



Updated:

12/14/15 @ 11:30am

Added communications for Item 5 - Text Amendment Urban Agriculture

12/11/15 @ 4:30pm

Added the following items:

Communications for Item 1 - Rezoning 239 Elm & 311 N 3rd

Communications for Item 5 - Text Amendment Urban Agriculture

Draft November 16, 2015 Planning Commission Minutes

12/8/15 @ 4:15pm

The Draft November 16, 2015 Planning Commission Minutes will be added when available.

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
DECEMBER 14 & ~~16~~, 2015 6:30PM - 10:30PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of November 16, 2015.

COMMITTEE REPORTS

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

COMMUNICATIONS

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

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

REGULAR AGENDA (DECEMBER 14, 2015) MEETING

PUBLIC HEARING ITEMS:

ITEM NO. 1 IG TO CS; 5,500 SF; 239 ELM ST & 311 N 3RD ST (SLD)

Z-15-00522: Consider a request to rezone approximately 5,500 SF from IG (General Industrial) District to CS (Strip Commercial) District, located at 239 Elm Street and 311 N 3rd Street. Submitted by Paul Werner Architects, for Lawrence Kansas Rentals, LLC and Jon Davis, property owners of record.

ITEM NO. 2 UR TO RMO; 1.04 ACRES; 4111 W 6TH ST (BJP)

Z-15-00523: Consider a request to rezone approximately 1.04 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential-Office) District, located at 4111 W 6th St. Submitted by Paul Werner Architects, for Freestate Dental Building, LLC, property owner of record.

ITEM NO. 3A A TO RS10; 3 ACRES; 1041 N 1700 RD (KES)

Z-15-00524: Consider a request to rezone approximately 3 acres from County A (Agricultural) District to RS10 (Single-Dwelling Residential) District, located at 1041 N 1700 Rd. Submitted by BG Consultants on behalf of Wedman Construction Inc, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 3B PRELIMINARY PLAT FOR WESTWOOD HILLS 9TH PLAT; 1041 N 1700 RD (KES)

PP-15-00527: Consider a Preliminary Plat for Westwood Hills 9th Plat, located at 1041 N 1700 Rd. The residential subdivision contains approximately 3 acres and proposes 6 single-dwelling lots along the east side of Dole Drive (extended). Submitted by BG Consultants Inc on behalf of Wedman Construction Inc, property owner of record.

RESUME PUBLIC HEARING:

ITEM NO. 4 PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; NE CORNER 6TH ST & WAKARUSA DR (SLD)

PDP-15-00529: Consider a revised Preliminary Development Plan for Bauer Farm, located at the NE corner of 6th & Wakarusa Dr. The plan proposes revisions to the remaining undeveloped commercial and multi-dwelling residential areas of Bauer Farm. Submitted by Treanor Architects PA for Free State Holdings, Inc., Bauer Farm Residential LLC, Free State Group LLC, property owners of record.

ITEM NO. 5 TEXT AMENDMENT FOR URBAN AGRICULTURAL (MKM)

TA-15-00346: Consider a Text Amendment to the City of Lawrence Land Development Code, to add Urban Agriculture as a permitted use and establish standards. *Initiated by City Commission on 6/23/15.*

****DEFERRED****

~~ITEM NO. 6 SPECIAL USE PERMIT FOR FAST ORDER FOOD, DRIVE-IN; 4300 W 24TH PLACE (SLD)~~

~~SUP-15-00521:~~ Consider a ~~Special Use Permit for approval of a neighborhood commercial shopping area that includes buildings to house *Fast Order Food, Drive-in*, located at 4300 W 24th Place. The plan proposes 31,625 sq. ft. of commercial development in five buildings with four drive-thru uses indicated. Two drive-thru uses are for *Fast Order Food*. Submitted by Paul Werner Architects, for RPI, LLC, property owner of record.~~

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

November 2015						
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

December 2015						
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

January 2016						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

PCCM Meeting:

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

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<http://www.lawrenceks.org/subscriptions>

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

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM <i>** alternate day/time</i>	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 13	Article 9 text amendments - Parking		Jan 25	Jan 27
<i>Feb 18 ** Thursday 6:30 PM meeting</i>	<i>Joint meeting with HRC – Oread Design Guidelines</i>		Feb 22	Feb 24
<i>Mar 9 ** Wednesday 5:30 PM meeting</i>	<i>Joint meeting with Sustainability Advisory Board</i>		Mar 21	Mar 23
Apr 13	Retail Market Study		Apr 25	Apr 27
May 11	TBD		May 23	May 25
Jun 8	TBD		Jun 20	Jun 22
Jul 13	TBD		Jul 25	Jul 27
Aug 10	TBD		Aug 22	Aug 24
Sep 14	TBD		Sep 26	Sep 28
Oct 12	TBD		Oct 24	Oct 26
Nov 2	TBD		Nov 14	Nov 16
Nov 30	TBD		Dec 12	Dec 14
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>New County Zoning Codes</i> <i>Tour City/County Facilities</i> <i>Water Resources</i>		<i>Communication Towers – Stealth Design, # of co-locations, notice area</i> <i>WiFi Connectivity & Infrastructure Planning</i> <i>Oread Overlay Districts & Design Guidelines</i> <i>Comprehensive Plan – Goals & Policies</i> <i>Affordable Housing</i> <i>Retail Market Impacts</i> <i>Case Studies</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

2015 PLANNING COMMISSION ATTENDANCE

	Jan 26 2015	Feb 23 2015	March 23 2015	April 20 2015	May 18 2015	June 22 2015	July 22 2015	Aug 24 2015	Sept 21 2015	Oct 19 2015	Nov 16 2015	Dec 14 2015
Britton	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Butler				Yes	No	Yes	Yes	Yes	Yes	Yes		
Culver	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	
Denney	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	
Graham	Yes	Yes	Yes	No	Yes	Yes	No	No	No			
Josserand	Yes	Yes	Yes	Yes	Yes	No						
Kelly	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Liese	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	
Sands							Yes	Yes	Yes	Yes	Yes	
Struckhoff	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

2015 MID-MONTH ATTENDANCE

	Jan 14 2015	Feb 11 2015	March 11 2015	April 8 2015	May 6 2015	June 10 2015	July 8 2015	Aug Canceled	Sept 9 2015	Oct 9 2015	Nov 4 2015	Dec Canceled
Britton	Yes	Yes	No	Yes	Yes	Yes	Yes		Yes	Yes	No	
Butler					No	Yes	No		No	Yes	No	
Culver	Yes	Yes	Yes	Yes	Yes				Yes	Yes	Yes	
Denney	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	
Graham	No	No	No	Yes	Yes	No	No		No			
Josserand	No	No	Yes	No	Yes							
Kelly	Yes	No	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	
Liese	Yes	Yes	No	No	Yes	Yes	No		Yes	Yes	No	
Sands									Yes	Yes	No	
Struckhoff	Yes	Yes	Yes	No	Yes	Yes	Yes		Yes	Yes	Yes	
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	



PLANNING COMMISSION MEETING
November 16, 2015
Meeting Minutes

November 16, 2015 – 6:30 p.m.

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

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

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of October 19, 2015.

Motioned by Commissioner Struckhoff, seconded by Commissioner Kelly, to approve the October 19, 2015 Planning Commission minutes.

Approved 8-0.

COMMITTEE REPORTS

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

Commissioner Culver said the Oread Design Guidelines subcommittee met last week and reviewed the draft document. He said the draft would go to the neighborhood and public for feedback and then to Planning Commission.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- Abstentions:
Commissioner Kelly said he would abstain from Item 7 due to his employer being the College & Career Center.

Commissioner Culver said he would abstain from Item 7 since he served on the board of Boys & Girls Club and they were planning on building a facility near the College & Career Center.

PC Minutes 11/16/15 **DRAFT**

**ITEM NO. 1 MINOR SUBDIVISION VARIANCE FOR LAWRENCE-OUSDAHL NO. 1;
1714 W 23RD ST (SLD)**

Minor Subdivision, MS-15-00213, variance request to reduce the right-of-way for a principal arterial street per section 20-813(g) of the Land Development Code for Lawrence-Ousdahl No. 1, located at 1714 W. 23rd Street. Submitted by Lawrence Ousdahl, LTD, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

No applicant present.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Denney asked if the number of curb cuts in the area would be reduced.

Ms. Day said ultimately yes, that was part of the project.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the variance from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for W. 23rd Street subject to the following condition:

1. The plat shall be revised to include the following note: *On November 16, 2015 the Lawrence/Douglas County Planning commission approved a variance from right-of-way requirements in Section 20-810 (e)(5) of the Subdivision Regulations to allow the W. 23rd Street right-of-way to remain at 100 feet within this Minor Subdivision in Lieu of the 150 feet required for a Principal Arterial Street.*

Unanimously approved 8-0.

PC Minutes 11/16/15 **DRAFT**

ITEM NO. 2 MINOR SUBDIVISION VARIANCE FOR TOWER PLAZA ADDITION; 2540 IOWA ST (BJP)

Minor Subdivision, MS-15-00462, variance request to reduce the right-of-way for a principal arterial street per section 20-813(g) of the Land Development Code for Tower Plaza Addition, located at 2540 Iowa St. Submitted by Strick & Co. Inc., for Iowa 33 LLC, property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

No applicant present.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Sands, to approve the variance request from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Iowa Street subject to the following condition:

The plat shall be revised to include the following note: *"On November 16, 2015, the Lawrence/Douglas County Planning Commission approved a variance from right-of-way requirements in Section 20-810(e)(5) of the Subdivision Regulations to allow the Iowa Street right-of-way to remain at 100 feet within this Minor Subdivision in lieu of the 150 feet required for a Principal Arterial Street."*

Unanimously approved 8-0.

PC Minutes 11/16/15 **DRAFT**

ITEM NO. 3 RS7 TO IL; 2.96 ACRES; 1501 LEARNARD AVE (MKM)

Z-15-00427: Consider a request to rezone approximately 2.96 acres located at 1501 Learnard Ave from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District with conditions to limit certain uses. Submitted by Sunrise Green LLC, property owner of record. *Deferred by Planning Commission on 10/19/15.*

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

APPLICANT PRESENTATION

Mr. Milstein was present for questioning.

PUBLIC HEARING

Mr. Jim Carpenter said this project was difficult because of the fine intentions of the people involved. He said the land was surrounded by RS5 and RS7. He said the greenhouse was first built outside of city limits and the city was built around it with residential zoning. He said it had been a non-conforming use until Sunrise closed. He asked that Planning Commission come up with a way to preserve the RS7 zoning. He suggested adding an overlay district. He said only two uses required this zoning. He asked that Planning Commission deny the rezoning request.

Mr. Matthew Stephens said he lived three houses down from this site and would like to see the greenhouse stay on the site. He felt it was important to the neighborhood. He said having the site plan go to City Commission would provide the neighborhood a voice to any changes.

Ms. Melissa Freiburger said she lives three houses down from this site and that neighbors who live nearby are in favor of this. She said there were only one or two people opposed but that there was overwhelming support for the rezoning. She reminded Planning Commission of all the letters of support they received.

APPLICANT CLOSING COMMENTS

Mr. Milstein said the two to three individuals that were opposed to the project did not represent the neighborhood.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelly, to approve the rezoning request for approximately 2.96 acres from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District, with use restrictions and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1. Permitted uses are limited to those listed below:
 - a. Crop Agriculture
 - b. Social Service Agency
 - c. Health Care Office/Health Care Clinic, provided that the gross floor area shall not exceed 3,000 sq ft
 - d. Administrative and Professional Office

- e. Personal Improvement, provided that the gross floor area shall not exceed 3,000 sq ft
 - f. General Retail Sales, provided that the gross floor area shall not exceed 3,000 sq ft
 - g. Fast Order Food, provided that the gross floor area shall not exceed 3,000 sq ft
 - h. Limited Manufacturing and Production when approved with a Special Use Permit
 - i. Light Wholesale Storage and Distribution when approved with a Special Use Permit
 - j. Agricultural Sales
 - k. Neighborhood Religious Institution
 - l. Telecommunication Tower when approved with a Special Use Permit
 - m. Telecommunication Antennae, accessory
 - n. Satellite Dish, accessory
2. All site plans submitted for standard or major development projects shall require approval by the City Commission.

Commissioner von Achen asked why a PD Overlay was not applicable.

Ms. Stogsdill said it was an option but it would set the project back because in order to zone to a PD Overlay a plan would need to be prepared before. She said in staff's opinion the site plan approval to City Commission allowed the same element of control and public input. She said it would take Planning Commission out of the review of the site plan.

Mr. McCullough said there was a menu of uses the applicant wanted available and doesn't have them locked down enough yet to put them on a rock solid site plan. He said the equivalency would be to have a site plan go to City Commission.

Commissioner Britton said he would vote in favor of the motion. He said having the site plan go through City Commission would give the neighborhood control to speak up when the time comes.

Commissioner Denney said the neighbors expressed concern about maintaining the character of the area and this plan seemed to be doing that. He stated limited manufacturing and production, as well as light wholesale storage and distribution, would have to be approved by a Special Use Permit so that put sufficient control into this being a slippery slope into a serious industrial area.

Commissioner Kelly said in his mind the proposed Urban Agricultural Text Amendment didn't quite fit for this larger site. He said he would vote in favor of the recommendation.

Unanimously approved 8-0.

PC Minutes 11/16/15 **DRAFT**

ITEM NO. 4 RM12D TO RS7 & OS; 11.855 ACRES; 5800 OVERLAND DR (BJP)

Z-15-00463: Consider a request to rezone approximately 11.855 acres from RM12D (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District and OS (Open Space) District, located at 5800 Overland Dr. Submitted by Grob Engineering Services, LLC on behalf of Oregon Trail Holdings, LC and the City of Lawrence, property owners of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Mr. John McGrew, Oregon Trail Holdings, said more single family lots were needed in Lawrence.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to approve the request to rezone approximately 11.80 acres, from RM12D (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District and 0.055 acres from RM12D (Multi-Dwelling Residential) to OS (Open Space) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

PC Minutes 11/16/15 **DRAFT**

**ITEM NO. 5 CONDITIONAL USE PERMIT FOR PUBLIC WHOLESALE WATER SUPPLY
DISTRICT NO. 25; E 1300 RD & N 650 RD (MKM)**

CUP-15-00474: Consider a Conditional Use Permit for a Water Storage Tank & Booster Pump Station for Public Wholesale Water Supply District No. 25, on approximately 3 acres in the southeast corner of the intersection of E 1300 Rd & N 650 Rd/County Route 460. Submitted by Public Wholesale Water Supply District No. 25, for Harrison Family Farms LLC, property owner of record, and Public Wholesale Water Supply District No. 25, contract purchaser.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

APPLICANT PRESENTATION

Mr. John Ruckman, Bartlett & West, this is much like many other water storage tanks across the county. This is the centerpoint of the facility. This would be a supply for 2,500 residents.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Sands, to approve the Conditional Use Permit, CUP-15-00474, for a Rural Water District standpipe and booster pump station, a Utility use, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report subject to the following condition:

- a. The Conditional Use shall be administratively reviewed every 5 years.

Commissioner Britton asked how many water storage tanks there were.

Mr. Ruckman said he couldn't say for sure but that there were probably about 15-20 scattered across Douglas County.

Commissioner Kelly asked the applicant to comment on one of the letters they received that stated the tower would be better suited in another location. He asked Mr. Ruckman to comment on why this location was selected.

Mr. Ruckman said the location of mid-point allowed for pressure to have a breaking point. He said they also looked for higher elevated areas so the tank height could be as short as possible. He said they looked at another location near this site that would have required a 175' tower, which probably wouldn't have been in the best interest of the client or community. He said this location allowed for the tank to be shorter.

Commissioner Liese said when he served on Lecompton City Council they went through this exact same process for a water tank. He said it required a lot of engineering and good planning, which was why he would support this.

Commissioner von Achen asked the applicant to address the letter received that talked about how close the tower would be to the closest home, as well as increased traffic and noise.

Mr. Ruckman said the closest home was about 1000' to the north. He said as far as traffic and noise, the building would be insulated so there wouldn't be noise. He said there would be an onsite generator but that it would only be used in the event of a power outage. He said traffic at this location would be at most once a day. He stated the facility was meant to be un-manned other than when someone would stop by for about 15 minutes to make sure it was operating correctly.

Commissioner Britton said the applicant and staff did a good job of laying out how the impacts would be minimized by keeping the tank short.

Unanimously approved 8-0.

PC Minutes 11/16/15 **DRAFT**

ITEM NO. 6A GPI, RM12, & RS40 TO RM12; 14.756 ACRES; 5200 & 5300 CLINTON PKWY (SLD)

Z-15-00469: Consider a request to rezone approximately 14.756 acres from GPI (General Public and Institutional) District, RM12 (Multi-Dwelling Residential) District and RS40 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 5200 & 5300 Clinton Pkwy. Submitted by Paul Werner Architects, for Genesis Health Clubs of Lawrence LLC, property owner of record.

ITEM NO. 6B SPECIAL USE PERMIT FOR FITNESS & TENNIS FACILITY; 5200 & 5300 CLINTON PKWY (SLD)

SUP-15-00468: Consider a Special Use Permit for an *Active Recreation* use, an indoor/outdoor Fitness & Tennis Facility, located at 5200 & 5300 Clinton Pkwy. The proposed facility will include 54,000 SF of indoor space and continue the use of the 6 existing outdoor tennis courts. Submitted by Paul Werner Architects, Genesis Health Clubs of Lawrence LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 6A and 6B together.

APPLICANT PRESENTATION

Ms. Leticia Cole, Paul Werner Architects, mostly agreed with the conditions in the staff report but wanted to see if conditions 2(g)(iii) and 2(g)(iv) could be reconsidered. She asked for leeway in where the 12 trees would be placed along Clinton Pkwy. She also felt the shrubs may not be applicable in this situation since the parking was not being changed.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Denney asked if there was the possibility of multi-dwelling being built in the spillway area.

Ms. Day said no.

Commissioner Britton asked staff to comment on the potential changes to conditions 2(g)(iii) and 2(g)(iv) that the applicant mentioned.

Ms. Day said regarding street trees, where they are located could depend on utilities and getting them appropriately spaced. She said the location of planting of trees could be easily managed between the applicant and staff as they move through the project. She said regarding screening, it was appropriate to have good screening of the parking lot on a major corridor and staff felt it was a reasonable recommendation.

ACTION TAKEN on Item 6A

Motioned by Commissioner Liese, seconded by Commissioner Culver, to approve the request to rezone approximately 14.756, from GPI (General Public and Institutional) District, RM12 (Multi-

Dwelling Residential) District and RS40 (Single Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

ACTION TAKEN on Item 6B

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the Special Use Permit, SUP-15-00468, for *Active Recreation* uses to be located at 5200 and 5300 Clinton Parkway, and forwarding the request to the City Commission with a recommendation of approval subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Prior to the release of the Special Use Permit for issuance of a building permit the applicant shall provide a revised drawing to include the following notes and changes:
 - a. Provision of a revised plan that removes all references to KU and renames the project.
 - b. Drawing shall be revised per the approval of the City Stormwater Engineer to include the storm sewer information as noted on the previously approved UPR dated 8-9-2007 for the tennis courts east of the building to include pipe materials and sizes.
 - c. Drawing shall be revised per the approval of the City Stormwater Engineer to delineate the "easement" or area of inundation from the emergency spillway for Lake Alvarado/Yankee Tank Lake. This area shall be identified as a no build area in the event of a high water event for the dam and the subsequent use of the emergency spillway.
 - d. Provision of a note on the face of the site plan that states *"Changes to the lighting shall require the submission and approval of a photometric plan per section 20-1103 of the Land Development Code prior to the submission of a building permit."*
 - e. Provide a revised landscape plan per the City Parks Department approval to include a revised list of species for replanting as needed for this site.
 - f. Provision of a note that states: *"Changes or addition to mechanical equipment shall be screened in accordance with section 20-1006 (b) of the Land Development Code."*
 - g. Provision of a revised landscape plan to show the following changes:
 - i. Two additional trees along Clinton Parkway Frontage Road adjacent to 5200 Clinton Parkway.
 - ii. Two additional trees along the west side of Olympic Drive adjacent to 5300 Clinton Parkway.
 - iii. 12 trees along the north side of Clinton Parkway adjacent to 5300 Clinton Parkway.
 - iv. Provision of shrubs to create solid screening along the parking row parallel to Clinton Parkway west of Olympic Drive.
 - h. Update Special Use Permit plan and parking summary to reflect total square footage.

Commissioner Britton said the approaches to the property were prominent and he agree they should be landscaped and look nice.

Unanimously approved 8-0.

PC Minutes 11/16/15 **DRAFT**

ITEM NO. 7 IG TO IL; .972 ACRES; 1021 E 31ST ST (KES)

Z-15-00471: Consider a request to rezone approximately .972 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 1021 E 31ST St. Submitted by Richard G. Sells on behalf of Spirit Industries Inc, property owner of record.

STAFF PRESENTATION

Ms. Katherine Simmons presented the item.

APPLICANT PRESENTATION

Mr. Richard Sells said he had been looking for a location for a gun range and had only found 2 sites. He said he understood the free school gun act. He said in July 2014 open carry and conceal carry was signed into law. He said that took away some of the restrictions from the 1000' barrier. He said any person can walk up to a school with a hand gun as long as they don't go in. He also stated shooting on private land was allowed. He said the community center was less than 1000' from St. John's Catholic School, First United Methodist Church private preschool, Plymouth Congregational Church private preschool. He said for the past 19 years the city of Lawrence had operated a gun range inside the 1000' rule of a school and nobody had complained.

PUBLIC HEARING

Ms. Shannon Kimball, USD 497 Board of Education, expressed opposition to the rezoning. She discussed safety and security of the faculty and students. She said the proposed use would detrimentally affect the school district's College & Career Center site. It did not correctly address the impact of the federal gun free act. She said the campus in the future will partner with the Boys and Girls Club. She said a gun sale outlet and shooting range was not a compatible use with the neighboring school district educational use. She said the gun free school zone act created a 1000' gun free buffer around school district property. She stated the detriment to the school was very real and that the detriment outweighed the interest of the applicant in going forward with the rezoning. She asked Planning Commission to deny this for safety and security reasons.

Mr. Colby Wilson, Director of Boys & Girls Club, said they were in the process of building a new teen center next to the College & Career Center. He said the expectation was that it would provide a safe place, physically and emotionally. He expressed concern about safety and asked Planning Commission to deny the rezoning request.

Mr. Randy Masten said he could not recall a worse idea than allowing a gun range near a school. He said it was not compatible with the surrounding development. He said a gun range was not conducive to the safety and wellbeing of children. He asked Planning Commission to deny the rezoning.

Mr. Chris Lane said he was in favor of the rezoning. He said other states that allow gun facilities near schools have not had issues. He said 80% of gun fatalities and injuries were due to guns bought illegally, not those regulated by gun ranges and facilities. He said having a gun facility near a school does not increase gun violence in schools.

APPLICANT CLOSING COMMENTS

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

Mr. Sells said he understood where the school board was coming from. He said the State of Kansas conducted a poll and found out that 30-40% of houses had guns in them. He stated that would mean there were approximately 30,000 guns in Lawrence. He said those guns would be sprinkled throughout the city and surely within 1000' of every school. He stated his facility would work with the Police, Sheriff's Department, and University of Kansas, to provide a safe environment and that education would be a part of his facility. He stated this facility would be a way to teach people to be safe with guns. He said he would conduct background checks for every member for felonies and they would not be able to shoot at his club.

COMMISSION DISCUSSION

Commissioner Sands asked Mr. Randy Larkin for the City's opinion on the law.

Mr. Larkin said the gun free school zone act limited possession of fire arms within 1000' of a school. He said there were certain exceptions. He said it would not apply to private property or a gun in a motor vehicle that was not loaded and in a box. He said it did not prohibit a shooting range or the discharge of firearms on private property within 1000'. He said in the City's opinion it would not necessarily prohibit it. He said the main argument seemed to be people traveling on the street to get to this location would be in violation of the law, but motorists can't drive anywhere in Lawrence without coming within 1000' of a school. He said the it was the City's opinion that this use at this property would not be prohibited.

Commissioner von Achen asked Mr. Wilson to show on the map where the Boys & Girls club would be located.

Mr. Wilson pointed on the map and stated that the Boys & Girls Club would connect to the College & Career Center.

Commissioner Sands asked Mr. Wilson if the Boys & Girls Club had already made a determination that this was the final site for their building. He asked what impact the shooting range would have on their plans.

Mr. Wilson said yes. He said the Boys & Girls Club would move forward but it may impact the efforts to raise funds for the facility.

Commissioner Denney asked the applicant what caliber of weapons would be allowed at the facility.

Mr. Sells said most of the guns shot at his indoor range would be handguns, such as 22 or 9mm. He said the ballistics of the range would handle any weapon with a muzzle velocity of 3,600 feet per second, which would include up to a 300 Winchester magnum but he didn't know why someone would want to site that type of gun on a 25' range. He said the only rifles he would allow would be 22, AR15, and 300 Blackout.

Commissioner Britton said federal law would take priority over state law. He said they needed to be concerned about the gun free school act. He said there was nothing about this that necessarily conflicted with the federal law. He said the hard question was about safety and compatibility with the surrounding area.

Commissioner Sands asked the applicant about his earlier comment about working with Police, Sheriff's Department, and KU Public & Safety.

Mr. Sells said he planned to work with them but did not have any correspondence with them yet. He said he talked to the fire department and they wanted to see the gun range happen. He said he had been approached by the National Guard who said they had to drive to Kansas City and Topeka to get qualified. He said he wanted to have a facility in place before he reached out to Police, Sheriff, and KU Police.

Commissioner Sands asked who at the National Guard Mr. Sells talked to.

Mr. Sells said he talked to a gentleman with the last name of Rogers. He said the conversation took place during a swim meet that their daughters were in.

Commissioner Sands said a key distinction needed to be made that Mr. Sells talked to individuals who provided their personal opinion but that they were not speaking on behalf of any organization.

Mr. Sells said that was correct.

Commissioner von Achen asked if the shooting range in the community building was still there.

Mr. Sells said yes.

Commissioner von Achen asked what kind of people Mr. Sells would hire to teach gun safety.

Mr. Sells said he would hire qualified people who would pass National Rifle Association provided tests.

Commissioner Liese said he received a conceal carry license in the past and owned guns. He wondered what percentage of customers would not qualify to join the club.

Mr. Sells said applicants names would be run through the National Instant Criminal Background Check System Nix program. He said anyone who did not pass that would not be allowed. He said in his experience it hasn't happened that often. He said he didn't know how many felons lived in Lawrence.

Commissioner Liese expressed concern about felons being turned away and being near a school. Commissioner Liese inquired about noise from the site.

Mr. Sells said there may be a popping noise, but not booming noise. He said he had lengthy rules that members would have to follow.

Commissioner Denney said federal law took precedent over state law. He said the federal law had exceptions. He said in the state of Kansas if you are licensed to have a conceal carry or retired law enforcement officer the 1000' rule does not apply. He said he drove by the area and the proposed site elevation was lower than the school district property. He said with the elevation a stray bullet would be unlikely to impact the school property. He said it came down to whether this was equal to an adult business or some other activity like that near a school.

Ms. Kimball said the business building could not be seen from the parking lot but that there were large banks of windows.

Commissioner Denney said the College & Career Center was close but not right across the street. He said the Bullet Hole in Overland Park was in a residential area. He said it was not unheard of.

Commissioner Liese said he wished there was a good gun range/gun shop in the county. He said having spent time at gun shops the people who walk around outside and come inside could be scary. He said he could not vote for this because of what goes on around a gun shop. He said he would vote in opposition but could support it in another location away from a school.

Commissioner Britton agreed with Commissioner Liese. He said any time they were talking about rezoning or significant change in an area they need to take the opposition seriously. He said the neighbors were the school district and Boys & Girls Club and if they have serious concerns about safety then they take those concerns seriously. He said it was a piece of mind thing for those taking their children there and employees who work there. He said often Planning Commission hears situations where neighbors are talking about not wanting something in their backyard. He said this wasn't like a cell or water tower where it was needed. He said a gun range wasn't a necessity.

Mr. McCullough said the rezoning request would accommodate the gun range use. He asked them to think about whether they thought the Code was deficient in its treatment with this particular use. He said there weren't prohibitions in the Code for locating this use to schools or other types of uses. He said Planning Commission may want to have a discussion about amending the Code to where gun ranges or retail sales should occur in the city. He said if the property had already been zoned IL then they wouldn't be having this discussion and it would have gone through an administrative site plan process.

Commissioner Britton asked staff if they needed to do anything with the request tonight. He said the zoning made sense but the use did not.

Mr. McCullough said he recommended making their opinions known in the minutes for City Commission. He said staff will know better after City Commission if a Code amendment may be necessary. He said on its face value they would support the recreation, but it was a gun range not a basketball court.

Commissioner Liese asked if the property had been zoned correctly at what point would the use have been questioned.

Mr. McCullough said through the site plan review.

Commissioner Denney said they should vote on if it fits in the Code. He asked Mr. Larkin about State law.

Mr. Larkin said there would be limitations on what the City could do. He said they could do some things like they do with drinking establishments, such as distances and time.

Commissioner Liese said Planning Commission was just a recommending body and that it was ultimately up to City Commission. He felt the issue would come back to Planning Commission one way or the other.

Commissioner Denney asked if they voted to deny the rezoning if it would go to City Commission.

Mr. McCullough said yes.

Commissioner Sands said in looking at the Golden Factor criteria it fit many but not all. He said the length of time the property was vacant was quite a while. He said regarding the relative gain to public health safety and welfare he was on the fence. He felt they should base decisions on facts not fears. He said if they try to create new zoning criteria it would unnecessarily restrict the decisions of Planning Commission. He said regarding safety, his fear was negligence discharge outside the box. He said he did not think gun ranges or gun shops draw certain types of people. He cautioned the applicant about mischaracterizing opinions of government agencies. He said he would vote in favor of the rezoning but just barely.

Commissioner von Achen commended Mr. Sells for his objective on training gun owners. She said she was uncomfortable endorsing this and referred to the Golden Factor of welfare health and safety. She said if anything ever happened it would be difficult for Planning Commission to handle. She said she would not support this but hoped the applicant found another location more appropriate.

Commissioner Struckhoff echoed Commissioner von Achen's comments about the applicant wanting to provide training. He said the difference between this location and the gun range in the community building was the retail aspect. He said he would not support the rezoning for the Golden Factor of wellness, health and safety.

Commissioner Struckhoff said this was difficult decision for him and he was on the fence.

Commissioner Denney said he was not as concerned about the Boys & Girls Club teen center because it would be more than 1000' away. He said if it was 50-75' across the street then yes it would be too close. He said given the distance and topography he would vote in favor of approval.

Commissioner Britton felt staff made the right recommendation based on the zoning ordinances. He commended the applicant for his work and emphasizing the educational side. He said when it came to public safety he preferred to error on the side of caution. He said he would vote against approval. He said Mary's Lake was near the site and another factor to consider. He felt perhaps they should consider looking at a text amendment so this could be separated out in the future.

Commissioner Liese asked staff to look into other municipalities and how they handle this issue.

Commissioner Britton suggested that the topic be a possible mid-month topic.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to recommend denial of the rezoning request and forward to City Commission.

Motion carried 4-2-2. Commissioner Britton, Liese, Struckhoff, and von Achen voted in favor of the motion. Commissioners Denney and Sands voted against the motion. Commissioners Culver and Kelly abstained.

DRAFT

PC Minutes 11/16/15 **DRAFT**

ITEM NO. 8 TEXT AMENDMENT FOR EVENT CENTER USE (JSC)

TA-15-00443: Consider a Text Amendment to the City of Lawrence Development Code, Chapters 4, 5, 9 and 17, to define and create an *Event Center* use. *Initiated by Planning Commission on 8/24/15.*

STAFF PRESENTATION

Mr. Jeff Crick presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve revised text for Articles 4, 9, and 17, and forwarding of the proposed text amendments to Chapter 20, Articles 4, 9, and 17 to the City Commission with a recommendation for approval and adoption.

Mr. McCullough asked Planning Commission to have a brief discussion about whether the Special Use Permit was the right vehicle or whether allowing them by right was the best method. He said staff landed on a Special Use Permit because it would allow City Commission a wider range of context to which to put conditions to and have a public process.

Commissioner Liese thanked staff.

Commissioner Britton felt a Special Use Permit was the right tool, especially in a residential neighborhood.

Commissioner Kelly agreed with Commissioner Britton's comments. He asked staff why the GPI District was included.

Mr. Crick said the Lawrence Arts Center, which was zoned GPI, could be rented out in that capacity.

Unanimously approved 8-0.

PC Minutes 11/16/15 **DRAFT**

**ITEM NO. 9 TEXT AMENDMENT FOR PERSONAL CONVENIENCE SERVICES &
PERSONAL IMPROVEMENT SERVICE (SMS)**

TA-15-00391: Consider a Text Amendment to the City of Lawrence Land Development Code to review the *Personal Convenience Services* and *Personal Improvement Service* uses and determine if amendments are necessary to permit salons as a use in the RSO (Single-Dwelling Residential-Office) zoning district. *Initiated by City Commission on 9/1/15.*

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Denney asked what Participant or Transient Habitation meant.

Ms. Stogsdill said it was Sports and Recreation Participant versus Sports and Recreation spectator. She said it was a use in the Code. She said Transient Habitation was the use in the Code for lodging facilities such as hotels, motels, bed and breakfasts.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the revised text for Articles 4, 5, and 17, and forwarding of the proposed text amendments to Chapter 20, Articles 4, 5, and 17 to the City Commission with a recommendation for approval and adoption.

Unanimously approved 8-0.

PC Minutes 11/16/15 **DRAFT**

ITEM NO. 10 TEXT AMENDMENT FOR PARKING & ACCESS STANDARDS (SMS)

TA-13-00235: Continue discussion related to proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards. Discussion will focus on defining types of Major Recreational Equipment and identifying permitted parking locations for this equipment on residential properties. *Action on this item will not occur until after the commission completes their discussion on several of the elements of the code language and a final draft is available for their review.*

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

PUBLIC HEARING

Ms. Candice Davis, Lawrence Association of Neighborhoods (LAN), said there were approximately 45 neighborhoods in the City with about 16 active neighborhoods that attend LAN meetings. She said the Code was outdated and needed to be addressed. She expressed concern about stacked parking for duplexes and asked them to initiate an amendment for duplex parking.

COMMISSION DISCUSSION

Planning Commission discussed the staff report and their past recommendations.

Mr. McCullough said there was no need to initiate a text amendment for duplex parking because it could be rolled into this text amendment.

Ms. Davis said it had become a trend to build large duplexes.

NO ACTION TAKEN

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 2016 PLANNING COMMISSION MEETING CALENDAR

Review and consider adopting the 2016 Planning Commission meeting calendar.

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the 2016 Planning Commission Meeting Calendar.

Unanimously approved 8-0.

MISC NO. 2 REQUESTS FOR JOINT MEETINGS

Planning Commission/Historic Resources Commission joint discussion regarding Oread Design Guidelines at the Thursday, February 18, 2016 Historic Resources Commission meeting at 6:30pm.

Planning Commission/Historic Resources Commission joint public hearing regarding Oread Design Guidelines during the March, 2016 Planning Commission meeting.

Planning Commission/Sustainability Advisory Board joint evening Mid-Month meeting during the first quarter of 2016.

MISC NO. 3 RECEIVE RETAIL MARKET REPORT

Receive the 2015 Retail Market Report. In accordance with *Horizon 2020* and Land Development Code Section 20-1107(b)(1), Planning Staff has developed the 2015 Retail Market Report:

<http://www.lawrenceks.org/assets/pds/planning/documents/2015-Retail-Market-Report.pdf>

ADJOURN 11:06pm

Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

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

Development Regulations

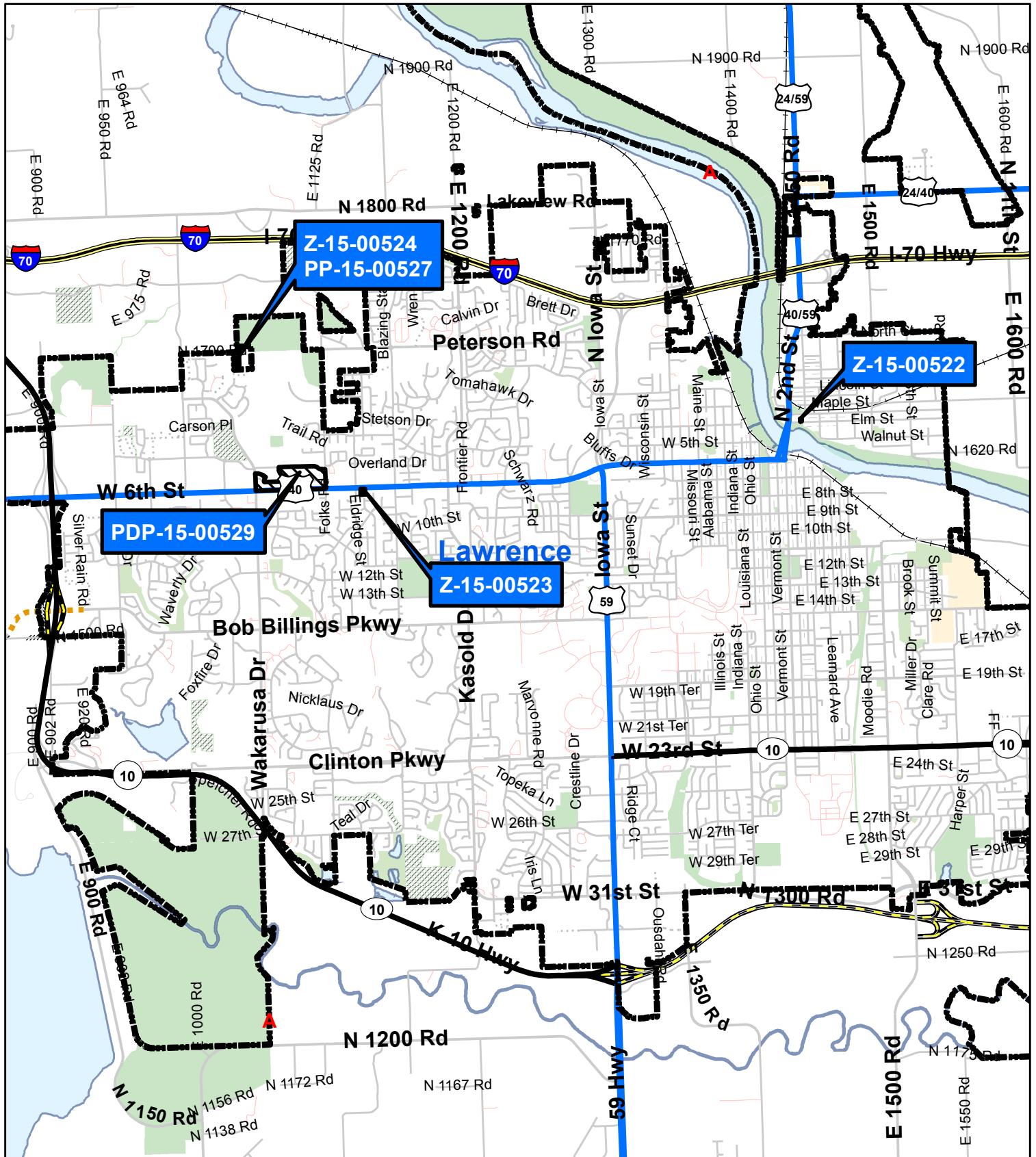
- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [Land Development Code](#)
- [Subdivision Regulations](#)

Online Mapping

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

Planning Commission

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



Lawrence-Douglas County Planning Commission December 2015 Public & Non-Public Hearing Agenda Items



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
12/14/15

ITEM NO. 1 IG TO CS; 5,500 SF; 239 ELM ST & 311 N 3RD ST (SLD)

Z-15-00522: Consider a request to rezone approximately 5,500 SF from IG (General Industrial) District to CS (Strip Commercial) District, located at 239 Elm Street and 311 N 3rd Street. Submitted by Paul Werner Architects, for Lawrence Kansas Rentals, LLC and Jon Davis, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 5,500 SF, from IG (General Industrial) District to CS (Strip Commercial) 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: *Our client would like to use this site and building for a café to serve those in the neighborhood and those using the levee.*

KEY POINTS

- Rezoning applies to both 239 Elm Street and 311 N. 3rd Street.
- Site redevelopment is intended for property at 239 Elm Street.
- The existing parcels do not comply with the minimum area requirements for the IG district, 5,000 SF.
- The existing parcels will not comply with the minimum area requirements for the CS District, 5,000 SF, if approved.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- B-15-00581; variance to consider parking reduction as well as area and building setback reductions.
- Future site plan submittal.

