



**Updated:**

**1/23/18 @ 5:00pm**

**Added Communications for Item 3A - Comprehensive Plan Amendment related to 2300 Crestline (received prior to deadline)**

**1/22/18 @ 3:00pm**

**Added the following:**

**Draft November PC Minutes**

**Communications for Item 3A - Comprehensive Plan Amendment related to 2300 Crestline**

**1/17/18 @ 3:00pm**

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION  
CITY HALL, 6 EAST 6<sup>TH</sup> STREET, CITY COMMISSION MEETING ROOM  
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS  
WEDNESDAY, JANUARY 22-24, 2018 6:30PM - 10:30PM**

#### **GENERAL BUSINESS:**

#### **PLANNING COMMISSION ACTION SUMMARY**

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

#### **COMMITTEE REPORTS**

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

#### **COMMUNICATIONS**

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

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

#### **REGULAR AGENDA (JANUARY 24, 2018) MEETING PUBLIC HEARING ITEMS:**

#### **ITEM NO. 1 REZONING FROM RSO TO RM15; 4500 OVERLAND DR (SLD)**

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

#### **ITEM NO. 2 PRELIMINARY & FINAL DEVELOPMENT PLAN; 1805 E 19<sup>TH</sup> ST (KEW)**

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

**ITEM NO. 3A      COMPREHENSIVE PLAN AMENDMENT TO H2020 (JSC)**

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

**\*\*DEFERRED\*\***

**~~ITEM NO. 3B      REZONING FROM RSO TO RM15-PD; 2300 CRESTLINE DR (BJP)~~**

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

**\*\*DEFERRED\*\***

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

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

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

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

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

**MISC NO. 2      APPOINT PLANNING COMMISSIONER TO H2020 STEERING COMMITTEE**

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

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

Receive and approve Planning Commission By-Law amendments.

**MISC NO. 4      CERTIFICATE OF SURVEY VARIANCE; 1637 N 400 RD**

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

## PUBLIC COMMENT

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## ADJOURN

## CALENDAR

December 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

January 2018						
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 2018						
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 2<sup>nd</sup> Wednesday of each month, 7:30am-9:00am)

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

**2018**  
**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION**  
**MID-MONTH & REGULAR MEETING DATES**

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Monday and Wednesday	
Jan 10	Strategic Plan	Affordable Housing Update	Jan 22	Jan 24
Feb 7	Annexation Process		--	Feb 21
Mar 14			Mar 26	Mar 28
Apr 11			Apr 23	Apr 25
May 9			May 21	May 23
Jun 13			Jun 25	Jun 27
Jul 11	Residential Lot Inventory		Jul 23	Jul 25
Aug 8	Retail Market Study	Industrial Inventory Update	Aug 20	Aug 22
Sep 12			Sep 24	Sep 26
Oct 10			Oct 22	Oct 24
Nov 7			Nov 12	Nov 14
Dec 5			Dec 17	Dec 19
	Suggested topics for future meetings: New County Zoning Codes Water Resources Comprehensive Plan Update		Futurist Presentation KU Central District Plan/Master Plan Comprehensive Housing Study	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 <sup>st</sup> floor of City Hall, 6 <sup>th</sup> & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services   Lawrence-Douglas County Planning Division   785-832-3150   <a href="http://www.lawrenceks.org/pds">www.lawrenceks.org/pds</a>				

Revised 12/22/17



### 2018 PLANNING COMMISSION ATTENDANCE

	Jan 24 2018	Feb 21 2018									
Butler											
Carpenter											
Culver											
Kelly											
Paden											
Sands											
Sinclair											
Struckhoff											
Weaver											
Willey											

### 2018 MID-MONTH ATTENDANCE

	Jan 10 2018	Feb 7 2018									
Butler	Yes										
Carpenter	Yes										
Culver	Yes										
Kelly	Yes										
Paden	Yes										
Sands	Yes										
Sinclair	Yes										
Struckhoff	Yes										
Weaver	Yes										
Willey	Yes										

### 2017 PLANNING COMMISSION ATTENDANCE

	Jan 25 2017	Feb 22 2017	Mar 15 2017	April 24 2017	April 26 2017	May 24 2017	June 28 2017	July 26, 2017	Aug 23 2017	Sept 27 2017	Oct 25 2017	Nov 15 2017	Dec 18 2017
Britton	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	-
Butler	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	-
Carpenter	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-
Kelly	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	-
Paden								No	Yes	Yes	Yes	Yes	-
Sands	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	-
Sinclair							No	Yes	Yes	Yes	Yes	Yes	-
Struckhoff	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes						
Weaver		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	-
Willey	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-

### 2017 MID-MONTH ATTENDANCE

	Jan 11 2017	Feb 8 2017	Mar 8 2017	April 12 2017	May 10 2017	June 14 2017	July 12 2017	Aug 9 2017	Sept 13 2017	Oct 11 2017	Nov 17 2017	Dec 6 2017
Britton	-	Yes	Yes	No	-							
Butler	-	No	Yes	No	-	No	No	No	No	-	Yes	-
Carpenter	-	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	-	Yes	-
Culver	-	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	-	Yes	-
Kelly	-	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	-	Yes	-
Paden							No	No	Yes	-	Yes	-
Sands	-	No	Yes	No	-	Yes	No	No	Yes	-	Yes	-
Sinclair							Yes	Yes	Yes	-	Yes	-
Struckhoff	-	Yes	Yes	Yes	-	Yes	No	Yes	Yes	-	Yes	-
von Achen	-	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	-	Yes	-
Weaver	-	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	-	Yes	-
Willey	-	Yes	Yes	Yes	-	Yes	No	Yes	Yes	-	Yes	-



**PLANNING COMMISSION MEETING**  
**November 15, 2017**  
**Meeting Action Summary**

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November 15, 2017 – 6:30 p.m.

Commissioners present: Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey

Staff present: McCullough, Stogsdill, Day, Ewert, Larkin, M. Miller, Mortensen, Weik

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**GENERAL BUSINESS**

**PLANNING COMMISSION ACTION SUMMARY MINUTES**

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of October 25, 2017.

Motioned by Commissioner Willey, seconded by Commissioner Paden, to approve the October 25, 2017 Planning Commission action summary minutes.

Approved 9-0. Commissioner Paden was not present for the vote.

**COMMITTEE REPORTS**

No reports from any committees that met over the past month.

**COMMUNICATIONS**

Received Staff Memo regarding Landmark Nomination for Santa Fe Depot.

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- Ex parte:  
Commissioner Sands said he spoke with residents who live near 5275 W 6<sup>th</sup> Street and spoke in opposition of Item 3 but gave no reasons.

Commissioner Paden said she had a brief discussion that came up during a Health Department meeting about Item 2 and the concept plan not including a link to the loop bikeway plan.

- No Abstentions.

PC Minutes 11/15/17

**ITEM NO. 1      CONDITIONAL USE PERMIT FOR TEEN CHALLENGE GROUP HOME; 1332 E 1600 RD (MKM)**

**CUP-17-00499:** Consider an amended Conditional Use Permit to renew the Conditional Use approval and to add a work program to the Teen Challenge Group Home, a *Non-Profit, Religious, Educational and Philanthropic Institution* use, located on approximately 17.4 acres at 1332 E 1600 Rd. Submitted by Heart of America Teen Challenge, Inc., property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Mark Halford, American Teen Challenge, said that 50 cedar trees were along the fence. He said he didn't know they were in violation of anything and nobody had complained until now.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Butler inquired about the size of trucks visiting the site.

Ms. Miller said a complaint was made about a larger truck at the site and there was concern about it becoming more industrial with larger trucks.

Mr. Halford said the truck in question was a farmer that purchased pallets and picked them up with a big hay trailer. He said that the farmer did not drop off anything and that nobody ever drops off pallets.

Commissioner Willey expressed concern about limiting vehicles and that vehicles should be expected in an agriculture area.

Commissioner Sands asked if the business had been in place since 1996.

Ms. Miller said yes.

Mr. McCullough said the area was urbanized in the 1990's.

**ACTION TAKEN**

Motioned by Commissioner Willey, seconded by Commissioner Carpenter, to approve the Conditional Use Permit to add a work program to the Heart of America Teen Challenge facility and to renew the Conditional Use approval subject to the following conditions:

1. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department.
2. The CUP approval shall remain valid for 10 years after approval by the Board of County Commissioners and shall expire at that time unless an extension request, submitted prior to that deadline, is approved.
3. Addition of the following notes to the 2009 approved CUP plan:

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<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

- a. *"A work-program involving the recycling of pallets, or similar activity, is approved for the group home facility provided that:*
- i. *All materials or products associated with the work program that are stored outdoors shall be screened with a combination of fencing and landscaping (cedar trees on the west side of the fence, planted every 6 ft) and shall be located in the general area shown below.*



Unanimously approved 10-0.

PC Minutes 11/15/17

**ITEM NO. 2 REZONING FROM IG TO IL; NW OF 31<sup>ST</sup> & HASKELL (SLD)**

**Z-17-00534:** Consider a request to rezone approximately 8.745 acres, from IG (General Industrial) District to IL (Limited Industrial) District, located northwest of the intersection of 31<sup>st</sup> & Haskell Ln, 800 E 30<sup>th</sup> St, 3035 Haskell Ln, 930 E 30<sup>th</sup> St, 2910 Haskell Ln. Submitted by Paul Werner Architects, for Stanley R & Lois J Zaremba Trustee, Zaroco Inc, and Glen Hunter LLC, property owners of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Ms. Joy Rhea, Paul Werner Architects, said they would meet with the adjacent property owners and make sure the development did not cut off access to their site. She said their intention was not to cut off access to any property and that she shared the same concerns expressed in the letter sent by Eagle Trailer. She said the success of the development depended on clear circular patterns for existing and new development. She said there had been discussions with the City about the bicycle route and best way for that to happen as planned along 29<sup>th</sup> Street. She said at this time it dead ends and she was looking forward to that connection. She said the rezoning would allow the property to develop which could serve the existing industrial community.

**PUBLIC HEARING**

Mr. Kevin Fredrickson, Eagle Trailer, said he was not opposed to the rezoning request but did have concerns about the negative impacts to his business with vendors and customers not being able to easily access his site. He said Haskell Lane and 30<sup>th</sup> was the only access to his property.

**COMMISSION DISCUSSION**

Commissioner Kelly asked Mr. Fredrickson if truck traffic visiting his site came from 31<sup>st</sup> and Haskell Lane.

Mr. Fredrickson said traffic visiting his site was usually northbound on Haskell Lane. He said traffic rarely comes from the north.

Commissioner Willey thanked staff for answering all her questions within the staff report. She said she was comfortable with the rezoning. She said the area was different with the new K-10 road. She echoed the potential issue of traffic flow that Mr. Fredrickson expressed and said it would be addressed during the site plan process.

**ACTION TAKEN**

Motioned by Commissioner Willey, seconded by Commissioner Weaver, to approve the request to rezone approximately 8.745 acres, from IG (General Industrial) District to IL (Limited Industrial) District, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Struckhoff said he was generally in favor of the concept. He said he was a member of the Burroughs Creek Park and Trail Steering Committee and that a more suitable connection should be made at the south end. He said the continuation of the Burroughs Creek Trail along 29<sup>th</sup> Street or along its existing path would be wonderful. He wanted to see a more smooth connection made for

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bicycles. He asked Mr. Fredrickson if traffic came up Haskell Lane from 31<sup>st</sup> Street did he anticipate a hardship in traffic traveling onto Haskell and then coming back to 29<sup>th</sup> Street.

Mr. Fredrickson said his customers and delivery trucks needed to be able to come up from the south on Haskell Lane up to 30<sup>th</sup> Street.

Commissioner Sands asked staff to outline the process after rezoning.

Ms. Day said the next step was the design stage with a multiple part process. She said there would be a subdivision process with a Preliminary Plat and Final Plat. She said the Preliminary Plat would be seen by Planning Commission and the Final Plat would be administrative. She stated a set of public improvement plans would be required and reviewed at the staff level.

Commissioner Carpenter inquired about the process of vacating right-of-way.

Ms. Day said right-of-way could be vacated through Public Works or the subdivision process.

Mr. McCullough said a full traffic impact study would be reviewed by the City's traffic engineer.

Commissioner Paden said she hoped to see multi-modal improvements.

Mr. McCullough said an element of the concept plan that was discussed with the applicant was the open space component at the corner. He said the development group indicated they would protect the forest area and staff would work to carry that forward in the future.

Commissioner Culver asked if the open space component was voluntarily being provided by the development group.

Mr. McCullough said there was a policy within the Development Code to protect at least 20% of sensitive lands but that the rule was currently only applicable to residential property. He said there was discussion with the applicant about this area being a gateway to the community.

Commissioner Kelly asked if the preservation of sensitive lands should be included within the rezoning.

Mr. McCullough said there wasn't a vehicle at this point for it but he wanted Planning Commission to know that there was a representation from the development group to preserve some of the open space.

Commissioner Sands said the open space area was outside of the requested rezoning area but was included on the concept plan. He wondered if they should consider it with the rezoning.

Mr. McCullough said it was not part of the rezoning request but he was trying to give credit to the developer for making the open space known up front.

Commissioner Kelly said he used the intersection multiple times a day and was supportive of development at that location. He said he respected Mr. Fredrickson's concerns. He liked the idea of vacating Haskell Lane and appreciated the thought that had gone into it. He encouraged traffic engineers to slow down or stop traffic.

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Commissioner Sands said the concept plan at this stage was helpful in getting an idea of what the site would look like. He supported mitigating concerns expressed by Mr. Fredrickson. He said he was inclined to support the rezoning.

Commissioner Carpenter inquired about the possibility for a gun range in the IL district.

Ms. Katherine Weik said a gun range would be allowed in the IL district.

Commissioner Kelly said there would be conflict of a gun range at this site with the Federal law and the distance of guns within a school.

Unanimously approved 10-0.

DRAFT

PC Minutes 11/15/17

**ITEM NO. 3 REZONING FROM UR TO RMO; 5275 W 6<sup>th</sup> ST (KEW)**

**Z-17-00471:** Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential-Office) District, located at 5275 W 6<sup>th</sup> St. Submitted by Allen Belot Architect on behalf of Beckmeisters LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Katherine Weik presented the item.

**APPLICANT PRESENTATION**

Mr. Allen Belot, Allen Belot Architect, said Beckmeisters was the owner of Bridge Haven Memory Care Cottages. He said the development would be for empty nesters/active seniors to live in until they needed to move to more advanced care facilities. He said it would contain one-story units with a partial basement. He stated each unit would have its own private fenced backyard. He said the Site Plan was very preliminary and there were still moving parts that needed work.

**PUBLIC HEARING**

Mr. Tom Carlson said he lived immediately south of the proposed project. He said the preliminary plan was out of character with the neighborhood. He suggested Mr. Belot tour the neighborhood and see what else was around the project.

Ms. Camille Leeson said she lived on Fox Chase Court and her backyard adjoined the property. She was opposed to a multi-story building and wanted the trees maintained. She agreed with the previous speaker that the project was not in character of the neighborhood. She felt the development would decrease her property value. She did not support the project and would much rather see housing that was consistent with the neighborhood.

Ms. Judy Dreiling expressed concern about decreased property value and buildings being higher than one story. She said this would be temporary placement housing and she did not feel this type of transient neighborhood would fit with the existing neighborhood. She said she would like to meet with the developer and provide input. She was opposed to the rezoning.

Ms. Leeson asked if the rezoning was approved could the building height be multiple stories.

Mr. McCullough said the next step would be the site plan which would include notice to property owners within 400' of the property. He said neighbors could visit the Planning office and look at the site plan or speak with the applicant. He stated the zoning carried certain property rights such as parking, building heights, and setbacks. He said there wouldn't be anything to limit it except the outcome of the site plan.

Commissioner Struckhoff asked if the building height difference was 10' between the adjacent zoning and proposed zoning.

Mr. McCullough said that was correct.

Ms. Weik said the zoning did not limit it to one story.

**APPLICANT CLOSING COMMENTS**

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>



Mr. Belot said the design did not include four-plexes. He said all of the development would be one story. He said he would meet with the neighbors to address concerns. He stated the neighborhood that was concerned now probably had neighbors who were concerned when that neighborhood was built.

### **COMMISSION DISCUSSION**

Commissioner Kelly asked if the development directly to the west had a height of 3-4 stories.

Mr. McCullough said that was correct.

Ms. Weik said the development to the west had a zoning of RM15.

Commissioner Sands asked about the density difference of what had already been approved to the west and this proposed zoning.

Ms. Weik said RM15 zoning was typically 15 units per acre and RM24 would be 24 units per acre. She said the RMO zoning would be a little under the medium/high intensity of RM24 and higher. She said the RMO zoning allowed low intensity administrative and professional office use. She stated RMO zoning also required a mixed portion.

Commissioner Sands said he understood why the neighbors would be concerned. Commissioner

Sinclair inquired about the other side of Fox Chase Court.

Mr. McCullough said the corridor of 6<sup>th</sup> Street from Congressional over to Stoneridge contained mostly multi-dwelling type uses. He said the most recent development adjacent to RS had an overlay and locked in development pattern with the zoning so it was not left to chance later.

Commissioner Kelly said major arterials, such as 6<sup>th</sup> Street, usually transition from higher intensity to lower intensity. He said it looked more like the single family houses on Fox Chase Court were out of character since it was surrounded by multi-family.

Ms. Stogsdill said the subdivision west of Wakarusa developed as single family in late the 1980's or early 1990's. She said there were more pieces of individually owned property along the corridor that were not under the Alvamar/Bob Billings control so they were not part of the area master plan. She thought there may have been a concept in the past of how those neighborhood streets would have tied into some of the independent parcels but then those parcels developed separately. She stated Fox Chase Court was up a hill and was there long before the other things around it. Commissioner

Culver asked Mr. Belot about his thoughts on a PD overlay.

Mr. Belot said he asked for a rezoning and that was what he wanted. He said the speculation that he may do something other than what he said he would do was offensive. He said he came before Planning Commission with an honest request for RMO zoning. He said he does not need 22 units an acre but that was what the zoning provided. He wondered why they had to go through this complicated process when he was asking for a simple rezoning. He said he would rather not do a PD overlay because it would make things more complicated and expensive.

Commissioner Willey said Planning Commission had to take these things one piece at a time and because the zoning was one piece they needed to be comfortable moving forward with it. She said nobody was questioning Mr. Belot's intention.

Mr. Belot said he would submit a site plan in the next 60 days.

Commissioner Butler echoed Commissioner Willey's comments and said nobody was questioning Mr. Belot's integrity or motive. She said Planning Commission was just trying to explore the options and questions that the neighbors had.

Commissioner Kelly said rezoning essentially gives property rights to the property owner going forward. He said those rights would be on that property no matter what. He said Planning Commission has to think about the long term consequences and impacts to the community and not just the person who currently owns the property. He said they had a duty to ask questions and look out for the community and the developer. He said they were trying to consider options and find an opportunity for an agreement.

Commissioner Sands thanked the public for attending the meeting. He said he spoke with a few neighbors on Fox Chase Court and they were not in favor of the rezoning. He reviewed the Golden Factors. He said he was inclined to take the applicants word at face value that it would be less than what was allowed. He said he was still undecided on whether to approve the rezoning.

Commissioner Struckhoff said he was inclined to support approval of the rezoning given that there was a stated goal of one story buildings. He felt it was consistent with the neighborhood.

Commissioner Willey said she was in favor of what was being proposed. She said her only hesitation was not being able to see the proposed development with the rezoning.

Commissioner Kelly said a PD overlay could be created.

Mr. McCullough said the PD overlay would combine the project with the zoning. He said it was a tool that was useful for the "what-if" scenario.

Commissioner Carpenter said he liked the idea of the overlay to give protection to the neighbors.

Mr. McCullough said the application before Planning Commission tonight was a straight zoning so it could be deferred or denied.

Commissioner Carpenter asked if they could defer the zoning for it to catch up to the for site plan.

Mr. McCullough said if the applicant was willing to take a deferral and submit a PD overlay it would essentially be the same time frame.

Commissioner Carpenter asked if applicant would be open to deferral of the rezoning to do a PD overlay.

Mr. Belot said he wouldn't be opposed to a PD overlay but that it was costly and could determine whether the project was successful or not.

Commissioner Willey asked if the zoning and site plan were concurrently looked at why would they need an overlay district.

Mr. McCullough said the overlay district was the zoning vehicle that locked the zoning into the site plan. He said it was a higher hurdle to make changes and would require it to go back through the process.

Mr. Belot said the PD overlay was similar to a PRD where there was some flexibility. He said if he had to go with a PD overlay and it required a 30-35' setback then the project would not work.

Commissioner Sands asked staff about the traditional setback.

Mr. McCullough said 25' setback in the front, 25' setback in the rear, and 5' setback on the side.

Mr. Belot said he did not object the PD overlay.

**ACTION TAKEN**

Motioned by Commissioner Sands, seconded to Commissioner Paden, to defer the rezoning to provide the applicant time to move forward with a Planned Development (PD) overlay.

Motion carried 10-0.

PC Minutes 11/15/17

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

**MISC NO. 1      2018 PLANNING COMMISSION MEETING CALENDAR**

Review and consider adopting the 2018 Planning Commission meeting dates and submittal calendar.

Motioned by Commissioner Sands, seconded by Commissioner Sinclair, to adopt the 2018 Planning Commission meeting dates and submittal calendar.

Approved 10-0.

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**ADJOURN 8:35pm**

# Planning Commission

## Key Links



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES



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### Plans & Documents

- [Horizon 2020](#)
- [Sector/Area Plans](#)
- [Transportation 2040](#)
- [2015 Retail Market Study](#)

### Development Regulations

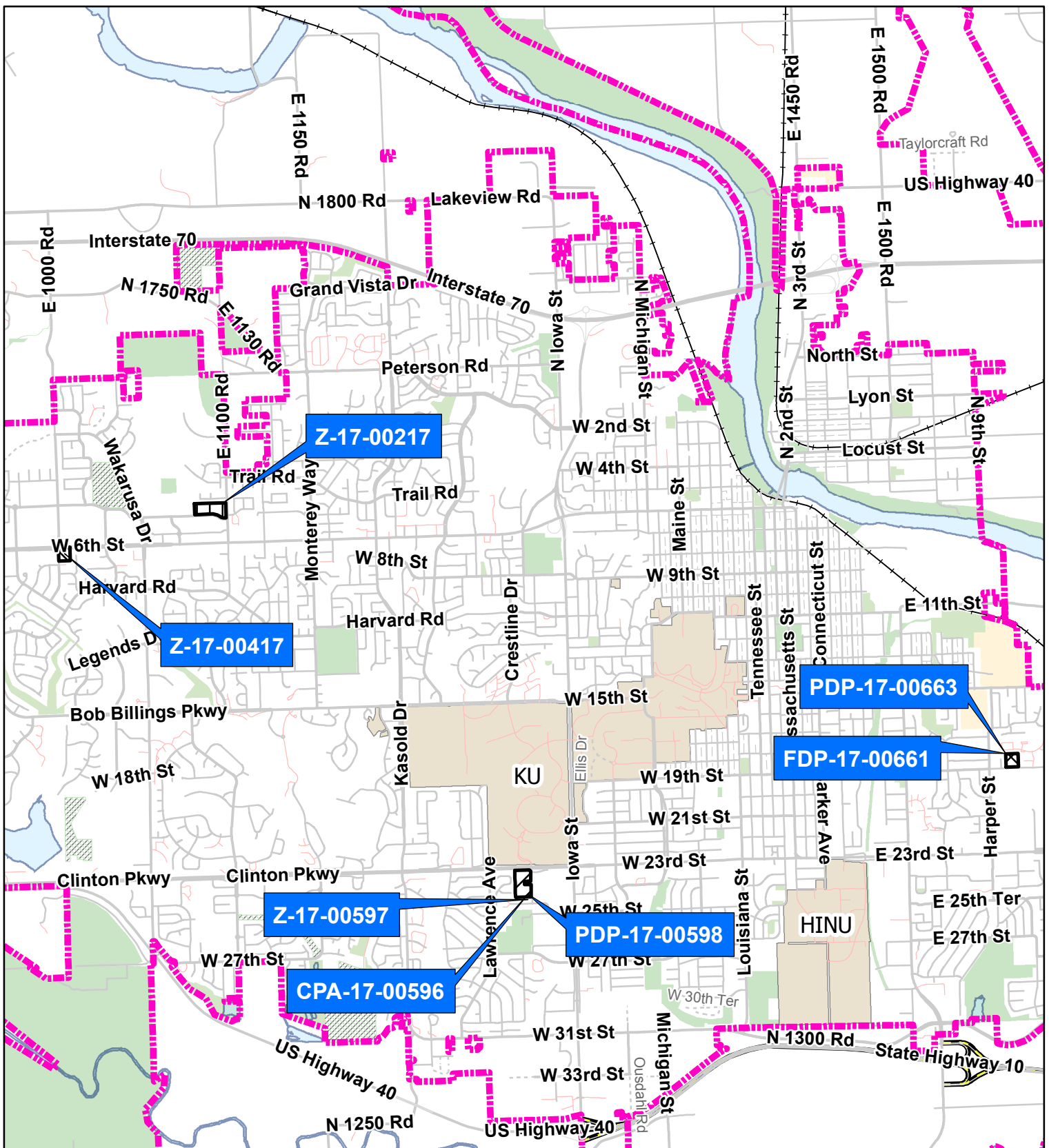
- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [City Land Development Code](#)
- [Subdivision Regulations](#)

### Online Mapping

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

### Planning Commission

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



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

Lawrence-Douglas County Planning Office  
January

### Subject Properties



**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
1/24/2018

**ITEM NO. 1      REZONING FROM RSO TO RM15; 4500 OVERLAND DR (SLD)**

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

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 8.434 acres, from RSO (Single Dwelling Residential-Office) District to RM15 (Multi-Dwelling Residential) District, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:** *This property was approved by the Lawrence City Commission on October 12, 1999. See site plan SP-08-58-99 (attached). At that time, the property was zoned RO-1B (Residence-Office District). The current version of the City's Land Development Code (the "Code") was approved in 2006. Pursuant to the conversion table of the Code, the subject property was automatically rezoned to RSO District. The RSO District does not permit multi-dwelling residential uses, and thus the property became a legal non-conforming use. This application is made at the suggestion of Planning Staff to cure this technical nonconformity and cause the property to be a legal conforming use.*

**KEY POINTS**

- The non-conforming status is a result of actions taken by the City and not that of the property owner or applicant.
- This site is developed with 104 apartment units, a clubhouse, pool, surface, and garage parking.
- There are no proposed changes to the site related to this application.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- A-3-95; Annexation Ordinance No. 6677
- Z-5-11-97; 47.61 Acres from A to RO1A (9.84 AC), RS-2 (25.98), RM-1 (11.79)
- Z-1-3-99; 9.84 Acres from A to RO-1B.
- SP-08-58-99; site plan

**PLANS AND STUDIES REQUIRED**

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

**ATTACHMENTS**

1. Location Map
2. Existing site plan, SP-8-58-99
3. Northwest Area Proposed Land Uses Map
4. Northwest Area Development Pattern

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None received



## **Project Summary:**

This request is for the rezoning of a developed parcel of land. This property was developed prior to the 2006 adoption of the Land Development Code. Previously, the property was zoned RO-1B (Residence-Office) District. This district permitted multi-dwelling residential development with or without office uses and allowed up to 12.44 dwelling units per acre. The current RSO (Single-Dwelling Residential-Office) District zoning does not reflect the developed multi-dwelling land use. *Multi-Dwelling* uses are not permitted in the RSO District. The property is currently non-conforming.

## **1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response: *This property was approved after the adoption of Horizon 2020, and at all times has been consistent with Horizon 2020, including but not limited to Chapter Five, related to Residential Land Use. The property is consistent with Goal 3 in Chapter Five of Horizon 2020 and associated policies. The property facilitates a transition from low-density residential development to more intensive land uses, consistent with Goal 6 in Chapter Five of Horizon 2020.*

The purpose of this request is to resolve and remove an existing non-conforming use designation for the property located at 4500 Overland Drive. The property is a developed multi-dwelling (apartment) complex. This application does not represent new or infill residential development.

Key features of *Horizon 2020* are listed in Chapter 3 and include:

- *The plan proposes the progression of land uses to help achieve a transition in land use and intensity levels, and to help avoid major or abrupt changes in density and building type.*
- *The Plan encourages the development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features in the area.*

This property was developed with a *Multi-Dwelling* use, as a transition, between the higher intensity uses, south of Overland Drive and lower density residential uses to the north. The property was developed within the context of the Comprehensive Plan principles listed above.

*Horizon 2020* describes medium-density residential development as being between 7 and 15 dwelling units per acre. Medium-density residential uses are recommended as "clustered development at selected locations along major roadways, near high-intensity activity areas, and when adjacent to important natural amenities<sup>1</sup>." 4500 Overland Drive abuts Folks Road on the east and Overland Drive on the south. Both streets are designated collector streets. Land use to the north includes duplex and detached residential uses. Development to the south includes a multi-unit retirement facility and planned residential development (Bauer Farm). The property included in this request is developed with 104 units. The project density is 12.33 units per acre. The proposed RM15 zoning is consistent with medium-density residential development described in *Horizon 2020*.

**Staff Finding** – The requested RM15 zoning is consistent with the land use recommendations for medium-density residential development described in *Horizon 2020*. The requested rezoning will provide greater stability for the property by removing the non-conforming designation and will aid in preserving the existing neighborhood pattern by reducing uncertainty created by the current non-conforming designation.

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<sup>1</sup> *Horizon 2020, Page 5-4.*



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

Current Zoning and Land Use:	RSO (Single-Dwelling Residential-Office) District. Existing apartment ( <i>Multi-dwelling residential</i> ) development. Fox Run Apartments.
Surrounding Zoning and Land Use:	
To the North -	RM12 (Multi-Dwelling Residential) District; existing duplex development.
To the East –	PD-[Briarwood PRD]; existing planned residential development including <i>Detached, and Multiple Dwelling Residential</i> uses on the east side of Folks Drive.
To the South –	PD-[Bauer Farm PRD]; existing <i>Extended Care, General</i> independent senior living and vacant land located on the south side of Overland Drive.
To the East -	GPI (General Public and Institutional) District; existing high school campus – Free State High School.

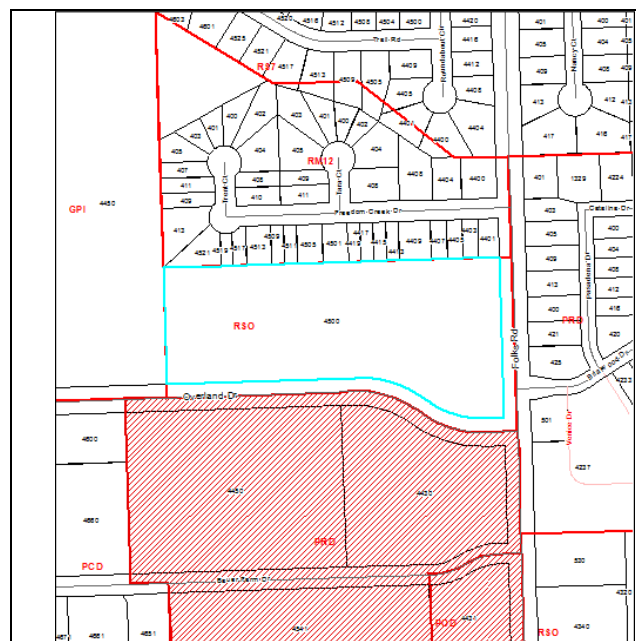


Figure 1: Surrounding Zoning

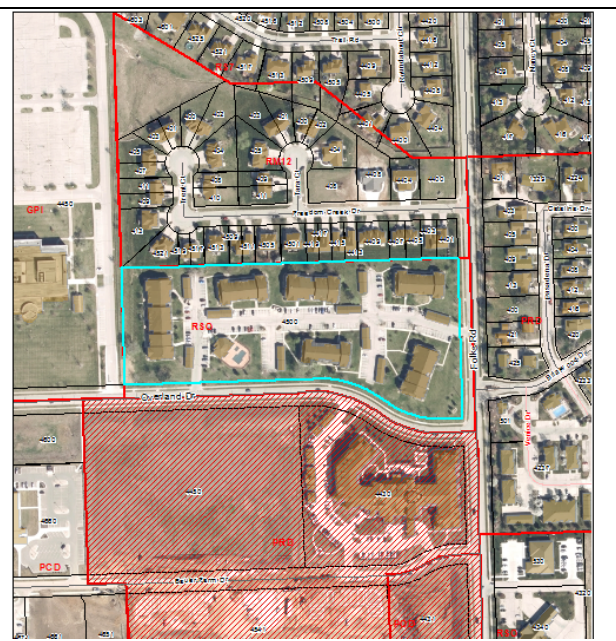


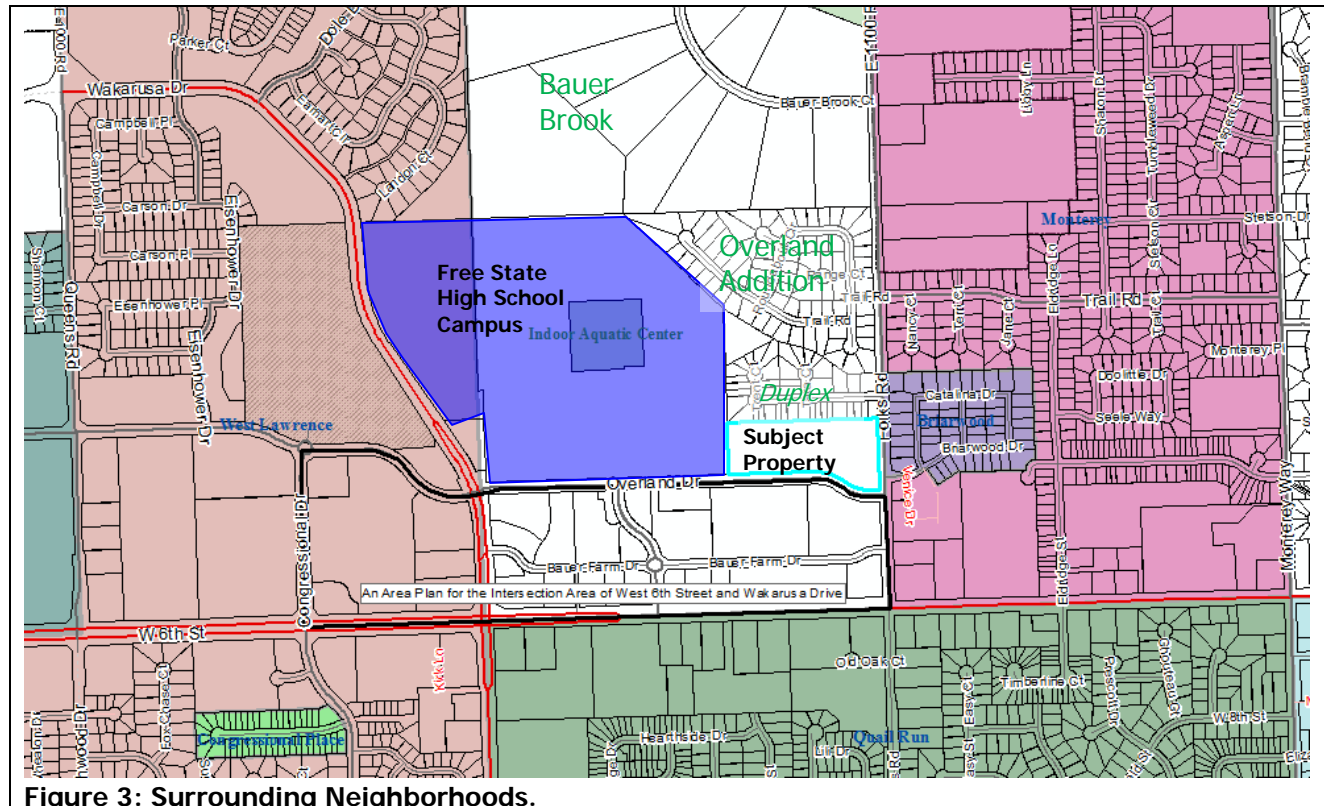
Figure 2: Surrounding Land Use

**Staff Finding –** The property is surrounded by developed residential uses to the north, east, and southeast. Public property, USD 497 is located to the west and developing residential land is located to the south (Bauer Farm PRD).

## 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *This property is adjacent to an RM12 District (duplex structures) to the north, a planned residential development consisting of single-dwelling and multi-dwelling structures to the east, a planned residential development consisting of multi-dwelling senior living structures to the south, and a high school and indoor aquatic center to the west.*

This property is part of the Overland Addition Final Plat. This subdivision and development are not part of a designated neighborhood. Figure 3 shows the nearby, designated neighborhoods. The area is developed with a range of residential uses and densities. The Monterey and Briarwood Neighborhoods are located on the east side of Folks Road. The Quail Run neighborhood is located south of W. 6<sup>th</sup> Street and the West Lawrence Neighborhood is located west of Wakarusa Drive. Free State High School campus serves the surrounding neighborhoods and is a significant feature in the area.



**Figure 3: Surrounding Neighborhoods.**

The developments located north of Overland Drive and along the west side of Folks Road are generally self-contained subdivisions including:

- *Fox Run Apartments (subject property)*
- *Overland Addition (Duplex)*
- *Overland Addition/Bauer Brook (Detached Dwellings)*

**Staff Finding –** The surrounding neighborhood is characterized by residential land uses north of Overland Drive. The area provides a range of house types within the larger neighborhood context and is anchored by the high school campus to the west.

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

The property is located within any designated neighborhood, area, or sector plan boundary. With the exception of a few selected lots, the area is developed.

**Staff Finding –** There are no applicable applicable area or neighborhood plans for this area.

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

Applicant's Response: *The property has already been constructed as a multi-dwelling apartment complex, and the property remains suitable for that use. Its use is and always has been compatible with adjacent uses.*

The current zoning is not suitable and does not reflect the existing land use. The property is developed with buildings for *multi-dwelling residential* use with a density of 12.33 dwelling units per acre. The development pattern is a medium-density residential use. The original RO-1B district allowed a maximum of 12.44 dwelling units per acre.

The RO-1B district automatically converted to RSO upon adoption of the Land Development Code. The RSO district does not permit multi-dwelling structures. This conversion made the property non-conforming. Approval of the requested RM15 District would result in a district that accurately reflects the existing land use with an appropriate maximum density.

**Staff Finding** – The current zoning is no longer suitable since the adoption of the Land Development Code in 2006.

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

This property is developed with a multi-dwelling residential use that includes 104 units, garages for 59 parking spaces in addition to surface parking for the development. The property is currently zoned RSO (Single-Dwelling Residential-Office) District. The RSO district does not allow multi-dwelling structures. The land use is non-conforming. The property has been zoned RSO since 2006. Prior to 2006 the property was zoned RO-1B (Residence – Office) District. Upon adoption of the Land Development Code in 2006, the RO-1B (Residence – Office) District converted to RSO (Single-Dwelling Residential-Office) District.

The property was part of a larger rezoning application (Z-5-11-97) that included all of the area currently known as the Overland Addition Final Plat. The 1997 application included a request for RS-2, RM-1, and RO-1A. The RS-2 and RM-1 Districts were approved. Minutes from the Planning Commission meeting discussion reflect concerns about the need to provide mixed use and to limit building height. The resulting recommendation was for the south 9 acres to be rezoned to POD-2 (Planned Office District). At the time of the zoning consideration, neither a Preliminary Plat nor a Preliminary Development Plan had been submitted. Zoning was conditioned upon completing a development plan for the POD-2 District. The Preliminary Plat notes proposed Lot 1, Block 4 as POD-2 (Planned Office District). The zoning ordinance for the POD District was not published. The property remained technically zoned A (Agricultural). The POD-2 reference shown on the Preliminary Plat reflects the approval but the zoning was never "effective" since an ordinance had never been published. Figure 4 shows the land included in the 1997 request and the three related zoning district requests.

A later rezoning application, Z-1-3-99, was submitted in 1999. See figure 5. The staff reports states "since rezoning the property to RO-1B is consistent with the rezoning options presented by Staff during the 1997 rezoning hearing, Staff is in support of the rezoning and mixed use development on this property."



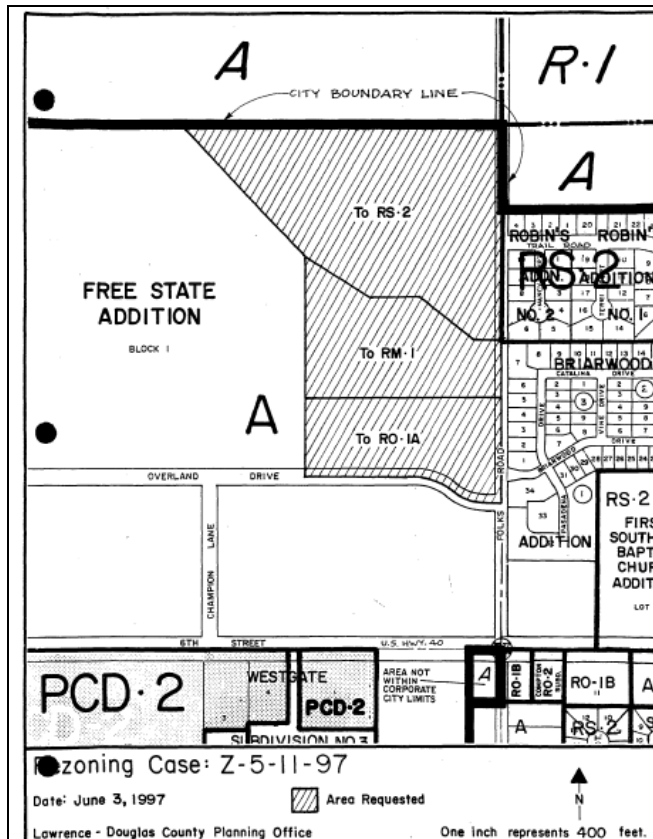


Figure 4: 1997 Zoning

*Recommendation was for POD-2 subject to approval of a Preliminary Plat for the subject proerty and or a Preliminary Development Plan. (PC 6/25/97).*

*Preliminary Plat, Overland Addition, was approved on 9/24/97. A Preliminary Development Plan was not submitted for the POD-2 portion. The POD-2 zoning was never published by ordinance and never became effective.*

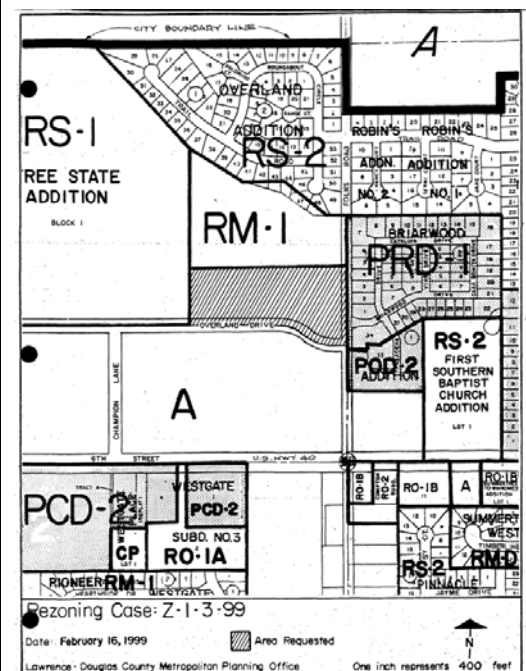


Figure 5: 1999 Zoning

The property was zoned RO-1B from 1999 until 2006 when the City adopted the Land Development Code. Prior to 1999 the property had been zoned A (Agricultural) District.

**Staff Finding –** The property is developed with multi-dwelling residential structures and garages and related including surface parking. The current RSO zoning has been in place since 2006. Development of the site occurred in 1999.

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

Applicant's Response: *The rezoning of the property to RM15 will have no detrimental affect on nearby properties.*

Approval of the requested zoning will not alter the existing development form or intensity. There are no impacts on surrounding property that will result from this change. Approval of the request will remove the non-conforming status of this property.

There is no current development proposal for this property. Should any additional dwelling units be proposed in the future, a site plan demonstrating compliance with current development standards, including additional parking spaces will be required to be submitted for review and approval.

**Staff Finding** – There are no proposed changes to the site related to this request. There are no detrimental affects anticipated that will result from approval of this requested rezoning.

