GENERAL BUSINESS:

PLANNING COMMISSION ACTION SUMMARY
Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of June 28, 2017.

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

COMMUNICATIONS

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

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION’S DISCRETION
REGULAR AGENDA (JULY 26, 2017) MEETING
NON-PUBLIC HEARING ITEMS:

ITEM NO. 1 PRELIMINARY PLAT FOR CEDAR GROVE SUBDIVISION; 1100 BLOCK
BILTMORE DR & RESEARCH PARK DR (SLD)

PP-17-00256: Consider a Preliminary Plat for Cedar Grove Subdivision, located in the 1100 block of Biltmore Dr & Research Park Dr. The subdivision includes 93 residential lots and 1 non-residential lot. Submitted by BG Consultants on behalf of WE1929 LLC, property owner of record.

ITEM NO. 2 FINAL DEVELOPMENT PLAN FOR 6WAK ADDITION PHASE II; 565
WAKARUSA DR (SLD)

FDP-17-00268: Consider a Final Development Plan for an 11,500 SF multi-tenant retail building, 6Wak Addition Phase II, located at 565 Wakarusa Dr. Submitted by TreanorHL, for 6Wak Land Investments LLC, property owner of record.
MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 MINOR SUBDIVISION VARIANCE; FAIRFAX ADDITION; 1200 LAURA AVE (KEW)

MS-17-00319: Consider a variance request to reduce the minimum lot area from 7,000 sq. ft. to 5,743 sq. ft. and variance request to reduce the minimum lot width requirement from 60’ wide to 46’ for Lot 2 of Fairfax Addition No. 2, a replat of Lots 188, 189 and 190, Fairfax Addition, located at 1200 Laura Ave. Submitted by Grob Engineering Services, LLC for Alva West, LLC, property owner of record.

ADJOURN

CALENDAR

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PCCM Meeting: (Generally 2nd Wednesday of each month, 7:30am-9:00am)
# 2017
## LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
### MID-MONTH & REGULAR MEETING DATES

<table>
<thead>
<tr>
<th>Mid-Month Meetings, Wednesdays 7:30 - 9:00 AM</th>
<th>Mid-Month Topics</th>
<th>Planning Commission Meetings 6:30 PM, Monday and Wednesday</th>
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<tr>
<td>Jan 11</td>
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<td>Douglas County Natural Areas Assessment - Kelly Kindscher</td>
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<td>Mar 8</td>
<td>East Lawrence Rezoning Dg Co Food System Assessment &amp; Plan</td>
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<td>Jul 12</td>
<td>Michael Davidson – Explore Lawrence Hotel Market &amp; Short Term Rentals</td>
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<td>Aug 9</td>
<td>Transportation 2040 Update</td>
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PC Orientation – all day (tbd)

### Suggested topics for future meetings:
- How City/County Depts interact on planning issues
- Stormwater Stds Update - Stream Setbacks
- Overview of different Advisory Groups – potential overlap on planning issues
- Joint meeting with other Cities’ Planning Commissions
- Joint meeting with other Cities and Townships – UGA potential revisions
- New County Zoning Codes
- Tour City/County Facilities
- Water Resources
- Communication Towers – Stealth Design, # of co-locations, notice area
- WIFI Connectivity & Infrastructure Planning
- Oread Overlay Districts & Design Guidelines
- Comprehensive Plan – Goals & Policies
- Affordable Housing
- Retail Market Impacts
- Case Studies

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

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

Revised 5/18/17
### 2017 PLANNING COMMISSION ATTENDANCE

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June 28, 2017 – 6:30 p.m.
Commissioners present: Butler, Carpenter, Culver, Kelly, Sands, Struckhoff, Weaver, Willey
Staff present: McCullough, Stogsdill, Day, Larkin, Pepper, Ewert

GENERAL BUSINESS
ELECTION OF OFFICERS FOR 2017-2018
Accept nominations for and elect Chair and Vice-Chair for the coming year.

Commissioner Kelly nominated Eric Struckhoff for Chair. Seconded by Commissioner Sands.

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

Commissioner Culver nominated Karen Willey for Vice-Chair. Seconded by Commissioner Sands.

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

PLANNING COMMISSION ACTION SUMMARY MINUTES
Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of May 24, 2017.

Motioned by Commissioner Kelly, seconded by Commissioner Culver, to approve the May 24, 2017 Planning Commission action summary minutes.

Unanimously approved 7-0-1, with Commissioner Butler abstaining.

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

Commissioner Culver said he was unable to attend the most recent Transportation 2040 Steering Committee meeting. He said the Planning Commission Mid-Month meeting in August would provide an update to the plan.

Mr. McCullough said the committee and staff were working hard on the T2040 plan. He said the committee looked at public input received to date.

Mr. McCullough said the Horizon 2020 committee would meet at the end of July. He urged Planning Commission to look at the draft. He said the committee only had two more meetings so they would
not fill former Commissioner Britton’s position. He said if the committee decided to extend the process then they could revisit the issue.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.
Adjourn Joint Meeting with Eudora Planning Commission
Convene as the Airport Zoning Commission

ITEM NO. 2 SITE PLAN FOR WILDLIFE HAZARD FENCE; 1930 AIRPORT RD (SLD)

SP-17-00236: Consider a Site Plan (by the Lawrence Douglas County Metropolitan Planning Commission sitting as the Airport Zoning Commission per Section 20-302) for construction of a wildlife hazard fence at Lawrence Municipal Airport, located at 1930 Airport Rd. Submitted by the City of Lawrence, property owner of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
Mr. Rick Bryant, Airport Development Group, said the wildlife hazard fence was a result of a Federal Aviation Administration (FAA) study. He said the fence was meant to keep wildlife off the runway, not a security fence. He said they tried to minimize the agricultural impact and that there would be no farming activity within the fenced area. He said the master plan called for a perimeter fence. He said they hoped to be under construction at the end of July or beginning of August. He said this was a high priority project from FAA and that FAA would be paying for 90% of the cost.

PUBLIC HEARING
Mr. Scott Swedlund, 1567 Hwy 40, wondered how this fit into the long-range plan. He expressed concerned about coyotes being funneled onto his property and highway. He said animals would overrun his property and that two households would be impacted by this.

COMMISSION DISCUSSION
Commissioner Carpenter inquired about the fence design and the purpose of the barbed wire.

Mr. Bryant said deer jump over 10’ fence.

Commissioner Carpenter said the barbed wire gave the perception that it was a security fence. He inquired about birds.

Mr. Bryant said birds would always be an issue but that airport staff had done a good job at reducing and dispersing bird flocks.

Commissioner Willey asked how many acres would be taken out of agricultural production with the addition of a fence.

Mr. Bryant said the airport was approximately 486 acres and that approximately 349 acres was currently being farmed. He said there would be about 150 acres outside the fence area. He said on the south end of the property the footprint was reduced and the fence was away from the highway. He said it was in flux right now but they had done their best to minimize the reduction of class 1 soils from the area.

Commissioner Struckhoff said the fence would not go south of Highway 24.
Mr. Bryant said that was correct. He said south of the airport was City owned property but was fenced in because it was part of the instrument landing system and needed to be under security. He said there would be nothing running across the highway. He said he would continue to reach out to citizen who wrote letter regarding that concern.

Commissioner Willey said she would vote in favor because it was a safety issue and funding was available.

**ACTION TAKEN**
Motioned by Commissioner Willey, seconded by Commissioner Kelly, to find that the application conformed to the Airport Overlay District Regulations and the proposed wildlife fence be approved.

Commissioner Carpenter said he had not thought about where the wildlife would be diverted to and he hoped the airport would work with the property owner on that issue. He hoped the City was not creating a nuisance and hoped any issues were addressed.

Commissioner Struckhoff said he hoped the animals being diverted could be monitored and any issues abated.

Unanimously approved 8-0.

