

Updated:

1/25/17 @ 2:15pm

Added communications from Staff regarding Item 4 - Text Amendment Columbariums

1/23/17 @ 1:15pm

Revised 2017 Mid-Month Calendar

Added communications for the following items:

Item 1 - Conditional Use Permit 1123 E 2000 Rd

Item 3 - Final Development Plan 510 Wakarusa Dr

1/17/17 @ 5:00pm

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS WEDNESDAY, JANUARY 23 & 25, 2017 6:30PM - 10:30PM

GENERAL BUSINESS:

PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of December 12, 2016.

COMMITTEE REPORTS

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

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners. Staff Memo requesting deferral of Item 4 - Text Amendment Columbariums
- 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 (JANUARY 25, 2017) MEETING PUBLIC HEARING ITEMS:

Recess LDCMPC

Convene Joint Meeting with Eudora Planning Commission

ITEM NO. 1 CONDITIONAL USE PERMIT FOR PRIVATE AIRSTRIP; 1123 E 2000 RD (MKM)

CUP-16-00489: Consider a revision to the Conditional Use Permit for the private airstrip at 1123 E 2000 Road, approved with CUP-3-1-85, to allow additional users of the airstrip. Submitted by BG Consultants, Inc. for Milton D. and Joan M. Bland, property owners of record. *Joint meeting with Eudora Planning Commission*.

Adjourn Joint Meeting Reconvene LDCMPC

PUBLIC HEARING ITEM:

ITEM NO. 2 MINOR SUBDIVISION VARIANCE FOR 3101 IOWA ST (SLD)

Minor subdivision, MS-16-00507, variance request per Section 20-813(g) of the Subdivision Regulations to allow reduced right of way for W. 31st Street and S. Iowa Street as required by Section 20-810(e) of the Subdivision Regulations. The Minor Subdivision (lot split) is located at 3101 Iowa St. Submitted by Landplan Engineering for Central Bank of the Midwest, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 3 FINAL DEVELOPMENT PLAN FOR TRU HOTEL BY HILTON AT BAUER FARM; 510 WAKARUSA DR (SLD)

FDP-16-00498: Consider a Final Development Plan for TRU Hotel by Hilton at Bauer Farm, a new multi-story hotel, located at 510 Wakarusa Drive. Submitted by Bartlett & West Inc on behalf of Apollo Hospitality Firm, contract purchaser. Free State Group LLC is the property owner of record.

RESUME PUBLIC HEARING:

ITEM NO. 4 TEXT AMENDMENT TO DEVELOPMENT CODE; COLUMBARIUMS (BJP)

TA-16-00388: Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 4, 5, & 17, regarding *Funeral and Interment Services as defined in Section 20-1729. The requested amendment would allow Columbariums as Accessory Uses to established Religious Assembly Institutions.* Submitted by Corpus Christi Catholic Church. *Initiated by City Commission on 9/20/16. Deferred by Planning Commission on 11/16/16.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 2017 MID-MONTH TOPICS

Discuss 2017 Planning Commission Mid-Month Topics.

ADJOURN

CALENDAR

| December2016SunMonTueWedThuFriSat | | | | | | | | |
|-----------------------------------|-----|-----|-----|-----|----|----|--|--|
| Sun | Mon | Tue | Fri | Sat | | | | |
| | | | | 1 | 2 | 3 | | |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 | | |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | | |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | | |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | | |

| January 2017 | | | | | | | | |
|--------------|-----|-----|-----|-----|-----|-----|--|--|
| Sun | Mon | Tue | Wed | Thu | Fri | Sat | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 | | |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 | | |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | | |
| 29 | 30 | 31 | | | | | | |

| February 2017 | | | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|--|--|
| Sun | Mon | Tue | Wed | Thu | Fri | Sat | | |
| | | | 1 | 2 | 3 | 4 | | |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 | | |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | | |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | | |
| 26 | 27 | 28 | | | | | | |

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

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

| Mid-Month Meetings, Wednesdays | Mid-Moi | Planning Commission Meetings 6:30 PM, | | |
|--------------------------------------|------------------------|---------------------------------------------|------------|-----------|
| 7:30 – 9:00 AM | | | Monday and | Wednesday |
| Jan 11 | CAN | CELLED | Jan 23 | Jan 25 |
| Feb 8 | | | | Feb 222 |
| Mar 8 | East Lawrence Rezoning | Dg Co Food System Assessment & Plan | Mar 13 | Mar 15 |
| Apr 12 | | | Apr 24 | Apr 26 |
| May 10 | | | May 22 | May 24 |
| Jun 14 | APA Conference recap | | Jun 26 | Jun 28 |
| Jul 12 | | | Jul 24 | Jul 26 |
| Aug 9 | | | Aug 21 | Aug 23 |
| Sep 13 | | | Sep 25 | Sep 27 |
| Oct 11 | | | Oct 23 | Oct 25 |
| Nov 1 | | | Nov 13 | Nov 15 |
| Dec 6 | | | Dec 18 | Dec 20 |

PC Orientation — all day (tbd)

Suggested topics for future meetings:

How City/County Depts interact on planning issues
Stormwater Stds Update – Stream Setbacks
Overview of different Advisory Groups – potential overlap on planning issues
Joint meeting with other Cities' Planning Commissions
Joint meeting with other Cities and Townships – UGA potential revisions
New County Zoning Codes
Tour City/County Facilities
Water Resources

Communication Towers – Stealth Design, # of co-locations, notice area WiFi Connectivity & Infrastructure Planning
Oread Overlay Districts & Design Guidelines
Comprehensive Plan – Goals & Policies
Affordable Housing
Retail Market Impacts
Case Studies

Meeting Locations

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

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

| | Jan 25 2016 | 2016 | Mar 21 2016 | April 25 2016 | 2016 | June 20 2016 | July 25 2016 | Aug 22 2016 | Sept 26 2016 | Oct 24 2016 | Nov 16 2016 | Dec 12 2016 |
|------------|----------------|----------------|-------------------|------------------|----------------|-----------------|-----------------|----------------|------------------------------|----------------|----------------|----------------|
| Britton | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Butler | Yes | Yes | Yes | Yes | | Yes | Yes | No | Yes | No | Yes | Yes |
| Carpenter | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Culver | No | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| Denney | Yes | Yes | | | | | | | | | | |
| Harrod | | | | | | Yes | Yes | No | Yes | | | |
| Kelly | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Liese | Yes | Yes | No | Yes | Yes | | | | | | | |
| Sands | Yes | Yes | Yes | Yes | Yes | No | Yes | No | Yes | No | Yes | Yes |
| Struckhoff | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| von Achen | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes |
| Willey | | | | | | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Jan 13 2016 | Feb 18 2016 | Mar 9 2016 | April 13 2016 | May 11 2016 | June 8 2016 | July 13 2016 | Aug 10 2016 | Sept 28 2016 (All Day) | Oct 12 2016 | Nov 2 2016 | Nov 30 2016 |
| Britton | Yes | Yes | Yes | Yes | Yes | _ | No | No | Yes | _ | No | Yes |
| Butler | No | No | Yes | No | No | - | No | No | Yes | - | Yes | No |
| Carpenter | Yes | Yes | Yes | Yes | Yes | - | No | Yes | Yes | - | Yes | Yes |
| Culver | Yes | Yes | Yes | Yes | Yes | - | No | No | Yes | - | Yes | Yes |
| Denney | Yes | Yes | | | | | | | | | | |
| Harrod | | | | | | - | No | No | Yes | - | | |
| Kelly | Yes | Yes | Yes | Yes | No | - | Yes | Yes | Yes | - | Yes | No |
| Liese | No | No | No | No | Yes | | | | | | | |
| Sands | No | Yes | No | No | Yes | - | Yes | Yes | Yes | - | No | Yes |
| Struckhoff | Yes | No | No | Yes | Yes | - | Yes | Yes | Yes | - | Yes | Yes |
| von Achen | Yes | Yes | Yes | Yes | Yes | - | Yes | Yes | Yes | - | Yes | Yes |
| Willey | | t | | 1 | | _ | Yes | Yes | Yes | _ | Yes | Yes |



PLANNING COMMISSION MEETING December 12, 2016 Meeting Action Summary

December 12, 2016 - 6:30 p.m.

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

Willey

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

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of November 16, 2016.

Motioned by Commissioner Britton, seconded by Commissioner Willey, to approve the November 16, 2016 Planning Commission action summary minutes.

Motion carried 8-0-1, with Commission von Achen abstaining.

COMMITTEE REPORTS

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

Commissioner Culver said the Transportation 2040 Update Steering Committee met last week. He said they discussed the timeline and roll of the committee. He said it would take most of next year to work through it with a deadline of March 2018.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

PC Minutes 12/12/16

ITEM NO. 1 PRELIMINARY PLAT FOR RIVERRIDGE ADDITION NO. 4; 1901 RIVERRIDGE RD (KES)

PP-16-00439: Consider a Preliminary Plat for Riverridge Addition No. 4, a two lot residential subdivision, located at 1901 Riverridge Rd. Submitted by CFS Engineers on behalf of Larry & Linda Copp, property owners of record.

STAFF PRESENTATION

Ms. Katherine Simmons presented the item.

APPLICANT PRESENTATION

Mr. Aaron Gaspers, CFS Engineers, agreed with the staff report and was present for questioning.

ACTION TAKEN

Motioned by Commissioner Butler, seconded by Commissioner Britton, to approve the Preliminary Plat (PP-16-00439) for Riverridge Addition No. 4, located at 1901 Riverridge Rd.

Unanimously approved 9-0.



PC Minutes 12/12/16

ITEM NO. 2 FINAL DEVELOPMENT PLAN FOR PARKWAY PLAZA NO. 4; 2161 QUAIL CREEK DR (MKM)

FDP-16-00442: Consider a Final Development Plan for Lot No. 5 Parkway Plaza No. 4 of the Parkway Plaza PCD for an approximately 5,000 sq ft building addition to the Arterra Event Gallery, an *Event Center*, located at 2161 Quail Creek Drive. Submitted by Allen Belot Architect, for Arterra LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Allen Belot, Allen Belot Architect, said he had a question about the recommendation to change the note to building in the site summary. He said the site summary referred to impervious surface, which did not necessarily mean building. He said the roof was much larger than the building. He said he did not have any issue with the parking requirement.

COMMISSION DISCUSSION

Ms. Miller said the roof surface figure could be kept but that the stormwater engineer wanted to know the amount of surfacing that was impervious. She said the rainwater could get under the roofline and soak in. She said he could keep the roof figure but the building surface should be added because thats what the stormwater engineer needed on the plans.

Mr. Belot said the only way he could keep the site summary consistent was to add the net roof area which would exceed the size of the building.

Ms. Miller said he could take off the roof area since roof areas were not usually included in the site surface summary. She said since the roof was above the ground the rainwater could flow in under the roof.

Commissioner Kelly inquired about the potential gain/loss of removing the roof figure and keeping just the area of the footprint.

Ms. Miller said the stormwater engineer uses the actual surface amount when determining the stormwater bill, which was based on how much rainwater was being stopped from soaking into the property. She said the roof does not block anything from soaking into the ground but the building surface does.

Mr. McCullough displayed the site summary table on the overhead.

Commissioner Britton suggested a slight modification of the condition to have staff work with the applicant.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to approve the revised Final Development Plan, FDP-16-00442, for an addition to the Arterra Event Center, Phase 3 of the Parkway Plaza PCD subject to the following revised conditions (deleted wording struckthrough, new wording in **bold**:

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

- 1. Prior to recording the Final Development Plan with the Register of Deeds Office the applicant shall provide a revised drawing with the following notes and changes:
 - a. Provide the following information in the site summary table: "Existing Building: 5,066 sq ft Proposed Building: 5,691 sq ft"

The applicant will work with staff to provide the site summary information per Code.

b. Add a note to the parking summary that lists the net area of the 625 sq ft building addition and notes the additional parking required. This note should also clarify the total square foot of the Arterra building, as it is less than approved with the previously approved plans.

Unanimously approved 9-0.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 6:56pm

Planning Commission Key Links



Plans & Documents

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

Development Regulations

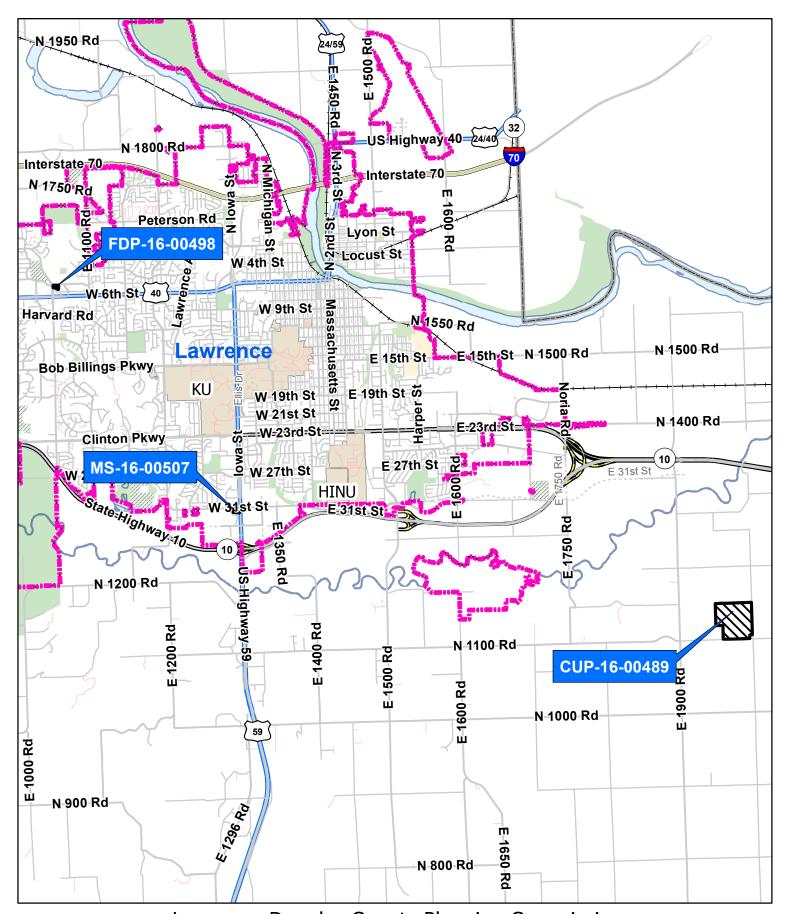
- o Community Design Manual
- o County Zoning Regulations
- o <u>City Land Development Code</u>
- o Subdivision Regulations

Online Mapping

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

Planning Commission

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



Lawrence-Douglas County Planning Commission January 2017 Public & Non-Public Hearing Agenda Items



Memorandum City of Lawrence – Douglas County Planning & Development Services

TO: Planning Commission

FROM: Becky Pepper, Planner II

Date: 01/25/2017

RE: Deferral of Item No. 4, TA-16-00388: Consider a Text Amendment to

the City of Lawrence Land Development Code, Articles 4, 5, & 17, regarding

Funeral and Interment Services as defined in Section 20-1729.

Staff requests that the Planning Commission Agenda Item No. 4, Text Amendment to Development Code; Columbariums, be deferred to the February Planning Commission Meeting.

Upon review of the Text Amendment, further legal questions related to the *Cemetery* use have been brought to staff's attention.

Staff requests deferral of the item to address the legal questions and make potential modifications to the proposed text amendment, as needed.

PLANNING COMMISSION REPORT Regular Agenda — Public Hearing Item

PC Staff Report 01/23/17

ITEM NO. 1: CONDITIONAL USE PERMIT FOR PRIVATE AIRSTRIP; 1123 E 2000 RD (MKM)

CUP-16-00489: Consider a revision to the Conditional Use Permit for the private airstrip at 1123 E 2000 Road, approved with CUP-3-1-85, to allow additional users of the airstrip. Submitted by BG Consultants, Inc. for Milton D. and Joan M. Bland, property owners of record. *Joint meeting with Eudora Planning Commission.*

STAFF RECOMMENDATION: Staff recommends approval of a revised Conditional Use Permit for a airstrip located at 1123 E 2000 Road to allow additional users of the airstrip and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

- 1) The applicant shall execute a Use Agreement with the other users of the airstrip and provide a copy to the FAA and to the Planning Office, prior to the release of the Conditional Use Permit.
- 2) The CUP shall expire at the end of 10 years, (Calendar year 2027) unless an application for renewal, submitted prior to the expiration date, is approved by the County Commission.
- 3) Provision of a revised plan with the following changes:
 - a) Label the distance of the west side of the 60 ft wide runway from the east property line.
 - b) Addition of the following notes:
 - i) "The permit shall expire at the end of 10 years (Calendar year 2027) unless an application for renewal, submitted prior to the expiration date, is approved by the County Commission.
 - ii) "The airstrip is limited to the private use of the owners of property which contain the airstrip and occasional use by their guests, but may not be used for commercial purposes."
 - iii) "Any change in ownership shall require the submittal of a revised Use Agreement to the FAA."

Reason for Request: "The Owner wishes to divide the property and sell a portion of it using the Certificate of Survey process. A conditional use permit for the use of the private airstrip was approved in 1985. The County Attorney has indicated that the CUP should be amended/revised to allow use of the private airstrip by the new owners."

ATTACHMENTS:

A: Additional information provided by the applicant

B: Communications with Eudora Planning Commission

C: Original CUP file

KEY POINTS:

• On May 15, 1985, the Board of County Commissioners approved a Conditional Use Permit, CUP-3-1-85, for the airstrip subject to the conditions that the Federal Aviation Administration approve the site prior to the use as a landing strip and that the landing strip would not be used for commercial purposes.

The County Commission minutes reflect that the applicant noted that the airstrip would be used by himself and occasionally by a friend. The commission's discussion indicated that they did not want to restrict occasional use by the applicant's friends, but did not want 'over use' by others. A revised Conditional Use Permit is required as the current proposal is to add two additional users to the airstrip.

- Certificate of Survey applications were submitted to divide the 145.9 acre property into four Residential Development Parcels (RDPs) with the remaining parcel of approximately 100 acres remaining in agricultural use. One Certificate of Survey, CSR-16-00420, creating a 20.37 acre RDP for the existing Bland residence and a 5.24 RDP for future development was administratively approved on October 17, 2016. The second Certificate of Survey, CSR-16-00407, creating two 10.23 acre RDPs containing a portion of the airstrip was placed on hold pending the outcome of the Conditional Use Permit. (Figure 2)
- Three users are being proposed for the airstrip at this time. The original CUP applicant no longer lives in Kansas but owns the property and uses the airstrip about 4 times a month to visit his family who now reside on the property. The future property owners of the proposed 10.03 acre Residential Development Parcels containing a portion of the airstrip share ownership of a powered parachute. The use of the airstrip is proposed to be shared by the applicant's plane and the powered parachute. Information provided by the applicant on the use of the airstrip is included as Attachment A.
- The plan was provided to the Eudora Planning Commission as the airstrip is located within 3 miles of the Eudora city limits. The Planning Commission forwarded a set of questions to the Planning Office for further information on the application. These questions, and Planning's response are included with this report as Attachment B.

OTHER ACTION REQUIRED:

- County Commission approval of the revised Conditional Use Permit.
- Release of Conditional Use Permit plans to the Zoning and Codes Office when conditions of approval have been met.
- Dedication of easement by separate instrument to insure unobstructed use of the runway across the Residential Development Parcels. This easement should be shown on the Certificate of Survey with the recording information noted, prior to the recording of the Certificate of Survey.
- Recording of the Certificate of Survey, CSR-16-00407, creating the Residential Development Parcels that will share the use of the airstrip.

PUBLIC COMMENT:

The Eudora Planning Commission provided a set of questions to the Planning Office to assist in their review of the Conditional Use Permit. The questions and staff's response are included with this report as Attachment B.

GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) District; *Agriculture, Residential Detached Dwelling,* and a private airstrip, approved

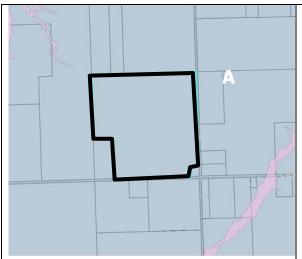
with Conditional Use Permit CUP-3-1-85 as an Airport and Landing Field.

Surrounding Zoning and Land Use:

To the north and south: A (Agricultural) District; Agriculture, and Residential Detached Dwellings.

To the east: A (Agricultural) and F-F (Floodway Fringe Overlay) Districts; Agriculture and Residential Detached Dwellings.

To the west: A (Agricultural) and F-F (Floodway Fringe Overlay) Districts; Agriculture, Residential Detached Dwellings, woodland, and floodplain. (Figure 1)



outlined.

Figure 1a. Zoning in area, subject property is | Figure 1b. Development/land use in the area

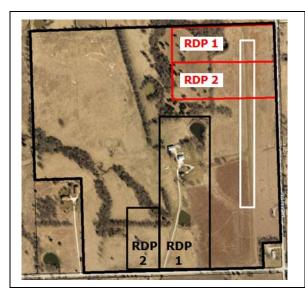


Figure 2. Proposed land division. RDPs which will utilize the airstrip are outlined in red. Private airstrip shown in white, approximate.



Figure 3. Power Parachute.

Summary of Request

The airstrip was approved with CUP-3-1-85 subject to the condition that it be restricted to the property owner's private use. This CUP application proposes that the CUP be expanded to allow the shared use of the airstrip between the three property owners, (owners of RDP 1, RDP 2, and the agricultural tract shown in Figure 2) following the approval of the Certificate of Survey. No physical changes are being proposed to the 1985 Conditional Use Permit with this application; however, the Residential Development Parcels could be developed with single-family homes and accessory uses and structures. This CUP application requests that additional users be permitted on the airstrip as a result of the proposed land division. For this reason, the Certificate of Survey showing the proposed land divisions and airstrip has been provided as the CUP plan.

The applicant noted that his use of the airstrip is very infrequent. The airstrip was used 7 times in 2016. He noted that since the airstrip CUP was approved in 1985 activity has never averaged over a couple of take-offs/landings a week. He anticipates that there will be 3 to 4 take-offs/landing in any given week during nice weather and estimates the annual usage to be no more than 100 and probably less than 50. The applicant provided information regarding the existing and proposed use of the airstrip which is included with this report as Attachment A.

The subject property is approximately 146 acres in area. Certificates of Survey are being processed to divide the existing house from this parcel and to create three new parcels for residential development. The parcels for residential development are classified as Residential Development Parcels (RDPs). The property configuration following this land division is illustrated in Figure 2.

