LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
WEDNESDAY, FEBRUARY 21, 2018  6:30PM - 10:30PM

GENERAL BUSINESS:

PLANNING COMMISSION ACTION SUMMARY
Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of January 24, 2018.

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 (FEBRUARY 21, 2018) MEETING
PUBLIC HEARING ITEMS:

ITEM NO. 1   REZONING FROM IBP TO IL; 1300 RESEARCH PARK DR (SLD)

Z-17-00689: Consider a request to rezone approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1300 Research Park Dr. Submitted by Landplan Engineering PA on behalf of Wakarusa Plaza LC, property owner of record.

ITEM NO. 2A   REZONING FROM RS10 TO CS; 1105 E 23RD ST (MKM)
Z-17-00694: Consider a request to rezone approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E 23rd St. Submitted by Grob Engineering Services LLC on behalf of Hedge Tree, LLC, property owner of record.

ITEM NO. 2B PRELIMINARY PLAT; 1105 E 23RD ST (MKM)

PP-17-00693: Consider a Preliminary Plat for 8N Business Center, a two-lot commercial subdivision on approximately 2.76 acres, located at 1105 E 23rd Street. Submitted by Grob Engineering Services LLC on behalf of Hedge Tree, LLC, property owner of record.

ITEM NO. 3A REZONING FROM UR TO RM12-PD; 5275 W 6TH ST (KEW)

Z-17-00471: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential-Planned Development Overlay) District, located at 5275 W 6th St. Submitted by Grob Engineering Services, LLC, on behalf of Beckmeisters LLC, property owner of record. Deferred by Planning Commission on 11/15/17.

ITEM NO. 3B PRELIMINARY DEVELOPMENT PLAN; 5275 W 6TH ST (KEW)

PDP-17-00695: Consider a Preliminary Development Plan for a multi-family residential development located at 5275 W 6th St. Submitted by Grob Engineering Services LLC on behalf of Beckmeisters LLC, property owner of record.

ITEM NO. 4A REZONING FROM CN2 & PCD TO CN2; 3900 W 6TH ST (MKM)

Z-17-00688: Consider a request to rezone approximately 1.33 acres located at 3900 W 6th St from CN2 (Neighborhood Commercial Center) District & PCD (Planned Commercial Development-Monterey Center) District to CN2 (Neighborhood Commercial Center) District. Submitted by Wild Pines Ventures LLC, for Lawrence Monterey Investors LLC, property owner of record.

ITEM NO. 4B SPECIAL USE PERMIT; 3900 W 6TH ST (MKM)

SUP-17-00690: Consider a Special Use Permit for Tommy’s Car Wash, on approximately 1.33 acres located at 3900 W 6th St. Submitted by Wild Pines Ventures LLC, for Lawrence Monterey Investors LLC, property owner of record.

MISCELLANEOUS NEW OR OLD BUSINESS
Consideration of any other business to come before the Commission.

MISC NO. 1 VARIANCE; 3900 W 6TH ST (MKM)

Minor Subdivision/Replat, MS-17-00692, for Monterey No. 8 Addition, variance request per Section 20-808(c)(5) of the Subdivision Regulations to allow reduced right-of-way for 3900 W. 6th Street. Submitted by George Butler Associates, LLC, for Lawrence Monterey Investors, LLC, property owners of record.
MISC NO. 2 INITIATE TEXT AMENDMENT; GROUP HOMES IN GPI DISTRICT (SLD)

Initiate a Text Amendment to the City of Lawrence Land Development Code to permit Group Homes in the GPI (General Public and Institutional) District.

MISC NO. 3 INITIATE TEXT AMENDMENT; OUTDOOR LIGHTING STANDARDS (MKM)

Initiate a Text Amendment to the City of Lawrence Land Development Code, Articles 11 and 17, to update outdoor lighting standards to include standards for various types of light fixtures, such as LED.

MISC NO. 4 INITIATE REZONING .46 ACRES; 912 N 3RD ST (MKM)

Initiate a rezoning for the eastern portion, approximately 0.46 acres, of 912 N 3rd Street from UR (Urban Reserve) District to CS (Commercial Strip) District.

MISC NO. 5 INITIATE REZONING 1212 LOUISIANA ST (MKM)

Initiate a rezoning for 1212 Louisiana Street to correct a rezoning error made with Ordinance No. 4235 to rezone the property from RMO-UC (Multi-Dwelling Residential Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District).

MISC NO. 6 APPROVE AMENDMENTS TO PLANNING COMMISSION BY-LAWS

Receive and approve Planning Commission By-Law amendments.

PUBLIC COMMENT

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

Sign up to receive the Planning Commission agenda or weekly Planning Submittals via email:
http://www.lawrenceks.org/subscriptions
# 2018

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION**

**MID-MONTH & REGULAR MEETING DATES**

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<th>Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM</th>
<th>Mid-Month Topics</th>
<th>Planning Commission Meetings 6:30 PM, Monday and Wednesday</th>
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<td>Jan 10</td>
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**Suggested topics for future meetings:**
- New County Zoning Codes
- Water Resources
- Comprehensive Plan Update
- Futurist Presentation
- KU Central District Plan/Master Plan
- Comprehensive Housing Study

**Meeting Locations**
The Planning Commission meetings are held in the City Commission meeting room on the 1st floor of City Hall, 6th & Massachusetts Streets, unless otherwise noticed.

Planning & Development Services | Lawrence-Douglas County Planning Division | 785-832-3150 | www.lawrenceks.org/pds

Revised 1/25/18
## 2018 Planning Commission Attendance

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PLANNING COMMISSION MEETING
January 24, 2018
Meeting Action Summary

January 24, 2018 – 6:30 p.m.
Commissioners present: Carpenter, Culver, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey
Staff present: McCullough, Stogsdill, Crick, Day, Ewert, Larkin, Pepper, Weik

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY MINUTES
Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of November 15, 2017.

Motioned by Commissioner Sands, seconded by Commissioner Paden, to approve the November 15, 2017 Planning Commission action summary minutes.

Unanimously approved 8-0.

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

Commissioner Culver said the Transportation 2040 Steering Committee met and received a draft plan. He said there was a 30-day public comment period and then it would go back to the various bodies for further discussion. He said the goal was to have it adopted by mid-March.

COMMUNICATIONS
Received Staff Memo regarding Landmark Nomination for Santa Fe Depot.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Sands said he received emails from Ms. Sara Tetley, Ms. Nancy Smith, Mr. Ryan Weddle, and Ms. Bonnie Kounas regarding Item 3A.

  Commissioner Willey said she spoke with Ms. Erin Stroble regarding her concerns about Item 3A.

  Commissioner Carpenter said he received a call from Ms. Jane Eldredge regarding Item 3A.

  Commissioners Sands and Struckhoff said they also received a call from Ms. Jane Eldredge.

Complete audio & video from this meeting can be found online: https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/
• No Abstentions.
AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION’S DISCRETION
MISC NO. 4 CERTIFICATE OF SURVEY VARIANCE; 1637 N 400 RD

CSU-18-00006: Consider variance requests from Section 20-804 of the Subdivision Regulations to allow a Certificate of Survey on approximately 40 acres located at 1637 N 400 Road without the submittal of a Build Out Plan and to permit 2 access points on N 400 Road. Submitted by Kasey A Frost and Richard A Frost, property owners of record.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

APPLICANT PRESENTATION
Mr. Richard Frost agreed with the staff report and was present for questioning.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Willey inquired about Lot 3.

Ms. Miller said parcel 3 was the future development area and was the 40% they would have to keep. She said if there was a future division it would be to divide the other parcel with the house and that would require a build out plan.

ACTION TAKEN
Motioned by Commissioner Willey, seconded by Commissioner Carpenter, to approve the variance requests from Section 20-804 of the Subdivision Regulations to allow a Certificate of Survey on approximately 40 acres located at 1637 N 400 Road without the submittal of a Build Out Plan and to permit 2 access points on N 400 Road, subject to the condition that any future land divisions through a Certificate of Survey will require the submittal of a Build Out Plan.

Unanimously approved 8-0.
ITEM NO. 1   REZONING FROM RSO TO RM15; 4500 OVERLAND DR (SLD)

Z-17-00602: Consider a request to rezone approximately 8.434 acres from RSO (Single-Dwelling Residential-Office) District to RM15 (Multi-Dwelling Residential) District, located at 4500 Overland Dr. Submitted by Barber Emerson LC on behalf of Fox Run KS LLC, property owner of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
Mr. Matthew Gough, Barber Emerson, said his client’s lender required the rezoning submittal. He said the lender wanted the zoning realigned with the use to fix the glitch. He said this action occurred by no fault of the owner and that there was no change of use with the application. He said the site plan was the same and that there shouldn’t be any concern that the site was a target for mobile home development. He said it was already constructed for its highest and best use. He also stated that a mobile home park could not be put on the site without a Special Use Permit that would require a public hearing process.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Sinclair said the rezoning sounded like a reasonable request. He said it fit all the factors needed for a rezoning and the applicant indicated that this was not for any other purpose than what was currently there.

Commissioner Sands said the rezoning was pretty straight forward.

ACTION TAKEN
Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the request to rezone approximately 8.434 acres, located at 4500 Overland Drive, from RSO (Single Dwelling Residential-Office) District to RM15 (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.
ITEM NO. 2 PRELIMINARY & FINAL DEVELOPMENT PLAN; 1805 E 19TH ST (KEW)

PDP-17-00663/FDP-17-00661: Consider a revised Preliminary Development Plan & Final Development Plan for the Lawrence Humane Society located at 1805 E 19th St. Submitted by Grob Engineering Services LLC on behalf of Lawrence Humane Society Inc, property owner of record.

STAFF PRESENTATION
Ms. Katherine Weik presented the item.

APPLICANT PRESENTATION
Ms. Kate Meghji, Lawrence Humane Society, said maintaining landscaping would be challenging. She said there was also a challenge to catching animals that get loose with lots of landscaping. She said the Lawrence Humane Society held a public forum and sent notice to all the neighbors. She said the management team of the adjacent trailer park had no concerns. She said the Lawrence Humane Society had never had any complaints from the trailer park. She said the site was not noisy or a disruption to the neighbors. She wanted to keep the project affordable.

Mr. Dean Grob, Grob Engineering Services, thanked staff for their work on the project. He said the reason for the layout was to keep the existing facility open during construction. He said that would allow enough parking in the interim during the period between the old building and new building. He said 49 trees and 242 shrubs was not sustainable for a non-profit organization. He said the open space in the front provided some buffer. He felt a reasonable bufferyard would be Type 1 buffer on the west side and Type 2 buffering for the north and east to reduce the shrub requirement.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Carpenter asked the applicant if his plans took into account the future widening of 19th Street.

Mr. Grob said yes.

Commissioner Carpenter asked if there would be a fence around the entire area.

Mr. Grob said yes, a chain link fence.

Commissioner Sands asked if the chain link fence would only be around the dog runs or the entire site.

Mr. Grob said the chain link fence would surround the entire site, right on the property line.

Commissioner Sands asked what the Code definition of a shrub was. He asked if ornamental grass could be considered a shrub.

Ms. Weik said she was not sure but that could be an alternative option.

Complete audio & video from this meeting can be found online:
https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/
Mr. McCullough said a shrub was a deciduous, broadleaf, or evergreen plant with a minimum planted height of 24 inches above grade. Deciduous and broadleaf shrubs shall be a minimum container size of 2 gallons. Evergreens shall be a minimum 5 gallon container size or balled and burlapped. He said the applicant wasn’t seeking alternative compliance but rather for the standard to be waived. He said the applicant offered to meet a Type 2 bufferyard around the north and east sides. He said the Code standards for screening increased for districts. He said Type 2 buffer on the north and east and Type 1 buffer on the west should be considered an acceptable alternative compliance. He said it would reduce the shrubs by half.

Commissioner Willey asked if the outdoor dog enclosures would house dogs for 24 hours.

Mr. Grob said no, dogs would only be in the outside enclosures during the day and always supervised by staff. He said there would be no outside kennels.

Commissioner Carpenter said there were plenty of native plants that could be used for screening.

Mr. Grob said a berm of 3-6’ could replace some shrubs.

Commissioner Culver asked Mr. Grob if he would be okay with Type 2 bufferyard on the north and east and Type 1 on the west.

Mr. Grob said he would prefer the alternative compliance he requested but he was trying to find middle ground. He stated the site had never received complaints from neighbors.

Commissioner Willey said she was comfortable with Type 2 bufferyard on the east and Type 1 bufferyard on the west.

Commissioner Sands echoed what Commissioner Willey said. He felt native grass would be acceptable on the site.

**ACTION TAKEN**

Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the Preliminary Development Plan (PDP-17-00663) and Final Development Plan (FDP-17-00661) for the Lawrence Humane Society based upon the findings of fact presented in the body of the staff report and subject to the following conditions and subject to City Commission approval of the Preliminary Development Plan:

1. Provision of a signed Site Plan Performance Agreement prior to the recording of the Final Development Plan with the Register of Deeds Office.
2. Revise the Final Development Plan with the correct required landscaping for a Type 2 Bufferyard along the north and east property lines and a Type 1 Bufferyard along the west property line and revise general notes regarding alternative compliance accordingly.
3. Provide a note indicating type of erosion and sediment control applied upon the completion of the final grading of the detention basin.
4. Revise the parking table to show the parking calculations that include the east and west access drives.
5. Adjust the note in the Landscaping Schedule regarding interior parking landscaping to reflect 63 spaces and the area to be landscaped at 2520 SF as shown on the plan.
6. Submittal of mylar and recording fees.

*Complete audio & video from this meeting can be found online: [https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/](https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/)*
Unanimously approved 8-0.
ITEM NO. 3A  COMPREHENSIVE PLAN AMENDMENT TO H2020 (JSC)

CPA-17-00596: Consider a Comprehensive Plan Amendment to Horizon 2020, Map 3-2 in Chapter 3, related to multi-family housing development at 2300 Crestline Dr. Submitted by Landplan Engineering PA.

STAFF PRESENTATION
Mr. Jeff Crick presented the item.

APPLICANT PRESENTATION
Mr. Brad Finkeldei, Stevens & Brand, said infill development was important and should be encouraged. He stated infill development was very difficult. He said Gilbane Development started the project 7 months ago and wanted to receive input from the community. He said the discussion tonight was RM versus RSO. He said both were 15 units per acre and both generate traffic.

Mr. Christian Ceria, Gilbane Development Company, showed pictures of previous development Gilbane had designed. He said he was eager to provide student housing near campus. He said he talked to as many key stakeholders as possible. He said he was not requesting public subsidy. He said he was asking for transitional medium density. He said the project would provide infrastructure improvements to the intersection. He said the property had been vacant for 35 years. He said the property owner cleaned up the site. He said he offered $650,000 to the daycare and also discussed moving the daycare. He said he also tried a charitable contribution to the daycare to make improvements. He provided examples of similar infill and density. He said the design was still in flux. He showed the University of Kansas (KU) master plan on the overhead. He said the development would be immediately adjacent to KU. He said traffic, infrastructure, and drainage improvements would be part of the project. He also stated there would be a 40’ buffer.

PUBLIC HEARING
Ms. Jane Eldredge, Barber Emerson, suggested they look at the Kansas State Statute that authorizes the Planning Commission to adopt a Comprehensive Plan based on a number of studies. She said the studies were usually based around area plans, neighborhood plans, and sector plans. She said the request was only based on one applicant’s desire to build an apartment building. She said the purpose of Horizon 2020 was as a policy guide and vision for the community, not an individual property owner. She said nothing in the Comprehensive Plan isolated medium density. She said if the request was granted it would be granted in terms of medium and high density. She felt it was a substantial change that was unprecedented, unnecessary, and unwarranted. She said the Comprehensive Plan talks about the neighborhood concept. She said RSO zoning would accommodate low and medium intensity offices and it was compatible with low and medium density residential. She stated RM15-PD zoning would allow for 21.6 units per acre which would be high density and the height would allow for upwards of a four story apartment building. She asked Planning Commission not to approve Comprehensive Plan Amendment. She said the use needed to be compatible with the surrounding neighborhood.

Mr. Travis Harrod said the Comprehensive Plan did not preserve the neighborhood and would disrupt the neighborhood. He discussed the diverse nature of the residents in the neighborhood. He stated the Comprehensive Plan would allow a tall apartment complex and increase the density of the area.

Complete audio & video from this meeting can be found online:
https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/
Mr. Paul Mirecki discussed the historical significance of Joel Grover’s Stone Barn built in 1858 located in the Springwood Heights neighborhood. He did not want the historical site to be overshadowed by a large development project.

Mr. Dan Heptig showed a picture of homes on Stone Barn Terrace and Freedom Hill that would have backyards looking at the new development. He said property owners in the neighborhood maintain their homes and are invested in the neighborhood. He felt the development would damage the character of Springwood Heights.

Ms. Suzanne Mills provided history and summary of Candletree Condominiums. She said the dollars spent to build the neighborhood stayed in the community by local developers. She felt Candletree already provided the transition from single-family homes and current office zoning. She asked Planning Commission to consider how amending the Comprehensive Plan would truly benefit the neighborhood.

Mr. Tom Mulinazzi said he reviewed the traffic impact study and had concerns about the trip generations. He said the numbers would never be split 50/50 inbound and 50/50 outbound. He said the existing frontage road served the church and Clinton Place apartments and that changing the zoning would result in a more serious traffic problem.

Mr. Alex Cate showed a picture of backed up traffic on Crestline. He said the development would exacerbate the existing traffic issues. He said pedestrians would further slow traffic. He said he conducted his own walking study and found that it would take 30 minutes to walk to Target.

Ms. Christine Cate expressed concern about the increased traffic and pedestrian traffic. She said that additional east/west traffic would only make congested traffic worse. She stated emergency services would be impacted and added traffic would impact their ability to reach the emergency. She was opposed to the change in the Comprehensive Plan.

Mr. John Broholm expressed concern about drainage and cautioned that additional studies were needed.

Mr. John Shelton showed a Google Earth aerial picture of the site showing the trees. He expressed concern about the loss of trees, habitat for nature, and increased runoff. He showed a picture of the clear cutting that the property owner had recently done. He said the development was anything but transitional. He said there was no pressing public need to change the Comprehensive Plan for this site.

Mr. Mike Shultz expressed concern about skyglow (light pollution) from the project and headlights from cars coming and going at night. He felt the basketball court, outdoor parties, and loud music could be disruptive. He said transitional would be duplex, not an apartment complex.

Mr. William Pesek, President of Hills West Homes Neighborhood Association, expressed concern about the change to the Comprehensive Plan. He said the neighborhood was a mix of one and two story units surrounded by large open common grounds and many mature trees. He said the appeal of the neighborhood was the quite surroundings and sense of community. He said the change in the Comprehensive Plan would allow high density development for a transient population. He requested Planning Commission deny the Comprehensive Plan Amendment.

Complete audio & video from this meeting can be found online:  
https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/
Mr. Mike Amyx, President of Springwood Heights Neighborhood Association, said the current zoning of RSO was transitional for their neighborhood. He said the purpose of the Comprehensive Plan Amendment was to bring Horizon 2020 into alignment with the proposed development. He said Planning Commission was not obligated to amend the Comprehensive Plan for a single development. He said Horizon 2020 was a good document and was a tool to help evaluate proposals. He asked Planning Commission to deny the amendment.

Mr. Kenneth Prost asked that the Comprehensive Plan not be amended. He expressed concern about the safety for the children at the daycare. He did not feel tax revenue at the risk of children was worth it.

Ms. Shannon Oury, Lawrence Douglas County Housing Authority, said the Housing Authority owned Clinton Place apartments and she was concerned about increased traffic.

Mr. Jim Rumsey, First Presbyterian Church, felt the development would harm the surrounding community. He said Gilbane Development stated that a minister of the church had written a letter agreeing with the change in zoning. He said he knew of no such letter and that the church was opposed to it. He expressed concern for additional traffic. He questioned whether staff had really taken a look at the impacts the development would cause.

Mr. Jim Weaver said he knew the property would be developed at some point but he took comfort in the current zoning of residential office. He expressed concern about drainage. He urged Planning Commission not to support the change to Horizon 2020.

Ms. Teresa Prost, Lawrence Child Development Center, opposed the project. She expressed concern about a large multi-story development surrounding her childcare center. She was concerned about the health and safety of the children. She asked Planning Commission to look at the long-term consequences of the impact to the community.

Ms. Courtney Shipley, Lawrence Association of Neighborhoods, opposed the Comprehensive Plan Amendment. She said the current zoning and land use designation was an appropriate buffer. She did not feel the criteria established for a Text Amendment had been satisfied. She said infill development seemed difficult when developers suggest inappropriate things for the site.

Ms. Elizabeth Pesek said the neighborhood felt suburban and that a large development was not a valid transition to the neighborhood. She asked Planning Commission to vote no to the Comprehensive Plan Amendment.

Ms. Erin Stroble said the neighborhood was a close knit community. She stated students were hard on property that wasn’t theirs. She asked Planning Commission to deny the Comprehensive Plan Amendment.

Mr. Alex Landazuri spoke in opposition. He expressed concern about traffic and increased density.

Ms. Cynthia Eubanks thanked staff and Planning Commission for their time. She said she was a former Planning Commissioner who worked on the development of Horizon 2020. She felt single family neighborhoods should be protected. She asked Planning Commission to deny the Comprehensive Plan Amendment. She felt the plan should lead the development, not the other way around.

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Ms. Shirley Barrand expressed concern about increased traffic.

Ms. Diane Kay expressed concern about increased traffic surrounding a daycare.

**APPLICANT CLOSING COMMENTS**

Mr. Ciera thanked the public for their comments and said he was continuing to work on issues with staff. He said students were part of the community. He stated the traffic impact study was in compliance with the City Traffic Engineer. He said there would be onsite management. He said there were 30 businesses along Iowa that were in support of the development and that the community at large had a say too. He had a petition signed from students and businesses in favor. He said he did a photometric study early since neighbors requested it. He stated the historical barn that was mentioned was ½ a mile away. He asked Planning Commission to vote for the benefit of the entire community, not just the surrounding neighborhood. He said he would work with staff and neighbors to mitigate issues. He stated the property was next to the University of Kansas and would be developed. He said the parking would be enough and met the requirement. He stated the development would help drainage. He said he had a copy of the 1984 letter from the First Presbyterian pastor stating he was in favor of the rezoning. He asked Planning Commission to vote in favor of the Comprehensive Plan Amendment.

**COMMISSION DISCUSSION**

Commissioner Sands asked about the conditions put in place that necessitated the rezoning and Preliminary Development Plan to be deferred.

Mr. McCullough said the Code issue had to do with open space standards. He said the site plan was designed under the premise that 20% of the open space had to be protected on the site. He said the design included some of the sensitive land and other non-sensitive land. He said the Code requires when there are sensitive lands that are at least 20% of the site area then all of the sensitive land has to be protected. He said that condition was significant to the design proposed.

Commissioner Sands said the sensitive land was not what Planning Commission was considering with the Comprehensive Plan Amendment. He asked how much of the site was sensitive land.

Mr. McCullough said over 20% of the site was sensitive land, about 35%. He said the Comprehensive Plan Amendment did not have to be married to other applications. He said the existing designation was viable for the area and the proposed amendment was viable for the area. He said the challenge was that they know what the development plan was. He said if the designation was approved then any future plan submitted would need to meet the Comprehensive Plan. He said the current development plan submitted did not meet those policies so there would need to be significant changes.

Commissioner Carpenter asked how the clearcut area affected the sensitive land.

Mr. McCullough said it presented a challenge. He said the Code states the sensitive land needs to be replaced one for one.

Commissioner Carpenter said this was a narrow focused decision. He said Planning Commission was being asked to change the Code to suite one rezoning request. He read part of the introduction statement from Horizon 2020; “It is a policy plan, stating the community’s desires for directing land

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use decisions through the identified goals and policies.” He asked for an example where the Comprehensive Plan was amended for one project.

Mr. McCullough said a development project was usually how amendments came about. He gave the examples of Menards, the pending K-10 Crossing project, and Mercato. He said they had to pass the muster of the Comprehensive Plan policies. He said the process had to be flexible enough to take on other good development patterns that the development community brought forward. He said that was why there was a process to amend the plan.

Commissioner Carpenter said the examples Mr. McCullough gave were all in area/nodal plans. He said they had not had that type of public input on this one. He did not see how this was the same as any of the others.

Mr. McCullough said the area did not have a neighborhood plan but it did have a Comprehensive Plan map designating it for office. He said in the sense that it was a development driven proposal it was similar to the other projects. He said they don’t have the luxury of having a sector plan or neighborhood plan for this project.

Commissioner Willey said she struggled with this. She said there was a pretty high bar to change the Comprehensive Plan. She did not feel the Comprehensive Plan needed to be changed and already met the needs of the neighborhood. She said the height and density did not fit the neighborhood but it could be redesigned to fit. She said the 20% tree cover was not guaranteed if the site remained RSO zoning.

Commissioner Culver felt RSO zoning would be a better transition to the neighborhood. He expressed concern about the traffic for existing services in the area.

Mr. McCullough corrected Commissioner Willey’s statement that sensitive land would not apply to RSO zoning. He said sensitive land would apply to zoning districts RSO and RM.

Commissioner Carpenter felt the amendment change could open the possibility for even higher density and set a precedent. He did not feel this met the criteria for amending the plan.

Commissioner Sands said the plan did not meet all the criteria for changing the Comprehensive Plan. He asked if there were any court cases that set precedent for the criteria to change the Comprehensive Plan.

Mr. Larkin said there was no case law and what was in the plan governed what was applied. He said there was no case law like there was with the Golden Factors.

Commissioner Willey said she would vote in opposition of the Comprehensive Plan Amendment.

Commissioner Sinclair said what was proposed could work but he was hung up on the factors listed in Horizon 2020. He said 20 years ago the community decided what their vision was. He felt they ought to be striving for infill but there was a high bar to meet to change the Comprehensive Plan. He said he would probably vote in opposition of the Comprehensive Plan Amendment although he did not have a problem with the development.
Commissioner Paden said the development was compatible because it was adjacent from walking and transportation options. She said it was in an area that could become more walkable and adjacent to the university. She said the project was incompatible due to the daycare surrounded by parking lots, single family with little buffer, scale, required an amendment to the Comprehensive Plan.

Commissioner Weaver said he was leaning toward voting in opposition of the Comprehensive Plan Amendment. He felt the existing zoning was a better transition.

Commissioner Struckhoff said the project had merit with its proximity to the university and transportation and providing infill development. He felt the existing designation was appropriate. He did not feel there was a compelling reason to change the Comprehensive Plan. He said he would vote to deny the Comprehensive Plan Amendment.

Commissioner Sands thanked the public for their input. He felt zoning RM12 or RM15 on this section of land provided a transition but existing road structure did not support that. He said lower density with infill could potentially work.

**ACTION TAKEN**
Motioned by Commissioner Carpenter, seconded by Commissioner Willey, to deny the Comprehensive Plan Amendment, CPA-17-00596, to Horizon 2020, Map 3-2 in Chapter 3, related to multi-family housing development at 2300 Crestline Dr.

Motion carried 8-0.

Complete audio & video from this meeting can be found online:  
https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/
ITEM NO. 3B  REZONING FROM RSO TO RM15-PD; 2300 CRESTLINE DR (BJP)

Z-17-00597: Consider a request to rezone approximately 9.124 acres from RSO (Single-Dwelling Residential – Office) District to RM15-PD (Multi-Dwelling Residential with Planned Development Overlay) District, located at 2300 Crestline Dr. Submitted by Landplan Engineering PA, on behalf of Iowa Street Associates, property owner of record.

ITEM NO. 3C  PRELIMINARY DEVELOPMENT PLAN; 2300 CRESTLINE DR (BJP)

PDP-17-00598: Consider a Preliminary Development Plan for a multi-family housing development located at 2300 Crestline Dr. Submitted by Landplan Engineering PA on behalf of Iowa Street Associates, property owner of record.

Items 3B and 3C were deferred prior to the meeting.
PC Minutes 1/24/18

MISCELLANEOUS NEW OR OLD BUSINESS
Consideration of any other business to come before the Commission.

MISC NO. 1  EVALUATE IMPACT OF TEXT AMENDMENT ON LANDFILLING ACTIVITIES

Receive staff memo evaluating the impact of Text Amendment, TA-16-00510, on landfilling activities permitted prior to the adoption of the amendment.

Planning Commission received the memo.

MISC NO. 2  APPOINT PLANNING COMMISSIONER TO H2020 STEERING COMMITTEE

Appoint Planning Commissioner to the Horizon 2020 Steering Committee to continue work on the updated comprehensive plan.

Motioned by Commissioner Struckhoff, seconded by Commissioner Culver, to appoint Commissioner Willey to the Horizon 2020 Steering Committee.

Motion carried 7-0-1, with Commissioner Willey abstaining.

MISC NO. 3  APPROVE AMENDMENTS TO PLANNING COMMISSION BY-LAWS

Receive and approve Planning Commission By-Law amendments.

Mr. McCullough recommended deferring a month to allow for all Commissioners to be present at the meeting.

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to defer the Planning Commission By-Laws.

Motion carried 8-0.

PUBLIC COMMENT
No general public comment received.