**Adjourn Airport Zoning Commission**
**Reconvene LDCMPC**
ITEM NO. 3  RS5 TO RS7; 1.13 ACRES; 309, 321, 325, 331 INDIANA ST (BJP)

Z-17-00217: Consider a request to rezone approximately 1.13 acres from RS5 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 309, 321, 325, and 331 Indiana St. Submitted by Summer Wedermyer on behalf of Philip R Jones, Jennifer M Padilla, Nathan R Littlejohn III, Lynette Littlejohn, Emily C H Hensley, Nate Wedermyer, and Summer Wedermyer, property owners of record.

STAFF PRESENTATION
Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION
Ms. Summer Wedermyer was present for questioning.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Kelly said he was excited about this due to the infill development potential.

ACTION TAKEN
Motioned by Commissioner Kelly, seconded by Commissioner Carpenter, to approve the request to rezone approximately 1.13 acres from RS5 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.
ITEM NO. 4  MINOR SUBDIVISION VARIANCE FOR 2645 HASKELL (SLD)

MS-17-00251: Consider a variance request for the reduction of right-of-way width for Haskell Ave from 150’ to 100’ associated with a Minor Subdivision for Lawrence Industrial Park No. 2, located at 2645 Haskell Ave. Submitted by CFS Engineers, for Hedge Tree LLC, property owners of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
Mr. Aaron Gaspers, CFS Engineering, was present for questioning.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Willey asked if the current right-of-way width was 100’ or 150’.

Ms. Day said 100’. She stated the Subdivision Regulations required a wider right-of-way then how much of the urban area had developed.

Commissioner Willey asked if other properties in the area would benefit from a variance like this.

Ms. Day said it was a requirement of the Subdivision Regulations. She said there was no expectation that residential properties on the east side would be further subdivided. She said residential properties to the north could potentially be redeveloped.

Commissioner Carpenter inquired about a future need to widen Haskell by taking equal parts on both sides of the road.

Mr. McCullough said it was context based and that the City works to negotiate right-of-way as needed.

Commissioner Willey asked if Planning Commission would see the site plan.

Ms. Day said Planning Commission would not see the site plan.

ACTION TAKEN
Motioned by Commissioner Kelly, seconded by Commissioner Willey, to approve the variance requested for a Minor Subdivision, MS-17-00251, variance request to reduce the right-of-way form Section 20-810(a)(5) for a principal arterial street from 150’ to 100’ per section 20-813(g) of the Land Development Code for property located at 2465 Haskell Avenue.

Commissioner Sands inquired about the area to the north being redeveloped.

Mr. McCullough said road improvements would be the responsibility of the developer at the time of redevelopment.

Complete audio & video from this meeting can be found online:
https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/
Unanimously approved 8-0.
ITEM NO. 1  CONDITIONAL USE PERMIT FOR CELL TOWER; 2138 N 1000 RD (SLD)


STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
Mr. Vincent O'Flaherty, MW Towers, said the condition to move the tower back 150' was acceptable to the applicant. He said MW Towers had built 25 towers in the Kansas/Missouri area to improve cellular service. He referenced the State Statute established in 2016 that restricted the subject that Planning Commission can consider. He said that towers provide significant economic impact and were encouraged by the State Statute.

PUBLIC HEARING
Mr. Patrick Kelly, representing three property owners, expressed opposition. He expressed concern regarding decrease in property value and aesthetics of an ugly tower. He stated the Oregon Trail crossing was 1/10 mile away. He expressed safety hazard issues with an additional access point to the site. He was concerned about the fall zone and the proximity to the natural gas well nearby. He also expressed concern about low flying aircraft from the unregulated airstrip nearby as well as crop dusters.

Mr. Justin Kelly spoke in opposition on behalf of two property owners. He expressed concern about farmers being restricted with crop dusting. He said the Wakarusa River was nearby and contaminants from the cell tower could end up in the river. He expressed concern regarding the impact to migratory birds passing through the area of the cell tower site.

Ms. Barbara Braa echoed Mr. Justin Kelly’s comments regarding migratory birds and the impact to them. She wondered how intrusive fencing would be around the cell tower. She wondered if a monopole would be less intrusive to the area. She expressed concern about the potential harm to the growth of Eudora. She asked for the addresses of other towers that MW Towers had built so she could see what they looked like.

Mr. Michael Braa questioned the need for another tower in the area and that he could already see two towers from his home. He said he was not aware of the lack of cell service in the area.

Mr. Mark Elston echoed Mr. Braa’s comments regarding the need for another tower. He wondered who would profit from the cell tower being built.

Ms. Braa said the lease holder of the land moved away.

APPLICANT CLOSING COMMENTS
Mr. O'Flaherty said the fence would be 6’ with three strands of barb wire on the top. He said the property was being leased from the land owner and subject to a ground lease. He said regarding questions about the floodplain and birds he referenced the Kansas Statute (KSA 66-2009) that said
environmental impacts were not a reason to deny an application. He stated other towers being in the area was not grounds for rejecting an application per the Kansas Statute. He said the area needs additional coverage which was why the tower was being placed where it was. He said there were no statistics regarding a decrease in property value. He said Kansas public policy encouraged the development of wireless structures as being an economic benefit. He said regarding safety the electrical would be brought in underground to the site. He said staff had no concerns about access to the site. He said he would be happy to sit down with property owners to address any further concerns.

COMMISSION DISCUSSION
Commissioner Kelly asked staff about the limitations of the State Statute.

Ms. Day said Planning Commission could not consider other towers in the area as a factor for denial. She said they could also not consider the need or justification for the tower. She said regarding evidence of value loss that was a specific burden of property owners to show economic loss. She said one of the environmental factor considered was floodplain and it would still need to meet local standards. She said the proposed location did not encroach in floodplain.

Commissioner Kelly said Planning Commission had dealt with cell towers before and the laws conflict with the charge of Planning Commission. He said sometimes they cannot talk about certain concerns and it was frustrating.

Commissioner Sands said the proposed site drawings show up to four more facilities added to the tower.

Ms. Day said that was correct.

Commissioner Willey inquired about what else could be added within the fencing.

Ms. Day said the pad sites for ground equipment could be added. She said the lease area is initially larger than what they would fence at first. She said the fencing could be expanded if more equipment was added.

Commissioner Carpenter inquired about the tower being expanded by 20’ and adding a light without public comment.

Ms. Day said it would probably come back as an administrative modification. She said the lighting was guided by the Federal Aviation Administration (FAA).

Mr. McCullough said the laws had evolved to benefit the cell tower industry. He urged Planning Commission to consider it has the potential to go up 20’ and then be lit.

Commissioner Carpenter said the Comprehensive Plan does not specifically address cell towers.

Mr. McCullough said it was a matter of competing values and a necessary evil for everyone to have cell phones. He said the only study he had seen on property values showed that there was no effect on values. He said they were becoming less and less able to prohibit cell towers.

Commissioner Sands wondered if a light study should be required.

Complete audio & video from this meeting can be found online: https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/
Ms. Day said it was not part of the old or recently approved regulation. She said a photometric plan that other development requires was completely different than a light study for a cell tower.

Commissioner Sands said he was talking about a low blinking red light.

Mr. McCullough said staff could not answer that.

Mr. O’Flaherty said he had no problem adding a condition that the tower would not go higher without public comment.

Mr. Paul Wrableica said lighting on towers over 200’ was nighttime lighting was a red pulsing light that beats 30 strobes per minute. He said daytime lights were a medium intensity strobe.

Commissioner Carpenter inquired about how the FAA looks at towers near unregulated airstrips.

Mr. Wrableica said the FAA looks at airstrips that have FAR 75 protection, mostly paved airstrips. He said the landlord for the cell tower site owned an ultralight and was aware of the tower and had no concerns. He said the property owner does not fly at night.

Commissioner Butler appreciated the public comment. She referenced the State Statute and did not see any problem with not supporting the Conditional Use Permit. She felt the issues brought forth by the community were relevant and did not feel they were in specific contrast to what Planning Commission could consider.

Commissioner Sands asked how sites were selected.

