



Updated:

7/26/10 @ 1:15pm

Added communications for Item 4 - CPA; H2020 Chp 14; Northeast Sector Plan

7/21/10 @ 1:30pm

Items DEFERRED:

Item 5 - Text Amendment for Minor & Major Subdivisions

Item 6 - Comprehensive Plan Amendment; Neighborhood Commercial Center

Item 7A - Rezoning of NW corner W 6th St & Queens Rd

Item 7B - Rezoning of NE corner W 6th St & Stoneridge Dr

Item 7C - Rezoning between Stoneridge Dr & Queens Rd

Item 8 - Comprehensive Plan Amendment; 6th & Wakarusa Area Plan

****The Wednesday, July 28th Planning Commission meeting has been canceled****

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION

CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM

AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS

JULY 26 & 28, 2010 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of June 21 and 23, 2010.

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 to 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 COMMISSIONS DISCRETION

REGULAR AGENDA (JULY 26, 2010) MEETING

PUBLIC HEARING ITEMS:

ITEM NO. 1 IG TO RS7; .412 ACRES; 302 PERRY ST (DDW)

Z-5-6-10: Consider a request to rezone approximately .412 acres from IG (General Industrial) to RS7 (Single-Dwelling Residential), located at 302 Perry Street. Submitted by Denise Copp, property owner of record.

ITEM NO. 2 REVISE ACCESS RESTRICTIONS; GLENWOOD ADDITION; LOTS 2-11 (SMS)

Consider a request to revise access restrictions for Glenwood Addition, Lots 2-11 located on the east side of Eisenhower Drive between Carson Place & Campbell Place. The owner proposes to widen the access break from 30' to 50' to provide separate driveways for each of the single-family lots in this subdivision. Submitted by Paul Werner Architects, for Redwood LC, property owner of record.

ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT; CHP 7 INDUSTRIAL & EMPLOYMENT RELATED LAND USES (MJL)

CPA-4-3-10: Consider amending Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. This was an identified work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.*

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT; H2020 CHP 14; NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan.

****DEFERRED****

~~ITEM NO. 5 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & COUNTY SUBDIVISION REGULATIONS; MINOR & MAJOR SUBDIVISIONS (SMS)~~

~~TA-3-3-10:~~ Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise requirements and standards related to the processing of Minor and Major Subdivisions, including minor housekeeping changes. *Initiated by City Commission on 2/16/10.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Recess until 6:30 P.M. on July 28, 2010.

****MEETING CANCELED****

BEGIN PUBLIC HEARING (JULY 28, 2010):

COMMUNICATIONS

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

PUBLIC HEARING ITEMS:

****DEFERRED****

~~ITEM NO. 6 — COMPREHENSIVE PLAN AMENDMENT; H2020 CHP 6; NEIGHBORHOOD COMMERCIAL CENTER (DDW)~~

~~GPA-5-7-10:~~ Consider amending Horizon 2020 Chapter 6, Commercial Land Use, to include the NW Corner of 6th Street and Queens Road as a potential location for a new Neighborhood Commercial Center.

****DEFERRED****

~~ITEM NO. 7A — UR TO CN2; 3.158 ACRES; NW CORNER W 6TH ST & QUEENS RD (MKM)~~

~~Z-5-8-10:~~ Consider a request to rezone approximately 3.158 acres from UR (Urban Reserve) to CN2 (Neighborhood Commercial Center), located at the Northwest corner of W. 6th Street and Queens Road. Submitted by Olsson Associates for Pear Tree Village L.P., property owner of record.

****DEFERRED****

~~ITEM NO. 7B — UR TO CO; 3.113 ACRES; NE CORNER W 6TH ST & STONERIDGE DR (MKM)~~

~~Z-5-7-10:~~ Consider a request to rezone approximately 3.113 acres from UR (Urban Reserve) to CO (Office Commercial), located at the Northeast corner of W. 6th Street and Stoneridge Drive. Submitted by Olsson Associates for Pear Tree Village L.P., property owner of record.

****DEFERRED****

~~ITEM NO. 7C — UR TO RM24; 34.527 ACRES; BETWEEN STONERIDGE DR & QUEENS RD (MKM)~~

~~Z-5-9-10:~~ Consider a request to rezone approximately 34.527 acres from UR (Urban Reserve) to RM24 (Multi-Dwelling Residential), located north of W. 6th Street between Stoneridge Drive and Queens Road. Submitted by Olsson Associates, for Pear Tree Village L.P., property owner of record.

****DEFERRED****

~~ITEM NO. 8 — COMPREHENSIVE PLAN AMENDMENT; H2020; 6TH & WAKARUSA AREA PLAN (AAM)~~

~~GPA-5-6-10:~~ Consider Comprehensive Plan Amendment to Horizon 2020, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6th Street between Folks Road and Champion Lane.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

CALENDAR

June 2010						
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			

July 2010						
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

August 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

PCCM Meeting:

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

ADJOURN

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PLANNING COMMISSION MEETING

June 21 & 23, 2010

Meeting Minutes DRAFT

June 21, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Carter, Finkeldei, Harris, Hird, Liese, Rasmussen, and Singleton

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

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of May 24 and 26, 2010.

Motioned by Commissioner Hird, seconded by Commissioner Harris, to approve the May 24 and 26, 2010 Planning Commission minutes, with the changes that Commissioner Harris emailed to staff and add what time Commissioner Rasmussen arrived at the meeting.

Motion carried 6-0-3, with Commissioners Burger, Liese, and Singleton abstaining.

COMMITTEE REPORTS

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

Commissioner Hird said the Agri-Tourism Committee met and was well attended with a good exchange of information about the focus of the committee and definition of agri-tourism.

Commissioner Harris said the Comprehensive Plans Committee met to review comments received from the public and incorporate into the plan and it is almost ready to come back to Planning Commission. She inquired about the timeframe on it.

Mr. McCullough said staff is trying to get it back to Planning Commission in August.

Commissioner Finkeldei said although it is not an official committee he plans to keep the Planning Commission up to date on the Elementary Task Force that he was recently appointed to. He said the first meeting is tonight at 7:00pm so he will not be able to stay for the Planning Commission meeting.

Commissioner Blaser said the Industrial Design Committee met and are coming to an understanding of what Chapter 7 should entail.

COMMUNICATIONS

Mr. Scott McCullough reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date.

No written action of any waiver requests/determinations made to the City Engineer.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Rasmussen said that he and Commissioner Harris and Ms. Mary Miller were all emailed by Mr. Tim Herndon comments about the Environmentally Sensitive Text Amendment.
- No abstentions.

ELECTION OF OFFICERS FOR 2010-2011

Accept nominations for and elect Chair and Vice-Chair for the coming year.

Motioned by Commissioner Hird, seconded by Commissioner Finkeldei, to nominate Commissioner Blaser as Chair.

Unanimously approved, 9-0

Motioned by Commissioner Singleton, seconded by Commissioner Harris, to nominate Commissioner Hird as Vice-Chair.

Unanimously approved 9-0.

Commissioner Finkeldei left the meeting at 6:45pm.

PC Minutes 6/21/10 **DRAFT**

ITEM NO. 1 FINAL DEVELOPMENT PLAN; PARKWAY PLAZA PCD; 8.03 ACRES; 3504 CLINTON PKWY (SLD)

FDP-4-5-10: Consider a Final Development Plan for phase I of the Parkway Plaza PCD for a building addition to the Hy-Vee Grocery Store, approximately 8.03 acres, located at 3504 Clinton Parkway. Submitted by Landplan Engineering, P.A., for Hy-Vee Food Stores, Inc., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Rasmussen asked if there would be front façade changes.

Ms. Day said yes, there would be front façade changes.

APPLICANT PRESENTATION

Mr. Tim Herndon, Landplan Engineering, was present for questioning.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Hird, to approve the Final Development Plan (FDP-4-5-10) for Parkway Plaza PCD, based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Submission of mylar and applicable recording fees for the document to be recorded with the Register of Deeds prior to the issuance of building permits.
2. Provision of a revised Final Development Plan to show final building elevations per staff approval.

Unanimously approved 8-0.

PC Minutes 6/21/10 **DRAFT**

ITEM NO. 2A FINAL PLAT; BAUER FARM; 4.9 ACRES; 4700 W 6TH ST (MKM)

PF-4-3-10: Consider a Final Plat for Bauer Farm, a one lot residential subdivision containing approximately 4.9 acres, located at 4700 W 6th St. Submitted by Landplan Engineering, for Free State Group, LLC, Free State Holdings, Inc, and Bauer Farms Residential, LLC, property owner of record.

ITEM NO. 2B FINAL DEVELOPMENT PLAN; BAUER FARM PHASE 4; 5.39 ACRES; 4700 W 6TH ST (MKM)

FDP-4-6-10: Consider a Final Development Plan for Bauer Farm Phase 4, approximately 5.39 acres, located at 4700 W 6th St. The Development Plan proposes the construction of a 124 unit retirement residence, an assisted living use, and associated parking area. Submitted by Landplan Engineering, for Free State Group, LLC, Free State Holdings, Inc, and Bauer Farms Residential, LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 2A and 2B together.

Commissioner Burger asked if the zoning requires the same landscaping on the east side of the property as Briarwood across the street on Folks Road.

Ms. Miller said street trees are the required landscaping and it does not have to match the other surrounding developments.

Mr. McCullough said this did receive some variances for setbacks along Folks Road.

Commissioner Harris asked how many stories tall the buildings would be.

Ms. Miller said three stories.

APPLICANT PRESENTATION

Mr. Tim Herndon, Landplan Engineering, was present for questioning.

ACTION TAKEN on ITEM 2A

Motioned by Commissioner Singleton, seconded by Commissioner Carter, to approve the Final Plat (PF-4-3-10) for Bauer Farm 4th Plat Subdivision and forwarding it to the City Commission for acceptance of easements and rights-of-way, subject to the following conditions:

1. Recordation of revised maintenance agreement prior to the recording of the Final Plat with the Register of Deeds Office.
2. Provision of a revised Master Street Tree Plan and graphic which includes street trees for the street right-of-way being shown along the west property line on the Preliminary Development Plan. A note may be added to the street tree plan clarifying the status of the street to the west.
3. Provision of a revised final plat with the following changes:
 - a. Planning Commission chairperson signature blank updated to 'Charles Blaser'.
 - b. Dimensions of the access break on Overland Drive included on the plat.
4. Provision of the following fees and documentation:
 - a. Recording fees made payable to the Douglas County Register of Deeds.

- b. Street sign fees as determined by the City Traffic Engineer.
- 5. Pinning of lots in accordance with Section 20-811(g)(8) of the Subdivision Regulations.
- 6. Submission of public improvement plans prior to the recording of the Final Plat with the Register of Deeds Office.

Unanimously approved 8-0.

ACTION TAKEN on ITEM 2B

Motioned by Commissioner Carter, seconded by Commissioner Singleton, to approve the Final Development Plan (FDP-4-6-10) for Bauer Farm Phase 4, based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

- 1. A Final Plat must be recorded with the Register of Deeds prior to the issuance of building permits.
- 2. Provision of a revised Final Development Plan with the following changes:
 - a. Revision of phasing lines on all plan sheets to reflect those shown on Sheet 1.
 - b. Delineate the walkway connections through the parking area on the plan and on site with pavement treatment or markings.
 - c. Note 43 shall be revised with the new Book and Page Number of the revised Maintenance Agreement.
 - d. Identify 'Tract A, Block Five' as a drainage easement rather than as a 'tract' to maintain consistency with the final plat.
- 3. Provision of a photometric plan for all exterior lighting, for planning approval prior to recording of the Final Development Plan.
- 4. Provision of an updated Common Open Space exhibit which shows the common open space being provided along with the calculations of the area (sq ft) and percentage of common open space being provided with this phase of the development.

Commissioner Harris said she would vote in favor of the item because it substantially conforms to the approved Preliminary Development Plan.

Unanimously approved 8-0.

PC Minutes 6/21/10 **DRAFT**

ITEM NO. 3 PD TO PD; 2.61 ACRES; 2000 & 2040 W 31ST ST (SLD)

Z-3-4-10: Consider a request to rezone approximately 2.61 acres from PD-[Home Improvement Center- PCD-2 with use restrictions] to PD-[Home Improvements Center- PCD-2 with use restrictions amended to include office uses], located at 2000 & 2040 W 31st St. Submitted by Landplan Engineering, for Broadway Plaza II Lawrence Inc., property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Rasmussen asked if the reason for the request was to come into compliance with the Code.

Ms. Day said the applicant was granted temporary approval to have a leasing office space in one of the buildings as they were pursuing zoning.

APPLICANT PRESENTATION

Ms. Sheryl Vickers, Block and Company Real Estate, displayed the covenants on the overhead.

Commissioner Harris wondered why Mr. Peter Dellaportas opposed the request.

Ms. Day said his comments to her were that office and retail uses do not mix well and that the parking demand for office was higher than commercial. He did not support it. She said she tried to explain that the reverse is true with the parking standards.

Commissioner Blaser asked if there would be limitations on square footage.

Ms. Day said staff recommendation is to approve to allow office use with no cap on the office piece of it for the two pad sites.

Commissioner Hird asked if approved without a cap it would be up to the parties to sort out the private covenants.

Ms. Day said yes.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Singleton said she did not want to get involved in their contract negotiations. She said she would support staff recommendations.

ACTION TAKEN

Motioned by Commissioner Carter, seconded by Commissioner Liese, to approve the rezoning request for approximately 2.61 acres Lot 2, First National Addition No.2, a replat of Lots 1 & 4 First National Addition, and Lot 3, First National Addition from PD-[Home Improvement Center PCD-2] with use restrictions to PD-[Home Improvement Center PCD-2] with modified use restrictions to include office uses and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 8-0.

PC Minutes 6/21/10 **DRAFT**

ITEM NO. 4 PCD-1 TO CS; 11.99 ACRES; 1025-1035 NORTH 3RD ST (SLD)

Z-4-5-10: Consider a request to rezone approximately 11.99 acres from PCD-1 (Planned Commercial Development) to CS (Strip Commercial), located at 1025-1035 North 3rd Street. Submitted by KDL, Inc. for I-70 Business Center, LLC., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Harris asked why the uses were restricted in the first plan.

Ms. Day said the first plan went back to discussion and concern about what an outlet mall would do to the downtown. The concern was that the traffic would get off I-70 and then not continue into the downtown core.

Commissioner Liese inquired about the signage requirements.

Ms. Day said she did not know what the status was of those particular signs.

Commissioner Liese said the site maintenance was not well kept.

Ms. Day said when a new use goes into a site part of staff review would be site compliance with existing conditions. She said the lack of tenants in that building has probably also had an effect on that issue. She said the applicant could probably provide more detail on the property maintenance issues.

Commissioner Burger inquired about potential uses in the Commercial Strip district.

Ms. Day said such uses as mini warehouse, restaurant, garden supply sales, dental supply, and reading room. She said a wide variety of retail and office uses would be allowed that are currently restricted.

Commissioner Burger asked if a nightclub would be allowed.

Ms. Day said yes, that would be a use that would be allowed but would require a site plan change and would be reviewed by staff.

Commissioner Hird asked if a strip club would be an allowed use.

Ms. Day said it is possible.

Commissioner Hird asked if anyone has talked about restricting those uses.

Ms. Day said restricting uses was not discussed.

Commissioner Harris asked if the new uses would have to comply with the Commercial Design Guidelines.

Ms. Day said if the exterior to the building is changed, yes. She said the mini warehouse would be on the backside and the storefront would not change.

APPLICANT PRESENTATION

Mr. Kelvin Heck, Grubb & Ellis, said there would be a change of ownership and hopefully that would address some of the issues regarding the maintenance and care of the property. He stated early on they visited with Ted Boyle of the North Lawrence Improvement Association and that he was excited about this project. He said they also visited with the surrounding property owners and met with the major tenants of the site. He said the applicant would be happy to restrict strip clubs or sexually oriented businesses. He said he has not talked to the applicant about the nightclub use yet but he did not anticipate that being a use the applicant wants. He said the applicant would ultimately like to see retail use in that space.

Commissioner Carter inquired about occupancy of the building.

Mr. Heck said the applicants intention is to gate each end of the building so it's gated access from behind the property. The storefronts would stay the same as today.

Commissioner Liese asked if it is two buildings.

Mr. Heck said that was correct.

Commissioner Liese inquired about the signage requirements.

Mr. Heck said he was involved in those discussions in 1992 and there was a concern about competition with downtown and part of the tradeoff was to provide signage pointing folks to the downtown area who were there shopping for retail goods. He said it is not really a retail center today so he did not know that those same amenities should be there but that it can certainly be discussed.

Commissioner Rasmussen asked if there was no objection to restricting sexually oriented businesses.

Mr. Heck said that would be fine. He said he has not discussed nightclubs with the applicant yet.

Commissioner Hird asked if gating both ends of the back would allow emergency access.

Mr. Heck said that was correct.

Commissioner Harris made a comment about the signs. If it is rezoned to Commercial Strip and commercial development is put there then it could look a lot different than a storage facility in the future and could very well compete with downtown. She was not necessarily saying there should be signs but wanted them to keep it in mind.

PUBLIC HEARING

Ms. Marliyn Bittenbender, Grubb & Ellis, said the rooftop count in North Lawrence does not rise to the level needed for major retail. She felt there was opportunity for more investment in the property and help with upkeep.

COMMISSION DISCUSSION

Commissioner Singleton asked if a strip club wanted to go in they would need to get a Special Use Permit.

Mr. McCullough said it is a permitted use but it does come with use standards. They cannot be located on the same block as property with an R zoning district (residential), religious assembly, school, daycare, community recreation, cultural exhibits and library use.

Commissioner Rasmussen asked if it was okay to restrict certain uses out of the rezoning request.

Mr. McCullough said conditional zoning is a permissible process.

Commissioner Rasmussen asked if fireworks sales would be an allowed use. He said he did not want to see Lawrence become like Interstate 70 in Missouri with sex shops and fireworks stands.

Mr. McCullough said one of the differences is that Lawrence does not allow billboards. He said this is an important gateway to the city.

Ms. Day said fireworks sales are not allowed in the city limits.

Commissioner Singleton said they had similar discussions with the Oread Neighborhood Plan regarding nightclubs/bars and multiple uses. She said it seems they need to make those separate and not include in basic strip zoning. She felt that sexually oriented stores or activities probably need more restrictions than what they are discussing.

Mr. McCullough said staff recently did an exercise where they reviewed locations that would allow the sexually oriented theatre. One of the things the Legal Department was concerned with is do the codes allow it at all or do they need to be restricted out. He said if they go down the path of conditionally zoning out one specific use where it is otherwise allowed by standards it is something that needs to be watched. He said this is one of the streets in the city where someone could potentially accommodate the use.

Commissioner Singleton said the restrictions are narrow in finding a place in Lawrence that doesn't abut a residential neighborhood or near a church.

Commissioner Burger asked what the area north of the Kansas River bridge was zoned.

Ms. Day said that has a variety of zoning, including Industrial and Commercial.

Commissioner Hird said the area needs a good jump start and with some responsible development it could be a real improvement.

Commissioner Singleton said this gateway to Lawrence should have conditional zoning to not allow sexually oriented uses.

Commissioner Carter said as long as the applicant was okay with the restriction he would support it. He expressed concern about too many restrictions.

Commissioner Rasmussen said by restricting it at this location would not restrict it everywhere and an example of that would be Allstars down the street that demonstrates that the use is not being completely restricted. There have been viable opportunities on the same street.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Hird, to approve the rezoning request for approximately 11.99 acres from PCD-1 (Planned Commercial Development) to CS (Strip

Commercial), located at 1025-1035 North 3rd Street and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report, with the added condition:

The use of the property as a Sexually Oriented Businesses, as defined and prescribed by Chapter 20, the Development Code of the "Code of the City of Lawrence, Kansas, 2009 Edition," and amendments thereto, shall be prohibited.

Unanimously approved 8-0.

PC Minutes 6/21/10 **DRAFT**

**ITEM NO. 5 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
ENVIRONMENTALLY SENSITIVE AREAS (MKM)**

TA-12-27-07: Consider Text Amendments to various sections of the City of Lawrence Land Development Code, Chapter 20, to revise the Protection Standards for Environmentally Sensitive Areas, to provide more precise definitions, and to include incentives for protection of sensitive lands beyond that required by Code.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Rasmussen inquired about examples of base density.

Ms. Miller said in the April Planning Commission packet there was information included about her contacting other communities that use density bonuses but most use it for affordable housing or for environmentally efficient buildings. She said one community in Oregon did use it for the same purpose as Lawrence and they did use a set percentage of 60%.

Commissioner Rasmussen asked about examples of existing development in Lawrence where a base density would have worked out better for them.

Ms. Miller said there have not been any protection standards yet in Lawrence.

Commissioner Rasmussen asked if there are any developments in Lawrence that would have needed the base density rather than the 60% and would have benefited from what is being proposed.

Ms. Miller said in the plat summary that they were given there are some that were only able to develop to 30%. Sometimes cul-de-sacs, curvy roads, or topography just won't allow it to be created.

Commissioner Rasmussen asked how a developer would determine the base density versus a percentage ahead of time.

Ms. Miller said when she talked to a gentleman from Peridian Group he said they always do a concept plan with the client before they submit an application.

Commissioner Liese asked for a definition of density and how it is calculated.

Ms. Miller said density in the RM district is calculated by the number of dwelling units per acre. In the single dwelling districts the Development Code does not say there needs to be 'x' number of dwelling units per acre, it says so many square feet per dwelling unit. The actual density depends on how the land is configured. The incentive is the number of dwelling units in addition to what can be developed on the property.

Mr. McCullough said the Code would require a certain amount of land be protected if environmentally sensitive lands are present on a site. That number would be up to 20% so if 5% of the property is environmentally sensitive lands then 5% of those lands would have to be protected. If the property contains 30% of environmentally sensitive lands then the Code caps it at 20% so there would still be development potential on the site. He said that the Planning Commission was

interested in encouraging greater amounts of environmentally sensitive lands being protected and that is what staff and the development community have been working on for a few months.

Commissioner Rasmussen was concerned that the calculation of base density would be too complicated and that developers would not use the incentive.

Mr. McCullough said the challenge that staff has tried to identify is that range based on the specific site characteristics.

Commissioner Harris asked if the City Commission specifically ask for prairie to be excluded.

Ms. Miller said the City Commission wanted all lands to be readily mapped and only protect those features that could be mapped.

Commissioner Hird said he was concerned about passing something without knowing the extent of it.

Ms. Miller said mapping is available.

Commissioner Rasmussen inquired about the definition of mature trees.

Ms. Miller said the definition is not an identification, it will still involve site visits. The current definition is a 'dense stand of trees' but dense is not defined. She said there has to be some measurable way to tell someone they have dense trees.

Commissioner Hird asked if setbacks are used in the minimum requirements for open space.

Ms. Miller said for common open space setbacks were used in the previous Code. The draft language clarifies that is not.

Mr. McCullough read the definition for a stand of mature trees; *is an area of ½ acre or more covered by densely wooded growth of mature trees having a minimum height of 25'.*

Ms. Miller went over the letter that the League of Women Voters sent.

Commissioner Hird inquired about the difference between intermittent and ephemeral stream.

Ms. Miller said an ephemeral stream is only full after a heavy storm event and is more similar to a drainage way. An intermittent stream will carry water every time it rains but is not there all the time.

Commissioner Carter inquired about the 100 year regulatory floodway and floodway fringe.

Ms. Miller said she agreed the floodway is very heavily regulated and it is hard to develop in the floodway. She said the floodway fringe is less regulated and can have restricted development.

Commissioner Finkeldei arrived back at the meeting at approximately 8:40 pm.

PUBLIC HEARING

Ms. Joyce Wolf, Audubon Society, reviewed the letter they sent that was included in the packet. She said if the property includes a floodway it cannot be build on so it should not be considered part of the overall computation and open space. She said developing in the floodplain is subsidizing

stupidity. She said floodplains are wonderful wildlife habitat. She said she is also involved in the Grassland Heritage Foundation. She said it is important to include prairies on the list. She said that local ordinances can be more restrictive. Floodway already has protection and should be more down on the priority list.

Mr. Hank Booth, Lawrence Chamber of Commerce, said if there is the attitude that there will be reasonableness toward protection and development then that would be the greatest effort going forward. Reasonable expectations for both protection and development.

Commissioner Carter said there is the challenge of regulating for unreasonable people.

COMMISSION DISCUSSION

Commissioner Harris said if prairies are not included on the list then someone who owns that property does not have an incentive to preserve it. She would like to see prairies added back in but with some kind of language that anticipates that prairies will be mapped. She agreed that the regulatory floodway should be taken out of the priority list. She also agreed that the floodway fringe should stay on the list. She appreciated Mr. Booth's comments about having reasonable expectations for preserving lands as well as reasonable rules for developing.

Commissioner Blaser inquired about prairie size.

Ms. Miller said when staff talked to Kansas Biological Survey they said native prairie of any size could be valuable.

Commissioner Blaser agreed with Commissioner Harris's comments on prairies.

Commissioner Hird inquired about the distinction between grassland and prairie.

Ms. Miller said it has to do with the diversity of plant species and to determine a prairie a scientist or biologist has to visit the site.

Mr. Booth said it is very difficult to restore plowed or heavily grazed ground.

Commissioner Hird said generally he was in favor of including native prairies but there needs to be notice to the average person about whether it is or isn't a feature to be protected. He said it takes a long time to develop true native prairies.

Commissioner Blaser said if it is only a city regulation then probably won't need to include prairies.

Commissioner Rasmussen said he was not sure about removing regulatory floodway if floodway is protected by other regulations, it would be requiring protection up to 20% in addition to the floodway. He wanted to avoid the situation where people destroy land before annexation. He felt most of this was not going to apply much in the city. He would like to see a map of the tree areas. He asked if property is annexed into the city then how do they incentivize land owners to not cut down trees or dig up prairie.

Mr. McCullough said the current Code requires the use of Planned Developments for properties with environmentally sensitive lands. He said the development community does not like Planned Developments for a variety of reasons, such as financing or inflexibility. One of the things staff thinks the proposal does right off the bat is open up the process to protect lands through conventional

districts. Punitive language has been removed and density bonuses added. If there is continual destruction of sensitive lands then they would need to go into the Code and change it.

Commissioner Rasmussen gave the scenario of 100 acres of woods not annexed yet, which would only leave 80 acres for development once annexed into the city. He wondered how they solve the issue of a land owner cutting it all down so that they could annex all 100 acres for development.

Mr. McCullough said he was not sure this could solve that problem. He felt they needed to approve these amendments and see if they can work because the current Code does not. He said he hoped that land owners value the open process and find value in the sensitive lands for the development project and that the Code does not scare them away from development in the sensitive lands.

Commissioner Harris said her interpretation was that if there are incentives then the people who have that 100 acres can build as much as they want on what's left after preserving the required lands with the conventional code. So the incentive is to not bother with the expense of destruction because they can still build on the rest of the property at a higher density.

Mr. McCullough said the proposed Code may not be perfect but it is better than the existing Code.

Commissioner Blaser said they have spent a lot of time on this issue and felt they should move forward.

Commissioner Carter discussed floodway and felt it should not be included for a bonus because it has to be protected.

Mr. McCullough said the floodway is the only sensitive land that if it exceeds 20% it still has to be protected.

Ms. Miller said last time the density bonus was brought forward it was suggested to remove floodways. She agreed that the bonus should not be given when it has to be protected. She said the list for incentives doesn't have to be the same as protection.

Commissioner Carter said that was what he was suggesting, to remove it from the list of incentives but still have it be included in the 20% minimum.

Commissioner Finkeldei suggested striking floodway and adding the following bolded words to section 20-1101(e)(1):

*A development shall qualify for a density bonus if environmentally sensitive areas noted in this Section, **with the exception of floodways**, are committed for preservation either through designation as a tract, through a conservation or landscape easement, or dedication to the City in addition to the area required in Section 20-1101(d)(3)(a).*

Commissioner Finkeldei said he would not vote on the item since he missed the staff presentation.

Commissioner Harris said she supports what staff recommended for calculating the density.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to approve the Text Amendment with two changes; take regulatory floodway out of the list of sensitive features that qualify for a bonus, and to add prairie to the list that qualify for a bonus, and perhaps say that it's scientifically identified prairie.

Commissioner Finkeldei said he interpreted the section as native prairie remnants already being included.

Commissioner Harris said it is in one place but not another.

Commissioner Rasmussen said it could be included if someone met the 20% on the other list of things.

Ms. Miller said that is the current language.

Mr. McCullough said prairie is not required to be protected.

Commissioner Harris said she meant her motion to state that prairies would be in both places.

Commissioner Hird asked if prairies would be required to be preserved as part of the 20% requirement if they exist.

Mr. McCullough said that was correct.

Commissioner Rasmussen asked if they were discussing prairie or native prairie.

Commissioner Harris said native prairie.

Commissioner Hird said if this is passed he wanted City Commission aware that the Planning Commission thinks this is an issue that deserves further discussion and study. He said he wanted to take a step forward yet recognize further study and amendments may be needed once there is a better grasp on the issue.

Mr. McCullough said the discussion has expanded and contracted throughout the whole process.

Commissioner Rasmussen said by including native prairie on the list it is saying it has value. If all someone has is prairie they wouldn't need to save any of it.

Commissioner Liese said he was in favor of incentivizing to not destroy native prairie.

Commissioner Singleton asked if it would be possible to delay this item to Wednesday night in order to get a definition of prairie remnant.

Mr. McCullough read the definition of prairie remnant from a previous version of the text amendment:

Native Prairie Remnants of 1 acre or larger: *Prairie areas that have remained relatively untouched on undeveloped, untilled portions of property and containing prairie remnant of 1 acre or larger. Prairie areas will be determined by the Kansas Biological Survey, or a consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies). A list of approved consulting firms for prairie determination is available in the Planning Office.*

Commissioner Rasmussen said he would vote in favor of the motion.

Commissioner Carter said he was concerned about the cost of a survey to the developer and the unintended consequences of approving something too restrictive.

Commissioner Finkeldei suggested leaving it as an incentive but direct staff to include a way to incentivize from 1% and up.

Commissioner Harris said she would consider amending the motion to reflect what Commissioner Finkeldei suggested. Amended motion: Take regulatory floodway out of the list of sensitive features that qualify for a bonus. Add language that when prairies are considered for incentives for bonuses that any amount would qualify. She suggested staff work on the exact language.

Motion carried 8-0-1, with Commissioner Finkeldei abstaining since he was not present for all of the staff presentation.

PC Minutes 6/21/10 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Letter received from David Holroyd regarding Oread Neighborhood Association, as well as staff response.

Mr. McCullough said staff provided the information to Mr. Holroyd that he inquired about during the last Planning Commission meeting.

MISC NO. 2 Information received from Barbara Clark regarding soil classes.

Mr. McCullough said that Commissioner Carter requested the information from Ms. Clark and she provided it.

Commissioner Hird said for the record he had coffee last Wednesday with Ms. Clark and Mr. Jerry Jost with Kansas Land Trust and they discussed class 1 and 2 soils at length.

Commissioner Rasmussen thanked Ms. Clark for the information.

MISC NO. 3 Interpretation regarding Duplex and Detached Dwelling Parking.

Commissioner Harris inquired about parts of town that do not comply with the Code.

Mr. McCullough said this is mainly for this point forward when applicants come in for a building permit for a duplex, house, or driveway. He said it would not retroactively go back on non-conforming structures.

Commissioner Hird inquired about figure 1 where it says 'garage or carport one bay deep.'

Mr. McCullough said there would be one open row of parking with horizontal parking and an additional one bay of covered space stacked end to end.

Commissioner Hird asked if figure 1 would include 10 parking spaces.

Mr. McCullough said that was correct.

Commissioner Harris asked if this would allow more parking for the smaller lot areas of town.

Mr. McCullough said not necessarily. He said in staff research it was found that figure 1, for example, was not typical. A typical four bedroom duplex requires 8 parking spaces and that would most likely be the conventional scenario.

Consideration of any other business to come before the Commission.

Commissioner Blaser said the Planning Commission must have two members serve on the Metropolitan Planning Organization. He also stated there is a group that meets with the Chamber of Commerce once a month.

Recess at 10:00pm until 6:30pm on June 23, 2010.

PC Minutes 6/23/10 **DRAFT**

Reconvene June 23, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Carter, Dominguez, Finkeldei, Harris, Hird, Liese, Rasmussen, and Singleton
Staff present: McCullough, Stogsdill, Brown, Leininger, and Ewert

BEGIN PUBLIC HEARING (JUNE 23, 2010):

COMMUNICATIONS

No communications received.

Mr. McCullough said there was a presentation added to the packet for item 6.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Finkeldei said he received an email from Mr. Alan Cowles related to item 6 and that it was received after the communications deadline on Monday.
- No abstentions.

PC Minutes 6/23/10 **DRAFT**

ITEM NO. 6 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; IBP DISTRICT (MJL)

TA-4-4-10: Consider Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Section 20-403 of the Code of the City of Lawrence, KS to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. *Initiated by Planning Commission on 4/26/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Hird asked if there was a limitation on the size of hotel/motel/extended stay allowed.

Ms. Leininger said it was based on site limitations.

Commissioner Harris asked why this was initiated.

Ms. Leininger said there was a request from Paul Werner Architects to add the use to the IL District linked to the rezoning of the property south of Hallmark. In that review staff felt that it could be potentially appropriate for that use to also be permitted in IBP District.

Commissioner Harris asked what the difference between a night club and bar was in terms of use.

Ms. Leininger read the definition from the Code of bar or lounge and nightclub:

Bar or Lounge:

An establishment that may include food service but that emphasizes the service of alcoholic beverages for consumption on the Premises. Any establishment generating more than 45% of its gross revenues from alcoholic beverages (on a weekly average) shall be deemed to be a bar and not a restaurant.

Nightclub:

An establishment that may or may not serve alcoholic beverages for on-Premises consumption and that offers live entertainment, which may be amplified, and/or music for dancing by patrons. A nightclub may also offer food service.

Commissioner Harris asked if the bar use is allowed in the IBP District currently.

Ms. Leininger said no, it's permitted as an accessory use to an eating and drinking establishment.

Commissioner Harris asked if a nightclub would be allowed in the IBP District as an accessory use.

Ms. Leininger said yes, in a hotel if there were more than 150 rooms.

Commissioner Singleton asked if there were any hotels in Lawrence of that size.

Ms. Leininger said she did not believe so.

Commissioner Dominguez asked why not use a Special Use Permit instead.

Ms. Leininger said currently it's not a permitted use in the district. Staff felt it would be appropriate as a use permitted by right.

Commissioner Liese asked about the positive and negative impacts of small, medium, and large hotels on communities such as Lawrence.

Ms. Leininger said positives could be a place for potential clients to stay and a potential place for relatives to stay. A possible negative would be an increase in traffic.

Commissioner Liese asked if traffic is generally impacted by hotels.

Ms. Leininger said there is potential for it to occur with meeting facilities in the hotel. She said the applicant would have to provide a traffic impact study with a site plan application.

Commissioner Dominguez asked if every site plan requires a traffic study.

Ms. Leininger said if it is a vacant site the applicant would be required to provide at least the first 7 steps to the traffic study.

Commissioner Rasmussen asked if the Holidome has more than 150 rooms and a nightclub facility.

Ms. Leininger said she was not sure how many rooms it had. She said it would not be classified as a nightclub facility.

Commissioner Hird asked if there was a bar inside the lobby of the Holidome.

Mr. McCullough nodded yes. He said it is a bar, not a nightclub.