ADJOURN 11:00pm
Planning Commission

Key Links

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**Plans & Documents**

- Horizon 2020
- Sector/Area Plans
- Transportation 2040
- 2015 Retail Market Study

**Development Regulations**

- Community Design Manual
- County Zoning Regulations
- City Land Development Code
- Subdivision Regulations

**Online Mapping**

- City of Lawrence Interactive GIS Map
- Douglas County Property Viewer
- Submittals to the Planning Office

**Planning Commission**

- Bylaws
- Mid-Months & Special Meetings
- Minutes
- Planning Commission Schedule/Deadlines
ITEM NO. 1  IBP TO IL; 1300 BLOCK RESEARCH PARK DR (SLD)

Z-17-00689: Consider a request to rezone approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located in the 1300 Block of Research Park Dr. Submitted by Landplan Engineering, on behalf of Wakarusa Plaza, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, with use restrictions, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition: Permitted uses are limited to those listed below:

- a. College/University
- b. Day Care Center
- c. Event Center, Small
- d. Event Center, Large
- e. Postal & Parcel Service
- f. Public Safety
- g. Active Funeral and Interment
- h. Temporary Shelter (Special Use only)
- i. Social Service Agency
- j. Community Meal Program (Special Use only)
- k. Utilities, Minor (Special Use only)
- l. Utilities and Service, major (Special Use only)
- m. Health Care Office, Health Care Clinic
- n. Active Recreation
- o. Participant Sports & Recreation, Indoor
- p. Participant Sports & Recreation, Outdoor
- q. Passive Recreation
- r. Nature Preserve/Undeveloped
- s. Veterinary
- t. Accessory Bar (Accessory Use only)
- u. Restaurant, Quality
- v. Administrative and Professional (Office)
- w. Financial, Insurance & Real Estate (Office)
- x. Payday Advance, Car Title Loan Business
- y. Office, Other
- z. Parking Facility, Commercial
- aa. Business Equipment
- bb. Business Support
- cc. Maker Space, Limited
- dd. Maker Space, Intensive
- ee. Manufacturing & Production, Ltd.
- ff. Manufacturing & Production, Tech.
- gg. Research Service
- hh. Exterior Storage (Accessory Use only)
- ii. Wholesale Storage & Distribution, Light
- jj. Mini-warehouse
- kk. Agriculture, Crop
- ll. Agricultural, small animal (Accessory Use Only)
- mm. Farmer’s Market
- nn. On-site agricultural sales (Accessory Use only)
- oo. Amateur & Receive-Only Antennas (Accessory Use Only)
- pp. Broadcasting Tower
- qq. Communications Service Establishment
- rr. Wireless Facility - Antenna (Accessory Use only)
- ss. Wireless Support Structure (Special Use only)
- tt. Satellite dish (Accessory Use only)
- uu. Recycling Facilities, Small Collection

Reason for Request: This rezoning request would facilitate the development of a fully enclosed, climate-controlled 370-unit mini-storage facility on the subject property. This application includes a concept plan. The applicant anticipates submitting a site plan application prior to consideration of the Planning Commission. The existing IBP District does not permit this proposed use despite its
general conformance with the established land use pattern in the immediate neighborhood. The requested IL zoning (with restrictions) would permit the proposed land use while preserving the pattern and character of development already found within the neighborhood. The application proposes to restrict uses within the IL District to the following:


**KEY POINTS**
- Property is included in an existing Industrial Business Park zoning district.
- District is described in Chapter 7 of Horizon 2020 as part of the industrial inventory.
- Proposed use is not permitted in the IBP District.
- Applicant proposes restricted zoning to maintain IBP character but permit a specific use.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**
- Final Plat Oread West No. 10.
- Z-16-00215; 2.11 Acres from IBP to IL, Lot 3, Block 3 Oread West No. 10.
- Submission of a site plan for lot development.

**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 this request

**ATTACHMENTS**
1. Area map
2. Concept Development
3. Neighborhood Map
4. Use Table
5. Land Use Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**
- Phone calls from residents in neighborhood and nearby property owners requesting clarification and intent of request.

**Project Summary:**
This application is a pre-development request to change the base-zoning district to permit Mini-Warehouse or self-storage on a specific parcel of land in the Oread West Research Park. The applicant proposes to condition the zoning and restrict uses to those permitted in the IBP District (as it currently exists) and add the Mini-Warehouse use to the list of permitted uses.
1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: The rezoning request meets several of the strategies, goals and policies listed for industrial and employment-related land uses in Chapter 7 of Horizon 2020. This rezoning request will permit the expansion of an existing locally owned business (Professional Moving & Storage) and allow that business to open a new location capable of serving a growing customer base living in West Lawrence. This development is locating within an established industrial and employment-related area (Goal 1) and thereby helps the City preserve and maintain an appropriate inventory of industrially zoned land (Policy 1.3). The forthcoming site plan application and its review by City staff will ensure the compatibility of the development of the site and surrounding neighborhood (Policy 1.2).

Industrial and Employment-Related Land Uses are discussed in detail in Chapter 7 of Horizon 2020. Specific strategies are listed in Chapter 7 and include increasing the number and diversity of jobs available, protect, enhance and retain existing industrial-related land use areas, continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future.

Horizon 2020 divides this land use into two groups. See Table 1. The community includes both existing and future areas designated for these land uses described in Chapter 7 in detail. Horizon 2020 identifies The Oread West Research Park as an existing Employment Related Area (Page 7-10).

Table 1 INDUSTRIAL LAND USE CATEGORIES (HORIZON 2020)

<table>
<thead>
<tr>
<th>Industrial Land Use</th>
<th>Employment Related Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Categories</td>
<td></td>
</tr>
<tr>
<td>• Warehouse and Distribution</td>
<td>• Office</td>
</tr>
<tr>
<td>• Industrial</td>
<td>• Office Research</td>
</tr>
<tr>
<td>• Work-live Campus-type Center</td>
<td>• Work-live Campus-type Center</td>
</tr>
<tr>
<td>• Industrial/Business/Research Park</td>
<td>• Industrial/Business/Research park</td>
</tr>
</tbody>
</table>

Applicable policies in Horizon 2020 are discussed below, with staff comments in red.

**Industrial and Employment-Related Land Use** (Chapter 7, Horizon 2020)

**Goal 1: Development in Established Industrial and Employment-Related Areas**

**Policy 1.1 Retain Established Development and Encourage New Development in Existing Industrial and Employment Related Areas.**

This policy discusses the need to market and develop existing areas designated for industrial and employment related uses. Approval of this request will facilitate development of land within an existing industrial area.

**Policy 1.2: Ensure Compatibility of Development**

“Encourage best management practices for site planning and design that include, but are not limited to, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacings with adjacent neighborhoods and development, and appropriate accommodation of the design to the site's natural features.”

Staff will review the submitted site plan for compliance with the standards of the Land Development Code, which will include compatibility with the arrangement of buildings, off-street parking, lighting, landscaping, pedestrian walkways and sidewalks, ingress and egress, and
stormwater drainage of the surrounding area. Staff will also review a future development application for conformance with the Community Design Manual – Industrial Design Standards. The review will ensure that, by meeting the Development Code standards, the development is compatible with the surrounding area.

This application includes a concept plan that shows the location of the building with customer parking, rear access and parking, and a shared driveway.

Policy 1.3: Concentrate Industrial and Employment-Related Development
“Maintain an appropriate supply of industrially zoned land so that site choices are available and infrastructure expansion can occur in an efficient and orderly manner.”

The rezoning request maintains the industrially zoned land in the Oread West Research Park in a different form. The restrictions associated with the rezoning align the proposed IL zoning to the surrounding IBP zoning of the research park. The uses permitted in the IBP District would be maintained with this rezoning. The applicant has proposed to restrict all other IL uses except for Mini-Warehouse.

Goals 2, 3 and 4
The goals and policies included in the rest of Chapter 4 address criteria for the location of new industrial and employment-related development, compatible land use transitions, and transportation considerations. Only policies specific to site design and access would be applicable to this request since the property is currently included in the industrial land inventory.

Staff Finding - Rezoning of the subject property to the IL District would be in conformance with Goal 1: Development in Established Industrial and Employment Related Area of Horizon 2020. The proposed rezoning would conform with the Comprehensive Plan. Approval of the request does not alter the property’s inclusion in the industrial inventory.

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

<table>
<thead>
<tr>
<th>Current Zoning and Land Use:</th>
<th>IBP (Industrial Business Park) District; vacant unplatted land.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>IBP to the south, east, and west; Oread West Office Park. Immediately surrounding lots to the south and west are vacant. Lot to the east (1311 Wakarusa Drive) is developed with a Healthcare Office.</td>
</tr>
</tbody>
</table>

Staff Finding - The subject property is adjacent to IBP zoning to the east, west, and south. IL zoning, with conditions, is located to the north. The lots along the middle section of Research Park Drive are currently undeveloped.

3. CHARACTER OF THE NEIGHBORHOOD
Applicant’s Response: This property is located in the IBP district in a part of West Lawrence commonly known as the Oread West Research Park. The property is partially surrounded by
existing low-impact industrial, business and service uses including Lawrence Montessori School to the northwest, Rainbow International Restoration to the north, Neu Physical Therapy to the northeast, Therapy Works and the Wakarusa Plaza office building to the east, and the University of Kansas Center for Research to the southeast. The properties located immediately to the west and south remain vacant.

The property is included in the West Lawrence Neighborhood (Figure 1). It is the largest neighborhood in the City. The neighborhood includes area north of W. 6th Street to Peterson Road and south to Clinton Parkway. The neighborhood is located entirely on the west side of Wakarusa Drive. Land uses along Wakarusa Drive include commercial uses at 6th Street and Clinton Parkway. Between these two points, the area includes the Oread West Business Park (IBP, PID, and IL zoning) and approximately 118 acres zoned GPI (City of Lawrence Water Treatment Plant, Fire Station, Public Works fueling station and future parkland). Open space as well as back-to-back zoning relationships are used to transition between uses. Figure 2 shows the location of significant land uses in the neighborhood.

The property included in this request is located within the central portion of the business park. A portion of the business park extends east of Wakarusa Drive along Quail Crest Place. Vacant property is located to the south and west of this request. This section of the business park, between Legends Drive and Bob Billings Parkway, is predominantly developed with office and medical office uses (see attachment no. 5). These uses anchor the neighborhood and provide services to the surrounding area.
Staff Finding - The majority of the neighborhood is residential. Non-residential uses are located along the arterial streets that surround the neighborhood. The Oread West Research Office Park is located in the east-central portion of the neighborhood and includes a mix of office, industrial and commercial uses.

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 adopted area plans or sector plans that include this property. The development pattern has been established through the annexation, zoning, subdivision approvals, and extensions of infrastructure over time. The original IBP District was much larger but has been reduced over time. The property to the north of the proposed request was similarly modified by Z-16-00215 (IBP to IL with conditions).

Staff Finding - The property included in the request has not been included in a specific area or sector plan. The development pattern of the area has been established through the land use entitlement process.

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

Applicant’s Response: The subject property is currently zoned IBP and is recommended for industrial land uses by Horizon 2020. The property is not necessarily unsuitable for the uses to which it is currently restricted. However, this property and many others in the surrounding IBP District either have remained vacant or have been slow to develop since their annexation nearly 30 years ago. A slight modification to the industrial uses permitted would promote development of the subject property.

The property is currently zoned IBP which permits certain low-impact employment and manufacturing uses in a planned industrial/business parking setting. This portion of the staff report analyzes the new use that would be permitted and the uses that would be prohibited with the approval of the request. Attachment 4 shows the uses permitted in the two districts. This rezoning proposes restricting all of the uses normally permitted in the IL District that are not permitted in
the IBP District to align the subject property to the surrounding area zoned IBP. Only one use, *Mini-Warehouse*, permitted in the IL (not allowed in the IBP District) is proposed as an additional allowed use.

The property immediately to the north of this property was restricted to allow *Construction Sales and Service, Work/Live Unit, Kennel, and Building Maintenance*. This rezoning allowed the development of the property for a *Construction Sales and Service* use known as Rainbow International, a contractor’s shop and restoration business. This current application follows that precedent. The requested rezoning would accommodate the expansion of an existing business to locate/expand business operation in the western portion of the community.

**Mini-Warehouse:** The use is defined in the Code as:

> “Storage or warehousing service within a building for individuals to store personal effects. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case shall storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, retail sales, or similar uses. Human occupancy shall be limited to that required to transport, arrange, and maintain stored materials.” (Section 20-1767 (1)).

The Use Table of the Development Code indicates that the *Exterior Storage* use is permitted in the IBP and IL Districts as an accessory use subject to the standards in Section 20-538. To align the subject property with the surrounding development and the existing business park aesthetics, the *Exterior Storage* use would be restricted as a principal use; however, it would be permitted as incidental, or accessory, to the principal use. If incidental storage were a component of future development, the location and screening would be evaluated through the site plan review process.

**USES THAT WOULD BE RESTRICTED**

Below is a list of the uses that are allowed in the IBP District that are not allowed in the IL District. If this request were approved, the following uses would no longer be an option for development because they are not allowed in the IL District, but are permitted in the IBP District.

- *Cultural Center Library*
- *Extended Care Facility, General* (permitted with approval of a Special Use Permit)
- *Accessory Restaurant* (permitted as an accessory use)
- *Private Dining Establishment*

The uses normally permitted in the IL District that are proposed to be restricted are listed below and shown in attachment 4. Uses shown in blue are permitted in the IL District with the approval of a Special Use Permit.

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1 Typical uses include snack bars, school cafeterias, and supermarket delicatessens.
2 Private Dining uses are accessory to owner-occupied residential uses where the residence is the principal use. Residential uses are not permitted in the IBP District so it is unlikely that the use would ever occur.
Staff Finding - The proposed request does not alter the suitability of the property for future development of uses permitted in the IBP District with the exception of allowing Mini-Warehousing. The proposed zoning could be described as IBP plus one additional use – Mini-Warehousing. Approval of the request does not substantively alter the allowed uses or potential for development.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED
Applicant’s Response: The subject property has remained vacant since its annexation into the City in 1988.

The property was rezoned to IBP (Industrial Business Park) District in 2006 with the adoption of the Land Development Code. Prior to 2006 the property was zoned M-1 (Research Industrial) District. The M-1 District was established through multiple annexation and rezoning requests from 1983 to 2003. This property was included in the application for rezoning Z-15-13-83. This property was later included in preliminary plats in 1989 and 1994.

Staff Finding - The property included in the request has been zoned for industrial development in the current configuration since 1983. The property is undeveloped.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES
Applicant’s Response: Approval of the requested rezoning would pose no detrimental effect to adjacent properties. The request to rezone the property from IBP to IL includes proposed restrictions on many uses otherwise permitted in the IL District. Approval of the rezoning request will permit development of vacant property which has become a repository for trash and construction debris in recent years. The applicant anticipates constructing a facility which will conform to all applicable standards of the Land Development Code and Community Design Manual and complement the existing structures in the immediate neighborhood.
The proposed change will not cause a detrimental effect. The impact of the request is to retain the currently permitted list of uses with the addition of *Mini-Warehouse*. Other uses permitted in the IL district would be prohibited.

**Staff Finding** – Approval of the conditional IL request mitigates detrimental effects on nearby properties and retains the property as part of the industrial inventory.

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 approval of this request will facilitate development and investment in this industrial-zoned property which has otherwise remained vacant for decades. Furthermore, approval will allow for the expansion of a locally owned business and permit that business to serve nearby customers who presently have no other such options on the west side of town. Denial of this application will perpetuate the vacancy of this property and effectively force this business to seek a less suitable location for expansion.*

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

This IBP District is unique in the City of Lawrence. This area is the only industrial node with this specific designation. The area was developed incrementally. The district boundary has fluctuated with respect to various development demands. Infrastructure is adjacent to this specific area included in the request.

**Staff Finding** – Denial of the request defers development opportunity of underutilized land. Approval of the request facilitates infill development within the business park portion of the neighborhood.

9. **PROFESSIONAL STAFF RECOMMENDATION**

The intent of the applicant’s request is to retain the uses currently permitted in the IBP district and to allow the *Mini-Warehouse* use. The request allows the use without modifying the Land Development Code by seeking to change the uses permitted in the base district. The proposed development is for a climate controlled self-storage facility. The activity is predominantly indoors (no exterior storage) and compatible with the development pattern of the developing business park. Both IBP and IL Districts are included in the industrial inventory. Staff’s recommendation is for approval of the proposed IL District with restrictions.

**CONCLUSION**

The applicant will be required to submit a site plan for administrative review and approval prior to issuance of a building permit.
DISCLAIMER NOTICE
The map is provided "as is" without warranty or any representation of accuracy, completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 4/17/2017

1 inch = 1,008 feet
Uses proposed to be restricted are shown with a strikethrough.

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1 Use allowed in the IBP but not permitted in the IL District.
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2 Use allowed in the IBP but not permitted in the IL District.
3 Use allowed in the IBP but not permitted in the IL District.
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<td>Wireless Support Structure</td>
<td>S*</td>
<td>S*</td>
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<tr>
<td>Satellite Dish</td>
<td>A*</td>
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<tr>
<td>Mining</td>
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<td>Recycling</td>
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<td>Large Collection</td>
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<tr>
<td>Small Collection</td>
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<tr>
<td>Processing Center</td>
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</tbody>
</table>
Z-17-00689: Consider a request to rezone approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1300 Research Park Dr.
PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
02/21/18

ITEM NO. 2A:  RS10 TO CS; 1.768 ACRES; 1105 E 23RD STREET (MKM)
Z-17-00694: Consider a request to rezone approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E 23rd St. Submitted by Grob Engineering Services LLC on behalf of Hedge Tree, LLC, property owner of record.

STAFF RECOMMENDATION:
Staff recommends approval of the rezoning request for approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) 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.

REASON FOR REQUEST
Applicant’s Response:
"The present zoning is RS10 which was carried over from previous zoning designations. RS10 zoning is not appropriate for the location of the property. The property is mostly surrounded by CS zoning with a small portion being RM12D. Rezoning would allow the owner to develop the property for commercial use as it presently does. Part of the property is already zoned CS."

KEY POINTS
- The subject property currently contains split zoning, with the northern portion, approximately 1.0 acre, zoned CS (Commercial Strip) District and the southern portion, approximately 1.77 acres zoned RS10 (Single-Dwelling Residential) District.

- The southern portion of the property was rezoned to the RS-1 District following annexation. The RS-1 District was used as a placeholder district for property that was annexed prior to development being proposed. The 2006 Development Code added the UR (Urban Reserve) District as a placeholder district for newly annexed properties; however, it wasn’t possible to identify the previous placeholder districts to convert them to the UR District. The RS-1 District converted to the RS10 District with the adoption of the 2006 Development Code.

- No development is being proposed at this time; however, the northern portion of the property is developed with a Light Equipment Sales and Rentals facility, which is currently vacant.

- The property is not currently platted; however, a preliminary plat was submitted concurrently with this rezoning application and will also be considered at the February Planning Commission meeting.

OTHER ACTION REQUIRED
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Completion of the platting process with the recording of Final Plat with the Register of Deeds.

- Submittal and approval of a site plan application for any proposed site improvements.

- Submittal of construction plans to Development Services for processing of building permits. Building Permit must be obtained prior to construction activity or change of use.

**PUBLIC COMMENT**

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

**Project Summary**

The subject property is located along the E 23rd Street corridor. The corridor contains primarily commercial zoning in this block, with some industrial zoning to the east. The area contains a mix of commercial, industrial, and residential uses. The subject property is 600 ft deep and extends to E 24th Street to the south.

The rezoning will accommodate the redevelopment of the property at 1105 E 23rd Street. The current condition and a proposed concept for development are shown in Figure 1.

Properties that are annexed are rezoned to a placeholder district and then rezoned to an appropriate zoning district as development projects are brought forward. A specific use has not been identified for the development on the new lot, but a concept plan was provided with the rezoning application to show the basic layout that is being proposed. A detention pond would be located between the new building on Lot 2, which would be oriented toward the parking areas to the north and east, away from the residences.

Site plans submitted for development of Lot 2 will be reviewed with emphasis placed on buffering and screening, exterior lighting, and traffic generation, as well as an evaluation of the characteristics of the proposed use and any mitigation measures necessary to insure compatibility with the adjacent residential development.
REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant’s Response:

"The request generally conforms to Horizon 2020 for commercial uses within the E 23rd Street corridor. Plan encourages redevelopment of established compatible property. Given the size of the property, it is more compatible for CS than RS10. The future land use within the plan calls for office and/or commercial, i.e. CS zoning."

Recommendations in Horizon 2020 are discussed below, with staff comments in red.

E 23rd Street from Learnard Street to Harper Street is identified in the Comprehensive Plan as an existing commercial area. The plan provides the following recommendations for this commercial area:

"E 23rd Street is an Existing Strip Commercial Development. Redevelopment and infill opportunities are available along the entire corridor and are emphasized along the older commercial segment of 23rd Street, east of the Santa Fe Railroad. This area has historically been a "fringe location" and has not been developed as intensively as the western section of 23rd Street."

The Santa Fe Railroad location is the current location of the Burroughs Creek Trail and Linear Park, developed as part of the rails to trails projects. The subject property is located to the east of the Railroad/Linear Park location.

"The Comprehensive Plan recommends the area maintain a community commercial focus. A substantial amount of property exists between Haskell Avenue and Harper Street that should be redeveloped to geographically balance commercial development occurring in other areas of the community. The area should become more retail and office in orientation. Future development and redevelopment shall include parcel consolidation and re-subdivision to establish properly sized and configured commercial sites to encourage a coordinated and unified development pattern." (Page 6-16, Horizon 2020)

The subject property is located between Haskell Avenue and Harper Street and is being redeveloped. The redevelopment includes the subdivision of a large parcel into two parcels more suited to commercial development.

Commercial Land Use Goals and Policies

Goal 1: Established Commercial Area Development

"Encourage the retention, redevelopment and expansion of established commercial areas of the community." (Page 6-24, Horizon 2020)

The rezoning will accommodate the redevelopment and expansion of the established commercial uses on the property, which is part of the 23rd Street Corridor Commercial area.

Goal 2: Compatible Transition from Commercial Development to Less Intensive Uses

"Ensure compatible transition from commercial development to residential neighborhoods and other less intensive land uses."

Measures noted in this section include the use of screening and buffering. Traffic and parking shall not adversely affect neighborhood quality. (Page 6-27, Horizon 2020)

The proposed layout shown on the concept plan leaves open space to the west of the building to provide area for stormwater management as well as a vegetated bufferyard
between the residential uses to the west and the proposed commercial use. The building is oriented away from the residential uses, so the commercial activity and the parking lots will be separated from the residential area. The site plan submitted for the commercial development will be evaluated to insure the development is compatible with the adjacent residential uses.

Policy 2.3 Higher-Density Residential Development as Transitional Use
"Use higher-density residential development as a transitional land use between commercial developments and the surrounding low-density residential neighborhoods.” (Page 6-29, Horizon 2020)
While lower density single-dwelling development is located in the area, the adjacent property was developed with higher density residential development, duplexes. This area serves as a transition between the proposed commercial land use and the lower intensity residential uses to the southwest.

Staff Finding — The proposed rezoning and development of the property is compliant with the recommendations of the Comprehensive Plan.

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

Current Zoning and Land Use: CS (Commercial Strip) District; Light Equipment Sales and Rentals, currently vacant, and RS10 (Single-Dwelling Residential) District; Undeveloped.

Surrounding Zoning and Land Use:
To the north: CS (Commercial Strip) District; across E 23rd Street right-of-way, Farm Machinery Dealership, Heavy Equipment Sales and Rentals, and Auto dealership, Light Equipment Sales and Rentals.

To the west: CS (Commercial Strip) District adjacent to the north portion (approximately 400 ft); Offices, further to the west a Sonic Restaurant, Fast Order Food with Drive-In; RM12D (Multi-Dwelling Residential) District, along the southern portion of the subject property; Duplexes.

To the east: CS (Commercial Strip) District; Farm Machinery Dealership/Heavy Equipment Sales and Rentals, further to the east, a heating and air conditioning business, Construction Sales and Services

To the south: CS (Commercial Strip) District; Mini-Warehouse, Construction Sales and Services.

To the southwest: RM12D (Multi-Dwelling Residential) District; Detached Dwellings
(Figure 2)
Staff Finding – The area contains a mix of Commercial uses: Equipment Sales and Services, Light or Heavy; Light Equipment Sales, and Construction Sales and Services being the predominate uses with residential uses to the southwest of the subject property. A variety of other uses, such as office, restaurant, and self-storage are located in the area. The proposed use is compatible with the existing zoning and land uses in the area. The adjacent residential uses are higher density residential (duplex uses) which are recommended in the Comprehensive Plan for a transition from higher intensity commercial uses to lower density residential uses. Future development proposed for the property will require evaluation during the site plan review process of potential impacts to the nearby residential uses and measures to mitigate that impact.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response:
“East 23rd Street is a well-used travel corridor and commercial business district. Second tier properties are generally commercial or multi-family with a few single family zoned areas.”

For the purpose of this staff report, the term ‘neighborhood’ refers to the area surrounding the subject property within the surrounding major street network: E 23rd Street to the north, Haskell Avenue to the west, E 25th Terrace to the south, and Harper Street to the east. (Figure 3) The neighborhood is located on the south side of E 23rd Street, a Principal Arterial and is a part of the existing 23rd Street Commercial Corridor. A mix of uses are located in this area with residential uses typically being located further from 23rd Street. The subject
property is part of a commercial pocket that extends south deeper into the area to the north side of E 25th Street.

The majority of the uses in this area are included in the Commercial Use Category of the Development Code. The general type of use is noted in Figure 3 to illustrate the variety of uses. Uses labeled in red are classified as Commercial in the Development Code, those in purple are classified as Industrial, and those in black are classified as Office. Residential uses, both multi- and single-dwellings are highlighted in yellow.

**Staff Finding** — This is a mixed use neighborhood with much of the commercial, industrial, and office uses being located closer to 23rd Street. The subject property is part of a pocket of commercial uses that extends south of E 24th Street. The neighborhood contains a mix of higher classification roads; being bounded on the north and west by Principal Arterial Roads and on the east and south by Collectors. The proposed rezoning is compatible with the character of the neighborhood as it will maintain the general land use pattern.

![Figure 3. Neighborhood Area. Parcel at 1105 E 23rd Street outlined, with the portion in this rezoning request shown in black. General use types are listed and residential uses are highlighted yellow.](#)

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

**Staff Finding** — The property is not located within the boundaries of any adopted area or sector plans.
5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant’s Response:
"The present RS10 zoning is not appropriate for location and present use of the property. The surrounding area does include some low-density RS10 zoned property, but that generally occurs where a residence exists.”

The subject property is located in an area that consists primarily of commercial and industrial uses. Most of the residential uses in the neighborhood are to the south of 24th Street. (Figure 3) If residential uses were developed on the subject property, they would be surrounded on the north, south, and east by commercial uses. Given the nature of uses in the area, the site is not suited for additional residential uses.

Staff Finding – The subject property is not suited to the uses to which it is restricted with the current RS10 Zoning due to the surrounding commercial and industrial land uses. Rezoning to the CS District will allow the property to be developed with uses similar to the adjacent uses and maintain the land use pattern of the neighborhood.

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

Applicant’s Response:
"The property has been zoned low density single family since annexation in 1966.”

Staff Finding – The City/County historical aerial photos, from 1934 to the present, show no development on the property.

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

Applicants Response:
"There is no foreseen detrimental effect to nearby properties. The parcels on northwest, north, east, and south boundary line are currently zoned CS which is consistent with the use and development of the East 23rd Street corridor. The single parcel at the southwest boundary of the property is currently zoned RM12D. This provides compatible adjacent zonings.”

Rezoning to the CS District would allow the southern portion of the property to develop in a similar fashion as other properties in the area. Higher intensity uses could have detrimental impacts on nearby lower intensity uses, such as residential uses; therefore, the Development Code has standards to mitigate these impacts. In addition, Section 20-1101 of the Development Code, “Protection Standards for Residential Districts”, allows additional conditions to be placed on a site plan for more intense uses that are within 500 ft of any less intensive residential district. This section notes that the Planning Director may impose conditions that exceed the minimum requirements of the Code, that, in his/her opinion, are necessary to reduce or minimize any potentially adverse impacts on residential property.

Staff Finding – The removal of the restrictions will allow the property to be developed with site plan approval in compliance with the design standards of the 2006 Development Code. The design standards and other requirements in the Development Code, including the additional protection standards for residential districts, implemented through the site plan review should result in compatible development which would not detrimentally affect 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

Applicants Response:
"The public benefits by the conversion of a vacant in-fill property into a vibrant and growing business use. Maintaining RS10 zoning would generally make the property have no value as it is most likely never to be developed as low density single family residence."

When determining the benefit to the health, safety, and welfare of the public by the denial of a rezoning request the negative impacts that would be avoided are evaluated. As discussed in Section 7 of this report, the future development of this property is not expected to negatively impact the area given the protection measures provided by the Development Code.

Denial of the application would result in hardship to the property owner as the property would likely remain undeveloped. The property was not rezoned to the RS10 Zoning in preparation for residential development. Prior to 2006, properties that were annexed but didn’t have any development proposed were rezoned to RS-1 as a holding zoning. When development was proposed the zoning would be revised, as occurred with the northern portion of the lot. The RS-1 Zoning for the southern portion converted to RS10 with the adoption of the Development Code, but the property is not suited for low density single family residences.

Denial of the request would not provide any benefit to the public health, safety, or welfare as the uses permitted in the RS10 District would not be appropriate in this location and the site would most likely remain undeveloped. Approval of the request would allow infill development that, when site planned in conformance with the Development Code design standards, should result in development that is compatible with the area.

**Staff Finding** – Denial of the rezoning request would have no public benefit as the property would likely remain undeveloped under the current RS10 Zoning. Future development proposed under the CS Zoning would be evaluated during the site plan review for conformance with the design standards and residential protection standards provided in the Development Code to insure development that is compatible with nearby land uses.

**PROFESSIONAL STAFF RECOMMENDATION**
This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development.

Staff recommends approval of the rezoning request for approximately 1.768 acres from the RS10 (Single-Dwelling Residential) District to the CS (Commercial Strip) District based on the findings of fact listed in this report.
PP-17-00693: Consider a Preliminary Plat for 8N Business Center, a two-lot commercial subdivision on approximately 2.76 acres, located at 1105 E 23rd Street.

Z-17-00694: Consider a request to rezone approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E 23rd St.

Subject Property

Lawrence-Douglas County Planning Office
February 2018
ITEM NO. 2B: PRELIMINARY PLAT FOR 8N BUSINESS CENTER; 1105 E 23RD STREET (MKM)

PP-17-00693 Consider a Preliminary Plat for 8N Business Center, a two-lot commercial subdivision on approximately 2.76 acres located at 1105 E 23rd St. Submitted by Grob Engineering Services, LLC on behalf of Hedge Tree, LLC, property owner of record.

STAFF RECOMMENDATION:
Staff recommends approval of the Preliminary Plat of 8N Business Center.

Reason for Request: The applicant proposes to divide the parcel at 1105 W 23rd Street into two lots for future development. As the property is unplatted, the land division must occur through the Major Subdivision Process.

KEY POINTS
- Platting is required to accommodate the applicant’s plans to divide the property into two lots for development.
- The northern portion of the property was rezoned to the CS (Commercial Strip) District with the surrounding area in 1967 with Ordinance No. 3714. The southern part retained the RS-1 Zoning (Single-Family Residence) District, which was a place-holder zoning for newly annexed land. The RS-1 Zoning designation converted to the RS10 (Single-Dwelling Residential) designation with the adoption of the 2006 Development Code. A rezoning application to rezone the southern portion to the CS District was submitted concurrently with this preliminary plat.