Mr. O’Flaherty said it was a combination of a land owner willing to lease their land and coverage maps of who they want covered.

Commissioner Struckhoff inquired about tower camouflage.

Ms. Day said there was discussion about a monopole versus a sub-support. She said the applicant indicated that monopoles were more challenging to co-locate on.

Commissioner Culver wondered about the historical marker nearby and any restrictions in the Code.

Ms. Day said there were no registered historic properties in the area. She said the applicant would have to coordinate with the State as part of the process. She said she forwarded the application to the State and they said the tower was not in the immediate vicinity. She said there may be historic elements but there was nothing regulatory at the local level that would regulate it.

Mr. O’Flaherty he said he had a letter from the State saying that the tower would have no adverse impact from their perspective.

Commissioner Willey appreciated the public comment. She said cell towers provide a public good by providing service but also becomes a burden in part of the landscape. She said the law does not allow them to regulate where towers are placed. She said she would vote in favor with a heavy
heart. She said they did not have a lot to stand on in opposing it at this level. She encouraged the public to voice their opinions to County Commission.

Commissioner Sands said he was inclined to support it but not because he liked seeing cell towers. He said it was a private and public good. He said the State Statute requires a reasonable reason for denial. He said one of the Golden Factors that Planning Commission looks at is opposition and support from neighbors. He appreciated the public comment.

Commissioner Kelly echoed what Commissioner Willey said. He said there was probably a time when people didn’t want telephone poles in their yard and now everyone is just used to them. He said he would support the Conditional Use Permit.

Commissioner Carpenter thanked the public for their comments. He said the Kansas Statute prohibits what Planning Commission can and can’t do. He said he did not like cell towers and how they look. He felt like they were boxed into a corner of approving this. He was thankful the applicant was willing to bring it back for public comment if it would become taller.

Commissioner Butler encouraged residents to express their opposition to the County Commission. She was troubled by the applicant using Statue Statutes and regulations in an attempt to force their hands.

**ACTION TAKEN**
Motioned by Commissioner Carpenter, seconded by Commissioner Sands, to recommend approval the Conditional Use Permit, CUP-17-00215, for a Communication Tower (Wireless Facility) use, and forward to the Board of County Commission, subject to the following conditions:

1. Provision of a revised site plan drawing that shows the location of the tower enclosure setback at least 60’ north of the right-of-way line and the tower to be setback a minimum of 150’ from the future right-of-way line per section 12-310 of the County Zoning Regulations, and

2. Provision of a note on the face of the plan that states any increase in height above 200’ or that would require installation of lights for FAA regulations will require a full public hearing process by the Planning Commission and County Commission with notice prior to modifications being permitted.

Commissioner Culver said based on the criteria they had it met the staff findings. He said he would support the motion since they could not consider other factors.

Commissioner Struckhoff said he would support the motion begrudgingly. He echoed Commissioner Culver’s statement and said it was in line with the Comprehensive Plan and staff report findings of fact. He thanked the public for their comments.

Motion carried, 6-2 with Commissioners Butler & Carpenter voting in opposition.
ITEM NO. 5  TEXT AMENDMENT TO DEVELOPMENT CODE; PARKING & ACCESS STANDARDS (SMS)

TA-13-00235: Continue discussion related to proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards. Action on this item will not occur until after the commission completes their discussion on several of the elements of the code language and a final draft is available for their review.

Item No. 5 deferred prior to the meeting.

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

ADJOURN 8:29pm
Planning Commission

Key Links

Plans & Documents

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

Development Regulations

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

Online Mapping

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

Planning Commission

- Bylaws
- Mid-Months & Special Meetings
- Minutes
- Planning Commission Schedule/Deadlines
ITEM NO 1: PRELIMINARY PLAT FOR CEDAR GROVE SUBDIVISION (SLD)

PP-17-00256: Consider a Preliminary Plat for Cedar Grove Subdivision, located in the 1100 block of Biltmore Drive & Research Park Drive. The subdivision includes 93 residential lots and one non-residential lot. Submitted by BG Consultants on behalf of WE1929 LLC, property owner of record.

STAFF RECOMMENDATION:
Staff recommends approval of the Preliminary Plat for Cedar Grove Subdivision subject to the following condition:

1. Submission of a revised Preliminary Plat drawing to show a utility easement along the north and west property lines not to exceed 25’ and an adjacent parallel landscape easement not to exceed 15’ for a total easement area dedication of 40’ per staff approval.

Reason for Request: Proposed residential development to include detached and duplex lots. One lot for future industrial development is also included.

KEY POINTS
• Platting required as pre-development step.
• Development includes both detached and duplex development lots.
• Lot located on northwest corner of Research Park Drive and Legends Drive preserved for future non-residential development as part of IBP district.
• Pedestrian connection from Juniper Lane to tract along west property line provided for open space recreation connection.
• Applicant proposes dedication of Tract A, Fox Chase East Addition located along the west property line (west of Block 1, Lots 1, 11, and 12) to the City of Lawrence. This tract is not located within the boundary of this Preliminary Plat.

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

ATTACHMENTS
Attachment A: Preliminary Plat

ASSOCIATED CASES/OTHER ACTION REQUIRED
Associated Cases
• CPA-17-00135, Chapter 7; Approved by the City Commission on 7/11/17; Ordinance No. 9384 pending publication.
• Z-17-00079; IBP to RS7; Approved by the City Commission on 7/11/17; Ordinance No. 9385; pending publication.
• Z-17-00080; IBP to RM12D; Approved by the City Commission on 7/11/17; Ordinance No. 9386, pending publication.
**Other Action Required:**
- Submittal of final plat for administrative approval and recordation.
- City Commission acceptance of dedication of easements and rights-of-way on the Final Plat.
- Submittal and approval of public improvement plans and provision of means of assurance of completion shall be submitted prior to the recording of the Final Plat.
  - Submission of a grading plan, per the approval of the City Stormwater Engineer with the Public Improvement Plans.
- Submittal and approval of building plans prior to release of building permits for development.

**PLANS AND STUDIES REQUIRED**
- *Downstream Sanitary Sewer Analysis* – The drainage study dated 5-22-2017 meets the specified requirements and is approved.
- *Drainage Study* – The drainage study dated 5-22-2017 meets the specified requirements and is approved.
- *Traffic Study* – Accepted by Staff.
- *Comprehensive Plan Amendment* – Approved pending publication. CPA-17-00135.

**PUBLIC COMMENT**
None received prior to publication.

### GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Current Zoning and Land Use:</th>
<th>Existing IBP (Industrial Business Park) District. Pending Publication of RS7 (Single-Dwelling Residential) District and RM12D (Multi-Dwelling Residential – Duplex) District. A portion of the property will remain IBP. The property is currently undeveloped land.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surrounding Zoning and Land Use:</td>
<td>RS7 (Single Dwelling Residential) District Existing residential neighborhood along the south side of Harvard Road.</td>
</tr>
<tr>
<td>To the west:</td>
<td>RS7 (Single Dwelling Residential) District to the west. Existing Detached Dwelling residential neighborhood.</td>
</tr>
<tr>
<td>To the east:</td>
<td>IBP (Industrial Business Park) along the west side of Wakarusa Drive and north of Legends Drive. Existing office development including an Extended Care Facility.</td>
</tr>
<tr>
<td>To the south:</td>
<td>IBP (Industrial Business Park) along the south side of Legends Drive. Existing office development including a child care facility and vacant lot.</td>
</tr>
</tbody>
</table>
Figure 1: Proposed Preliminary Plat - Zoning

STAFF REVIEW
This property is proposed to be platted as a residential subdivision while reserving approximately 5 acres along the north side of Legends Drive and the west side of Research Park Drive as a future lot for non-residential development in the IBP District.

Zoning and Land Use
The property is currently vacant. The area is part of the Oread West Research Park. Applications for rezoning property to RS7 and RM12D have been approved and will be published within the next several weeks following the Planning Commission meeting.

