Updated:
6/23/13 @ 12:15pm
Added communications for Items 2 & 3A-3F - CPA K-10 & Farmer's Turnpike Plan; Annex & Rezone N 1750 Rd & E 902 Rd

6/19/14 @ 4:30pm
Added/updated the following items:
Item 1B - PDP for HERE @ Kansas; 1101 & 1115 Indiana St
Item 2 - CPA; K-10 & Farmer's Turnpike Plan
Draft April Planning Commission Minutes

6/18/14 @ 4:30pm
The following items will be added when available:
Item 1B - PDP for HERE @ Kansas; 1101 & 1115 Indiana St
Draft April Planning Commission Minutes

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
JUNE 23, 2014  6:30PM - 10:30PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES
Receive and amend or approve the minutes from the Planning Commission meeting of April 21 and 23, 2014.

Receive and amend or approve the minutes from the Planning Commission meeting of May 19 and 21, 2014.

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 2013-2014
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 23, 2014) MEETING
PUBLIC HEARING ITEMS:
ITEM NO. 1A  RM32 & MU-PD to MU-PD; 1101 & 1115 INDIANA ST (SLD)

Z-14-00170: Consider a request to rezone approximately 2.52 acres from RM32 (Multi-Family Residential) District and MU-PD (Mixed Use-Planned Development) District to MU-PD (Mixed Use-Planned Development) District, located at 1101 and 1115 Indiana St. Submitted by Hartshorne Plunkard Architects on behalf of HERE Kansas LLC, Contract purchaser. Berkley Flats Apartments, LLC and Georgia Bell, property owners of record.

ITEM NO. 1B  PRELIMINARY DEVELOPMENT PLAN FOR HERE @ KANSAS; 1101 & 1115 INDIANA ST (SLD)

PDP-14-00183: Consider a Preliminary Development Plan for HERE @ Kansas, located at 1101 & 1115 Indiana St. Submitted by Hartshorne Plunkard Architects on behalf of HERE Kansas LLC, Contract purchaser. Berkley Flats Apartments, LLC and Georgia Bell, property owners of record.

ITEM NO. 2  COMPREHENSIVE PLAN AMENDMENT TO CHP 14; K-10 & FARMERS TURNPIKE PLAN (JSC)

CPA-14-00005: Consider a Comprehensive Plan Amendment to Chapter 14- K-10 & Farmer’s Turnpike Plan to expand the boundary and amend the future land use designations in the area southeast of I-70 and K-10. Deferred by Planning Commission on 3/24/14.

ITEM NO. 3A  ANNEX 99.7 ACRES; S OF N 1750 RD & E 902 RD (MKM)

A-14-00161: Consider a request to annex approximately 99.7 acres located south of N 1750 Rd & E 902 Rd (extended). Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

ITEM NO. 3B  ANNEX 15 ACRES; ADJACENT TO N SIDE OF ROCK CHALK PARK (MKM)

A-14-00163: Consider a request to annex approximately 15 acres located adjacent to the north side of Rock Chalk Park. Submitted by BG Consultants Inc on behalf of Robert and Jan Maxwell Trust, property owner of record.

ITEM NO. 3C  A TO RS5; 25.2 ACRES; SW OF N 1750 RD & E 902 RD (MKM)

Z-14-00162: Consider a request to rezone approximately 25.2 acres from County A (Agricultural) District to RS5 (Single-Dwelling Residential) District, located SW of N 1750 Rd and E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

ITEM NO. 3D  A TO RS7; 75.4 ACRES; SE OF N 1750 RD & E 902 RD (MKM)

Z-14-00164: Consider a request to rezone approximately 75.4 acres from County A (Agricultural) District to RS7 (Single-Dwelling Residential) District, located SE of N 1750 Rd and E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc and Robert and Jan Maxwell Trust, property owners of record.

ITEM NO. 3E  A TO IL; 13.3 ACRES; SW OF N 1750 RD & E 902 RD (MKM)

Z-14-00165: Consider a request to rezone approximately 13.3 acres from County A (Agricultural) District to IL (Limited Industrial) District, located SW of N 1750 Rd & E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.
ITEM NO. 3F  A TO RS7-FP; .8 ACRE; SE OF N 1750 RD & E 902 RD (MKM)

Z-14-00204: Consider a request to rezone approximately .8 acre from County A (Agricultural) District to RS7-FP with (Single-Dwelling Residential with Floodplain Management Regulations Overlay) District, located SE of N 1750 Rd & E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

ITEM NO. 4  CONDITIONAL USE PERMIT FOR WESTAR ENERGY; 1703 E 902 RD (MKM)

CUP-14-00167: Consider a Conditional Use Permit for the expansion of Westar Energy's Baldwin Creek Substation on approximately 14.7 acres located at 1703 E 902 Rd. Submitted by Bartlett & West on behalf of Western Resources Inc, (aka Westar Energy, Inc.) property owner of record.

ITEM NO. 5  EXTENSION REQUEST FOR MERCATO PRELIMINARY PLAT; NE CORNER W 6TH ST & K-10 (MKM)

Extension request for a revised Preliminary Plat, PP-10-5-09, for lots 7, 8 and 9, Block Four and Lots 2, 3, and 4, Block Seven, Mercato Preliminary Plat dated 4/26/06. Property is located in the northeast corner of the intersection of W 6th Street/Hwy 40 and K10.

**DEFERRED**

ITEM NO. 6  PRELIMINARY DEVELOPMENT PLAN FOR THE LINKS AT LAWRENCE; 251 QUEENS RD (MKM)

PDP-14-00171: Consider a Preliminary Development Plan for The Links at Lawrence, a 882 unit apartment complex and 9 hole golf course, on approximately 78 acres located at 251 Queens Rd. Submitted by Blew & Associates PA, for Links at Lawrence, property owner of record.

**DEFERRED**

ITEM NO. 7  TEXT AMENDMENT FOR PARKING & ACCESS STANDARDS (SMS)

TA-6-14-09/TA-13-00235: Receive an update on the proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1  MINOR SUBDIVISION VARIANCES FOR ELSE ADDITION; 708-712 RHODE ISLAND (TLH)

MS-14-00231: Consider Minor Subdivision variances for Else Addition, located at 708-712 Rhode Island. Variances requested include reducing minimum lot size and minimum lot width. Submitted by Grob Engineering Services, LLC., for Aileen P. Else, Trustee and Sarah Norman, property owners of record.

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**CAALENDAR**

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

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PLANNING COMMISSION MEETING
April 21 & 23, 2014
Meeting Minutes

April 21, 2014 – 6:30 p.m.
Commissioners present: Britton, Culver, Denney, Graham, Josserand, Kelly, Liese, Rasmussen, Struckhoff, von Achen
Staff present: McCullough, Stogsdill, Crick, Day, Guntert, Larkin, Miller, Ewert

PLANNING COMMISSION MINUTES
Receive and amend or approve the minutes from the Planning Commission meeting of March 24, 2014.

Motioned by Commissioner Rasmussen, seconded by Commissioner Struckhoff, to approve the March 24, 2014 Planning Commission minutes.

  Unanimously approved 10-0.

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

Commissioner Rasmussen said the Horizon 2020 Steering Committee met a few times. He said staff were collecting input at public meetings and that the dates were posted on the web.

Commissioner Britton encouraged Planning Commissioners and the public to attend the Horizon 2020 meetings.

Commissioner Culver said the Metropolitan Planning Organization met on April 17 and had an amendment to the Transportation Improvement Plan (TIP), reconciling some of the money for the plan. He said they also discussed the pedestrian plan steering committee and different stakeholders that would be represented within that committee. He said they officially received and approved the resolution to accept I-70 corridor transit feasibility study by KDOT.

COMMUNICATIONS
Mr. McCullough said a few communications came in after the 10:00am deadline. He said a DVD was received from Raintree Montessori for the Family Fun Center item and that the City had technical difficulty in getting it posted to the City’s website so it may need to be played at Wednesday’s meeting.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST
- No ex parte.
- No abstentions.
MISC NO. 1 VARIANCE FOR CERTIFICATE OF SURVEY; E 175 RD & US HWY 40 (MKM)

CSR-13-00496: Consider a variance associated with a Certificate of Survey requested from Section 20-806(d)(2)(i) of the Subdivision Regulations [Section 11-106(d)(2)(i) of the County Code] to allow the creation of a Residential Development Parcel with a minimum width less than required. Submitted by Howard Smith, for Howard and Fredonna Smith property owners of record.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

APPLICANT PRESENTATION
Mr. Howard Smith was present for questioning.

PUBLIC COMMENT
No public comment.

ACTION TAKEN
Motioned by Commissioner Liese to approve 2nd by Commissioner Kelly
Approved 10-0
ITEM NO. 1  RSO TO CN1; .126 ACRE; 512-514 LOCUST ST (DRG)


STAFF PRESENTATION
Mr. David Guntert presented the item.

APPLICANT PRESENTATION
Mr. Nate Paradis, real estate agent representing Quentin Cole, agreed with staff report and was present for questioning.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Josserand asked if the applicant talked to the property owner to the east and if they had any objections.

Mr. Paradis said he contacted property owners within a 250’ radius and did not hear back from anyone.

Commissioner Josserand asked if this was the original parcel as sold.

Mr. Guntert said these lots were part of a subdivision that dated back to 1869 that were platted as 25’ wide and 110’ depth with a 20’ alley.

Commissioner von Achen asked if a non-profit community based market and café meant it would be a member owned market, similar to The Community Mercantile.

Mr. Paradis said there were several different business models being looked at and that it was still to be determined. He said some of the concepts would involve membership or cooperative work for credit.

ACTION TAKEN
Motioned by Commissioner von Achen, seconded by Commissioner Struckhoff, to approve the request to rezone approximately 5,500 SF, from RSO (Single-Dwelling Residential-Office) District to CN1 (Inner Neighborhood Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Liese asked if the terminology non-profit community based market would restrict its use in the future.

Mr. Guntert said it was what the applicant had stated as their intention for their property. He said it would be zoned CN1 which would limit it to the uses permitted in that zoning category.

Mr. McCullough said there would be no PD overlay or conditional zoning.
Commissioner Rasmussen asked if the residential uses could continue.

Mr. Guntert said that was correct.

Unanimously approved 10-0.
ITEM NO. 2  CONDITIONAL USE PERMIT; METEOROLOGICAL TOWER; BETWEEN E 400 & E 450 ROADS, N OF N 300 RD (SLD)

CUP-14-00002: Consider a Conditional Use Permit for a 60 meter (196’) meteorological tower to monitor and collect wind data located between E 400 and E 450 Roads and north of N 300 Road. Submitted by Tower Associates LLC on behalf of Charles and Doris Fawl, property owners of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
No applicant present.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Josserand asked if approval would give legal right to hang cellular antennas on the tower.

Ms. Day said it was not structurally capable.

Commissioner Liese inquired about the height at which lighting was required.

Ms. Day said 200’.

Commissioner Denney inquired about the moratorium by County Commission.

Mr. McCullough said this item went through a process with the County Commission to make a determination. He said at first the County Commission felt this type of tower should be included in the moratorium but after a study session, to introduce aspects of wind farms, they gave way for this to move forward. He said wind turbines still had a moratorium.

Commissioner Rasmussen asked if the anemometer was wireless.

Ms. Day said she was not certain.

Commissioner Denney said the documentation he read indicated that it was wireless.

Commissioner Rasmussen asked if there was any concern about the wireless signal violating the recommended condition 2.(b) “Use of this tower shall be limited to meteorological equipment only and will not be allowed for use by telecommunication providers.”

Ms. Day said no, it would not violate that term.

Commissioner Culver asked if the moratorium was extended if there would potentially be further applications of this nature.

Mr. McCullough said this applicant indicated this is what they need to complete their study in Douglas County.
Commissioner Rasmussen said in his job he saw a number of renewable energy projects, including wind projects, so he could foresee other requests by other applicants.

Commissioner von Achen inquired about the moratorium tasking Planning staff and Planning Commission to do a study.

Mr. McCullough said there were multiple parts with the overall plan. He said attorneys and other staff were working on potential model ordinances that would be brought to Planning Commission and recommended to County Commission for the wind turbine farm standards.

**ACTION TAKEN**
Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to approve the Conditional Use Permit for the meteorological tower and forwarding it to the County Commission subject to the following conditions:
1) Approval of the Conditional Use Permit shall be limited to 6 years from the date of the County Commission approval. Any extension of the time limit shall be allowed only per written request from the applicant and approval for extension by the County Commission following public notice.
2) The provision of a revised site plan that adds the following notes to the face of the drawing:
   a) “A sign shall be posted on the tower or the exterior fence around the base of the tower with the name and telephone number of the tower owner/operator.”
   b) “Use of this tower shall be limited to meteorological equipment only and will not be allowed for use by telecommunication providers.”
   c) “This tower will be removed at the end of the Conditional Use Permit approval period.
   d) “A change of ownership of the tower shall require a new Conditional Use Permit and public hearing by the Planning Commission.” This will allow review of the intended use of the tower and public notice of the proposed change.

Commissioner Rasmussen asked if the land owner of record was responsible for removal of the meteorological tower.

Ms. Day said ultimately, yes.

   Unanimously approved 10-0.
ITEM NO. 3  
CONDITIONAL USE PERMIT; METEOROLOGICAL TOWER; N 400 RD & E 1000 RD (SLD)

CUP-13-00480: Consider a Conditional Use Permit for a 60 meter (196’) meteorological tower to monitor and collect wind data located east of the corner of N 400 Rd & E 1000 Rd and on the south side of N 400 Rd. Submitted by Tower Associates, for Donald & Jane Schwartz, property owners of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
No applicant present.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to approve the Conditional Use Permit for the meteorological tower and forwarding it to the County Commission subject to the following conditions:
1) Approval of the Conditional Use Permit shall be limited to 6 years from the date of the County Commission approval. Any extension of the time limit shall be allowed only per written request from the applicant and approval for extension by the County Commission following public notice.
2) The provision of a revised site plan that adds the following notes to the face of the drawing:
   a) “A sign shall be posted on the tower or the exterior fence around the base of the tower with the name and telephone number of the tower owner/operator.”
   b) “Use of this tower shall be limited to meteorological equipment only and will not be allowed for use by telecommunication providers.”
   c) “This tower will be removed at the end of the Conditional Use Permit approval period.
   d) “A change of ownership of the tower shall require a new Conditional Use Permit and public hearing at the Planning Commission.” This will allow review of the intended use of the tower and public notice of the proposed change.

   Unanimously approved 10-0.
ITEM NO. 4  SPECIAL USE PERMIT; RUNAWAY PONY BED & BREAKFAST; 603 TENNESSEE ST (JSC)

SUP-14-00049: Consider a Special Use Permit to continue the bed and breakfast use of the property as Runaway Pony Bed & Breakfast, located at 603 Tennessee St. Submitted by Rainbow Works LLC, property owner of record.

STAFF PRESENTATION
Mr. Jeff Crick presented the item.

APPLICANT PRESENTATION
Ms. Serina Hearn, Rainbow Works LLC, said when she applied for a Special Use Permit years ago she had to install a fire sprinkler system and handicap accessibility. She read positive TripAdvisor comment reviews from guests who stayed at Runaway Pony. She said she was grateful for having the opportunity for the Special Use Permit because having guests allowed her to regain 1/3 of the cost of the mortgage and utilities for 603 Tennessee Street. She said regarding the photographs of the yard that Ms. Patty Clark took she had already taken care of some of the yard debris left over from a hard winter.

PUBLIC HEARING
Mr. Jim O’Malley, 626 Ohio, said the issue was not whether the bed and breakfast was nice, the issue was if the use was in compliance with the Code and conditions granted with the Special Use Permit in 2009. He said there were questions raised by Ms. Patty Clark that 603 Tennessee may not be owner occupied. He read a TripAdvisor review that said the owner was not a resident of the facility. He felt a renewed Special Use Permit should not relax the conditions. He felt owner occupancy was crucial with this kind of limited commercial use in a single-family residential zoning district.

Mr. John Nitcher, 608 Louisiana, echoed the comments made by Mr. O’Malley. He did not feel the conditions of the Special Use Permit were being complied with and should not be renewed.

Ms. Vicki Hester said she lived at 1941 Massachusetts with Ms. Hearn and helped with the bed and breakfast. She spoke in favor of Runaway Pony.

Ms. Patty Ogle said that Ms. Hearn approached her father, Mr. David Clark, several months ago about purchasing his property to the west for her to live in. She said parking had been an issue.

Ms. Tresa Hill, 705 Tennessee, said RS5 was the last true single-family zoning district. She said the owner’s primary residence was elsewhere and the request was equivalent to a commercial use. She asked that the request be denied.

Ms. Karin Kressin said the bed and breakfast was not accessory to a single-family home but rather a business. She expressed concern about setting a precedent.

APPLICANT CLOSING COMMENT
Ms. Hearn said regarding the TripAdvisor comment about her not living there she did not know what to make of it because the guest only stayed one night. She said she had another home at 1941 Massachusetts that she got back after a divorce. She said she did not have employees but that she had people help her clean sometimes. She said 603 Tennessee was her residence and she was allowed to have three unrelated people live there.
COMMISSION DISCUSSION
Commissioner Liese asked what address was on Ms. Hearn’s driver’s license.

Ms. Hearn said 1941 Massachusetts.

Commissioner Liese asked what address was on her voter registration.

Ms. Hearn said she did not vote because she was not a US resident.

Commissioner Liese asked if Ms. Hearn had any identification other than a driver’s license.

Ms. Hearn said no.

Commissioner Liese asked how many nights a week Ms. Hearn stays at 603 Tennessee.

Ms. Hearn said 4-7 nights a week.

Commissioner Britton asked staff about enforcement of the Special Use Permit conditions.

Mr. McCullough said the enforcement was through the duration of the Special Use Permit and complaints received. He said there had not been complaints received since the bed and breakfast obtained a Special Use Permit. He said there were complaints about the use before the sprinklers were installed. He said the interior had not been inspected to address the allegations of the number of guest bedrooms.

Commissioner Britton asked what happened if conditions were not being complied with.

Mr. McCullough said it would be a progressive enforcement. He said staff would start by contacting the owner operator and if found to be out of compliance staff would work to get the owner operator into compliance. He said if compliance was not met there were revocation proceedings that would be initiated.

Commissioner Rasmussen asked if the bed and breakfast needed to be owner occupied even when there were no guests staying there.

Mr. McCullough said the intent of the Code and the actual conditions of this particular Special Use Permit were as a three bedroom bed and breakfast that was owner occupied. He said owner occupancy was when a person resided at the property a majority of the time.

Commissioner Rasmussen asked if it had to be considered a principal residence.

Mr. McCullough said yes.

Commissioner Rasmussen said there were several TripAdvisor reports that suggested Runaway Pony was not owner occupied. He read several of the TripAdvisor reviews out loud. He asked Ms. Hearn to respond.

Ms. Hearn said the comments on TripAdvisor were personal opinions. She said an owner occupied house has to have the care and commitment of an owner and she had the commitment of ownership of 603 Tennessee.
Commissioner Rasmussen asked about the trailer that was submitted in the pictures from neighbor.

Ms. Hearn said the trailer was to remove debris, which had been removed. She showed pictures on the overhead of the site.

Commissioner Josserand asked Ms. Hearn about the number of bedrooms at 603 Tennessee.

Ms. Hearn said there were 7 bedrooms and that all had beds in them.

Commissioner Josserand asked Ms. Hearn what kind of car she drove.

Ms. Hearn said a Jeep Cherokee.

Commissioner Josserand asked what address her car was registered at.

Ms. Hearn said 1941 Massachusetts. She said her office was located at 1941 Massachusetts.

Commissioner Culver asked staff how Planning Commission was to determine owner occupancy and number of bedrooms.

Mr. McCullough said Planning Commission could direct staff to check the house for the number of bedrooms. He said the owner occupancy factor was a little murkier and tougher to get to. He said according to the complaint history there had not been issues with the use. He said the number of bedrooms and exterior aesthetics could be resolved pretty quickly. He said the Special Use Permit would expire in July. He said Planning Commission could recommend City Commission approve it and direct an interior inspection of the house before being heard by City Commission. He said Planning Commission could also defer the item and have it brought back after an inspection.

Commissioner Rasmussen said a ten bedroom house could have only three guest rooms.

Mr. McCullough said staff had an approved floor plan that labeled each room and that was the expectation of the layout of the house.

Ms. Hearn said she thought she could use four bedrooms for herself and rent out three for guests.

Commissioner Liese read the definition of an employee according to the Bureau of Labor Statistics. He said if anything was being provided to Ms. Hester that she could be considered an employee. He felt the conditions of a Special Use Permit protected the community from misuse of property. He said even if the residency use was not provable there was evidence that the applicant had been representing herself as living elsewhere. He said the parking, relationship with neighbors, and aesthetics led him to believe the Special Use Permit was not working.

Commissioner Denney asked Ms. Hearn if Rainbow Works LLC was the property owner of 603 Tennessee and if her other rental properties were also owned by Rainbow Works LLC.

Ms. Hearn said yes.

Commissioner Denney asked if Rainbow Works LLC was the owner of record for 1941 Massachusetts.

Ms. Hearn said no, Serina Hearn was listed as the property owner of 1941 Massachusetts.
Commissioner von Achen asked staff how owner occupancy was determined in other situations.

Mr. McCullough said it was a bit of a challenge. He said it typically started with the testimony of neighbors, interviews with willing tenants, and the gathering of evidence to put the puzzle together.

Commissioner Culver said they had heard conflicting testimony this evening so he would prefer that staff conduct an inspection and then bring it back to Planning Commission.

Mr. McCullough displayed the approved floor plan on the overhead.

Commissioner Britton felt like this was becoming an enforcement hearing. He said he was uncomfortable and struggling how to ignore some of the stuff that maybe should be ignored. He said maybe the applicant could work out some of the issues. He said he was not sure whether doing an inspection would make it easier for him or not. He said Ms. Hearn was running a business that brings people to Lawrence. He said he did not know how he would vote.

Commissioner Liese said he has always been a little nervous about approving Special Use Permits because of an applicant not following thru with conditions.

Mr. McCullough said City Commission would be the deciding body. He said staff was not representing to Planning Commission that there was non-compliance. He said these were recent allegations that staff had not looked into yet. He recommended that staff gather more facts regarding compliance issues.

Commissioner Josserand said owner occupancy was a material issue.

Commissioner Kelly said he was not comfortable with a code enforcement proceeding with the evidence being TripAdvisor reviews. He said he was concerned about the lack of compliance with the floor plan not meeting life safety issues.

Commissioner Graham said she would like to have more information.

**ACTION TAKEN**

Motioned by Commissioner Denney, seconded by Commissioner von Achen, to defer indefinitely to allow staff to investigate allegations of non-compliance (owner-occupancy, number of guest bedrooms, use of employee, and exterior yard conditions).

Commissioner Struckhoff felt it would be inappropriate to deny from one day of letters after five years with no complaints. He said he would like more information from a staff inspection.

Commissioner Liese asked how the community would provide information to staff.

Mr. McCullough said it was an active case and comment could be accepted by people willing to provide information. He said sometimes staff receives evidence submitted via photos, videos, website reviews, etc.

Commissioner von Achen said the applicant had made substantial investment in the property. She said Lawrence deserves a more thorough investigation.
Commissioner Rasmussen felt they should not turn something down based on what they heard tonight. He said they needed to remember they were being asked to approve a Special Use Permit for a bed and breakfast and there were certain criteria and standards in the Land Development Code. He said they heard testimony that those standards were not being met. He felt they were making the right move by deferring the item.

Motion carried 10-0.
ITEM NO. 5  COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTERS 6 & 14; REVISE MAXIMUM RETAIL CAP (JSC/ AAM)

CPA-14-00059: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapters 6 and 14 to revise the maximum retail cap from 72,000 SF to 122,000 square feet to permit a proposed grocery development in Bauer Farm, located at 4700 Overland Drive.

ITEM NO. 6A  PCD TO PCD; 8 ACRES; 4700 OVERLAND DR (SLD)

Z-14-00057: Consider a request to rezone approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest], located at 4700 Overland Drive. The zoning application proposes modifying the uses in the PD (Planned Development) from a mix of residential, office, with 14,440 SF of retail space to 45,048 SF retail space, 6,150 SF office space, and no residential use. Submitted by Treanor Architects, for Free State Group, LLC and Bauer Farms Residential, LLC, property owners of record.

ITEM NO. 6B  PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; 4700 OVERLAND DR (SLD)

PDP-14-00055: Consider a Revised Preliminary Development Plan for Bauer Farm and Bauer Farm Northwest, and Bauer Farm Residential to include the addition of a 108 room hotel and two retail stores and one mixed use building in Bauer Farm Northwest, located at 4700 Overland Drive. The plan proposes 45,048 SF of retail uses where 14,440 SF was previously approved. Changes to Bauer Farm Residential include a revision to the number of residential dwelling units from 272 to 342, removing a street connection to Overland Drive, and revising the building form from row houses to apartments along W. 6th Street and Overland Drive. Submitted by Treanor Architects, for Free State Group, LLC and Bauer Farms Residential, LLC, property owners of record.

STAFF PRESENTATION
Mr. Jeff Crick presented item 5 and Ms. Sandra Day presented items 6A and 6B.

APPLICANT PRESENTATION
Mr. Matt Murphy, Treanor Architects, said he agreed with the staff report.

Mr. Bill Fleming, Treanor Architects, said the project retained new urbanism elements with the buildings being pushed to the street. He said internal streets were built to reduce curb cuts on the periphery and that land was donated for Theatre Lawrence. He said there was limited demand for office uses and that the change was in response to the market.

PUBLIC HEARING
Mr. Jonathan Becker, Briarwood Community Association, said Bauer Farm was too big. He said the original Horizon 2020 proposal was for a regional node for 350,000-450,000 sq ft in the area and unfortunately the south side of 6th Street was immediately developed and 300,000 sq ft went in. He agreed with the new urbanism design from 2005 because it would buffer from the intensity of 6th and Wakarusa. He said there would be a 70% increase in the square footage allowed. He said the regional node was surrounded by apartment complexes. He felt it was unfortunate that the promises made in 2005 would not be kept.

APPLICANT CLOSING COMMENTS
Mr. Fleming said 40,000 square feet was only 10% of the total amount of commercial at the node now. He said some of the residential counts included Meadowlark Estates with approximately 120 beds.

**COMMISSION DISCUSSION**

Commissioner von Achen asked staff to respond to the change in the philosophy of design.

Ms. Day said to be able to have the previous kind of design would be great but the change was due to the reality of the market today. She said so much of commercial development was based on a known interest in a particular piece of property. She said the change was trying to be responsive to market conditions.

Commissioner Josserand inquired about the previous history and asked about the need for increased residential density to the east.

Mr. Fleming said he was trying to meet the existing allowed density under PCD2, which was about 25 units per acre.

Commissioner Josserand inquired about the area next to 6th Street on the south end that used to be RO zoning.

Ms. Day said the Code had changed. She said under the old Code residential districts never got filled and that filling the office space had been a challenge.

Mr. Fleming said the plan had always contemplated higher density along 6th Street in the nature of apartments. He said the PCD zoning on the property was initiated by City Commission over their objection. He said it was part of the Wal Mart development.

Commissioner Kelly asked if an allowable use for the retail portion was sale of liquor, beer, and alcohol across from a school.

Ms. Day said that was allowed today.

Commissioner Kelly asked if the Comprehensive Plan was being changed because the market didn’t deliver or if conditions had changed.

Mr. McCullough said the Comprehensive Plan was one reasonable scenario in a development area. He said this was a unique node. He said times had changed and Commission members had changed since the genesis of developing the north side of 6th and Wakarusa, with Wal Mart on the west and Bauer Farm on the east. He said that was pre-recession and had there not been a recession the Bauer Farm development could have had the opportunity to represent new urbanism development. He said there were still nuggets of what the new urbanism elements called for with Theatre Lawrence and the senior housing. He said the commercial veered from smaller scale.

Mr. Fleming said Horizon 2020 did not match up with the market place demand. He said the limitation of 62,000 sq ft on retail did not make it successful for true urbanism. He said he did not think after this was over that the size of the node would expand because it had reached its natural limit.

Commissioner von Achen asked staff to respond to Mr. Kirk McClure’s letter regarding Planning Commissions responsibility about deciding whether the community could handle more retail.
Mr. McCullough said the retail market study showed there were not steep trends in blight or vacancy rates. He said there were no policies about studying individual sectors of retail and providing recommendations regarding the hotel industry or burger industry, for example.

Commissioner Culver asked if rezoning condition 2 would not exceed 50,000 sq ft maximum and that no single retail or commercial building would be larger than 50,000 sq ft. He also asked if that would protect the area from having a big-box type of development.

Ms. Day said that was correct.

Commissioner Britton said it was hard to balance holding out for planning aspirations or responding to the market. He said the overall increase of commercial in the node was just 10%. He said there may be character change of the corner but not so much of the node because there were buildings with parking lots out front. He said if they were not careful it could start looking like 23rd Street from Iowa to Louisiana Street.

Commissioner Josserand said he had heartburn about increased residential density. He said previous Commissioners had spent a lot of time on this topic. He said he was reluctant to support a motion of approval.

Commissioner Kelly said he had high aspirations for this property and he was disappointed with the development so far. He said the entire node had struggled with the amount of retail that was going in. He said he struggled with the idea of a hotel and liquor and beer sales across from the high school. He said the Comprehensive Plan had a more suitable use to translate from the commercial on the other three corners into the high school. He said he was not ready to let the north side look just like the south side of the street.

Mr. Mike Treanor said mixed use projects had struggled all over the country. He said the project had been financed for 12 years. He said there was a retailer that had come forward that would be good for the area. He said mixed use projects were being developed in the downtown area.

Commissioner Culver said the reality they were facing was a changing market. He felt it would be detrimental to wait 10 more years and have the parcels still vacant.

Commissioner von Achen said she was not sure how she felt about this overall but said increasing density in the same footprint would reduce sprawl.

Commissioner Rasmussen said he would support the staff recommendations for approval. He said since this project had span for 12 years he trusted staff and their professional recommendation. He said he liked the denser development and liked having agriculture land surrounding the city.

Commissioner Struckhoff said he was inclined to support the staff recommendation. He said he would like the area to be conducive to pedestrian and bicycle traffic. He said he was inclined to support a motion for approval due to the market change.

Commissioner Rasmussen asked the applicant about excluding liquor, wine, and beer sales from the motion.

Mr. Fleming said it was already permitted and that the language was just being clarified. He said it was not a new request it was just clarifying the use already permitted.
Mr. Murphy said Bauer Farm was the most walkable corner in that node and that there were sidewalks within the development.

Commissioner Liese inquired about liquor stores in proximity to schools.

Mr. McCullough said he thought the distance requirement was 400’ from door to door.

Commissioner Leise said he feared stagnation more than abandoning aspirations.

Commissioner Britton felt if they were going to depart from the plan it should be for a good reason and he thought this may be a good reason. He said density versus capacity for the community were two different things. He thanked staff for their work on the report. He said he would support a motion to approve.

Commissioner Josserand said he did not see the need for increased residential density just to approve increased commercial.

**ACTION TAKEN on Item 5**

Motioned by Commissioner Rasmussen, seconded by Commissioner Liese, to approve the Comprehensive Plan Amendment (CPA-14-00059) to Horizon 2020 Chapter 6: Commercial Land Use, Chapter 14: Specific Plans, and the Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive to revise the retail/commercial gross square-footage cap from 72,000 gross square feet to 122,000 gross square feet, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission with a recommendation for approval.

Motion carried 8-2, with Commissioners Josserand and Kelly voting in opposition.

**ACTION TAKEN on Item 6A**

Motioned by Commissioner Rasmussen, seconded by Commissioner Struckhoff, to approve rezoning approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest] based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

1. The maximum retail area for the entire PCD-[Bauer Farm Northwest] shall not exceed 50,000 gross square feet.
2. No single retail or commercial building shall be larger than 50,000 gross square feet of space.
3. All residential uses are prohibited.
4. The permitted list of uses shall be included as part of the rezoning ordinance to specifically include:
   a. Licensed Premises; and Liquor, wine and beer sales for consumption off the premises.
   b. Hotel and Motel
5. The permitted uses include uses listed on the approved Final Development Plan for Bauer Farm in the following Use Groups, except as specifically prohibited here:
   a. USE GROUP 7 – COMMUNITY FACILITIES – PUBLIC UTILITIES, are permitted except the following uses are **prohibited**: Halfway house or service-oriented rehabilitation center or residence; Hospital, general, not including animal; Rehabilitation center for persons with disabilities; and Sewage disposal plant, private;
   b. USE GROUP 9 – PROFESSIONAL OFFICES; are permitted
   c. USE GROUP 9A – LIMITED SERVICES; are permitted
d. USE GROUP 11 – INNER NEIGHBORHOOD COMMERCIAL USES; are permitted.

e. USE GROUP 12 – RETAIL STORES – PERSONAL SERVICES, are permitted except the following uses are prohibited: Automobile service stations; Department store; Food convenience store, including gasoline sales and single bay auto wash; Furrier shop, including the storage of furs; Hat blocking and repair; Pawnshop; Reading room; Surgical and dental supply sales; Similar Uses; and Accessory Uses;

f. USE GROUP 13 – AUTOMOTIVE SERVICES; RETAIL SALES; OTHER, are permitted except the following uses are prohibited: Aircraft sales, rental, service; Ambulance service; Auction room auctioneer; Automobile service station; Baseball park, commercial; Boat and marine sales, rental and repair; Carnival or circus; Carting, crating, express hauling, moving and storage; Eating establishment, providing only drive up service or no seating facilities; Exterminator, pest; Food convenience store, including gasoline sales; Food locker plant, for consumer use; Funeral home, mortuary, or undertaking establishment; Garage or parking for common or public utility vehicles; Glass sales and cutting shop; Linen supply, diaper service, uniform supply; Liquids, flammable, underground storage of; Lumber, limited sales; Media Store (Ord. 7226); Mobile homes, sales and service; Motorcycle sales, service and rental; Photostatting; Sex Shop (Ord. 7226); Sexually Oriented Media Store (Ord. 7226); Taxidermist; Telephone answering service; Theatre, drive-in; Trailer sales and rental; Transit vehicle storage and servicing; Truck rental and sales; Similar Uses; and Accessory Uses; AND

g. USE GROUP 15 – AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES, are permitted except the following use is prohibited: Race Track.

Motion carried 9-1, with Commissioner Josserand voting in opposition.

ACTION TAKEN on Item 6B
Motioned by Commissioner Rasmussen, seconded by Commissioner Liese, to approve the revised Preliminary Development Plan for Bauer Farm Planned Development based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Provision of a revised plan that includes the following notes and changes:
   a. Revise General Note 39 to correctly reflect the variances and waivers granted with this revised Preliminary Development Plan.
   b. Show the extension of the Access and Utility Easement in Block 1 north to Overland Drive.
   c. Label the water line on the north side of Bauer Farm Drive as existing or proposed, as applicable.
   d. Show and label all proposed easements such that all proposed water lines are located within right-of-way or in a utility easement.
   e. Provide additional easement along the south side of Overland Drive to complete a total of 15’ wide utility easement for the sanitary sewer.
   f. Show and label the sanitary sewer service line for the proposed hotel use.
   g. Revise the sanitary sewer alignment extension to Block 9, Lot 5 so that it is not located within the Bauer Farm Drive right-of-way.
   h. Show and label all sanitary sewer easements.
   i. Revise General Notes on page 4 as they related to the proposed duplex uses.
   j. Show and note the correct off-street parking summary for the residential uses.
   k. Revise General Note 43 on page 4 to indicate that the maintenance agreement shall be reviewed, modified and re-executed as applicable to each Final Development Plan for Bauer Farm.

2. Provision of an exhibit to show the location and amount of open space in the commercial and residential portions of the development.
Motion carried 9-1, with Commissioner Josserand voting in opposition.

Recess at 10:37pm until 6:30pm on April 23, 2014
Reconvene April 23, 2014 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Graham, Kelly, Josserand, Liese, Rasmussen, Struckhoff, von Achen
Staff present: McCullough, Stogsdill, Day, Halm, Larkin, Ewert

BEGIN PUBLIC HEARING (APRIL 23, 2014):

COMMUNICATIONS
Mr. Scott McCullough said a video link was included in the packet for the video that was submitted by Raintree Montessori.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Britton said he talked to Mr. Luke Sinclair regarding the Family Fun Center items 8 and 9.

  Commissioner Josserand spoke with Ms. Molly Mulloy, Ms. Ann Eversole, and Mr. Rick Hird regarding items 8 and 9. He said he also attended the stakeholder meeting at Raintree Montessori.

  Commissioner Graham said she spoke with Mr. Larry Grecian and Ms. Loretta Sidel about items 8 and 9.

  Commissioner Kelly said he spoke with Mr. Brian Williams about items 8 and 9 and asked him to send his thoughts in a letter which he did.

  Commissioner Rasmussen spoke with Mr. Paul Werner, Ms. Marilyn Bittenbender, Mr. Alex Delaney, and Mr. Luke Sinclair regarding items 8 and 9.

  Commissioner Britton said he talked with Mr. Paul Werner after the last meeting about efforts to talk to neighbors regarding items 8 and 9.

  Commissioner Liese said she briefly talked to Mr. Rick Hird and Mr. Brad Finkeldei regarding items 8 and 9.

  Commissioner Culver said he talked to Ms. Lleanna McReynolds and Mr. Paul Werner regarding items 8 and 9. He said he also received a handful of emails after the communication deadline that he forwarded to staff.

- Abstentions:
  Commissioner Britton said during a conflicts check with his law firm the property owner for items 9, Corporate Holdings II LLC, popped up as a real estate transaction that never got off the ground. He said his law firm never represented them. He said staff attorney Mr. Randy Larkin agreed it did not rise to level of him abstaining.
ITEM NO. 7 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARKING & ACCESS STANDARDS (SMS)

TA-6-14-09/TA-13-00235: Receive an update on the proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards.

STAFF PRESENTATION
Ms. Sheila Stogsdill presented the item.

COMMISSION DISCUSSION
Commissioner Liese suggested the topic be discussed at a future Mid-Month meeting.

Commissioner Rasmussen asked for a copy of the presentation Sheila presented.

NO ACTION TAKEN
ITEM NO. 8 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION, OUTDOOR USES WITH SUP IN CN2 (SMS)

TA-13-00488: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to allow for Participant Sports & Recreation, Outdoor uses with a Special Use Permit in the CN2 (Neighborhood Shopping Center) District. Submitted by Paul Werner Architects. Deferred by Planning Commission on 2/24/14.

ITEM NO. 9A RSO TO CN2; 10.97 ACRES; 4300 W 24th PLACE (SLD/TLH)

Z-13-00483: Consider a request to rezone approximately 10.97 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Shopping Center) District, located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. Deferred by Planning Commission on 2/24/14.

ITEM NO. 9B SPECIAL USE PERMIT; FAMILY FUN CENTER; 4300 W 24th PLACE (SLD/TLH)

SUP-13-00486: Consider a Special Use Permit for Participant Sports & Recreation, Outdoor uses as part of a Family Fun Center, located at 4300 W 24th Place. The development includes a 28,000 square foot clubhouse and outdoor tot lot, batting cages, electric go-kart tracks and an 18-hole miniature golf course. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. Deferred by Planning Commission on 2/24/14.

ITEM NO. 9C SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24th PLACE (SLD)

SUP-14-00026: Consider a Special Use Permit for a fast order food with drive-thru as part of the future commercial pad site development, to be located on the west portion of property located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. Deferred by Planning Commission on 2/24/14.

STAFF PRESENTATION
Ms. Sheila Stogsdill presented item 8.

Ms. Sandra Day and Mr. Travis Halm presented items 9A-9C.

APPLICANT PRESENTATION
Mr. Paul Werner, Paul Werner Architects, said he held two neighborhood meetings to try and address some of the neighborhood concerns. He said the text amendment was an appropriate change to the Development Code regardless of the outcome of the other items. He said one of the suggestions from several of the neighbors was an outdoor pool or skate park. He said either of those items would need this text amendment to go forward. He said CN2 zoning came from the area plan that was approved by Planning Commission and City Commission. He said he was okay with the conditions in the staff report. He said if the Special Use Permits were not approved the property owner would probably not want all of the conditions on the zoning. He said regarding the Special Use Permit for a drive-thru was not meant for a McDonalds, but something more along the lines of a coffee shop. He said he would be in favor of any language that could be drafted to exclude a McDonalds or Taco Bell from the site. He said the Family Fun Center would include a clubhouse with four to five birthday party rooms, redemption games, non-redemption games, lots of activities for
different aged kids, and an upstairs area for parents to watch their children. He said they were still exploring other ideas, such as laser tag. He said the outdoor area would include miniature golf, batting cages, and electric go-carts. He said the batting cages would use rubber balls to minimize the noise. He said regarding alcohol they did consider a 3.2 beer license but that it was not a driving force of the project. He said they were willing to give up the beer license but that he could not say that no one would ever apply for a liquor license. He said they never intended for beer to be served outside or a bar to be in the facility. He said regarding lighting, the property was lower than Clinton Parkway and that the lights would be fairly manageable. He showed a picture on the overhead that showed the view from the tennis courts looking across Clinton Parkway to The Grove over the proposed Family Fun Center site. He said the intention was to have the lights of the putt-putt course be 3-5’ above the sidewalk of Clinton Parkway. He said Clinton Parkway was a fairly well lit street all year long. He said the Family Fun Center proposal was driven by the weather so it would not be open all year long. He said the parking lot lights could be on a motion detector so they would be off when nobody was in the parking lot and would turn on when cars would pull into the parking lot. He showed a drawing on the overhead that showed the distance from the midpoint between the batting cages and go-carts and how far the neighboring properties were. He said the go-carts would be approximately 900’ away from the single-family house on the west side of the property. He said he received sound information from the go-cart supplier and that 10 go-carts running at the same time 100’ away roundabout. He said regarding security, there would be a fence around the property. He said loitering would be addressed by management and did not feel a security guard was necessary. He said recreation centers, pools, and the bowling alleys did not need security guards. He said an extensive market analysis was prepared and the study saw no issues with the proposal. He said a thorough traffic study was conducted and the infrastructure and street patterns worked. He said several neighbors did not agree with the assessment. He said there were three schools located on Inverness Drive and at 7:45am the street would be congested. He said Raintree Montessori had approximately 540 students being dropped off and picked up daily. He said the Family Fun Center could not compete with that. He said one of the advantages with the proposal was the time it would operate would not coincide with the peak times on Inverness. He said the site was 12-18’ below most of Clinton Parkway. He said the times of operation were revised. He said the batting cages and batting cage lights would end at 9:00pm. He said go-carts and go-cart lights would end at 9:00pm Sunday-Wednesday and 11:00pm Thursday-Saturday. He said the outdoor sound system would have the same hours. He said he felt for the people who lived southwest of the site because they had been dealing with the entire stretch for about 15 years. He said the Alvamar pool, with a liquor license, probably had more noise coming off of it than what was being proposed. He said Clinton Parkway was a 4-6 lane primary arterial at 45 miles per hour so he did not feel the project was being crammed into a residential area. He gave the example of Holcom Park being in the middle of a residential area with more lights than what was proposed for the Family Fun Center. He said several neighbors close to Holcom Park felt it was an asset. He gave the example of Black Bob Park in Olathe that had eight baseball fields, pool, batting cages, and football which was completely surrounded by single-family homes. He said noise and time of operation was manageable with the Family Fun Center. He felt if this proposal was denied the property might get another apartment complex. He said the property had been zoned for office for 15 years and had never received a request for office. He said neighbors that were in favor of the Family Fun Center had suggested other locations but that other locations were not available or affordable. He felt this was a good location for the project. He agreed with the staff conditions but requested condition 2a on item 9B be removed.

Mr. Mike Riling, attorney representing Kansas Fun Center LLC, said Mr. Glen Lemesany was the owner of Kansas Fun Center LLC and he had substantial investment in the area. He said this project
did not come up overnight and that it had been studied for two years. He said it would be a good quality family fun themed development.

Mr. Rick Hird, attorney representing the bank that owns the land, said the bank was frustrated that the things that had been proposed for the site had been denied or abandoned. He said the Inverness plan called for CN2 zoning at this location. He said the text amendment would harmonize Horizon 2020 and the Code by adding outdoor recreation uses with a Special Use Permit. He said the Special Use Permit would provide protection through the process. He said his client was advocating for approval of the project as a whole and that there were no objections to the conditions in the staff report. He said if the project was not approved his client did not want to agree to some of the conditions set forth by staff on the rezoning request.

PUBLIC COMMENT
Ms. Lleanna McReynolds, Raintree Montessori, read the following letter:

“My name is Lleanna McReynolds, and my husband and I own Raintree Montessori School, a program we started 36 years ago. Raintree has grown from a small school with 35 children, four teachers, a cook and a goat, to large school with 500 children, over ninety staff, two cooks and a menagerie of animals. Raintree is our life’s work, and we know our success is due in large measure to the fact we live in Lawrence, Kansas, a university community that values education and good city planning. Over the past 36 years, I have visited many schools, but few compare to Raintree, and, frankly, few cities of comparable size compare to Lawrence. When we started the school, it was with the understanding the city would stand by its development plan. Originally it was called Plan 95, and about the same time the two-lane county road in front of our school became Clinton Parkway, the city planners and the Planning Commissioners developed a new overall development plan for Lawrence called Horizon 2020. Concerned that the parkway would become another version of the heavily commercial 23rd street, the planners created guidelines in the planning and construction of Clinton Parkway. The guidelines allowed limited commercial development such as office buildings or a garden store at the four corners where Wakarusa intersects with Clinton Parkway. The remaining land was to be residential. The parkway itself was to be just that, a parkway with trees planted in the medians, a jogging path running parallel to the new road and exercise stations built at intervals. Development began in earnest in the surrounding area, and over time neighborhoods sprang up, townhouses were constructed, and three more schools were built nearby. The uniqueness of a city rests on the shoulders of those with vision, and the strength of that vision depends on faithful adherence to the plan. Three of the obstacles we faced at Raintree were when that vision was in direct opposition to the plan. The first was when Plan 95 was still in affect, and the church wanted to sell the building we were renting to a nightclub developer. The second was when Warmack, a mall developer from Arkansas, wanted to build an enclosed shopping mall west of the school, and the third, when a concrete company proposed the construction of a plant south of Raintree. We were young and idealistic, and we thought, we, with help from our Raintree parents and other community supporters, defeated the projects, but it was really because of the plan. One of the indirect outcomes is the vibrant downtown we all enjoy today. When the majority of cities across the country were allowing mall developers to construct indoor shopping centers on the outskirts of their cities and turning their main streets into ghost towns, Lawrence said no, and not to just one cornfield mall proposal, but two! The moral of the story is that one has to be vigilant when one lives near undeveloped land, and that’s the second part of the parkway story. Time passed, and we let our guard down. During that time, apartment complexes, a convenience store and gas station were built. The neighbors living closest to these recent developments organized and
protested when a third apartment complex was proposed. They didn't want more apartments in their neighborhood. Their property values were being affected, and the traffic was becoming unmanageable. In their efforts to stop another high-density residential project, the neighbors may be on the verge of ushering in a new development phase which could have terrible consequences if a zoning change is allowed. Allowing zoning changes that are against the overall plan is not right. If you want to see what can happen, go to Houston. They have no zoning laws, and you take your life in your hands just walking down the street because there are no setbacks for sidewalks and industries can be built right next to residential areas. The rezoning of this property will change the environment of the parkway forever. The dominos will fall, maybe slowly at first, but fall they will, and before we know it, parts of the parkway will look like 23rd street. We have invested not only our blood, sweat and tears, but also our life savings into creating Raintree, a campus with swimming pools, outdoor amphitheater, fishing pond and a 1/2 mile running path. We are a family-owned enterprise, and as such, we pay huge property taxes providing over $100,000 annually to the tax base. We would never have created Raintree if we thought the parkway would become a commercial zone. We are not opposed to family fun. In fact we are all for families doing things together, especially activities that get them outside, in nature, and enjoying each other’s company. We just don’t think this is the right location. This is not about a family fun center. This is about zoning. There are other locations for a project of this kind in nonresidential areas with appropriate zoning already in place. Lawrence is a unique community, the gem of Kansas, with a bustling downtown, creative city planners and visionary commissions. We have faith that you will do the right thing and honor the original development plan for the parkway. We are counting on you.”

Mr. Luke Sinclair said it seemed that the text amendment would be the tail that wags the dog. He said the entire Code would have to be changed to accommodate the Family Fun Center. He said a change to the Code seemed to be a drastic step and that it should be closely scrutinized. He said Ms. McReynolds addressed some of his concerns regarding Horizon 2020. He wondered if the text amendment met the challenge of a changing condition. He said the area already had access to some of the best outdoor recreation amenities and there was no need to be addressed. He said perhaps the project should be located in an area that had a need. He said he was not opposed to this type of development but did not see the justification to amend the Development Code to shove this in a residential area.

Ms. Tami Easley expressed concern about alcohol at the site. She said the Alvamar pool was only open from 12-8pm and that there was no music. She was worried about patrons of the Family Fun Center swimming in the Alvamar pool after hours. She said batting cages could be heard from far away and that noise would carry to her home. She said she was never notified about the previous multi-family proposal.

Mr. Emil Tonkovich said he was opposed to the development. He stated the process bothered him. He felt that people who purchased homes had a reasonable right to rely on zoning. He said nobody expected a go-cart track and beer sales to be next to their home. He said there was a sense of distrust in the community because of Rock Chalk. He said only one City Commissioner objected to a no bid contract for Rock Chalk. He said he did not see this project as a Family Fun Center but rather a teen hangout. He said Raintree and Bishop Seabury have children’s interest in mind and they objected to the project. He felt it would have a negative impact on the neighborhood.

Ms. Lori Sinclair expressed opposition to the development and felt there would be a negative impact to her quality of life. She expressed concern about smells from food uses, trash, noise, and traffic. She said schools have lots of activities before and after school so traffic would not just be at peak times. She said the Family Fun Center would generate outdoor laughing and yelling, excessive
lighting, and alcohol sales. She wondered about the sustainability of a Family Fun Center in Lawrence and how often people would pay to go to the same putt-putt course. She said her neighborhood and property value would decrease and she wanted to live in a residential neighborhood, not commercial area.

Ms. Sarah Williamson concerned for the safety of children in the neighborhood with the increased traffic. She said she moved to this location with the proposed property being zoned residential. She did not feel the site was appropriate for commercial zoning. She said there was no access from Clinton Parkway so the appeal to businesses was very limited. She did not feel this project would be an amenity to the neighborhood and that it would be built for college students in mind. She said alcohol did not belong at a Family Fun Center.

Mr. Larry Grecian said he lived in Osage Beach, Missouri for 30 years and Planning Commission was pretty non-existent. He said rules and zoning were meant to be followed. He felt like they were being bullied into changing the rules by big money. He expressed concern about security at the site and felt there was potential for children to be harmed. He wondered why single-family homes would not work at this location. He was concerned about the lack of transparency from the developer. He said the berms would disappear when the road needed to be widened.

Mr. Doug Baur said the public notice signs that were posted at the site disappeared in the last few days.

Ms. Loren Bennesch said the benefit of one developer would be at the expense of hundreds of property owners. She expressed concern about decreased property values. She felt the project was not the highest and best use of the property. She said she had no argument about the current zoning, only the density. She was concerned about the sustainability and felt it would not be viable for the long term. She said just because apartments were not appropriate for the site that a carnival was.

