



Updated:

12/16/13 @ 11:45am

Added general communications from the public.

Added general communications from staff.

Added Communications for the following items:

Items 2A & 2B - Rezoning & Preliminary Development Plan for 3901 Peterson Rd

Items 5A & 5B - Annex & Rezone NW corner of N 1300 Rd/W 31st St & Louisiana St

12/11/13 @ 8:30am

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
DECEMBER 16 & 18, 2013 6:30 - 10:30 PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of November 18, 2013.

COMMITTEE REPORTS

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

COMMUNICATIONS

- a) Receive written communications from the public.
General public communications.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
General staff communications.
- 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 (DECEMBER 16, 2013) MEETING

NON-PUBLIC HEARING ITEM:

ITEM NO. 1 PRELIMINARY PLAT FOR WAKARUSA WASTEWATER TREATMENT PLANT ADDITION; 4380 O'CONNELL RD (MKM)

PP-13-00444: Consider a one-lot Preliminary Plat for Wakarusa Wastewater Treatment Plant Addition on approximately 537 acres located at 4380 O'Connell Rd. Submitted by the City of Lawrence, property owner of record.

PUBLIC HEARING ITEMS:

ITEM NO. 2A RS10 TO RM12-PD; 19.3 ACRES; 3901 PETERSON RD (MKM)

Z-13-00440: Consider a request to rezone approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with PD Overlay) District, located at 3901 Peterson Rd. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record.

**ITEM NO. 2B PRELIMINARY DEVELOPMENT PLAN FOR ASSISTED LIVING BY
AMERICARE; 3901 PETERSON RD (MKM)**

PDP-13-00441: Consider a Preliminary Development Plan for Assisted Living by Americare, located at 3901 Peterson Rd with a variance request from right-of-way requirements in Section 20-810(e)(5)(i) of the Subdivision Regulations and a modification request from the off-street parking requirements in Section 20-902 of the Development Code. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record.

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

TA-13-00451: Consider a Text Amendment to Section 12-319-7 of the Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas to establish criteria and review process for Agritourism uses which may have significant off-site impacts. *(Amendment was initiated by the Board of County Commissioners at their October 16, 2013 meeting.)*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

**MISC NO. 1 UPDATE ON PROCEDURAL OPTIONS REGARDING CLARIFICATION OF
CAMPING REGULATIONS**

Receive staff memo update regarding procedural options regarding clarification of camping regulations.

Recess until 6:30pm on December 18, 2013

BEGIN PUBLIC HEARING (DECEMBER 18, 2013):

COMMUNICATIONS

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

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

REGULAR AGENDA (DECEMBER 18, 2013) MEETING

PUBLIC HEARING ITEM:

ITEM NO. 4A A TO OS-FP; 8.68 ACRES; NW CORNER OF W 31ST ST & LOUISIANA ST (SLD)

Z-13-00445: Consider a request to rezone approximately 8.68 acres from County A (Agricultural) District to OS-FP (Open Space-Floodplain Overlay) District, located on the northwest corner of 31st St & Louisiana Street. Submitted by the City of Lawrence, property owner of record.

NON-PUBLIC HEARING ITEMS:

ITEM NO. 4B PRELIMINARY PLAT FOR PUMP STATION NO. 10; NW CORNER OF W 31ST ST & LOUISIANA ST (SLD)

PP-13-00447: Consider a 1 lot Preliminary Plat for Pump Station No. 10 Addition, located at the northwest corner of 31st St & Louisiana St. Submitted by the City of Lawrence, property owner of record.

ITEM NO. 5A ANNEXATION OF 14.53 ACRES; NW CORNER OF N 1300 RD/W 31ST ST & LOUISIANA ST (SLD)

A-13-00437: Consider a request to annex approximately 14.53 acres, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. Submitted by Landplan Engineering PA on behalf of Savannah Holdings LC, property owner of record. *Initiated by City Commission on 11/5/13.*

RESUME PUBLIC HEARING:

ITEM NO. 5B A TO RM12D & RM12D-FP; 14.53 ACRES; NW CORNER OF N 1300 RD/W 31ST ST & LOUISIANA ST (SLD)

Z-13-00438: Consider a request to rezone approximately 14.53 acres from County A (Agricultural) District to RM12D (Multi-Dwelling Residential) District and portions to RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay District) District, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. Submitted by Landplan Engineering PA on behalf of Savannah Holdings LC, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 6A ANNEXATION OF 21.17 ACRES; N OF 1352 N 1300 RD (SLD)

A-13-00443: Consider a request to annex approximately 21.17 acres located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. Submitted by the City of Lawrence, property owner of record. *Initiated by City Commission on 11/5/13.*

RESUME PUBLIC HEARING:

ITEM NO. 6B A TO OS-FP; 21.17 ACRES; N OF 1352 N 1300 RD (SLD)

Z-13-00449: Consider a request to rezone approximately 21.17 acres from A (Agricultural) District to OS-FP (Open Space-Floodplain Overlay) District, located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. Submitted by the City of Lawrence, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 7 FINAL PLAT FOR LANGSTON HEIGHTS ADDITION; E SIDE OF K-10 HWY & S OF W 6TH ST, N & S OF CRYSTAL LN & PALISADES DR (SLD)

PF-13-00084: Consider a Final Plat for Langston Heights Addition, an 80 lot subdivision that includes detached, duplex and multi-family residential lots. This Final Plat deviates from the approved preliminary plat. This application specifically subdivides the original Lot 1, Block 1 into 15 separate duplex lots. Section 20-809(m) of the Subdivision Regulations requires a Final Plat that varies from the approved Preliminary Plat to be placed on the Planning Commission agenda for consideration. The property is located along the east side of K-10 highway and south of W. 6th Street, north and south of Crystal Lane and Palisades Drive extended to the west. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

November 2013						
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

December 2013						
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				

January 2014						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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

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PLANNING COMMISSION MEETING

November 18, 2013

Meeting Minutes DRAFT

November 18, 2013 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Graham, Josserand, Kelly, Liese, Struckhoff, von Achen

Staff present: McCullough, Stogsdill, Day, M. Miller, Ewert

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of September 23, 2013.

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the September 23, 2013 Planning Commission meeting minutes.

Unanimously approved 9-0.

Receive and amend or approve the minutes from the Planning Commission meeting of October 21, 2013.

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the October 21, 2013 Planning Commission meeting minutes.

Motion carried 8-0-1, with Commissioner Kelly abstaining.

COMMITTEE REPORTS

No reports from any committees.

COMMUNICATIONS

Receive written communications from staff, Planning Commissioners, or other commissioners: Mr. McCullough said staff handed out new conditions for the Menards Item 3.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Struckhoff said he received call from a Douglas County Zoning & Codes enforcement officer regarding Item 4. He said he also visited Pinwheel Farm last week. He said the enforcement officer expressed concern about enforcement of Pinwheel Farm.

Commissioner Denney said he received a call from Ms. Natalya Lowther inviting him to visit Pinwheel Farm. He said he declined the invitation to visit the site.

Commissioner Kelly said he received a call from the applicant of Item 1. He said all of the information he received was the same information that was contained in packet. He said he also received an email from the applicant of Item 4 and he went out and visited the property.

Commissioner von Achen said she toured Pinwheel Farm on Friday.

Commissioner Britton said he received an invitation to tour Pinwheel Farm but was not able to accept.

Commissioner Graham said she toured Pinwheel Farm on Sunday.

Commissioner Liese said he was invited to tour Pinwheel Farm but did not have time to do so. He said he spoke with Mr. Ted Boyle briefly about the fact that Pinwheel Farm was in North Lawrence. He said he also spoke with Ms. Marilyn Bittenbender and recommended she speak with North Lawrence Improvement Association.

Commissioner Josserand said he received an invitation to tour Pinwheel Farm but didn't have time to do so.

Commissioner Culver said he toured Pinwheel Farm today.

- Abstentions:

Commissioner Graham said she would abstain from Item 3 since Menards was one of the national accounts with her employer.

Commissioner Culver said he would abstain from Items 2A and 2B due to his employers interest with the project.

PC Minutes 11/18/13 **DRAFT**

ITEM NO. 1 IG TO CS; 1.95 ACRES; 1360, 1380, 1400, 1410 N 3RD ST (SLD)

Z-13-00401: Consider a request to rezone approximately 1.95 acres from IG (General Industrial) District to CS (Strip Commercial) District, located at 1360, 1380, 1400, and 1410 N. 3rd St. Submitted by Colliers International, for Evenshar, LLC., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Ms. Marilyn Bittenbender, Colliers International, said more than 80% of jobs and job growth came from small business. She said the property owner hired her to assist in finding tenants for their property. She said all of the interested tenants had been from users who were not allowed in the IG zoning district. She said she contacted all of the adjoining property owners and/or business owners, as well as the North Lawrence Improvement Association, and already addressed any concerns they had. She said this was a land use issue and felt this was an appropriate change to the property.

PUBLIC HEARING

Mr. Ted Boyle, North Lawrence Improvement Association, encouraged Planning Commission to change the zoning to CS to allow a variety of businesses to occupy the building.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the request to rezone, Z-13-00401, approximately 1.95 acres from IG (General Industrial) District to CS (Strip Commercial) District, located at 1360, 1380, 1400, and 1410 N. 3rd St, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 9-0.

PC Minutes 11/18/13 **DRAFT**

ITEM NO. 2A ANNEXATION OF 10.684 ACRES; 1338 E 1600 RD (SLD)

A-13-00291: Consider a request to annex approximately 10.684 acres, located at 1338 E 1600 Road. Submitted by Grob Engineering Services, LLC., for Going South, LLC., property owner of record.

ITEM NO. 2B A TO RM15; 10.684 ACRES; 1338 E 1600 RD (SLD)

Z-13-00290: Consider a request to rezone approximately 10.684 acres from County A (Agricultural) District to RM15 (Multi-Dwelling Residential) District, located at 1338 E 1600 Road. Submitted by Grob Engineering Services, LLC., for Going South, LLC., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 2A and 2B together.

APPLICANT PRESENTATION

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

PUBLIC HEARING

Ms. Cille King, League of Women Voters, felt that large residential lots with multiple buildings should be zoned as Planned Development. She said in the concept plan there was just a single public street and the rest of the streets would be private drives. She expressed concern about the long term maintenance of private drives.

COMMISSION DISCUSSION

Commissioner Denney asked staff to comment about the League of Women Voters comment about private streets.

Ms. Day said there may be a street piece that goes north and south called Prairie View but that those elements were still being reviewed through the plat and site planning process. She said the pieces that were shaped like figure eights would be private drives like the ones seen in many multi-family developments. She said the south parallel street, 28th Street, would be a public street. She said it would be a mixture of private and public streets.

Commissioner von Achen inquired about the advantage of Planned Development versus what was proposed.

Ms. Day said the advantages were maybe in the eye of the beholder. She said Planned Developments were used a lot under the old Code because they did not have the kind of Design Standards they have now. She said there was a lot of discussion, especially on older PUD's, regarding maintenance of private drives. She said they work hard to address those things with maintenance agreements. She said sometimes interior drives were constructed with a more rigorous surface to prevent wear and tear. She stated there were a number of mechanisms to ensure long term maintenance and that this project would include a site plan which would be the enforcement tool. She also said sometimes homeowner associations maintain the common grounds.

Commissioner Kelly asked about what other approvals were needed.

Ms. Day said the project would still need a Preliminary Plat that would be seen by Planning Commission, a Final Plat and public improvement plan that would be administratively reviewed, and

an administratively reviewed Site Plan. She said property owners had the ability to appeal the Site Plan decision and the appeal would go to City Commission.

Commissioner Josserand said he did not have any issues with the rezoning. He expressed concern about the vehicle parking being separate from the housing units on the concept plan.

Ms. Day said those parking pad areas were designed to be in front of the units. She said this was just a concept plan of what the applicant was thinking and that staff had not yet looked at the parking. She said the applicant was looking to build something low profile.

Commissioner Josserand said the project looked to be a bit more dense. He inquired about sidewalks.

Ms. Day said staff would look at the connection points out of the development to the public street network.

Mr. McCullough said a sidewalk would be required.

Commissioner Josserand said he would support the annexation and rezoning but expressed concern about the amount of multi-family in Lawrence. He said the concept plan made him nervous but that it was consistent with the long-term area plan as medium to high density.

Commissioner Liese felt the annexation and rezoning were appropriate and he agreed with the staff report.

Commissioner Josserand inquired about the financing for road development and infrastructure.

Ms. Day said interior private roads would be the developer's responsibility. She said a benefit district already existed.

Mr. McCullough said essentially developer's pays for it with private financing.

ACTION TAKEN on Item 2A

Motioned by Commissioner Kelly, seconded by Commissioner Graham, to approve the requested annexation, A-13-00291, of approximately 10.684 acres, located at 1338 E 1600 Road, based on the findings in the body of the staff report and forwarding the request to the City Commission with a recommendation for approval.

Motion carried 8-0-1, with Commissioner Culver abstaining.

ACTION TAKEN on Item 2B

Motioned by Commissioner Kelley, seconded by Commissioner Graham, to approve the request to rezone, Z-13-00290, approximately 10.684 acres from County A (Agricultural) District to RM15 (Multi-Dwelling Residential) District, located at 1338 E 1600 Road, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Motion carried 8-0-1, with Commissioner Culver abstaining.

PC Minutes 11/18/13 **DRAFT**

ITEM NO. 3 PRELIMINARY PLAT FOR MENARDS ADDITION; 1900 W 31ST ST & 1352 N 1300 RD (SLD)

PP-13-00338: Consider a Preliminary Plat for Menards Addition, a 7 lot commercial subdivision, located at 1900 W 31st St & 1352 N 1300 Rd. Consider variance request from section 20-810 (e)(5) regarding minimum right-of-way for a principal arterial street. Submitted by Menard, Inc. on behalf of Tom Horner III and Bruce Snodgrass, property owners of record. *Deferred by Planning Commission on 10/21/13.*

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Josserand asked if at one time it was thought there would be an Ousdahl connection.

Ms. Day said she did not believe that Ousdahl was realistically ever thought to cross all the way to the north property line. She said it would have to cross the creek and would be a fairly expensive structure. She said it was probably expected to "T" with other streets and have another north/south street farther to the east with a grid network within that area. She said dedication of right-of-way would have been required.

APPLICANT PRESENTATION

Mr. Tyler Edwards, Menard Inc., said it made more sense to vacate the other half and allow the First National Property owner to develop their property farther. He said Menards changed the site plan because there were congestion issues and pedestrian interference with the delivery staging area. He said it was moved over to the warehouse on all the new stores. He said in moving that there was not enough space so the whole warehouse was moved south. He said they took a good plan and made it better.

PUBLIC HEARING

Ms. Joanne Zingo expressed concern about Ousdahl connecting through in the future. She felt it would create a traffic problem. She wondered about the lighting in the storage area and if it would spill into the neighborhood.

Mr. Patrick Watkins thanked staff and Menards for accommodating his requests. He said he supported the proposed conditions drafted by staff.

APPLICANT CLOSING COMMENTS

Mr. Edwards showed Ms. Zingo the renderings of the back of the store. He stated there would not be lights on the back of the store.

COMMISSION DISCUSSION

Commissioner Denney asked staff about the 30' right-of-way on Ousdahl Road.

Ms. Day said there would be no street, it would be whatever the necessary utility easements that were needed. She said the existing right-of-way there today would be vacated.

Mr. McCullough said there would be no public right-of-way on Ousdahl from that point north.

Commissioner Denney asked if the pad sites would not be developed until tenants were identified.

Ms. Day said that was what the applicant indicated but it was not a requirement for them to wait.

Commissioner Denney asked if it would remain greenspace until developed.

Ms. Day said the landscaping site plan would indicate the locations of greenspace.

Commissioner Kelly asked about the multi-use path.

Ms. Day said the multi-use path would be located within a pedestrian utility easement and would provide a connection from 31st Street to the park.

ACTION TAKEN

Motioned by Commissioner Denney, seconded by Commissioner Britton, to approve the preliminary plat subject to the following conditions, which shall be noted on the preliminary plat and implemented prior to City Commission acceptance of dedications of easements and right-of-way:

1. The owner of First National Addition agrees to request vacation of the 40' of right-of-way along First National's east property line (that portion of Ousdahl Road north of the frontage road in Menard's proposed preliminary plat) and First National will execute easements in the former Ousdahl Road right-of-way necessary for Menard's access, public utilities and pedestrian path required for Menard's development.
2. Menard's agrees to allow un-detained stormwater runoff from the First National Addition's property into its detention basin located on Tract A. This detention basin will function as a regional basin for the parcels within close proximity. The ability for First National Addition's stormwater to be conveyed undetained to Menard's detention area will need to be further reflected in the Menard's site plan.
3. The parties agree to the following terms, which will be made part of a private agreement executed and recorded between the parties
 - A. Menard's and First National Development agree to execute a cross access agreement for the shared use and maintenance of that portion of Ousdahl Road and other facilities constructed as part of the Menard's development, in the area north of the frontage road in Menard's proposed preliminary plat, and
 - B. Menard's agrees to provide First National Development with the necessary easements and access rights for construction, implementation, and maintenance of necessary facilities for the conveyance of stormwater into to the regional detention pond.
 - C. First National Addition agrees it will pay the cost to install/construct the pipe from the Menard detention pond area to First National Addition's north property line to receive First National Addition's undetained stormwater and will pay its fair share of detention pond maintenance once the pipe is installed.
4. If these agreements are not fulfilled, then the 30' of half-width right-of-way Ousdahl Road to the north property line of the First National Addition's property shall be dedicated with the final plat.
5. Provision of a note on the face of the preliminary plat indicating that an agreement not to protest the formation of a benefit district for geometric improvements to the intersection of Michigan Street and 31st Street will be executed with the Final Plat for this property.
6. Provision of a revised preliminary plat to correct the notation of the 60' AE & UE on Lot 7 and Lot 1.

Motion carried 8-0-1, with Commissioner Graham abstaining.

PC Minutes 11/18/13 **DRAFT**

**ITEM NO. 4 CONDITIONAL USE PERMIT; SEASONAL CAMPING; 1480 N 1700 RD
(MKM)**

CUP-2-1-10: Consider a Conditional Use Permit to allow seasonal camping accessory to farm operations, on approximately 12 acres, located at and adjacent to 1480 N. 1700 Road. Submitted by Natalya Lowther, property owner of record. *Deferred by Planning Commission on 9/23/10.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Natalya Lowther, Pinwheel Farm, said regarding the condition regarding the size of logs around the fire she was fine with 10" logs instead of 12" logs. She said she would be closing on the property by December 8th so she would have a clear title. She said that would allow her to better address the long-term sanitation issues. She also said once she had clear title to the parcels they would be joined to the main farm ground through a land combination so they would all become one parcel of land. She said she conducted some online surveys through her Facebook page, via email to residents in North Lawrence, and also posted on the North Lawrence Facebook page. She compiled the statistics and provided it in the packet. She said 77% of all survey respondents felt that camping was or should be legal in Douglas County on a broad scale. She said guns were an issue that came up in the survey so she submitted conditions to staff proposing ways to address that issue. She recapped the survey results. She showed the zoning of the area on the overhead as well as the actual use of the land in the area to show the mixed-use character of the neighborhood. She referred to a letter from the Health Department, Mr. Richard Ziesenis, that discussed the requirement for a chemical toilet. She felt there needed to be more clarification and wondered if a toilet in an RV and the portable one at the farm would satisfy the condition or if it had to be a rented port-a-potty. She presented her version of the conditions that were included in the packet.

PUBLIC HEARING

Ms. Diane Menzie, 509 North St, felt this should be a separate Conditional Use Permit since there were so many additional conditions. She said they were still talking camping provisions on 1480 N 1700 Rd. She was not concerned with 501 North St or 1478 N 1700 Rd because they were not part of the Conditional Use Permit proposal. She said she was invited by Ms. Lowther to serve on a landscaping advisory committee. She stated the appearance of the property of 501 North St and 1478 N 1700 Rd had improved tremendously. She stated Conditional Use Permits were not usually right on the city/county line. She said it was sad when a neighborhood could not be 100% cooperative. She stated many of the neighbors had nothing but adverse comments about camping at Pinwheel Farm. She said Ms. Lowther's former tenant left under unexplained circumstances and was not allowed to speak about Pinwheel Farm because of a clause in his contract. She felt Ms. Lowther should conduct background checks. She said she was not in favor of camping at Pinwheel Farm.

Mr. Ted Boyle, North Lawrence Improvement Association, felt more questions needed to be answered. He did not feel background checks would be hard and could be conducted by calling the sheriff with a driver license number. He stated the north end of the farm was all floodplain and would be difficult to get in and out of during rainy periods. He stated Ms. Lowther was allowed up to 100 people at one time for agritourism but does not have sanitary facilities. He said North Lawrence was an agricultural entrance to Lawrence and people support the agricultural use. He said KOA was a few miles away for people to sleep. He did feel that personal camping should only be allowed for Ms. Lowther, family, and the tenants who rent a house on her property.

Mr. Rick Hird, attorney representing clients, Marvin and Mindy Schaal, who live next door to Pinwheel Farm, had severe reservations about this. He stated some of the complaints from the neighborhood were emotional. He said the neighbors were rightly concerned about the safety of the area. He felt there needed to be adequate sanitation requirements. He stated there was a provision in the staff report for sponge baths and showering facilities. He did not know of any regulations that defined what those were. He wondered what they would be approving with that condition and what standards would be used to enforce that. He felt they would be on thin ice by approving a Conditional Use Permit that had no regulations, no standards, and no descriptions. He said he personally worked very hard on the agritourism text amendment. He said agritourism did not include provisions for camping and it was a separate issue.

Mr. Byron Wiley, 1200 Almira, said Ms. Lowther was a caring individual who cared about the land and he valued her persistence. He said in order for a farmer to make it these days they have to be creative. He stated there was value in having volunteers stay where they work. He said people generally involved with organic farming seemed to be conscientious with high character. He said Ms. Lowther had very specific rules and she was not afraid to let people know if they are not following the rules. He said he was aware of the contentious relationship with the neighbors and felt it should be set aside. He did not feel the camping would create a problem with the neighbors or the property. He felt there was no reason not to grant the Conditional Use Permit.

Ms. Barb Higgins-Grover said her folks live next door to Pinwheel Farm. She said when she inquired about liability insurance she was told 1 million dollar insurance had existed for years. She wondered if that was for the home or the business. She wondered who would regulate that. She was bothered by the fact that the Douglas County Zoning & Codes was having a hard time regulating camping that occurs around the county by individuals passing through. She felt there should be background checks.

Mr. Phil Patmon said he toured Pinwheel Farm. He felt property owners should be allowed to camp on their own property. He mentioned the program WWOOF (World Wide Opportunities on Organic Farms). He said campers were not all bad guests.

Ms. Melissa Warren, volunteer at Pinwheel Farm, said she was bothered by background checks. She wondered what Ms. Lowther would be expected to do with the background check information and who would judge who was proper enough to be there. She felt like it was an impossible inquisition with no standards to judge them by. She said nothing in this world was without some risk and that nothing could guarantee that everybody was going to be behaving. She said Ms. Lowther should not be held to some impossible standard.

APPLICANT CLOSING COMMENTS

Ms. Lowther said Mr. Boyle was correct in saying there were flood issues on the north end of the property, however camping would be allowed in the floodway fringe but not allowed in the actual floodway. She said if it was necessary to disallow camping in the floodway fringe that was a restriction she could live with but would like to personally be allowed to camp there because it was an area that was very hard to see from the farm. She said regarding liability insurance she has had it for more than 10 years. She said she had 1.5 million coverage. She said the tradeoff for volunteers camping was an educational and economic value.

COMMISSION DISCUSSION

Commissioner von Achen asked why the Conditional Use Permit was needed in the first place.

Ms. Miller said the County Zoning Regulations were silent about camping and it was a Zoning & Codes determination that camping was not allowed in the county without a Conditional Use Permit.

Commissioner von Achen said the agricultural zoning regulations say one or more mobile homes were allowed as an accessory use to a farm for family or employees.

Ms. Miller said Ms. Lowther does not pay her employees a wage so they were not considered employees, they were considered volunteers.

Commissioner von Achen asked if pitching a tent in the county was illegal but not in city.

Ms. Miller said currently, yes. She said there were no standards so it was not permitted at all except with a Conditional Use Permit.

Commissioner von Achen asked what part of camping was illegal.

Ms. Miller said the overnight stay camping activity without residence.

Commissioner Liese thought the issue of background checks was handled well by staff. He said to assume that transient and vagrants would work at Pinwheel Farm may be an unrealistic fear. He did not think background checks were reasonable. He felt they had an important responsibility to protect citizens and they were being asked to set forth a long list of conditions that could not be enforced. He felt the Conditional Use Permit would be unrealistic because he did not believe they had the manpower to enforce the contradicting conditions. He said one of the conditions says it cannot be advertised but it can be on the website. Another condition says it cannot be for profit but who was going to check the books. He said one of the conditions talks about how important it was to have a safe water supply but wasn't required right away. He wondered who would measure the log size. He said there were some things that bothered him about the whole thing, especially the wording about guns generally not being kept at the campsite. He said the applicant proposed that she would be inclined to implement the landscape but doesn't want that to be tied to the Conditional Use Permit. He expressed concern about there being a central facility for campfires. He said he liked the letter written by the neighbor that highlighted what Ms. Lowther does on her farm without complaints, such as grow and sell produce. He said they were not impinging upon the applicants rights. He said the applicant said the farm was reliant on the camping and that she may need to rethink the business plan. He said the business plan had allowed for a lot of good agriculture activities. He said it was not fair to assume KOA/Jellystone would be available forever for campers but Clinton Lake would be. He said the survey conducted by the applicant did not represent a broad enough segment of the population and should not be taken seriously. He felt one of the conditions that should be in writing was that someone injured while camping should be covered by insurance.

Commissioner Denney said they were so far in the weeds that they were losing the direction they were going. He stated Planning Commission was a land use advisory board. He said it was not within their purview to solve a neighborhood dispute. He said their only issue was the camping of people performing work on the farm. He felt property owners not being allowed to camp on their own land was a freedom issue and that the government was too involved in the minutia of people's lives. He felt the only concern was the Conditional Use Permit to camp but that they didn't have a definition of what camping meant. He commended staff for their work on the issue. He said in general he was in favor of the Conditional Use Permit because it allowed someone to use their property and the applicant felt it was necessary for the operation of the business. He felt they should impose as few requirements as possible. He said whether something was an eyesore was not a public safety health and welfare issue. He said whether the people working there were clean shaven and wear a tie or

had a beard and wore blue jeans was irrelevant. He said he was inclined to say the only requirement was a restriction to make sure it was not overflowing with people.

Commissioner Liese said he was not interested in trying to resolve the neighborhood dispute. He agreed with Commissioner Denney about what the appearance of the volunteers not mattering. He also agreed that Planning Commission was a land use board. He said the law dictates that a Conditional Use Permit be applied for. He said the purpose for the Conditional Use Permit was to protect the safety and welfare of the neighbors, applicant, and volunteers. He said insurance was required in case something terrible happens just like how cars have insurance. He said land use decisions could have an impact on the safety and welfare of others.

Commissioner Denney said there were no city or county laws requiring a business owner to have a particular type of insurance. He said the difference between business insurance and car insurance was that vehicles were on the road. He said there were already codes in place that require proper disposal of waste.

Commissioner Liese said the applicant did not want to address sanitation facilities immediately, but instead do it over time.

Commissioner von Achen said the first phase would be self-enclosed mobile homes that have their own drinking source and waste facilities so the issue of sanitation and water would be taken care of for the first two years.

Commissioner Denney said the applicant should not be expected to search volunteers for the possession of guns. He said the lengthy proposed conditions were unenforceable and he did not think they could pass a Conditional Use Permit with that many conditions. He was in favor of limiting the number of people and perhaps the type of camping equipment used, such as an RV versus a tent.

Commissioner von Achen referenced the regulations and asked why an owner could not have a mobile home on the farm.

Ms. Miller said the mobile home could be for her family. She said the term mobile home meant an RV. She said she did not believe the regulation did not apply to the property owner but that she would have to check with Zoning & Codes.

Commissioner von Achen discussed the ADA requirement for farms. She referred the staff report. She said there were no ADA requirements for farms but yet they were asking a farmer with 12 acres to install best management practices for a business that would only involve able bodied people. She said this was a standard that had not even been adopted yet and if it was it was for federal public lands. She did not think they should be concerned with the ADA requirement for the Conditional Use Permit. She said they were asking the applicant to invest a lot of money in infrastructure for sanitation facilities but they were only approving a two year Conditional Use Permit. She felt that would create a burden for the applicant.

Commissioner Britton asked staff to comment on the enforceability of the conditions.

Mr. McCullough said some of the conditions were a little unique because they were related to human behavior. He said generally he looks at a project in terms of how many conditions were needed to make it compatible with the neighborhood. He said sand quarries were a good example. He said in

theory a good set of conditions could help make a project, that may not otherwise compatible, compatible with the neighborhood.

Commissioner Kelly agreed with Commissioner Denney that they were getting stuck in the weeds of this item. He said with 21+ conditions they were trying to create a zone that they did not currently exist. He said they were trying to apply safety and health conditions to an agriculturally zoned area. He encouraged the Board of County Commissioners to look at agritourism and the regulations that were there for agritourism. He said Planning Commission was trying to create regulations for agritourism and there wasn't anything. He said they were having a hard time defining agritourism, in terms of insurance or ADA compliance. He said that was not the same as agriculture. He felt the reason they were struggling so much with this was that they were trying to create rules where they did not exist. He stated in order for this to be successful they had to have community agreement that they were going to be successful. He did not have the feeling that this would be successful. He said he thought a lot about agritourism as a business entity and as it's zoned. He was not sure there was enough set up as a community for it to be successful yet.

Commissioner Liese felt there were too many conditions. He said he could not vote for something that was bound to fail. He asked staff who would check the quality of the insurance policy if it was a condition.

Mr. McCullough said staff would have an initial review but that he didn't know about an ongoing review.

Commissioner Liese asked staff who would be checking the camping units for fire extinguishers.

Mr. McCullough said there would need to be a discussion with Zoning & Codes.

Commissioner Liese wondered if there would be people to check on whether this would become profitable.

Mr. McCullough said a mechanism could be created for interpreting that. He said it would be a challenge to see the books.

Commissioner Liese asked if there was a way to determine advertisements.

Mr. McCullough said staff would not actively be looking for advertisements.

Commissioner Liese said he could not vote for 21 conditions. He felt they should deny the application because conditions were unenforceable and the health, safety and welfare of the community was their responsibility.

Commissioner Josserand thanked staff because they did exactly what Planning Commission asked them to do two months ago. He said neither side agrees with the conditions. He quoted Commissioner Rasmussen's comments from two months ago: *"...this was not about organic farming, sustainable living, sustainable agricultural, or agricultural education. He said the issue was about camping..."* He said there was a difference between camping in a backyard and having a structure setup for 8 months of the year. He felt that was residential camping. He said two months ago he did not want to vote against the Conditional Use Permit based on appearance but did have concerns about the duration of camping and sanitation. He said the applicant did not agree with some of the revised conditions. He asked what would be wrong with a 300' hose and tent shower. He felt long term camping should have shower facilities.

Commissioner Culver asked staff if a portable shower was allowed.

Ms. Miller said showers in RVs were allowed. She said the Mr. Richard Ziesenis with the Health Department advised that a portable washing facility was acceptable but the wastewater that touches the human body cannot go to the ground, it has to be disposed of in a septic/sewage system. She said portable showers or sponge bathes would have to have some sort of catchment for the runoff.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelley, to deny the Conditional Use Permit, CUP-2-1-10, based on the safety, health, and welfare of the community.

Commissioner Struckhoff felt the issue was about camping. He felt the number of conditions seemed excessive but that Planning Commission requested that two months ago. He thanked staff for their time in working on this. He felt sanitation was addressed with self-contained RV's for the first two years. He said the words "transient workers coming through town" was not an accurate description of what was happening. He said volunteers were coming to Lawrence to participate in a specific activity and purpose, not transients or vagrants. He said the number of campers allowed at one time was fine. He said he would not impose any gun regulations on others that he wouldn't impose on himself on their own property. He said he would like to see a leaner proposal, although Planning Commission requested them two months ago. He said this example of land use, camping for workers on an agricultural enterprise, was something they were going to see again whether or not it was related to the agritourism issue. He felt the issue would appear before Planning Commission again for some other applicant. He asked if they supported camping on private property for this purpose in Douglas County. He said if they did they needed to draft a set of regulations that would permit that. He said this was agricultural land and the issue was camping. He said they would run into this issue again. He felt they should set a precedence that made sense. He said he did not see anything in the conditions, except for the number of them, that he found objectionable.

Commissioner Culver agreed with Commissioner Struckhoff. He wondered if it would be more appropriate to address camping as an accessory use to a business like farming. He said there could be a better product on taking a general scope and then working with specific situations to fit within those general guidelines. He agreed that safety, health and welfare was important but had not heard a lot of discussion about that same protection and certainty for the applicant and property owner. He wondered if they were putting themselves in a situation of setting subjective measurements to an applicant that would put time, effort and money in trying to comply with those only to find out by the way in which they were measured would set the applicant up to fail. He said he did not have an issue with the principal of conditions but more the regulatory enforcement part of that and how it could or should apply to other situations of a similar use. He appreciated the discussion by everyone and felt it was more focused on camping than it was two months ago. He said they may see this type of potential use presented in the future. He said he had a hard time supporting the Conditional Use Permit and feel guilty for taking the time of staff and the community where it may not work for anyone. He said he would like to support the Conditional Use Permit but did not know if this was the appropriate way to go about it.

Commissioner Liese said denial by Planning Commission of the Conditional Use Permit was not the law. He said County Commission would see their discussion and could do whatever they want, including sending it back to Planning Commission for reduced conditions. He said even if the County Commission denied it the applicant would have a year to work on it. He said he would vote in favor of the motion.

Commissioner Graham agreed that they would probably receive more camping requests. She said she would not feel comfortable giving the same conditions to everyone. She felt there were a lot of conditions with this Conditional Use Permit and she could not support that many conditions.

Commissioner Struckhoff said that enforcement issues would always be difficult with only two county inspectors.

Commissioner Britton said he was generally supportive of the request but baffled by all of the personal history from the neighbors and applicant. He said staff's list of conditions may be the best compromise. He did not think the sky would fall if the Conditional Use Permit had 21 conditions, although he did not think they were all necessary. He said they could only do so much and then the applicant needed to decide if they could make it work with the list of conditions. He agreed that this issue could come up again. He said this would be a two year trial Conditional Use Permit. He did not think they were setting the applicant up for failure. He said Planning Commission asked for these conditions two months ago and staff did a good job. He said the applicant deserved to move to the County Commission with a recommendation for approval. He felt generally this was a workable and reasonable way to move forward. He said he would vote against the motion and would generally support the Conditional Use Permit.

Commissioner von Achen felt it was grossly unfair to deny the Conditional Use Permit when Planning Commission demanded more conditions. She said she Googled WWOOF and it was an organization of people who travel around the world. She said they were not vagrants, they were people who were dedicated. She said she would vote against the motion and would support the Conditional Use Permit even if it was imperfect.

Commissioner Denney asked about the time frame for a denied application.

Mr. McCullough said the applicant could apply again in one year.

Commissioner Denney said the applicant had been working toward doing this for a few years. He said the issue of camping as part of agritourism would come up again. He thought the idea of using this as a test case was appealing. He did not like all of the conditions but would vote in favor of the Conditional Use Permit with fewer conditions. He stated if they deny the item and send it forward the process would have to start all over again. He said he was inclined to vote against the motion.

Commissioner Liese said City and County Commission would vote how they want regardless of the Planning Commission recommendation. He did not feel they were in the position to approve a campground. He felt a lot of good work could be done by delaying it a year.

Commissioner von Achen said it was easy for Planning Commission to postpone it for a year but they were talking about the applicant's livelihood.

Commissioner Liese said the applicant had done well without camping for 15 years.

Motion carried 5-4 with Commissioners Culver, Graham, Josserand, Kelly, Liese, voting in favor of the motion. Commissioners Britton, Denney, Struckhoff, and von Achen voted against the motion.

Commissioner Josserand asked what mechanism was going forward for agritourism.

Mr. McCullough said agritourism would be coming back to Planning Commission. He said originally camping was kept separate from agritourism. He said the County Zoning Code was in process which could address the camping as well.

Motioned by Commissioner Josserand, seconded by Commissioner Liese, to direct staff to bring Planning Commission a recommendation about how to proceed examining the issue of accessory use camping and personal camping in Douglas County.

Motion carried 9-0.

PC Minutes 11/18/13 **DRAFT**

ITEM NO. 5 SPECIAL USE PERMIT; 1520-1540 WAKARUSA DR (SMS)

SUP-13-00405: Consider a Special Use Permit for art classes and art-related activities located at 1520-1540 Wakarusa Drive. Submitted by Block Real Estate Services, LLC., for Wak2012, LLC., property owner of record.

Item No. 5 was withdrawn prior to the meeting.

PC Minutes 11/18/13 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 2014 PLANNING COMMISSION MEETING CALENDAR

Adopt the 2014 Planning Commission meeting calendar.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve the 2014 Planning Commission meeting calendar.

Motion carried 9-0.

ADJOURN 10:31pm

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

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM (*Friday Meeting)	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 24*	Planning Commission Retreat - half day Friday		Jan 27	Jan 29
Feb 12	Topics for 2014		Feb 24	Feb 26
Mar 12			Mar 24	Mar 26
Apr 9			Apr 21	Apr 23
May 14			May 19	May 21
Jun 18			Jun 23	Jun 25
Jul 11*	PC Orientation - all day Friday		Jul 21	Jul 23
Aug 13			Aug 25	Aug 27
Sep 10			Sep 22	Sep 24
Oct 8			Oct 20	Oct 22
Nov 5			Nov 17	Nov 19
Dec 3			Dec 15	Dec 17
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i>		<i>New County Zoning Codes</i> <i>Tour City/County Facilities</i> <i>Oread Overlay Districts</i> <i>Comprehensive Plan – Goals & Policies</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

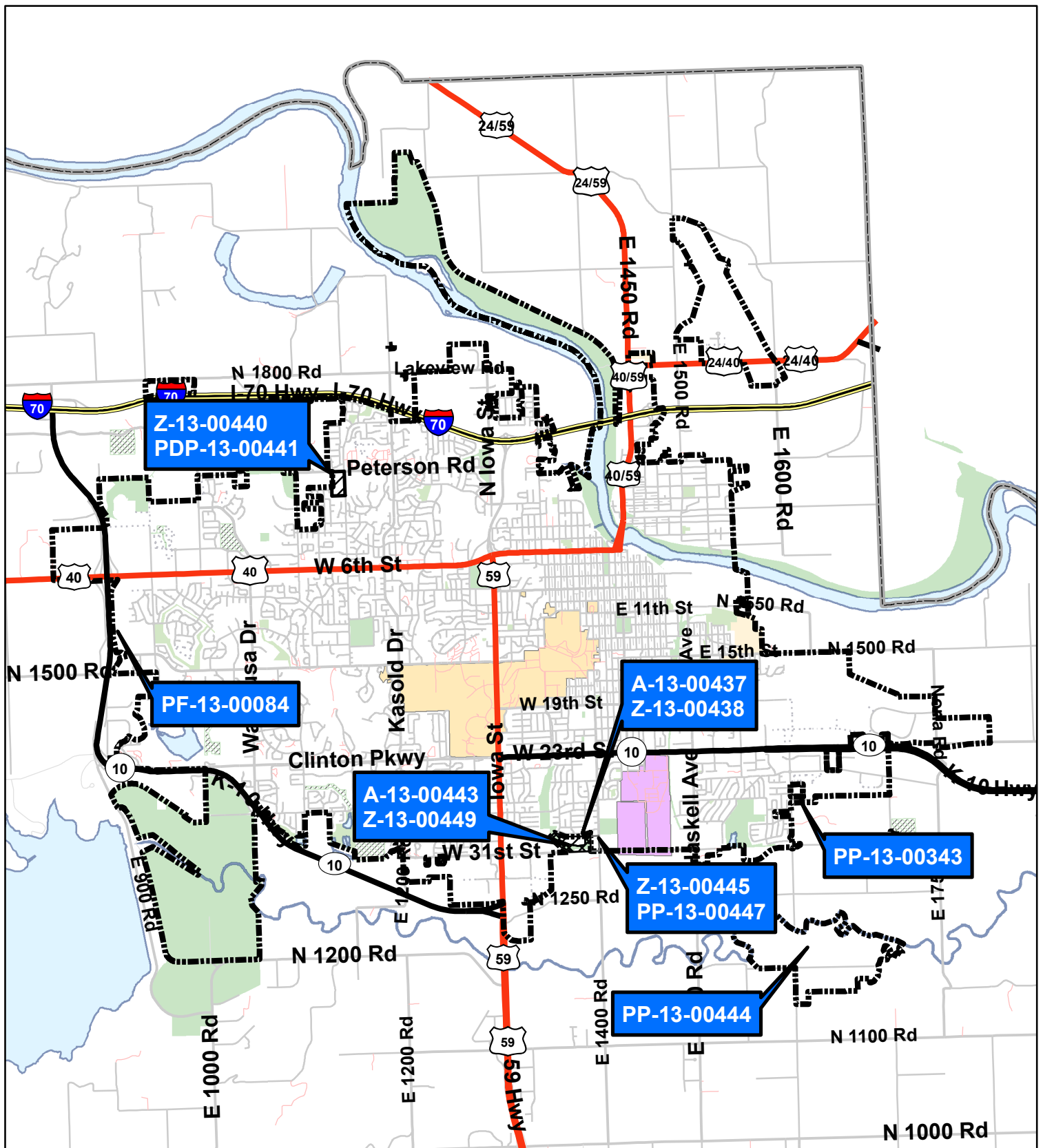
Revised 10/28/13

2013 PLANNING COMMISSION ATTENDANCE

	Jan 28 2013	Jan 30 2013	Feb 27 2013	Mar 25 2013	Apr 22 2013	May 20 2013	June 24 2013	June 26 2013	July 22 2013	Aug 26, 2013	Sept 23, 2013	Oct 21, 2013
Britton	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Burger	Yes	Yes	Yes	No	Yes	Yes						
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Denney							Yes	Yes	Yes	No	Yes	Yes
Graham					Yes	Yes	Yes	No	No	Yes	Yes	Yes
Josserand	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kelly									No	Yes	Yes	No
Lamer	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes				
Liese	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rasmussen							Yes	Yes	Yes	Yes	Yes	Yes
Struckhoff										Yes	Yes	Yes
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes

2013 MID-MONTH ATTENDANCE

	Jan 9 2013	Feb 13 2013	Mar 13 2013	Apr 10 2013	May 8 2013	June 12 2013	July 12 2013	Aug 14 2013	Sept 11 2013	Oct 9 2013	Nov 6 2013	
Britton						No	Yes	Yes	No	Yes	No	
Burger												
Culver						No	Yes	Yes	Yes	Yes	Yes	
Denney						Yes	Yes	No	Yes	Yes	Yes	
Graham						Yes	Yes	Yes	Yes	Yes	No	
Josserand						Yes	Yes	Yes	Yes	Yes	Yes	
Kelly							Yes	Yes	Yes	Yes	Yes	
Lamer						No						
Liese						Yes	Yes	Yes	Yes	Yes	Yes	
Rasmussen						Yes	Yes	Yes	Yes	Yes	Yes	
Struckhoff								Yes	Yes	Yes	Yes	
von Achen						Yes	Yes	No	Yes	Yes	Yes	



Lawrence-Douglas County Planning Commission December 2013 Agenda Items



December 16th, 2013
Mr. Phil Patmon
The Community in Lawrence
1346 New Hampshire Street

Re: Camping on Private Property in Douglas County

Respectfully To The Planning Commissioners of Douglas County,

First of all, I would like to say that I greatly appreciated the concern for the citizens and the mutual respect I witnessed among the Lawrence-Douglas County Planning Commission on the night of November 20th. That night a difficult matter presented itself among you and required much of a person's character to know the best decision in the moment. For this, you have my respect. Although challenging, I thought the night went well...and late. Secondly, as a property owner and tax payer in Lawrence, Kansas (and hopefully soon, a property owner and tax payer in the county), I wanted to submit my thoughts to you on the issue at hand of "Camping on Private Property in Douglas County".

As stated by Legal Staff in the November 20th Meeting, it is currently "illegal" for a property owner to pitch a tent and camp on his own property in Douglas County. Conceivably, by **Code 12-306-2.17**, it is "legal" for his relatives and his *employees* to camp on his property, but not he himself nor his friends nor his volunteer workers on the farm, as I understand this to be the current interpretation of the text of the Code (although that specific code refers to MOBILE HOMES). In defining MOBILE HOMES, **Code 12-303-1.60**, seems to loosely identify tents and *camping* by using the following wording, *"...provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters..."* Also, in regards to Agritourism, **Code 12-319-7.01** (section c)

excludes “camping” as a permissible use on the property used for Agritourism.

However, currently no definition in the county code defines what exactly camping is. Although “camping” is permitted at Lone Star Park and Lake, **Code 8-201.5**, “camping” is not permitted for a land owner and his friends and volunteer workers on his own property. So what exactly is “camping” in the County Code for Douglas County? Is it a service paid for on a property which is under sanitary regulations such as privately owned campgrounds or State Parks, or is “camping” what a father does with his children and friends on his own property? The need for distinction between the two seems necessary.

My request is that a text amendment be applied to the Douglas County Code, clearly allowing camping (sleeping in temporary structures) on privately owned properties at the discretion of the property owner and for the properties owner's needs and desires as the property owner sees fit for the following four reasons but not limited to these:

- **Basic liberties as an American Citizen.** As some of the commissioners mentioned November 20th, camping on their own properties in the county with family and friends has been some of their best memories to date. Humorously and in good-nature, one commissioner mentioned, “I don't think any of us realized we were breaking the law!”
- **Organic Agricultural Practice** (for which Douglas County is becoming known) often requires a more labor intensive, hands-on approach to farming compared to conventional methods. It is understandably necessary from time to time, that a farmer would need the freedom to “camp” on his or her property for the sake of birthing animals or other needs that the landowner or farm manager deems necessary.
- **Accommodating The WWOOFers Program.** The WWOOFers Program (Worldwide Opportunity On Organic Farms) is an international organization that connects organic farmers with those who desire to

learn and be apprenticed in organic farming practices and organic farming culture. These are not *employees* and a wage is not earned. By the organization's standards, a host is required to provide basic accommodations and food in exchange for the work that happens on the farm. These "accommodations" may include camping on the farm property as stated on their website (www.woofusa.org);

From; http://www.woofusa.org/About_WWOOFUSA/Frequently_Asked_Questions#17

17. What should a WWOOFer expect from a host?

A host should offer you basic accommodation and food. You should be clear about exactly what accommodations are available as this varies greatly from farm to farm. Some may have a separate lodging for WWOOFers, others may ask you to bring your own **tent**.

According to the WWOOFers Program Standards, a host farmer reserves the right to ask guests to leave according to the discretion of the farmer as stated on their website:

From; http://www.woofusa.org/About_WWOOFUSA/Frequently_Asked_Questions#16

16. What do hosts expect from a WWOOFer?

...Please be responsible and thoughtful and take your responsibilities seriously. If your stay is not working out for your host, they can ask you to leave, although with good communication between host and WWOOFer this is unlikely.

It would be wonderful if Douglas County could gain a reputation as a hospitable county for organic farming apprenticeship programs such as the WWOOFers Program. This creates positive international attention.

- **The Feast of Booths**, also known as the Feast of Tabernacles is a biblical festival in which all who observe God's commands are commanded to go outside under the stars and ***dwell in tents for seven days***. Written about in Leviticus 23:41-43, as well as many other places in the Bible, including the New Testament, the Feast of Booths is also known as Sukkot (soo-coat) in the native Hebrew tongue, meaning literally *booths or temporary dwellings*. This festival is one of the

highlights of the year for my wife and children as we always go out under the stars with our friends to keep the Commandment of God to dwell in tents for seven days. I have attached an email which I sent to Mayor Michael Dever earlier in the year, courteously informing him that we would be keeping the Feast of Booths at our Lawrence residence at 1346 New Hampshire Street as we slept out under the stars for seven days. He was very accommodating and wished us well. Someday soon, we hope to own farm property in Douglas County and once there, how could we not go out under the stars and teach our children the true meaning of *Ad Astra Per Aspera* as we keep the Command of God to dwell in tents for seven days.

Thank you so much for the time you devote to these matters as fellow citizens. It is greatly appreciated. These things mean a lot to us.

The other day as I took a Sabbath walk with my family, I glanced up at the Kansas seal on the beautiful blue Kansas flag as it waved in the wind next to the United States Flag in front of the Douglas County Law Enforcement Center. I looked at that farmer tilling his land with oxen and plow and I wondered if it ever occurred to him to “pitch his tent” outside under those stars on that flag and talk to his children about what the adopted motto means to him, *To The Stars Through Difficulties*. Or maybe there is some other reason he would want to pitch his tent, be it agriculture, education of his children, his faith, his family, or for whatever reason he deemed fit as a property owner in Kansas; may it be that he could pitch his tent in Douglas County, Kansas!

On behalf of The Community in Lawrence,
Mr. Phil Patmon

From: Yohanan of Manasseh <yohanan@twelvetribes.org>
Subject: The Festival of Tabernacles
Date: September 18, 2013 1:01:33 PM CDT
To: mdever@sunflower.com

Dear Mayor Michael Dever,

This letter is from the Twelve Tribes Community in Lawrence, a communal apostolic church.

We wanted to let you know that, we are going to be keeping the Feast of Tabernacles as described in the Bible in Leviticus chapter 23 and Deuteronomy chapter 16. According to the Scriptures (Lev 23:42-43) we are commanded to live in tents for the duration of the feast, which this year runs from Thursday, September 19th through Thursday September 26th. To keep this command, we will be setting up tents to sleep in at our residence at 1346 New Hampshire St. Since there is no burn ban in effect this year, we do plan to have a small well-contained fire and tell stories to our children around the fire.

We are not *camping* – this is not any kind of permanent situation, we are not making accommodations for out-of-town visitors, and all the tents will be removed after the feast. This is our exercise of religious freedom. If you have any questions, please write back, or call us at the number listed below.

Thank you for your consideration.

Sincerely,
The Twelve Tribes Community In Lawrence

Mr. Yohanan Patmon
785.304.5110

Memorandum

City of Lawrence

Planning & Development Services

TO: Lawrence Douglas County Planning Commission

FROM: Lynne Braddock Zollner, Historic Resources Administrator

CC: Scott McCullough, Director PDS
Amy Miller, Assistant Director Planning
Sheila Stogsdill, Planning Administrator

DATE: December 13, 2013

RE: Nomination for listing in the Lawrence Register of Historic Places

The following properties have been nominated for inclusion in the Lawrence Register of Historic Places.

- 627 Ohio Street
- 1040 New Hampshire Street, English Lutheran Church
- 1047 Massachusetts Street, Watkins Bank Building

Chapter 22 of the City Code states the Historic Resources Administrator must notify the Planning Commission of nominations to the Lawrence Register of Historic Places and shall transmit to them copies of the application and report. The Landmark Application for each property is attached. The staff report for these items will be available on January 9, 2014 here <http://www.lawrenceks.org/boards/historic-resources-commission/agendas-and-minutes>. The Planning Commission may comment on the nominations; however, **no action is required by the Planning Commission.**

Action Request. No action is required.

RECEIVED

NOV 21 2013

City County Planning Office
Lawrence, KansasCity of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

Pre-Application Meeting Required

Planner _____

Date _____

Application Number _____

L- _____

Date Received _____

6 East 6th St.
P.O. Box 708
Lawrence, KS 66044www.lawrenceks.org/pdsPhone 785-832-3150
Tdd 785-832-3205
Fax 785-832-3160**APPLICATION FOR LANDMARK DESIGNATION IN
THE LAWRENCE REGISTER OF HISTORIC PLACES****1. Property Nomination Information**

Historic Property Name:	HENRY MARTIN HOUSE
Property Address:	627 OHIO STREET
City, State, Zip Code:	LAWRENCE KS 66044
Legal Description:	OHIO STREET LT 53 1/2 10 FT LOT 55

2. Applicant Information

Name:	DALE SWISSER / SHERRY FOWLER
Street Address:	- same -
City, State, Zip Code:	
Home Phone:	785-218-6554
Work Phone:	785 832 7458
Email Address:	dsou627@gmail.com

3. Owner Information

Name:	same as applicant
Street Address:	
City, State, Zip Code:	
Home Phone:	
Work Phone:	
Email Address:	

Is this an owner initiated nomination?: ☒ Yes ☐ NoIf not, has the owner been notified by the applicant of this nomination?: ☐ Yes ☐ No

If sponsored by an organization:

Organization Name:

Organization Address:

Organization City, State, Zip Code:

L-13-00493

4. This property is being nominated for its:

Historic Significance: ☒

Architectural Significance: ☐

Association with an Important Local, State or National individual or event: ☐

5. Historic Background Information

Date Built: ~ 1902	Estimated Documented <input checked="" type="checkbox"/>	Source: OLD WEST L.W. NOMINATION; KSHR Inventory	Comments:
Date of Building Alterations or Additions: ~ 1920	Estimated Documented <input checked="" type="checkbox"/>	Source:	Comments:

Description of Building Additions or Alterations:

2nd story porch
scrubbed porch c. 1920

Original Owner: HENRY MARTIN	Source: TAX RECORDS
Original Builder or Architect: UNKNOWN	Source:
Original Use: HOME	Source:

6. Architectural Significance

CONTRIBUTIVE STRUCTURE - OLD WEST LAWRENCE HISTORIC DISTRICT
NR NOMINATION & STATE INVENTORY ATTACHED.

7. Historic Significance

8. Authorization and Certification

I, the undersigned do hereby have the legal authority to submit this nomination and I certify that the information provided on this application is true and correct to the best of my knowledge.

Signature: _____

Date: 11/12/13

Signature: _____

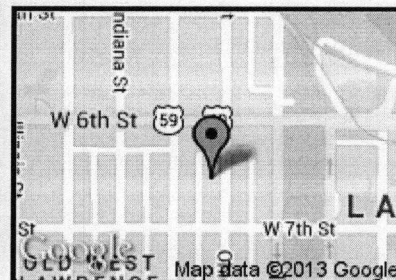
Date: 11-16-13

Kansas Historic Resources Inventory

Printed: 11/12/2013



045-3010-00066
Martin, Henry, House
627 OHIO ST
Lawrence



LOCATION:

County: Douglas

Address: 627 OHIO ST

Address Remarks:

City: Lawrence

Zip: 66044

Parcel ID: 079-30-0-30-14-015.00-0

Legal Description:

Legal Description Remarks: Ohio Street Lt 53 & N 10' Lt 55

Latitude, Longitude 1:

Latitude, Longitude 2:

Latitude, Longitude 3:

Latitude, Longitude 4:

Datum: WGS84

DESCRIPTION:

Historic Name: Martin, Henry, House

Alternate Name: Wyatt House

Historic Function: Domestic

Subcategory: Single Dwelling

Historic Function Remarks: Henry Martin original owner. The owner of record was Henry A. Martin when a significant increase in property tax valuation occurred in 1902. Henry A. Martin (travel salesman, K.C. Supply Co.) and his wife, Callie M., were listed at this address in 1902/03, 1905, 1908/09. In 1911 and 1913/12, Charles W. Sparr (bookkeeper, Lawrence Natl Bank) and his wife Alice B. were occupying this dwelling. In addition, Helen M. Sparr (student, KU) was also a resident in 1913/14. Otto A. Barteldes (clk.) and his wife Helen B were listed at this location in 1915, 1917, 1919, 1923, 1925/26, 1927/28, and 1929/30. Barbara Beltedes (student) was also listed in 1929/30. The dwelling was recorded on the 1927 Sanborn Map. Sources: Sanborn Map, 1927; Lawrence city directories 1902/03-1929/30; Douglas Co Tax Records; 1873 Atlas.

Present Function: Domestic

Subcategory: Single Dwelling

Present Function Remarks: also known as Richard Wyatt Residence. Currently the Fowler House.

Residential/Commercial/Religious Style: Queen Anne

Secondary Style: Colonial Revival

Barn Type: Not Applicable

Bridge Type: Not Applicable

Physical Description/Remarks: Colonial Revival details in Palladian window and porch supports; Two and a half story, hipped with cross gable, frame and brick Queen Anne dwelling on rusticated stone foundation. A three-quarter width, flat roofed porch supported by paired Tuscan columns on stone piers projects from front elevation. A six-sided, three story tower runs up the southwest corner of dwelling. First story is brick. Shingles sheath second and third half stories. Lintels on first floor are limestone. Palladian window in east gable. Fenestration retains original location. Front door (with sidelights) retain original location. A wooden door with lights in second floor east elevation leads to porch roof. A stone walk leads from public sidewalk to four stone porch steps.

Plan Form: Irregular

Commercial Building Type: Not Applicable

Roof Form: Complex

Stories: 2 1/2

Condition: Excellent

Principal Material: Wood

Material and Condition Remarks: Decorative wood shingles on 2nd and 3rd stories, red brick in running bond on 1st story.

Architect/Designer/Builder: Unknown

Year of Construction: 1890

Certainty: Estimated

Date Notes:

General Remarks: Originally surveyed 07/13/1971, DW Henderson.

Ancillary Structures: Garage/Carriage House

Ancillary Structure Remarks: New garage was built in 2001.

REGISTER STATUS:

Listed in State Register: Contributing

Date of State Listing:

Listed in National Register: Contributing

Date of National Listing: 02/23/1972

Historic District: Old West Lawrence Historic District

Demolished:

Date Demolished (if applicable):

Potentially Eligible for National Register:

Register Status Remarks:

Thematic Nomination (MPDF):

SURVEY INFORMATION:

Survey 1

Survey Project Name: Lawrence - Old West Lawrence Resurvey (1991)

Sequence Number:

Surveyed By: Benjamin, David and Enslinger, Dennis

Survey Date: 03/15/1991

IMAGES & DOCUMENTS



627 Ohio. DWHenderson. 07/13/1971.



627 Ohio. Window detail.
DWHenderson. 07/13/1971.

627 Ohio. DWHenderson. 07/13/1971.



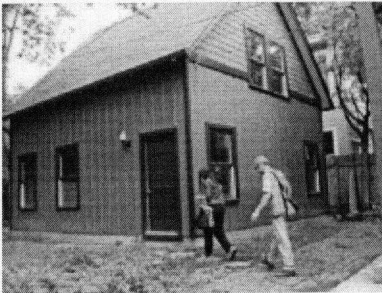
627 Ohio. DBenjamin. 03/15/1991.



627 Ohio. Note second story porch railing that was replaced based on historic photograph at the Douglas County Historical Society. DSlusser 2004



627 Ohio. DSlusser2004



627 Ohio. New garage constructed in 2001.



627 Ohio. Photograph, taken circa 1920s, obtained from the Douglas County Historical Society.

Kan. Cong. Dist. No. 3
Larry Winn
Form 10-300
(July 1969)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Type all entries - complete applicable sections)

STATE: Kansas	
COUNTY: Douglas	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

1. NAME	
COMMON:	Old West Lawrence Historic District
AND/OR HISTORIC:	

2. LOCATION			
STREET AND NUMBER: Boundaries as marked on map (see continuation sheet)			
CITY OR TOWN: Lawrence			
STATE Kansas	CODE 66044	COUNTY: Douglas	CODE 045

3. CLASSIFICATION				
CATEGORY (Check One)	OWNERSHIP		STATUS	ACCESSIBLE TO THE PUBLIC
<input checked="" type="checkbox"/> District <input type="checkbox"/> Site <input type="checkbox"/> Object	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Both	Public Acquisition: <input type="checkbox"/> In Process <input type="checkbox"/> Being Considered	<input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied <input type="checkbox"/> Preservation work in progress	Yes: <input checked="" type="checkbox"/> Restricted <input type="checkbox"/> Unrestricted <input type="checkbox"/> No
PRESENT USE (Check One or More as Appropriate)				
<input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Educational <input type="checkbox"/> Entertainment	<input type="checkbox"/> Government <input type="checkbox"/> Industrial <input type="checkbox"/> Military <input type="checkbox"/> Museum	<input type="checkbox"/> Park <input checked="" type="checkbox"/> Private Residence <input type="checkbox"/> Religious <input type="checkbox"/> Scientific	<input type="checkbox"/> Transportation <input checked="" type="checkbox"/> Other (Specify) Apartments	<input type="checkbox"/> Comments

4. OWNER OF PROPERTY			
OWNER'S NAME: Multiple Private			
STREET AND NUMBER:			
CITY OR TOWN:	STATE:	CODE	

5. LOCATION OF LEGAL DESCRIPTION			
COURTHOUSE, REGISTRY OF DEEDS, ETC: Register of Deeds			
STREET AND NUMBER: Douglas County Courthouse			
CITY OR TOWN: Lawrence	STATE: Kansas	CODE 66044	CODE 20

6. REPRESENTATION IN EXISTING SURVEYS			
TITLE OF SURVEY: None			
DATE OF SURVEY: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> Local			
DEPOSITORY FOR SURVEY RECORDS:			
STREET AND NUMBER:			
CITY OR TOWN:	STATE:	CODE	

SEE INSTRUCTIONS

STATE: Kansas	COUNTY: Douglas	ENTRY NUMBER	DATE
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FOR NPS USE ONLY

3. SIGNIFICANCE			
PERIOD (Check One or More as Appropriate)			
<input type="checkbox"/> Pre-Columbian	<input type="checkbox"/> 16th Century	<input type="checkbox"/> 18th Century	<input checked="" type="checkbox"/> 20th Century
<input type="checkbox"/> 15th Century	<input type="checkbox"/> 17th Century	<input checked="" type="checkbox"/> 19th Century	
SPECIFIC DATE(S) (If Applicable and Known)			
AREAS OF SIGNIFICANCE (Check One or More as Appropriate)			
<input type="checkbox"/> Aboriginal	<input type="checkbox"/> Education	<input type="checkbox"/> Political	<input type="checkbox"/> Urban Planning
<input type="checkbox"/> Prehistoric	<input type="checkbox"/> Engineering	<input type="checkbox"/> Religion/Philosophy	<input type="checkbox"/> Other (Specify)
<input type="checkbox"/> Historic	<input type="checkbox"/> Industry	<input type="checkbox"/> Science	
<input type="checkbox"/> Agriculture	<input type="checkbox"/> Invention	<input type="checkbox"/> Sculpture	
<input checked="" type="checkbox"/> Architecture	<input type="checkbox"/> Landscape	<input type="checkbox"/> Social/Humanitarian	
<input type="checkbox"/> Art	<input type="checkbox"/> Literature	<input type="checkbox"/> Theater	
<input type="checkbox"/> Commerce	<input type="checkbox"/> Military	<input type="checkbox"/> Transportation	
<input type="checkbox"/> Communications	<input type="checkbox"/> Music		
<input type="checkbox"/> Conservation			
STATEMENT OF SIGNIFICANCE			
<p>Subsequent to the passage of the Kansas-Nebraska Act in 1854, organizations were formed in New England to encourage and assist the emigration to Kansas of people opposed to the expansion of slavery. The New England Emigrant Aid Association sent Charles H. Branscomb and Charles Robinson (later the first governor of the state) to locate a suitable site for a settlement. They were soon followed by the first group of 29 settlers who arrived at the present location of Lawrence on August 1, 1854, and camped on a hill which they named Mount Oread after a seminary in Massachusetts. (It was on this site that the University of Kansas was later established.) After a day or two the group moved on to the town site and pitched their tents on what is now the west side of Massachusetts street. After the arrival of a second group of 114 in September, the two groups united and organized a town association on September 18, taking the name of their new city from Amos A. Lawrence, one of the trustees of the Emigrant Aid Association.</p> <p>A. D. Searle started to survey the town site on September 25. Trustees were selected on October 9 to guide the affairs of the Lawrence Association, and on October 17 the members of the association drew for city lots. Construction of simple buildings began immediately thereafter.</p> <p>Lawrence was the main center of Free State thinking and leadership in Kansas Territory, and as such it was often the focal point for the hatreds and violence of Proslavery settlers and Missouri "Border Ruffians." The city and its inhabitants were several times threatened with destruction and death by besieging forces of irregulars. The government of the territory was controlled by the Proslavery element and created all possible hardships for the Free State people in Lawrence. On May 1, 1856, a Proslavery force burned a number of buildings, destroyed the printing presses of Free State publications and plundered the town.</p> <p>Perhaps the most infamous event in the history of Lawrence was the raid by Quantrill's guerillas on August 21, 1863. The citizens of Lawrence were caught off guard and generally without the means at hand to defend themselves. Approximately 143 people were murdered and another 30 seriously wounded. The raiders, according to survivors' accounts, passed by those who offered armed resistance and claimed the defenseless for their victims. Almost the entire business district</p>			

7. DESCRIPTION

CONDITION	(Check One)					
	<input type="checkbox"/> Excellent	<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Deteriorated	<input type="checkbox"/> Ruins	<input type="checkbox"/> Unexposed
	(Check One)			(Check One)		
	<input checked="" type="checkbox"/> Altered	<input type="checkbox"/> Unaltered	<input type="checkbox"/> Moved	<input checked="" type="checkbox"/> Original Site		

DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE

The Old West Lawrence Historic District encompasses all or parts of 12 city blocks near the center of Lawrence, Kansas. The major portion of the district lies in six city blocks bordered on the north by Sixth street, on the east by Tennessee, on the south by Eighth street and on the west by Indiana. Included in this residential neighborhood are about 50 residential structures of distinction.

The houses in the district reflect the distinctive characteristics of late 19th century Kansas architecture. A mixture of styles typical of this era in Kansas history as well as a cross section of building materials in common use can be found in the district. The district contains a significant and very distinguishable blending of style, form, character and construction. Examples of Victorian style, Eclectic assemblages, Italianate Renaissance style, and simple utilitarian Frontier architecture exist in peaceful coexistence in this area. Building materials range from massive stone masonry through brick construction to wood framing replete with intricate pattern and scroll designs embellishing stately two and three story mansions. Magnificent porches, soaring towers and bay windows typical of the period of construction are visible everywhere.

The fine structures are further enhanced by understanding site development and landscaping, establishing a dignity not readily found in today's residential communities. The close proximity of so many important houses and the fine care they have received make this district outstanding.

Restoration and preservation of many of the buildings, notably by their owners, has helped to revive interest in the district's potential by showing both the financial feasibility and the architectural merit of such improvements. There has been virtually no unsympathetic renovation.

Concern for the integrity of the district recently inspired the area residents to petition the city not to replace their original brick paved streets with modern concrete.

This district is the most unique collection of period residences in Kansas and by virtue of its breadth of architectural styles and building materials becomes a significant segment in the architectural heritage of the state.

SEE INSTRUCTIONS

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Continuation Sheet) No. 1

STATE	
Kansas	
COUNTY	
Douglas	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

(Number all entries)

2. The boundaries of the Old West Lawrence Historic District are as follows:

From the midpoint of the intersection of Tennessee and Sixth streets, the boundary runs south down the center of Tennessee street to a point about 392 feet south of the midpoint of the Eighth street intersection, then west to the alley west of Tennessee and north up the center of the alley to the middle of Eighth street, then one-half block west to the midpoint of the Eighth street-Ohio street intersection and south down Ohio about 140 feet, then west to the alley west of Ohio street and south down the alley about 85 feet, then west to the center of Louisiana street and north 85 feet, then west one and one-half blocks to the center of the alley west of Indiana street (which is the southwest corner of the district), then north up the center of the alley approximately two blocks to a point about 100 feet south of the east-west alley, then east across Indiana to the next alley, north to the center of Sixth street, and east two and one-half blocks to the beginning point.

8. was looted and burned to the ground. Nearly 100 homes were destroyed and most of the others were looted. Slowly the grief-stricken survivors came to grips with the situation and began to clean up and rebuild. Indicative of their spirit was the attitude reflected in a sign on a harness shop: "Established 1855; stood the drought of 1860; totally destroyed in 1863; defies all competition in 1864."

The end of the Civil War brought new settlers, economic recovery and a building boom. At the time of Quantrill's raid the main residential area was east of Massachusetts street. After the war an area west of Massachusetts became the fashionable part of town where many of the prominent and prosperous built their large homes. The neighborhood now designated as the Old West Lawrence Historic District was included in this post Civil War residential development and is the only part of it which has withstood the encroachments of business, university and multiple family housing.

Although all of what is now the Old West Lawrence Historic District was included in the October, 1854, survey map of Lawrence City by A. D. Searle, not all of the district was in the original Lawrence townsite. Official plat maps show that several blocks are in Lane's First Addition. James Lane was one of the prominent Free State leaders in Lawrence and one of the first two United States senators from Kansas. Through the use of political influence Lane was able to acquire the land adjoining the original townsite on the

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Continuation Sheet) No. 2

STATE	
Kansas	
COUNTY	
Douglas	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

(Number all entries)

8. west. He had a previously granted patent invalidated and then claimed the land for himself. (Lane shot and killed Gaius Jenkins on June 3, 1858, in a dispute over this claim.) Lane's First Addition was developed as the city expanded westward after the Civil War.

The great majority of the homes in the Old West Lawrence Historic District were erected between 1870 and 1920, although examples can be found outside both dates. Several of the stone houses in the Vernacular style were built in the early 1860's, and at least one--646 Louisiana--was burned by Quantrill's raiders and later rebuilt. Predominant in the district are the frame or brick Italianate homes of the late 1860's and 1870's. Many of the homes built at the end of the 19th century are large pretentious structures in the Victorian Baroque style. Although houses of later construction can be found in the district, they blend into the neighborhood and do not detract from the atmosphere created by the older, more ornate homes.

The homeowners of this neighborhood take pride in their fine old homes and have united to form the Old West Lawrence Association. Street signs have been placed identifying the area as Old West Lawrence. (The area thus identified is larger than the historic district; the boundaries of the district were drawn after careful on-the-scene study showed that the organization included a number of blocks which had some modern commercial buildings and other structures out of keeping with the general atmosphere of a historic residential district.) One of the primary purposes of the association is to block attempts fostered by various commercial interests to change the city zoning ordinances to permit business and apartment development in the neighborhood.

The Old West Lawrence Historic District is important to the heritage of the city of Lawrence and the state of Kansas. Architecturally, this neighborhood demonstrates the development and transition of Kansas residential styles from the 1860's to the early 20th century. No other neighborhood in the state has yet been identified where such a large number of 19th century homes still stand in excellent condition and without detrimental encroachments by businesses and modern housing developments.

9. Cordley, Richard, A History of Lawrence, Kansas (Lawrence, Lawrence Journal Press, 1895).
Crafton, Allen, Free State Fortress (Lawrence, The World Co., 1954).
Frontier of Freedom: A Story of Lawrence (Lawrence, The World Co., 1955).
Gladstone, Thomas H., Kansas; or Squatter Life and Border Warfare in the Far West (London, G. Routledge and Co., 1857), pp. 20-36.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Blackmar, Frank W., "The Annals of an Historic Town," Annual Report of the American Historical Association 1893 (Washington, D. C., Government Printing Office, 1894), pp. 486-499.

Bright, John D., editor, Kansas--The First Century (New York, Lewis Historical Publishing Co., 1956), pp. 121-128.

Caldwell, E. F., compiler, A Souvenir History of Lawrence, Kansas, 1898 (Kansas City, Mo., Lawton and Burnap, 1898).

Connelley, William E., editor, "The Lane-Jenkins Claim Contest," Kansas Historical Collections, v. 16 (1923-1925), pp. 21-176.

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE			
	Degrees Minutes Seconds	Degrees Minutes Seconds	Degrees	Minutes	Seconds
NW	38° 58' 24"	95° 14' 36"			
NE	38° 58' 24"	95° 14' 21"			
SE	38° 58' 05"	95° 14' 21"			
SW	38° 58' 05"	95° 14' 36"			

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: 40 acres

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE

11. FORM PREPARED BY

NAME AND TITLE: Richard D. Pankratz, Planner Charles L. Hall, Architectural Consultant		DATE
ORGANIZATION: Kansas State Historical Society		October 14, 1971
STREET AND NUMBER: 120 West Tenth Street		
CITY OR TOWN: Topeka	STATE: Kansas 66612	CODE: 20

12. STATE LIAISON OFFICER CERTIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National ☐ State ☒ Local ☐

Name

Nyle H. Miller

Title

Executive Secretary, Kansas
State Historical Society

Date

November 30, 1971

I hereby certify that this property is included in the National Register.

Chief, Office of Archeology and Historic Preservation

Date

ATTEST:

Keeper of The National Register

Date

SEE INSTRUCTIONS

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Continuation Sheet) No. 3

STATE	
Kansas	
COUNTY	
Douglas	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

(Number all entries)

9. Holloway, J. N., History of Kansas (Lafayette, Indiana, James, Emmons and Co., 1868), pp. 317-338.
History of the State of Kansas (Chicago, A. T. Andreas, 1883), pp. 312-330.
Nineteenth Century Houses in Lawrence, Kansas (Lawrence, University of Kansas Museum of Art, 1968).
One Hundred Years of History Significant to Kansas (Lawrence, The World Co., 1954).
"Souvenir Program of the 75th Anniversary of the Founding of Lawrence" (Lawrence, the World Co., 1929).