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

Applicant's Response: *In this situation, where the current use of the property has already been established and conforms with the use requirements of the RM15 zoning district, and where the existing non-conformity is the result of a technicality following the adoption of the 2006 Code, there is no detriment to public health, safety or welfare if the application is approved.*

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

The property, as currently zoned, does not comply with Article 4 of the Land Development Code with respect to land use. In 2013 Staff notified the property owner that the property was made a "legal, non-conforming use" in 2006, with the adoption of the Land Development Code (ZC-13-00430). Staff recommended that the owner consider a request to rezone the property.

The Land Development Code accommodates non-conforming uses, structures, and lots in Article 15. This section of the City Code addresses how uses may continue in their current form and under what circumstances such a use can expand or be discontinued. This property could continue to be used and operated as a multi-dwelling use per section 20-1502. Regular maintenance is permitted, but major changes to the site would be restricted. By rezoning the property to a compatible and conforming district, the assurances of use and development rights are clarified both for the property owner and for the community.

Future applications and permits are simplified, in administration, with the dissolution of the non-conforming status.

**Staff Finding** – Approval of the request will align the zoning with the developed land use. This change will simplify the administration of future development related applications for this property. This action provides a more efficient review of the property in the future, if needed and provides assurances to the property owner that the use may continue to be used.

**9. PROFESSIONAL STAFF RECOMMENDATION**

The proposed request is intended to align the zoning and land use for the property located at 4500 Overland Drive. The property is developed with 2-story apartment buildings (*Multi-Dwelling Residential* use). The current development intensity is slightly more than 12 dwelling units per acre. Approval of zoning to RM12 would result in a continuation of a non-conforming element because the total number of units would exceed the maximum density. Approval of the RM15 district allows the existing development pattern to be completely encapsulated in the maximum density for the district without a non-conforming component.

	<b>RO-1B</b>	<b>RM15</b>	<b>Development Conformance</b>
Minimum Lot Area (SF)	7,000/3,500 per unit	6,000/2,904 per unit	
Maximum Density	12.44	15	12.38 (104 units)
Building Height	35'	45'	2 story
Outdoor Area per Unit	na	50 SF	5,200 SF required per new code
Maximum Impervious Cover	na	75% of Lot	42%
Front Building Setback	25'	25'	Overland Drive – excess of 25'
Side Building Setback	5'	5'	Excess of 5' (existing 65' of easement)
Exterior Side Building setback	25/10'	25/10'	Folks Road – excess of 25'
Rear Building Setback	30'	25'	30'

Staff recommends approval of the RM15 zoning as requested by the applicant.

**Site Plan Review:** An approved site plan does conform to the density and dimensional standards of the Land Development Code with regard to land use, building setback, density, and height.

The development provides excess off-street parking based on the parking standards at the time of development. The 1966 Code required 172 parking spaces. The site plans shows 244 parking spaces provided in surface spaces and garage spaces. The current development of 104 units and 200 bedrooms requires 211 off-street parking spaces per the Land Development Code off-street parking design standards. The site plan exceeds the minimum required off-street parking.

UNIT MIX	NUMBER	PARKING	BICYCLE
1 BEDROOMS/1 BATH	24	2-A x 1.5 = 36	x .15 = 3.6
2 BEDROOMS/1 BATH	24	2-B x 1.5 = 36	x .15 = 3.6
2 BEDROOMS/2 BATH	40	2-B x 1.5 = 60	x .15 = 6.0
3 BEDROOMS/2 BATH	16	2-C x 2.5 = 40	x .25 = 4.0
	<u>104</u>	<u>172</u>	<u>17.2</u>
		Required	Required

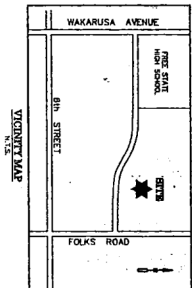
Figure 6: Required Parking per approved Site Plan

## CONCLUSION

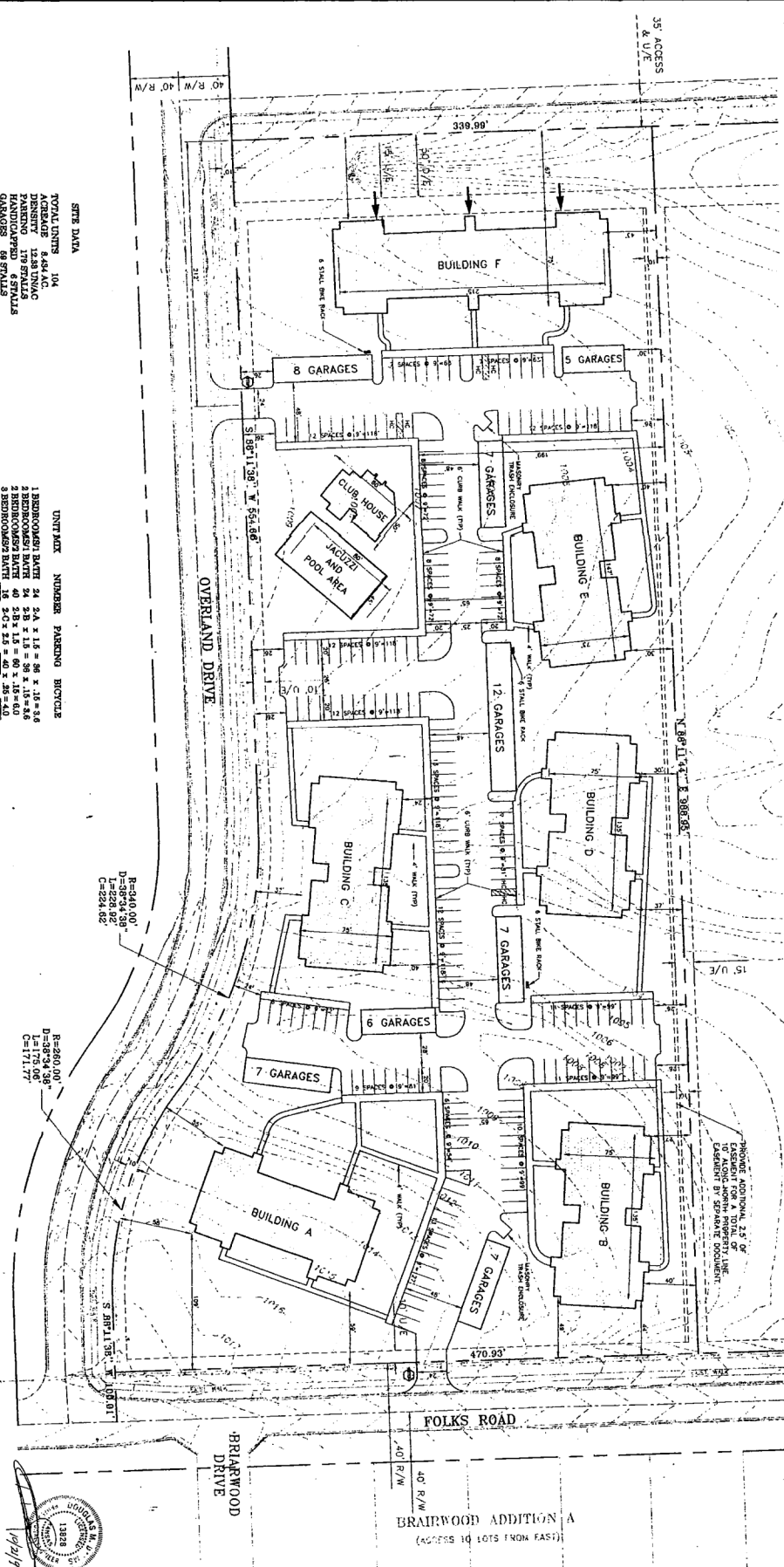
The owner has made this request to resolve the existing non-conforming use status of the developed property located at 4500 Overland Drive. The zoning at the time of development permitted multi-dwelling residential development. Upon adoption of the Land Development Code in 2006, the property became non-conforming. The proposed request is consistent with medium-density residential development recommended in the Comprehensive Plan and the Northwest Area Plan. The zoning is also consistent with the existing development pattern of the area. Staff recommends approval of the request to rezone 4500 Overland Drive to RM15.

**SHEET INDEX**

SHEET 1	- SITE PLAN
SHEET 2	- GRADING & STORM SEWER
SHEET 3	- WATER SERVICE PLAN
SHEET 4	- SANITARY SEWER PLAN
SHEET 5	- LANDSCAPE PLAN
SHEET 6	- PHOTOGRAPHIC PLAN
SHEET 7	- ELEVATIONS (BY ARCHITECT)
SHEET 8	- ELEVATIONS (BY ARCHITECT)



- GENERAL NOTES:**
1. ALL GRADING IS TO BE ACCORDING TO THE ADJACENT PROPERTY LINE.
  2. TRASH ENCLOSURES TO BE MAINTAINED UNTIL REMOVAL.
  3. PARKING LOTS TO BE ASPHALT SURFACING, SIDEWALKS, CURBS, CONC. WALKS AND DRIVEWAY APPROX. TO BE CONCRETE. ALL SHALL COMPLY TO THE CODE OF CITY STANDARDS.
  4. THE SITE COMPLETES WITH ADA REGULATIONS.
  5. BUILDING HEIGHTS NOT TO EXCEED 35' TO THE PEAK.
  6. ALL PARKING AND DRIVEWAY SURFACES TO BE BROADCASTED BY CONCRETE CURB OR CONC. WALK.



**SITE DATA**

TOTAL UNITS 104  
 APARTMENTS 84  
 BUNGALOWS 20  
 GARAGES 68 STALLS  
 TOTAL PARKING 344 STALLS - 2.86 STALLS/UNIT

**OWNER:**  
 OVERLAND VENTURES, L.C.  
 P.O. Box 604  
 Lawrence, Kansas 66044

**DEVELOPER:**  
 JAMES P. DOHERTY  
 415 N. 4th St.  
 Ardmore, SD. 57423

**ENGINEER:**  
 DOUGLAS M. DAHMS, P.E.  
 688 HOLMAN COURT  
 ARVADA, CO. 80004  
 303.456.5250

**DESIGNER:**  
 PARKING LOT PAYMENT DESIGN  
 F. GRANVILLE CONNORS  
 303.456.5250

**UNIT MIX**

UNIT MIX	NUMBER	PARKING	BIKE
1 BDR/1.5 BATH	24	8.4	1.5
2 BDR/2.0 BATH	24	8.4	1.5
3 BDR/2.5 BATH	40	12.8	2.0
4 BDR/3.0 BATH	16	4.0	0.5

Required: 240  
 Provided: 344

**APPROVED & RELEASED**

DATE: 07/16/99  
 BY: [Signature]  
 TITLE: [Title]

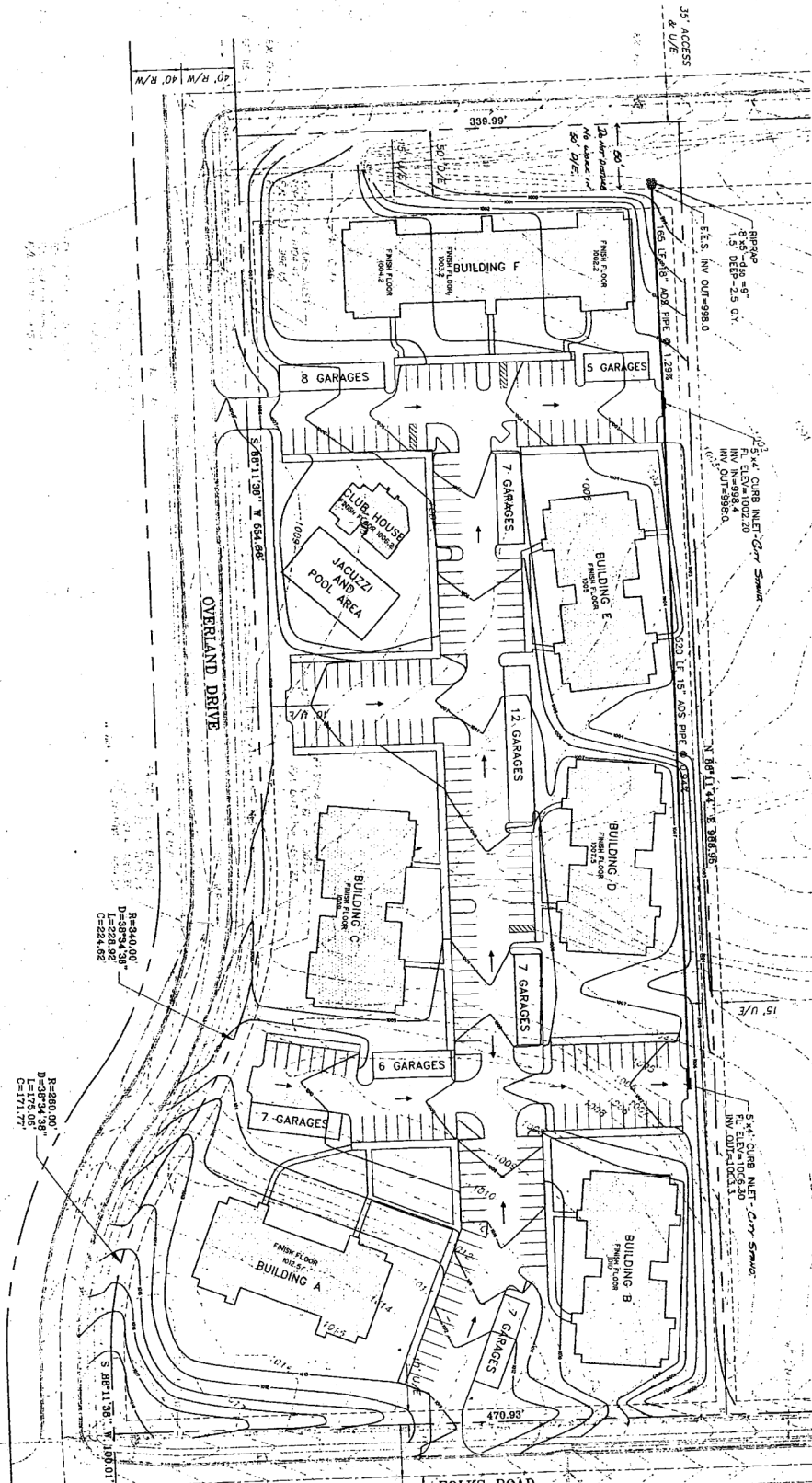
**FILE COPY**

BUILDING COVERAGE = 75,982 S.F.  
 PARKING LOT & DRIVEWAY = 77,319 S.F.  
 LANDSCAPING = 213,878 S.F.  
 TOTAL = 367,179 S.F.

NO DRAINAGE STUDY REQUIRED  
 INCLUDED W/PROPERTY TO NORTH  
 DETENTION IS PROVIDED ON  
 PROPERTY TO NORTH (ADJACENT)

← DRAINAGE FLOW ARROW

SP-8-58-99

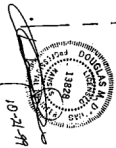


SHEET 2 OF 7 1025.01	SCALE 1" = 40' DES. BY DMD CHK. BY DMD DATE 6/16/99 10-28-99	NO. _____ REVISION _____ BY _____ DATE _____	BEFORE YOU DIG CALL 1-800-344-7233	OVERLAND ADDITION APARTMENTS GRADING & STORM SEWER PLAN	Douglas M. Dahms P.E. Consulting Engineers 6368 Holman Ct. Arvada Co. 80004 (303)456-9250
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NOTE:  
ALL SERVICES TO HAVE CURB STOP  
AND BOX LOCATED AT PROPERTY LINE.

SP-0-58-99



R=280.00'  
D=387.43-38'  
C=171.77'

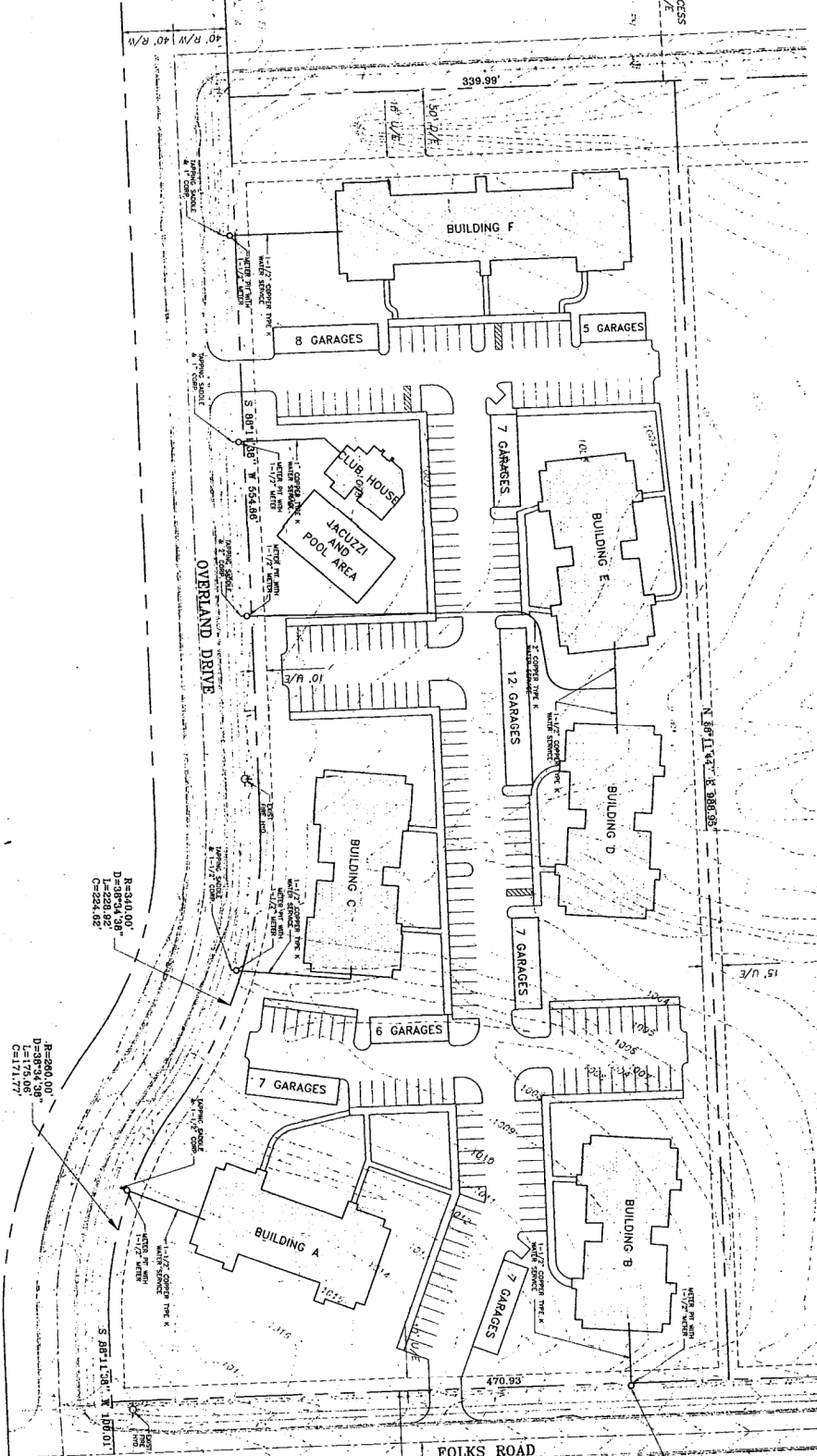
R=344.00'  
D=537.43-38'  
C=224.82'

S. 87°11.38' W. 100.01'

OVERLAND DRIVE

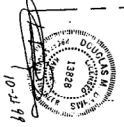
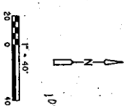
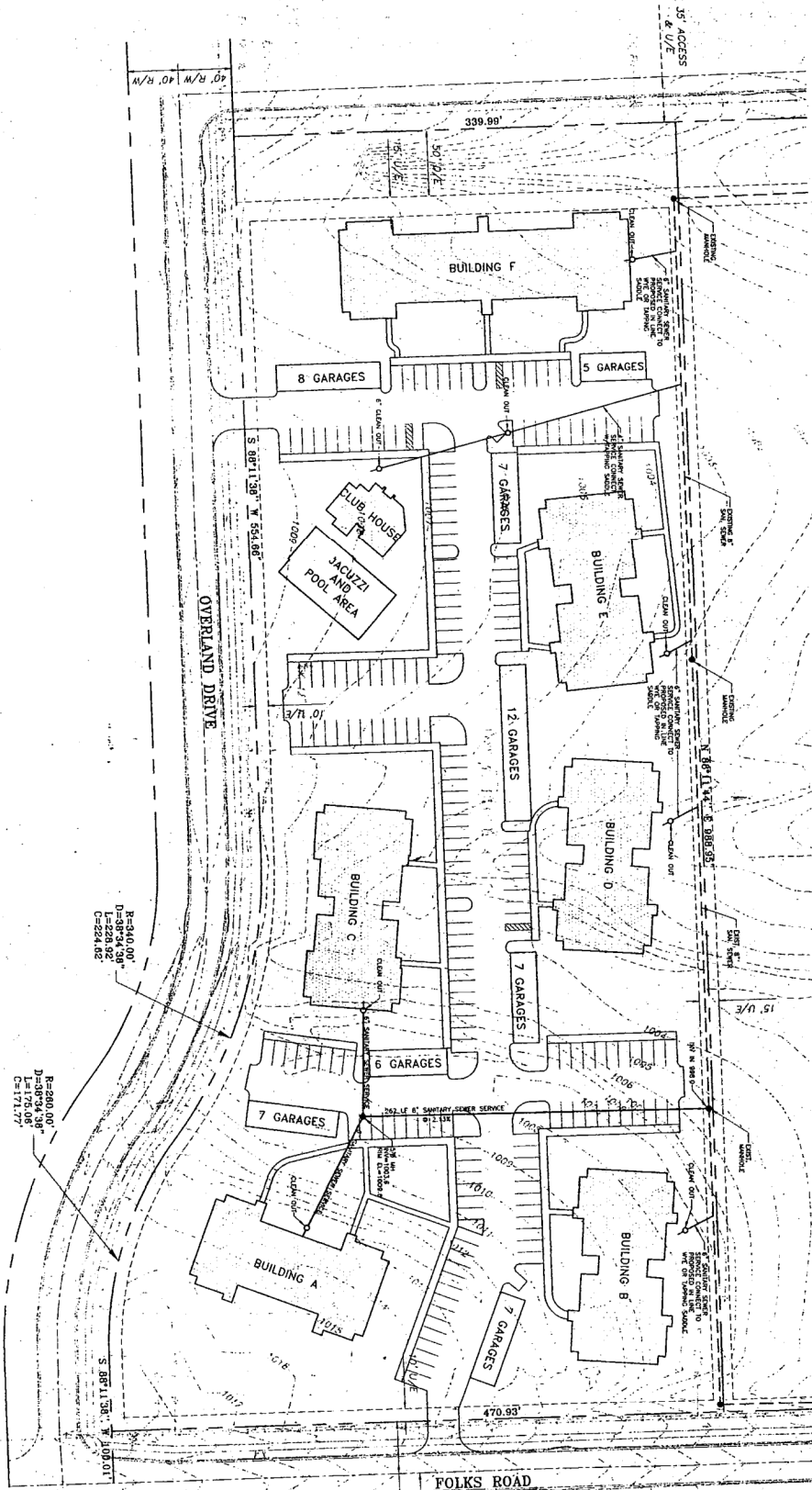
BRAIRWOOD DRIVE

FOLKS ROAD  
BRAIRWOOD ADDITION A  
(ACCESS TO LOTS FROM F-55)



SHEET 3 OF 7	JOB NO. 1025.01	SCALE 1" = 40' DES. BY DMD CHK. BY DMD DWN. BY MMT DATE: 8/16/99	REVISION NO. _____ DATE _____	BY _____ DATE _____	BEFORE YOU DIG CALL 1-800-344-7233	OVERLAND ADDITION APARTMENTS WATER PLAN	Douglas M. Dahms P.E. Consulting Engineers 6368 Holman Ct. Arvada Co. 80004 (303)458-9250
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SP-8-58-99



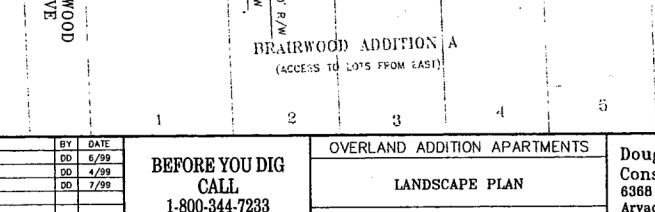
NO.	REVISION	BY	DATE
1			
2			
3			
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5			

BEFORE YOU DIG  
CALL  
1-800-344-7233

OVERLAND ADDITION APARTMENTS  
SANITARY SEWER PLAN

Douglas M. Dahms P.E.  
Consulting Engineers  
6368 Holman Ct.  
Arvada Co. 80004 (303)456-9250




1. soft low sound  
2. soft sound  
3. sound of insects  
4. low whistle  
5. low whistle  
6. low whistle  
7. low whistle  
8. low whistle  
9. low whistle  
10. low whistle



**LANDSCAPE CALCULATIONS**  
TOTAL PLANTING = 444 x 260 SF x 15% = 10,248 B.Y. (REQUIRED)  
REQUIRED # OF TREES PER 10,000 SF = 15 TREES  
10,248 B.Y. / 15 TREES PER 10,000 SF = 683 TREES  
8.2 OF BULBOLDS = 10,248 B.Y.

**ADJ AND AREAS**

**PLANTING KEY**

 EVERGREEN TREES  
 DECIDUOUS TREES  
 ORNAMENTAL TREES  
o SHRUBS

37. STREET TREES REQUIRED

6. GUT AND PLANTING BEDS SHOULD BE INSTRUCTED TO BE CONFINED TO THE RIGHT OF WAY.

7. ALL PLANTINGS SHALL BE INSTRUCTED TO BE CONFINED TO THE RIGHT OF WAY.

8. THE CONTRACTOR SHALL PROTECT THE DIRECTLY RESPONSIBLE FOR ALL DAMAGE TO THE STREET AND THE STREET SHALL BE REPAIRED.

9. ALL PLANTS SHALL BE 300 OR 400 GALLON (100-150) IN THE SIZE OF 10 TO 15000 B.Y.

10. PLANTS ARE DISEASE RESISTANT. IN THE

11. ALL TREES AND OTHER PLANTING AND

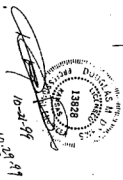
12. ALL TREES AND OTHER PLANTING AND

[illegible]

glas M. Dahms P.E.  
ulting Engineers  
Holman Ct.  
da Co. 80004 (303)456-9250

SP-8-58-99

EXISTING ZONING: R-18  
LEGEND: OVERLAND ADDITION, LOT 1, BLOCK 4 OVERLAND ADDITION.

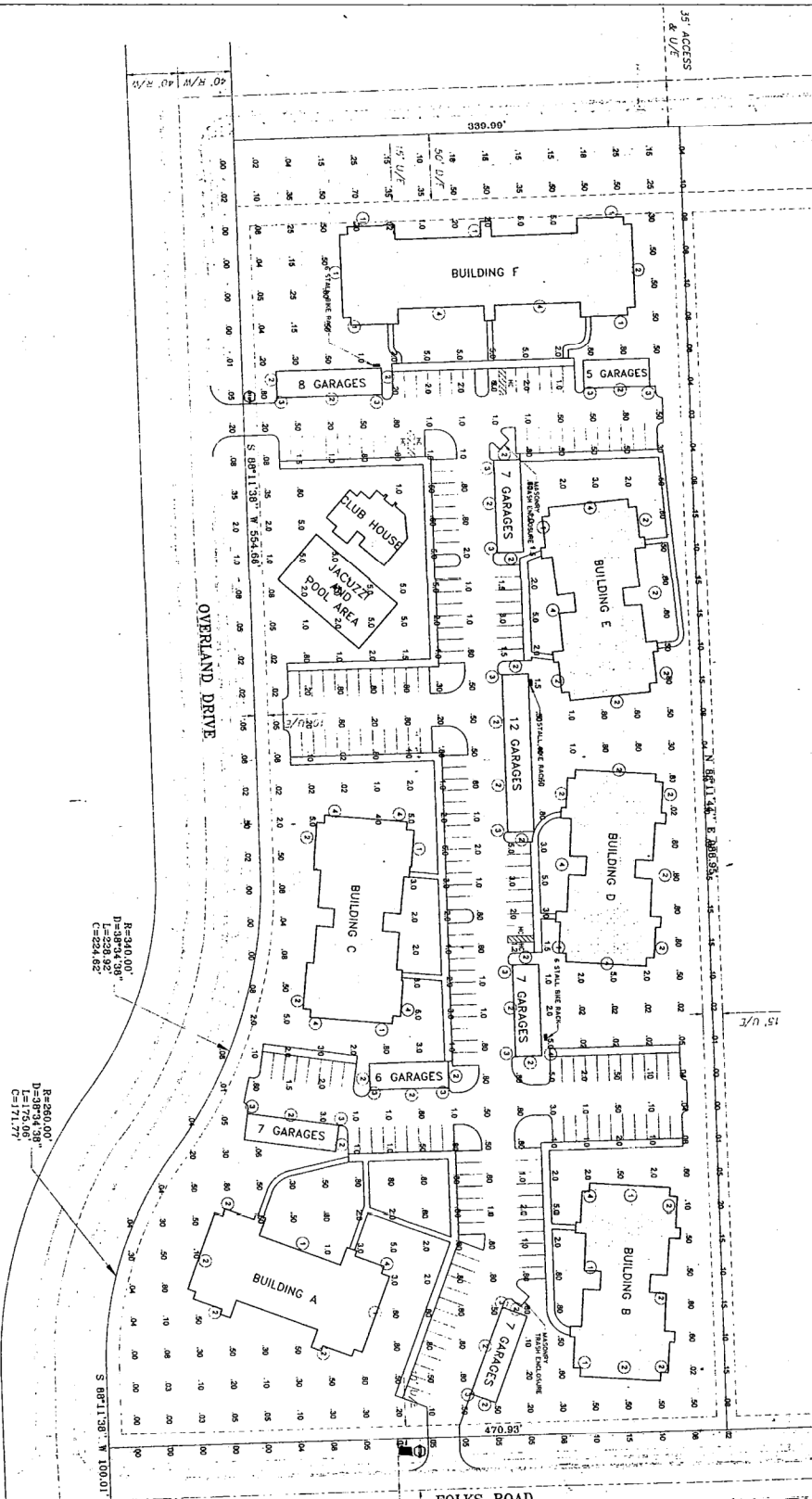


NO.	REVISION	BY	DATE
1	SCALE 1" = 40'		
2	DWG BY DMD		
3	CHK BY DMD		
4	DWG BY ADL		
5	DATE 9/21/99		
6	SHEET 6 OF 7		
7	1025.01		

BEFORE YOU DIG  
CALL  
1-800-344-7233

OVERLAND ADDITION APARTMENTS  
PHOTOMETRIC LIGHTING PLAN

- KEYED NOTES:
- 1 75 WATT HIGH PRESSURE SODIUM WALL PAK - 20' MOUNTING HT.
  - 2 30 WATT HIGH PRESSURE SODIUM WALL PAK - 20' MOUNTING HT.
  - 3 100 WATT EXTENSIVE COOL WHITE FLUORESCENT - 8' MOUNTING HT.
  - 4 150 WATT HIGH PRESSURE SODIUM WALL PAK - 20' MOUNTING HT.
- GENERAL NOTES:  
ALL WALL PAK LIGHTS TO HAVE SHIELDS FOR DIRECTING LIGHT TO BEHINDERS TOO INTERIOR.



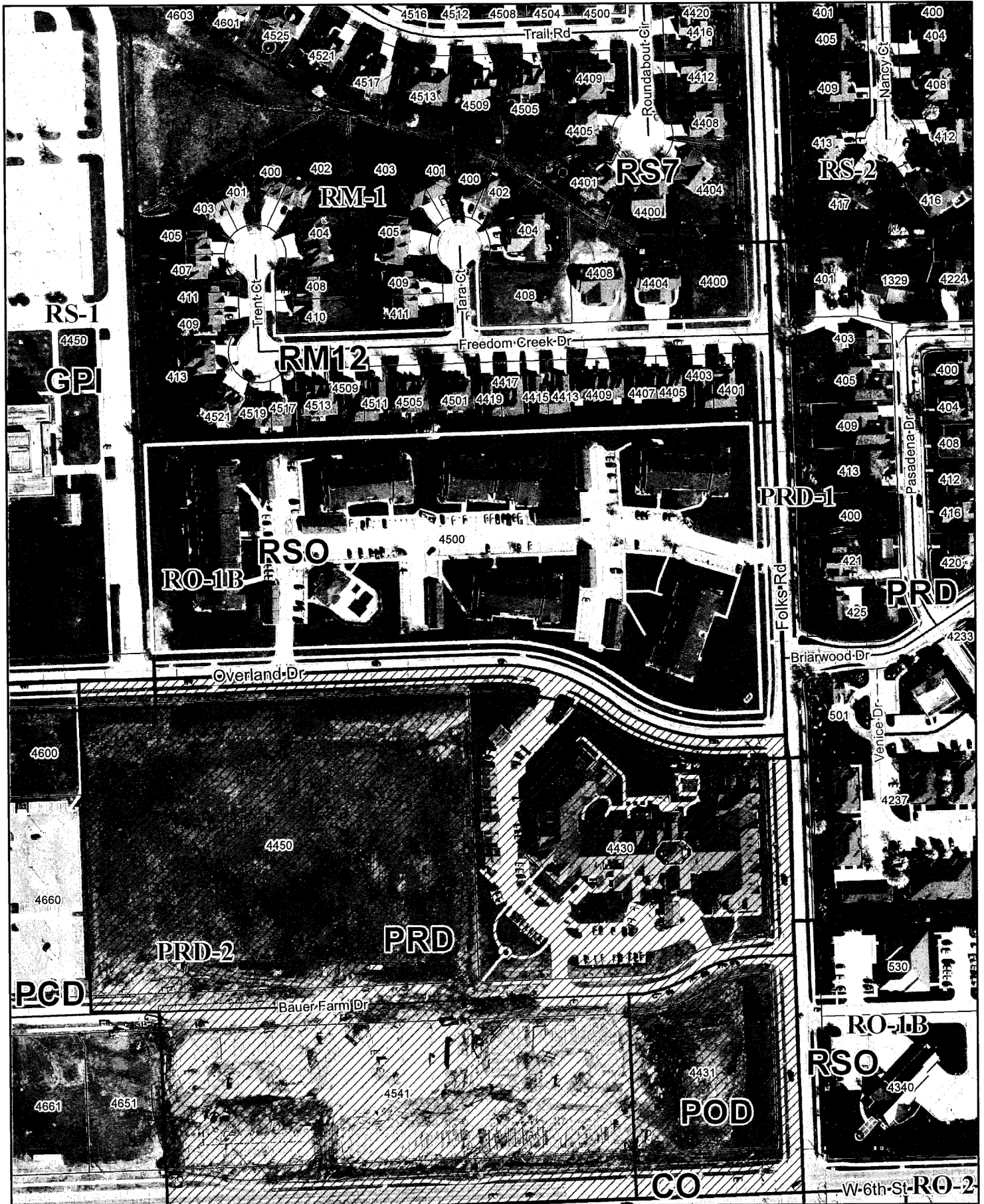
100 50 0 100 200 300 400  
Feet

1 inch = 200 feet

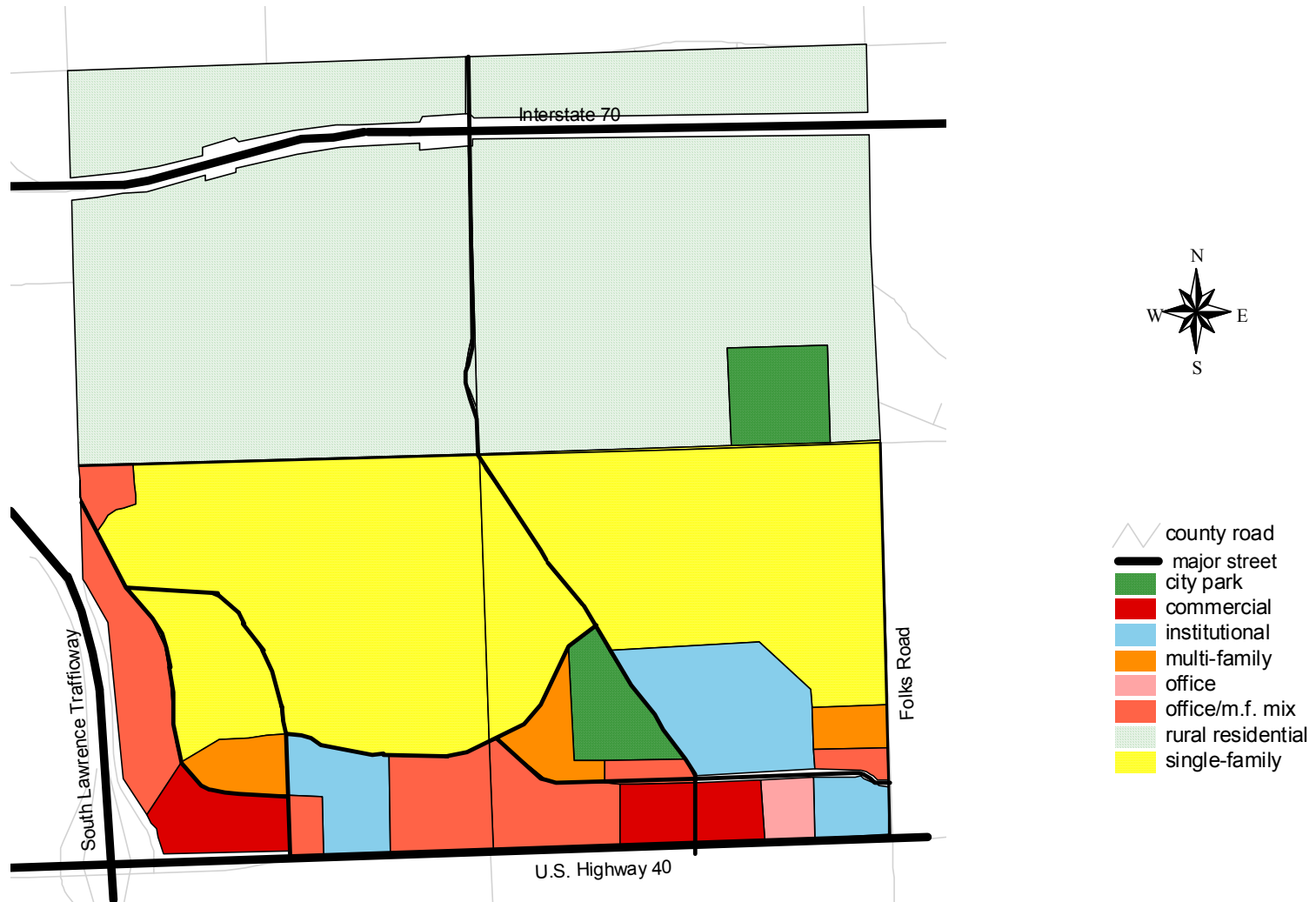
DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 8/21/2017



# The Northwest Area Proposed Land Uses



Note: Actual environmental conditions which place constraints on development are not shown on this map. Refer to the comprehensive plan for guidance on environmental condition maps, studies and policies.

Lawrence-Douglas County Metropolitan Planning Office  
October 2, 1996



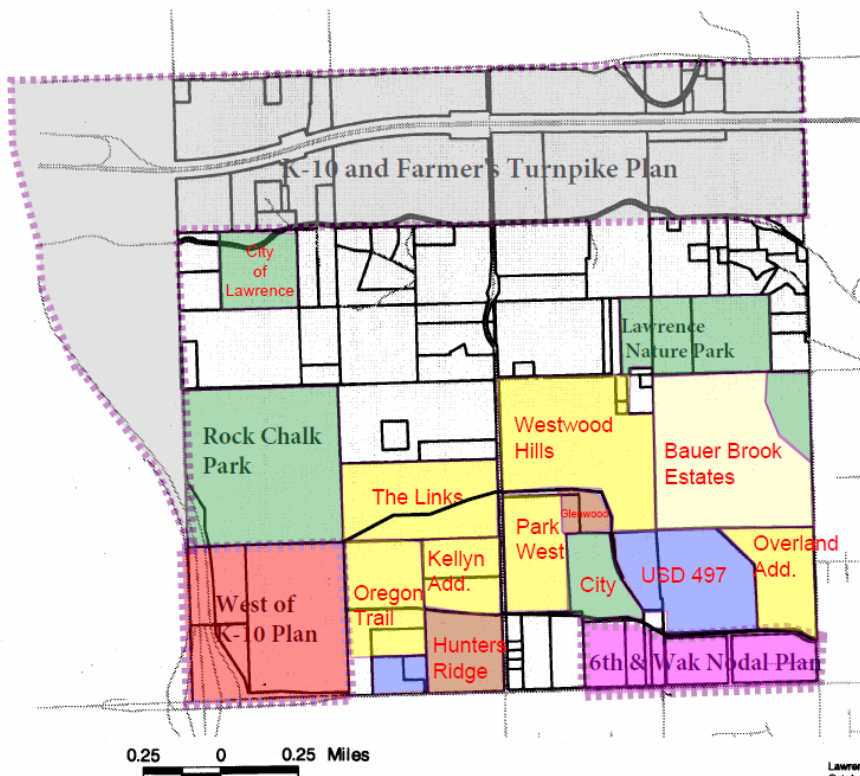
## The Northwest Area - Real Estate Parcels



Lawrence-Douglas County Metropolitan Planning Office  
October 10, 1998

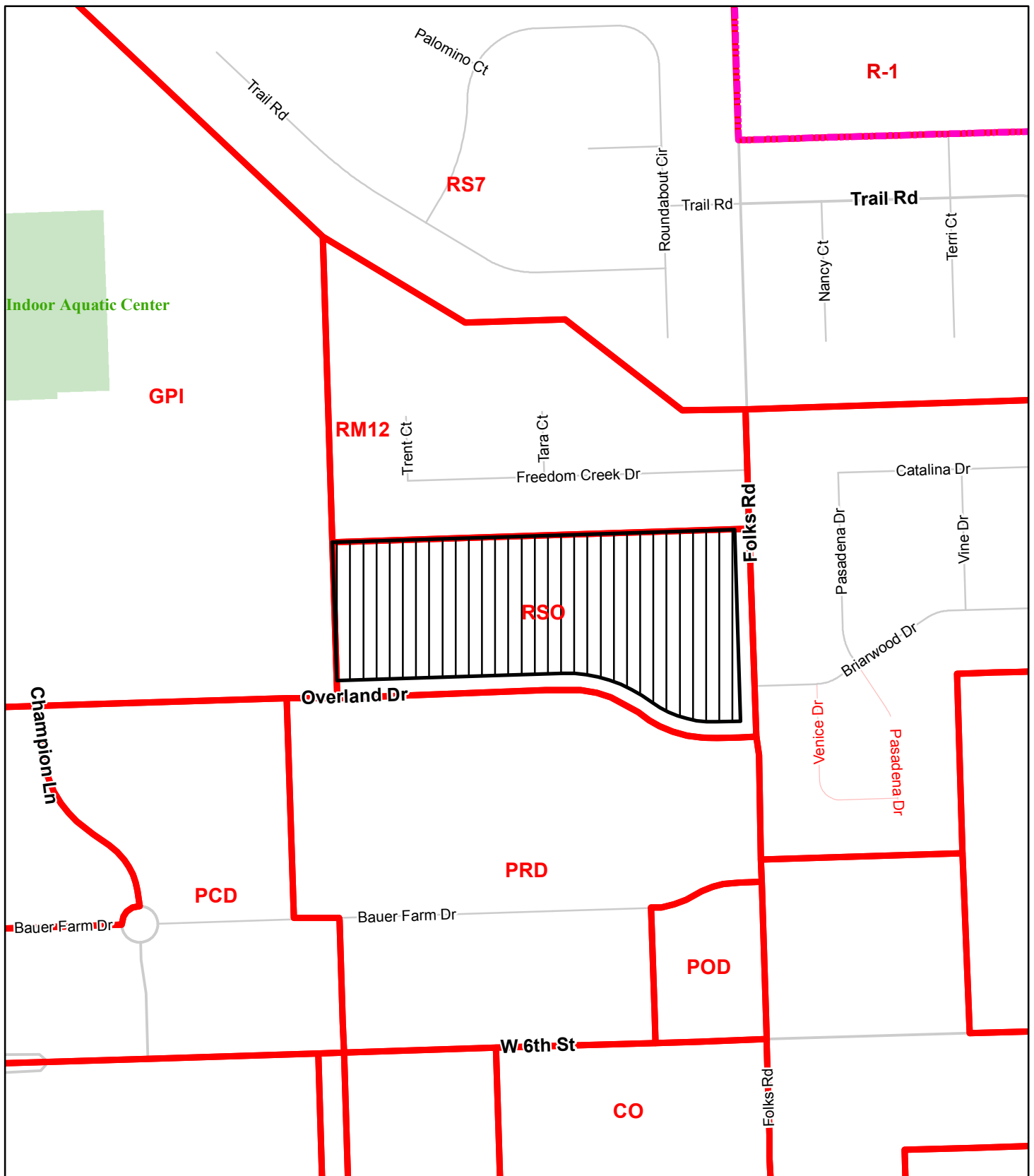
*Parcel Map from Northwest Area Plan.*

## The Northwest Area - Real Estate Parcels



Lawrence-Douglas County Metropolitan Planning Office  
October 10, 1998

*Current Development Pattern.*



**Z-17-00602: Request to rezone approximately 8.434 acres from RSO (Single-Family Dwelling Residential-Office) District to RM15 (Multi-Dwelling Residential) District, located at 4500 Overland Dr.**





**From:** Patricia Manning [<mailto:pmpwmann8@gmail.com>]

**Sent:** Sunday, January 21, 2018 8:53 PM

**To:** Sheila Stogsdill <[sstogsdill@lawrenceks.org](mailto:sstogsdill@lawrenceks.org)>

**Subject:** Commernts regarding Z-17-00602

Dear Lawrence-Douglas County Metropolitan Planning Commission:

Like many of my neighbors in Briarwood and the other residential areas surrounding the parcel of land referenced in Z-17-00602, we were enticed to buy our homes by the new urbanism plan for the area, including the single-family homes that would be built on the parcel in question. As the planning commission well knows, the Planning and City Commissions allowed the buildings on this land to deviate quite a bit from that original vision. We now live surrounded by apartment buildings. Any pretense of the walkability of new urbanism has disappeared entirely. Because of the traffic caused by the many high-density developments already on this parcel, one cannot walk across Folks Road at most times of day.