As the airstrip will cross property lines, an easement will be required to insure the airstrip remains unobstructed. The Recording Book and Page Number for the easement will be noted on the Certificate of Survey. The applicant will own an airplane and the owners of the other two parcels share the ownership of a powered parachute.

The FAA approved the original airstrip in 1985 and assigned 52KS as its location ID. Per FAA regulations, the area within which structures can be built is defined by a zone established by an imaginary line extending perpendicular to the edge of the runway at a slope of 7 ft horizontally for every 1 ft vertically (the transitional zone). (Figure 4) Therefore, at a distance of 28 ft from the edge of the runway, a structure could be a maximum of 4 ft high and a 30 ft tall structure would be permitted a distance of 210 ft from the edge of the runway.

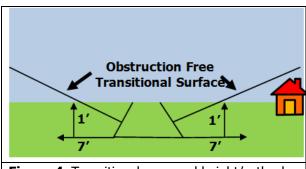


Figure 4. Transitional zone and height/setback.

The Certificate of Survey notes that the transitional surface must be maintained for a 7:1 slope. For clarity, the survey notes the specific setback requirement for structures from the edge of the runway as 7 times the structure's height. The runway should be dimensioned on the plan to assist in the determination of the height/setback for structures. The maximum height permitted in the A District is 35 ft. The runway is setback from the east property line/E 2000 Road approximately 290 ft and a 50 ft building setback applies on the other side of E 2000 Road; for a total of 340 ft between the runway and buildable area. The transitional zone would

be 48.6 ft high at this point, which would accommodate a 35 ft tall structure without any conflict. (Figure 5)

The Federal Airspace Administration Regional Airspace Specialist reviewed the Certificate of Survey and noted that it meets their requirements as long as an easement is provided on the parcels under new ownership to insure unobstructed use of the airstrip and a use agreement is signed by all property owners.



TO THE EAST:

- Airstrip is approximately 275 ft from E 2000 Road right-of-way.
- E 2000 Road has approximately 50 ft of right-of-way.
- Distance from airstrip to property line on east side of E 2000 Road: 325 ft
- Transitional Zone (at rate of 7 to 1) is approximately 46 ft high at this point.
- Maximum height in A District: 35 ft

There is no conflict between the transitional zone and existing or future development to the east.

TO THE WEST:

- The maximum height of 35 ft would be possible 245 ft west of the runway west boundary (245/7= 35 ft).
- 35 ft tall structures can be built to the west of the dashed line. Structures to the east must comply with the setback requirement of 7 ft separation from the west edge of the runway for each ft of height.
- The red rectangle illustrates the approximate area of the Residential Development Parcels being proposed with the Certificate of Survey.

Adequate area is provided for residential development outside the transitional zone.

Figure 5. Transitional zone and location of maximum building height line. General location of airstrip shown in green. Line where maximum height, 35 ft, structure may be located shown with dashed line. Red rectangles are general location of proposed Residential Development Parcels.

CONDITIONAL USES:

The following proposed use is permitted in the A District when approved with a Conditional Use Permit, as noted below:

12-319-4.01 Airports and Landing Fields

The proposed conditional use has been reviewed with the following criteria provided in Section 12-319-1.02 of the Zoning Regulations:

I. ZONING AND USES OF PROPERTY NEARBY

The subject property is located approximately 3.5 miles southeast of Lawrence on N 1100 Road and is within the City of Eudora's 3 mile area of influence. (Figure 6) The subject property and the surrounding area are zoned A (Agricultural) and agriculture and rural residential uses are the predominate land uses in the area. Another Conditional Use that has been approved in the area is the Bluejacket Winery event center approximately 1 mile to the north of the subject property.

Staff Finding — Nearby properties are zoned A (Agricultural) and are used for agricultural and rural residential uses. An event center with Conditional Use approval is located approximately one mile north of the subject property.

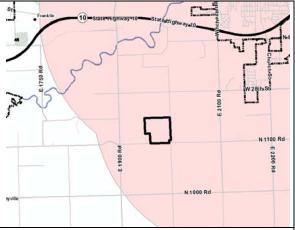


Figure 6. Location of subject property. Eudora 3 mile area is shown in pink. Eudora and City of Lawrence city limits are shown with dashed line.

II. CHARACTER OF THE AREA

The area is rural in nature with agricultural land uses, rural residences and a private airstrip on the subject property. The subject property is in the process of being subdivided through the Certificate of Survey process which will result in 5 parcels: a 100 acre agricultural tract and four Residential Development Parcels (RDPs) ranging from 5 to 20 acres. The existing house will be located on one RDP and the other three will be available for new residential development. Figure 2 illustrates the land division and identifies the two RDPs which are proposed to share the airstrip.

Staff Finding – This is a rural area with agricultural land uses, rural residences, and a private airstrip. The subject property is in the process of being divided to allow the development of three new residences which plan to share the airstrip. The airstrip has existed on the property since 1985.

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

Applicant's response:

"The Conditional Use Permit was approved in 1985 which allowed use of the private airstrip. The approval of the CUP will allow the use of the airstrip to continue."

The property is located within the A (Agricultural) Zoning District which allows numerous uses, including agricultural uses, schools, churches, veterinary hospitals, and single-family dwellings as well as various uses when approved with a Conditional Use Permit (CUP). A CUP does not change the base, underlying zoning; therefore, it would not alter the suitability of the property for agricultural or rural residential use.

A private airstrip is permitted on the property with the Conditional Use Permit which was approved in 1985. The revised CUP application is not proposing physical changes to the

property but is proposing additional users on the airstrip. The property is well suited to the uses which are permitted in the A Zoning District and for the continued use of the private airstrip, an approved conditional use.

Staff Finding — The property is suitable for the uses permitted in the A District and for the *Airstrip and Landing Field* use which was approved with the CUP.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED Staff Finding —County Zoning Regulations were adopted in 1966; this property has been zoned "A (Agricultural)" since that adoption. The property is not vacant but is developed with a rural residence built in 1988 and various agricultural outbuildings. The airstrip is a grass airstrip which has been in place since the CUP approval in 1985.

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

Applicant's Response:

"No removal of restrictions is proposed as the airstrip use is already permitted."

Section 19-01 of the County Zoning Regulations recognize that "certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited." The proposed use falls under Use 1. Airports and Landing Fields listed in Section 19-4 Conditional Uses Enumerated, of the Douglas County Zoning Regulations.

The primary impact associated with an airstrip is the noise generated by the air traffic. In this case, the airstrip is currently used very little. The property owner, who is the original applicant for the CUP, has moved out of state and the airstrip was used a total of 7 times in 2016. The other potential users share the ownership of a powered parachute, which is classified as an ultralight sport vehicle. (Figure 3) The property owner estimates that there will be 4 to 5 take offs/landings a week, with an annual usage of no more than 100 and possibly less than 50. Additional information provided by the applicant is provided in Attachment B.

Based on this information, the shared use of the airstrip, as proposed, should have negligible impact on nearby properties. To regulate the intensity of the use the use of the airstrip should be limited to the owners of the property that contains the airstrip, and occasional use by their guests.

It may be appropriate to place a time limit on the CUP to insure that the use remains compatible with the surrounding area. Staff recommends that the CUP approval be valid for 10 years following approval by the County Commission. The CUP approval would be null and void after that date, unless a renewal request has been submitted to the Planning Office before the expiration date. The CUP would be placed on the County Commission agenda for renewal, with public notice. A new CUP application would be required if the renewal request were not submitted prior to the expiration date.

Staff Finding – The removal of restrictions to allow the shared use of the airstrip should have little negative impact on nearby properties based on the proposed intensity of the use. To regulate intensity, the use of the airstrip should be limited to the owners of property that includes the airstrip, or a portion of the airstrip, and occasional use by their guests.

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

Applicant's Response:

"If the CUP is not approved the property owner will not be able to divide and sell a portion of his property without losing the use of the airstrip. There will be no change to the public health, safety and welfare if the CUP is approved as it is an existing use."

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property. If the request for expanded use of the airstrip is denied, the applicant would not be able to divide his property as proposed and new property owners would not be able to utilize the airstrip. The denial would insure that no additional air traffic occurred in the area; however, the proposed use of the airstrip is of such light intensity that denial would not benefit the public health, safety, or welfare.

Approval of the CUP would allow the shared use of the airstrip, rather than requiring additional airstrip to be built in another portion of the county.

Staff Finding – With the limitations proposed on the use of the airstrip, denial of the request would not benefit the public health, safety or welfare. Denial would impact the property owner as the land divisions that are planned or the shared use of the airstrip would not be possible.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response—

"The use of the private airstrip is currently permitted under the CUP approved in 1985. This request is to allow this use to continue after the property is divided."

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not directly address Conditional Use Permits or private airstrips but does note that no development should negatively impact the Lawrence Community Airport. One of the considerations of the FAA approval is that the airstrip does not conflict with another approved airstrip.

Staff Finding – *Horizon 2020* does not directly address the issuances of CUPs but the airstrip will not conflict with the Lawrence Community Airport or any other FAA permitted airstrip.

STAFF REVIEW

The subject property is not located within an Urban Growth Area, but is within 3 miles of the City of Eudora. Therefore, a joint Lawrence-Douglas County and Eudora Planning Commission meeting is required.

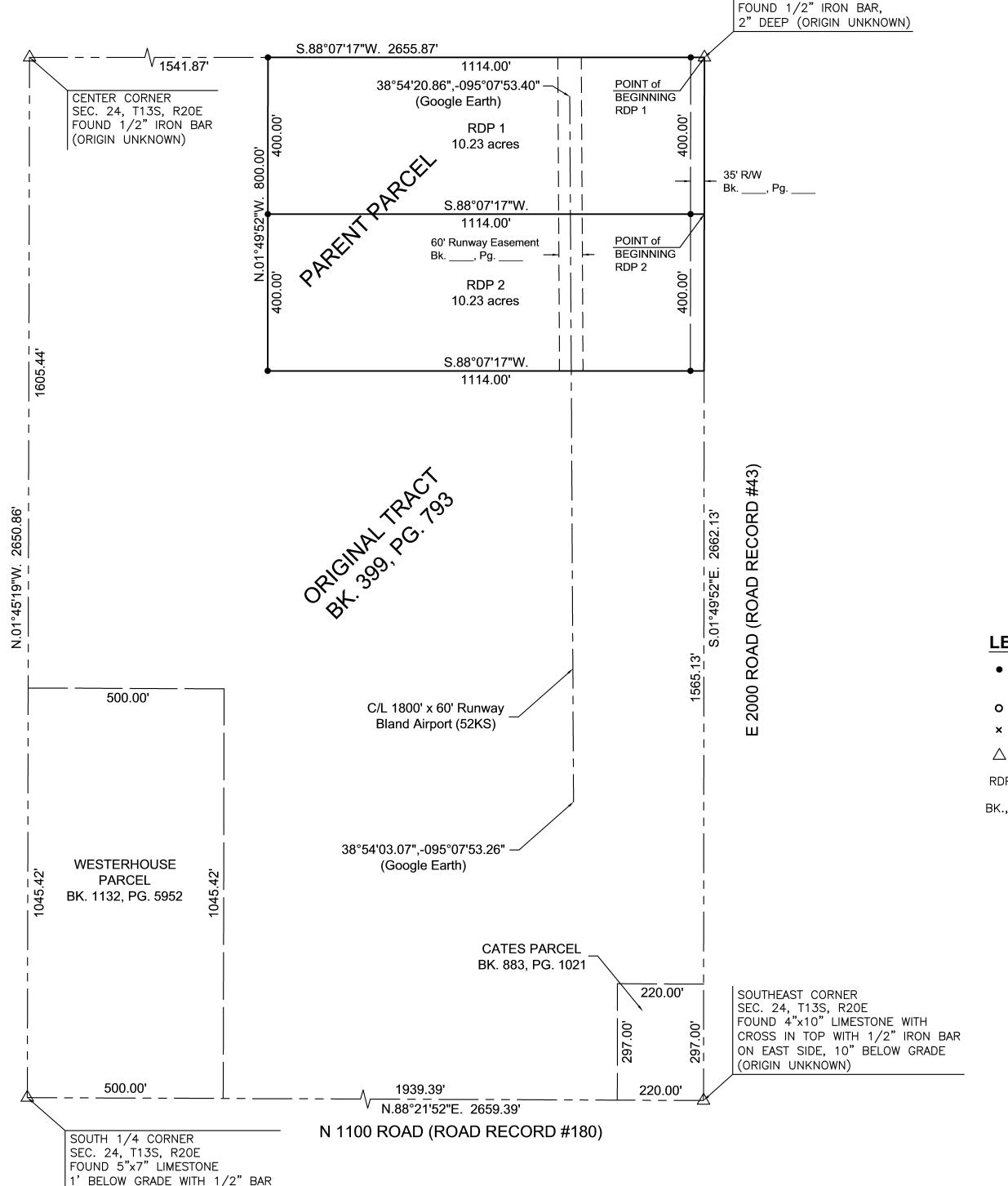
The existing airstrip has CUP approval and is registered with the FAA. The FAA noted that the land division and shared use of the airstrip was acceptable provided an easement was dedicated to insure the airstrip and it's take off and approach surfaces remain unobstructed. This easement would be dedicated by separate instrument and shown on the Conditional Use Permit plan and the Certificate of Survey prior to final approval.

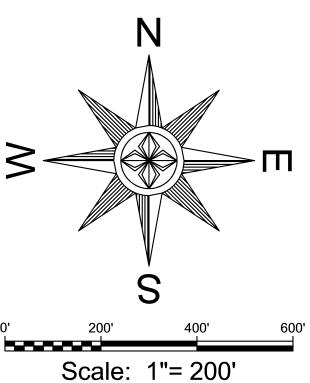
As the airstrip is already approved, the various imaginary surfaces are in place. The Certificate of Survey abutting the airstrip includes a note limiting the height of structures to insure they do not extend into the required protected imaginary surfaces as discussed earlier in this report.

The airstrip is currently used very little with a total of 7 trips last year. The usage could increase with the addition of the power parachute and if the property owner made more trips back to Kansas. In order to limit the usage of the airstrip, the use should be limited to the owners of property that includes the airstrip and their occasional guests.

Conclusion

Dividing the property with the Certificate of Survey into several parcels will result in divided ownership of the airstrip. The FAA Airspace Specialist for this region noted that joint ownership of an airstrip is permitted when an easement is dedicated over the airstrip to insure the unobstructed use of the airstrip and a Use Agreement is entered into among the various property owners. The applicant, Mr. Bland, would be seen as the primary owner of the airstrip. If the property changed ownership, the FAA would require a new 7480-1 with the new owner information and a new Use Agreement.





LEGEND

SET 1/2" x 24" IRON BAR WITH PLASTIC CAP

FOUND 1/2" IRON BAR POINT NOT SET, NOT FOUND

FOUND MONUMENT AS NOTED RDP

MARKED "BG CONS PS 758"

RESIDENTIAL DEVELOPMENT PARCEL

REFERS TO BOOK AND PAGE AT THE DOUGLAS COUNTY REGISTER OF DEEDS

DESCRIPTION - PARENT PARCEL

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF SECTION TWENTY-FOUR (24), TOWNSHIP

THIRTEEN (13) SOUTH, RANGE TWENTY (20) EAST OF THE SIXTH PRINCIPAL

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER.

THENCE SOUTH 18 RODS, THENCE EAST 13 RODS, 5 FEET, 6 INCHES, TO

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF

THENCE NORTH 1045 FEET, 5 INCHES; THENCE EAST 500 FEET; THENCE

SOUTH 1045 FEET, 5 INCHES; TO THE SOUTH LINE OF SAID SOUTHEAST

QUARTER; THENCE WEST 500 FEET TO THE POINT OF BEGINNING,

SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M.;

THENCE NORTH 18 RODS, THENCE WEST 13 RODS, 5 FEET, 6 INCHES,

THE POINT OF BEGINNING, IN DOUGLAS COUNTY, KANSAS

CONTAINING 145.9 ACRES, IN DOUGLAS COUNTY, KANSAS.

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24 S.01°49'52"E. (BEING AN ASSUMED BEARING) 800.00 FEET; THENCE

S.88°07'17"W. 1114.00 FEET; THENCE N.01°49'52"W. 800.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24 N.88'07'17"E. 1114.00 FEET TO THE POINT OF BEGINNING. CONTAINING 20.46 ACRES. THIS TRACT IS SUBJECT TO ROAD RIGHT-OF-WAYS OF

DESCRIPTION - RDP #1

RECORD, AS SHOWN HEREON.

DESCRIPTION - ORIGINAL TRACT

MERIDIAN, LESS THE FOLLOWING:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24 S.01°49'52"E. (BEING AN ASSUMED BEARING) 400.00 FEET; THENCE S.88°07'17"W. 1114.00 FEET; THENCE

SOUTHEAST QUARTER OF SAID SECTION 24; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24 N.88'07'17"E. 1114.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10.23 ACRES. THIS TRACT IS SUBJECT TO ROAD RIGHT-OF-WAYS OF RECORD, AS SHOWN HEREON.

N.01°49'52"W. 400.00 FEET TO A POINT ON THE NORTH LINE OF THE

DESCRIPTION - RDP #2

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH. RANGE 20 EAST OF THE 6TH P.M. DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 24: THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24 S.01°49'52"E. (BEING AN ASSUMED BEARING) 400.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF THE SOUTHEAST

QUARTER OF SAID SECTION 24 S.01°49'52"E. 400.00 FEET; THENCE S.88°07'17"W. 1114.00 FEET; THENCE

RECORD, AS SHOWN HEREON.

N.01°49'52"W. 400.00 FEET; THENCE N.88'07'17"E. 1114.00 FEET TO THE POINT OF BEGINNING. CONTAINING 10.23 ACRES. THIS TRACT IS SUBJECT TO ROAD RIGHT-OF-WAYS OF

GENERAL NOTES

- 1. BASIS FOR BEARINGS FOR THIS CERTIFICATE OF SURVEY IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST (S.01°49'52"E. ASSUMED).
- 2. THIS CERTIFICATE OF SURVEY WAS NOT PREPARED FOR THE PURPOSE OF PLATTING LAND. NO FURTHER DIVISIONS OF THE PARCELS CREATED BY THIS SURVEY SHALL OCCUR UNTIL THE PROPERTY IS SUBDIVIDED IN ACCORDANCE WITH ALL APPLICABLE SUBDIVISION REGULATIONS OF DOUGLAS COUNTY OR THE CITY INTO WHICH IT IS ANNEXED OR UNTIL AN AMENDED CERTIFICATE OF SURVEY IS APPROVED AND RECORDED WITH THE REGISTER OF DEEDS.
- 3. THIS PROPERTY DIVISION WAS DESIGNED IN ACCORDANCE WITH SECTION 20-806 OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND THE UNINCORPORATED AREAS OF DOUGLAS COUNTY, KANSAS.
- 4. SEWAGE DISPOSAL WILL BE PROVIDED BY MEANS OF INDIVIDUAL SEPTIC SYSTEMS INSTALLED ON EACH RESIDENTIAL DEVELOPMENT PARCEL. THE SEPTIC SYSTEMS WILL BE ABANDONED UPON ANNEXATION INTO THE CITY OF LAWRENCE OR THE CITY OF EUDORA, AND CONCURRENT CONNECTION TO THE CITY'S SANITARY SEWER SYSTEM.
- 5. RDPs SHALL NOT BE ELIGIBLE FOR A BUILDING PERMIT UNTIL AN ON-SITE SEWAGE MANAGEMENT PLAN IS APPROVED BY THE DIRECTOR OF THE LAWRENCE/DOUGLAS COUNTY HEALTH DEPARTMENT. A PRELIMINARY SITE EVALUATION FOR EACH SEPTIC SYSTEM IS REQUIRED PRIOR TO A BUILDING PERMIT BEING ISSUED. THE SEPTIC PERMIT MUST BE APPROVED AND PURCHASED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. ON-SITE SEWAGE MANAGEMENT SYSTEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH 'STANDARDS ON INDIVIDUAL ON-SITE SEWAGE MANAGEMENT SYSTEMS FOR THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS' COUNTY SANITATION CODE. RESOLUTION 97-48. AS AMENDED.
- 6. PROPERTY BOUNDARIES FOR RESIDENTIAL DEVELOPMENT PARCELS SHALL BE PINNED PRIOR TO RECORDING THE CERTIFICATE OF SURVEY.
- 7. RURAL WATER DISTRICT #4 SHALL ISSUE A WATER METER AND DOCUMENTATION THAT A WATER METER HAS BEEN PURCHASED BY THE OWNER AND IS PRESENTED TO THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT AND THE DOUGLAS COUNTY ZONING OFFICE OR THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT SHALL ISSUE A PERMIT FOR A WELL AND A COPY OF THIS PERMIT IS PROVIDED TO THE DOUGLAS COUNTY ZONING OFFICE. WELL WATER IS NOT AVAILABLE IN ALL PARTS OF THE COUNTY. IF WELL WATER IS NOT AVAILABLE, PLEASE CONTACT THE DOUGLAS COUNTY HEALTH DEPARTMENT FOR THE REQUIREMENTS FOR CISTERNS WITHIN THE COUNTY.
- 8. NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A DESIGNATED FLOODPLAIN PER FEMA MAP 20045C0195D, EFFECTIVE DATE: AUGUST 5,
- 9. THE CURRENT ZONING FOR THE PROPERTY IS A (AGRICULTURE).
- 10. DEVELOPMENT OF RESIDENTIAL DEVELOPMENT PARCEL SHALL COMPLY WITH THE DOUGLAS COUNTY ACCESS MANAGEMENT REGULATIONS, CHAPTER IX, ARTICLE 5 OF THE COUNTY CODE.
- 11. DEVELOPMENT ON RESIDENTIAL DEVELOPMENT PARCEL SHALL COMPLY WITH THE DOUGLAS COUNTY ZONING REGULATIONS, CHAPTER XII OF THE COUNTY
- 12. RDP #1 AND RDP #2 ARE SUBJECT TO THAT CERTAIN RUNWAY EASEMENT, RECORDED IN BOOK ____, BEGINNING ON PAGE ____, IN THE OFFICE OF THE REGISTER OF DEEDS OF DOUGLAS COUNTY, KANSAS, RELATING TO THE PRIVATE RUNWAY LOCATED ON RDP #1 AND RDP#2.
- 13. DEVELOPMENT ADJACENT TO THE RUNWAY SHALL CONFORM TO THE
- 13.1. THE APPROACH TO EACH RUNWAY IS MAINTAINED FOR A MINIMUM OF 20:1 GLIDE SLOPE. THE APPROACH SLOPE BEGINS AT RUNWAY END (TURF RUNWAY) AND SLOPES UPWARDS AT AN ANGLE OF 20' (HORIZONTAL) TO 1' (VERTICAL).
- 13.2. THE AIRPORT TRANSITIONAL SURFACE BE MAINTAINED FOR A 7:1 SLOPE. THE TRANSITIONAL SURFACE EXTENDS OUTWARD AND UPWARD AT RIGHT ANGLES TO THE RUNWAY CENTERLINE AND EXTENDS AT A SLOPE OF 7:1 FROM THE SIDES OF THE PRIMARY SURFACES AND FROM THE SIDES OF THE APPROACH SURFACES.
- 13.3. STRUCTURES MUST BE SETBACK FROM THE EDGE OF THE RUNWAY A DISTANCE EQUAL TO 7 TIMES THEIR HEIGHT.

