

#### **Updated:**

8/21/17 @ 12:00pm

Added Communications for Misc 1 - Variance 976 N 1050 Rd & 902 N 1000 Rd

8/16/17 @ 3:30pm

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION CITY HALL, 6 EAST 6<sup>TH</sup> STREET, CITY COMMISSION MEETING ROOM AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS AUGUST 21 & 23, 2017 6:30PM - 10:30PM

#### **GENERAL BUSINESS:**

#### PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of July 26, 2017.

#### **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 23, 2017) MEETING PUBLIC HEARING ITEMS:

## ITEM NO. 1 CONDITIONAL USE PERMIT FOR RICHARDSON JUMPSTARTERS; 2138 N 1000 RD (MKM)

**CUP-17-00316**: Consider a Conditional Use Permit for *Small Scale Industrial Uses,* Richardson Jumpstarters, on approximately 94.8 acres located at 2138 N 1000 Rd. Submitted by Dwane F and Valerie Richardson Trustee, property owners of record. *Joint meeting with Eudora Planning Commission.* 

#### ITEM NO. 2 REZONING FROM RS5 TO MU; 401 ELM ST (BJP)

**Z-17-00322**: Consider a request to rezone approximately 2500 sq ft from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District, located at 401 Elm St. Submitted by Margretta O. Farrar-de Vries, property owner of record.

#### **MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

## MISC NO. 1 CERTIFICATE OF SURVEY VARIANCE; 976 N 1050 RD AND 902 N 1000 RD (BJP)

**CSU-17-00314**: Consider a variance request to reduce the minimum frontage and entrance spacing requirements established in the County's Access Management Standards of the property and to permit a second access drive, located at 976 N 1050 Rd and 902 N 1000 Rd. Submitted by Grob Engineering Services, LLC, for Luke and Sheri Oehlert and Andrew J. and Mary F. Flory, property owners of record.

#### **ADJOURN**

#### **CALENDAR**

July 2017									
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								

Augu	ıst			20	017			
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 2017								
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 2<sup>nd</sup> Wednesday of each month, 7:30am-9:00am)

# 2017 LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays	Mid-Month Topics	Planning Commission Meetings 6:30 PM,			
7:30 – 9:00 AM			Monday and	Wednesday	
Jan 11	CANCELLED		Jan 23	Jan 25	
Feb 8	Douglas County Natural Areas Assessment – F	Kelly Kindscher		Feb 22	
Mar 8	East Lawrence Rezoning Dg Co Foo	d System Assessment & Plan	Mar 13	Mar 15	
Apr 12	Development Review Process – Planni	ng 101	Apr 24	Apr 26	
May 10	CANCELLED		May 22	May 24	
Jun 14	APA Conference recap		Jun 26	Jun 28	
Jul 12	Michael Davidson – Explore Lawrence Hotel Market & Short Term Rentals	Jul 24	Jul 26		
Aug 9	Transportation 2040 Update		Aug 21	Aug 23	
Sep 13			Sep 25	Sep 27	
Oct 11		Oct 23	Oct 25		
Nov 1		Nov 13	Nov 15		
Dec 6		Dec 18	Dec 20		
	PC Orientation – all day (	(tbd)	•	•	
	Suggested topics for future meetings:  How City/County Depts interact on planning issues  Stormwater Stds Update – Stream Setbacks  Overview of different Advisory Groups – potential overlap on planning issues  Joint meeting with other Cities' Planning Commissions  Joint meeting with other Cities and Townships – UGA potential revisions  New County Zoning Codes  Tour City/County Facilities  Water Resources	Communication Towers – Stealth Des WiFi Connectivity & Infrastructure Pla Oread Overlay Districts & Design Guic Comprehensive Plan – Goals & Policie Affordable Housing Retail Market Impacts Case Studies	nning delines	s, notice area	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 <sup>st</sup> floor of City Hall, 6 <sup>th</sup> & Massachusetts Streets, unless otherwise noticed.				

2017 PLANNING COMMISSION ATTENDANCE									
	Jan 25	Feb 22	Mar 15	April 24	April 26	May 24	June 28	July 26,	Aug 23
	2017	2017	2017	2017	2017	2017	2017	2017	2017
Britton	Yes	Yes	Yes	Yes	Yes	Yes			
Butler	No	Yes	Yes	Yes	Yes	No	Yes	No	
Carpenter	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Kelly	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	
Paden								No	
Sands	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	
Sinclair							No	Yes	
Struckhoff	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	
von Achen	Yes	Yes	Yes	Yes	Yes	Yes			
Weaver		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Willey	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	201	7 MID-N	<u>IONTH</u>	ATTEN	DANCE				
	Jan 11 2017	Feb 8 2017	Mar 8 2017	April 12 2017	May 10 2017	June 14 2017	July 12 2017	Aug 9 2017	Sept 13 2017
Britton	-	Yes	Yes	No	-				
Butler	-	No	Yes	No	-	No	No	No	
Carpenter	-	Yes	Yes	Yes	-	Yes	Yes	Yes	
Culver	-	Yes	Yes	Yes	-	Yes	Yes	Yes	
Kelly	-	Yes	Yes	Yes	-	Yes	Yes	Yes	
, Paden							No	No	
Sands	-	No	Yes	No	-	Yes	No	No	
Sinclair							Yes	Yes	
Struckhoff	-	Yes	Yes	Yes	-	Yes	No	Yes	
von Achen	-	Yes	Yes	Yes	-				
Weaver	-	Yes	Yes	Yes	-	Yes	Yes	Yes	
Willey	-	Yes	Yes	Yes	-	Yes	No	Yes	
•									



#### PLANNING COMMISSION MEETING July 26, 2017 Meeting Action Summary

July 26, 2017 – 6:30 p.m.

Commissioners present: Carpenter, Culver, Sands, Sinclair, Struckhoff, Weaver, Willey

Staff present: McCullough, Stogsdill, Crick, Weik, Ewert

#### **GENERAL BUSINESS**

#### PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of June 28, 2017.

Motioned by Commissioner Culver, seconded by Commissioner Willey, to approve the June 28, 2017 Planning Commission action summary minutes.

Unanimously approved 6-0-1, with Commissioner Sinclair abstaining.

#### **COMMITTEE REPORTS**

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

Commissioner Culver said the Metropolitan Planning Organization (MPO) received an update from staff on Transportation 2040. He said they finished up the public engagement phase I and staff was getting feedback from the committee. He said the committee would meet again in August and discuss financial aspects of the plan. He said staff and consultants continue to work on the Lawrence Loop and missing sections. He said staff and the consultants were also working on the transit center analysis. He said the MPO was working on a safety analysis for safety hotspots for all modes of transportation.

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

- No ex parte.
- No abstentions.

PC Minutes 7/26/17

## ITEM NO. 1 PRELIMINARY PLAT FOR CEDAR GROVE SUBDIVISION; 1100 BLOCK BILTMORE DR & RESEARCH PARK DR (SLD)

**PP-17-00256**: Consider a Preliminary Plat for Cedar Grove Subdivision, located in the 1100 block of Biltmore Dr & Research Park Dr. The subdivision includes 93 residential lots and 1 non-residential lot. Submitted by BG Consultants on behalf of WE1929 LLC, property owner of record.

#### STAFF PRESENTATION

Mr. Jeff Crick presented the item.

#### **APPLICANT PRESENTATION**

Mr. Jason Hoskinson, BG Consultants, was present for questioning.

#### **PUBLIC HEARING**

No public comment.

#### **COMMISSION DISCUSSION**

Commissioner Willey asked if the buffer and easement area was typical.

Mr. Crick said it was a little bit above and beyond. He said it gave the residents a little bit of added buffer.

Commissioner Willey asked if the applicant was comfortable with that.

Mr. Hoskinson nodded yes.

Commissioner Carpenter asked if the depth of the sewer had something to do with easement size.

Mr. Crick said the deeper the sewer line the more easement was required to allow larger equipment to access deeper lines. He said a general way to measure it was for every foot deep it would need a foot and a half wide easement.

Commissioner Sands asked if the pedestrian easement connected to the gas easement

Mr. Crick said yes.

Commissioner Sands said he recalled something in the staff report about not knowing who would connect/pave one to the other.

Mr. Crick said that was correct.

Commissioner Sands asked if there would be paving in the gas easement.

Mr. Crick said Parks & Recreation would work out a deal with the property owner of the easement to put the trail through there.

Commissioner Sands asked if the surface would be gravel.

Mr. McCullough said it would depend on if the gas company had a rule about hard surfacing over the easement. He said the intent was to connect to DeVictor Park.

#### **ACTION TAKEN**

Motioned by Commissioner Sands, seconded by Commissioner Weaver, to approve the Preliminary Plat for Cedar Grove Subdivision subject to the following condition:

1. Submission of a revised Preliminary Plat drawing to show a utility easement along the north and west property lines not to exceed 25' and an adjacent parallel landscape easement not to exceed 15' for a total easement area dedication of 40' per staff approval.

Unanimously approved 7-0.



PC Minutes 7/26/17

## ITEM NO. 2 FINAL DEVELOPMENT PLAN FOR 6WAK ADDITION PHASE II; 565 WAKARUSA DR (SLD)

**FDP-17-00268**: Consider a Final Development Plan for an 11,500 SF multi-tenant retail building, 6Wak Addition Phase II, located at 565 Wakarusa Dr. Submitted by TreanorHL, for 6Wak Land Investments LLC, property owner of record.

#### STAFF PRESENTATION

Mr. Jeff Crick presented the item.

Mr. McCullough said there was an association with a future Final Development Plan to the north. He said the request was to break access on 6<sup>th</sup> Street into the Wal-Mart lot. He said that would be processed through the City Commission with a Code Amendment.

Commissioner Culver said this application had nothing to do with an access break to 6<sup>th</sup> Street.

Mr. McCullough said that was correct. He said access would be from Overland Dr.

Commissioner Carpenter asked if there was still a square footage retail cap at this intersection.

Mr. Crick said yes, it had been met.

Commissioner Carpenter inquired about access.

Mr. McCullough said the access management starts at Wakarusa and goes west toward K-10. He said Bauer Farm was just outside of the access management developed for West 6<sup>th</sup> Street development. He said Bauer Farm gained its access points through all the proper channels.

Commissioner Willey inquired about the design elements to keep up the profile of 6<sup>th</sup> Street.

Mr. Crick said it was his understanding that the applicant had conversations with staff about that.

#### APPLICANT PRESENTATION

No applicant present.

#### **PUBLIC HEARING**

No public comment.

#### **ACTION TAKEN**

Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the Final Development Plan for 6WAk Addition Phase II based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

- 1. Prior to release of the Final Development Plan for issuance of a building permit, the Minor Subdivision shall be recorded with the Douglas County Register of Deeds Office.
- 2. Provision of a signed Site Plan Performance Agreement prior to the recording of the Final Development Plan with the Register of Deeds Office.

- 3. Provision of a revised Final Development Plan to modify the building elevations to provide cornices on all sides and lifted building treatments on the building corners facing W. 6<sup>th</sup> Street.
- 4. Revise off-street parking table to include outdoor dining area.

Unanimously approved 7-0.



PC Minutes 7/26/17

#### **MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

## MISC NO. 1 MINOR SUBDIVISION VARIANCE; FAIRFAX ADDITION; 1200 LAURA AVE (KEW)

**MS-17-00319**: Consider a variance request to reduce the minimum lot area from 7,000 sq. ft. to 5,743 sq. ft. and variance request to reduce the minimum lot width requirement from 60' wide to 46' for Lot 2 of Fairfax Addition No. 2, a replat of Lots 188, 189 and 190, Fairfax Addition, located at 1200 Laura Ave. Submitted by Grob Engineering Services, LLC for Alva West, LLC, property owner of record.

#### STAFF PRESENTATION

Ms. Katherine Weik presented the item.

#### **APPLICANT PRESENTATION**

Mr. Dean Grob, Grob Engineering, was present for questioning.

#### **PUBLIC HEARING**

No public comment.

#### **COMMISSION DISCUSSION**

Commissioner Culver asked if the top two lots were under single ownership.

Mr. Grob said yes.

Commissioner Willey felt this was a change for the better and supported infill.

#### **ACTION TAKEN**

Motioned by Commissioner Willey, seconded by Commissioner Sands, to approve the variances requested for Minor Subdivision, MS-17-00319, to reduce the minimum lot area and minimum lot width required in Section 20-601(a) for RS7 (Single-Dwelling Residential) District, to 46' wide and 5,743 sq. ft. rather than the 60' wide and 7,000 sq. ft. required for Lot 2.

Unanimously approved 7-0.

Mr. McCullough said the Mid-Month calendar would be revised with new topics.

Ms. Stogsdill said she was looking for a date that worked for all the Planning Commissioners for their annual orientation/training. She said Friday, October 20<sup>th</sup> seemed to be available for most.

Commissioners Sands and Weaver said they were okay with October 20.

Commissioner Sinclair said October 20 would not work for him.

Ms. Stogsdill said she would look at dates in November.

Commissioner Sands said Wednesday's were usually busy for him.

Commissioners Struckhoff and Willey said they would work on the Planning Commission orientation/training agenda.

ADJOURN 7:19pm

## Planning Commission Key Links



#### **Plans & Documents**

- o Horizon 2020
- o <u>Sector/Area Plans</u>
- o Transportation 2040
- o 2015 Retail Market Study

#### **Development Regulations**

- o Community Design Manual
- o County Zoning Regulations
- o <u>City Land Development Code</u>
- o Subdivision Regulations

#### **Online Mapping**

- o City of Lawrence Interactive GIS Map
- o <u>Douglas County Property Viewer</u>
- o Submittals to the Planning Office

#### **Planning Commission**

- o <u>Bylaws</u>
- o Mid-Months & Special Meetings
- o <u>Minutes</u>
- o <u>Planning Commission Schedule/Deadlines</u>

#### PLANNING COMMISSION REPORT Regular Agenda —Public Hearing Item

PC Staff Report 8/23/17

## ITEM NO. 1 CONDITIONAL USE PERMIT FOR RICHARDSON JUMPSTARTERS; 2138 N 1000 RD (MKM)

**CUP-17-00316**: Consider a Conditional Use Permit for *Small Scale Industrial Uses,* Richardson Jumpstarters, on approximately 94.8 acres located at 2138 N 1000 Rd. Submitted by Dwane F and Valerie Richardson Trustee, property owners of record. *Joint meeting with Eudora Planning Commission.* 

**STAFF RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit for a *Small Scale Industrial Use* subject to the following conditions:

- 1. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department.
- 2. Provision of a revised CUP plan with the following changes:
  - a. Addition of the following notes:
    - i. "If any new exterior lighting is proposed, a lighting plan shall be submitted to the Planning Office for review and approval prior to installation."
    - ii. "Up to 10,000 sq ft of building is permitted. Additional building area will require approval of the Board of County Commissioners.
    - iii. "Business may employ up to 15 full-time equivalent non-resident employees, as defined in Section 12-303-1.65. Parking is required at the rate of one space per two employees."
    - iv. "All business activity shall be conducted within the structure with no outdoor storage of materials or product."
    - v. "Parking spaces for all employees and loading areas must be provided on the site."

      No Loading activity or parking is to occur on the adjacent roadway."
    - vi. "No shift work/24 hour a day businesses permitted. Business shall operate with defined working hours."
    - vii. "The use does not require Federal air quality discharge permits."
    - viii. "The addition of a restroom to any of the buildings may require installation of an additional septic system. The Health Department shall be contacted with any building permit application for a restroom."
  - b. Note the current number of employees.
  - c. Show the parking area boundaries, with dimensions.
  - d. Identify the approximate number of acres to be used for the CUP.

#### **Reason for Request:**

Applicant's Response:

"Our manufacturing business is growing but we are not able to purchase or lease in an industrial park."

#### **KEY POINTS**

• The property is located within 3 miles of the city limits of Eudora; therefore the Eudora Planning Commission has been provided with the plans and the staff report. The Eudora Planning Commission may provide correspondence on the project or may attend the meeting.

- The business is established on this property and had previously operated with a Type II Home Occupation Permit. As the business has grown it is no longer compliant with the Home Occupation standards.
- In June of 2016, the applicant submitted a request to rezone the property to an Industrial Zoning District which would allow the manufacturing use. In response to comments from staff, based in part on the size of the parcel within the rezoning request and the variety of uses that would be permitted with the industrial zoning, the rezoning application was placed on hold and the applicant requested the initiation of a text amendment to allow small scale industrial uses such as his to be permitted in the A District when approved with a Conditional Use Permit. The text amendment was approved and the applicant submitted this Conditional Use Permit application to bring the manufacturing facility into compliance with the County Code.

#### **OTHER ACTION REQUIRED**

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

#### **PUBLIC COMMUNICATION**

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

#### **GENERAL INFORMATION**

Current Zoning and Land Use: A (Agricultural) with F-F (Floodway Fringe) Overlay District;

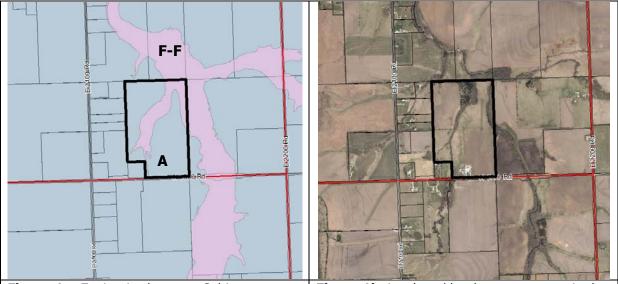
Agriculture, Rural Residence and Richardson Jumpstarters production facility and warehouse; Small-Scale Industrial

Use.

Surrounding land use: (Figure 1)

A (Agricultural) District in all directions, with F-F (Floodway Fringe) Overlay District to the north, east, and south;

Agriculture and Rural Residence.



**Figure 1a.** Zoning in the area. Subject property outlined.

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

#### **Summary of Request**

The Conditional Use Permit application was submitted to accommodate the existing manufacturing business on the site and a proposed expansion. Richardson Jumpstarters manufacturers

jumpstarters for batteries. The jumpstarters are manufactured primarily using hand tools and no hazardous materials are utilized in the production. The business also manufactures water hydration carts for use by sports teams. The CUP would not limit the products being manufactured, but the manufacturing use would need to comply with the definition and standards of the *Small Scale Industrial* Conditional Use.

The business had operated as a Type 2 Rural Home Business Occupation but grew to the point that it no longer complied with the Home Occupation standards. The property owner submitted a rezoning application to rezone the property (approximately 95 acres) to an Industrial District so his business could remain on the property. The rezoning of this large area to the Industrial District was not seen as appropriate as it could permit the development of an industrial business park in this area with a variety of other office and commercial uses. Infrastructure to support this amount of industrial use was not available and an industrial park was seen as more appropriate for an urbanized area. Staff suggested that the property owner either:

- a) reduce the area within the industrial rezoning request to include only the current business area and the future expansion area. This would require the platting of the property in addition to rezoning and site planning; or
- b) request the initiation of a text amendment to permit small scale industrial uses as a Conditional Use. It would not be necessary to divide the property, as the CUP plan would delineate the area in which the use was permitted.

The property owner requested the initiation of a text amendment to add *Small Scale Industrial Uses* to the list of uses which are permitted with the approval of a Conditional Use Permit. The Board of County Commissioners approved the text amendment on November 9, 2016 and the resolution was published on December 6, 2016. As the Zoning Regulations have not yet been updated with the new regulations, the published resolution is included with this report as Attachment A.

