



**Updated:**

**6/20/12 @ 4:30pm**

**The Draft May Planning Commission minutes will be added when available**

**\*\*The Wednesday, June 27<sup>th</sup> Planning Commission meeting has been cancelled\*\***

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION  
CITY HALL, 6 EAST 6<sup>TH</sup> STREET, CITY COMMISSION MEETING ROOM  
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS  
JUNE 25 & 27, 2012 6:30 - 10:30 PM**

**GENERAL BUSINESS:**

**RECOGNITION**

**PLANNING COMMISSION MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of May 21, 2012.

**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.

**ELECTION OF OFFICERS FOR 2012-2013**

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

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

**REGULAR AGENDA (JUNE 25, 2012) MEETING  
PUBLIC HEARING**

**ITEM NO. 1 VARIANCE FOR MIDWEST HEALTH ADDITION (MKM)**

Variance associated with Minor Subdivision for Midwest Health Addition, MS-12-10-11, from the required 75' half-width right-of-way dedication and instead maintain the existing 50' half-width for Wakarusa Dr just south of Harvard. Submitted by Landplan Engineering, for Pioneer Ridge LLC, property owner of record.

**ITEM NO. 2 IG TO GPI; 12.40 ACRES; 138 ALABAMA ST (SLD)**

**Z-11-27-11:** Consider a request to rezone approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) to GPI (General Public and Institutional), located at 138 Alabama Street. Submitted by Treanor Architects, for Alford-Clarke Post #852 VFW, property owner of record and Bert Nash Community Mental Health Center, contract purchaser.

**ITEM NO. 3      WEST 6<sup>TH</sup> STREET AND WAKARUSA DRIVE AREA PLAN (DDW)**

**CPA-4-3-12:** Consider a Comprehensive Plan Amendment to Chapter 6 of Horizon 2020 to revise the existing commercial centers section, and to Chapter 14 Specific Plans, to revise the West 6<sup>th</sup> Street and Wakarusa Drive Area Plan.

**ITEM NO. 4A      RMO TO CN2; 2.42 ACRES; 650 CONGRESSIONAL DR (SLD)**

**Z-4-6-12:** Consider a request to rezone approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located at 650 Congressional Drive. Submitted by Williams Management, for BWB-WCSC LLC, property owner of record.

**ITEM NO. 4B      SPECIAL USE PERMIT FOR AN OFFICE/RETAIL BUILDING WITH A DRIVE-THRU; 650 CONGRESSIONAL DR (SLD)**

**SUP-4-3-12:** Consider a Special Use Permit for an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive. Submitted by Williams Management, for BWB-WSC, LLC, property owner of record.

**NON-PUBLIC HEARING ITEM:**

**ITEM NO. 5A      ANNEXATION OF 12.29 ACRES; 1783 E 1450 RD (SLD)**

**A-5-2-12:** Consider annexation of approximately 12.29 acres, located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street), for Lawrence Recycle Center. Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

**RESUME PUBLIC HEARING:**

**ITEM NO. 5B      I-2 TO IG-FP; 12.29 ACRES; 1783 E 1450 RD (SLD)**

**Z-5-7-12:** Consider a request to rezone approximately 12.29 acres from I-2 (Light Industrial) County Zoning District to IG-FP (General Industrial-Floodplain Overlay), located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

**ITEM NO. 5C      SPECIAL USE PERMIT FOR LAWRENCE RECYCLE CENTER; 1783 E 1450 RD (SLD)**

**SUP-5-5-12:** Consider a Special Use Permit for Lawrence Recycle Center, located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

**PUBLIC HEARING ITEM on Variance Only**

**ITEM NO. 5D      PRELIMINARY PLAT FOR LAWRENCE RECYCLE ADDITION; 1783 E 1450 RD (SLD)**



**PP-5-4-12:** Consider a Preliminary Plat for a one lot industrial subdivision for Lawrence Recycle Addition and including a variance from right-of-way and sidewalk requirements, located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

## MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

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## ADJOURN

## CALENDAR

May 2012						
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		

June 2012						
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 2012						
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 2<sup>nd</sup> Wednesday of each month, 7:30am-9:00am)

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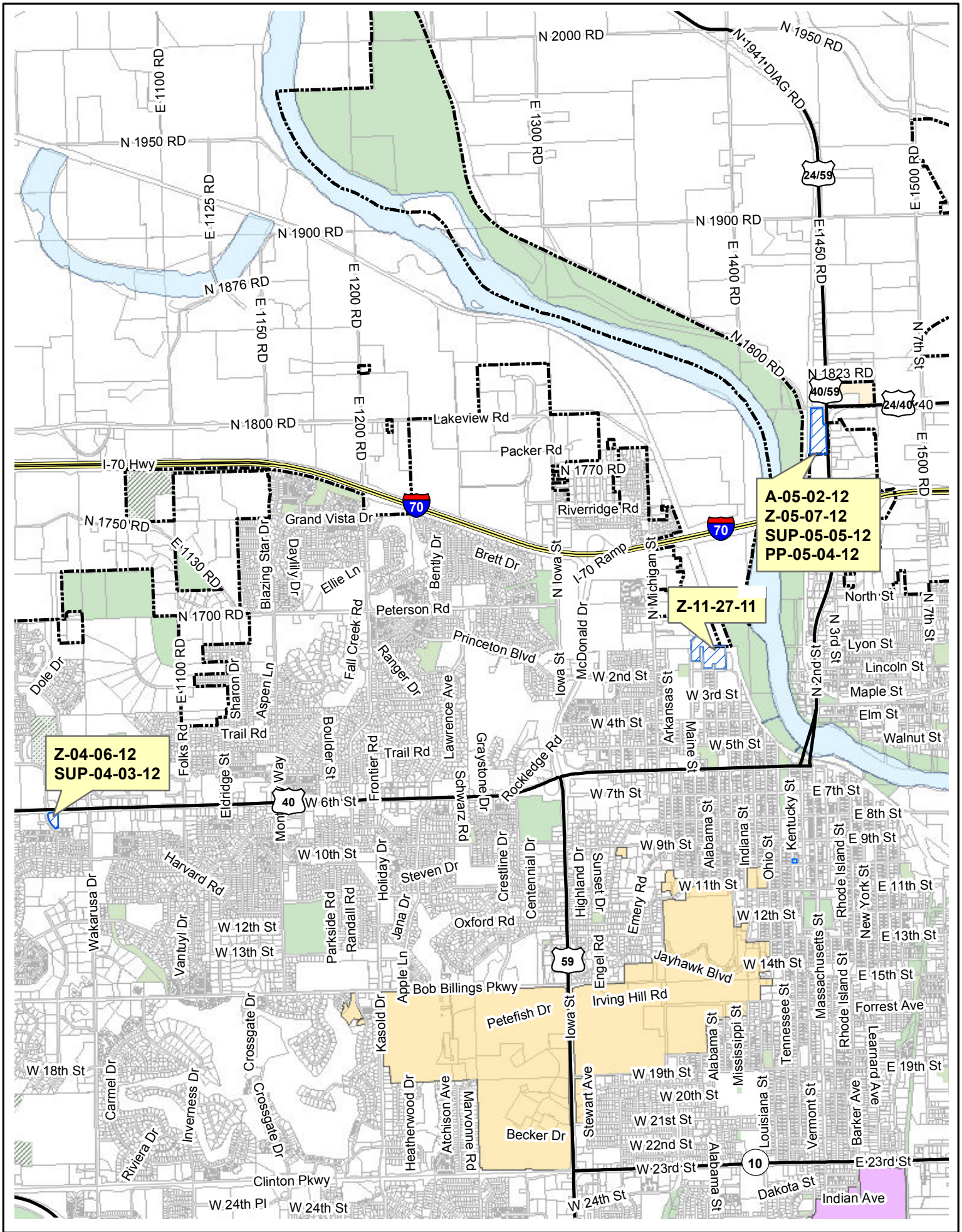
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<http://www.lawrenceks.org/subscriptions>

**2012**  
**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 11	Industrial Districts TA		Jan 23	Jan 25
Feb 8	Agritourism		Feb 27	Feb 29
Mar 14	Northeast Sector Plan		Mar 26	Mar 28
Apr 11	"Planning for Planning: What we need to do at our upcoming orientation."		Apr 23	Apr 25
May 9	APA Conference follow-up		May 21	May 23
Jun 13			Jun 25	Jun 27
Jul 13	PC Orientation – all day Friday		Jul 23	Jul 25
Aug 8			Aug 20	Aug 22
Sep 12			Sep 24	Sep 26
Oct 10			Oct 22	Oct 24
---			Nov 12	Nov 14
---			Dec 10	Dec 12
	<b>Suggested topics for future meetings:</b> <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 – what do other states do?</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> <i>2010 Census Data</i> <i>Oread Overlay Districts</i> <i>KDOT 5-County Regional Transportation Study</i> <i>US40/K-10 Area Transportation Plan</i> <i>Water/Wastewater Master Plan Update</i>	
<b>Meeting Locations</b>	The Planning Commission meetings are held in the City Commission meeting room on the 1 <sup>st</sup> floor of City Hall, 6 <sup>th</sup> & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services   Lawrence-Douglas County Planning Division   785-832-3150   <a href="http://www.lawrenceks.org/pds">www.lawrenceks.org/pds</a>				

Revised 4/4/12



# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Mary Miller, Planning Staff

**CC:** Scott McCullough, Planning and Development Services Director  
Sheila Stogsdill, Assistant Planning Director

**Date:** For June 25, 2012 meeting

**Re:** Agenda Item 1: The following variance associated with the Minor Subdivision for Midwest Health Addition No. 2 (MS-12-10-11)

- Right-of-way requirement in Section 20-810(e)(5)(i) of the Subdivision Regulations – 75 feet required, maintain 50 feet existing proposed.

**Attachment A:** Minor Subdivision MS-12-10-11, Midwest Health Addition No. 2

The Midwest Health Addition property was originally planned and built as a retirement and assisted care facility along with parking improvements. The property was originally platted as one lot with the intention of expanding the existing facility, but those improvements did not occur. The owner now wishes to divide the original lot into two lots. Any development on the new lot will require approval of a new site plan for the property.

The Minor Subdivision review process is administrative, but has been included with this memo for context. No action is required on the Minor Subdivision.

#### **VARIANCE 1**

#### **Right-of-way requirement in Section 20-810(e)(5)(i) of the Subdivision Regulations.**

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 section lists the criteria which must be met in order for a variance to be approved. The requested variance is evaluated with the approval criteria below:

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

Applicant's Response:

*"The 100 foot right-of-way was the original right-of-way during most of the development along Wakarusa Drive from 6<sup>th</sup> to 15<sup>th</sup> Street (Bob Billings Pkwy). With potential development in the future on this lot, it would greatly change the dynamics of the parking*

*and building in its preliminary concept. We ask that the 100 foot right-of-way remain in effect on this site in order to facilitate potential site improvements. We understand that there is no future expansion of the Wakarusa Drive corridor to facilitate a 150 foot right-of-way at this time."*

The property was platted in 1999 and a site plan was approved for an independent living facility on the southern vacant portion of the property in 2007. As discussed earlier, the property owner wishes to divide the property into two individual lots. The amount of right-of-way required for a principal arterial, Wakarusa Drive, increased with the adoption of the 2006 Subdivision Regulations from the 100 ft which was required when the property was platted to 150 ft. As one-half of the right-of-way is dedicated from each adjacent property, the dedication required from the Midwest Health property would increase from 50 ft to 75 ft.

The City Engineer has indicated that the City intends to reconstruct Wakarusa Drive in this area in the relatively near future. For the most part the reconstruction will stay within the existing 100' of right-of-way. However, the City Engineer has indicated that the City will make some improvements to the intersection of Harvard Road and Wakarusa Drive that will require additional right-of-way. Therefore, the City Engineer is not opposed to the variance to allow the right-of-way to remain at 100 ft, as previously approved, for the bulk of the both lots' frontage along Wakarusa Drive. However, a triangle of right-of-way at the intersection of Harvard Road and Wakarusa Drive of 50 feet along Wakarusa Drive and 25 feet along Harvard Road is recommended to be dedicated with the Minor Subdivision. See Attachment B.

Dedicating the additional right-of-way at the intersection will not affect future development of the southern portion and is not a hardship to the applicant. Dedicating an additional 25 feet along the remainder of Wakarusa Drive, when it is not foreseen to be needed, would reduce the area for development and would be an unnecessary hardship to the applicant.

**Staff Finding:** Strict application of the regulations would create an unnecessary hardship upon the Subdivider to dedicate the required additional 25 feet of right-of-way given that the planned improvements to Wakarusa Drive can be completed within the existing right-of-way.

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

Right-of-way dedication is required when properties are platted to insure the required right-of-way is available for improvements to adjacent roadways to the benefit of the development. The final plat for the Midwest Health Addition was submitted in 1999 prior to the adoption of the current Subdivision Regulations and was processed under the standards of the previous Subdivision Regulations. As noted above, the City Engineer has indicated that there are plans to reconstruct Wakarusa Drive, but that for the most part the reconstruction will be accommodated within the existing 100' of right-of-way.

There will be a need for additional right-of-way in the area around the intersection of Harvard Road and Wakarusa Drive (see Attachment B) to accommodate improvements to the intersection. The necessary right-of-way for that project is recommended to be dedicated on the Minor Subdivision. The City Engineer has no objection to the right-of-way remaining at 100 ft throughout the rest of the frontage along Wakarusa Drive.

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

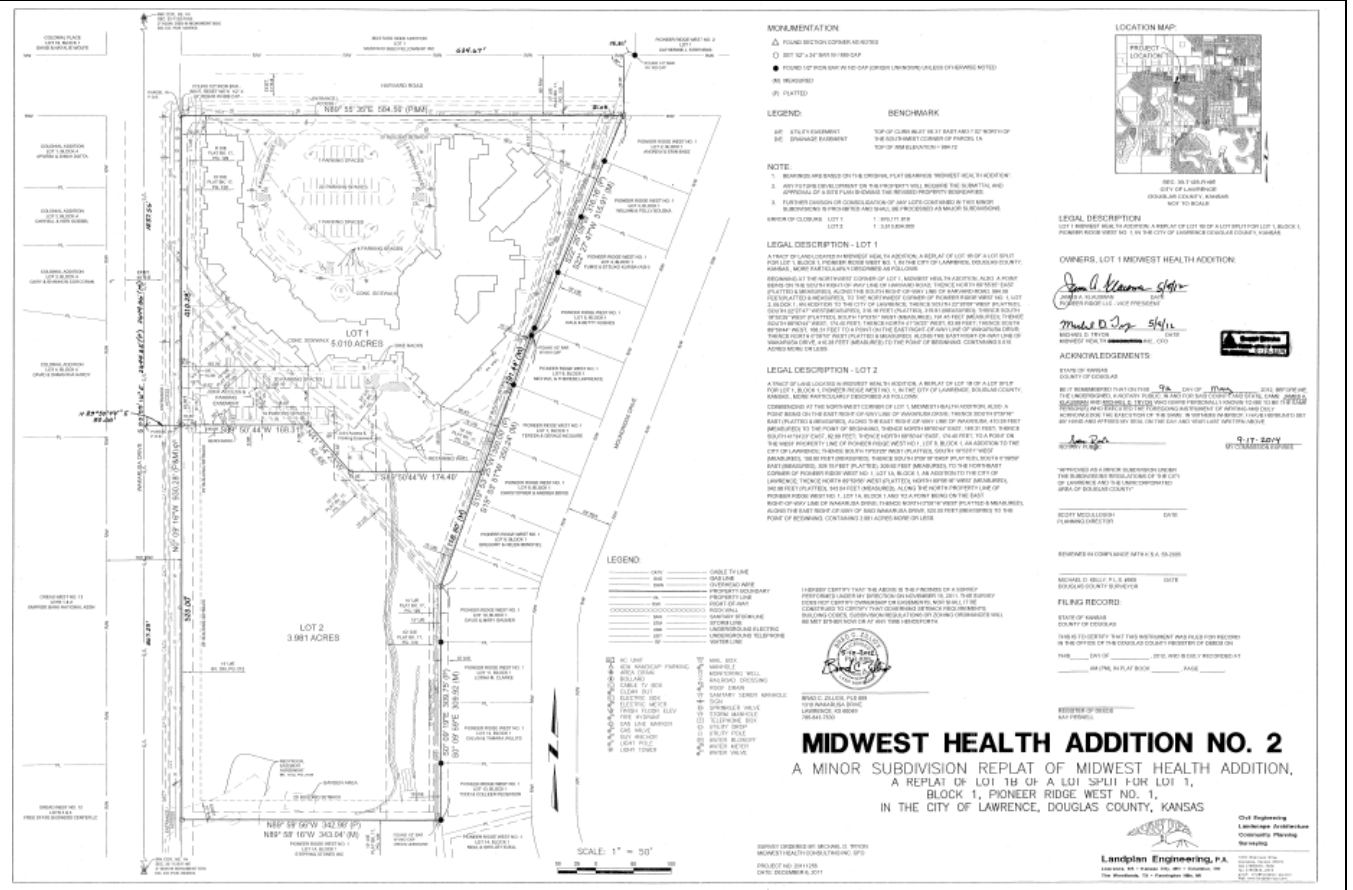
**Criteria 3:** The public health, safety, and welfare will be protected.

**Staff Finding:** Approval of the variance along the frontage of Wakarusa Drive south of Harvard Road intersection would have no impact on the public health, safety or welfare.

**Staff Recommendation:**

Approve the variance requested from Section 20-810(e)(5)(i) of Subdivision Regulations to allow the right-of-way for Wakarusa Drive to remain at 100 ft throughout the portion of the frontage that is 50 feet south of Harvard Road. Require dedication of right-of-way at the intersection of Wakarusa Drive and Harvard Road per the graphic in Attachment B.

# Attachment A – Midwest Health Addition No. 2





**Attachment B – Right-of-way required for future intersection improvements**



# Memorandum

## Landplan Engineering, P.A.

**TO:** Dan Warner, Planning Staff

**FROM:** Rod Zinn, PLS 1559

**CC:** Scott McCullough, Planning and Development Services Director  
Mary Miller, Planner

**Date:** For June 25, 2012 PC meeting

**Re:** The following variances associated with the Minor Subdivision for Midwest Health Addition No. 2 (MS-12-10-11)

- Right-of-way requirement in Section 20-810(e)(5)(i) of the Subdivision Regulations.

**Attachment A:** Minor Subdivision MS-12-10-11, Midwest Health Addition No. 2

The property was platted as one lot with the intention that one day it would expand the building development. At this time, the owner is under a HUD refinance, and would like to divide the lot into two separate lots.

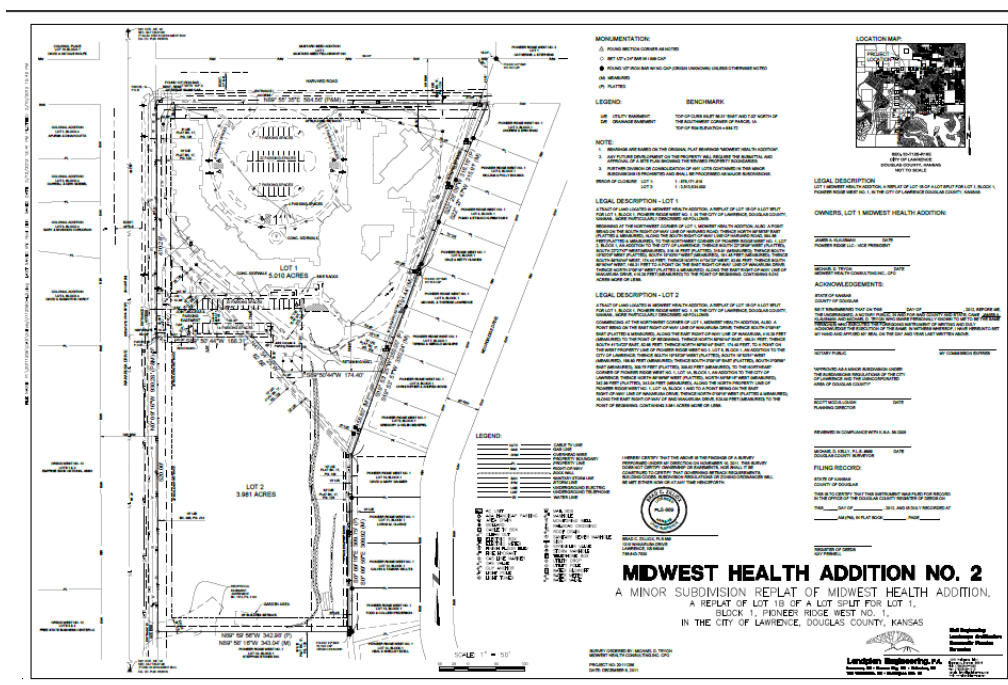
### **Right-of-way requirement in Section 20-810(e)(5)(i) of the Subdivision Regulations.**

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 section lists the criteria which must be met in order for a variance to be considered. The requested variance is evaluated with the approval criteria below:

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

Applicant's Response:

*"The 100 foot right-of-way was the original right-of-way during most of the development along Wakarusa drive from 6<sup>th</sup> to 15<sup>th</sup> street (Bob Billings Pkwy). With potential development in the future on this lot, it would greatly change the dynamics of the parking and building in its preliminary concept. We ask that the 100 foot right-of-way remain in effect on this site in order to facilitate potential site improvements. We understand that there is no future expansion of the Wakarusa drive corridor to facilitate a 150 foot right-of-way at this time."*



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

PC Staff Report  
06/25/2012

**ITEM NO. 2: IG TO H GPI; 12.4 ACRES; 138 ALABAMA ST (SLD)**

**Z-11-27-11:** Reconsider a request to rezone approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) District to GPI (General Public and Institutional) District, located at 138 Alabama Street. Submitted by Treanor Architects, for Alford-Clarke Post #852 VFW, property owner of record and Bert Nash Community Mental Health Center, contract purchaser.

**Staff Recommendation:** Staff recommends approval of the request to rezoning approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) to GPI (General Public and Institutional), located at 138 Alabama Street based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:** *For the construction of new medical office building, a wellness center, and a miracle field with associated site improvements.*

This zoning request is for the consideration of property that was originally proposed for the H (Hospital) District considered by the Planning Commission January 25, 2012. This report has been updated to reflect a recent text amendment regarding the definition of a *Mental Health Care Facility* (TA-4-2-12), considered by the City Commission on June 4, 2012. Revised Language is shown in **“bold green text”**

**KEY POINTS**

- **This specific request is intended to replace a previous rezoning request of the same property to the H (Hospital) District. This request is based on the recent text amendment to create a use for *Mental Health Care Facility* and for that use to be allowed in the GPI District.**
- Request to allow expansion facility to accommodate growth in community mental health care.
- Proposed property is located with proximity to existing offices and related medical health services.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Future subdivision plat, site plan and floodplain development permit is required.
- **TA-4-2-12; creation of a Mental Health Care Facility Use.**

**PLANS AND STUDIES REQUIRED**

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

**ATTACHMENTS**

- Area map
- Concept plans
- Vision Statement provided by applicant

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Request by area residents for clarification of application and boundary of zoning request.
- **None received to date regarding revised consideration.**

**Project Summary:** Proposed rezoning to the ~~hospital~~ **General Public and Institutional** district to accommodate a full range of mental health care activities, including overnight stay at the facility. This request represents the expansion of offices and services with proximity to the existing Bert Nash offices.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"Yes, as the plan shows future community facilities in this vicinity"*

*Horizon 2020* addresses future hospital needs in Chapter 10, Community Facilities. The Plan states *"To ensure that the Douglas County community is not harmed by an excessive supply of General Hospital facilities, development proposals for any new General hospital shall be carefully examined."* The plan recommends the assessment of both short and long term economic impacts a proposed facility will have on the existing hospital and the community need.

The proposed request is for the ~~H (Hospital)~~ GPI (General Public and Institutional) District. The focus of the use is for a mental health facility providing a greater range of services than is currently available in the community. Bert Nash coordinates with numerous agencies to provide services including a partnership with Heartland Health Center to provide integrated care. The proximity of the mental health center to Lawrence Memorial Hospital and the Douglas County Dental clinic provides opportunities for partnerships for providing integrated services.

The proximity of the proposed use to the existing Bert Nash offices and the existing "General Hospital" as well as the relationship between Bert Nash and Lawrence Memorial Hospital (LMH) are significant factors in this request.

**Following additional communication with Lawrence Memorial Hospital representatives it was concluded that providing more clarity in the Development Code by establishing a specific use for a community mental health care facility was in the public's best interest. This issue is discussed in detail in the staff report for the text amendment – TA-4-2-12. The use of the Hospital District was a best fit response to the uses as they existed at the time of the application and the knowledge of the issues of interested parties at the time of the preparation of the report. It is now reasonable to consider rezoning to an alternative district.**

Excerpt from TA-4-2-12:

### **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

*Health services are addressed in Chapter 10 – Community Facilities in Horizon 2020. The Plan recognizes the importance of adequate facilities to serve Lawrence and Douglas County. The Plan states that such facilities should be located within the incorporated areas of Douglas County. The Plan further recognizes the existence of a general hospital – Lawrence Memorial Hospital. The plan further provides a definition of a General Hospital as:*

*An establishment with an organized medical staff of physicians, with permanent facilities including in-patient beds and acute care facilities, and with medical services – including physician services and continuous registered professional nursing services – for not less than 24 hours of every day, for the purpose of proofing diagnosis and treatment for patients who have a variety of medical conditions. (Page 10-7)*

*This definition is further refined in the Development Code. The Horizon 2020 further addresses the need to retain the existing Hospital's economic viability. From this perspective the use of the hospital zoning district for activity and uses that do not meet the full and complete definition of a hospital could lead to an oversupply of the district. This oversupply can lead to development of single service and for-profit medical uses that threaten the economic viability of the existing general hospital.*



*The Bert Nash proposal for a community health facility that addresses mental health care in a holistic approach requires overnight stay for patients as well as space for practitioners, care providers and support services. There would not be surgical or obstetric care provided as part of this use which is a distinguishing characteristic from a general hospital.*

*The comprehensive plan does not address the growing need for a facility that can accommodate multiple programs and services along with a mental health care (in-patient) component. Horizon 2020's focus is on a "bricks and mortar", classically defined, hospital. This focus gives rise to the need to establish a defined use and designate an appropriate zoning district for a medical use that is not a general hospital but has some similar characteristics. The community nature of the mental health care use makes this use appropriate for the General Public and Institutional District rather than the hospital or commercial-office district. The fact that a mental health care facility is expected to include overnight and transitional stay for patients longer than 24 hours means that the development code must be either interpreted to accommodate the use or amended to specifically classify the use. These actions must be conducted within the scope of Horizon 2020's policy to protect the public interest in its general hospital.*

**Staff Finding –** The comprehensive plan supports additional hospital facilities when it can be demonstrated that such a use does not result in an excessive supply of such facilities. The proposed request does not pose a new general hospital but a facility with a specific focus of care. **The adoption of a more specific and applicable land use as amended into the Development Code provides a better fit of the proposed development with the Comprehensive Plan. The GPI District provides an appropriate district for a use that is intended as a community-wide benefit and protects the integrity of the Hospital District as intended by Horizon 2020.**

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

Current Zoning and Land Use: IG (Industrial General) District; Veterans of Foreign Wars post including meeting space, out buildings, and lake.

Surrounding Zoning and Land Use: IG (Industrial General) District and VC (Valley Channel) County District to the north. Undeveloped 13 acre tract of land (IG) owned by the City of Lawrence and Railroad right-of-way in the Valley Channel.

GPI (General Public and Institutional) District and RM12 (Multi-Dwelling Residential) District to the south; City Water Treatment Plant east side of Illinois Street, mixed use residential development between Alabama and Illinois Streets; Community Health Building is located between Alabama and Maine Streets; Lawrence Memorial Hospital to the southwest on east side of Maine Street.

IG (Industrial General) District and RS10 (Single-Dwelling Residential) District to the west; School District USD 497 maintenance facility, Woody Park, and Mobile Village residential development.

**Staff Finding –** The property is surrounded by a variety of land uses including detached homes, duplex and multi-dwelling units to the south, institutional uses to the east and west, a manufactured home park and a public park to the west. This request is compatible with the

existing zoning and uses of the neighborhood. **There is no change to this finding for the request as it relates to the proposed GPI District.**

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"Adjacent to Woody Park and abuts medium density/low density residential housing. Just south of Woody Park is LMH and the Community Health Clinic."*

The property is located within the Pinckney Neighborhood. This portion of the neighborhood is characterized by industrial/institutional uses and public facilities. The proposed request would accommodate a change of use from a fraternal organization use (VFW) to a community facility providing Mental Health Care Services. Pinckney Neighborhood is the home of the community's General Hospital.

**Staff Finding** – This neighborhood includes a wide range of uses. A significant portion of the neighborhood is devoted to the hospital and medical office related uses. This request is compatible with the character of the neighborhood. **There is no change to this finding for the request as it relates to the proposed GPI District.**

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

A neighborhood plan was last approved in July 1978. Numerous changes have occurred since the adoption of that plan including; the adoption of the Development Code and the creation of two new historic districts in the neighborhood. There have also been several development applications for redevelopment within the neighborhood for multi dwelling uses, a daycare, and improvements to commercial property along W. 6<sup>th</sup> Street. Given these factors the land use plan used for this review is *Horizon 2020*. Key features of *Horizon 2020* encourage the protection of neighborhoods and infill development and redevelopment that provides a range of uses. The plan also encourages a design that is compatible with the established land use pattern in the surrounding areas.

Approval of the request would accommodate redevelopment of the site with features to benefit the entire community rather than just the neighborhood. Development concepts include the retention of the existing pond and the provision of a sports field to accommodate accessibility needs of individuals.

**Staff Finding** – There is no current neighborhood area or sector plan for this part of Lawrence. The proposed request, if approved, would be located within the corridor of the neighborhood consistent with similar uses and services. **There is no change to this finding for the request as it relates to the proposed GPI District.**

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

Applicant's Response: *"Current zoning allows a more intensive use; however not as compatible with the adjacent neighborhood current use."*

The property is currently zoned IG. The purpose of this district is stated in section 20-216 of the Development code as:

*"The IG, General Industrial District, is primarily intended to accommodate 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."*



The property is currently developed with a 6,000 SF auditorium and a 520 SF 1-bedroom residence according to the County Appraiser's Office. The VFW is located at this site. That use is considered a *Lodge, Fraternal and Civic Assembly* use defined in Section 20-1738 as:

*"Meetings and activities primarily conducted for members of these groups. Excludes "Group Living" and "Transient Habitation" use types. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations. Lodge, Fraternal and Civic Assembly uses are small-scale and shall not exceed a capacity of 500 people."*

This use is not allowed in the IG District. Because it pre-dated the adoption of the 2006 Development Code it is considered a non-conforming use. The existing use is inconsistent with the current zoning.