OWNER

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND A CERTIFICATE OF SURVEY PREPARED, AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO SUBPARCELS

MILTON D. BLAND AND JOAN M. BLAND 194 SOUTHRIDGE ROAD, HOLLEY MOUNTAIN AIRPARK CLINTON, AR 72031

ON WEST SIDE (ORIGIN UNKNOWN)

ACKNOWLEDGEMENT

(STATE OF KANSAS) (COUNTY OF DOUGLAS) SS:

I, JESSICA HERMESCH, A NOTARY PUBLIC IN AND FOR SAID COUNTY. IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT MILTON D. BLAND AND JOAN M. BLAND, ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, A.D., 2016. MY COMMISSION EXPIRES 04-08-2018.

NOTARY PUBLIC



SURVEYOR'S CERTIFICATION

, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR IN THE STATE OF KANSAS WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING, THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF DOUGLAS COUNTY, KANSAS, HAVE BEEN COMPLIED WITH, IN THE PREPARATION OF THIS SURVEY PLAT, AND THAT ALL THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE FIELD WORK WAS COMPLETED SEPTEMBER 2016. THIS SURVEY COMPLIES WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

| EAST 1/4 CORNER

SEC. 24, T13S, R20E

ALBERT R. DIEBALL, P.S., #758

BG CONSULTANTS, INC. 1405 WAKARUSA DRIVE LAWRENCE, KANSAS 66049 (785) 749-4474



ENDORSEMENTS

APPROVED AS A CERTIFICATE OF SURVEY UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE & THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005.

SCOTT McCULLOUGH PLANNING DIRECTOR

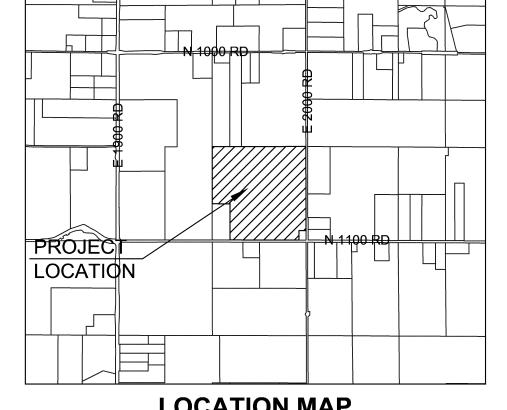
MICHAEL D. KELLY, P.S. #869 DATE COUNTY SURVEYOR

FILING RECORD

STATE OF KANSAS COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS _____ DAY _, 2016, AND IS DULY RECORDED AT ____ AM/PM IN

REGISTER OF DEEDS KAY PESNELL



LOCATION MAP

CERTIFICATE OF SURVEY SE 1/4, SECTION 24, T13S, R20E

BG CONSULTANTS, INC. 1405 WAKARUSA DRIVE LAWRENCE, KS 66049 (785) 749-4474

DATE: 10-20-16 PROJECT #16-1337L SHEET 1 OF 1

 From:
 Milton Bland

 To:
 David Hamby

 Cc:
 Mary Miller

Subject: Re: revised cup for bland airstrip

Date: Monday, December 12, 2016 6:36:01 PM

David and Mary,

I foresee very little if any changes to the activity and usage of the runway. I checked my logbook and so far this year Joan and I have used the runway four times. We now live at an airpark in Arkansas. Our son, daughter-in-law and most importantly grandson live at the farm. We can fly to visit the kids in 2 hours or less. It is a long six hour drive.

In addition to our four trips, a couple of pilot friends have landed at the farm to visit a total of three times this year.

The Grosdidier twins share ownership of a power parachute. Right now it is grounded for maintenance but when flight-worthy they use the runway. They started their aviation experience years ago when they asked if they could use the runway for their model aircraft. I would like to think I have helped a bit in encouraging their interest in aviation. When I was a kid there were a lot of youngsters interested in flying. Today there are relatively few.

The Grosdidiers have achieved their pilot pilot certificates. I would imagine they hope to be able to own a small airplane someday but they currently do not own one. If they are able to purchase one I expect their flying activities would be no greater than mine were when I lived at the farm. Since the Conditional Use Permit was approved in 1985 activity has never averaged over a couple of take-offs/landings a week.

Joan and I have turned down opportunities to sell land in the past. The airstrip has special meaning to us and we were concerned about sharing it. But we are to a point in our retirement and estate planning where we need to sell the farmstead to our son Derek and we also need to sell some additional acreage. Selling the farmstead to Derek is easy as it is still in the family. But deciding to sell additional acreage was difficult for us. Then Derek mentioned that the Grosdidiers were wanting to buy ground so they could build homes.

That changed everything. Our farm was the original Grosdidier homestead and we bought it from the their estate. The twins went to school with Derek and have remained good friends. For the last four or five years they have helped mow the runway and helped change out the windsock. They are great individuals and will be great neighbors.

Regarding your questions:

There will be three users. I will continue to be one as long as my medical is current, and the two Grosdidiers. (Our son Derek would like to get his license someday and could become a user.)

During really nice weather there may be three or four take-offs/landings in any given week. But on an annual basis I would expect the total to be no more than 100 and probably less than 50.

My current taxiway goes from the farmstead to the midpoint of the runway. Of coarse I back-

taxi to either end depending upon the wind. The Grosdidiers will taxi adjacent to the runway to the end of the runway. I do not envision them taxiing down their driveway because they need to avoid the gravel.

I have cherished having the runway and tried to be a good neighbor. We hosted a neighborhood bar-b-que years ago and took neighbors for airplane rides. I always practice landing/departure patterns to limit noise. I have never received any negative comments regarding the runway or aircraft operations. I am certain the Grosdidiers will continue these standards.

Please let me know if I can provide any additional details.

Milton

On Mon, Dec 12, 2016 at 3:58 PM, David Hamby < david.hamby@bgcons.com > wrote:

Mary,

I have copied Milton Bland on this email. I don't have the responses but Milton should be able to answer your questions. Thank you.

David Hamby, P.E., CFM

Vice President



1405 Wakarusa Drive | Lawrence, KS 66049 T: 785.749.4474 x 2106 | F: 785.749.7340

Web: www.bgcons.com | Map | Email

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From: Mary Miller [mailto:mmiller@lawrenceks.org]

Sent: Monday, December 12, 2016 3:14 PM **To:** David Hamby < <u>david.hamby@bgcons.com</u>>

Subject: revised cup for bland airstrip

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Could you provide additional information on the proposed use of the Bland airstrip? How many users total? How many trips do they each anticipate per day or per week?

How will the individual airplanes access the airstrip? It appears the hangers will be built next to the houses adjacent to the airstrip. Will they enter the airstrip from the driveway and then taxi to the end?

I may have more questions shortly, but these are the principal ones that I think will interest the commission and the neighbors.

Thanks,

Mary

Mary K Miller, AICP, City/County Planner- mmiller@lawrenceks.org

Planning Division | www.lawrenceks.org/pds

P.O. Box 708, Lawrence, KS 66044

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Richard Campbell, Chairperson Eudora Planning Commission 4 East Seventh Street Eudora, Kansas 66025

17 January 2017

Mary Miller, City/County Planner
Lawrence-Douglas County Metropolitan Planning Commission
P.O. Box 708
Lawrence, Kansas 66044

RE: CUP-16-00489 Conditional Use Permit for Private Airstrip at 1123 E 2000 Road, Bland Property.

Dear Ms. Miller:

I am writing this letter to you regarding the aforementioned application as the Chairman of the Eudora Planning Commission. The Planning Commission appreciates the efforts expended by you and the Lawrence-Douglas County Metropolitan Planning Commission to include the Eudora community in land use decisions. We would asked you accept and utilize the following information and consider it during you 25 January 2017 meeting.

On 04 January 2017, the Eudora Planning Commission met and considered the application. We voted unanimously (7-0) in support of a motion recommending approval of the application, which included asking the Lawrence-Douglas County Metropolitan Planning Commission to debate the following issues and consider incorporating them into your motion. They are as follows:

- 1. The lots being created share an access point at the right-of-way line for East 2000 Road for their driveways.
- 2. Number of users allowed to utilize the private airstrip.
- 3. If a sunset date is necessary for the CUP.

Again, thank you for providing us this opportunity to provide meaningful input on this application and considering our requests.

Sincerely,

Richard Campbell, Chairperson

Response- 06 January 2017

Questions generated by the Eudora Planning Commission regarding the Bland Conditional Use Permit application for the Lawrence/Douglas County Planning Department.

Thank you for taking the time to consider this CUP application. The property owner and applicant for the original CUP and the amended CUP provided additional information on the use of the airstrip, which I've attached. This information will be included with the staff report. My responses to your questions are below, in bold. We are still reviewing the application and don't have the staff report ready yet, so we don't have the recommended conditions developed at this time. The staff report will be ready and made available about a week before the Planning Commission meeting. Thanks again!

- Can the City of Eudora obtain a copy of the original (current) conditional use permit? Yes, The CUP didn't include a plan but I've attached the CUP file.
- Does the current conditional use permit have a sunset date? No, there is no expiration on the current CUP.
- Will the new conditional use permit have a sunset date? It could, if it were seen to be
 necessary. The staff report isn't completed yet, so the conditions haven't been set. If you feel
 an expiration date is necessary, please provide that comment at the joint Planning
 Commission meeting.
- Does the current, and will the new, conditional use permit establish intensity of the uses allowed to occur on the entire property or just the 2 lots being requested? The CUP does not establish an intensity—such as 3 flights per day--- based on recommendations of our Zoning and Codes Office. They indicated this would be difficult to enforce. Instead intensity is regulated by limiting the users on an airstrip to the property owner and their occasional guests.
- If two (2) proposed lots are created, what type of construction permits would they be eligible for, residential, accessory buildings, or other uses? The 2 new lots shown on the CUP will be eligible for residential development along with accessory buildings.
- If the two (2) proposed lots are created what type of access would they have to E 2000 Road?
 - If driveways are permitted, will they be permitted to cross the runway? The FAA indicated that the driveways could cross the runway, although they'd prefer the driveways to be shared or as close together as possible.
 - Eudora would like to request that if the parcels being created are eligible for access permits for E 2000 Road, the conditional use permit obligate them to utilize a shared access point. Shared driveways are not permitted in DG County although a shared access point on E 2000 Road could be possible. The driveways would need to separate at the easement for right-of-way line so each parcel has its own driveway.
- How are N 1100 and E 2000 Roads classified by the County and what are their respective rightsof-ways?
 - o Eudora would like to reserve additional right-of-way along the west side of N 2000 Road so that future expansion of the road could be accommodated. The City would request the County consider reserving the ability to obtain additional right-of-way in the future, so that when combined with existing, a total of 40', or ½ of the desired full width of 80'

can be acquired. Both N 1100 and E 2000 Roads are classified as Local Roads in the DG County Access Management Map. 70 ft of right-of-way is required for local roads. One-half of this right-of-way (35 ft) is required to be dedicated on the subject property side of the road prior to the recording of the Certificate of Survey creating the residential parcel. If you would like additional right-of-way to be provided at this time, please bring that up at the joint Planning Commission meeting.



SIXTH AND MASSACHUSETTS STREET • BOX 708 LAWRENCE, KANSAS 66044 • (913) 841-7722 EXTENSION 150

May 16, 1985

Milton and Joan Bland Route 6, Box 100 M Lawrence, Kansas 66044

RE: CUP-3-1-85; Request for a private airstrip, East one-half of the southeast guarter of Section 24, Township 13 south, Range 20 east.

Dear Mr. and Mrs. Bland:

The Douglas County Commission, at their meeting on Wednesday, May 15, 1985, approved your above referenced request for a CUP subject to the following conditions:

- 1. Federal Aviation Administration approval of the site prior to use as a landing strip; and,
- 2. The landing strip not be used for commercial purposes; however, this does not prohibit agricultural use.

If you have any questions pertaining to this matter, please contact David Guntert at the Planning Office.

Price T. Banks

Director of Planning

PTB:DP:po

May 15, 1985

At the hour of 10:00 a.m., the Board discussed a planning item with Dean Palos, staff member of the Lawrence-Douglas County Planning Department, and Wayne Kellum, zoning administrator. The Board considered Item No. 8 from the Lawrence-Douglas County Planning Commission minutes of April 24, 1985. This item is a request for a Conditional Use Permit to allow a private airstrip for personal use by the applicant. Said request is generally located northwest of the intersection of Eudora Township Roads #43 and #180, submitted by Milton and Joan Bland. This item comes to the Board with a recommendation for approval from the Planning Commission, subject to the following conditions:

- (1) FAA approval of the site prior to use as a landing strip; and
 - (2) The airstrip not be used for commercial use.

After discussion it was moved by Mr. Rhodes that this request be approved subject to condition (1) as above described but changing condition (2) to read as follows:

(2) The airstrip not be used for commercial use, however, this does not exclude agricultural use.

Motion seconded by Mr. Hopper, and carried unanimously.



SIXTH AND MASSACHUSETTS STREET • BOX 708 LAWRENCE, KANSAS 66044 • (913) 841-7722 EXTENSION 150

April 26, 1985

Milton and Joan Bland Route 6, Box 100M Lawrence, Kansas 66044

RE: CUP-3-1-85; Request for a private airstrip, east one-half of the southeast quarter of Section 24, Township 13 south, Range 20 east.

Dear Mr. and Mrs. Bland:

The Lawrence Douglas County Planning Commission, at their meeting on Wednesday, April 24, 1985, voted 6-1 to recommend approval of the above referenced request to the Board of County Commissioners, subject to the following conditions:

- 1) Federal Aviation Administration approval of the site prior to use as a landing strip; and,
- 2) The landing strip not be used for commercial purposes.

The Board of County Commissioners will consider this request for final action at their meeting on Wednesday, May 15, 1985, beginning at 10:00 a.m. in the Commission Meeting Room, 2nd floor of the Douglas County Courthouse, 11th and Massachusetts Street.

If you have any questions pertaining to this matter, please contact David Guntert at the Planning Office.

Sincerel

Price T. Banks

Director of Planning

PTB:DG:po

ITEM NO. 8: CONDITIONAL USE PERMIT FOR PRIVATE AIRSTRIP

A. SUMMARY

CUP-3-1-85: A Conditional Use Permit request to allow a private airstrip for personal use by the applicant. Said request is generally located northwest of the intersection of Eudora Township Roads #43 and #180. Submitted by Milton and Joan Bland.

B. STAFF REVIEW

Comm. Miller declared a conflict of interest on this item and removed himself from the meeting at this time.

David Guntert reviewed the staff report. He described the surrounding area.

He said the airstrip would be used for personal pleasure flying by the applicant. It would be grassed, 100' wide and 1,800' long.

He said the applicant needs to file FAA Form 7480-1, "Notice of Landing Area Proposal" according to Federal regulations. An evaluation of the site and its relationship to existing airports to determine potential air traffic conflicts is involved. Federal Aviation Administration must approve the site prior to use of the landing strip.

He added staff recommended approval with one condition.

C. PLANNING COMMISSION DISCUSSION

Comm. Harper asked if neighbors had been notified of the request and if there were any objections.

Mr. Guntert said property owners within 1,000' of the boundary of the entire tract had been notified. One phone call had been received from a Mr. Bost. His concern was that the landing strip not be a public or heavily used landing strip.

Comm. Lucas asked if the applicant had been apprised of the CUP requirements and that the permit could be revoked if there were complaints or problems related to the strip.

Mr. Guntert said staff had not specifically advised them of that possibility.

Comm. Glass asked if the residence at the northwest corner of the intersection was under the same ownership as the property in the request.

Mr. Guntert said it was under different ownership.

Comm. Lucas asked where Mr. Bland lived.

Mr. Guntert said he did not live on the property now. The strip was to be for his personal recreational flying and to allow him to house his plane there rather than pay rent to someone else for storage space.

D. PLANNING COMMISSION/PUBLIC DISCUSSION

Milton Bland, the applicant, said he had not been aware of the need for a special use permit for an airstrip when they bought the property. If there was a problem with the permit it would affect their plans to build a residence on the property.

He said he did not fly much and this strip would only be used for his personal flying. It would also reduce his costs of owning a plane. They did plan to build a residence on this property in the near future and described the proposed location on the map.

Comm. Grosdidier asked if Mr. Bland had a partner in the flying operation.

Mr. Bland explained he owned the plane and his "partner" used the plane a little in return for rent-free hangar space. There were no plans for a formal partnership.

Comm. Harper said they did not want to see a commercial use of the strip or heavy use by friends of the applicant.

Mr. Bland said he also did not want that because of the liability cost. It would be for his use and occasionally a friend. He planned to farm the adjacent property and would restrict the use.

Comm. Grosdidier asked if there would be a conflict with the tower recently approved near this area.

Mr. Bland said traffic patterns would be directed around the tower and should not conflict with it.

Chrm. Bahnmaier explained that if there were problems with the use the CUP could be revoked.

Staff explained the procedure for review for Mr. Bland.

Mr. Bland asked if other airstrips in the county had conditional use permits.

Director Banks said he was aware of only one that had a CUP approved in 1972. Most existing strips had been built before the zoning ordinance took affect in 1966; therefore CUP requirements would not affect those uses.

Norbert Grosdidier, owner of property to the north of the proposed strip, asked if the airstrip would affect building on his property.

Director Banks said no local ordinances restricted building because of the airstrip being there. Only normal setback requirements needed to be adhered to.

Comm. Lucas asked if Mr. Grosdidier would be restricted by what uses would be allowed on his property after the airstrip was established, for instance, a tower.

Director Banks said it would impact the use of Mr. Grosdidier's property but would not prohibit any use such as a tower.

Comm. Harper noted this proposal was for a private airstrip, not an airport, and use would be limited.

Mr. Grosdidier asked if there were regulations prohibiting him from putting an airstrip on his property.

Mr. Guntert said none locally but the FAA regulated them. He was not aware of their exact regulations.

Mr. Grosdidier said he had no objections to Mr. Bland's proposed airstrip but he'd like clarification of how it could restrict the use of his property adjacent to the site.

Comm. Harper asked Mr. Grosdidier if he felt comfortable with the information he had gained tonight.

Mr. Grosdidier said yes but he wanted more information from the FAA as to restrictions on his use of his property.

Floyd Bost said his concern was that the airstrip remain in personal/private use.

Comm. Lucas said they would not restrict occasional use by the applicant's friends.

Mr. Bost said he just did not want "over use" by others.

Comm. Harper said she felt the applicant had followed all the steps necessary to comply with the ordinance. She felt he would use an airstrip in the best spirit of the CUP requirements.

E. ACTION TAKEN

It was moved by Comm. Harper, seconded by Comm. Lucas, for approval of the request and forwarding of it to the Board of County Commissioners with a recommendation for approval, subject to the following two conditions:

- 1) FAA approval of the site prior to use as a landing strip; and,
- 2) The airstrip not be used for commercial use.

The motion carried 6 - 1 with Comm. Grosdidier voting against the motion.

Comm. Miller then rejoined the meeting.

ITEM NO. 8: CONDITIONAL USE PERMIT FOR PRIVATE AIRSTRIP

A. SUMMARY

CUP-3-1-85: A Conditional Use Permit request to allow a private airstrip for personal use by the applicant. Said request is generally located northwest of the intersection of Eudora Township Roads #43 and #180. Submitted by Milton and Joan Bland.

B. GENERAL INFORMATION

Current Zoning & Land Use

A (Agriculture); agricultural use with residence.

Surrounding Zoning & Land Use

A in all directions; agricultural use with residences.

Reason for Request:

Applicant wants to be able to occasionally use his property for a landing strip for personal use only.

C. STAFF REVIEW

Applicant is proposing a private landing strip for his personal pleasure flying. It is proposed to be oriented in a north-northeasterly direction on the site and on the crest of the property.

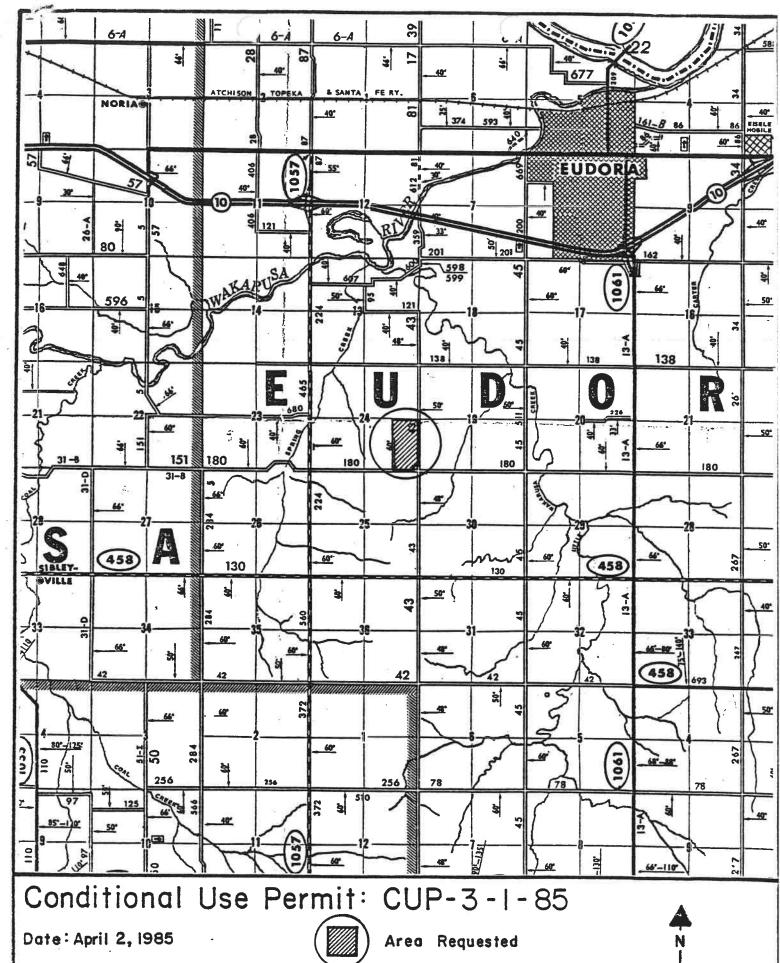
The landing strip will be approximately 1,800 feet long and 100 feet wide. It is proposed to be located approximately 600 feet from the south property line, 300 feet from the north line, and vary from 500 to 700 feet from the east line.