Now, the Planning Commission wants to permit even more dense development, including the possibility of trailer parks with the RM15 designation, and thus moving even farther away from the plan used to market homes in the area. I would have never bought my home if I thought that there was any possibility that I would be living near a trailer park. My husband and I bought in this part of town rather than in others without zoning restrictions to avoid this. I have heard from others who have written already that the Planning Commission has said that trailers are not a real possibility, but as this plan for this land has "evolved" at the behest of developers, the promises made to homeowners in the area about the type of development that will be allowed have been broken continuously. As a result, I have no faith that there will not be a trailer park on this property at some point in the future if the new zoning allows for it.

At one point, the City Commission promised no development like fast food restaurants beyond Champion Lane. Because the City Commission broke that promise, the outdoor space in the surrounding neighborhoods smell like flame broiling and fried chicken when it rains and whenever the wind blows in certain directions. All of these decisions have damaged homeowners' property values. If Lawrence wants residents to be willing to purchase homes in the city, at a certain point the zoning promises made to encourage us to buy need to be better respected. This proposal moves in entirely in the wrong direction.

Sincerely,

Patricia Manning

**PLANNING COMMISSION REPORT**  
**Regular Agenda -Public Hearing Item**

PC Staff Report  
1/24/2018

**ITEM NO. 2: PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR LAWRENCE HUMANE SOCIETY; 1805 E. 19<sup>TH</sup> STREET (KEW)**

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

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

**PLAN AND STAFF RECOMMENDATION ON FINAL DEVELOPMENT PLAN:** Planning Staff recommends approval of the Final Development Plan for Lawrence Humane Society based upon the findings of fact presented in the body of the staff report and subject to the following conditions and subject to City Commission approval of the Preliminary Development Plan:

1. Provision of a signed Site Plan Performance Agreement prior to the recording of the Final Development Plan with the Register of Deeds Office.
2. Revise the Final Development Plan to modify the required bufferyard planting schedule to meet the Type 3 bufferyard planting for 25' width. Update the landscaping table accordingly.
3. Provide a note indicating type of erosion and sediment control applied upon the completion of the final grading of the detention basin.
4. Revise the parking table to show the parking calculations that include the east and west access drives.
5. Adjust the note in the Landscaping Schedule regarding interior parking landscaping to reflect 63 spaces and the area to be landscaped at 2520 SF as shown on the plan.
6. Revise and/or remove the notes related to the alternative compliance request accordingly.

**Reason for Request:** Development of a new Animal Shelter Facility and demolition of the existing Animal Shelter Facility.

*The project consists of replacement of the existing structures with one new building. The new building will take the place of several existing dog runs near the rear of the property. Once the new building is completed, the existing building will be removed and most of the area will be redeveloped as green space and/or dog-park.*

**Planning Commission Approval of a Final Development Plan**

Plans submitted for final development approval in Planned Developments established prior to 2006 require Planning Commission approval of a Final Development Plan. This application is submitted as a revised Preliminary/Final Development Plan for Lawrence Humane Society PID. Final Development Plans must be in substantial conformance with the approved Preliminary or

previously approved Final Development Plan. Plans submitted for Final Approval must have a hearing for approval if major changes are proposed. The Animal Shelter Facility is the only development in the PID. Major changes are categorized as follows:

1. Increase the proposed gross residential density or intensity of use by more than 5% or involve a reduction in the area set aside for common open space, open air recreation area or non-encroachable area nor the substantial relocation of such areas;
2. Increase by more than 10% the total floor area proposed of the non-residential or commercial use
3. Increase by more than 5% the total floor area covered by buildings or involve a substantial change in height of buildings.

The review of this project is an assessment of the proposed development as it complies with the approved Final Development Plan for the PID. The development is being continued as a PID because staff reviewed the code and determined there was not a more suitable zoning district to accommodate this use and the Planned Development provides assurances to the public.

### **KEY POINTS**

- The subject property was previously approved under a Planned Development for the Lawrence Humane Society.
- The project includes all of Lot 1 as shown on the approved Final Development Plan.
- This project is a modification to an approved Final Development Plan.
- Section 20-1009.3 (of the 1966 Code) and Section 20-1304(b) of the Development Code allows concurrent submission of the Preliminary and Final Development Plans for a single use, single structure development.
- The proposed request is to replace the existing facility with a new structure on the north portion of the lot and then remove the current facility and create a greenspace/dog park on the south portion of the lot.

### **FACTORS TO CONSIDER**

- Compliance with Section 20-1013, 1966 Zoning Code for modifications to a Final Development Plan
- Conformance with *Horizon 2020*.
- Conformance with Subdivision Regulations.

### **ATTACHMENTS**

1. Area map
2. Preliminary and Final Development Plan Drawing
3. Previously approved Final Development Plan
4. Lighting Plan

### **ASSOCIATED CASES/OTHER ACTION REQUIRED**

#### **Associated Cases**

- Lawrence Humane Society; Preliminary and Final Development Plan (09-29-95).
- Lawrence Humane Society; Preliminary and Final Development Plan (Revised) (12-19-00).
- Lawrence Humane Society; Preliminary and Final Development Plan (Revised) (01-31-07).

#### **Other Action Required**

- Approval of the revised Preliminary Development Plan by the City Commission.
- Provision of a mylar and the appropriate recording fees.
- Submittal of building permit application and construction plans and issuance of building permits prior to development activity.

#### **PUBLIC COMMENT**

- None have been received.

<b>GENERAL INFORMATION</b>	
Current Zoning and Land Use:	PID-Lawrence Human Society Addition (Planned Industrial) District; Current Use: Animal Shelter Facility
Surrounding Zoning and Land Use:	
To the north:	RS7 (Single-Dwelling Residential) District; <i>Single-Dwelling Structures</i>
To the west:	RS7 (Single-Dwelling Residential) District; <i>Single-Dwelling Structures</i>
To the south:	GPI-(General Public and Institutional Use) District; <i>Douglas County Fairgrounds</i>
To the east:	RS7 (Single-Dwelling Residential) District; <i>Single-Dwelling Structures/Mobile homes – Brookwood Mobile Home Community</i>
Legal Description	<i>Lot 1, Lawrence Humane Society Addition, an addition to the City of Lawrence, Kansas.</i>

**Table 1: Site Summary**

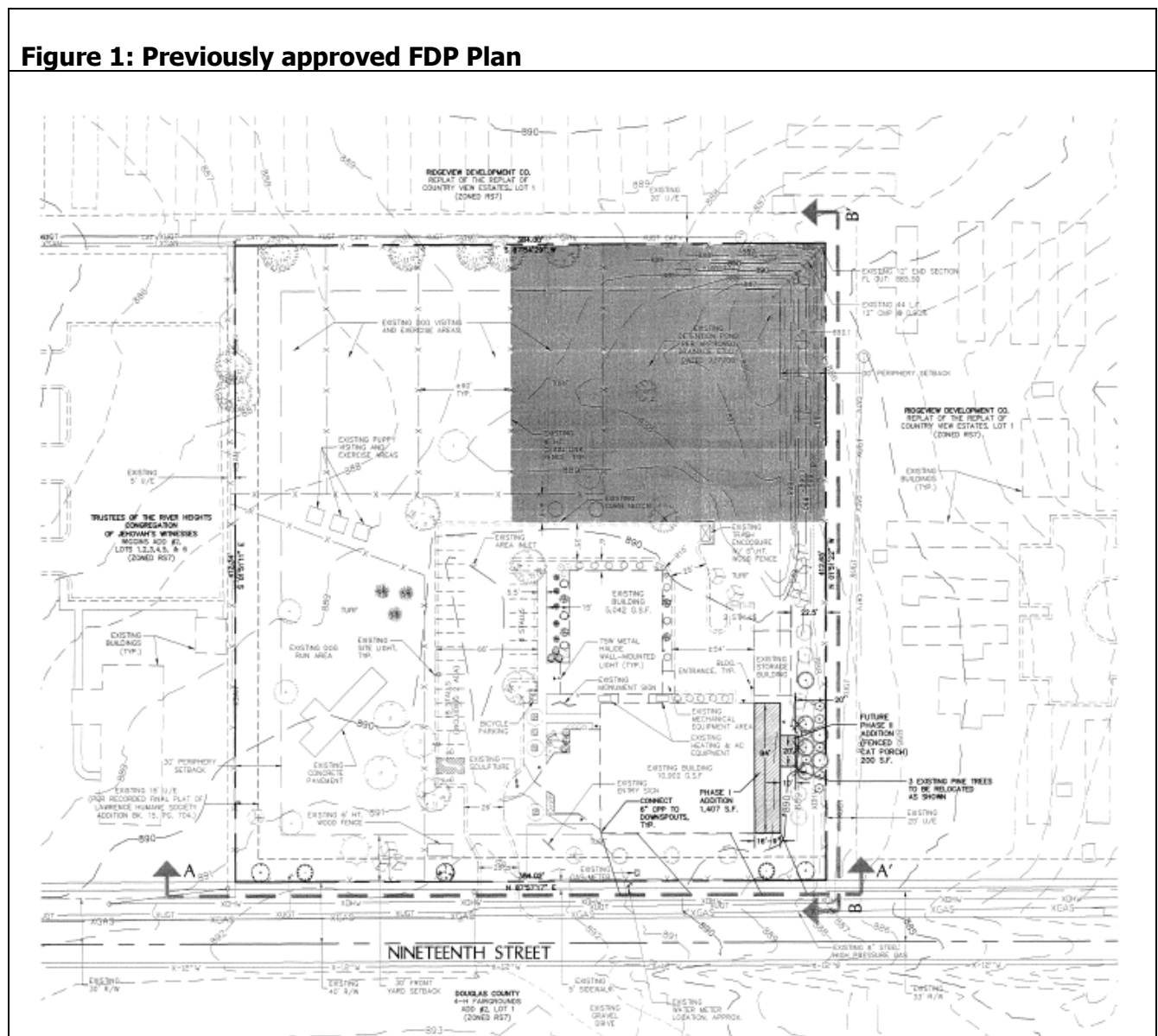
<b>SITE SUMMARY</b>		
	<b>Approved Plan (Existing)</b>	<b>Proposed Plan</b>
Land Use	Existing Animal Shelter Facility	Animal Shelter Facility
Land Area	158,399 SF 3.64 (AC)	158,399 SF (3.64 AC)
Pavement	22,069 SF	45,090 SF
Buildings	17,540 SF Existing	21,825 SF (24.5% increase)
Total Impervious	39,609 SF	66,915 SF
Total Pervious	118,790 SF	91,484 SF
Greenspace	118,790 SF	91,484 SF
Lot Coverage	11%	14%
Impervious Lot Coverage	25%	42%

## STAFF ANALYSIS

This application is a modification of an approved Final Development Plan for the Lawrence Humane Society development. The plan proposes to replace the existing Animal Shelter Facility with a new structure on the north portion of the lot and remove the existing structure. This plan relocates the main access drive to the west portion of the property and adds a secondary access drive to the east of the property. The plan also modifies the interior parking lot arrangement in response to the changes in building location and access points.

The project is proposed in two phases. The first phase will consist of site improvements and construction of the new facility to the north. The second phase (once the new facility is completed) will be to remove the existing structure, complete site improvements and create the greenspace and dog park area. The overall development impact is a larger single building and impervious surface coverage on the lot. The use and general function of the site is not changing. The plan is a reconfiguration of the previously approved Final Development Plan for the Lawrence Humane Society.

**Figure 1: Previously approved FDP Plan**



Site plan for the proposed new facility at 19th Street. The plan shows a large rectangular building labeled "NEW FACILITY 21,825 S.F. FFE 891,50". To the left of the building is a "PROPOSED FIRE DEPARTMENT ACCESS DRIVE". To the right is a "PROPOSED DOG ENCLOSURE WITH CHAINLINK FENCING" and a "PROPOSED FIRE DEPARTMENT ACCESS DRIVE". Below the building is a "PROPOSED BUILDING ROOF OVERHANG" and a "PROPOSED RAVED AREAL USE SCHEDULE". At the bottom is a "DOG PARK 26,400 S.F." with a "PROPOSED RAVED AREAL USE SCHEDULE" and "PROPOSED POLE LIGHTING (TYP.)". The plan also shows "EX. 19th STREET" at the bottom, "EX. 5th AVE" on the left, and "EX. 15th AVE" on the right. Various other features like "PROPOSED MECHANICAL AREA WITH METAL PANEL FENCING", "EXISTING STORM SINKER INLET", "PROPOSED STORMWATER DETENTION BASIN", "PROPOSED TWO COMPARTMENT GARBAGE WITH ENCLOSURE", "PROPOSED STORMWATER TRICKLE CHANNEL", and "ADDITIONAL ENTRANCE PROPOSED AS ALTERNATE" are labeled. Dimensions and lot numbers are also indicated.

**Table 2: Parking Summary**

<b>PARKING SUMMARY</b>			
<b>Proposed Use</b>	<b>Req. per Sec 20-1212 [1966 Code]</b>	<b>Parking Required (Current Code)</b>	<b>Parking Provided</b>
<i>Kennel 1/500 SF</i> <i>Sales/Grooming 1/300 SF</i> <i>Veterinary 1/400 SF</i>	1/400 SF per Public Use Floor Area (Retail, Wholesale and Services)  Per previously approved FDP  4000+/- SF Public Use Area/400 SF = 10	Kennel; 7,500 SF / 500 = 15 spaces Sales/Grooming; 300 SF / 300 = 1 space Veterinary; 13,925 SF / 400 = 35 spaces  <b>Total – 51 required incl. 1 ADA space and 2 Van ADA spaces.</b>	<b>63</b>
<i>Bicycle Parking 1/10 stalls</i>		5	<b>6</b>
Previously Approved FDP (revised 2007) Lawrence Humane Society = 10 parking spaces required based on previous calculation of 1/400 SF per Public Floor Area. Includes 2 ADA spaces. 28 spaces were provided. 6 bicycle spaces provided. The proposed plan meets the requirements of a Major Development Project under 20-1305(3) and parking is reviewed under the current Land Development Code standards.			

## DENSITY/INTENSITY REVIEW

Per Section 20-701(f) (3), density within a Planned Development is calculated based on the number of bedrooms rather than the number of dwelling units. There are no residential uses associated with this development application.

The proposed change increases the total square feet of the Animal Shelter Facility by 4,285 SF (24.5%). An increase of more than 10% constitutes a major change to the previously approved Final Development Plan and requires a hearing before the Planning Commission. The plan has been submitted as a Preliminary and Final Development Plan for concurrent processing per 20-1304(b) Planned Developments. In addition to the above threshold, the plan proposes a new structure, site improvements, access changes and internal parking reconfiguration. The Preliminary/Final Development Plan was submitted and is being reviewed as a Major Development Project.

## LANDSCAPE AND OPEN SPACE REVIEW



The redevelopment must meet the minimum landscape and open space design standards. These standards address common open space, street trees, parking lot landscaping, and parking lot screening.

*Common Open Space:* The project as proposed exceeds the minimum required open space. Open Space is provided throughout the site.

✚ The proposed development complies with this design standard.

**Table 3: Common Open Space**

• Required Open Space at 20% = 31,679 SF Acres	• Open Space Provided = 91,484 SF
--	-----------------------------------

*Street Trees:* Street Trees are required along the public street E. 19<sup>th</sup> Street. The proposed development plan notes that 10 street trees are required and 10 street trees are provided.

✚ The proposed development complies with this design standard.

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

**Table 4: Interior Landscape**

Required: 63 * 40 SF = 2,520 SF Proposed: = 2,850 +/- SF	
Interior plantings include 1 tree per 10 parking spaces and 3 shrubs per 10 parking spaces <ul style="list-style-type: none"><li>• 7 trees required; 7 proposed</li><li>• 19 shrubs required; 19 proposed</li></ul>	

✚ The proposed development exceeds this design standard.

*Perimeter Parking Lot landscaping:* Parking lots are required to be screened from adjacent public rights-of-way. This design standard applies to E. 19<sup>th</sup> Street. The parking lot design proposes a large setback exceeding 150' from the public right-of-way and provides more space that is open than the previously approved plan to provide an outdoor dog park. The applicant has requested alternative compliance for the parking area north of the dog park due to the additional open space. Perimeter parking lot landscaping is being provided on the east and west parking areas that are closer to the public right-of-way. The Planning Director has waived the requirement for perimeter parking lot landscaping only for that portion that is located north of the dog park area and which exceeds 150' in distance from the public-right-of-way.

✚ With the approved waiver, the proposed development complies with this design standard.

*Bufferyard landscaping:* Developments are required to provide bufferyards in accordance with Section 20-1005 when adjacent to incompatible uses on adjacent properties. The proposed parcel is zoned PID (Planned Industrial) District. It is adjacent on the west, north and east to a RS7 (Single-Dwelling Residential) District. In Table 20-1005(c) the required bufferyard for an Industrial District adjacent to RS7 is a Type 3 bufferyard. The applicant has chosen the 25' wide Type 3 bufferyard which requires 4 trees and 20 shrubs per every 100 linear feet. The

required trees are provided in the plan. The applicant has requested a reduction in the required number of shrubs. Based on staff review, the proposal does not provide an equivalent buffer alternative and a reduction in the number of shrubs for the bufferyard area cannot be supported. Staff has added a condition of approval that the planting proposal be updated to reflect the required number of shrubs. The required shrubs will help to mitigate potential noise impacts adjacent to the nearby residences.

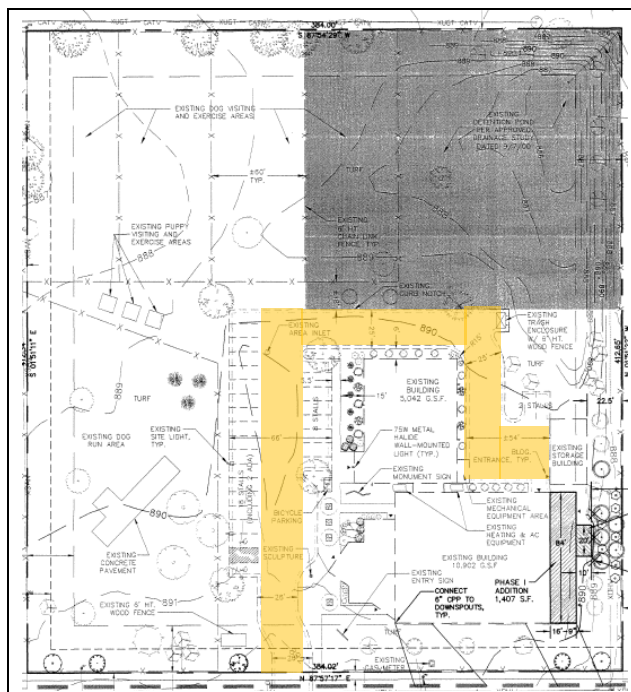
The proposal also shows a minor encroachment of the bufferyard on the west side for a fire access drive. Section 20-1007(a)(2) permits alternative compliance due to safety considerations which make alternative compliance necessary. The fire access drive is required by building code for access to all areas of the building. The encroachment could be permitted, however the required plantings must be provided.

- ✚ With the addition of the condition of approval for required bufferyard planting, the proposed development complies with this design standard.

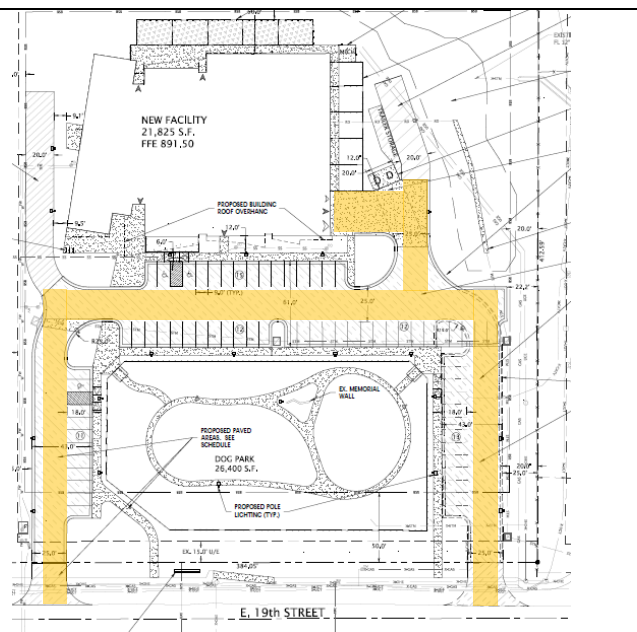
## ACCESS

The previously approved Final Development Plan included an access point off of E. 19<sup>th</sup> Street close to the center of the lot. The proposed access off of E. 19<sup>th</sup> Street for this new development would be relocated to the east of the lot and an additional access drive added on the west side of the lot. The relocation of existing and addition of new access drives will be in conformance with the City of Lawrence design standards. Public Improvement Plans were not required for this project per the City Engineer.

Internal access within the lot is being reconfigured as shown below.



**Figure 3: Previously approved circulation**



**Figure 4: Proposed access circulation**

## LIGHTING

The applicant has submitted a photometric plan that complies with the maximum lighting levels as it pertains to the property lines and right-of-way. Residential uses are not directly impacted by lighting from this development. The primary lighting is located on the parking lot portion of the project which is located to the south of the proposed building and faces the public right-of-way. Parking lot lighting will be pole-mounted on 20' tall poles.

Maximum light spillover onto public right-of-way may not exceed 3 foot-candles (fc). The lighting plan proposed light levels at .4 fc or less. Detailed light fixture information has been provided. The fixture is shown as being compliant with a downward angle and no exposed bulbs. This element will continue to be reviewed with the submission of a building permit. Lighting is subject to compliance with Section 20-1103 of the Land Development Code.

## INDUSTRIAL DESIGN GUIDELINES

This project is subject to compliance with the adopted Industrial Design Guidelines.

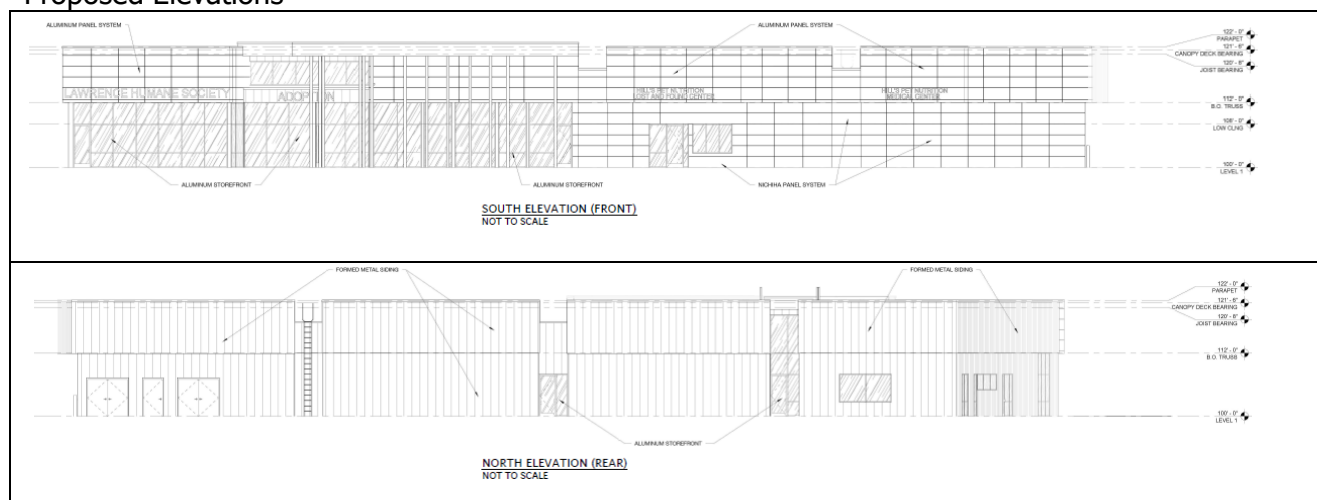
The proposed Final Development Plan addresses the Industrial Guidelines and meets the intent for General Design Objectives. Building Siting, Vehicular Access, Circulation and Parking have all been designed to be functional and appropriate for its context. Loading areas and trash enclosures have incorporated into the site layout and designed to minimize visual and noise impacts. Lighting has been designed to mitigate impact to surrounding properties.

Architectural elements have been added to visually articulate the roofline as well as break up the overall massing of the building. Windows are proportional to the overall structure and the entry is easily identifiable with storefront glass. Building materials are suitable for the industrial district and visual interest has been added to the façade through pattern.

Landscaping has been provided to enhance the overall site, define entrances, parking areas and bufferyards as well as articulate open space. The addition of the proposed dog park will provide additional opportunity for landscaped open space.

The Industrial Guidelines will continue to be reviewed for compliance through the building permit process and submission of construction documents.

## Proposed Elevations



## Summary

In reviewing and making decisions on proposed Preliminary Development Plans per Section 20-1304(d)(9), review and decision-making bodies shall consider at least the following factors:

- (i) the Preliminary Development Plan's consistency with the Comprehensive Plan; ***The proposed plan is consistent with the Comprehensive Plan and continues the same use and development pattern that currently exists on site.***
- (ii) the Preliminary Development Plan's consistency with the PD standards of Section 20-701 including the statement of purpose; ***The proposed plan maintains the use that the PID was established for and has met the standards of Section 20-701.***
- (iii) the nature and extent of Common Open Space in the PD; ***The proposed plan exceeds the required open space area of 20% per Section 20-701(3)(j)***
- (iv) the reliability of the proposals for maintenance and conservation of Common Open Space; ***The Common Open space (public dog park) is part of the Lawrence Humane Society's programming and will be maintained by the Lawrence Humane Society.***
- (v) the adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and Dwelling types proposed in the plan; ***The plan meets and exceeds the requirement for open space which will be utilized as a public dog park.***
- (vi) whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment; ***The plan meets requirements for all criteria as discussed in the findings.***
- (vii) whether the Preliminary Development Plan will measurably and adversely impact development or conservation of the neighborhood area by:
  - a. doubling or more the traffic generated by the neighborhood;
  - b. proposing housing types, Building Heights or Building Massing(s) that are incompatible with the established neighborhood pattern; or
  - c. increasing the residential Density 34% or more above the Density of the adjacent residential properties.***The plan has addressed all of the criteria for determining any adverse impact to development or conservation of the neighborhood. The plan maintains the intent of the PID district and carries the use forward. The proposal meets all of the current requirements for a Planned Industrial Development per Section 20-1304 subject to the recommended conditions as discussed in the staff findings.***
- (viii) whether potential adverse impacts have been mitigated to the maximum practical extent; and, ***The proposed plan, as conditioned, will meet the standards for bufferyards, drainage, traffic control, light mitigation, setbacks and open space to minimize adverse impacts.***
- (ix) the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PD in the case of a plan that proposes development over a period of years. ***The plan proposes only two phases of construction of a single use/single structure facility. Once the new structure is completed (Phase I), demolition of the existing structure will take place (Phase II).***

In reviewing and making decisions on the proposed Final Development Plan per Section 20-1304(e)(2)((ii), review shall ensure that the plan submitted for final approval be in substantial

compliance with the plan previously given preliminary approval and any modification of the plan as preliminarily approved may not:

- a. Increase the proposed gross residential Density or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for Common Open Space, open air recreation area or Non-encroachable Area, nor substantial relocation of such area; nor,
- b. Increase by more than ten percent (10%) the total Floor Area proposed for non-residential or commercial uses; nor,
- c. Increase by more than five percent (5%) the total ground area covered by Buildings nor involve a substantial change in the Height of Buildings.

The proposed Final Development Plan exceeded the thresholds listed above for review as a modification to the previously approved Final Development Plan and triggered the submission of the proposal as a new Preliminary Development Plan and Final Development Plan which can be reviewed concurrently under Section 20-1304(b). The Final Development Plan is contingent upon City Commission approval of the Preliminary Development Plan if recommended for approval by the Planning Commission.

### **Conclusion**

This Preliminary/Final Development Plan complies with Section 20-1304 of the Land Development Code and with the Industrial Design Guidelines as conditioned. The Preliminary/Final Development Plan varies from the previously approved Final Development Plan as noted in the above discussion and has been reviewed as a Major Development Project. The proposed plan is consistent with the intent of the overall development plan for the Lawrence Humane Society.

1. The plan proposes redevelopment of the site to include a new building with demolition of the existing building upon completion of construction.
2. The proposed Final Development Plan will meet the requirements in the Land Development Code for a Major Development Project as conditioned.
3. The proposed changes are consistent with the previously approved Final Development Plan and PID (Planned Industrial Development) District.



<b>ATTENTION: SUBMITTALS ARE REQUIRED</b>
DO NOT PURCHASE EQUIPMENT WITHOUT APPROVED SHOP DRAWINGS AND SUBMITTALS. WE WILL NOT APPROVE PAY REQUISITIONS WITHOUT SUBMITTALS. ANY COSTS INCURRED TO CORRECT PROBLEMS THAT COULD HAVE BEEN AVOIDED BY SUBMISSION OF SAID DRAWINGS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR, EVEN IF SUCH CORRECTION IS OUTSIDE THE CONTRACTORS ORIGINAL CONTRACT RESPONSIBILITIES.
<b>ELECTRICAL SUBMITTAL REQUIREMENTS</b>
SUBMITTAL INFORMATION SHALL BE SUBMITTED AND APPROVED BEFORE THE RELATED INSTALLATION MAY COMMENCE. ANY DEVIATION IN DESIGN DURING THE INSTALLATION PROCESS SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY. THE INSTALLING CONTRACTOR SHALL PROVIDE THE ENGINEER WITH FIVE COPIES OF THE FOLLOWING DOCUMENTS FOR APPROVAL.
1. MANUFACTURER'S DATA SHEETS FOR ALL EQUIPMENT AND SUPPLIES TO BE PURCHASED AND/OR USED IN THIS PROJECT. THIS INCLUDES ANY CAULK, TAPE OR BOXES. ANY ITEMS INSTALLED OR PLACED IN THE BUILDING MUST BE SUBMITTED FOR APPROVAL.
2. ELECTRICAL SHOP DRAWINGS SHALL BE SUBMITTED INDICATING ANY SUB SLAB CONDUIT, ALL FIRE WALL PENETRATIONS AND DEVIATIONS FROM DESIGN.
3. CIRCUITING AND PULL BOX SHOP DRAWINGS INDICATING DEVIATIONS FROM DESIGN, CHANGES IN FITTINGS AND ROUTING, PENETRATIONS, AND INTERFERENCES.
4. EQUIPMENT DATA INCLUSIVE OF SPECIFICATION, INSTALLATION, AND MAINTENANCE CATALOGS FROM THE MANUFACTURER.
5. MANUFACTURER SAFETY DATA SHEETS ON ALL ITEMS BEING SUPPLIED AND LEFT AT THE SITE AFTER COMPLETION. THIS INCLUDES ADHESIVES AND CHALKING MATERIALS.

<b>SPECIFICATIONS</b>
SPECIFICATIONS ARE PROVIDED IN A-SIZE FORMAT AND ARE PART OF THIS CONSTRUCTION DRAWING SET. IT IS THE RESPONSIBILITY OF ALL CONTRACTORS TO READ AND UNDERSTAND ALL SPECIFICATIONS BEFORE BIDDING AND BEFORE BEGINNING WORK. CONTRACTORS WILL BE HELD TO THE SPECIFICATIONS AND DRAWINGS. WE WILL NOT APPROVE ANY CHANGES, REWORK, SUBSTITUTIONS, OR OMISSIONS DUE TO THE CONTRACTOR'S FAILURE TO FOLLOW THE SPECIFICATIONS.

<b>GENERAL CONTRACTOR COORDINATION</b>
THE GENERAL CONTRACTOR IS SOLELY RESPONSIBLE TO FIELD VERIFY COORDINATION OF DUCTWORK, LIGHTING, SPRINKLER HEADS, CEILING TILES, AND STRUCTURAL OBSTRUCTIONS. SUBMIT COORDINATED REFLECTED CEILING PLANS FOR APPROVAL PRIOR TO INSTALLATION. SCHEDULING, SEQUENCE OF INSTALLATION, EQUIPMENT CHANGES, CONTRACTOR PREFERENCES AND ACCUMULATION OF VARIATIONS IN MEASUREMENT AND INSTALLATION ALL CONTRIBUTE TO CONFLICTS IN CONSTRUCTION.
DESIGN LEARNED WILL INSPECT INSTALLATION DURING AND AFTER CONSTRUCTION TO ENSURE CONFORMANCE WITH THE DRAWINGS AND SPECIFICATIONS.
GENERAL CONTRACTOR IS RESPONSIBLE FOR MAKING SURE THAT ALL SUB-CONTRACTORS ADHERE TO ALL DRAWINGS, SPECIFICATIONS, AND ADDENDA EXACTLY.
GENERAL CONTRACTOR IS RESPONSIBLE FOR THE COST OF REWORK ASSOCIATED WITH ANY UNAPPROVED DEVIATIONS TO DESIGN. MANY ASPECTS OF OUR DESIGNS FIT CLOSELY. BE ESPECIALLY CAUTIOUS OF ELECTRICAL CONDUIT, PLUMBING PIPING, AND SPRINKLER LINES: THESE FREQUENTLY AND INAPPROPRIATELY ARE ROUTED IN THE FIELD THROUGH SPACES THAT HAVE BEEN RESERVED FOR DUCTWORK.

<b>ELECTRICAL SERVICE MAIN NOTES</b>
1. CONTRACTOR TO INCLUDE ALL CONDUIT, WEATHER HEAD, METER SOCKET, MAIN DISTRIBUTION PANEL, DISTRIBUTION PANELS, HARDWARE, CONNECTORS, PANEL COVERS, BREAKERS AND ANY OTHER FITTINGS TO PRODUCE A COMPLETE, WORKING, CODE COMPLIANT INSTALLATION.
2. THE CT CABINET SHALL BE NEMA 3R FOR OUTDOOR USE. ALTERNATIVE ARRANGEMENTS MAY BE ACCEPTABLE - CONTRACTOR SHALL PROVIDE SHOP DRAWINGS OF ELECTRICAL SERVICE MAIN AND RISER REGARDLESS OF WHETHER ARRANGEMENT DEVIATES FROM PLANS OR NOT.
3. SQUARE D, SIEMENS AND GENERAL ELECTRIC ARE GENERALLY ACCEPTABLE FOR MAJOR COMPONENTS BUT MUST BE SUBMITTED FOR APPROVAL. SMALLER COMPONENTS SUCH AS CONDUIT, WIRE, BREAKERS, AND OTHER FITTINGS HAVE NOT BEEN SPECIFIED BY MODEL BUT SHALL BE SUBMITTED IN THEIR ENTIRETY FOR APPROVAL.
4. ALL ELECTRICAL GEAR, CONDUIT, FITTINGS, ENCLOSURES, SWITCHES, BREAKERS, CABLE, WIRE, AND HANGERS SHALL BE SUBMITTED FOR APPROVAL BY THE ENGINEER PRIOR TO PURCHASE
5. THE SUBMITTAL PACKAGE SHOULD BE DELIVERED AS A SINGLE SET WITH ALL MAJOR GEAR AND MINOR COMPONENTS IDENTIFIED ALONG WITH ANY OPTIONS
6. DIMENSIONS AND RATINGS ARE BASED ON LATEST ONLINE CATALOG INFORMATION - CONFIRM ALL DIMENSIONS PRIOR TO PURCHASE

### FIRE RATED PENETRATIONS

ALL PENETRATIONS THROUGH A FIRE-RATED ASSEMBLY MUST BE SEALED IN A MANNER WHICH MEETS OR EXCEEDS THE FIRE-RATING OF THE PENETRATED ASSEMBLY. PENETRATIONS MUST BE SEALED WITH A UL LISTED FIRESTOP SYSTEM AND SHALL COMPLY WITH ALL STATE AND LOCAL CODES.

CONTRACTOR SHALL SUBMIT A SHOP DRAWING INDICATING FIREWALLS TO BE PENETRATED AND SYSTEMS USED TO SEAL PENETRATIONS TO THE ENGINEER FOR REVIEW AND APPROVAL. FIRESTOP SYSTEMS SHALL BE IDENTIFIED BY UL CATALOG NUMBER (e.g. XHEZ - WL1001).

### FIRE ALARM CONTROL PANEL

CONTRACTOR SHALL PROVIDE A FULLY ADDRESSABLE PANEL LOCATED AS SHOWN IN BUILDING ENTRANCE. CONTRACTOR TO INCLUDE APPROPRIATE BATTERY AND CALCULATIONS FOR FINAL SYSTEM CONFIGURATION.

### FIRE RATINGS

AT THE TIME OF DESIGN, THERE WERE NO FIRE WALLS INDICATED ON THE ARCHITECTURAL PLANS. THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING WHETHER ANY FIRE-RATED PARTITIONS ARE REQUIRED. IF FIRE-RATED PARTITIONS ARE REQUIRED, THE CONTRACTOR IS RESPONSIBLE FOR INCLUDING THE COST OF MAINTAINING THE RATING OF ANY PENETRATION TO THESE ASSEMBLIES IN THEIR WORK.

### GENERAL/SERVICE ELECTRICAL SCOPE OF WORK

#### GENERAL:

THIS SCOPE OF WORK REPRESENTS THE GENERAL REQUIREMENTS FOR THE ELECTRICAL WORK AT THE LAWRENCE HUMANE SOCIETY. THE CONTRACTOR SHALL VERIFY THE EXISTING SITE CONDITIONS PRIOR TO BIDDING AND COMMENCING WORK ON THIS PROJECT. ALL QUESTIONS AND/OR DEVIATIONS FROM THIS DESIGN SHALL BE SUBMITTED IN WRITING FOR APPROVAL BY ENGINEER.

THE TERM 'PROVIDE AND INSTALL' SHALL MEAN TO FURNISH AND INSTALL COMPLETELY. THE ELECTRICAL CONTRACTOR SHALL PROVIDE AND INSTALL ALL EQUIPMENT, MATERIALS, AND ACCESSORIES SPECIFIED WITHIN THIS ELECTRICAL DRAWING SET. ADDITIONALLY THE ELECTRICAL CONTRACTOR SHALL PROVIDE AND INSTALL ANY EQUIPMENT, MATERIAL, ACCESSORY, AND/OR HARDWARE REQUIRED TO COMPLETE A FULLY OPERATIONAL ELECTRICAL SYSTEM. SUBMITTAL INFORMATION, AS OUTLINED BELOW, SHALL BE SUBMITTED AND APPROVED BEFORE THE RELATED INSTALLATION MAY COMMENCE. NO DEVIATIONS MAY BE MADE WITH OUT WRITTEN CONSENT FROM THE DESIGN LEARNED, INC.

THE CONTRACTOR IS SOLELY RESPONSIBLE FOR ALL PERMIT FEES, AND LOCAL BUILDING OFFICIAL REQUIREMENTS. DURING CONSTRUCTION, THE CONTRACTOR MAY CONTACT DESIGN LEARNED, INC. (800) 889-7078. CONTRACTOR IS ALSO RESPONSIBLE FOR INSTALLING ALL SYSTEMS IN COMPLIANCE WITH 2014 NEC, LOCAL MUNICIPALITY AMENDMENTS AND SPECIFICATIONS.

ALL CONDUIT, WIRING, ENCLOSURES, AND FIXTURES ARE TO BE NEAT, CLEAN, LEVEL, PLUMB AND ATTRACTIVE. ENCLOSURES, CIRCUITS, CONDUIT, PULL BOXES, GUTTER BOXES, AND CIRCUIT BREAKERS ARE TO BE CLEARLY LABELED WITH TYPED OR EMBOSSED LABELING SYSTEMS. DO NOT USE TAPE OR HANDWRITTEN TAGS FOR LABELS. PROVIDE ACCESS PANELS AS PART OF THE BASE FEE TO ANY OBSTRUCTED OR CONCEALED ENCLOSURES, PULL BOXES, SPLICES, GUTTER BOXES, OR OTHER TERMINATIONS AT ANY LOCATIONS THAT ARE OTHERWISE HIDDEN OR INACCESSIBLE.

ALL CONDUIT OR MC CABLE, WHETHER HUNG OR RUN IN CONDUIT, SHALL BE MOUNTED WITH HIGH QUALITY, MANUFACTURED CONDUIT OR CABLE SUPPORTS. ANY LOW GRADE HANGER SUCH AS PERFORATED HANGERS, PLASTIC TIES, ROPE OR WIRE IS UNACCEPTABLE. CONDUIT SUPPORTS SHALL BE MANUFACTURED AND SUBMITTED FOR APPROVAL BEFORE PURCHASE.

ALL DEBRIS SHALL BE REMOVED FROM INSIDE AND AROUND ALL PANELS, ELECTRICAL EQUIPMENT AND RECEPTACLES. ALL CONNECTIONS SHALL BE SECURELY FASTENED, AND ALL PANELS, CONDUIT, J-BOXES, AND WIRE SHALL BE NEATLY LABELED TO CREATE A NEAT AND CLEAN OPERATING SYSTEM.

CONTRACTOR TO VERIFY AVAILABILITY OF EQUIPMENT PRIOR TO BIDDING. SUBSTITUTIONS MAY BE ALLOWED PENDING ENGINEER APPROVAL. ALL SUBSTITUTIONS MUST BE SUBMITTED FOR APPROVAL PRIOR TO CONSTRUCTION.

#### ELECTRICAL SERVICE MAIN:

THE ELECTRICAL CONTRACTOR IS REQUIRED TO COORDINATE WITH THE LOCAL UTILITY TO INSTALL A NEW 600 AMP, 480 VOLT, THREE-PHASE SERVICE TO THE BUILDING. CONDUITS SHALL EXTEND FROM THE UTILITY TRANSFORMER TO A UTILITY APPROVED METERING DEVICE/SERVICE DISCONNECT LOCATED ON THE OUTSIDE OF THE BUILDING. CONDUITS SHALL EXTEND FROM THE SERVICE DISCONNECT TO THE MDP. THE MDP SHALL DISTRIBUTE POWER TO THE LIGHTING PANELS, MECHANICAL EQUIPMENT PANELS AND RECEPTACLE PANELS. FOR ALL CONDUIT AND WIRE SIZES REFER TO THE RISER DIAGRAM AND FEEDER SCHEDULE IN THE FOLLOWING SHEETS.