#### I. ZONING AND USES OF PROPERTY NEARBY

The subject property is zoned A (Agriculture) and is located in the southern portion of a 94 acre parcel. Properties in the nearby area are also zoned for Agricultural uses. Agriculture is the principal land use in the area with rural residences located primarily along E 2100 Road and N 1000 Road.

**Staff Finding** —The area is zoned A for agricultural uses. Agriculture and Rural Residences are the principal uses in the area, with the residences being located primarily to the west of the proposed business along the roadways. (Figure 1)

#### II. CHARACTER OF THE AREA

The area is primarily agricultural, with rural residences located along the road frontages. Floodplain associated with the Little Wakarusa Creek and its tributaries are located throughout the area. The subject property is within 3 miles of the City of Eudora and is a little over a mile south of the city limits. The area is well served by the transportation network with Principal Arterials, E 2200 and N 1000 Roads, running north and south and east/west through the area. (Figure 2)

**Staff Finding** – The area is rural in nature with agriculture being the principal land use and rural residences located along the roadways. In staff's opinion, the use is compatible with the character of the area given the small scale of the use and the fact that it has operated for years as a Home Occupation. In addition, the traffic generated by the use has direct access to K-10, Hwy 59 and Hwy 56 via Principal Arterials N 1000 and E 2200 Roads.

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

Applicant's Response:

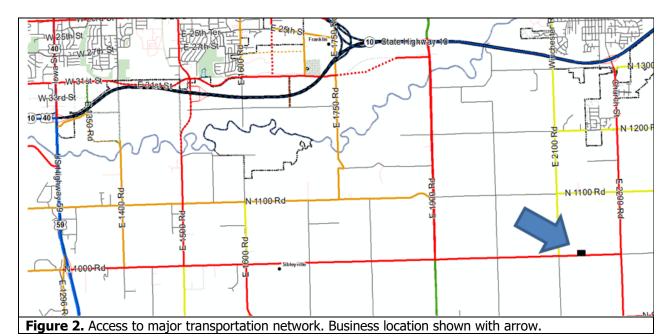
"The suitability of this property is excellent. We are located on a hard surface road with no close neighbors and with good accessibility."

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

Uses allowed in the A District include: farms, truck gardens, or chards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. In addition, uses enumerated in Section 12-319 which are not listed as permitted uses in the A District, may be permitted when approved as Conditional Uses. The property is well suited for uses which are permitted in the A District and the majority of the property will remain in agricultural production.

The property is also well suited to the existing industrial use. The manufacturing business has been on site as a Home Occupation for many years. A barn was converted to the assembly area and a pole-built metal building is used as a warehouse. A second pole-built metal building is proposed to the east, as shown on the plan, to provide additional warehouse area. The business uses occupy approximately 6.5 acres of the overall 94 acre parcel. Besides having been developed with the structures necessary for the use, the property has direct access to a Principal Arterial Road. (Figure 2)

**Staff Finding** —The property is suitable for the uses which are permitted within the A (Agricultural) District. Given the existing development of the property and immediate access to the Principal Arterial road network, the property is also well suited for the *Small Scale Industrial* use.



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

**Staff Finding** —The property is not vacant but contains a residence, various outbuildings, and the manufacturing business.

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

Applicant's Response:

"There would be no detriment to nearby properties."

Section 12-319-1.01 of the County Zoning Regulations recognize that "certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited." The proposed use is included in the Conditional Uses enumerated in Section 12-319-4.37 of the Zoning Regulations for the Unincorporated Territory of Douglas County as a *Small Scale Industrial Use*.

Detrimental effects typically associated with manufacturing facilities include heavy truck traffic and external noise or lighting. The standards for *Small Scale Industrial* uses were developed to mitigate any off-site impacts.

The following is a review of the use for compliance with these standards (standards shown in *italics* and staff's comments in **bold**):

- 1) Small Scale Industrial uses are permitted as Conditional Uses only on properties that are zoned A (Agricultural) or V-C (Valley Channel).

  The subject property is zoned A.
- 2) The proposed use shall be located primarily outside of the regulatory floodplain.

  The use is located entirely outside of the floodplain.
- Vegetative cover and wildlife habitat on the site shall be preserved, along with other environmentally sensitive areas to act as buffers and site amenities.
  The site is currently in use for Agriculture, manufacturing, and residential uses. The manufacturing and residential use are located near N 1000 Rd, and do not affect the majority of the property.
- The site shall have adequate utilities, infrastructure, and services for the proposed use. The manufacturing business has been located on the site for several years, but has grown incrementally until it no longer complies with the Home Occupation Standards. The only change being proposed is a new warehouse building, which will not increase the need for utilities or services. The applicant indicated the new warehouse will not be equipped with a restroom.
- 5) The total square footage of all buildings used in the operation and storage shall not exceed 10,000 sq ft unless a larger area is approved by the Board of County Commissioners.
  - The facility, with the new warehouse, will contain 9,340 sq ft of building area. Any future expansion would require Board of County Commission approval, or relocation. This should be noted on the plan.

- The establishment may employ up to 15 full-time equivalent non-resident employees, as defined in Section 12-303-1.65.
  - The plan should note the number of employees currently employed.
- 7) All business activity shall be conducted within the structure with no outdoor storage of materials or product.
  - This should be noted on the plan. No outdoor storage or business activity may occur on the site.
- 8) Parking spaces for all employees and loading areas must be provided on the site. No loading activity or parking is to occur on the adjacent roadway.
  - Parking is provided on the site and no loading or parking occurs on the adjacent roadway. This note should be added to the plan.
- 9) The use does not require Federal air quality discharge permits.
  - The applicant indicated that their products: the Jumpstarters and the water hydration carts do not require Federal air quality discharge permits. This standard should be noted on the plan.
- 10) The use shall not generate offensive off-site external effects (such as noise, glare, vibrations, etc.)
  - The manufacturing is done primarily with hand tools and the activity does not generate noise, glare, or vibrations that are noticeable beyond the enclosed structure. The type of manufacturing and storage is shown in Figures 3 -5.



**Figure 3.** Interior of the production building. Most manufacturing is done with hand tools.



**Figure 4.** Production in upstairs portion of production building.



Figure 5. Storage of finished products in production building.

11) The site shall be located on a full maintenance public road. a) Traffic information shall be provided, as requested by the County Engineer, to insure the suitability of the adjacent roads to handle the anticipated traffic to be generated by the use. b) Improvements to the access point to meet current standards, or roadway improvements needed due to traffic generated by the use, or spacing of access drives, all as identified by the County engineer, shall be required as part of the Conditional Use. c) the property must, at a minimum, meet the Access management Standards for residential properties.

The County Engineer accepted the CUP plans and noted that, in the event N 1000 Road is widened in the future, the number of access points will be reviewed and, if possible, combined.

11) Exterior lighting shall be limited. The Conditional Use site plan shall show the location of proposed exterior lighting with the height noted. Lighting spec sheets shall be provided with the plans to illustrate the means taken to eliminate glare. Full cut-off fixtures shall be provided; however, low level lighting (less than 2,600 lumens or 150 watt incandescent bulb) does not require full cut-off fixtures.

The facility uses a standard rural security light and no additional exterior lighting is being proposed at this time. If any new exterior lighting is proposed, it would be necessary to submit a lighting plan to the Planning Office for review and approval prior to installation. A note to this effect should be added to the plan.

12) New structures for the use should be of a type that is common to the rural area, rather than industrial, to maintain the

rural character of the area.

The existing buildings used for this business are a converted barn and a pole-built metal building. (Figures 6-7) The proposed warehouse will be similar. These buildings are common Agricultural buildings and should maintain the rural character of the area.



**Figure 6** Existing warehouse building.



**Figure 7.** Converted barn used for production area, and storage of product.

13) No shift work/24 hour a day businesses permitted. Business shall operate with defined working hours.

The applicant indicated they operated one day-time shift. The plan notes the business hours as 8:00 AM to 5:00 PM.

#### **Utilities**

The health department indicated that the existing septic system was appropriate. If a restroom is installed in the new warehouse building, it may be necessary to install a new septic system. The plan should note that the Health Department will be contacted with any building permit for addition of a restroom. Water is provided from Rural Water District No. 4. The Water District did not indicate any concerns with the existing use or the proposed warehouse.

**Staff Finding** – The project is compliant with the standards for *Small Scale industrial* Conditional Uses. Principal Arterials provide direct access to the site from K10 Highway to the north, Hwy 59 to the west, and Hwy 56 to the south. Given the compliance with the use standards and proximity to the major thoroughfares, no detrimental effects on nearby properties are anticipated from this use.

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

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

Approval of this request would allow the landowner to expand his business beyond that permitted with a Home Occupation permit, but would require compliance with the *Small Scale Industrial Uses* Conditional Use standards and any conditions which are applied to the use. Given the small scale of the business, compliance with the *Small Scale Industrial* use standards, and proximity to the principal arterial, there should be no harm to the community with the approval of this request. Denial of the request would require the property owner to move his business to an industrially zoned district or to rezone his property to an Industrial zoning district. Industrial zoning would permit a range of industrial uses, where a Conditional Use Permit limits the use to that specified in the permit. With the mitigation of negative impacts accomplished with the standards of the conditional use, there would be no gain to the public health, safety, and welfare with the denial of this use.

**Staff Finding** –The approval of this request will accommodate growth of a local business that is compatible with the area and will not negatively impact the public health, safety or welfare; therefore, denial of the request would provide no benefit to the public health, safety or welfare.

#### VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

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

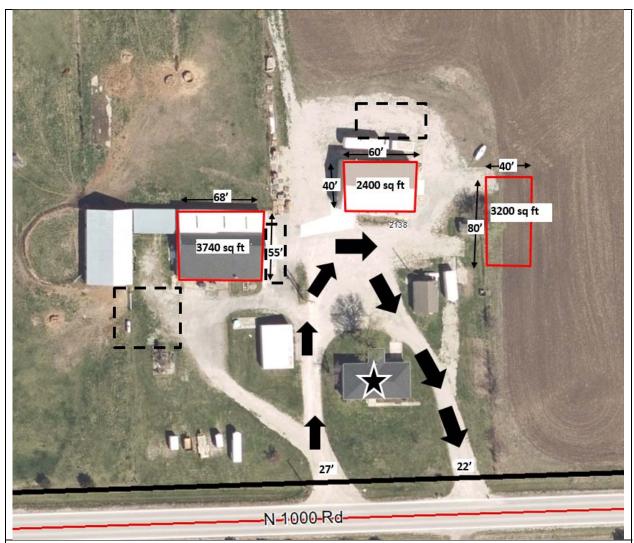
The following are recommendations and policies in *Horizon 2020* regarding industrial land uses:

- Protect, enhance, and retain existing industrial-related land use areas serving the community. (page 7-2, *Horizon 2020*)
- Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future. (page 7-2, *Horizon 2020*)

• Policy 1.4: Provide Opportunities for Limited Industrial and Employment-Related Development in the Unincorporated Areas of Douglas County.

Encourage redevelopment and limited expansion of existing industrial and employment areas where specific criteria (p. 7-5) can be met. (page 7-12, *Horizon 2020*)

**Staff Finding** —The use proposed with this Conditional Use Permit is compliant with the recommendations in the comprehensive plan.



**Figure 8.** Aerial showing existing development and proposed addition. Truck movements shown with arrows. Residence marked with a star. Buildings outlined in red are used for the business. Dashed rectangles mark parking areas that need to be updated on the plan with dimensions and surfacing information.

#### **CUP PLAN REVIEW**

The proposed use fits the definition of a *Small Scale Industrial* Conditional Use as the business is primarily engaged in on-site production or assembly of goods by hand tools and small-scale equipment. As noted earlier in this report, the business complies with the standards for a *Small Scale Industrial* use. Figure 8 contains an aerial of the property with the business buildings identified and the proposed warehouse.

The CUP plan needs to be revised to delineate the boundaries and note the size of the parking areas. The code requires one space per two employees; however, the property owner indicated that none of their employees carpool. The applicant indicated that they currently have 4 employees. The number of employees should be listed on the plan. A parking space must be a minimum of 180 sq ft; typically 10 ft x 18 ft, on an all-weather surfaced area (minimum rock surface).

#### Conclusion

As noted in this report, the business is an existing manufacturing use which grew to the point that it no longer complied with the Home Occupation standards. The use is compliant with the criteria for Conditional Use Permits, the comprehensive plan, and the use specific standards for *Small Scale Industrial* uses.

#### **RESOLUTION NO. 16-\_\_\_**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS ADOPTING TEXT AMENDMENTS TO THE ZONING REGULATIONS FOR THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS.

WHEREAS, the Lawrence-Douglas County Planning Commission, after holding a public hearing on September 26, 2016, following due and lawful notice pursuant to K.S.A. 12-757 and the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas*, as codified in Chapter 12, Article 3 of the Douglas County Code and as amended (the "Zoning Regulations"), has recommended that the Board of County Commissioners of Douglas County, Kansas (the "Board") make text amendments to the Zoning Regulations, the nature and description of such change being fully set forth below; and

WHEREAS, on November 9, 2016 the Board found that the Zoning Regulations regarding Conditional Use and Conditional Use Permits should be amended by adopting the text amendments set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AS FOLLOWS:

- I. <u>Adoption of Text Amendments</u>. The Board hereby finds that the statutory provisions for the amendment of the Zoning Regulations has been fully complied with and hereby adopts the following text amendments (the "Text Amendments") amending the Zoning Regulations as follows:
- A. Adding new subsection 12-319-4.37 to <u>SUPPLEMENTAL USE REGULATIONS-CONDITIONAL USES-TEMPORARY USES</u> relating to SMALL SCALE INDUSTRIAL USES as follows:

#### 12-319.4.37 Small Scale Industrial Uses

A small scale industrial use is an industrial use that is of such a scale as to be compatible with nearby land uses, while maintaining the rural character of the area.

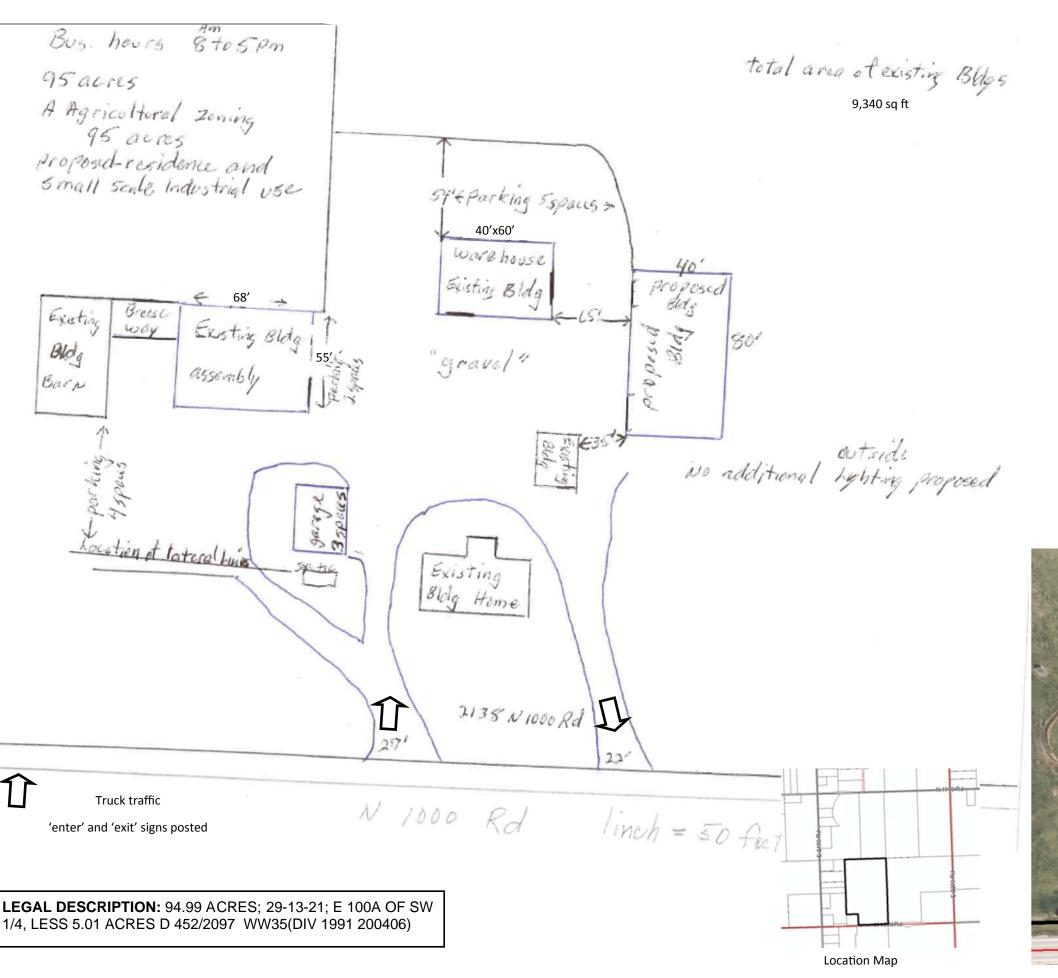
- **a.** Small Scale Industrial Uses permitted as Conditional Uses include establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment. Typical uses include:
  - 1) On-site production of goods by hand or artistic endeavor;
  - 2) Placement of digital or analog information on a physical or electronic medium;
  - Light manufacturing, predominately from previously prepared materials, of finished products or parts, provided the noise, light, smell, or vibration does not extend beyond the site;
  - 4) Research of an industrial or biotechnical nature;
  - 5) Food Production, such as a bakery or a meat processing facility with no onsite slaughter;
  - 6) Moving picture production such as movies, videos, and television; and
  - Similar small scale industrial uses which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare that that which is generally associated with light industrial uses of the type specifically permitted.

- **b.** Standards to maintain consistency with the Comprehensive Plan recommendations for Industrial uses and to insure compatibility with nearby land uses and the character of the area are listed below:
  - 1) Small Scale Industrial uses are permitted as Conditional Uses only on properties that are zoned A (Agricultural) or V-C (Valley Channel).
  - 2) The proposed use shall be located primarily outside of the regulatory floodplain.
  - 3) Vegetative cover and wildlife habitat on the site shall be preserved, along with other environmentally sensitive areas to act as buffers and site amenities.
  - 4) The site shall have adequate utilities, infrastructure, and services for the proposed use.
  - 5) The total square footage of all buildings used in the operation and storage shall not exceed 10,000 sq. ft. unless a larger area is approved by the Board of County Commissioners.
  - 6) The establishment may employ up to 15 full-time equivalent non-resident employees, as defined in Section 12-303-1.65.
  - 7) All business activity shall be conducted within the structure with no outdoor storage of materials or product.
  - 8) Parking spaces for all employees and loading areas must be provided on the site. No loading activity or parking is to occur on the adjacent roadway.
  - 9) The use does not require Federal air quality discharge permits.
  - 10) The use shall not generate offensive off-site external effects (such as noise, glare, vibrations, etc.).
  - 11) The site shall be located on a full maintenance public road.
    - a) Traffic information shall be provided, as requested by the County Engineer, to insure the suitability of the adjacent roads to handle the anticipated traffic to be generated by the use.
    - b) Improvements to the access point to meet current standards, or roadway improvements needed due to traffic generated by the use, or spacing of access drives, all as identified by the County Engineer, shall be required as part of the Conditional Use.
    - c) The property must, at a minimum, meet the Access Management Standards for residential properties.
  - 12) Exterior lighting associated with the use shall be limited. The Conditional Use site plan shall show the location of proposed exterior lighting with the height noted. Lighting spec sheets shall be provided with the plans to illustrate the means taken to eliminate glare. Full cut-off fixtures shall be provided; however, low level lighting (less than 2,600 lumens or 150 watt incandescent bulb) does not require full cut-off fixtures.
  - 13) New structures for the use should be of a type that is common to the rural area, rather than industrial, to maintain the rural character of the area.
  - 14) No shift work/24 hour a day businesses shall be permitted. Business shall operate with defined working hours.
- II. <u>Addition to the Zoning Regulations.</u> The Text Amendments made by this Resolution shall be as a supplement to the Zoning Regulations, as codified in Chapter 12, Article 3 of the Douglas County Code.
- III. <u>Invalidity.</u> If any section, clause, sentence or phrase of Resolution of the Text Amendments adopted hereby is found to be unconstitutional or is otherwise held invalid by any

court	of	competent	jurisdiction,	it shall	not	affect	the	validity	of	any	remaining	parts	of	this
Resol	utic	on or the Te	xt Amendme	ents ado	pted	hereby	/, as	the cas	e n	nay b	e.			