**City of Lawrence
Douglas County**
PLANNING & DEVELOPMENT SERVICES

Pre-Application Meeting Required
Planner _____
Date _____
Application Number _____
L- _____
Date Received _____

6 East 6th St.
P.O. Box 708
Lawrence, KS 66044

www.lawrenceks.org/pds

Phone 785-832-3150
Tdd 785-832-3205
Fax 785-832-3160

**APPLICATION FOR LANDMARK DESIGNATION IN
THE LAWRENCE REGISTER OF HISTORIC PLACES**

RECEIVED

NOV 26 2013

City County Planning Office
Lawrence, Kansas

1. Property Nomination Information

Historic Property Name:	English Lutheran Church
Property Address:	1040 New Hampshire
City, State, Zip Code:	Lawrence, Kansas 66044
Legal Description:	Lot 114 on New Hampshire Street, in the City of Lawrence, in Douglas County, Kansas (Deed attached)

2. Applicant Information

Name:	David J. Brown, Attorney at Law
Street Address:	1040 New Hampshire, Suite 14
City, State, Zip Code:	Lawrence, Kansas 66044
Home Phone:	
Work Phone:	785-842-0777
Email Address:	DJBrown@DavidBrownLaw.com

3. Owner Information

Name:	Ashlar L. C. (John Anderson, member)
Street Address:	1040 New Hampshire
City, State, Zip Code:	Lawrence, Kansas 66044
Home Phone:	
Work Phone:	785-842-2756
Email Address:	J.Clement.Anderson@1040NH.com

Is this an owner initiated nomination?: ☒ Yes ☐ No

If not, has the owner been notified by the applicant of this nomination?: ☐ Yes ☐ No

If sponsored by an organization:

Organization Name:

Organization Address:

Organization City, State, Zip Code:

4. This property is being nominated for its:

Historic Significance: ☒

Architectural Significance: ☒

Association with an Important Local, State or National individual or event: ☐

5. Historic Background Information

Date Built: 1870	Estimated Documented <input type="checkbox"/> <input checked="" type="checkbox"/>	Source:	Comments:
Date of Building Alterations or Additions: 1992	Estimated Documented <input type="checkbox"/> <input checked="" type="checkbox"/>	Source:	Comments:

Description of Building Additions or Alterations:

Original Owner:	Source:
Original Builder or Architect: John G. Haske	Source:
Original Use: church	Source:

6. Architectural Significance

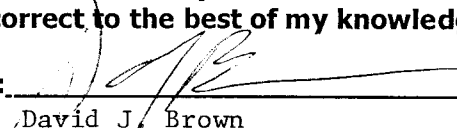
See attached.

7. Historic Significance

See attached.

8. Authorization and Certification

I, the undersigned do hereby have the legal authority to submit this nomination and I certify that the information provided on this application is true and correct to the best of my knowledge.

Signature:  Date: November 26, 2013

Signature: _____ Date: _____



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

6 East 6th St.
P.O. Box 708
Lawrence, KS 66044

www.lawrenceks.org/pds

Phone 785-832-3150
Tdd 785-832-3205
Fax 785-832-3160

**INFORMATION REQUIRED FOR SUBMITTAL WITH APPLICATION FOR NOMINATION
TO THE LAWRENCE REGISTER OF HISTORIC PLACES**

Use the checklist below to be sure your application is complete.

- ☐ Application Form
- ☐ Certified property owner list from County Clerk's office for properties within 250' of the requested property for nomination.
- ☐ Photographs of each elevation of the structure.
- ☐ Legal description of nominated property.
- ☐ If the property is listed on the State and/or National Registers of Historic Places, copies of the applications for nomination and pertinent resources materials.
- ☐ Any additional documentation you believe is relevant to this nomination which you would like considered in the review process.
- ☐ The fee for application processing is \$10.00 for landmark nominations and \$50.00 for district nominations.



Corporation Deed (General Warranty)

NUMERICAL INDEX
STATE OF KANSAS, 100 01P ss.
Douglas County, ss.
This instrument was filed for record
on the 4th day of Dec A.D.
1991, at 11:00 o'clock H. M., and
duly recorded in Book 464 of Deeds,
at page 1608-1609.

Sue Henstigh
Register of Deeds.
Deputy.

FEES
Register of Deeds,
for recording, \$
County Clerk, for Transfer
Total, \$ 8.00 *chg*

Entered in Transfer Record
in my office, this 5
day of Jan A.D., 1991

Patty J. Small
County Clerk.

THIS INDENTURE, Made this 21st day of November

A. D., 1991, between Allen Realty, Inc.

a corporation duly organized, incorporated and existing under and by virtue
of the laws of the State of Kansas and having its principal
place of business at Lawrence, Douglas County, in
the State of Kansas of the first part, and
Ashlar L.C.

of Douglas County, in the State
of Kansas of the second part:

WITNESSETH, That said party of the first part, in consideration of
the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration
the receipt of which is hereby acknowledged, do by these presents,

Grant, Bargain, Sell, and convey unto said party of the second part,
its successors and assigns, all the following-described real estate, situated
in Douglas County and State of Kansas, to wit:

Lot 114 on New Hampshire Street, in the City of Lawrence, in Douglas
County, Kansas,

subject to easements, restrictions, and reservations of record, and to
Proceedings in District Court of Douglas County, Kansas, in Case
No. 90 C 540, entitled Lawrence Preservation Alliance, Inc.,
Plaintiff, v. The City of Lawrence, Ks, a municipal corporation;
Allen Realty, Inc.; et al, Defendants, filed June 19, 1990; and
in Case No. 90 C 559, entitled Kansas State Historical Society,
Plaintiff, v. The City of Lawrence, Kansas, a municipal
corporation; Allen Realty, Inc., et al, Defendants, filed June
25, 1990; said cases having been combined.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And said grantor for itself, its successors and assigns, does hereby covenant, promise and agree, to and with said party of the second part, that at the delivery of these presents it is lawfully seized in its own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever;

and that it will warrant and forever defend the same unto said party of the second part, its successors and assigns, against said party of the first part, its successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said party of the first part has hereunto caused this Deed to be signed on its behalf by its President thereunto duly authorized so to do, and has caused its corporate seal to be hereunto affixed the day and year first above written.

ALLEN REALTY, INC.

(Corporate Seal)

By *Barbara Jane Allen*
Barbara Jane Allen President



THE KANSAS BAR ASSOCIATION

CORPORATION DEED
GENERAL WARRANTY

FROM

TO

STATE OF KANSAS DOUGLAS COUNTY, ss.

BE IT REMEMBERED, That on this 21st day of November A.D. 1991

before me, the undersigned, a notary public in and for the County and State aforesaid
came Barbara Jane Allen President of Allen Realty, Inc.

a corporation duly organized, incorporated and existing under and by virtue of the laws of
the State of Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my official seal the day and year last above mentioned.



Phyllis J. Randel Notary Public.
Phyllis J. Randel

Term expires February 28, 1993



JAMIE SHEW
DOUGLAS COUNTY CLERK

1100 Massachusetts
Lawrence, KS 66044
Phone: 785-832-5267
Fax: 785-832-5192

Marni Penrod
Chief Deputy Clerk

Benjamin Lampe
Deputy Clerk-Elections

November 21, 2013

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 250 FT OF 1040 NEW HAMPSHIRE ST
(U01083-01) 11/21/2013 REQUESTED BY LINDA OF THE DAVID BROWN LAW OFFICE.

JOHN R NICHOLS
ACCOUNT CLERK
PHONE 785-832-5147
FAX 785-832-5192
EMAIL jnichols@douglas-county.com

Douglas County Real Estate Division
County Clerks Office. I do hereby certify
The Real Estate Ownership listed hereto,
to be true and accurate.

JOININ	owner1	owner2	owner3	address	city	sta	plate	PID	Quickrefid	situs
079-31-0-20-31-006.00-0	0.93825633 ALLEN REALTY INC			PO BOX 621	LAWRENCE	KS	66044	U01068A01	R16151	1000 NEW HAMPSHIRE ST BLK 1
079-31-0-20-31-013.00-0	0.20089633 PROVIDENT FAMILY LP			3117 W 28TH ST	LAWRENCE	KS	66047	U00842A	R16158	1017 RHODE ISLAND ST
079-31-0-20-30-001.02-0	0.53639070 BERKELEY PLAZA INC			1029 NEW HAMPSHIRE ST STE B	LAWRENCE	KS	66044	U01069A	R16136	1029 NEW HAMPSHIRE ST
079-31-0-20-31-011.00-0	0.18750479 GERLING LLC			PO BOX 842	LAWRENCE	KS	66044	U00846B	R16156	1021 RHODE ISLAND ST 1
079-31-0-20-32-007.00-0	0.13324721 WESTERGARD GINA			840 SHAWNEE RD	POMONA	KS	66076	U00850	R16167	1024 RHODE ISLAND ST
079-31-0-20-30-007.00-0	0.13411526 VENTANA INVESTMENTS LC			1029 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U01300	R16142	1026 MASSACHUSETTS ST
079-31-0-20-31-010.00-0	0.10747269 MOON RUTH W	MOON JOHN M		9888 PIN OAK CIR	DE SOTO	KS	66018	U00849A	R16155	1025 RHODE ISLAND ST
079-31-0-20-32-008.00-0	0.13321654 ELDRIDGE MARK G			631 LOUISIANA ST	LAWRENCE	KS	66044	U00853	R16168	1028 RHODE ISLAND ST
079-31-0-20-31-009.00-0	0.10721245 BRANSON CHARLES E	BRANSON KATHRYN R		1027 RHODE ISLAND ST	LAWRENCE	KS	66044	U00852	R16154	1027 RHODE ISLAND ST
079-31-0-20-30-008.00-0	0.67033107 ALLEN PRESS INC			PO BOX 368	LAWRENCE	KS	66044	U01304A	R16143	1040 MASSACHUSETTS ST
079-31-0-20-32-009.00-0	0.13318559 MUNSCH ROBERT D			PO BOX 1851	LAWRENCE	KS	66044	U00855	R16169	1032 RHODE ISLAND ST
079-31-0-20-31-008.00-0	0.13410012 ZENSEN KARL W F	MUNSCH MARY A		1033 RHODE ISLAND ST	LAWRENCE	KS	66044	U00854	R16153	1033 RHODE ISLAND ST
079-31-0-20-30-009.00-0	0.40212101 ALLEN REALTY INC	ZENSEN JACQUELINE C		PO BOX 621	LAWRENCE	KS	66044	U01079A	R16144	1041 NEW HAMPSHIRE ST
079-31-0-20-32-010.00-0	0.13315387 ALLEN STEPHEN C			1121 N 1350 RD	LAWRENCE	KS	66047	U00857	R16170	1036 RHODE ISLAND ST
079-31-0-20-31-007.00-0	0.13411969 DUNN JAMES C			936 KENTUCKY ST APT 3	LAWRENCE	KS	66044	U00856	R16152	1039 RHODE ISLAND ST 1
079-31-0-30-01-001.00-0	0.13312186 UNDERWOOD ANNE			1042 RHODE ISLAND ST	LAWRENCE	KS	66044	U00858	R16171	1042 RHODE ISLAND ST
079-31-0-30-02-006.00-0	0.13413832 DUNN JAMES C			936 KENTUCKY ST APT 3	LAWRENCE	KS	66044	U00857 5	R16173	1041 RHODE ISLAND ST
079-31-0-30-02-000.00-0	0.13411051 ASHLAR LC			1040 NEW HAMPSHIRE ST STE 20	LAWRENCE	KS	66044	U01083-01	R16178	1040 NEW HAMPSHIRE ST
079-31-0-30-01-002.00-0	0.13309015 DUNN JAMES C			936 KENTUCKY ST APT 3	LAWRENCE	KS	66044	U00861	R16172	1046 RHODE ISLAND ST 1
079-31-0-30-02-002.00-0	0.04480860 SCHNEIDER RONALD	FARLEY MARGARET		1979 E 1600 RD	LAWRENCE	KS	66044	U00860-01	R16174	1047 RHODE ISLAND ST
079-31-0-30-02-003.00-0	0.04467465 SCHNEIDER RONALD	FARLEY MARGARET		1979 E 1600 RD	LAWRENCE	KS	66044	U00860	R16175	117 E 11TH ST
079-31-0-30-02-004.00-0	0.04467258 PERCIVAL ANNA M			132 PAWNEE AVE	LAWRENCE	KS	66046	U00859	R16176	115 E 11TH ST
079-31-0-30-02-005.00-0	0.13412931 ASHLAR LC			1040 NEW HAMPSHIRE ST STE 20	LAWRENCE	KS	66044	U01085	R16177	1046 NEW HAMPSHIRE ST 1
079-31-0-30-03-001.00-0	0.13400757 ALLEN PRESS INC			PO BOX 368	LAWRENCE	KS	66044	U01084	R16179	1041 NEW HAMPSHIRE ST
079-31-0-30-14-001.00-0	0.26893570 BARLAND RAYMOND F			2305 VERMONT ST	LAWRENCE	KS	66046	U00863A	R16281	1106 RHODE ISLAND ST
079-31-0-30-13-001.02-0	4.03616996 DOUGLAS COUNTY			1100 MASSACHUSETTS ST	LAWRENCE	KS	66044	U00862A01	R16278	111 E 11TH ST
079-31-0-30-13-001.03-0	1.15029764 DOUGLAS COUNTY			1100 MASSACHUSETTS ST	LAWRENCE	KS	66044	U02418A01	R16279	1100 MASSACHUSETTS ST

POL WITHIN 250 FT OF 1040 NEW HAMPSHIRE ST (001083-01)



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KANSAS STATE HISTORICAL SOCIETY

CENTER FOR HISTORICAL RESEARCH

120 West Tenth ▪ Topeka, Kansas 66612-1291 ▪ 913/296-3251
FAX #913/296-1005

KANSAS MUSEUM OF HISTORY

6425 South West Sixth ▪ Topeka, Kansas 66615-1099 ▪ 913/272-8681

January 5, 1994

Ms. Linda McClelland
National Register Office
National Park Service
P. O. Box 37127
Washington, D. C. 20013-7127

RE: NPS OPINION ON PROPERTY ELIGIBILITY, MURAL SLIDE, NR PROGRAM ISSUES

Dear Linda:

Recently our review board nominated the English Lutheran Church in Lawrence, Kansas to the Register of Historic Kansas Places, and requested that staff develop the property for nomination to the National Register. Our staff is of split opinion on the property's eligibility for the National Register, mainly because the building's open interior space was filled in during a 1992-1993 rehabilitation project. The project was not a Tax Act project, as staff felt that the proposed changes to the building would not meet the Standards.

The building has strong historical and architectural significance. The English Lutheran Church (c. 1870, 1900, 1936, 1941, 1992- 1993) was nominated to the Register of Historic Kansas Places for its historical association with the growth and development of Lawrence, Kansas and for its architectural significance as an ecclesiastical example of the Gothic Revival. The development of the church nearly parallels the evolution of immigrant families as they adjusted, acculturated, and assimilated into the Lawrence community. Pioneer architect John G. Haskell drew the plans and specifications for the church and donated them to the congregation.

The nomination text was prepared by Cathy Ambler, and was included in the Lawrence Preservation Alliance's 1990 historic structures report on the building. The building was the subject of a bitter, four year property rights dispute that ultimately resulted in its sale and preservation. The building is owned by Ashlar L. C., the company represents Mary and Tripp Anderson and Olive Stanford of Lawrence.

I have enclosed five contact sheets showing the building and a copy of the state register nomination for your preliminary review. A letter to me indicating the potential National Register eligibility of the building would be very much appreciated.

On another subject, please use this slide of the mural at the Caldwell, Kansas Post Office in your program.

Ms. Linda McClelland

January 5, 1994

Page 2

As for problems and issues with our National Register program administration, the only real issue in our office is limited staff time to devote to the program. On the federal level, I have been continually impressed with the quality of the National Register program directives and evolution over the years, so I have no criticism to provide.

Thanks for your call today, and the very best wishes for the new year!

Sincerely yours,

A handwritten signature in cursive script that reads "Martha Hagedorn-Krass".

Martha Hagedorn-Krass, Architectural Historian
Kansas Historic Preservation Office

1995 National Preservation Honor Awards

All photos and slides excepted those noted were taken by Arthur Anderson or other agents of Ashlar L.C. The photos bearing the name Architectural Fotographics were taken by Paul Kivett.

1995

NATIONAL PRESERVATION HONOR AWARDS

NOMINATION CHECKLIST

Nominee: Ashlar L.C.
City/State: Lawrence, KS
Nominator: Arthur A. Anderson
City/State: Lawrence, KS

☒ Completed Nomination Form

☒ Typed summary statement

☒ One-page biography (if appropriate)

☒ 10 - 35mm color slides

☐ 4 - B/W 8X10 photographs

☒ Copy of publication, film, video, book (if appropriate)

☒ Self-addressed, stamped return envelope (if return is requested)

☒ \$25 processing fee - check payable to the National Trust Honor Awards

☐ Signed Release Authorization Form

May 1, 1995

Ms. Barbara Pahl, Director
Mountains/Plains Regional Office
National Trust for Historic Preservation
910 16th Street, Suite 1100
Denver, Colorado 80202

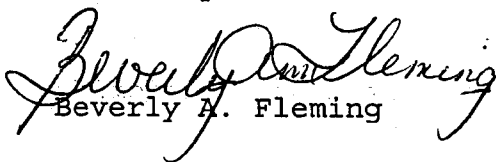
Dear Ms. Pahl:

This letter is in support of the nomination of the rehabilitation of the (Old) English Lutheran Church, Lawrence, Kansas for a National Trust for Historic Preservation Honor Award. I recently included this project in a slide presentation on "Recycling Missouri's Religious Properties" that I gave at the 1995 annual Missouri statewide historic preservation conference in St. Louis. The project is an outstanding example of a sensitive and appropriate adaptive re-use of a historic religious structure.

The owners and architect who designed the rehabilitation made every effort to restore the building's exterior historic appearance. The conversion of the building to a new use, office space, required some interior alterations and additions, primarily the construction of a two-story office core in the original sanctuary space. However, this office core was designed so that the original configuration of the interior space is clearly apparent. The design of the office core also takes full advantage of light from the church's pointed arched windows through the use of glass walls and an open staircase.

The preservation of this building was the subject of a lawsuit, which successfully upheld Kansas' state preservation law. Thus this project represents an important preservation victory for both the City of Lawrence and the State of Kansas. For all of the above reasons, I encourage the Trust to recognize the (Old) English Lutheran Church rehabilitation project with an Honor Award.

Sincerely,


Beverly A. Fleming

RECEIVED

MAY 5 1995

Also u.....

1995 National Preservation Honor Awards

Nomination Form

* If more than one co-nominee,
please include the required
information on additional sheets.
Limit 5 co-nominees.

Please type or print clearly

Nominee Ashlar L.C.
(individual or organization)
 Address 1040 New Hampshire Street
 City, State, Zip Lawrence, KS 66044-3044
 Contact Person Arthur A. Anderson
 Telephone Area Code & Number 913-842-2756
 Co-nominee(s)* Mrs. Olive H. Stanford
(individual or organization)
 Contact Person Mrs. Olive H. Stanford
 Telephone Area Code & Number 913-843-4223
 Nomination submitted by Arthur A. Anderson
 Organization _____
 Address 1040 New Hampshire Street
 City, State, Zip Lawrence, KS 66044-3044
 Telephone Area Code & Number 913-842-2756

Please briefly describe the project/activity for which the individual(s) or organization(s) is being nominated.

Entries must be postmarked no later than May 1, 1995.

<input type="checkbox"/> Completed Nomination Form	<input type="checkbox"/> Four 8" x 10" black and white photographs	<input type="checkbox"/> No more than 5 supporting brochures, clippings
<input type="checkbox"/> Typed summary statement	<input type="checkbox"/> Ten 35mm color slides	<input type="checkbox"/> Self-addressed, stamped return envelope
<input type="checkbox"/> One-page biography (if appropriate)	<input type="checkbox"/> Copy of publication, film, book or other (if appropriate)	<input type="checkbox"/> (if requesting return)
<input type="checkbox"/> 3 - 5 letters of support (optional)		

Processing fee: Payment must be enclosed, payable to National Trust Honor Awards.

☐ \$25
 Membership # 40081630

☐ Check here if non-member. You will receive a six month complimentary membership.

Release Authorization

Note: This form must be signed in order for entries to be judged.

The undersigned gives to the National Trust for Historic Preservation the absolute and unqualified right to use whole or in part, in whatever manner the National Trust may desire, including (but not limited to) use for publicity, audio-visual presentation, and/or promotion, all materials entered in the National Trust's National Preservation Honor Awards Program.

The National Trust for Historic Preservation is hereby given permission to make any editorial changes and additions to the materials referred to in paragraph one above as it may deem necessary or desirable for product purposes.

The undersigned hereby guarantees having on file all individual agreements and signatures from each model (adult, minor with parent or guardian written approval), creator, photographer and producer needed for this assignment to the National Trust for Historic Preservation.

Release authorized by Arthur A. Anderson, member Ashlar L.C.

Signature Arthur A. Anderson
(Print or type name and title)

1995 National Preservation Honor Awards

nomination form for co-nominees:

co-nominee: 2. Mary B. Anderson
contact person: Mrs. Mary B. Anderson
telephone #: 913-842-3777

co-nominee: 3. Arthur A. Anderson
contact person: Mr. Arthur A. Anderson
telephone #: 913-842-2756 or 913-842-3777
fax #: 913-842-6609

co-nominee: 4. Lawrence Preservation Alliance
contact person: Marci Francisco
telephone #: 913-842-6402
or
contact person: Mr. Dennis Domer
telephone #: 913-842-3157 or wk. 913-864-4281

co-nominee: 5. Craig Patterson & Associates, Architects and Planners
contact person: Mr. Craig Patterson
telephone #: 816-474-1360
fax #: 816-474-1605

HONOR AWARDS PROGRAM

CRITERIA FORM

Nominee: Ashlar, L.C., Mary B. Anderson, Arthur A. Anderson,
Lawrence Preservation Alliance, and
Craig Patterson & Associates

City/State: Lawrence, Kansas

Nominator: Arthur A. Anderson

City/State: Lawrence, Kansas

REGIONAL OFFICE COMMENTS

- Impact of the nominee's project on the community

Preserving this building helps maintain the integrity of Lawrence's downtown, enhances the environs of the county courthouse, and adds to the cultural heritage of the state.

- Quality and degree of difficulty of the nominee's project or efforts

The architect provided a program for the building's new uses and brought a very difficult project to a successful conclusion. The design team created a sense of light and openness that recalls the original feel of the building as a church, but that provides a "building within a building" with space for office suites.

The design allowed the adaptive use of the building and solved structural problems with the exterior stone walls caused by the weight of the roof. After the truss structure had changed with the installation of a 1940 roof, the exterior stone walls began to thrust. New footings set in the newly excavated lower level and steel pillars hidden in tall bookshelves relieve most of the structural load.

- Degree to which the nominee's project is unusual or pioneering or serves as an example that influenced others

The rescue of this English Lutheran Church from demolition, lead to an important review of the procedures that must be used in Kansas for a city government to issue demolition permits. These nominees established important legal precedents. "Pursuant to Kansas Statutes Annotated 75-2715, Historic preservation is *among the highest priorities* of state government. The regulation of private property for preservation purposes is a valid exercise of governmental police power." These decisions are a standard for public policy and the protection of the public's interest in preserving properties subject to the whims of private ownership and public disinterest.

ADVISOR/TRUSTEE COMMENTS

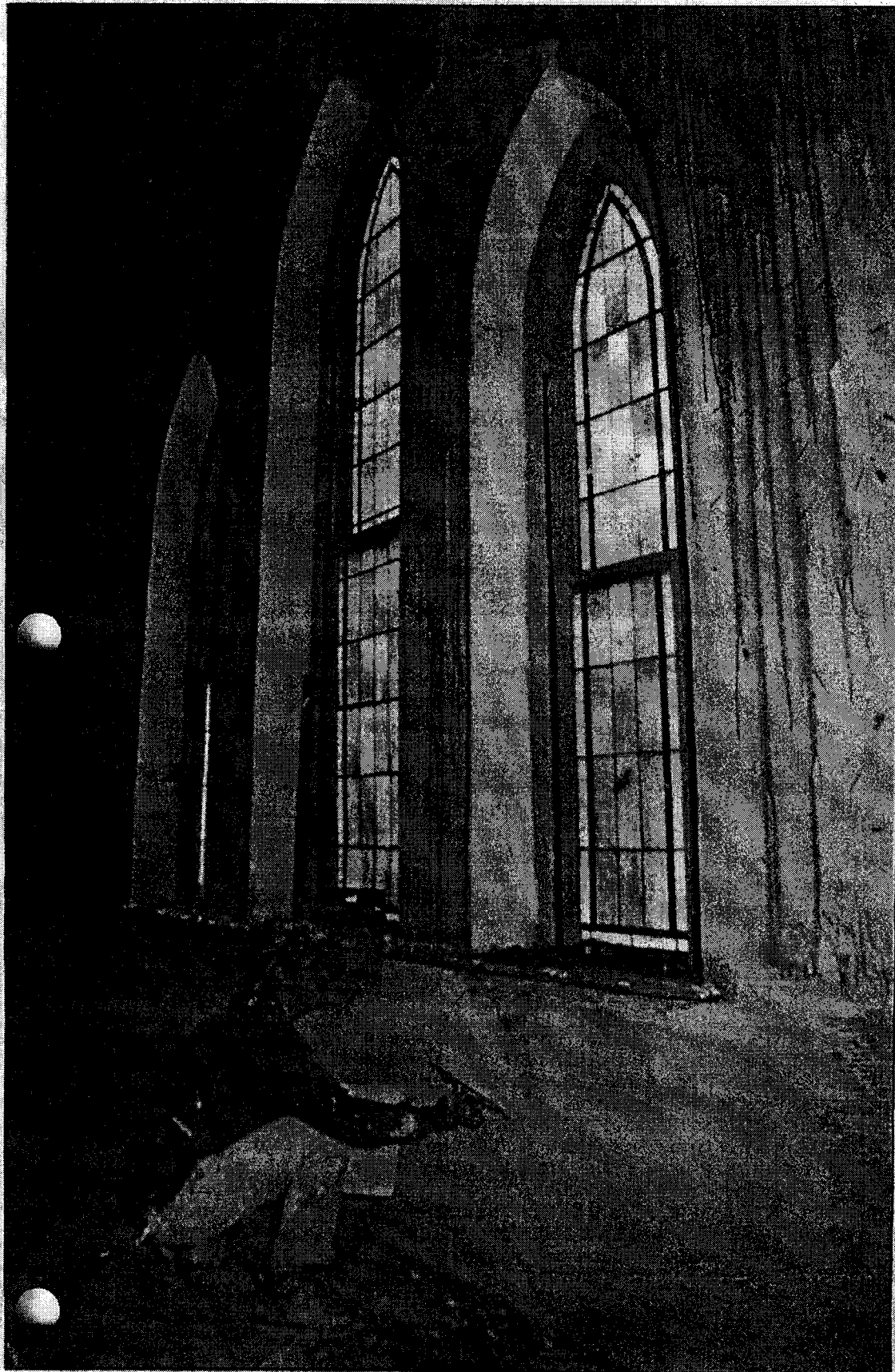
"This is a fine project from two points of view. The local folks saved this building by finding a new use for a beautiful old church. In doing a quality preservation job, the project tested Kansas state preservation law, and upheld preservation as a legitimate interest of local government."

SHPO COMMENTS

This project was National Register listed after tax credits were approved by NPS. The review committee consequently supported the project, however the SHPO felt the review committee likely would not have endorsed this nomination if standard procedures had been followed. The quality of the preservation work is fine, however some preservation staff expressed concerns about a "building in a building" approach to preservation.

The Ashlar prompted two lawsuits, both of which had the net effect of upholding Kansas preservation law, which is a laudable accomplishment.

WALL TO WALL



(Staff photo by Richard Gwin)

Pete Widhalm, who works for Barnhart Drywall and Plaster of Topeka, applies plaster to a wall in a former church at 11th and New Hampshire streets that is being converted into office space.

Friends of
Sacred
Structures



May 1, 1995

Ms. Barbara Pahl, Director
Mountains/Plains Regional Office
National Trust for Historic Preservation
910 16th Street, Suite 1100
Denver, Colorado 80202

Dear Ms. Pahl:

It is our understanding that the adaptive re-use of the (Old) English Lutheran Church, located in Lawrence, Kansas has been nominated for a National Trust for Historic Preservation Honor Award. Friends of Sacred Structures, a not-for-profit organization dedicated to the preservation and continued use of historic religious structures in the Kansas City area would like to commend this project.

The conversion of abandoned religious structures to viable new uses while retaining their historic character is one of this country's most difficult preservation challenges. Not only is society sensitive about appropriate new uses for historic religious properties, but their specialized design often hinders conversion. FOSS believes the (Old) English Lutheran Church is an excellent example of successfully meeting this challenge.

We encourage the Trust to honor this project.

Sincerely,

Elmer Denis, President
Friends of Sacred Structures

c/o Historic Kansas City Foundation
712 Broadway, Suite 404
Kansas City, MO 64105
(816) 471-3915

RECEIVED
MAY - 5 1995

Ans'd.....

The Lawrence Preservation Alliance

P.O. Box 1073, Lawrence, Kansas 66044

The National Trust for Historic Preservation
1785 Massachusetts Avenue, NW
Washington, D.C. 20036

To the Chair, National Preservation Honor Awards:

The Lawrence Preservation Alliance has been incorporated just over ten years as a non-profit organization dedicated to facilitating rehabilitation, reuse, and appreciation of the many historical and architectural resources in Lawrence and Douglas County. Over the last decade we have been involved in supporting the adoption of an historic resources ordinance and establishment of a Historic Resources Commission, in establishing and using a revolving loan fund to rescue individual properties, funding plaques for historic buildings, and having educational programs and walking tours of our historic resources. Yet I believe that most of the board would agree that our support of the legal actions in behalf of the preservation of the Old English Lutheran Church is perhaps the most important single issue we have addressed.

The Church, designed by a prominent architect John G. Haskell, is an important resource in our community. The concern for saving the building was useful in developing community-wide interest in preservation issues. More importantly, however, this action led to an important review of the procedures that must be used in our state for a city government to issue demolition permits. It reminded us that this was not simply an issue for the city commission to rule on outside of the larger context of preservation law.

We are delighted to have the structure remain as a landmark in our community, and to have the process more clearly defined for the State Historic Preservation Office and our own local government. We owe a great debt to the individuals comprising ASHLAR, L.C., Olive Stanford and Mary and Arthur Anderson, whose willingness to take on an expensive and "questionable" project made this possible for the rest of us.

I certainly endorse this application.

Sincerely,

marci francisco

marci francisco, President
Lawrence Preservation Alliance



City of Lawrence KANSAS

MIKE WILDGEN, CITY MANAGER

CITY OFFICES
BOX 708 66044-0708 913-832-3000
TDD 913-832-3205
FAX 913-832-3405

6 EAST 6th

CITY COMMISSION

MAYOR
JOLENE ANDERSEN

COMMISSIONERS
BOB MOODY
DOUG COMPTON
JOHN NALBANDIAN
ROBERT C. SCHULTE

April 24, 1995

National Trust for Historic Preservation
1785 Massachusetts Avenue, NW
Washington, DC 20036

Attn: National Preservation Honor Awards

On behalf of the Historic Resources Commission for the City of Lawrence, Kansas, I am writing to recommend that ASHLAR L.C. receive a National Preservation Award for their efforts to save and restore the Old English Lutheran Church. ASHLAR is composed of family members, Olive Stanford, and Mary and Arthur "Tripp" Anderson. Designed by John J. Haskell, an early Kansas Architect, this small stone church was once a religious home to immigrants from Sweden and Germany. Integrally placed for pedestrians, it sat close to downtown and the neighborhood it served.

Kansas has a long and strong tradition of rampant town boosterism which flowered during its ante bellum era. Based on a perceived need for survival and to attract more eastern capital, boosters derived an equation they believed true that has endured until today: anything "old" is bad, and anything "new" is good. It persists that "old" means economic stagnation and community decline, whereas "new" signified growth and success. ASHLAR, despite this tradition, has managed to demonstrate to our small midwestern community in the Heartland that "new" is not always better.

Throughout the effort to save this small stone church the question nagging everyone's mind was the fate of the church, once saved. It was incumbent that the church become more than just another nice old building and have a new life in this growing community. Inspired with a vision for the future, ASHLAR members not only hoped save the church along with the Lawrence Preservation Alliance, but also purchased the church and rehabilitated it in a caring, thoughtful and sensitive way. It is Lawrence's model that older structures can remain economically viable, when imagination and thought replace old assumptions. The church is now a highly sought after small office building of architects, accountants, etc.

In small towns such as Lawrence, this kind of responsibility toward the past, while felt, is much less often acted upon by those in the financial position to do so. Mrs. Stanford and the Andersons exemplify what preservation means. They not only believed that the church had a future, but also helped sell that future to a community which badly needed a reminder that the growth and success can be measured in other ways. Still woven into the threads of the downtown's built environment, the church is a proud reminder to our citizens that older buildings should be savored not only for their contribution to the past, but also for their potential contributions to the future.

Sincerely yours,

Cathy Ambler, Chair
Historic Resources Commission



NEW HAMPSHIRE STREET HISTORICAL WALK

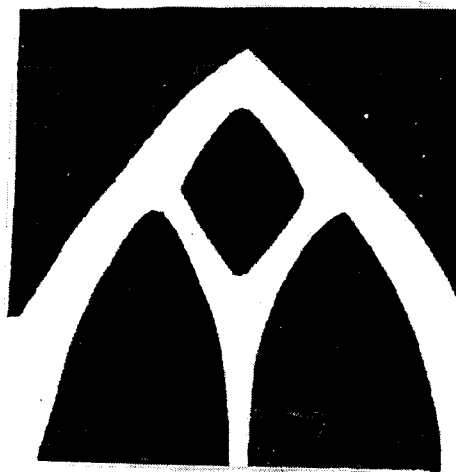
With Katie Armitage

APRIL 25, 2006

FROM SUITES TO A CHURCH

Factories to Cable Offices

With Shopping outlet in between



FROM HOMES TO LOFTS

With livery stables, blacksmith shops,

Garages and groceries in between

This packet of material was developed for the conclusion of the Spring 2006 Kansas Places/Great Spaces University Women's Club Interest Group co-chaired by Katie Armitage, Rita Spradlin, and Sandra Wiechert. The purpose is to provide an overview of the historical development of New Hampshire Street in the last one hundred and fifty years. Although not every store, business, or home that ever existed on the street is listed, the historical highlights of usage on the five-block area on each side of New Hampshire Street of the original Lawrence townsite are outlined.

Sources for the historical references include:

Historic Timeline English Lutheran Church

Lawrence Journal World

University Daily Kansan

Downtown Lawrence Historic Survey-Appendix I

by Three Gables Preservation- 1993.

Lawrence City Directories 1875, 1923

Lawrence Telephone Directories, 1954, 1958, 1978

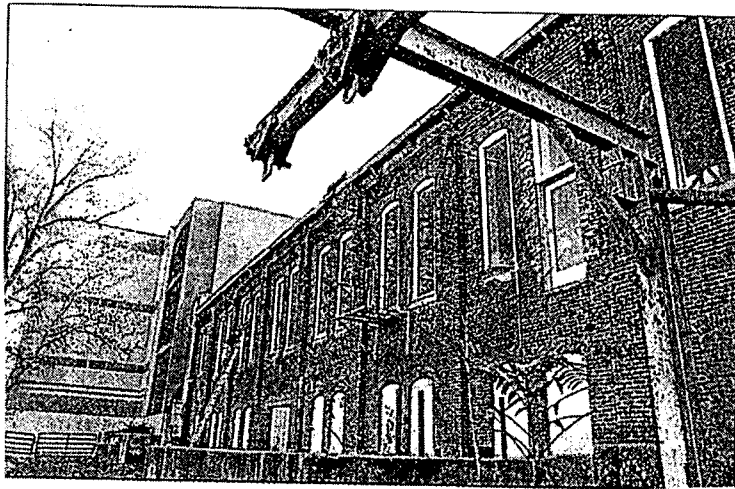
KHA Personal Files

THE FOOT OF NEW HAMPSHIRE ST. 1854- 2006

6th and New Hampshire along the Kansas River-
From Consolidated Barb Wire to Abe and Jakes's Landing

The River levee was the site of an encampment of New England Emigrants in 1854. After a dam was successfully built on the Kansas River in 1878, this area became the site of a number of factories, including a wooden basket works, flour mill, and paper mill; all used electricity generated by waterpower. In 1882, J. D. Bowersock became president of the Lawrence paper company, later known as Bowersock Mill and Power. Part of the Bowersock Mill was demolished in 1989 to make way for the Lawrence Riverfront Plaza. LJW Feb. 14, 1989.

546 New Hampshire-CONSOLIDATED BARB WIRE
1892-1899-Consolidated Barb Wire Company Drawing Mill built by A. Henley, who also built the home at 713 Louisiana St.
1907-1974- the Lawrence Paper Co. & Kansas Fiberboard Co.
1990-The Consolidated Barb Wire building placed on Kansas Register of Historic Places.



Lawrence Journal World Nov. 18, 1998

BARBED HISTORY

Built in 1892, the Consolidated Barb Wire Co. Drawing Mill produced plain and barbed wire, nails, bale ties, hay presses and woven-wire fencing. It racked up sales of \$1 million a year.

Although the plant prospered — with 375 employees, the company was Kansas' largest employer at the time — it closed in 1899 after a forced sale to an eastern steel trust.

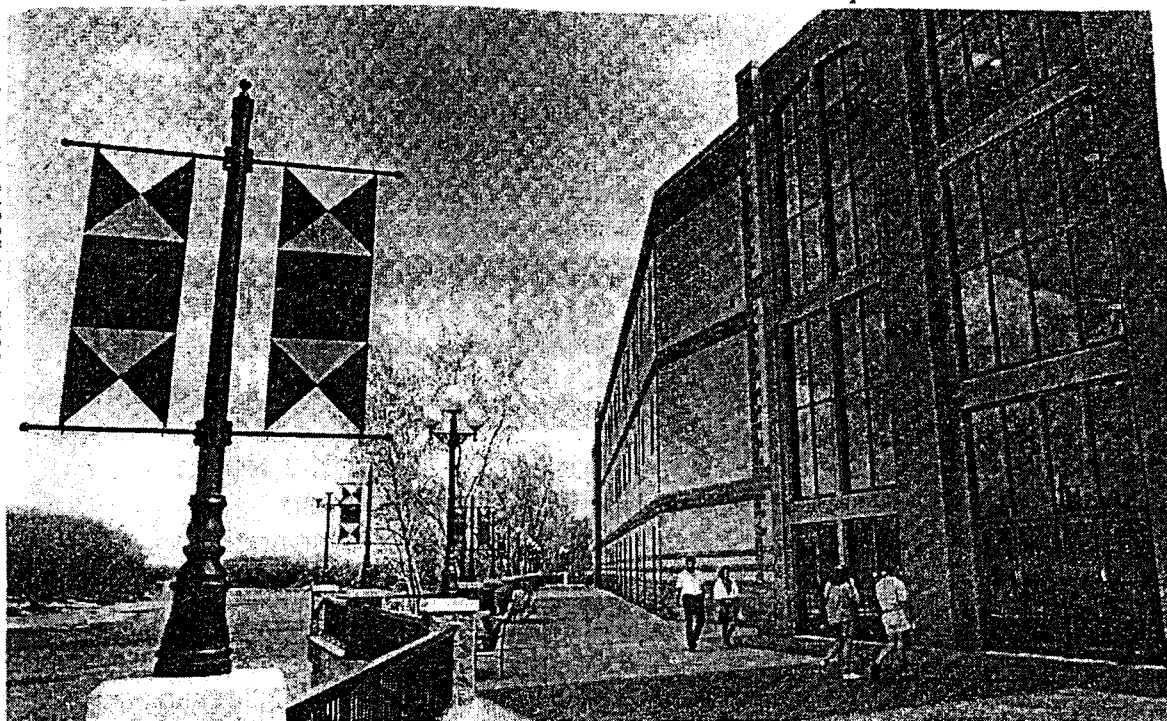
Lawrence Paper Co. took over the plant in 1907, using it to produce 15 tons of paper products a day. Products included the corrugated paper carton for canned goods — a company invention that has served as the industry standard ever since.

The company vacated the building in 1974.

2000- present -After a long and difficult renovation, Mike Elwell opened "Jake and Abe's Landing" a bar, coffee shop, and sculpture garden named after legendary black Kaw River fishermen.

6th and New Hampshire- From Riverfront Mall
to World Company office and Marriott rooms

1990-In April, the Chelsea GCA Realty Inc. a New Jersey based real estate investment trust built and opened the \$17.5 million, 150,000 foot, Lawrence Riverfront Factory Outlets. The city of Lawrence owns the land the mall is on. The mall had many shops, a food court, a children's theatre, escalators, and the river promenade. But the outlet stores struggled to find sufficient shoppers and much of the first level was leased to Sprint Telecenters.



Lawrence Journal World April 10, 1992

1998- "Businesses Suffers with newer malls opening near town"

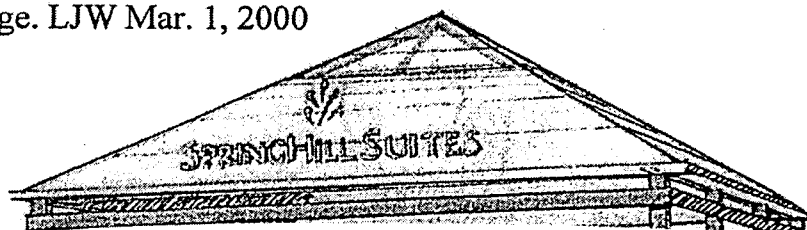
University Daily Kansan June 10.

1998-Dec. 29th "Simons-led group buys Mall'- LJW

2000- to present- Spring Hill Suites by Marriott.

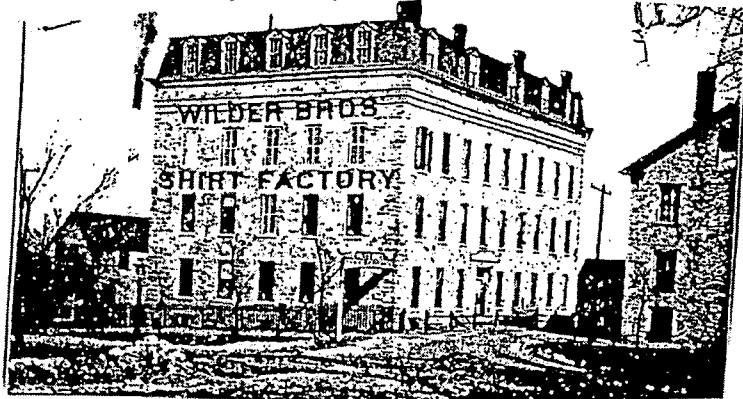
The Lawrence City commission cleared the way for a 108 room Marriott hotel to occupy 40% of the Lawrence Riverfront Plaza. LJW Mar. 1, 2000.

The hotel pays \$13,248 a year for 138 dedicated parking spaces in the city's adjoining garage. LJW Mar. 1, 2000



600 New Hampshire East SIDE.

612 N. H. –**WILDER BROS. SHIRT FACTORY**. This 1883 building is probably the oldest factory building in Lawrence. For thirty years the Wilder Bros. Shirt factory employed 50 young women as seamstresses and laundry workers. The Vermont born Wilder Bros. who had worked in a shirt and collar business in Troy, New York came to Lawrence in 1873. They first occupied a stone building on this site. By 1894, employment shrunk to 40, excluding salesmen, and workers earned about 15 cents an hour. The 1911 tornado damaged the building. With orders declining due to large ready-to-wear manufacturers, in 1917, the property was sold for \$24,000.



612 New Hampshire St. In 1919, the **REUTER ORGAN CO.** of Trenton, Illinois moved to Lawrence and obtained the building in 1920, remodeled and in 1928, built an office building south. In 1956-7 the company added a major addition. In 2000 Reuter Organ Co planned to move from downtown to a \$3 million dollar, new 68,000-square foot building on 7.15 acres in the Timberedge Industrial Park north of the Kansas Turnpike. The World Company purchased the building.

Reuter Organ Co.,
612 N.H.,
has
announced
plans to
move from
downtown
Lawrence to
a new \$3
million
building on
7.15 acres in
the
Timberedge
Industrial
Park.



Lawrence Journal World Jan. 7, 2000.

MIKE YODER/JOURNAL-WORLD PHOTO

600 BLOCK -NEW HAMPSHIRE WEST SIDE

A MIXED HISTORY: Tragedy, Bootleg Liquor, Shops, and News

1863—a number of men were killed near the end of this block during Quantrill's Raid on the morning of Aug. 21, 1863: George Burt, 41, native of New Hampshire, Chester Hay, 28, Nathan Stone, 61, hotelkeeper

601-603-Machine Shops-savage-1923

609 New Hampshire- Lawrence Iron Works-Lawrence City Directory 1923

Lawrence Journal World-Lawrence City Directory 1958

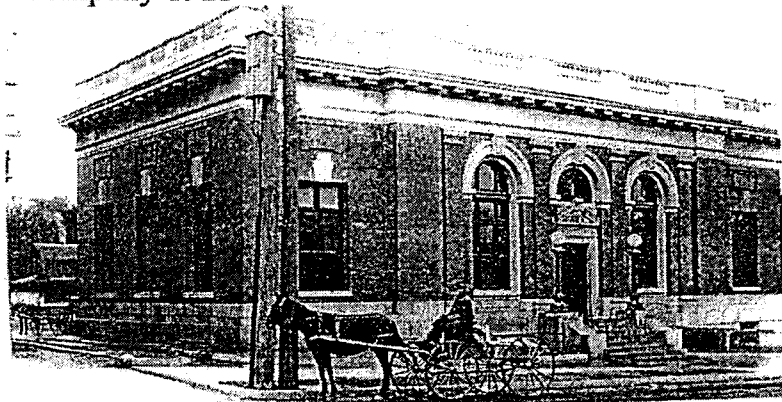
The business office of the Journal World moved from Massachusetts St to New Hampshire in the mid 1950s

1894- "A Raid Made" west side of N. Hampshire

July 19, 1894 *Lawrence Journal*- after the assault on Marshall Anderson and Officer Brocklesby by some of wenches of the place...a raid on the place was arranged...The open violation of the liquor laws, the constant gambling, the gathering of disreputable men and women, have all be come so notoriously open that every step taken by the officers in their efforts to close up the places will meet with a hearty second from all law abiding and law loving people of the city."

629 N. H.- Roberts and Sons Blacksmiths-1923

633 N. H. University Coal Company 1923



645 N. H. 1906- 1962- UNITED STATES POST OFFICE

2000 to Present-/LAWRENCE WORLD NEWSROOM

Dec. 11, 1899, Congressman J. D. Bowersock introduced a bill for a \$75,000 Post office building for Lawrence. The beautiful brick Beau Arts style structure cost \$60,000. When it opened April 1, 1906, it was the fourth busiest in Kansas. Previously the post office was in rented quarters.

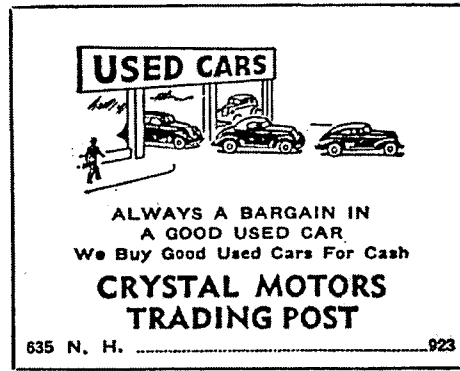
1930-building enlarged, 1965- U. of Kansas Continuing Education

2000, Sept- The World Company purchased the property for newsrooms.

600 Block continued. *East Side*

632 N. H. Crystal Motors Trading Post-1978

635 N. H. Crystal Motors Trading Post 1954-58



644 New Hampshire St.

SUNFLOWER CABLEVISION-

This one-story irregularly shaped concrete building in the "Brutalist" style was erected about 1972 and is still used as a studio for Channel 6 broadcasting. There is only one entry on the southeast side and parking To the corner..



700 N. Hampshire -East Side block

1875-76- Donnelley Bros. Livery Hack and Feed Stable

Lawrence City Directory p. 64.

1890/91-advertisement for Donnelly Bros, Livery & Feed and Hack
Stables Corn. New Hampshire and Winthrop (7th) Tel. 100

Lawrence City Directory p. 50

BEST LIVERY IN THE CITY, DONNELLY BROS

1897- "New Donnelley Barn After disastrous fire, new barn, with
washroom etc. *Lawrence Daily Journal* aug. 28, 1897.

1905 -700-718 Donnelley Bros.

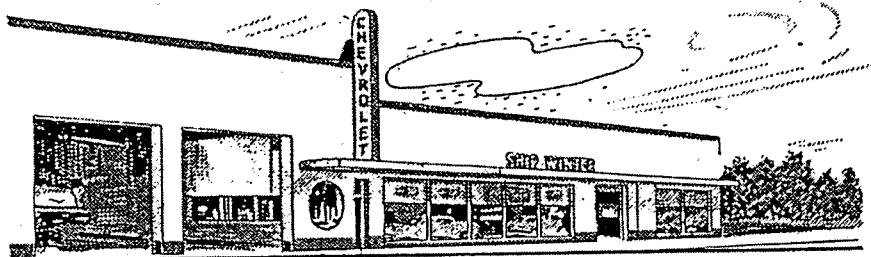
2000- present "Borders Books and Music"

This new building was erected after months of controversy,
Borders agree to retain the north wall of the stable.

714-718 N. H. Sam's Produce-Retail Grocer-1958

738 New Hampshire-WINTER Chevrolet

ALL OF YOUR CAR NEEDS UNDER ONE ROOF



- ★ Complete Body & Paint Service
- ★ Front End Alignment
- ★ Air Conditioning Service - On All Makes
- ★ O.K. Reconditioned Used Cars With Written Guarantee
- ★ RENAULT Sales - Service Most Foreign Cars


SHIP WINTER



America's most popular car

Phone-VI-3-7700 8th and New Hampshire

Sam's Produce
CO.

DIAL 
Viking 3-2112

**WHOLESALE
DISTRIBUTORS
OF**



**INSTITUTIONAL GROCERIES
FRESH FRUITS & VEGETABLES**

714-18 NEW HAMP.

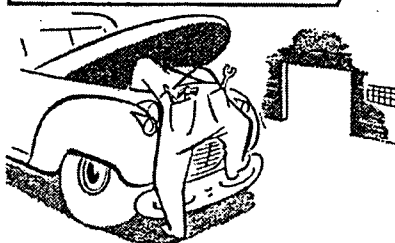
700 BLOCK WEST SIDE

15 E. 7th and Corner New Hampshire- Charlton Building

This corner building dates from 1906

707 New Hampshire.-University **PACKARD** & Auto Repair,
1954, Lawrence Telephone Directory

GUARANTEED DEPENDABLE
**AUTO
REPAIRING**
ON ALL MAKES



WE OFFER AUTHORIZED
SERVICE & PARTS
FOR

Packard



• QUALITY USED CARS •



BEAR FRONT-END
ALIGNMENT AND
WHEEL BALANCING

VI 3-3722



**UNIVERSITY MOTORS
PACKARD**

707 N. H.

1970s- City of Lawrence -2 hour free parking
729 N. H.- Scott Temperature-1958 Lawrence Tele
Last Call Bar 2006

731 N. H. Mayflower Moving

733 N. H. La Familia Café Downtown

735 N. H. Hetzel Heavy Haulers-1946-1988
notice the metal façade on the second story facade.

737 N. J. 1920s a 30 car garage

1952-72 Rollerdom Skating Academy

745 N. H. in the 1920s Fritz Battery Co. notice the Spanish colonial revival
design and pen tile roof overhand.

2005 Central Data computers est. 1989.

KoJo-Quality Near and Far-20005

HETZEL HEAVY HAULERS

SPECIALIZING IN
HOUSE MOVING . RAZING . HEAVY MACHINERY
BOILERS . STEEL ERECTION . DERRICK &
WINCH TRUCKS . DUMP TRUCKS . FLAT &
POLE TRAILERS . LUMBER HAULING
WE RENT
Air Compressors & Contractors Equipment
735 N H-----VI 3-1181

AERO MAYFLOWER LONG-DISTANCE
MOVING SERVICE

America's Finest! Standard ICC
rates. Service everywhere. Mod-
ern vans, careful drivers. Expert
packing. Undivided responsibil-
ity. Finance plan available.
Warehouse agents in all key cities.
Easy, safe, dependable.

**AERO
Mayflower**
WORLD-WIDE
FURNITURE MOVES

"FOR INFORMATION CALL"

AUTHORIZED AGENT
LAWRENCE TRANSFER & STRGE CO
INC 731 N H-----VI 3-0171

800 BLOCK NEW HAMPSHIRE WEST SIDE

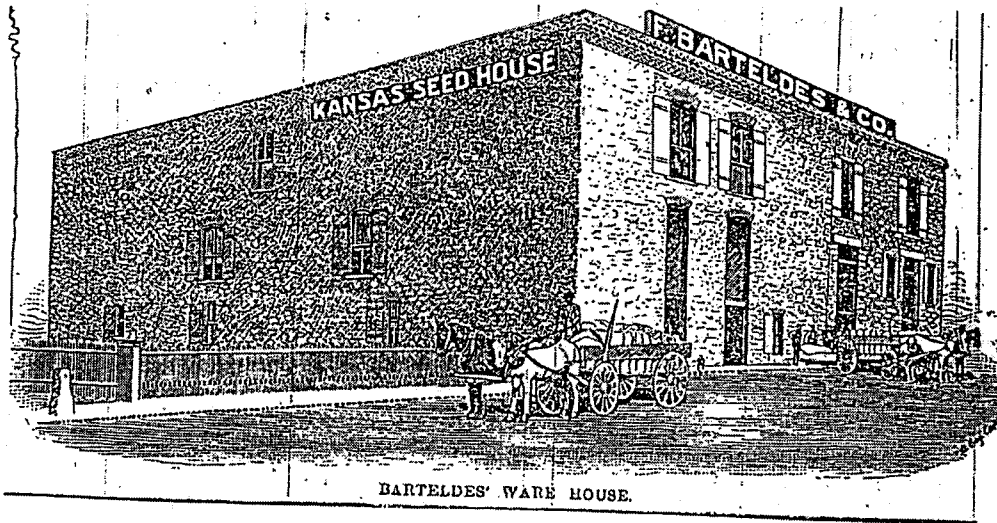
811 New Hampshire limestone- Roughly the south third was rebuilt shortly after Quantrill's Raid, by grocers Peter Ridenour and Harlow Baker.

1887- "Mr. F. W. Barteldes will begin excavating today, had foundation for a two-story seed house just south of their building."

Lawrence Daily Journal Sept. 2, 1887.

1894 Kansas Seed Company warehouse-three-story stone structure, 120 feet and 100 feet front for 36,000 square feet equipped with hydraulic elevator, five power and seed cleaners. Firm also purchased property fronting on Henry St. (8th) and here increased the storage capacity.

Extensive enlargement and remodeling. *Lawrence Daily Journal* Jan. 1, 1894. Barteldes warehouse until 1960, company relocated to Denver.



Lawrence Daily Journal, Jan. 1, 1895.

1971-1997- Quantrill's Flea Market had many stalls

1999-April 16. Modern renovation, remodeled by attorneys John Nitcher, Riling, Bo Harris for offices and a restaurant; "Blue Jacket" lasted a few years. Now law office and Callahan Creek Advertising Agency

2004- Bar "Captain Ribman's Meat Market", closed 2004, empty 2005

2006-Krause Catering

815 New Hampshire – a modern two story brick building with a flat roof, set back from the street. From about 1952 to 58, this site housed Graeber Bros. Plumbing, Dr. Pepper occupied the site from 1944-1970. Since then a number of restaurants and bars have done business here.

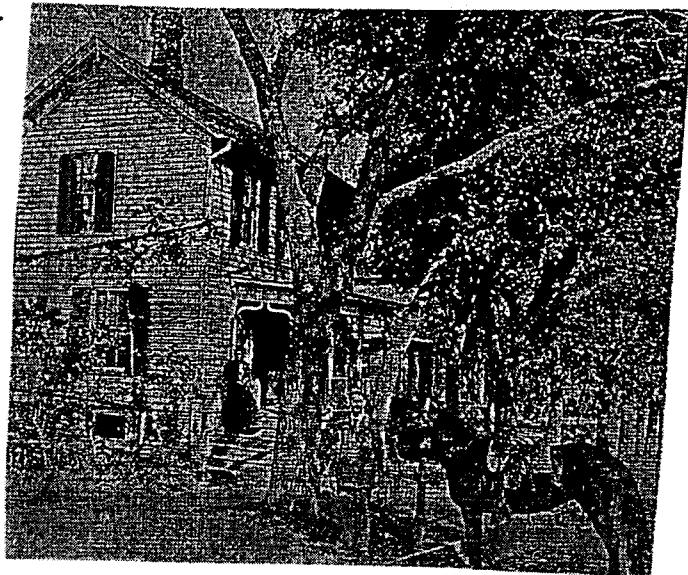
845 N. H. harem salon

(harem salon

Quantrill's
Flea Market
&
Antiques

800 Block New Hampshire East Side
FROM CARS TO APPETIZERS

Near 8th and New Hampshire in the 1860s this site was the home of Quantrill Raid survivors Amelia and Fred Read. Read owned a dry goods store on Mass and was a city councilman.



800-804- 1931 M. F. Hudson Motor Co. was at this site.

1932 The Phillips Pet Co.

1936 -Kansas National Guard

1939-56- M. F. Hudson Olds

1958-60-Les Morgan Olds

1962-Winter Olds

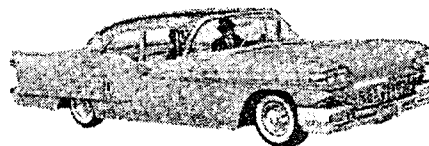
1964-66-Scott Temperature

1970-76-body shops

1978-84- K & M Decorating

OLDSMOBILE

AUTHORIZED SALES & SERVICE



800 N. H.- **PACHAMAMA'S** Restaurant opened Feb. 2006

After extensive remodeling of the 13,000 feet space Pachamama's Restaurant which had operated since 1999 on Quail Drive

Moved downtown to this location to serve its new world cuisine.

Of the glass effect and neon green lights, Pachamama's owner and executive chef Ken Baker is quoted "I wanted it to look outstanding regardless of what anyone said."

Alissa Bauer, *Kansan*, Feb. 17, 2006

Se corner -Kansas Pubic Service building 1980s.

900 Block West Side New Hampshire

THIS 900 BLOCK IS CLOSELY ASSOCIATED WITH QUANTRILL'S 1863 RAID. The lot behind U. S. Bank was the site of the foundation for a black church at the time of the raid. Some bodies of men killed were placed in the hole dug for the foundation.

SITE OF MASSACRE OF RECRUITS AUGUST 21, 1863

In 1863 this area was outside the nine-year-old business and residential settlement of Lawrence. About the middle of the current 900 block unarmed recruits of the 14th Kansas Cavalry were camped awaiting induction into the Union Army. As John Speer, who lost two sons in the raid, wrote in the *Kansas Tribune*, four years after the raid, Aug. 21, 1867,

"These were a band of twenty-one young men enlisted in the service of their country, who had just received Government uniforms but were without weapons. As they sprang from their tents, some in night clothes, and some in the Government blue, no signs of quarter or token of mercy extended to them and eighteen of the twenty-one drenched the soil of our streets with their blood. We speak of them as boys because it was a matter of speculation with our citizens whether such youths would be received into government service, ranging as they generally did from fourteen to nineteen years of age."

Some of the accounts of this massacre indicate that a number of the recruits were trampled to death by the raiders' horses and others shot.

We will stop at the marker in the grassy area by the drive into the new city garage where the recruits who perished are listed. Notice that three of the men have the name Markle. They were brothers born in Germany as was their stepbrother Aaron Halderman, age 18.

Notice that the marker refers to Col. Quantrill. It is doubtful that Quantrill, who was a guerrilla leader, ever received the rank of a Confederate colonel. For about thirty years this area was an open air parking area. In 1908 members of the U. of Kansas History Dept. placed the stone marker.

2001-The city of Lawrence in partnership with developers built a multi-level parking garage and attached offices and apartments. City transportation, "The T" and Lawrence Parks and Recreation have offices in the south side of the garage.

945 N. H.- Pepperjax Grill opened in Feb. 2004 in building developed by Martin Moore and Jeff Shmallberg.

1000 Block NEW HAMPSHIRE East Side.

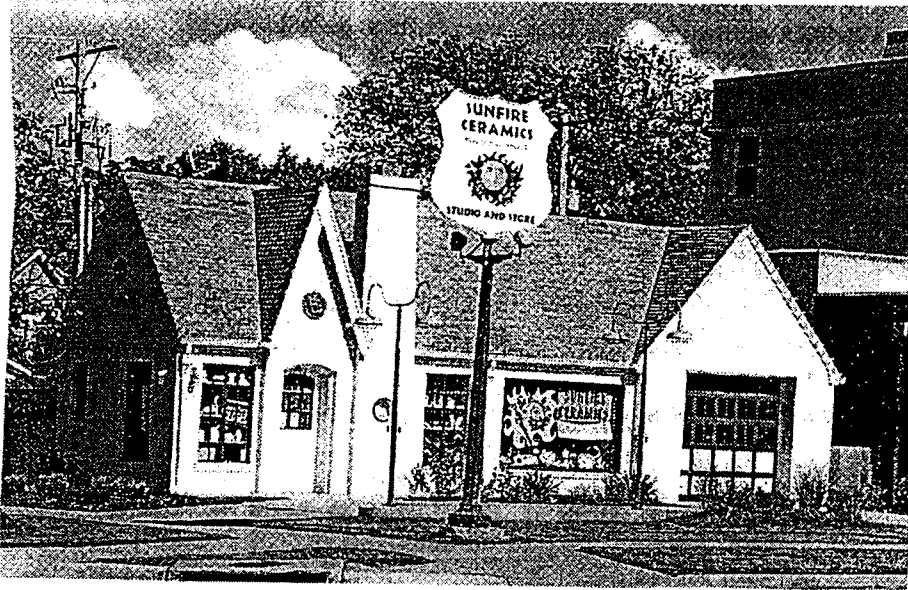
1002 New Hampshire St.- built in 1928 as the 98th Phillips 66 gas Service Station, closed 1990s. Art Cramer purchased the station from the original owner and operated it until new environmental regulations made the station unfeasible

U Haul Rental Trailers-1954

Cramer Service Station -1958

1996-plans for redevelopment of block

1999-Sunfire Ceramics

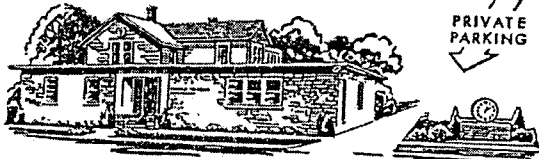


1006-1008-2001-offices and new Lawrence municipal court building

1020 New Hampshire- 1958- Cooper-Warren Mortuary

later Funk Mortuary
currently a parking lot

FRED L. COOPER AND WILLIAM C. WARREN



PRIVATE
PARKING

"Air - Conditioned"

★ FINER FACILITIES
★ PERSONAL SERVICE
★ REASONABLE PRICES

COOPER · WARREN

formerly Funk Mortuary and
Schubert Funeral Home

Mortuary

1020 NEW HAMPSHIRE

VI 3-1120

1000 BLOCK NEW HAMPSHIRE *WEST SIDE*
 CLEAN CLOTHES, CLEAN AIR, & CATERING

This block was redeveloped in 1995 by Scotch Industries
 For a 30,000 square foot retail, office and apartment complex

1001 N. H. Lawrence Laundry & Dry cleaning 1954

1007- New Hampshire-new tenants
 Glenn Livingood Penzler Architects

SANITONE APPROVED SERVICE

Buy Nationally
 Advertized Sanitone
 Dry Cleaning with
 Confidence!
 All the dirt is gone, Spots vanish . . . Colors
 sparkle. No dry cleaning odor.

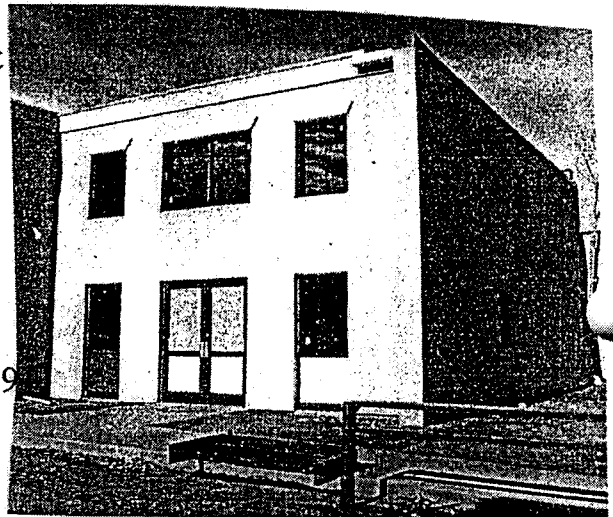


"WHERE TO GET SERVICE"

LAWRENCE LNDY & DRY CLNRS
 1001 N H. 383

1029 New Hampshire new office and outlet
 Scotch Industries

SCOTCH
 Fabric Care Services



1031-1035- Norris Bros. Heating Cooling 19
 1031-current *MACELI'S CATERING*

HEATING

"Space Saver" will give you -
HEATING + COOLING

HOME IMPROVEMENT
TERMS
NO MONEY DOWN
Up To 3 Years To Pay

**GAS FIRED & OIL FIRED
MODELS**
SHEET METAL WORK & GUTTERING
FREE ESTIMATES

Dial
Viking 3-6911
If No Answer Call - VI 3-4898 or VI 3-1227.

**NORRIS
Brothers**
 1035 NEW HAMPSHIRE

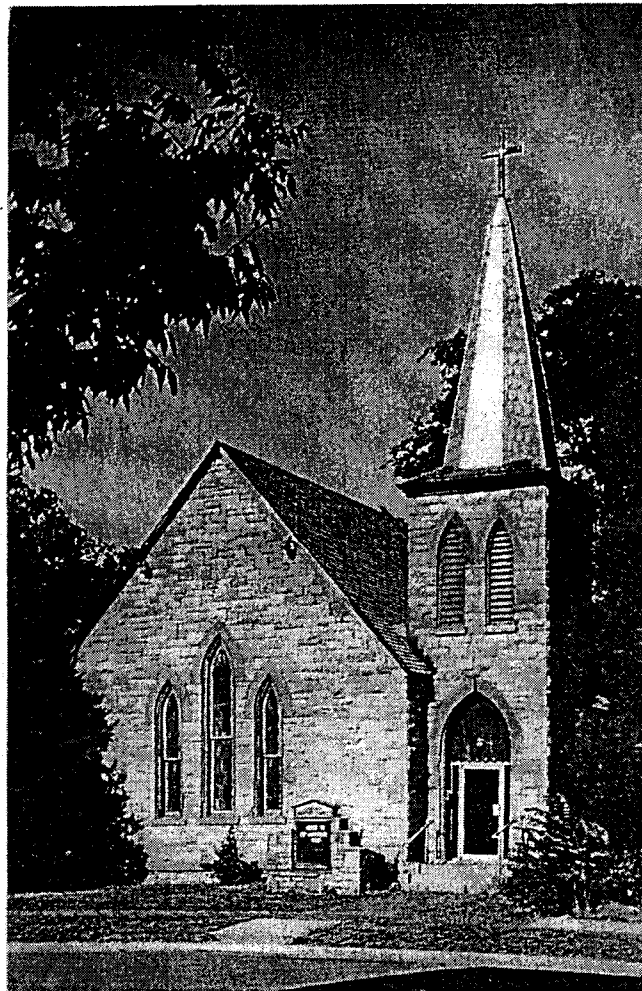
by
Airtemp
DIVISION
CHRYSLER CORP



1041- Allen Press building 1948-present.

1000 BLOCK New Hampshire EAST SIDE contd.

1040 New Hampshire- 1870 dedicated English Lutheran church designed by John G. Haskell, the church served three congregations. In 1976, Allen Press purchased the building with the intention of demolishing the church for redeveloping the property. The Lawrence Preservation Alliance, the State Historic Preservation Office, and local citizens, especially Arthur and Mary Anderson, worked to preserve the structure. In 1993, Arthur "Tripp" Anderson purchased the property, employed architect Craig Patterson, who adapted the building for professional offices.



1046 New Hampshire, former parsonage, frame house, now law offices

900 block NEW HAMPSHIRE East Side

900 N. H. 1919=1924 Mutual Oil co.
 1923-Dunham Oil Co. *Dunham's City Directory*
 1958-Frantz Service Station, Tele. Directory

920 New Hampshire- residence
 924 New Hampshire-residence
 926 New Hampshire-residence
 936 New Hampshire-residence built 1883
 940 New Hampshire St-2001,
 Lawrence Arts Center
 built by a public-private partnership
 design by GLMP architects.



Two story Italinate style frame home

946- New Hampshire-brick building, 1956 for Salvation Army, only tenant
 shelter with church in basement.

FRANTZ

SERVICE STATION

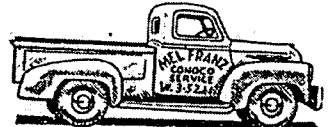


Viking

3-5211



- DIAL
- WASHING
- LUBRICATION
- TUBELESS TIRES
- SERVICE



"Waiting To Serve You"

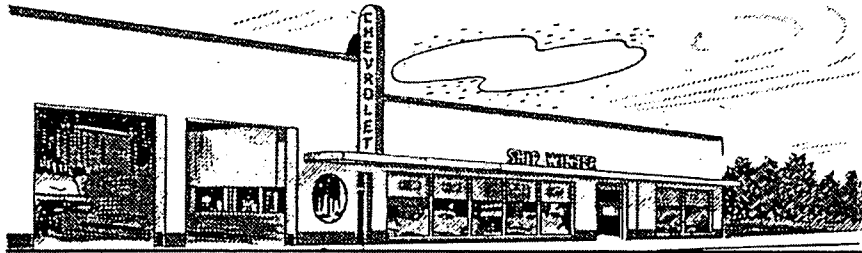
900 NEW HAMPSHIRE



700 south end East Side Block of New Hampshire St.
from LOTS TO LOFTS

SHIP WINTER CHEVROLET occupied this south end of this block from about the 1940s through the 1960s.

ALL OF YOUR CAR NEEDS UNDER ONE ROOF



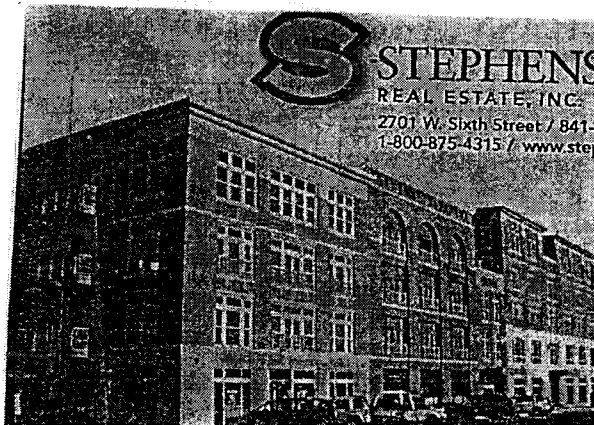
- ★ Complete Body & Paint Service
- ★ Front End Alignment
- ★ Air Conditioning Service - On All Makes
- ★ O.K. Reconditioned Used Cars With Written Guarantee
- ★ RENAULT Sales - Service Most Foreign Cars

SHIP WINTER 
America's most popular car

Phone-VI-3-7700 8th and New Hampshire

HOBBS TAYLOR LOFTS completed Oct. 2005

Developer Bo Harris and partners brought urban living, stores on the ground floor, residences on upper floors, to this block.



STEPHENS
REAL ESTATE, INC.
2701 W. Sixth Street / 841-4500
1-800-875-4315 / www.stephenstre.com

MLS
R

HOBBS TAYLOR LOFTS

REINVENT THE WAY YOU LIVE

Call for a showing or for more information

Betty Morris 423-3946
Bob Kocour 766-8593

Through the graciousness of Carol Roberts we will visit 730 Loft 5D



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Pre-Application Meeting Required
Planner _____
Date _____
Application Number _____
L- _____
Date Received _____

6 East 6th St.
P.O. Box 708
Lawrence, KS 66044

www.lawrenceks.org/pds

Phone 785-832-3150
Tdd 785-832-3205
Fax 785-832-3160

RECEIVED

NOV 27 2013

City County Planning Office
Lawrence, Kansas

APPLICATION FOR LANDMARK DESIGNATION IN
THE LAWRENCE REGISTER OF HISTORIC PLACES

1. Property Nomination Information

Historic Property Name:	WATKINS NATIONAL BANK
Property Address:	1047 MASSACHUSETTS
City, State, Zip Code:	LAWRENCE KS 66044
Legal Description:	MASSACHUSETTS ST LT 115 AND S 11' FT LT 113.