PLANS AND STUDIES REQUIRED

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

ATTACHMENTS

1. Area Map
2. Zoning Map
3. Neighborhood Map
4. Modes of Transportation Map
5. Land Use Map
6. Concept site plan drawing

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Letter from North Lawrence Improvement Association



239 Elm Street
Appraisal Phot



311 N. 3rd Street
Google Map

Project Summary:

Proposed request is for rezoning two parcels of land located on the northwest corner of Elm Street and N. 3rd Street. The immediate plan is to facilitate the reuse of the property at 239 Elm Street for a *Fast Order Food* use. No immediate plans have been identified for the property at 311 N. 3rd Street located to the north.

This request, to change the base zoning from IG to CS, addresses only the permitted uses in a district. Approval of the zoning change does not guarantee approval of any particular site plan application. Prior to a change of use or redevelopment of the site, the applicant is required to first submit for review and approval a site plan application.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 indicates this area of North Lawrence should be zoned office and/or commercial. The property is currently zoned industrial and this transition in zoning would be compatible with the surrounding area and Horizon 2020.*

Key features of the plan include the following:

- *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 established land use patterns in surrounding areas.*
- *The plan proposes the progression of land uses to help achieve a transition in land use and intensity levels, and to help avoid major or abrupt changes in density and building type.*

The properties included in this application are zoned IG (General Industrial) District. This is part of the Union Pacific Railroad Corridor. The Plan states that the "industrial patterns along the corridor are somewhat fragmented with interspersed residential and commercial uses." The plan goes on to state that "this corridor may also offer opportunities for small business owners to establish smaller industrial operations within the community." [Chapter 7, Industrial & Employment, Union Pacific Railroad Corridor, page 7-4]. New development and redevelopment are expected and encouraged to improve the appearance and image of the area.

The properties included in this application are currently identified by the County Appraiser as commercial in the existing land use table.

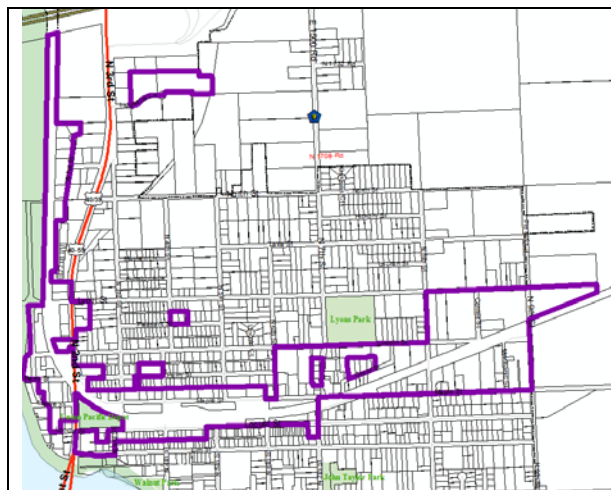


Figure 1: Union Pacific Railroad Corridor

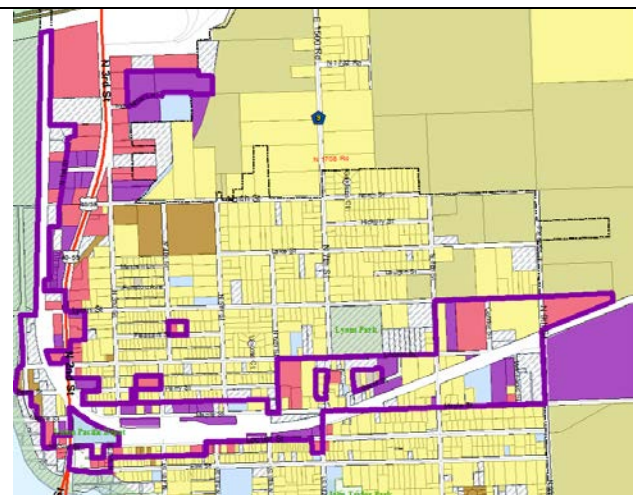


Figure 2: Existing Land Use

Yellow = low density residential uses
Red = commercial uses
Purple = industrial uses

- This application represents a change in less than one-quarter acre of the existing industrial district within the Union Pacific Railroad Corridor.
- This application, if approved, would align the current land use and the zoning district

"When the industrial usage of a particular property ceases and is no longer practical, it is recommended those properties be converted to residential and/or neighborhood commercial uses." [Chapter 7, Industrial & Employment, Union Pacific Railroad Corridor, page 7-4].

New commercial development is recommended to occur in nodes. A specific commercial strategy states: *"Establish and maintain a system of commercial development nodes at selected intersections which provide for the anticipated neighborhood, community and regional commercial development needs of the community throughout the planning period."*

Strip commercial development is defined in *Horizon 2020* as typically characterized as developments that do not meet current standards for lot dimensions, area, frontage, curb cut locations or the presence of internal frontage roads for cross access. New strip commercial development is not recommended. *"Redevelopment within strip Commercial Development areas shall be approved only when the redevelopment complies with any approved redevelopment plan or access management plan for the area."* This land use type is typically zoned as CS (Commercial Strip) District.

Within North Lawrence N. 2nd Street and N. 3rd Street are identified as existing strip commercial. The subject property is located south of the designated strip commercial development. Small pockets of commercial zoning that are not truly "strip commercial" can be found in several older neighborhoods.

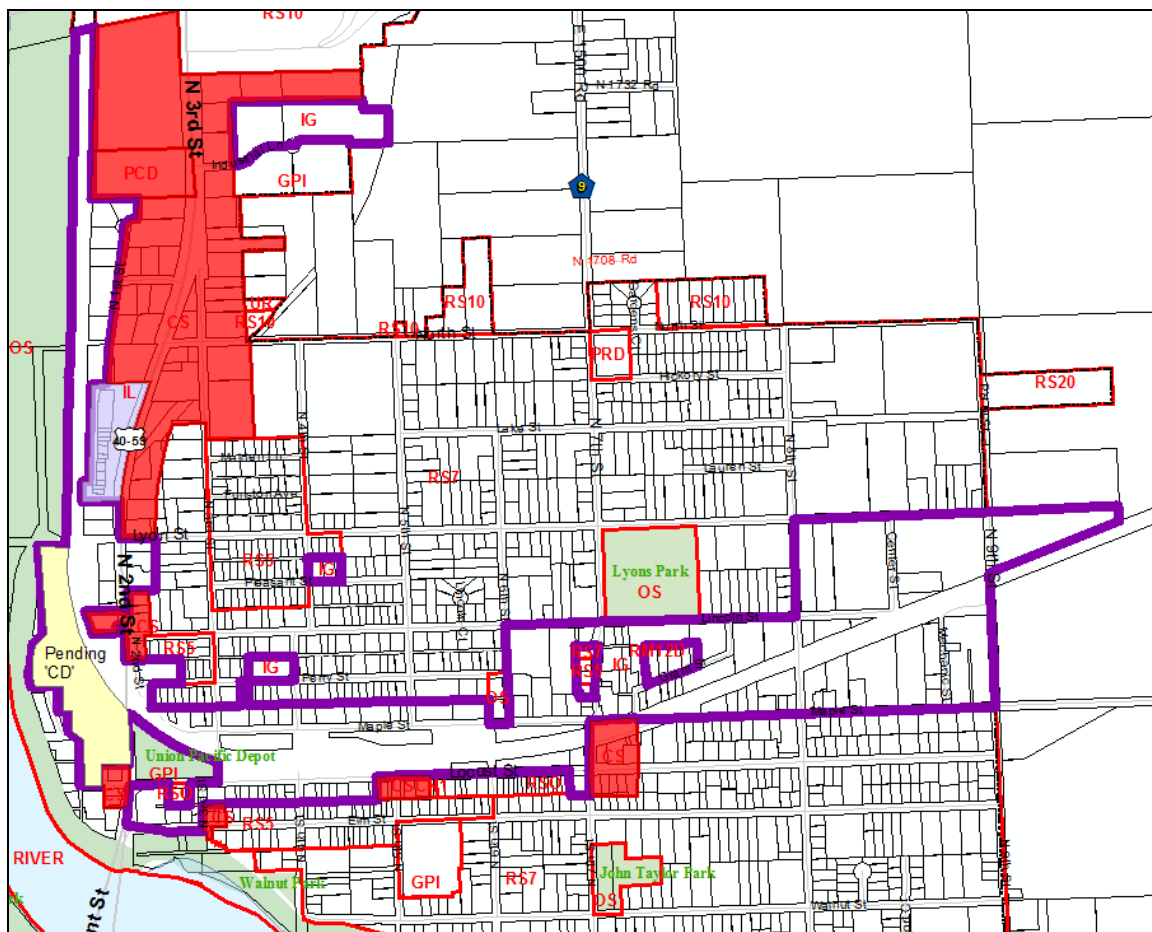


Figure 3: Strip Commercial Zoning

If approved, this application would expand the boundary of the CS zoning as follows:



Figure 4: Amended CS Boundary if approved

Horizon 2020 supports the redevelopment of marginal, obsolete and underutilized sites and incompatible uses.

Staff Finding – Regarding infill and redevelopment, the proposed request is consistent with land use recommendations found in *Horizon 2020*.

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

Current Zoning and Land Use:	IG (General Industrial) District; vacant commercial structures.
Surrounding Zoning and Land Use:	<p>CS (Commercial Strip) District to the east; existing commercial use and residential dwelling on the east side of N. 3rd Street south of the alley.</p> <p>OS (Open space) District to the south; Riverfront Park and Kansas River Levee.</p> <p>IG (General Industrial) District to the west; existing automotive service related commercial uses along the north side of Elm Street.</p> <p>RSO (Single-Dwelling Residential Office) District to the northwest; existing residential uses.</p> <p>IG (General Industrial) District to the north and northeast; undeveloped lot to the north; existing commercial use to the northeast.</p>

Staff Finding – The surrounding area includes residential, recreational/open space, and commercial uses. Residential uses are generally located east of N. 3rd Street. A mix of residential uses including single dwelling and commercial uses are located to the north along Locust Street.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The buildings in the neighborhood generally consist of repair shops, storage buildings, and residential uses. The levee which is south of the site is the main reason the owner would like to develop the café in this area.*

This property is located in the southwest portion of the North Lawrence Neighborhood. The area between N. 2nd Street and N. 3rd Street is a transition area from highway commercial uses to the west to residential uses to the east. A significant land feature and dominate land use in the immediate area is the Kansas Levee. While the primary function of this structure is for flood control, it also provides a substantial passive recreational use to the area. Trails along the levee provide non-motorized access and connectivity around the neighborhood perimeter. Both N. 3rd Street and Elm Street are designated future bike routes.

Another significant feature of the area is the Union Pacific Depot located on the north side of Locust street north of the proposed request. This historic building and property provide an anchor for the neighborhood. This area includes a public parking lot south of the Depot located between Locust and Elm Streets and west of the subject property.

The area located west of the Union Pacific Railroad and west of N. 2nd Street has been approved for rezoning to the CD (Downtown Commercial) District. This zoning is approved subject to approval of design Guidelines, but not yet effective. Future redevelopment of that portion of the neighborhood includes mixed commercial and residential uses.

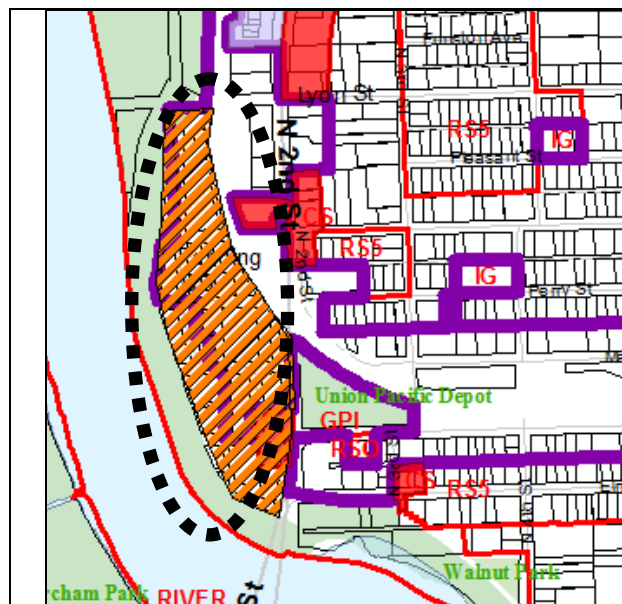


Figure 5: Pending CD District Zoning Change

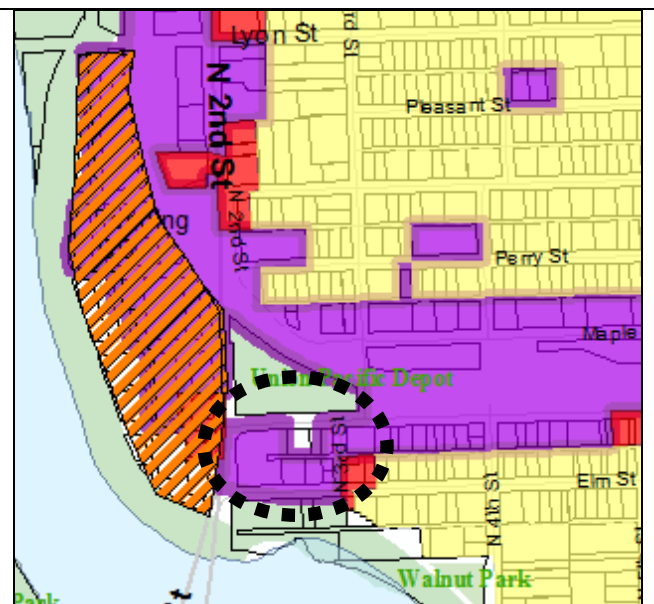


Figure 6: Transition Area

The area between N. 2nd Street and N. 3rd Street transitions to the bulk of the residential portion of the North Lawrence Neighborhood. Lots that are privately owned in this area are often less than 5,000 SF, the minimum required lot area for both the IG and the CS districts.

Staff Finding – North Lawrence includes a variety of uses. The character of the neighborhood is mixed use with intensive uses located along the major streets and railroad corridor. The proposed request is consistent with the overall character of the neighborhood.

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

There are no current neighborhood plans for the North Lawrence Neighborhood. A Neighborhood pPlan was adopted in 1981. Area plans have been approved for the land adjacent to the east and north boundaries of the existing Neighborhood known as the Northeast Sector Plan.

Preliminary land use approval for a 16 acre development known as the N. Massachusetts project is located west of this proposed application. This project does not include land use recommendations outside of the boundary of the plan.

The North Lawrence Neighborhood is located within the boundary of the North Lawrence Watershed. The North Lawrence Watershed Drainage Study was completed in 2005. The property included in this application was generally identified as a commercial land use for the purposes of developing this plan. A copy of the North Lawrence Drainage Study Build-Out Scenario Map is located online at:

http://lawrenceks.org/assets/public-works/N_Law_Drainage_Study_2005/Ultimate_Buildout_Map_111805.pdf

The proposed zoning is consistent with the land use assessments for this area.

Staff Finding – There are no current land use plans for the North Lawrence Neighborhood. The proposed request is consistent with anticipated land uses for the immediate area.

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

Applicant's Response: *The site is suitable as it currently exists however, a change in use would be an improvement to the property and neighborhood. CS zoning currently exists across the street to the east and extending that zoning to the subject site would be suitable and compatible to the existing neighborhood zoning.*

Industrial uses in the CS District are more restrictive than the IG District. The CS District was created to primarily provide for existing commercial strip development along *Major Arterial Streets*. The CS District is a combination of the previous C-4 and C-5 Commercial Zoning Districts, prior to 2006, thus can also be found in areas other than along *Major Arterial Streets*.

The proposed change will allow the continuation of similar uses in the area to operate at this location but include a wider variety of commercial uses, if approved. The proposed change in zoning reduces the intensity of the land use in terms of permitted uses but may or may not result in an increase in intensity from other operating characteristics such as traffic.

The current zoning, **IG District** allows limited *Community Facility* uses, all *Animal Service* uses, limited *Office* and *Retail Sales and Services* uses. The IG District allows some *Recreation Facilities* uses. All forms of *Residential* uses as well as *Medical Facilities* uses, and *Eating and Drinking Establishments* are prohibited in the IG District. A full range of *Vehicle Sales and Service* uses, *Industrial Facilities* uses and *Wholesale, Storage and Distribution* uses, *Communications Facilities*, *Mining*, and *Recycling Facilities* uses are permitted in the IG District. The IG District is intended for moderate and high impact industrial uses.

Comparatively, the **CS District** allows *Multi-Dwelling Residential* uses, most *Community Facilities* uses, and limited *Medical Facilities* uses. The CS District allows a full range of *Recreation Facilities* uses, *Animal Services* uses, *Eating and Drinking Establishments*, *Office* uses, *Retail Sales and Service* uses, *Transient Accommodations*, *Vehicle Sales and Service* uses. Limited *Industrial Facilities* uses are allowed in the CS District. All *Wholesale, Storage and Distribution* uses and most *Recycling Facilities* uses are permitted in the CS District.

The properties included in this request are very small given the range of uses and intensity for any given use. When combined and consolidated into a uniform single parcel, the property may accommodate redevelopment more efficiently. Reducing the overall intensity of the area as a transition between N. 2nd Street to the west and the residential area to the east also enhances the suitability of the property as a CS zoning district rather than the existing IG district.

Staff Finding – The properties as zoned are unlikely to be redeveloped for industrial uses because of the size and depth of the parcels. Rezoning the property is a more flexible way to accommodate redevelopment and facilitate uses that are more suitable to the area as a transition between N. 2nd Street to the west and the residential area to the east.

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

Applicant's Response: *The site has had an existing building on site for quite some time and has housed several different uses.*

The two parcels included in this rezoning request are not vacant properties. Both include buildings. The Douglas County Appraisal records indicate the building at 239 Elm Street was built in 1960. The building located at 311 N. 3rd is noted as built in 1940. The property has been zoned IG since the adoption of the Land Development Code in 2006.

Prior to 2006 the property was zoned with both M-2 (General Industrial) District and M-3 (Intensive Industrial) District zoning. The 1977 zoning map shows the area located west of N. 3rd Street between Locust St. and Elm Street solidly zoned M-3. The property located at 239 Elm Street was included in a rezoning request in 1986 (Z-9-29-86; PC staff report 10/22/86). That appears to be when the property was rezoned to from M-3 to M-2. The 1986 staff report suggests that the property had been zoned for intensive industrial uses since the adoption of the 1966 Zoning Code. The structures were "existing" at the time of the 1996 zoning. The zoning did not appear to capture the property at 311 N. 3rd. Planning Records do not clearly indicate when that property was rezoned. Regardless, in 2006 both the M-2 and M-3 Districts were combined and rezoned to IG.

Staff Finding – The current zoning has been in place since the adoption of the Land Development Code in 2006. The properties included in this request are not current vacant. Only the property located at 239 Elm Street is the subject of an active redevelopment request.

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

Applicant's Response: *A commercial zoned site requires substantial parking to serve the users however; since this is an infill site with limited parking availability we anticipate submitting a variance to request the use of the City parking lot south of the train depot to serve the site parking needs. Ideally less parking will be needed for this use because it is designed to serve those using the levee for exercise.*

Impact from change in zoning from IG to CS is negligible. Uses located in this area, such as *Vehicle Sales and Service*, are equally permitted in either the existing IG District or the proposed CS District. More significant impacts are anticipated to result from the redevelopment or change of use.

Rezoning allows more opportunity to successfully redevelop the site and reinvest in existing improvements. Successful redevelopment will require the assessment of specific physical requirements of the site including building setbacks, landscape requirements, off-street parking requirements and pedestrian connectivity. The current site at 239 Elm Street appears to provide some amount of off-street parking. However the parking provided is non-compliant with the parking lot design standards. The property at 311 N. 3rd Street does not appear to provide any off-street parking.

The applicant has indicated that the intent is primarily for the property at 239 Elm Street to be redeveloped. This site clearly cannot meet off-street parking requirements unaided. Future redevelopment of the property will require a reasonable plan to address minimum site design requirements such as off-street parking. This demand could be achieved through off-site parking be provided on one or more parcels of land in immediate proximity to the request or through a shared parking agreement with another property owner.

As property redevelops, off-street parking will be a primary concern as it relates to the surrounding area. This concern is not specifically a zoning criterion for consideration. It is however a peripheral concern that may have impacts on nearby properties if not addressed in the Site Plan consideration. This discussion is provided to serve notice to both property owner and surrounding neighborhood of the resultant impact, if approved.

Staff Finding – No detrimental impacts are anticipated to result from the change in zoning. Similar uses will be continued to be allowed with a wider flexibility of uses permitted in the CS District. Mitigation of any effects on nearby property will be managed through the Site Plan application review process.

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

Applicant's Response: *The gain for public health, safety and welfare is a great location for those exercising and using the levee to stop for refreshment or to make this site a destination at the end or beginning of their workout. This will be a great asset to the health of the City in general. The*

hardship imposed on the owner should the zoning not be approved would be a departure from the zoning Horizon 2020 suggests for this 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.

The area between Locust Street and Elm Street is sandwiched between two public facilities; the Union Pacific Depot to the north and Riverfront Park to the south. Both are included in the City's public park inventory. Locust Street is a designated collector street while N. 3rd Street and Elm Street are designated as local streets. This area provides a transition into the neighborhood to the east. Rezoning the property will facilitate the redevelopment of property that is underutilized. Reinvestment in the property will enhance the surrounding area and may encourage reinvestment of the adjacent properties to the north and west.

Denial of the request will hinder the ability to redevelop this property for industrial uses unless it is combined with other property to address parking, building setbacks, and other density and dimensional standards.

Staff Finding – Approval of the request will benefit the public by providing additional flexibility for redevelopment and reinvestment in a transitional area of the North Lawrence Neighborhood than is currently available to the property as zoned.

9. PROFESSIONAL STAFF RECOMMENDATION

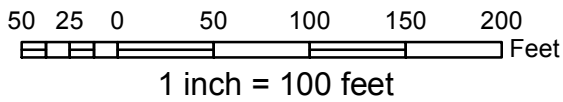
The area located between N. 2nd Street and N. 3rd Street is a transitional area that connects the southern part of the North Lawrence Neighborhood to the surrounding area and street network. Commercial uses are planned for the area located between N. 2nd Street and the Kansas River Levee. Areas located along N. 3rd Street have been rezoned from IG or PCD to either IL or CS to facilitate redevelopment and provide more flexibility in tenant selection.

The list of permitted uses in the IG and the CS Districts are similar in many ways. However, one distinction between the two is the allowance for retail commercial uses in the CS District. Given the proximity of the public uses and residential uses within the 200 Block of Elm/Locust Streets. the IG Zoning is no longer suitable.



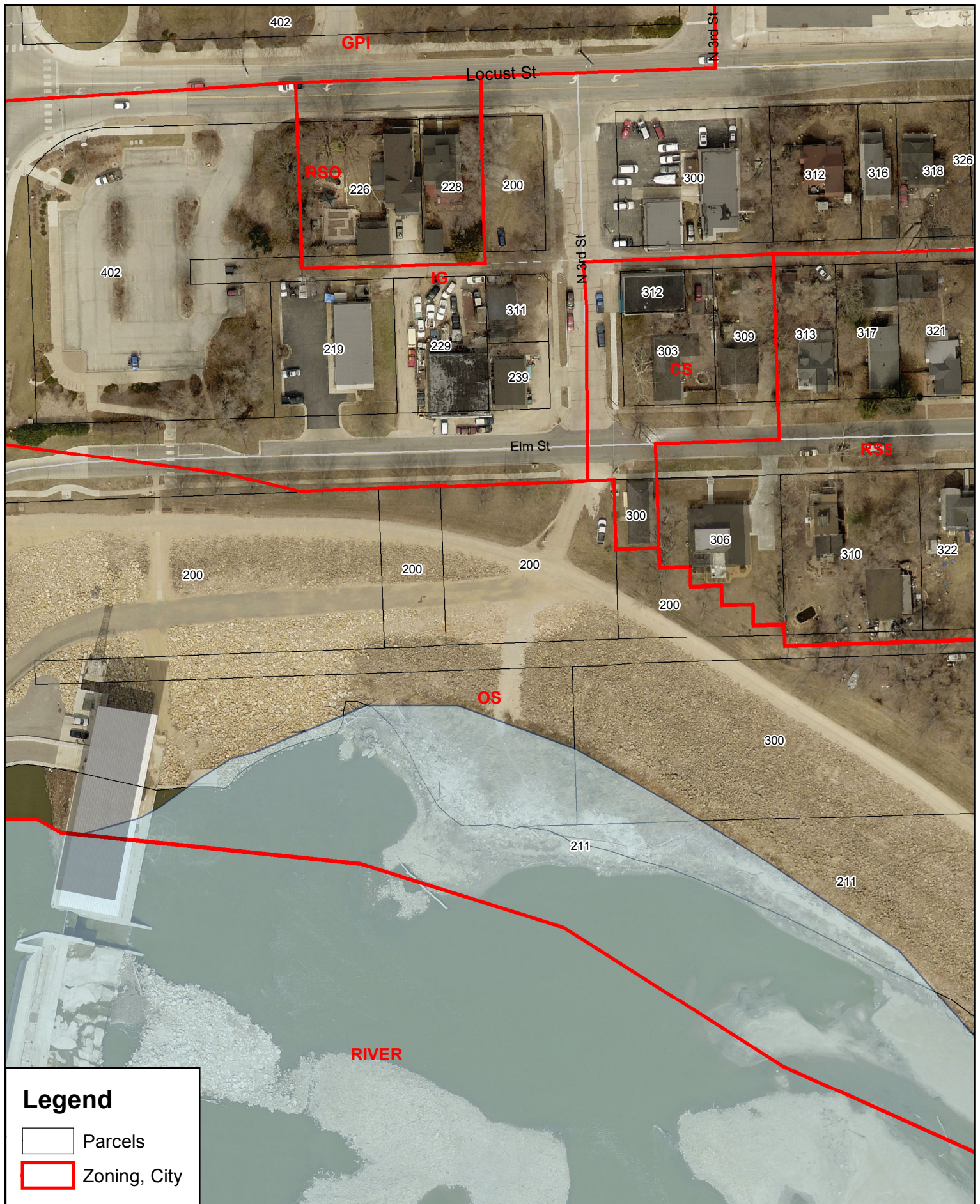
CONCLUSION

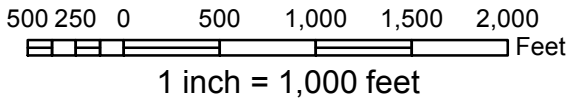
Staff recommends approval of the proposed zoning change from IG to CS.



DISCLAIMER NOTICE
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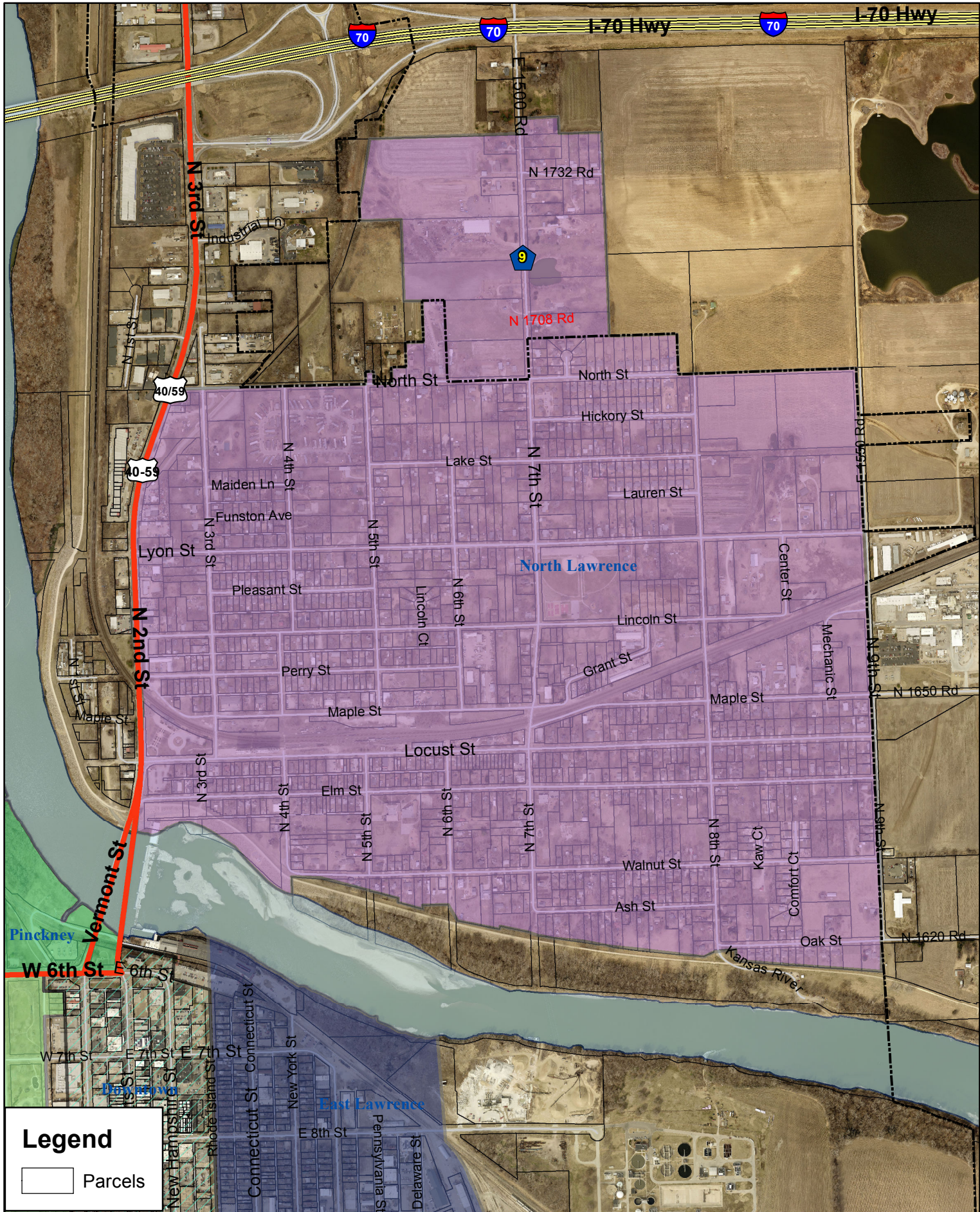
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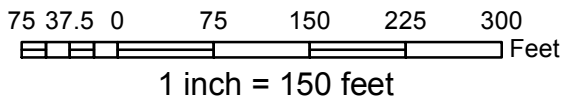




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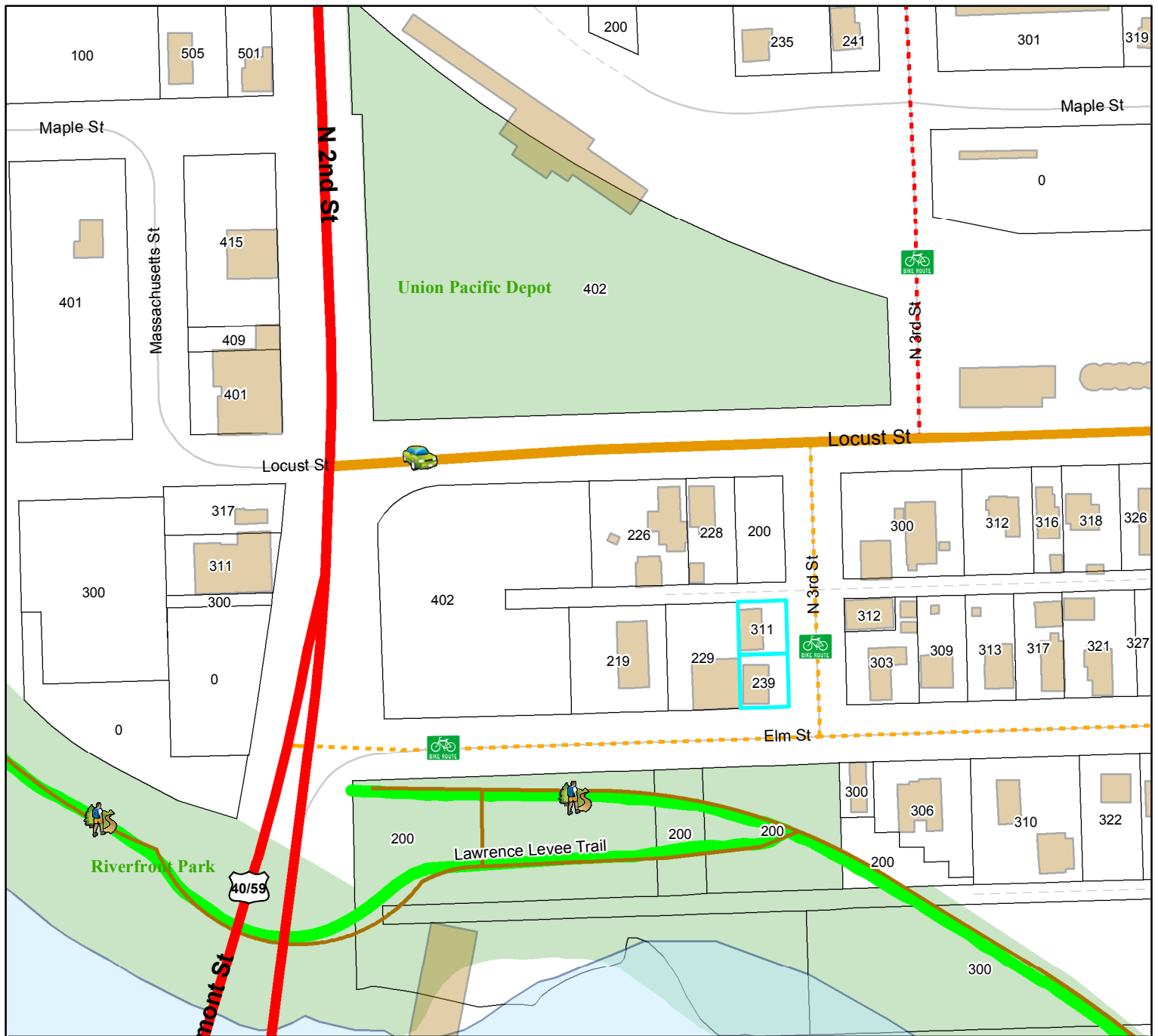
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Date: 12/1/2015



Legend

Parcels

City Parks

Classification

- Community
- Neighborhood
- Future
- Cemetery

Douglas County Bike Planned

BIKE_TYPE

- Bike Lane
- Bike Route
- Bike Route with Paved Shoulder
- Climbing Lane
- Cycle Track
- Rec Trail
- Shared Lane Marking
- Shared Use Path
- Sidewalk

Douglas County Bike Existing

BIKE_TYPE

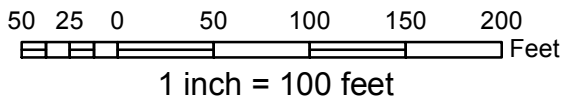
- Bike Lane
- Bike Route
- Bike Route with Paved Shoulder
- Climbing Lane
- Cycle Track
- Rec Trail
- Shared Lane Marking
- Shared Use Path
- Sidewalk



Trails and Paths

Status, FUTCLASS

- future collector
- future freeway
- future minor arterial
- future principal arterial
- rural minor collector
- principal arterial
- freeway
- collector/rural major collector
- minor arterial