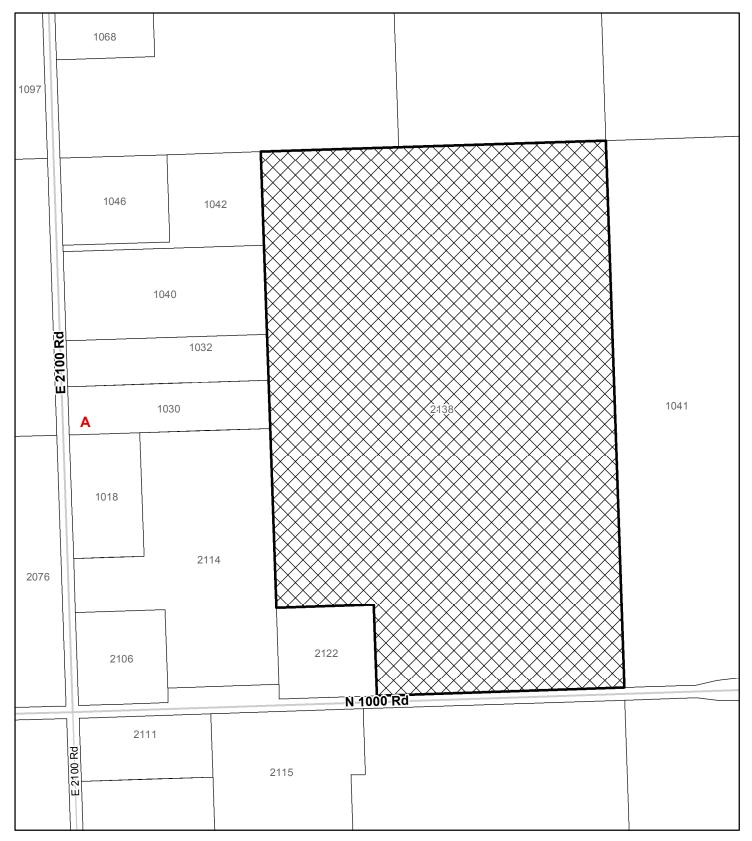
IV.

IV. <u>Repeal</u> . The Zoning Regulations h Text Amendments are amended, repealed, or repwith the Text Amendments adopted hereby.	eretofore adopted that are in conflict with this placed, as the case may be, to be consistent
V. <u>Effective Date</u> . This Resolution sha adoption by the Board and its publication once in the state of the s	all be in full force and effect from and after its he office County newspaper.
<b>ADOPTED</b> this day of, 2016	S.
	BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS
	Jim Flory, Chairman
ATTEST:	Jiii i lory, Ghairman
	Mike Gaughan, Member
Jameson D. Shew, County Clerk	-
	Nancy Thellman, Member



Conditional Use Permit
Richardson Jumpstarters
Small Scale Industrial Use
2138 N 1000 Road





CUP-17-00316: Conditional Use Permit for small scale industrial uses, Richardson Jumpstarters, on approximately 94.8 acres, located at 2138 N 1000 Rd

# Memorandum City of Lawrence Planning & Development Services

TO: Planning Commission

FROM: Becky Pepper, Planner

**Date:** August 23, 2017

RE: ITEM NO. 2 REZONING FROM RS5 TO MU; 401 ELM ST (BJP)

**Z-17-00322**: Consider a request to rezone approximately 2500 sq ft from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District, located at 401 Elm St. Submitted by Margretta O. Farrar-de Vries, property owner of record.

**Attachment A:** Existing Zoning Map **Attachment B:** Existing Land Use Map **Attachment C:** Zoning Application Materials

A request to rezone the property at 401 Elm Street from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District was submitted by the property owner, Margretta Farrar-de Vries.

The intent of the request was to bring noncompliant land uses into compliance with the Land Development Code. The property contains a two-story structure with nonresidential and residential uses. The first floor of the structure contains a woodworking shop and a vacant residential unit. The second floor contains an occupied residential unit. The RS5 District does not permit the *Manufacturing & Production, Limited* use (woodworking shop), and *Duplex* use. The property owner has indicated a desire to maintain the woodworking shop, the second floor dwelling, and convert the first floor residential area to retail or some other nonresidential use.

Prior to making application, staff advised the owner that the use tables of the Land Development Code indicated that the *Manufacturing & Production, Limited* use, certain retail uses, and residential uses were permitted in the MU District. Further analysis of the Code, however, revealed that rezoning the property to the MU District requires the property to be designated with a Tertiary Zone and, based on the surrounding residential uses, the Tertiary Zone would not accommodate the *Manufacturing & Production, Limited*, or retail uses. This will not accommodate the applicant's desire to zone the property to accommodate all of the uses noted above. The code analysis is provided below.

- 1. The standards of the Land Development Code allow for three Development Zones in the MU District, which include Primary, Secondary, and Tertiary. These zones are designated to ensure compatibility with the surrounding existing development and determine the intensity of development that can occur. Section 20-1108(f) of the Code states that "in cases where a rezoning to the MU District is proposed for a site which is surrounded by existing detached residential development, a Tertiary Development Zone shall be required to be designated". The subject property is surrounded by single-family residential development, therefore the applicable development zone for the subject property is the Tertiary Zone.
- 2. Section 20-1108(f)(3) states, "Nonresidential uses shall only be permitted in a Tertiary Development Zone if the existing surrounding development contains such nonresidential uses. A Tertiary Development Zone shall only permit a residential use type which exists in surrounding development." Given the surrounding residential development, and the lack of nonresidential development, the MU standards will not permit the *Manufacturing & Production*, *Limited* use on the property even if the rezoning to the MU District were approved. An amendment to the Code would be necessary in order to permit this use on the subject property under the MU zoning.
- 3. Per Section 20-1108(j)(i), vertical mixed-use structures (structures with nonresidential uses on the ground level, and residential uses above or below) are permitted in the Primary and Secondary Development Zones; however, they are not permitted in the Tertiary Zone. An amendment to the Code would be necessary to permit a vertical mixed-use structure in the Tertiary Zone.

#### **Staff Discussion**

Under the current code, and the circumstances of this specific property to only be eligible for the Tertiary Zone of the MU District, there is no zoning district that would accommodate the owner's desired uses. The MU District would accommodate only the existing single-residential unit given the requirement for the Tertiary Zone. The RSO (Single-Dwelling Residential – Office) District, a supportable district in staff's opinion, permits the single-family unit and some nonresidential uses but not the *Manufacturing & Production, Limited* use.

Analyzing the request leads staff to believe that the MU standards may benefit from more flexibility in permitting nonresidential uses in the Tertiary Zone with approval of a Special Use Permit. Proposed uses would be considered in the context of their surroundings and conditions could be used to mitigate detrimental impacts.

For this particular property, the process to accommodate the desired uses would require that the Planning Commission initiate a text amendment to the code to allow nonresidential uses in the Tertiary Zone by way of a special use permit. If a code amendment is initiated, a Special Use Permit application for the nonresidential uses desired by the property owner could be considered at the same time that the code amendment is processed but the special use permit cannot be approved prior to the code amendments being approved.

Staff has discussed these issues with the applicant and the applicant desires staff to pursue amendments to the MU district that would support the desired uses, understanding that the code may not ultimately be amended.

#### **Staff Recommendation:**

Planning Staff recommends that the rezoning request (Z-17-00322) be deferred to the September Planning Commission meeting and that the Planning Commission initiate a text amendment to the City of Lawrence Land Development Code, Article 11, to permit nonresidential uses in the Tertiary Zone of the MU District.



Attachment A: Existing zoning of the surrounding Area. Subject property outlined in blue.



Attachment B: Existing land use of the surrounding Area. Subject property outlined in blue.



#### Lawrence Douglas County Metropolitan Planning Office

6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044 (785) 832-3150 Fax (785) 832-3160 http://www.lawrenceks.org/pds/

#### **REZONING (MAP AMENDMENT)**

#### **Application Requirements**

**Application materials must be submitted in both print and electronic formats, on disc.** If you are unable to provide the materials in electronic format please contact the Planning Office at 785-832-3150.

This checklist has been provided to assist you, the applicant, as you prepare your application. Submission of less information than necessary to adequately review and process your application will delay the review process.

The applicant shall meet with Planning Staff at least seven (7) working days prior to submittal of the application.

Planning Staff will determine the completeness, accuracy, and sufficiency of the application within five (5) working days of submission. Incomplete applications will be returned to the applicant.

#### **Pre-Application Meeting**

The applicant shall meet with Planning Staff at least seven (7) working days prior to submittal of the application.							
Pre-submittal Date June 6 , 2017.							
		me Mary Miller					
_	t Subm	nission Date <u> June 19</u> , <u>2017.</u>					
Fee							
_	the me Applica	eeting Planning Staff will assist the applicant to determine <b>if</b> the following items are Required ble:					
R	NA						
		Traffic Impact Study, in print (3 copies) and electronic format.					
		Drainage Study, in print (2 copies) and electronic format.					
		Market Study, in print (2 copies) and electronic format.					
		Downstream Sanitary Sewer Analysis (DSSA), in print (2 copies) and electronic format.					
		Plan: Area, Corridor, Nodal, etc.					

Page 1 of 10



Application Form

#### Lawrence Douglas County Metropolitan Planning Office

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## **General Rezoning (Map Amendment) Submittal Requirements**

	<ul> <li>A complete Application Form, in both print and electronic formats, on disc.</li> <li>Page 1 – Owner, Applicant, and Property information</li> <li>Page 2 – Description and details of proposal</li> <li>Page 3 – Description and details/signature page</li> </ul>
<b>*</b>	Attachments Required
	Owner Authorization Form if applicant is not the legal owner of the property.
	Legal description of property in print and electronic format (MS Word).
	☐ <u>Conceptual Plan</u> and data necessary to determine if proposed rezoning is in conformance with the Comprehensive Plan.
	General Location Map that shows 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.
	Property Owner List certified by the County Clerk of all property owners within the notification area of the subject property.
	Property Ownership List Certification
	☐ <u>Sign Posting Affidavit</u> submitted at least 7 days before the public hearing, sign must be posted at least 20 days before public hearing Page 13 of this packet)
<b>*</b>	Other
	☐ Payment of review fee. (Make check payable to the City of Lawrence.)
	☐ Drawings 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.
	PD, Planned Development Overlay Districts shall only be processed concurrently with a Preliminary Development Plan application. Therefore, in the case of a Planned District rezoning, a Preliminary Development Plan application is required.



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# ZONING MAP AMENDMENT APPLICATION

Pre-Application Meeting
required minimum 7 days
before submission
Planner
Date
Fee
\*Fees vary, contact office

OWNER INFORMATION	Fee*Fees vary, contact office
Name(s) <u>Margretta O. Farrar-de Vries</u>	
Contact	
Address P.O. Box 202	
	State <u>KS</u> ZIP <u>66044</u>
Phone <u>(785) 424-3752</u>	Fax ()
E-mail <u>mdevries@rocketmail.com</u>	Mobile/Pager ()
APPLICANT/AGENT INFORMATION	
Contact Same as above	
Company	
Address	
	State ZIP
Phone ()	Fax ()
E-mail	Mobile/Pager ()
Pre-Application Meeting Date <u>June 6, 2017</u>	Planner <u>Mary Miller</u>
PROPERTY INFORMATION	
Present Zoning District <u>RS-5</u> Propose	ed Zoning District <u>MU (Limited) – Attachment A</u>
Present Land Use <u>non-conforming multi-family 8</u>	<u>k not grandfathered woodworking shop</u>
Proposed Land Use <u>1 non-ground floor dwelling</u> ,	artisan woodworking shop, and "to be determined"
commercial space	
Legal Description (may be attached) North Law	rence Lot 168
Address of Property 401 Elm Street, Lawrence,	KS 66044
Total Site Area 2,500 sq ft	
Number and Description of Existing Improvement	ts or Structures One building fills the entire site,
built between 1869-1872 with a one-story addition	on constructed between 1918-1927.



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Are you also submitting any of the following applications?			
Building Permit	- Subdivision Plat	Special Use Permit	-Zoning Change
- Variance	Other (specify)		

### Please indicate the reason for requesting rezoning. (Attach additional sheets if needed.)

The building at 401 Elm Street needs to be rezoned to match its existing and historical uses, to retain both the existing upstairs apartment and downstairs woodworking shop, and to explore options for non-residential uses of the downstairs storefront space, reflecting the building's 19th century character. *See Attachment B: Historical Profile*.

In reviewing and making decisions on proposed zoning map amendments, the Planning Commission and the City Commission are required consider the following criteria. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to the following criteria to the best of your knowledge. (Attach additional sheets if needed.)

### 1. How does the request conform with the Comprehensive Plan, Horizon 2020?

See Attachment C.

### 2. To what extent will approving the rezoning detrimentally affect nearby properties?

There will be no detrimental effect to nearby properties. Changing the zoning to match existing and historic uses of the building will have no impact, whereas denying this zoning change will result in loss of a useful space and/or services that would benefit the neighborhood. See Attachment D: a letter of support from more than half of the owner-occupied homes within 200 feet of the building.

### 3. Describe the character of the neighborhood.

North Lawrence is one of the oldest parts of town, with a mix of residential, commercial, and industrial areas. These areas are blended together, having grown organically over the last 150+ years. North Lawrence has a more "small town" atmosphere where neighbors watch out for each other, than other parts of Lawrence,

Structurally, North Lawrence has very diverse architectural styles and land uses, almost a patchwork quilt of historic and modern homes and businesses.



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# 4. What is the suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations?

Currently, 25% (1000 sq. ft.) of the building is suited to "single family residence" which is the upstairs apartment. Of the remainder, 45% (1500 sq. ft.) of the building is currently an artisan workspace, with woodworking equipment. The additional 20% (750sq ft) makes up the downstairs "store front" space, which faces Elm Street, and was originally built as a broom factory. *These figures do not include the unfinished basement space*.

The store front could contribute to the neighborhood in a variety of ways. It is typical for visitors to make independent recommendations for uses, especially of the downstairs store front space. Suggestions include gallery or artist's studio in addition to the maker space, small scale or specialty retail, coffee shop, office,

### 5. What is the length of time the subject property has remained vacant as zoned.

The entire property has been vacant for 7 months, and is only vacant now because the zoning does not match / allow the existing uses of the building. If the zoning is not corrected, 70% of the building could remain vacant indefinitely. The upstairs apartment is available to rent as the Planning Commission reviews this application, but the rest remains unoccupied until zoning allows appropriate use of the space and the space can be brought up to code for its proposed uses.

6. What is the gain, if any, to the public health, safety, and welfare if this application were approved as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application?

See Attachment E.

### **SIGNATURE**

I, the undersigned, am the owner of the aforementioned property. hereby officially apply for rezoning as indicated above.	By execution of my signature, I do
Signature(s):	Date



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#### PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

### **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 it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

#### **Radius of Notification**

The Ownership list shall include the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense**. **Allow 10 business days** to receive the map.

### THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

<ol> <li>was obtained from and certified by the Douglas County Clerk,</li> <li>is current (no more than 30 days old), and</li> <li>includes all property owners within the required notification radius of the subject property</li> </ol>				
	,			
Sigi	nature	Date		
	rgretta O. Farrar-de Vries nted Name			



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# SIGN POSTING PROCEDURES AND AFFIDAVIT

### **Sign Posting Procedures**

The applicant is required to post one or more notification sign(s) on the property. The applicant is responsible for obtaining the sign(s) from the Planning Office of Lawrence/Douglas County, Kansas and for posting and maintaining the sign(s) as prescribed below:

- 1. When the provisions of the Development Code require that "Posted Notice" be provided, the applicant shall ensure that notice is posted on the subject property.
- 2. Posted notice shall be in the form of official signs provided by the Planning Office.
- 3. 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.
- 4. Posted notice shall remain in place for <u>at least 20 days</u> before the public hearing, meeting, or date of action that is the subject of the notice.
- 5. 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.
- 6. For any application requiring posted notice, the applicant shall supplement the application with an affidavit of posting and notice <u>at least seven days</u> before the scheduled hearing. 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.
- 7. 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.
- 8. Failure to properly post or maintain such signs is grounds for deferral or denial of the application
- 9. 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.



6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044 (785) 832-3150 Fax (785) 832-3160 http://www.lawrenceks.org/pds/

### **Sign Posting Affidavit**

THE FOLLOWING AFFIDAVIT SHALL BE RETURNED TO THE PLANNING OFFICE. 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.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

I, <u>Margretta O. Farrar-de Vries</u> (printed name), hereby sta Posting Procedures and that the required sign(s) have been po Sign Posting Procedures.		
Signature	Date	-
Application No		
STATE OF KANSAS COUNTY OF DOUGLAS		
The foregoing instrument was acknowledged before me on this _	day of	, 20,
by		
My Commission Expires:  Notary Public		_



Pre-Application Meeting

### Lawrence Douglas County Metropolitan Planning Office

6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044 (785) 832-3150 Fax (785) 832-3160 http://www.lawrenceks.org/pds/

### **REZONING (MAP AMENDMENT)**

# DETERMINATION OF COMPLETENESS, ACCURACY, AND SUFFICIENCY (Completed by Staff)

The following items apply to rezoning applications. Submission of less information than necessary to adequately review and process your application may delay the review process. The following submittal requirements will be deemed either fully completed and Provided (P) or Not Provided (NP) by the applicant. (Circled items have not been reviewed due to time constraints.)

P	NP	
		Pre-Application Meeting. The applicant shall meet with Planning Staff at least seven (7) business days prior to submittal of the application. During the meeting Planning Staff will assist the applicant to determine if the following items are required:
		Traffic Impact Study, in print (3 copies) and electronic format.
		Drainage Study, in print (2 copies) and electronic format
		Market Study, in print (2 copies) and electronic format.
		Downstream Sanitary Sewer Analysis, in print (2 copies) and electronic format.
		Plan: Area, Nodal, Corridor, other.
Gei	neral Sub	omittal Requirements
		A complete application form, in print and electronic format.
		Payment of review fee.
		Owner Authorization Form if applicant is not the legal owner of the property, in print and electronic format.
		Conceptual Plan, in print and electronic format.
		A General Location Map showing 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 (at a scale no less than 1:50 or a size no less than 8.5" X 11"), in print and electronic format.
		Legal description of the property in print and electronic (Microsoft Word) formats.
		A list certified by the County Clerk of all property owners within the notification area of the subject property.
		Ownership List Certification form, in print and electronic format.