Mr. Richard Bennesch said RSO zoning was meant as a transition buffer. He said removing the RSO zoning would remove the buffer to the residential neighborhood. He felt if the project needed Special Use Permits than it was too intense. He did not want more high density apartments and that there were many other uses permitted in RSO. He said the entire Family Fun Center industry was on the decline so he was concerned about longevity. He did not feel a carnival was appropriate in a residential neighborhood.

Mr. William Graybill said the project did not fit into the Horizon 2020 Plan. He said Horizon 2020 addressed neighborhood commercial centers. He said the Comprehensive Plan did not support increasing the size or number of new commercial centers but small new inter-neighborhoods centers were possible and/or anticipated as part of the overall new planned neighborhoods. He said the intent was small compact commercial nodes with goods and services to the immediately adjoining neighborhood areas. He said the neighborhood commercial centers were limited to one mile of other commercial centers and that this site was less than ½ mile from HyVee and Wakarusa. He said the nature of CN2 zoning was the emphasis on neighborhood commercial center. He said the Family Fun Center proposal was not something that was a neighborhood commercial center but rather a community commercial center. He asked Planning Commission to deny the project.

Dr. Gary Olson, Clinton Parkway Animal Hospital, said he had been in business at Clinton Parkway and Inverness for 40 years. He agreed with a lot of the comments that had been expressed. He opposed the rezoning.
Mr. Pat Ryan expressed safety concerns regarding the roundabout. He said the pavement was rutting and there was a grade differential. He stated he would like to see the roundabout reworked no matter what the outcome of the project was.

**APPLICANT CLOSING COMMENT**

Mr. Werner said the property was not zoned single-family, it was zoned RSO which was low to medium density. He said he heard contradicting statements about how the Family Fun Center would struggle and fail but would also generate monstrous amounts of traffic. He said Planning Commission and City Commission created the area plan with CN2 zoning. He said CN2 was limited commercial and a bar was not allowed. He said the old putt-putt at 31st & Iowa was viable for a long time but it became more viable for a bank to be at that location. He felt a lot of the neighborhood concerns could be worked out. He said 12,000 square feet was not a monster commercial center.

Mr. Riling said he remembered the previous putt-putt and it was good family entertainment. He said the proposal was not meant to be anything short of that. He said it did not close because it wasn’t doing well, the property became valuable and it was more profitable as a bank. He said the Family Fun Center was designed as a long term investment. He said the developer agreed to take beer sales off the table. He said it was going to be developed in such a way that all neighbors would come and use it. He said miniature golf courses in Lawrence have been nothing but good wholesome family entertainment.

**COMMISSION DISCUSSION**

Commissioner Rasmussen asked if the applicant expected clientele for the Family Fun Center to be from all over town or just the neighborhood.

Mr. Riling said there was no question that patrons would come from all over town.

Commissioner Rasmussen asked staff why CN2 zoning instead of CC zoning. He said CN2 was for sales and goods at the neighborhood level.

Ms. Day said the CN2 zoning district was supported by the neighborhood plan.

Mr. McCullough said this was a use that could serve both the community and the neighborhood. He said CC zoning did not work at this location because there were different Horizon 2020 policies that would be needed to support a CC zoning district at this site.

Commissioner Josserand asked why CN2 zoning was used instead of CN1 zoning.

Mr. McCullough said they were different levels of commercial neighborhood districts because it related to serving the neighborhood and the location. He said the issue of distance from other commercial nodes was a major discussion point when going through the Inverness Park District Plan and that staff noted the conflict with Horizon 2020. He said the prevailing wisdom in the process of the Inverness Park District Plan was the size of the two corners of the plan would support the neighborhood commercial land uses. He said within the plan those were designated for CN1 and CN2 zoning.

Commissioner Denney asked if there could not be any curb cuts off of Clinton Parkway onto this property.

Mr. McCullough said that was correct.
Commissioner Denney asked if Inverness or Crossgate were minor arterials.

Mr. McCullough said they were collector roads. He said the Inverness Park District Plan had a number of options put forth with what the corner could be. He said at the time CN2 was seen as the lesser of two evils to some people who participated in the plan. He said the pushback on apartment development and student housing projects was so great that the commercial node concept won the day.

Commissioner Britton asked if CN2 zoning allowed active recreation by right. He asked what the reasoning for including that as a right and then not having outdoor participant recreation use at all.

Ms. Day said the active recreation was most typically associated with public parks, such as Holcom Park. She said when it had a retail or commercial element it would fall into the other category.

Commissioner Liese said there were letters in the packet that supported the Family Fun Center and he was surprised nobody from the public was present this evening supporting the project.

Mr. Werner said there was significant opposition. He said there may be supporters in the audience who chose not to speak this evening. He said people who are opposed to things were more likely to show up.

Commissioner Britton asked where in the Development Code he could find the description for participant outdoor recreation.

Ms. Day said the definition was in Article 17.

Commissioner Rasmussen said when the Inverness Park District Plan was approved last year it recommended the property be zoned Neighborhood Commercial. He wondered about the level of opposition to multi-family.

Mr. McCullough said the opposition was about the same number of people but primarily residents south of Clinton Parkway. He said there was very strong opposition that generated the Inverness Park District Plan. He said there were two different projects that drove the opposition. He said the intensity and density of apartments were at capacity. He said at that time the HyVee gas station site was vacant and the plan set forth the plan for that.

Ms. Day said the rezoning for the Casitas apartment project that would have rezoned it from RSO to RM15 to accommodate conventional multi-family had a successful protest petition so the rezoning failed at the City Commission level.

Commissioner Rasmussen asked how long the Inverness Park District Plan took to develop.

Mr. McCullough said the Inverness Park District Plan it was originally adopted in 2012 and took about 6-8 months to develop. He said there were revisions that looked at those corners.

Commissioner Kelly said the Alvamar pool was brought up during the public comments and was under the same recreational use as the Family Fun Center property would be.

Mr. McCullough said the Alvamar pool had a Special Use Permit under the old Code.
Commissioner Britton asked if the neighborhood commercial designation was part of the original Inverness Park District Plan.

Mr. McCullough said no, he did not believe it was. He said the residential projects were in the pipeline and the plan initially gave them support. He said City Commission directed the plan be revised due to the opposition.

Commissioner Rasmussen asked if there were any audience members present who were opposed to the apartment proposal a few years ago.

Ms. Sinclair said she was in support of the Casitas apartments but not a high density apartment complex.

Commissioner Graham inquired about bars allowed in the CN2 district.

Mr. McCullough said a recent text amendment allowed a bar or lounge up to 3,000 square feet. Above that square footage would require a Special Use Permit.

Commissioner Denney suggested they break the discussion into two parts; the text amendment and then the other elements.

Commissioner Britton said the CN2 was goods and sales at a neighborhood level and he did not think this kind of use fit that. He felt this type of outdoor participant sports should be at a community center. He said the developer talked about community use and he did not think this kind of use could fit into what CN2 district was designed for. He said he was leaning toward not supporting the Special Use Permit.

Commissioner Culver asked Commissioner Britton if he felt the same way about indoor sports.

Commissioner Britton said an indoor use would not have the same impact but not really designed to serve the neighborhood on a daily routine basis.

Commissioner Kelly said an indoor fitness center could serve as a neighborhood use.

Commissioner Denney said the main difference between indoor and outdoor was seasonal.

Commissioner Liese wondered about tennis courts in neighborhoods.

Commissioner Rasmussen said there was one right across the street and several others in the area.

Commissioner Struckhoff echoed previous comments about whether CN2 contemplates this type of outdoor use. He felt indoor and outdoor uses were different. He felt they needed to take into account the expectation of the neighborhood of an open field when they purchased their homes.

Commissioner Britton inquired about outdoor participant recreation with a Special Use Permit.

Mr. McCullough said one of the distinctions was whether it was part of the City Parks and Recreation system or privately owned.

Commissioner Denney said Mr. Sinclair hit the nail on the head that the text amendment was the key to the whole issue. He said he was not sure that changing conditions indicated a need for a change.
He said there was plenty of outdoor exercise in this part of town. He did not believe CN2 needed to be amended because participant outdoor activity already existed in other classes. He felt it was excluded from CN2 for a reason. He said CN1 or CN2 might be needed or acceptable for neighborhood conveniences but that this project was a seasonal business and would not do much good to the neighborhood when it was closed. He said Mr. Graybill made a good point of saying that it was not supported by the neighborhood. He said CN2 was not designed to be a community activity. He stated this seasonal business was likely to be closed most of the year. He said a vacant closed business may be an attractive nuisance.

Mr. Riling said there would be security to handle the site. He said there was no plan to leave the property unsecure, even when it was closed. He said there would be an indoor component, such as a birthday center, that would be open year round.

Commissioner Liese asked what would happen if Planning Commission denies the text amendment.

Mr. McCullough said Planning Commission was a recommending body to City Commission.

Commissioner Liese said there was not a pressing need for a text amendment, especially if the community was not interested in a Special Use Permit. He said he would not vote in favor of the text amendment because there was no need to change it.

Commissioner von Achen said when the Inverness Park District Plan was approved she never envisioned this type of intensity. She felt this use would take up space for the neighborhood services that were needed. She felt they should protect the existing property owners by providing predictability. She said she would not support the text amendment.

Commissioner Rasmussen said he was conflicted. He said the neighborhood plan supported neighborhood commercial uses. He felt they should support a plan that was only two years old. He said the plan was developed because there was large opposition to a previous plan. He wondered how long the property would remain vacant. He stated there were no good places for teenagers to hang out. He felt like the project would be more fitting in CC since it would draw from all over and not just the neighborhood.

Commissioner Culver said he was also conflicted. He said this was not the type of use he envisioned either. He stated the definition of neighborhood level could be interpreted several ways. He said he could think of other uses that would be a more appropriate fit. He said a lot of progress was made on the area plan but he wondered if they were trying to make the application fit the plan.

Commissioner Liese thanked the public for their comments.

Commissioner Kelly said he read the neighborhood plan and it took time to develop. He said comments from tonight concerned him because the plan does call for commercial uses. He said he struggled with amending the Code so soon after the plan was adopted. He said he would not vote for the text amendment because he did not envision these uses in existing CN2 areas.

Commissioner Liese inquired about fast food restaurants with outdoor play areas.

Ms. Day said fast order food with playground would be permitted in CN2. She said the play area would be an accessory use.

Commissioner Josserand thanked staff for their work on this item.
Commissioner Culver asked if sports and recreation participant outdoor uses would pertain to an outdoor pool.

Mr. McCullough said yes.

Commissioner Britton said the Alvamar pool across the street was in a residential district.

Mr. McCullough said when the Alvamar pool was constructed it was under the former Code. He said under the recreational facility category there was private recreation which was set aside for open recreational use as part of a residential development, such as an amenity for a residential subdivision.

Commissioner Kelly said he struggled with the realm from swimming pool to driving range. He said he could see a swimming pool use working in a CN2 district but did not imagine that request coming forward.

**ACTION TAKEN on Item 8**

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to deny the text amendment (TA-13-00488) to the City of Lawrence Land Development Code, Chapter 20.

Commissioner Culver said he would not support the motion for denial. He said with a Special Use Permit it could fit.

Commissioner Britton said he could imagine ways in which it could work with a Special Use Permit. He said it was hard when what they were being asked to do would also include other things. He said they have had a lot of discussion that relates to this specific proposal. He said a lot of the discussion focused on the character of the CN2 district of neighborhood services and goods. He thanked staff for their work.

Motion carried 9-1, with Commissioner Culver voting against the motion.

**NO ACTION TAKEN on Items 9A, 9B, 9C**

Mr. Hird said his client was in favor of the rezoning request and the text amendment was part of the package. He said his client was not interested in CN2 with all the restrictions and absence of approval of the project. He said his client was not interested in the elimination of the possibility of apartments.

Commissioner Josserand said that was already part of the Inverness Park District Plan.

Mr. McCullough said the neighborhood plan does not support more apartments going on the parcel.

Motioned by Commissioner Liese to deny the rezoning request. Commissioner Liese withdrew his motion to allow Mr. Hird to speak.

Mr. Hird said given the vote of the text amendment the applicant would like to withdraw the rezoning and Special Use Permit requests.
Mr. McCullough said the Development Code had language that spoke to the process of this. He said withdrawing an application after it had been advertised for public hearing would constitute essentially denial of the application. He said a new application would have to be substantially different and had a 120 day waiting period. He said a similar request could not be made for 12 months.

Commissioner Culver asked the applicant if all items were withdrawn.

Mr. Hird said yes

Mr. McCullough said there was no further action needed by Planning Commission.

Commissioner Josserand asked if the applicant came back with a CN1 zoning request would it be different.

Mr. McCullough said yes.

Commissioner Britton said the text amendment would go to City Commission with recommendation of denial.

Commissioner Liese thanked the applicant and said there was public support for the project in a different location.
ITEM NO. 10 CONDITIONAL USE PERMIT; METEOROLOGICAL TOWER; 206 E 1600 RD (SLD)

CUP-14-00052: Consider a Conditional Use Permit for a 116’ tall meteorological tower with a 10’ antenna for monitoring and collecting atmospheric, soil and water data, located at the University of Kansas Field Station, 2060 E 1600 Rd. Submitted by National Ecological Observatory Network [NEON], for University of Kansas Endowment Association, property owner of record.

Item 10 was deferred prior to the meeting.

ADJOURN 10:55pm
PLANNING COMMISSION MEETING
May 19 & 21, 2014
Meeting Minutes

May 19, 2014 - 6:30 p.m.
Commissioners present: Britton, Culver, Denney, Graham, Josserand, Kelly, Liese, Struckhoff, von Achen
Staff present: McCullough, Stogsdill, Day, Guntert, Larkin, Ewert

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

Commissioner Culver said the Metropolitan Planning Organization (MPO) met and updated the TIP plan and talked a little bit about the finalization of the multi-modal studies. He said they discussed the bicycle rideability map update. He said they amended the Unified Work Program to make some changes in the budget.

COMMUNICATIONS

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Josserand said he called a few individuals associated with the Kansas Biological Survey to learn more about the NEON project. He said his questions were of a general nature and not really specific to the agenda item that was on tonight’s agenda.

- No abstentions.
ITEM NO. 1A  DE-ANNEX 87 ACRES; 2200 NORIA RD & 4600 E 23RD ST (DRG)

A-14-00073: Consider a request to de-annex approximately 87 acres located at 2200 Noria Rd and 4600 E 23rd St. Submitted by Barber Emerson, for Economic Development Corporation of Lawrence and Douglas County, property owner of record. Initiated by City Commission on 3/25/14.

ITEM NO. 1B  IG TO A; 2200 NORIA RD & 4600 E 23RD ST (DRG)

Z-14-00072: Consider a request to rezone approximately 87 acres from IG (General Industrial) District to County A (Agricultural) District, located at 2200 Noria Rd and 4600 E 23rd St. Submitted by Barber Emerson, for Economic Development Corporation of Lawrence and Douglas County, property owner of record.

ITEM NO. 1C  VACATION OF FINAL PLAT OF EAST HILLS BUSINESS PARK EAST AND FINAL PLAT OF EAST HILLS BUSINESS PARK EAST NO. 2 (DRG)

Vacation of Final Plat of East Hills Business Park East and Final Plat of East Hills Business Park East No. 2 due to the proposed de-annexation of property from the City of Lawrence. Submitted by Barber Emerson, for Economic Development Corporation of Lawrence and Douglas County, property owner of record.

STAFF PRESENTATION
Mr. David Guntert presented the item.

APPLICANT PRESENTATION
Mr. Matthew Gough, Barber Emerson agreed with the staff report.

PUBLIC HEARING
No public comment.

ACTION TAKEN on Item 1A
Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to approve the de-annexation of approximately 87 acres, located at 2200 Noria Road and 4600 East 23rd Street (northeast corner of Noria Road and East 23rd Street), based on the findings in this report with the omission of all right-of-way for Noria Road and East 23rd Street adjacent to said property, and forwarding to the City Commission.

Unanimously approved 9-0.

ACTION TAKEN on Item 1B
Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to approve the request to rezone approximately 87 acres from IG (General Industrial) District to County A (Agricultural) District based on the findings presented in the staff report and forwarding it to the Board of County Commissioners with a recommendation for approval, subject to the City of Lawrence vacating the subject property from the Incorporated Boundaries of Lawrence and the vacation of the two final plats associated with this land.

Unanimously approved 9-0.
ACTION TAKEN on Item 1C
Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to approve the vacation of the Final Plat of East Hills Business Park East and Final Plat of East Hills Business Park East No. 2, “except for and excluding any public right-of-way dedicated by the Plats for Noria Road and East 23rd Street, which shall be reserved unto the City” and forwarding to the City Commission.

Unanimously approved 9-0.
ITEM NO. 2  ANNEX 54.31 ACRES; K-10 & BOB BILLINGS PKWY INTERCHANGE (SMS)

A-14-00155: Consider annexation of approximately 54.31 acres located surrounding the proposed K-10 & Bob Billings Parkway interchange. Submitted by Charles F. Soules, Director of Public Works, City of Lawrence for Kansas Department of Transportation, property owner of record. Initiated by City Commission on 4/22/14.

STAFF PRESENTATION
Ms. Sheila Stogsdill presented the item.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Denney asked how much of K-10 was already in the city.

Ms. Stogsdill said there was a portion on the north side of 6th Street and a portion at the curve of 27th & Wakarusa.

ACTION TAKEN
Motioned by Commissioner Kelly, seconded by Commissioner Britton, to approve the requested annexation [A-14-00155] of approximately 54.31 acres located surrounding the proposed K-10 & Bob Billings Parkway interchange based on the findings in the body of the staff report and forwarding this request to the City Commission with a recommendation for approval.

Unanimously approved 9-0.
ITEM NO. 3  PRELIMINARY PLAT FOR BERT NASH ADDITION; 138 ALABAMA (SLD)

PP-14-00133: Consider a Preliminary Plat for Bert Nash Addition, a two-lot subdivision located at 138 Alabama St. Submitted by the City of Lawrence, for Bert Nash Community Mental Health Center Inc., property owner of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Kelly, seconded by Commissioner Britton, to approve the Preliminary Plat for Bert Nash Addition, PP-14-00133, a two-lot subdivision located at 138 Alabama St.

Unanimously approved 9-0.
ITEM NO. 4  CONDITIONAL USE PERMIT; METEOROLOGICAL TOWER; 2060 E 1600 RD (SLD)

CUP-14-00052: Consider a Conditional Use Permit for a 116’ tall meteorological tower with a 10’ antenna for monitoring and collecting atmospheric, soil and water data, located at the University of Kansas Field Station, 2060 E 1600 Rd. Submitted by National Ecological Observatory Network [NEON], for University of Kansas Endowment Association, property owner of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
Ms. Liz Wright, NEON, thanked staff for their work. She provided background information on NEON. She said NEON was working to construct a continental scale ecological observing network to look at the impacts of climate change, land use change, and invasive species on local ecology. She said the site proposed in Lawrence was part of a network for the Prairie Peninsula Domain.

Mr. Ed Martinko, Kansas Biological Survey, said it was an important project and that he had been working with the National Science Foundation for more than 10 years in planning and reviewing the establishment of this network. He said he was excited about the possibility that the field station would be the site of this tower because it would provide the opportunity to look at a variety of scientific type of information that would be available to the public.

PUBLIC HEARING
Mr. Richard Haig, Chair of Airport Advisory Board, said the position of the tower did not affect any of the approaches to the airport. He said the Airport Advisory Board voted unanimously in favor of the item, with conditions. He said the current tower was proposed to come down at the same time the NEON tower was built. He said the existing tower was difficult to see from the ground or air and was not on any charts or registered with the FAA. He said the NEON tower would have a wide painted base and a light on the tower that would make it easier for pilots to identify.

Mr. Ed Young said he was approached by the University of Kansas to do an independent analysis of whether or not this would affect the aviation activity in the area. He said the report determined the tower would not affect the use and operation of the utility of the airport.

COMMISSION DI SCUSSION
Commissioner Josserand asked if there was anything on the existing 500’ tower.

Mr. Dean Kettle said the tower was constructed about 25 years ago for various types of atmospheric measurements. He said it had not received a lot of use recently. He said it was funded through the University of Kansas and the EPA.

Commissioner Josserand inquired about the biggest disaster so far with these sites.

Ms. Wright said there had not been any major issues.

Commissioner Josserand inquired about NEON.

Ms. Wright said NEON Inc was a 501(3)(c) non-profit that was managing the NEON project on behalf of the NSF.
Commissioner Josserand inquired about the possibility of more towers.

Ms. Wright said the design included one core tower per domain and the tower was sited in an area that was considered minimally developed. She said in this domain the tower was at the Konza Prairie Biological Station near Manhattan. She said each domain had two re-locatable towers that would remain in place 10-12 years and then moved somewhere else within the domain.

Commissioner Josserand asked if the core towers were more heavily instrumented.

Ms. Wright said no.

Commissioner Culver inquired about the duration of the Conditional Use Permit.

Ms. Day said there was no duration on the Conditional Use Permit in order to allow the University of Kansas to continue use of the tower after NEON decommissioned it.

Commissioner von Achen asked if the tower would be on the reservation or the Nelson track.

Mr. Martinko said it would be on the reservation.

Mr. Kettle showed on the overhead where the tower would be located. He said access would come down Snake Farm Road.

Commissioner Culver asked if there would be any impact on the Airport Master Plan.

Mr. Jonathan Becker, Secretary of Aviation Advisory Board, said the studies conducted helped the board to identify it as a low priority in terms of an extension of the runway. He said the board would be looking at the Airport Master Plan and the 400’ extension of runway 01 would get a much lower priority in the plan.

**ACTION TAKEN**

Motioned by Commissioner von Achen, seconded by Commissioner Josserand, to approve Conditional Use Permit, CUP-14-00052, for a 116’ tall meteorological tower with a 10’ antenna for monitoring and collecting atmospheric, soil and water data, located at the University of Kansas Field Station, 2060 E 1600 Rd, and forwarding to the County Commission with a recommendation for approval subject to the following conditions:

1. The height in the Planning Commission Report match FAA study of 116’ for the tower and 10’ for the lightning rod for a total of 126’;
2. The Tower is lighted, Painted in conformance with FAA tower study and Kansas law; and
3. The old tower (500’ away) comes down concurrent with the erection of the Neon Tower.
4. Provision of a revised site plan drawing to show the dimension of the proposed improvements to the nearest property lines.
5. The provision of a revised site plan that adds the following notes to the face of the drawing:
   
   a. “A sign shall be posted on the tower or the exterior fence around the base of the tower with the name and telephone number of the tower owner/operator.”
b. “Use of this tower shall be limited to meteorological equipment only and will not be allowed for use by telecommunication providers.”

c. “If the ownership/operation of the tower changes the property owner (KU) shall notify planning staff to update the appropriate records.

d. This tower may not be used private communication carriers unless a new CUP has been submitted for review and approval per section 12-319-4.31 of the Zoning Regulations to include due notice to property owners, public hearing by the Planning Commission and approval by the County Commission.

Unanimously approved 9-0.
ITEM NO. 5  COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTERS 6 & 14 (JSC)

CPA-14-00107: Consider a Comprehensive Plan Amendment to Horizon 2020 Chapter 6 and Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from medium-density residential, traditional neighborhood development, and auto-related commercial uses to commercial use; and to designate the node as Regional Commercial from Auto-Related Center at the southwest intersection of US-59 Hwy and N. 1250 Road. Submitted by Landplan Engineering PA.

ITEM NO. 6A  ANNEX 102.64 ACRES; E SIDE OF S IOWA ST & S SIDE OF N 1250 RD (SLD)

A-14-00104: Consider a request to annex approximately 102.64 acres located along the east side of S. Iowa Street and the south side of N. 1250 Road (Armstrong Road). Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record. Initiated by City Commission on 4/8/14.

ITEM NO. 6B  RS10 & A TO CR & CR-FP; 122.96 ACRES; SE CORNER SLT & US-59 HWY (SLD)

Z-14-00105: Consider a request to rezone approximately 122.96 acres from RS10 (Single-Dwelling Residential) District and County A (Agricultural) District to CR (Regional Commercial) District and CR-FP (Regional Commercial Floodplain Overlay) District, located at the SE corner of the South Lawrence Trafficway and US-59 Hwy. Submitted by Landplan Engineering PA, on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

ITEM NO. 6C  RS10, A, & VC TO OS-FP; 46.10 ACRES; SE CORNER SLT & US-59 HWY (SLD)

Z-14-00106: Consider a request to rezone approximately 46.10 acres from RS10 (Single-Dwelling Residential) District, County A (Agricultural) District, and County VC (Valley Channel) District to OS-FP (Open Space-Floodplain Overlay) District, located at the SE corner of the South Lawrence Trafficway and US-59 Hwy. Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

Items 5 and 6A-6C were deferred prior to the meeting.
Consideration of any other business to come before the Commission.

Commissioner Liese talked about a date for the Planning Commission orientation. He also inquired about any conclusions drawn regarding the Horizon 2020 study and how to bring it to the public.

Ms. Stogsdill said she had not heard back from a few Commissioners about the orientation date. She said it looked like August 15th was the best date for everyone who had responded.

Mr. McCullough said he would have an update for the Commission on Wednesday regarding Horizon 2020.

Recess at 7:20pm until 6:30pm on May 21, 2014
Reconvene May 21, 2014 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Graham, Kelly, Josserand, Liese, Struckhoff, von Achen
Staff present: McCullough, Stogsdill, Crick, Halm, Larkin, Miller, Ewert

BEGIN PUBLIC HEARING (MAY 21, 2014):

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST
- No ex parte.
- Abstentions:
  Commissioner Kelly said he would need to abstain from Items 9a-9c due to the applicant being his employer.
ITEM NO. 7  IG TO IL; 1.7 ACRES; 701 E 19TH ST (MKM)

Z-14-00097: Consider a request to rezone approximately 1.7 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 701 E 19th St. Submitted by Zach Stoltenberg on behalf of Silverback Enterprises LLC, property owner of record.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

Mr. McCullough said outdoor activities associated with the fitness center were an accessory use to the indoor fitness use.

APPLICANT PRESENTATION
Mr. Ryan Robinson, Silverback Enterprises, was present for questions.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Kelly inquired about a swimming pool as an accessory use to motel/hotel.

Mr. McCullough said it was probably not explicitly spelled out in the Code.

Commissioner von Achen inquired about the kind of activities that would happen on the artificial turf.

Mr. Robinson said outdoor group activities. He said the turf was a thing of maintenance.

Commissioner von Achen asked staff to comment on the use of artificial turf.

Mr. McCullough said any request for artificial turf had to be submitted to City Commission for consideration. He said in this particular case it was meant for specific athletic purpose.

Commissioner Josserand asked if it would be a typical recreation facility where people join and have memberships.

Mr. Robinson said that was correct.

Commissioner Denney asked how much outdoor activity would be after dark.

Mr. Robinson said when the weather permitted they would conduct exercise classes outside.

ACTION TAKEN
Motioned by Commissioner Struckhoff, seconded by Commissioner Kelly, to approve the rezoning request for approximately 1.7 acres at 701 E 19th Street from IG (General Industrial) District to IL (Limited Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report with the following conditions to restrict uses and insure compatibility with the nearby residential uses:

1. The following uses shall be permitted in the District only when approved as Special Uses through the SUP process:
   Lodge, Fraternal & Civic Assembly,
Fast Order Food with Drive-In, and
Participant Sports & Recreation (Outdoor)
2. The following uses shall be prohibited in the District:
   Livestock Sales, and
   Large Collection Recycling Center.

Unanimously approved 9-0.
ITEM NO. 9A  IL TO GPI; 11.66 ACRES; 2900 & 2920 HASKELL AVE (SMS)

Z-14-00108: Consider a request to rezone approximately 11.66 acres from IL (Limited Industrial) District to GPI (General Public and Institutional Use) District, located at 2900 & 2920 Haskell Ave (east of the proposed relocated Haskell Avenue). Submitted by Landplan Engineering PA, on behalf of Unified School District 497, property owner of record.

ITEM NO. 9B SPECIAL USE PERMIT; INSTITUTIONAL DEVELOPMENT PLAN; 2900 & 2920 HASKELL AVE (SMS)

SUP-14-00110: Consider a Special Use Permit for an Institutional Development Plan for the Lawrence College and Career Center, located at 2900 & 2920 Haskell Ave (east of the proposed relocated Haskell Avenue). The project proposes the construction of a new two-phase structure containing 56,000 sq. ft. and associated parking and site improvements. Submitted by Landplan Engineering PA on behalf of Unified School District 497, property owner of record.

ITEM NO. 9C PRELIMINARY PLAT FOR LCCC & PEASLEE ADDITION; 2900 & 2920 HASKELL AVE (SMS)

PP-14-00109: Consider a Preliminary Plat for LCCC and Peaslee Addition, a two-lot institutional and industrial subdivision, located at 2900 & 2920 Haskell Ave (east of the proposed relocated Haskell Avenue). Submitted by Landplan Engineering PA on behalf of Unified School District 497 and the Economic Development Corporation of Lawrence & Douglas County, property owners of record.

STAFF PRESENTATION
Ms. Sheila Stogsdill presented items 9A-9C together.

APPLICANT PRESENTATION
Mr. CL Maurer, Landplan Engineering, agreed with the staff report.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Josserand asked if the interior of building two would be restructured.

Mr. McCullough said it was anticipated that the building would need to be remodeled to complete some of the anticipated uses. He said it may take a Text Amendment to allow the lot to stay IL.

Commissioner Josserand asked if the sanitary sewer on the existing building went north.

Mr. McCullough said yes. He said there was a main sewer line to the north that a connection from the Peaslee site had been verified by the Utilities Department.

Commissioner von Achen asked if the rezoning and Special Use Permit were just for lot 1 and the Preliminary Plat was for both lots.

Ms. Stogsdill said that was correct.

Commissioner von Achen inquired about access.
Mr. McCullough said there would be access from Haskell.

Ms. Stogsdill showed the access on the overhead.

Commissioner von Achen asked why there weren’t two access points.

Ms. Stogsdill said normally two access points were preferred but that the topography did not make that feasible. She said the alternative would have been accessing to the north through the neighborhood.

Commissioner von Achen inquired about the Peaslee Center.

Mr. McCullough said the Peaslee Center would work with junior college level institutions to maintain the existing manufacturing tenant. He said there were discussions about furthering the career tech potential for the community to build a skilled labor force.

Commissioner Culver inquired about the potential change of ownership.

Mr. McCullough said the Special Use Permit would run with the land as long as the conditions were being complied with.

Commissioner Culver inquired about shared parking and a potential change of ownership.

Mr. McCullough said shared parking was necessary for the zoning and uses. He said the shared parking was sort of bound by the fact that if one or both owners wanted to sever the agreement they would have to provide parking.

**ACTION TAKEN on Item 9A**

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the rezoning request for approximately 11.66 acres from IL (Limited Industrial) District to GPI (General Public and Institutional Use) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Motion carried 8-0-1, with Commissioner Kelly abstaining.

**ACTION TAKEN on Item 9B**

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve a Special Use Permit, SUP-14-00110, for Permit for an Institutional Development Plan for the Lawrence College and Career Center, a *Community Facility-School* use, located at 2900 & 2920 Haskell Ave (east of the proposed relocated Haskell Avenue) including approval of a waiver from Section 20-1307(c)(2)(ii) to provide two access points, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Applicant shall provide a revised site plan with the following changes:
   a. Graphically show the dedicated cross access easement provided from Haskell Avenue to proposed Lot 2.
   b. Graphically show the dedicated utility easement for the existing sanitary sewer service line that connects the existing EDC building with the sanitary sewer main along the north property line.
c. Provide a note that indicates that either a temporary asphalt curb or wheels stops will be provided along the north edge of the Phase 1 northernmost parking bay.

d. Provision of an exhibit that identifies the extent of Phase 2 improvements and a note on the plan that indicates subsequent site plan revisions to the Institutional Development Plan may be processed administratively.

e. Provide a note on the plan that states lighting fixtures shall be provided with a full cut-off fixture and be directed down.

2. Review and approval of revised plan by City Public Works, Utilities and Parks staff.

3. Applicant shall provide a photometric plan including lighting fixture details for review and approval prior to issuance of a building permit.

4. Execution of a site plan performance agreement.

5. Filing of the approved IDP at the Register of Deeds and publication of an ordinance for the Special Use Permit.

Motion carried 8-0-1, with Commissioner Kelly abstaining.

**ACTION TAKEN on Item 9C**

Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to approve the Preliminary Plat of the LCCC and Peaslee Addition subject to the following condition:

1. Applicant shall provide a revised preliminary plat with the following changes:
   a. Graphically show the proposed dedication of a cross access easement from Haskell Avenue to proposed Lot 2.
   b. Graphically show the proposed utility easement for the existing sanitary sewer service line that connects the existing EDC building with the sanitary sewer main along the north property line of Lot 1.
   c. Provide a note on the face of the preliminary plan indicating the date of approval of the waiver request from Section 19-214 of the City Code.
   d. Correction of the legal description as noted by the City’s GIS Coordinator in review.
   e. Correction of plat to remove 29th Street label from the entrance drive.

Motion carried 8-0-1, with Commissioner Kelly abstaining.
ITEM NO. 8  SPECIAL USE PERMIT; RUNAWAY PONY BED & BREAKFAST; 603 TENNESSEE ST (JSC)

SUP-14-00049: Consider a Special Use Permit to continue the bed and breakfast use of the property as Runaway Pony Bed & Breakfast, located at 603 Tennessee St. Submitted by Rainbow Works LLC, property owner of record. Deferred by Planning Commission on 4/21/14.

STAFF PRESENTATION
Mr. Jeff Crick presented the item.

APPLICANT PRESENTATION
Ms. Serina Hearn, Rainbow Works LLC, she read the letter she submitted:

The Runaway Pony B&B, at the corner of two main arterial streets, is across the road from Buford park. Public parking for 20 cars is less than a hundred feet away and takes 52 seconds to walk. 603 Tennessee is my primary residence and I have been operating the B&B under full legal rights and according to all ordinances and safety codes. Nearly seven years of my life have gone into the resurrection of J.G. Sands home from a dump to what is now a proud landmark of Lawrence’s history. I have enjoyed my time living at 603, and being able to provide a safe, quiet and welcoming space to my guests. We have never had any reports of noise or disturbance. It seemed that it would be a simple routine procedure to renew the SUP to enable me to keep operating my home as a bed and breakfast. However, this has not been the case. When I first applied for permission to run a B&B in 09 it was for the FULL use. Despite the precedent set by Article 5 - Adaptive Reuse of Designated Historic Property Use/page 5 paragraph 20-504 No. 3, which states that: “Bed and Breakfast establishments operated as part of an adaptive reuse within a Registered Historic Landmark or within a property located within a Registered Historic District shall NOT be restricted to a number of bedrooms.” OWL activists opposed and, not wanting a fight, I agreed to reduce my application to become an owner occupied B&B, and have been compliant since the SUP was granted. Today dangerous precedents are being demanded of the City to violate my 14-Amendment rights to deny me my means of livelihood. Arguments used against me are not based on evidence, but on hearsay and speculation. I have had to endure neighbors stalking my home with cameras, trespassing to take photos, poking their heads around my garage to peek, then withdrawing when they are seen. I have become a curiosity to the neighbors and other persons in the area who previously were undisturbed by me and left me alone. Last week, one man commented loudly “how boring” after boldly walking into my backyard; others have said to friends that “She needs to go back where she came from.” Perhaps what is going on here is much bigger than a question of concerned individuals being protective toward their neighborhood. Perhaps this targeted attack on me and my livelihood is exactly what many in Lawrence would shudder to think is happening on their watch. There are twenty-two total bed and breakfasts advertised in Lawrence, several in Old West Lawrence. Only my unobtrusive place of residence has been labeled a “threat.” My home, has never had a noise violation or any other complaint until this renewal of SUP was raised. To be code compliant with the SUP I borrowed an additional $50,000 to put in a handicap accessible ramp, and fire-sprinkler suppressant system. Do those B&B meet code? A walk down almost any street in Old West Lawrence yields neglect far greater than my leaf pile including properties sharing the alley with me, my former neighbors and Mr. O’Malley; yet there are no complaints about their dead trees, their messy yards, the unsightly decay and home owners renting out to transients, who don’t pay taxes. It is my home that is a threat to the investment of homeowners in Old West Lawrence. Despite concerns raised that the supposed negligence of my property would affect the value of the houses surrounding, the recent sale of the house next-door proves otherwise. It sold in three weeks at full price for over $300,000, and was under contract when Mr. Clark’s daughter came to
meeting on April 21st making unfounded claims. No other property owner and manager, home owned businessman or woman has been harassed and attached and gossiped about in this town as I have been. I have tried to understand the repeated injustice I face as anything but what it is, but I have been left no other option than to call a spade a spade. I am not white. I am a foreigner. I grew up in Trinidad with my ‘colored’ family all who would be defined as ‘black’ here in the States. I have been a legal resident in this country for the last 25 years, I have US Citizens children. And yet, even though I am told I sound and think like an American when I go back to my country of birth, I find no other option than to call this current attack on my person, my reputation, and my livelihood what it is: Xenophobic. It seems as though our tax dollars are going toward bigotry and targeted attacks on individuals who don’t fit in with your status quo. A recent article posted by the ACLU describes the growing bigotry in America: “Longstanding values of equality and fairness are being challenged in our legislatures and courts. The legal system that was long used as a sword and a shield against bigotry is now being inverted to promote and enshrine intolerance…” Opposition to my SUP renewal claims that ‘evidence’ was presented casting doubt on the issues raised. This so-called evidence is based on hearsay from reviews in Trip Advisor. Trip Advisor, as the Daily Telegraph points out is ‘awash with’... - accusations that leave an indelible stain on the establishment concerned, but which can be made out without a shred of evidence...no checks are made on the identity of the people who post [reviews] and no proof of stay is needed. In fact, all that is required to upload these travel truths is an anonymous username and email address (which can easily be faked).’ In this case it appears that the doubt of some has more merit than the many reputable people who have written in support and to testify to my primary occupancy status. It seems that what I’m hearing and seeing is what so many of my ancestors saw before me. Since ‘doubt’ is as good as ‘evidence’ then it is easy to penalize and undercut a hard working woman of color, who really should ‘go back to where she came from.’ Opposition recommends having at least ONE unannounced inspection by the City of my residence. I wonder if that should be done with or without a search warrant, and what the probable cause would be. On April 21st, at the last public meeting, I did not come prepared to defend myself. Due to exhaustion and recent illness, I failed to remember that my driver’s license had been changed to 603. When asked how many vehicles I own I said one, but I own two, though I only drive one, that I attend a gym where 603 is listed as my residence. I am a member of the African Violet Society, and host meetings at my home, that my primary residence is listed on my taxes, and my life insurance is attached to 603. Some personal information which is no one’s business, but I chose to share with you now, is that I have spent the last three out of five Christmases at 603 with my children and friends, and all other public holidays have been celebrated there when I am in Lawrence. I have repeatedly stated that I do not have a house manager. All bookings are made through my office and myself with the aid of my iPhone. The only other person who is regularly at the house is my friend, Vicki, who house sits when I am not home and provides a charming presence for B&B guests. As an owner occupant, I have the same rights of no more than three unrelated people living together in a single family home. I have been called an absentee owner, due to time I have spent outside of Kansas. Again it isn’t the public’s business, but I chose to share the information that I have two grown-up daughters who no longer live in Lawrence. One of them moved back to my country of origin, and I go to visit her and the rest of the family. This doesn’t change where my primary residency is. See the recent ruling of Senator Roberts Kansas’s residency status. I am simply a home and small business owner seeking to go about my business in peace and live my private life privately. As for the over-occupancy concerns, I have provided evidence of my monthly transient guest taxes paid to the State of Kansas. It shows that I have had a 45 percent on average occupancy rate per month and never have I reached capacity. This time I am calling upon you, the City Commissioners, to support my reasonable request for a renewal, one that would have already been granted if ‘doubt’ had not superseded proof. Please, do not help the doubters deprive Lawrence of a wonderful opportunity
to enjoy staying at a historic home adjacent to all that makes Lawrence special. Support this adaptive reuse permit and respect my 4th and 14th Amendment rights.

PUBLIC HEARING

Ms. Katherine Tuttle, 713 Louisiana St, Old West Lawrence Association, said zoning laws played an important role in revitalization of the neighborhood. She provided a 53 year history in keeping the neighborhood single-family zoning. She said non-compliance with three conditions of the Special Use Permit were confirmed by staff. She said the B&B should be ancillary to its primary use of an owner occupied dwelling. She said non-compliance would set a precedence and impact Old West Lawrence. She expressed opposition to the Special Use Permit unless it was in compliance.

Ms. Denise Low, 1916 Stratford Rd, expressed support for Runaway Pony.

Mr. Jim O’Malley, 626 Ohio, said the questions regarding non-compliance were first raised by the next door neighbor to the west of Runaway Pony. He said this isn’t racial or personal, it was business. He said single-family residential zoning was the key factor in revitalizing Old West Lawrence. He did not feel that exceptions to single-family should be considered lightly. He said the conditions to the Special Use Permit were not technicalities. He said a bed and breakfast with four or more bedrooms was subject to State hotel and restaurant licensing, health, and safety laws. He said a bed and breakfast that does not comply with State law was subject to a higher 24% commercial tax rate. He said he had no idea if Ms. Hearn lived at 603 Tennessee but that owner occupancy was not a technicality. He said a bed and breakfast that was not owner occupied was a commercial business that had no place in a single family neighborhood. He said Planning staff found that the Special Use Permit was in violation of multiple conditions.

Mr. James Hicks said he looked at the house before Ms. Hearn purchased it and she invested a lot of money in restoring the house. He said the corner of 6th and Tennessee was not fit to be a single-family home with the amount of traffic. He said a bed and breakfast created memories for guests.

Ms. Trenda Fox said there were 22 bed and breakfasts in Lawrence and she was sure they were not in compliance. She said the Runaway Pony had never been over occupied. She said bookings were down significantly because of the amount of bed and breakfasts in town. She said the Runaway Pony hired KU students to help create information for the internet and some misinformation was posted in error, such as the entire house being available for rent. She said Serina was a property manager for about 100 students. She said Ms. Hearn was just trying to make an honest living for herself and her family. She encouraged Planning Commission to approve the Special Use Permit.

Mr. Tom Weso supported the Special Use Permit. He said Ms. Hearn provided him the opportunity to host an art show at no cost at the Runaway Pony.

Ms. Lydia Diebolt, 801 Arkansas, said she was renovating her home in Old West Lawrence. She spoke in support of Runaway Pony. She said 603 Tennessee would be difficult for a single-family owner to support.

Ms. Linda Keeler, 304 E 23rd St, spoke in support of the Special Use Permit. She said she had visited Ms. Hearn many times at her home at 603 Tennessee St. She said Ms. Hearn hosts guests from all over the world. She said she appreciated Old West Lawrence’s concern about spending many dollars and energy in trying to provide a good neighborhood. She said Ms. Hearn had invested in 603 Tennessee. She said the location of 603 Tennessee was unique with no neighbors to the north and east.
Ms. Cathy Joritz expressed support for the renewal of the Special Use Permit for Runaway Pony. She said Ms. Hearn was one of the first people she met in Lawrence while staying at the Runaway Pony. She said the bed and breakfast was a gateway and tourist attraction to Lawrence.

Mr. Barney Warf, 940 Kentucky, said small businesses were vital to the economic health of Lawrence. He encouraged Planning Commission, from a cost benefit perspective, to renew the Special Use Permit.

Mr. Hume Feldman, 511 Tennessee, said he was Ms. Hearn’s ex-husband and father of her children. He said rules were in place for a purpose and that Ms. Hearn would be the first to say that they should be enforced. He said Ms. Hearn would not have any problems with complying. He said there was no slippery slope, and that it was a bed and breakfast that operates at less than half occupancy and enhanced the neighborhood. He said there were two bed and breakfasts in Lawrence that the KU Physics and Astronomy Department sends visitors to and that the Runaway Pony was a fantastic place that drew people to Lawrence.

Ms. Marsha Hunter, 2225 Breckenridge Dr, expressed support for the Special Use Permit. She said she met Ms. Hearn when she moved to Lawrence and has stayed and visited the Runaway Pony many times.

Ms. Tresa Hill, 705 Tennessee, said Planning staff’s review of 603 Tennessee found that it was operating in violation of the Special Use Permit. She said a bed and breakfast in a residential zone was to be operated as an incidental use of an owner occupied structure. She stated a bed and breakfast with more than three bedrooms had State hotel and restaurant requirements and oversight. She expressed concern about setting a precedent for the future. She said it would establish a downward spiral away from a single-family well maintained and peaceful environment. She said Old West Lawrence residents were committed to single-family zoning which protected their way of life and investments. She said the single-family zoning had reversed declining property values and encouraged major investments in homes. She said they could live with bed and breakfasts in the neighborhood if they complied with the Development Code, Special Use Permit, and were truly secondary aspects of an owner occupied residence. She expected any Special Use Permit regulated owners would be good neighbors, supply adequate parking for their guests, and maintain the property. She said she expected compliance with the Special Use Permit and all State and local laws. She said she expected ongoing identification and enforcement of all problems and violations by the City.

Mr. Chris Schmid, 503 Elm, said Ms. Hearn had an office at 1941 Massachusetts Street but that anytime he has had to get ahold of Ms. Hearn it has been at 603 Tennessee. He supported approval of the Special Use Permit.

Mr. Dean Palos, 727 Tennessee, said all of the compliance issues were inconclusive. He said the Runaway Pony was a tremendous asset and great entry to the city. He said Ms. Hearn was an ambassador for the city and felt the Special Use Permit should be allowed to continue.

Mr. Phil Godwin, 603 Ohio, said he had no objection to the property or the use but did object to the regulations not being complied with. He talked about the improvements he’s made to his own property and his personal investment. He said Old West Lawrence implemented the first neighborhood association and made huge efforts to get the neighborhood in the shape it was in now. He said it was easy to slip back to a neighborhood that wasn’t nice.
Ms. Patty Ogle said her father, Mr. David Clark, previously owned the house to the west and told her about the condition of the Runaway Pony but never made any formal complaints. She said her father was never in support of the bed and breakfast and nobody ever approached her father for comments. She said without meeting the conditions of the Special Use Permit it was a commercial business in a single-family neighborhood and was essentially like living next to a Holiday Inn. She asked Planning Commission to give serious consideration to the appropriateness of the use in the neighborhood.

Ms. Karen Kressin, 630 Ohio, said it was the applicants own choice to purchase and spend the amount of money she had on the property. She said 603 Tennessee was not the only rehabbed house in Old West Lawrence. She said investments in property would not be reasonable if not for single-family zoning, which the residents had relied on. She said the harm was the domino effect and where would the line be drawn. She said there were State regulations that the City could not override. She wondered who’s responsibility it would be to report an illegal hotel or restaurant to the State for enforcement. She wondered if the City could be held liable if something bad happened in an illegal hotel or restaurant that was permitted by the City. She said an owner occupied bed and breakfast was an expansion of the residential use permitted in an RS zone.

Ms. Vicki Hester said she lived with Ms. Hearn and helped her take care of 603 Tennessee. She said she shared the home with her friend, Ms. Hearn and was not an employee. She said nobody was regulating other bed and breakfasts in Lawrence. She felt that the Runaway Pony provided an important piece of history.

APPLICANT CLOSING COMMENTS
Ms. Hearn thanked her supporters. She said 603 Tennessee was a seven bedroom house and that it was her home and she was entitled to have friends stay with her. She wondered how much of her personal life she had to talk about and explain. She said she had seven beds in seven bedrooms and she had the right to have three unrelated people stay with her. She said she complies with the three bedrooms used for paying guests. She said the previous site plan that was drawn up when the Special Use Permit was first approved was drawn up by her ex-husband.

COMMISSION DISCUSSION
Commissioner Liese said he was very eager to see this come to a fair conclusion for all. He said the issue was about a Special Use Permit and whether or not to uphold the responsibilities upon the person who holds the Special Use Permit. He requested staff provide a more thorough presentation at how they arrived at their decisions.

Mr. McCullough said much of what staff does is left to interpretation. He said with this specific request there was different testimony presented last month and Planning Commission directed staff to investigate the allegations. He said first staff listed the items of allegation in a table. He said the first item was the primary residence of the owner. He said information was submitted and staff checked on tax return items and district court case information. He said the primary residence information reflected on those documents conflicted so it was inconclusive. He said staff determined, based on documentation evidence, that it was not conclusive where Ms. Hearn resided. He the number of beds and rooms for guests was approved at three. He said the primary source of finding for that issue was the advertisements in multiple sources offering more than three bedrooms for rent. He said a bed and breakfast owner should be pretty sophisticated in the use of technology and advertisement tools and if it’s being advertised in that fashion it may be operated in that fashion. He said it appeared that the operation would allow more than three guests. He said staff visited 603 Tennessee and did an interior and exterior inspection. He said staff found that the exterior yard conditions were in compliance. He said regarding the presence of an employee resident manager, it
was the testimony from last month and blogs depicting a scenario where there was someone other
than the owner there to greet and provide meals that led staff to find that people beside the owner
were handling some of the operations of the bed and breakfast. He said this type of Special Use
Permit did not accommodate an employee because the parking restricted it. He said the parking
requirements were a little in flux and up to interpretation because if it was held to the framework of
the approved Special Use Permit then it was compliant but if it was operated with the alleged
employee it would be out of compliance. He said the employee would make the parking out of
compliance. He said given all of the findings staff does not believe it’s a deleterious use to the
neighborhood if operated under the Special Use Permit parameters. He said staff does not believe
it’s being operated within the Special Use Permit parameters but have offered some options to get it
back into compliance without stripping it of the use entirely.

Commissioner Liese said he heard a lot of positive things about Runaway Pony tonight. He said
Planning Commission was land use body. He was happy to hear the neighbors were all in favor of
the bed and breakfast under compliance. He said he would be in favor of any decision that would
encourage the business of Runaway Pony with monitoring. He asked staff to comment on being able
to monitor compliance in a fair way.

Mr. McCullough said the onerous would be on the owner to show compliance, which could include
submitting a log of guests over a time period. He said staff could continue to monitor websites for
advertisements to hold any owner accountable to compliance with the Special Use Permit.

Commissioner Liese asked if Planning had the necessary resources to monitor the Special Use Permit
conditions.

Mr. McCullough said yes.

Commissioner Liese said he had spent much of his life fighting racism, prejudice, and hate. He said
he was concerned about the accusation that some of the decision had to do with skin color. He
invited the applicant to contact him directly if there was true racism going on in the process.

Commissioner Josserand agreed with some of the things that Commissioner Liese said. He said
Planning Commission was not here to debate if Ms. Hearn was a great ambassador for the
community. He said Planning Commission was a land use and zoning committee. He said
Commissioner Liese talked about the ability of staff to monitor the conditions of the Special Use
Permit. He suggested staff ask the applicant to provide the last few years of tax records for the two
properties. He said it seemed like it would be existing evidence that could be used today. He said
Ms. Hearn provided wonderful contributions to the community but she owned a lot of properties. He
said the neighborhood rightly argued about the long history of their rejection of commercial
purposes in the Old West Lawrence neighborhood. He said if the property was being deducted on
taxes as a business it was a business.