PUBLIC HEARING

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, showed a map of the IBP District around the West Lawrence Neighborhood Association. She said the Holidome has 193 rooms. She said the neighborhood requested downzoning of the West Lawrence industrial area. She did not want a hotel in the area and felt it was too late at the site planning stage for neighborhood input. She referenced Code section 20-1101 of the protection standards for residential areas. She discussed reviewing the decision making zoning map amendment. She said the Lawrence Association of Neighborhoods supports the League of Women Voters views regarding the need for a Special Use Permit and the concern about loss of industrial land.

Commissioner Finkeldei asked which road Ms. Klingenberg was talking about.

Ms. Klingenberg said Biltmore Drive.

Commissioner Finkeldei asked when the downzoning occurred.

Ms. Klingenberg said about 6 years ago, before the new Code was in place. She said at the time 50' setbacks were approved and she didn't know what happened to it.

Commissioner Hird asked if she felt there were size limitations that might be permissible for this sort of development in the area.

Ms. Klingenberg said there are some limitations that might be acceptable. She felt the neighborhood should be included in the discussions. She said a hotel might be acceptable to the neighborhood as long as it does not increase traffic or force access into the neighborhoods.

Commissioner Harris said Ms. Klingenberg mentioned a plan for area. She asked if there was a neighborhood plan or PUD.

Ms. Klingenberg said no, there is no neighborhood plan but the area and character has been built out.

Commissioner Dominguez asked if the neighborhood association met to discuss.

Ms. Klingenberg said she was speaking for Lawrence Association of Neighborhoods.

Commissioner Liese said he visited the neighborhood and felt it was hard to define character of the neighborhood. He asked Ms. Klingenberg to define her perception of it.

Ms. Klingenberg said it is a unique neighborhood because it includes a mix of households.

Commissioner Liese inquired about the character of Bella Sera.

Ms. Klingenberg said the neighborhood was opposed to it. She said the neighborhood was right because Bella Sera is totally vacant.

Commissioner Hird said currently in the IBP District it allows commercial parking facilities, limited manufacturing, and warehouses. He pointed out that a bottling and beverage facility, for example, could be developed there under the current zoning.

Ms. Klingenberg said a pharmaceutical company is in the area and she felt it was a good company.

Commissioner Hird said a commercial parking facility is currently allowed in the IBP District so someone could develop a parking facility by right. He asked Ms. Klingenberg what she thought would be worse, a beverage bottling plant or an extended hotel.

Ms. Klingenberg said the issue is that there will be no set standards. She was concerned about height and size like the Oread hotel.

Commissioner Singleton asked if her concern regarding the Oread hotel was all the nightclub activity associated with it.

Ms. Klingenberg said yes, the issue was about the traffic associated with bars.

Commissioner Rasmussen asked about the neighborhood association boundaries.

Ms. Klingenberg said Wakarusa to George Williams Way and 6th Street to 15th Street.

Mr. Alan Black, League of Women Voters, said the League sent a letter last month but it apparently had no impact because the proposal is the same. He said they would like a Special Use Permit for hotel/motel/extended stay instead of permitted by right. He said it was important to have land available for industry and for business, primarily office. He expressed concern that if hotels are allowed in such a district they may expand and dominant the district and there would be little land left for industry and business. He said some hotel facilities would be desirable in an area that has industry and businesses.

Commissioner Rasmussen said there has been testimony from other applicants that Special Use Permits impact their ability to get financing. He asked Mr. Black how he thought that could be overcome.

Mr. Black said he did not know anything about that.

Commissioner Hird said there are some permitted uses currently in the IBP District that appear to be more offensive, in terms of impact to the neighborhood, than a hotel, for example a beverage manufacturing plant.

Mr. Black said he may be right about that and that is not the Leagues main point. He felt the neighborhood should speak for itself. He said the League's concern is about reducing the availability for industry and business.

Commissioner Dominguez asked what would be the market for hotels.

Mr. Black said the League's concern is about the availability for industry and business. He said their position is that each case of this that comes up should be studied, instead of allowing it to happen without review.

Commissioner Liese said he was trying to figure out what the problem was. He said in looking at the character of the area he could imagine a hotel doing a nice job because it is a mixed character area. He said he would expect it would be easy to match the character to the area and said what would be worse than some of the permitted uses currently allowed.

Mr. Black said the area given this zone is only part of the neighborhood. The League's concern is that this zoning district would be monopolized by hotels and motels.

Commissioner Liese quoted the League of Women Voter letter,
However, beyond the neighborhood issue is the consideration of changing an industrial area in a way that would allow non-industrial uses to monopolize an existing industrial district.
Commissioner Liese said he was trying to understand how a well designed hotel or several hotels would monopolize industrial development because there is a lot of space out there.

Mr. Black said the League's position is that monopolization is a possibility. He felt it should be examined and decided through a Special Use Permit rather than allowing it to happen automatically.

Commissioner Liese agreed with Commissioner Hird that a bottling plant could be developed there currently.

Mr. Josh McBain said he purchased a home adjacent to the IBP District and his understanding was that it was zoned light commercial and industrial. His main concern with hotel/motel/extended stay was a towering hotel in his backyard. He said some extended stays can be pretty rundown and attract shady characters. He said he I would rather see office buildings in that area instead of a bottling plant. He said he tried to find online the impacts of hotels to neighborhoods as far as property value but could not find a lot of hotels built by residential areas in towns the size of Lawrence.

COMMISSION DISCUSSION

Commissioner Finkeldei asked what the furthest west hotel in town was.

Ms. Klingenberg said Hampton or Virginia Inn on W 6th Street.

Commissioner Finkeldei asked staff to respond to the process if it wasn't allowed as a permitted use. He wondered if it would be unlimited in size and scope or would there be some limitations through the site plan process in the IBP District.

Mr. McCullough said there would be some limitations in terms of a 60' height limit in the IBP District, lot coverage and impervious surface coverage. He said there could be a significantly sized hotel there. The process would be that the applicant would submit a site plan and there would be notice to property owners within 200'.

Commissioner Finkeldei asked if it could be appealed to City Commission.

Mr. McCullough said yes.

Commissioner Finkeldei asked if staff had a position on a Special Use Permit versus non Special Use Permit.

Mr. McCullough said staffs position is that it is a compatible use that can support business and stand alone in an IBP District. He stated in lieu of a Special Use Permit if the Planning Commission finds it's a use that demands use standards then staff can provide use standards to the Code for the IBP District. Staff can build in additional protections over and above what is already there and keep it a permitted use by right.

Commissioner Burger asked what the area on Iowa Street between 6th and 9th was currently zoned.

Mr. McCullough said the hotels there are zoned CS (Commercial Strip).

Commissioner Burger inquired about the difference between CS and IBP.

Mr. McCullough said in the CS district there are more retail type and commercial uses rather than the business and industrial, such as a gas station.

Commissioner Hird said the Holidome abuts to a neighborhood. He asked if there had been any problems.

Mr. McCullough said not that he was aware of.

Commissioner Burger inquired about the history of the downzoning discussion that happened years ago regarding Oread West that Ms. Klingenberg referred to earlier. She asked if it was very specific to say no hotels.

Mr. McCullough said he did not personally know anything about it.

Ms. Stogsdill said back in the 1980's when Oread West Business Park was first developed and zoned there was originally an intent by Alvamar to create a third golf course. At some point in that span of years in the 1980's there was a PCD that was zoned for a hotel that would have sat on that golf course. It was zoned without a development plan associated with it. Plans changed, the golf course went away and there have been multiple reconfigurations of that research park since then. At some point the neighborhood association requested the zoning be changed back to IBP because there was no hotel that came out of that original vision. She said she did not recall anything specific about a

50' setback and that would have to be researched. She said 40' parameter setback is what the old code specified for that district.

Commissioner Carter asked if there would be any limitations on the size of a convention/conference center.

Mr. McCullough said no.

Commissioner Carter expressed concern about an overbuilt market. He felt it was an appropriate use for IBP Districts in general and said he would support the Text Amendment.

Commissioner Rasmussen thanked staff for being proactive on this and said it made sense to have hotels in the IBP District. He felt a hotel/motel would be a great addition to the neighborhood, especially if it had a restaurant/bar and pool. He said he would also welcome a coffee shop in the area. He said for the record he likes Bella Sera and The Oread Hotel.

Commissioner Finkeldei asked if it were sent back how would staff determine standards. He wondered what research would be used.

Mr. McCullough said it would be a reaction to what is heard during testimony in terms of impactful uses of distance from RS districts and nightclub/ bar uses to see if there are limitations. He said it may not be compatible with single-family detached homes being in the backyard. He said day/nighttime uses would also be looked at.

Commissioner Finkeldei asked if 60' was the height limit.

Mr. McCullough said yes, it could be 3-4 stories high.

Commissioner Finkeldei inquired if staff could approve a 10 story hotel.

Mr. McCullough said it would go to the Board of Zoning Appeals for a variance request. He said they may be able to add a planned development district over it but he would need to research that.

Commissioner Liese said there is a lot of empty space in the area and he wondered why it has remained vacant.

Mr. McCullough said he could not speak to that. He said staff have recently looked at projects for that area for an Alzheimer's facility and also a daycare facility. He said staff get inquiries about that area occasionally but he could not speak to exactly why it is not full. He said industrial districts have a longer lifespan than other types of districts.

Commissioner Liese said if he had a business in that area a hotel would be appealing to have for clients/customers to stay.

Commissioner Rasmussen said it has been a challenge of bringing guests and clients into the area. He felt a hotel would enhance the area. He felt they needed to focus on future areas as well.

Commissioner Singleton thanked staff for looking into this. She said she understand theoretically what the League of Women Voters put forth in their communication but she felt it was a good use for the area. She did not share in the concern that it would be a huge hotel with bars and nightclubs.

She did not think it would change the character of the neighborhood and would support a motion in favor.

Commissioner Burger concerned that the IBP District would apply to a large area west of Wakarusa. She would prefer it was smaller and focused to Bob Billings Parkway and Wakarusa in order to avoid a hotel backing up to single-family homes. She expressed concern about the impact on neighborhoods and values as well as the impact to existing hotels.

Commissioner Harris said one thing they should consider about hotels is the fact that at some point there will be an interchange at Bob Billings Parkway and the SLT which would create a potentially new market for hotels. She said she would support some hotel use in the IBP District with some use standards about height and mass next to neighborhoods, distance from residential neighborhoods, and consideration of day and nighttime use. She shared the League of Women Voters concern about eroding the IBP availability for other uses. She said she could not support unlimited hotel use in the IBP District but could support limited hotel and extended use development.

Commissioner Hird said he is mindful of comments from the public speakers and it seems that what is being said is some hotel use would be appropriate as long as it isn't too big or too successful. He said they all agree that a modest sized residence inn wouldn't be offensive but another Holidome would be a problem. He said the issue he was struggling with is that currently someone could put a 60' tall warehouse at that location. He felt that having a 3-4 story hotel/motel would be far less offensive than the other permitted uses. A traffic impact study will be required at a certain threshold. The access in and out of any hotel is key to not disturbing the neighborhood. He said Commissioner Harris' comment about an interchange being in the area sometime in the future was well taken. He said they need to think about accommodating future business travelers and guests. Size is limited by site plan and existing development standards. He said he hasn't heard any complaints about the Holidome's impact on the people behind the fence. He felt it was a much less offensive use in an IBP District than what is already allowed. He said it is a use that is important in developing an IBP area and an appropriate use. He said he wouldn't be particularly opposed to size standards. As presented he would probably vote in favor of it.

Commissioner Dominguez asked how tall the Holidome is.

Mr. McCullough said 4 stories.

Commissioner Dominguez said he could support it but did think they should look at the impact to the neighborhood. He felt they should work with neighbors to look at size limitations.

Commissioner Blaser felt that hotels in the IBP District would be a good addition. He said he could move forward on this and did not share the concern that a hotel would be built within 20' of single-family homes. He said he would vote in favor of the item as presented.

Commissioner Finkeldei said his own neighborhood backs up to two hotels and there have not been any problems that he knows of. He said standards may not be appropriate in Farmland if it becomes an IBP District. He said he was okay with asking staff to look at limitations but he wasn't sure he would agree to any standards or what to even direct staff to look at. He said he was not sure how he would vote.

Commissioner Harris asked staff if there was merit in taking it back to tweak based on what has been discussed this evening.

Mr. McCullough said based on comments received staff could bring something back in the context of its proximity to an RS District.

Commissioner Carter asked staff to also look at limitations on conference space when near an RS district.

Mr. McCullough said staff would focus on nightclub use because that is a use better suited to commercial districts.

Commissioner Hird said he supported staff looking at those issues. He expressed reservations about including nightclubs as permitted use in IBP. He was concerned about limiting conference space because meeting space facilities is important in business.

Commissioner Liese concerned about limiting nightclubs because live music might be a benefit for a hotel to provide entertainment for guests.

Commissioner Harris asked if it is possible to have music entertainment in a bar.

Mr. McCullough said yes.

Ms. Leininger said the difference is generating more than 45% of its gross revenue from alcoholic beverages.

Mr. McCullough read the definition of Nightclub:

An establishment that may or may not serve alcoholic beverages for on-Premises consumption and that offers live entertainment, which may be amplified, and/or music for dancing by patrons. A nightclub may also offer food service.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Dominguez, to defer the item for two months to allow staff to work on standards regarding the size and height of hotel/motel/extended stay facilities next to residential neighborhoods, distance from an RS district, consideration of day and night use, and restriction of nightclubs.

Commissioner Rasmussen felt the motion was well intended but unnecessary. He said when he travels for work he likes staying at hotels where he can walk into residential neighborhoods as part of his exercise routine when he travels. He said he could not imagine an awful motel being built at that location and that business travelers are not typically loud and rowdy. He felt there were already plenty of protections between industrial and residential areas.

Commissioner Liese agreed with Commissioner Rasmussen and said he would not vote in favor of the motion. It would not be built in the middle of a neighborhood, it would be in an industrial area.

Commissioner Singleton agreed with Commissioners Liese and Rasmussen.

Commissioner Finkeldei said he would support the motion but not sure he would support any future standards that staff come up with.

Commissioner Liese expressed concern about the package of standards.

Commissioner Dominguez said his biggest concern was size restriction. He said he would support the motion.

Commissioner Blaser said he would vote against the motion.

Commissioner Hird said at first he really supported the idea of looking at size restrictions of hotels that abut neighborhoods. He said why should this use have more restrictions than already permitted uses. He said he would vote in opposition of the motion.

Commissioner Carter said he did not think it was necessarily a good use of staff time and would not support the motion.

Motion failed 4-6, with Commissioners Blaser, Carter, Hird, Rasmussen, Liese, and Singleton voting in opposition. Commissioners Burger, Dominguez, Finkeldei, and Harris voted in favor of the motion.

Motioned by Commissioner Liese, seconded by Commissioner Singleton, to approve staff recommendation of Text Amendment TA-4-4-10 to amend the City of Lawrence Land Development Code to permit the Hotel, Motel, Extended Stay use in the IBP District.

Motion carried 6-4, with Commissioners Burger, Dominguez, Finkeldei, and Harris voted in opposition.

PC Minutes 6/23/10 **DRAFT**

**ITEM NO. 7 COMPREHENSIVE PLAN AMENDMENT TO UPDATE CHAPTER 14;
 SPECIFIC PLANS (MJL)**

CPA-4-2-10: Update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. The reference needs to be updated to refer to Chapter 17 – Implementation. This was an oversight when the chapter was renumbered and was identified as a work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to approve Comprehensive Plan Amendment (CPA-4-2-10).

Unanimously approved 10-0.

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to authorize the Chair to sign PC Resolution (PCR-6-3-10) regarding CPA-4-2-10.

Unanimously approved 10-0.

PC Minutes 6/23/10 **DRAFT**

**ITEM NO. 8 COMPREHENSIVE PLAN AMENDMENT TO UPDATE CHAPTER 7;
INDUSTRIAL & EMPLOYMENT RELATED LAND USE (MJL)**

CPA-4-3-10: Amend Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer’s Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. This was an identified work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.*

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Hird, to defer the item one month since the Planning Commission packet did not include the information pertaining to it.

Motion carried 10-0.

PC Minutes 6/23/10 **DRAFT**

**ITEM NO. 9 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
CHAPTER 20, ARTICLE 12; FLOODPLAIN OVERLAY DISTRICT (AMB)**

TA-4-6-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 12 to reference 2010 effective dates for new Floodplain Overlay District Maps and related regulation changes.

**ITEM NO. 10 TEXT AMENDMENT TO DOUGLAS COUNTY ZONING REGULATIONS;
CHAPTER 12, ARTICLE 28; FLOODPLAIN OVERLAY DISTRICT (AMB)**

TA-4-7-10: Consider Text Amendments to the Zoning Regulations, Chapter 12, Article 28 of the Code of the County of Douglas, Kansas to reference 2010 effective dates for new Floodplain Overlay District Maps and related regulation changes.

STAFF PRESENTATION

Ms. Amy Brown presented items 9 and 10 together.

PUBLIC HEARING

No public comment.

ACTION TAKEN on Item 9

Motioned by Commissioner Harris, seconded by Commissioner Hird, to approve Text Amendment TA-4-6-10 to revise text for Sections 20-1201(a)(3)(i), 20-1201(b)(1), 20-1201(c)(1) and forwarding of the proposed text amendments to Chapter 20, Article 12 to the City Commission for approval and adoption.

Unanimously approved 10-0.

ACTION TAKEN on Item 10

Motioned by Commissioner Harris, seconded by Commissioner Hird, to approve Text Amendment TA-4-7-10 regarding changes to the Zoning Regulations, Chapter 12, Article 28 of the Code of the County of Douglas, Kansas and forwarding on to the Board of County Commissioners.

Unanimously approved 10-0.

PC Minutes 6/23/10 **DRAFT**

**ITEM NO. 11 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
CHAPTER 20, ARTICLE 8; MINOR & MAJOR SUBDIVISIONS (SMS)**

TA-3-3-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 8 to revise requirements and standards related to the processing of Minor and Major Subdivisions. *Initiated by City Commission on 2/16/10.*

Item 11 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Mr. McCullough reminded the Commission that the Mid-Month meetings in July and August have been cancelled.

Commissioner Rasmussen said he would be absent for the July Planning Commission meetings.

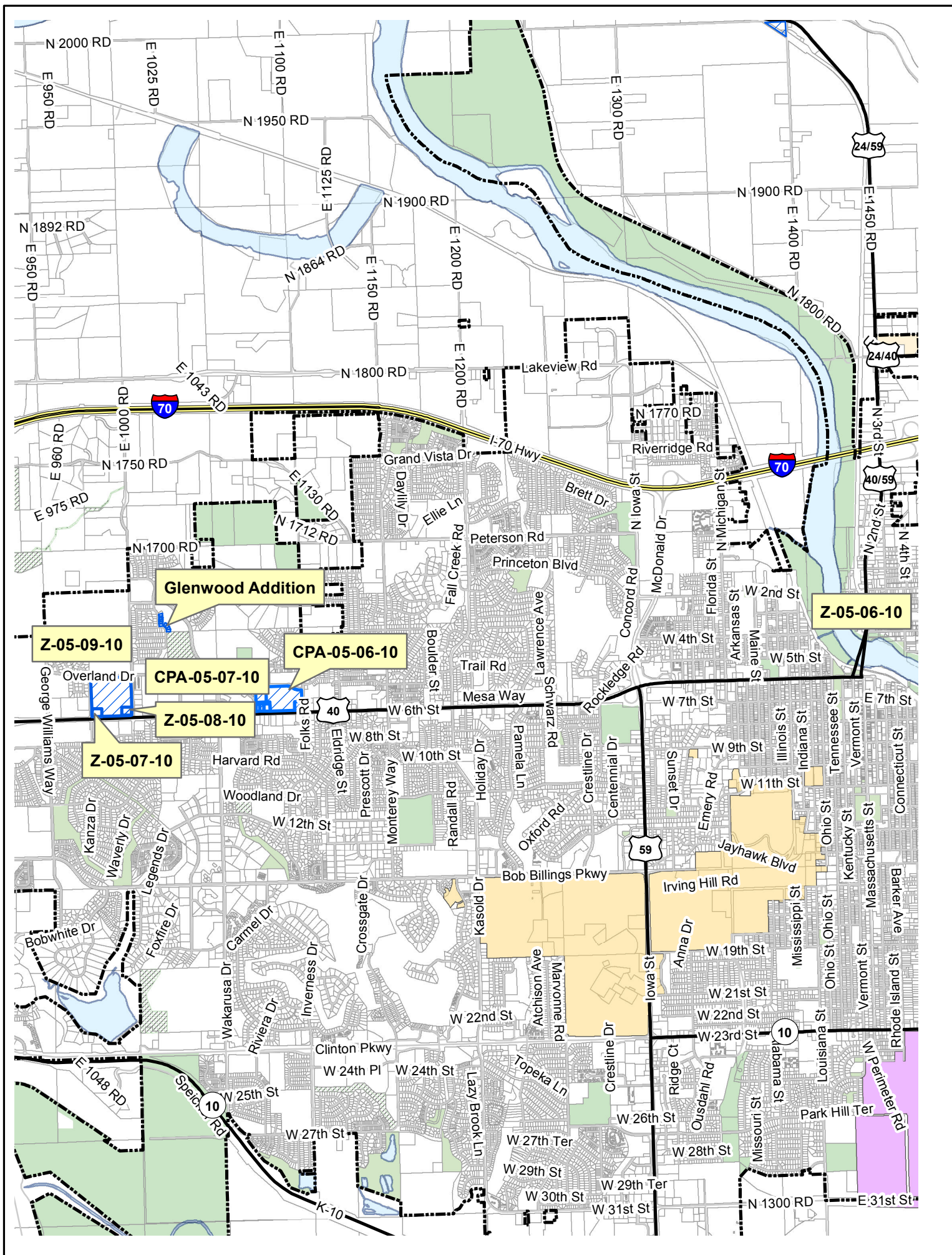
Commissioner Blaser also said he would not be able to attend the July Planning Commission meetings.

PUBLIC COMMENT SECTION

ADJOURN at 8:25pm

2010
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, Mon & Wed	
Jan 13	Midland Junction Sand Facility		Jan 25	Jan 27
Feb 10	KU Endowment	Kansas Biological Survey	Feb 22	Feb 24
Mar 10	Industrial Design Guidelines		Mar 22	Mar 24
Apr 14	Environmental Chapter Presentation		Apr 26	Apr 28
May 12	APA Conference Report	Northeast Sector Plan Presentation	May 24	May 26
Jun 09	<i>Cancelled due to Friday Training this week</i>			
<i>June 11 All day Friday</i>	PC Orientation <i>[including Joint City/County Commissions session]</i>		Jun 21	Jun 23
Jul 14	<i>Cancelled</i>		Jul 26	Jul 28
Aug 11	<i>Cancelled</i>		Aug 23	Aug 25
Sep 08	Air Quality/Ozone Issues Tom Gross & Richard Ziesenis – Health Dept		Sep 20	Sep 22
Oct 13			Oct 25	Oct 27
Nov 03			Nov 15	Nov 17
Dec 01			Dec 13	Dec 15
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms (examples from other states)</i> <i>TDRs</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>Presentation from KC-metro Planning Directors</i> <i>Tour City/County Facilities</i>			
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report

ITEM NO. 1 : **IG TO RS7; 17,949 square feet; 302 Perry Street (DDW)**

Z-5-6-10: Consider a request to rezone approximately 17,949 square feet, from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District, located at 302 Perry Street. Denise Copp, property owner of record.

STAFF RECOMMENDATION: Staff recommends:

- 1.) Approval of the rezoning request for approximately 17,949 square feet, from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.
- 2.) If appropriate, the Planning Commission may further direct staff to contact the adjacent property owner at 312 Perry Street regarding rezoning to RS7 or may wish to initiate this property for consideration of RS7 at a future public hearing.

REASON FOR REQUEST

The subject parcel has been a single-family use since the late 1800's. The property has been determined to be a legal non-conforming use within an industrial zoning district. However, the industrial zoning and the legal non-conforming status make it difficult to sell the property. The applicant is requesting the zoning change to reflect the actual use of the property and make it a conforming use under the Land Development Code.

KEY POINTS

- The intent of the applicant is to rezone the property to RS7 to make it a conforming use.
- The property is platted.
- The property will be within the X, Levee Protected Flood Zone as of August 5, 2010. The property is not located within the regulatory floodplain.
- The south side of the 200 block of Perry Street was rezoned from IG to RS7 in 2005 (Z-05-34-05).

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The surrounding area is developed with a mixture of residential and nonresidential land uses. The immediate area surrounding the property developed with single-family uses to the west, north and east. Industrial uses are south of the subject property.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the rezoning request and publication of ordinance.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Letter of support for the rezoning submitted by the North Lawrence Improvement Association on June 30, 2010.

GENERAL INFORMATION

Current Zoning and Land Use: IG (General Industrial) District.

Surrounding Zoning and Land Use: To the north:
-- IG (General Industrial) District; single family homes and an adult day care use – approved through SP-9-42-09.

To the east: IG (General Industrial) and RS7 (Single-Dwelling Residential) Districts; single family homes.

To the south: IG (General Industrial) District; industrial uses.

To the west: OS RS7 (Single-Dwelling Residential) District; single family homes.

Project Summary

The subject property has been a single-family use since the late 1800's. The property has been determined to be a legal-nonconforming use. The property is a residential use in an industrial district, and as such, it has proven difficult for the current property owner to sell because it is not a conforming use under today's regulations. The property owner wishes to rezone the property to reflect the existing use so that she is in better position to sell the property. The south side of the 200 block of Perry Street was rezoned from IG to RS7 in 2005 to eliminate the non-conforming status of those properties.

REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The following section of *Horizon 2020* relates to this rezoning request (staff comments are in italics):

Chapter 5 – Residential Land Use:

Goal 3: Neighborhood Conservation:

The character and appearance of existing low-density residential neighborhoods should be protected and improvements made where necessary to maintain the values of property and enhance the quality of life. (Page 5-15)

Rezoning the property to RS7 would be in conformance with the Neighborhood Conservation goal in Horizon 2020.

Policy 3.2: Protect Existing Housing Stock:

(b) Preserve existing dwellings. (Page 5-15)

Staff Finding -- The proposed rezoning request conforms with *Horizon 2020* goals and policies related to neighborhood conservation.

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Staff Finding -- The area contains a mixture of residential and nonresidential land uses. Single-family residences are located west of the property on RS7 zoned property and north of the property on IG zoned property. An adult day care use that has received site plan approval will be located north and east of the property on IG zoned property. Residences in the IG and RS7 Districts are also located to the east of the subject property. Industrial businesses are located south of the subject property on IG zoned property.

The south side of Perry Street is not encumbered by any portion of the regulatory floodplain.

CHARACTER OF THE AREA

The immediate character of the area is most recognizable as residential with single-family homes on individual lots. The subject property abuts other single-family homes.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the immediate area is primarily single-family residential uses.

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

Horizon 2020 identifies future plans for the general area as appropriate for low density residential uses. A neighborhood plan was completed for North Lawrence in 1981 and an area wide drainage study was completed in January 2006.

In **Chapter 3** of the North Lawrence Neighborhood Plan, **General Goal C.** is *"To solicit and encourage the participation of North Lawrence residents and property owners in the planning, development, and maintenance of the neighborhood"*. The property owner has initiated this rezoning which will help to maintain the residential character of the neighborhood.

In the same chapter, Residential Objective B. is "Encourage the preservation of the structurally sound older housing stock". The applicant has stated that with the industrial zoning classification, it has proven difficult for to sell her home since the residential use in industrial zoning district is listed as non-conforming.

Other goals and objects listed in the North Lawrence Neighborhood Plan also support this application.

Staff Finding – Approval of the request is consistent with land use plans for the area.

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

The subject property is currently zoned for industrial uses. According to the Land Development Code for the City of Lawrence, the purpose of the IG (General Industrial) District is *"primarily intended to moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas."*

This part of North Lawrence was platted with small lots which do not easily support industrial land uses. Further, the current zoning does not reflect the existing land use. The property is an existing single-family dwelling. The property is also surrounded on three sides by single-family dwellings.

Staff Finding – The subject property is not suitably zoned given the existing use of the property and the surrounding residential land use.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The subject property is zoned IG and developed as a residential use since the late 1800's.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Approval of the proposed request will result in a reduction of allowed uses and increase the boundary of the RS7 district within the overall neighborhood area, which restricts land use to single-family homes on individual lots. Nearby property will not be directly affected. If approved, redevelopment of abutting lots with nonresidential zoning may be required to address screening of residential lots in the future. The uses to the north, west and east include similar existing single-family homes. The area to the south includes industrial development.

Staff Finding – The impact on nearby property is one of perspective given the surrounding residential uses. Approval of the proposed change would be beneficial for those properties currently used for single-family housing in the immediate area. The proposed change provides the ability to obtain reasonable home insurance and will act as protection against encroachment of non-residential activities in the immediate area. Regulations added as a result of this rezoning would include the review and regulations applicable to any parcels used as rental housing.

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

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

If the rezoning were denied, the property would remain non-conforming as zoned for industrial uses. As the property has a very long history as a single family use and the

immediate surrounding area is predominately single-family homes, encroachment of industrial development allowed by the current zoning would not be appropriate. The residential zoning will insure that the property will remain a single family home, which will minimize any negative impacts on the neighborhood that could occur with the industrial zoning.

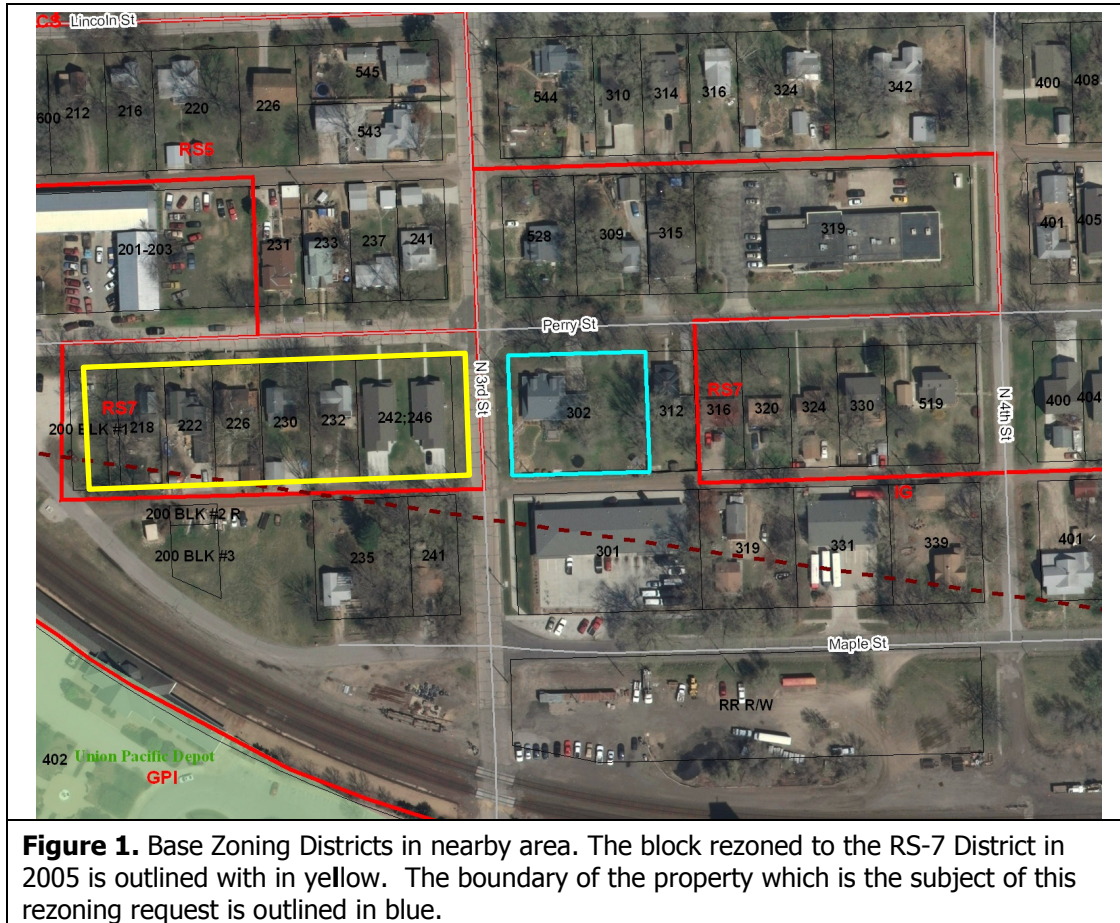
Staff Finding – There would be no gain to the public and there would be a hardship to the landowner in the denial of the rezoning request. The rezoning request will assign an appropriate land use designation to the property for its current and intended land use as a single family home.

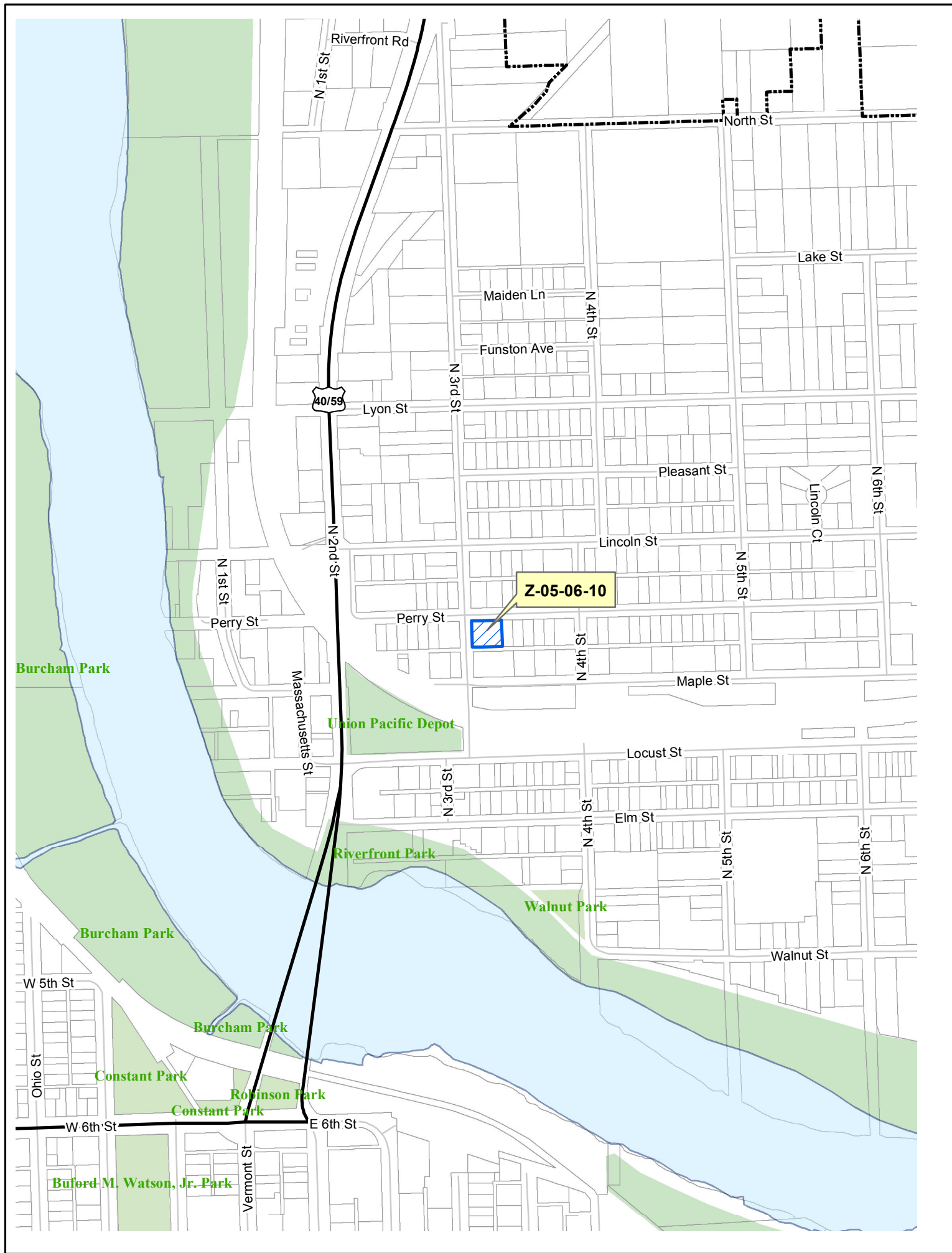
Staff Analysis

Rezoning this property will result in the property immediately to the east (312 Perry Street) being the only property left on the south side the 300 block zoned as IG. It would be reasonable to suggest that this property also be rezoned to remove its non-conforming status and the Planning Commission may either consider initiating the rezoning or instructing staff to contact the property owner to see if the owner has an interest in having their property rezoned.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the rezoning to the RS7 District as it is an appropriate zoning district for this property. The single-family zoning district matches the existing, and long-term, use of the property. Therefore, this is an appropriate zoning district for this property.





NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

RECEIVED

JUN 30 2010

City County Planning Office
Lawrence, Kansas

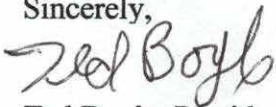
June 28, 2010

Dan Warner, Planner
City of Lawrence
PO Box 708
Lawrence, KS 66044

Dear Mr. Warner:

The North Lawrence Improvement Association and residents of North Lawrence would like to see 302 Perry Street zoning changed from IG to RS7 residential zoning. This zoning would comply with other RS7 zoning in this area.

Sincerely,



Ted Boyle, President
NLIA

PLANNING COMMISSION REPORT
Public Hearing Item

PC Staff Report
07/26/10

ITEM NO. 2: REQUEST TO MODIFY ACCESS RESTRICTION ASSOCIATED WITH A MINOR SUBDIVISION APPLICATION (SMS)

MS-6-5-10: Consider a request to revise access restrictions for Glenwood Addition, Lots 2-11, located on the east side of Eisenhower Drive between Carson Place & Campbell Place. The owner proposes to widen the access break from 30' to 50' to provide separate driveways for each of the single-family lots in this subdivision. Submitted by Paul Werner Architects, for Redwood LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the requested access modification from 30' to 50' centered on the common property lines of Lots 2 – 11, Glenwood Addition subject to administrative approval and recording of a Minor Subdivision to show the new access restriction.

SUMMARY

- This request to modify a platted access restriction is associated with MS-6-5-10, a minor subdivision being reviewed administratively.
- The Preliminary Plat for Glenwood Addition was approved by the Planning Commission in July 2005 under the previous Subdivision Regulations.
- The property owner has requested the ability to change the access to these 10 single-family lots and the Planning Director has determined that the platted restriction cannot be approved without Planning Commission consent. If approved, a Minor Subdivision showing the modification will be administratively reviewed and filed at the Register of Deeds office.
- A copy of the subdivision has been provided for illustrative purposes in considering the request.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- MS-6-5-10, a Minor Subdivision for Glenwood Addition, Lots 2-11.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

GENERAL INFORMATION

Current Zoning and Land Use:

RS7 (Single-Dwelling Residential District); undeveloped platted lots.

Surrounding Zoning and Land Use:

RS7 (Single-Dwelling Residential District) to the west and southwest; existing residences.

RM12 (Multiple-Dwelling Residential District) to the north and east; undeveloped Lot 1, Glenwood Addition.

OS (Open Space District) to the south and southeast; undeveloped parkland.

STAFF REVIEW

As noted above, Glenwood Addition was platted in 2005 with the majority of the property contained in one multi-family lot and 11 single-family lots along Eisenhower Drive. The single-family lots were configured to reflect the lots along the west side of Eisenhower Drive that were platted as part of the Park West Subdivision in 2002. Eisenhower Drive was designated a collector with the adoption of T2025 and retains this designation in T2030. Therefore, the approval for Glenwood Addition included a condition that Lots 2 – 11 share access to reduce overall access locations along the collector street. Figure 1 provides an aerial view of the developed and undeveloped lots along this section of Eisenhower Drive.

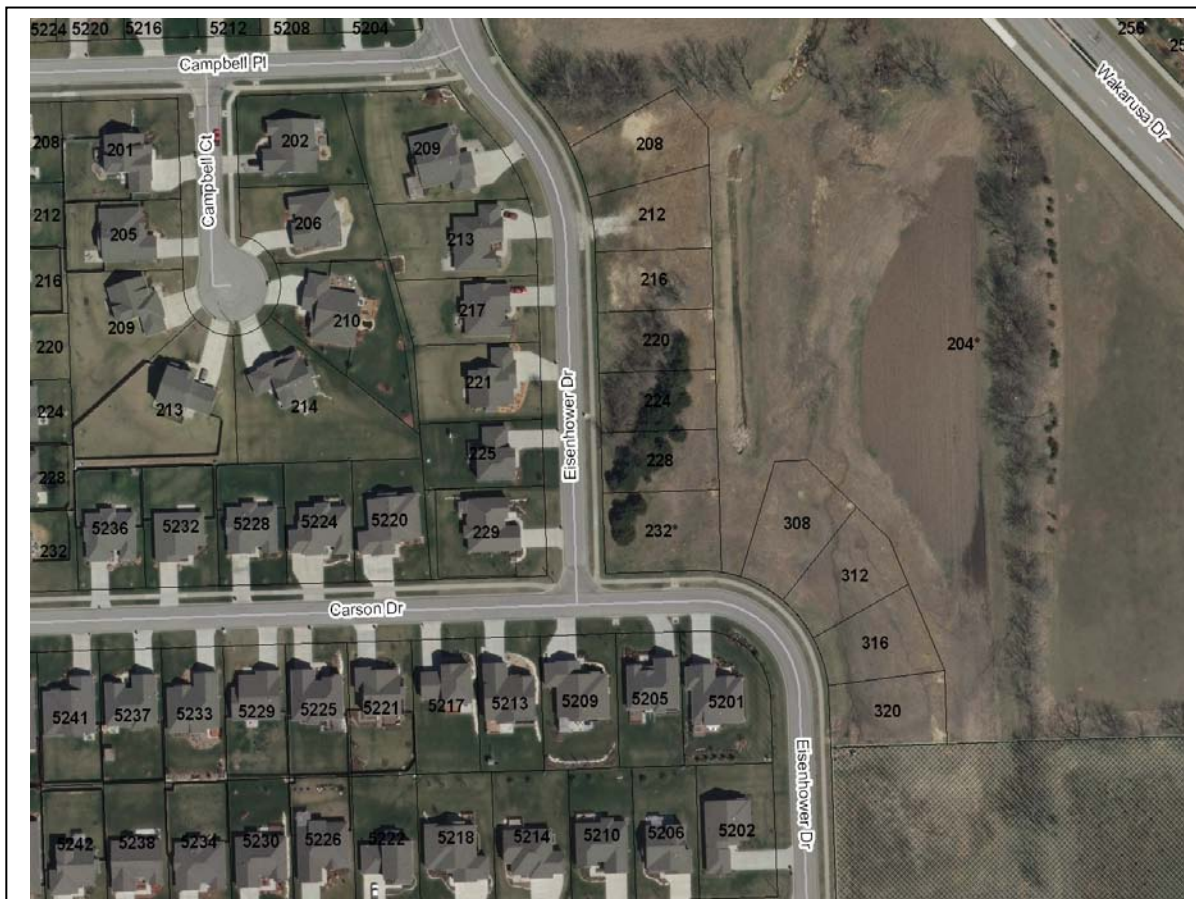


Figure 1 – Undeveloped lots in Glenwood Addition along east side of Eisenhower Drive

Glenwood Addition was filed with a shared 30' wide access easement to accommodate a shared driveway for the single-family homes. The property owner has requested a modification to the platted access restriction in order to provide individual driveways for each of the single-family homes. The driveways would be located near the common property lines and within a shared 50' wide curb length. The Planning Director determined that, while this request is not a specific variance from a subdivision design standard, this is a determination that should be made by the Planning Commission since the original final plat was approved by the Planning Commission under the former subdivision regulations.

Section 20-915(e)(2)(i) states *"Direct access to collector streets from attached dwellings, detached dwellings and duplexes is prohibited except when the subject property has no other reasonable access to the street system and the City Engineer determines that access can be safely accommodated."* This standard was adopted in July 2006 with the Land Development Code and was not in place when the subdivision was first approved. Staff has used this section for guidance and consulted with both the City Engineer and the Traffic Engineer in considering the proposed modification. Both Engineers agree that the proposed revision, as shown in the attached exhibit, is an acceptable change because the driveway configuration concentrates driveways at limited locations along the street and maintains the original intent to limit the access points where vehicles will enter/exit along the collector street.

Access for Lot 1 will not be changed. Note 2 indicates that this lot will be provided a temporary driveway on Lot 12 until such time that Lot 12 develops and a permanent shared access drive is provided.

Recommendation: Staff recommends approval of the requested access modification from 30' to 50' centered on the common property lines of Lots 2 – 11, Glenwood Addition subject to administrative approval and recording of a Minor Subdivision to show the new access restriction.

June 21, 2010

Sheila Stogsdill
City Hall
Planning Department
6 East 6th Street
Lawrence, KS 66044

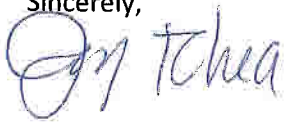
RE: Glenwood Addition Lots 2-11

On behalf of the Owner of Glenwood Addition Lots 2-11 we'd like to request the access restriction be widened from 30' to 50' in order to allow the drives for each house to have access directly to Eisenhower Drive without sharing a driveway.

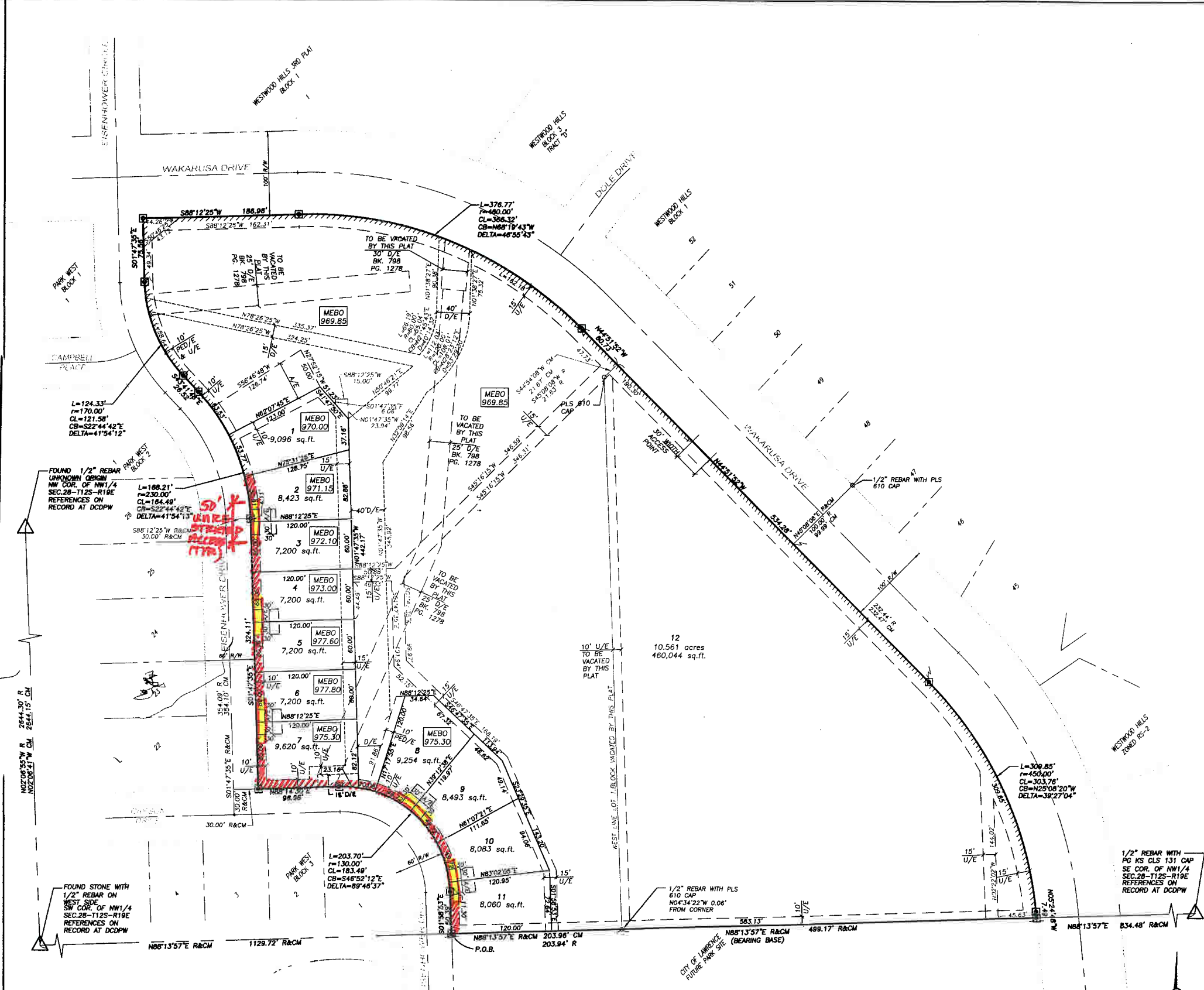
Included with this letter are two 11x17 drawings showing a drive layout for the requested change (Sheet 1) and a drive layout for the existing restrictions (Sheet 2). The reason we'd like to widen the access restrictions and provide separate driveways for these lots is due to the difficulty in maneuvering in and out of each driveway when another vehicle is parked on the same driveway. Depending on how cars park on the drive it's highly probable that one vehicle will be blocked in unless someone moves their vehicle to allow the other to leave. With the proposed revision to the final plat vehicles will be able to access their property easily and always be able to get out of their drive if another vehicle is parked on the drive as well. In addition, future owner disputes regarding driveway repair or maintenance will be eliminated if they don't have to share drives.

We believe this request will make this development a better place to live and look forward to working with you on the proposed revision to the plat. If you have questions or need more information please let me know.

Sincerely,



Joy D. Rhea, RLA



A FINAL PLAT OF
Glenwood Addition
A REPLAT OF
LOT 1, BLOCK 4 IN WESTWOOD HILLS AND AN UNPLATTED TRACT OF LAND ALL LYING IN
THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF
THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

SCALE: 1" = 60'

NOTES:

- BEARINGS ARE BASED ON THE PLAT OF WESTWOOD HILLS.
- LOTS 2-11 SHALL HAVE ACCESS TO EISENHOWER DRIVE VIA SHARED ACCESS POINTS AS SHOWN. LOT 1 WILL TAKE ACCESS FROM A FUTURE DRIVEWAY THAT WILL SERVE THE MULTI-FAMILY PORTION OF THE SITE.
- A TEMPORARY DRIVEWAY WILL SERVE LOT 1 UNTIL SUCH TIME A DRIVEWAY FOR THE MULTI-FAMILY PORTION OF THE SITE IS CONSTRUCTED.
- NO FENCES OR OBSTRUCTIONS SHALL BE CONSTRUCTED WITHIN DEDICATED DRAINAGE EASEMENTS.
- ANY ADDITIONAL EASEMENTS DETERMINED TO BE REQUIRED DURING THE ENGINEERING OF PUBLIC IMPROVEMENTS FOR EACH PHASE SHALL BE DEDICATED THROUGH SEPARATE INSTRUMENT.
- MASTER STREET TREE PLAN RECORD: BOOK 015, PAGE 511.
- THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO CHAPTER 21, ARTICLE 7, SECTION 21-708a OF THE CITY SUBDIVISION REGULATIONS.
- SOILS INVESTIGATIONS SHALL BE PERFORMED BEFORE PRIMARY STRUCTURES ARE ERRECTED ON LOTS WITH SLOPES GREATER THAN 5:1, OR NON-ENGINEERED FILL GREATER THAN 12 INCHES. A SOILS ENGINEER LICENSED BY THE STATE OF KANSAS SHALL PERFORM INVESTIGATIONS, AND A REPORT OF THE INVESTIGATION SHALL BE SUBMITTED TO THE CITY OF LAWRENCE CODES ENFORCEMENT DIVISION. OTHER LOTS MAY BE REQUIRED TO BE INVESTIGATED WHERE EXCAVATION REVEALS INDICATIONS OF UNSUITABLE CONDITIONS.
- ONLY ONE ACCESS POINT IS ALLOWED TO WAKARUSA DRIVE, FOR LOT 12.
- THIS PLAT WAS PREPARED IN REFERENCE TO THE PLATS OF WESTWOOD HILLS, WESTWOOD HILLS 3RD PLAT AND PARK WEST.
- INTERIOR PINS TO BE SET WITHIN 45 DAYS AFTER COMPLETION OF SANITARY SEWER CONSTRUCTION, GRADING AND THE EXCEPTION OF THE CITY OF LAWRENCE.

CERTIFICATION:

I HEREBY CERTIFY THAT THE PLATTED AREA SHOWN HEREON IS THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY DONE BY ME OR UNDER MY DIRECT SUPERVISION IN SEPTEMBER, 2005, AND THAT IT REPRESENTS A CLOSED TRAVERSE.

Dennis E. Boltz
DENNIS E. BOLTZ, L.S. #1158
PEDIAN GROUP, INC.
500 ROCKLEDGE RD., SUITE 4
LAWRENCE, KANSAS 66049
(785) 638-3338



REVIEWED BY:

REVIEWED IN COMPLIANCE
WITH K.S.A. 58-2005.
Michael D. Kelly
MICHAEL D. KELLY, L.S. #669
DOUGLAS CO. SURVEYOR

LEGEND:

- PK NAIL FOUND UNKNOWN ORIGIN
- 1/2" REBAR FOUND WITH PLS 610 CAP
- 1/2"x24" REBAR SET WITH PG KS DLS 131 CAP
- SUBDIVISION CORNER SET IN CONCRETE
- QUARTER SECTION CORNER AS NOTED
- D/E DRAINAGE EASEMENT
- U/E PUBLIC UTILITY EASEMENT
- A/E ACCESS EASEMENT
- R/W RIGHTS-OF-WAY
- R PLAT RECORD
- CM CALCULATED VALUE FROM MEASUREMENTS
- L LENGTH OF CURVE
- r RADIUS OF CURVE
- CB CHORD BEARING OF CURVE
- CL CHORD LENGTH OF CURVE
- 77 NO ACCESS

LEGAL DESCRIPTION:

LOT 1, BLOCK 4 IN WESTWOOD HILLS AND AN UNPLATTED TRACT OF LAND ALL LYING IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE ON WESTWOOD HILLS PLAT BEARINGS, NORTH 88°13'57" EAST, A DISTANCE OF 1129.72 FEET TO THE EAST LINE OF EISENHOWER DRIVE AS PLATTED IN THE SUBDIVISION NAMED PARK WEST AND THE POINT OF BEGINNING, THENCE CONTINUE NORTH 88°13'57" WEST, ALONG THE EAST LINE OF SAID LOT 1, 7.49 FEET; THENCE ALONG A CURVE TO THE LEFT, 309.85 FEET, SAID CURVE HAS A RADIUS POINT BEARING SOUTH 84°35'12" WEST, 450.00 FEET AND A CHORD BEARING NORTH 25°08'20" WEST, 303.76 FEET; THENCE NORTH 44°51'52" WEST, ALONG THE EAST LINE OF SAID LOT 1 AND THE SOUTHERN RIGHT-OF-WAY LINE OF WAKARUSA DRIVE, 534.28 FEET TO THE NORTH MOST CORNER OF SAID LOT 1; THENCE CONTINUE NORTH 44°51'52" WEST, ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF WAKARUSA DRIVE, 80.73 FEET; THENCE ALONG SAID SOUTHERN RIGHT-OF-WAY LINE, ON A CURVE TO THE LEFT, 378.77 FEET, SAID CURVE HAS A RADIUS POINT BEARING SOUTH 45°08'08" WEST, 460.00 FEET AND A CHORD BEARING NORTH 88°19'43" WEST, 366.32 FEET; THENCE SOUTH 88°12'25" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 186.96 FEET TO THE NORTHEAST CORNER OF PARK WEST, SAID POINT ALSO BEING THE EAST LINE OF EISENHOWER DRIVE; THENCE SOUTHERLY ALONG THE EAST LINE OF PARK WEST AND THE EAST LINE OF EISENHOWER DRIVE ON THE FOLLOWING COURSES: SOUTH 01°47'35" EAST, 75.58 FEET; THENCE ALONG A CURVE TO THE LEFT, 124.33 FEET, SAID CURVE HAS A RADIUS POINT BEARING NORTH 88°12'25" EAST, 50.00 FEET AND A CHORD BEARING SOUTH 22°44'42" EAST, 121.58 FEET; THENCE SOUTH 43°41'48" EAST, 26.52 FEET; THENCE ALONG A CURVE TO THE RIGHT, 162.21 FEET, SAID CURVE HAS A RADIUS POINT BEARING SOUTH 48°18'12" WEST, 230.00 FEET AND A CHORD BEARING SOUTH 22°44'42" EAST, 184.48 FEET; THENCE SOUTH 01°47'35" EAST, 324.11 FEET, TO THE NORTH LINE OF DIVISION DRIVE, THENCE NORTH 88°14'42" EAST, ALONG THE EASTERN BOUNDARY OF PARK WEST AND THE NORTH LINE OF CARSON DRIVE, 88.88 FEET; THENCE ALONG A CURVE TO THE RIGHT, 203.70 FEET, SAID CURVE HAS A RADIUS POINT BEARING SOUTH 01°42'30" EAST, 130.00 FEET AND A CHORD BEARING SOUTH 48°52'12" EAST, 183.48 FEET; THENCE SOUTH 01°58'53" EAST, ALONG THE EAST LINE OF EISENHOWER DRIVE, 50.39 FEET TO THE POINT OF BEGINNING, CONTAINING 545,867 SQUARE FEET OR 12.623 ACRES, MORE OR LESS.

DEDICATION:

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF GLENWOOD ADDITION AND HAVE CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN AND FULLY DEFINED ON THIS PLAT, AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E" AND AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND THE PUBLIC TO CONSTRUCT DRAINAGE DITCHES, SWALES AND APPURTENANCES IN THOSE AREAS OUTLINED ON THIS PLAT AS "DRAINAGE EASEMENT" OR "D/E".
GLEN WESTERVELT, GLENWOOD LC

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS
BE IT REMEMBERED THAT ON THIS 3rd DAY OF October, 2006, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME GLEN WESTERVELT, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE. GLENWOOD LC
Kelly S. Freeman 7/15/08
NOTARY PUBLIC
MY COMMISSION EXPIRES
NOTARY PUBLIC - State of Kansas
KELLY S. FREEMAN
My Appl. Exp. 7/15/09

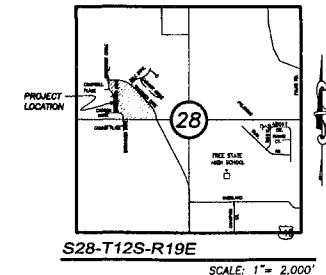
ENDORSEMENTS:

APPROVED BY
LAWRENCE-DOUGLAS COUNTY
PLANNING COMMISSION
DOUGLAS COUNTY, KANSAS
Holly Krebs 11/8/06
CHAIRMAN
HOLLY KREBS
DATE 11/8/06
CITY CLERK
FRANK S. REED
DATE 11/8/06

FILING RECORD:

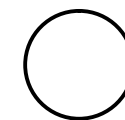
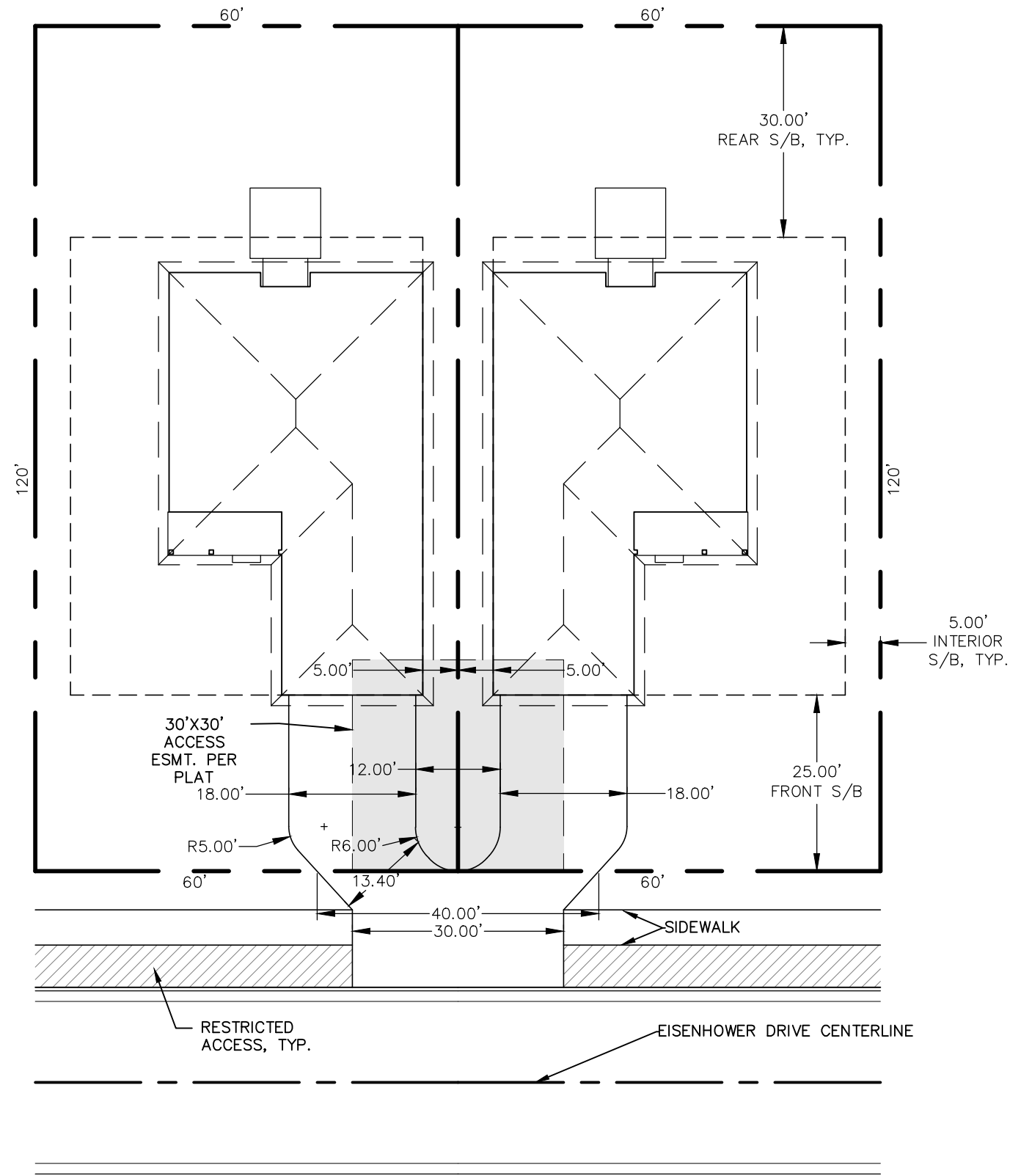
STATE OF KANSAS
COUNTY OF DOUGLAS
THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 13th DAY OF NOVEMBER, 2006 AND IS DULY RECORDED AT 12:18 P.M.; PLAT BOOK 2-118; PAGE 31.

Location Map:



Key prepared by Carrie Brown, Deputy
REGISTER OF DEEDS
KAT PESNELL
DATE 11-16-06

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EXISTING RESTRICTIONS DRIVE LAYOUT

SCALE: 1" = 20'-0"



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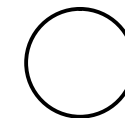
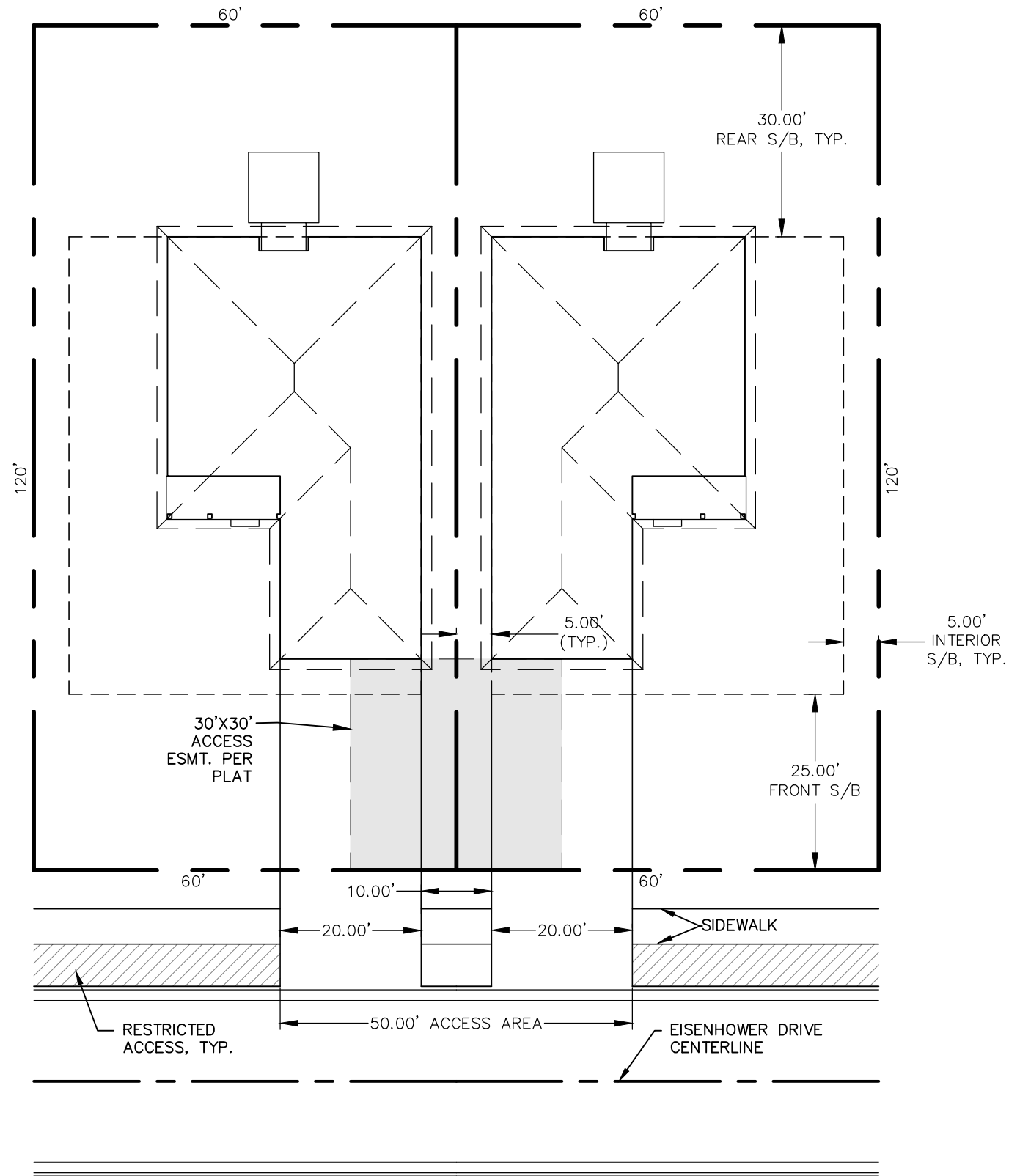
GLENWOOD ADDITION
EISENHOWER DRIVE & WAKARUSA ROAD
LAURENCE, KANSAS

PROJECT # 120-130

6-21-2010

RELEASE: 1.0 DATE: 6.21.10

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PROPOSED DRIVE LAYOUT

SCALE: 1" = 20'-0"



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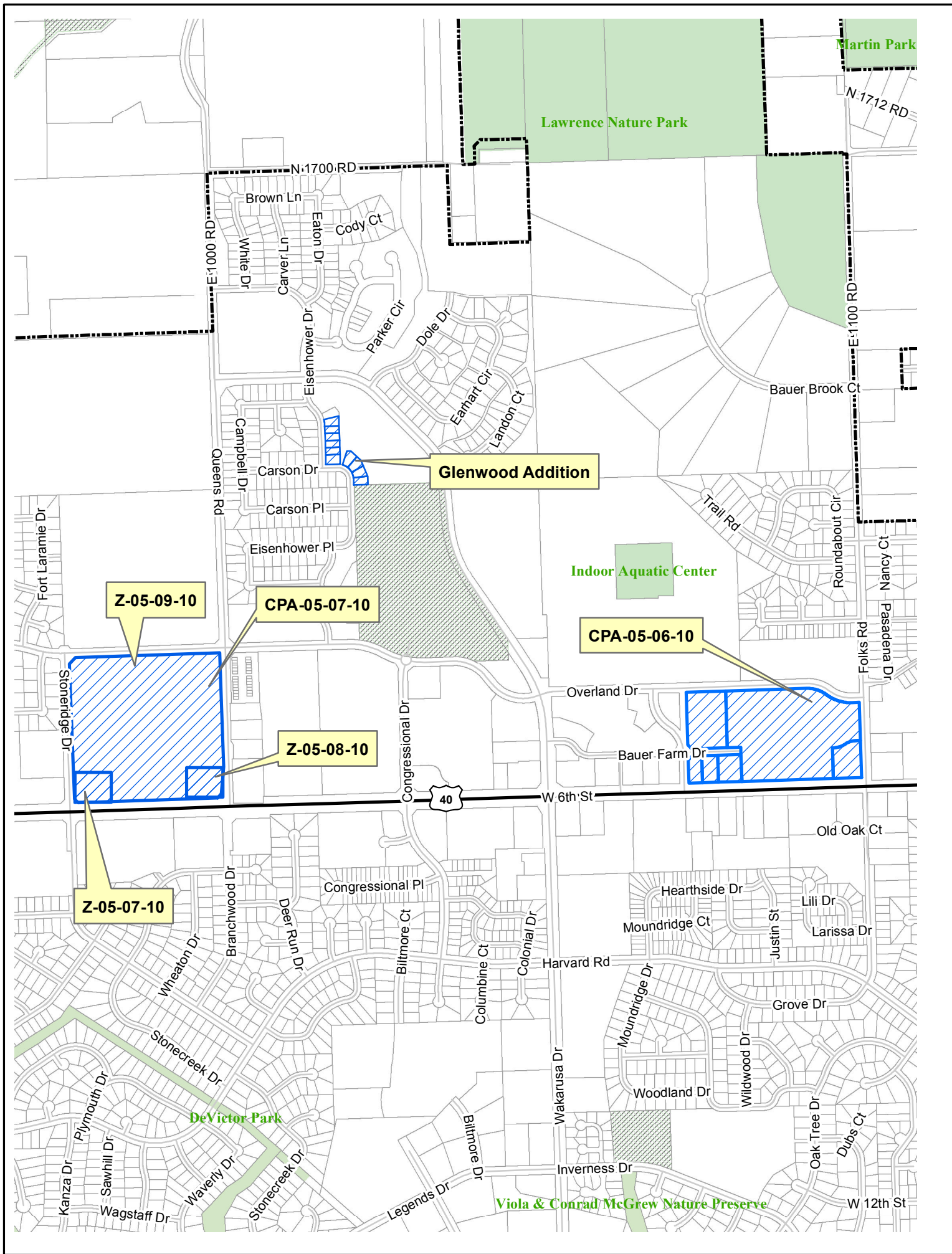
GLENWOOD ADDITION
EISENHOWER DRIVE & WAKARUSA ROAD
LAURENCE, KANSAS

PROJECT # 120-130

6-21-2010

RELEASE: 1.0 DATE: 6.21.10

1 OF 2



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
7/26/10

**ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT TO UPDATE CHAPTER 7;
INDUSTRIAL & EMPLOYMENT RELATED LAND USE (MJL)**

CPA-4-3-10: Amend Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. This was an identified work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.*

STAFF RECOMMENDATION: Staff recommends approval of the amendments to Chapter 7 – Industrial and Employment Related Land Uses to update the description for the Santa Fe Industrial Area and the I-70 and K-10 area to reflect the approved *K-10 & Farmer's Turnpike Plan*.