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Date: 11/23/2015



Legend



Parcels

Land-Use_April2012

Generalization



No Value



Single Family Residential



Boarding House



Duplex



Triplex



Multiple Family Residential



Mixed Use



Commercial



Industrial



Institutional



Parks/Open Space



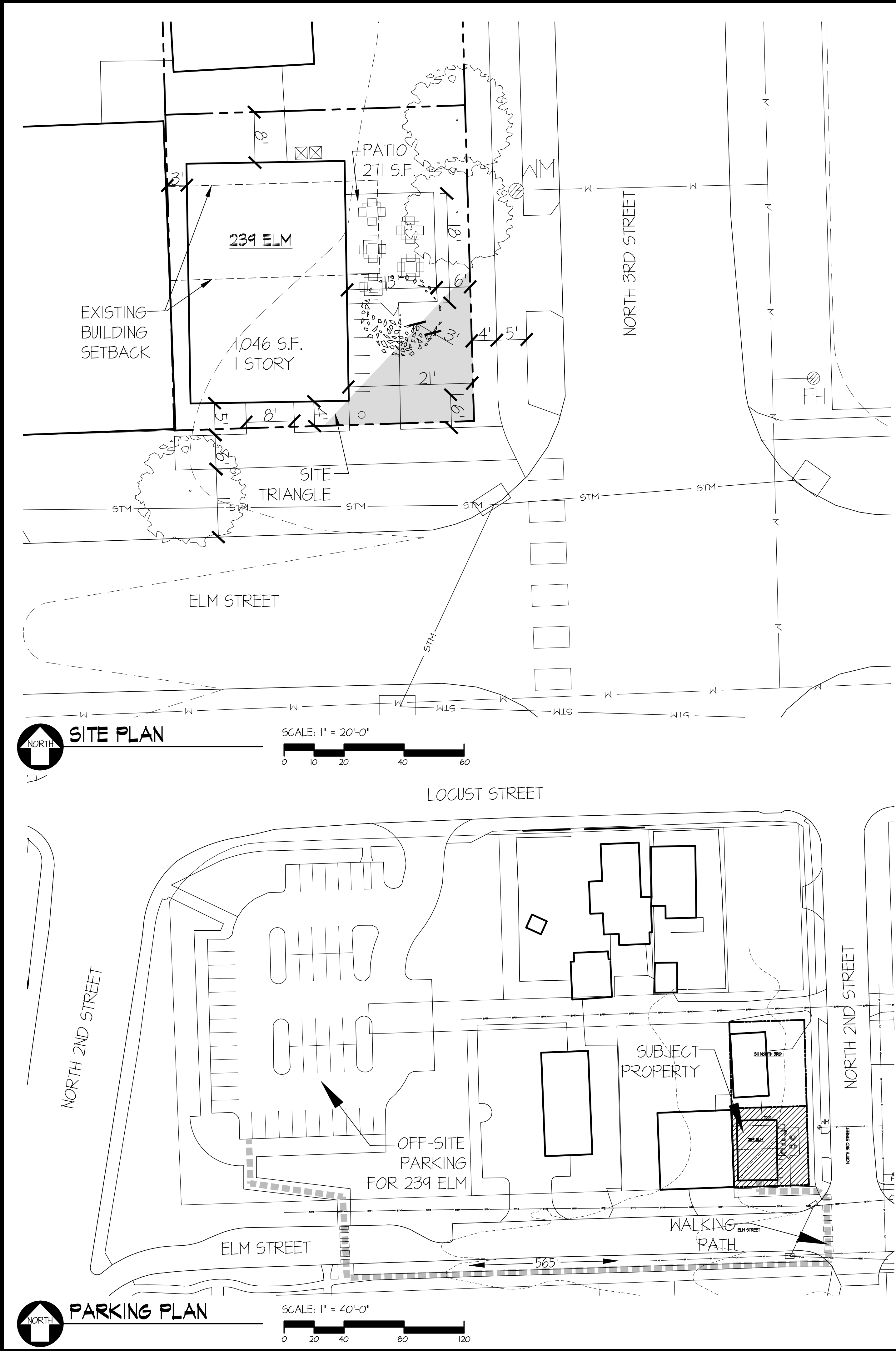
Utility



Agricultural



Vacant



LEGAL DESCRIPTION:

NORTH LAWRENCE PLAT, ELM STREET BLOCK 2, SOUTH 1/2 OF LOTS 116 & 118, CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

PROJECT SUMMARY:

- 1.1 CURRENT ZONING: 16 (PENDING CS)
1.2 CURRENT USE: VACANT
1.3 PROPOSED USE: QUALITY-RESTAURANT

GENERAL NOTES:

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

PARKING INFORMATION:

- 3.1 QUALITY RESTAURANT (1 PER 100 S.F. OF CUSTOMER SERVICE AREA + 1 PER EMPLOYEE ON LARGEST SHIFT)
REQUIRED PARKING: 1,053 S.F. (INCLUDES PATIO) OF CUSTOMER SERVICE AREA/100 = 11 SPACES + 2 EMPLOYEES = 13 SPACES
PROVIDED PARKING: 13 SPACES PER PROPOSED OFF-SITE SHARED AGREEMENT
3.2 TYPICAL DIMENSIONS: R' SPACES - 9' X 18' (16.5' + 1.5' OVERHANGS AT SIDEWALKS)
SIDEWALKS SHALL BE 4' CONCRETE - 5' OR 6.5' WIDE DEPENDING UPON THE LOCATION.
H' SPACES - 9' X 16.5' OR 18' (5' OR 9' AISLE)
3.3 PAVEMENT: APPROACHES: T' - 4000 PSI CONCRETE W/ #5 BARS 12" O.C.B.W.
DRIVES: MIN. 6" ASPHALT ON 4" GRAVEL OR 5" CONCRETE
PARKING AREAS: MIN. 5" ASPHALT ON 4" GRAVEL OR 4" CONCRETE
CURB & GUTTER: THROUGHOUT SITE

IMPERVIOUS SURFACE SUMMARY:

PROJECT SITE: 0.06 ACRES (2,631 SQ. FT. +/-)			
EXISTING CONDITIONS:			
LAND AREA	SQ. FT.	%	
BUILDING FOOTPRINT:	1,054	40%	
PAVEMENT AREAS:	60	2%	
TOTAL IMPERVIOUS:	1,114	42%	
TOTAL PERVIOUS:	1,517	58%	
PROPOSED CONDITIONS:			
LAND AREA	SQ. FT.	%	
BUILDING FOOTPRINT:	1,054	40%	
PAVEMENT AREAS:	443	17%	
TOTAL IMPERVIOUS:	1,497	57%	
TOTAL PERVIOUS:	1,134	43%	

LANDSCAPING NOTES:

SYM.	DESCRIPTION	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	EXISTING TREES	0	REFER TO SITE PLAN		REFER TO SITE PLAN	
	STREET TREES	1	SAW TOOTH OAK NORWAY MAPLE THORNLESS HONEY LOCUST	QUERCUS ACUTISSIMA ACER PLATANOIDES 'NORWEGIAN SUNSET' GLEDTISIA TRIACANTHOS VAR. INERMIS	2'-2 1/2' CAL.	B & B
	ORNAMENTAL TREES	1	CLEVELAND SELECT PEAR KOUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD	PYRUS CALLERYANA 'CHANTIELEER' CORNUS KOUSA MALUS 'CORALBURST' CERCIS CANADENSIS	1 1/2"-2" CAL.	B & B

- 4.1 THERE MUST BE A MIN. OF (2) SPECIES USED IN EACH CATEGORY.
4.2 ALL TURF AREAS TO BE SEEDED WITH K-31 FESCUE
4.3 STREET TREES (1 PER 40 L.F. OF STREET FRONTAGE)
WAIVER REQUESTED DUE TO INFILL SITE HAVING LIMITED ROOM WITH SITE TRIANGLES AND UTILITIES.
ELM STREET - 50/40 = 2 TREES REQUIRED; 1 TREES PROVIDED DUE TO LIMITED SPACE
NORTH 3RD STREET - 52.65/40 = 2 TREES REQUIRED; 2 TREES PROVIDED
4.4 INTERIOR PARKING LOT LANDSCAPING (NO PARKING PROVIDED ON SITE).
4.5 PARKING LOT PERIMETER LANDSCAPING (NO PARKING PROVIDED ON SITE).
4.6 BUFFERYARD
WEST PROPERTY LINE - TYPE 1 REQUIRED - WAIVER REQUESTED DUE TO BUILDINGS BEING CLOSE TO PROPERTY LINE

paulwerner
ARCHITECTS

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

OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

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LEVEE CAFE
239 ELM STREET
LAWRENCE, KANSAS

PROJECT # 215-670

RELEASE: 1.0 DATE: 11.06.15

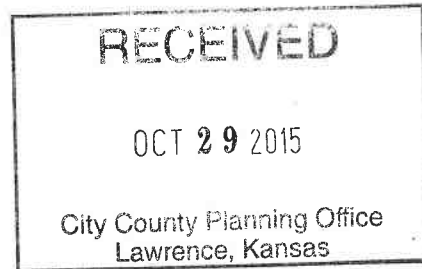


**Z-15-00522: Rezone 0.126 acres from IG District to CS District
Located at 239 Elm Street & 311 N. 3rd Street**



NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS



October 26, 2015

Lawrence/Douglas County Metropolitan Planning Commission

Re: Proposed Levy Café, 239 Elm Street

The North Lawrence Improvement Association is concerned that there is not enough parking for the café that is being proposed at 239 Elm Street. There is not very much off-street parking and very little on street parking. How many parking spots are on this property and how many should there be to win approval of the plan?

The vacant lot directly north of this property on North 3rd & Locust street is owned by the same property owner. Perhaps that lot can help by providing more parking for the café. The residents in that area do not want overflow parking in their neighborhood

Sincerely,

A handwritten signature in dark ink, appearing to read "Ted Boyle". The signature is fluid and cursive, with the first and last names being more prominent.

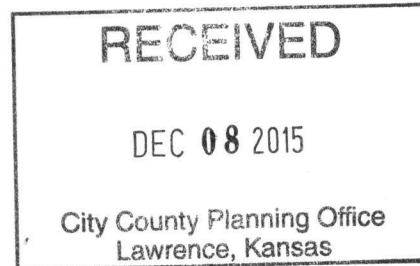
**Ted Boyle, President
North Lawrence Improvement Association**

Cc: Scott McCullough

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

December 2, 2015



Lawrence/Douglas County Metropolitan Planning Commission & Lawrence Board of Zoning Appeals

Re: Proposed Levy Café, 239 Elm Street Update

To whom it may Concern,

The residents of North Lawrence and the North Lawrence Improvement Association do not want these two variances to be approved until the parking lot that is to be on 3rd and Locust Street is approved. Also, we do not want the density and dimensional standard to have a variance, as this is a residential neighborhood with homes located east across 3rd Street and south of Elm Street.

If these two problems can be resolved, then both the residents and the North Lawrence Improvement Association will welcome this café.

Original correspondence to the planning commissions from October 26th, 2015 is shown below.

The North Lawrence Improvement Association is concerned that there is not enough parking for the café that is being proposed at 239 Elm Street. There is not very much off-street parking and very little on street parking. How many parking spots are on this property, and how many should there be to win approval of the plan?

The vacant lot directly north of this property on North 3rd & Locust Street is owned by the same property owner. Perhaps that lot can help by providing more parking for the café. The residents in that area do not want overflow parking in their neighborhood.

Sincerely,

A handwritten signature in cursive script that reads "Ted Boyle".

Ted Boyle, President
North Lawrence Improvement Association

PC Staff Report
12/14/2015

ITEM NO.2: Z-15-00523 UR to RMO; 1.04 acres; 4111 W 6th Street (BJP)

Z-15-00523: Consider a request to rezone approximately 1.04 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential - Office) District, located at 4111 W 6th Street. Submitted by Paul Werner Architects on behalf of Freestate Dental Building, LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.04 acres, from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential - Office) 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: *"The owner of the property would like to develop this UR zoned property. For that to occur rezoning must take place."*

KEY POINTS

- Existing UR zoning is not suitable for development of property.
- This request proposes multi-dwelling and office zoning consistent with the land use for the area.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Development of the property will also require approval of a Major Subdivision and Major Site Plan. Applications for these planning processes have not been submitted.

PLANS AND STUDIES REQUIRED

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

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone conversation with adjacent property owner (Kim Bergmann, 601 Prescott Drive) who inquired as to why the RMO zoning was chosen over RSO. Ms. Bergmann had concerns about the potential for future multi-family development on the subject property. I referred Ms. Bergmann to the applicant's agent for more information on the selection of the RMO zoning selection.

Project Summary:

The proposed request is for 1.04 acres to accommodate *Health Care Office* use. The subject parcel has been a residential use since 1941. The property was annexed in 1996 and was not assigned a City zoning district at that time. The property was converted to the UR District in 2006 with the adoption of the Land Development Code. The UR District is a holding district for properties annexed into Lawrence and does not permit the expansion of residential or office uses. The zoning change to the RMO District reflects the property owner's desire to develop the property with a *Health Care Office* use.

Prior to any new development activity, the property will need to be platted in compliance with the subdivision regulations. Future development will also include site planning.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"H2020 does not reflect the current zoning and land use in the area. However, considering the zoning to the east and west was approved to be RSO and RMO and is located across from a Planned Commercial District it would seem appropriate to rezone this site to in order to house similar uses as found to the north, east and west."*

While the rezoning request has been submitted to accommodate a potential *Health Care Office* use, rezoning to the RMO district could allow for a multi-dwelling structure in the future. *Horizon 2020* states that the criteria for determining the proper location of medium-density residential development should include the consideration of land use relationships. The Plan states that development proposals shall be reviewed for compatibility with existing land uses. The subject property is located between RMO zoning to the west and RSO zoning to the east. The property to the west contains a multi-dwelling structure, while the property to the east contains offices. Also, there are detached dwellings located further to the east. There are offices immediately north of the subject property and detached dwellings to the south. The rezoning request aligns with the existing zoning to west and represents a reasonable transition between the multi-dwelling structure to the west and the detached dwellings to the east.

Staff Finding – The proposed request is compatible with the surrounding existing land uses and is consistent with the land use recommendations in *Horizon 2020*.

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

Current Zoning and Land Use: UR (Urban Reserve); *Detached Dwelling*.

Surrounding Zoning and Land Use:	North:	PCD – [Monterey Center] (Planned Community Development); <i>Office</i> .
	East:	RSO (Single-Dwelling Residential – Office); <i>Office</i> .
	South:	RS7 (Single-Dwelling Residential); <i>Detached Dwellings</i> .
	West:	RMO (Multi-Dwelling Residential – Office); <i>Multi-Dwelling Structure</i> .

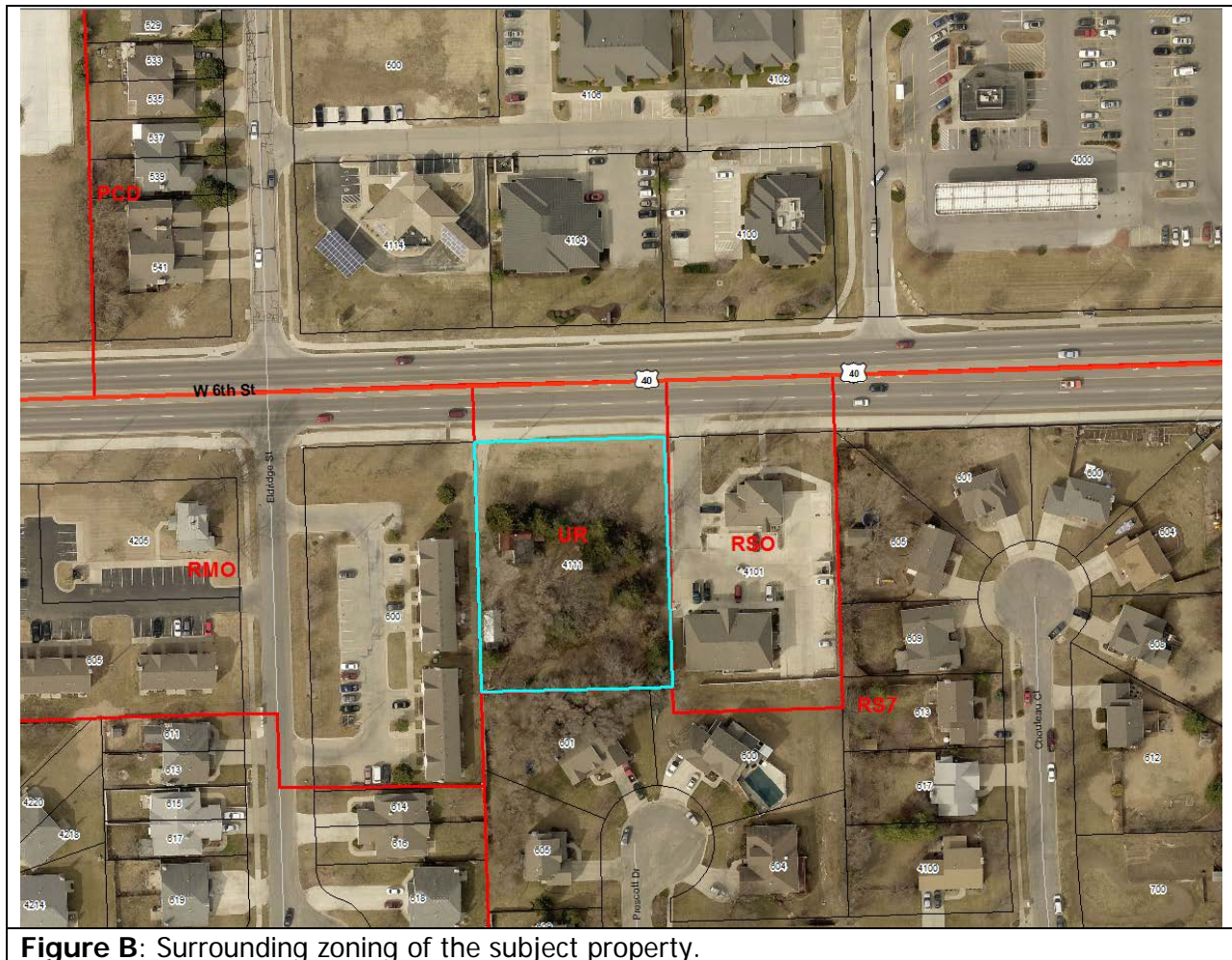


Figure B: Surrounding zoning of the subject property.

Staff Finding – As proposed, the subject property will be uniformly zoned similar to development property located to the west.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"The character of the neighborhood includes offices and medium to high density residential uses to the west, north and east with single-family homes to the south. Sixth Street runs along the north side of the property and heavily influences the uses that are appropriate for the site."*

The area has been developed with a mix of residential and office uses. There is an existing multi-dwelling structure to the west of the subject property, office uses to the north and east, and single-family development to the house.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the immediate area along W 6th Street is most recognizable as nonresidential area with office uses.

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

Horizon 2020 identifies the area along W 6th Street for future land uses that include Low Density Residential, Medium/High Density Residential, Office, Community Facility, and Office/Commercial.

There is no neighborhood plan that address the property, however, the rezoning request is not changing overall development plans for the area, the character of the neighborhood or impacting adjoining property.

Staff Finding – The proposed rezoning request is compliant with the area.

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 not suitable to remain UR zoning with it being between RSO and RMO zoned property and fronting on 6th Street. UR zoning is provided until such time that a land use plan, infrastructure and community services are in place. The appropriate plans will be provided to the City to insure all the above are provided and meet City Standards."*

The subject property is zoned UR which limits the use of the property to the use it was at the time of annexation. As such, the property owner cannot change uses or expand without rezoning. This rezoning request stems from a desire to develop the property with a *Health Care Office* use, however, according to the Land Development Code, "The only Principle Uses allowed in the UR District are Crop Agriculture and any lawful use(s) in existence immediately prior to annexation with the exception of billboard signs."

The immediate area surrounding the subject property is zoned for residential and office uses. Permitting additional office uses on the subject property is consistent with the surrounding area.

Staff Finding – The existing zoning is not suitable given the intended development pattern for this property.

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

Applicant's Response: *"The property is not vacant and has housed a single family house for quite some time."*

Staff Finding – The subject property is not vacant. The property is zoned UR and has contained a single-family residence since 1941.

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

Applicant's Response: *"Nearby property will not be detrimentally affected since the rezoning on either side is zoned RSO and RMO. This zoning will blend well with existing uses."*

The subject property is currently zoned UR District, which is primarily intended to provide a suitable classification for newly annexed land, and to avoid inappropriate development. The proposed rezoning is well suited for the area and will provide consistency with the RMO District located to the west of the subject property.

The rezoning to RMO District was requested to accommodate a proposed *Health Care Office* use which is permitted in the district.

Attachment A shows the uses permitted in the RMO District. Additionally, Article 5 of the Land Development Code provides standards for certain uses in the RMO District to reduce impacts to

adjacent properties. For example, a multi-dwelling structure would only be permitted in the RMO District provided that the residential units are constructed as part of a mixed-used project. At least 25% of the project would have to be developed with nonresidential uses.

Future development will be subject to site plan review and approval. The Development Code requires landscaped bufferyards between RM and RS properties. This provides additional development standards along the south and west sides of the property.

Staff Finding – There are no anticipated detrimental effects for nearby properties.

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

Applicant's Response: *"The gain to the public health and safety would be the closing of a driveway on this portion of 6th Street. The hardship imposed on the owner should be the rezoning be denied would be they are forced to keep a single family home on a lot sandwiched between two more densely zoned pieces of ground."*

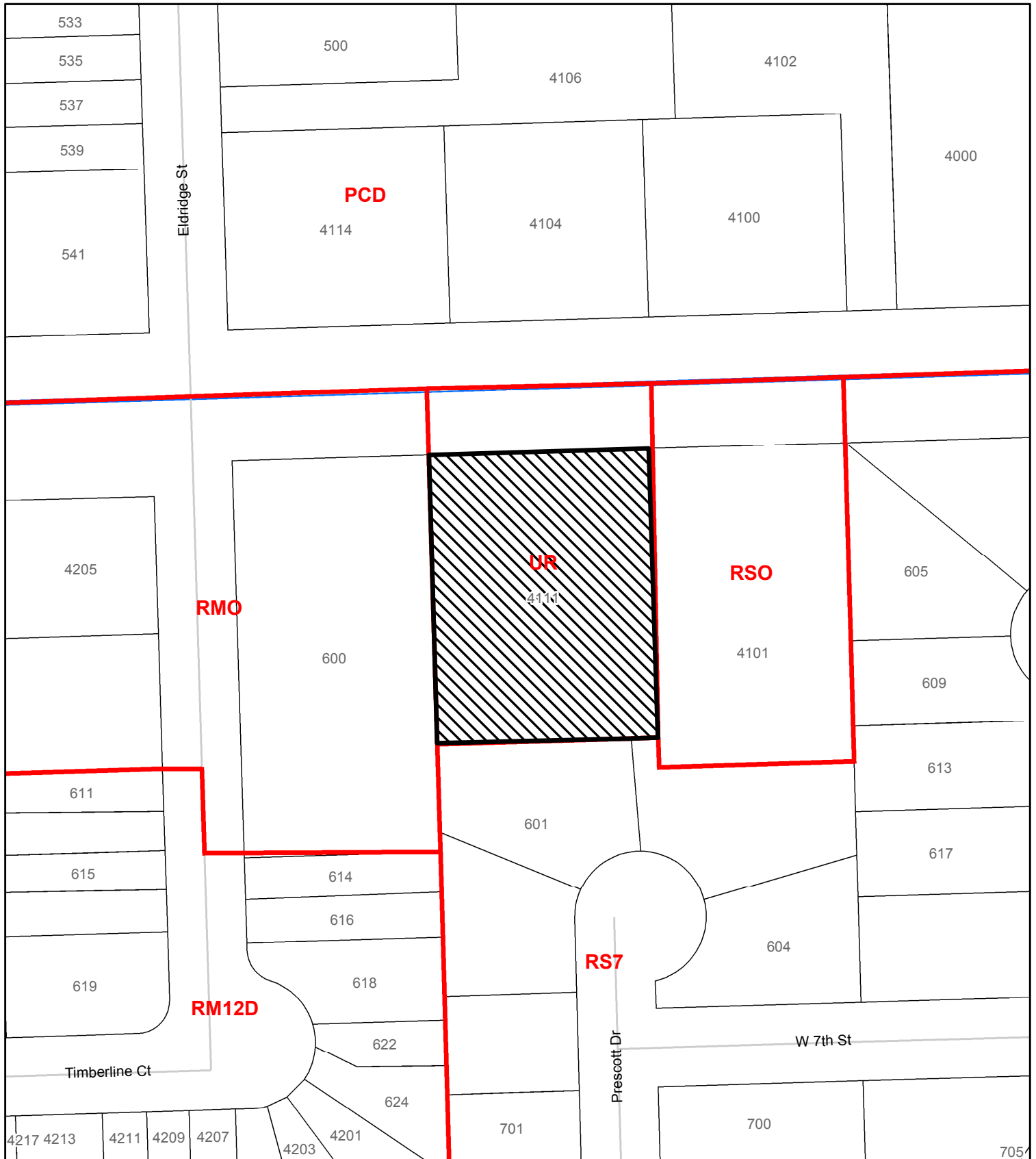
If the rezoning were denied, the use of the property would remain limited as zoned UR. As discussed earlier, it would then not be possible for the Owner to change the use of the property or expand the current use. The use of the property would remain as a *Detached Dwelling*.

During discussions with the Owner on potential redevelopment of the site, the City Engineer indicated the existing W 6th Street access would be closed. This access management condition has been set up through access easements or plat notes on each of the adjacent subdivision plats. A shared access agreement would be sought with one of the adjacent properties. Given this, the public would benefit by the removal of one access drive along W 6th Street.

Staff Finding – Approval of the proposed request facilitates development of a *Health Care Office* use in an area for developed with residential and office uses.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the proposed rezoning of approximately 1.04 acres from UR District to the RMO District as it is an appropriate zoning district for the subject property.



**Z-15-00523: Rezone 0.846 acres from UR District to RMO District
Located at 4111 W. 6th Street**



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
12/14/15

ITEM NO. 3A A (County) TO RS10; 3 ACRES; 1041 N 1700 Road (KES)

Z-15-00524: Consider a request to rezone approximately 3 acres from A (County Agricultural) District to RS10 (Single-Dwelling Residential) District, located at 1041 N 1700 Road. Submitted by BG Consultants, Inc., for Wedman Construction, Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request from A (County Agriculture) District to RS10 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and subject to the following condition:

- City Commission approval of Annexation (A-15-00525).

REASON FOR REQUEST

Applicant's Response:

"Required when annexing property into the City."

KEY POINTS

- The property is located to the east of Dole Drive at the southeast corner of it's future intersection with N 1700 Road and is currently zoned A (County Agriculture) District.
- The property owner has requested annexation. City policy does not require Planning Commission review for annexation less than 10 acres.
- Rezoning is required when annexing property into the city limits.
- RS10 zoning is the current zone of the adjacent residential development.
- The proposed rezoning will allow development to continue as part of the established residential development of the area and fit within the goals of the comprehensive plan.

ASSOCIATED CASES

PP-15-00527 Preliminary Plat; Westwood Hills 9th Plat; In progress. (Scheduled for Planning Commission, December 2015).

A-15-00525 Annexation; In progress. (Scheduled for City Commmission, January 2015).

PF-15-00614 Final Plat; Westwood Hills 9th Plat; In progress.

OTHER ACTION REQUIRED

- City Commission approval of annexation request.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Administrative approval of a final plat.
- Application and release of building permits prior to development.

PUBLIC COMMENT

N/A – no communications received.

Project Summary

The property is being annexed into the city and the county zoning designation will no longer be appropriate. A preliminary plat that proposes 6 new lots along the east side of Dole Drive accompanies this request.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's response:

"The rezoning request conforms to Horizon 2020 and falls under the Urban Growth Area category."

This property is currently zoned A (County Agriculture) and when brought into the city limit is in compliance with the current goals of *Horizon 2020* and the urban growth projections for the subject area. The change in density is in character with the current development. This rezoning is part of the proposed next phase of Westwood Hills.

Staff Finding – The plan anticipates low density, residential development as urban services are available. The proposed rezoning does not change the overall character of development in the area and the request is in conformance with the residential land use recommendations in the Comprehensive Plan.

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

Current Zoning and Land Use: A (County Agriculture) District; *One Single-Dwelling Structure and open land.*

Surrounding Zoning and Land Use: To the east: RS40 (Single-Dwelling Residential) District; *Single-Dwelling Residential structures.*

To the south: RS10 (Single-Dwelling Residential) District; *Partially developed with Single-Dwelling Residential structures.*

To the west: RS10 and RS7 (Single-Dwelling Residential) Districts; *Partially developed with Single-Dwelling Residential structures.*

To the north: A (County Agriculture) and OS (Open Space); *Single-Dwelling Residential structures and open land.*

The property is currently zoned A (County Agriculture) District. An annexation request is in process. Adjacent zoning in the area is RS10, RS40, RS7, A (County Agriculture) and OS (Open Space). The requested rezoning is consistent with existing zoning in adjacent residential development, Westwood Hills. The request complies with the Comprehensive Plan land use projections in the area. The RS10 zoning district and the proposed plat accommodate the residential development with lot sizes consistent with the adjacent Westwood Hills subdivision.

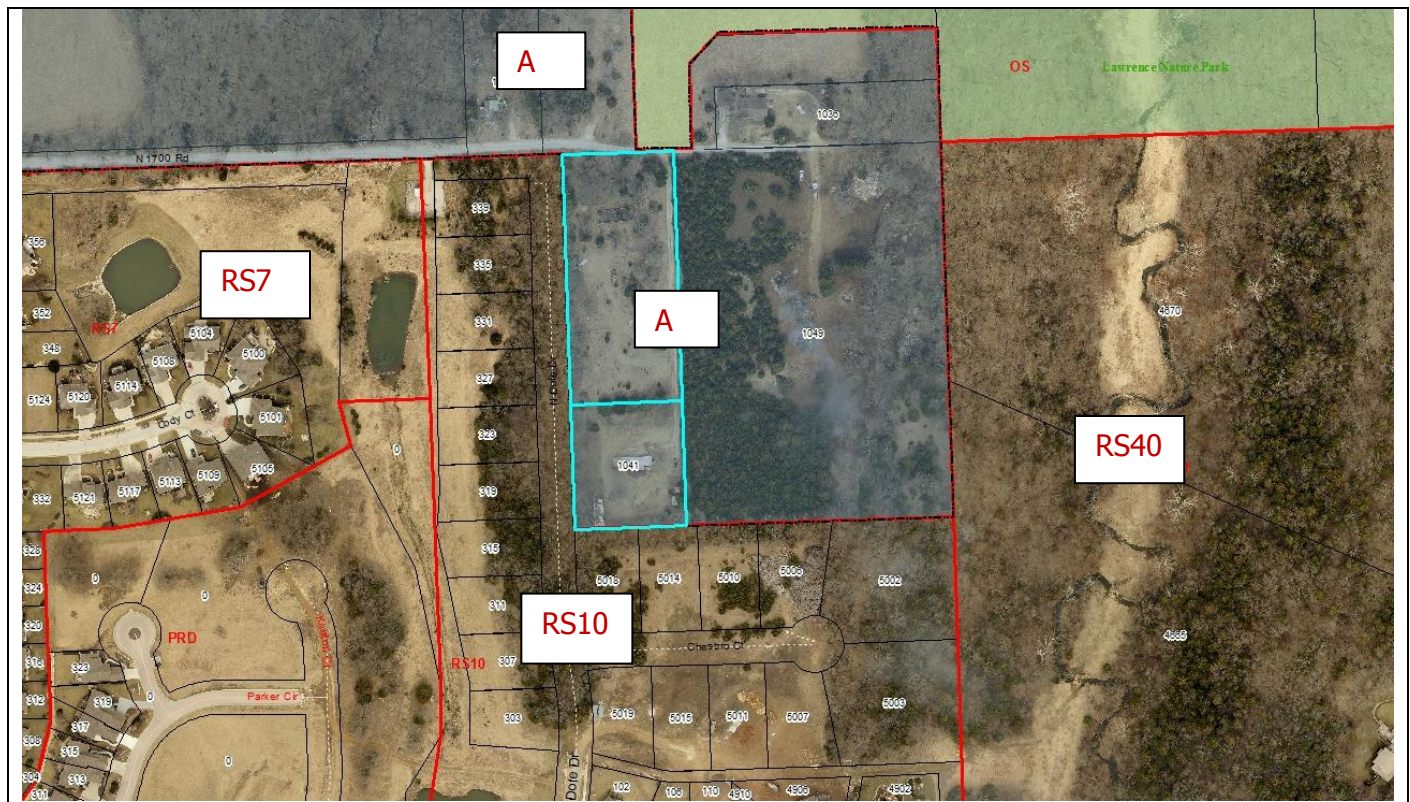


Figure 1. Zoning and land use in the area. Subject property is outlined.

Staff Finding – The subject property is adjacent to properties zoned for residential land uses. The residential zoned properties are currently being developed. The proposed rezoning is compatible with the zoning and land uses, existing and approved, in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The adjacent areas to the west and south are zoned RS10. The property to the east and north are generally zoned A (County Agriculture)."

This area is currently developing as a residential area and is part of the Urban Growth Area. The properties surrounding the subject property are established with Single-Dwelling Residential structures and are part of current residential development. This property would become part of the Westwood Hills development.

Staff Finding – The proposed rezoning is in keeping with the development in the area. The proposed rezoning would result in a use that is compatible with the character of the area.

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

There is not a current neighborhood plan for this area. The property was included in The Northwest Plan and recommended for low-density residential development. The Northwest Plan is considered out-of-date.

Staff Finding – There is not an adopted Sector 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 County A designation is not suitable for property that has or is planned to be annexed into the city."

Staff Finding – This property is part of an annexation request. Upon annexation, the County A District will no longer be suitable. The proposed rezoning permits development consistent with the area.

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

Applicant's Response:

"The property history is unknown but has generally been undeveloped."

Staff Finding – The county appraisal records indicate the southern parcel has had a structure on it since 1990. The majority of the property is undeveloped.

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

As noted earlier, the property is surrounded with residential zoned property which is developed or in the process of being developed. The rezoning of this property would allow for development similar to, and compatible with, the adjacent land uses.

Staff Finding – The RS10 zoning is in keeping with surrounding zoning. The rezoning would allow for proposed development that would be compatible with the nearby uses and should have no detrimental effect.

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.

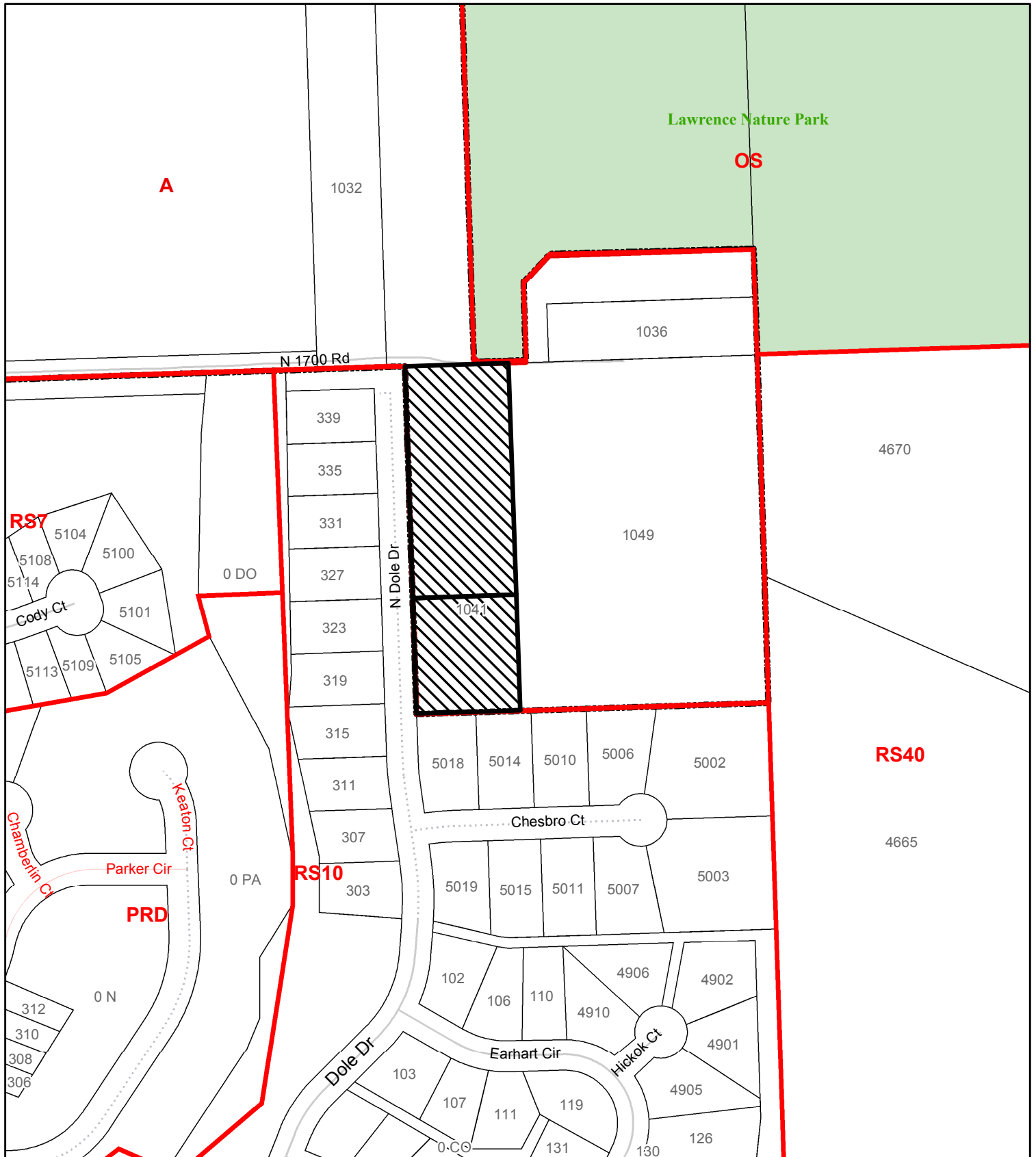
The proposed rezoning is not changing the allowed use of the property in a manner that would be detrimental to public health, safety and welfare. The proposed rezoning allows the applicant to continue development that is compatible with the area.

Staff Finding - Approval of the rezoning request will allow development similar in intensity and compatible with the uses already in the area. Final Plat approval is required prior to development. There would be no gain to the public health, safety, and welfare through the denial of the rezoning request.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan and the Golden Factors, and for compatibility with surrounding development. The rezoning request is consistent with the Comprehensive Plan would be compatible with surrounding development. Staff recommends approval of the rezoning request subject to the following condition:

- City Commission approval of Annexation (A-15-00525).



**Z-15-00524: Rezone 3 acres from A District to RS10 District and
PP-15-00527: Preliminary Plat of Westwood Hills 9th Plat
Located at 1041 N. 1700 Road**



**PLANNING COMMISSION REPORT
NON PUBLIC HEARING ITEM**

PC Staff Report
12/14/2015

ITEM NO 3B: PRELIMINARY PLAT FOR WESTWOOD HILLS 9TH PLAT; 1041 N 1700 ROAD (KES)

PP-15-00527: Consider a preliminary Plat for Westwood Hills 9th Plat, located at 1041 N 1700 Rd. The residential subdivision contains approximately 3 acres and proposes 6 single-dwelling lots along the east side of Dole Drive (extended). Submitted by BG Consultants Inc. on behalf of Wedman Construction, Inc. property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat for Westwood Hills 9th Plat.

