front and [Side Setback](#) lines as set forth in Section 20-601 in the [Density](#) and Dimensional Standards Tables;
- (xi) Show, by use of directional arrow, the proposed flow of storm drainage from the site. Provide the supplemental stormwater information required by [City Regulations](#), and provide on the site plan a site summary table, in the format noted below, which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a [Building\(s\)](#); development as a paved surface; undeveloped and planted with grass, [Ground Cover](#), or similar vegetative surface.

<u>PROPERTY SURFACE SUMMARY</u>			
<u>Summary of Existing Conditions</u>		<u>Summary after project completion</u>	
<u>Total Buildings</u>	<u># ft.²</u>	<u>Total Buildings</u>	<u># ft.²</u>
<u>Total Pavement</u>	<u># ft.²</u>	<u>Total Pavement</u>	<u># ft.²</u>
<u>Total Impervious</u>	<u># ft.²</u>	<u>Total Impervious</u>	<u># ft.²</u>
<u>Total Pervious</u>	<u># ft.²</u>	<u>Total Pervious</u>	<u># ft.²</u>
<u>Total Property Area</u>	<u># ft.²</u>	<u>Total Property Area</u>	<u># ft.²</u>

- (xii) Show the location of existing and proposed **Structures** and indicate the number of stories, **Floor Area**, and entrances to all **Structures**;
- (xiii) Show the location and dimensions of existing and proposed curb cuts, **Access** aisles, off-street parking, loading zones and walkways;
- (xiv) Indicate location, height, and material for **Screening** walls and fences;
- (xv) List the type of surfacing and base course proposed for all parking, loading and walkway areas;
- (xvi) Show the location and size, and provide a landscape schedule for all perimeter and interior **Landscaping** including grass, **Ground Cover**, trees and **Shrubs**;
- (xvii) The proposed use, the required number of off-street **Parking Spaces**, and the number of off-street **Parking Spaces** provided shall be listed on the site plan. If the exact use is not known at the time a site plan is submitted for review, the off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use;
- (xviii) Designate a trash storage site on each site plan appropriate for the number of occupants proposed. The size of the trash storage receptacle, its location and an elevation of the enclosure shall be approved by the Director of Public Works prior to approval of the site plan. If a modification to the location of the trash storage area is required during the construction phase or thereafter, both the Planning and Public Works Directors must approve the modification before a revised site plan can be approved.
- (xix) For CN2, CC and CR Districts, be prepared for all of the contiguous area in that **Zoning District** under the same Ownership. If the entire site is not proposed for development in the immediate future, then the initial Site Plan application shall contain a proposed phasing schedule, showing which sections of the property shall be developed in which order and showing in which phases the **Easements**, **Driveways**, **Parking Areas** and **Landscaping** will be included. The **Planning Director** may require adjustments in the provision of **Easements**, **Driveways**, **Parking Areas** and **Landscaping** among the various phases as a condition of approval;

- (xx) Provide at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate [Building](#) shape, [Height](#), and [Screening](#) proposed and to determine compliance with the Community Design Manual.
 - a. Photographs of the property may be submitted when no physical changes to the building facades are proposed.
- (xxi) Show the intersection visibility triangle required in Section 20-1102.
- (xxii) Show the location and height of any sign structures that would not be located on a [building](#).
- (2) A note shall be provided on the site plan for a public or governmental [Building](#)(s) and facility(ies) indicating that it has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for [Buildings](#) and facilities, appendix A to 28 CFR Part 36.
- (3) If the site plan is for a multiple-[Dwelling](#) residential [Structure](#) containing at least four (4) [Dwelling Units](#), a note shall appear on the site plan indicating it has been designed to comply with the minimum provisions of the Final Fair Housing Accessibility Guidelines, 24 CFR, Chapter 1, Subchapter A, Appendix II, of the Fair Housing Act of 1968, as amended.
- (4) A photometric plan, pursuant to Section 20-1103(c) shall be required for site plan approvals. Show the proposed location, direction and amount of illumination of proposed lighting. Provide information on [Screening](#) proposed for the lighting and steps taken to prevent glare.