SUMMARY

The Industrial Land Use section of Chapter 7 contains summaries of existing and new industrial areas. The existing and new industrial areas are defined by *Horizon 2020* as "major industrial areas providing employment opportunities to the community." Two of the areas described, the Santa Fe Industrial Area and the I-70 and K-10 area, need to be updated to reflect the approved *K-10 & Farmer's Turnpike Plan*. This update to Chapter 7 is an implementation step in the plan.

The Santa Fe Industrial Area is classified as an existing area (as shown in Map 7-1 of *Horizon 2020*), while the I-70 and K-10 area is classified as a new industrial area (as shown in Map 7-2 of *Horizon 2020*). The *K-10 & Farmer's Turnpike Plan* identifies areas of industrial and office/research land uses beyond what is currently described in Chapter 7 and sets out specific land use policies for both areas. It is important for Chapter 7 of *Horizon 2020* to be consistent with the approved sector plan for the area.

STAFF REVIEW

As part of the annual review of the comprehensive plan, staff determined that two of the industrial areas described in Chapter 7 – Industrial and Employment Related Land Uses do not adequately reflect the adopted *K-10 & Farmer's Turnpike Plan*. The existing Santa Fe Industrial Area was expanded by 130 acres at the north and southeast corners of N 1800 Rd (Farmer's Turnpike/Lakeview Rd) and E 1200 Rd (Kasold Dr.). The current language in Chapter 7 anticipates the potential for future industrial uses north of Lakeview Road. Below is the proposed text change as can be seen in the attached portion of Chapter 7.

- **Santa Fe Industrial Area**

The Santa Fe Industrial Area, located north of the Kansas Turnpike/I-70 and south of the Kansas River in north central Lawrence, has developed as a large warehouse and distribution location. This Comprehensive Plan recommends an expanded role for this area in the future. ~~The area north of Lakeview Road may alternately develop with more~~

~~traditional industrial uses.~~ It is also recommended that as additional industrial-related uses develop, impacts on nearby residential development along Riverridge Road will need to be minimized. Additionally, street improvements may be needed and land use transition areas are recommended to protect residential uses in the area. *The K-10 and Farmer's Turnpike Plan identifies 130 acres of industrial and office/research uses along the western side of this area.*

Horizon 2020 identifies 150 acres for the K-10 and I-70 industrial area with the potential for more to be added in the future. The *K-10 & Farmer's Turnpike Plan* increases this area to approximately 540 acres of land identified for industrial and office/research uses. Below is the proposed text change as can be seen in the attached portion of Chapter 7.

- **I-70 and K-10**

Transportation: Federal Interstate and State Highway access
Parcel Size: ~~150~~ 540 acres, with possibility of more
Floodplain: None
Slope: Mainly 0-3%

The I-70 and K-10 area lies generally north of N 1800 Road (Farmer's Turnpike) near the intersection of Kansas Highway 10 and I-70. The proposed area contains roughly ~~150~~ 540 acres of industrial and office/research uses as identified in the K-10 and Farmer's Turnpike Plan. ~~with the potential for more land to be identified for industrial and employment-related land use through the long-range planning process.~~ The area contains land of minimal slope (0-3%) and also lies outside of the 100-year floodplain. This area substantially meets the general locational criteria and will be an important future economic development area for the Lawrence community because of its prime location near the I-70 interchange, which also acts as the primary access point for the City of Lawrence. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that the land is annexed and urban services are available to be provided. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would best be suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the plan was adopted?

Yes. When Chapter 7 was written, the Santa Fe Industrial Area and I-70 and K-10 area contained language which anticipates possible future expansions. Furthermore, the description for the I-70 and K-10 area offered acreage approximations before the *K-10 & Farmer's Turnpike Plan* was adopted.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

Yes. This amendment furthers the goal of coordinating land use and comprehensive planning throughout the Lawrence and Douglas County areas.

C. Is the proposed amendment a result of a clear change in public policy?

Yes. This amendment to Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Uses recognizes the changes to public policy represented by the January 11, 2009 adoption of the *K-10 & Farmer's Turnpike Plan*.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the amendments to Chapter 7 – Industrial and Employment Related Land Uses to update the description for the Santa Fe Industrial Area and the I-70 and K-10 area to reflect the approved *K-10 & Farmer's Turnpike Plan*.

Horizon 2020 Chapter 7 Excerpt (pages 7-2 thru 7-8)

1. INDUSTRIAL LAND USE

INDUSTRIAL LAND USE CATEGORIES

Industrial development in Douglas County has taken on many shapes and forms in the past. This Comprehensive Plan recognizes this variety in development and establishes the following categories of industrial-related land use:

- **Warehouse and Distribution** - an area generally characterized by businesses involved in the warehousing and distribution of wholesale goods and supplies.
- **Industrial** - an area generally characterized by business activities that include manufacturing, assembly, processing, and similar operations.
- **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.
- **Industrial/Business/Research Park** - an area generally characterized by a predominance of office, office research, warehouse and distribution, and/or industrial business activities that typically encompass a large area of land and are designed in a “campus” setting.

LAWRENCE - EXISTING INDUSTRIAL AREAS

The City of Lawrence has several major industrial areas providing employment opportunities to the community. These larger areas include: 1) Santa Fe Industrial Area; 2) East Hills Business Park; 3) Santa Fe Railroad corridor; 4) Union Pacific Railroad corridor; 5) Lawrence Municipal Airport; and 6) Southeast Industrial Area. A description and plan recommendations for these areas are discussed below. In addition to these primary industrial areas, the City of Lawrence also has a number of smaller industrial locations throughout the city. While not specifically addressed in this section, these smaller industrial areas play an important role in the overall industrial and business development composition of the community as a whole. Refer to Map 7-1, Map of Existing Industrial and Employment-Related Land Uses.

- **Santa Fe Industrial Area**

The Santa Fe Industrial Area, located north of the Kansas Turnpike/ I-70 and south of the Kansas River in north central Lawrence, has developed as a large warehouse and distribution location. This Comprehensive Plan recommends an expanded role for this area in the future. ~~The area north of Lakeview Road may alternately develop with more traditional industrial uses.~~ It is also recommended that as additional industrial-related uses develop, impacts on nearby residential development along Riverridge Road will need to be minimized. Additionally, street improvements may be needed and land use transition areas are recommended to protect

residential uses in the area. *The K-10 and Farmer's Turnpike Plan identifies 130 acres of industrial and office/research uses along the western side of this area.*

- **East Hills Business Park**

East Hills Business Park is located on the eastern edge of Lawrence on the north side of Kansas Highway 10. Planned and developed in the late 1980s and early 1990s, this is one of the community's first true industrial park developments. As this area reaches capacity, the closure of the Farmland Industries site (immediately to the west) makes expansion of East Hills Business Park a possibility and should be closely examined for such a purpose. East Hills Business Park serves as the eastern gateway to the community and the City should continue to examine future development plans for this area to ensure they reflect the image and quality the community seeks in gateway development.

- **Burroughs Creek Corridor**

The Burroughs Creek Corridor (the former Santa Fe Railroad Corridor) stretches from East 31st Street to the Kansas River in East Lawrence and includes a south and north segment. Parts of the corridor area offer smaller land parcels and provides opportunities for small business owners to coexist with neighboring residential uses. Future development of this area should be in accordance with the Burroughs Creek Corridor Plan.

- **Union Pacific Railroad Corridor**

The Union Pacific Railroad Corridor serves North Lawrence and has historically been the site of a variety of industrial uses. Industrial development patterns along the corridor are somewhat fragmented with interspersed residential and commercial land uses. Many industrially zoned sites have been developed with residential structures or represent vacant lots originally divided for residential purposes. This corridor may also offer opportunities for small business owners to establish smaller industrial operations within the community.

New development and redevelopment in the area should be encouraged to improve the appearance and image of the area. In general, Locust Street, Maple Street, and Lincoln Street west of North 7th Street should continue to serve as industrial collector streets in the neighborhood. Efforts to discourage non-residential traffic in other parts of the neighborhood are highly encouraged. It is also recommended that consolidation of industrial sites occur whenever possible to remove those residential and incompatible commercial uses located within predominantly industrial development land use patterns in a concentrated effort to minimize those impacts and conflicts between incompatible land uses. When the industrial usage of a particular property ceases and is no longer practical, it is recommended those properties be converted to residential and/or neighborhood commercial uses.

LAWRENCE - NEW INDUSTRIAL AREAS

This chapter sets out goals and policies to guide present and future industrial and employment development within Douglas County. A key part of the chapter is deciding where Industrial and Employment related development should be located. To assist in the identification of general locations throughout the City of Lawrence, its Urban Growth Area, and unincorporated Douglas County appropriate for industrial and employment park development, there are some basic

locational criteria characteristics that should be considered. The following criteria strike a balance between industrial user needs and community interests, as well as being aligned with criteria developed through the ECO² process.

LOCATIONAL CRITERIA FOR INDUSTRIAL DEVELOPMENTS

A given site, whether located within City limits, in the UGA, or in unincorporated areas of Douglas County, should *substantially* meet the following **general** locational criteria:

- have feasible access to Federal and State transportation networks;
- be of adequate parcel size, generally over forty acres;
- lie primarily outside of the regulatory floodplain;
- have minimal average slopes.

After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should *substantially* meet the following **specific** criteria on a site plan or development plan level:

- preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
- encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
- have available and adequate utilities, infrastructure and services (i.e. police and fire protection) for the proposed use;
- be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;
- be annexed before development if adjacent to municipal boundaries.

Initial applications for site considerations should first be weighted against the general locational criteria, and then against the specific criteria as individual proposals move through the development process. A non-exclusive list of sites that substantially meet the general criteria are illustrated in Map 7-2, Map of Potential Locations for Future Industrial and Employment Related Land Use, and are detailed in descriptions below. Locations initiated through the planning process that are not on Map 7-2 will be weighted against the general locational criteria above.

INDIVIDUAL SITE ANALYSIS:

- **Farmland Industries**

Transportation: State Highway and Rail access

Parcel Size: 275+ acres

Floodplain: None

Slope: Mostly minimal (0-3%) with some 3-7% and higher

Generally this area is located north of K-10, west of East Hills Business Park, south of N 1500 Road, and west of E 1575 Road. While the entire site contains roughly 400+ acres, the proposed Farmland Industries Redevelopment Plan, currently working through the approval process, identifies approximately 275 acres of land for industrial uses. The site has access to K-10 Highway, as well as possible future connections to East Hills Business Park. In addition the site has direct access to rail lines that exist on the north end of the property. The site lies outside of the 100-year floodplain and is generally covered by

minimal (0-3%) slopes, with a few areas having 3-7% and higher slopes. Portions of the site pose some challenges related to environmental clean-up from the prior use that needs to be addressed before re-development, but would be a good site for Warehouse and Distribution, Office Research and Industrial uses, especially when combined in a collaborative park setting.

- **Southeast Area**

Transportation: State Highway access

Parcel Size: 200+ acres (with an additional 30 identified for Warehouse)

Floodplain: None

Slope: Minimal (0-3%)

The Southeast Industrial Area is located on the south side of East 23rd Street/ Kansas Highway 10, south of East Hills Business Park. This area consists of general industrial land uses and it is anticipated this area will experience increased industrial development as noted in the Southeast Area Plan. That plan recommends less intense Industrial uses, such as Warehouse and Distribution and Office Research for a approximately 30 acres south of N 1360 Road between E 1700 Road and E 1750 Road. The plan recommends more intense industrial uses for the roughly 200 acres for the area northwest of the intersection of 25th Terrace and Franklin Road, the area east of Franklin Road, north of E. 25th Street and N. 1360 Road, west of E. 1750 Road (Noria Road), and south of E. 23rd Street/K-10 Highway and the area north and south of Franklin Park Circle. Like East Hills Business Park, the Southeast Industrial Area will serve as the eastern gateway to the community. This site has access to Kansas Highway 10 and lies outside of the 100-year floodplain. The area is generally covered by minimal (0-3%) slopes.

- **Airport**

Transportation: Federal Interstate, State Highway, Air access

Parcel Size: 230+ acres

Floodplain: Approximately 10% of those 230 acres

Slope: Minimal; 0-3%

The Lawrence Municipal Airport, located in North Lawrence along US-24/40/59, is a newly developing industrial area of the community. Aviation enterprises are present and there is the potential for additional aviation and related enterprises. Currently, the airport is an island surrounded by some county industrial land use, but mostly agricultural land uses. As development continues to occur in neighboring Leavenworth County, the US-24/40/59 corridor will become a major thoroughfare. As the City begins initiating long-range planning activities for improved municipal services to and stormwater management within this area, development pressures will increase for this area. It is recommended by this Comprehensive Plan that annexation be a part of any industrial development proposed for this area. As this area evolves into a community gateway, development proposals are also encouraged to employ sound site planning and design principles to make this area an attractive one. Interfacings with surrounding properties and neighborhoods are also encouraged to minimize negative impacts and employ appropriate and compatible industrial and business activities.

The area around the Lawrence Municipal Airport best suited for industrial development generally lies southwest of the airport and North of I-70 and encompasses roughly 230 acres. This site has access to I-70, Highways 24 and 40, and the Lawrence Municipal

Airport. The majority of the site lies outside of the regulatory floodplain; however, this site has unique challenges related to stormwater management that would need to be addressed during the development process. Slopes in this area are minimal (0-3%).

- **I-70 and K-10**

Transportation: Federal Interstate and State Highway access
Parcel Size: ~~150~~ 540 acres, with possibility of more
Floodplain: None
Slope: Mainly 0-3%

The I-70 and K-10 area lies generally north of N 1800 Road (Farmer's Turnpike) near the intersection of Kansas Highway 10 and I-70. The proposed area contains roughly ~~150~~ 540 acres of industrial and office/research uses as identified in the K-10 and Farmer's Turnpike Plan. ~~with the potential for more land to be identified for industrial and employment-related land use through the long-range planning process.~~ The area contains land of minimal slope (0-3%) and also lies outside of the 100-year floodplain. This area substantially meets the general locational criteria and will be an important future economic development area for the Lawrence community because of its prime location near the I-70 interchange, which also acts as the primary access point for the City of Lecompton. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that the land is annexed and urban services are able to be provided. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would best be suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

- **K-10 and Highway 40**

Transportation: State Highways (access to Federal Interstate within 2 miles)
Parcel Size: 300 Acres (split north and south of Highway 40)
Floodplain: None
Slope: Mainly 0-3%, with some 3-7%

This area generally lies to the west of K-10 Highway on both the north and south sides of Highway 40 and is detailed in the West 6th Street/K-10 Nodal Plan. The area contains approximately 300 acres and lies outside of the 100-year floodplain. The area is located adjacent to both Highway 40 and K-10 Highway, as well as being in close proximity to I-70. The site has mostly minimal slopes (0-3 %) with some 3-7% slopes. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would be best suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

- **Eudora North & Eudora South**

Areas have been generally identified on the east side of Eudora, both north and south of K-10 Highway that would be appropriate for Industrial development. It is recommended that Eudora annex both areas prior to development.

- **Baldwin City**

The Comprehensive Plan already identifies that a general area to the west of the current Baldwin City limits would be ideal for industrial development at such time that the City of Baldwin is able to provide utilities to the site. Baldwin City is currently in the process of drafting and adopting a comprehensive plan and therefore any decisions regarding specific locations for this site should wait until that process is complete.

- **Highway 56 and Highway 59**

The Comprehensive Plan identifies that a general area near the proposed intersection of Highways 56 and 59 would be ideal for industrial development in the future. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that urban services are able to be provided.

- **Midland Junction**

This area generally lies near the intersection of N 2000 Road and Highway 24/59 north of Lawrence. While the area is located within the Urban Growth Area for the City of Lawrence, development is not anticipated for more than 30 years. This area is located in proximity to transportation networks and meets the general location criteria making it ideal for industrial development in the future. Intense development should wait until such time that urban services are able to be provided, and transportation infrastructure is upgraded to ensure safe access.

- **Highway 56 and K-33**

The Comprehensive Plan identifies that a general area near the intersection of Highways 56 and K-33 would be ideal for industrial development in the future due to its proximity to the proposed Gardner Intermodal Facility. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that urban services are able to be provided.

The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are *capability class* (non-irrigated) 1 and 2, as identified by the National Resources Conservation Service.

At least one of the sites identified above (Airport) has some amount of high-quality agricultural land. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Future Industrial and Employment land use sites not included on Map 7-2, Potential Locations for Future Industrial and Employment Related Development, should balance the agricultural significance on the site against the need for industrial and employment related development."

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
7/26/10

ITEM NO. 4: CPA-6-5-09 (DDW)

CPA-6-5-09 Amend Horizon 2020, Chapter 14 list of specific plans, to include the Northeast Sector Plan.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the Northeast Sector Plan description and also approving the plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution 7-5-10.

SUMMARY

This comprehensive plan amendment (CPA) to *Horizon 2020*, Chapter 14, list of specific plans, to add the reference to the Northeast Sector Plan was initiated by the Planning Commission on June 24, 2009. This CPA will approve the plan and add to Horizon 2020, Chapter 14 the title of the plan, a description of the approximate planning area boundaries, approval dates, and the future review date.

BACKGROUND

Grant Township requested that a planning effort be undertaken for the area. The area has seen increased development pressure, most recently with a proposal for an industrial park south of Hwy. 24/40 and north of Interstate 70. The city owned Lawrence Municipal Airport is also within the planning area.

STAFF REVIEW

The Northeast Sector Plan is a sector plan for the Grant Township area north of Lawrence to the Douglas County line, containing approximately 10,640 acres. Most of the planning area is part of unincorporated Douglas County, but some of the property is within the corporate boundaries of Lawrence. This plan will help guide the county and city when making future land use decisions within the planning area. The plan will also help the public to visualize how the area may develop in the future.

The Northeast Sector Plan process kicked off with a public meeting on September 17, 2009. Property owners and other stakeholders were invited to attend the meeting. The participants in the kick-off meeting were asked to provide their input on the area's strengths, weaknesses, opportunities and threats. They also participated in a visioning exercise. Approximately 100 people attended the kick-off meeting.

The second public meeting was held on October 8, 2009. Participants were asked to review and prioritize the results of the kick-off meeting. Approximately 80 people attended the second public meeting. The third public meeting for the plan was held on November 5, 2009. Approximately 80 people attended the meeting and were asked to provide feedback on draft goals and policies and also participate in a future land use exercise.

The first draft of the plan was released on March 12, 2010. The first draft was presented in a public meeting on April 7, 2010. Approximately 60 people attended the meeting. A second draft of the plan was released on May 5, 2010.

The second draft was presented to the Lawrence-Douglas County Planning Commission at their mid-month meeting on May 12, 2010. The second draft was also presented to the Planning Commission for review and comment during their regular meeting on May 24, 2010. The Planning Commission took public comment and provided comments to staff.

Staff produced a third draft of the plan based on Planning Commission comments. The third draft is presented for Planning Commission review. Staff also produced a questions and answers document as a result of some of the questions asked at the May 24th Planning Commission meeting. The questions and answers are attached at the end of this staff report.

All property owners in the area, along with additional stakeholders, were invited to participate in the planning process. Public meetings were well attended. Written comments were received on early documents and also on the plan drafts.

The draft plan includes three sections; the introduction, existing conditions, and recommendations. The introduction sections states the purpose of the plan, a description of the planning area and a list of the policy framework. The existing conditions section describes the existing land uses, zoning patterns, infrastructure, environmental conditions, and community facilities within the planning area. The recommendations section includes goals and policies that were derived from public meeting input. The recommendations section also includes a future land use map with written descriptions of the future land use classifications. Finally, the recommendations sections includes implementation actions.

Included at the end of this staff report is the proposed amendment to Chapter 14 – list of specific plans. This amendment is intended to add the reference to the *Northeast Sector Plan* to the list of specific plans. Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below which are identified in Chapter 17, Implementation, of *Horizon 2020*.

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. At the time *Horizon 2020* was written, there was no Chapter 14, Specific Plans, or anywhere that approved ancillary land use plans were referenced.

This is a new plan that provides more clarity regarding the recommended future land use designations of the area and policies in the plan, the specific plans are recommended to be adopted as a part of the comprehensive plan. The plan is listed with a description of the approximate planning area boundaries, approval dates, and the future review date.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies by guiding development in the planning area while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to residential land use, commercial land use, transportation, economic development, parks and recreation, and the various other components of the comprehensive plan. The amendment helps to provide a framework for future development and is more specific regarding policies for the planning area.

C. Is the proposed amendment a result of a clear change in public policy?

As rural areas around the fringe of Lawrence receive development pressure, there is a need to plan new areas for potential urban development. The planning process needs to occur before growth and redevelopment take place and clear guidance needs to be incorporated into the comprehensive plan which supports the community's goals. Chapter 14, Specific Plans, was a clear change to the comprehensive plan and to keep it up to date, the newly adopted land use plans need to be referenced to establish clear direction for the planning areas.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the Northeast Sector Plan description and also approving the plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Northeast Sector Plan

Questions and Answers

What is the purpose of this Sector Plan?

- This Sector Plan is a document that sets policy for the future development of the planning area. The plan will be one of the tools used by the Board of County Commissioners, City Commission, and Planning Commission when reviewing development proposals. The Plan establishes owner and developer expectations for the future highest and best use of property taking into account the likelihood of City services being provided to the area; the historical growth pattern; the topographical elements (storm drainage); and other natural and manmade opportunities and constraints of the area (transportation, soils, etc.).

Does this plan rezone property or otherwise change the approved existing uses for property within the planning area?

- No, the plan does not rezone any property, nor does it annex any property. The approved existing uses for property will not change when this plan is adopted. The plan establishes reasonable expectations for appropriate future zoning and annexation of property.

Does this plan remove any current/existing development rights?

- No, properties will enjoy all of the rights currently available under the existing zoning.

How could incentives work in the preservation of Class 1 & 2 soils?

- There are programs available, such as Transfer of Development Rights, that have been successful in high growth regions; however, for many reasons such a program may not be successful in Douglas County. Most incentives will likely take the form of private or public/private programs that aim to hold the land in perpetuity. Examples include:
 - Conservation easements – may provide tax advantages to owners.
 - ECO² recommendations – if funded, soil preservation could be one of the types of land to preserve as a tradeoff to industrial development.
 - There may be opportunities for public/private programs yet to be established.

Does this plan institute new rules for farming in the area?

- No. This Sector Plan does not set forth any policy to encourage changes in farming practice.

Does this plan create new rules for farming on Class 1 and 2 soils?

- No. This Sector Plan does not set forth any policy to encourage changes in farming practice.

What is the status of the Airport Master Plan update?

- The City has made an application to the Federal Aviation Administration for the plan update, but Congress has not authorized funding. The anticipated start date is September, 2010 with completion in 9-12 months. It is not anticipated that the airport boundaries will significantly change.

Is a new soil conserving agri-industry zoning district necessary to implement the plan?

- Staff does not feel a new zoning district is necessary as soil conserving agri-industry businesses can be accommodated by both the County's Zoning Regulations and also by the City's Land Development Code. The plan is a guide and this concept is derived from Horizon 2020 – Chapter 7 which says: "Soil conserving agri-industry businesses that will protect the quality of existing high-quality agriculture land either through agriculture use or preservation for future agriculture use should be encouraged to locate" in those areas with high quality agriculture land, but does not mandate such. Determinations of whether a development project complies with the plan will be up to the appropriate governing body.

What is soil conserving agri-industry?

- Soil conserving agri-industry is a future land use category for new development that is explained in 3.2.1.4 of the Northeast Sector Plan :

3.2.1.4 Soil Conserving Agri-Industry

The intent of the Soil Conserving Agri-Industry category is to allow for soil conserving agriculture-related businesses that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation. Soil conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction between the Soil Conserving Agri-Industry classification and Industrial/Employment classifications is the component of protecting and/or using existing high-quality agricultural land either through agricultural use or preservation for future agricultural use.

Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the soil protected or used for agriculture. The Soil Conserving Agri-Industry Use may or may not urbanize. This use is identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.

Intensity: Medium-High

Zoning Districts: Douglas County – I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Soil-conserving agri-businesses

- All four words of "Soil Conserving Agri-Industry" need to be used together when discussing this land use classification. For example, a meat packing plant is an agriculturally-related industrial use, but it does not conserve soil. A crop research business that has a couple of buildings and is growing crops for research on the majority of the property would be considered a soil conserving agri-business.

How does stormwater around the airport currently drain?

- Staff will present a graphic at the July Planning Commission meeting.

Insert Northeast Sector Plan (*Horizon 2020* Page 14-3)

Specific Plans

- **6th and SLT Nodal Plan**

Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)

Adoption Date: November 11, 2003 by Lawrence City Commission

Review Date: 2009

- **6th and Wakarusa Area Plan**

Location: The intersection of 6th Street and Wakarusa Drive

Adoption Date: December 2, 2003 by Lawrence City Commission

Review Date: 2009

- **HOP District Plan**

Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.

Adoption Date: May 10, 2005 by Lawrence City Commission

Review Date: 2010

- **Burroughs Creek Corridor Plan**

Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.

Adoption Date: February 14, 2006 by Lawrence City Commission

Review Date: 2011

- **East Lawrence Neighborhood Revitalization Plan**

Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.

Adoption Date: November 21, 2000 by Lawrence City Commission

Review Date: 2010

- **Revised Southern Development Plan**

Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).

Adoption Date: December 18, 2007 by Lawrence City Commission

January 7, 2008 by the Douglas County Board of Commissioners

Review Date: 2017

- **Southeast Area Plan**

Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).

Adoption Date: January 8, 2008 by Lawrence City Commission
January 28, 2008 by the Douglas County Board of Commissioners

Review Date: 2018

- **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

Adoption Date: March 11, 2008 by Lawrence City Commission
March 31, 2008 by Douglas County Board of Commissioners

Review Date: 2013

- **K-10 & Farmer's Turnpike Plan**

Location: Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.

Adoption Date: December 9, 2008 by Lawrence City Commission
January 7, 2009 by Douglas County Board of Commissioners

Review Date: 2019

- **Lawrence SmartCode Infill Plan**

Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.

Adoption Date: January 27, 2009 by Lawrence City Commission
February 23, 2009 by Douglas County Board of Commissioners

Review Date: 2019

- **West of K-10 Plan**

Location: Generally located north and south of Highway 40 and west of K-10 Highway. It does contain some land east of K-10 Highway

Adoption Date: June 9, 2009 by Lawrence City Commission
May 6, 2009 by Douglas County Board of Commissioners

Review Date: 2019

- **Northeast Sector Plan**

Location: Generally located north and east of Lawrence and the Kansas River to the Douglas County line.

Northeast Sector Plan

DRAFT

July 12, 2010

Changes from the 1st Draft are shown in blue. New language is underlined. Deleted language is ~~struck through~~.

Changes from the 2nd Draft are shown in red. New language is underlined. Deleted language is ~~struck through~~.

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Section 1: Introduction

1.1 Purpose

The purpose of the *Northeast Sector Plan* is to outline specific land use goals, policies and recommendations for the planning area shown on Map 1-1, while being consistent with the overall adopted comprehensive plan for the community. Portions of the planning area are adjacent to the city of Lawrence and because of their proximity to the city and highways, they are likely to be areas of rural and urban development pressure. However, this plan recognizes that this area is unique in its development potential and the community may benefit most by limited development.

The plan outlines future land uses for the planning area to be used as a guide for rural and urban development. This plan does not annex property nor does it rezone property upon adoption. These types of proposals are typically requested by the property owners and/or developers that have a stake in such property and wish to develop within Douglas County and within the city of Lawrence.

The plan should fit like a puzzle piece into the larger context of the surrounding street, utility, and land use network of the entire community. Logical connections between the planning area and adjacent neighborhoods are a key factor in the development of the plan. The recommendations contained within this plan are intended to guide the area's future growth patterns.

It is expected that development in the planning area will occur within the span of decades as the market demands and as urban services are able to be provided. It is anticipated that rural and agricultural uses will continue to be present and maintained as the planning area urbanizes. Because of the long timeframe of the plan, it should be reviewed on a regular basis.

1.2 Description of Planning Area

The *Northeast Sector Plan* planning area is located north of the city of Lawrence (see Map 1-1) and within Grant Township, in northeastern Douglas County, Kansas. The planning area contains approximately 10,640 gross acres and encompasses ~~most of~~ Grant Township north of the Kansas River.

The planning area boundaries are: E 1700 Road on the east, N 2100 Road on the north, the riverfront park on the west, and the Lawrence city limits and the Kansas River on the south. See Map 1-1. The planning area encompasses the Lawrence Urban Growth Area (UGA) in northeast Douglas County, as currently identified in *Horizon 2020*. A majority of the planning area is located in Service Area 4 which is the outer most service area in *Horizon 2020*. For Service Area 4 *Horizon 2020* states: "The land uses north of US-24/40 shall be primarily non-residential uses such as industrial, warehouse and office" and "Urban development in Service Area 4 north of the Kansas River shall not occur until after an extensive drainage study for the area north of the Kansas River has been completed." The North Lawrence Drainage Study was completed in 2005.

A portion of the planning area, south of Highway 24/40 is located in Service Area 2. *Horizon 2020* states: "Until these areas, are served by the extension of municipal services, residential urban densities of development or non-residential urban development will not be permitted. Divisions of land for rural residential development shall be permitted only when the following criteria exist: access to paved roads, conformance with minimum road frontage requirements, and availability of rural water meters. Development shall not be permitted on steep slopes (15% or greater), regulatory floodplains or other environmentally sensitive areas, and state or federally designated historic sites or landmarks. The pattern and lot layout of rural residential developments shall provide, through early planning, dedications or reservations for the logical extension of public roads and infrastructure" and "Development of these areas to urban densities should be allowed only after coordination with the phasing of municipal services and public infrastructure improvements to serve these new urban densities."

As mentioned earlier, the entire planning area is within the Lawrence UGA. The UGA was expanded to the Douglas County line in this area in 2004. This action was largely in response to concerns that the Douglas County Subdivision Regulations did not regulate rural residential growth, i.e., the 5 and 10 acre exemptions allowed the creation of residential lots without platting. The UGA was expanded into this area to help regulate rural residential growth.

The subdivision regulations for Douglas County were amended and adopted in 2007 and put in place standards to regulate rural residential growth. These standards regulate rural residential growth in the Rural Area, as well as the UGA. Since there are now standards for the division of property in the Rural Area, one of the reasons for expanding the UGA to the county line in this area is no longer necessary.



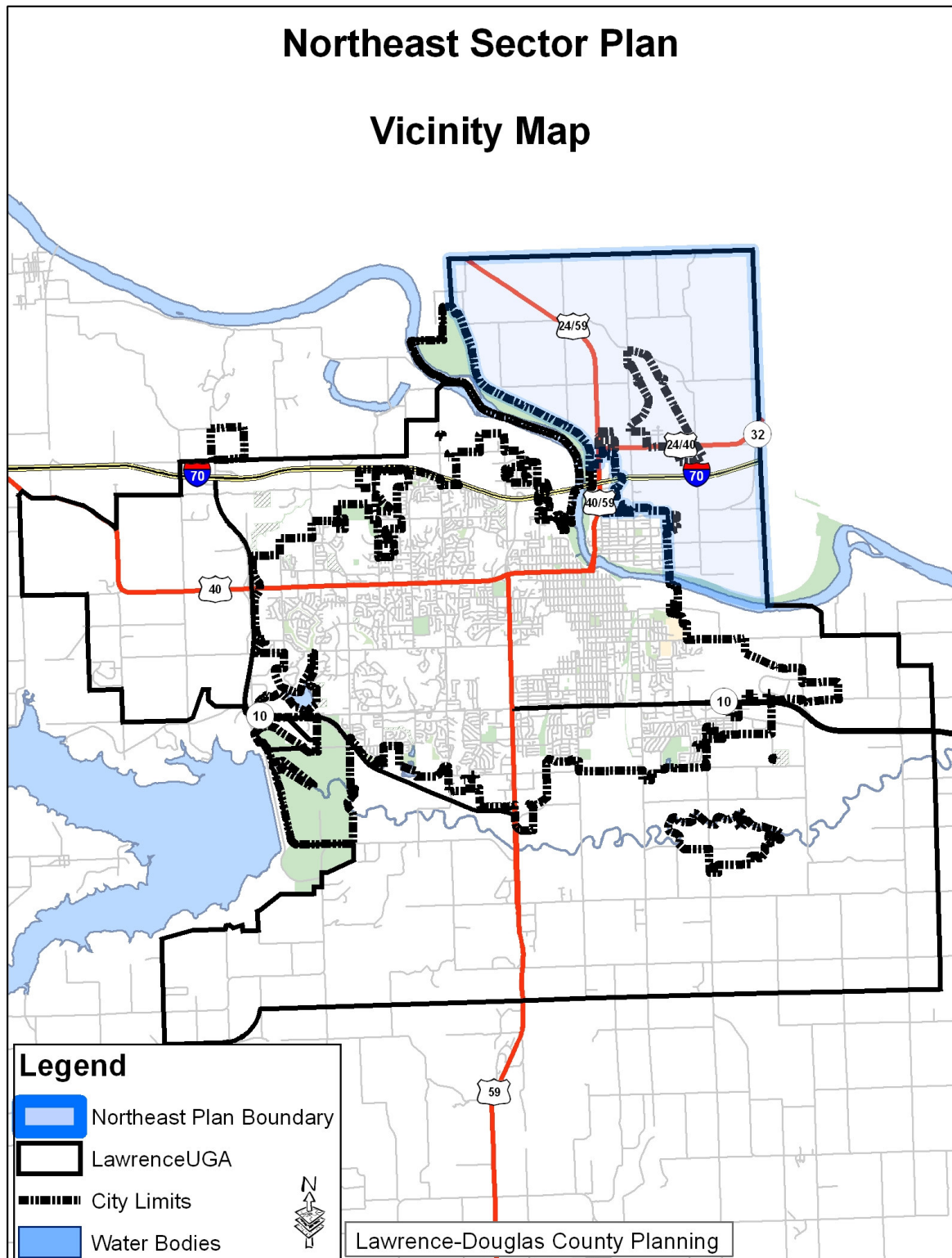
The dominant character of the area is rural in nature although there are a variety of uses within the planning area. The main rural uses in the flat, lower parts of the planning area ~~is~~ are agriculture row crop, livestock production, and pastureland

uses. Rural residential uses are found in the higher northern parts of the planning area. Rural uses dominate those portions of Jefferson County that are north of the planning area and also those parts of Leavenworth County east of the planning area. The KU Field Station is located in the northeast corner of the planning area and also within Jefferson and Leavenworth counties.