6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044 (785) 832-3150 Fax (785) 832-3160 http://www.lawrenceks.org/pds/

Requi	Requirements for Public Notification of the Public Hearing		
		Post a sign (supplied by the Planning Office) at least twenty days before the public hearing.	
		Submit Sign Posting Procedures and Affidavit form.	
Other	Requi	rements	
		Drawings 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.	
		PD, Planned Development Overlay Districts shall only be processed concurrently with a Preliminary Development Plan application. Therefore, in the case of Planned District rezoning, a Preliminary Development Plan application is required.	
		Request Verification of existing and proposed zoning district.	
		Verify the existence of and notify all registered Neighborhood Associations whose boundaries include or are contiguous to the subject property. (To be completed by staff)	

### Attachment A

### **Proposed Zoning District**

I propose a Limited Mixed Use (MU) zoning district for the property at 401 Elm Street, allowing only the following uses:

- Household Living no Multi-Dwelling
- General Public and Civic Cultural Center/Library, Small Event Center, or School
- Eating & Drinking Establishments only Fast Order Food (i.e. coffee shop)
- Office except Payday Advance, Car Title Loan Business
- Retail Sales & Service as listed
- Industrial Facilities as listed
- Adaptive Reuse as listed

Other zoning districts that I considered requesting were IL, CN1, and RSO. While each of these districts allow one or two of the three existing or historic uses, none of them allow all three, as MU does:

Use	RS5	RSO	CN1	MU	IL
Non-Ground Floor Dwelling		Р	Р	P	
Work/Live Unit			Р	Р	Р
Office		Р	Р	Р	Р
Retail Sales, General			Р	Р	Р
Retail Establishment, Specialty				Р	
Maker Space, Limited			Р	Р	Р
Manufacturing & Production, Limited				Р	Р

# Attachment B Historical Profile

The original structure was built by James L. Canavan between 1869-1872 as a broom factory. It was one open space on each of three levels: basement, ground floor, and second floor, on a footprint of 1,000 square feet, filling the width of the 25' lot. Between 1912, when Canavan stopped producing brooms, and 1920, the building contained an unknown number of other businesses, such as a telephone switchboard repair company depicted on the 1918 Sanborn Fire Map (Image 1).

In 1920, the building became one of several corner grocery stores in North Lawrence. This store was owned by the Pine Brothers, and then by the Wiley family until 1960. The Wileys converted the upstairs into an apartment in the 1920s (Image 2). The 1,500 sq. ft. addition, identified as a "workshop", was also added between 1918 and 1927 (Sanborn Fire Map, Image 3), extending the building to within five feet of the north property line. Many older North Lawrence residents still remember going into Wiley Bros. for penny candy as children.

In 1927, the building was originally zoned single family residential while primarily a retail space. City planners may have simply drawn straight lines on the grid streets layout without much regard for the actual uses of the land (Image 4). For example, neighboring houses facing Locust Street are zoned Light Industrial (because of the proximity to the railroad tracks).

In 1960, the building was purchased by Huxtable Heating & Air Conditioning Inc, which used the full 2,500 sq. ft. ground floor for light manufacturing, specifically a sheet metal shop. The upstairs apartment was converted into two efficiency apartments, where some of their employees lived. In 1966, during a city-wide rezoning effort, the building was again zoned as a single family residence, though most of the building was being used for this light manufacturing purpose.

In 1974, my parents purchased the building for my dad Gunter de Vries' carpenter's shop, known as Woodcrafter's Guild (Image 5), which filled the entire ground floor front to back. The two efficiency apartments upstairs were recombined into a single apartment in 1979. In 1992, the downstairs storefront space was converted to residential use, downsizing the workshop to its current size and configuration.

In 2000, the residence was split back into two separate spaces, one upstairs and one on the ground floor, and rented as two apartments until November 2016. Although I was aware that my ultimate long term goal of having a Artisian makerspace or asmall corner grocery store in the building would require a rezoning requesting. Changing the , I did not know until after the building was condemned that it could not, in fact, continue to be used for anything other than one residence under the current zoni zoning of this property to limited MU reflects both its historic and intended uses.

Image 6 shows the building in 2017.

# Attachment C Horizon 2020

Horizon 2020 states that community planning should "provide [...] for the optimum in public health, safety, convenience, general social and physical environment and individual opportunities for all the residents of the community" and "achieve a maximum of individual freedom" balanced against the public welfare. Correcting the zoning of my property at 401 Elm Street to match the historic and recent uses of the building conforms with the goals of Horizon 2020 in a number of specific ways that benefit the local and broader community while also maximizing my personal freedom as the property owner:

- quality affordable housing with close connections by walking, biking, car, or public transportation to downtown, schools, and Interstate 70;
- support Downtown Lawrence, especially related to planned future expansion of the downtown district into North Lawrence;
- enhance neighborhood-oriented business opportunities within close proximity to established commercial areas along both N 2<sup>nd</sup> Street and N 7<sup>th</sup> & Locust, as well as an elementary school and recreational facilities;
- develop businesses that provide local job opportunities
- maintain and restore a historic resource through adaptive reuse a building almost as old as
   North Lawrence

My goals for the building also support at least 6 of the 19 issues identified in the 2015 Issue Action Report for the Comprehensive Plan Update:

- Address Quality Housing for All Incomes
- Preserve Historic Buildings and Structures
- Create Quality Neighborhoods for All Ages
- Create Employment Opportunities
- Provide Opportunities for Small Neighborhood Retail
- Encourage/Support Local Food System Development

# Attachment D Neighbor Support Letter

We, the undersigned neighbors living adjacent to or nearby 401 Elm Street, fully support Margretta de Vries' efforts to restore the building on that property to a useful condition, including her request to change the zoning of said property to match its existing and historical uses, as outlined in her rezoning application: a mixed use of residential, workshop, and office/studio/small event space with a potential future use as a retail space.

Signature	Printed Name	Address	Date
1. Phycellaty	one Priscillatione	415 Elm St, Lawrence	4/24/17
2. April	Ashle Pikard	414 Flm St. 66044	4.24.17
3. Juliana	y John Harmon	227 N. 4425+CC	044/-4/1
4	Sand Bartst	bused 276. N. 4"	1 4/21/17
5. Jan Drumm	Jean Drumm	233 N 4th St 66044	4/24/17
6. Ran Falm	ateer Jean Rymater	er 404 Elm St. 6/1044	5-1-17
7. Margree	Daleman 400 C	ocust st. ( A wrence	5-1/17
8. Suzi	claures Suzanna La	Laure 347 ELM	5/8/17
9. Mane Xi	,	der 407 Em Stelaure	/ / /
10. July 10	1. Juster Teett.	12/ ElmSt. Lawren	, ,
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### Attachment F

### Gain to Public Health, Safety, and Welfare Compared to Hardship to Landowner

### Gain

Rezoning provides significant gains to the public health, safety, and welfare of the North Lawrence neighborhood and the community in general. Both the building itself and the surrounding community benefit from:

- Investment in the general upkeep and appearance increase the value of the building and those around it, instead of being a vacant eyesore.
- Encouraging local arts and artists with a workshop space that is fully stocked and optimized for individual use, requiring little or no capital investment on the part of the artist.
- Increase retail opportunity in North Lawrence along well-used pedestrian and bicycle corridors near public transit, not just drivers.
- Increased property value and retail sales revenue contributes greater property and sales tax revenue for Lawrence.
- Daily activity in the ground floor spaces also contributes to the safety of the neighborhood, compared to a vacant space that is hidden from view.
- Potential location for a North Lawrence history-related mural, visible from several directions

### **Hardship**

At the same time, not correcting the zoning to match the existing and historical uses will cause significant hardship to myself and my brother (owner of all equipment, inventory, and furniture) in multiple ways:

- Renting only 25% of the space significantly limits funding for significant deferred maintenance and upgrades.
- Removing all the elements that are non-conforming in each space requires significant
  investment and would result in a residence that does not conform to the neighborhood, three
  or four times the size of any other home nearby.
- Removing the commercial electricity, currently running 3-phase (240) power via a 50kva transformer next to the northeast corner of the building. to downgrade to a residential account would have a significant cost.
- The leasing of the workshop a joint venture between my brother and I; we are committed to doing everything possible to keep the woodworking shop running as our dad had it for the past 43 years. Limiting the workshop to a "Home Occupation" permit or a Work/Live Unit severely limits the pool of potential tenants. I have had serious inquiries from more than a half dozen

- parties about possibly leasing the workshop, two since the zoning issues came to light. Neither of those two parties are interested in an apartment; one recently purchased a house.
- The significant value of the machines comes from their careful arrangement and proximity to each other in this workshop. The actual cost of moving the machines, as well as the cost of buying or leasing new space would essentially force my brother to liquidate the most significant portion of his inheritance and permanently prevent him from ever using this equipment himself.
- Recent business planning indicates it is financially feasible to phase in upgrades to mechanical
  systems for modernization and energy efficiency if at least two of the three spaces are leased.
  Buyers also desire to utilize the space for commercial and light industrial uses, and would also
  require the zoning change. None of those buyers are still interested in the building if it cannot
  be rezoned.
- Historic preservation funds are not available due to the application of stucco over the soft brick (around 35 years ago); the building will not be eligible for listing in the local historic register for at least 15 years. Unfortunately, the established age and history of the building is not sufficient to outweigh the measures that were taken to preserve the building in the most cost effective manner.

# Attachment F Concept Plan

I have spent decades imagining all the possibilities for the building located at 401 Elm Street. My relationship with the building and love of history both inform that dreaming, along with the structure itself.

### Neighborhood Landmark

Together, Elm and Locust streets between the levee and the railroad tracks, from N 2<sup>nd</sup> to N 7<sup>th</sup> Street form one of the core hubs of North Lawrence, containing multiple businesses, bars, and restaurants; churches, a school, and social services; and two parks, city facilities and public transportation. Centenary United Methodist Church is on the corner opposite the building at the intersection at N 4<sup>th</sup> and Elm streets, making this intersection a destination for public activities, including annual and monthly events with an audience much broader than just the church membership.

North Lawrence has historically been an industrial Mixed Use community, as this building's long history illustrates. It is almost as old as North Lawrence itself, appearing in city bird's eye view map drawings beginning in 1872, and its preservation will help preserve the original character of the neighborhood. In fact, the location and orientation of the building are closely related to the North Lawrence ferry landing on "North New York Street" (as N. 4<sup>th</sup> was originally known) connecting to businesses and the railroad along Locust Street. The ferry ran from 1854 through the 1880s (Image 7).

Although it is just outside the ¼ mile radius of Downtown Lawrence, the building's earliest history was as a significant commercial link to downtown. Thick brick walls and exterior brick ornamentation, high ceilinged open space inside, and large windows facing the street are typical architectural features other vintage buildings in the cultural and historical center of the town. Today, Locust has businesses between 5<sup>th</sup> and 7<sup>th</sup> streets, and 401 Elm is within one block of the businesses at 5<sup>th</sup>. Allowing commercial uses in the building would simply be an enhancement of the existing connection to the commercial center at N 7<sup>th</sup> & Locust since it dates back to the same era and styles as several of the buildings along Locust and has already been used historically for commercial purposes.

I have had many opportunities to speak to neighbors— many of whom I know well and consider friends—through two estate sales, an open house, online via Facebook posts, at North Lawrence Improvement Association meetings, and simply interacting with people walking by. They have given me a lot of positive feedback about our ongoing cleanup and plans for the future.

Working to preserve and improve the building inside and out is already resulting in a building that I, my neighbors, and passers-by are increasingly proud of. However, renovations and repairs can't be kept up without the building having adequate cash flow from being effectively utilized.

#### My Plan

Anyone seeing this building for the first time assumes it is a business; therefore any business located here remains "an integrated part of the surrounding neighborhood so that the appearance [...] does not detract from the character of the neighborhood" (Horizon 2020, 6-20). It is my intention to (re)create businesses in the building that are a true enhancement to North Lawrence. It is well located on Elm Street, which functions as an "artery" for the area, including pedestrians and bicycles, and a bus stop on Locust, just 100 feet away.

#### **Upstairs**

It has always been my intention to maintain the residential space as affordable housing. This is only possible if at least one of the other spaces can be leased as well. If the apartment remains the only usable, rentable space, the rent will need to be increased to cover expenses for the entire building, putting it out of the range of "affordable".

Recent renovations include a new kitchen, new or refinished floors in the entry, bathroom, and living room, and a significant number of small repairs and cosmetic updates, especially new paint in every room. (Images 8 and 9)

### Artisan Woodworking Workshop

The 1,500 sq. ft. addition to the building was constructed in the 1920s, and is ideally suited to be a studio and workshop for one artist creating one or two pieces at a time. Its layout and function were optimized over 40 years of my dad working there, maximizing the efficiency and usefulness of the equipment, including a fully integrated dust collections system. (Images 10-13)

I have spoken with more than half a dozen artists who have expressed interest in leasing the artisan woodworking shop over the past two years, many of whom I would be thrilled to see creating their art here. More recently, I have advanced to the stage of negotiation with one of those artists. The most significant hurdle is the need for the zoning to be corrected to allow the use of the workshop as a workshop without his living on site or having a Home Occupation or Work/Live arrangement; he and his family recently purchased their home. Proper zoning is also necessary for business and insurance requirements for the party utilizing the workshop.

The workshop has been a workshop continuously since it was constructed in the 1920s; the original industrial construction and use make it impossible to imagine it being anything other than a space to create functional works of art. It would be cost prohibitive to convert the workshop into a residential space, and would result in a dwelling three or four times the size of any of the near-by residential properties, with no yard whatsoever.

The arrangement of tools, machines, and work space in the woodworking shop allows only 1-2 people to work at the same time, not a large crew. On the other hand, it is an artisan woodworkers' dream, containing one of every type of woodworking equipment imaginable. The limited size means that the scale of business operating here can only remain compatible with its neighborhood location.

#### Store Front

A small corner grocery store is my highest "ideal" of potential uses for the downstairs storefront space. I envision this as a place with locally sourced basics (produce, meats, bulk staples, etc), providing an easy stop for neighbors to grab something on their way to or from school (Woodlawn, Ballard), recreation (the levee, several parks), or work. Informal focus groups with neighbors indicate significant enthusiasm for this idea. Not only would employment be provided at the corner grocery, but it would also support local farmers by providing another outlet for their products. The idea is to meet the needs of the North Lawrence community by providing space for small, locally-owned businesses.

Even with the new grocery store planned for the Borders location at 9<sup>th</sup> & New Hampshire – which is wonderful! –, most of North Lawrence will remain a food dessert, by definition (one mile or ten minutes walk). Having a place to quickly stop in to grab essential items, or potentially providing delivery service to housebound neighbors, would be huge benefits to the neighborhood.

This will require a significant amount of additional research and planning. Along with the basic question of initial funding and rebuilding the space to suit, issues that need to be planned for and resolved before the store comes to fruition include parking, accessibility, and commercial building code. I continue to brainstorm with professionals and neighbors about these issues.

In the meantime, this part of the building will remain "empty", retaining the kitchen and living area that my dad constructed in 1992. The space is still useful, and could be an artist's studio, a place for yoga, an office, or something similar that requires minimal reconstruction. (Image 14).

#### Preservation

It is my goal to meet city codes and to make all updates to the building with an eye toward historic preservation of the structure, regardless of whether the building currently meets local historical listing requirements. Assuming the highest and best use of the ground floor spaces in the building is to return to the historical commercial (retail) and light industrial uses, future income will help fund the preservation of the structure since historic preservation resources are not a possibility.

# **401 Elm: General Location Map**







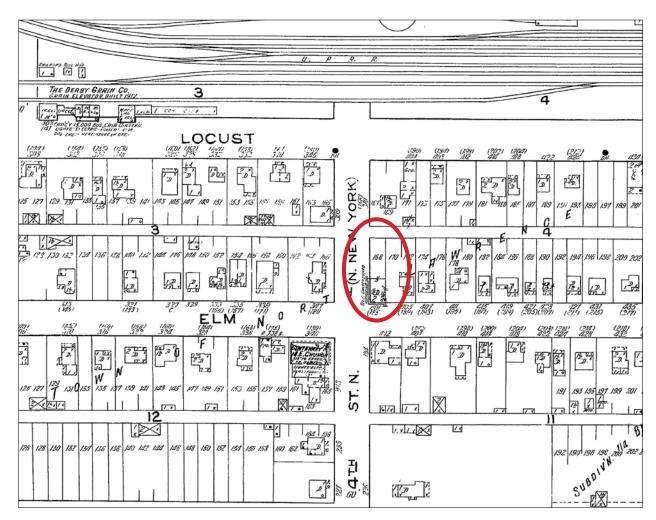


Image 1: 1918 Sanborn Fire Map (Detail)



Image 2: 401 Elm, circa early 1920s

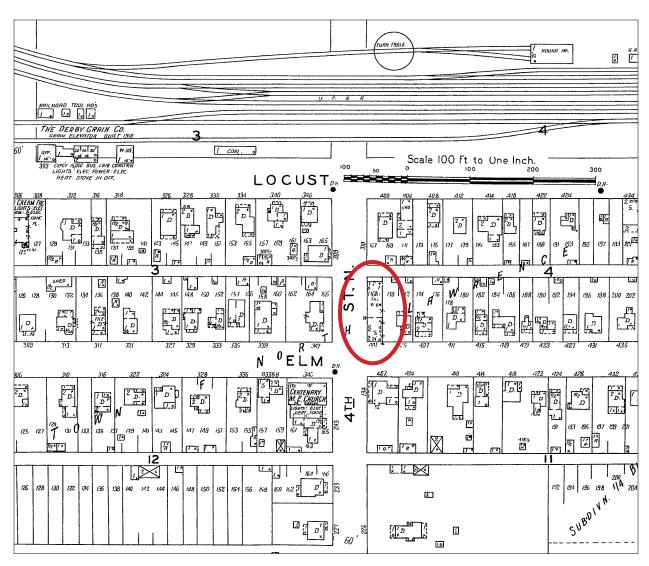


Image 3: 1927 Sanborn Fire Map (Detail)

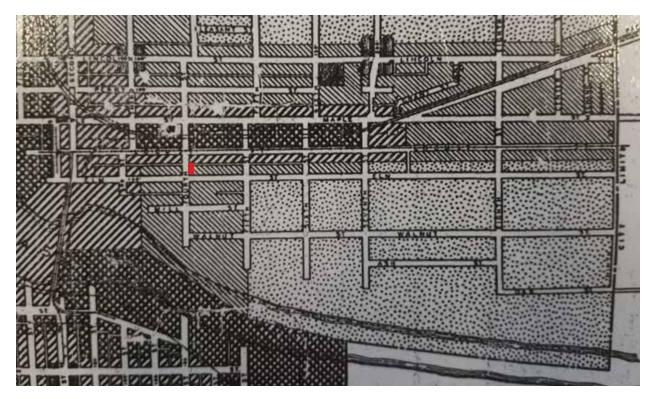




Image 4: 1927 City of Lawrence Zoning Map (Detail)

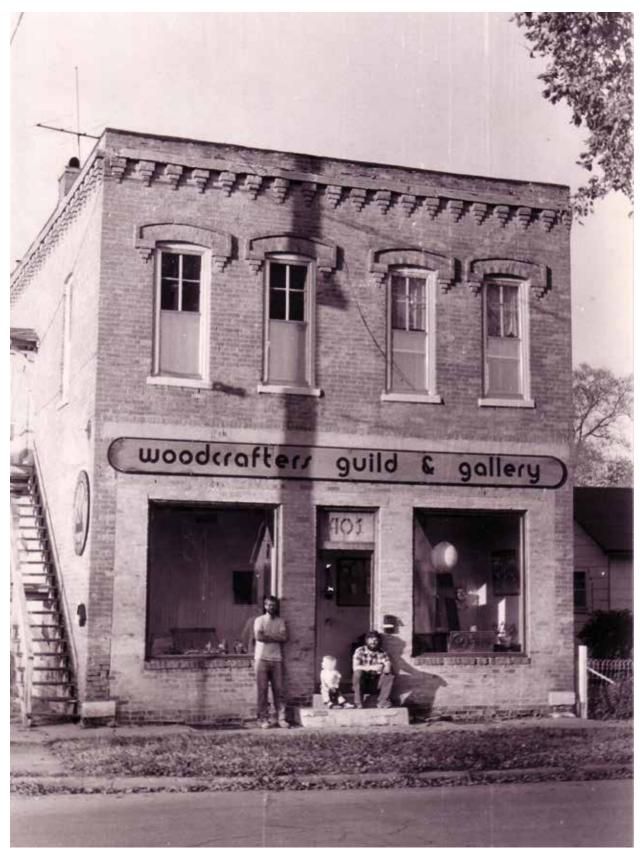


Image 5: Woodcrafter's Guild, circa 1979



**Image 6:** 401 Elm, 2017.



Image 7: 401 Elm on 1880 Bird's Eye View of Lawrence.