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

ASSOCIATED CASES
- Z-17-00694; request to rezone the southern portion of the property from RS10 (Single-Dwelling Residential) District to the CS (Commercial Strip) District. This rezoning request was submitted concurrently with the Preliminary Plat application and will be considered with this application at the February Planning Commission meeting.
- Z 16-4-67; rezoning the north 275 ft of the northwest quarter of Section 8, Township 13 South, Range 20 East (Located south of 23rd Street between Haskell Avenue and Harper Street) from the RS-1 (Single-Family) to the C-4 (General Commercial) District. Adopted with Ordinance 3714 on May 16th, 1967. [The C-4 District converted to the CS (Commercial Strip) District with the adoption of the 2006 Development Code.]

OTHER ACTION REQUIRED
- Submittal and administrative approval of Final Plat.
• City Commission acceptance of dedication of rights-of-way and easements shown on the Final Plat.
• Submittal and approval of Public Improvement Plans for the construction of a sidewalk along E 24th Street and means of assurance of completion.
• Recording of the Final Plat with the Douglas County Register of Deeds.
• City Commission approval of rezoning request to the CS District with adoption of Ordinance.
• Submittal and administrative approval of a Drainage Plan prior to development.
• Submittal and administrative approval of a Site Plan prior to development.
• Applicant shall obtain Building Permits prior to development.

PLANS AND STUDIES REQUIRED
• Traffic Study – A traffic study was not required with this plat; however, one will be required when development is proposed on the site.
• Downstream Sanitary Sewer Analysis – The fixture count analysis and cover letter dated January 9, 2018 provided by Grob Engineering has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76. The fixture count analysis shows a small increase in wastewater flow generated vs. the existing empty lot. Rezoning of Lot 2 from RS-10 to CS will reduce the density and decrease the proposed design flow from Lot 2. The plat notes that further downstream sanitary sewer capacity will be addressed with the submittal of a site plan for future development.
• Drainage Study – The Stormwater Engineer indicated that a Drainage Study is not required at this time but must be submitted for review prior to any physical changes, including grading or fill, occurring on the site. This is noted on the plat.

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

SUBDIVISION SUMMARY
Gross Area: 2.76 acres
Number of Lots: 2
Number of Tracts: 0
Minimum Lot Area: 0.911 acres
Maximum Lot Area: 1.679 acres

GENERAL INFORMATION
Current Zoning and Land Use: CS (Commercial Strip) District; Light Equipment Sales and Rentals, currently vacant, and RS10 (Single-Dwelling Residential) District; Undeveloped.

Surrounding Zoning and Land Use: To the north: CS (Commercial Strip) District; across W 23rd Street right-of-way: Farm Machinery Dealership/Heavy Equipment Sales and Rentals and Auto dealership/ Light Equipment Sales and Rentals.
Surrounding Zoning and Land Use (cont.):

To the west: CS (Commercial Strip) District adjacent to the north portion (approximately 400 ft); Offices.
RM12D (Multi-Dwelling Residential) District, along the southern portion of the subject property; Duplexes.

To the east: CS (Commercial Strip) District; Farm Machinery Dealership/Heavy Equipment Sales and Rentals.

To the south: CS (Commercial Strip) District; Mini-Warehouse, Construction Sales and Services.

To the southwest: RM12D (Multi-Dwelling Residential) District; Detached Dwellings (Figure 1)

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

**Figure 1b.** Land use/Development in the area.

**STAFF REVIEW**

The subject property contains approximately 2.76 acres. The northern portion, zoned CS, has been developed with an equipment sales and service facility which is currently vacant. The southern portion, currently zoned RS10, is undeveloped. The property is bounded on the north by E 23rd Street, a Principal Arterial, and on the south by E 24th Street, a Local Street. Commercial, industrial, and warehouse uses surround the property with the exception of duplex development to the southwest.

Prior to the adoption of the 2006 Development Code, land which was annexed without a proposed development was zoned to the RS-1 District as a place-holder district. The property was annexed
into the City of Lawrence in 1966 and rezoned to the RS-1 District. In 1967 the northern portion of the subject property was rezoned to the C-4 District along with other properties on the south side of 23rd Street between Haskell Avenue and Harper Street. Development had not been proposed for the southern portion so it retained its RS zoning. An application to rezone the property to the CS District was submitted concurrently with this preliminary plat and is also being considered at the February Planning Commission meeting. This plat is being reviewed based on the CS zoning district standards.

The Preliminary Plat proposes the creation of 2 lots for redevelopment of the property. As development is not being proposed at this time, additional studies will be required when a development proposal is submitted. The City Stormwater Engineer noted that a drainage study will be required prior to any physical changes being made to the site, including grading or the addition of fill, to insure proper stormwater management. Additional information will be required with the review of future development to evaluate the downstream sanitary sewer capacity. The plat notes these requirements.

**Compliance with Zoning Regulations for the CS District**

Per Section 20-809(d)(2) of the Development Code, each lot resulting from the division must conform with the minimum lot size and other dimensional requirements in the Zoning District. As shown in the table below, both lots are in compliance with the requirements of the CS District.

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<tr>
<th></th>
<th>Requirement</th>
<th>Lot 1</th>
<th>Lot 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>5,000 sq ft</td>
<td>39,694 sq ft</td>
<td>73,211 sq ft</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>100 ft</td>
<td>197.88 ft</td>
<td>197.83 ft</td>
</tr>
</tbody>
</table>

**Streets and Access**

The property currently has access on E 23rd Street and Lot 1 will maintain this access. No change to this access point is being proposed or required with the preliminary plat. Lot 2 will take access from E 24th Street. The access points will be evaluated with site plan review when development is proposed.

The Subdivision Regulations require that sidewalks be provided on both sides of all streets. A 6 ft wide sidewalk is located along the 23rd Street frontage. A 5 ft wide sidewalk will be installed along 24th Street as part of the Public Improvements. This is noted on the plat.

**Utilities and Infrastructure**

A Sanitary Sewer Main touches each lot, as required by Code. An existing Sanitary Sewer Main is located adjacent to the north side of the property in the 23rd Street right-of-way and another is located adjacent to the southwest corner of the property.

A Water Main crosses the southern portion of the property and another is on the north side of 23rd Street. The City Utilities Division noted that both lots will have access to existing public sanitary sewer and waterlines so public improvements for utilities are not needed at this time; however, improvements may be needed depending on the location of future buildings on Lot 2. This will be determined with the site plan review when future development is proposed.

Public Improvement Plans will be required with the final plat for the construction of the sidewalk along E 24th Street.
Easements and Rights-of-way

A 10 ft wide Utility Easement was dedicated along the west side of the north 265 ft of the parcel (to approximately the southern boundary of Lot 1) by separate instrument in 2005 and a 30 ft x 20 ft exclusive easement for telephone utilities in the southeast corner of the parcel was dedicated by separate instrument in 2000.

An additional utility easement proposed with this plat continues the 10 ft wide utility easement along the west side of the property to the southern property line. A 10 ft wide utility easement is also provided along the east side of Lot 1 and a 15 ft wide utility easement, centered on the lot line, is provided between the two lots. (Figure 2)

Right-of-way (R-O-W) widths required and provided for the adjacent roadways are as noted in the table below.

<table>
<thead>
<tr>
<th>Street</th>
<th>R-O-W required</th>
<th>R-O-W provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>E 23rd Street, Principal Arterial</td>
<td>150 ft (75 ft each side of centerline)</td>
<td>120 ft currently provided; 60 each side of centerline; additional 15 ft being dedicated with this plat</td>
</tr>
<tr>
<td>E 24th Street, Local Street</td>
<td>60 ft (30 ft each side of centerline)</td>
<td>30 ft of r-o-w on subject side of centerline being dedicated with this plat</td>
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</tbody>
</table>

The City Engineer noted that the additional right-of-way for E 23rd Street was necessary in anticipation of the reconstruction of E 23rd Street. The required 30 ft of right-of-way for E 24th Street, on the subject side of the centerline, will also be dedicated with the plat. (Figure 2) A public watermain currently located on the southern part of the parcel will then be located within the right-of-way.

Preliminary Plat Conformance

The Preliminary Plat is the first step in platting property into lots to allow for development. A Final Plat for both lots will be provided to complete the platting process. The plat, as conditioned, is in conformance with the standards of the Subdivision Regulations.
PP-17-00693: Consider a Preliminary Plat for 8N Business Center, a two-lot commercial subdivision on approximately 2.76 acres, located at 1105 E 23rd Street.

Z-17-00694: Consider a request to rezone approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E 23rd St.

Subject Property
PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
2/21/18

ITEM NO. 3
UR TO RM12-PD; 2.5 ACRES; 5275 W. 6th Street (KEW)

Z-17-0471: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential) with Planned Development Overlay District, located at 5275 W. 6th Street. Submitted by Grob Engineering Services LLC on behalf of Beckmeisters LLC, property owner of record.

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

REASON FOR REQUEST
Applicant’s Response:
“The new purchasers of this property have an established business in the community offering care services for seniors needing more intensive care. They would like to develop this property with a variety of multi-family buildings for the more independent senior population and use their existing resources from the more dependent services operation to manage this development upon completion.”

KEY POINTS
• The property is located at the southeast corner of W. 6th Street and Queens Road and is currently zoned UR (Urban Reserve) District.
• Rezoning requires submittal of a Concept Plan with the rezoning application. (attached)
• The maximum density for the proposed RM12-PD (Multi-Dwelling Residential) with Planned Development Overlay District is 12 dwelling units per acre.
• The property was annexed in 2001 under Ordinance 7404.
• The property has been zoned UR (Urban Reserve) District since 2006 with the adoption of the Land Development Code.
• The application will rezone the property from the Urban Reserve (District) which is a special purpose district for newly annexed land intended to prevent premature and inappropriate development in areas that may not yet be adequately served by infrastructure and into a conventional zoning district that conforms with Area Plans.
• The proposed rezoning will allow development consistent with the area and fit within the goals of the comprehensive plan and the current Land Development Code.

ASSOCIATED CASES
Summary - An original application was submitted to rezone from UR to RMO (Multi-Dwelling Residential Office) District. The Planning Commission heard the item at the November 15, 2017 meeting. The Planning Commission voted to defer the item with a recommendation to revise the application submittal to include a Planned Development Overlay district. The applicant has
resubmitted this revised application to rezone to RM12-PD and has also submitted a Preliminary Development Plan associated with the rezoning.

Ordinance 7404 – Annexation of the property in 2001.
PDP-17-00695; Preliminary Development Plan for Beckhaus Townhomes -in process

**OTHER ACTION REQUIRED**
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submission and approvals of Final Plat and a Final Development Plan.
- Submittal and approval of Public Improvement Plans for utility/infrastructure extensions.
- Application and release of building permits prior to development.

**PUBLIC COMMENT**
Phone Call, in person and email correspondence with Concerned Citizen regarding the rezoning. Forwarded all application materials and submitted concept plan. Items of concern include:
  1. Distances to property lines and setbacks.
  2. Retaining trees on the property and landscaping plan.
  3. More detailed plan with legend.
  4. Questions regarding HOA easement regarding fence maintenance.
  5. Locations and regulations regarding garbage collection.
  7. Waterline, sanitary line and easement locations.
These are all items that are addressed through the Platting and Development Plan review processes. There is opportunity for public comment during the process.

At the Planning Commission meeting on November 15, 2017, the Planning Commission recommended a revised application with a PD overlay district.

**Project Summary**
The project proposal is to rezone the UR (Urban Reserve) District to the RM12-PD (Multi-Family Residential) with Planned Development Overlay District to accommodate a future development that includes 6 buildings with two-unit townhomes for moderate priced independent senior living. The primary purpose of the RM12-PD (Multi-Family Residential) District is to accommodate multi-dwelling development of low and moderate-intensity and provide additional impact mitigations that are compatible with the character of the adjacent single-dwelling residential neighborhoods.

RM12 (Multi-Dwelling Residential) District is generally appropriate along Collector or Arterial Streets. West 6th Street is classified as a major arterial street.

The request complies with the Comprehensive Plan land use projections in the area. The area remains residential and the maximum density of 12 dwelling units per acre.
Per Code, prior to development the property must be platted and have an approved Final Development Plan. This parcel is currently un-platted and rezoning is the first step in the development process. A Preliminary Development Plan for the proposed use related to this rezoning request proposes multi-family structures. Section 20-701 outlines standards for development in Planned Developments.

**REVIEW & DECISION-MAKING CRITERIA**

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN**
   Applicant’s response:
   "West 6th Street corridor West of Wakarusa Drive. The Comprehensive Plan recommends for this corridor to be developed as Medium to High Density Residential, and in fact, most to the surrounding properties have been developed in accordance with this"
Staff Finding – 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: UR (Urban Reserve) District; Existing Single-Dwelling Residential as annexed into the City in 2001.

Surrounding Zoning and Land Use:

To the west: RM15-PD (Multi-Dwelling Residential) with a Planned Development Overlay District; developed with medium density apartments and units in the Village Cooperative project under construction.

To the south: PRD (Planned Residential Development) District; developed with Single-Dwelling detached homes.

To the east: RS7 (Single Dwelling Residential) District; developed with Single-Dwelling detached homes.

To the northwest and northeast: RM24 (Multi-Dwelling Residential) District; developed with high density apartments.

To the north: UR (Urban Reserve) District; Undeveloped.

The property is currently zoned UR (Urban Reserve) District. A rezoning to the RM12-PD (Multi-Dwelling Residential) with Planned Development Overlay District is requested to zone the parcel to a compatible zoning district for the area. Adjacent zoning to the west is RM15-PD (Multi-Dwelling Residential District which is currently being developed with medium density apartments. Nearby zoning to the northwest and northeast is RM24 (Multi-Dwelling Residential) District and developed as high density apartments. North of the subject property is also zoned UR (Urban Reserve) District and the remaining surrounding zoning is RS7 (Single Dwelling Residential) District and PRD (Planned Residential Development) District and developed as single-dwelling homes. The compatibility of any specific development proposal will be evaluated through the Preliminary and Final Development Plan process.

Staff Finding – The subject property is adjacent to properties zoned for low, medium and high density residential uses. The Urban Reserve zoned properties are currently un-platted and undeveloped or developed as a Single-Dwelling use as they were when annexed into the city. 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:

"North: Urban Reserve undeveloped
Northwest & Northeast: RM24 high density apartments, developed
East: RS7 single family detached, developed
South: PRD single family detached, developed"
West: RM15-PD high density apartments, developed

This property is located at the corner of an arterial/collector street intersection. The surrounding area is currently developed as a neighborhood with a mix of Multi-Dwelling and Single-Dwelling Residences. The parcels immediately north remain undeveloped.

**Staff Finding** – This property is located at an undeveloped intersection designated for medium to high density residential uses. Multi-Dwelling and Single-Dwelling residences are located around the subject property. The proposed rezoning would support development 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

This property is not located within a specific neighborhood or sector plan area. Horizon 2020 identifies parcels at the intersections of major streets as appropriate for medium density development as a transition to lower density parts of a neighborhood.

**Staff Finding** – The rezoning request is consistent with long term plans for the area. The RM12-PD District permits medium density housing types.

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

Applicant’s response:
"Urban Reserve zoning is a special purpose base district primarily intended to provide suitable classification to land newly annexed into the City and is intended to prevent premature or inappropriate development that is not served by adequate infrastructure or community services."

**Staff Finding** – The property is not well suited to the uses to which it is restricted under the existing zoning regulations. The UR (Urban Reserve) District only permits crop agriculture and any lawful uses in existence immediately prior to annexation. The current property is developed with a Single-Dwelling structure. Without rezoning the property would be restricted to the Single-Dwelling Residential use or converted back to crop agriculture.

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

Applicant’s Response:
"The property has not been vacant and has existed in this zoning district since the adoption of the current Land Development Code in July of 2006."

The property is developed with a Single-Dwelling structure and has been zoned UR since the adoption of the current Land Development Code. According to the Douglas County Appraiser’s records, the home was built circa 1920 and several outbuildings were added in the 1980s.

**Staff Finding** – The area has development around the existing home. The proposed zoning is consistent with the Comprehensive Plan and the recommended development of the West 6th Street corridor west of Wakarusa Drive. The proposed rezoning is compatible with the density of the surrounding area.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES
Applicant’s Response:
"There should not be any detrimental effect on surrounding single family properties already developed to the east and south because the RM12 zoning requested in considered a Transitional Zoning District in the Land Development Code to act as buffer zoning to the high density residential developments to the west and northwest of this property.”

Staff Finding – The RM12-PD zoning is compatible with the nearby properties and recommendations in the Comprehensive Plan. The West 6th Street corridor west of Wakarusa Drive recommends this corridor be developed as Medium to High Density Residential. The rezoning would allow for a proposed use that would be similar to the nearby uses and should have no detrimental effect. Future development is subject to Final Plat and Development Plan approval.

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 land would be seriously underutilized and out of character with the surrounding developments if this zoning application were not approved. On the other hand, were it to be approved it would allow this property to be developed compatibly with its surroundings and provide an appropriate buffer for the single family residences to the east and south.”

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 creating an allowed use of the property in a manner that would be detrimental to public health, safety and welfare. The proposed rezoning allows the development of an infill parcel with a similar density to the surrounding area. The proposed development will be subject to plat and plan approvals to ensure the project is compatible with the Comprehensive Plan and recommended development pattern for the major arterial corridor.

Staff Finding - Approval of the rezoning request will allow multi-dwelling residential development similar in intensity and compatible with development in the surrounding area. The Land Development Code was adopted to encourage development in conventional zoning districts with increased landscape and bufferyard standards. There would be no gain to the public health, safety, and welfare through the denial of the rezoning request.

PROFESSIONAL STAFF RECOMMENDATION
The rezoning request is compliant with the Comprehensive Plan and the Golden Factors and would permit the development that will be compatible with surrounding development. Staff recommends approval of the rezoning request.
ORDINANCE NO. 7404

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS ANNEXING PROPERTY INTO THE CITY PURSUANT TO K.S.A. 12-519 ET SEQ.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. The governing body finds that the annexation of the following described property (tract 23), generally located East of Queens Road and South of West 6th Street (U.S. Hwy. 40) is in the public interest and complies with the requirements of K.S.A. 12-519 et seq. Annexation was recommended for approval by the Lawrence-Douglas County Metropolitan Planning Commission on July 25, 2001 and approved by the Board of Commissioners of Douglas County, Kansas on August 15, 2001.

Section 2. The following described property is hereby annexed into the City of Lawrence, Kansas pursuant to K.S.A. 12-519 et seq., to-wit:

Beginning at the Northwest corner of the Northwest Quarter of Section 33, Township 12 South, Range 19 East of the 6th Principal Meridian; thence East 330 feet on the North section line of Section 33, thence South 410 feet, thence West 330 feet parallel to the North section line of Section 33, thence North 410 feet to the point of beginning. The above containing 3.1 acres more or less, all in Douglas County, Kansas.

Section 3. This ordinance shall be effective on and after its publication as provided by law.

Adopted this 11th day of September, 2001.

Mike Rundle, Mayor
ATTEST:

[Signature]
Frank Reeb, City Clerk

Approved as to form and legality:

[Signature]
David L. Corliss, Assistant City Manager &
Director of Legal Services

Approved as to closure of the legal description:

[Signature]
George Williams, Director of Public Works

I hereby certify that the foregoing is a true and correct copy of the original ordinance: that said ordinance was passed on the 11th day of September 2001; that the record of the final vote on its passage is found on page 01
Journal ; that it was published in the Lawrence Daily Journal-World on the 24th Day of September, 2001.

[Signature]
City Clerk

BOOK 733
PAGE 1187
Z-17-00471: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential-Planned Development Overlay) District, located at 5275 W 6th St.

PDP-17-00695: Consider a Preliminary Development Plan for a multi-family residential/office development located at 5275 W 6th St.
Hi,

Attached find a list of the concerns the Branchwood HOA has about this project. The only people who submitted were those located directly to the south of it, at 5204 / 5208/ 5212 B.C.

The plan for Feb 21 meeting is OK but I do not think we will be ready to agree to rezoning until we get some more information and resolve these issues.

I know this is a typical scenario, hoping to reach some agreement suitable to everybody.

Tom
Building and Rezoning Proposal  for 5475 W. 6th St.

The proposal to erect structures with multiple living units for multiple residents, just 10 feet from our property line is unacceptable. To meet the code, our residences are 35 feet from the property line.

What is the setback requirement for these buildings? Why would any (multiple density) housing be permitted to be exempt from that code, or have a more lenient standard?

How will the trash be accessible for city equipment? Are these townhomes going to have individual trash carts or a common dumpster? (where are they planning to put the trash carts or common dumpster?)

Regarding the proposed structures:
We need something such as a more detailed south elevation plan. Our HOA was designed to not have windows facing towards other residences. The nearest proposed building has south-facing windows which would create privacy issues for us and those residents.

Proposal should present specific rules about offensive or nuisance features/issues, including lighting, noise, pets, outdoor features, other covenants.

What are the plans for the fence? Design, height, material, etc.

Also, the HOA supposedly has an easement for fence maintenance, outside our fence line.

There are trees along the south property line (on it, actually). They would possibly obstruct or pose a danger to some of the buildings, and will not provide any screening for our HOA. The best solution would be to remove them, unless the developer will accept all risks for damage caused by the trees which are half on his property.

Proposed plan needs more information, some detail and a legend. What was submitted so far does not answer our questions, the most important of which are listed above.

After rezoning, do we (the HOA) have opportunity to comment before approval of an actual site plan?
I believe it is time for our neighborhood to unite and organize by way of committee. There is power in numbers when dealing with governing agencies. So before I respond to your morning email with forwarding copy to all of our neighbors, I would like to run an idea past you. I think we need to form a committee. Because you have generously taken the reins in communicating with City staff and the neighborhood, I would like to recommend you as Chairman of such a committee. I am willing and available to be on the committee at any time. I believe each of our Board Members should actively participate on said Committee and at the Planning Commission Mtg. on Feb. 21.
PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
2/21/2018

ITEM NO. 3B: PRELIMINARY DEVELOPMENT PLAN FOR BECKHAUS TOWNHOMES;
5275 W. 6th STREET (KEW)

PDP-17-00695: Consider a Preliminary Development Plan for a multi-family residential
development located at 5275 W 6th St. Submitted by Grob Engineering Services LLC on behalf of
Beckmeisters LLC, property owner of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff
recommends Approval of the Preliminary Development Plan based upon the findings of fact
and forwarding to the City Commission for approval subject to the following conditions:

1. Provision of a revised Preliminary Development Plan to include the following changes:
   • A sidewalk connection from the south units across to the sidewalk that leads to
     Branchwood Drive.
   • Dedication of 10’ Right-of-Way along the remainder of Branchwood Drive.
   • Dedication of an access easement for sanitation services.
   • Updated landscape notes and common/recreational open space total locations.
   • Note regarding ownership and maintenance of Common Open Space and Non-
     encroachable areas.

2. Vacation of permanent easement along 6th Street. Reimbursement for permanent
easement is to be remitted to the City.

3. Submittal of Public Improvement Plans for utility/infrastructure extensions prior to Final
   Development Plan submission.

4. Subject to City Commission Approval of rezoning request from UR to RM12-PD.

Reason for Request: Development of 5275 W. 6th Street for multi-family senior living
townhomes. The application is in conjunction with a rezoning request to RM12-PD. The project
consists of replacement of the existing structures with 6 two-unit townhomes.

KEY POINTS
• The subject property was annexed into the city in 2001 under Ordinance 7404.
• The property has been zoned UR (Urban Reserve) District since 2006 with the adoption of
  the Land Development Code.
• The application is in conjunction with a rezoning request to RM12-PD.
• The property requires platting prior to redevelopment.
• The proposed request is to replace the existing residential structure and accessory building
  with new two-unit senior living townhomes.
• A proposed rezoning was considered by the Planning Commission on November 15, 2017 at
  which time comments were received by neighbors. The Planning Commission recommended
  that a rezoning with a Planned Development overlay was more suitable to the surrounding
  area given concerns raised about compatibility.
FACTORS TO CONSIDER

- Compliance with the Land Development Code Section 20-701. (Planned Developments)
- Conformance with Horizon 2020.
- Nature and extent of Common Open Space in the PD.
- Whether Planned Development makes adequate provisions for public services, vehicular traffic and furthers the amenities of light, air, and recreational enjoyment.
- Whether the Preliminary Development Plan will measurably and adversely impact development or conservation of the neighborhood area.
- Conformance with the Subdivision Regulations, as the Preliminary Development Plan acts as the Preliminary Plat.

ATTACHMENTS

1. Area map
2. Preliminary Development Plan Drawing
3. Ordinance 7404

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- Ordinance 7404 – Annexation of the property in 2001
- Z-17-00471 Rezoning UR to RM12-PD – In process.

Other Action Required

- Approval of the Preliminary Development Plan by the City Commission.
- Administrative review of the Final Development Plan.
- Provision of a mylar and the appropriate recording fees.

PUBLIC COMMENT

- Neighbors from the surrounding area have been in contact with Planning Staff for updated submittals on the project.
- Phone Call, in person and email correspondence with Concerned Citizen regarding the rezoning.
- Forwarded all application materials and submitted concept plan. Items of concern include:
  1. Distances to property lines and setbacks.
  2. Retaining trees on the property and landscaping plan.
  3. More detailed plan with legend.
  4. Questions regarding HOA easement regarding fence maintenance.
  5. Locations and regulations regarding garbage collection.
  7. Waterline, sanitary line and easement locations.

GENERAL INFORMATION

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Surrounding Zoning and Land Use:</td>
<td>To the north: UR (Urban Reserve) District; Undeveloped</td>
</tr>
<tr>
<td></td>
<td>To the west: RM15-PD (Multi-Dwelling Residential) with a Planned Development Overlay District; developed with medium density apartments and units in</td>
</tr>
</tbody>
</table>
the Village Cooperative project under construction.

To the northwest and northeast RM24 (Multi-Dwelling Residential) District; developed with high density apartments.

To the south: PRD (Planned Residential Development) District; developed with Single-Dwelling detached homes.

To the east: RS7 (Single-Dwelling Residential) District; developed with Single-Dwelling detached homes.

Legal Description PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH P.M., IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 88° 12' 18" EAST ON THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 329.94 FEET (MEASURED), 330.00 (DESCRIBED); THENCE SOUTH 01° 57' 15" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01° 57' 15" EAST A DISTANCE OF 334.77 FEET; THENCE SOUTH 88° 12' 18" WEST A DISTANCE OF 329.94 FEET (MEASURED), 330.00 FEET DESCRIBED TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 01° 57' 15" WEST ON SAID WEST LINE A DISTANCE OF 65.25 FEET; THENCE NORTH 88° 02' 45" EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 02° 08' 39" WEST A DISTANCE OF 236.23 FEET; THENCE NORTH 42° 48' 34" EAST A DISTANCE OF 46.72 FEET; THENCE NORTH 88° 12' 18" EAST A DISTANCE OF 287.83 FEET TO THE POINT OF BEGINNING. CONTAINING 2.46 ACRES OF LAND MORE OR LESS.

Table 1: Site Summary

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use</strong></td>
<td>Existing Single-Dwelling Residential</td>
<td>Multi-Dwelling two-unit townhomes</td>
</tr>
<tr>
<td><strong>Land Area</strong></td>
<td>107,321 SF (2.46 AC)</td>
<td>107,321 SF (2.46 AC)</td>
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<tr>
<td><strong>Pavement</strong></td>
<td>2,994 SF</td>
<td>23,670 SF</td>
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<tr>
<td><strong>Buildings</strong></td>
<td>5,620 SF</td>
<td>27,840 SF</td>
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<tr>
<td><strong>Total Impervious</strong></td>
<td>8,614 SF</td>
<td>51,510 SF</td>
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<tr>
<td><strong>Total Pervious</strong></td>
<td>98,717 SF</td>
<td>55,821 SF</td>
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<tr>
<td><strong>Greenspace</strong></td>
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<td>55,821 SF</td>
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<tr>
<td><strong>Lot Coverage</strong></td>
<td>5.2%</td>
<td>26%</td>
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<tr>
<td><strong>Impervious Lot Coverage</strong></td>
<td>8.0%</td>
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**Table 2: Parking Summary**

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<th>Proposed Use</th>
<th>Quantities</th>
<th>Parking Required</th>
<th>Parking Provided</th>
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<tbody>
<tr>
<td><strong>Multi-Dwelling Structure</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1 per bed plus 1 per 10 units</td>
<td>24 &amp; 1.2</td>
<td>26</td>
<td>Standard 9</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Garage* 18</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>ADA Van 1</td>
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<tr>
<td></td>
<td>Total</td>
<td>26</td>
<td>Total 28</td>
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<tr>
<td><strong>Bicycle Parking</strong></td>
<td>14</td>
<td>4</td>
<td>4</td>
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</tbody>
</table>

*Plan shows each townhouse with a 2-car garage and assumes a portion of units will be used for storage and unavailable for parking.

**STAFF ANALYSIS**

This application is a Preliminary Development Plan for Multi-Dwelling use. The plan proposes to replace the existing Single-Dwelling residence and accessory structure with six two-unit townhomes for senior living. The property is proposed to be developed under a Planned Overlay District with an RM12 base zoning district (RM12-PD). This district would allow for a medium-density residential development that is compatible with the surrounding neighborhoods. The Planned Overlay District would ensure that compatibility is maintained. The medium-density residential use is permitted in an RM12 zoning district. The project will be a single-lot development with Common Open Space. This plan relocates the access drive to the south portion of the property. The plan also proposes the parking arrangement be centrally located and not along the perimeter of the property.

**Preliminary Plat Review**

The Preliminary Development Plan serves as the Preliminary Plat. The property is being platted as a one lot with frontage on both W. 6th Street and Branchwood Drive. The lot will comply with the dimensional requirements in the RM12-PD (Multi-Dwelling Residential with Planned Overlay) District.

The 2.46 acre site would permit a maximum of 29 dwelling units. The proposed Preliminary Development Plan proposes (6) two-unit townhouses for a total of 12 dwelling units. The project will result in a density of 5 dwelling units per acre, which is actually considered low-density. The RM-PD provides the tool to utilize a duplex structure type. This district would permit a medium-density development.