I-70 and a toll plaza, along with Highways 24/40/59 are major elements within the area. Industrial and commercial uses are located along Highway 24/59 and Highway 24/40. The Lawrence Municipal Airport is another major element within the planning area. The airport is annexed into the city, but is an island not contiguous with the corporate boundary of Lawrence. The Kansas River is generally west and south of the planning area. Urban uses within Lawrence are generally south of the planning area.

The planning area boundaries and parcel composition are illustrated in Map 1-2.

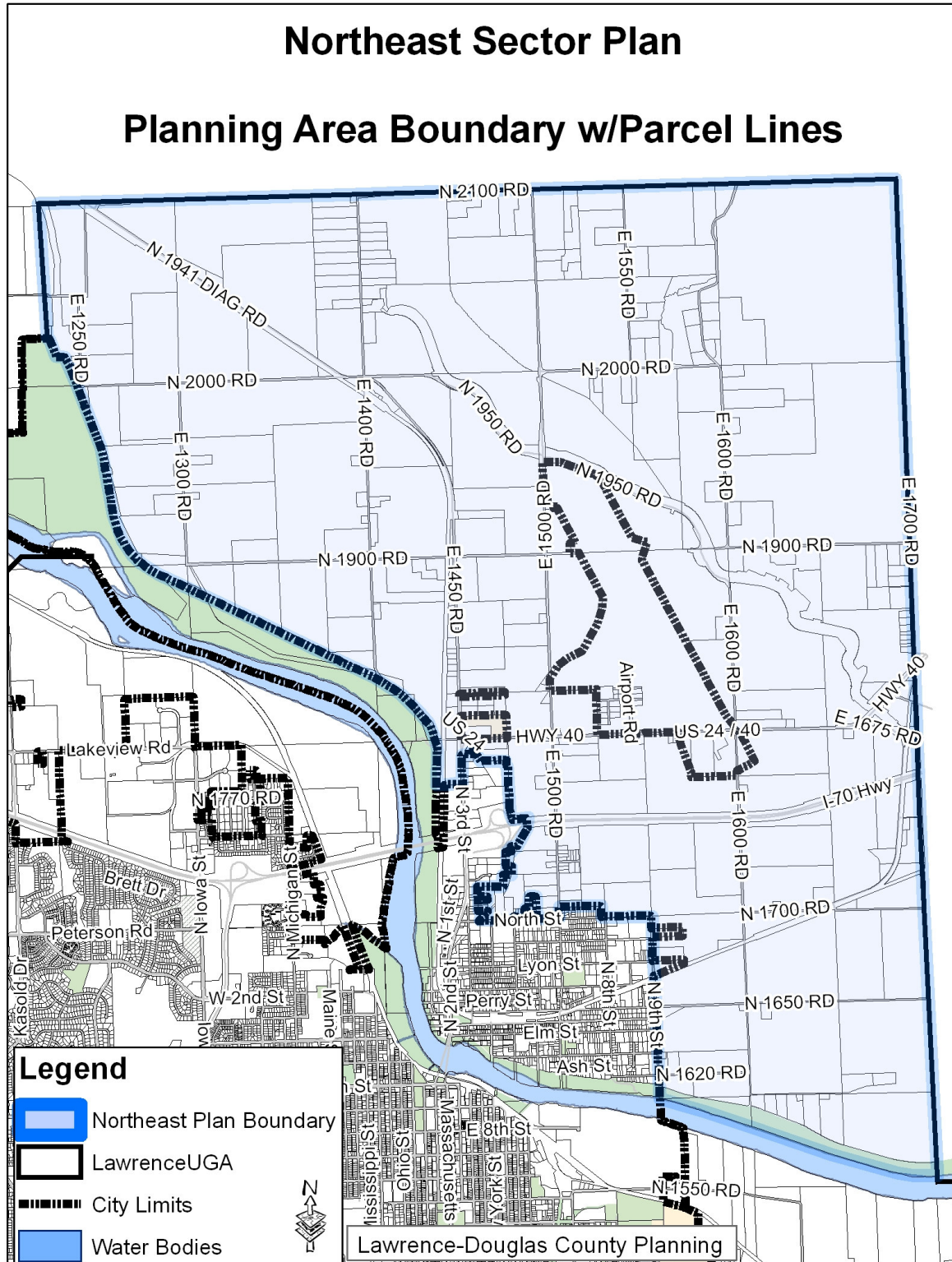
Map 1.1 – Vicinity Map



Northeast Sector Plan

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1-5



1.3 Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans provide the general “umbrella” policies under which this plan is developed. Listed, these plans are:

- *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998 as amended.
- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- *Lawrence-Douglas County Bicycle Plan*, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan*. Leon Younger & PROS. 2000.
- *City of Lawrence, Kansas Water Master Plan*. Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan*. Black & Veatch. December 2003.
- *2008-2013 Capital Improvement Plan*. City of Lawrence. June 26, 2007.
- *North Lawrence Drainage Study*. 2005

Section 2 - Existing Conditions

The inventory and analysis of existing conditions in this plan are intended to serve as a resource and background for the recommendations included in Section 3 of this plan.

2.1 Land Uses

2.1.1 Existing Land Uses

There are currently a variety of land uses within the planning area. The planning area has approximately 10,116 acres of land dedicated to uses other than public rights-of-way. The source information for the existing land use summary and map are based on the County Appraisers' land use code and updated by planning staff.

Agricultural uses, in the form of row crops, livestock production, pasturelands, and farms are the dominant land uses and encompass approximately 7,330 acres of land, which accounts for 72% of the planning area. There are farms of varying sizes (less than 5 acres up to hundreds of acres) within the planning area. Production includes row crops, local market production and animal production. Farms are owner operated or leased to larger operations. The City leases land around the airport for agriculture use.

The second largest land use category is parks/rec/open space use with approximately 956 acres. The parks/rec/open space use category includes the KU Field Station properties in the northeast portion of the planning area.

The third largest land use category is transport/communication/utility. This land use category includes the Lawrence Municipal Airport.

The next largest category is single family residential use. This category includes property with one dwelling unit located on it. The *Douglas County Zoning Regulations* define a dwelling as, "Any building or portion thereof designed or used for residential purposes. This shall include structures designed as underground structures but shall not include trailers or mobile homes". The single-family residential use is seen within the planning area primarily in the rural form – typically a house on 1 to 10 acres (although some larger single family properties in the area range between 10 – 40 acres).

The remaining land is designated a variety of uses ranging from industrial/warehouse/distribution to public/institutional uses. These uses are located primarily along Highway 24/59. The existing land uses are shown on Map 2-1 and the planning area breakdown is described in Table 2-1.

TABLE 2-1: EXISTING LAND USE SUMMARY

Land use	Acres	Percent
Agricultural	7,330	72%
Single Family Residential	550	5%
Vacant Residential	232	2%
Residential - Other	72	1%
Commercial	186	2%
Industrial/Warehouse/Distribution	125	1%
Public/Institutional	110	1%
Parks/Rec/Open Space	956	10%
Transport/Communication/Utility	555	6%
TOTAL	10,116	100%

2.1.1 Historic Resources

Currently, there is one structure listed on the National Register of Historic Places within the planning area. The Vermilya Boener House is located at the northwest corner of N 1900 Rd. and E 1400 Rd and was listed in 1992.

Northeast Sector Plan



2.2 Zoning Patterns

The planning area encompasses approximately 10,640 acres of land including public rights-of-ways. Approximately 520 acres are located within the city of Lawrence and the rest is located within the unincorporated area of Douglas County. The majority of the planning area that is located within unincorporated Douglas County is zoned A (Agriculture District). This is mainly used for row crops, pasture land and farm purposes. Industrial zoning is found in the planning area with specific areas zoned I-1, I-2, I-3 and I-4 Districts. There is also some B-2 (General Business District) zoning along Hwy. 24/40. See Map 2-2.

The main portion of the planning area located within the city of Lawrence is the Lawrence Municipal Airport, which is zoned IG (General Industrial). The Maple Grove Cemetery is also within the city of Lawrence and is zoned OS (Open Space District). Both of these properties are islands that are not contiguous to the corporate limits of Lawrence. See Map 2-2.

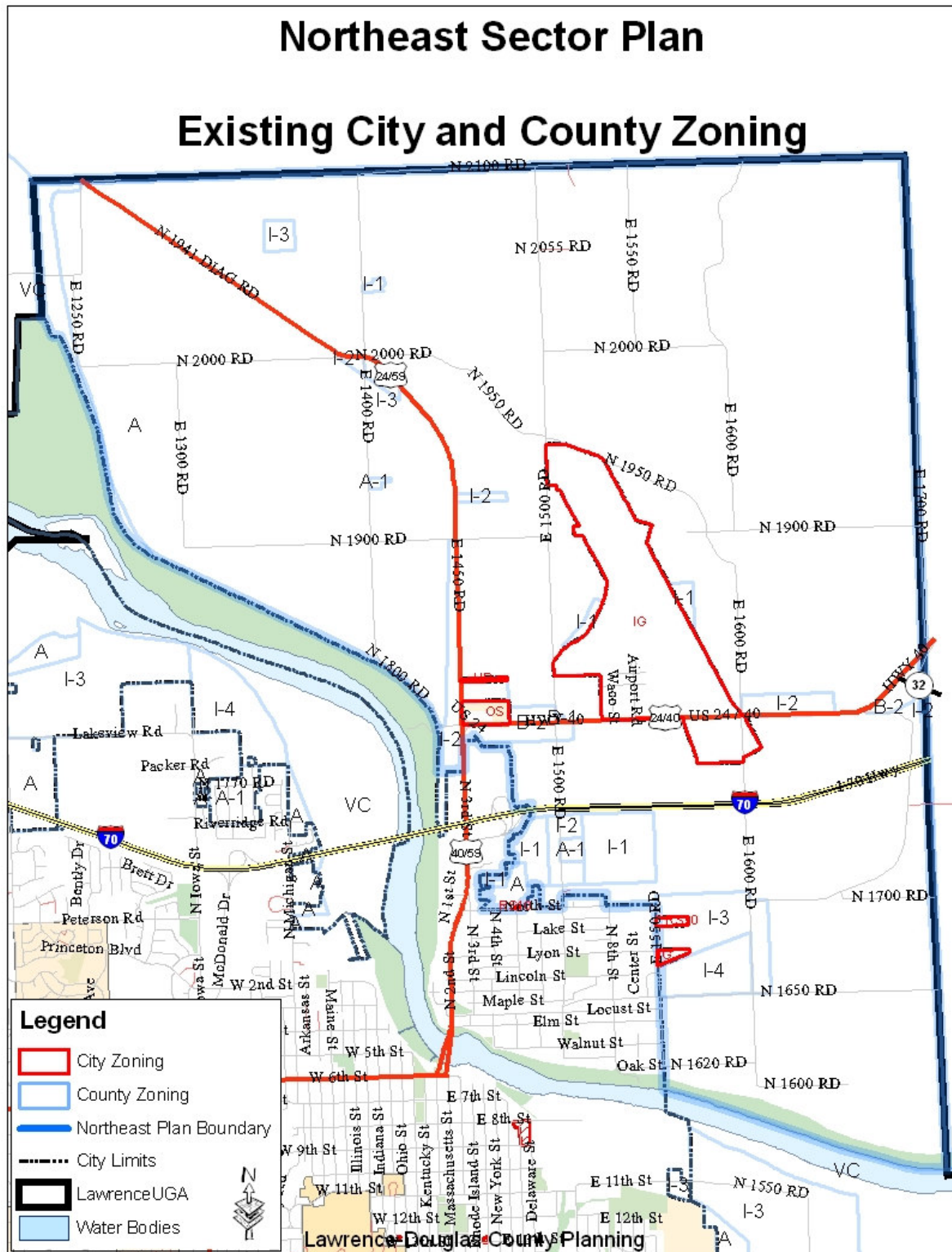
Table 2-2 County Zoning Classifications

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
A-1	Suburban Homes	Very Low-Density Residential
I-1	Limited Industrial	Industrial
I-2	Light Industrial	Industrial
I-3	Heavy Industrial	Industrial
I-4	Heavy Industrial	Industrial
VC	Valley Channel	N/A

Table 2-3 City Zoning Classifications

City Zoning	District Name	Comprehensive Plan Designation
RS20	Single-Dwelling Residential (20,000 sq. feet per dwelling unit)	Low-Density Residential
IG	General Industrial	Warehouse and Distribution or Industrial
OS	Open Space	N/A

Map 2.2 – Existing Zoning



2.3 Infrastructure

2.3.1 Water and Wastewater Infrastructure

A summary of the existing water utilities is shown on Map 2-3 and wastewater utilities (sanitary sewer) is shown on Map 2-4. Municipal water and wastewater is provided to the majority of those properties that are within the current city limits. Properties that are within the planning area, but outside the city limits, are served by Jefferson County Rural Water District #13, or private wells, and private septic systems.

The city of Lawrence sanitary sewer infrastructure does not extend outside the current city limits. The City, however, recently approved extending water and sewer infrastructure to serve the municipal airport. The flat topography of the area poses a challenge to providing urban wastewater infrastructure to the planning area. The flatness of the area makes it difficult to gravity flow wastewater and thus drives up the the relative cost of providing those services.

A portion of the planning area will be included in the City's Wastewater Master Plan update, underway in 2010. That update will provide a better idea of the actual cost of extending wastewater infrastructure. It is important to note that prior to any wastewater infrastructure extensions to the planning area, impacts to the downstream wastewater system will also have to be evaluated. Improvements to that system may also be part of the cost to extend infrastructure to the area.

2.3.2 Stormwater Infrastructure

A summary of the existing stormwater utilities, channels, and natural streams are shown on Map 2-4. The majority of the stormwater is handled by open channels and streams. The stormwater drains to the south, by way of the tributaries, to the Kansas River.

2.3.3 Gas Infrastructure

The planning area includes three natural gas lines. One pipeline owned by Southern Star Gas enters the planning area from the north and crosses to the east through the center of the planning area. A second Southern Star Gas pipeline enters the planning area in the southeast corner, proceeds northeast and exits the planning area near Highway 24/40 and Highway 32. Another pipeline is owned by Williams Natural Gas and it enters the planning area on the west center portion and crosses northeast through the planning area. See Map 2-5.

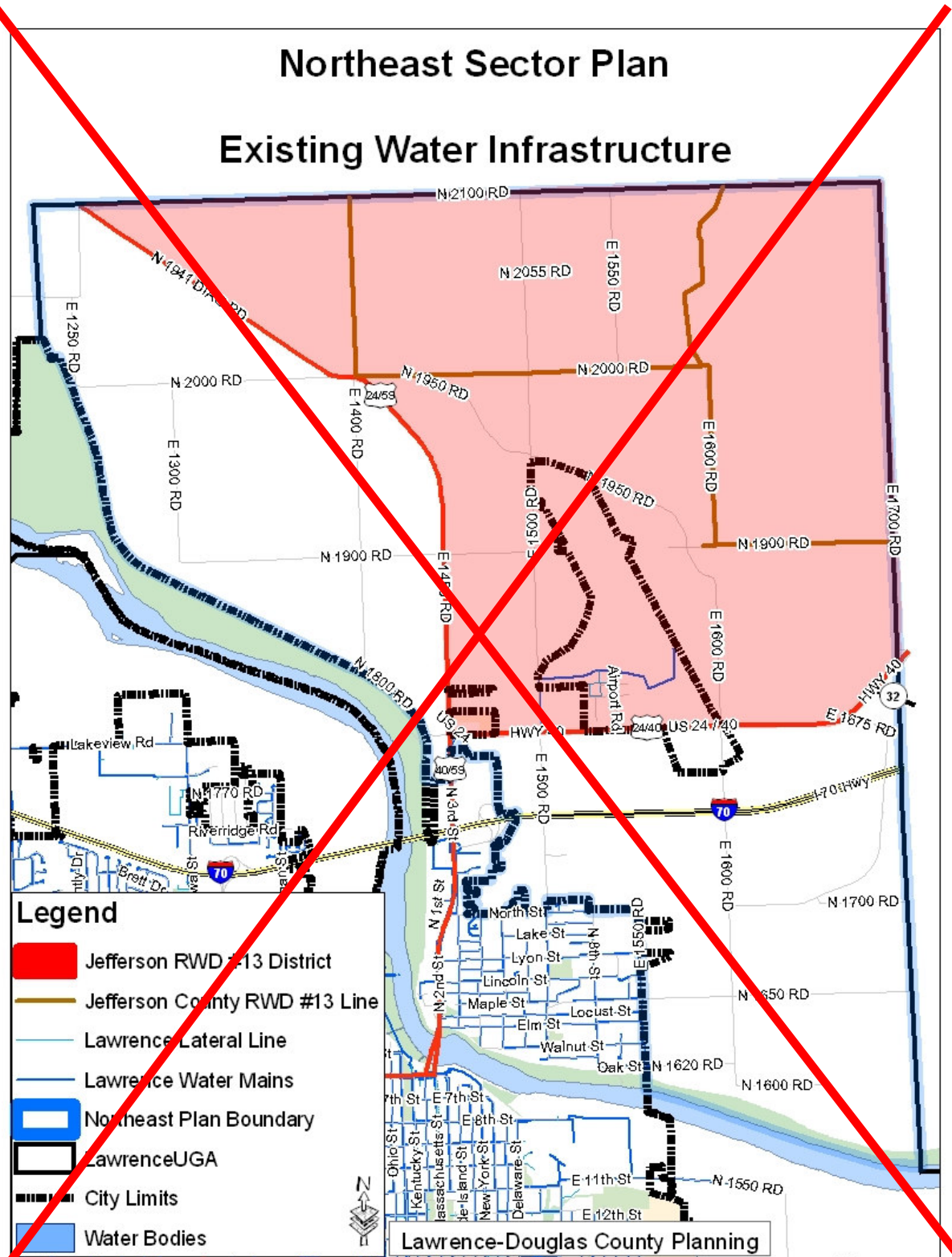
2.3.4 Electric Infrastructure

Westar serves the planning area. Large electric transmission lines also traverse the planning area. See Map 2-5.

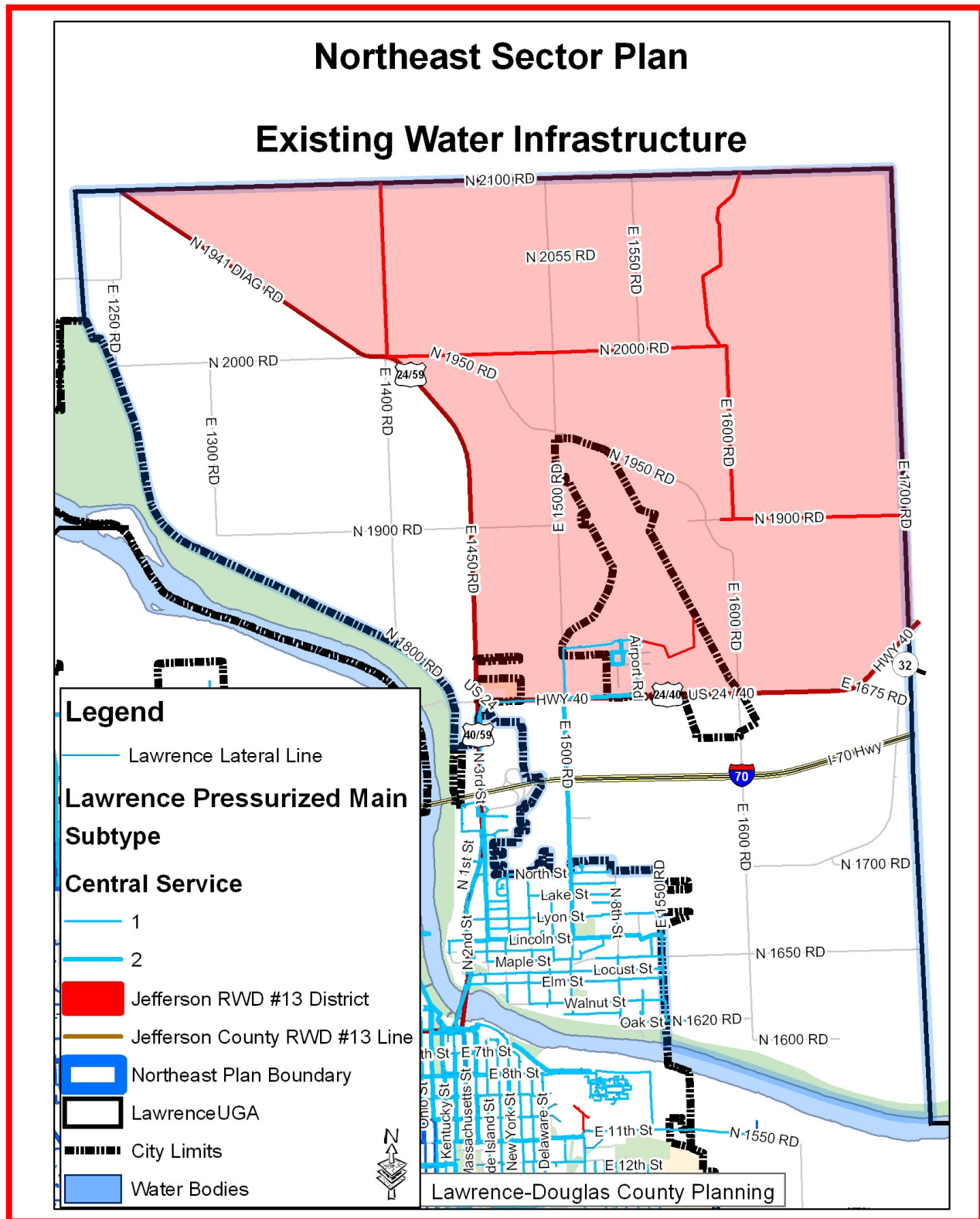
2.3.5 Drainage Districts

The Douglas County KAW Drainage District is the only drainage district in the planning area, but it does not cover the entire planning area. See Map 2-6.

Map 2-3 Water Infrastructure



Map 2-3 – Water Infrastructure



Northeast Sector Plan



Northeast Sector Plan



Northeast Sector Plan



2.3.5 Transportation

2.3.5.1 Road and Streets

The majority of the roads in the planning area are rural township roads, most of which are gravel. Grant Township maintains the majority of the roads in Grant Township. However, Douglas County has maintenance responsibility over Douglas County Route 9 (E 1500 Rd from city limits north to Highway 24/40) and Wellman Road north of Midland Junction to the Jefferson County line. KDOT has responsibility over Highways 24/59 and 24/40.

Douglas County has adopted access management standards that spell out minimum frontage and access standards for rural roads based upon road classifications.

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, (local roads and streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local roads and streets, to major thoroughfares (arterial streets) that carry traffic across the entire city and county. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.



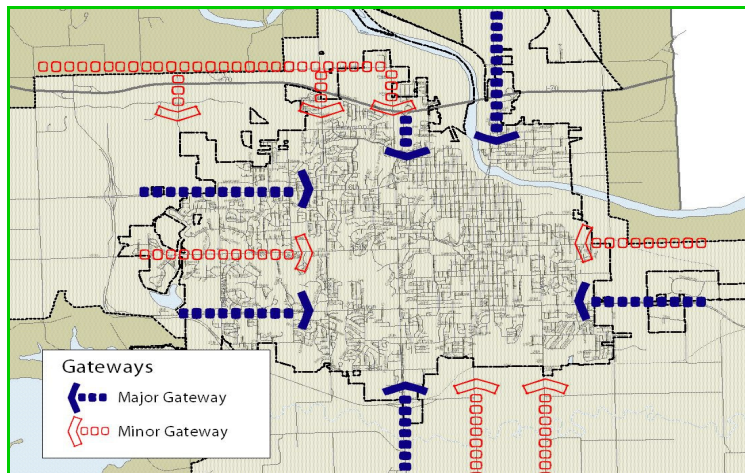
T2030 was adopted in 2008 and is updated at least every 5 years. This area should be fully studied during the next update to address the future street network.

2.3.5.2 Gateways

Chapter 2 of T2030 discusses and identifies minor and major gateway into and out of Lawrence. T2030 states, "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural to urban land uses. As such, cities desire to make these locations as attractive and informative as possible. As noted in T2030 in Figure 2.4, there are several roadways that represent gateways into the city of Lawrence or into smaller communities within the region that should be reviewed for aesthetic and informational enhancements when they are improved."

T2030 identifies Highway 24/59 as a major gateway into Lawrence based on the corporate boundaries shown in Figure 2.4 of T2030.

T2030 Figure 2.4
Lawrence Gateways



2.3.5.3 Rail

There are also rail lines that weave through the planning area. All lines are currently active and make a number of trips through the area ~~of~~ over the course of a typical day. These rail lines pose issues at the various crossings in the area. See Map 2-7 and Map 3-1 for the location of the rail lines.

2.3.5.4 Transit



Lawrence has a public transportation system (The T) which operates throughout the city. This system allows people to travel to other areas of the city without relying on a personal automobile. There are currently no transit routes that travel into the planning area. However, paratransit service is available to all of Douglas County. Paratransit service is a demand response service available to seniors and people with disabilities.

2.3.5.5 Bicycle Facilities

Lawrence and Douglas County have a joint bicycle plan for the community, the *Lawrence-Douglas County Bicycle Plan*. This plan identifies existing and future bicycle routes, lanes, and multi-use paths. A bicycle route is a network of streets to enable direct, convenient and safe access for bicyclists. A bicycle lane is a separate space designated with striping, signage or pavement markings for exclusive use by bicycles within a street. A multi-use path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.



Map 2-8 identifies existing and future bicycle facilities that include:

- An existing multi-use path along the north side of the Kansas River Levee.
- A future bike lane identified along Highway 24/40.
- A future bike route is identified along E 1600 Road, via N 1650 Road east from Lawrence, north to N 2000 Road.

- A future bike route is identified along E 1500 Road from Lawrence north to the county line.
- Another future bike route is identified along E 1550 Road from Lawrence to Highway 24/40.
- A future bike route identified along North Street in Lawrence.

Northeast Sector Plan



Northeast Sector Plan



2.4 Environmental Conditions

The planning area is made up of several drainage basins which drain to the Kansas River. There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. These are areas around Mud Creek and its tributaries, Maple Grove Creek, and the Kansas River. See Map 2-9. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

Mud Creek and its tributaries flow through portions of the planning area. The Kansas River is immediately outside of the west and south parts of the planning area.

The North Lawrence Drainage Study was commissioned by the City in 2005 to develop a stormwater plan for the North Lawrence watershed. Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

Tens of millions of dollars of cost were identified to accomplish the recommendations of the study for dealing with existing stormwater issues and future ones that will be created with development.

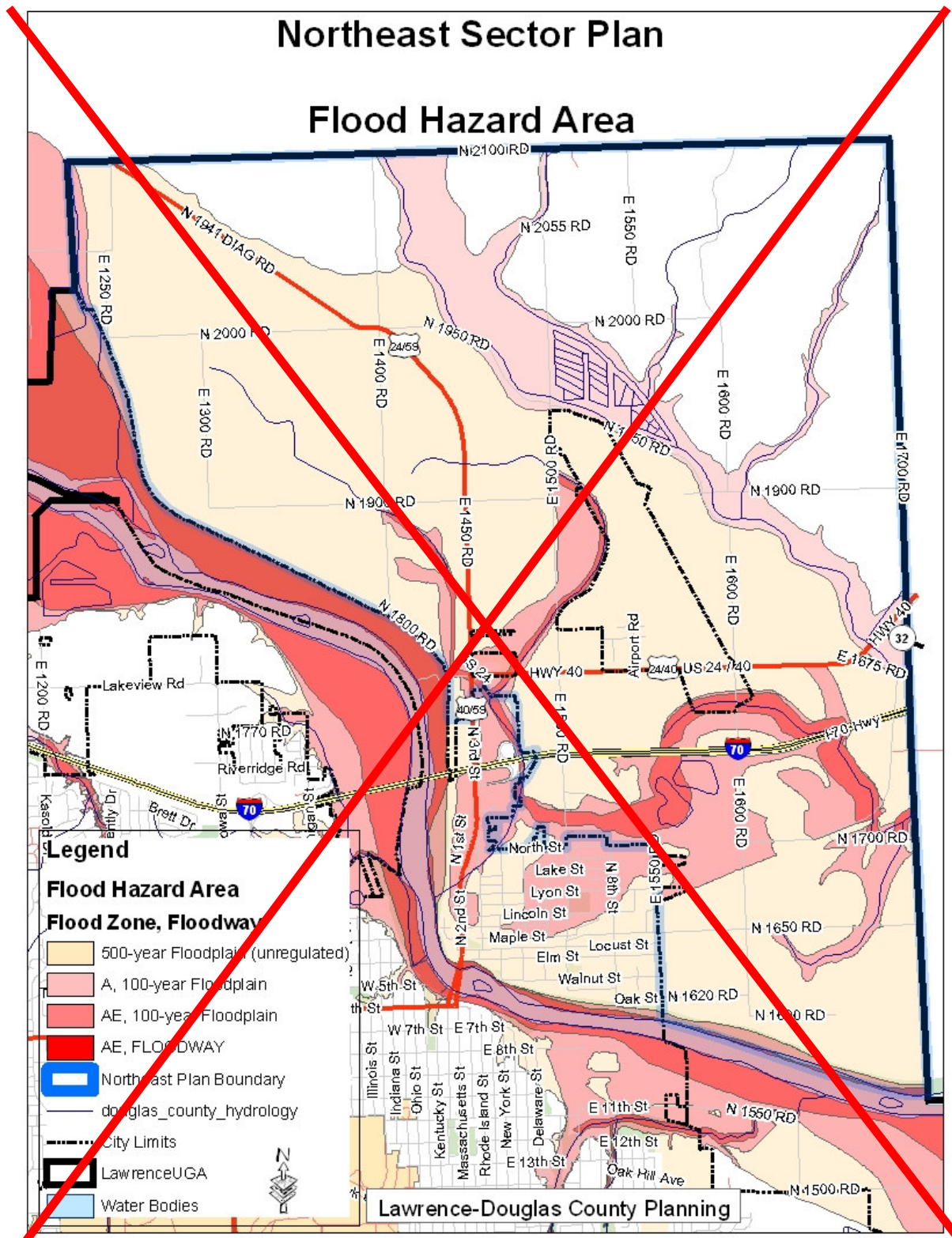
The majority of the land coverage within the planning area is agricultural land used for crop and animal production. The planning area also contains areas of prairie, grazing land and reserved areas of land that are a part of the KU Field Station. There are some water bodies and woodlands are also present in the northwest and northeast parts of the planning area. See Map 2-10 for a land coverage summary.

There is a range of topography within the planning area. The high points are along the northern and northeastern portions of the planning area north of the airport and Highway 24/59. The low points are essentially the rest of the planning area. This area is notable for the fact that it is so flat. As such, it is this area that has portions encumbered by floodplain. See

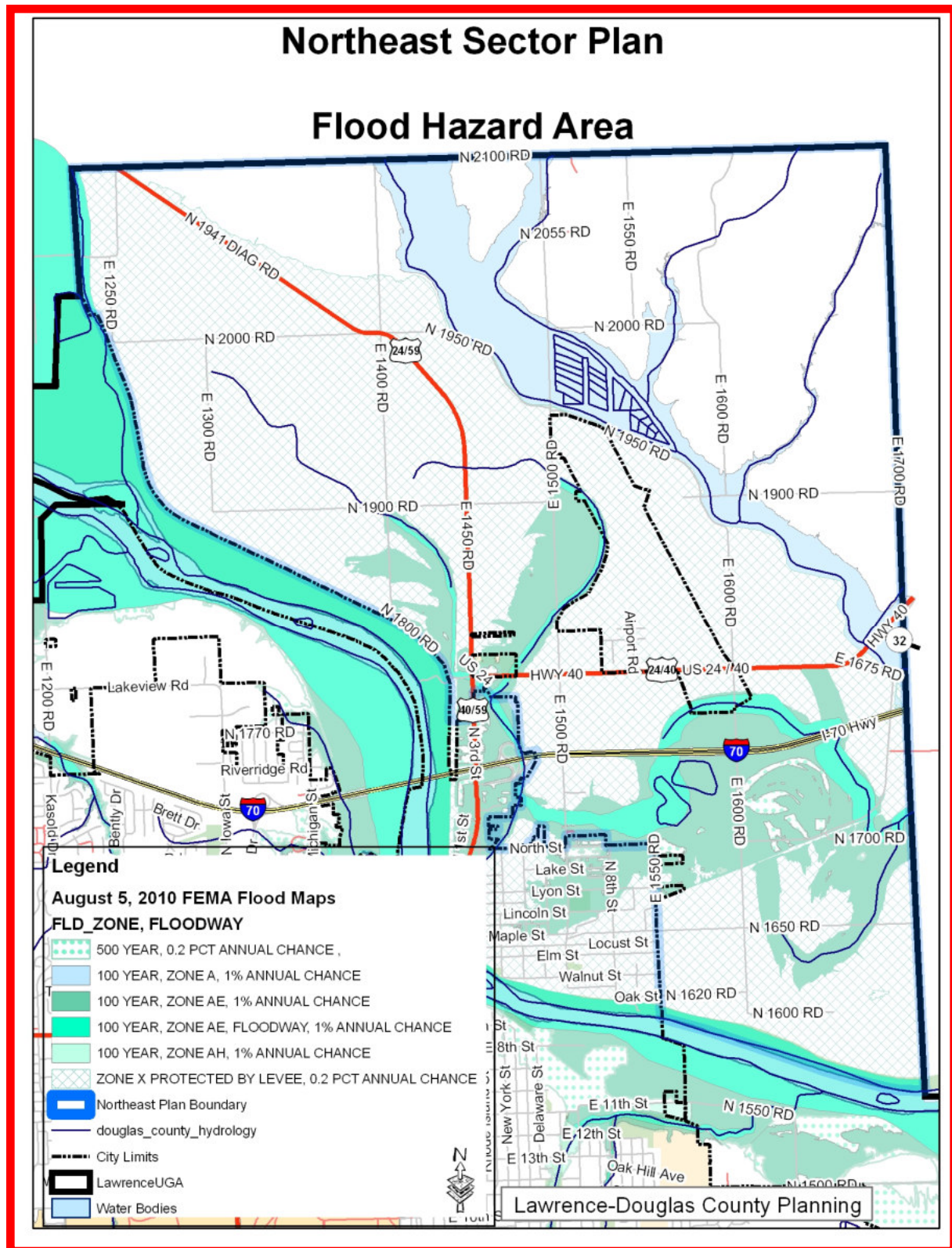
Map 2-11 and Map 2-12. Detailed topographic surveys will be required as individual properties are developed.