Table 1: Site Summary

<table>
<thead>
<tr>
<th>Zoning</th>
<th>RS7</th>
<th>RM12D</th>
<th>IBP</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Area Acres</td>
<td>25.816</td>
<td>4.448</td>
<td>5.121</td>
<td>35.385</td>
</tr>
<tr>
<td>ROW Acres</td>
<td>5.806</td>
<td>1.254</td>
<td>0</td>
<td>7.060</td>
</tr>
<tr>
<td>Lots</td>
<td>83</td>
<td>10</td>
<td>1</td>
<td>94</td>
</tr>
<tr>
<td>Average SF</td>
<td>10,053</td>
<td>13,910</td>
<td>5.1 Acres</td>
<td></td>
</tr>
<tr>
<td>Minimum SF</td>
<td>7,390</td>
<td>11,105</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Maximum SF</td>
<td>17,373</td>
<td>22,102</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Minimum SF per District</td>
<td>7,000</td>
<td>6,000</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Proposed Density</td>
<td>4.33</td>
<td>6.26</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Tract (A) Acres</td>
<td>.853</td>
<td>NA</td>
<td>.853</td>
<td></td>
</tr>
</tbody>
</table>

Tract A (RS7 District) Tract located between residential and non-residential uses along Biltmore Drive. Purpose of tract is for stormwater detention. Tract is proposed to be owned and maintained by homeowners’ association.

Lots and Blocks
The proposed Preliminary Plat extends the existing subdivision development pattern to the proposed development. The minimum lot size for the RS7 lots is 7,000 SF. The proposed Preliminary Plat exceeds the minimum lot area requirements for the RS7 district. The minimum lot
area requirements for the RM12D lots is 6,000 SF. The proposed Preliminary Plat exceeds the minimum lot area requirements for the RM12D district. Lots are generally regularly shaped given the street design with curves, offsets, and the minimal use of cul-de-sacs within the platted boundary.

The industrial lot, Lot 1, Block 1, is a single 5-acre lot. The minimum lot area in the IBP district is 20,000 SF. This lot configuration allows maximum flexibility for future development. The lot could be subdivided in the future to suit specific development needs through a Minor Subdivision application.

Blocks are arranged to accommodate convenient circulation and street traffic. Blocks do not exceed 800’. The project does include a proposed pedestrian connection at the south end of Block 1 for future access to open space. See following discussion.

A design consideration expressed by the public and commissions was the establishment of a buffer along the north and west property line between the existing subdivisions and the proposed development. All lots abutting these two boundary lines are zoned RS7. The minimum rear yard setback for the RS7 District is 30’. The following graphic highlights the minimum rear yard with 30’. The applicant has provided a concept that shows a building envelope for lots along the north and west boundary lines with an additional 10’ of setback.

A portion of the rear yard area is encumbered by utility easement. The north property line includes an adjacent 15’ utility easement. The west property line includes a 15’ utility easement that is offset from the property line by 15’. The applicant proposes to establish certain lot restrictions to provide buffering including the construction of berms along the west property line and the establishment of a landscape easement to prevent building construction and create a larger rear yard with dedicated open space.
Berms have not been designed at this time and would only be applicable to the west side of the property so that site drainage is not inhibited. Accessory structures would not be allowed in a utility or landscape easement.

The applicant’s original intent was to plat the north and west lots with an extraordinary rear lot building setback. Staff does not recommend this option. The purpose of a subdivision plat is to establish lots, blocks, streets, and easements for development purposes. A more appropriate tool is the dedication of an easement such as a landscape easement to restrict development in the rear lots along the north and west sides of the subdivision.

The applicant is evaluating the project needs and may include a wider utility easement up to 25’ with the balance of the dedicated area included as a landscape easement up to a maximum of 40’ restricted easement along the north and west property line. These easements do not impact the subdivision design or lot arrangement. This results in a 40’ setback similar to the 40’ setback the IBP District requires when lots are adjacent to residential districts. Due to the applicant’s continued evaluation, staff recommends the drawing be conditioned to show the final easement arrangement subject to staff approval prior to the submission of the Final Plat.

The proposed subdivision design locates the sanitary sewer easement along the west side offset from the property line to preserve existing trees and reduce the impact of development with the initial infrastructure construction.

Future development of the IBP lot will include a type 3 bufferyard per section 20-1005. The minimum width of a type 3 bufferyard is 15’. The proposed utility easement would conflict with required landscape material plantings. It is likely that any such bufferyard would be wider than 15’ between the IBP and the RS7 in the future in order to accommodate required landscape materials. A dedicated easement is not necessary since development of the IBP district would be subject to site plan review. Detached and duplex development does not require site plan approval.

The orientation of residential lots to the IBP lot is a back-to-back relationship. This will also provide buffering between uses.

**Streets and Access**

Proposed interior streets are local streets and provide 60’ of right-of-way with the exception of the north and south ends of Biltmore Drive proposed with an 80’ wide right-of-way. This allows a transition to be established between the IBP district to the south and the residential area to the north.

The placement of the detention area, Tract A, and the change in the street right-of-way width accommodate a clear transition between uses. The proposed preliminary plat shows medians at the north and south ends of Biltmore Drive as an additional signal of land use transition between the existing developed lots to the north and the non-residential uses to the south. The developer will be responsible for constructing and landscaping the medians as part of the Public Improvement Plans.
A traffic study was provided by the applicant and reviewed and approved by the City Engineer. The information included in the study on trip generation indicates less traffic generated by single family/townhomes vs. a business park use at full build out. The street configuration provides connectivity but discourages cut through traffic. The street alignment with traffic calming should regulate speeds.

Traffic calming will be required for this project. This design standard is applicable to all streets longer than 800’. The exact design of the calming measures is still to be determined. Speed humps, traffic circles, raised islands and similar features may be used. The specific details will be included with the Public Improvement Plans for the project if approved.

Utilities and Infrastructure
This project includes the extension of public water and sanitary sewer service as well as storm sewers, street and sidewalks. Public improvement plans will be required with this development. The City Stormwater Engineer will require a site grading plan for the development. The applicants intent to provide berms along the west side of the property will be included in the grading plan to assure that stormwater drainage to the site is preserved.

Easements and Rights-of-Way
The project includes multiple dedications of easements and rights-of-way as shown on the plan. A unique feature of this subdivision plat is the presence of an adjacent gas transmission line that includes a specific 50’ building setback. This building setback is in excess of the established easement. The easement is exclusive to the gas utility. It affects only Lots 1, 11 and 12, Block 1. The proposed preliminary plat includes a new parallel 20’ easement along the property line. This easement incorporates the gas easement/building setback.

As discussed above, additional utility easement is proposed along the north and west property lines. The applicant is still evaluating the final design width of the easements. The current proposal shows 15’ utility easement. This may be widened up to 25’. Easements located along the north and west property lines would include a parallel 15’ landscape easement to create a total of 40’ that is not buildable (restricting accessory structures) to retain a larger open space between the existing and proposed developments.
The proposed Preliminary Plat shows a 10’ landscape easement internal to the development to provide a buffer between the RM12D lots and the RS7 and IBP lots that abut the district. This easement establishes additional open space within the development since buildings cannot be constructed in easements. A similar 15’ wide landscape easement is proposed along the east side of the development between the RS7 and existing IBP District (Lots 11-14, Block 4).

Figure 7: Gas Line Easement

Figure 8: Landscape Easement along RM12D

Pedestrian Path Connections
The proposed development includes a proposed 15’ pedestrian path that extends from the cul-de-sac at the southwest end of Juniper Lane. This pedestrian pathway extends to Tract A, Fox Chase East Addition. The DeVictor Park Trail extends to the north side of Stone Creek Drive. The City of Lawrence owns the tract on the south side of the street. The developer owns Tract A, Fox Chase East where the pedestrian pathway extends to the west property line. The applicant has indicated a preference to dedicate this tract to the City of Lawrence. Legends Trail is a designated future bike route. It is feasible to extend the trail south of Stonecreek Drive and provide a trail connection between Stonecreek Drive and Legends Drive across the City property and the developer’s remaining tract (not included in this subdivision application).