The proposed zoning includes approximately 13.13 acres; within that boundary is a 3.26 acre lake and 3.56 acres of woodland area surround the lake. The property has access to local streets only. These features impinge on the suitability of the property for industrial uses.

**The following section of the staff report has been updated to reflect the proposed GPI District and land use definition for a *Community Mental Health Care Facility*.**

Section 20-219 states:

*"The GPI District is a **Special Purpose Base District** primarily intended to accommodate **Institutional Uses** occupying significant land areas but not appropriate for development in the H District or on property designated on the official zoning map as U. The District regulations are designed to offer the institution maximum flexibility for patterns of uses within the District while ensuring that uses and development patterns along the edges of the District are compatible with adjoining land uses."*

This use is defined in Section 20-1770 as:

*"A Community Mental Health Facility is a facility containing space for care and programs specializing in services for individuals seeking mental health services for themselves or for their families. A Community Mental Health Facility may contain space for waiting rooms, patient rooms, and accommodations for licensed health care providers providing case management services. A Community Mental Health Facility may provide care services for individuals seeking mental health services, either on an in-patient or out-patient basis, or both, and may include care services under medical supervision for more than twenty-four consecutive hours, but shall not include surgery and obstetrical care as may be found in a Hospital."*

*A Community Mental Health Facilities shall, as may be required by State law, be licensed by the appropriate State Agency. A Community Mental Health Facility may also include office space, outpatient medication services (limited pharmaceutical services), education, consultation, treatment and rehabilitation services, employment and housing services, medical and dental care in a coordinated manner with mental health care services, and general community wellness programs as accessory uses."*

*A Community Mental Health Facility shall not include Hospitals, Group Homes, Extended Care Facilities, or Temporary Shelters, as defined in the Land Development Code."*

If approved, the development of a facility providing mental health care would be located within proximity to existing offices and other health care uses. Specific site design issues would need to be implemented to protect the residential uses especially those located south of W. 2<sup>nd</sup> Street.

**Staff Finding** – As currently zoned the existing use does not conform to the base zoning district. Redevelopment of the site as proposed requires the property to be rezoned. The current IG zoning is not suitable for the proposed use. **The recent text amendment is intended to provide a clarification of the use and an appropriate zoning designation for the anticipated use.**

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

Applicant's Response: *"Not currently vacant, but has not been used in an industrial use in recent time."*

As noted previously the property is developed with an existing 6,000 SF auditorium and a small residence. The property was platted as individual lots as part of the West Lawrence Addition recorded in 1869. The subdivision at the time established 80' rights-of-way for Alabama and Illinois Streets to be extended north of what is today W. 2<sup>nd</sup> Street. These streets were never constructed. The residence was constructed in 1900 and the auditorium was constructed in 1964.

The property was zoned M2 (General Industrial) District and M3 (Intensive Industrial) District from 1966 to 2006. Upon the adoption of the Development Code the property was rezoned to the current IG District. An aerial photograph from 1941 shows the lake and several buildings in the immediate area. The 1927 Sanborn maps show this property as the Kaw Valley Brick Company.



The Planning Commission approved a request to rezone this property to the H (Hospital District) on January 25, 2012. Staff was contacted by representatives for Lawrence Memorial Hospital who expressed concerns about the long term applicability of the H (Hospital District) zoning and use for the Bert Nash site. Upon further review of the use definitions all parties agree that the proposed use would be better served with its own use category and definition. On April 17, 2012 the City Commission initiated a text amendment to the Development Code to clarify in the Development Code a use that addresses mental health care and future community health programs. This request is a response to those actions.

**Staff Finding** – The property is not currently vacant, however the land use and the base zoning district are not consistent. This request reflects recent text amendments to the

**Development Code but does not alter the existing development condition of the subject property.**

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

Applicant's Response: *"Should not have a detrimental effect on neighboring property"*

The property is located at the north end of the neighborhood. The immediately adjacent property owners include the municipal water treatment facilities and the school district service building. The most likely affected properties would be the residents located between W 2<sup>nd</sup> and W 3<sup>rd</sup> Street between Alabama and Illinois Streets. Property owners in this area have indicated on-street parking concerns that exist today. Site development should include adequate parking to accommodate the use and alleviate the potential for employees to park in the neighborhood.

Access to the site is restricted to existing local streets. Approval of the request is likely to include land uses that will generate more traffic than the current use generates. To mitigate impact on the residential uses to the south, a traffic study will be required.

**This zoning consideration is in response to concerns identified by Lawrence Memorial Hospital. The intent is to provide a *Community Mental Health Care Facility* while protecting the integrity of the Hospital District.**

**Staff Finding** – Impacts from the proposed zoning include increased traffic and on-street parking. These elements would require more review with a detailed site development plan. **Approval of this request will mitigate concerns addressing the appropriate use of the Hospital zoning district for a defined use. The GPI District reflects the quasi-public nature of the intended development and community services.**

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

Applicant's Response: *"Requested zoning makes development of the site as planned in compliance with the current development standards."*

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

The proposed request is to facilitate the development of a future medical clinic that includes space for observation for temporary psychiatric treatment while waiting for inpatient placement outside the community according to staff discussions with the applicant. This would place the new development near the existing Bert Nash offices. If approved, the applicant will be positioned to proceed with further development applications including subdivision plat and site plan review. If denied, the applicant would need to work to obtain space within the existing Hospital District to provide the planned services or acquire additional property in another location.

**Staff Finding** – The gain to the public is the ability to provide and expand mental health services within the community and within proximity to established medical services. **There is no change to this finding for the request as it relates to the proposed GPI District.**

## **9. PROFESSIONAL STAFF RECOMMENDATION**

Approval of the request provides for opportunities to expand medical care in the community that do not currently exist. ~~The relatively small size of the property would likely not be desirable for another general hospital.~~ Additional development applications are required to fully redevelop this site. The property is encumbered by regulatory floodplain and will require specific review of this element for any future development of the site.

**It was determined that a more specific definition of a *Community Mental Health Care Facility* was needed to address the complex range of uses intended for development and to preserve the integrity of the Hospital District. The nature of the request and the ultimate development intended for the site has not altered since the January consideration of this property by the Planning Commission.**

## **CONCLUSION**

The proposed request is compatible with the surrounding land uses and zoning of the area as well as consistent with the Comprehensive Plan **and planned development for the area.**

# The Bert Nash Community Mental Health Center

## Vision for Site at 138 Alabama Street

The Bert Nash Center could not fulfill the mission of providing comprehensive outpatient services to local residents without the Community Health Facility provided by the City of Lawrence and Douglas County. The facility was planned to accommodate program growth of the three agencies housed there for the next ten years. In the case of the Bert Nash Center, we were already a bit cramped for space when we moved in.

In 1996 when the sales tax referendum for the building was approved, the Center served 2,741 Douglas County residents. The year the facility opened, we served 3,009. The last three years, we have averaged 5,825.

Additionally, the upheaval in healthcare reform includes new challenges and opportunities for community mental health. The proposed KanCares Medicaid program envisions that community mental health centers will become the health home for people with serious mental illnesses. We have already begun a partnership with Heartland Health Center collocating staff to better integrate care.

All these things point to the need to be prepared for additional space. This property, situated as it is directly north of the community Health Facility and near to Lawrence Memorial Hospital and the Douglas County Dental Clinic provides a great opportunity for partnerships as we move forward. Another potential partner is Outside for a Better Inside. Ideally, this site could become a wellness campus providing a central point for safety net services in Lawrence.

We anticipate that the development of this property could coincide with the implementation of healthcare reform Medicaid expansion in 2014.







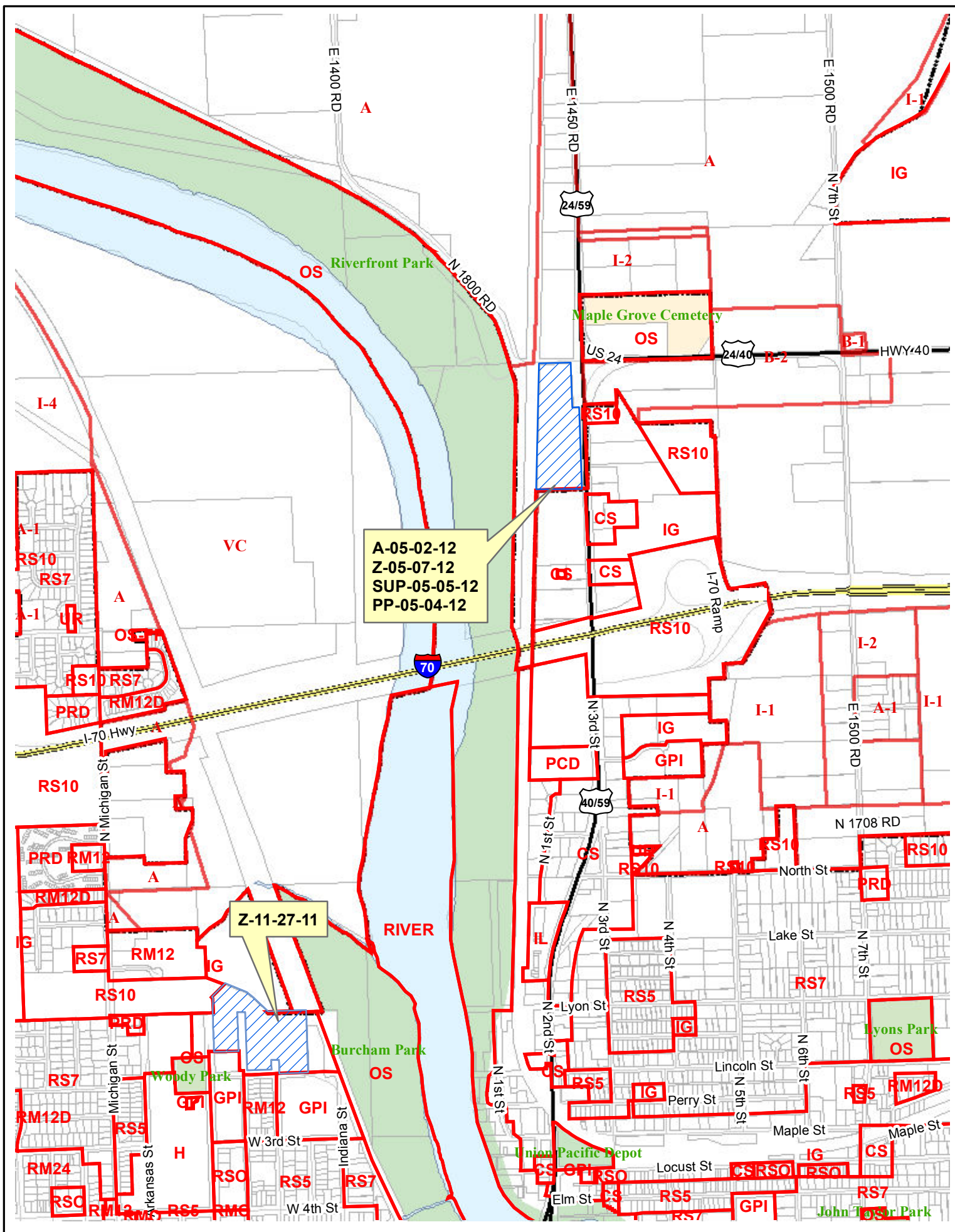


# Bert Nash - Conceptual Site Diagrams

LAWRENCE, KANSAS

11.21..2011  
SCALE: 1" = 50'





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

PC Staff Report  
6/25/12

**ITEM NO. 3: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 6  
and to the Area Plan for the Intersection Area of West 6<sup>th</sup> Street and Wakarusa Drive  
(DDW)**

**CPA-4-3-12:** Consider Comprehensive Plan Amendment (CPA) to *Horizon 2020 Chapter 6, Commercial Land Use*, to revise the western boundary of the Existing Commercial Area at W. 6<sup>th</sup> Street and Wakarusa Drive, and to amend the Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive. Requested by Barber Emerson, L.C. for Williams Management, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of this comprehensive plan amendment to *Horizon 2020 Chapter 6, Commercial Land Use*, to revise the western boundary of the Existing Commercial Area W. 6<sup>th</sup> Street and Wakarusa Drive, and to amend the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive* and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation for approval.

**STAFF RECOMMENDATION:** If appropriate, approve and sign Planning Commission Resolution PCR-12-00013.

**KEY POINTS**

1. This is a request to accommodate an approximate 2.42 acre commercial site at the southeast corner of W. 6<sup>th</sup> Street and Congressional Drive that is currently zoned RMO (Multi-Dwelling Residential – Office) District.
2. The request terminates the W. 6<sup>th</sup> Street and Wakarusa Drive commercial center's western boundary at a public street (Congressional Drive) and is not encouraging the "stripping out" of commercial uses along 6<sup>th</sup> Street because it is maintaining the nodal pattern of commercial development.
3. Approximately 10,000 square feet of commercial retail land use will be added to the W. 6<sup>th</sup> Street and Wakarusa Drive commercial center.
4. Terminating the western boundary of the commercial center on the south side of W. 6<sup>th</sup> Street at Congressional Drive aligns with the western boundary of the commercial development on the north side of 6<sup>th</sup> Street, which is also Congressional Drive.
5. Congressional Drive is to become the hard western boundary for the north and south sides of the W. 6<sup>th</sup> Street and Wakarusa Drive commercial node. Commercial uses should not cross Congressional Drive to expand farther west of the existing node.

## SUMMARY

**CPA-5-7-10:** This is an applicant requested amendment to *Horizon 2020 Chapter 6, Commercial Land Use*, to revise the western boundary of the Existing Commercial Area at W. 6<sup>th</sup> Street and Wakarusa Drive, and to amend the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive*. The reason for this Comprehensive Plan Amendment is to allow for the expansion of the commercial center at W. 6<sup>th</sup> Street and Wakarusa by moving the western boundary of the commercial area south of 6<sup>th</sup> Street to Congressional Drive and designating the property at the southeast corner of W. 6<sup>th</sup> Street and Congressional Drive as commercial.

Items related to this CPA include:

- Z-4-6-12, a request to rezone approximately 2.42 acres from RMO (Multi-Dwelling Residential Office) to CN2 (Neighborhood Commercial Center), located at 650 Congressional Drive;
- SUP-4-3-12, a request for a Special Use Permit for an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive.

## STAFF REVIEW

The applicant is requesting a rezoning to CN-2 (Neighborhood Commercial) District and a special use permit to allow an office/retail building with a drive-thru for an eating and drinking establishment on the approximate 2.4 acre property at 650 Congressional Drive. The proposal includes approximately 10,000 s.f. of new commercial space.

The proposal does not comply specifically with *Horizon 2020 Chapter 6 Commercial Land Use* nor with the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive*. Thus, the applicant is requesting to amend both documents to align Comprehensive Plan policy with the requested rezoning and special use permit requests.

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below [identified in Chapter 17 (Implementation) of *Horizon 2020*]. The applicant's responses are also provided below.

Also included in this staff report is the proposed amendment to *Horizon 2020 Chapter 6 (Commercial Land Use)* and to the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive*. If approved, the amendments will revise the Existing Commercial Area W. 6<sup>th</sup> Street and Wakarusa Drive in *Horizon 2020 Chapter 6* to set the western boundary of the node at Congressional Drive. Additionally, the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive* will be amended to:

1. Designate the southeast corner of W. 6<sup>th</sup> Street and Congressional Drive as Commercial;
2. Add approximately 10,000 square feet of approved retail commercial space to the already approved retail commercial square footage for the area; and,
3. Add a paragraph explaining the recent updates to the Area Plan.

## COMPREHENSIVE PLAN AMENDMENT REVIEW

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

*Applicant's response:* Yes. When the City Commission originally adopted Horizon 2020 on January 28, 1997, and as evidenced by multiple amendments to Chapter 6 since that time, the exact size, scope and location of commercial areas in Lawrence had not been irrevocably determined. The subject property is a relatively small tract, and the proposed development of a 10,000gsf building will have a minimal impact on the size and geography of the existing West 6<sup>th</sup> Street/Wakarusa node. At the time the Nodal Plan and Horizon 2020 established the boundaries of the node, the areas north of West 6<sup>th</sup> Street were the focus of attention. The appropriateness of developing the last small parcel south of West 6<sup>th</sup> Street, located between the existing commercial development and Congressional Drive, was not expressly addressed or considered. Establishing Congressional Drive as the westernmost boundary of the entire node is an appropriate and reasonable determination.

*Staff's response:* While circumstances haven't necessarily changed, establishing Congressional Drive as the western boundary of the commercial center is a more appropriate boundary than locating it at the edge of a parking lot that helps serve the existing commercial center. The property in question is, for all intents and purposes, attached and related to the existing center by the shared parking lot that serves the center and which also provides access to and from the center from Congressional Drive. It is reasonable to have the western boundary of the commercial center be located at Congressional Drive.

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

*Applicant's response:* Yes. Classifying the subject property as a commercial tract within the node enables infill commercial development. The proposed amendment augments the clear public purpose of nodal development by adjusting the existing node's boundaries. There is little to no risk of "leap frog" development to the west, because the corridor on West 6<sup>th</sup> Street has, for the most part, already been developed.

*Staff's response:* The proposed amendment is an advancement of a clear public purpose in that it will allow for an additional 10,000 square feet of commercial space on vacant property that is immediately adjacent to the W. 6<sup>th</sup> Street and Wakarusa Drive commercial node. This proposal is a minor expansion of an existing commercial node and not a proposal to strip out commercial uses along W. 6<sup>th</sup> Street.

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

*Applicant's response:* Yes. The proposed amendment is consistent with the overall goals and policies of Chapter 6 of Horizon 2020. The amendment preserves Horizon 2020's central policy of encouraging nodal development. If approved, the western boundary of the West 6<sup>th</sup> Street/Wakarusa node will have a clear termination point at Congressional Drive, with office and high-density residential uses acting as a buffer to the medium and low density residences

located west and southwest of the subject property. Horizon 2020, p. 6.2. The amendment advances Policy 1.6 in Chapter 6 of Horizon 2020, by promoting an appropriate supply of commercial inventory. The project's commercial tenants are anticipated to be local businesses desiring to relocate and/or expand. The presence of adjacent office and high-density uses satisfies Policies 2.1, 2.3 and 2.5, by maintaining adequate buffering to minimize any impact on nearby residential areas. The building's intended orientation, at the northwest corner of the site, also aids in mitigating any impact on neighborhoods south of the intersection of West 6th Street and Congressional Drive. The project is consistent with the locational criteria contained in Policy 3.1.

*Staff's response:* The proposed amendment is consistent with the overall goals of *Horizon 2020*. The general thrust of *Horizon 2020 Chapter 6 Commercial Land Use* is to limit strip commercial development by concentrating commercial development in nodes at major intersections. This application proposes to expand the commercial center at W. 6<sup>th</sup> and Wakrusa Drive to the west by setting the hard western boundary of the center at Congressional Drive. The property in question is immediately adjacent to the existing commercial node. This proposal is a minor expansion of a node and is not a proposal to strip out additional commercial uses along W. 6<sup>th</sup> Street outside of the nodal development pattern.

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

*Applicant's response:* The proposed amendment is consistent with existing public policy. The proposed amendment, which makes no attempt to alter the policy of nodal development as opposed to strip development, is a rational extension of public policy to a small tract that should have been included in the West 6<sup>th</sup> Street/Wakarusa node from the beginning.

*Staff's response:* There is no change in public policy. The proposal is to add commercial property that is immediately adjacent to the existing commercial center. The proposal maintains the existing node by staying east of Congressional Drive and does not strip out commercial development along W. 6<sup>th</sup> Street. The proposal is generally consistent with existing policy.

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

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

*Applicant's response:* No, there will be no impact on existing or planned facilities and services.

*Staff's response:* No. Infrastructure in the area is adequate to support this commercial development. It does not appear that facilities and services will be negatively impacted by this development. The traffic impact is discussed in the Special Use Permit application.

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

*Applicant's response:* Yes, the multi-tenant commercial building will be similar in size and intensity as the commercial properties located east of the site, and is compatible with the office, high-density residential and medium-density residential areas to the west and south.

*Staff's response:* Yes. The project is proposing to rezone from the RMO District to CN2 District. The proposed CN2 zoning is a limited neighborhood commercial district that, while less intense, is consistent with the more intense existing commercial center to the east. The less intense CN2 will help provide a land use transition from the higher intensity commercial center east towards the RMO zoned property west of Congressional Drive and the multi-family use farther west, in addition to the duplex uses to the south and west. The project is compatible with the existing commercial center and also with the high and medium density residential uses in the immediate area.

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

*Applicant's response:* Yes. The proposed change benefits the citizens of Lawrence by providing compatible commercial development along a principal arterial roadway, offering services that are readily accessible and desirable for the entire population, not just those residing in northwest Lawrence.

*Staff's response:* The expansion of this commercial area will provide new opportunities for the community as a whole, as well as non-local visitors.

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020 Chapter 6, Commercial Land Use*, to revise the western boundary of the Existing Commercial Area W. 6<sup>th</sup> Street and Wakarusa Drive, and to amend the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive* and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation for approval.

**Attachments:**

- Proposed new text and figures
- Applicant's application

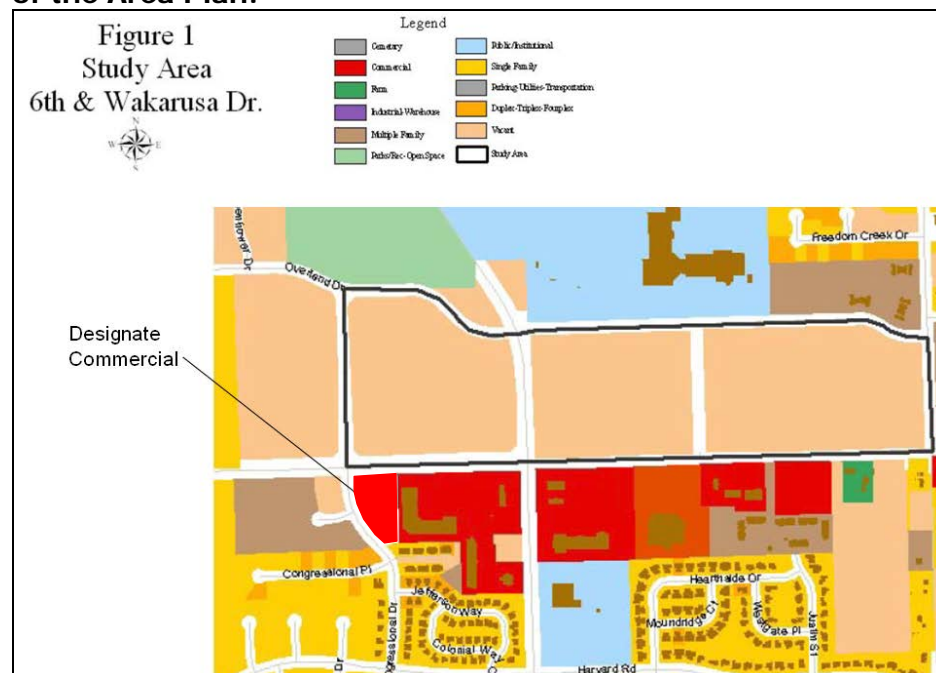
**Amendment #1: Page 6-17, Chapter 6, Horizon 2020 (describing Existing Commercial Areas):**

- **W. 6th Street and Wakarusa Drive**

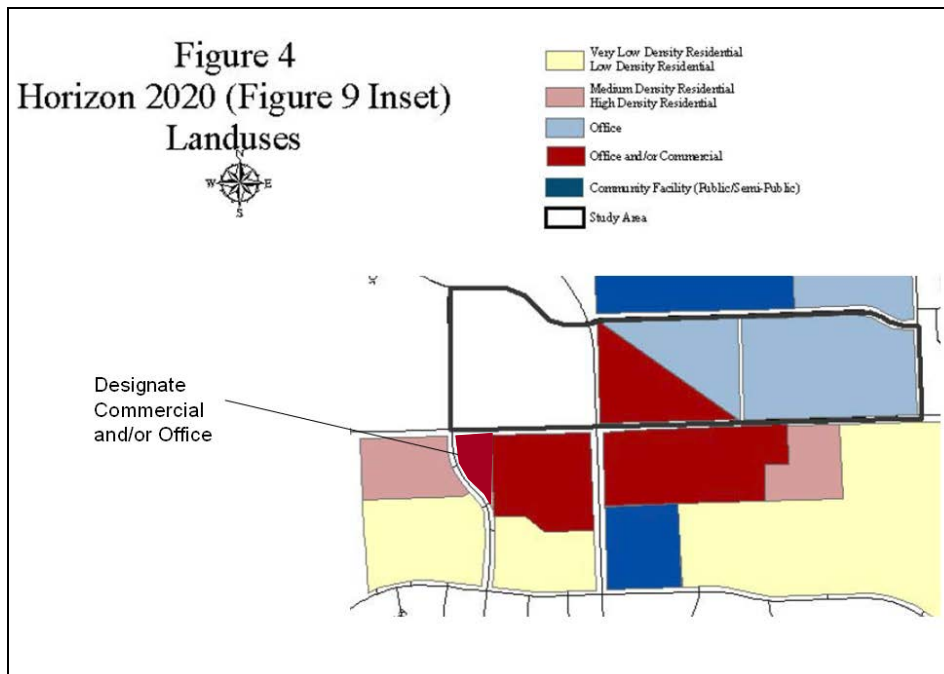
The intersection of W. 6th Street and Wakarusa Drive is an existing Community Commercial Center limited to 200,000 square feet of commercial gross square footage (CC200 Center) with a nodal development pattern. While this intersection is designated a CC200 Center, there already exists more commercial gross square footage at the intersection than is recommended for a CC200 Center.

Portions of the intersection of W. 6th Street and Wakarusa Drive are still developing. However, the southern half of the intersection is almost completely developed and shall not be expanded beyond ~~the existing commercially zoned property~~ Congressional Drive to the west. The northern half of the intersection is undeveloped. Commercial development of this portion of the intersection shall not extend beyond Overland Drive (extended) to the north, Congressional Drive (extended) to the west; and Champion Lane (extended) to the east. Development proposals for the northern portions of the intersection shall include not only commercial uses, but also a variety of other uses including office, community, recreational and multi-family uses.

**Amendment #2: Figure 1 and Figure 4; pages 4 and 9 of the Area Plan; and page 19 of the Area Plan:**







**Page 19:**

### Additional Recommendations

It is also recommended that the total allowable approved retail commercial square footage be limited to ~~440,000~~444,600gsf for the four corners of the West 6<sup>th</sup> Street/Wakarusa Drive intersection. ~~In the event the approved development plan for 154,000gsf on the northwest corner of West 6<sup>th</sup> Street and Wakarusa Drive expires or otherwise becomes null and void, the total square footage allowed at the intersection will be reduced to 420,000gsf.~~ A breakdown of square footage allocation is illustrated in the table below.

Total Square Footage Allowed	440,000gsf*	420,000gsf+
Southside of West 6 <sup>th</sup> Street (existing development)	224,000gsf	224,000gsf
Northwest Corner of West 6 <sup>th</sup> Street/Wakarusa Drive	154,000gsf	136,000gsf
Northeast Corner of West 6 <sup>th</sup> Street/Wakarusa Drive	62,000gsf	60,000gsf
<i>Note: * = with approved development plan on northwest corner; + = without approved plan</i>		

Total Approved Retail Commercial Square Footage	444,600gsf
Southeast side of West 6 <sup>th</sup> Street (existing development)	157,017 gsf
Southwest side of West 6 <sup>th</sup> Street (existing development)	78,096 gsf
Northwest Corner of West 6 <sup>th</sup> Street/Wakarusa Drive	127,487 gsf
Northeast Corner of West 6 <sup>th</sup> Street/Wakarusa Drive	72,000 gsf
Southwest side of West 6 <sup>th</sup> Street (new development)	10,000 gsf

### 2012 Plan Update Notes:

The 2012 modifications to this Plan designate the southeast corner of the W. 6<sup>th</sup> Street and Congressional Drive as a commercial use. The changes also make Congressional Drive the western boundary of the W. 6<sup>th</sup> Street and Wakarusa Drive commercial center.

The approved retail commercial square footage updates to the Additional Recommendations section are derived from the most recent approved development plans for the four corners of the intersection. Non-retail square footage numbers from the development plans are not included in the approved retail commercial square footage numbers. The table on page 19 was revised to reflect the existing approvals and to provide information for all four corners.

The revision to Figure 4 will also mean a revision to Map 3-2 Lawrence Future Land Use in *Horizon 2020*. An amendment has been initiated previously for Map 3-2 and this revision will be included with that amendment.

## PETITION FOR COMPREHENSIVE PLAN AMENDMENT

To *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County

### Pre-Application Meeting

A Pre-Application meeting is required for all matters that require a public hearing.

Information regarding the process and criteria for a comprehensive plan amendment is provided in Chapter 17 of *Horizon 2020*.  
This information is included with this application packet.

The applicant shall meet with Planning Staff at least seven (7) working days prior to submittal of the petition.

**Pre-submittal: Multiple Meetings and Conversations with Planning Staff.**

**Target Submission Date April 23, 2012 .**

### Submittal Requirements

#### ❖ Application Form

- ☒ A complete Application Form. (Application, 3 pages)

#### ❖ Other

- ☒ Additional documentation provided by the applicant demonstrating need for amendment proposed.
- ☒ Please note, there is no review fee for a Comprehensive Plan Amendment.

# PETITION FOR COMPREHENSIVE PLAN AMENDMENT

## APPLICATION FORM

### APPLICANT/AGENT INFORMATION

Contact Adam Williams; Matthew Gough; Darron Ammann

Company Williams Management ("Applicant"); Barber Emerson, L.C.; Bartlett & West, Inc.

Address 1211 Massachusetts Street

City Lawrence State Kansas ZIP 66044

Phone ( 785 ) 843-6600 Fax ( 785 ) 843-8448

E-mail mgough@barberemerson.com; darron.ammann@bartwest.com Mobile/Pager (\_\_\_\_)

Pre-Application Meeting Date Multiple Planner McCullough;Day

<b>Are you submitting any other applications? If so, please state which one(s).</b>
Rezoning Application; Special Use Permit

**Please identify the Chapter of the Comprehensive Plan is proposed to be amended.**

First proposed amendment is to Chapter 6 of Horizon 2020; Second proposed amendments are to the Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive (hereafter referred to as the "Nodal Plan").