(g) Public Notice

- (1) Notice of the proposed site plan shall be posted on the property covered by the site plan, in accordance with Section 20-1301(q)(4). In addition, written notice of the proposed site plan shall be mailed to the [Owner](#) of record of all property within [200](#) feet of the subject property, and to all [Registered Neighborhood Associations](#) whose boundaries include the subject property or are adjacent to the neighborhood the subject property is located in. The notice shall be sent by the applicant by regular mail, postage pre-paid. The applicant shall submit a Certificate of Mailing at the time of submission of the Site Plan application. An application for Site Plan Review will not be considered complete without an executed Certificate of Mailing. The notice shall provide:
 - (i) a brief description of the proposed [Development Activity](#);
 - (ii) the projected date for construction of the proposed use;
 - (iii) the person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed site plan;
 - (iv) the date the site plan application will be submitted to the [Planning Director](#) for review; and a Statement with substantially the following information:

Notice of Site Plan Review pending before the Lawrence Douglas County Planning Office

This letter is being sent to the [Owner](#) of property within [200](#) feet of, or a [Registered Neighborhood Association](#) encompassing, the proposed development described further in this letter. It is being sent for the purpose of informing the notified person and other interested parties about the proposed development. This letter is being provided solely to advise nearby [Landowners](#) of the pending proposed development. This letter does not grant the recipient and/or [Landowners](#) any additional rights to challenge this proposed development beyond those granted as part of the normal appeal process. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Lawrence-Douglas County Planning Office at (785) 832-3150.

- (2) The failure to receive notice of Site Plan Review by an adjoining [Landowner](#) or [Registered Neighborhood Association](#) will not affect the validity of Site Plan approval or review.

(h) Staff Review/Action

The [Planning Director](#) will review each Site Plan application and, within 30 days, the [Planning Director](#) shall take one of the following actions:

- (1) approve the Site Plan application;
- (2) identify those modifications that would allow approval of the Site Plan application;
- (3) approve the Site Plan application with conditions; or
- (4) disapprove the Site Plan application.

(i) Notice of Decision

Notice of the decision, including the [Planning Director's](#) findings and basis for decision in light of the criteria of Section 20-1305(j), shall be mailed to the applicant and all other parties who have made a written request for notification.

(j) Approval Criteria

In order to be approved, a Site Plan shall comply with all of the following criteria:

- (1) the site plan shall contain only platted land;
- (2) the site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plans;
- (3) the proposed use shall be allowed in the District in which it is located or be an allowed nonconforming use;
- (4) vehicular ingress and egress to and from the site and circulation within the site shall provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or [Access Management](#) policies; and,
- (5) the site plan shall provide for the safe movement of pedestrians on the subject site.

(k) Appeals

Appeals of the [Planning Director](#)'s decision on a Site Plan application may be taken to the City Commission by filing a notice of appeal with the [Planning Director](#). Appeals shall be filed within 9 days of a decision to approve or disapprove a Site Plan application.

(l) Right to Appeal

The following persons and entities have standing to appeal the action of the [Planning Director](#) on applications for Site Plan approval:

- (1) the applicant;
- (2) the City Commission;
- (3) the neighborhood association for the neighborhood the site plan is located in or is adjacent to; or
- (4) record [Owner](#) of all property within **200** feet of the subject property.

(m) Action on Appeal

- (1) The City Commission shall consider the appealed Site Plan decision as a new matter, inviting public comment before acting on the original application. Mailed notice of the City Commission's meeting shall be provided to the appealing party and the applicant a minimum of 14 days prior to the Commission's meeting.
- (2) After considering the matter, the City Commission shall act on the original Site Plan application, applying the criteria of Section (j), taking action as provided in Section (h) and giving notice of its decision as provided in Section 20-1305(i).

(n) Modifications to Approved Site Plans

- (1) An applicant who wishes to alter or revise an approved Site Plan shall contact the [Planning Director](#).
- (2) The [Planning Director](#) is authorized to approve, without public notice, any modification that complies with the approval criteria of Section (j) as long as the [Planning Director](#) determines that the proposed modification does not represent a material change that would create a substantial adverse impact on surrounding [Landowners](#).
- (3) Any other modification may be approved only after re-notification in accordance with Section 20-1305(g). The action of the [Planning Director](#) on such an application shall be reported in a staff report at the next meeting of the City Commission and shall be appealable by any party aggrieved within ~~14~~ **45** days of such meeting, in accordance with the appeal procedures of Section 20-1311.