Access shall be taken to Branchwood Drive and it is classified as a Collector Street. The amount of frontage required is 60 feet. The lot has 320+/- feet of frontage along Branchwood Drive and exceeds the minimum frontage requirement in the RM12 District. An access easement will be required to allow sanitation services and the private drive is to be constructed to City Standards. The plan will shall note that the City of Lawrence shall not be held responsible for pavement damage caused due to the weight of solid waste management vehicles.

Branchwood Drive is designated as a Collector (requiring 80 feet of public right-of-way) and W. 6th Street is designated as a Principle Arterial (requiring 150 feet of public right-of-way. Rights-of-Way along these public streets currently exist to the standards required except for along the
south 65 feet of Branchwood Drive. An additional 10 ft. will need to be dedicated with the Final Plat. 150 feet of Right-of-Way is required for a Principle Arterial. The existing Right-of-Way for W. 6th Street meets this requirement.

Currently there is a permanent easement located on the property that was acquired as part of the KDOT W. 6th Street improvement and widening project in mid-2005. This permanent easement is proposed to be vacated. There will be a reimbursement due to the City upon vacation of this easement. New easements are proposed for existing and new utility infrastructure. (See Figure 3) A 45 ft. wide easement for an existing 16" dia. Water line will be dedicated along the north property line. A 15 ft. wide utility easement is also located along Branchwood Drive on the west side of the property. The easement accommodates the extension of the sanitary sewer line from the south and provides access to the development. A 5 ft. Utility easement is also proposed along the south property line. This brings an existing 10 ft. Utility easement to the south to a full 15 ft. width as required by current standards. A 10 ft. Utility easement to the east will abut another 10 ft. existing Utility easement.

Figure 1: Proposed Utility Easements
Figure 2: Existing Permanent Easement

There are existing sidewalks along W. 6th Street. Sidewalks are being extended along Branchwood Drive as part of the current street construction project. The plan proposes an internal walkway to provide pedestrian access throughout the site; however, a connection from the south units to the sidewalk that connects to Branchwood Drive is lacking. The plan should be revised to provide this connection.
Preliminary Development Plan Review
The proposed Preliminary Development Plan for Beckhaus Townhomes has been evaluated based upon findings of fact and conclusions per Section 20-1304(d)(9) of the Development Code for the City of Lawrence, requiring consideration of the following nine items:

1. the Preliminary Development Plan’s consistency with the Comprehensive Plan;

DENSITY/INTENSITY REVIEW
The RM12 District would permit a medium density development on the parcel. The proposed development, at 5 dwelling units per acre, is actually a low-density project. The townhouse structures and layout are similar to a medium-density development and the plan has been reviewed as such. The proposed plan is consistent with the Comprehensive Plan and proposes a use that is recommended for this corridor (West 6th Corridor West of Wakarusa Drive (Medium to High Density Residential). Recommendations for medium-density residential development from Chapter 5 of Horizon 2020 are listed below:
a. "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 an open space." (Policy 1.1, page 5-23) Open space is provided with this development as the Planned Development Overlay requires a certain amount of open space for the common use and enjoyment of the residents of the Planned Development.

b. "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." (Policy 3.4, page 5-29) This development is being designed to be compatible with the surrounding land uses.

c. "Provide pedestrian and/or bicycle path to provide access to all parts of a neighborhood and beyond." (Policy 2.2(B), page 5-25) New sidewalks will be constructed on the east side of Branchwood Drive as part of the right-of-way improvements currently taking place along Branchwood Drive. The plan also provides internal sidewalks and has an existing sidewalk along W. 6th Street.

d. "Site design should be oriented so that less compatible uses such as trash, loading and parking areas are located in the interior of the development and not adjacent to or in close proximity to low-density residential neighborhoods." (Policy 3.1(c)(1)(a), page 5-27) Trash collection will be individual poly-carts for each unit. All internal circulation is oriented towards the interior of the development and all parking areas are located away from adjacent properties. Screening is being provided with a type 1 Bufferyard along the east and south sides of the lot.

Staff Finding: The proposed development complies with the land use goals and policies for medium density residential development of the Comprehensive Plan.

2. the Preliminary Development Plan shall conform to Section 20-701 (Planned Developments);

Section 20-701 states the purpose of the PD Overlay District is to:
- ensure development that is consistent with the Comprehensive Plan;
- ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services;
- allow design flexibility that results in greater public benefits that could be achieved using conventional Zoning District regulations;
- preserve environmental and historic resources; and
- promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

The Preliminary Development Plan is in conjunction with an application for rezoning to a Planned Development Overlay District (RM12-PD). Compliance with Zoning Regulations in the recommended RM12 base district will apply. The proposed lot exceeds the minimum requirements for the base RM12 Zoning District.

a. The Developer’s Statement of Intent. The application includes a comparison of the proposed development with the standards of the Base District and the otherwise applicable standards of the Development Code. The proposed Preliminary Development Plan meets the requirements of the proposed Base District (RM12).
b. Effect of other Development Code Standards. All of the standards of the Development Code apply to the development within a PD District and the Preliminary Development Plan, as conditioned, meets these requirements.

c. Minimum District Size - The minimum area for a PD District shall be ½ acre. The proposed Development Plan is located on a 2.46 +/- acre parcel.

d. The following standards would be eligible for City Commission modification if deemed appropriate. The proposed Preliminary Development Plan currently meets the standards as noted.

i. Allowed Uses – The use proposed is multi-dwelling residential. This use is permitted in the Base District RM12.

ii. Lot Size – The proposed development will be one lot under one ownership and meets the standards to accommodate structures and access.

iii. Residential Density – The proposed Preliminary Development Plan maintains the density for the Base District (RM12). (6) two-unit townhouses are proposed. Each unit is two-bedrooms for a total of 24 bedrooms. Maximum dwelling units per acre for RM12 is 12 dwelling units. The project, as proposed, results in a development at 5 dwelling units per acre. The 2.46 acre site would permit a maximum of 29 dwelling units.

iv. Setbacks – Setbacks for the Base District (RM12) are 25’ front, 5’ interior side and 20’ rear. The proposed Preliminary Development Plan meets these setbacks requirements.

v. Height – Maximum height for the Base District (RM12) is 35’. The proposed Preliminary Development Plan will have two-story townhouses comply with the height standard for the district.

vi. Balconies – Balconies are not permitted above the second story of a multi-dwelling along the exterior of a Planned Development unless the building setback is increased. Balconies are not proposed along the exterior elevations with this Planned Development.

vii. Parking and Loading – Off-street parking requirements of 1 per bedroom plus 1 per 10 units has been provided.

viii. Additional Standards:

1. Unified Control – The proposed development is under one ownership.

2. Street Access – Access has been designed to City Standards and in line with Right-of-Way improvements along Branchwood Drive. The internal drive will be a private access drive. An access easement is required for sanitation/city services.

3. Sidewalks – Sidewalks are provided in accordance with City Standards. Internal sidewalks and a sidewalk connecting to Branchwood Drive are provided. The Final Development Plan should also include a sidewalk from the south units across to the sidewalk that connects to Branchwood Drive.

4. Landscaping – Landscaping and screening standards of Article 10 apply to Planned Developments and have been met as shown below in staff review for landscaping and findings of fact.

5. Preservation of Natural Features – Most of the existing mature deciduous and coniferous trees on the site are being maintained.
The existing trees are located primarily on the west and south property lines.

The landscaping requirements of Article 10 apply to this development. While the final landscaping details will be determined with the Final Development Plan, landscaping is reviewed with the Preliminary Development Plan to insure adequate area is provided for the required landscaping and to determine if Alternative Compliance or variance may be necessary. The redevelopment must meet the minimum landscape and open space design standards. These standards address common open space, street trees, parking lot landscaping, and parking lot screening.

**Street Trees:** Street Trees are required along the public streets W. 6th Street and Branchwood Drive. The proposed development plan notes 637 linear feet of frontage and that 16 street trees are required. \(\frac{637}{40}=15.9\) 16 street trees are provided. **The proposed development complies with this design standard.**

**Interior green space:** The current Development Code requires interior green space based on a formula of 40 SF of greenspace per parking space provided. Interior landscape material is also required within the required open space areas. The following table summarizes the required landscape materials for the proposed development. **The proposed development meets this design standard.**

<table>
<thead>
<tr>
<th>Table 3: Interior Landscape</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Required: 10 * 40 SF (= 400) SF</td>
<td>Interior plantings include</td>
</tr>
<tr>
<td>Proposed: (*=)</td>
<td>1 tree per 10 parking spaces and</td>
</tr>
<tr>
<td>*Plan notes that islands exceed but not provide a calculation. This is identified as a condition of approval.</td>
<td>3 shrubs per 10 parking spaces</td>
</tr>
<tr>
<td></td>
<td>1 trees required; 1 proposed</td>
</tr>
<tr>
<td></td>
<td>3 shrubs required; 4 proposed</td>
</tr>
</tbody>
</table>

**Perimeter Parking Lot landscaping:** Parking lots are required to be screened from adjacent public rights-of-way. The proposed layout in this planned development does not propose any parking areas adjacent to public rights-of-way. The plan does propose 2 trees and 3 shrubs where portions of parking areas are adjacent to neighboring properties. This would exceed perimeter parking requirements. **The proposed development complies with this design standard.**

**Bufferyard landscaping:** Developments are required to provide bufferyards in accordance with Section 20-1005 when adjacent to incompatible uses on adjacent properties. The parcel is proposed to be zoned RM12-PD (Multi-Dwelling Residential with a Planned Development Overlay) District. It is adjacent on the east and south to a RS7 (Single-Dwelling Residential) District and a PRD (Planned Residential Development) with single-dwelling residences. In Table 20-1005(c) the required bufferyard for Multi-Dwelling Residential District adjacent to RS7 and a Single-Dwelling Planned Residential Development is a Type 1 bufferyard. The applicant has chosen a combination of 25’ wide Type 1 bufferyard and 20’ wide Type 1 bufferyard along the east property line and a 10’ wide Type 1 bufferyard along the south property line which equates to 20 trees and 49 shrubs required. The plan proposes 36 trees and 25. The required trees are provided in the plan.

**Staff Finding:** The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Developments. The proposed Preliminary Development Plan, as conditioned, is consistent with the standards of Section 20-701 of the Development Code. The
proposed development also complies with all requirements under Article 10 for Landscaping. Alternative Compliance has not been requested with this project.

3. the nature and extent of Common Open Space in the PD;

Common Open Space – A minimum or 20% Common Open Space is required with a Planned Development. 50% of the Common Open Space shall be developed as Recreational Open Space.

<table>
<thead>
<tr>
<th>Table 3: Common Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Required Open Space at 20% = 21,464 SF ( .49 acre)</td>
</tr>
</tbody>
</table>

Staff Finding: The Preliminary Development Plan is providing the Recreational Open Space with a gazebo, patios and greenspace for recreational use. However, the plan does not illustrate the total area devoted for recreational use. The proposed plan exceeds the required open space area of 20% per Section 20-701(3)(j) The Final Development Plan shall show how much/where the open space is located for recreational use by the development residents. The project as proposed exceeds the minimum required open space. Open Space is provided throughout the site.

4. the reliability of the proposals for maintenance and conservation of Common Open Space;

a. the reliability of the proposals for maintenance and conservation of Common Open Space;

Staff Finding: The Common Open Space is part of the development and will be privately maintained by the owner. A general note will be provided on the Preliminary Development Plan stating the Landowners will provide for the maintenance of Common Open Space and Non-encroachable areas.

5. the adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and Dwelling types proposed in the plan;

Staff Finding: The plan meets or exceeds the requirement for open space. The Common Open Space required for the Planned Development, 20% of the site (2.46 acre X .20 = .49 acres) exceeds the outdoor area that is required for a residential development in the Base RM12 District. The amount of Common Open Space that is being proposed for this development is adequate. The Preliminary Plan shall outline the areas of Common Open Space dedicated to recreational uses.

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

In addition to new structures, the plan proposes site and service improvements, access changes and internal parking reconfiguration. The Preliminary Development Plan was submitted and is being reviewed as a Major Development Project and will meet the standards for all aspects of a major development project.

The existing access point off of Branchwood Drive is proposed to be constructed at the south end of the lot which will increase the distance from the 6th Street intersection. This new location
aligns with Branchwood Drive infrastructure and street improvements that are currently in process and has been located to be consistent with the access across the street with development that is approved and under construction. The relocation of the existing access drive will be in conformance with the City of Lawrence design standards. A 7-Step Traffic Impact Study was required and approved for this project per the City Engineer.

The Multi-Dwelling Residential use will require extensions of the surrounding utility infrastructure. A sanitary sewer line is being extended from the south along Branchwood Drive to serve the development. A water line will be extended from the west across Branchwood Drive to serve the development. Storm water will be directed from the NW and SE of the property to existing storm water infrastructure and a detention pond will be located on the NW corner of the property.

**Staff Finding:** The Preliminary Development Plan has made adequate provisions for public services and provides adequate control over vehicular traffic with the new access drive to the south of the site and internal circulation. This configuration maintains the buffer areas between the new development and surrounding neighborhoods and continues the amenities of light, air and visual enjoyment though the use of open space. The plan meets requirements for all
criteria for public services, vehicular traffic, subdivision standards, use and overall neighborhood amenities as described and discussed in the findings.

7. **whether the Preliminary Development Plan will measurably and adversely impact development or conservation of the neighborhood area by:**
   a. doubling or more the traffic generated by the neighborhood;
   b. proposing housing types, Building Heights or Building Massing(s) that are incompatible with the established neighborhood patterns; or
   c. increasing the residential density 34% or more above the density of adjacent residential properties.

**Staff Finding:** The plan has addressed all of the criteria for determining any adverse impact to development or conservation of the neighborhood. The plan maintains the intent of a PD district. The proposal meets all of the current requirements for a Planned Development per Section 20-1304 subject to the recommended conditions as discussed in the staff findings. The proposed density of this project is 5 dwelling units per acre which is under the permitted 12 dwelling units per acre of the base district (RM12). The proposed two-story building height and design will be compatible with two-story residential structures already in the area. The development should not have measurable adverse impact on the development or conservation of the neighborhood area.

8. **whether potential adverse impacts have been mitigated to the maximum practical extent; and**

**Staff Finding:** The proposed plan, as conditioned, will meet the standards for bufferyards, drainage, traffic control, light mitigation, services, setbacks and open space to minimize adverse impacts. No adverse impacts have been identified.

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

**Staff Finding:** The plan does not propose a phased project.

**Conclusion**
This Preliminary Development Plan complies with Section 20-1304 of the Land Development Code with Section 20-809 (Preliminary Plats) and with Section 20-701 (Planned Developments) as conditioned.
TRAFFIC IMPACT REVIEW

for

BECKHAUS TOWNHOMES

5275 6th Street
Lawrence, Kansas

Prepared by:

J. Dean Grob
Grob Engineering Services

December 18, 2017
1. Identify the specific development plan under study and any existing development on and/or approved plans for the site (land use types and intensities and the arrangement of buildings, parking and access). Also, identify land uses (including types and the arrangement of buildings, parking and access) on property abutting the proposed development site, including property across public streets.

Beckhaus Townhomes at 5275 6th Street will be twelve-unit senior living townhomes with a clubhouse/office and associated site improvements. While the property has a 6th street address, access will be taken from Branchwood Drive. The existing single-family residence will be razed as part of the redevelopment. The townhomes and clubhouse/office will total 29,340-square feet of building space. The only existing access to the property is being relocated to the south most point along the east right-of-way of Branchwood Drive. The new access location is required due to previously prescribed right-of-way access restrictions imposed by KDOT. The center of proposed entrance is approximately 344 feet south of the south curb line of 6th Street. The new access aligns with the entrance to the new senior living development on the west side of Branchwood Drive. The site is zoned UR with rezoning to RMO pending. The properties adjacent to the south are zoned RS7-PRD. The property adjacent to the west is zoned RM15-PD. The proposed site layout and surrounding properties are shown on the Preliminary Development Plan.

2. Identify the land uses shown in Horizon 2020 for the proposed development site under study, as well as the ultimate arterial and collector street network in the vicinity of the site (at least the first arterial or collector street in each direction around the site).

The Future Land Use Map from Horizon 2020 identifies the area containing the development site as Low-Density Residential. Per the adopted Major Thoroughfares Map, the ultimate collector and arterial street system in the vicinity will be: 6th Street, a principal arterial; to the west Brachwood Drive, a collector; to the south Harvard Drive, a collector; and to the east Congressional Drive, a collector.

3. Identify the functional classification of the public street(s) bordering the site and those streets on which access for the development is proposed. The functional classification is shown on the Major Thoroughfares Plan, adopted as a part of Transportation 2025 and Figure 14 in Horizon 2020.

The site is bordered to the west by Branchwood Drive and to the north by 6th Street which are classified as collector and principal arterial streets, respectively per the adopted T2040 Major Thoroughfares Map. The only site access will be from Branchwood Drive.

4. Identify allowable access to the development site as defined by criteria included in the adopted Access Management Plans for arterial and
collector streets in Lawrence. [Currently, this list includes W. 6th Street, 31st Street, and 23rd Street Corridor study.]

This site is within the limits of any adopted Access Management Plans for 6th Street.

5. Document current public street characteristics adjacent to the site, including the nearest arterial and collector streets [number and type of lanes, speed limits or 85th percentile speeds, and sight distances along the public street(s) from the proposed access(es)].

6th Street is a four-lane street plus single and dual turn lanes at intersecting collector and arterial streets with no on-street parking permitted. Branchwood is two-lanes with parking permitted on both sides of the street. The posted speed limit on 6th Street is 45 miles per hour. There is no posted speed limit on Branchwood Drive. Observed sight distance is unobstructed from the proposed access point along Branchwood Drive to the next major intersection to the south at Stonecreek Drive and to the north at 6th Street.

6. Compare proposed access with AASHTO established design criteria (driveway spacing, alignment with other streets and driveways, city driveway standards, and minimum sight distances.) Assess the feasibility of access connections to abutting properties, including shared access with the public street system.

The proposed relocated access drive will be 25 feet wide with no designated left/right turn lanes. There are turn lanes on northbound Branchwood Drive at 6th Street.

7. Estimate the number of trips generated by existing and proposed development on the site for a typical weekday and weekday peak hours using the latest edition of Trip Generation published by the Institute of Transportation Engineers. Local trip generation characteristics may be used if deemed to be properly collected and consistent with the subject development application. The Public Works Director shall make such determination. Calculate the net difference in trips between existing and proposed uses. If the development site already has an approved plan, also estimate the number of trips that would be generated by the approved land uses. If the development application is proposing a land use DIFFERENT THAN indicated in Horizon 2020 and Transportation 2040, also estimate the number of trips that would be generated by the land use indicated in Horizon 2020 or Transportation 2040.

The estimated traffic generated by the proposed center has been based upon the 9th Edition of ITE Trip Generation. This project combines assisted living with day care and senior adult housing. The trip generation handbook categories that were evaluated were as follows:

252 – Senior Adult Housing
710 – General Office Building
Category 252 – Senior Adult Housing
The daily average rate based on per unit (12) is 3.44 per unit for a total of 41 trips, half entering and half exiting. The rate for the A.M. peak hour is 0.39 trips per unit or 5 trips with the percent of trips entering 46 percent and exiting at 54 percent. The rate for the P.M. peak hour is 0.35 trips per unit or 4 trips with the percent of trips entering at 55 percent and exiting at 45 percent.

Category 710 – General Office Building
The daily average rate based on per employee (3) is 4.38 per employee for a total of 13 trips, half entering and half exiting. The rate for the A.M. peak hour is 0.81 trips per employee or 2 trips with the percent of trips entering 53 percent and exiting at 47 percent. The rate for the P.M. peak hour is 0.84 trips per employee or 3 trips with the percent of trips entering at 47 percent and exiting at 53 percent.

Summary
The estimated traffic generated by the proposed center summarized for the combined uses equates to an average date rate of 54 trips. The rate for the A.M. peak hour is 7 trips and the rate for the P.M. peak hour is 7 trips. A typical threshold for a more detailed evaluation or the need for street/highway improvements/modifications is generally when traffic exceeds 100 trips per any peak hour of the day. The above summarized traffic counts show that peak hour traffic is well below 100 trips per peak hour and thus limiting the impact of the proposed development on the transportation network.

Date: December 18, 2017
Prepared by: J. Dean Grob, P.E.
Title/Position: Project Engineer
Company: Grob Engineering Services, LLC
Z-17-00471: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential-Planned Development Overlay) District, located at 5275 W 6th St.

PDP-17-00695: Consider a Preliminary Development Plan for a multi-family residential/office development located at 5275 W 6th St.

Lawrence-Douglas County Planning Office
February 2018
Hi,

Attached find a list of the concerns the Branchwood HOA has about this project. The only people who submitted were those located directly to the south of it, at 5204 / 5208/ 5212 B.C.

The plan for Feb 21 meeting is OK but I do not think we will be ready to agree to rezoning until we get some more information and resolve these issues.

I know this is a typical scenario, hoping to reach some agreement suitable to everybody.

Tom
Building and Rezoning Proposal  for 5475 W. 6th St.

The proposal to erect structures with multiple living units for multiple residents, just 10 feet from our property line is unacceptable. To meet the code, our residences are 35 feet from the property line.

What is the setback requirement for these buildings? Why would any (multiple density) housing be permitted to be exempt from that code, or have a more lenient standard?

How will the trash be accessible for city equipment? Are these townhomes going to have individual trash carts or a common dumpster? (where are they planning to put the trash carts or common dumpster?)

Regarding the proposed structures:
We need something such as a more detailed south elevation plan. Our HOA was designed to not have windows facing towards other residences. The nearest proposed building has south-facing windows which would create privacy issues for us and those residents.

Proposal should present specific rules about offensive or nuisance features/issues, including lighting, noise, pets, outdoor features, other covenants.

What are the plans for the fence? Design, height, material, etc.

Also, the HOA supposedly has an easement for fence maintenance, outside our fence line.

There are trees along the south property line (on it, actually). They would possibly obstruct or pose a danger to some of the buildings, and will not provide any screening for our HOA. The best solution would be to remove them, unless the developer will accept all risks for damage caused by the trees which are half on his property..

Proposed plan needs more information, some detail and a legend. What was submitted so far does not answer our questions, the most important of which are listed above.

After rezoning, do we (the HOA) have opportunity to comment before approval of an actual site plan?
I believe it is time for our neighborhood to unite and organize by way of committee. There is power in numbers when dealing with governing agencies. So before I respond to your morning email with forwarding copy to all of our neighbors, I would like to run an idea past you. I think we need to form a committee. Because you have generously taken the reins in communicating with City staff and the neighborhood, I would like to recommend you as Chairman of such a committee. I am willing and available to be on the committee at any time. I believe each of our Board Members should actively participate on said Committee and at the Planning Commission Mtg. on Feb. 21.
ITEM NO. 4A: REZONING FROM CN2 & PCD TO CN2; 3900 MONTERY WAY (MKM)

Z-17-00688: Consider a request to rezone approximately 1.33 acres located at 3900 Monterey Way from CN2 and PCD-[Monterey Center] (Planned Commercial Development) District to CN2 (Neighborhood Commercial Center District). Submitted by Wild Pines Ventures for Lawrence Monterey Investors, LLC, property owner of record.

STAFF RECOMMENDATION:
Staff recommends approval of the rezoning request for approximately 1.33 acres from CN2 and PCD-[Monterey Center] (Planned Commercial Development) District to CN2 (Neighborhood Commercial Center 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.

REASON FOR REQUEST
Applicant’s Response:
"We were informed during our planning meeting of the needed change."

KEY POINTS
- The subject property is part of the Monterey Center Planned Commercial Development which was zoned PCD-1 prior to development. This zoning designation converted to the PCD-[Monterey Center] zoning designation with the adoption of the 2006 Development Code.

- While the subject property is part of the Monterey Center Planned Commercial Development Zoning District, it is separated from other PCD zoned property in the development by a lot that was rezoned to the CN2 District in 2011. The subject property is bounded on the west, north, and east by CN2 Zoning.

- This rezoning will remove the property from the Planned Development District; however, the property is not needed to meet any density or open space requirements of the Planned Development.

- A single-bay car wash is permitted in the PCD-1 District when accessory to a convenience store; however, a stand-alone car wash is not permitted; therefore rezoning is necessary for the proposed use. The CN2 District permits Cleaning (Car Wash) with the approval of a Special Use Permit (SUP). A SUP application has been submitted and is being considered at the February Planning Commission with this rezoning request.

- A variance from the 50 ft setback requirement in Section 20-814 of the Subdivision Regulations was approved by the Board of Zoning Appeals at their February 1, 2018 meeting, contingent upon the approval of the Special Use Permit.
ASSOCIATED CASES

**B-17-00687;** Variance request from the 50 ft setback from W 6th Street standard provided in Section 20-814 of the Subdivision Regulations. The variance was approved by the Board of Zoning Appeals to allow a reduction of the setback to 40 ft at their February 1, 2017 meeting. The variance approval is contingent upon the approval of the Special Use Permit application for the proposed car wash.

**MS-17-00692;** Monterey Addition No. 8 Minor Subdivision, reconfiguring the lot lines between the subject property and the adjacent lot, currently zoned CN2. Minor Subdivisions are processed administratively but a variance request from the Subdivision Design Standard regarding minimum right-of-way width for W 6th Street, a Principal Arterial, is scheduled for consideration at the February Planning Commission meeting.

**SUP-17-00690;** Special Use Permit for an automated car wash, classified as a *Cleaning (Car Wash)* use in the Development Code. The Special Use Permit is being considered at the February Planning Commission meeting in conjunction with the other development applications for this project.

**Z-12-19-10;** Rezoning of adjacent parcel from PCD-[Monterey Center] to CN2, a portion of which is included in this development proposal. Approved by City Commission on March 29, 2011 with adoption of Ordinance 8618.

OTHER ACTION REQUIRED

Other action required on this rezoning:
- City Commission action on the rezoning request and, if approved, the publication of the rezoning ordinance following adoption on second reading.

Other cases and action required for the development:
**SUP-17-00690:** Special Use Permit for the *Cleaning (Car Wash)* use.
- This item is also being considered by the Planning Commission at their February 21st meeting. The Planning Commission will forward a recommendation to the City Commission. City Commission action on the SUP and, if approved, the publication of the SUP ordinance following adoption on second reading.

**MS-17-00692:** Minor Subdivision to expand the lot area to accommodate the proposed use.
- Planning Commission action on variance request from the Subdivision Regulations Design Standards requiring 150 ft of right-of-way width for W 6th Street, a principal arterial. The variance is being considered by the Planning Commission at their February meeting concurrently with the rezoning and Special Use Permit.
- Administrative review and, if approved, the recording of the Minor Subdivision at the Register of Deeds Office.

Permits:
- Building and Demolition Permits must be obtained prior to commencement of development or demolition activity on the site. Sign permits must be obtained for any proposed signage.
PUBLIC COMMENT
Two emails were provided to the Mayor expressing opposition to the project and one email was received with concerns about the impact of the project on the waste water system and traffic at this intersection. These communications are included in the Planning Commission agenda packet. The Special Use Permit staff report discusses the concerns raised about the impact of the project noted in the email, as it will look at the specific design and nature of the proposed use.

Project Summary
The subject property is currently a part of the Monterey Center Planned Commercial Development. Approval of this rezoning request will remove this property from the Planned Development. This removal will provide uniform zoning in this area (Figure 1) and should not impact the Planned Development as the property does not provide any required open space for the planned development. The Planned Development was designed with shared parking, and parking will continue to be shared throughout the development.

Figure 1. Current zoning in the area. The subject property is outlined in bold.

The rezoning will accommodate the development of the property with a car wash, which is classified in the Development Code as a Cleaning, Car Wash use. This use is not permitted in the PCD-[Monterey Center] zoning, but is permitted in the CN2 District when approved with a Special Use Permit. A comparison of the uses permitted in each district is provided with this report as Attachment A.
Other applications that were submitted concurrently with this rezoning request to accommodate this development include a Minor Subdivision to enlarge the lot to accommodate the proposed use and a Special Use Permit to permit the proposed Cleaning (Car Wash) use.

The proposed layout is shown on the concept plan shown in Figure 2. The proposed location of the new building is shown overlain on the existing development.

**REVIEW & DECISION-MAKING CRITERIA**

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

   **Applicant's Response:**
   
   "*We believe that this redevelopment project is in keeping with the comprehensive plan.*"

   Recommendations in Horizon 2020 are discussed below, with staff comments in red.

   "Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways." (Page 6-1, Horizon 2020)

   The rezoning would accommodate the redevelopment of an existing commercial area on W 6th Street, which is identified in Horizon 2020 as a gateway.

   "The intersection of W. 6th Street and Monterey Way is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property." (Page 6-17, Horizon 2020)

   The area is identified for commercial zoning and land uses in the comprehensive plan and is currently zoned and developed with commercial uses. The request is to update the zoning to a current commercial zoning district, the Neighborhood Commercial Center District, so it can develop under the standards of the 2006 Development Code with the proposed use. The rezoning request does not expand the land area for commercial uses at this location.

   "No one commercial use in a Neighborhood Commercial Center shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet." (Policy 3.6, E; Page 6-33, Horizon 2020)

   The building proposed for the car wash is approximately 5,165 sq ft.

   **Staff Finding** – The 6th and Monterey intersection is listed as an existing Neighborhood Commercial Center in Chapter 6 of the comprehensive plan. The rezoning to the Neighborhood Commercial Center District and proposed redevelopment is in conformance with the comprehensive plan.
2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: PCD-[Monterey Center] (Planned Commercial Development) District; Quality Restaurant, vacant.

Surrounding Zoning and Land Use:

To the north: CN2 (Neighborhood Commercial Center) District; Shopping center, formerly a part of the Monterey Center PCD which includes General Retail Sales, Fast Order Food, Personal Convenience, Office, and Postal and Parcel Service

To the west: CN2 (Neighborhood Commercial Center) District; parking area associated with the overall shopping center.

PCD-[Monterey Center] zoning is present to the north and west of the CN2 District and contains Food and Beverage, and Gas and Fuel Sales uses to the west; Duplex and Multi-Dwelling Structures to the north.

To the east: CN2 (Neighborhood Commercial Center) District; Monterey Way right-of-way and realtor office: Financial, Insurance, Real Estate Office.


Staff Finding – The subject property is a part of the Monterey Center Planned Commercial Development and is surrounded on the north and west by other property that developed as part of this center. The surrounding uses are predominately retail and office with residential uses being located further from the intersection. The proposed use, a car wash, would be compatible with the surrounding land uses.