**Please provide proposed amendment. (Attach additional sheets if needed)**

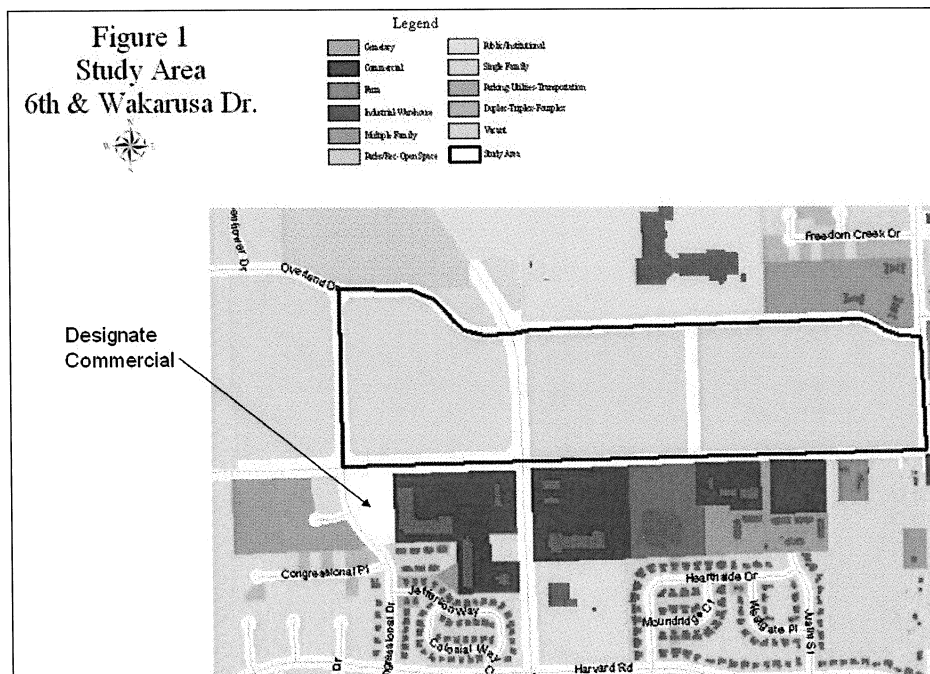
Amendment #1: Page 6-17, Chapter 6, Horizon 2020 (describing Existing Commercial Areas):

- **W. 6th Street and Wakarusa Drive**

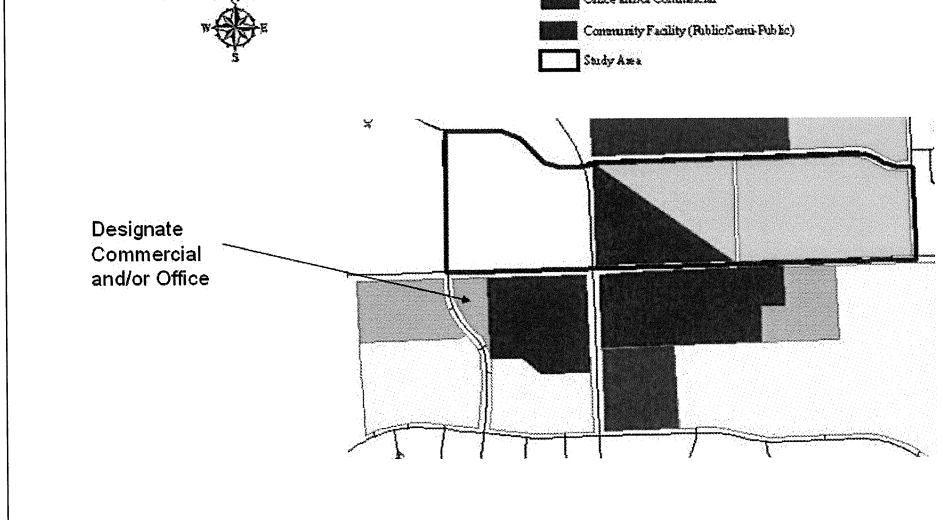
The intersection of W. 6th Street and Wakarusa Drive is an existing Community Commercial Center limited to 200,000 square feet of commercial gross square footage (CC200 Center) with a nodal development pattern. While this intersection is designated a CC200 Center, there already exists more commercial gross square footage at the intersection than is recommended for a CC200 Center.

Portions of the intersection of W. 6th Street and Wakarusa Drive are still developing. However, the southern half of the intersection is almost completely developed and shall not be expanded beyond the existing commercially-zoned property Congressional Drive to the west. The northern half of the intersection is undeveloped. Commercial development of this portion of the intersection shall not extend beyond Overland Drive (extended) to the north, Congressional Drive (extended) to the west; and Champion Lane (extended) to the east. Development proposals for the northern portions of the intersection shall include not only commercial uses, but also a variety of other uses including office, community, recreational and multi-family uses.

Amendment #2: Figure 1 and Figure 4; page 19 of the Nodal Plan:



**Figure 4**  
**Horizon 2020 (Figure 9 Inset)**  
**Landuses**



**Page 19:**

#### **Additional Recommendations**

It is also recommended that the total allowable retail commercial square footage be limited to 440,000450,000gsf for the four corners of the West 6th Street/Wakarusa Drive intersection. In the event the approved development plan for 154,000gsf on the northwest corner of West 6<sup>th</sup> Street and Wakarusa Drive expires or otherwise becomes null and void, the total square footage allowed at the intersection will be reduced to 420,000430,000gsf. A breakdown of square footage allocation is illustrated in the table below.

<b>Total Square Footage Allowed</b>	<b>440450,000gsf*</b>	<b>420430,000gsf+</b>
Southside of West 6th Street (existing development)	224,000gsf	224,000gsf
Northwest Corner of West 6th Street/Wakarusa Drive	154,000gsf	136,000gsf
Northeast Corner of West 6th Street/Wakarusa Drive	62,000gsf	60,000gsf
Southside of West 6th Street (new development)	10,000gsf	10,000gsf
Note: * = with approved development plan on northwest corner; + = without approved plan		



**Please respond to the following questions to the best of your knowledge. Review bodies shall consider the following factors for all Comprehensive Plan Amendments (policy and map amendments). (Attach additional sheets if needed.)**

- 1. Does the proposed text amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?** (Please explain)

Yes. When the City Commission originally adopted Horizon 2020 on January 28, 1997, and as evidenced by multiple amendments to Chapter 6 since that time, the exact size, scope and location of commercial areas in Lawrence had not been irrevocably determined. The subject property is a relatively small tract, and the proposed development of a 10,000gsf building will have a minimal impact on the size and geography of the existing West 6<sup>th</sup> Street/Wakarusa node. At the time the Nodal Plan and Horizon 2020 established the boundaries of the node, the areas north of West 6<sup>th</sup> Street were the focus of attention. The appropriateness of developing the last small parcel south of West 6<sup>th</sup> Street, located between the existing commercial development and Congressional Drive, was not expressly addressed or considered. Establishing Congressional Drive as the westernmost boundary of the entire node is an appropriate and reasonable determination.

- 2. Does the proposed amendment advance a clear public purpose?** (please explain)

Yes. Classifying the subject property as a commercial tract within the node enables infill commercial development. The proposed amendment augments the clear public purpose of nodal development by adjusting the existing node's boundaries. There is little to no risk of "leap frog" development to the west, because the corridor on West 6<sup>th</sup> Street has, for the most part, already been developed.

- 3. Is the proposed amendment consistent with the long-range goals and policies of the Plan?** (please explain)

Yes. The proposed amendment is consistent with the overall goals and policies of Chapter 6 of Horizon 2020. The amendment preserves Horizon 2020's central policy of encouraging nodal development. If approved, the western boundary of the West 6th Street/Wakarusa node will have a clear termination point at Congressional Drive, with office and high-density residential uses acting as a buffer to the medium and low density residences located west and southwest of the subject property. Horizon 2020, p. 6.2. The amendment advances Policy 1.6 in Chapter 6 of Horizon 2020, by promoting an appropriate supply of commercial inventory. The project's commercial tenants are anticipated to be local businesses desiring to relocate and/or expand. The presence of adjacent office and high-density uses satisfies Policies 2.1, 2.3 and 2.5, by maintaining adequate buffering to minimize any impact on nearby residential areas. The building's intended orientation, at the northwest corner of the site, also aids in mitigating any impact on neighborhoods south of the intersection of West 6th Street and Congressional Drive. The project is consistent with the locational criteria contained in Policy 3.1.

**4. Does the proposed amendment result from a clear change in public policy?**  
(Please explain)

The proposed amendment is consistent with existing public policy. The proposed amendment, which makes no attempt to alter the policy of nodal development as opposed to strip development, is a rational extension of public policy to a small tract that should have been included in the West 6<sup>th</sup> Street/Wakarusa node from the beginning.

**In addition, the following shall be considered for any specific map amendment.**  
Please answer the following questions, if an amendment to a map in *Horizon 2020* is proposed:

**5. Will the proposed amendment affect the adequacy of existing or planned facilities and services?** (Please explain)

No, there will be no impact on existing or planned facilities and services.

**6. Will the proposed change result in reasonably compatible land use relationships?** (Please explain)

Yes, the multi-tenant commercial building will be similar in size and intensity as the commercial properties located east of the site, and is compatible with the office, high-density residential and medium-density residential areas to the west and south.

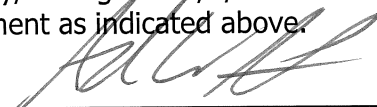
**7. Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?** (Please explain)

Yes. The proposed change benefits the citizens of Lawrence by providing compatible commercial development along a principal arterial roadway, offering services that are readily accessible and desirable for the entire population, not just those residing in northwest Lawrence.

**SIGNATURE**

By execution of my/our signature, I/we do hereby officially petition initiation of the proposed amendment as indicated above.

Signature(s):

  
Adam Williams, Williams Management

Date

4-23-12  
April 23, 2012

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

PC Staff Report  
06/25/2012

**ITEM NO. 4A: RMO TO CN2; 2.42 ACRES; 650 CONGRESSIONAL DR (SLD)**

**Z-4-6-12:** Consider a request to rezone approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Commercial Center), located at 650 Congressional Drive. Submitted by Williams Management, for BWB-WCSC LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Commercial Center), located at 650 Congressional Drive based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:** *Applicant desires to develop the property as a multi-tenant commercial development featuring office, retail, and commercial uses. Commercial uses are not permitted in the current RMO zoning district.*

**KEY POINTS**

- Request consistent with proposed changes to *Horizon 2020*. (CPA-4-3-12)

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- SUP-4-3-12; commercial development with drive-thru.

**PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Not required for rezoning.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning.
- *Drainage Study* – Not required for rezoning.
- *Retail Market Study* – Not required for development less than 50,000 SF.

**ATTACHMENTS**

- Area Map
- Summary of zoning district purpose statements.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Packet of comments delivered to Planning Office related to the development of the site and anticipated tenants of the building. Refer to SUP-4-3-12 for attachments.

**Project Summary:**

This property is proposed to be rezoned to CN2 to accommodate commercial development with drive-thru services for an eating and drinking establishment and a bank and other potential CN2 uses. The property is located along the W 6<sup>th</sup> Street corridor and adjacent to commercial development to the east. The property is developed with surface parking and drives providing access to the existing commercial development. This review presumes the approval of CPA-4-3-12, an amendment to *Horizon 2020* and the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive* to facilitate commercial development in this location.

**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response: *The requested rezoning is a sensible expansion of an existing commercial node, and does not constitute strip development. The Applicant is simultaneously submitting a text amendment application to Horizon 2020 and the West 6<sup>th</sup> Street and Wakarusa Drive nodal plan to clarify that the subject property, which is located at the southeast corner of West 6<sup>th</sup> Street and Congressional Drive, should appropriately be included in the commercial node at the intersection of West 6<sup>th</sup> Street and Wakarusa Drive. As the requested text amendments clarify, the proposed development is a reasonable addition to the existing commercial node, because the node has already been extended to the eastern boundary of Congressional Drive north of West 6<sup>th</sup> Street (i.e., the Wal-Mart development), and because the proposed development is a relatively small addition (approx. 10,000 square feet) to the node. Inclusion of the property in the existing node does not encourage or enable additional future commercial uses to "leap frog" away from the existing node.*

*This rezoning application is consistent with the goals and policies of Chapter 6 of Horizon 2020. Most importantly, the project complies with Horizon 2020's central policy of encouraging nodal development. If approved, the southwest portion of the West 6<sup>th</sup> Street and Wakarusa node will have a clear termination point at the eastern boundary of Congressional Drive (consistent with the northwest portion of the node), with office and high-density residential uses acting as a buffer to the medium and low density residences located west and southwest of the site. Horizon 2020, p. 6.2. The project will require no new access points on Congressional Drive or West 6<sup>th</sup> Street. The project will be designed in a manner consistent with Horizon 2020's objective to provide an aesthetically pleasing, pedestrian friendly building that integrates not only with the existing commercial development to the east, but also the office and residential areas to the west and south. The project advances Policy 1.6 in Chapter 6 of Horizon 2020, by promoting an appropriate supply of commercial inventory. The project's commercial tenants are anticipated to be local businesses desiring to relocate and/or expand. The presence of adjacent office and high-density uses satisfies Policies 2.1, 2.3 and 2.5, by maintaining adequate buffering to minimize any impact on nearby residential areas. The building's intended orientation, at the northwest corner of the site, also aids in mitigating any impact on neighborhoods south of the intersection of West 6<sup>th</sup> Street and Congressional Drive. The project is consistent with the locational criteria contained in Policy 3.1.*

*The Applicant, upon consultation with the Planning Staff, is seeking CN2 zoning because the remainder of the West 6<sup>th</sup> Street/Wakarusa node is zoned PCD, which is a special purpose base district intended only to provide a suitable classification for pre-existing planned developments, and is expressly unavailable to new projects pursuant to 20-221(a). Without the ability to request the same zoning as the commercial area immediately east of the project, CN2 is the best fit for this tract. The project will have a neighborhood feel because the building's commercial and office tenants' primary target market are residents in northwest Lawrence (although the project will attract business from all parts of the City), and the property is too small to feasibly request a CC designation. Existing sidewalk infrastructure provides easy pedestrian access to the property from the residential areas to the south and north of the project.*

Neighborhood Commercial Centers are described in *Horizon 2020* as having the ability to contain more than a single use (Page 6-5). The Plan states: *"To insure there are a variety of commercial uses and that no one use dominates a Neighborhood Commercial Center, no one store shall occupy an area larger than 40,000 gross square feet."* The implied intent is that multiple uses are required to establish a Neighborhood Commercial Center.

**Staff Finding** – This application is being processed concurrently with amendments to both *Horizon 2020* and the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive*. This request for neighborhood commercial zoning is consistent with the proposed amendments to both of these Plans.

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

Current Zoning and Land Use:	RMO (Multi-Dwelling Residential-Office) District; existing improvements include surface parking lot supporting the existing development to the east and access drives for customer and service vehicles to the center. There are no buildings currently developed on this property.
Surrounding Zoning and Land Use:	<p>RMO (Multi-Dwelling Residential-Office) District to the west, existing vacant lot along W 6<sup>th</sup> Street and multi-family development on the south side of Congressional Circle.</p> <p>RM12D (Multi-Dwelling Residential) District to the southwest; existing duplex development.</p> <p>PUD (Colonial Place Planned Residential Development) to the south; existing duplex development.</p> <p>PUD (Colonial Northeast and Colonial Northwest Planned Commercial Development) to the east; existing commercial development.</p> <p>PUD (6<sup>th</sup> and Wak Planned Commercial Development) to the north; Developing commercial project including Wal-Mart and undeveloped pad sites.</p>

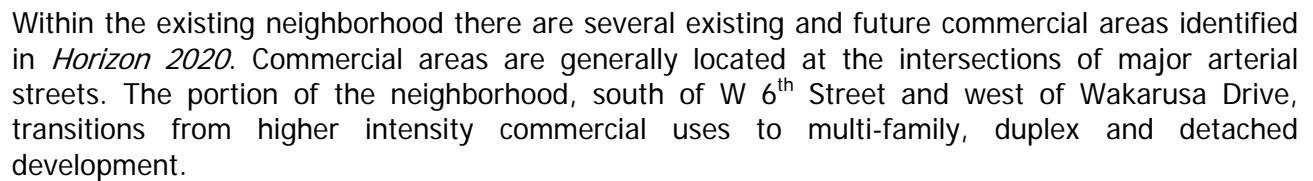
**Staff Finding** – This area includes both residential and non-residential zoning and land uses. Congressional Drive is designated as the western limit of the commercial development of the 6<sup>th</sup> Street & Wakarusa Drive nodal area.

## 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The property is adjacent to the West 6<sup>th</sup> Street and Wakarusa commercial node to the east and north, RMO zoned property to the west, and duplexes to the south. Because Congressional Drive curves in a southeasterly direction south of the proposed site of the new building, the residential areas along Congressional Way (south of the property) benefit from maximum screening. The apartment complex located at the intersection of Congressional Circle and Congressional Drive and the vacant RMO zoned parcel immediately west of the site provide buffering to residential areas to the west and south. The nearest residential duplexes are located approximately 375' to 400' from the edge of the proposed building.*

The property is located within the West Lawrence Neighborhood. This neighborhood by far is the largest in the City with more than 1,800 acres. The neighborhood includes area north and south of W 6<sup>th</sup> Street. The property also abuts the Congressional Place Neighborhood to the southwest, a small sub-neighborhood surrounded by the West Lawrence Neighborhood.





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

**Staff Finding** – Amendments to *Horizon 2020* and the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive* support neighborhood commercial development.

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

Applicant's Response: *The property is ideally suited for use as a multi-tenant commercial building. By way of example, the intended use of the building includes a neighborhood coffee shop, local bank branch, retail site, and indoor recreation facility. The site has ideal access to West 6<sup>th</sup> Street using existing curb cuts and access points, and primarily targets traffic moving east or west along West 6<sup>th</sup> Street. The combination of the site's location, access, and targeted use creates a strong development opportunity.*

This property currently provides support services to the commercial development to the east with the access drive configuration and the surface parking. A site plan was approved for development of the site that included a multi-story building with a 6,700 SF footprint. The current RMO District allows a variety of both residential and non-residential uses. Non-residential uses include medical offices, churches, veterinary offices, professional offices and banking uses. Approval of the request would modify the allowed uses and expand the non-residential component to add recreation uses, animal services – sales and grooming, as well as eating and drinking establishments and retail sales and services in a limited manner.

The physical improvements provide secondary access to the existing commercial development and overflow parking accommodations. Two previous site plans have been approved for this property including a site plan for a multi-story office building. Only the parking and access drives were ever constructed. Approval of the request expands the list of allowed uses consistent with the land use recommendations in the amended Comprehensive and Area Plans as they relate to this area. The proposed request for neighborhood commercial zoning is suitable for this area.

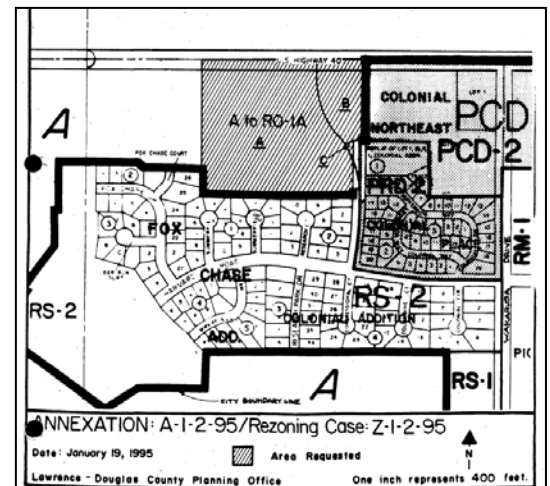
The existing zoning allows a variety of land uses. The proposed neighborhood zoning expands the list of allowable uses and facilitates infill development for this property.

**Staff Finding –** The proposed request for CN2 zoning is suitable for this property. This district allows additional choices for development, but limits the intensity of development to reflect the neighborhood context of the immediate area.

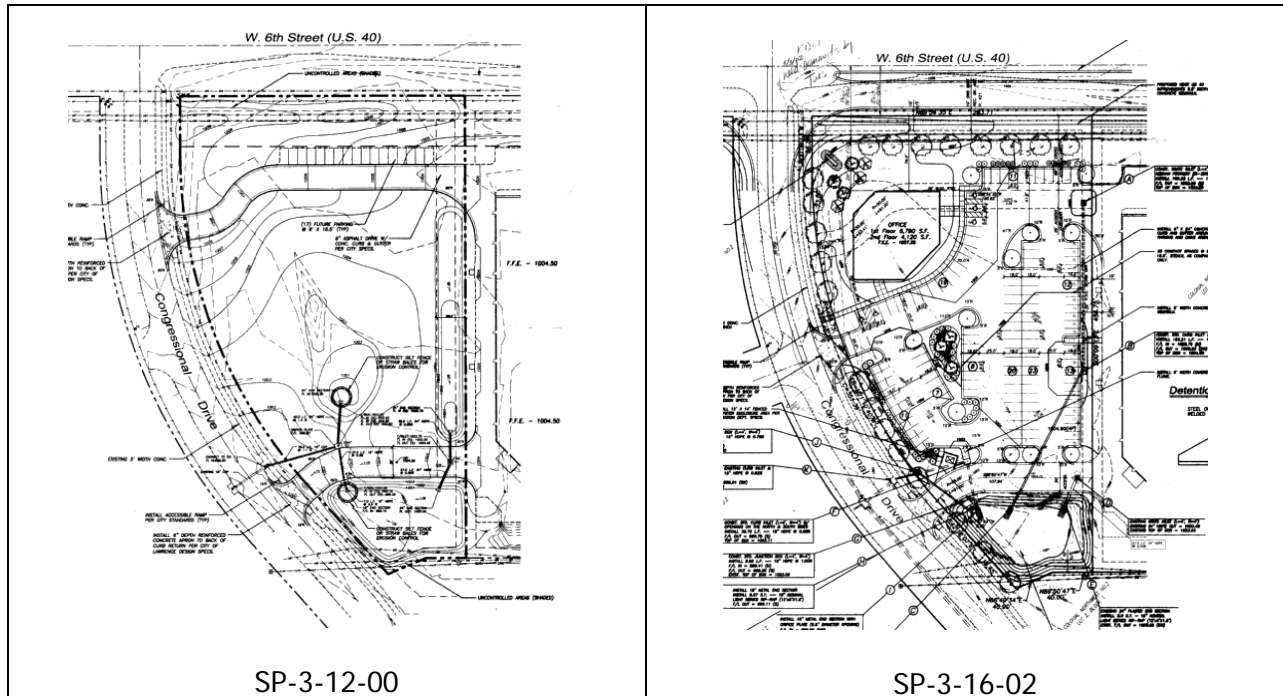
## 6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: *The property was platted in 2000 and has seen no development beyond the existing parking lot.*

The property is part of the W 6<sup>th</sup> Street Corridor. The development of the south side of W 6<sup>th</sup> Street along this segment began with a 20.5 acre annexation (A-1-2-95) and rezoning to RO-1A (Z-1-2-95) in anticipation of development. Development expanded from Harvard Drive to the north with many of the townhomes and the large multi-family development (at the end of Congressional Circle) developing in the late 1998's. The commercial center located east of the subject property was platted in 1998 as well in preparation for the first phase of the commercial development – McDonalds. The remaining phases of the commercial development continued from 1999 through early part of the 2000 decade. Minor changes to the development of the commercial center have been made in the last 5 years.



In the spring of 2000, the property owner contacted staff to pursue development providing cross access between Congressional Drive and Wakarusa Drive via a site plan (SP-3-12-00). The property was replatted to create the cross access locations that serve as the primary drives between Congressional Drive and Wakarusa Drive.



This plan provided access for service vehicles to the commercial center at the south end and customer access at the north end. The plan was revised in 2002 to provide additional surface parking and a future office building (SP-3-16-02). To date, only the parking lot has been constructed. The detention area included, at one time, a deck area that provided an outdoor play area for a former childcare facility located in the commercial center to the east.



Existing Improvements

2006- Current:	RMSO
2006:	Land Development Code adopted; RO-1A to RMO
1995 to 2006:	RO-1A (Residential-Office) District Z-1-2-95
1995:	<ul style="list-style-type: none"> <li>Annexed into the City of Lawrence A-1-2-95.</li> <li>Colonial Northwest Subdivision - 1995</li> <li>Colonial Northwest #3 Subdivision – 2001</li> <li>SP-3-12-00 – access drives only</li> <li>SP-3-1602 – office building and parking lot</li> </ul>
1966 to 1995:	<p>Z-9-22-89 – RS1 &amp; A to PCD-2, 21.9 acres, only 11.8 acres Colonial Northeast portion approved.</p> <p>A-9-4-89 - annexation</p> <p>A (Agricultural) District.</p>

**Staff Finding** – The property is currently zoned as a mixed use Residential-Office District. To date the only improvements completed for the site are the access, surface parking lot, and detention area that provide connectivity and overflow parking for the commercial center to the east.

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

Applicant's Response: *Development of the project may cause a slight increase in northbound traffic along Congressional Drive, but the vast majority of the project's patrons are anticipated to originate from and ultimately egress to West 6<sup>th</sup> Street (a major arterial roadway). Most of the traffic generated by the site will enter and exit the site via West 6<sup>th</sup> Street or Congressional Drive north of the existing access point. The property is presently used as an overflow parking area for the commercial development to the east, and the addition of the proposed commercial building has no negative impact on the aesthetic or environmental assets of nearby residential areas. There is adequate buffering between the proposed project and the neighborhoods south of the site and ideal transition between the project and the neighborhoods to the south (see below).*

Detrimental effects are generally considered to be traffic, noise, and incompatible land uses. Approval of the comprehensive plan amendment incorporates a change of land use consistent with the proposed request for CN2. Noise and other visual impacts will be addressed through appropriate site design. The proposed use requires approval of a Special Use Permit for development. These physical elements will be addressed in more detail in the SUP staff report.

Traffic is the most obvious potential impact that will affect the surrounding area and road network. The property abuts an arterial street (W 6<sup>th</sup> Street) on the north, a collector street (Congressional Drive) on the west. Direct access location to W 6<sup>th</sup> Street is not proposed or recommended. No changes to the Congressional Drive access are proposed. Traffic impacts are also discussed as they relate to a specific development proposal.

Development Code tools applicable to a specific development request will address screening, site landscaping, lighting, and building setback to mitigate any physical impact between this use and the adjacent residential portion of the neighborhood.

**Staff Finding** – Physical elements such as screening and buffering are addressed through site design requirements (such as setback and landscaping). No detrimental impacts are anticipated to result from approval of this request.

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

Applicant's Response: *Development of the project may cause a slight increase in northbound traffic along Congressional Drive, but the vast majority of the project's patrons are anticipated to originate from and ultimately egress to West 6<sup>th</sup> Street (a major arterial roadway). Most of the traffic generated by the site will enter and exit the site via West 6<sup>th</sup> Street or Congressional Drive north of the existing access point. The property is presently used as an overflow parking area for the commercial development to the east, and the addition of the proposed commercial building has no negative impact on the aesthetic or environmental assets of nearby residential areas. There is adequate buffering between the proposed project and the neighborhoods south of the site and ideal transition between the project and the neighborhoods to the south (see below).*

Denial of the request would limit the land use options for this property to the residential-office uses permitted in the RMO district as currently zoned. Approval of the request facilitates infill development, provides a transition between the intensive commercial uses to the east and the lower density residential uses to the south, and increases the opportunity for neighborhood services for the immediately surrounding area. There is no significant positive or negative impact to the public health safety and welfare that is expected to result from this request.

**Staff Finding** – Denial of the request limits the development choices for the property owner. Approval of the request facilitates infill development and neighborhood commercial options for the immediate area. Overall there is no significant public gain anticipated to result from this request.

## **9. PROFESSIONAL STAFF RECOMMENDATION**

The RO-1A district (RMO District in 2006 Code) would have allowed Professional Office uses but not retail or automotive related uses. This use restriction was carried over to the RMO zoning district. The purpose statement of the CN2 district expresses the connection between the district location and the Comprehensive Plan land use recommendations. The draft amendments to *Horizon 2020* and the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive* support neighborhood commercial development at this location. A separate Attachment provides a summary of the purpose statements of the various zoning districts related to this request.

This specific request is accompanied by a Special Use Permit application that accommodates a public review process of a specific development for this property.

The following table is provided to identify the general purpose statements of the existing and proposed zoning districts related to this proposed change.