(o) Expiration; Vesting of Rights

- (1) In the event the **Landowner** fails to obtain a **Building** Permit within 24 months after final approval of the Site Plan has been granted, then such Site Plan shall expire in accordance with the following provisions:
 - (i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension or modification may be made by letter to the **Planning Director** and will be considered only if received before the expiration date of the Site Plan. The **Planning Director** shall place such request, with any recommendation of the **Planning Director** on the agenda of the City Commission.

The **Planning Director** shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the **Planning Director** and may hear from other interested parties.
 - (ii) No action by the City shall be necessary to cause the Site Plan to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a **Building** Permit or for other **Development Activity** on the site shall be considered as though the Site Plan had not been granted.
- (2) Approval of a Site Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764. Rights vest only after the related **Building** Permit is issued and substantial construction is begun in reliance on that permit.
- (3) Rights in an entire Site Plan shall vest under K.S.A. Sec. 12-764 upon timely issuance of an initial **Building** Permit and completion of construction in accordance with that **Building** Permit, or upon timely completion of substantial site improvements in reliance on the approved Site Plan.

20-1306 SPECIAL USES**(a) Purpose**

The Special Use review and approval procedures provide a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure entails public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that proposed Special Uses will not have a significant adverse impact on surrounding uses or on the community at-large.

(b) Automatic Special Use Status

If an existing use was allowed by-right at the time it was established, but is now regulated as a Special Use, the use will be considered an approved Special Use and will be allowed to continue without a public hearing. Any alterations or expansions of the use are subject to the Special Use amendment procedures of Section 20-1306.

(c) Application and Site Plan Filing

Special Use applications shall be filed with the [Planning Director](#). An application for a Special Use shall include the submittal of a site plan that meets the requirements of Section 20-1305(f).

(d) Public Hearing Notice

Newspaper, posted and mailed notice of the [Planning Commission's](#) public hearing shall be provided in accordance with Section 20-1301(q).

(e) Staff Review/Report

The [Planning Director](#) will review each proposed Special Use application in accordance with the review and decision-making criteria of Section (i), below. Based on the results of that review, the [Planning Director](#) will provide a report on the Special Use application to the [Planning Commission](#) and City Commission.

(f) Planning Commission's Review/Recommendation

The [Planning Commission](#) shall hold a public hearing on the proposed Special Use, review the proposed Special Use in accordance with the review and decision-making criteria of Section (i) and recommend that the City Commission approve, approve with conditions or deny the Special Use application.

(g) Protest Petitions

A valid protest petition opposing a Special Use may be submitted to the City Clerk within 14 days of the conclusion of the [Planning Commission's](#) public hearing.

- (1) A protest petition will be considered "valid" if it is signed by the [Owner](#) of 20% or more of:
 - (i) any real property included in the proposed plan; or
 - (ii) the total real property within the area required to be notified of the proposed Special Use excluding Streets and public ways.
- (2) In the case of joint Ownership, all [Owners](#) shall sign the petition.
- (3) For the purpose of determining the sufficiency of a protest petition, if the proposed Special Use was requested by the [Owner](#) of the specific property, that property shall be excluded when calculating the total real property within the area required to be notified.

(h) City Commission Decision

After receiving the [Planning Commission](#)'s recommendation, the City Commission shall take one of the following actions on the proposed Special Use:

- (1) Approve, approve with conditions or modifications, or deny; or
- (2) return the application to the [Planning Commission](#) for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
 - (i) The [Planning Commission](#), after considering the explanation of the City Commission, may resubmit its original recommendations with its reasons for doing so or submit new and amended recommendations.
 - (ii) Upon the receipt of such recommendations, the City Commission may, by a simple majority vote, approve the proposed Special Use, approve it with conditions or modifications, or deny it.
 - (iii) If the [Planning Commission](#) fails to deliver its recommendations to the City Commission following the [Planning Commission](#)'s next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the [Planning Commission](#) as a resubmission of the original recommendations and proceed accordingly.
- (3) The City Commission may act by a simple majority vote, except for the following cases:
 - (i) action that is contrary to the [Planning Commission](#)'s recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or
 - (ii) approval, or approval with conditions or modifications, when a valid protest petition has been submitted in accordance with Section 20-1306(g), in which case the decision shall be by a 3/4 majority vote of the full membership of the City Commission.

(i) Review and Decision-Making Criteria

In reviewing and making decisions on proposed Special Uses, review and decision-making bodies shall consider at least the following factors:

- (1) whether the proposed use complies with all applicable provisions of this 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;
- (3) whether the proposed use will cause substantial diminution in value of other property in the neighborhood in which it is to be located;
- (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;

- (5) whether adequate assurances of continuing maintenance have been provided; and
- (6) whether the use will cause significant adverse impacts on the natural environment; and
- (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.