Reason for Request: *In conjunction with an annexation and rezoning for additional residential development as part of Westwood Hills.*

KEY POINTS

- The property is located to the east of Dole Drive at the southeast corner of N 1700 Road and is currently zoned A (County Agriculture) District.
- Platting is required prior to development.
- The proposed preliminary plat is consistent with area and will allow development to continue as part of the established Westwood Hills development.

SUBDIVISION CITATIONS TO CONSIDER

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

ATTACHMENTS

Attachment A: Preliminary Plat

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

Z-15-00524 Rezoning; A (County Agriculture) to RS10 (Single-Dwelling Residential) District; In progress. (Scheduled for Planning Commission, December 2015).
A-15-00525 Annexation; In progress. (Scheduled for City Commission, January 2015).
PF-15-00614 Final Plat; Westwood Hills 9th Plat; In progress.

Other Action Required:

- Administrative approval of Final Plat and recordation with the Douglas County Register of Deeds.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis – Submitted 10-12-2015 and approved.*

- *Drainage Study – Submitted 10-12-2015 and approved with condition that a stormwater pollution prevention plan is submitted and approved and a copy of the Notice of Intent that was submitted to the Kansas Department of Health and Environment.*
- *Traffic Study – Not Required.*
- *Retail Market Study – Not Required.*

PUBLIC COMMENT

None received prior to publication.

Site Summary	
Gross Area:	130,773 sq. ft.
Right-of-Way Dedicated:	7,906 sq. ft.
Number of Proposed Lots:	6
Minimum lot size	19,755 sq. ft.
Maximum lot size	21,789 sq. ft.
Average lot size	20,478 sq. ft.

GENERAL INFORMATION

Current Zoning and Land Use:

A (County Agriculture) District; One Single-Dwelling Structure and open land.

Surrounding Zoning and Land Use:

To the east: RS40 (Single-Dwelling Residential) District; Single-Dwelling Residential structures.

To the south: RS10 (Single-Dwelling Residential) District; Partially developed with Single-Dwelling Residential structures.

To the west: RS10 and RS7 (Single-Dwelling Residential) Districts; Partially developed with Single-Dwelling Residential structures.

To the north: A (County Agriculture) and OS (Open Space); Single-Dwelling Residential structures and open land.

STAFF REVIEW

This property is located at the southeast corner of Dole Drive and N. 1700 Road. The subject property is being annexed into the city, rezoned and prepared for development of 6 lots. The current zoning is A (County Agriculture). The proposed zoning is RS10 (Single-Dwelling Residential) District. **Figure 1.**

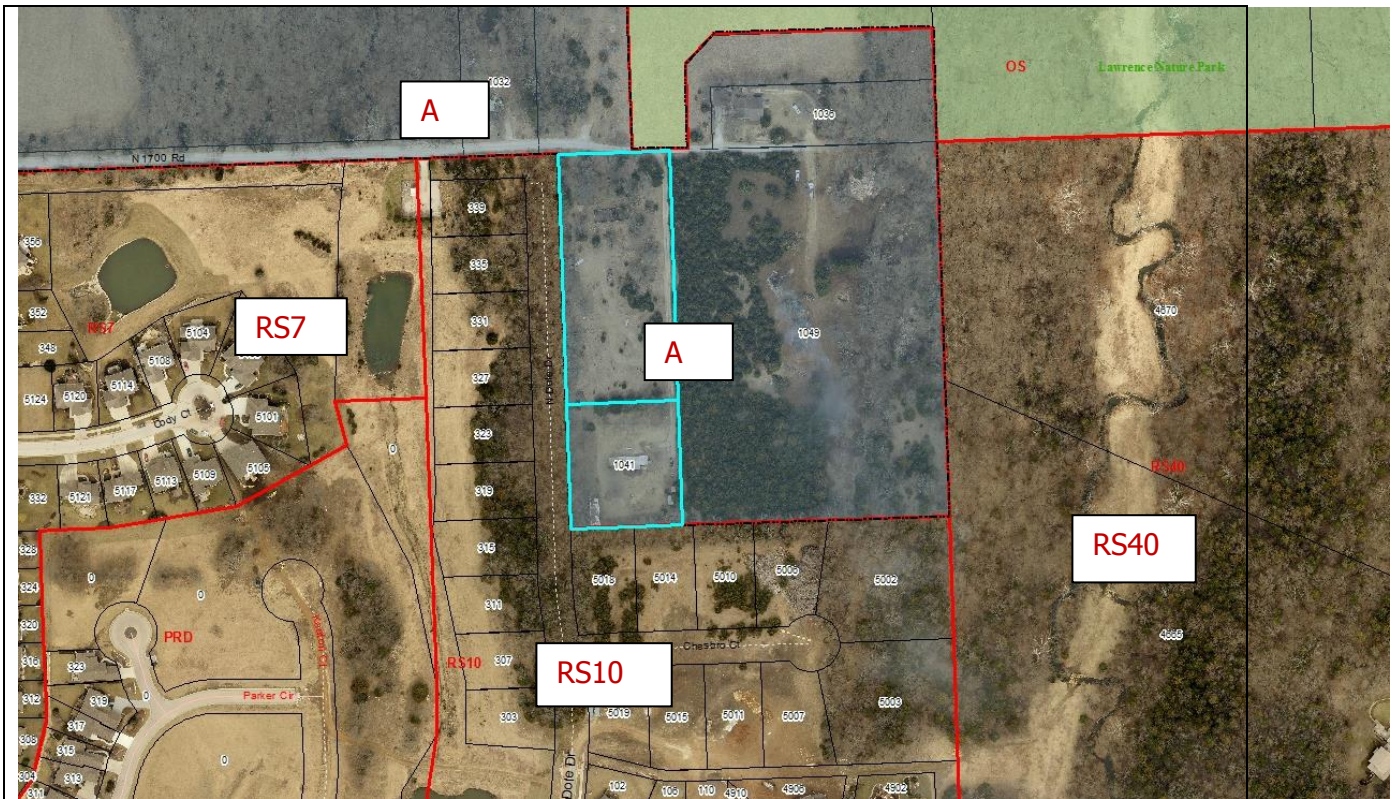


Figure 1. Zoning and land use of area. Subject property is highlighted in turquoise.

Compliance with Zoning Regulations for the RS10 District

Lot	Lot Area
Lot 1	19,763 sq. ft.
Lot 2	19,759 sq. ft.
Lot 3	19,755 sq. ft.
Lot 4	20,013 sq. ft.
Lot 5	21,787 sq. ft.
Lot 6	21,789 sq. ft.

Table 1. Proposed lot sizes

The square footage associated with each of the six proposed lots exceeds the minimum 10,000 sq. ft. lot area (Table 1). The proposed lot lines are located so that the proposed lot requirements conform to the minimum dimensional standards in the RS10 District. The proposed lots comply with the Dimensional Standards in Section 20-601(a). **Figure 2.**

Streets and Access

The subject property is located along the east side of Dole Drive at the intersection of Dole Drive and N. 1700 Road. N. 1700 Road will not be improved until such time as it is annexed into the city limits. The proposed lots will take access from Dole Drive. Dole Drive has already been improved with the previous plat; Westwood Hills 8th Plat. Lots along the west side of Dole Drive were platted at that time. This plat will subdivide the lots along the east side of Dole Drive. The new lots will not take access from N. 1700 Road.

An extension of sidewalk will be constructed on the east side of Dole Drive. The provision of sidewalk on the west side of Dole Drive has already been addressed as part of the approved Final Plat for Westwood Hills 8th Plat. The extension of sidewalk on the east side of Dole Drive with this Preliminary Plat will meet the requirement for sidewalks on both sides of the street per Land Development Code section 20-811(c).

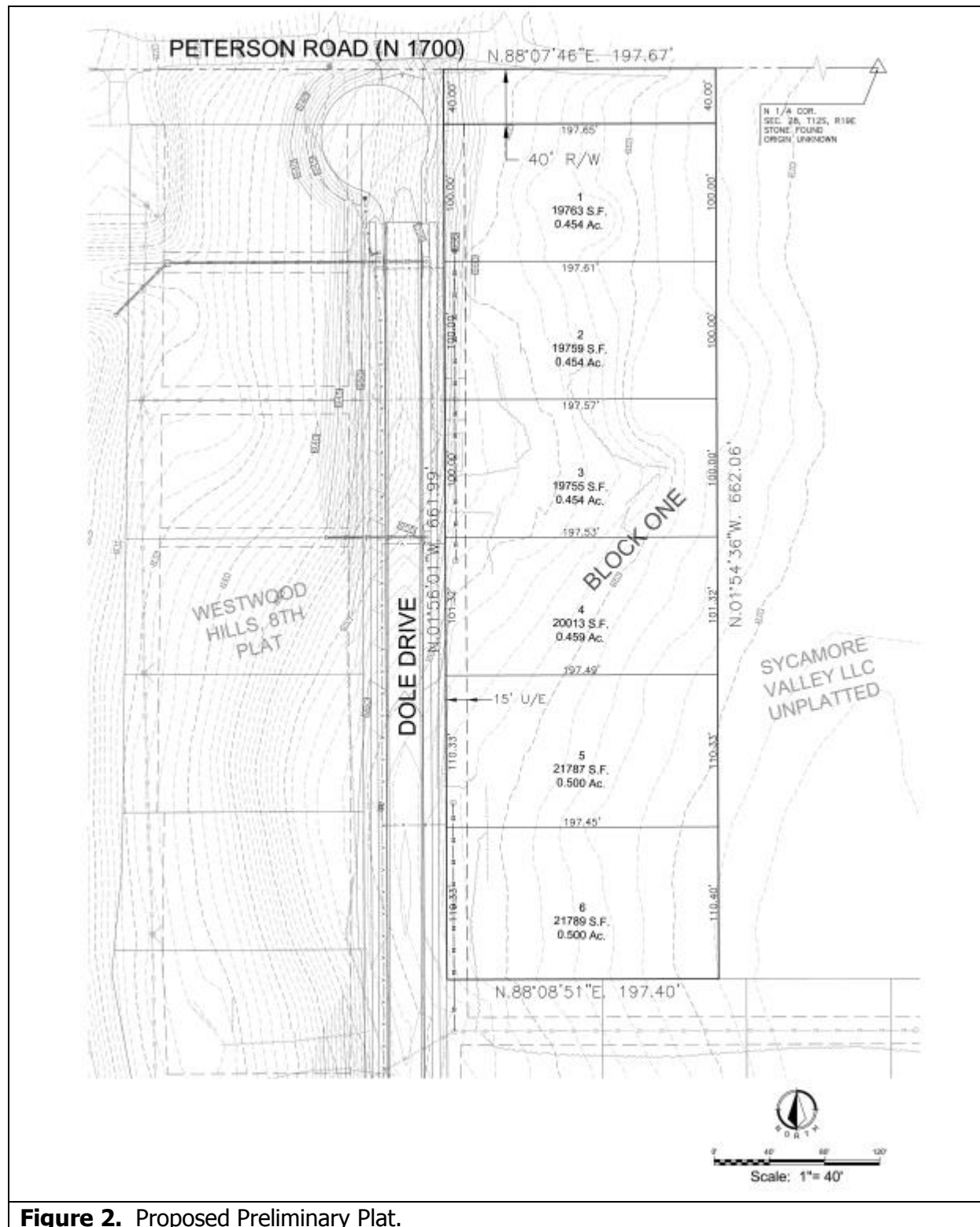


Figure 2. Proposed Preliminary Plat.

Utilities and Infrastructure

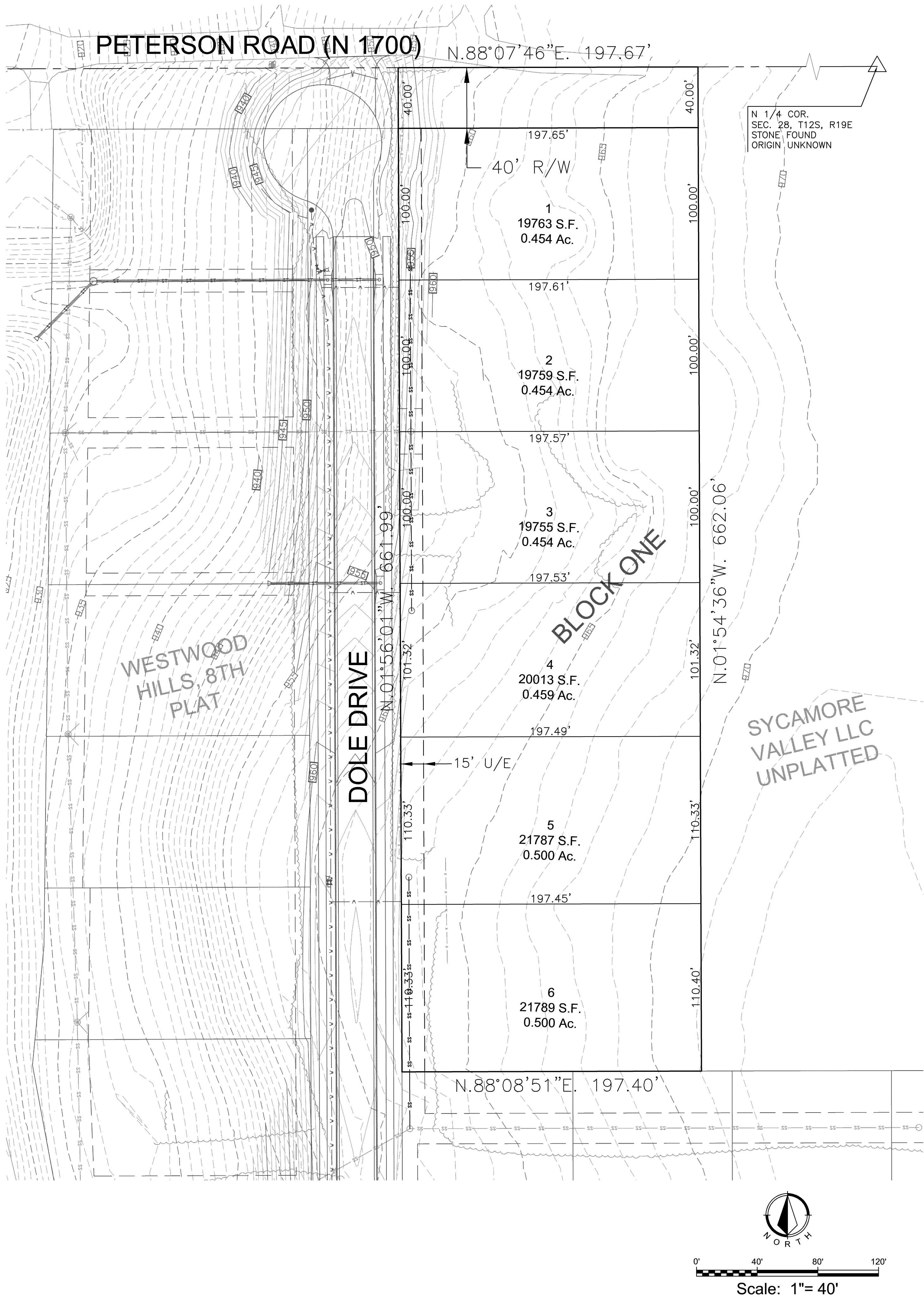
This Preliminary Plat does not include any changes to utility infrastructure. Utilities can be extended to serve the development of the proposed lots. The proposed preliminary plat includes the necessary easements to accommodate service to individual lots.

Easements and Rights-of-way

There is 40 ft. of public right-of-way proposed adjacent to N. 1700 Road along Lot 1. This right-of-way will be dedicated to allow for improvements to N. 1700 Road at the time it becomes annexed into the city limits. An agreement not to protest formation of a Future Benefit District for street improvements will be required with the Final Plat.

Conformance

The proposed preliminary plat 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.



LEGAL DESCRIPTION:

TWO TRACTS OF LAND IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 2 ACRES OF THE WEST 3 ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH P.M. IN DOUGLAS COUNTY, KANSAS

AND

THE SOUTH ONE ACRE OF THE WEST THREE ACRES OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP TWELVE (12) SOUTH, RANGE NINETEEN (19) EAST, OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS. EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD. (COMMONLY KNOWN AS 1041 NORTH 1700 ROAD, LAWRENCE, KANSAS)

SITE & ZONING SUMMARY

RS10 - BLOCK ONE
GROSS AREA: 130,773 SF/3.002 AC
RIGHTS-OF-WAY: 7,906 SF/0.181 AC
NET AREA: 122,867 SF/2.821 AC
TOTAL LOTS: 6
AVG. LOT AREA: 20,478 SF/0.470 AC
MIN. LOT AREA: 19,755 SF/0.454 AC
MAX. LOT AREA: 21,789 SF/0.500 AC
UNIT DENSITY: 2.127 UNITS/AC

OWNER - APPLICANT

WEDMAN CONSTRUCTION INC.
5104 CODY COURT
LAWRENCE, KS 66049

ENGINEER

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

BENCHMARK

BM #D643 - CONCRETE WITH REBAR AND DOUGLAS COUNTY CAP LOCATED 2.5 MILES WEST OF US HWY. 59 AND K-10 (INTERSECTION OF IOWA ST AND 23RD ST) AND 1/2 MILE NORTH ON WAKARUSA DR. THEN APPROXIMATELY 0.25 MILES WEST. ELEV.=994.38

FLOODPLAIN DATA

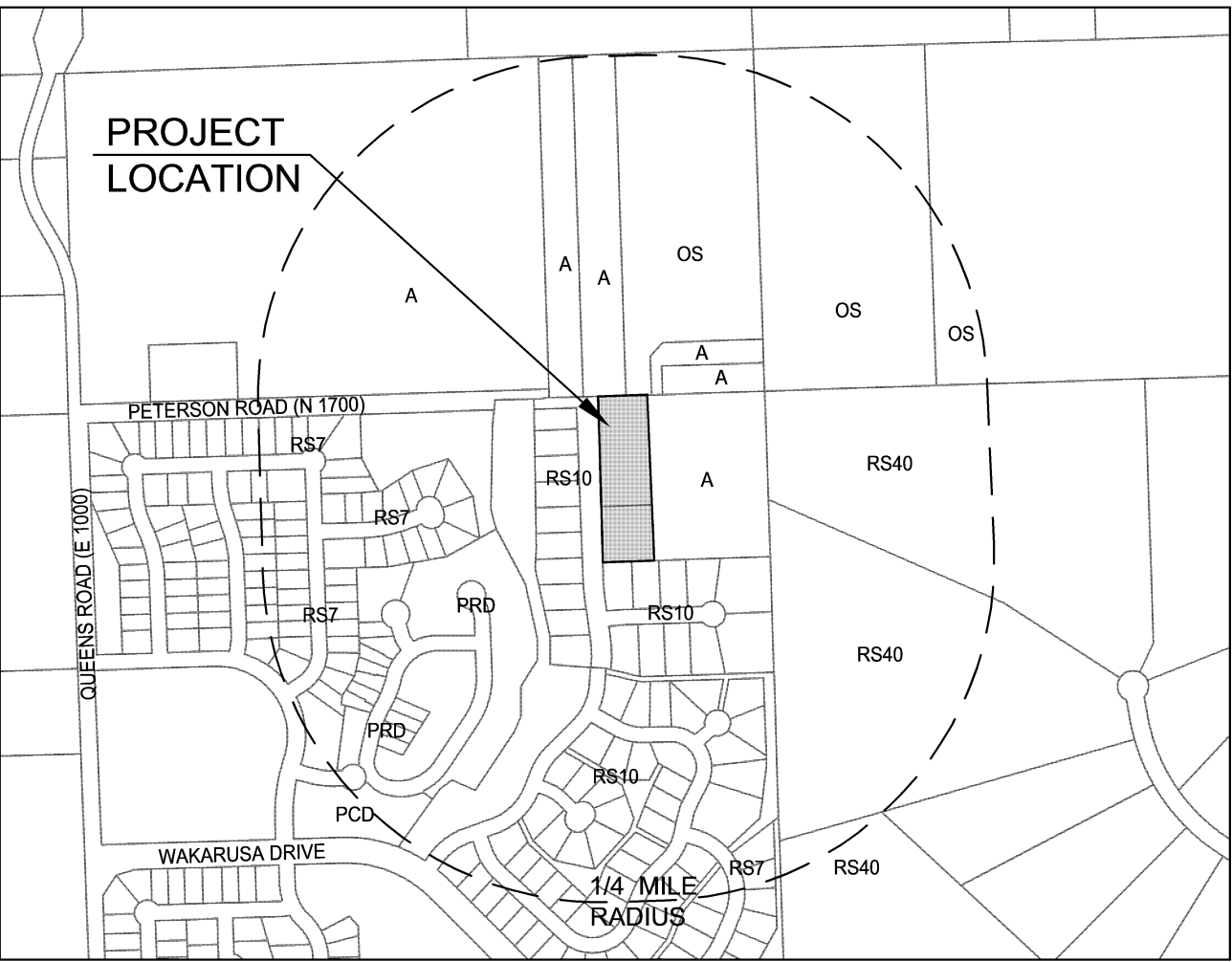
THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0156D, EFFECTIVE DATE AUGUST 5, 2010.

GENERAL NOTES

1. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS DERIVED FROM 2006 DOUGLAS COUNTY LIDAR DATA.
2. EXISTING ZONING: A (COUNTY)
3. PROPOSED ZONING: RS10
4. EXISTING LAND USE: VACANT
5. PROPOSED LAND USE: DETACHED DWELLING
6. THE SOILS ON THIS PROPERTY CONSIST OF GYMER SILT LOAM, OSKA SILTY CLAY LOAM AND VINLAND-ROCK OUTCROP COMPLEX.
7. PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
8. LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
9. UTILITIES WILL BE UNDERGROUND PER SEC. 20-809(f)(4)(iv).

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

1. THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHTS-OF-WAY ASSOCIATED WITH PETERSON ROAD AS SHOWN.
2. THE SUBDIVISION WILL CONNECT TO THE CITY OF LAWRENCE WATER SYSTEM VIA 2" SERVICE LINES THAT WERE INSTALLED AS PART OF THE WESTWOOD HILLS 8TH PLAT INFRASTRUCTURE IMPROVEMENTS.
3. THE SUBDIVISION WILL CONNECT TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA PROPOSED 8-INCH MAINS TO BE LOCATED ON THE EAST SIDE OF DOLE DRIVE.
4. PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
5. THE PROVISION OF IMPROVED ROADS, WATER SERVICE, AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.



LOCATION MAP

WESTWOOD HILLS 9TH PLAT
LAWRENCE, KANSAS

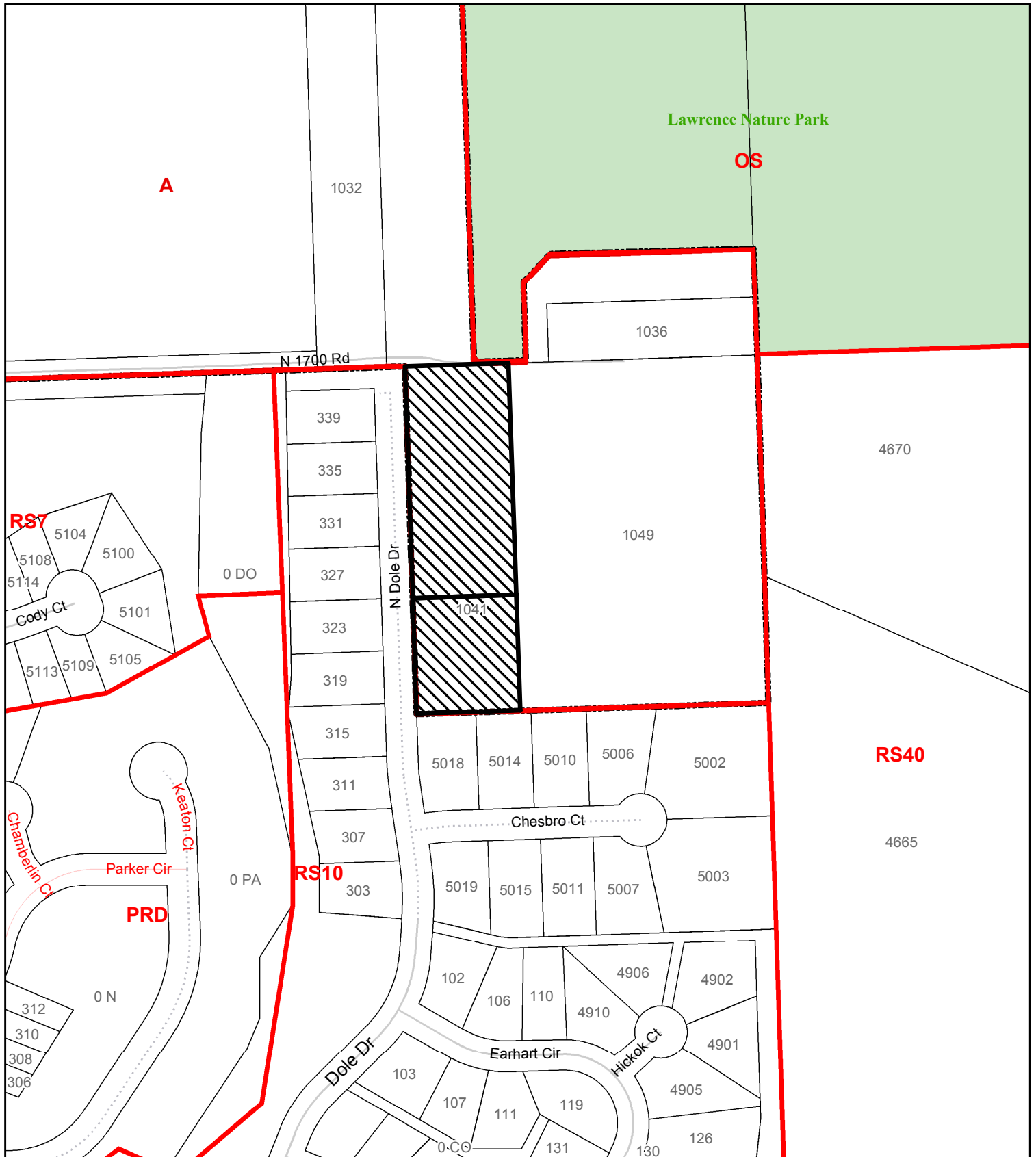
PRELIMINARY PLAT



Project No. 15-1451L
Date: Oct. 12, 2015
Revised: N/A

SHEET NO.

1



**Z-15-00524: Rezone 3 acres from A District to RS10 District and
PP-15-00527: Preliminary Plat of Westwood Hills 9th Plat
Located at 1041 N. 1700 Road**

PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item

PC Staff Report
12/14/15

**ITEM NO. 4 PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; NE CORNER
6TH ST & WAKARUSA DR (SLD)**

PDP-15-00529: Consider a revised Preliminary Development Plan for Bauer Farm, located at the NE corner of 6th & Wakarusa Dr. The plan proposes revisions to the remaining undeveloped commercial and multi-dwelling residential areas of Bauer Farm. Submitted by Treanor Architects PA for Free State Holdings, Inc., Bauer Farm Residential LLC, Free State Group LLC, property owners of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of the Revised Preliminary Development Plan for Bauer Farm Planned Development to include one additional bank drive-thru use and one additional fast order food drive thru use for a total of seven uses with drive-thru, and including the site waivers and variances outlined in this report, based upon the findings of fact presented in the body of the staff report.

Reason for Request: To amend uses in the undeveloped commercial and office portions of the Planned Development and to allow for additional drive-thru uses in excess of the five total permitted. This plan also updates previous approvals into one current document.

KEY POINTS

- The focus of this application is on the remaining portion of undeveloped commercial and office land in the Bauer Farm Planned Development.
 - Lot 2, Block 9; 4661 Bauer Farm Drive.
 - Lot 3, Block 9; 4651 Bauer Farm Drive.
 - Lot 5, Block 9; Northwest corner Folks Road and W. 6th Street.
- Proposed changes exclude the area known as PD-[Bauer Farm Northwest] (Sprouts).
- The Bauer Farm Planned Development was approved with a limitation on the total number of allowed drive-thru uses. The approved drive-thru uses are:
 - 1 pharmacy related drive-thru.
 - 1 bank related drive-thru.
 - 3 food related drive-thrus.
- Existing development in the PCD has claimed all available drive-thru uses. The proposed Preliminary Development Plan seeks to add:
 - 1 additional bank related drive-thru.
 - 1 additional food related drive-thru.
- If approved, total uses with drive-thrus would equal 7.
- The Original Bauer Farm Development included one bank use located at the southwest corner of Folks Road and Bauer Farm Drive.
 - The 2015 Final Development Plan (FDP-15-00108) for Lot 3, Block 9 amended the uses and changed the use from a bank with a drive-thru to a wellness/urgent care use. This plan was approved but withdrawn by the applicant.
 - The 2015 Final Development Plan (FDP-15-00373) for Lot, 1 Block 7 amended the uses and changed the use from an automotive service use to a bank use with a drive-thru.

- The 2015 Final Development Plan reassigned the one permitted bank drive-thru use from the east side of the overall development to the west side.

SUMMARY OF PROPOSED CHANGES

1. This revised plan includes the recently approved Final Development Plan for Credit Union, Lot 1, Block 7.
2. Lot 2, Block 9 boundary line has been adjusted east to increase the lot width.
3. Lot 2, Block 9 restaurant footprint is increased from previous versions.
4. Lot 2, Block 9 boundary line adjustment reduces the lot width.
5. Lot 3, Block 9 use is revised from restaurant use to retail and building footprint is reduced from 6,300 SF to 6,200 SF.
6. Multi-family lots located south of Bauer Farm Drive are revised in size and area to reflect altered Bauer Farm Drive alignment (previously approved FDP-15-00066).
7. Tables and phasing have been updated to reflect previous approvals and site construction.

FACTORS TO CONSIDER

- Compliance with the 1966 Zoning Code for Planned Developments.
- Compliance with the Subdivision Regulations.
- Conformance with *Horizon 2020*.
- Previously approved Final Development Plan for Bauer Farm – Multi-Dwelling.

ASSOCIATED CASES/OTHER ACTION REQUIRED

ASSOCIATED CASES – PARTIAL LIST

PD-Bauer Farm Northwest (*Sprouts*)

- CPA-14-00055; Comprehensive Plan Amendment to revise Chapter 6 and the 6th & Wakarusa Nodal Plan.
- Z-14-00057; amending the uses and retail square foot limitation of existing PCD.
- PDP-14-00055; Revised Preliminary Development Plan.
- PF-14-00054; Final Plat Bauer Farm 6th Plat [Bauer Farm Northwest].

PD – Bauer Farm PRD

- Meadowlark Assisted Care
 1. FDP-4-6-10
 2. FDP-14-00538
- Bauer Farm Residential
 1. PDP-1-1-10 – residential
 2. PDP-14-00055 revised development shifted residential uses from Bauer Farm NW to Bauer Farm PRD.
 3. PF-15-00094 – approved pending conditions prior to recording.
 4. FDP-15-00066- Bauer Farm Multi-Family, approved pending conditions

PD-Bauer Farm POD

- FDP-15-00108 – Final Development Plan for Urgent Care. Withdrawn by applicant.

OTHER ACTION REQUIRED

- City Commission approval of Preliminary Development Plan.
- Submittal and approval of Final Development Plan or Plans for remaining undeveloped land.
- Recording of Final Plat with Register of Deeds Office for residential lots.

- Submission and approval of Minor Subdivision for Lots 2 and 3, Block 9.
- Submission and approval of building permits prior to construction.

ATTACHMENTS

Attachment A: Area Map

Attachment B: Proposed Preliminary Development Plan

Attachment C: Project Summary

Attachment D: Lot 5, Block 9 drainage easement comparison

Attachment E: Subdivision Summary

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Members from Theater Lawrence Board of Directors have contacted staff regarding the need for additional parking in the area and regarding cut-through traffic between the high school and fast order food uses in development.

Project Summary:

This Planned Development (PD) known as Bauer Farm includes three distinct zoning districts, PCD, PRD, and POD. In 2014, a portion of the PCD area was subdivided and established as a separate Planned Development known as Bauer Farm Northwest. This application amends the remaining original Bauer Farm Planned Development. The area included in Bauer Farm Northwest is shown on the Plan for context. Attached to this report is a separate project summary for the PCD, PRD and POD portions of the development, Attachment C

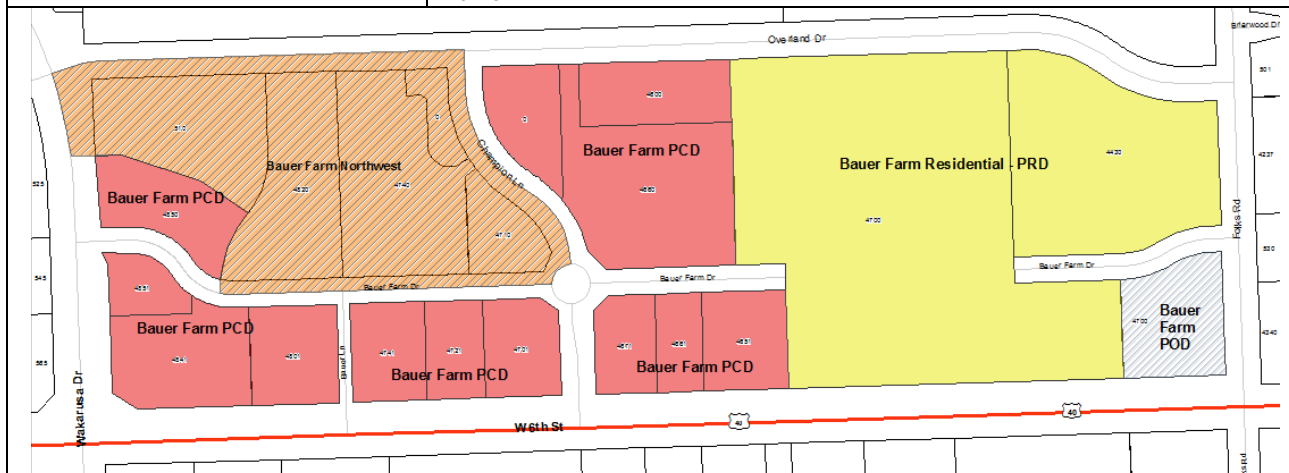
GENERAL INFORMATION

Current Zoning and Land Use:

PD [Bauer Farm PCD] and PD [Bauer Farm Northwest PCD]; developing commercial area between Wakarusa Drive and Champion Lane and between Overland Drive and W 6th Street.

PD-[Bauer Farm PRD] west of Folks Road. Existing retirement facility and undeveloped land.

PD-[Bauer Farm POD] northwest corner of W. 6th Street and Folks Road (pending publication upon Final Plat). Undeveloped land.



Surrounding Zoning and Land Use: To the north:	GPI (General Public and Institutional) District and RSO (Single-Dwelling Residential and Office) District along the north side of Overland Drive. Existing Free State High School campus and apartment development.
To the west:	CO (Commercial Office) District and PD-[6Wak PCD] along the west side of Wakarusa Drive. Existing undeveloped commercial pad sites.
To the south:	PD-[Westgate PCD] District, RMO (Multi-Dwelling Residential-Office) District, PD-Westgate 2 PCD] District and CO (Commercial Office) District along the south side of W. 6 th Street. Existing commercial and apartment development.
To the east:	PD – [Briarwood/Briarwood Cottages PRD] District and RSO (Single-Dwelling Residential) District along the east side of Folks Road. Existing residential and office uses.

REASON FOR THE REQUEST:

This Preliminary Development Plan, if approved, will replace previously approved Preliminary Development Plans for the Bauer Farm Planned Development, excluding Bauer Farm Northwest PCD. The Northwest area is shown for context to the surrounding development. This Preliminary Development Plan amends undeveloped areas within the Bauer Farm Planned Development including areas previously zoned PCD, PRD and POD. Existing development including the recently approved bank site, located at 4851 Bauer Farm Drive, north of CVS Pharmacy is shown for context. The recently approved bank site claimed the last permitted drive-thru for the development. The addition of uses with a drive-thru for the remaining undeveloped lots in the Planned Development requires a revised Preliminary Development Plan.

There are two outstanding approvals that are pending final actions including:

1. PF-15-00094 – approved pending conditions prior to recording.
2. FDP-15-00066- Bauer Farm Multi-Family, approved pending conditions.

The intent of this Preliminary Development Plan is to capture these recent approvals, shown for context, and become the updated document for future Final Development Plans for the remaining undeveloped land in the Bauer Farm Planned Development.

STAFF ANALYSIS

The Preliminary Development Plan for Bauer Farm [PDP-03-02-05], approved by the City Commission at their March 4, 2008 meeting was represented as a New Urbanism style of development that employed Traditional Neighborhood Design (TND). The Preliminary Development Plan contains three sections: a Planned Commercial Development (PCD), Planned Residential Development (PRD), and a Planned Office Development (POD).

Waivers, Variances and Reductions: The approval of the original Preliminary Development Plan and the approval of revised Preliminary Development Plans included reconsideration and re-approvals of several waivers/variances. These waivers and variances, listed below, require re-approval with this revised Preliminary Development Plan.