## **CONCLUSION**

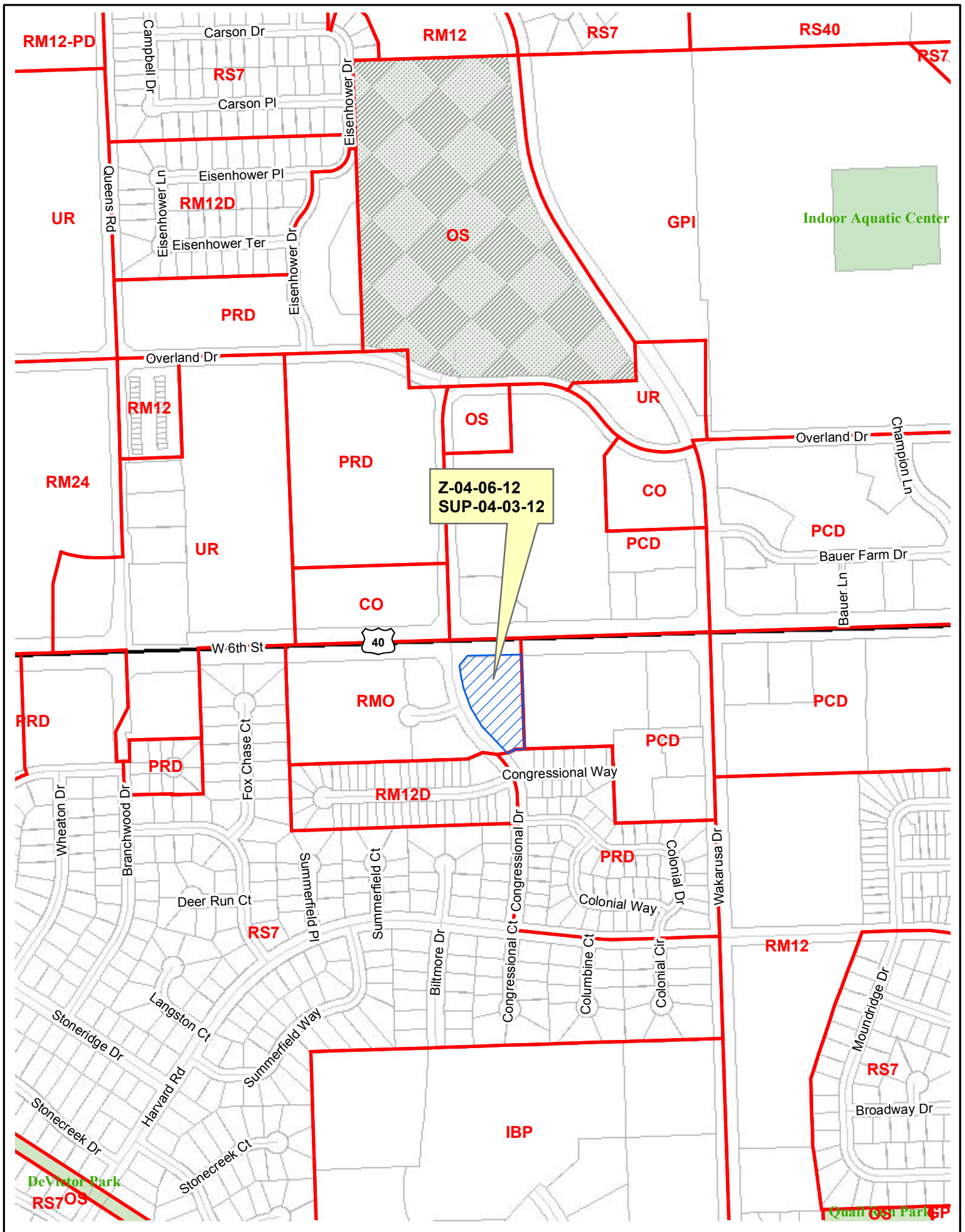
For the reasons noted in this report, staff supports this rezoning request to CN2.



## Summary of Zoning District Purpose Statements

District	Purpose
<p><b>1966 Zoning Code</b> RO Residence Office District (20-606)</p> <p>RO-1 = 1 <b>RO-1A = 2</b> RO-1B = 3 RO-2 = 4</p>	<p>For uses on properties zoned RO on and after February 13, 1996, the RO District is designed to primarily provide mixed use areas for professional offices, medical and dental clinics and similar types of uses that are compatible with and can be located adjacent to or in combination with single, duplex, or multiple-family residential uses without undue harmful effects to the residential uses.</p> <p>Three residential densities are permitted in four zoning districts to provide flexibility and allow the location of: 1) high density apartment/office combinations in and near the downtown area, and high density areas lying adjacent thereto; <b>2) medium density residential and/or office developments in areas that are in conformance with the Comprehensive Plan and compatible with surrounding land uses;</b> 3) a lower density district to be located adjacent to or near single-family and restrictive commercial areas and (4) a lower density district, where residential units are restricted to single-family or duplex structures, to be located adjacent to or near single-family and restrictive commercial areas.</p>
<p><b>2006 Development Code</b> RMO, Multi-Dwelling Residential Office District (20-206)</p>	<p>The primary purpose of the RMO District is to accommodate <b>Mixed Use</b> development of low- and moderate-intensity <b>Administrative and Professional Offices</b> that are compatible with the character of medium- and high-Density residential neighborhoods. The District is also intended to be used as a transitional <b>Zoning District</b> between higher-intensity commercial areas and residential neighborhoods. The District allows residential uses and <b>Administrative and Professional Office</b> uses, which may be combined in the same <b>Structure</b> (e.g., office on the Ground Floor or at the front of the <b>Building</b> with <b>Dwelling Units</b> on upper floors or toward the rear of the <b>Building</b>).</p>
<p>CN2, Neighborhood Commercial Center District (20-208)</p>	<p>The CN2, Neighborhood Shopping Center <b>District</b>, is primarily intended to implement the <b>Comprehensive Plan's</b> "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 <b>Districts</b> are intended for <b>Collector/Arterial Street</b> intersections or at <b>Arterial/Arterial Street</b> intersections. Development is intended on only one corner of the intersection.</p>





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

PC Staff Report  
6/25/12

**ITEM NO. 4B SPECIAL USE PERMIT FOR AN OFFICE/RETAIL BUILDING DEVELOPMENT WITH A DRIVE-THRU; 650 CONGRESSIONAL DRIVE (SLD)**

**SUP-4-3-12:** Consider a Special Use Permit for an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive. Submitted by Williams Management, for BWB-WSC, LLC, property owner of record.

**STAFF RECOMMENDATION:** Planning Staff recommends approval of an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions to be completed prior to the release of the site plan associated with the SUP for building permits:

1. Submission and approval of a photometric plan for the new parking lot.
2. Submission and approval of building elevations compliant with the Commercial Design Guidelines.
3. Submission and approval of a Downstream Sanitary Sewer Analysis per AP-76 prior to the release of the site plan for issuance of a building permit.
4. Provision of a revised site plan to include the following changes:
  - a. Revision of the legal description to reflect the platted lot less the right-of-way acquired for the W. 6<sup>th</sup> Street project.
  - b. Provision of the deed book and page reference on the face of the plan that amends the cross access for this site to include the vacation of a portion of the existing north access easement.

**Applicant's Reason for Request:** *Use of a drive through in a CN2 zoning district requires a Special Use Permit. The Applicant also requests an administrative waiver to the standard drive-through stacking requirements.*

**OTHER ACTION REQUIRED**

- Publication of the Rezoning ordinance.
- Publication of the Special Use Permit ordinance.

**PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Study approved by staff.
- *Downstream Sanitary Sewer Analysis* – Additional documentation required.
- *Commercial Design Guidelines* – Applicable to project.
- *Drainage Study* – Not required for project.
- *Retail Market Study* – Not applicable to project.
- *Alternative Compliance* – Requested relating to parking standards for screening and stacking.

**KEY POINTS**

- Existing site improvements provide overflow commercial parking and access for customers and service vehicles to the existing commercial center to the east.
- The parking lot and access was designed to accommodate a future building.

## **FACTORS TO CONSIDER**

### **CHARACTER OF THE AREA**

- Existing developed neighborhood bounded by major arterial street.

### **PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- A local martial arts studio is a potential tenant and support for the project is reflected in multiple letters of support for proposed development.

## **ATTACHMENTS**

1. Area Map
2. Site Plan
3. Communications

<b>GENERAL INFORMATION</b>	
Legal Description:	Lot 2, Block 1, Colonial Northwest No. 3 less right-of-way acquired for the W 6 <sup>th</sup> Street project.
Current Zoning and Land Use:	RMO (Multi-Dwelling Residential-Office) District; existing improvements include surface parking lot supporting the existing development to the east and access drives for customer and service vehicles to the center. There are no buildings currently developed on this property.
Surrounding Zoning and Land:	<p>RMO (Multi-Dwelling Residential-Office) District to the west, existing vacant lot along W 6<sup>th</sup> Street and multi-family development on the south side of Congressional Circle.</p> <p>RM12D (Multi-Dwelling Residential) District to the southwest; existing duplex development.</p> <p>PUD (Colonial Place Planned Residential Development) to the south; existing duplex development.</p> <p>PUD (Colonial Northeast and Colonial Northwest Planned Commercial Development) to the east; existing commercial development.</p> <p>PUD (6<sup>th</sup> and Wak Planned Commercial Development) to the north; Developing commercial project including Wal-Mart and undeveloped pad sites.</p>

## **ASSOCIATED CASES**

- Annexed into the City of Lawrence A-1-2-95.
- A to RO-1A; Z-1-2-95
- Colonial Northwest Subdivision - 1995
- Colonial Northwest #3 Subdivision – 2001
- SP-3-12-00 – access drives only
- SP-3-1602 – office building and parking lot

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### **Summary of Request**

This request for a Special Use Permit is related to the drive-thru uses associated with the proposed commercial development.

### **Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))**

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

Applicant's Response: *Yes, as set forth in greater detail in the Applicant's rezoning and comprehensive plan amendment applications, the use of the property as a multi-tenant commercial building is consistent with the Development Code.*

The proposed use as a commercial retail building with uses that include drive-thru service is allowed (with a Special Use Permit) pending approval and publication of the related zoning ordinance. The site design complies with the Development Code with the exception of the minimum stacking requirement for the drive thru on the east side. The applicant is requesting a waiver from this standard as discussed in the site plan portion of this report. Additional information is needed to document the sanitary sewer capacity. This item is reflected as a condition of approval and would not substantively alter this proposed development or staff's recommendation for approval.

**Staff Finding** – The proposed use is allowed in the pending CN2 District subject to a Special Use Permit. The project, as conditioned, complies with the Development Code.

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

Applicant's Response: *Yes, the proposed development will be compatible with the scale, design and characteristics of the existing commercial development located immediately east of the subject property and elsewhere in the West 6<sup>th</sup> Street/Wakarusa commercial node. Traffic generation will occur primarily to and from West 6<sup>th</sup> Street (a major arterial roadway), and is not anticipated to negatively impact traffic on Congressional Drive south of the site's southernmost access point (a minor collector). All other external impacts, including noise, lighting, and hours of operation, are appropriate in the context of existing developments.*

This request represents infill development and provides additional land use transition between the intensive uses along W 6<sup>th</sup> Street and the existing residential uses to the west and south. The arrangement of access and parking limit the building size and orientation. This building placement also facilitates the land use transition between W 6<sup>th</sup> Street and the neighborhood. This site currently provides secondary access and overflow parking for the adjacent commercial development. This arrangement is not altered by the proposed development.

The applicant was required to provide a traffic study to assess several intersections in the vicinity of the proposed development. Staff concurs with the applicant's findings that the intersections and access points can handle the increased traffic with only minimal delay for specific turns for short durations during the day. There are no recommended intersection changes recommended at this time. Staff will continue to monitor traffic in this area.

**Staff Finding** – The proposed development is compatible with the adjacent land uses and provides a reasonable transition between W 6<sup>th</sup> Street and the residential portion of the neighborhood.

**3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED**

Applicant's Response: *The proposed use is more likely to increase the value of adjacent tracts, and will have no negative impact on the economic value of properties located in the neighborhood, because the site is not anticipated to cause a material increase in traffic or noise, and will not negatively affect the area's aesthetics. There is adequate buffering between the proposed site of the commercial building and the closest single-family residences.*

This site is developed with parking and access facilities that current serve the adjacent commercial development. The remaining "green space" represents the developable area of this site. Approval of the request will result in development that will frame the street frontage consistent with the Commercial Design Guidelines. This framed appearance will serve to buffer the residential neighborhood and provide additional options for neighborhood services. The proposed development is integrated into the surrounding area consistent with the established neighborhood pattern.

**Staff Finding** – There is no diminution in value of adjacent properties anticipated by this proposed development.

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

This site is currently served by public utilities. Additional documentation is required regarding the sanitary sewer service and is reflected as a condition of approval. With regard to the traffic impact in the area, staff concurred with the applicant's findings and that the impact to key intersections in the area is only minimally impacted by this development.

Internal site circulation is not altered for the main access driveway and the service driveway at the south end of the property. The stacking of vehicles for the east side of the building (eating and drinking establishment with drive-thru) may result in short duration back-up internal to the site and will not impede traffic on the public street network.

**Staff Finding** – Adequate public facilities and transportation access is accommodated for this development as conditioned.

**5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

The site plan associated with the Special Use Permit is the enforcement tool used to ensure site compliance after development. This project is a single phase development.

**Staff Finding** – Adequate assurances of continued maintenance are inherent in the use and the Special Use Permit approval process.

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

Applicant's Response: *The subject property is presently a parking lot, with a small area of open space. The construction of a multi-tenant building will have no negative impact on the natural environment. By contrast, the aesthetic value of the property will increase upon completion of development.*



The proposed improvements are located within the existing urban area. This area is not encumbered by any regulatory floodplain.

**Staff Finding** – The proposed development includes a large detention pond at the south end that will serve the proposed site development.

**7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PEMRIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE**

This Special Use Permit is required to accommodate a specific use and related improvements in this district. The intention of the development and purpose of the base zoning district is to accommodate neighborhood commercial uses with drive-thru services. Assuming the base zoning is rezoned to CN2 there is no need to further restrict the development. The requirement to publicly review developments with automotive characteristics that can dominate neighborhood development provides the public and the review bodies an opportunity to tailor conditions appropriate to the development to protect the residential and transitional neighborhood elements. The uses proposed, a bank and a food and beverage establishment in a small format commercial space, will provide neighborhood services and transition from the more intensive commercial center to the residential portion of the neighborhood. A time limit is not necessary for this request.

**Staff Finding** – Staff does not recommend a time limit on the Special Use Permit.

**STAFF REVIEW**

The following section of this report addresses the physical site development of this property.

**A. Site Summary**

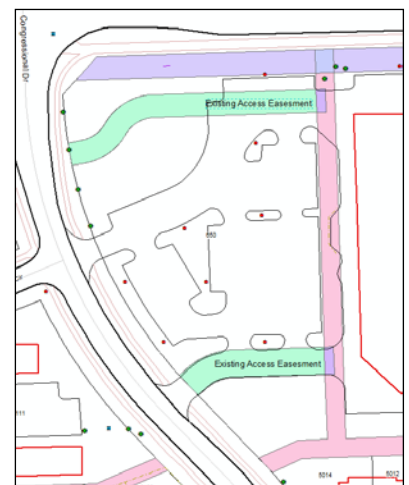
Site Summary	Existing	Proposed
Total Area:	97,660	97,660
Building: (SF)	0	10,000
Impervious Cover: (SF)	49,868	62,963
Pervious Cover: (SF) percent	47,792 48.93%	34,697 35.52%

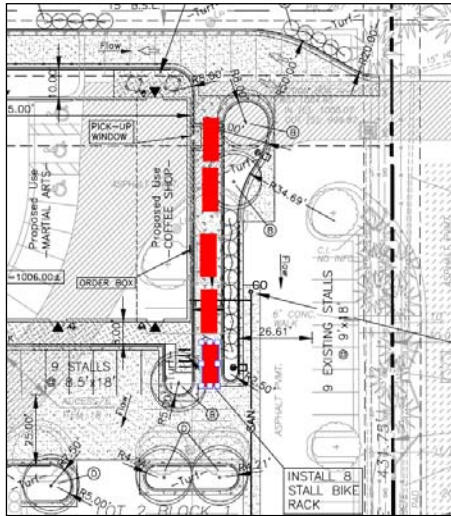
**B. Access and Parking**

**Access:**

Two existing driveways provide access to this site from Congressional Drive. These driveways provide shared access between Congressional Drive on the west and the Commercial development to the east. The north cross access drive was not constructed within the easement. The driveway point of access occurs approximately 100' to the south of the easement. The proposed building would be located over a portion of this unused easement. As a condition of the approval a portion of the north access easement must be vacated to accommodate the proposed development.

**On-site Parking:**





This property is improved with a surface parking lot and access drives providing shared access and parking with the adjacent commercial development. The proposed development will reduce the total off-street parking from 113 spaces to 87 spaces but retain the shared conditions between the two sites.

An initial parking summary is provided in the table below. Stacking spaces for the drive-thru and bank use are accommodated in the drive-thru lanes for the site. The stacking for the coffee shop is short, generally accommodating two vehicles each at the pick-up window and one space at the order window. Any backup caused by this use will occur completely within the site and will not affect the public street circulation. Access through the interior of the site is not significantly impeded since there are multiple paths of travel through the site. Approval of this request includes a reduction in the stacking spaces from 8 to 5.

**PARKING SUMMARY: 10,000 SF multi-tenant retail building**

<i>Use</i>	<i>Parking Requirements</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>Coffee Shop – Fast Order Food, Drive-In</i>	1 per 100 SF of customer service area [including patio seating area] Plus 1 per employee + 4 spaces at each order box and 4 spaces at each pick-up window	1,500 SF (70%*) = 1,050 = 11+ 4 employees = 4	
<i>Bank – Finance, Insurance, and Real Estate Services</i>	1 per 300 plus 4 per teller window 2 per automated teller machine	2,000 = 7 spaces + 2 drive -thru = 8 No ATM is proposed	
<i>Retail Sales – Retail Establishment Specialty</i>	1 per 300 for buildings [1-45,000 SF]	2,000 = 7 spaces	
<i>Martial Arts – Personal Improvement Service</i>	1 per 200	4,500 = 23 spaces	
<i>Total</i>		60 spaces	123 spaces prior to development 87 paces post development
*Applicant numbers and staff number used in parking calculation differ. Staff used a more conservative number resulting in a slightly higher off-street parking requirement for the fast order food use. This space is not yet programmed so exact customer service area and employees are unknown at this time.			

**C. Design Standards**

This project is subject to the Commercial Design Guidelines. The applicant has not at this time developed specific building elevations. The applicant is seeking reasonable assurance of the project concept through the zoning and Special Use Permit process prior to the development of detailed architectural documents associated with building elevations. If approved, staff recommends the project be subject to the provision of elevations compliant with the Commercial Design Guidelines prior to the release of the Site Plan for issuance of a building permit.

**D. Landscaping and Screening**

*Street Trees:* Existing trees are located on the public right-of-way. This project includes the addition of shrubs along the curb line to provide additional screening of the parking lot. Street trees are not

currently planted along this segment of W 6<sup>th</sup> Street. Approval of this project will extend the landscaping treatment in this area.

*Interior Landscaping:* Improvement to the site will alter the parking lot. Interior parking lot landscaping is required to be upgraded. This project exceeds the minimum required interior landscaping established by the Development Code.

- 3,480 SF green space required.
- 7,042 SF green space provided.

*Perimeter:* The parking lot will be screened with a row of shrubs. This landscape material addition will be located along the public right-of-way.

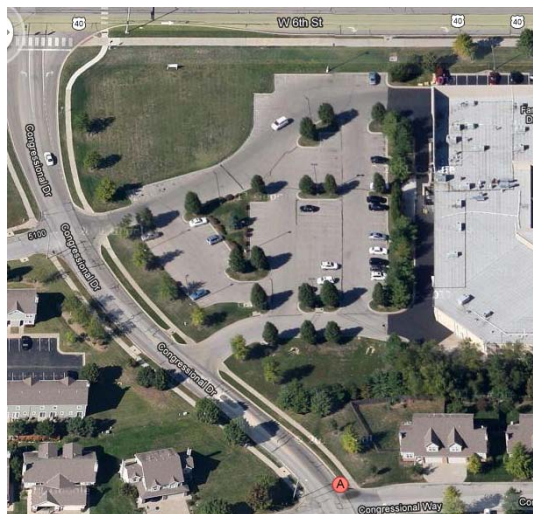


*W 6<sup>th</sup> Street Looking west*



*Congressional Drive looking south*

*Bufferyard:* The zoning in all directions varies. Commercial zoning is located north and east and residential zoning is located south and west. A large detention pond separates the residential and commercial uses to the south. This area includes mature trees and shrubs providing an adequate buffer between land uses. The area along Congressional Drive will be enhanced with shrubs providing additional screening of the existing parking lot.



*Alternative Compliance:* Alternative compliance is requested with regard to the perimeter landscape standard as it relates to the tree requirement. In addition to street trees at 1 tree per 40' of frontage, the Development Code requires 1 tree per 25' of perimeter parking area (11 street trees + 3 additional trees for screening or 14 total street/screening trees). This standard applies to Congressional Drive for this development. This segment of Congressional Drive is characterized by uniform spacing of trees along the street frontage. The applicant proposes to add shrubs along the back of the parking lot curb to screen the parking lot rather than install three additional trees along this corridor. This request is reasonable given the existing site conditions and mature nature of the existing landscape materials.

*Mechanical Equipment:* Any mechanical equipment associated with the building shall be screened per the Development Code. The plan provides an appropriate note referencing the minimum standard for screening. This element will be reviewed with the submission of building elevations to assure compliance.

**E. Lighting**

A photometric plan is required for this site and is reflected as a condition of approval.

**F. Floodplain**

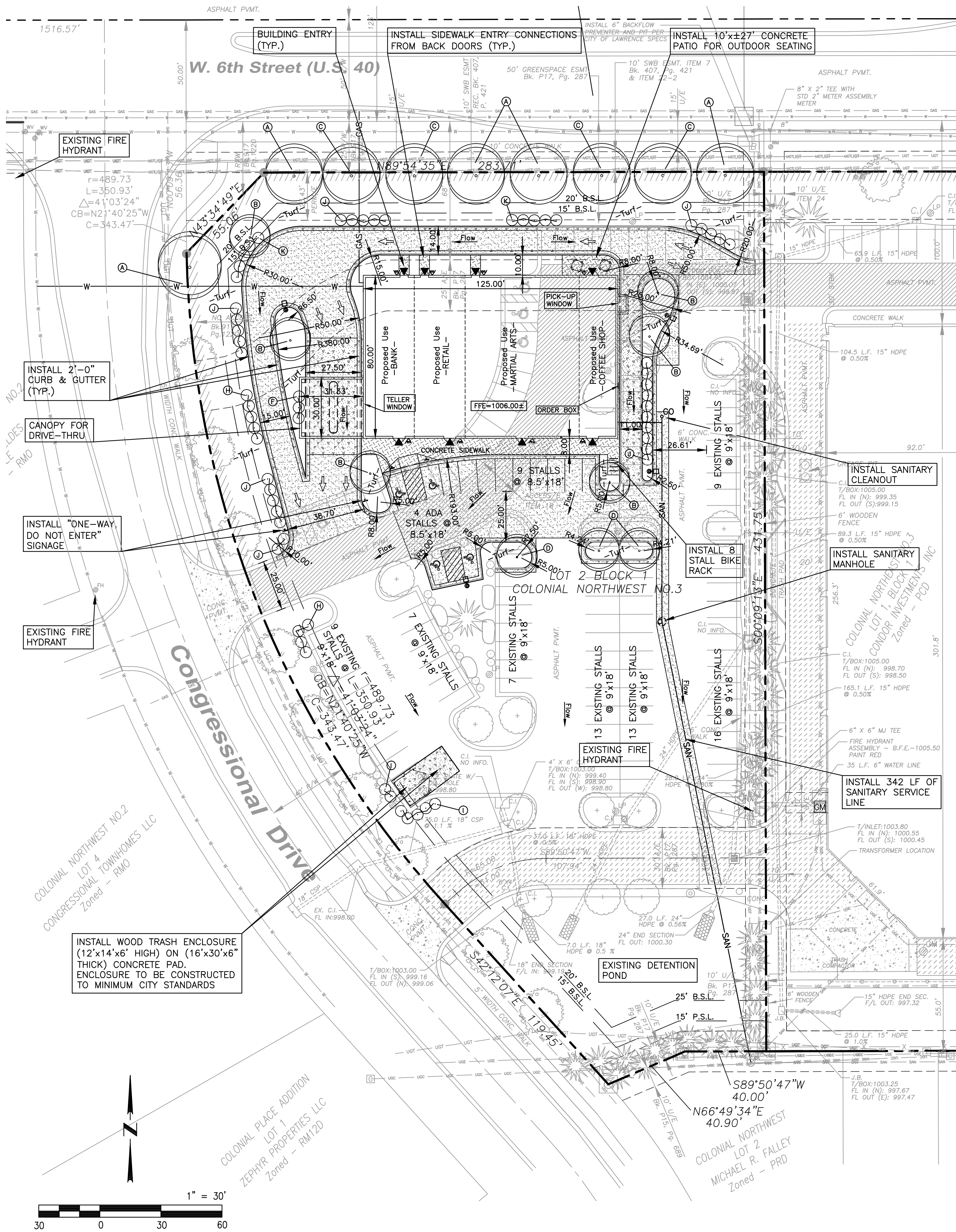
This property is not located within the regulatory floodplain. The south end of the property includes a large detention pond that can be utilized for this proposed development.

**CONCLUSION**

The applicant is seeking land use approval prior to execution of final architectural elevations being commissioned for this development. Assumptions made during the planning phase of this project require additional documentation prior to issuance of a building permit for this development. These items include submission of additional documentation related to the downstream sanitary sewer capacity and submission of building elevations and a photometric plan for the site. These items are reflected as conditions of approval.



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Last edit on: EDITDATE



LOCATION MAP  
NOT TO SCALE

### LIGHTING

REFER TO PHOTOMETRIC PLAN FOR FURTHER DETAILS (TO BE SUBMITTED AT A FUTURE DATE)

☉ □ SINGLE HEAD METAL HALIDE LAMP

### SITE SUMMARY

#### EXISTING SITE SUMMARY

EXISTING BUILDING:	0 SF (0.00 AC.)
EXISTING PAVEMENT:	49,868 SF (1.14 AC.)
TOTAL IMPERVIOUS:	49,868 SF (1.14 AC.)
EXISTING PERVIOUS:	47,792 SF (1.10 AC.)
TOTAL PROPERTY AREA:	97,660 SF (2.24 AC.)

#### NEW SITE SUMMARY

PROPOSED BLDG:	10,000 SF (0.23 AC.)
PROPOSED PAVEMENT:	52,963 SF (1.21 AC.)
PROPOSED IMPERVIOUS:	62,963 SF (1.44 AC.)
PROPOSED PERVIOUS:	34,697 SF (0.80 AC.)
TOTAL PROPERTY AREA:	97,660 SF (2.24 AC.)

### PAVEMENT SCHEDULE

4" CONCRETE SIDEWALK
6" CONCRETE PAVEMENT
5" ASPHALT PAVEMENT

### PLANT SCHEDULE

No.	Name	Qty.	Size	Cond.
Trees				
A	Autumn Gold Maidenhair Tree – Ginkgo biloba 'Autumn Gold'	5	2.5" Cal. Min.	B&B
B	Redbud – Cercis canadensis	5	2.5" Cal. Min.	B&B
C	Summit Ash – Fraxinus pennsylvanica 'Summit'	4	2.5" Cal. Min.	B&B
D	Littleleaf Linden – Tilia cordata	3	2.5" Cal. Min.	B&B

#### Shrubs

F	Emerald & Gold Euonymus – Euonymus fortunei 'Emerald'n Gold'	3	24" Min. Height	Cont.
H	Little Princess Spirea – Spiraea japonica 'Little Princess'	9	5 Gal.	Cont.
I	Skyrocket Juniper – Juniperus virginiana 'Skyrocket'	7	5' Min. Height	Cont.
J	Compact Burning Bush – Euonymus alatus 'Compactus'	32	5 Gal.	Cont.
K	Dwarf Mugo Pine – Pinus mugo 'Mugo'	10	24" Min. Height	Cont.

### LEGAL DESCRIPTION

LOT 2, BLOCK ONE, COLONIAL NORTHWEST NO. 3, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

### GENERAL NOTES

- Existing Zoning: RMO (Multi Dwelling Residential – Office District)  
Proposed Zoning: CN2 (Neighborhood Commercial Center District)
- Current Use: Lot with 123 Stall Parking Lot and Regional Detention Pond  
Proposed Use: One Story Retail Building
- Topographic information provided by Lance Johnson of Peridian Group and field verified by Bartlett & West, Inc.
- Owner: BWB-WCSC, LLC, 11111 West 95th St., Suite 204, Overland Park, KS 66214  
Developer: Williams Management, 1138 Brynwood Court, Lawrence, KS 66049 (Adam Williams)
- Building Information:  
Existing building:  
N/A  
Proposed one-story building:  
1,500 s.f. Coffee Shop  
2,000 s.f. Bank  
2,000 s.f. Retail Space  
4,500 s.f. Martial Arts
- Parking Information:  
Existing Parking = 118 stalls + 5 ADA stalls = 123 total stalls  
Required Parking: (Retail, Bank)  
1 Space Per 300 s.f. = 14 Stalls Required  
Required Parking: (Martial Arts)  
1 Space Per 200 s.f. = 23 Stalls Required  
Required Parking: (Coffee Shop)  
1 Space Per 100 s.f. of customer service space, plus 1 space per employee = 12 Stalls Required for customer service (75% of total s.f.), 2 Stalls Required for employees  
Total Stalls Required = 51  
(1 bicycle parking stall per 10 auto stalls)  
  
Parking Provided:  
83 Regular Stalls + 4 ADA Stall = 87 Total Stalls  
8 Bicycle Stalls
- Wall Mounted Lighting is located at building entrances. All lighting is shielded to prevent glare off-site.
- This site plan has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for building and facilities. Appendix A to 28 CFR Part 36.
- Accessible spaces are to be signed and stenciled per Sec. 20-912.
- All traffic control signs placed on private property open to the general public shall comply with the "Manual on Uniform Traffic Control Devices" and "Standard Highway Signs," published by the Federal Highway Administration, with respect to size, shape, color, retroreflectivity, and position.
- Proposed drive and parking areas to have concrete curb to meet City of Lawrence standards, except where noted.
- The City of Lawrence shall not be responsible for damage to pavement due to the weight of refuse vehicles. The trash enclosure shall be constructed to minimum city standards.
- All mechanical equipment shall be screened per Sec. 20-1006 (b). Rooftop equipment will be screened with a parapet wall.
- Required Setbacks:  
Building Setbacks – 20' North and West Sides, 25' South Side, 0' East Side  
Parking Setbacks – 15' North, South and West Sides, 0' East Sides
- Utility Connections:  
Sanitary – 4" PVC Service Line to South as shown  
Water – connection to North as shown  
Electric – to be field evaluated  
Gas – connection to North as shown  
Cable/Telephone – to be field evaluated

### LANDSCAPE NOTES

- Landscape Buffer Yard  
Required – None on North and East. West and South: Alternative Compliance Requested Based on Amount of Existing Vegetation plus Proposed Vegetation Included is Adequate to Satisfy the Intent of this Code Requirement.
- Interior Parking Lot Landscaping: 87 Stalls x 40 s.f. = 3,480 s.f. Required.  
Provided: 7,042 s.f.
- Interior Landscaping (Trees and Shrubs): 87 Stalls = 9 Trees and 27 Shrubs  
Provided: 8 New Trees and 13 Existing Trees, 13 New Shrubs and 20 Existing Shrubs
- Parking Lot Perimeter Landscaping: Per Sec. 20-1004 (b)(2) the increase in Parking Stalls is Less than 20% of the Existing Condition.  
Provided: N/A
- Parking Lot Perimeter Screening: Alternative Compliance Requested Based on Amount of Existing Vegetation plus Proposed Vegetation Included is Adequate to Satisfy the Intent of this Code Requirement.
- Street Trees:  
Required Along W. 6th Street = 8  
Required Along Congressional Drive = 12  
Provided Along W. 6th Street = 8 New Trees  
Provided Along Congressional Drive = 1 New Tree + 11 Existing Trees to Remain
- If grading activity damages the health of the street trees to an extent that the City Horticulture Manager determines they are unhealthy or unsafe, they will be replaced by the property owner.