Staff recommends that a pedestrian pathway connection between Stonecreek Drive and Legends Drive be constructed with this development. Additional review and coordination is required between the applicant and the City to coordinate such an improvement. It is likely that such an improvement would be included with the public improvement plans upon the submission and approval of a Final Plat for this property.

Conformance
The proposed Preliminary Plat complies with the subdivision regulations. Staff recommends that the applicant revise the preliminary plat to clarify the easements along the north and west property lines as discussed in the body of the staff report.
PP-17-00256: Preliminary Plat for Cedar Grove Subdivision, Located in the 1100 block of Biltmore Dr & Research Park Dr, including 94 Residential lots and 1 non-residential lot.
PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

ITEM NO. 2: FINAL DEVELOPMENT PLAN FOR 6WAK ADDITION PHASE II; 565 WAKARUSA DR (SLD)

FDP-17-00268: Consider a Final Development Plan for a 10,770 SF multi-tenant retail building, 6Wak Addition Phase II, located at 565 Wakarusa Dr. Submitted by TreanorHL, for 6Wak Land Investments LLC, property owner of record.

STAFF RECOMMENDATION ON FINAL DEVELOPMENT PLAN: Planning Staff recommends approval of the Final Development Plan for 6Wak Addition Phase II based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Prior to release of the Final Development Plan for issuance of a building permit, the Minor Subdivision shall be recorded with the Douglas County Register of Deeds Office.
2. Provision of a signed Site Plan Performance Agreement prior to the recording of the Final Development Plan with the Register of Deeds Office.
3. Provision of a revised Final Development Plan to modify the building elevations to provide cornices on all sides and lifted building treatments on the building corners facing W. 6th Street.
4. Revise off-street parking table to include outdoor dining area.

Reason for Request: Development of an in-line multi-tenant retail building with five retail spaces in the 6Wak Planned Commercial District.

The recorded Final Development Plan for this development is being modified to combine the development from lots 4 & 5 into a single lot (Minor subdivision replat pending). The overall layout of the approved development is substantially similar to what has been previously approved and recorded in Book P-18, Page 197 at the Douglas County Register of Deeds. The uses, pervious surfacing, and density are all planned to remain virtually unchanged from the approved plan, we are only slightly modifying the layout.

Planning Commission Approval of a Final Development Plan
Plans submitted for final development approval in Planned Developments established prior to 2006 require Planning Commission approval of a Final Development Plan. This application is submitted as a revision to an approved Final Development Plan for a portion of the 6Wak PCD. Final Development Plans must be in substantial conformance with the approved Preliminary or previously approved Final Development Plan. Plans submitted for Final Approval may not:

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

The review of this project is an assessment of the proposed development compared to the approved Final Development Plan for the lots located in the southwest corner of the PCD.

KEY POINTS
- The subject property is part of the 6Wak Planned Development.
- The project includes all of Lots 4 and 5 as shown on the approved Final Development Plan.
- This project is a modification to an approved Final Development Plan.
- A Minor Subdivision to amend interior lot lines (combining Lots 4 and 5 into a single lot) has been approved pending recording with the Register of Deeds [MS-16-00549].
- Total retail area allocated in the southeast corner of the PCD was 16,500 SF across three lots.
- Total commercial area approved for Lots 4 and 5 was 9,200 SF (1,800 SF approved for restaurant with drive-thru).
- The proposed request redistributes the commercial area between two buildings rather than three.
- Future application for north lot (original Lot 3) is reduced from 7,300 SF and will not exceed 5,730 SF without additional amendments to the development plan.

FACTORS TO CONSIDER
- Compliance with section 20-1013, 1966 Zoning Code for modifications to a Final Development Plan
- Conformance with Horizon 2020.
- Conformance with Subdivision Regulations.

ATTACHMENTS
1. Area map
2. Final Development Plan Drawing
3. Development History
4. Approved Final Development Plan

ASSOCIATED CASES/OTHER ACTION REQUIRED
Associated Cases
- MS-16-00549; Pending recording with the Register of Deeds Office.
- FDP-8-12-07: Approved Final Development Plan 6Wak. Amended landscape plan approved on November 3, 2009.

Other Action Required
- Provision of a mylar and the appropriate recording fees.
- Submittal of building permit application and construction plans and issuance of building permits prior to development activity.

ATTACHMENTS
1. Final Development Plan Drawing and building elevations

PUBLIC COMMENT
- None have been received.
**GENERAL INFORMATION**

Current Zoning and Land Use: PCD-[6Wak] (Planned Commercial Development) District; Undeveloped Lots 3, 4 & 5 of 6Wak Addition PCD.

Surrounding Zoning and Land Use:

- **To the north:** CC600-PD (Community Commercial with Planned Development Overlay) District; Quality Restaurant, Fast Order Food, and Retail.

- **To the west:** PCD-[6Wak] (Planned Commercial Development); Wal-Mart, Retail Sales, General.

- **To the south:** PCD-Colonial NE/NW (Planned Commercial Development) District; W 6th Street/Hwy 40 right-of-way and mixed-use shopping center containing Fast Order Food with Drive-In [McDonalds], Quality Restaurant, Fast Order Food, and Retail.

- **To the east:** PCD-[Bauer Farm] (Planned Commercial Development) District; mixed-use shopping center containing Retail Sales, General and Financial Institution [FDP-5-7-08 and FDP-15-00373].

Legal Description: Proposed Lot 2, 6Wak Addition Phase II (Minor Subdivision) Original Lots 4 & 5 per Approved FDP

<table>
<thead>
<tr>
<th>Table 1: Site Summary</th>
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<table>
<thead>
<tr>
<th>SITE SUMMARY</th>
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<tbody>
<tr>
<td>Maximum Commercial SF 6Wak PCD: 128,000 SF</td>
</tr>
<tr>
<td>Approved Commercial SF per Southeast Area: 16,500 SF</td>
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<table>
<thead>
<tr>
<th>Approved Plan</th>
<th>Proposed Plan</th>
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<tr>
<td><strong>Land Use</strong></td>
<td><strong>Undeveloped</strong></td>
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<tr>
<td><strong>Land Area</strong></td>
<td>Lot 4</td>
</tr>
<tr>
<td>60,230 SF</td>
<td>25,153 SF</td>
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<tr>
<td>1.383 (AC)</td>
<td>0.557 (AC)</td>
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<table>
<thead>
<tr>
<th>Buildings</th>
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<tbody>
<tr>
<td>7,400 SF Proposed (Lot 4)</td>
</tr>
<tr>
<td>1,800 SF Proposed (Lot 5)</td>
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<td>7,300 SF Proposed (Lot 3)</td>
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<table>
<thead>
<tr>
<th>TOTAL</th>
<th>16,500 SF</th>
<th>16,500 SF</th>
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<tbody>
<tr>
<td><strong>Lot 4</strong></td>
<td>Lot 5</td>
<td>Combined</td>
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<tr>
<td>Pervious Area: 24,917</td>
<td>10,321</td>
<td>35,238</td>
</tr>
<tr>
<td></td>
<td></td>
<td>41.3%</td>
</tr>
<tr>
<td>Impervious Area: 35,313</td>
<td>14,832</td>
<td>50,145</td>
</tr>
</tbody>
</table>

**STAFF ANALYSIS**

This application is a modification of an approved Final Development Plan for the 6Wak commercial development. Lots 4 and 5 of the original development have been combined into a single lot with the total number of building changing from two smaller buildings, one with a drive-thru, to one larger building suitable for multiple tenants. The plan also reorients the building to W. 6th Street. This plan retains the main access drive along the north property line.
but modifies the interior parking lot arrangement in response to the change in building orientation.

Within this phase, the south two lots are consolidated. The overall development impact is a larger single building. The total pavement and impervious area is reduced and the open space area is increased. This is a function of the distribution of the land area within the lot boundary.