Mr. Randy Larkin, staff attorney, said staff could ask Ms. Hearn for tax returns and she could choose
not to provide them. He said certain portions of a house that are used for business could be written
off. He said tax returns could provide evidence one way or the other.

Commissioner Josserand asked what evidence the City would want to make a determination.

Mr. Larkin said there was no smoking gun. He said sometimes it was a matter of some evidence
being added to other evidence.
Commissioner Josserand asked if it was a requirement of the Code that was unenforceable.

Mr. Larkin said no. He said staff could ask for tax documents, but by themselves they would not provide a determination.

Mr. McCullough said the Special Use Permit was a discretionary permit. He said it was a balance of facts for a determination to be made.

Commissioner Britton said it was more of a totality of circumstances. He said 603 Tennessee was owned by an LLC and there was some discussion in the 2009 minutes that it could be lived in by the owner of the LLC or a corporate designee of the company. He said essentially it could be Ms. Hearn or someone she designates. He asked if this would be an adaptive reuse.

Mr. McCullough said no.

Commissioner Britton asked if the house had been given a Special Use Permit as a bed and breakfast inn could it be an adaptive reuse.

Mr. McCullough said no. He said there were three separate types of bed and breakfasts; bed and breakfast (up to three beds and owner occupied), bed and breakfast inn (over three beds and employee resident manager), or adaptive reuse of historic property. He said the adaptive reuse was not part of this proposal.

Commissioner Denney asked if the original request was for a regular bed and breakfast inn and then it was modified to bed and breakfast.

Mr. McCullough said originally the request was for adaptive reuse and was not seen as favorable so it was altered to bed and breakfast. He said he believed it was altered to gain approval.

Commissioner von Achen inquired about hiring services, such as a housekeeper.

Mr. McCullough said there were certain services that could be hired out for a few hours, such as food service. He said staff was looking at the general intent of the bed and breakfast operation. He said it was about the relationship with the owner occupied residence that made it a bed and breakfast.

Commissioner von Achen inquired about non-employed help, such as a friend.

Mr. McCullough said there was some interpretation and grey areas. He said staff was not disputing Ms. Hearn’s ability to have friends over and host personal guests. He said staff determined there were technical violations of the Special Use Permit that were hard to prove. He said it was a balance of those impacts causing harm to the neighborhood. He said there had not been complaints since it opened.

Commissioner Kelly said it was nice to hear the bed and breakfast was doing nice things for the community. He asked about the original Special Use Permit site plan performance agreement and how one of the parts of that agreement was that the site would conform to what was in the plan.

Ms. Hearn said the layout had changed from 2009 to now. She said her ex-husband created the drawing and submitted it. She said she was not aware that it could not be changed.
Commissioner Kelly asked if she would be willing to remove the extra bedrooms to be in compliance with the three bedroom requirement.

Ms. Hearn said she had the right to have her own personal bedrooms.

Commissioner Kelly asked Ms. Hearn if she was willing to change the internet advertisements to not list more than three bedrooms.

Ms. Hearn said she the advertisement listing five bedrooms was an accident, as well as the advertisement for rental of the whole house for $117.00. She said she would be more than happy to make sure there were no more confusing advertisements.

Commissioner Kelly said there were technical violations and in order for him to feel comfortable in renewing the Special Use Permit he wanted to feel comfortable that Ms. Hearn would pay attention to change some of the technical violations. He asked if she would be willing to provide tax documentation.

Ms. Hearn said she never did her own taxes so she had no idea what they would show. She said 603 Tennessee was her primary residence.

Commissioner Kelly said it if the Special Use Permit was renewed for a trial period he had to believe that the owner would be in the level of compliance the site plan performance agreement stated. He said it seemed that the neighbors were fine with the bed and breakfast if the conditions were met. He said if the applicant agreed to meet the expectations of the Special Use Permit he would support a six month trial period. He echoed Commissioner Liese’s comments earlier about racism. He said he took a lot of pride in the process of Planning Commission and he was troubled about racism being stated when he felt there had been an open process.

Commissioner Britton said the three guest bedrooms did not necessarily mean Ms. Hearn could not have seven bedrooms and use the extras for her own personal guests.

Mr. McCullough said that was correct. He said staff made a connection between the over advertisements and the number of bedrooms inside the house.

Commissioner Britton said regarding discrimination he did not feel Ms. Hearn’s comments were directed at Planning Commission but rather the neighbors. He said the application was strange because it had taken on a life of its own. He said there were issues with compliance and he agreed with Commissioner Liese’s characterization of staff’s findings of fact. He said the table in the staff report regarding compliance was what he was going off of. He said the non-compliance issues could be easy to fix. He said the Special Use Permit was often limited by time and this was an existing business. He felt they should be looking for the opportunity to get it into compliance and move it forward. He said staff provided several options for figuring it out through a grace period.

Commissioner Liese said Planning Commission was a land use committee. He said he would support a motion to approve the Special Use Permit with monitoring. He said he would be in favor of some combination of options two and three from the staff report. He said he would support approval with “teeth.” He felt there should be a willingness from the applicant to be transparent. He asked staff what would happen if the Special Use Permit was not in compliance.

Mr. McCullough said staff would investigate for compliance.
Commissioner Liese he said he felt like all the warnings had already been given. He did not want there to be room for wiggling anymore.

Commissioner Struckhoff asked what would have happened if a neighbor of the applicant had complained a year ago about too many cars in the alley or too many guests.

Mr. McCullough said there were complaints previous to the approval of the Special Use Permit and contact was made with the applicant, which was in part what prompted the bed and breakfast request. He said staff often relies on neighbors to observe and keep records.

Commissioner Struckhoff inquired about the timeframe to correct non-compliance.

Mr. McCullough said it varied but the revocation process would start if violations were found.

Commissioner Struckhoff said he wanted “teeth” in the Special Use Permit and felt the applicant should step into very clear compliance and staying there. He was inclined to support the request but only for a limited time, such as six months. He was concerned that the neighbors were not getting what they deserved in protection.

Commissioner Graham agreed with Commissioner Liese that she would vote for something with less wiggle room than before. She inquired about the website advertising the entire house being available for rent and asked if it had been removed.

Ms. Hearn said it had been disabled.

Commissioner Graham asked the applicant if the entire house was listed for rent.

Ms. Hearn said no.

Commissioner Denney agreed with Commissioner Britton. He said 603 Tennessee was a working business for five years and was a historical home that was restored. He said there was more benefit than harm. He said the complaints had nothing to do with disrupting the neighborhood. He said this was a business. He said it had benefited Old West Lawrence by restoring a home. He said it had been operating as a bed and breakfast inn from what he had heard and wondered if it should be changed. He said Old West Lawrence was justified in being proud and protective of the neighborhood. He said a bed and breakfast was not a slippery slope and was not a bar. He said the home was appropriate for something like a bed and breakfast inn and that was what he would like to see.

Commissioner Culver said conditions of a Special Use Permit were a special tool for a unique situation and when used appropriately could be a good tool. He felt the conditions needed to be clearly detailed and communicated to all parties, measurable and enforceable. He said there needed to be a willingness and agreement and resources for the user to comply and for the enforcer to monitor. He said this was a renewal of a Special Use Permit and he wondered what the difference would be of renewing the existing Special Use Permit and starting over.

Mr. McCullough said that was essentially what the renewal process was.

Commissioner Culver said he would be supportive of a temporary timeframe for the applicant to come into compliance. He felt there should be a willingness and agreement to come into compliance.
He suggested capturing a list of paying guests and non-paying guests. He said the site plan did not seem to fit the performance review. He wondered if the applicant could provide a revised site plan.

Mr. McCullough said that was one of the components. He said staff did not disagree that a home could change. He said the home was part business and part private residence and it did demand a little more scrutiny and the applicant gave up a little bit of the ability to change things around without the regulatory agency being a part of that process.

Commissioner Josserand said he would support a 6-12 month permit to allow the applicant to come into compliance. He said he would like to see City Commission seek to obtain information on taxes.

Commissioner von Achen said regardless of what the tax statements say it does not indicate the usage.

Commissioner Josserand said the manner in which a person treats their taxes would indicate the intention of the owner for its use.

Commissioner von Achen inquired about a six month trial period.

Mr. McCullough said the owner would have to reapply and go through the process of Planning Commission and City Commission. He said Special Use Permits were constantly under the potential of revocation because it needed to comply.

Commissioner von Achen asked if there could still be monitoring with a five year Special Use Permit.

Mr. McCullough said yes. He recommended the motion include a revised site plan for City Commission to review.

Commissioner von Achen echoed what Commissioner Denney said. She said one way to keep homes looking nice was through a bed and breakfast. She thought most of the complaints were based on fears of impact. She would be in favor of granting a five year Special Use Permit staff monitoring.

Commissioner Liese said six month or five years did not make a difference since the Special Use Permit could be revoked at any point.

**ACTION TAKEN**

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the Special Use Permit for an owner-occupied bed & breakfast use for five (5) years, subject to the following conditions:

1. The Special Use Permit is granted for an owner-occupied bed and breakfast, with a resident manager/employees prohibited.
2. Establishment of a formal monitoring process to occur every 6 months for two years. Process will include:
   a. Staff inspections of the interior and exterior of the premises.
   b. Submittal by the applicant of guest logs every six months.
   c. Staff will monitor booking and other similar websites for evidence of volunteers/employees and compliance with the conditions of the Special Use Permit.
   d. Provision of a signed affidavit by the applicant that states the applicant is in compliance with the conditions of the approved Special Use Permit, and that 603 Tennessee Street is the applicant’s primary residence.
   e. Provision of a written report to the Planning Commission regarding compliance.
3. A Special Use Permit renewal granted for up to three (3) guest rooms per approved site plan. Use of additional guest rooms shall require a new Special Use Permit application.
4. A Special Use Permit is granted for five (5) years. A new Special Use Permit shall be required to continue the bed & breakfast use.

Applicant to provide a revised site plan indicating guest rooms for staff review prior to placement of the Special Use Permit application on the City Commission agenda.

Mr. McCullough asked if the motion included an interior inspection.

Commissioner Liese said yes.

Commissioner Kelly said he would be supportive of the motion as described but wanted to honor the fact that the Special Use Permit is not always monitored as it should be. He asked if staff could provide feedback to Planning Commission in six months.

Commissioner Britton applauded Old West Lawrence for their work over the years in protecting the neighborhood. He felt the bed and breakfast use on that corner made sense because it was a busy intersection. He said he had not heard many complaints about negative impacts on the neighborhood. He had confidence the applicant would work on the issues as needed.

Commissioner Josserand felt there should be some sort of condition included about the applicant providing income taxes.

Commissioner Liese said Mr. Larkin did not believe income taxes would be a good way to prove the address of where Ms. Hearn resides.

Commissioner Josserand felt taxes could easily be obtained from the applicant and would be non-intrusive.

Commissioner Liese said he supported the idea if staff was able to obtain that data.

Commissioner Josserand expressed concern about the duration of the Special Use Permit.

Commissioner Denney said he did not feel it was the right motion.

Motion carried 7-2, with Commissioners Denney and Josserand voting in opposition.

MISCELLANEOUS NEW OR OLD BUSINESS
Consideration of any other business to come before the Commission.
Mr. McCullough said a letter had been included in the packet from Mr. Doug Baur regarding staff’s role in the Family Fun Center project.

Commissioner Britton appreciated Mr. Baur sending a letter but disagreed with his comments and felt staff did a good job with the project.

Commissioner Denney echoed Commissioner Britton’s comment.

Mr. McCullough said the Planning Commission orientation/retreat was scheduled for August 15th and to let him know their thoughts on having a July 9th Mid-Month meeting. He provided an update on the Horizon 2020 survey and said that Planning Commission could help by encouraging people to take the online survey.

ADJOURN 10:41pm
# 2014 LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION MID-MONTH & REGULAR MEETING DATES

<table>
<thead>
<tr>
<th>Mid-Month Meetings, Wednesdays 7:30 - 9:00 AM (*Friday Meeting)</th>
<th>Mid-Month Topics</th>
<th>Planning Commission Meetings 6:30 PM, Mon &amp; Wed</th>
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<tr>
<td>Jan 24*</td>
<td>Planning Commission Retreat - half day Friday</td>
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<td>Feb 12</td>
<td>HERE @ KU</td>
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<td>Apr 9</td>
<td>Apartment Trends – Tim Keller, Keller &amp; Associates</td>
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<td>Apr 14</td>
<td>Comp Plan Update Exercises</td>
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<td>Jun 11</td>
<td>MPO Multi-Modal Studies <a href="http://lawrenceks.org/mpo/study">http://lawrenceks.org/mpo/study</a></td>
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<td>Jun 11</td>
<td>APA Conference updates</td>
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<td>Jul 9</td>
<td>Preview presentation from development team of Annexation &amp; Rezoning applications for proposed commercial &amp; open space development containing approximately 167 acres located south of K-10 &amp; east of US59</td>
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<td>Aug 15*</td>
<td>PC Orientation – all day Friday</td>
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<td>Sep 10</td>
<td>New County Zoning Codes</td>
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<td>Oct 8</td>
<td>Tour City/County Facilities</td>
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<td>Nov 5</td>
<td>Oread Overlay Districts</td>
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<td>Comprehensive Plan – Goals &amp; Policies</td>
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<td>Utilities Master Plan</td>
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<td>Water Resources</td>
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- **Suggested topics for future meetings:**
  - How City/County Depts interact on planning issues
  - Stormwater Stds Update - Stream Setbacks
  - Overview of different Advisory Groups – potential overlap on planning issues
  - Joint meeting with other Cities’ Planning Commissions
  - Joint meeting with other Cities and Townships – UGA potential revisions

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

Planning & Development Services | Lawrence-Douglas County Planning Division | 785-832-3150 | [www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)

Revised 05/22/14
## 2014 Planning Commission Attendance

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## 2014 Mid-Month Attendance

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PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
06/23/2014

ITEM NO. 1A MU-PD AND RM32 TO MU-PD; 2.52 ACRES; 1101 INDIANA ST AND 1115 INDIANA ST (SLD)

Z-14-00170: Consider a request to rezone approximately 2.52 acres from RM32 (Multi-Family Residential) District and MU-PD (Mixed-Use – Planned Development) District to MU-PD (Mixed-Use- Planned Development) District, located at 1101 and 1115 Indiana St. Submitted by Hartshorne Plunkard Architects on behalf of HERE Kansas LLC, Contract purchaser. Berkley Flats Apartments, LLC and Georgia Bell, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 2.52 acres from RM32 (Multi-Dwelling Residential) District to MU-PD (Mixed-Use with PD 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: Applicant’s Response: The Project site rezoning request from RM32 to a Mixed-Use Planned Development District (MU-PD) is consistent with The Oread Neighborhood Plan’s future Land Use and Overlay District two (2). (See attached exhibit H attached)

Staff’s Response: This application incorporates property located at 1115 Indiana Street (Bell property) into the proposed redevelopment for a mixed-use project including 1101 and 1115 Indiana Street.

KEY POINTS
- Property is developed with existing multi-dwelling use at 1101 Indiana Street and a detached residence at 1115 Indiana Street.
- Property is located within Oread Neighborhood.
- This request rezones the entire areas including the previously excluded property at 1115 Indiana Street to the same base district, MU (Mixed-Use) District, with a Planned Development overlay.
- A revised development plan has been submitted concurrently with this application.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Z-13-00516; Rezoning RM32 to MU-PD for 1101 Indiana Street only. Per Ordinance No. 8966
- PDP-13-00518; Preliminary Development Plan for mixed-use development. Approved by the Planning Commission on February 24, 2014 and approved by the City Commission on March 11, 2014.
- PDP-14-00183; Preliminary Development Plan for mixed-use development concurrent submittal with this rezoning application.
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 this request

ATTACHMENTS
A. Applicant’s Response
B. Bonus Calculations
C. Oread Neighborhood Plan Land Use Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- No communication received regarding proposed zoning to date.

Project Summary:
Proposed request is for rezoning 2.52 acres from MU-PD (Mixed-Use Planned Development Overlay) District and RM32 to MU-PD (Mixed-Use Planned Development Overlay) District to accommodate a multi-story residential use with ground floor retail uses as a mixed-use development within the Oread Neighborhood. Related to this request is a Preliminary Development Plan. Requests for a district with PD overlay must be submitted concurrently with a development plan for the property.

Approval of this rezoning will replace the recently approved MU-PD with a revised district boundary that includes the original area (1101 Indiana Street) and incorporates property at 1115 Indiana Street.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN
   Applicant’s Response: See attached applicant response.

Key features of the plan address "infill development and redevelopment which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with established land use pattern in surrounding areas.” This application represents an opportunity to redevelop an existing high-density residential development with a mixed-use project within an established neighborhood. This request differs from the recently approved rezoning by incorporating property at 1115 Indiana Street.

Additionally, Horizon 2020 encourages a "mix of residential densities that provide a sense of community and to complement and preserve natural features in the area.” This request facilitates a redevelopment of existing high-density residential use with a mixed-use, including high-density residential uses within a compact area of the community. A key component of this project is the residential use.

Additional residential development strategies are included in Chapter 5 of Horizon 2020. These strategies focus on infill development, provision of a mix of uses, types and styles and the provision of appropriate transition zones between low-density residential land uses and more intensive residential development. High-density residential uses reflect an overall density of 16-21 dwelling units per acre and are recommended at locations near high intensity activity areas or near
existing high-density residential developments. This property is located within an existing part of the Oread Neighborhood that is zoned for high-density residential uses and, as noted by the applicant in their response, the property is also located adjacent to the University of Kansas football stadium and parking lot along Mississippi Street.

*Horizon 2020* supports the development of area and neighborhood plans. This property is located within the *Oread Neighborhood Plan*, which is discussed later in this report but recommends this area as appropriate for mixed-use development.

**Staff Finding** – Regardless of the specific project associated with this request, the proposed MU-PD district request is consistent with land use recommendations for this area. Approval of the request will facilitate redevelopment of this property.

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

**Current Zoning and Land Use:**
- MU-PD (Mixed-use Planned Development Overlay) and RM32 (Multi-Dwelling Residential) District; existing apartment complex with multiple buildings and surface parking – 1101 Indiana Street and existing detached residence at 1115 Indiana Street.

**Surrounding Zoning and Land Use:**
- To the North:
  - RM32-PD [Varsity House] (Multi-Dwelling Residential and Planned Development Overlay) District; existing multi-dwelling. Also to the North RM32 (Multi-Dwelling Residential) District; existing 9-unit apartment building (SP-3-11-91).

- To the West:
  - U-KU (University of Kansas) main campus including practice fields, stadium, and surface parking lot.

- To the South:
  - RM32 (Multi-Dwelling Residential) District; existing mixed residential uses.

- To the East:
  - RMG (Multi-Dwelling Greek Housing Residential) District; existing residential uses. RM32 (Multi-Dwelling Residential) District; existing mixed residential uses and PD – [The Oread PCD] Planned Commercial District; existing mixed-use commercial, hotel and residential use.
**Staff Finding** – This property is surrounded by a variety of uses. Residential uses are located to the north, south and east. University facilities are located to the west.

3. **CHARACTER OF THE NEIGHBORHOOD**

   Applicant's Response: *The Oread neighborhood is a diverse, eclectic community where people live, work, study, and celebrate life. The neighborhood has tremendous housing variety and small pockets of neighborhood scale commercial areas. The neighborhood's character has been significantly influenced by its close proximity to both Kansas University and downtown. The extreme topography in the immediate area of the project site adds to both its beauty and uniqueness, and serves as a canvas from which to create an equally unique and aesthetically pleasing infill redevelopment mixed-use project.*

The Oread Neighborhood is generally located along the north and east sides of the main University of Kansas Campus. This neighborhood includes a portion of downtown as well as a variety of other non-residential areas. The neighborhood also includes a number of historically listed properties and districts.

The residential density pattern is mapped in the Oread Neighborhood Plan (page 2-4). The subject property is located within one of the high-density residential clusters of the neighborhood.

**Staff Finding** – The Oread Neighborhood includes a variety of uses located between Downtown to the east and the University to the west.
4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA 
AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The *Oread Neighborhood Plan* was adopted by the City Commission in September 2010. The subject property is located within the boundary of the plan. The plan recommends:

- Create overlay districts that establish standards to regulate bulk and mass of structures maintain open space in individually platted lots and regulate parking. (3.1.1.2 C.1.)
- Create an overlay district(s) that provide greater latitude to certain areas (generally most closely adjacent to KU) to develop more densely by allowing increased building heights, etc. (3.1.1.2 C.2.)

The plan establishes areas for mixed-use that include the area south of 11th Street between Mississippi Street and Indiana Street. The proposed request is located within this area. Additionally, the plan recommends multiple overlay districts (refer to map 4-7 of the Oread Plan). This property is located within what is identified as Overlay District No. 2 (High Density). The plan states: "This area is identified as high-density and mixed-use on the future land use map."

**Staff Finding** – The proposed Mixed-use Planned Development Overlay District is consistent with the recommended land use plan and policies included in the *Oread Neighborhood Plan*.

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

Applicant’s Response: *The project’s current zoning of RM32 fails to recognize the site’s strategic proximity to Kansas University, its connectivity to both 11th and Mississippi Streets (collector streets), the surrounding unused existing utility infrastructure capacity, and its ready access to nearby mass transit. The result is an underutilization of a highly visible and strategic site directly across the street from Memorial Stadium, the single biggest tourist attraction on the KU campus. The Oread Neighborhood Plan recognizes this unrealized potential and rectifies the problem with a long-term land use vision of high-density mixed-use redevelopment.*

This application includes both the recently approved MU-PD zoning for 1101 Indiana Street and the existing RM32 zoning for property at 1115 Indiana Street. The purpose of this request is to establish a consolidated coherent district for both properties under one ordinance with the same conditions and applicability. There were no conditions for the MU-PD district per Ordinance No. 8966. The original request anticipated redevelopment to surround and exclude property located at 1115 Indiana Street. While this was undesirable, the property owner was at the time unwilling to participate in the redevelopment of the surrounding land at 1101 Indiana Street. Recent negotiations between property owners have resulted in a reversal of the exclusion. The anticipated redevelopment of the area includes both 1101 and 1115 Indiana Street. The current zoning of the RM32 district (1115 Indiana Street) is no longer suitable. The existing MU-PD and concurrent Preliminary Development Plan will be replaced with this rezoning and related development plan.

Approval of the request will facilitate redevelopment and reinvestment in this property and provide non-residential uses at the street level within the proposed project. The addition of the Planned Development Overlay district accommodates requirements related to site-specific details such as height, massing, architectural features and the mix of use within the development. Incorporation of the property at 1115 Indiana Street currently zoned RM32 will facilitate redevelopment of the areas.
**Staff Finding** – The proposed zoning is better suited for a mixed-use redevelopment of this property and provides a uniform district incorporating both 1101 and 1115 Indiana Street.

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

The property located at 1115 Indiana has been zoned RM32 since the adoption of the *Land Development Code* in 2006. Prior to 2006 the property was zoned RD (Residential Dormitory). This property is developed with an existing detached dwelling.

The property located at 1101 Indiana Street was rezoned from RM32 to MU-PD in March 2014. The property was zoned RM32 from 2006 to March 2014. Prior to 2006 the property was zoned RD (Residential Dormitory). The 1985 site plan indicates that some units existed in 1962 and 1964 with a total of 96 units. The traffic study indicates the development includes 102 dwelling units.

**Staff Finding** – The 1101 Indian Street property is developed with a high-density multi-dwelling use. The property at 1115 Indiana Street is developed with a detached residence. The property has been zoned for high-density residential uses since 1966.

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

Applicant’s Response: The requested rezoning of the project site was thoughtfully and comprehensively envisioned by the neighborhood years ago and documented by the Oread Neighborhood Plan. Here @ Kansas is the realization of that vision. The infill redevelopment of an underutilized site as strategically important as this only enhances the nearby properties.

Nearby properties include the University of Kansas to the west, existing multi-dwelling uses on the north side of W. 11th Street and the east side of Indiana Street as well as adjacent to the south property line.

The change in zoning alone does not detrimentally affect nearby property owners. The redevelopment of the site and the addition of residential and non-residential uses in the area may be perceived by some residents and property owners in the area as either a benefit or a detriment. Additionally, on-street parking included as part of the development plan may impact properties to the east and west of the subject. Refer to the staff report for the Preliminary Development Plan for additional discussion about on-street parking. Approval of the request should anticipate redevelopment of the site and an increase in the intensity of use and associated traffic for the immediate area. Appropriate application of development standards to the associated preliminary and final development plans will mitigate impacts.

**Staff Finding** – Approval of the rezoning will accommodate redevelopment of the existing multi-dwelling use and an existing detached residence and provide an opportunity for non-residential uses within the development.
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: See attached applicant response.

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 facilitates redevelopment of an existing urban infill site. The inclusion of the PD overlay accommodates a more rigorous review and the ability to condition specific elements to ensure compatibility with surrounding land uses. Additionally, approval of the MU district facilitates the implementation of the Oread Neighborhood land use plan.

This specific application not only rezones the property at 1101 Indiana Street (previously approved for MU-PD zoning) but incorporates the property at 1115 Indian Street resulting in a uniform district.

**Staff Finding** – Staff concurs with the applicant that approval of the request facilitates redevelopment of the property and is beneficial to the community.

9. **PROFESSIONAL STAFF RECOMMENDATION**

In addition to the Findings of Fact required per 20-1303 regarding Zoning Map Amendments, specific location criteria must be considered when considering a request for the MU district.

Section 20-1108 states "...To be eligible for rezoning to the Mixed-use District a site proposed for Mixed-Use Development shall be:"

<table>
<thead>
<tr>
<th>Number</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Within one-quarter mile of a Designated Transit Route at the time the rezoning is initiated; and</td>
</tr>
<tr>
<td>2.</td>
<td>Near or adjacent to the intersection of Arterial streets as per the adopted Major Thoroughfares Map; or</td>
</tr>
<tr>
<td>3.</td>
<td>Within one-quarter of a mile of university campuses; or</td>
</tr>
<tr>
<td>4.</td>
<td>Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of Horizon 2020; or</td>
</tr>
<tr>
<td>5.</td>
<td>Immediately adjacent to public parks or open space; or</td>
</tr>
</tbody>
</table>
| 6.     | An existing nonresidential development proposed for redevelopment."

Staff reviewed these location criteria and determined the proposed request meets the criteria listed above. Criteria number 6 is not applicable to this request. This property is developed as an existing multi-dwelling and detached dwelling residential uses.

This application if approved will both implement the Oread Neighborhood Plan by rezoning an area for mixed-use development per the plan and by facilitating redevelopment of an existing single use (high-density residential) property.

**CONCLUSION**

Staff recommends approval of the proposed zoning.
Are you also submitting any of the following applications?
- Building Permit
- Subdivision Plat
- Special Use Permit
- Variance
- Other (specify) Overlay District 2 (PD)
- Zoning Change

Please indicate the reason for requesting rezoning. (Attach additional sheets if needed.)
The Project site rezoning request from RM 32 to a Mixed-Use Planned Development District (MU-PD) is Consistent with The Oread Neighborhood Plan’s Future Land Use and Overlay District two (2). (See Exhibit H attached).

In reviewing and making decisions on proposed zoning map amendments, the Planning Commission and the City Commission are required consider the following criteria. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to the following criteria to the best of your knowledge. (Attach additional sheets if needed.)

1. How does the request conform with the Comprehensive Plan, Horizon 2020?
The Project advances the goals, aspirations, and policies expressed in the City’s Comprehensive plan on multiple levels. At the most senior level, it addresses the reason for the plan itself: namely the advancement of the community’s desires concerning the future image of the City of Lawrence itself. The Project is situated in close proximity to the most important economic asset of the City; Kansas University (KU). In particular, it is located directly across the street from Memorial Stadium which is arguably the largest single tourist attraction on the Campus. The Project replaces an underutilization of the site as an obsolete residential apartment complex serving the students of the KU, with an integrated, state-of-the-art, mixed-use project which is reflective of the world class university that KU has become. The Project harmoniously contributes to the emerging neighborhood commercial development node started by the nearby Oread Hotel development.

Consistent with polices outlined in Horizon 2020, the Project’s site plan is designed with meticulous attention to the natural topography, the design character of the surrounding neighborhood, and the down gradient drainage needs of nearby properties. This infill redevelopment offers a mix of residential, small-scale commercial, and common open spaces, while simultaneously respecting the scale and street frontage relationships of the surrounding neighbors.

Application Form 4/21/2014
Rezoning Application
The Project's location achieves an objective of the Horizon 2020 Plan by serving as a catalyst for multimodal service by providing viable pedestrian, bicycle, vehicular, and transit options. Travel to and from the KU campus as well as downtown can be accomplished with ease. Pedestrian-scaled plantings, gathering places, and bicycle parking are thoughtfully incorporated into the Project's design. Vehicular access is limited to Mississippi Street to further foster the pedestrian feel of Indiana Street.

The Oread Neighborhood Plan specifically identifies the Project site for high density (district 2) mixed-use redevelopment on the future land use map. The plan specifically prescribes the site for minimum parking requirements, maximum lot coverage, maximum increases in height and density, as well as setbacks.

The Project plan is sensitive to the acute parking shortage referenced in the Oread Neighborhood Plan. The Project will construct the single largest private parking footprint in the City creating a garage with a capacity of xxx parking spaces. The garage's location and space efficiency provides a garage which is almost completely hidden from the surrounding streets. The compression of the bulk of the garage is accomplished through the utilization of an automated robotic parking system. This state-of-the-art system contributes to the City's air quality goals. Automated parking garages greatly reduce CO2 emissions by eliminating the need to idle while traveling up and down ramps searching for open spaces, and or waiting to exit.

The Project contributes to the storm water management policies of the City by decreasing the percentage of impervious surface found currently on the site. The Project's plan creates significant new areas of common open space and dramatically expands the sustainable green footprint of the site through the use of three (3) courtyards with one containing a swimming pool for residents and their guests.

The Project's building design promotes sustainable building practices by being LEED certifiable through its utilization of building systems designed for responsible use and conservation of energy, water, and other natural resources.
2. To what extent will approving the rezoning detrimentally affect nearby properties?

The requested rezoning of the project site was thoughtfully and comprehensively envisioned by the neighborhood years ago and documented by the Oread Neighborhood Plan. HERE @ Kansas is the realization of that vision. The infill redevelopment of an underutilized site as strategically important as this, only enhances the nearby properties.

3. Describe the character of the neighborhood.

The Oread neighborhood is a diverse, eclectic community where people live, work, study, and celebrate life. The neighborhood has tremendous housing variety and small pockets of neighborhood scale commercial areas. The neighborhood’s character has been significantly influenced by its close proximity to both Kansas University and downtown Lawrence. The extreme topography in the immediate area of the project site adds to both its beauty and uniqueness, and serves as a canvas from which to create an equally unique and aesthetically pleasing infill redevelopment mixed-use project.

4. What is the suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations?

The Project’s current zoning of RM 32 fails to recognize the site’s strategic proximity to Kansas University, its connectivity to both 11th and Mississippi streets (collector streets), the surrounding unused existing utility infrastructure capacity, and its ready access to nearby mass transit. The result is an underutilization of a highly visible and strategic site directly across the street from Memorial Stadium, the single biggest tourist attraction on the KU campus. The Oread Neighborhood Plan recognizes this unrealized potential and rectifies the problem with a long term land use vision of high density mixed-use redevelopment.

5. What is the length of time the subject property has remained vacant as zoned.

N/A
6. What is the gain, if any, to the public health, safety, and welfare if this application were approved as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application?

HERE @ Kansas contributes to the health, safety, and welfare of the community on many levels. The infill redevelopment of the subject site will support the continued strength and vitality of the primary economic engine of the community; Kansas University. It will accomplish this by eliminating an underutilized and outdated use on a large strategic site immediately adjacent to the KU campus.

The Project will set a new standard for convenient high quality student housing in the neighborhood. This is consistent with helping attract the best and brightest students to Kansas University and having them enjoy their experience in Lawrence enough to stay following graduation. In addition, the Project’s close proximity to campus allows its future residents to walk or ride their bikes to both campus and downtown eliminating the need to utilize their cars. This reduces vehicular congestion on campus as well as the neighborhood. It is also provides a safer alternative for a neighborhood known for its affinity for celebration. Dramatically reducing the need to drive is also consistent with a community concerned about the environment. Finally, the densification of desirable residential options in close proximity to campus will enhance the sense of community which is a critical component to any vibrant college campus experience.

The Project also contributes to the welfare of the community by providing over a significant incremental increase in the site’s contribution to the City’s property tax base as well as a contribution to its sales tax base.

Denial of the application is a vote for the status quo. Sustainable relevance and vibrancy require a steadfast commitment to continuous improvement. HERE @ Kansas aspires to be a long term contributor to that objective.
<table>
<thead>
<tr>
<th>Property Address:</th>
<th>1101 &amp; 1115 Indiana Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Size (acres):</td>
<td>2.528</td>
</tr>
<tr>
<td>Current Base District:</td>
<td>Multi-Dwelling Residential District (RM 32)</td>
</tr>
<tr>
<td>Proposed Base District:</td>
<td>Proposed Zoning : Mixed-Use Planned Development District (MU-PD)</td>
</tr>
<tr>
<td></td>
<td>Verticle Mix-Use Structure</td>
</tr>
<tr>
<td></td>
<td>Primary Development Zone - All three (3) levels above grade</td>
</tr>
<tr>
<td></td>
<td>Secondary Development Zone - All two (2) levels of parking garage</td>
</tr>
<tr>
<td></td>
<td>Max. Dwelling Units Per Acre - 32</td>
</tr>
<tr>
<td></td>
<td>Setbacks - Public Frontages - 0-10 feet/ Side (interior) 0-5</td>
</tr>
<tr>
<td></td>
<td>Max Building Coverage  100%</td>
</tr>
<tr>
<td></td>
<td>Max. Impervious Coverage - 100%</td>
</tr>
<tr>
<td></td>
<td>Max Height - 48 feet</td>
</tr>
<tr>
<td></td>
<td>Min. Outdoor Area (per dwelling unit) - 50 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Min. ground floor level nonresidential spaces:</td>
</tr>
<tr>
<td></td>
<td>Height - 12 feet</td>
</tr>
<tr>
<td></td>
<td>Area (sq. ft.) - 800</td>
</tr>
</tbody>
</table>
## MU Development Bonus Calculation

<table>
<thead>
<tr>
<th>Public Goal</th>
<th>Explanation</th>
<th>Points Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal II:</strong> Non Ground Floor Dwellings</td>
<td>Ground floor commercial Provided</td>
<td>25</td>
</tr>
<tr>
<td>Live/Work Units</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Goal III:</strong> Located adjacent to Designated Transit Stop</td>
<td>Bus route routes 10 &amp; 11 stop in front of site on Mississippi</td>
<td>100</td>
</tr>
<tr>
<td><strong>Goal IV:</strong> Location within 1/2 mile of a fire station</td>
<td>Fire Station 1 (745 Kentucky Street) is located .475 miles from the site (per drawing A) A Police Station (111 E 11th Street) is located .434 miles from the site (per drawing B)</td>
<td>10 10</td>
</tr>
<tr>
<td>Location within 1 mile of a police station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location within 1/4 mile of a public park or open space</td>
<td>After further review of the code, onsite open space applies. This is consistent with Section 20-218 which states an Open Space District may also be applied to &quot;Common Open Space&quot; within a residential PD and Cluster Housing Projects. This interpretation is also consistent with Article 6 (c) Mixed Use District which states - &quot;Min. Outdoor Space is not required for each dwelling unit onsite if a public park is located within 1/4 mile of the site&quot; (FYI- South Park is located .308 miles - [310 feet too far] from the site per drawing C) The Spencer Museum of Art (1301 Mississippi) is located .185 miles away from site</td>
<td>25 25</td>
</tr>
<tr>
<td>Location within 1/4 mile of a school or cultural center</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Goal V:</strong> Provision of a green roof or rooftop garden to control storm water runoff</td>
<td>Provision of a storm water best management practice as per adapted BMP Manual</td>
<td>75 50</td>
</tr>
<tr>
<td>Construction of a Structure with LEED Certification</td>
<td>Construction of a residential structure with Energy Star Certification</td>
<td>100 25</td>
</tr>
</tbody>
</table>

**TOTAL POINTS EARNED** 445
## MU-PD Development Bonus Utilization

### Density
- MU District Base Density Per Acre
- PD Net Density Increase (25%)
- Requested # of actual dwelling units per acre
- Requested # of PD dwelling units per acre
- Variance from MU-PD allowable density (units/acre)
- Number of Points Needed (10 pts/unit/acre)

<table>
<thead>
<tr>
<th>Density</th>
<th>Total Points Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU District Base Density Per Acre</td>
<td>32</td>
</tr>
<tr>
<td>PD Net Density Increase (25%)</td>
<td>40</td>
</tr>
<tr>
<td>Requested # of actual dwelling units per acre</td>
<td>95</td>
</tr>
<tr>
<td>Requested # of PD dwelling units per acre</td>
<td>68</td>
</tr>
<tr>
<td>Variance from MU-PD allowable density (units/acre)</td>
<td>28</td>
</tr>
<tr>
<td>Number of Points Needed (10 pts/unit/acre)</td>
<td>-280</td>
</tr>
</tbody>
</table>

### Height
- MU District Base Maximum Height
- PD Maximum Base Height Increase (14’ ft setback) (per 20-701(g)
- Building Height measured per 20-601(h)(ii) in feet
- Tallest Mississippi Elevation Height from Datum
- Tallest Indiana Elevation Height from Datum
- Tallest 11th Street Elevation Height from Datum
- Variance from MU-PD Allowable Height
- Number of Points Needed (8.33 points = 1 foot increase)

<table>
<thead>
<tr>
<th>Height</th>
<th>Total Points Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU District Base Maximum Height</td>
<td>48</td>
</tr>
<tr>
<td>PD Maximum Base Height Increase (14’ ft setback) (per 20-701(g)</td>
<td>62</td>
</tr>
<tr>
<td>Building Height measured per 20-601(h)(ii) in feet</td>
<td>80</td>
</tr>
<tr>
<td>Tallest Mississippi Elevation Height from Datum</td>
<td>80</td>
</tr>
<tr>
<td>Tallest Indiana Elevation Height from Datum</td>
<td>80</td>
</tr>
<tr>
<td>Tallest 11th Street Elevation Height from Datum</td>
<td>80</td>
</tr>
<tr>
<td>Variance from MU-PD Allowable Height</td>
<td>18</td>
</tr>
<tr>
<td>Number of Points Needed (8.33 points = 1 foot increase)</td>
<td>-150</td>
</tr>
</tbody>
</table>

### Parking
- Per 20-1108 (k)(1) Provision for On-Street Parking
- Per Article 11(m)(4) (5 points = 1 space reduction up 20 space maximum)
- MU Parking Requirement residential (1/bed)
- MU Parking Requirement residential visitor (1/10 units)
- MU Parking Requirement commercial:
  - Accessory Retail (estimate 2 of 3 commercial spaces)
  - Accessory Restaurant (estimate 1 of 3 commercial spaces)
- 1 space/300sq. Ft.
- 1 space for every 3 occupants+1 space /employee 1 occupant for every 15 sq. ft. of usable space est. at 50% of gross + estimate of 10 employees

<table>
<thead>
<tr>
<th>Parking</th>
<th>Total Points Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per 20-1108 (k)(1) Provision for On-Street Parking</td>
<td>-105</td>
</tr>
<tr>
<td>Per Article 11(m)(4) (5 points = 1 space reduction up 20 space maximum)</td>
<td>-3</td>
</tr>
<tr>
<td>MU Parking Requirement residential (1/bed)</td>
<td>624</td>
</tr>
<tr>
<td>MU Parking Requirement residential visitor (1/10 units)</td>
<td>18</td>
</tr>
<tr>
<td>MU Parking Requirement commercial:</td>
<td>31</td>
</tr>
<tr>
<td>Accessory Retail (estimate 2 of 3 commercial spaces)</td>
<td>40</td>
</tr>
<tr>
<td>Accessory Restaurant (estimate 1 of 3 commercial spaces)</td>
<td>605</td>
</tr>
<tr>
<td>Total On Site Parking Required</td>
<td>577</td>
</tr>
<tr>
<td>Total Onsite Parking Supplied</td>
<td>577</td>
</tr>
<tr>
<td>MU-PD Proposed Shared Parking Spaces</td>
<td>28</td>
</tr>
</tbody>
</table>

### Total Points
- Total Points Used: -445
- Total Points Remaining: 0
Oread Neighborhood Plan Land Use Map

Legend
- **FinalDevPlans**
- **Planning Area Boundary**

Oread Neighborhood Plan

Future Land Use
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Residential/Office
- Mixed Use District
- Inner Neighborhood Commercial
- Neighborhood Commercial Center
- Public/Institutional
- Open Space
- Parcels

300 150 0 300 600 900 1,200 Feet
1 inch = 600 feet

Date: 2/20/2014

DISCLAIMER NOTICE
The map is provided "as is" without warranty of any kind, express or implied. The user or user of the map is solely responsible for determining accuracy, completeness, timeliness, and suitability for its intended purpose. The user assumes all liability and risk of damage to or loss of any kind arising from the use of the map. This map is intended only for general information purposes and should not be used for any legal, financial, or other serious purposes. The City of Lawrence makes no warranties, express or implied, as to the accuracy or completeness of the map. The user agrees not to use or reproduce the map for any commercial purpose.

Jipburn Park
Community Pool
South Park
Z-14-00170: Rezone 2.52 acres from RM32 District and MU-PD to MU-PD District

PDP-14-00183: Preliminary Development Plan for HERE @ Kansas, a mixed use multi-dwelling residential building with ground floor retail uses

Located at 1101 & 1115 Indiana Street

Lawrence-Douglas County Planning Office
June 2014
PC Staff Report
6/23/14

ITEM NO. 1B PRELIMINARY DEVELOPMENT PLAN FOR HERE @ KANSAS; 1101 AND 1115 INDIANA ST (SLD)

PDP-14-00183: Consider a Preliminary Development Plan for HERE @ Kansas, located at 1101 & 1115 Indiana St. Submitted by Hartshorne Plunkard Architects on behalf of HERE Kansas LLC, Contract purchaser. Berkley Flats Apartments, LLC and Georgia Bell, property owners of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT: Planning Staff recommends approval of Here @ Kansas Preliminary Development Plan – Preliminary Plat based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval of a subdivision plat variance for the reduced right-of-way for 11th Street from 80’ to 40’ of right-of-way.
2. Approval of increased density by the City Commission.
3. Submission of revised data for the Downstream Sanitary Sewer Analysis per the approval of the City Utility Engineer prior to the submission of a Final Development Plan.
4. Submission of a revised Drainage Study to reflect the updated area and bed count indicated in the cover letter per the approval of the City Stormwater Engineer.
5. Submission of a revised landscape plan to correspond to the development plan with property dimensions, building setback, sidewalk shown on the south side of the building, summary of a landscape schedule to include the quantity, size and symbol of proposed landscape materials.
6. Revise Sheet PDP-01 to note property owners of record and indicate Here Kansas, LLC as developer.
7. Revise drawing set to include the angled parking exhibit. The on-street parking design is conceptual with the Preliminary Development Plan approval and may require modification with the Final Development Plan pre review comments of staff and the University of Kansas.
8. Revise the Project Data Summary on sheet PDP-01 to show 172 units on face of plan not 173.
9. Revise the Project Data Summary on sheet PDP-01 to show required parking consistent with the MU-PD Development Bonus Utilization Summary.
10. Revise the development plan to show a 14’ setback required to meet to meet the standard of section 20-701 (g).
11. Revise the development plan to and to show that the building height complies with the maximum 80’ allowed per the MU District and proposed redemption of development bonus points.
Reason for Request: Here Kansas, LLC plans to construct a state-of-the-art, five (5) story, LEED certifiable, mixed-use project. It will contain ground floor retail/restaurant uses on both Indiana and Mississippi Streets, three (3) residential floors containing approximately 624\(^1\) residential student housing units, an amenity area which includes a fitness room, three outdoor common open spaces (one which includes a swimming pool areas), and two level automated robotic parking garage containing approximately 577 parking spaces strategically integrated into the natural topography of the site. Unlike conventional real estate developers, Here Kansas views itself as the curator of an experience which provides desired outcomes, not merely an erector of bricks and mortar.

This revised Planned Development replaces application PDP-13-00518, recommended for approval by the Planning Commission on February 24, 2014 and approved by the City Commission on March 11, 2014. The plan includes the property located at 1115 Indiana Street previously excluded from the redevelopment proposal. Inclusion of the property at 1115 Indiana Street allows the developer to construct a slightly different building than originally approved.

KEY POINTS
- Proposed redevelopment of existing high-density residential use.
- Pedestrian scale uses are located at the street level and include non-residential uses.
- The MU district allows counting on-street parking toward required parking.
- Proposed development project uses density bonuses to achieve the intended development density, height and reduced parking requirements.
- The proposed plan includes .139 acres (1115 Indiana Street) that was not included in the previous plan.
- The applicant is proposing a 25% increase in the base density per the Development Plan. The City Commission must approve the increase. The Planning Commission may make a recommendation regarding this increase.

FACTORS TO CONSIDER
- Compliance with Development Code.
- Conformance with Horizon 2020.
- Conformance with Subdivision Regulations.

PLANS AND STUDIES REQUIRED
- Traffic Study – Study received and accepted by staff.
- Drainage Study – Required study and supporting documentation provided and is approved by City Stormwater Engineer.
- Downstream Sanitary Sewer Analysis – The DSSA revised 6/4/2014 has a wastewater calculation spreadsheet in Enclosure 3 that appears to be the same spreadsheet as the previous submittal from 4/25/2014. Revise to reflect the updated area and bed count indicated in the cover letter.
- Retail Market Study – Not applicable to this request.

ASSOCIATED CASES/OTHER ACTION REQUIRED
Associated Cases
- Z-13-00516 RM32 to MU-PD (1101 Indiana Street only) to be replaced by Z-14-00170.
- PDP-13-00518 (1101 Indiana Street only) to be replaced by this application (PDP-14-00183).
- Z-14-00170 RM32 and MU-PD to MU PD (1101 and 1115 Indiana Street).

\(^1\) 624 units refers to bedrooms. The actual number of units proposed is 239 units.
Other Action Required
- City Commission approval required of Preliminary Development Plan.
- City Commission approval of 25% density increase per Section 20-701 (g)
- Submittal and approval of Final Development Plan and Final Plat.
- Recording of Final Development Plan and Final Plat with the Douglas County Register of Deeds.
- Submission and approval of public improvement plans.
- Building permits must be obtained prior to construction of structures.
- Execution of agreements for use of right-of-way including parking agreements between applicant, city and University of Kansas.

ATTACHMENTS
1. Development Plan
2. Project Summary (application)
3. Density Bonus Calculation
4. March 2014 site plan with parallel on-street parking spaces
5. Use by floor summary

PUBLIC COMMENT
- None received to date.

<table>
<thead>
<tr>
<th>GENERAL INFORMATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Zoning and Land Use:</td>
<td>MU-PD (Mixed Use Planned Development Overlay) and RM32 (Multi-Dwelling Residential) District; existing apartment complex with multiple buildings and surface parking – 1101 Indiana Street and existing detached residence at 1115 Indiana Street.</td>
</tr>
<tr>
<td>Surrounding Zoning and Land Use:</td>
<td>To the North: RM32-PD [Varsity House] (Multi-Dwelling Residential and Planned Development Overlay) District; existing multi-dwelling. Also to the North RM32 (Multi-Dwelling Residential) District; existing 9-unit apartment building (SP-3-11-91).</td>
</tr>
<tr>
<td></td>
<td>To the West: U-KU (University of Kansas) main campus including practice fields, stadium, and surface parking lot.</td>
</tr>
<tr>
<td></td>
<td>To the South: RM32 (Multi-Dwelling Residential) District; existing mixed residential uses.</td>
</tr>
<tr>
<td></td>
<td>To the East: RMG (Multi-Dwelling Greek Housing Residential) District; existing residential uses. RM32 (Multi-Dwelling Residential) District; existing mixed residential uses and PD – [The Oread PCD] Planned Commercial District; existing mixed-use commercial, hotel and residential use.</td>
</tr>
</tbody>
</table>
Summary of Use and Changes to Plan
This proposed development replaces the previous application and includes the property at 1115 Indiana Street. The plan includes both residential and non-residential uses. The previous plan included 592 bedrooms in 176 units. The revised plan includes 624 bedrooms in 239 units. The previous plan included only 2 and 4 bedroom units. The revised plan includes 1, 2, 3 and 4 bedroom units providing a greater mix than the previous plan.

The current non-residential (commercial) space proposed includes:
- 6,000 SF on the 1st floor at 11th Street and Mississippi Street
- 4,412 SF on the 3rd floor at 11th Street and Indiana Street
- 2,651 SF on the 5th floor at south end of Indiana Street

The total retail space proposed in the current application is 13,063 SF. The previous plan included 8,958 SF with retail only on the 1st floor at 11th Street & Mississippi Street and the third floor at 11th Street and Indiana Street.

- The Proposed plan includes 2.52 acres (1101 Indiana Street and 1115 Indiana Street).
- The approved plan included 2.32 acres (1101 Indiana Street only).
- Proposed plan accommodates parking through 577 garage spaces and 106 on-street parking spaces.
- Approved plan included 592 garage spaces and 38 on-street parking spaces.
- Proposed Plan includes 239 actual dwelling units (172 calculated units) with 624 total beds.
- Approved plan included 176 actual dwelling units (154 calculated units) with 592 total bedrooms.
- Proposed plan includes 13,137 SF of retail space.
- Approved plan included 8,958 SF of retail space.

A direct comparison between the previous plan and the proposed plan is complicated by programmatic variations in building labeling.

MU Development Standards
Sections 20-1108(e), (f), (g) and (j) address minimum building forms, require mixed-use development with a minimum of two story buildings and non-residential uses at the ground floor. This development includes a total of 7 stories (above ground at the northeast corner of the site) and retail uses at the northeast, northwest and southeast corners of the development. All street frontages within this development are designated “primary” in the MU District. Section 20-1108 (i) states that areas designated as primary public frontage, vehicular access to individual lots may be permitted only from a public alley. This development provides access from Mississippi Street. There are no alleys within this development. Mississippi Street is also the service side of the development. As part of a PD overlay district, this development is considered to be a single mixed-use building – single-phase development.

Within an MU District, required parking may be provided using on-site parking, on-street parking, and shared off-street parking. Bonus points may be used to accommodate a reduced amount of parking. This development uses bonus points to reduce required parking (3 spaces). This project received the maximum number of bonus points allows for Goal III: Provision of a transit-supportive development – location adjacent to designated transit stops (100 points). The applicant proposes to redeem 15 bonus points toward required parking. Additionally, staff has accepted the applicant’s assertion that 5% of the required on-site parking spaces are shared parking spaces within this development.
**Shared off-Street Parking**

Section 20-1108 (k) allows shared parking per Section 20-909 of the Land Development Code.

"Uses within a mixed use development are encouraged to share parking rather than provide parking on a use by use basis on individual properties."

This development is a single mixed use building on a single lot. Multiple property owners are not anticipated for this development. Typical shared parking agreements include multiple property owners and tenants. The development includes 577 off-street (garage spaces). Five percent of these spaces (29 spaces) are estimated by the applicant to be shared between the residential and non-residential uses. The plan identifies three individual non-residential (commercial) use areas within the development.