#### INTERIOR BUILDING LIGHTING:

LIGHTING THROUGHTOUT THE BUILDING IS SPECIFIED AS LED LIGHTING WITH INTEGRAL LED DRIVERS. LIGHTING IN ANIMAL OCCUPIED AREAS SHALL BE CONTROLLED BY STANDARD SWITCHING PROCEDURES. LIGHTING IN OFFICES AND LOBBY AREAS SHALL BE CONTROLLED BY OCCUPANCY SENSORS, WHERE REQUIRED BY CODE. ONLY USE PASSIVE INFRARED OCCUPANCY SENSORS. OCCUPANCY SENSORS UTILIZING ULTRASONIC SOUND ARE NOT PERMISSIBLE THESE SENSORS OPERATE WITH A SOUND PRESSURE AND FREQUENCY THAT WILL CREATE STRESS IN ANIMALS AND CAUSE UNNECESSARY DISCOMFORT WITHIN THE BUILDING. OCCUPANCY SENSORS SHALL BE A LEARNING ADAPTABLE TYPE AND LOCATED AS SHOWN ON THE DRAWINGS. ALL ROOMS SHALL BE INDIVIDUALLY CONTROLLED BY SWITCHES OR OCCUPANCY SENSORS WHETHER THE SHOWN ON THE DRAWINGS OR NOT.

#### EXTERIOR BUILDING LIGHTING:

THE EXTERIOR LIGHTING SHALL BE WALL MOUNTED PACKS. ALL LIGHTING AT EXIT DOORS SHALL BE SUPPLIED WITH BATTERY BACK UP TO PROVIDE EMERGENCY EGRESS LIGHTING. THE EXTERIOR LIGHTS SHALL BE CONTROLLED BY AN ASTRONOMICAL TIME CLOCK WHICH AUTOMATICALLY ADJUSTS FOR THE CHANGING SUNSET TIMES. THE TIME CLOCK SHALL BE PRE PROGRAMMED FOR THE LAWRENCE AREA SUNSET AND SUNRISE TIMES.

#### EMERGENCY BUILDING LIGHTING:

THE EMERGENCY LIGHTING SHALL BE SUPPLIED BY THE INTERIOR BUILDING LIGHTING WITH EMERGENCY BATTERY BACKUP AS INDICATED ON THE LIGHTING SCHEDULE. ALL LIGHTING SHOWN WITH THESE LIGHTS SHALL STAY LIT FOR 90 MINUTES. ALL EXIT LIGHTS SHALL HAVE BATTERY BACK UP AND SHALL BE ON ITS OWN CIRCUIT. ALL EXIT LIGHTING SHALL BE MOUNTED TO THE CEILING WITH NO OBSTRUCTIONS BLOCKING THE LIGHT OF SIGHT TO THE SIGN.

#### FIRE ALARM SYSTEM:

THE FIRE ALARM SYSTEM SHALL BE AN ADDRESSABLE SYSTEM DESIGN FOR FULL COVERAGE OF THE FACILITY. THE FIRE ALARM SYSTEM SHALL BE CONFIGURED FOR EARLY DETECTION TO ALLOW ANIMALS TO BE EVACUATED FROM DANGEROUS ZONES FIRST. ALL SYSTEM WIRES SHALL BE RUN IN CONDUIT AND MAY NOT BE RUN OUTSIDE OF CONDUIT TO DETECTORS OR NOTIFICATION DEVICES. ALL EGRESS DOORS SHALL HAVE MANUAL PULL STATIONS MOUNTED WITHIN 2 FEET OF THE DOOR BELOW ANY LIGHT SWITCHES ON THE WALL. ALL NOTIFICATION DEVICES SHALL HAVE A CANDELA RATING OF AT MINIMUM 15. ALL SMOKE DETECTOR BASES SHALL BE INSTALLED WITH CARBON MONOXIDE DETECTORS AND ALL HEAT DETECTORS SHALL HAVE STANDARD BASES.










LIGHTING FIXTURE SCHEDULE										
FIXTURE	DESCRIPTION	BALLAST	MOUNTING	MANUFACTURER	MODEL	WATTS	VOLTS	COUNT	NOTES	
A	2X4 TROFFER	LED	RECESSED	COOPER LIGHTING	24ALNG-LD4-45-UNV-L835-CD1-U	42 W	277 V	220		
DL	6" HIGH LUMEN RECESSED DOWNLIGHT	LED	RECESSED	COOPER LIGHTING	FLD6A15D010TE FERMG6A15835 FSR6LM1W94	23 W	277 V	31		
SL	SITE LIGHTING	LED	POLE MOUNTED	COOPER LIGHTING	GLEON-AF-02-LED-E1-SL4	133 W	277 V	17	USE THE COOPER LIGHTING ASX ALUMINUM SQUARE STRAIGHT POLE	
SL2	SITE LIGHTING	LED	POLE MOUNTED	COOPER LIGHTING	GLEON-AF-01-LED-E1-SL4-600	133 W	277 V	4	USE THE COOPER LIGHTING ASX ALUMINUM SQUARE STRAIGHT POLE	
SLA	ALTERNATE SITE LIGHTING	LED	POLE MOUNTED	COOPER LIGHTING	GLEON-AF-03-LED-E1-T3R-XX-QM	166 W	277 V	7	USE THE COOPER LIGHTING ASX ALUMINUM SQUARE STRAIGHT POLE	
WM	WALL MOUNTED DOWN LIGHT	LED	WALL MOUNTED	COOPER LIGHTING	9004-W1-RW-LED3090-W-WT-L3-UNV	50 W	277 V	9		

\* CONSULT WITH ARCHITECT AND OWNER FOR FINISH SELECTION






### TELEPHONE AND DATA SCHEDULE

DESCRIPTION	COUNT
DUPLEX TELEPHONE / COMPUTER OUTLET	39

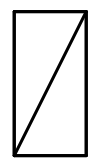
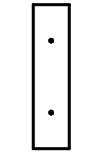



### SWITCH LEGEND

	CEILING OCCUPANCY SENSOR
	DIMMING SWITCH
	DUPLEX SWITCH
	DUPLEX THREE WAY SWITCH
	FOUR WAY SWITCH
	OCCUPANCY SWITCH
	STANDARD SWITCH
	THREE WAY SWITCH
	THREE WAY DIMMING SWITCH

### RECEPTACLE LEGEND

	SIMPLEX RECEPTACLE
	DUPLEX RECEPTACLE
	QUADRUPLEX RECEPTACLE
	JUNCTION BOX
	SPECIALTY RECEPTACLE

### LUMINAIRE LEGEND

	ALL A FIXTURE
	B FIXTURE
	ALL DL FIXTURE
	ALL SL FIXTURES
	ALL WM FIXTURES

Revisions

Issue Date: 12/29/2017

Scale: As indicated

Project No.: LAWHS.KS

Drawn: ARB

Checked By: CSL

Title: ELECTRICAL  
SCOPES AND  
SCHEDULES

Sheet No.:

E1.01

LAWRENCE HUMANE SOCIETY

NEW ANIMAL SHELTER FACILITY

1805 E 19th Street

Lawrence, Kansas  
66044

sabatinichitect  
INC.

730 NEW HUMPHIRE STREET SUITE 221, LAWRENCE, KS  
67603-3139  
P: 785.333.3399 F: 785.333.0846  
WWW.SABATINICHARCHITECT.COM

DESIGN LEARNED INC.  
animal facility engineering

NOT FOR  
CONSTRUCTION



- LIGHTING NOTES
1. ELECTRICAL CONTRACTOR SHALL WIRE EXIT LIGHTING TO LOCAL AREA LIGHTING CIRCUITS, AHEAD OF SWITCHES, PER N.E.C. 700-12(E).

2. ALL WIRING SHALL BE IN EMT CONDUIT OR MC CABLE WITHOUT EXCEPTION.

3. PROVIDE AND INSTALL PULL CORDS IN ALL CONDUIT.

4. ALL SWITCHES AND RECEPTACLES SCHEDULED AND SHOWN IN THE ANIMAL AREAS SHALL BE IN NEMA 3R ENCLOSURES WITH GASKETED COVERS, AND MOUNTED AT 48 INCHES ABOVE FLOOR UNLESS OTHERWISE INDICATED.

5. THE CONTRACTOR SHALL PROVIDE EACH INTERIOR AREA REQUIRING A MANUAL CONTROL SWITCH TO HAVE THE ABILITY TO REDUCE THE LIGHTING BY 50 PERCENT EXCEPT CORRIDORS, STOREROOMS, REST ROOMS, LOBBIES OR ROOMS WITH ONE LUMINAIRE. AREAS SPECIFIED WITH OCCUPANCY SENSORS ARE EXEMPT.

6. CONTRACTOR SHALL INCLUDE THE COST OF ALL HOME RUN CIRCUITS TO BREAKERS AS INDICATED ON PANEL SCHEDULES.

7. THE BUILDING REQUIRES AN AUTOMATIC CONTROL IF NOT IN USE 24/7.

LIGHTING SCOPE OF WORK

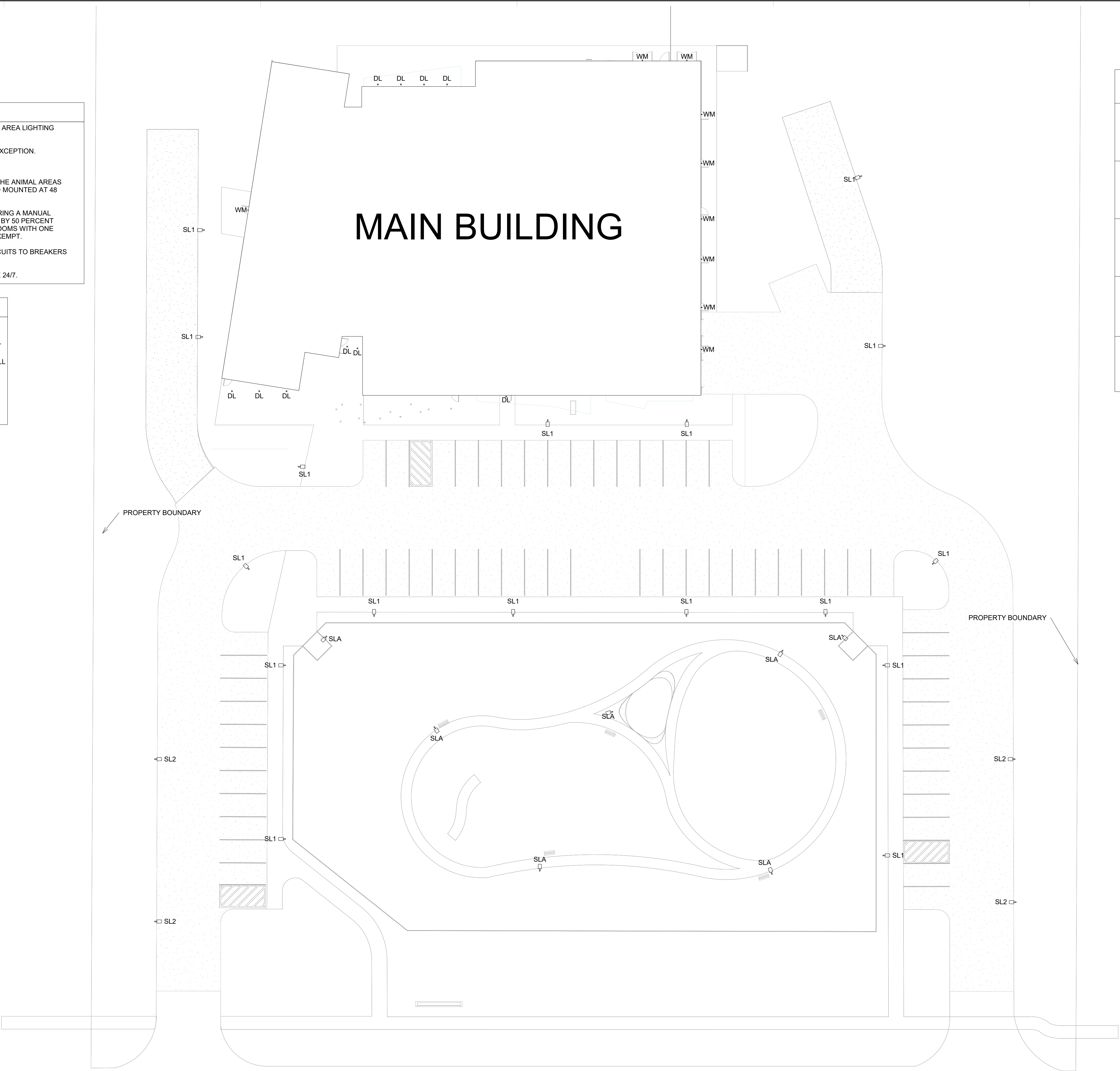
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SITE LIGHTING NOTE

ALL POLE MOUNTED EXTERIOR LIGHT FIXTURES WILL BE MOUNTED 20 FEET ABOVE GRADE. THE PHOTOMETRIC PLAN IS CALCULATED AT GRADE LEVEL SPACED AT 10 FOOT INTERVALS.

ALL SLA FIXTURES ARE AN ALTERNATE LAYOUT.



LUMINAIRE LEGEND	
	ALL A FIXTURE
	B FIXTURE
	ALL DL FIXTURE
	ALL SL FIXTURES
	ALL WM FIXTURES



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MAIN BUILDING

LAWRENCE HUMANE SOCIETY  
NEW ANIMAL SHELTER FACILITY

1805 E 19th Street  
Lawrence, Kansas  
66044

sabatini  
architect  
P.C.  
200 NEW IMPERIAL STREET SUITE 200 LAWRENCE, KS  
785.333.3399 F. 785.333.0846  
WWW.SABATINIARCHITECT.COM

DESIGN LEARNED INC.  
animal facility engineering

NOT FOR  
CONSTRUCTION

Revisions

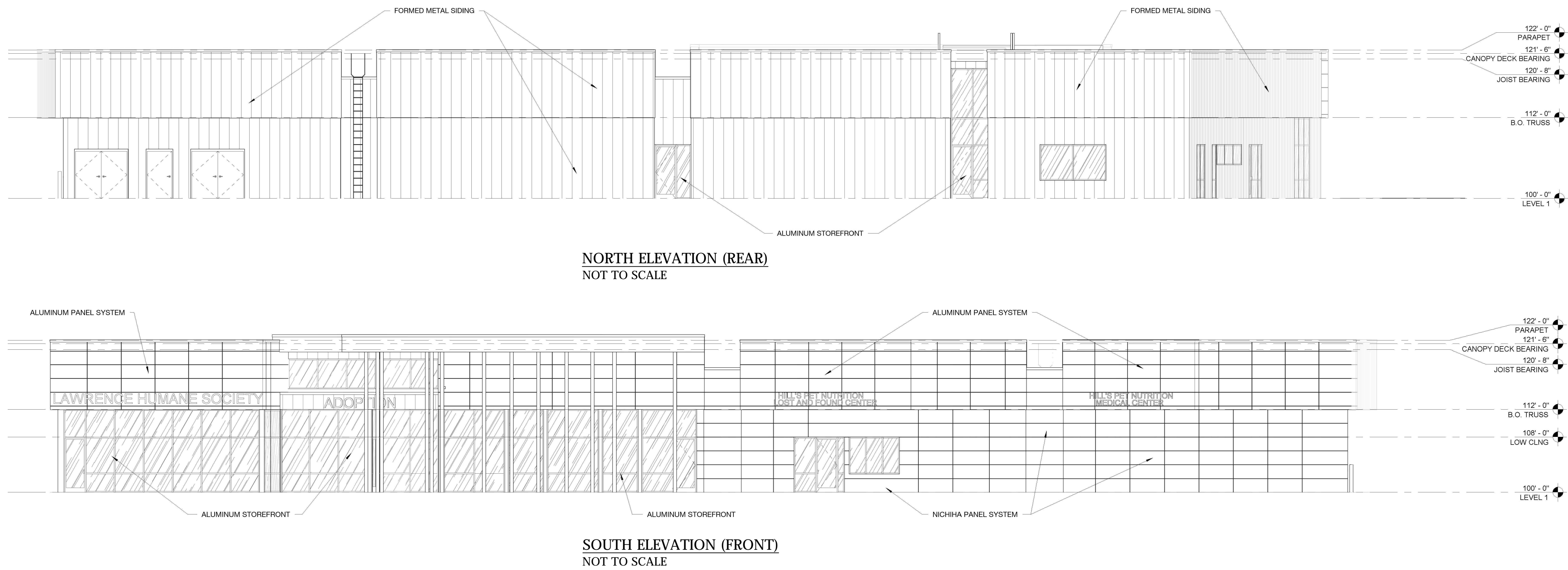
Issue Date: 12/29/17  
Scale: 1" = 20'-0"  
Project No.: LAWHS.KS  
Drawn: ARB  
Checked By: CSL  
Title: SITE LIGHTING  
PHOTOMETRIC  
LAYOUT

Sheet No.:

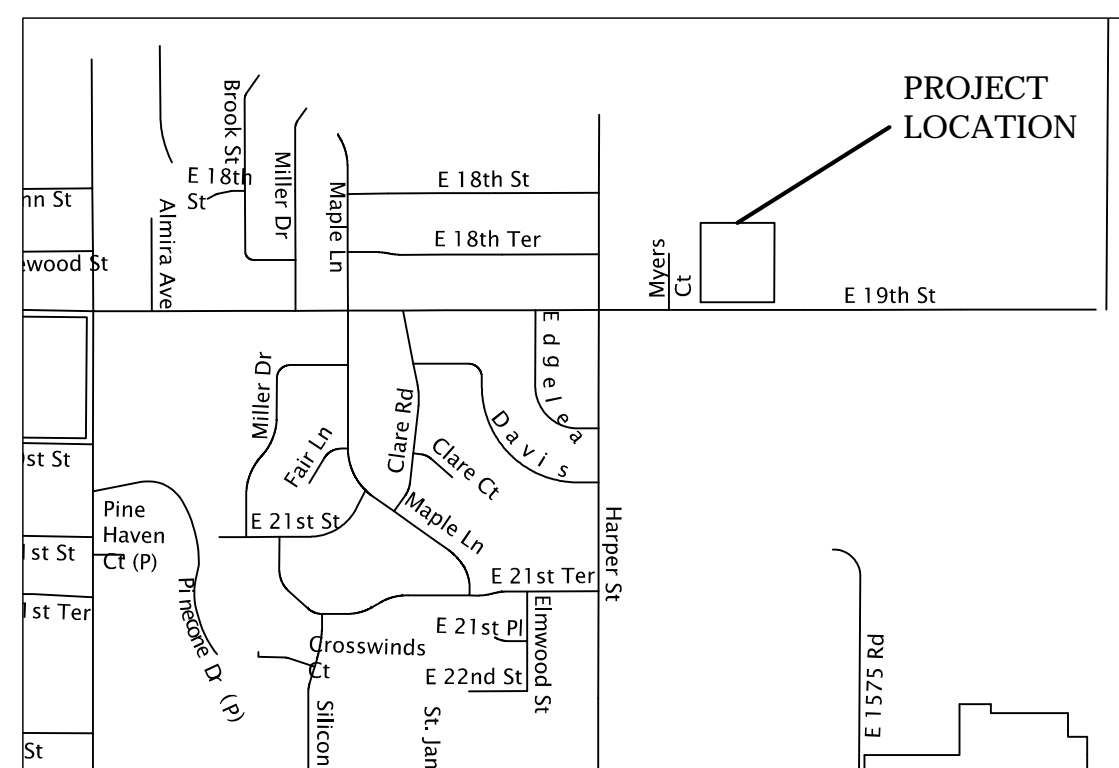
E5.02



# PRELIMINARY/FINAL DEVELOPMENT PLAN for LAWRENCE HUMANE SOCIETY


















### LOCATION MAP



SCALE: 1"=1000'

## LEGEND

— OHW ——— OHW		SANITARY SEWER MANHOLE	B/B	BACK OF CURB TO BACK OF CURB
— OHE ——— OHE		STORM MANHOLE	ROW	RIGHT-OF-WAY
— UGT ——— UGT		STORM DRAIN	C/L	CENTERLINE
— GAS ——— GAS		GUY ANCHOR	D/E	DRAINAGE EASEMENT
— W ——— W		UTILITY POLE	U/E	UTILITY EASEMENT
— SAN ——— SAN		WATER METER	(P)	PLATTED
— SS ——— SS		WATER VALVE	(M)	MEASURED
— STM ——— STM		FIRE HYDRANT	(C)	CALCULATED
— BSB ——— BSB		TRAFFIC SIGNAL STR.	(P) PIN	PROPERTY PIN
— — — — —		GAS VALVE	➤	BUILDING INGRESS/EGRESS - EMPTY FIGURE REPRESENTS OVERHEAD DOORS
— — — — —		GAS METER	□	EXTERIOR POLE LIGHTING
— — — — —		LIGHT POLE		
— — — — —		SIGN		
— — — — —		ELECTRIC BOX		
— — — — —		CABLE TV BOX		

NOTE: 'X' IN UTILITY DENOTES EXISTING FEATURE

PARKING SUMMARY		
PARKING REQUIREMENT	QUANTITIES	REQUIRED PARKING
KENNEL - 1 PER 500 S.F.	7500	15
SALES/GROOMING - 1 PER 300 S.F.	300	1
VETERINARY - 1 PER 400 S.F.	13925	35
BICYCLE PARKING 1 PER 10 STALLS	5	51
PARKING PROVIDED		
STANDARD ADA HANDICAP SPACES	1	
VAN ACCESSIBLE ADA SPACES	2	
STANDARD SPACES W/O EAST DRIVE	55	
STANDARD SPACES W/ EAST DRIVE	63	
TOTAL PARKING SPACES	55/63	
BICYCLE PARKING	6	

PAVING/SURFACING SCHEDULE	
SYMBOL (SHADED FOR CLARITY)	AREAS AND PAVING MATERIAL
	8" CONCRETE PAVING AT DUMPSTER/VALLEY GUTTER
	4" CONCRETE AT ALL SIDEWALKS
	6" CONCRETE OR 7.5" FULL DEPTH ASPHALT IN DRIVE LANES
	5" CONCRETE OR 5.5" FULL DEPTH ASPHALT IN PARKING
	8" FULL DEPTH ASPHALT UNTIL 19TH STREET RECONSTRUCTION (FUTURE 8" CONCRETE)
	CONCRETE WITH POSSIBLE SURFACING
	5.5" FULL DEPTH ASPHALT - FIRE ACCESS LANE

PERVIOUS/IMPERVIOUS SURFACE SUMMARY			
	AREA (SF)		AREA (SF)
Existing Building	17,540	Proposed Buildings	21,825
Existing Pavement	22,069	Proposed Pavement	45,090
Total Existing Impervious	39,609	Total Proposed Impervious	66,915
Existing Greenspace	118,790	Proposed Greenspace	91,484
Total Existing Pervious	118,790	Total Proposed Pervious	91,484
Property Area	158,399		158,399
Lot Coverage 11% Impervious Lot Coverage 25%		Lot Coverage 14% Impervious Lot Coverage 42%	

## LEGAL DESCRIPTION















LOT 1, LAWRENCE HUMANE SOCIETY ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, KANSAS.

## GENERAL NOTES

OWNER: Lawrence Humane Society, Inc.  
1805 East 19th Street  
Lawrence, Kansas 66044

LAND PLANNER/ENGINEER: Grob Engineering Services, LLC  
3210 Mesa Way, Suite A  
Lawrence, Kansas 66049  
Kansas Professional Engineer #12769

1. This Preliminary/Final Development Plan is being submitted as a Major Development Project.
2. Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2015 and 2016. Site specific information obtain from site survey performed by CFS Engineer, 2017.
3. Project Bench Mark: "X" cut on top of fire hydrant flange bolt south of E. 19th Street across and west from Lawrence Humane Society location. ELEV = 894.14
4. Typical Soil Type: Pc- Pawnee clay loam; Ws - Woodson silt loam; Mc - Martin silt loam
5. Existing Land Use: Animal Shelter
6. Proposed Land Use: Animal Shelter
7. Current Zoning: PID
8. Existing utility locations, elevations, and sizes are based on information available at the time the Development Plan was prepared.
9. No part of the property is located within any SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% CHANCE FLOOD per FEMA Flood Insurance Rate Map (FIRM) Panel 179 of 460, Map # 20045C0179E, Map Revised September 2, 2015.
10. This Site Plan has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, appendix A to 28 CFR, part 36.
11. Existing and proposed contours generally indicate stormwater flow at the site.
12. All disturbed areas not shown for trees and landscaping shall be reseeded with turf type grasses and otherwise restored to their original condition.
13. Exterior lighting will be shielded to prevent off-site glare. A photometric plan has been submitted.
14. No additional trash receptacles are proposed for this Site Plan. The existing trash compactor will be used as shown on this plan.
15. All curb inlets will be constructed per City of Lawrence storm sewer standard details.
16. The detention pond will be privately owned and maintained. The landowner will be responsible for the maintenance of the detention basin. Failure to maintain the detention pond will result in the loss of the stormwater detention credit. The detention 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).
17. Exterior ground-mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities boxes and meters, shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 feet above ground level).
18. Trees or treeline shown to remain near construction activities shall be fenced prior to any construction work. Signage shall added to fencing as noted "No grading, parking of vehicles, or storing of materials or equipment may occur within the fenced area".

LANDSCAPING SCHEDULE			
SYMBOL	QUANT.	NAME	SIZE & COND
		EX. DECIDUOUS AND CONIFEROUS TREES	—
 	4 & 6	<u>STREET TREES - 1 PER 40' OF FRONTAGE</u> EXISTING TREES - VARIOUS SIZE & PRO. MEDIUM CANOPY - AMERICAN HORNBEAM, CHINKAPIN OAK, TRIDENT MAPLE OR APPROVED EQUAL (2 SPECIES MIN.).	VARIES & 2.0' CAL - B&B
		<u>PERIMETER LANDSCAPING REQUIREMENT</u> 1 TREE PER 25' OF PARKING LOT PLUS CONTIN. 3' HIGH BERM OR CONTIN. ROW OF EVERGREEN SHRUBS * DENOTES COUNTED AS STREET TREES	
  	1"+3" & 6	EXISTING TREE AND AMERICAN HORNBEAM, CHINKAPIN OAK, TRIDENT MAPLE OR APPROVED EQUAL (2 SPECIES MIN.) & DWARF BURNING BUSH, MAGIC CARPET SPIREA OR APPROVED EQUAL.	28" CAL AND 2.0' CAL - B&B & 2.0 GAL 24" HEIGHT
		REQUEST ALTERNATE COMPLIANCE FOR PERIMETER LANDSCAPING REQUIREMENT FOR PARKING LOT NORTH OF DOG PARK AS BUFFERING DISTANCE IS 150 FEET	
		<u>INTERIOR LANDSCAPING REQUIREMENT</u> PARKING LOTS - 40 S.F. PER STALL, 1 SHADE TREE & 3 SHRUBS PER 10 STALLS. (62 STALLS - 2480 S.F. TREES/19 SHRUBS) AREAS PROVIDED AT END ISLANDS, CENTER ISLANDS; PLANTERS EXCEED 2,500 S.F.	
	7	LACEBARK ELM, SHUMARD OAK, SUMMERSHADE NORWAY MAPLE, GREENSPIRE LINDEN (2 SPECIES MIN.)	2.5" CAL - B&B
	19	DWARF BURNING BUSH, MAGIC CARPET SPIREA OR APPROVED EQUAL. EACH PLANT SHALL HAVE 9 SQUARE FEET OF MULCH AROUND BASE (MULCH NOT SHOWN IN PLAN).	2 GAL. 24" HEIGHT
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		ALL UNPAVED AREAS SHALL BE PLANTED WITH TURF GRASSES	


**SHEET INDEX**

1. PDP/FDP COVER SHEET
2. PDP/FDP LAYOUT PLAN
3. PDP/FDP GRADING AND UTILITIES PLAN
4. PDP/FDP LANDSCAPING PLAN

**\*EXISTING CONDITIONS AND DEMOLITION  
SHEET IS PROVIDED FOR INITIAL REVIEW  
PURPOSES ONLY\***

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Asst./Director: \_\_\_\_\_

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New Animal Shelter Facility

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Revisions:

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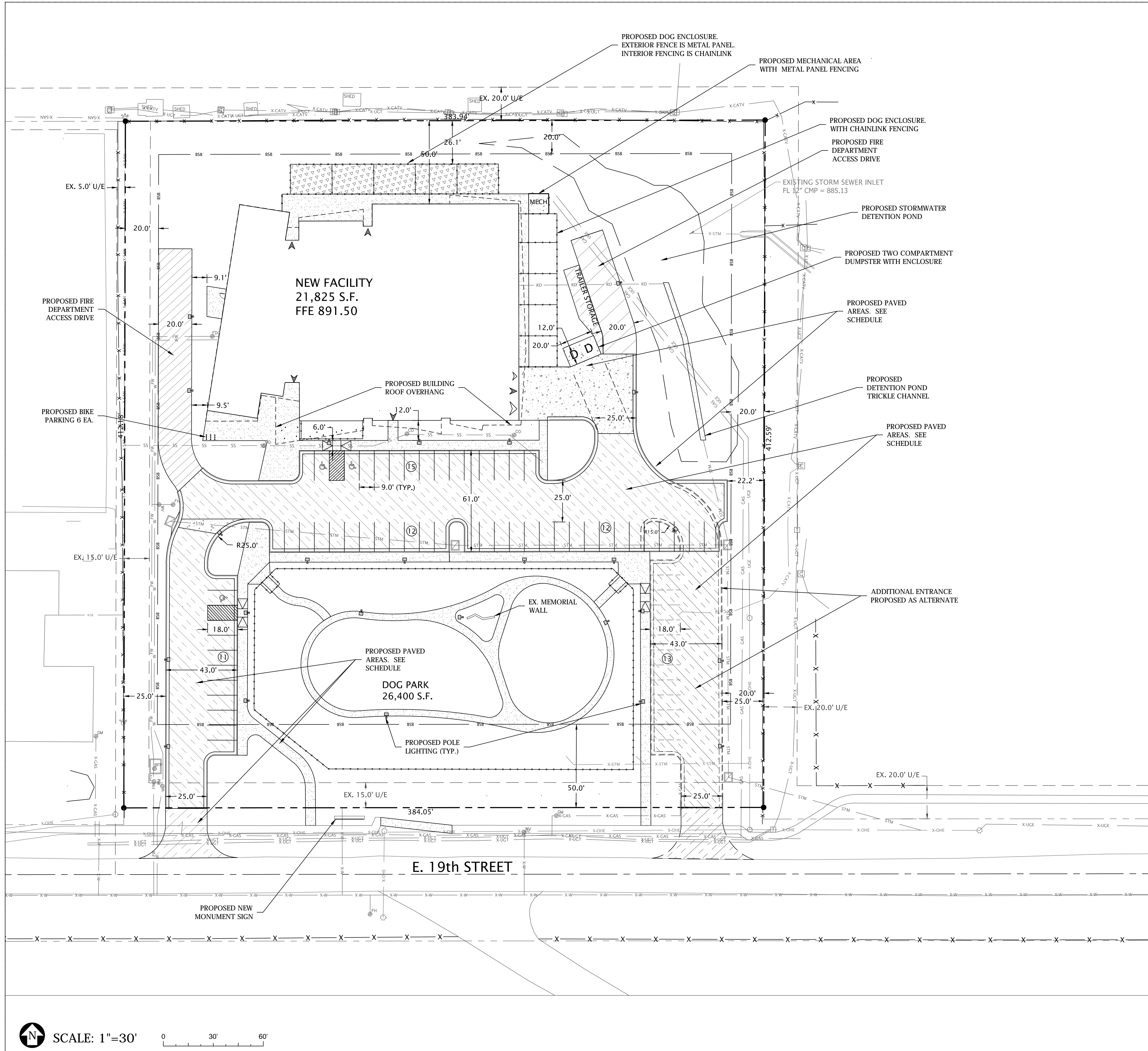
Resubmittal: December 28, 2017

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Issue Date:	December 28, 2017
Scale:	AS NOTED
Project No.:	
Drawn By:	JDG
Checked By:	JDG
Title:	PRELIMINARY/FINAL DEVELOPMENT PLAN COVER SHEET

Sheet No.:





PAVING/SURFACING SCHEDULE	
SYMBOL (SHADED FOR CLARITY)	AREAS AND PAVING MATERIAL
	8\"/>
	4\"/>
	6\"/>
	8\"/>
	CONCRETE WITH POSSIBLE SURFACING
	5.5\"/>

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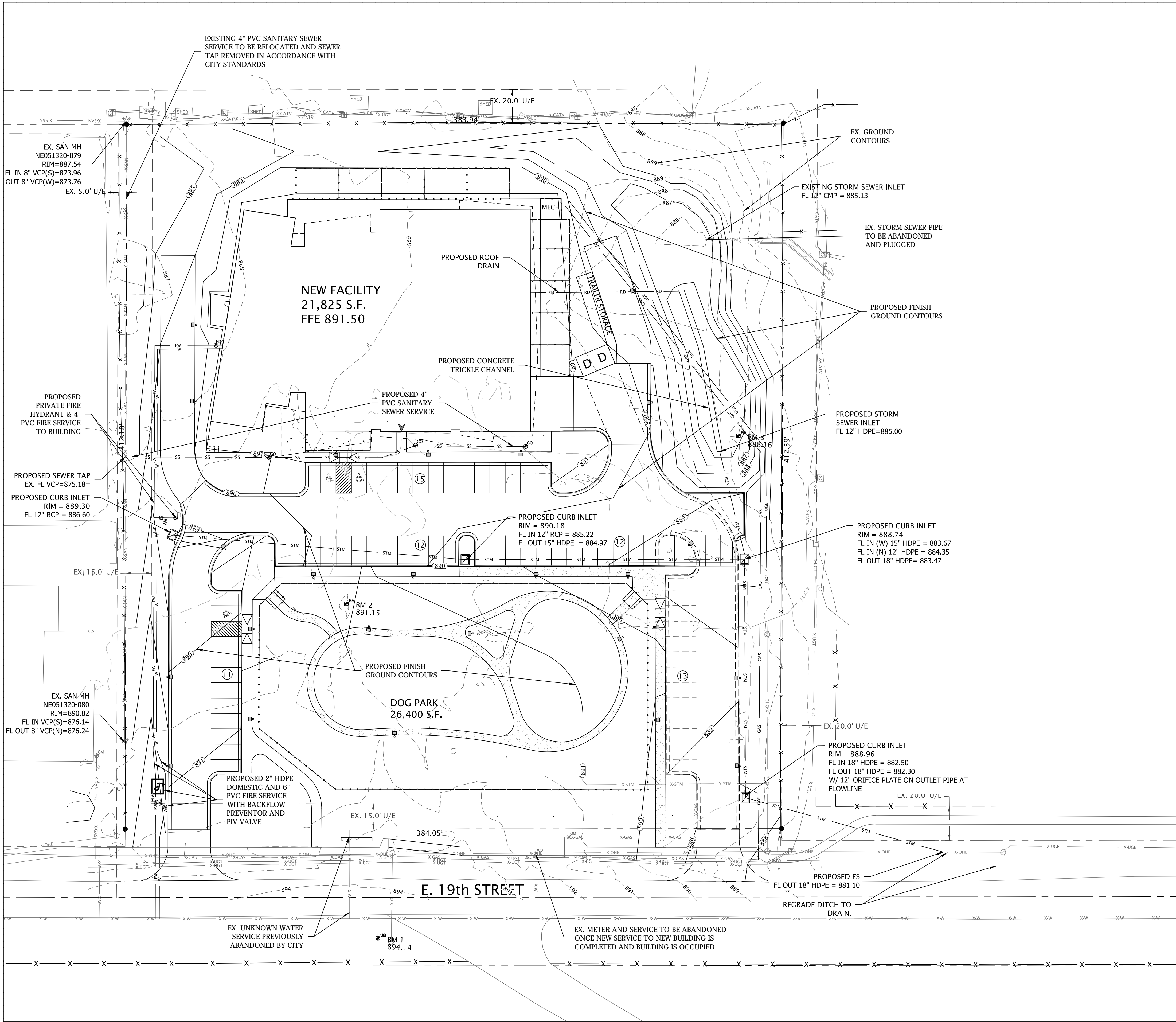
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LAYOUT PLAN

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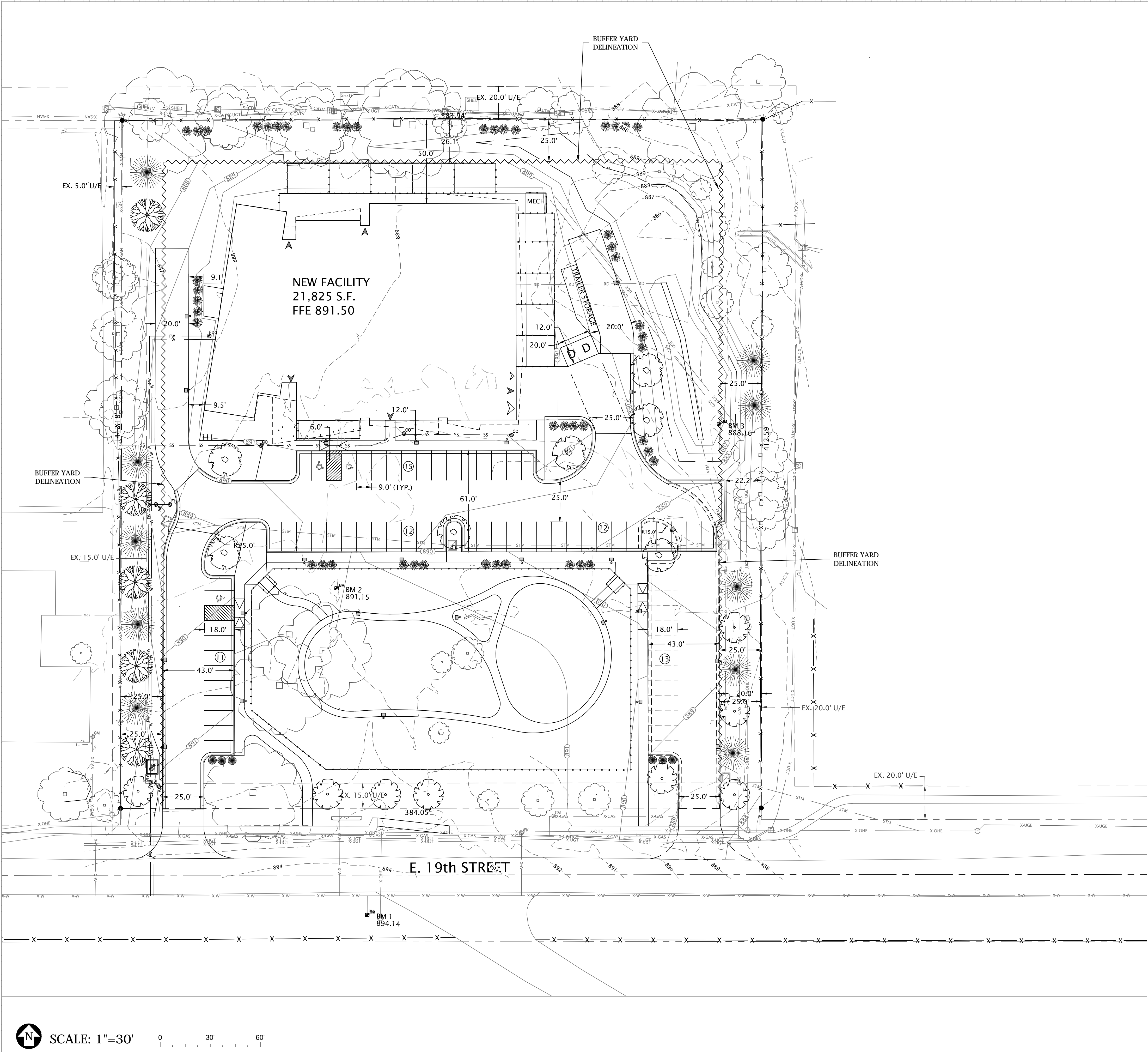
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LANDSCAPING SCHEDULE			
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LANDSCAPING PLAN

Sheet No.:

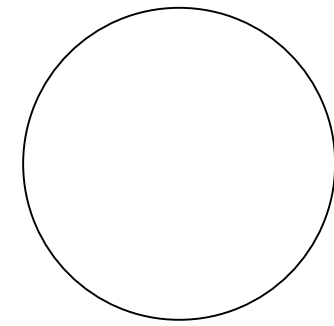
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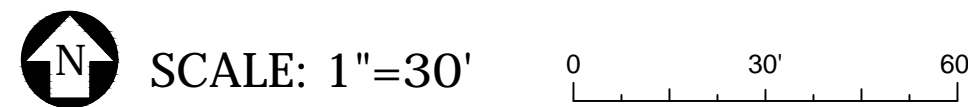
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DEMOLITION PLAN

Sheet No.:

# DEMO

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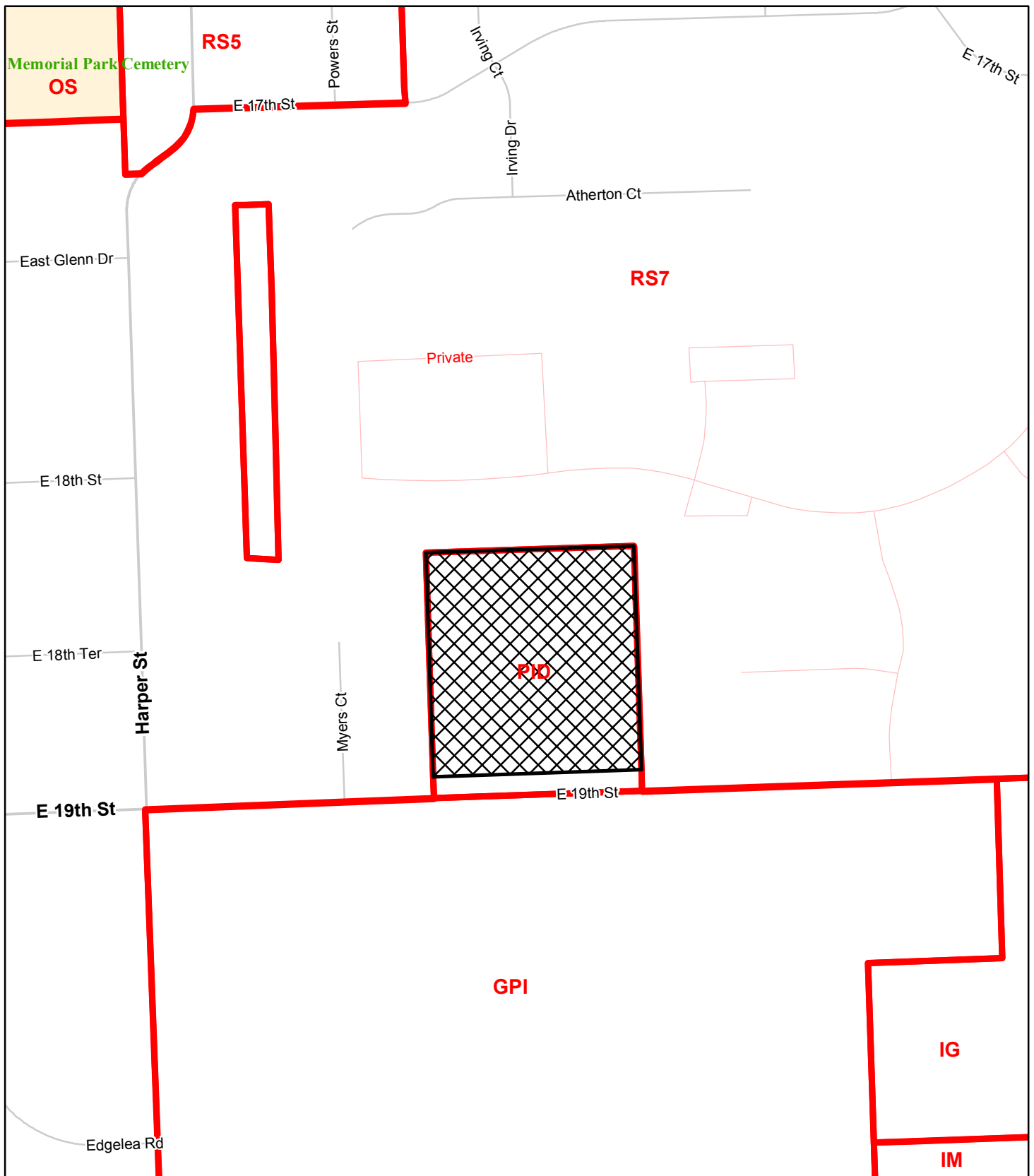












**PDP-17-00663/FDP-17-00661: A revised Preliminary Development Plan & Final Development Plan for the Lawrence Humane Society located at 1805 e 19th st**



**PLANNING COMMISSION REPORT**  
**Regular Agenda – Action Item**

**ITEM NO. 3A: COMPREHENSIVE PLAN AMENDMENT TO *HORIZON 2020* CHAPTER 3, *GENERAL PLAN OVERVIEW* (JSC)**

**CPA-17-00596:** Consider a Comprehensive Plan Amendment to *Horizon 2020* Chapter 3 to change the designation from Office to Medium/High Density Residential at the southwest corner of the intersection of Clinton Parkway and Crestline Drive. Submitted by Landplan Engineering, P.A. for Iowa Street Associates, L.P., owners of record.