### SITE PLAN

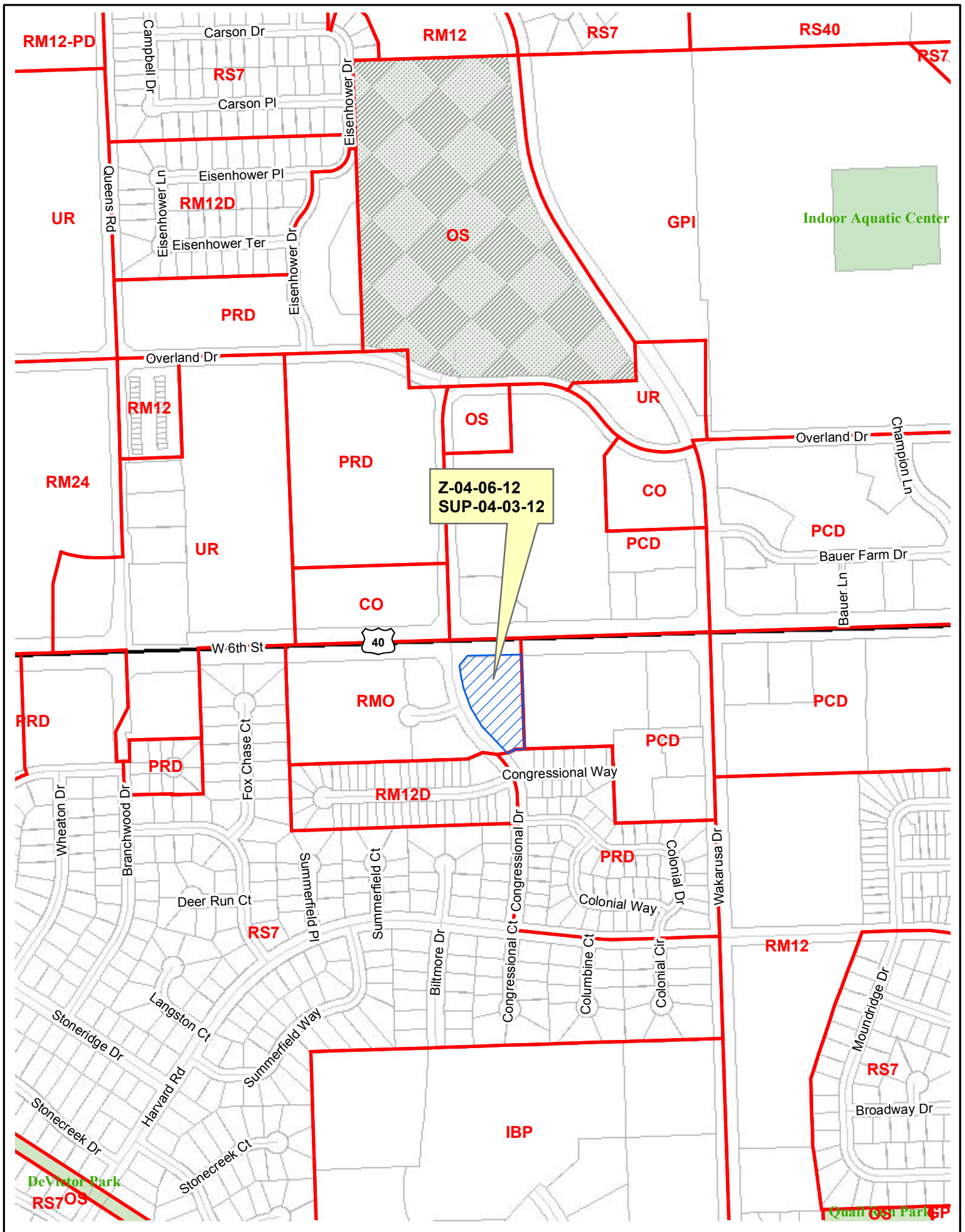
**BARTLETT & WEST**  
544 COLUMBIA DRIVE • LAWRENCE KS 66049  
PHONE 785.749.9433 • FAX 785.749.9961  
WWW.BARTLETTWEST.COM

**SITE PLAN FOR  
RETAIL BUILDING  
650 CONGRESSIONAL DRIVE  
LAWRENCE, KANSAS**

BY	DATE	REVISIONS PER CITY COMMENTS	DESCRIPTION
DRA	6/14/12	1	

DESIGNED	RLW
DRAWN BY:	RLW
APPROVED BY:	DRA
DESIGN PROJ:	18022.000
CONST PROJ:	---
SCALE:	SCALE
DATE:	04-23-12
SHEET NUMBER	SP-1





City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

RE: SE corner of 6<sup>th</sup> and Congressional Project

Dear Director McCullough and Members of Planning Department:

I am writing on behalf of the proposed project at the Southeast corner of 6<sup>th</sup> and Congressional Dr. to express our full support of the local retail expansion.

I am currently a Lawrence resident and a customer of the local business's that will be expanding into the proposed retail project on the southeast corner of 6<sup>th</sup> and Congressional Dr. I am excited to learn that the businesses I support are thriving enough to expand into a larger facility, to help provide the necessary services to Lawrence residents. By providing the necessary zoning changes, I am also confident the City of Lawrence will do their part to ensure that these local businesses will continue to thrive.

Additionally, it is my understanding that the expansion will provide needed economic tax benefits to the City of Lawrence and provide additional employment opportunities to the area.

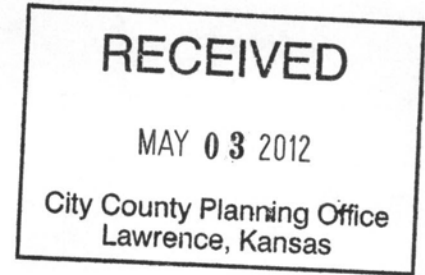
As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,



Printed: Jimmy Golden  
Lawrence Resident

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
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First Floor, 6 E. 6<sup>th</sup> Street  
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Best regards,

A handwritten signature in black ink, appearing to read "Elisha McGuinness". The signature is fluid and cursive.

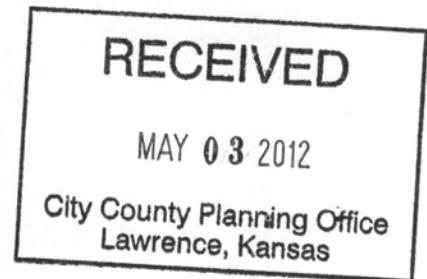
Printed: Elisha McGuinness  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

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Best regards,

Printed: Michelle Thompson  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

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Best regards,

Printed: \_\_\_\_\_  
Lawrence Resident

A handwritten signature in dark ink, appearing to read "Randy Johnson".

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

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Printed: \_\_\_\_\_  
Lawrence Resident

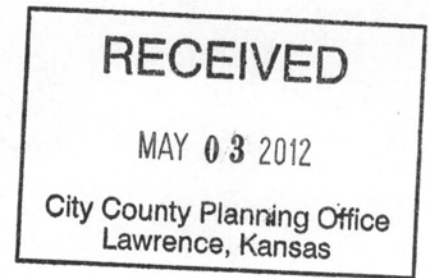
A handwritten signature in dark ink, appearing to read "Darin Eldon". The signature is written over a horizontal line that serves as a placeholder for the printed name.

Darin Eldon M.D.

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012



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Best regards,

A handwritten signature in cursive script, appearing to read "Sarah Elston".

Printed: Sarah Elston  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

RECEIVED

MAY 03 2012

City County Planning Office  
Lawrence, Kansas

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
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RE: SE corner of 6<sup>th</sup> and Congressional Project

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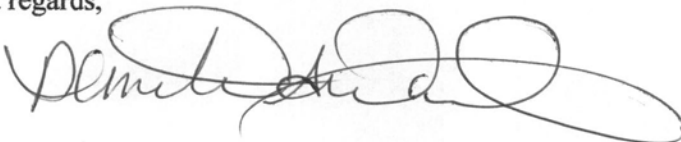
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Best regards,



Printed: Demetria White  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

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Best regards,



Printed: Kathryn Stutter

Lawrence Resident

CC: City of Lawrence Commissioners

RECEIVED

MAY 03 2012

City County Planning Office  
Lawrence, Kansas

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,

Printed: Dan Hines  
Lawrence Resident

CC: City of Lawrence Commissioners

RECEIVED

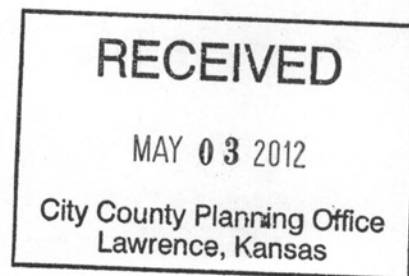
MAY 03 2012

City County Planning Office  
Lawrence, Kansas



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012



Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

RE: SE corner of 6<sup>th</sup> and Congressional Project

Dear Director McCullough and Members of Planning Department:

I am writing on behalf of the proposed project at the Southeast corner of 6<sup>th</sup> and Congressional Dr. to express our full support of the local retail expansion.

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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,

*Lori Walton*  
Lori Walton

Printed: Lori Walton

Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

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MAY 03 2012

City County Planning Office  
Lawrence, Kansas

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,



Printed:

Theisi Gibson  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional



April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

RE: SE corner of 6<sup>th</sup> and Congressional Project

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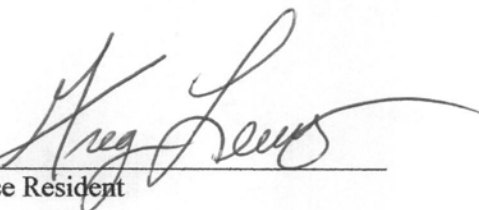
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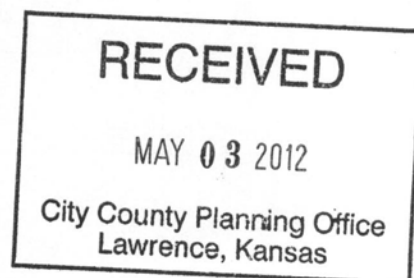
Best regards,

Printed:   
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012



Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

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Best regards,

Printed: Ron Covert  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012



Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,

A handwritten signature in dark ink, appearing to read "Alicia C. Tan". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Printed: Alicia C. Tan  
Lawrence Resident

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,



Printed: Donna Randall  
Lawrence Resident

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

RECEIVED

MAY 03 2012

City County Planning Office  
Lawrence, Kansas

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards, *Mary Beth Carter*

Printed: Mary Beth Carter  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

RE: SE corner of 6<sup>th</sup> and Congressional Project

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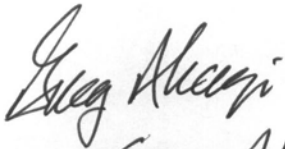
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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,



Printed: \_\_\_\_\_

Lawrence Resident

CC: City of Lawrence Commissioners

RECEIVED

MAY 03 2012

City County Planning Office  
Lawrence, Kansas

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
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Lawrence, Kansas 66044

RE: SE corner of 6<sup>th</sup> and Congressional Project

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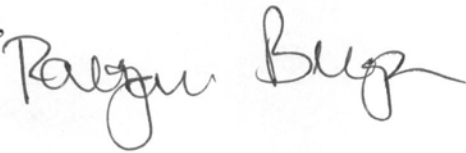
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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,



Printed: Raegann Berger  
Lawrence Resident

CC: City of Lawrence Commissioners

RECEIVED

MAY 03 2012

City County Planning Office  
Lawrence, Kansas

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044



RE: SE corner of 6<sup>th</sup> and Congressional Project

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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,

A handwritten signature in black ink, appearing to read "Ron Glover", written over a horizontal line.

Printed:

Ron Glover  
Lawrence Resident

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional



April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,

A handwritten signature in black ink, appearing to read "Tim Shepard". The signature is fluid and cursive, with a large loop at the end.

Printed: Tim Shepard  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional



April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

RE: SE corner of 6<sup>th</sup> and Congressional Project

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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,

A large, stylized handwritten signature in black ink, appearing to read "Tanay Forsberg".

Printed: TANAY FORSBERG  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional



April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
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First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

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Best regards,

  
Printed: JAMES G. CALDERON  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

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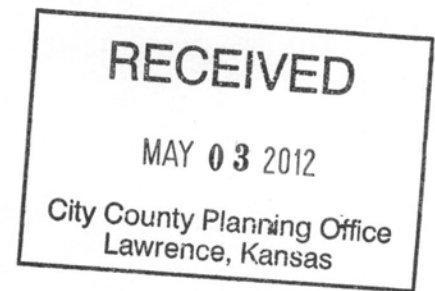
Best regards, *Cheri Gabel*

Printed: *Cheri Gabel*  
Lawrence Resident

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional



April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
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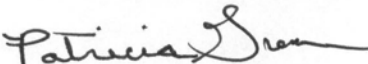
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Best regards, 

Printed: Patricia Greeve  
Lawrence Resident

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

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Lawrence, Kansas 66044

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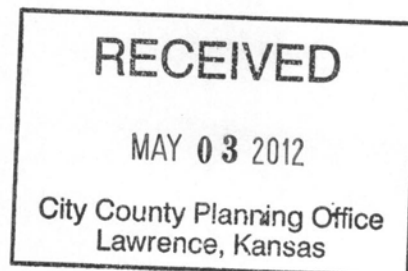
As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,



Printed: Karl Pittman  
Lawrence Resident

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
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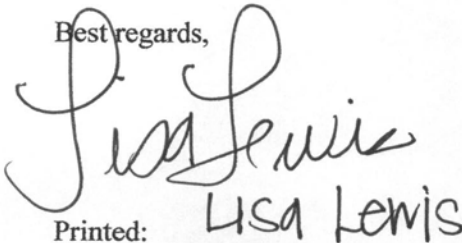
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Best regards,



Printed: \_\_\_\_\_

Lawrence Resident

CC: City of Lawrence Commissioners

RECEIVED

MAY 03 2012

City County Planning Office  
Lawrence, Kansas

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
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First Floor, 6 E. 6<sup>th</sup> Street  
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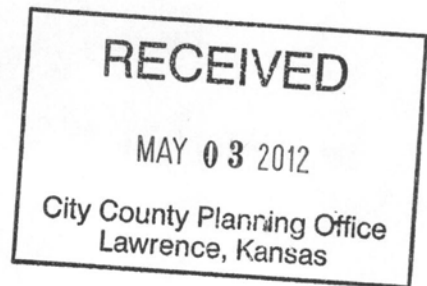
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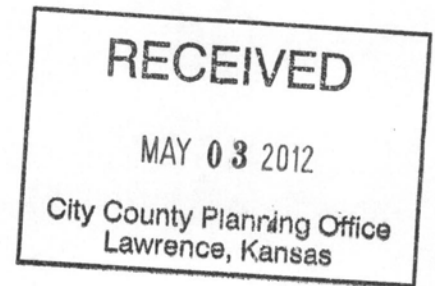
Printed: ADRIENNE KARAM  
Lawrence Resident



CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional



April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
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Additionally, it is my understanding that the expansion will provide needed economic tax benefits to the City of Lawrence and provide additional employment opportunities to the area.

As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,

A handwritten signature in cursive script that reads "Amy Grant".

Printed: \_\_\_\_\_

Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional



April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

RE: SE corner of 6<sup>th</sup> and Congressional Project

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Best regards,

A handwritten signature in black ink, appearing to read "Jim Persinger".

Printed: \_\_\_\_\_

Lawrence Resident

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

RECEIVED

MAY 03 2012

City County Planning Office  
Lawrence, Kansas

April 25<sup>th</sup>, 2012

Mr. Scott McCullough, Director,  
Planning and Development Services  
And members of Planning Department  
First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

RE: SE corner of 6<sup>th</sup> and Congressional Project

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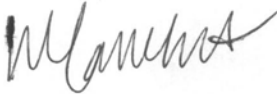
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Best regards,



Printed: Meghan Lambrecht  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012



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First Floor, 6 E. 6<sup>th</sup> Street  
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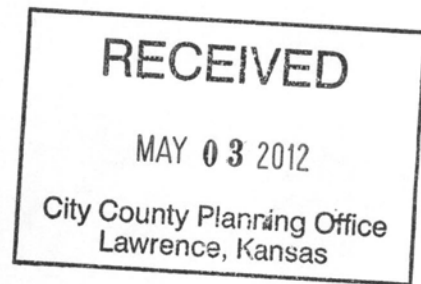
A handwritten signature in cursive script, reading "Katie Becklin Atkinson". The signature is written in dark ink and is positioned below the "Best regards," text.

Printed: Katie Becklin Atkinson  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012



Mr. Scott McCullough, Director,  
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Printed: \_\_\_\_\_

Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012



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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,

A handwritten signature in cursive script, appearing to read "Danrel R. Wilkus".

Printed: Danrel R. Wilkus  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012



Mr. Scott McCullough, Director,  
Planning and Development Services  
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First Floor, 6 E. 6<sup>th</sup> Street  
Lawrence, Kansas 66044

RE: SE corner of 6<sup>th</sup> and Congressional Project

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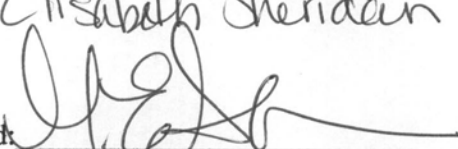
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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,

M. Elizabeth Sheridan

Printed:   
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional



April 25<sup>th</sup>, 2012

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As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,

A handwritten signature in cursive script, appearing to read "M. Barybin".

Printed: Mikhail Barybin  
Lawrence Resident

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

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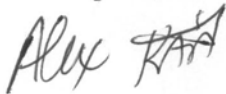
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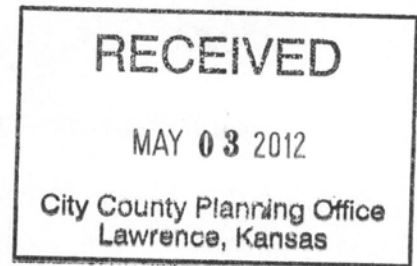
As a member of the Lawrence community and a supporter of local businesses, I respectfully request that the Planning Commission recommend support of the 6<sup>th</sup> and Congressional project.

Best regards,



Printed: Alexandre K. Karam  
Lawrence Resident

CC: City of Lawrence Commissioners



City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

April 25<sup>th</sup>, 2012

RECEIVED

MAY 03 2012

City County Planning Office  
Lawrence, Kansas

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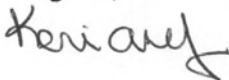
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Best regards,



Printed: Keri Anif  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

RECEIVED

MAY 03 2012

City County Planning Office  
Lawrence, Kansas

April 25<sup>th</sup>, 2012

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Best regards,



Printed: Kerry Townsend  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

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MAY 03 2012

City County Planning Office  
Lawrence, Kansas

April 25<sup>th</sup>, 2012

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Best regards,



Printed: Brad Trebilcock  
Lawrence Resident

CC: City of Lawrence Commissioners

City of Lawrence  
Support Group  
6<sup>th</sup> and Congressional

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City County Planning Office  
Lawrence, Kansas

April 25<sup>th</sup>, 2012

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Best regards,

*Christine Clarke*

Printed: Christine Clarke  
Lawrence Resident

CC: City of Lawrence Commissioners



**PLANNING COMMISSION REPORT**  
**Regular Agenda – Non Public Hearing Item**

PC Staff Report  
6/25/12

**ITEM NO. 5A: ANNEXATION; 12.29 ACRES; 1783 E 1450 ROAD (SLD)**

**A-5-2-12:** Consider annexation of approximately 12.29 acres, located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street), for Lawrence Recycle Center. Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested annexation of approximately 12.29 acres subject to payment of rural water district fees.

**Reason for Request:** Property is located in urban growth area and is adjacent to city limits on two sides. Annexation is intended to facilitate development to City standards.

**KEY POINTS**

- Annexation of approximately 12.29 acre is being requested for the development of a facility that processes and recycles metals.
- The subject property is located within Service Area 2 of the Urban Growth Area.
- Annexation requests larger than 10 acres require a Planning Commission recommendation.
- This request is accompanied by a Zoning request, a Preliminary Plat and a Special Use Permit application.
- Property is adjacent to city limits on the south and east side.
- Sanitary sewer service is adjacent to the south property line.
- City water is available to serve this property from the east.
- Development will have implications for stormwater runoff and the City system.
- Property is within 500 of the Levee and subject to Corps of Engineer's review.
- Property is within gateway to City of Lawrence.
- Annexation of this property is recommended to assure that development is compatible with urbanization of the area.

**COMPREHENSIVE PLAN FACTORS TO CONSIDER**

- The proposal is compliant with the Comprehensive Plan.

**ASSOCIATED CASES**

- Rezoning request [Z-5-7-12] from I-2 (Light Industrial) County District to IG-FP (General Industrial - Floodplain Overlay) District.
- Special Use Permit [SUP-5-5-12] for the salvage/recycling operation.
- FP-5-6-12; local Floodplain Development Permit.
- Submission and approval of applicable public improvement plans.

**OTHER ACTION REQUIRED**

- City Commission approval of annexation and adoption/publication of ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- City Commission approval of the Special Use Permit and adoption/publication of ordinance.
- City Commission acceptance of dedication of easements and rights-of-way.
- Submittal of final plat for administrative approval and recordation.

## **PUBLIC COMMENT**

- Inquiries via phone regarding proposed development. Concerns expressed by callers related to planned improvements to the right-of-way and screening of the use from the street.

## **EXISTING CONDITIONS**

Current Zoning and Land Use:	I-2 (County-Light Industrial); vacant property previously used as a salvage and automotive related use.
Surrounding Zoning and Land Use:	To the North: I-2 (Light Industrial) District and A (Agricultural) District existing warehouse and exterior storage and agricultural field.  To the Northeast: OS (Open Space); KDOT maintenance facility and storage.  To the South: IG (General Industrial) City District; existing Storage facility.  To the East: B-2 (General Business) County District) Tee Pee Junction. Also to the east RS10 (Single-Family Residential) District) "White School House".  To the Southeast and East on the east side of US 40/59 (N. 3 <sup>rd</sup> Street): CS (Commercial Strip) City District and IG (General Industrial) City District; office warehouse and industrial uses.  To the West: I-2 (Light Industrial) District and OS (Open Space) City District. Existing railroad tracks and Riverfront Park.

## **Site Summary**

Gross Area: 12.29 acres

Subject property is located within Service Area 2 of the Urban Growth Area as defined in *Horizon 2020*.

## **Project Summary:**

The proposed annexation is for 12.29 acres located on the southwest corner of N 1800 Road and E 1450 Road (N. 3<sup>rd</sup> Street Extended also known as U.S Highway 40/59). The annexation is desired so that the property may be developed in a manner sensitive to the City development standards, stormwater run-off impacts, and gateway treatment of the corridor. The Annexation and associated Zoning, Preliminary Plat and Special Use Permit applications replace the previous Conditional Use Permit request made earlier this year (CUP-3-2-12).

## **Annexation Procedure:**

City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. A related rezoning request has been submitted for this property from I-2 (Light Industrial) County District to IG-FP (General Industrial - Floodplain Overlay) District.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed. The applicant will be subject to the applicable fees associated with this policy.

**General Location and Site Characteristics:**

The site requested for annexation is located at the southwest corner of the intersection of N 1800 Road and E 1450 Road (Highway 40/59). The property includes more than 1,200' feet of highway frontage and varies from 314' in width at the north end to 474' of width at the south end. The site includes numerous buildings located along the highway frontage.

The property is almost completely encumbered by regulatory floodplain; therefore, a rezoning to the Floodplain Management Regulations Overlay District is also required. An application for a Floodplain Development Permit has been submitted for the proposed development and use of the property.

**Infrastructure and Utility Extensions:**

A sanitary sewer line extends to the south end of this property and provides the opportunity to connect to city services from this property.

*Public Right-of-Way:* The subject property abuts a County road to the north and Highway 40/59 along the east side. Platting of the property will include the dedication of additional right-of-way for both streets.

**COMPREHENSIVE PLAN:**

The subject property is located within Service Area 2 of the Urban Growth Area as shown in Map 3-1 of *Horizon 2020*. This area includes lands which are proximate to the existing city limits and can be readily served by community facilities and services. The Annexation Policies listed on page 4-5 of *Horizon 2020* states that annexation shall be required prior to development in Service Area 1 of the Lawrence Urban Growth Area. While not in Service Area 1, this property is adjacent to the city limits and can be served by municipal services. This annexation request is also considered under the Transportation Chapter of *Horizon 2020* since it will impact the gateway along the highway frontage.

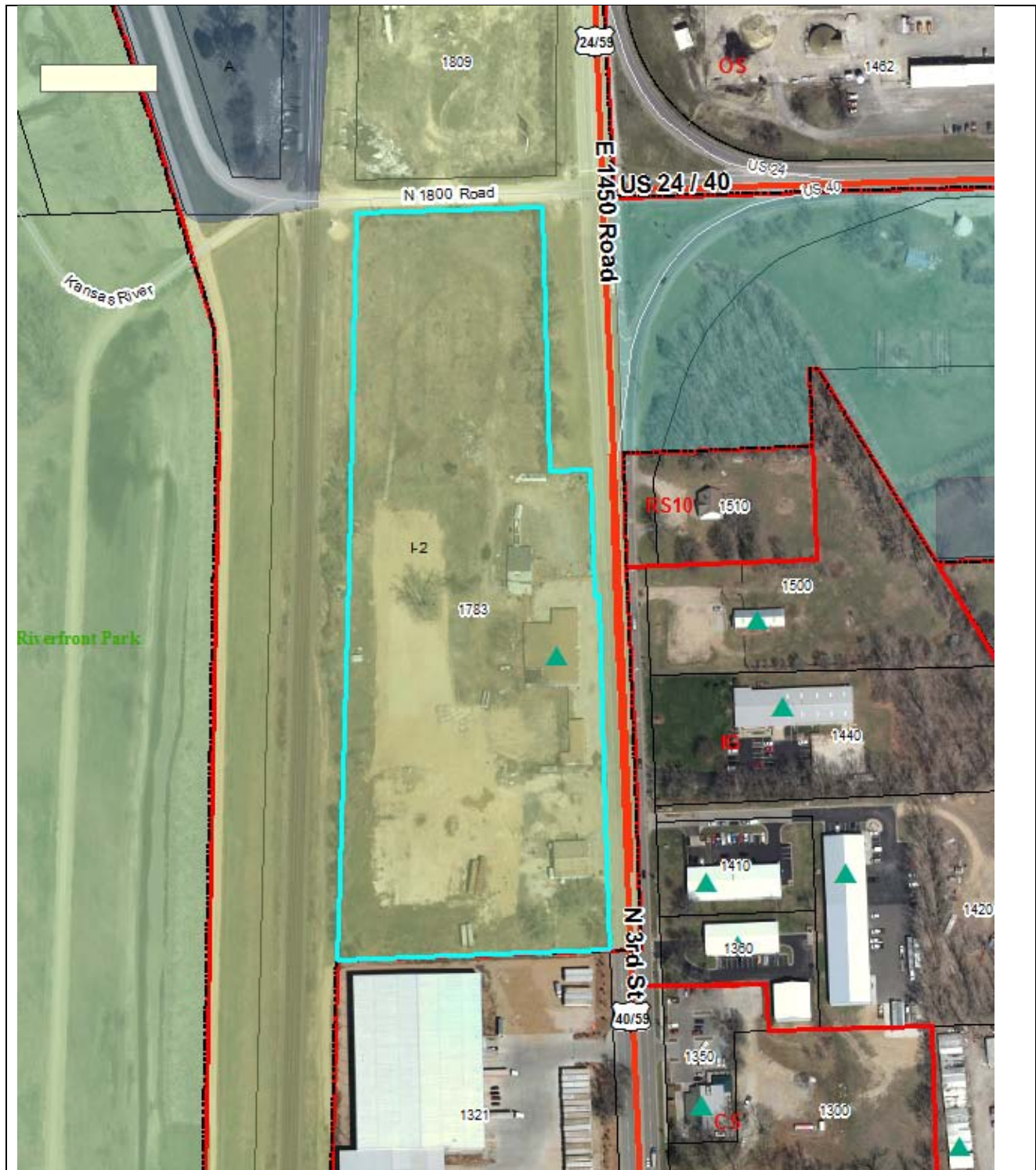
Transportation Policy 2.10: Streetscape and Gateways criteria for development (page 8-10 *Horizon 2020*) recommends the use of a streetscape that provides visually attractive and physically comfortable environments and using landscaping buffers between automobile traffic lanes and developed sites.

Screening will be considered with the review of the Special Use Permit site plan. Appropriate and applicable design standards as they relate to screening along the corridor are required to comply with the Industrial Design Guidelines.