2. Applicant Information

Name:	Douglas County Historical Society
Street Address:	- same -
City, State, Zip Code:	
Home Phone:	
Work Phone:	785 841-4109
Email Address:	SNOWAK@WATKINSMUSEUM.ORG

3. Owner Information

Name:	Douglas County Historical Society
Street Address:	- same -
City, State, Zip Code:	
Home Phone:	
Work Phone:	
Email Address:	

Is this an owner initiated nomination? ☒ Yes ☒ No

If not, has the owner been notified by the applicant of this nomination? ☒ Yes ☐ No *

If sponsored by an organization:

Organization Name: LAWRENCE PRESERVATION ALLIANCE

Organization Address: PO BOX

Organization City, State, Zip Code: LAWRENCE, KS

* DCHS Board will discuss at 12/17 meeting

4. This property is being nominated for its:

Historic Significance: ☒

Architectural Significance: ☒

Association with an Important Local, State or National individual or event: ☒

5. Historic Background Information

Date Built: 1887	Estimated Documented <input checked="" type="checkbox"/>	Source: NR NOMINATION	Comments:
Date of Building Alterations or Additions:	Estimated Documented <input type="checkbox"/>	Source:	Comments:

Description of Building Additions or Alterations:

Original Owner: J.B. WATKINS	Source:
Original Builder or Architect: Cobb & Frost, CHICK	Source:
Original Use: BANK & TRUST COMPANY	Source:

6. Architectural Significance

See NR NOMINATION attached. Is Listed property.

7. Historic Significance

See NR NOMINATION attached.

8. Authorization and Certification

I, the undersigned do hereby have the legal authority to submit this nomination and I certify that the information provided on this application is true and correct to the best of my knowledge.

Signature: _____

Date: _____

CO-TRUSTEE, LPA.

Signature: _____

Date: _____

11/21/13

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

FOR NPS USE ONLY

RECEIVED

DATE ENTERED

SEE INSTRUCTIONS IN *HOW TO COMPLETE NATIONAL REGISTER FORMS*
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS**1 NAME**

HISTORIC

Watkins National Bank

AND/OR COMMON

Old Lawrence City Hall

2 LOCATION

STREET & NUMBER

1047 Mass. St.

CITY, TOWN

Lawrence

STATE

Kansas

VICINITY OF
CODE 20

NOT FOR PUBLICATION

CONGRESSIONAL DISTRICT

No. 3, Larry Winn

COUNTY Douglas

CODE 045

3 CLASSIFICATION

CATEGORY

☐ DISTRICT
☒ BUILDING(S)
☐ STRUCTURE
☐ SITE
☐ OBJECT

OWNERSHIP

☒ PUBLIC
☐ PRIVATE
☐ BOTH
PUBLIC ACQUISITION
☐ IN PROCESS
☐ BEING CONSIDERED

STATUS

☒ OCCUPIED
☐ UNOCCUPIED
☐ WORK IN PROGRESS
ACCESSIBLE
☐ YES: RESTRICTED
☒ YES: UNRESTRICTED
☐ NO

PRESENT USE

☐ AGRICULTURE
☐ COMMERCIAL
☐ EDUCATIONAL
☐ ENTERTAINMENT
☒ GOVERNMENT
☐ INDUSTRIAL
☐ MILITARY
☐ MUSEUM
☒ PARK
☐ PRIVATE RESIDENCE
☐ RELIGIOUS
☐ SCIENTIFIC
☐ TRANSPORTATION
☐ OTHER:

4 OWNER OF PROPERTY

NAME

City of Lawrence

STREET & NUMBER

City Hall

CITY, TOWN

Lawrence

VICINITY OF

STATE

Kansas 66044

5 LOCATION OF LEGAL DESCRIPTIONCOURTHOUSE,
REGISTRY OF DEEDS, ETC.

Douglas County Courthouse

STREET & NUMBER

CITY, TOWN

Lawrence

STATE

Kansas 66044

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

None

DATE

☐ FEDERAL ☐ STATE ☐ COUNTY ☐ LOCALDEPOSITORY FOR
SURVEY RECORDS

CITY, TOWN

STATE

7 DESCRIPTION

CONDITION

___ EXCELLENT
X ___ GOOD
___ FAIR

___ DETERIORATED
___ RUINS
___ UNEXPOSED

CHECK ONE

X ___ UNALTERED
___ ALTERED

CHECK ONE

X ___ ORIGINAL SITE
___ MOVED DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The two and one half story Watkins National Bank building has a combination hip and gable roof with three dormers on each side, a small dormer on the back, and a very large one in the front. The second story is penetrated with many evenly spaced windows with a single continuous stone sill to strengthen the horizontal movement.

The first story is plain with its arched windows making no significant impression. A strong horizontal line is produced by a wide band of contrasting rough-cut stone which pulls the eye around the building to the dominant feature, the massive semi-circular stone archway entrance. The half floor below the stone line is plain with uninteresting windows and no ornamentation.

The building measures 75 feet by 117 feet and has foundations which measure 12 feet across at the lowest point and taper up to the required basement wall thickness. The exterior plan is symmetrical about the longitudinal axis except for the archway. This single exception again tends to emphasize the importance of the entrance.

The Watkins National Bank building is significant. A classic example of the Romanesque influence on Kansas buildings.

Site and Date of Survey

Surveyed by _____

Checked by _____

48-0777475

117
75
24,325

70 x 113 = 7,910
31,240

8 SIGNIFICANCE

PERIOD

☐ PREHISTORIC
☐ 1400-1499
☐ 1500-1599
☐ 1600-1699
☒ 1700-1799
☒ 1800-1899
☐ 1900-

☐ ARCHEOLOGY-PREHISTORIC
☐ ARCHEOLOGY-HISTORIC
☐ AGRICULTURE
☒ ARCHITECTURE
☐ ART
☒ COMMERCE
☐ COMMUNICATIONS

AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW

☐ COMMUNITY PLANNING
☐ CONSERVATION
☐ ECONOMICS
☐ EDUCATION
☐ ENGINEERING
☐ EXPLORATION/SETTLEMENT
☐ INDUSTRY
☐ INVENTION

☐ LANDSCAPE ARCHITECTURE
☐ LAW
☐ LITERATURE
☐ MILITARY
☐ MUSIC
☐ PHILOSOPHY
☐ POLITICS/GOVERNMENT

☐ RELIGION
☐ SCIENCE
☐ SCULPTURE
☐ SOCIAL/HUMANITARIAN
☐ THEATER
☐ TRANSPORTATION
☐ OTHER (SPECIFY)

SPECIFIC DATES

1887

BUILDER/ARCHITECT Cobb and Frost, Chicago

STATEMENT OF SIGNIFICANCE

The Watkins National Bank building was erected in 1887 for a Lawrence financier, Jabez B. Watkins. Watkins moved to Lawrence in 1873 and established himself as a lawyer and loan agent. He successfully solicited funds in the east to lend to farmers in Kansas and surrounding states. His company was incorporated in 1883 as the J. B. Watkins Land Mortgage Company with branch offices in London, New York City, Dallas, and Lake Charles. This company was one of the largest of its kind.

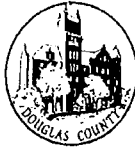
The second floor of the Watkins Building served as the home office of the mortgage company, and in 1888 the Watkins National Bank was established on the ground floor.

Watkins also owned a local newspaper, the Lawrence Record, and controlled the Lawrence Canning Company, said to be the largest vegetable cannery west of Baltimore.

The economic depression of the early 1890's brought disaster to many mortgage companies, and Watkins' firm went into receivership in 1894. The building continued to serve the Watkins bank until it was left vacant by a bank merger in 1929. Mrs. J. B. Watkins then donated the building to the city of Lawrence, which used it as the City Hall until 1970.

Presently city officials and citizens interested in the building's preservation are searching for a way in which the building may continue to serve the community.

The Watkins National Bank building is a classic example of the Romanesque influence on Kansas buildings.



JAMIE SHEW
DOUGLAS COUNTY CLERK

1100 Massachusetts
Lawrence, KS 66044

Phone: 785-832-5267

Fax: 785-832-5192

Marni Penrod
Chief Deputy Clerk

Benjamin Lampe
Deputy Clerk-Elections

November 14, 2013

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 250 FT OF 1047 MASSACHUSETTS ST
(U01309-01). 11/14/2013. REQUESTED BY DALE SLUSSER.

JOHN R NICHOLS
ACCOUNT CLERK
PHONE 785-832-5147
FAX 785-832-5192
EMAIL jnichols @ douglas-county.com

Douglas County Real Estate Division
County Clerks Office. I do hereby certify
The Real Estate Ownership listed hereto,
to be true and accurate.

A large, stylized handwritten signature in black ink, likely belonging to Benjamin Lampe, is written over a horizontal line.

JOINPIN	SYSCLACRE	owner1	owner2	owner3	address	city	sta	tip	plate	PID	Quickrefid	status
079-31-0-20-29-001.00-0	0.66693483	CITY OF LAWRENCE			PO BOX 708	LAWRENCE	K5	66044	U01431A	023-079-31-0-20-29-003.00-0	R16120	1009 VERMONT ST BLK 1
079-31-0-20-30-001.02-0	0.53639070	BERNIELEY PLAZA INC			1029 NEW HAMPSHIRE ST STE B	LAWRENCE	K5	66044	U01069A	023-079-31-0-20-30-001.02-0	R16136	1029 NEW HAMPSHIRE ST
079-31-0-20-30-006.00-0	0.20103169	GRANADA LLC		C/O FIRST MANAGEMENT INC	PO BOX 7797	LAWRENCE	K5	66044	U01296A	023-079-31-0-20-30-006.00-0	R16141	1020 MASSACHUSETTS ST
079-31-0-20-29-010.00-0	0.13344426	ERNST PHILIP R			828 MASSACHUSETTS ST	LAWRENCE	K5	66044	U01297	023-079-31-0-20-29-010.00-0	R16127	1021 MASSACHUSETTS ST
079-31-0-20-30-007.00-0	0.13411526	VENTANA INVESTMENTS LC			1029 NEW HAMPSHIRE ST	LAWRENCE	K5	66044	U01300	023-079-31-0-20-30-007.00-0	R16142	1026 MASSACHUSETTS ST
079-31-0-20-29-009.00-0	0.13510968	STRONG GARY B	STRONG EILEEN A		1025 MASSACHUSETTS ST	LAWRENCE	K5	66044	U01299A	023-079-31-0-20-29-009.00-0	R16126	1025 MASSACHUSETTS ST
079-31-0-20-30-008.00-0	0.67033107	ALLEN PRESS INC			PO BOX 368	LAWRENCE	K5	66044	U01304A	023-079-31-0-20-30-008.00-0	R16143	1040 MASSACHUSETTS ST
079-31-0-20-29-004.00-0	0.06472559	S & A PROPERTIES LLC			701 W 9TH ST STE A	LAWRENCE	K5	66044	U01302	023-079-31-0-20-29-004.00-0	R16125	1040 MASSACHUSETTS ST
079-31-0-20-28-007.00-0	0.13469172	HB&S LLC			601 N IOWA ST	LAWRENCE	K5	66044	U01439A	023-079-31-0-20-28-007.00-0	R16121	1040 VERMONT ST
079-31-0-20-29-007.00-0	0.06468042	HEINZ DAVID			PO BOX 702	LAWRENCE	K5	66044	U01438	023-079-31-0-20-29-007.00-0	R16117	1041 VERMONT ST
079-31-0-20-30-008.00-0	0.40212101	ALLEN REALTY INC			322 INDIANA ST	LAWRENCE	K5	66044	U01303	023-079-31-0-20-30-008.00-0	R16124	1041 MASSACHUSETTS ST
079-31-0-20-29-006.00-0	0.08464914	HANNA JOHN P	HANNA JANICE C	C/O SHERWOOD CLAYTON	PO BOX 621	LAWRENCE	K5	66044	U01079A	023-079-31-0-20-29-006.00-0	R16144	1041 NEW HAMPSHIRE ST
079-31-0-20-28-006.00-0	0.13470756	STEIN RICHARD M	HOWE MARY L		887 SPRING TRL	PRESCOTT	AZ	86303	U01305	023-079-31-0-20-29-006.00-0	R16122	1033 MASSACHUSETTS ST
079-31-0-20-29-006.01-0	0.06679501	HANNA JOHN P	HANNA JANICE C		422 SW 6TH AVE	TOPEKA	K5	66603	U01440	023-079-31-0-20-29-006.00-0	R16116	1033 VERMONT ST
079-31-0-30-04-001.00-0	0.23715627	CITY OF LAWRENCE			887 SPRING TRL	PRESCOTT	AZ	86303	U01305A	023-079-31-0-20-29-006.01-0	R16123	1035 MASSACHUSETTS ST
079-31-0-20-28-005.00-0	0.13472097	HEDGES BLAKE A TRUSTEE			PO BOX 708	LAWRENCE	K5	66044	U01306-01A	023-079-31-0-20-28-005.00-0	R16180	1005 MASSACHUSETTS ST BLK 1
079-31-0-30-04-003.00-0	0.26655510	CAPITOL FED SAVINGS & LOAN ASSN			1037 VERMONT ST	TOPEKA	K5	66044	U01442	023-079-31-0-30-04-003.00-0	R16182	1035 VERMONT ST
079-31-0-30-05-001.00-0	0.13473712	LOCATION PROPERTIES LC			PO BOX 3505	LAWRENCE	K5	66044	U01466A	023-079-31-0-30-04-003.00-0	R16181	1041 VERMONT ST
079-31-0-30-04-001.00-0	0.16762596	DOUGLAS CO HISTORICAL SOCIETY INC			1037 VERMONT ST	LAWRENCE	K5	66044	U01445	023-079-31-0-30-04-001.00-0	R16183	1041 MASSACHUSETTS ST
079-31-0-30-03-001.00-0	0.13400757	ALLEN PRESS INC			1007 MASSACHUSETTS ST	LAWRENCE	K5	66044	U01309-01	023-079-31-0-30-05-001.00-0	R16179	1041 NEW HAMPSHIRE ST
079-31-0-30-05-007.00-0	0.13475242	CAPITOL FED SAVING & LOAN ASSN OF TOPEKA KS			PO BOX 368	LAWRENCE	K5	66044	U01084	023-079-31-0-30-05-007.00-0	R16184	1041 VERMONT ST
079-31-0-30-13-001.03-0	1.15029764	DOUGLAS COUNTY			PO BOX 3505	TOPEKA	K5	66044	U01447	023-079-31-0-30-05-002.00-0	R16178	1101 MASSACHUSETTS ST
079-31-0-30-12-001.00-0	0.14697883	MOORE WILLIAM J	MOORE MARY J ET AL		1100 MASSACHUSETTS ST	LAWRENCE	K5	66044	U02418A01	023-079-31-0-30-12-001.03-0	R16273	1101 MASSACHUSETTS ST
079-31-0-30-12-002.00-0	0.99796457	CITY OF LAWRENCE			314 DAKOTA ST	LAWRENCE	K5	66046	U02428	023-079-31-0-30-12-002.00-0	R16274	115 W 11TH ST
079-31-0-30-12-006.00-0	0.12689893	HEIDELMANN GEORG	JACKSON KELDA		3821 GILLHAM	LAWRENCE	K5	66044	U02433-02A	023-079-31-0-30-12-006.00-0	R16277	1109 MASSACHUSETTS ST
079-31-0-30-12-004.00-0	0.13461739	YOUNG FRANKS L	YOUNG BRENDA		1401 NEW YORK ST	KANSAS CITY	K5	66044	U02425A	023-079-31-0-30-12-004.00-0	R16276	1109 MASSACHUSETTS ST
079-31-0-30-12-003.00-0	0.13536909	DANDIL WAHID M			6635 W 151ST ST	OVERLAND PARK	K5	66223	U02432A	023-079-31-0-30-12-003.00-0	R16275	1115 MASSACHUSETTS ST

W 10th St

E 10th St

Alley

Vermont St

Alley

Lawrence

Massachusetts St

New Hampshire St

W 11th St

E 11th St

North Park St

Vermont St

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Feet

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PLANNING COMMISSION REPORT
Non-Public Hearing Item

PC Staff Report
12/16/13

ITEM NO. 1: PRELIMINARY PLAT FOR WAKARUSA WASTEWATER TREATMENT PLANT ADDITION; 4380 O'CONNELL RD (MKM)

PP-13-00444: Consider a one-lot Preliminary Plat for Wakarusa Wastewater Treatment Plant Addition on approximately 537 acres located at 4380 O'Connell Rd. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat for the Wakarusa Wastewater Treatment Plant Addition subject to the following conditions:

- 1) Submittal of a revised preliminary plat with the following changes:
 - a. A note added to the plat which states that *"Sidewalks on N 1175 and E 1600 Roads are not required at this time; however, 5 ft wide sidewalks shall be installed along these street frontages when connecting sidewalks are installed."*
 - b. Note 1 on Sheet 3 revised to provide the State Historical Preservation Office's determination on the eligibility of the cultural, historical, and archeological sites on the property to be registered on the National Historic Registry.
 - c. Label the existing Baldwin City waterline north and west of the metering station as 'abandoned'.
 - d. Revise the 20 ft wide general utility easements along the roadways as follows:
Provide a 10 ft wide waterline and a 10 ft wide general utility easement on the north side of N 1175 Road.
Provide a 10 ft wide general utility easement and a 20 ft wide waterline easement on the east side of E 1600 Road.
- 2) Public improvement plans for the extension of utilities shall be submitted and approved prior to the recording of the final plat.
- 3) The Minimum Maintenance Designation for North 1175 Road between E 1550 and E 1600 Roads and for E 1600 Road between N 1100 and N 1175 Roads shall be reversed to provide access to the site prior to the recording of the Final Plat.
- 4) The City shall participate in future improvements to N 1175 and E 1600 Roads adjacent to the property when necessary as the area urbanizes.

Reason for Request: To create a platted lot for the development of a City Wastewater Treatment Plant. Building permits can be obtained only for platted properties.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.

ASSOCIATED CASES

- A-04-02-07; City Commission approved annexation of property into the City at their October 9, 2007 meeting with adoption of Ordinance No. 8181.

- Z -04-04-07; City Commission approved rezoning of property from V-C and A to GPI-FP at their October 9 and November 6, 2007 meetings with adoption of Ordinance No. 8182 and 8187.
- A Preliminary Plat (PP-04-04-07) was approved by the City Commission at their October 2, 2007 meeting and an Institutional Development Plan/Special Use Permit (SUP-04-4-07) was approved by the City Commission at their October 14, 2007 meeting; however, these approvals have expired. This Preliminary Plat application is replacing the previously approved plat and another Institutional Development Plan/Special Use Permit application will be required prior to development.

OTHER ACTION REQUIRED

- Submittal and administrative approval of a Final Plat.
- City Commission acceptance of dedication of easements and rights-of-way shown on the Final Plat.
- Submittal and City Commission approval of a Special Use Permit (SUP) to serve as the Institutional Development Plan for the project.
- Submittal and administrative approval of Floodplain Development Permit prior to any development activity.
- City/County staff determination of dedicated truck route and establishment of maintenance responsibility for the roads included on the route.
- NPDES permit from the Kansas Department of Health and Environment.
- Purchase of remaining easements for sanitary sewer lines running to the facility.
- Reversal of Minimum Maintenance Road designation for N 1175 and E 1600 Roads.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* -- A Downstream Sanitary Sewer Analysis is not required for a wastewater treatment plant.
- *Drainage Study* – A drainage study is not required for this project because downstream flooding is confined to the regulatory floodplain.
- *Traffic Impact Study* -- A Traffic Impact Study was provided and accepted with the previous Preliminary Plat.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment was received prior to printing this Staff Report.

GENERAL INFORMATION

Current Zoning and Land Use: GPI-FP (General Public and Institutional Use District with Floodplain Management Regulations Overlay District); agricultural uses, and wooded stream corridors.

Surrounding Zoning and Land Use: To the west and south: A (Agricultural) and V-C (Valley Channel) Districts and Floodplain Overlay District; agricultural uses and scattered rural residences.

To the east: A (Agricultural) District and Floodplain Overlay District; agricultural uses, wooded areas and scattered rural residences.

To the north: V-C (Valley Channel) District and Floodplain Overlay District; Wakarusa River and

agricultural uses. Property to the north is within the floodplain overlay district.
(Figure 1)

Site Summary

Number of Lots:	1
Gross Acres in Subdivision:	536.88 acres

STAFF REVIEW

The subject property, northeast of the intersection of E 1550 and N 1100 Roads, contains approximately 537 acres. No through roads pass through the subject property which is bounded on the north by the Wakarusa River and the east by Coal Creek. The property is being platted as a step in the process to develop a City wastewater treatment plant at this location. The proposed site was selected based in part on recommendations from the City's Wastewater Master Plan. This master plan indicated the need for a 2nd wastewater treatment plant and recommended a location south of the Wakarusa for the new facility.

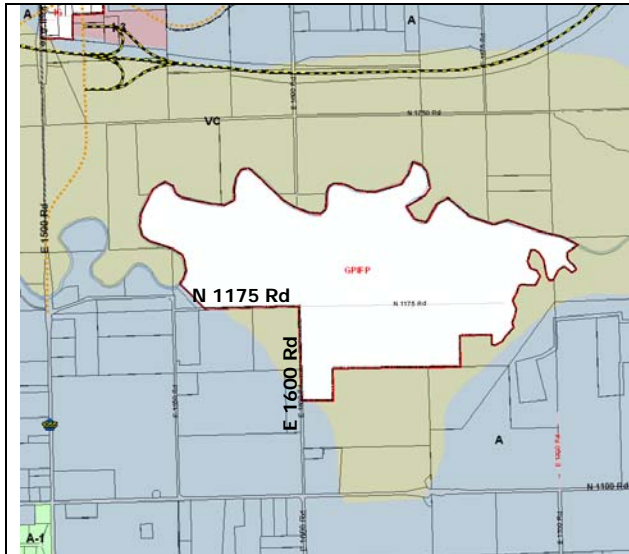


Figure 1a. Zoning in the area.

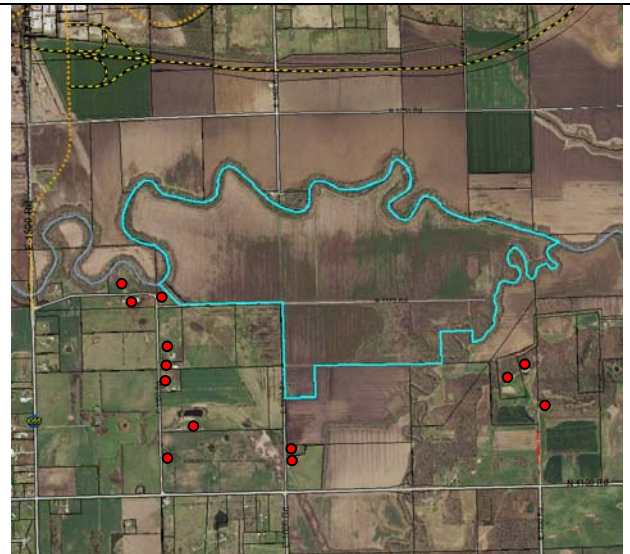


Figure 1b. Land use in the area. (Nearby residences marked with dots.)

Compliance with Zoning Regulations for the Zoning District

One 538 acre lot in the GPI District is being created with this plat. Per Section 20-601(b) of the Development Code, the GPI District requires a minimum site area of 5 acres and any lots created must have a minimum lot area of 20,000 sq ft and a minimum width of 100 ft. The lot being created complies with the Zoning Regulations for the GPI District.

Zoning and Land Use

The subject property, shown as Lot 1 on the Preliminary Plat, is currently undeveloped and is used for agricultural purposes. Crop agriculture will continue on portions of the property following development of the Wastewater Treatment Plant. The property is zoned GPI-FP (General Public and Institutional Use with Floodplain Management Regulations Overlay) District. The GPI District is intended for general public and institutional uses which require large land areas but are not appropriate for development in the H or U Districts. A wastewater treatment plant is permitted

within the GPI District and the GPI District permits the development of other accessory uses, such as meeting or educational facilities, which may be planned for this site in the future.

The proposed uses are permitted in the GPI Zoning District.

Streets & Access

The subject property will have direct access to public roads. It is currently accessed by N 1175 and E 1600 Roads which are both minimum maintenance gravel roads. The portions of these roads which are located within the subject property are being vacated with this plat and the minimum maintenance designation for the remainder of the roads is in the process of being reversed. The reversal of the designation must be finalized before the Final Plat can be recorded.

Per Section 20-219 of the Development Code, development in the GPI District shall take its primary access from collector and/or arterial streets, except uses defined as *Major Utilities* and *Services* and *Minor Utilities*, which may take primary access from any street classification deemed suitable due to their unique circumstances. With the reversal of the Minimum Maintenance designation, N 1175 and E 1600 Roads will be classified as Local Roads which are considered adequate for the amount of traffic that will be anticipated from these uses. The Traffic Impact Study provided with the earlier Preliminary Plat indicated that 60 trips a day are expected with this development with 18 occurring in the AM peak hour and 23 occurring in the PM peak hour.

The Subdivision Regulations require that 5 ft wide sidewalks be installed along both sides of a local street in the City of Lawrence and the Urban Growth Area. This property is an urban island within the unincorporated portion of the County and is located within the Urban Growth Area. Installation of sidewalks along the street right-of-way at this time would be unnecessary as there are no connecting sidewalks and the only development being created on the subject property is a wastewater treatment plant which is not a pedestrian destination. Sidewalks are not being provided at this time, but it should be noted on the plat that 5 ft wide sidewalks will be installed when connecting sidewalks are installed in the area.

Utilities and Infrastructure

A City water line extends through this area to the RWD # 4 and Baldwin City metering facility which was recently relocated from E 31st and Haskell area to the southern portion of the property due to changes being made with the construction of the South Lawrence Trafficway. The subject site does not currently have access to water infrastructure. City water lines do extend into the area to access the City of Baldwin Main. There are several options for the extension of water service to the area, but the final determination will be made at the design/build phase of the project.

The subject site will provide sanitary sewer service for the City of Lawrence. Sanitary sewer mains are being planned through corridors to access the site. As much as possible, the lines are being placed in road rights-of-way and easements to minimize impact on area property owners and easements are being purchased where locating in the right-of-way is not feasible.

Easements and Rights-of-way

Section 810(f)(1) of the Subdivision Regulations requires that utility easements must be provided for the facility and must be shown on the plan. An easement provided for the RWD No 4 and Baldwin City water metering facility is shown in the southern portion of the site. Utility easements are being dedicated along the N 1175 and E 1600 Road right-of-ways to accommodate the extension of utilities through the area. Westar indicated that they would need to coordinate the

location of their facilities and easements with the design of the plant. The City Utility Engineer indicated that a 10 ft waterline and a 10 ft general utility easement should be provided on the north side of N 1175 Road rather than the 20 ft general utility easement currently shown. This should allow access for the 16 in. City watermain to be extended to the west in the future. The 20 ft general utility easement on the east side of E 1600 Road should be reduced to 10 ft and a 20 ft waterline easement should be added. The Utility Engineer indicated this should allow space for the 16 in. City watermain, the RWD No 4 waterline and the relocated Baldwin City waterline south of the metering station. The actual location of additional utility easements will be determined when the project is designed and the easements will either be shown on the final plat, or dedicated by separate instrument and shown on the plans being submitted for development.

Additional right-of-way is being dedicated for the roads adjacent to the property. E 1600 Road has a 66' right-of-way and N 1175 has a 56' right of way for a 500' section about 500' east of E 1550 Rd and a 40' right-of-way for the remainder. (Figure 2.) Both roads are local roads which require 70' of right-of-way. Additional right-of-way is being dedicated so that both roads, which are local roads, will have 80 ft. of right-of-way. This additional right-of-way will ensure space is available for the extension of the waterlines within the right-of-way.

Environmentally Sensitive Lands

The plat notes that historical or archeological sites have been identified but that these are not believed to be significant. The State Historical Preservation Office (SHPO) is the party with the ability to make the determination on the eligibility of the sites to be listed on the National Historic Registry. The applicant should contact the State Historical Preservation Office for a determination on the eligibility of the cultural, historical, and archeological sites on the property for listing on the Nation Historic Registry. Note 1 on Sheet 3 should then be revised with that determination.

The plat notes the approximate location of wetlands on the property. When these wetlands have been delineated, they will be shown more accurately on the Final Plat or the Special Use Plan. Impacts to the wetland areas shall be evaluated and minimized through the site design review with the Special Use Permit application.

Conformance

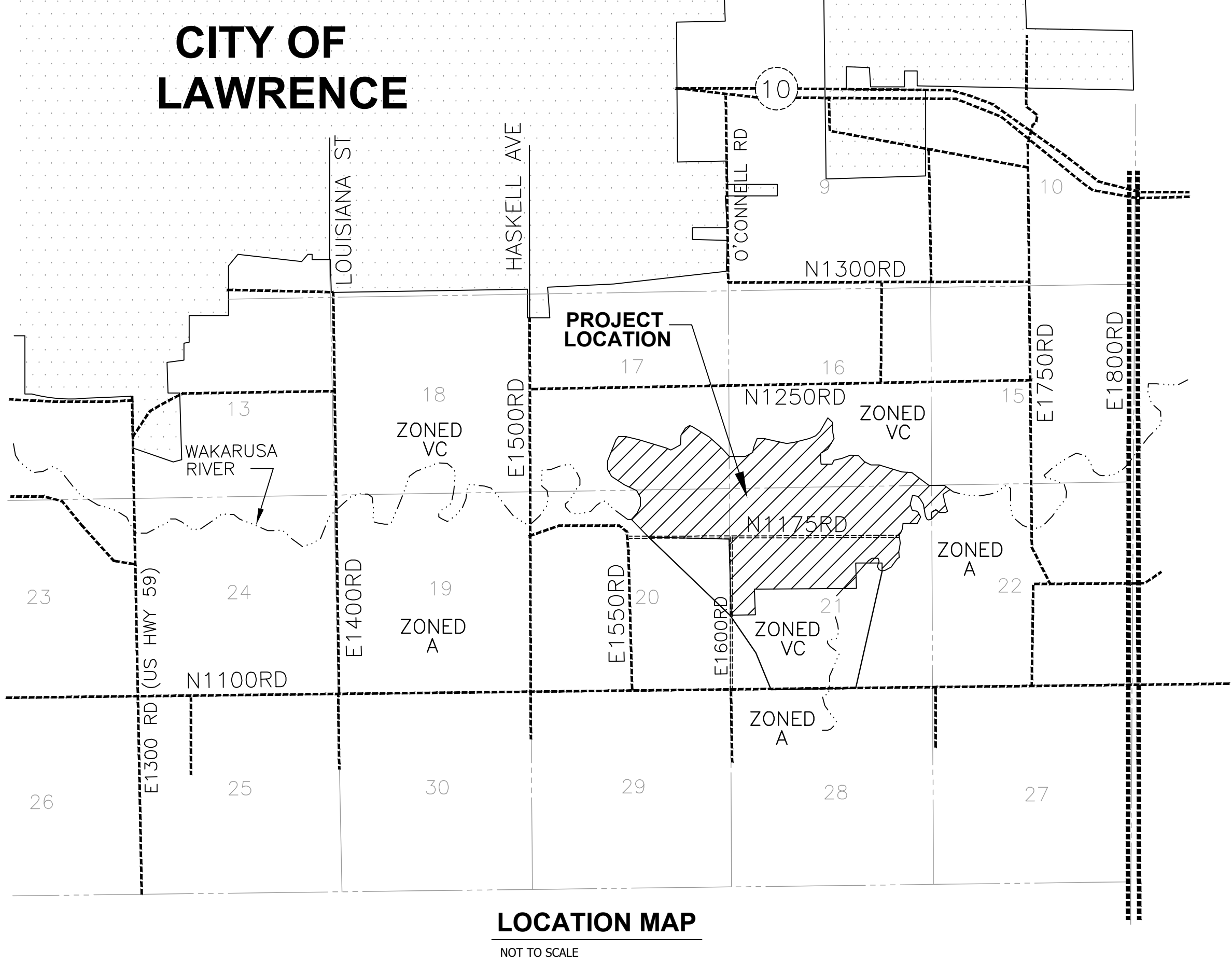
The lot in the proposed plat meets the density and dimensional standards for the GPI zoning district. The preliminary plat conforms to the Subdivision Regulations, Density and Dimensional Standards of the Development Code, and *Horizon 2020*.

PRELIMINARY PLAT
OF
WAKARUSA WASTERWATER TREATMENT PLANT
ADDITION

LEGAL DESCRIPTION

A TRACT OF LAND IN THE SECTIONS 15, 16, 17, 20, 21 AND 22, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. ALL IN DOUGLAS COUNTY, KANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE ON AZIMUTH (ASSUMED) 358 DEGREES 38 MINUTES 10 SECONDS, COINCIDENT WITH THE WEST LINE OF THE SOUTH ONE HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 1329.28 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ON AZIMUTH 268 DEGREES 24 MINUTES 35 SECONDS, COINCIDENT WITH THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 20, 1999.34 FEET TO THE INTERSECTION OF THE SAID SOUTH LINE WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD; THENCE ON AZIMUTH 316 DEGREES 18 MINUTES 32 SECONDS, COINCIDENT WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID ATCHISON, TOPEKA AND SANTA FE RAILROAD, 735.31 FEET TO A POINT IN THE CENTER OF THE WAKARUSA RIVER, SAID POINT BEING 545.65 FEET NORTH AND 154.85 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE ALONG THE CENTERLINE OF SAID WAKARUSA RIVER THE FOLLOWING COURSES: AZIMUTH 38 DEGREES 46 MINUTES 23 SECONDS, 119.71 FEET; AZIMUTH 14 DEGREES 39 MINUTES 54 SECONDS, 181.49 FEET; AZIMUTH 352 DEGREES 54 MINUTES 24 SECONDS, 140.42 FEET; AZIMUTH 357 DEGREES 02 MINUTES 25 SECONDS, 58.35 FEET; AZIMUTH 338 DEGREES 22 MINUTES 17 SECONDS, 155.59 FEET; AZIMUTH 299 DEGREES 12 MINUTES 56 SECONDS, 239.19 FEET; AZIMUTH 288 DEGREES 09 MINUTES 26 SECONDS, 508.84 FEET; AZIMUTH 308 DEGREES 02 MINUTES 58 SECONDS, 183.22 FEET; AZIMUTH 344 DEGREES 34 MINUTES 10 SECONDS, 208.25 FEET; AZIMUTH 04 DEGREES 43 MINUTES 28 SECONDS, 259.14 FEET; AZIMUTH 25 DEGREES 40 MINUTES 24 SECONDS, 571.76 FEET; AZIMUTH 50 DEGREES 36 MINUTES 08 SECONDS, 145.12 FEET; AZIMUTH 65 DEGREES 49 MINUTES 26 SECONDS, 160.37 FEET; AZIMUTH 115 DEGREES 40 MINUTES 23 SECONDS, 125.95 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17 THAT IS 1348.02 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; AZIMUTH 115 DEGREES 40 MINUTES 23 SECONDS, 51.87 FEET; AZIMUTH 154 DEGREES 24 MINUTES 53 SECONDS, 218.20 FEET; AZIMUTH 117 DEGREES 48 MINUTES 46 SECONDS, 144.21 FEET; AZIMUTH 101 DEGREES 10 MINUTES 53 SECONDS, 626.80 FEET; AZIMUTH 95 DEGREES 14 MINUTES 16 SECONDS, 250.95 FEET; AZIMUTH 62 DEGREES 16 MINUTES 30 SECONDS, 244.63 FEET; AZIMUTH 357 DEGREES 17 MINUTES 37 SECONDS, 270.81 FEET; AZIMUTH 27 DEGREES 28 MINUTES 07 SECONDS, 55.36 FEET; AZIMUTH 8 DEGREES 51 MINUTES 41 SECONDS, 128.17 FEET; AZIMUTH 28 DEGREES 57 MINUTES 51 SECONDS, 212.15 FEET; AZIMUTH 79 DEGREES 57 MINUTES 28 SECONDS, 171.57 FEET; AZIMUTH 132 DEGREES 50 MINUTES 52 SECONDS, 966.66 FEET; AZIMUTH 123 DEGREES 44 MINUTES 02 SECONDS, 271.13 FEET; AZIMUTH 112 DEGREES 10 MINUTES 38 SECONDS, 84.64 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16 THAT IS 729.53 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; AZIMUTH 112 DEGREES 10 MINUTES 38 SECONDS, 283.72 FEET; AZIMUTH 93 DEGREES 10 MINUTES 05 SECONDS, 256.16 FEET; AZIMUTH 45 DEGREES 43 MINUTES 28 SECONDS, 137.33 FEET; AZIMUTH 03 DEGREES 02 MINUTES 57 SECONDS, 397.36 FEET; AZIMUTH 24 DEGREES 24 MINUTES 18 SECONDS, 101.45 FEET; AZIMUTH 57 DEGREES 47 MINUTES 45 SECONDS, 103.83 FEET; AZIMUTH 93 DEGREES 08 MINUTES 38 SECONDS, 187.24 FEET; AZIMUTH 104 DEGREES 00 MINUTES 19 SECONDS, 125.23 FEET; AZIMUTH 120 DEGREES 08 MINUTES 20 SECONDS, 183.69 FEET; AZIMUTH 100 DEGREES 30 MINUTES 14 SECONDS, 271.35 FEET; AZIMUTH 89 DEGREES 07 MINUTES 22 SECONDS, 146.69 FEET; AZIMUTH 72 DEGREES 36 MINUTES 48 SECONDS, 588.40 FEET; AZIMUTH 35 DEGREES 12 MINUTES 55 SECONDS, 222.90 FEET; AZIMUTH 20 DEGREES 57 MINUTES 05 SECONDS, 295.72 FEET; AZIMUTH 110 DEGREES 06 MINUTES 34 SECONDS, 207.21 FEET; AZIMUTH 145 DEGREES 20 MINUTES 40 SECONDS, 161.76 FEET; AZIMUTH 168 DEGREES 43 MINUTES 15 SECONDS, 348.66 FEET; AZIMUTH 204 DEGREES 39 MINUTES 51 SECONDS, 197.88 FEET; AZIMUTH 239 DEGREES 54 MINUTES 44 SECONDS, 457.96 FEET; AZIMUTH 143 DEGREES 42 MINUTES 25 SECONDS, 324.62 FEET; AZIMUTH 107 DEGREES 16 MINUTES 29 SECONDS, 210.48 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16 THAT IS 410.57 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; AZIMUTH 107 DEGREES 16 MINUTES 29 SECONDS, 33.44 FEET; AZIMUTH 30 DEGREES 13 MINUTES 44 SECONDS, 452.51 FEET; AZIMUTH 61 DEGREES 19 MINUTES 56 SECONDS, 267.28 FEET; AZIMUTH 130 DEGREES 43 MINUTES 20 SECONDS, 586.30 FEET; AZIMUTH 108 DEGREES 57 MINUTES 22 SECONDS, 528.37 FEET; AZIMUTH 74 DEGREES 44 MINUTES 20 SECONDS, 329.00 FEET; AZIMUTH 109 DEGREES 37 MINUTES 54 SECONDS, 692.62 FEET; AZIMUTH 102 DEGREES 11 MINUTES 23 SECONDS, 292.41 FEET TO A POINT THAT IS 2568.99 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 16; AZIMUTH 102 DEGREES 11 MINUTES 23 SECONDS, 198.62 FEET; AZIMUTH 118 DEGREES 06 MINUTES 13 SECONDS, 391.20 FEET TO THE INTERSECTION OF THE CENTER OF SAID WAKARUSA RIVER WITH THE CENTERLINE OF COAL CREEK SAID POINT BEING 530.73 FEET EAST AND 130.43 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 22; THENCE COINCIDENT WITH THE CENTERLINE OF SAID COAL CREEK THE FOLLOWING COURSES: AZIMUTH 235 DEGREES 38 MINUTES 20 SECONDS, 270.08 FEET; AZIMUTH 184 DEGREES 10 MINUTES 52 SECONDS, 119.67 FEET; AZIMUTH 147 DEGREES 14 MINUTES 11 SECONDS, 129.08 FEET; AZIMUTH 128 DEGREES 31 MINUTES 14 SECONDS, 157.83 FEET; AZIMUTH 198 DEGREES 46 MINUTES 55 SECONDS, 59.48 FEET; AZIMUTH 243 DEGREES 32 MINUTES 03 SECONDS, 78.10 FEET; AZIMUTH 305 DEGREES 27 MINUTES 31 SECONDS, 172.38 FEET; AZIMUTH 271 DEGREES 39 MINUTES 25 SECONDS, 50.60 FEET; AZIMUTH 237 DEGREES 32 MINUTES 23 SECONDS, 122.77 FEET; AZIMUTH 205 DEGREES 08 MINUTES 53 SECONDS, 119.12 FEET; AZIMUTH 207 DEGREES 27 MINUTES 39 SECONDS, 119.92 FEET; AZIMUTH 259 DEGREES 12 MINUTES 07 SECONDS, 76.70 FEET; AZIMUTH 329 DEGREES 30 MINUTES 22 SECONDS, 122.25 FEET; AZIMUTH 350 DEGREES 30 MINUTES 51 SECONDS, 348.62 FEET; AZIMUTH 324 DEGREES 51 MINUTES 10 SECONDS, 191.59 FEET; AZIMUTH 304 DEGREES 37 MINUTES 21 SECONDS, 100.00 FEET; AZIMUTH 269 DEGREES 06 MINUTES 31 SECONDS, 83.10 FEET; AZIMUTH 195 DEGREES 47 MINUTES 30 SECONDS, 265.36 FEET; AZIMUTH 149 DEGREES 53 MINUTES 23 SECONDS, 157.73 FEET; AZIMUTH 107 DEGREES 40 MINUTES 01 SECONDS, 122.69 FEET; AZIMUTH 150 DEGREES 17 MINUTES 55 SECONDS, 152.83 FEET; AZIMUTH 207 DEGREES 26 MINUTES 11 SECONDS, 205.22 FEET; AZIMUTH 270 DEGREES 21 MINUTES 40 SECONDS, 131.94 FEET; AZIMUTH 273 DEGREES 47 MINUTES 58 SECONDS, 156.87 FEET; AZIMUTH 253 DEGREES 54 MINUTES 52 SECONDS, 67.00 FEET; AZIMUTH 195 DEGREES 58 MINUTES 36 SECONDS, 181.19 FEET; AZIMUTH 209 DEGREES 10 MINUTES 39 SECONDS, 166.78 FEET; AZIMUTH 158 DEGREES 22 MINUTES 49 SECONDS, 189.62 FEET; AZIMUTH 189 DEGREES 09 MINUTES 13 SECONDS, 141.29 FEET; AZIMUTH 201 DEGREES 46 MINUTES 43 SECONDS, 139.14 FEET; AZIMUTH 170 DEGREES 14 MINUTES 52 SECONDS, 129.38 FEET; AZIMUTH 223 DEGREES 40 MINUTES 51 SECONDS, 253.20 FEET; AZIMUTH 210 DEGREES 35 MINUTES 07 SECONDS, 108.53 FEET; AZIMUTH 242 DEGREES 17 MINUTES 47 SECONDS, 184.62 FEET; AZIMUTH 276 DEGREES 08 MINUTES 11 SECONDS, 62.28 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21 THAT IS 444.63 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE ON AZIMUTH 358 DEGREES 40 MINUTES 52 SECONDS, 19 MINUTES 54 SECONDS, COINCIDENT WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21, 213.72 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE ON AZIMUTH 269 DEGREES 04 MINUTES 18 SECONDS, COINCIDENT WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21, 672.66 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE ON AZIMUTH 178 DEGREES 22 MINUTES 02 SECONDS, COINCIDENT WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21, 658.86 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE ON AZIMUTH 269 DEGREES 01 MINUTES 41 SECONDS, COINCIDENT WITH THE SOUTH LINE OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21, 673.06 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE ON AZIMUTH 269 DEGREES 00 MINUTES 41 SECONDS, COINCIDENT WITH THE SOUTH LINE OF THE SOUTH ONE HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21, 2021.51 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE ON AZIMUTH 178 DEGREES 40 MINUTES 23 SECONDS, COINCIDENT WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21, 663.79 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE ON AZIMUTH 268 DEGREES 57 MINUTES 01 SECONDS, COINCIDENT WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21, 673.93 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE ON AZIMUTH 358 DEGREES 40 MINUTES 52 SECONDS, COINCIDENT WITH THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21, 664.51 FEET TO THE POINT OF BEGINNING. CONTAINING 536.82 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RIGHT-OF-WAYS, COVENANTS OR CONDITIONS, IF ANY, NOW OF RECORD.



FLOOD PLAIN

ACCORDING TO FEMA FLOOD INSURANCE RATE MAPS; 20045C0187D THIS AREA IS ZONED 'AE' = SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. THE BASE FLOOD ELEVATION IS THE WATER-SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD.

AND AREAS ZONED FLOODWAY IN ZONE AE = THE FLOODWAY IS THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.

AND OTHER FLOOD AREAS ZONE X = AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

AS WELL AS OTHER AREAS ZONE X = AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

SITE SUMMARY

GROSS AREA: 536.88 ACRES±
RIGHT-OF-WAY TO BE DEDICATED: 3.24 ACRES±
TOTAL NUMBER OF LOTS: 1 = 533.64 ACRES±

BENCHMARK

BM #1
"1" CUT IN CENTER WEST HEADWALL WEST SIDE OF EAST 1600 ROAD AND 40' SOUTH OF NORTH 1175 ROAD ELEV=815.45

BM #1A
"T" FENCE POST 100'± EAST OF WEST QUARTER CORNER SECTION 21, TOWNSHIP 13 SOUTH, RANGE 20 EAST ELEV=812.53

BM #3
"1" CUT IN SOUTH END OF HEADWALL 21' SOUTH AND 12' EAST OF THE INTERSECTION OF NORTH 1175 ROAD AND EAST 1550 ROAD ELEV=822.88

BM #3A
"T" FENCE POST EAST TOP RAILROAD FILL AND 150'± NORTH OF NORTH 1175 ROAD ELEV=822.00

SOILS

KB - KENEBEC SILT LOAM
KC - KENEBEC SOILS CHANNIELED
RE - READING SILT LOAM
WH - WABASH SILT CLAY
WS - WOODSON SILT LOAM
1 TO 3 PERCENT SLOPES

GENERAL NOTES

DEVELOPER/APPLICANT:
CITY OF LAWRENCE
6 E 6th STREET
LAWRENCE, KS 66044

LAND PLANNER:
BARTLETT & WEST, INC.,
544 COLUMBIA DRIVE
LAWRENCE, KANSAS 66049

BOUNDARY SURVEY PROVIDED BY:
BARTLETT & WEST, INC.,
544 COLUMBIA DRIVE
LAWRENCE, KANSAS 66049

TOPOGRAPHY PROVIDED BY:
WESTERN AIR MAPS, INC.
9401 REEDE ROAD
OVERLAND PARK, KS 66027

EXISTING ZONING:
GPI-FP

EXISTING LAND USE:
AGRICULTURAL

PROPOSED LAND USE:
MAJOR UTILITY

ON-SITE PUBLIC IMPROVEMENTS WILL BE PUBLICLY FINANCED

THE LOCATION OF ALL EASEMENTS WILL BE DETERMINED DURING THE DESIGN PHASE OF THE PROJECT AND THE EASEMENTS WILL BE SHOWN ON THE FINAL PLAT FOR RECORDING OR WILL BE RECORDED VIA SEPARATE INSTRUMENT AND SHOWN ON THE SITE PLAN.

TOWNSHIP ROAD (MINIMUM MAINTENANCE)(VACATED FROM A POINT 992 FEET NORTH OF N1100 THENCE NORTH TO THE WAKARUSA RIVER BY WAKARUSA TOWNSHIP CERTIFICATE OF OPINION DATED 11/ 13 /07).

TOWNSHIP ROAD (MINIMUM MAINTENANCE)(VACATED FROM E1550 RD TO COAL CREEK BY WAKARUSA TOWNSHIP CERTIFICATE OF OPINION DATED 11/ 13 /07).

MONUMENTATION

- ☐ FOUND REBAR, SIZE NOTED, ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
- ☒ SET 5/8" x 24" REBAR WITH CLS14 ID CAP

(1866) SURVEY NO. 27, JANUARY 1866

GLO GENERAL LAND OFFICE

ANNOTATIONS

ALL DISTANCES ARE BASED ON ACTUAL FIELD MEASUREMENTS UNLESS OTHERWISE NOTED.
(R) RECORD
R/W RIGHT OF WAY
U/E UTILITY EASEMENT

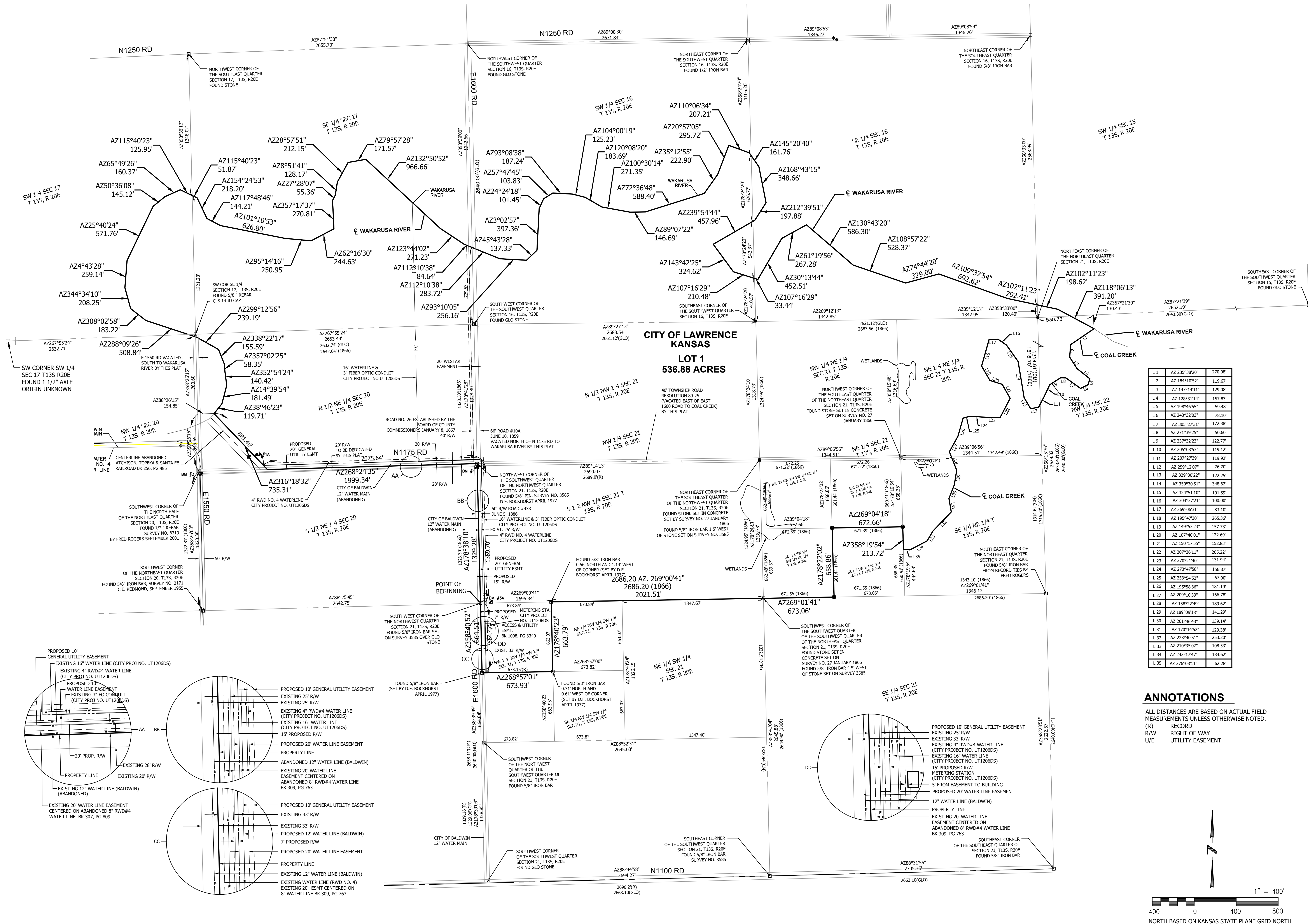
MINIMUM FFE FOR STRUCTURES

THE MINIMUM FINISHED FLOOR ELEVATION FOR ALL STRUCTURES ON THIS PROPERTY SHALL BE NO LOWER THAN ELEVATION 820.50.

PRELIMINARY PLAT OF
WAKARUSA WASTERWATER TREATMENT PLANT
ADDITION
CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS

BARTLETT & WEST
544 COLUMBIA DRIVE, LAWRENCE, KANSAS 66049
PHONE 785.745.9485 • FAX 785.745.9961

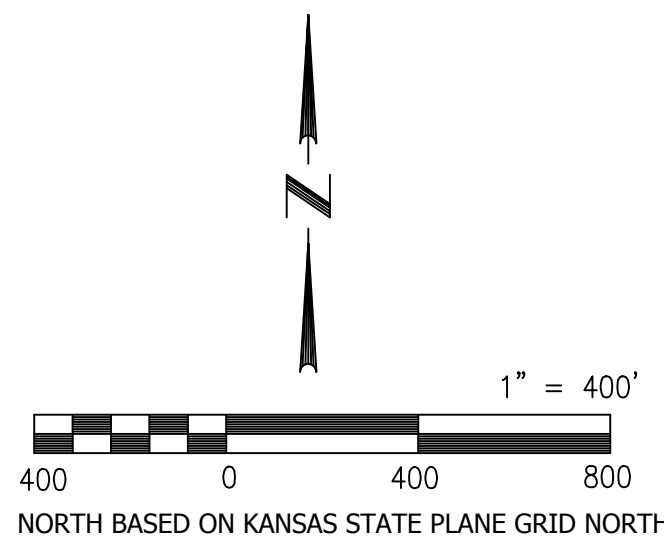
DESIGNED BY:	DRA
DRAWN BY:	JMD
APPROVED BY:	RJB
DESIGN PROJ:	
CONST PROJ:	18365.000
SCALE:	AS NOTED
DATE:	OCTOBER 2013
DRAWING NO:	PP
SHEET NO:	1 3



L 1	AZ 235°38'20"	270.08'
L 2	AZ 184°10'52"	119.67'
L 3	AZ 147°14'11"	129.08'
L 4	AZ 128°31'14"	157.83'
L 5	AZ 198°46'55"	59.48'
L 6	AZ 243°32'03"	78.10'
L 7	AZ 305°27'31"	172.38'
L 8	AZ 271°39'25"	50.60'
L 9	AZ 237°32'23"	122.77'
L 10	AZ 205°08'53"	119.12'
L 11	AZ 207°27'39"	119.92'
L 12	AZ 258°12'07"	76.70'
L 13	AZ 329°30'22"	122.25'
L 14	AZ 350°30'51"	348.62'
L 15	AZ 324°51'10"	191.59'
L 16	AZ 304°37'21"	100.00'
L 17	AZ 269°06'31"	83.10'
L 18	AZ 195°47'30"	265.36'
L 19	AZ 149°53'23"	157.73'
L 20	AZ 107°40'01"	122.69'
L 21	AZ 150°17'55"	152.83'
L 22	AZ 207°26'11"	205.22'
L 23	AZ 270°21'40"	131.94'
L 24	AZ 273°47'58"	156.87'
L 25	AZ 253°54'52"	67.00'
L 26	AZ 195°58'36"	181.19'
L 27	AZ 209°10'39"	166.78'
L 28	AZ 158°22'49"	189.62'
L 29	AZ 189°09'13"	141.29'
L 30	AZ 201°46'43"	139.14'
L 31	AZ 170°14'52"	129.38'
L 32	AZ 223°40'51"	253.20'
L 33	AZ 210°35'07"	108.53'
L 34	AZ 242°17'47"	184.62'
L 35	AZ 276°08'11"	62.28'

ANNOTATIONS

ALL DISTANCES ARE BASED ON ACTUAL FIELD MEASUREMENTS UNLESS OTHERWISE NOTED.
(R) RECORD
R/W RIGHT OF WAY
U/E UTILITY EASEMENT



BARTLETT & WEST

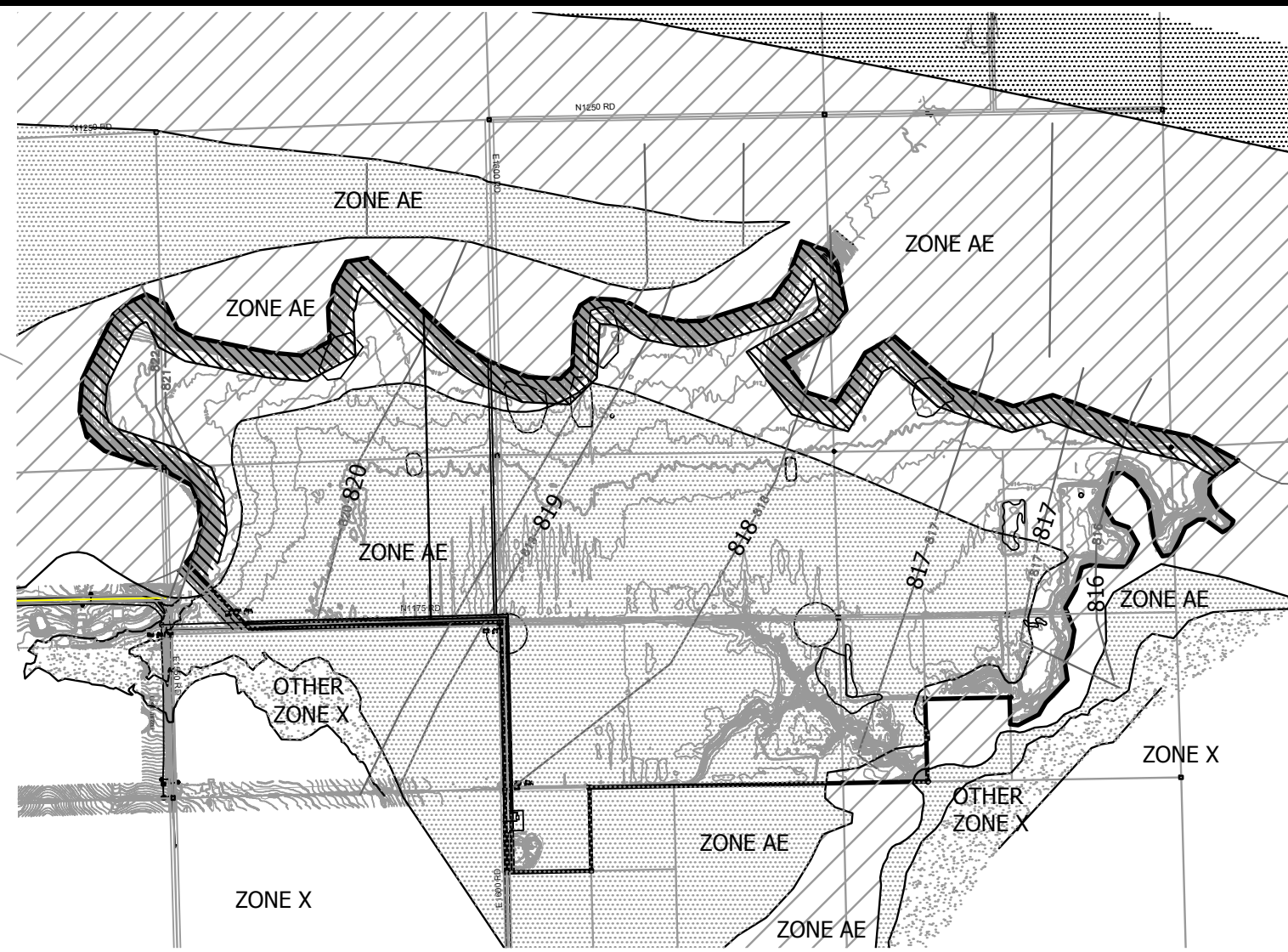
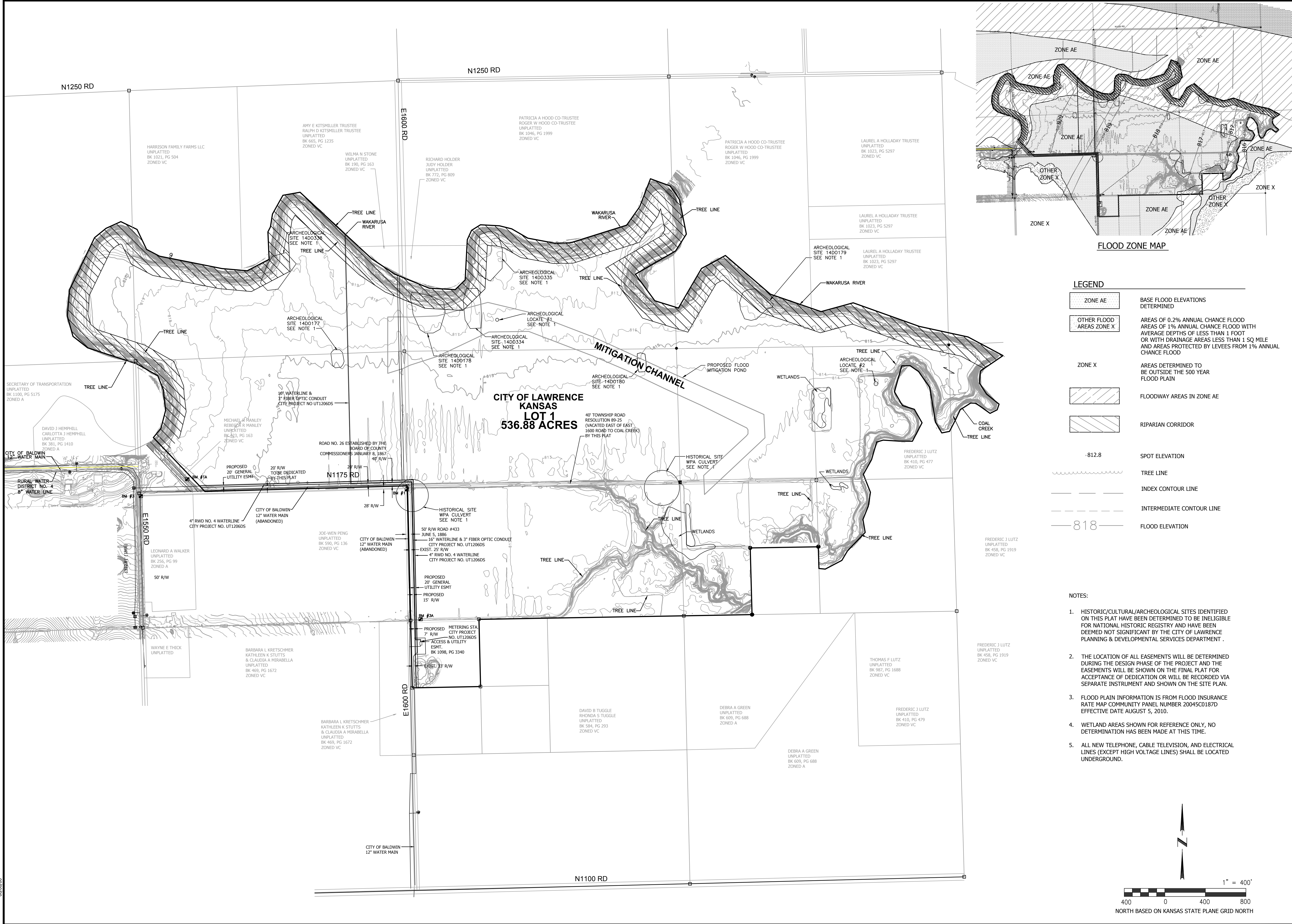
844 COLUMBIA DRIVE, LAWRENCE, KANSAS 66049
PHONE 785.749.9452 • FAX 785.745.5951

**PRELIMINARY PLAT OF
WAKARUSA WASTEWATER TREATMENT PLANT**

ADDITION
CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS

DESIGNED BY:	DRA
DRAWN BY:	JMD
APPROVED BY:	RJB
DESIGN PROJ.:	
CONST PROJ.:	18365.000
SCALE:	AS NOTED
DATE:	OCTOBER 2013
DRAWING NO.:	PP
SHEET NO.:	2 3

Drawing name: W:\Proj\18000\18365\18365.000\AutoCad\Plat\18365.000 v01 WWP prelim plat.dwg Layout name: plat 3 Plotted on: Dec 05, 2013 - 8:15am
Last edit: 06/09/2009



FLOOD ZONE MAP

LEGEND

- | | |
|---------------------------|--|
| ZONE AE | BASE FLOOD ELEVATIONS DETERMINED |
| OTHER FLOOD AREAS ZONE X | AREAS OF 0.2% ANNUAL CHANCE FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQ MILE AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD |
| ZONE X | AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN |
| FLOODWAY AREAS IN ZONE AE | |
| RIPARIAN CORRIDOR | |
| SPOT ELEVATION | |
| TREE LINE | |
| INDEX CONTOUR LINE | |
| INTERMEDIATE CONTOUR LINE | |
| FLOOD ELEVATION | |

- NOTES:
- HISTORIC/CULTURAL/ARCHEOLOGICAL SITES IDENTIFIED ON THIS PLAT HAVE BEEN DETERMINED TO BE INELIGIBLE FOR NATIONAL HISTORIC REGISTRY AND HAVE BEEN DEEMED NOT SIGNIFICANT BY THE CITY OF LAWRENCE PLANNING & DEVELOPMENTAL SERVICES DEPARTMENT .
 - THE LOCATION OF ALL EASEMENTS WILL BE DETERMINED DURING THE DESIGN PHASE OF THE PROJECT AND THE EASEMENTS WILL BE SHOWN ON THE FINAL PLAT FOR ACCEPTANCE OF DEDICATION OR WILL BE RECORDED VIA SEPARATE INSTRUMENT AND SHOWN ON THE SITE PLAN.
 - FLOOD PLAIN INFORMATION IS FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 20045C0187D EFFECTIVE DATE AUGUST 5, 2010.
 - WETLAND AREAS SHOWN FOR REFERENCE ONLY, NO DETERMINATION HAS BEEN MADE AT THIS TIME.
 - ALL NEW TELEPHONE, CABLE TELEVISION, AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) SHALL BE LOCATED UNDERGROUND.

BARTLETT & WEST

544 COLUMBIA DRIVE, LAWRENCE, KANSAS 66049
PHONE 785.745.9452 • FAX 785.745.5951

**PRELIMINARY PLAT OF
WAKARUSA WASTEWATER TREATMENT PLANT**
ADDITION
CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS

DESIGNED BY:	DRA
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DRAWING NO:	PP
SHEET NO:	3 3

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
12/16/13

ITEM NO. 2A: RS10 TO RM12-PD; 19.3 ACRES; 3901 PETERSON RD (MKM)

Z-13-00440: Consider a request to rezone approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with PD Overlay) District, located at 3901 Peterson Rd. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with Planned Development Overlay) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report

REASON FOR REQUEST

Applicant's Response:

"To obtain necessary zoning designation that permits the development and operation of an 'Assisted Living Facility' at this property location."

KEY POINTS

- The Development Code requires that rezoning requests to the PD Overlay be accompanied by a Preliminary Development Plan. A Preliminary Development Plan (PDP-13-00441) was submitted with this rezoning request.
- The property is being platted through the Major Subdivision process in conjunction with this rezoning. The Preliminary Development Plan serves as the Preliminary Plat.

ASSOCIATED CASES

PDP-13-00441: Preliminary Development Plan for Assisted Living by Americare. This item is also being considered by the Planning Commission at their December meeting.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and administrative approval of the Final Plat.
- City Commission acceptance of dedications and vacations of easements/rights-of-way shown on the final plat.
- Submittal and administrative approval of Final Development Plan.
- Submittal and approval of Public Improvement Plans prior to recording of the Final Plat.
- Recording of Final Plat with the Register of Deeds Office.
- Recording of Final Development Plan with the Register of Deeds Office.
- Application and release of building permits prior to development.

PUBLIC COMMENT

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

Project Summary

This project includes the rezoning of approximately 19 acres located in the southwest corner of the intersection of Peterson Road and Monterey Way from the RS10 District to the RM12 District to accommodate the development of an Assisted Living Facility. The Planned Development Overlay being requested with this rezoning request provides the means to regulate the design of the project to insure the project's compatibility with the surrounding area.

Two buildings along Peterson Road are proposed for the Assisted Living portion of the project and the Independent Living units are to be provided in duplex and triplex dwelling units to the south.

The property will be developed in phases, with phase 2 being an expansion of one of the Assisted Living buildings.



Figure 1. Zoning Exhibit. Subject property highlighted.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Horizon 2020 Plan recommends low-density residential for this area. Proposed project density is approximately 4.5 dwelling units/acre."

A review of the Comprehensive Plan recommendations follows with staff's comments in red.

- The Lawrence Future Land Use Map (Map 3-2, page 3-4), shows this area as very low and low density residential.

"The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods." (Horizon 2020, Page 5-1)

While this project does not meet the definition of 'infill' in that it is not surrounded by developed properties, it is in close proximity to existing residential neighborhoods. The Preliminary Development Plan allows an evaluation of the layout of the site and the architectural qualities and style of the development to insure the development protects and enhances the character and appearance.

The Comprehensive Plan defines low density residential development as 6 dwelling units or less per acre. (Horizon 2020, Page 5-4)

While the proposed development is not Detached Dwelling low density development, the proposed density (4.6 dwelling units per acre) is less than that recommended by the Comprehensive Plan.

Goal 5 of the Residential Chapter contains recommendations for creating a functional and aesthetic living environment. These include: siting residential developments so an individual residential dwelling does not take direct driveway access from an arterial road, providing for

extra buffering in special circumstances, ensuring adequate ingress and egress, and ensuring convenient and logical street system design.

The facility will have access to both Monterey Way and Peterson Road; however, few of the residents are expected to drive; employees are expected to account for most of the traffic to and from the site. The Development Plan includes buffering of the facility from adjacent properties. The Development Plan also serves as the Preliminary Plat and one important aspect of the plan is the continuation of the Spring Hill Drive right-of-way to connect with Monterey Way to provide a convenient and logical street system in the area.

Staff Finding – The proposed rezoning request conforms with *Horizon 2020's* recommendations for development in this area and policies related to low-density residential development.

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

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; undeveloped with access drive to property to the east.

Surrounding Zoning and Land Use: To the west:
R-1 (County: Single-Family Residential) District; *Rural Residence*, and
RS7 (Single-Dwelling Residential) District, *Detached Dwellings*.
To the north:
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*.
To the east:
RS10 (Single-Dwelling Residential) District; partially developed with *Detached Dwellings*.
To the south:
RS7 (Single-Dwelling Residential) District with *Detached Dwellings*, and UR (Urban Reserve) District; *Detached Dwelling*.

(Figure 2.)

Staff Finding – The subject property is located near properties that are zoned for single-dwelling residential uses with one residential property being zoned 'UR' (Urban Reserve). This is a place holder zoning for properties that have been annexed into the City but for which no development has been proposed. Predominate land uses in the area are *Single-Dwelling Residences*.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"Existing 19.3 Acre tract is vacant and consists of 95% open pasture land and some mature trees distributed throughout. Tract east zoned RS10 but 1 large tract. Tracts NE zoned 'PRD' and tracts north zoned RS7, tracts NW & W zoned R-1 and still in Douglas County, tracts S & SW zoned RS7 & existing subdivision except for 4.7 acre tract along S boundary is 1 single family home."

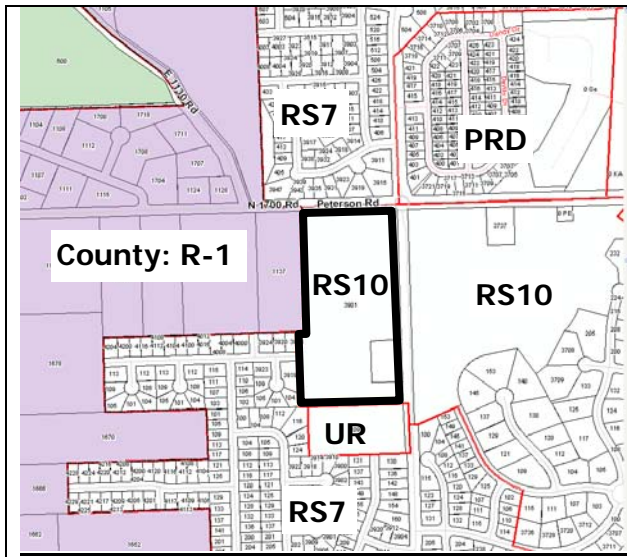


Figure 1a. Zoning in the area.

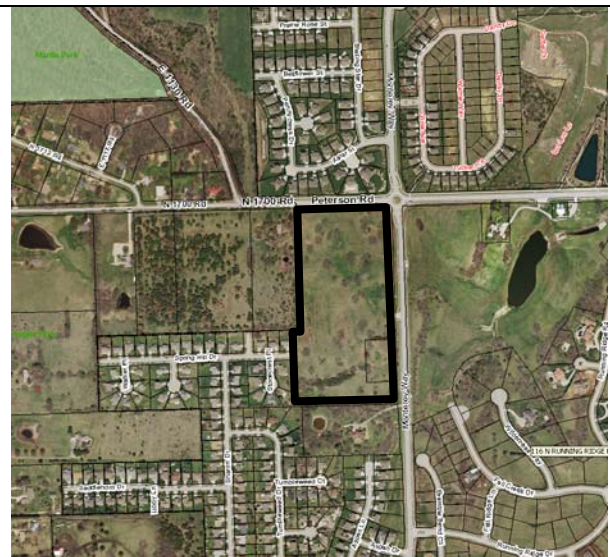


Figure 1b. Land use in the area.