- **Waiver 1. Periphery Boundary:**

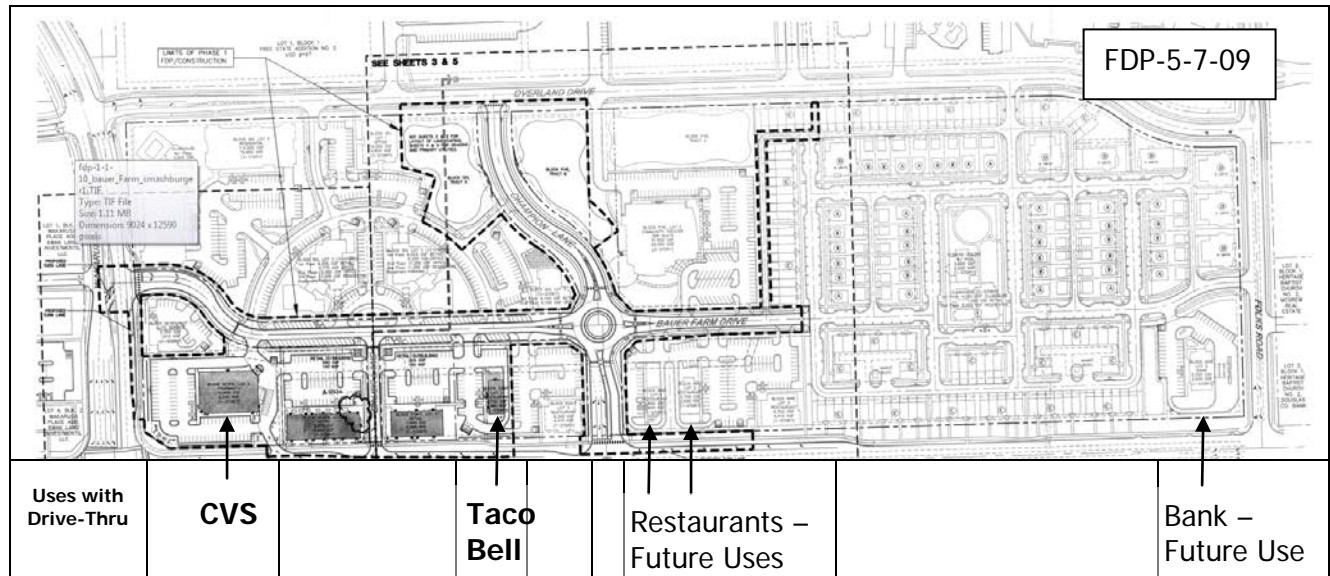
- ✚ Reduction of the 20 ft commercial peripheral setback to:
 - 10 ft along W 6th Street.
 - 17 ft along Wakarusa Drive, and
 - 10 ft on Overland Drive and Folks Road.
- ✚ Reduction of the 35 ft residential peripheral setback to:
 - 10 ft on Folks Road,
 - 10 ft on Overland Drive, and
 - 16' ft on w. 6th Street.
- ✚ No periphery boundary is required between the PUD areas within Bauer Farm.
- **Waiver 2. Residential Setback:**
 - Reduction of required 10' setback between residential structures,
 - Front yard setback reduced to 10', and
 - Side yard and rear yard setback reduced less than 10' provided they meet building code requirements for zero setback.
- **Waiver 3. Commercial Setbacks:**

Commercial building setback reduced as follows:

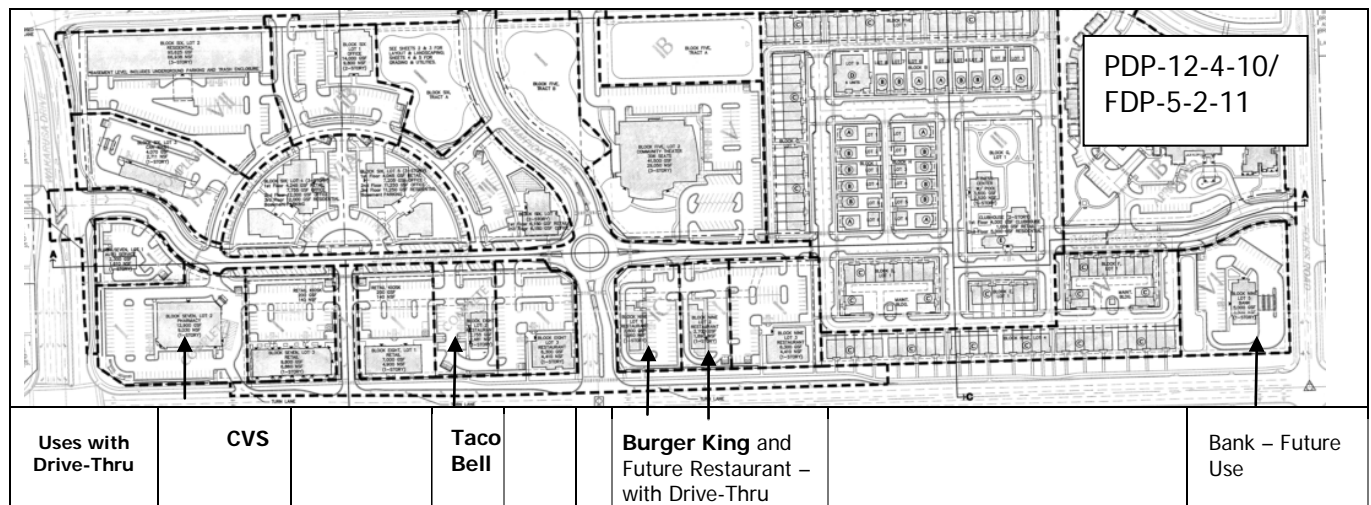
 - 10 ft on W 6th Street,
 - 17 ft on Wakarusa Drive, and
 - 10 ft on Champion Lane.
- **Subdivision Design Standard 1: Offset Streets**
 - Local streets intersecting opposite sides less than 125 feet.
- **Subdivision Design Standard 2: Alleyways**
 - Alleyways within the residential areas of the subdivision.
- **Subdivision Design Standard 3: Private Street Width**
 - Local private streets widths of as little as 20' back of curb to back of curb.

Drive-Thru Uses: The original Bauer Farm Planned Development approval included specific uses for each phase and lot. The approval expressly limited the total number of drive-thru uses and further stipulated that not more than three (3) restaurant type uses (*Fast Order Food*) were allowed in the development. In addition to the restaurant uses the plan also permitted one bank use with a drive-thru and one pharmacy use with a drive-thru. Uses that were automotive oriented such as the car wash and the tire store do not count toward the drive-thru restriction.

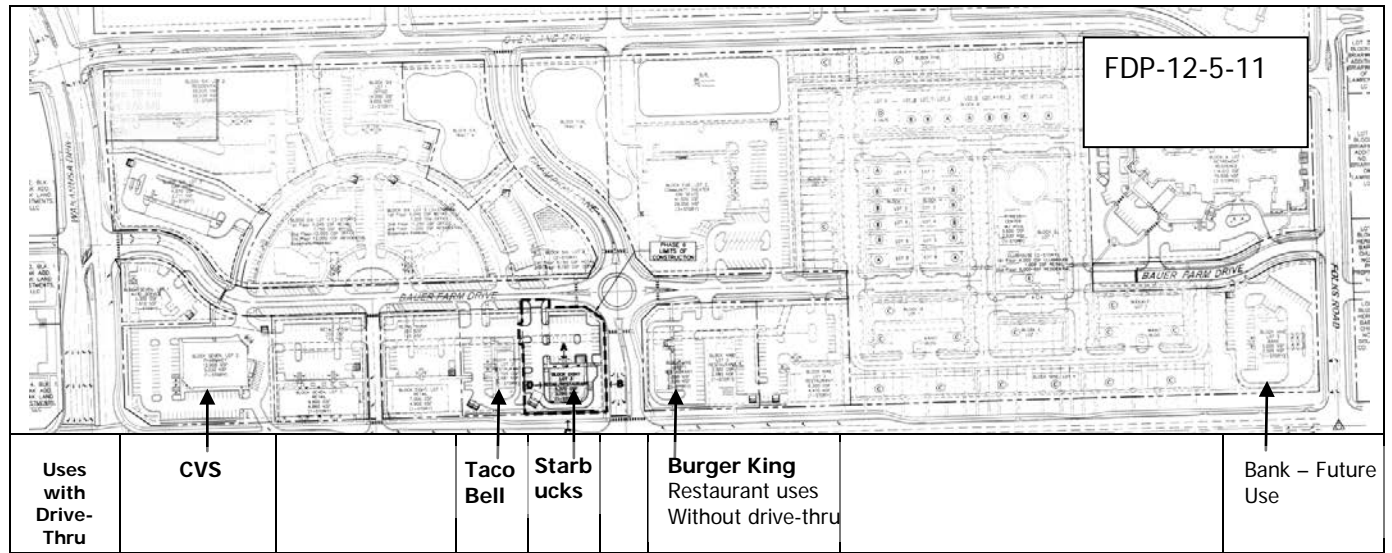
In 2008 the first drive-thru uses were permitted as part of the original Final Development Plan that included CVS pharmacy, Taco Bell as well retail buildings. These uses were all located west of Champion Lane. The remaining three drive-thru uses included two restaurant uses east of champion Lane, two restaurant uses and one bank use.



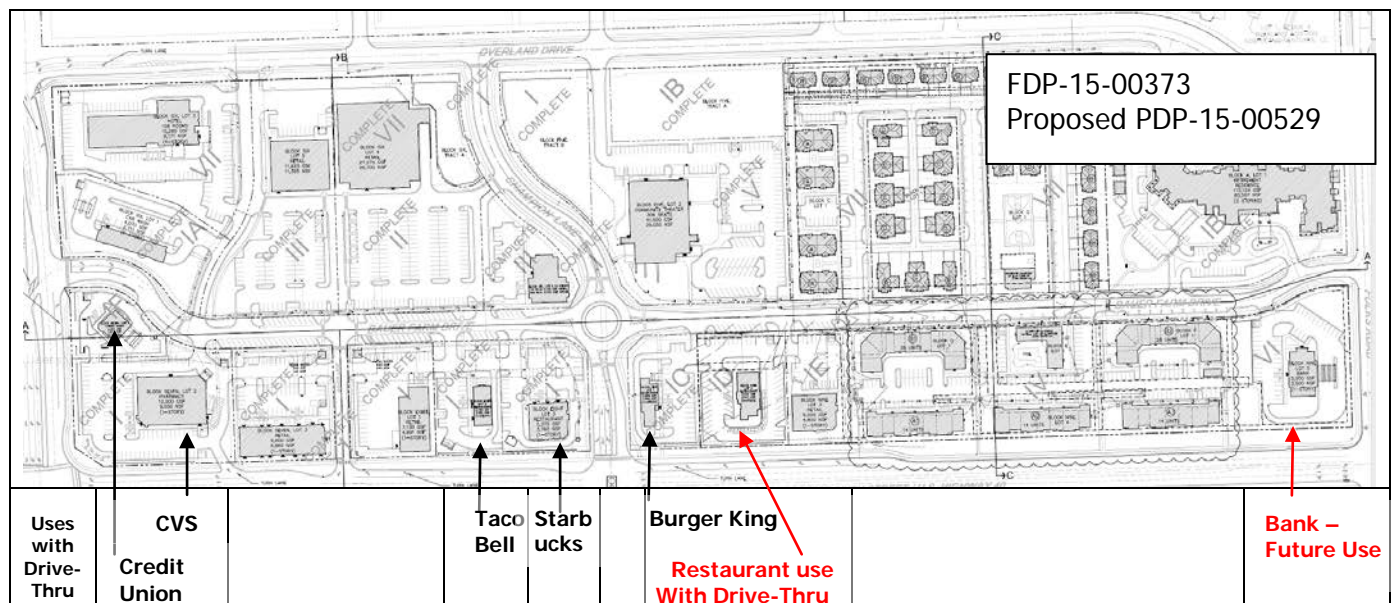
In 2011 a Final Development plan was submitted and approved for the addition of Burger King [FDP-5-2-11] located east of Champion Road. This approval modified the lot size making the Burger King site larger and the adjacent future restaurant with drive-thru use smaller. Burger King represented the second restaurant use.



Also in 2011 a final development plan was approved for a retail building located on the west side of Champion Lane that added a drive-thru use that has not previously been planned. This drive-thru for Starbucks represented the third and final drive-thru for a restaurant use.



In 2015 Development Plans were approved related to the location of the bank use with a drive-thru. The approved plan shifted the bank use from the Northwest corner of Folks Drive and W. 6th Street to the southeast corner of Bauer Farm Drive and Wakarusa Drive (FDP-15-00373). This proposed Preliminary Development Plan updates the drawing to include all previous approvals, to date, and proposes to add two new drive-thru uses for a total of 7 drive-thrus in the Planned Development.



Staff Finding:

The recently approved bank use replaced an automotive use designated for the location north of the pharmacy. A second bank use with a drive-thru does not alter the character of the overall development. The location and design of the bank use in proximity to residential uses has not been altered from the previous approvals. Staff supports the change to the development plan that adds a second bank with a drive-thru use as proposed.

The original submittal of the proposed Preliminary Development Plan included two restaurant drive-thru uses located east of Burger King. The proposed drive-thru immediately adjacent to

the residential multi-dwelling development was not consistent with previous approval granted for this development and diminished the transition area between the commercial and residential portions of the development. The applicant revised the plan. The current plan shows only one additional restaurant drive-thru and a retail building. This change maintains an appropriate land use transition between the commercial and residential portions of the development. The addition of one additional restaurant use with a drive-thru east of Champion Lane does not alter the character of the Bauer Farm Development. Staff supports the change to the development plan that adds a fourth restaurant with a drive-thru use as proposed.

PART ONE – SUBDIVISION REVIEW

A Preliminary Development Plan incorporates the Preliminary Plat process required for development. The majority of the Bauer Farm Planned Development has been previously subdivided and Final Plats have been recorded. A Final Plat has been submitted for the residential and office portion of the Bauer Farm development. The Final Plat was approved and is being processed for recording with the Register of Deeds Office. The previously approved Final Plat and Final Development Plan for the residential development amended the street alignment for Bauer Farm Drive to create a straight rather than off-set street profile. This realigned street right-of-way is shown on the proposed Preliminary Development Plan. See Attachment B.

This application shows a minor change for the interior lot line between Lots 2 and 3, Block 9 to accommodate the proposed development. A separate Minor Subdivision is required to complete the lot line adjustment as shown on this proposed Preliminary Development Plan. Minor Subdivisions are administrative and do not typically require Planning Commission action. The following graphic shows the existing and proposed lot lines for reference.

FDP

Commercial Comparison – Commercial Lots east of Champion Lane	
	<p>Previously Approved PDP</p> <p>Lot 2, Block 9 = 24,262 Lot Area</p> <p>Lot 3, Block 9 = 44,038 Lot Area</p> <p>Total 68,300 SF</p> <p>Note: Drive-thru shown for Lot 2, Block 9 was not updated when the 3^d drive-thru was added for the Starbucks Building, Lot 3, Block 8.</p>
	<p>Proposed PDP</p> <p>Lot 2, Block 9 = 39,015 SF Lot Area</p> <p>Lot 3, Block 9 = 29,300 SF Lot Area</p> <p>Total 68,315 SF</p> <p>Note: If approved, drive-thru shown for Lot 2, Block 9 would be 4th fast order food related drive-thru in Bauer Farm Planned Development.</p>
Notes:	

1. **Purple** line represents lot lines that remain unchanged.
2. **Dotted red** line represents revised interior lot line location.
3. The sum total of the lots varies by 15 square feet. This discrepancy appears to result from various changes over time to the development.

With regard to the POD lot [Lot 5, Block 9] this Preliminary Development Plan includes changes to the detention area. The drainage easement shown on the Preliminary Development Plan is wider than shown on the recently approved Final Plat. The City Stormwater Engineer has indicated that submission of a Final Development Plan for any of the remaining undeveloped lots will include a detailed review for compliance with the stormwater requirements. Resolution of the drainage easement may be needed as part of the recently approved Final Plat prior to recording with the Register of Deeds Office or may require future dedication of easement by separate instrument depending on the specific development proposed for Lot 5, Block 9. Attached to this report is a comparison of the location and width of the drainage easement located on Lot 5, Block 9 for reference.

PART TWO -PRELIMINARY DEVELOPMENT PLAN REVIEW

The proposed Preliminary Development Plan for Bauer Farm Planned Development has been evaluated based upon findings of fact and conclusions per Article 10 of the 1966 Zoning Code for the City of Lawrence. Many of the staff finding discussed below will not be altered by this proposed Preliminary Development Plan from previous approvals. Where applicable in this section of the report, responses are provided for the entire development. Other responses are provided for the residential and non-residential development to the following findings and evaluation criteria.

1) In what respects the plan is or is not in general conformity with the provisions of the Comprehensive Plan of the City.

The evaluation of compliance with the Comprehensive Plan is considered for the broad topic of land use in general.

Residential Conformity

Recommendations for medium- and higher-density residential development from Chapter 5 of *Horizon 2020* are listed below.

"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 1.1, page 5-23)

"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)

Residential Density:

The approved residential zoning district, PRD-3, allows a maximum density of 25 dwelling units per acre. Residential density is calculated based on Net Residential Area. Net Residential Area for a Planned Unit

Non-residential Conformity

As in previous staff reports, commercial development has been found to be an appropriate use for this area.

Recommendations for commercial development from Chapter 6 of *Horizon 2020* are listed below.

"Require commercial development to occur in "nodes", by avoiding continuous lineal and shallow lot depth commercial development along the city's street corridors and Douglas County roads."

"Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways. Sensitivity in the form of site layout and design considerations shall be given to important architectural or historical elements in the review of development proposals."

This development plan does not modify or expand the physical boundary of the commercial node in which it is located. This property is not within the environs of important architectural or historical resources within the

Development includes the area within the district less; "commercial development, public streets, parks, and school sites, major drainage courses, and other areas not retained for the exclusive use of the benefit of the residents in the planned residential development" per Section 20-1007.

This Preliminary Development Plan shows the same land use and density as previously approved. A pending Final Development Plan (FDP-15-00066) for the residential development to be located south of Bauer Farm Drive includes the same uses shown on this Preliminary Development Plan.

immediate area. The remaining commercial area has been vacant since the original land use approvals were granted in 2003.

This project does represent infill development of a designated commercial area and thus is compliant with these basic land use recommendations of *Horizon 2020*. The significant feature of this Preliminary Development Plan is the addition of two more drive-thru uses with the Planned Development.

Staff Finding – The proposed development complies with the land use goals and policies for the land uses proposed.

2) In what respects the plan is or is not consistent with the Statement of Objectives of Planned Unit Development. [per Section 20-1002 of the 1966 Zoning Ordinance]

- (1) To promote and permit flexibility that will encourage innovative and imaginative approaches in residential, commercial, and industrial development which will result in a more efficient, aesthetic, desirable and economic use of land while maintaining density and intensity of use consistent with the adopted comprehensive plan for the city;*
- (2) To promote development within the city that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extension;*
- (3) To promote design flexibility including placement of buildings, and use of open space, pedestrian and vehicular circulation facilities to and through the site, and off-street parking areas in a manner that will best utilize potential on-site characteristics such as, topography, geology, geography, size or proximity.*
- (4) To provide for the preservation of historic or natural features where they are shown to be in the public's interest including but not limited to such features as: drainageways, floodplains, existing topography or rock outcroppings, unique areas of vegetation, historic landmarks or structures.*

One objective noted in Section 20-1002 (1966 Code) is that a Planned Unit Development will permit design flexibility and encourage innovative and imaginative approaches to development which will result in a more efficient, aesthetic, desirable and economic use of land. The PD zoning provides the maximum flexibility to the developer in tailoring the uses and the project to community desires. Waivers/variances previously approved are also included with this request to clearly indicate the intent of development and to provide the Planning Commission the opportunity to re-evaluate and re-approve the waivers/variances they determine are warranted.

Residential Consistency with Objectives

This revised Preliminary Development Plan has used this flexibility to provide buildings along W. 6th Street that frame the street with reduced peripheral setbacks. This technique was also used for the retirement facility along Folks Road. The plan continues to use this flexibility in the residential portion of the Bauer Farm Planned Development.

Commercial Consistency with Objectives

The remaining commercial area proposes a more conventional design, consistent with the developed land use pattern, but is no less part of the overall development project. A significant change to the commercial area is the addition of two drive-thru uses. If approved the development will include the following mix.

1 pharmacy type drive-thru use (developed)
2 bank type drive-thru uses (1 approved and 1 proposed in this application).

4 food related drive-thru uses (3 developed and 1 proposed with this application).

The overall development plan remains a mixed-use development with direct connections between aggregate land uses rather than integrated vertical mixed-use development envisioned in previously approved development plans for this property.

This project includes interior vehicular and pedestrian connectivity throughout the development. Additionally the project retains the on-street parking that provides a traffic calming element and additional shared parking throughout the development.

Staff Finding – The overall development is a mixed-use, residential, office, and commercial development that is consistent with the objectives of a Planned Unit Development. The developed portion of the property has established a pattern of reduced setbacks along public streets and includes a strong pedestrian connection between uses within the development.

3) The nature and extent of the common open space in the Planned Unit Development, the reliability of the proposals for maintenance and conservation of the common open space, and 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.

Section 20-1006 (1966 Zoning Code) lists the general development standards applicable to all Planned Unit Developments. The Code specifically requires a minimum of 20% of the land area devoted to residential uses be set aside for open-air recreation uses and other common open spaces. Common open space is defined as an open area designed and developed primarily for the use and benefit of the residents of the development for recreation (whether private or public, courts, gardens, or parking for open space uses; it shall not include space devoted to streets and parking for residential and nonresidential uses).

Residential Open Space:

The 2014 Preliminary Development Plan revision removed residential uses from the PCD portion of the development. All residential uses are located east of Champion Lane. Common open space provided in the residential area, excluding the retirement housing, includes all of the clubhouse area and common sidewalk areas along the front of the row houses and other units similar to the front yard areas throughout the development.

This application includes an updated exhibit of open space for the residential development. The proposed development includes 3.11 acres of open space. This exceeds the required open space of 3.07 acres. The majority of the open space is located on the north side of Bauer Farm Drive.

Open space shown on this proposed Preliminary Development Plan is consistent with the approved Final Development Plan for the multi-family use included in FDP-15-00066, located on the south side of Bauer Farm Drive.

Commercial Open Space:

Common open space within the commercial portion can be evaluated on a per lot basis and also total development plan area. Approved development plans for the existing commercial development have demonstrated the lots met or exceeded the open space requirements. This evaluation will continue to be considered as new Final Development Plans are submitted for the remaining non- residential development lots.

Both Lots 2 and 3, Block 9 exceeds the 20% design standard for open space. This project includes interior pedestrian connections between the residential and commercial areas of the development. These elements will continue to be reviewed with future submissions of Final Development Plans for the remaining undeveloped lots.

Staff Finding – This plan includes a separate exhibit that shows common open space is provided for the residential portions of the development. The commercial portion of the development relies on a shared amount of common open space to meet the minimum required standard.

4) Whether the plan does or does not make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

This Preliminary Development Plan does not substantively modify the interior circulation for the Bauer Farm Planned Development. The plan retains connectivity throughout the development. This plan reflects previous approvals regarding the connections between the residential and non residential portions of the development. The most recently approved Final Development Plan for the residential development included a modification to Bauer Farm Drive. Rather than an off-set street, Bauer Farm Drive has been revised to show a straight street alignment between Folks Road and Wakarusa Drive.

Adequate public facilities are generally available to this property. Public improvement plans are required with a Final Plat for the Planned Residential (PRD) and Planned Office (POD) undeveloped portions of Bauer Farm.

Staff Finding – The proposed plan complies with the requirements for public services and provides adequate control over vehicular traffic.

5) Whether the plan will or will not have a substantial adverse effect on adjacent property and the development or conservation of the neighborhood area.

The Planned Development is surrounded by developed portions of Bauer Farm or existing development along the perimeter streets outside of the development. The substantial changes within this development are the:

1. Addition of a second bank drive-thru use.
2. Addition of a fourth restaurant drive-thru use.
3. Uses for Lot 3, Block 9 revised from a restaurant use to a retail use.
4. Update of the overall plan to reflect the most recent approvals including:
 - a. Bank use located at 4851 Bauer Farm Drive and
 - b. Residential development located along W. 6th Street pending approval of a Final Plat and Final Development Plan.

No additional retail square footage is added to the development. No changes to residential density are proposed with this application. This application reflects the approved changes to the Multi-Dwelling portion of the Bauer Farm Planned Residential Development.

Staff Finding –The proposed plan will not have a substantial adverse effect on adjacent property other than one of perception regarding the typology and form of the commercial use proposed east of Champion Lane that include two drive-thru uses to the development.

6) In what respects the plan is or is not in conformance with the development standards and criteria of this article.

Specific waivers and variances are associated with this proposed development including a reduction in the peripheral setback, building setback reductions related to the commercial and residential development and lot size setback reductions related to the residential (PRD) portion of the development that were previously granted. These reductions have resulted in the

establishment of a development pattern unique to Bauer Farm. The Planning Commission approved these waivers/variances as part of their action to approve the original Preliminary Development Plan in December 2006 and again in 2014. The variances and reductions are listed in General Note 39 on page 4 of the proposed development plan. Approval of this Preliminary Development Plan will reconfirm these deviations from the development standards of the applicable zoning code.

Residential Off-Street Parking:

Off-street parking is required on a per bedroom-unit calculation with the exception of detached and duplex residential uses. Attached dwellings (apartments) required 1.5 spaces per bedroom for studio, 1-Br units and 2-Br units and 2.5 spaces per 3-Br units or larger. Two spaces per dwelling unit are required for detached and duplex type housing. The 1966 Zoning Code does not require guest parking for multi-dwelling development.

The multi-dwelling residential development, located on the south side of Bauer Farm Drive, was approved with a requirement of 172 off-street parking spaces. The Final Development Plan notes 198 spaces are provided within the development and include surface parking spaces, garages, and on-street parking to meet this requirement.

A separate off-street parking reduction was granted for the retirement housing in the northeast corner of the property. That development is not modified with this proposed change but is shown for context.

Additional review of off-street parking will be completed with the future submission of a Final Development Plan for the residential development located on the north side of Bauer Farm Drive.

Commercial Off-Street Parking:

Within the commercial area, off-street parking is provided on an individual lot basis. Extra parking spaces are provided along the public street. Non-residential uses in a planned unit development shall provide off-street parking at a ratio of one space per 200 net square feet.

This revised Preliminary Development Plan shows compliance with off-street parking for all uses within the Bauer Farm PCD. The hotel use, located in Bauer Farm Northwest PCD does not meet the off-street parking requirements. However, uses in Bauer Farm Northwest PCD are shown for context and not included in this revision.

Off-street parking within Lots 2 and 3, Block 9 is shifted in this request. Both lots meet the minimum off-street parking requirement. Previous plans showed the restaurant pad site with fewer spaces and the adjacent restaurant pad site with more spaces. This revision includes a restaurant use, with drive-thru, 46 off-street parking spaces. The adjacent use, now shown as a retail use is shown with 19 spaces.

As a planned development, off-street parking is generally shared throughout the development.

Staff Finding –With the reaffirmation of listed waivers/variances, this Preliminary Development Plan is in conformance with the provisions of the 1966 Zoning Regulations.

7) In what respects the plan is or is not in compliance with the requirements for application for tentative approval of the Planned Unit Development. [This finding refers to Section 20-1005 (1966 Zoning Code) of the Zoning Ordinance.]

This finding is applicable to new Planned Units Developments. This application is for a revision to an approved Preliminary Development Plan. Multiple approvals have been granted for this property including Final Development Plan approval for the developed portions of Bauer Farm.

This revised Preliminary Development Plan specifically amends the commercial portion by increasing the number of drive-thru uses from five to seven.

This revised Preliminary Development Plan amends the residential portion by changing the street alignment for Bauer Farm Drive consistent with recent approvals for development of the multi-dwelling residential use along W. 6th Street. If approved, this Preliminary Development Plan will replace all previously approved plans, excluding Bauer Farm Northwest.

Staff Finding – The plan proposes revisions to a previously approved Preliminary Development Plan. The plan meets the four criteria noted in Section 20-1005 (1966 Zoning Code) for tentative approval.

8) 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.

This revised Preliminary Development Plan represents an evolution of a development concept that began many years ago. Each revision and iteration of the plan has sought to respond to changing conditions in both the retail and residential conditions within the community. Undeveloped land must be maintained in a reasonable manner including weed management and nuisance controls. The approval of this Preliminary Planned Development and previous versions provide a scope of development intent that has evolved from a mixed-use new urbanism form of development to a conventional form within the commercial portion of the development. The residential portion has retained the mixed-use residential form but has varied in the type of housing proposed since the original approvals.

Staff Finding – A revised phasing schedule has been noted on the face of this Preliminary Development Plan to reflect the balance of development for the area.

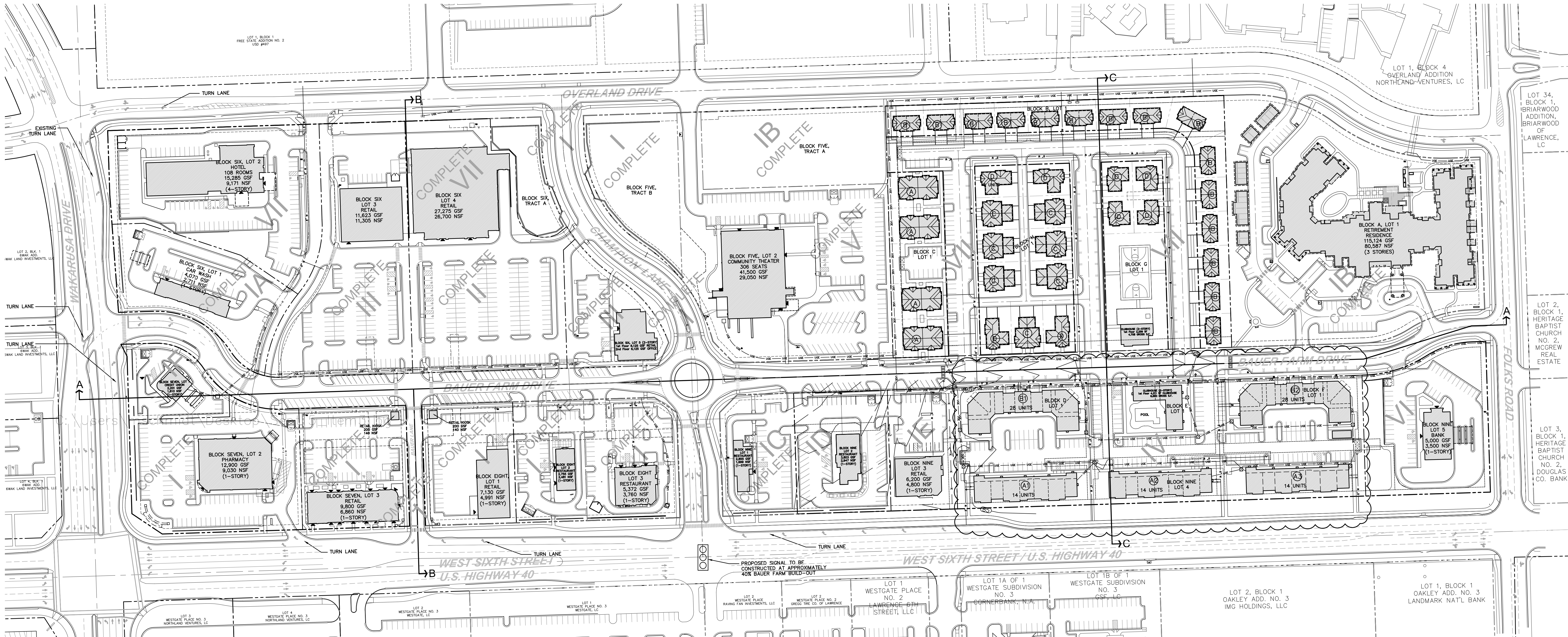
9) Stormwater detention calculations and storage of excess stormwater drainage as per City Policy.

The City Stormwater Engineer has reviewed this revised Preliminary Development Plan. The plan meets the requirements for stormwater management for this development. The Plan proposes a modification to the detention area for the Planned Office Development Lot. This detail was discussed earlier in this report. The details of the change will continue to be reviewed as part a Final Development Plan for the undeveloped office lot.

Staff Review and Conclusion

This property was originally approved prior to the adoption of the Land Development Code. Elements such as commercial design review of the retail buildings, photometric plans and final landscape plans will be reviewed in detail with final development plans for each phase of the development.

BAUER FARM



COMMERCIAL (PCD) BUILDING INFORMATION & PARKING SUMMARY

BLOCK/LOT	BUILDING AREA (SF)	LOT AREA (SF)	GROSS FLOOR AREA (SF)	APPROVED PLAN	NET FLOOR AREA (SF)	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	ADA PARKING REQUIRED	ADA PARKING PROVIDED
BLOCK FIVE, LOT 2	19,029	128,099	41,500 (300 SEATS)	FDP-1-1-12	N/A	1 SP./3 SEATS	100	139	5	5
BLOCK SIX, LOT 1	4,070	51,961	4,070 RETAIL	FDP-9-8-09	2,711	1 SP./500 N.S.F.	6	13	1	1
BLOCK SIX, LOT 2	15,285	91,570	81,140	PDP-14-00	N/A	1 ROOM + 115 EMPLOYEES	111	85	4	5
BLOCK SIX, LOT 3	11,623	92,723	11,623 - RETAIL	FDP-14-0207	11,305	1 SP./200 N.S.F.	57	91	4	4
BLOCK SIX, LOT 4	27,275	116,562	27,275 - RETAIL	FDP-14-0207	26,700	1 SP./200 N.S.F.	134	141	5	8
BLOCK SIX, LOT 5	6,125	31,055	6,125 - OFFICE	PDP-15-00555	5,818	1 SP./200 N.S.F.	29	21	2	2
BLOCK SEVEN, LOT 1	2,201	22,110	2,201 - CREDIT UNION	FDP-15-00373	1,610	1 SP./200 N.S.F.	9	9	1	1
BLOCK SEVEN, LOT 2	12,900	70,200	12,900 - RETAIL	FDP-5-7-09	9,030	1 SP./200 N.S.F.	46	70	3	3
BLOCK SEVEN, LOT 3	9,800	45,622	9,800 - RETAIL	FDP-5-7-09	7,252	1 SP./200 N.S.F.	37	54	3	4
BLOCK EIGHT, LOT 1	7,130	38,735	7,130 - RETAIL	FDP-12-00093	4,991	1 SP./200 N.S.F.	25	31	2	2
BLOCK EIGHT, LOT 2	2,755	30,191	2,755 - RESTAURANT	FDP-6-7-09	2,481	1 SP./200 N.S.F.	13	24	1	2
BLOCK EIGHT, LOT 3	5,372	30,074	5,372 - RESTAURANT	FDP-12-6-11	3,760	1 SP./200 N.S.F.	19	36	2	2
BLOCK NINE, LOT 1	2,855	31,233	2,855 - RESTAURANT	FDP-5-2-11	1,989	1 SP./200 N.S.F.	10	29	2	2
BLOCK NINE, LOT 2	3,800	39,015	3,800 - RESTAURANT		2,947	1 SP./200 N.S.F.	11	46	2	2
BLOCK NINE, LOT 3	4,500	29,300	4,500 - RETAIL		3,125	1 SP./200 N.S.F.	16	19	1	2
MISC. ON-STREET PARKING	N/A	N/A	N/A	N/A	N/A	N/A	N/A	66	N/A	3
TOTAL	857,480	209,173					662	890	39	48
TOTAL COMMERCIAL/RETAIL			199,447							
TOTAL OFFICE/BANK			8,326							
TOTAL CIVIL/CULTURAL			41,500							

** Note: Shaded rows are applicable to Bauer Farm N.W. PD and not altered with this application. Bauer Farm NW is unchanged in this PD but is shown for contextual purposes only.

PCD RESIDENTIAL DENSITY, PER SECTION 20-100B(A)

GROSS PCD ACREAGE	COMMERCIAL BLDG. AREA, RW, TRACTS & DIE
25.89	9.22 AC

PRD RESIDENTIAL DENSITY, PER SECTION 20-100A(1)

GROSS PRD ACREAGE	COMMERCIAL BLDG. AREA, RW, TRACTS & DIE	NET RESIDENTIAL ACREAGE	TOTAL DWELLING UNITS	DWELLING UNIT DENSITY
16.44	1.07	15.37	292	22.25

PRD COMMON OPEN SPACE, PER SECTION 20-100B(G)

GROSS PRD ACREAGE	R/W & OFF-STREET PKG.	NET RESIDENTIAL USE ACREAGE	REQUIRED OPEN SPACE ACREAGE (20% OF NET)	PROVIDED OPEN SPACE ACREAGE
16.44	1.07	15.37	3.07	3.08

RESIDENTIAL (PRD) BUILDING INFORMATION & PARKING SUMMARY

BUILDING TYPE	TOTAL UNITS	1 BEDROOM	2 BEDROOM	3 BEDROOM	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED
"X" ROWHOUSE	16		N/A		1.5 SP./UNIT	24	49
"F" 12 BEDROOM DUPLEX	30		N/A		2 SP./UNIT	60	60
"C" 23 BEDROOM DUPLEX	14		N/A		2 SP./UNIT	28	24
"D" 12 BEDROOM SINGLE	8		N/A		2 SP./UNIT	16	12
A1 - APARTMENT BUILDING	14	4	4		1.5 SP./1 BR UNIT 1.5 SP./2 BR UNIT	6 6	6
A2 - APARTMENT BUILDING	14	4	4	6	2.5 SP./3 BR UNIT 1.5 SP./1 BR UNIT 2.5 SP./2 BR UNIT	15 6 15	15
A3 - APARTMENT BUILDING	14	4	4	6	1.5 SP./1 BR UNIT 1.5 SP./2 BR UNIT 2.5 SP./3 BR UNIT	6 6 15	15
B1 - APARTMENT BUILDING	28	18	8	2	1.5 SP./1 BR UNIT 1.5 SP./2 BR UNIT 2.5 SP./3 BR UNIT	27 12 5	22
B2 - APARTMENT BUILDING	28	18	8	2	1.5 SP./1 BR UNIT 1.5 SP./2 BR UNIT 2.5 SP./3 BR UNIT	27 12 5	22
CLUBHOUSE (5,000 GSF/2,800 NSF)	N/A		N/A		N/A		
RETAIL (1,000 GSF/700 NSF)	N/A		N/A		1 SP./200 NSF	7	5
RESIDENTIAL (5,000 GSF)	2	0	2	0	1.5 SP./3 BR UNIT		
FITNESS CENTER (3,800 GSF/2,500 NSF)	N/A		N/A		N/A	N/A	0
RETIRED RESIDENCE	125	108	17	0	1 SP./3 BEDS	48	77
MISC. ON-STREET PARKING	N/A		N/A		N/A	N/A	24
GARAGE PARKING	N/A		N/A		N/A	N/A	16
TOTAL	292					352	420

* Note: 188 parking spaces were required but 78 were provided. 77 parking stalls were permitted in construction by Planning Commission on 03/22/10. This reduction applies only to the independent and/or assisted living use and may not be converted to a multi-dwelling structure without addressing the parking requirement.

OFFICE (POD) BUILDING INFORMATION & PARKING SUMMARY

BLOCK/LOT	BUILDING AREA (SF)	LOT AREA (SF)	GROSS FLOOR AREA (SF)	NET FLOOR AREA (SF)	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	PARKING REQUIRED	PARKING PROVIDED
BLOCK NINE, LOT 5	5,000	59,888	5,000	3,500	1 SP./200 N.S.F.	18	42	2	2

GENERAL NOTES

- Owners: **Free State Holdings, Inc. 1040 Vermont St Lawrence, KS 66044
Bauer Farm Retail Pad 2, LLC PO Box 1797 Lawrence, KS 66044
Theatre Lawrence, LLC 1501 New Hampshire St Lawrence, KS 66044
Lawrence Tunnel Wash, LLC 14510 Tillman Rd Smithville, MO 64089
Wakarusa Investors LLC 6834 S University Blvd STE 415 Centennial, CO 80122
- Land Planner/Engineer: Treanor Architects 1040 Vermont Street Lawrence, KS 66044
Landplan Engineering, P.A. 1310 Wakarusa Drive Lawrence, KS 66049
- Surveyor: Landplan Engineering, P.A. 1310 Wakarusa Drive Lawrence, KS 66049
- Existing Land Use: Undeveloped/Retail, Assisted and Independent Living and Multi-Dwelling Residential.
- Proposed Land Use: Mixed Use Commercial/Retail/Residential (Assisted and Independent Living and Multi-Dwelling)
- Existing Zoning: PCD-2, PDD, and PRD-2
- No change zoning is being proposed.
- The maximum allowed SF for the Bauer Farm PUD and the maximum allowed SF for Bauer Farm N.W. PD per ordinance 8986 maximum retail area shall not exceed 50,000 SF. Maximum cap for retail SF for Northeast corner of 6th & Wakarusa is 122,000 GSF.