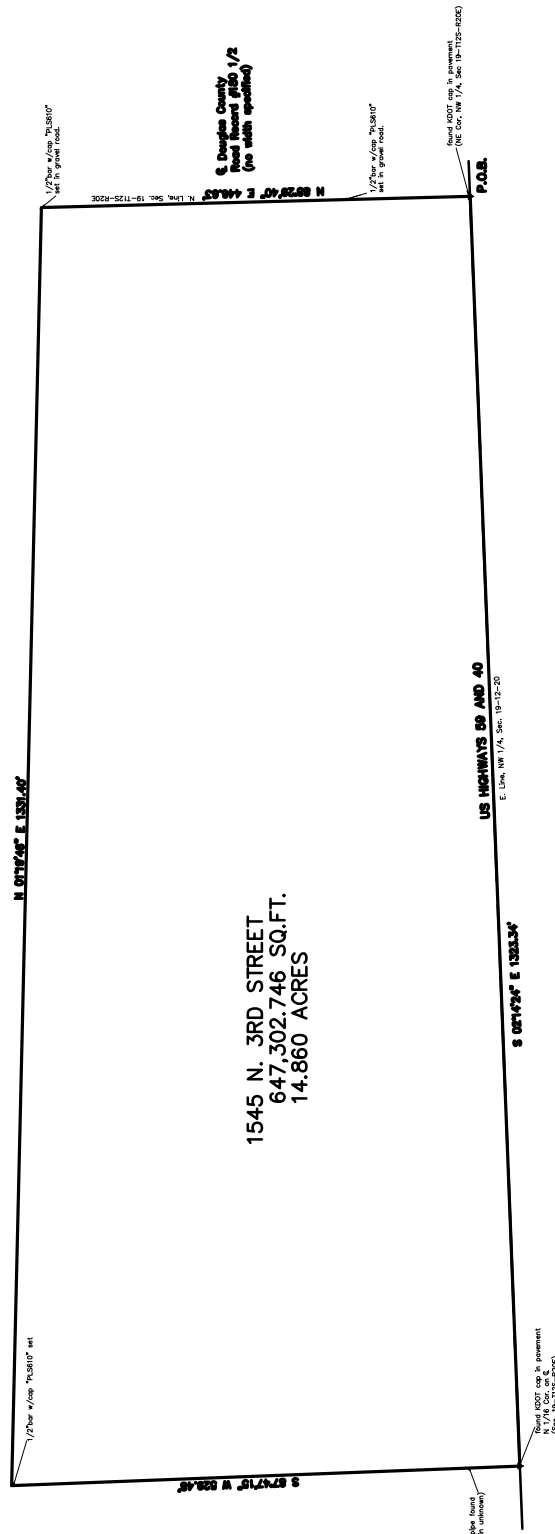
The annexation request is consistent with the growth management and transportation policies found in *Horizon 2020*.

**CONCLUSION**

The subject property is located within Service Area 2 of the UGA. This land use proposal will accommodate development sensitive to the adopted plans and design standards of the City of Lawrence. The proposed annexation is compliant with recommendations of *Horizon 2020*.



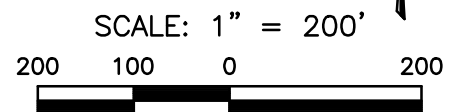
**Figure 1.** Property included in this annexation is highlighted with a blue outline.



## ANNEXATION AND REZONING DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 19 IN TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH 2° 14' 24" EAST, 1323.34 FEET ALONG SAID EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 87° 47' 15" WEST, 529.48 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 01° 19' 46" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 1331.40 FEET TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH 88°29' 40" EAST, ALONG THE NORTH LINE, 446.63 FEET; TO THE POINT OF BEGINNING. CONTAINS 14.860 ACRES, MORE OR LESS.

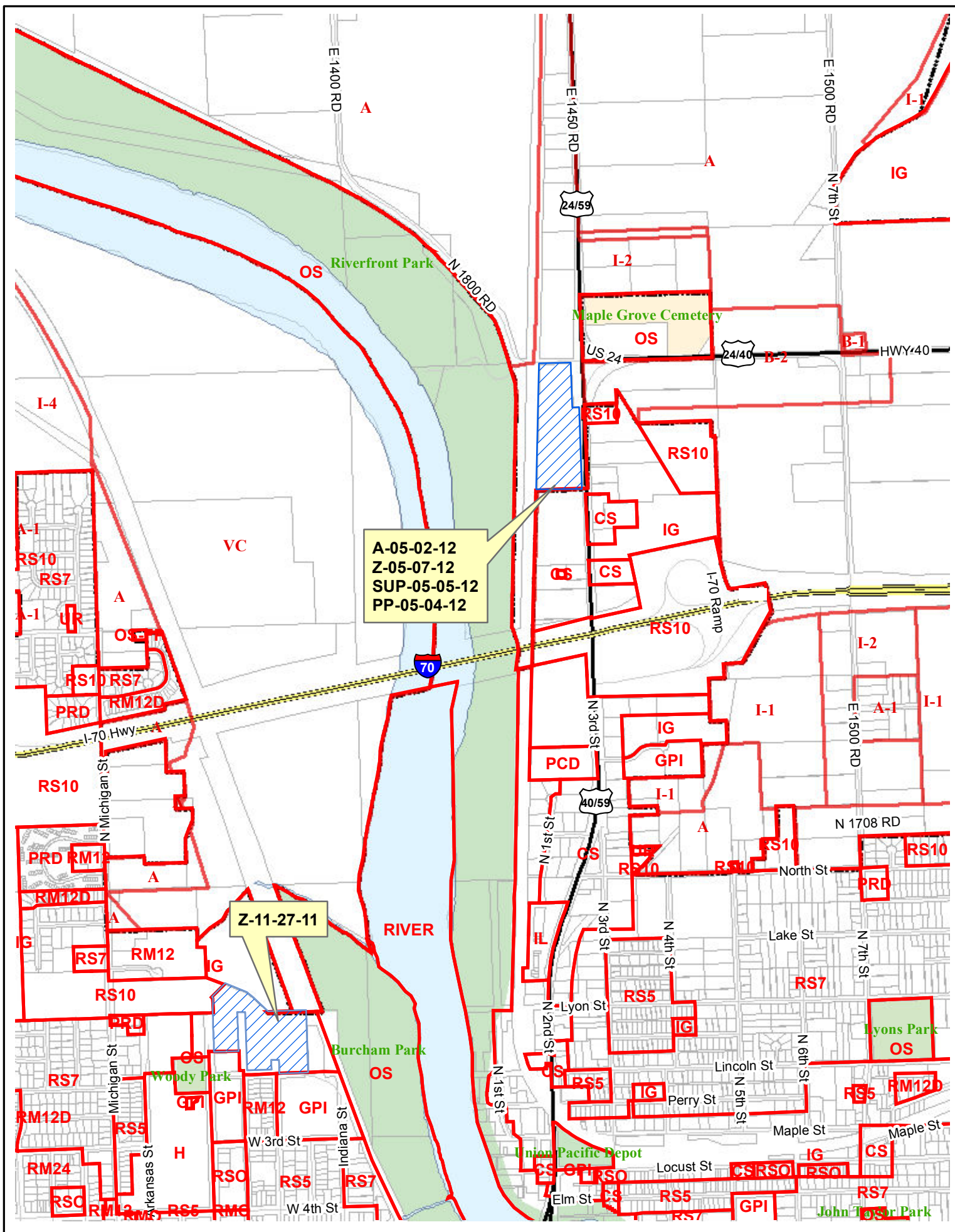


**Landplan Engineering, P.A.**  
Lawrence, KS • Kansas City, MO • Columbus, OH  
The Woodlands, TX • Farmington Hills, MI

**Civil Engineering  
Landscape Architecture  
Community Planning  
Surveying**

1310 Wakarusa Drive  
Lawrence, Kansas 66049  
tele (785)843-7530  
fax (785)843-2410  
email: info@landplan-pa.com  
Web www.landplan-pa.com





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

PC Staff Report  
6/25/2012

**ITEM NO. 5B: I-2 to IG-FP; 12.29 ACRES EXCLUDING RIGHT-OF-WAY; 1783 E 1450 ROAD (SLD)**

**Z-5-7-12:** Consider a request to rezone approximately 12.29 acres from I-2 (Light Industrial) County Zoning District to IG-FP (General Industrial-Floodplain Overlay) District, located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 12.29 acres, from I-2 (Light Industrial) County Zoning District to IG-FP (General Industrial - Floodplain Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:** *Current zoning is in the county under industrial. Once annexed into the City of Lawrence zoning needs to match existing use and zoning. The property was used for a salvage yard in the county at one time. It has been vacant for a number of years. The surrounding land uses are industrial.*

**KEY POINTS**

- Existing industrially zoned property.
- Previous uses included automotive salvage yard.
- Proposed use requires General Industrial District Zoning with approval of a Special Use Permit.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Annexation request [A-5-2-12].
- Rezoning request [Z-5-7-12] from I-2 (Light Industrial) County District to IG -FP (General Industrial - Floodplain Overlay) District.
- Preliminary Plat [PP-5-4-12]; Lawrence Recycle Addition.
- Special Use Permit [SUP-5-5-12] for a scrap and salvage operation.
- FP-5-6-12; local Floodplain Development Permit.

**PLANS AND STUDIES REQUIRED**

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

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Inquiries via phone regarding proposed development. Concerns expressed by callers related to planned improvements to the right-of-way and screening of the use from the street.

**ATTACHMENTS**

- Area map
- Floodplain map

### **Project Summary:**

Proposed request is for industrial zoning to accommodate a metal salvage/recycling operation classified in the Development Code as a “Scrap and Salvage Operation” and a Recycling-Processing Center”. The property is encumbered by regulatory floodplain. This request presumes approval of the annexation of the same property.

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

Applicant's Response: *Map 3-2 Lawrence Future Land Use of Horizon 2020 this area is shown white. The surrounding area is shown as Industrial use. This request is consistent with the surrounding use of the area.*

### **Comp Plan Review:**

- 1) The Plan supports infill development and redevelopment which provides a range of residential, commercial, office, and industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas.
- 2) The Plan promotes development in the UGA through an adopted annexation policy which anticipates well-planned development of fringe areas.
- 3) The Plan defines the urbanizing areas of the county and directs development to these areas.
- 4) The Plan defines the limits of the UGA for the planning period. Through adoption of an annexation policy, development can be anticipated to occur in areas most easily served by public facilities and where future development can be scheduled in concert with planned infrastructure improvements. (Chapter 3, Page 3-1)

The plan speaks to the appropriateness of annexing property within the Urban Growth Area. This property is both in the Urban Growth Area, Service Area 2, and adjacent to existing city limits. The land use map in Chapter 3 does not define land uses in detail for Service Area 2. The Land Use Map in the Transportation Chapter indicates this area as greenspace, presumably because of the presence of the floodplain. This area is also within the boundary of the Northeast Sector Plan approved by the Planning Commission May 21, 2012. This plan indicates industrial use along this segment of the corridor.

**Staff Finding** – The proposed request is consistent with the historic and future land uses identified in various planning documents including *Horizon 2020*.

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

<b>GENERAL INFORMATION</b>	
Current Zoning and Land Use:	I-2 (County-Light Industrial); vacant property previously used as a salvage and automotive related use.
Surrounding Zoning and Land Use:	<p>To the North: I-2 (Light Industrial) District and A (Agricultural) District existing warehouse and exterior storage and agricultural field.</p> <p>To the Northeast: OS (Open Space); KDOT maintenance facility and storage.</p>

	<p>To the South: IG (General Industrial) City District; existing Storage facility.</p> <p>To the East: B-2 (General Business) County District) Tee Pee Junction. Also to the east RS10 (Single-Family Residential) District) "White School House".</p> <p>To the Southeast and East on the east side of US 40/59 (N. 3<sup>rd</sup> Street): CS (Commercial Strip) City District and IG (General Industrial) City District; office warehouse and industrial uses.</p> <p>To the West: I-2 (Light Industrial) District and OS (Open Space) City District. Existing railroad tracks and Riverfront Park.</p>
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**Staff Finding** – This property is adjacent to a variety of land uses and zoning districts. The property also abuts an active railroad corridor. The proposed request is consistent with corridor development and planned uses in the area. This property is also encumbered by the regulatory floodplain.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *This lot is adjacent to industrial use to the east and north. The area to the west has access to the existing railroad and levee. The area to the south is used for storage of trucks and trailers.*

This property is located along Highway 40/59. This area is developed with a variety of industrial and commercial uses that include warehouse and exterior storage. The area is within the influence of the Lawrence Municipal Airport to the northeast and the North Lawrence Neighborhood to the south. The property is also located within Service Area 2 of the Lawrence Urban Growth Area. Development in this immediate area is characterized by highway uses and shallow lots. The highway and railroad corridors limit the lot depth in this area. The property is currently within unincorporated Douglas County and adjacent to the City limits along the south property line and a portion of the east property line.

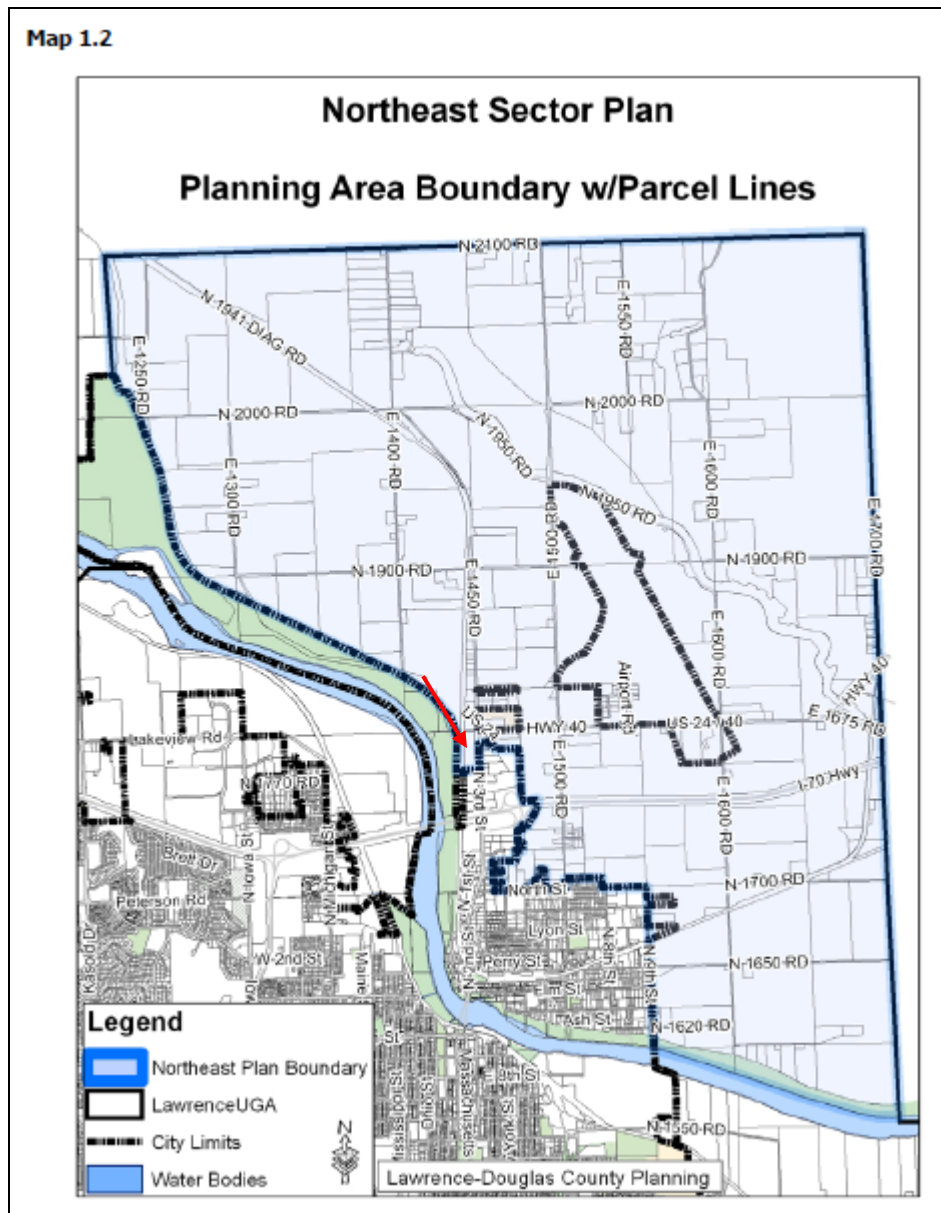
**Staff Finding** – This area is developed with a variety of highway industrial uses and is within the City of Lawrence Urban Growth Area.

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

Applicant's Response: *This lot is adjacent to industrial use to the east and north. The area to the west has access to the existing railroad and levee. The area to the south is used for storage of trucks and trailers.*

As noted above this property is located within the boundary of the Northeast Sector Plan. Upon its final approval, the plan will be amended into *Horizon 2020*.





This property is also noted to be within the gateway corridor and located along a principal arterial road. The plan recognizes the existence of industrial zoning within the planning area and supports existing industrial uses in the planning area. While the property is currently vacant, it has historically been used for intensive automotive related uses. Approval of the request facilitates redevelopment of the site to City standards and implementation of applicable gateway and industrial development recommendations for design.

**Staff Finding** – The proposed request is consistent with the recommended plans and land use of the pending Northeast Sector Plan.



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

Applicant's Response: *The existing zoning is I-2 in Douglas County the requested zoning in the City of Lawrence is IG which allows recycling center in the zoning. The uses will match from one area to the next area.*

This property is zoned I-2 (Light industrial District), a County industrial designation. The purpose of this district is intended primarily for light manufacturing, fabricating, warehousing, and wholesale distributing in low buildings with off-street loading and off-street parking for employees with access by major thoroughfares or railroads in either central or outlying locations.

The I-2 district allows for the manufacturing and fabrication of "Metals and metal products" including Blacksmithing or Welding Shops, Foundry Products Manufacturing (electrical only), Iron (ornamental) Fabrication, Sheet metal Products, Structural Iron and Steel Fabrication, and similar uses listed in 12-312-2.03.

This property abuts Highway 40/59 along the east property line and the railroad along the west property line. Upon annexation of this property a suitable City zoning district is required. The proposed IG (General Industrial) District is reflective of the past and proposed uses of this property and the intensive nature associated with vehicle trips and exterior storage of materials. Due to the property's location in the regulatory floodplain, rezoning to include the Floodplain Overlay District is required.

**Staff Finding** – Upon annexation the existing county industrial zoning will no longer be suitable. The proposed IG-FP zoning is appropriate for this area and the intended use of the property.

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

Applicant's Response: *the property has remained vacant since 2009 with little or no expressed interest in the site for redevelopment.*

**Staff Finding** – The property is currently vacant but developed with several buildings related to the previous salvage use. The County Commission considered a site plan in 2003 for a change of use for a salvage/towing and storage facility known as Kaw Valley Motors. There was no record of a site plan or Conditional Use Permit for this site prior to 2003.

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

Applicant's Response: *Approving this rezoning application will not adversely affect the neighboring properties. Rezoning for adjacent properties is being requested to ensure compatibility with surrounding neighborhoods.*

This segment of the corridor is typified by intensive industrial uses that include exterior storage and highway related uses. Potential impacts associated with development will be mitigated through the application of appropriate design review of the specific use and of the regulatory floodplain development. The proposed IG district accommodates a variety of land uses consistent with the character of the highway corridor.

**Staff Finding** – No detrimental impacts are anticipated as a result of rezoning the property to IG-FP district. Applicable design guidelines, building setbacks and screening will mitigate concerns and address gateway treatments along the corridor.

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

Applicant's Response: *Approval of this application will fill a need of the City of Lawrence for more recycling. At present time the property is vacant with no activity in the existing structures. The new use will also close off one long existing curb cut along US 59 Highway. This will also improve one the entrances into the City of Lawrence.*

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

Approval of this request adds 12.29 acres to the industrial inventory within the City Limits. The location along a highway corridor is desirable given the traffic associated with industrial uses. Approval of the IG-FP District allows a diverse range of uses for the property. Denial of this request would hinder the applicant's plans for a specific use of the property as a recycling/salvage operation.

**Staff Finding** – Approval of the request expands the tax base and inventory of industrial zoning with the City Limits with an opportunity for intensive industrial uses that rely on good transportation access.

**9. PROFESSIONAL STAFF RECOMMENDATION**

The current zoning is a County district and not appropriate upon annexation. The proposed IG-FP District is reflective of the corridor characteristic and consistent with the Northeast Sector Plan. Regardless of the end use, the district will accommodate a variety of industrial uses.

This property is encumbered by the regulatory floodplain. Per 20-1201 (c) of the Development Code requires the additional zoning designation of FP Overlay District. A map of the property showing the presence of the regulatory floodplain is attached. The FP (Floodplain Management Regulations Overlay) District is an appropriate zoning district for property encumbered with the floodplain.

**CONCLUSION**

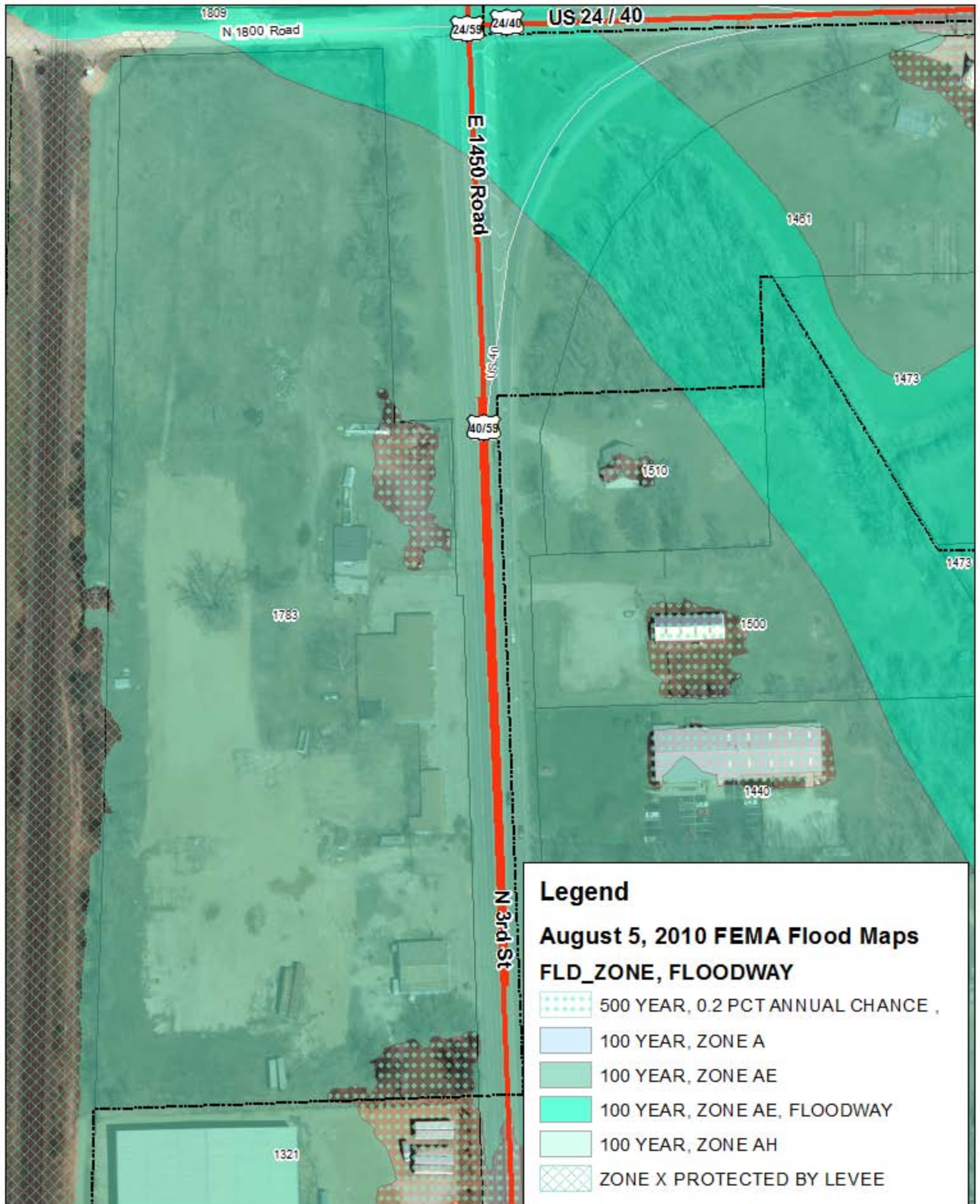
Staff recommends approval of the rezoning request to the IG-FP District.

75 37.5 0 75 150 225 300  
 Feet  
 1 inch = 151 feet

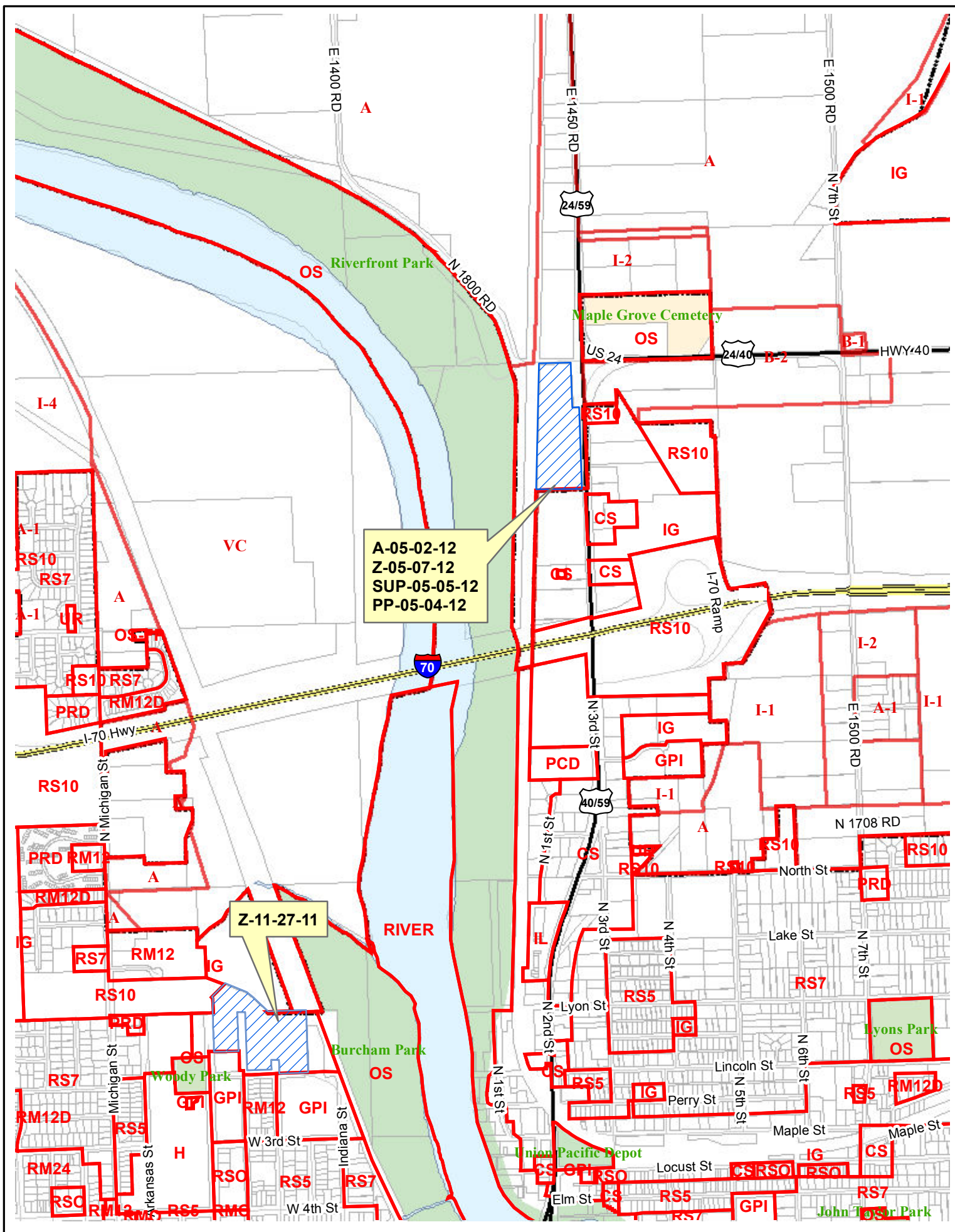
**DISCLAIMER NOTICE**

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

Date: 6/18/2012







**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item:**

PC Staff Report  
06/25/12

**ITEM NO. 5C: SPECIAL USE PERMIT FOR LAWRENCE RECYCLE CENTER; 1783 E 1450 ROAD. (SLD)**

**SUP-05-05-12:** Special Use Permit for Lawrence Recycle Center; located at 1783 E 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owners of record.

**STAFF RECOMMENDATION:** Staff recommends approval of SUP-05-05-12, a Special Use Permit for a Scrap and Salvage Operation located at 1783 E 1450 Road, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Provision of a copy of a letter from Kansas Department of Health and Environment confirming compliance of the project with KDHE requirements.
2. Receipt of a US Army Corps of Engineers Permit.
3. Execution of a Site Plan Performance Agreement.
4. Submission and approval of a stormwater pollution prevention plan (SWP3) must be provided for this project, Per City Code Chapter IX Article 9-903(B) prior to issuance of a building permit.
5. Approval of a local Floodplain Development Permit prior to release of the site plan for issuance of a building permit Per City Code 20-1308(a).
6. Submission and approval by staff of a plan detailing the use and arrangement of activity and storage for the exterior storage area compliant with the Floodplain Development Regulations.
7. Provision of a revised site plan per the approval of the Stormwater Engineer to include the following notes and changes:
  - a. Add the following notes to the site plan:
    - i. *"A large portion of the subject property is located within the one percent annual chance (100-year) floodplain according to the Federal Emergency Management Agency, Flood Insurance Rate Map, Map Numbers 2004C0088D & 2004C0176D, Effective Date: August 5, 2010. The base flood elevation (BFE) = 823."*
    - ii. *Construction activity, including soil disturbance or removal of vegetation shall not commence until an approved SWP3 has been obtained.*
    - iii. *"The "retention area" and the connecting drainage swale will be maintained to provide 540 cubic yards (0.33 acre-feet) of additional floodplain volume within the site boundary."* [Change "retention" area to "detention" area].
    - iv. *"This site falls under guidelines set forth by the Kansas Department of Health & Environment, refer to KDHE Project No. C4-023-71903 & EUCA No. 07-EUC-0001 for reference."*
    - v. Add a note to the site plan that indicates borrow soil for fill needs to comply with KDHE BER Policy #BER-RS-048.
  - b. Show the flow line elevations of the 36" CMP under the gravel road on the north side of the property.
  - c. Show the existing curb inlet locations on the west side of N. 3rd Street. Show the elevations of the top of the curb inlets as well as outfall elevations. Show the



	corresponding cross road pipes extending to the east under N. 3rd Street including material type and diameter.
8.	Provision of a revised Site Plan to show the following: <ol style="list-style-type: none"><li>The applicant is requesting a waiver from the requirement to construct sidewalks (refer to preliminary plat discussion). If sidewalks are required the drawing must be amended to show the sidewalk.</li><li>Provision of a fencing detail per staff approval consistent with the Industrial Design Guidelines.</li><li>Show building entrances.</li><li>Revise off-street parking summary per staff report and provide one (1) additional parking space.</li><li>Provision of a note on the face of the site plan that states chain-link fencing is prohibited along Highway 40/59 except for the portion north of the north driveway. Future replacement of the fence north of the driveway shall be consistent with the approved gateway treatment of the site.</li><li>Provision of a note that states: <i>"All mechanical equipment shall be screened in accordance with Section 20-1006 of the Development."</i></li><li>Label areas on plan that will be openspace. Include a general note that states turf areas will be open space.</li></ol>
9.	Provision of a revised landscape plan to include the following notes and changes: <ol style="list-style-type: none"><li>Show 8 street trees along the north property line at a ratio of 1 tree per 40'.</li><li>Provision of a note that states: <i>"Existing trees used for screening or other required landscape standards lost or removed for any reason shall be replanted consistent with the size and species requirements of the landscape plan."</i></li><li>Update the interior landscape summary to reflect the increase in off-street parking standards for this use.</li><li>Update the street tree summary to include the 314.62' of frontage along the north property line [8 street trees].</li><li>Revise the plan schedule to show minimum tree size of 4" caliper and minimum container size of shrubs as 5 gallon 18 – 24".</li><li>Provision of a note that specifies the planting materials to be used for all turf areas.</li></ol>

**Applicant's Reason for Request:** *This site is within the UGA and has utilities close to the site; Based on the city standards this property can be serviced by the City of Lawrence.*

#### KEY POINTS

- The Special Use Permit is requested to permit the Scrap and Salvage Operation.
- Existing buildings will be demolished except for one building located at the south end of the property to be reused for equipment storage.
- New 14,400 SF building proposed.
- The primary exterior storage area is 55,125 SF located in the southwest corner of the site. Additional storage area is located for palletized material on pad sites surrounding the mail building.