Image 8: Kitchen in upstairs apartment.



Image 9: Living room in upstairs apartment, with south view.

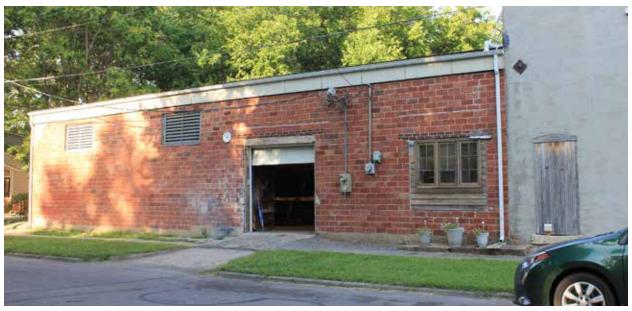


Image 10: Workshop exterior, facing N 4th Street (west).



**Image 11:** Workshop interior, just inside garage door..



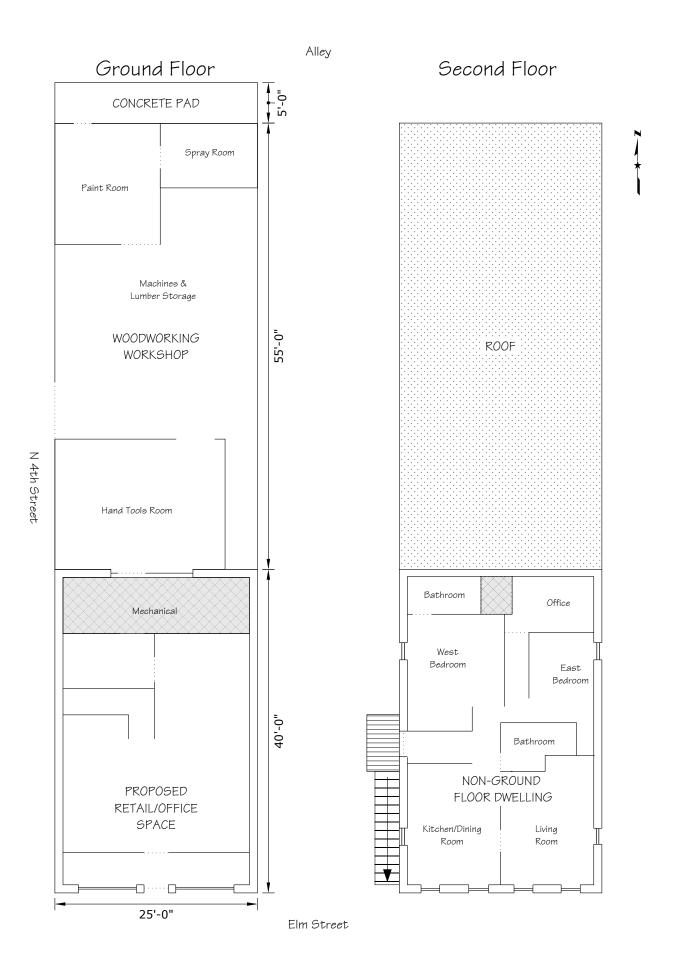
**Image 12:** Workshop interior, left (north) of garage door space.



Image 13: View into workshop from north end.



Image 14: Store front windows facing south.





Z-17-00322: Request to rezone approximately 2500 sq ft from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District, located at 401 Elm St.

# NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

RECEIVED

JUL 17 2017

City County Planning Office Lawrence, Kansas

July 17, 2017

To Whom it May Concern:

The North Lawrence Improvement Association is supportive of the zoning changes being requested by the owner of property at 401 Elm Street. This includes use of the second floor as a single family residential apartment and work space on the ground floor with a storefront on the South end. There is no off-street parking so the uses for the ground floor should be low impact and not create traffic issues for the surrounding neighborhood.

Sincerely,

**Ted Boyle, President** 

**North Lawrence Improvement Association** 

# Memorandum City of Lawrence Planning and Development Services

**TO:** Planning Commission

FROM: Becky Pepper, Planner

**Date:** August 23, 2017

RE: Miscellaneous Item No. 1: CERTIFICATE OF SURVEY VARIANCE; 976 N

1050 RD AND 902 N 1000 RD (BJP)

Consider the following two variances associated with Certificate of Survey, CSU-17-00314, located at 976 N 1050 Road and 902 N 1000 Road. Submitted by Grob Engineering Services, LLC, for Luke and Sheri Oehlert and Andrew J. and Mary F. Flory, property owners of record:

Variance (a): Variance to allow two access points for the creation of a Cluster Development Certificate of Survey

Variance (b): Variance from the road frontage requirement in the Subdivision Regulations for Cluster Development Land Divisions in the Urban Growth Area of 1320' on principal arterial to permit a frontage of approximately 662'.

**Attachment A:** Certificate of Survey, CSU-17-00314

Certificates of Survey are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. The Certificate of Survey was recently submitted and is currently under review. A copy of the Certificate of Survey is being provided with this memo for context; however, no action is required on the Certificate of Survey.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 11-113(g) [20-813(g)/joint Subdivision Regulations]. This section lists the criteria that must be met in order for a variance to be approved. The requested variance is evaluated for compliance with the approval criteria below.

### **BACKGROUND**

The proposed Certificate of Survey contains two properties that are bound by N 1050 Road and N 1000 Road. Combined, the properties are approximately 59.51 acres in size. The north parcel contains agriculture land, and the south parcel contains an existing house (902 N 1000 Road). The existing house currently takes access from N 1000 Road.

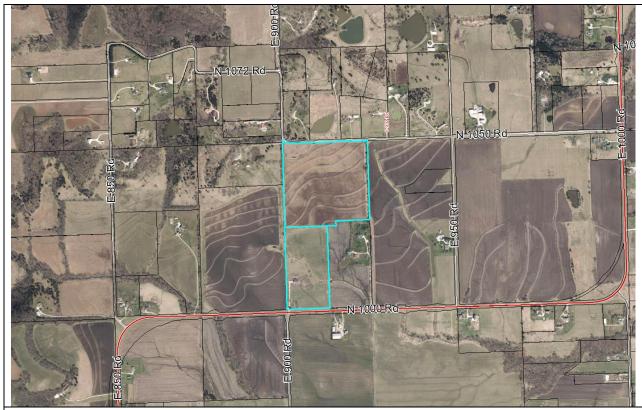


Figure 1. Subject properties are outlined in blue.

Residential land divisions in the Urban Growth Area (UGA) require a Certificate of Survey for a cluster development as a means to reduce the number of access points to the adjacent roadways and to provide additional consideration about the future layout of the area. The development must be clustered on the property, with a maximum of 60% of the property being divided into Residential Development Parcels (RDPs) of a minimum of 3 acres in size. The remainder of the property must be placed into a Future Development Area for development after annexation. Access is provided to the RDPs from cross access easements (shared private drive) to minimize access points.

### ACCESS

The Certificate of Survey proposes two access points associated with the 11 proposed RDPs. RDPs 1-10 would be located primarily on the north 40 acre parcel and would take access from the cross access easement (shared private drive) to N 1050 Road. RDP 11 would contain the existing house at 902 N 1000 Road, and would continue to take access from N 1000 Road.

Section11-104(c)(1)(vii)(c) [20-804(c)(1)(vii)(c)/joint Subdivision Regulations] of the Subdivision Regulations states that: "Only one access point shall be allowed for the entire development unless a separate access point is necessary to allow access to prevent intrusion or damage to the Environmentally Sensitive Lands being conserved and protected."

### FRONTAGE AND ENTRACE SPACING REQUIREMENTS

The subject properties are bound by N 1050 Road and N 1000 Road. As such, both associated roadway frontages are reviewed for compliance with the County's Access Management

Standards. N 1050 Road is classified as a local road and requires a minimum frontage of 250'. The proposed Certificate of Survey meets the frontage and entrance spacing Requirements for N 1050 Road. The second associated roadway, N 1000 Road, is classified as a principal arterial and requires 1320' of frontage. The associated frontage for N 1000 Road is approximately 662'.

Section 11-104(c)(1)(x)(a) [20-804(c)(1)(x)(a)/joint Subdivision Regulations] of the Subdivision Regulations states that: "The Cluster Development must meet the minimum frontage and entrance spacing requirements established in the County's Access Management Standards. The frontage and entrance spacing requirements are based on the classification of the road upon which the cross access easement is proposed to take access." The property included in the Certificate of Survey is unable to meet the frontage requirement.

### **VARIANCE REQUESTED:**

Variance (a). A variance from Section 11-104(c)(1)(vii)(c) [20-804(c)(1)(vii)(c)/joint

Subdivision Regulations] for the creation of a Cluster Development

Certificate of Survey with 2 access points.

Variance (b). Reduction in the required minimum frontage and entrance spacing

requirements per Section 11-104(c)(1)(x)(a) [20-804(c)(1)(x)(a)/joint Subdivision Regulations] from 1320' of frontage along N 1000 Road to

approximately 662' of frontage.

# Criteria 1. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

#### Variance (a):

The Certificate of Survey proposes two access points, one of which is an existing drive that serves an existed house located at 902 N 1000 Road. The existing drive will not serve the remainder of the proposed RDPs, which will take access from a cross access easement from N 1050 Road.

The standard in the Subdivision Regulations would require that the access for the existing house be abandoned and that access be taken from the internal cross access easement that provides access to N 1050 Road to the north. This would require the relocation of the existing drive to take access from the rear of the property. Taking access from the north may also be difficult due to the rayine that is located north or the house.

The County Engineer indicated he had no objection to the access point remaining for the property at 902 N 1000 Road.

### Variance (b):

The strict application would require the property owner to acquire additional property along N 1000 Road in order to meet the frontage requirement, or to execute an access restriction agreement with one of the adjacent property owners. The property to the east has an access on N 1000 Road without the required frontage, so an agreement with that property owner would not be possible. The property to the west is a vested parcel and could develop with one residence with access to N 1000 Road, or could be divided in a Cluster Certificate of Survey.

The access restriction would result in this parcel becoming unbuildable, unless it was included in the Certificate of Survey. It is unlikely that an access restriction agreement would be acceptable to adjacent property owners.

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

The existing access point on N 1000 Road, and the frontage, service the existing house at 902 N 1000 Road. The variances would not increase the number of access points on N 1000 Road. The remaining RDPs proposed would take access from N 1050 Road through the cross access easement.

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

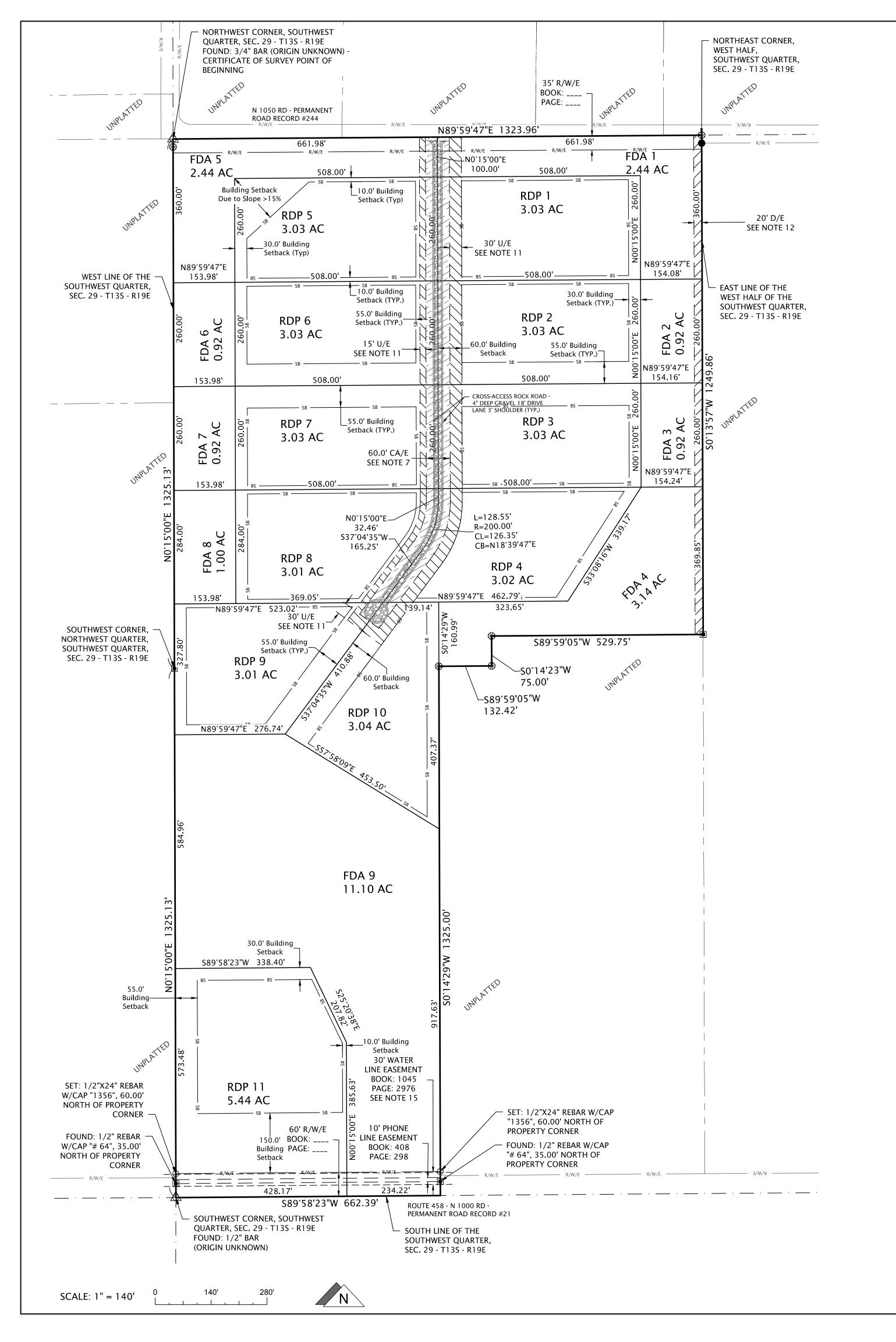
The number of access points on N 1000 Road will not be increased with the granting of these variances. There should be no negative impact to the public health, safety, and welfare with granting the variance to permit 2 access points and reduce the frontage requirements for N 1000 Road.

The County Engineer indicated he had no objection with there being two access points associated with the proposed Certificate of Survey, including the access point that services the property at 902 N 1000 Road, and the proposed access point that will provide access to the remainder of the RDPs from N 1050 Road. Staff has heard from many of the surrounding property owners who have safety, drainage, and nuisance concerns regarding the increase of traffic on N 1050 Road. That roadway is classified as a local road, and is a gravel road maintained by the Clinton Township. The surrounding property owners indicated that N 1050 Road is inadequately maintained and it would not be appropriate for the new developments to take access from this road. The surrounding property owners expressed that the development would be better served by taking access from N 1000 Road because it is paved and more capable of handling the increased traffic. Section 11-110(e)(8)(i) [20-810(e)(8)(i)/joint Subdivision Regulations] indicates that the length of a cul-de-sac, which the cross access easement is, cannot exceed 1,320 feet in the unincorporated area. As proposed, the cross access easement is approximately 1,250 feet and meets this requirement. Providing access to N 1000 Road for all of the RDPs would exceed 1,320 feet. To provide access from N 1000 Road, the cross access easement would need run the majority of the distance between N 1000 Road and N 1050 Road. This distance is approximately 2,500 feet.

### **STAFF RECOMMENDATION:**

Approve the following variances requested for the Certificate of Survey, CSU-17-00314:

- a) Variance from Section 11-104(c)(1)(vii)(c) [20-804(c)(1)(vii)(c)/joint Subdivision Regulations] to allow the Certificate of Survey to provide 2 access points with 1 point being the existing access from the residence to N 1000 Road.
- b) Variance from Section 11-104(c)(1)(x)(a) [20-804(c)(1)(x)(a)/joint Subdivision Regulations] to allow the creation of a Cluster Development in the Urban Growth Area on a principal arterial with 662' of frontage rather than the 1320' required in the Access Management Standards.



# LEGAL DESCRIPTION - ORIGINAL PARCEL/PARENT PARCEL:

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 1323.96 feet to the Northeast corner of the West half of the Southwest Quarter of said Section 29; thence South 00 degrees 13 minutes 57 seconds West along the East line of the West half of the Southwest Quarter of said Section 29 a distance of 1249.86 feet; thence South 89 degrees 59 minutes 05 seconds West a distance of 529.75 feet; thence South 00 degrees 14 minutes 23 seconds West a distance of 75.00 feet; thence South 89 degrees 59 minutes 05 seconds West a distance of 132.42 feet; thence South 00 degrees 14 minutes 29 seconds West a distance of 1325.00 feet to the South line of the Southwest Quarter of said Section 29; thence South 89 degrees 58 minutes 23 seconds West along the South line of the Southwest Quarter of said Section 29 a distance of 662.39 feet to the Southwest corner of the Southwest Quarter of said Section 29; thence North 00 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 2650.26 feet to the Point of Beginning, containing 59.51 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

### **DESCRIPTION CROSS-ACCESS EASEMENT:**

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 631.98 feet for the Point of Beginning; thence continuing North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 60.00 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 912.60 feet; thence on curve to the right with a Radius of 230.00 feet, an Arc Length of 147.83 feet, a Chord Distance of 145.30 feet and a Chord Bearing of South 18 degrees 39 minutes 47 seconds West; thence South 37 degrees 04 minutes 35 seconds West a distance of 223.65 feet; thence North 52 degrees 55 minutes 25 seconds West a distance of 60.00 feet; thence North 37 degrees 04 minutes 35 seconds East a distance of 223.65 feet; thence on curve to the left with a Radius of 170.00 feet, an Arc Length of 109.27 feet, a Chord Distance of 107.40 feet and a Chord Bearing of North 18 degrees 39 minutes 47 seconds East; thence North 00 degrees 15 minutes 00 seconds East a distance of 912.34 feet to the Point of Beginning, containing 1.74 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

### **BUILD-OUT PLAN**

- . A Build Out Plan was developed for this Certificate of Survey to illustrate future subdivision of the Immediate and Future Development Areas and is included as Sheet 3 of 3 of this Certificate of Survey. The Build-Out Plan is on file at the Lawrence-Douglas County Metropolitan Planning Office.
- 2. The Build Out Plan was developed to illustrate future probalistic subdivision of the Immediate and Future Development Areas. The Build-Out Plan proposed future blocks consistent with the Comprehensive Land Use Plan and the Subdivision Design Standards for the City of Lawrence. The Build Out Plan allows for future easements for utilities and storm drainage for the purpose of extending public utilities for future subdivision after annexation.
- 3. The building envelopes shown on the Residential Development Parcels are based on the setbacks required in the Zoning Regulations where the Residential Development Parcel is adjacent to a road. For Residential Development Parcels without road frontage, the building envelopes are based on the build out plan and the proposed location of future streets, including the Cross Access Easement to accommodate the future urban block layout, per Section 11-104(c)(1) of the Subdivision Regulations.