The predominant land uses around the site are agricultural uses - cropland and pasture land. Five dwellings, including the applicant's home, are within the general area - the closest is approximately 700 feet from the strip. In addition, the site is removed from air traffic hazards such as towers and overhead transmission lines.

Applicant needs to file FAA Form 7480-1, "Notice of Landing Area Proposal" according to Federal Regulations. An evaluation of the site and its relationship to existing airports to determine potential air traffic conflicts is involved. Federal Aviation Administration must approve the site prior to use of the landing strip.

Recommendation: Planning Staff recommends approval of the request and forwarding of it to the Board of County Commissioners with a recommendation for approval, subject to the following condition:

1) FAA approval of the site prior to use as a landing strip.



Lawrence - Douglas County Planning Office

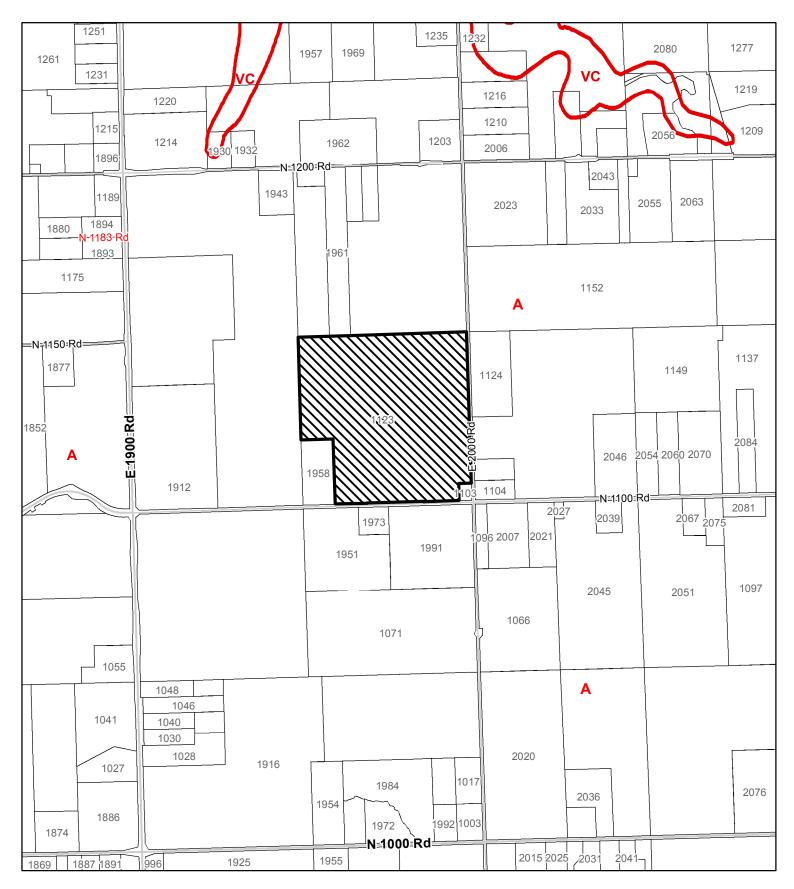
One inch represents 4600 feet.

DOUGLAS COUNTY, KANSAS

APPLICATION FOR CONDITIONAL USE PERMIT

| (To be Filled in By Applicant) |
|---------------------------------------------------------------------------------------------------------------------------|
| |
| Application No. COP-3-1-95 March 7 1985 Month Day Year |
| Applicant Milton D. Bland Address Route 6, Box 100m, Lawrence, Ks 66044 |
| Telephone No. 842 6861 Street address of property Route 2, Lawrence |
| Section 24, Township 13, Range 20 Legal Description See attached sheet SE ½ less Approximately 2 acres |
| Owner of property Milton D. Bland Address same as above |
| Telephone No. 842 6861 Existing Zoning A |
| Proposed Use Private airstrip Explain: Airstrip to be used for personal pleasure flying and personal agricultural flying. |
| 28 COPIES OF A SITE PLAN OF TRACT MUST BE SUBMITTED |
| (For use by Planning Commission) |
| Date of Hearing 19 |
| Planning Commission Action: Approved Other |
| Comments: |
| |
| Conditions: |
| |
| |
| (For use by County Commission) |
| Date of Hearing |
| Month Day Year |
| County Commission Action: Approved Disapproved Other |
| Comments: |
| |
| Conditions: |
| |

A CERTIFIED LIST OF PROPERTY OWNERS WITHIN 1000 FEET OF THE PROPERTY FOR WHICH AN CUP IS REQUESTED MUST ACCOMPANY THIS APPLICATION. ALSO, A FIFTY DOLLAR CHECK MUST ACCOMPANY THIS APPLICATION.



CUP-16-00489: Revision to the Conditional Use Permit for a Private Airstrip at 1123 E 2000 Road





Memorandum City of Lawrence Planning and Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: January 25, 2017

RE: Minor Subdivision, MS-16-00507, variance request per Section 20-813(g) of the

Subdivision Regulations to allow reduced right of way for W. 31st Street and S. Iowa Street as required by Section 20-810(e) of the Subdivision Regulations. The Minor Subdivision (lot split) is located at 3101 Iowa St. Submitted by Landplan

Engineering for Central Bank of the Midwest, property owner of record.

Attachment A: Minor Subdivision MS-16-00507

Minor Subdivisions are processed administratively. Planning Commission approval is required for variances from the Subdivision Design Standards. This Minor Subdivision is subject to Planning Commission approval for the reduced right-of-way for W. 31st Street and S. Iowa Street. A copy of the Minor Subdivision is included with this memo for context; no action is required for Minor Subdivision approval.

The property is located on the southwest corner of W. 31st Street and S. Iowa Street. This is a developed commercial corridor. The applicant intends to divide the property into two lots to accommodate future infill development. A specific development is not proposed for the undeveloped lot west of the existing bank, at this time. The property is zoned CS (Commercial Strip) District. This district allows a wide variety of uses. Access to the site is restricted to the existing driveway locations on W. 31st Street and Nieder Road.

Section 20-810(e)(1) provides general design criteria for streets. Subsection iii states "Arterial and collector streets shall be laid-out, arranged and designed in accordance with any adopted Major Thoroughfares Map or corridor plan." Both W. 31st Street and S. Iowa Street are identified as principal arterial streets.

A principal arterial street requires 150′ total right-of-way. Each property is expected to provide one half (75′) of right-of-way from the street center line. Total right-of-way width varies along both W. 31st Street and S. Iowa Street.

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

reports, the 150' of required right-of-way is more applicable to new greenfield development rather than existing, developed corridors.

VARIANCE: Reduction in the width of the right-of-way from 150' (75' from center line) as required for a principal arterial street per Section 20-810(e)(5) for both W. 31st Street and S. Iowa Street. The standard for the required right-of-way width changed in 2006 from 100' to 150' with the adoption of the Land Development Code.

- S. Iowa Street provides 65' to center line and proposes 10' additional pedestrian easement parallel to the ROW.
- W. 31st Street provides 70' to center line and proposes a 5' utility and pedestrian easement parallel to the ROW

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

Along S. Iowa Street, the previous frontage road was vacated by KDOT as part of the area redevelopment in the late 1990's. The total right-of-way for this segment of S. Iowa Street is 151'. The street is not centered within the right-of-way. The proposed Minor Subdivision shows 65' of right-of-way from the property line to the street center line. East of the center line to the west property line of Pineridge Plaza is 85'. The combined right-of-way along this street segment meets the minimum required 150' but disproportionally. Easements were retained in the eastern portion of the site to cover various utilities that are located parallel to S. Iowa Street, within Lot 1. A portion of the vacated right-of-way was incorporated into a replat as shown in the *Douglas County Bank Addition*. This Minor Subdivision shows a 10' pedestrian easement along the east side of Lot 1. The combined right-of-way and easement provide an equivalent 75' share of street right-of-way for S. Iowa Street. This application includes the remaining unplatted right-of-way that will be incorporated into the Minor subdivision.

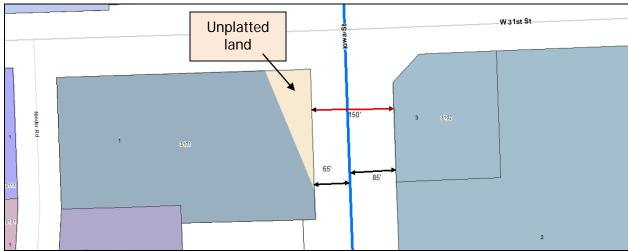


Figure 1: Iowa Street ROW image from City GIS

Dedication of additional right-of-way for South Iowa Street will not impact the existing improvements relative to zoning setbacks. However, the parking lot setback along W. 31st Street within Lot 1 currently does not comply with the required 15' setback. Dedication of additional ROW for W. 31st Street would increase this nonconformity.



Figure 2: W. 31st Street ROW image from applicant's drawing

Along W. 31st Street the right-of-way varies. While changes to the intersection are not planned, improvements to the sidewalk along W. 31st Street are anticipated for the construction of a shared use path. Additional easement along W. 31st Street combined with the existing right-of-way should be sufficient to accommodate the planned improvement and retain the existing parking lot curb lines that exist on Lot 1. This compromise retains the established development pattern and allows for public facility improvements.

Criteria 2: The proposed variance(s) is (are) in harmony with the intended purpose of these regulations.

This design standard was adopted in 2006 with the Land Development Code. The wider right-of-width accommodates street design with boulevards, multiple lanes and amenities that may or may not exist along developed street segments within the community. A similar variance has been granted for other projects located along developed urban corridors that are designated arterial streets.

There are no planned street improvements to W. 31st Street or S. Iowa Street with the exception of a planned multi-use path improvement that will result in a widened sidewalk. The applicant proposes a combination of ROW and easement to meet intent of regulations.

STAFF FINDING: Granting this requested variance from the required right-of-way is not opposed to the purpose and intent of the regulations. The use of right-of-way and public easement is a common tool to provide the required total width for public improvements along developed street corridors.

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

Both W. 31st Street and S. Iowa Street are identified as a "Principal Arterial" streets. S. Iowa Street is not centered in the existing right-of-way. The current right-of-way width of W. 31st Street varies along this property. The provision of additional easement will allow the widening of the multi-use path as planned as a public improvement for the area. No other changes are planned for the streets or the intersection.

STAFF FINDING: Granting this requested variance from the required right-of-way will not harm the public health, safety or welfare.

SUMMARY

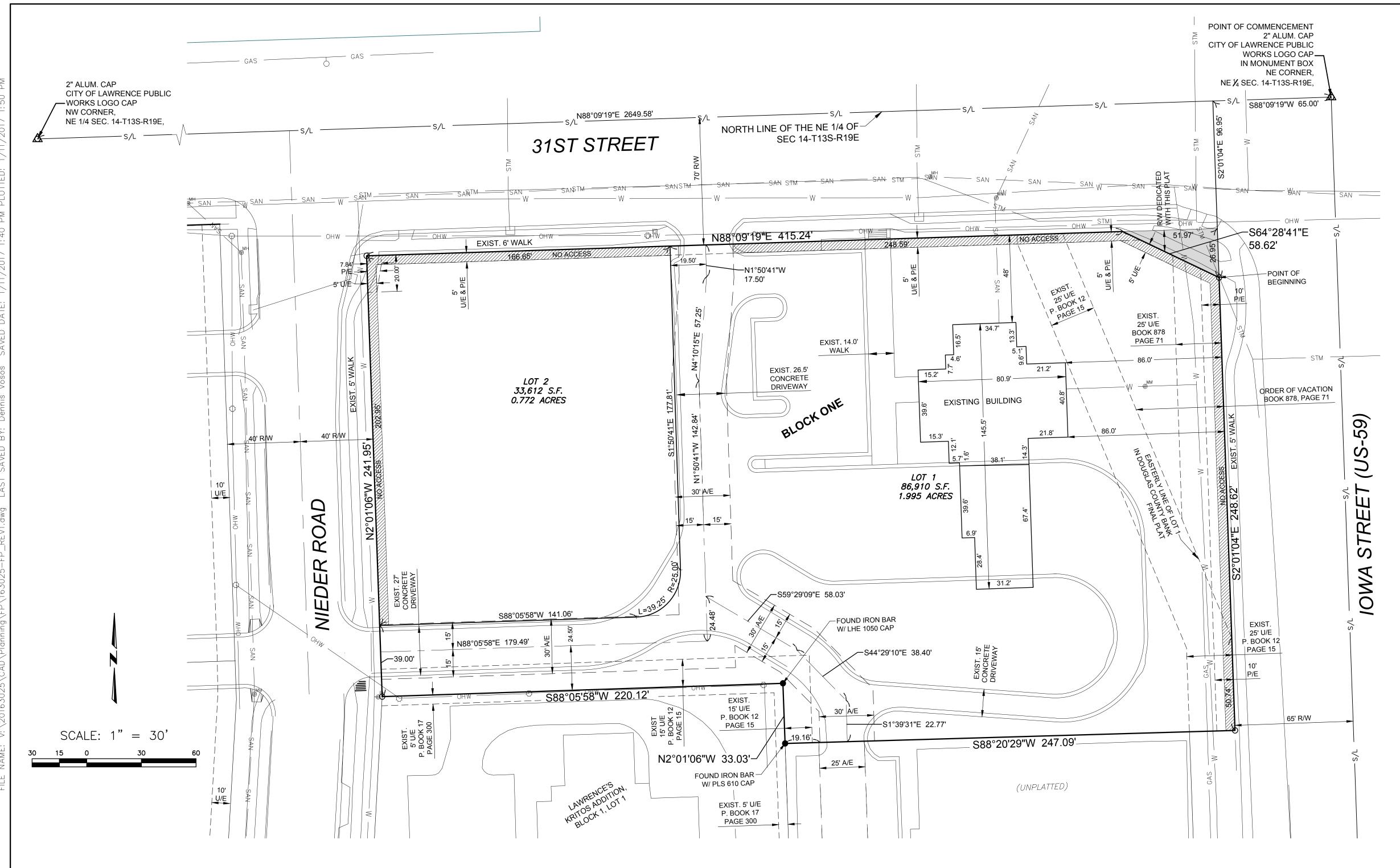
The variances related to the width of right-of-way are similar to those considered for other development along existing urban principal arterial streets. The right-of-way at intersections is typically wider to accommodate those improvements and infrastructure (poles, boxes, transformers) both above and below ground that are required to manage vehicular and pedestrian movements. Staff supports the use of the combined easement and right-of-way to meet the intent of the Subdivision Requirement. However, staff recommends that the subdivision drawing be revised to provide corner right-of-way concurrent with the other corners of the intersection.



STAFF RECOMMENDATION

Approve the variance from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for W. 31st Street and S. Iowa Street subject to the following condition:

1. The plat shall be revised to include the following note: On January 25, 2017 the Lawrence/Douglas County Planning Commission approved a variance from right-of-way requirements in Section 20-810 (e)(5) of the Subdivision Regulations to allow the right-of-way to remain at 70 feet for W. 31st Street and 65'feet for S. Iowa Street within this Minor Subdivision in Lieu of the 150 feet required for a Principal Arterial Street.



LEGAL DESCRIPTION:

ALL OF LOT 1, DOUGLAS COUNTY BANK SUBDIVISION AND A VACATED PORTION OF RIGHT-OF-WAY OF IOWA STREET/US 59 LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF IOWA STREET AND 31ST STREET AS DESCRIBED IN THE ORDER OF VACATION, DATED JULY 29, 2003 AND RECORDED IN BOOK 878, PAGE 71, ALL IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 14; THENCE SOUTH 88 DEGREES 09 MINUTES 19 SECONDS WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 65.00 FEET; THENCE SOUTH 02 DEGREES 01 MINUTES 04 SECONDS EAST, BEING 65.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 96.95 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF IOWA STREET AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE CONTINUING SOUTH 02 DEGREES 01 MINUTES 04 SECONDS EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID IOWA STREET, BEING 65.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 248.62 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN SAID DOUGLAS COUNTY BANK SUBDIVISION; THENCE SOUTH 88 DEGREES 20 MINUTES 29 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 247.09 FEET; THENCE NORTH 2 DEGREES 01 MINUTES 06 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 33.03 FEET; THENCE SOUTH 88 DEGREES 05 MINUTES 58 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 220.12 FEET THE SOUTHWEST CORNER OF SAID LOT 1, ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF NIEDER ROAD; THENCE NORTH 2 DEGREES 01 MINUTES 06 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 1, ALSO BEING THE EAST RIGHT OF WAY LINE OF NIEDER ROAD, A DISTANCE OF 241.95 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 31ST STREET; THENCE NORTH 88 DEGREES 09 MINUTES 19 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF 31ST STREET, BEING 70.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 415.24 FEET; THENCE SOUTH 64 DEGREES 28 MINUTES 41 SECONDS EAST, A DISTANCE OF 58.62 FEET TO THE POINT OF BEGINNING. CONTAINING 120,522 SQUARE FEET OR 2.767 ACRES, MORE OR LESS.

NOTES:

- 1. THE BASIS OF BEARINGS FOR THIS PLAT IS MODIFIED KANSAS STATE PLANE NORTH.
- 2. FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS A MAJOR SUBDIVISION, UNLESS THE ACTION MEETS THE EXPLANATIONS NOTED IN SECTION 20-808(c)(5)(i).
- 3. STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS IN BOOK ______, PAGE ______. IF STREET TREES DIE, THE PROPERTY OWNER IS RESPONSIBLE FOR REPLANTING TREES WITHIN ONE YEAR. NO TREES ON THE RIGHT-OF-WAY CAN BE REMOVED WITHOUT THE PERMISSION OF THE CITY OF LAWRENCE PARKS DEPARTMENT. TREES WITHIN THE RIGHT-OF-WAY REQUIRE TREE ROOT PROTECTION WITHIN A 10' RADIUS OF THE TREE TRUNK.
- 4. NO PORTIONS OF THE LOTS ARE LOCATED WITHIN A DESIGNATED "SPECIAL FLOOD HAZARD AREA" PER FEMA MAP NUMBER 20045C0167D, LAST REVISED AUGUST 5, 2010.
- 5. NO DIRECT ACCESS TO 31ST STREET AND NIEDER ROAD FROM LOT 2. ACCESS RESTRICTED TO ACCESS EASEMENTS.
- 6. NO DIRECT ACCESS TO IOWA STREET U.S. 59 FROM LOT 1.
- 7. ON JANUARY 25, 2017, THE LAWRENCE / DOUGLAS COUNTY PLANNING COMMISSION APPROVED A VARIANCE FROM RIGHT-OF-WAY REQUIREMENTS IN SECTION 20-810 (e)(5) OF THE Subdivision REGULATIONS TO ALLOW THE RIGHT-OF-WAY TO REMAIN AT 70 FEET FOR W. 31ST STREET AND 65 FEET FOR S. IOWA STREET WITHIN THIS MINOR SUBDIVISION IN LIEU OF THE 150 FEET REQUIRED FOR PRINCIPAL ARTERIAL STREET.

BENCHMARKS:

BM#1: NE CORNER, NE 1/4 SEC. 14-T13S-R19E, 2" ALUM. CAP STAMPED CITY OF LAWRENCE PUBLIC WORKS, IN MONUMENT BOX IN INTERSECTION OF 31st ST. AND IOWA STREET ELEV=850.07

MONUMENTATION:

FOUND: IRON BAR; SIZE, CONDITION AND ORIGIN, AS NOTED

O SET: ½" x 24" IRON BAR, W/ "PS 889" CAP

LEGEND:

R/W RIGHT-OF-WAY

U/E UTILITY EASEMENT

P/E PEDESTRIAN EASEMENT

MANHOLE

UTILITY POLE

ω[™] WATER METER

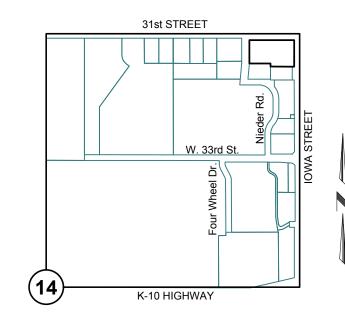
———— GAS LINE

OVERHEAD WIRE

SAN SANITARY SEWER LINE

R/W DEDICATED WITH THIS PLAT

LOCATION MAP:



ACKNOWLEDGEMENT:

MARKET PRESIDENT, CENTRAL BANK OF THE MIDWEST

STATE OF KANSAS

PATRICK SLABAUGH,

DEDICATION:

COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS _____ DAY OF ______, 2017, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME PATRICK SLABAUGH, MARKET PRESIDENT, CENTRAL BANK OF THE MIDWEST, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGES THE EXECUTION OF THE SAME.

BE IT KNOWN TO ALL MEN THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND,

HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME

STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROAD, ETC. SHOWN ON THIS

GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND

PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY

MAINTAIN UTILITIES UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR

OF "CENTRAL BANK OF THE MIDWEST" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND

DATE

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

LINDA D. BASTYR NOTARY PUBLIC MY COMMISSION EXPIRES

NOTARY PUBLIC-State of Kansas
LINDA D. BASTYR

My Appt. Exp.__

ENDORSEMENTS:

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY

SCOTT McCULLOUGH DATE

PATRICK KELLY

DATE

DATE

DIRECTOR OF PLANNING & DEVELOPMENT SERVICES PLANNING COMMISSION CHAIR

EASEMENTS VACATED AND EASEMENTS AND RIGHTS-OF-WAY ACCEPTED BY CITY COMMISSION FOR LAWRENCE,

SHERRI RIEDEMANN

CITY CLERK

DATE

DATE

MAYOR

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005

MICHAEL D. KELLY, P.S. #869 DOUGLAS COUNTY SURVEYOR

DOUGLAS COUNTY, KANSAS

CERTIFICATION:

LESLIE SODEN

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN THE MONTH OF JANUARY, 2016. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.