(j) Date of Effect

Decisions on Special Uses become effective on the date of the publication of the adopting ordinance; provided that, if findings and conclusions are prepared pursuant to Section 20-1301(r), the [Effective Date](#) shall be the date the City Commission adopts the findings and conclusions. No Certificate of Occupancy may be issued by Development Services until all conditions of approval have been met.

(k) Expiration of Approval

- (1) In the event the [Landowner](#) fails to obtain a [Building](#) Permit within 24 months of the [Effective Date](#) the decision on Special Use became effective, the approval will be deemed to have expired and the Special Use approval will be deemed null and void.
 - (i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Special Use Permit Site Plan. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.
 - (ii) The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.
- (2) The Special Use approval shall expire at the conclusion of any specific period of time stated in the permit. A Special Use approval may be renewed upon application to the City, subject to the same procedures, standards and conditions as an original application.

(l) Amendment, Suspension and Revocation

The City Commission is authorized to amend, suspend or revoke an approved Special Use in accordance with this subsection.

- (1) Upon its own initiative, or upon the recommendation of City staff or the [Planning Commission](#), the City Commission may establish a public hearing date to consider a proposed amendment, suspension or revocation of an approved Special Use. Newspaper, posted and mailed notice of the City Commission's public hearing shall be provided in accordance with Section 20-1301(q).

- (2) At the public hearing, the City Commission shall accept and consider all relevant information and evidence concerning the Special Use.
- (3) After the conclusion of the public hearing, the City Commission will consider all relevant evidence and information. The City Commission may amend, suspend or revoke the Special Use if it finds, based upon a preponderance of the information and evidence, that such action is supportable in fact.
- (4) Any motion for the amendment, suspension or revocation of a Special Use shall clearly State the grounds, which may include incorporation of findings presented by City staff. Any motion for the amendment of a Special Use shall clearly State the terms and conditions of suspension and at what time further review is appropriate. Any motion for the amendment of a Special Use shall clearly State the terms and conditions of the amendment to the Special Use.
- (5) The City Commission shall make one or more of the following findings if it seeks to amend, suspend, or revoke the Special Use:
 - (i) a condition of the Special Use has been violated;
 - (ii) violation of City Code provisions governing zoning regulations; [Building](#) (Chapter 5); [Rental Housing Ordinance](#) (Chapter ~~5~~ [6](#)); or the ~~environmental~~ [Property Maintenance Code](#) (Chapter 9); and/or
 - (iii) violation of any other applicable City Code provisions or any State or Federal law or regulation by the [Landowner](#) or Agents thereof, provided that such violations relate to the conduct or activity authorized by the Special Use or the qualifications of the [Landowner](#) or Agents thereof to engage in such conduct or activity.
- (6) As a complete alternative to the amendment procedures and requirements of this subsection and with the written consent of the [Landowner](#), the [Planning Director](#) may approve minor changes to an approved Special Use plan. Minor changes are those that (1) will not alter the basic relationship of the proposed development to surrounding properties; (2) will not violate any of the standards and requirements of this Development Code; and (3) will not circumvent any conditions placed on the original approval. The following are changes that will always be considered minor changes:
 - (i) replacement of a detached [Dwelling](#) destroyed by more than 60% when Setbacks and parking requirements are met;
 - (ii) a reduction in the area of any [Building](#);
 - (iii) an increase in the [Floor Area](#) of a [Building](#) by no more than 5 percent (5%) or 500 square feet, whichever is less;
 - (iv) replacement of plantings approved as part of the landscape plan by similar types of [Landscaping](#) on a one-to-one or greater basis;
 - (v) rearrangement of parking layout that does not affect the number of required [Parking Spaces](#) or alter [Access](#) locations or design; and

(vi) changes required by the City to address public safety concerns.