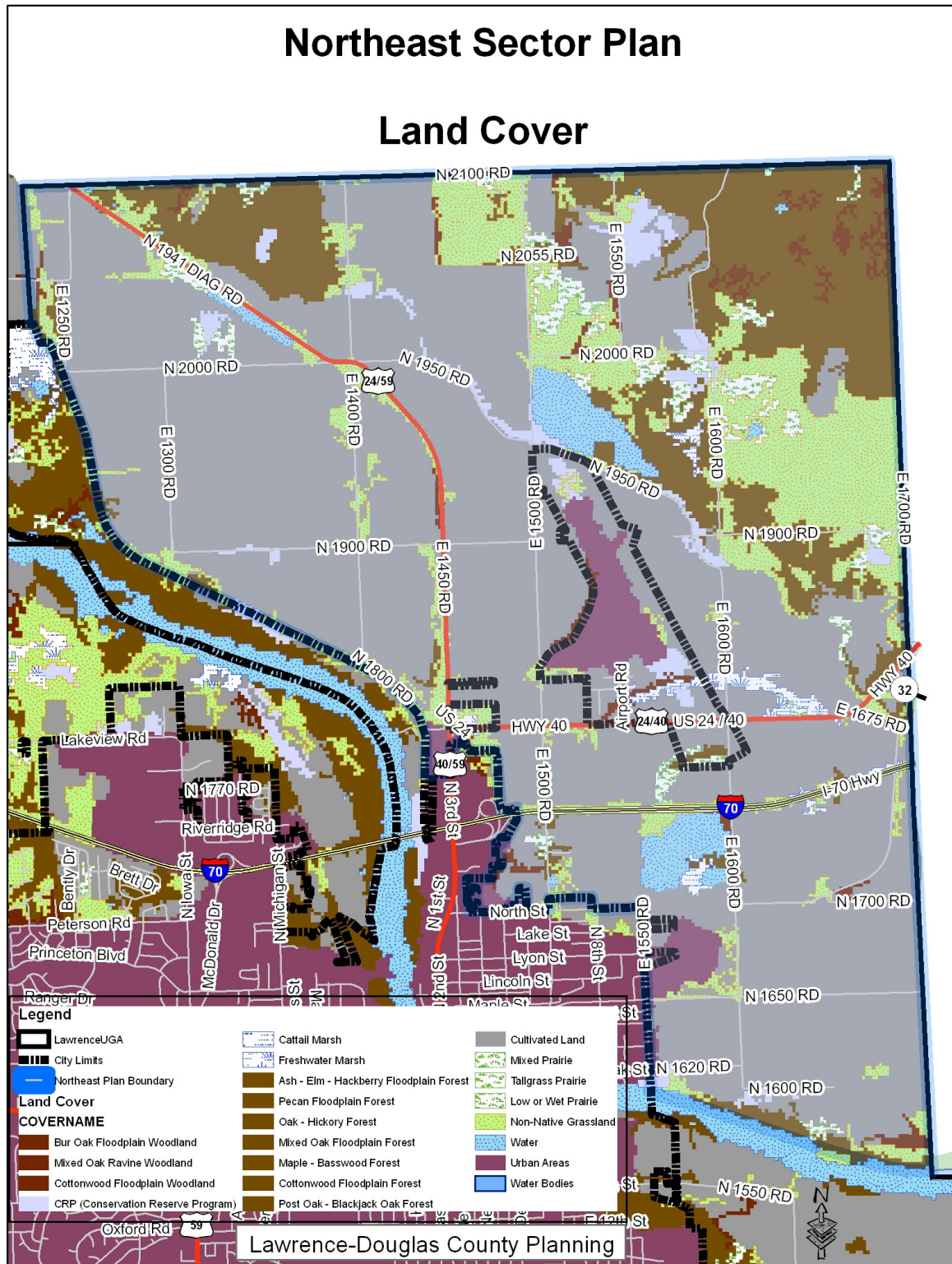
The planning area also contains Class 1 and 2 soils as determined by the Natural Resources Conservation Service, a division of the United States Department of Agriculture. These soils are considered to be high quality agricultural land. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states *"The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are capability class (non-irrigated) 1 and 2, as identified by the National Resources Conservation Service."* These soils are highly permeable and assist in stormwater management. See Map 2-13.

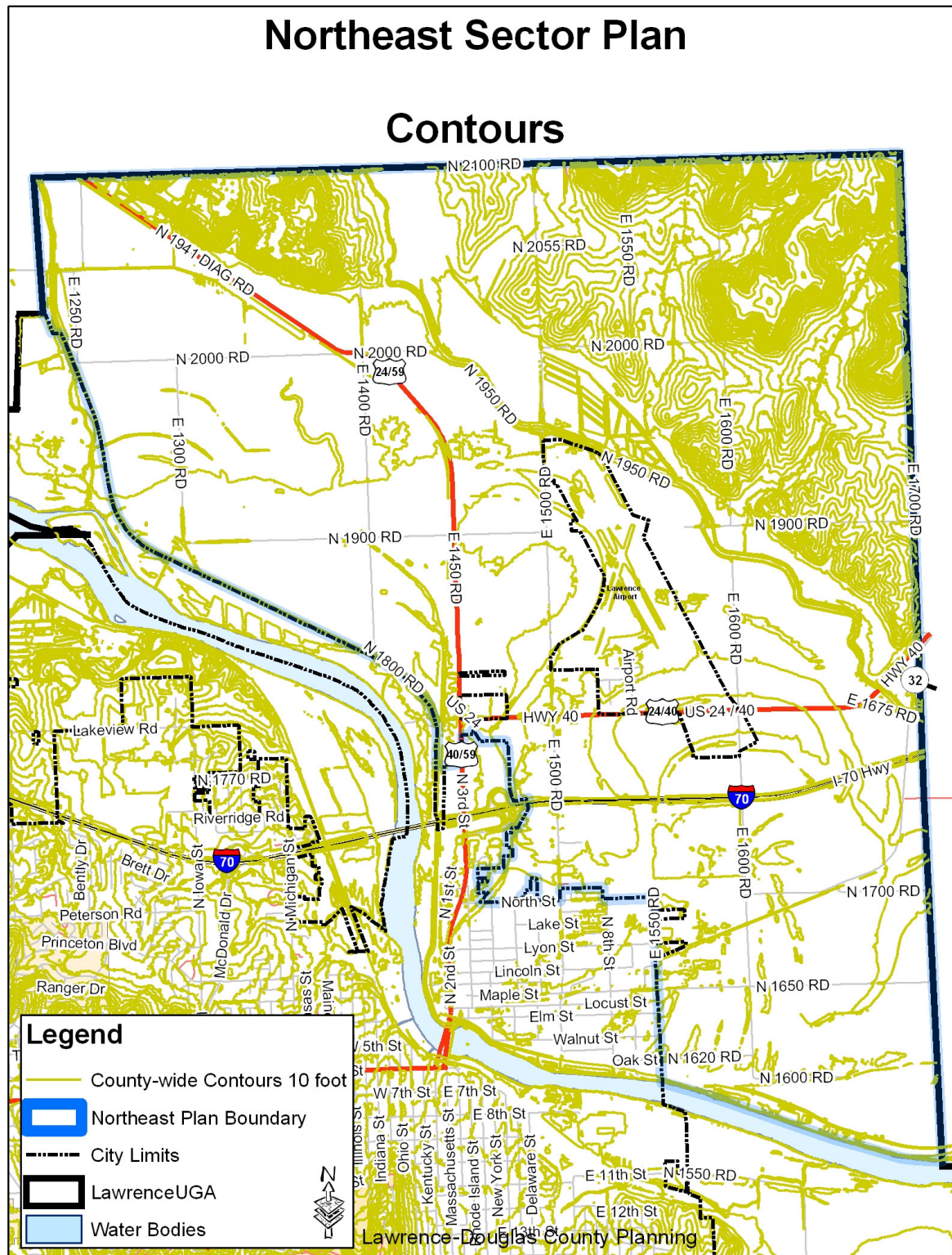
~~It is also generally believed that these soils also are more permeable and assist in stormwater management.~~



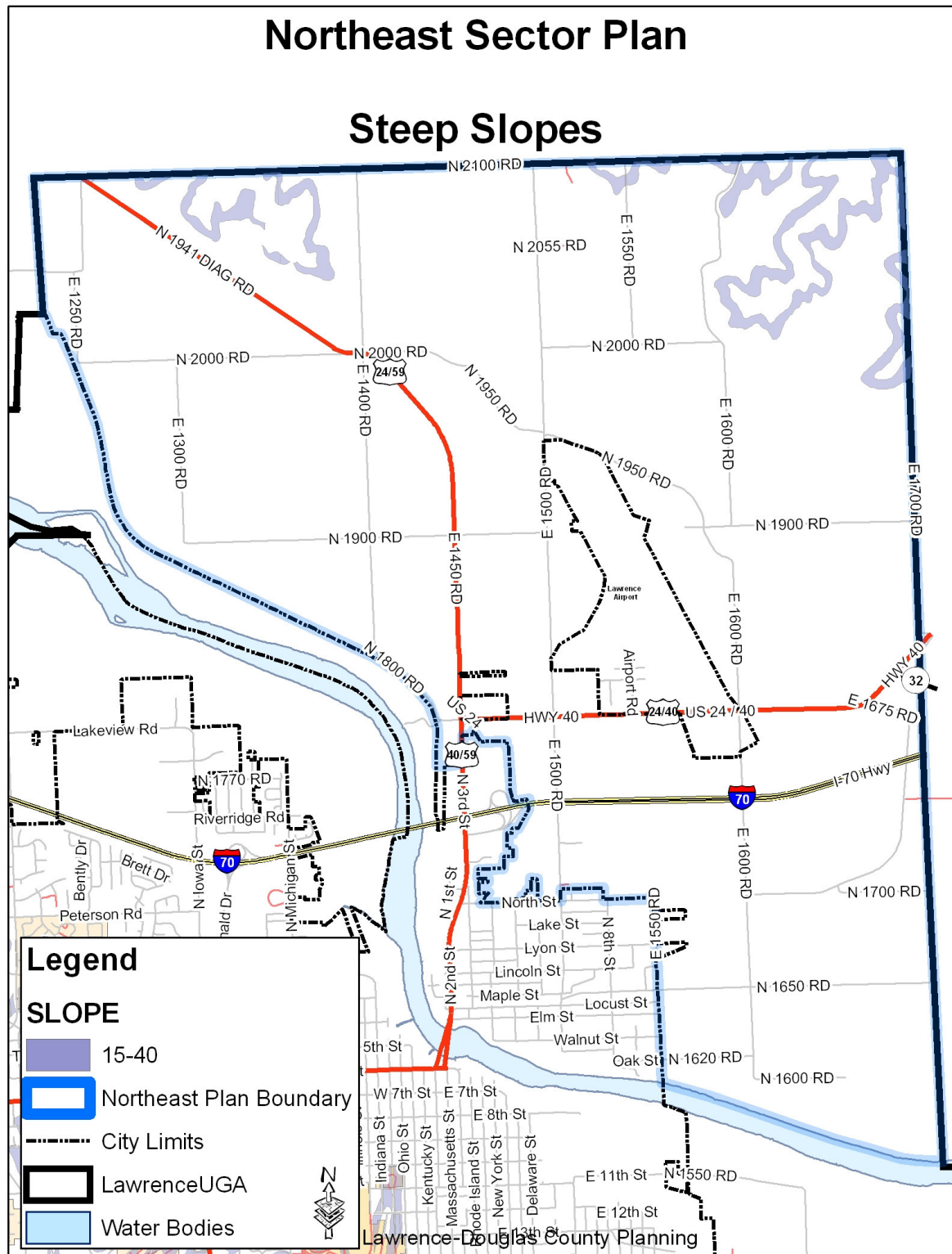
Map 2-9 – Regulatory Flood Hazard Area and Streams



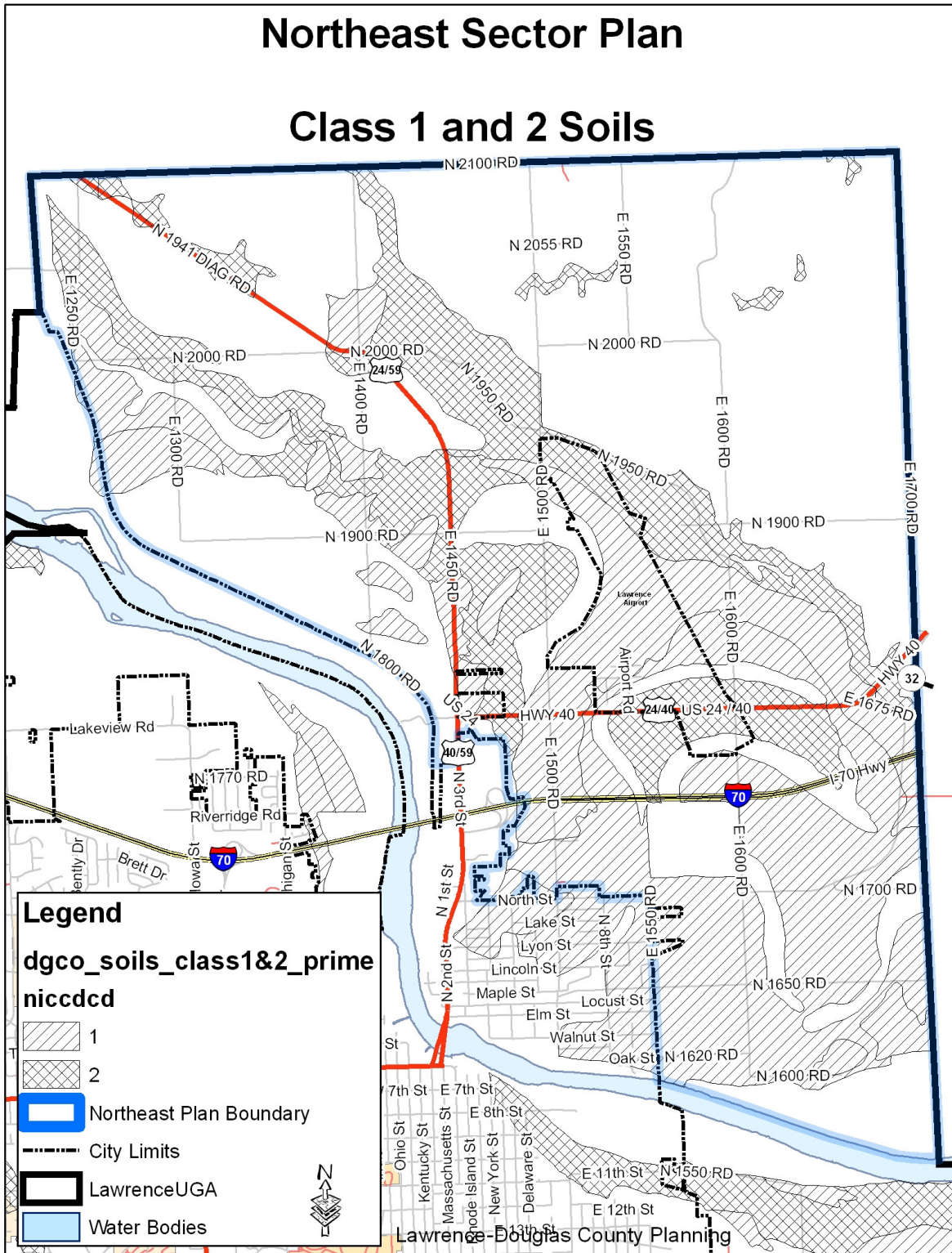




Map 2-12 – Steep Slopes



Map 2-13 – Class 1 and 2 Soils



2.5 Community Facilities

Community facilities are services provided either by government or non-government agencies for the benefit of, and use by, the community. Within the planning area there are a few community facilities. Grant Township owns and maintains a community building east of the airport on E 1600 Rd. That building is also currently being used by Prairie Moon Waldorf School, a private kindergarten and grade school. The Township also maintains a facility near Midland Junction where it stores [and services](#) equipment needed for [road](#) maintenance. [KDOT also has a maintenance facility in the planning area at the northeast corner of Highway 24/40 and Highway 24/59.](#)

Kansas University ~~owns and~~ maintains the Kansas [University](#) Field Station (~~KSR~~[KUFS](#)) in the northeast corner of the planning area. The KSR was established in 1947 and is the biological field station of Kansas University. Numerous research and teaching activities take place at the ~~KSR~~[KUFS](#). Much of the ~~KSR~~[KUFS](#) is also located in neighboring Jefferson and Leavenworth counties and is not accessible to the public. However, the ~~KSR~~[KUFS](#) also maintains ecological reserves in the planning area that are accessible to the public. For example, the Fitch ~~Preserve~~[Natural History Reservation and McColl Nature Reserve](#), located in the very northeast corner of the planning area, ~~has~~[have](#) ~~24~~ miles of self-guided nature trails [within Douglas County](#) that allow users to explore forest, grassland, stream, wetland, and pond areas.

The planning area is located within the Lawrence Public School District (USD 497). The students in the planning area attend Woodlawn Elementary for elementary school; Central Junior High for junior high; and Free State High for high school. Students in the area can also attend the aforementioned private Prairie Moon Waldorf School for kindergarten and grade school.

Most of the community facilities including urban public services, schools, fire/medical, law enforcement, developed parks, etc., are located to the south of the planning area within the city of Lawrence. See Map 2-14

The rural portions of the planning area are served by Lawrence-Douglas County Fire & Medical through an agreement with Grant Township. The Lawrence-Douglas County Health Department ~~is~~ also serves the planning area.

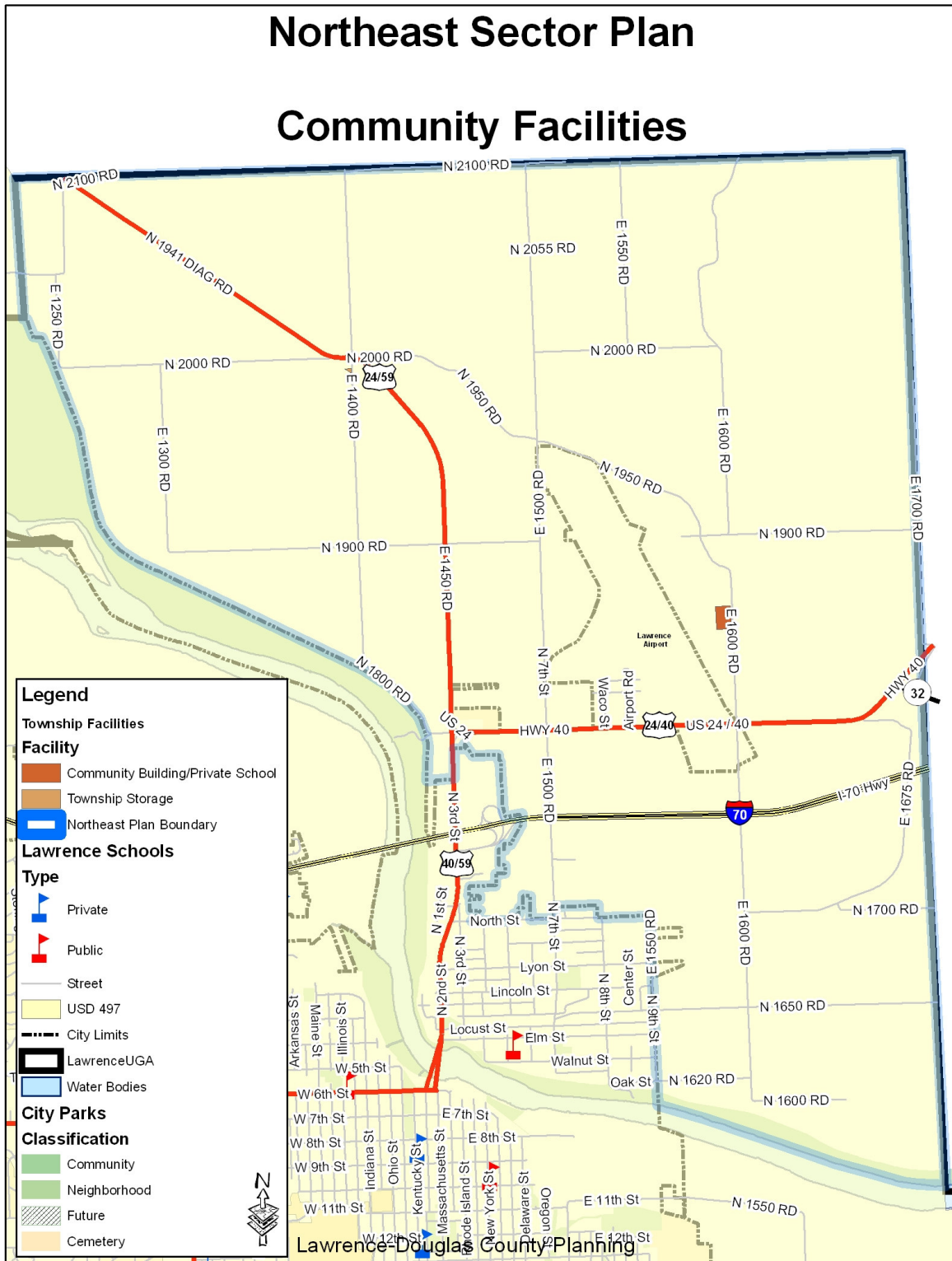
Law enforcement is shared between the City of Lawrence Police Department and the Douglas County Sheriff's Department, depending on whether the property is within the city or in the county. Both are located in the Law Enforcement Center in downtown Lawrence.

The city-owned Lawrence Municipal Airport is located in the planning area north of Highway 24/40 and east of E 1500 Road. The city has owned and operated the airport at this site since 1929. The airport is a general aviation facility that is an all weather facility for business and recreation flyers. A portion of the airport is dedicated to aviation-related employment activities and the city is actively marketing the airport for new businesses while recently approving water and sewer extensions to serve the airport.

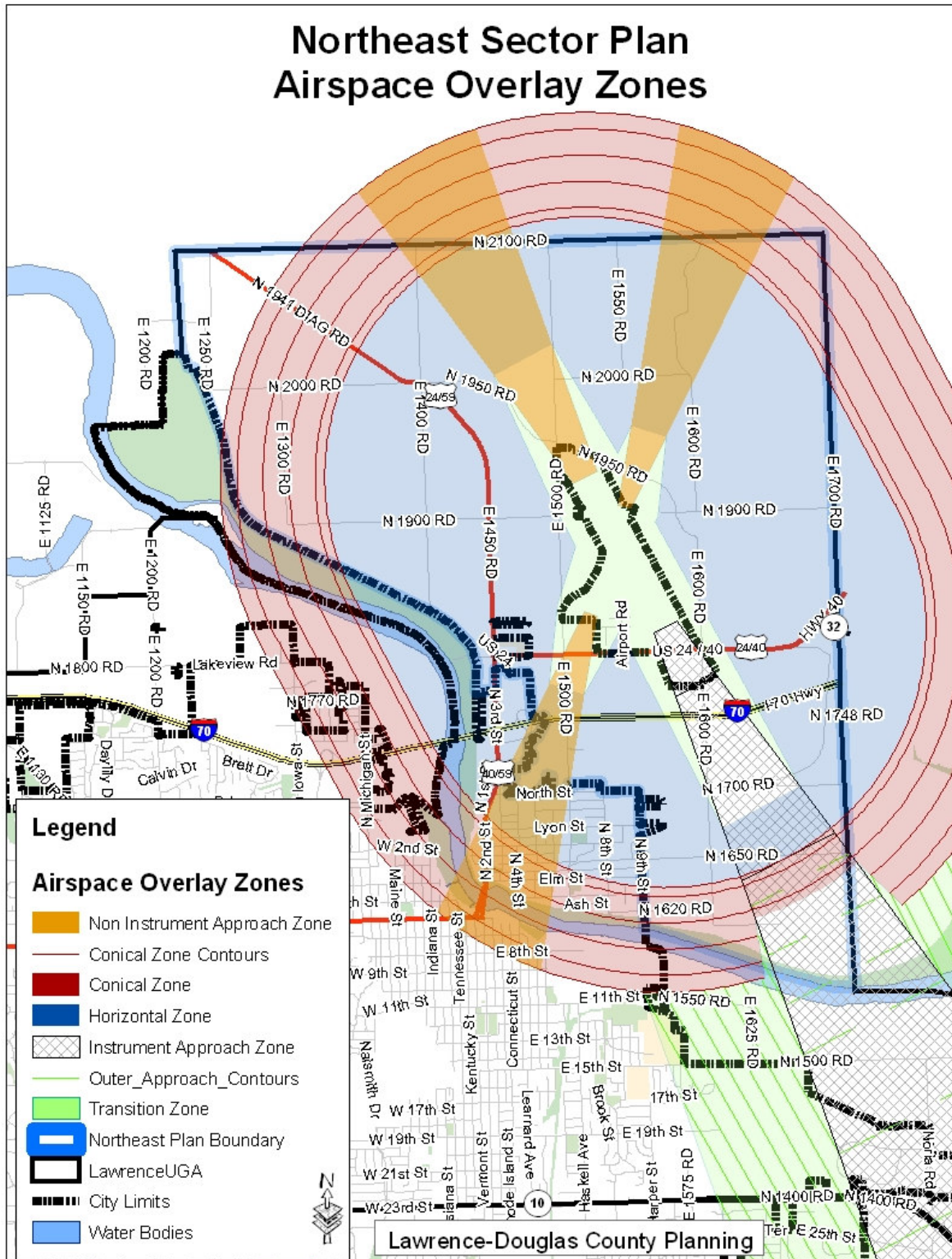
The Federal Aviation Administration (FAA) regulates certain aspects of the operation of the airport and the activity around the airport. There are restrictions in place that manage structure heights around the airport to help maintain the integrity of runway approaches. See Map 2-15. The FAA also mandates a 10,000 foot Wildlife Mitigation Buffer around the runway and taxiway improvements at the airport. The buffer extends 10,000 feet beyond the runway

and taxiways. The buffer is meant to keep water bodies and other wildlife attractants to a minimum. Proposed developments within the 10,000 foot buffer require FAA review. See Map 2-16.

Map 2-14 – Community Facilities



Map 2-15 – Airspace Overlay Zones



Northeast Sector Plan

FAA Wildlife Mitigation Buffer

Section 3 – Recommendations

The Northeast Sector Plan planning area is anticipated to develop with a range of uses and intensities that extend from agriculture to industrial uses. The more intensive industrial and commercial use areas are recommended where they are in close proximity to US 24/40 Highway and the airport. Agriculture uses are located in the majority of the planning area which is not anticipated to urbanize within the foreseeable future.

Compared to other areas of the fringe area of Lawrence, this area is not anticipated to be significantly urbanized.

Due to the [area's](#) unique challenges to development, including:

- Costly stormwater infrastructure needs as urbanization occurs
- Significant amounts of regulatory floodplain
- Significant amounts of Class 1 and 2 soils
- [FAA Regulations and Lawrence Municipal Airport Protection Zones](#)

Yet the planning area also benefits from the Lawrence Municipal Airport, nearby urban services, and access to I-70.

This plan recognizes [the interconnectedness of](#) these unique elements and proposes only limited urban development in the planning area.

3.1 Goals and Policies

Goals are broad statements of ideal future conditions that are desired by the community. Policies are guiding principles that provide direction for decisions to be made regarding the planning area in order to meet the goals. These policies are in addition to the policies in *Horizon 2020* and are only applicable to the property within the *Northeast Sector Plan* planning area.

3.1.1 Land Use

Goal: Establish future land uses appropriate for the following unique characteristics of the area:

The interaction of urban and rural lifestyles and development patterns

Multi-modal transportation system

- **Airport**
- **Highway 24/40/59**
- **Interstate 70**
- **Railroad**

Predominate agriculture use with existing industrial and commercial uses along the highways

Relatively flat terrain

Floodplain/stormwater challenges

KU Field Station and ecological reserves

Kansas River/Levee

3.1.1.1 Policies

3.1.1.1.a General

1. Establish an urban growth area boundary that considers the costs of urban development and that recognizes that the majority of the planning area will not develop in an urban manner during the time horizon of this plan.
2. Recognize that infrastructure challenges will limit urban growth in the planning area. Stormwater management costs identified by the North Lawrence Drainage Study are significant for urban development. The lack of slope of [part of](#) the [planning](#) area presents challenges for urban wastewater infrastructure and management.
3. Consider allowing alternate development standards for urbanized development that promote sustainable development– swales, no curb and gutter, ~~imp~~ervious surfaces, etc. – that will limit the downstream impact of development.
4. Annex property in an orderly manner as urbanization of new development occurs. Further, consider annexing existing county industrial developments as utility issues in the area are better understood and as properties redevelop.

3.1.1.1.b Agriculture Use

1. Encourage continued agriculture use for the majority of the planning area, especially in areas with Class 1 and 2 soils and in the regulatory floodplain areas.
2. Encourage incentives/partnerships that assist the ongoing agriculture uses in the area.
3. Recognize that the impacts of farming – truck traffic, noises, etc. – are necessary and are not nuisances in the community.
4. Identify and create programs that promote continued agriculture use by supporting existing and new agriculture ventures.

3.1.1.1.c Industrial/Employment Use

1. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
2. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.
3. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate the Midland Junction area as a future industrial/employment area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Adoption of Nodal Plan is encouraged prior to urbanizing and/or providing urban services to this site.
4. Support continued development of the Airport property for aviation-related businesses.
5. Require compatible land uses within FAA guidelines related to runway protection zones and wildlife mitigation.

3.1.1.1.d Commercial Use

1. Per Horizon 2020 Chapter 6 – Commercial Land Use, designate the intersection of E 1500 Rd. and Highway 24/40 as a future Neighborhood Commercial Center.
2. Allow future commercial uses, in addition to industrial/employment uses, at Midland Junction to provide a greater mix of uses to support highway travelers after Nodal Plan is adopted. [Consider improvements to Highway 24/59 that address the safety of the curves as part of a future Nodal Plan.](#)

3.1.1.1.e Residential Use

1. Rural residential (rural estate) uses are permitted in portions of the planning area and are encouraged if supporting agriculture uses. ~~for the majority of the planning area, in areas that do not contain Class 1 and 2 soils and regulatory floodplain~~
2. Very low density residential uses are encouraged for the non-regulatory floodplain area between the North Lawrence neighborhood and I-70.

3.1.1.1.f Open Space

1. Protect the existing and future ~~KU~~ Kansas University Field Station and protect it from future development projects with tools such as appropriate buffers and land uses that will minimize the impact of neighboring development.
2. Encourage continued use of the Kansas River levee as an open space amenity.

3.1.1.1.g Lawrence Urban Growth Area (UGA)

1. Consider adjusting Lawrence's Urban Growth Area boundary by limiting it to those areas of Grant Township feasible for urban-type development through the analysis of this Sector Plan and the analysis of future water and wastewater master plans.

3.1.2 Environmental Resources

Goal: Consider the unique environmental resources of the area when reviewing development applications. Environmental resources include:

Class 1 and 2 soils

Flat terrain

Floodplain

Groundwater/Wells

KU Field Station and ecological reserves

Kansas River/Levee

Sand, gravel, topsoil, etc.

3.1.2.1 Policies

3.1.2.1.a Class 1 and 2 Soils

1. Recognize Class 1 and 2 soils as valuable to this portion of Douglas County for its permeability (positive attribute for stormwater and flooding) and crop production capabilities.
2. Encourage the preservation of high quality agriculture land (Class 1 and 2 soils) through conservation programs, private/public partnerships, and other funding mechanisms.
3. Encourage private agriculture easements that will preserve high quality agriculture land in perpetuity.

3.1.2.1.b Floodplain

1. The City and County should consider developing and implementing higher regulatory standards that promote no adverse impact in [regulatory](#) flood hazard areas [as shown on the Flood Insurance Rate Maps for Douglas County and within the Floodplain Overlay District for the City of Lawrence.](#)
2. Development should not be allowed within the regulatory floodway.
3. Promote the natural and beneficial functions of the floodplain.
4. Encourage natural stormwater management.
5. Crop and animal agriculture uses are appropriate in the regulatory floodplain.

3.1.2.1.c Groundwater

1. Promote land management choices that limit the potential for negative groundwater impacts.
2. Minimize pollutants percolating into groundwater systems to help ensure the quality of the area's groundwater systems.
3. Provide educational opportunities regarding natural stormwater management features, Best Management Practices (BMPs) for stormwater structures and pollutant discharge, erosion and sediment control, and water quality.

3.1.2.1.d ~~KU~~ [Kansas University](#) Field Station

1. Encourage [future](#) development that is compatible with the ~~KU~~ [Kansas University](#) Field Station. Buffers and other methods may be necessary to mitigate the impacts of the built environment [of future development projects](#) in close proximity to the Field Station.
2. Promote the research and educational aspects of the ~~KU~~ [Kansas University](#) Field Station.

3.1.2.1.e Recreation

1. Maximize recreation opportunities by developing trails that connect to focal points in the area and to the larger interconnected Lawrence and Douglas County network, including the Kansas River levee trail.

3.1.2.1.f Sand, gravel, topsoil, etc.

1. Support the extraction of natural resources such as sand, gravel, topsoil, etc. if compatible with existing land uses, especially the Lawrence Municipal Airport and ~~KU~~ [Kansas University](#) Field Station, and if infrastructure can support the process of extraction.

3.1.3 Economic Development

Goal: Promote economic development opportunities that take advantage of the unique characteristics of the area, which include:

A multi-modal transportation system

- Airport
- Highways 24/40/59
- Interstate 70
- Railroad

Class 1 and 2 soils

Relatively flat terrain

Existing industrial and commercial businesses along the highways

KU Endowment land

3.1.3.1 Policies

3.1.3.1.a Airport

1. Support aviation-based development at the airport, and the necessary road and utility infrastructure, as an economic development generator for Lawrence and Douglas County.

3.1.3.1.b Industrial/Employment

1. Support goals and policies of Horizon 2020 Chapter 7 – Industrial & Employment Related Land Use and recognize that certain areas identified in Chapter 7 in the planning area are valuable to the goal of creating jobs for Douglas County.

3.1.3.1.c Agriculture Economy

1. Encourage public/private partnerships and programs to establish and support a sustainable local food program.
2. Establish incentives as part of a local food program that foster farm to table relationships.
3. Support the ag community by creating partnerships and programs that further economic development of an agricultural nature.
4. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
5. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.

3.1.3.1.d KU

1. Create partnerships with KU that help build the agricultural, research, aviation, and industrial businesses of the area.

3.1.4 Infrastructure

Goal: Improve existing services for the area and recognize the infrastructure challenges posed by the unique characteristics of the area when considering development applications. The unique characteristics include:

Relatively flat terrain

Floodplain/stormwater challenges

Township roads

3.1.4.1 Policies

3.1.4.1.a Existing Services

1. Develop partnerships between Douglas County, Grant Township and the City of Lawrence for appropriate road maintenance programs in the planning area as development occurs.
2. When conditions warrant, the City should consider locating a fire station near the airport to improve emergency service for the airport, the North Lawrence neighborhood, and the remainder of Grant Township.
3. Heavy truck traffic from commercial and industrial development should use highways or improved roads for travel through the area.

3.1.4.1.b Floodplain/Stormwater/Flat terrain

1. Consider implementing alternate sustainable development standards to help reduce the cost of stormwater improvements needed for existing and future development.
2. The flat terrain in some parts of the planning area hinders storm drainage. Stormwater improvements identified in the North Lawrence Drainage Study should be constructed as development occurs in the area.
3. Implement appropriate stormwater management practices throughout the planning area.
4. Flat terrain poses cost challenges to providing sanitary sewer to the area. Consider alternative sewer solutions when prudent.

3.1.5 Transportation

Goal: Continue developing a multi-modal transportation system that supports the designated land uses of the area.

3.1.5.1 Policies

3.1.5.1.a Safety

1. Work with KDOT to improve the Midland Junction Highway 24/59 curves to make the route safer for travelers.
2. Consider improvements to Highway 24/40 that facilitate easier turning movements onto and off of the highway – in particular at E 1500 Rd./N 7th Street and at the airport entrance.
3. Encourage on-going discussion with the railroad companies regarding rail crossing safety.