PLAT PREPARED JANUARY, 2017

BRAD C. ZILLIOX, P.S. #889 1310 WAKARUSA DRIVE, SUITE 100 LAWRENCE, KS 66049 (785) 843-7530

FILING RECORD:

STATE OF KANSAS COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS ____ DAY OF _____, 2017, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK _____, PAGE _____.

KAY PESNELL REGISTER OF DEEDS

CENTRAL BANK OF THE MIDWEST BLOCK ONE, LOTS 1 AND 2

A MINOR SUBDIVISION/REPLAT OF LOT 1,
DOUGLAS COUNTY BANK SUBDIVISION, A SUBDIVISION
IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

NE 1/4, SEC. 14-T13S-R19E

City of Lawrence Douglas County PLANNING & DEVELOPMENT SERVICES

ADMINISTRATIVE DETERMINATION

MINOR SUBDIVISION

January 10, 2017

MS-16-00507: A Minor Subdivision/Replat of 3101 W. 31st Street: Block One, Lots 1 and 2, Central Bank of the Midwest Subdivision to divide the property into two lots. Submitted by Landplan Engineering for Central Bank of the Midwest, property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Minor Subdivision, subject to the following conditions:

- 1. Submission of a revised master street tree plan as discussed in the body of the staff report.
- 2. Submission of a revised Minor Subdivision drawing with the following notes and changes:
 - a. Add a note confirming the variance by the Planning Commission for a reduction in right-of-way for W. 31st Street and S. Iowa Street with the date.
 - b. Add signature block for Planning Commission Chair.
 - c. Add a note prohibiting access to Iowa Street/U.S. 59 from Lot 1.
 - d. Revise drawing to show dedication of additional ROW at corner of W. 31st Street and S. Iowa Street to include all existing improvements at the intersection.

KEY POINTS

- Per Section 20-808(c)(5) of the Subdivision Regulations, only one lot combination or division may be approved through the Minor Subdivision process except that lot line adjustments or mergers that do not increase the total number of lots may be accomplished through the Minor Subdivision/Replat process even if the property had previously been part of a Minor Subdivision or Replat. The subject Minor Subdivision is for the division of a platted lot into two new lots.
- This property was originally platted as the Harwood Addition in 1984 and included two lots.
- The northeast corner of the property included 175' of ROW width for U.S. Highway #59.
 - ➤ This width included a frontage road that was vacated and removed to accommodate redevelopment in 2003.
- 1994 agreement between property owners of parcels located on the southwest corner of W.
 31st and Iowa Street and the City was executed addressing the vacation of a portion of right-of-way by KDOT to the City, development potential for the various lots, the removal of a frontage road, identification of access points to public streets and private access easements.
- The property was reconfigured in 1997 as a single lot and an area of right-of-way was vacated from KDOT to the City and then transferred to the property owner.
 - ➤ Additional right-of-way was dedicated for Nieder Road and W. 31st Street with this property.
 - East 25' of Lot 1 was vacated KDOT ROW that was added to the main body of the lot.
 - May 1997 City transferred excess KDOT ROW property to Douglas County Bank.
 - ➤ July 2003 the remaining frontage road ROW was vacated (after the completion of intersection improvements.
- Water and Sanitary Sewer Service is available to this property. Public Improvement Plans are not required for this proposed subdivision.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.
- Section 20-810 (e)(5) Cross-Sections. Minimum width for certain street types required.
- Section 20-813 (g) Variances. Procedures and review criteria for variances.

ASSOCIATED CASES

- 1. Harwood Addition, a two lot subdivision recorded in 1984.
- 2. Douglas County Bank, a one lot subdivision recorded in 1997.
- 3. SP-4-28-96; Original site plan for Douglas County Bank
- 4. Vacation of ROW by KDOT to the City of Lawrence and Vacation of ROW to the property owner. July 22, 2003; Book 878 Page 0071.

OTHER ACTION REQUIRED

- Approval of variance for reduction in ROW for Principal Arterial Streets (31st Street and Iowa Street) less than 150'.
- Acceptance of easements and ROW by the City Commission.
- Provision of a revised mylar of the Minor Subdivision Plat bearing the notarized signature(s) of the property owner, the Land Surveyor's signature and seal, and the County Surveyor's signature, and the appropriate recording fees.
- Recording of the Minor Subdivision and associated documents at the Douglas County Register of Deeds.

Table 1

| GENERAL INFORMATION | | | | | | |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|
| Current Zoning and Land Use: | CS (Commercial Strip) District; <i>Office; Financial, Insurance & Real Estate</i> a Bank with drive-through. | | | | | |
| Surrounding Zoning and Land Use: | | | | | | |
| To the north: | CS (Commercial Strip); Retail and Financial, Insurance & Real Estate (Bank with drive-through). | | | | | |
| To the south: | CS (Commercial Strip) District; Retail (Petco) and Financial, Insurance & Real Estate (Bank with drivethrough) and uses. | | | | | |
| To the west: | PD-[Target PCD] District; vacant building | | | | | |
| To the east: | PD-[Pineridge Plaza PCD] District; Fast Order Food (IHOP Restaurant) and Retail (Mixed in-line commercial building with multiple tenants). | | | | | |
| Number of Existing Lots: | 1 | | | | | |
| Number of Proposed Lots: | 2 | | | | | |

The property is located within the Iowa Street commercial corridor and on the southwest corner of Iowa Street and 31st Street. The property is developed with an existing bank with drivethrough lanes. A large open space area is located on the western portion of the property that will be bounded by W. 31st Street and Nieder Road as a separate lot if approved.

RIGHT-OF-WAY

This property has been included in two previous subdivision applications. Right-of-way has been acquired or vacated along the perimeter streets depending on the development plan and applicable subdivision design regulations. The vacation of a portion of S. Iowa Street in the mid-1990's and again in 2003 after the completion of intersection improvements at 31st Street has resulted in a situation where the current lot configuration does not meet the minimum design standards of the current subdivision regulations regarding Principal Arterial Streets. Table 2 lists the required ROW for the adjacent streets in this Minor Subdivision.

Table 2: Minimum ROW requirements

| Street | Classification | Existing | |
|-------------------------|--------------------|--------------|--------------------|
| Iowa Street | Principal Arterial | 150′ [75′] | Variable (65'+) |
| 31 st Street | Principal Arterial | 150′ [75′] | Variable (70') |
| Nieder | Local | 40/ ft [20/] | 80' total ROW |
| | Local | 60' ft [30'] | 40' to center line |

The right-of-way at intersections is typically wider to accommodate those improvements and infrastructure (poles, boxes, transformers) both above and below ground that are required to manage vehicular and pedestrian movements. Three of the four corners of the Iowa Street/31st Street intersection include wider right-of-way as shown in the graphic below. Staff recommends that a like dedication of right-of-way be provided for this Minor Subdivision. The dedication of additional right-of-way for S. Iowa Street will not impact the existing improvements relative to zoning setbacks. The following image highlights the area recommended for ROW dedication.



A variance per section 20-813 (g) is required regarding ROW width and must be approved by the Planning Commission. This meeting is scheduled for 25 January 2017.

DIMENSIONAL REQUIREMENTS OF CS DISTRICT

The proposed subdivision exceeds the minimum lot area and lot width requirements for the CS District.

Table 3: Lot Area and Width Requirements

| Required | Provided | | | | | | |
|--------------------------------------------------------------------------|-----------------------------------------------|--|--|--|--|--|--|
| Lot Area: 5,000 sq ft | Lot 1: 33,598 SF (.771 AC) | | | | | | |
| | Lot 2: 78,036 SF (1.781 AC) | | | | | | |
| Minimum Lot Width: 100 ft | Lot 1: | | | | | | |
| | Width along 31 st Street = 215.56' | | | | | | |
| | Width along Iowa Street = 291.26' | | | | | | |
| | Frontage along Nieder Road = 39' | | | | | | |
| | Lot 2: | | | | | | |
| | Width along 31 st Street = 166.65' | | | | | | |
| | Width along Nieder Road = 317.37' | | | | | | |
| Access to Nieder Road is prohibited except at the existing access drive. | | | | | | | |

UTILITIES/EASEMENTS

The site includes an existing 25' wide utility easement located on the diagonal immediately east of the building. An additional 15' wide utility easement is located along the south property line of the subject property for the western 235'. This project includes the dedication of a new 30' wide access easement along the south and east property lines of Lot 2. The easement is located on Lot 1 but provides access to Lot 2 and follows the existing access drive.

The applicant is proposing a 5' wide combined access and utility easement along the north property line to accommodate any future improvements along W. 31st Street without further reducing the lot size.

Existing water and sanitary sewer services are located within the right-of-way for W. 31st Street and Nieder Road. Service lines can be extended from the new lot to these facilities as needed for development of Lot 2. Lot 1 is served by utility connections to the north. The sanitary sewer line that will serve Lot 2 is located on the west side of Nieder Road. A sanitary sewer service line would require crossing Nieder Road. The developer may choose, in the future to seek an extension of the sanitary sewer across Nieder Road to reduce the length of the service line or the construction of a service line under a public street. Public Improvement Plans are not required this this application. If a future development of Lot 2 includes a request to extend the sanitary sewer main; then the developer will be required to provide Public Improvement Plans.

ACCESS

Access to this property is provided from W. 31st Street on the north and Nieder Road on the west. An additional access to the south through the commercial development is provided through an existing cross access easement. Direct access to S. Iowa Street is prohibited. The drawing shows the restriction graphically. A note should be added to also state the prohibition.

SIDEWALKS

Along the adjacent streets, Nieder Road, W. 31st Street and Iowa Street. Sidewalks exist along these public streets. No changes are required to the existing sidewalks with this Minor Subdivision. Future plans including improving the existing W. 31st Street to a shared use path and will require widening of the facility. The parking lot within Lot 1 currently does not comply with the required 15' setback. Dedication of additional right-of-way for W. 31st Street would increase this nonconformity. The applicant proposes providing 5' of pedestrian easement along W. 31st Street to meet the required total width when combined with the existing ROW along this street segment.

MASTER STREET TREE PLAN

A Master Street Tree Plan is required for this application. Street trees are required along Nieder Road, W. 31st Street and S. Iowa Street as follows:

- Nieder Road = 6 Trees Required [5 Trees for Lot 2 and 1 tree for Lot 1]
- W. 31st Street = 4 Trees Required for Lot 2 and 8 Trees for Lot 1
- S. Iowa Street = 7 Trees Required

The Master Street Tree plan shows 5 trees along Nieder Road, all located on Lot 2, Block 1. One Tree is required for that portion of Lot 1, Block 1 that has frontage along Nieder Road. However, this frontage provides the access drive that limits the ability to plant trees along the entire length of the street frontage. The required street trees along Nieder Road are reduced by one tree.

The frontage along W. 31st Street is divided between the two lots. The proposed master street tree plan shows the required number of street trees for the new lot (Lot 2, Block 1). There are three existing trees. Development of the lot will require the installation of one additional tree for Lot 2, Block 1. W. 31st Street frontage for Lot 1, Block 1 is encumbered by overhead and underground utilities as well as sidewalk and pavement. As W. 31st Street has been widened and improved the amount of green space along the north property line has been reduced through the acquisition of right-of-way.



Figure 2: W. 31st Street Trees

The plan states that there are 6 street trees existing for Lot 1, Block 1. All but one of the street trees is setback more than 40' from the back of the curb.

Only Lot 1, Block 1 abuts S. Iowa Street frontage. This lot requires 7 street trees. The lot also includes a 25' wide easement parallel to the property line. This easement hinders the planting of street trees. Some trees are located in the existing easement along S. Iowa Street. The curb line is located 26' east of the property line. Any street tree located along the east side of the lot would be more than 30' from the curb unless the tree was planted in the right-of-way (between the sidewalk and the curb line). Lot 1, Block 1 is a developed site. Any additional plantings would be related to redevelopment of the lot and are not required to be planted now.



Figure 3: Iowa Street Trees

Staff recommends the Master Street Tree Plan be revised to reflect the number of existing trees that can reasonably be counted toward street trees as follows:

Table 4: Recommended Master Street Tree Revisions

| Along Iowa Street | Trees Required | Existing Trees | New Trees to be Provided |
|-------------------|----------------|----------------|--------------------------|
| Lot 1, Block One | 7 | 1 | 6 |
| Along 31st Street | | | |
| Lot 1, Block One | 8 | 1 | 7 |
| Lot 2, Block One | 4 | 3 | 1 |
| Along Nieder Road | | | |
| Lot 1, Block One | 1 | 0 | 0 |
| Lot 2, Block One | 5 | 0 | 5 |

Compliance with Minor Subdivision Review Criteria, Section 20-808(d)

The minor subdivision is compliant with the review criteria as noted below:

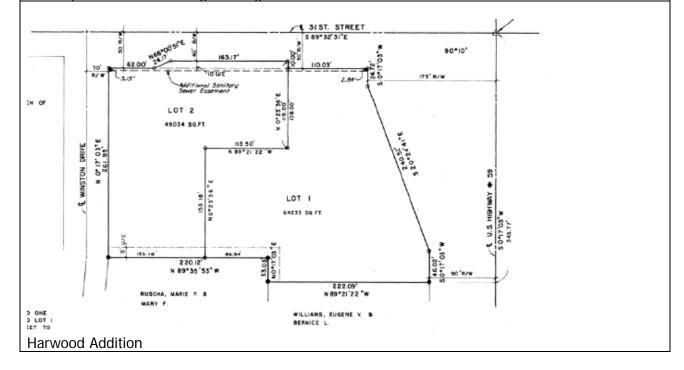
- 1. The proposed land division is eligible for review through the Minor Subdivision/Replat process.
- 2. The proposed lot conforms to the lot size requirements of the underlying zoning district;
- 3. The lots will have direct access to an existing public street that meets current adopted access and public improvement standards;
- 4. The required right-of-way combined with additional easements for the adjacent streets is provided. A variance from the Planning Commission is required to approve this design concept;
- 5. Required easements are provided to serve the property;
- 6. Protective devices are not required as the property is not located within the FEMA designated regulatory floodplain;
- 7. The lots are currently served by public utilities, it is not necessary to extend utilities;
- 8. The Minor Subdivision is in conformance with the Comprehensive Plan;
- 9. The Minor Subdivision conforms with the Major Thoroughfares Map and does not preclude or interfere with the logical continuation of any streets;
- 10. The Minor Subdivision is consistent with any conditions imposed on the original Platted Subdivision; and
- 11. The proposed Minor Subdivision conforms to the minimum boundary survey standards.

Conclusion: The Minor Subdivision, as conditioned, conforms to the approval criteria in Section 20-808(d) of the Subdivision Regulations.

Development History

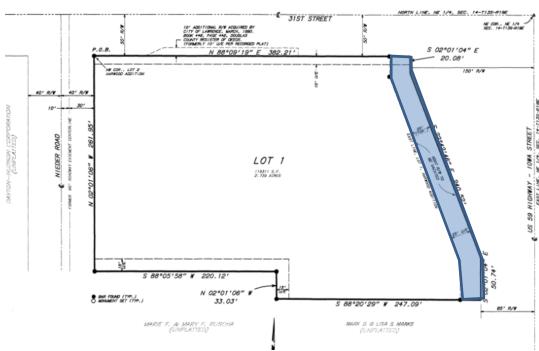


Development 1995. Existing Frontage Road





Development 2000. Vacated portion of ROW and Platting of Douglas County Bank



Dougals County Bank: Shaded area is portion of vacated ROW that was incorporated into platted lot.



Existing Parcel 2016. Parcel includes all of Platted Lot 1, Douglas County Bank and additional vacated ROW on the southwest corner of 31st Street and Iowa Street. KDOT vacated the ROW to the City of Lawrence. The city Quit Claimed the parcel to Douglas County Bank. May 1997. Remaining frontage road vacated in 2003 following completion of intersection improvements.

PLANNING COMMISSION REPORT Non-Public Hearing Item

PC Staff Report 01/25/2017

ITEM NO. 3 FINAL DEVELOPMENT PLAN FOR A HOTEL, BAUER FARM NORTHWEST; 510 WAKARUSA DRIVE (SLD)

FDP-16-00498: Consider a Final Development Plan for TRU by Hilton, a new multi-story hotel, located at 510 Wakarusa Drive. Submitted by Bartlett & West, Inc., for Apollo Hospitality Firm, Contract purchaser. Free State Group LLC, property owner of record.

STAFF RECOMMENDATION: Planning staff recommends approval of the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

- 1. Prior to recording the Final Development Plan with the Register of Deeds Office the applicant shall provide a revised drawing with the following notes and changes:
 - a. Revise landscape plan to note planting size and species for all shrubs proposed for use in development.
 - b. Revise landscape plan to show additional plant groupings along Overland Drive and along the private drive to screen the parking lot, per staff approval.
 - c. Revise drawing to include the following note: "Prior to release of the Final Development Plan for issuance of a building permit the applicant shall submit a revised building elevation sheet to staff for review and approval demonstrating compliance with the Commercial Design Guidelines."

REASON FOR REQUEST: The applicant proposes to construct a TRU by Hilton Multi-story hotel facility in the Bauer Farm development. The 2.10 acre lot will have associated parking, sidewalks, lighting and landscape in conjunction with the requirements of the the approved Preliminary Development Plan.

ATTACHMENTS:

Attachment A: Proposed Final Development Plan Attachment B: Proposed Building Elevations Attachment C: Sidewalk Route Exhibit

DESIGN STANDARDS TO CONSIDER

- Consistency with approved Preliminary Development Plan, PDP-14-00055.
- Consistency with Article 10 of the 1966 Zoning Code.
- Compliance with zoning Ordinance No. 8986.

KEY POINTS:

- Preliminary Development Plan for Bauer Farms Northwest PCD [PDP-14-00055] was approved by the City Commission on May 6, 2014.
- Overall retail SF for the Bauer Farm Northwest including Sprouts and this application is 45,275 SF. Maximum allowed for the development is 50,000 SF.
- A hotel use does not count toward the maximum retail allowance for the district.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- CPA-14-00055; Comprehensive Plan Amendment to revise Chapter 6 and the 6th & Wakarusa Nodal Plan.
- Z-14-00057; amending the uses and retail square foot limitation of existing PCD approved per Ordinance 8986 by the City Commission on May 6, 2014.
- PDP-14-00055; Revised Preliminary Development Plan approved by the City Commission on May 6, 2014.
- PF-14-00054; Final Plat Bauer Farm 6th Plat. Easements accepted by the City commission on May 13, 2014 and recorded with the Douglas County Register of Deeds Office on June 25, 2014, Book 18 Page 801.
- FDP-14-00207; Final Development Plan for Sprouts and future multi-tenant retail building.
- FDP-16-00000; Final Development Plan for PetSmart

Other Actions Required

• Recording the Final Development Plan with the Douglas County Register of Deeds Office.

PUBLIC COMMENT

Shannon Kimball on behalf of Lawrence School Board requested additional information on proposed use.

PLANS AND STUDIES REQUIRED

- *Traffic Study* Study provided and accepted by staff with Preliminary Development Plan. Proposed use is consistent with use approved with Preliminary Development Plan.
- Downstream Sanitary Sewer Analysis The downstream sanitary sewer analysis and cover letter dated November 18, 2016 provided by Bartlett & West has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.
- *Drainage Study* The drainage letter dated 11-21-2016 meets the specified requirements and is approved.
- Retail Market Study Not applicable to application.

| GENERAL INFORMATION | | | | | | | | | | |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|--|--|--|
| Current Zoning and Land Use: | PD-[Bauer Farm Northwest] District; vacant lot. | | | | | | | | | |
| Surrounding Zoning and Land Use: | | | | | | | | | | |
| To the east: | PCD-[Bauer Farm Northwest] District; Retail Sales PetSmart | | | | | | | | | |
| To the south: | PCD-[Bauer Farm] District; Vehicle Sales and Service, Cleaning, Hurricane Car Wash to the immediate south. PD-[Bauer Farm] Planned Commercial Development District to the southwest, south and east of Champion Lane. | | | | | | | | | |
| To the west: | CC600-PD [6 Wak Addition] Restaurant and retail development FDP-15-00394 | | | | | | | | | |
| To the north: | GPI (General Public and Institutional Uses) District north of Overland Drive; <i>School</i> , Free State High School and <i>Participant Sports & Recreation, Indoor</i> , Lawrence Indoor Aquatic Center. | | | | | | | | | |

STAFF REVIEW

The commercial area has been platted, creating developable lots and an interior access drive (private street) between Bauer Farm Drive and Overland Drive. Development of Sprouts (Lot 3) resulted in the completion of the private street. This lot is located on the southeast corner of Overland Drive and Wakarusa Drive. Access to the lot is from the interior private drive along the east property line. The applicant proposes to build a four story hotel with 82 rooms (and 16 future rooms) along with associated parking and greenspace.

Zoning and Subdivision Compliance:

This property was rezoned with restrictions, per Ordinance No. 8986, addressing specific land uses and establishing a maximum retail development cap of 50,000 SF for all four lots within the Bauer Farm Northwest PCD. The zoning also prohibits a single retail or commercial building from being larger than 50,000 SF. The land use for Lot 1 is identified in the approved Preliminary Development Plan as a *Transient Accommodation (Hotel) Use.* This use does not count toward the maximum retail area limit. The proposed development is consistent with the zoning and the Preliminary Development Plan.

The proposed use is a single use (Hotel) and does not include a restaurant or bar/restaurant use. The hotel will provide a common area for breakfast as is typical in many hotels. Online photos show a typical floorplan for this product.



Figure 1: Interior Space

Any building permit submitted will be reviewed for compliance with the approved Final Development Plan.

The property has been platted. No changes to the lot configuration or dedicated easements or rights-of-way are proposed or required for this development.