This change affects the ability of the north lot by reducing the building area to remain within the limits and restrictions of the overall development. The applicant provided a concept development for the north lot to ensure that the remaining commercial area does not exceed the limits for this phase. Development of the north lot will require a separate Final Development Plan application which staff anticipates in the near future. Staff has been working with the applicants on the redistribution of square footage of the three lots located in the southwest corner of the PCD. While this proposal is an increase of 17%, the north building will be reduced by 20% and the overall square footage will remain the same.

16,500 SF total commercial in southeast corner of PCD.
Table 3: Parking Summary

<table>
<thead>
<tr>
<th>Use</th>
<th>Req. per Sec 20-1212 [1966 Code]</th>
<th>Parking Required</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial/retail</td>
<td>1/200 NSF per non-restaurant uses.</td>
<td>10,770 GSF @ 70% = 7,539 NSF (estimated)</td>
<td>85 spaces</td>
</tr>
<tr>
<td></td>
<td>Per approved plan at 1/100 NSF for restaurant uses.</td>
<td>1,178 SF outdoor patio Area = 12 spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>7,539 SF @ 1 space per 100 SF = 76 spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>[76 + 12 = 88]</td>
<td></td>
</tr>
</tbody>
</table>

Approved FDP
Lot 4 = 7,400 SF with 52 required parking spaces; 55 proposed parking spaces
Lot 5 = 1,800 SF with 13 required parking spaces; 17 proposed parking spaces
Combined = 9,200 SF total 72 proposed parking spaces

Planned Commercial Developments prior to 2006 required off-street parking at a ratio of 1 space per 200 NSF for retail commercial uses and one space per 100 NSF for “restaurant uses”. The proposed plan estimates parking for the development at the most intense use being all “restaurant uses”. At maximum buildout with the building dedicated only to “restaurant uses” the required parking would be 88 spaces. The plan as proposed does not include a parking calculation for outdoor seating, shown on the plan.

It is probable that the tenant mix will include both retail commercial uses as well as “restaurant uses”. The applicant will need to manage the tenant mix to balance the off-street parking requirement within the phase. If based on the tenant mix off-street parking cannot be accommodated within the phase then shared parking within the Planned Development will be required. The applicant could also designate some portion of the tenant space restricted to retail uses at the 1 space per 200 SF ratio to balance the off-street parking within the phase.

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

The proposed change increases the total square feet of commercial retail within the southeast area of the development by 1,570 SF (17%) compared to the combined development of the two lot. The proposed development eliminates a drive-through use (original lot 5). This plan also effectively reduces the amount of commercial area allocated to the north lot (original lot 3) for future development. The zoning caps the maximum retail area of the development at 128,000 GSF. The approved plan allocated commercial area with the following distribution:

Table 4: Commercial Distribution

<table>
<thead>
<tr>
<th>Development Building Summary</th>
<th>Maximum Allowed</th>
<th>North Pad Site</th>
<th>Proposed</th>
<th>West Pad Site</th>
<th>Total Pad Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walmart</td>
<td>99,840</td>
<td>99,990</td>
<td></td>
<td></td>
<td>5,730</td>
</tr>
<tr>
<td>Garden Center</td>
<td>6,147</td>
<td>6,500</td>
<td></td>
<td></td>
<td>10,770</td>
</tr>
<tr>
<td>Pad Sites (4)</td>
<td>21,500</td>
<td>10,770 (1)</td>
<td></td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td>Total</td>
<td>127,487</td>
<td>128,000</td>
<td></td>
<td></td>
<td>21,500</td>
</tr>
</tbody>
</table>
LANDSCAPE AND OPEN SPACE REVIEW
Each phase of development must meet the minimum landscape and open space design standards. These standards address common open space, street trees, parking lot landscaping, and parking lot screening.

Common Open Space: The project as proposed exceeds the minimum required open space. Open Space is provided along the street frontage of W. 6th Street and Wakarusa Drive.

<table>
<thead>
<tr>
<th>Table 5: Common Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required Open Space at 20% = .39 Acres</td>
</tr>
<tr>
<td>Open Space Provided = .61 Acres</td>
</tr>
</tbody>
</table>

Street Trees: Street Trees are required along the public streets of W. 6th Street and Wakarusa Drive. The proposed development plan notes that 20 street trees are required and 30 street trees are provided. The majority of these trees (19) are located along W. 6th Street.

<table>
<thead>
<tr>
<th>Table 6: Interior Landscape</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required: 85 * 40 SF = 3,400 SF</td>
</tr>
<tr>
<td>Proposed: = 4,240 SF</td>
</tr>
</tbody>
</table>

Interior plantings include
1 tree per 10 parking spaces and
3 shrubs per 10 parking spaces
- 9 trees required; 9 proposed
- 26 shrubs required; 63 proposed

Perimeter Parking Lot landscaping: Parking lots are required to be screened from adjacent public rights-of-way. This design standard applies to W. 6th Street and Wakarusa Drive. The parking lot design reduces the number of spaces along both W. 6th Street and Wakarusa Drive frontages and provides more space that is open and building façade compared to the approved plan to provide a more pleasant street-scape. In addition to street trees, the landscape plan shows a continuous row of shrubs located along along the public rights-of-way.

ACCESS
The original submission of this application included an access break along W. 6th Street to accommodate a right-in turn movement. During the review of the application and the related
Minor Subdivision it was determined that an access break along the west property line could not be constructed in a manner that did not obstruct the intersection operations of Wakarusa Drive with W. 6th Street and could not meet the access management standards for spacing. There are no proposed access breaks along W. 6th Street with this application.

Direct access to the lot is accommodated only through interior access drives internal to the commercial development. The recent Minor Subdivision included changes to the interior lot lines and access easements in the southeast corner of the commercial development. However, the primary circulation along the north property line was preserved.

**LIGHTING**

The applicant has submitted a photometric plan that complies with the maximum lighting levels as it pertains to the property lines and right-of-way. The property is located within a commercial corridor. Residential uses are not directly impacted by lighting from this development. Parking lot lighting will be pole-mounted on 25' tall poles.

Maximum light spillover onto public right-of-way may not exceed 3 foot-candles (fc). The lighting plan proposed light levels at .2 fc or less. Detailed light fixture information has been provided. The fixture is shown as being complaint with a downward angle and no exposed bulbs. This element will continue to be reviewed with the submission of a building permit. Lighting is subject to compliance with section 20-1103 of the Land Development Code.

**COMMERCIAL DESIGN GUIDELINES**

This project is subject to compliance with the adopted Commercial Design Guidelines. The original development was approved with several conditions regarding design elements that are applicable to each phase of the development. Design conditions include:

- Native materials shall make up at least 30% of all building exteriors.
- Pad site development shall be to the same architectural standards as the main building *(Walmart)*.
- Pad Site shall have foundation plantings and amenities abutting the building.
- Pad sites shall have weather protection within 30' of entryways.
The proposed elevations include four-sided architecture, awnings/pedestrian cover over door openings, glazing and parapets that would screening roof top equipment. A defining characteristic of the main building includes corner elements and cornice treatment. These types of treatments were also included in the recently approved and constructed retail building east of Walmart at 525 Wakarusa. Staff recommends the building elevations be revised to include cornices on all four sides of the building and a similar corner element on the W. 6th Street as is provided on the front of the building (facing the parking lot). These changes are intended to provide a more pleasing façade facing the public streets and to provide a unifying element within the commercial development.

Conclusion
This Final Development Plan complies with 20-1304 of the Land Development Code and with the Commercial Design Guidelines as conditioned. The Final Development Plan varies from the
previously approved Final Development Plan as noted in the above discussion but overall is consistent with the intent of the overall development plan for the 6Wak PCD.