(m) Limitation on Successive Applications

- (1) Withdrawal of an original application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded;
- (2) A successive application shall not be accepted for a period of twelve (12) months from the date of City Commission denial of the original application unless a successive application is substantially different from the original application that was denied;
- (3) A successive application shall not be accepted until 120 days after the date of the City Commission denial and then will only be accepted if substantially different from the original application. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:
 - a. The same special use has been applied for and the [Density](#) of use is at least 25% greater or less than the original application;
 - b. The same special use has been applied for and the intensity of use is at least 25% greater or less than the original application;
 - c. Specific responses to the reasons for denial set forth in the findings of fact by the City Commission are, in the opinion of the [Planning Director](#), addressed in the resubmission; or
 - d. The special use operators or location has changed substantially from the original application. Substantial change shall be determined by the [Planning Director](#) using the findings adopted by the City Commission for denial of the original application as the gauge for measurement.
- (4) A new ~~rezoning~~ [Special Use](#) application may be submitted after at least twelve (12) months from the date of City Commission denial.

(5) Appeals

Within 30 days of the [Effective Date](#) of the Special Use decision, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

20-1307 INSTITUTIONAL DEVELOPMENT PLAN**(a) Purpose**

The purpose is to provide a community vision for the long-term use and development of public institutional space and lands so that they are designed to be compatible with surrounding land uses and contribute to the neighborhood and character of the area in which they are located. Providing this community vision for institutional **Buildings** and sites also allows adjacent and nearby property **Owner** to anticipate future non-residential development patterns and plan for the use and enjoyment of their property accordingly.

(b) Phasing of Development

For multiple uses or multiple **Building** developments, sites may be phased based on needs established through capital improvements programming. The phasing sequence shall be submitted with the site plan or special use permit development application.

(c) Development Standards

Standards for institutional site development are established to ensure long-term compatibility of use, consistency with the character of the area, and to minimize negative impacts from institutional development on surrounding neighborhoods.

- (1)** Sites of ten (10) acres or smaller shall be required to submit a site plan application with supporting material for administrative review and approval. Criteria to be included on the site plan shall include:
 - (i)** if traffic generation exceeds 100 vehicles per day, **Access** shall be taken from a **Residential Collector**, **Collector** or **Arterial Street**;
 - (ii)** separate **Access** points shall be provided for pedestrians/bikes and vehicular traffic generated to and from the site;
 - (iii)** development of the site shall occur in one phase; and
 - (iv)** exterior lighting shall occur only where needed for safe **Access** to and from the **Parking Area** to a **Building** entrance.
- (2)** Sites over ten (10) acres shall be required to submit an application for a Special Use Permit, which includes a site plan, and supporting material necessary to meet the following criteria:
 - (i)** Landscape **Bufferyards** shall be required on all sides of the site based on the most intense use proposed.
 - a.** For utility and large plant development sites a type 3 landscape **Bufferyard** shall be required.
 - b.** For office and educational development sites a type 2 landscape **Bufferyard** shall be required.
 - c.** For park and recreational development sites a type 1 landscape **Bufferyard** shall be required.

- (ii) **Access** shall be planned for the entire site based on the traffic anticipated to be generated from the site. **Access** may be taken from **Collector** or **Arterial Streets** for utility and large plant development sites. At least two **Access** points shall be provided for office and educational development sites and park sites, one of which is from a **Residential Collector Street**.
- (iii) Sidewalks shall be provided along all street frontages as part of the first phase of a multi-phase development project or, if the project is not phased, at the time of development of the site.
- (iv) **Bicycle** lanes or recreational paths shall be planned and provided as part of the institutional master plan for sites that include public facilities such as schools, parks, recreation centers and public offices where customers are anticipated to come to the site. **Comprehensive Plans** for **Bicycle** and pedestrians shall be followed in providing and planning for these **Infrastructure** improvements.
- (v) Sports fields and other large traffic generation activities shall be located on the site furthest from RS zoned areas and designed to reduce noise or light pollution from creating negative impacts on the adjacent neighborhood(s).
- (vi) Exterior lighting, if provided, may be prohibited between the hours of 10 PM and 7AM.
- (vii) Parking facilities shall be designed to be shared between multiple users and, where environmentally sensitive lands are involved or may be impacted, alternatives to paving **Parking Areas** may be approved.
- (viii) Bus stops shall be included in the planning and development of the site.

(d) Revisions to Phasing Sequence and Institutional Development Plan

Revisions to the phasing sequence may be administratively approved by the **Planning Director** based on the review and approval of revisions to the Capital Improvements Programming for **Infrastructure** and site development by the governing body or administrative board responsible for funding institutional development of the site. Revisions to the Institutional Development Plan may be reviewed and approved administratively when revisions are consistent with the original development plan's approval and evidence has been submitted to the **Planning Director** that the revision will not increase traffic, noise or light pollution or runoff from the site.