Off-Street Parking

The original Development Plan was approved with a minimum parking design standard of 1 space per 200 net square feet for commercial uses. The 2014 revised Preliminary Development Plan revised parking for the hotel use at 1 space per room plus one space per 1.5 employees as required in the current code.

| | Parking Requirement | Approved PDP | Proposed FDP |
|-----------------------|------------------------|--------------|----------------------|
| Total rooms | one space per room | 108 | 82 +(16 future) =98 |
| Employees | one space per 1.5 emp. | 5 (3 spaces) | 6 (4 spaces) |
| Total Spaces Required | | 111 | 102 |

| Spaces Shown on plan | 85 | 94 |
|----------------------|----|----|

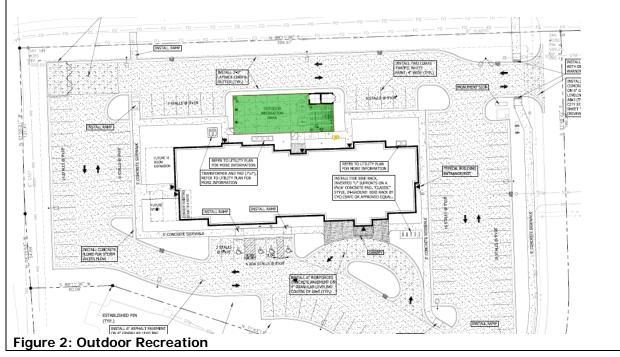
Initially, the FDP indicates 82 rooms will be constructed with 94 parking spaces provided (8 more than required). The plan includes the potential expansion of the hotel to include an additional 16 rooms for a total of 98. The remaining 8 required off-street parking sapces for the additional rooms will be shared with the other commercial uses in the development.

Common Open Space

A minimum of 20% of the area in the Planned Development is required to be placed into Common Open Space. Common open space within the commercial development typically occurs as peripheral yards and interior open space.

Table 1: Property Surface Summary Lot 2

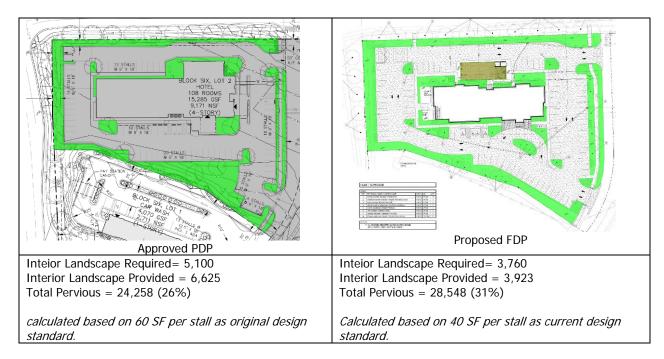
| Table 1. Froperty Surface Suffillary Lot 2 | | | | | | | | | | | | |
|--------------------------------------------|----------------|-----------|-----------------------------------------|------------|-----|--|--|--|--|--|--|--|
| Approved Prelin | minary Develop | ment Plan | Proposed Final Develo | pment Plan | | | | | | | | |
| [Unplatted Block | Six, Lot 2] | | [Lot 1, Block 1, Bauer Farm Sixth Plat] | | | | | | | | | |
| Building | 15,285 | 17% | Building | 9,680 | 11% | | | | | | | |
| | | | With Future Addition | (10,797) | 12% | | | | | | | |
| Rooms | 108 rooms | | Rooms | 98 rooms | | | | | | | | |
| Stories | 4 Stories | | Stories | 4 Stories | | | | | | | | |
| Pavement | 52,027 | 57% | Pavement | 52,221 | 57% | | | | | | | |
| | | | With Future Addition | (52,221) | 57% | | | | | | | |
| Impervious | 67,312 | 74% | Impervious | 61,901 | 68% | | | | | | | |
| | | | With Future Addition | (63,018) | 69% | | | | | | | |
| Pervious | 24,258 | 26% | Pervious | 29,665 | 32% | | | | | | | |
| | | | With Future Addition | (28,548) | 31% | | | | | | | |
| Total Lot Area | 91,570 | | Total Lot Area | 91,566 | | | | | | | | |



The proposed Final Development Plan shows 28,548 SF of pervious area (31%). This number includes the future 16 room addition. This proposed Final Development Plan also includes a 1,945 SF outdoor recreation area located on the north side of the building.

Green Space/Landscape:

The following graphic shows the approved and proposed changes to the green spaces within the site that result from the change to the building footprint and reconfigured parking lot.

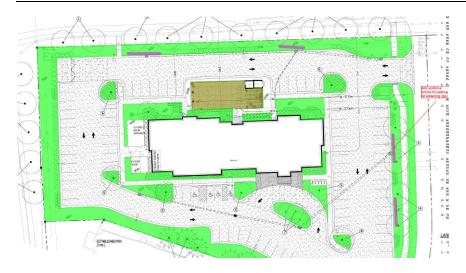


Landscape requirements address street trees, parking lot interior and perimeter landscaping, buffer yards, and requirements to screen mechanical equipment.

Street Trees: Street trees are applicable along Overland Drive (10 trees) and Wakarusa Drive (5 trees). Within the development, along the private street, the approved preliminary development plan included 2 trees. The proposed development includes the minimum required street trees along the public streets and shows 4 trees along the interior private street.

Buffer Yard: A buffer yard was not originally required with the proposed development. The intent was to allow reduced building setbacks to bring buildings closer to the public streets. Portions of the development include screening walls such as those along Wakarusa Drive and W. 6th Street. Walls are not included on this lot. However, the Wakarusa Drive frontage includes continuous landscaping along the parking lot. Interior streets and lot lines are not required to provide a designated buffer yard.

Interior and Peripheral Parking Lot Landscaping: Screening of off-street parking is a development required. The site plan shows screening along Wakarusa Drive and along Overland Drive. Overland Drive does not include any parking spaces immediately adjacent to the right-of-way. Screening along the private drive is clustered. The plan as proposed lacks details regarding shrubs. The plan must be revised to show the species and planting size. The applicant is working with the developer to confirm the corporate design intended for the site. Staff recommends the plan be approved conditionally subject to staff approval of a revised landscape plan to show minimum planting sizes and species. Additionally, there are a few areas that should include additional shrubs to better screen the parking lot. The following graphic highlights these locations.



Access and Circulation

This application does not alter the primary customer vehicular and bikeway systems and access to and around the proposed development. These elements were approved and established with the construction of previous phases of the commercial development.

Pedestrian Connectivity

This project as well as the Bauer Farm Planned Development, includes a high level of pedestrian connections within the development and between the development and the public sidewalk network.

A concern expressed has been the proximity of the proposed use to the high school to the north. This hotel does not include a restaurant or bar use. The nearest connection between the two uses is 864'. The minimum required separation for a city liquor license is 400' (see attached graphic).

Lighting

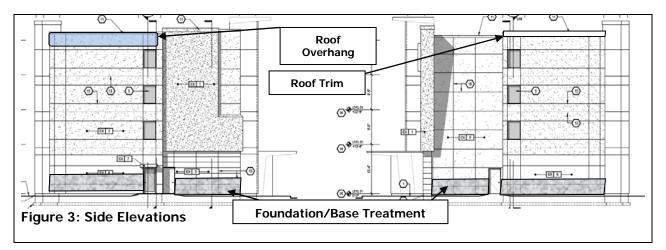
The applicant provided a photometric plan that meets the requirements of Section 20-1103 of the Land Development Code.

Commercial Design Standards

The applicant submitted building elevations for all four sides of the proposed structure. The Preliminary Development Plan included approval of a four story building. The proposed application is consistent with the building size (height) of 45'. For reference, Theater Lawrence is between 33-39' tall. The Meadowlark Estates retirement facility is predominantly a three story building approximately 40' tall. The proposed hotel (*transient accommodation*) use is consistent with the approved Preliminary Development Plan and other structures in the development. There is no maximum height for this development. Instead the development is limited to the density and bulk standards that are approved as part of the development.

The proposed building can be described as a modern interpretation of an art deco style. The plan shows detail assigned to the front façade, south side of the building, facing the car wash) and much less detail on the remaining three sides that all face a public or private street. The materials proposed do not have any relationship to the materials used in the existing development in Bauer Farm. Material treatments need to be extended to the two sides of the building facing Wakarusa Drive and the private street. The north side elevation is mitigated by its distance from Overland Drive, the proposed and recommended landscape plans, and the

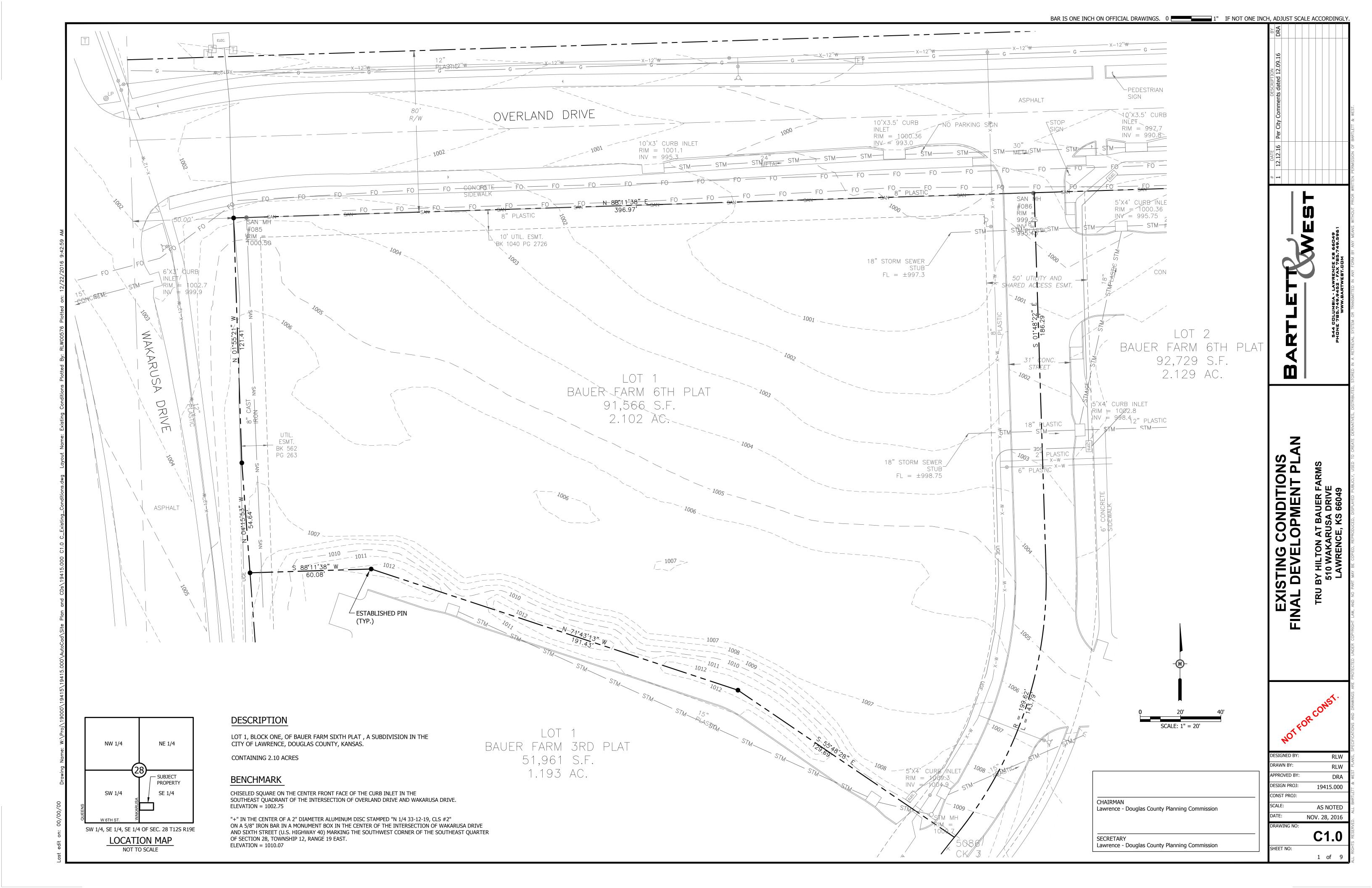
location of the rear patio area. Suggested changes include the use of roof overhangs on the side facades similar to what is proposed on the front or wider/taller roof trim or treatments.

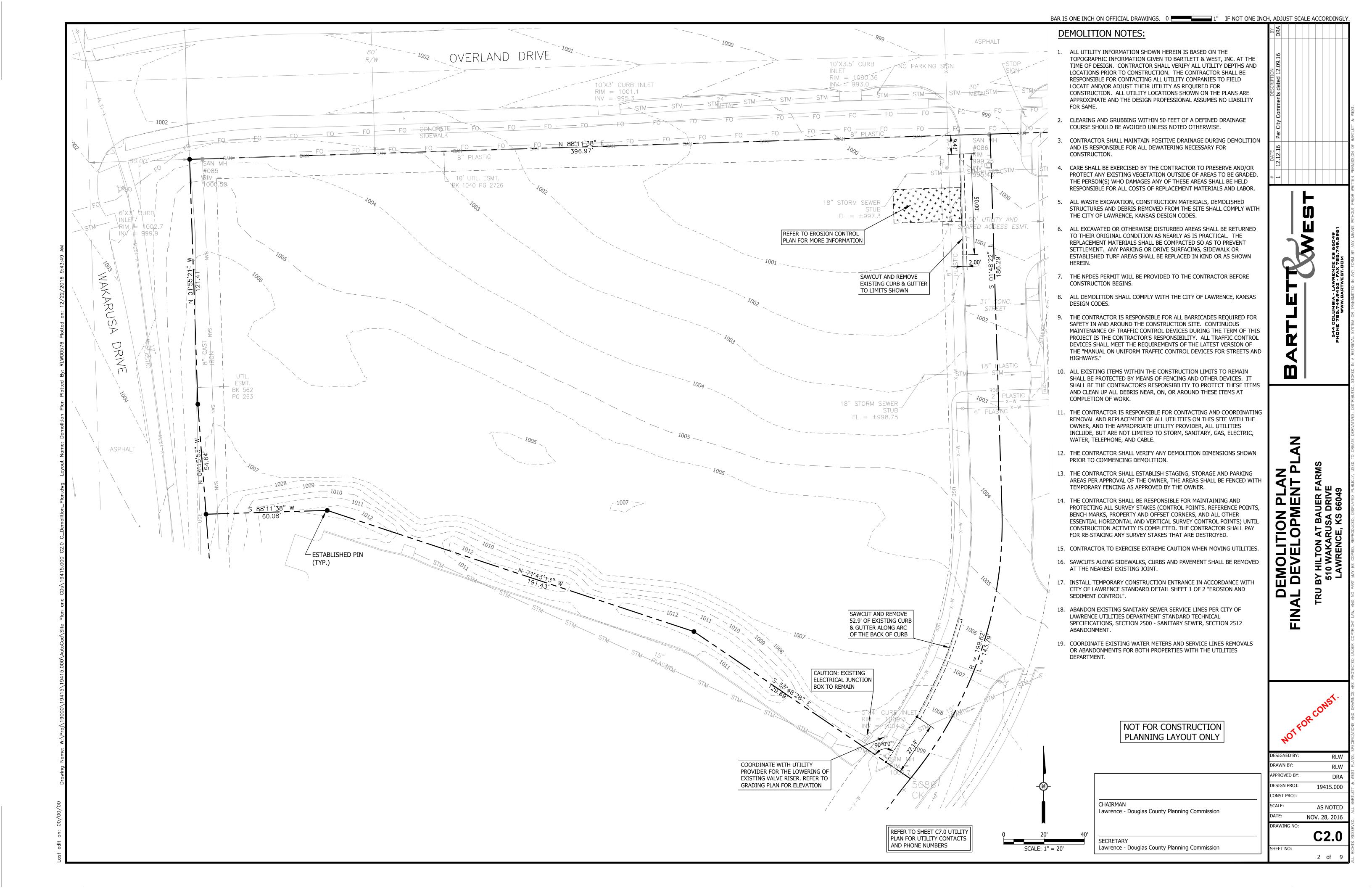


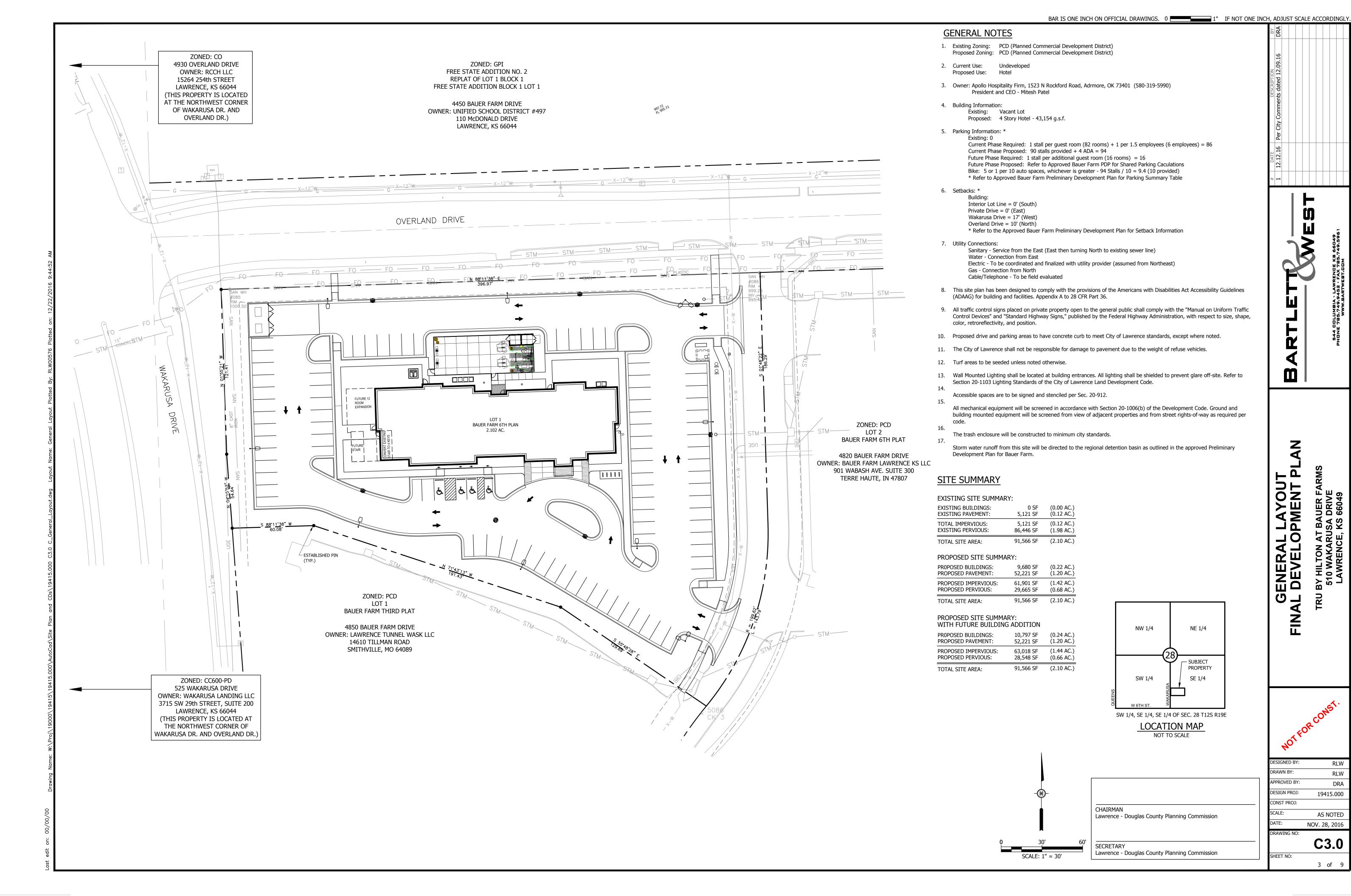
Staff recommends that the approval of the Final Development Plan be conditioned on the provision of a revised submission of the building elevations to demonstrate compliance with the Commercial Design Guidelines.