**STAFF RECOMMENDATION:** Staff recommends approval of this comprehensive plan amendment to *Horizon 2020*, applying the medium-density residential development polices to future developments and limiting the density (gross or calculated) to no greater than 15 dwelling units per acre, and forwarding that recommendation to the Lawrence City Commission to amend Chapter 3 to revise Map 3-2 at this location from Office Land Use to Medium/High Density Land Use.

**STAFF RECOMMENDATION:** If appropriate, approve and authorize the Chair to sign Planning Commission Resolution PCR-17-00691.

**STAFF NOTE:** *This application was submitted with accompanying rezoning and preliminary development plan (PDP) applications that were originally intended to be considered at the same time as this comprehensive plan amendment report. As staff was finalizing the PDP report, a significant code issue relating to preserving open space was realized that affects the plan's ability to be code compliant. Subsequent to this late discovery, the applicant and staff discussed options to processing the applications. The applicant requested to defer the rezoning and PDP applications, which occurred prior to posting the staff reports, but to maintain the comprehensive plan amendment item in order to have the questions of use and density deliberated on before significant additional investment is made in correcting the plan.*

*Comprehensive plan amendments can stand alone as a single application and their review is based on different criteria than that of a rezoning or PDP. For this reason, staff believes the PC should consider this item, but limit its consideration of the project to the request to amend the comprehensive plan. This review will inform the applicant, staff and community of the merits of revising the specific parcel to a designation that will accommodate multi-family uses and medium density development.*

**KEY POINTS**

1. The amendment is requested by the applicant to allow for the construction of an approximately 244,748 gross square feet of multi-dwelling residential use structures, totaling 197 units containing 522 bedrooms, at a density of 21.6 dwelling units per acre.

2. The calculated net density per acre per Article 7 of the Land Development Code equates to 15.8 dwelling units per acre.
3. Proposal would expand the Medium/High Density land use already present southerly adjacent to the site, extending the land use north along the western side of Crestline Drive to Clinton Parkway.
4. The subject parcel has been undeveloped since *Horizon 2020's* Future Land Use map adoption in 1998.
5. The requested Future Land Use designation would be consistent with *Horizon 2020's* enumerated land use transition policies.
6. Proposal could have an effect on the timing of development for other entitled, but entirely or partially undeveloped, Medium/High Density Residential areas including Hunters Ridge, Meadowbrook, and other higher-intensity multi-dwelling designated zoning districts; thereby potentially delaying development of these areas in the community.
7. The requested density (15.8 net dwelling units per acre) is slightly higher than the current RSO zoning district, though the type of housing differs. This proposed development is focused on rental housing targeted towards college students.

## SUMMARY

The request is for an amendment to *Horizon 2020*, Chapter 3: General Plan Overview, to revise Map 3-2 "Lawrence Future Land Use" from Office Use to Medium Density Residential / High Density Residential.

The reason for this Comprehensive Plan Amendment is to bring [\*Horizon 2020\*](#) into alignment with the proposed residential development.

Items related to this Comprehensive Plan Amendment include:

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

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





Figure 1: Subject Site

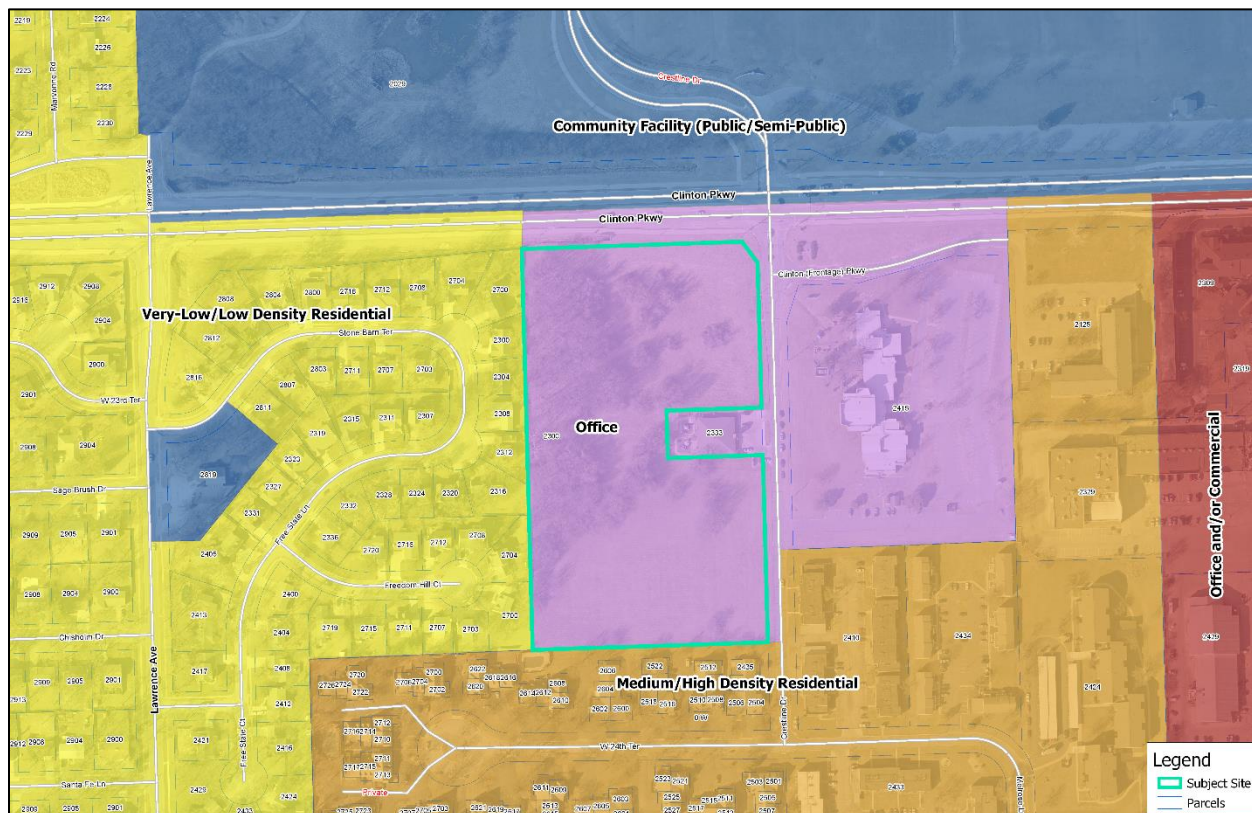


Figure 2: Currently Adopted *Horizon 2020*: Future Land Use Map 3-2

## **STAFF REVIEW**

The applicant is requesting revisions to the adopted Lawrence Future Land Use Map (Map 3-2) in Chapter 3: General Plan Overview of *Horizon 2020*. The request would modify Chapter 3 allowing for a proposed student housing apartment complex to be located at the southwest corner of this intersection. The development concept entails the construction of 2 buildings, which would accommodate 522 bedrooms in 197 units and other required site features, parking, and amenities, at density of 21.6 dwelling units per acre. The calculated net density per acre per Article 7 of the Land Development Code equates to 15.8 dwelling units per acre.

The proposed development would extend the existing Medium/High Density Residential Future Land Use north to Clinton Parkway along the western side Crestline Drive. *Horizon 2020* defines this residential land use as:

### ***Medium-Density Residential Development***

*Medium-density residential development, reflecting an overall density of 7 to 15 dwelling units per acre, is recommended as clustered development at selected locations along major roadways, near high-intensity activity areas, and when adjacent to important natural amenities. This type of land use may be a likely choice for cluster development where density can be transferred from the natural area to the remainder of the property to creatively retain natural features which will enhance the overall development.*

*Medium-density residential areas are intended to promote a mix of housing types within planned development areas. Medium-density areas should include a mix of single-family detached and attached homes, cluster homes, townhouses and similar housing types, designed and arranged to create compatible and attractive new residential environments. Extensive concentrations of the same housing type or development pattern should be avoided.*

*Most of the sites recommended for new medium-density residential development occupy transitional locations between single-family neighborhoods and office/commercial areas. Some sites are recommended near large open space or natural areas. In addition to providing attractive new housing options within the city, these areas should be designed to help avoid major and abrupt changes in density or use. Existing and planned medium-density residential development is widely scattered throughout the city. (Horizon 2020, p 5-4 - 5-5)*

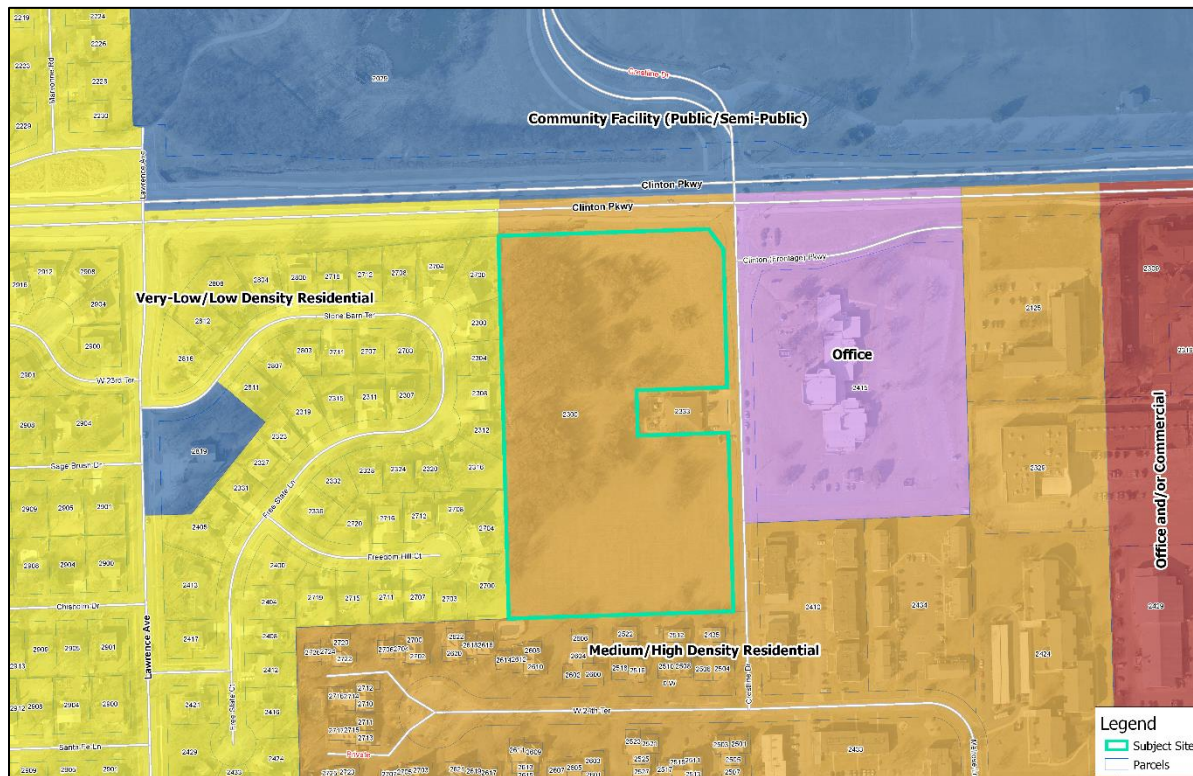
### ***High-Density Residential Development***

*High-density residential development, reflecting an overall density of 16 to 21 dwelling units per acre, is recommended at selected locations near high-intensity activity areas or near existing high density residential developments.*

*A variety of locations for high-density residential development are recommended. These include sites primarily along the SLT and Eastern Parkway.*



*Large concentrations of high-density housing are not compatible with the overall character and development pattern of the city and should not be permitted. As with medium-density housing, a range of densities and housing types should be encouraged. The design and development of all new high-density residential development should be carefully controlled to ensure compatibility with surrounding uses, adequate screening and buffering, an attractive appearance from nearby roadways, and a high-quality living environment.*



**Figure 3: Proposed Modification to *Horizon 2020*: Future Land Use Map 3-2**

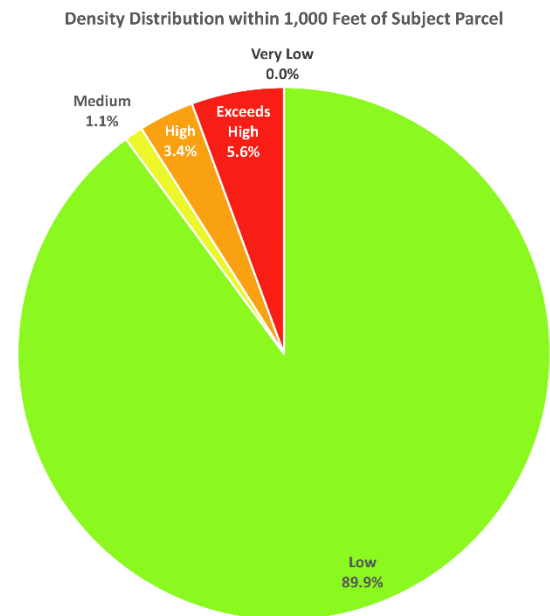
A key difference between the Land Development Code and *Horizon 2020* is the definition of the upper bounds on density. While *Horizon 2020* defines the upper limit of residential density at 21 dwelling units per acre, the Land Development Code permits a maximum residential density of 32 dwelling units per acre. This deviation also existed between *Horizon 2020* and the 1966 Zoning Code, which permitted a maximum residential density of 54 units per acre. When reviewing surrounding development densities, it's important to note that code compliant developments have been constructed in excess of the 21 dwelling units per acre, which defines high density within *Horizon 2020*.

<b><i>Horizon 2020</i> Residential Density Increments (Ch.5)</b>	
<b>Residential Density Development</b>	<b>Dwelling Units per Acre</b>
Very Low	≤ 1
Low	1 to 6
Medium	7 to 15
High	16 to 21



The Residential Land Use chapter notes that both medium and high density housing should be encouraged so as to provide a range of housing types. (p. 5-5) In examining the density of the 160 properties within 1,000 feet of the proposed site, a wide variety of densities is found ranging from 1.2 dwelling units per acre to 26.4 units per acre. Overall, the area has an average density of 15 dwelling units per acre, with 45% of the properties falling within the bands for Very-Low/Low Density; 11.3% within the Medium/High Density definitions, and 43.8% exceeding Horizon 2020's upper value for High Density.

*Horizon 2020* states that, "Large concentrations of high-density housing are not compatible with the overall character and development pattern of the city and should not be permitted" (p. 5-5). However, unlike in other parts of the community such as those areas adjacent to the University of Kansas, a concentration of higher density residential housing are not present in this location. The plan envisions medium-density residential areas as a means to promote a mixture of housing types within planned development areas, which include a mix of single-family detached dwellings and attached homes (e.g. cluster homes and townhomes) designed and arranged to create compatible and attractive new residential environments. It notes that an extensive concentration of the same housing type or development pattern should be avoided. The plan also contains a policy that in addition to providing attractive new housing options within the city, these areas should be designed to help avoid major and abrupt changes in density or use.



Overall, the mixture of housing emphasizes the lower levels of the density scale (1 to 6 dwelling units per acre) and those levels exceeding the listed density within *Horizon 2020* (21+ dwelling units per acre). The Medium/High Density spectrum of the plan's density increments are the least represented. The lack of medium/high density developments in the area results in an abrupt change between the lowest and highest level density areas, which *Horizon 2020* discourages. However, the form that some of these developments take is consistent with the overall desire of the comprehensive plan. The attached house/townhome design is present along W. 24<sup>th</sup> Terrace, while other residential structures are typically constructed in the "garden apartment" design. A garden apartment is typically characterized as an apartment building with lower density and substantial open, landscaped spaces adjacent to the dwelling units. Open lawns, landscaping and pathways are considered common areas for this apartment type, and often also include patios on first floor units and private decks or balconies on upper floors

Principally, most of the medium to high density development has been constructed between the lower density single-dwelling development and that of the higher activity commercial areas that follow along the S. Iowa Street corridor. In the surrounding area, there are a variety of housing types and various densities currently constructed including a mixture of townhomes and garden

apartments. However, the level of density constructed in this area of Lawrence has trended toward the higher density residential development pattern of 16 to 21 dwelling units per acre.



**Figure 4: Dwelling Units per Acre (As of: May 2017) with Proposed Subject Site Included**

Staff reviewed this amendment based upon the Comprehensive Plan Amendment review criteria listed below and as identified in Chapter 17 (Implementation) of *Horizon 2020*. The applicant's responses are also provided.

## COMPREHENSIVE PLAN AMENDMENT REVIEW

- Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?**

*Applicant's response: This proposed comprehensive plan amendment (CPA) considers three (3) recent changes to local land use conditions. The 2014 University of Kansas Campus Master Plan anticipates future redevelopment of the Shenk Recreational Sports Complex, which today rests immediately north of the property, into a "research partnership zone." This redevelopment will result in thousands of square feet of new office space to support partnerships between research and industry. While such redevelopment will diminish the need for office space on the subject property it will amplify the demand for residential options. Another recent change considered is*

*the completion of the east leg of the South Lawrence Trafficway and the corresponding loss of state-highway designation on West 23rd Street. As 23rd Street and Clinton Parkway cease to serve as highways and transition into interlocal arterial roads, they will become more suitable for multi-family residential land uses. Lastly, as vacant property zoned for multi-family residential uses within the City's current limits diminishes, opportunities to provide new high-density residential developments diminish accordingly.*

Staff's response: At the time of Map 3-2 adoption in 1998 ([Ordinance 6990](#)) there were different market forces and considerations present than those at work today. Staff agrees that some significant land use considerations have occurred in the 19 years since the adoption of this future land use map. The University of Kansas' continued growth and construction to the south, and the noted [2014–2024 University of Kansas Campus Master Plan](#) providing guidance to the University's growth, is a principal driver of new development and construction in this region of Lawrence. Other circumstances and conditions have not changed since the plan was adopted and include the commercial nature and intensity of the S. Iowa Street corridor and the varying level of multi-dwelling residential development that parallels the commercial corridor. It should be noted that Clinton Parkway was not subject to the Kansas Department of Transportation turn back agreement that occurred with the completion of K-10 highway. The section of roadway that was subject to the turn back agreement is 23<sup>rd</sup> Street east of S. Iowa Street. Clinton Parkway has never been subject to Kansas Department of Transportation.

While the existing designation of Office is compatible at the subject location, *Horizon 2020* anticipated medium-density residential development to occur and occupy transitional locations between single-family neighborhoods and office/commercial areas. The plan also anticipated compatibility with existing land uses, which include use, building type, density and intensity of use, architectural style, scale, access, relationship to the neighborhood, and the amount and treatment of screening and open space. These site and architectural design facets of the project are being considered as part of the associated Planned Development review process, though as proposed the submitted plan includes a housing type that arguably does not meet the intent to create a mixture of single-family detached and attached homes, cluster homes, townhouses, and similar housing types.

## **2. Does the proposed amendment advance a clear public purpose?**

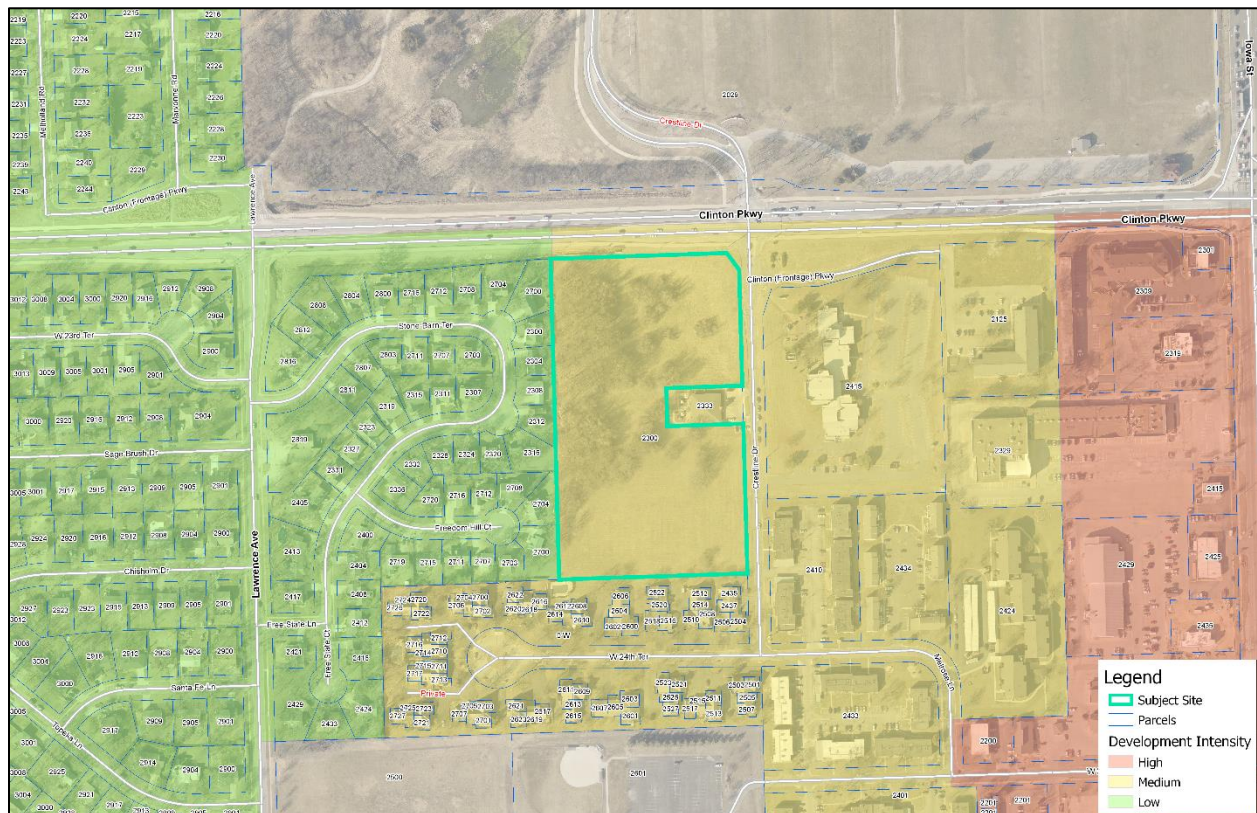
*Applicant's response: This CPA proposes to strengthen the character and identity of the existing neighborhood and spur residential growth at a location built to support it. As depicted in the attached Preliminary Development Plan, the proposed development preserves existing mature trees and features improvements to adjacent street and pedestrian infrastructure. By choosing this location for this development, the applicant is proposing to add residential density (and specifically private student housing) adjacent to KU's campus, on two existing Lawrence Transit routes and within a leisurely walk to numerous existing commercial and retail businesses on the South Iowa commercial corridor.*

Staff's response: The adjacent area to the south of this site along Crestline is also designated and constructed as medium-density residential development. One of the stated features of



*Horizon 2020* is to support infill development and redevelopment that will provide a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas. While the proposal is a different land use than presently adopted for this site, the applicant's proposed use is consistent with *Horizon 2020's* location criteria for medium-density residential land uses.

The amendment arguably advances the public purpose to help strengthen a compatible transition from the higher-intensity commercial uses located along S. Iowa Street, expanding the Medium/High Density Residential land use area buffering the Very-Low/Low Density Residential area from the commercial land uses as currently designated within the comprehensive plan along S. Iowa Street from the existing residential neighborhood to the west.



**Figure 5: Area Development Intensity**

**3. Is the proposed amendment consistent with the long-range goals and policies of the plan?**

*Applicant's response: The proposed CPA is consistent with multiple goals and policies laid out in Chapter 5 of Horizon 2020. The proposal gives consideration to the existing neighborhoods by providing a landscaped buffer between low density and high-density land uses (Policy 1.1). It aims to preserve and protect an existing stand of mature trees (Policy 2.1). It supports compatible transition from commercial development to less intensive land uses through an open space buffer, landscape screening, and land use type (Policies 2.6, 3.1, 3.4). Furthermore, the development*

*will provide both private and public sidewalk connections between Clinton Parkway and Crestline Drive, neither of which currently exist (Policy 2.4).*

Staff's response: The requested amendment is consistent with the spirit of *Horizon 2020*. The applicant's request is substantially consistent with the overarching goals the comprehensive plan, and acknowledges the changing market preferences for both office and medium/high density residential developments throughout the local market. Specifically, Policy 3.2 in Chapter 5: Residential Land Use encourages the integration of medium-density residential development through compatible design with low-density residential areas and more intensive land uses using Medium/High Density Residential development as a transitional land use as development progresses westerly from S. Iowa Street commercial area towards Lawrence Avenue's Very Low/Low-Density residential areas.

One of the noted key policies of *Horizon 2020* encourages the development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features in the area. The comprehensive plan also supports infill development and redevelopment that provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas. In many respects, the proposed project is meeting these intents of the plan. The plan also encourages the conservation of sensitive natural and environmental features, and ensures transitions from low-density residential neighborhoods are compatible with more intensive residential and non-residential land uses. The Land Development Code requires the designation of non-encroachable areas be included as part of the general development standards applied to all projects being reviewed as part of the site planning process.

Below is the goal for medium/high density residential land uses from *Horizon 2020*, and its associated criteria:

**Goal 1: Criteria for Location of Medium- and Higher-Density Residential Development**

Adopt criteria which will ensure that livability, property values, open space, safety and the general welfare are sustained.

**Policy 1.1: Consider Land Use Relationships**

a. Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space.

**Staff Finding:** The Preliminary Development Plan, concurrently submitted with this Comprehensive Plan Amendment, will be reviewed against this policy.

b. Careful attention shall be given to the transition areas between different housing types and different densities and intensities of use so as to ensure compatibility of uses.

**Staff Finding:** The Preliminary Development Plan, concurrently submitted with this Comprehensive Plan Amendment, will be reviewed against this policy.

c. Encourage integrated compatible community facilities such as schools and churches within neighborhoods.

**Staff Finding:** This criterion is not applicable to this project proposal.

#### Policy 1.2: Protect Areas Planned for Medium- and Higher-Density Development

a. In newly developing areas, special attention shall be given to integrating housing types so that uses are of compatible density and scale and are appropriately mixed in a given area.

**Staff Finding:** The Preliminary Development Plan, concurrently submitted with this Comprehensive Plan Amendment, will be reviewed against this policy.

b. Avoid reducing medium- and higher-density residential areas designated on the Future Land Use Map (as depicted on Map 3-1) by allowing encroachment of non-residential land uses which are not typically allowed in residential districts.

**Staff Finding:** The proposal is consistent with this criterion.

c. Avoid reducing medium- and higher-density residential areas designated on the Future Land Use Map (as depicted on Map 3-1) by allowing encroachment of low-density residential land uses within these planned transition areas.

**Staff Finding:** The proposal is consistent with this criterion.

#### Policy 1.3: Identify Suitable Sites

Medium- and higher-density developments should be arranged in small clusters as transitions from more intensive land uses, or located at the intersection of major street/roads.

**Staff Finding:** The proposal is consistent with this criterion.

#### Policy 1.4: Limit Development beyond Growth Service Areas

Encourage the development of housing to be located in areas to maximize the use of existing infrastructure and minimize the cost of expanding community facilities and services.

**Staff Finding:** The proposal is consistent with this criterion.

#### Policy 1.5: Ensure Adequate Infrastructure

Ensure that medium- and higher-density development occurs in areas which can be adequately and efficiently served by infrastructure facilities.

**Staff Finding:** The proposal is consistent with this criterion.

#### Policy 1.6: Consider Access

a. Ensure adequate vehicular circulation within medium- and higher-density residential developments.

**Staff Finding:** The Preliminary Development Plan, concurrently submitted with this Comprehensive Plan Amendment, will be reviewed against this policy.

b. Higher-density residential developments shall be located adjacent to arterial, access or frontage roads.

**Staff Finding:** Clinton Parkway is currently designated as a principal arterial. The proposal is consistent with this criterion.

c. Provide sidewalks on one side of local street/roads (public and private) and both sides of collector and arterial street/roads.

**Staff Finding:** This criterion is in conflict with the currently adopted policies of the City of Lawrence, which requires sidewalks on both sides of the street. The Preliminary Development Plan concurrently submitted with this Comprehensive Plan Amendment provides review and design details for the overall design and planning for the overall development.

#### Policy 1.7: Adhere to Designated Land Uses

Require a traffic impact study for development proposals which increase the amount of medium- and higher-density residential areas beyond areas designated on the Future Land Use Map (as depicted on Map 3-1).

**Staff Finding:** A traffic impact study was submitted and reviewed as part of the Preliminary Development Plan that was concurrently submitted with this Comprehensive Plan Amendment.



In 2016, Planning Staff completed the [Multi-Dwelling Inventory Report](#) which concluded there were approximately 21 years of multi-dwelling zoning capacity available currently within the City of Lawrence.

Using the average annual number of permits issued over a 10-year period against the amount of undeveloped land zoned for multi-dwelling construction, assuming an average density of 18 units per acre, there is an estimated 20.79 years of inventory presently within the Lawrence city limits. Rezoning this property and immediately constructing the project would have a negligible effect on the multi-dwelling balance. If the project was rezoned and not constructed, the project would add 6 months of supply to the existing balance, increasing the estimated capacity to 21.3 years.

#### **4. Does the proposed amendment result from a clear change in public policy?**

*Applicant's response: The proposed CPA results less from changes in public policy than it does from a consideration of the highest and best land use for this property and the surrounding neighborhood. The applicant is pursuing a plan of development which will minimize impact to existing adjacent residents by use of vegetated buffer, as well as offer safer parking and pedestrian infrastructure for new residents and existing pedestrians in the area.*

Staff's response: At present, there has not been a change in public policy. The policies to ensure adequate consideration and design of transitional features is a key component of the Land Development Code. The concept of using medium/high density residential to buffer very-low/low density residential from higher intensity uses, such as commercial, have been a key component of both *Horizon 2020* as well as other planning documents since the plan's adoption in the 1990s.

The concept includes key site and design considerations to ensure that lower-density residential areas will be screened from higher-density developments through such means as natural barriers, dense vegetation, and/or berms.

Other design site criteria such as the location and size of open areas, sensitive land preservation, and utilizing architectural design to mitigate building heights that are taller than neighboring structures as the development approaches intensity transitions should also be considered. Specific site analysis for this proposal will be completed as part of the Preliminary Development Plan and other subsequent planning review processes.

**In addition, the following shall be considered for any map amendments:**

#### **5. Will the proposed amendment affect the adequacy of existing or planned facilities and services?**

*Applicant's response: By approving the proposed CPA, the development will provide increased civic and pedestrian amenities in the way of new sidewalks, street trees and preservation of existing trees. Additionally, the development is proposing on-street parallel parking on the west side of Crestline Drive for use by employees of the existing Lawrence Child Development Center.*

*Such a public improvement would reduce both vehicle-to-pedestrian points of conflict as well as vehicular congestion along this local street.*

Staff's response: Infrastructure development will be required to ensure adequate support of this proposed development. Further analysis regarding the details of traffic impacts and infrastructure capacity will be addressed in the associated development plans and final plat approvals.

**6. Will the proposed change result in reasonably compatible land use relationships?**

*Applicant's response: The proposed CPA will result in a development which will provide a transitional land use between those already existing in this neighborhood. The student housing development proposed with this CPA will bridge the gap between the KU campus, commercial properties, a large church and a daycare to the north and east and a townhome cul-de-sac and single-family subdivision to the south and west. By proposing residential land uses for the subject property, this CPA promotes a more cohesive residential character for this neighborhood. Additionally, by preserving a generous greenbelt of mature trees, the proposed development will maintain a proper natural buffer between it and the less intense single-family residential land uses to the west.*

Staff's response: The site is adjacent to an existing Very-Low/Low Density Residential land use designated area to the west, and will be contiguous to an existing Medium/High Density Residential land use area. The recommended land use designation of Medium Density Residential development is consistent with the surrounding area and is also consistent with the plan's land use transition policies and objectives.

**7. Will the proposed change advance the interests of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?**

*Applicant's response: This CPA will facilitate a development which proposes multiple civic amenities and enhancements. The proposed CPA promotes a unique and modern living opportunity at the edge of KU's expanding West campus. Once complete, this student housing development will bring hundreds of customers to within easy walking distance of the South Iowa commercial corridor. By supporting an infill project, this CPA prevents urban sprawl to outer lying Lawrence properties. Clinton Parkway and Crestline Drive will benefit from new pedestrian amenities including sidewalks, street trees, bus shelters, and on-street parking. Finally, this project proposes to preserve and protect an existing stand of mature trees from future development which is a benefit to all of Lawrence.*

Staff's response: This proposed amendment does not necessarily advance the interests of the citizens of Lawrence and Douglas County as a whole, but neither does it harm them. This change seeks to revise the future land use first ascribed to this area in the 1990s to a different land use

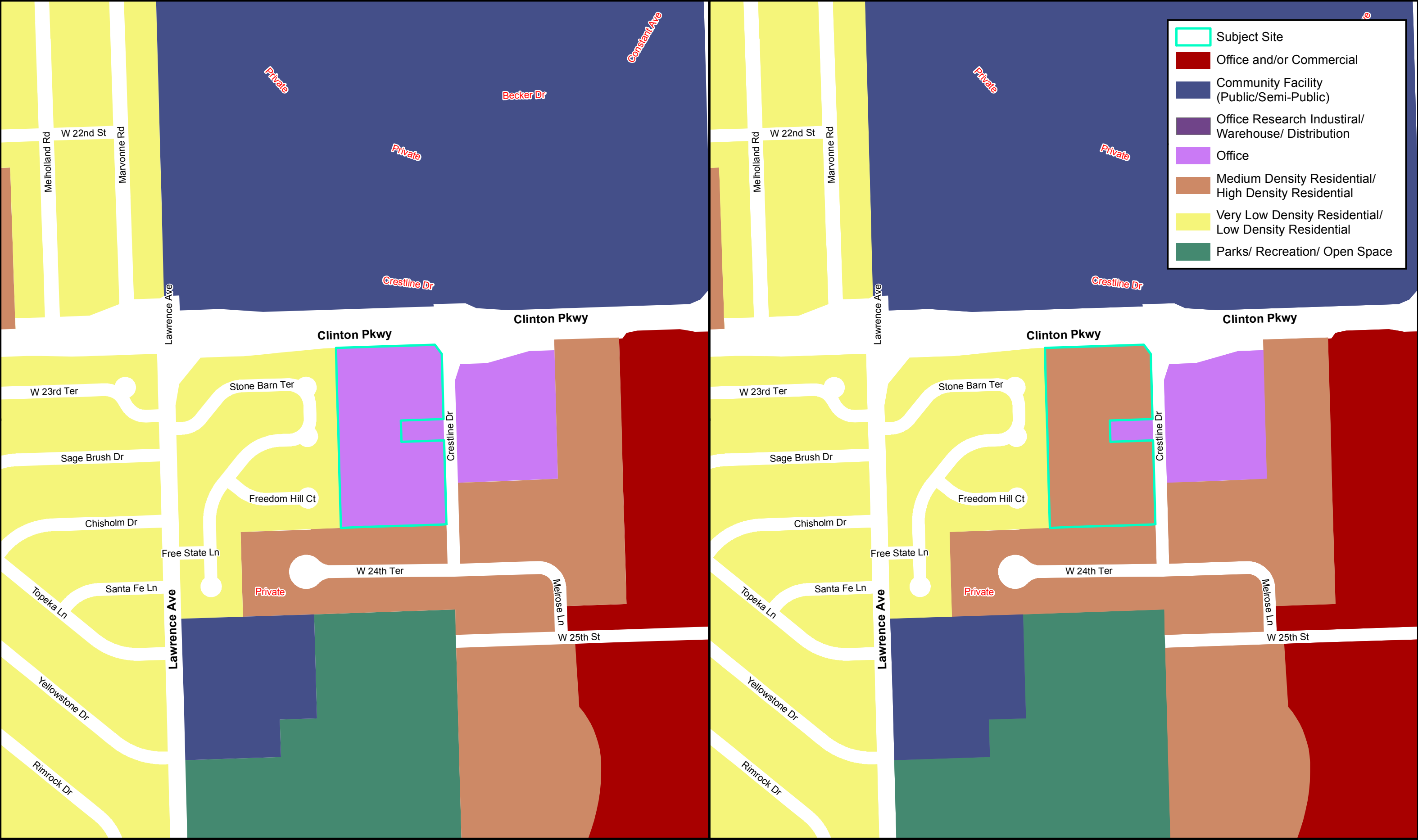
based on the property's vacancy and in response to changing market conditions. The requested amendment does not seek to expand the use beyond the existing site into other adjacent land uses, and is compatible with the existing surrounding land uses. Site planning and other design considerations will be further reviewed in the associated rezoning and preliminary development plans for compatibility and integration considerations.

### **PROFESSIONAL STAFF RECOMMENDATION**

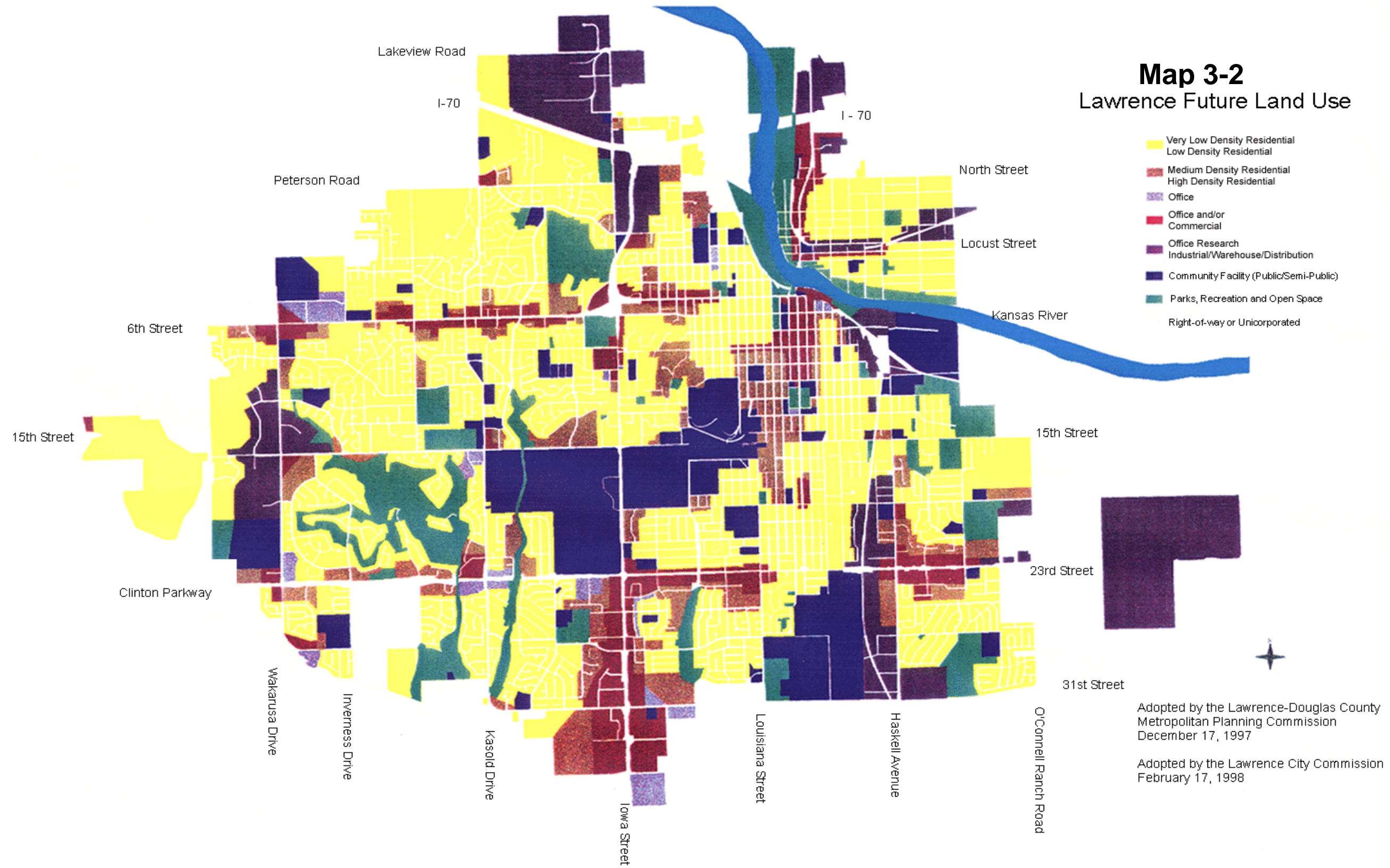
Staff recommends approval of this comprehensive plan amendment to Horizon 2020, applying the medium-density residential development policies to future developments and limiting the density (gross or calculated) to no greater than 15 dwelling units per acre, and forwarding that recommendation to the Lawrence City Commission to amend Chapter 3 to revise Map 3-2 at this location from Office Land Use to Medium/High Density Land Use.

This recommendation acknowledges that the design and site layout of any future developments will adhere to the transitional nature and policies of the Medium-Density residential land use designation.

# Horizon 2020 Map 3-2: Comparison



**Map 3-2**  
Lawrence Future Land Use

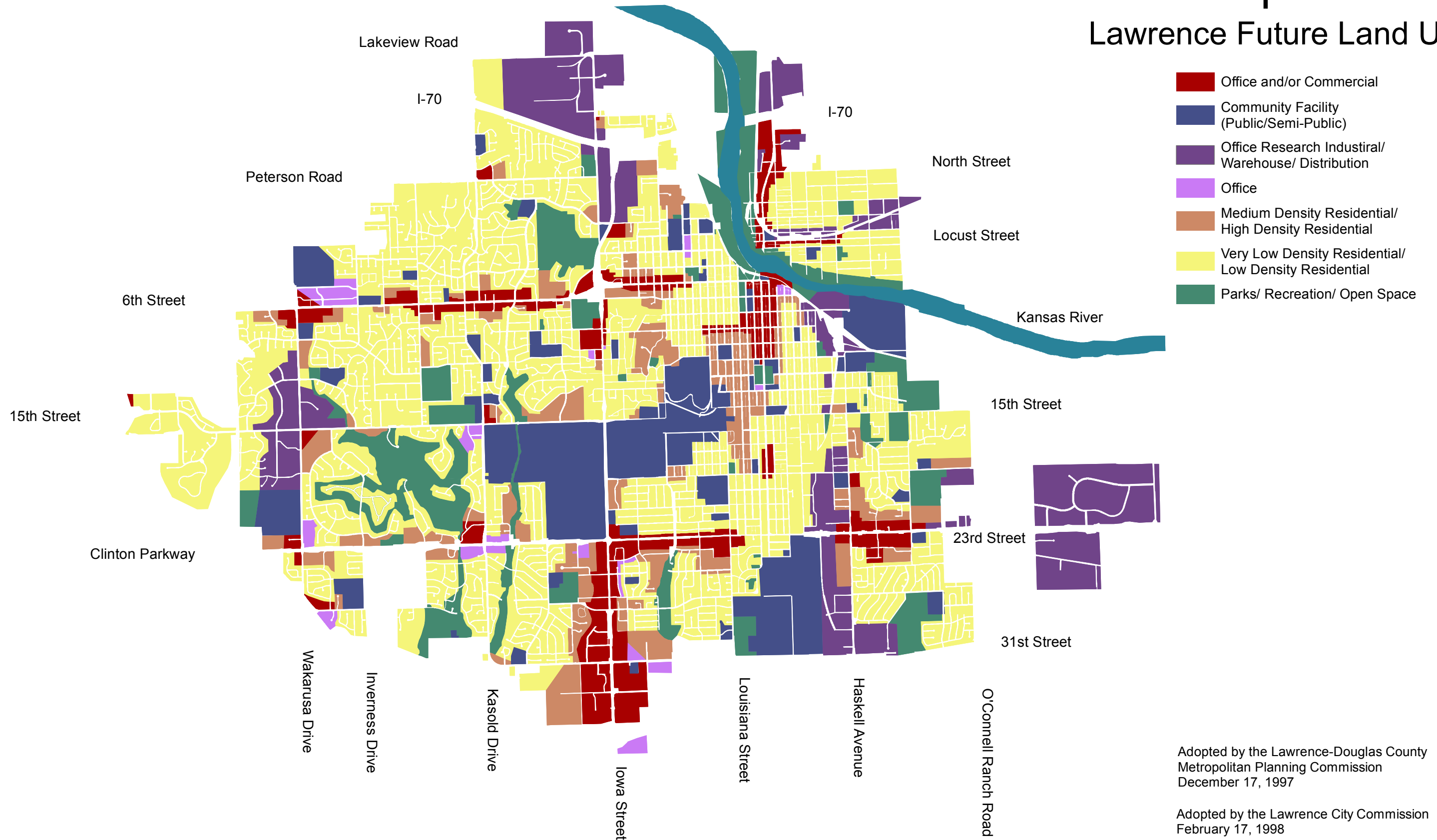


Note: This map does not depict, nor will it convey zoning. Land use shown is general and only conceptual in nature. Other factors, including development constraints outlined in the text of Horizon 2020, must be consulted for making land use decisions.