**Table 1: Non-Residential "Commercial" Use Areas**

Mississippi Street and 11th Street Commercial (1st Floor)
These shared spaces are likely to accommodate employees associated with the non-residential uses. For purposes of the parking analysis, the applicant has anticipated that two of the three non-residential “commercial” spaces will be used for retail uses (1 space per 300 SF) and the remaining third non-residential “commercial” space will be used for a restaurant use. The applicant has allocated 31 parking spaces for retail uses and 40 parking spaces for a restaurant use. There is no specific tenant designated for these spaces at this time. Depending on the mix of non-residential uses, this parking may or may not be sufficient. Additional review of the non-residential space will be included with the Final Development Plan.

**On-Street Parking**

Per Section, 20-1108 (k) the *Land Development Code* allows that on-street parking within the MU district can count toward the off-street parking requirements for specified uses in Section 20-902. This provision allows the parking that is within the district (adjacent to the subject property) to be counted toward the required off-street parking. The district zoning extends to the centerline of the adjacent right-of-way. Parking along the west side of Mississippi Street and the east side of Indiana Street are not within the proposed MU district. However, the applicant has shown revised parking along the west side of Mississippi Street and the east side of Indiana Street as part of this development.

![Figure 1: Proposed MU District Boundary](image)

The approved plan showed 38 on-street parking spaces. Parallel spaces were shown along west side of Indiana Street (17 spaces) and angled parking along the east side Mississippi Street (21 spaces).
The revised development plan includes the use of both sides of Mississippi Street and Indiana Street right-of-way for on-street parking. This revised plan includes angled parking along both sides of Indiana Street and Mississippi Street. The on-street parking arrangement shows 106 spaces.

- Mississippi Street – West side; 40 spaces – All spaces abutting KU property.
- Mississippi Street – East side; 17 spaces – All spaces abutting subject property.

- Indiana Street – West side; 33 spaces – 3 spaces adjacent to abutting property to the south.
- Indiana Street – East side; 16 spaces – All spaces abutting private property.

Mississippi Street includes 80 of right-of-way. The west side is currently used by KU for campus parking and bus staging for football games and other events. If approved, the use of the right-of-way would include an agreement with the City and KU for use of the spaces along the west side of Mississippi for KU home football games and other large regular events.

Approval of the development with the angled parking on the east side of Indiana Street may impact some of the existing developed properties (existing on-site parking and landscaping). These property have been notified of potential impacts to their property that may result from this project.

**Off-Street Parking**

The proposed development includes a garage accessed from Mississippi Street. The garage provides 577 spaces of the required 673 spaces. The MU district allows off-street parking to be reduced at a rate of 1 parking space per 5 bonus points.

At this time specific uses for the non-residential (retail/restaurant) space is not identified. This use would be accommodated with on-street parking as needed. The increase in the proposed retail space from 8,958 SF to 13,063 SF corresponds to the applicant’s request to increase the on-street parking that includes the two sides of the street not within the proposed MU boundary.

The following tables provide a summary of the off-street parking requirements for the uses and the proposed parking provided for this development for both the approved plan and the proposed plan.

**Table 2: Approved Preliminary Development Plan**

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Required</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Dwelling Residential</td>
<td>1 space per bedroom (592 total bedrooms)</td>
<td>592 spaces garage</td>
</tr>
<tr>
<td></td>
<td>1 space per 10 units (176 total units)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>610 spaces required</td>
<td></td>
</tr>
<tr>
<td>Nonresidential use 8,958 SF</td>
<td>Retail Space: 1 space per 300 SF (30 spaces for 8,958 SF)</td>
<td>38 parallel spaces shown along public streets</td>
</tr>
<tr>
<td></td>
<td>Eating and Drinking Space: 1 space per 100 SF customer service area + 1 per employee maximum shift.</td>
<td></td>
</tr>
<tr>
<td>Total Spaces provided</td>
<td></td>
<td>630 spaces</td>
</tr>
</tbody>
</table>
Table 3: Proposed Preliminary Development Plan

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Dwelling Residential</td>
<td>1 space per bedroom (624 total bedrooms) 624</td>
</tr>
<tr>
<td></td>
<td>1 space per 10 units (239 actual units) 24</td>
</tr>
<tr>
<td></td>
<td>1 space per 10 units (172 calculated units) 18</td>
</tr>
<tr>
<td></td>
<td>624 + 24 = 648 actual residential spaces required</td>
</tr>
<tr>
<td></td>
<td>624 + 18 = 642 residential spaces required (calculated density)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Requi</td>
<td>Parking Provided</td>
</tr>
<tr>
<td>642 (residential) + 43 (if all retail) = 685</td>
<td></td>
</tr>
<tr>
<td>642 (residential) + 71 (Bonus Calculation) = 713</td>
<td></td>
</tr>
<tr>
<td>642 (residential) + 72 (PDP-01) = 714</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required non-residential parking</td>
<td>Parking Provided</td>
</tr>
<tr>
<td>71 per Bonus Calculation or 72 per project data summary on page PDP-01</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Spaces Required before credits</td>
<td>Parking Provided</td>
</tr>
<tr>
<td>685 – 32 = 653 required spaces</td>
<td></td>
</tr>
<tr>
<td>713 – 32 = 681 required spaces</td>
<td></td>
</tr>
<tr>
<td>714 – 32 = 682 required spaces</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Spaces Credited</td>
<td>Parking Provided</td>
</tr>
<tr>
<td>3 space redeemed with MU points. 29 spaces in garage used toward shared parking within development.</td>
<td></td>
</tr>
</tbody>
</table>

2 31 spaces noted in Bonus Calculation. PDP-01 shows 34 spaces used for parking calculation.

3 40 spaces used in Bonus Calculation. PDP-01 shows 38 spaces used for parking calculation.
The MU-PD Development Bonus Calculation is inconsistent with the most recent development plan (sheet PDP-01). A condition of approval is to submit both documents with a correct summary. The total required off-street parking is met only when parking spaces outside of the district, but proposed with this redevelopment, are included. As the project is refined and final designs for the bus pullout, and on-street parking is determined, the total parking provided may change. This element will continue to be reviewed as part of a Final Development Plan. Any reductions in parking for the development will be noted and if necessary addressed to the appropriate commission for approval of a parking reduction.

**STAFF ANALYSIS**

This preliminary development plan is for a mixed use, multi-story building with garage parking and street level non-residential uses. The base zoning for this project is MU, which requires the designation of development zones. The subject property is proposed to be developed with a single vertical mixed-use structure. This property includes frontage along Mississippi Street, Indiana Street and 11th Street. All three streets serve a primary function and are designed for pedestrian scale. Vehicular access to this development is limited to Mississippi Street. On-street parking provides access to the street level retail uses.

In addition to the MU district requirements, this project includes a PD overlay. Certain development standards and bonuses conflict. An example of this conflict is with buildings setbacks. The MU district supports a zero building setback with a maximum setback of 10’. The PD Overlay District allows building height to be increased above the base district 1’ for every 1’ of additional setback.

A greenfield development would be expected to meet all design standards of the *Land Development Code*. As an infill development within the context of a fully developed urban area, some standards are not achievable or desirable. Key elements for this project have focused on providing a pedestrian scale along the public streets, integrating non-residential uses at the ground floor levels and requiring a mix of uses.

The plan includes residential and non-residential (commercial) uses as well as structured parking. This plan identifies two live-work units within the development. These units are two-story units and are located on 5th and 6th floors of the building. A summary of the use by floor is attached to this report. Units located on the 7th & 8th Floor are all two-story units. Access to these units would be from the 7th floor. Access to the 8th Floor would be internal to the units.
Figure 2: 5th floor live-work unit, second story of units extend to 6th floor of building.

Density Review
The base zoning district, MU (Mixed Use) allows a maximum density of 32 units per acre. Without including any additional calculation reductions or bonuses, this would result in 80 units for this property \([32 \times 2.52 = 80.64]\). The MU district permits an increase in the allowable development potential when certain public goals are met. These development bonuses are listed in section 20-1108 (l) of the Development Code. For each 10 points earned a one additional dwelling unit per acre may be added to the project. The bonus calculations are attached to this staff report. Based on the allowed bonus points earned from this development (445) the applicant used 280 points toward additional density within the proposed MU-PD district.

Per Section 20-701(f)(3), unit density within a Planned Development is calculated based on a factor using the number of bedrooms rather than the number of dwelling units. Regardless of the unit design, the total bedroom count for this project is 624 beds. Section 20-701(f)(3) also allows the City Commission to increase the maximum net density (80) units beyond the Base District by 25% for a Planned Development if: “The City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development.”

This plan includes one, two, three, and four-bedroom units compared to the previous plan that included only 2-bedroom and 4-bedroom units. The density for this development is calculated below and includes the number of calculated units as well as the resulting units if a 25% increase is approved by the City Commission.
Table 4: Density Calculation

<table>
<thead>
<tr>
<th>Density Calculations for a Planned Development (2.52 Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum MU-PD Density Allowed: Base MU District (32) + PD increase (.25% or 8) + MU Bonus Points (28) = 68 du/ac x 2.52 acres = 172 units</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Density Factor</th>
<th>UNITS</th>
<th>Factor [# x f =]</th>
<th>Calculated</th>
<th>Density/acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio or one-bedroom</td>
<td>.4 dwelling unit</td>
<td>58</td>
<td>* 0.4 =</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>Two-bedroom</td>
<td>.6 dwelling unit</td>
<td>69</td>
<td>* 0.6 =</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>Three-bedroom</td>
<td>.8 dwelling unit</td>
<td>20</td>
<td>* 0.8 =</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Four-bedroom or more</td>
<td>1 dwelling unit</td>
<td>92</td>
<td>* 1.0=</td>
<td>92</td>
<td></td>
</tr>
<tr>
<td>Maximum Density Allowed/Proposed</td>
<td></td>
<td>239</td>
<td></td>
<td>172</td>
<td>68.2</td>
</tr>
</tbody>
</table>

Building Height Review
The MU District has a base building height of 48 feet. Height may be extended by the use of credits. Building height can be increased 12’ for each 100 points redeemed in the MU District. The proposed plan includes a redemption of 150 points toward additional height or 18’.

The MU district allows a zero foot (0’) setback and a maximum setback of 10’. PD Overlay District allows building height to be increased at a rate of 1’ height for each 1’ of additional setback. This results in the building being located more than 10’ from the property line. Establishment of the building setback is critical to evaluation of the overall building height.

The PD district allows modifications to the setback as it relates to building height. The proposed building setback is as follows:

1. approximately 12’ from the south property line;
2. less than 20’ from the east property line (Indiana Street),
3. 10’ from 11th Street,
4. less than 20’ from the west property line (Mississippi Street).

The area between the building face and the public right-of-way is used for outdoor terrace spaces and walkways. Use and development of these terrace area engages the frontage consistent with the purpose of the MU District for pedestrian scale and activity at the street level.

The applicant proposes to use a combination of building setback allowed in the PD district and MU Credits for an overall building height of 80’.

48’ MU base district height
+18’ MU credit point redeemed.
+14’ PD additional building setback increase in height
80’ maximum height allowed.

The site plan must be revised to show the 14’ setback on all sides of the development to use the PD building setback included in the Bonus Summary. Setback on the south side is required to minimize the impact of the development on the adjacent existing use.

The previous plan included a summary of overall building height at each corner of the development.
The proposed plan does not include this same data with regard to the maximum height shown on the site plan. Height of the development has been reviewed based on the building elevations included with the site plan (PDP-13 to PDP-16).
The proposed development requires revision to the overall building height or an adjustment to the development credits used to comply with the design standards.

**Landscape and Open Space Review**

Section 20-701(d) states that all of the standards of the Development Code apply to development within a PD District except as expressly authorized by regulations of Section 20-701. Street trees are typically applicable along all public streets.

Much of the space between the property line and the building is paved and provides only limited area for street trees. Trees are shown to be clustered in areas to enhance the public terrace spaces. A detail of each area will be required with the Final Development Plan as well as the final plat /master street tree plan for this development.

The plan shows an existing 5’ sidewalk along the south side of W 11th Street and a foundation planting area in the central portion of the block face. The street includes mature trees on both sides of the street as well as 5’ sidewalks. No additional right-of-way was requested during the review of this project. Placement of street trees along W 11th Street is limited partially by the existing development pattern of the areas and the scope of the proposed development.

This property is adjacent to multi-dwelling residential zoning along the north and most of the east sides as well as the south sides. A buffer yard is not required for the MU District when adjacent to any non-RS district.

The MU district allows the amount of outdoor areas per dwelling unit to be waived if a public park is located within ¼ mile of the development. Areas of the KU campus meet the public park requirement for open space. Therefore, a requirement of open space per dwelling unit is not required for this development project.

Within a Planned Development, open space is required at a ratio of 20% of the land area (2.52 Ac * .20% = .504 Ac (21,954 SF)). A portion of that space must be allocated for recreation uses. The proposed plan includes 31,121 SF of open terrace areas along the street right-of-way areas, a 15,457 SF pool area and two 4,900 SF interior courtyard areas. The development includes additional indoor amenities such as fitness areas and study rooms. Bonus points were not redeemed for any landscape requirements for this development. The proposed plan exceeds the required outdoor and recreation requirements of the MU-PD district.

**Subdivision Review**

This property is currently platted with multiple lots. In some cases, existing buildings cross platted lot lines. As part of this redevelopment project, the property will be replatted as a single lot. The Preliminary Development Plan also satisfies the requirements of a Preliminary Plat. Prior to redevelopment of this site, the developer is required to complete a Final Plat.

W 11th Street is designated as a collector street. As such, a total of 80’ of right-of-way is required per the Section 20-810. The existing street is only 40’. No additional right-of-way was requested during the review of this project. There are no plans to widen W 11th Street. This is an existing condition of the site. Since the Preliminary Development Plan also acts as the Preliminary Plat, it is appropriate for the Planning Commission to consider a variance from the right-of-way standards in the Subdivision Regulations.
Sidewalks are required on both sides of streets. This development will require sidewalk along the south side of W 11th Street, the west side of Indiana Street and the east side of Mississippi Street. A minimum of 5’ sidewalks are required for all of these street. The site must be designed to provide sidewalks that are unobstructed. A review of public sidewalks will be included with the Final Development Plan and Public Improvement Plans as the related to a final plat for this property.

Staff is working with both KU and the developer regarding the possibility of realigning Fambrough Drive to intersect with W 11th Street. This street realignment may be coordinated to concur with the construction of the proposed redevelopment of 1101 and 1115 Indiana Street.

![Figure 5: Realigned Fambrough Dr and 11th St](image)

Both Indiana Street and Mississippi Streets south of 11th Street (adjacent to the subject property) are designated local streets and exceed the minimum required 60’ of right-of-way. Regardless, additionally right-of-way or easement may be necessary to accommodate all of the improvements both proposed and required for this development. This is especially true for Mississippi Street. Staff is working with the applicant and KU regarding acquisition of an easement to accommodate relocating the existing sidewalk to the west. This will aid in providing additional stall depth for on-street parking, unobstructed sidewalk, vehicular travel lanes and a bicycle lane/route.

Utility and pedestrian easements are proposed around the periphery of the lot. A pedestrian/utility easement is proposed along the south side of the development providing a mid-block crossing between Indiana Street and Mississippi Street. This sidewalk will include stairs because of the site topography.

With the exception of the right-of-way width for W 11th Street, the site complies with the subdivision regulations.
Preliminary Development Plan Review

The proposed Preliminary Development Plan for Here @ Kansas has been evaluated based upon findings of fact and conclusions per Section 20-1304(d)(9) of the Development Code for the City of Lawrence, requiring consideration of the following nine items:

1) The Preliminary Development Plan’s consistency with the Comprehensive Plan of the City.

This property is proposed to be rezoned for mixed-use development with a Planned Development Overlay to facilitate increased density bonuses within the project. Redevelopment and infill development are recommended policies within the urban areas of the City. Appropriate transitions and buffers are also recommended when high-density uses are adjacent to lower density or intensity uses. This property is immediately adjacent to the University of Kansas along the west property line. Other high-density land uses are located within the immediate vicinity of the property.

Recommendations for medium- and higher-density residential development from Chapter 5 of Horizon 2020 are listed below.

"Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space." (Policy 1.1, page 5-23)

"Encourage new and existing medium- and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas." (Policy 3.4, page 5-29)

Land uses are further refined in The Oread Neighborhood Plan. The Neighborhood Plan identifies this area as suitable for mixed uses as discussed in the related rezoning report. Additionally, the plan recommends multiple overlay districts (refer to map 4-7 of the Oread Plan). This property is located within what is identified as Overlay District No. 2 (High Density).

This request represents an infill redevelopment of an existing high-density multi-dwelling residential land use. The location of the project is on the edge of the Oread Neighborhood where it abuts the University of Kansas along Mississippi Street. High-density residential uses are recommended near existing high intensity land uses. The University is a high-intensity land use.

Neighborhood compatibility must be mitigated through architectural treatment of the building to provide pedestrian scale design at the ground level and reduce the bulk of the building.

Staff Finding – The proposed development complies with the land use goals and policies for medium- and higher-density residential development of the Comprehensive Plan.

2) Preliminary Development Plan’s consistency with the Planned Development Standards of Section 20-701 including the statement of purpose.

The purpose statement includes the following (staff comments follow in italics):

a) Ensure development that is consistent with the comprehensive plan.

As discussed previously, the development is consistent with the comprehensive plan.
b) Ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services.
This project incorporates property at 1115 Indiana Street that was excluded in the previous approval. Public Improvement Plans will be required with this development. Staff is continuing to address traffic issues such as on-street parking, bicycle lanes, and the street alignment of Fambrough Drive with this project. Sufficient capacity within the water and sanitary sewer systems exists to accommodate this proposed development.

c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.
The intent of the developer is to provide a project that exceeds the current development form in types of units, uses, and environmental benefits with a structured vertical mixed-use development. This is accommodated through the use of rezoning to a Mixed Use District with a Planned Development Overlay that offers incentives (density, reduced parking and increased height) for providing a higher quality development than the existing development or through what could be developed with conventional zoning.

Two specific elements of this project are LEED certifiable and Energy Star certifiable construction. The incorporation of these design standards allows the project to be considered for a density bonus – a benefit to the developer; in exchange, the community benefits by efficient and sustainable forms of development.

d) Preserve environmental and historic resources.
There are no known historical or environmental resources on this property.

e) Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.
The proposal is for a vertical mixed-use development. This project will be constructed as a redevelopment – infill project. This area is designated in The Oread Neighborhood Plan as suitable for mixed uses.

Staff Finding – The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development.

3) The nature and extent of the common open space in the Planned Development.
Common open space is provided around the perimeter of the building and includes hard surface, terrace areas for the ground floor uses. Additional common open space is included within the interior to the building as one of two interior courtyard areas and the pool area.

Staff Finding – This plan includes developed common open spaces internal to the development and along all street frontages as a mix of residential and public spaces throughout the development.

4) The reliability of the proposals for maintenance and conservation of the common open space.
The property owner will own and maintain the common open space within this development. This development is anticipated as a singly owned building and the developer will have control over the common areas within the development.
**Staff Finding** — The property owner will own and maintain the common open space.

5) **The adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.**

The minimum outdoor area, as required on Article 20-601 (a) is based on the total calculated dwelling unit count and not the actual number of dwelling units. However, the development was not required to provide this areas based on the MU District exception near public parks. As discussed in the body of the staff report the proposed open space complies with the Development Code design standards.

**Staff Finding** — The amount and function of the common open space exceeds the requirements of the Development Code.

6) **Whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.**

A location criterion for a Mixed Use development is based on the proximity to multiple public services. This project is:

- Located along established transit routes
- Located within one quarter mile of public open space (University of Kansas) and one half mile of public parks (South Park and the Japanese Friendship Garden)
- Located within one half mile of a fire/medical station (Fire Station 1) and multiple community and public buildings.
- Serviced by existing water and sanitary sewer infrastructure.

This project is unique in that there will be no on-site vehicular circulation. Off-street parking is provided within the building through an automated garage feature. Access to the garage is from Mississippi Street. Additionally, this development proposed on-street parking along Mississippi Street and Indiana Street on both sides of the street.

This project includes angled parking to capture more available parking than the previous parallel parking design. Staff has been working with the applicant, KU, City Transit, and other review agencies to develop an adequate design that provides the greatest amount of parking for the development but maintains the minimum design standards for safe auto, bicycle and pedestrian traffic circulation on the surrounding street network. Specific design changes that may result through continued review and negotiation are:

- The angle of the parking stalls provided on street
- The number of parking stalls provided on street
- The required depth of the stalls provided on street
- Designation/design of bicycle lane or route marking

Staff has requested additional documentation from the applicant to continue review of the proposed angled parking.

Staff has been working with the applicant and KU to outline the necessary agreement that must be executed regarding use of on-street parking within this area. An agreement for the use of right-of-way for this development will be required with the Final Development Plan and Final Plat for this project.
A significant concern expressed by many review agencies is the potential conflict with angled parking and bike/pedestrian activity. This area is one of the highest percent shares of bicycle/pedestrian travel counted in this area. Establishment of safe design is a critical consideration. In order to accommodate all uses within the Mississippi Street corridor, additional right-of-way width may be required.

An additional concern has been the establishment of an adequate bus stop along Indiana Street that meets the demands of City and KU transit systems. The number and frequency of busses, as well as a design that accommodates the street grade, turning radius and other design considerations are factors to be addressed. The final bus stop design may impact the number of on-street parking spaces.

Figure 6: Angled Parking Exhibit with Parallel Spaces on S. side of Mississippi St.

Figure 7: Traffic Study Graphic of Pavement Markings
Some width may be acquired from KU and would include relocating the sidewalk farther to the west. A minimum 6’ wide sidewalk along the west side of Mississippi Street is required. A pedestrian easement could accommodate the 6’ sidewalk without actually acquiring a right-of-way dedication. Space needed on the east side of Mississippi Street may need to include additional building setback from Mississippi Street, dedication of additional right-of-way and/or dedication of additional easement. An adequate fire lane must be maintained along Mississippi Street as well. These elements will be clarified as the street design and on-street parking are further refined for this development project.

This project provides the required open space within the development and is setback from property lines to create public plaza areas adjacent to the commercial areas of the development.

**Staff Finding** – The Preliminary Development Plan’s provisions for on-street parking, bus stop design and Fire/Medical access will continue to be reviewed as part of the Final Development Plan as well as the construction documents.

**7) Whether the plan will measurably and adversely impact development or conservation of the neighborhood area by:**

   **a) doubling or more the traffic generated by the neighborhood:**
   This property is developed with an existing high-density residential use. The project location is within a fully developed portion of the urban area. The traffic study indicates that overall traffic in the area will result in almost four times the current traffic level that exists in the area today. However, the adjacent street network has enough capacity to support the development. The study identified specific turn lanes that are needed to enhance the safety in the area as discussed earlier in the staff report. Adequate design of both Mississippi Street and Indiana Street with regard to on-street parking is required with this project.

   This plan proposes angled parking along the east side of Indiana Street. This segment of the street does not currently have any parking on the east side. The east side of Indiana Street is developed with multi-dwelling uses with driveways to private parking lots. Approval of the proposed design will impact the existing parking lots of some of these properties. Each of these property owners have been specifically notified of the proposed development and possible impacts to their property. As of the printing of this report, staff has not received any communication from these property owners.

---

**Figure 8: Indiana Street Parking**
b) proposing housing types, building heights or building massings that are incompatible with the established neighborhood pattern; or

The proposed development uses the existing grade of the property to provide an overall development that is consistent with other development in the area as it relates to height. The plan uses MU bonus points to allow additional building height. Pedestrian scale amenities and building articulation help to mitigate the mass of the proposed development along the adjacent street frontages. These elements will continue to be reviewed and refined as part of the Final Development Plan and the building code review processes.

c) increasing the residential density 34% or more above the density of adjacent residential properties.

This property is surrounded by a high-density residential development. The proposed density is substantially higher than the adjacent development pattern of the immediate area. Density bonuses are accommodated through both the base MU District and the PD overlay district.

Staff Finding -- Staff has determined that the Preliminary Development Plan may have an impact on property with regard to the proposed on-street parking configuration.

8) Whether potential adverse impacts have been mitigated to the maximum practical extent.

Potential adverse impacts with multi-dwelling apartments can occur with lighting that extends onto adjacent properties, or with balconies that overhang single-dwelling residences. A photometric plan will be required prior to approval of the Final Development Plan to insure there is no negative impact from the exterior lighting. Parking lot lighting will not impact the surrounding uses since it is contained within the building. Exterior lights shall have full cut-off features and will be further reviewed as part of the Final Development Plan. A note on the plans states; "No balconies are proposed on this project."

On-street parking and adequate pedestrian and bicycle circulation are being reviewed. Depending on the conclusion of the design requirements, the plan may need to be revised to increase the building setback to provide more area (stall depth) for the on-street parking. An additional solution may be the addition of more underground parking. The previous plan included on 592 garage spaces. The revised plan includes only 577 garage spaces.

Staff Finding – Possible adverse impacts of exterior lighting will be addressed with a photometric plan to insure there is no spillover light. The design of on-street parking requires additional review and approval to assure all modes of transportation are adequate addressed.

9) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

The proposed project is a mixed-use development within a single building on property that is currently developed with several buildings and surface parking. There is no phasing associated with this project.

A plan for appropriate staging during construction will be required and will be addressed as part of a Final development Plan or may be deferred to be developed concurrently with public improvement plans for this development. This revision of these details will take into consideration street or lane closures and altering transit routes during construction.
Staff Finding- A phased development has not been proposed.

Conclusion
With the recommended conditions, the proposed Preliminary Development Plan conforms to the land use recommendations for mixed-use development in the Oread Neighborhood Plan. This property is located within an existing urban area and is constrained by the topography and the surrounding development.

This development maximizes the land for redevelopment and will provide non-residential uses at the street level. This revised plan adds a mid-block crossing between Indiana Street and Mississippi Street enhancing the pedestrian circulation in the neighborhood.

Additional design review is required for this project as it relates to the on-street parking details for bus, bicycle and pedestrian requirements for this area.
<table>
<thead>
<tr>
<th>Date</th>
<th>Project</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/05/14</td>
<td>PDP Resubmittal</td>
<td>CODE ANALYSIS</td>
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<tr>
<td>05/06/14</td>
<td>PDP Resubmittal</td>
<td>CODE ANALYSIS</td>
</tr>
<tr>
<td>06/11/14</td>
<td>PDP Resubmittal</td>
<td>CODE ANALYSIS</td>
</tr>
</tbody>
</table>

**OWNER:**
Here Kansas
908 N. HALSTED
CHICAGO IL 60607
p. 312 642 0170
jwh@here-llc.com
**PROJECT DATA & LOCATION PLAN**

**PROJECT NOTES**

**GENERAL NOTES**

1. NO BUILDINGS ARE PROPOSED ON THIS PROJECT.
2. ALL ACCESSIBLE SITTERS REQUIRED PER ADA STANDARDS.
3. CONSTRUCTION TO COMPLY WITH ALL STANDARDS PER CITY OF LAWRENCE.
4. ELIGIBILITY FOR PROJECT FUNDING FROM 10-601-A AS AMENDED.
5. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM THE FRONT OR ANY RELATED CITY REQUIREMENTS.
6. ALL EXISTING BUILDINGS AND STRATEGIES FUNDED ON THE SITE ARE CONSISTENT.
7. THE SITE PLAN IS INCAPABLE OF COMPLYING WITH THE PROVISIONS OF THE AMENDMENT TO THE STANDARD ACCESSIBILITY GUIDELINES FOR RESIDENTIAL PARKING AND PUBLIC ACCESS.

**PROJECT DATA**

<table>
<thead>
<tr>
<th>PROPOSED</th>
<th>EXISTING</th>
<th>REQUIRED</th>
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<tr>
<td>PDP-11</td>
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</tr>
</tbody>
</table>

**DRAWING LIST**

- 1. NO BUILDINGS ARE PROPOSED ON THIS PROJECT.
- 2. ALL ACCESSIBLE SITTERS REQUIRED PER ADA STANDARDS.
- 3. CONSTRUCTION TO COMPLY WITH ALL STANDARDS PER CITY OF LAWRENCE.
- 4. ELIGIBILITY FOR PROJECT FUNDING FROM 10-601-A AS AMENDED.
- 5. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM THE FRONT OR ANY RELATED CITY REQUIREMENTS.
- 6. ALL EXISTING BUILDINGS AND STRATEGIES FUNDED ON THE SITE ARE CONSISTENT.
- 7. THE SITE PLAN IS INCAPABLE OF COMPLYING WITH THE PROVISIONS OF THE AMENDMENT TO THE STANDARD ACCESSIBILITY GUIDELINES FOR RESIDENTIAL PARKING AND PUBLIC ACCESS.
HERE KANSAS
908 N. HALSTED
CHICAGO IL 60607
p. 312 642 0170
jwh@here-llc.com

SCALE: 1"=40'-0"
EAST SITE ELEVATION

SCALE: 1"=20'-0"
NORTH ELEVATION

SCALE: 1"=20'-0"
NORTH SITE ELEVATION

SCALE: 1"=40'-0"
NORTH ELEVATION

SCALE: 1"=40'-0"
WEST SITE ELEVATION

SCALE: 1"=20'-0"
EAST ELEVATION

ELEVATIONS

PDP-13
Description of Project:

EXECUTIVE SUMMARY

HERE Kansas, LLC plans to construct a state-of-the-art, five (5) story, LEED certifiable, mixed-use project. It will contain ground floor retail/restaurant uses on both Indiana and Mississippi Streets, three (3) residential floors containing approximately 624 residential student housing units, an amenity area which includes a fitness room, three (3) outdoor common open spaces, (one which includes a swimming pool area), and a two (2) level automated robotic parking garage containing approximately 577 parking spaces strategically integrated into the natural topography of the site. Unlike conventional real estate developers, HERE Kansas views itself as the curator of an experience which provides desired outcomes, not merely an erector of bricks and mortar.

SITE PLANNING

The Project design reflects the Applicant’s long term view of the Project and its historic neighborhood. The site layout incorporates large expanses of elevated landscaped outdoor areas for the project’s residents and their guests. In addition, outdoor use zones are provided along the Primary Public Frontages.

Vehicular access is limited to Mississippi Street so as not to disrupt the pedestrian qualities of Indiana Street with a drive aisles south justified on Mississippi Street to minimize vehicular disruption to the adjacent intersection of 11th Street (collector) and Mississippi Street (collector north of intersection). The building’s residential floors both have significant setbacks from Indiana and Mississippi Streets.

STREET LEVEL

The applicant’s Project design emphasizes the public benefits of the MU District by providing ground level commercial space with adjacent outdoor dining and gathering areas along the setback between the Project and the surrounding public streets. The Project is designed to complement the energy
and community created by its immediate adjacency to Memorial Stadium and its close proximity to the remainder of the Kansas University campus.

ARCHITECTURAL DESIGN
The building design follows classic traditional planning principles. Changes in material, color, and shape help to break up the bulk of the building. Strategically placed setbacks and undulations along the building facade and roofline create visual interest and the appearance of a commercial building district with multiple buildings juxtaposed with zero side yard setbacks.

SCALE
The building design masterfully utilizes the extreme topographic differences contained within the site to hide the onsite parking garage leaving visible a building that is highly attractive and blends into the surrounding neighborhood aesthetic. The building's height/elevation fits well within the context of its surroundings (see Exhibit C - Contextual Height Study).

THE HERE RESIDENTIAL UNIT
HERE Kansas's copyrighted design provides an unparalleled living experience for all its residents. Many units have an eighteen (18) foot high great room creating an urban loft-like feel with abundant natural light. All bedrooms, regardless of unit type, have a similar configuration. Bathrooms are situated adjacent to the bedrooms providing the desired level of privacy our residents' desire. Each unit has a fully functioning kitchen as well as a full size washer and dryer.

PARKING
HERE Kansas is providing a state of the art automated robotic parking garage with a capacity of approximately 577 parking spaces. The utilization of this parking technology allows the creation of the single largest private parking footprint in the neighborhood, while simultaneously providing many smart green building benefits and a superior building aesthetic that could not be replicated utilizing conventional means. In addition, the Project will create 105 perimeter angled parking spaces along Indiana and Mississippi Streets (please see attached Perimeter On-Street Parking Exhibit). The corresponding right-of-way will be leased from the City by the developer. All construction costs
associated with this perimeter on-street parking will be at the developer’s expense. Developer will maintain and manage the metering of these on-street parking stalls.

**AMENITIES**

At HERE @ Kansas, resident safety is very important. HERE Kansas provides onsite security as well as an integrated series of surveillance cameras positioned throughout the Project. By design, the building provides limited access to the building’s residential floors. Guests will be required to go through secured entry points before obtaining access to a residential floor. The building will provide an onsite fitness center and three (3) expansive landscaped outdoor courtyards (common open spaces). The building lobby will provide an inviting and comfortable hotel-like experience.

**SUSTAINABILITY**

HERE Kansas will construct a LEED certifiable building with an abundance of design innovations and sustainability technologies intended to promote indoor environmental quality, as well as energy and water consumption efficiencies.
HERE @ Kansas

Property Address: 1101 & 1115 Indiana Street
Property Size (acres): 2.528
Current Base District: Multi-Dwelling Residential District (RM 32)
Proposed Base District: Proposed Zoning: Mixed-Use Planned Development District (MU-PD)
Vertical Mix-Use Structure
Primary Development Zone - All three (3) levels above grade
Secondary Development Zone - All two (2) levels of parking garage
Max. Dwelling Units Per Acre - 32
Setbacks - Public Frontages - 0-10 feet/ Side (interior) 0-5
Max Building Coverage 100%
Max. Impervious Coverage - 100%
Max Height - 48 feet
Min. Outdoor Area (per dwelling unit) - 50 sq. ft.
Min. ground floor level nonresidential spaces:
  Height - 12 feet
  Area (sq. ft.) - 800
# MU Development Bonus Calculation

<table>
<thead>
<tr>
<th>Public Goal</th>
<th>Explanation</th>
<th>Points Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal II:</strong></td>
<td>Ground floor commercial Provided</td>
<td>25</td>
</tr>
<tr>
<td>Non Ground Floor Dwellings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Live/Work Units</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(points earned for provision of the above mentioned goals may be combined)

<table>
<thead>
<tr>
<th>Public Goal</th>
<th>Explanation</th>
<th>Points Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal III:</strong></td>
<td>Bus route routes 10 &amp; 11 stop in front of site on Mississippi</td>
<td>100</td>
</tr>
<tr>
<td>Located adjacent to Designated Transit Stop</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Goal</th>
<th>Explanation</th>
<th>Points Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal IV:</strong></td>
<td>Fire Station 1 (745 Kentucky Street) is located .475 miles from the site (per drawing A)</td>
<td>10</td>
</tr>
<tr>
<td>Location within 1/2 mile of a fire station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location within 1 mile of a police station</td>
<td>A Police Station (111 E 11th Street) is located .434 miles from the site (per drawing B)</td>
<td>10</td>
</tr>
</tbody>
</table>

After further review of the code, onsite open space applies. This is consistent with Section 20-218 which states an Open Space District may also be applied to "Common Open Space" within a residential PD and Cluster Housing Projects. This interpretation is also consistent with Article 6 (c) Mixed Use District which states - "Min. Outdoor Space is not required for each dwelling unit onsite if a public park is located within 1/4 mile of the site" (FYI- South Park is located .308 miles - [310 feet too far] from the site per drawing C) The Spencer Museum of Art (1301 Mississippi) is located .185 miles away from site | 25 |

<table>
<thead>
<tr>
<th>Public Goal</th>
<th>Explanation</th>
<th>Points Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal V:</strong></td>
<td>Provision of a green roof or rooftop garden to control storm water runoff</td>
<td>75</td>
</tr>
<tr>
<td>Provision of a storm water best management practice as per adapted BMP Manual</td>
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<td>50</td>
</tr>
<tr>
<td>Construction of a Structure with LEED Certification</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Construction of a residential structure with Energy Star Certification</td>
<td></td>
<td>25</td>
</tr>
</tbody>
</table>

**TOTAL POINTS EARNED** 445
## MU-PD Development Bonus Utilization

<table>
<thead>
<tr>
<th>Density</th>
<th>MU District Base Density Per Acre</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>PD Net Density Increase (25%)</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>Requested # of actual dwelling units per acre</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>Requested # of PD dwelling units per acre</td>
<td>68</td>
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<tr>
<td></td>
<td>Variance from MU-PD allowable density (units/acre)</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Number of Points Needed (10 pts/unit/acre)</td>
<td>-280</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Height</th>
<th>MU District Base Maximum Height</th>
<th>48</th>
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<tbody>
<tr>
<td></td>
<td>PD Maximum Base Height Increase (14’ ft setback) (per 20-701(g)</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>Building Height measured per 20-601(h)(ii) in feet</td>
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<tr>
<td></td>
<td>Tallest Mississippi Elevation Height from Datum</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Tallest Indiana Elevation Height from Datum</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Tallest 11th Street Elevation Height from Datum</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Variance from MU-PD Allowable Height</td>
<td>18</td>
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<tr>
<td></td>
<td>Number of Points Needed (8.33 points = 1 foot increase)</td>
<td>-150</td>
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<table>
<thead>
<tr>
<th>Parking</th>
<th>Per 20-1108 (k)(1) Provision for On-Street Parking</th>
<th>-105</th>
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<tbody>
<tr>
<td></td>
<td>Per Article 11(m)(4) (5 points = 1 space reduction up 20 space maximum)</td>
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<tr>
<td></td>
<td>MU Parking Requirement residential (1/bed)</td>
<td>624</td>
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<tr>
<td></td>
<td>MU Parking Requirement residential visitor (1/10 units)</td>
<td>18</td>
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<tr>
<td></td>
<td>MU Parking Requirement commercial:</td>
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<tr>
<td></td>
<td>Accessory Retail (estimate 2 of 3 commercial spaces)</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>Accessory Restaurant (estimate 1 of 3 commercial spaces)</td>
<td>40</td>
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<tr>
<td></td>
<td>Total On Site Parking Required</td>
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<td></td>
<td>Total Onsite Parking Supplied</td>
<td>577</td>
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<tr>
<td></td>
<td>MU-PD Proposed Shared Parking Spaces</td>
<td>28</td>
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<tr>
<td></td>
<td>Introduction of angled parking on Mississippi and Indiana Streets</td>
<td>-15</td>
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### Total Points Used

- Total Points Used: -445
- Total Points Remaining: 0
# Use By Floor Summary Here at Kansas:

<table>
<thead>
<tr>
<th>Floor</th>
<th>Retail</th>
<th>Parking</th>
<th>Mechanical</th>
<th>Residential</th>
<th>amenity</th>
<th>outdoor amenity</th>
<th>office(^1)</th>
<th>Total</th>
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<tbody>
<tr>
<td>1st</td>
<td>5,988</td>
<td>52,165</td>
<td>2,380</td>
<td>2,444</td>
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<td>62,977</td>
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<td>2nd</td>
<td>-</td>
<td>73,873</td>
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<td>392</td>
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<td>74,265</td>
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<td>3rd</td>
<td>4,476</td>
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<td>9,703</td>
<td>33,309</td>
<td>12,326</td>
<td>25,257</td>
<td>1,327</td>
<td>86,398</td>
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<tr>
<td>4th</td>
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<td>2,384</td>
<td>32,469</td>
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<td>55,551</td>
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<tr>
<td>TOTAL BUILDING</td>
<td>13,137</td>
<td>126,038</td>
<td>21,109</td>
<td>265,604</td>
<td>16,716</td>
<td>25,257</td>
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<td>470,557</td>
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<tr>
<td>Street Plaza Areas</td>
<td>39,121 SF</td>
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<td>39,121</td>
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<tr>
<td>Areas</td>
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<td>509,678</td>
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</tbody>
</table>

Open Spaces Areas:
- Street Plaza Areas: 39,121 SF
- Pool/Courtyard Areas: 25,257 SF
- Total: 64,378 SF

Required Open Space:
- MU District: not required if park located within ¼ mile
- PD Overlay District: 20% of land areas (2.53 Ac @ 20% = .506 Ac [22,041 SF])

\(^1\) Office use is a new use reported in the proposed plan. Office uses are assumed to support the residential activity.
## Approved Building Use by Floor Summary

<table>
<thead>
<tr>
<th>Floor</th>
<th>Retail</th>
<th>Parking</th>
<th>Mechanical</th>
<th>Residential</th>
<th>amenity</th>
<th>outdoor amenity</th>
<th>Office Not included</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Basement</td>
<td>0</td>
<td>60,767</td>
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<tr>
<td>1st</td>
<td>5,771</td>
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<td>1,759</td>
<td>672</td>
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<td>455</td>
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<tr>
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<td>4,975</td>
<td>69,885</td>
<td>4,128</td>
<td>11,051</td>
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<td>93,226</td>
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<tr>
<td>4th</td>
<td>3,107</td>
<td>-</td>
<td>3,170</td>
<td>75,972</td>
<td>1,900</td>
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<td>5th</td>
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<td>-</td>
<td>3,170</td>
<td>83,498</td>
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<td>86,668</td>
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<tr>
<td>6th – Not included</td>
<td>-</td>
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<td>8th – Not included</td>
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<td>-</td>
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<td>-</td>
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<td>-</td>
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<tr>
<td>Roof</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>27,840</td>
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<tr>
<td>TOTAL BUILDING</td>
<td>12,065</td>
<td>158,148</td>
<td>13,074</td>
<td>230,482</td>
<td>18,046</td>
<td>58,332</td>
<td>490,147</td>
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<tr>
<td>Street Plaza Areas</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>31,1459</td>
<td>521,296</td>
</tr>
</tbody>
</table>

### Open Spaces Areas:
- Street Plaza Areas: 31,1459 SF
- Pool/Courtyard Areas: 27,840 SF
- Total: 59,299 SF

### Required Open Space:
- MU District: not required if park located within ¼ mile
- PD Overlay District: 20% of land areas (2.38 Ac @ 20% = .476 Ac [20,734 SF])

---

2 Office Uses were not noted on approved plan as a building use.
3 Various application document included various summaries for non-residential spaces.
Z-14-00170: Rezone 2.52 acres from RM32 District and MU-PD to MU-PD District
PDP-14-00183: Preliminary Development Plan for HERE @ Kansas, a mixed use multi-dwelling residential building with ground floor retail uses
Located at 1101 & 1115 Indiana Street

Lawrence-Douglas County Planning Office
June 2014
ITEM NO. 2: REVISION OF K-10 & FARMER’S TURNPIKE PLAN: 1700 SECTION OF E. 902 ROAD (JSC)

CPA-14-00005: Consider a Comprehensive Plan Amendment to Horizon 2020 Chapter 7: Industrial Land Use, and Chapter 14: Specific Plans – K-10 & Farmer’s Turnpike Plan, to revise the Future Land Use map, and include adjacent parcels for additional residential land use sections into the K-10 & Farmer’s Turnpike Plan. Submitted by B.G. Consultants, Inc.

STAFF RECOMMENDATION: Staff recommends approval of a modification of the applicant’s request by retaining the Residential/Office designation of the property located west of E. 902 Road and north of the Westar Substation, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission and Douglas County Board of County Commissioners with a recommendation of approval.

If appropriate, authorize the Chair of the Planning Commission to sign Resolution PCR-14-00090.

OPTIONS

1. Approve applicant’s request in full: meaning future projects on the property located west of E. 902 Road and north of the Westar Substation could be exclusively residential.
2. Deny applicant’s request in full: meaning future projects on the property located west of E. 902 Road and north of the Westar Substation would need to incorporate a mixture of office and residential uses.
3. Modify Residential/Office designation in the K-10 & Farmer’s Turnpike Plan to support and accommodate exclusively single-family residential development without requiring a mixture of uses.

KEY POINTS

1. The area within this proposed amendment is partially within the K-10 & Farmer’s Turnpike Plan and partially outside of this planning area.
2. The request is being made, in part, to accommodate mini-warehouse development on a portion of the requested area.
3. Staff recommends a revised land use pattern and policies from the applicant’s request in order to maintain compatible uses and to address the gateway corridor of K-10.
4. In the larger context of other planning documents, staff finds that including the land east of E. 902 Road into the K-10 & Farmer’s Turnpike Plan as Low-Density Residential is consistent with adopted plans.
5. Staff recommends designating the Westar substation, and westerly adjacent land, to Office/Research to be compatible with the K-10 & Farmer’s Turnpike Plan and with prevailing economic conditions.
6. Staff recommends retaining Residential/Office designation of the property located west of E. 902 Road and north of the Westar Substation to provide a compatible stepping down of intensity, while ensuring the remaining higher-intensity Residential/Office to the west would not be isolated from the closest road connection of E. 902 Road.

**APPLICANT REQUEST**

This Comprehensive Plan Amendment is requested by B.G. Consultants, Inc., on behalf of the property owners of record, in order to develop a mini-warehouse project on a piece of land between K-10 and E. 902 Road, west of the existing Westar utility substation. The *K-10 & Farmer’s Turnpike Plan*, which is incorporated by reference into Chapter 14: Specific Plans, identifies this area as Residential/Office use and the requested mini-warehouse project would not be compatible with the current future land use designation. This amendment requests the consideration of reclassifying the approximate 128 acres to the following: 105 Acres (82% of total) as Residential, 14 acres (11%) as Utility, and 9 acres (7%) as Limited Industrial.

This amendment also includes approximately 71 acres east of E. 902 Road to be added into the *K-10 & Farmer’s Turnpike Plan* identified for low density residential use north of Rock Chalk Park.

<table>
<thead>
<tr>
<th>Applicant Request</th>
<th>Corresponding Future Area Plan Designation</th>
<th>Applicable Plan</th>
<th>Acres</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited Industrial</td>
<td>Office/Research</td>
<td>K-10 &amp; Farmer's Turnpike Plan</td>
<td>9</td>
<td>7%</td>
</tr>
<tr>
<td>Utility</td>
<td>Office/Research</td>
<td>K-10 &amp; Farmer's Turnpike Plan</td>
<td>14</td>
<td>11%</td>
</tr>
<tr>
<td>Residential</td>
<td>Residential/Office</td>
<td>K-10 &amp; Farmer's Turnpike Plan</td>
<td>34</td>
<td>27%</td>
</tr>
<tr>
<td>Residential</td>
<td>Low-Density Residential</td>
<td>Northwest Area Plan</td>
<td>71</td>
<td>56%</td>
</tr>
</tbody>
</table>

*Total 128*
Figure 1: Plan Boundaries covering the Proposed Amendment Land with Applicant Requested Designations

Figure 2: Aerial Photograph of Proposed Amendment.
STAFF REVIEW OF APPLICANT REQUEST

At this time, the land outlined within this amendment proposal spans between two different plans. The portion of the subject area to the west of E. 902 Road is within the K-10 & Farmer's Turnpike Plan; the portion east of E. 902 Road is within the Northwest Area Plan. Each plan has divergent foundations, but in this portion of the county they both have comparable recommendations.

Currently, the land is principally utilized for agricultural uses or in a wooded/native state. Westar presently operates a utility substation within the requested area. Additionally, Westar has applied (CUP-14-00167) to expand this substation in the near future to meet the existing and expectant needs of its users.

Items related to this Comprehensive Plan Amendment include:

- **A-14-00161**: Consider a request to annex approximately 99.7 acres located south of N 1750 Rd & E 902 Rd (extended).

- **A-14-00163**: Consider a request to annex approximately 15 acres located adjacent to the north side of Rock Chalk Park.

- **Z-14-00162**: Consider a request to rezone approximately 25.2 acres from County A (Agricultural District) to RS5 (Single-Dwelling Residential District), located SW of N 1750 Rd and E 902 Rd. Submitted by B.G. Consultants Inc., on behalf of Garber Enterprises Inc., property owner of record.

- **Z-14-00164**: Consider a request to rezone approximately 76.2 acres from County A (Agricultural District) to RS7 (Single-Dwelling Residential District), located SE of N 1750 Rd and E 902 Rd. Submitted by B.G. Consultants Inc. on behalf of Garber Enterprises Inc and Robert and Jan Maxwell Trust, property owners of record.

- **Z-14-00165**: Consider a request to rezone approximately 13.3 acres from County A (Agricultural District) to IL (Limited Industrial District), located SW of N 1750 Rd & E 902 Rd. Submitted by B.G. Consultants, Inc., on behalf of Garber Enterprises Inc., property owner of record.
Figure 3: Requested Amendment Area in Larger Context

Figure 4: K-10 & Farmer's Turnpike with Applicant Requested Designations
The eastern portion of the proposed amendment is within the Northwest Area Plan as indicated in Figure 5. The Northwest Area Plan designates this tract of land as a rural/residential land use, principally focusing on single-family residential construction, with a density of 1 dwelling unit per acre. At present, the Northwest Area Plan is not incorporated into Chapter 14: Sector Plans of Horizon 2020, but is used to guide development within this area.

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

The western portion of the proposed amendment is within the *K-10 & Farmer's Turnpike Plan* as indicated in Figure 4. The *K-10 & Farmer's Turnpike Plan* identified this tract of land for residential/office land use, principally focusing on accommodating mixed-use development of administrative and professional offices with varying degrees of residential. This could be achieved by the use of work/live units with a density of 6 to 22 dwelling units per acre. Fundamentally, the Residential/Office land uses allows for a mix of uses as a right, which can include residential-only development, including single-family detached dwellings, live/work units, and mixed-use developments.

**Area History:**

Over the years, this portion of Douglas County has principally continued to be rural in character. Due to its proximity to the South Lawrence Trafficway branch from I-70, this area has had a long history of being included in several planning studies. Below is a timeline summary of planning recommendations over the past 37 years regarding this section of the county:
• **Plan 95** - Approved: 1977. The plan is minimal in depth and detail for this portion of the City/County, but does prescribe low density residential uses with open space uses because of environmentally sensitive lands and flooding considerations.

• **South Trafficway Plan** - Approved: July 1986. Anticipated this portion of the Trafficway to be principally surrounded by agricultural uses. Principally short-term in scope, it did not anticipate growth immediately due to the construction of the Trafficway.

• **South Lawrence Trafficway Corridor Land Use Plan** - Approved: July 1989. The expectation was the surrounding land would remain agricultural due to a lack of utility services. There was anticipation that development pressures would increase in the future, with the long-term vision projecting low to medium-density residential or office park uses.

• **Western Development Plan** - Approved: March 1994. At that time, development was only envisioned along US-40/W. 6th Street because of the availability of sanitary sewer service. While the plan did not outline any specific uses within this area, it did note, “Urban and suburban growth should proceed with care in order to preserve environmentally or ecologically sensitive land areas.”

• **Northwest Area Plan** - Approved: May 1998. The quadrant of this planning area that the subject properties fall within was delineated to be an urbanized area. The intent of the plan was to, “Direct higher intensive land uses toward Sixth Street and the South Lawrence Trafficway but direct lower intensive land uses toward the north of sections 28 and 29.” The placement of residential land uses was envisioned to have, “A variety of housing types and costs is encouraged in the southern part of sections 28 and 29. Single family residential is encouraged in the central and northern parts of sections 28 and 29.” The plan also recommends against locating industrial land uses within this area. This plan foresaw this area as principally residential.

• **Horizon 2020** - Approved: May 1998. This section of the county is mapped within Service Area 2 of the Urban Growth Area, and in which, development is limited due to the lack water and sewer utilities to this portion of the Douglas County.