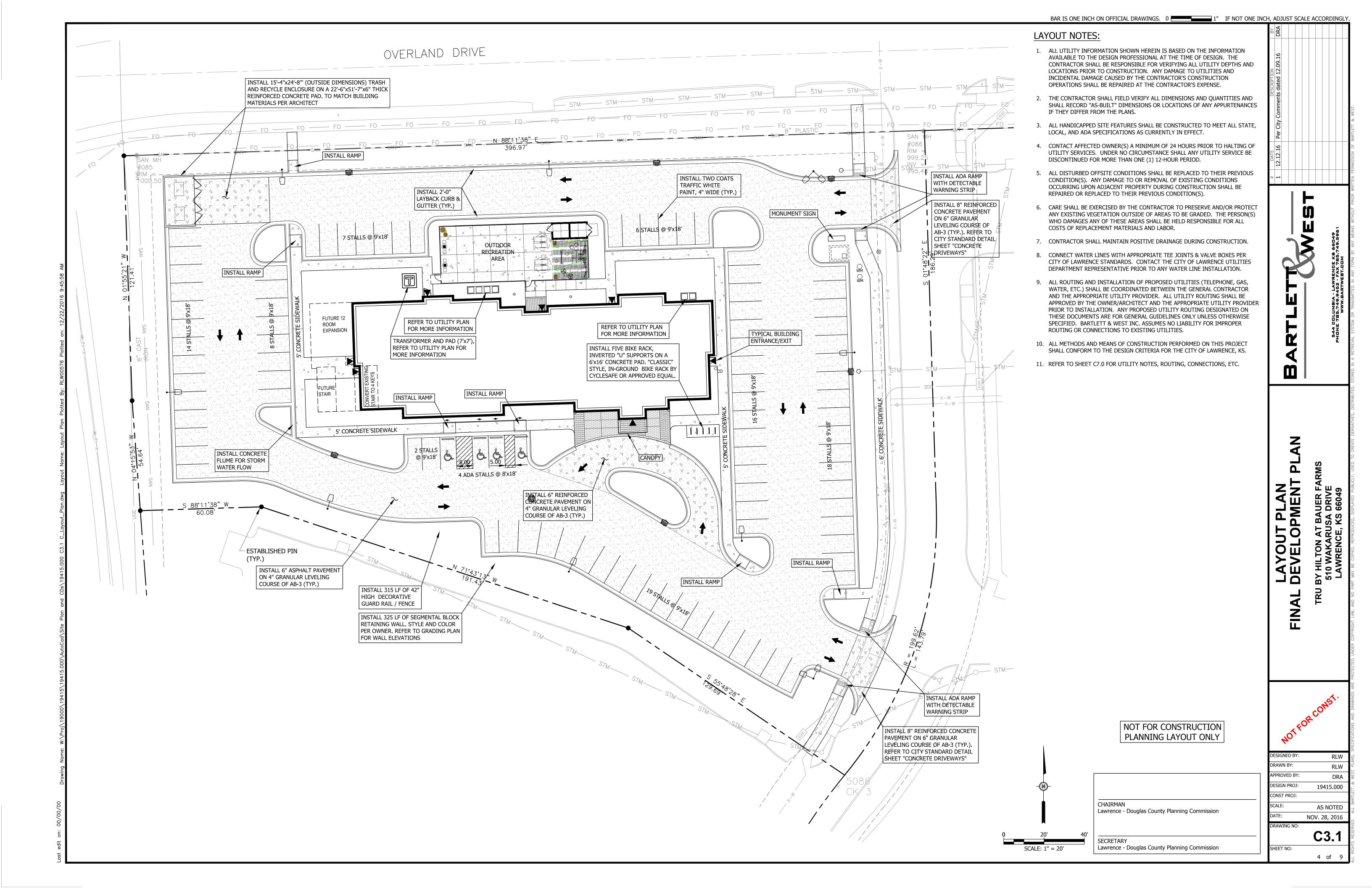
Conclusion

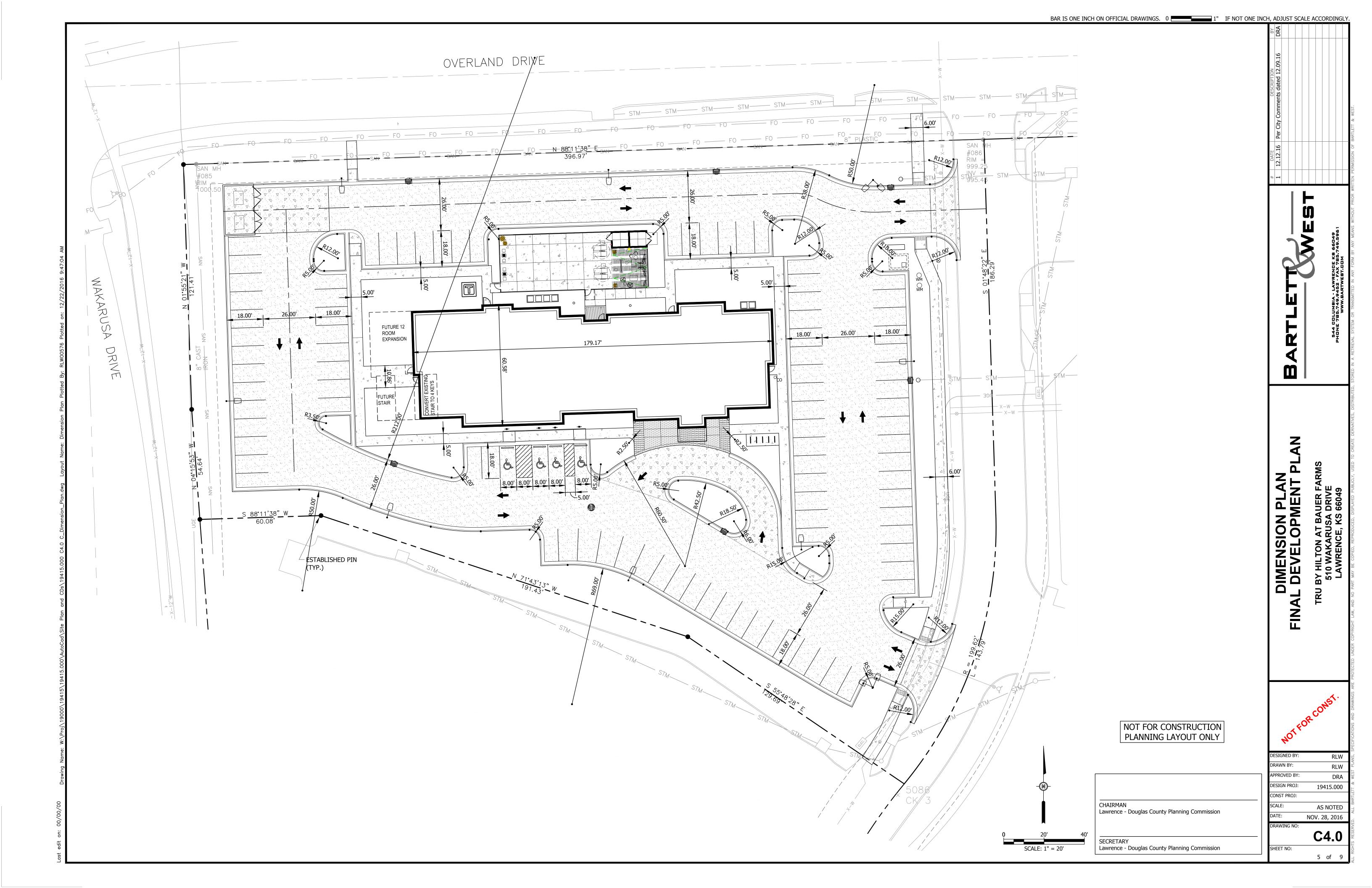
The proposed development is consistent with the planned development for this area and is compliant with the provisions of the Land Development Code and the restrictions for the Planned Development.

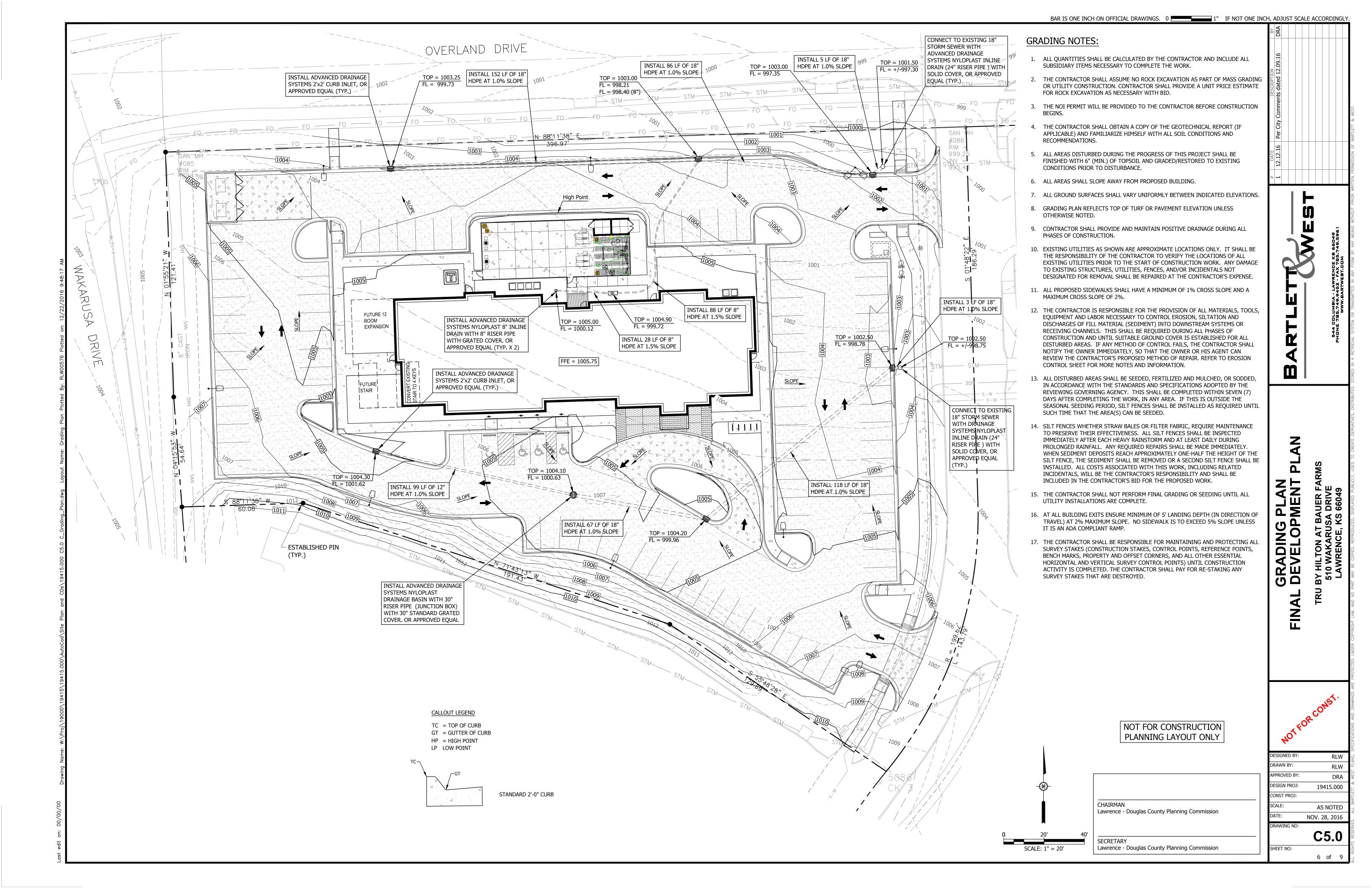












11. DURING ALL SOIL DISTURBING ACTIVITIES, THE GENERAL CONTRACTOR WILL TAKE APPROPRIATE STEPS USING ACCEPTED CONSTRUCTION METHODS TO MINIMIZE THE TIME OF EXPOSURE OF UNPROTECTED SOIL AND OTHER CONSTRUCTION MATERIALS TO RAINFALL

12. NO GROUND SHALL BE LEFT OPEN FOR MORE THAN 7 DAYS OF NON-ACTIVITY WITHOUT BEING MULCHED AND/OR SEEDED.

13. SOIL STOCKPILED FOR MORE THAN 7 DAYS SHALL HAVE SILT FENCE OR BALES PLACED ON THE DOWNHILL SLOPES TO TRAP SEDIMENT.

14. WHENEVER SOIL, ROCK, VEGETATION OR OTHER MATERIALS ARE EXPORTED FOR PLACEMENT IN AREAS OFF OF THE CONSTRUCTION SITE COVERED IN THIS PLAN, THE GENERAL CONTRACTOR IS RESPONSIBLE FOR DETERMINING THAT EPA STORM WATER PERMITTING REQUIREMENTS ARE MET. PRIOR TO THE REMOVAL OF ANY MATERIALS FROM THE SITE THE GENERAL CONTRACTOR WILL FURNISH THE ENGINEER WITH WRITTEN AGREEMENT, SIGNED BY EACH LANDOWNER WHO WILL RECEIVE EXPORTED MATERIALS, STATING THAT THEY ACCEPT THE MATERIAL AND THAT RECEIVING SITE IS PROPERLY PERMITTED, WHEN REQUIRED.

STORM WATER MANAGEMENT - Sediment Control

- AND CANNOT LEAVE THE SITE UNTIL ALL PERMANENT EROSION CONTROL, SEDIMENT CONTROL AND STORM WATER MANAGEMENT PRACTICES ARE IN PLACE, INSPECTED AND HAVE BEEN FOUND TO BE SATISFACTORY, AND UNTIL ALL TEMPORARY PRACTICES HAVE BEEN PROPERLY REMOVED.
- 2. THIS PROJECT HAS BEEN DESIGNED TO PROVIDE POSITIVE POST-CONSTRUCTION CONTROL OF EXCESS STORM WATER GENERATED ON THE SITE THROUGH THE USE OF CURBS, GUTTERS, PIPING, STORM WATER BASINS. DURING THE COURSE OF CONSTRUCTION, THE CONTRACTOR SHALL INSTALL AND MAINTAIN STORM WATER MANAGEMENT STRUCTURES IN A MANNER TO MAXIMIZE STORM WATER CONTROL.
- 3. THIS PROJECT IS DESIGNED TO MINIMIZE OFF-SITE EFFECT OF SOIL EROSION AND RESULTING SEDIMENT LOSS THROUGH THE USE OF PROPER CONSTRUCTION TECHNIQUES, INCLUDING INSTALLING BOTH TEMPORARY AND PERMANENT MANAGEMENT PRACTICES. ALL SOIL DISTURBING ACTIVITIES PERFORMED BY THE CONTRACTOR SHALL BE ACCOMPLISHED IN SUCH A MANNER AS TO PREVENT THE LOSS OF SEDIMENT IN STORM WATER AND TRACKING OF SOIL FROM VEHICLE TRAFFIC FROM THE CONSTRUCTION SITE.
- 4. THE EXISTING RETENTION POND IS PRIVATELY OWNED AND MAINTAINED. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME VIA INDIVIDUAL OWNER MAINTENANCE. THE RETENTION POND WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES AND WALLS).

CONSTRUCTION SPECIFICATIONS

EROSION CONTROL NOTES:

BARRIER REPAIR AND/OR REPLACEMENT.

SOIL EROSION.

- 1. WOOD POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE.
- 2. SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
- 3. THE TRENCH SHOULD BE A MINIMUM OF 6" DEEP AND 6" WIDE TO ALLOW FOR THE SILT FENCE TO BE LAID IN THE GROUND AND BACKFILLED.
- 4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH WOOD, SUPPORT POST OR TO WOVEN WIRE WHICH IS IN TURN ATTACHED TO THE WOOD FENCE POSTS.
- 6. SILT FENCE SHALL BE REMOVED WHEN IT HAS SERVED ITS USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.

- 9. THE SITE CONTRACTOR SHALL MAINTAIN A CLEAN WORK AREA. TRASH AND WASTE MATERIALS SHALL BE COLLECTED AT A SAFE POINT, AWAY FROM FLAMES OR IS PROVIDED AND ITS LOCATION APPROVED BY THE OWNER'S REPRESENTATIVE.

GENERAL NOTES

REFER TO CITY OF LAWRENCE STANDARD DETAIL SHEETS FOR "EROSION AND SEDIMENT CONTROL",

THIS SHEET. IF THERE ARE DISCREPANCIES, THE CITY STANDARD SHEETS SHALL BE FOLLOWED.

SHEETS 1 OF 2 AND 2 OF 2, FOR ALL RELATED EROSION CONTROL DETAILS AND NOTES NOT SHOWN ON

- President and CEO Mitesh Patel (580-319-5990)
- SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS **CONTAINING 2.10 ACRES**

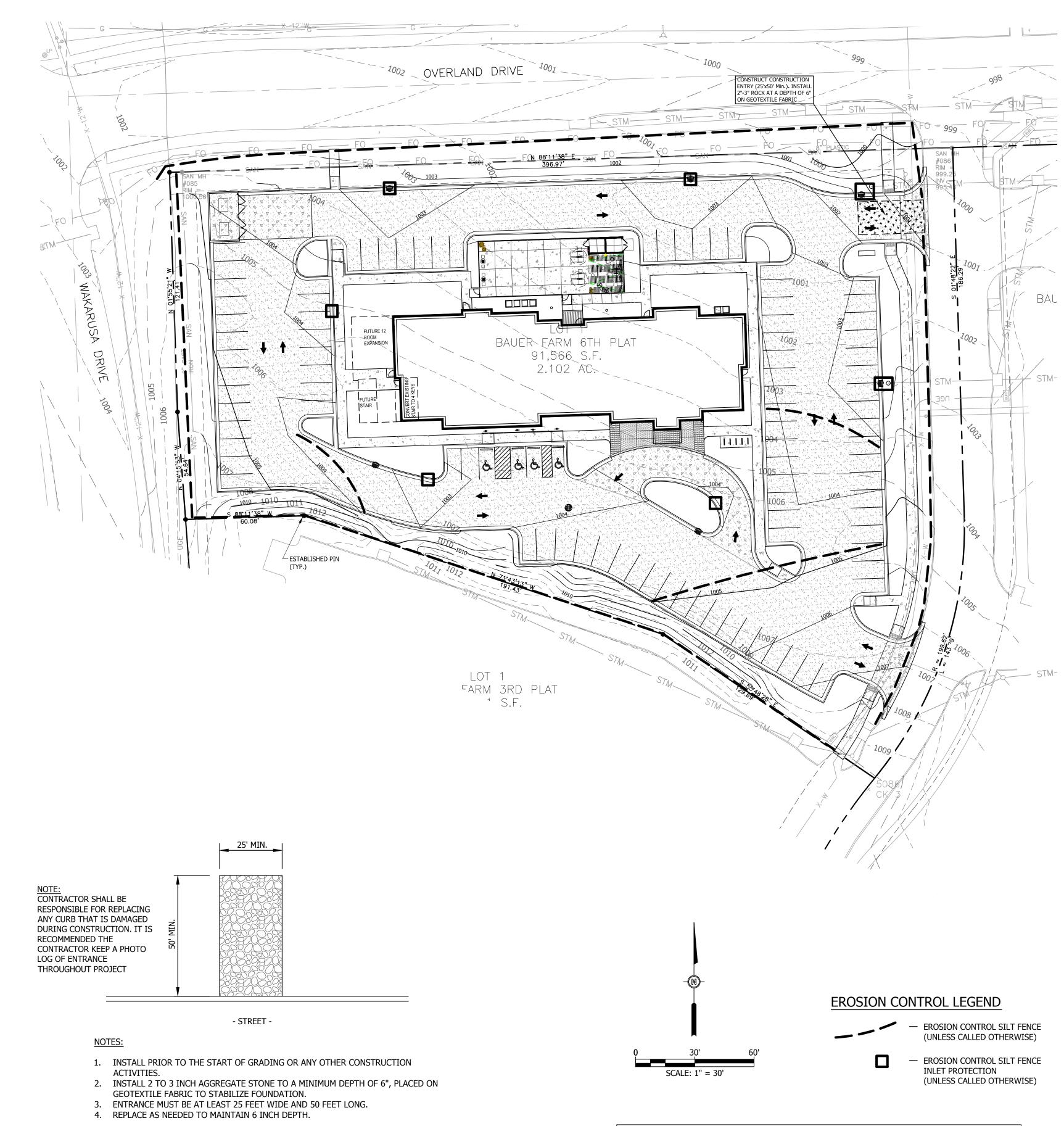
NOT FOR CONSTRUCTION PLANNING LAYOUT ONLY

Lawrence - Douglas County Planning Commission SECRETARY Lawrence - Douglas County Planning Commission

0 11 $\supset \square$

DESIGNED BY: RAWN BY: RLW PROVED BY DESIGN PROJ: 19415.000 AS NOTED NOV. 28, 2016 C6.0

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TEMPORARY GRAVEL CONSTRUCTION ENTRANCE

5. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.

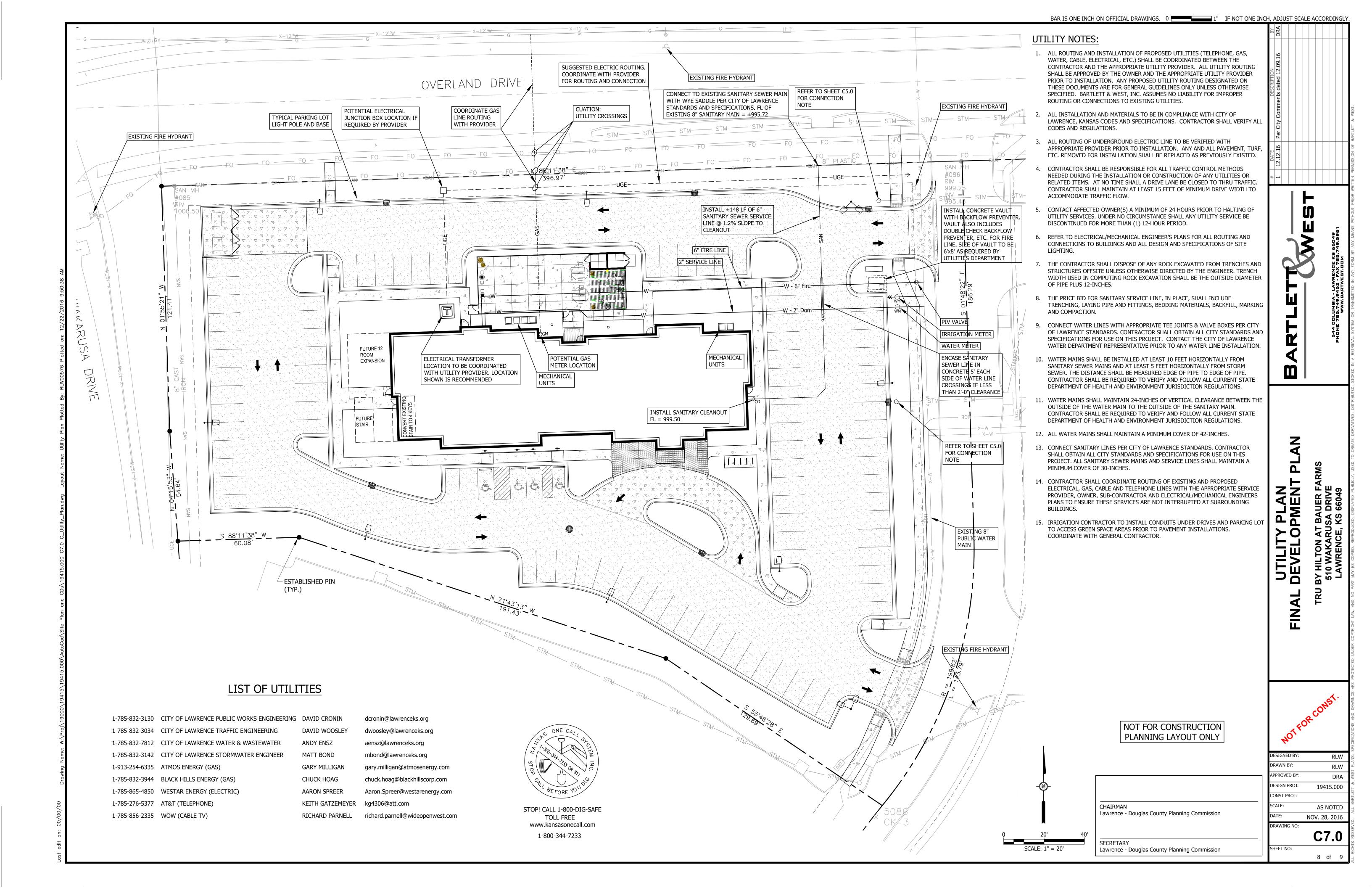
7. SEDIMENT TRAPPED BY THIS PRACTICE SHALL BE UNIFORMLY DISTRIBUTED ON THE SOURCE AREA PRIOR TO TOPSOILING.