The property is located at the edge of the City limits. Developed properties in the area consist of low and medium density residential development, both within and outside the City limits. Parkland/open space is present to the west and northwest of the subject property and scattered undeveloped parcels are located throughout the area. The area has good access to the major transportation network with Kasold Drive, a north/south principal arterial to the east of the subject property, and Peterson Road, a principal arterial, running east/west through the neighborhood. Collector streets (Monterey Way, E 1100 Road, and N 1700 Road) provide connection through the neighborhood to the principal arterials.

Staff Finding – The neighborhood is mostly developed, but contains some parkland/open space areas as well as undeveloped parcels. The area contains primarily low density residential uses and has good access to the major transportation network.

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

Staff Finding – No area or neighborhood plans have been adopted for this area. The Comprehensive Plan is the guiding plan for this area.

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

Applicant's Response:

"The proposed zoning of RM12 & use of Assisted Living is a permitted use in the existing zoning regs and will be compatible with maintaining the residential character of the surrounding properties."

The property is currently zoned RS10 which permits low density residential development with a minimum lot area of 10,000 sq ft. Other uses which are permitted in the RS10 District include *Religious Assembly, Neighborhood Institution; Cemeteries; Extended Care Facility, Limited; Passive Recreation; Nature Preserve; Private Recreation; and Crop Agriculture.*

Assisted Living is permitted with approval of a Special Use Permit. Figure 1 lists the uses which are permitted in the RS10 and RM12 Districts.

The subject property is relatively level, is not encumbered with the floodplain and has good access to the transportation network, being adjacent to collector and principal arterial streets. City utilities and services are available to serve the property. The property is well suited to the uses to which it is restricted under the current RS10 Zoning.

Uses permitted in the RM12 District are similar to those in the RS10 District with the addition of *Duplex* and *Multi-Dwelling Structures*, *Congregate Living*, *Extended Care Facility*, *General*; and *Religious Assembly*, *Campus Institution*. (Table 1) The property is also well suited for the uses which would be permitted with the RM12 Zoning. The Preliminary Development Plan proposes limiting the permitted uses on this property to: *Assisted Living* with an Independent Living component in duplex and triplex structures and *Private Recreation*. The property is well suited for the uses to which it would be restricted with the proposed RM12-PD Zoning and the uses should be compatible with the adjacent properties with the provisions of the Preliminary Development Plan.

RS10	RM12	RS10	RM12
Detached Dwelling	Detached Dwelling (SUP)	Lodges (SUP)	Lodges (SUP)
Mfg Home	Mfg Home (SUP)	Public Safety (SUP)	Public Safety (SUP)
	Duplex	Utilities (SUP)	Utilities (SUP)
	Multi-Dwelling Structures		Extended Care Facility, General
Assisted Living (SUP)	Assisted Living	Extended Care Facility, Limited	Extended Care Facility, Limited
Group Home, Limited	Group Home, Limited	Active Recreation (SUP)	Active Recreation (SUP)
Group Home, General (SUP)	Group Home, General (SUP)	Passive Recreation	Passive Recreation
	Congregate Living	Nature Preserve	Nature Preserve
Adult Day Care Home (SUP)	Adult Day Care Home	Private Recreation	Private Recreation
Cemeteries	Cemeteries	Religious Assembly, Neighborhood Inst.	Religious Assembly, Neighborhood Inst.
College/University (SUP)	College/University (SUP)		Religious Assembly, Campus Inst.
School (SUP)	School (SUP)	Bed & Breakfast (SUP)	Bed & Breakfast (SUP)
Cultural Center/Library (SUP)	Cultural Center/Library (SUP)	Telecommunication Tower (SUP)	Telecommunication Tower (SUP)
Day Care Center (SUP)	Day Care Center (SUP)		
Day Care Home (Class B) (SUP)	Day Care Home (Class B) (SUP)	Crop Agriculture	Crop Agriculture

Table X: Comparison of uses permitted in the RS10 and RM12 Districts. Uses permitted only in the RM12 District shown in **bold**.

Staff Finding – The property is well suited for the uses to which it is restricted with the current RS10 Zoning and is also well suited for the uses to which it would be restricted with the proposed RM12-PD Zoning.

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

Applicant's Response:

"Tract part of annexation and rezoning in 1996."

City of Lawrence aerial photos indicate that a residence was located in the northeast corner of the property in 2003, but only the foundation is shown on the 2006 aerials. While the exact date of the removal of the house is not known, the property has remained vacant as zoned since 2006.

Staff Finding – The property has remained vacant as zoned since 2006.

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

Applicants Response:

"No detrimental effect is anticipated. Requesting RM12 to permit Assisted Living use. Submitting development plan to restrict use to Assisted Living and not all other permitted uses in RM12 District."

The permitted uses are restricted on the Preliminary Development Plan to *Assisted Living*, with an Independent Living component in duplex and triplex structures.

Staff Finding – The restrictions on the permitted uses and building types provided with the Preliminary Development Plan are adequate to insure the development will be compatible with the area and should have no negative impact on surrounding properties.

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

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

Denial of the rezoning would leave the area open for development of the uses permitted within the RS10 District. This would allow the *Assisted Living* Development to occur with the approval of a Special Use Permit.

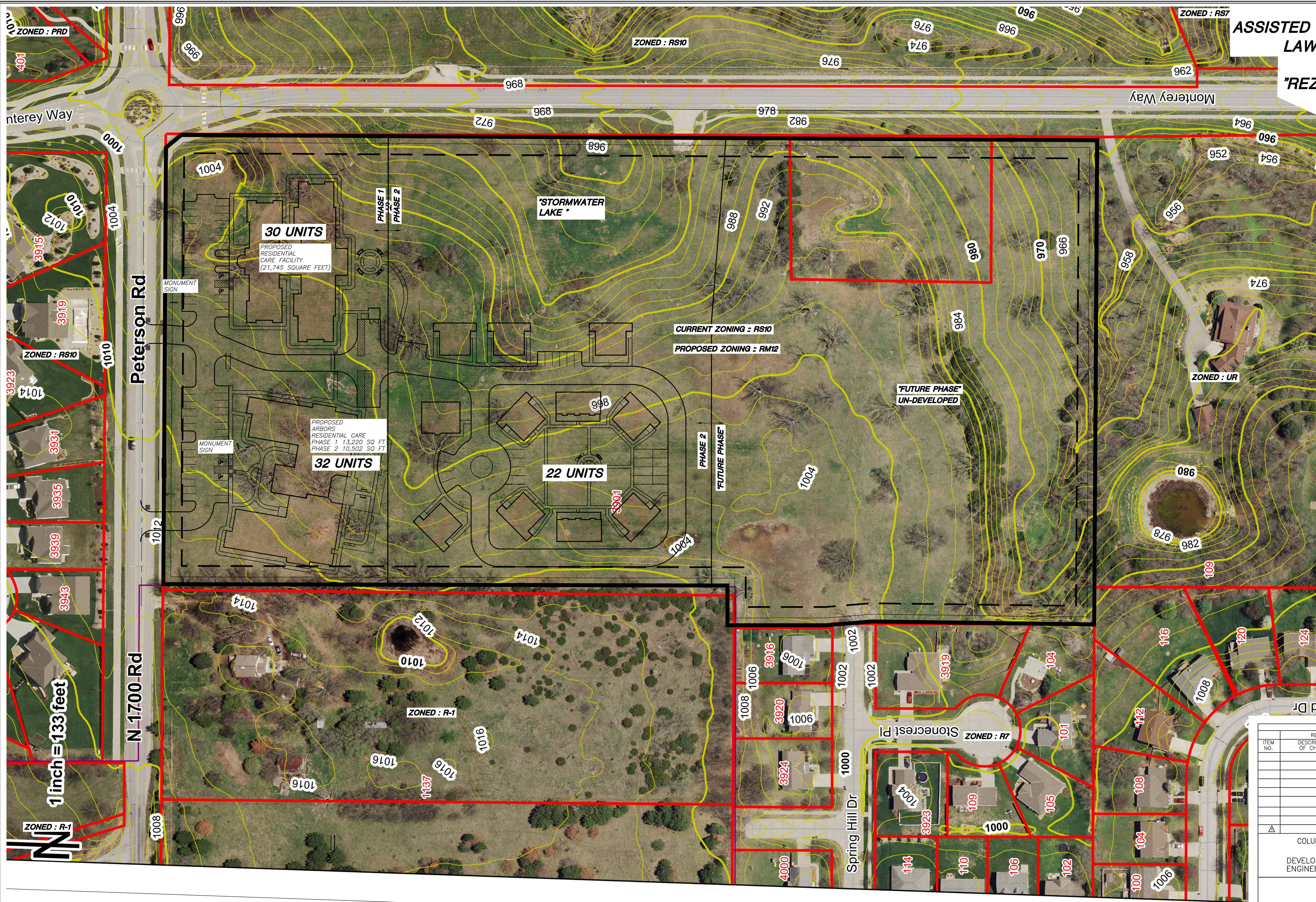
The approval of the RM12 Zoning request with a Planned Development Overlay allows the applicant the design flexibility necessary for the project while insuring that the development is compatible with surrounding properties.

Staff Finding – Given the controls on the use and design that are afforded through the use of the Planned Development Overlay, there would be no gain to the public by the denial of the rezoning request. Granting the rezoning request will provide the applicant the flexibility necessary to develop a comprehensive facility to serve clients with different levels of need.

PROFESSIONAL STAFF RECOMMENDATION

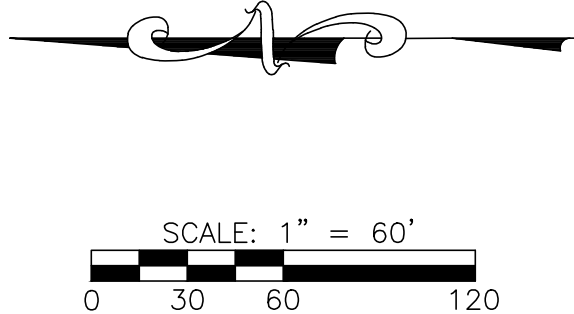
This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning

request is compliant with recommendations for low density residential development in *Horizon 2020*. Staff recommends approval of the rezoning request for approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with Planned Overlay) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.



ASSISTED LIVING BY AMERICARE
LAWRENCE, KANSAS

"REZONING EXHIBIT"



ASSISTED LIVING PHASE 1
PROPOSED DWELLING UNITS:

~ 11.3 ACRES
ASSISTED LIVING FACILITY : 30 UNITS
ARBORS PHASE 1 & 2 : 32 UNITS
INDEPENDENT UNITS : 22 UNITS
84 UNITS

UN-DEVELOPED
~ 8.0 ACRES

OWNER/DEVELOPER:
CURRENT OWNER : JEFFEREY E. SMITH HOMES, LC
PO BOX 7688,
COLUMBIA, MO. 65205-7688
C/O BRIAN KIMES
(573)-443-2021

FUTURE OWNER / DEVELOPER - MARICO HOLDINGS, L.L.C.
C/O HENLEY MONTGOMERY
AMERICARE SYSTEMS, INC
2415 CARTER LANE # 105
COLUMBIA, MO. 65203
(573) 442-5188

SITE DATA
EXISTING ZONING: RS10 SINGLE DWELLING RESIDENTIAL
PROPOSED ZONING: RM12 MULTI-DWELLING RESIDENTIAL

ACREAGE: ~ 19.3 AC
LOCATION: 3901 PETERSON ROAD
LAWRENCE, KANSAS, 66044

ITEM NO.	REVISIONS		APPROVAL DATE
	DESCRIPTION OF CHANGE		

COLUMBIA - ASSISTED LIVING BY AMERICARE

DEVELOPER: AMERICARE PROPERTIES, INC.
ENGINEER: AMERICARE PROPERTIES, INC.

DIVISION OF ENGINEERING
CONCEPTUAL SITE PLAN
LOCATION: PETERSON RD & MONTEREY WAY
LAWRENCE, KANSAS

SURVEY _____ DATE _____
DRAWN BY NRS _____ DATE _____
DESIGN BY NRS _____ DATE _____

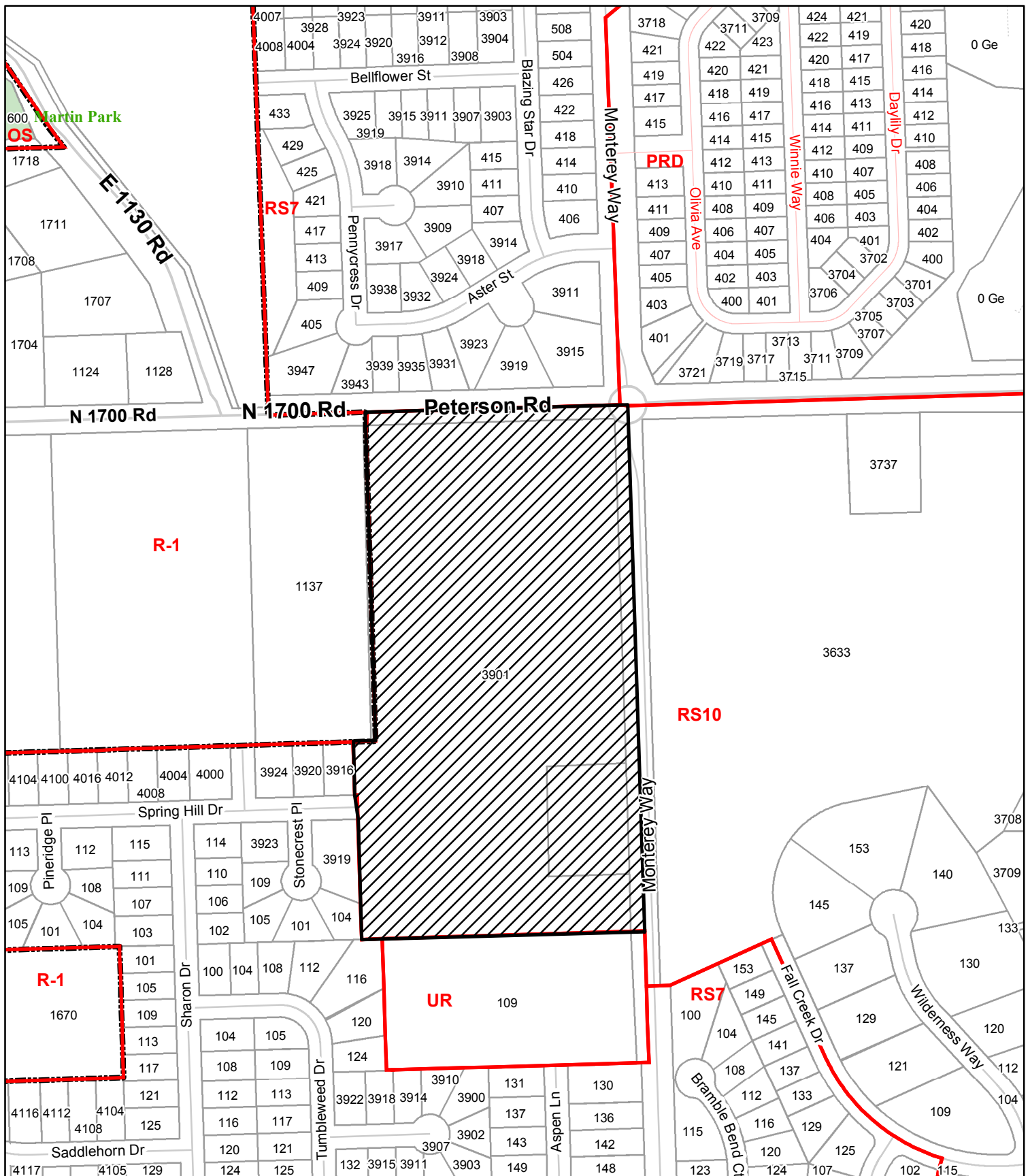
REVIEWED

DEPUTY CITY ENGINEER _____ DATE _____ CITY ENGINEER _____

AMERICARE SYSTEMS, INC.
PROJECT DEVELOPMENT
2415 CARTER LANE # 105
COLUMBIA, MO 65203
PHONE: (573) 442-5188, FAX: (573) 442-5277

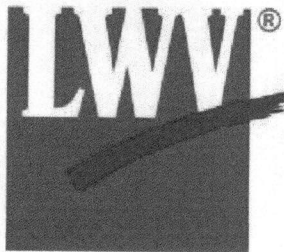
Plotted by: nslattery; 14 Oct 2013 - 9:42am

E:\PROJECT FILES BACKUP 82013\Civil 3D Projects\KANSAS, LAWRENCE\Sample Project\Drawings\KANSAS CONCEPTUAL 9172013.dwg LAYOUT



**Z-13-00440: Rezone 19.3 acres from RS10 District to RM12-PD Overlay District,
Located at 3901 Monterey Way**





LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

December 15, 2013

RECEIVED

DEC 16 2013

City County Planning Office
Lawrence, Kansas

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 2A: RS10 TO RM12-PD; 19.3 ACRES; 3901 PETERSON RD
ITEM NO. 2B: PRELIMINARY DEVELOPMENT PLAN FOR ASSISTED LIVING BY AMERICARE;
3901 PETERSON RD

Dear Chairman Culver and Planning Commissioners:

After reviewing the rezoning and Preliminary Development Plan for the Assisted Living Plans for the Americare proposal, we have some questions that give us concern.

1. We question whether the amount of parking planned for the project is adequate for its proper function. We realize that the developers of the project have assumed that the residents will not be driving, for the most part, and that the parking will be needed primarily for the staff. However, has the added parking needed for visitors, mail delivery, clubhouse visits and servicing, for example, been considered? Our concerns are based on personal experience of some of our members. They have suggested that the parking provided shown on the plans would be insufficient.
2. Another question is what would likely happen should the project fail due to overbuilding for retirement facilities? Has the staff made any projections as to what the needs will be in view of the current projects present and planned that would meet the predicted needs? Should there not be a demand, would the project revert to a standard RM12 development? Would the current location, building and parking plans and connected open spaces provide for the needed expansions? Would a standard RM12 type of change be appropriate for the current location?
3. Given the above questions, would it be possible to achieve this type of care facility in an RS (Single Family) District with a Special Use Permit? We realize that this type of facility, because of the comparatively low automobile traffic and other factors that reduce its intensity, is better suited in a low-density residential neighborhood than an apartment complex of the same zoning would be, both for its benefit and for that of the neighborhood. We compliment the staff and developers for seeking a Planned Development for this project with its predictability, design requirements and other features of the PD Overlay District.

However, we continue to have concerns that our Comprehensive Plan (CP), as currently interpreted, gives neighborhoods very little actual protection because of its unpredictability. As we have pointed out previously, interpretation of the density shown in the CP still allows the development of three-story or taller apartment buildings in an existing or potential single family district as long as its density remains at 6 units an acre. We have some recent examples of this, of which you are probably aware.

Sincerely yours,

Cille King
Cille King, Co-President

Alan Black
Alan Black, Chairman of the Land Use Committee

PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item

PC Staff Report
12/16/13

ITEM NO. 2B: PRELIMINARY DEVELOPMENT PLAN FOR ASSISTED LIVING BY AMERICARE; 3901 PETERSON RD (MKM)

PDP-13-00441: Consider a Preliminary Development Plan for Assisted Living by Americare, located at 3901 Peterson Rd with a variance request from right-of-way requirements in Section 20-810(e)(5)(i) of the Subdivision Regulations and a modification request from the off-street parking requirements in Section 20-902 of the Development Code. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record.

STAFF RECOMMENDATION ON VARIANCE REQUESTED FROM SECTION 20-810(D)(5): Planning staff recommends approval of the variance to allow the right-of-way for Peterson Road to remain at 100 ft in this location based on the findings of fact presented in this staff report.

MODIFICATION REQUEST: The applicant requested the modification early in the process so the request was legally advertised; however, adequate off-street parking will be provided so there is no need for the modification.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of the Assisted Living By Americare Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Provision of a revised Downstream Sanitary Sewer Analysis with minor technical revisions per the City Utilities Engineer's approval.
2. Southern Star and Black Hills Energy approval of the proposed changes in their easements along Monterey Way.
3. Provision of a revised Preliminary Development Plan with the following changes:
 - a. Include the same uses in the 'proposed' and 'permitted' use sections on Sheet 2.
 - b. Addition of the following note: *"The density of this development shall not exceed 4.6 dwelling units per acre."*
 - c. Remove Note 5 if there are no covenants, easements or other restrictions proposed for the use of the land.
 - d. Revise Note 11 regarding ADA compliance to read: *"The site has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities, appendix A to 28 CFR Part 36."*
 - e. Provide a pedestrian walkway to connect the Independent Living units in the southwest corner of the property with the club house north of the drive.
 - f. Show a 6 ft wide sidewalk along Peterson Road to be installed with this development; or, if the existing sidewalk is in good condition, a note may be added to the plan which states that *"When the sidewalk along Peterson Road deteriorates or is damaged to the degree that the City Engineer determines replacement is necessary, a 6 ft wide sidewalk will be installed at the property owner's expense."*

- g. Label the RWD No 1 Easement as '*To be vacated with this plat*' and label the waterline along the east side of the property as abandoned.
- h. Revise utility layout per the City Utility Engineer's approval.
- i. Note the height and slope of the perimeter parking lot landscaping berm.
- j. Delineate and dimension the Common Open Space and Common Open Recreational Space areas on the plan to insure that the area requirements are met.
- k. Extend the right-of-way for Spring Hill Drive across Lot 2 to connect with Monterey Way. The plan may note that the location is conceptual and the exact alignment will be determined with the Final Plat of Lot 2.
- l. Provide an easement or tract for the protection of Environmentally Sensitive Lands if the trees in the southern portion of Lot 2 are found to meet the definition of 'stands of mature trees' provided in Section 20-1701 of the Development Code.
- m. Show street trees along Monterey Way west of the easements at a ratio of 1 tree per 40 ft of street frontage.
- n. Bufferyard landscaping, including the request for Alternative Compliance, will be reviewed and determined with the Final Development Plan.

Reason for Request: Preliminary Development Plan submitted for development of an *Assisted Living* facility with an Independent Living (*Multi-Dwelling*) component in conjunction with rezoning request to the RM12 District with a Planned Development Overlay.

ATTACHMENTS

Att. A: Preliminary Development Plan

Att. B: Variance request

KEY POINTS

- The Preliminary Development Plan also serves as the Preliminary Plat.
- The Planning Commission is the decision making body on variance requests from the standards in the Subdivision Regulations: in this case the required width right-of-way.
- The City Commission is the decision making body on modifications requested. The applicant requested the modification early in the process, but adequate off-street parking will be provided so there is no need for the modification.

FACTORS TO CONSIDER

- Conformance with the purpose of Planned Developments (Section 20-701, Development Code).
- Compliance with Development Code.
- Conformance with *Horizon 2020*.
- Conformance with Subdivision Regulations.

ASSOCIATED CASES

REZONING

- Z-13-00440: A rezoning request to the RM12-PD (Multi-Dwelling Residential with Planned Development Overlay) District has been submitted and is also being considered by the Planning Commission at their December meeting.

OTHER ACTION REQUIRED

- City Commission approval of the Preliminary Development Plan.
- Submittal and administrative approval of a Final Development Plan.
- Submittal and administrative approval of a Final Plat.
- City Commission acceptance of dedications shown on the Final Plat.
- Public Improvement Plans submitted to City Public Works and Utilities Departments. The plans must be approved and the means of ensuring completion of public improvements accepted prior to recording the Final Plat.
- Recording of the Final Plat with the Douglas County Register of Deeds.
- Recording of Final Development Plan with the Douglas County Register of Deeds.
- Building permits must be obtained prior to construction of structures.

PUBLIC COMMENT

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

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* -- A Downstream Sanitary Sewer Analysis was submitted and reviewed. The City Utilities Engineer indicated it would be accepted following minor technical revisions.
- *Drainage Study* – A Drainage Study was submitted and accepted by the City Stormwater Engineer.
- *Traffic Impact Study* -- A Traffic Impact Study was submitted and reviewed. The City Transportation Planner indicated it would be accepted following minor technical revisions.

GENERAL INFORMATION

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; undeveloped with access drive to property to the east.

Surrounding Zoning and Land Use: To the west:
R-1 (County: Single-Family Residential) District; *Rural Residence*, and
RS7 (Single-Dwelling Residential) District, *Detached Dwellings*.
To the north:
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*.
To the east:
RS10 (Single-Dwelling Residential) District; partially developed with *Detached Dwellings*.
To the south:
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*, and UR (Urban Reserve) District; *Detached Dwelling*.

(Figure 1.)

Area

Gross Area 840,671 sq ft (~19.3 acres)
Right-of-Way 0
Net Area 840,671 sq ft (~19.3 acres)

SITE SUMMARY			
	Existing	Proposed	Change
Land Use:	Lot 1: Undeveloped	<i>Assisted Living</i>	Change in use
	Lot 2: Undeveloped	Undeveloped	--
Land Area:	840,671 sq ft	840,671 sq ft	--
Existing Building:	0	67,614 sq ft (8.0%)	+ 67,614 sq ft
Total Pavement:	0	120,155 sq ft	+ 120,155 sq ft
Total Impervious Area:	0	187,769 sq ft (22.3%)	+ 187,769 sq ft
Total Pervious Area:	840,671 sq ft	652,902 sq ft(77.7%)	- 187,769 sq ft

PARKING SUMMARY			
Use	Req. per Sec 20-902	Parking Required	Parking Provided
<i>Assisted Living</i>	.5 parking space per living unit	62 living units: 31 parking spaces	56
<i>Assisted Living/ Independent Units</i>	1 parking space per living unit	22 living units, 22 parking spaces	24
Employee parking	0	0	16 (1 per employee)
ADA Accessible Spaces	Lot with 1-25 parking spaces: 1 van accessible Lot with 51-75 parking spaces: 3 spaces with 1 van accessible Duplex: exempt	Assisted parking: 56 spaces: 3 spaces / 1 van accessible Club House: 3 parking spaces: 1 van accessible Triplex: 6 parking spaces: 1 van accessible	Assisted parking: 4 van accessible Club House: 1 van accessible Triplex: 1 van accessible,
Bicycle Parking	0	0	6

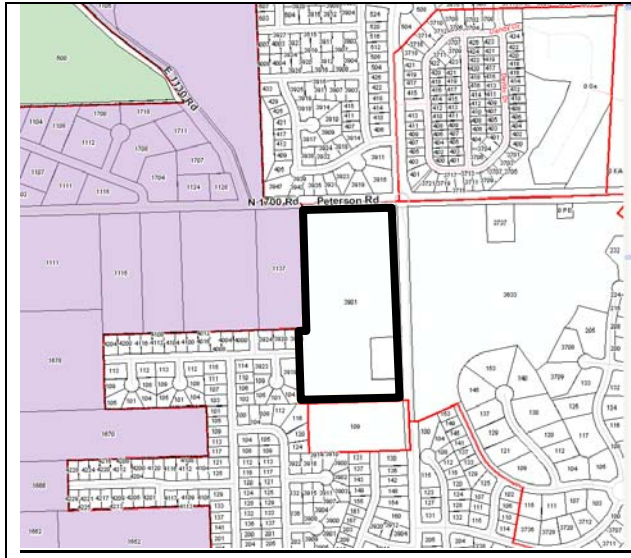


Figure 1a. Zoning in the area.

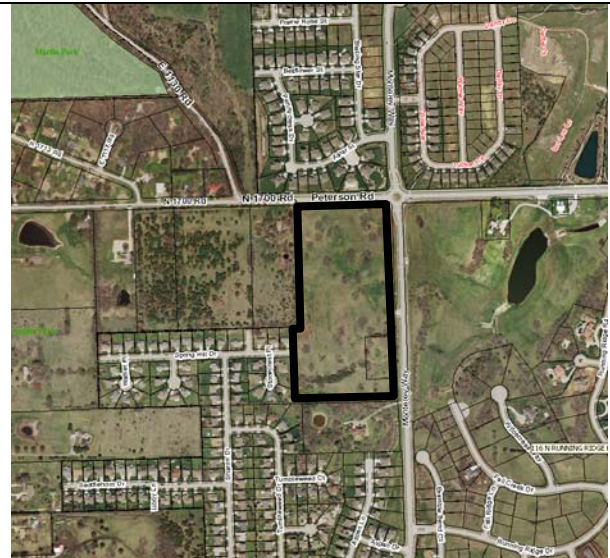


Figure 1b. Land use in the area.

STAFF ANALYSIS

The proposal is to develop an assisted living facility which provides differing levels of support for residents. The buildings along Peterson Road will house residents that require more support. The building to the west would house residents with more intense memory issues that would need greater support, while the building to the east would house residents that are more self-sufficient. The cottages to the south would house residents that are most self-sufficient and some of these residents may drive. The use meets the definition of *Assisted Living*: "Building or group of buildings containing dwellings designed for occupancy by persons 55 years or older where the dwelling units are independent but include special support services such as central dining and limited medical or nursing care." (Section 20-1701, Development Code). The duplex and triplex units will be used for *Independent Living*. This use is not defined in the Development Code but is included in the *Assisted Living* category for parking requirements and bonus calculations for Mixed Use Districts. *Independent Living* is a form of assisted living where the residents are more independent than those in assisted living, they may be able to prepare their own meals and may not need nursing care but do require some support services.

The development will occur in 2 phases, with Phase 1 being the building to the east on Peterson Road and one-half of the building to the west, and the cottages (duplex and triplex units) and club house to the south. The second half of the building to the west on Peterson Road (the Arbors) will occur in Phase 2. There are no plans to develop Lot 2 at this time.

Preliminary Plat Review

The Preliminary Development Plan serves as the Preliminary Plat. Two lots are being created with this plat, Lot 1 (the subject of the Development Plan) with frontage on both Monterey Way and Peterson Road and Lot 2 (future development area) with frontage on Monterey Way. Both lots comply with the dimensional requirements in the RM12 District.

The RM12 District permits a maximum density of 12 dwelling units per acre. Phase 1, Lot 1, contains approximately 11.05 acres. 46 assisted living units are proposed in Phase 1 and 22 independent dwelling units. An additional 16 assisted living units will be constructed in Phase 2 for a total of 84 dwelling units. The Planned Development Overlay requires that density be

calculated based on the number of bedrooms rather than the number of dwelling units. Per 20-701(f)(3)(ii), a studio or 1-bedroom unit shall count as .4 dwelling units and a 2-bedroom shall count as .6 dwelling units. The development will utilize only 1 and 2 bedroom living units; however, the number of 1 and 2 bedroom units has not yet been determined. To determine the density, an assumption has been made that all units will be 2 bedrooms. $84 \text{ units} \times .6 \text{ unit} = 50.4 = 51 \text{ units}$. 51 units on an area of 11.05 acres is a maximum calculated density of 4.6 dwelling units. The proposed development will have a maximum calculated density of 4.6 dwelling units per acre. A note should be added to the development plan which restricts density to no more than 4.6 dwelling units per acre.

The adjacent street to the east, Monterey Way, classified as a 'collector' in the Major Thoroughfares Map, requires 80 ft of right-of-way and the plat notes that 80 ft of right-of-way is provided. The adjacent street to the north, Peterson Road, classified as a 'principal arterial' in the Major Thoroughfares Map, requires 150 ft of right-of-way and the plat notes that 100 ft of right-of-way (50 ft half-width) is provided. A variance has been requested from the street cross section standards in Section 20-810(e)(5) of the Subdivision Regulations to allow the right-of-way to remain at 100 ft in this location. The variance request will be discussed later in this report.

The applicant and the City Utilities Department are working out the details of the utility locations. A 10 ft wide electric easement is located adjacent to the Peterson Road for the overhead power lines. The plat shows a waterline along the east side of the property within a 20 ft right-of-way easement for Rural Water District No. 1. RWD No 1 indicated that the water line has been abandoned and may be removed and that the easement is no longer needed. The plat should be revised to show that the waterline is abandoned and the easement should be labeled as 'to be vacated with this plat'.

A 40 ft wide easement for Southern Star Central Gas Pipeline is also located along the Monterey Street frontage. This easement includes a 20 ft gas easement for Kansas Public Service Company. The plans have been distributed to Southern Star and and Black Hills Energy (current owner of the KPS easement). Their approval of the proposed changes in this area is necessary before the Final Plat can be recorded.

As required in Section 20-809(f)(4)(iv) all telephone, cable, and electrical lines (except high voltage lines) are to be located underground. This is noted on the plat.

There are existing 5 ft wide sidewalks along both the Monterey Way and Peterson Road frontage. A 6 ft wide sidewalk is required along Peterson Road as it is a principal arterial. Per Section 20-1105(a) of the Development Code, existing sidewalks will not be required to be replaced with a significant development project unless the existing sidewalk is recommended for condemnation by the City Public Works Department. The plan should be revised to show a 6 ft wide sidewalk along Peterson Road to be installed with this development; or, if the sidewalk is in good condition, a note could be added to the plan which states that *'When the sidewalk along Peterson Road deteriorates or is damaged to the degree that the City Engineer determines replacement is necessary, a 6 ft wide sidewalk will be installed.'*

The plan proposed a thorough set of internal walkways to provide pedestrian access throughout the site; however, a connection from the duplexes/triplexes in the southwest corner to the club house is lacking. The plan should be revised to provide this connection.

Preliminary Development Plan Review

The proposed Preliminary Development Plan for Assisted Living by Americare has been evaluated based upon findings of fact and conclusions per Section 20-1304(d)(9) of the Development Code for the City of Lawrence, requiring consideration of the following nine items:

1) *The Preliminary Development Plan's consistency with the Comprehensive Plan of the City.*

The project will achieve a calculated density of 4.6 dwelling units per acre which is considered low density. Recommendations for low-density residential development from Chapter 5 of *Horizon 2020* are listed below. Staff discussion of the project's compliance with the recommendation follows in red.

- * *"Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space."* (Policy 4.1, page 5-17)

The Planned Development Overlay Zoning District was requested to allow the development in the RM12 District to be tailored to fit with the surrounding single-dwelling districts. The structures along Peterson Road will be one story brick buildings and the duplex and triplex units to the south will be similar in design to other dwellings in the area. The development is being designed to be compatible with the adjacent residential development. While the building type will be different from the nearby residences, it will be of a similar height and will be designed with a residential character. (Figure 2)

Additional open space is provided with this development as the Planned Development Overlay requires a certain amount of open space for the common use and enjoyment of the residents/landowners of the Planned Development. The proposed development is compatible with the nearby land uses.

- * *"Natural environmental features within residential areas should be preserved and protected. Natural vegetation and large mature trees in residential areas add greatly to the appearance of the community as a whole and should be maintained."* (Policy 5.1, page 5-19)

Stands of trees are located in the southern portion of the property. A tract or easement will be provided on the plan for their protection if the results of a field survey indicates that they meet the definition of 'Stands of Mature Trees' provided in Section 20-1701 of the Development Code.

While this facility is being developed at a 'low density', multiple dwelling units are being proposed on one lot, similar to medium or higher density developments. The following recommendations from the Comprehensive Plan apply to medium or higher density developments:

- * *"Provide pedestrian and/or bicycle paths to provide access to all parts of a neighborhood and beyond."* (Policy 2.2(b), page 5.25)

The plan provides an extensive internal pedestrian circulation and this is connected to the adjacent sidewalks on Monterey Way along the southern access drive and to the sidewalks on Peterson Road on the east and west sides of the development.

- * "Site design should be oriented so that less compatible uses such as trash, loading and parking areas and located in the interior of the development and not adjacent to or in close proximity to low-density residential neighborhoods." (Policy 3.1(c)(1)(a), page 5-27)

As seen on the development plan, the trash and loading area are located to the rear of the buildings. Parking areas are located between the buildings and Peterson Road, however these contain only 2 rows of parking separated by an access aisle. The shallow parking lots will be further separated from the residential neighborhood by Peterson Road, a principal arterial.

- * "Encourage new and existing medium- and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas." (Policy 3.4, page 5-29)

This development is being designed to be compatible with surrounding land uses.

Staff Finding_ The proposed development complies with the land use goals and policies for low-density residential development of the Comprehensive Plan.

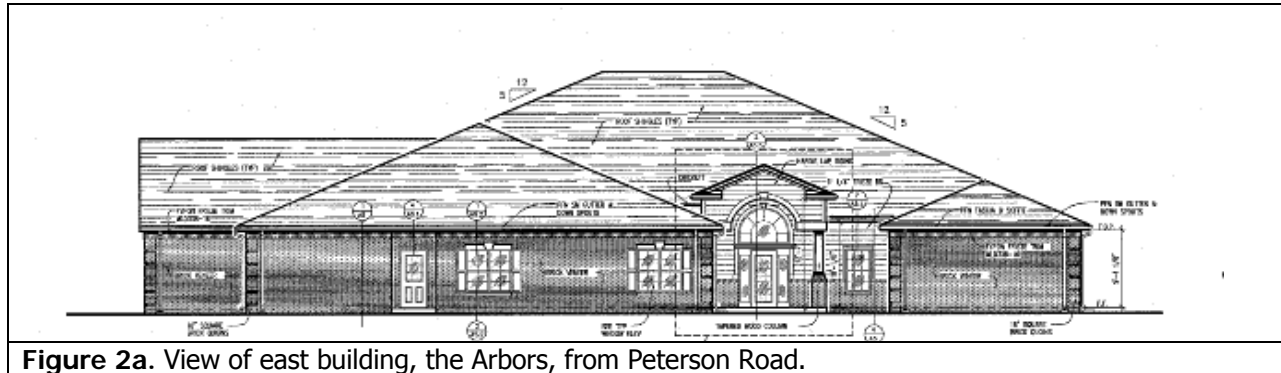


Figure 2a. View of east building, the Arbors, from Peterson Road.

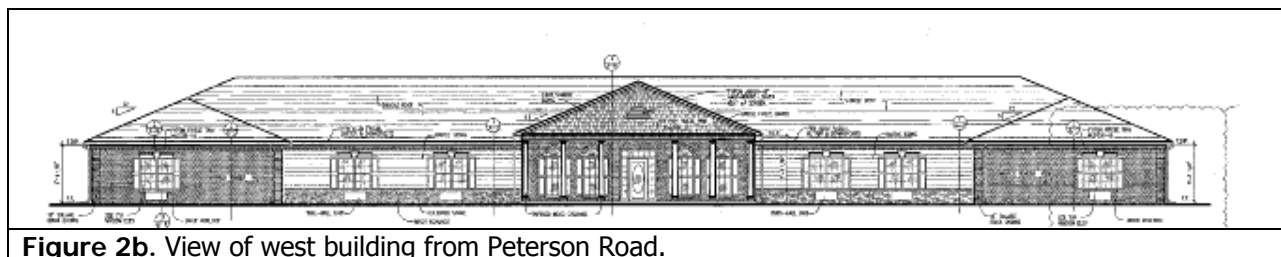


Figure 2b. View of west building from Peterson Road.



Figure 2c. Example of structure type for the Cottage (Independent Units) to the south.

2) Preliminary Development Plan's consistency with the Planned Development Standards of Section 20-701 including the statement of purpose.

The purpose statement includes the following (staff comments follow in *italics*):

- a) Ensure development that is consistent with the comprehensive plan.
As discussed previously, the development is consistent with the comprehensive plan.
- b) Ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services.
The developer is working with the City Utility Department to insure that the development can be efficiently served with City utilities and final details are being worked out at this time. The City Utilities Engineer's approval of the layout and design of the water and sanitary sewer lines is necessary prior to development plan approval.
- c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.
The design flexibility allows the property to develop for a particular use, 'Assisted Living with an Independent Living component', while insuring a density and residential nature that will be compatible with the surrounding properties.
- d) Preserve environmental and historic resources.

There are no known historical resources on this property. There is a watercourse in the southwest corner, but the City Stormwater Engineer indicated that this is a continuation of the stormwater management on the adjacent property and is not a natural feature that requires protection. Lot 2 may contain environmentally sensitive lands, in the form of stands of mature trees. A stand of mature trees is defined in Section 20-1701 as: "An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)2(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; city/County GIS aeriels; and field surveys).

Trees in the southwest corner of the property may meet this definition, but a field survey will be necessary to make the final determination. Prior to the completion of the final plat, the applicant and City Staff shall visit the site to determine if the stands of trees meet this definition. If so, a tract or easement shall be provided on Lot 2 to protect these features. (Figure 3)



Figure 3. Image of property from City's Environmental Baseline Map showing area with continuous or nearly continuous canopy of trees (outlined in red).

- e) Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

The development is being designed in an attractive residential style that should be compatible with the character of the surrounding area.

Section 20-701(d) states that all of the standards of the Development Code apply to development within a PD District except as expressly authorized by regulations of Section 20-701. The dimensional standards in the RM12 District are being met with this development.

The landscaping requirements of Article 10 apply to this development. While the final landscaping details will be determined with the Final Development Plan, landscaping is reviewed with the Preliminary Development Plan to insure adequate area is provided for the required landscaping and to determine if Alternative Compliance or variances may be necessary.

Landscaping	Requirement	Required	Provided
Street Trees	1 per 40 ft of street frontage	Peterson Road Frontage: 589 ft, requires 15 street trees. Monterey Way Frontage: 1199 ft, requires 30 street trees	Peterson Road: 16 trees Monterey Way: 0 trees* See discussion below
Interior Parking Lot Landscaping	40 sq ft for each parking space. 1 tree and 3 shrubs per 10 parking spaces.	56 parking spaces * 40 = 2240 sq ft 60/10=6; 6 trees and 18 shrubs	3673 sq ft 6 trees and 24 shrubs
Perimeter Parking Lot Landscaping	1 shade tree per 25 ft of parking lot frontage along r-o-w PLUS wall, berm, or continuous hedge of evergreen shrubs.	390 ft of perimeter parking lot frontage on Peterson Road, requires 16 trees	20 trees plus a berm. The height and slope of the berm should be noted. Minimum height permitted is 2 ft and maximum slope is 3:1.
Bufferyard Landscaping	Type 1 Bufferyard required on all sides per ratio listed in Section 1005(f)	North: 25 ft wide, 588.37 ft long: 12 trees/30 shrubs	20 trees, (additional 8 trees can substitute for 24 shrubs: 1 tree – 3 shrubs) 19 shrubs=43 shrubs COMPLIANT
		West: 25 ft wide, 775 ft long: 16 trees and 39 shrubs	27 trees, (additional 11 trees can substitute for 33 shrubs) 77 shrubs: 110 shrubs COMPLIANT
		South: The south side of the property is adjacent to an additional lot in this subdivision. It is uncertain what	Bufferyard Landscaping through Alternative Compliance to be determined at the Final Development Plan Stage.

		development will occur in this area. The Bufferyard requirement could be met on the developing side of Lot 2 in the future.	
		East: 80 ft wide adjacent to buildings fronting Peterson road (190 ft long)	
		260 ft wide adjacent to Cottages to the south (1009 ft long)	
		The large distance may have an impact on the amount of landscaping that is required.	

Table 2. Landscaping Review

A Type 1 Bufferyard is required on all sides as the property is surrounded by properties zoned RS (Single-Dwelling Residential) and R-1 County Zoning District, (Single-Family Residential). The landscaping in the bufferyard varies depending on the width of the bufferyard provided as shown in the table below:

BUFFERYARD WIDTH	TREES/100 LINEAR FT	SHRUBS/100 LINEAR FT
10 ft	4 trees	10 shrubs
15 ft	3 trees	8 shrubs
20 ft	3 trees	7 shrubs
25 ft	2 trees	5 shrubs

Table 3. Bufferyard Landscaping Ratio

- * There is a 40 ft wide gas easement along Monterey Way which prevents the location of street trees within 30 ft of the curb of Monterey Way as required by Code. The nearest subdivision to the south, Monterey Subdivision No 8, provided street trees to the west of the gas easement. The City Forestry Manager recommended that the street trees on the subject property follow this pattern. Street trees should be shown on the plan at a rate of 1 tree per 40 ft of frontage, west of the easements along Monterey Way.

The street trees on Peterson Road and the interior and perimeter parking lot landscaping provided on the plan is compliant with the landscaping requirements in Article 10 of the Development Code. Alternative Compliance has been requested from the bufferyard landscaping required along the east and south perimeter of the site based on the large separation between the development and the adjacent properties. Trees used in the Bufferyard landscaping along Monterey Way would serve as street trees, although they will be located further from the street than required by Code. The justification for use of Alternative

Compliance has been met and final details on the Alternative Landscape Plans will be determined with the Final Development Plan.

Staff Finding – The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development. The proposed Preliminary Development Plan, as conditioned, is consistent with the standards of Section 20-701 of the Development Code with the exception of the number of street trees provided for Monterey Way, and the bufferyard landscaping for the east and south perimeters of the property. The applicant has requested Alternative Compliance from the Bufferyard Landscaping requirements on the east and south perimeters of the properties. The request for Alternative Compliance will be considered administratively with the Final Development Plan.

3) The nature and extent of the common open space in the Planned Development.

Section 20-701(j) notes that 20% of the site must be located within common open space. The plan does not note at this time the amount of area that is within the common open space. 50% of the required common open space must be developed as common recreational space. The plan proposes a walking path around the buildings and cottages as well as a gazebo area behind each of the main buildings and a club house for the Cottages. The southeast corner of the property will contain undeveloped common open space.

Staff Finding – The plan proposes common open and common recreational space. The plan should be revised to delineate and dimension these areas to insure the minimum area requirements are met.

4) The reliability of the proposals for maintenance and conservation of the common open space.

Staff Finding – The plan notes that the common open space will be privately owned and maintained by the owner of this facility.

5) The adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.

The Development Code requires 50 sq. ft. of outdoor area that can be used for recreational purposes for each dwelling unit in a RM12 District. The Code states that the required outdoor areas serves as an alternative to a large rear setback and is an important aspect in addressing the livability of a residential structure on a small lot. The development plan proposes a total of 84 *Assisted* and *Independent Living* units which would require 24,200 sq. ft. (84 x 50 sq. ft) of outdoor area. The Recreational Common Open Space provided with the Planned Development will serve as the Outdoor Recreation area.

Staff Finding – The common open space required for the Planned Development, 20% of the site (11.05 acre x .20 = 2.2 acres), exceeds the outdoor area that is required for a residential development in the base RM12 District. The amount of common open space that is being proposed for this development is adequate.

6) Whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.

Staff Finding –The Preliminary Development Plan has made adequate provisions for public services and provides adequate control over vehicular traffic with 2 access points into the site. The plan furthers the amenities of light and air, recreation and visual enjoyment through the provision of common open space, and open recreation space. The plan notes that additional Fire Access will be provided with the construction of Phase 2.

7) Whether the plan will measurably and adversely impact development or conservation of the neighborhood area by:

a) doubling or more the traffic generated by the neighborhood;

The Traffic Impact Study indicated that the surrounding single-dwelling residential development generates 766 average trips per day and the Assisted Living Facility will generate 293 trips per day on average or an increase of approximately 39%.

b) proposing housing types, building heights or building massings that are incompatible with the established neighborhood pattern; or

The buildings will be one story, brick buildings with a residential design. They will be separated from Peterson Road and the residences to the north of Peterson Road by a narrow parking lot with perimeter landscaped berms. The Cottages to the south will be of residential design similar to other structures in the neighborhood. The proposed development will be compatible with the established neighborhood pattern.

c) increasing the residential density 34% or more above the density of adjacent residential properties.

The property being developed with this plan is adjacent to 2 residential developments: Monterey Bluffs to the north, and Hutton Farms Planned Development to the northeast. The following densities are noted on the preliminary plats for these properties:

Monterey Bluffs (north of Peterson Road): 3.9 du/acre

Hutton Farms: 5.64 du/acre

The proposed calculated density of this project is 4.6 dwelling units per acre. This is an increase of 17.9% over the density at Monterey Bluffs, and is 18.4% less than the density at Hutton Farms. The proposed development does exceed the density of the properties to the west (outside the city limits) and to the south (zoned UR) which both contain rural residences have not yet been developed to urban densities.

Staff Finding – The development will increase the traffic in the area by less than 50%, is proposing building height, design, and massing that is compatible with the area and will not increase the density by 34% or more above the density of adjacent residential properties, with the exception of those that have not yet been developed to urban densities. The development should not have measurable and adverse impact on the development or conservation of the neighborhood area.

8) Whether potential adverse impacts have been mitigated to the maximum practical extent.

Potential adverse impacts with *Assisted Living* could occur from lighting that extends onto adjacent properties, or with outdoor areas for employees that are in close proximity to nearby

residences. A photometric plan will be required prior to approval of the Final Development Plan to insure compliance with the City Lighting Standards. The parking lot is located between the building and Peterson Road so the parking lot lights should have no effect on the street or other properties along the street frontage. Outdoor areas for the buildings are located to the rear of the building and there are no nearby residences.

Staff Finding – Possible adverse impacts of exterior lighting will be addressed with a photometric plan at the Final Development Plan stage to insure there is no spillover light. No other possible adverse impacts have been identified.

9) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

Staff Finding- A phased development has been proposed. The western Assisted Living structure will be enlarged with Phase 2. The plan notes that additional fire access will be installed prior to completion of Phase 2. Lot 2 is not included in this portion of the development; however, Spring Hill Drive right-of-way should be shown connecting through this lot to Monterey Way. The plat could note that this location is conceptual and the exact alignment of the street will be determined with the final plat, but showing the right-of-way will provide notice to future developers of Lot 2 that extension of Spring Hill Drive to Monterey Way is required.

VARIANCE FROM RIGHT-OF-WAY DESIGN STANDARD

Per Section 20-813(g) of the Subdivision Regulations, in cases where there is a hardship in carrying out the literal provisions of the Design Standards or Public Improvement Standards the Planning Commission may grant a variance from such provisions. The applicant requested a variance from the Design Standard in Section 20-810(e)(5)(i) which requires that 150 ft of right-of-way be provided for minor principal arterial streets to allow the 100 ft right-of-way for Peterson Road being provided adjacent to the subject property. The applicant's request for the variance is included with this staff report as Attachment B.

The following reviews the request with the 3 criteria which are required in Section 20-813(g) for approval of a variance.

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

Peterson Road is classified in the Major Thoroughfares Map as a 'Principal Arterial' street which requires 150 ft of right-of-way. There is currently 100 ft of right-of-way for Peterson Road.

Most of the properties to the east along Peterson Road in this area are platted and developed with 100 ft of right-of-way. The right-of-way width is 90 ft to the east of N Crestline Drive. The City Engineer indicated he has no objection to the variance to allow the right-of-way to remain at 100 ft in this location, as there are no plans to widen Peterson Road in the future.

Staff Finding: As noted above, Peterson Road to the east has been developed in right-of-way widths of 90 to 100 ft. Requiring additional right-of-way at this location would be an unnecessary hardship as there are no plans to widen Peterson Road in the future and the additional right-of-way is not needed.

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

The Subdivision Regulations are intended to provide for the harmonious and orderly development of land within the city and the unincorporated area of Douglas County. Right-of-way dedication is required when properties are platted to insure the required right-of-way is available for improvements to adjacent roadways. The City Engineer indicated that the existing right-of-way for Peterson Road is adequate as there are no plans to widen the street in the near future.

Staff Finding: Future improvements will not include widening the roadway and the right-of-way width being proposed with this plat has been determined by the City Engineer to be adequate for Peterson Road; therefore, the proposed variance is in harmony with the intended purpose of the Subdivision Regulations.

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

Staff Finding: As there are no plans to improve Peterson Road in this area, and the amount of right-of-way being provided has been determined to be adequate, the variance will not affect the public health, safety, or welfare.

Staff Recommendation:

Approve the variance requested from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Peterson Road adjacent to Lot 1 Assisted Living by Americare subject to the following condition:

The plat shall be revised to include the following note: *"On December 16, 2013, the Planning Commission approved a variance from the requirement in Section 20-810(e)(5) to dedicate 150 ft of right-of-way for principal arterials to allow the right-of-way for Peterson Road as shown on this plat."*

Staff Review and Conclusion

The proposed Preliminary Development Plan conforms to the land use recommendations for low density residential development in the Comprehensive Plan. The Development Plan, with the requested variance, complies with the requirements in the Development Code for the RM12 and the PD Overlay Districts. Minor technical changes have been identified with the review of the plan and these have been listed in the conditions of approval.

PRELIMINARY DEVELOPMENT PLAN
ASSISTED LIVING BY AMERICARE
LAWRENCE, KS



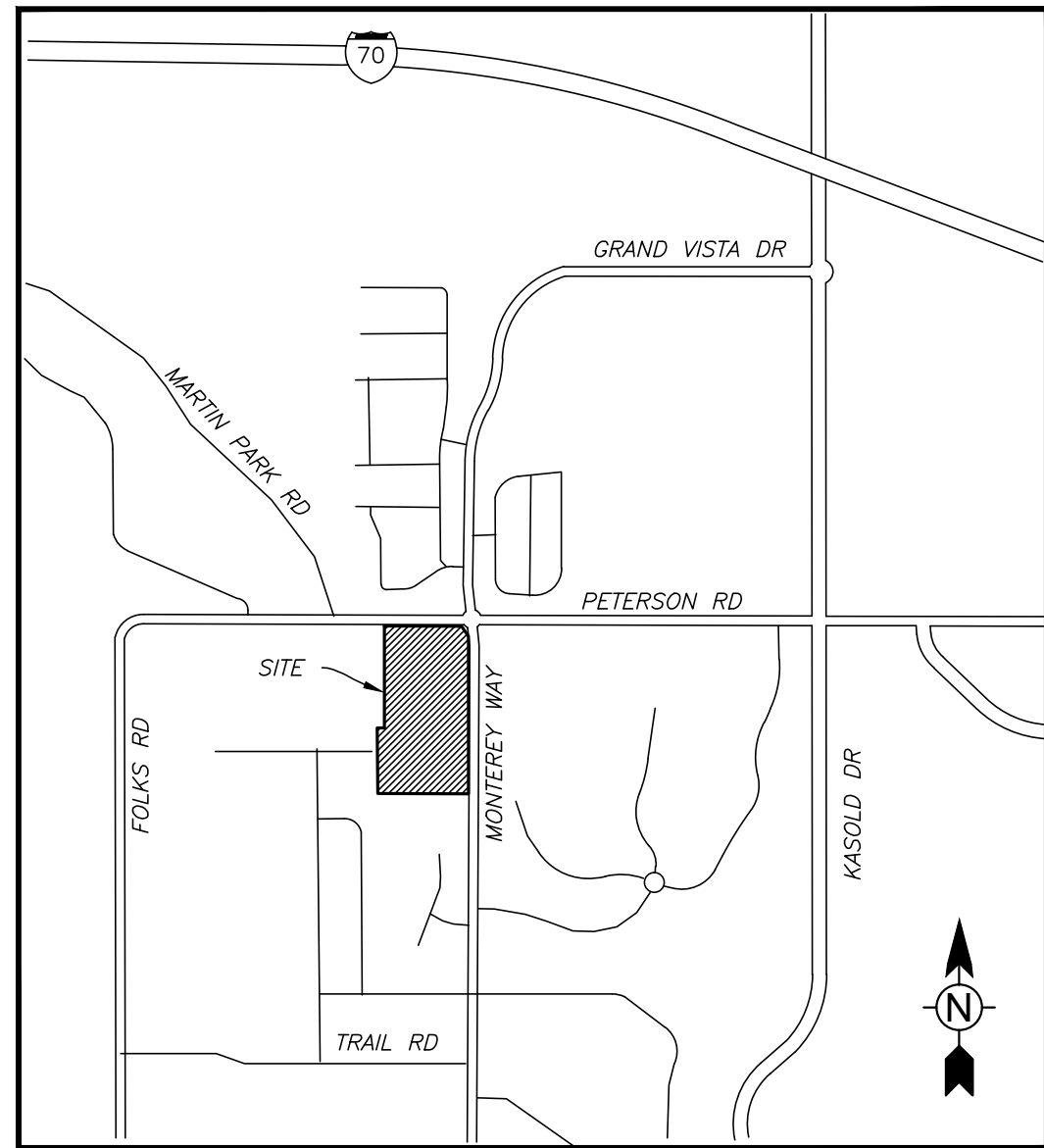
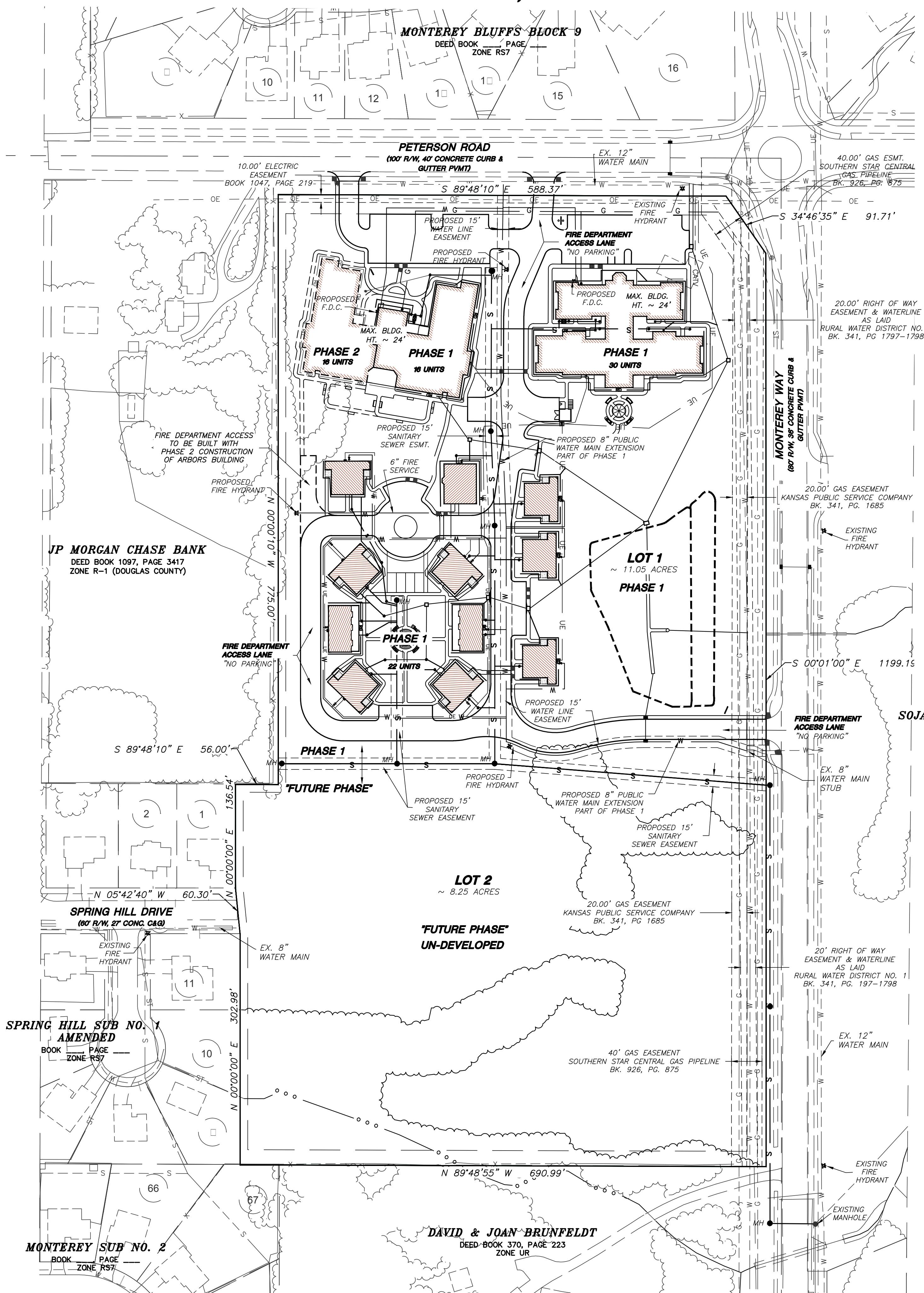
SCALE: 1" = 80'
0 40 80 160
BEARINGS ARE REFERENCED TO RECORD
DEED LEGAL DESCRIPTION

LEGEND

- MH ○ EXISTING SANITARY MANHOLE
MH ● PROPOSED SANITARY MANHOLE
CO ● EXISTING SANITARY CLEANOUT
CO ● PROPOSED SANITARY CLEANOUT
FH ○ EXISTING FIRE HYDRANT
FH ● PROPOSED FIRE HYDRANT
G ○ EXISTING GUY WIRE
G ● PROPOSED GUY WIRE
LP ○ EXISTING LIGHT POLE
LP ● PROPOSED LIGHT POLE
EM ○ EXISTING ELECTRIC METER
EM ● PROPOSED ELECTRIC METER
GM ○ EXISTING GAS METER
GM ● PROPOSED GAS METER
WM ○ EXISTING WATER METER
WM ● PROPOSED WATER METER
WM ○ EXISTING CABLE BOX
WM ● PROPOSED CABLE BOX
PP ○ EXISTING ELECTRIC TRANSFORMER
PP ● PROPOSED ELECTRIC TRANSFORMER
PP ○ EXISTING TELEPHONE BOX
PP ● PROPOSED TELEPHONE BOX
WV ○ EXISTING UTILITY POLE
WV ● PROPOSED UTILITY POLE
WV ○ EXISTING WATER VALVE
WV ● PROPOSED WATER VALVE
WV ○ PROPOSED DOWN SPOUT
WV ● PROPOSED HANDICAPPED SPACE
WV ● EXISTING HANDICAPPED SPACE
WV ● IRON PIPE CAP #2001066115
WV ● EXISTING SET
WV ● RECORD BORE HOLE
WV ● BENCH MARK
DH ○ DRILL HOLE
IP ○ IRON PIPE
RB ○ REBAR
PM ○ MONUMENT
RW ○ RIGHT OF WAY MARKER
STONE ○ EXISTING STREET SIGN
STONE ○ EXISTING BOLLARD
STONE ○ EXISTING ROOF DRAIN
STONE ○ EXISTING SPRINKLER VALVE
STONE ○ EXISTING MAILBOX
STONE ○ EXISTING FLAGPOLE
BCS ○ BOONE COUNTY SURVEY
F/G ○ FINISH GRADE
T/C ○ TOP OF CURB
T/P ○ TOP OF PAVEMENT
FF ○ FINISH FLOOR
R ○ RADIAL LINE
C ○ CENTERLINE

0,000 SQUARE FEET
00.00 AC ACRES

- X — EXISTING FENCE
— X — PROPOSED FENCE
— UE — EXISTING UNDERGROUND ELECTRIC
— UE — PROPOSED UNDERGROUND ELECTRIC
— OE — EXISTING OVER-HEAD ELECTRIC
— OE — PROPOSED OVER-HEAD ELECTRIC
— UT — EXISTING UNDERGROUND TELEPHONE
— UT — PROPOSED UNDERGROUND TELEPHONE
— OT — EXISTING OVER-HEAD TELEPHONE
— OT — PROPOSED OVER-HEAD TELEPHONE
— FO — EXISTING FIBER OPTIC CABLE
— FO — PROPOSED FIBER OPTIC CABLE
— G — EXISTING GAS
— G — PROPOSED GAS
— S — EXISTING SANITARY
— S — PROPOSED SANITARY
— FM — EXISTING SANITARY FORCEMAIN
— FM — PROPOSED SANITARY FORCEMAIN
— W — EXISTING WATER
— W — PROPOSED WATER
— ST — EXISTING STORM SEWER
— ST — PROPOSED STORM SEWER
— CATV — EXISTING CABLE TELEVISION
— RD — PROPOSED ROOF DRAIN
— RD — EXISTING FLOWLINE (R)
— RD — EXISTING TREELINE
— RD — PRESERVED TREELINE
— RD — PROPOSED CONTOUR
— RD — EXISTING CONTOUR



SCALE: NTS

OWNER

JEFFERY E. SMITH HOMES
PO BOX 7688
COLUMBIA, MO 65205
C/ BRIAN KIMES
573-443-2021

CONTRACT PURCHASER

MARICO HOLDINGS, LLC
C/O HENLEY MONTGOMERY
AMERICARE SYSTEMS, INC
2415 CARTER LANE #105
COLUMBIA, MO 65203
573-442-5188

SITE DATA

ADDRESS: 3901 PETERSON ROAD
GROSS AREA: 20.69 ACRES
PREVIOUSLY DEDICATED
RIGHT-OF-WAY: 1.39 ACRES
NET AREA: 19.30 ACRES

NOTE: THE OVERALL TRACT WILL
BE PLATTED INTO TWO SEPARATE
LOTS AS SHOWN ON THIS PLAN.

LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYING IN THE CITY OF LAWRENCE, AND IN DOUGLASS COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER NORTH 89° 48' 08" WEST, 660.65 FEET; THENCE SOUTH 00° 00' 00" EAST 825.00 FEET; THENCE NORTH 89° 48' 08" WEST, 56.00 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 1, OF SPRING HILL SUBDIVISION NO. 1 AMENDED; THENCE SOUTH 00° 00' 00" EAST, 136.54 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 IN SAID SUBDIVISION; THENCE SOUTH 05° 42' 38" EAST, 60.30 FEET TO THE NORTHEAST CORNER OF LOT 11, BLOCK 4, IN SAID SUBDIVISION; THENCE SOUTH 00° 00' 00" EAST, 502.98 FEET TO THE SOUTHEAST CORNER OF LOT 9, BLOCK 4, IN SAID SUBDIVISION; THENCE SOUTH 89° 48' 55" EAST, 710.99 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 00° 00' 00" WEST, 1324.33 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PART OF THE TRACT DEDICATED FOR STREET RIGHT-OF-WAY TO THE CITY OF LAWRENCE RECORDED IN BOOK 912, PAGE, 1347 OF THE RECORDS OF DOUGLASS COUNTY, KANSAS CONTAINING 19.30 ACRES.

BENCHMARK DATA

BM #1
CHISLED "x" ON EAST RIM OF SECOND SANITARY MANHOLE EAST OF MONTEREY WAY
AND ±1000' SOUTH OF PETERSON ROAD
ELEV= 943.73'
(NAVD83 DATUM)
BM #2
TOP CENTER LIP OF RAILROAD SPIKE IN EAST FACE OF THE FIRST POWER POLE
WEST OF MARTIN PARK ROAD ON THE SOUTH SIDE OF PETERSON ROAD
ELEV= 1011.19'
(NAVD83 DATUM)

FLOOD PLAIN STATEMENT

NO PART OF THIS TRACT IS LOCATED WITHIN THE 100-YR
FLOODPLAIN AS SHOWN BY THE DOUGLASS COUNTY FLOOD
INSURANCE RATE MAP #20045C01560 DATED AUGUST 5, 2010.

PROPOSED MEETING SCHEDULE

SUBMITTAL DEADLINE: OCTOBER 14, 2013
PLANNING COMMISSION MEETING: DECEMBER 16, 2013
PLANNING COMMISSION MEETING: DECEMBER 18, 2013

SHEET INDEX

SHEET	DESCRIPTION
SHEET 1	COVER SHEET/LEGEND/GENERAL NOTES
SHEET 2	GENERAL NOTES / DETAILS
SHEET 3	SITE PLAN 1 OF 2
SHEET 4	SITE PLAN 2 OF 2
SHEET 5	LANDSCAPING PLAN

AMERICARE SYSTEMS, INC.
PROJECT DEVELOPMENT
2415 CARTER LANE # 105
COLUMBIA, MO 65203
PHONE: (573) 442-5188, FAX: (573) 442-5277

LAWRENCE, KANSAS
PRELIMINARY DEVELOPMENT PLAN
DEVELOPER: AMERICARE PROPERTIES, INC.
ENGINEER: AMERICARE PROPERTIES, INC.

SHEET 1 OF 5

GENERAL NOTES:

EXISTING ZONING:	PROPOSED ZONING
RS 10 LOW DENSITY SINGLE FAMILY RESIDENTIAL	RM 12 WITH PD OVERLAY MULTI-DWELLING RESIDENTIAL

EXISTING LAND USE:	PROPOSED LAND USE:	PERMITTED USES:
VACANT LOT	MULTI-DWELLING RESIDENTIAL	GROUP LIVING THAT WILL INCLUDE THE FOLLOWING: 1. ASSISTED LIVING FACILITY (ALF & ARBORS BLDGS) 2. INDEPENDENT LIVING COTTAGES 3. CLUBHOUSE FOR PRIVATE RECREATION ACTIVITIES 4. SOME COVERED PARKING IN COTTAGE AREA

PROPOSED PHASING SCHEDULE	PHASE 1	"PHASE 2"
	APPROXIMATE LAND AREA : 11.05 ACRES CONSTRUCTION SCHEDULE : START DATE ~ LATE SPRING 2014 COMPLETION DATE ~ FALL 2015	APPROXIMATE LAND AREA : N/A PART OF PHASE 1 CONSTRUCTION SCHEDULE : UNDETERMINED
	BUILDING DENSITY : 7.6 UNITS / ACRE AT FULL BUILD-OUT OF PHASES 1 & 2	"FUTURE UN-DEVELOPED PHASE"
	* BUILDING DENSITY : 4.4 UNITS / ACRE AT FULL BUILD-OUT OF PHASE 1 & 2 IF THE OVERALL 19.3 ACRE TRACT IS USED IN THE DENSITY CALCULATIONS.	APPROXIMATE LAND AREA : 8.25 ACRES CONSTRUCTION SCHEDULE : UNDETERMINED

PROPOSED BUILDING AREAS:	PHASE 1 CONSTRUCTION	PHASE 2 - "FUTURE" CONSTRUCTION
	ASSISTED LIVING FACILITY : 20,226 SQ. FT. ARBORS PHASE 1 : 13,220 SQ. FT. COTTAGES & CLUBHOUSE : 23,666 SQ. FT. PHASE 1 BUILDING AREA : 57,112 SQ. FT.	* MAX. BUILDING HEIGHTS: ~ 24' AVERAGE ROOF HEIGHT 16' ARBORS PHASE 2 : 10,502 SQ. FT. *TOTAL BUILDING AREA AFTER FULL BUILD-OUT : 67,614 SQ. FT.

PROPOSED DWELLING UNITS:	PHASE 1 CONSTRUCTION	PHASE 2 - "FUTURE" CONSTRUCTION
	ASSISTED LIVING FACILITY : 30 UNITS ARBORS FACILITY PHASE 1 : 16 UNITS INDEPENDENT LIVING COTTAGES : 22 UNITS PHASE 1 = 68 UNITS	ARBORS PHASE 2 : 16 UNITS * UNIT COUNT AT FULL BUILD-OUT : 84 UNITS

BUILDING CODE DATA:	A. APPLICABLE CODES: *ALF & ARBORS BUILDINGS IBC 2012 IMC 2012 IPC 2012 IFGC 2012 NEC 2012 LIFE SAFETY CODE 2000 B. TYPE OF OCCUPANCY (IBC)= INSTITUTIONAL "I-1" C. TYPE OF CONSTRUCTION (IBC) = TYPE 5A PROTECTED COMBUSTIBLE, 1-STORY HEIGHT (14'-2") D. FULLY SPRINKLERED BUILDING, NFPA-13	A. APPLICABLE CODES: *CLUBHOUSE, DUPLEX & TRIPLEX BUILDINGS IBC 2012 IRC 2012 IMC 2012 IFGC 2012 NEC 2012 LIFE SAFETY CODE 2000 B. TYPE OF OCCUPANCY (IBC)= CLUBHOUSE - ASSEMBLY "A-2" TRIPLEX (IRC) DUPLEX - TWO FAMILY DWELLING 1-STORY HEIGHT - (C. TYPE OF CONSTRUCTION (IBC) = CLUBHOUSE - TYPE 5A TRIPLEX - TYPE 5A DUPLEX - TYPE 5A PROTECTED COMBUSTIBLE, 1-STORY HEIGHT (14'-2") D. FULLY SPRINKLERED BUILDING, CLUBHOUSE - NFPA-13R COTTAGES - NFPA-13D
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EMPLOYEES	PHASE 1 CONSTRUCTION	PHASE 2 - "FUTURE" CONSTRUCTION
	ASSISTED LIVING FACILITY : 6-2 PM ~ 5 TO 6 STAFF 2 PM TO 10 PM ~ 2-3 STAFF 10 PM TO 6 AM ~ 1-2 STAFF THIS CAN VARY WITH CARE NEEDS	ARBORS : 6-2 PM ~ 5 TO 6 STAFF 2 PM TO 10 PM ~ 2-3 STAFF 10 PM TO 6 AM ~ 1-2 STAFF THIS CAN VARY WITH CARE NEEDS * NUMBERS ABOVE REPRESENT TOTAL EMPLOYEE COUNT IN ARBORS AT TOTAL BUILD-OUT.

PARKING DATA	REQUIRED:	PROVIDED:
	62 ASSISTED LIVING UNITS AT 0.5 SPACE/UNIT= 31 SPACES 22 INDEPENDENT LIVING UNITS AT 1 SPACE/ UNIT= 22 SPACES 16 EMPLOYEES @ MAXIMUM SHIFT* 1 SPACE/EMPLOYEE = 16 SPACES 69 SPACES * 1/25 = 3 HANDICAP SPACES	80 PARKING SPACES PROVIDED, INCLUDING 6 VAN ACCESSIBLE HANDICAP SPACES 56 SPACES FOR ASSISTED LIVING UNITS 24 SPACES FOR INDEPENDENT LIVING UNITS BICYCLE PARKING: 6 SPACES PROVIDED "SEE SHEET 2" LOADING SPACES PROVIDED = 3 @ 10'X50'

LIGHTING NOTE

ALL LIGHT SOURCES SHALL BE INDIRECT, DIFFUSED, OR SHIELDED-TYPE FIXTURES, INSTALLED TO REDUCE GLARE AND THE CONSEQUENT INTERFERENCE WITH BOUNDARY STREET AND ADJACENT PROPERTY

*ANTIQUE STYLE LIGHTING SPACED THRU-OUT THE PROJECT IN THE MAIN PARKING AREA AND OUTER DRIVEWAY AND INDEPENDENT COTTAGE AREA.