#### ASSOCIATED CASES/ OTHER ACTION REQUIRED

- Annexation request [A-5-2-12].
- Rezoning request [Z-5-7-12] from I-2 (Light Industrial) County District to IG-FP (General Industrial - Floodplain Overlay) District.

- Special Use Permit [SUP-5-5-12] for the salvage/recycling operation.
- FP-5-6-12; local Floodplain Development Permit.
- Submission and approval of applicable public improvement plans.
- Final Plat submission, review and approval and recording at Register of Deeds Office.

#### PLANS AND STUDIES REQUIRED

- *Traffic Study* – received and approved by staff.
- *Downstream Sanitary Sewer Analysis* – Received and approved by staff.
- *Drainage Study* – Received and approved by staff including documentation as required for floodplain assessment.
- *Retail Market Study* – Not applicable to this request.

#### PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Inquiries via phone regarding proposed development. Concerns expressed by callers related to planned improvements to the right-of-way and screening of the use from the street.

#### ATTACHMENTS

- Site Plan
- Site renderings

GENERAL INFORMATION	
Current Zoning and Land Use:	I-2 (County-Light Industrial); vacant property previously used as a salvage and automotive related use.
Surrounding Zoning and Land Use:	<p>To the North: I-2 (Light Industrial) District and A (Agricultural) District existing warehouse and exterior storage and agricultural field.</p> <p>To the Northeast: OS (Open Space); KDOT maintenance facility and storage.</p> <p>To the South: IG (General Industrial) City District; existing Storage facility.</p> <p>To the East: B-2 (General Business) County District) Tee Pee Junction. Also to the east RS10 (Single-Family Residential) District) "White School House".</p> <p>To the Southeast and East on the east side of US 40/59 (N. 3<sup>rd</sup> Street): CS (Commercial Strip) City District and IG (General Industrial) City District; office warehouse and industrial uses.</p> <p>To the West: I-2 (Light Industrial) District and OS (Open Space) City District. Existing railroad tracks and Riverfront Park.</p>

#### Summary of Request

This request and the associated Annexation, Zoning and Preliminary Plat are intended to facilitate redevelopment of the site for a Scrap and Salvage Operations and a Recycling and Processing Center. Most of the existing site improvements will be demolished to accommodate a new building, interior access, and a pad site for exterior storage and processing.

### **Site Plan Review:**

The site plan proposes a new 14,400 square foot building and surrounding space for limited exterior storage. The improvements include the demolition of existing structures with the exception of a 3,612 SF building located at the south end of the site. The request also includes a 225' by 245' pad site for exterior storage and processing of metals. The proposed use includes both salvage and recycling operations.

Scrap and Salvage Operations are defined as: *The storage, sale, dismantling, or other processing if used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include automotive wrecking yards, junk yards, and salvage yard, but not including "recycling facilities".* (20-1760)

Recycling Facilities are defined as: *A facility for the collection and/or processing of Recyclable Materials. A recycling facility does not include storage containers or processing activity located on the Premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:*

#### **(1) Collection Facilities**

*A center or facility for the acceptance by donation, redemption, or purchase of Recyclable Materials from the public. A Small Collection Facility may occupy a maximum area of 500 square feet. Large Collection Facilities may occupy greater land area. Both facilities may include:*

- (i) Attended or unattended mobile collection units such as all weather roll-off containers, bins or boxes, which are not permanently affixed to the ground;*
- (ii) Reverse vending machines or kiosks that may include permanent Structures;*
- (iii) Indoor facilities, ancillary to the primary activity of a business or organization.*

#### **(2) Processing Center**

*A Building or enclosed space used for the collection and processing of Recyclable Materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.*

The significant issues associated with this project are the compliance with the local floodplain Development Regulations and the treatment of the site consistent with the Industrial Design Guidelines. Floodplain compliance is cursorily discussed in this report. A local Floodplain Development Permit is required for this development and is an administrative review item.

### **Review and Decision-Making Criteria (20-1306(i))**

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

**Applicant's Response:** Yes. This proposed use and development will match the existing zoning in the County and the proposed zoning in the City of Lawrence.

The proposed use is permitted in the IG (General Industrial) District. Exterior storage uses are governed by the use standards of Article 5. These standards regulate the location of exterior storage areas on a property, prescribe minimum setbacks and require a specific landscape bufferyard where exterior storage areas abut public right-of-way. The Proposed storage areas do not abut public right-of-way with regard to streets. The primary storage area abuts the railroad right-of-way along the west property line. The buffer yard is not interpreted to require buffering between this use and the railroad corridor.

The site development must also comply with the industrial design guidelines. Additional information on this element and site fencing are required and reflected as a condition of approval.

**Staff Finding** – The proposed use is compliant with all applicable provisions of the Development Code as conditioned.

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

**Applicant's Response:** Yes, this proposed use in terms of scale and site design fit the corner lot. The amount of green space that surrounding the proposed use help buffer the lighting and noise that could be generated by this use. The street and drainage configuration also help buffer this development. There are no adjoining neighbors to this development.

The proposed use is similar to adjacent uses in terms of scale and operating characteristics. The proposed site design is an improvement over the existing site layout. Existing buildings that encroach into the front setback will be demolished with the exception of the south building to remain. A new street curb line will be constructed for Highway 40/59 and two specific driveways will be created for this site. This is a significant improvement at it relates to access management along this segment of the corridor.

The corridor is largely industrial with warehouse and automotive related uses. The property immediately to the south is a use that also includes exterior storage. Development of the site and the hours of operation are similar to the existing development surrounding this property.

Appropriate screening of the exterior storage area is critical to the enhancement of the corridor as a community gateway. The project includes berming and fencing along the east property line with a fence and landscape materials as the primary means of screening the storage area. Details related to the fencing are required. Chain-link fencing (with or without a slat application) is not considered an acceptable solution for screening. As this area redevelops appropriate gateway treatments of the corridor are required.

**Staff Finding** – The proposed use is compatible with adjacent uses as conditioned.

**3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROEPRTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED**

**Applicant's Response:** No this lot will not change the surrounding property value of commercial and industrial uses. This development will provide a useful service to surrounding property.

The neighborhood is composed of a mixture of industrial and commercial uses. This property was previously used as an automotive salvage yard. The proposed require include significant redevelopment of the site. Improvements to the site are expected to have a positive impact on the surrounding properties through the enhancement of the corridor and the removal of the wide “curb cut” along the east property line.

**Staff Finding** –The proposed use will not cause a substantial diminution in the value of surrounding property.

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

The subject property will be located within the City of Lawrence upon annexation. New public utility services are not required for this property. The south driveway is provided for emergency apparatus access if needed. It is not intended to provide general access to the employees or customers of this site.

The property takes access to North 3<sup>rd</sup> Street, a principal arterial street. A traffic impact study has been reviewed. The study does not recommend additional improvements to Highway 40/59 to serve the proposed use. Private water service lines are proposed to be extended to provide water for fire protection.

**Staff Finding** –Public safety, transportation and utility services are currently available and a sufficient level of such services is available to support the proposed use.

**5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

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

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

**Applicant's Response:** *There will be no impacts to the natural environment. This development will help clean up a vacant ground and buildings.*

The proposed use is located in proximity to the Kansas River and the Maple Grove Drainage Tributary. The property is encumbered by the regulatory floodplain. The extreme northeast corner of the property is located in the floodway. As such this property is subject to review and approval of a local Floodplain Development Permit.

The proposed use, building addition and other site improvements will result in a net decrease in the amount of impervious surface coverage. The City Stormwater Engineer has reviewed and approved the plan.

A portion of the site is contaminated with several chemical associated with the long term use as Kaw Metal Sales and Recycling Company. The south portion of the site is capped by AB-3 limestone gravel referred to as an aggregate cover area. This cap is intended to remain on site. A portion of



the area will be further capped by the concrete pad in the southeast area to be used for exterior storage. Staff recommends the addition of a condition related to the KDHE concern are recommended to provide assurance of compliance of the project.

**Staff Finding** – The proposed use, with conditions, will not cause significant adverse impacts on the natural environment.

**7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PEMRIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.**

Scrap and Salvage Operations are subject to a Special Use Permit. Exterior storage areas are permitted as an accessory use in most nonresidential zoning districts to provide space for outdoor storage of materials related to the business of the principal use.

**Staff Finding** – It is not appropriate to place a time limit on this type of Special Use given the nature of the use and the site improvements required to implement the use.

**Site Plan Review**

This section of the report focuses on the proposed physical improvements of the site.

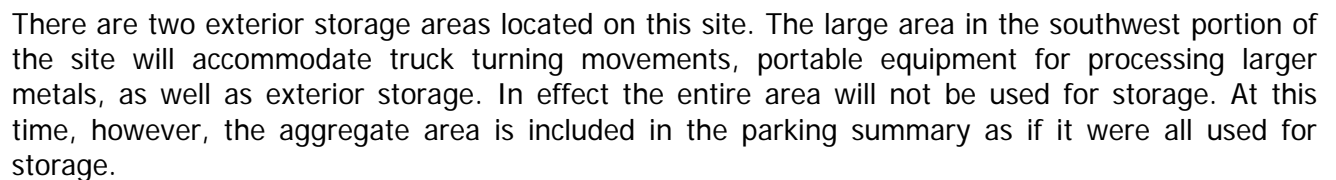
**A. Site Summary**

SITE SUMMARY			
	Existing	Proposed	Change
Property Area (sq ft):	522,684 (11.9 acres)	522,684 (11.9 acres)	
Building Area (sq ft):	18,907	18,012 14,400 SF new 3,612 remaining	895 SF
Paved Area (sq ft):	198,108	127,188	70,920
Total Impervious Area (sq ft):	217,015	145,200	71,815
Total Pervious Area (sq ft):	305,669	377,484	71,815

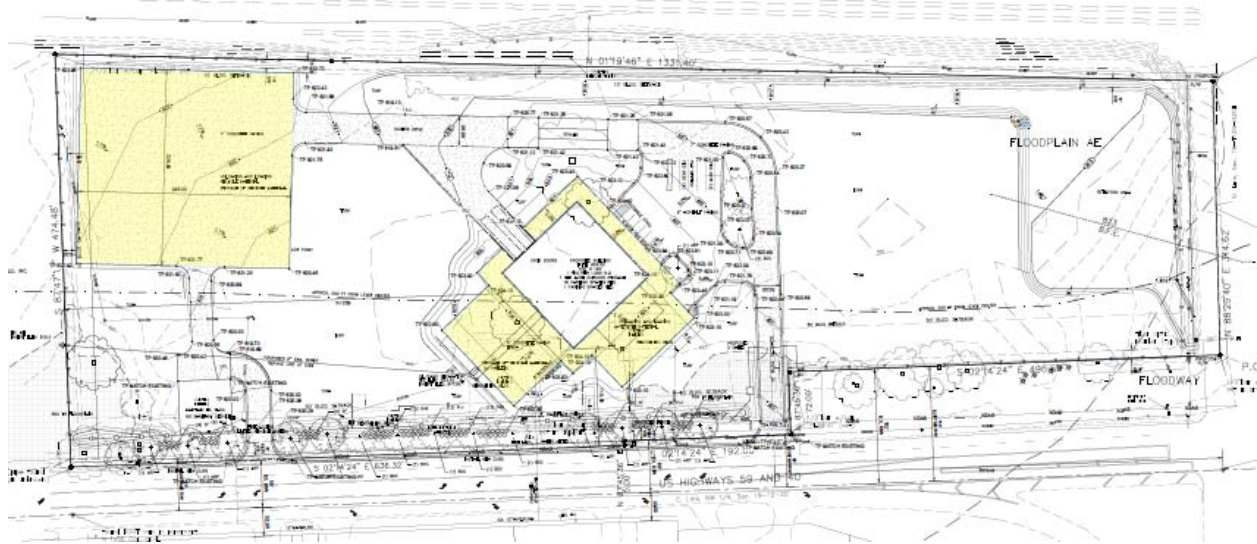
**B. Access and Parking**

This property abuts a local road along the north property line (N1800 Road extended) and a primary arterial street along the east property line of Highway 40/59 (also known as N 3<sup>rd</sup> street). Redevelopment of the site is concentrated in the south two-thirds of the property. Access to the site includes a primary entrance at the north end of the activity area and a secondary access for emergency apparatus access at the south end of the site. Improvement of the site includes establishment of a regular curb line along the east property line providing improved access management to the site. Parking provided on site accommodates both large trucks and passenger size vehicles.

Vehicular parking is accommodated at the front of the building and additional spaces are located along the access drive northeast of the scales. Four spaces are designed to accommodate a truck and trailer combination. These spaces are labeled as "pay station" but are parking spaces.



The second area identified for exterior storage is the concrete pad located around the building. This area will be used for palletized material. The northeast area of the pad site includes two spaces that function as a “receiving” area for customers with generally smaller loads to directly access the warehouse/processing center.



Based on staff's assessment of the required parking one additional space is required. The applicant has been notified of this requirement and will revise the site plan accordingly. The provision of the additional space is included as a condition as a crosscheck to ensure the plan is appropriately revised.

### C. Industrial Design Standards

The redevelopment of this site is subject to conformance to the Industrial Design Guidelines. At this time only conceptual information is available regarding the building and fencing elevations proposed for this site. Staff recognizes that this property is currently zoned for industrial uses and that industrial character is intended to continue. The nature of the use requires a utilitarian building and exterior operations. This does not preclude the expectations that the building will include materials and design consistent with the Design Guidelines. It does acknowledge that some side of the building will include large overhead doors and loading docks.

#### *Fencing and Screening:*

A significant concern identified by staff during the review process and noted in the related reports is the screening of the exterior storage area and the gateway treatment along the highway. Fencing is the most frequently used method to screening specific areas. The proposed plan shows the use of berms, landscape materials and fencing to provide screening of the exterior storage area. The site orientation and design place the large storage area in the stream southwest corner of the site farthest from the public right-of-way. However, because of the floodplain encumbrance the pad site will be elevated somewhat.

The Industrial Design Guidelines state with regard to applicability:

#### *1. High Visibility or Sensitive Areas:*

*The standards and guidelines should be applied to the greatest degree practical for properties within this category. Properties subject to this category are those with the following attributes:*

- a. Properties located along or visible from arterial streets, collector streets, or highways, or*
  - b. Properties located adjacent to residential development, or*
  - c. Properties located along gateways identified in the Long Range Transportation Plan.*
- (Page 3-2)*

The subject property is located along a designated arterial street. N 3<sup>rd</sup> Street [Highway 40/59] is designated as a gateway. Strict adherence to the design guidelines is applicable to this property.

With regard to Walls and Fences the Guidelines state:

***H. Walls and Fences***

***STANDARD:***

*Walls and fences shall contribute to the visual quality of the project and character of the surrounding area when visible from the public street frontage or an adjacent non-industrial use.*

***GUIDELINES:***

- 3. Walls and fences longer than 100 feet should contain periodic offsets or architectural elements designed to prevent monotony.*
- 4. Walls and fences should be designed in such a manner as to create an attractive appearance and complement the project's architecture.*
- 5. Gates provided in walls or fences should be aesthetically pleasing if viewed from the street.*
- 6. High perimeter walls, **chain link fence**, and walls topped with barbed wire, or razor wire should not be used adjacent to public street frontage or non-industrial uses (page 3-8)*

Staff recommends a condition that states chain-link fencing shall be prohibited from use along any public right-of-way. This material may be used interior to the site and along the rear and sides of the property. Additionally, the existing chain link fencing along the north end of the property is not proposed to be removed at this time. This portion of the site includes mature vegetation that mitigates the presence of the fence in this location.

To facilitate this project moving forward in the approval process staff recommends a condition be added that requires submission and approval of building and fencing elevations, subject to staff review prior to issuance of a building permit.

***Pedestrian accessibility:***

As noted in the preliminary plat, a variance from the requirement to construct a sidewalk at this time has been requested. This corridor is not identified as a high pedestrian activity area. The interior site circulation is not intended for pedestrians. The site is designed to provide smaller customer access to the facility on the north side and heavier truck traffic to the east and south.

**D. Landscaping and Screening**

***Street Trees:***

This property includes frontage along the north and east property lines that are subject to street trees. The north portion of the site includes mature vegetation. Much of the vegetation along the north property line will be removed to construct the detention area as shown on the plan. The site plan should be revised to show the required street trees along the north property line.

A master street tree plan for this site will be required with the final plat of this property. Credit may be given for the existing trees north of the north access drive. A note should be added to the face of the plan that states loss or removal of existing vegetation shall require the replacement of street trees consistent with the master street tree plan with regard to species.

### ***Interior Landscaping***

A total of 18 parking spaces are required for this development. A total of 720 SF of interior green space is required for this development. The plan indicates that a total of 13,750 SF of interior green space is provided. The minimum planning for the interior space is 1 tree and 3 shrubs per each 10 spaces. This development would require: 1.8 trees (2 total trees) and 5.4 shrubs (6 shrubs). The plan indicates that there are 4 shade trees provided. The Development Code allows trees to be substituted for shrubs. It should be noted that minor changes to the parking summary impact the landscape summary. Staff recommends the landscape plan be revised to reflect the applicable changes. The proposed development exceeds the minimum design requirement for interior landscape.

### ***Perimeter Landscaping***

This standard is applicable to parking adjacent to public right-of-way. The parking for this development is designed to be located interior to the site.

***Mechanical Equipment Screening:*** Section 20-1006 of the Development Code requires that mechanical equipment be screened from adjacent properties and rights-of-way. Ground mounted equipment is not shown on the site plan. Any such equipment is required to be screened. Staff recommends that a general note be added to provide a reference to the minimum code standard. Screening of mechanical equipment, including roof mounted equipment, will be further reviewed for compliance as part of the final elevations when available.

The proximity of the redevelopment to the gateway and the proposed use necessitate the need for substantial landscaping materials to be installed initially. Several revisions are noted at they pertain to the landscape plan. To facilitate the screening of the exterior storage related to this use larger plant sizes are recommended. The development Code requires trees with a minimum 2 1/2" caliper. Staff recommends installations of trees with a 4" caliper. The landscape plan notes that shrubs are to be space at 36" apart but does not state the planting size. Staff recommends shrubs be installed with a minimum size of 5 gallon and 18" to 24" in height.

### **E. Lighting**

The site plan includes a general note about lighting and that it will be shielded and directed down. A minimum requirement of development is the provision of a photometric plan per Section 20-1103 of the Development Code this is reflected as a condition of approval.

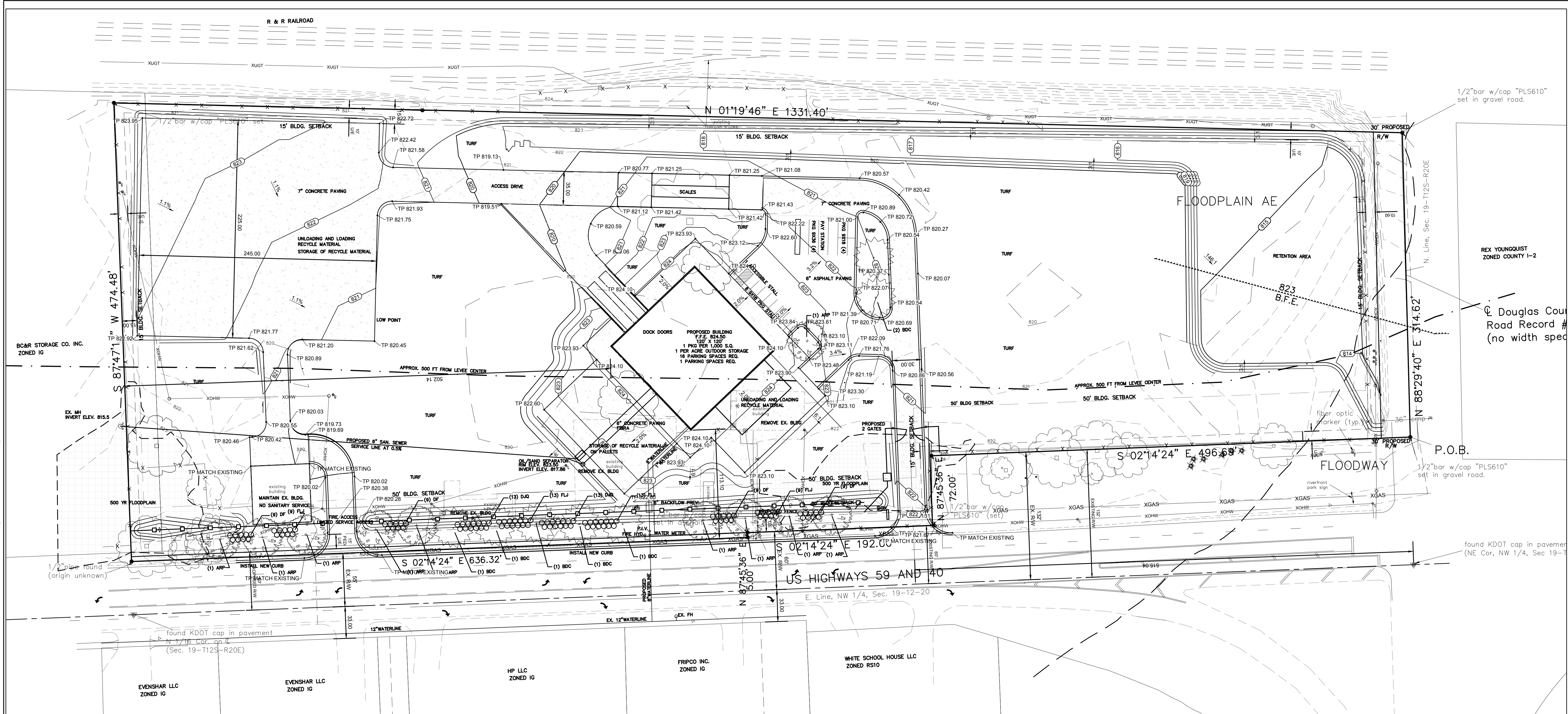
### **F. Floodplain**

This property is encumbered by the regulatory floodplain. A local floodplain development permit is required as part of the approval process and is an administrative review item. No action is required by the Planning Commission with regard to the floodplain permit.

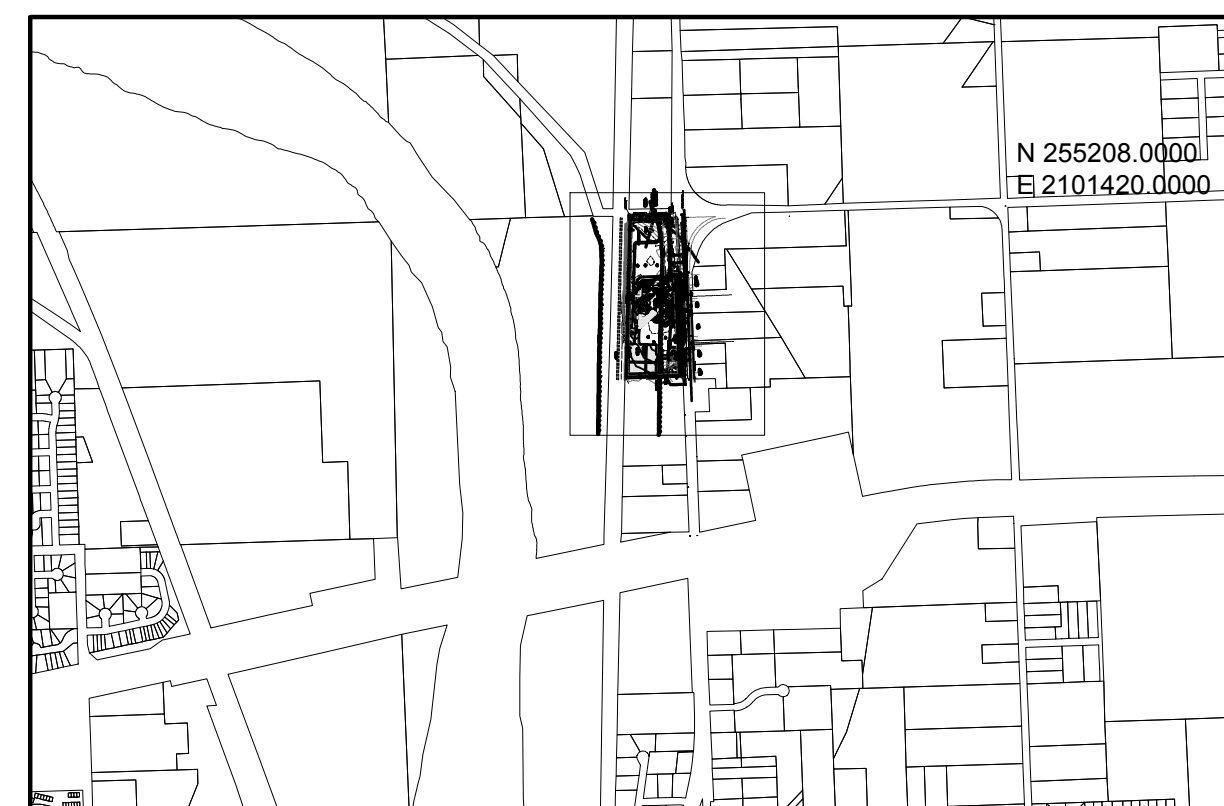
### **Conclusion**

The proposed Special Use Permit is a significant redevelopment of the site within an established industrial/commercial corridor. The proposed redevelopment will result in a visible aesthetic improvement to the corridor with the installation of landscape materials along the frontage. The proposed use will not be detrimental to surrounding properties given the similarity of uses in the area.





### Location Map



## Site Summary

AREA (SQ. FT.)		AREA (SQ. FT.)	
EXISTING BUILDINGS	18,907	PROPOSED BUILDINGS	14,400+3,612 = 18,012
EXISTING PAVEMENT	17,868+180,240 = 198,108	PROPOSED PAVEMENT	127,188
EXISTING IMPERVIOUS	SUBTOTAL: 217,015	PROPOSED IMPERVIOUS	SUBTOTAL: 145,200
EXISTING PERVIOUS	305,669	PROPOSED PERVIOUS	377,484
PROPERTY AREA	522,684	PROPERTY AREA	522,684

INTERIOR GREENSPACE REQUIRED:  
 REQUIRED = NUMBER OF STALLS x 40 S.F. = REQUIRED INTERIOR LANDSCAPING  
 17 x 40 S.F. = 680 S.F. REQUIRED INTERIOR LANDSCAPING  
 PROVIDED = 13,750 S.F. PROVIDED INTERIOR GREENSPACE

## General Notes

OWNER: CHESTER JONES, VICE PRESIDENT OPERATION  
ADVANTAGE METALS  
510 WALNUT STREET, SUITE 300  
KANSAS CITY, MO. 64106

1. LAND PLANNER/ LANDPLAN ENGINEERING, P.A.  
ENGINEER: 1310 WAKARUSA DRIVE  
LAWRENCE, KS 66049
2. TOPOGRAPHIC INFORMATION OBTAINED FROM A TOPOGRAPHIC SURVEY PERFORMED BY  
LANDPLAN ENGINEERING, P.A. JANUARY 4, 2002.
3. EXISTING LAND USE: VACANT SALVAGE USE
4. PROPOSED LAND USE: RECYCLE CENTER SALVAGE USE
5. EXISTING ZONING: I-2 COUNTY ZONING
6. PROPOSED ZONING: I-2
7. THIS SITE HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS  
WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAG) FOR BUILDINGS AND FACILITIES,  
APPENDIX A TO 28 CFR PART 36.
8. BUILDING INFORMATION:  
ONE EXISTING BUILDING SHALL BE MAINTAINED ONE STORY BUILDING  
3,612 GROSS SQ.FT.  
PROPOSED ONE STORY BUILDING 14,400 GROSS SQ. FT.  
OUTDOOR STORAGE AREA 225' X 245' = 1.28 ACRES  
PARKING REQUIRED 1 STALL PER 1,000 GROSS SQ.FT.  
PARKING REQUIRED 1 STALL PER 1 ACRE  
PARKING SHOWN 16 PARKING SPACES  
PARKING SHOWN 1 PARKING SPACE
9. WALL MOUNTED LIGHTING SHALL BE LOCATED AT BUILDING ENTRANCES. ALL LIGHTING  
SHALL BE SHIELDED TO PREVENT LIGHT POLLUTION.
10. ACCESSIBLE SPACES SHALL BE SIGNED AND STENCILED.