• **K-10 & Farmer's Turnpike Plan** - Approved: January 2009. The most recent and adopted guidance document for this area. The portion of land within this application was outlined in this plan to be residential/office land uses. This specific category was envisioned to encourage traditional neighborhood development, while not intending to foster the development of large-scale apartment type development. An overarching goal of the plan is to, “Maintain the rural character in existing areas until the time that municipal services allow urban densities to develop.” There are also provisions for using open space between variations in progressing use intensities, which should be comprised of green spaces. This plan also outlines specific residential uses, and it does not intend to provide for large-scale apartment type developments. Residential/Office land use may include single-family dwellings, live/work units, and mixed-use developments.

The planning history reflects continuous support for the conservation of environmentally sensitive open spaces, especially in instances with floodplain encumbered lands, and also the forethought of residential uses in this portion of the Douglas County and City of Lawrence.

**Horizon 2020:**

*Horizon 2020 states, “Plans prepared for specific areas, whether they are areas within the City of Lawrence or areas within unincorporated Douglas County contains detailed policy guidelines for those areas.” As this portion of the City of Lawrence/unincorporated Douglas County was beyond the scope of Horizon 2020’s future land use plan, the principal planning document for*
this section would be the **K-10 & Farmer’s Turnpike Plan**. When the **K-10 & Farmer’s Turnpike Plan** was approved (see Figure 4), this portion was determined to be a viable area for mixed-use space, principally oriented towards residential and office uses. This is further reinforced through the policy encouraging traditional neighborhood/mixed-use development in this area. However, this plan does not extend east across E. 902 Road, which would have some implications considering the recent approval and construction of Rock Chalk Park adjacent to the south of this proposed amendment.

As the development of Rock Chalk Park has progressed, it has strongly influenced the developmental and planning considerations within the area between this new development and the existing boundary of the **K-10 & Farmer’s Turnpike Plan**. In addition, the anticipated Westar substation expansion will also have an effect on the development pattern and character of this area. With this changing setting, the proposed addition to the future land use plan has merit.

The location for the proposed industrial land use complies with the location criteria as outlined in Chapter 7: Industrial and Employment-Related Land Use of **Horizon 2020**. Currently, Chapter 7, **Industrial & Employment-Related Land Use**, of **Horizon 2020** states, “Encourage site availability, site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development.” The existing electrical substation, and subsequent utility easements, creates a space that is delineated by utility uses and the eastern edge of right-of-way for the South Lawrence Trafficway/K-10. The proposed expansion of residential land uses to the east of E. 902 Road is also consistent with the applicable previous plans for the area currently outside of the present **K-10 & Farmer’s Turnpike Plan**. These similar movements of low density residential were envisioned within these areas in historic planning documents.

The applicant’s proposal would isolate a piece of land that is west of the request but east of K-10. This isolated piece of land is designated for Residential/Office land use and would require access for the Residential/Office development to be taken through the adjacent Low-Density Residential development that is part of the applicant’s request. This is not consistent with the policies outlined in the **K-10 & Farmer’s Turnpike Plan** Residential Land Uses, Section 3.1.2.2.1, and Industrial/Office/Research Land Uses, Section 3.1.2.5.2. The reassignment of the 57 acres between K-10, N. 1750 Road, and E. 902 Road from Residential/Office to a mixture of low-density residential and Office/Research is partially consistent with the surrounding development patterns and existing activity in the vicinity; however, it would be most compatible if the Residential/Office portion would remain as designated, instead of exchanging that portion to Low-Density Residential per the request.

Consideration should also be given to the weight and importance of the nearby W. 6th Street and K-10 interchange as a gateway to the community. The location of industrial/warehouse land uses does potentially allow for other uses beyond the piece proposed by the applicant. The **West of K-10 Plan** (See Figure 4) is the principal planning document for this key intersection, but the land between I-70 and W. 6th Street to the north is accounted for within the **K-10 & Farmer’s Turnpike Plan**. This stretch of land between the I-70 & K-10 interchange and the W. 6th Street/US-40 & K-10 interchange will serve as a visual entry gateway for visitors arriving to the community. While architectural design guidelines for industrial development are outlined within the Community Design Manual, the potential expansion of other uses in the future is a consideration that should be weighed within this proposal. Consideration should also be given to the applicable 50-foot buffer that will be required as part of the South Lawrence Trafficway (SLT) Overlay District, which is implemented to, "create an aesthetically pleasing
corridor along the South Lawrence Trafficway, in keeping with the SLT policy of providing a park-like setting.”¹

Due to the importance of this area as a gateway to the community and Rock Chalk Park, as well as the requested low-density residential land use not being compatible with the Residential/Office that will remain designated buffering K-10; staff is not able to support the applicant’s request without modification and conditions.

¹ City of Lawrence, Land Development Code, Section: 20-307 (a) (1).
STAFF PROPOSAL

Staff would recommend modifying the applicant’s request by retaining the already adopted Residential/Office land use property located west of E. 902 Road and north of the Westar Substation. Staff has concerns with reclassifying the entire portion as a low-density, residential-only use because this will, in-effect, isolate the remaining Residential/Office land use that is due west of the requested portion from the roadway network, principally E. 902 Road, as seen in Figure 4. This could isolate the remaining Residential/Office from E. 902 Road, requiring traffic to and from a higher-intensity designated area to travel through the residential-only, lower intensity, neighborhood.

With this potential development pattern in mind, staff recommends leaving the existing Residential/Office land use designation on that piece of land, as depicted in Figure 8, in this portion of the Future Land Use map to help mitigate these potential conflicts and the potential isolation of the remaining pieces. Staff would also recommend a condition be included to maintain the continued preservation of the Open Space/Floodplain designation of the already adopted plan as mapped within the K-10 & Farmer’s Turnpike Plan Future Land Use Map 3-1; and to require including a 150-foot Open Space/Floodplain buffer between the proposed Office/Research land use and the northerly adjacent Residential/Office land use in order to mitigate potential use and site conflicts that could arise between differing intensities of land use. To further ensure the integrity of the gateway entry to the community, staff would also recommend the condition that no exterior storage shall be permitted within the Office/Research or Residential/Office designated areas included within this proposal to strengthen the gateway entry policies of both the K-10 and Farmer’s Turnpike Plan and the West of K-10 Plan.

The purpose of the Residential/Office section is to, “accommodate mixed use development of administrative and professional offices with varying degrees of residential. This may be achieved by the use of work/live units.” The purpose can also be fulfilled with a mixture of single-family residential and office uses, which could be valuable providing a direct service to the residents, e.g. medical offices, banking, veterinary services, etc. Staff’s interpretation of the plan policy to prohibit the creation of a single-family-only residential style development pattern, it does encourage a different development pattern and density to allow for a larger variety in building types and uses.

Retaining the Residential/Office designation for the land between the requested area and the South Lawrence Trafficway would create a situation where a higher-intensity use could potentially pass through this requested space to reach the closest accessible road. Staff feels that leaving the Residential/Office designation in place would accommodate the provision of amenities for the surrounding residential uses, while also allowing for uses of varying intensity not only within this portion of the planning area but also within the adjacent area directly west of it. This would provide a clear indication of the potential change in traffic and use in the future, while also permitting the applicant an increased degree in uses should they find this desirable in the future.
The potential options available to the Planning Commission include the following:

1. **Approve applicant’s request in full:** meaning future projects on the property located west of E. 902 Road and north of the Westar Substation could be exclusively residential. Approval of the applicant’s request to low-density residential may create conflicts with the Residential/Office designations to the west given the access issues.

2. **Deny applicant’s request in full:** meaning future projects on the property located west of E. 902 Road and north of the Westar Substation would need to incorporate a mixture of office and residential uses. Denying the applicant’s request for low-density residential and maintaining the Residential/Office designation would maintain the expectations that Residential/Office would need to incorporate a mixture of office and residential uses in some capacity.

3. **Modify Residential/Office designation in the K-10 & Farmer’s Turnpike Plan to support and accommodate exclusively single-family residential development without requiring a mixture of uses.** Thirdly, the *K-10 and Farmer’s Turnpike Plan* text could be rewritten to support and accommodate exclusive single-family development without requiring a mixture of uses. This would include the inclusion of RS Zoning Districts into the list of potential districts within the Residential/Office designation and would establish an expectation that there is potential to have single use development in this land use category.
The following chart is included to help compare and contrast the Residential/Office and Low-Density Residential land use descriptions uses within the K-10 and Farmer's Turnpike Plan.

<table>
<thead>
<tr>
<th>Area Plan Future Land Use Designation</th>
<th>Residential/Office</th>
<th>Low Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purpose</strong></td>
<td>The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with varying degrees of residential. This may be achieved by the use of work/live units.</td>
<td>The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses.</td>
</tr>
<tr>
<td><strong>Permitted Zoning Districts</strong></td>
<td>RSO (Single Dwelling, Residential-Office) RMO (Multi-Dwelling, Residential-Office) MU (Mixed Use) PD (Planned Development Overlay)</td>
<td>RS10 (Single-Dwelling Residential) RS7 (Single-Dwelling Residential) RSS (Single-Dwelling Residential) RM12D (Multi-Dwelling Duplex Residential) PD (Planned Development Overlay)</td>
</tr>
<tr>
<td><strong>Household Living</strong></td>
<td>Adult Day Care Home Cemeteries Funeral &amp; Internment Social Service Agency Utilities, Minor</td>
<td>Adult Day Care Home Cemeteries Funeral &amp; Internment Social Service Agency Utilities, Minor</td>
</tr>
<tr>
<td><strong>Community Facilities</strong></td>
<td>Extended Care Facility, General Extended Care Facility, Limited Health Care Office, Health Care Clinic</td>
<td>Extended Care Facility, General Extended Care Facility, Limited Health Care Office, Health Care Clinic</td>
</tr>
<tr>
<td><strong>Medical Facilities</strong></td>
<td>Extended Care Facility, General Extended Care Facility, Limited Health Care Office, Health Care Clinic</td>
<td>Extended Care Facility, General Extended Care Facility, Limited Health Care Office, Health Care Clinic</td>
</tr>
<tr>
<td><strong>Religious Assembly</strong></td>
<td>Campus or Community Institution Neighborhood Institution</td>
<td>Campus or Community Institution Neighborhood Institution</td>
</tr>
<tr>
<td><strong>Animal Services</strong></td>
<td>Veterinary</td>
<td>-</td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td>Administrative and Professional Financial, Insurance &amp; Real Estate Other</td>
<td>- -</td>
</tr>
<tr>
<td><strong>Retail Sales &amp; Service</strong></td>
<td>Personal Improvement</td>
<td>-</td>
</tr>
<tr>
<td><strong>Transient Accommodation</strong></td>
<td>Bed and Breakfast</td>
<td>-</td>
</tr>
<tr>
<td><strong>Agriculture</strong></td>
<td>Agriculture, Crop</td>
<td>Agriculture, Crop</td>
</tr>
</tbody>
</table>
Other Considerations:
Staff has made modifications to the following planning documents based on staff’s recommendation:

- Chapter 7: Industrial and Employment-Related Land Use: The changes include revisions to page 7-23 regarding where additional industrial land use should be sited.

- Chapter 14: Specific Plans, including changes to K-10 & Farmer’s Turnpike Plan: The changes to Chapter 14 include K-10 & Farmer’s Turnpike Plan, Future Land Use maps 3-1, modify the Future Land Use Map (Map 3.1) to match the recommended future land use pattern described in the staff recommendation, the expansion of the planned boundaries east of E. 902 Road to designate this land as Residential/Office, and the land use descriptions as to where the designations are revised.

Copies of the revised Chapter 7: Industrial and Employment-Related Land Use and Chapter 14: Specific Plans: K-10 & Farmer’s Turnpike Plan are attached to this staff report with the changes delineated.

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

Applicant Response: Yes, Rock Chalk Park was unforeseen and has a great impact on the surrounding area. Westar also has plans to expand the existing substation and construct additional overhead power lines in this area.

Staff’s Response: Horizon 2020 anticipates changes and additions over time. The construction of Rock Chalk Park and the Lawrence Recreation Center were not anticipated at the time of the last revision of the pertinent chapters of Horizon 2020. Horizon 2020 mainly foresaw development in this area when City utilities were available to provide service in this area. The scale of these adjacent projects will bring the infrastructure closer to the sections of land covered in this amendment, but service capacity would need to be determined as projects are brought forward for site plan consideration. These items will be discussed further in the other interrelated cases mentioned earlier in this report.

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

Applicant Response: Yes, there is a need for additional mini-warehouse units and single family residential housing. This amendment will provide areas for both.

Staff’s Response: Staff’s recommendation is consistent with the goals and policies outlined in Horizon 2020 and the K-10 & Farmer’s Turnpike Plan. As outlined, the previous planning documents envisioned this area as a lower-intensity residential area, while the most recently adopted plan envisions this area as a mixture of uses. The K-10 & Farmer’s Turnpike Plan identifies the subject properties as Residential/Office. This land use balance should be maintained in some manner to be consistent with the community vision for this portion of the
planning area, and to help mitigate potential conflicts and potential isolation of the remaining Residential/Office land use adjacent to the west. The potential expansion of the K-10 & Farmer's Turnpike Plan across E. 902 Road is detailed in a consistent land-use vision with both adopted planning documents, as well as the historic planning vision for this area.

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

Applicant’s Response: Yes. The recent approval of Rock Chalk Park and the Lawrence Recreation Center is a change in the plan for the area which has driven the proposed plan amendment.

Staff’s Response: Public policy has not changed regarding policies with increasing available industrially classified land. As the applicant has noted, the construction of Rock Chalk Park and expansion of the Westar substation have modified the potential program for growth and development within this sector. Overall, the potential development within this portion of the K-10 & Farmer’s Turnpike Plan was envisioned to be contingent on the availability of City utility services.

Public policy has also not changed regarding growth management and residential land uses. Development potential would need to be consistent with both the goals and policies included within Horizon 2020 and K-10 & Farmer’s Turnpike Plan.

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

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

Applicant’s Response: The proposed amendment will not have an effect on existing or planned facilities and services as it is a minor change from the existing plan.

Staff’s Response: The properties are currently not being served by existing City services. Further review would be completed as part of the platting and site planning process to address potential issues when the property is served. This is discussed further in the other related cases mentioned earlier in this report.

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

Applicant’s Response: Yes. There is a small area where IL zoning is adjacent to R zoning but it will be separated using a green space buffer and the R zoning will "back up" to the IL zoning.

Staff’s Response. As proposed, the application would have an intensity conflict with the potential placement of residential land uses directly adjacent to the Office/Research (utility/industrial) uses. Staff’s recommendation would meet Goal 2 in Chapter 6 of Horizon 2020, which ensures a compatible transition between the higher-intensity development and less-intensive uses. Staff’s initial recommendation introduces a green space buffer to mitigate potential conflicts, while ensuring the preservation of utility easements also present within this
portion of the area. The applicant has incorporated a similar buffer into their concepts based on the previous Planning Commission discussion from 24 February 2014.

C. 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?

Applicant’s Response: Yes. The proposed plan will create quality development that will provide opportunities for tax base expansion and diversification. It will also provide an opportunity for a unique residential neighborhood and provide a higher use for an area designated residential/office that is not desirable for that use.

Staff’s Response: The expansion of available industrial land would specifically permit the mini-warehouse use, but could permit land available in this area in the future to potentially attract other types of industrial uses. This can be considered an advancement of the interests of the citizens of Lawrence and Douglas County if the potential is realized. Similarly, expansion of the residential land uses within the vicinity of this proposal, and its location adjacent to Rock Chalk Park, could potentially be a valuable contribution to the future growth and development of this part of the urban growth area once utility services are available.

SUMMARY

In summary, the applicant has requested amendments to the K-10 & Farmer’s Turnpike Plan to principally allow the creation of a mini-warehouse development, and to accommodate the creation of low density single-family residential development. After consideration and review of the existing sector plan, and in the larger context of other planning documents, staff finds that including the land east of E. 902 Road into the K-10 & Farmer’s Turnpike Plan as Low-Density Residential is consistent with the applicable adopted plans. Staff also finds changing the designation of the substation and westerly adjacent land to Office/Research to be compatible with the sector plan and with the prevailing economic conditions. However, staff differs with the applicant’s request for the designation of Low-Density Residential on the west side of E. 902 Road. Staff recommends that the designation of Residential/Office remain in this location to provide a compatible stepping down of intensity, but also to ensure that the remaining higher-intensity Residential/Office to the west of the applicant requested land would not be isolated from the closest road connection of being E. 902 Road.

PROFESSIONAL STAFF RECOMMENDATION

In staff’s opinion, the request is compatible with the existing land use designations of the K-10 & Farmer’s Turnpike Plan, and revising the plan is appropriate for the reasons outlined in this report and when Comprehensive Plan policies are reviewed as a whole.

Staff recommends approval of this Comprehensive Plan Amendment to Horizon 2020, including the K-10 & Farmer’s Turnpike Plan, to change the designated land use from Residential/Office to Low-Density Residential, Residential/Office, and Office/Research uses for the properties as mapped along E. 902 Road, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission and Douglas County Board of County Commissioners with a recommendation of approval.
Findings for recommendation of approval, contingent upon the following conditions:

1. The expansion of the K-10 & Farmer’s Turnpike Plan planning area is consistent with previous planning documents, and the proposed residential land use expansion is consistent with the policies of both Horizon 2020 and K-10 & Farmer’s Turnpike Plan;

2. Maintaining the Residential/Office land use of the property located west of E. 902 Road and north of the Westar Substation is recommended to match the adopted community vision for this portion of the K-10 & Farmer’s Turnpike Plan, and provide a transitional use to the Office/Research land uses;

In the event that the Commission desires to accommodate the proposed project, staff has provided draft language in order to make the necessary changes to Horizon 2020 and K-10 & Farmer’s Turnpike Plan.
K-10 & Farmer’s Turnpike Plan

Lawrence-Douglas County Planning Office
Lawrence-Douglas County Planning Commission 11/17/08
Lawrence City Commission 12/9/08
Douglas County Board of County Commissioners 1/7/09
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Section 1: Introduction

1.1 Purpose

The purpose of the K-10 & Farmer’s Turnpike Plan is to outline specific land use goals, policies and recommendations for the planning area shown on Map 1-1, while being consistent with the overall adopted comprehensive plan for the community. Portions of the planning area are adjacent to the city of Lawrence and because of its proximity to the city and interstate highways, it is likely to be an area of intense development pressure. The plan outlines future land uses for the planning area to be used as a guide for urban development only after annexation into the city of Lawrence occurs. This plan does not annex property nor does it rezone property upon adoption. These types of requests are typically requested by the property owners and/or developers that have stake in such property and wish to develop within the city of Lawrence.

The plan should fit like a puzzle piece into the larger context of the surrounding street, utility, and land use network of the entire community. Logical connections between the planning area and adjacent neighborhoods are a key factor in the development of the plan. The recommendations contained within this plan are intended to guide the area’s growth patterns as the development of the K-10 Highway and Farmer’s Turnpike area occurs within the city of Lawrence. The plan identifies appropriate land uses along an arterial road corridor and a highway interchange that aid in meeting a recognized need for industrial/employment center opportunities that will support the general health and prosperity of the region.

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

The K-10 and Farmer’s Turnpike Plan planning area is located northwest of the city of Lawrence (see Map 1-1) and southeast of the city of Lecompton, in northern Douglas County, Kansas. The planning area contains approximately 4,075 acres and encompasses portions of Sections 17 and 18 of the Lecompton Township, portions of Sections 14, 15, 16, 21, 22, and 23 of the Wakarusa Township, and portions of Sections 19, 20, and 30 of the Kanwaka Township.

The planning area boundaries are: E 800 Road on the west, approximately ¾ of a mile north of the Farmer’s Turnpike (N 1800 Road/County Hwy 438) on the north, approximately ¼ of a mile east of E 1200 Road from the north boundary to Grand Vista Drive extended on the east and E 902 Road from approximately N 1750 Road to approximately ½ of a mile north of W. 6th Street (Hwy 40), and approximately N 1750 Road from E 902 Road to approximately ¼ of a mile east of E 1200 Road and approximately ½ of a mile north of W. 6th Street (Hwy 40) from E 800 Road to E 900 Road on the south. See Map 1-1. Approximately half of the planning area is located outside the Lawrence Urban Growth Area (UGA), as currently identified in Horizon 2020. Those portions of the planning area that are located within the UGA are located in service area 4 which is the outer most service area in Horizon 2020.

The dominant character of the planning area is rural in nature although a variety of uses surround the planning area. I-70 and a toll plaza are major elements within the area. North of the planning area is predominantly rural in nature with some rural residential uses and agriculture crop uses. East of the planning area is primarily industrial along with the Westar power plant. Urban density residential uses are south of the planning area, but mainly to the east. Rural uses are also south of the planning area, but the area is urbanizing from the south towards the planning area. West of the planning area is rural in nature. While the areas described are outside of the planning area boundaries, they can influence the land use development patterns within the K-10 Highway and Farmer’s Turnpike area.

The planning area contains a wide range of ownership parcel sizes with the largest being approximately 186 acres to approximately 1,378 square feet. The planning area boundaries and parcel composition are illustrated in Map 1-2.
1.3 Background

The Kansas Turnpike travels through the planning area as it travels through Lawrence and Douglas County. The Kansas Turnpike is 50 years old and extends 236 miles from Kansas City, Kansas to the Oklahoma border south of Wichita. 32,755,932 vehicles traveled the Turnpike in 2006.\(^1\) The Lecompton, Lawrence: K-10 interchange (Exit 197) opened in November of 1996 and is the western Kansas Turnpike interchange in Douglas County that serves the planning area. It connects the Kansas Turnpike to K-10 Highway which was also completed in November of 1996. K-10 Highway, also known as the South Lawrence Trafficway (SLT), takes traffic from the Kansas Turnpike and from US Hwy 40, south to US Hwy 59, south of Lawrence.

The city of Lecompton is a destination located approximately 3 miles northwest of the planning area. Lecompton has a long history beginning in 1854 when it was founded and originally called "Bald Eagle". Lecompton became the capital of the Kansas Territory in 1855. Its early history as the territorial capital revolved around gaining Kansas’ entrance into the Union as a pro-slave state. That effort failed as the free-state supporters ultimately prevailed and lead to the political birth of the Civil War. The free-state leaders moved the capital to Topeka when Kansas became a state in 1861. Much of that early history is on display in Lecompton\(^2\). Farmer's Turnpike (N 1800 Road) and the Lecompton interchange play an important role in directing tourists to Lecompton. The Farmer's Turnpike was the original highway between Lecompton and Lawrence before I-70 (Kansas Turnpike) was completed in 1956.

The Kansas Territory was opened to settlement in May of 1854. Soon after the territory was opened, abolitionists from New England rushed to the area in an effort to keep the territory from becoming pro-slavery. Lawrence is said to be one of the few cities founded purely for political reasons. The founding group named the town after the financier of the expedition, Amos Lawrence. Lawrence also acted as an important stop on the Underground Railroad, helping escaped slaves reach freedom safely. On August 21, 1863, William Quantrill assembled a group of men in Missouri and rode into Lawrence. The raiders entered the city "to burn every house and kill every man." Additionally, Lawrence is located between the two trails, the Oregon and the Santa Fe Trails. After the Civil War ended in 1865, railroads rapidly pushed across the Great Plains and wagon trails became obsolete\(^3\).

Most recently the city of Lawrence has been growing and developing to the south and west of the central city. Development proposals to the north and west of the city of Lawrence, within the Urban Growth Area (UGA), have become more frequent in recent years. The completion of Free State High School in 1997 also spurred development on the west side of Lawrence. Horizon 2020 includes policies that encourage development to city standards within the UGA.

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\(^1\) Kansas Turnpike Authority, [http://ksturnpike.com/history.shtml](http://ksturnpike.com/history.shtml)


\(^3\) Lawrence Convention and Visitors Bureau, [http://www.visitlawrence.com/](http://www.visitlawrence.com/)
1.4 Industrial and Employment Related Development

There is a recognized need to foster job creation and industrial space in the community, with a particular deficiency of large tract industrial space (approximately 100 acres and greater). Horizon 2020, the city and county’s comprehensive long-range plan, identifies many goals, policies and strategies as to how to grow and develop the city of Lawrence and Douglas County as a whole. Chapter 7 – Industrial and Employment-Related Land Use of Horizon 2020 lists a strategy of “increasing the community’s involvement in economic development in order to secure a job growth goal of 20,000 total new jobs in Douglas County by the year 2020”. The K-10 & Farmer’s Turnpike area can assist in reaching this goal by supporting areas for potential industrial and office/research development. The area lends itself as an ideal location for industrial and employment center development because of the access to both a federal interstate and a state highway. Additionally, there is an opportunity to develop large parcels on land that contains minimal slopes. The intent is not to locate all of those potential jobs within the planning area but to spread them out across the city and county in existing and new industrial areas to address the different needs of the potential employers.

Historically, industry has developed in clusters throughout the city. Some examples of existing industrial areas are the Santa Fe Industrial area, the Burroughs Creek Corridor, the Union Pacific Railroad Corridor and the East Hills Business Park. The East Hills Business Park specifically was developed in the 1980’s by a partnership between the city of Lawrence, Douglas County and the Chamber of Commerce as a way to fulfill the need for industrial space. Presently, East Hills is almost fully built out, with only a few small lots available for development along with one large tract consisting of approximately 87 acres on the east side of the park.

ECO\(^2\) is an advisory board to the Lawrence City Commission and Board of County Commissioners of Douglas County created in order to develop a long-term plan for the identification, evaluation and selection of land for both industrial/business parks and open space preservation. They presented their report in 2007 which outlines a long-term plan of public/private partnership that satisfies their goals of the advancement of industrial/business park and open space preservation. The ECO\(^2\) report, in conjunction with Horizon 2020 provides a methodology to weigh specific criteria to identify and recommend a number of new business and industrial development locations in the city of Lawrence and unincorporated Douglas County. Some of the criteria used to identify and recommend locations for industrial development include being generally located in close proximity to major transportation networks, contains land that has minimal average slope, be in an area that lies outside of the regulatory floodplain, and have the potential for large tract development.
1.5 Policy Framework

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

- **City of Lawrence, Kansas Water Master Plan**, Black & Veatch. December 2003.
- **City of Lawrence, Kansas Wastewater Master Plan**, Black & Veatch. December 2003.
Section 2 - Existing Conditions

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

2.1 Land Uses

2.1.1 Existing Land Uses

There are currently a variety of land uses within the planning area. The planning area has approximately 3,661 acres of land dedicated to uses other than public rights-of-way. The source information for the existing land use summary and map are based on the County Appraisers’ land use code and updated by planning staff. Agricultural uses, in the form of row crops, pasturelands, and farms are the prominent land uses and encompass approximately 2,569 acres of land. As the area urbanizes, these agricultural uses will be reused for more urban uses and this category is not carried forward to the future land use map. Remaining open spaces in an urbanized environment are referred to as park or open space.

The second largest land use category is single-family residential use with approximately 593 acres. The single-family residential use category is property with one dwelling unit located on it. The Land Development Code defines a dwelling unit as, “one room, or a suite of two or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and having only one kitchen or kitchenette”. The single-family residential use is seen within the planning area in both the rural and urban form. There are three rural subdivisions and two urban subdivisions platted within the planning area. The urban subdivisions are a mix of single-family and duplex residential uses.

The remaining land is designated a variety of uses ranging from open space to public/institutional uses. The category identified as residential-other is mainly used to identify a situation near Lakeview Lake where the property is owned by a homeowners association but the individual homes are privately owned. The existing land uses are shown on Map 2-1 and the planning area breakdown is described in Table 2-1.

<table>
<thead>
<tr>
<th>Land use</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural</td>
<td>2,568,692.706.60</td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td>593,575.93.87</td>
</tr>
<tr>
<td>Vacant Residential</td>
<td>203.83</td>
</tr>
<tr>
<td>Duplex</td>
<td>6.00</td>
</tr>
<tr>
<td>Residential - Other</td>
<td>69.58</td>
</tr>
<tr>
<td>Commercial</td>
<td>9.980</td>
</tr>
<tr>
<td>Warehouse/Distribution</td>
<td>33.998</td>
</tr>
<tr>
<td>Public/Institutional</td>
<td>4.972</td>
</tr>
<tr>
<td>Parks/Rec/Open Space</td>
<td>22.69</td>
</tr>
<tr>
<td>Transport/Communication/Utility</td>
<td>95.72</td>
</tr>
<tr>
<td>TOTAL</td>
<td>3,608,943.747.24</td>
</tr>
</tbody>
</table>
2.1.1 Historic Resources

Currently, there are no sites or structures listed on the National, State or Local Register of Historic Places within the planning area. However some resources have been identified as having the potential to qualify for listing. At the time that these sites or structures are listed, those resources should be protected and preserved in accordance with local, state and national preservation law.

The planning area is located within the Freedom Frontier National Heritage Area. This is an area encompassing 41 counties in Kansas and Missouri. A National Heritage Area, as defined by the National Parks Service, U.S. Department of Interiors, is “a place designated by the United States Congress where natural, cultural, historic and recreational resources combine to form a cohesive, nationally-distinctive landscape arising from patterns of human activity shaped by geography. These areas tell nationally important stories about our nation and are representative of the national experience through both the physical features that remain and the traditions that have evolved within them.” Currently the Freedom Frontier National Heritage Area is in the process of completing a management plan to set out goals, objectives, suggest alternative approaches for development, management, preservation, conservation, interpretation, and/or marketing for the area.

The Lawrence-Douglas County region has been the epicenter of conflicts that still define American values, and its struggles to achieve them. The issues of slavery’s abolition, the forced immigration of Native American nations and the inspiring resilience of those nations in the face of oppression, the voluntary immigration of settlers along the Santa Fe and Oregon Trails, and the final resolution of racial segregation in our public schools a century later – all these belong to the story of the Freedom’s Frontier National Heritage Area. This story continues to evolve, to define and influence who we are today, in the region and as a nation.4

4 Freedom’s Frontier National Heritage Area, http://www.freedomsfrontier.org
2.2 Zoning Patterns

The planning area encompasses approximately 4,975-146 acres of land including public rights-of-ways and most of which is located within the unincorporated area of Douglas County. The majority of the planning area that is located within unincorporated Douglas County is zoned A (Agriculture District). This is mainly used for row crops, pasture land and farm purposes. There are four areas zoned A-1 (Suburban Homes District) which are mainly large lot residential subdivisions. The remainder of the planning area within unincorporated Douglas County is zoned R-1 (Single-Family Residential), I-3 (Heavy Industrial) and VC (Valley Channel) Districts. See Map 2-2.

The planning area also includes three areas that are within the city of Lawrence. One area is developed with single-dwelling and multi-dwelling zoning districts. A second area is zoned GPI (General Public and Institutional) and OS (Open Space). These areas include park space and a sanitary sewer pump station. The third area within the city limits is located in the northwest portion of the planning area and is zoned for industrial uses. This area is not yet developed.

<table>
<thead>
<tr>
<th>County Zoning</th>
<th>District Name</th>
<th>Comprehensive Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Agricultural</td>
<td>Agriculture</td>
</tr>
<tr>
<td>A-1</td>
<td>Suburban Homes</td>
<td>Very Low-Density Residential</td>
</tr>
<tr>
<td>R-1</td>
<td>Single-Family Residential</td>
<td>Low-Density Residential</td>
</tr>
<tr>
<td>I-3</td>
<td>Heavy Industrial</td>
<td>Industrial</td>
</tr>
<tr>
<td>VC</td>
<td>Valley Channel</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City Zoning</th>
<th>District Name</th>
<th>Comprehensive Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS10</td>
<td>Single-Dwelling Residential (10,000 sq. feet per dwelling unit)</td>
<td>Low-Density Residential</td>
</tr>
<tr>
<td>RS7</td>
<td>Single-Dwelling Residential (7,000 sq. feet per dwelling unit)</td>
<td>Low-Density Residential</td>
</tr>
<tr>
<td>RM12D</td>
<td>Multi-Dwelling Residential Duplex (12 dwelling units per acre)</td>
<td>Medium-Density Residential</td>
</tr>
<tr>
<td>IG</td>
<td>General Industrial</td>
<td>Warehouse and Distribution or Industrial</td>
</tr>
<tr>
<td>GPI</td>
<td>General Public and Institutional</td>
<td>N/A</td>
</tr>
<tr>
<td>OS</td>
<td>Open Space</td>
<td>N/A</td>
</tr>
</tbody>
</table>
2.3 Infrastructure

2.3.1 Water and Wastewater Infrastructure
A summary of the existing water utilities is shown on Map 2-3 and wastewater utilities (sanitary sewer) is shown on Map 2-4. Municipal water and wastewater is provided to those properties that are within the current city limits. Properties that are within the planning area, but outside the city limits, are served by Douglas County Rural Water District #1, #6 or private wells, and private septic systems.

The city of Lawrence sanitary sewer infrastructure does not extend outside the current city limits. Pump Station 48 (PS 48) was recently completed to provide for growth in the northwest area of Lawrence and is located just south of E 1100 Road and I-70. The Department of Utilities is currently underway with a project to extend a gravity interceptor line west from PS 48 to the area within the city limits, north of W. 6th Street, between Queens Road and K-10 Highway. Based on the adopted sanitary sewer master plan, this interceptor line is being designed to allow for future service to the I-70 corridor within the current urban growth area (UGA) as identified in Horizon 2020. The currently adopted 2003 Water and Wastewater Master Plans do not address areas outside of the UGA. As such, the majority of the area north of N 1800 Road within the planning area has not yet been evaluated for water and sanitary sewer service as a part of utilities master plan. An update to the sanitary sewer master plan is in the preliminary stages at this time. The plan update will address the areas within the planning area that have not previously been evaluated.

The majority of the planning area, which is located outside of the Lawrence city limits, is currently served by Douglas County Rural Water District's #1 and #6. The city of Lawrence water distribution mains currently extend to the intersection of E 1200 Road (Kasold Drive) and N 1800 Road (Lakeview Road); Wakarusa Drive and E 1000 Road (Queens Road) and US Hwy 40 (W. 6th Street) and K-10 Highway.

2.3.2 Stormwater Infrastructure
A summary of the existing stormwater utilities, channels, and natural streams are shown on Map 2-4. There is a small amount of stormwater collected by an enclosed stormwater pipe system within portions of the planning area that are within the city limits. The majority of the stormwater is handled by open channels and streams. The stormwater drains to the north, by way of the tributaries, to Lake View Lake and the Kansas River.

2.3.3 Gas Infrastructure
The planning area includes two natural gas lines. One is owned by Southern Star Gas and it crosses the southwestern portion of the planning area. The second is owned by Williams Natural Gas and it crosses the planning area on the southwest portion and crosses again on the eastern portion of the planning area. See Map 2-5.

2.3.4 Electric Infrastructure
There are currently two electric companies that service the planning area. Generally, Kaw Valley Electric services the western side of the planning area and Westar services the eastern side. Large electric transmission lines also travel through the planning area. See Map 2-5.
2.3.3 Transportation

2.3.3.1 Streets
Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-6. The classification system can be described as a hierarchy from the lowest order, (local streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.

T2030 does not identify collector streets for the entire planning area. T2030 is updated at least every 5 years. This area should be fully studied during the next update to address the future street network.

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

T2030 identifies Farmer’s Turnpike (N 1800 Road/County Hwy 438) and E 1000 Road (Queen’s Road) as minor gateways into Lawrence based on the corporate boundaries shown in Figure 2.4 of T2030. The interchange of K-10 Highway and I-70 will be a gateway into Lawrence when and as development occurs within the city, and provides the greatest opportunity to develop with quality site planning, building materials, signs and other elements that create a sense of place. Also, K-10 Highway and I-70 are identified as truck routes into and out of Lawrence.

Additionally the I-70/K-10 Highway interchange is a gateway into Lecompton. The “Lecompton Interchange”, as it is referred to by the Kansas Turnpike Authority, is the only gateway into the city of Lecompton from I-70.
2.3.3.3 Transit

Lawrence has a public transportation system (The T) which operates throughout the city. This system allows people to travel to other areas of the city without relying on a personal automobile. There are currently no transit routes that travel into the planning area.

2.3.3.4 Bicycle Facilities

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

Currently, there is only one existing bicycle facility within the planning area. There is an existing multi-use path along the east side of K-10 Highway to E 1130 Road. There is a future bike lane identified to connect E 1100 Road (Folks Road) to Monterey Way by way of Hunters Hill Drive. Existing bike routes are identified along N 1800 Road (Farmer’s Turnpike/County Hwy 438 and Lakeview Road) through the planning area and from N 1800 Road (Farmer’s Turnpike and Lakeview Road) along E 1200 Road (Kasold Drive) to I-70. Future multi-use paths are identified along E 1130 Road, E 1000 Road (Queens Road) and Kasold Drive from I-70 to the south, out of the planning area. These facilities are shown on Map 2-7.
2.4 Environmental Conditions

The planning area is made up of several drainage basins. The drainage basins drain into the Kansas River or Lake View Lake. There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. These are areas around Baldwin Creek, Deerfield Creek, Lake View Lake and the Kansas River. See Map 2-8. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway. This helps to protect drainage ways that lead to Lake View Lake and the Kansas River and wetland areas such as Lake View Lake.

Three significant water features either run through or are in portions of the planning area. Lakeview Lake, a privately owned lake located in the northeast portion of the planning area, is an old oxbow of the Kansas River and one of Kansas’s only naturally created lakes. This lake is shallow and contains areas of wetlands. Baldwin Creek and Deerfield Creek are both creeks that drain into the Kansas River and help take stormwater out of the planning area.

The majority of the undeveloped land within the planning area is either forest land or non-native grass land which is mainly used for cattle grazing. The planning area also contains areas of prairie, cultivated land and areas of land that are a part of the Conservation Reserve Program. See Map 2-9 for a summary and locations.

There is a wide range of topography within the planning area. The high points are along the western side of the planning area north of I-70 and in the southwestern portion around K-10 Highway. The low points are along the eastern side of the planning area where Baldwin Creek cuts through the planning area. The northeast corner of the planning area, which is also encumbered by floodplain, is relatively flat. The area in the middle contains the most abrupt grade change which continues with rolling hills to the west. A lack of steep slopes is considered to be a beneficial factor for urban and industrial/employment center development. See Map 2-10 and Map 2-11. Detailed topographic surveys will be required as individual properties are developed.
2.5 Community Facilities

Community facilities are services provided either by government or non-government agencies for the benefit of, and use of, the community. Most of the community facilities including urban public services, schools, fire/medical, law enforcement, developed parks, etc., are located to the east and south of the planning area within the city of Lawrence. See Map 2-12.

The planning area is located within the Lawrence Public School District (USD 497) and the Perry-Lecompton School District (USD 343). The Lawrence School District covers the southwest portion and the northeast portion of the planning area. The students currently within the Lawrence School District attend either Langston Hughes Elementary or Deerfield Elementary for elementary school; West Junior High or Central Junior High for junior high; and Free State High for high school. The students currently within the Perry-Lecompton school district attend Lecompton Elementary School, Perry-Lecompton Middle School and Perry-Lecompton High School.

Currently, there are three public or institutional land uses within the planning area. These uses include Stonegate Park, Lecompton Township fire department and Morning Star Christian Church. It is anticipated that additional park areas will be developed within the planning area, as the area urbanizes. There is currently land adjacent to the planning area to the south, along N 1750 Road which is owned by the city. This land is undeveloped and identified as a future park. This park would serve the planning area once developed.

The planning area will be served partially by Lawrence-Douglas County Fire & Medical Station Number 3, an existing facility located on W. 6th Street between Kasold and Monterey Way and partially by township fire departments. The Lecompton Township Fire Department has a station on N 1800 Road, northwest of the I-70/K-10 Highway interchange. A future Fire & Medical station location west of the intersection of K-10 Highway and W. 6th Street is identified for 2009-2010 in the city of Lawrence 2008-2013 Capital Improvement Plan. A more in depth study will need to be conducted to ultimately locate the facility and to address emergency response time issues as the city grows and develops to the west.

Law enforcement would be shared between the City of Lawrence Police Department and the Douglas County Sheriff's Department, depending on whether the property is within the city or in the county. Both are located in the Law Enforcement Center in downtown Lawrence.
Section 3 - Recommendations

The K-10 & Farmer’s Turnpike planning area is anticipated to develop with a wide range of uses and intensities that extend from very low-density residential to industrial uses. The more intensive industrial and commercial use areas are recommended where they are in close proximity to K-10 Highway, I-70 and Farmer’s Turnpike, and arterial and collector streets. Residential uses are generally located in the southern and northern portions of the planning area.

3.1 Goals and Policies

Goals are broad statements of ideal future conditions that are desired by the community. Policies are guiding principles that provide direction for decisions to be made regarding the planning area in order to meet the goals. These policies are in addition to the policies in Horizon 2020 and are only applicable to the property within the K-10 & Farmer’s Turnpike Plan planning area.

3.1.1 Goals

Goal 1: Create quality development that will further support the city’s efforts to promote additional employment opportunities for economic development and tax base expansion and diversification.

Goal 2: Maintain the rural character in existing areas until the time that municipal services allow urban densities to develop.

Goal 3: Create quality, mixed-use areas that encourage pedestrian friendly, work-live neighborhoods where appropriate.

Goal 4: Develop to urban densities over time while taking care to respect and protect the natural systems currently in place.

Goal 5: Provide ongoing infrastructure and public facilities improvements as the area develops.

Goal 6: Create viable and unique urban residential neighborhoods; develop sound commercial nodes, develop strong park/trail systems that are sustainable and remain viable over the long-term.
3.1.2 Policies

The following policy statements are for the development of the K-10 & Farmer’s Turnpike area. “Shall” statements identify the items that are expected to be incorporated into development within the planning area. “Should” and “encouraged” statements identify the items that are strongly recommended to be incorporated into development within the planning area. “Shall” statements are stronger than “should” and “encouraged” statements.

3.1.2.1 General
1. Encourage maximum efficiency, low wattage, downward directional exterior lighting. The point source shall be screened from view off-site. Encourage limiting exterior lighting at night.
2. Quality, aesthetically pleasing building materials and quality architectural elements should be used.
3. Pedestrian friendly connectivity between land uses and properties should be incorporated.
4. Sensitive lands, as designated by the Land Development Code shall be preserved and protected per those standards identified in the code.
5. Landscaping that includes native and drought resistant materials is strongly encouraged to create a rural feel and to conserve water.

3.1.2.2 Residential Land Uses
1. Residential uses shall maintain a “back-to-back” relationship to more intense uses. Buffering shall include use of green space as a primary transition tool.
2. Residential streets shall be extended to undeveloped property and shall use a grid or modified grid pattern.
3. The medium-density residential use is not intended to provide for large-scale apartment type development but instead take the form of small lot, detached, attached, cluster type housing, or small scale multi-dwelling structures, such as two-story, 4-6-plexes containing residential architectural elements.
4. Transitioning should be accomplished by buffer yards, landscaping, setbacks and progression of use intensities.
5. Cluster development is strongly encouraged where environmentally sensitive areas are present.
6. Residential developments are encouraged to create a sense of rural living while achieving the designated density identified on the future land use map.

3.1.2.3 Residential/Office Land Use
1. Development shall include a residential use.
2. The residential/office use is not intended to provide for large-scale apartment type development.
3. Traditional Neighborhood Development (TND)/mixed use is encouraged.

3.1.2.4 Commercial Land Use
1. The neighborhood commercial centers shall be designed in accordance with policies and standards of Horizon 2020.
2. Commercial development shall be designed to facilitate pedestrian and non-motorized access from abutting areas.
3. The auto-related commercial center is intended to serve the immediate employment center area and passenger vehicles from I-70. It is not intended to
serve a significant amount of large truck traffic from the interstate as there are larger service facilities that exist along I-70.

4. The auto-related commercial center should include amenities that support tourism. Elements such as way finding signs, informational signs noting the history of the area, and a tourist information booth are strongly encouraged to be incorporated as amenities.

5. Transitioning should be accomplished by buffer yards, landscaping, setbacks and progression of use intensities.

6. Commercial development is intended to be nodal type development at the identified intersections. Areas identified for office/research uses along the N 1800 Road (Farmer’s Turnpike) corridor are intended to support employment center type uses and discourage strip-type commercial development.

7. Native and drought resistant landscaping materials are strongly encouraged be utilized to filter drainage and stormwater runoff from large areas of pavement, conserve water, and to create a rural feeling.

3.1.2.5 Industrial/Office/Research Land Uses

1. Structures should be aesthetically pleasing from all sides and should incorporate quality building materials and quality architectural elements.

2. Transitions between uses should be accomplished by buffer yards, landscaping, setbacks, scale and massing, and transition of uses to include low-intensity industrial uses along the perimeter of the areas identified as industrial or office/research.

3. Sites should incorporate a variety of landscaping treatments to alleviate the potential for monotonous perimeter buffering.

4. Structures along N 1800 Road (Farmer’s Turnpike) should present a front face to N 1800 Road (Farmer’s Turnpike) to add to the high quality aesthetics encouraged in the gateway.

4.5. Structures with visible façades from K-10/South Lawrence Trafficway shall have high quality architecture to enhance and support in the gateway entries of this plan, as well as adjacent sector and area plans.

5. Access to major roads from the industrial or office/research development lots shall be limited. However, industrial users on large lots that are significant generators of traffic may directly access arterial roads if the size of the site is such that it allows internal circulation without the necessity of constructing local roads to direct that circulation to the arterial road. Such access shall be based on sound traffic engineering principles and shall be properly controlled with appropriate signalization and turn lanes. Smaller lots shall take access from local roads. Additional local roads that serve the site should be arranged to minimize development lot access to the future major roads.

6. Commercial uses shall not be permitted along the frontage of N 1800 Road (Farmer’s Turnpike) except where commercial centers are identified in this plan. Areas identified for office/research uses along this corridor are intended to support employment center type uses and discourage strip-type commercial development.

8. Native and drought resistant landscaping materials are strongly encouraged be utilized to filter drainage and stormwater runoff from large areas of pavement, conserve water, and to create a rural feeling.

7. Exterior storage, fleet storage, and other similar exposed storage shall not be permitted.

3.1.2.6 Public Facility/Open Space/ Floodplain Land Uses
1. Smaller parks should be located throughout the planning area as outlined in Chapter 9 of Horizon 2020.
2. Open space areas should be provided and/or acquired along major thoroughfares and along drainage ways for development of pedestrian and bicycle trails.
3. Regional detention should be utilized when possible within each corresponding watershed.
4. Streams should follow their natural paths and should not be rerouted or straightened.
5. Environmentally sensitive lands should be protected and maintained as natural areas per the Land Development Code standards.
6. Restrict uses within the regulatory floodplain that are dangerous to health, safety or property in times of flooding or that cause undue increases in flood heights or velocities.
7. Additional property should be obtained wherever possible for parks purposes when acquiring property or easements for utility use.

3.1.2.7 Gateways

1. The intersection of I-70/K-10 Highway/N 1800 Road (Farmer’s Turnpike) shall be identified as a gateway to the city of Lawrence as the area urbanizes.

2. The intersection of K-10 Highway/6th Street/US-40 shall be identified as a gateway to the city of Lawrence as the area urbanizes.

3. Development shall enhance the gateway at the intersection of I-70/K-10 Highway/N 1800 Road (Farmer’s Turnpike) by creating an aesthetically pleasing corridor.

4. Gateway treatments shall be a priority in development and redevelopment of the area around the intersection of I-70/K-10 Highway/N 1800 Road (Farmer’s Turnpike) and shall reflect the goals and policies stated in Horizon 2020.

5. Aesthetically pleasing landscaped entryways should be required. Both public and private property owners are responsible for achieving and maintaining this aesthetically pleasing landscaping.

6. Gateway development should include amenities that support tourism. Elements such as way finding signs, informational signs noting the history of the area, and a tourist information booth are strongly encouraged to be incorporated as amenities.

3.1.2.8 Transportation Facilities and Corridors

1. Sufficient area, outside of the required street rights-of-way, should be required to provide and shall be restricted in use to provide for: utility, berming, and landscaping needs.

2. No additional access to K-10, except as identified in Transportation 2030, shall be permitted.

3. Street networks should be interconnected through and beyond the planning area wherever possible.

4. Truck routes shall not be designated through areas identified for residential land uses and should be limited to N 1800 Road (Farmer’s Turnpike), K-10 Highway and I-70 or as otherwise designated by the city.

5. Adequate rights-of-way shall be obtained at the time of platting to ensure for sufficient space for roads, utility and landscaping easement needs.

6. Topography should be taken into account when comparing different alignments for future roads.
7. Master planning areas identified as industrial and office/research is encouraged to provide an adequate street network that limits the number of access points to N 1800 Road (Farmer's Turnpike).

3.1.2.9 Utilities
1. The area north of N 1800 Road (Farmer's Turnpike) has not been evaluated in the currently adopted 2003 Water and Wastewater Master Plans. This area should be evaluated on a watershed basis with the upcoming plan update and an overall service plan developed with project costs for water and sanitary service prior to development requiring urban services.
2. Extension of water and sewer infrastructure should be coordinated with ultimate street right-of-way acquisition and construction to avoid reconstructing water and sewer lines as streets are improved to city standards.
3. Extension of water and sewer services to the area should follow adopted city policies for such.
4. Additional property should be obtained wherever possible for parks purposes when acquiring property or easements for utility use.

3.1.2.10 Traditional Neighborhood Design (TND)
1. Development under the Lawrence SmartCode is encouraged throughout the planning area wherever industrial or office/research is not designated. TND development can be used upon annexation and through the process outlined in the Lawrence SmartCode.
2. Development under the Lawrence SmartCode, Landowners/developers shall develop their own plans that conform to the Lawrence SmartCode in order to develop TND neighborhoods.
3. Development shall be developed as either a Cluster Land Development (CLD) or a Traditional Neighborhood Development (TND) community type as outlined in the Lawrence SmartCode in a Greenfield development situation. A minimum of 40 acres is required to develop a CLD neighborhood and a minimum of 60 acres is required to develop a new TND neighborhood.
4. A range of transects shall be incorporated into a CLD or TND community type.

3.1.2.11 Environmentally Sensitive Lands
1. Environmentally sensitive lands shall be protected as outline in the Land Development Code.
2. Street rights-of-way, public utility corridors and building sites should be located so as to minimize their impact on environmentally sensitive areas.
3. Where possible, environmentally sensitive areas to be protected should be located within designated public or private open space, either through dedication, a conservation easement, or control by a homeowner's association.
4. If a review indicates that it is not possible or reasonable to protect sensitive features, mitigation should be incorporated.
3.2 Land Use

This section outlines the recommended land uses for the planning area. The future land use maps (Map 3-1) and land use descriptions are explained on the subsequent pages. The map is an illustration to help visually identify the recommended land uses in the K-10 & Farmer’s Turnpike planning area. The land use descriptions are more detailed information regarding the different land use categories. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the Land Development Code for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area. The map is not intended to provide a scaleable map for determining specific land use/zoning boundaries within this area.