(e) Filing of Institutional Development Plan

Within 24 months of approval and after completion of all conditions of approval and prior to issuance of a building permit, a Mylar copy of the Institutional Development Plan shall be recorded at the Register of Deeds office. Any supplemental covenants, restrictions, **Conservation Easements** or public **Access Easements** shall be on file at the time of recordation of the Institutional Development Plan.

(f) Date of Effect

Approval of an ~~i~~Institutional ~~d~~Development ~~p~~Plan shall be valid from the date all conditions are met and the Institutional Development Plan is filed at the Register of Deeds office. Approved revisions to the ~~i~~Institutional ~~d~~Development ~~p~~Plan shall also be filed at the Register of Deeds office.

(g) Expiration of Approval

- (1) In the event the Landowner fails to obtain a building permit for the development shown on the ~~i~~Institutional ~~d~~Development ~~p~~Plan within 24 months after final approval of the Institutional Development Plan has been granted, the approval shall expire and the Landowner shall seek approval of the proposed development in accordance with the procedures and standards in effect at the time of the new application.
- (i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Institutional Development Plan. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.
 - (ii) The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3).

20-1308 FLOODPLAIN DEVELOPMENT PERMIT**(a) Initiation**

A Floodplain development permit shall be initiated by any person, firm, corporation or unit of government proposing any construction, Substantial Improvement or other development in the Floodplain Overlay District by the filing of an application in writing on a form furnished for that purpose with the Floodplain Administrator.

(b) Application Contents

An application for a Floodplain development permit shall be accompanied by and contain the information set forth in Section 20-1202.

(c) Floodplain Administrator Review Action

The Floodplain Administrator shall review and take action on all Floodplain development permit applications and, where required, coordinate the review and approval of a Hydrologic and Hydraulic Study with the City Stormwater Engineer.

(d) Approval Criteria

The Floodplain Administrator shall approve the application for a Floodplain development Permit if the application satisfies all the requirements of Article 12 and its spirit and intent are met.

(e) Expiration of Permit

Floodplain development permits expire 18 months from the date of issuance if a certificate of elevation has not been received. If requested, and good cause is shown, the Floodplain Administrator may grant a 6-month extension.

20-1309 ZONING VARIANCES**(a) Authority and Applicability**

The zoning variance procedures of this section authorize the Board of Zoning Appeals to approve, in specific cases, variances from specific zoning standards of this Development Code or of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence) that will not be contrary to public interest and where, owing to special conditions, a literal enforcement of zoning standards would result in [Unnecessary Hardship](#).

(b) Prohibited Zoning Variances

- (1) The Board of Zoning Appeals is not authorized to approve a variance that would allow a use that is not allowed in the [Base District](#).
- (2) The Board of Zoning Appeals is not authorized to approve a variance from the standards of Article 7.
- (3) The Board of Zoning Appeals is not authorized to approve a variance from the standards specifically identified in what is listed in Chapter 21, Article 100.5.

(c) Application Filing

Zoning variance applications shall be filed with the [Planning Director](#).

(d) Public Hearing Notice

Newspaper and mailed notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with Section 20-1301(q).

(e) Staff Review/Report

The [Planning Director](#) will review each proposed variance application in accordance with the review and decision-making criteria of Section 20-1309(g) and, if deemed necessary, distribute the variance application to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the variance application to the Board of Zoning Appeals.

(f) Board of Zoning Appeals' Hearing and Decision

The Board of Zoning Appeals shall hold a public hearing on the proposed variance and review the application in accordance with the applicable review and decision-making criteria of Section (g). Following the public hearing, the Board of Zoning Appeals shall take one of the following actions:

- (1) approve the variance;
- (2) approve the variance with conditions;
- (3) deny the variance.

(g) Review and Decision-Making Criteria**(1) Outside the [Regulatory Floodway](#) ([Unnecessary Hardships](#))**

The Board of Zoning Appeals may approve a zoning variance, but not a variance from the [Floodplain](#) management regulations of Article 12 upon the finding of the Board that all of the following conditions have been met:

- (i) That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property Owner or applicant;
- (ii) That granting the variance would not adversely affect the rights of adjacent property Owner or residents;
- (iii) That strict application of the provisions of this chapter for which the variance is requested would constitute Unnecessary Hardship upon the property Owner represented in the application;
- (iv) That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
- (v) That granting the variance desired would not be opposed to the general spirit and intent of this chapter.