ESTIMATED PHASING SCHEDULE

PHASE	ESTIMATED TIME OF CONSTRUCTION	CURRENT STATUS
I	COMPLETE	COMPLETE: CIVIL, FDP-5-1-09; Interior Retail, FDP-5-7-8; Taco Bell, FDP-5-7-8; Discount Tire, FDP-5-7-8 revised FDP-12-00093; Starbucks, FDP-12-6-11; Bank, FDP-15-00373; Driveway Bank Five, Title B, Chertopolski Lane development; Firehouse has been met and signal will be installed by summer 2016.
IA	COMPLETE 2010**	COMPLETE: Car Wash, FDP-9-8-09
IB	COMPLETE 2010/2011**	COMPLETE: Drive-in and retirement facility, FDP-4-6-10 and FDP-14-00598
IC	COMPLETE 2011**	COMPLETE: Burger King, FDP-5-2-11
ID	2015/2016	INCOMPLETE: Restaurant, Block 9, Lot 2
IE	2015/Planning 2016	INCOMPLETE: Retail, Block 9, Lot 3
IF	2016	INCOMPLETE: Credit Union, Block 7, Lot 1
II	2015	COMPLETE: Sprouts Grocer, FDP-14-02027
III	2015	INCOMPLETE: Future retail office Bauer Farm N.W. PD
IV	2016	INCOMPLETE: Multi-family Residential, FDP-6-22-2015
V	COMPLETE 2012**	COMPLETE: Theater, FDP-1-12-12 [Phase 7]
VI	2016/2017	PROPOSED: Bank, Lot 5, Block 9
VII	2016/2017	NOTE: Located in the Bauer Farm N.W. PD INCOMPLETE: Hotel Building, FDP-14-02027; Block C, Lot 1; Block 14, Lot 1; Block C, Lot 1

* Development phasing lines as shown are preliminary and are subject to modification at developer's discretion.

Alphabetical [sub]phase designations do not denote sequence of construction.

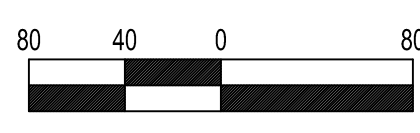
Public improvements associated with each phase to be provided via private funding or via benefit district financing [subject to public hearing].

** Complete

LEGAL DESCRIPTION

Bauer Farm Retail Pad 1, LLC PO Box 1797 Lawrence, KS 66044
Halle Properties, LLC 20225 N Scottsdale Rd Dept 1100 Scottsdale, AZ 85255
Sachi Real Estate, LLC 8831 Lant Street Lenexa, KS 66215
**Bauer Farm Residential, LLC PO Box 1797 Lawrence, KS 66044

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 19 EAST, DOUGLAS COUNTY, KANSAS; THENCE NORTH 88°11'38" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF 34D SECTION FOR A DISTANCE OF 126.82 FEET; THENCE NORTH 01°48'22" WEST FOR A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°16'38" WEST FOR A DISTANCE OF 68.54 FEET; THENCE NORTH 01°44'48" WEST FOR A DISTANCE OF 295.42 FEET; THENCE NORTH 28°04'13" WEST FOR A DISTANCE OF 27.64 FEET; THENCE NORTH 01°55'21" WEST FOR A DISTANCE OF 30.97 FEET; THENCE NORTH 04°19'09" WEST FOR A DISTANCE OF 85.37 FEET; THENCE NORTH 04°13'20" WEST FOR A DISTANCE OF 160.25 FEET; THENCE NORTH 01°55'21" WEST FOR A DISTANCE OF 123.60 FEET; THENCE NORTH 88°11'38" EAST FOR A DISTANCE OF 219.53 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 38°33'23" A RADIUS OF 260.00 FEET FOR A LENGTH OF 174.98 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 38°34'21" A RADIUS OF 340.00 FEET FOR A LENGTH OF 228.93 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°11'38" EAST FOR A DISTANCE OF 59.99 FEET; THENCE SOUTH 01°47'22" EAST FOR A DISTANCE OF 629.06 FEET; THENCE SOUTH 88°11'38" WEST FOR A DISTANCE OF 2404.89 FEET TO THE POINT OF BEGINNING; CONTAINING 43.88 ACRES MORE OR LESS.



NORTH

SCALE: 1" = 80'

THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY--NOT FOR CONSTRUCTION

A Preliminary Development Plan for

BAUER FARM

Lawrence, Kansas

1040 Vermont Street
Lawrence, Kansas 66044
Office: 785.842.4858
Fax: 785.842.7536
www.treanorarchitects.com

TREANOR
ARCHITECTS P.A.
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BAUER FARM
6TH STREET & WAKARUSA DRIVE
LAWRENCE, KANSAS

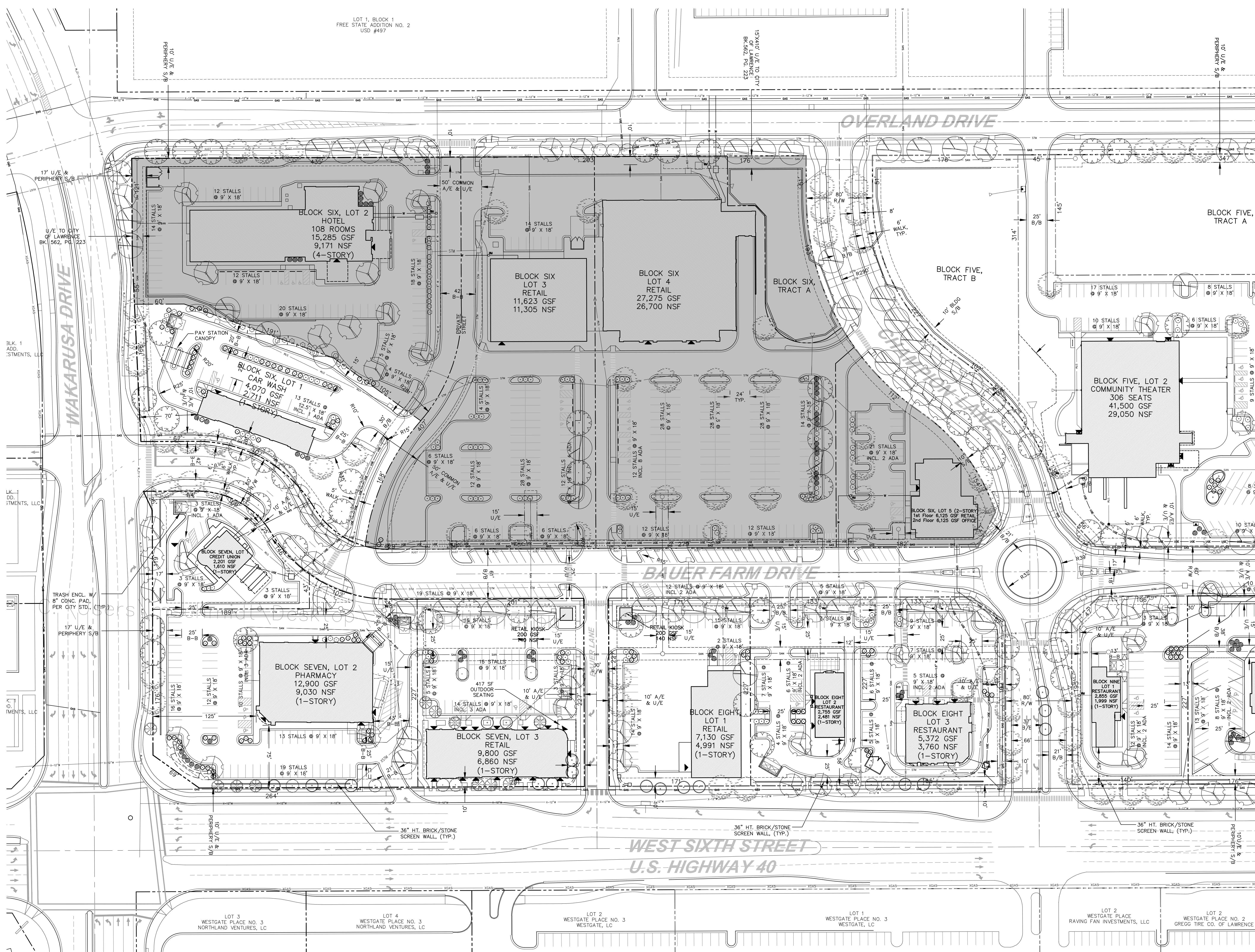
OVERALL PLAN

REVISIONS	
3/07/07 - PER CC CONDITIONS	
6/27/07 - PHARMACY	
7/07/07 - PER DEPT. COMMENTS	
8/3/07 - PER DEPT. COMMENTS	
11/20/07 - WAKARUSA MEDIA BREAK	
1/18/08 - PER DEPT. COMMENTS	
5/09/08 - PER CC CONDITIONS	
6/22/09 - BE, L2.3 & 5, BE, L2	
7/22/09 - PER DEPT. COMMENTS	
8/24/09 - PER CC CONDITIONS	
1/20/10 - RETIREMENT RESIDENCE	
2/25/10 - PER DEPT. COMMENTS	
3/16/10 - PER DEPT. COMMENTS	
4/12/10 - PER CC CONDITIONS	
12/15/10 - BLOCK 9, LOTS 1 & 2	
1/27/11 - PER DEPT. COMMENTS	
2/18/14 - GROCERY/RETAIL/RESIDENTIAL	
3/31/14 - PER CITY COMMENTS	
5/20/14 - PER CITY COMMENTS	
10/19/15 - PER CITY COMMENTS	
12/02/15 - PER CITY COMMENTS	

DATE: 3/9/2005
PROJECT NO.: 20101027
DESIGNED BY: MTA/PLP
DRAWN BY: BS
CHECKED BY: BS

SHEET NO. 1
OF 6 SHEETS

COMPUTER ID:



PLANT SCHEDULE

SYMBOL	NAME	CONDITION	SIZE
	Dynasty Elm - <i>Ulmus parvifolia</i> 'Dynasty'	B&B	2" CAL.
	Skyline Thornless Locust - <i>Gleditsia triacanthos</i> 'Skyline'	B&B	2" CAL.
	Northern Red Oak - <i>Quercus rubra</i>	B&B	2" CAL.
	Pacific Sunset Maple - <i>Acer rubrum</i> 'Pacific Sunset'	B&B	2" CAL.
	Amur Maple - <i>Acer ginnala</i>	B&B	2" CAL.
	Eastern Redbud - <i>Coronil canadensis</i>	B&B	2" CAL.
	Goldenrain Tree - <i>Koelerutaria paniculata</i>	B&B	2" CAL.
	Snowdrift Crabapple - <i>Malus Snowdrift</i>	B&B	2" CAL.
	Eastern White Pine - <i>Pinus strobus</i>	B&B	6" HT.
	Colorado Blue Spruce - <i>Picea pungens</i>	B&B	6" HT.
	American Holly - <i>Ilex opaca</i>	B&B	6" HT.
	Eastern Red Cedar - <i>Juniperus virginiana</i>	B&B	6" HT.
	Compact Pfitzer Juniper - <i>Juniperus chinensis</i> 'Pfitzeriana Compacta'	CONT.	36" HT.
	Dwarf Korean Lilac - <i>Syringa meyeri</i> 'Palibin'	CONT.	36" HT.
	Goldmound Spirea - <i>Spiraea japonica</i> 'Goldmound'	CONT.	36" HT.
	Mowhawk Viburnum - <i>Viburnum x burkwoodii</i> x <i>coffesei</i> 'Mowhawk'	CONT.	36" HT.

INTERIOR PARKING LANDSCAPE SUMMARY

BLOCK, LOT	PARKING STALLS PROVIDED	LANDSCAPE AREA REQUIRED (8' side x 6' x 8')	LANDSCAPE AREA PROVIDED	TREES & SHRUBS REQUIRED (1 tree & 3 shrubs/10 stalls)	TREES & SHRUBS PROVIDED
BLOCK FIVE, LOT 2*	139	8,340 sf	8,655	14, 42	23, 65
BLOCK SIX, LOT 1*	13	780	1,039	2, 6	0, 33
BLOCK SIX, LOT 2	85	5,100	6,625	9, 26	11, 31
BLOCK SIX, LOT 3*	91	5,460	4,215	10, 28	10, 30
BLOCK SIX, LOT 4*	141	8,460	3,417	15, 45	15, 45
BLOCK SIX, LOT 5	21	1,260	1,299	3, 9	3, 9
BLOCK SEVEN, LOT 1*	12	480	908	1, 3	1, 3
BLOCK SEVEN, LOT 2*	70	4,200	5,458	7, 21	6, 29
BLOCK SEVEN, LOT 3*	54	3,240	4,475	6, 18	6, 18
BLOCK EIGHT, LOT 1*	31	1,860	4,348	4, 12	5, 15
BLOCK EIGHT, LOT 2*	24	1,440	3,890	3, 9	3, 12
BLOCK EIGHT, LOT 3	36	2,160	2,880	4, 11	15, 18
BLOCK NINE, LOT 1*	29	1,740	1,770	3, 9	3, 9
BLOCK NINE, LOT 2	46	2,760	2,369	5, 15	5, 15
BLOCK NINE, LOT 3	23	1,380	4,002	3, 9	3, 9
BLOCK NINE, LOT 5	42	2,520	5,729	5, 15	5, 15
BLOCK A, LOT 1*	77	4,620	7,545	8, 24	18, 4

NOTE: Refer to approved Final Development Plans as applicable.
NOTE: Shaded rows are applicable to Bauer Farm N.W. PD and not altered with this application.

LANDSCAPING REQUIREMENTS

Section 20-14A04.3 - Street Trees Required: 503
Street Trees Provided: 503

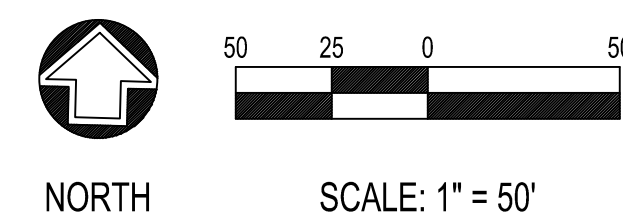
PCD-2
Section 20-14A04.3(ig) - 1 Tree per 3,000 of open space
358,127 sf/3000 = Site Trees required: 120
Site Trees provided: 128

PRD-3
Section 20-14A04.3(ig) - 1 Tree per 2.5 units
213 units/2.5 = Site Trees required: 86
Site Trees provided: 96

POD-1
Section 20-14A04.3(ig) - 1 Tree per 3,000 of open space
27,858 sf/3000 = Site Trees required: 10
Site Trees provided: 10

*** NOTE: Development of individual pad sites may be calculated per current landscape design standards of Article 10, Land Development Code.

LANDSCAPING REQUIREMENTS

THIS DOCUMENT IS FOR
PLANNING PURPOSES ONLY-NOT
FOR CONSTRUCTION

A Preliminary Development Plan for

BAUER FARM

Lawrence, Kansas

SITE SUMMARY

EXISTING	PROPOSED/ COMPLETED
PCD/BLOCK FIVE, TRACT A	BLOCK FIVE, TRACT A
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK FIVE, TRACT B	BLOCK FIVE, TRACT B
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK FIVE, LOT 2	BLOCK FIVE, LOT 2
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK SIX, TRACT A	BLOCK SIX, TRACT A
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK SIX, LOT 1	BLOCK SIX, LOT 1
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK SIX, LOT 2	BLOCK SIX, LOT 2
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK SIX, LOT 3	BLOCK SIX, LOT 3
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK SIX, LOT 4	BLOCK SIX, LOT 4
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK SIX, LOT 5	BLOCK SIX, LOT 5
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK SEVEN, LOT 1	BLOCK SEVEN, LOT 1
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK SEVEN, LOT 2	BLOCK SEVEN, LOT 2
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK SEVEN, LOT 3	BLOCK SEVEN, LOT 3
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK EIGHT, LOT 1	BLOCK EIGHT, LOT 1
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK EIGHT, LOT 2	BLOCK EIGHT, LOT 2
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK EIGHT, LOT 3	BLOCK EIGHT, LOT 3
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK NINE, LOT 1	BLOCK NINE, LOT 1
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK NINE, LOT 2	BLOCK NINE, LOT 2
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PCD/BLOCK NINE, LOT 3	BLOCK NINE, LOT 3
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PRD/BLOCK A, LOT 1	BLOCK A, LOT 1
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
PRD (REMAINING)	PRD (REMAINING)
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area
POD/BLOCK NINE, LOT 5	BLOCK NINE, LOT 5
Existing Buildings	0 Proposed Buildings
Existing Pavement	0 Proposed Pavement
Existing Impervious	0 Proposed Impervious
Existing Perennials	0 Proposed Perennials
Property Area	0 Proposed Property Area

1040 Vermont Street
Lawrence, Kansas 66044
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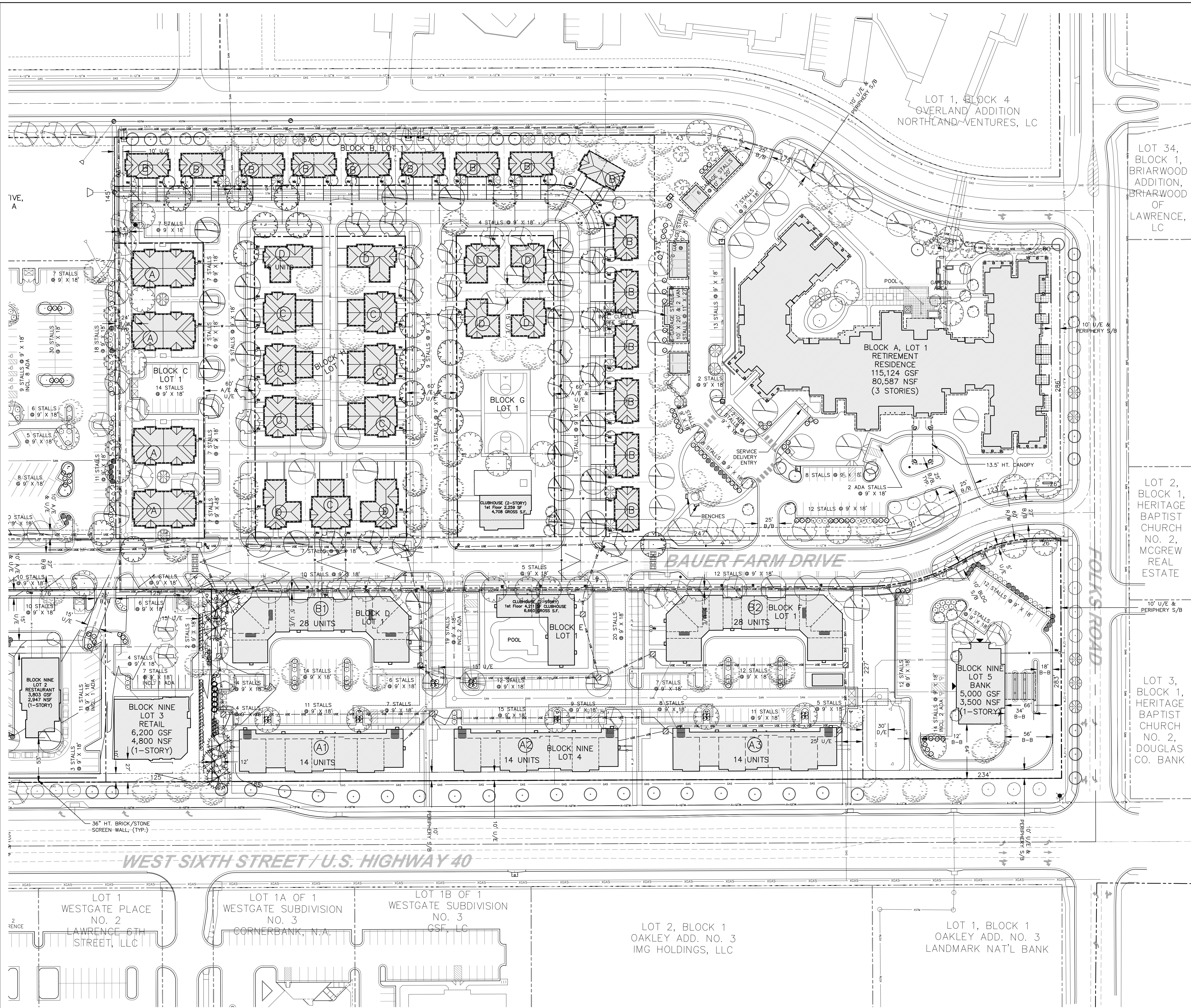
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BAUER FARM
6TH STREET & WAKARUSA DRIVE
LAWRENCE, KANSASWEST LAYOUT
&
LANDSCAPE
PLAN

REVISIONS

3.07.07 - PER CC CONDITIONS	
7.07.07 - PER DEPT. COMMENTS	
8.07.07 - PER DEPT. COMMENTS	
1.10.08 - PER DEPT. COMMENTS	
5.09.08 - PER CC CONDITIONS	
6.22.08 - BE, L2, 3, 4, 5, BE, L2	
7.22.08 - PER DEPT. COMMENTS	
8.24.08 - PER CC CONDITIONS	
1.20.10 - RETIREMENT RESIDENCE	
2.25.10 - PER DEPT. COMMENTS	
3.10.10 - PER DEPT. COMMENTS	
4.12.10 - PER CC CONDITIONS	
12.15.10 - BLOCK 9, LOTS 1 & 2	
1.27.11 - PER DEPT. COMMENTS	
2.16.14 - GROCERY/RETAIL/RESIDENTIAL	
3.31.14 - PER CITY COMMENTS	
10.19.15 - PER CITY COMMENTS	
12.02.15 - PER CITY COMMENTS	

DATE: 3/9/2005
PROJECT NO.: 2003.008
DESIGNED BY: MTA/PE
DRAWN BY: BS
CHECKED BY: BSSHEET NO.
2
OF 6 SHEETS



TYPICAL ARCHITECTURAL STYLES



RESIDENCE CONCEPTS



CLUBHOUSE CONCEPT



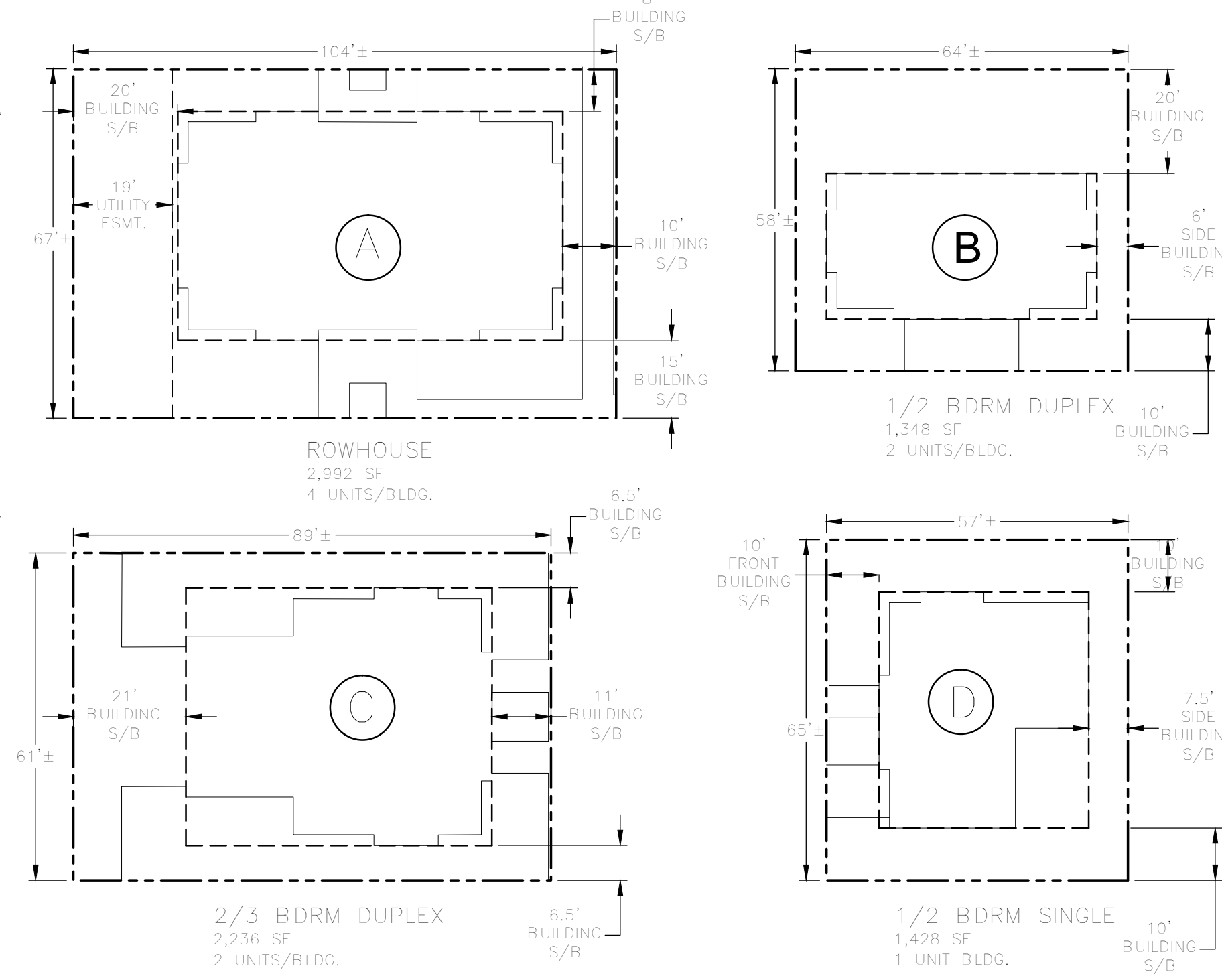
MULTI-FAMILY HOUSING CONCEPT

PLANT SCHEDULE			
SYMBOL	NAME	CONDITION	SIZE
	Dynasty Elm - Ulmus parvifolia 'Dynasty'	B&B	2" CAL.
	Skyline Thornless Locust - Gleditsia tricanthos 'Skyline'	B&B	2" CAL.
	Northern Red Oak - Quercus rubra	B&B	2" CAL.
	Pacific Sunset Maple - Acer rubrum 'Pacific Sunset'	B&B	2" CAL.
	Amur Maple - Acer ginnalis	B&B	2" CAL.
	Eastern Redbud - Cercis canadensis	B&B	2" CAL.
	Goldensintree - Koeleria paniculata	B&B	2" CAL.
	Snowdrift Crabapple - Malus 'Snowdrift'	B&B	2" CAL.
	Eastern White Pine - Pinus strobus	B&B	6" HT.
	Colorado Blue Spruce - Picea pungens	B&B	6" HT.
	American Holly - Ilex opaca	B&B	6" HT.
	Eastern Red Cedar - Juniperus virginiana	B&B	6" HT.
	Compact Pfitzer Juniper - Juniperus chinensis 'Pfitzeriana Compacta'	CONT.	36" HT.
	Dwarf Korean Lilac - Syringa meyeri 'Palibori'	CONT.	36" HT.
	Goldmound Spruce - Spruce japonica 'Goldmound'	CONT.	36" HT.
	Mowhawk Viburnum - Viburnum x burkwoodii x corseii 'Mowhawk'	CONT.	36" HT.

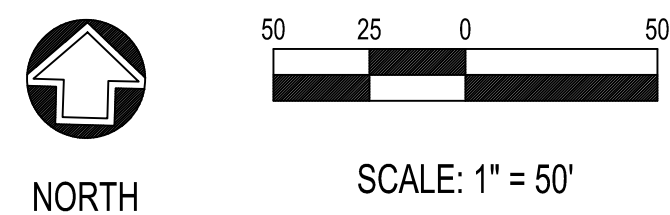
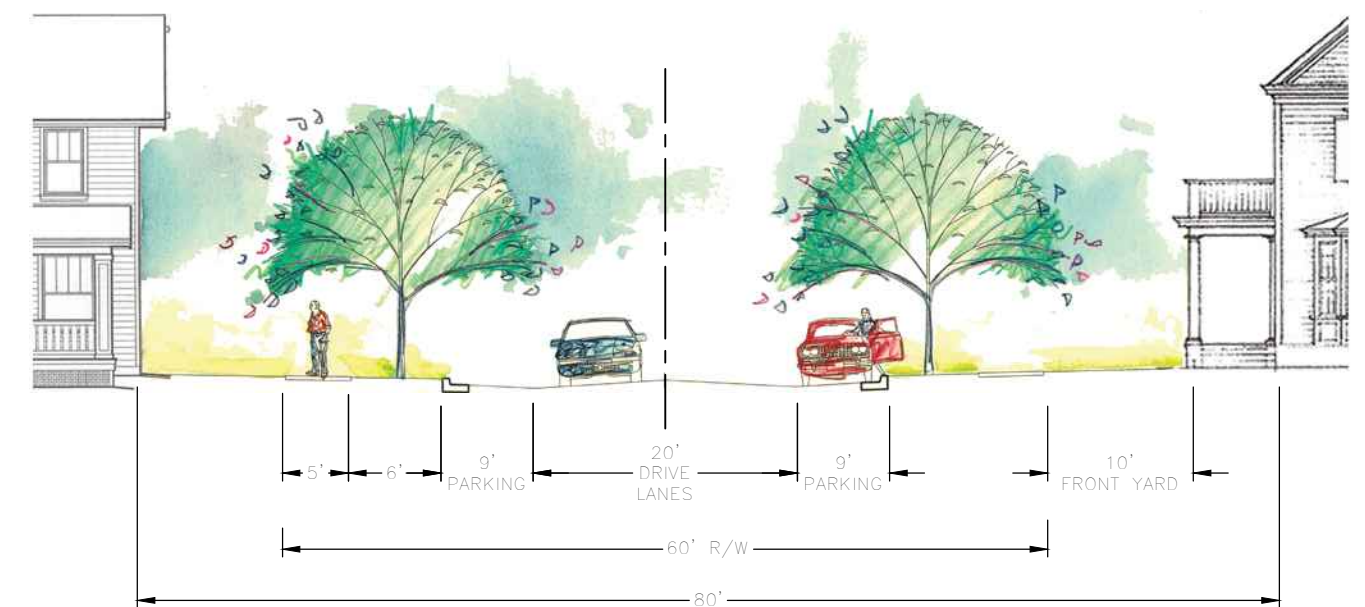
LANDSCAPING REQUIREMENTS

Section 20-14A04.3 - Street Trees Required: 503
Street Trees Provided: 503
PCD-2
Section 20-14A04.3(g) - 1 Tree per 3,000 of open space
358,127 sf/3000 = Site Trees required: 120
Site Trees provided: 128
PRD-3
Section 20-14A04.3(d) - 1 Tree per 2.5 units
218 units/2.5 = Site Trees required: 88
Site Trees provided: 100
POD-1
Section 20-14A04.3(g) - 1 Tree per 3,000 of open space
27,936 sf/3000 = Site Trees required: 10
Site Trees provided: 10

TYPICAL RESIDENTIAL LOT LAYOUTS



TYPICAL RESIDENTIAL STREET SECTION

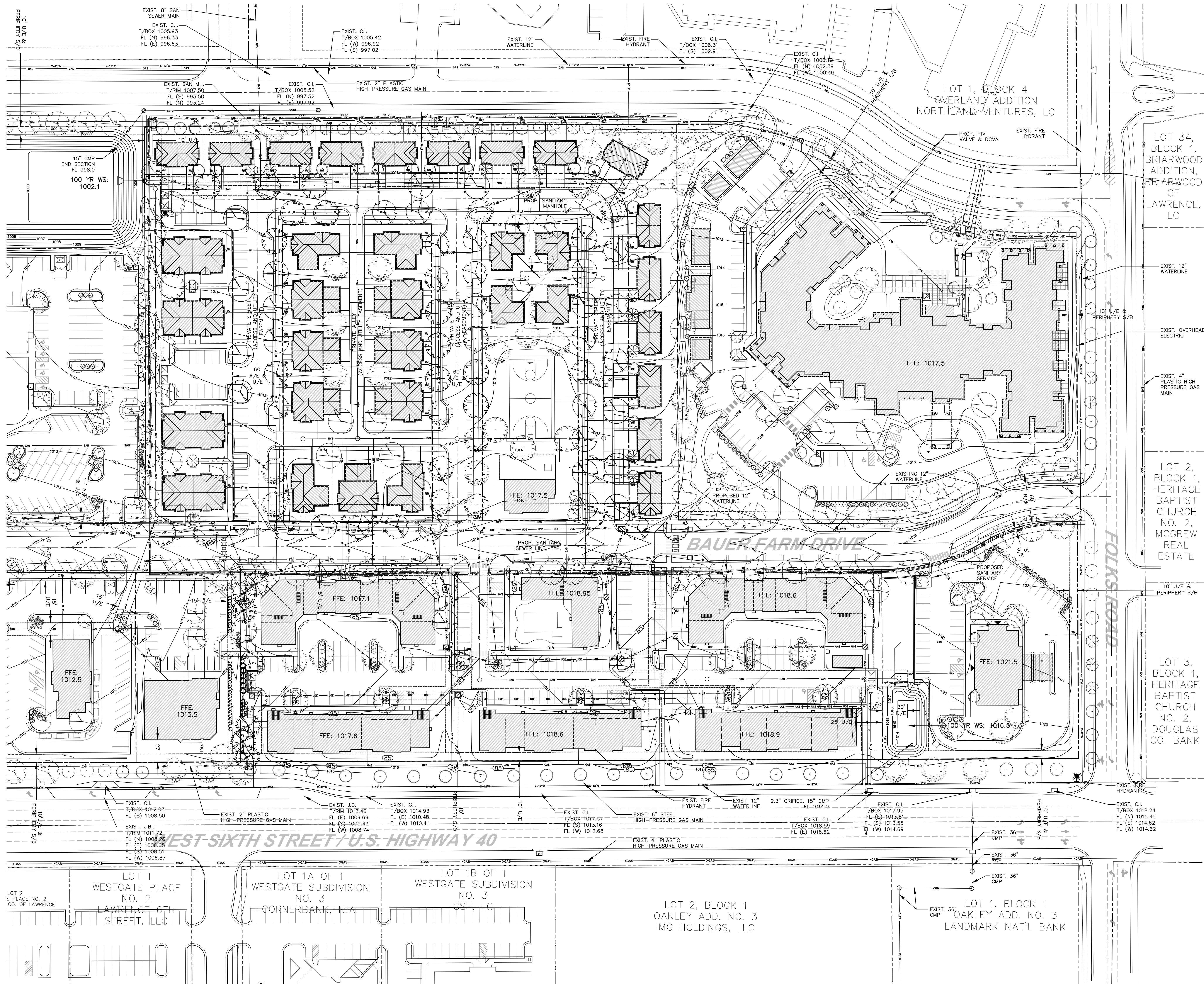


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A Preliminary Development Plan for
BAUER FARM
Lawrence, Kansas

REVISIONS	
3.07.07	PER CC CONDITIONS
6.27.07	PHARMACY
8.30.07	PER DEPT. COMMENTS
11.29.07	WAKARUSA MEDIAN BREAK
1.18.08	PER DEPT. COMMENTS
5.09.08	PER CC CONDITIONS
6.22.08	BE, L2.3.4.5, BE, L2
7.22.08	PER DEPT. COMMENTS
8.24.08	PER PC CONDITIONS
1.20.10	RETIREMENT RESIDENCE
2.25.10	PER DEPT. COMMENTS
3.10.10	PER DEPT. COMMENTS
4.12.10	PER CC CONDITIONS
12.15.10	BLOCK 8, LOTS 1 & 2
1.27.11	PER DEPT. COMMENTS
2.16.14	GROCERY/RETAIL/RESIDENTIAL
3.31.14	PER CITY COMMENTS
5.20.14	PER CITY COMMENTS
10.19.15	PER CITY COMMENTS
12.02.15	PER CITY COMMENTS

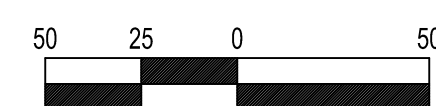
DATE:	3/9/2005
PROJECT NO.:	2003-008
DESIGNED BY:	MTA/ALPE
DRAWN BY:	BS
CHECKED BY:	BS



UTILITY LINE LEGEND	
SAN	EXISTING SANITARY SEWER
GAS	EXISTING NATURAL GAS LINE
X12"W	EXISTING 12-INCH WATER LINE
X8"W	EXISTING 8-INCH WATER LINE
1.5"W	EXISTING 1.5-INCH WATER LINE
X-W	EXISTING WATER LINE (SIZE UNKNOWN)
STM	EXISTING STORM SEWER
UOT	EXISTING UNDERGROUND TELEPHONE / FIBER OPTIC LINE
CATV	CABLE TV LINE
UGE	UNDERGROUND ELECTRIC LINE
SAN	PROPOSED SANITARY SEWER
GAS	PROPOSED NATURAL GAS LINE
8"W	PROPOSED 8" WATER LINE
UGT	PROPOSED UNDERGROUND TELEPHONE / FIBER OPTIC LINE
STM	PROPOSED STORM SEWER LINE



NORTH



SCALE: 1" = 50'

THIS DOCUMENT IS FOR
PLANNING PURPOSES ONLY-NOT
FOR CONSTRUCTION

A Preliminary Development Plan for

BAUER FARM

Lawrence, Kansas

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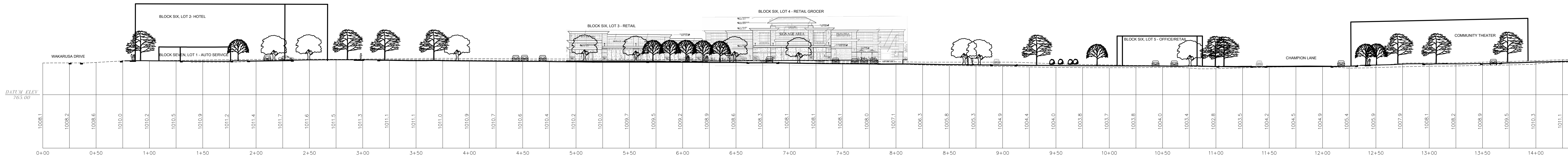
BAUER FARM