Figure 2a. Zoning in the area. The general area of the rezoning request is circled. All commercial zoning is shown in red.

Figure 2b. Land use/development pattern in the area.
3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response:
"Generally a retail/commercial corridor with some residential housing uses along 6th Street."

The term ‘neighborhood’ refers to the area surrounding the subject property. The neighborhood is located on both sides of W 6th Street. The subject property is adjacent to and surrounded by commercial and office uses but the neighborhood contains a mix of uses. The neighborhood is primarily residential with the exception of portions of the W 6th Street Corridor, the north side of W 6th west of Monterey Way and the south side east of Monterey Way. (Figure 3)

The north side of W 6th Street from Monterey Way to Eldridge Street contains retail and office uses with apartments and duplexes further to the north. The south side of this portion of W 6th Street contains primarily residential uses with office uses, including a dentist office which is currently under construction. The north side is characterized by retail while the south side is predominately residential. This trend is reversed to the east of Monterey Way: the north side of W 6th Street to the east of Monterey Way is predominately residential with limited office uses (located at the corner), while the south side contains a vacant funeral home, offices and beauty salon/spa and a mini-storage.
Figure x. Land use categories in the area.
- Red-Commercial
- Brown-Multi-Family
- Blue Institutional
- Tan-Duplex
- Purpose-Industrial
- Yellow-Single Family

The neighborhood is dissected by higher classification roads with W 6th Street, a principal arterial, dividing the neighborhood north and south and Monterey Way, a collector, dividing the neighborhood east and west.

**Staff Finding** – This is a mixed use neighborhood with the higher intensity uses, offices and retail, being located on or near the 6th Street corridor. The remainder of the neighborhood is predominately residential. The proposed use would be located on the corner of W 6th Street, a principal arterial, and Monterey Way, a collector street. The proposed use would be compatible with the 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**

**Staff Finding** – The property is not located within any formal neighborhood boundaries. There are no adopted plans for this area beyond the future land use recommendations provided in the comprehensive plan, which was discussed in Item 1 of this report.
5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant’s Response:
"The unification of two existing zoning classifications (CN2 / PCD) to just (CN2)."

The list of permitted uses in the PCD-[Monterey Center] and CN2 District are very similar. The property is suitable, and has been developed, under the existing zoning regulations of the PCD District. The CN2 Zoning District varies from the PCD District, in relation to the proposed car wash use, in that a single bay automatic car wash was permitted in conjunction with a convenience store in the PCD zoning. The CN2 District permits *Gas and Fuel Sales*, which can include a convenience store, when approved with a Special Use Permit and also permits a car wash, with no limit on the number of bays, when approved with a Special Use Permit. There are other differences in uses allowed within the two districts. These are listed in Attachment A, and are summarized below:

The following uses, permitted in the PCD District, are not permitted in the CN2 District:
- Halfway house/rehabilitation
- Institution for children and aged
- Hospital
- Laboratory, medical or dental

The following uses are permitted in the CN2 District, but not the PCD District:
- Public Safety, which includes Police Stations and Fire Stations.
- Mixed Media Store: defined in the Development Code as an establishment or business offering goods for sale or rent that is not a *Sexually Oriented Media Store* but where more than 10% of the gross public floor area is devoted to sexually oriented media or more than 10% of the stock in trade consists of sexually oriented media.

And the following uses which were recently added to the Development Code:
- Event Center, Small
- Maker Space, Limited
- Maker Space, Intensive—with approval of a SUP

With the removal of the use restrictions provided by the PCD zoning, the proposed car wash could be developed on the site, with approval of a Special Use Permit. A *Cleaning (Car Wash)* use requires approval of a Special Use Permit in the CN2 District to insure compatibility with adjacent uses. Section 20-1306(a), of the Development Code provides the following information on the review procedures for a Special Use:

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

The subject property is in close proximity to the major transportation network, with direct access to Monterey Way, a Major Collector, and frontage on W 6th Street, a Principal Arterial. Access to the property is provided through two driveways serving the existing shopping center. These higher classification roads should be able to accommodate the traffic generated by the proposed use based on a 7-Step Traffic Impact Study which was submitted with the Special Use Permit. This will be discussed further in the Special Use Permit staff report.
Staff Finding – The subject property is well suited to the uses to which it is restricted with the current zoning and to the following additional uses which would be permitted with the rezoning to the CN2 District: Public Safety, Mixed Media Store, Event Center, Small, Maker Space, Limited, and Maker Space, Intensive when approved with a SUP. The additional uses permitted in the CN2 District are low intensity uses which are not expected to have an impact on nearby properties. Uses which could have an impact on lower intensity uses require approval as a Special Use Permit.

The rezoning should have no negative impact upon nearby properties due to the similarity of permitted uses between the current and proposed zoning districts and the fact that a car wash and other uses which could potentially impact nearby properties, will be reviewed, and mitigated if necessary, through the Special Use Permit process.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED
   Applicant’s Response: "Greater than 6 months."

Staff Finding – The property is not vacant but was developed with an Applebee’s, a Quality Restaurant use. The restaurant has been vacant since it closed in 2017.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES
   Applicants Response: "There should be no detrimental effect to nearby properties."

The proposed CN2 zoning of the subject property would match the zoning of the adjacent properties to the west, north, and east. As noted in Item 5, a limited number of additional uses would be permitted with the CN2 Zoning, in addition to the car wash use. These are primarily low intensity uses, with the possible exception of Maker Space, Intensive and the proposed use Cleaning (Car Wash). The CN2 District requires this use to be approved with a Special Use Permit so that any negative impacts can be considered and mitigated, if the SUP is approved.

With the adoption of the 2006 Development Code, new base districts were created to accommodate the former Planned Unit Developments. The only uses which could occur were those that were permitted with the zoning. The standards of the pre-2006 Code apply to these hold-over zoning districts. This rezoning will place the property in a current base district which matches the recommendation of the comprehensive plan for this area. With this rezoning, the site would then be subject to the current Development Code standards.

Staff Finding – The removal of the restrictions will allow the property to be developed with site plan approval in compliance with the design standards of the 2006 Development Code and would permit a few additional uses, as noted in the previous section. The design standards and other requirements in the Development Code, implemented through the site plan review or Special Use Permit process should result in compatible development which would not detrimentally affect 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

Applicants Response: "None noted."

When determining the benefit to the health, safety, and welfare of the public by the denial of a rezoning request the negative impacts that would be avoided are evaluated. As discussed in Section 7 of this report, this development is not expected to negatively impact the area. If the application were denied, the business would remain vacant until a subsequent development proposal was initiated. The rezoning will allow a simpler approval process of a site plan rather than the two-step development plan which includes a public hearing before the Planning Commission, City Commission approval, and recording of the approved plan with the Register of Deeds. Rezoning to the CN2 District will provide a more direct approval process and will also allow the property to be developed under the same standards as the other property in this area.

Denial of the request would require the site to be developed with a different use which is permitted in the PCD District but not with a car wash. The denial would not provide any benefit to the public health, safety, or welfare as the Development Code provides design standards which, when implemented with site plan review, result in compatible development.

**Staff Finding** – Denial of the rezoning request would have no public benefit as the proposed uses should be compatible with nearby properties, that are currently zoned CN2. Denial would deter the project. Development of this property would be on hold pending the initiation of another development proposal.

**PROFESSIONAL STAFF RECOMMENDATION**
This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development.

Staff recommends approval of the rezoning request for approximately 1.37 acres from the PD-[Monterey Center] (Planned Commercial Development) District to the CN2 (Neighborhood Commercial Center) District based on the findings of fact listed in this report.
**Table 1.** Comparison of permitted uses under current and proposed zoning districts.

<table>
<thead>
<tr>
<th>PCD-[Monterey Center] Pre-2006 Zoning Designation PCD-1</th>
<th>CN2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SIMILAR USES PERMITTED IN BOTH DISTRICTS</strong></td>
<td></td>
</tr>
<tr>
<td>Residential dwelling units (attached, detached or mixed)</td>
<td>Residential Multi-Dwelling Structures</td>
</tr>
<tr>
<td></td>
<td>Non-Ground Floor Dwelling; Work/Live Unit</td>
</tr>
<tr>
<td></td>
<td>Group Home General (SUP)</td>
</tr>
<tr>
<td>Adaptive reuse (SUP)</td>
<td>Adaptive reuse (SUP)</td>
</tr>
<tr>
<td>Communication towers (SUP)</td>
<td>Amateur and Receive-Only Antennas (A)</td>
</tr>
<tr>
<td>Radio or Television Transmitter or Tower</td>
<td>Wireless Facility-Antenna (A)</td>
</tr>
<tr>
<td></td>
<td>Wireless Support Structure (SUP)</td>
</tr>
<tr>
<td></td>
<td>Satellite Dish (A)</td>
</tr>
<tr>
<td>Art Gallery, Library, museum</td>
<td>Cultural Center/Library</td>
</tr>
<tr>
<td>Cemetery, Mausoleum, Mortuary, Funeral Parlor, or Undertaking Establishment</td>
<td>Cemetery, Funeral and interment (Active and Passive)</td>
</tr>
<tr>
<td>Child care</td>
<td>Day Care</td>
</tr>
<tr>
<td>Church or Other Place of Worship</td>
<td>Religious Assembly, Campus or Community and Neighborhood Institutions</td>
</tr>
<tr>
<td>Monastery, Convent, or Similar Institution of Religious Training</td>
<td>Parish House or Nunnery (SUP)</td>
</tr>
<tr>
<td></td>
<td>Religious Assembly, Campus or Community and Neighborhood Institutions</td>
</tr>
<tr>
<td>Club or Lodge (SUP)</td>
<td>Lodge, Fraternal &amp; Civic Assembly (SUP)</td>
</tr>
<tr>
<td>School</td>
<td>College/School</td>
</tr>
<tr>
<td>Public Utilities (SUP)</td>
<td>Minor Utility, Major Utility (SUP)</td>
</tr>
<tr>
<td>Electrical Substation</td>
<td>Health Care Office (SUP)</td>
</tr>
<tr>
<td>Gas Regulator Station</td>
<td>Outpatient Care Facility</td>
</tr>
<tr>
<td>Sewage Disposal Plant</td>
<td>Extended Care, General (SUP)</td>
</tr>
<tr>
<td>Water Filtration</td>
<td>Extended Care, Limited</td>
</tr>
<tr>
<td>Telephone Exchange</td>
<td></td>
</tr>
<tr>
<td>Health center, government (SUP)</td>
<td>Administrative and Professional Offices</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>Financial, Insurance, and Real Estate Offices; Payday Advance, Car Title Loan Business</td>
</tr>
<tr>
<td>Outpatient Center</td>
<td>Other Offices</td>
</tr>
<tr>
<td>Nursing or Rest Home (SUP)</td>
<td></td>
</tr>
<tr>
<td>Sanitarium (SUP)</td>
<td></td>
</tr>
<tr>
<td>Professional and Governmental Offices</td>
<td>Administrative and Professional Offices</td>
</tr>
<tr>
<td>Financial Institutions, Loan Office, Photographic Studio (Accounting and Architecture Offices, Motion Picture Studios (Enclosed) Bank, and similar establishments)</td>
<td>Financial, Insurance, and Real Estate Offices; Payday Advance, Car Title Loan Business</td>
</tr>
<tr>
<td></td>
<td>Other Offices</td>
</tr>
<tr>
<td>ATM</td>
<td>(included in the use &quot;Financial Office&quot;)</td>
</tr>
<tr>
<td>Veterinarian office and incidental boarding</td>
<td>Pet Sales and Grooming, Veterinarian Office</td>
</tr>
<tr>
<td>Post Office Branch</td>
<td>Postal and Parcel service</td>
</tr>
<tr>
<td>Studio for professional work or teaching of fine arts</td>
<td>Personal Improvement</td>
</tr>
<tr>
<td>Food store, not including 24 hr convenience store</td>
<td>Food and Beverage</td>
</tr>
<tr>
<td>Hair Care Establishment, Dry Cleaning, Laundry-Self Serve</td>
<td>Personal Convenience</td>
</tr>
<tr>
<td>Restaurant, not including one with drive-up facilities or service to automobiles</td>
<td>Fast Order Food</td>
</tr>
<tr>
<td></td>
<td>Private Dining Establishment, Quality Restaurant</td>
</tr>
<tr>
<td>Shoe Repair, Bicycle Sales, rental, repair</td>
<td>Repair Service, Consumer</td>
</tr>
</tbody>
</table>
Table 1. Comparison of permitted uses under current and proposed zoning districts.

<table>
<thead>
<tr>
<th>PCD-[Monterey Center]</th>
<th>CN2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PCD-1</strong></td>
<td></td>
</tr>
<tr>
<td>Pre-2006 Zoning Designation</td>
<td></td>
</tr>
</tbody>
</table>

### SIMILAR USES PERMITTED IN BOTH DISTRICTS

<table>
<thead>
<tr>
<th>Similar Uses</th>
<th>Pre-2006 Zoning Designation</th>
<th>CN2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reverse Vending Machine (recycling)</td>
<td>Small Collection Facilities (recycling)</td>
<td>Small Collection (Recycling)</td>
</tr>
<tr>
<td>Retail stores and service establishment</td>
<td>Retail Sales, General</td>
<td></td>
</tr>
<tr>
<td>General Retail Sales including Department Store, Drug Store, Pawn Shop, Variety Store and Retail Baker, Copy Center</td>
<td>Retail Establishment, Medium</td>
<td></td>
</tr>
<tr>
<td>Retail Establishment, Specialty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licensed premises</td>
<td>Accessory Bar</td>
<td></td>
</tr>
<tr>
<td>Liquor, wine and beer sales, for consumption off the premises</td>
<td>Brewpub</td>
<td></td>
</tr>
<tr>
<td>Radio and Television or Recording Studio</td>
<td>Bar or Lounge</td>
<td></td>
</tr>
<tr>
<td>Professional cleaning services</td>
<td>Communication Service Establishment</td>
<td></td>
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<tr>
<td>Secretarial Service, Personnel Services</td>
<td>Business Support</td>
<td></td>
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<tr>
<td>Telephone answering service</td>
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<tr>
<td>Commercial or Trade School</td>
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<tr>
<td>Theatre, live</td>
<td>Entertainment and Spectator Sports, Lmtd;</td>
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<tr>
<td>Bowling Alley</td>
<td>Indoor Participant Sports/Recreation</td>
<td></td>
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<tr>
<td>Community Building</td>
<td>Active Recreation</td>
<td></td>
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<tr>
<td>Golf Course</td>
<td></td>
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<tr>
<td>Playfield (public)</td>
<td></td>
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<tr>
<td>Swimming Pool, Accessory</td>
<td></td>
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<tr>
<td>Park, Playground, (public)</td>
<td>Passive Recreation</td>
<td></td>
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<tr>
<td>Private Recreation Facility</td>
<td>Nature Preserve; Undeveloped</td>
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<tr>
<td>Automobile service stations</td>
<td>Private Recreation</td>
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</tr>
<tr>
<td><strong>Food convenience store, including gasoline sales and single-bay auto wash</strong></td>
<td>Cleaning/ car wash (SUP)</td>
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<td></td>
<td>Gas and Fuel Sales (SUP)</td>
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<tr>
<td></td>
<td>Light Equipment Repair (SUP)</td>
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<tr>
<td></td>
<td>Light Equipment Sales/Rental</td>
<td></td>
</tr>
</tbody>
</table>

### DIFFERENT USES PERMITTED IN EACH DISTRICT

<table>
<thead>
<tr>
<th>Different Uses</th>
<th>Pre-2006 Zoning Designation</th>
<th>CN2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halfway house/rehabilitation (SUP)</td>
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<tr>
<td>Institution for children and aged (SUP)</td>
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<tr>
<td>Hospital, General (not animal) (SUP)</td>
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</tr>
<tr>
<td>Laboratory, medical or dental</td>
<td></td>
<td>Fast Order Food with Drive-In (SUP)</td>
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<tr>
<td>Student Center---(classified as Social Service Agency in Development Code)</td>
<td>Temporary Shelter (SUP/A)</td>
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<td></td>
<td>Social Service Agency</td>
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<td></td>
<td>Community Meal Program (SUP/A)</td>
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<tr>
<td></td>
<td>Public Safety</td>
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<tr>
<td></td>
<td>Mixed Media Store</td>
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<tr>
<td></td>
<td>Crop Agriculture</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agriculture, Small Animal (A)</td>
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<tr>
<td></td>
<td>Farmer’s Market</td>
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<tr>
<td></td>
<td>On-Site Agricultural Sales (A)</td>
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<tr>
<td></td>
<td>Event Center, Small</td>
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<tr>
<td></td>
<td>Maker Space, Limited</td>
<td></td>
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<tr>
<td></td>
<td>Maker Space, Intensive (SUP)</td>
<td></td>
</tr>
</tbody>
</table>
Z-17-00688: Consider a request to rezone approximately 1.33 acres located at 3900 W 6th St from CN2 (Neighborhood Commercial Center) District & PCD (Planned Commercial Development-Monterey Center) District to CN2 (Neighborhood Commercial Center) District.

SUP-17-00690: Consider a Special Use Permit for Tommy’s Car Wash, on approximately 1.33 acres located at 3900 W 6th St.
PC Staff Report
02/21/2018

ITEM NO. 4B: SPECIAL USE PERMIT FOR CLEANING (CAR WASH); 3900 W 6TH STREET (MKM)

SUP-17-00690: Consider a Special Use Permit for Tommy’s Car Wash, on approximately 1.33 acres located at 3900 W 6th St. Submitted by Wild Pines Ventures LLC, for Lawrence Monterey Investors LLC, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit for Tommy’s Car Wash, a Cleaning (Car Wash) use, and forwarding the item to the City Commission with a recommendation of approval subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Recording of a Minor Subdivision for Monterey No. 8 Addition with the Register of Deeds prior to release of SUP plans to Development Services for processing of building permits.
3. Submittal of a revised Special Use site plan with the following changes:
   a. Revise the street trees to match the Master Street Tree Plan, if necessary.
   b. Add the following note: “The Board of Zoning Appeals approved a variance from the 50 ft setback required in Section 20-814 of the Subdivision Regulations to allow a reduced setback of 40 ft from W 6th Street, contingent upon the approval of the Special Use Permit.”
   c. Revise the site summary and parking tables as noted in this staff report.
   d. Revise all plan sheets with the relocated ADA accessible parking space.
   e. Correct the Lot labels and legal description to reflect the updated Minor Subdivision.

Reason for Request: “During our meeting with planning office staff we were informed that we would need to apply for the special use permit in addition to a zoning change. At a later date we were notified that we would need to apply for a variance.”

KEY POINTS

• The property is currently zoned PCD-[Monterey Center] and is part of the Planned Development. It was separated from the Planned Development when a lot to the north and west of the subject property was rezoned from PCD to a current base zoning district, CN2.

• A rezoning request to the CN2 base zoning district was submitted for the subject property and is being processed concurrently with the SUP. The proposed use, Cleaning (Car Wash) is a permitted use in the CN2 District when approved with a Special Use Permit.

• The applicant proposes to raze the site, which was formerly occupied by Applebee’s Restaurant, and construct the car wash. The car wash will extend further to the north then the Applebee’s Restaurant and will encroach into the lot to the north; therefore, the lots will be reconfigured through the Minor Subdivision process.
ASSOCIATED CASES
- Z-17-00688; Rezoning of the subject property from PCD-[Monterey Center] (Planned Commercial Development) to CN2 (Neighborhood Commercial Center) District. The rezoning application was submitted concurrently with the Special Use Permit application and will also be considered at the February Planning Commission meeting.
- B-17-00687; Variance request to allow the car wash access drive to encroach into the 50 ft setback required along W 6th Street between Monterey Way and Folks Road. The Board of Zoning Appeals approved the variance request at their February 1, 2018 meeting to allow a 40 ft setback, contingent on the approval of the Special Use Permit.
- MS-17-00692; Minor Subdivision Monterey No. 8 Addition to reconfigure the lot lines was submitted concurrently with the other applications. The Minor Subdivision will be processed administratively; however, it has been placed on the Planning Commission agenda for consideration of a variance requested from the right-of-way requirement in Section 20-830(a) of the Subdivision Regulations and, if necessary, will be placed on the City Commission agenda for acceptance of dedications of easements and/or right-of-way.

OTHER ACTION REQUIRED
- City Commission approval of rezoning request through adoption and publication of rezoning ordinance.
- City Commission approval of Special Use Permit through adoption and publication of Special Use Permit ordinance.
- Replatting the property through the Minor Subdivision process.
- Demolition permit obtained from Development Services prior to the demolition of building.
- Building permits obtained from Development Services Division prior to the commencement of development.

PLANS AND STUDIES REQUIRED
- Traffic Study – the City Traffic Engineer accepted the 7-Step Traffic Study and indicated the traffic did not reach the threshold which would require a full traffic study.
- Downstream Sanitary Sewer Analysis – The City Utility Engineer noted that, as the facility will use a water reclamation system to reduce the total volume of water discharged to the sanitary sewer system, a Downstream Sanitary Sewer Analysis is not required with this project; however, a Fixture County Spreadsheet was requested to document Code requirements.
- Drainage Study – The drainage letter dated 12-18-2017 meets the specified requirements and is approved.

ATTACHMENTS
Attachment A: Traffic Impact Study
Attachment B: Noise Study
Attachment C: Public Communications

PUBLIC COMMENT
- Two emails were provided in opposition to the car wash use and one email was provided from an interested party with concerns about the traffic at the intersection and with the ability of the wastewater system south of the proposed development to accommodate the car wash. These concerns are discussed later in this report.
**GENERAL INFORMATION**
**Current Zoning and Land Use:**
PCD-Monterey Center (Planned Commercial Development) District [rezoning to the CN2 (Neighborhood Commercial Center) District pending; currently developed with a *Quality Restaurant*, vacant.

**Surrounding Zoning and Land Use:**
To the north:
CN2 (Neighborhood Commercial Center) District; Shopping center formerly a part of the Monterey Center PCD which includes *General Retail Sales, Fast Order Food, Personal Convenience Services, and Office uses*

To the east:
CN2 (Neighborhood Commercial Center) District; Monterey Way right-of-way and realtor office: *financial, Insurance, Real Estate office.*

To the west:
CN2 (Neighborhood Commercial Center) District; parking area associated with the overall shopping center.

To the south:
RSO (Single-Dwelling Residential-Office) District; W 6th Street right-of-way and bank: *Financial, Insurance, Real Estate Office.* (Figure 1)

*Figure 1a. Zoning of surrounding area. Subject property outlined.*
SUMMARY OF SPECIAL USE
This application proposes the demolition of a 4,797 sq ft building and the construction of a 5,169 sq ft car wash and associated site improvements on the lot at 3900 W 6th Street and a portion of the lot to the north, 4000 W 6th Street. The lots are being reconfigured with a Minor Subdivision to accommodate this development.

The site is encumbered with a 100 ft wide Westar Easement, a 20 ft Southern Star Easement and a 75 ft wide building setback from a gas line measured from the centerline of Monterey Way (35 ft on the subject property. Figure 2 illustrates these site constraints.

A Cleaning (Car Wash) use is permitted in the CN2 District when approved with a Special Use Permit to insure compatibility with adjacent uses. Section 20-1306(a), of the Development Code provides the following information on the review procedures for a Special Use:

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

The site plan submitted with a Special Use Permit application is required to meet the site plan requirements in Section 20-1305(f) of the Development Code. Site plans are grouped into ‘minor’, ‘standard’, and ‘major’ classifications based on the degree of development being proposed. This classification determines the degree of compliance with City Codes that is required. While the Code does not provide this distinction for Special Use Permits, it is reasonable to extend these classifications to determine the degree of compliance that is required for various projects. The Tommy’s Car Wash project involves the razing of the site; therefore, this project fits the criteria for a Major Development Project and would be processed with a major site plan. (Section 20-1305(b), Development Code). A ‘major’ site plan requires full compliance with the Development Code, and all other City Codes.

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

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

Applicant’s Response:
"Yes, we believe so."

The following is a review of the property for compliance with the Development Code and the Commercial Design Standards.

<table>
<thead>
<tr>
<th>SITE SUMMARY</th>
<th>Existing</th>
<th>Proposed</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use:</td>
<td>Quality Restaurant</td>
<td>Cleaning (Car Wash)</td>
<td>Change in use</td>
</tr>
<tr>
<td>Land Area:</td>
<td>57,840 sq ft</td>
<td>57,840 sq ft</td>
<td>---</td>
</tr>
<tr>
<td>Building Area:</td>
<td>4,797 sq ft</td>
<td>5,169 sq ft</td>
<td>+ 372 sq ft</td>
</tr>
<tr>
<td>Pavement Area:</td>
<td>26,587 sq ft</td>
<td>22,747 sq ft</td>
<td>- 3,840 sq ft</td>
</tr>
<tr>
<td>Impervious Area:</td>
<td>31,384 sq ft (54.3%)</td>
<td>27,916 sq ft (48.3%)</td>
<td>- 3,468 sq ft</td>
</tr>
<tr>
<td>Pervious Area</td>
<td>26,456 sq ft</td>
<td>29,924 sq ft</td>
<td>+ 3,468 sq ft</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CN2 District Density and Dimensional Standards</th>
<th>REQUIRED</th>
<th>PROVIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>20,000 sq ft</td>
<td>57,840 sq ft</td>
</tr>
<tr>
<td>Lot Width</td>
<td>100 ft</td>
<td>177.50 ft on 6th Street; 378.84 on Monterey Way</td>
</tr>
<tr>
<td>Maximum Impervious Lot Coverage</td>
<td>80%</td>
<td>48.3%</td>
</tr>
<tr>
<td>Front Setback</td>
<td>20 ft</td>
<td>~75 ft</td>
</tr>
<tr>
<td>W 6th Street Gateway Setback</td>
<td>50 ft</td>
<td>40 ft (per BZA Variance)</td>
</tr>
<tr>
<td>Exterior Side Setback</td>
<td>20 ft</td>
<td>~ 60 ft</td>
</tr>
<tr>
<td>Interior Side Setback</td>
<td>0</td>
<td>~ 60 ft</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>45 ft</td>
<td>28 ft</td>
</tr>
</tbody>
</table>

The site and development is compliant with the density and dimensional standards of the CN2 District.
PARKING
Per the Off-Street Parking Schedule C (Section 20-904 of the Development Code), a Cleaning (Car Wash) use requires 2 parking spaces plus the stacking spaces per Section 20-911 (4 spaces at each entrance). There is one entrance for the car wash, which will be served by two access drives.

### PARKING TABLE (for proposed use)

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Requirement</th>
<th>Parking Required</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleaning (Car Wash)</td>
<td>2 PLUS 4 stacking spaces at each entrance</td>
<td>2 spaces</td>
<td>2 with 26 stacking spaces</td>
</tr>
<tr>
<td>ADA Accessible</td>
<td>1 van accessible space for parking lots with up to 20 spaces</td>
<td>1 van accessible space</td>
<td>1 van accessible space</td>
</tr>
<tr>
<td>Bicycle</td>
<td>None</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>2 spaces/ with one being van accessible</td>
<td>3 with 1 being van accessible, and 26 stacking spaces (Figure 3)</td>
</tr>
</tbody>
</table>

### PARKING TABLE (for Monterey Center overall)*

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Requirement</th>
<th>Parking Required</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food &amp; Beverage (PCD)</td>
<td>1 space per 200 net sq ft</td>
<td>36,000 net sq ft 180 spaces</td>
<td>195 (11 ADA) spaces</td>
</tr>
<tr>
<td>Food &amp; Beverage (PCD) expansion</td>
<td>10,000 net sq ft 50 spaces</td>
<td></td>
<td>50 spaces</td>
</tr>
<tr>
<td>Strip Mall Retail</td>
<td></td>
<td>16,800 net sq ft 84 spaces</td>
<td>185 (3 ADA) spaces</td>
</tr>
<tr>
<td>Outdoor Sale Area</td>
<td></td>
<td>13,200 net sq ft 66 spaces</td>
<td>46 spaces</td>
</tr>
<tr>
<td>Gas and Fuel Sales with Convenience Store</td>
<td>945 net sq ft 5 spaces</td>
<td></td>
<td>13 (1 ADA) spaces</td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
<td>3,408 net sq ft 17 spaces</td>
<td>17 (1 ADA) spaces</td>
</tr>
<tr>
<td><strong>Total (with restaurant)</strong></td>
<td>ADA: 3% of total spaces</td>
<td>402 spaces</td>
<td>506 with 16 ADA Spaces</td>
</tr>
<tr>
<td>Cleaning (Car Wash)</td>
<td>2 PLUS 4 stacking spaces at each entrance</td>
<td>2 spaces PLUS 4 stacking spaces at the entrance</td>
<td>67 spaces removed (including 2 ADA spaces) and 3 parking spaces (including 1 ADA space) added with this project PLUS 26 stacking spaces</td>
</tr>
<tr>
<td><strong>Total with Car Wash replacing restaurant</strong></td>
<td></td>
<td>387 spaces</td>
<td>442 spaces (with 15 ADA spaces)</td>
</tr>
</tbody>
</table>

*Figures provided with SUP-12-09-10, Special Use Permit for Fast Order Food Restaurant to CN2 portion of development.
Additional stacking spaces are being provided with this car wash as it is a high speed wash and cars are expected to move through it at a quick pace. The stacked parking layout is illustrated in Figure 3. (Please note, this graphic includes parking spaces which are being demolished with this project.)

**LANDSCAPING**

Interior parking lot landscaping is required at a rate of 40 sq ft per parking space and plantings are required at a rate of 1 tree and 3 shrubs per 10 parking spaces. Two employee spaces are provided along the west side of the property and one ADA accessible space is provided on the east side of the property. The interior parking lot standards apply to parking lots that provide 11 or more parking spaces and are intended to break up large expanses of pavement, and to safety direct traffic within the lot. The two employee spaces are bounded on each side by large landscaped islands. The 3 vacuum bays located in the northern portion of the lot are surrounded on three sides by landscape islands. The landscaping plan sheet shows the ADA space to the north of these three vacuum bays. The ADA space has been relocated to the southeast corner of the site, nearer the building, so the landscape plan sheet should be revised to reflect this change. The vacuum bays along the east side of the property require perimeter parking lot landscaping along the east side, but is bounded on the north and the south by landscaped areas. The parking spaces are broken up by their placement throughout the site in addition to landscaping. In staff's opinion, this landscaping and separation of parking spaces meets the intent of the Interior Parking Lot Landscaping requirement.