### **GENERAL NOTES**

- Basis for bearings for this Certificate of Survey is the West line of the Southwest Quarter of Section 29, Township 13 South, Range 19 East (N 00° 15' 00"E
- 2. Current Zoning: County A (Agricultural)
- . Project Vertical Benchmark: Douglas County Public Works Charn ID #DG25 NAVD 88 Elevation = 840.99 ft.
- 4. Typical Soil Types: Ws Woodson Silt Loam, Mc Martin Silt Clay Loam, Vm Vinland-Martin Complex.
- 5. This Certificate of Survey was not prepared for the purpose of the platting of land. No further divisions of the parcels created by this survey shall occur until the property is subdivided in accordance with all applicable Subdivision Regulations of Douglas County or the city into which it is annexed or until an amended Certificate of Survey is approved and recorded with the Register of Deeds.
- 6. This property division was designed in accordance with Section 20-804 of the Subdivision Regulations (Cluster Developments in the Urban Growth Areas) for
- Lawrence and the Unincorporated Areas of Douglas County, Kansas. 7. The Cross-Access Easements shall become public right-of-way when property is annexed into the City of Lawrence. The Cross-Access Easement has been
- filed by separate instrument with the Douglas County Register of Deeds, Book
- 8. No portion of this property is located within a designated floodplain per FEMA Map #20045C0164D Effective Date: August 5, 2010.
- 9. Sewage disposal will be provided by means of individual septic systems installed on each Residential Development Parcel. The septic systems will be abandoned upon annexation into the City of Lawrence, and concurrent connection to the City's sanitary sewer system.
- 10. Property boundaries for Residential Development Parcels shall be pinned prior to recording the Certificate of Survey.
- 11. A Utility Easement has been filed by separate instrument with the Douglas County Register of Deeds, Book
- 12. A Drainage Easement has been filed by separate instrument with the Douglas County Register of Deeds, Book
- 13. All RDP access shall be via the Cross-Access Easement except for RDP 11. The county engineer has approved allowing RDP 11 to maintain it's current access point on N 1000 Road. No additional access points will be allowed along N 1000 Road.
- 14. The construction of the Cross-Access road as shown will be completed by the Developer.
- 15. A letter has been provided from Douglas County Rural Water District #5 stating that water meters are immediately available for this Clustered Development. The Residential Development Parcels shall not be eligible for building permits until the Rural Water District issues a water meter and documentation that a water meter has been purchased by the owner is presented to the Lawrence-Douglas County Health Department and the Douglas County Zoning Office.
- 16. The Rural Water District No. 5 Easement may vary from as depicted on this drawing as it is based on the laid location of the waterline 17. Restrictive Covenants are recorded at the Douglas County Register of Deeds, Book
- 18. RDPs created by this Certificate of Survey shall not be eligible for a building permit until wastewater disposal will be provided by an on-site sewage management system approved by the Director of the Lawrence/Douglas County Health Department. A preliminary site evaluation for each septic system is required prior to a building permit being issued. The septic permit must be approved and purchased prior to the issuance of a building permit. On-site sewage management systems shall be constructed in accordance with 'Standards on Individual On-Site Sewage Management Systems for the Unincorporated Territory of Douglas County, Kansas' County Sanitation Code, Resolution 97-48, as amended.
- 19. The building envelopes shown on the Residential Development Parcels are based on the setbacks required in the Zoning Regulations where the Residential Development Parcel is adjacent to a road.
- 20. For Residential Development Parcels without road frontage, the building envelopes are based on the build out plan and the proposed location of future streets, including the Cross Access Easement to accommodate the future block layout, Per Section 11-104(c)(1) of the Subdivision Regulations.

# SITE SUMMARY

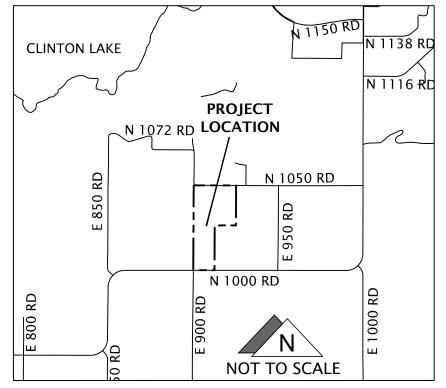
Total Site Acreage	59.51 Acres
Existing Permanent Right-of-Way Easement	1.368 Acres
Proposed Permanent Right-of-Way Easement	1.824 Acres
Immediate Development Area	35.70 Acres
Residential Development Parcels	35.70 Acres
Future Development Area	23.81 Acres

# **ENGINEER'S CERTIFICATION**

I hereby certify that the information and area map shown hereon are true and accurate to the best of my knowledge. Certificate of Survey prepared June, 2017.

John Dean Grob Professional Engineer #12769 **Grob Engineering Services** 3210 Mesa Way, Suite A Lawrence, KS 66044 (785)856-1900

# **LOCATION MAP**

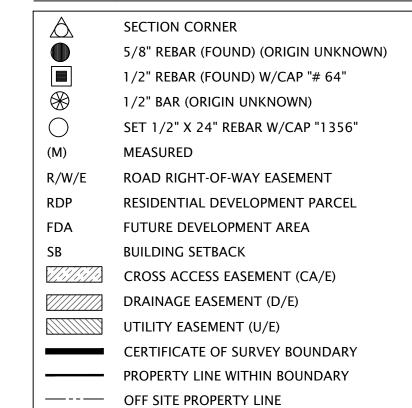


# SURVEYOR'S CERTIFICATION

I hereby certify that the surveyed area shown hereon is the true and accurate result of a field survey performed under my direct supervision in the month of June, 2017 and that the survey is a closed traverse. This survey complies with the Kansas Minimum Standards for Boundary Surveys.

Danny L. Stebbins, P.S. #1356 4778 Decatur Road Meriden, KS 66512 (785) 246-3513

# **LEGEND**



#### **ENDORSEMENTS** Approved as a Certificate of Survey under Reviewed in compliance with K.S.A. the Subdivision Regulations of the City 58-2005. of Lawrence & the Unincorporated Area of Douglas County.

Planning Director Michael D. Kelly, P.S. #869

**Douglas County Surveyor** 

# FILING RECORD

State of Kansas County of Douglas

This is to certify that this instrument was filed for record in the office of the Douglas County Register of Deeds on this \_\_\_\_ day of \_ , 2017, and is duly recorded at \_\_\_ book \_\_\_\_\_ page \_

Register of Deeds Kay Pesnell

### **OWNER**

Be it known to all men that I (we), the undersigned owner(s) of the described tract of land, have had cause for the same to be surveyed and a Certificate of Survey prepared, and have caused the same to be subdivided into parcels.

Luke Oehlert Nathan Floersch 976 N. 1050 Road 906 Eagle Ridge Drive Lawrence, KS 66047 Baldwin City, KS 66006

Mary F. Flory Andrew J. Flory 902 N. 1000 Road 902 N. 1000 Road Lawrence, KS 66047 Lawrence, KS 66047

# **ACKNOWLEDGEMENT**

State of Kansas County of Douglas

Be it remembered that on this , 2017, before me, the undersigned, a notary public, in and for said county and state, came Luke Oehlert who is personally known to me to be the same person(s) who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

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

Notary Public My commission expires

# **ACKNOWLEDGEMENT**

State of Kansas County of Douglas

Printed Name

, 2017, before me, the Be it remembered that on this day of undersigned, a notary public, in and for said county and state, came Nathan Floersch who is personally known to me to be the same person(s) who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

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

Notary Public My commission expires

Printed Name

### **ACKNOWLEDGEMENT** State of Kansas

County of Douglas

Be it remembered that on this , 2017, before me, the undersigned, a notary public, in and for said county and state, came Andrew J. and Mary F. Flory who are personally known to me to be the same person(s) who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

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

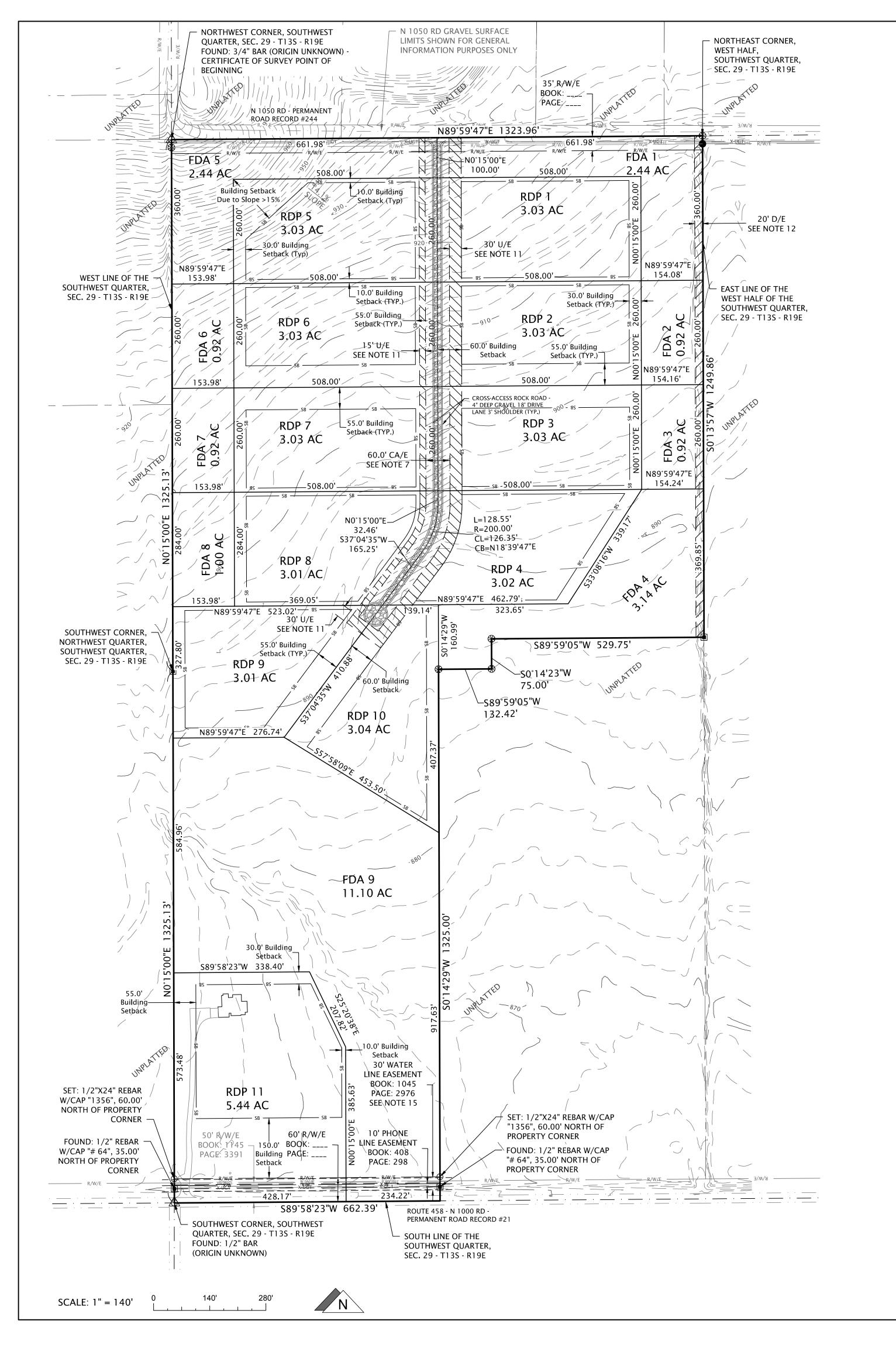
**Notary Public** My commission expires

Printed Name

THIS PLAT SHALL BE CONSIDERED UNOFF. UNTIL ALL SIGNATURES HAVE BE ACQUIRED AND DOCUMENT HAS BEEN FILL Certificate of Survey for DOUGLAS COUNTY REGISTER OF

An unplatted tract of land in the SW 1/4 of Section 29, Township 13 South, Range 19 East, of the Sixth Principal Meridian in Douglas County, Kansas

Prepared July 27, 2017 Sheet 1 of 3



# LEGAL DESCRIPTION - ORIGINAL PARCEL/PARENT PARCEL:

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### **BUILD-OUT PLAN**

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### **GENERAL NOTES**

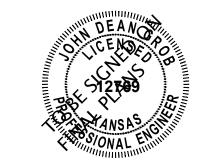
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- Project Vertical Benchmark: Douglas County Public Works Charn ID #DG25 NAVD 88 Elevation = 840.99 ft.
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- filed by separate instrument with the Douglas County Register of Deeds, Book 8. No portion of this property is located within a designated floodplain per FEMA Map #20045C0164D Effective Date: August 5, 2010.
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- 15. A letter has been provided from Douglas County Rural Water District #5 stating that water meters are immediately available for this Clustered Development. The Residential Development Parcels shall not be eligible for building permits until the Rural Water District issues a water meter and documentation that a water meter has been purchased by the owner is presented to the Lawrence-Douglas County Health Department and the Douglas County Zoning Office.
- 16. The Rural Water District No. 5 Easement may vary from as depicted on this drawing as it is based on the laid location of the waterline
- 17. Restrictive Covenants are recorded at the Douglas County Register of Deeds, Book 18. RDPs created by this Certificate of Survey shall not be eligible for a building permit until wastewater disposal will be provided by an on-site sewage management system approved by the Director of the Lawrence/Douglas County Health Department. A preliminary site evaluation for each septic system is required prior to a building permit being issued. The septic permit must be approved and purchased prior to the issuance of a building permit. On-site
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# SITE SUMMARY

Total Site Acreage	59.51 Acres
Existing Permanent Right-of-Way Easement	1.368 Acres
Proposed Permanent Right-of-Way Easement	1.824 Acres
Immediate Development Area	35.70 Acres
Residential Development Parcels	35.70 Acres
Future Development Area	23.81 Acres

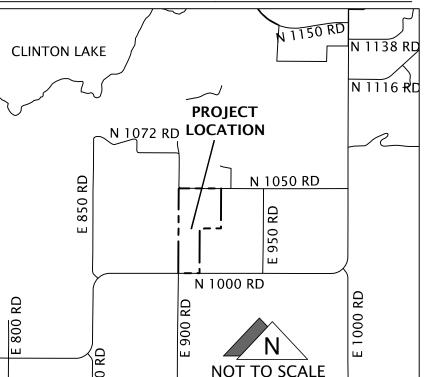
# **ENGINEER'S CERTIFICATION**

I hereby certify that the information and area map shown hereon are true and accurate to the best of my knowledge. Certificate of Survey prepared June, 2017.



John Dean Grob Professional Engineer #12769 **Grob Engineering Services** 3210 Mesa Way, Suite A Lawrence, KS 66044 (785)856-1900

# **LOCATION MAP**



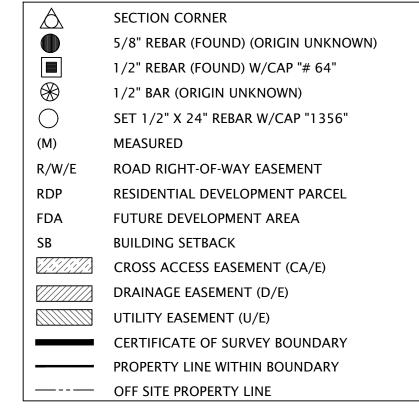
# **SURVEYOR'S CERTIFICATION**

I hereby certify that the surveyed area shown hereon is the true and accurate result of a field survey performed under my direct supervision in the month of June, 2017 and that the survey is a closed traverse. This survey complies with the Kansas Minimum Standards for Boundary Surveys.



4778 Decatur Road Meriden, KS 66512 (785) 246-3513

# **LEGEND**



# **ENDORSEMENTS**

Approved as a Certificate of Survey under Reviewed in compliance with K.S.A. the Subdivision Regulations of the City 58-2005. of Lawrence & the Unincorporated Area

Planning Director Michael D. Kelly, P.S. #869

**Douglas County Surveyor** 

### FILING RECORD

of Douglas County.

State of Kansas County of Douglas

This is to certify that this instrument was filed for record in the office of the Douglas County Register of Deeds on this \_\_\_\_ day of \_ , 2017, and is duly recorded at  $\_\_$ \_\_\_\_ page \_

Register of Deeds

Kay Pesnell

### **OWNER**

Be it known to all men that I (we), the undersigned owner(s) of the described tract of land, have had cause for the same to be surveyed and a Certificate of Survey prepared, and have caused the same to be subdivided into parcels.