6TH STREET & WAKARUSA DRIVE
LAWRENCE, KANSAS

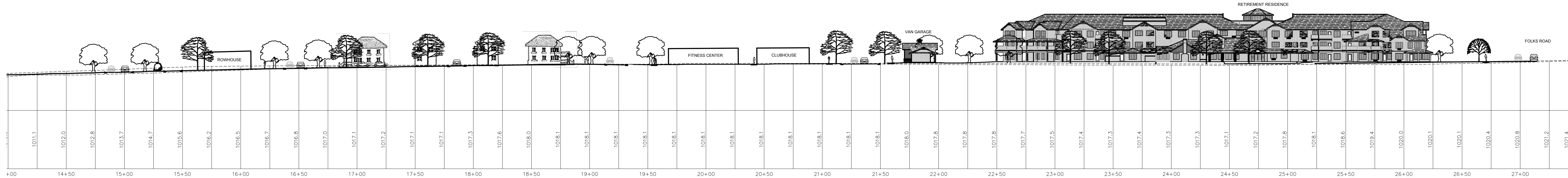
EAST GRADING & UTILITY PLAN

REVISIONS	
3.07.07	- PER CC CONDITIONS
6.27.07	- PHARMACY
7.6.07	- PER DEPT. COMMENTS
8.3.07	- PER DEPT. COMMENTS
11.29.07	- WAKARUSA MEDIAN BREAK
1.18.08	- PER DEPT. COMMENTS
5.09.08	- PER CC CONDITIONS
6.22.08	- BE, L2.3.4.5, BE, L2
7.22.08	- PER DEPT. COMMENTS
8.24.08	- PER PC CONDITIONS
1.20.10	- RETIREMENT RESIDENCE
2.25.10	- PER DEPT. COMMENTS
3.10.10	- PER DEPT. COMMENTS
4.12.10	- PER CC CONDITIONS
12.15.10	- BLOCK 8, LOTS 1 & 2
1.27.11	- PER DEPT. COMMENTS
2.18.14	- GROCERY/RETAIL/RESIDENTIAL
3.31.14	- PER CITY COMMENTS
5.20.14	- PER CITY COMMENTS
10.19.15	- PER CITY COMMENTS
12.02.15	- PER CITY COMMENTS

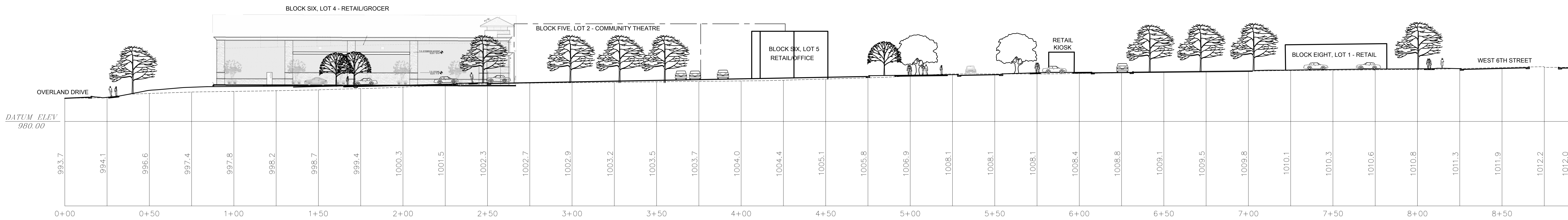
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PROJECT NO.:	2003.808
DESIGNED BY:	MTA/LPE
DRAWN BY:	BS
CHECKED BY:	BS



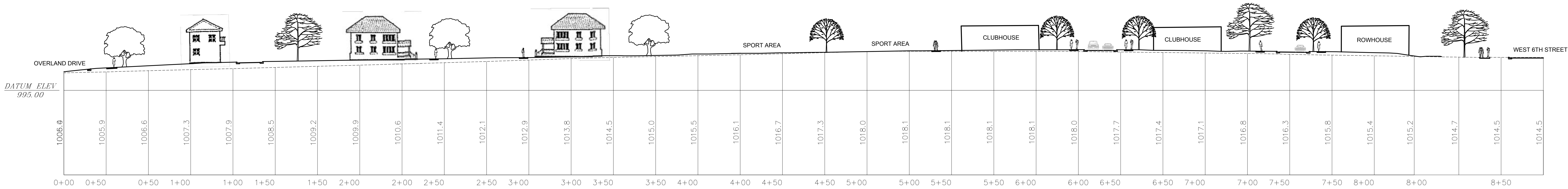
WEST/EAST SECTION "A" - WEST HALF



WEST/EAST SECTION "A" - EAST HALF



NORTH/SOUTH SECTION "B"



NORTH/SOUTH SECTION "C"

THIS DOCUMENT IS FOR
PLANNING PURPOSES ONLY--NOT
FOR CONSTRUCTION

NOTE: SEE SHEET 1 OF 6 FOR
SECTION LOCATIONS

A Preliminary Development Plan for

BAUER FARM

Lawrence, Kansas

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BAUER FARM

6TH STREET & WAKARUSA DRIVE
LAWRENCE, KANSAS

SITE SECTIONS

REVISIONS	
3.07.07 - PER CC CONDITIONS	
6.27.07 - PHARMACY	
7.6.07 - PER DEPT. COMMENTS	
8.3.07 - PER DEPT. COMMENTS	
11.29.07 - WAKARUSA MEDIAN BREAK	
1.18.08 - PER DEPT. COMMENTS	
5.09.08 - PER CC CONDITIONS	
6.22.08 - BS, L2.3.4.5, BS, L2	
7.22.08 - PER DEPT. COMMENTS	
8.24.08 - PER PC CONDITIONS	
1.26.10 - RETIREMENT RESIDENCE	
2.25.10 - PER DEPT. COMMENTS	
3.16.10 - PER DEPT. COMMENTS	
4.12.10 - PER CC CONDITIONS	
12.15.10 - BLOCK 8, LOTS 1 & 2	
1.27.11 - PER DEPT. COMMENTS	
2.18.14 - GROCERY/RETAIL/RESIDENTIAL	
3.31.14 - PER CITY COMMENTS	
5.20.14 - PER CITY COMMENTS	
10.19.15 - PER CITY COMMENTS	
12.02.15 - PER CITY COMMENTS	

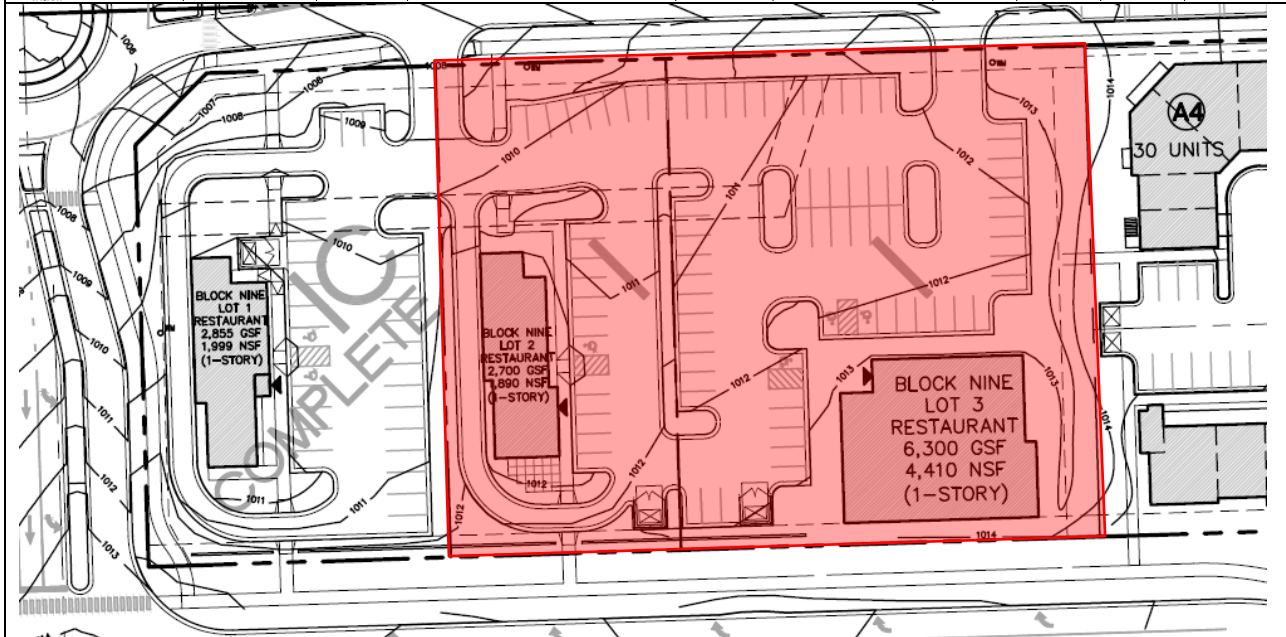
DATE:	3/9/2005
PROJECT NO.:	2003-888
DESIGNED BY:	MTA/LPE
DRAWN BY:	BS
CHECKED BY:	BS

Project Summary

Commercial PCD	Residential PRD	Office –POD
<p>Multiple Lots included in PCD.</p> <p>31.29 Acres of PCD – Planned Commercial Development</p> <p>PD-[Bauer Farm PCD] includes Lot 2, Block 5 (Theater Lawrence) and Lots 1-3, Block 7; Lots 1-3, Block 8; and Lots 1-3 Block 9.</p> <p>PD-[Bauer Farm Northwest PCD] includes Lot 1-6, Block 6. Shown for context only in this application.</p> <p>The original approval included the following restriction. No more than 5 total drive-thru uses are allowed to include: 1 pharmacy use (CVS) 1 bank use (Credit Union use moved from east side to west side) and 3 food related uses (Taco Bell, Burger King, Starbucks)</p> <p>Proposed development for Lot 2, Block 9: 3,803 SF with drive-thru. Previous plan showed 2,700 SF with drive-thru. This application represents a request for an additional drive-thru use from the original approval.</p> <p>Proposed development for Lot 3, Block 9: 6,200 SF retail use. Previous Plan showed a 6,300 SF restaurant use.</p>	<p>Multiple lots included in PRD.</p> <p>21.42 Acres of PRD – Planned Residential Development.</p> <p>Lot 1, Block A – Developed retirement residence.</p> <p>Lot 1, Block B, C, H and G – located north of Bauer Farm Drive.</p> <p>Lot 1, Block D, E, F – Located south of Bauer Farm Drive (approved Multi-Dwelling Residential)</p> <p>Pending Final Plat for all remaining residential lots and Bauer Farm Drive right-of-way.</p> <p>Pending Final Development Plan for multi-dwelling residential use south of Bauer Farm Drive.</p>	<p>Lot 5, Block 9 - Vacant</p> <p>2.3 Acres of POD - Planned Office Development</p> <p>Original Approval included bank and counted as one of the 5 original permitted drive-thru uses.</p> <p>Final Development Plan was submitted and withdrawn for a medical office use in 2014.</p> <p>This application represents a request to revert the use back to a bank use with drive-thru.</p> <p>In 2015, a Final Development Plan was approved for a bank use located to the west in the Bauer Farm Development (Lot 1, Block 7). This use represented the 5th allowed drive-thru use in the original approval.</p> <p>Proposed Development for Lot 5, Block 9; 5,000 SF bank use with drive-thru. This application represents an additional, second bank, drive-thru use to the overall development.</p>

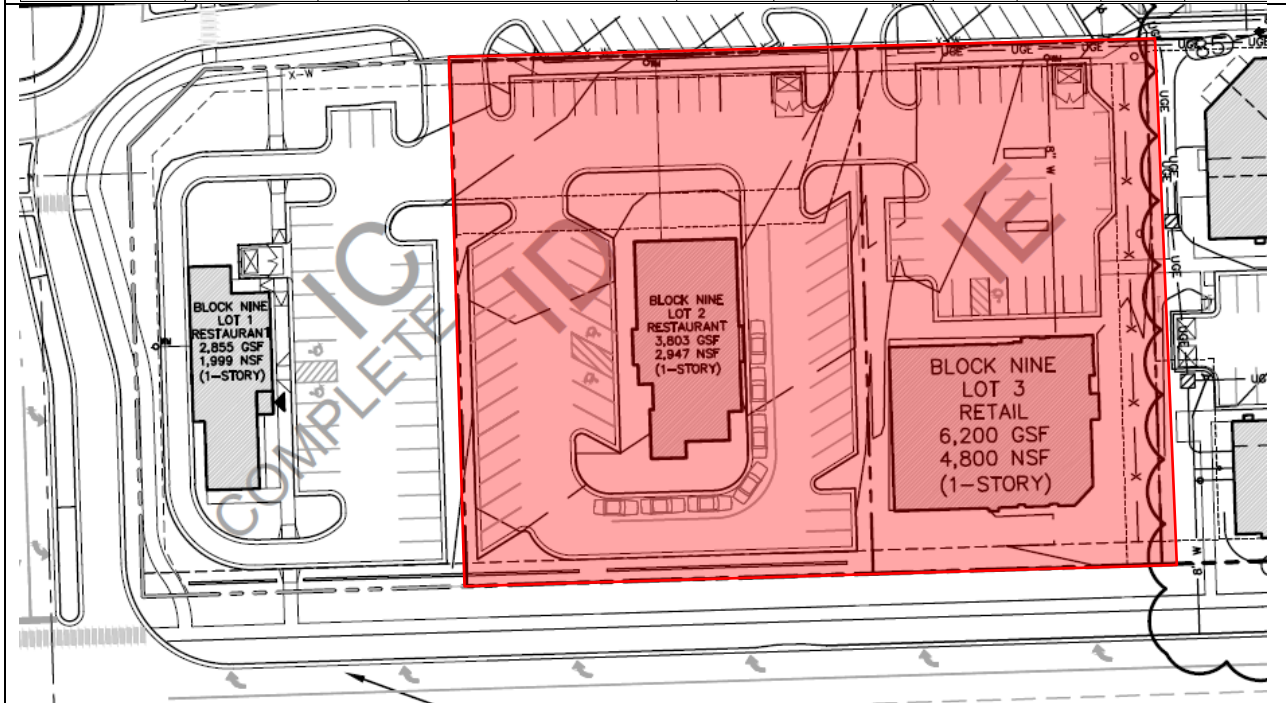
Approved PDP – 14-00055 – Lot 2 and 3, Block 9

BLOCK NINE, LOT 2 VACANT	2,700	24,262	2,700 - RESTAURANT	1,890	1 SP. / 200 N.S.F.	10	20	1	1
BLOCK NINE, LOT 3 VACANT	6,300	44,038	6,300 - RESTAURANT	4,410	1 SP. / 200 N.S.F.	23	61	3	3

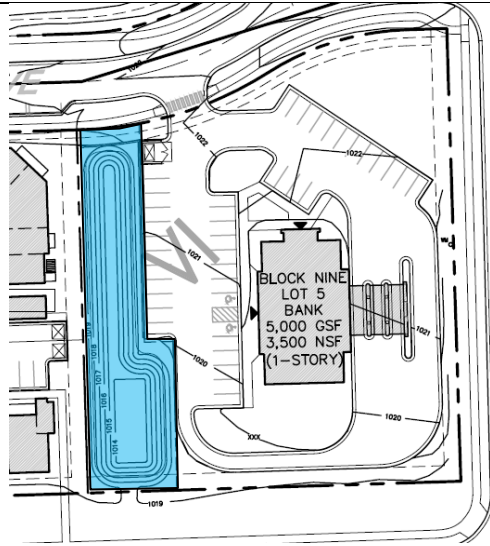


Proposed PDP-15-00529 – Lot 2 and 3, Block 9

BLOCK NINE, LOT 2 RESTAURANT	3,800	38,015	3,800 - RESTAURANT	2,947	1 SP. / 200 N.S.F.	11	46	2	2
BLOCK NINE, LOT 3 RETAIL	4,500	29,300	4,500 - RETAIL	3,125	1 SP. / 200 N.S.F.	16	25	1	2

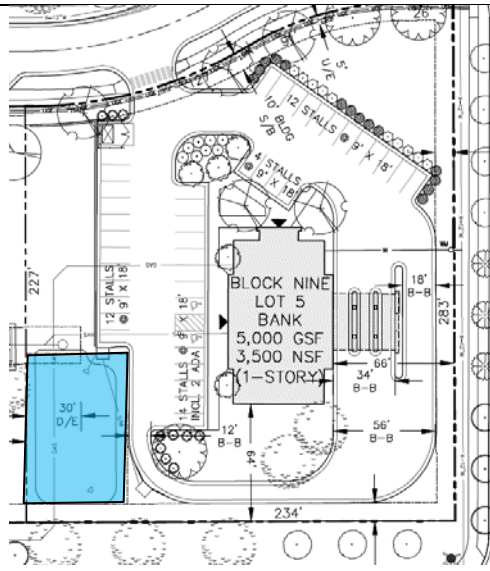


Office Lot Comparison



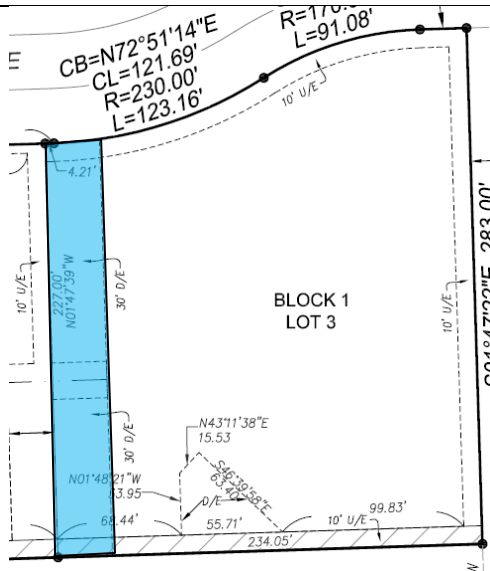
Approved PDP; Lot 5, Block 9

Detention area located along entire length of west property line.



Proposed PDP; Lot 5, Block 9

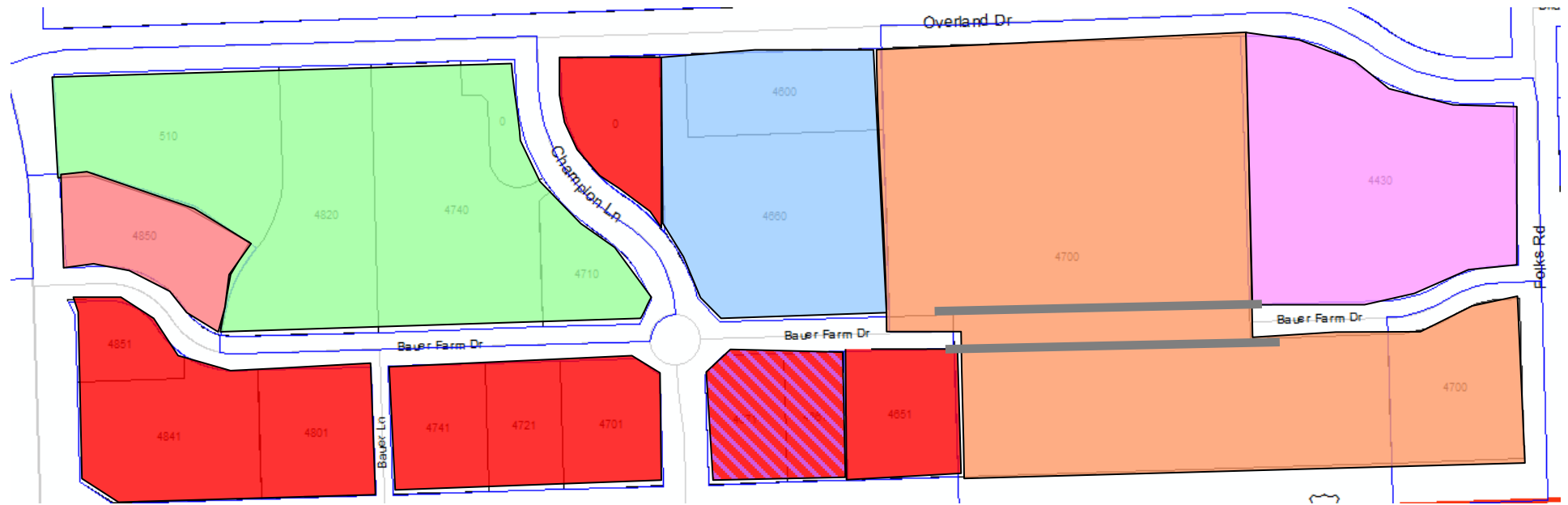
Drainage easement shown in southwest corner of lot.


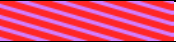







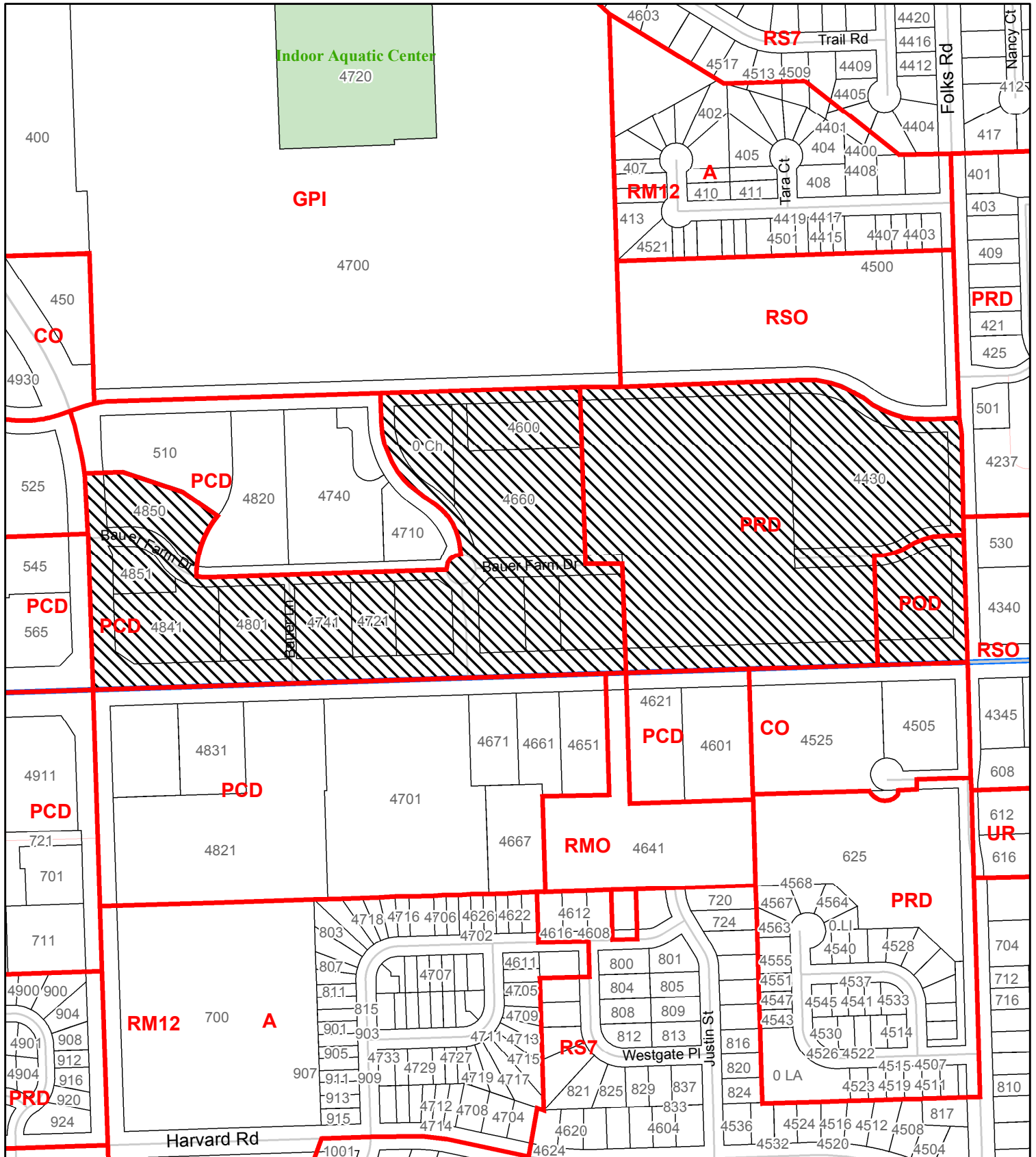
Approved Final Plat – Not recorded

Future drainage easement shown 30' wide along length of west property line.

Existing Subdivision Approval



	Bauer Farm 1 st Plat	CVS and lots south of Bauer Farm Drive and Tract B
	Champion Addition	Replat of portion of first plat for Burger King and Lot 2, Block 9
	Bauer Farm Third Plat	Tunnel Car Wash
	Bauer Farm Fourth Plat	Retirement Residence
	Bauer Farm Fifth Plat	Theater Lawrence and Tract A
	Bauer Farm Sixth ^h Plat	Sprouts
	Unplatted Pending Bauer Farm Seventh Plat	Undeveloped residential and office (POD)



**PDP-15-00529: Preliminary Development Plan for Bauer Farm
Located North W. 6th Street Between Wakarusa Drive and Folks Road**

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
12/14/15

ITEM NO. 5 TEXT AMENDMENT FOR *URBAN AGRICULTURE* (MKM)

TA-15-00346: Consider a Text Amendment to the City of Lawrence Land Development Code to add *Urban Agriculture* as a permitted use and establish use standards. *Initiated by City Commission on 6/23/15.*

RECOMMENDATION: Staff recommends that the Planning Commission forward the proposed amendment, TA-15-00346, amending Articles 4, 5, 6, 9, and 17 of the Land Development Code and Chapter 3 Article 5 of the City Code to establish *Urban Agriculture* as a permitted use with associated standards to the City Commission with a recommendation for approval.

Reason for Request: The City Commission initiated a text amendment at their June 23, 2015 meeting to add *Urban Agriculture* to the Development Code.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- An online survey/questionnaire was distributed to various stakeholder groups in the City to learn more about the types of agriculture people were interested in and to identify barriers or issues. Approximately 150 people responded.
- A public forum was held on September 28, 2015 at the Union Pacific Train Depot to discuss the amendment. Approximately 46 people attended and provided input on the proposed language.
- A member of the public contacted staff to discuss the draft language and indicated that goats or sheep are not appropriate in the city based on visual aesthetics and concerns with diseases that might be transmitted by the animals. Staff is researching this but at this point have not found information that the animals included in the small animal agriculture use would be an issue.
- The City Subcommittee of the Douglas County Food Policy Council, an advisory board to the City and County, provided input and assisted in the research throughout the development of the draft language.

ATTACHMENTS

Attachment A – Draft Language

BACKGROUND

The Development Code permits *Crop Agriculture* throughout the City with the exception of the RMG (Multi-Dwelling Residential-Greek Housing), CD (Downtown Commercial), H (Hospital), and OS (Open Space) Districts. Standards have not been established for *Crop Agriculture* so it is unclear if gardens or other crop agriculture are permitted in the front yard or in the public right-of-way. The Development Code permits *Animal Agriculture*, livestock such as horses and cows, in the RS40 District when area requirements are met.

In 2012, Chapter 3 of the City Code was revised with Ordinance No. 8731 to permit the keeping of fowl (defined as ducks and female chickens) in the City. One purpose of this text amendment is to place all crop and animal agriculture regulations in Lawrence under the umbrella term *Urban Agriculture* in the Development Code.

The Development Code contains the following use categories for Agriculture: *Crop Agriculture* and *Animal Agriculture*. These are defined in Article 17 as:

20-1708 AGRICULTURE, ANIMAL

Activities that primarily involve raising, producing or keeping of animals. Examples include breeding or raising of fowl or other animals; stables; riding academies; kennels or other animal boarding places that are not otherwise specifically defined in this Development Code. The keeping of fowl in compliance with the requirements of Article 5 of Chapter III of the City Code shall not constitute an animal agriculture use.

20-1709 AGRICULTURE, CROP

Activities that primarily involve raising or producing field crops or other plants. Examples include farming, truck gardening, forestry, tree farming, and wholesale plant nurseries.

The Development Code contains the following standard for *Animal Agriculture*, which is permitted only in the RS40 District:

20-502 AGRICULTURE, ANIMAL

- (1) Animal husbandry, dairying, and pasturage, but not including the keeping of swine shall have a minimum lot area of not less than five (5) acres and shall have not less than one (1) acre of lot area for each head of livestock kept on the premises. No feedlots shall be allowed.*
- (2) No Animal Agriculture uses shall be located nearer than 150 feet to any R District or nearer to an adjoining lot line than 100 feet.*
- (3) Applicants shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.*

***HOUSEKEEPING NOTE:** Animal Agriculture is permitted in the RS District. Standard (2) above should be revised to: 'No Animal Agriculture uses shall be located nearer than 150 feet to any **other** R District or nearer to an adjoining lot line than 100 feet.' This change will be incorporated into the draft language for this amendment.

The Urban Agriculture amendment was initiated by the City Commission in response to a growing interest in local food production. The proposed draft language was developed based on issues and challenges identified in the survey/questionnaire responses as well as the type of agricultural activities people indicated they were involved in or interested in. The draft language was further developed following comments from the public forum and ongoing input from the City Subcommittee of the Douglas County Food Policy Council. Beekeeping regulations were developed after reviewing model ordinances and other city codes. These were provided to the Northeast Kansas Beekeepers' Association for review and comment to insure the standards being proposed were reasonable.

The draft language was posted on the Planning Website and was placed on the October Planning Commission agenda for discussion. Revisions were made to the draft language based on the following input received at the meeting.

1. Exterior Storage. It should be made clear that agricultural implements that are in use are not

considered 'exterior storage'. (*This change has been made.*)

2. Bee Hive Registration. Some Commissioners felt that the requirement to register bee hives with the City was unnecessary. (*This requirement has been removed.*)
3. Dog kennels/Breeding facilities. Clarify that dog kennels/breeding facilities are not included as small animal agriculture. (*This change has been made.*)
4. Health Concerns. Contact the Health Department for input on the standards being proposed for *Small Animal Agriculture*. (*The draft language was forwarded to the Lawrence-Douglas County Health Department. The Department found the language acceptable and noted that waste from the butchering of animals would be discarded as household trash. They did not want us to require people to slaughter in their homes due to the possibility of cross-contamination in the kitchen. The language was revised to allow slaughter to occur out-of-doors, if slaughtering is permitted.*)
5. On-Site Agricultural Sales. Several of the Commissioners expressed concern over having on-site sales in a residential district and the impact this could have on nearby residential properties. (*The standards for On-Site Agricultural Sales have been revised based on these comments.*)
6. Slaughter. The Commission had mixed opinions on the slaughter of small agricultural animals. (*Two options are provided: one allowing with standards and one prohibiting. On-site slaughter of small goats and sheep is prohibited.*)

The Development Code includes the use *Agricultural Sales* in the Agriculture land use category. The *Agricultural Sales* use refers to the sale of feed, grain, fertilizer, pesticides and similar items and notes typical uses are feed and grain stores. This use is a retail use for materials associated with agriculture, but would not itself classify as an Agricultural Use. This text amendment recommends moving *Agricultural Sales* to the Retail Sales and Services Category in the Non-Residential Permitted Use Table, Section 20-403.

The standards for the keeping of fowl (i.e. chickens and ducks) are currently provided in Chapter 3, Article 5 of the City Code as they did not fit the definition of Animal Agriculture in the Development Code, when adopted. This amendment will define *Urban Agriculture* to include both crop and small and large animal agriculture; therefore, the standards related to fowl will be relocated from Chapter 3, Article 5 of the City Code, and included as *Small Animal Agriculture* in the Development Code.

Language is being proposed to add agricultural uses that citizens expressed an interest in such as on-site agricultural sales and beekeeping.

Possible impacts of various types of urban agriculture were evaluated through the review of this amendment and standards were developed to mitigate possible negative impacts on nearby properties.

OVERVIEW OF PROPOSED AMENDMENT

The following is a summary listing of the proposed changes:

1. Article 4: Permitted Use Table
 - a. Revise the Agriculture use category to Urban Agriculture and add the following uses: *Small Animal Agriculture*, *On-Site Agricultural Sales*, *Farmers Market*, *Agricultural Processing*, and *Urban Farm*. Revise the *Animal Agriculture* use to *Large Animal Agriculture*.
 - b. Note where use specific standards apply to these uses.
 - c. The *Crop Agriculture* use expanded to all zoning districts in the City.
 - d. *Agricultural Sales* moved to the Retail Sales and Services category.

2. Article 5: Use Regulations
 - a. Standards were established for the following:
 - *Small Animal Agriculture*: General/ Bees/ Fowl/ Goats and Sheep
 - *Agricultural Processing*
 - *Crop Agriculture*
 - *Farmers Markets*
 - *On-Site Agricultural Sales*
 - *Urban Farm*
 - b. Standards for Accessory Structures were revised to note that an accessory agricultural structure may be built on a site without a principal building and that seasonal *Crop Agriculture* Structures used to extend the growing season, that do not require a building permit, are exempt from the Maximum Building Coverage standard.
 - c. Standards for Home Occupations were revised to allow the exterior display of goods to be sold as *On-Site Agricultural Sales*. The other Home Occupation requirements (maximum number of customers per day/ hours of operation/ requirement that sales occur indoors) remain unchanged. Use of a Temporary Use Permit for Seasonal Produce Stand for more frequent on-site sales.
3. Article 6: Density and Dimensional Standards
Revised to add coops for fowl, or other agricultural structures to the list of accessory structures that are regulated by that Article.
4. Article 9: Parking, Loading and Access:
Revised to establish parking requirements for the new Urban Agriculture uses.
5. Article 17: Terminology
Revised to add definitions for general terms used in the proposed language and to define the new uses.
6. Chapter 3 of the City Code – Regulation of Animals
 - a. Revised to remove provisions related to the keeping of fowl.
 - b. Revised to exclude slaughter of small agricultural animals from the definition of Cruelty to Animals, (if slaughter is permitted).
 - c. Revised to exempt animals that meet the definition of *Small Animal Agriculture* from the list of prohibited animals.

The portions of the Code being revised are attached to this staff report.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition;

The purpose of this proposed text amendment is to provide a clear definition for an emerging use within the community that was not contemplated in earlier versions of the Development Code. The Development Code contains provisions for crop agriculture and for animal agriculture, the keeping of

livestock; however, this does not address the various forms of agriculture and the accessory activities. This amendment will update the Development Code to address types of urban agriculture that have come about as a result of the increased interest in local foods. Many Urban Agriculture uses are located within the city in the form of personal and community gardens and the keeping of fowl. Others that would be added with this amendment include beekeeping, aquaculture (keeping of fish and plants), urban farms, farmers markets, on-site ag sales, and the keeping of small animals such as rabbits and goats. The proposed text amendment addresses a changing condition.

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

The proposed amendment will provide additional opportunities for Urban Agriculture that will include urban farms, on-site sales, and small animal agriculture as well as develop standards for these uses. The Comprehensive Plan recognizes the value of a local food system and recommends the following:

Encourage zoning laws to permit community gardens, farmer's markets and other uses to promote growing and marketing local food in an urban setting." (Chapter 16, Policy 6.7(b), Page 16-26 *Horizon 2020*)

The proposed language would allow the growing of local food and the marketing on individual sites and at Farmers Markets.

The purpose of the Land Development Code, Section 20-104, states:

This Development Code is intended to implement the Lawrence/Douglas County Comprehensive Land Use Plan and other applicable plans adopted by the City Commission, herein after collectively referred to as the "Comprehensive Plan" – in a manner that protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence.

Urban Agriculture can have many positive impacts, with the principal impact being an increase in the accessibility of fresh locally grown food. There can also be negative impacts associated with urban agriculture, with the principal impacts being noxious odors and pests generated by improperly maintained animal pens or properties. Standards limiting the number of small animals that are permitted per lot area and requiring proper maintenance of agricultural properties are proposed to minimize any off-site negative impacts.

Conclusion

The Urban Agriculture land uses and standards being proposed are in response to the increased interest in local food production. These standards will provide clarity to the Code and allow increased Urban Agricultural uses, while insuring compatibility with nearby land uses.

Current Development Code language in *italics*, Draft language **bold**,
 New language following the October PC meeting in **red**, comments **highlighted**
 Text to be deleted ~~struckthrough~~,
Numbering of sections will be updated with final draft

Definitions

20-1701 GENERAL TERMS

Bee Hotel:	Places for solitary pollinator bees to make their nests. These bees live alone, not in hives, and typically do not make honey. A bee hotel is similar to a birdhouse.
Colony	An aggregate of worker bees, drones, and a queen living together in a hive or other dwelling as one social unit. When used in this article, the term 'colony' refers to bees that live in a beehive.
Community Garden	An area of land managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (such as tool storage sheds) maintained and used by the group.
Community Supported Agriculture	A member organization in which individuals or households become members by purchasing a share or agreeing to volunteer work for a share of the agricultural producer's output. The share is committed to in advance and the member then receives, in return, food items from the producer on a regular schedule throughout the season and sometimes all year.
Fowl	Shall mean those Domestic birds commonly kept for the production of meat, eggs, or feathers. For the purposes of this Article, 'Fowl' shall include, but not be limited to: ducks, chickens, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus. Permitted For the purposes of this Article, 'Fowl' shall mean only ducks and female chickens.
Market Garden	A garden managed and maintained by an individual or group as a business, where food and non-food crops are primarily grown to be sold.
Personal Garden	A garden that is maintained by the property owner(s) or other person(s) with an interest in the property one or more individuals , typically on the same property as a dwelling unit. Food and non-food items are raised primarily for personal or family consumption and enjoyment.

20-1702 USE CATEGORIES IN GENERAL

20-170X AGRICULTURAL PROCESSING

Manufacturing processes that increase the value of primary agricultural commodities. (This term does not include commercial slaughtering.)