3.1.5.1.b Trails/Pathways

1. Develop a trail/bikeway system for the planning area that considers connecting to open space and recreation areas.
2. Include the planning area in the county-wide bikeway system map.
3. Identify and build pathways throughout the planning area.

3.2 Land Use

This section outlines the recommended land uses for the planning area. The future land use maps (Map 3-1) and land use descriptions are explained on the subsequent pages. The map is an illustration to help visually identify the recommended land uses in the Northeast Sector Plan planning area. The land use descriptions are more detailed information regarding the different land use categories. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the Zoning Regulations for the Unincorporated Territory of Douglas County and the *Land Development Code* for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area. The map is not intended to provide a scaleable map for determining specific land use/zoning boundaries within this area.

This plan encompasses a large area that for the most part is not intended to urbanize, and as such, a large area is designated Agriculture on the future land use map. There are a number of properties in the planning area that have existing county zoning designations other than Agricultural zoning. Some of those properties are shown on the future land use map to have a different future land use through possible future urbanization. There are also properties that have county industrial and business zoning, and that are currently developed, that are shown on the future land use map as industrial or commercial, reflecting their existing developed use.

There are other properties that have County industrial or business zoning, but that are not presently developed and that are outside the anticipated urbanization area of this plan, that are shown as Agriculture on the future land use map. It is important to note that this plan does not take away those properties' rights to develop under the current county zoning regulations. Properties with zoning other than Agricultural that seek to develop for a permitted use may do so without oversight of the future land use map of this plan as long as they receive the appropriate approvals to do so.

3.2.1 Land Use Descriptions

3.2.1.1 Agriculture

The Agriculture ~~designation~~ classification is intended for those parts of the planning area not anticipated to urbanize over the course of the planning horizon. The ~~dominate primary~~ existing use of this ~~designation~~ classification is agriculture uses such as row crops, livestock production, and pastureland. Secondary uses include residential and other uses allowed in zoning districts. The intent of the Agriculture ~~designation~~ classification is to allow for ~~existing and future~~ agriculture activities along with rural residential uses and other uses permitted by the Zoning Regulations of Douglas County. ~~Rural residential uses should be limited to those areas without regulatory floodplain or Class 1 and 2 soils.~~ Existing uses that are not agriculture or residential, and that have the appropriate existing zoning for the use, are not affected because this policy ~~designation~~ classification is not changing the zoning on the property. The Agriculture classification contains regulatory flood hazard areas. Development on properties containing flood hazard area must comply with the flood plain regulations of Douglas County.

Density: Per Douglas County Zoning Regulations

Intensity: Very low

Zoning Districts: Douglas County - A (Agriculture District), "A-1" (Suburban Homes District)

Primary Uses: Agriculture, commercial greenhouse, commercial riding stable, grain storage structures, single-family dwellings, churches, schools, parks and open space and utilities.

3.2.1.2 Very Low-Density Residential

The intent of the Very Low-Density Residential ~~use~~ [classification](#) is to allow for large lot, single-dwelling type uses. The very low-density ~~use~~ [classification](#) is expected to urbanize within the city of Lawrence.

Density: 1 or fewer dwelling units per acre

Intensity: Very low

Zoning Districts: Lawrence – RS40 (Single-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, group home, public and civic uses

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center ~~designation~~ [classification](#) is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas designated are rural and are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 [Soil Conserving](#) Agri-Industry

The intent of the [Soil Conserving](#) Agri-Industry ~~use~~ [category](#) is to allow for [soil conserving](#) agriculture-related ~~industrial-uses~~ [businesses](#) that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation. [Soil conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction between the Soil Conserving Agri-Industry classification and Industrial/Employment classifications is the component of protecting and/or using existing high-quality agricultural land either through agricultural use or preservation for future agricultural use.](#)

[Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the](#)

[soil protected or used for agriculture.](#) The Agri-Industry Use may or may not urbanize. This use is identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.

Intensity: Medium-High

Zoning Districts: Douglas County – I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Soil-conserving agri-businesses

3.2.1.8 Industrial

The intent of the Industrial [Use category](#) is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 is also [designated classified](#) as industrial. The industrial [use classification](#) is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology

3.2.1.9 Airport

The intent of the Airport [use category](#) is to designate the existing City-owned Lawrence Municipal Airport land and allow for aviation-related development.

Intensity: Medium-High

Zoning District: Lawrence – IG (General Industrial District)

Primary Uses: Aviation-related uses

3.2.1.10 Public/Institutional

The intent of the Public/Institutional Use is to allow for public, civic, and utility uses.

Intensity: Variable

Zoning Districts: Douglas County – A (Agriculture District); Lawrence – GPI (General Public and Institutional)

Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services

3.2.1.11 ~~KU~~ [Kansas University](#) Field Station

The intent of the KU Field Station Use is to [designate classify](#) the existing ~~KU~~ [Kansas University](#) property.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District)

Primary Uses: crop agricultural, cultural center, teaching, active recreation, passive recreation, nature preserve, research

3.2.1.10 Open Space

The intent of the Open Space ~~Use category~~ classification is to provide future opportunities ~~space~~ for public and private recreational facilities and natural area preservation. This category primarily includes regulatory floodway areas as well as regulatory floodplain areas that are not in the Agriculture Land Use ~~designation~~ classification.

Intensity: Low

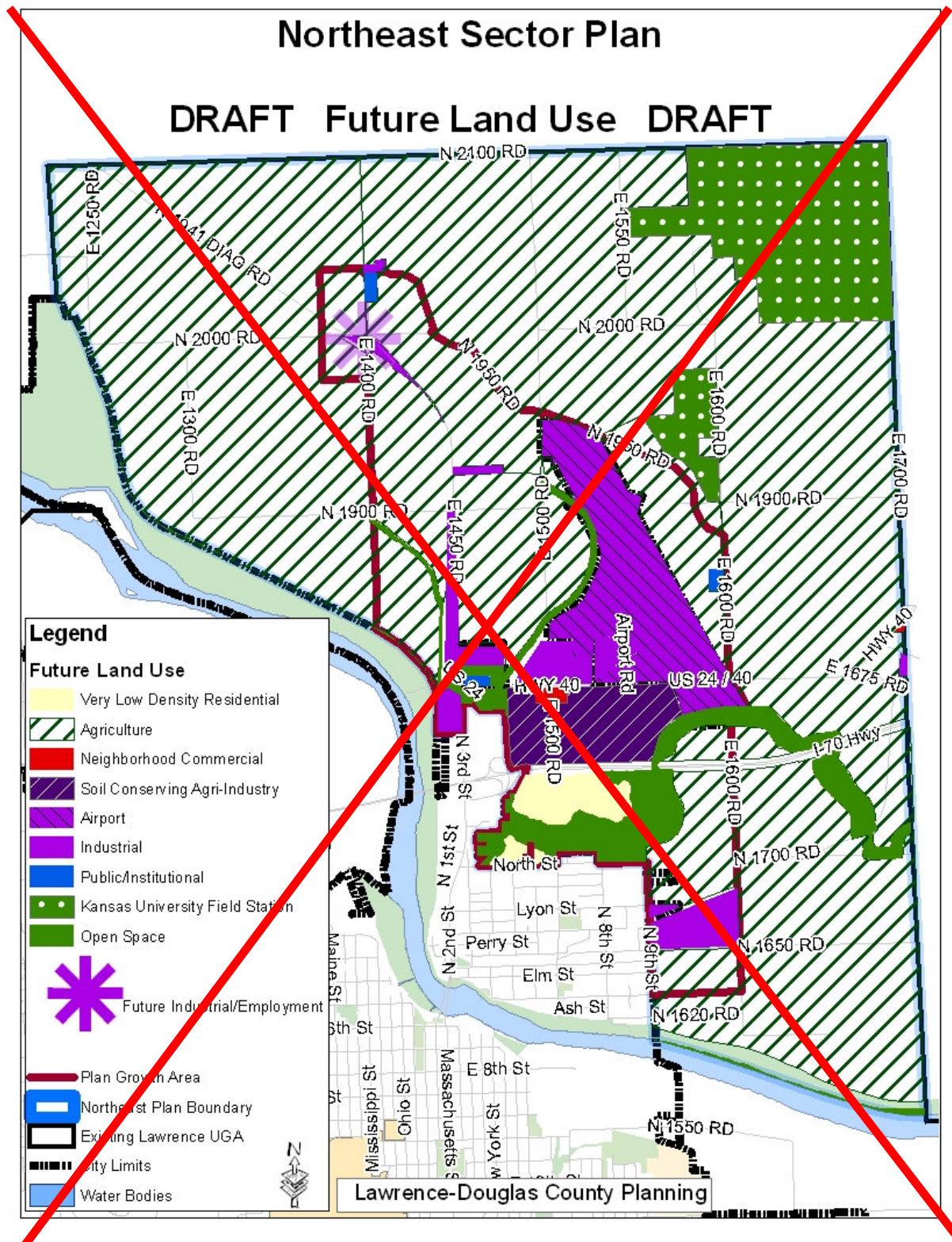
Zoning Districts: Douglas County – A (Agriculture District), V-C (Valley Channel District); Lawrence – GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve),

Primary Uses: crop agricultural, cultural center, schools, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation

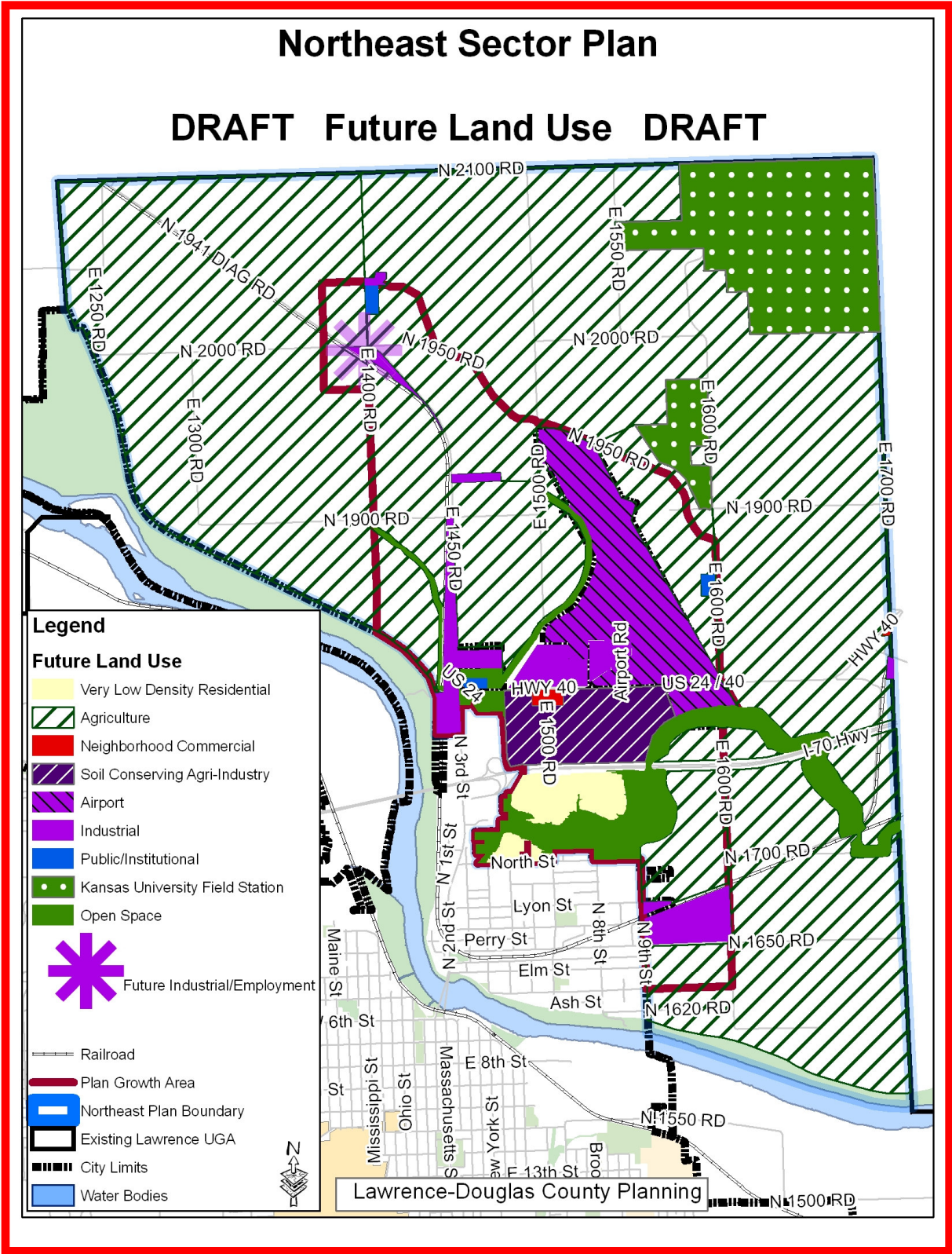
3.2.1.11 Future Industrial/Employment

This classification recognizes the Midland Junction area as a future employment center. Although the area may or may not urbanize and support a larger employment base and possibly expanded commercial uses, this likely won't happen for at least 30 years (Per Horizon 2020 Chapter 7 Industrial and Employment Related Land Use).

A Nodal Plan will be required prior to the area substantially developing. A Nodal Plan will provide a detailed land use examination of the Midland Junction intersection. The Nodal Plan should determine future land use, including a consideration for some commercial land use. In addition to future land use, among the other issues the Nodal Plan should examine are: traffic safety issues with Highway 24/59, stormwater, and Class 1 and 2 soils.



Map 3-1 – Future Land Use



3.3 Implementation

1. Amend *Horizon 2020* Chapter 6 - Commercial Land Use designate the Neighborhood Commercial Center at the intersection of E 1500 Road and US Highway 24/40 to the southern portion of the intersection of E 1500 Road and US Highway 24/40.
2. Reevaluate and update the Lawrence Urban Growth Area (UGA) in *Horizon 2020*.
3. Include the planning area in the future wastewater and water master plan updates.
4. Include the planning area in future long-range transportation plan updates.
5. Reassess the planning area in a Bikeway Map update to include connecting the open space areas to the greater trail network.
6. Consider implementing regulations that promote no adverse impact for floodplain management.

Dan Warner

From: Scott McCullough
Sent: Wednesday, July 14, 2010 4:17 PM
To: 'Rasmussen, Stanley L NWK'
Cc: Dan Warner; Denny Ewert
Subject: RE: Northeast Sector Plan

Dan – for PC packet and file.

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: Rasmussen, Stanley L NWK [mailto:Stanley.L.Rasmussen@usace.army.mil]
Sent: Wednesday, July 14, 2010 4:12 PM
To: Scott McCullough
Subject: Northeast Sector Plan

Scott,

After reviewing the 12 July 2010 draft of the Northeast Sector Plan, I am particularly concerned with the Soil Conserving Agri-Industry boundary designated on the Future Land Use Map 3-1 (see page 3-14). Specifically, the proposed boundary appears to be better suited for industrial development than to soil-preservation activities.

This area is bounded on the north and the east by the airport (as well as on the north by U.S. Highway 24/40), to the south by Interstate-70, and is essentially bounded on the west by US Highway 40/59.

In my opinion, an area such as this, with immediate access to multiple highways, the interstate, the airport, as well as close proximity to rail access, and an area which is essentially devoid of residential property, is naturally suited to industrial development as opposed to soil preservation. By looking at the soil classification map 2-13 (on page 2-24), better areas for soil conserving agri-industry can be readily identified. For example, while the draft designated area contains a mix of soil types, there are areas south of I-70 and north of the Kansas River that contain large swaths of Class I soil types, that are adjacent to existing industrial land, and that appear to be much better suited to soil conserving agri-industry activities.

I suggest that the Soil Conserving Agri-Industry classification be eliminated from the Future Land Use Map 3-1 (on page 3-14) and that this area be designated as Industrial. Second, I suggest that the last sentence in Section 3.2.1.4 be deleted (this is the sentence which reads: This use is identified south of highway 24/40...when a nodal plan is developed for that area). Alternatively, it may be appropriate to discuss the merits of designating the general area in the southeast portion of this Sector Plan as an area where soil-conserving agri-industry may be encouraged.

Please share my comments with my fellow Planning Commissioners, Planning Department staff, and other interested parties.

Stanley L. Rasmussen, Planning Commissioner

Dan Warner

From: Kelly Barth [ludditekel@earthlink.net]
Sent: Wednesday, May 26, 2010 3:47 PM
To: Dan Warner
Subject: Northeast Sector Plan

Dear Dan,

I wanted to take a moment to thank you for your lucid and strong articulation of the reasoning behind the Northeast Sector Plan at Monday's meeting.

Though I certainly realize the county can't please everyone with its documents, I want to express my concerns about the following:

- * Potential flooding of the area and the expense and logistical nightmare created by implementation of the North Lawrence Drainage study recommendations that would be needed to accommodate large-scale develop in the area.

- * Potential damage to irreplaceable Class 1 and 2 soils that have developed over millennia and represent one of Douglas County's most valuable cultural, environmental, and commercial assets.

I also appreciate the document's recognition that the development of aviation-related industry sited at the airport itself is an entirely appropriate development use for the area given the above two concerns.

Thanks for all your good work!

Best,

Kelly Barth

Dan Warner

From: Barbara Clark, Maggie's Farm [maggiesfarm@sbcglobal.net]
Sent: Wednesday, May 26, 2010 8:59 PM
To: Stan Rasmussen; Lisa Harris; Chuck Blaser; Brad Finkeldei; Richard Hird; Jeff Chaney; Kenzie Singleton; Greg Moore; Charlie Dominguez; Hugh Carter
Cc: Scott McCullough; Dan Warner; Sheila Stogsdill
Subject: Fw: Land Capability Classes
Attachments: class 2.pdf; class 1 and 2.jpg; class 1 and 2.pdf; class 1.jpg; class 1.pdf; class 2.jpg

Dear Commissioners Moore, Finkeldei, Harris, Blaser, Rasmussen, Hird, Chaney, Singleton, Carter, and Dominguez,

I'm forwarding information you requested at the Planning Commission meeting on Monday evening.

My intention has always been to submit objective, current data from authoritative sources concerning the soils in Douglas County. The majority of what I am forwarding to you in this document came from Cleveland Watts, State Agronomist with the USDA/NRCS out of the Salina offices. Mr. Watts has always been extremely helpful and generous with his time in assisting me with the generation of maps designating location and acreage of Capability Class 1 and 2 Soils in Douglas County. I am forwarding the actual communication received from Mr. Watts for your review.

On Tuesday of this week I called Mr. Watts to once again ask for his assistance in generating a map that will show Capability Class 1 and 2 Soils within the State of Kansas. I believe this was a question Commissioner Rasmussen posed. Mr. Watts told me he would have this data for me within 30 days. They are currently short staffed because of vacation schedules. So, my hope is that this time frame will be agreeable. I will forward this new information at the earliest possible date.

Under separate email I will forward the maps that show Capability Class 1 and 2 Soils within the county that are urbanized. This map and the corresponding acreage updates were created for me by DeAnn Presley, Associate Professor Environmental Soil Science/Soil and Water Management at Kansas State University - Agronomy Department. Professor Presley utilized a combination of GIS layers with Web Soil Survey data to create these maps and data tables.

Thank you for reviewing these documents. I would be glad to answer any questions, or secure answers from Mr. Watts or Professor Presley for any clarification you may want.

Respectfully,
Barbara Clark
Citizens for Responsible Planning

Maggie's Farm
www.maggiesfarm-ks.com

----- Forwarded Message -----

From: "Watts, Cleveland - Salina, KS" <cleveland.watts@ks.usda.gov>
To: maggiesfarm@sbcglobal.net
Cc: "Sabata, Larry - Topeka, KS" <Larry.Sabata@ks.usda.gov>
Sent: Thu, June 5, 2008 1:26:11 PM
Subject: Land Capability Classes

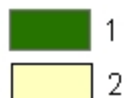
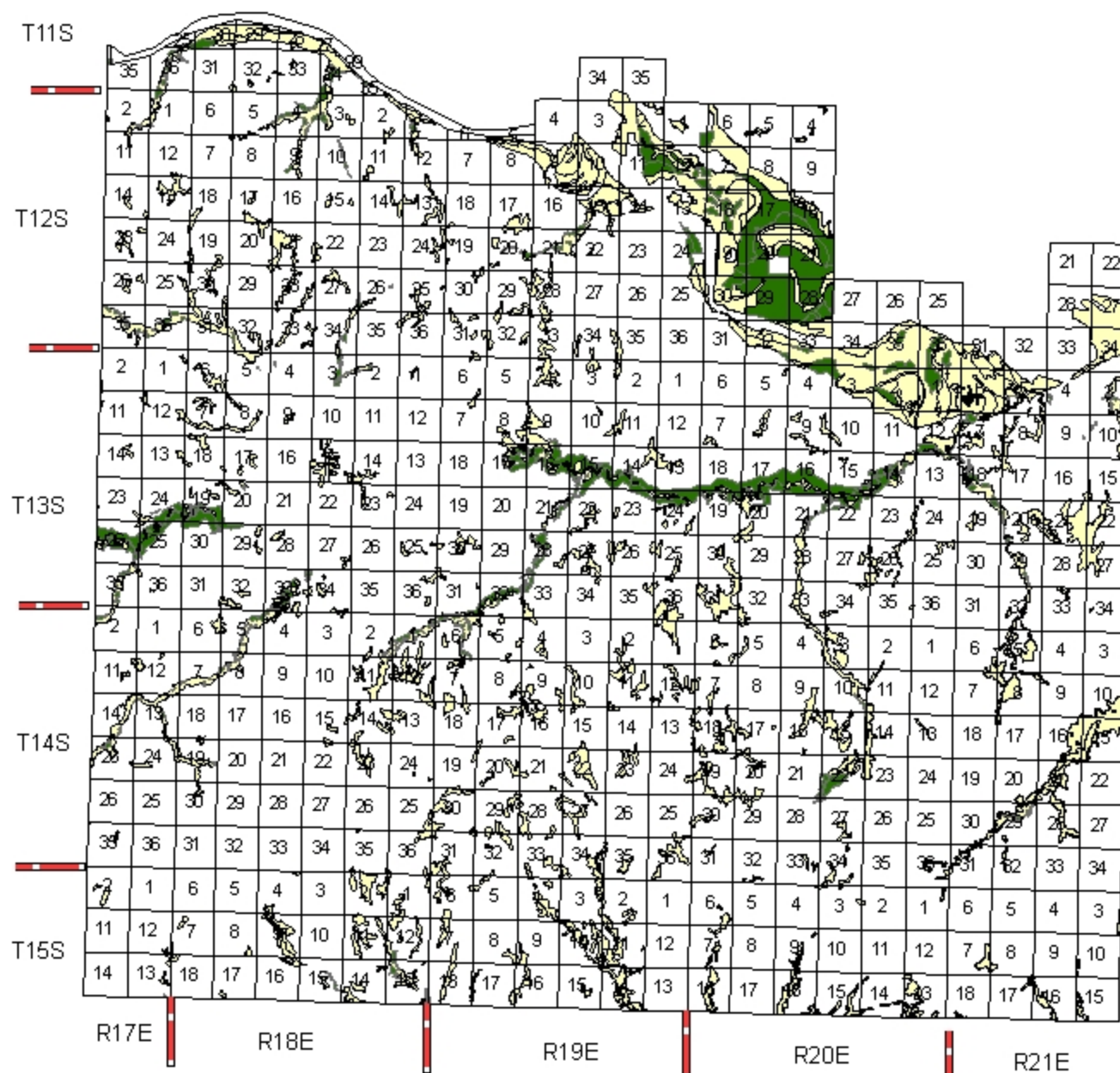
Mrs Clark

Larry Sabata submitted to me the request that you had made to him in regards to developing land capability interpretation map for Douglas county for class 1 and 2 land.

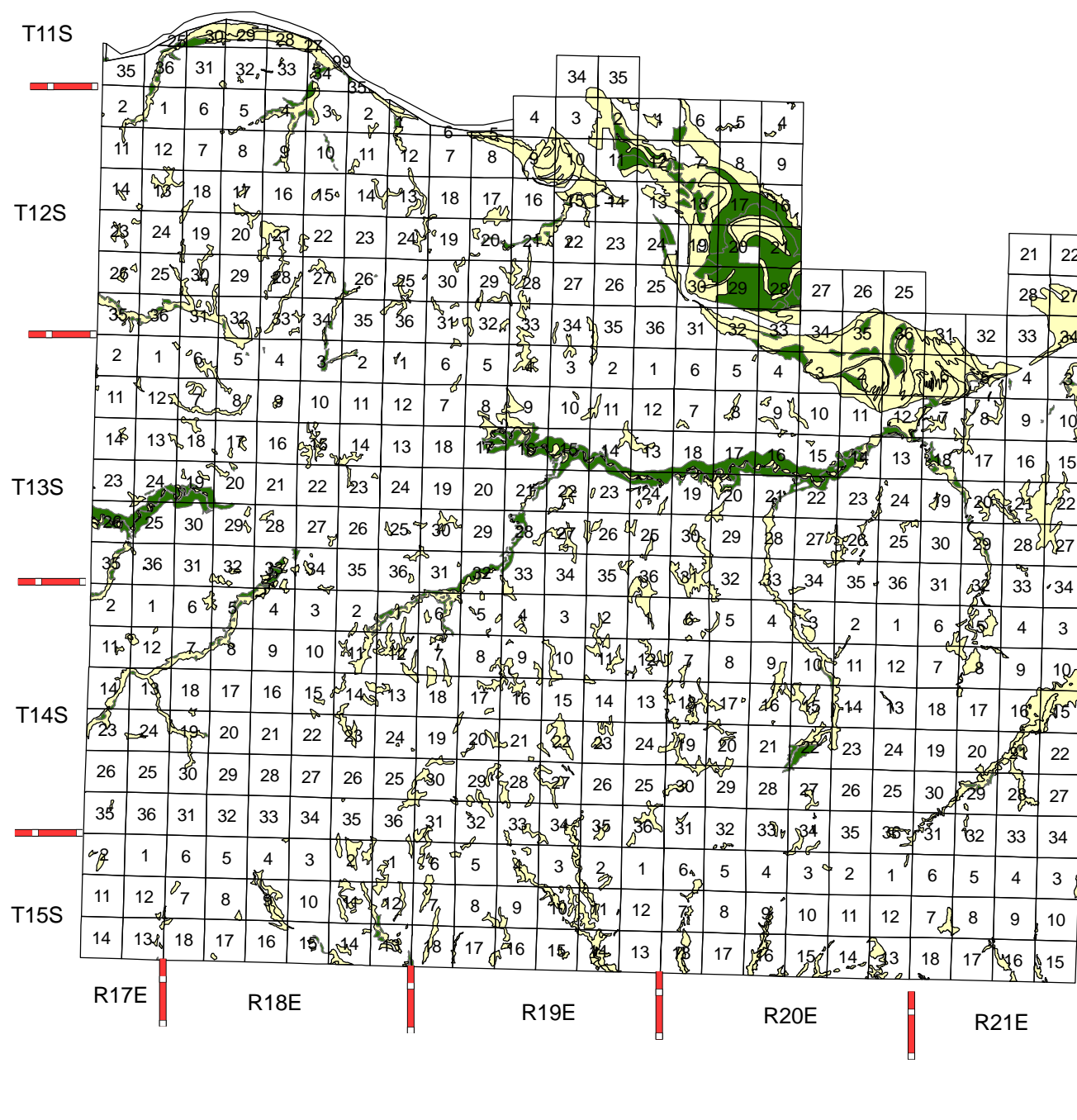
Attached is 6 maps related to this request. I developed maps for capability class 1 and 2 and also, with capability classes 1 and 2 combined. Each class is in a .jpeg and .pdf format.

If this information is not what you need, please feel free to give me a call at 785-823-4558.

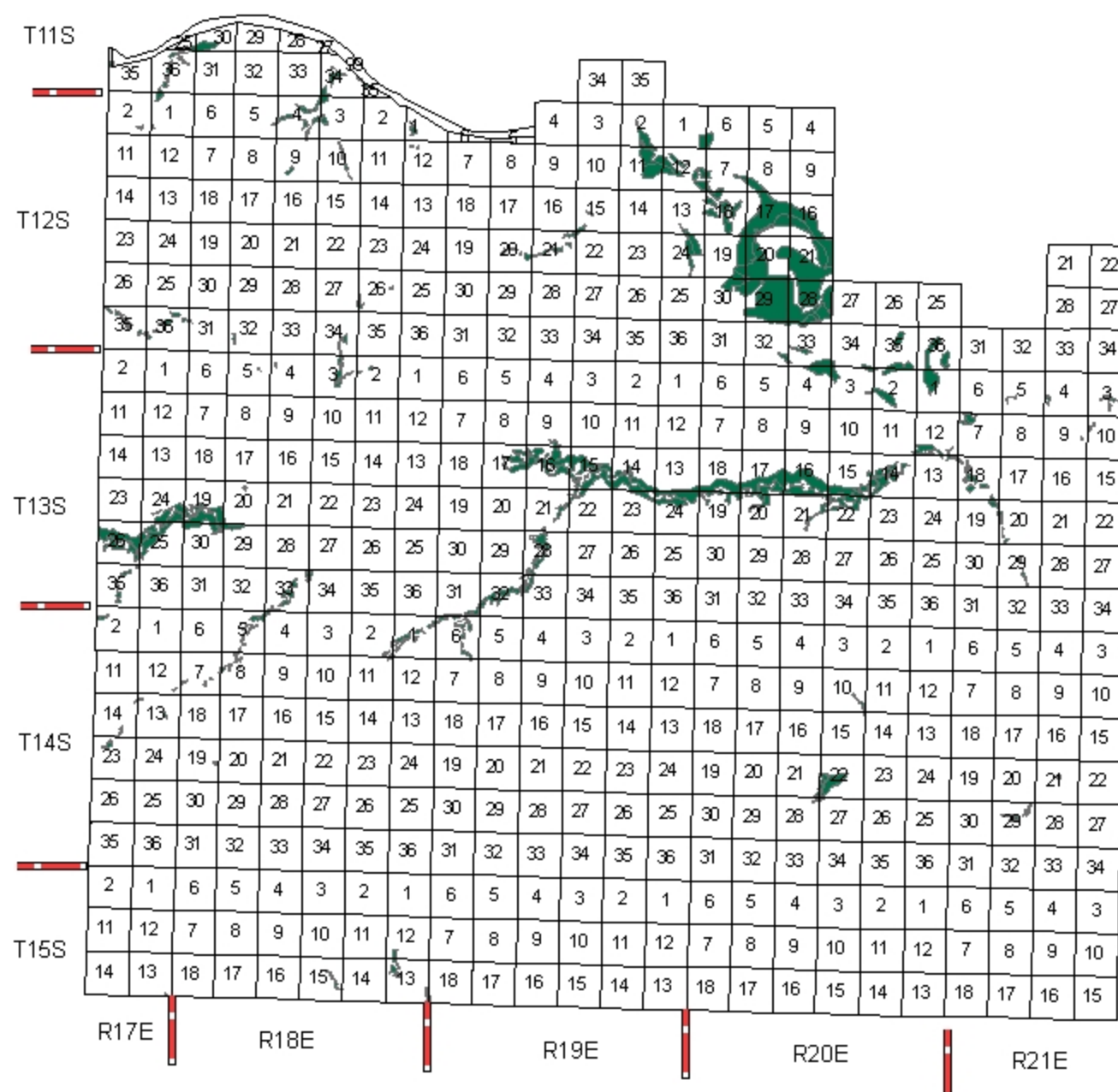
Land Capability Class 1 and 2 in Douglas County, Kansas



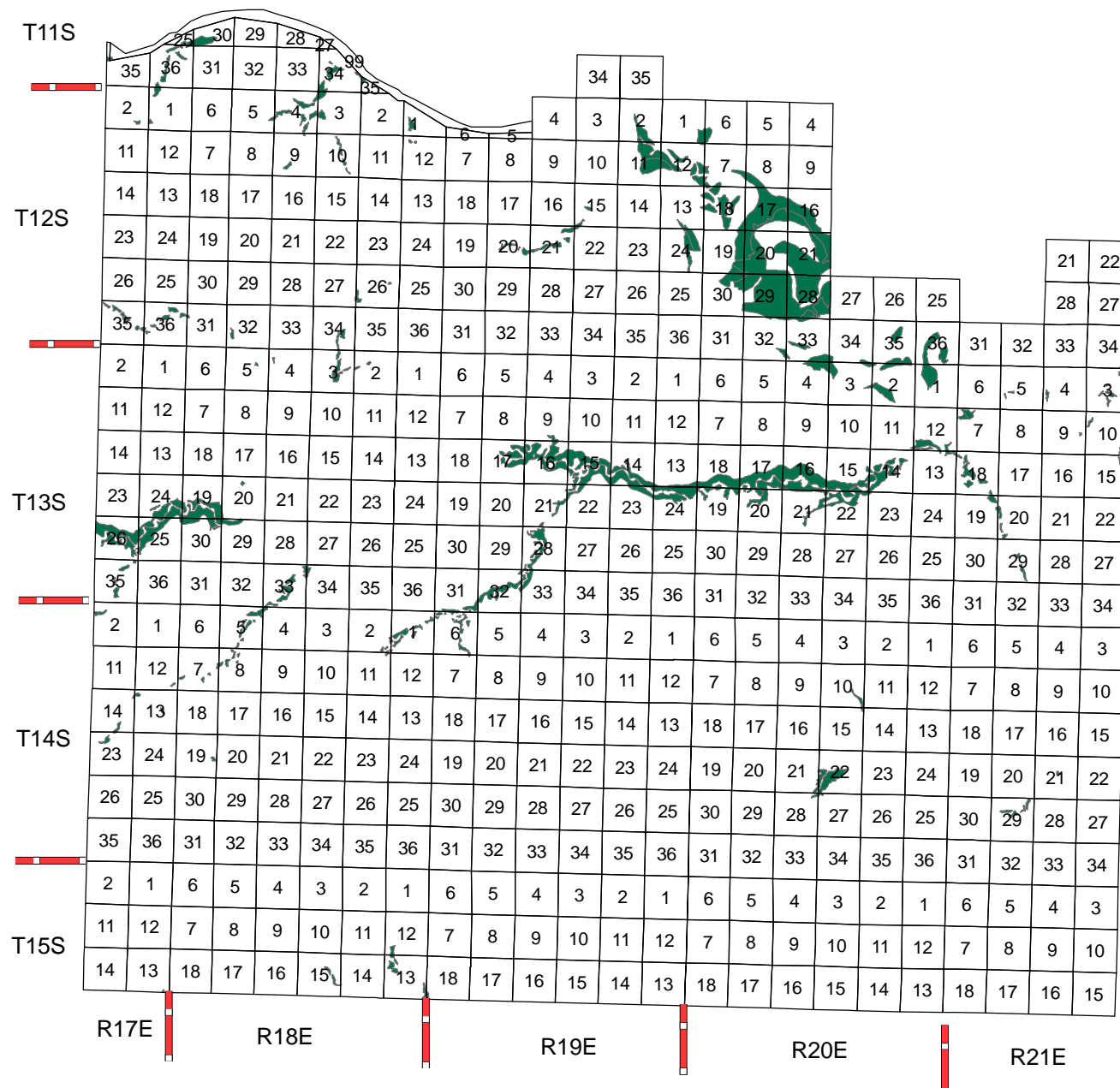
Land Capability Class 1 and 2 in Douglas County, Kansas