- LIGHT POLES: MAX HEIGHT IS 12 FEET
- BOLLARDS: 42" TALL LOCATED ALONG THE MAIN PEDESTRIAN SIDEWALKS TO ASSISTED LIVING FACILITIES AND INDEPENDENT COTTAGE AREA.
- GROUND LIGHTS: < 1 FT TALL AT MAIN PROJECT MONUMENT SIGN

SITE LIGHTING IS VERY SUBDUED. A HIGH ENOUGH ILLUMINATION LEVEL IS SUPPLIED TO MAKE RESIDENTS, STAFFING AND VISITORS FEEL SECURE BUT LOW ENOUGH TO NOT BE INTRUSIVE TO ANY OF SURROUNDING PROPERTIES.

ALL OUTDOOR LIGHTING SHALL BE SHOWN ON A FUTURE LIGHTING PLAN THAT WILL COMPLY WITH THE CITY LAWRENCE, KANSAS LAND DEVELOPMENT CODE. *A PRELIMINARY SITE LIGHTING PLAN IS INCLUDED WITH THE SUBMITTAL OF THE PRELIMINARY DEVELOPMENT PLAN AND A FINAL PHOTOMETRIC PLAN SHALL BE INCLUDED WITH THE FINAL DEVELOPMENT PLAN.

PRELIMINARY DEVELOPMENT PLAN NOTES:

- IT IS THE INTENT OF THIS PLAN TO MEET THE REQUIREMENTS OF ARTICLE 13, SECTION 20-1304 OF THE LAWRENCE KANSAS LAND DEVELOPMENT CODE, FOR A PRELIMINARY DEVELOPMENT PLAN
- THERE IS PROPOSED PHASING FOR THIS PROJECT PLAN IS AS SHOWN ON THE PRELIMINARY DEVELOPMENT PLAN SUBMITTED.
- PROVISION AND FINANCING OF ROADS, SANITARY SEWER, WATER AND OTHER PUBLIC SERVICES: INSTALLATION OF PUBLIC IMPROVEMENTS TO BE PROVIDED BY PRIVATE FINANCING, CONNECTION TO THE PUBLIC WATER AND WASTEWATER MANAGERMENTS SYSTEM WILL BE THRU PRIVATE SERVICE LINE CONNECTIONS. THE CONNECTION TO THE ABOVE DESCRIBED SERVICES ARE IMMEDIATELY ADJACENT TO THIS PROJECT AND READILY AVAILABLE.
INSTALLATION OF UNDERGROUND UTILITIES AND COST OF ANY RELOCATION TO BE COORDINATED WITH THE CITY AND OWNER AND DISCUSSED PRIOR TO THE START OF ANY RELOCATION.
ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES, EXCEPT THE OVERHEAD ELECTRIC ALONG PETERSON ROAD WILL BE UNDERGROUND.
- ALL RECREATIONAL AREAS AND OPEN AREAS INDICATED ON THESE PLANS WILL BE PRIVATELY OWNED AND FOR THE EXCLUSIVE USE OF THE RESIDENTS OF THE PROPOSED FACILITIES. THE MAINTENANCE OF THESE AREAS WILL BE THE SOLE RESPONSIBILITY OF THE OWNER AND OPERATOR OF THIS PROJECT.
- STATEMENT TO SUBSTANCE OF COVENANTS GRANTS OF EASEMENTS AND RESTRICTIONS.
- TENTATIVE DEDICATION CLAUSE "WE HEREBY DEDICATE TO THE CITY OF LAWRENCE THE RIGHT TO REGULATE ANY CONSTRUCTION OVER THE AREA DESIGNATED AS COMMON OPEN SPACE, OPEN AIR RECREATION AREA, AND NON-ENCROACHABLE AREA AND TO PROHIBIT ANY CONSTRUCTION WITHIN SAID AREAS AND SPACES INCONSISTENT WITH THE APPROVED USE OR ENJOYMENT OF RESIDENTS, LESSEES AND OWNERS OF THE PLANNED DEVELOPMENT."
A. 20-810(6)(5)(i) VARIANCE FROM THE REQUIREMENT TO DEDICATE ADDITIONAL STREET RIGHT-OF-WAY ALONG PETERSON ROAD TO PROVIDE 150 FEET OF TOTAL RIGHT-OF-WAY FOR A PRINCIPAL ARTERIAL CLASSIFIED ROAD AND ALLOW THE EXISTING 100 FEET TOTAL RIGHT-OF-WAY TO REMAIN.
B. SECTION 5-1827 & 5-1828 VARIANCE FROM THE REQUIRED SIGN AREA FOR THE PROPOSED AREA MARKER AND INFORMATIONAL OR DIRECTIONAL SIGNS AND ALLOW THE REQUESTED SIGN AREAS AS PRESENTED IN THESE PLANS.
- A PRELIMINARY PHOTOMETRIC PLAN HAS BEEN SUPPLIED WITH THE SUBMITTAL OF THE PRELIMINARY DEVELOPMENT PLAN. A FINAL PHOTOMETRIC PLAN SHALL BE PROVIDED WITH THE FINAL DEVELOPMENT PLAN. SAID PHOTOMETRIC PLAN SHALL BE IN CONFORMANCE WITH LAWRENCE LAND DEVELOPMENT CODE.
- THERE ARE NO EXISTING STRUCTURES, BUILDINGS OR PAVEMENT CURRENTLY EXISTING ON THE SITE.
- TOPOGRAPHIC INFORMATION IS BASED ON GIS INFORMATION PROVIDED BY THE CITY OF LAWRENCE BASED ON NAVD83 VERTICAL DATUM.
- THIS SITE PLAN IS INTENDED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES FOR BUILDING, PARKING AND PEDESTRIAN ACCESS.
- THE LOCATION OF THE UTILITIES AS SHOWN ARE BASED UPON THE STREET & UTILITY IMPROVEMENT PLANS FOR MONTEREY WAY & PETERSON ROAD APPROVED ON 10/26/04. AT THIS PRELIMINARY LEVEL OF DESIGN IT IS THE BEST INFORMATION INDICATING THE APPROXIMATE LOCATION OF THE UTILITIES ALONG THE EASTERN BOUNDARY OF THIS PROJECT. BEFORE BEGINNING ACTUAL FINAL DESIGN THE KANSAS ONE CALL SYSTEM WILL BE CONTACTED FOR UTILITY LOCATE REQUESTS. IN ADDITION TO ACTUAL FIELD POT HOLES BEING PERFORMED ON THE SOUTHERN STAR CENTRAL GAS PIPELINE AND OTHER UTILITIES AS NEEDED. AT THAT TIME AN ALTA FIELD SURVEY WILL BE PERFORMED TO DETERMINE THEIR TRUE HORIZONTAL & VERTICAL LOCATIONS.
- THE DUMPSTER ENCLOSURE SHALL HAVE A 6' SCREENING WALL AND THE MATERIALS WILL BE BRICK THAT SHALL MATCH THE BRICK OF THE MAIN BUILDINGS.
- THE OVERALL TRACT WILL BE PLATTED INTO TWO SEPARATE LOTS. LOT ONE TO THE NORTH WILL CONSIST OF PROPOSED PHASES 1 & 2 (~11.05 ACRES) INDICATED ON THESE PLANS. LOT 2 WILL CONSIST OF THE UN-DEVELOPED "FUTURE PHASE" (~8.25 ACRES) ON THE SOUTHERN PORTION OF THE OVERALL TRACT.
- OCCUPANCY PERMITS FOR THE PROPOSED BUILDINGS WILL NOT BE ISSUE UNTIL THE REQUIRED STORMWATER DETENTION BASIN IS COMPLETE, FINAL INSPECTED AND ACCEPTED BY THE PUBLIC WORKS DEPARTMENT.
- THE STORMWATER DETENTION BASIN WILL BE PRIVATELY OWNED AND MAINTAINED. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME VIA INDIVIDUAL OWNER MAINTENANCE. NO FENCES OR STRUCTURES OTHER THAN NECESSARY RETAINING WALLS AND OR GUARDRAILS WILL BE ALLOWED WITHIN THE DRAINAGE EASEMENTS.
- ALL CURB INLETS WILL BE CONSTRUCTED PER CITY STORM SEWER STANDARD DETAILS.

NATURAL GAS

BLACK HILLS ENERGY
PO BOX 4660
CAROL STREAM, IL 60197-4660
(888) 890-5554
WEBSITE :
http://www.blackhillsenergy.com/

TELEPHONE / INTERNET

AT&T U-VERSE
PO BOX 930170
DALLAS, TX
(800) 288-2020

UTILITIES

GAS PIPELINE

SOUTHERN STAR
CENTRAL GAS PIPELINE
8195 COLE PARKWAY
SHAWNEE, KS. 66227
808 BATH
(913) 387-9202

LAWRENCE FREENTET/
WICKED BROADBAND
2321 PONDEROSA DRIVE
LAWRENCE, KS
(785) 371-4214

WOW!
1 RIVERFRONT PLAZA
LAWRENCE, KS
(785) 841-2100

WATER, SEWER, STORMWATER & TRASH SERVICE

CITY OF LAWRENCE
6 E. 6TH STREET
LAWRENCE, KS. 66044

*WATER & SEWER
ANDY ENSZ
(785) 832-3161

*STORMWATER
MATT BOND
(785) 832-3142

*SOLID WASTE
(785) 832-3032

*STREETS
(785) 832-3021

ELECTRICITY

WESTAR ENERGY CORPORATION
818 S. KANSAS AVENUE
TOPEKA, KS. 66612
(785) 575-6300
WEBSITE : ttp://www.westarenergy.com

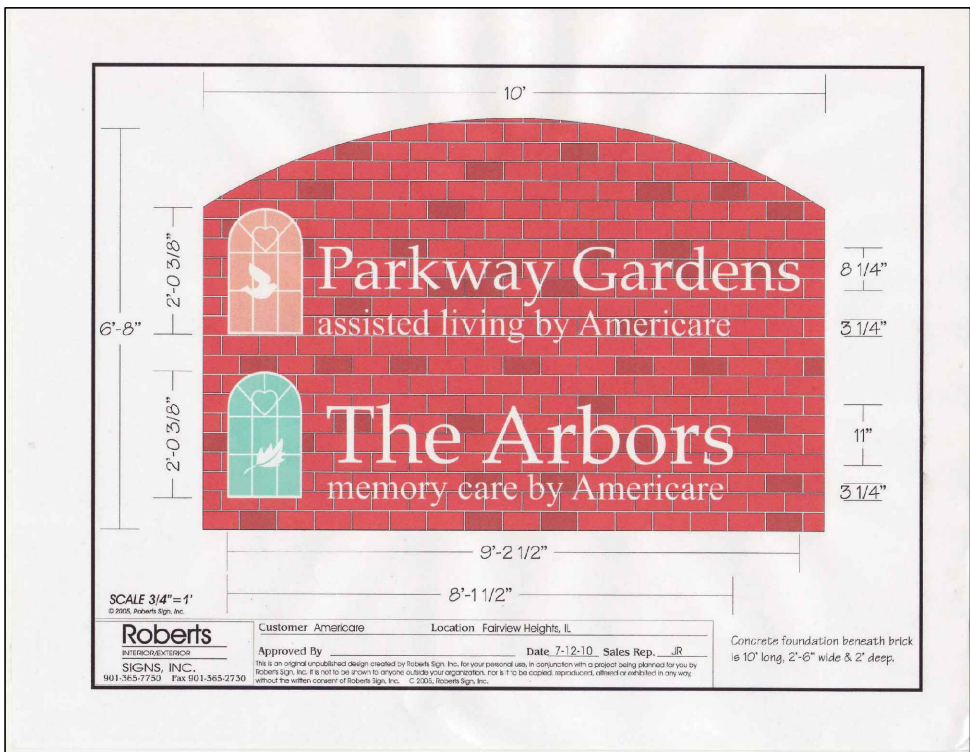
CABLE TV

KNOLOGY
1 RIVERFRONT PLAZA
LAWRENCE, KS
(785) 841-2100

AT&T U-VERSE
PO BOX 930170
DALLAS, TX
(800) 288-2020

IMPERVIOUS AREA SUMMARY		
DESCRIPTION	SQ. FT.	PERCENT
TOTAL SITE AREA	840,671	100%
EXISTING IMPERVIOUS AREA	0	0.0%
PROPOSED BUILDING AREA	67,614	8.0%
PROPOSED PAVEMENT AREA	120,155	14.3%
PROPOSED TOTAL IMPERVIOUS AREA	187,769	22.3%
PROPOSED OPEN SPACE	652,902	77.7%

PROJECT SIGNS

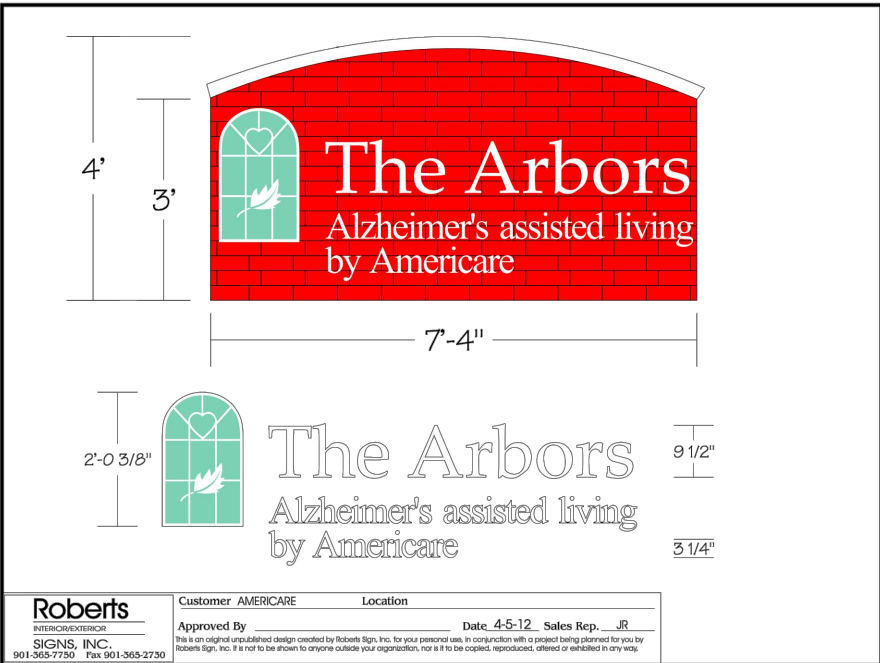


MAIN MONUMENT SIGN

LOCATION AS SHOWN ON SHEET 2 ALONG PETERSON ROAD

TOTAL BRICK SURFACE = 56 SQ. FT. PER FACE
LETTERING AREA (INCLUDING LOGOS) = 19 SQ. FT PER FACE
*SIGN WILL BE A TWO-SIDED

NOTE :
THE SIGNS SHOWN ON THESE PLANS ARE THE ONES TYPICALLY USED ON AMERICARE PROJECT WITH THIS CONCEPT. FROM INITIAL PLAN REVIEW IT APPEARS THAT THE AREA OF THE SIGNS INDICATED ABOVE ARE IN EXCESS OF THE AREAS ALLOWED UNDER THE CITY SIGN REGULATIONS. A VARIANCE TO APPLICATION TO ALLOW THE PROPOSED SIGN AREAS WILL BE SOUGHT FROM THE CITY OF LAWRENCE'S BOARD OF ZONING APPEALS.



ARBORS SIGN

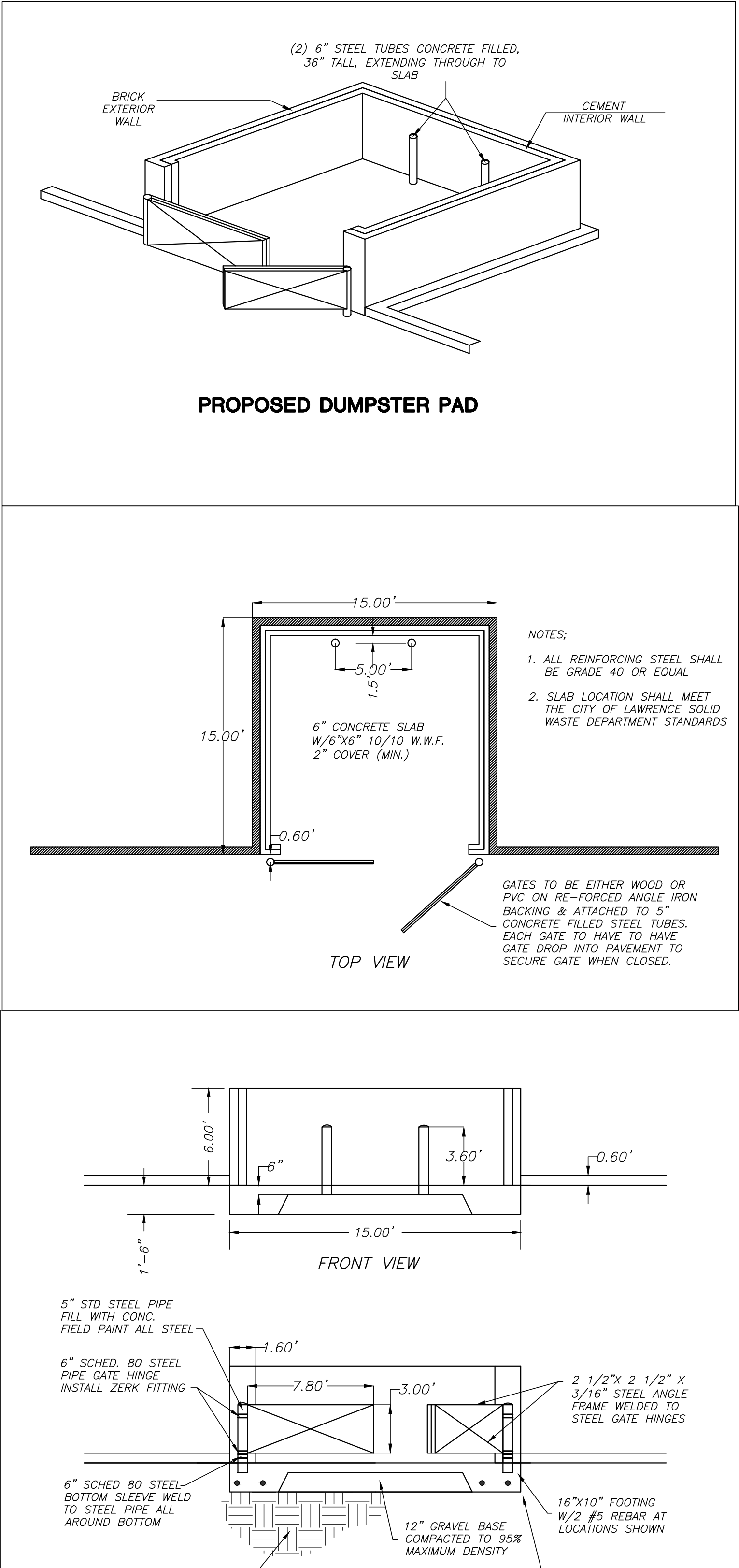
LOCATION IN FRONT OF PROPOSED ARBORS BUILDING FOR DIRECTIONAL/INFORMATIONAL PURPOSES AND AS SHOWN ON SHEET 2.

TOTAL BRICK SURFACE = 27.5 SQ. FT. PER FACE
LETTERING AREA (INCLUDING LOGOS) = 10 SQ. FT
*THE LETTERING ON THIS SIGN WILL BE ON ONE SIDE.

COTTAGE SIGN

LOCATION SHOWN AT THE PROJECT'S SECONDARY ACCESS POINT OFF OF MONTEREY WAY AS SHOWN ON SHEET 2.

TOTAL BRICK SURFACE = 27.5 SQ. FT. PER FACE
LETTERING AREA (INCLUDING LOGOS) = 10 SQ. FT
*THE LETTERING ON THIS SIGN WILL BE ON ONE SIDE.

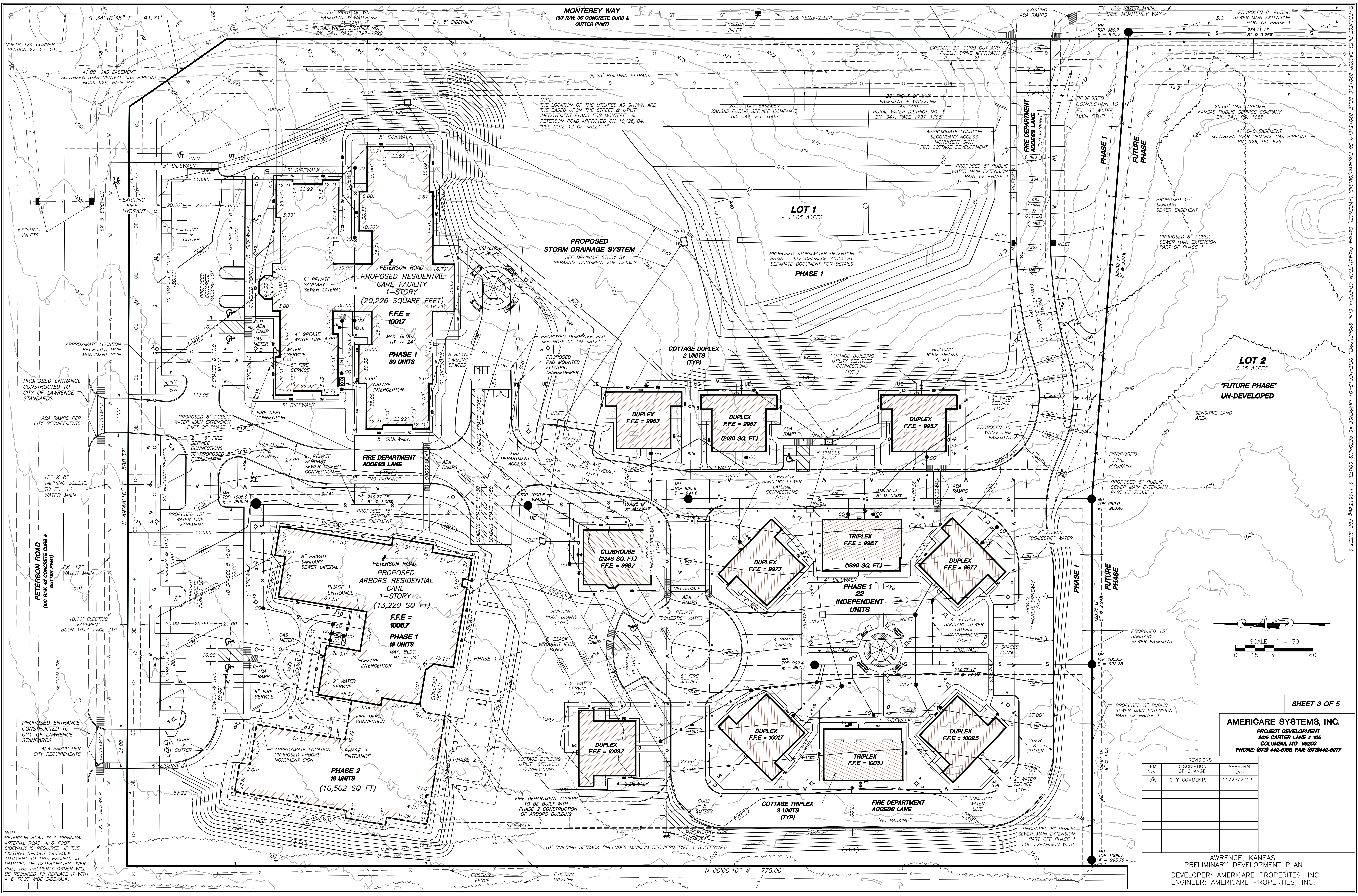


BRICK DUMPSTER ENCLOSURE DETAIL

SHEET 2 OF 5

AMERICARE SYSTEMS, INC.
PROJECT DEVELOPMENT
2415 CARTER LANE # 106
COLUMBIA, MO 65203
PHONE: (673) 442-5188, FAX: (673)442-5277

LAWRENCE, KANSAS
PRELIMINARY DEVELOPMENT PLAN
DEVELOPER: AMERICARE PROPERTIES, INC.
ENGINEER: AMERICARE PROPERTIES, INC.



MONTEREY WAY
(80' R/W, 36" CONCRETE CURB &
GUTTER PAVT)

PROPOSED
STORM DRAINAGE SYSTEM
SEE DRAINAGE STUDY BY
SEPARATE DOCUMENT FOR DETAILS

LOT 1
~ 11.05 ACRES

LOT 2
~ 8.25 ACRES

"FUTURE PHASE"
UN-DEVELOPED

SHEET 3 OF 5

AMERICARE SYSTEMS, INC.
PROJECT DEVELOPMENT
8416 CARTER LANE # 105
COLUMBIA, MO. 65209
PHONE: (673) 442-5185, FAX: (673) 442-5277

REVISIONS		
ITEM NO.	DESCRIPTION OF CHANGE	APPROVAL DATE
1	CITY COMMENTS	11/25/2013

LAWRENCE, KANSAS
PRELIMINARY DEVELOPMENT PLAN
DEVELOPER: AMERICARE PROPERTIES, INC.
ENGINEER: AMERICARE PROPERTIES, INC.



SHEET 4 OF 5

AMERICARE SYSTEMS, INC.
PROJECT DEVELOPMENT
2415 CARTER LANE # 105
COLUMBIA, MO 65203
PHONE: (573) 442-6188, FAX: (573) 442-5277

[illegible]

LAWRENCE, KANSAS
PRELIMINARY DEVELOPMENT PLAN
DEVELOPER: AMERICARE PROPERITES, INC.



PLANT KEY

Plant key listing various tree and shrub species with their codes and sizes, including Norway Spruce, Sugar Maple, River Birch, etc.

CONSTRUCTION NOTES

THE PLANT LIST IS PROVIDED FOR THE CONVENIENCE OF THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY ALL PLANT COUNTS AND IF A DISCREPANCY EXISTS THE PLAN SHALL GOVERN. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING AWARE OF ALL UNDERGROUND UTILITIES, PIPES, AND STRUCTURES. THE LANDSCAPE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR CONTACTING ALL UTILITY COMPANIES FOR FIELD LOCATION OF ALL UNDERGROUND UTILITY LINES PRIOR TO ANY EXCAVATION.

SCREENING AND BUFFER NOTES:

INTERIOR PARKING CALCULATIONS

FRONT OFF-STREET PARKING AREA CONTAINS 56 SPACES @ 40 SQ. FT. LANDSCAPING AREA/SPACE AND 1 SHADE TREE AND 3 SHRUBS/ 10 SPACES. REQUIRED = 2240 SQ. FT. WITH 6 SHADE TREES AND 18 SHRUBS. PROVIDED = 3673 SQ. FT. WITH 6 SHADE TREES AND 24 SHRUBS.

PERIMETER PARKING CALCULATIONS

BERM PROVIDED IN ACCORDANCE WITH SECTION 20-1004(C)(2) WITH ONE SHADE TREE OR ORNAMENTAL TREE PER 25 FEET STREET FRONTAGE. REQUIRED = 20 TREES OF TWO VARIETIES AND BERM. PROVIDED = 20 TREES OF FIVE VARIETIES AND BERM.

BUFFERYARDS

SITE REQUIRES TYPE 1 BUFFERYARD PER SECTION 20-1005(C). ON THE 725 FEET ADJACENT TO DEVELOPMENT AREA A 10 FOOT BUFFER OF 4 TREES AND 10 SHRUBS PER 100 FEET IS REQUIRED. REQUIRED = 29 TREES & 73 SHRUBS. PROVIDED = 29 TREES & 73 SHRUBS. SOUTH OF DEVELOPED AREA IT IS THE DEVELOPER'S INTENTION TO PRESERVE THE EXISTING TREES AND VEGETATION IN ITS CURRENT STATE TO SATISFY THE BUFFERYARD REQUIREMENT UNTIL SUCH TIME AS THEIR MAY BE FUTURE DEVELOPMENT WHERE NEW LANDSCAPING IN ACCORDANCE WITH THE LANDSCAPING ARTICLE WILL BE IMPLEMENTED.

ADDITIONAL SCREENING REQUIREMENTS

DUMPSTERS AND MECHANICAL EQUIPMENT SHALL BE APPROPRIATELY SCREENED FROM VIEW OF ADJACENT PROPERTIES. PROVIDED SCREENING FOR THE DUMPSTER CONSISTS OF A 6 FOOT MASONRY WALL CONSISTING OF SIMILAR MATERIALS AS THE BUILDING ON THREE SIDES.

GENERAL LANDSCAPING COMPLIANCE NOTES:

- 1. IT IS THE INTENT OF THIS LANDSCAPING PLAN TO COMPLY WITH ARTICLE 10 OF THE LAWRENCE KANSAS LAND DEVELOPMENT CODE.
- 2. ALL SHADE TREES SHALL BE 2 1/2" CALIPER, ALL ORNAMENTAL TREES SHALL BE 1 3/4" CALIPER.
- 3. PLANT QUALITY SHALL MEET OR EXCEED THE PLANT QUALITY STANDARDS OF THE MOST RECENT EDITION OF AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN. PLANTS SHALL BE NURSERY-GROWN AND ADAPTED TO THE LOCAL AREA.
- 4. ALL SHRUBS SHALL HAVE A MINIMUM PLANTED HEIGHT OF 24 INCHES ABOVE GRADE. DECIDUOUS AND BROADLEAF SHRUBS SHALL BE A MINIMUM CONTAINER SIZE OF 2 GALLONS. EVERGREENS SHALL BE A MINIMUM 5-GALLON CONTAINER SIZE OR BALLED AND BURLAPPED.
- 5. TURF AREAS SHALL BE PLANTED WITH SPECIES SUITABLE AS PERMANENT LAWNS IN LAWRENCE. TURF AREAS MAY BE SODDED OR SEEDED.
- 6. INSTALLATION, MAINTENANCE AND REPLACEMENT SHALL MEET THE REQUIREMENTS OF SECTION 20-1010 OF THE LAWRENCE LAND DEVELOPMENT CODE.

AMERICARE SYSTEMS, INC.

PROJECT DEVELOPMENT
#116 CARTER LANE # 105
COLUMBIA, MO. 65205
PHONE: (673) 442-5185, FAX: (673)442-5277

Table with 3 columns: ITEM NO., DESCRIPTION OF CHANGE, APPROVAL DATE. Row 1: CITY COMMENTS, 11/25/2013.

LAWRENCE, KANSAS
PRELIMINARY DEVELOPMENT PLAN
DEVELOPER: AMERICARE PROPERTIES, INC.



Americare™

Scott McCullough
Department of Planning
P.O. Box 708
Lawrence, KS 66044

October 10, 2013

Re: Variance Request to Subdivision Design Standards for Assisted Living by Americare site,
3901 Peterson Road

Dear Mr. McCullough,

This letter is in reference to a proposed Assisted Living Project at the southeast corner of
Peterson Road and Monterey Way. Americare is submitting the necessary applications and
information for a Rezoning Request for that property.

According to the 2040 Major Thoroughfare Map that section east of the Roundabout and still
within the city limits is shown as being a Principal Arterial (w/median) where a total right-of-way
dedication of 150 feet (75 feet each from the adjacent properties). For this tract, the current
property owner, Jeffrey E. Smith Homes, LC dedicated a 50 foot-half right of way from the
Quarter Section Line in 2003. The Street Plans for Peterson Road & Monterey way prepared
approved by the city in 2005 also show a total right-of-way width of 100 feet from the Roundabout
to approximately 660 feet west to the edge of the city limits. From the current subdivision
regulations this is the requirement for a Minor Arterial.

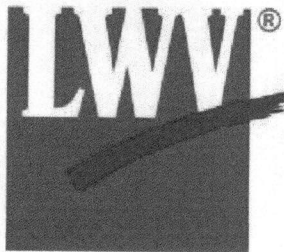
When this project moves forward, the property will end up being platted as one overall lot and is
where right-of-way dedications are required in accordance to the current 2012 Subdivision
Regulations. At this time we would ask that a variance from needing to dedicate additional street
right-of-way on Peterson Road be considered for the following reasons. The project is part of in-
fill development and there were right-of-way takings within the last 10 years. The current right-of-
way is consistent to what was shown on the Street Construction Plans approved in 2005.
Also on the 2005 plans, Monterey Way is shown as having a total right-of-way width of 80 feet as
required for a collector in the Subdivision Regulations and is also shown as a Collector on the
2040 Major Thoroughfare Plan. Monterey Way should not require any additional dedication of
right-of-way when this tract is platted.

Please let us know if you have any questions regarding this variance request.

Sincerely,

Neal Slattery, PE,
Americare,

Americare, Inc.
Project Development
2415 Carter Lane, Suite #105,
Columbia, Mo. 65203
Ph: 573-442-5188
Fx: 573-442-5277



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

December 15, 2013

RECEIVED

DEC 16 2013

City County Planning Office
Lawrence, Kansas

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 2A: RS10 TO RM12-PD; 19.3 ACRES; 3901 PETERSON RD
ITEM NO. 2B: PRELIMINARY DEVELOPMENT PLAN FOR ASSISTED LIVING BY AMERICARE;
3901 PETERSON RD

Dear Chairman Culver and Planning Commissioners:

After reviewing the rezoning and Preliminary Development Plan for the Assisted Living Plans for the Americare proposal, we have some questions that give us concern.

1. We question whether the amount of parking planned for the project is adequate for its proper function. We realize that the developers of the project have assumed that the residents will not be driving, for the most part, and that the parking will be needed primarily for the staff. However, has the added parking needed for visitors, mail delivery, clubhouse visits and servicing, for example, been considered? Our concerns are based on personal experience of some of our members. They have suggested that the parking provided shown on the plans would be insufficient.
2. Another question is what would likely happen should the project fail due to overbuilding for retirement facilities? Has the staff made any projections as to what the needs will be in view of the current projects present and planned that would meet the predicted needs? Should there not be a demand, would the project revert to a standard RM12 development? Would the current location, building and parking plans and connected open spaces provide for the needed expansions? Would a standard RM12 type of change be appropriate for the current location?
3. Given the above questions, would it be possible to achieve this type of care facility in an RS (Single Family) District with a Special Use Permit? We realize that this type of facility, because of the comparatively low automobile traffic and other factors that reduce its intensity, is better suited in a low-density residential neighborhood than an apartment complex of the same zoning would be, both for its benefit and for that of the neighborhood. We compliment the staff and developers for seeking a Planned Development for this project with its predictability, design requirements and other features of the PD Overlay District.

However, we continue to have concerns that our Comprehensive Plan (CP), as currently interpreted, gives neighborhoods very little actual protection because of its unpredictability. As we have pointed out previously, interpretation of the density shown in the CP still allows the development of three-story or taller apartment buildings in an existing or potential single family district as long as its density remains at 6 units an acre. We have some recent examples of this, of which you are probably aware.

Sincerely yours,

Cille King
Cille King, Co-President

Alan Black
Alan Black, Chairman of the Land Use Committee

Memorandum

Planning & Development Services

TO: Lawrence-Douglas County Metropolitan Planning Commission

FROM: Mary Miller, Planning Staff

Date: For December 16, 2013 meeting

RE: TA-13-00451 Agritourism Regulations and Standards

Attachments:

Att. A: County Commission minutes
Att. B: County Commission direction
Att. C: Agritourism Committee report and recommendation
Att. D: Current Agritourism Regulations
Att. E: Registered Agritourism Uses

At their October 16, 2013 meeting the Board of County Commissioners voted to approve a temporary moratorium on registration of Agritourism uses and initiated a text amendment to revise the Agritourism standards in the *Zoning Regulations for the Unincorporated Territory of Douglas County*. These actions were in response to concerns regarding off-site impacts that could occur with Agritourism activities.

County Commission minutes included with this memo include:

- 1) The most recent meeting regarding registration for an Agritourism assembly use that could exceed 100 attendees on site; and
- 2) The meeting when the moratorium was approved and the text amendment was initiated.

The County Commission held a study session on November 6, 2013 to discuss the concerns and provide direction on the type of revisions needed. Attachment B is a summary of the direction provided by the County Commission at the study session.

The focus of this memo is a discussion of the current Agritourism regulations and the purpose of the current text amendment, TA-13-00451. Direction from the County Commission is listed in **bold print**. This text amendment will be placed on the Planning Commission's January agenda for consideration.

DISCUSSION

The Planning Commission formed a committee in 2010 to research Agritourism in other communities and provide recommendations regarding Agritourism in Douglas County. The Agritourism Committee prepared a report with recommendations that were provided to the Planning and County Commissions (Attachment C). The report provides a background of the development of the definition of Agritourism and defines it as:

"The intersection of agriculture and tourism. When the public goes to rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Using the rural experience as a tool for economic development."

The report discusses the economic impact of Agritourism and reviews Douglas County regulations that were in place at the time to determine what improvements might be made. The report concluded that many Agritourism uses require approval through a CUP and recommended that the approval process for Agritourism uses be simplified. The following recommendations were included:

- 1) Create a tiered level of agritourism activities with different approval process for each. For instance, low intensity uses could require registration only; medium intensity could require approval with a site plan; and high intensity activities could require approval with a Conditional Use Permit.
- 2) Establish standards that would apply to Agritourism uses which do not require a CUP, such as limit on attendance, or size of retail sales area that is permitted.
- 3) Establish a Special Event Permit process for infrequent or temporary events.

One difficulty the committee encountered in implementing these recommendations was the means to differentiate between the intensities of use. The size of the assembly use (having more than 100 attendees on the site at one time) is the current distinction between activities that can be registered administratively and those that require County Commission approval and public notification.

The following is a summary of the regulations which were adopted for Agritourism Activities in Section 12-319-7 of the Zoning Regulations (attached):

- 1) The purpose of the regulations is *"..to foster and promote agritourism in keeping with the State of Kansas policy of encouraging agritourism, while ensuring that the public health, safety, and welfare are protected."*
- 2) Agritourism activities must register with the State and with the County.
 - Only those uses listed on the registration form are permitted. If uses are to be changed, the activity must re-register.
- 3) The use listed on the Agritourism Registration must meet the Code definition of Agritourism. As the definition is rather broad, the Zoning and Codes Director and the Planning Director both review the registration applications to determine if the proposed use meets the definition of Agritourism.
 - This determination may be appealed to the County Commission
- 4) If the activities proposed meet the definition of Agritourism and no assembly use proposes attendance of greater than 100 persons (on site at one time) the activity may be registered administratively.
- 5) Assembly type uses which may have an attendance over 100 persons (on site at one time) require:

- Additional information such as the expected attendance, the number of assembly events proposed per year, a plan which shows where parking will be provided and where exterior lighting will be, as well as means to address health and sanitation. Information from the applicable fire department regarding access to the site/assembly use is also required.
- Public notice of County Commission consideration.
- Approval by the County Commission.
- The County Commission may impose conditions and restrictions on the use as part of the approval.
- County Commission approval of the use is required only once. The activity may continue as long as registered with the County and State. (Re-registration is required whenever the proposed uses change, and every 5 years in conjunction with the state re-registration)

At the study session the County Commission directed staff to develop clear standards to differentiate between the differing intensities of use beyond the size of attendance expected. This would include the development of criteria or parameters to categorize activity levels so that potential off-site impacts from the more intense activities could be evaluated more closely. Possible parameters include:

- 1) The general nature of the Agritourism activity.**
- 2) Distance of the Agritourism activity from residences.**
- 3) Size and use of the property where the Agritourism activity is proposed.**
- 4) Size of facilities (such as structures and parking areas) being proposed for the Agritourism activity.**
- 5) Whether the Agritourism operator lives on the site.**
- 6) Whether the Agritourism activity is compatible with the rural character of the area.**

The Commission noted that standards such as parking, screening, and buffering requirements should be developed for Agritourism activities. Provisions related to transportation should also be made for the more intense Agritourism activities such as traffic studies and possible improvements to the roads, if necessary to accommodate the use. Additionally, the standards should clarify that a re-registration due to a change in uses would require public notification and County Commission approval.

NEXT STEP

Staff will develop draft language for Planning Commission consideration at their January meeting. Parameters to classify Agritourism activities which may have significant off-site impacts will be established as well as standards to mitigate this impact.

ACTION REQUESTED

This item is on the agenda for discussion; no action is requested at this time.

AGRITOURISM/ZONING & CODES 09-11-13

The County Commission held a public meeting for the consideration of an Agritourism Assembly over 100 persons event, scheduled for October 5, 2013, at KC Pumpkin Patch in Douglas County, located at 157 E 2300 Road, Wellsville, Kansas. Linda Finger, Interim Zoning & Codes Director, presented the item.

Events with more than 100 people must come before the County Commission for review and action. Regulations for agritourism uses are contained in two pages of the zoning regulations 12-319-7. Finger clarified the Special Event Permit, Conditional Use Permit and Site Plan requirements do not apply here. Applicants must, however, meet the requirements in the "A" Agricultural zoning district. Finger presented the review comments received from KDOT today were from both Districts 1 and 4. A new entrance permit to widen the existing field entrance was required. KDOT also had concerns about the proposed use and wondered as the similarities of this with the Louisburg Cider Mill on K68, which created traffic problems. Acknowledging the similarities roadway construction between K-68 and K-33, they thought a traffic study may be necessary, but didn't have enough information about the proposed use to say for sure.

Flory clarified before carrying out the activities described; the applicant would need a revised access permit for K-33 and all that might entail. Finger confirmed that.

Flory asked if there are any existing structures or residence on the property. Finger replied "no."

Gaughan asked what distinguishes "A" zoning from commercial or a business zoning. Finger replied the "A" agricultural district was created for agricultural and farming activities including rural residential uses. Ag-related activities are permitted, which may include sales of farm produced products on-site.

Flory stated when dealing with agritourism, there are certain activities that can be carried out on agriculturally zoned property that do not require a permit, like a road side stand. Finger responded that agritourism registration is not required to sell produce from a road-side stand if you raise the produce yourself, selling milk and eggs for example. If an owner wants to generate additional income from ag-related activities that are more of an economic development activity, registration with the state and county are required.

Gaughan asked when home residential businesses on agricultural land become a commercial enterprise. Finger described the three types of home businesses, the number of employees permitted and the building area (sq. footage) permitted with each. The type 3 home business regulations were designed to redirect those activities to commercial/industrial zoning in the county.

Thellman asked what distinguishes an agritourism business. Finger's response was that the agritourism option is tied to local farmers wanting to use their land and create products to sell, providing them with an additional income source.

Gaughan stated the County has in the past allowed permits for haunted houses or mazes. Finger stated those now fall under the Special Event Permits, which must be applied for annually. They can be administratively approved.

Curtis Holland, Polsinelli Law Firm representing the applicant, stated Kirk and Julie Berggren owns KC Pumpkin Patch located near Gardner, Kansas. The Berggrens received approval for agritourism for their proposed site in Douglas County from the state of Kansas. Holland said the Berggrens are farmers, though they live in the city, they have farmed this property for the past four years. Their business in Gardner is wholesome, family farm activities. He said the Commissioners have received correspondence stating otherwise. Ninety-five percent of the activities are during the daytime hours, most during the weekends, and weekdays during the months of September and October. The operation in Gardner and farming started out as a 'you-pick' pumpkin patch with their biggest clients being school children. They have added hayrides, corn mazes, haunted maze, fishing pond, pumpkin tetherball and many other wholesome family fun activities. Before the Commission tonight is a request for registration for agritourism. According to Holland, there is no regulation they need to conform to in respect to agricultural activities. The state of Kansas in 2011 wanted to promote agritourism to bring families back into agriculture and educate children on farming. Douglas County is cutting edge on agritourism. He understands Douglas County's ordinances to allow registration and the applicants' uses are identified in the list of allowances. According to Holland, the Berggrens are doing no more than what is allowed in the resolution. What triggered this public hearing are events where the applicant anticipates more than 100 people at an event. The applicant is registered for 'you-pick' pumpkin, bird watching and fishing pond activities.

Holland stated unfounded comments have been submitted against the Berggrens about their current location. He responded by reading positive comments from Gardner neighbors in favor of the business. He commented that

police officers are hired for security for the haunted maze night time activity. He read a statement by the Gardner Police Department that no incidents were reported this past year. Holland also submitted a comment from the Johnson County Sheriff's office that there were no reported incidents at the Gardner location. Holland said this is an administrative permit and as long as the applicant does what is permitted under agritourism, they are entitled to the registration.

Flory stated agritourism is not a new topic of discussion by this Board. Part of the disagreements during the amendment development process was over this Commission losing oversight of activities that might have been agritourism, but moved to more and more commercial. Flory stated the Board all support agritourism, but want assurance the activities permitted in an agricultural district do not get to the level of commercial activity in which noise, traffic and disruption of agricultural lifestyle takes place. Flory said he wants this Commission to continue to have the oversight to avoid "mission creep", which could occur with the discussed corn maze, haunted maze and other suggested activities. Flory added the State's registration process does not impress him.

Holland stated he agrees with Commissioner Flory's concerns about needing oversight. He said the applicants are subject to your regulation. The fact that they are registered does not mean they can do whatever they like. Flory responded he trusts if the Board gets to the point of final approval there may very well be conditions attached. Holland said as a legislative body, he will not question the Commissions' authority to attach conditions.

Thellman asked what agritourism plans the applicants have for the 25,000 square foot building and 800 space parking lot shown on the site plan. K. Berggren, applicant, said the building would be used to store equipment, for selling concessions and for customers to get out of the sun. It will meet all codes. The building will be a Morton type building and probably not 25,000 square feet.

Gaughan asked if the building's site plan would come back to this body. Finger said a site plan is not required, but as part of the building permit application, plans will be submitted. These will not come back to the Commission.

Gaughan asked at what point does a 25,000 square foot ag-building with a concession area become a commercial enterprise or require a business zoning as opposed to an agricultural zoning. Finger responded there are agriculture buildings in the county with 25,000 square feet. The uses of the building will be evaluated when building plans are submitted and the building code will evaluate what standards apply based on the uses in the building.

Flory stated large assemblies may not be a part of the Berggren's plan now, but may be in the future. At that point, Flory said he would like to see the applicant come back to the Board with more specifics addressing health, safety and facilities.

Gaughan said it is his understanding the petting zoo, haunted maze, and other uses will remain at the Gardner site. Holland said that is correct for now. Moving those items would require amendments to the registration. Routine amendments would not come back before the Board.

At 7:45 p.m., the Board took a five minute break.

The Board returned to regular session at 5:50 p.m.

Holland played a video describing the activities at the KC Pumpkin Patch.

Flory asked if the applicant carries liability insurance. K. Berggren responded "yes" several million dollars.

Gaughan opened the item for public comment.

Jim Hendershot, 175-B E 2300 Road, Wellsville, stated agritourism is based on the protection of businesses trying to sell products raised on their property. The Douglas County resolution states agritourism is sustaining the family farm. Hendershot said he concerned about insuring the public health, safety and welfare are protected. In his opinion, the pumpkin patch may fit the broad definition of agritourism, but he feels the intent of agritourism was not to allow a commercial business to operate under the guise of agritourism therefore exploiting agritourism. He is concerned the applicants intend to relocate the Gardner KC Pumpkin Patch activities to the proposed site in the future though the current registration lists pumpkin picking, bird watching and fishing. The site plan shows the parking lot having 804 spaces for cars and 16 for buses which equals 8.5 football fields. He asked why so many spaces are needed for pumpkin picking, fishing and bird watching. Hendershot

listed erosion control issues, dust, trash, traffic and noise as potential problems. Property owners within 1,000 feet of property have signed a petition against the application. Hendershot showed a KC Pumpkin Patch video that mentioned yearly expansion, with a goal to expand to 100,000 customers. Hendershot stated he feels there should be a total review of Douglas County agritourism permitting.

Kim Hendershot, 175-B E 2300 Road, Wellsville, asked the Board to deny the agritourism permit application. She questioned why a dog kennel must go through a CUP process with a two-year review, but a pumpkin patch with a circus atmosphere d s not.

Steve Devore, Gardner Area Chamber of Commerce, stated he is sad to see the KC Pumpkin Patch leave the Gardner area, which transpired because of the BNSF intermodal park. The Chamber has worked with the KC Pumpkin Patch for several corporate events. They have always had a positive partnership with the community. He feels the new location will offer new exposure for Wellsville and Baldwin. Devore asked the Board to consider approval of this application.

Jeff Robertson, 4762 Highway K-33, stated concerns about the pumpkin patch affecting already heavy traffic along K33.

Kim Allen, 19535 S Waverly, Gardner; stated she lives near the existing KC Pumpkin Patch. She feels the proposed neighbors' fears are not founded. There has never been an issue at the present location with traffic backup. Allen feels the operation is a wonderful opportunity for families to visit.

Bill Hogan, 138 E 2300 Road, Wellsville; stated concerns about the number of accidents along K33 in the proximity of the proposed pumpkin patch site. He feels K33 is not capable of handling the additional traffic this business would incur.

Arleen Schuman, 134 E 2300 Road, Wellsville; stated her main concern is the noise this business will generate. She is afraid her rights for a peaceful, quiet, rural life will be infringed upon. She asked the Board to deny the application.

Dave Moore, 559 E 2200 Road, Eudora; stated concerns about the intermodal increasing traffic along 2200 Road and south of the proposed location. He asked the Board to deny the application at least until a traffic study can be done.

David Meditz, representing MM&S Investments, 12801 Sewell, KC, KS; said he questions the applicant putting a 25,000 square foot building on his site plan and then saying the size was a mathematical error. He stated he would not invest in the area until he sees how this application plays out.

Michelle Koos, 2285 N 200th Road, Wellsville; stated she is opposed to the request for a Special Use Permit. She stated concerns for public safety specifically along K33 because the road has no shoulders, drop-offs and sight restrictions. She stated concerns about crime encouraged by a large number of attendees for this type of business which may include pedophiles. She also mentioned a trespassing issue involving the KC Pumpkin Patch which was reported to the Gardner Police Department. Koos said this is a commercial business attempting to do business under the blanket of agritourism in an area not appropriate for the current land use of the surrounding area.

At 9:13 p.m., the Board took a ten-minute break and returned to session at 9:28 p.m.

Renee Weeks, 165 E 2300th Road; said she agrees with what her neighbors have said. She showed photos of the proposed parking lot adjacent to her property. Weeks feels her family will be affected by the noise, teenagers, lights and horns. She is afraid for her children play outside so close to a busy parking lot, which would be the size of Wal-Mart's.

Russell Koos, 2285 N 200th Road, read a list of attractions currently at the Johnson County location which he feels will be relocated to the Douglas County site. He asked if the Board members would want this near their homes. Koos also listed vehicle runoff as a concern.

David Dwyer, who resides a quarter mile south of the proposed site, stated the applicants are not farmers but entrepreneurs. He pointed out the applicants don't grow all their pumpkins, but buy them from wholesalers and resell them.

Attachment A

K. Berggren responded there are 804 parking places because the lot allows for that many. He feels the grass will reduce erosion. The Pumpkin Patch is only open one month out of the year. There should be no problem with dust, but he is willing to put down calcium chloride if necessary. Trash will be taken care of. Regarding the pedophile issue, if a child is lost on the property, gates are shut and staff looks for the child using radios. No one leaves until the child is found. Berggren addressed the trespassing issue brought up by Koos. Berggren stated the incident was regarding his own son on the pumpkin patch property, so the call from the neighbors was cancelled. There was no police record of the incident. Berggren said the Fear Farm was added as his children grew older to give that age group something to do. If he moved the Fear Farm to the Douglas County location, houses would not be visible from the southwest corner where it would likely be located. He plans on adding a row of trees and a fence to block noise and site. He said the Pumpkin Patch is not a year around 800-car operation, though he wished it could be. His largest day brought in approximately 450 cars.

Flory stated there seems to be some major disconnects in the facts regarding the level of activities proposed for the site and the hours of operation. Flory said he didn't know the Gardner location would be closing down and asked for clarification. Berggren stated that is correct.

Flory asked if Berggren plans to move the majority of the Gardner business to the Douglas County site. K. Berggren responded his plan is to move most of it. He is still debating on what would be a good fit because the new location is narrower than the current site. He has met with Linda Finger on the requirements. The pumpkin patch falls under the provision.

Julie Berggren, applicant, stated they are not allowed under the state of Kansas Agritourism Department to add anything that is not operational. Therefore, she could not add a corn maze because the business is not in operation. Once they open, they can legally add activities.

Flory stated that is problematic for Douglas County, because the state of Kansas (agritourism) registration is a statistical thing. When it comes down to the nuts and bolts of how it works in a community, that's not the State's goal; and if it is, they are not doing it.

J. Berggren stated they know what the agritourism law is and if it is not what people want, they would speak to their law makers. She feels they have followed the law.

Flory stated during the course of agritourism discussions for the county resolution, he had serious concerns with some of the activities that might be considered agritourism. This application, unfortunately, brings to the floor his earlier concerns when a CUP would be more appropriate, because the County has oversight and can set conditions.

J. Berggren stated they just did a CUP at Gardner where they have been for 11 years and no one protested their operation and every commissioner voted in favor. Flory responded that is one area of which he is not familiar. This is another area and the Board has to be concerned about this area. Flory stated he got the impression this pumpkin activity would be in the daytime and then he sees the night time activities, which raises issues of traffic safety, lights and noise. He is not sure what the Board is considering.

J. Berggren stated what are considering today is the you-pick pumpkins, fishing and bird watching, day hours only. In the future, Berggren stated they plan to move their operation to Wellsville. The hours of operation will be 9 a.m. to 3 p.m. Monday through Thursday. In Gardner, they are open 9 a.m. to 6 p.m., Saturday 10 a.m. to 6 p.m.; and Sunday noon to 6 p.m. There are no nighttime hours at this point.

Gaughan clarified the registration form statement of anticipated attendance for the entire September through October time frame is 1000 people, with no more than 200 in a 24-hour period for the 'you-pick' pumpkins, fishing and bird watching. J. Berggren responded that is correct.

Based on this, Gaughan asked for additional clarification as to when the 12-15 assembly events of more than 100 people would occur; was that only in September and October 1/2 K. Berggren responded that was correct; it equals about two assembly events per weekend.

Gaughan asked about the remainder of the year, would they be open for fishing and bird watching 1/2 K. Berggren replied that is correct.

Gaughan stated it is clear from the application the events listed are daytime uses. It is clear the after-hour events at the Gardner location are not part of this application. Another part of our agritourism code states the Board can impose conditions in conjunction with the approval of the assembly type use which is 100 or more in

Attachment A

attendance. It is these types of events that cause the noise and traffic concerns. He questioned the intent of 804 parking places and a 25,000 square foot building, but confirmed the applicant says 1000 people total for the entire month.

K. Berggren stated when filling out the original application he didn't understand the 100 people concept. He assured the Commission the 'you pick' pumpkin patch will not generate that much traffic.

Flory said he is struggling with this item, because it appears the application may fall within agritourism; a place for kids to pick pumpkins, watch birds and fish. He is troubled by this being a legitimate business interest the applicant wants to grow and take on additional activities. He struggles with that being agritourism. Flory stated he may feel comfortable with this nominal level of activity, but won't be comfortable with the later level. Flory said he has to consider if that is fair to the applicant to let them get their foot in the door and then slam the door in the future. Second, he questioned if the County's regulations are set up well enough to provide adequate oversight and conditions to ensure the concerns of the constituents are addressed. Flory said that this is his dilemma. What is on paper tonight seems to fall within what he considers agritourism, but not commercial ventures that should be subject to Conditional Use Permits with heavy activity and so much noise, dust, and traffic that it disrupts the agricultural area.

K Berggren added they plan to make sure the business is in compliance with all codes in Douglas County.

Gaughan stated items listed on the application tonight do meet our agritourism. The additional uses that concern the neighbors don't appear to meet the agritourism definitions as the County has in our statutes. The fact is the applicant will have to revisit any additional activities with the Board and the state. Gaughan said the applicant will also have to revisit them with their neighbors who have raised significant concerns about these issues.

K. Berggren said he was asked to come to a group meeting. He offered to meet individually with anyone concerned but he didn't feel comfortable meeting with a mob.

Gaughan stated assumptions have been made by people on both sides. You have good neighbors and if this moves forward, you want to keep them as good neighbors. What is outlined on the application fits. Gaughan said he is not prepared to hammer out detailed conditions tonight.

Flory agreed with Commission Gaughan that if the Board is going to take a vote, it should be on something precise. If the Board is going to approve this application, it should be with conditions that protect some of the concerns heard tonight, hours of operation and buffering.

Thellman asked if it would be appropriate to clarify the size of the building and the number of parking places be "right sized" for the planned operation, instead of presenting the maximum possible. K. Berggren replied he is not setting up a 25,000 square foot building now and the parking lot doesn't need to be that large. Flory said a condition of approval might be that any structure that is erected on this property in conjunction with the activities would require approval. That could be a condition that would require the applicant to come back before the Board.

Holland said a farm is allowed to have an agricultural structure on it. He said he doesn't even know if that is an issue for the registration. Flory responded what is allowed on a farm is an agricultural building. The applicant stated the building in question is going to be used for concessions. Holland replied pumpkins are an agricultural operation and you can have a barn structure in connection with an agricultural operation. Flory stated he understands that.

Flory stated he is not prepared to vote to approve the application as it is without conditions. He feels it would be in the best interests of the applicant and the community for the applicant to work with staff to fashion conditions that can be brought before the Commission and considered for approval.

It was the consensus of the Board for the applicant to work with staff to prepare conditions intended for the application to come back before Commission on September 25, 2013 for consideration and final action. Among those considerations would be a permit application to KDOT for a District 4 entrance change.

PUBLIC COMMENT 09-11-13

Bob Scott, 124 E 2300 Road, Wellsville, stated said this applicant has a good business but it is not appropriate for a rural residential living community.

Attachment A

Jim Hendershot asked for clarification on the process if the application for agritourism on this site is approved. They were told by staff this was the only opportunity the neighbors would have to address the Commission.

Finger said the regulations state for assembly over 100, there is a public hearing the first time. Based on the Board's discussion during adoption of these regulations the public hearing was once during the approval period of the registration form. The regulations are unclear on if/when a registration form is amended would the applicant need another public hearing.

Hendershot explained they were under the impression this was a one-time event, which was what led to the neighbor's presentation tonight.

Gaughan stated when the uses change; the applicant will be asked to come back to the Board for approval. Linda Finger, Interim Director of Zoning and Codes, clarified that Hendershot asked staff how often an item will come back to the Board for an assembly over 100 people. Finger stated it comes before the Board for the first event only. Flory stated the Board can put a condition on the initial approval that once an agritourism application is amended the applicant must come back before the Board for approval.

Flory stated he understood Mr. Hendershot's concerns and what Linda told them was accurate based on what is written. The Board put a condition on the approval that they come back. It may be that an amendment is needed to our regulations.

Attachment A

AGRITOURISM/MORATORIUM 10-16-13

The Board considered a moratorium on the issuance of county agritourism registration. Gaughan asked Linda Finger, Interim Director of Zoning and Codes, to update the Board on the agritourism applications for registration received and their status'. Fingers stated applications for the following have been received and approved: Pinwheel Farms, Washington Creek Lavender Farm, Pendleton Farm Market, Schaaque's Pumpkin Patch, Prairie Elk Christmas Tree Farm and Strawberry Hill Christmas Tree Farm. The KC Pumpkin Patch application was withdrawn.

Flory stated his request for the moratorium and further review of our regulations is not geared towards elimination of the program. He is concerned there needs to be more clarity on what applications need Commission review and what process there is for the Board to set conditions. Flory said the last process taught the Board a lot of about what wasn't clarified sufficiently in our legislation. Flory said we just need to improve our product.

Gaughan opened the item for public comment.

Scott McCullough, Lawrence-Douglas County Planning Director, asked for clarification on the process the Board would like to follow. Flory suggested a study session with the County Commission and Planning Staff to determine what information should be taken to the Planning Commission for review.

Gaughan suggested the November 6 County Commission meeting at 4:00 p.m. for the study session.

Gaughan opened the item for public comment.

Jim Hendershot, 175B E 2300 Road, Wellsville, stated he along with a group of neighbors would be willing to take part in the study session. He asked for clarification there are no pending agritourism applications. Finger stated that is correct.

Rick Hird, 856 E 1150 Road, Baldwin City, stated he has been involved with the Committee that produced the text amendment. He would like to be involved with the study session. Hird stated he feels the process for the applications worked as anticipated and d s not understand why the Board did not apply conditions to the KC Pumpkins Patch application and go on.

Flory responded it was not clear what authority the Board had to place conditions on the application under our own regulations and in what circumstances the applicant must ask for a Commission review as opposed to an administrative review.

Hird asked if the moratorium is really necessary for applications that do not anticipate 100 people in attendance. Gaughan stated he agrees the review is the right thing to do. It's possible the text amendments could be completed before April 30, 2014 and the moratorium can be lifted.

Hird asked if the Morton Building exemption will be discussed at the study session since the egress issue on agricultural buildings was not addressed in the building codes.

Flory stated the conclusion was there was no one asking for anything different than what existed in the building codes so didn't make changes to the building code at that point.

Gaughan said building code revisions was the reason he felt a study session was necessary prior to the KC Pumpkin Patch application.

Flory moved to approve Resolution 13-29 placing a temporary moratorium on agritourism registrations. Motion was seconded by Gaughan and carried 3-0.

Flory moved to initiate a text amendment on agritourism standards to the Douglas County Zoning Codes.

Gaughan opened the motion for public comment. No comment was received.

Motion was seconded by Thellman and carried 3-0.

Attachment A

STUDY SESSION 11-06-13

Linda Finger, Interim Director of Zoning and Codes, lead a study session on planning issues related to needed amendments to the Zoning Regulations; and Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff, lead a work study on agritourism issues.

Items discussed regarding the Zoning Regulations included:

- 1) Setbacks on road right-of-ways as they relate to the 1966 zoning maps;
- 2) Category of road classifications regarding setbacks and districts;
- 3) Revisions to zoning regulation 12-321 constructions standards;
- 4) Separation of Temporary Business Uses and review fees;
- 5) Cleanup wording on home businesses/home occupations and non-conforming structures; and
- 6) Signing restrictions under the zoning regulations.

It was the Consensus of the Board for staff to move forward on revising the above items and to bring back to Board for consideration.

Miller gave a definition of agritourism and brief history of the development of the current agritourism regulations.

Items discussed that may need to be addressed in the regulations included lot size, proximity of business to neighbors, whether the property owner should reside on the property, activities that would cause disruption to unincorporated area living, and late night activities. Miller stated it's important to protect the rights of neighbors and the health, safety and welfare of the community. Enforcement, regulation and an appeal process also needs addressed.

It was noted by Finger, none of the applicants we have worked with on permits or the owners on agritourism registration forms have asked for exemptions for ingress/egress requirements in the building codes.

Jim Hendershot, 175-B E 2300 Road, Wellsville, stated he feels the Board is making the agritourism issue more difficult than it needs to be. He feels the CUP process solves a vast majority of the issues by giving flexibility to look at the applications on a case-by-case basis and allows for conditions.

It was the consensus of the Board for staff to begin working on recommendations for revisions to the agritourism regulations and to bring said recommendation back to the County Commission for further direction.

STUDY SESSION 11/6/13

BOCC DIRECTION ON AGRITOURISM TEXT AMENDMENT:

- 1) Develop a set of criteria or parameters to categorize activity levels so that those activities with potential off-site impacts would be evaluated more carefully and conditions or restrictions could be applied (or the registration denied) as needed to protect the health, safety, and welfare of the public.

The parameter in place at this time is attendance: assembly type uses that would have more than 100 attendees on site (at one time).

- Possible parameters that were discussed included the general nature of the activity, the location of the property from residences, the size of the property that the activity is on (ability to buffer the activity from nearby residences), size of building or parking area being proposed, whether the Agritourism operator lives on the property, whether the property is in agricultural production, whether the Agritourism activity benefits from the rural character of the area or could possibly detract from it.
- 2) Develop standards that would apply to agritourism activities.
 - These could include parking, screening, buffering, traffic studies,
 - 3) Suggested that it might be helpful to create an overlay or map that shows where Agritourism Activities are located, especially where they are clustered. This won't be included in the revised text amendment, but staff will look into this.

PROCESS

A text amendment will be prepared to revise the provisions related to Agritourism as noted above. Planning and Zoning and Codes staff will meet with various stakeholders including members of the former Agritourism committee, current or future Agritourism operators, and other members of the public to develop a set of options and draft revised Code language to provide to the Planning Commission. Following the public hearing and Planning Commission's recommendation, the text amendment will be brought to the County Commission.

**LAWRENCE DOUGLAS COUNTY PLANNING COMMISSION
AGRITOURISM COMMITTEE
REPORT AND RECOMMENDATIONS**

The Agritourism Committee of the Lawrence Douglas County Metropolitan Planning Commission was formed in January of 2010 to study agritourism and make recommendations to the Planning Commission regarding options which could be undertaken to promote and facilitate agritourism activities as well as possible revisions to the Zoning Regulations which would ensure the public health, safety, and welfare is protected while agritourism is facilitated. Agritourism is one means of promoting economic development in Douglas County, although there are certainly other benefits, such as providing additional income for residents engaged in agritourism activities, allowing them to maintain the rural/agricultural lifestyle, and increasing the long-term sustainability of family farms in Douglas County.

Members of the Agritourism Committee include:

Nancy Thellman, Douglas County Commissioner
Chuck Blaser, Planning Commission Chair
Rick Hird, Planning Commissioner and Committee Chair
Mary Miller, Planning Staff
Judy Billings, Freedoms Frontier Chair
Clint Hornberger, Farm Bureau and Chamber of Commerce Representative
Hank Booth, Lawrence Chamber of Commerce
Becky Rhodes, Kansas Department of Commerce
Pep Selvan, Bluejacket Crossing Winery
Linda Finger, Douglas County Planning Resource Coordinator
Keith Dabney, Douglas County Zoning and Codes Director

PROCESS:

The early meetings of the Agritourism Committee focused on defining agritourism and identifying the agritourism uses that currently exist in Douglas County. A draft definition of agritourism was developed and amended as the meetings progressed. A map showing where the agritourism uses identified by the committee are located is included in Figure 1 at the end of this report.

Township trustees and the County Engineer were invited to the November, 2010 meeting for a discussion on rock roads and agritourism uses. Keith Browning stated that Calcium Chloride is the cheapest and most effective dust palliative treatment available. A map showing where dust palliative was applied in 2010 is included in Figure 2 at the end of this report. The following is a summary of the discussion on the dust palliative program:

Residents pay for the dust palliative treatment and also for the cost of the township to prepare the road. Cost of the dust palliative is \$1.60 per linear foot with 60 cents a linear foot going to the township for preparation costs. The township prepares the road to stabilize it, and to create a crown to insure adequate drainage so when

the palliative has been applied they will not need to work it again. Dust palliative usually lasts through the summer and most of the year. It is applied in 2 applications, once in May and again about a month later. For areas that do it 4 to 5 years in a row, there is a residual effect. They could even skip a year and still have effective dust treatment.

Dust palliative is available all year, but the County may not have enough on hand if a person didn't sign up in January. It would be possible for them to go through the County's contact to get dust palliative, but they would need to make arrangements with the township about the road preparation.

Agritourism operators in Douglas County were invited to the January, 2011 stakeholder meeting. The meeting's goal was to identify issues that stakeholders felt presented the greatest challenges to establishing and operating agritourism businesses, and what changes would be most beneficial in supporting and encouraging agritourism. The principal concern noted was the process involved with the Conditional Use Permit (CUP). Suggestions for improvement included the following:

- remove the time-limit on CUPs but have administrative reviews at regular intervals,
- develop a Special Event Permit for infrequent or more temporary agritourism uses.
- allow low-intensity agritourism uses through registration.

This report is divided into five sections:

1. Mission Statement
2. Definition of Agritourism
3. Economic Impact of Agritourism
4. Applicable Zoning, Permits, Codes and Other Laws and Regulations now in effect
5. Issues and Recommendations

1. MISSION STATEMENT

The Mission Statement adopted by the Agritourism Committee is as follows:

The Agritourism Committee will study existing laws, regulations and procedures and propose changes designed to foster and promote Agritourism in Douglas County. The Agritourism Committee will:

- Establish a definition of Agritourism
- Evaluate the economic impact of Agritourism activities
- Evaluate the effect of zoning regulations, building codes and other laws and regulations on the development of Agritourism activities
- Make recommendations to the Planning Commission to assist in the promotion of Agritourism

2. DEFINITION OF AGRITOURISM

Agritourism is defined in several different ways by various agencies and groups. In 2004, the Kansas Legislature adopted the Agritourism Promotion Act, K.S.A. 74-50,165, *et seq* (the "Act"). The purpose of the Act is described as:

The purpose of this act is to promote rural tourism and rural economic development by encouraging owners or operators of farms, ranches, and rural attractions, including historic, cultural, and natural attractions, to invite members of the public to view, observe and participate in such operations and attractions for recreational or entertainment purposes. This act shall be liberally construed to effectuate that purpose. K.S.A. 74-50,166.

The Act provides a manner for registration of agritourism activities with the Kansas Secretary of Commerce and, with appropriate posted signage, provides some insulation from liability for agritourism operators. The Act defines agritourism as:

...[A]ny activity which allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including but not limited to, farming activities, ranching activities or historic, cultural or natural attractions. An activity may be an agritourism activity whether or not the participant pays to participate in the activity. An activity is not an agritourism activity if the participant is paid to participate in the activity. K.S.A. 74-50,167(a)

The Committee was somewhat divided regarding the scope of activities that should be considered within the umbrella of agritourism. The following definition adopted by the Committee is a combination of the statutory definition and the definition used by the Kansas Department of Commerce and other authors:

Agritourism: The intersection of agriculture and tourism. When the public goes to rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Using the rural experience as a tool for economic development.

Using that definition, the Committee suggests the following as examples (although not exhaustive) of agritourism activities:

- Recreation
 - Hiking
 - Hunting, fishing
 - Equestrian
 - Bicycling
- Education
 - Agricultural operations
 - Food production
 - Ranching operations
 - Historical farms
 - Preserved prairies and other natural areas

- Entertainment
 - Demonstrations of agricultural operations
 - Integration of music, theatre, arts to enhance rural experience
 - Gatherings, events, and festivals
 - Shopping
 - Farmer's Markets
- Adventure
 - Discovery of new areas
 - Experiencing wildlife
 - Hands-on involvement in agriculture or ranching
- Relaxation
 - Enjoyment of rural settings, vistas
 - Change of pace
 - Escape from urban environment
 - Bird Watching

3. ECONOMIC IMPACT OF AGRITOURISM

The following information was taken from the K-State report "Agritourism: If We Build it Will They Come?" written by Dan Bernardo, Luc Valentin, and John Leatherman (Professor and Department Head, Research Assistant, and Associate Professor, respectively, Department of Agricultural Economics, Kansas State University').

"Despite its relative infancy, agritourism represents a significant revenue source for many farmers across the nation. To lend perspective to the importance of agritourism as a revenue source, estimates of total and average annual income generated from on-farm recreation are reported in Table 2 for eight USDA regions" (page 4) Kansas is included in the 'Prairie Gateway' group in the following table along with Western Oklahoma, Nebraska, and Central Texas.

Region	Annual Total Income	Average Income/Farm	% of Farms w/ Recreation Income	Avg. Income for Farms w/ Recreation
Heartland	\$38,500,000	\$90	7%	\$1,286
Northern Crescent	\$298,000,000	\$963	2%	\$48,150
Northern Plains	\$14,000,000	\$138	5%	\$2,760
Prairie Gateway	\$79,000,000	\$267	4%	\$6,675
Eastern Uplands	\$5,000,000	\$14	1%	\$1,400
Southern Seaboard	\$37,800,000	\$161	3%	\$5,366
Fruitful Rim	\$278,600,000	\$1,127	3%	\$37,566
Basin & Range	\$36,700,000	\$437	6%	\$7,283
Mississippi Portal	\$8,000,000	\$69	1%	\$6,900
TOTAL	\$796,000,000	\$368	2%	\$9,200

The report stated that "Agritourism is being proposed as a local and statewide economic development strategy. As such, it is useful to estimate the economic impact of this industry on the state's economy. An economic impact analysis was conducted to determine both the direct economic impacts of spending by visitors participating in agritourism and the indirect effects arising from the new income generated by that spending." (page 11, *Agritourism: If We Build It Will They Come?*)

Staff contacted the authors of the report who clarified that the information in Table 3 was a model estimation of spending associated with agritourism uses in Kansas. Table 2 shows the total income for the Prairie Gateway and the authors estimated Kansas' share at \$18,000,000. The information in Table 3 shows approximately \$18,000,000 of farm income (farm products + farm services). The other figures are associated estimated expenditures that would occur in conjunction with agritourism uses.