3.2.1 Land Use Descriptions

3.2.1.1 Very Low-Density Residential
The intent of the very low-density residential use is to allow for large lot, single-dwelling type uses.
Density: 1 or fewer dwelling units per acre
Intensity: Very low
Applicable Area:
- Ranch Estates Subdivision, west of the intersection of N 1663 Road and E 900 Road.
- Oak Ridge Estates, area bounded to the north by I-70, to the south by N 1750 Road, to the west by E 950 Road extended and to the east by E 1000 Road.
Zoning Districts: RS40 (Single-Dwelling Residential), PD (Planned Development Overlay)
Primary Uses: Detached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, group home, public and civic uses

3.2.1.2 Low-Density Residential
The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses.
Density: 6 or fewer dwelling units per acre
Intensity: Low
Applicable Areas:
- Area bounded by the planning area boundary on the north and west, N 1850 Road and N 1850 Road extended on the south and the FEMA designated floodplain on the east.
- Area generally southeast of the intersection of N 1850 Road and E 800 Road.
- Area bounded by N 1750 Road on the north, the southern boundary of the planning area on the south, E 800 Road on the west and K-10 Highway on the east; excluding Ranch Estates Subdivision.
- Area bounded by N 1850 Road extended on the north, N 1800 Road (Farmer’s Turnpike) on the south, E 1000 Road extended on the west and the FEMA designated floodplain to the east; excluding the area bound approximately ¼ mile north of N 1800 Road (Farmer’s Turnpike) on the north, N 1800 Road (Farmer’s Turnpike) on the south, E 1000 Road on the west and approximately ½ mile east of E 1000 Road on the east.
• Area bound by I-70 on the north, N 1750 Road on the south, E 1000 Road on the west and the FEMA designated floodplain west of E 1100 Road on the east.
• Area north of the intersection of N 1800 Road (Farmer’s Turnpike) and E 1150 Road, and bound to the north by the FEMA designated floodplain.
• Area bound by I-70 to the north, N 1750 Road extended on the south, E 1100 Road on the west and the west side of Stonegate III Addition on the east.
• Area generally south of I-70 and east of Kasold Drive.
• Area generally east of E. 902 Road, extending to George Williams Way, and south to the approximate extension of N 1700 Road.

Zoning Districts: RS10 (Single-Dwelling Residential), RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), PD (Planned Development Overlay)

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

3.2.1.3 Medium-Density Residential
The intent of the medium-density residential use is to allow for a variety of types of residential options for the area.
Density: 7-15 dwelling units per acre
Intensity: Medium

Applicable Areas:
• Area bound by I-70 on the north, N 1750 Road on the south, E 800 Road on the west and K-10 Highway on the east.
• Area bound by I-70 on the north, N 1750 Road on the south, K-10 Highway on the west, and George Williams Way extended on the east.
• Area bound by N 1850 Road extended on the north, approximately 1/4 mile north of N 1800 Road (Farmer’s Turnpike) on the south, E 900 Road on the west and E 1000 Road extended on the east.
• Area bound by N 1800 Road (Farmer’s Turnpike) on the north, I-70 on the south, E 1043 Road on the west and the FEMA designated floodplain on the east.
• Area bound by I-70 on the north, Grand Vista Drive on the south, just west of Gunnison Way on the west and Kasold Drive on the east.

Zoning Districts: RS5 (Single-Dwelling Residential), RS3 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), RM15 (Multi-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, attached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, duplex, multi-dwelling structures, boarding houses, group home, civic and public uses

3.2.1.4 High-Density Residential
The intent of the high-density residential use is to allow for compact residential development.
Density: 16+ dwelling units per acre
Intensity: High

Applicable Areas:
• Area bound by N 1800 Road (Farmer’s Turnpike) on the north, I-70 on the south, and the FEMA designated floodplain on both the west and east.
Zoning Districts: RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), RM15 (Multi-Dwelling Residential), RM24 (Multi-Dwelling Residential), RM32 (Multi-Dwelling Residential), PD (Planned Development Overlay)
Primary Uses: Attached dwellings, zero lot line dwellings, duplex, boarding houses, multi-dwelling structures, group home, civic and public uses

3.2.1.5 Residential/Office
The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with varying degrees of residential. This may be achieved by the use of work/live units.
Density: 6-22 dwelling units per acre
Intensity: Medium-high
Applicable Areas:
  • Area bound by N 1750 Road mapped floodway on the north, K-10 highway on the west, and E 902 Road on the east, and approximately the future crossing near N. 1700 Rd. to the south.
  • Area bound by N 1800 Road (Farmer’s Turnpike) on the north, I-70 on the south, E 1000 Road on the west and E 1043 Road on the east.
  • Area bound approximately ¼ mile north of N 1800 Road (Farmer’s Turnpike) on the north, N 1800 Road (Farmer’s Turnpike) on the south, E 1000 Road on the west and approximately ½ mile east of E 1000 Road on the east.
Zoning Districts: RSO (Single-Dwelling Residential-Office), RMO (Multi-Dwelling Residential-Office), MU (Mixed Use), PD (Planned Development Overlay)
Primary Uses: Detached dwellings, work/live units, non-ground floor dwellings, attached dwellings, multi-dwelling structures, civic and public uses, veterinary office, administrative and professional offices, financial, insurance and real estate services, personal improvement, health care office, health care clinic, health care center

3.2.1.6 Commercial
The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. An auto-related commercial center provides goods and services aimed toward those traveling by an auto. This commercial center is intended to serve the surrounding employment center area in addition to tourists traveling along I-70 and/or visiting Lecompton and Lawrence tourist attractions. Horizon 2020, Chapter 6 – Commercial Land Use offers more specific language regarding each commercial center.
Intensity: Medium-High
Applicable Areas:
  • Area bound by N 1800 Road (Farmer’s Turnpike) on the north, I-70 on the south, E 800 Road on the west and E 900 Road on the east. (Auto-Related Commercial Center)
  • Area bound by N 1800 Road (Farmer’s Turnpike) on the north, FEMA designated floodplain on the south and west and E 1200 Road on the east. (Neighborhood Commercial Center)
  • One of the northern corners of the intersection of N 1800 Road (Farmer’s Turnpike) and E 1000 Road. (Neighborhood Commercial Center)
• One corner of the intersection of N 1700 Road extended and E 800 Road. (Neighborhood Commercial Center)

Zoning Districts: MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CC200 (Community Commercial District) (auto-related commercial center only), PD (Planned Development Overlay)

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

3.2.1.7 Office/Research

The office/research use is characterized by businesses involved in technology, research and scientific-related activities and/or office, office research activities that are designed in a campus like setting. Light manufacturing and production uses are also acceptable within this use category. Areas identified for office/research uses along N 1800 Road (Farmer’s Turnpike) are intended to support employment center type uses and not strip-type commercial development.

Intensity: Medium

Applicable Area:

• Area bound by approximately 1/4 mile north of N 1800 Road (Farmer’s Turnpike) on the north, N 1800 Road (Farmer’s Turnpike) on the south, E 900 Road on the west and E 1000 Road extended on the east.

• Area bound by the FEMA designated floodplain on the north, west and east and N 1800 Road (Farmer’s Turnpike) on the south.

• Area bounded by K-10 to the west, E. 902 Rd. to the East, approximately the future crossing near N. 1700 Rd. to the south.

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

Primary Uses: Professional offices, research services, manufacturing and production limited and technology, light wholesale, storage and distribution

3.2.1.8 Industrial

The intent of the industrial use is to allow for moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation.

Intensity: Medium-High

Applicable Area:

• Area generally bound by N 1850 Road on the north, N 1800 Road (Farmer’s Turnpike) on the south, E 800 Road on the west and E 950 Road on the east; excluding an area generally southeast of the intersection of N 1850 Road and E 800 Road.

• Area bound by N 1800 Road (Farmer’s Turnpike) on the north, I-70 on the south, E 900 Road extended on the west and E 1000 Road on the east.

• Area bordered by N 1800 Road (Farmer’s Turnpike) on the north, I-70 on the south, E 1200 Road on the west and the eastern boundary of the planning area on the east.

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

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

3.2.1.9 Public/Institutional
  The intent of the public/institutional use is to allow for public, civic, and utility uses.
  Intensity: Variable
  Applicable Area:
  - Area bound by the FEMA designated floodplain on the north and west, N 1750 Road extended on the south and E 1100 Road on the east.
  Zoning Districts: GPI (General Public and Institutional)
  Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services

3.2.1.10 Open Space/Floodplain
  The intent of the open space/floodplain use is to provide space for public recreational facilities and natural area preservation.
  Intensity: Low
  Applicable Areas:
  - Regulatory floodplain and floodway.
  - Tributaries along the northern area of the planning area.
  Zoning Districts: GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve),
  Primary Uses: Crop agricultural, cultural center, schools, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation
Please note: This map is intended to be used in conjunction with the plan text. The map is not scaleable.
3.3 Implementation

1. Amend Horizon 2020 Chapter 6 - Commercial Land Use to add a Neighborhood Commercial Center at the southwest corner of the intersection of N 1800 Road (Farmer’s Turnpike) and E 1200 Road.

2. Amend Horizon 2020 Chapter 6 - Commercial Land Use relocate the Neighborhood Commercial Center at the intersection of N 1750 Road and E 1000 Road to the northern portion of the intersection of N 1800 Road (Farmer’s Turnpike) and E 1000 Road.

3. Update Horizon 2020, Chapter 7 - Industrial Land Use to reflect industrial land use locations as identified in this plan.

4. Reevaluate and update the Urban Growth Area (UGA) in Horizon 2020.

5. Adopt industrial design guidelines for industrially zoned areas to provide high quality, aesthetically pleasing industrial development.

6. Include the planning area in the future wastewater and water master plan updates.

7. Amend plan identified future streets into the future thoroughfares map in Transportation 2030.

8. Include the planning area in future long-range transportation plan updates.
Industrial and Employment-Related Land Use
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CHAPTER SEVEN
INDUSTRIAL AND EMPLOYMENT-RELATED LAND USE

Over time, the City of Lawrence and portions of unincorporated Douglas County have experienced business and industrial development and growth. In recent years, this growth and development has taken the form of new industrial and business development, as well as expansion of existing industries and businesses. As Douglas County continues to grow, and with more residents expected to commute outside of the community for employment, there is a recognized need that more industrial and business development is necessary to provide local job opportunities. Of particular interest to the community is the attraction of industries and employment-related uses that are based in biosciences, agriculture and natural resources, technology, and telecommunications.

Both Douglas County and the City of Lawrence consider a healthy natural environment, a diversified economy, and a fiscally stable government as being interdependent and further recognize that new industrial and employment-related land uses contribute to the local tax base and the creation of a full-service community where residents can live and work. Douglas County and the City of Lawrence are in the unique position of being able to fulfill this vision by tying into the needs and services related to the various University of Kansas research programs and technological developments. It is also recognized that growth in the greater Kansas City and Topeka metropolitan areas indicate the potential for substantial new future job opportunities and industrial development within Douglas County.

The ECO² Commission presented their report to both the City and County Commissions in 2007 that develops a long term plan of a public/private partnership for the advancement of industrial/business parks and open space preservation in Douglas County. This Comprehensive Plan, in conjunction with the ECO² report, provides a methodology to weigh specific criteria to identify and recommend a number of new business and industrial development locations in the City of Lawrence and unincorporated Douglas County.

While industrial land uses and employment-related land uses share some similar characteristics, such as the need for large areas of land and the ability to provide employment opportunities, they also each have distinct characteristics, such as locational requirements within the community in terms of compatibility with other land uses, as well as co-locational criteria with the specific types of services/industries provided. For this reason, this chapter has been divided into two sections. The first section deals with industrial land uses and the second section deals with employment-related land uses.

STRATEGIES: INDUSTRIAL AND EMPLOYMENT-RELATED LAND USE

The principal strategies for the identification, development, and maintenance of industrial and employment-related areas are:

- Increase the number and diversity of jobs available to the citizens of Douglas County to stabilize the future employment base and generate additional wealth in the community.
• Identify an adequate amount of available land in a number of locations in Douglas County to meet diverse industrial and business related development needs.

• Increase community involvement in economic development activities, by partnering with the local business community and area educational institutions to bring new technology and investment to the region for the purpose of meeting the economic development job growth goal of securing twenty thousand new jobs in Douglas County by 2020.

• Protect, enhance, and retain existing industrial-related land use areas serving the community.

• Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future.

• Encourage site availability, site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development.

• Encourage bicycle, pedestrian and public transit access from neighborhoods to industrial and business employment centers.

• Minimize impacts to the natural environment in the identification of new industrial and business development areas or in the redevelopment of existing areas. Whenever possible, industrial and business development should encourage the retention of open space to serve a variety of purposes, including stormwater management, preservation of wildlife habitat and ecological functions, recreational opportunities, and reduction of visual impacts on surrounding areas.

• As new areas evolve, encourage development proposals to employ sound site planning and design principles. Interfacings with surrounding properties and neighborhoods are also encouraged to minimize negative impacts and employ appropriate and compatible industrial and business activities.

1. INDUSTRIAL LAND USE

INDUSTRIAL LAND USE CATEGORIES

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

- **Warehouse and Distribution** - an area generally characterized by businesses involved in the warehousing and distribution of wholesale goods and supplies.
Industrial - an area generally characterized by business activities that include manufacturing, assembly, processing, and similar operations.

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

Industrial/Business/Research Park - an area generally characterized by a predominance of office, office research, warehouse and distribution, and/or industrial business activities that typically encompass a large area of land and are designed in a “campus” setting.

LAWRENCE - EXISTING INDUSTRIAL AREAS

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

Santa Fe Industrial Area

The Santa Fe Industrial Area, located north of the Kansas Turnpike/I-70 and south of the Kansas River in north central Lawrence, has developed as a large warehouse and distribution location. This Comprehensive Plan recommends an expanded role for this area in the future. The K-10 & Farmer’s Turnpike Plan identifies 130 acres of industrial and office/research uses along the western side of this area. It is also recommended that as additional industrial-related uses develop, impacts on nearby residential development along Riverridge Road will need to be minimized. Additionally, street improvements may be needed and land use transition areas are recommended to protect residential uses in the area.

East Hills Business Park

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

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

- **Union Pacific Railroad Corridor**

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

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

**LAWRENCE - NEW INDUSTRIAL AREAS**

This chapter sets out goals and policies to guide present and future industrial and employment development within Douglas County. A key part of the chapter is deciding where Industrial and Employment related development should be located. To assist in the identification of general locations throughout the City of Lawrence, its Urban Growth Area, and unincorporated Douglas County appropriate for industrial and employment park development, there are some basic locational criteria characteristics that should be considered. The following criteria strike a balance between industrial user needs and community interests, as well as being aligned with criteria developed through the ECO2 process.

**LOCATIONAL CRITERIA FOR INDUSTRIAL DEVELOPMENTS**

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

- have feasible access to Federal and State transportation networks;
- be of adequate parcel size, generally over forty acres;
After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should **substantially** meet the following **specific** criteria on a site plan or development plan level:

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

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

**INDIVIDUAL SITE ANALYSIS:**

- **Farmland Industries**
  
  **Transportation:** State Highway and Rail access  
  **Parcel Size:** 275+ acres  
  **Floodplain:** None  
  **Slope:** Mostly minimal (0-3%) with some 3-7% and higher  

Generally this area is located north of K-10, west of East Hills Business Park, south of N 1500 Road, and west of E 1575 Road. While the entire site contains roughly 400+ acres, the proposed Farmland Industries Redevelopment Plan, currently working through the approval process, identifies approximately 275 acres of land for industrial uses. The site has access to K-10 Highway, as well as possible future connections to East Hills Business Park. In addition the site has direct access to rail lines that exist on the north end of the property. The site lies outside of the 100-year floodplain and is generally covered by minimal (0-3%) slopes, with a few areas having 3-7% and higher slopes. Portions of the site pose some challenges related to environmental clean-up from the prior use that needs to be addressed before re-development, but would be a good site for Warehouse and Distribution, Office Research and Industrial uses, especially when combined in a collaborative park setting.

- **Southeast Area**
**Transportation:** State Highway access  
**Parcel Size:** 200+ acres (with an additional 30 identified for Warehouse)  
**Floodplain:** None  
**Slope:** Minimal (0-3%)

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

- **Airport**  
  **Transportation:** Federal Interstate, State Highway, Air access  
  **Parcel Size:** 230+ acres  
  **Floodplain:** Approximately 10% of those 230 acres  
  **Slope:** Minimal; 0-3%

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

The area around the Lawrence Municipal Airport best suited for industrial development generally lies southwest of the airport and North of I-70 and encompasses roughly 230 acres. This site has access to I-70, Highways 24 and 40, and the Lawrence Municipal Airport. The majority of the site lies outside of the regulatory floodplain; however, this site has unique challenges related to stormwater management that would need to be addressed during the development process. Slopes in this area are minimal (0-3%).

- **I-70 and K-10**
Transportation: Federal Interstate and State Highway access
Parcel Size: 540-565 acres, with possibility of more
Floodplain: None
Slope: Mainly 0-3%

The I-70 and K-10 area lies generally north of N 1800 Road (Farmer’s Turnpike) near the intersection of Kansas Highway 10 and I-70. The proposed area contains roughly 540-565 acres of industrial and office/research uses as identified in the K-10 & Farmer’s Turnpike Plan. The area contains land of minimal slope (0-3%) and also lies outside of the 100-year floodplain. This area substantially meets the general locational criteria and will be an important future economic development area for the Lawrence community because of its prime location near the I-70 interchange, which also acts as the primary access point for the City of Lecompton. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that the land is annexed and urban services are able to be provided. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would best be suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

- **K-10 and Highway 40**

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

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

- **Eudora North & Eudora South**

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

- **Baldwin City**

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

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

- **Midland Junction**

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

- **Highway 56 and K-33**

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

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

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

2. **EMPLOYMENT-RELATED LAND USE**

EMPLOYMENT-RELATED LAND USE CATEGORIES

Employment-related and business park development in Douglas County has taken on many shapes and forms in the past. This Comprehensive Plan recognizes this variety in development and establishes the following categories of employment-related land use:
- **Office** - an area generally characterized by a predominance of professional offices and service uses that are typically located in commercial areas.

- **Office Research** - an area generally characterized by businesses involved in technology, research, and scientific-related activities, although it may also include traditional light industrial uses, such as manufacturing or assembly.

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

- **Industrial/Business/Research Park** - an area generally characterized by a predominance of office, office research, warehouse and distribution, and/or industrial business activities that typically encompass a large area of land and are designed in a “campus” setting.

### Lawrence - Existing Employment-Related Areas

The City of Lawrence has several business areas providing employment opportunities to the community. Three of the larger areas include: 1) the University of Kansas; 2) downtown Lawrence; and 3) Oread West Research Park. A description and plan recommendations for these areas are discussed below. In addition to these primary employment-related areas, the City of Lawrence also has a number of smaller business locations throughout the city. While not specifically addressed in this section, these smaller business centers play an important role in the overall employment and business development composition of the community as a whole. Refer to Map 7-1, Map of Existing Industrial and Employment-Related Land Uses.

- **The University of Kansas**

  The University of Kansas, with its main campus on the east side and its west campus on the west side of US-59/Iowa Street, serves as a major employment center for the City of Lawrence and Douglas County. As the university continues to grow and expand its research and technological abilities, opportunities for new and expanded related industrial and business development are a possibility and highly encouraged.

- **Downtown Lawrence**

  Downtown Lawrence encompasses a significant number of non-retail employees and geographically represents a major employment area for the community as well. A substantial number of office and service employees are located in this area. The development of new major office employment centers within the community needs to be evaluated to determine the potential effect on downtown Lawrence. A critical assessment should be made to determine that such proposed development will not have a significant negative impact on the Downtown.
• **Oread West Research Park**

The Oread West Research Park, located at the intersection of Wakarusa Drive and Bob Billings Parkway (formerly West 15th Street) in West Lawrence, is one of the City’s newest employment areas offering a high-quality development setting. Although this area has experienced continued development, vacant land still exists and this Comprehensive Plan recommends continued emphasis on office and research use for this area. The location has strong potential for new technology-related industries and should be the focus of an "industrial cluster" as described in the Economic Development element. This park has ties to the University of Kansas and a continued partnership in technological and research-based industrial and business opportunities is encouraged.

**LAWRENCE - NEW EMPLOYMENT-RELATED AREAS**

This Comprehensive Plan recognizes the need for smaller scale business development opportunities. The following discussion relates to the office and office/research uses of the employment-related land use classifications mentioned earlier.

• **Office**

New office uses will generally be restricted to existing areas of the city, or new areas that are appropriately identified on future land use maps. Future office uses should only locate in new industrial areas in partnership with office research areas, so that office uses independent of industrial uses do not take up valuable industrial land.

It is desirable that a mix of uses be established for these areas in a planned and unified manner. Like other locations visible from major street corridors, development of these areas should express a high quality living and working environment. Consideration of good site planning and design principles that minimize unnecessary impacts to surrounding neighborhoods and promote compatible land use activities and appropriate neighborhood connections and interfacing are encouraged for any development proposed for this area.

• **Office Research**

Office research uses have been recommended as an appropriate land use activity at gateways into the community. Developments occurring at gateways to the community are required to be of high-quality design and visual character utilizing best management practices for site planning and design. Such developments are intended to promote an integrated and contextual design approach that minimizes unnecessary impacts, such as noise, odor, glare, or other similar intrusions to the community and surrounding neighborhoods.

For information related to Work-Live Campus-type Centers and Industrial/Business/Research Park refer to the text in Section 1 - Industrial Land Use for recommendations relating to this type of land use.
INDUSTRIAL AND EMPLOYMENT-RELATED LAND USE GOALS AND POLICIES

Guidelines and incentives are needed to allow for the retention and expansion of development in established industrial and employment-related areas of the City of Lawrence and unincorporated Douglas County.

GOAL 1: Development in Established Industrial and Employment-Related Areas

Encourage the retention, redevelopment and expansion of established industrial and employment-related areas.

Policy 1.1: Retain Established Development and Encourage New Development in Existing Industrial and Employment-Related Areas

a. Work with the Lawrence Chamber of Commerce to actively market undeveloped sites in a manner which will stabilize long-term development patterns.

b. Encourage parcel consolidation to provide infill sites for redevelopment and expansion opportunities.

c. Provide incentives for expansion of existing facilities and redevelopment of vacant facilities and/or land.

Policy 1.2: Ensure Compatibility of Development

a. Establish design guidelines and standards for redevelopment of existing sites and facilities to ensure high quality development.

b. Encourage best management practices for site planning and design that include, but are not limited to, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacing with adjacent neighborhoods and development, and appropriate accommodation of the design to the site’s natural features.

c. Encourage building design techniques that include, but are not limited to, the consideration of facade and exterior wall articulation, materials and colors, rooflines, entryways, signage, and energy and resource conservation.

Policy 1.3: Concentrate Industrial and Employment-Related Development

a. Maintain an appropriate supply of industrially zoned land so that site choices are available and infrastructure expansion can occur in an efficient and orderly manner.

b. Services to existing industrial and employment-related areas should be improved and upgraded as required to support redevelopment opportunities. Overall
stormwater management, vehicular and pedestrian access, water and wastewater abilities, and site maintenance should be undertaken where necessary. Encourage partnerships for redevelopment and improvements.

**Policy 1.4: Provide Opportunities for Limited Industrial and Employment-Related Development in the Unincorporated Areas of Douglas County**

Encourage redevelopment and limited expansion of existing industrial and employment-related areas where specific criteria (p. 7-5) can be met.
Guidelines are needed to provide direction on how much, where and at what scale industrial and employment-related development is appropriate for the market it is intended to serve.

GOAL 2: Criteria for Location of New Industrial and Employment-Related Development

Provide industrial and employment-related areas to meet the economic needs of the community.

Policy 2.1: Utilize Locational Criteria for All Industrial and Employment-Related Development

1. A given site, whether located within City limits, in the UGA, or in unincorporated areas of Douglas County, should substantially meet the following general locational criteria:
   a. have feasible access to Federal and State transportation networks;
   b. be of adequate parcel size, generally over forty acres;
   c. lie primarily outside of the regulatory floodplain;
   d. have minimal average slopes.

2. After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should substantially meet the following specific criteria on a site plan or development plan level:
   a. preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
   b. encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
   c. have available and adequate utilities, infrastructure and services for the proposed use;
   d. be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;
   e. be annexed before development if adjacent to municipal boundaries;
   f. utilize the following general locational criteria in reviewing industrial and employment-related development request.

Policy 2.2: Review Public Incentive Requests for Compliance with City Adopted Policies

Review public incentive requests to ensure compliance with city adopted policies.

Policy 2.3: Adhere to Designated Land Uses

a. Locate the development of planned industrial, office research and warehouse distribution facilities in accordance with the general locational criteria listed on p. 7-5. Additionally, sites that meet those criteria are identified on Map 7-2. Require annexation of sites that are adjacent to the City of Lawrence limits.
b. Designate new industrial, office research and warehouse distribution areas to support job creation. Ensure that new industrial, office research and warehouse distribution developments are concentrated in areas with similar compatible uses.

c. Large-scale industrial and employment-related development should be located in planned parks to help ensure coordination of circulation systems, lot configuration, site layout [building, parking and access facilities], and environmental amenities.

Policy 2.4: Maintain an Inventory of Industrial and Employment-Related Land Uses and Develop a Method to Monitor Related Growth

a. Maintain a methodology for site selection that takes into consideration industrial user’s needs and the best interests of the community.

b. Identify and plan for an appropriate supply of industrially zoned land.

c. Develop a technique to monitor the aggregate size of industrial and employment-related developments within the community.

Policy 2.5: Ensure Compatibility of Development

a. Establish design guidelines and standards for new industrial and employment-related development.

b. Encourage best management practices for site planning and design that include, but are not limited to, the consideration of natural site features, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacings with adjacent neighborhoods and development.

c. Encourage building design techniques that include, but are not limited to, the consideration of facade and exterior wall articulation, materials and colors, rooflines, entryways, signage, and energy and resource conservation.

d. Major entrances into industrial and business parks should be identified by attractive "gateway" features. Gateways should include special signage, landscaping and accent lighting, and/or a common sculptural feature and should be located outside the public street rights-of-way.

e. Access to individual building sites within industrial and business parks should be from an internal circulation system. Site access from peripheral arterial and collector streets should be limited to major entrances serving the overall development area. However, industrial users on large lots that are significant generators of traffic may directly access arterial roads if the size of the site is such that it allows internal circulation without the necessity of constructing local roads to direct that circulation to the arterial road. Such access shall be based on sound traffic engineering principles and shall be properly controlled with appropriate signalization and turn lanes. Industrial and employment-related
Guidelines are needed to allow for compatible transition from industrial and employment-related development to other less intensive land uses. This framework is needed both in existing areas and new development areas.

GOAL 3: **Compatible Transition from Industrial and Employment-Related Development to Less Intensive Uses**

Ensure a compatible transition between industrial and employment-related developments and less intensive land uses.

**Policy 3.1: Use Appropriate Transitional Methods**

a. Encourage industrial, office research and warehouse distribution facilities to have a positive impact on neighboring land uses through the use of natural area separations, broad landscaped yards or other means of buffering.

b. New industrial, office research and warehouse distribution facilities should be designed and developed so that offices, showrooms, and similar uses occupy high-visibility locations around park peripheries.

c. Less compatible development should be located to the interior of industrial and employment-related development sites or adjacent to arterial streets rather than adjacent or in close proximity to residential neighborhoods or incompatible commercial uses. A use may be considered less compatible because of height, massing, parking, and light, noise, traffic generation or hours of operation.

d. Compatible transition and appropriate interfacings from industrial and employment-related development to less intensive land uses should consider:

1. **Site Orientation**

   a. Site design should be oriented toward major streets.

   b. Site access should be from collector or access/frontage streets to arterials. However, industrial users on large lots that are significant generators of traffic may directly access arterial roads if the size of the site is such that it allows internal circulation without the necessity of constructing local roads to direct that circulation to the arterial road. Such access shall be based on sound traffic engineering principles and shall be properly controlled with appropriate signalization and turn lanes.

   c. Streets which are designed with elements to provide visual or physical buffering may be used as boundaries between industrial
and employment-related development and commercial or higher-density residential land uses.

d. Encourage the consolidation of access and driveways serving two or more uses within the industrial/business park development.

2. Building Relationships

a. A back-to-back relationship is preferable between industrial-related and residential uses, and may require substantial screening to provide compatibility. A front-to-front relationship is encouraged for all non-residential uses.

b. Industrial and employment-related buildings and parking areas should have greater setbacks than the required setbacks of abutting residential uses.

c. The height and massing of industrial and employment-related buildings and accessory structures should be oriented away from residential neighborhoods to avoid creating a negative visual effect. Industrial building height and massing should be complementary and reflect the residential architecture and neighborhood character when adjacent to such development.

3. Land Features

a. Retain mature trees, natural vegetation, natural and environmentally sensitive areas to naturally separate industrial and employment-related developments from residential land uses.

b. Use existing topography to naturally separate industrial and employment-related developments and other less intensive land uses.

4. Screening and Landscaping

a. Encourage the creative and extensive use of landscaping and berming techniques for effective buffering between differing intensities of land uses.

b. Fences shall not be used as a sole method of providing screening and buffering. Where fencing is proposed, additional landscaping may be required to soften the monotonous effect of a fenceline.

c. Encourage the use of existing vegetation, such as stands of mature trees, and other natural site features into the landscape design as natural buffers or focal points.
d. Use high quality materials in the construction of screening and landscaping to decrease long-term maintenance costs. Quality of site landscaping shall mirror the quality of the overall development.

e. Unsightly views and light trespass should be screened from neighboring properties and the public right-of-way. Building materials or structures incompatible with the image of a high-quality development, such as chain-link fences, outdoor storage facilities, etc., should not be the means of screening areas visible from public streets or adjacent parcels.

5. Lighting

Any lighting used to illuminate parking areas, signs or structures shall be placed to deflect light away from any adjoining property or from public streets through fixture type, height and location.

Policy 3.2: Consideration of Transitional Uses

a. Consider low-intensity commercial or office development as a transition between industrial and employment-related development and low-density residential neighborhoods. The low-intensity commercial or office development should include:

1. Design elements such as: height, massing, and scale compatible with the surrounding low-density residential uses;

2. Site design compatible with surrounding residential neighborhoods with consideration given to extensive screening, building and parking orientation, and preservation of natural site amenities; and

3. Site access provided from arterial, collector or access/frontage streets and traffic directed away from surrounding residential areas.

b. Encourage the integration of higher-density residential development through compatible design with industrial and employment-related developments and the surrounding low-density residential neighborhoods. Compatible design includes proper building transition and buffers.

c. Utilize medium- or high-intensity recreational facilities as a transitional use to lesser-intensity uses. Encourage the joint use of parking facilities to serve the recreational uses.

d. Incorporate open spaces and natural site features as a transitional use between industrial and employment-related development and low-density residential development.

Policy 3.3: Consider Image and Appearance in Site Layout
a. Establish design guidelines and standards for new industrial and employment-related development.

b. Encourage best management practices for site planning and design that include, but are not limited to, the consideration of natural site features, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacing with adjacent neighborhoods and development.

c. Encourage building design techniques that include, but are not limited to, the consideration of facade and exterior wall articulation, materials and colors, rooflines, entryways, signage, and energy and resource conservation.
Traffic impacts continue to be a major concern in industrial and employment-related developments, with much of the concern related to ensuring safe and efficient access and circulation within and around industrial and employment-related areas.

**GOAL 4: Transportation Considerations**

Promote a multi-modal transportation system which provides or improves access and circulation within and adjacent to industrial and employment-related areas.

**Policy 4.1: Level of Service**

Permit the expansion of existing or construction of new industrial and employment-related development in areas where the additional traffic generated by such development would result in an acceptable Level of Service.

**Policy 4.2: Evaluate Traffic Impacts**

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

**Policy 4.3: Vehicular Circulation and Access**

a. Require, wherever possible, vehicular circulation within compatible developments that allows internal access to adjacent industrial and employment-related buildings and developments.

b. Prohibit direct vehicular access from industrial and employment-related developments to local residential streets. Industrial and employment-related traffic through residential areas is strongly discouraged.

c. Limit the principal access for industrial and employment-related centers to arterial, collector or access/frontage roads. Industrial users on large lots that are significant generators of traffic may directly access arterial roads if the size of the site is such that it allows internal circulation without the necessity of constructing local roads to direct that circulation to the arterial road. Such access shall be based on sound traffic engineering principles and shall be properly controlled with appropriate signalization and turn lanes.

d. Adequate ingress and egress from industrial and employment-related centers should strive to provide a minimum of two access points.
e. Encourage shared access between adjacent industrial and employment-related developments. Plan for coordinated traffic circulation within and adjacent to proposed development areas.

Policy 4.4: Pedestrian Access and Circulation

a. Provide sidewalks on both sides of all streets (public and private).

b. Provide safe, convenient pedestrian access from parking areas and avoid pedestrian and vehicular conflicts within these industrial and employment-related developments.

c. Include bicycle access, or the potential for such access, within industrial and employment-related developments, between major employment areas within the community, and with the community’s overall bicycle network.

d. Strongly consider public transit facilities and pedestrian-related facilities as a requirement of industrial and business park development.

e. Encourage public transit.

Policy 4.5: Parking and Loading

a. Develop parking areas in convenient locations to support industrial and employment-related traffic.

b. Identify potential parking areas which will serve mass transit and carpooling.

c. Ensure adequate loading space, within a building or a side or rear yard, in such a way that all storage, standing and maneuvering of trucks will take place solely on private property and be screened or buffered from adjacent lower-intensity uses.
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Map 7 - 1, Existing Industrial & Employment-Related Land Use
March 2008

Legend
- Existing Industrial Sites
  - City of Lawrence
- Urban Growth Area

- Santa Fe Industrial Area
- Union Pacific Railroad Corridor
- Downtown Lawrence
- University of Kansas
- West Oread Research Park
- Burroughs Creek Corridor
- East Hills Business Park
- Southeast Industrial Area
Map 7 - 2, Potential Locations for Future Industrial and Employment Related Land Use

March 2008

Legend
- Future Industrial Sites
- City of Lawrence
- Urban Growth Area
CHAPTER FOURTEEN - SPECIFIC PLANS

Purpose
Long-range planning in an area specific manner is an important aspect of the overall community planning process. Specific plans provide the focused guidance necessary for proper decision making regarding an area’s future. Chapter 14 references adopted specific plans and provides guidance, through the Hierarchy of Plans, for completing the proper type of plan for an area.

The plans referenced below have been adopted through a Comprehensive Plan process, as described on pages 17-8 and 17-9. As such, these plans are considered Comprehensive Plan policy and are an element of Horizon 2020. The plans are separate documents from Horizon 2020 and can be accessed online at http://www.lawrenceplanning.org or copies can be obtained by contacting the Lawrence-Douglas County Planning Department.

Plans prepared for specific areas, whether they are areas within the City of Lawrence or areas within unincorporated Douglas County contain detailed policy guidance for those areas. The plans, when adopted through a Comprehensive Plan process, and referenced in this chapter, become the official Comprehensive Plan policy for the respective areas. The policy contained in the plans take precedence over other policy found in Horizon 2020, unless specifically stated otherwise in the Plans.

Plan Review
Plans can eventually lose their relevance to a specific area. Additionally, some plans will require review to confirm if policies are being followed, goals are being met, and implementation is occurring.

Therefore, it is necessary to ensure plans are reviewed on a regular basis to update them or to rotate them out of the Comprehensive Plan if they have lost their relevance. Each plan listed below has a date which will trigger a review of that plan. Planning Staff will review the plan to determine if it meets one of the following criteria and needs the required action:

1. Plan remains relevant - no action necessary.
2. Plan has been superseded by another plan - remove from Chapter 14.
3. Plan is out of date and no longer relevant – remove from Chapter 14.
4. Plan requires updating – staff will update and forward recommendations for Commission consideration.

Staff will report on the review of a specific plan to the Planning Commission along with a recommendation for action, if necessary. If an update is required, staff will provide the Planning Commission a plan to complete the update. A Comprehensive Plan Amendment will be required to remove a specific plan from Chapter 14 or to update a specific plan.
Specific Plans

- **6th and Wakarusa Area Plan**
  
  **Location:** The intersection of 6th Street and Wakarusa Drive
  
  **Adoption Date:** December 2, 2003 by Lawrence City Commission
  
  **REVISED**
  
  July 10, 2012 by Lawrence City Commission
  
  **Review Date:** 2017

- **HOP District Plan**
  
  **Location:** Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.
  
  **Adoption Date:** May 10, 2005 by Lawrence City Commission
  
  **Review Date:** 2010

- **Burroughs Creek Corridor Plan**
  
  **Location:** Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.
  
  **Adoption Date:** February 14, 2006 by Lawrence City Commission
  
  **Review Date:** 2011

- **East Lawrence Neighborhood Revitalization Plan**
  
  **Location:** Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.
  
  **Adoption Date:** November 21, 2000 by Lawrence City Commission
  
  **Review Date:** 2010

- **Revised Southern Development Plan**
  
  **Location:** Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended( Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).
  
  **Adoption Date:** December 18, 2007 by Lawrence City Commission
  
  January 7, 2008 by Douglas County Board of Commissioners
  
  **REVISED**
  
  June 18, 2013 by Lawrence City Commission
  
  June 12, 2013 by Douglas County Board of Commissioners
  
  **Review Date:** 2017
• **Southeast Area Plan**
  
  **Location:** Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).
  
  **Adoption Date:**
  - January 8, 2008 by Lawrence City Commission
  - January 28, 2008 by the Douglas County Board of Commissioners
  - June 14, 2008 by Lawrence City Commission
  - July 24, 2008 by Douglas County Board of Commissioners
  - October 7, 2008 by Lawrence City Commission
  - November 10, 2008 by Douglas County Board of Commissioners
  - September 27, 2011 by Lawrence City Commission
  - November 11, 2011 by Douglas County Board of Commissioners
  
  **Review Date:** 2021

• **Farmland Industries Redevelopment Plan**
  
  **Location:** The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.
  
  **Adoption Date:**
  - March 11, 2008 by Lawrence City Commission
  - March 31, 2008 by Douglas County Board of Commissioners
  
  **Review Date:** 2013

• **K-10 & Farmer’s Turnpike Plan**
  
  **Location:** Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.
  
  **Adoption Date:**
  - December 9, 2008 by Lawrence City Commission
  - January 7, 2009 by Douglas County Board of Commissioners
  - September 27, 2011 by Lawrence City Commission
  - November 11, 2011 by Douglas County Board of Commissioners
  
  **Review Date:** 2019

• **Lawrence SmartCode Infill Plan**
  
  **Location:** General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.
  
  **Adoption Date:**
  - January 27, 2009 by Lawrence City Commission
  - February 23, 2009 by Douglas County Board of Commissioners
  
  **Review Date:** 2019
• **West of K-10 Plan**
  **Location:** Generally located north and south of Highway 40 and west of K-10 Highway. It does contain some land east of K-10 Highway.
  **Adoption Date:**
  - June 9, 2009 by Lawrence City Commission
  - May 6, 2009 by Douglas County Board of Commissioners
  **REVISED**
  - March 26, 2013 by Lawrence City Commission
  - April 10, 2013 by Douglas County Board of Commissioners
  **Review Date:** 2019

• **Oread Neighborhood Plan**
  **Location:** Generally located between W. 9th Street and W. 17th Street and between the KU campus and Massachusetts Street.
  **Adoption Date:** September 28, 2010 by Lawrence City Commission
  **Review Date:** 2020

• **Inverness Park District Plan**
  **Location:** Generally located south of Clinton Parkway between Inverness and Crossgate Drives, and north of K-10 Highway.
  **Adoption Date:**
  - September 20, 2011 by Lawrence City Commission
  - November 12, 2011 by Douglas County Board of Commissioners
  **REVISED**
  - May 15, 2012 by Lawrence City Commission
  - June 13, 2012 by Douglas County Board of Commissioners
  **Review Date:** 2021

• **Northeast Sector Plan**
  **Location:** Generally located north and east of Lawrence and north of the Kansas River to the Douglas County line.
  **Adoption Date:** September 11, 2012 by Lawrence City Commission
  - June 13, 2012 by Douglas County Board of Commissioners
  **Review Date:** 2022
Hierarchy of Plans
The following Hierarchy of Plans describes the types of plans that can be used for the long-range planning of the community. The Hierarchy also provides guidance as to when it is appropriate to use each type of plan and the typical process used to complete a type of plan. The Hierarchy of Plans was adopted by the Lawrence-Douglas County Planning Commission on June 26, 2006, by the Lawrence City Commission on August 15, 2006, and by the Board of County Commissioners on September 11, 2006. Figure 14-1 provides an abbreviated description of each type of plan.
Comprehensive Plan

A Comprehensive Plan expresses a community's desires about the future image of the community. It provides the foundation and framework for making physical development and policy decisions in the future. The Comprehensive Plan is a policy guide which describes in text and displays in graphics the community's vision for directing future land development. A Plan includes several components:

- It is a policy plan, stating the community's desires for directing land use decisions through the identified goals and policies.
- It provides a physical plan component by mapping generalized land uses and describing in policies the relationships between different land uses.
- It is long-range, considering a community's expected growth in the future. Future land use maps graphically display the potential development of the community.
- It is comprehensive, considering issues such as demographic, economic and transportation factors which have shaped and will continue to influence land development in a community.

How is the comprehensive plan used?

The Comprehensive Plan provides a vision for the community. It is used as a policy guide that identifies the community's goals for directing future land use decisions. The Plan is also used by property owners to identify where and how development should occur; by residents to understand what the city and county anticipates for future land uses within the community; and by the city, county and other public agencies to plan for future improvements to serve the growing population of the community.

Specifically, the city and county use the Comprehensive Plan to evaluate development proposals; to coordinate development at the fringes of the county's cities; to form the foundation for specific area plans; to project future service and facilities needs; and to meet the requirements for federal and state grant programs. The Comprehensive Plan is used most often as a tool to assist the community's decision makers in evaluating the appropriateness of land development proposals. The Comprehensive Plan allows the decision makers to look at the entire community and the effects of land use decisions on the community as a whole to determine whether individual proposals are consistent with the overall goals of the community.

Typical Process
The typical process of a comprehensive plan and the plan itself could include any of the following:

- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Watershed or Sub-basin Plan

A watershed or sub-basin plan is a document that studies stormwater runoff and the potential for flooding and environmental impact of a particular watershed or sub-basin, before and after potential development, which drains into a river or other body of water. This plan has boundaries defined by the natural watershed basin or sub-basin of the area. It uses multiple layers of information pertaining to the natural and built environment to develop a comprehensive picture of the carrying capacity of the land for urban densities of development.

This is the second largest and most challenging type of plan to develop. A watershed or sub-basin plan is similar to the development of a comprehensive land use plan in its level and intensity of work. This type of plan could take 24 to 36 months to complete.

When is a watershed or sub-basin plan appropriate?
This type of plan is commonly used to study greenfield, undeveloped, natural, or agriculturally used areas on the fringe of urban development. A watershed or sub-basin plan is used to determine the long-term future (potential) for urban densities of development and their impact on the natural environment.

Purpose or reasons to use a watershed or sub-basin plan are to:
1. Provide information regarding the impact of the natural environment on the potential for future development.
2. Determine any environmental constraints and hazards for future development.
3. Provide a shared vision for area’s residents/owners and local government entities.
4. Provide information regarding the area’s needs, priorities, and proposed projects.
5. Provide guidance on matters of land use, development, and site layout to possible area residents or investors.
6. Determine if development proposals and land use changes are in accordance with the community’s long term vision.
7. Provide implementation recommendations for coordination of development with adequate public facility’s goals.
8. Provide a framework to guide an area’s development efforts and track development trends and progress.
9. Provide maps showing existing information and proposed information.

Typical Process of a Watershed Plan
- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
**Sector Plan**

A sector plan covers one or more sections of land and uses geographic and demographic information to develop a detailed land use vision for future development or redevelopment of the study area. Boundaries are generally based on physical features such as arterial thoroughfares, rivers, or other natural geographic elements.

In the hierarchy of plans, a sector or area plan is the third tier. Based on the size of the area being studied, one or more sections of land, it could take between 18 and 24 months to develop.

**When is a sector plan appropriate?**
This type of plan is used to forecast development trends or future development patterns for building out or redeveloping an area. This planning tool is most useful when an area is largely undeveloped and/or on the edges of current development.

**Purpose or reasons to use a sector plan are to:**
1. Provide guidance on matters of land use, development and site layout to possible area residents or investors.
2. Provide implementation recommendations for coordination of development with adequate public facility’s goals.
3. Provide information regarding the area’s needs, priorities, and proposed projects.
4. Determine if development proposals and land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.
6. Provide a framework to guide an area’s development efforts and track development trends and progress.

**Typical Process**
The typical process of a sector plan and the plan itself could include any of the following:
- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Neighborhood Plan

A neighborhood plan is a document that studies the issues of a specific, established neighborhood association, or an area that could be covered by a neighborhood association. If a neighborhood association exists, the boundaries of the neighborhood plan shall conform to those of the neighborhood association. If no neighborhood association exists, the boundaries of the neighborhood plan shall be defined using other methods such as natural features and/or streets. Neighborhood plans use geographic and demographic information to develop a detailed land use vision for the future development or redevelopment of the neighborhood.

A neighborhood plan is the fourth tier in the hierarchy of plans. Depending on the amount of current development, a neighborhood plan could take from 9 to 12 months to develop.

When is a neighborhood plan appropriate?
A neighborhood plan is appropriate when there are traffic issues or significant development, redevelopment, or infill development in a neighborhood.

Purpose or reasons to use a neighborhood plan are to:
1. Provide guidance on matters of land use, development and site layout to possible area residents or investors.
2. Provide implementation recommendations for coordination of development with adequate public facility’s goals.
3. Provide information regarding the area’s needs, priorities, and proposed projects.
4. Determine if development proposals and land use changes are in accordance with the community's long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.
6. Provide a framework to guide an area’s development efforts and track development trends and progress.

Typical Process
The typical process of a neighborhood plan and the plan itself could include any of the following:
- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Nodal Plan

A nodal plan is a document based on a prescribed radius around the intersection of two or more major thoroughfares. This plan studies specifically defined criteria such as vehicular and pedestrian circulation and connectivity in association with the density and intensity of proposed land uses.

In the hierarchy of plans, a nodal plan is under the category of “special area” plans. This plan’s level of study and detail is restricted because the boundaries are restricted. The process could take 6 to 12 months.

When is a nodal plan appropriate?
Examples when this type of plan is useful are:
- The study of major road intersections where large-scale commercial developments are proposed.
- A siting study is requested for a public facility, branch libraries or community building, where the service area radiates outward from the site.

Purpose or reasons to use a nodal plan are to:
1. Provide guidance on matters of land use, development and site layout to possible area residents or investors.
2. Provide implementation recommendations for coordination of development with adequate public facility’s goals.
3. Provide information regarding the area’s needs, priorities, and proposed projects.
4. Determine if development proposals and land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.
6. Provide a framework to guide an area’s development efforts and track development trends and progress.

Typical Process
The typical process of a nodal plan and the plan itself could include any of the following:
- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Traffic counts
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Corridor Plan

A corridor plan is a document that studies a linear development, natural or man-made, and the adjacent area bounding this feature. A corridor plan is used to develop an integrated vision that coordinates multiple planning disciplines such as transportation, environmental, and/or land use.

The corridor plan is a type of a “specific issue” plan because it is predominately used to assess transportation and land use planning issues. The timeline of completion of this type of plan varies depending on the length of the corridor and the level of development that have already occurred along the corridor. This process could take 9 to 24 months.

When is a corridor plan appropriate?
Examples when this type of plan is useful are:
• Along major arterial streets
• When studying access management
• When studying riverine, riparian, and wildlife habitat areas
• Along abandoned railroad corridors for rails-to-trails applications

Purpose or reasons to use a corridor plan are to:
1. Provide guidance on matters of land use, development and site layout to possible area residents or investors.
2. Provide implementation recommendations for coordination of development with adequate public facility's goals.
3. Provide information regarding the area's needs, priorities, and proposed projects.
4. Determine if development proposals and land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.
6. Provide a framework to guide an area’s development efforts and track development trends and progress.

Typical Process
The typical process of a corridor plan and the plan itself could include any of the following:
• Identify the study area boundary
• Identify key stakeholders
• Public meetings
• Inventory survey and data analysis
• Goals, visions, policies, and objectives
• Plan drafts
• Adoption process
• Maps of existing and proposed land use
Specific Issue/ District Plan

A specific issue or district plan is a document that is developed to address a defined geographic area, development proposal, the coordination of the extension of public services, or infrastructures as part of a unilateral annexation, or land use issue that does not clearly fall in one of the other plan categories.

In the hierarchy of plans, a specific issue/district plan falls under “special area” plans. The level of detail in this plan is concentrated on a specific subject based on the study issues identified. This type of plan could take 6 to 12 months to develop.

**When is a specific issue or district plan appropriate?** Examples where these types of plan are useful are:

- When the study of a sub-area of a neighborhood is needed to evaluate a rise in housing types [rental housing vs. owner-occupied]
- When there is significant redevelopment in an established neighborhood
- When there is a request for a predominate change in land use
- When a major redevelopment plan is proposed
- When there is a conflict between land use and zoning
- Where there is concern that an area is underserved by parks or other public facilities

**Purpose or reasons to use a specific issue or district plan are to:**

1. Provide guidance on matters of land use, development and site layout to possible area residents or investors.
2. Provide implementation recommendations for coordination of development with adequate public facility's goals.
3. Provide information regarding the area's needs, priorities, and proposed projects.
4. Determine if development proposals and land use changes are in accordance with the community's long term vision.
5. Provide a shared vision for area's residents/owners and local government entities.
6. Provide a framework to guide an area's development efforts and track development trends and progress.

**Typical Process**
The typical process of a specific issue/district plan and the plan itself could include any of the following:

- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Hierarchy of Plans

**Comprehensive Plans**
- Community Wide Plan
  - Purpose: to establish the overriding goals and policies of the community’s envisioned future
  - Examples: Horizon 2020, Transportation 2025

**Watershed or Sub-basin Plans**
- Plans that encompass an entire watershed or sub-basin
  - Purpose: to study stormwater runoff and the potential for flooding and environmental impact of a particular watershed or sub-basin, before and after potential development, which drains into a river or other body of water
  - Example: North Lawrence Drainage Study

**Sector Plans**
- Plans that encompass one or more sections of land
  - Purpose: uses geographic and demographic information to develop a detailed land use vision for future development or redevelopment of the study area
  - Examples: Northwest Area Plan, Southern Development Plan

**Neighborhood Plans**
- Plans that encompass a specific established neighborhood association
  - Purpose: to provide history/background, a summary of current conditions, goals, objectives, action plan, and guidelines for use and development on the neighborhood’s specific issues
  - Examples: Comprehensive Downtown Plan, Great Neighborhood Plan

**Special Area Plans**
- Plans that do not fall into any of the above categories

**Nodal Plans**
- Plans that encompass prescribed radius around an intersection of two or more major thoroughfares
  - Purpose: to study current conditions, goals, objectives, action plan, guidelines for use and development surrounding an intersection
  - Examples: 6th/KC10 Intersection Nodal Plan

**Corridor Plans**
- Plans of a linear nature, often encompassing a segment of roadway or specific feature
  - Purpose: to study current conditions and provide goals, objectives, action plan, and guidelines for use and development
  - Examples: 23rd Street Corridor Plan, Burroughs Creek Corridor Plan

**Specific Issue/District Plan**
- Plans that deal with a specific issue
  - Purpose: to study current conditions and provide goals, objectives, action plan, and guidelines for use and development regarding a specific issue
  - Examples: 6th/Wakarusa Intersection Area, HOP District Plan, Historic District Plan
To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE. AGENDA ITEMS 2 AND 3A THROUGH 3E, K-10 & FARMERS’ TURNPIKE PLAN
CHANGES, AND ANNEXATIONS, AND REZONINGS

Dear Chairman Culver and Planning Commissioners

We ask that you deny all of the proposed changes in the Agenda Item No. 2, the revision of the K-10 & Farmers’ Turnpike Plan, and all of Agenda Items 3A through 3E, the annexation and rezonings. This includes not only the proposed changes to the Future Land Use Map, but also the proposed policy changes to the designated Residential/Office area that would change its boundaries, and most importantly that would add detached dwellings to the “Primary Uses” policies, pages 3-8, and all other changes currently proposed for this Area Plan. In conjunction, we ask that you not annex this land or rezone any of it at this time.