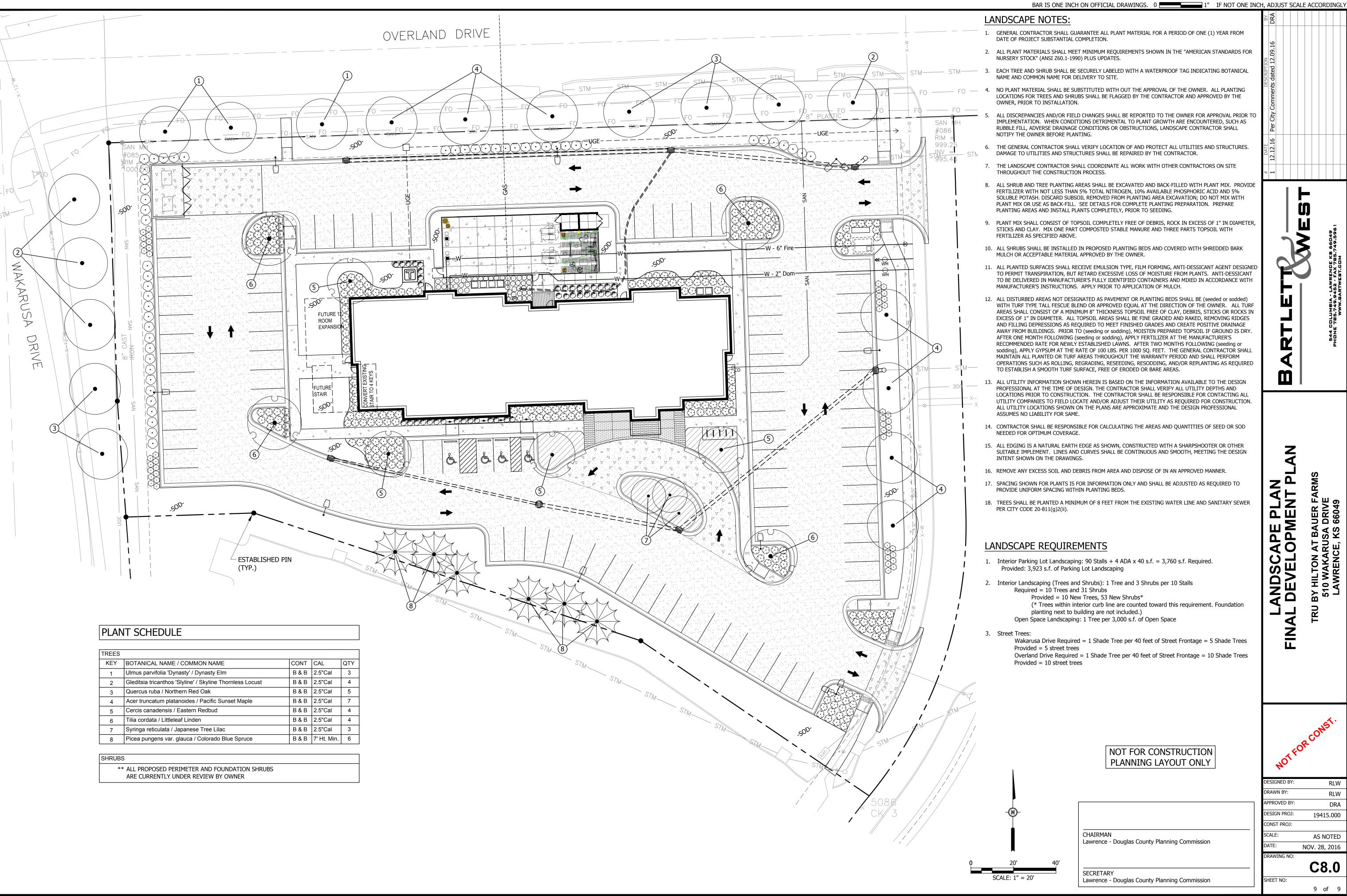
8. THE EROSION CONTROL SHOWN SHALL BE SILT FENCE. ADDITIONAL EROSION CONTROL PROVIDED BY CONTRACTOR MAY BE STRAW BALE DIKE.

OTHER FIRE SOURCES. THE SITE CONTRACTOR SHALL PREVENT ANY LEAKS OR DRIPS OF HYDRAULIC FLUID, MOTOR OIL, MOTOR FLUIDS, SOLVENTS, AND OTHER HYDROCARBONS FROM CONTAMINATING THE GROUND. SUCH SPILLS SHALL BE IMMEDIATELY COVERED WITH AN OIL ABSORBING MEDIUM (e.g. "OIL DRY") AND REMOVED FROM THE SITE IN A LEGAL AND ENVIRONMENTALLY SOUND MANNER. TRASH SHALL BE PROPERLY DISPOSED OF DAILY, UNLESS A COVERED DUMPSTER

1. Owner: Apollo Hospitality Firm, 1523 N Rockford Road, Adrmore, OK 73401

2. LEGAL DESCRIPTION: LOT 1M BLOCK ONE, OF BAUER FARM SIXTH PLAT, A

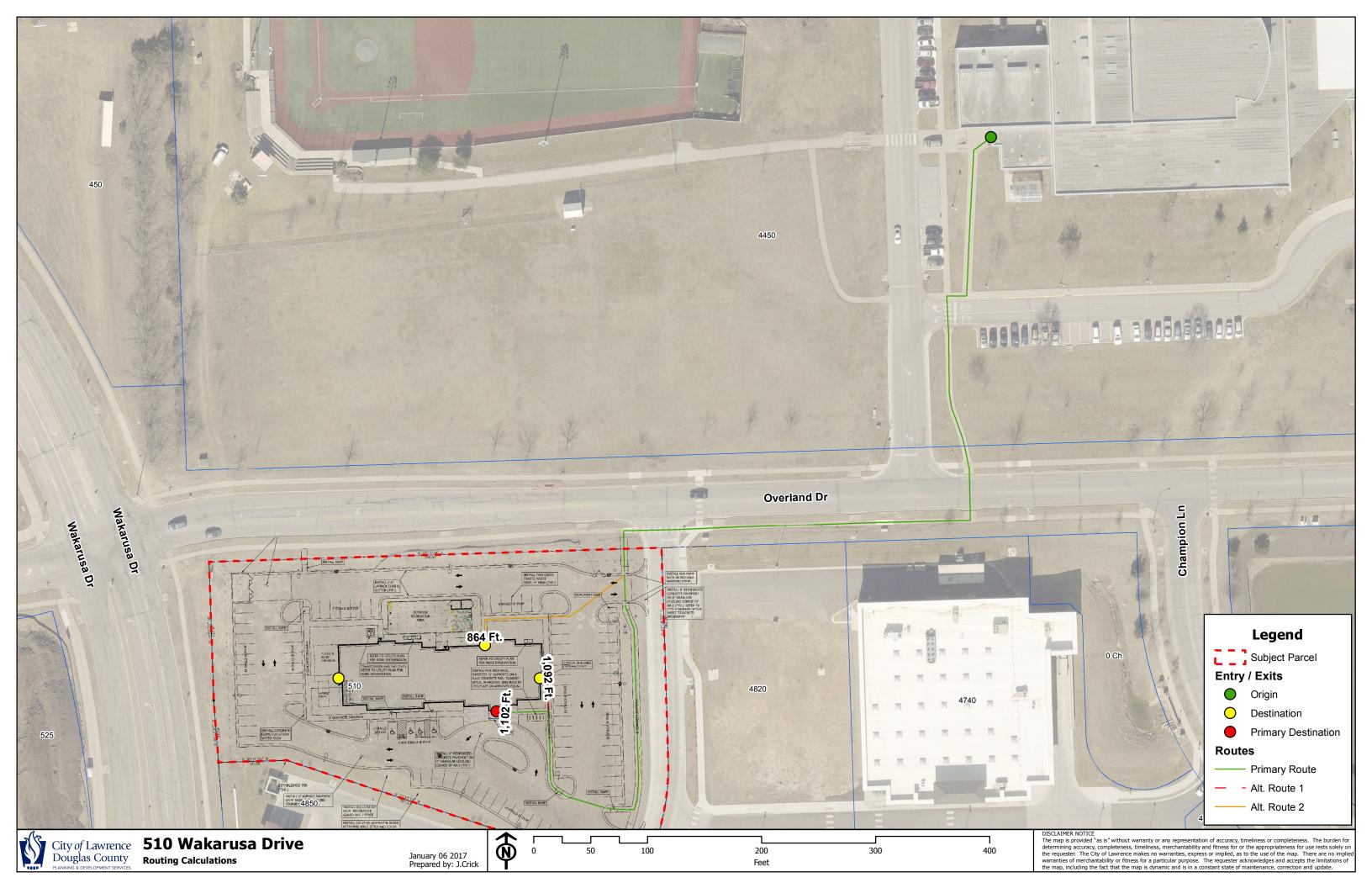




DESIGNED BY: RAWN BY: RLW PROVED BY: DRA DESIGN PROJ: 19415.000 CONST PROJ: AS NOTED NOV. 28, 2016 C8.0

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A5.01



Lawrence Public Schools

110 McDonald Drive

Lawrence, Kansas 66044-1063 Telephone: (785) 832-5000



January 23, 2017

Mr. Scott McCullough
Director, Planning and Development Services
Lawrence-Douglas County Metropolitan Planning Commission
City of Lawrence
P.O. Box 708
Lawrence, KS 66044

Dear Mr. McCullough and Planning Commissioners,

I am writing to you and members of the Lawrence-Douglas County Metropolitan Planning Commission to share my opposition to the Final Development Plan for TRU Hotel by Hilton at Bauer Farm, 510 Wakarusa Drive. I understand that this item is part of the Commission's Wednesday meeting agenda.

I have several concerns related to locating a new, multi-story hotel on the same corner opposite Lawrence Free State High School, 4700 Overland Drive. Free State High School employs more than 200 teachers and staff and serves more than 1,700 students, ages 14-18, in grades 9-12. The Lawrence Indoor Aquatic Center also shares this campus. In addition to the regular 8:00 a.m.-3:00 p.m. school day, school staff, students and their families, and the community use this campus before and after school and during evenings and weekends. The school offers an open lunch period, during which students leave campus on foot or in private vehicles to eat at area restaurants and visit convenience and grocery stores.

My concerns with locating a hotel on the same corner opposite a large high school relate to safety and security. I do not think it advisable to mix a population of out-of-town guests and availability of hotel rooms with a large contingent of adolescents. The addition of traffic to the already busy intersections of Wakarusa Drive and Overland Drive and Champion Lane also is problematic, especially when one considers the large number of teenage drivers navigating these intersections daily. As part of the Lawrence school district's facilities master plan, a bond election before voters in May includes funding for additional parking at the southwest corner of campus near the athletic fields, across from the proposed hotel site.

Thank you for your consideration of safety and security concerns related to the location of a hotel at 510 Wakarusa Drive. I urge the Commission to reject the Final Development Plan for TRU Hotel by Hilton at Bauer Farm. Please contact me with any questions, 785-832-5000.

Sincerely.

Kyle Hayden

Superintendent of Schools

CC: Lawrence Board of Education

Memorandum City of Lawrence – Douglas County Planning & Development Services

TO: Planning Commission

FROM: Becky Pepper, Planner II

Date: 01/25/2017

RE: TA-16-00388: Consider a Text Amendment to the City of Lawrence Land

Development Code, Articles 4, 5, & 17, regarding Funeral and Interment

Services as defined in Section 20-1729.

At the November 16, 2016 Planning Commission meeting, the Planning Commission directed staff to research the outcome of columbariums if the associated religious institution were to relocate or cease to exist.

The research showed that this situation is a civil matter and is not determined by the City or State. Religious institutions with columbariums typically establish a policy regarding the outcome of that use. For example, a columbarium may be constructed in a manner that would allow it to be moved to a new foundation if the religious institution relocated. If the religious institution were to cease to exist, the remains would be placed with a person legally entitled to authorize the cremation and final disposal. If the remains are not claimed, the disposition of the remains is at the discretion of the church board.

Staff did not find Kansas state statutes that regulated the outcome of columbariums. The most applicable statute provides regulation of embalmers, funeral directors, and funeral establishment regarding the disposal of remains (KSA 65-1732. Disposal of unclaimed cremated remains; veteran's unclaimed cremated remains; rules and regulations.)

Recommendation:

Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendment, TA-16-00388, to create separate use groups for *Active and Passive Funeral and Interment* uses amending Sections 20-402, 20-403, 20-505, and 20-1729 and that the Planning Commission forward a recommendation for approval to the City Commission.

Attachment: A – KSA 1732

B - TA-16-00388 Staff Report

- **65-1732.** Disposal of unclaimed cremated remains; veteran's unclaimed cremated remains; rules and regulations. (a) A funeral establishment, branch establishment or crematory which has possession of the cremated remains of a dead human body may dispose of the cremated remains, if:
- (1) Such cremated remains have not been claimed for at least 90 days from the time of cremation;
- (2) the funeral establishment, branch establishment or crematory has sent a notice by certified mail, return receipt requested, to the last known address of the authorizing agent as defined under K.S.A. 65-1760, and amendments thereto. Such notice shall state that such remains will be disposed of in accordance with the provisions of this section unless claimed within 30 days of the date such notice is sent; and
- (3) the funeral establishment, branch establishment or crematory has not received any claim on the cremated remains for at least 30 days from the date that such notice was sent.
- (b) Such disposal under subsection (a) shall include burial by placing the remains in a church or cemetery plot, scatter garden, pond, or columbarium; relinquishing possession of the cremated remains of veterans to the director of the Kansas commission of veterans affairs office, or the director's designee, or a national cemetery in accordance with the provisions of subsection (c); or otherwise disposing of the remains as provided by rule and regulation of the board of mortuary arts. Disposition may include the commingling of the cremated remains with other cremated remains and thus the cremated remains would not be recoverable.
- (c) (1) A funeral establishment, branch establishment or crematory which has held in its possession cremated remains for more than 90 days from the date of cremation and has provided notice pursuant to subsection (a) and the cremated remains remain unclaimed may, in accordance with the provisions of this section, determine if such cremated remains are those of a veteran, and if so, may dispose of such remains as provided in this section.
- (2) Notwithstanding any law or rules and regulations to the contrary, nothing in this section shall prevent a funeral establishment, branch establishment or crematory from sharing information with the United States department of veterans affairs or the Kansas commission on veterans affairs office for the purpose of determining whether the cremated remains are those of a veteran. A funeral establishment, branch establishment, crematory, funeral director, assistant funeral director or crematory operator shall be discharged from any legal obligations or liability with regard to the releasing or sharing of information with such entities.
- (3) Should a funeral establishment, branch establishment or crematory ascertain the cremated remains in its possession are those of a veteran and they are unclaimed cremated remains to be disposed of pursuant to provisions of subsection (a), the funeral establishment, branch establishment or crematory may relinquish possession of the cremated remains to the director of the Kansas commission on veterans affairs office, or the director's designee, or a national cemetery for disposition. Disposition shall be by placement of cremated remains in a tomb, mausoleum, crypt, niche in a columbarium or burial in a cemetery but shall not include the scattering of cremated remains.
- (d) Nothing in this section shall require a funeral establishment, branch establishment or crematory to determine or seek others to determine that an individual's cremated remains are those of a veteran if the funeral establishment, branch establishment or crematory was informed by the person in control of the disposition that: (1) Such individual was not a veteran; or (2) such individual did not desire any funeral or burial-related services or ceremonies recognizing service as a veteran.
- (e) The funeral establishment, branch establishment, crematory, funeral director, assistant funeral director or crematory operator, upon disposing of cremated remains in accordance with the provisions of this section, shall be held harmless for any costs or damages, except if there is gross negligence or willful misconduct, and shall be discharged from any legal obligation or liability concerning the cremated remains.

History: L. 1988, ch. 227, § 1; L. 2001, ch. 183, § 12; L. 2012, ch. 86, § 1; L. 2014, ch. 83, § 5; July 1.

PLANNING COMMISSION REPORT Regular Agenda -- Public Hearing Item

PC Staff Report 01/25/2017

ITEM NO. 4: TEXT AMENDMENT TO DEVELOPMENT CODE; COLUMBARIUMS (BJP)

TA-16-00388: Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 4, 5, & 17, regarding *Funeral and Interment Services* as defined in Section 20-1729. The requested amendment would allow *Columbariums* as Accessory Uses to established *Religious Assembly Institutions*. Submitted by Corpus Christi Catholic Church. *Initiated by City Commission on 9/20/16*.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendment, TA-16-00388, to create separate use groups for *Active and Passive Funeral and Interment* uses amending Sections 20-402, 20-403, 20-505, and 20-1729 and that the Planning Commission forward a recommendation for approval to the City Commission.

Reason for Request:

To create a specific use group category for Columbariums to allow the use as an accessory to established *Religious Assembly Institutions*.

RELEVANT GOLDEN FACTOR:

• Conformance with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None received prior to publication.

ATTACHMENTS

Attachment A - Initiation Memo

OVERVIEW OF PROPOSED AMENDMENT

The Corpus Christi Catholic Church submitted a text amendment to the Land Development Code to the Planning Office. The request was to allow columbariums as an accessory use to established *Religious Assembly Institution* uses. A columbarium is a room or structure in which funeral urns are stored.

The associated land use in the Land Development Code is *Funeral and Interment Services*. The Code defines this use through examples of activities, which include cemeteries, cremating, interring and undertaking. In the Code, interring includes columbariums and mausoleums.

Through the review of the request, staff determined that the *Funeral and Interment Services* use contained a combination of active and passive land uses. The active uses include cremation and undertaking. The passive uses are defined as cemeteries and interring. Staff recognized that combining the active and passive uses in this manner did not provide an opportunity to utilize the passive land uses that may be more appropriate in a larger variety of zoning districts. The active land uses may not be an appropriate uses in most residential zoning districts, however, it may be reasonable to permit the passive land use as an accessory use to established *Religious Assembly Institution* uses. Given this, staff determined that the text amendment should include all of the passive land uses defined in the *Funeral and Interment Services* use. Along with columbariums, cemeteries and mausoleums are also including in this text amendment.

Proposed Article Changes

Changes to the text are shown on the following pages and noted in red. Additions are <u>underlined</u> and deleted text is <u>struckthrough</u>.

Amend Section 20-402:

| Key: | | Base Zoning Districts | | | | | | | | | | | | | | |
|--------------------------------|------------------------------------------------------------------|-----------------------|-----------|-----------|-----------|-----------|-----------|-------------|-----------|-----------|-----------|-----------|-----------|-----------------------------------------|-------------|------------|
| P = Per S = Spe * = Star | A = Accessory P = Permitted S = Special Use * - Standard Applies | | RS7 | RS5 | RS3 | RSO | RM12 | RM12D | RM15 | RM24 | RM32 | RMG | RMO | Use-Specific Standards (Sec. 20-) | | |
| unity ities | Active Funeral and Interment | 1 | 1 | - | - | - | - | P* | ı | - | 1 | ı | - | - | P* | 505 |
| Community Facilities | Passive Funeral and Interment | <u>A*</u> | <u>A*</u> | <u>A*</u> | <u>A*</u> | <u>A*</u> | <u>A*</u> | <u>P/A*</u> | <u>A*</u> | <u>A*</u> | <u>A*</u> | <u>A*</u> | <u>A*</u> | <u>A*</u> | <u>P/A*</u> | <u>505</u> |
| ious mbly | Campus or Community Institution | 1 | 1 | - | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | 522 |
| Religious Assembly | Neighborhood Institution | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 522 |

Amend Section 20-403:

| Key: | | Base Zoning Districts | | | | | | | | | | | | | | | |
|--------------------------------------------------------------------------------------|------------------------------------|-----------------------|-------------|-----------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|----|----|-----------|-----|----|-----------------------------------------|
| A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed | | CN1 | CN2 | NM | 00 | CD | ၁၁ | CR | SO | dal | II. | MI | 51 | SO SO | ld9 | Н | Use-Specific Standards (Sec. 20-) |
| unity ities | Active Funeral and Interment | ı | P* | ı | P* | - | ı | A* | ı | - | 505 |
| Community Facilities | Passive Funeral and Interment | <u>A*</u> | <u>P/A*</u> | <u>A*</u> | <u>P/A*</u> | Н | П | <u>P*</u> | П | Н | <u>505</u> |
| ous nbly | Campus or Community Institution | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 522 |
| Religious Assembly | Neighborhood Institution | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | ı | - | 522 |

Amend Section 20-505:

20-505 FUNERAL AND INTERMENT

(1) Active Funeral and Interment:

Funeral and Interment Services that are subject to this standard shall have direct Access to an Arterial Street, with ingress and egress so designed as to minimize traffic congestion.

- (1) Cemeteries and Interment services shall provide a wall or fence at least 6 feet in Height along all Lot Lines.
- (i) Structures used for Interment and Cremation services, such as mausoleums, columbariums, and crematories, when located in an OS District may not be located within 50 feet of any R District.
- (2) Funeral and Internment facilities, such as funeral homes and mortuaries, are only permitted in the OS District when accessory to a Cemetery use.

(2) Passive Funeral and Interment:

- (i) Cemeteries and Interment services shall provide a wall or fence at least 6 feet in Height along all Lot Lines.
- (ii) Cemeteries and Interment services may be located in Residential Districts as Accessory Uses to Religious Assembly Institution uses subject to site plan approval.
- (iii) Funeral and Interment facilities, such as funeral homes and mortuaries, are only permitted in the OS District when accessory to a Cemetery use.

Amend Section 20-1729

20-1729 FUNERAL AND INTERMENT SERVICES

Provision of services involving the care, preparation or disposition of the dead. The following are funeral and interment services use types:

(1) Active Funeral and Interment:

(2) Cemeteries

Land used for burial of the dead.

(i) Cremating

Crematory services involving the purification and reduction of the bodies by fire. Typical uses include crematories and crematoriums.

(3) Interring

Interring services involving the keeping of human bodies other than in cemeteries. Typical uses include columbariums and mausoleums.

(ii) Undertaking

Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

(2) Passive Funeral and Interment Services:

(i) Cemeteries

Land used for burial of the dead.

(ii) Interring

Interring services involving the keeping of human bodies other than in cemeteries. Typical uses include columbariums and mausoleums.

CRITERIA FOR REVIEW AND DECISION-MAKING

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

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

The proposed text amendment corrects an inconsistency in the Development Code. As currently defined, the Funeral and Interment Services use contains a mix of passive and active land uses. These land uses are restricted in residential districts to only the RSO (Single-Dwelling Residential – Office) and RMO (Multi-Dwelling Residential – Office) Districts. However, given that historically many churches had small parish cemeteries on their grounds, it may be appropriate to permit the passive land uses as an accessory to the *Religious Assembly* use.

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

The proposed amendment separates the land uses associated with the *Funeral and Interment Services* into active and passive uses. This separation expands the zoning districts in which the passive uses would be permitted as an accessory to *Religious Assembly* uses.

The Comprehensive Plan recommends "Consideration of good site planning and design principles that minimize unnecessary impacts to surrounding neighborhoods and promote compatible land use activities are encouraged." The compatibility of land uses and the impacts to the neighborhood will be reviewed through the site plan process. As such, cemetery, columbarium, and mausoleum uses will be subject to the dimensional standards and landscaping requirements applicable to the zoning district.