Table 3.		
Category	Total Expenditure Profile	Out-of-State Expenditure Profile
Farm Products	\$8,017,000	\$2,565,440
Farm Services	\$9,342,000	\$2,989,440
Travel Costs	\$37,223,000	\$12,047,426
Lodging	\$8,017,000	\$2,565,440
Eating & Drinking	\$7,466,000	\$2,388,980
Other Retail	\$3,895,000	\$1,246,458
Other	\$3,947,000	\$1,263,122
TOTAL	\$77,907,000	\$25,066,306

"The combined direct and indirect economic impact associated with agri-tourism in 2000 was estimated to be between \$25 and \$78 million (in 2004 dollars). The low estimate arises from spending generated from out-of-state sources and the high estimate is spending originating from both in-state and out-of-state sources. To the extent that spending by Kansas residents would likely not occur in rural regions had it not been spent on an agritourism activity, the high estimate can be construed as an estimate of the economic impact on the state's rural economy." (page 12, *Agritourism: If We Build It Will They Come?*)

In addition, it was estimated that the federal government collected approximately \$2.9 million in tax revenues and that state and local governments garnered approximately \$2 million from the varied activities associated with agritourism spending by out-of-state visitors in 2000. If in-state tourism activities are included, then tax collections increase to \$9.06 and \$6.25 million, respectively.

In summary, agritourism has a positive economic impact not only on the farm family involved in the activity, but the community as a whole.

4. APPLICABLE ZONING, PERMITS, CODES AND OTHER LAWS AND REGULATIONS

A) ZONING

The following are examples of agritourism uses that are permitted by right, that is no CUP is required:

- Pick Your Own Fruit/Vegetables Patches
- Agricultural Demonstrations
- Seasonal Sale of Products Raised on the Site
- Commercial Hunting and Fishing
- Commercial Riding Stable (site plan is required)
- Country Club (site plan is required)

B) CUP

Some Agritourism uses which are not permitted by right can be approved with a Conditional Use Permit. Uses listed in Section 12-319-4 of the Zoning Regulations require a CUP. These include the following agritourism uses:

- Farmer's Market,
- Dude Ranch,
- Fruit or Vegetable Stand,
- Recreation Facility.

Outline of the CUP process:

A pre-application meeting with staff is recommended to outline the process and identify possible challenges/opportunities.

— Application.

If the application is filed before the deadline, the Planning Commission may consider it at the meeting following their next meeting. For instance, if a CUP is filed by June 20, 2011 the Commission will consider it at their August 22, 2011 meeting. (Approximately 60 day review period.)

— Review.

60 days Minimum

The application is distributed to County Staff, Utility Providers, Township Trustees, Drainage District Representatives, and Fire Departments. A letter is then mailed to the applicant listing any concerns which were raised regarding the proposal or the plans which were provided. Revisions to the proposal or revised plans may be requested.

— Public Hearing.

Notice is mailed to property owners within 1000 ft of the property included in the CUP and a public hearing is held with the Planning Commission. If the property is within 3 miles of Eudora, Baldwin City, or Lecompton a joint Planning Commission meeting is held.

— Planning Commission.

The Planning Commission conducts a public hearing and votes to forward the item to the County Commission with a recommendation for approval, approval with conditions, approval with revised conditions or denial. The Commission may also vote to defer the item if additional information is needed.

— **Protest Period.**

14 days

A mandatory 14 day waiting period is provided before the CUP request is scheduled for consideration by the Board of County Commissioners to allow time required by State Statutes for the filing of a 'protest petition'. If a valid protest petition is filed, approval of the CUP requires a unanimous vote of the County Commission (3/4 majority required).

— **County Commission.**

The County Commission considers the CUP request and accepts public comment. The County Commission could take one of the following actions: approve, approve with conditions or deny the CUP. They may also vote to defer the CUP if necessary.

— **Building Permits.**

Building permits may be applied for concurrently with the CUP request and are required for any new building or change of use of an existing building.

— **Conditional Use Permit.**

A permit for the Conditional Use is issued by the Douglas County Zoning and Codes Office.

C) BUILDING AND OTHER COUNTY CODES

- Agricultural buildings - K.S.A. 74-50,167(b)
- Douglas County Sanitary Code
- Uniform Building, Uniform Mechanical, and Uniform Plumbing Codes and the National Electrical Codes

D) OTHER LAWS/STATUTES

- Agritourism Promotion Act, K.S.A. 74-50,165,

5. ISSUES AND RECOMMENDATIONS

A. ROAD DUST.

Issue: The generation of dust by travelers to agritourism activities has been raised as a concern. Opinions vary from the expectation that travel on rural roads will be dusty, to the expectation that properties with increased activity should mitigate the dust created by traffic to the site.

Recommendation: note the areas where agritourism uses are clustered or where larger agritourism uses are located and establish a dust palliative treatment program for roads in these areas with assistance being offered by the County

B. SIGNAGE.

Issue: Signage is limited by the Zoning Regulations in the 'A' District to accessory identification signs or signs advertising goods which are raised on the premises.

Recommendation: Additional signage should be permitted to advertise agritourism uses both on- and off-site. Various options were discussed, which included the possibility of using standard signage on the highways to identify exits from which agritourism activities can be accessed.

C. APPROVAL PROCESS.

Issue: Some agritourism uses are never pursued due to the time and process involved in getting approved.

Recommendation: Simplify the process for agritourism uses which would not be classified as 'high intensity'.

- i. Create a tiered level of agritourism activities with different approval process for each. For instance: Low intensity agritourism activities – registration; Medium intensity agritourism activities -- site plan; High intensity activities – conditional use permit.
- ii. Establish standards which would apply to uses which do not require a CUP, such as: attendance limited to that which can be accommodated with on-site parking (no on-street parking permitted), retail sales permitted up to a maximum area of a particular square footage and certain level of assembly without requiring a CUP or full compliance with Commercial Building Codes, (This may require an amendment to the Building Codes to facilitate the use of ag buildings for agritourism uses while requiring minimal inspections to ensure basic health, safety and welfare.)
- iii. Establish a Special Event Permit for infrequent or temporary events. Identify events which could be approved administratively, and those which would require County Commission approval and note the time frame for approval; for instance 5 business days for administrative and 14 business days for County Commission permits. Establish standards for special events. Establish time limits for particular uses, with more flexibility provided for agritourism uses.

D. COMMUNITY-WIDE BENEFITS OF AGRITOURISM.

Issue: As illustrated in the economic impact section of this report, agritourism benefits not only the farm family involved in the activity, but the community as a whole. Increased spending within the county is one benefit; increased sustainability of family farms is another.

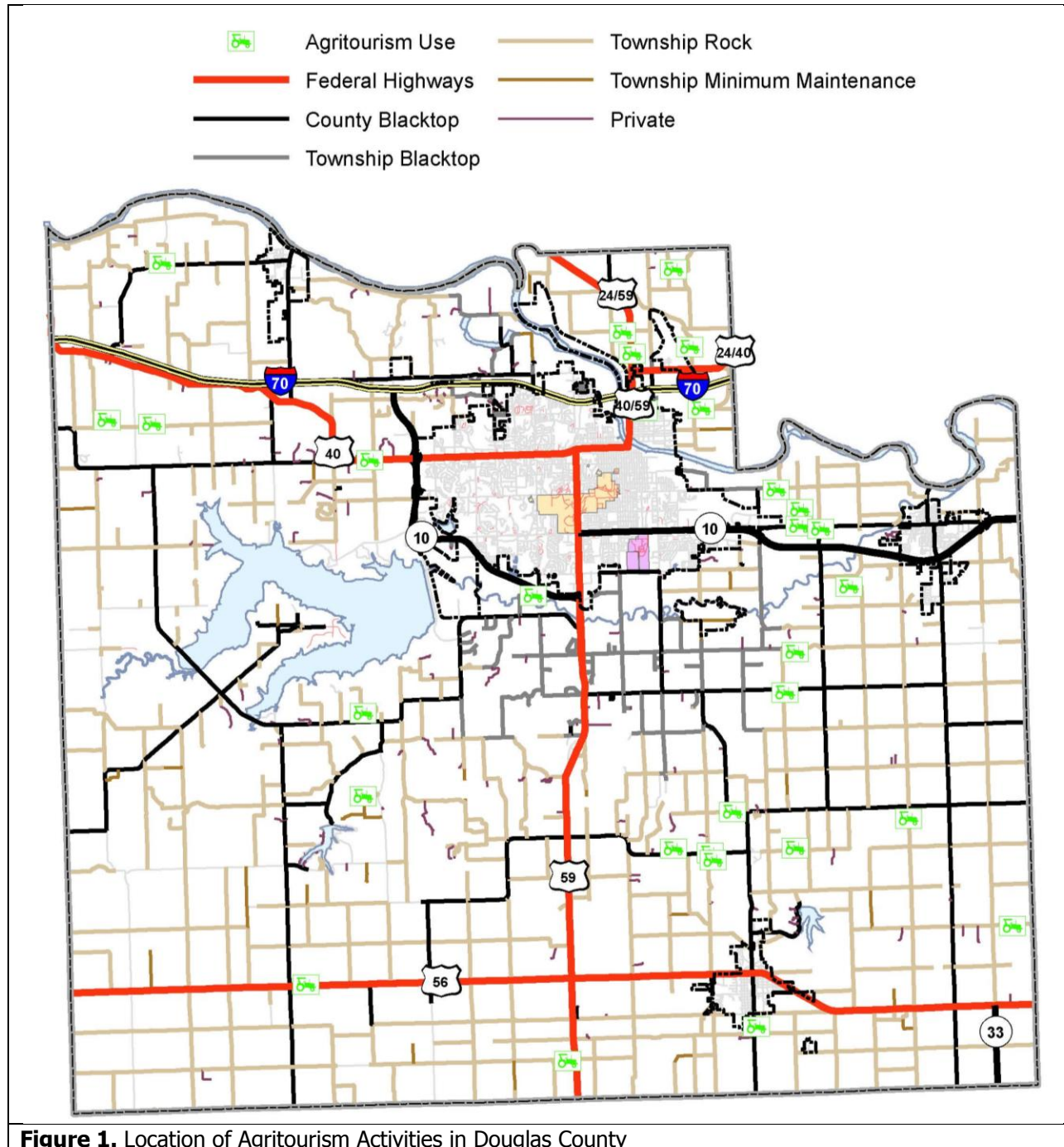
Recommendation: Promote Agritourism Activities in the County.

- i. Install an 'Agritourism' link on the Douglas County web-site to provide information on the agritourism uses in the county (and links to their websites) as well as the process to establish new uses. This link can provide information for future agritourism activities as well as promote existing activities.
- ii. Prepare brochures which clearly outline the process and requirements for different types of agritourism activities.

E. IMPLEMENTATION AND MONITORING OF RECOMMENDATIONS.

Issue: Many of the recommendations require knowledge of the existing agritourism uses.

Recommendation: Registration of Agritourism Uses. In order to qualify for the simplified approval process or other features, the use must be registered with the Douglas County Zoning and Codes Office as an Agritourism Use and with the State Chamber of Commerce. This registration will assist in the determination of dust palliative treatment program areas, the inclusion of the use on the County Website as well as the monitoring of the effectiveness of the measures adopted to encourage and foster agritourism. The State registration form should double for the County registration, if all necessary information is included on the state form.



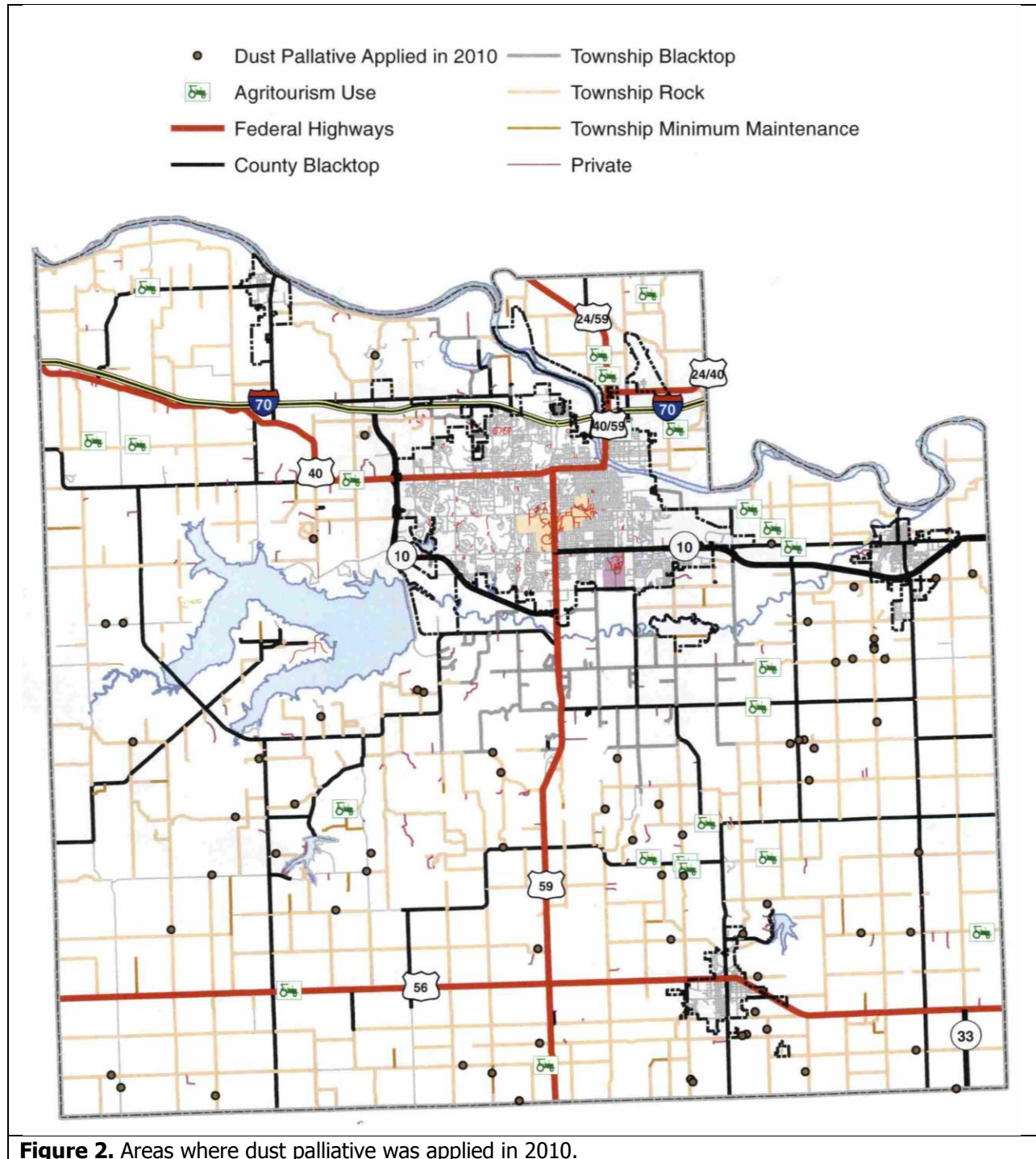


Figure 2. Areas where dust palliative was applied in 2010.

12-319-7. AGRITOURISM SUPPLEMENTAL REGULATIONS

Agritourism is recognized as a vital tool for sustaining the family farm and represents significant economic potential for the community in general. These regulations are intended to foster and promote agritourism in keeping with the State of Kansas policy of encouraging agritourism, while ensuring that the public health, safety, and welfare are protected. [Res.13-02]

12-319-7.01 AGRITOURISM

- a. Agritourism is the intersection of agriculture and tourism, when the public visits rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Agritourism uses the rural experience as a tool for economic development.
- b. Typical agritourism uses include, but are not limited to, the following:
 - 1) Farm markets/roadside stands,
 - 2) U-pick operations,
 - 3) Farm winery tours and tastings,
 - 4) Corn mazes,
 - 5) Farm-related interpretive facilities, exhibits, and tours,
 - 6) Historical, cultural, or agriculturally related educational and learning experiences, including volunteer workers.
 - 7) Farm stays,
 - 8) Bed and breakfast establishments,
 - 9) Recreation related operations (fishing, hunting, bird watching, hiking, etc),
 - 10) Horseback riding,
 - 11) Garden, nursery tours and exhibits,
 - 12) Pumpkin patch visits and activities,
 - 13) Assembly type uses such as fairs or festivals which are historical, cultural, or agriculturally related; weddings; receptions; etc.,
 - 14) Ancillary retail sales,
 - 15) Other uses that may be determined on a case by case basis if it meets the purpose and intent of the regulations.
- c. These Agritourism provisions do not apply to camping. [Res.13-02]

12-319-7.02 REGISTRATION AND APPROVAL PROCESS OF AGRITOURISM USES

- a. After the use has been registered with the State, a copy of the Agritourism Promotion Act Registration Form shall be provided to the Douglas County Zoning and Codes Office to register the agritourism use with the County. Agritourism uses which meet the definition set forth in these Regulations and are registered with the State and with the County may occur as permitted in Section 12-319-7 without any additional review under Section 12-319, Conditional Use Permits, Section 12-319A, Site Plan Regulations, or Section 319.5 Special Use Permits, although other State and local regulations shall apply. Assembly type uses with an attendance of more than 100 persons shall require approval by the Board of County Commissioners prior to registration per process in Section 12-319-7.02(c).
- b. Registration forms shall be jointly reviewed by the Director of the Zoning and Codes Office and the Planning Director to determine if the proposed use(s) meet the definition of agritourism set forth in these Regulations within 7 working days of submittal.
 - 1) Additional descriptive information may be necessary for the determination. This information will be provided by the agritourism operator and kept as a part of the registration.
 - 2) If the Directors are unable to make a determination, the registration will be referred to the Board of County Commissioners.

- 3) The applicant for the agritourism registration may file an appeal from the Director's determination. Appeals from the determination shall be made to the Board of County Commissioners. An appeal must be filed within 30 days of notification of the determination to the applicant. The appeal will be considered at the next available Commission meeting.
- c. Assembly type uses such as weddings, receptions, fairs, or festivals, that may have an attendance of more than 100 persons require Board of County Commission approval prior to registration as an agritourism use through the following process:
- 1) Information regarding the assembly type use shall be included with the registration form. The registration shall include, at a minimum, the following information:
 - a) The expected attendance,
 - b) Activities associated with the assembly use,
 - c) The number of assembly type events anticipated per year.
 - d) Where parking will be provided on site,
 - e) Lighting location and type if assembly is to occur after dark,
 - f) Means to address health and sanitation at the site.
 - g) Information from the applicable fire department regarding access to the site/assembly use.
 - 2) The County Zoning and Codes Office shall mail notice to all property owners within 1000 ft of the proposed use and the date and time the use will be considered by the Board of County Commissioners. For assembly type uses that will be located on an unpaved road, the Zoning and Codes Office shall mail notice to all property owners of residentially developed property on an unpaved road which would be considered the most direct route to the nearest hard-surfaced road. A 20 day notification period is required.
 - 3) The proposed use will be placed on the first available Board of County Commissioner's agenda following the notification period. The Commission will hold a public hearing on the proposed use at the time and place listed in the public notice.
 - 4) The Board of County Commissioners may impose conditions and restrictions in conjunction with approval of the assembly type use.
 - 5) With County Commission approval the assembly type use, up to the attendance noted on the registration form, may continue to occur as long as registered as an agritourism use with the State and the County.
- d. Only those activities specifically listed in the registration form and approved by the Directors are allowed to occur as agritourism.
- 1) Any change in proposed uses would require:
 - a) the modification of the registration with the State,
 - b) resubmittal of the revised registration form to the Zoning and Codes Office for a determination of compliance with the definition of agritourism provided in this Section by the Director of the Zoning and Codes Office and the Planning Director.
- e. The KS Agritourism Act requires agritourism uses to register with the State every 5 years. Agritourism uses must register with the County each time an agritourism use is registered with the State, every 5 years, or any time a registration form is amended.
- f. Engaging in any activity not listed on the registration would be considered a violation subject to the enforcement provisions of Section 12-329. [Res.13-02]

12-319-7.03 STRUCTURES AND CONSTRUCTION CODES

Structures for agritourism uses are required to comply with Douglas County Construction Codes, adopted by HR-12-11-5, and amendments thereto. [Res.13-02]

AGRITOURISM USES REGISTERED WITH DOUGLAS COUNTY

- **Pinwheel Farm.** Farm tours, activities, events, farmers market, assembly type uses. 1480 N 1700 Rd
- **Washington Creek Lavender Farm.** Picnic area, lavender fields and flowers, seasonal events, farm tours, sales. 858 E 800 Rd
- **Pendleton's Farm and Country Market.** Farmer's market, sales, seasonal events, tours, corn maze, recreation related operations, assembly type uses. 1446 E 1850 Rd
- **Shaake's Pumpkin Patch.** Farmers markets, hay rack rides, corn maze, pumpkin sling shot, concessions, crafts, u-pick. 1795 N 1500 Rd
- **Prairie Elf Christmas Tree Farm.** Christmas tree and greenery sales, ancillary products, refreshments, retail barn, warming hut. 765 E 750 Rd
- **Strawberry Hill Christmas Tree Farm.** Tree and greenery sales, assorted items and gifts. 794 Hwy 40

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
12/18/2013

**ITEM NO. 4A A TO OS-FP; 8.68 ACRES; NW CORNER OF W 31ST ST & LOUISIANA ST
(SLD)**

Z-13-00445: Consider a request to rezone approximately 8.68 acres from County A (Agricultural) District and FF (County-Floodway Fringe Overlay) to OS-FP (Open Space-Floodplain Overlay) District, located on the northwest corner of 31st St & Louisiana Street also known as 3055 Louisiana Street. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to 8.68 acres from A (Agricultural) District and F-F (County-Floodway Fringe Overlay) to OS-FP (Open Space-Floodplain Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Required for use of property as pump station site.*

KEY POINTS

- Planned public facility.
- Property includes areas encumbered by regulatory floodplain.
- Property was recently annexed into the City of Lawrence, current county zoning designation is no longer appropriate.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PP-13-00447; Preliminary Plat for Pump Station No. 10.
- Annexation Ordinance No. 8924.

PLANS AND STUDIES REQUIRED

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

ATTACHMENTS

- Area map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to publication

Project Summary:

Proposed request is for a future pump station. This property has recently been annexed into the City of Lawrence making the existing county zoning designation inappropriate.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The proposed pump station will provide influent flow to the City's (proposed) second wastewater treatment plant located south of the Wakarusa River. The need for a second wastewater treatment plan was identified in Horizon 2020.*

A guiding feature of the plan states; *"The plan promotes development in the UGA through an adopted annexation policy which anticipates well-planned development of fringe areas."* This property until recently annexed was located within Service Area 1 of the Urban Growth Area. The recent annexation makes the current County zoning designation obsolete.

Following are sections of *Horizon 2020* that relate to this development:

Horizon 2020: Chapter 9 Parks, Recreation, Open Space Areas and Facilities:

The plan states that in development of the City's Parks and Recreation Comprehensive Master Plan the community expressed an *"emphasis on improving existing parks...including linking neighborhood parks with walking and biking trails, enhancing the landscape, expanding open spaces and improving playgrounds."* (Page 9-3). Approval of this request will facilitate these stated interests.

Horizon 2020: Chapter 10 Community Facilities:

Policy 2.4: Utilize Locational Criteria for Utility Structures: Choose locations and design sites in a manner which minimizes the impact on adjacent properties. (Page 10-17)

The pump station site is being located on City owned land. The subject location was selected by the City Utilities Department as the optimal location for the station due primarily to the location of existing sanitary sewer mains in the area. Adequate screening shall be required as part of the Special Use Permit plan to screen the utility from the roadway as applicable. Development of the site will include connections to planned recreation paths in the area.

The plan supports infill development as well as implementation of appropriate land use transitions between land uses. Development of this site is anticipated for a specific public purpose (pump station). As a public project, applicable screening and site development techniques as well as incorporation of open space amenities can be accommodated through site design.

Horizon 2020: Chapter 16 Environment:

This chapter of *Horizon 2020* addresses several natural environmental issues including Water Resource Management. The plan states that floodplain areas should be protected. This application includes a Floodplain Overlay District designation that will be applied to the entire property rather than only that portion of the property encumbered by the regulatory floodplain.

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to community facilities/public utilities and open space as well as floodplain.

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

Current Zoning and Land Use:	A (County-Agricultural), FF (County-Floodway Fringe Overlay) and FW (County-Floodway Overlay) Districts; undeveloped. Property has been filled in the past.
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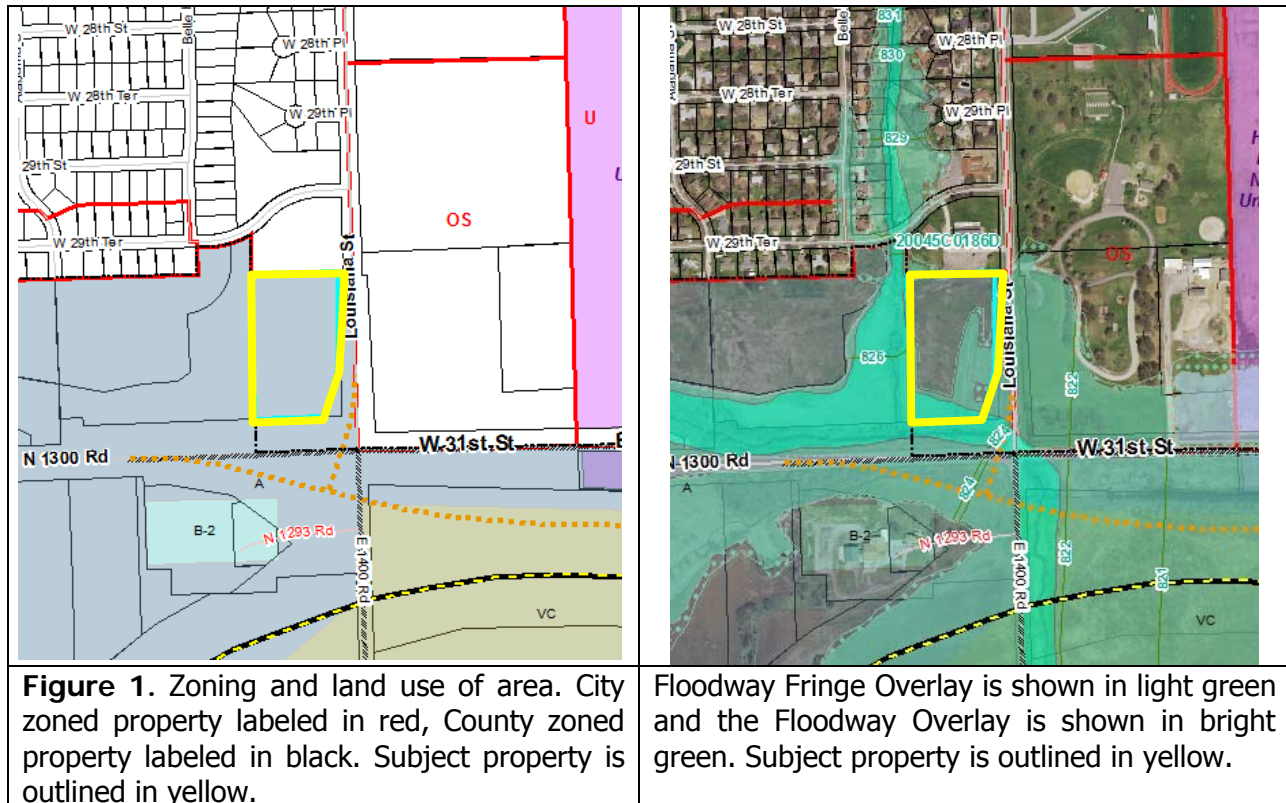
Surrounding Zoning and Land Use:	To the east: OS (Open Space) District; Broken Arrow Park (Douglas County Portion).
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To the west:

A (County-Agricultural) and FF (County Floodway Fringe Overlay) Districts; undeveloped. Proposed OS-FP (Open Space and Floodplain Overlay) District; extension of Naismith Valley Park.

To the north:

RS7 (Single-Dwelling Residential) District; existing church and accessory residence.



Staff Finding – This property is surrounded by a variety of zoning districts that are located within the Lawrence City Limits and adjacent unincorporated Douglas County. The prevailing zoning for the area is Open Space. Multiple community facility uses are located within close proximity to this property.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Residential neighborhood northwest of the site. A church is an adjacent neighbor to the north. Park and open space located east of the site. Rural residential/agricultural zoning to the south across 31st Street.*

This property is located within the Indian Hills Neighborhood, a predominantly residential neighborhood. The east neighborhood boundary is Louisiana Street, and the south boundary is 31st Street. This use will be buffered by an existing church to the north and park property to the west. This portion of the neighborhood is characterized by a substantial area dedicated to park and open spaces uses.

This portion of the neighborhood is encumbered by the regulatory floodplain and bounded by arterial streets (Louisiana Street and 31st Street). The proposed use of this property is for a *Minor Utility* – pump station. The pump station improvements are anticipated to be unmanned, thus having little impact on the surrounding neighborhood.

Staff Finding – The subject property is located at the southeast corner of the Indian Hills Neighborhood. This part of the neighborhood includes multiple community facility uses in the immediate vicinity as well as open space and regulatory floodplain. The proposed zoning is consistent with the planned land use for the area.

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

This property is included within the plan boundary of the *Revised Southern Development Plan* adopted in June 2013 anticipating commercial development to the west (Menards application) as well as residential and open space uses of the Snodgrass property and pump station at the corner of 31st Street and Louisiana Street. The plan identifies existing floodplain areas as appropriate for open space and as a boundary to the commercial land use to the west.

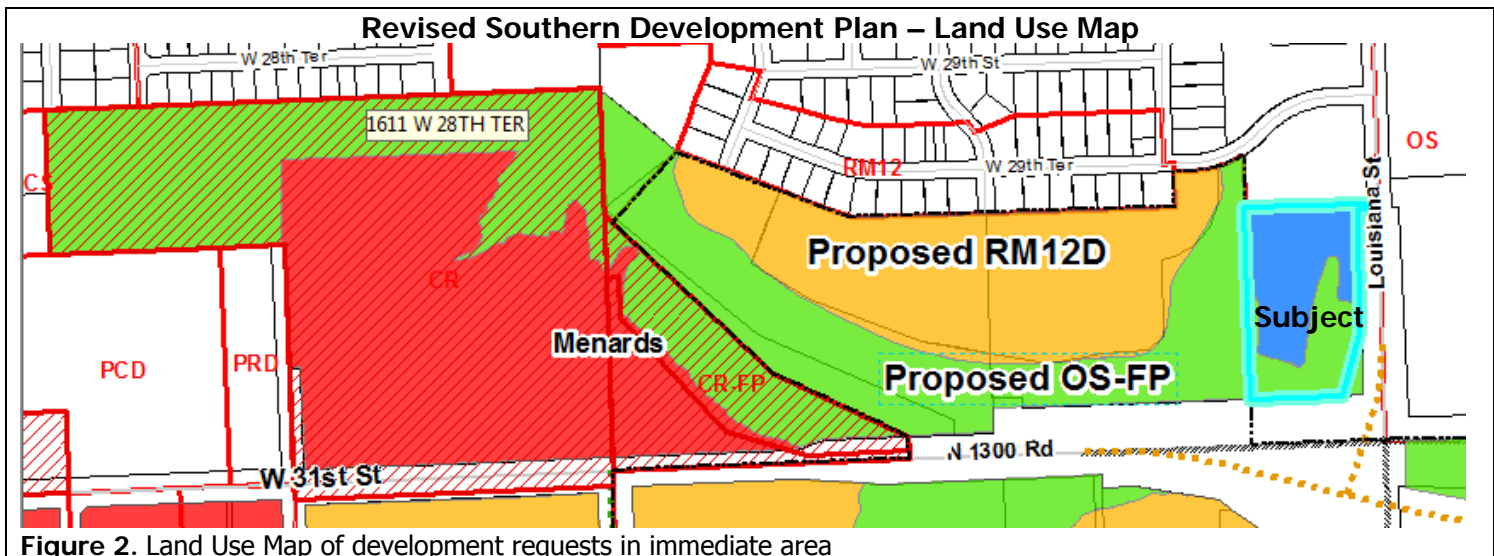


Figure 2. Land Use Map of development requests in immediate area

This plan identifies the northwest corner of Louisiana Street and 31st Street as suitable for public and open space uses. The proposed request is consistent with this recommended land use. The proposed FP Overlay reflects the existing floodplain encumbrance of this property as a recognized land use within the plan and is intended to be applied to the entire property



Figure 3. Land being dedicated to City as open space



Figure 4. Land acquired by the City for pump station.

These uses along with the proposed commercial use will implement the land use recommendations of the *Revised Southern Development Plan*.

Staff Finding – The proposed open space –floodplain rezoning conforms with land use recommendations in the *Revised Southern Development Plan*.

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

Applicant's Response: *Property is suited for proposed use as a pump station site.*

This property was annexed into the City limits per Ordinance No. 8924. Upon annexation, the existing county zoning is no longer appropriate. The proposed zoning accommodates the anticipated use as a pump station and facilitates the protection of floodplain areas.

Staff Finding – The current zoning is no longer appropriate upon annexation of this property into the Lawrence city limits. The proposed OS-FP District accommodates the anticipated use and provides protections (by limiting uses) to the designated floodplain in this area.

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

Applicant's Response: *Unknown*

This property is undeveloped and has been zoned A (Agricultural) since 1966. The property was annexed into the Lawrence city limits in October 2013.

Staff Finding – This property is undeveloped and has been zoned A (Agricultural) since 1966.

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

Applicant's Response: *No detrimental effect to adjacent properties.*

As noted in the description of the neighborhood character above, this property is located in the southeast corner of the neighborhood, bounded on the east and south by arterial streets, buffered by open space, and located near existing community facility uses. This property includes an existing large sanitary sewer line.

Development of the site for a pump station will require a Special Use Permit that will address site-specific elements such as landscaping and screening. Among planned improvements to the site for utility purposes, the Naismith Valley recreation path is planned to be expanded through this property, with a future connection to the multi-use path near the intersection of 31st Street and Louisiana Street.

Staff concurs with the applicant's conclusion that there will be no detrimental effect to adjacent properties.

Staff Finding – There will be no detrimental effects to adjacent property resulting from this proposed OS-FP zoning application.

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

Applicant's Response: *Improved efficiency, reliability, and capacity of sanitary sewer service to the community at large. Denial would require selection of an alternative site for the influent pump station and result in project delays.*

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

This property was specifically selected for the sole purpose of constructing a pump station at this location as part of the system improvement that includes the wastewater treatment plant to the south. The public gains are noted in the applicant's statement regarding overall system improvements that accommodate existing as well as future development of Lawrence.

Upon annexation of this property, the existing County zoning designation is inappropriate.

Denial of the request would result in a delay of the project to either consider a different zoning district for this use such as GPI (General Public and Institutional) or consider an alternative location for the proposed pump station.

Approval of the request allows the public open space to be extended in this area. The FP designation is required by the Land Development Code for that portion of the property that is within the regulatory floodplain per Section 20-1201.

Staff Finding – The proposed rezoning facilitates public purposes identified in the Utility Master Plan. Additionally, this proposed zoning will provide benefits in protection of designated floodplain.

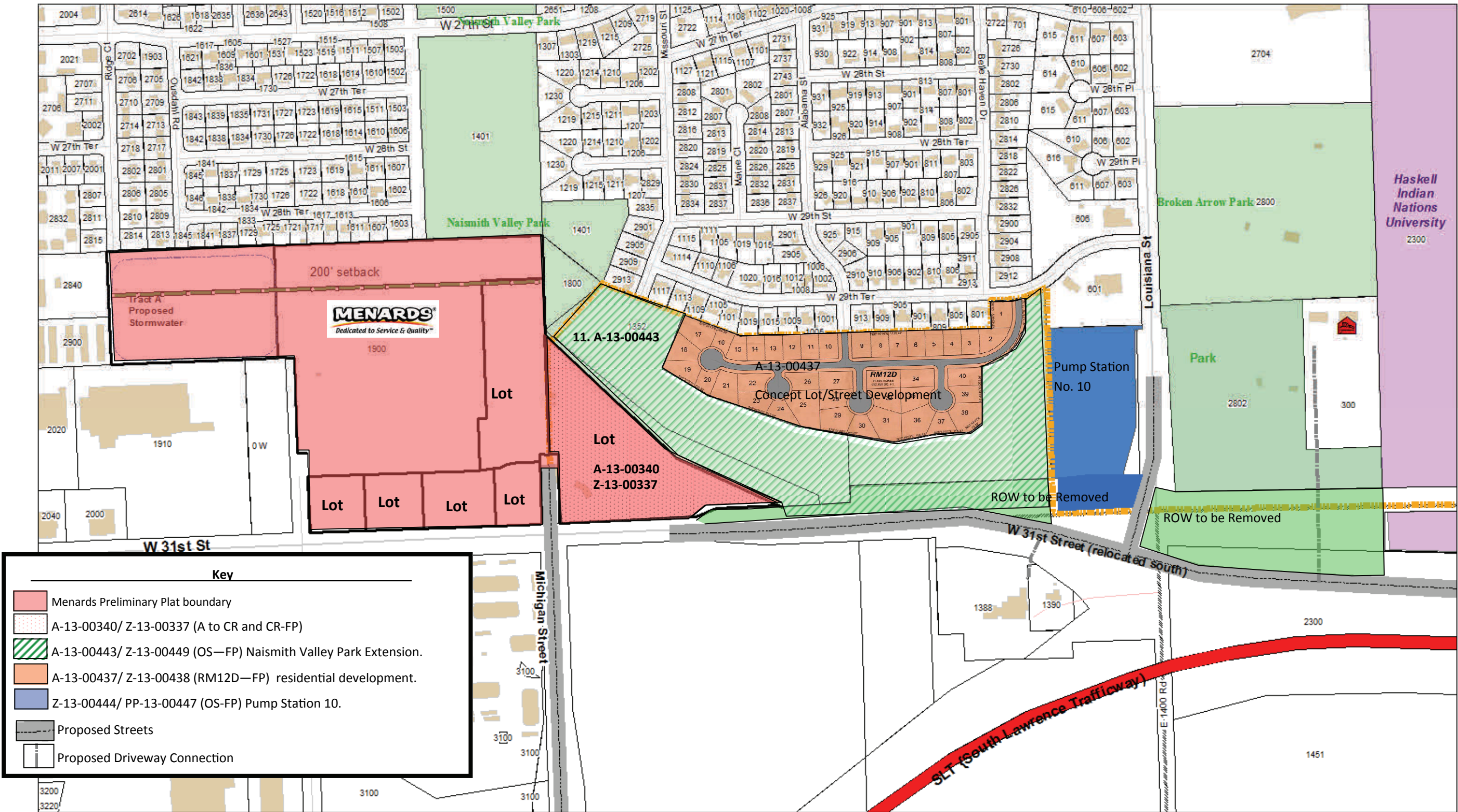
9. PROFESSIONAL STAFF RECOMMENDATION

This application facilitates planned Utility Department infrastructure improvements and provides additional benefit to the community with the Floodplain Overlay designation. The OS zoning designation is consistent with previous approvals for other pump stations in Lawrence. If the facility included office space, meeting rooms or other improvements associated with daily employee activity a more applicable zoning district would be GPI (General Public and Institution). However, since this property is intended to be developed with a conventional pump station and no employee office/work spaces, the OS district is more appropriate and consistent with previous rezoning of similar applications.

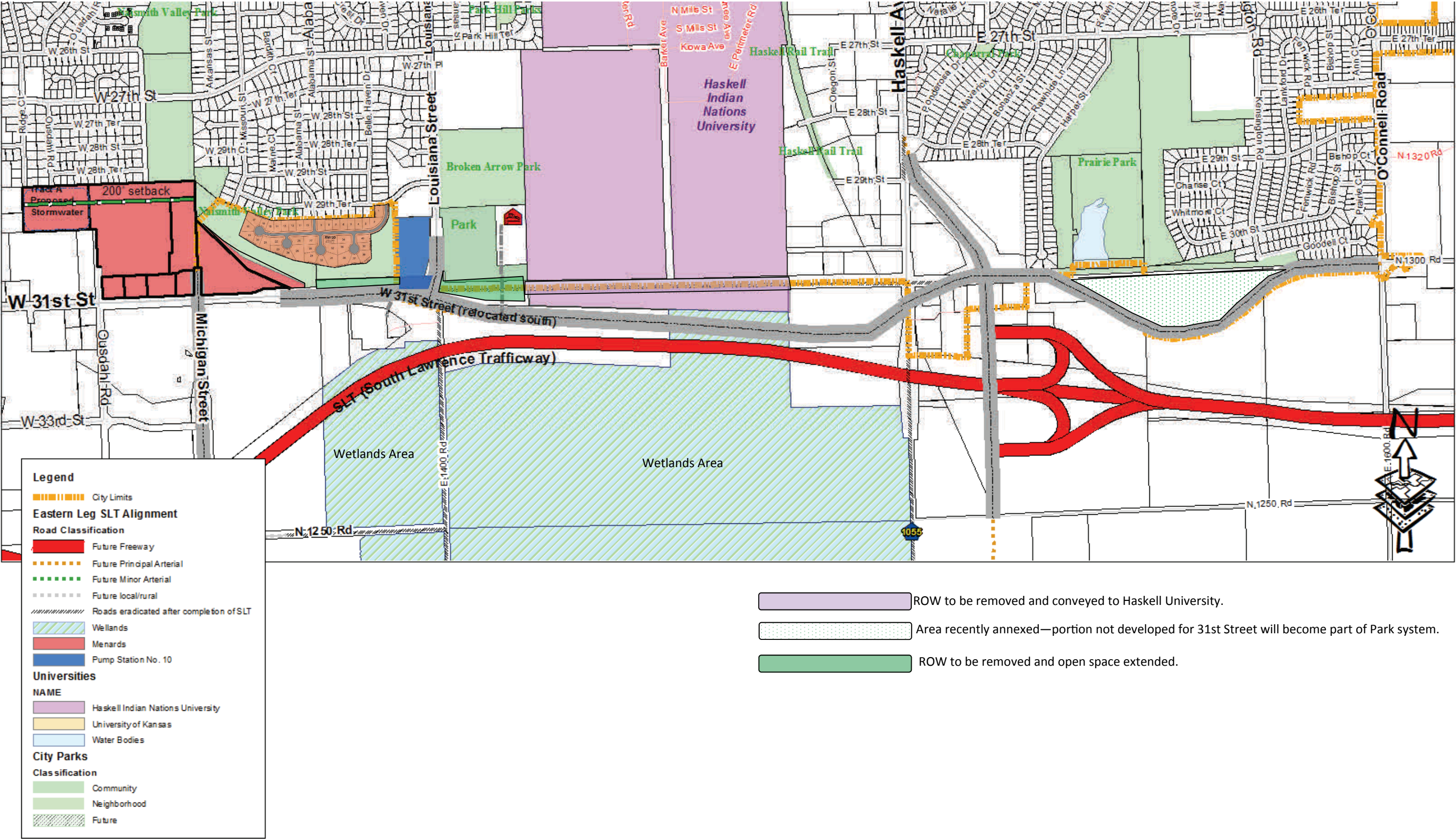
CONCLUSION

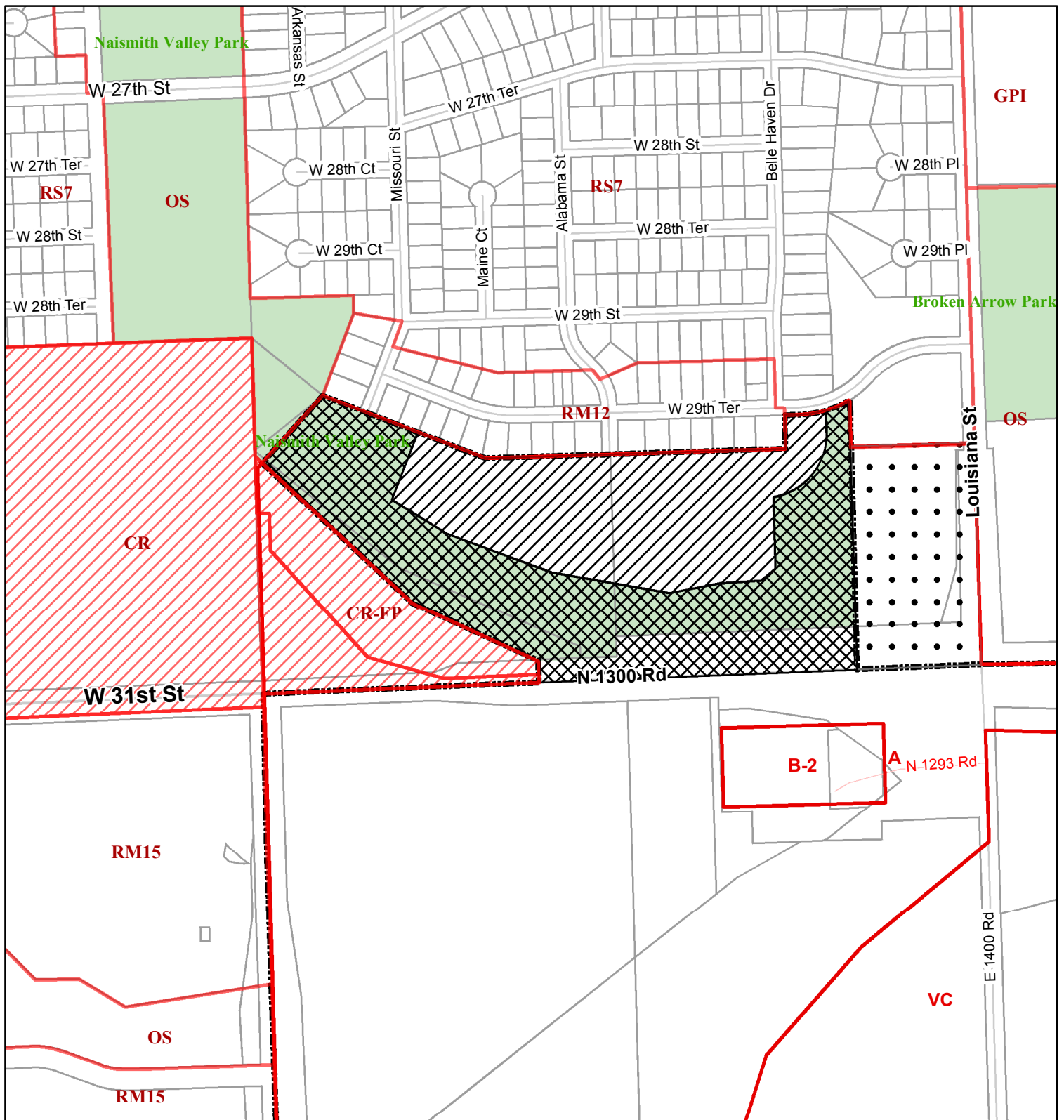
The proposed rezoning is consistent with the planned land use development anticipated for this area. Staff recommends approval of the proposed OS-FP district for this property.

31st Street and Louisiana Street Corridor Development Requests



31st Street and South Lawrence Trafficway Corridor





A-13-00443 & Z-13-00449: Annex and Rezone 21.7 acres from A District to OS-FP District
A-13-00437 & Z-13-00438: Annex and Rezone 14.53 acres from A District to RM12D/RM12D-FP District
Z-13-00445: Rezone 8.68 acres from A District to OS-FP District
Located North of N 1300 Road and West of Louisiana Street



A-13-00443 & Z-13-00449



A-13-00437 & Z-13-00438



Z-13-00445



**PLANNING COMMISSION REPORT
REGULAR AGENDA**

PC Staff Report
PP-13-00447

**ITEM NO. 4B PRELIMINARY PLAT FOR PUMP STATION NO. 10; NW CORNER OF W
31ST ST & LOUISIANA ST (SLD)**

PP-13-00447: Consider a 1 lot Preliminary Plat for Pump Station No. 10 Addition, located at the northwest corner of 31st St & Louisiana St [3055 Louisiana Street]. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of Pump Station No. 10.

Reason for Request: *Subdivision requirement prior to construction of minor utility.*

KEY POINTS

- The property is partially encumbered with regulatory floodplain.
- This request is being considered concurrently with an application for rezoning [Z-13-00445].

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 10, 2012.
- Section 20-813 states that building permits will not be issued for unplatted property.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Rezoning request [13-00445] from County Zoning Districts: A (Agricultural), FW & FF (County-Floodway and Floodway Fringe Overlay) District to OS-FP (Open Space and Floodplain Overlay) District.

Other action required:

- City Commission approval of rezoning request and adoption of ordinance.
- Publication of rezoning ordinance.
- Submittal of final plat for administrative approval and recordation.
- City Commission acceptance of dedication of easements and rights-of-way for the Final Plat.
- Administrative review and approval of Floodplain Development Permit for construction of pump station.
- Submittal and approval of a Special Use Permit for a *Minor Utility*.
- Publication of special use permit ordinance.
- Release of Special Use Permit site plan to Development Services for Building Permits.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for project.
- *Downstream Sanitary Sewer Analysis* – The City Utility Engineer indicated that a DSSA is not required. This project is part of an overall system improvement plan.
- *Drainage Study* – A drainage study is not required for this project because downstream flooding is confined to the regulatory floodplain. [Stormwater Management Criteria Section 1.6.E.2.a]
- *Retail Market Study* – Not applicable to request.

PUBLIC COMMENT

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

Site Summary

Gross Area:	5.69 acres
Number of Existing Lots:	0
Number of Proposed Lots:	1 lot
Right-of-Way Dedicated:	0 [ROW has been previously dedicated and/or recently acquired for planned ROW improvements in this immediate area.]

GENERAL INFORMATION

Current Zoning and Land Use:	A (County-Agricultural), FW (County-Floodway Overlay) and FF (County-Floodway Fringe Overlay) Districts; undeveloped. Property has been filled.
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Surrounding Zoning and Land Use:	To the east: OS (Open Space) District; Broken Arrow Park (Douglas County Portion).
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To the west:
A (County-Agricultural), FW (County Floodway Overlay) District and FF (County Floodway Fringe Overlay) Districts; undeveloped. Proposed OS-FP (Open Space and Floodplain Overlay) District; extension of Naismith Valley Park.

To the north:
RS7 (Single-Dwelling Residential) District; existing church and accessory residence.

STAFF REVIEW

This property was recently annexed into the City Limits after being acquired from the "Snodgrass property" this past fall. The property is undeveloped and has been used as a fill site for several years. The property is being platted so a building permit can be obtained for construction of the pump station.

Compliance with Zoning Regulations for the OS District

The lot will contain 5.69 acres. The south and east portions of the property are encumbered by the regulatory floodplain. The OS District has no minimum lot dimensions. Minimum setbacks do apply to development of the property. Setbacks will be addressed with the Special Use Permit when submitted. The proposed lot complies with the OS District lot requirements.

Zoning and Land Use

The subject property is currently undeveloped and encumbered by the regulatory floodplain. The property is zoned County-A (Agricultural), FW (County Floodway Overlay) District and FF (Floodway Fringe Overlay) Districts. A request to rezone to the OS-FP (Open Space with Floodplain Management Regulations Overlay) District is being considered concurrently with this Preliminary Plat.

Streets and Access

The property is located on the northwest corner of Louisiana Street and W. 31st Street. The right-of-way has been acquired through previous street dedications as well as more recent acquisitions related to the South Lawrence Trafficway improvement project. There is no dedication of right-of-way proposed with this application.

The pump station is planned to be unmanned and will require minimal access. A specific access point (driveway) has not been designated. All of the frontage along W. 31st and the south 223' of Louisiana Street are restricted. Access will not be allowed from these areas. There is an existing driveway at the north end of the property.

Utilities and Infrastructure

This site includes an existing sanitary sewer line crossing from the south to the north. Utilities and infrastructure to accommodate the new pump station will be developed as part of the project.

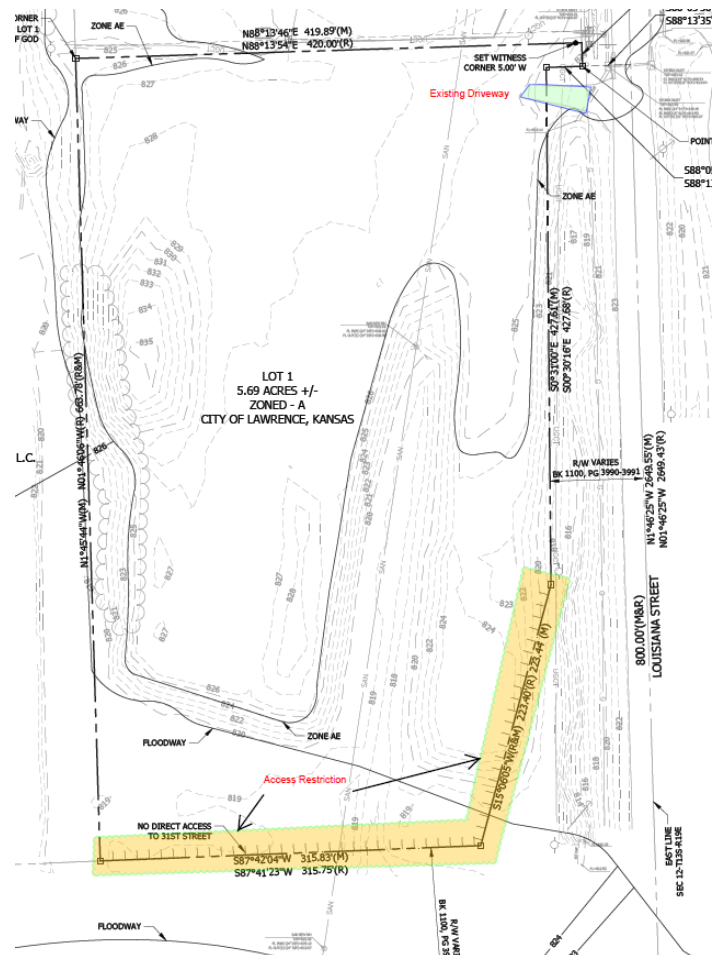
Easements and Rights-of-way

There are no proposed dedications of easements or rights-of-way associated with this preliminary plat at this time. Utility staff is considering adding an easement along the north property line for electric or gas that must cross this property. The easement will not impact the proposed lot configuration of the preliminary plat. Dedications of easements and rights-of-way will be finalized with the Final Plat for this property.

Conformance

The Comprehensive Plan recognizes the need to carefully plan for the continued service to existing areas of Lawrence and to select locations for new and expanded utilities. One strategy recommends that plans should emphasize utility improvements and extensions that provide the highest level of service within existing service areas. (page 10-11, *Horizon 2020*) The proposed improvement is in conformance with the recommendations in *Horizon 2020*.

The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.



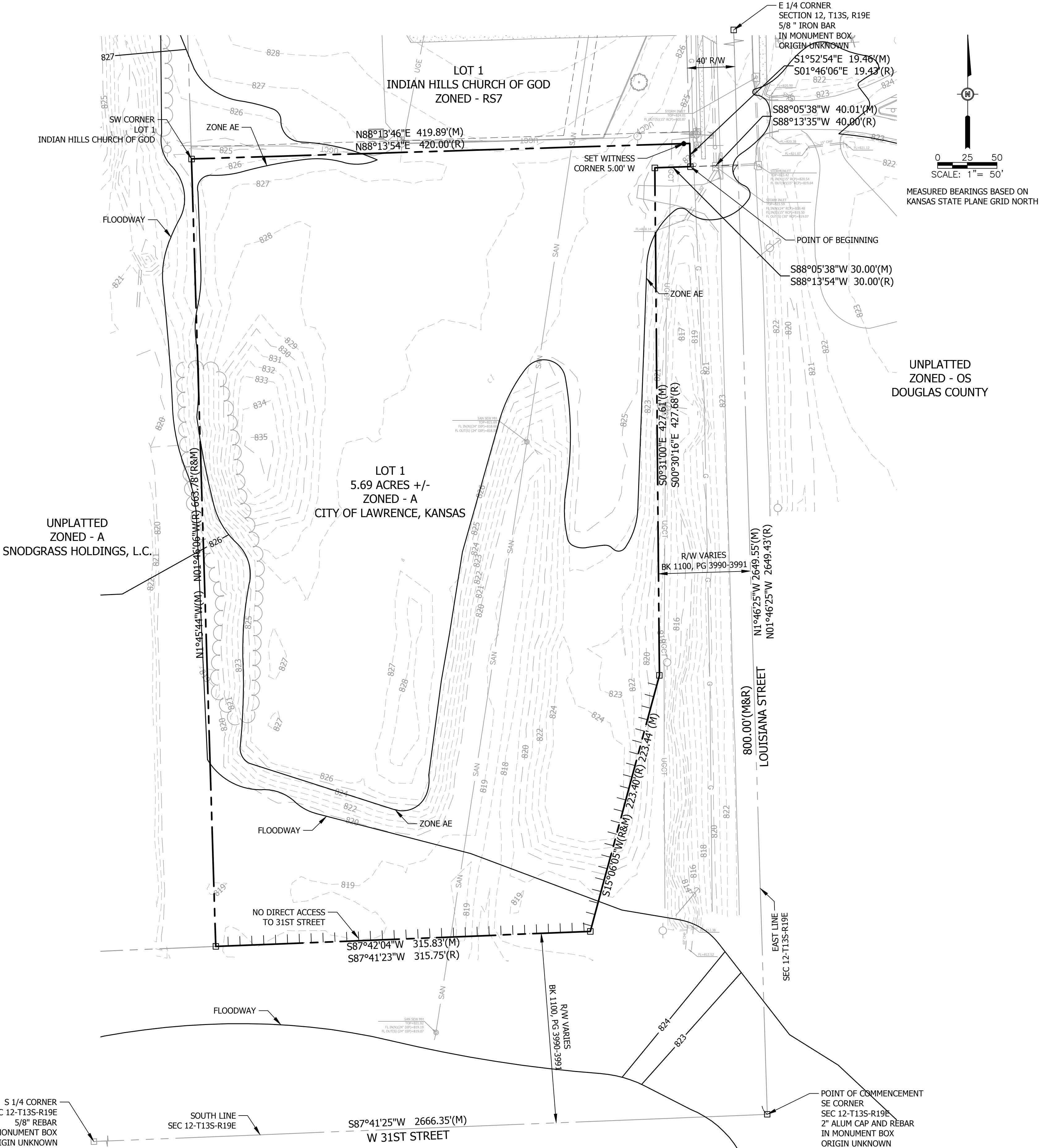
PRELIMINARY PLAT OF:

PUMP STATION NO. 10 ADDITION

DESCRIPTION:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE 6TH P.M., DOUGLAS COUNTY, KANSAS PREVIOUSLY BEING PART OF A TRACT RECORDED IN DEED BOOK 571, PAGE 924 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12 NORTH 01 DEGREE 46 MINUTES 06 SECONDS WEST (BEARING BASED ON WARRANTY DEED RECORDED IN BOOK 1100, PAGE 3990, TO THE SECRETARY OF TRANSPORTATION OF THE STATE OF KANSAS FOR PROCUREMENT OF RIGHT-OF-WAY FOR THE SOUTH LAWRENCE TRAFFICWAY PROJECT) 800.00 FEET; THENCE ALONG THE NORTH AND EAST LINES OF SAID SECRETARY OF TRANSPORTATION DEED THE FOLLOWING 5 COURSES: SOUTH 88 DEGREES 13 MINUTES 54 SECONDS WEST 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 13 MINUTES 54 SECONDS WEST, 30.00 FEET; THENCE SOUTH 0 DEGREES 30 MINUTES 16 SECONDS EAST, 427.68 FEET; THENCE SOUTH 15 DEGREES 06 MINUTES 04 SECONDS WEST, 223.40 FEET; THENCE SOUTH 87 DEGREES 41 MINUTES 23 SECONDS WEST, 315.75 FEET; THENCE PARALLEL TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12 NORTH 01 DEGREE 46 MINUTES 06 SECONDS WEST, 663.78 FEET TO THE SOUTHWEST CORNER OF LOT 1, INDIAN HILLS CHURCH OF GOD, A SUBDIVISION IN THE SAID CITY OF LAWRENCE; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, NORTH 88 DEGREES 13 MINUTES 54 SECONDS EAST, 420.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 AND THE WEST RIGHT OF WAY LINE OF LOUISIANA STREET, A CITY STREET IN THE CITY OF LAWRENCE; THENCE ALONG THE WEST RIGHT OF WAY LINE OF SAID LOUISIANA STREET SOUTH 01 DEGREE 46 MINUTES 06 SECONDS EAST, 19.43 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 5.69 ACRES, MORE OR LESS.



SITE SUMMARY

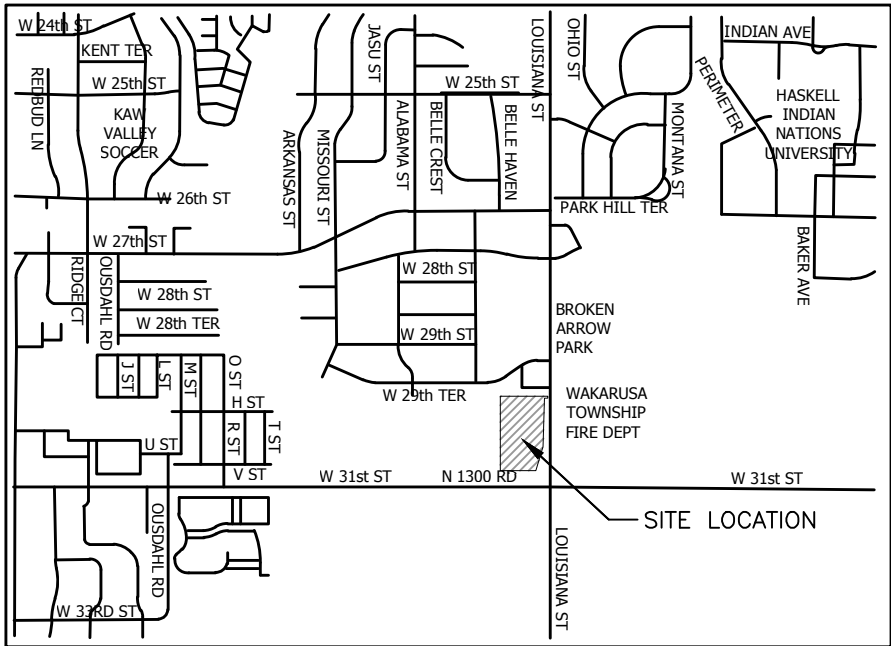
GROSS AREA: 5.69 ACRES±
EXISTING RIGHT-OF-WAY: 0 ACRES±
RIGHT-OF-WAY TO BE DEDICATED: 0 ACRES±
TOTAL NUMBER OF LOTS: 1 = 5.69 ACRES±

ANNOTATIONS

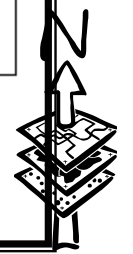
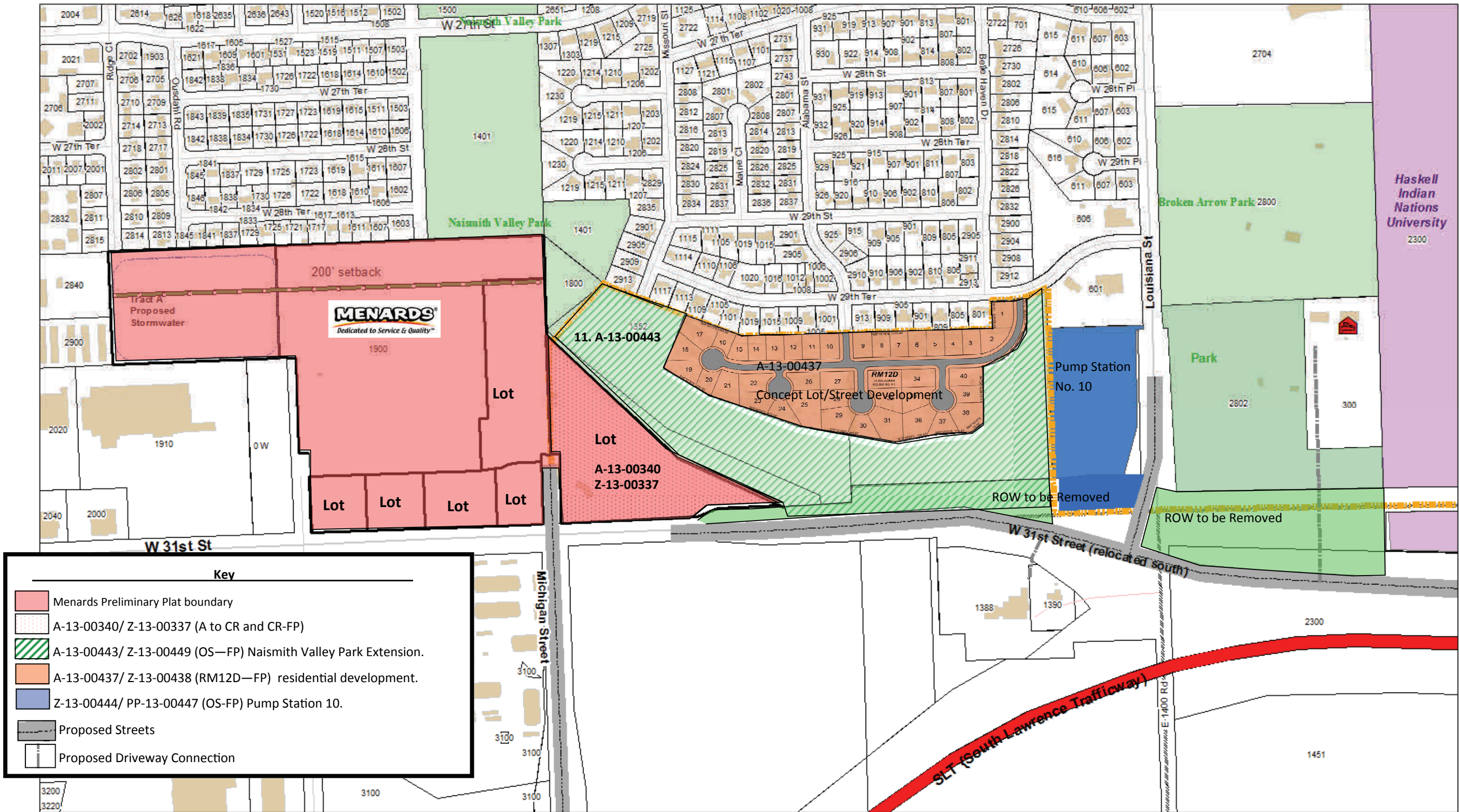
(M) FIELD MEASURED BEARING AND DISTANCE
(R) BEARING AND DISTANCE BASED ON LEGAL DESCRIPTION
R/W RIGHT OF WAY

MINIMUM FFE FOR STRUCTURES

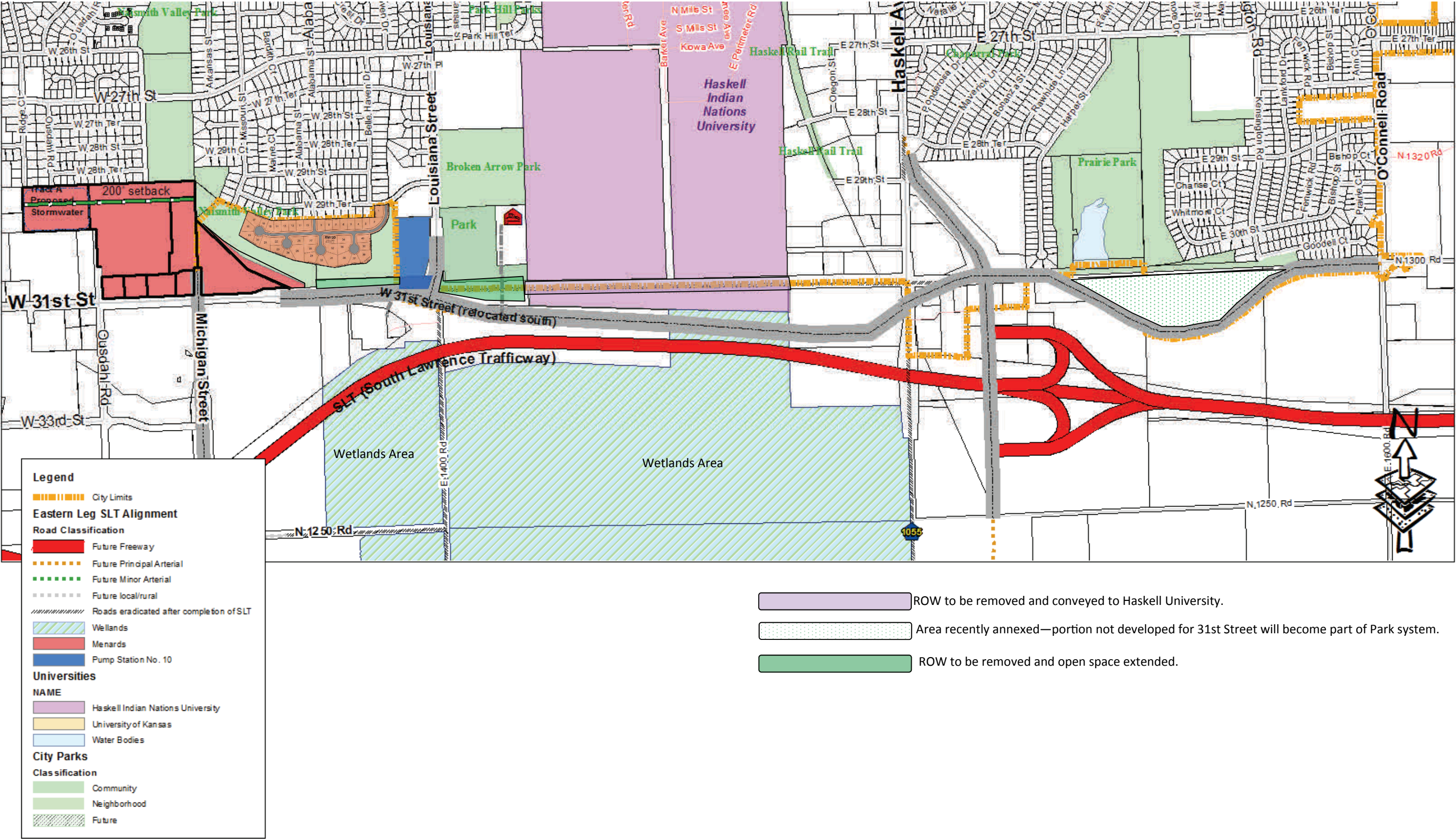
THE MINIMUM FINISHED FLOOR ELEVATION FOR ALL STRUCTURES ON THIS PROPERTY SHALL BE NO LOWER THAN ELEVATION - 827.5

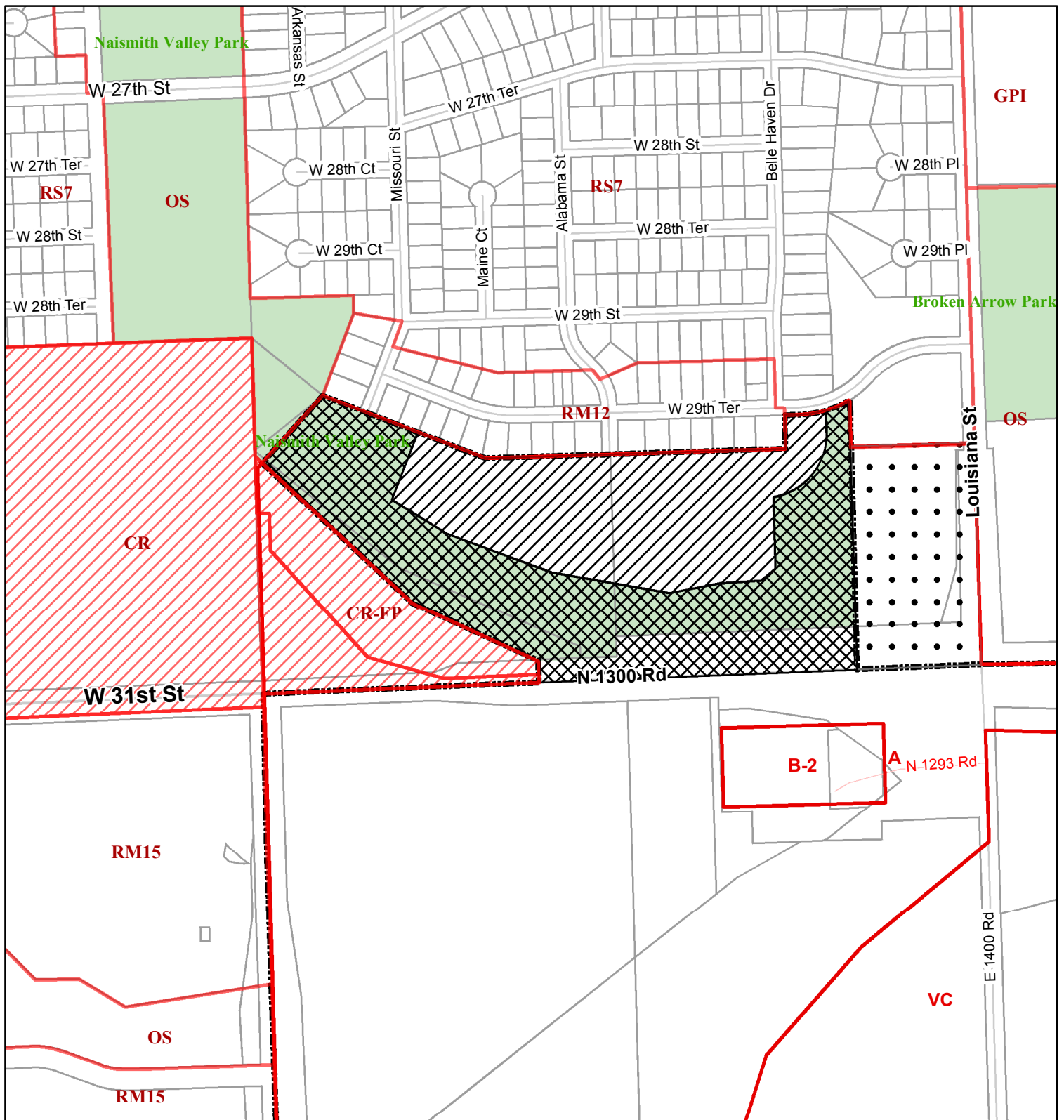


31st Street and Louisiana Street Corridor Development Requests



31st Street and South Lawrence Trafficway Corridor





A-13-00443 & Z-13-00449: Annex and Rezone 21.7 acres from A District to OS-FP District
A-13-00437 & Z-13-00438: Annex and Rezone 14.53 acres from A District to RM12D/RM12D-FP District
Z-13-00445: Rezone 8.68 acres from A District to OS-FP District
Located North of N 1300 Road and West of Louisiana Street



A-13-00443 & Z-13-00449



A-13-00437 & Z-13-00438



Z-13-00445



PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
12/18/13

ITEM NO. 5A ANNEXATION OF 14.53 ACRES; NW CORNER OF N 1300 RD/W 31ST ST & LOUISIANA ST (SLD)

A-13-00437: Consider a request to annex approximately 14.53 acres, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. Submitted by Landplan Engineering PA on behalf of Savannah Holdings LC, property owner of record. *Initiated by City Commission on 11/5/13.*

STAFF RECOMMENDATION:

Staff recommends approval of the requested annexation [A-13-00437] of approximately 14.53 acres located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. based on the findings in the body of the staff report and forwarding this request to the City Commission with a recommendation for approval.