We believe that this is an extremely important issue. By allowing these changes to this Plan, and consequently this area, it would remove an important location that could provide needed employment-related uses to this most important new location, the connection of the South Lawrence Trafficway to the Turnpike. We ask that none of these changes be approved and that the Plan remain unrevised. We believe our reasons for this involve the future well-being of the City.

1. The policy change on pages 3-8, (3.2.1.5) under “Applicable Areas” that would allow the Residential/Office to change its boundaries, thereby allowing the intrusion of the IL District zoning, regardless of whether the mini-storage area is built, would decrease the needed area for the Residential/Office, reducing its likelihood of being used for that purpose, and at the same time not provide a sufficiently large Office/Research area to be a benefit.

2. A mini-storage use being built in that area would be highly visible from the K-10 connection and for that reason undesirable, as well.

3. a) The policy change on pages 3-8 (3.2.1.5) under “Primary Uses” would add “Detached dwellings” to the permitted uses. This would allow the change of the primary use of the Residential/Office designation from the intended employment-related uses to nothing but single-family residences. This change would become a major loss of future opportunity for the City.

b) Also, the change here would seem to dictate that this policy would become general and extend to the Residential/Office category everywhere, permitting single-family detached residences and thus removing the mixed-use, employment-related purpose of this category and eliminating predictability of this designation.
4. Annexing and rezoning the residential area north of the Rock Chalk Park, which is now part of the Northwest Plan, is not treating the area as was originally intended. The Northwest Plan recommended, because of the extreme terrain, that this area be low and very low density. The rezoning of this area to RS7 is too dense for the terrain. We suggest, first of all, that it not be annexed or included in the Farmers’ Turnpike Plan, and when it is rezoned to residential that it be rezoned to RS10 or RS20 and developed as a cluster development in order to avoid intrusion into the flood plain, vegetation, and rough terrain.

5. As a future consideration, we ask that you attempt to plan residential areas as neighborhoods incorporating smaller portions of them into larger planned areas that have in them, or planned for them, the essential amenities. These include schools, parks, neighborhood centers and transportation systems with complete streets that interconnect within the neighborhoods, allowing convenient pedestrian access.

We hope that you consider our suggestions useful. Thank you.

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
PLANNING COMMISSION REPORT
Regular Agenda - Non Public Hearing Item

ITEM NO. 3A: ANNEX 99.7 ACRES; S OF N 1750 RD & E 902 RD (MKM)

A-14-00161: Consider a request to annex approximately 99.7 acres located south of N 1750 Rd & E 902 Rd (extended). Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

STAFF RECOMMENDATION:
Staff recommends approval of the requested annexation of approximately 99.7 acres located south of the intersection of N 1750 Rd and E 902 Rd (extended) based on the findings in the body of the staff report and forwarding this request to the City Commission with a recommendation for approval subject to the following condition:

1. Approval of the Comprehensive Plan Amendment and rezoning applications.

Reason for Request: Applicant’s response: “Applicant wishes to develop the property.”

KEY POINTS
• The subject property is not located within Service Area 1 of the Urban Growth Area; therefore, annexation is not required prior to development. Annexation is encouraged when City services are available to serve the property. The property owner has voluntarily consented to annexation.
• The property being annexed consists of three parcels. Another annexation request (A-14-00163) for an adjacent fourth parcel, under different ownership, was submitted with this request and is being considered concurrently.
• The property is within the service area of Rural Water District No. 1 and is adjacent to the City limits, within Service Area 2 of the Urban Growth Area, an area that has been identified for future urbanization.
• The subject property is adjacent to the Lawrence city limits; therefore, it is not an island annexation.
• Annexation requests of more than 10 acres require a Planning Commission recommendation.
• This annexation request is accompanied by a Comprehensive Plan amendment and rezoning request which are scheduled for the June Planning Commission meeting.

COMPREHENSIVE PLAN FACTORS TO CONSIDER
• The annexation request is compliant with the Growth Management policies of the Comprehensive Plan.

ASSOCIATED CASES/ OTHER ACTION REQUIRED
Associated cases:
• A-14-00163: annexation request for an adjacent parcel under separate ownership.
• Z-14-00162: Rezoning request for approximately 25.2 acres of the property included within the annexation request to the RS5 (Single-Dwelling Residential) District.
- **Z-14-00164**: Rezoning request for approximately 75.4 acres of the property included within the annexation request to the RS7 (Single-Dwelling Residential) District.
- **Z-14-00204**: Rezoning request for approximately .8 acres of the property included within the annexation request to the RS7-FP (Single-Dwelling Residential with Floodplain Management Regulations Overlay) District.
- **Z-14-00165**: Rezoning request for approximately 13.3 acres of the property included within the annexation request from County A to IL (Limited Industrial) District.
- **CPA-14-00005**: Amendment to the Comprehensive Plan to revise the K-10 & Farmer’s Turnpike Plan.

The associated cases were submitted concurrently with the annexation request and are being considered at the June Planning Commission meeting.

Other action required for annexation:
- City Commission approval of annexation and adoption/publication of ordinance.

Action required prior to development:
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of the property through the Major Subdivision process.
- Submittal and administrative approval of site plans for development other than single-dwelling residential or duplex.
- Building permits obtained prior to any development.
- Floodplain Development Permits obtained prior to any development activity on parcels which are encumbered with floodplain.

**PUBLIC COMMENT**
- No public comments were received prior to the printing of this staff report.

**ATTACHMENTS**
- Concept Plan and rezoning map

**EXISTING CONDITIONS**

Current Zoning and Land Use:

A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; woodland and agricultural uses.

Surrounding Zoning and Land Use:

To the north:

A (County-Agricultural), F-W (Floodway Overlay), and F-W (Floodway Overlay) Districts; Baldwin Creek, wooded stream corridor, and agriculture. Land uses north of other parcels consists of woodland, rural residences, and future City parkland.

To the west:

A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Rural residence, agriculture, and Baldwin Creek with K-10 to the west.

To the east:

(Floodway Fringe Overlay) Districts; Rural residence, agriculture, and Baldwin Creek.

To the south:
A (County-Agricultural), GPI (City-General Public and Institutional Use), and OS-FP (City-Open Space with Floodplain Management Regulations Overlay); agriculture and rural residences; Minor Utility, Westar Substation; Rural Residence; Undeveloped, City Parkland. A City recreation center and Rock Chalk Park, a KU/regional sports facility are being developed south of the City Parkland.

(Figure 1)

**Site Summary**

Gross Area: Approximately 99.7 acres consisting of 3 parcels.

(Figure 1) Land use and zoning in the area. Subject property outlined. Adjacent parcel included in separate annexation request marked with a star.

**Project Summary**

The property owner is requesting annexation of the property in preparation for development. Rezoning requests and a concept of the proposed development were submitted with the annexation request. Westar has plans to expand the substation, identified with a yellow dot in Figure 1, and has submitted a CUP (Conditional Use Permit) application for the expansion. The CUP is also being considered at the June Planning Commission meeting. Westar indicated they are
willing to annex if the properties within this annexation request are annexed. At that time the Westar property will be adjacent to the City limits.

The K-10 & Farmer’s Turnpike Plan designates the portion of the subject property that is west of E 902 for Residential/Office uses. However, the property owner feels that the larger substation and transmission lines are not compatible with residential/office uses and is proposing a mini-storage facility to the west of the substation (Figure 2). Residential uses are being proposed for the other portions of the property within the annexation request. The applicant submitted a request to revise the Plan and this is also being considered at the June Planning Commission meeting. The proposed uses will be evaluated with the rezoning requests while this report will focus on the annexation request.

![Figure 2. Concept plan for subject area, with proposed rezonings.](image)

**Annexation Procedure**

City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid pursuant to K.S.A 12-527. The Water District has been notified of the annexation request as required by State Statute and adherence to local policy and state law is a condition of approval for the annexation request.

Per Code, property which is proposed for development is rezoned to a city zoning designation when annexed. Rezoning requests to the IL (Limited Industrial), RS7 (Single-Dwelling Residential) and RS5 (Single-Dwelling Residential) Districts were submitted with the annexation requests. A rezoning to the Floodplain Management Overlay District (RS7-FP) was submitted for the portion of the property being rezoned to RS7 that is encumbered with the floodplain.
General Location
The properties requested for annexation are located northwest of the City, in the general area with the Rock Chalk Park, a General Entertainment and Spectator Sports use and a City Recreation Center. Residential uses and the Mercato Development, a commercial, residential, and office development at the NE corner of W 6th Street and K-10, have preliminary approvals. Access to the area will be taken from E 902 Road (extended). (Figure 3)

Infrastructure and Utility Extensions
City water is available. The developer will be responsible for the extension of a looped public waterline to serve the property.

The Baldwin Creek sanitary sewer interceptor main has been extended through the area. Due to the topography of the subject property, a portion of the property cannot be served by gravity and a lift-station would be required on an interim basis. Additional sewer mains are planned in the future which will be able to serve this portion by gravity. The use of a temporary lift-station is acceptable with the condition that the lift station will be removed and the property will tie into the gravity fed sanitary sewer line when it is extended to serve the property. The property owner would be responsible for their share of the extension costs and connection fees.

Public Right-of-Way: The subject property abuts E 902 Road, which is classified as a future collector on the Major Thoroughfares Map. Within the county, permanent easement for road right-
right-of-way is typically provided rather than right-of-way; therefore, right-of-way will be required with the platting of the property.

The annexation will include the entire right-of-way for E 902 except where the property owner does not have control of both sides of the road. In that case the annexation will include property to the centerline of the road. E 902 will need to be extended and improved with development of this area.

**COMPREHENSIVE PLAN**

The subject property is located within Service Area 2 of the Lawrence Urban Growth Area. Service Area 2 is limited in size and is located northwest and northeast of the City. Annexation Policy No. 1 listed on page 4-5 of *Horizon 2020* states that Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed.

The Comprehensive Plan recommends that no urban development be allowed in the Northwest Lawrence area until the city adopts a policy that establishes a process to provide wastewater collection and treatment, for the entire Baldwin Creek drainage basin or a phased approach for wastewater collection on a sub-basin approach for this area. (Page 4-2, *Horizon 2020*) The Baldwin Creek Interceptor Line, installed in 2009, and plans for the future lines which have been adopted in the City Wastewater Masterplan, provide a phased approach for wastewater collection for this area.

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

**COMPLIANCE WITH ADOPTED AREA PLANS**

A portion of the subject property is located within the boundaries of the *K-10 & Farmer’s Turnpike Area Plan*. The plan provides a set of goals and policies related to development that will be the basis for review of any development proposals (Pages 3-1 and 3-2). Principal policies that would apply to the development of this area include:

- Residential uses shall maintain a ‘back-to-back’ relationship to more intense uses. (Policy 3.1.2.2.) The concept plan shows the rear of the residential lots adjacent to the substation and proposed mini-warehouse.

- Industrial structures should be aesthetically pleasing from all sides and should incorporate quality building materials and quality architectural elements. (Policy 3.1.2.5.) Given the visibility of the mini-warehouses from K-10 and the proximity of the nearby residential development (proposed), an aesthetically pleasing design would be a principal design requirement.

- Goal 6 (Page 3-1) recommends the development of a strong park/trail system. As the property to the east of E 902 Road is between two City parks, a connecting trail between the two park areas would be required with development.

The Area Plan recommends Office/Residential land uses for the area west of E 902 Road, which is being proposed as a mini-warehouse and detached dwellings (RS7 zoning). The area east of E 902 Road was not included in the area plan. (Figure 4) The applicant submitted a request to amend the Comprehensive Plan to revise the recommended land uses and to expand the boundary to include the subject property.
Annexation of the area and use for mini-warehouse and detached dwellings is not in compliance with the land use recommendations of the adopted plan.

While annexation may occur, the rezonings and future development would be required to comply with the recommendations in the area plan. The applicant indicated that the annexation request is contingent upon approval of the rezoning application.

**CONCLUSION**

With the approval of the requested CPA, the proposed annexation is compliant with recommendations of *Horizon 2020*. The subject property is located within the Lawrence Urban Growth Area and City services are available to serve the property; therefore, annexation is appropriate.

**Figure 4.** Land use recommendations in current K-10 & Farmer's Turnpike Plan. Westar substation marked with yellow dot. Subject property outlined. Brown area is area designated as Residential/Office Development.
A-14-00161, A-14-00163 & Z-14-00164: Annex and Rezone 75.4 acres from A District to RS7 District
A-14-00161 & Z-14-00162: Annex and Rezone 25.2 acres from A District to RS5 District
A-14-00161 & Z-14-00165: Annex and Rezone 13.3 acres from A District to IL District
Z-14-00204: Rezone 0.8 acres from A District to RS7-FP District

Located North of Rock Chalk Park & East of K-10 Highway
To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: AGENDA ITEMS 2 AND 3A THROUGH 3E, K-10 & FARMERS’ TURNPIKE PLAN
CHANGES, AND ANNEXATIONS, AND REZONINGS

Dear Chairman Culver and Planning Commissioners

We ask that you deny all of the proposed changes in the Agenda Item No. 2, the revision of the K-10 & Farmers’ Turnpike Plan, and all of Agenda Items 3A through 3E, the annexation and rezonings. This includes not only the proposed changes to the Future Land Use Map, but also the proposed policy changes to the designated Residential/Office area that would change its boundaries, and most importantly that would add detached dwellings to the “Primary Uses” policies, pages 3-8, and all other changes currently proposed for this Area Plan. In conjunction, we ask that you not annex this land or rezone any of it at this time.

We believe that this is an extremely important issue. By allowing these changes to this Plan, and consequently this area, it would remove an important location that could provide needed employment-related uses to this most important new location, the connection of the South Lawrence Trafficway to the Turnpike. We ask that none of these changes be approved and that the Plan remain unrevised. We believe our reasons for this involve the future well-being of the City.

1. The policy change on pages 3-8, (3.2.1.5) under “Applicable Areas” that would allow the Residential/Office to change its boundaries, thereby allowing the intrusion of the IL District zoning, regardless of whether the mini-storage area is built, would decrease the needed area for the Residential/Office, reducing its likelihood of being used for that purpose, and at the same time not provide a sufficiently large Office/Research area to be a benefit.

2. A mini-storage use being built in that area would be highly visible from the K-10 connection and for that reason undesirable, as well.

3. a) The policy change on pages 3-8 (3.2.1.5) under “Primary Uses” would add “Detached dwellings” to the permitted uses. This would allow the change of the primary use of the Residential/Office designation from the intended employment-related uses to nothing but single-family residences. This change would become a major loss of future opportunity for the City.

b) Also, the change here would seem to dictate that this policy would become general and extend to the Residential/Office category everywhere, permitting single-family detached residences and thus removing the mixed-use, employment-related purpose of this category and eliminating predictability of this designation.
4. Annexing and rezoning the residential area north of the Rock Chalk Park, which is now part of the Northwest Plan, is not treating the area as was originally intended. The Northwest Plan recommended, because of the extreme terrain, that this area be low and very low density. The rezoning of this area to RS7 is too dense for the terrain. We suggest, first of all, that it not be annexed or included in the Farmers’ Turnpike Plan, and when it is rezoned to residential that it be rezoned to RS10 or RS20 and developed as a cluster development in order to avoid intrusion into the flood plain, vegetation, and rough terrain.

5. As a future consideration, we ask that you attempt to plan residential areas as neighborhoods incorporating smaller portions of them into larger planned areas that have in them, or planned for them, the essential amenities. These include schools, parks, neighborhood centers and transportation systems with complete streets that interconnect within the neighborhoods, allowing convenient pedestrian access.

We hope that you consider our suggestions useful. Thank you.

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
ITEM NO. 3B: ANNEX 15 ACRES; ADJACENT TO N SIDE OF ROCK CHALK PARK (MKM)

A-14-00163: Consider a request to annex approximately 15 acres located north of Rock Chalk Park. Submitted by BG Consultants Inc on behalf of Robert and Jan Maxwell Trust, property owner of record.

STAFF RECOMMENDATION:
Staff recommends approval of the requested annexation of approximately 15 acres located north of Rock Chalk Park based on the findings in the body of the staff report and forwarding this request to the City Commission with a recommendation for approval subject to the following condition:

1. Approval of the Comprehensive Plan Amendment and rezoning applications.

Reason for Request: Applicant’s response: “Applicant wishes to develop the property.”

KEY POINTS
- The subject property is not located within Service Area 1 of the Urban Growth Area; therefore, annexation is not required prior to development. Annexation is encouraged in other service areas of the UGA when City services are available to serve the property. The property owner has voluntarily consented to annexation.
- The property being annexed consists of one parcel. Another annexation request (A-14-00161) for three nearby parcels, under different ownership, was submitted with this request as part of the same development proposal and is being considered concurrently.
- The property is within the service area of Rural Water District No. 1 and is adjacent to the City limits, within Service Area 2 of the Urban Growth Area, an area that has been identified for future urbanization.
- Annexation requests of more than 10 acres require a Planning Commission recommendation.
- This annexation request is accompanied by a Comprehensive Plan Amendment application and rezoning request which are scheduled for the June Planning Commission meeting.

COMPREHENSIVE PLAN FACTORS TO CONSIDER
- The annexation request is compliant with the Growth Management policies of the Comprehensive Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED
Associated cases:
- A-14-00161: annexation request for approximately 99.7 acres under separate ownership.
- Z-14-00162: Rezoning request for approximately 25.2 acres of the property included within the annexation request to the RS5 (Single-Dwelling Residential) District.
- Z-14-00164: Rezoning request for approximately 75.4 acres of the property included within the annexation request to the RS7 (Single-Dwelling Residential) District.
Z-14-00204: Rezoning request for approximately .8 acres of the property included within the annexation request to the RS7-FP (Single-Dwelling Residential with Floodplain Management Regulations Overlay) District.

Z-14-00165: Rezoning request for approximately 13.3 acres of the property included within the annexation request from County A to IL (Limited Industrial) District

CPA-14-00005: Amendment to the Comprehensive Plan to revise the K-10 & Farmer’s Turnpike Plan.

The associated cases were submitted concurrently with the annexation request and are being considered at the June Planning Commission meeting.

Other action required for annexation:
- City Commission approval of annexation and adoption/publication of ordinance.

Action required prior to development:
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of the property through the Major Subdivision process.
- Submittal and administrative approval of site plans for development other than single-dwelling residential or duplex.
- Building permits obtained prior to any development.

PUBLIC COMMENT
- No public comments were received prior to the printing of this staff report.

ATTACHMENTS
- Concept Plan
- Rezoning map

EXISTING CONDITIONS
Current Zoning and Land Use: A (County-Agricultural); woodland.

Surrounding Zoning and Land Use:
- To the north:
  A (County-Agricultural), F-W (Floodway Overlay), and F-W (Floodway Overlay) Districts; Baldwin Creek, woodland, and rural residential.

To the west:
  A (County-Agricultural) District; Agricultural land which has an application request for annexation and rezoning as part of this development project on the June Planning Commission agenda.

To the east:
  A (County-Agricultural), F-W (Floodway Overlay), and F-W (Floodway Overlay) Districts; Rural residence, Baldwin Creek, and woodland.

To the south:
  A (County-Agricultural), F-W (Floodway Overlay), and F-W (Floodway Overlay) Districts; woodland. This property also has an annexation and rezoning request as part of...
Site Summary
Gross Area: Approximately 15 acres.

Project Summary
The property owner is requesting annexation in preparation for residential development of the property. (Figure 2) Rezoning requests and a concept of the proposed development were submitted with the annexation request.

The property is not currently within the boundaries of an adopted area plan, but a Comprehensive Plan Amendment application to revise the K-10 & Farmer’s Turnpike Plan to include the subject
area with a future land use designation as low-density residential was submitted as part of this development proposal and is being considered by the Planning Commission.

Annexation Procedure

City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid pursuant to K.S.A 12-527. The Water District has been notified of the annexation request as required by State Statute and adherence to local policy and state law is a condition of approval for the annexation request.

Per Code, property which is proposed for development is rezoned to a city zoning designation when annexed. Rezoning requests to the IL (Limited Industrial), RS7 (Single-Dwelling Residential) and RS5 (Single-Dwelling Residential) Districts were submitted with the annexation requests. A rezoning to the Floodplain Management Overlay District (RS7-FP) was submitted for the portion of the property being rezoned to RS7 that is encumbered with the floodplain. The subject property is included in the RS7 rezoning request.

General Location

The properties requested for annexation are located northwest of the City, in the general area with the Rock Chalk Park, a General Entertainment and Spectator Sports use and a City Recreation Center. Residential uses and the Mercato Development, a commercial, residential, and office development at the NE corner of W 6th Street and K-10, have preliminary approvals. Access to the area will be taken from E 902 Road (extended). (Figure 3) E 902 Road will need to be extended.
and improved to City standards with the development and additional points of access may be required.

Figure 3. General location of property within annexation request. Subject property outlined in yellow. Parcel outlined in dashed yellow is subject of a concurrent annexation request.

**Infrastructure and Utility Extensions**

City water is available. The developer will be responsible for the extension of a looped public waterline to serve the property.

The Baldwin Creek sanitary sewer interceptor main has been extended through the area. Due to the topography of the subject property, a portion of the property cannot be served by gravity and a lift-station would be required on an interim basis. Additional sewer mains are planned in the future which will be able to serve this portion by gravity. The use of a temporary lift-station is acceptable with the condition that the lift station will be removed and the property will tie into the gravity fed sanitary sewer line when it is extended to serve the property. The property owner would be responsible for their share of the extension costs and connection fees.

**Public Right-of-Way:** No right-of-way is required as the subject property has no road frontage. The property will be combined with other properties and subdivided through the Major Subdivision process. Right-of-way for the interior streets will be dedicated with the plat. E 902 will need to be extended and improved with development of this area.
COMPREHENSIVE PLAN
The subject property is located within Service Area 2 of the Lawrence Urban Growth Area. Service Area 2 is limited in size and is located northwest and northeast of the City. Annexation Policy No. 1 listed on page 4-5 of Horizon 2020 states that Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed.

The Comprehensive Plan recommends that no urban development be allowed in the Northwest Lawrence area until the city adopts a policy that establishes a process to provide wastewater collection and treatment, for the entire Baldwin Creek drainage basin or a phased approach for wastewater collection on a sub-basin approach for this area. (Page 4-2, Horizon 2020) The Baldwin Creek Interceptor Line, installed in 2009, and plans for the future lines which have been adopted in the City Wastewater Masterplan, provide a phased approach for wastewater collection for this area.

The annexation request complies with the growth management policies found in Horizon 2020.

COMPLIANCE WITH ADOPTED AREA PLANS
A portion of the subject property is located within the boundaries of the K-10 & Farmer’s Turnpike Area Plan. The plan provides a set of goals and policies related to development that will be the basis for review of any development proposals (Pages 3-1 and 3-2). Principal policies that would apply to the development of this area include:

- Goal 6 (Page 3-1) recommends the development of a strong park/trail system. As the property to the east of E 902 Road is between two City parks, a connecting trail between the two park areas would be required with development.

The area east of E 902 Road was not included in the sector plan. (Figure 4) The applicant submitted a request to amend the Comprehensive Plan to expand the boundary to include the subject property and recommend low-density residential as the future land use.

Annexation of the area and development of a single-dwelling subdivision is in compliance with staff’s recommended amendments to the K-10 & Farmer’s Turnpike Plan.

While annexation may occur, the rezonings and future development would be required to comply with the recommendations in the area plan. The applicant indicated that the annexation request is contingent upon approval of the rezoning application.

CONCLUSION
With the approval of the Comprehensive Plan Amendment to the K-10 & Farmer’s Turnpike Plan recommended by staff, the proposed annexation and rezoning is compliant with recommendations of Horizon 2020 and the sector plan. The subject property is located within the Lawrence Urban Growth Area and City services are available to serve the property; therefore, annexation is appropriate.
A-14-00161 & Z-14-00163 & Z-14-00164: Annex and Rezone 75.4 acres from A District to RS7 District
A-14-00161 & Z-14-00162: Annex and Rezone 25.2 acres from A District to RS5 District
A-14-00161 & Z-14-00165: Annex and Rezone 13.3 acres from A District to IL District
Z-14-00204: Rezone 0.8 acres from A District to RS7-FP District

Located North of Rock Chalk Park & East of K-10 Highway

Lawrence-Douglas County Planning Office
June 2014
To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: AGENDA ITEMS 2 AND 3A THROUGH 3E, K-10 & FARMERS’ TURNPIKE PLAN
CHANGES, AND ANNEXATIONS, AND REZONINGS

Dear Chairman Culver and Planning Commissioners

We ask that you deny all of the proposed changes in the Agenda Item No. 2, the revision of the K-10 & Farmers’ Turnpike Plan, and all of Agenda Items 3A through 3E, the annexation and rezonings. This includes not only the proposed changes to the Future Land Use Map, but also the proposed policy changes to the designated Residential/Office area that would change its boundaries, and most importantly that would add detached dwellings to the “Primary Uses” policies, pages 3-8, and all other changes currently proposed for this Area Plan. In conjunction, we ask that you not annex this land or rezone any of it at this time.

We believe that this is an extremely important issue. By allowing these changes to this Plan, and consequently this area, it would remove an important location that could provide needed employment-related uses to this most important new location, the connection of the South Lawrence Trafficway to the Turnpike. We ask that none of these changes be approved and that the Plan remain unreviced. We believe our reasons for this involve the future well-being of the City.

1. The policy change on pages 3-8, (3.2.1.5) under “Applicable Areas” that would allow the Residential/Office to change its boundaries, thereby allowing the intrusion of the IL District zoning, regardless of whether the mini-storage area is built, would decrease the needed area for the Residential/Office, reducing its likelihood of being used for that purpose, and at the same time not provide a sufficiently large Office/Research area to be a benefit.

2. A mini-storage use being built in that area would be highly visible from the K-10 connection and for that reason undesirable, as well.

3. a) The policy change on pages 3-8 (3.2.1.5) under “Primary Uses” would add “Detached dwellings” to the permitted uses. This would allow the change of the primary use of the Residential/Office designation from the intended employment-related uses to nothing but single-family residences. This change would become a major loss of future opportunity for the City.

b) Also, the change here would seem to dictate that this policy would become general and extend to the Residential/Office category everywhere, permitting single-family detached residences and thus removing the mixed-use, employment-related purpose of this category and eliminating predictability of this designation.

PO BOX 1072 • LAWRENCE KS 66044-1072
league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvlc • www.twitter.com/lwvlc
4. Annexing and rezoning the residential area north of the Rock Chalk Park, which is now part of the Northwest Plan, is not treating the area as was originally intended. The Northwest Plan recommended, because of the extreme terrain, that this area be low and very low density. The rezoning of this area to RS7 is too dense for the terrain. We suggest, first of all, that it not be annexed or included in the Farmers’ Turnpike Plan, and when it is rezoned to residential that it be rezoned to RS10 or RS20 and developed as a cluster development in order to avoid intrusion into the flood plain, vegetation, and rough terrain.

5. As a future consideration, we ask that you attempt to plan residential areas as neighborhoods incorporating smaller portions of them into larger planned areas that have in them, or planned for them, the essential amenities. These include schools, parks, neighborhood centers and transportation systems with complete streets that interconnect within the neighborhoods, allowing convenient pedestrian access.

We hope that you consider our suggestions useful. Thank you.

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
PC Staff Report
6/23/14
ITEM NO. 3C: A TO RS5; 25.2 ACRES; SW OF N 1750 RD & E 902 RD (MKM)

Z-14-00162: Consider a request to rezone approximately 25.2 acres from County A (Agricultural) District to RS5 (Single-Dwelling Residential) District, located SW of N 1750 Rd and E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

STAFF RECOMMENDATION: Staff provides the following options for action on the rezoning request for approximately 25.2 acres southwest of N 1750 and E 902 Roads from A (County-Agricultural) District to RS5 (Single-Dwelling Residential) District based on possible outcomes to the requested amendments to the K-10 & Farmer's Turnpike Sector Plan (CPA-14-00005).

Option 1)
Staff recommends denial of the rezoning request to the RS5 District and forwarding it to the City Commission with a recommendation for denial based on the findings of fact found in the body of the staff report.

Option 2)
If the K-10 & Farmer’s Turnpike Sector Plan is amended to permit RS5 residential uses in this area, Staff recommends approval of the rezoning request to the RS5 District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST
Applicant’s Response:
“Annexation has been requested and rezoning is part of the process.”

KEY POINTS
• The property is located within the boundaries of the K-10 & Farmer’s Turnpike Plan.
• A Comprehensive Plan Amendment to expand the boundaries of the K-10 & Farmer’s Turnpike Plan and to revise the future land use recommendations has been submitted and is also on the June Planning Commission agenda as part of this item.
• The proposed rezoning is not compliant with the recommendations in the current sector plan, or as staff recommends it be revised. Staff is providing options for action based on possible outcomes of the Comprehensive Plan Amendment.

ASSOCIATED CASES
• CPA-14-00005: Revision and expansion of K-10 & Farmer’s Turnpike Plan.
• A-14-00161: Annexation of approximately 100 acres.
• A-14-00163: Annexation approximately 15 acres.
• Z-14-00165: Rezoning of approximately 13.3 acres from A (County-Agricultural) to IL (Limited Industrial) District.
• Z-14-00164: Rezoning of approximately 75 acres from A (County-Agricultural) to RS7 (Single-Dwelling Residential) District.
• Z-14-00204: Rezoning of approximately .8 acres from A (County-Agricultural) to RS7-FP (Single-Dwelling Residential and Floodplain Management Regulations Overlay) District.

These associated cases were submitted as part of the overall development project and are being considered at the June Planning Commission meeting.

OTHER ACTION REQUIRED
• City and County Commission approval of Comprehensive Plan Amendment and adoption/publication of ordinance/resolution.
• City Commission approval of annexation request and adoption/publication of annexation ordinance.
• City Commission approval of rezoning request and adoption/publication of ordinance.
• Platting of property through the Major Subdivision process.
• Application and release of building permits prior to development.

ATTACHMENTS
Attachment A: Zoning map
Attachment B: Concept plan

PUBLIC COMMENT
No public comment was received for this item prior to the printing of this staff report.

Project Summary
The subject property is located in an area that is currently undergoing development. Rock Chalk Park, a KU/regional sport facility, and a City recreation center are under construction to the southeast. Other developments such as Mercato and the Links at Lawrence have preliminary development approvals. Growth in this area was previously limited by the lack of City infrastructure; however, the extension of the Baldwin Creek Sanitary Sewer Interceptor Line in 2009 and the adoption of a Wastewater Masterplan with plans for future main extensions in the area have made development possible. An annexation request was submitted for this property and other adjacent properties based on the ability of the City to provide services.

The subject rezoning request to the RS5 (Single-Dwelling) District is not compliant with the recommendations in the K-10 & Farmer’s Turnpike Plan. A Comprehensive Plan Amendment (CPA) was requested by the property owner to revise the recommendations to allow a detached dwelling development in this area. The staff recommended CPA corrects an error in the original plan and permits ‘Detached Dwelling’ as a primary use in the Residential/Office land use description but maintains the mixed use designation. Staff reviewed the rezoning request with the current sector plan, K-10 & Farmer’s Turnpike, and with the revised plan as recommended for the CPA request and is providing a set of options for the Planning Commission. This review is discussed in Section 4 of this report.

The RS5 zoning is requested to accommodate development of the subject property with single-dwelling residences. The development as shown in the concept plan, Attachment B, shows a single row of residences backing up to the buffer area between the proposed mini-warehouse and the existing utility use. Proposed local streets provide connection to the
development to the west and to E 902 to the east. Cul-de-sacs are proposed on the north side of the project, due to the floodplain and stream corridor in this area.

**REVIEW & DECISION-MAKING CRITERIA**

**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**Applicant’s Response:**

“The staff report for CPA-14-00005 indicates that the proposed rezoning is in general conformance with Horizon 2020. The zoning request has been slightly modified to reflect the findings of the staff report.”

The subject property is within the planning boundaries of the *K-10 & Farmer’s Turnpike Plan*, which is discussed in Section 4 of this report. The rezoning request will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan for Residential Development. Policies from the Comprehensive Plan are below, with staff comments in red.

The Comprehensive Plan recommends low density and very low density as an alternative land use for the Northwest area. “This type of very low-density residential development is intended for use in areas to be annexed to the city and served by urban services, but which, due to the presence of forest, slopes and natural drainageways, may not be capable of sustaining residential densities planned in other locations of the community.” (Page 5-9, Horizon 2020)

An area north of the subject property contains a steeply sloped, wooded, stream corridor and associated floodplain. This area was removed from the parcel containing the subject property and divided into Residential Development Parcels through the Cluster Development Certificate of Survey process for rural residential development at very low density and is not included in the associated annexation request. The remainder of the parcel, the subject of this rezoning request, does not contain forests, slopes or natural drainageways which would require the very low density designation.

Goal 4 of Chapter 5 provides the following policies for the location of low-density residential development:

- “Identify suitable land areas of adequate size to accommodate residential subdivisions in order to facilitate well-planned orderly development with improved coordination of public services and facilities.” (Page 5-17)
- “Encourage subdivision design in which residential lots are oriented towards, and take access from the neighborhood of which they are a part.” (Page 5-19);

The subdivision, as shown on the concept plan provided with the rezoning request, is compliant with these recommendations.

**Staff Finding** – The rezoning request is compliant with the general recommendations of the Residential Chapter of the Comprehensive Plan. The request will be evaluated with the recommendations of the sector plan in Section 4 of this report.
2. **ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING**

Current Zoning and Land Use: A (County-Agricultural); Agriculture.

Surrounding Zoning and Land Use: To the north:
A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Baldwin Creek, wooded stream corridor, and Agriculture. This area was recently subdivided through the Certificate of Survey process into very low density Residential Development Parcels.

To the west:
A (County-Agricultural); Agriculture.

To the east:
A (County-Agricultural); Woodland, Agriculture, and Rural Residential. A rezoning request for the portion containing the Agricultural land use to the RS7 District is on the June Planning Commission agenda.

To the south:
A (County-Agricultural); Agriculture and Utility/Westar Substation. Applications for both properties are on the June Planning Commission agenda: rezoning to IL for the agricultural parcel and a CUP for expansion of the substation.

(Figure 1)

**Staff Finding** - The surrounding area includes land that is part of the overall development project. Property to the south and east are currently zoned County-A and are used for Agricultural and utility uses. The land to the south and east of the subject property that are under the same ownership (excludes the parcel with the substation and the wooded parcel) have rezoning requests to the IL and RS7 Districts submitted as part of this development project. (Figure 2) The surrounding lands contain primarily agricultural land uses, with a
utility substation and a rural residence to the southeast. The proposed rezoning to the RS5 District for residential development would be compatible with the surrounding land uses.

![Zoning diagram for development project with proposed zoning districts.](image)

**Figure 2.** Zoning diagram for development project with proposed zoning districts. Land uses for surrounding properties identified.

### 3. CHARACTER OF THE NEIGHBORHOOD

**Applicant’s Response:**

“The character of the neighborhood has been recently changed with the recent construction of Rock Chalk Park. The properties are influenced by the character of the area, which includes K-10 Highway, Rock Chalk Park and the Westar Substation.”

The area is bounded on the west by K-10 Highway, which is classified in the Major Thoroughfares Map as a Freeway, on the north by N 1750 Road, which is classified as a Principal Arterial. Future Collector Streets connect N 1750 Road to W 6th Street/Highway 40 to the south and provide east/west connections to E 1000 Rd and Wakarusa Drive, Principal Arterials. The area has access to the major transportation network.

Development occurring in the area includes Rock Chalk Park, a KU/Regional Sports Center, and a City Recreation Center. Other areas have preliminary development approvals: Mercato, a commercial/Residential/Office development; and Links at Lawrence, a multi-dwelling residential development. The utility use south of the subject property, an electric substation, is also developing and a CUP for the expansion of the facility is also on the June Planning Commission agenda.
The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area. Open space is available in the area in the form of City parklands, with the Rock Chalk Park to the southeast of the subject property and future City parkland to the northeast.

**Staff Finding** - The area has a network of collector streets that provide connections to arterials bordering the area on the north (N 1750 Road), east (E 1000 Road and Wakarusa Drive) and to the south (W 6th Street/Highway 40). The electric utility and the portion of the area that is within the City limits are experiencing development. Open space (Baldwin Creek Floodplain and riparian corridor, and City parklands) is present in the area. The proposed use would have adequate access to the transportation network although road improvements will be needed prior to development. The proposed residential use should be compatible with the existing and proposed uses in the area.

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

The subject property is located within the planning boundary of the *K-10 and Farmer’s Turnpike Plan*. The plan recommends this area as Residential/Office on the Future Land Use Map (Page 3-11 of the plan; Figure 2) The plan lists the following uses as being appropriate in the Residential/Office area: mixed use development of administrative and professional offices with varying degrees of residential that may be achieved through the use of work/live units. Primary uses recommended are: work/live units, non-ground floor dwellings, attached dwellings, multi-dwelling structures, civic and public uses, and offices. The applicant submitted an application for a Comprehensive Plan Amendment (CPA) to revise the recommendations of the sector plan to permit a single-dwelling residential use in this location.

The CPA, also on the Planning Commission’s June agenda for consideration, recommends retaining the Residential/Office designation for the subject property but would revise the list of permitted uses to include ‘Detached Dwellings’. In staff’s opinion, the exclusion of this use from the original list was an oversight. The Plan notes that the Residential/Office designation is intended to “accommodate mixed use development of administrative and professional offices with varying degrees of residential.” (Page 3-8, *K-10 & Farmer’s Turnpike Plan*) This change will affect all areas recommended for Office/Residential land uses in the plan. (Figure 3)

The development of a single-dwelling subdivision in this area would not provide the mixed use development recommended by the sector plan. Based on this fact, staff would
recommend denial of the rezoning request; however, staff is providing an alternative recommendation in the event the sector plan is revised to permit exclusively or primarily single-dwelling residential development and the RS5 District is listed as an appropriate zoning district.

Staff Finding - The property is located within the limits of the K-10 & Farmer's Turnpike Plan which recommends Residential/Office as the future land use. The plan notes the intent of the Residential/Office designation is to provide a mix of office uses with some degree of residential and recommends rezoning to the RSO, RMO, MU, or PD Districts. The proposed rezoning and use is not compliant with the future land use recommendations in the plan.

However, as an application for a Comprehensive Plan Amendment has been submitted to modify the plan so that the RS5 zoning and development would be acceptable, staff will provide two recommendations:
- a recommendation for denial based on the current plan language; and
- a recommendation for approval if the sector plan is amended so the RS5 zoning and residential development are compliant with the plan recommendations.

Figure 3. Future land uses recommended in the K-10 & Farmer's Turnpike Plan. Approximate area of subject property hatched. Other area recommended for Residential/Office mixed use marked with arrows.

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

Applicant’s Response:
“The property currently has a County zoning designation which is unsuitable once it is annexed into the City.”

The property is currently zoned A which permits agricultural uses as well as other low intensity uses in the County such as very low density residential. The property is suitable for uses which are permitted within the A District; however, annexation is appropriate prior to development given the proximity to the City limits. Upon annexation, the property must be rezoned to an urban zoning designation.

The property is suitable for the Detached Dwelling use which has been proposed. The property will be separated from the utility and proposed mini-warehouse uses to the south
by an easement for electric transmission lines. This easement will contain a drive for access to the proposed warehouse, if approved, and will be landscaped to screen the industrial use from the residential.

**Staff Finding** - The property is suitable for the uses to which it is restricted in the County-A District; however, annexation is appropriate given the proximity of the City limits and the ability of the City to provide services. Once annexed, the property must be rezoned to an urban zoning designation. The A Zoning District is not suitable following annexation. The property is suitable for residential uses; however, the RS5 District is not compliant with the recommendations of the *K-10 & Farmer’s Turnpike Plan*. If the Planning Commission wishes to accommodate the applicant’s plans for residential development, revisions would be necessary to the sector plan, as noted in Section 4 of this report.

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

   Applicant’s Response:
   “The property has never been developed.”

**Staff Finding** - The property has not been developed since the adoption of zoning regulations in the unincorporated area of the County, 1966. Rezoning is being requested to accommodate development following annexation.

7. **EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES**

   Applicants Response:
   “The zoning request will not detrimentally affect nearby properties.”

A detached dwelling development in this area would be compatible with nearby properties; however, it may create a challenge if the property to the west proposes a mixed use development as recommended in the sector plan. If the subject property were rezoned to RS5, new property owners may not be aware that a mixed use office development could be developed to the west. Traffic generated by the mixed use office development would travel through the residential neighborhood to reach E 902 Road. (Figure 4) While this may or may not be acceptable from a traffic engineering perspective, the ‘Office’ designation may create the perception of higher intensities, thus the potential for a perceived land use incompatibility for future residents of the subject property.

**Staff Finding** - The rezoning to the RS5 District would not negatively impact nearby properties, as the development would be a low intensity development.
residential use. Negative impacts could occur on the subject property; however, if the property to the west were developed with higher intensity uses recommended in the plan as Residential/Office uses.

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**

Applicants Response:
“The expansion of available industrial and residential land will provide new opportunities for the community as a whole. It will also be a valuable contribution to the future growth and development of the part of the Urban Growth Area once services are available.”

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

Denial of the rezoning would maintain the area for a mix of residential/office uses in compliance with the recommendations of the sector plan. This would benefit the public by maintaining consistency with the adopted plans.

If the sector plan is revised so the RS5 zoning and development is appropriate, there would be no gain to the public from denial of the rezoning.

If the rezoning request is denied, it would be necessary to develop the property with a mix of office and residential land uses. As office development in the City has been slow in recent years, this could create a hardship for the applicant.

**Staff Finding** - The benefit to the public by denial of the rezoning request would be maintaining consistency with the adopted sector plan. If the plan were revised to permit RS5 zoning and development, there would be no benefit to the public from the denial of the request. The hardship to the property owner from the denial of the rezoning request is that the slow market for office development may delay development of the property.

**PROFESSIONAL STAFF RECOMMENDATION**

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with general recommendations for residential development in Horizon 2020 but is not compliant with the current plan for the area. The proposed rezoning does not comply with the recommended revised language for the sector plan.

Staff recommends denial of the rezoning request based on the language in the current K-10 & Farmer's Turnpike Plan; however, if the plan is amended to permit RS5 zoning and development, staff would recommend approval.
A-14-00161, A-14-00163 & Z-14-00164: Annex and Rezone 75.4 acres from A District to RS7 District
A-14-00161 & Z-14-00162: Annex and Rezone 25.2 acres from A District to RS5 District
A-14-00161 & Z-14-00165: Annex and Rezone 13.3 acres from A District to IL District
Z-14-00204: Rezone 0.8 acres from A District to RS7-FP District
Located North of Rock Chalk Park & East of K-10 Highway
To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE. AGENDA ITEMS 2 AND 3A THROUGH 3E, K-10 & FARMERS’ TURNPIKE PLAN
CHANGES, AND ANNEXATIONS, AND REZONINGS

Dear Chairman Culver and Planning Commissioners

We ask that you deny all of the proposed changes in the Agenda Item No. 2, the revision of the K-10 & Farmers’ Turnpike Plan, and all of Agenda Items 3A through 3E, the annexation and rezonings. This includes not only the proposed changes to the Future Land Use Map, but also the proposed policy changes to the designated Residential/Office area that would change its boundaries, and most importantly that would add detached dwellings to the “Primary Uses” policies, pages 3-8, and all other changes currently proposed for this Area Plan. In conjunction, we ask that you not annex this land or rezone any of it at this time.

We believe that this is an extremely important issue. By allowing these changes to this Plan, and consequently this area, it would remove an important location that could provide needed employment-related uses to this most important new location, the connection of the South Lawrence Trafficway to the Turnpike. We ask that none of these changes be approved and that the Plan remain unrevised. We believe our reasons for this involve the future well-being of the City.

1. The policy change on pages 3-8, (3.2.1.5) under “Applicable Areas” that would allow the Residential/Office to change its boundaries, thereby allowing the intrusion of the IL District zoning, regardless of whether the mini-storage area is built, would decrease the needed area for the Residential/Office, reducing its likelihood of being used for that purpose, and at the same time not provide a sufficiently large Office/Research area to be a benefit.

2. A mini-storage use built in that area would be highly visible from the K-10 connection and for that reason undesirable, as well.

3. a) The policy change on pages 3-8 (3.2.1.5) under “Primary Uses” would add “Detached dwellings” to the permitted uses. This would allow the change of the primary use of the Residential/Office designation from the intended employment-related uses to nothing but single-family residences. This change would become a major loss of future opportunity for the City.

   b) Also, the change here would seem to dictate that this policy would become general and extend to the Residential/Office category everywhere, permitting single-family detached residences and thus removing the mixed-use, employment-related purpose of this category and eliminating predictability of this designation.
4. Annexing and rezoning the residential area north of the Rock Chalk Park, which is now part of the Northwest Plan, is not treating the area as was originally intended. The Northwest Plan recommended, because of the extreme terrain, that this area be low and very low density. The rezoning of this area to RS7 is too dense for the terrain. We suggest, first of all, that it not be annexed or included in the Farmers' Turnpike Plan, and when it is rezoned to residential that it be rezoned to RS10 or RS20 and developed as a cluster development in order to avoid intrusion into the flood plain, vegetation, and rough terrain.

5. As a future consideration, we ask that you attempt to plan residential areas as neighborhoods incorporating smaller portions of them into larger planned areas that have in them, or planned for them, the essential amenities. These include schools, parks, neighborhood centers and transportation systems with complete streets that interconnect within the neighborhoods, allowing convenient pedestrian access.

We hope that you consider our suggestions useful. Thank you.

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
6/23/14

ITEM NO. 3D: A TO RS7; 75.4 ACRES; SE OF N 1750 RD & E 902 RD (MKM)

Z-14-00164: Consider a request to rezone approximately 75.4 acres from County A (Agricultural) District to RS7 (Single-Dwelling Residential) District, located SE of N 1750 Rd and E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc and Robert and Jan Maxwell Trust, property owners of record.

ITEM NO. 3F: A TO RS7-FP; .8 ACRE; SE OF N 1750 RD & E 902 RD (MKM)

Z-14-00204: Consider a request to rezone approximately .8 acre from County A (Agricultural) District to RS7-FP with (Single-Dwelling Residential with Floodplain Management Regulations Overlay) District, located SE of N 1750 Rd & E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

ITEM 3D STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-14-00164 for approximately 75.4 acres from A to RS7 and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

ITEM 3F STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-14-00204 for approximately .8 acres from A to RS7-FP and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

The two rezoning requests included in this staff report are for the same parcel, with rezoning Z-14-00204 adding the Floodplain Management Regulations Overlay District to the RS7 Base District due to the floodplain in the area. As the rezonings occur on the same parcel much of the information will be the same. This report will combine the two rezonings but will make a distinction where the discussion or findings pertain to a specific rezoning request.

REASON FOR REQUEST
Applicant's Response:
"Annexation has been requested and rezoning is part of the process."

KEY POINTS
• The property is not located within the boundaries of any future area plan.

• A Comprehensive Plan Amendment to expand the boundaries of the K-10 & Farmers Turnpike Plan to include the subject property has been submitted and is also on the June Planning Commission agenda as part of this item.
ASSOCIATED CASES

- CPA-14-00005: Revision and expansion of *K-10 & Farmer's Turnpike Plan*.
- A-14-00161: Annexation of approximately 100 acres.
- Z-14-00165: Rezoning of approximately 13.3 acres from A (County-Agricultural) to IL (Limited Industrial) District.
- Z-14-00162: Rezoning of approximately 25 acres from A (County-Agricultural) to RS5 (Single-Dwelling Residential) District.

These associated cases were submitted as part of the overall development project and are being considered at the June Planning Commission meeting.

OTHER ACTION REQUIRED

- City Commission approval of Comprehensive Plan Amendment and adoption/publication of ordinance/resolution.
- City Commission approval of annexation request and adoption/publication of annexation ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of property through the Major Subdivision process.
- Application and release of building permits prior to development.

ATTACHMENTS

Attachment A: Zoning map
Attachment B: Concept plan

PUBLIC COMMENT

No public comment was received for this item prior to the printing of this staff report.

Project Summary

The subject property is located in an area that is currently undergoing development. Rock Chalk Park, a KU/regional sport facility, and a City recreation center are under construction to the southeast. Other developments in the area such as Mercato and the Links at Lawrence have preliminary development approvals. Growth in this area was previously limited by the lack of City infrastructure; however, the extension of the Baldwin Creek Sanitary Sewer Interceptor Line in 2009 and the adoption of a Wastewater Masterplan with plans for future main extensions in the area have made development possible. An annexation request was submitted for this property based on the ability of the City to provide services.

The subject rezoning request to the RS7 (Single-Dwelling) District is compliant with the recommendations in the *K-10 & Farmer’s Turnpike Plan* as revised with the Comprehensive Plan Amendment (CPA-14-00005).

The RS7 zoning is requested to accommodate development of the subject property with single-dwelling residences. The development as shown in the concept plan, Attachment B, proposes a residential development with one access point to the exterior street network and the use of cul-de-sacs throughout the subdivision. The concept plan shows that residential development is possible in this area, but the road network may need revised to provide code.
compliant access to the exterior street network and circulation within the subdivision. The sector plan recommends the use of a grid pattern when possible. These issues would be addressed at the platting stage.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Z-14-00164, A to RS7:

Applicant’s Response:
“The proposed rezoning is in general conformance with Horizon 2020.”

The subject property is not currently within the planning boundaries of a future area plan but a Comprehensive Plan Amendment to revise the K-10 & Farmer’s Turnpike Plan to include this area is being considered by the Planning Commission at their June meeting. Compliance with the revised sector plan recommended by staff is discussed in Section 4 of this report. The rezoning request will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan for Residential Development. Policies from the Comprehensive Plan are below, with staff comments in red.

The Comprehensive Plan recommends low density and very low density as an alternative land use for the Northwest area. “This type of very low-density residential development is intended for use in areas to be annexed to the city and served by urban services, but which, due to the presence of forest, slopes and natural drainageways, may not be capable of sustaining residential densities planned in other locations of the community.” (Page 5-9, Horizon 2020)

The subject property contains forests/woodlands and slopes as shown in Figure 1. The RS7 District is a low density zoning district and should be able to avoid impacts to the environmental features on the site. The concept plan proposes development in the wooded areas; however, this will be evaluated at the platting stage to insure compliance with the Protection Standards for Environmentally Sensitive Lands with Residential Development, Section 20-1101 of the Development Code and the recommendations of the sector plan. The proposed rezoning is compliant with the recommendations in the Comprehensive Plan; however, the concept plan may need to be revised to protect the sloped and wooded areas.

Figure 1a. Slope of subject property, from City GIS maps.