(2) **Floodplain Management ~~Protection~~ Regulations**

- (i) The Board of Zoning Appeals may approve a variance from the flood ~~plain management protection~~ regulations of Article 12 only after finding that the requested variance meets all of the following criteria:
 - a. a determination by the Board of Zoning Appeals that the variance is the minimum necessary, considering the flood hazard to afford relief;
 - b. a showing of good and sufficient cause;
 - c. a determination by the Board of Zoning Appeals that failure to grant the variance would result in an Unnecessary Hardship to the applicant, as that term is defined in Section 20-1309(g)(1); and
 - d. a determination by the Board of Zoning Appeals that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or in victimization of the public, or conflict with existing local laws or ordinances.
- (ii) The Board of Zoning Appeals may approve a zoning variance from the flood ~~plain management protection~~ regulations of Article 12 only after considering all technical evaluations, relevant factors, and standards specified in Article 12. In addition, the following factors shall be considered:
 - a. the danger of injury from materials swept onto other lands;
 - b. the danger of life and property due to flooding or erosion damage;

- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual [Owner](#) or occupant;
- d. the importance of the services provided by the proposed facility to the community;
- e. the necessity to the facility of a waterfront location, where applicable;
- f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. the compatibility of the proposed use with existing and anticipated development;
- h. the relationship of the proposed use to the [Comprehensive Plan](#) and [Floodplain](#) management program for that area;
- i. the safety of [Access](#) to the property in times of flood for ordinary and emergency vehicles;
- j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(iii) Generally, variances from flood~~plain management protection~~ standards may be issued for a [Significant Development Project](#) to be erected on a [Lot](#) of one-half acre or less in size contiguous to and surrounded by Lots with existing Structures constructed below the [Regulatory Flood](#) level, providing items Section 20-1309(g)(2)(ii)(a) through Section 20-1309(g)(2)(ii)~~(j)(k)~~ have been fully considered. As the [Lot](#) size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(iv) Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(v) The [Planning Director](#) shall maintain the records of all variances and report any variances to the Federal Insurance Administration upon request.

(h) Findings of Fact

All decisions on zoning variances shall be supported by an affirmative finding of fact on each of the applicable approval criteria of Section (g). Each finding shall be supported by substantial evidence in the record of proceedings.

(i) Filing and Mailing of Decision

Every decision or determination by the Board of Zoning Appeals shall be:

- (1) filed in the office of the City Clerk by the **Planning Director** not more than seven (7) **Working Days** following the date of hearing; and
- (2) mailed to the applicant and all other parties who have made a written request for notification.

(j) Date of Effect

Decisions on variances become effective on the date the Board of Zoning Appeals makes its decision.

(k) Expiration of Approval**(1) Failure to Obtain a Building Permit**

In the event the **Landowner** fails to obtain a **Building Permit** or fails to commence the Development Activity within 24 months after final approval of the variance has been granted, then such variance shall expire in accordance with the following provisions:

- (i) For good cause shown, the expiration date may be extended by the Board of Zoning Appeals for a period not to exceed 24 months. The application for extension or modification may be made by letter to the **Planning Director** and will be considered only if received before the expiration date of the variance. The **Planning Director** shall place such request, with any recommendation of the **Planning Director** on the agenda of the Board of Zoning Appeals. The **Planning Director** shall notify the applicant by first class mail of the date of the proposed consideration by the Board. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the Board shall hear from the applicant and the **Planning Director** and may hear from other interested parties.
- (ii) No action by the City shall be necessary to cause the variance to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a **Building Permit** or for other **Development Activity** on the site shall be considered as though the variance had not been granted.
- (iii) Approval of a variance does not, in itself, vest any rights under K.S.A. Sec. 12-764. Rights vest only after the related **Building Permit** is issued and substantial construction is begun in reliance on that permit.
- (iv) A variance will also expire upon expiration of a **Building Permit**.

(l) Appeals

Within 30 days of the date of effect of the Board of Zoning Appeals' decision, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

20-1310 WRITTEN INTERPRETATIONS**(a) Application Filing**

Applications for written interpretations of this Development Code shall be submitted to the [Planning Director](#).