Luke Oehlert Nathan Floersch 976 N. 1050 Road 906 Eagle Ridge Drive Lawrence, KS 66047 Baldwin City, KS 66006

Mary F. Flory Andrew J. Flory 902 N. 1000 Road 902 N. 1000 Road Lawrence, KS 66047 Lawrence, KS 66047

# **ACKNOWLEDGEMENT**

State of Kansas County of Douglas

Be it remembered that on this , 2017, before me, the undersigned, a notary public, in and for said county and state, came Luke Oehlert who is personally known to me to be the same person(s) who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

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

Notary Public My commission expires

Printed Name

# **ACKNOWLEDGEMENT**

State of Kansas County of Douglas

> , 2017, before me, the Be it remembered that on this day of undersigned, a notary public, in and for said county and state, came Nathan Floersch who is personally known to me to be the same person(s) who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

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

Notary Public My commission expires

Printed Name

### **ACKNOWLEDGEMENT** State of Kansas

# County of Douglas

Be it remembered that on this , 2017, before me, the undersigned, a notary public, in and for said county and state, came Andrew J. and Mary F. Flory who are personally known to me to be the same person(s) who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

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

Notary Public My commission expires

Printed Name

EXISTING CONTOURS AND STRUCTURES SHOWN FOR REVIEW PURPOSES ONLY AND WILL NOT BE INCLUDED ON THE FINAL DOCUMENT TO BE RECORDED

# Certificate of Survey for

An unplatted tract of land in the SW 1/4 of Section 29, Township 13 South, Range 19 East, of the Sixth Principal Meridian in Douglas County, Kansas

Sheet 1A of 3 Prepared July 27, 2017

### DESCRIPTION RDP 1

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 100.00 feet for the Point of Beginning; thence North 89 degrees 59 minutes 47 seconds East a distance of 508.00 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 508.00 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 260.00 feet to the Point of Beginning, containing 3.03 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

### **DESCRIPTION RDP 2**

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 360.00 feet for the Point of Beginning; thence North 89 degrees 59 minutes 47 seconds East a distance of 508.00 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 508.00 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 260.00 feet to the Point of Beginning, containing 3.03 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

### **DESCRIPTION RDF**

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 620.00 feet for the Point of Beginning; thence North 89 degrees 59 minutes 47 seconds East a distance of 508.00 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 508.00 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 260.00 feet to the Point of Beginning, containing 3.03 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

### DESCRIPTION RDP

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 880.00 feet for the Point of Beginning; thence North 89 degrees 59 minutes 47 seconds East a distance of 508.00 feet; thence South 33 degrees 08 minutes 16 seconds West a distance of 339.17 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 462.79 feet; thence North 37 degrees 04 minutes 35 seconds East a distance of 165.25 feet; thence on curve to the left with a Radius of 200.00 feet, an Arc Length of 128.55 feet, a Chord Distance of 126.35 feet and a Chord Bearing of North 18 degrees 39 minutes 47 seconds East; thence North 00 degrees 15 minutes 00 seconds East a distance of 32.46 feet to the Point of Beginning, containing 3.02 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

### DESCRIPTION RDP

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 100.00 feet for the Point of Beginning; thence continuing South 00 degrees 15 minutes 00 seconds West a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 508.00 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 260.00 feet; thence North 89 degrees 59 minutes 47 seconds East a distance of 508.00 feet to the Point of Beginning, containing 3.03 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

# **DESCRIPTION RDP 6:**

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 360.00 feet for the Point of Beginning; thence continuing South 00 degrees 15 minutes 00 seconds West a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 508.00 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 260.00 feet; thence North 89 degrees 59 minutes 47 seconds East a distance of 508.00 feet to the Point of Beginning, containing 3.03 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION RDP 7

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 620.00 feet for the Point of Beginning; thence continuing South 00 degrees 15 minutes 00 seconds West a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 508.00 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 260.00 feet; thence North 89 degrees 59 minutes 47 seconds East a distance of 508.00 feet to the Point of Beginning, containing 3.03 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION RDP 8:

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 880.00 feet for the Point of Beginning; thence continuing South 00 degrees 15 minutes 00 seconds West a distance of 32.46 feet; thence on a curve to the right with a Radius of 200.00 feet, an Arc Length of 128.55 feet, a Chord Distance of 126.35 feet and a Chord Bearing of South 18 degrees 39 minutes 47 seconds West; thence South 37 degrees 04 minutes 35 seconds West a distance of 165.25 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 369.05 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 284.00 feet; thence North 89 degrees 59 minutes 47 seconds East a distance of 508.00 feet to the Point of Beginning containing 3.01 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION RDP

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence South 00 degrees 15 minutes 00 seconds West along the West line of the Southwest Quarter of said Section 29 a distance of 1164.00 feet for the Point of Beginning; thence North 89 degrees 59 minutes 47 seconds East a distance of 523.02 feet; thence South 37 degrees 04 minutes 35 seconds West a distance of 410.88 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 276.74 feet to the West line of the Southwest Quarter of said Section 29; thence North 00 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 327.80 feet to the Point of Beginning, containing 3.01 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION RDP 10

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence South 00 degrees 15 minutes 00 seconds West along the West line of the Southwest Quarter of said Section 29 a distance of 1491.80 feet; thence North 89 degrees 59 minutes 47 seconds East a distance of 276.74 feet for the Point of Beginning; thence North 37 degrees 04 minutes 35 seconds East a distance of 410.88 feet; thence North 89 degrees 59 minutes 47 seconds East a distance of 139.14 feet; thence South 00 degrees 14 minutes 29 seconds West a distance of 568.36 feet; thence North 57 degrees 58 minutes 09 seconds West a distance of 453.50 feet to the Point of Beginning, containing 3.04 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION RDP 1

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence South 00 degrees 15 minutes 00 seconds West along the West line of the Southwest Quarter of said Section 29 a distance of 2076.76 feet for the Point of Beginning; thence North 89 degrees 58 minutes 23 seconds East a distance of 338.40 feet; thence South 25 degrees 20 minutes 38 seconds East a distance of 207.82 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 385.63 feet to the South line of the Southwest Quarter of said Section 29; thence South 89 degrees 58 minutes 23 seconds West along the South line of the Southwest Quarter of said Section 29 a distance of 428.17 feet to the Southwest Corner of the Southwest Quarter of said Section 29; thence North 00 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 573.48 feet to the Point of Beginning, containing 5.44 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION FDA 1

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet for the Point of Beginning; thence continuing North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet to the Northeast corner of the West half of the Southwest Quarter of said Section 29; thence South 00 degrees 13 minutes 57 seconds West along the East line of the West half of the Southwest Quarter of said Section 29 a distance of 360.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 154.08 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 508.00 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 100.00 feet to the Point of Beginning, containing 2.44 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

### DESCRIPTION FDA 2:

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 1323.96 feet to the Northeast corner of the West half of the Southwest Quarter of said Section 29; thence South 00 degrees 13 minutes 57 seconds West along the East line of the West half of the Southwest Quarter of said Section 29 a distance of 360.00 feet for the Point of Beginning; thence continuing South 00 degrees 13 minutes 57 seconds West along the East line of the West half of the Southwest Quarter of said Section 29 a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 154.16 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 260.00 feet; thence North 89 degrees 59 minutes 47 seconds East a distance of 154.08 feet to the Point of Beginning, containing 0.92 acre, more or less. Subject to rights-of-way, easements and restrictions of record.

### DESCRIPTION FDA 3

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 1323.96 feet to the Northeast corner of the West half of the Southwest Quarter of said Section 29; thence South 00 degrees 13 minutes 57 seconds West along the East line of the West half of the Southwest Quarter of said Section 29 a distance of 620.00 feet for the Point of Beginning; thence continuing South 00 degrees 13 minutes 57 seconds West along the East line of the West half of the Southwest Quarter of said Section 29 a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 154.24 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 260.00 feet; thence North 89 degrees 59 minutes 47 seconds East a distance of 154.16 feet to the Point of Beginning, containing 0.92 acre, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION FDA 4

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 1323.96 feet to the Northeast corner of the West half of the Southwest Quarter of of said Section 29; thence South 00 degrees 13 minutes 57 seconds West along the East line of the West half of the Southwest Quarter of said Section 29 a distance of 880.00 feet for the Point of Beginning; thence continuing South 00 degrees 13 minutes 57 seconds West along the East line of the West half of the Southwest Quarter of said Section 29 a distance of 369.85 feet; thence South 89 degrees 59 minutes 05 seconds West a distance of 529.75 feet; thence South 00 degrees 14 minutes 23 seconds West a distance of 75.00 feet; thence South 89 degrees 59 minutes 05 seconds West a distance of 132.42 feet; thence North 00 degrees 14 minutes 29 seconds East a distance of 160.99 feet; thence North 89 degrees 59 minutes 47 seconds East a distance of 323.65 feet; thence North 33 degrees 08 minutes 16 seconds East a distance of 339.17 feet; thence North 89 degrees 59 minutes 47 seconds East a distance of 154.24 feet to the Point of Beginning, containing 3.14 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

### DESCRIPTION FDA 5

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 661.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 100.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 508.00 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 153.98 feet to the West line of the Southwest Quarter of said Section 29; thence North 00 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 360.00 feet to the Point of Beginning, containing 2.44 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION FDA 6:

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence South 00 degrees 15 minutes 00 seconds West along the West line of the Southwest Quarter of said Section 29 a distance of 360.00 feet for the Point of Beginning; thence North 89 degrees 59 minutes 47 seconds East a distance of 153.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 153.98 feet to the West line of the Southwest Quarter of said Section 29; thence North 00 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 260.00 feet to the Point of Beginning, containing 0.92 acre, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION FDA 7

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence South 00 degrees 15 minutes 00 seconds West along the West line of the Southwest Quarter of said Section 29 a distance of 620.00 feet for the Point of Beginning; thence North 89 degrees 59 minutes 47 seconds East a distance of 153.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 260.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 153.98 feet to the West line of the Southwest Quarter of said Section 29; thence North 00 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 260.00 feet to the Point of Beginning, containing 0.92 acre, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION FDA 8:

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence South 00 degrees 15 minutes 00 seconds West along the West line of the Southwest Quarter of said Section 29 a distance of 880.00 feet for the Point of Beginning; thence North 89 degrees 59 minutes 47 seconds East a distance of 153.98 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 284.00 feet; thence South 89 degrees 59 minutes 47 seconds West a distance of 153.98 feet to the West line of the Southwest Quarter of said Section 29; thence North 00 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 284.00 feet to the Point of Beginning, containing 1.00 acre, more or less. Subject to rights-of-way, easements and restrictions of record.

# DESCRIPTION FDA 9:

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence South 00 degrees 15 minutes 00 seconds West along the West line of the Southwest Quarter of said Section 29 a distance of 1491.80 feet for the Point of Beginning; thence North 89 degrees 59 minutes 47 seconds East a distance of 276.74 feet; thence South 57 degree 58 minutes 09 seconds East a distance of 453.50 feet; thence South 00 degrees 14 minutes 29 seconds West a distance of 917.63 feet to the South line of the Southwest Quarter of said Section 29; thence South 89 degrees 58 minutes 23 seconds West along the South line of the Southwest Quarter of said Section 29 a distance of 234.22 feet; thence North 00 degrees 15 minutes 00 seconds East a distance of 385.63 feet; thence North 25 degrees 20 minutes 38 seconds West a distance of 207.82 feet; thence South 89 degrees 58 minutes 23 seconds West a distance of 338.40 feet to the West line of the Southwest Quarter of said Section 29; thence North 00 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 584.96 feet to the Point of Beginning, containing 11.10 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

### LEGAL DESCRIPTION - ORIGINAL PARCEL/PARENT PARCEL:

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 1323.96 feet to the Northeast corner of the West half of the Southwest Quarter of said Section 29; thence South 00 degrees 13 minutes 57 seconds West along the East line of the West half of the Southwest Quarter of said Section 29 a distance of 1249.86 feet; thence South 89 degrees 59 minutes 05 seconds West a distance of 529.75 feet; thence South 00 degrees 14 minutes 23 seconds West a distance of 1325.00 feet to the South line of the Southwest Quarter of said Section 29; thence South 89 degrees 58 minutes 23 seconds West along the South line of the Southwest Quarter of said Section 29; thence South 89 degrees 58 minutes 23 seconds West along the South 100 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 662.39 feet to the Southwest Corner of the Southwest Quarter of said Section 29; thence North 00 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 2650.26 feet to the Point of Beginning, containing 59.51 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

### **DESCRIPTION CROSS-ACCESS EASEMENT:**

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 631.98 feet for the Point of Beginning; thence continuing North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 60.00 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 912.60 feet; thence on curve to the right with a Radius of 230.00 feet, an Arc Length of 147.83 feet, a Chord Distance of 145.30 feet and a Chord Bearing of South 18 degrees 39 minutes 47 seconds West; thence South 37 degrees 04 minutes 35 seconds West a distance of 223.65 feet; thence North 52 degrees 55 minutes 25 seconds West a distance of 60.00 feet; thence North 37 degrees 04 minutes 35 seconds East a distance of 223.65 feet; thence on curve to the left with a Radius of 170.00 feet, an Arc Length of 109.27 feet, a Chord Distance of 107.40 feet and a Chord Bearing of North 18 degrees 39 minutes 47 seconds East; thence North 00 degrees 15 minutes 00 seconds East a distance of 912.34 feet to the Point of Beginning, containing 1.74 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

THIS PLAT SHALL BE CONSIDERED UNOFFICIAL

THIS PLAT SHALL BE CONSIDERED AT THE

ALL SIGNATURES BEEN FILED DEEDS.

UNTIL ALL SIGNAT HAS BEEN OF DEEDS.

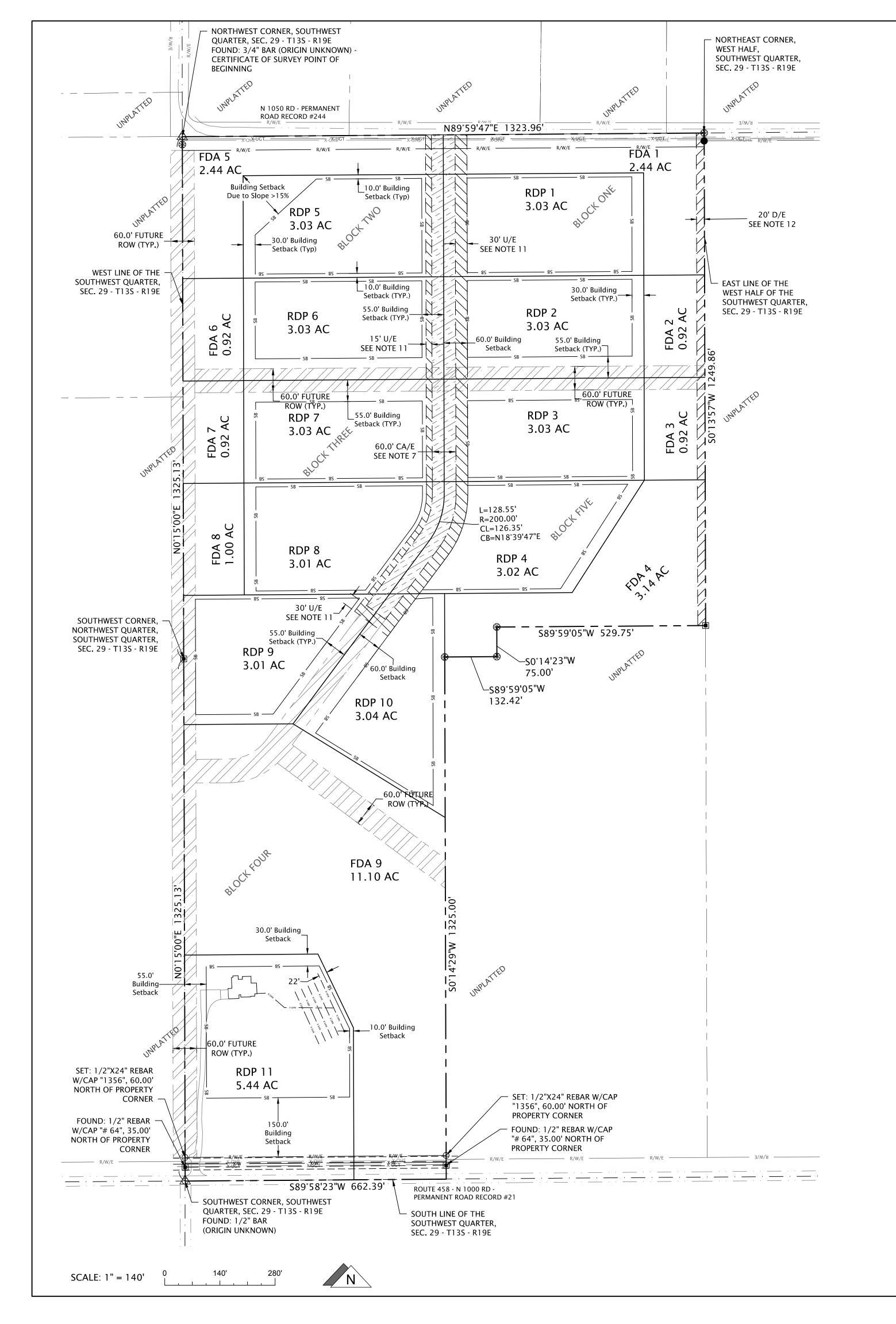
AND DOCUMENTY REGISTER OF DEEDS.

AND DOUGLAS COUNTY

Certificate of Survey for

An unplatted tract of land in the SW 1/4 of Section 29, Township 13 South, Range 19 East, of the Sixth Principal Meridian in Douglas County, Kansas

Sheet 2 of 3 Prepared July 27, 2017



# LEGAL DESCRIPTION - ORIGINAL PARCEL/PARENT PARCEL:

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 1323.96 feet to the Northeast corner of the West half of the Southwest Quarter of said Section 29; thence South 00 degrees 13 minutes 57 seconds West along the East line of the West half of the Southwest Quarter of said Section 29 a distance of 1249.86 feet; thence South 89 degrees 59 minutes 05 seconds West a distance of 529.75 feet; thence South 00 degrees 14 minutes 23 seconds West a distance of 75.00 feet; thence South 89 degrees 59 minutes 05 seconds West a distance of 132.42 feet; thence South 00 degrees 14 minutes 29 seconds West a distance of 1325.00 feet to the South line of the Southwest Quarter of said Section 29; thence South 89 degrees 58 minutes 23 seconds West along the South line of the Southwest Quarter of said Section 29 a distance of 662.39 feet to the Southwest corner of the Southwest Quarter of said Section 29; thence North 00 degrees 15 minutes 00 seconds East along the West line of the Southwest Quarter of said Section 29 a distance of 2650.26 feet to the Point of Beginning, containing 59.51 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

# **DESCRIPTION CROSS-ACCESS EASEMENT:**

A parcel of land in the West half of the Southwest Quarter of Section 29, Township 13 South, Range 19 East of the 6th P.M., Douglas County, Kansas and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 29; thence North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 631.98 feet for the Point of Beginning; thence continuing North 89 degrees 59 minutes 47 seconds East along the North line of the Southwest Quarter of said Section 29 a distance of 60.00 feet; thence South 00 degrees 15 minutes 00 seconds West a distance of 912.60 feet; thence on curve to the right with a Radius of 230.00 feet, an Arc Length of 147.83 feet, a Chord Distance of 145.30 feet and a Chord Bearing of South 18 degrees 39 minutes 47 seconds West; thence South 37 degrees 04 minutes 35 seconds West a distance of 223.65 feet; thence North 52 degrees 55 minutes 25 seconds West a distance of 60.00 feet; thence North 37 degrees 04 minutes 35 seconds East a distance of 223.65 feet; thence on curve to the left with a Radius of 170.00 feet, an Arc Length of 109.27 feet, a Chord Distance of 107.40 feet and a Chord Bearing of North 18 degrees 39 minutes 47 seconds East; thence North 00 degrees 15 minutes 00 seconds East a distance of 912.34 feet to the Point of Beginning, containing 1.74 acres, more or less. Subject to rights-of-way, easements and restrictions of record.

# **BUILD-OUT PLAN**

- . A Build Out Plan was developed for this Certificate of Survey to illustrate future subdivision of the Immediate and Future Development Areas and is included as Sheet 3 of 3 of this Certificate of Survey. The Build-Out Plan is on file at the Lawrence-Douglas County Metropolitan Planning Office.
- 2. The Build Out Plan was developed to illustrate future probalistic subdivision of the Immediate and Future Development Areas. The Build-Out Plan proposed future blocks consistent with the Comprehensive Land Use Plan and the Subdivision Design Standards for the City of Lawrence. The Build Out Plan allows for future easements for utilities and storm drainage for the purpose of extending public utilities for future subdivision after annexation.
- 3. The building envelopes shown on the Residential Development Parcels are based on the setbacks required in the Zoning Regulations where the Residential Development Parcel is adjacent to a road. For Residential Development Parcels without road frontage, the building envelopes are based on the build out plan and the proposed location of future streets, including the Cross Access Easement to accommodate the future urban block layout, per Section 11-104(c)(1) of the Subdivision Regulations.