Perimeter parking lot landscaping is intended to screen the parking lots from adjacent streets. It is required at a rate of 1 shade or ornamental tree per 25 ft of parking lot frontage in addition to one of the following (a berm, minimum of 3 ft in height; a solid masonry wall, minimum of 3 ft in height; or a continuous hedge of evergreen shrubs.

The two employee spaces are interior to the site and will not require screening; however, the vacuum bays along Monterey Way are considered parking spaces and require perimeter screening. The vacuum bay and ADA accessible parking space have approximately 130 ft of frontage along Monterey Way. Shade or Ornamental Trees are required at the rate of 1 tree per 25 ft of parking lot frontage or 6 trees. A continuous evergreen hedge, masonry wall, or berm is also required to screen the parking area. The plan provides 5 trees along this perimeter parking lot along with a continuous hedge of junipers. The number of trees required is administratively waived to permit the provision of 5 trees rather than 6 due to the constraints posed by the easements; however, they may need to be shifted to the south to keep trees out of the Westar Easement.

Street Trees are required at a rate of 1 tree per 40 ft of street frontage. Per the Master Street Tree Plan provided with the Minor Subdivision for Monterey No. 8 Addition, 14 street trees are required along Monterey Way and 8 trees are required along W 6th Street. However, due to the site constraints created by the easements, the number of trees required has been reduced to 10 on Monterey Way, with the new trees being smaller species and located as far from the Southern Star gasoline as possible.
The trees along W 6th Street must be of a smaller species to avoid conflict with the overhead power lines. Westar indicated the northern tree on Monterey Way is within their easement. The Master Street Tree Plan is being revised to meet these requirements and the street trees on the Special Use Permit plans should be adjusted to match the approved Master Street Tree Plan.

Bufferyard. A Type 1 bufferyard is required where the adjacent property has a more or less intense zoning, as identified in Section 20-1005. The property to the south is separated from the subject property by W 6th Street right-of-way, which is approximately 100 ft wide in this area. The site plan shows that trees and ornamental grasses will be planted south of the car wash. The proposed landscaping, in conjunction with the 100 ft dividing right-of-way meets the intent of the bufferyard landscaping requirement.

PARKING LOT AND ACCESS DRIVES
The parking area and access drives will be surfaced and curbed in accordance with City Standards.

SIDEWALKS
Sidewalks along Monterey Way and W 6th Street were installed with previous projects; therefore, no new sidewalks are required with this development.

LIGHTING
Exterior lighting is being proposed with this project. A photometric plan and point-by-point illumination array is provided as Sheet C-13 of the SUP plan set. The plan notes that there will be 20 ft tall pole mounted lighting and wall mounted lights at various points on the building. Per Section 20-1103 of the Development Code, the maximum light levels permitted at the property line are: 3 foot candles where the property is adjacent to, or across the street from, non-residential zoned properties (north, east, and west property lines); and 1 foot candle where the property is across the street from R Zoned properties (south property line). The light levels at the property lines are compliant with these standards. The pole mounted lights will be full cut-off fixtures and will be angled at 90° to minimize glare (Figure 4).

![Figure 4a. Pole mounted light fixture](image)

![Figure 4b. Wall mounted light fixture](image)

COMMERCIAL DESIGN STANDARDS
Standards in the City’s Commercial Design Manual apply to new commercial development as well as the redevelopment of existing commercial areas. Site Design is an important element in the Manual which recommends that buildings be pulled forward to define the edges of public streets and internal private drives; and that buildings located at intersection corners be oriented in a manner that addresses both streets. It notes that buildings should be arranged to orient to the intersection streets and to frame the corner at that intersection. The proposed building is being located in approximately the same location as the existing restaurant, although it is more linear in shape. As
illustrated in Figure 5, utility easements and required building setbacks limit the location options for the building.

The Commercial Design Standards require that a minimum of 1/3 of the plantings be evergreen species. Landscaping proposed for this project, other than the required street trees, will be a mix of junipers and yews, evergreen shrubs, and ornamental grasses, which are usually maintained throughout the winter season. The Standards also recommend that driveways into a commercial center be landscaped. The site has limited frontage on the access drive but these are planted with a mixture of evergreen shrubs and grasses.

With the changes being proposed to this site, the aesthetic character of the new building is one of the principal factors for Commercial Design review. The Guidelines recommend that commercial developments have visual interest and a recognizable image as a distinct place and should have a compatible architectural context with surrounding developments and the community as a whole. Features that should be included include ‘four-sided architecture’, articulation so that a large dominant building mass is avoided, and roofline variation. The guidelines note that a minimum of 30% of the exterior building façade shall incorporate limestone, brick, or other natural stone, which will help provide continuity and compatibility throughout commercial centers and with the community. The applicant revised the elevations originally submitted to incorporate natural materials, as shown in Figure 6. The design of the building, with these changes, is compliant with the Commercial Design Standards as it is compatible with the nearby commercial development and creates visual interest.
Figure 6. Elevations for Tommy’s Car Wash

**Staff Finding** – This use complies with the applicable provisions of the Development Code as an allowed use in the CN2 District subject to a Special Use Permit, as conditioned.

2. **WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS**

Applicant’s Response:

“Yes, we believe so.”

A car wash could have negative impacts on nearby residential uses, as they would generate noise and could have late hours. The subject property is separated from residential uses in the area by commercial or office uses and should not have a negative impact on them. (Figure 7) The applicant provided a noise study that was conducted for a similar car wash earlier this year. The results show that, at the loudest point the noise level is approximately 86 decibels. The study advised that employees in this area, the blower room, wear noise protection. The study showed that the sound level measured 5 ft outside the car wash is 74 decibels and is 66 decibels 20 ft from the car wash.
The subject car wash is located more than 20 ft from any property line so, based on this study, the noise level at the property line should be between 66 and 64 decibels. The study noted that the ambient noise level at this location was 64 decibels.

The subject property is surrounded on the north and west by various retail uses and parking area for the Monterey commercial development. It is bounded on the east by Monterey Way and a Board of Realtors office. A bank is located to the south across W 6th Street. The lighting used will be similar to that used throughout the commercial center and should not result in off-site glare or light trespass.

The proposed use is an auto-oriented commercial use in the southeast corner of the Hy-Vee Shopping Center which should be compatible with the development as another auto-oriented commercial use, a convenience store with gas sales, is located on the southwest corner of the development. The operating hours, approximately 14 hours a day, should be similar to that of the adjacent commercial development. The property has frontage on a Principal Arterial and a Collector Street, and is not expected to generate much more traffic than the restaurant which it is replacing. The site has been designed to limit negative impacts to adjacent properties through landscaping and appropriate lighting.

CONCERNS RAISED IN PUBLIC COMMENT
Staff received an email from a member of the public asking for information on the possible impacts the car wash would have on the sanitary sewer system and the traffic at the intersection. The applicant provided the City Utility Engineer with information on the water reclamation system which reduced the water usage and discharge level. The Engineer requested the water usage and discharge information be provided in the form of a fixture count spreadsheet to document Code requirements.

The City Traffic Engineer reviewed the 7-step Traffic Impact Study which indicated that the proposed use would generate between 64 to 86 total trips during the PM peak hour, depending on the method used to estimate trip generation (ITE, Institute of Transportation Engineers Trip Generation Manual) or the facility operational capacity. The property as a restaurant was expected to generate a total of 59 total trips in the PM peak hour. Therefore the maximum expected increase in trips during the PM peak hour is 27. This amount of additional traffic did not meet the threshold level to require a full traffic impact study (an increase of more than 100 trips in the peak hour) and the City Transportation Engineer indicated that the new development will have negligible impacts on the existing road network.

Staff Finding — The use should be compatible with surrounding land uses as it is located in an area with commercial and office land uses. The car wash will utilize a water reclamation system to reduce their water demand and discharge level to minimize their impact on the City Utility System. The maximum increase in traffic expected with this project is expected to be an additional 27 vehicles during a peak hour, which is not expected to impact the existing road network. The car wash use is compatible with other uses in the area and is expected to have little impact to the surrounding area.
3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant’s Response:

“No, we believe that it will be a complementary business that will increase the value of real property, and provide an economic benefit to all nearby businesses.”

The proposed development is in compliance with the standards of the Development Code, with the variance granted from the 50 ft setback along W 6th Street to allow a reduction to 40 ft for the access drive. The project is designed in compliance with the Commercial Design Standards and there are no elements of the site plan which would lead staff to assume there would be a reduction in the property values of nearby properties.

Staff Finding – There is no evidence to support a finding that the proposed use would cause a diminution of other property values in the area.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

Staff Finding – This project is redeveloping an established commercial property. The Public Safety, transportation and utility facilities in the area are adequate to continue service to the subject property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

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

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

Applicant’s Response:

“We do not believe so. We are also able to increase the landscaped area with our use, above what is currently in place. Tommy’s Express also uses a water reclamation system that allows us to use less water per car than your typical express car wash.”

The property and the surrounding area is fully developed. The facility will utilize a ‘water re-use’ feature to limit the car wash’s demand on City utilities. The proposed use should not adversely impact the natural environment.

Staff Finding – The proposed use should not adversely impact the natural environment.
7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

Staff Finding – Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area. This area is fully developed and the Special Use Permit would allow the development of one specific additional use, a car wash, in the commercial center. The use should maintain its compatibility with the surrounding area and a time limit is not necessary.

CONCLUSION
Based on the findings in this report, and as conditioned, staff recommends approval of the proposed Special Use Permit.
December 18, 2017

Mr. Austin Davis, Member
Wild Pines Ventures, LLC
107 Layton Street, Suite A
Dodge City, KS 67801

SUBJECT: Proposed Tommy's Express Car Wash Facility
Lawrence, Kansas

Dear Mr. Davis:

As requested, GBA’s traffic engineers have prepared this letter report to address the City of Lawrence’s minimum traffic impact data requirements in association with your proposed Tommy’s Express Car Wash facility. Based upon the City’s Ordinance #7650, a minimum amount of traffic data is required to be collected in order to address the following seven (7) items. The following paragraphs provide our responses to these criteria:

(1) Identify the specific development plan under study and any existing development on and/or approved plans for the site (land use types and intensities and the arrangement of buildings, parking and access). Also, identify land uses (including types and the arrangement of buildings, parking and access) on property abutting the proposed development site, including property across public streets.

The proposed car wash facility will redevelop a vacant Applebee’s restaurant outparcel within the large existing shopping center located on the northwest corner of the intersection of West 6th Street with Monterey Way. The redevelopment parcel is in the extreme southeast corner of the shopping center. The shopping center also contains a Hy-Vee grocery store as its primary tenant, which is located in the northwest corner of the site, a related convenience store/gas station, located in the southwest corner, and a strip of connected retail space along the northern edge of the site that is connected to the east side of the grocery store. The strip retail space is currently occupied by a liquor store, three restaurants, two specialty retailers, a shipping store, three salons, and a tax preparer’s office. Access for the proposed redevelopment parcel will be maintained through the internal parking lots of the existing shopping center.

Located on the southwest corner of the West 6th Street and Monterey Way intersection is a bank facility with drive-through lanes. Access to this bank is provided via a right-in / right-out (RIRO) drive onto West 6th Street and a full access driveway onto Monterey Way.

On the northeast corner of the West 6th Street / Monterey Way intersection is a small office building, with access provided via two full access driveways onto Monterey Way. On the southeast corner of the intersection is a veterinary hospital and another small office building. These buildings share two full access driveways onto West 7th Street to the south, and also one full access driveway onto Comet Lane to the east of the site. Both West 7th Street and Comet Lane are local streets.
To the west of the existing shopping center are two banking facilities (one with drive-through lanes) and three small office buildings. This office park development shares the western full access driveway onto West 6th Street with the existing shopping center. The office park also has an additional full access drive onto Eldridge Street (a local street) to the west of the site.

Located to the north and northwest of the existing shopping center is are multi-family apartment complexes, which share the shopping center’s northernmost full access drive from its rear parking areas / loading docks onto Monterey Way. Primary access for these apartment complexes is provided via two full access driveways onto Eldridge Street (a local roadway) to the west.

(2) Identify the land uses shown in Horizon 2020 for the proposed development site under study, as well as the ultimate arterial and collector street network in the vicinity of the site (at least the first arterial or collector street in each direction around the site).

The Horizon 2020 plan identifies the land use as “Office and/or Commercial.” Along the south frontage of the proposed redevelopment site, West 6th Street is identified as a Principal Arterial within the City of Lawrence. To the east of the redevelopment site, Monterey Way is identified as a Major Collector. Located about one-half mile to the west of Monterey Way and the proposed redevelopment site, South Folks Road is also identified as a Major Collector. Approximately one-quarter mile to the north of the existing shopping center, Trail Road is identified as a Major Collector roadway as well.

(3) Identify the functional classification of the public street(s) bordering the site and those streets on which access for the development is proposed. The functional classification is shown on the Major Thoroughfares Plan, adopted as a part of Transportation 2025 and Figure 14 in Horizon 2020.

Immediately adjacent to the proposed redevelopment site on the south, West 6th Street is identified as a Principal Arterial. Along the eastern frontage of the site, Monterey Way is identified as a Major Collector. Located about 500 feet to the west of the existing shopping center, Eldridge Street is identified as a Collector roadway. There is no public street immediately bordering the existing shopping center on its north side.

Access to proposed redevelopment site is already possible via two full access driveways serving the existing shopping center onto West 6th Street, which are located approximately 600 feet and 950 feet, respectively, to the west of the Monterey Way intersection. In addition, there are also two full access driveways from the shopping center onto Monterey Way that provide access to the proposed redevelopment site. These two accesses are located approximately 440 feet and 600 feet to the north of West 6th Street.

(4) Identify allowable access to the development site as defined by criteria included in the adopted Access Management Plans for arterial and collector streets in Lawrence. This list includes, but is not limited to: W. 6th Street, 31st Street, and the 23rd Street Corridor study and shall include any adopted access management plans.

The existing shopping center and the proposed redevelopment site are not covered by any of the City’s specific access management plans. It appears that the West 6th Street Access Management Plan covers the corridor only to the west of South Folks Road. Therefore, the general access management plan adopted for the entire City shall apply in this case.

The Lawrence Access Management Plan specifies that full access driveways should be positioned at least 600 feet away from any primary intersections, and right-turn lanes should preferably be at least 300 feet in length. The first full access driveway to the west of Monterey Way currently meets both criteria. The second full access driveway is located outside of any primary intersection influence areas, but lacks an exclusive right turn lane. However, the Lawrence Access Management Plan notes that this turn lane provision is not mandatory.
The full access driveways onto Monterey Way are located approximately 440 feet and 600 feet, respectively, to the north of West 6th Street. Based on the currently posted speed limit and functional classification of this street, the intersection influence area extends approximately 410 feet to the north of West 6th Street, meaning both existing driveways are already in full compliance with the access management criteria.

(5) Document current public street characteristics adjacent to the site, including the nearest arterial and collector streets [number and type of lanes, speed limits or 85th-percentile speeds, and sight distances along the public street(s) from the proposed access(es)].

Along the south frontage of the proposed redevelopment site, West 6th Street is a 66-foot wide roadway, measured edge-to-edge of traveled way. West 6th Street is a five-lane arterial that provides two 12-foot wide eastbound lanes, two 12-foot wide westbound lanes, and an 18-foot wide center two-way left-turn lane (TWLTL). To the west of the existing shopping center’s second full access driveway, West 6th Street narrows to a 60-foot width, with only a 12-foot wide TWLTL. Additionally, at the first full access driveway west of Monterey Way, a 310-foot long exclusive westbound right-turn lane provides access into the combined shopping center and proposed redevelopment site. West 6th Street currently has a posted speed limit of 45 miles per hour (mph). All necessary access for the proposed redevelopment site onto this adjacent public street is already existing, and adequate intersection sight distance in excess of 600 feet is provided looking to both the east and to the west.

Through the existing shopping center’s northernmost full access driveway, Monterey Way is currently a 27-foot wide, two-lane collector roadway with 13.5-foot wide travel lanes. Monterey Way tapers to 31.5 feet in width, measured edge-to-edge, at the north edge of the southern full access driveway, with two 11-foot travel lanes and a 9.5-foot striped center median. To the south of the southern full access drive, Monterey Way provides a 36-foot wide, two-lane collector roadway cross-section, with two 11-foot travel lanes and a 14-foot wide TWLTL. Monterey Way currently has a posted speed limit of 35 mph. Again, all necessary access for the proposed redevelopment site onto this adjacent public street is already existing, and adequate intersection sight distance in excess of 500 feet is provided looking to both the north and to the south.

(6) Compare proposed access with AASHTO established design criteria (driveway spacing, alignment with other streets and driveways, city driveway standards, and minimum sight distances.) Assess the feasibility of access connections to abutting properties, including shared access with the public street system.

There is no additional access being proposed to serve the proposed redevelopment site. The proposed redevelopment site will use the existing shopping center driveways only to access the adjacent public streets. Direct access to the proposed redevelopment site is internal to the existing shopping center via its current parking lots and drive aisles.

(7) Estimate the number of trips generated by existing and proposed development on the site for a typical weekday and weekday peak hours using the latest edition of Trip Generation published by the Institute of Transportation Engineers. Local trip generation characteristics may be used if deemed to be properly collected and consistent with the subject development application. The Public Works Director shall make such determination. Calculate the net difference in trips between existing and proposed uses. If the development site already has an approved plan, also estimate the number of trips that would be generated by the approved land uses. If the development application is proposing a land use DIFFERENT THAN indicated in Horizon 2020 and Transportation 2025, also estimate the number of trips that would be generated by the land use indicated in Horizon 2020 or Transportation 2025.

Using the current edition (i.e., 10th Ed.) of the Institute of Transportation Engineers' (ITE) Trip Generation Manual, the trip generation for the previous Applebee’s casual restaurant was estimated using the criteria for ITE Land Use Code 932 (High-Turnover Sit-Down Restaurant). The existing restaurant building, which measures approximately 6,000-square feet (SF) in gross leasable area (GLA) based on available aerial
photography, would be expected to generate a total of 59 trips (i.e., 37 inbound trips and 22 outbound trips) during the critical P.M. peak traffic hour.

The proposed Tommy's Express Car Wash facility, which is planned to be approximately 4,500 SF in size, would be expected to generate about 64 total trips (i.e., 32 inbound trips and 32 outbound trips) during this same critical P.M. peak traffic hour, based upon its proposed square footage and available data for ITE Land Use Code 948. The available ITE trip generation data also indicates that a single-tunnel car wash facility like the one being proposed could be expected to generate up to 78 total trips (i.e., 39 inbound trips and 39 outbound trips) during an evening peak traffic hour.

We also understand that the proposed car wash facility is expected to have an operational capacity of up to 600 sales per day, and that the anticipated hours of operation are from 7:00 a.m. until 9:00 p.m. With these 14 hours of daily operation, the average number of car washes per hour would be 43 vph (i.e., 86 total trips in/out for the facility). The following table summarizes these estimated trip generation comparisons:

<table>
<thead>
<tr>
<th>Ex. / Prop. Tenant (ITE Land Use Code)</th>
<th>Independent Variable</th>
<th>P.M. Peak Hour Trips</th>
<th>Net Increase in Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Applebee's (932)</td>
<td>6,000 SF (GLA)</td>
<td>37/22/59</td>
<td>n/a</td>
</tr>
<tr>
<td>Proposed Car Wash (948)</td>
<td>4,500 SF</td>
<td>32/32/64</td>
<td>+5</td>
</tr>
<tr>
<td>Proposed Car Wash (948)</td>
<td>1 Tunnel</td>
<td>39/39/78</td>
<td>+19</td>
</tr>
<tr>
<td>Proposed Car Wash (n/a)</td>
<td>600 vpd in Est. Sales</td>
<td>43/43/86</td>
<td>+27</td>
</tr>
</tbody>
</table>

Therefore, based upon these various trip generation estimate methods, the expected net increase in the trip generation levels between the existing and proposed land uses is between five and twenty-seven additional trips.

Per the City of Lawrence’s criteria, when a proposed development generates 100 or more trips in its critical peak hour, additional traffic engineering analysis may be required, including such items as trip distribution, expansion of the study area, and/or other appropriate and pertinent transportation information necessary to complete a comprehensive impact study. However, based upon the completed trip generation estimates for the proposed Tommy's Express Car Wash facility, these additional traffic engineering analyses should not be expected to be required by the City since the specified 100 vph threshold is not satisfied during the critical P.M. peak traffic hour.

We appreciate the opportunity to be of service to you on this very important project. If you should have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

GEORGE BUTLER ASSOCIATES, INC.

David J. Mennenga, P.E., PTOE
Firm Associate - Traffic Engineering
Totally Tommy Blower System Noise Study
1.18.2018

Abstract: In this document you will find the results of a noise level test performed at Tommy’s Express Car Wash in Grandville, Michigan. This car wash is located on a four lane divided highway that serves as a major artery for the local area. The car wash uses the current standard blower arrangement, with two downward-facing industrial heated blowers (E-B-HB) and 18 arch-mounted 10 h.p. plastic-housed Drying Blower Producers (E-B-BP).

Noise Levels: Both the amount of noise and the length of exposure determine the possibility of hearing damage to those nearby. Noise levels are measured in decibels (dB). The higher the decibel level, the louder the noise. Sound louder than 80 decibels is considered potentially hazardous. The noise chart below gives an idea of average decibel levels for everyday sounds.

<table>
<thead>
<tr>
<th>Noise Level</th>
<th>Decibels</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Loud</td>
<td>120 dB</td>
<td>Jackhammer</td>
</tr>
<tr>
<td></td>
<td>110 dB</td>
<td>Rock music</td>
</tr>
<tr>
<td></td>
<td>100 dB</td>
<td>Subway train</td>
</tr>
<tr>
<td>Potentially Damaging</td>
<td>90 dB</td>
<td>Bass drum</td>
</tr>
<tr>
<td></td>
<td>80 dB</td>
<td>Loud Radio</td>
</tr>
<tr>
<td></td>
<td>70 dB</td>
<td>Hairdryer</td>
</tr>
<tr>
<td>Moderate</td>
<td>60 dB</td>
<td>Conversation</td>
</tr>
<tr>
<td></td>
<td>50 dB</td>
<td>Heavy Rain</td>
</tr>
<tr>
<td></td>
<td>40 dB</td>
<td>Moderate Snoring</td>
</tr>
<tr>
<td>Faint</td>
<td>30 dB</td>
<td>Quiet Office</td>
</tr>
</tbody>
</table>
**Results:**

<table>
<thead>
<tr>
<th>Increasing distance from blowers</th>
<th>86 dB</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Nozzle</td>
<td></td>
</tr>
<tr>
<td>5' Inside</td>
<td>85 dB</td>
</tr>
<tr>
<td>10' Inside</td>
<td>82 dB</td>
</tr>
<tr>
<td>Exit Door</td>
<td>74 dB</td>
</tr>
<tr>
<td>5' Outside</td>
<td>74 dB</td>
</tr>
<tr>
<td>10' Outside</td>
<td>75 dB</td>
</tr>
<tr>
<td>20' Outside</td>
<td>66 dB</td>
</tr>
<tr>
<td>40' Outside (Ambient)</td>
<td>64 dB</td>
</tr>
</tbody>
</table>

**Overview:** At the completion of this study it is clear that although sound levels within a car wash have long been characterized as loud, they are not substantially louder than many other everyday sounds. Individuals working in the blower room for any length of time are advised to wear ear protection, in accordance with government guidelines, but the danger from passing exposure to these noise conditions appears to be minimal.

It should be noted that the volume levels created by this system appear to be somewhat lower than the older style blower system studied in 2008. This is likely a result of the lower horsepower of the current producers and the plastic housings currently in use.
PROPOSED FACILITY FOR:
TOMMY'S CAR WASH
LAWRENCE, KS
9801 Renner Boulevard
Lenexa, Kansas 66219
www.gbateam.com

Grading Plan

Grading Legend

1. All off-street parking spaces are to be constructed at 2.5:1 maximum slope in any direction. All accessible routes shall be constructed with 2.5:1 minimum slope and a maximum 5.0% longitudinal slope.
2. All easements and covenants to the preliminary report may be provided.
3. All streets within the development shall be provided by the City.
4. The Grading Plan shall be reviewed by the Planning Commission. Any subsequent change to the plan by the City requires the Planning Commission's approval.

Grading Plan

GBA
NOTES:
1. Position tanks so that plumbing is below frost level in areas where freezing may occur.
2. Plumbing lines must be run below freezing line. Lines may be run into a pit to avoid freezing.
3. All tanks are for reference only. Consult with tank manufacturer to identify standard configurations for approved applications.
4. Seal all penetrations to prevent leakage into the soil.
5. It is recommended that a backflow preventer be installed in applications that are at risk of having sewage backing up into the reclaim system.
6. Approx. tank volume is 2,000 gallons each. Total storage should be 4,000 gallons.
7. An additional sand/oil separator to be added to tanking configuration per city/state.
PROPOSED FACILITY FOR:
TOMMY'S CAR WASH
LAWRENCE, KS
9801 Renner Boulevard
Lenexa, Kansas 66219
www.gbateam.com

Erosion Control
Notes & Details

GENERAL NOTES:

1. ALL CONSTRUCTION ACTIVITIES SHALL COMPLY WITH THE CITY OF LAWRENCE CODE FOR STORMWATER POLLUTION PREVENTION.

2. CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTATION, INSPECTION, AND MAINTENANCE OF ALL BEST MANAGEMENT PRACTICES (BMP) AS SHOWN ON THE APPROVED EROSION CONTROL PLAN (ECP). THIS SHALL INCLUDE BUT NOT BE LIMITED TO THE USE OF Silt Fences, Silt Mats, and Construction and Maintenance Equipment.

3. SUBSEQUENT OWNERS OF INDIVIDUAL LOTS ARE RESPONSIBLE FOR CONTINUING IMPLEMENTATION, INSPECTION, AND MAINTENANCE OF ALL BMPS WITHIN THE LOT AS SHOWN ON THE APPROVED ECP.

4. CONTRACTOR SHALL PROVIDE A COPY OF THE APPROVED ECP TO ALL CONTRACTORS, SUBCONTRACTORS, AND SUBSEQUENT OWNERS OF INDIVIDUAL LOTS PRIOR TO BEGINNING WORK ON THE ECP.

5. CONTRACTORS WILL BE RESPONSIBLE FOR THE IMPROPER REMOVAL OF SOIL, DIRT, AND OTHER MATERIALS FROM THE PROJECT SITE TO AVOID BLOCKING ANY APPROPRIATELY DESIGNED AND ACCEPTED DRAINAGE OR DRAINAGE STRUCTURES.

6. STREET CONSTRUCTION WILL BE RESPONSIBLE FOR平 RAKING AND BRAZING ALL LIMITS OF DISTURBANCE (LUD) AND ANY OTHER OPERATIONS TO PREVENT THE EGRESS OF ANY MATERIALS TO THE SITE.

7. INSTALLATION OF BMPS SHALL OCCUR AT LEAST ONE DAY AND UP TO 24 HOURS AFTER A RAINFALL EVENT TO AVOID DISRUPTION OF NEW BMP INSTALLATION.

8. MAINTENANCE OF BMPS SHALL INCLUDE REPAIRS, REMOVAL OF SEDIMENT, AND ANY LIMITATIONS OF BMPS AS NEEDED TO PREVENT THE DISBURSEMENT OF MATERIALS TO THE SITE.

9. SILT FENCE WILL BE INSTALLED AS SHOWN IN THE ECP AND MAINTAINED AS NEEDED TO PREVENT THE DISBURSEMENT OF MATERIALS TO THE SITE.

10. SILT FENCE MUST BE INSTALLED UPSTREAM OF ANY ADDITIONAL CONSTRUCTION TO PREVENT THE DISBURSEMENT OF MATERIALS TO THE SITE.

11. SILT FENCE MUST BE INSTALLED UPSTREAM OF ANY ADDITIONAL CONSTRUCTION TO PREVENT THE DISBURSEMENT OF MATERIALS TO THE SITE.

12. SILT FENCE SHOULD BE INSTALLED AT A DISTANCE OF 3' TO THE UPSTREAM EDGE OF SILT FENCE.

13. BUMPY CURB INLET SEGMENT BARRIERS MUST BE INSTALLED IMMEDIATELY AFTER STRUCTURAL PLACEMENT AND ONLY REACHED JUST PRIOR TO PLACEMENT OF CURB AND GUTTER.

14. A PERIODOIC INSPECTION OF ALL CONSTRUCTION ACTIVITIES SHALL BE PERFORMED TO ENSURE THAT ALL BMPS ARE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE APPROVED ECP.