# Map 3-2

## Lawrence Future Land Use



Adopted by the Lawrence-Douglas County  
Metropolitan Planning Commission  
December 17, 1997

Adopted by the Lawrence City Commission  
February 17, 1998

Note: This map does not depict, nor will it convey zoning. Land use shown is general and only conceptual in nature.  
Other factors, including development constraints outlined in the text of Horizon 2020, must be consulted for making land use decisions.

**A RESOLUTION OF THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION ADOPTING AND RECOMMENDING ADOPTION OF A PROPOSED AMENDMENT TO *HORIZON 2020*, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, AMENDING CHAPTER 3 – GENERAL PLAN OVERVIEW.**

**WHEREAS**, the City of Lawrence, Kansas, and Douglas County, Kansas, in order to promote the public health, safety, morals, comfort, and general welfare and to conserve and to protect property values in the City and the County, are authorized by K.S.A. 12-741, *et seq.*, to prepare, adopt, amend, extend, and execute a comprehensive plan;

**WHEREAS**, the City of Lawrence, Kansas, Douglas County, Kansas, and the Lawrence-Douglas County Metropolitan Planning Commission, in order to coordinate development in accordance with the present and future needs of the City and the County, to conserve the natural resources of the City and the County, to ensure efficient expenditures of public funds in the City and the County, and to promote the health safety, convenience, prosperity, and the general welfare of the residents of the City and the County, have adopted *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County; and

**WHEREAS**, on January 24, 2018, after giving lawful notice by publication in the official City and County newspaper, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing regarding a proposed amendment of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report, CPA-17-00596, amending Chapter 3 – General Plan Overview.

**NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION:**

**SECTION 1.** The above-stated recitals are incorporated herein by reference and shall be as effective as if set forth herein in full.

**SECTION 2.** Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission hereby adopts and recommends to the governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, that they adopt the proposed amendment to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report, CPA-17-00596, amending Chapter 3 – General Plan Overview.

**SECTION 3.** The revised and updated Chapter 3 – General Plan Overview, affixed hereto as Exhibit 1 and incorporated herein by reference, shall, upon adoption by governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, be incorporated into *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County.

**SECTION 4.** This Resolution, together with a certified copy of the proposed amendment to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the January 24, 2018, public hearing, shall be transmitted to the governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, as appropriate.

**ADOPTED** by the Lawrence-Douglas County Metropolitan Planning Commission this 24th day of January, 2018.

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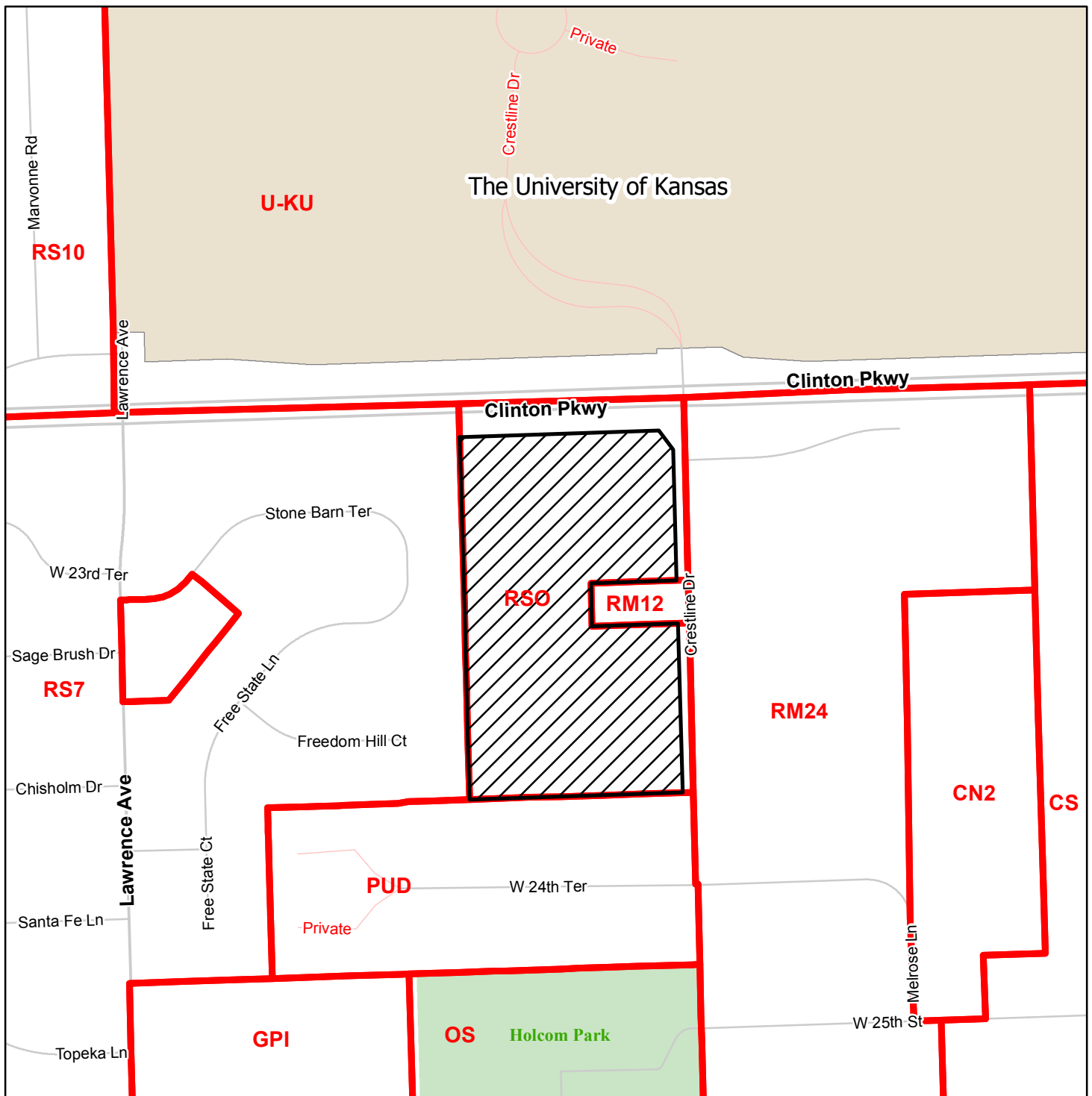
Eric Struckhoff, Chair  
Lawrence-Douglas County Metropolitan  
Planning Commission

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Karen Willey, Vice-Chair  
Lawrence-Douglas County Metropolitan  
Planning Commission

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Scott McCullough, Secretary  
Lawrence-Douglas County Metropolitan  
Planning Commission



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

**Z-17-00597: Request to rezone approximately 9.124 acres from RSO (Single-Dwelling Residential) District to RM24-PD (Multi-Dwelling Residential With Planned Development Overlay) District, located at 2300 Crestline Dr.**

**PDP-17-00598: Consider a Preliminary Development Plan for a multi-family housing development located at 2300 Crestline Dr.**



**From:** bonniekounas <[bonniekounas@gmail.com](mailto:bonniekounas@gmail.com)>

**Subject: CPA 17 00596 Consider comprehensive plan amendment to Horizon 2020, re multi housing development at 2300 Crestline Dr by landplan engineering PA**

**Date:** January 21, 2018 at 10:04:22 PM CST

**To:** [robert.c.sands@gmail.com](mailto:robert.c.sands@gmail.com), [jimweaver217@gmail.com](mailto:jimweaver217@gmail.com), [julia.v.butler@gmail.com](mailto:julia.v.butler@gmail.com), [pkelly@usd497.org](mailto:pkelly@usd497.org), [earthpaden@gmail.com](mailto:earthpaden@gmail.com), [jecarpenter15@gmail.com](mailto:jecarpenter15@gmail.com), [sinclair@rfmslaw.com](mailto:sinclair@rfmslaw.com), [bcculver@gmail.com](mailto:bcculver@gmail.com), [eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com)

I HAVE LIVED AT 2710 W. 24TH TER, CANDLETREE FOR SOME 44 YRS AND HAVE SEEN MANY CHANGES, DENSITY WISE, IN THIS NEIGHBORHOOD. THAT INCLUDES CRESTLINE, 24TH AND 25TH. ALL HAVE BLENDED IN. NOT THIS ONE.

PLEASE DONOT CHANGE THE ORIGINAL HORIZON 2020 PLAN. I APPRECIATE YOUR CONSIDERATION.

Sent from my Galaxy TabÂ®

Begin forwarded message



**From:** Shirley Barrand <[sbarrand123@gmail.com](mailto:sbarrand123@gmail.com)>  
**Subject:** Gilbane Company Development, affecting Horizon 2020 rezoning  
**Date:** January 21, 2018 at 8:13:26 PM CST  
**To:** [bcculver@gmail.com](mailto:bcculver@gmail.com)  
**Cc:** [eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com), [robert.c.sands@gmail.com](mailto:robert.c.sands@gmail.com),  
[jimweaver217@gmail.com](mailto:jimweaver217@gmail.com), [julia.v.butler@gmail.com](mailto:julia.v.butler@gmail.com), [karenwilley1@gmail.com](mailto:karenwilley1@gmail.com),  
[pkelly@usd497.org](mailto:pkelly@usd497.org), [earthpaden@gmail.com](mailto:earthpaden@gmail.com), [jecarpenter15@gmail.com](mailto:jecarpenter15@gmail.com),  
[sinclair@rfmslaw.com](mailto:sinclair@rfmslaw.com)

Shirley Barrand  
2706 W. 24th Terrace  
Lawrence, Kansas 66047

Dear Commissioner,

I first would like to praise and congratulate all people involved with the planning and development of our "special" city of Lawrence, and it's infrastructure. The commissions and the committees who have been the overseers of the developments in our communities, over the years have done, truly a magnificent job of arranging our city!!!!!! All have decidedly done an extraordinarily fine job!! Our city is truly beautiful and well laid out!! WELL DONE!!

Now, would like to formally, and respectfully, register my objection to the proposal to amend the comprehensive plan from a low density, single family, small office area, to a high density multi-dwelling residential use.

I want to respect your time, so I will not list all the reasons here however, I will be attending the City Commission Meeting Wednesday night, Jan. 24, 2018 when we will present our reasons and objections at that time. Please, I am requesting that you vote "no" on this amendment.

Thank you very much for your time, and your service.

Yours Very Cordially

Shirley Barrand

**From:** John Shelton [<mailto:jsheltonsc@sbcglobal.net>]

**Sent:** Sunday, January 21, 2018 7:14 PM

**To:** Becky Pepper <[bpepper@lawrenceks.org](mailto:bpepper@lawrenceks.org)>

**Subject:** Gilbane planning hearing

Becky, please forward this to all planning and city commissioners for the hearing 1/24/18.

Thank you,

Gilbane request for change in the comprehensive plan-

I have read the planning staff report supporting their recommendation to amend the comprehensive plan to allow this massive 2 building, 200,000 square foot plus, 2 to 4 story complex on land currently designated as transitional.

This project is surrounded on 3 sides by single family residential, townhomes, a Presbyterian church and surrounds a child development center all of whom have made it known they object to this project. There are many problems with this plan that have only been superficially addressed such as traffic, noise, light, drainage and environmentally sensitive lands that provide habitat for coyotes, fox, raccoons, possum, hawks, owls and many other birds.

It is beyond me that the planning staff thinks this piece of property is a good place to set precedent by changing the comprehensive plan from transitional to high density and it is high density no matter what you call it but for the fuzzy math of calculating number of units by a PD Overlay designation that has not been approved yet.

There are so many better areas on the comprehensive plan map to put a apartment complex of this type that don't burden the surrounding neighbors but achieve the goals of the developers and the city.

It is reasonable to expect homeowners, churchgoers, child development providers and the general public to believe what the City of Lawrence has told them about what land uses are designated in the city and not radically change them when there are better alternatives available.

John Shelton  
Resident of Springwood Heights subdivision

LAW OFFICES  
**BARBER EMERSON, L.C.**

1211 MASSACHUSETTS STREET

POST OFFICE BOX 667

**LAWRENCE, KANSAS 66044**

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JOHN A. EMERSON  
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TERRENCE J. CAMPBELL\*  
MATTHEW S. GOUGH\*  
BETHANY J. ROBERTS  
CATHERINE C. THEISEN

\*ADMITTED IN KANSAS AND MISSOURI

LINDA K. GUTIERREZ  
LAUREN L. BYRNE\*

RICHARD A. BARBER  
(1911-1998)

Jane M. Eldredge  
Email: jeldredge@barberemerson.com

January 18, 2018

Mr. Eric J. Struckhoff  
Lawrence-Douglas County Metropolitan Planning Office  
6 East 6<sup>th</sup> Street  
P.O. Box 708  
Lawrence, Kansas 66044

Re: Gilbane Request for a Comprehensive Plan Amendment - CPA-17-00596

Dear Mr. Struckhoff:

We represent the Springwood Heights Neighborhood Association and the Hill West Homeowners Association. We request you not to adopt this proposed amendment based on the process and factors set out in Horizon 2020, Chapter 17. Unlike a request for rezoning, in which you make a recommendation for City Commission action, you have the power and authority to adopt or amend our comprehensive plan or parts of our comprehensive plan. K.S.A. 12-747(b). This proposed amendment can not become effective unless the Planning Commission adopts it. The City Commission can not simply override your action for it to become effective.

Horizon 2020, Chapter 1, reminds us of the purpose of a comprehensive plan which is driven by the adopted community goals and policies and provides the framework for making future physical development and policy decisions. Amendments are not intended to be pre-approval of any rezoning or preliminary development request, but changes to future uses that are triggered by changed circumstances or changed policies or goals.

We request denial of the applicant's petition for CPA-17-00596 because: it would permit high density residential uses to expand from just the east side of Crestline Drive to the west side; it would permit four-story apartment buildings to surround a daycare center; it would eliminate transitions between one and two story single family homes and town homes and the existing high density apartments; it would exacerbate a very bad traffic situation on a local street; and it has already caused the destruction of a significant amount of environmentally sensitive land and a mature stand of trees.

The Horizon 2020 definition of the Neighborhood Concept on p. 5-2 is the context for defining the neighborhood that will be affected by this amendment. It is bounded by Clinton Parkway, Iowa Street, Lawrence Avenue and 27<sup>th</sup> Street.

## **CURRENT OFFICE USE**

The Planning Staff has found designated office use to be compatible at this site. It fits the Horizon 2020 definition on page 7-9:

**“Work-live Campus-type Center** – an area that is a campus-like setting with a mix of uses that are compatible which may include industrial, business, retail commercial and residential developments. These areas will be held to a higher standard of design that accents and complements the natural environment and provides a comfortable environment for a live-work relationship where pedestrian activity is planned for and encouraged.”

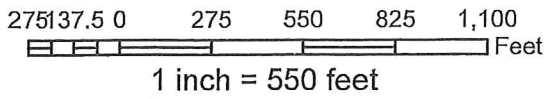
This site has approximately 25% - 30% environmentally sensitive lands, has a topographical change of at least 20 feet and much of its mature stand of trees remaining. It is an ideal location for offices involved in for-profit research partnerships with the University of Kansas. The present zoning (RSO) permits offices and multi-family residential. This site is uniquely suited in its current comprehensive plan designation (office) and zoning (RSO) and its location near a planned research area to provide economical development for the City of Lawrence and housing for University graduate students.

The current office designation does not need to be changed.

In reviewing the factors enumerated in Horizon 2020, Chapter 17, we find the following.

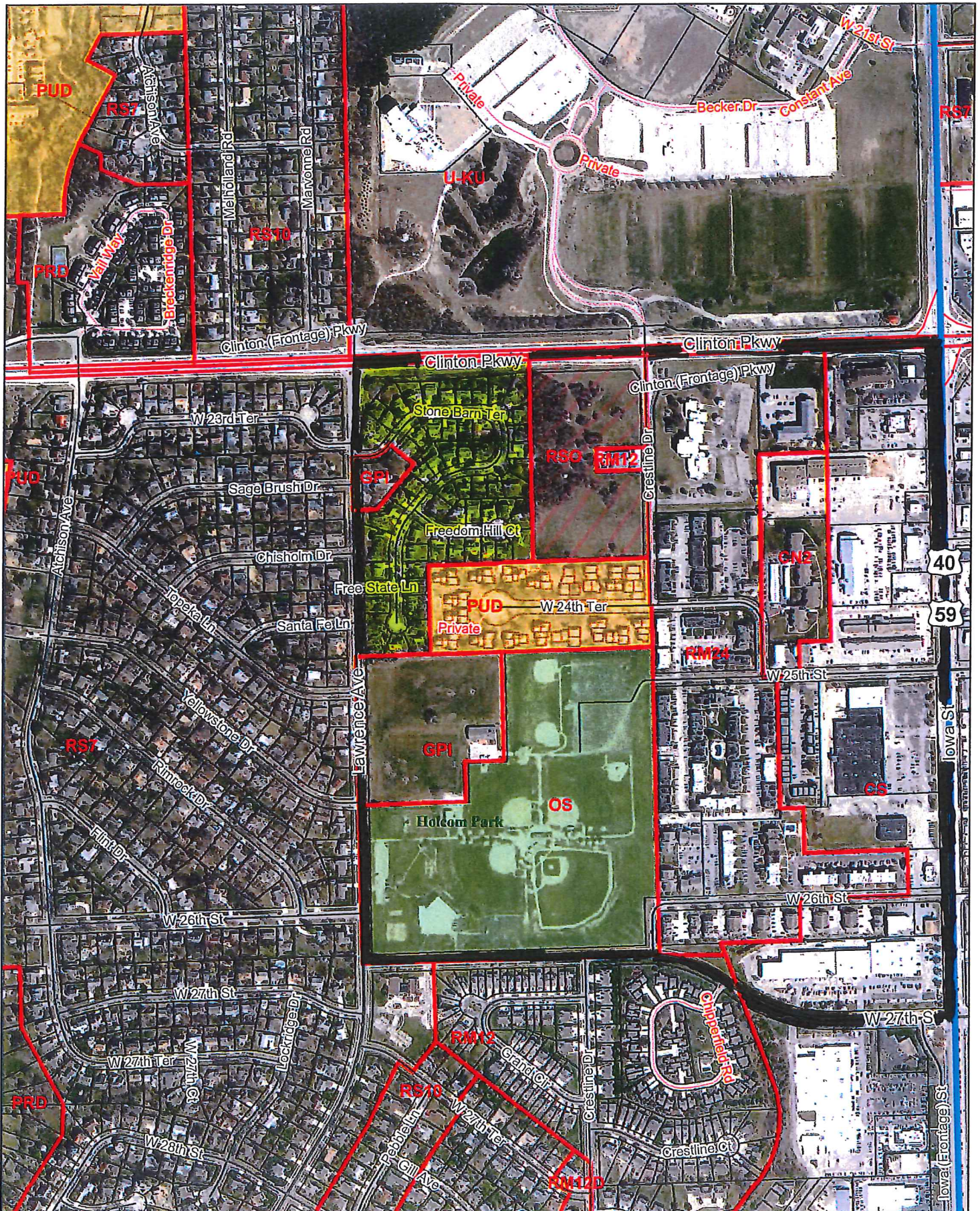
1. **THE AMENDMENT DOES NOT RESULT FROM CHANGED CIRCUMSTANCES OR UNFORESEEN CONDITIONS.**
  - a. The site’s current designation as office is an appropriate future use because it is across Crestline Drive from the designated office use which has become the First Presbyterian Church and shares a density and height that provides compatible uses between high-density apartment areas and low-density residential areas and is compatible with the daycare center.





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

Date: 1/8/2018





- b. The site is presently zoned RSO, which is a transitional mixed use zone for both office and residential. The RSO zone provides a buffer between the high density multi-family zoning to the east and the low density single family and town home zoning to the west and south.
- c. Some significant changed circumstances that the applicant has ignored are:
  - i. Construction of the new 750 bedroom complex on the KU campus at 19<sup>th</sup> Street. This was built as a partnership between Edgemoor Partners and the University of Kansas;
  - ii. Construction of the new 650 bed HERE complex on Mississippi Street that was built with the accommodation and assistance of the University of Kansas and the City of Lawrence;
  - iii. The many other apartment complexes that focus their marketing efforts on students, such as the Reserve on 31<sup>st</sup> Street, The Legends on West 24<sup>th</sup> Place, Meadowbrook on Bob Billings Parkway, The Rockland on West 24<sup>th</sup>, Park 25 on Crestline Drive and others; and
  - iv. The 2016 Multi-Dwelling Inventory Report prepared by the City of Lawrence, Kansas Planning Development Services that concludes:

**“On the supply side, the City of Lawrence contains approximately 298.8 net acres of land with zoning that could accommodate multi-dwelling structures. Based on the two permitting and density trends for Downtown Lawrence and the larger whole of the city, this could accommodate an additional 5,932 dwelling units.**

**On the demand side Lawrence’s 10-Year permitting average of Downtown Lawrence is 23 units per permit, and 244 per permit throughout the remainder of the city. Using 2015 data to represent current market conditions, the supply for multi-dwelling zoned land is estimated to last approximately 22.17 years.**

- d. Six large scale apartments already exist in the neighborhood that is bounded by Clinton Parkway, 27<sup>th</sup> Street, Iowa Street and Lawrence Avenue. An additional one could simply extend and intensify the concentration of high density apartments. Horizon 2020 at p. 5-5 states that **“Large concentrations of high-density housing are not compatible with the overall character and development pattern of the city and should not be permitted.”** Such a development would create a major and abrupt change in density and use.

2. **THE AMENDMENT DOES NOT ADVANCE A CLEAR PUBLIC PURPOSE.**

- a. Rather than preserving the mature trees on this site, the applicant has already destroyed a swath of mature trees. The swath is estimated to be forty feet wide. This act is inconsistent with a public purpose of protecting sensitive lands, mature stand of trees and wildlife corridors.
- b. Although infill is a desirable public purpose, it must be consistent and compatible with the established land use pattern in the surrounding area. A medium/high density use is not compatible with the surrounding area.
  - i. Springwood Heights was established under zoning that permitted six units to the acre.
  - ii. Hills West is a Planned Unit Development (“PUD”) that is built with eight units to the acre.
  - iii. Lawrence Daycare Center is built under RM-12 that permits twelve units per acre.
  - iv. The First Presbyterian Church is compatible with its office designation.

3. **THE AMENDMENT IS NOT CONSISTENT WITH THE LONG-RANGE GOALS AND POLICIES OF HORIZON 2020.**

Please see Exhibit A attached hereto which sets out the relevant goals and policies of Horizon 2020.

- a. A change to the future land use map that would permit a high density residential use at this site is inconsistent with the Goals and Policies for Medium-and-High-Density Residential Land Use Goal 1 and Policies 1.1, 1.3, 1.6 and 1.7 because four-story high density apartment buildings are not

compatible with the existing land uses and building heights. All of the surrounding land uses are one and two story in height and located at lower elevations than much of the site.

- b. Contrary to the developers allegations, the amendment does not create a functional and aesthetic living environment as required by Goal 2 and Policies 2.1, 2.3, 2.4 and 2.6. A wide swath of mature trees has already been clear cut on the west side of the site. The reduced screening of dense vegetation has already had a negative impact on the adjoining residences, contrary to Policy 2.3.
- c. The amendment would encourage development that is not compatible in size, architectural design, orientation and intensity with the surrounding land uses in the established neighborhood, as required by Goal 3 and Policies 3.1 and 3.4. A site design may be oriented such that trash, loading and parking areas would be adjacent to low density homes and the daycare center in direct conflict with Policy 3.1.
- d. The requested amendment does not provide or promote improved access and circulation for Crestline Drive, Clinton Parkway, 24<sup>th</sup> Street, Melrose Place or 25<sup>th</sup> Street as required by Goal 4 and Policies 4.1, 4.2, 4.7.
- e. Crestline Drive is a two lane local street that serves as a cut through from Clinton Parkway to South Iowa as well as being the major access from the six apartment complexes, Hills West's Candletree Condominiums, the Lawrence Daycare Center, the First Presbyterian Church and the Lawrence Housing Authority's Clinton Place apartments.
- f. The proposed amendment would permit high density multi-family development of 24 units per acre in four-story apartment buildings which would be denser and taller than any other building in the neighborhood and would add dramatically to the existing concentration of high density apartments. Horizon 2020, p. 5-5 states:

***“Large concentrations of high-density housing are not compatible with the overall character and development pattern of the city and should not be permitted.”***

4. **THE PROPOSED AMENDMENT DOES NOT RESULT FROM A CLEAR CHANGE IN PUBLIC POLICY.**

Neither the applicant nor the Planning Staff identified any clear change in public policy that caused the proposed amendment.

5. **THE PROPOSED AMENDMENT WILL AFFECT THE ADEQUACY OF EXISTING FACILITIES AND SERVICES. NO PLANNED ONES HAVE BEEN IDENTIFIED.**

- a. The existing Crestline Drive is currently inadequate to handle the traffic that it has, inadequate to provide on street parking, and inadequate to allow the traffic from the frontage road to serve Clinton Place apartments and the First Presbyterian Church in an efficient and safe way. The applicant's revised traffic impact study projects a development that will add approximately 1,671 trips per day to Crestline Drive. (Revised Traffic Impact Study, p. 13)
- b. All of the drainage from this 9.124 acre site will be dumped into the open ditch in back of the houses along Clinton Parkway. This ditch is currently stagnant and mosquito infested. More drainage and trash from a large apartment complex will not improve the current ditch.

6. **THE PROPOSED AMENDMENT WILL NOT RESULT IN REASONABLY COMPATIBLE LAND USE RELATIONSHIPS.**

- a. The proposed amendment will eliminate the long planned residential/office buffer between established low density homes and high density apartments. Any development could become a four-story, 24 units per acre apartment building that will surround the one-story daycare center on three sides.
- b. The current office designation and all of the existing surrounding uses are compatible with each other; only the proposed amendment is not.
- c. The owners of all of the surrounding uses relied on the transitional nature of the office/residential use of this site to protect the investments they have already made in homes, businesses, rental property and a church.
- d. We cannot know how much more of the mature stand of trees may be destroyed if the proposed amendment is adopted.

**7. THE PROPOSED AMENDMENT DOES NOT ADVANCE THE INTERESTS OF THE CITIZENS OF LAWRENCE AND DOUGLAS COUNTY.**

- a. The proposed amendment will permit high density development that will negatively affect the daily traffic pattern and access onto Crestline Drive and Clinton Parkway.
- b. The proposed amendment is not a transitional use between high density and low density residential uses. It is a high density use in the wrong place. It is incompatible with all of the adjoining uses.
- c. The existing office designation is compatible with the adjoining land use. Keeping this office designation will protect all of the adjoining established land uses.
- d. The adjoining single family homes and town homes will experience additional drainage issues, intrusive lights, increased noise and the loss of most of the mature stand of trees.

Therefore, we respectfully request that you do not adopt the proposed amendment to Horizon 2020, Map 3-2 Lawrence Future Land Use. We also request that the applicant restore the trees in the area that have been clear cut.

Sincerely,

BARBER EMERSON, L.C.

  
Jane M. Eldredge

JME:dkh

cc: Planning Commission  
Jeff Crick, Planning Staff



## **EXHIBIT A**

The proposed amendment to the Lawrence Future Land Use Map 3-2 is incompatible with the following Horizon 2020 goals and policies.

**GOAL 1:**                    ***Criteria for Location of Medium- and Higher-Density Residential Development***

*Adopt criteria which will ensure that livability, property values, opens space, safety and the general welfare are sustained.*

**Policy 1.1:**    ***Consider Land Use Relationships***

- a. Development proposal shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space.*
- b. Careful attention shall be given to the transition areas between different housing types and different densities and intensities of use so as to ensure compatibility of uses.*
- c. Encourage integrated compatible community facilities such as schools and churches within neighborhoods.*

**Policy 1.3:**    ***Identify Suitable Sites***

- a. Medium- and higher-density developments should be arranged in small clusters as transitions from more intensive land uses, or located at the intersection of major street/roads.*

Horizon 2020, p. 5-23

**Policy 1.6:**    ***Consider Access***

- a. Ensure adequate vehicular circulation within medium- and higher-density residential developments.*
- b. Higher-density residential developments shall be located adjacent to arterial, access or frontage roads.*

- c. *Provide sidewalks on one side of local street/roads (public and private) and both sides of collector and arterial streets/roads.*

**Policy 1.7: *Adhere to Designated Land Uses***

*Require a traffic impact study for development proposals which increase the amount of medium- and higher-density residential areas beyond areas designated on the Future Land Use Map (as depicted on Map 3-1).*

Horizon 2020, p. 5-24

**GOAL 2: *Create a Functional and Aesthetic Living Environment***

*Create and maintain medium- and higher-density residential developments that are aesthetically pleasing and functionally efficient and practical.*

**Policy 2.1: *Preserve and Protect the Environment***

*Preserve natural features such as natural drainageways, ridgelines and stands of mature trees through sensitive site layout and design.*

**Policy 2.3: *Provide for Extra Screening Special Circumstances***

- a. *Higher-density residential areas shall be screened from lower-density areas. Where possible, natural barriers and dense vegetation and/or berms shall be used.*
- b. *Encourage subdivision design which provides additional buffering between homes and adjacent arterial street/road. Extra buffering can be provided by a combination of additional lot depth, berms, landscape screening, fences or walls, clubhouses, recreation areas, and/or carports and garages.*

**Policy 2.4: *Provide Open Space***

- a. *Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow, marginal-use areas in front of and between buildings.*
- b. *Open space recreation areas shall be located within walking distance of all residential areas within a neighborhood.*

Horizon 2020, p. 5-25

**Policy 2.6: Consider Residential Density and Intensity of Use**

- a. *The number of dwelling units per acre in any residential category should be viewed as representing a potential density range rather than a guaranteed maximum density. Potential development should be approved based upon consideration of natural features, public facilities, street/roads and traffic patterns, neighborhood character, and surrounding zoning and land use patterns.*
- b. *Develop standards for density and intensity of uses.*

Horizon 2020, p. 5-26

**Goal 3: Compatible Transition from Medium-Density and Higher-Density Residential Development to both More Intensive and Less Intensive Land Uses**

*Ensure transition from medium- and higher-density residential neighborhoods in compatible with non-residential land uses or low-density residential land uses.*

**Policy 3.1: Use Appropriate Transitional Methods**

- a. *Careful attention should be given to areas which may serve as a buffer between different housing types and difference densities and intensities of use to ensure compatibility of uses.*
- b. *Lower-density residential areas should be screened from higher-density developments. Natural barriers and dense vegetation and/or berms shall be used where possible.*
- c. *Compatible transition from medium- or higher-density residential uses to either more or less intensive land uses should consider:*

**1. Site Orientation**

- a. *Site design should be oriented so that less compatible uses such as trash, loading and parking areas are located in the interior of the development and not adjacent to or in close proximity to low-density residential neighborhoods.*
- b. *The site design of a residential development should accommodate multiple points of access (direct and indirect) with attention to*

*directing vehicular traffic to and from a development to collector and/or arterial street/roads.*

- c. Street/roads which are designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.*

## **2. Building Relationships**

- a. A back-to-back relationship is preferable between variable intensities of uses.*
- b. More intensive residential uses should have perimeter setbacks that are equal to or greater than the perimeter setbacks of the abutting low-density residential uses.*
- c. The height and massing of medium- and higher-density residential buildings and accessory structures should be oriented away from low-density residential neighborhoods to avoid creating a negative visual appearance.*
- d. Where medium-density development adjoins or is across the street/road from a low-density residential area, the medium-density development should be designed to maintain or continue the visual appearance of the street/roadscape through building massing, height and orientation of structures.*

Horizon 2020, p. 5-27 - 5-28

## **3. Land Features**

- a. Promote the integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever feasible to buffer medium- or higher-density developments from more or less intensive land uses.*
- b. Where feasible, use existing topography to separate medium- or higher-density developments and other more or less intensive land uses.*

**4. Screening and Landscaping**

- a. *Encourage creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses.*
- b. *Fences shall not be used as a sole method of providing screening and buffering between differing intensities of land uses.*
- c. *Promote site design that uses existing vegetation, such as stands of mature trees, as natural buffers or focal points.*
- d. *Encourage the use of high quality materials in the construction of screening and landscape areas to decrease long-term maintenance costs.*

**5. Lighting**

- a. *Lighting used to illuminate parking areas, signs or structures should be placed to deflect light away from adjoining property or public street/roads through fixture type, height and location.*

Horizon 2020, p. 5-28

**Policy 3.4: Encourage Compatible Infill Development**

*Encourage new and existing medium- and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas.*

Horizon 2020, p. 5-29

**GOAL 4: Transportation Considerations**

*Promote a transportation system which provides or improves access and circulation within and adjacent to medium- and higher-density residential areas.*

**Policy 4.1: Levels of Service**

*The construction of new medium- or high-density residential development or the expansion of existing medium- or higher-density residential development shall not be approved until the surrounding street/road system can provide an acceptable level of service.*



**Policy 4.2: Evaluate Traffic Impacts**

*An evaluation of the traffic impacts of a development on the surrounding area should consider the existing and projected traffic conditions and their impact on the existing transportation system. This evaluation should be based on planned improvements identified in the Capital Improvement Plan (CIP), the Comprehensive Plan, and/or the Long-Range Transportation Plan. These plans shall be updated periodically to recognize changes in priorities and to add new projects with designated priorities.*

Horizon 2020, p. 5-30

**Policy 4.7: Provide Pedestrian Access**

- a. Provide sidewalks on one side of local street/roads (public and private) and both sides of collector and arterial street/roads.*
- b. Provide pedestrian access linking dwelling units to neighborhood facilities while ensuring physical separation from vehicles along both public and private street/roads and within parking areas.*

**Policy 4.8: Provide Bicycle Access**

- a. Include bicycle access within medium- and higher-density developments.*
- b. Provide bicycle links between major activity generators within the community.*

Horizon 2020, p. 5-31

From: "Flitcraft, Scott" <[Scott.Flitcraft@transunion.com](mailto:Scott.Flitcraft@transunion.com)>  
Date: Jan 19, 2018 9:32 AM  
Subject: Horizon 2020  
To: "[karenwilley1@gmail.com](mailto:karenwilley1@gmail.com)" <[karenwilley1@gmail.com](mailto:karenwilley1@gmail.com)>  
Cc:

Dear Ms. Willey:

I live in the Hills West Homes (Candle tree) area. Several years ago we purchased a property because it was exactly what we were looking for. It was quiet, secluded, a well-kept older neighborhood, and overall the perfect place for us. I strongly oppose the rezoning from a low density single family small office area to a high density multi-dwelling residential use. This will change the structure and character of this neighborhood, it will never be able to go back to what it was, and the current infrastructure is not designed to handle what would be created. Please stop and ask yourself, if you lived in the Candletree development, would you want this development backing right up to your neighborhood. I strongly encourage you not to support approval of this project.

Any feedback you would like to provide me would be much appreciated.

Thank You

Scott Flitcraft

2704 W 24<sup>th</sup> Terr

January 16, 2018

City Staff and Planning Commissioners  
City of Lawrence  
Planning and Development Services  
6 East 6<sup>th</sup> Street  
Lawrence, KS 66044

RE: Letter of Support for Item No. 3A (PDP-17-00596), 3B (Z-17-00597), and 3C (PDP-17-00598)

Dear City Staff and Planning Commissioners,

Iowa Street Associates would like to express their strong support for the proposed project being developed by Gilbane Development Company (GDC) across the street from the University of Kansas at 2300 Crestline Drive, Lawrence, KS. We give our support as a family enterprise that has operated in Lawrence for over 35 years. We have always been committed to responsible development and will continue to support the growth of the City of Lawrence.

We acquired the property on 2300 Crestline Drive in October 1983 with the plan to develop high quality office space and have been maintaining the property including paying taxes, maintaining the lawn, and trimming the trees for over 35 years. We sought and obtained support from the adjoining neighborhood associations, including the First Presbyterian Church (FPC) to rezone the property from its original multifamily zoning designation to its current residential office (RSO) designation. We pledged and assured the associations and the FPC that any development on the site would be of high quality. For the following 5 years we prepared plans and attempted to recruit potential tenants from both the Lawrence area as well as the Kansas City market. Unfortunately, we were unsuccessful in securing potential office tenants. Potential tenants felt that Lawrence was too small of a community to have office space of the quality envisioned at this particular time.

Approximately 5 years ago, Iowa Street Associates began to make a concerted effort to sell the property, but developers that expressed an interest in purchasing the property (for multifamily use) did not meet the standards that Iowa Street Associates was looking for in a development group. An opportunity presented itself approximately 4 years ago for the sale of the property to the City of Lawrence for a potential site for companies wishing to be adjacent to the University of Kansas. In addition, the site was informally evaluated as a potential site for the proposed new police station. After considerable review by the City Manager's office, the site was deemed too small for the police facility and the city's other needs. Other opportunities and uses were also examined and evaluated for the site. An opportunity arose approximately 6 months ago when we were approached by Gilbane Development Company to purchase the site for their development. We carefully investigated Gilbane and were very impressed by their ownership structure, development record, and financial stability. This was consistent with our original promise to the surrounding neighborhood. Before proceeding, Iowa Street Associates informed the Lawrence Family Child Development Center (Daycare) of the interest from several developers at that time, which included Gilbane, of their desire to purchase the property for multifamily development and offered the daycare center first right of refusal as a courtesy. They opted not to pursue this opportunity to purchase the site at which point we contacted Gilbane Development Company. It was imperative that we honor our commitment to the surrounding community to select a first class developer who could integrate well within the existing fabric of the neighborhood and for this reason a decision was made to sell the property to Gilbane Development Company. Gilbane's reputation precedes themselves. It is a one hundred and forty-five (145) year old family owned company that has developed very high quality communities across the country. They also worked on many federal projects including building the Vietnam Memorial and Aerospace Museum in Washington, D.C.

Gilbane's collaborative approach coupled with their vast experience is a major reason we decided to sell the property to them as they have expressed the desire to create a community and not a development which resonated and dove-tailed seamlessly with our commitment we made to the surrounding community many years ago, and has proven true to date. Gilbane has worked tirelessly with City Staff, the Spring Heights Association, the Hills West Association, Lawrence Family Child Development Center and the First Presbyterian Church in developing the project through two public neighborhood meetings and numerous private one on one meetings in order to refine the design into its present form. Gilbane has also submitted two city memos along with their Preliminary Development Plan's (PDP) compiling neighbor's concerns and how they have addressed them. This level of transparency and

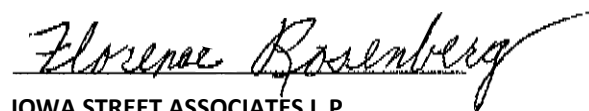
commitment to seamlessly integrate within the neighboring community is unheard of from developers and is another example of Gilbane's willingness to work together with the surrounding neighborhoods to make this project the absolute best it can be and become a part of the neighborhood. Furthermore, during the first neighborhood meeting Iowa Street Associates learned of neighbor's concerns regarding the property maintenance and in direct response we proactively conducted a robust cleanup effort to remove overgrown and dead trees and trim underbrush and trees to reduce the number of coyote's, snakes, and addressed the homeless presence on the property honoring our continued commitment to be good neighbors.

This project will improve the immediate surrounding community as well as provide reasonably priced high quality housing for KU graduate students, post-doctoral fellows, visiting short-term faculty, families and young professionals who desire more housing options adjacent to the University. This project should also act as a template and catalyst for future developments to create reasonably priced housing options near the developing research enterprise on the west campus.

From our perspective, Gilbane Development Company has been extremely responsive to the needs of the surrounding community stakeholders. Economically, this project will increase the Lawrence tax base substantially and help fund and propel future infrastructure improvements to make Lawrence even better. Even some of the surrounding residents who would prefer that nothing be built on the property and it be left as is, agree that something will be built on the site, and that Gilbane Development Company is an excellent developer. In addition, this project supports Lawrence's Horizon 2020 plan including having a competitive housing market, reducing urban sprawl, infill development, multimodal transportation, and improves infrastructure. Furthermore, and most importantly, Gilbane Development Company is NOT requesting any public subsidy. Iowa Street Associates envisions that having a development company such as Gilbane that has high quality developments throughout the US, including federal projects, and is on the Forbes top 10 list as best companies to work for, expressing an interest and having a footprint in the Lawrence market, bodes well for the City and could lead to other potential developmental possibilities and be a good and reliable partner for the City of Lawrence.

As a member of the community of Lawrence, Iowa Street Associates strongly supports public hearing items 3A (Comprehensive Plan Amendment - CPA-17-00596), 3B (Rezoning from RSO to RM15-PD - Z-17-00597), and 3C (Preliminary Development Plan - PDP-17-00598) and asks that the Planning Commission APPROVE these three items by Gilbane Development Company for 2300 Crestline Drive, Lawrence, Kansas 66047 which is consistent with the property's original zoning for multifamily.

Respectfully,



**IOWA STREET ASSOCIATES L.P.**  
General Partner

Cc:

Sheila Stogsdill | Staff Liaison ([sstogsdill@lawrenceks.org](mailto:sstogsdill@lawrenceks.org))  
Bryan Culver | City Appointee ([bcculver@gmail.com](mailto:bcculver@gmail.com))  
Eric Struckhoff | County Appointee ([eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com))  
Rob Sands | City Appointee ([robert.c.sands@gmail.com](mailto:robert.c.sands@gmail.com))  
Jim Weaver | County Appointee ([jimweaver217@gmail.com](mailto:jimweaver217@gmail.com))  
Julia Butler | City Appointee ([julia.v.butler@gmail.com](mailto:julia.v.butler@gmail.com))  
Karen Willey | County Appointee ([karenwilley1@gmail.com](mailto:karenwilley1@gmail.com))  
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Erin Paden | County Appointee ([earthpaden@gmail.com](mailto:earthpaden@gmail.com))  
James Carpenter | City Appointee ([jecarpenter15@gmail.com](mailto:jecarpenter15@gmail.com))  
Luke Sinclair | County Appointment ([sinclair@rfmslaw.com](mailto:sinclair@rfmslaw.com))  
Jeff Crick | Planner II ([jcrick@lawrenceks.org](mailto:jcrick@lawrenceks.org))  
Becky Pepper | Planner II ([bpepper@lawrenceks.org](mailto:bpepper@lawrenceks.org))  
Scott McCullough | Planning Director ([smccullough@lawrenceks.org](mailto:smccullough@lawrenceks.org))



January 21st, 2018

Dear Lawrence-Douglas Count Metropolitan Planning Commission,

I am writing to voice my opposition to the planned development at 2300 Crestline Drive. As an owner living in the Candletree community that borders the south side of this proposed development, I am concerned about the disruption this high density, multi-family development will bring to my neighborhood.