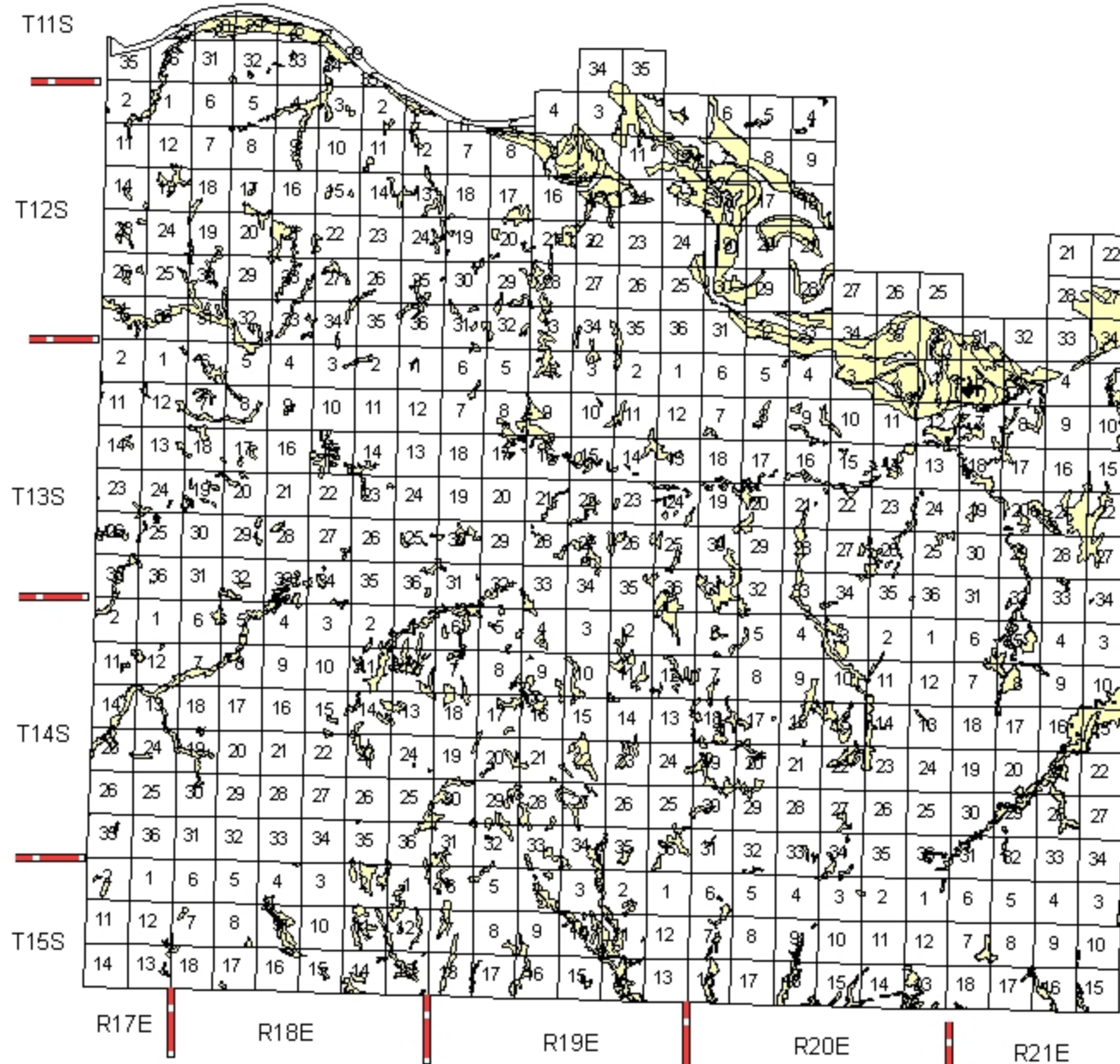
Land Capability Class 1 in Douglas County, Kansas



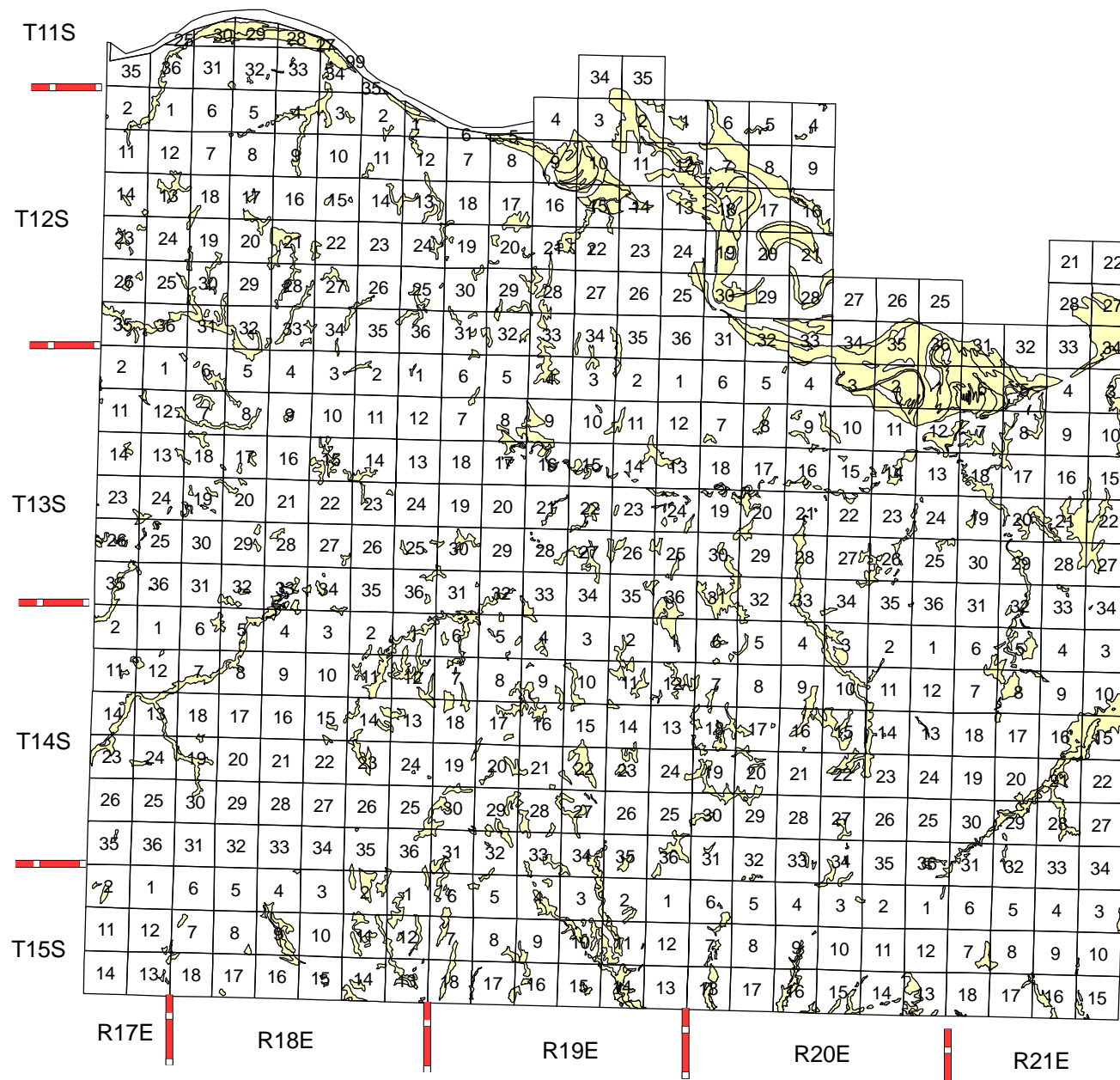
Land Capability Class 1 in Douglas County, Kansas



Land Capability Class 2 in Douglas County, Kansas



Land Capability Class 2 in Douglas County, Kansas



Dan Warner

From: Barbara Clark, Maggie's Farm [maggiesfarm@sbcglobal.net]
Sent: Wednesday, May 26, 2010 9:47 PM
To: Stan Rasmussen; Lisa Harris; Chuck Blaser; Hugh Carter; Greg Moore; Charlie Dominguez; Brad Finkeldei; Jeff Chaney; Kenzie Singleton; Richard Hird
Cc: Scott McCullough; Dan Warner; Sheila Stogsdill
Subject: Fw: Urbanized Capability Class 1 and 2 Soils Douglas County
Attachments: class_1_and_2_acres.xls; class_1_2_urban.jpg

Dear Commissioners,

Attached are the documents created by DeAnn Presley, KSU Agronomy Department. These files show the urbanized percentages and acres of Capability Class 1 and 2 Soils in Douglas County. I also believe these documents are included in early public comments associated with the Northeast Sector Plan. I might add this data is based on a 2005 dataset. So, any urbanization of Capability Class 1 and 2 Soils after that date would not be reflected in these percentages or acres calculations.

As always, I will be happy to answer any questions you may have or obtain further information for you.

With many thanks.
Barbara Clark

I have included contact information for DeAnn Presley

DeAnn Presley

Extension Specialist/Assistant Professor

Environmental Soil Science/Soil and Water Management

Kansas State University

Agronomy Department

2014 Throckmorton Hall

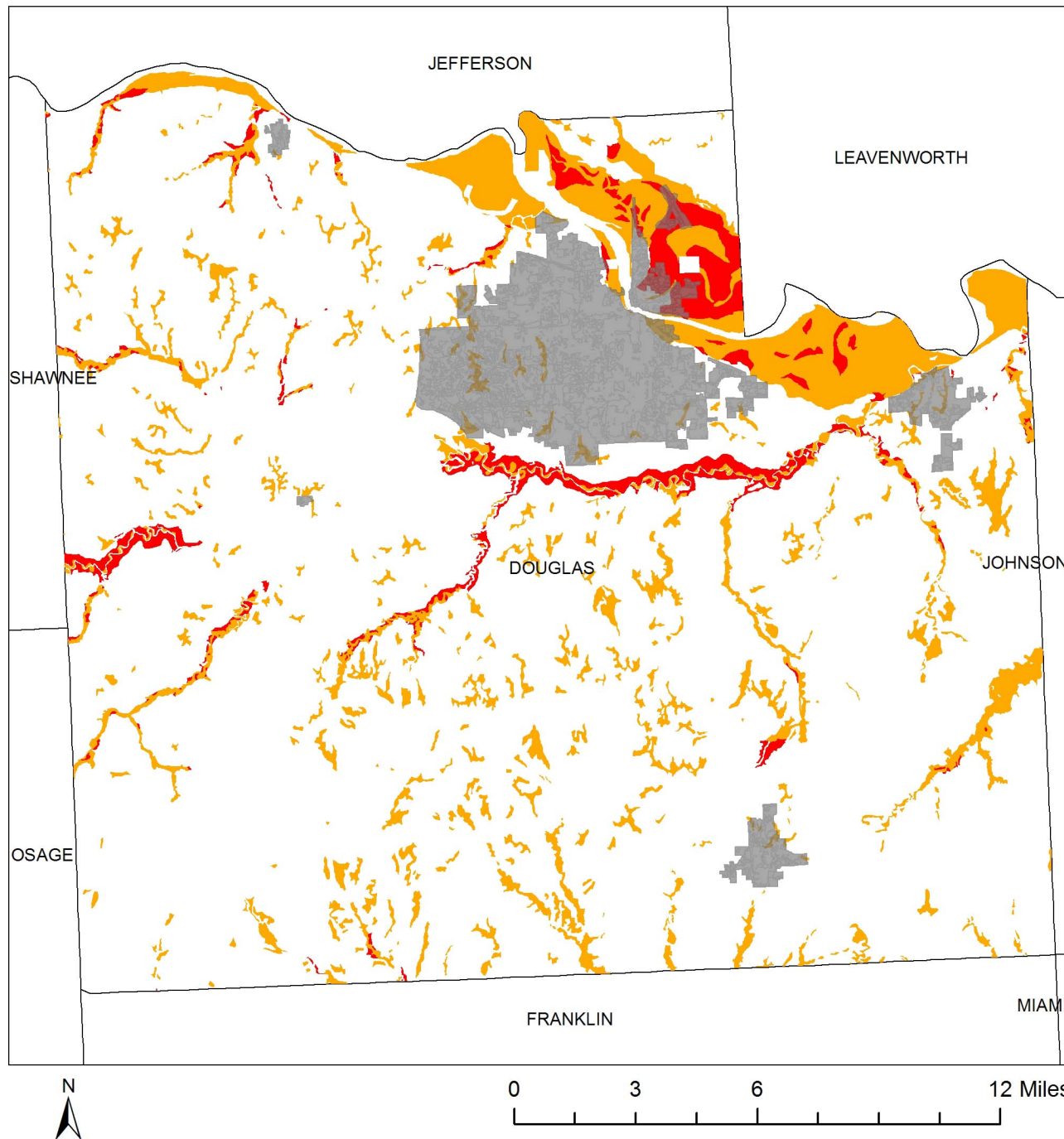
Manhattan , KS 66506

785-532-1218 (office)

785-313-4193 (cell)

deann@ksu.edu

Class 1 and 2 Soils, plus all Urban land types



- All urban land types
- Class 1 Soils
- Class 2 Soils
- County boundaries

	Acres
Class 1, Total	8,366
Class 1, Urban	2,009
Class 2, Total	33,053
Class 2, Urban	12,761
Urban, Total	21,298
Total Area	303,808

county	total county size in acres	total urban acres in county	acres of class 1	% class 1	acres of developed class 1	% of class 1 that is developed	acres of class 2	% class 2	acres of developed class 2	% of class 2 that is developed
Wyandotte	99700		1437	1.4			19972	20.0		
Wabaunsee	511827		842	0.2			48457	9.5		
Shawnee	355488		29518	8.3			57063	16.1		
Riley	398400		15878	4.0			66084	16.6		
Pott	551366		18305	3.3			119415	21.7		
Johnson	307066		3148	1.0			41199	13.4		
Jefferson	356429		2806	0.8			49349	13.8		
Leavenworth	300300		3460	1.2			60112	20.0		
Douglas	303808	21298	8370	2.8	2009	24.0	33053	10.9	12761	38.6
Geary	258611		13187	5.1			39329	15.2		
Jackson	420953		2779	0.7			89739	21.3		

Dan and Scott,

I'm forwarding two links to planning documents from communities that are currently addressing some of the same issues we are with the Northeast Sector Plan.

The first link: http://www.tpl.org/content_documents/OkanoganValley_WhitePaper_LowRez.pdf

Agricultural Land Reservation and Land Conservation in Okanogan County: Challenges, Opportunities, and Recommendations for Moving Forward, January 2010.

This document addresses the need for "common ground" between divergent interests. I think much of what you did through the use of inclusive, public process to begin the formation of concepts and language in the draft of the Northeast Sector Plan fits within the recommendations of this white paper. While there are variances in the players involved in this county in Washington State, the critical natural resource at risk is high quality agricultural land. This document, if for no other value, clearly shows that the discussions and difficulties Douglas County is facing are common to many other communities in our nation.

The second link: http://www.ycpc.org/County_Long_Range_Pages/comp_plan.html

After opening this link, scroll down the page to the list of documents. Click on the first document: *York County Agricultural Land Protection Plan*

This planning document looks at agricultural land protection tools. One of the most important being good long-range comprehensive planning. This is exactly what I heard you speak to at the last meeting of the Planning Commission. There are other zoning and incentive tools referenced in this planning document. Soils play a very significant role in land use planning in this document and other township plans I've looked at from the York County Planning Department.

Thank you both for reviewing these two documents. I know you are constantly called upon to read volumes of data. I would appreciate hearing your thoughts on what might be applicable for Douglas County from these two texts.

Best,
Barbara Clark

-Hello, I am Jim Congrove. Thank you for giving me some time to explain our position on proposed restrictions on use of Class I and II soils in the Northeast Sector plan. My wife and I own three tracts of land within the boundaries of the plan. One tract is located just Southeast of Midland within the plan growth area and is predominately Class II soils, another tract is located southwest of Midland, and is predominately Class I soils and then a tract where we live is just off Highway 24 on the Leavenworth-Douglas County on the hills overlooking the river valley.

In reviewing the draft Northeast Sector plan, a great deal of emphasis is placed on prohibiting or discouraging any industrial development on Class I and II soils. Please refer to map 3-13. The purple shaded area is designated as Soil conserving – Agri-Industry. Based on the definition of this designation on pages 3-10 and 3-11 I believe the result will be no business or industry. Much of this discussion is based on a concern that the potential for local food production could be greatly impaired if any Class I or II soils were allowed to be developed. While we strongly support the efforts to promote more local food that can be marketed at Farmer's Markets, grocery stores, restaurants or any other outlet, I am going to argue that there is sufficient land for local food production and also allow landowner's freedom to exercise their property rights if opportunities arise. If this plan is approved as drafted, we believe that our property rights and land values could be impaired.

Class I and II soils have similar physical properties. They both have potential for high productivity of crops and have less than 1% slope. The main difference in these two soil classes is that Class I has better permeability. Reference is made to map 2-22. The class 1 & 2 soils are cross-hatched. Please note there are some areas not cross-hatched. One area just north of the Kansas River along the eastern side of the plan and another area northwest of teepee junction along the river levee are class 3 because they are too sandy to be considered Class 1 or 2.

While studying at K-State I took several soils courses while obtaining my Bachelor's and Master's degrees in Agronomy. However, most of my remarks will be based on my experience growing various crops on these soils.

I believe too much emphasis has been placed on the Class I and II soils in the sector plan as being the only major soil resource for the production of local foods. First of all, we should be thinking more about regional food policies. For example there are more than 50,000 acres of Class I soils in the Kansas River valley between Manhattan and Kansas City. Back in the 30's and 40's about 6,000 acres of potatoes were grown in the Kansas River Valley and were marketed under a regional brand of Kaw Valley potatoes. Because of weather, storage and marketing problems, acreage gradually decreased and potatoes ceased to be a commercial enterprise in the valley after the 51 flood. We moved to this area in 1973 and had an opportunity to farm in partnership with the Pine family for 18 years. In 1974 we ventured into the potato business by growing about 40 acres. Over the 18 years the acreage had increased to around 300 acres which were marketed to chip companies in Topeka and Kansas City. Our market window was only about 3 weeks in July. As I recall we didn't look at soils maps to see what class of soils we would plant potatoes on. Today as I look at the map to see where the class I and II soils are located, I realize we planted at least half of the acreage on class III sandy soils located in Grant Township and Kansas River Valley land near Linwood in Leavenworth County. During wet years these class III

sandy fields could be harvested when fields of Class I were too wet. Being able to harvest during wet periods was essential to keep the factories supplied. I hope this points out there are other acres in the area that need to be included for potential to produce locally grown food. In fact many of the fruit and vegetable crops that can be grown for a local food program are better adapted to the sandier soils that are not included in Class I and II.

As mentioned earlier our home is located on the hills overlooking the river valley. The hillsides are designated class IV based on a majority of the soils having a slope of more than 4-6%. In addition the soil is sandy. Even on these soils we have areas that are excellent for growing any of the vegetable and fruit crops adapted to this climate. We are growing over 30 fruit and vegetable crops this year. When we purchased this farm in 1984, we learned from some oldtimers in the area that previous owners of the land had produced cantalope and watermelons commercially on this Class IV land. This is another example of land that should be included as potential for local food production. In fact I believe most of the current producers who participate in the local Farmers Market grow their crops on land outside the Kansas River Valley.

Another example of productive soils are the Class III and IV soils in Doniphan County, Kansas which is about 60 miles north. Here again, I believe that should be considered regional. These are soils that have that classification because of slopes greater than 2%. Other than the slope they have similar characteristics as Class I soils. According to information published by Kansas Agricultural Statistics the average corn yield in Doniphan County for the last five years on 82,000 acres was 164 bushels per acre while soybeans averaged 51 bushels per acre on 66,000 acres. The yield information from Kansas Ag Statistics is published on a county basis and therefore I was not able to obtain yields specifically for Class I and II soils in the Kansas River valley. Based on my work in the area as a crop insurance adjuster and from knowledge as a landowner, the yields from 148,000 acres* of these Class III and IV soils in Doniphan County compare very favorably with the Class I and II soils in the Kansas River Valley. I just want to emphasize there is much potential for all types of food production from soils in the region in addition to Class I and II.

I contend the limiting factor for vegetable and fruit production is climatic conditions not soil resources. Some climatic conditions which are limiting factors when compared to other areas include late spring freezes, early fall frosts, hot dry winds in summer and the possibility of excessive precipitation. Using my garden as an example, we have only harvested a few crops such as lettuce, spinach, asparagus and radishes so far this year.

Another example of potential food production is from areas not suitable for cultivation such as the area on our property where I have a forest improvement project on land classified as Class V. It is Class V as it is subject to periodic flooding along a stream. Over the past seven years I have removed undesirable trees and planted over 800 walnut trees. This is an example of potential local food production on soils that cannot be cultivated or developed. There are many acres along streams in Douglas County that could be utilized in this manner.

Dan Warner

From: Davis, Cynthia [tripoddog@ku.edu]
Sent: Tuesday, May 25, 2010 11:29 AM
To: Dan Warner
Subject: Good morning, RE: 936 N. 3rd Street

Hello,

I am an owner of 936 N. 3rd Street. I am deeply concerned with regard to the suggested plan to convert this property into "open space." I strongly fear if such a plan is adopted, this would likely decrease the value of the land, because any buyer would know that to obtain a building permit on the land, they would have to get approval for something contrary to the plan.

Thank you,
Cynthia Puckett-Davis

Dan Warner

From: Lisa Grossman [lgrossman@earthlink.net]
Sent: Thursday, May 27, 2010 10:06 AM
To: Dan Warner
Subject: Northeast Sector plan comments

Dear Mr. Warner,

I'm deeply concerned about the future of Douglas County's Northeast Sector. I know you're already well aware of the rich soils present there, so vital for current and future agricultural economy. I know you're aware of the flooding issues, and associated difficulties installing sewer and water infrastructure, as well as the importance of the Lawrence Municipal Airport and the need for open spaces surrounding it.

Please set your sights on long-term planning that values the future of sustainable food production for this county and region. Every day you see agriculture moving toward smaller, healthier, and more profitable production and I believe this land in Douglas County could be the center of such industry. This town is ripe for green industry job development, and we truly don't need more of the same kinds of big box business parks that render the priceless soils useless and benefit a very small segment of society.

Thanks so much for your consideration.

Lisa Grossman,
Lawrence, KS

Dan Warner

From: Samantha Snyder [snyder.samantha@rocketmail.com]
Sent: Friday, May 28, 2010 10:28 AM
To: Dan Warner
Subject: Northeast Sector Plan

Dear Mr. Warner,

I am writing today as a member of Citizens for Responsible Planning regarding the Northeast sector plan. I am highly concerned about the preservation of this space for agricultural needs. It is clearly highly valuable agricultural land, and should be put to it's best use for our local food economy.

Please support development of the aviation related industry at the Lawrence Municipal Airport PROPER and not over the incredibly valuable resource of Class 1 and 2 soils.

Thank you,

Samantha Snyder,
Lawrence

Dan Warner

From: Steven Stemmerman [sstemmer@usd497.org]
Sent: Thursday, May 27, 2010 12:19 PM
To: Dan Warner
Subject: The Northeast Sector Plan Draft

The Northeast Sector Plan Draft

I feel the concerns put forth by the Citizens for Responsible Planning are quite valid and deserving of much consideration. It's becoming ever more apparent the the loss of prime farm land near a municipality is a loss to that municipality. The owners of such land shouldn't be faced with the paving over of the land in which they've worked in order to provide for their retirement. Personally, I would support tax wise the city buying the land and leasing it out for food production, or other means that would preserve this resource.

Steve Stemmerman
315 Maiden Lane
Lawrence, Kansas
66044

Dan Warner

From: Steven Stemmerman [sstemmer@usd497.org]
Sent: Thursday, May 27, 2010 12:19 PM
To: Dan Warner
Subject: The Northeast Sector Plan Draft

The Northeast Sector Plan Draft

I feel the concerns put forth by the Citizens for Responsible Planning are quite valid and deserving of much consideration. It's becoming ever more apparent the the loss of prime farm land near a municipality is a loss to that municipality. The owners of such land shouldn't be faced with the paving over of the land in which they've worked in order to provide for their retirement. Personally, I would support tax wise the city buying the land and leasing it out for food production, or other means that would preserve this resource.

Steve Stemmerman
315 Maiden Lane
Lawrence, Kansas
66044

The primary concerns put forward by CRP for the past three years since our initial opposition to the Airport Industrial Park are:

- * Concerns associated with flooding if development takes place without costly implementation of the North Lawrence Drainage Study recommendations.
- * Preservation of Capability Class 1 and 2 Soils for current and future agricultural needs of our community.
- * Recognition that development of aviation related industry should be focused at the Lawrence Municipal Airport proper. This should be the primary industry/economic development focus for the Northeast Sector.

Dan Warner

From: Laurie Ward [ltward@sunflower.com]
Sent: Monday, May 24, 2010 5:33 PM
To: Dan Warner
Subject: NE Sector Plan

Dear Mr. Warner,

I appreciate the process of involving the Grant Township neighborhood and am supportive of the Northeast Sector Plan currently under consideration by the Planning Commission.

In 2009, I wrote two successful grants to establish the Okanis Garden at the Prairie Moon Waldorf School. Located squarely in Capability Class I soils, this market garden--a part of the local food system for Lawrence and the surrounding areas--selling produce to area grocery stores, restaurants, and through an Okanis Garden Community Supported Agriculture (CSA). The garden's productivity, due to the high quality soils, is tremendous. The grant created an agriculture job in the form of a garden manager. Future plans call for more gardening and gardening/education jobs.

Thank you for your part in helping Lawrence and Douglas County plan for best and land-use, taking into consideration the excellent Class 1 and 2 soils, and guiding towards preserving and expanding agricultural use in this part of the Kansas River Valley.

Prairie Moon enthusiastically welcomes its new neighbor to the north on 1600 Road: the University of Kansas Native Medicinal Plant Research Program--a perfect example of appropriate activity in the area.

Laurie Ward
38 Winona Ave.
Lawrence, KS 66046

From: Barbara Clark, Maggie's Farm [mailto:maggiesfarm@sbcglobal.net]

Sent: Wednesday, July 21, 2010 3:11 PM

To: Chuck Blaser; Lisa Harris; Brad Finkeldei; Hugh Carter; Lara Adams Burger; Richard Hird; Charlie Dominguez; Stan Rasmussen; Kenzie Singleton; Bruce Liese

Cc: Dan Warner; Scott McCullough; Sheila Stogsdill

Subject: Fw: Possible "Best Practices" Examples

Dear Commissioners,

I am forwarding three very recent documents to you that may act as "best practices" guides. I believe at the last meeting on May 24th when the Northeast Sector Plan was discussed there was a statement that there should be communities that are engaged in the same issues we are here in Douglas County. I hope these will assist as we move forward.

Two are from Pennsylvania and one from Washington State.

The first link: http://www.tpl.org/content_documents/OkanoganValley_WhitePaper_LowRez.pdf

Agricultural Land Preservation and Land Conservation in Okanogan County: Challenges, Opportunities, and Recommendations for Moving Forward, January 2010.

This document addresses the need for "common ground" between divergent interests. From my perspective the process the planning staff undertook and skillfully facilitated for the Northeast Sector Plan fits within the recommendations of this white paper. While there are variances in the players involved in this county in Washington State, the critical natural resource at risk is high quality agricultural land. This document, if for no other value, clearly shows that the discussions and difficulties Douglas County is facing are common to many other communities in our nation.

The second link: <http://www.shrewsburytownship.org/Codorus%20Comprehensive%20Plan%20DRAFT.pdf>

Codorus Township Comprehensive Plan Update Draft, March 2010

This very recent Comprehensive Plan Draft has a strong focus on agricultural soils preservation, tools to achieve agricultural preservation, and valuation systems for implementation. On page 11, a lengthy discussion of soils begins and the various land use capabilities appropriate to various soil types. Page 38 begins a discussion of this county's preservation work.

The third link: http://www.ycpc.org/County_Long_Range_Pages/comp_plan.html

After opening this link, scroll down the page to the list of documents. Click on the first document: *York County Agricultural Land Protection Plan*

This planning document looks at agricultural land protection tools. One of the most important being good long-range comprehensive planning. There are other zoning and incentive tools referenced in this planning document. Soils play a very significant role in land use planning in this document and other township plans I've looked at from the York County Planning Department.

Thank you all for taking the time to review these documents. I know you are called upon by many groups to read volumes of text. Your time and dedication to our community is greatly appreciated.

Best,

Barbara Clark

Maggie's Farm

www.maggiesfarm-ks.com

CITIZENS FOR RESPONSIBLE PLANNING

July 21, 2010

Dear Commissioners Blaser, Harris, Finkeldei, Carter, Burger, Hird, Dominguez, Rasmussen, Singleton, and Liese,

Citizens for Responsible Planning (CRP) would like to express their gratitude for the diligence shown by the Planning Department Staff in their skillful and inclusive facilitation of the Northeast Sector Plan Draft development. From the initial "kick-off" meeting in the Fall of 2009 public attendance and public input has been carefully recorded and used to direct language currently represented in the 3rd draft of this document.

It is also our expressed opinion that the Q and A paper has been invaluable in clarifying and giving further elaboration on questions and concerns that were voiced at the May 24th Planning Commission meeting.

CRP recommends the following new language additions (**identified in black bold type**) to the 3rd draft.

Pg. 3-1 - Due to the *area's* unique challenges to development, including:

CRP's two overarching concerns for the Northeast Sector Plan have consistently been stormwater mitigation and the preservation of the largest contiguous tract of Capability Class 1 and 2 soils in Douglas County.

Pg. 3-1 - The plan recognizes ***the interconnectedness of*** these unique elements and proposes only limited development in the planning area.

The addition of “***the interconnectedness of***” gives recognition of how these deep, fertile soils are the best mitigation source for recurring stormwater issues facing this area. These soil's natural absorptive sponge capabilities offer both from a cost basis and highest and best land use perspective the greatest mitigation option available. These two concerns are best addressed in tandem.

Pg. 3-2 - 3.1.1.1.g Lawrence Urban Growth Area (UGA)

1. Consider adjusting Lawrence's Urban Growth Area boundary ***by limiting it*** to those areas of Grant Township feasible for the urban-type development through the analysis of the Sector Plan and the analysis of future water and wastewater master plans.

CRP supports the Plan Growth Area as defined by the Future Land Use map presented on pg. 3-14 of this draft.

In addition, we would like to use a transcribed reference from the May 24th Planning Commission meeting to further support CRP's thoughts on the limiting of the UGA.

"Commissioners, I guess there's one thing I'd like to leave you with while we go to work on these comments is --we've put this in the context of what are the planning efforts city/county wide. The reason we start with our cartoon of annexation is that there's a reason that this area hasn't developed substantially over the decades and those reasons have to do with the costs of development and public infrastructure and the storm drainage and those sorts of things. I think as planners we need to start thinking, or continue to think, about where are we going to put our limited resources in relation to development costs. We have / you all have planned a substantial amount of industrial employment center activity along with other areas of high density residential and commercial nodes and the like - Farmland Industries is one area, Farmers' Turnpike is another area, 6th Street and SLT is an area. There's room for all those things and areas of low

growth / low development and so as we talk more about the utilities master plan and come back with this plan for your review and consideration I think we need to think of it in terms of the county as a region and not just - It's easy to get into Grant Township and say, 'why aren't we pro-development here?' Why are we restrictive?' ...and those kind of things. We're trying to let the history and the land talk to us on this one and say, "there are reasons for this today; what do we reasonably anticipate?' We talk about expectations for the residents...is it fair to put out a plan for pro-growth if we're not as a city going to put any infrastructure in that area. We've got to talk about those things and come to some reasonable conclusions I think. We'll get to work on your comments and come back with those things in mind as well."

Scott McCullough, Lawrence/Metropolitan Planning Director - May 24, 2010

CRP agrees with Scott McCullough that good long-range, comprehensive land-use planning should consider the most effective allocation of limited public resources for the costly infrastructure necessary for industrial employment centers and high density residential areas. Our community already has identified these public investments for other areas. There are historically validated reasons why Grant Township has experienced limited development in significant part due to flooding and storm water drainage. Sustaining agricultural land uses within Grant Township complements best economic land use with storm water mitigation. We hope that you concur in your thoughts and actions.

CRP has consistently pressed for incentive mechanisms to aid in farmland preservation. Some "Best Practices" documents have been sent to you under separate cover. At this time we would like to suggest some other references that may aid in finding appropriate tools for Douglas County to incorporate into their practices. The first would be a link to the American Farmland Trust toolbox. This link is: http://www.farmlandinfo.org/documents/27761/fp_toolbox_02-2008.pdf

This fact sheet will give you a brief description of many of the planning and incentive tools available for farmland protection.

A second link is to the American Planning Association's Policy Guide on Agricultural Land Preservation. This link is:

<http://www.planning.org/policy/guides/adopted/agricultural.htm>

This is a frequently cited reference and in CRP's opinion reflects many of the planning guides set forth in the Northeast Sector Plan Draft.

As always, CRP is aware of the many factors that come to bear on your decisions. Our continued efforts have been to present reasonable, authoritative data to assist in your deliberations.

With great respect and appreciation for your tireless efforts on behalf of our community,

Citizens for Responsible Planning Steering Committee

Barbara Clark

Jerry Jost

Lane Williams

Ellen Paulsen

Lori McMinn

Chet and Deanna Fitch

cc: Dan Warner, Scott McCullough, Sheila Stogsdill

From: Nuts2sell@aol.com [mailto:Nuts2sell@aol.com]
Sent: Friday, July 23, 2010 12:01 AM
To: Dan Warner
Subject: Comment to Planning Commission, Northeast Sector Plan

July 22, 2010

Re: Draft Northeast Sector Plan

Dear Planning Commissioners:

Although we will be out-of-town for the next meeting on the Northeast Sector Plan, my wife and I wish to encourage your continued work on this and, in particular, your attention to storm drainage challenges and soils. As most of you know, we have a tree farm in the area and have made comments in the past.

In the past few days we have driven North 3rd street and watched as at least 6 feet of clay fill has been trucked in and compacted for the pad and parking lot of the new Dollar Store. It is a impressive, but typical, fill for North Lawrence. We have remarked how each development in the flood plain incrementally degrades the drainage for their neighbors who had previously built at the natural grade.

In the ten years since the last FEMA floodplain map was adopted, degradation of the Maple Grove drainage has now resulted in a new FEMA map with a greatly increased 100-year floodplain area. The new regulatory floodplain covers much more of our neighbors' lands and, for the first time, includes part of our orchard. The map reflects the cumulative effect of development over the past decade. Ironically, floodplain regulations encourage or require building on fill, which is invariably less permeable than the natural soil. New development is built on ever higher fill. Whoever is lower, whoever built before, is burdened with the runoff.

In North Lawrence the better agricultural soils are sponges of storm water. The higher Capability 1 soils are better sponges than the lower Capability 2 soils; loss of Capability 1 soils to development will impact area drainage more severely, although it is the lower soils that will flood more quickly.

We are encouraged by the fact that the Northeast Sector Plan articulates that drainage and agricultural soils are important planning considerations for the City of Lawrence. For us, as interested farmer landowners, drainage and prime soil preservation are paramount considerations for this particular area. We encourage your continued efforts to incorporate a reasonable reference respecting the best agricultural soils into the Northeast Sector Plan.

We appreciate your thoughtful efforts throughout this process.

Charles NovoGradac

Deborah Milks

Chestnut Charlie's

Organic Tree Crops

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