15. ALL CONSTRUCTION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE APPROVED ECP.

LONG-TERM CURB INLET SEDIMENT BARRIER

C12

SILT FENCE SLOPE BARRIER DETAIL

C12
Carwash Parking Lot

Average = 2.86 Fc
Maximum = 9.13 Fc
Minimum = 0.75 Fc
Avg/Min Ratio = 3.81

PROPOSED FACILITY FOR:
TOMMY'S CAR WASH
LAWRENCE, KS
1. All plant material shall be first-class representatives of specified species, variety or cultivar, in healthy condition with normal, well-developed branches and root patterns. Plant material must be free of objectionable features. Plants shall comply in all applicable respects with prominent plant species standards as set forth in the American Association of Nurseries' "American Standards of Nursery Stock." (See 3.2) 2. Ornamentals and shrubs shall be container grown and will be free of disease and pests. Absolutel,y no bare root materials. Fertilizer of 15-10-10. One pellet or 1 oz shall be added to soil at time of planting. 3. Shrubs, trees, and/or trees shall be mounded with 3" of hardwood mulch or smooth river rock. 1" of diameter with three colors. Rock to be installed over permeable needle barrier fabric. Planting beds are to be free of weeds and grass. Trees with a 4"-emergent herbicide (prior to planting and mulch application). All trees shall be fertilized with liquid urea-based liquid rock fertilizer, at 1-2 tablespoons per gallon of water. As a substitute, 18-6-12 granular fertilizer, 1 oz per 2 gal. 3 lbs for 6 gal. shall be added. Incorporate fertilizer into the amended planting soil before planting. Tree hole for planting shall be deep enough to accommodate all the roots. All trees to be staked and tied with a minimum of 3" of posts and protected in covering at the time of tree wiring. 4. All plant material shall be protected from the drying action of the sun and wind after being dug, transported, and while being planted. Balls of plants which cannot be planted immediately shall be painted with tree paint. Central leaders shall not be removed. 5. Ornamentals and shrubs shall be container grown and will be free of disease and pests. Trees shall comply with the U.S. Dept. of Agriculture rules and regulations under the federal seed act and equal, in quality to standards for certified seed. Lawn shall be: turf-type tall fescue blend of 3 types of turf-type tall fescue blends and 2. 6. Ornamentals and shrubs shall be container grown and will be free of disease and pests. Trees shall comply with the U.S. Dept. of Agriculture rules and regulations under the federal seed act and equal, in quality to standards for certified seed. Lawn shall be: turf-type tall fescue blend of 3 types of turf-type tall fescue blends and 2. 7. All planting beds are to be free of all debris and trash. Soil shall be filled with clean fill, soil, and top-dressed with 6" of topsoil. Topsoil shall have a pH range of 5.5 to 7.5 and 2-4-4 organic material, mature, ASTM C618. 8. All plant beds are to receive dry core samples soil conditioner at a rate of 4.5 lb. per 1000 sq. ft, and organic compost at a rate of 4.5 lb. per 1000 sq. ft. To determine the amount of phosphorous, potassium, and limestone additives needed, soil test results, after applying the soil conditioner and fertilizer, shall be used. For 10 lb. per 100 lbs. of soil, all plant beds except in areas of ground cover, perennial or annual plantings. Plant beds should be "mounded" as shown on detail sheet L2. All plant material, plant beds, mulch, and edging should be installed per landscape plans and details. 9. Mycorrhizal granular material to be added to all plantings per manufacturer recommendations. 10. In addition to the planting bed, the soil shall be amended with 6" of topsoil and 2-4-4 organic material, mature, ASTM C618. 11. All planting beds are to be separated from lawn areas with a cultivated landscape edge. Steel landscape edging may be used as an edging alternative. A cultivated edge shall be used to separate ground cover vegetation types. 12. The exact location of all utilities, structures, and underground utilities shall be determined and delineated on the site. All drainage, water, and/or gas main lines shall be filmed at the time of original construction. Change of location of existing utilities and or structures shall be replaced to their original condition by the landscape contractor at cost to the owner. 13. Landscape contractor is responsible for obtaining all necessary permits and approvals and receipt of inspections by legal authorities. The landscape contractor shall unconditionally guarantee all plant material for one calendar year. 14. Any substitutions of deductions shall be requested in writing by the contractor for approval by the owner, engineer, or landscape architect. 15. Erosion control mat to be North American SC 150 biodegradable mat or equivalent.
Z-17-00688: Consider a request to rezone approximately 1.33 acres located at 3900 W 6th St from CN2 (Neighborhood Commercial Center) District & PCD (Planned Commercial Development-Monterey Center) District to CN2 (Neighborhood Commercial Center) District.

SUP-17-00690: Consider a Special Use Permit for Tommy’s Car Wash, on approximately 1.33 acres located at 3900 W 6th St.
From: Leslie Soden  
Sent: Saturday, December 30, 2017 6:42 AM  
To: Shirley Pollom Brandt <sbbrandt68@gmail.com>  
Cc: Bobbie Walthall <bjwalthall@lawrenceks.org>; Tom Markus <tmarkus@lawrenceks.org>; Scott McCullough <smccullough@lawrenceks.org>  
Subject: Re: Car wash

Thank you Shirley. I will share your comments with the other commissioners.

Mayor Leslie Soden  
913-890-3647

On Dec 30, 2017, at 12:26 AM, Shirley Pollom Brandt <sbbrandt68@gmail.com> wrote:

Hello, I am writing to say that I believe another car wash at the previous Applebees site is a terrible idea. I feel it would make a mess of that intersection and there are plenty of car washes in this part of town. Please consider not allowing this.
Thank you,
Shirley Brandt

Sent from Mail for Windows 10
From: Leslie Soden
Sent: Saturday, December 30, 2017 3:44 PM
To: Ronald Christ <ronaldchrist49@gmail.com>
Cc: Scott McCullough <smccullough@lawrenceks.org>
Subject: Re: Proposed Carwash at 6th and Monterey Way

Thank you for your input Ronald.

Mayor Leslie Soden
913-890-3647

On Dec 30, 2017, at 1:11 PM, Ronald Christ <ronaldchrist49@gmail.com> wrote:

Dear City of Lawrence Officials .. We are fairly new residents of Lawrence, moving here after retiring from Wichita State University. One of the things that attracted us to Lawrence was the overall visual appearance, including land use, planning, etc. While not perfect, it is far better than many locations. With that in mind, please do not approve the proposed carwash at 6th and Monterey Way. It would be terrible. The empty Applebee's is not ideal either. But the proposed carwash would be far worse. If we were one of the businesses at that intersection, we would also be contacting you in opposition. Please don't let this happen. .. Ronald Christ and Barbara Mason. 825 April Rain Road, Lawrence, KS 66049
From: Denny Ewert
To: Mary Miller
Cc: Caitlyn Dolar
Subject: Fw: POD.
Date: Saturday, February 03, 2018 7:08:29 AM

From: Tom Girard <tomchief51@att.net>
Sent: Friday, February 2, 2018 11:34:27 PM
To: PlanningEmail
Subject: POD.

I had some questions and concerns about proposed development at 6th and Monterey. I been told by city staff in the past problems exist with waste water system south of the proposed development of a carwash. Traffic is also very heavy at this intersection now when is the planning board meeting on this issue. Thanks
Contact information. Tom Girard 785 220.3005

Sent from my iPad
re: agenda items 3 and 4

To the Lawrence Planning Commission:

I live on the corner of 8th Street and Monterey Way, just south of the proposed development (Tommy’s Car Wash) at 3900 W. 6th Street. I have several concerns about the potential rezoning and use of this property.

My first concern is drainage. When Hy-Vee was built on the property, there were concerns about the drainage that would result from paving over such a large area. To address these concerns, significant changes were made downstream to accommodate this plan. My back yard was completely restructured to accommodate the increased run-off. While the solution was less than ideal, the final plan to keep the increased run-off from affecting my home has thus far been successful. While the proposed car wash will not increase the amount of impervious surface up stream, the nature of this business causes me great concern. The alterations to my yard were based on drainage from expected natural sources (e.g. rain, snow) and did not include significant additional manmade sources of water.

I am also concerned about the noise resulting from this business. As I write this, I can hear cars passing on 6th Street. This noise is unobtrusive. I can usually hear traffic sounds, but they are, by nature, transient. The apartment complex just east of my house regularly cleans the carpets of many of the units each summer. While this is going on, I can hear the loud, continuous noise of the vacuums being used. This goes on for hours at a time. I try to leave my house if I can during that time, but if there is perpetual noise close to my house every day from a nearby carwash, I can’t escape that. You may find the information in this article useful: https://www.sciencedirect.com/science/article/pii/S014067361361613X

In addition to these two primary concerns, I’m also a little apprehensive about changes to the traffic in the area. I walk near my home multiple times each day and see many others doing the same. I see people walking to and from the grocery store almost every day, as well as people walking to utilize the bus stops near that intersection. Additional traffic, or significant changes in the type of traffic, can make our neighborhood less pedestrian-friendly.

Thank you for your consideration,
Lori Lampe
3900 W. 8th St.
Lawrence, KS
To Whom It May Concern:

I am writing about rezoning and special use permits for the property located at 3900 W. 6th St to develop it as a Tommy’s Car Wash by Wild Pines Ventures LLC for Lawrence Monterey Investors LLC. I am in opposition to Z-17-00688, a request to rezone from CN2 & PCD to CN2 as well as SUP-17-00690 which asks for the Tommy’s Car Wash permit. Aside from being unconvinced that another car wash is needed in this area, I have two more specific concerns: noise and water issues.

I live within a ¼ mile of the intended site and I walk regularly across the Monterey and 6th intersection both to shop in the HyVee shopping center as well as for exercise as do many of my neighbors who I see there. In searching for the noise impact on the neighborhood, I came across a noise study done by the Tommy’s Car Wash franchise itself at [http://tommycarwash.com/support/wp-content/uploads/2015/11/Noise-Study.pdf](http://tommycarwash.com/support/wp-content/uploads/2015/11/Noise-Study.pdf) In this study they found that at 5 feet outside the door the sound level was 101dB and at 45 feet outside of the door the noise level was still 87 dB. Earlier in the report they say “Sounds louder than 80 decibels are considered potentially hazardous.” This gives me great concern for the workers in the car wash, patrons of the car wash, and people walking around the area of the car wash even if newer blowers are to be installed in this building with reduced sound output. I’m also concerned that this noise will be at all of their hours of operation from 8am until 9pm. It is clear to me that before the rezoning request and special use permit are granted, there should be a reasonable study to address the noise issue.  As a physics professor at KU and having a vestibular issue that limits my ability to be around loud areas I have acquired a sound measuring app on my iphone (Decibel x) so that I can keep track of noise. One could ask whether it is already noisy at that intersection due to car traffic. I measured for 3 minutes the sound levels at the SW corner of Monterey and 6th on 2/13/18 during rush hour at 6:05 pm which should be the loudest that the intersection becomes. I attach the graph here and note that the average level was 75 dB with the minimum level of 54.1 dB and maximum level at 90.7 dB so while traffic may provide some peak levels larger than the car wash, most of the time is much quieter.

I’m also very concerned about the water and drainage issues. While I understand that there may be less storm water drain off as there will be less blacktop, I hope that some questions can be...
answered about the operation with respect to water use. How much water will they use? Is it consistent with the City’s planning on water use? Will they be recycling their water? At some point their water will I assume go to the sewer system. Are they treating their water before it leaves the premises? Will there be any possibility of their normal use water draining down the drainage ditch that passes in my backyard?

I hope that you will consider all kinds of impacts and study this proposal carefully.

Sincerely yours,

Alice Bean
3904 W. 8th St
Lawrence, KS 66049
Memorandum
City of Lawrence
Planning and Development Services

TO: Planning Commission
FROM: Mary Miller, Planner
Date: February 9, 2018
RE: Feb. 21, 2018
Miscellaneous Item No. 1: Variance; 3900 W 6th Street

Minor Subdivision/Replat, MS-17-00692, for Monterey No. 8 Addition, variance request per Section 20-808(c)(5) of the Subdivision Regulations to allow reduced right-of-way for 3900 W. 6th Street. Submitted by George Butler Associates, LLC, for Lawrence Monterey Investors, LLC, property owners of record.

Attachment A: Minor Subdivision MS-17-00692

Minor Subdivisions are processed administratively; however, Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision for Monterey No. 8 Addition (MS-17-00692) is under review but is included with this memo for context with the variance request. No other Planning Commission action related to the proposed Minor Subdivision is required.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-813(g). This memo discusses the variance request and evaluates the request for compliance with the approval criteria.

VARIANCE: Reduction in the required width of right-of-way of 150 ft for a Principal Arterial Street (W 6th Street) per Section 20-810(e)(5) of the Subdivision Regulations to allow subdivision of the property with the existing 50 ft of right-of-way on the subject property side of the centerline.

DISCUSSION:
The right-of-way width for W 6th Street is mostly uniform through this area at 100 ft, 50 ft on each side of the centerline (Figure 1). The Subdivision Regulations, adopted in 2006, increased the minimum requirement for a Principal Arterial street from 100 ft to 150 ft. This requirement is evaluated on a case-by-case basis for areas that had developed prior to the effective date of the Subdivision Regulations. The City Engineer will require the dedication of additional right-of-way width when necessary to accommodate existing infrastructure or future improvements.
The City Engineer indicated additional right-of-way would not be needed in this location as there are no plans for future improvements to W 6th Street or this intersection.

**Figure 1.** Right-of-Way width for W 6th Street in the area. Lot proposed with the minor subdivision is outlined, generally.

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

The subject property has space constraints due to the location of Westar Overhead Transmission Lines, shown in orange on Figure 2, and Southern Star Gas Mains, shown in purple, through the property. The easements associated with these utilities limit the developable area of the property. (Figure 2)

Dedication of an additional 25 ft of right-of-way for W 6th Street would further limit the developable area of the site. This would be unnecessary as the City Engineer indicated that additional right-of-way is not needed for future street or intersection improvements.

**STAFF FINDING:** Strict application of the regulations would require the property owner to dedicate an additional 25 ft of right-of-way along W 6th Street. This would create additional site constraints for development, in addition to the existing easements throughout the site. This hardship would be unnecessary as the City Engineer indicated the additional right-of-way is not needed and no future improvements are planned for 6th Street in this area.

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

Per Section 20-801(a) of the Subdivision Regulations the purpose of the regulations is to ensure that the division of land will serve the public interest and general welfare. The regulations are intended to: .."Provide for the harmonious and orderly development of land within the City by..."
making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related easements, light and air, and other public needs.”

Additional right-of-way is often required with particular projects when necessary to accommodate existing infrastructure or future improvements; however, in this case, the City Engineer indicated the additional right-of-way is not needed as future improvements are not planned for 6th Street in this location. Approving the variance to reduce the right-of-way width requirement to maintain the existing right-of-way would be in harmony with the intent and purpose of the Subdivision Regulations.

**STAFF FINDING:** Granting the variance from the required right-of-way width is in harmony with the purpose and intent of the regulations as the City Engineer noted that additional right-of-way is not needed for W 6th Street in this area.

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

**STAFF FINDING:** Granting the variance to allow the right-of-way width to remain at 50 ft on the subject side of the centerline would not negatively impact the public health, safety, and welfare based on the fact that this is a developed area and the additional right-of-way is not needed for street or intersection improvements.

**STAFF RECOMMENDATION**
As the variance request meets the approval criteria listed in Section 20-813(g) of the Subdivision Regulations, staff recommends the approval of the variance requested for Minor Subdivision, MS-17-00692, to reduce the right-of-way width required in Section 20-810(a)(5) for W 6th Street, a Principal Arterial Street, from 150 ft to 100 ft; to allow the right-of-way width on the subject side of the centerline to remain at 50 ft rather than the 75 ft required by the Subdivision Design Standards.
TO: Planning Commission
FROM: Sandy Day, Planning Staff
Date: February 21, 2018
RE: MISC NO. 2 INITIATE TEXT AMENDMENT; GROUP HOMES IN GPI DISTRICT

Initiate a Text Amendment to the City of Lawrence Land Development Code to permit Group Homes in the GPI (General Public and Institutional) District.

This memo requests initiation of a text amendment to the Land Development Code to revise the allowed uses permitted in the GPI District and specifically to add the use Group Home.

Background
The GPI permits Detached and Attached Dwellings as noted in Section 20-403 Nonresidential District Use Table. The table does not currently allow any Group Living other than Assisted Living (as a special use) in the GPI District. Under K.S.A. 2017 Supp. 12-736(e), any zoning district that allows a single-dwelling residential use must also allow a group home use. Therefore, legally, in the GPI zoning district, the City must allow a Limited Group Home use.

Figure 1: Nonresidential District Use Table
Figure 1 shows the allowed residential uses in the GPI District. There are two types of Group Homes. These uses are defined in Article 20-1701 - General Terms as:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Home (or Adult Care Home), General</td>
<td>Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person’s major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21.U.S.C.802). A Special Use Permit is required before operation of the home can begin.</td>
</tr>
<tr>
<td>Group Home (or Adult Care Home), Limited</td>
<td>Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person’s major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21.U.S.C.802).</td>
</tr>
</tbody>
</table>

**Reason For Change**
The Douglas County in association with Bert Nash is preparing plans for a future application for a Community Mental Health Facility. The project will include a housing component that includes a group home living arrangement. To facilitate the project and eliminate the need for an interpretation of the Land Development Code, staff has identified the need to amend the use table to clearly permit that use in the GPI District and to bring the list of permitted uses into conformance with State law.

**Action Requested**
Initiate a text amendment to the Land Development Code to create permit Group Homes as a permitted use in the GPI District.
Memorandum
City of Lawrence/Douglas County
Planning & Development Services

TO: Lawrence-Douglas County Planning Commission
FROM: Mary Miller, Planner
Date: January 31, 2018
RE: Text Amendment Initiation to City Land Development Code to Articles 11 and 17 to update outdoor lighting standards to include standards for various types of light fixtures, such as LED.

Planning staff requests the initiation of a Text Amendment to Chapter 20 of the City Code, the Land Development Code, to update the outdoor lighting standards to address advances in lighting technology.

The lighting standards provided in Section 20-1103, “Outdoor Lighting” of the Development Code were written at a time when LED lighting was not commonly used. Standards specific to LED lighting should be added to the lighting standards to guide applicants with development proposals and to assist staff in the review of these proposals. Updating the Development Code with LED lighting standards is the principal focus of this amendment; however, if deficiencies are noted in the standards for other types of outdoor lighting fixtures, these will be resolved as well.

Specific sections of the Land Development Code anticipated to be modified through this text amendment include:
- Article 11, General Development Standards
- Article 17, Terminology

Action Requested:
Initiate a text amendment to Articles 11 and 17, Chapter 20 of the City of Lawrence Land Development Code to update the outdoor lighting standards to address new lighting technology. Staff will develop amendments that will be considered at a future Planning Commission hearing.
Memorandum  
City of Lawrence/Douglas County  
Planning & Development Services

TO: Lawrence-Douglas County Planning Commission  
FROM: Mary Miller, Planner  
Date: January 31, 2018  
RE: Initiation of rezoning for the eastern portion, approximately 0.46 acres, of 912 N 3rd Street

Planning staff requests the initiation of a rezoning of the eastern portion of 912 N 3rd Street from UR (Urban Reserve) to CS (Commercial Strip) District.

BACKGROUND
In 2017, Planning staff processed a site plan application, SP-17-00063, for the location of a food truck at 912 N 3rd Street in 2017. The parcel at 912 N 3rd Street has split zoning, with the western portion zoned CS and the east portion zoned UR (Urban Reserve). UR is a zoning designation for property that is annexed, but for which no development has been proposed.

In 2003, the City Commission approved a site plan, SP-02-07-03, for a contractor’s office located at 912 N 3rd Street subject to conditions of approval, which included:
1) Publication of an annexation ordinance for the rear 0.446 acres prior to release of the site plan;
2) Initiation of annexation and rezoning of the rear portion of the property.

The east portion of the property was annexed in April of 2003 with Annexation Ordinance 7464. The annexation had been discussed at the October 24, 2001 Planning Commission meeting as part of the rezoning request, Z-08-34-01, for the eastern portion of the property. The Planning Commission recommended the rezoning be approved subject to the following conditions:
1. Publication of the annexation ordinance; and
2. Submission of a site plan to include appropriate screening of the exterior storage area, per staff approval.

The 2017 site plan addressed Condition No. 2, as no exterior storage currently exists on the property. Given the time that has lapsed since the Planning Commission’s consideration of the rezoning, staff is asking that the Planning Commission initiate a rezoning so it can be completed.
Staff has notified the property owner about the rezoning and has received authorization to move forward. If the Planning Commission initiates the rezoning, Staff will develop a staff report for consideration at a future Planning Commission meeting.

**Action Requested:**
Initiate a rezoning of the eastern 0.46 acres, approximately, of the parcel addressed as 912 N 3rd Street from UR (Urban Reserve) District to CS (Commercial Strip) to complete the rezoning process.
Memorandum
City of Lawrence/Douglas County Planning & Development Services

TO: Lawrence-Douglas County Planning Commission
FROM: Mary Miller, Planner
Date: January 31, 2018
RE: Initiation of rezoning for 1212 Louisiana Street to correct a rezoning error made with Ordinance No. 4235

Planning staff requests the initiation of a rezoning to correct a zoning error which changed the zoning of 1212 Louisiana Street.

BACKGROUND
In 2015, Planning staff was asked to confirm if the multi-dwelling structure at 1212 Louisiana Street was a nonconforming use, that is a use that was legally created but no longer complies with the standards of the zoning district due to a change in zoning or a change in the Development Code. It was determined that the apartment use is a nonconforming use and can continue subject to the provisions in Section 20-1502 of the Development Code.

However, through the review of the use it was determined that a rezoning that had been requested in the early 1970’s for the property at 1216 Louisiana Street had been applied to the subject property in error. The application materials listed the address correctly, but provided the lot number as ‘220’, which is the lot number for 1212 Louisiana Street. The rezoning ordinance, Ord. No. 4235, only listed the lot number and the zoning was applied to 1212 Louisiana Street. When the property owner was notified of this error, he indicated that he’d like to have the zoning corrected back to the RM32 District.

The subject property was rezoned from RD (Residential Dormitory) District to RO-1 (Residence-Office) District with Ordinance No. 4235. With the adoption of the Land Development Code in 2006, the RD district converted to RM32 (Multi-Dwelling Residential) District and the RO-1 District converted to RMO (Multi-Dwelling Residential-Office) District. The property is part of the Oread Neighborhood Urban Conservation Overlay District which was established in 2016. The Overlay District zoning includes the -UC in the zoning designation name.

If the Commission initiates the rezoning, staff will prepare a staff report for the Planning Commission’s consideration at a later meeting.
**Action Requested:**
Initiate a rezoning of 1212 Louisiana Street, approximately 5,851 sq ft, from RMO-UC to RM32-UC, to correct the rezoning error made with Rezoning Ordinance No. 4235.
Memorandum
City of Lawrence
Planning & Development Services

TO: Lawrence- Douglas County Metropolitan Planning Commission

FROM: Scott McCullough, Director

Date: January 24, 2018 PC Meeting

RE: Bylaw revisions

A priority initiative of the City Commission’s strategic plan is to adopt consistent operating guidelines for all advisory boards and commissions. To that end, staff offers revisions to the Planning Commission’s bylaws that align with recent operating procedures the City Commission desires of all boards and commissions.

The Planning Commission is aligned with most of the desired operating guidelines that were set forth in Resolution No. 7224 adopted by the City Commission on September 19, 2017:


The few modifications that bring the bylaws into compliance with the resolution are provided for review in the attached revised bylaws (a marked up version and clean version is provided). Staff has taken this opportunity to revise the bylaws to account for elements of the commission’s current operating procedures that are not reflected in the bylaws. These revisions do not contradict the City Commission’s directives but are specific to the Planning Commission’s operations.

One notable recommendation is to revise the procedure of public testimony. Currently, the order of testimony on a property-specific application after staff’s presentation is as follows:

1. Applicant presentation – 10 minutes per application up to 30 minutes
2. Public comment representing oneself – 3 minutes
3. Public comment representing a group – 5 minutes
4. Applicant response to public comment – 5 minutes

Staff proposes and recommends that public comment related to representing a group be deleted from the bylaws and the Planning Commission’s operating procedures. The City Commission does not distinguish between individuals and groups when receiving public comment and this practice includes a few inherent
concerns – what defines a “group”? How does the commission know this person is authorized to speak for the “group”? Should a group’s concerns or support for a project get more weight than an individual’s concerns or support about a project? In attempting to align more with other commissions and boards, this practice should be revised.

The bylaws may be amended by a two-thirds vote of the Commission at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the agenda. Staff notified the PC on December 26, 2017 that bylaw revisions would be placed on the January 24, 2018 agenda and the amendments have been placed on the regular agenda. Therefore, proper notice has been achieved regarding the Planning Commission hearing this item.
ARTICLE I  
NAME AND MEMBERSHIP

SECTION 1. NAME. The name of this organization, established by Ordinance No. 3951 of the City of Lawrence, Kansas, and Resolution No. 69-8 of Douglas County, Kansas, shall be the Lawrence-Douglas County Metropolitan Planning Commission. The term "Commission" in the following sections shall mean the Lawrence-Douglas County Metropolitan Planning Commission.

SECTION 2. MEMBERSHIP. Membership of the Commission shall be as established by the above-cited joint ordinance/resolution, which specifies the number, method of appointment, and term of office.

ARTICLE II  
PURPOSE

SECTION 1. BYLAWS. The purpose of these bylaws is to establish rules for the internal organization of the Commission and for procedures of operation.

SECTION 2. COMMISSION. The function, powers, and duties of the Commission are as authorized by state law and by the joint ordinance/resolution establishing the Commission. With some exceptions, actions of the Commission are recommendatory only and subject to approval by the appropriate governing body, the City Commission or the Board of County Commissioners. The Commission, however, adopts its own rules and policies for procedure, consistent with its powers.

ARTICLE III  
ORGANIZATION

SECTION 1. OFFICERS. The officers of the Commission shall be a chairperson, a vice-chairperson, and a secretary. The chairperson and vice-chairperson shall be elected by the Commission at its regular meeting in June of each year. Their term of office shall be one (1) year. No person may serve more than two (2) consecutive terms. The Director of Planning & Development Services or his/her selected representative shall serve as secretary to the Commission.

SECTION 2. CHAIRPERSON. The chairperson shall preside at all meetings of the Commission unless the chairperson designates someone to preside in his/her stead. The chairperson shall appoint all committees. The chairperson shall perform all the duties assigned to his/her office by law and by the city and county governing bodies, and shall have such usual powers of supervision and management as pertains to the office of chairperson.

SECTION 3. VICE-CHAIRPERSON. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new vice-chairperson for the unexpired term at the next regular meeting.
SECTION 4.  SECRETARY.  The secretary shall prepare the agenda and the order of business for each regular meeting in consultation with the chairperson. The secretary shall keep the Commission informed on all communications. The secretary shall record the minutes of all meetings and shall provide copies to all members of the Commission, the governing bodies and other public agencies involved. The secretary shall act on behalf of the Commission in the following matters, provided that matters shall first be presented to the Commission if there appears to be a serious conflict of interest, public controversy, or the like:

a.  Represent the Commission on planning matters at all meetings of the governing bodies.
b.  Prepare or present plans, policies, or procedures established by the Commission.
c.  Prepare the annual budget and review it with the Commission.
d.  Accept and prepare all routine communications on planning matters.
e.  Give or serve all notices required by law, these by-laws or adopted procedures.

Further, the secretary shall be responsible to advise the chairperson directly, and the Commission as a whole, on matters regarding annual requirements for document reviews, i.e., HORIZON 2020 the comprehensive plan, or its successor, and deadlines and content requirements for submission of various reports and documents to local governing bodies, the State of Kansas, and Federal offices.

SECTION 5.  COMMITTEES.  The Commission shall meet as a "Committee of the Whole" to consider informally issues as determined by the Commission. The Vice Chair shall preside at these meetings and shall work with the Chair and Secretary to set agendas and meeting times. Other ad-hoc committees may be appointed by the Commission Chair, as necessary to study, facilitate, and/or make recommendation of specific issues. Such appointments will include purpose, members, and presiding officer. Planning Commission members shall be appointed by the chairperson to serve on the ad-hoc committees. No ad-hoc committee shall have more than four (4) planning commissioners appointed to it.

SECTION 6.  ATTENDANCE.  A member having three or more unexcused absences or five or more absences for any reason during one (1) calendar year shall be deemed by the Commission to have involuntarily resigned his or her position. Failing to notify the Chair and the Secretary of an absence at least 24 hours prior to a scheduled meeting shall count as an unexcused absence. Attendance will be reviewed regularly to ensure compliance. Any member who is absent from three (3) consecutive regular meetings shall have such absence reported by the chairperson to the governing bodies. Members who accrue absences beyond a total of four (4) in any Commission year should consider relinquishing their appointments.

SECTION 7.  PLANNING OFFICE.  The Planning office shall provide professional and technical assistance to the Commission. Staff planners shall present recommendations of the Commission to the governing bodies. Recommendations of the professional staff, minutes of the Commission meeting, and other relevant material shall be presented to the governing bodies with the recommendations of the Commission. The Planning office shall also provide professional and technical assistance to both governing bodies and to other boards, commissions and agencies as is deemed appropriate. The Planning office shall be the official custodial agency for minutes, records, files, and materials relating to Commission business.
ARTICLE IV
Meetings

SECTION 1. REGULAR MEETINGS. Regular monthly meetings shall be held twice a month, typically on the fourth Wednesday of the month and on the Monday preceding the fourth Wednesday of the month, unless otherwise designated on the official yearly meeting calendar adopted annually in November of the previous year. The public hearing portion of the regular monthly meetings shall be commenced at the first meeting date and recessed, at the conclusion of that meeting, until 6:30 p.m. on the second monthly meeting date.

The first regular monthly meeting shall be held on either a Monday or a Thursday, and shall commence at 6:30 p.m. This meeting shall conclude by 10:30 p.m., unless the ending time has been extended by a simple majority vote of the commission. The second regular monthly meeting shall be held on a Wednesday. The meeting time for this second regular meeting shall be from 6:30 p.m. to 10:30 p.m. The ending time for either regular meeting may be extended by a simple majority vote. Meeting extensions shall be to a time certain or until the conclusion of the current agenda item under discussion but in no case shall the first meeting extension be for more than one hour beyond the published ending time. A meeting may not be extended more than one hour past its scheduled ending time except by a vote of 7 or more commissioners. The chair can extend the meeting only long enough to establish a date, time and location for completion of the published agenda items.

Regular monthly meetings shall be held in the City Commission meeting room on the first floor of City Hall, 6 E 6th Street, in Lawrence, unless another location is published in the meeting’s legal notice.

SECTION 2. CORRESPONDENCE. Correspondence received from the applicant, staff or public after the staff report packet has been originally posted will be posted to the website by 2:00 p.m. on the Monday of the week of the first regular meeting. Questions submitted from the public in regard to items on the first regularly scheduled meeting shall be provided to staff at least 48 hours prior to the meeting by 10:00 a.m. on the Monday of the week of the regular meeting to allow time for responses to be prepared and posted by the 2:00 p.m. deadline above.

SECTION 3. SPECIAL MEETINGS. Special meetings may be called by the chairperson and shall be called by the chairperson if requested by at least six (6) members of the Commission. Notice of special meetings shall be given by the Planning Director not less than five (5) days prior to the meeting. Published notice shall state the purpose, time, and location of the meeting.

SECTION 4. AGENDA. One agenda shall be published for each month’s regularly scheduled meetings. This agenda shall clearly identify the agenda items under consideration at each of the two regularly scheduled monthly meetings. If an agenda is prepared, it shall be made available to the public ten days prior to the first regular monthly meeting and shall be posted on the department’s website for ease of access. Any updates to Agenda updates, the Agenda will be posted to the website daily by 5:00 p.m. (if needed). Items on the Agenda may be taken in any order, by a majority vote of the Commissioners present and voting at the meeting.
SECTION 5. **QUORUM.** A quorum shall consist of six (6) members as provided by the joint ordinance/resolution establishing the Commission. In the absence of a quorum, the members present shall reschedule the meeting and absent members shall be notified by the secretary.