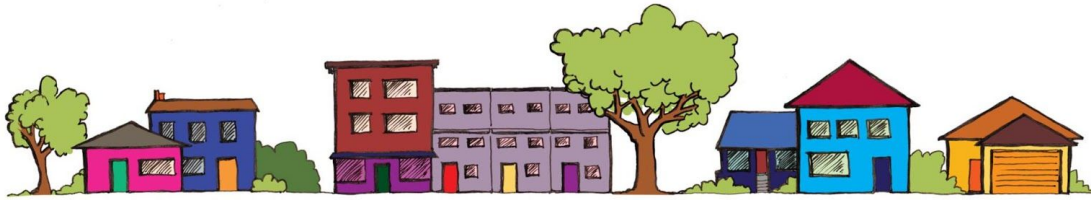
My first concern is the increased foot traffic in the neighborhood and my yard as new residents discover this is an ideal place to “cut through” in order to access Holcomb Park. I already experience people walking up my driveway, across the front lawn, and down the side of my home to gain access to Holcomb Park. Many people pass a few feet in front of my living room window, which is unnerving, especially at night. I expect this to only increase with the proposed development.

My second concern is the dramatic increase in street traffic. Currently, Crestline Drive is a one lane road during weekdays due to the employees of the Lawrence Child Development Center parking along Crestline Drive. The bus stop near the T-intersection of Crestline Drive and 24<sup>th</sup> Terrace also creates traffic backups many times during the day and night. These traffic issues would seemingly get worse if roads are not widened to accommodate the increase in residential traffic.

I moved into the Candletree community because of the quiet and quaint development with high HOA standards for the appearance of the neighborhood. I feel this multi-family, high-density development will bring a dramatic increase in noise, car traffic, and foot traffic which will negatively impact the quality of living in my neighborhood.

Thank you,

Debra Kreutzer



# Lawrence Association of Neighborhoods

Planning and Development Services  
P.O. Box 708  
Lawrence, KS 66044

January 22, 2018

RE: PLanning Commission Items CPA-17-00596

Dear Planning Commissioners and Staff,

The Lawrence Association of Neighborhoods (LAN) wishes to express its opposition to the above referenced Comprehensive Plan Amendment submitted by Landplan Engineering PA on behalf of Iowa Street Associates. Changing the land use from its current designation of Office to Medium/High Density is inappropriate in this location. Such a major change in land use will be disruptive to the lives of the current residents, property owners, and business owners within established neighborhoods. Further, the proposed development is contrary to the existing Horizon 2020 Plan and it is not in conformity with existing zoning. It is our conclusion that the change to Medium/High Density land use will be detrimental to Springwood Heights and Hills West.

LAN is committed to working with existing and emerging neighborhood associations to facilitate their approach to city governing bodies, and to working with such officials to help remove barriers to citizen access. To this end LAN is engaged with the Springwood Heights and Hills West neighborhood associations, and with other residents affected by this proposed development at 2300 Crestline Drive. After careful consideration of the future ramifications the approval of this text amendment could create, and the very serious concerns of the residents and property owners that will be affected by a high-density housing project, LAN reached the following conclusions:

**1. A Comprehensive Plan Amendment for this site would be inconsistent with the long-range goals and policies of Horizon 2020.** Horizon 2020 wisely establishes the necessity for appropriate buffers between high- and low-density housing. This is reflected in the current land use map and current zoning of this site.

**2. This text amendment does not arise from a change in circumstance or unforeseen conditions.** There is not a shortage of available locations for Medium/High Density land use, according to the referenced *2016 Multi-Dwelling Inventory Report*. Developers should be encouraged to build in accordance with the existing Comprehensive Plan and its associated land use categories.

**3. The proposed request creates a situation that gives the impression that the project only has 15 units per acre, but could increase up to over 21 units per acre.** That would result in multi-family housing that would **increase density substantially**

above that of the other six apartment complexes in the immediate neighborhood. In addition, approving this text amendment would allow the creation of a high-density project located on a **local street**, Crestline Drive, not the arterial or collector street that is required for such a project. This would certainly lead to an unacceptable level of traffic congestion.

4. Not only would the proposed text amendment **not advance a clear public purpose, it would negatively affect the adequacy of existing facilities and services.** A high density multi-family proposal at this location would surround on three sides the existing single level Lawrence Child Development Center at 2333 Crestline Drive; this property sits directly across Crestline Drive from the First Presbyterian Church, which also contains a child care center. These child care centers serve the residents of the surrounding neighborhoods during work and school hours, and are essential for the residents' current quality of life. Adopting this text amendment raises grave doubts as to whether these day care centers can continue to exist given the huge increase in traffic newly imposed on Crestline Drive at busy morning and evening drop off and pick up times. If parents can't access these day care centers in a timely manner at peak hours because of increased traffic, the continued viability of the day care centers is in doubt.

5. LAN would also like to draw attention to the **Horizon 2020 chapter dedicated to Neighborhoods and Housing** which outlines factors paramount to the health of neighborhoods. In our view, allowing development of this magnitude in an established neighborhood would:

**NOT maintain the form and pattern of established neighborhoods.**

**NOT preserve the character of existing neighborhoods.**

**NOT protect the character and appearance of existing residential neighborhoods or maintain their values or enhance their quality of life.**

LAN believes that all future growth in Lawrence and Douglas County should be carefully guided in conformance with comprehensive land use plans that integrate long-range planning across the city. The site at 2300 Crestline Drive is currently zoned RSO, which is compatible with Horizon 2020, as a transition space between existing low density housing to the west, the commercial retail zone along Iowa Street to the east, and high density apartment complexes to the south. The current RSO zoning preserves land use that is compatible with the existing neighborhoods, which is what the residents expected when they purchased their properties. Additionally, it encourages the construction of new low-density homes, adhering to the current RSO zoning. Simply put, to approve this text amendment at this location is anathema to LAN's goal of preserving existing neighborhoods and encouraging the construction of new affordable housing.

It is for these reasons stated above that the Lawrence Association of Neighborhoods does not support the Comprehensive Plan Amendment as submitted by Landplan Engineering PA on behalf of Iowa Street Associates.

Respectfully, Courtney Shipley, LAN Chair

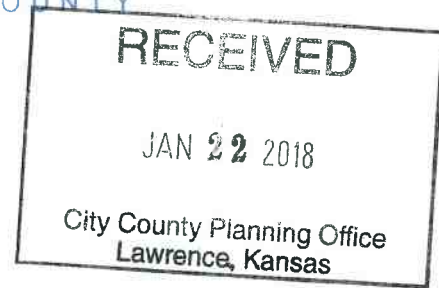


LEAGUE OF WOMEN VOTERS®  
OF LAWRENCE/DOUGLAS COUNTY

January 22, 2018

**Planning Commission**

Planning and Development Services  
P.O. Box 708  
Lawrence, KS 66044



ITEM NO. 3A: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 3,  
GENERAL PLAN OVERVIEW (JSC): CPA-17-00596

Dear Planning Commissioners:

This staff report is for only Comprehensive Plan Amendment to Horizon 2020 Chapter 3 to change the designation from Office to Medium/High Density Residential at the southwest corner of the intersection of Clinton Parkway and Crestline Drive. However, several times it mentions the associated rezoning and preliminary development plan, which is in direct conflict with this staff note:

*Comprehensive plan amendments can stand alone as a single application and their review is based on different criteria than that of a rezoning or PDP. For this reason, staff believes the PC should consider this item, but limit its consideration of the project to the request to amend the comprehensive plan. This review will inform the applicant, staff and community of the merits of revising the specific parcel to a designation that will accommodate multi-family uses and medium density development.*

We will not take up space identifying every place this occurs. Suffice it to say there were many.

**STAFF KEY POINTS**

It is confusing determining how staff was able to calculate different dwelling units per acre, if this is supposed to be a standalone review:

The amendment is requested by the applicant to allow for the construction of an approximately 244,748 gross square feet of multi-dwelling residential use structures, totaling 197 units containing 522 bedrooms, at a density of **21.6 dwelling units per acre**.

The calculated net density per acre per Article 7 of the Land Development Code equates to 15.8 dwelling units per acre.

**STAFF REVIEW**

The proposed development would extend the existing Medium/High Density Residential Future Land Use north to Clinton Parkway along the western side Crestline Drive. Horizon 2020 defines this residential land use as:

**Medium-Density Residential Development**

Medium-density residential development, reflecting an overall density of **7 to 15** dwelling units per acre...

**High-Density Residential Development**

High-density residential development, reflecting an overall density of **16 to 21** dwelling units per acre...

COMPREHENSIVE PLAN AMENDMENT REVIEW (Chapter 17)





**Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?**

Staff's response: At the time of Map 3-2 adoption in 1998 (Ordinance 6990) there were different market forces and considerations present than those at work today. Staff agrees that some significant land use considerations have occurred in the 19 years since the adoption of this future land use map.

Do the **changes in the market forces and considerations** apply to just this particular property? If so, how?

3. Is the proposed amendment consistent with the long-range goals and policies of the plan?

The applicant's request ... acknowledges the **changing market preferences** ...

Please **identify what the changing market preferences are and if they apply only to this location. Do we know that higher density apartments have a higher occupancy rate than lower density apartments?**

Specifically, Policy 3.2 in Chapter 5: Residential Land Use encourages the integration of **medium-density** residential development through compatible design with low-density residential areas and more intensive land uses that use **Medium/High Density Residential** development as a transitional land use as development progresses westerly from S. Iowa Street commercial area towards Lawrence Avenue's **Very Low/Low-Density residential areas.**

This is a very badly worded sentence, but we take it to mean that **Medium Density Residential** is the land use that Staff **recommends?**

Below is the goal for medium/high density residential land uses from Horizon 2020, and its associated criteria:

Goal 1: Criteria for Location of Medium- and Higher-Density Residential Development

Policy 1.1: Consider Land Use Relationships

c. Encourage integrated compatible **community facilities** such as schools and churches within neighborhoods.

Staff Finding: This criterion is not applicable to this project proposal.

This land surrounds a **day care center**, is across the street from a church (which also has a day care).

How is this criterion not applicable? Why is the **day care center** excluded from this **proposed text amendment?** (Land use designations are not dependent on property ownership.)

Policy 1.3: Identify Suitable Sites

Medium- and higher-density developments should be arranged in small clusters as transitions from more intensive land uses, or located at the intersection of major street/roads.

Staff Finding: The proposal is consistent with this criterion.

This property is not located at the **intersection of two major streets/roads.**

b. Higher-density residential developments shall be located adjacent to arterial, access or frontage roads.

Staff Finding: Clinton Parkway is currently designated as a principal arterial. The proposal is consistent with this criterion.

While the property faces Clinton Parkway, there is no way to **determine ingress/egress** without a Preliminary Development Plan. If this amendment is reviewed as **standalone**, the associated PDP cannot be considered.



Policy 1.7: Adhere to Designated Land Uses

In 2016, Planning Staff completed the Multi-Dwelling Inventory Report which concluded there were approximately 21 years of multi-dwelling zoning capacity available currently within the City of Lawrence.

Do the aforementioned “market changes” apply to this location only or all properties included in this report?

4. Does the proposed amendment result from a clear change in public policy?

Applicant’s response: The proposed CPA results less from changes in public policy than it does from a consideration of the **highest and best land use**

“highest and best land use” is a consideration for a zoning change, not a CPA

Staff’s response: At present, there has not been a change in public policy.

Then there is no reason to approve this text amendment.

Staff’s response: This proposed amendment **does not necessarily advance** the interests of the citizens of Lawrence and Douglas County as a whole, but neither **does it harm them**. This change seeks to revise the future land use first ascribed to this area in the 1990s to a different land use based on the property’s vacancy and in **response to changing market conditions**.

Again, the 2016 Multi-Dwelling Inventory Report indicates there is already plenty of sites available to accommodate future medium/high density uses for over two decades and there is no need to approve this amendment due to “changing market conditions”.

PROFESSIONAL STAFF RECOMMENDATION:

Staff recommends approval of this comprehensive plan amendment to Horizon 2020, applying the **medium-density residential development polices** to future developments and limiting the density (gross or calculated) to no greater than 15 dwelling units per acre, and forwarding that recommendation to the Lawrence City Commission to amend Chapter 3 to revise Map 3-2 at this location from Office Land Use to **Medium/High Density Land Use**.

This staff report does not sufficiently defend the recommendation for approval. The reasons provided in this letter, along with many mentioned in additional correspondence, we urge you to deny approval of this Comprehensive Plan Amendment.

Sincerely,

Marlene Merrill  
Ann Ozegovic  
Co-Presidents

Good Afternoon,

My name is Teresa Prost and, with my family, we own and operate the Lawrence Child Development Center. We have been in the Child Care business for over 30 years; we built and operated the Carbondale Child Development Center in Osage County for 23 years, and in May 2015 we purchased the formerly known Kinder Care building, located at 2333 Crestline Drive. In July 2017, we decided to close our center, in Carbondale, to focus on promoting and providing an affordable enrichment program for the children and families of this community.

We have always expected the land surrounding the Center, zoned RSO - single/family/offices, would be developed in the future, but without jeopardizing the safe environment of the children. However, if the land is rezoned to multi/family/student housing, we feel the children's and family's welfare will be at stake. According to the Horizon 2020 (Map 3-2) the designated land use for this site is "OFFICE".

As we have said, we are not opposed to the development of the site, but the rezoning, the developer, and the project's negative impact on our children, families, community, and business, pose significant risk and are of great concern.

We have had numerous conversations with Gilbane Inc. discussing the proposed plan of the 2-4 story buildings consisting of 520 bedrooms for students, and other tenants, surrounding the center. We expressed our concerns with the noise, pollution, and traffic problems this construction would generate. These would have detrimental effects on the health of the children, especially the most vulnerable with asthma conditions. Gilbane Inc.'s interest is to build their business portfolio, they do not live here, the children are not their children, and they will not experience the "cause and effect" of their endeavor.

To elaborate more on my disapproval, this project does not conform with the **comprehensive Plan - Horizon 2020** that provides and promotes a balanced mix of housing types and residential density.

Regardless of the developer's comments to the planning office, the project does not meet the goals listed for **Residential Land in Chapter 5**.

- **GOAL # 1, policy 1.1 Consider Land Use Relationship,**
  - **(a)** Development proposal shall be reviewed for compatibility with existing land use.

Some element affecting the compatibility with the development proposal include the intensity of occupancy, character of occupants, and vehicular traffic, to mention some.

On the application to city planning, Gilbane did not acknowledge the existence of the Center, even though they would be engulfing our lot on 3 sides.

- **Policy 2.6 Residential:** Potential development should be approved based upon consideration of natural features, public facilities, street/road and traffic patterns, neighborhood character, and surrounding zoning and land use.
- **Pages 5-4 and 5-5,** medium density residential development is recommended and should be designed to help avoid major and abrupt changes in density.

The proposed plan and rezoning would develop a high-density area, it what is currently a low-density neighborhood.

- **GOAL #3, Conservation, page 5-15:** The character and appearance of existing low density residential neighborhoods should be protected and improvements made when necessary to maintain the values of properties and enhance the quality of life.
- **Policy 3.3:**
  - **(d)** Discourage the conversion of existing of single-family residences to multi-family use unless the existing zoning of the property permits multi-family development,
  - **(e)** Discourage concentrations of high -density multifamily infill with neighborhood.
  - **(f-4)** Building heights should be compatible with the average height of homes in the neighborhood



- **Policy 3.4:** Minimize traffic Impact through neighborhoods.

The Traffic Impact study, from Landplan Engineering P.A to evaluate and assess the impact of traffic generated by the proposed development site, states that Crestline Drive carries approximately 175-250 VPH during peak-hours. It is imperative to say that the only access to Clinton Place Apartments is by Crestline Drive, adding over 500 vehicles will generate severe congested traffic conditions on Crestline Drive.

The **Horizon 2020** Identifies many other needs related to education which should be addressed to ensure the greatest level of service to the community.

These include:

1. The need for expanded early childhood daycare to provide parents greater schedule and employment flexibility. Increase daycare and preschool services are encourage for age one through kindergarten.
2. The city and county have a vital interest in education as it relates to the overall health, economy and wellbeing of the county's citizens. (Community Facilities page 10-3)

**Priority 2.3:** recommends ~~Develop Plan~~Developing Plans to address Early Childhood Development issues (Economic Development page 12-3) in the community....

How many "Up Scale" student housing and apartment complexes are enough? How many are too many?

These are questions that city planners should try to answer to prevent the student housing bubble from bursting. According to a recent report from The National Real-estate Investor, 2014 saw a decline in college enrollment, however, more student housing developments than ever before. The developments are not addressing the needs of all the residents, and they have seen an increase of crime in the cities with increased student housing developments.

There are a lot of other ways to invest and turn a profit in college towns without increasing the cost of living, damaging the community, or putting more children and families at risk.

Yours for the Children,

Teresa Prost

Lawrence Child Development Center

## Becky Pepper

---

**From:** Sheila Stogsdill  
**Sent:** Wednesday, November 22, 2017 5:21 PM  
**To:** David Teska  
**Cc:** Becky Pepper; Scott McCullough; Denny Ewert  
**Subject:** RE: ZONING ISSUE - GILBANE REZONING PROPOSAL

Mr. Teska –

Thank you for providing this early communication. Your concerns will be included in the Planning Commission packet along with the Rezoning and Preliminary Development Plan Staff Report. These items are currently scheduled to be considered at the PC meeting on December 18<sup>th</sup> starting at 6:30 P.M.

**Sheila M. Stogsdill**, *Planning Administrator* - [sstogsdill@lawrenceks.org](mailto:sstogsdill@lawrenceks.org)  
Planning & Development Services Department | [www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)  
City Hall, 6 E. 6th Street  
P.O. Box 708, Lawrence, KS 66044-0708  
office (785) 832-3157 | fax (785) 832-3160

*"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey: <http://lawrenceks.org/pds/survey/satisfaction>."*

---

**From:** David Teska [mailto:[semper90@att.net](mailto:semper90@att.net)]  
**Sent:** Wednesday, November 22, 2017 4:16 PM  
**To:** [bcculver@gmail.com](mailto:bcculver@gmail.com); [eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com); [robert.c.sands@gmail.com](mailto:robert.c.sands@gmail.com); [jimweaver217@gmail.com](mailto:jimweaver217@gmail.com); [julia.v.butler@gmail.com](mailto:julia.v.butler@gmail.com); [karenwilley1@gmail.com](mailto:karenwilley1@gmail.com); [pkelly@usd497.org](mailto:pkelly@usd497.org); [earthpaden@gmail.com](mailto:earthpaden@gmail.com); [jecarpenter15@gmail.com](mailto:jecarpenter15@gmail.com); [sinclair@rfmslaw.com](mailto:sinclair@rfmslaw.com)  
**Cc:** Sheila Stogsdill <[sstogsdill@lawrenceks.org](mailto:ssstogsdill@lawrenceks.org)>  
**Subject:** ZONING ISSUE - GILBANE REZONING PROPOSAL  
**Importance:** High

Lawrence-Douglas County Planning Commission ---

Our family has resided at 2708 Freedom Hill Court in Lawrence since December 2004. We really like the quality of life and sense of community we have here.

That's why we are concerned regarding the proposal by Gilbane Development Co. to construct a 500+ unit luxury student housing complex to the immediate east of us on the parcel of land currently zoned RSO generally at the corner of Crestline Dr. and Clinton Parkway; Gilbane would like to have it rezoned RM24 for this project.

We have several objections regarding;

- Expected traffic disruption at the intersection of Crestline and Clinton Parkway subsequent to the complex's completion and occupation;
- Noise and other disruptions;
- An increase in the area's density caused by having 500+ residents (and their vehicles) on a piece of city property ~9 acres in size; and
- Effects on property value (at a recent neighborhood meeting Gilbane had no historical data regarding the effects on property values after the construction of like properties).

I attended Gilbane's neighborhood meeting earlier this month and I didn't walk away convinced this project and the rezoning is in the best interest of my neighborhood.

Therefore, I would ask the members of the commission to deny the rezone request by Gilbane for this proposed student housing project.

Please let me know if you have any questions. You can reach us by phone at (785) 393-4685.

Regards,

David & Kristy Teska





# *The First Presbyterian Church*

2415 Clinton Parkway, Lawrence, Kansas 66047-3723  
(785) 843-4171 • Fax (785) 843-4278 • [www.firstpreslawrence.org](http://www.firstpreslawrence.org)

## PASTORAL STAFF

The Rev. Kent Winters-Hazelton  
Pastor

The Rev. Mary Newberg Gale  
Pastor

Ryan King  
Youth Director

## STAFF

Linda Bridges  
Office Administrator

Robin Goulter  
Office Assistant

Debbie Miller  
Financial Administrator

Jennifer Jones  
Preschool Director

Wayne Hathaway  
Building Manager

## MUSIC STAFF

Mariana Farah  
Director of Music

Randall Frye  
Organist

Kristin Newbegin  
Director, Children's Choir

Carol Fleeger  
Director, Bell Choir

December 12, 2017

Becky Pepper  
City of Lawrence  
Planning and Development Services  
6 East 6<sup>th</sup> Street  
Lawrence, KS 66044

RECEIVED

DEC 15 2017

City County Planning Office  
Lawrence, Kansas

Dear Ms. Pepper,

The Session of the First Presbyterian Church, (the governing board of the church), at its meeting on November 29, 2017, voted to "go on record as opposing the proposed rezoning of the property at 2300 Crestline Drive". The proposed development by Gilbane Development Company lies directly across the street from the entire west boundary of the First Presbyterian Church's property. The resolution approved by the Session is attached to this letter.

The church's leadership has met with representatives of Gilbane Development Company to discuss the proposed project.

As noted in the resolution, the members of the Session have a deep concern about the high volume of traffic on Crestline Drive, which will be the result of the high density population of the proposed development. We furthermore are concerned about the adverse impact such a project may have on our existing First Five Years Child Development Program.

Respectfully submitted,

John W. Mitchell  
Clerk to the Session  
First Presbyterian Church  
Lawrence, Kansas

SESSION RESOLUTION  
FIRST PRESBYTERIAN CHURCH  
LAWRENCE, KS

The Session of First Presbyterian Church, Lawrence, Kansas, in a special called meeting on November 29, 2017, agreed to the following resolution on the subject of a proposal made by Gilbane Development Company to rezone a parcel of land located at 2300 Crestline.

RESOLVED,

That as the governing body of First Presbyterian Church (“FPC”), the Session is aware that a proposal is pending before the Lawrence-Douglas County Metropolitan Planning Commission to rezone a parcel of land located directly across from FPC on the west side of Crestline. The proposed rezoning would change the property’s designation from RSO (Single-Dwelling Residential-Office) to RM15-PD (Multi-Dwelling Residential with Planned Development Overlay), which would permit a greatly increased number of units.

That the Session has examined the plans submitted by the property’s developer, Gilbane Development Company (“Gilbane”), which call for placing over 200 apartments and over 500 parking places on the property, which would wrap around an existing pre-school. All traffic from the apartments would be funneled through two driveways onto Crestline, which is a two-lane street, and have to enter Clinton Parkway at a traffic light which is immediately to the north of the property.

That the Session believes that such an increase in traffic would negatively affect FPC’s own pre-school (First Five Years), which operates Monday through Friday through the school year, by limiting ingress and egress to FPC’s own parking lot, causing congestion on Crestline, and creating traffic safety issues on Crestline and Clinton Parkway.

That the Session is aware that FPC has had trouble in the past with drainage issues in the basement on its property. Such issues would very likely be made

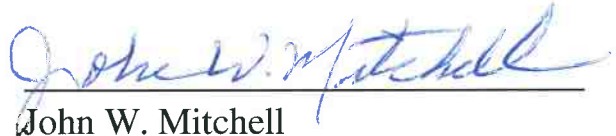
worse by paving over 9+ acres of grass directly across the street, as the proposed development would do.

That the Session does not oppose development of the property in question under the existing zoning restrictions, which are consistent with other development along Clinton Parkway, but does feel that the proposed rezoning would be too dense for the area, given the concerns set forth above, to say nothing of the other concerns of neighboring property owners regarding lighting, noise, loss of wildlife habitat, etc.

Therefore, for the above reasons, the Session of First Presbyterian Church, Lawrence, Kansas, wishes to go on record as OPPOSING the rezoning proposed by Gilbane of the property at 2300 Crestline.

Done this 29<sup>th</sup> day of November, 2017.

For the Session,



John W. Mitchell  
Clerk to the Session

December, 2017

RECEIVED

JAN 05 2018

City County Planning Office  
Lawrence, Kansas


To: The Lawrence County Metropolitan Planning Commission

Re: Consider a Comprehensive Plan Amendment to Horizon 2020, Map 3-2 in Chapter 3,  
Related to multi-family housing development at 2300 Crestline Dr.

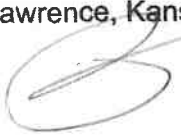
As a neighbor, we object to this development plan. We have seen the proposed layout:

- (1) The parking lot (500 cars?) will practically be in our back yard, as well others of our neighbors.
- (2) We foresee added congestion on 23rd Street, which already is a heavily travelled route.
- (3) Residents of this four-story building will be able to look down on our private residences.
- (4) The building would be near a day care center, and the traffic could endanger children.

This is not the appropriate location for this development. Please do not proceed with the rezoning plan.



Lana and Phil Pierucci  
2304 Free State Lane  
Lawrence, Kansas 66047





**From:** pat grzenda [<mailto:pmg53pat@yahoo.com>]

**Sent:** Wednesday, January 10, 2018 2:37 PM

**To:** [bcculver@gmail.com](mailto:bcculver@gmail.com); [eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com); [robert.c.sands@gmail.com](mailto:robert.c.sands@gmail.com); [jimweaver217@gmail.com](mailto:jimweaver217@gmail.com); [julia.v.butler@gmail.com](mailto:julia.v.butler@gmail.com); [karenwilley1@gmail.com](mailto:karenwilley1@gmail.com); [pkelly@usd497.org](mailto:pkelly@usd497.org); [earthpaden@gmail.com](mailto:earthpaden@gmail.com); [jecarpenter15@gmail.com](mailto:jecarpenter15@gmail.com); [sinclair@rfmslaw.com](mailto:sinclair@rfmslaw.com); Sheila Stogsdill <[sstogsdill@lawrenceks.org](mailto:sstogsdill@lawrenceks.org)>; Becky Pepper <[bpepper@lawrenceks.org](mailto:bpepper@lawrenceks.org)>; Scott McCullough <[smccullough@lawrenceks.org](mailto:smccullough@lawrenceks.org)>

**Subject:** Gilbane Proposal for Clinton Parkway and Crestline Drive

To Members and Staff of Lawrence and Douglas County Planning Commission-

It is with great concern that I write this letter to you requesting that you reject entirely the current proposal for development by the Gilbane Company of Providence, Rhode Island. Simply, this proposal is too large for this 9 acre parcel of land and would cause innumerable problems in the areas of traffic, road failure, noise, lighting, drainage, and lack of buffer for already established neighborhoods. It is an appalling proposal!

As a resident of the Springwood Heights Neighborhood Association for over 25 years, I feel qualified to tell you this proposal does not fit in this neighborhood. It does not fit across a local street from a church. It does not fit surrounding a daycare center. It does not fit being this close to a failing intersection. It does NOT fit!

Respectfully,

Patricia M. Grzenda  
2417 Free State Lane  
Lawrence, KS 66047

785-766-9885

## Becky Pepper

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**From:** Christine Cate <CDLaskow@usd497.org>  
**Sent:** Sunday, January 14, 2018 9:03 PM  
**To:** Becky Pepper  
**Subject:** Letter to the Planning Commission Regarding Gilbane Development

To the City of Lawrence Planning Commission,

We wanted to write today to express our numerous concerns regarding the proposed Gilbane development at the southwest corner of Clinton Parkway and Crestline Drive. Our home is on the south side of the cul-de-sac on Freedom Hill Court, within view of the site in question. In their proposal, the developers mentioned a "mature stand of trees" fourteen different times. Many trees have already been cut down. The lack of a noise/visual buffer due to the removal of these trees has already impacted us and we suspect they would prefer to remove even more trees. This proposed development has no benefit of any kind to the surrounding neighborhood. Between the added noise, lighting, and traffic congestion, we are completely opposed to this development.

Our greatest concern is the increase in traffic. In our opinion, the intersection of Clinton Parkway and Crestline is already experiencing excess traffic levels (perhaps because it's near the busiest intersection in town, 23rd and Iowa). The number of cars generated by residents and their guests would make an existing traffic problem much, much worse and greatly affect thousands of people who daily use this road to travel east and west in Lawrence. Another area of concern is the impact this traffic would have on the Lawrence Child Development Center, First Presbyterian Church, and Clinton Place Apartments. All of these places are located on or have their main access to other roads through Crestline Drive.

Thank you for the time and consideration given to our concerns,

Alexander and Christine Cate  
2707 Freedom Hill Court  
Lawrence, KS 66047

John and Rachel Miller  
2421 Free State Ct.  
Lawrence, KS 66047  
Email: johnstanleymiller@gmail.com

January 15, 2018

Ms. Becky Pepper  
Lawrence-Douglas County Metropolitan Planning Office  
6 East 6<sup>th</sup> Street  
PO Box 708  
Lawrence, KS 66044

Re: Planning Commission 1/24/2018 Agenda - Items 3A, 3B, and 3C (Iowa Street Associates)

Dear Ms. Pepper:

We write in strong opposition to the 2300 Crestline development plan and its accompanying rezoning and Horizon 2020 amendment requests.

We live at 2421 Free State Court in the Springwood Heights neighborhood. We have lived here for 30 years. Our home is in the southwest corner of Springwood Heights and you could suppose that this development would not directly affect us. That definitely is not the case. We and our entire neighborhood would feel the negative impact of this project.

The following are some of our specific objections:

1. The size of the project is unreasonable:
  - The proposed 522 student residents would outnumber existing residents of the surrounding Springwood Heights and Hills West neighborhoods 2.4 to 1.
  - The proposed density of 197 apartments on 9 acres (almost 22 apartments per acre) is too high to be built right next to Springwood Heights (RS-7) and Hills West (RM-8).
  - Introducing such a massive number of comparatively transient students into an otherwise stable and diverse area would change the neighborhood's present character and begin to destabilize it.
2. The manner in which the project is being squeezed into the 9 acre plot is unacceptable, surrounding the day care center and dwarfing adjacent residences with its 4-story height and small setbacks. The project would seriously degrade the livability of the homes that back up directly to the property. Even worse, the property owner has already dramatically thinned the stand of trees and brush that could have served these homes as a partial visual and noise buffer.
3. The development would have an enormous effect on traffic, especially on Crestline, which is not designed to handle anything like the increase that would come, and also on the Clinton Parkway traffic feeding through the Iowa Street intersection. At rush hour we often see backups from Iowa well to the west of Crestline. Adding several hundred student cars to an already stressed

situation strikes us as dangerous. The Clinton Place senior apartments and First Presbyterian Church have no option other than to use the intersection of Crestline with the Clinton Parkway frontage road, which already is often blocked by traffic heading north on Crestline toward Clinton Parkway. This project would make the current situation worse.

In conclusion, we ask you to deny all three of the requests filed by Iowa Street Associates. We are not opposed to development of this property, but it should be development that fits with the present transitional zoning of RSO, shows more understanding of the city's stated goal to protect existing residential neighborhoods, and does not worsen existing traffic problems.

Thank you for the opportunity to comment.

Sincerely,

Handwritten signatures of John S. Miller and Rachel Miller. John's signature is on the left, and Rachel's is on the right. Both are written in a cursive, flowing style.

John S. Miller

Rachel Miller



## Becky Pepper

---

**From:** Suzanne Mills <smillsks@gmail.com>  
**Sent:** Monday, January 15, 2018 5:19 PM  
**To:** bcculver@gmail.com; eric.c.struckhoff@gmail.com; robert.c.sands@gmail.com; jimweaver217@gmail.com; julia.v.butler@gmail.com; karenwilley1@gmail.com; pkelly@usd497.org; earthpaden@gmail.com; jecarpenter15@gmail.com; sinclair@rfmslaw.com  
**Cc:** Becky Pepper  
**Subject:** PC Meeting 1-24-18 RE: Items CPA-17-00596, Z-17-00597, PDP-17-00598

From: Suzanne Mills, 2515 W 24<sup>th</sup> Ter, Lawrence, KS 66047

As a resident of the Candletree aka Hills West Homes neighborhood, located south of the proposed Gilbane student housing project, I wish you would consider the following:

1. Impact of a behemoth student apartment complex on the existing neighborhood, such as drastic increase in traffic, noise, light pollution, environment, not to mention quality of life due to the huge footprint. The parking lots would be within mere feet of residences. Have other similar developments been plopped down in the middle of suburban neighborhoods next to two day care facilities, and a church?
2. Prairie Ridge apartments houses a number of disabled residents who use scooters and electric wheelchairs. Just imagine the impact upon them and how limited they will be with 522+ more vehicles in the neighborhood, as well as additional busses.
3. Emergency vehicles are often called to Clinton Place Apartments and to Prairie Ridge. On a local street such as Crestline, there will obviously be additional difficulty in responding to emergency calls due to the increase in traffic.
4. Unfortunately, and I hate to generalize, but... we all know students have no vested interest in being good neighbors. This neighborhood provides an excellent quality of life to Park 25 residents, Spring Wood Heights, and Candletree and many more. **Please consider leaving the zoning RSO** which would be within the character of the neighborhood.
5. Last, the land owner, from out of town, and the developer, from out of town, will both profit greatly should this project go forward and all those profits will leave Lawrence and in the long term, destroy the existing neighborhoods. Hmmmm.

Sent from [Mail](#) for Windows 10

## Becky Pepper

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**From:** Sheila Stogsdill  
**Sent:** Tuesday, January 16, 2018 3:07 PM  
**To:** Johnson, Stephanie Nicole  
**Cc:** Becky Pepper; Scott McCullough  
**Subject:** RE: 2300 Crestline

Ms. Johnson –

Thank you for your letter outlining your concerns and the potential impacts the development could have on the neighboring childcare center. Your letter will be forwarded to the Planning Commission as part of their online packet. I would also suggest that you attend the Commission meeting next Wednesday, January 24<sup>th</sup> at 6:30 p.m. in the City Commission meeting.

**Sheila M. Stogsdill**, *Planning Administrator* - [sstogsdill@lawrenceks.org](mailto:sstogsdill@lawrenceks.org)  
Planning & Development Services Department | [www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)  
City Hall, 6 E. 6th Street  
P.O. Box 708, Lawrence, KS 66044-0708  
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**From:** Johnson, Stephanie Nicole [mailto:[stephanienjohnson@ku.edu](mailto:stephanienjohnson@ku.edu)]  
**Sent:** Tuesday, January 16, 2018 2:30 PM  
**To:** Sheila Stogsdill <[sstogsdill@lawrenceks.org](mailto:sstogsdill@lawrenceks.org)>  
**Subject:** 2300 Crestline

Good Morning Ms. Shelia Stogsdill,

My name is Stephanie Johnson and I am a registered voter and homeowner in Lawrence. I am writing to you to express my deep concerns regarding the rezoning of 2300 Crestline.

To begin, the description of the neighborhood as outlined by Gilbane reads, "This property is bounded by the University of Kansas to the north, First Presbyterian Church, multi-family residential housing and the South Iowa Street commercial corridor to the east, a townhome community to the south, and a single-family residential subdivision to the west." As I'm sure you realize, this description **neglects to recognize the daycare**, Lawrence Child Development Center (LCDC), which the proposed housing will neighbor on three sides! This evidence doesn't inspire confidence that Gilbane's interests align with the well-being of the children who attend the daycare center (since they fail to so much as mention their existence). Gilbane's lack of regard for the daycare is further exemplified in their rejection of possible measures to ensure the safety of the children at LCDC. To my knowledge, several possible options to ensure the safety of the children at LCDC have been proposed, all of which Gilbane has rejected.

First of all, there is substantial evidence showing that children under the age of 5 have a disproportionately high number of allergies. The dust and debris resulting from this development will undoubtedly **exacerbate these potentially serious health complications** in children with allergies and asthma, which includes my two year old son who attends the center.

Secondly, as you know, a critical part of child development necessitates rest. As such, the daily activities at LCDC include a two-hour nap for all children. Unfortunately, the loud noises which accompany construction would disrupt this essential part of these children's lives, which could result in a number of problems, not limited to behavioral, health, and cognition impairments. If you have children of your own, I'm sure you yourself have experienced "temper tantrums" resulting from a short-term lack of sleep. This begs the question, what would life be like for the children and parents of children with **extended sleep-deprivation**?

Finally, the reputation and character of Gilbane Inc. leaves much to be desired. A quick Google search of Gilbane Inc reveals hundreds of lawsuits against Gilbane Inc for things such as **bribery of city officials, fraud, endangerment of employees and the public, improper safety measures, and illegal business practices**, among other things. For your convenience, I have included two links for you to peruse regarding the business that will potentially surround a childcare center.

<http://www.gilbaneexposed.com/>

<https://www.law360.com/search?q=gilbane>

For the reasons listed above, I urge you to reconsider the rezoning of 2300 Crestline. I believe that Gilbane would negatively impact not only the children and families who attend LCDC, but also the community at large due to the negligence and malpractices that appear to be an integral part of Gilbane's culture.

I would be happy to discuss with you my concerns regarding the rezoning of 2300 Crestline. Please feel free to respond to this email or to call me at 573-205-9342.

Thanks,  
**Stephanie Johnson**  
Graduate Student  
Pharmaceutical Chemistry  
University of Kansas

## Becky Pepper

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**From:** mwalker@sunflower.com  
**Sent:** Tuesday, January 16, 2018 4:34 PM  
**To:** bcculver@gmail.com; eric.c.struckhoff@gmail.com; robert.c.sands@gmail.com; jimweaver217@gmail.com; julia.v.butler@gmail.com; karenwilley1@gmail.com; pkelly@usd497.org; earthpaden@gmail.com; jecarpenter15@gmail.com; sinclair@rfmslaw.com  
**Cc:** Becky Pepper  
**Subject:** January 24 Planning Commission Agenda Items

RE: Planning Commission Agenda Items 3A, 3B, 3C

I am a homeowner who will be greatly impacted should the Planning Commission decide to go forth with the proposed Gilbane apartment project at 2300 Crestline Drive. I believe the zoning designation should remain RSO (Single-Dwelling-Residential-Office), as was the intent of Horizon 2020.

1. My home is directly west of the proposed project. Over 30 years ago, we purchased our residential property, situated in Springwood Heights on Freedom Hill Court, because of the location. From 1984-1999, we maintained the premises (ground and grouping of trees) 40 feet beyond our property line and, since the year 2000, we have continued to take care of the trees but reduced the mowing to 20 feet. I consider our neighborhood a close-knit circle of friends where over half of the homeowners on my particular street have raised our children together.
2. With the potential of well over 500 apartment dwellers living anywhere from 20 to 40 feet from our property lines, we will be subjected to amplified noise levels, bright vehicle and parking lot lights, vastly increased traffic on Clinton Parkway and Crestline Drive, and destruction of the wildlife corridor.

I respectfully ask that you carefully consider the Gilbane proposal, and take into consideration the **future effect** it will have on the Springwood Heights neighborhood, the already established daycare center on Crestline, and the First Presbyterian Church. I also invite you to view the property in question before the January 24 meeting.

Thank you.

Michele Walker  
2700 Freedom Hill Ct.



Good Afternoon,

I am Kenneth Prost and I represent the Lawrence Child Development Center. This letter is to address our concerns and current stance on Rezoning 2300 Crestline for Gilbane's proposed project. With this, we wanted to give you some information about our history and our dealings with Gilbane.

We began our discussions with this developer starting in May of 2017. Since that time, we have proposed and attempted to negotiate various options to ensure the safety of the children and also benefit the developer.

Now we are a small family owned and operated Center, my mother, my father, and myself. As I am sure you are aware, property and development in Lawrence is very expensive, and if you look up our names, you will see various articles how we are constantly fighting for the children and families in Kansas. With this, we are not one of those businesses that puts money before the interests of the children. As such, we are one of, if not the most, affordable providers in Lawrence. We are also one of the few that accepts DCF subsidy and assists parents when DCF attempts to take advantage of the parents and hinders the health and education of at-risk children.

With our low rates, and high cost of operation, we cannot afford to just pick up and move or make the changes to the property necessary to ensure the absolute safety of the children, without significantly increasing our rates, if the apartments are built.

The first offer Gilbane came to us with was to buy us out for the market value of the property, approximately \$650,000, however, as we explained to the developer, that's nearly what we owe on the business itself, not including an early payoff penalty that comes with Small Business Loans (SBA) from the Federal Government. So that would pay off the building, but would not allow us to purchase and build a new Center as this is our only business and selling it would show us as unemployed. Banks don't like to give loans to the unemployed, especially not one over the million dollars that it would take to rebuild.

Our counter offers were these:

1. Buy us out for an amount that would allow us to rebuild in a new location.  
This would take the cars parked on Crestline off of it, giving them the entire area for building, and proving Gilbane has the best interest of the children and community in mind.
2. Build a new building for us on the South west corner of the property so that we are not presented with the dangers of being surrounded on 3 sides, and they get our current lot. With this, we could have had a larger parking lot, again taking cars off of the street, and a newer, safer, and better designed building further from the Complex living areas. Since Gilbane is a massive company, with many project contracts and a net value of over 5 billion dollars, they would be able to construct the building at a much lower cost than we as individuals would be able to. Not to mention that they would already have crews in place for the construction of their complexes.

3. Donate an amount necessary for us to make the improvements to our property to ensure the safety of our children, improve the building as there are some design flaws, such as: 1 restroom for 20+ employees, no storage space for classroom materials, no private meeting space for discussion with parents or staff, no private area for parents wishing to breast feed, and replacing the chain fence with a tall reinforced privacy wall/fence. All with an agreement that the remaining funds, after the improvements, would be used for a scholarship program for parents and children in need of additional assistance.

Out of the 3 options, the last was the cheapest option for Gilbane. We estimated the project costs between \$200,000 - \$300,000 and made our minimum offer of \$250,000, to which they counter offered with \$30,000. Finally, after a lot of arguing, their offer reached "\$120,000 and that we better accept it because it's going to happen" or else we would get nothing.

Regardless of our personal opinions, we hold our children's safety, educations, and parents' concerns above ourselves. Since Gilbane's offer, and attempted coercion, did not meet the needs of the children or parents, we could not accept the offer morally or ethically, and would not be able to suggest to our parents that Gilbane had the children's best interests in mind.

Now that you have the back history, the following are other concerns we have over the development and the safety issues that place the children at risk.

There are many problems with the development of the property that need to be addressed. Gilbane had expressed that construction on the property would all take place at the same time. This brings about the following concerns:

- Dust could potentially become a big problem, especially for children with allergies and asthma, as well as cleanliness on the playground with dust and debris scattering through the air.
- Noise would also be a large problem as it presents the risk that the children could lose rest that is essential for developing children.
- Traffic is already a problem along Crestline. Adding all the equipment and workers would only make the road more crowded and potentially create more accidents.
- Utility shut offs would force us to call parents and close our doors. Without electricity, water, gas, or phone, we would not be able to care for the children.
- Heat Island Effect. It is proven that large parking lots cause the surrounding areas to increase in temperature. Being surrounded on three sides by Gilbane's parking, with just a small margin, gives us concern over the increased temperature on our playground and building. This poses

significant risk to our children in the summer months. The increased heat allowing the possibility of heat exhaustion, dehydration, and burns.

- Diesel/gasoline exhaust from machinery and vehicles during and after construction as ozone pollution is particularly dangerous to:
  - People with breathing or heart problems
  - children, whose lungs are still developing
  - older adults with pre-existing health conditions
  - active people who exercise or work outdoors.

We are also concerned with what kind of barrier they would construct to ensure that no vehicle could, accidentally or intentionally, breach their parking lot and enter the playground space.

Throughout the various meetings, we also questioned Gilbane on what they planned to do to ensure that their tenants would not be a problem for our children and property. Such as: trespassing, littering, throwing dangers over our fences, drugs, alcohol, violence, fire arm restrictions, or anything else tenants may do. As well as performing Background Checks and Sex Offender checks on their tenants.

While we know not all college students or tenants act in this way, we also know that young people tend to do things without really thinking about it, so it remains very possible and probable that something may occur. More so if the college students or tenants have children themselves.



Gilbane's answer was: "We cannot control what our tenants do and we will not be held responsible for their actions". When we asked about security on the property, the stated that they will have a security officers only during the beginning and end of school when students are moving in or out. So that leaves maybe 8-9 months of the year without any security on the property.