INTERIOR LANDSCAPING REQUIRED:  
NUMBER OF STALLS/10 = 1 SHADE TREE AND 3 SHRUBS  
15/10 = 1.5 SHADE TREES AND 4.5 SHRUBS REQUIRED  
2 SHADE TREES AND 5 SHRUBS = REQUIRED INTERIOR LANDSCAPING  
4 SHADE TREES AND 0 SHRUBS = PROVIDED INTERIOR LANDSCAPING

STREET TREES REQUIRED:  
1 SHADE TREE/40 L.F. OF PUBLIC OR PRIVATE STREET FRONTAGE, OR  
PORTION THEREOF.  
1,324 L.F./40 L.F. = 33 STREET TREES REQUIRED  
= 35 TREES PROVIDED WITH EXISTING VEGETATION  
18 EXISTING TREES 17 PROPOSED TREES

PERIMETER PARKING REQUIREMENTS:  
 PERIMETER PARKING REQUIRES 1 SHADE TREE OR ORNAMENTAL TREE PER  
 25 L.F. OF PARKING LOT FRONTAGE  
 0 L.F./25 L.F. = 0 (0 TREES REQUIRED)  
                               = 0 TREES PROVIDED

**BUFFERYARD REQUIRED:**

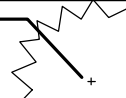
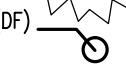

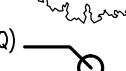
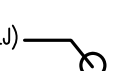
## Legal Description

LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE 132.00 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION, (SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAYS 97 AND 101); THENCE SOUTH 87°45'36" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 72.00 FEET; THENCE SOUTHWEST 02°14'24" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 192.00 FEET; THENCE NORTH 87°45'36" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 132.00 FEET TO THE POINT OF BEGINNING. ALSO, BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE, 636.32 FEET; THENCE SOUTHWEST 87°47'15" WEST, 77.48 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 87°47'15" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 132.00 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 12.290 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY.

## Plant Schedule

SYMBOL	QTY.	SPECIES	SIZE	COND.
<p>TREES</p>  <p>(BDC)</p>  <p>(DF)</p>  <p>(ARP)</p>  <p>(DJQ)</p>  <p>(FLJ)</p>	7	BALD CYPRESS (BDC)	MIN. 2" CAL.	B&B
	36	DWARF FORSYTHIA (DF)	36" SP	CONT
	10	ARISTOCRAT PEAR (ARP)	MIN. 2" CAL.	B&B
	26	DWARF JAPANESE FLOWERING QUINCE (DJQ)	36" SP	CONT
	44	FRUITLAND JUNIPER (FLJ)	36" SP	CONT

# A SUP Site Plan for ADVANTAGE METALS

**LAWRENCE  
RECYCLE CENTER**

---

*Lawrence, Kansas*

**FL**

SCALE: 1" = 50'



BENCHMARK (RM85): A USGS DISK STAMPED "B276 RESET 1956" SET IN SOUTH CONCRETE HEADWALL OF CULVERT LOCATED AT SOUTHEAST CORNER OF INTERSECTION OF US 59 AND US 40 EASTBOUND  
ELEV. = 816.37

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**LAWRENCE RECYCLE CENTER  
INTERSECTION US 59 AND 40, US 24 AND 40  
1545 NORTH 3RD STREET**

[illegible]

DATE:	05.18.12
PROJECT NO.:	20121027.00
DESIGNED BY:	CLM
DRAWN BY:	CLM
CHECKED BY:	





**Northwest Elevation**

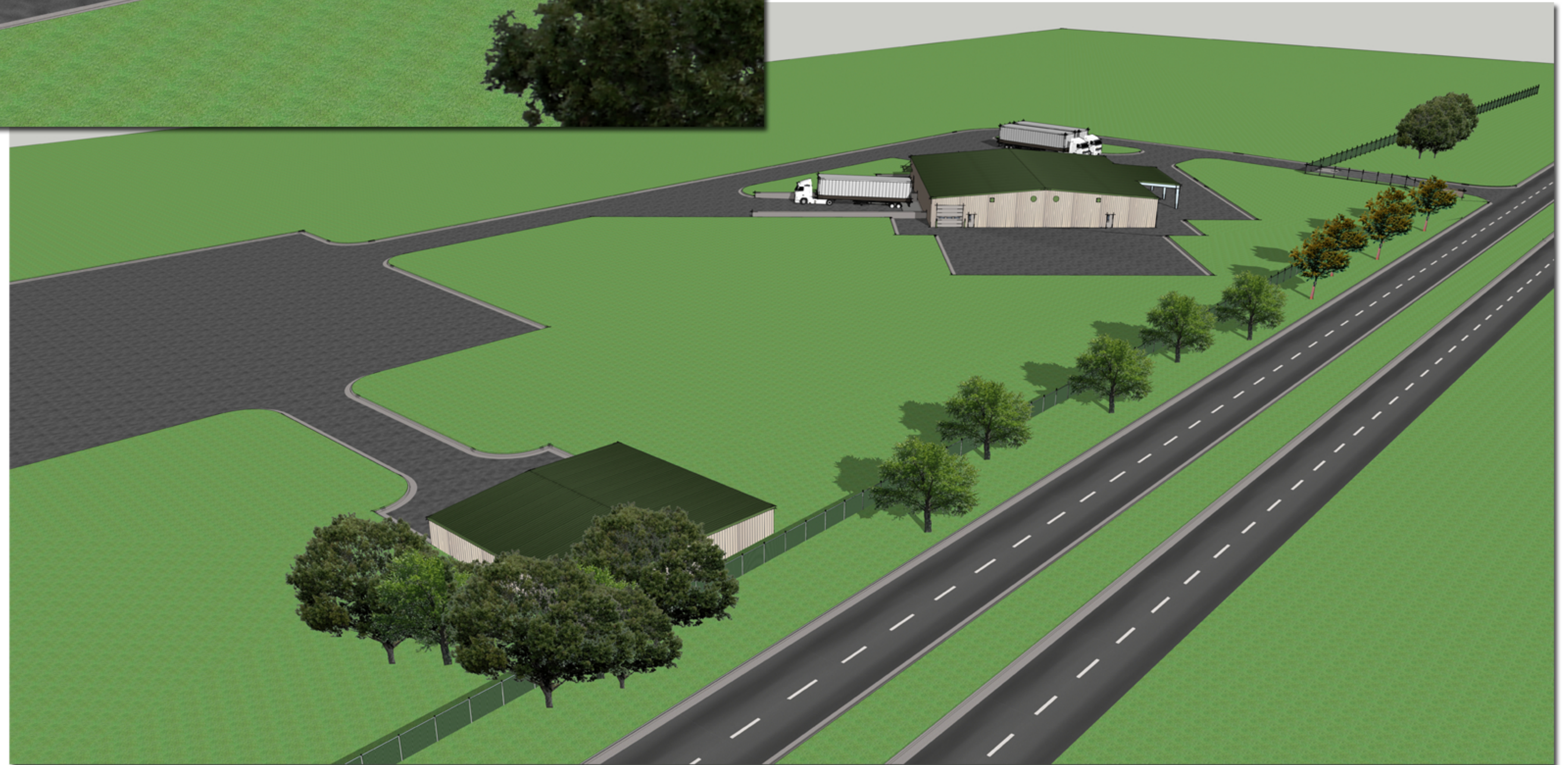
A New Recycling Facility for:

**Advantage Metals**

Lawrence, KS







**Northwest Elevation**

A New Recycling Facility for:

**Advantage Metals**

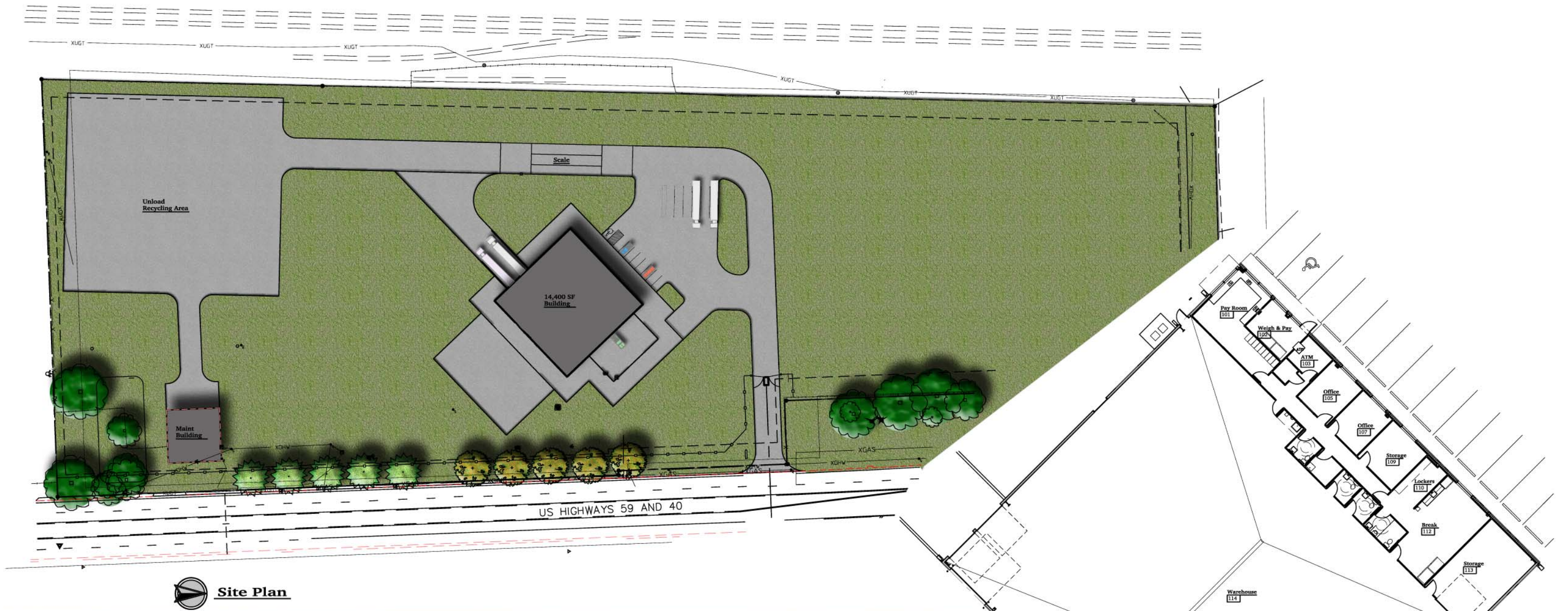
Lawrence, KS









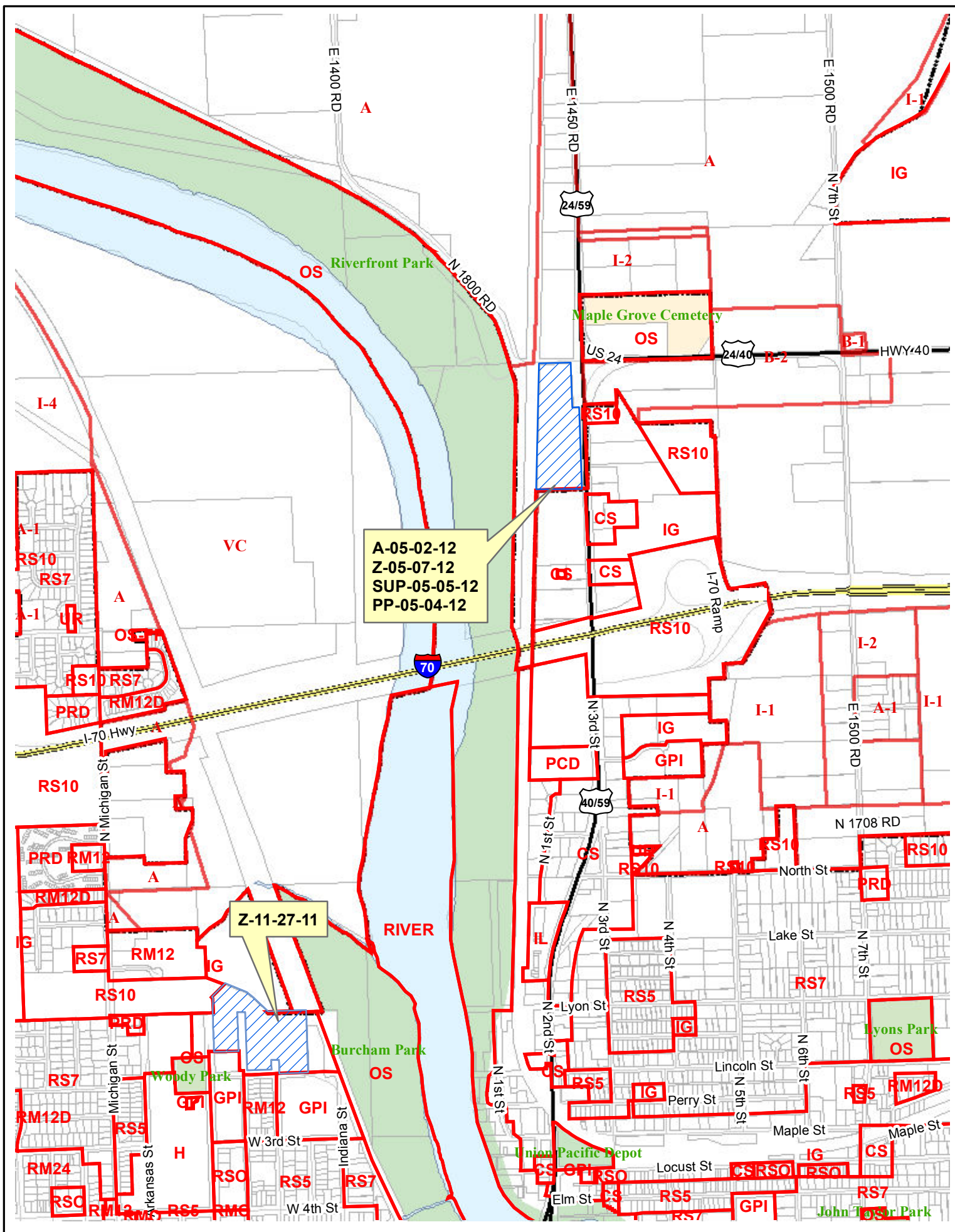


A New Recycling Facility for:  
**Advantage Metals**  
 Lawrence, KS

**COAL CREEK CONSTRUCTION CO.**  
 P.O. BOX 118  
 AUBURN, KANSAS 66402-0118

**ARCHITECT**  
*me*  
 You know us by our work.





**PLANNING COMMISSION REPORT  
REGULAR AGENDA PUBLIC HEARING ON VARIANCE ONLY**

PC Staff Report  
6/25/12

**ITEM NO 5D: PRELIMINARY PLAT; 1783 E 1450 ROAD; (SLD)**

**PP-5-4-12:** Consider a Preliminary Plat for a one lot industrial subdivision for Lawrence Recycle Addition and including a variance from right-of-way and sidewalk requirements, located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the variance request from Section 20-810(e)(5) which requires the dedication of 25' additional road right-of-way; and instead permit 5' additional road right-of-way dedication and a 15' pedestrian and utility easement.

**STAFF RECOMMENDATION:** Staff recommends approval of the variance request from Section 20-811(c) which requires the construction of a sidewalk; and instead require the in lieu of the execution of an agreement not to protest the formation of a benefit district for future sidewalk improvements along Highway 40/59 and N 1800 Road.

**STAFF RECOMMENDATION:** Staff recommends approval of the Preliminary Plat of the Lawrence Recycle Addition subject to the following conditions:

1. Revise drawing to include the date of the variance approval on the face of the preliminary plat.
2. Provide a note on the face of the Preliminary Plat regarding public improvements and financing per section 20-809 (4)(ii).

**Applicant's Reason for Request:** *Development requirement to plat.*

**KEY POINTS**

- One lot plat intended for industrial development.
- Additional Right-of-way is proposed along the south end of the property.

**SUBDIVISION CITATIONS TO CONSIDER**

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective January 10, 2012.
- Section 20-813 states that building permits will not be issued for unplatted property.
- Section 20-810(e)(5) requires a minimum right-of-way of 150' for principal arterial streets.
- Section 20-811(c) requires the construction of a 6' sidewalk along all arterial streets such as Highway 40/59. The applicant has requested a variance from the requirement to construct part or all of the sidewalks in a subdivision in accordance with the provisions of 20-813 (g).

**ASSOCIATED CASES/ OTHER ACTION REQUIRED**

- Annexation request [A-5-2-12].
- Rezoning request [Z-5-7-12] from I-2 (Light Industrial) County District to IG-FP (General Industrial - Floodplain Overlay) District.
- Special Use Permit [SUP-5-5-12] for the salvage/recycling operation.
- FP-5-6-12; local Floodplain Development Permit.
- Submission and approval of applicable public improvement plans.

- Final Plat submission, review and approval and recording at Register of Deeds Office.

#### PLANS AND STUDIES REQUIRED

- *Traffic Study* – not applicable to this Preliminary Plat.
- *Downstream Sanitary Sewer Analysis* – Refer to Special Use Permit for details.
- *Drainage Study* – Refer to Special Use Permit for details.
- *Retail Market Study* – Not applicable to Preliminary Plat.

#### PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Inquiries via phone regarding proposed development. No comment on proposed Preliminary Plat.

#### ATTACHMENTS

- Preliminary Plat
- Right-of-way exhibit

GENERAL INFORMATION	
Current Zoning and Land Use:	I-2 (County-Light Industrial); vacant property previously used as a salvage and automotive related use.
Surrounding Zoning and Land Use:	<p>To the North: I-2 (Light Industrial) District and A (Agricultural) District existing warehouse and exterior storage and agricultural field.</p> <p>To the Northeast: OS (Open Space); KDOT maintenance facility and storage.</p> <p>To the South: IG (General Industrial) City District; existing Storage facility.</p> <p>To the East: B-2 (General Business) County District) Tee Pee Junction. Also to the east RS10 (Single-Family Residential) District) "White School House".</p> <p>To the Southeast and East on the east side of US 40/59 (N. 3<sup>rd</sup> Street): CS (Commercial Strip) City District and IG (General Industrial) City District; office warehouse and industrial uses.</p> <p>To the West: I-2 (Light Industrial) District and OS (Open Space) City District. Existing railroad tracks and Riverfront Park.</p>

#### Project Summary:

This request is for the creation a single platted lot as a pre-development activity. The property is located along a principal arterial street known as Highway 40/59 (E 1450 Road or N. 3<sup>rd</sup> Street extended).

SITE SUMMARY	
Total Area:	12.290 acres
Right-of-way proposed:	.291 acres
Lot 1:	11.99 acres

#### STAFF REVIEW

The subject property is located on between the railroad corridor on the west and the highway on the east. The plat includes the dedication of 5' of additional right-of-way and 15' of pedestrian/utility easement along the southern two-thirds of the fronting along the highway. The Plat also shows 30' of

right-of-way along the north property line (N1800 Road). Utility easements (10') around the remaining perimeter of the property are also being dedicated.

### Zoning and Land Use

The property is proposed to be zoned IG-FP upon annexation and intended for development of a salvage/recycling facility. The site has previously been used for automotive and salvage operations.

### Streets and Access

Access to this site is accommodated via existing driveways to Highway 40/59. Access to the north end of the property is also accommodated via an existing local street, N 1800 Road extended. However, use of this north portion of the property is not anticipated and direct access is not contemplated with this development request.

N 1800 Road is a local County road. The right-of-way dedications associated with this road is consistent with the subdivision regulations for a local road. When necessary, the Subdivision Regulations require the dedication of road right-of-way for all subdivisions. Highway 40/59 is designated as a principal arterial street. As a principal arterial street, the maximum right-of-way is 150', or 75' from each side if the centerline. The right-of-way width along this corridor varies greatly. This requirement is discussed later in this report as it relates to the variance request.

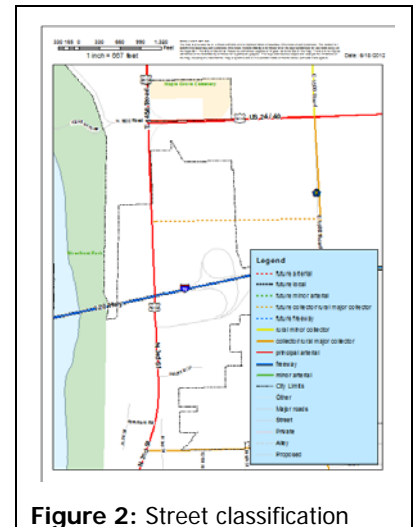


Figure 2: Street classification

### Utilities and Infrastructure

Both water and sanitary sewer service can be provided or extended to serve this property. City sanitary sewer is available to this property at the south end of the site. A private service line is required to be extended to serve this property.

Water to this site is available from a main located on the east side of the Highway. Ultimate development of this corridor would include extension of water service on both sides of the Highway. At this time the public water main extends only to the south side of Highway 70 on the west side of the Highway. Water to this site would be provided via a crossing of the service from the east side of the street. Staff recommends that the property owner execute an agreement not to protest the formation of a benefit district for the extension of water to this property.

### Variance:

The contents of the plat meet the requirements of the Subdivision Regulations with the following exception:

- Per Section 20-810(e)(5) 150' of right-of-way is required.
- Per Section 20-811 (c) construction of a 6' sidewalk along N. 3<sup>rd</sup> Street and a 5' sidewalk along N. 1800 Road.

### Reduction of right-of-way with for Highway 40/59 (N. 3<sup>rd</sup> Street)

The property owner is requesting variances from Section 20-810(e) which requires dedication of a specific amount of right-of-way for streets and from section 20-811 (c) requiring construction of sidewalks. Section 20-813(g) states that the Planning Commission may grant a variance from the design standards of these regulations only if the following three criteria are met: that the strict application of these regulations will create an unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of these regulations and that the public

health, safety and welfare will be protected. Following is a review of the variance request in relation to these criteria.

**Citation: SECTION 20-810(e)(5) Cross-Sections**

**(i) City of Lawrence**

*All platted **Subdivisions** lying within the City of Lawrence shall comply with the following cross-section standards:*

Street Type	Right-of-Way
[1] Measured from back of curb to back of curb. [2] Includes limited access routes.	Min. Width (feet)
Principal <b>Arterial</b>	150
Minor <b>Arterial</b> (3 lane)	100
Collector	80
Residential <b>Collector</b>	60
Local	60
Limited Local	50
Cul-de-sac	60
Marginal Access (Frontage Road)	60

**Citation: SECTION 20-811 (c) Sidewalks and Pedestrian Ways**

**(1) City of Lawrence and Urban Growth Areas**

*(i) Public sidewalks shall be installed on both sides of all streets as follows:*

Street Type	Minimum Sidewalk Width (feet)
Local	5; Minimum width of 4 feet allowed in the Original Townsite Area
Collector	5
Arterial	6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' side walk on the other side

The minimum right-of-way width required for a principal arterial street is 150' or 75' from the centerline of the right-of-way. The plat shows a total of:

- 50' of existing right-of-way [west of the centerline];
- 5' of proposed right-of-way;
- 15' of proposed utility and pedestrian easement.

A graphic representing the existing and proposed right-of-way is attached to this report for reference.

The applicant states:

- The center of Highway 59 is not built on the section line.
- 3 of the 5 lanes were built on the west side of the highway.
- This plat shows 55' of right-of-way, dedication of an additional 5' of right-of-way on the west side.



- This plat shows 33' of right-of-way on the east side of the highway.
- "No additional right-of-way will be required for this section of the highway."

The Plat shows a dedicated area for a public sidewalk along the south 2/3<sup>rd</sup>s of the site but no construction. The remainder of the right-of-way along the north portion of the site and along the north property line could be constructed within the existing and proposed right-of-way. Written justification was not provided with this application but was discussed with staff during the review process.

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

STAFF DISCUSSION	
Section 20-810(e)(5) ROW	Section 20-811 (c) Sidewalks
<p>Strict application of these regulations would impact the development by increasing the setback of buildings with an increased right-of-way. The applicant indicates that a disproportionate share of right-of-way for the Highway is required from the west side of the section line than the east because of the way the highway was constructed.</p> <p>The applicant intends to reuse one existing structure that currently does not comply with the building setback of the district. Dedication of additional right-of-way will further encumber the compliance of this building. This request is similar to a request made and approved for the property immediately to the south.</p> <p>This property is encumbered by the regulatory floodplain. Grading plans for the site intend to balance the cut and fill required within the site to minimize the need to bring fill into the site and to control what fill, if any leaves the site, per regulations of the Kansas Department of Health and Environment requirements.</p> <p>Application of this criterion would be a hardship on the applicant by requiring substantial redesign of the project.</p>	<p>Sidewalks are typically installed commensurate with the road and utility construction. In this redevelopment project there is no road construction and no plans to extend the waterline in the near future.</p> <p>Construction of the sidewalk for Highway 40/59 should be deferred until more details are available regarding a waterline extension to ensure there are no construction conflicts.</p> <p>The sidewalk for N 1800 Road Should be deferred until both sides of the street are annexed and improved to city standard. Construction of this sidewalk would not provide connectivity to another facility except to the recreation path along the levee at this time and would require crossing the railroad tracks.</p> <p>Application of this criterion would be a hardship on the applicant by requiring development of public improvement plans for the sidewalk without full knowledge of utility plans for extending a waterline along the west side of the street.</p>

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

Per Section 20-801(a) of the Subdivision Regulations, these regulations are intended to ensure that the division of land will serve the public interest and general welfare as well as provide for the conservation of existing neighborhoods.

STAFF DISCUSSION	
Section 20-810(e)(5) ROW	Section 20-811 (c) Sidewalks
This corridor is characterized by industrial uses	This segment of the corridor is not associated with

and highway traffic. Projects along this corridor most recently have been related to landscape efforts. The City Engineer and Kansas Department of Transportation have not indicated that any additional right-of-way in this location is needed in the near future.	<p>a high level of pedestrian traffic. The major non-motorized pathway in this immediate area is the levee path located to the west of the subject property.</p> <p>Approval of the variance defers the improvement to the future rather than not requiring the improvement at all. Deferral of this request is consistent with provisions of the Development Code that establish assurances for eventual completion of a specific improvement. The requirement to execute an agreement related to the future construction is consistent with the intent of the regulations.</p>
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**Criteria 3: The public health, safety and welfare will be protected.**

STAFF DISCUSSION	
Section 20-810(e)(5) ROW	Section 20-811 (c) Sidewalks
The combined dedication of right-of-way and easement is sufficient to accommodate public infrastructure, a sidewalk, and installation of street trees along this corridor. The public health, safety or welfare criteria are adequately addressed by the proposed combined dedication of right-of-way and easement.	This request is consistent with the development of the BC&R plat to the south approved in 2008. The design of the project and the dedication of a combined pedestrian and utility easement provide space for a future sidewalk as utilities are upgraded along this corridor.

**VARIANCE RECOMMENDATION**

Staff recommends approval of the variance request to permit the dedication right-of-way less than 75' of right-of-way for Highway 40/59.

Staff recommends approval of the variance request to waive the requirement to install a sidewalk and instead require the execution of an agreement not to protest the formation of a benefit district.

**STAFF RECOMMENDATION**

This Preliminary Plat conforms to the standards and requirements of the Subdivision Regulations, with the approval of the variance from the right-of-way requirement as discussed in the report. This Preliminary Plat also conforms to the land use plans for the area. Staff recommends approval of the Preliminary Plat subject to conditions.



BE BEGINNING AT A POINT ON THE NORTH LINE 132.00 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION, (SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAYS 59 AND 40); THENCE SOUTH 02°14'24" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 496.69 FEET; THENCE NORTH 87°45'36" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 72.00 FEET; THENCE SOUTH 02°14'24" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 192.00 FEET; THENCE NORTH 87°45'36" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 5.00 FEET; THENCE SOUTH 02°14'24" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 636.32 FEET; THENCE NORTH 87°45'36" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 1331.40 FEET; THENCE SOUTH 02°14'24" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 1331.40 FEET; THENCE NORTH 87°45'36" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 1331.40 FEET TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH 88°29'40" EAST, ALONG SAID NORTH LINE, 314.62 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 12.290 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

## Site Summary

GROSS AREA:	535,352.40 SF	/	12.29 AC
RIGHTS-OF-WAY AREA:	12,667.73 SF	/	0.291 A
NET AREA:	522,684.67 SF	/	11.99 AC
AVG. LOT SIZE	522,684.67 SF	/	11.99 AC
TOTAL LOTS:	1		

## Benchmarks

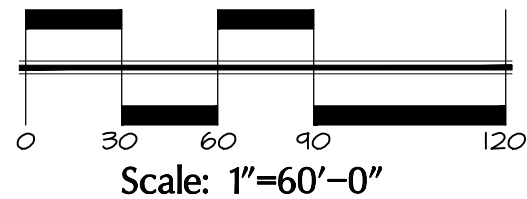
ELEV. = 816.37

## Provisions of Financing of Roads, Sewer, Water and other Public Services

1. THE SUBDIVISION WILL NOT HAVE PUBLIC OR PRIVATE STREETS.
2. THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE EXISTING WATER LINE ON NORTH 3RD ST. THIS WATER LINE CONNECTION WILL BE PROVIDED BY PRIVATE FINANCING.
3. THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE EXISTING SANITARY SEWER LINE ON SOUTH PROPERTY LINE. THIS SANITARY SEWER CONNECTION WILL BE PROVIDED BY PRIVATE FINANCING.
4. PURCHASERS OF LOTS IN THE SUBDIVISION WILL NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OR FEES SPECIFIC TO THE SUBDIVISION FOR POSTING CAPITAL COSTS OF WATER AND SANITARY SEWER LINES.
5. PROPOSED WATER AND SANITARY SEWER LINE IMPROVEMENTS ARE TO BE PROVIDED BY PRIVATE FINANCING AND WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

## General Notes

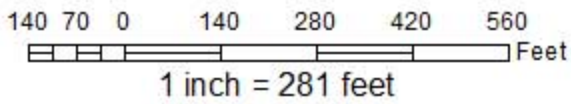
7. PROPOSED LAND USE: RECYCLE CENTER AND OFFICE  
8. EXISTING ZONING: COUNTY 1-2  
9. PROPOSED ZONING: C-FZ GENERAL INDUSTRIAL - FLOODPLAIN OVERLAY DISTRICT  
10. THIS SITE IS LOCATED WITHIN THE FLOODPLAIN PER FEMA MAP #200450176D, DATED AUGUST 5, 2010, BFE = 823.00  
11. BASED ON THE FACT THE CENTER OF 59 HWY IS NOT BUILT ON THE SECTION LINE. 3 OF THE 5 LANES ARE BUILT ON  
THE WEST SIDE OF THE HWY. 55 FEET OF EXISTING ROW, PROPOSED ADDITIONAL 5 FEET ROW FOR A TOTAL 60 FEET OF ROW ON THE  
WEST SIDE OF THE HWY. 10 FEET OF EXISTING ROW, PROPOSED ADDITIONAL 5 FEET ROW ON THE EAST SIDE OF THE SECTION LINE. A VARIANCE FROM THE ROW DESIGNATION FOR A  
PRINCIPAL ARTERIAL STREET IF REQUESTED.



# A Preliminary Plat of

***LAWRENCE  
RECYCLE ADDITION***

*Lawrence, Kansas*



DISCLAIMER NOTICE

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

Date: 6/18/2012