20-1705 AGRICULTURAL SALES

~~On-site~~ *The sale of feed, **plants**, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.*

20-1707 Agriculture

~~Characterized by uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.~~

20-1708 AGRICULTURE, ANIMAL

~~Activities that primarily involve raising, producing or keeping of animals to provide food, wool, and other products. Also referred to as Animal Husbandry. Examples include breeding or raising of fowl, or other animals; stables; riding academies; kennels or other animal boarding places that are not otherwise specifically defined in this Development Code. The keeping of fowl in compliance with the requirements of Article 5 of Chapter III of the City Code shall not constitute an animal agriculture use.~~

- (1) *Small Animal Agriculture* is limited to small animals which are more appropriate in a denser urban setting, such as bees, crickets, worms, rabbits, small goats, **small sheep**, fowl, and aquatic animals/organism such as crayfish and fish. **Domesticated animals such as cats and dogs are not considered Small Animal Agriculture. These are regulated through Article 2 of Chapter 3 of the City Code.**
- (2) *Large Animal Agriculture* is limited to larger animals that are more commonly considered livestock and require more area such as cattle, horses, and goats/**sheep that do not meet the criteria for Small Animal Agriculture are taller than 24" at the withers (shoulders).**

20-1709 AGRICULTURE, CROP

~~Activities that primarily involve raising or producing field crops or other plants. Examples include farming, truck gardening, forestry, tree farming, and wholesale plant nurseries.~~

The management and maintenance of an area of land to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, sale, or donation. *Crop Agriculture* uses include, but are not limited to, personal gardens, community gardens, **market gardens**, rooftop gardens, tree farms, hay meadows, or truck gardens. Standard structures used for *Crop Agriculture* include hoop houses, cold-frames, greenhouses, equipment or planting sheds, composting and waste bins, and rain barrel systems.

20-170X FARMERS MARKET

A temporary food market at which local farmers **and producers** sell products such as fruit and vegetables, ~~and often~~ meat, cheese, and bakery products directly to consumers.

20-170X ON SITE AGRICULTURAL SALES

~~Display or~~ **The Sale** of agricultural products, such as plants, produce, eggs or honey, grown or produced on the property. Honey produced off-site may be sold in conjunction with honey that is raised on-site if it is produced in a hive that is maintained by the property owner of the sales property (off-site bee hives).

20-170X URBAN AGRICULTURE

The growing, processing and distribution of plant and animal products — by and for the local community — within an urban environment. Urban Agriculture includes, but is not limited to: animal husbandry, aquaculture, agroforestry, beekeeping, gardening, and horticulture. Complementary activities associated with Urban Agriculture include the distribution of food, collection and reuse of food waste and rainwater, and public outreach activities such as education and employment. **Urban Agriculture does not include such commercial activities as commercial dog kennels, dog breeding facilities, or livestock sales.**

20-170X URBAN FARM

An agricultural use which includes production of food-producing or ornamental plants (such as market garden, truck farm or wholesale plant nursery), bees, fish, fowl, and small or large agricultural animals, for commercial purposes. End products are typically sold on- or off-site or are distributed through the community supported agriculture (CSA) distribution or other small scale distribution model. **An Urban Farm typically includes employees and customers coming to the site and may or may not include a residence.** ~~Home Occupation standards limiting the use to no more than 10 customers a day or to one non-resident employee would not be appropriate for an Urban Farm due to the larger scale of use.~~

STANDARDS:---Article 5

20-50X ANIMAL AGRICULTURE, SMALL

(1) General

- a. Structures shall comply with the Accessory Structure Standards in Section 20-533 except where expressly stated.
- b. ~~Waste, manure, etc. shall be managed to prevent odors and insects.~~ **Any coop, shelter, or enclosure shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.**
- c. The facilities used to house the animals shall be of adequate design to keep the animal confined and reasonably safe from predators, and provide enough shelter and room to provide humane conditions **as defined in Section 3-102 of the City Code.**
- d. **Small agricultural animals, with the exception of small goats or sheep, may be slaughtered and butchered on-site provided this occurs a minimum of 20 ft from the property line and outside of the public view or within an enclosed structure.**

OR

Slaughtering of small animals is not permitted within the City limits except in appropriately licensed facilities.

(2) Standards that apply in the CO, CD, CS, CC, and CR District

- a. *Small Animal Agriculture* permitted in these commercial districts is limited to beekeeping and fish. This restriction does not apply to pet stores or similar uses in these districts.

(3) Bees

- (i) Africanized honey bees are not permitted.
- (ii) Up to 2 colonies may be located on a lot of $\frac{1}{4}$ acre or less; 4 colonies on lots between $\frac{1}{4}$ and $\frac{1}{2}$ acre; 6 colonies on lots of $\frac{1}{2}$ to full acre. 8 colonies are permitted on any property larger than an acre (except that additional colonies are permitted when they are set back at least 200 ft from all property lines.)
- a. For every 2 colonies permitted on a tract there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth 10-frame hive body with no supers, **the part of the beehive that is used to collect honey,** attached as required from time to time for swarm management.
- b. Each such nucleus colony shall be moved to another tract or combined with another colony on the subject tract within 30 days after the date made or acquired.
- (iii) Every person owning a hive, stand, box or apiary on property other than their residence shall identify such hive, stand box or apiary by a sign or other prominent marking stating in letters at least one inch high on a contrasting background the name, address, and phone number of the owner of such equipment. ~~Or the registration number and phone number~~
- (iv) The following locational requirements apply to all hives:
- a. No hive shall exceed 20 cubic feet in volume.
- b. Hives are permitted only in the side and rear yards, unless roof-mounted.
- c. No hive shall be located closer than 3 ft from any property line.
- d. No hive shall be located closer than 10 ft from a public sidewalk or 25 ft from a principal building on an abutting lot. (Hives must be relocated as needed as abutting lot develops.)
- e. If a hive is within 10 ft of a property line and is located less than 10 ft off the ground, a flyway barrier is required.

- (v) A flyway barrier, when required, shall be at least 6 ft tall and extend 10 feet beyond the colony location on each side. It can be solid, vegetative, or any combination of the two that forces the bees to cross the property line at a height of at least 6 ft.
- (vi) The beekeeper shall promptly requeen the colony if the colony exhibits unusual defensive behavior without due provocation.
- (vii) A constant supply of water shall be provided for all hives within 25 ft of each hive between March 1 and October 31 of each year.
- (viii) Bee hotels are ~~permitted without registration.~~ **not subject to these regulations.**

(4) Fowl Keeping of Fowl Prohibited; Exceptions:

(Ord. 8378, Ord 8731)

(A) Except as provided in subsection (b), no person shall own, keep, or harbor, on a temporary or permanent basis, any Fowl within the City.

(B) A person may own, keep, or harbor

(Language is moved from other section of City Code; only change proposed to the current language is in Section d slaughtering.)

- (i) Fowl may be kept on a property only as an accessory use to a permitted primary use.
- (ii) The maximum number of Permitted Fowl is limited to:
 - a. One fowl per 500 sq ft of lot size, rounded down; and
 - b. No more than 20 fowl, regardless of the size of the lot.
- (iii) Any person who owns, keeps, or harbors Fowl, i.e. chickens and ducks, shall provide a coop or other similar shelter.
 - a. Any coop or shelter shall be screened or walled in a manner that allows the Permitted Fowl to be reasonably protected from predators.
 - b. Any coop or shelter shall be a minimum of 3 sq ft in size per fowl if the fowl have an enclosed outdoor run, or 10 sq ft in size per fowl if the fowl do not have an enclosed outdoor run.
 - c. Any coop or shelter shall be constructed in a manner that is consistent with the requirements of this section. In the event that the coop or shelter qualifies as an accessory structure then all requirements regarding placement and setbacks must be met.
 - d. In no event shall any coop or shelter be located nearer than 5 foot from any neighboring property line.
 - e. Any coop or shelter shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

- f. A roost shall be provided for each chicken, with a minimum length of 10 inches per chicken and a minimum size of 8 sq inches. A roost is not required for ducks.
 - g. For every three chickens, a minimum of one laying box space, with a minimum size of one square foot, shall be provided. Each laying box shall contain adequate clean bedding material such as hay or other soft material. A laying box is not required for ducks.
- (iv) Slaughtering of Fowl is not permitted within the City limits.

OR:

Commercial slaughtering of fowl is not permitted except in USDA licensed locations. Slaughtering for personal use may occur in compliance with State regulations and must occur ~~within an enclosed structure~~. **at least 20 ft from the property line, unless it occurs within an enclosed structure. Slaughtering and processing must take place out of public view.**

(5) Goats and Sheep

- (i) Goats **and sheep** may be kept on a property only as an accessory use to a permitted primary use.
- (ii) Only small goats **and sheep** are permitted as *Small Animal Agriculture*. Breeds which would be considered small goats **are include** Pygmy Goats, Nigerian Dwarf Goat and Miniature Dairy Goats. **Breeds which would be considered small sheep include Harlequin Sheep, North American Shetland Sheep, and Chevoit Sheep.**
 - a. Breeds **are limited to those** that do not exceed 24" at the withers. ~~are considered small goats and sheep.~~
- (iii) Male goats must be neutered.
- (iv) Slaughtering of goats **and/or sheep** is not permitted **except in appropriately licensed facilities.**
- (v) **The following standards regulate the number of goats or sheep that may be kept on a property.**
 - a. **A minimum of 2 goats or 2 sheep may be kept on a property. A single goat or a single sheep is not permitted.**
 - b. **2 goats or 2 sheep may be kept on a property with a minimum of 10,000 sq ft of area.**
 - c. **Up to 4 goats and sheep may be kept on a property with a lot area of 20,000 sq ft or more.**
 - d. **Nursing offspring of goats and sheep licensed according to permitted through the provisions of this Code may be kept until weaned, no**

longer than 12 weeks from birth, without violating the limitations of this sub-section

- e. The maximum number of goats and sheep that can be kept on an *Urban Farm* would be established through the Special Use Permit process.
- (vi) The following standards apply to any structure used to house goats and sheep:
 - a. Goats and sheep shall be housed in a structure with an open air enclosure.
 - b. The structure shall be located a minimum of 50 ft from any off-site dwelling.
 - c. The structure shall be located in the rear yard and a minimum of 15 ft from adjacent properties.
 - d. The structure shall provide a minimum of 10 sq ft of living area per goat or sheep.
 - e. A fenced open air enclosure shall be provided which has a minimum area of 150 sq ft per goat or sheep.

20-50X AGRICULTURAL PROCESSING

~~The following standards refer to Agricultural Processing occurring with an Urban Farm:~~

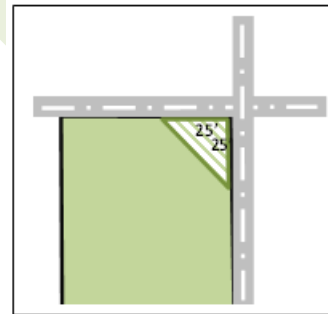
- (1) The *Agricultural Processing* use must be accessory to an *Urban Farm*.
- (2) The primary agricultural product being processed must be grown or produced on the premises.
- (3) ~~No outside storage of materials or products is permitted.~~ Any materials or products that are stored outside must be completely screened from view from the public right-of-way or adjacent residential properties.
- (4) All processing must occur indoors with potentially offensive external effects mitigated to insure compatibility with nearby residential uses.
- (5) Employment is limited to a maximum of 5 full-time equivalent employees for *Urban Farms* in residential districts.

20-50X CROP AGRICULTURE

- (1) Crops may be grown within the public right-of-way adjacent to the property without the need to obtain a use of right-of-way permit; however, the use is temporary and may need to be abandoned when street or infrastructure improvements are proposed.

(2) The following locational requirements apply to all crops:

- (i) Crops may not exceed 3 ft in height when located within 8 ft of the roadway or within 3 ft either side of a sidewalk to avoid interference with visibility for driveways and other access points.
- (ii) Crops may not be planted within 1 ft on either side of the sidewalk and may not grow onto the sidewalk.
- (iii) Crops taller than 3 ft are not permitted within the sight distance triangle (area created by connecting the endpoints of two 25 ft lines, measured along the curb line, from the intersection of two adjacent streets). See figure.



(3) The following maintenance requirements apply to all crops:

- (i) The site shall be designed and maintained so as to prevent the free flow of stormwater, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, **sidewalks**, or alleys.
- (ii) The site shall be maintained in accordance with the **adopted City Property Maintenance Code** including maintaining the site free of debris or high grass or weeds, taller than 12 inches, and screening of exterior storage from view of right-of-way or adjacent property.

20-50X FARMERS MARKETS

(1) The following standard applies in all residential districts:

- (i) **Farmers Markets may occur through approval of a site plan when accessory to one of the following uses: *Schools, Religious Institutions, Cultural Center/Library, Day Care Center, College/University, Lodge, Fraternal & Civic Assembly, Social Service Agency, and Adaptive Reuse of a Registered Historic Property*, provided adequate parking is provided.**

20-50X ON-SITE AGRICULTURAL SALES *(Various options proposed following PC meeting)*

(1) GENERAL STANDARDS

- (i) Only eggs, honey, or whole, uncut (except as necessary for harvesting), fresh produce and/or horticultural products produced or

grown on site may be donated, sold on-site, or distributed through Community Supported Agriculture (CSA) pick-ups as On-Site Agricultural Sales.

- a. However, honey that is produced in off-site hives that are **operated by the same person that operates the on-site production may be donated, sold, or distributed as On-Site Agricultural Sales.**
- (ii) One temporary sign advertising only food or horticultural products grown on-site may be displayed during sales.
 - a. The sign must be on-site, unilluminated, and not more than 2 sq ft in area or 3 ft in height.
 - b. **The sign may not be located within the public right-of-way.**
- (iii) Exterior display of product is permitted **during sale hours.**
- (iv) Any stands used for the display or sale of products shall be located a minimum of 20 ft from the curb or roadway and shall be temporary; being removed and stored when sales are not in progress.

(2) PERSONAL GARDENS AND SMALL ANIMAL AGRICULTURE IN RESIDENTIALLY ZONED DISTRICTS

- (i) **Infrequent, on-site sales may occur as garage-sale type sales, with 3 sales permitted per year, each with a span of 3 days.**
- (ii) **More frequent, on-site sales on the same site as a residence may occur as a Type B Home Occupation with registration.**
- (iii) **More frequent, on-site sales that are not on the same site as a residence or that do not comply with the Home Occupation standards require approval of a Temporary Use Permit for a Seasonal Produce Stand.**

(3) COMMUNITY GARDENS

(i) RESIDENTIALLY ZONED DISTRICTS

- a. **Infrequent, on-site sales may occur as garage-sale type sales, with three sales permitted per year, each with a span of 3 days.**
- b. **More frequent, on-site sales require approval of a Special Use Permit.**
- c. **Pick-ups for Community Supported Agriculture, with no on-site sales, may occur with a limit of 10 trips to the site related to the pick-ups or donations per day. Pick-ups above this limit require approval of a Special Use Permit.**

(ii) NON-RESIDENTIALLY ZONED DISTRICTS

- a. **On-site sales and Community Supported Agriculture pick-ups may occur with approval of a Minor Site Plan.**

(4) URBAN FARMS

(i) RESIDENTIALLY ZONED DISTRICTS

On-site sales and Community Supported Agriculture pick-ups require approval of a Special Use Permit.

(ii) NON-RESIDENTIALLY ZONED DISTRICTS

On-site sales and Community Supported Agriculture pick-ups may occur with approval of a Site Plan.

20-50X URBAN FARM

- (1) An *Urban Farm* in Residentially Zoned Districts requires approval through the Special Use Permit process.**
- (2) An *Urban Farm* in Non-Residentially Zoned Districts requires approval through the Site Plan process.**

CHANGES TO OTHER SECTIONS OF THE DEVELOPMENT CODE:

Section 20-602(e)(6)(viii)

Covered Accessory Structures (Buildings) are items such as garages, greenhouses, storage Buildings, wood sheds, covered decks, *coops for fowl, or other agricultural structures*, and covered porches. Covered Accessory Structures that are six feet or less in Height are allowed in required Side and Rear Yards, and covered Accessory Structures greater than six feet in Height are allowed in the required Rear Yard where an Alley abuts the Rear Lot Line, but no covered Accessory Structure is allowed in a required Front Yard.

Section 20-533 General Standards For Accessory Structures

The standards of this subsection apply to all accessory uses and structures.

(1) Time of construction

Accessory Structures shall be constructed in conjunction with or after the Principal Building. They shall not be built prior to the construction of the Principal Building.

- (i) ~~No principal building is required for structures that are accessory to an Urban Agriculture use.~~ **a Crop Agriculture or Urban Farm use.****

(2) Subordinate Nature

- (i) Accessory Uses shall be a subordinate part of a Principal Use and be clearly incidental to a Principal Use.**
- (ii) Accessory Structures shall be of secondary importance and subordinate in size and Scale to the Principal Building on a site.**

(3) Density and Dimensional Standards

Unless otherwise expressly sated, the Setback, Height, and Building coverage standards of the Base District apply to both principal and Accessory Structures (See Density and Dimensional Standards, Article 6). Accessory Structures in residential districts shall be located to the rear of the front Building line and may be located as close as 5' to interior

and Rear Lot Lines. Setbacks from interior Side Lot Lines shall not apply to accessory Buildings placed on lots that abut Alleys. An Accessory Structure may be located up to the rear property line when the Lot abuts an Alley and when the doors to the Building do not open directly onto the Alley. There shall be no Setback required between an Accessory Structure and an Alley when Access to the Structure is parallel to the Alley, except that no part of the Structure shall overhand or otherwise encroach onto the Alley.

- (i) **These setback requirements apply to structures used for *Urban Agriculture* unless a different setback is specified in Section XXXX.**

(4) Building Coverage

- (i) A detached Accessory Structure may not have a larger footprint than the Building footprint of the Principal Building.
- (ii) The combined footprint of all Accessory Structures may be equal to the footprint of the Principal Building or 20% of the Lot Area provided the total footprint of all Structures does not exceed the maximum Building coverage as permitted by Sec. 20-601(a) or (b) for the corresponding Zoning District.
- (iii) **~~Temporary Urban~~ Seasonal Crop Agriculture structures used to extend the growing season such as cold frames, low tunnels, and hoophouses that are exempt from building permit requirements are exempt from these Building Coverage regulations.**

20-537 Home Occupation

- (i) Outdoor Activities
- a. All activities shall be in completely enclosed structures.
- b. Exterior storage or display of goods or equipment is prohibited, **except that the display of goods offered for sale with On-Site Agricultural Sales is allowed during sale hours.**

PARKING

20-902 Off-Street Parking Schedule A

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Agricultural Sales	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Agriculture, Small Animal	None	None
Agriculture, Large Animal	None	None
Agriculture, Crop	None	None
On-Site Agricultural Sales		
Personal Garden	None	None
Community Garden	None	None
Farmers Market	Schedule D	5 or 1 per 5 auto spaces, whichever is greater
Agricultural Processing	1 per employee on largest shift	1 per 5 auto spaces
Urban Farm	1 per employee on largest shift	1 per 5 auto spaces

PERMITTED USE TABLE: LEGEND

- A:** Use must be accessory to another use on the site
P: The use is permitted in this zoning district. Site planning may be required.
S: The use is permitted when approved with a Special Use Permit.
*****: Use specific standards in Article 5 apply to the use.

	20-402 Residential District Use Table	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	Use- Specific Standards
Urban Agriculture	Agriculture, Crop	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	<u>stds</u>
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	<u>stds</u>
	Agriculture, Large Animal	p*	—	—	—	—	—	—	—	—	—	—	—	—	—	<u>stds</u>
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	<u>stds</u>
	Farmers Market	A*	A*	A*	A*	A*	A*	S	A*	A*	A*	A*	A*	A*	P	<u>stds</u>
	Agricultural Processing	A/ S*	A/ S*	A/ S*	A/ S*	—	—	—	—	—	—	—	—	—	—	<u>stds</u>
	Urban Farm	P S*	P S*	S*	S*	—	—	—	—	—	—	—	—	—	—	<u>Stds</u>
Retail Sales & Services	Agricultural Sales	—	—	—	—	—	—	—	—	—	—	—	—	—	—	

	20-403 Non-Residential District Use Table	CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	Use- Specific Standards
Urban Agriculture	Agriculture, Crop	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	<u>Stds</u>
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	—	<u>Stds</u>
	Agriculture, Large Animal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	On-Site Agricultural Sales	A *	A*	A*	A*	—	A*	A*	A*	A*	A*	A*	A*	A*	A*	—	<u>Stds-</u>
	Farmers Market	S	P	P	P	P	P	P	P	P	P	S	S	S	A	—	<u>Stds</u>
	Agricultural Processing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	<u>Stds</u>
	Urban Farm	—	—	—	—	—	—	—	—	—	p*	p*	p*	—	—	—	<u>Stds</u>
Retail Sales & Services	Agricultural Sales	—	—	—	—	—	P	P	P	—	P	—	P	—	—	—	

CHANGES TO OTHER SECTIONS OF THE CITY CODE

CHAPTER 3 ARTICLE 5. CHICKENS AND DUCKS (delete

move Section 3-507 to Section 3-104, Animals Excluded from Prohibition)

The provisions of this Article shall not apply to the following: (Ord. 8731) (Add the items below to the exemption section in Section 3-104)

- (A) The owning, keeping, or harboring of Fowl ~~or Permitted Fowl~~ **or animals defined as Small Animal Agriculture** in those zoning districts where the Land Development Code permits such uses as *Small Animal Urban Agriculture*. ~~a matter of right.~~
- (B) The owning, keeping, or harboring of **ducks or female chicken** ~~Permitted Fowl~~ hatchlings by Retail Establishments, Construction Sales and Services, or Agricultural Sales, ~~Agricultural, Animal uses,~~ located in industrial or commercial zoning districts for the purposes of retail or wholesale sales.
- (C) The owning, keeping, or harboring of **ducks or female chicken** ~~Permitted Fowl~~ by educational institutions;
- (D) The temporary possession of **ducks or female chicken** ~~Permitted Fowl~~ by the United States Postal Service that are deposited with the United States Mail until such time as the **ducks or female chicken** ~~Permitted Fowl~~ are either delivered to the addressee or the addressee retrieves the **ducks or female chicken** ~~Permitted Fowl~~ from the Postal Service.
- (E) The temporary possession of **ducks or female chicken** ~~Permitted Fowl~~ by a commercial package or parcel delivery service until such time as the **ducks or female chicken** ~~Permitted Fowl~~ are delivered to the addressee.

3-105 CRUELTY TO ANIMALS

(B) Exceptions: Nothing in subsection A of this Section shall:

ADD THE FOLLOWING LANGUAGE

- (3) **Be interpreted as prohibiting slaughter of animals allowed as *Small Animal, Urban Agriculture* when permitted by the Land Development Code, when carried out in compliance with provisions outlined in the Development Code.**

WEED regulations 18-300

Section 18-301 notes: This Article shall not apply to that portion of land used for agricultural use which is more than 150 feet from any occupied residential subdivision, lot, tract, or parcel of land.

Section 18-304 A notes that weeds (as defined in this chapter) must be removed.

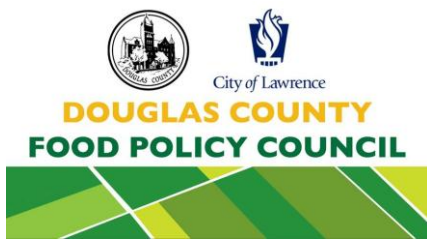
Section 18-304 B provides this exception: "Nothing in this article shall be construed to subject trees, shrubbery, flowers, ornamental plants, and properly maintained gardens to the provisions of this Article. The City shall bear no responsibility for the cutting or abatement of

trees, shrubbery, flowers, ornamental plants or other vegetation which are not reasonably distinguishable at the time of abatement from other vegetation which is to be abated due to excessive growth."

These exceptions appear to cover the Crop Agriculture use. No changes are needed.

If Seasonal Farm Stand Permit is approved, this would need to be added to the City Code.

DRAFT



Memo to: Lawrence-Douglas County Planning Commission

From: Eileen Horn, Lawrence and Douglas County Sustainability Coordinator
Helen Schnoes, Douglas County Food Systems Coordinator

Subject: TA-15-00346 (Text Amendment for Urban Agriculture)

Date: December 14, 2015

On behalf of the Douglas County Food Policy Council, we thank you for your interest in establishing urban agriculture as a permitted use in the Land Development Code. We look forward to working more closely with the Planning Commission in the coming months as we help create a Food Plan to incorporate by reference into the Horizon 2020 revision, as stipulated in the Issue Action Report.

Urban agriculture plays an important role enhancing our local food system and community food security. As an advisory body with a wide range of stakeholders, the Food Policy Council has engaged with urban agriculture since its establishment in 2010. Allowing home food production and urban agriculture can improve how a family accesses healthy food, how a grower generates supplemental income, and how a farmer launches an enterprise.

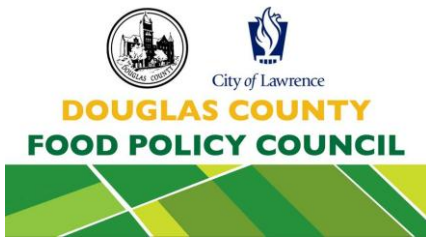
We thank the Planning Department for their engagement over the past five months. We have met several times with Mary Miller and Amy Miller, who attended meetings of the full Council and its City Subcommittee. In August we released a community survey and received over 150 responses. We then reviewed a draft language at a community forum where over 40 people came to discuss the potential changes to the Land Use Development Code. Since your October 19 meeting, we have provided further feedback and research to Mary in her preparation of TA-15-00346.

The text amendment before you offers important changes that will ensure a more vibrant community and stronger local food system. Based upon the community feedback, research, experience, and deliberation of the Food Policy Council, **we are in strong support of the following elements as currently drafted:**

- Establishing Urban Agriculture as a permitted use
- Clarifying that agricultural implements in use do not qualify as ‘exterior storage’
- Keeping of bees without registration but with the name and phone number of each hive’s owner
- Recognizing of the right of residents to cultivate food crops, including in the right of way and in their front yards, and extending crop agriculture to all zones
- Distinguishing between small and large animal agriculture, and integrating fowl into the small animal agriculture definition
- Acknowledging that “bee hotels” for native pollinators are different than cultivated bee hives and should be exempt from the standards introduced for honey bees
- Keeping of miniature goats or sheep on city lots of proper size and with adequate protection
- Exempting season extension structures from the standards for Accessory Structures

In October, you discussed several issues posed by Planning Department staff and the public. Some questions remain in the draft before you today. We **recommend you support** the following:

- **Allow Small Animal Slaughter for Home Meat Consumption**
 - Adopt the language suggested to allow slaughter in Standards, Article 5, 20-50X Animal Agriculture, Small, (1) General, sub-point (d) on page 3 and Standards, Article 5, 20-50X Animal Agriculture, Small, (4) Fowl, sup-point (ix) on page 6.



- **Allow On-Site Agricultural Sales with Proper Standards**
 - Allow on-site sales by-right with proper standards. As such, we submit two points of clarification:
 1. On-site sales are not Farmers Markets that serve as communal gathering place of many agricultural producers for social and economic exchange.
 2. These smaller, single-producer offerings follow the seasonal harvest. Mimicking a garage sale does not acknowledge the nature of seasonal harvest.
 - Remove the suggested regulation of CSA pick-ups as defined in Standards, Article 5, 20-50X On-Site Agricultural Sales (3) Community Gardens (i) Residentially Zoned Districts (c) and (ii) Non-Residentially Zoned Districts (a) on pages 9 and 10. *These brief engagements do not pose any negative impacts as currently conducted and generally align with existing uses.*
 - Extend the allowance for honey produced off-site to produce from the same grower cultivated *within city limits*, as stipulated in 20-50X On-Site Agricultural Sales (1) General Standards (a) on page 9. *It is not uncommon for urban agricultural growers in Lawrence to produce on multiple plots given limited land availability.*
 - If you approve the Home Occupation regulations as currently written, we suggest that exterior sales, in addition to exterior storage/display of goods, be made, as noted in 20-537 Home Occupation (i) Outdoor Activities (b), page 11.
- **Clarify Weed Regulations to Explicitly Allow Crops (18-300 Section 18-304 B; page 13-14)**
 - Add a distinction of “urban agriculture” or “crop agriculture” to clarify that such practices are allowed more precisely than the current language of “properly maintained gardens” suggests.

Finally, we believe the urban farm designation as currently written creates a new challenge for those in our community pursuing a profession in local food production. We **urge you to consider revising the standards for an urban farm** for the following reasons:

- **Creates Undue Burden on Farmers, Including those Currently in Operation**
 - The City Commission asked the Planning Department to support urban agriculture—not create new barriers. We believe that requiring a Special Use Permit, especially for RS40, RS20, and RS10, imposes a new regulatory hurdle. *The currently operating “urban farms” in Lawrence have not received any complaints.*
- **Implies Intensity of Sales Across All Operations**
 - Many “urban farmers” in Lawrence sell their harvest to farmers markets, grocery stores, restaurants, and CSA members. Rather than assume an increase in traffic at urban farms, we support a temporary seasonal produce stand permit any grower can apply for as desired.
- **Differing Standards for Small Animal Agriculture (page 7)**
 - As written, chickens keepers are limited to 20 birds, while those keeping miniature goats or sheep can apply for a Special Use Permit (Standards, Article 5, 20-50X Animal Agriculture, Small, (5) Goats and Sheep, (v), (e)) to add additional animals. We suggest a similar process for chickens.

As described in the Staff Report (5-4 to 5-5), we ask you to recognize that **the changing conditions of urban agriculture will be on-going**, given the creativity, ingenuity, and resourcefulness of our citizens to pursue new businesses, secure their family’s access to healthy foods, and build a stronger local food system.

Thank you for your consideration and efforts to support urban agriculture in Lawrence.

Eileen Horn and Helen Schnoes
Staff Liaisons, Douglas County Food Policy Council

Byron Wiley
1200 Almira
Lawrence KS 66044

December 14, 2015

Clay Britton, Chair
Lawrence-Douglas County Planning Commission City Hall, 6 East 6th St.
Lawrence KS 66044

re: TA-15-00346, Urban Agriculture text amendment

Dear Mr. Britton,

I've been involved with vegetable and fruit tree production within the city for many years on my own property, friend's properties and a common ground property. I am mostly in favor of the text amendment to the development code. Community food security is important and it is important that the city supports the growing of food without making the process overly burdensome if reasonable agricultural practices are employed.

Weed regulations: Section 18-304 should contain language that agricultural crops are not weeds. This appears to be missing at this time. Also, section 18-301 does not protect properties that are within 150 feet of other residential parcels from crops being abated as weeds. This would unfortunately eliminate protections for crops in home gardens.

Looking at the permitted use table, I noticed that several residential districts appear to require site planning. What is specifically involved? Likewise, I noticed that a special use permit is required for several uses including Urban Farm, Agricultural Processing, etc. I am concerned that potentially burdensome steps might make the positive agricultural activity difficult to undertake.

Under the standards for Accessory Structures, it appears to recognize and support the basic requirements needed for one's small scale operation. I do not see it specifically addressed but am curious if this implies the use of low tunnel and high tunnel temporary greenhouse structures used to extend the growing season. I think that these structures, if properly maintained, are critical tools for food production.

Slaughtering: I support the right for people, using accepted and appropriate procedures, to slaughter small animals on one's property. This practice was (and still is) a normal part of our human existence for

millennia.

It is good that aquaculture has been included in the list of urban agriculture activities. The term aquaponics should also be included. This is a less chemical dependent method of growing fish and leafy vegetables in a balanced system.

In the staff report 20-50X Crop Agriculture Sales section: I think that there should be a simple application for a seasonal produce stand with no time restrictions. Food production occurs at different times of year and at varying volumes. If at all possible, please make the process as simple and non-burdensome as possible.

Sincerely yours,

Byron Wiley



Sustainability Action Network

Local Solutions for Transition to a Sustainable Economy

P.O. Box 1064, Lawrence KS 66044
a Kansas not-for-profit organization

Clay Britton, Chair
Lawrence-Douglas County Planning Commission
City Hall, 6 East 6th St.
Lawrence KS 66044

re: TA-15-00346, Urban Agriculture text amendment

Mr. Britton:

The Sustainability Action Network is a local not-for-profit that has been one of several groups instrumental in advancing this text amendment for urban agriculture use in Lawrence.

On 23 June 2015, we brought to the attention of the City Commission a number of ways that the Lawrence Code was an impediment to some food growing operations, specifically the Property Maintenance Code. In response, the City Commission initiated this text amendment.

We immediately began working with a sub-committee of the Lawrence-Douglas County Food Policy Council (FPC) to provide guidance to City Planning Staff in their crafting this text amendment. We have attended FPC sub-committee meetings at which Mary Miller or Amy Miller attended, we participated in the 28 September Community Forum at which Mary Miller presented, sent numerous documents to the FPC, some which were copied to Mary Miller (see attached), and testified at the 19 October Planning Commission discussion of this item.

So we find it rather odd that the Staff Report makes no mention of our considerable input in the section "PUBLIC COMMENT RECEIVED PRIOR TO PRINTING".

To the point, please refer to the attached documents that we sent to Mary Miller in an e-mail on 4 November, and which we commented on at the 19 October Planning Commission meeting. These two documents provide clear Code language that reflects the desires of Chairperson Culver, and Commissioners Von Achen, Kelly, and Struckoff at the 19 October Planning Commission meeting.

1. The first provides a definition of implements and materials commonly used in urban food growing operations, followed by Use Regulations stating such implements and materials not be considered "debris" while in use.
2. The second very simply amends Code Chapter 18: Trees & Weeds, by adding the two words "agricultural crops" to the list that are not subject to removal as weeds.

On digital page 13 of the Staff Report, Section 20-50X CROP AGRICULTURE (3)(ii) retains the existing reference to the Property Maintenance Code. Staff makes no attempt to include our recommendation that would overcome the inherent conflict with small scale, residentially zoned, food growing. Please adopt our draft wording that defines common urban agricultural implements as not being debris while in use (attached).

On digital pages 18-19 of the Staff Report, staff mistakenly thinks that the WEED REGULATIONS in Section 18-301 are adequate to protect crops from being abated as weeds. However, that Section does not apply to any land within 150 feet of any residential parcel. That in essence rules out protections for crops in home gardens, leaving us in danger of our crops being mowed by the City as "weeds".

Also, in Section 18-304 B, WEEDS TO BE REMOVED, staff pointedly omitted incorporating our simple two-words “agricultural crops” to the list that are not subject to removal as weeds. Please adopt our draft wording that includes “agricultural crops” as not being weeds (attached).

We have a few other concerns as well.

On digital page 8 of the Staff Report, Section 20-170X URBAN AGRICULTURE lists various types of food growing. At the 12 September FPC sub-committee meeting, at the 28 September Community Forum, and at the 19 October Planning Commission, we requested that the term “Permaculture” be added to that list. Please include it, because it is a food growing design science practiced world wide, and one of the main educational programs of Sustainability Action Network.

On digital page 14 of the Staff Report, 20-50X ON-SITE AGRICULTURAL SALES (2) PERSONAL GARDENS creates three undue burdens on home growers to sell any excess produce. Home growers are typically not methodically professional, and often can't predict the quantity or timing of when a crop may come in. A surprise bumper crop must be utilized quickly, and if not, sold. That's when they hang out their shingle for eggs or tomatoes to sell, not at an arbitrary three times a year, or after filing for a home occupation, or in keeping with a business plan for a Temporary Use Permit. This section is much too restrictive, as though offering food for sale is some sort of neighborhood nuisance. Please drop these three burdensome restrictions for home food sales, and include a simple application for a seasonal produce stand with no time restrictions.

Thank you,
Michael Almon

attachments

Subject:Re: Urban ag meeting Wednesday

Date:Wed, 4 Nov 2015 14:53:08 -0600

From:Almon, Michael <paradigm@sunflower.com>

To:hschnoes@douglas-county.com, Miller, Mary
<mmiller@lawrenceks.org>

CC:Hammerschmidt, Crystal <chammers@usd497.org>, Elmers, Jill
<jelmers@moononthemeadow.com>, Horn, Eileen <ehorn@douglas-county.com>

Thanks, Helen. I can't be there because it conflicts with the Pedestrian Bicycle Task Force meeting, as well as my neighborhood meeting.

So attached are two documents that address the two main points I made at the Planning Commission - tools and materials defined as NOT being debris; and crops defined as NOT being weeds. Both these proposals were endorsed by Chairperson Culver and Commissioners Von Achen and Kelly and Struckoff.

Commissioner Von Achen stressed the importance of growers being able to sell their produce on site. There should be made a clear distinction that a small farm stand on site is not a "farmers market", as too many of the Commissioners mistakenly portrayed this. I support the draft by Mary that places farmers markets in commercial zones, and allows a farm stand at a grower's residential site.

thanks for your good work,
Michael Almon
Sustainability Action Network

On 11/02/2015 03:14 PM, hschnoes@douglas-county.com wrote:

Hi Michael,

Hope you're doing well.

I wanted to let you know that the next City Subcommittee meeting is taking place this Wednesday, 5:30pm, at the Lawrence Public Library.

We're planning to go over the takeaways from the Planning Commission meeting and discuss edits and next steps with the draft.

You (and others you know) are welcome to join, as always.

All the best,

Helen

Helen Schnoes
Food Systems Coordinator
Douglas County
1100 Massachusetts Street
Lawrence, KS 66044
Office: (785) 832-5157
Cell: (785) 551-9436

— Attachments: —

Urban Ag_Implements & Materials_Definition & Regs.doc	12.0 KB
Urban Ag_Crops Not as Weeds.doc	10.0 KB

Urban Agricultural Implements and Materials

Definition and Use

CHAPTER 20: LAND DEVELOPMENT CODE
ARTICLE 17: TERMINOLOGY

20-1772 URBAN AGRICULTURAL IMPLEMENTS AND MATERIALS

Commonly used tools, movable structures, and soil amendments used for small-scale, primarily manual labor, food growing. Typical items include, but are not limited to:

(1) Non-powered Implements

Buckets and containers, bushel baskets, cultivators, fencing, forks, irrigation equipment, ladders, landscape stones and bricks and “urbanite”, landscape timbers and firewood, low tunnels, pruning equipment, rakes, shovels, solar dehydrators, tarpaulins, trellising, wheelbarrows, water tanks, 55 gallon drums.

(2) Powered implements

Chain saws, chipper-shredders, mowers, roto-tillers

(3) Bulk Materials

Cardboard and newspaper mulch, compost, hay bales, leaves, straw bales, topsoil, wood chips

ARTICLE 5: USE REGULATIONS

20-502 URBAN AGRICULTURE

(1) insert

(2) insert

(3) The use of any [Urban Agricultural Implements And Materials](#) shall be allowed, and shall not be considered as debris while in use for food production. Any Urban Agricultural Implements And Materials not in use shall be stored inside buildings or screened areas.

Urban Agricultural Crops Not as Weeds

CHAPTER 18: TREES AND WEEDS ARTICLE 3: WEEDS

18-304 WEEDS TO BE REMOVED

(A) It shall be unlawful

(B) Nothing in this article shall be construed to subject trees, shrubbery, flowers, ornamental plants, **agriculture crops**, and properly maintained gardens to the provisions of this Article. . . .