# **GENERAL NOTES**

Basis for bearings for this Certificate of Survey is the West line of the Southwest Quarter of Section 29, Township 13 South, Range 19 East (N 00° 15' 00"E

- 2. Current Zoning: County A (Agricultural) 3. Project Vertical Benchmark: Douglas County Public Works Charn ID #DG25 NAVD 88 Elevation = 840.99 ft.
- 4. Typical Soil Types: Ws Woodson Silt Loam, Mc Martin Silt Clay Loam, Vm Vinland-Martin Complex.
- 5. This Certificate of Survey was not prepared for the purpose of the platting of land. No further divisions of the parcels created by this survey shall occur until the property is subdivided in accordance with all applicable Subdivision Regulations of Douglas County or the city into which it is annexed or until an amended Certificate of Survey is approved and recorded with the Register of Deeds.
- 6. This property division was designed in accordance with Section 20-804 of the Subdivision Regulations (Cluster Developments in the Urban Growth Areas) for Lawrence and the Unincorporated Areas of Douglas County, Kansas.
- 7. The Cross-Access Easements shall become public right-of-way when property is annexed into the City of Lawrence. The Cross-Access Easement has been
- filed by separate instrument with the Douglas County Register of Deeds, Book 8. No portion of this property is located within a designated floodplain per FEMA Map #20045C0164D Effective Date: August 5, 2010.
- 9. Sewage disposal will be provided by means of individual septic systems installed on each Residential Development Parcel. The septic systems will be
- abandoned upon annexation into the City of Lawrence, and concurrent connection to the City's sanitary sewer system.
- 10. Property boundaries for Residential Development Parcels shall be pinned prior to recording the Certificate of Survey.
- 11. A Utility Easement has been filed by separate instrument with the Douglas County Register of Deeds, Book
- 12. A Drainage Easement has been filed by separate instrument with the Douglas County Register of Deeds, Book
- 13. All RDP access shall be via the Cross-Access Easement except for RDP 11. The county engineer has approved allowing RDP 11 to maintain it's current access point on N 1000 Road. No additional access points will be allowed along N 1000 Road.
- 14. The construction of the Cross-Access road as shown will be completed by the Developer.
- 15. A letter has been provided from Douglas County Rural Water District #5 stating that water meters are immediately available for this Clustered Development. The Residential Development Parcels shall not be eligible for building permits until the Rural Water District issues a water meter and documentation that a water meter has been purchased by the owner is presented to the Lawrence-Douglas County Health Department and the Douglas County Zoning Office.
- 16. The Rural Water District No. 5 Easement may vary from as depicted on this drawing as it is based on the laid location of the waterline.
- 17. Restrictive Covenants are recorded at the Douglas County Register of Deeds, Book
- 18. RDPs created by this Certificate of Survey shall not be eligible for a building permit until wastewater disposal will be provided by an on-site sewage management system approved by the Director of the Lawrence/Douglas County Health Department. A preliminary site evaluation for each septic system is required prior to a building permit being issued. The septic permit must be approved and purchased prior to the issuance of a building permit. On-site sewage management systems shall be constructed in accordance with 'Standards on Individual On-Site Sewage Management Systems for the Unincorporated Territory of Douglas County, Kansas' County Sanitation Code, Resolution 97-48, as amended.
- 19. The building envelopes shown on the Residential Development Parcels are based on the setbacks required in the Zoning Regulations where the Residential Development Parcel is adjacent to a road.
- 20. For Residential Development Parcels without road frontage, the building envelopes are based on the build out plan and the proposed location of future streets, including the Cross Access Easement to accommodate the future block layout, Per Section 11-104(c)(1) of the Subdivision Regulations.

# **ENGINEER'S CERTIFICATION**

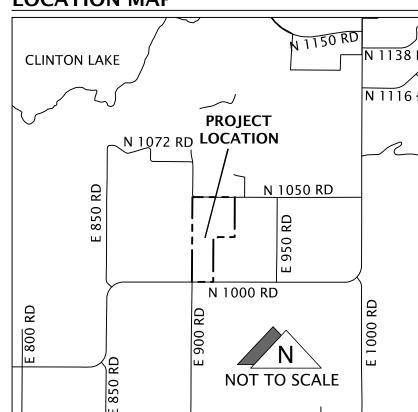
I hereby certify that the information and area map shown hereon are true and accurate to the best of my knowledge. Certificate of Survey prepared June, 2017.

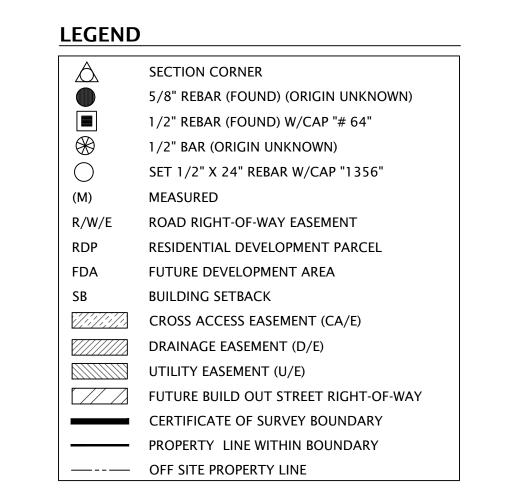
John Dean Grob Professional Engineer #12769 **Grob Engineering Services** 3210 Mesa Way, Suite A Lawrence, KS 66044 (785)856-1900



### **SITE SUMMARY** 59.51 Acres Total Site Acreage Existing Permanent Right-of-Way Easement 1.368 Acres Proposed Permanent Right-of-Way Easement 1.824 Acres Immediate Development Area 35.70 Acres Residential Development Parcels 35.70 Acres 23.81 Acres Future Development Area

# **LOCATION MAP**





TIL ALL SIGNATURES HAVE BE ACQUIRED AND DOCUMENT HAS BEEN FILED AT THE

# Build Out Plan for

An unplatted tract of land in the SW 1/4 of Section 29, Township 13 South, Range 19 East, of the Sixth Principal Meridian in Douglas County, Kansas

Prepared July 27, 2017

### RILING, BURKHEAD & NITCHER

### Chartered

JOHN W. NITCHER MICHAEL E, RILING LORI L, HEASTY J. MICHAEL GREAR CHRISTOPHER S. PEOPLES BOBBIE LEE RILING SAMARA L. MILLER Established 1900 808 Massachusetts Street Post Office Box B Lawrence, Kansas 66044-8996 785-841-4700 Fax 785-843-0161 Web Site Rilinglaw.com EDWARD T. RILING (1875-1946) JOHN J. RILING (1885-1971) GEORGE K. MELVIN (1898-1982) JAMES L. POSTMA (1916-1998) EUGENE C. RILING (1929-2002) M. DEAN BURKHEAD (1931-2011)

STEPHEN J. HOUSE\* OF COUNSEL \*Located in Wichita Office

August 14, 2017

Scott McCullough Planning and Development Services City of Lawrence PO Box 708 Lawrence, KS 66044

RE:

Certificate of Survey Application Oehlert and Flory Properties RECEIVED

AUG 17 2017

City County Planning Office Lawrence, Kansas

Dear Scott:

I wanted to write this letter to make sure you understood my arguments regarding the above Certificate of Survey Application and why you should not approve it. The Oehlert property contains a plat of survey filed October 3, 2003. This plat of survey was done administratively. The owners of the Flory and Oehlert parcels are requesting to have a Certificate of Survey issued for both properties.

Under the code 20-807 (c)(2) it provides that: "Residential development parcels are eligible for a Certificate of Survey approval only once within the urban growth areas of the cities in Douglas County." The Oehlert property has already been through the administrative surveying process. The purpose of a Certificate of Survey is outlined in 20-807 (a) is to allow an administrative process for creating an accurate record and description of residential development parcels without requiring full compliance under 20-809. This is a simplified process for projects that do not involve issues that vary from the code. The term "Certificate of Survey" describes the plat of survey issued to the Oehlert property in 2003. The clear intent of 20-807 (c)(2) is to prevent numerous certificates from an administrative process being filed on the property. People have purchased land and relied upon the Plat of Survey that the owners of the property filed on October 3, 2003. Modification of this land use should not be subject to another administrative review and application. The property should go through full compliance with regulations of section 20-809. The drafters of code could have written 20-807 so that it excluded prior certificates but they chose not to do so.

The term Certificate of Survey is not defined in the act such that it would exclude the October 3, 2003 Plat of Survey. You would allow the plat of survey filed October 3, 2003 to be

considered a Certificate of Survey any where it the code that a Certificate of Survey is used. For instance you would allow the Plat of Survey under 20-807 (h). The plat of survey would be extremely limited for future use if you decide it is not considered a Certificate of Survey under the code.

Another problem with proposed Certificate of Survey is the fact that it must have a variance to be approved. You concede that you do not have the power to grant a variance and that this issue must go to the Planning Commission for consideration. The variance request is set for a hearing on August 23, 2017 in front of the Planning Commission. The intent of Certificate of Survey is to allow a simple process to develop properties that easily fit into the planning under the current code. The code does not contain a procedure where you can do an administrative approval of a Certificate of Survey where a variance is required on the property. Since a variance is required to approve the use of the property, it should go through the formal process under 20-809. I request that you include a copy of this letter with the Planning Commissions's packet for the August 23, 2017 hearing.

Should you have any questions about this, please feel free to call me.

Sincere

Michael E. Riling

MER/lkb

# **RECEIVED**

AUG 21 2017.

City County Planning Office Lawrence, Kansas

August 21, 2017

Becky Pepper City of Lawrence Planning and Development Services P.O. Box 708 Lawrence, KS 66044

RE Oehlert Flory Certificate of Survey CSU-17-00314, Variance Request

Becky,

I have been asked by the neighbors of the above referenced proposed development to deliver the attached petition <u>against</u> this proposal and ask that the two variance requests be <u>denied</u>.

Please forward on to the Planning Commission for consideration in their Wednesday (8/23/17) deliberation.

Thank you

Philip Struble

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Petition summary and background	A Certificate of Survey for unplatted land in the SW ¼ of Section 29, Township 13 South, Range 19 East has been submitted for administrative approval by the City of Lawrence/Douglas County Planning Department. Before this approval
	can be executed, two variance requests (CSU-17-00314) must be approved by the Lawrence-Douglas County Metropolitan
	parcels where the County Subdivision Regulations (Section 11-104(c)(1)(vii)(c)) allows only one access point. The second
	variance request is to allow for the entrance spacing into the development off of County Road 1000 (southernmost
	entrance) to be <u>662 feet</u> as opposed to the <u>1320-foot</u> spacing required by County Subdivision Regulations (Section 11-
	104(c)(1)(x)(a)).
Action petitioned for	We, the undersigned, are concerned citizens of Douglas County who urge our leaders to deny both variance requests for
	this proposed development.

Printed Name	Signature	Address	Comment	Date
Shelley Lane	Theles m. Fare	1057 E. 850th Rai		16/00
Mark D. WHYS	Was D. Weels	10165 E 850 RX		8/12/17
Sharmond Made	o Hill wond nach	Nary 1665 E 850 Rd		11/21/8
CARLOS GERLE	404	Pd 958 3 4901		8(1117
Jackie Pastillo	Motoll	K209 5 850 Kd		110/8
DAVIN WERESO	My July	> 1070 E 850 RD		8/19/17
Steven Ellsworth	Sten Il	Survey 1064 E 850 Rd		2/20/17
Debra Ellsworth Bond	E	morth 1064 £. 850 Kd	J	1/02/8
Ging WosteRgong	Lot He lassed	873 W. 1072 Pd		8/20/17
Karl Gottschame	yes of	1104E 900 RJ		8/20/17

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background	submitted for administrative approval by the City of Lawrence/Douglas County Planning Department. Before this approval
	can be executed, two variance requests (CSU-17-00314) must be approved by the Lawrence-Douglas County Metropolitan
	Planning Commission. One request is to allow two access points to a proposed development of 11 residential development
	parcels where the County Subdivision Regulations (Section 11-104(c)(1)(vii)(c)) allows only one access point. The second
	variance request is to allow for the entrance spacing into the development off of County Road 1000 (southernmost
	entrance) to be 662 feet as opposed to the 1320-foot spacing required by County Subdivision Regulations (Section 11-
	104(c)(1)(x)(a)).
Action petitioned for	We, the undersigned, are concerned citizens of Douglas County who urge our leaders to deny both variance requests for
	this proposed development.

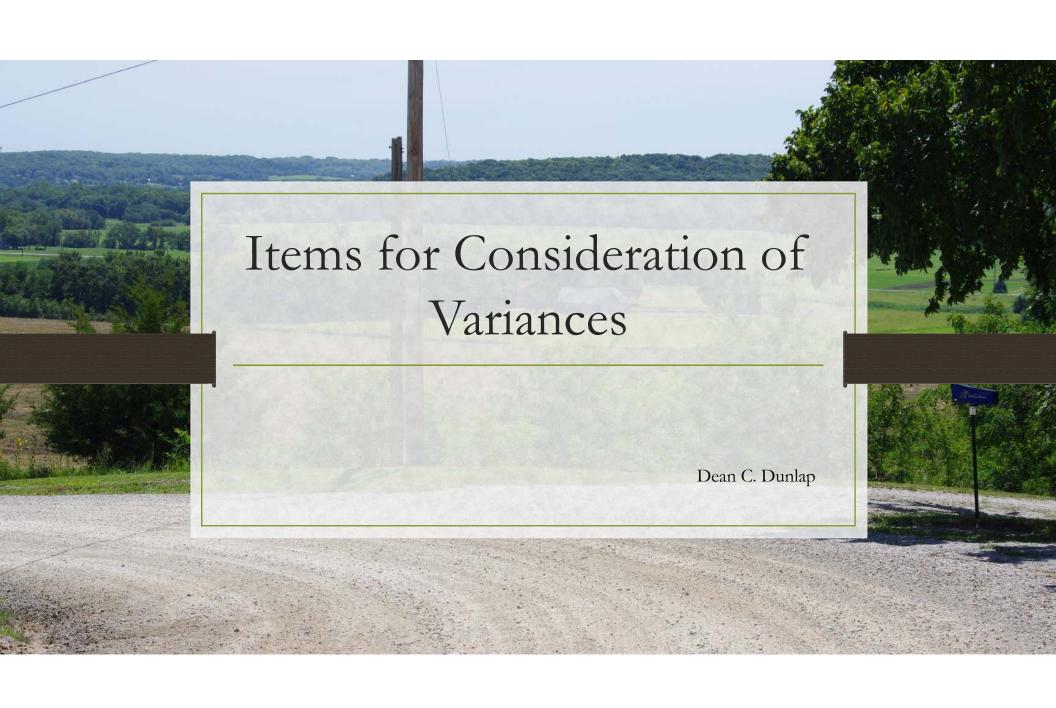
Printed Name Signature	Address	Comment	Date
Deborah Dunlap Alberted Dunler	1088 & 900th Rd		21/81/8
(2) Chell DEAN C. DW. SA	11 11 11 11		j.
Tudith Ende Adoth Ende	1055 E 800 RA		11/8/1/8
Thomas P. Dear Home P. Deard	908 N. 1050 Rd.		8/18/17
Martin Benio Marka Beaud	908 N. 1050 ROL.		8,18,17
HENDRIK WILLERS THE WILL	877 N. 1072 RD. LAWE		6-19-17
Mary Willems man Willem	877 N. 1072 Rd James		8/19/2019
Res Me Donald & Leasell Me Dungled	1053 E 900 RA		8/19/18
KELLY BARRENS (Lale Man Bed)			41/6/18
Sacille Holt good Holl	930 M 1050 Rd		8/19/17

Petition summary and	A Certificate of Survey for unplatted land in the SW $1/4$ of Section 29, Township 13 South, Range 19 East has been
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	this proposed development.

Printed Name	Signature	Address	Comment	Date
Julie Barrard	win Bone	1058 E. 952 R.J.		10/18
Stephane Gruble	Bushami Taltuble			8/19/201
Rapert Hickerson	Holmy John	873 N. 1072 R.		8/19/12/
Kathryn Bakar	Kathanin Baken	867 N 1072 Rol		8/19/20/
Red BAKEN	Mess Of De	60 N PS		8/19/13
SALAH BAKEP	Ling h By Lan	1069 E 850 Rd		Shaple.
make May	Marcha P. B. W.	1028 7 850 Pd		2/14/12
Jan Gulah	Duren Carlisle	1052 E 850 Rd		8/19/17
Rence Carlista,	Harrier later	(052 E 850 Ral		11/6//8
Stephen Lane		1057 E 850th Rd		21/61/12

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Action petitioned for	We, the undersigned, are concerned citizens of Douglas County who urge our leaders to deny both variance requests for
	this proposed development.

Date	11/06/8	8/20/17						
Comment								
Co								
	P. Red.	529 N. 1000 Rd.					22	
Address	1104 E. 900 Rd.	524 N.		5				
Signature	any gettechames	the W Still						
Printed Name	Amy Gottschamer	Philip Stubb	-					



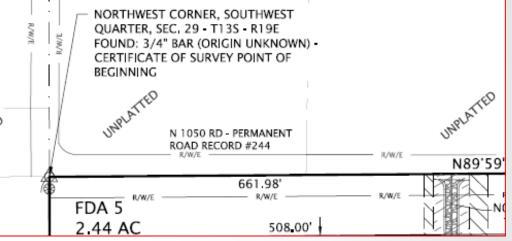
# Location of Entrance & Egress of Oehlert & Flory Properties

Line of Sight

Roadway Condition

# Line of Sight

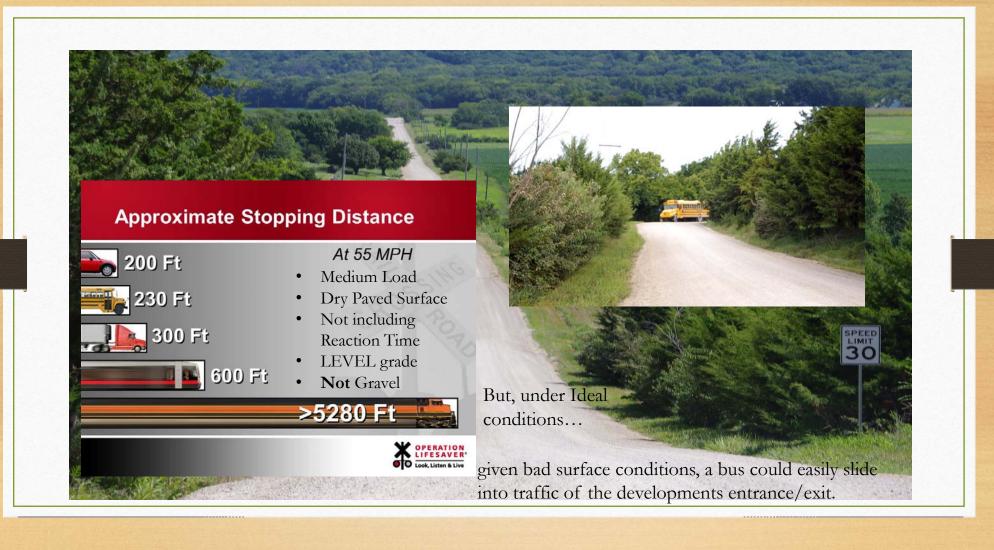




# Line of Sight for our most important traffic









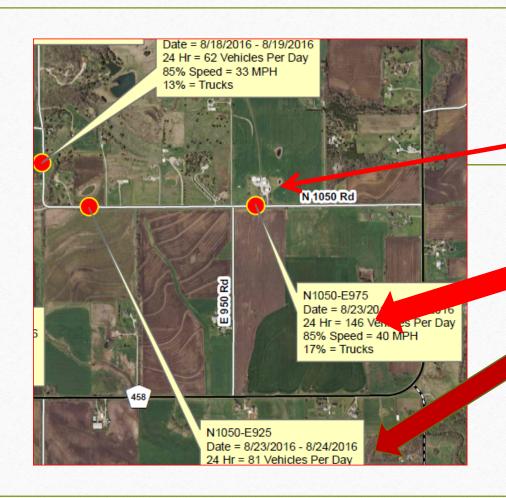
# **Bad Drainage**



Insufficient Drainage is causing cross road flow, removing gravel.

Winter precipitation makes for nearly impassable surface/grade to navigate.





Mis-placed Survey Site overlooks multiple businesses located here that adds 20 – 30 more vehicle movements/day

146 Vehicles/Day

81 Vehicles/Day

What happened to the 65 Vehicles?