1. The plan does not increase the intensity of the development and removes a drive-thru use.
2. The proposed Final Development Plan combined with the future application has no impact on the total floor area within the phase and is intended to maintain the approved 16,500 Sf previously approved.
3. Open space is increased with this development plan. No changes to the overall building height are proposed with this Final Development Plan.
6WAK Development History

- **Z-08-31-01, PDP-08-07-01 & FDP-11-14-01 Wakarusa Place:** On October 3, 2001, the Planning Commission recommended approval of proposed rezoning and the Preliminary Development Plan, with use restrictions, including deletion of department store uses and with a maximum gross square footage of 155,092. The City Commission voted 3-2 on October 26, 2001 to approve the proposal for a mixed-use development at the northwest corner of the intersection. That proposal included a number of rezoning requests; 19.19 acres of PCD-2, 8.44 acres of POD-1, 20.18 acres of PRD-2, and 5.65 acres of O-1. Subsequently, on December 19, 2001, the Planning Commission approved the Final Development Plan that proposed three commercial buildings with 132,100, 15,000 and 7,000 gross square feet, totaling 154,100 gross square feet.

- **Z-07-23-01 & PDP-07-07-02:** In the fall of 2002, the property owner proposed to increase the amount of commercial zoning at the northwest corner to allow for the construction of a 199,847 square foot commercial building. The Planning Commission recommended denial (6-3-1) for both the rezoning requests and the Preliminary Development Plan on October 23, 2002. The applicant withdrew the rezoning requests and the Preliminary Development Plan before they were considered by the City Commission.

- **Z-08-29-01:** A (Agricultural) to POD-1 (Planned Office Development) District. The rezoning approval was conditioned on the submittal and approval of a Preliminary Development Plan. A Preliminary Development Plan for the subject properties was not submitted and the rezoning ordinance was never published.

- **PF-11-39-01:** Final Plat of *Wakarusa Place Addition.*
• **Z-07-22-02 & Z-07-23-02:** POD-1 (0.5919 acres) and PRD-2 (2.4945 acres) to PCD-2 of the property is generally described as being located north of West Sixth Street and west of Wakarusa Drive. Request was to facilitate the development of approximately 22 acres at the northwest corner of 6th and Wakarusa for commercial purposes. Planning Commission voted 6-3 to deny the requests, and the applicant withdrew the requests prior to the City Commission hearing.

• **Z-01-02-03 thru Z-01-05-03 & PDP-01-01-03:** On March 5, 2003, the Planning Commission approved (6-3-1) a request by the property owner to decrease the amount of commercial zoning on the subject property. In addition to the rezoning request, the Planning Commission approved a Preliminary Development Plan for a 157,966 gross square foot building with a single user. On March 25, 2003, the City Commission denied (4-1) the rezoning requests and corresponding Preliminary Development Plan.

• **Horizon 2020,** Chapter 6: “Commercial Land Use” amended to reflect the land use designations from the Area Plan for the W. 6th Street & Wakarusa Drive Intersection Area; this also included a full chapter re-write.

• City-initiated Area Plan & Rezoning: **Z-06-18-03:** On June 3, 2003, the City Commission adopted Ordinance 7651 establishing a temporary building permit moratorium for an area north of W. 6th Street, including the both northern halves of the intersection. Part of the Ordinance directed that the commercial chapter of the zoning code be revised and initiated the rezoning of three properties north of W. 6th Street. Section 3, subpart B of Ordinance 7651 stated: “Rezoning amendments that will focus on, but not be limited to, the aggregate amount of square footage allowed at both the northwest and northeast corners, the uses allowed at both the northwest and northeast corners, and the square footage amounts allowed within the four walls of a permitted use in each structure at both the northwest and northeast corners.” At their June 3, 2003, meeting the City Commission also directed Planning staff to develop an area plan for the W. 6th Street and Wakarusa Drive intersection. The Planning Commission, on October 1, 2003, voted 7-0-2 to recommend approval of the Area Plan for the W. 6th Street & Wakarusa Drive Intersection Area. The City Commission adopted the area plan on December 2, 2003. The plan recommendations for the NW corner included: retention of existing PCD-2 zoning designation with additional restrictions including that the retail development be limited to 154,000 gross square feet, and that a single building footprint not exceed 80,000 gross square feet. The plan included an additional recommendation that the total allowable retail commercial square footage at the entire intersection be limited to 440,000 gross square feet with the caveat that if the approved development plan for 154,000 gross square feet expires, the total intersection should be limited to 420,000 gross square feet.

➤ At their meeting on January 28, 2004, the Planning Commission considered the City-initiated rezoning **[Z-06-18-03 - 19.19 acres PCD-2 to PCD-2 with restrictions].** The rezoning proposed to limit building size; revise the total amount of retail commercial square footage on the property; revise permitted uses; and stipulate that no building permit would be issued until the W. 6th Street project was substantially completed. The staff report indicated that the proposal to eliminate ‘variety stores’ and ‘home improvement store’ uses, together with the limitation on the total center size and size of individual stores, was recommended to facilitate the center’s Community Commercial focus (rather than regional focus). ‘Department store’ was included as a permitted use
due to the single building size restriction. The report indicated that the recommendation limited a single-user retail commercial building to 80,000 gross square feet to address big box concerns and established a maximum of 154,100 gross square feet for the total property which was the amount shown on the approved 2001 Final Development Plan. The Planning Commission voted 5-5 on this recommendation. The failure to recommend was then forwarded to the City Commission as a recommendation for denial. On March 16, 2004, the City Commission overturned the Planning Commission’s recommendation by approving the rezoning on a 4-1 vote. **Ordinance 7755** rezoning the property with the above restrictions was published on April 21, 2004.

- Consent Order handed down by Douglas Co. District Court which restricts the feature building of the site to be no larger than 99,990 square feet, and development of the subject site shall not exceed 128,000 square feet. The remainder of the square footage for the total site after deduction for the feature building and garden center square footage (remaining 21,500 square feet) shall be apportioned in pad site development. 525 Wakarusa Drive was not a part of this order.

- **Z-06-16A&16B-06 & PDP-06-06-06 Preliminary Development Plan for Wal-Mart:** The property owner submitted rezoning requests from PRD-2 & PCD-2 to PCD-2 with revised restrictions and a new Preliminary Development Plan which proposed to limit the total retail commercial square footage on the property to **128,000 gross square feet** with a **single building not to exceed 99,990 gross square feet**. On August 30, 2006, the Planning Commission voted 6-4 to recommend the proposed rezoning. The Planning Commission voted 5-5 on the Preliminary Development Plan which was deemed a recommendation for denial. At their meeting on October 24, 2006, the City Commission voted 3-2 to deny the development plan request and voted 3-2 to table the rezoning requests until an alternate plan was presented for consideration.
  - Ordinance No. 8142
  - Ordinance No. 8143

- **FDP-8-12-07:** On December 17, 2007, the Planning Commission unanimously approved the Final Development plan. Recorded with the Register of Deeds Office on March 26, 2008 in Plat book P-18, page 195-199. The plan was revised in 2009 to amend the landscape plan portion of the development.
FDP-17-00268: Final Development Plan for a 11,500 SF multi-tenant retail building, 6Wak Addition Phase II, located at 565 Wakarusa Dr.
Memorandum
City of Lawrence
Planning and Development Services

TO: Planning Commission
FROM: Katherine Weik, Planner
Date: July 24, 2017

RE: Miscellaneous Item No. 1: MS-17-00319 – Variances associated with Minor Subdivision for Fairfax Addition No. 2, a Minor Subdivision/Replat of Lots 188, 189 and 190, Fairfax Addition.

Variance (a) requested: Reduction of required minimum lot area for RS7 zoning district from a minimum of 7,000 sq. ft. to 5,743 sq. ft. for Lot 2.

Variance (b) requested: Reduction of required minimum lot width for RS7 zoning district from 60’ wide to 46’ wide for Lot 2.

Attachment A: Minor Subdivision MS-17-00319

Minor Subdivisions are processed administratively; however, Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-17-00319) is under review but is included with this memo for context with the variance request. No other Planning Commission action related to the proposed Minor Subdivision is required.

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

VARIANCES: Reduction in the required minimum lot area and lot width per Section 20-601(a) of the Subdivision Regulations to allow the Minor Subdivision to create a lot that is an improvement on the existing dimensional area and width though still under the current dimensional standards.