**ARTICLE V**

**Conduct of Meetings**

**SECTION 1. PARLIAMENTARY AUTHORITY.** Meetings shall be conducted according to these by-laws and the Commission's adopted Rules of Procedure. Rules of Procedure can be suspended by a motion that is supported by a second, and a two-thirds majority vote in favor of the motion. Rules of Procedure are an addendum to the By-Laws.

**SECTION 2. ORDER OF BUSINESS.** The order of business shall be as follows:

The order of business for consideration at the first regularly scheduled monthly meeting shall be as follows:

a) **Call to order**
b) **consideration of minutes**
c) staff and committee reports
d) communications:
   1. public (written)
   2. planning commissioners or other boards and/or commissions (written or oral)
   3. staff (written or oral)
   4. declaration of planning commissioner ex parte communications and intent to abstain on specific agenda items (oral)
   5. requests for deferral
e) election of chairman and vice-chairman [annually at the June meeting]
f) consent agenda items
g) items pulled from consent agenda
h) ex parte communications disclosed for each separate quasi-judicial item (oral).
i) old business [items returned for reconsideration by a governing body]
j) plats which require public hearing on variance requests
k) public hearing items
l) miscellaneous items
m) **general public comment**

(n) adjourn that are:
   1. associated with non-public hearing items
   2. annexation referral requests
   3. minimum maintenance road requests
   4. City or County special use permits
   5. text amendments to zoning or subdivision regulations
   6. comprehensive plan amendments
   7. ex parte communications disclosed for each separate quasi-judicial item (oral).
   k) recess public hearing
   l) old business [items returned for reconsideration by a governing body] and miscellaneous items

The order of business for consideration at the Wednesday night regular meeting shall be as follows:

a) **Call to order**
Section 2A. Agenda Management By Staff. Items on the regular agenda shall be ordered according to Staff’s estimation of various factors including: location within community [staff will attempt to schedule items within same area/neighborhood on the same night to accommodate public involvement]; staffing assignments [to minimize individual staff attendance at both meetings]; applicant’s ability to attend; and balancing number of items between the two meetings. This shall apply to all Items, regardless of previous deferrals, except according to specific direction from the Planning Commission.

Section 2B. Items Pulled From Consent Agenda. An item may be removed from the consent agenda after the meeting has been called to order for one of three actions: approval by separate voice vote; clarification of a comment or recommendation in the staff report, when such clarification will take 5 minutes or less; or, for a lengthy discussion [one greater than 5 minutes] of a comment or recommendation in the staff report which involves presentation by the applicant, or numerous questions by the commission.

When an item is pulled only for a separate voice vote, it shall be considered immediately following action taken on the remainder of the consent agenda. An item pulled for clarification shall be considered after scheduled non-public hearing items are considered. An item pulled for lengthy discussion by the applicant shall, at the chairperson’s discretion, be placed at the end of the commission agenda, prior to consideration of miscellaneous items OR on the following month’s meeting agenda. An item requested to be pulled for lengthy discussion by a planning commissioner shall be placed at the end of the non-public hearing portion of the agenda.
SECTION 2BC. Deferrals requested by the applicant. Deferral requests that are made while a project is under review [prior to staff report posting on the website] will be noted on a revised agenda as ‘Deferred’ and staff will attempt to notify members of the public who have expressed interest in the project during the review period, as well as the media. Deferral requests made by the applicant after staff report posting and through the communications deadline shall be considered by the Commission under the Communications portion of the agenda. Such requests will be permitted only in cases in severe hardship or for the purpose of making a significant change to the original application and only with a majority vote of the Commission at the meeting. Such requests must be made in writing and must be submitted to Staff no later than 10:00 a.m. on the day of the meeting.

The Commission has the authority to deny the deferral request on the grounds that such request was not made in a timely fashion, that notice of deferral has not been given to the adjacent property owners, or that the applicant is not seeking deferral in order to make significant changes to the original application.

SECTION 2CB. Deferrals/Tableting initiated by the Commission. The Commission may table or defer any item, including after the public hearing has been closed, when it is determined by the Commission that such action would be advantageous to the Commission for responding to issues raised and for gathering adequate information to make a well-informed recommendation.

SECTION 3. Staff reports. Staff reports on all agenda items shall be prepared and posted to the website five (5) calendar days prior to the day of the first meeting. Members of the public can sign up to receive automatic e-mail notification regarding staff report postings and updates.

SECTION 4A. Appearance before the Commission. Petitioners or their representatives, members of the community at large, or individuals or their representatives who feel that they will be affected by any action may appear before the Commission to present views and statements either for or against agenda items. The public may address their comments or concerns to the Commission in person or in writing. Except as otherwise determined by the chair, the following time limits will apply: Applicant - 10 minutes per item up to a maximum of 30 minutes; Members of public representing themselves or a group - 3 minutes (although any member of the public can give 2 minutes of his/her time to another member of the public, such additional time can not cause the total amount of time to exceed 10 minutes); Members of public representing a recognized organization or group of individuals - 5 minutes; Petitioner's response to public testimony - 5 minutes. The Chairperson may at his/her discretion change the length of presentation or discussion to ensure the orderly conduct of Commission business provided that the decision of the Chairperson may be overridden by a majority vote of those commissioners present.

After a motion to close the public record has been approved, the Chair closes the public hearing on a public hearing item, additional public testimony will not be taken with the exception that a Commissioner, after recognition by the Chairperson, may ask a speaker for clarification on a point raised. Such action shall be noted in the minutes and the returning speaker shall be instructed to reply only to the question raised.

SECTION 4B. Introduction of Unreviewed Information. An applicant’s written response to the recommendations in the Staff Report will be accepted by planning staff until 10:00 a.m. on the Monday of the week of the regular meeting on the business day prior to the day of the
meeting on which the agenda item will appear. The applicant may present new information at 
a regular meeting under three circumstances:

(a) The information has been reviewed by Staff and Staff is prepared to respond;
(b) The information is in direct response to recommendations in the Staff Report; or
(c) The information is requested by a Commissioner in the course of the regular 
meeting.

In all other cases in which the applicant wishes to introduce new information, the applicant 
should make a timely request for deferral of the Item in accordance with Article V, Section 2C. 
If the Item stays on the agenda, Staff should notify the Commission if any attempt is made to 
introduce new information not complying with (a), (b) or (c) as described above. In such a 
case, the Chair shall bar introduction of the new information and the Commission shall consider 
the Item without consideration of the new information.

SECTION 4C. WRITTEN COMMENTS FROM THE PUBLIC. Public comments on agenda items for the 
regularly scheduled monthly meetings will be accepted by planning staff until 10:00 a.m. on the 
Monday of the week of the regular meeting10:00 a.m. on the day of the first regularly 
scheduled monthly meeting. This deadline provides time for correspondence to be posted to 
the website by the 2:00p.m.PM deadline established in Article IV, Section 2.

SECTION 5. COMMISSION ACTION. The Commission shall take action on each item presented at 
the conclusion of discussion of that item.

SECTION 6. MOTIONS. Motions before the Commission shall be restated by the Chairperson 
before a vote is taken.

SECTION 7. VOTING. Voting on non-public hearing items and for public hearing items shall be by 
a show of hands. Each member’s vote shall be recorded by the Secretary or his/her designee 
on the official voting sheet. After a vote is taken the Chairperson or the Secretary shall 
announce the votes cast in favor of the motion, in opposition to the motion and whether the 
motion passed or failed.

For non-unanimous votes, the minutes shall note the members voting in favor of a motion, in 
opposition to a motion, and those abstaining from voting on the motion as well as the vote 
tally. For example, an 8-1-1 vote would be recorded as Commissioners a, b, c, d, e, f, g, & h voted in the affirmative, Commissioner x voted in opposition to the motion and Commissioner 
y abstained from voting.

SECTION 8. ABSTENTION. It is the duty of each member to vote on each issue, but a member 
may abstain if he or she declares a conflict of interest. No member shall participate in, discuss, 
or vote on a matter in which he or she has a conflict of interest, or a substantial interest as 
defined by K.S.A. 75-4301a et seq., or is otherwise prohibited by any applicable City or County 
ordinance, resolution, rule, or policy. Members having declared a conflict of interest a conflict 
of interest or substantial interest with respect to an item before the Commission shall physically 
leave the meeting room during the hearing of that item. It is the duty of each member to vote 
on each issue, but that member may abstain. No member shall vote on an issue in which he or 
she has a conflict of interest. During an item for which a member has declared an abstention 
because of a conflict of interest that member shall physically leave the meeting room.
SECTION 9. RECORD OF PROCEEDINGS. The secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Commission for approval.

A written voting log shall be kept for each motion. Included in this log shall be: the commissioner who made the motion; the commissioner seconding the motion; any commissioners abstaining from voting on the motion; the commissioners voting in favor of the motion; and the commissioners voting in opposition to the motion.

Draft minutes will be stamped as DRAFT and will be forwarded to the Commission when the staff report is posted to the website. Revisions may be made to the minutes at any time prior to approval of said minutes at the next regular meeting. Due to timing of the meetings, draft minutes are distributed to the Governing Bodies prior to approval by the Planning Commission.

ARTICLE VI
MATTERS TO BE CONSIDERED

SECTION 1. ITEMS TO BE CONSIDERED. The Commission shall consider matters relating to the Comprehensive Plan, including zoning, subdivision, and other regulatory measures relating to the Comprehensive Plan and the physical development of the city and county, as itemized in Section 2, below.

The Commission shall not consider any proposal, request, application, or plat which is contrary to or in conflict with provisions of the Kansas Statutes Annotated, as amended, or contrary to or in conflict with city ordinances or county resolutions.

SECTION 2. ITEMIZED LIST. A specific list of matters to be considered by the Commission is as follows:

1) Any general improvement plan pertaining to the Regional Planning Area;
2) Rezoning proposals, Conditional Use Permits, Special Use Permits, and Subdivision plats and Certificates of Survey and associated requests for variances;
3) Annexation proposals;
4) Comprehensive Plan amendments or revisions;
5) Zoning and Text Amendments to adopted ordinances and resolutions;
6) Any proposal embraced in the Comprehensive Plan;
7) Establishment of building setback lines;
8) Capital Improvement Plans and Transportation Improvement Plans or other transportation planning documents and amendments to these plans, and;
9) Such other matters as the Director may bring before the Commission or that the governing bodies may assign to the Commission or the Commission shall deem relevant or appropriate.

ARTICLE VII
CODE OF CONDUCT
Section 1. **DEFINITIONS:**

A. **QUASI-JUDICIAL CONDUCT.** A Planning Commission is expected to act like a judge, or function in a "quasi-judicial" manner capacity, when reviewing matters that affect a specific party's land use rights. Quasi-judicial conduct should/must be above reproach and within the law. Quasi-judicial conduct demands that Commissioners provide interested parties with make decisions based on "procedural due process." Procedural due process includes the following:

- Appearance of fairness of the Commissioner
- Proper notice of the hearing;
- A proper hearing process where interested parties are permitted to present their case;
- A fair and impartial decisionmaker that reviews the evidence and makes its decision based on substantial competent evidence in the record (complete record); and
- A decision that meets legal requirements and is based on the record.

B. **EX PARTE COMMUNICATIONS.** Ex parte communications are private communications, written, electronic, oral, or other by or with any commissioner that is not subject to public review and the hearing process. An ex parte communication is a communication -- written, electronic, oral, or otherwise -- that is relevant to the merits of a quasi-judicial proceeding, that is not in the record, and that occurs between a Commissioner and a person who is not on the Commission. Communications between Commissioners, communications between Commissioners and Planning Staff, communications on issues that are not quasi-judicial in nature, and communications on purely procedural matters are not ex parte communications.

C. **ACTIVE REQUEST.** An item is an active request until such time as the Planning Commission has completed deliberations on the item, forwarded a recommendation to the Governing Body(ies) and a 'final action of approval' has been taken. A 'final action of approval' shall be construed to mean, for the purposes of this document, the adoption of an ordinance or resolution by the Governing Body(ies) to enact a zoning or text change, the filing of a plat or development plan at the Register of Deeds, the denial of a request, or the issuance of a building permit based on an approval of an "active request." An item is an active request at least from the time that any filing or request is received by the Planning Office, or any action has been initiated by the Planning Commission or by a Governing Body.

Section 2. **EX PARTE COMMUNICATIONS ALLOWED.** Communications are not in violation of the ex parte disclosure requirements if they do not pertain to specific sites or properties, and/or if they solely involve general planning, procedural or policy issues.

Section 23. **DISCLOSURE OF EX PARTE COMMUNICATIONS.** Any ex parte communication shall be disclosed at any meeting as part of the Communications section, and at the beginning of each quasi-judicial item on the agenda, or earlier. The Commissioner receiving the ex parte communication shall disclose the full nature of the ex parte communication including the identity of the individual(s) participating in the communications and any information obtained through the communications so that all Commissioners have the same information upon which to make their decision and so that the applicant, City Staff, interested parties, and the general public are provided a fair opportunity to respond meaningfully to the information, so that the applicant, staff or public is provided the opportunity to respond and/or rebut the information provided in the ex parte communication.
Section 34. REQUEST FOR ADDITIONAL INFORMATION BY COMMISSIONERS. The *ex parte* communication restriction shall not preclude any Commissioner from requesting additional information as long as the requests for information are in writing and a copy of the request and the response are forwarded to staff and made part of the public record on that quasi-judicial matter.

Section 5. EXEMPTION FROM EX PARTE RESTRICTIONS. Ex parte communications and the disclosure requirements on this form of communication are not applicable to communications between planning commissioners or Planning staff. Limitations on commissioner-to-commissioner communications are covered under the Kansas Open Meetings Act.

Section 46. CONFLICT OF INTEREST. A Commissioner shall declare a conflict of interest and shall not participate in, discuss, or vote on any matter in which he or she has a conflict of interest, or a substantial interest as defined by K.S.A. 75-4301a *et seq.* or is otherwise prevented by any applicable City or County ordinance, resolution, rule, or policy. Any Commissioner having a conflict of interest or substantial interest declaring a conflict of interest with respect to an item before the Commission; shall physically leave the meeting room during the discussion and the vote on the item.

Section 57. Commissioners continue to be subject to the *ex parte* disclosure requirements until a ‘final action of approval’ has been taken on an “active request” as defined in Article VII, Section 1C.

**ARTICLE VIII**

**AMENDMENTS**

Section 1. These by-laws may be amended by a two-thirds vote of the Commission at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the agenda. Any amendments to these by-laws shall be approved by the Governing Body- City Commission and the Board of County Commissioners before becoming effective.
ARTICLE I
NAME AND MEMBERSHIP

SECTION 1. NAME. The name of this organization, established by Ordinance No. 3951 of the City of Lawrence, Kansas, and Resolution No. 69-8 of Douglas County, Kansas, shall be the Lawrence-Douglas County Metropolitan Planning Commission. The term “Commission” in the following sections shall mean the Lawrence-Douglas County Metropolitan Planning Commission.

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ARTICLE II
PURPOSE

SECTION 1. BYLAWS. The purpose of these bylaws is to establish rules for the internal organization of the Commission and for procedures of operation.

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SECTION 3. VICE-CHAIRPERSON. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new vice-chairperson for the unexpired term at the next regular meeting.
SECTION 4. SECRETARY. The secretary shall prepare the agenda and the order of business for each regular meeting in consultation with the chairperson. The secretary shall keep the Commission informed on all communications. The secretary shall record the minutes of all meetings and shall provide copies to all members of the Commission, the governing bodies and other public agencies involved. The secretary shall act on behalf of the Commission in the following matters, provided that matters shall first be presented to the Commission if there appears to be a serious conflict of interest, public controversy, or the like:
   a. Represent the Commission on planning matters at all meetings of the governing bodies.
   b. Prepare or present plans, policies, or procedures established by the Commission.
   c. Accept and prepare all routine communications on planning matters.
   d. Give or serve all notices required by law, these bylaws or adopted procedures.

Further, the secretary shall be responsible to advise the chairperson directly, and the Commission as a whole, on matters regarding annual requirements for document reviews, i.e. the comprehensive plan, or its successor, and deadlines and content requirements for submission of various reports and documents to local governing bodies, the State of Kansas, and Federal offices.

SECTION 5. COMMITTEES. The Commission shall meet as a “Committee of the Whole” to consider informally issues as determined by the Commission. The Vice Chair shall preside at these meetings and shall work with the Chair and Secretary to set agendas and meeting times. Other ad-hoc committees may be appointed by the Commission Chair, as necessary to study, facilitate, and/or make recommendation of specific issues. Such appointments will include purpose, members, and presiding officer. Planning Commission members shall be appointed by the chairperson to serve on the ad-hoc committees. No ad-hoc committee shall have more than four (4) planning commissioners appointed to it.

SECTION 6. ATTENDANCE. A member having three or more unexcused absences or five or more absences for any reason during one (1) calendar year shall be deemed by the Commission to have involuntarily resigned his or her position. Failing to notify the Chair and the Secretary of an absence at least 24 hours prior to a scheduled meeting shall count as an unexcused absence. Attendance will be reviewed regularly to ensure compliance.

SECTION 7. PLANNING OFFICE. The Planning office shall provide professional and technical assistance to the Commission. Staff planners shall present recommendations of the Commission to the governing bodies. Recommendations of the professional staff, minutes of the Commission meeting, and other relevant material shall be presented to the governing bodies with the recommendations of the Commission. The Planning office shall also provide professional and technical assistance to both governing bodies and to other boards, commissions and agencies as is deemed appropriate. The Planning office shall be the official custodial agency for minutes, records, files, and materials relating to Commission business.

ARTICLE IV
MEETINGS

SECTION 1. REGULAR MEETINGS. Regular monthly meetings shall be held twice a month, typically on the fourth Wednesday of the month and on the Monday preceding the fourth Wednesday of the month, unless otherwise designated on the official yearly meeting calendar adopted annually in November of the previous year. The public hearing portion of the regular monthly
meetings shall be commenced at the first meeting date and recessed, at the conclusion of that meeting, until 6:30 p.m. on the second monthly meeting date.

The first regular monthly meeting shall be held on either a Monday or a Wednesday, and shall commence at 6:30 p.m. Regular monthly meetings shall be held in the City Commission meeting room on the first floor of City Hall, 6 E 6th Street, in Lawrence, unless another location is published in the meeting’s legal notice.

SECTION 2. CORRESPONDENCE. Correspondence received from the applicant, staff or public after the staff report packet has been originally posted will be posted to the website by 2:00 p.m. on the Monday of the week of the regular meeting. Questions submitted from the public in regard to items on the first regularly scheduled meeting shall be provided to staff by 10:00 a.m. on the Monday of the week of the regular meeting to allow time for responses to be prepared and posted by the 2:00 p.m. deadline above.

SECTION 3. SPECIAL MEETINGS. Special meetings may be called by the chairperson and shall be called by the chairperson if requested by at least six (6) members of the Commission. Notice of special meetings shall be given by the Planning Director not less than five (5) days prior to the meeting. Published notice shall state the purpose, time, and location of the meeting.

SECTION 4. AGENDA. If an agenda is prepared, it shall be made available to the public ten days prior to the first regular monthly meeting and shall be posted on the department’s website for ease of access. Any updates to the Agenda will be posted to the website daily by 5:00 p.m. (if needed). Items on the Agenda may be taken in any order, by a majority vote of the Commissioners present and voting at the meeting.

SECTION 5. QUORUM. A quorum shall consist of six (6) members as provided by the joint ordinance/resolution establishing the Commission. In the absence of a quorum, the members present shall reschedule the meeting and absent members shall be notified by the secretary.

ARTICLE V
Conduct of Meetings

SECTION 1. PARLIAMENTARY AUTHORITY. Meetings shall be conducted according to these bylaws.

SECTION 2. ORDER OF BUSINESS. The order of business shall be as follows:

The order of business for consideration at any regularly scheduled monthly meeting shall be as follows:

a) call to order
b) consideration of minutes
c) staff and committee reports
d) communications:
   1. public (written)
   2. planning commissioners or other boards and/or commissions (written or oral)
   3. staff (written or oral)
   4. declaration of planning commissioner ex parte communications and intent to abstain on specific agenda items
   5. requests for deferral
e) election of chairman and vice-chairman [annually at the June meeting]
f) ex parte communications disclosed for each separate quasi-judicial item (oral).
g) old business [items returned for reconsideration by a governing body]
h) plats which require public hearing on variance requests
i) public hearing items
j) miscellaneous items
k) general public comment
l) adjourn

* public and non-public hearing items that are related to a development project shall be placed on the same meeting’s agenda in consecutive order under the regular agenda.

**Section 2A. Agenda Management by Staff.** Items on the regular agenda shall be ordered according to Staff’s estimation of various factors including: location within community [staff will attempt to schedule items within same area/neighborhood on the same night to accommodate public involvement]; staffing assignments [to minimize individual staff attendance at both meetings]; applicant’s ability to attend; and balancing number of items between the two meetings. This shall apply to all Items, regardless of previous deferrals, except according to specific direction from the Planning Commission.

**Section 2B. Deferrals Requested by the Applicant.** Deferral requests that are made while a project is under review [prior to staff report posting on the website] will be noted on a revised agenda as 'Defered' and staff will attempt to notify members of the public who have expressed interest in the project during the review period, as well as the media. Deferral requests made by the applicant after staff report posting and through the communications deadline shall be considered by the Commission under the Communications portion of the agenda. Such requests will be permitted only in cases in severe hardship or for the purpose of making a significant change to the original application and only with a majority vote of the Commission at the meeting. Such requests must be made in writing and must be submitted to Staff no later than 10:00 a.m. on the day of the meeting.

The Commission has the authority to deny the deferral request on the grounds that such request was not made in a timely fashion, that notice of deferral has not been given to the adjacent property owners, or that the applicant is not seeking deferral in order to make significant changes to the original application.

**Section 2C. Deferrals/Tableing Initiated by the Commission.** The Commission may table or defer any item, including after the public hearing has been closed, when it is determined by the Commission that such action would be advantageous to the Commission for responding to issues raised and for gathering adequate information to make a well-informed recommendation.

**Section 3. Staff Reports.** Staff reports on all agenda items shall be prepared and posted to the website five (5) calendar days prior to the day of the first meeting. Members of the public can sign up to receive automatic e-mail notification regarding staff report postings and updates.

**Section 4A. Appearance Before the Commission.** Petitioners or their representatives, members of the community at large, or individuals or their representatives who feel that they will be affected by any action may appear before the Commission to present views and statements either for or against agenda items. The public may address their comments or concerns to the Commission in person or in writing. Except as otherwise determined by the chair, the following time limits will apply: Applicant - 10 minutes per item up to a maximum of 30 minutes;
Members of public representing themselves or a group - 3 minutes; Petitioner’s response to public testimony – 5 minutes. The Chairperson may at his/her discretion change the length of presentation or discussion to ensure the orderly conduct of Commission business provided that the decision of the Chairperson may be overridden by a majority vote of those commissioners present.

After the Chair closes the public hearing on a public hearing item, additional public testimony will not be taken with the exception that a Commissioner, after recognition by the Chairperson, may ask a speaker for clarification on a point raised. Such action shall be noted in the minutes and the returning speaker shall be instructed to reply only to the question raised.

SECTION 4B. INTRODUCTION OF UNREVIEWED INFORMATION. An applicant’s written response to the recommendations in the Staff Report will be accepted by planning staff until 10:00 a.m. on the Monday of the week of the regular meeting on which the agenda item will appear. The applicant may present new information at a regular meeting under three circumstances:

(a) The information has been reviewed by Staff and Staff is prepared to respond;
(b) The information is in direct response to recommendations in the Staff Report; or
(c) The information is requested by a Commissioner in the course of the regular meeting.

In all other cases in which the applicant wishes to introduce new information, the applicant should make a timely request for deferral of the Item in accordance with Article V, Section 2C. If the Item stays on the agenda, Staff should notify the Commission if any attempt is made to introduce new information not complying with (a), (b) or (c) as described above. In such a case, the Chair shall bar introduction of the new information and the Commission shall consider the Item without consideration of the new information.

SECTION 4C. WRITTEN COMMENTS FROM THE PUBLIC. Public comments on agenda items for the regularly scheduled monthly meetings will be accepted by planning staff until 10:00 a.m. on the Monday of the week of the regular meeting. This deadline provides time for correspondence to be posted to the website by the 2:00 p.m. deadline established in Article IV, Section 2.

SECTION 5. COMMISSION ACTION. The Commission shall take action on each item presented at the conclusion of discussion of that item.

SECTION 6. MOTIONS. Motions before the Commission shall be restated by the Chairperson before a vote is taken.

SECTION 7. VOTING. Voting on non-public hearing items and for public hearing items shall be by a show of hands. Each member’s vote shall be recorded by the Secretary or his/her designee on the official voting sheet. After a vote is taken the Chairperson or the Secretary shall announce the votes cast in favor of the motion, in opposition to the motion and whether the motion passed or failed.

For non-unanimous votes, the minutes shall note the members voting in favor of a motion, in opposition to a motion, and those abstaining from voting on the motion as well as the vote tally. For example, an 8-1-1 vote would be recorded as Commissioners a, b, c, d, e, f, g, & h voted in the affirmative, Commissioner x voted in opposition to the motion and Commissioner y abstained from voting.
SECTION 8. ABSTENTION. It is the duty of each member to vote on each issue, but a member may abstain if he or she declares a conflict of interest. No member shall participate in, discuss, or vote on a matter in which he or she has a conflict of interest, a substantial interest as defined by K.S.A. 75-4301a et seq., or is otherwise prohibited by any applicable City or County ordinance, resolution, rule, or policy. Members having declared a conflict of interest with respect to an item before the Commission shall physically leave the meeting room during the hearing of that item.

SECTION 9. RECORD OF PROCEEDINGS. The secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Commission for approval.

A written voting log shall be kept for each motion. Included in this log shall be: the commissioner who made the motion; the commissioner seconding the motion; any commissioners abstaining from voting on the motion; the commissioners voting in favor of the motion; and the commissioners voting in opposition to the motion.

Draft minutes will be stamped as DRAFT and will be forwarded to the Commission when the staff report is posted to the website. Revisions may be made to the minutes at any time prior to approval of said minutes at the next regular meeting. Due to timing of the meetings, draft minutes are distributed to the Governing Bodies prior to approval by the Planning Commission.

ARTICLE VI
MATTERS TO BE CONSIDERED

SECTION 1. ITEMS TO BE CONSIDERED. The Commission shall consider matters relating to the Comprehensive Plan, including zoning, subdivision, and other regulatory measures relating to the Comprehensive Plan and the physical development of the city and county, as itemized in Section 2, below.

The Commission shall not consider any proposal, request, application, or plat which is contrary to or in conflict with provisions of the Kansas Statutes Annotated, as amended, or contrary to or in conflict with city ordinances or county resolutions.

SECTION 2. ITEMIZED LIST. A specific list of matters to be considered by the Commission is as follows:

1) Rezoning proposals, Conditional Use Permits, Special Use Permits, and Subdivision plats and Certificates of Survey and associated requests for variances;
2) Annexation proposals;
3) Comprehensive Plan amendments or revisions;
4) Text Amendments to adopted ordinances and resolutions;
5) Capital Improvement Plans, and;
6) Such other matters as the Director may bring before the Commission or that the governing bodies may assign to the Commission or the Commission shall deem relevant or appropriate.
ARTICLE VII
CODE OF CONDUCT

Section 1. DEFINITIONS:

A. QUASI-JUDICIAL CONDUCT. A Planning Commission is expected to act like a judge, or function in a “quasi-judicial” capacity, when reviewing matters that affect a specific party’s land use rights. Quasi-judicial conduct must be above reproach and within the law. Quasi-judicial conduct demands that Commissioners provide interested parties with “procedural due process.” Procedural due process includes the following:

- Proper notice of the hearing;
- A proper hearing where interested parties are permitted to present their case;
- A fair and impartial decisionmaker that reviews the evidence and makes its decision based on substantial competent evidence in the record.

B. EX PARTE COMMUNICATIONS. An ex parte communication is a communication -- written, electronic, oral, or otherwise -- that is relevant to the merits of a quasi-judicial proceeding, that is not in the record, and that occurs between a Commissioner and a person who is not on the Commission. Communications between Commissioners, communications between Commissioners and Planning Staff, communications on issues that are not quasi-judicial in nature, and communications on purely procedural matters are not ex parte communications.

C. ACTIVE REQUEST. An item is an active request until such time as the Planning Commission has completed deliberations on the item, forwarded a recommendation to the Governing Body(ies) and a ‘final action of approval’ has been taken. A ‘final action of approval’ shall be construed to mean, for the purposes of this document, the adoption of an ordinance or resolution by the Governing Body(ies) to enact a zoning or text change, the filing of a plat or development plan at the Register of Deeds, the denial of a request, or the issuance of a building permit based on an approval of an “active request.” An item is an active request at least from the time that any filing or request is received by the Planning Office, or any action has been initiated by the Planning Commission or by a Governing Body.

Section 2. DISCLOSURE OF EX PARTE COMMUNICATIONS. Any ex parte communication shall be disclosed at any meeting as part of the Communications section, at the beginning of each quasi-judicial item on the agenda, or earlier. The Commissioner receiving the ex parte communication shall disclose the full nature of the communication including the identity of the individual(s) participating in the communications and any information obtained through the communications so that all Commissioners have the same information upon which to make their decision and so that the applicant, City Staff, interested parties, and the general public are provided a fair opportunity to respond meaningfully to the information.

Section 3. REQUEST FOR ADDITIONAL INFORMATION BY COMMISSIONERS. The ex parte communication restriction shall not preclude any Commissioner from requesting additional information as long as the requests for information are in writing and a copy of the request and the response are forwarded to staff and made part of the public record on that quasi-judicial matter.

Section 4. CONFLICT OF INTEREST. A Commissioner shall declare a conflict of interest and shall not participate in, discuss, or vote on any matter in which he or she has a conflict of interest, a
substantial interest as defined by K.S.A. 75-4301a et seq. or is otherwise prevented by any applicable City or County ordinance, resolution, rule, or policy. Any Commissioner declaring a conflict of interest with respect to an item before the Commission shall physically leave the meeting room during the discussion and the vote on the item.

Section 5. Commissioners continue to be subject to the ex parte disclosure requirements until a ‘final action of approval’ has been taken on an “active request” as defined in Article VII, Section 1C.

**ARTICLE VIII**

**Amendments**

Section 1. These bylaws may be amended by a two-thirds vote of the Commission at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the agenda. Any amendments to these bylaws shall be approved by the City Commission and the Board of County Commissioners before becoming effective.