(b) Planning Director's Review and Decision

Following receipt of a complete application for a written interpretation, the [Planning Director](#) shall: (1) review and evaluate the application for compliance with this Development Code and consistency with the [Comprehensive Plan](#) and any other relevant documents; (2) consult with other staff, as necessary; (3) request additional information or documentation, as necessary, and (4) render a written interpretation within 30 calendar days following receipt of a complete application.

(c) Form

The interpretation shall be provided to the applicant in writing and be filed in the official record of interpretations.

(d) Official Record of Interpretations

An official record of interpretations shall be kept on file by the [Planning Director](#). The record of interpretations shall be available for public inspection from the [Planning Director](#) during normal business hours.

(e) Appeals

Appeals of the [Planning Director's](#) written interpretation may be taken to the Board of Zoning Appeals in accordance with procedures of Section 20-1311. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of interpretations maintained by the [Planning Director](#). Staff review/reports required by the Development Code shall not be considered a written interpretation of the Development Code and are not appealable to the Board of Zoning Appeals.

20-1311 APPEALS OF ADMINISTRATIVE ORDERS, REQUIREMENTS, DECISIONS, OR DETERMINATIONS**(a) Authority and Applicability**

Unless specifically provided for otherwise in this Development Code, the Board of Zoning Appeals is authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of the provisions of this Development Code. Staff review/reports required by the Development Code and considered by the Planning Commission at a public hearing shall not be considered an order, requirement, decision or determination and shall not be appealable to the Board of Zoning Appeals. The [Planning Commission](#) is not an “administrative official” for purposes of this Development Code and the Board of Zoning Appeals shall have no jurisdiction to consider an appeal from any action, determination or failure to act by the [Planning Commission](#). Development Review Procedures of Article 13 of the Development Code are not administrative orders, requirements, decisions or determinations and the Board of Zoning Appeals shall have no jurisdiction to consider an appeal from any of the development review procedures.

(b) Application Filing

Appeals of administrative decisions shall be filed with the [Planning Director](#). The appeal shall be filed within 10 [Working Days](#) after the administrative official's order, requirement, decision, or determination. Appeals may be filed by any person aggrieved, or by any officer of the City, or any governmental agency or body affected by any decision of an administrative official.

(c) Effect of Filing

The filing of an application for an appeal of administrative order, requirement, decision, or determination stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Zoning Appeals, after the appeal is filed, that, because of facts stated in the certification that (a) a stay would cause immediate peril to life or property or (b) the situation appealed from is transitory in nature, and therefore, an appeal would seriously interfere with enforcement of this Development Code. In each instance, the official whose decision is being appealed shall place in the certificate facts to support the conclusion. In such case, proceedings will not be stayed other than by a restraining order, which may be granted by a court of record.

(d) Record of Administrative Decision

The official whose decision is being appealed shall transmit to the Board of Zoning Appeals all documents constituting the record upon which the action appealed is taken.

(e) Public Hearing Notice

Newspaper and mailed notice of the Board of Zoning Appeals' public hearing on the appeal shall be provided in accordance with Section 20-1301(q). A copy of the notice shall also be mailed to each party to the appeal ~~and to the Planning Commission~~ at least 20 days before the date of the hearing.

(f) Review and Decision

- (1) The Board of Zoning Appeals shall hold a public hearing on the appeal and, following the close of the public hearing, take final action based on the procedures and requirements of this section.
- (2) In exercising the appeal power, the Board of Zoning Appeals has all the powers of the official from whom the appeal is taken, and the Board of Zoning Appeals may reverse or affirm wholly or in part or may modify the decision being appealed.
- (3) If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain the needed evidence and to reconsider the decision in light of that evidence.

(g) Approval Criteria; Findings of Fact

The Board of Zoning Appeals may reverse an order, requirement, decision, or determination of any administrative official only when the Board of Zoning Appeals finds substantial, factual evidence in the official record of the application that the administrative official erred. The decision of the Board of Zoning Appeals shall be supported by written findings of fact prepared by the Board of Zoning Appeals.

(h) Filing and Mailing of Decision

Every decision or determination by the Board of Zoning Appeals shall be:

- (1) filed in the office of the City Clerk not more than seven (7) [Working Days](#) following the date of hearing; and
- (2) mailed to the applicant and all other parties who have made a written request for notification not more than seven (7) [Working Days](#) following the date of the hearing.

(i) Date of Effect

Decisions on appeals become effective on the date the Board of Zoning Appeals makes its decision.

(j) Appeals

Within 30 days of the date of effect of the Board of Zoning Appeals' decision, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

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