BACKGROUND:
The property is located in the RS7 (Single-Dwelling Residential) District. Section 20-601(a) Density and Dimensional Standards lists the minimum lot area for this zoning district at 7,000 sq. ft. and has a minimum lot width requirement of 60’. The existing 3 lots are non-conforming and approximately 40’ wide and 125’ long with a total lot area of 5,000 sq. ft. The applicant proposes the vacation of a portion of the 12th Street right-of-way and the configuration of the three lots to result in two larger lots. The majority of Lot 189 would be combined to create Lot 1. This lot is proposed to be approximately 94’ wide with a lot area of 11,735 sq. ft. The
remainder of Lot 189 would be combined with 188 to create Lot 2. It is proposed to be 46’ wide with a lot area of 5,743 sq. ft. Lot 1 complies with current development standards per Section 20-601(a) and proposed Lot 2 is an improvement over the existing dimensions with an additional 6’ in lot width and 743 sq. ft. in area.

**Figure 1.** The 3 existing non-conforming lots (188, 189 & 190) are currently 40’ X 125’ with a lot area of 5,000 sq. ft.

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

Applicant’s response:

“The existing lot area and width are being improved.”

Figure 1 shows the current lot configuration. The three lots currently do not meet the dimensional standards for RS7 (Single-Dwelling Residential) District in both lot area and lot width as required in Section 20-601(a) in the Land Development Code. Existing lot widths are 40’ and lot areas are 5,000 sq. ft. These lots are existing lots of record and are each eligible for a building permit.

Figure 2 shows the development pattern in this area. There is a mix of narrow and double (combined) lots. The proposed lots are similar in size to other lots that have developed in the vicinity.
Figure 2. The surrounding area has examples of lots with similar sizes to the proposed Minor Subdivision. There are single narrow lots as well as combined lots scattered throughout the neighborhood. The subject lots are circled in orange.

**STAFF FINDING:** Strict application of the regulations would require the property owner to adjust the existing lot line between lots 188 & 189 an additional 14’ to the north. The hardship created is less area for the intended larger lot (Lot 1). The strict application of the regulations will require the developer to alter their plans for one double sized lot and one single wide lot.

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

Applicant’s Response:

“The subject property is in keeping with the surrounding lot development.”

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

The proposed subdivision creates one RS7 compliant lot and decreases the extent of the non-conformity for the southern lot with additional lot width and area.

**STAFF FINDING:** Granting the variances from the required minimum lot width and minimum lot area proposed for Lot 2 are in harmony with the purpose and intent of the regulations as it
would not significantly impact the surrounding area and is an improvement on existing dimensional conditions.

Criteria 3: The public health, safety, and welfare will be protected.
Applicant’s response: 
N/A

STAFF FINDING: The public health, safety and welfare will not be impacted by the variance.

STAFF RECOMMENDATION
As the variance request does meet the approval criteria listed in Section 20-813(g) of the Subdivision Regulations, staff recommends the approval of the variances requested for Minor Subdivision, MS-17-00319, to reduce the minimum lot area and minimum lot width required in Section 20-601(a) for RS7 (Single-Dwelling Residential) District, to 46’ wide and 5,743 sq. ft. rather than the 60’ wide and 7,000 sq. ft. required for Lot 2.
GENERAL NOTES

1. The subject property is owned by John Dean Grob.
2. No part of the property is located within the 100-year floodplain as identified by the Federal Emergency Management Agency.
3. Depth of excavations shall not exceed one-half of the proposed grade.
4. The plat is surveyed in accordance with the Subdivision Regulations of the City of Lawrence, Kansas.
5. This plat is prepared to conform with the Kansas Minimum Standards for Boundary Surveys.
6. The plat has been prepared by the undersigned in accordance with the Master Street Tree Plan recorded with the Register of Deeds, County of Douglas, State of Kansas.
7. The plat is true and accurate to the best of my knowledge.
8. This plat is for planning purposes only.
9. All dimensions are approximate and should be verified by the recipient.

LEGAL DESCRIPTION - FAIRFAX ADDITION NO. 2

The aforesaid tract of land, located in the City of Lawrence, Douglas County, Kansas, and known as Lots 188, 189 and 190, Fairfax Addition, a subdivision in the SE1/4 of Section 32, Township 12 S., Range 20 E., in the City of Lawrence, Douglas County, Kansas.

FILING RECORD

1. This is to certify that this instrument was filed for record in the office of the Douglas County Register of Deeds, County of Douglas, State of Kansas, on June 11, 2017, and is duly recorded at Register of Deeds Book 11, Page 5, in plat form.

ENDORSEMENTS


SURVEYOR'S CERTIFICATION

Surveyor's certification is hereby added to the plat as a formal statement as to the quality and accuracy of the survey performed in accordance with the Kansas Minimum Standards for Boundary Surveys.

SURVEYOR'S NAME AND ADDRESS:

Sam Balk, PLS
1122 Rove Drive, Suite 12
Lawrence, KS 66049
(785) 592-5262

FAIRFAX ADDITION NO. 2

A MINOR SUBDIVISION/REPLAT OF

LOTS 188, 189 AND 190, FAIRFAX ADDITION,
a subdivision in the SE1/4 of Section 32, Township 12 S.,
Range 20 E., in the City of Lawrence, Douglas County, Kansas.

GENERAL NOTES
1. The information herein is presented in the units of feet and tenths of feet (inches). The final plat shall be a permanent record in the Register of Deeds Office of Douglas County, Lawrence, Kansas.
2. No part of the property is dedicated for the purpose herein except as specifically described in the plat. Said property is subject to all rights, easements, and reservations herein shown, and shall be subject to all the laws, rules, and regulations of the State of Kansas and the City of Lawrence, and shall be governed and controlled by the same.
3. The plat is prepared in accordance with the Kansas Minimum Standards for Boundary Surveys.
4. The plat is for real estate purposes and is not intended for use as a map for various studies or for design purposes.
5. The plat is to be recorded in the Register of Deeds Office of Douglas County, Lawrence, Kansas.
6. A scaled copy of the plat is available for public inspection at the Register of Deeds Office.
7. The plat is prepared in accordance with the City Subdivision Regulations of the City of Lawrence.
8. The plat is approved as a Minor Subdivision under the Kansas Subdivision Act, K.S.A. 58-2005.

LEGAL DESCRIPTION - FAIRFAX ADDITION NO. 2
LOTS 1, 191, 192, 193, AND 194, FAIRFAX ADDITION; a subdivision in the S8 of Section 32, Township 12 S., Range 20 E., in the City of Lawrence, Douglas County, Kansas.

FAIRFAX ADDITION NO. 2
A MINOR SUBDIVISION/REPLEAT OF
LOTS 1, 191, 192, AND 193, FAIRFAX ADDITION;
a subdivision in the S8 of Section 32, Township 12 S., Range 20 E., in the City of Lawrence, Douglas County, Kansas.

FILING RECORD
This is to certify that this instrument was filed for record in the office of the Douglas County Register of Deeds on
1/25/2017, and is to be recorded at
Page
by

ENDORSEMENTS
Prepared by

SIGNATURES
By

ACTUALITY OF PARTIES
All persons named in the plat have acknowledged the execution of the same.

NOTES

REFERENCES

LOCATIONS

REMARKS

PLAT NUMBER
FAIRFAX ADDITION NO. 2

ENGINEER'S CERTIFICATION

A. I hereby certify that the information and area map shown hereon are true and accurate to the best of my knowledge. This plat was prepared by

SURVEYOR'S CERTIFICATION

A. I hereby certify that the plat shown hereon is the true and accurate result of a field survey performed under my direct supervision in the year

ACKNOWLEDGEMENT

A. I hereby certify that the plat shown hereon is the true and accurate result of a field survey performed under my direct supervision in the year

INDERNEE OF PARTIES
All persons named in the plat have acknowledged the execution of the same.