Reason for Request:

"Due to development pressures from multiple sources, all County property at the NW corner of W. 31st Street and Louisiana Street is currently or soon to be under consideration for annexation. An annexation request for approximately 8.5 acres of land owned by the Snodgrass family was submitted in August by Menards, Inc. The City of Lawrence has closed or will soon close on acquisition of approximately 25 acres of Snodgrass family property. Annexation requests for those parcels are slated to be submitted today [10/14/13]/ Those annexation requests, were they approved would leave these approximately 14.5 acres as an island of County land surrounded by City. This annexation request is timely and the accompanying rezoning request conforms to the land use recommendations of the Revised Southern Development Plan."

KEY POINTS

- The property being annexed is the remaining land known as the Snodgrass property.
- The property abuts existing city limits along the north property line and will be adjacent to the extended Naismith Valley Park.
- The property is located within the boundary of the Revised Southern Development Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-13-00438; A-FF to RM12D and A-FF to RM12D-FP

Other action required:

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

PUBLIC COMMENT

- None received.

ATTACHMENTS

- Area Map

EXISTING CONDITIONS

Land Area:	14.530 acres
Right-of-way:	0
Total Annexation Request	14.530 acres

Current Zoning and Land Use: A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; existing open space.

Surrounding Zoning and Land Use: To the north:
RM12 (Multi-Dwelling Residential) District; existing duplex, triplex and 4-plex development along W. 29th Terrace. RS7 (Single-Dwelling Residential) along the north property line east of Belle Haven Drive along W. 29th Terrace; existing residential development and church property.

To the east, west and south:

Proposed OS (Open Space-FP Overlay) District; extension of Naismith Park.

Project Summary

This property is part of a larger remaining acreage previously owned by the Snodgrass family. This property is intended for future residential development and is retained by the Snodgrass family. Annexation of this property along with the adjacent annexation request to the south for the Naismith Creek property will extend the City Limits to the centerline of N 1300 Road (31st Street).

Annexation Procedure

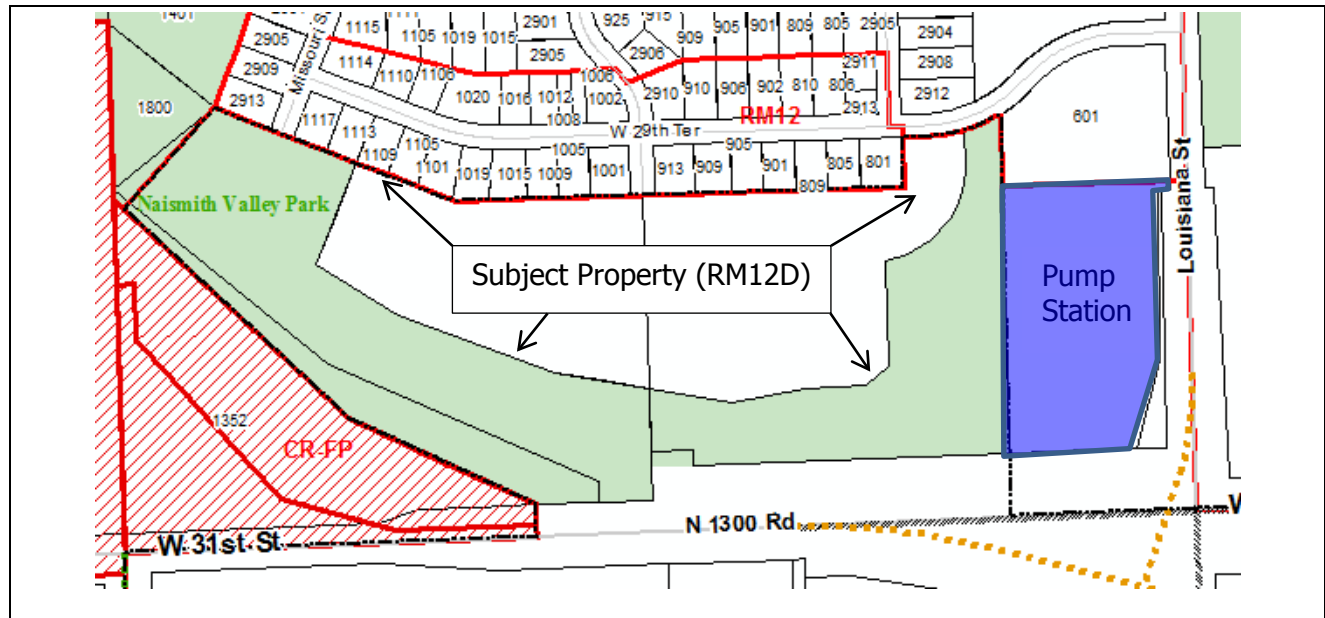
Kansas Law [*K.S.A. 12-519 et. seq.*] provides for annexation by ordinance of the City Commission. Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. This annexation request is accompanied by a rezoning request to be considered concurrently by the Planning Commission on this agenda.

The City Commission received the annexation request on November 5, 2013 and forwarded the request to the Planning Commission for a recommendation. Following a recommendation from the Planning Commission, the City Commission will consider the request and adopt an ordinance.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid pursuant to Kansas Statutes. The property included in this request is located in a part of the county that is not served by any Rural Water District; therefore, no additional action is required for compliance.

General Location

The property requested for annexation is located between W. 29th Terrace and Naismith Creek. The property is adjacent to existing city limits along the north property line. The following graphic shows the location of the subject property related to the surrounding area .



Infrastructure and Utility Extensions

Public Right-of-Way: This property is adjacent and accessible from existing local streets on the north side of the property. Additional street extensions will be required for future development.

Utility Extensions: There are no plans to extend utilities to this property at this time. Residential development of this property will require subdivision approval and appropriate utility extensions.

During discussions between the Snodgrass family and the City Utility Department the intent for future development of this property for residential use was identified. Utility services can be extended to serve this property.

COMPREHENSIVE PLAN

The subject property is located within Service Area 1 of the Lawrence Urban Growth Area. As city services become available, properties are encouraged to annex prior to development in this service area. Annexation Policy No. 1 listed on page 4-5 of *Horizon 2020* states that Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed. The plan also states: *Requests for annexation shall be consistent with approved watershed/sub-basin, sector, neighborhood, nodal, corridor, specific issues/district plans* (Chapter 5, Residential Development Strategies). This property is specifically addressed in the *Revised Southern Development Plan*.

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

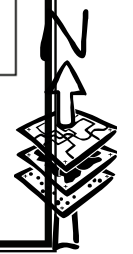
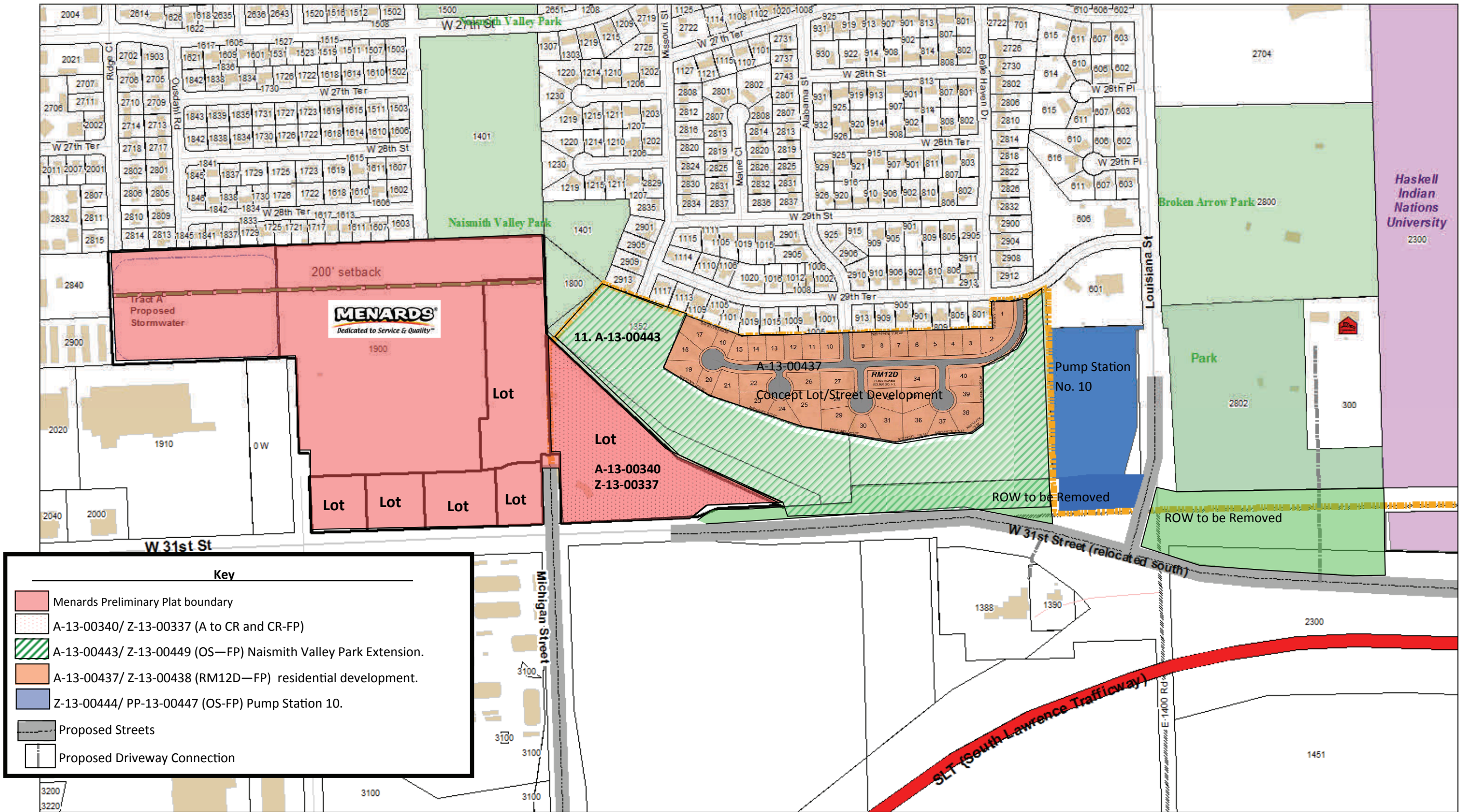
COMPLIANCE WITH ADOPTED AREA PLANS

The subject property is located within the *Revised Southern Development Plan*, a specific sector plan. This plan was recently revised to extend the commercial limits along 31st Street. Annexation of the area and planned 31st Street improvements provide the opportunity for improved connectivity and reduced congestion in the southern part of the city.

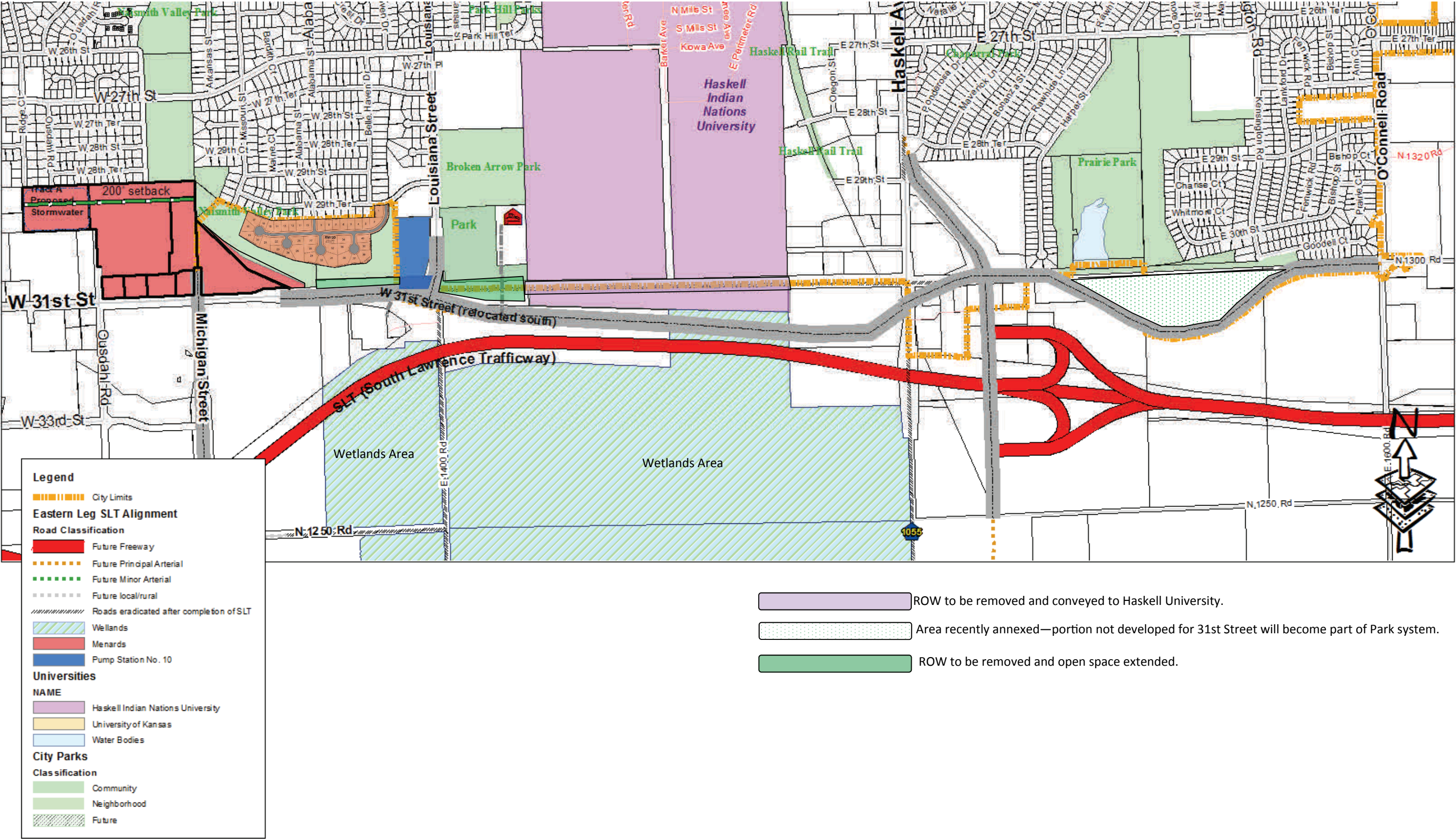
CONCLUSION

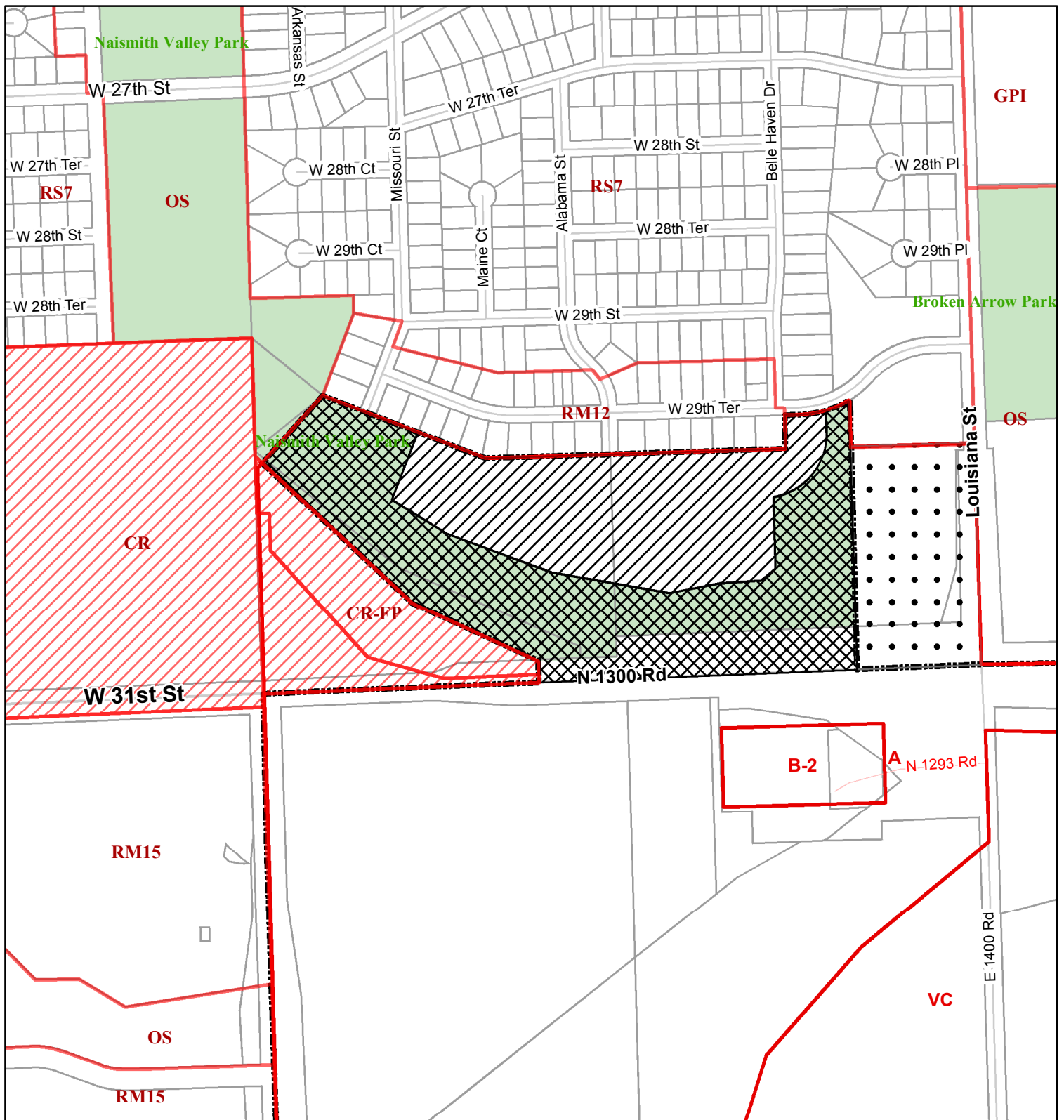
The proposed annexation is compliant with recommendations of *Horizon 2020*. The subject property is located within the Lawrence Urban Growth Area and City services are available to serve the property; therefore, annexation is appropriate.

31st Street and Louisiana Street Corridor Development Requests



31st Street and South Lawrence Trafficway Corridor





A-13-00443 & Z-13-00449: Annex and Rezone 21.7 acres from A District to OS-FP District
A-13-00437 & Z-13-00438: Annex and Rezone 14.53 acres from A District to RM12D/RM12D-FP District
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Located North of N 1300 Road and West of Louisiana Street



A-13-00443 & Z-13-00449



A-13-00437 & Z-13-00438



Z-13-00445





LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

DEC 16 2013

City County Planning Office
Lawrence, Kansas

December 15, 2013

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David Burress

Co-President
Cille King

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Cille King

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marci francisco

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Midge Grinstead

Marlene Merrill

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 5A ANNEXATION OF 14.53 ACRES; NW CORNER OF N 1300 RD/W 31ST ST & LOUISIANA ST

ITEM NO. 5B A TO RM12D & RM12D-FP; 14.53 ACRES; NW CORNER OF N 1300 RD/W 31ST ST & LOUISIANA ST

Dear Chairman Culver and Planning Commissioners:

Some of our Land Use Committee members remember the duplex residences immediately to the north of this proposed rezoning as having been flooded shortly after their residential area was first developed. We also remember the fill that was placed in this proposed RM12D area as having a variety of fill that was not soil, but rather, material that possibly would not have compacted properly. Also based on the pattern shown as floodplain, we question the desirability and safety of developing this area as currently is being proposed.

We hope, before you approve the rezoning of this tract to RM12D, that you will consider carefully whether it is an appropriate area for residential use and not annex and rezone it until it has been very carefully reviewed. We ask that you consider some other use for it that is not residential, such as parkland.

Thank you for considering our concerns.

Sincerely yours,

Cille King
Cille King
Co-President

Alan Black
Alan Black, Chairman
Land Use Committee

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
12/18/2013

**ITEM NO. 5B A TO RM12D & RM12D-FP; 14.53 ACRES; NW CORNER OF N 1300
RD/W 31ST ST & LOUISIANA ST (SLD)**

Z-13-00438: Consider a request to rezone approximately 14.53 acres from County A (Agricultural) and F-F (County-Floodway Fringe Overlay) District to RM12D (Multi-Dwelling Residential) District and portions to RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay District) District, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. Submitted by Landplan Engineering PA on behalf of Savannah Holdings LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone 14.53 acres from A (Agricultural) District and F-F (County-Floodway Fringe Overlay) to RM12D (Multi-Dwelling Residential District and RM12D-FP (Multi-Dwelling Residential and Floodplain Overlay) District located at the NW corner of N 1300 Rd/W 31st St. and Louisiana St. based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following condition:

1. Maximum density shall be restricted to 8 dwelling units per acre or less.

Reason for Request: *The property owner wishes to annex this land into the City of Lawrence, in concert with adjoining properties being annexed at this time. In conjunction with this annexation, the property must be rezoned to an appropriate City zoning designation.*

KEY POINTS

- Planned residential development.
- Property includes small areas encumbered by regulatory floodplain.
- Upon annexation into the City of Lawrence, current county zoning designation is no longer appropriate.
- This property is specifically described in the Revised Southern Development Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-13-00437: annexation of 14.53 acres

PLANS AND STUDIES REQUIRED

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

ATTACHMENTS

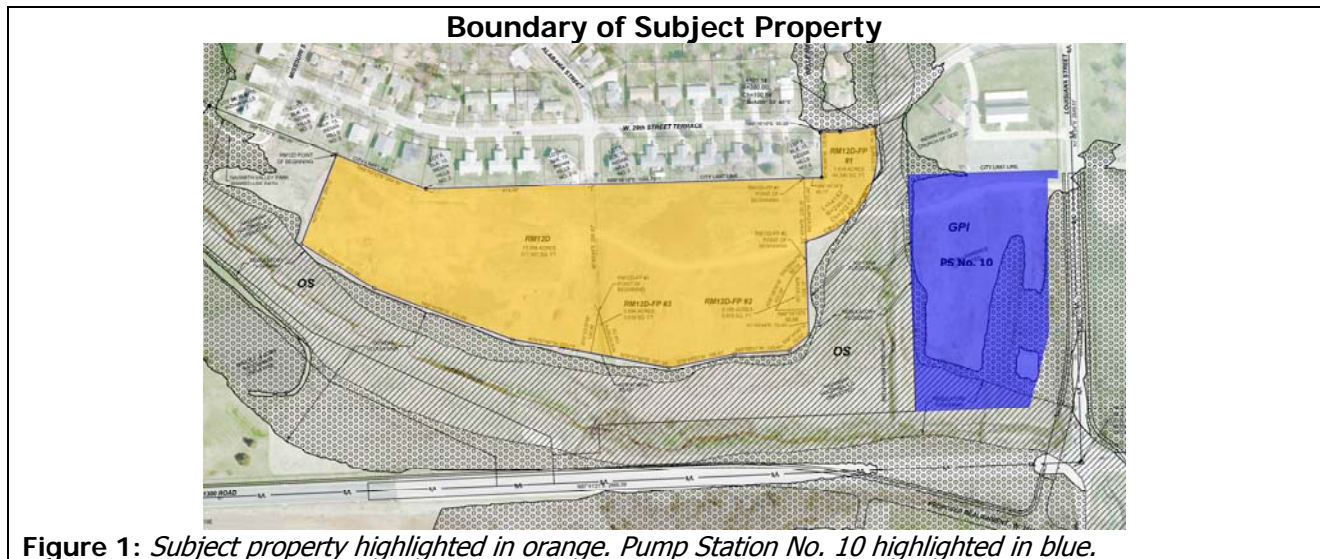
- Area map
- Concept Plan – applicant

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to publication

Project Summary:

Proposed request is for future residential development within the south portion of the Indian Hills Neighborhood. The current development requests include only the annexation and rezoning at this time. The applicant has provided a concept plan for development of this property. At this time the property is not proposed to be subdivided or for utilities to be extended.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *This request neatly conforms to the future land use recommendations provided in the Revised Southern Development Plan which, as a specific area plan, is incorporated into Chapter 14 of Horizon 2020. That plan recommends, for the subject site, medium-density residential land uses, with a density of no more than 8 dwelling units per acre, and further specifies that the site develop with a residential character similar to the neighborhood to the north including single-family, duplex, triplex and rowhome structures. This request for RM12D will facilitate the development of such residential housing types. Furthermore, as indicated by the attached Concept Plan, it is likely that a future subdivision under such RM12D zoning will features densities at or below the 8 units per acre threshold. At 40 lots (80 units) the attached concept Plan suggests a future density of 5.5 units per acre.*

A guiding feature of the plan states; "The plan promotes development in the UGA through an adopted annexation policy which anticipates well-planned development of fringe areas." This property is located within Service Area 1 of the Urban Growth Area. Annexation of this property makes the current County zoning designation obsolete. The plan also states' "The plan supports infill development and redevelopment which provides a range of residential, commercial, office, industrial, and public uses within these parcels consistent and compatible with the established land use pattern in surrounding areas." The plan further expresses a key feature related to neighborhoods and recommends "development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features in the area."

Following are sections of *Horizon 2020* that relate to this development:

Horizon 2020: Chapter 5-Residential Land Use: Strategies: Residential Development:

A mixture of housing types, styles, and economic levels should be encouraged for new residential and infill developments.

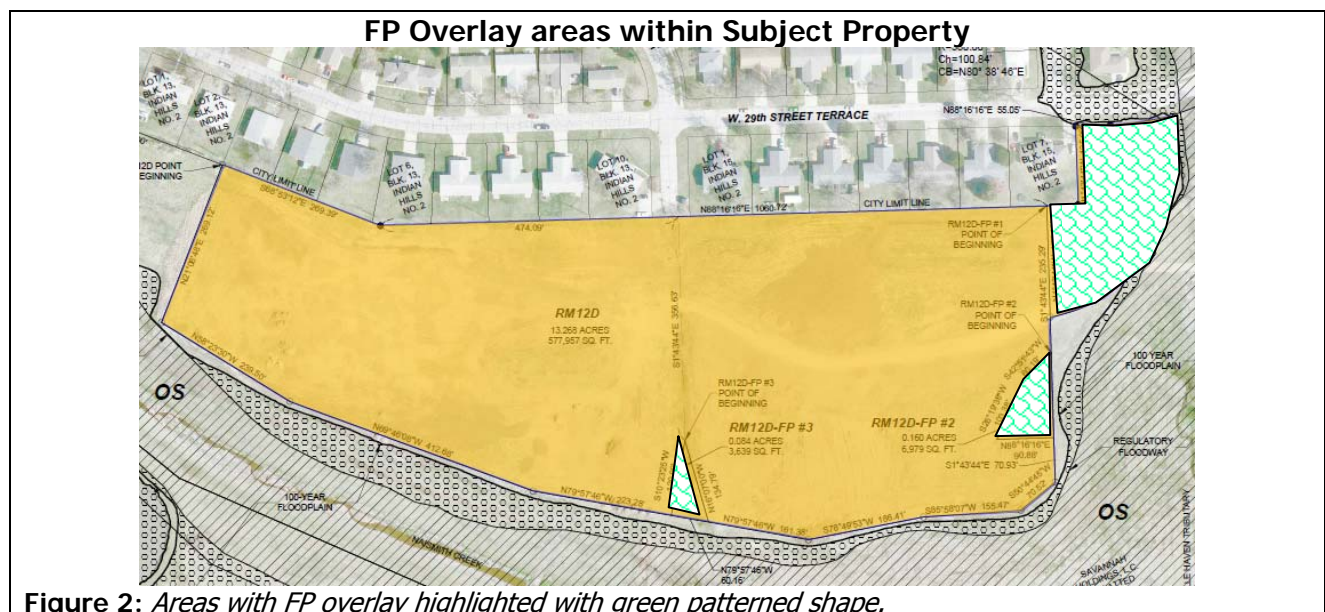
Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses.

Horizon 2020 includes numerous goals and policies applicable to this request found under the headings of Neighborhood Conservation (pages 5-15 – 5-16) and Medium and Higher Density Residential Land uses (pages 5-23– 5-31). These sections of Chapter 5 address compatibility, neighborhood conservation, buffering and transition as well as access and connectivity including pedestrian access. This property is located within the established Indian Hills neighborhood. The area is recommended for medium density residential development with specific detail provided in the *Revised Southern Development Plan*. The proposed request for RM12D is a medium-density residential district per the Land Development Code with a maximum density of 12 dwelling units per acre. The proposed RM12D district is generally consistent with the medium density land use recommendation. The district must be further refined to meet the more specific land use recommendations of the *Revised Southern Development Plan*, discussed later in this report.

Horizon 2020: Chapter 16 Environment:

This chapter of *Horizon 2020* addresses several natural environmental issues including Water Resource Management. The plan states that floodplain areas should be protected. This application includes a Floodplain Overlay District designation that will be applied to specific areas of the subject property as required by the Land Development Code.

The following graphic highlights the portions of the subject property that will carry the dual RM12D and FP Overlay zoning designations.



Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to residential infill development and open space as well as floodplain.

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

Current Zoning and Land Use: A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; existing open space.

Surrounding Zoning and Land Use: To the north:
RM12 (Multi-Dwelling Residential) District; existing duplex, triplex and 4-plex development along W. 29th Terrace.

To the east:
Proposed OS-FP (Open Space and Floodplain Overlay) District; Proposed Pump Station No. 10 and RS7 (Single-Dwelling Residential); existing church and accessory residence on the southwest corner of Louisiana Street and W. 29th Terrace

To the West:
OS-FP (Open Space and Floodplain Overlay) District and CR-FP (Regional Commercial Floodplain Overlay) District. Existing residence. Property has recently been annexed in anticipation of commercial development related to the Menards project.

To the south:
A (Agricultural) District, B-2 (County General Business) District and F-F (Floodway Fringe Overlay) District along the south side of N 1300 Road also known as 31st Street.

Staff Finding – This property is adjacent to residential zoning to the north and will be adjacent to open space zoning to the south, east and west. The surrounding zoning and proposed zoning reflect the existing land use of the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The subject site is bounded to the north by the Indian Hills Neighborhood and specifically properties that front W. 29th Terrace. These properties were developed primarily with duplex housing units in the late 1950's and are zoned RM12. Development immediately north consists of single-family detached homes and is zoned RS7. The property to the east, south and west of the subject site is currently under review for annexation into the City and rezoning to Open Space (OS). An agreement is in place that will facilitate the donation of this land from Savannah Holdings, L.C. to the City. It consists entirely of floodway and floodway fringe associated with Naismith Creek and Belle Haven Tributary.*

This property is located within the Indian Hills Neighborhood, a predominantly residential neighborhood. The east neighborhood boundary is Louisiana Street, and the south boundary is 31st Street. This use will extend the residential development pattern south to Naismith Creek.

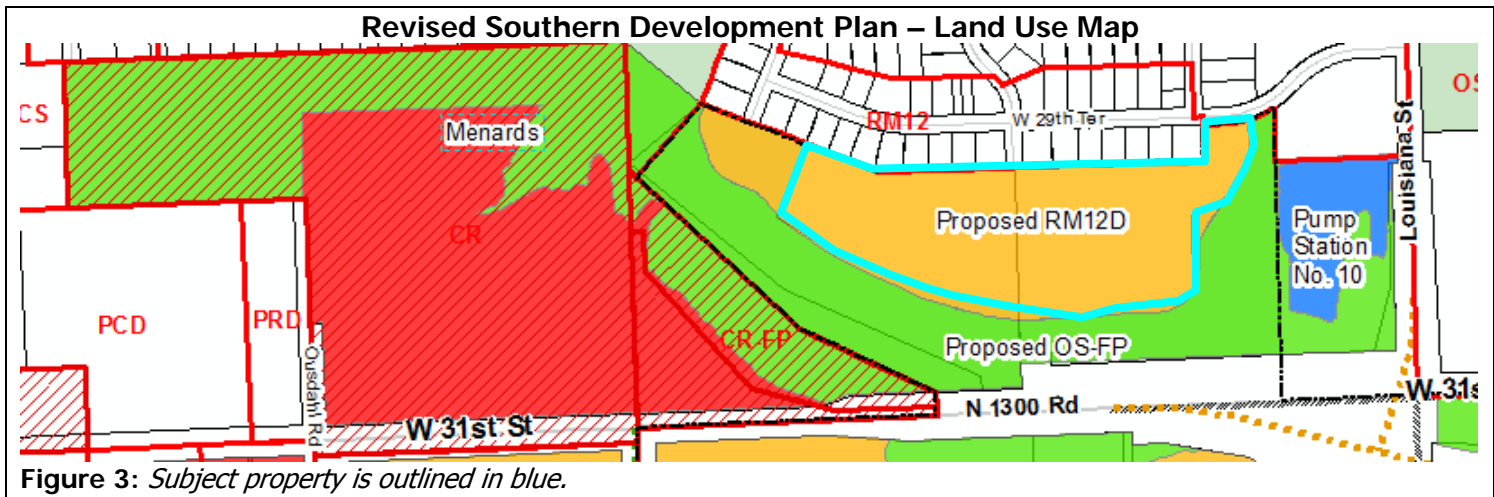
This portion of the neighborhood is encumbered by the regulatory floodplain and bounded by arterial streets (Louisiana Street and 31st Street). Access to the subject property is from existing local streets that will be extended in the future as specific development projects are developed.

The proposed use of this property is for residential development. Planned improvements in the area include extending the recreation path across the open space area south of this property as part of the Naismith Valley Park.

Staff Finding – The subject property is located at the south end of the Indian Hills Neighborhood. This part of the neighborhood includes multiple community facility uses in the immediate vicinity as well as open space and regulatory floodplain. The proposed zoning is consistent with the planned residential land use in this portion of the neighborhood.

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

This property is included within the plan boundary of the *Revised Southern Development Plan* adopted in June 2013 anticipating commercial development to the west (Menards application) as well as residential and open space uses of the Snodgrass property and pump station at the corner of 31st Street and Louisiana Street. The plan identifies existing floodplain areas as appropriate for open space and as a boundary to the commercial land use to the west.



This plan identifies the area north of Naismith Creek as suitable for residential development. The proposed RM12D area excludes some area that is within the floodplain fringe area from request.

The Plan recommended Medium-Density residential land use for the “property to the north and west of the intersection of Louisiana Street and W. 31st Street.” Specific policies regarding this area state:

Property northwest of the intersection of W. 31st and Louisiana Streets, north of the FEMA designated floodplain shall:

- *Have a gross density of no more than 8 dwelling units per acre, and*
- *Develop with similar residential character to the neighborhood to the north including such structures as single-family dwellings, duplexes, triplexes and rowhouses. (Page 24, Revised Southern Development Plan)*

The proposed FP Overlay District reflects the existing floodplain encumbrance of this property as a recognized land use within the Plan and is intended to be applied to specific areas as shown on the map earlier in this report.

To be consistent with the policy statement in the Revised Southern Development Plan, the zoning would need to be conditioned to restrict the maximum density. Detached, duplex and attached housing (rowhouse) are allowed in the RM12D district. Building type would not require conditional zoning with the RM12D zoning designation.

Staff Finding – The proposed RM12D zoning with a condition to restrict the maximum density to 8 dwelling units or less and designation of portions of the property with the FP (Floodplain Overlay) conforms to land use recommendations in the *Revised Southern Development Plan*.

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

Applicant's Response: *The subject property is currently located outside the City Limits and is zoned County A (agricultural) in accordance with the annexation request currently under consideration, the property owner must rezone to an appropriate City zoning designation.*

Upon annexation, the existing county zoning is no longer appropriate. The proposed zoning accommodates the anticipated use as a future residential development area. The FP designation facilitates the protection of floodplain areas within this portion of the property.

As discussed above to, assure the density of development is consistent with the land use recommendations for the area, a condition must be added to the zoning limiting the maximum density.

Staff Finding – The current zoning is no longer appropriate upon annexation of this property into the Lawrence city limits. The proposed RM12D and RM12D-FP District accommodate the anticipated use for this area.

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

Applicant's Response: *This property has been vacant, at least since purchased by the current owner in 1973.*

This property is undeveloped and has been zoned A (Agricultural) since 1966. An annexation request is being considered concurrently with this rezoning application.

Staff Finding – This property is undeveloped and has been zoned A (Agricultural) since 1966.

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

Applicant's Response: *The overall impact of this request to the existing nearby neighborhood is negligible. The request brings this property into conformance with the recommendations of an area plan that has been a matter of public record for twenty years. The request will facilitate development at a scale and type similar to the existing properties immediately adjacent. This request, combined with the donation of adjacent property to the City of Lawrence, preserves and protects from development the floodway and floodway fringe associated with Naismith Creek and Belle Haven Tributary.*

As noted in the description of the neighborhood character above, this property is located in the southern portion of the neighborhood and is a natural extension of the residential development pattern for this area.

This area has been identified in earlier versions of the Revised Southern Development Plan as suitable for residential development. To date it has been maintained as private open space. Future development of the site will result in additional traffic that should be anticipated by adjacent property owners. The existing local street network will be extended to access this property with direct proximity to the arterial street network to the east.

Development of this property will not include a direct connection to the south to 31st Street. Such a connection would result in likely by-pass traffic and cut-through traffic for the neighborhood.

Staff Finding – There will be no detrimental effects to adjacent property resulting from this proposed zoning. The addition of restrictions limiting density through conditional zoning will assure that development is consistent with the existing pattern immediately to the north. Area residents should anticipate additional neighborhood traffic when this property develops.

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

Applicant's Response: *Approval of this request facilitates the development of infill and appropriate residential uses adjacent to the existing Indian Hills Neighborhood as well as preservation of floodway fringe to the south and east, as recommended in Horizon 2020. Denial of this request will perpetuate the vacancy of this land.*

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

As the property selection was being made by the City of Lawrence, for constructing a pump station at the corner of Louisiana Street and 31st Street, the property owner evaluated the remaining land (less the commercial portion to the west) for development options. The property owner retained the portion of land north of Naismith Creek for future residential development (A-13-00437 and Z-13-00438).

This portion of the original Snodgrass property is best described as the "developable portion" of the property. The majority of the area encumbered by floodplain is contained in the land donated to the City of Lawrence. Only three small areas of the overall RM12D request are encumbered by the regulatory floodplain.

Denial of the request would require the applicant to seek a lower density zoning likely restricted to detached single-dwelling residential zoning. The RS5 and the RS3 zoning districts accommodate medium density residential development in the form of detached residential zoning. This would situate a detached residential development between open space to the south and duplex development to the north.

Approval of the request allows infill development consistent with land use plans for this area and the established residential development pattern. The FP designation is required by the Land Development Code for that portion of the property that is within the regulatory floodplain per Section 20-1201.

Staff Finding – The proposed rezoning facilitates future residential development.

9. PROFESSIONAL STAFF RECOMMENDATION

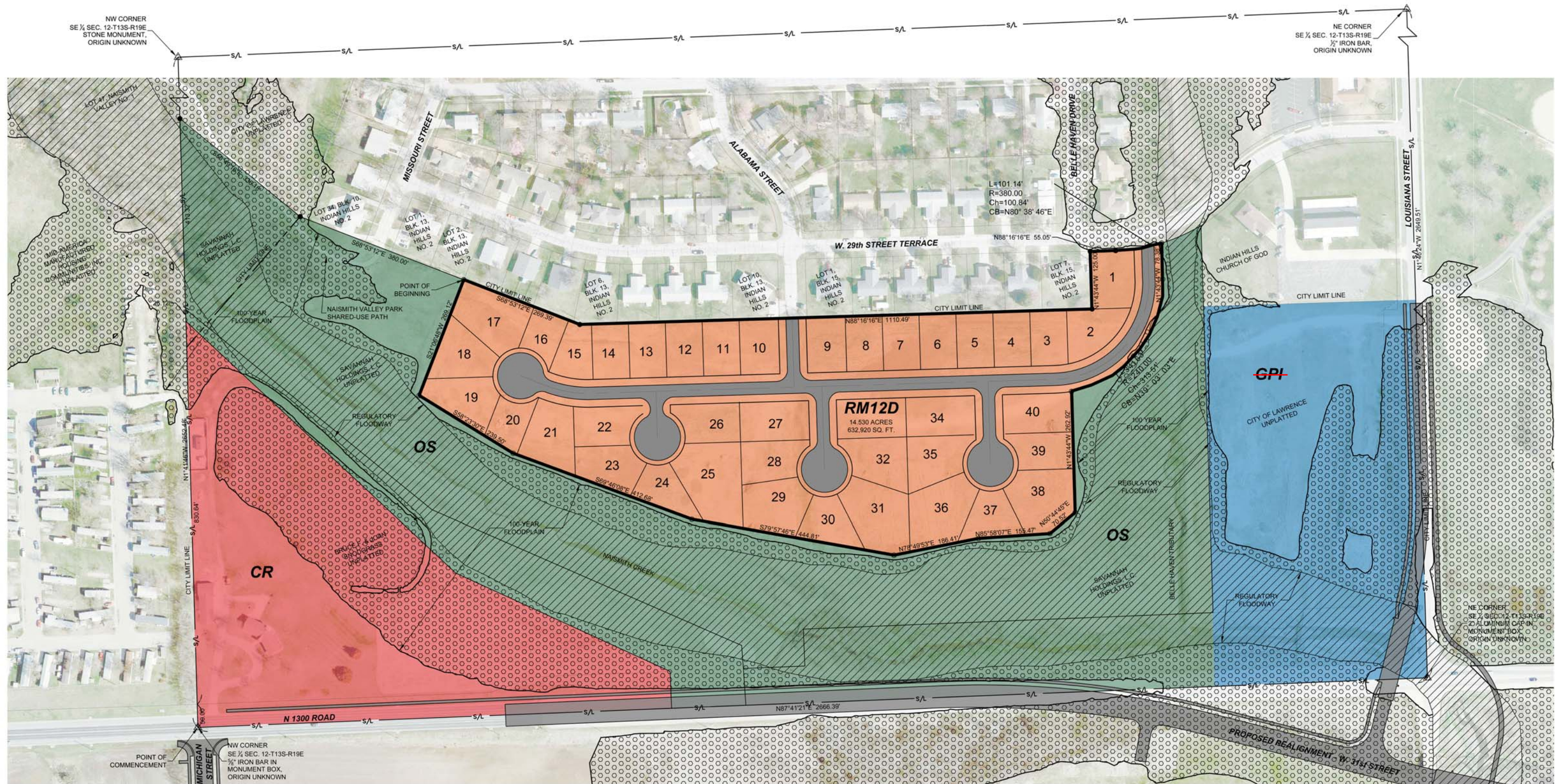
This application facilitates implementation of the land use recommendations described in the *Revised Southern Development Plan*. There are no immediate plans for development. Upon annexation, the County zoning will be inappropriate.

This zoning must be conditioned to restrict the maximum density to 8 dwelling units per acre or less to comply with the specific development expectation stated in the *Revised Southern Development Plan*. The building types discussed in the plan are not required to be conditioned, as they are consistent with the proposed base-zoning district.

CONCLUSION

The proposed rezoning, as conditioned, is consistent with the planned land use development anticipated for this area. Staff recommends approval of the proposed RM12D and RM12D-FP district for this property. Subject to a density limitation consistent with the *Revised Southern Development Plan*.

FILE NAME: R:\2013\3014\CAD\Concept-Exhibits\REZONING CONCEPT PLAN.dwg LAST SAVED BY: Brian Sturm SAVED DATE: 10/14/2013 12:48 PM PLOTTED: 10/14/2013 12:49 PM



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 12, THENCE NORTH 01°41'46" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 1,320.08 FEET TO THE SOUTHEAST CORNER OF LOT 47, NAISMITH VALLEY NO. 1, A REPLAT OF A PART OF MEADOW LEA ESTATES; THENCE SOUTH 50°49'16" EAST, 336.18 FEET TO THE SOUTHWEST CORNER OF LOT 34, BLOCK 10, INDIAN HILLS NO. 2, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 68°53'12" EAST, ALONG THE SOUTHERLY LINE OF SAID ADDITION, 380.00 FEET TO THE SOUTHEAST CORNER OF LOT 2, BLOCK 13, OF SAID ADDITION AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 68°53'12" EAST, ALONG THE SOUTHERLY LINE OF SAID ADDITION, 269.39 FEET TO THE ANGLE POINT ON THE SOUTH LINE OF LOT 6, BLOCK 13 OF SAID ADDITION; THENCE NORTH 88°16'16" EAST, ALONG THE SOUTH LINE OF SAID ADDITION, A MEASURED DISTANCE OF 1,110.49 FEET TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 15 OF SAID ADDITION; THENCE NORTH 1°43'44" WEST, ALONG THE EAST LINE OF SAID LOT, 125.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEST 29TH STREET TERRACE; THENCE NORTH 88°16'16" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 55.05 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 380.00 FEET, AN ARC LENGTH OF 101.14 FEET, A CHORD BEARING NORTH 80°38'46" EAST AND A CHORD LENGTH OF 100.84 FEET; THENCE SOUTH 1°43'44" EAST, 78.38 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 240.00 FEET, AN ARC LENGTH OF 341.63 FEET, A CHORD BEARING SOUTH 39°03'03" WEST AND A CHORD LENGTH OF 313.51 FEET; THENCE SOUTH 1°43'44" EAST, 262.92 FEET; THENCE SOUTH 50°44'45" WEST, 70.52 FEET; THENCE SOUTH 85°58'07" WEST, 155.47 FEET; THENCE SOUTH 78°49'53" WEST, 108.41 FEET; THENCE NORTH 79°57'46" WEST, 444.81 FEET; THENCE NORTH 69°46'08" WEST, 412.68 FEET; THENCE NORTH 58°23'30" WEST, 239.50 FEET; THENCE NORTH 21°06'48" EAST, 269.12 FEET TO THE POINT OF BEGINNING. CONTAINS 14.530 ACRES, MORE OR LESS.

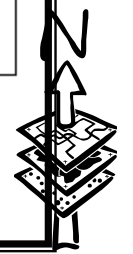
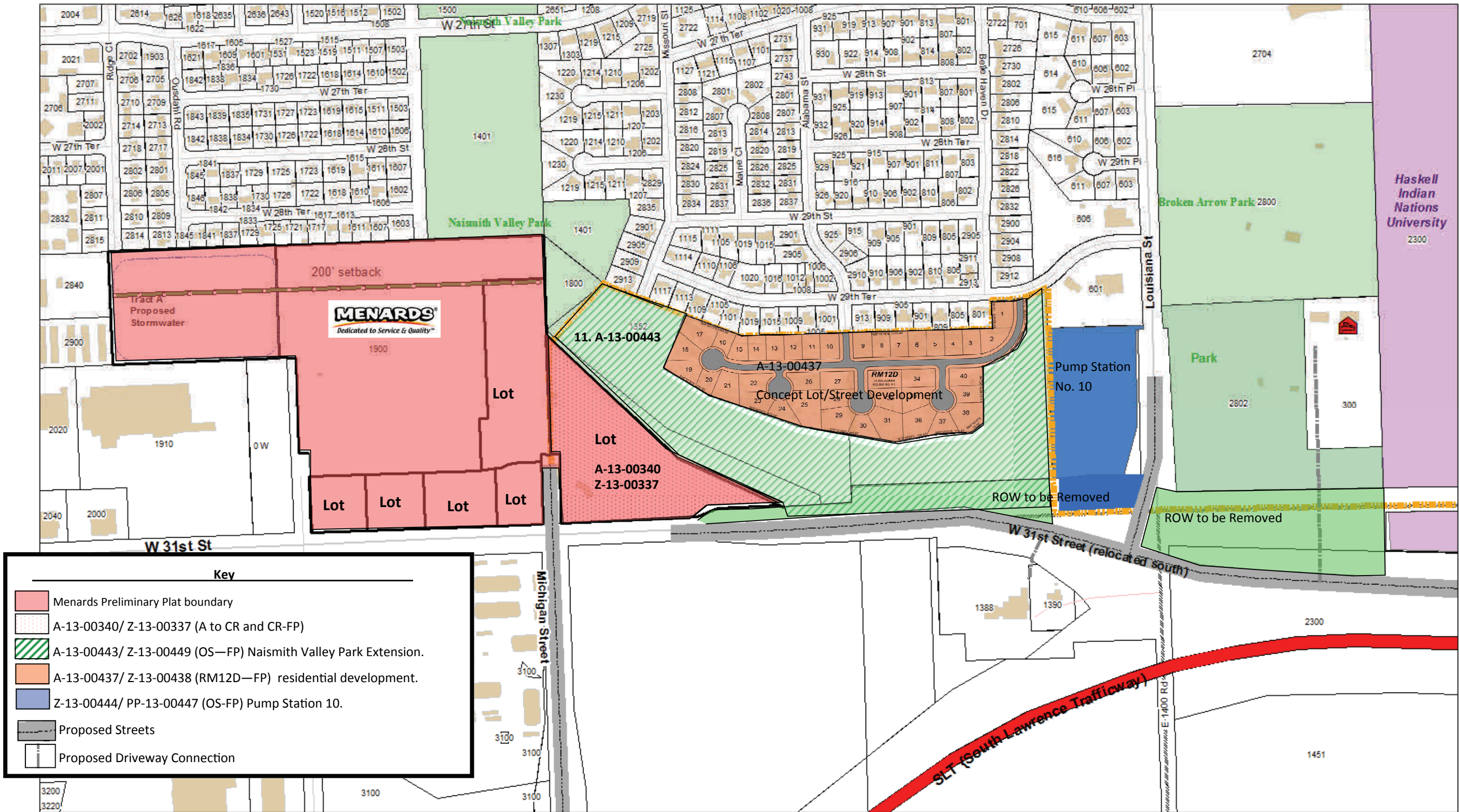
CONCEPT PLAN

PREPARED FOR SAVANNAH HOLDINGS, L.C.
OCTOBER 14, 2013

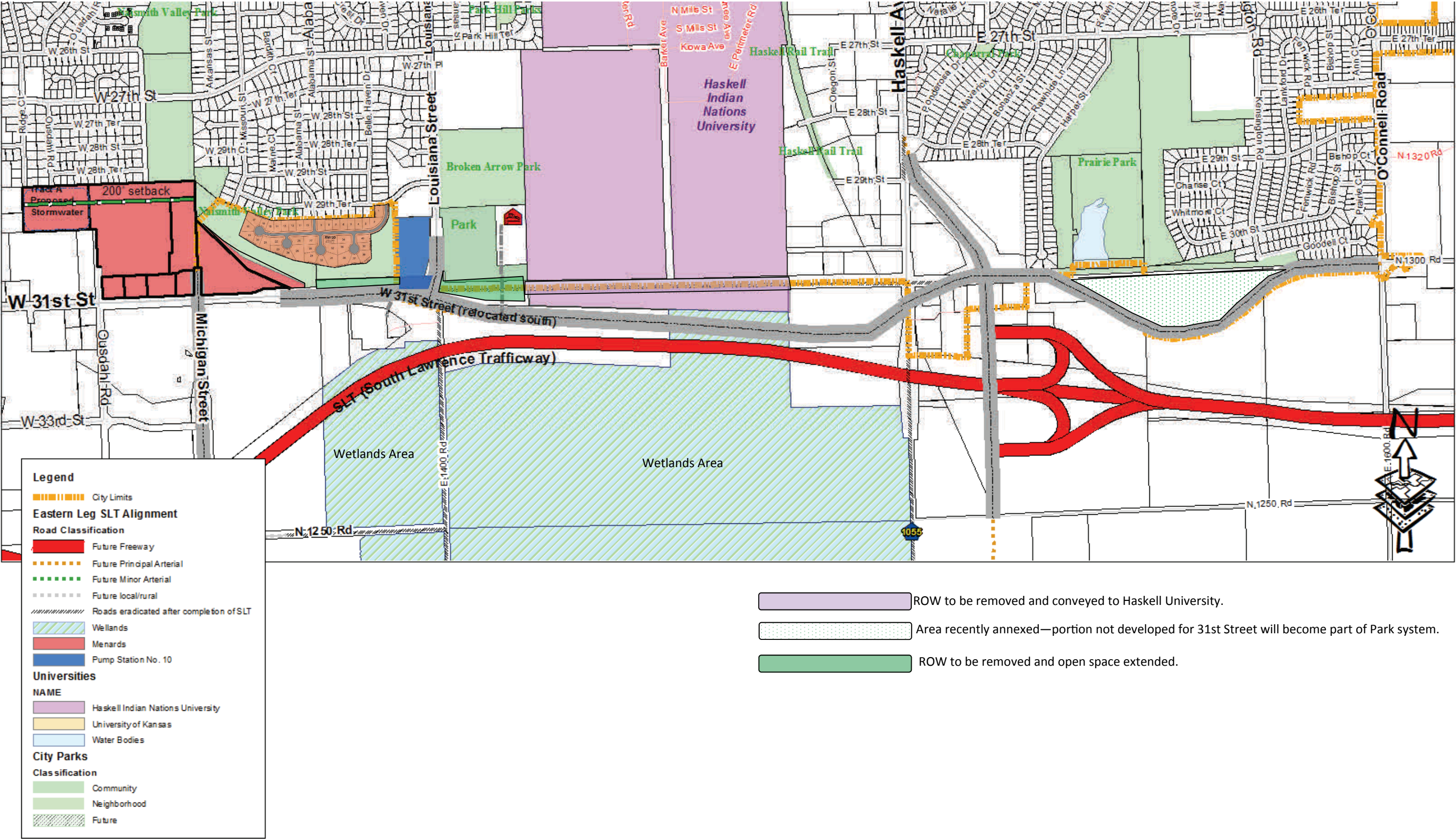


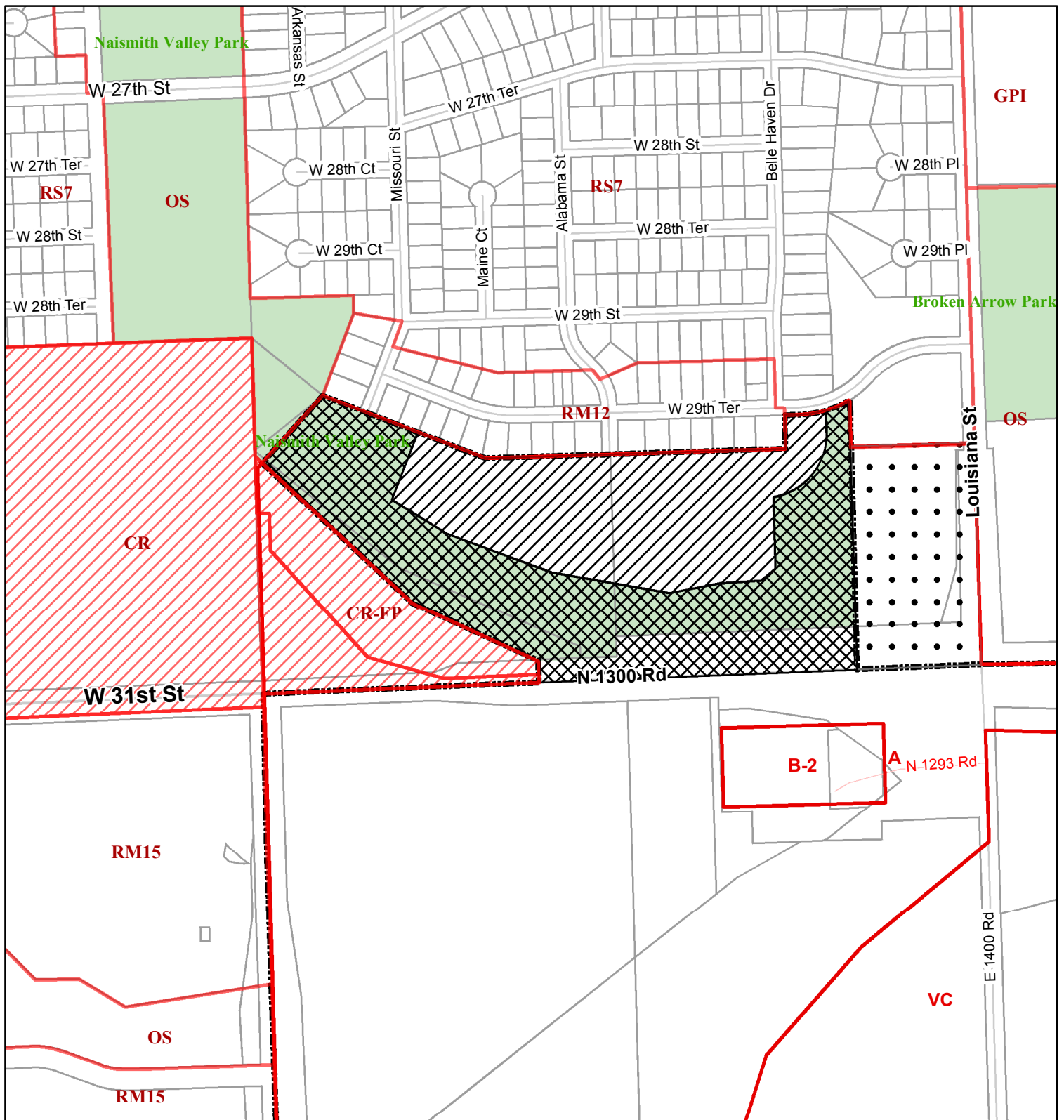
SCALE: 1" = 100'

31st Street and Louisiana Street Corridor Development Requests



31st Street and South Lawrence Trafficway Corridor





A-13-00443 & Z-13-00449: Annex and Rezone 21.7 acres from A District to OS-FP District
A-13-00437 & Z-13-00438: Annex and Rezone 14.53 acres from A District to RM12D/RM12D-FP District
Z-13-00445: Rezone 8.68 acres from A District to OS-FP District
Located North of N 1300 Road and West of Louisiana Street



A-13-00443 & Z-13-00449



A-13-00437 & Z-13-00438



Z-13-00445





LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

DEC 16 2013

City County Planning Office
Lawrence, Kansas

December 15, 2013

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Co-President
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Cille King

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James Dunn

Midge Grinstead

Marlene Merrill

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 5A ANNEXATION OF 14.53 ACRES; NW CORNER OF N 1300 RD/W 31ST ST & LOUISIANA ST

ITEM NO. 5B A TO RM12D & RM12D-FP; 14.53 ACRES; NW CORNER OF N 1300 RD/W 31ST ST & LOUISIANA ST

Dear Chairman Culver and Planning Commissioners:

Some of our Land Use Committee members remember the duplex residences immediately to the north of this proposed rezoning as having been flooded shortly after their residential area was first developed. We also remember the fill that was placed in this proposed RM12D area as having a variety of fill that was not soil, but rather, material that possibly would not have compacted properly. Also based on the pattern shown as floodplain, we question the desirability and safety of developing this area as currently is being proposed.

We hope, before you approve the rezoning of this tract to RM12D, that you will consider carefully whether it is an appropriate area for residential use and not annex and rezone it until it has been very carefully reviewed. We ask that you consider some other use for it that is not residential, such as parkland.

Thank you for considering our concerns.

Sincerely yours,

Cille King
Cille King
Co-President

Alan Black
Alan Black, Chairman
Land Use Committee

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
12/18/13

ITEM NO. 6A ANNEXATION OF 21.17 ACRES; N OF 1352 N 1300 RD (SLD)

A-13-00443: Consider a request to annex approximately 21.17 acres located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. Submitted by the City of Lawrence, property owner of record. *Initiated by City Commission on 11/5/13.*

STAFF RECOMMENDATION:

Staff recommends approval of the requested annexation [A-13-00443] of approximately 21.17 acres located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park based on the findings in the body of the staff report and forwarding this request to the City Commission with a recommendation for approval.

Reason for Request:

"This land is being donated to the City for parks and recreation and open space use and as an extension of Naismith Valley Park. The additional tract should be annexed along with adjacent tracts in this area also being annexed at this time."

KEY POINTS

- This property is part of the area known as the Snodgrass property.
- This property abuts existing city limits along the east, west and portions of the north property line.
- This property is intended to extend the Naismith Valley Park.
- The property is located within the boundary of the *Revised Southern Development Plan*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-13-00449; A-FW & FF County Overlay to OS-FP Overlay

Other action required:

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

PUBLIC COMMENT

- None received.

ATTACHMENTS

- Area Map

EXISTING CONDITIONS

Land Area:	17.4 acres (estimated)
Right-of-way:	4.3 acres (estimated)
Total Annexation Request	21.7 acres (application)

Current Zoning and Land Use:	A (County-Agricultural) and FW - FF (County Floodway and Floodway Fringe Overlay) Districts; existing open space.
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Surrounding Zoning and Land Use: To the north:
RM12 (Multi-Dwelling Residential) District; existing duplex, triplex and 4-plex development along W. 29th Terrace. And, proposed RM12D (Multi-Dwelling Residential) District; undeveloped between subject property and existing development.

To the east:
OS-FP (Open Space – Floodplain Overlay) District; Proposed Pump Station No. 10 and RS7 (Single-Dwelling Residential); existing church and accessory residence on the southwest corner of Louisiana Street and W. 29th Terrace

To the West:
CR-FP (Community Regional Floodplain Overlay) District. Existing residence. Property has recently been annexed in anticipation of commercial development related to the Menards project.

To the south:
A (Agricultural) District and B-2 (County General Business) District and FW - FF (County Floodway and Floodway Fringe Overlay) Districts along the south side of N 1300 Road also known as 31st Street.

Project Summary

This property is part of a larger acreage previously owned by the Snodgrass family. This property was donated to the City of Lawrence in anticipation of extending Naismith Valley Park and protecting existing floodplain areas. Annexation of this property will extend the City Limits to the centerline of N 1300 Road (31st Street).

Annexation Procedure

Kansas Law [*K.S.A. 12-519 et. seq.*] provides for annexation by ordinance of the City Commission. Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. This annexation request is accompanied by a rezoning request to be considered concurrently by the Planning Commission on this agenda.

The City Commission received the annexation request on November 5, 2013 and forwarded the request to the Planning Commission for a recommendation. Following a recommendation from the Planning Commission, the City Commission will consider the request and adopt an ordinance.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid pursuant to Kansas Statutes. The property included in this request is located in a part of the county that is not served by any Rural Water District; therefore, no additional action is required for compliance.

General Location

The property requested for annexation is located along the north side of N 1300 Road (31st St.)

and is adjacent to existing city limits as described above in the Existing Conditions section of this report.

Infrastructure and Utility Extensions

Public Right-of-Way: N 1300 Road (31st St.) is classified as a future arterial on the Thoroughfares Map. The right-of-way width between Louisiana and Iowa Street varies and is evaluated as part of the subdivision review process. As open space, intensive development is not anticipated. This property is adjacent and accessible from existing local streets on the north side of the property.

Utility Extensions: There are no plans to extend utilities to this property at this time. Future public park improvements may require the property to be platted and appropriate utility extensions made. A water line is being extended along the north side of 31st Street as part of the larger area improvements. Sanitary sewer improvements are planned to the east with the pump station and the future Wakarusa Reclamation Facility (WWRF).

COMPREHENSIVE PLAN

The subject property is located within Service Area 1 of the Lawrence Urban Growth Area. As city services become available, properties are encouraged to annex prior to development. Annexation Policy No. 1, listed on page 4-5 of *Horizon 2020*, states that Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed. This property has been donated to the City of Lawrence. The City is the owner/applicant. This annexation request is consistent with *Horizon 2020* growth management policies.

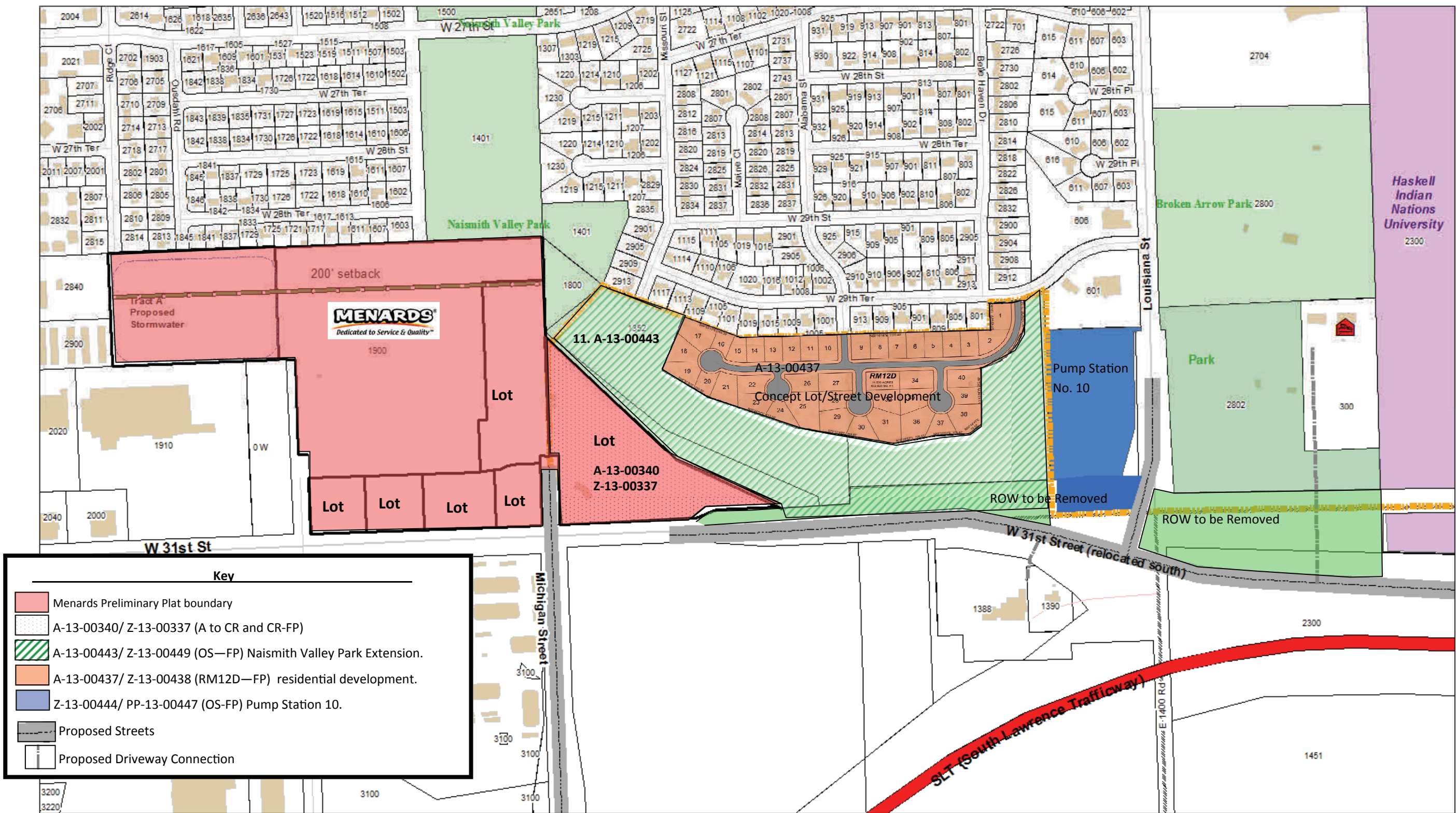
COMPLIANCE WITH ADOPTED AREA PLANS

The subject property is located within the *Revised Southern Development Plan*, a specific sector plan. This plan was recently revised to extend the commercial limits along 31st Street. Annexation of the area and planned 31st Street improvements provide the opportunity for improved connectivity and reduced congestion in the southern part of the city.

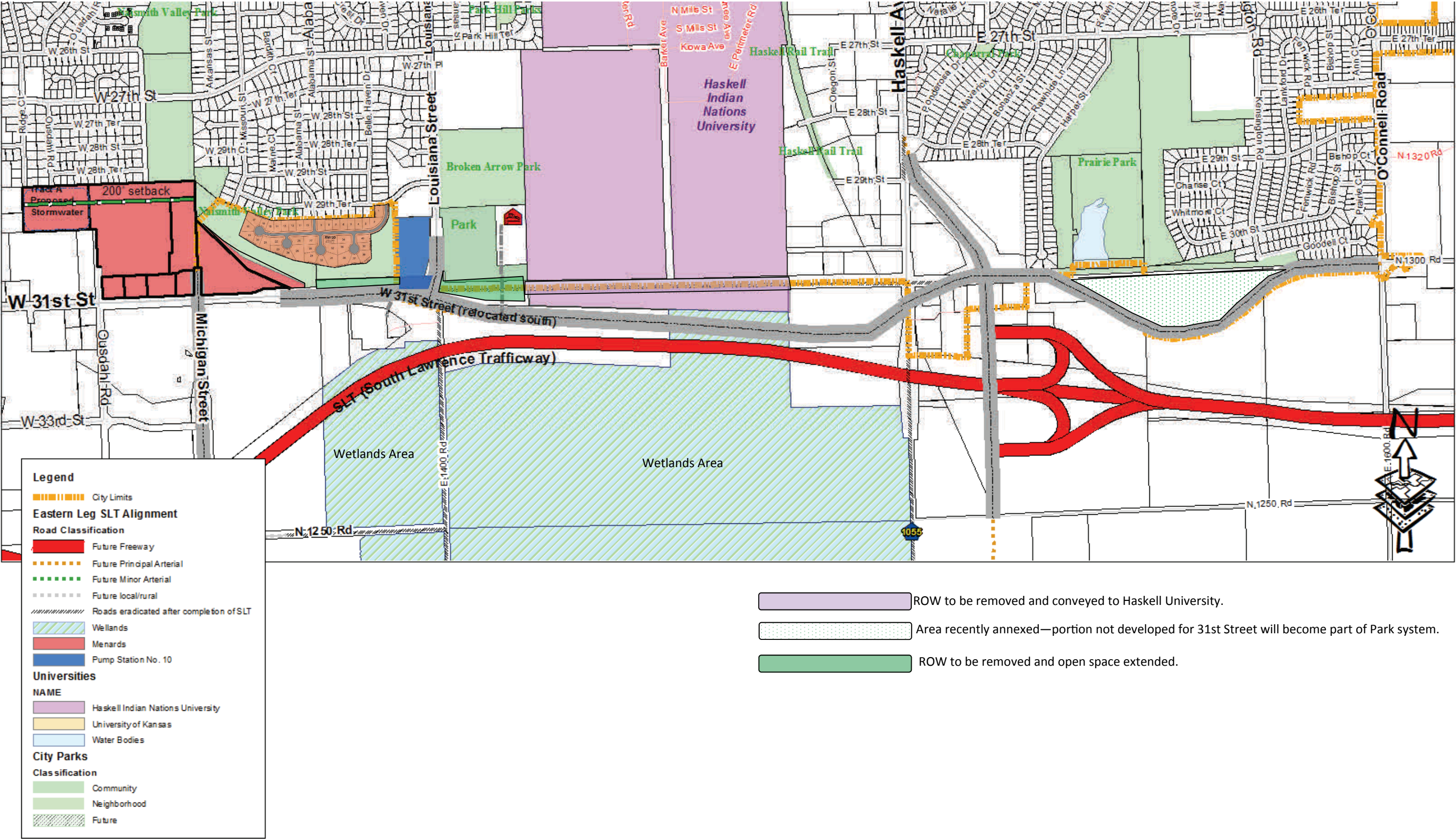
CONCLUSION

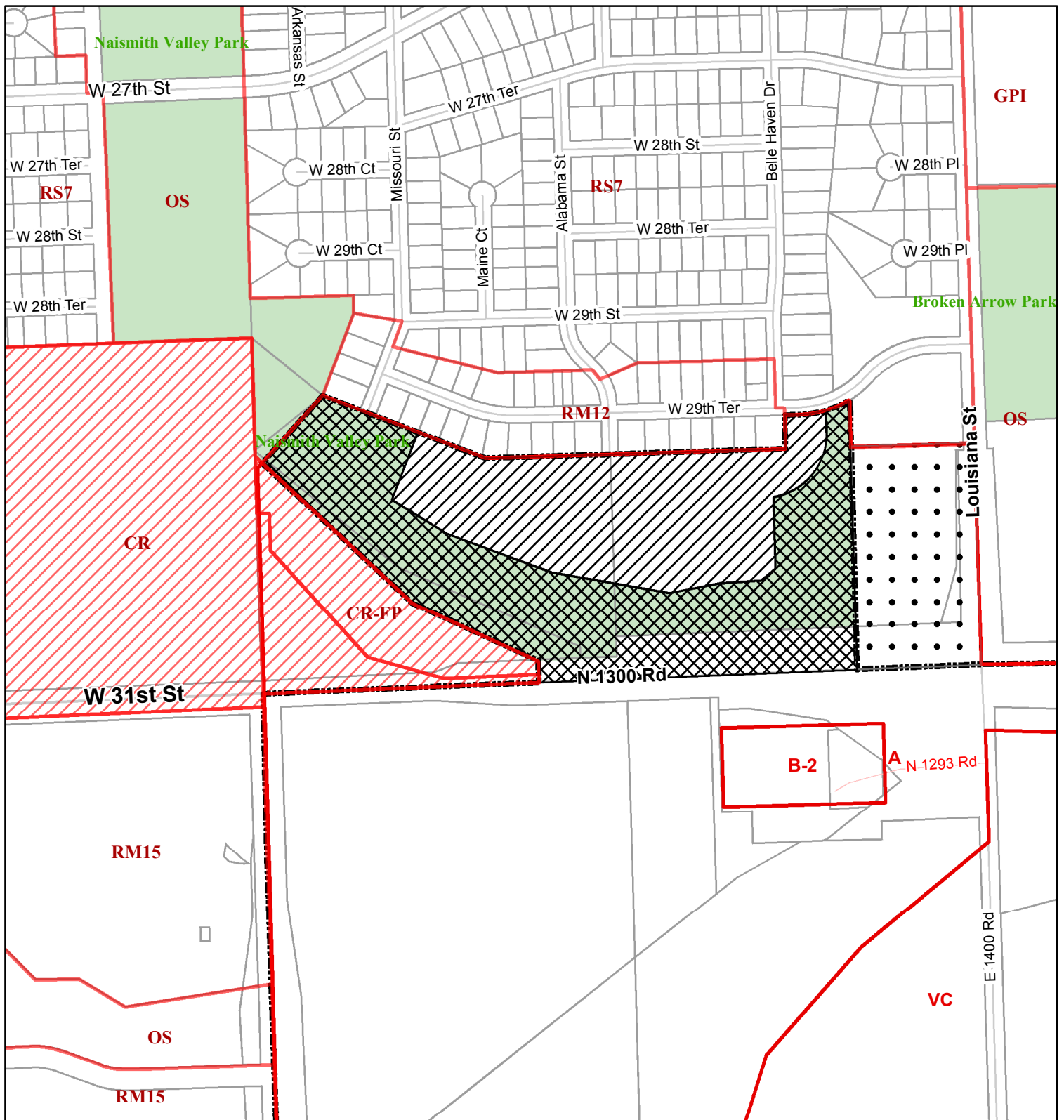
The proposed annexation is compliant with recommendations of *Horizon 2020*. The subject property is located within the Lawrence Urban Growth Area and City services are available to serve the property; therefore, annexation is appropriate.