We understand some of the potential dangers are hypothetical, however, they are very probable and we will not play Russian Roulette with our children. We will take every precaution possible to prevent them, assuring our parents that insuring their children's health and safety is our top priority.

We spent time researching and found a large amount of information regarding Gilbane's Business practices. Over the last few years, Gilbane has been dealing with many Lawsuits. Most of the lawsuits involved bribery of City Officials. Others included fraud and endangering employees and the public. One case involving an employee being terminated for requesting safety equipment and another case where an employee was not given proper safety equipment and subsequently died on their construction site. Information about their actions and lawsuits can be found at: [www.GilbaneExposed.com](http://www.GilbaneExposed.com)

These are troubling and do not inspire confidence in Gilbane's ability or desire to ensure the safety of those around them. We also received evidence recently about how they really feel about the Center and the Children. In Gilbane's submission to City Planning, they described the neighborhood:

- **3. Describe the character of the neighborhood.**

- *This property is bounded by the University of Kansas to the north, First Presbyterian Church, multi-family residential housing and the South Iowa Street commercial corridor to the east, a townhome community to the south, and a single-family residential subdivision to the west.*

This answer essentially states that they do not consider LCDC to be neighbors or part of the neighborhood. Evidence that they do not care about the Center or the children and families that they will engulf should they be allowed to build.

After everything, we do not believe that Gilbane will be the “Good” neighbors that they have been attempting to convince everyone they are. As far as we know, all our neighbors, KU being unknown, have expressed their distaste for the development and plan to stop the rezoning and therefor stopping Gilbane from developing the property with more “Upscale Student Housing” in Lawrence that does not meet many of the recommendations of Horizon 2020 Comprehensive Land Use Plan.

We are not forcing anyone to assist us in preventing the development, but just informing every one of the situation and why we feel it would be best to stop this project from proceeding.

I hope this answers the questions about Lawrence Child Development Center’s stance with the project, and in closing, ask this:

- Do you believe Gilbane has the community's or the children's best interest in mind, as they not only disregarded the health and education of the children when they defrauded the schools of Sweetwater California, but also refused to include us as a part of the neighborhood in their application to the City of Lawrence?

Thank you,

Kenneth Prost

Lawrence Child Development Center

## Becky Pepper

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**From:** Berghout <berghout.liz@gmail.com>  
**Sent:** Tuesday, January 16, 2018 5:26 PM  
**To:** Becky Pepper  
**Subject:** Comprehensive Plan Amendment and Rezoning 2300 Crestline Dr.

Dear Ms. Pepper,

We have emailed the following to members of the Planning Commission and wanted to make sure you and your staff also know our concerns.

Thank you for your time.

Daniel and Elizabeth Berghout  
2320 Free State Lane

\*\*\*

Dear Commissioner,

We are concerned about the proposal to amend the Comprehensive Plan and change the zoning for the property at Crestline and Clinton Parkway. We own a home in the Springwood Heights neighborhood and have lived here for over 17 years. Our home is within 300 feet of the property in question and we feel that rezoning this land would be detrimental to our neighborhood and the surrounding area, including the daycare facility that is already on the property.

If the land is rezoned and the proposed apartment complex is built, our quiet neighborhood will be bombarded with noise and light pollution. The traffic on Clinton Parkway will become even more congested. Even now there are some mornings where the left-turn-onto-Iowa lane is backed up to Lawrence Avenue. We are also concerned about maintaining a safe environment for the children at the daycare facility.

Please vote against the Comprehensive Plan amendment and the rezoning proposal.

**From:** Alex L [<mailto:hawklet00@gmail.com>]

**Sent:** Wednesday, January 17, 2018 8:56 AM

**To:** Sheila Stogsdill <[sstogsdill@lawrenceks.org](mailto:sstogsdill@lawrenceks.org)>; [BCCULVER@gmail.com](mailto:BCCULVER@gmail.com);  
[ERIC.C.STRUCKHOFF@gmail.com](mailto:ERIC.C.STRUCKHOFF@gmail.com); [ROBERT.C.SANDS@gmail.com](mailto:ROBERT.C.SANDS@gmail.com); [JIMWEAVER217@gmail.com](mailto:JIMWEAVER217@gmail.com);  
[JULIA.V.BUTLER@gmail.com](mailto:JULIA.V.BUTLER@gmail.com); [PKELLY@usd497.org](mailto:PKELLY@usd497.org); [EARTHPADEN@gmail.com](mailto:EARTHPADEN@gmail.com);  
[JECARPENTER15@gmail.com](mailto:JECARPENTER15@gmail.com); [SINCLAIR@rfmslaw.com](mailto:SINCLAIR@rfmslaw.com)

**Subject:**

Good morning,

First, for the sake of transparency, i would like to state that my wife and I have recently decided to send our daughter to the Lawrence Child Development Center at 23rd and Crestline.

I wanted to take a moment to write you all to state my opposition to the planned rezoning that would allow yet another student apartment complex to be built. The area in question is at 23rd and Crestline. This project makes no sense to what the city has been trying to do in the area of affordable housing. Allowing a developer to build another luxury apartment complex, with 0 units that would meet the goals of affordable housing (realistically they are going to price gouge the students who live there) while also making a very crowded intersection and street even worse, defies any normal logic.

Please do not misunderstand, I have nothing against the KU students and I am not against someone coming in and wanting to build an apartment complex for them, but they showed an extreme lapse in judgement in the location they picked. How many more poor choices do you think this developer will make given they have already laid a terrible foundation for this project? I would hazard a guess and say there will be many more problems to come from this developer and the project.

Next, what kind of neighbor will this developer be? If their submission to the city council is any indication, where they completely failed to mention a daycare that has been in operation for a long time speaks to this developer's ability to present or see the facts as they are, rather only as they want them to be. Based on the information from the following website, <http://www.gilbaneexposed.com>, this company has many questionable practices and has faced many lawsuits in the last few years; including failure to keep their own employees safe. This does not lead me to believe that they will be concerned with the safety of the neighborhood.

Additionally, what person in that area would think that its a good idea to wrap an apartment complex around a daycare in the first place? It would be one thing if the daycare was getting ready to close, but this one is not. So this will create a hazardous space for the children to play during the construction process, and leave their safety in question when students move in (as college students do not always make the most sound decisions).

In summary, allowing this company to continue with their proposed project at its current location is not only reckless, but irresponsible. They should be instructed to find another location to place their apartment complex.

Thank you for taking the time to read this email. I hope that you will all see this the way that my wife and I do (as well as many others) and tell Gilbane that they need to find another location for their project.

Sincerely

Alex and LaDonna (Bontrager) Landazuri  
2513 Louisiana.



# Memorandum

## City of Lawrence-Douglas County Planning & Development Services

**TO:** Lawrence-Douglas County Metropolitan Planning Commission

**FROM:** Mary Miller, Planning Staff

**Date:** December 19, 2017

**RE:** Evaluation of impact of Text Amendment, TA-16-00510, on land-filling activities permitted prior to the adoption of the amendment

The Planning Commission voted unanimously at their April 24, 2017 meeting to approve Text Amendment TA-16-00510, which clarified the Conditional Use Permit (CUP) requirement for landfills and established standards. The Commission directed staff to provide a memo regarding the impact the text amendment would have on land-filling activities which operated without a CUP prior to the text amendment.

The Zoning Regulations provide a list of uses permitted in each zoning district and a list of uses which are permitted when approved with a Conditional Use Permit. The term 'Landfill' is not expressly listed as a permitted use in any zoning district; it is also not currently listed in the uses which are permitted with a CUP. The current Zoning Regulations include the term 'Sanitary Landfill' in the list of uses permitted with a CUP, but that term is not defined in the Zoning Regulations. Generally, in instances where a specific use is not listed, the Zoning and Codes Director has the authority to classify the use into an existing land use category that most closely fits the use. In the past, some landfills have been considered similar to the 'Sanitary Landfill' use and permitted when approved with a CUP. In other instances, a land-filling activity was determined by the Douglas County Zoning and Codes Director to not be similar to the 'Sanitary Landfill' use on account of, for example, the type of material involved or the size of the project. In these cases, a Conditional Use Permit was not required.

The proposed text amendment provides language to clarify the CUP requirement and establishes general standards for the use. The intent is to bring greater clarity to the permitting process for landfills and to harmonize our practice with state law and KDHE permitting procedures. The Zoning and Codes Director will continue to have the authority to determine if a specific land-filling use meets the definitions established in the Zoning Regulations with respect to particular uses.

Generally, a pre-existing lawful use of land is 'grandfathered' and may continue after a change in the zoning regulations as a non-conforming use. Landfilling activities that the Zoning and Codes Director determined were not similar to the 'sanitary landfill' use and therefore did not require a CUP may continue as a non-conforming use. This assumes that the use is not expanded or materially changed. If the use is abandoned for any period of time, or is expanded or materially changed, it may be necessary for the owner to go through a permitting process or discontinue the use. There are scenarios where a non-conforming use can be eliminated over time, but, as drafted, this text amendment does not automatically eliminate any pre-existing lawful uses.

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO: Lawrence- Douglas County Metropolitan Planning Commission**

**FROM: Scott McCullough, Director**

**Date: January 24, 2018 PC Meeting**

**RE: Bylaw revisions**

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

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

[https://assets.lawrenceks.org/assets/agendas/cc/2017/09-19-17/advisory\\_board\\_policy\\_resolution.pdf](https://assets.lawrenceks.org/assets/agendas/cc/2017/09-19-17/advisory_board_policy_resolution.pdf).

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

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

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

Staff proposes and recommends that public comment related to representing a group be deleted from the bylaws and the Planning Commission's operating procedures. The City Commission does not distinguish between individuals and groups when receiving public comment and this practice includes a few inherent

concerns – what defines a “group”? How does the commission know this person is authorized to speak for the “group”? Should a group’s concerns or support for a project get more weight than an individual’s concerns or support about a project? In attempting to align more with other commissions and boards, this practice should be revised.

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

**BY-LAWS OF THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION  
LAWRENCE, KS**

**ADOPTED JUNE, 1969**

AMENDED 10.23.02, 02.11.04, 03.17.04, 08.30.06, 09.24.07,  
02.27.08, 02.23.09

LATEST AMENDMENT: 02-23-09XX.XX.18

**ARTICLE I**  
**NAME AND MEMBERSHIP**

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

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

**ARTICLE II**  
**PURPOSE**

SECTION 1. BYLAWSY-LAWS. The purpose of these by-lawsbylaws is to establish rules for the internal organization of the Commission and for procedures of operation.

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

**ARTICLE III**  
**ORGANIZATION**

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

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

SECTION 3. VICE-CHAIRPERSON. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new vice-chairperson for the unexpired term at the next regular meeting.

SECTION 4. SECRETARY. The secretary shall prepare the agenda and the order of business for each regular meeting in consultation with the chairperson. The secretary shall keep the Commission informed on all communications. The secretary shall record the minutes of all meetings and shall provide copies to all members of the Commission, the governing bodies and other public agencies involved. The secretary shall act on behalf of the Commission in the following matters, provided that matters shall first be presented to the Commission if there appears to be a serious conflict of interest, public controversy, or the like:

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

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

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

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

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



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## **ARTICLE IV** **MEETINGS**

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

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

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

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

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

SECTION 4. AGENDA. ~~One agenda shall be published for each month's regularly scheduled meetings. This agenda shall clearly identify the agenda items under consideration at each of the two regularly scheduled monthly meetings. If an agenda is prepared, it shall be made~~The meeting agenda shall be available to the public ten days prior to the first regular monthly meeting and shall be posted on the department's website for ease of access. ~~Any updates to Agenda updates the Agenda~~ will be posted to the website daily by 5:00 ~~p.m.~~PM (if needed). Items on the Agenda may be taken in any order, by a majority vote of the Commissioners present and voting at the meeting.

SECTION 5. QUORUM. A quorum shall consist of six (6) members as provided by the joint ordinance/resolution establishing the Commission. In the absence of a quorum, the members present shall reschedule the meeting and absent members shall be notified by the secretary.

## **ARTICLE V**

### **Conduct of Meetings**

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

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

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

- a) ~~c~~Call to order
- b) ~~consideration of~~ minutes
- c) staff and committee reports
- d) communications:
  1. public (written)
  2. planning commissioners or other boards and/or commissions (written or oral)
  3. staff (written or oral)
  4. declaration of planning commissioner ex parte communications and intent to abstain on specific agenda items ~~(oral)~~
  5. requests for deferral
- e) election of chairman and vice-chairman [annually at the June meeting]
- ~~f) consent agenda items~~
- ~~g) items pulled from consent agenda~~
- ~~f) ex parte communications disclosed for each separate quasi-judicial item (oral).~~
- ~~g) old business [items returned for reconsideration by a governing body]~~
- h) plats which require public hearing on variance requests
- i) public hearing items
- ~~j) miscellaneous items~~
- ~~k) general public comment~~
- ~~i) adjourn that are:~~
  - ~~1. associated with non-public hearing items~~
  - ~~2. annexation-referral requests~~
  - ~~3. minimum maintenance road requests~~
  - ~~4. City or County special use permits~~
  - ~~5. text amendments to zoning or subdivision regulations~~
  - ~~6. comprehensive plan amendments~~
- ~~j) ex parte communications disclosed for each separate quasi-judicial item (oral).~~
- ~~k) recess public hearing~~
- ~~l) old business [items returned for reconsideration by a governing body] and miscellaneous items~~

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

- ~~a) Call to order~~

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~~b) communications:~~

- ~~1. staff (written or oral) response to questions raised by the public or commissioners~~
- ~~2. declaration of intent to abstain on specific agenda items (oral)~~

~~c) reconvene public hearing~~

~~d) public hearing items that are:~~

- ~~1. associated with non public hearing items~~
- ~~2. minimum maintenance road requests~~
- ~~3. City or County special use permits~~
- ~~4. comprehensive plan amendments~~
- ~~5. text amendments to zoning or subdivision regulations~~

~~e) ex parte communications disclosed for each separate quasi judicial item (oral):~~

~~f) committee or commission generated plans or rezonings~~

~~g) old business or miscellaneous items~~

~~h) close public hearing~~

~~i) public comments~~

~~j) adjournment~~

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\* public and non-public hearing items that are related to a development project shall be placed on the same meeting's agenda in consecutive order under the regular agenda.

~~Any matter or subject not appearing on the agenda shall be considered under Miscellaneous Items if a majority of the Commission members vote consideration. Approval of consideration shall be based on a finding that a review or presentation would be in the best interest of the general public and not contrary to the provisions of public notice.~~

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

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

~~When an item is pulled only for a separate voice vote, it shall be considered immediately following action taken on the remainder of the consent agenda. An item pulled for clarification shall be considered after scheduled non public hearing items are considered. An item pulled for lengthy discussion by the applicant shall, at the chairperson's discretion, be placed at the end of the commission agenda, prior to consideration of miscellaneous items OR on the following month's meeting agenda. An item requested to be pulled for lengthy discussion by a planning commissioner shall be placed at the end of the non-public hearing portion of the agenda.~~

SECTION 2BC. DEFERRALS REQUESTED BY THE APPLICANT. Deferral requests that are made while a project is under review [prior to staff report posting on the website] will be noted on a revised agenda as 'Deferred' and staff will attempt to notify members of the public who have expressed interest in the project during the review period, as well as the media. Deferral requests made by the applicant after staff report posting and through the communications deadline shall be considered by the Commission under the Communications portion of the agenda. Such requests will be permitted only in cases in severe hardship or for the purpose of making a significant change to the original application and only with a majority vote of the Commission at the meeting. Such requests must be made in writing and must be submitted to Staff no later than 10:00 ~~a.m.~~ **AM** on the day of the meeting.

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

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

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

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

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

SECTION 4B. INTRODUCTION OF UNREVIEWED INFORMATION. An applicant's written response to the recommendations in the Staff Report will be accepted by planning staff until **10:00 a.m. on the Monday of the week of the regular meeting** ~~2:00PM on the business day prior to the day of the~~

meeting on which the agenda item will appear. The applicant may present new information at a regular meeting under three circumstances:

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

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

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

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

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

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

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

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



SECTION 9. RECORD OF PROCEEDINGS. The secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Commission for approval.

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

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

## **ARTICLE VI**

### **MATTERS TO BE CONSIDERED**

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

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

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

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

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## **ARTICLE VII**

### **CODE OF CONDUCT**

## Section 1. DEFINITIONS:

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

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

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

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

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

Section 23. DISCLOSURE OF EX PARTE COMMUNICATIONS. Any ex parte communication shall be disclosed at any meeting as part of the Communications section, and at the beginning of each quasi-judicial item on ~~of~~ the agenda, or earlier. The Commissioner receiving the ex parte communication shall disclose the full nature of the ex parte communication including the identity of the individual(s) participating in the communications and any information obtained through the communications so that all Commissioners have the same information upon which to make their decision and so that the applicant, City Staff, interested parties, and the general public are provided a fair opportunity to respond meaningfully to the information. so that the applicant, staff or public is provided the opportunity to respond and/or rebut the information provided in the ex parte communication.

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Section ~~34.~~ REQUEST FOR ADDITIONAL INFORMATION BY COMMISSIONERS. The *ex parte* communication restriction shall not preclude any Commissioner from requesting additional information as long as the requests for information are in writing and a copy of the request and the response are forwarded to staff and made part of the public record on that quasi-judicial matter.

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

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

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

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## **ARTICLE VIII**

### **AMENDMENTS**

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

**BYLAWS OF THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION  
LAWRENCE, KS**

**ADOPTED JUNE, 1969**

AMENDED 10.23.02, 02.11.04, 03.17.04, 08.30.06, 09.24.07,  
02.27.08, 02.23.09

LATEST AMENDMENT: XX.XX.18

**ARTICLE I  
NAME AND MEMBERSHIP**

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

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

**ARTICLE II  
PURPOSE**

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

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

**ARTICLE III  
ORGANIZATION**

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

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

SECTION 3. VICE-CHAIRPERSON. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new vice-chairperson for the unexpired term at the next regular meeting.

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SECTION 4. SECRETARY. The secretary shall prepare the agenda and the order of business for each regular meeting in consultation with the chairperson. The secretary shall keep the Commission informed on all communications. The secretary shall record the minutes of all meetings and shall provide copies to all members of the Commission, the governing bodies and other public agencies involved. The secretary shall act on behalf of the Commission in the following matters, provided that matters shall first be presented to the Commission if there appears to be a serious conflict of interest, public controversy, or the like:

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

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

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

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

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

## **ARTICLE IV**

### **MEETINGS**

SECTION 1. REGULAR MEETINGS. Regular monthly meetings shall be held twice a month, typically on the fourth Wednesday of the month and on the Monday preceding the fourth Wednesday of the month, unless otherwise designated on the official yearly meeting calendar adopted annually in November of the previous year. The public hearing portion of the regular monthly



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meetings shall be commenced at the first meeting date and recessed, at the conclusion of that meeting, until 6:30 p.m. on the second monthly meeting date.

The first regular monthly meeting shall be held on either a Monday or a Wednesday, and shall commence at 6:30 p.m. Regular monthly meetings shall be held in the City Commission meeting room on the first floor of City Hall, 6 E 6<sup>th</sup> Street, in Lawrence, unless another location is published in the meeting's legal notice.

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

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

SECTION 4. AGENDA. If an agenda is prepared, it shall be made available to the public ten days prior to the first regular monthly meeting and shall be posted on the department's website for ease of access. Any updates to the Agenda will be posted to the website daily by 5:00 p.m. (if needed). Items on the Agenda may be taken in any order, by a majority vote of the Commissioners present and voting at the meeting.

SECTION 5. QUORUM. A quorum shall consist of six (6) members as provided by the joint ordinance/resolution establishing the Commission. In the absence of a quorum, the members present shall reschedule the meeting and absent members shall be notified by the secretary.

## **ARTICLE V** **Conduct of Meetings**

SECTION 1. PARLIAMENTARY AUTHORITY. Meetings shall be conducted according to these bylaws.

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

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

- a) call to order
- b) consideration of minutes
- c) staff and committee reports
- d) communications:
  1. public (written)
  2. planning commissioners or other boards and/or commissions (written or oral)
  3. staff (written or oral)
  4. declaration of planning commissioner ex parte communications and intent to abstain on specific agenda items
  5. requests for deferral
- e) election of chairman and vice-chairman [annually at the June meeting]

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- f) ex parte communications disclosed for each separate quasi-judicial item (oral).
  - g) old business [items returned for reconsideration by a governing body]
  - h) plats which require public hearing on variance requests
  - i) public hearing items
  - j) miscellaneous items
  - k) general public comment
  - l) adjourn

\* public and non-public hearing items that are related to a development project shall be placed on the same meeting's agenda in consecutive order under the regular agenda.

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

SECTION 2B. DEFERRALS REQUESTED BY THE APPLICANT. Deferral requests that are made while a project is under review [prior to staff report posting on the website] will be noted on a revised agenda as 'Deferred' and staff will attempt to notify members of the public who have expressed interest in the project during the review period, as well as the media. Deferral requests made by the applicant after staff report posting and through the communications deadline shall be considered by the Commission under the Communications portion of the agenda. Such requests will be permitted only in cases in severe hardship or for the purpose of making a significant change to the original application and only with a majority vote of the Commission at the meeting. Such requests must be made in writing and must be submitted to Staff no later than 10:00a.m. on the day of the meeting.

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

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

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

SECTION 4A. APPEARANCE BEFORE THE COMMISSION. Petitioners or their representatives, members of the community at large, or individuals or their representatives who feel that they will be affected by any action may appear before the Commission to present views and statements either for or against agenda items. The public may address their comments or concerns to the Commission in person or in writing. Except as otherwise determined by the chair, the following time limits will apply: Applicant - 10 minutes per item up to a maximum of 30 minutes;

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Members of public representing themselves or a group - 3 minutes; Petitioner's response to public testimony – 5 minutes. The Chairperson may at his/her discretion change the length of presentation or discussion to ensure the orderly conduct of Commission business provided that the decision of the Chairperson may be overridden by a majority vote of those commissioners present.

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

SECTION 4B. INTRODUCTION OF UNREVIEWED INFORMATION. An applicant's written response to the recommendations in the Staff Report will be accepted by planning staff until 10:00 a.m. on the Monday of the week of the regular meeting on which the agenda item will appear. The applicant may present new information at a regular meeting under three circumstances:

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

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

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

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

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

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

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

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

SECTION 9. RECORD OF PROCEEDINGS. The secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Commission for approval.

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

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

## **ARTICLE VI**

### **MATTERS TO BE CONSIDERED**

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

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

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

- 1) Rezoning proposals, Conditional Use Permits, Special Use Permits, and Subdivision plats and Certificates of Survey and associated requests for variances;
- 2) Annexation proposals;
- 3) Comprehensive Plan amendments or revisions;
- 4) Text Amendments to adopted ordinances and resolutions;
- 5) Capital Improvement Plans, and;
- 6) Such other matters as the Director may bring before the Commission or that the governing bodies may assign to the Commission or the Commission shall deem relevant or appropriate.

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## **ARTICLE VII**

### **CODE OF CONDUCT**

#### Section 1. DEFINITIONS:

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

- Proper notice of the hearing;
- A proper hearing where interested parties are permitted to present their case;
- A fair and impartial decisionmaker that reviews the evidence and makes its decision based on substantial competent evidence in the record

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

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

Section 2. DISCLOSURE OF EX PARTE COMMUNICATIONS. Any *ex parte* communication shall be disclosed at any meeting as part of the Communications section, at the beginning of each quasi-judicial item on the agenda, or earlier. The Commissioner receiving the *ex parte* communication shall disclose the full nature of the communication including the identity of the individual(s) participating in the communications and any information obtained through the communications so that all Commissioners have the same information upon which to make their decision and so that the applicant, City Staff, interested parties, and the general public are provided a fair opportunity to respond meaningfully to the information.

Section 3. REQUEST FOR ADDITIONAL INFORMATION BY COMMISSIONERS. The *ex parte* communication restriction shall not preclude any Commissioner from requesting additional information as long as the requests for information are in writing and a copy of the request and the response are forwarded to staff and made part of the public record on that quasi-judicial matter.

Section 4. CONFLICT OF INTEREST. A Commissioner shall declare a conflict of interest and shall not participate in, discuss, or vote on any matter in which he or she has a conflict of interest, a



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substantial interest as defined by K.S.A. 75-4301a *et seq.* or is otherwise prevented by any applicable City or County ordinance, resolution, rule, or policy. Any Commissioner declaring a conflict of interest with respect to an item before the Commission shall physically leave the meeting room during the discussion and the vote on the item.

Section 5. Commissioners continue to be subject to the *ex parte* disclosure requirements until a 'final action of approval' has been taken on an "active request" as defined in Article VII, Section 1C.

## **ARTICLE VIII**

### **AMENDMENTS**

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

# Memorandum

## City of Lawrence-Douglas County Planning & Development Services

**TO:** Lawrence-Douglas County Metropolitan Planning Commission

**FROM:** Mary Miller, Planning Staff

**Date:** January 11, 2018

**RE:** Misc. Item No. 4, Variances for Cluster Development Certificate of Survey, CSU-18-00006, for property at 1637 N 400 Road

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

### **Attachment A:** Certificate of Survey, CSU-18-00006

Certificates of Survey are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. A Certificate of Survey for approximately 40 acres at 1637 N 400 Road, located within the Baldwin City Urban Growth Area, was recently submitted and is currently under review. A copy of the Certificate of Survey is being provided with this memo for context; however, no Planning Commission action is required on the Certificate of Survey.

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

### **Variance 1: Cluster Development Certificate of Survey with 2 access points.**

A Cluster Development Certificate of Survey is a residential land division that is permitted within the Urban Growth Area. The development is to be clustered on the property with access being taken from a shared drive within a Cross Access Easement. Section 11-104(c)(1)(vii)(c) of the Subdivision Regulations [20-804(c)(1)(vii)(c)/City Code] states:

*"Only one access point shall be allowed for the entire development unless a separate access point is necessary to allow access to prevent intrusion or damage to the Environmentally Sensitive Lands being conserved and protected."*

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

The Certificate of Survey will divide approximately 40 acres into two Residential Development Parcels (RDP) for residential development. One new residence will be constructed in addition to the existing house on the property which takes access on N 400 Road. The Subdivision Regulations would require that this access be abandoned and that access be taken from the Cross Access Easement (shared drive) that provides access to the proposed RDP to the south. (Figure 1)

The County Engineer noted that the two access points would be compliant with the Access Management Standards. N 400 Road is classified as a Minor Collector Road in the Access Management Standards which require 330 ft of frontage for each access. The property has 667.05 ft of frontage which is compliant with the Access Management Standards requirement for two access points. The County Engineer also noted that the new entrance would be located on the far eastern side of the property and has good sight distance due to its location on the hillcrest. He stated that he would support the variance based on the fact that the property has the required frontage for two entrances, and that the proposed access point is in an acceptable location.

If the variance were not approved, it would be necessary for both residences to take access from the shared drive. The proposed location at the east side of the property would be the safest location due to the hillcrest and sight distance; therefore, the drive to the existing residence would need to be reconfigured to connect to the east. This layout is shown in red on Figure 2.

**Staff Finding:**

Utilizing one access point would require the reconfiguration of the existing drive so that access would be taken from the east. This would be an unnecessary hardship as the County Engineer indicated that two access points would be in compliance with the Access Management Standards, due to the amount of road frontage available. The hardship would be the inconvenience of the new access point across private property, when an approved access point is currently located in close proximity to the front of the house.



**Figure 2.** Subject property. Red dots mark location of the existing and proposed residences. Proposed new access drive is shown in gray, potential relocated drive in red.

Criteria 2. The proposed variance is in harmony with the intended purpose of these regulations. The Subdivision Regulations are intended to "...ensure that the division of land, which, in many instances, is an initial step in urbanization, will serve the public interest and general welfare." (Section 11-101(a)(1) [20-801(a)(1) City Code]) In addition to requiring that Cluster Developments utilize one shared access, unless an additional access is necessary to prevent damage to environmentally sensitive lands, the Subdivision Regulations also require compliance

with the Access Management Standards as a means to reduce the number of access points on higher classification roadways and improve traffic safety. The proposed access points are in compliance with the Access Management Standards for a Minor Collector Road.

The Cluster Development Certificate of Survey is intended to allow higher density residential development in the Urban Growth Area. The subject property is developing at a very low density: two dwelling units on 40 acres. However, it would be possible for the property to be divided further for more dense development, through an amended Certificate of Survey. At that time, it should be reconsidered if the traffic generated by the development can be safely accommodated with the two access points or if the access points should be combined.

**Staff Finding:**

The intent of the Subdivision Regulations is being met with the proposed access points as the access points are compliant with the Access Management Standards and a very low density development is being proposed, with each access drive serving one residence. The variance, if approved, should be linked to the development of two residences on the property. The access should be re-evaluated if the land is further divided through an amended Certificate of Survey to insure that safe access continues to be provided.

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

The Cluster Development Certificate of Survey is intended to allow residential development to occur in the Urban Growth Area (UGA) at a higher density than in the Rural Area, area outside the UGA. The requirement that all Residential Development Parcels take access from one Cross Access Easement is intended to limit the number of access points (and potential conflict points) on roads in the UGA. This Certificate of Survey is not proposing a higher density, but is dividing the land into 2 RDPs, which would also be permitted if the property were outside the UGA. The County Engineer noted that the access points are compliant with the Access Management Standards and approved the location of the proposed second access point based on its location on the hillcrest, the sight distance being provided, and the fact that N 400 Road is a 30 mph road in this location.

**Staff Finding:**

Granting of the variance will not increase the number of access points beyond that which would be permitted with the Access Management Standards. The location of the proposed access on the hillcrest will not negatively affect the public health, safety, and welfare.

**Staff Recommendation**

Staff Recommends the approval of the variance to permit the Certificate of Survey with two access points on N 400 Road, subject to the condition that the variance applies to the two Residential Development Parcels being created with CSU-18-00006. Additional land divisions will require re-evaluation of the access and either a combined access or a new variance.

**Variance 2 Certificate of Survey in the Urban Growth Area without the submittal of a Build Out Plan.**

As the properties within the Urban Growth Area are expected to be annexed into the adjoining city, the residential development is to be arranged in respect to urban blocks shown on the Build Out Plan to insure that it is possible to extend city streets and utilities through the area.

Section 11-107(d)(5)(ii) of the Subdivision Regulations [20-807(d)(5)(ii), City Code] requires the submittal of a Build Out Plan which illustrates a realistic future urban block layout, designed consistent with the future land use in the applicable city's comprehensive plan, with block level

easements for utilities and stormwater drainage. The Certificate of Survey then includes building envelopes which exclude the future streets and easements and provides the required setbacks from these streets to insure the placement of the structures do not interfere with the future extension of streets and utilities.

In this case, one residence will be built on a 35 acre parcel, which consists of a 19.76 acre RDP and a 16.04 acre Future Development Area. The applicant requested a variance from the requirement to provide a Build Out Plan, given the low density being proposed.

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

The Certificate of Survey will divide approximately 40 acres to create two Residential Development Parcels (RDP) for residential development and a Future Development Area, which can only be developed after annexation. One house is currently located on the property and one new house will be constructed. The build out plan would divide the property into urban blocks, to insure that the placement of the residence would not conflict with the extension of city streets and utilities through the area.

The City of Baldwin City reviewed the Certificate of Survey and noted they had no objection to the Build Out Plan requirement being waived with the limited development that is being proposed.

With most Certificates of Survey, the Build Out Plan establishes building envelopes for future houses. In this case, the location of the one additional house is shown on the Certificate of Survey. (Attachment A)

**Staff Finding:**

The provision of a Build Out Plan would be an unnecessary hardship as the Certificate of Survey is proposing very limited development, the addition of one new residence to a 40 acre tract, and the location of the new residence is shown on the Certificate of Survey. The City of Baldwin City noted they had no objection to the Certificate of Survey being processed without the Build Out Plan.

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

The Subdivision Regulations note that the purpose of the Build Out Plan is to provide forethought and design considerations to identify the future urban density residential development of the land and that based on these considerations, 3 acre or larger Residential Development Parcels may be created when they allow for future divisions. The Build Out Plan allows the houses to be located so they will not conflict with street or utilities extension following annexation. The addition of one house on the parcel of approximately 35 acres should have no impact on the street/utilities extension.

The Cluster Development is intended to allow higher density residential development. The subject property is developing at a low density of two dwelling units on 40 acres and the location of both residences are shown on the Certificate of Survey. The City of Baldwin City indicated they had no objection to this Certificate of Survey being processed without a Build Out Plan. As it would be possible to divide the property into additional Residential Development Parcels with an amended Certificate of Survey, this variance, if approved, should be linked to the Residential Development Parcels shown on this Certificate of Survey, CSU-18-00006. A Build Out Plan should be provided when any future land divisions are proposed.



**Staff Finding:**

Given the low density being proposed, the fact that the residences are shown on the Certificate of Survey, and Baldwin City's acceptance of the Certificate of Survey without the Build Out Plan, approval of the variance would be in harmony with the purpose of the Subdivision Regulations. Any additional land divisions would require the submittal and approval of a Build Out Plan.

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

The Build Out Plan protects the public health, safety, and welfare by restricting more dense residential development in the Urban Growth Area to building envelopes which exclude future street and utilities extensions. In this case, the very low density proposed, and the fact that the location of the new residence is shown on the Certificate of Survey, removes potential conflict with the future extension of streets and utilities and in that way protects the public health, safety, and welfare. If the property were to be further divided with an amended Certificate of Survey, the Build Out Plan should be provided to insure placement of additional residences won't conflict with the extension of streets and utilities.

**Staff Finding:**

Granting of the variance will protect the public health, safety, and welfare as the location of the residence is shown on the Certificate of Survey, and the very low density (one residence per 35 acres) leaves adequate area for future extension of street and utilities. Baldwin City indicated they had no opposition to the development being proposed occurring without the submittal of a Build Out Plan. Tying the variance to the current land division will defer the Build Out Plan until more intense development is proposed.

**Staff Recommendation:**

Based on the findings in this memo, staff recommends that the variance from the requirement to provide a Build Out Plan with the Certificate of Survey be approved, subject to the condition that any future land divisions through a Certificate of Survey will require the submittal of a Build Out Plan.

NOTES:

1. Residential Development Parcel 1 and Residential Development Parcel 2 created by this certificate of survey shall not be eligible for a building permit until both of the following occur:
  - a. 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 OR a Rural Water District shall issue a water meter and documentation that a water meter has been purchased by the owner is presented to the Lawrence-Douglas County Health Department and the Douglas County Zoning Office. The area is not currently served by a Rural Water District. 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.
  - b. Wastewater disposal will be provided by an On-site Sewage Management System approved by the Director of the Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment. 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 System - Lateral Fields and Other Sewage Disposal Systems for the Unincorporated Territory of Douglas County, Kansas County Sanitation Code", Unincorporated Territory of Douglas County, Kansas County Sanitation Code, Resolution 08-44, as amended.
2. The proposed division meets the criteria of Section 11-105, (Property Divisions in the Rural Area) of the Subdivision Regulations Chapter XI of the Code Douglas County.
3. Each Residential Development Parcel shown is eligible for Certificate of Survey approval (division) this time and may not further divided pursuant to Section 11-105, unless the Certificate of Survey is amended pursuant to Section 11-1 07(h) of the Subdivision Regulations Douglas County Code.
4. These Residential Development Parcels shown on this Certificate of Survey shall be considered parcels but shall not be considered Lots as defined by the Subdivision Regulations for Lawrence and Unincorporated Douglas County. Residential Development Parcels shall be eligible for building permits for one principal single family dwelling and permitted accessory uses, buildings and structures. Use for any other purpose (other than agricultural use), construction of more than one principal single-family dwelling, or further division of the Residential Development Parcel shall be prohibited.
5. There is no FEMA designated floodplain on the subject property per FEMA FIRM number 2004SC03120, revised August 5, 2010.
6. Subject Property is zoned A-Agricultural
7. Development on Residential Development Parcel shall comply with the Douglas County Zoning Regulations, Chapter XII of the County Code.
8. Development on Residential Development Parcel shall comply with the Douglas County Access Management Regulations, Chapter IX, Article 5 of the County Code.

ERROR OF CLOSURE

RDP 1  
Perimeter: 1880.86' Area: 217802.68 Sq. Ft.  
Error Closure: 0.0000 Course: N0°00'00"E  
Error North: 0.00000 East: 0.00000  
Precision 1: 1880860000.00

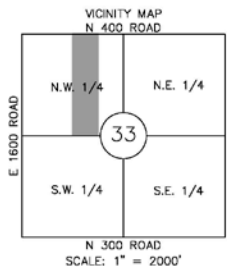
RDP 2  
Perimeter: 6661.07' Area: 1559586.08 Sq. Ft.  
Error Closure: 0.0017 Course: S18°20'18"W  
Error North: -0.00162 East: -0.00054  
Precision 1: 3918276.47

LEGEND

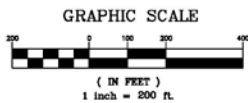
- ▲ MONUMENT FOUND AS DESCRIBED
- STONE FOUND AS DESCRIBED
- BAR FOUND AS DESCRIBED
- ⊙ SET ½" X 24" REBAR WITH PLASTIC KS CLS 93 CAP
- MAG-NAL SET
- B/L BUILDING SETBACK LINE

SURVEY NOTES:

1. Origins of survey monuments are unknown unless otherwise noted.
2. Basis of Bearings: Kansas State Plane, North Zone.
3. No easement information was provided as a part of this survey.



THIS IS TO CERTIFY THAT ON THE 20TH DAY OF DECEMBER 2017, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.



PARENT TRACT DESCRIPTION (Per deed recorded in Book 1123, Page 345)

The West Half of the East Half of the Northwest Quarter of Section 33, Township 14 South, Range 20 East of the 6th Principal Meridian, in Douglas County, Kansas.

RESIDENTIAL DEVELOPMENT PARCEL 1 DESCRIPTION

All that part of the West Half of the East Half of the Northwest Quarter of Section 33, Township 14, South, Range 20 East of the 6th Principal Meridian, Douglas County, Kansas, described as follows: Commencing at the Northeast corner of the Northwest Quarter of said Section 33; thence South 88 degrees 25 minutes 22 seconds West, along the North line of the Northwest Quarter of said Section 33, a distance of 921.32 feet to the point of beginning; thence South 1 degree 39 minutes 37 seconds East, parallel with the West line of the East Half of the Northwest Quarter of said Section 33, a distance of 527.65 feet; thence South 88 degrees 25 minutes 22 seconds West, parallel with the North line of the Northwest Quarter of said Section 33, a distance of 412.78 feet to a point on the West line of the East Half of the Northwest Quarter of said Section 33; thence North 1 degree 39 minutes 37 seconds West, along the West line of the East Half of the Northwest Quarter of said Section 33, a distance of 527.65 feet to the Northwest corner of the East Half of the Northwest Quarter of said Section 33; thence North 88 degrees 25 minutes 22 seconds East, along the North line of the Northwest Quarter of said Section 33, a distance of 412.78 feet to the point of beginning, containing 5.00 acres, more or less.

RESIDENTIAL DEVELOPMENT PARCEL 2 DESCRIPTION

All that part of the West Half of the East Half of the Northwest Quarter of Section 33, Township 14, South, Range 20 East of the 6th Principal Meridian, Douglas County, Kansas, described as follows: Commencing at the Northeast corner of the Northwest Quarter of said Section 33; thence South 88 degrees 25 minutes 22 seconds West, along the North line of the Northwest Quarter of said Section 33, a distance of 1334.11 feet to the Northwest corner of the East Half of the Northwest Quarter of said Section 33; thence South 1 degree 39 minutes 37 seconds East, along the West line of the East Half of the Northwest Quarter of said Section 33, a distance of 527.65 feet to the point of beginning; thence continuing South 1 degree 39 minutes 37 seconds East, along the West line of the East Half of the Northwest Quarter of said Section 33, a distance of 1406.22 feet; thence North 88 degrees 17 minutes 44 seconds East, parallel with the South line of the Northwest Quarter of said Section 33, a distance of 612.57 feet; thence North 1 degree 40 minutes 32 seconds West, along the East line of the West Half of the East Half of the Northwest Quarter of said Section 33, a distance of 1404.86 feet; thence South 88 degrees 25 minutes West, parallel with the North line of the Northwest Quarter of said Section 33, a distance of 612.19 feet to the point of beginning, containing 19.76 acres, more or less.

FUTURE DEVELOPMENT AREA 1 DESCRIPTION

All that part of the West Half of the East Half of the Northwest Quarter of Section 33, Township 14, South, Range 20 East of the 6th Principal Meridian, Douglas County, Kansas, described as follows: Commencing at the Northeast corner of the Northwest Quarter of said Section 33; thence South 88 degrees 25 minutes 22 seconds West, along the North line of the Northwest Quarter of said Section 33, a distance of 667.05 feet to the Northeast corner of the West Half of the East Half of the Northwest Quarter of said Section 33; thence South 1 degree 40 minutes 32 seconds East, along the East line of the West Half of the East Half of the Northwest Quarter of said Section 33, a distance of 2662.39 feet to the Southeast corner of the West Half of the East Half of the Northwest Quarter of said Section 33; thence North 1 degree 39 minutes 37 seconds West, along the West line of the East Half of the Northwest Quarter of said Section 33, a distance of 730.00 feet; thence North 88 degrees 17 minutes 44 seconds East, parallel with the South line of the Northwest Quarter of said Section 33, a distance of 612.57 feet; thence North 1 degree 40 minutes 32 seconds West, along the East line of the West Half of the East Half of the Northwest Quarter of said Section 33, a distance of 1404.86 feet; thence South 88 degrees 25 minutes West, parallel with the North line of the Northwest Quarter of said Section 33, a distance of 199.41 feet; thence North 1 degree 39 minutes 37 seconds East, parallel with the West line of the East Half of the Northwest Quarter of said Section 33, a distance of 527.65 feet to a point on the North line of the Northwest Quarter of said Section 33; thence North 88 degrees 25 minutes 22 seconds East, along the North line of the Northwest Quarter of said Section 33, a distance of 254.27 feet to the point of beginning, containing 16.04 acres, more or less.

DEDICATION

The undersigned proprietors of the above described parcel of land have caused the same to be subdivided in the manner shown on the accompanying Certificate of Survey in Douglas County, Kansas.

IN TESTIMONY WHEREOF, Richard A. Frost and Kasey A. Frost have caused these presents to be signed this \_\_\_\_ day of \_\_\_\_\_, 2018.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Richard A. Frost Kasey A. Frost

State of Kansas )  
County of Franklin ) SS:

Be it remembered that on this \_\_\_\_ day of \_\_\_\_\_, 2018, before me a notary public in and for said County and State came Richard A. Frost and Kasey A. Frost, to me known personally to be the same persons who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

By: \_\_\_\_\_ My commission expires: \_\_\_\_\_  
Notary Public

REVIEWED in compliance with K.S.A. 58-2005

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kevin R. Sontag, PS 1640  
Douglas County Surveyor

ENDORSEMENTS:

Approved as a Certificate of Survey under the subdivision regulations of the City of Lawrence and the Unincorporated Area of Douglas County.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Planning Director

State of Kansas, County of Douglas:

Filed for record in the office of the Douglas County Register of Deeds this \_\_\_\_ day of \_\_\_\_\_, 2018, and is duly recorded at \_\_\_\_\_ in Book \_\_\_\_\_, Page \_\_\_\_\_.

By: \_\_\_\_\_  
Kay Pesnell  
Register of Deeds

This Certificate of Survey was not prepared for the purpose of platting of land. No further division of the parcels created by this survey shall occur until the property is subdivided in accordance with Section 11-107(h) or all applicable Subdivision Regulations of Douglas County or the city into which it is annexed.

PREPARED FOR:  
KASEY FROST  
1637 N 400 ROAD  
BALDWIN CITY, KANSAS 66006  
PHONE: (316) 200-0209

CERTIFICATE OF SURVEY

PT. OF NW 1/4  
SECTION 30-14-20  
DOUGLAS COUNTY, KANSAS



CIVIL ENGINEERS  
LAND SURVEYORS - LAND PLANNERS

123 N. WATER STREET  
OLATHE, KANSAS 66061

PHONE: (913) 764-4676 FAX: (913) 764-4635

Scale: 1"=200' Drawn By: MRC Project: 32609  
Date: 12/19/2017 Check By: MRC Section: 33-14-20

33-14-20 CERTIFICATE OF SURVEY

AD PROJECT # 32609