31st Street and Louisiana Street Corridor Development Requests



31st Street and South Lawrence Trafficway Corridor





A-13-00443 & Z-13-00449: Annex and Rezone 21.7 acres from A District to OS-FP District
A-13-00437 & Z-13-00438: Annex and Rezone 14.53 acres from A District to RM12D/RM12D-FP District
Z-13-00445: Rezone 8.68 acres from A District to OS-FP District
Located North of N 1300 Road and West of Louisiana Street



A-13-00443 & Z-13-00449



A-13-00437 & Z-13-00438



Z-13-00445



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
12/18/2013

ITEM NO. 6B A TO OS-FP; 21.17 ACRES; N OF 1352 N 1300 RD (SLD)

Z-13-00449: Consider a request to rezone approximately 21.17 acres from A (Agricultural) District and FW – FF (County Floodway and Floodway Fringe Overlay) Districts to OS-FP (Open Space-Floodplain Overlay) District, located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone 21.17 acres from A (Agricultural) District and FW –FW (County Floodway and Floodway Fringe Overlay) Districts to OS-FP (Open Space-Floodplain Overlay) District located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Rezoning is submitted along with the annexation request so that an appropriate city zoning designation may be created for this planned extension of Naismith Valley park.*

KEY POINTS

- Planned public parkland extension.
- Property includes areas encumbered by regulatory floodplain.
- Upon annexation the current county zoning designation is no longer appropriate.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-13-00443: annexation of 21.7 acres

PLANS AND STUDIES REQUIRED

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

ATTACHMENTS

- Area map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to publication

Project Summary:

Proposed request is for the extension of Naismith Valley Park and protection of existing floodplain. This property was donated to the City of Lawrence and is part of what is known as the Snodgrass property. The following image highlights the boundary of the subject property excluding the right-of-way that will also be annexed into the City with this application.

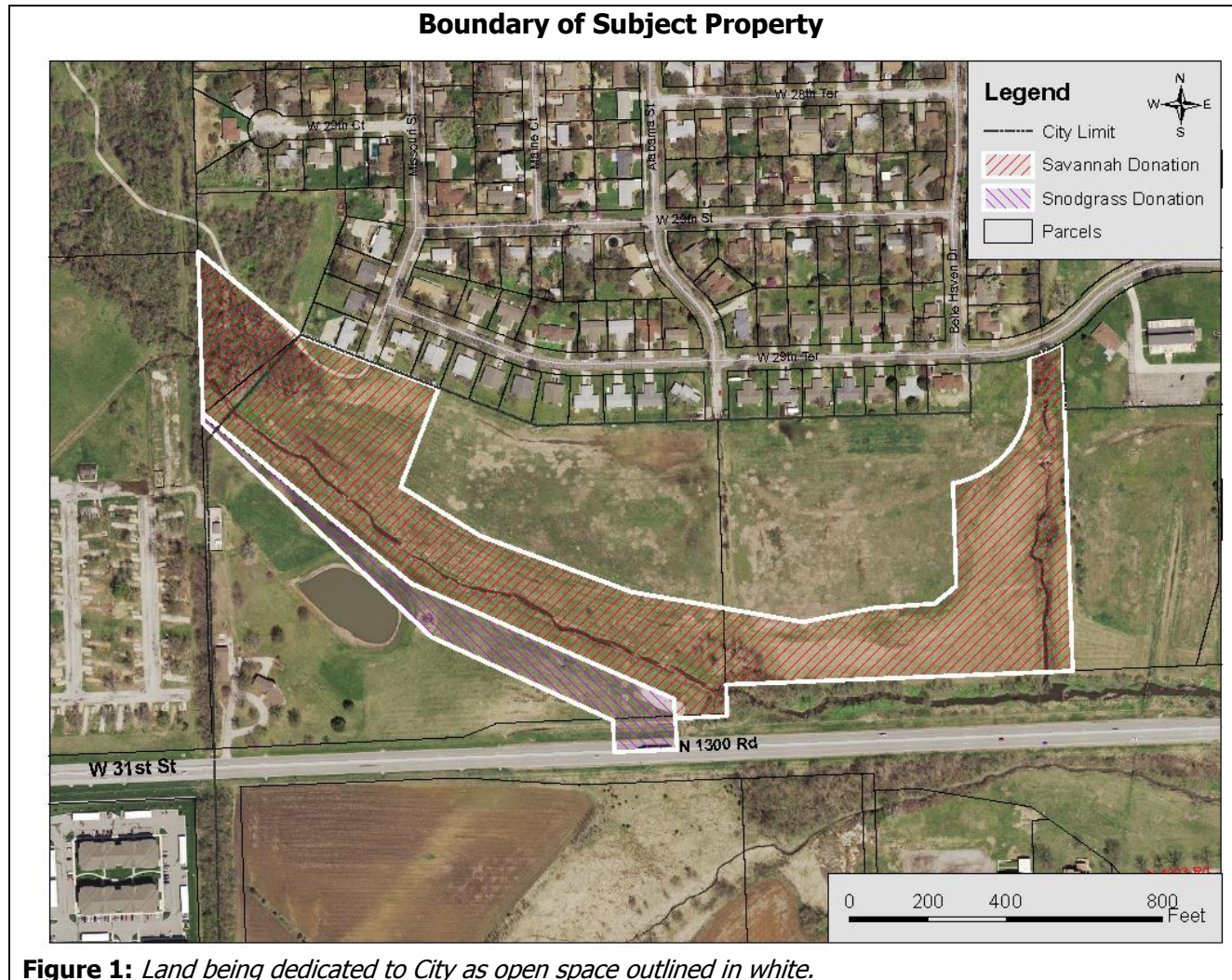


Figure 1: Land being dedicated to City as open space outlined in white.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The area requested for re-zoning complies with the Comprehensive Plan and the Revised Southern Development Plan. Map 3-1 Future Land Use Map from the Revised Southern Development Plan shows this area to be open space.*

A guiding feature of the plan states; "The plan promotes development in the UGA through an adopted annexation policy which anticipates well-planned development of fringe areas." This property until recently annexed was located within Service Area 1 of the Urban Growth Area. The recent annexation makes the current County zoning designation obsolete.

Following are sections of *Horizon 2020* that relate to this development:

Horizon 2020: Chapter 9 Parks, Recreation, Open Space Areas and Facilities:

The plan states that in development of the City's Parks and Recreation Comprehensive Master Plan the community expressed an "emphasis on improving existing parks...including linking neighborhood parks with walking and biking trails, enhancing the landscape, expanding open spaces and improving playgrounds." (Page 9-3).

Parks, Recreation and Open Space:

Policy 3.1 Identify Future Parklands and Open Space Areas:

(e) Encourage open space uses in the community's privately or publicly owned floodplains and drainageways. (Page 9-16)

Approval of this request will facilitate these stated interests.

Horizon 2020: Chapter 16 Environment:

This chapter of *Horizon 2020* addresses several natural environmental issues including Water Resource Management. The plan states that floodplain areas should be protected. This application includes a Floodplain Overlay District designation that will be applied to the entire property rather than only that portion of the property encumbered by the regulatory floodplain.

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to community facilities/public utilities and open space as well as floodplain.

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

Current Zoning and Land Use:

A (County-Agricultural) and FW –FF (County Floodway and Floodway Fringe Overlay) Districts; existing open space.

Surrounding Zoning and Land Use:

To the north:

RM12 (Multi-Dwelling Residential) District; existing duplex, triplex and 4-plex development along W. 29th Terrace. In addition, proposed RM12D (Multi-Dwelling Residential) District; undeveloped between subject property and existing development.

To the east:

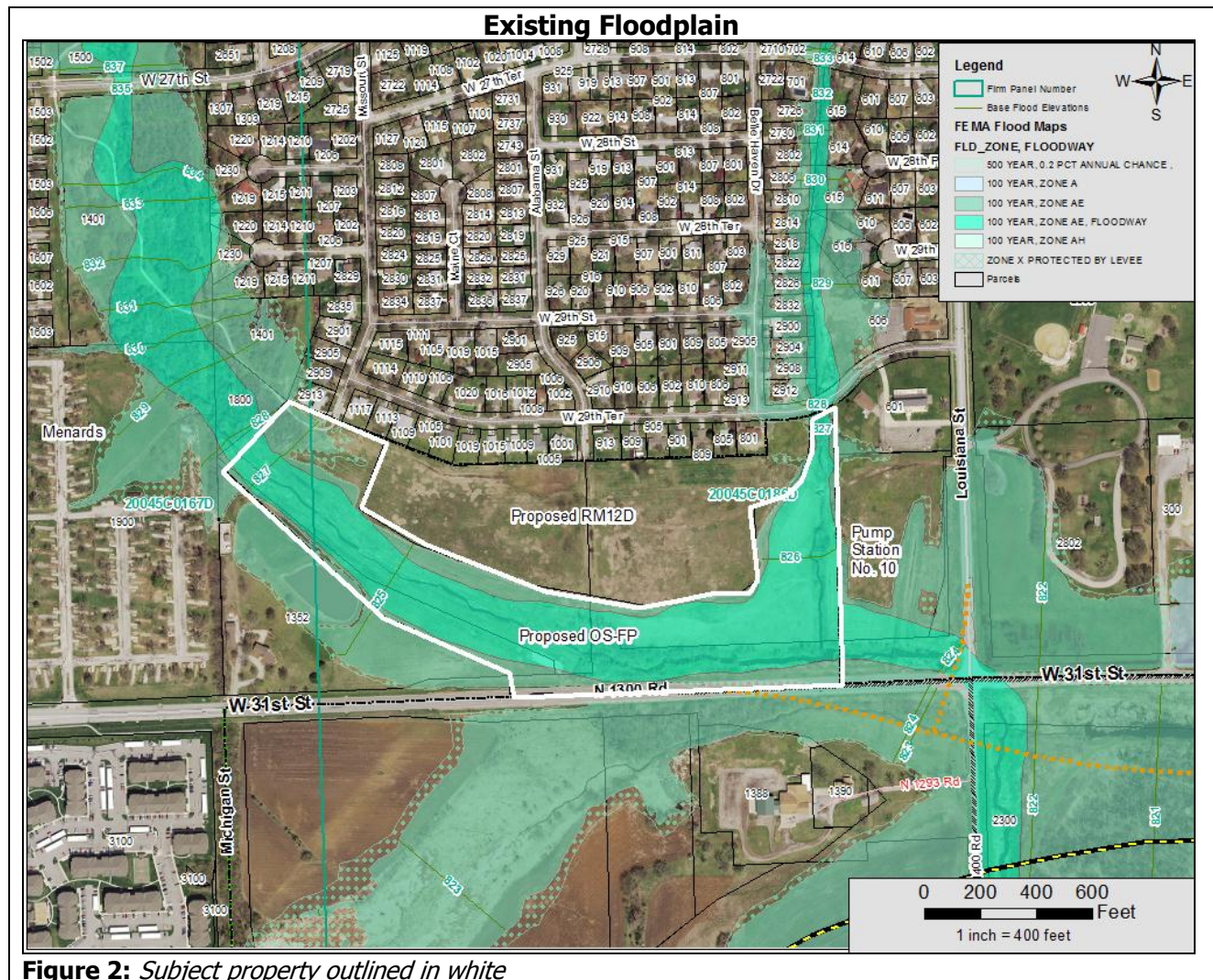
OS-FP (Open Space – Floodplain Overlay) District; Proposed Pump Station No. 10 and RS7 (Single-Dwelling Residential); existing church and accessory residence on the southwest corner of Louisiana Street and W. 29th Terrace

To the West:

CR-FP (Community Regional Floodplain Overlay) District. Existing residence. Property has recently been annexed in anticipation of commercial development related to the Menards project.

To the south:

A (Agricultural) District and B-2 (County General Business) District and FW –FF (County Floodway and Floodway Fringe Overlay) Districts along the south side of N 1300 Road also known as 31st Street.



Staff Finding – This property is surrounded by a variety of zoning districts that are located within the Lawrence City Limits and adjacent unincorporated Douglas County. The prevailing zoning to the north is residential. Multiple community facility uses are located within close proximity to this property.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *This property is part of the Indian Hills Neighborhood that includes Naismith Creek and its tributary and Naismith Valley Park and its extension.*

This property is located within the Indian Hills Neighborhood, a predominantly residential neighborhood. The east neighborhood boundary is Louisiana Street, and the south boundary is 31st Street. This use will extend the buffer between the residential and non-residential uses along the southern portion of the neighborhood and between the residential and future commercial use to the west.

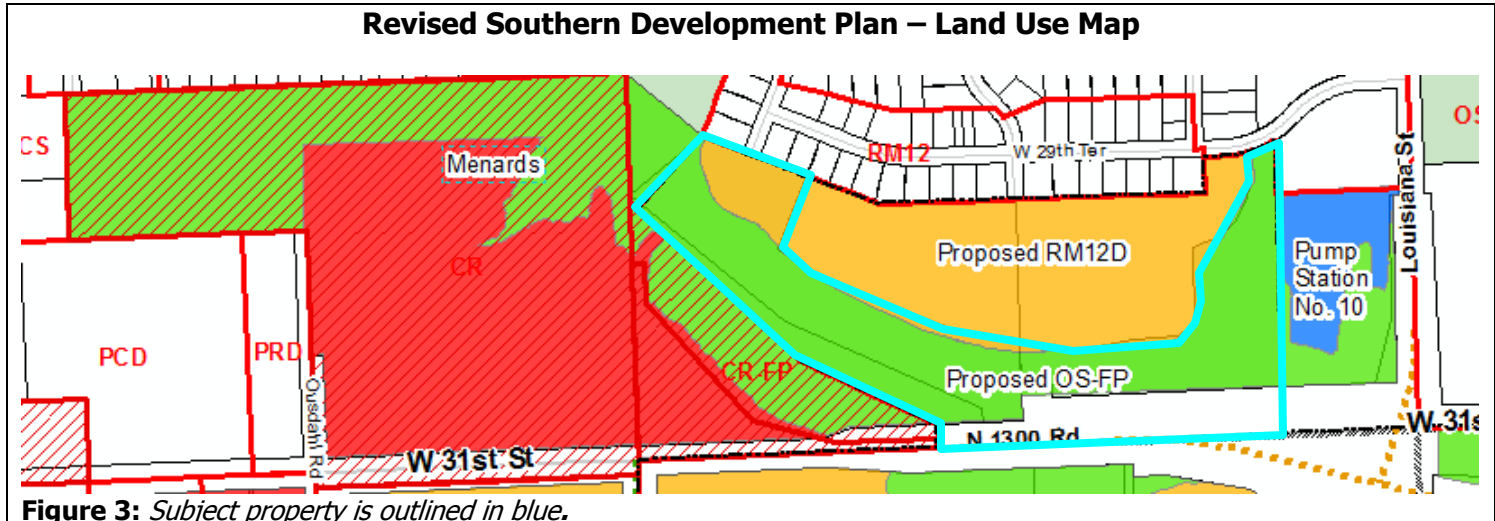
This portion of the neighborhood is encumbered by the regulatory floodplain and bounded by arterial streets (Louisiana Street and 31st Street). The proposed use of this property is for open space. Planned improvements in the area include extending the recreation path across the subject

property to intersect with the path at 31st Street and Louisiana providing additional neighborhood connectivity.

Staff Finding – The subject property is located at the south end of the Indian Hills Neighborhood. This part of the neighborhood includes multiple community facility uses in the immediate vicinity as well as open space and regulatory floodplain. The proposed zoning is consistent with the planned land use for the area.

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

This property is included within the plan boundary of the *Revised Southern Development Plan* adopted in June 2013 anticipating commercial development to the west (Menards application) as well as residential and open space uses of the Snodgrass property and the pump station at the corner of 31st Street and Louisiana Street. The plan identifies existing floodplain areas as appropriate for open space and as a boundary to the commercial land use to the west.



This plan identifies the area along Naismith Creek as suitable for open space uses. This request includes a portion of the area designated in the Plan as residential but is encumbered by floodplain so is not desirable for development. The proposed request is consistent with recommended land use noted in the Plan. The proposed FP Overlay District reflects the existing floodplain encumbrance of this property as a recognized land use within the Plan and is intended to be applied to the entire property. These Open Space and Floodplain uses will implement the land use recommendations of the *Revised Southern Development Plan*.

Staff Finding – The proposed open space – floodplain rezoning conforms to land use recommendations in the *Revised Southern Development Plan*.

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

Applicant's Response: *This property is suited for rezoning to OS-Open Space. A majority of the tract is in the floodplain and floodway and should properly be preserved as open space. It is planned for future parks and recreation use as an extension of Naismith Valley Park and for possible recreation path use.*

Upon annexation, the existing county zoning is no longer appropriate. The proposed zoning accommodates the anticipated use as an open space and facilitates the protection of floodplain areas.

Staff Finding – The current zoning is no longer appropriate upon annexation of this property into the Lawrence city limits. The proposed OS-FP District accommodates the anticipated use as continued open space and provides protections (by limiting uses) to the designated floodplain in this area.

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

Applicant's Response: *This property has not been developed. Aerial maps dating to 1948 show this ground as vacant undeveloped land.*

This property is undeveloped and has been zoned A (Agricultural) since 1966.

Staff Finding – This property is undeveloped and has been zoned A (Agricultural) since 1966.

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

Applicant's Response: *The rezoning will not be detrimental to nearby properties.*

As noted in the description of the neighborhood character above, this property is located in the southeast portion of the neighborhood and is a natural extension of the Naismith Valley Park with a future connection to the multi-use path near the intersection of 31st Street and Louisiana Street. Staff concurs with the applicant's conclusion.

Staff Finding – There will be no detrimental effects to adjacent property resulting from this proposed OS-FP zoning application.

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

Applicant's Response: *This property should be rezoned to OS-Open Space to ensure its future use as open space and drainage for the surrounding area.*

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

As the property selection was being made by the City of Lawrence, for constructing a pump station at the corner of Louisiana Street and 31st Street, the previous property owner evaluated the remaining land (less the commercial portion to the west) for development options. The previous property owner retained the portion of land north of Naismith Creek for future residential development (A-13-00437 and Z-13-00438). The balance of the land not identified for the pump station or commercial development is reflected as the boundary of this zoning application.

This portion of the original Snodgrass property is significantly encumbered by regulatory floodplain including Floodway areas. There is a very small area located in the northwest corner accessible by Missouri Street that is developable. This property was donated to the City of Lawrence. Rezoning

this property to open space with the a floodplain overlay designation will ensure the property is retained for community drainage purposes as well as open space uses.

Approval of the request allows the public open space to be extended in this area. The FP designation is required by the Land Development Code for that portion of the property that is within the regulatory floodplain per Section 20-1201.

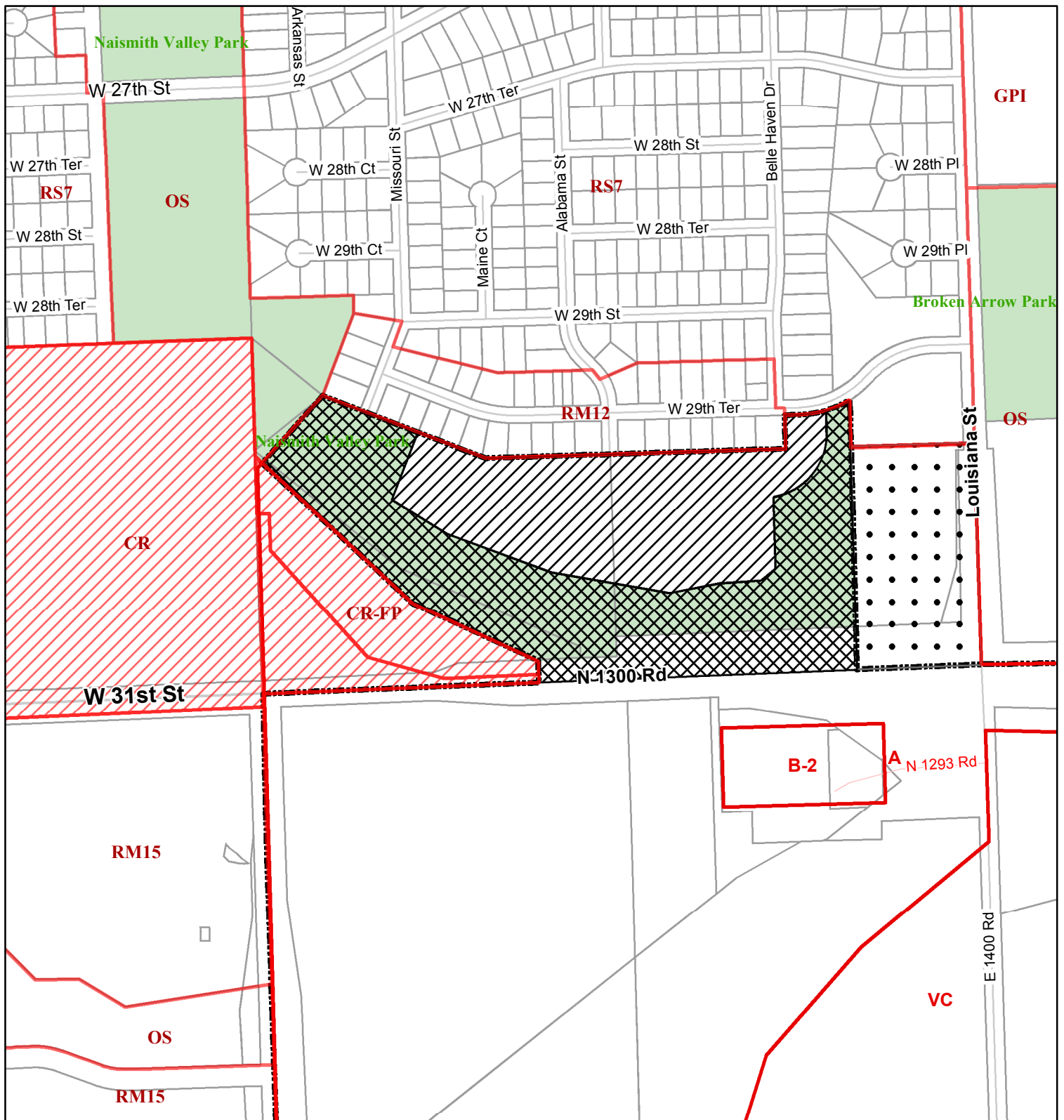
Staff Finding – The proposed rezoning facilitates public purposes by protecting designated floodplain.

9. PROFESSIONAL STAFF RECOMMENDATION

This application facilitates the protection of designated floodplain areas along the southern boundary of the Indian Hills Neighborhood. The OS zoning designation is consistent with land use recommendations for the area.

CONCLUSION

The proposed rezoning is consistent with the planned land use development anticipated for this area. Staff recommends approval of the proposed OS-FP district for this property.



A-13-00443 & Z-13-00449: Annex and Rezone 21.7 acres from A District to OS-FP District
A-13-00437 & Z-13-00438: Annex and Rezone 14.53 acres from A District to RM12D/RM12D-FP District
Z-13-00445: Rezone 8.68 acres from A District to OS-FP District
Located North of N 1300 Road and West of Louisiana Street



A-13-00443 & Z-13-00449



A-13-00437 & Z-13-00438



Z-13-00445



**PLANNING COMMISSION REPORT
REGULAR AGENDA**

PC Staff Report
12/18/2013

**ITEM NO. 7 FINAL PLAT FOR LANGSTON HEIGHTS ADDITION; E SIDE OF K-10
HWY & S OF W 6TH ST, N & S OF CRYSTAL LN & PALISADES DR (SLD)**

PF-13-00084: Consider a Final Plat for Langston Heights Addition, an 88 lot subdivision that includes detached, duplex and multi-family residential lots. This Final Plat deviates from the approved preliminary plat. This application specifically subdivides the original Lot 1, Block 1 into 15 separate duplex lots. Section 20-809(m) of the Subdivision Regulations requires a Final Plat that varies from the approved Preliminary Plat to be placed on the Planning Commission agenda for consideration. The property is located along the east side of K-10 highway and south of W. 6th Street, north and south of Crystal Lane and Palisades Drive extended to the west. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

STAFF RECOMMENDATIONS:

Staff recommends approval of the Final Plat of the Langston Heights Addition including the removal of Note No. 17 of the original preliminary plat that stated: *"Building Permits for structures in Lot 1, block one will not be made available until such time that Renaissance Drive is constructed and completed south to Bob billings Parkway."*

Application History

The applicant submitted a final plat in March of this year consistent with the approved preliminary plat. This final plat was approved administratively pending the City Commission review of the easements and rights-of-way. On November 8, 2013, the applicant submitted a revised Final Plat that proposed the division of Lot 1 Block 1 into 15 lots for duplex development along with a request to remove the condition restricting development of Block 1 until Renaissance Drive is connected with Bob Billings Parkway to the south.

Final Plats are approved administratively except when the Final Plat does not comply with the approved Preliminary Plat. Section 20-809 (m)(4) states:

"If the Planning Director finds that the submitted Final Plat does not substantially comply with the approved Preliminary Plat, including any conditions incorporated in such approval, and the proposed Dedications shown on the Preliminary Plan, subject to Section 20-809 (2)(i)(a) through (d), the Planning Director shall place the Final Plat on the agenda of the next Planning Commission meeting following the notice provisions of Section 20-802 (d), for further consideration in accordance with the preliminary plat review and actions provisions of Section 20-809 (g)."

The final plat includes the same boundary as the approved preliminary plat. The substantive changes to this Final Plat occur in Block 1 only changing Block 1 from one lot to 15 lots. The remainder of the subdivision is not altered.

KEY POINTS

- The proposed Final Plat includes the same total area as the approved preliminary plat.
- The proposed Final Plat modifies only Lot 1 Block 1 to create 15 individual lots within the block.
- The proposed Final Plat does not modify any of the approved zoning district boundaries approved for this development.
- The preliminary plat was approved on December 10, 2012.
- Approval of the Preliminary Plat included the following restriction: *"Building Permits for Lot 1, Block 1 will not be made available until such time that Renaissance Drive is constructed and completed south to Bob Billings Parkway."* The applicant is requesting the removal of this restriction with this Final Plat.
- Zoning of the RM12 portion of the subdivision and specifically Lot 1 Block 1 is restricted to a maximum of 62 total units.
- The proposed development with duplex lots would include 30 total units in Block 1 if approved.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-809; Major Subdivisions.

ASSOCIATED CASES

- Z-12-00229: 4.582 acres from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential)
- Z-12-00231: 9.122 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential)
- Z-12-00232: 9.980 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential)
- Z-13-00015: 3.88 acres from UR (Urban Reserve) to RS5 (Single-Dwelling Residential) as a lesser change from a portion of the proposed RM12D application.
- PP-12-00228: Langston Heights Preliminary Plat approved December 10, 2012.
- PF-13-00084: Langston Heights Final Plat administratively approved subject to one condition on April 9, 2013. Subsequent submittal of revised Final Plat on November 8, 2013.
- Future zoning application for Langston Commons RM12 to increase the zoning from RM12 to RM24.

OTHER ACTION REQUIRED

- Placement of final plat on City Commission agenda for acceptance of dedication of easements and rights-of-way.
- Submission and approval of public improvement plans.
- Recordation of the final plat with the Douglas County Register of Deeds.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study provided and accepted.
- *Downstream Sanitary Sewer Analysis* - 1. The DSSA letter dated March 22, 2013 (uploaded to Innoprise March 27, 2013) provided by Landplan Engineering has been reviewed and is accepted for this project.
- *Drainage Study* – Study provided and accepted
- *Environmentally Sensitive Lands Study* – Study completed with preliminary plat (PP-12-00228) No additional study or evaluation is required.

ATTACHMENTS

- Applicant's letter summarizing changes
- Approved preliminary plat
- Final Plat submitted for Planning Commission consideration

PUBLIC COMMENT

- Calls from area residents requesting clarification about the project and requesting public comment on this project to address removal of the condition for development of Block 1.

Site Summary		
Langston Heights	Preliminary Plat	Proposed Final Plat
Gross Area:	27.564 acres	No change
Number of Existing Lots:	Unplatted tract of land	No change
Number of Proposed Lots:	74 lots	88
RS7	29 lots	29 lots
RS5	28 lots	28 Lots
RM12D	16 lots [32 units]	16 lots [32 units]
RM12	1 lot [62 units maximum]	15 Lots [30 units]
TOTAL	74	88

GENERAL INFORMATION

Current Zoning and Land Use: Property includes the following zoning districts

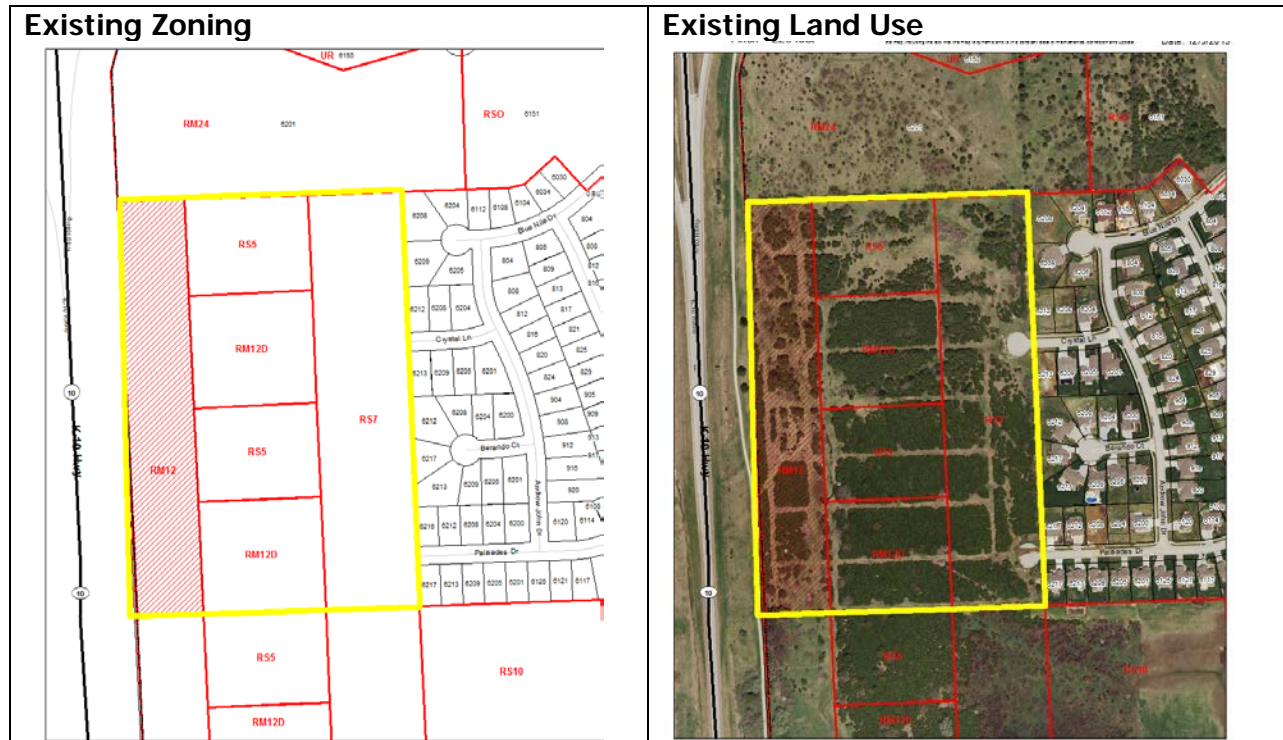
1. TC (SLT/K10 Major Transportation Corridor Overlay) District;
2. RS7 (Single-Dwelling Residential) District;
3. RS5 (Single-Dwelling Residential) District;
4. RM12D (Multi-Dwelling Residential) District;
5. RM12 (Multi-Dwelling Residential) District with the restriction/condition that no more than 62 units shall be constructed in this district (Ordinance No. 8838).

Surrounding Zoning and Land Use: This property undeveloped at this time.
To the north: RM24 (Multi-Dwelling Residential) District; undeveloped land.

To the east: RS7 (Single-Dwelling Residential) District; developing residential subdivision with detached housing.

To the south: Proposed Langston Commons Subdivision including RS7 (Single-Dwelling Residential) District, RS5 (Single-dwelling Residential) District and RM12 (Multi-Dwelling Residential) District.

To the west: A (Agricultural) County District; K-10 Highway.



STAFF REVIEW

The Planning Commission approved the Preliminary Plat in December 2012. The ultimate development includes mixed residential housing. The purpose of this request is to modify the approved Lot 1 Block 1 from a single 6.4-acre lot to 15 individual lots to accommodate duplex development. The plat also seeks to remove the condition restricting development until Renaissance Drive is complete.

Zoning and Land Use

Zoning and Land use were established for this subdivision as part of the discussion at the time of the Preliminary Plat. The RM12 portion of the development was restricted per the zoning ordinance to a maximum number of dwelling units for Lot 1, Block 1 of 62 units.

- The proposed request of 15 lots for duplex development or 30 total units.
- The density for the RM12 portion of the revised subdivision is 5.388 D.U./Acre.
- The previously approved subdivision included one lot plan with 62 total dwelling units.
- The density for the approved RM12 portion of the subdivision was 11.1 D.U./Acre.

The lots within block 1 are larger than the duplex lots in Blocks 3 and 4. The large setback area along the SLT provides buffering in the form of individual rear yards for these lots and results in generally deeper lots along the west side of Renaissance Drive. This intensity is less than the restricted zoning allows. There is no requirement to rezone the property. Duplex development is an allowed use in the RM12 District.

The property is undeveloped but encumbered by the SLT/K10 Highway corridor. The west portion of this property is encumbered by a Major Transportation Corridor Overlay District for the SLT/K10 Highway. The boundary of the SLT/K10 Overlay District extends 500 feet on either

side of the centerline of the right-of-way within the City of Lawrence. The overlay does not, at this time, extend into unincorporated areas. The standards include an extraordinary setback of 50' as shown on the Final Plat. Buildings and improvements are prohibited in this setback.

The applicant has met with staff regarding a plan to transfer some of this density to the RM12 area to the south adjacent to the commercial zoning in the Langston Commons Subdivision. Staff anticipates an application for rezoning the RM12 zoned area included in the Langston Commons Subdivision to RM24 in the near future.

Lot and Block Arrangement

This subdivision extends a modified grid street pattern west. Cul-de-sacs are used to orient detached housing and duplex housing lots back-to-back. Lot and block arrangement are not altered by the revised final plat with the exception of Block 1. Block 1 retains its structural arrangement within the subdivision but is proposed for 15 individual lots rather than 1 multi-dwelling lot.

Streets and Access

The proposed subdivision extends the local street network for the area west of a developing subdivision and along the east side of K-10 Highway. Stub street connections are provided to the north and south to undeveloped land for future connection to Ken Ridge Drive, to the north, and Bob Billings Parkway, to the south. As the adjacent properties are developed, additional street connections to the north and south will be made in this area. The proposed subdivision does not modify the right-of-way for the South Lawrence Trafficway.

In addition to the extension of the public street network, a parallel and coordinating pedestrian network of public sidewalks will be extended with this subdivision. The proposed development includes a connection between Lots 9 and 10, Block 1 from Renaissance Drive to the shared use path along the west side of the subdivision. This connection will provide neighborhood connectivity to the shared use path.



Traffic Calming: As part of the subdivision review process appropriate traffic calming along Renaissance Drive will be required for this residential development. Traffic Calming such as speed humps will be included and reviewed as part of the public improvement plans for this subdivision. A plat condition is not required since a separate set of plan reviews will be conducted for the public streets as a technical process. No additional right-of-way would be necessary to accommodate traffic calming within the subdivision.

Renaissance Drive Restriction: A condition of approval from the original preliminary plat that carried forward to the Final Plat is: *Development of Block 1 is prohibited until Renaissance Drive is connected to Bob Billings Parkway.* The applicant is requesting this restriction be removed. This condition evolved from the public testimony regarding the proposed development. The technical traffic study did not identify any additional street connections necessary to accommodate residential traffic from this proposed subdivision.

The expressed concern related to the building type and intensity associated with the development of Block 1. The original approvals anticipated multi-dwelling residential uses in the form of row housing. This revised application subdivides Block 1 into 15 distinct lots for duplex development. The maximum intensity (total number of dwelling units) allowed per lot is two based on the lot size and configuration. Approval of the subdivision in this format ensures the reduced density of development without the property being rezoned to RM12D.

This application reduces the housing options within the immediate area and includes only detached housing in the RS7 and RS5 portions of the subdivision and duplex development in the RM12D and RM12 portions. The building type is thus identical to the balance of the subdivision and surrounding areas east to George Williams Way.

The two expressed concerns have been mitigated by the change in the proposed Final Plat from one 5.388-acre lot to 15 .36 acres lots. Staff supports the applicant's request to remove the restriction that Renaissance Drive be constructed to Bob Billings Parkway prior to development of Block 1.

Utilities and Infrastructure

The applicant has been working with staff to assure that the utility easements proposed with this Final Plat are consistent with the proposed infrastructure improvements that have been submitted for City review in the Public Improvement Plans.

Specific issues discussed with staff include the placement of stormwater inlets, water and sanitary sewer lines, meters, valves, street trees and driveways. The applicant provided a revised preliminary plat as an exhibit to demonstrate that the proposed development complies with the infrastructure design requirements as stated in various sections of the City Code including the Subdivision Regulations.

Conclusion

This proposed subdivision deviates from the approved preliminary plat and specifically reduces the intensity of residential development within the overall area from the original approval.



MEMORANDUM

From: Tim Herndon,
RSR Development, LLC
To: Ms. Sandra Day,
Planning & Development Services
Date: Nov. 8, 2013
Re: Langston Heights Addition - Final Plat Revisions

As requested at our October 29 meeting, this memo reiterates the primary issues associated with the proposed revisions to the Langston Heights Addition Final Plat Revisions:

- I. The proposed revisions apply specifically to the formerly proposed “Lot 1, Block One.”
- II. Revisions consist of subdivisions to Lot 1, Block One to accommodate 15 attached two-family lots. These 15 lots (30 dwellings, total) will replace the formerly anticipated 62 multi-family “row home” units formerly approved for this portion of Langston Heights.
- III. As part of this request for revision to the final plat, we formally request removal of the stipulation that this portion of the overall subdivision not be developed with residential structures until such time that Renaissance Drive connects to Bob Billings Parkway.
- IV. It is our understanding that the currently approved RM12 zoning for this portion of the subdivision fully permits and accommodates attached two-family lots, therefore no further zoning or rezoning is necessary to facilitate the 15 proposed lots.

On behalf of RSR Development, LLC I hope this memo adequately covers the items of concern to Staff. In any case, please do not hesitate to call me with questions related to this matter. Thank you.

A handwritten signature in black ink, appearing to read 'Tim A. Herndon', with a stylized flourish at the end.

Tim A. Herndon
for
RSR Development, LP
Ph: (785) 393-3095
Email: timaherndon@att.net



LEGEND:

- 8" W —

— 8" W —

— SAN —

— SAN —

— STM —

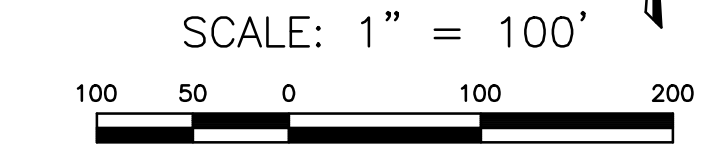
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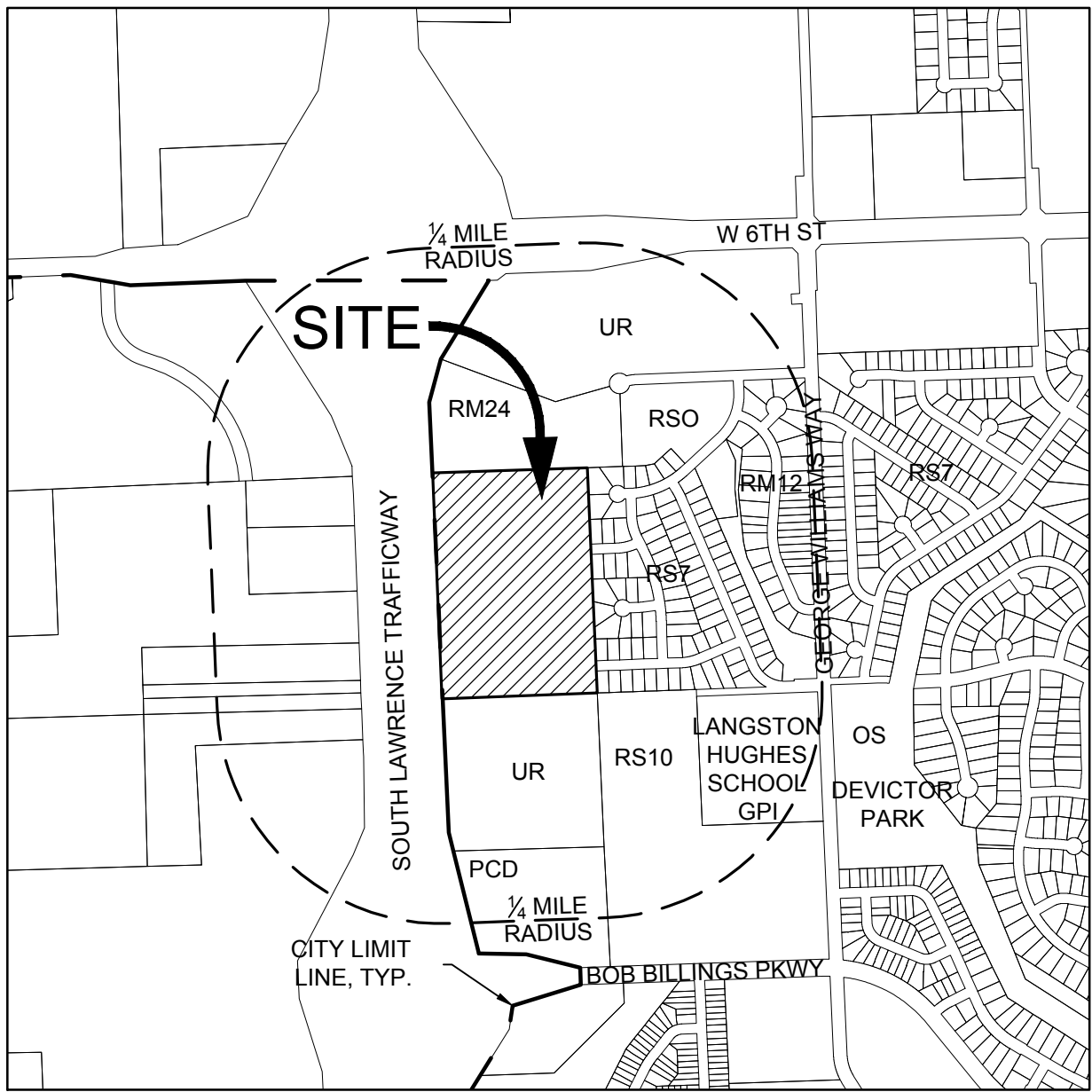


BENCHMARKS:

BENCHMARK 1: CHISELED SQUARE ON BACK OF CURB NORTH SIDE OF CRYSTAL LANE 50' +/- EAST OF EXISTING CURB (MIDDLE OF LOT 15, BLOCK ONE DIAMONDHEAD SUBDIVISION)
ELEV: 1023.18

BENCHMARK 2: CHISELED SQUARE ON BACK OF CURB SOUTH OF COMMON LINE OF LOTS 17 AN D18, BLOCK TWO DIAMONDHEAD SUBDIVISION
ELEV: 996.78

LOCATION MAP:



LEGAL DESCRIPTION:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION, THENCE ON A MEASURED BEARING OF NORTH 87°56'47" EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 427.54 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE SOUTH LAWRENCE TRAFFICWAY TO THE POINT OF BEGINNING; THENCE ON A MEASURED BEARING OF NORTH 02°42'28" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 1325.35 FEET TO THE SOUTHWEST CORNER OF LOT 2, BLOCK ONE, DIAMONDHEAD, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE ON A MEASURED BEARING OF NORTH 88°00'28" EAST, ALONG THE SOUTH LINE OF SAID LOT 2, A MEASURED DISTANCE OF 908.48 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK ONE IN SAID SUBDIVISION; THENCE ON A MEASURED BEARING OF SOUTH 02°31'23" EAST AND MEASURED DISTANCE OF 1324.34 FEET, ALONG THE WEST LINE OF SAID SUBDIVISION TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE ON A MEASURED BEARING OF SOUTH 87°56'47" WEST AND MEASURED DISTANCE OF 904.20 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINS 27.564 ACRES, MORE OR LESS.

GENERAL NOTES:

- OWNER: LANGSTON HEIGHTS, LC
611 SAINT ANDREWS DRIVE
LAWRENCE, KANSAS 66047
- LAND PLANNER/
CIVIL ENGINEER/
SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPAN ENGINEERING, P.A., OCTOBER 1, 2012.
- EXISTING ZONING: UR
- PROPOSED ZONING: RS7, RS5, RM12D, RM12
- EXISTING LAND USE: VACANT
- PROPOSED LAND USE: DETACHED DWELLING, DUPLEX, ATTACHED DWELLING
- THE SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 154, MAP NUMBER 20045C0154D, DOUGLAS COUNTY, KS., BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: SOGN-VINLAND COMPLEX, 3 TO 25% SLOPES
MARTIN SILTY CLAY LOAM, 1 TO 3% SLOPES
MARTIN SILTY CLAY LOAM, 3 TO 7% SLOPES
OSKA SILTY CLAY LOAM, 3 TO 6% SLOPES
VINLAND COMPLEX, 3 TO 7% SLOPES
VINLAND-MARTIN COMPLEX, 7 TO 15% SLOPES
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- THIS SITE IS DESIGNATED LOW-DENSITY RESIDENTIAL IN A NODAL PLAN FOR THE INTERSECTION OF WEST 6TH STREET & KANSAS HIGHWAY 10 (K-10), DATED 11/11/03.
- A WATER MAIN LOOP AND ASSOCIATED UTILITY EASEMENT IS TENTATIVELY LOCATED ACROSS LOT 1, BLOCK ONE. THE FINAL LOCATION OF THE WATER MAIN AND DEDICATION OF THE ASSOCIATED EASEMENT SHALL BE DETERMINED AT THE TIME OF SITE PLAN REVIEW FOR THE PROPOSED MULTI-FAMILY DEVELOPMENT.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
- UTILITIES WILL BE UNDERGROUND PER SEC. 20-809 (f)(4)(iv).
- A PEDESTRIAN CONNECTION AND ASSOCIATED PUBLIC ACCESS EASEMENT IS TENTATIVELY LOCATED ACROSS LOT 1, BLOCK ONE IN ACCORDANCE WITH SECTIONS 20-810(d)(2)(ii)(a) AND 20-810(h)(1) OF THE SUBDIVISION REGULATIONS. THE FINAL LOCATION OF THE CONNECTION AND DEDICATION OF THE ASSOCIATED EASEMENT SHALL BE DETERMINED AT THE TIME OF SITE PLAN REVIEW FOR THE PROPOSED MULTI-FAMILY DEVELOPMENT.
- LOTS DEVELOPED WITHIN THE SLT/K-10-TC SHALL BE DESIGNED TO COMPLY WITH THE MINIMUM DESIGN STANDARDS OF SECTION 20-307(c)(1).
- BUILDING PERMITS FOR STRUCTURES IN LOT 1, BLOCK ONE WILL NOT BE MADE AVAILABLE UNTIL SUCH TIME THAT RENAISSANCE DRIVE IS CONSTRUCTED AND COMPLETE SOUTH TO BOB BILLINGS PARKWAY.

SITE SUMMARY:

GROSS AREA: 1,200,694 SF / 27.564 AC
RIGHTS-OF-WAY: 258,286 SF / 5.929 AC
TRACTS: 4,742 SF / 0.109 AC
NET AREA: 937,666 SF / 21.526 AC
TOTAL LOTS: 74
AVERAGE LOT SIZE: 12,671 SF / 0.291 AC

BLOCK ONE
NET AREA: 242,521 SF / 5.568 AC
TOTAL LOTS: 1
AVERAGE LOT AREA: 242,521 SF / 5.568 AC
MINIMUM LOT AREA: 242,521 SF / 5.568 AC
MAXIMUM LOT AREA: 242,521 SF / 5.568 AC

BLOCK TWO
NET AREA: 126,732 SF / 2.909 AC
TOTAL LOTS: 14
AVERAGE LOT AREA: 9,052 SF / 0.208 AC
MINIMUM LOT AREA: 6,348 SF / 0.146 AC
MAXIMUM LOT AREA: 18,571 SF / 0.426 AC

BLOCK THREE
NET AREA: 269,703 SF / 6.192 AC
TOTAL LOTS: 29
AVERAGE LOT AREA: 9,300 SF / 0.214 AC
MINIMUM LOT AREA: 6,161 SF / 0.141 AC
MAXIMUM LOT AREA: 16,314 SF / 0.375 AC

BLOCK FOUR
NET AREA: 212,995 SF / 4.890 AC
TOTAL LOTS: 21
AVERAGE LOT AREA: 10,143 SF / 0.233 AC
MINIMUM LOT AREA: 6,120 SF / 0.140 AC
MAXIMUM LOT AREA: 15,931 SF / 0.366 AC

BLOCK FIVE
NET AREA: 10,800 SF / 0.248 AC
TOTAL LOTS: 1
AVERAGE LOT AREA: 10,800 SF / 0.248 AC
MINIMUM LOT AREA: 10,800 SF / 0.248 AC
MAXIMUM LOT AREA: 10,800 SF / 0.248 AC

BLOCK SIX
NET AREA: 74,915 SF / 1.720 AC
TOTAL LOTS: 8
AVERAGE LOT AREA: 9,364 SF / 0.215 AC
MINIMUM LOT AREA: 8,880 SF / 0.204 AC
MAXIMUM LOT AREA: 10,835 SF / 0.249 AC

ZONING SUMMARY:

RS7
GROSS AREA: 397,349 SF / 9.122 AC
RIGHTS-OF-WAY: 97,784 SF / 2.245 AC
TRACTS: 4,742 SF / 0.109 AC
NET AREA: 294,823 SF / 6.768 AC
TOTAL LOTS: 28
AVERAGE LOT AREA: 10,166 SF / 0.233 AC
MINIMUM LOT AREA: 8,880 SF / 0.204 AC
MAXIMUM LOT AREA: 18,571 SF / 0.426 AC
TOTAL UNITS: 29
UNIT DENSITY: 4.285 UNITS/AC

RS5
GROSS AREA: 238,317 SF / 5.471 AC
RIGHTS-OF-WAY: 61,884 SF / 1.421 AC
NET AREA: 176,433 SF / 4.050 AC
TOTAL LOTS: 28
AVERAGE LOT AREA: 6,301 SF / 0.145 AC
MINIMUM LOT AREA: 6,120 SF / 0.140 AC
MAXIMUM LOT AREA: 7,148 SF / 0.164 AC
TOTAL UNITS: 28
UNIT DENSITY: 6.914 UNITS/AC

RM12D
GROSS AREA: 282,754 SF / 6.491 AC
RIGHTS-OF-WAY: 58,865 SF / 1.351 AC
NET AREA: 223,889 SF / 5.140 AC
TOTAL LOTS: 16
AVERAGE LOT AREA: 13,993 SF / 0.321 AC
MINIMUM LOT AREA: 11,748 SF / 0.270 AC
MAXIMUM LOT AREA: 16,314 SF / 0.375 AC
TOTAL UNITS: 32
UNIT DENSITY: 6.226 UNITS/AC

RM12
GROSS AREA: 282,275 SF / 6.480 AC
RIGHTS-OF-WAY: 39,754 SF / 0.913 AC
NET AREA: 242,521 SF / 5.568 AC
TOTAL LOTS: 1
AVERAGE LOT AREA: 242,521 SF / 5.568 AC
MINIMUM LOT AREA: 242,521 SF / 5.568 AC
MAXIMUM LOT AREA: 242,521 SF / 5.568 AC
TOTAL UNITS: 62
UNIT DENSITY: 11.135 UNITS/AC

*GROSS SUBDIVISION UNIT DENSITY = 151 UNITS / 27.564 AC
= 5.478 UNITS/AC

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

- THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHTS-OF-WAY ASSOCIATED WITH ALL INTERNAL ROADS SHOWN.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WATER SYSTEM VIA TWO EXISTING 8-INCH LINES: ONE ON THE SOUTH SIDE OF PALISADES DRIVE, AND A SECOND ON THE SOUTH SIDE OF CRYSTAL LANE, BOTH TO THE EAST OF THE SUBJECT PROPERTY.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA THREE EXISTING 8-INCH MAINS: ONE THAT FLOWS SOUTH BETWEEN MANHOLES NW321219-010 AND NW321219-003 AND IS LOCATED ON THE SUBJECT PROPERTY'S EAST BOUNDARY IN A 15-FOOT UTILITY EASEMENT; A SECOND THAT FLOWS EAST FROM MANHOLE NW321219-011 AND IS LOCATED ON THE SUBJECT PROPERTY'S EAST BOUNDARY IN 15-FOOT UTILITY EASEMENT; AND A THIRD THAT FLOWS SOUTHWEST FROM MANHOLE SW321219-015 AND IS LOCATED WEST OF THE EXISTING BOB BILLINGS PARKWAY TERMINUS.
- PURCHASERS OF THE LOT IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISION OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Columbia, OH
The Woodlands, TX • Farmington Hills, MI

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PRELIMINARY PLAT OF
LANGSTON HEIGHTS ADDITION
CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS

REV	DATE	DESCRIPTION
1	1/17/12	PER DEPT. COMMENTS
2	1/22/12	ZONING REVISIONS
3	1/19/13	PER NEIGHBORHOOD
4	1/21/13	PER PC CONDITIONS

DATE: 10/08/12
PROJECT NO.: 20121218
DESIGNED BY: LPB/TAH
DRAWN BY: BS
CHECKED BY: CMS

ISSUE

SHEET NO.
1

OF 1 SHEETS



LOT AREA TABLE			
LOT NO.	SQ. FT.	ACRES	BLOCK
1	16,251	0.373	BLOCK ONE
2	16,042	0.368	BLOCK ONE
3	16,042	0.368	BLOCK ONE
4	16,499	0.379	BLOCK ONE
5	16,499	0.379	BLOCK ONE
6	16,042	0.368	BLOCK ONE
7	16,042	0.368	BLOCK ONE
8	16,042	0.368	BLOCK ONE
9	16,499	0.379	BLOCK ONE
10	16,499	0.379	BLOCK ONE
11	16,042	0.368	BLOCK ONE
12	16,042	0.368	BLOCK ONE
13	16,042	0.368	BLOCK ONE
14	16,042	0.368	BLOCK ONE
15	15,897	0.365	BLOCK ONE
1	7,148	0.164	BLOCK TWO
2	6,479	0.149	BLOCK TWO

LOT AREA TABLE			
LOT NO.	SQ. FT.	ACRES	BLOCK
3	6,446	0.148	BLOCK TWO
4	6,414	0.147	BLOCK TWO
5	6,381	0.146	BLOCK TWO
6	6,348	0.146	BLOCK TWO
7	6,388	0.147	BLOCK TWO
8	8,890	0.204	BLOCK TWO
9	11,888	0.273	BLOCK TWO
10	18,571	0.426	BLOCK TWO
11	12,892	0.296	BLOCK TWO
12	9,208	0.211	BLOCK TWO
13	8,880	0.204	BLOCK TWO
14	10,800	0.248	BLOCK TWO
1	6,760	0.155	BLOCK THREE
2	6,160	0.141	BLOCK THREE
3	6,160	0.141	BLOCK THREE
4	6,160	0.141	BLOCK THREE
5	6,160	0.141	BLOCK THREE

LOT AREA TABLE			
LOT NO.	SQ. FT.	ACRES	BLOCK
6	6,160	0.141	BLOCK THREE
7	6,199	0.142	BLOCK THREE
8	12,472	0.286	BLOCK THREE
9	9,500	0.218	BLOCK THREE
10	9,360	0.215	BLOCK THREE
11	9,360	0.215	BLOCK THREE
12	9,360	0.215	BLOCK THREE
13	9,360	0.215	BLOCK THREE
14	10,637	0.244	BLOCK THREE
15	6,161	0.141	BLOCK THREE
16	6,135	0.141	BLOCK THREE
17	6,135	0.141	BLOCK THREE
18	6,135	0.141	BLOCK THREE
19	6,135	0.141	BLOCK THREE
20	6,135	0.141	BLOCK THREE
21	6,735	0.155	BLOCK THREE
22	13,500	0.310	BLOCK THREE

LOT AREA TABLE			
LOT NO.	SQ. FT.	ACRES	BLOCK
23	11,794	0.271	BLOCK THREE
24	14,607	0.335	BLOCK THREE
25	16,210	0.372	BLOCK THREE
26	16,314	0.375	BLOCK THREE
27	14,607	0.335	BLOCK THREE
28	11,794	0.271	BLOCK THREE
29	13,500	0.310	BLOCK THREE
1	13,361	0.307	BLOCK FOUR
2	11,748	0.270	BLOCK FOUR
3	14,775	0.339	BLOCK FOUR
4	15,846	0.364	BLOCK FOUR
5	15,931	0.366	BLOCK FOUR
6	14,607	0.335	BLOCK FOUR
7	11,794	0.271	BLOCK FOUR
8	13,500	0.310	BLOCK FOUR
9	6,720	0.154	BLOCK FOUR
10	6,120	0.140	BLOCK FOUR

LOT AREA TABLE			
LOT NO.	SQ. FT.	ACRES	BLOCK
11	6,120	0.140	BLOCK FOUR
12	6,120	0.140	BLOCK FOUR
13	6,120	0.140	BLOCK FOUR
14	6,120	0.140	BLOCK FOUR
15	6,181	0.142	BLOCK FOUR
16	10,777	0.247	BLOCK FOUR
17	9,360	0.215	BLOCK FOUR
18	9,360	0.215	BLOCK FOUR
19	9,360	0.215	BLOCK FOUR
20	9,360	0.215	BLOCK FOUR
21	9,714	0.223	BLOCK FOUR
1	10,800	0.248	BLOCK FIVE
2	4,742	0.109	BLOCK FIVE
1	10,835	0.249	BLOCK SIX
2	8,880	0.204	BLOCK SIX
3	8,880	0.204	BLOCK SIX
4	8,880	0.204	BLOCK SIX

LOT AREA TABLE			
LOT NO.	SQ. FT.	ACRES	BLOCK
5	8,880	0.204	BLOCK SIX
6	8,880	0.204	BLOCK SIX
7	8,880	0.204	BLOCK SIX
8	10,800	0.248	BLOCK SIX

LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	11.31'	S2° 31' 23"E
L2	13.63'	N87° 17' 32"E
L3	12.47'	N87° 17' 32"E
L4	11.51'	N87° 17' 32"E
L5	8.47'	S87° 56' 47"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	196.75'	125.00'	177.06'	N47° 36' 56"W
C2	33.99'	155.00'	33.92'	S86° 29' 31"E
C3	55.10'	155.00'	54.81'	S69° 57' 02"E
C4	54.74'	155.00'	54.46'	S49° 38' 52"E
C5	54.90'	155.00'	54.61'	S29° 23' 00"E
C6	45.21'	155.00'	45.05'	S10° 52' 47"E
C7	57.83'	60.00'	55.61'	S54° 54' 08"W
C8	50.56'	60.00'	49.08'	N73° 20' 52"W
C9	48.69'	60.00'	47.37'	N25° 57' 28"W
C10	48.69'	60.00'	47.37'	N20° 32' 32"E
C11	50.56'	60.00'	49.08'	N67° 55' 56"E
C12	57.83'	60.00'	55.61'	S60° 19' 04"E
C13	149.53'	95.00'	134.57'	S47° 36' 56"E
C14	57.83'	60.00'	55.61'	S54° 54' 08"W
C15	50.56'	60.00'	49.08'	N73° 20' 52"W
C16	48.69'	60.00'	47.37'	N25° 57' 28"W
C17	48.69'	60.00'	47.37'	N20° 32' 32"E
C18	50.56'	60.00'	49.08'	N67° 55' 56"E
C19	57.83'	60.00'	55.61'	S60° 19' 04"E

MONUMENTATION:

- FOUND 1/2" x 24" REBAR W / "PLS 1558" CAP FROM UNRECORDED BOUNDARY SURVEY, SEPT., 2012
- FOUND 1/2" IRON BAR W / "PLS 610" CAP
- FOUND SECTION CORNER FROM REFERENCE TIES, OR AS NOTED

LEGEND:

- (D) DEEDED DIMENSION
- (M) MEASURED DIMENSION
- (P) PLATTED DIMENSION
- D/E DRAINAGE EASEMENT
- L/E LANDSCAPE EASEMENT
- U/E UTILITY EASEMENT
- R/W RIGHT-OF-WAY

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LESS SOUTH LAWRENCE TRAFFICWAY RIGHT-OF-WAY, IN DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION, THENCE ON A MEASURED BEARING OF NORTH 87°56'47" EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 427.54 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE SOUTH LAWRENCE TRAFFICWAY BEING THE POINT OF BEGINNING; THENCE ON A MEASURED BEARING OF NORTH 02°42'28" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 1325.35 FEET TO THE SOUTHWEST CORNER OF LOT 2, BLOCK ONE, DIAMONDHEAD, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE ON A MEASURED BEARING OF NORTH 88°00'28" EAST, ALONG THE SOUTH LINE OF SAID LOT 2, A MEASURED DISTANCE OF 908.48 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER SECTION, AS DESCRIBED ON THE FINAL PLAT OF DIAMONDHEAD SUBDIVISION; THENCE ON A MEASURED BEARING OF SOUTH 02°31'23" EAST A MEASURED DISTANCE OF 1324.34 FEET, ALONG THE WEST LINE OF SAID SUBDIVISION TO THE SOUTH QUARTER CORNER OF SAID NORTHWEST QUARTER, AS DESCRIBED ON THE FINAL PLAT OF SAID SUBDIVISION; THENCE ON A MEASURED BEARING OF SOUTH 87°56'47" WEST A MEASURED DISTANCE OF 904.20 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING. CONTAINS 27.564 ACRES, MORE OR LESS.

NOTES:

THE BASIS OF BEARINGS FOR THIS PLAT IS KANSAS STATE PLANE ZONE 1501.

ERROR OF CLOSURE = 1:1,859,000

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

THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO SECTION 20-811(g) OF THE SUBDIVISION REGULATIONS, EXCLUDING THOSE STREET TREES ASSOCIATED WITH LOT 1, BLOCK ONE, THE PLANTING OF WHICH WILL OCCUR AT THE TIME OF SITE PLANNING.

THE LOTS WILL BE PINNED PRIOR TO THE RECORDATION OF THE FINAL PLAT AT THE REGISTER OF DEEDS OFFICE, PER SECTION 20-811(K).

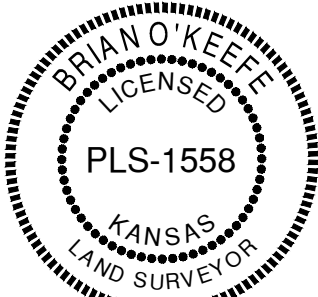
ALL UTILITIES WILL BE UNDERGROUND, PER SECTION 20-809(f)(4)(iv).

TRACT A, BLOCK FIVE IS RESERVED FOR FUTURE DEVELOPMENT. SAID TRACT A SHALL BE MAINTAINED IN ITS NATURAL STATE UNTIL SUCH TIME THAT IT IS DEVELOPED OR IMPROVED IN ACCORDANCE WITH APPLICABLE ORDINANCES AND REGULATIONS. AT ALL TIMES MAINTENANCE OF TRACT A SHALL REMAIN THE RESPONSIBILITY OF THE OWNER OF RECORD.

ON JULY 11, 2013 THE LAWRENCE BOARD OF ZONING APPEALS, PER CASE NUMBER B-13-00223, GRANTED A VARIANCE FROM SEC. 20-908(b)(3) OF THE LAND DEVELOPMENT CODE TO ALLOW DRIVEWAYS ON LOTS ZONED RSS TO EXCEED 12 FEET IN WIDTH.

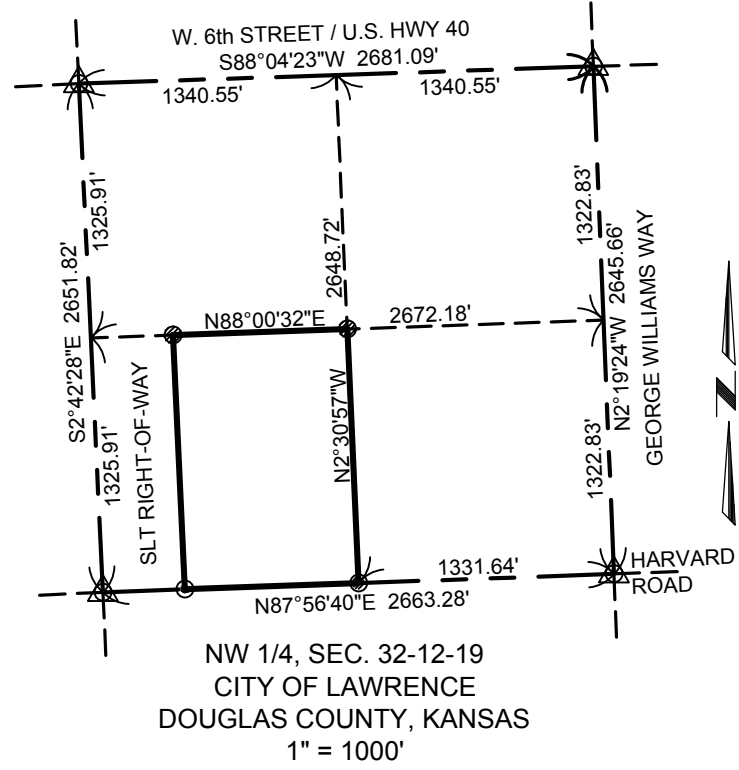
CERTIFICATION:

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN NOVEMBER, 2013. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.



BRIAN O'KEEFE, P.L.S. #1558
LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE, SUITE 100
LAWRENCE, KS 66049
785.843.7530

LOCATION MAP:



DEDICATION:

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "LANGSTON HEIGHTS ADDITION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

DOUGLAS W. RANEY, OFFICER
LANGSTON HEIGHTS DEVELOPMENT, LLC

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2014, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME DOUGLAS W. RANEY, OFFICER OF LANGSTON HEIGHTS DEVELOPMENT, LLC, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC MY COMMISSION EXPIRES

ENDORSEMENTS:

APPROVED AS A MAJOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE & THE UNINCORPORATED AREAS OF DOUGLAS COUNTY

ASSOCIATED PRELIMINARY PLAT APPROVED BY THE LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION, DOUGLAS COUNTY, KANSAS

SCOTT McCULLOUGH DATE
DIRECTOR, PLANNING & DEVELOPMENT SERVICES

BRUCE LIESE DATE
CHAIR

RIGHTS-OF-WAY AND EASEMENTS ACCEPTED BY
CITY COMMISSION, LAWRENCE, KANSAS

MICHAEL DEVER DATE
MAYOR

JONATHAN M. DOUGLASS DATE
CITY CLERK

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

MICHAEL D. KELLY, P.L.S. #869 DATE
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 _____, 2014, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK _____, PAGE _____.

KAY PESNELL
REGISTER OF DEEDS

A FINAL PLAT OF
**LANGSTON HEIGHTS
ADDITION**
A SUBDIVISION IN THE CITY OF LAWRENCE,
DOUGLAS COUNTY, KANSAS
NW 1/4, SEC. 32-T12S-R19E

From: [Andy Pitts](#)
To: [Sandra Day](#)
Cc: bculver@bankingunusual.com
Subject: Planning Commission Item No 7, December 18th, PF-13-00084
Date: Monday, December 09, 2013 10:08:46 PM

RE: Planning Commission Item No 7, December 18th, PF-13-00084

Sandy,

We are writing concerning an upcoming planning commission agenda item for the Langston Heights Addition. It is our understanding that the final plat will be considered at the December 18th meeting. This plat varies from the approved preliminary plat in at least two areas. From communication from the developer, the plat has been changed on the lot adjacent to K-10 trafficway from 'row houses' to duplex lots. The communication also states the development teams desire to remove a restriction to build on this parcel of land until the adjacent street has been completed to the south.

The original plat began consideration almost one year ago and involved significant discussions between the development team, the city, and the neighborhood. There were many concessions from all parties and the preliminary plat was considered and approved in early 2013. Many of these concerns surround the density of the development and the potential traffic from these improvements. The development team, in consideration of these issues, proposed restrictions to the plat to relieve some concerns. One of these restrictions was to limit development of the western lot (the lot under consideration) until the adjacent street was completed to the south. While this did not eliminate all the neighborhoods concerns, the restriction on developing this land was a good faith offering by the development team and was well received.

In the letter to the adjacent property owners, it was noted that no public comment would be allowed for this item. It would be extremely unfortunate after the process that was undertaken by the development team and the neighborhood for this change to be allowed without comment from the neighborhood. Hours of presentation were provided by both parties to arrive at, what we believe is a better project. One year ago the process developed under our planning code worked...and it worked well. To allow this change to proceed without additional public comment would undermine integrity of this process.

We would respectfully request that public comment be allowed for agenda item no 7, PF-13-00084.

Thank you,

Debbie and Andy Pitts

Memorandum

Planning & Development Services

TO: Lawrence-Douglas County Metropolitan Planning Commission

FROM: Mary Miller, Planning Staff

Date: For December 16, 2013 meeting

RE: Procedural Options Regarding Clarification Of Camping Regulations UPDATE

At their November meeting, the Planning Commission directed staff to provide procedural options to clarify the regulations regarding camping in the unincorporated areas of the county. Given the short time between the November and the December meetings, Staff has not been able to arrange a meeting with the County Zoning and Codes Director to discuss this issue and develop options.

The memo with procedural options will be provided at the January Planning Commission meeting.