Figure 1b. Environmentally Sensitive Lands present on the subject property: Stands of Mature Trees and Stream Corridor.
Goal 4 of Chapter 5 provides the following policies for the location of low-density residential development:

- “Identify suitable land areas of adequate size to accommodate residential subdivisions in order to facilitate well-planned orderly development with improved coordination of public services and facilities.” (Page 5-17)
- “Encourage subdivision design in which residential lots are oriented towards, and take access from the neighborhood of which they are a part.” (Page 5-19);

The subdivision, as shown on the concept plan provided with the rezoning request, is compliant with these recommendations.

**Staff Finding** - The rezoning request to the RS7 District is compliant with the general recommendations of the Residential Chapter of the Comprehensive Plan; however, the development as proposed in the concept plan may need to be revised to provide adequate protection for the steep slopes or forests/woodlands. Approval of the rezoning request does not constitute approval of the concept plan. The proposed development will be evaluated with the Protection Standards for Residential Districts provided in Section 20-1101 of the Development Code and the recommendations of the sector plan during the platting process to insure compliance. The rezoning request will also be evaluated with the recommendations of the proposed revised sector plan in Section 4 of this report.

**Z-14-00204, A to RS7-FP:**

Applicant’s Response:

“The FP Overlay rezoning is required.”

A small area of floodplain is located on the southwest corner of the subject property (Figure 3). The Development Code requires that the FEMA designated floodplain and additional areas be rezoned to the Floodplain Management Regulations Overlay District when properties are annexed to account for increases to the Base Flood Elevations and Floodplain Widths due to additional development in the watershed. The Code requires the following additional areas to be rezoned to the overlay district:

1) All land measured as 2 ft of freeboard above the Base Flood Elevation.
2) All stream tributaries with a drainage area of 240 acres or more.

The applicant provided this rezoning request for the .8 acres of the total site which is 2 ft above the Base Flood Elevation as required by Code.

Policy 1.6 of Horizon 2020 Chapter 16 ‘Environment’ states: “The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. Exceeding National and State regulations benefits the community by reducing the threat to human life, reducing property loss and ensuring water quality. Consider further limiting new development from encroaching into the regulatory floodplain by adopting regulations that promote no adverse impact in flood hazard areas.”

The rezoning of the floodplain and additional areas into the Floodplain Management Regulations Overlay District to account for future development within the watershed is compliant with this recommendation.
ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: A (County-Agricultural); Agriculture.

Surrounding Zoning and Land Use:

To the north and east:
A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Baldwin Creek and wooded stream corridor, Woodland, and Rural Residential. Property to the north is owned by the City and is designated as future parkland.

To the west:
A (County-Agricultural); Agriculture and Rural Residential. A rezoning request for the parcel containing the Agricultural land use to the RS5 District is on the June Planning Commission agenda.

To the south:
GPI (City-General Public and Institutional Use) and OS-FP (City-Open Space and Floodplain Management Regulations Overlay) Districts; GPI zoned property is undeveloped, OS-FP property is a city park.

(Figure 3)

Staff Finding - The surrounding area includes land to the west that is part of the overall development project. Property to the south is within the city and is zoned GPI (General Public and Institutional Use) and OS-FP (Open Space with Floodplain Management Regulations Overlay) Districts. The GPI properties are phases 1 and 2 of the Rock Chalk Park KU/Regional Sports Center development and the OS-FP property is a City Park. The other surrounding properties are currently outside the city limits and contain Agriculture, Woodlands, Stream Corridor, and scattered Rural Residential land uses. The property to the west of E 902 Road is included in this development project and has an annexation request.

Figure 3a. Zoning in the area. (Subject property outlined, approximate area.) County Zonings in black, City in red. Floodplain shown in shades of red.

Figure 1b. Land use in the area. City parkland highlighted in green, future parkland in green hatched area.
and rezoning request to the RS5 District on the June Planning Commission’s agenda. The proposed RS7 and RS7-FP zonings for residential development and protection of the floodplain are compatible with surrounding land uses.

2. CHARACTER OF THE NEIGHBORHOOD

   Applicant’s Response:
   "The character of the neighborhood has been recently changed with the recent construction of Rock Chalk Park. The properties are influenced by the character of the area, which includes K-10 Highway, Rock Chalk Park and the Westar Substation."

The area is bounded on the west by K-10 Highway, which is classified in the Major Thoroughfares Map as a Freeway, on the north by N 1750 Road, which is classified as a Principal Arterial. Future Collector Streets connect N 1750 Road to W 6th Street/Highway 40 to the south and provide east/west connections to E 1000 Rd and Wakarusa Drive, Principal Arterials. The area has access to the major transportation network.

Development occurring in the area includes Rock Chalk Park, a KU/Regional Sports Center, and a City Recreation Center. Other areas with preliminary development approvals include Mercato, a commercial/office/residential development; and Links at Lawrence, a multi-dwelling residential development. The utility use west of E 902 Road, an electric substation, is also developing and a CUP for the expansion of the facility is on the June Planning Commission agenda.

The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area in addition to areas of woodland. Open space is available in the area in the form of City parklands, with the Rock Chalk Park to the southeast of the subject property and future City parkland to the northeast.

   Staff Finding - The area has a network of collector streets that provide connections to arterials bordering the area on the north (N 1750 Road), east (E 1000 Road and Wakarusa Drive) and to the south (W 6th Street/Highway 40). The electric utility and the portion of the area that is within the City limits are experiencing development. Open space (Baldwin Creek Floodplain and riparian corridor, and City parklands) is present in the area. The area contains Environmentally Sensitive Lands in the form of stream corridors, floodplain, and stands of mature trees. The proposed RS7 and RS7-FP rezonings and residential use are compatible with the existing and proposed uses in the area.

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

The subject property is located east of the planning boundary of the K-10 and Farmer’s Turnpike Plan. The applicant requested a Comprehensive Plan Amendment to expand the planning area to include the subject property and to recommend residential land uses as a future land use. The CPA, also on the Planning Commission’s June agenda for consideration, adds the subject property to the planning area and recommends low density residential land uses. The RS7 District is one of the districts it notes would be appropriate. The proposed RS7 and RS7-FP zonings would be compliant with the revised plan.
The sector plan recommends cluster development where necessary to protect environmentally sensitive lands. It may not be possible to develop the property as shown in the concept plan given the environmentally sensitive lands which are included in the development area. The property owner could submit a rezoning request to the PD Overlay for the flexibility to reduce the lot size requirements so the property could be developed at the RS7 density while protecting the environmentally sensitive areas. The property owner could also continue with the base zoning of RS7 with the understanding that the development shown on the concept plan is not being approved with the rezoning. Measures for the protection of environmentally sensitive areas would be established through the platting process.

**Staff Finding** - The property is located outside the limits of the *K-10 & Farmer's Turnpike Plan*. A Comprehensive Plan Amendment (CPA) recommended by staff includes the area within the planning boundary and recommends low density residential as a future land use. The RS7 and RS7-FP rezonings are compliant with the recommendations in the CPA. The concept plan shows development occurring in the wooded area. The approval of the rezoning does not constitute approval of the concept plan and the final layout may need to be revised to provide protection for the forest/woodland and steep slopes, as recommended in the plan. Another option would be for the property to be rezoned to the PD Overlay District which allows the City Commission to reduce the lot size requirements to allow the protection of the sensitive areas while maintaining the RS7 density.

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

**Applicant’s Response:**

“The property currently has a County zoning designation which is unsuitable once it is annexed into the City.”

The property is currently zoned A which permits agricultural uses as well as other low intensity uses in the County such as very low density residential. The property is suitable for uses which are permitted within the A District; however, annexation is appropriate prior to development given the proximity to the City limits. Upon annexation, the property must be rezoned to an urban zoning designation.

The property is suitable for the *Detached Dwelling* use which has been proposed. The environmentally sensitive lands which are present on site may require alterations to the layout as shown on the concept plan.

**Staff Finding** - The property is suitable for the uses to which it is restricted; however, annexation is appropriate given the proximity of the City limits and the ability of the City to provide services. Once annexed, the property must be rezoned to an urban zoning designation. The A Zoning District is not suitable following annexation. The RS7 Zoning District is compliant with the revised sector plan being recommended by staff with the Comprehensive Plan Amendment, CPA-14-00005. The property contains floodplain as defined in Article 12 of the Development Code and is suitable for rezoning to the FP Overlay District.

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

**Applicant’s Response:**

“The property has never been developed.”
Staff Finding - The property has not been developed since the adoption of zoning regulations in the unincorporated area of the County, 1966. Rezoning is being requested to accommodate development following annexation.

6. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response: 
“The zoning request will not detrimentally affect nearby properties.”

The rezoning to the RS7 and RS7-FP Districts would not negatively impact nearby properties, as the development would consist of low density detached dwellings. The property is located between two City parks, Rock Chalk Park to the south and future parkland to the north. Property immediately to the east contains woodland and a rural residence. A detached dwelling development would be compatible with the nearby properties and should have no detrimental effect.

Staff Finding - The rezoning should have no detrimental impact to nearby properties as the surrounding land uses are residential, agricultural, and open space or undeveloped property. Low density residential development is considered a low intensity land use with few, if any, impacts to adjacent properties.

7. 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

Z-14-00164, A to RS7
Applicants Response:
“The expansion of available industrial and residential land will provide new opportunities for the community as a whole. It will also be a valuable contribution to the future growth and development of the part of the Urban Growth Area once services are available.”

Z-14-00204, A to RS7-FP:
Applicant’s Response:
“The rezoning will control what happens within and adjacent to the floodplain in this area.”

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

If the Comprehensive Plan Amendment is approved so that Detached Dwelling uses are recommended in this area, there would be no gain to the public from the denial of the RS7 rezoning. If the rezoning request were denied, the hardship to the applicant would be the necessity to revise the sector plan to provide another land use recommendation for this area.

The RS7-FP rezoning is a protective overlay district required by the Development Code that requires the Floodplain Management Regulations be applied not only to the area within the
FEMA designated floodplain but to an additional area which includes 2 ft freeboard above Base Flood Elevation and any stream with over 240 acres of drainage area to account for additional development within the watershed. The denial of the rezoning request would provide no benefit to the public health, safety and welfare, and could be a detriment as it would remove the additional floodplain protection measures.

**Staff Finding** - If the Comprehensive Plan Amendment is approved, there would be no gain to the public from the denial of the RS7 or the RS7-FP rezoning requests. The public would benefit from the approval of the RS7-FP rezoning as it provides additional protection measures for the floodplain, and possible floodplain areas.

**PROFESSIONAL STAFF RECOMMENDATION**
This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The RS7 rezoning request is compliant with general recommendations for residential development in *Horizon 2020* and with the land use recommendations in the revised *K-10 & Farmer’s Turnpike Plan* proposed with CPA-14-00005. The concept plan provided with the rezoning request shows development of the woodland on the east side of the property. Protection measures for environmentally sensitive lands will be determined with the platting of the property through the Major Subdivision process and the final development may vary from that shown on the concept plan.

The RS7-FP rezoning request is compliant with general recommendation for Floodplain protection in *Horizon 2020* and with requirements of the Development Code.

Staff recommends approval of the RS7 and RS7-FP rezoning requests.
A-14-00161, A-14-00163 & Z-14-00164: Annex and Rezone 75.4 acres from A District to RS7 District
A-14-00161 & Z-14-00162: Annex and Rezone 25.2 acres from A District to RS5 District
A-14-00161 & Z-14-00165: Annex and Rezone 13.3 acres from A District to IL District
Z-14-00204: Rezone 0.8 acres from A District to RS7-FP District

Located North of Rock Chalk Park & East of K-10 Highway
To Mr. Bryan Culver, Chairman, and Planning Commissioners  
Lawrence-Douglas County Metropolitan Planning Commission  

RE: AGENDA ITEMS 2 AND 3A THROUGH 3E, K-10 & FARMERS’ TURNPIKE PLAN  
CHANGES, AND ANNEXATIONS, AND REZONINGS  

Dear Chairman Culver and Planning Commissioners  

We ask that you deny all of the proposed changes in the Agenda Item No. 2, the revision of the K-10 & Farmers’ Turnpike Plan, and all of Agenda Items 3A through 3E, the annexation and rezonings. This includes not only the proposed changes to the Future Land Use Map, but also the proposed policy changes to the designated Residential/Office area that would change its boundaries, and most importantly that would add detached dwellings to the “Primary Uses” policies, pages 3-8, and all other changes currently proposed for this Area Plan. In conjunction, we ask that you not annex this land or rezone any of it at this time.  

We believe that this is an extremely important issue. By allowing these changes to this Plan, and consequently this area, it would remove an important location that could provide needed employment-related uses to this most important new location, the connection of the South Lawrence Trafficway to the Turnpike. We ask that none of these changes be approved and that the Plan remain unrevised. We believe our reasons for this involve the future well-being of the City.  

1. The policy change on pages 3-8, (3.2.1.5) under “Applicable Areas” that would allow the Residential/Office to change its boundaries, thereby allowing the intrusion of the IL District zoning, regardless of whether the mini-storage area is built, would decrease the needed area for the Residential/Office, reducing its likelihood of being used for that purpose, and at the same time not provide a sufficiently large Office/Research area to be a benefit.  

2. A mini-storage use being built in that area would be highly visible from the K-10 connection and for that reason undesirable, as well.  

3. a) The policy change on pages 3-8 (3.2.1.5) under “Primary Uses” would add “Detached dwellings” to the permitted uses. This would allow the change of the primary use of the Residential/Office designation from the intended employment-related uses to nothing but single-family residences. This change would become a major loss of future opportunity for the City.  

b) Also, the change here would seem to dictate that this policy would become general and extend to the Residential/Office category everywhere, permitting single-family detached residences and thus removing the mixed-use, employment-related purpose of this category and eliminating predictability of this designation.
4. Annexing and rezoning the residential area north of the Rock Chalk Park, which is now part of the Northwest Plan, is not treating the area as was originally intended. The Northwest Plan recommended, because of the extreme terrain, that this area be low and very low density. The rezoning of this area to RS7 is too dense for the terrain. We suggest, first of all, that it not be annexed or included in the Farmers' Turnpike Plan, and when it is rezoned to residential that it be rezoned to RS10 or RS20 and developed as a cluster development in order to avoid intrusion into the flood plain, vegetation, and rough terrain.

5. As a future consideration, we ask that you attempt to plan residential areas as neighborhoods incorporating smaller portions of them into larger planned areas that have in them, or planned for them, the essential amenities. These include schools, parks, neighborhood centers and transportation systems with complete streets that interconnect within the neighborhoods, allowing convenient pedestrian access.

We hope that you consider our suggestions useful. Thank you.

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
ITEM NO. 3E: A TO IL; 13.3 ACRES; SW OF N 1750 RD & E 902 RD (MKM)

Z-14-00165: Consider a request to rezone approximately 13.3 acres from County A (Agricultural) District to IL (Limited Industrial) District, located SW of N 1750 Rd & E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 13.3 acres southwest of N 1750 and E 902 Roads from A (County-Agricultural) District to IL (Limited Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1. The rezoning is contingent upon the approval of the associated annexation request and will be in effect only after the publication of the annexation ordinance.
2. Any future use proposed for this property shall comply with the primary uses listed for the Office/Research classification in the K-10 & Farmer's Turnpike Plan and any amendments to the plan.

REASON FOR REQUEST
Applicant’s Response: “Annexation has been requested and rezoning is part of the process.”

KEY POINT
• The property is located within the boundaries of the K-10 & Farmers Turnpike Plan.
• A Comprehensive Plan Amendment to expand the boundaries of the K-10 & Farmers Turnpike Plan and to revise the future land use recommendations has been submitted and is also on the June Planning Commission agenda as part of this item.

ASSOCIATED CASES
• CPA-14-00005: Revision and expansion of K-10 & Farmer's Turnpike Plan.
• A-14-00161: Annexation of approximately 100 acres.
• A-14-00163: Annexation approximately 15 acres.
• Z-14-00162: Rezoning of approximately 25 acres A (County-Agricultural) to RS5 (Single Dwelling Residential) District.
• Z-14-00164: Rezoning of approximately 75 acres from A (County-Agricultural) to RS7 (Single-Dwelling Residential) District.
• Z-14-00204: Rezoning of approximately .8 acres from A (County-Agricultural) to RS7-FP (Single-Dwelling Residential and Floodplain Management Regulations Overlay) District.

These associated cases were submitted as part of the same development project and are being considered at the June Planning Commission meeting.
OTHER ACTION REQUIRED
- City Commission approval of Comprehensive Plan Amendment and adoption/publication of ordinance/resolution.
- City Commission approval of annexation request and adoption/publication of annexation ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of property through the Major Subdivision process.
- Submittal and administrative review/approval of site plan for industrial development.
- Application and release of building permits prior to development.

ATTACHMENTS
Attachment A: Zoning map
Attachment B: Concept plan

PUBLIC COMMENT
No public comment was received for this item prior to the printing of this staff report.

Project Summary
The subject property is located in an area that is undergoing development. Rock Chalk Park, a KU/regional sport facility, and a City Recreation Center are under construction to the southeast. Other developments such as Mercato and the Links at Lawrence have preliminary approvals. Growth in this area had previously been limited by the lack of City infrastructure; however, the extension of the Baldwin Creek Sanitary Sewer Interceptor Line in 2009 and adoption of a Wastewater Masterplan with plans for future main extensions in the area have made development possible. An annexation request was submitted for this property and is before the Commission as part of this item.

The subject rezoning request to the IL (Limited Industrial) District is not compliant with the recommendations in the K-10 & Farmer's Turnpike Plan but may be appropriate given the nature of the development immediately to the east, the Westar Baldwin Creek Substation. Westar has plans to expand this facility and a Conditional Use Permit application is on the June Planning Commission agenda for consideration. A warehouse use may be more compatible with the larger substation and additional transmission lines being proposed. A Comprehensive Plan Amendment to revise the K-10 & Farmer's Turnpike Plan was submitted by the applicant to revise the plan’s future land use recommendations to permit a warehouse use in this location.

The property owner indicated that the proposed use is a Mini-Warehouse. The concept plan shows the proposed layout of the warehouse. Principal factors to consider with the site design are buffering from the residential or residential/office uses to the north, E 902 Rd, and the appearance of the warehouse, both from the nearby residential areas and K-10 Highway. These would be considered with the site planning process and the implementation of the Industrial Design Standards and Guidelines.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN
   Applicant’s Response:
“The staff report for CPA-14-00005 indicates that the proposed rezoning is in general conformance with Horizon 2020. The zoning request has been slightly modified to reflect the findings of the staff report.”

The subject property is within the planning boundaries of the K-10 & Farmer’s Turnpike Plan, which is discussed in Section 4 of this report. The rezoning will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan. Policies from the Comprehensive Plan are below, with staff comments in red.

Horizon 2020 recommends that new industrial development substantially meet the following locational criteria for Industrial Development in Chapter 7:

- Have feasible access to Federal and State transportation networks
- Be of adequate parcel size, generally over forty acres
- Lie primarily outside of the regulatory floodplain
- Have minimal average slopes. (page 7-4)

The subject location substantially meets these criteria. The parcel is less than 40 acres; however, the area provided, 13.3 acres, is adequate for the limited industrial use that is being proposed.

Policy 3.1 Transitional Methods
a. “Encourage industrial, office research and warehouse distribution facilities to have a positive impact on neighboring land uses through the use of natural area separations, broad landscaped yards, or other means of buffering.”

The warehouse would be separated from the development to the north by open space which will contain the access drive and buffering landscaping.

Policy 4.3 Vehicular circulation and Access
b. “Prohibit direct vehicular access from industrial and employment-related developments to local residential streets. Industrial and employment-related traffic through residential areas is strongly discouraged.”

The proposed warehouse would take access directly from E 902 Road, which is classified in the Major Thoroughfares Map as a future Major Collector in this location.

Staff Finding - The rezoning request is compliant with the recommendations of Industrial Chapter of the Comprehensive Plan. The redevelopment proposal will be evaluated with the recommendations of the sector plan in Section 4 of this report.

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

Current Zoning and Land Use:  A (County-Agricultural); Agriculture.

Surrounding Zoning and Land Use: To the north:

- A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Baldwin Creek, wooded stream corridor, and Agriculture.

To the west:

- A (County-Agricultural); Agriculture and K-10 Highway.

To the east:

- A (County-Agricultural); Utility, Electric Substation.
To the south:
A (County-Agricultural); Agricultural land uses and accessory structures and K-10 Highway.
(Figure 1)

**Staff Finding** - The subject property is included in an annexation request for adjacent land to the north and land east of E 902 Road. The properties to the west and south are outside of the City limits, are zoned A (Agricultural) and are currently used for Agricultural uses. The property to the east is zoned A, but has a Conditional Use Permit for a Utility, an electric substation. The property to the north is currently zoned A, but has a rezoning request to the RS5 District for a proposed residential development. The proposed IL zoning and Mini-Warehouse land use is compatible with the existing and proposed zonings and land uses in the area.

![Figure 1a. Zoning in the area. (Subject property outlined, approximate area.)](image)
![Figure 1b. Land use in the area. City parkland highlighted in green, future parkland in green hatched area.](image)

3. **CHARACTER OF THE NEIGHBORHOOD**

Applicant’s Response:

“The character of the neighborhood has been recently changed with the recent construction of Rock Chalk Park. The properties are influenced by the character of the area, which includes K-10 Highway, Rock Chalk Park and the Westar Substation.”

The area is bounded on the west by K-10 Highway, which is classified in the Major Thoroughfares Map as a Freeway, and on the north by N 1750 Road, which is classified as a Principal Arterial. Future Collector Streets connect N 1750 Road to W 6th Street/Highway 40 to the south and provide east/west connections to E 1000 Rd and Wakarusa Drive, Principal Arterials. The area has access to the major transportation network. (Figure 2)

Current land uses in the area are agriculture, rural residential, woodlands, and utility; however urban properties in the area are in various stages of development. Construction of the KU/regional sports center, Rock Chalk Park, and the City Recreation Center is nearly complete. The Mercato development to the south of Rock Chalk Park and the Links at Lawrence, a multi-dwelling development proposed to the east of Rock Chalk Park have preliminary development approvals. The area that is within the City limits is experiencing development.
The utility use, an electric substation, is also developing. A CUP has been submitted to allow for the expansion of the facility.

The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area. Open space is available in the area in the form of City parklands, with the Rock Chalk Park to the southeast of the subject property and a future City parkland to the northeast.

![Transportation network in the area. Subject property in black.](image)

**Figure 2.** Transportation network in the area. Subject property in black.

**Staff Finding** - The area contains a network of collector streets that provide connections to arterials bordering the area on the north (N 1750 Road), east (E 1000 Road and Wakarusa Drive) and south (W 6th Street/Highway 40). The utility and the portion of the area that is within the City limits is experiencing development. Open space (Baldwin Creek Floodplain and riparian corridor, and City parklands) is present in the area. The proposed use would access a Future Major Collector Street, E 902 Road, which connects to W 6th Street/Highway 40 to the south and Wakarusa Drive to the east and should have no negative impact on environmental features or open space in the area. With appropriate site design, the use should be compatible with the existing and proposed uses in the area.

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

The subject property is located within the planning boundary of the K-10 and Farmer's Turnpike Plan. The plan recommends this area as Residential/Office on the Future Land Use Map (Page 3-11 of the plan; Figure 3) The plan lists the following uses as being appropriate in the Residential/Office area: mixed use development of administrative and professional offices with varying degrees of residential that may be achieved through the use of work/live units. Primary uses recommended are: work/live units, non-ground floor dwellings, attached dwellings, multi-dwelling structures, civic and public uses, and offices. The applicant submitted an application for a Comprehensive Plan Amendment (CPA) to revise the recommendations of the sector plan to permit a *Mini-Warehouse*, use in this location.
The CPA, also on the Planning Commission’s June agenda for consideration, recommends revising the land use map so that the subject property is recommended for Office/Research uses. Light wholesale storage and distribution is one of the recommended primary uses. (Section 3.2.1.7, K-10 & Farmer’s Turnpike Plan) Office/Research primary uses include: professional offices, research services, manufacturing and production limited and technology, light wholesale storage and distribution. The plan recommends a restricted list of uses and, if the CPA and rezoning request are approved, the rezoning should be restricted to those uses listed in the plan for Office/Research uses.

**Staff Finding** - The property is located within the limits of the K-10 & Farmer’s Turnpike Plan which recommends Residential/Office as a future land use. The proposed rezoning is not compliant with the current recommendations; however, staff’s recommendation on the Comprehensive Plan Amendment is to revise the future land use recommendations for this property from Residential/Office to Office/Research. The proposed use complies with the future land uses recommendations of the sector plan, with changes recommended by staff with CPA 14-00005.

5. **Suitability of Subject Property for the Uses to Which It Has Been Restricted Under the Existing Zoning Regulations**

Applicant’s Response:
“The property currently has a County zoning designation which is unsuitable once it is annexed into the City.”

The property is currently zoned A which permits agricultural uses as well as other low intensity uses in the County. A Mini-Warehouse is a permitted use in the A District when approved with a Conditional Use Permit. Standards which would apply include: 1) Property must be within the Urban Growth Area, 2) Direct access must be taken to a paved road with a classification of ‘Collector’ or higher. The property is suitable for uses which are permitted within the A District; however, annexation is appropriate prior to development given the proximity of the property to the City limits.

The property is suitable for the Mini-Warehouse use which has been proposed. A limited industrial use would be compatible with the adjacent uses: K-10 Highway, a freeway, and agricultural land uses to the west; and an electric substation to the east. The property will be separated from the development to the north by an easement for electric transmission lines.

**Staff Finding** - The property is suitable for the uses to which it is restricted; however, annexation is appropriate with this development given the proximity of the City limits and the
ability of the City to provide services. Once annexed, the property must be rezoned to an urban zoning designation. The IL District is an appropriate zoning district, pending approval of the Comprehensive Plan Amendment.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED
   Applicant’s Response:
   “The property has never been developed.”

Staff Finding - The property has not been developed since the adoption of zoning regulations in the unincorporated area of the County, 1966. Rezoning is being requested to accommodate development following annexation.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES
   Applicants Response:
   “The zoning request will not detrimentally affect nearby properties.”

A Mini-Warehouse facility would be permitted in the County-A District with a Conditional Use Permit or in the City IL District with a site plan. Rezoning to the IL District could permit a range of other uses; however, the site plan review criteria in Section 20-1305(j) of the Development Code requires that the site plan complies with the adopted neighborhood or area plans. As this area has an adopted sector plan, any proposed use would be evaluated for compliance with the recommendations of the K-10 & Farmer’s Turnpike Plan. The primary uses the plan recommends for Office/Research include: professional offices, research services, manufacturing and production limited and technology, and light wholesale storage and distribution. The rezoning should be conditioned to clarify that the uses are limited to those recommended by the area plan.

Given the property's location to the K-10 Highway and future adjacent residential/office development (recommended in area plan), the redevelopment of the property should receive stringent review with the Industrial Design Standards and Guidelines to insure compatibility with the neighborhood and an aesthetically pleasing view from K-10 Highway.

Staff Finding - The rezoning to the IL District will permit additional uses to be developed on the property than would have been possible with the A Zoning. The rezoning should be conditioned to restrict the permitted uses to those listed in the Office/Research category per Section 3.2.1.7 of the K-10 & Farmer’s Turnpike Plan. Given the proximity of the property to K-10 Highway and future residential/office uses, any development proposal should receive stringent review with the Industrial Design Standards and Guidelines to insure compatibility with the neighborhood and an aesthetically pleasing view from K-10 Highway.

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
   Applicants Response:
   “The expansion of available industrial and residential land will provide new opportunities for the community as a whole. It will also be a valuable contribution to the future growth and development of the part of the Urban Growth Area once services are available.”
Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

If the Comprehensive Plan Amendment is approved so that Office/Research uses are permitted, there would be no gain to the public from the denial of the rezoning. The rezoning should be conditioned to reflect that the permitted uses are those listed in the 'primary uses' section of the K-10 & Farmer's Turnpike Plan to insure those uses which have been determined to be compatible with the area are those uses which are permitted.

If the rezoning were denied, the applicant could withdraw the annexation request and submit an application to develop the Mini-Warehouse as a Conditional Use.

**Staff Finding** - The approval of the rezoning would allow the development of a Mini-Warehouse, a use the property owner feels is more compatible with the electric substation than residential or office uses. Given the safeguards that are provided with the current Code: use restrictions in the area plan, and design standards in the Industrial Design Standards and Guidelines, there would be no benefit to the public health, safety, and welfare due to the denial of the application.

**PROFESSIONAL STAFF RECOMMENDATION**
This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations for industrial development in Horizon 2020. The request is not compliant with the current plan for the area, but does comply with staff recommendations on the Comprehensive Plan Amendment.
Staff recommends approval of the rezoning request subject to the following conditions:
1. The rezoning is contingent upon the approval of the associated annexation request and will be in effect only after the publication of the annexation ordinance.
2. Any future uses proposed for this property shall comply with the primary uses listed for the Office/Research classification in the K-10 & Farmer's Turnpike Plan, and any future amendments or revisions.
To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE. AGENDA ITEMS 2 AND 3A THROUGH 3E, K-10 & FARMERS’ TURNPIKE PLAN
CHANGES, AND ANNEXATIONS, AND REZONINGS

Dear Chairman Culver and Planning Commissioners

We ask that you deny all of the proposed changes in the Agenda Item No. 2, the
revision of the K-10 & Farmers’ Turnpike Plan, and all of Agenda Items 3A through
3E, the annexation and rezonings. This includes not only the proposed changes to the
Future Land Use Map, but also the proposed policy changes to the designated
Residential/Office area that would change its boundaries, and most importantly that
would add detached dwellings to the “Primary Uses” policies, pages 3-8, and all other
changes currently proposed for this Area Plan. In conjunction, we ask that you not
annex this land or rezone any of it at this time.

We believe that this is an extremely important issue. By allowing these changes to this
Plan, and consequently this area, it would remove an important location that could
provide needed employment-related uses to this most important new location, the
connection of the South Lawrence Trafficway to the Turnpike. We ask that none of
these changes be approved and that the Plan remain unrevised. We believe our reasons
for this involve the future well-being of the City.

1. The policy change on pages 3-8, (3.2.1.5) under “Applicable Areas” that would
allow the Residential/Office to change its boundaries, thereby allowing the intrusion
of the IL District zoning, regardless of whether the mini-storage area is built, would
decrease the needed area for the Residential/Office, reducing its likelihood of being
used for that purpose, and at the same time not provide a sufficiently large
Office/Research area to be a benefit.

2. A mini-storage use being built in that area would be highly visible from the K-10
connection and for that reason undesirable, as well.

3. a) The policy change on pages 3-8 (3.2.1.5) under “Primary Uses” would add “Detached dwellings” to the
permitted uses. This would allow the change of the primary use of the Residential/Office designation from the
intended employment-related uses to nothing but single-family residences. This change would become a major
loss of future opportunity for the City.

b) Also, the change here would seem to dictate that this policy would become general and extend to the
Residential/Office category everywhere, permitting single-family detached residences and thus removing the
mixed-use, employment-related purpose of this category and eliminating predictability of this designation.
4. Annexing and rezoning the residential area north of the Rock Chalk Park, which is now part of the Northwest Plan, is not treating the area as was originally intended. The Northwest Plan recommended, because of the extreme terrain, that this area be low and very low density. The rezoning of this area to RS7 is too dense for the terrain. We suggest, first of all, that it not be annexed or included in the Farmers' Turnpike Plan, and when it is rezoned to residential that it be rezoned to RS10 or RS20 and developed as a cluster development in order to avoid intrusion into the flood plain, vegetation, and rough terrain.

5. As a future consideration, we ask that you attempt to plan residential areas as neighborhoods incorporating smaller portions of them into larger planned areas that have in them, or planned for them, the essential amenities. These include schools, parks, neighborhood centers and transportation systems with complete streets that interconnect within the neighborhoods, allowing convenient pedestrian access.

We hope that you consider our suggestions useful. Thank you.

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
ITEM NO. 3D:  A TO RS7; 75.4 ACRES; SE OF N 1750 RD & E 902 RD (MKM)

Z-14-00164: Consider a request to rezone approximately 75.4 acres from County A (Agricultural) District to RS7 (Single-Dwelling Residential) District, located SE of N 1750 Rd and E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc and Robert and Jan Maxwell Trust, property owners of record.

ITEM NO. 3F:  A TO RS7-FP; .8 ACRE; SE OF N 1750 RD & E 902 RD (MKM)

Z-14-00204: Consider a request to rezone approximately .8 acre from County A (Agricultural) District to RS7-FP with (Single-Dwelling Residential with Floodplain Management Regulations Overlay) District, located SE of N 1750 Rd & E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

ITEM 3D STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-14-00164 for approximately 75.4 acres from A to RS7 and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

ITEM 3F STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-14-00204 for approximately .8 acres from A to RS7-FP and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

The two rezoning requests included in this staff report are for the same parcel, with rezoning Z-14-00204 adding the Floodplain Management Regulations Overlay District to the RS7 Base District due to the floodplain in the area. As the rezonings occur on the same parcel much of the information will be the same. This report will combine the two rezonings but will make a distinction where the discussion or findings pertain to a specific rezoning request.

REASON FOR REQUEST
Applicant’s Response:
“Annexation has been requested and rezoning is part of the process.”

KEY POINTS
- The property is not located within the boundaries of any future area plan.
- A Comprehensive Plan Amendment to expand the boundaries of the K-10 & Farmers Turnpike Plan to include the subject property has been submitted and is also on the June Planning Commission agenda as part of this item.
ASSOCIATED CASES
- CPA-14-00005: Revision and expansion of K-10 & Farmer’s Turnpike Plan.
- A-14-00161: Annexation of approximately 100 acres.
- Z-14-00165: Rezoning of approximately 13.3 acres from A (County-Agricultural) to IL (Limited Industrial) District.
- Z-14-00162: Rezoning of approximately 25 acres from A (County-Agricultural) to RS5 (Single-Dwelling Residential) District.

These associated cases were submitted as part of the overall development project and are being considered at the June Planning Commission meeting.

OTHER ACTION REQUIRED
- City Commission approval of Comprehensive Plan Amendment and adoption/publication of ordinance/resolution.
- City Commission approval of annexation request and adoption/publication of annexation ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of property through the Major Subdivision process.
- Application and release of building permits prior to development.

ATTACHMENTS
Attachment A: Zoning map
Attachment B: Concept plan

PUBLIC COMMENT
No public comment was received for this item prior to the printing of this staff report.

Project Summary
The subject property is located in an area that is currently undergoing development. Rock Chalk Park, a KU/regional sport facility, and a City recreation center are under construction to the southeast. Other developments in the area such as Mercato and the Links at Lawrence have preliminary development approvals. Growth in this area was previously limited by the lack of City infrastructure; however, the extension of the Baldwin Creek Sanitary Sewer Interceptor Line in 2009 and the adoption of a Wastewater Masterplan with plans for future main extensions in the area have made development possible. An annexation request was submitted for this property based on the ability of the City to provide services.

The subject rezoning request to the RS7 (Single-Dwelling) District is compliant with the recommendations in the K-10 & Farmer’s Turnpike Plan as revised with the Comprehensive Plan Amendment (CPA-14-00005).

The RS7 zoning is requested to accommodate development of the subject property with single-dwelling residences. The development as shown in the concept plan, Attachment B, proposes a residential development with one access point to the exterior street network and the use of cul-de-sacs throughout the subdivision. The concept plan shows that residential development is possible in this area, but the road network may need revised to provide code
compliant access to the exterior street network and circulation within the subdivision. The sector plan recommends the use of a grid pattern when possible. These issues would be addressed at the platting stage.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Z-14-00164, A to RS7:

Applicant’s Response:
“The proposed rezoning is in general conformance with Horizon 2020.”

The subject property is not currently within the planning boundaries of a future area plan but a Comprehensive Plan Amendment to revise the K-10 & Farmer’s Turnpike Plan to include this area is being considered by the Planning Commission at their June meeting. Compliance with the revised sector plan recommended by staff is discussed in Section 4 of this report. The rezoning request will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan for Residential Development. Policies from the Comprehensive Plan are below, with staff comments in red.

The Comprehensive Plan recommends low density and very low density as an alternative land use for the Northwest area. “This type of very low-density residential development is intended for use in areas to be annexed to the city and served by urban services, but which, due to the presence of forest, slopes and natural drainageways, may not be capable of sustaining residential densities planned in other locations of the community.” (Page 5-9, Horizon 2020)

The subject property contains forests/woodlands and slopes as shown in Figure 1. The RS7 District is a low density zoning district and should be able to avoid impacts to the environmental features on the site. The concept plan proposes development in the wooded areas; however, this will be evaluated at the platting stage to insure compliance with the Protection Standards for Environmentally Sensitive Lands with Residential Development, Section 20-1101 of the Development Code and the recommendations of the sector plan. The proposed rezoning is compliant with the recommendations in the Comprehensive Plan; however, the concept plan may need to be revised to protect the sloped and wooded areas.

Figure 1a. Slope of subject property, from City GIS maps.

Figure 1b. Environmentally Sensitive Lands present on the subject property: Stands of Mature Trees and Stream Corridor.
Goal 4 of Chapter 5 provides the following policies for the location of low-density residential development:

- “Identify suitable land areas of adequate size to accommodate residential subdivisions in order to facilitate well-planned orderly development with improved coordination of public services and facilities.” (Page 5-17)
- “Encourage subdivision design in which residential lots are oriented towards, and take access from the neighborhood of which they are a part.” (Page 5-19);  

The subdivision, as shown on the concept plan provided with the rezoning request, is compliant with these recommendations.

**Staff Finding** - The rezoning request to the RS7 District is compliant with the general recommendations of the Residential Chapter of the Comprehensive Plan; however, the development as proposed in the concept plan may need to be revised to provide adequate protection for the steep slopes or forests/woodlands. Approval of the rezoning request does not constitute approval of the concept plan. The proposed development will be evaluated with the Protection Standards for Residential Districts provided in Section 20-1101 of the Development Code and the recommendations of the sector plan during the platting process to insure compliance. The rezoning request will also be evaluated with the recommendations of the proposed revised sector plan in Section 4 of this report.

**Z-14-00204, A to RS7-FP:**

**Applicant’s Response:**

“The FP Overlay rezoning is required.”

A small area of floodplain is located on the southwest corner of the subject property (Figure 3). The Development Code requires that the FEMA designated floodplain and additional areas be rezoned to the Floodplain Management Regulations Overlay District when properties are annexed to account for increases to the Base Flood Elevations and Floodplain Widths due to additional development in the watershed. The Code requires the following additional areas to be rezoned to the overlay district:

1) All land measured as 2 ft of freeboard above the Base Flood Elevation.
2) All stream tributaries with a drainage area of 240 acres or more.

The applicant provided this rezoning request for the .8 acres of the total site which is 2 ft above the Base Flood Elevation as required by Code.

Policy 1.6 of Horizon 2020 Chapter 16 ‘Environment’ states: “The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. Exceeding National and State regulations benefits the community by reducing the threat to human life, reducing property loss and ensuring water quality. Consider further limiting new development from encroaching into the regulatory floodplain by adopting regulations that promote no adverse impact in flood hazard areas.”

The rezoning of the floodplain and additional areas into the Floodplain Management Regulations Overlay District to account for future development within the watershed is compliant with this recommendation.
ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: A (County-Agricultural); Agriculture.

Surrounding Zoning and Land Use: To the north and east:
A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Baldwin Creek and wooded stream corridor, Woodland, and Rural Residential. Property to the north is owned by the City and is designated as future parkland.

To the west:
A (County-Agricultural); Agriculture and Rural Residential. A rezoning request for the parcel containing the Agricultural land use to the RS5 District is on the June Planning Commission agenda.

To the south:
GPI (City-General Public and Institutional Use) and OS-FP (City-Open Space and Floodplain Management Regulations Overlay) Districts; GPI zoned property is undeveloped, OS-FP property is a city park.

(Figure 3)

Staff Finding - The surrounding area includes land to the west that is part of the overall development project. Property to the south is within the city and is zoned GPI (General Public and Institutional Use) and OS-FP (Open Space with Floodplain Management Regulations Overlay) Districts. The GPI properties are phases 1 and 2 of the Rock Chalk Park KU/Regional Sports Center development and the OS-FP property is a City Park. The other surrounding properties are currently outside the city limits and contain Agriculture, Woodlands, Stream Corridor, and scattered Rural Residential land uses. The property to the west of E 902 Road is included in this development project and has an annexation request.
and rezoning request to the RS5 District on the June Planning Commission’s agenda. The proposed RS7 and RS7-FP zonings for residential development and protection of the floodplain are compatible with surrounding land uses.

2. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response:

“The character of the neighborhood has been recently changed with the recent construction of Rock Chalk Park. The properties are influenced by the character of the area, which includes K-10 Highway, Rock Chalk Park and the Westar Substation.”

The area is bounded on the west by K-10 Highway, which is classified in the Major Thoroughfares Map as a Freeway, on the north by N 1750 Road, which is classified as a Principal Arterial. Future Collector Streets connect N 1750 Road to W 6th Street/Highway 40 to the south and provide east/west connections to E 1000 Rd and Wakarusa Drive, Principal Arterials. The area has access to the major transportation network.

Development occurring in the area includes Rock Chalk Park, a KU/Regional Sports Center, and a City Recreation Center. Other areas with preliminary development approvals include Mercato, a commercial/office/residential development; and Links at Lawrence, a multi-dwelling residential development. The utility use west of E 902 Road, an electric substation, is also developing and a CUP for the expansion of the facility is on the June Planning Commission agenda.

The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area in addition to areas of woodland. Open space is available in the area in the form of City parklands, with the Rock Chalk Park to the southeast of the subject property and future City parkland to the northeast.

Staff Finding – The area has a network of collector streets that provide connections to arterials bordering the area on the north (N 1750 Road), east (E 1000 Road and Wakarusa Drive) and to the south (W 6th Street/Highway 40). The electric utility and the portion of the area that is within the City limits are experiencing development. Open space (Baldwin Creek Floodplain and riparian corridor, and City parklands) is present in the area. The area contains Environmentally Sensitive Lands in the form of stream corridors, floodplain, and stands of mature trees. The proposed RS7 and RS7-FP rezonings and residential use are compatible with the existing and proposed uses in the area.

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

The subject property is located east of the planning boundary of the K-10 and Farmer’s Turnpike Plan. The applicant requested a Comprehensive Plan Amendment to expand the planning area to include the subject property and to recommend residential land uses as a future land use. The CPA, also on the Planning Commission’s June agenda for consideration, adds the subject property to the planning area and recommends low density residential land uses. The RS7 District is one of the districts it notes would be appropriate. The proposed RS7 and RS7-FP zonings would be compliant with the revised plan.
The sector plan recommends cluster development where necessary to protect environmentally sensitive lands. It may not be possible to develop the property as shown in the concept plan given the environmentally sensitive lands which are included in the development area. The property owner could submit a rezoning request to the PD Overlay for the flexibility to reduce the lot size requirements so the property could be developed at the RS7 density while protecting the environmentally sensitive areas. The property owner could also continue with the base zoning of RS7 with the understanding that the development shown on the concept plan is not being approved with the rezoning. Measures for the protection of environmentally sensitive areas would be established through the platting process.

**Staff Finding** - The property is located outside the limits of the K-10 & Farmer’s Turnpike Plan. A Comprehensive Plan Amendment (CPA) recommended by staff includes the area within the planning boundary and recommends low density residential as a future land use. The RS7 and RS7-FP rezonings are compliant with the recommendations in the CPA. The concept plan shows development occurring in the wooded area. The approval of the rezoning does not constitute approval of the concept plan and the final layout may need to be revised to provide protection for the forest/woodland and steep slopes, as recommended in the plan. Another option would be for the property to be rezoned to the PD Overlay District which allows the City Commission to reduce the lot size requirements to allow the protection of the sensitive areas while maintaining the RS7 density.

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

   **Applicant’s Response:**
   “The property currently has a County zoning designation which is unsuitable once it is annexed into the City.”

   The property is currently zoned A which permits agricultural uses as well as other low intensity uses in the County such as very low density residential. The property is suitable for uses which are permitted within the A District; however, annexation is appropriate prior to development given the proximity to the City limits. Upon annexation, the property must be rezoned to an urban zoning designation.

   The property is suitable for the Detached Dwelling use which has been proposed. The environmentally sensitive lands which are present on site may require alterations to the layout as shown on the concept plan.

   **Staff Finding** - The property is suitable for the uses to which it is restricted; however, annexation is appropriate given the proximity of the City limits and the ability of the City to provide services. Once annexed, the property must be rezoned to an urban zoning designation. The A Zoning District is not suitable following annexation. The RS7 Zoning District is compliant with the revised sector plan being recommended by staff with the Comprehensive Plan Amendment, CPA-14-00005. The property contains floodplain as defined in Article 12 of the Development Code and is suitable for rezoning to the FP Overlay District.

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

   **Applicant’s Response:**
   “The property has never been developed.”
Staff Finding - The property has not been developed since the adoption of zoning regulations in the unincorporated area of the County, 1966. Rezoning is being requested to accommodate development following annexation.

6. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:
“The zoning request will not detrimentally affect nearby properties.”

The rezoning to the RS7 and RS7-FP Districts would not negatively impact nearby properties, as the development would consist of low density detached dwellings. The property is located between two City parks, Rock Chalk Park to the south and future parkland to the north. Property immediately to the east contains woodland and a rural residence. A detached dwelling development would be compatible with the nearby properties and should have no detrimental effect.

Staff Finding - The rezoning should have no detrimental impact to nearby properties as the surrounding land uses are residential, agricultural, and open space or undeveloped property. Low density residential development is considered a low intensity land use with few, if any, impacts to adjacent properties.

7. 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

Z-14-00164, A to RS7
Applicants Response:
“The expansion of available industrial and residential land will provide new opportunities for the community as a whole. It will also be a valuable contribution to the future growth and development of the part of the Urban Growth Area once services are available.”

Z-14-00204, A to RS7-FP:
Applicant’s Response:
“The rezoning will control what happens within and adjacent to the floodplain in this area.”

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

If the Comprehensive Plan Amendment is approved so that Detached Dwelling uses are recommended in this area, there would be no gain to the public from the denial of the RS7 rezoning. If the rezoning request were denied, the hardship to the applicant would be the necessity to revise the sector plan to provide another land use recommendation for this area.

The RS7-FP rezoning is a protective overlay district required by the Development Code that requires the Floodplain Management Regulations be applied not only to the area within the
FEMA designated floodplain but to an additional area which includes 2 ft freeboard above Base Flood Elevation and any stream with over 240 acres of drainage area to account for additional development within the watershed. The denial of the rezoning request would provide no benefit to the public health, safety and welfare, and could be a detriment as it would remove the additional floodplain protection measures.

**Staff Finding** - If the Comprehensive Plan Amendment is approved, there would be no gain to the public from the denial of the RS7 or the RS7-FP rezoning requests. The public would benefit from the approval of the RS7-FP rezoning as it provides additional protection measures for the floodplain, and possible floodplain areas.

**PROFESSIONAL STAFF RECOMMENDATION**

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The RS7 rezoning request is compliant with general recommendations for residential development in *Horizon 2020* and with the land use recommendations in the revised *K-10 & Farmer's Turnpike Plan* proposed with CPA-14-00005. The concept plan provided with the rezoning request shows development of the woodland on the east side of the property. Protection measures for environmentally sensitive lands will be determined with the platting of the property through the Major Subdivision process and the final development may vary from that shown on the concept plan.

The RS7-FP rezoning request is compliant with general recommendation for Floodplain protection in *Horizon 2020* and with requirements of the Development Code.

Staff recommends approval of the RS7 and RS7-FP rezoning requests.
A-14-00161, A-14-00163 & Z-14-00164: Annex and Rezone 75.4 acres from A District to RS7 District
A-14-00161 & Z-14-00162: Annex and Rezone 25.2 acres from A District to RS5 District
A-14-00161 & Z-14-00165: Annex and Rezone 13.3 acres from A District to IL District
Z-14-00204: Rezone 0.8 acres from A District to RS7-FP District

Located North of Rock Chalk Park & East of K-10 Highway
To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: AGENDA ITEMS 2 AND 3A THROUGH 3E, K-10 & FARMERS’ TURNPIKE PLAN
CHANGES, AND ANNEXATIONS, AND REZONINGS

Dear Chairman Culver and Planning Commissioners

We ask that you deny all of the proposed changes in the Agenda Item No. 2, the revision of the K-10 & Farmers’ Turnpike Plan, and all of Agenda Items 3A through 3E, the annexation and rezonings. This includes not only the proposed changes to the Future Land Use Map, but also the proposed policy changes to the designated Residential/Office area that would change its boundaries, and most importantly that would add detached dwellings to the “Primary Uses” policies, pages 3-8, and all other changes currently proposed for this Area Plan. In conjunction, we ask that you not annex this land or rezone any of it at this time.

We believe that this is an extremely important issue. By allowing these changes to this Plan, and consequently this area, it would remove an important location that could provide needed employment-related uses to this most important new location, the connection of the South Lawrence Trafficway to the Turnpike. We ask that none of these changes be approved and that the Plan remain unrevised. We believe our reasons for this involve the future well-being of the City.

1. The policy change on pages 3-8, (3.2.1.5) under “Applicable Areas” that would allow the Residential/Office to change its boundaries, thereby allowing the intrusion of the IL District zoning, regardless of whether the mini-storage area is built, would decrease the needed area for the Residential/Office, reducing its likelihood of being used for that purpose, and at the same time not provide a sufficiently large Office/Research area to be a benefit.

2. A mini-storage use being built in that area would be highly visible from the K-10 connection and for that reason undesirable, as well.

3. a) The policy change on pages 3-8 (3.2.1.5) under “Primary Uses” would add “Detached dwellings” to the permitted uses. This would allow the change of the primary use of the Residential/Office designation from the intended employment-related uses to nothing but single-family residences. This change would become a major loss of future opportunity for the City.

   b) Also, the change here would seem to dictate that this policy would become general and extend to the Residential/Office category everywhere, permitting single-family detached residences and thus removing the mixed-use, employment-related purpose of this category and eliminating predictability of this designation.
4. Annexing and rezoning the residential area north of the Rock Chalk Park, which is now part of the Northwest Plan, is not treating the area as was originally intended. The Northwest Plan recommended, because of the extreme terrain, that this area be low and very low density. The rezoning of this area to RS7 is too dense for the terrain. We suggest, first of all, that it not be annexed or included in the Farmers’ Turnpike Plan, and when it is rezoned to residential that it be rezoned to RS10 or RS20 and developed as a cluster development in order to avoid intrusion into the flood plain, vegetation, and rough terrain.

5. As a future consideration, we ask that you attempt to plan residential areas as neighborhoods incorporating smaller portions of them into larger planned areas that have in them, or planned for them, the essential amenities. These include schools, parks, neighborhood centers and transportation systems with complete streets that interconnect within the neighborhoods, allowing convenient pedestrian access.

We hope that you consider our suggestions useful. Thank you.

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
ITEM NO. 4  CONDITIONAL USE PERMIT FOR WESTAR ENERGY; 1703 E 902 RD (MKM)

CUP-14-00167: Consider a Conditional Use Permit for the expansion of Westar Energy’s Baldwin Creek Substation on approximately 14.7 acres located at 1703 E 902 Rd. Submitted by Bartlett & West on behalf of Western Resources Inc. (aka Westar Energy, Inc.) property owner of record and contract purchaser for west 100 ft buffer area.

STAFF RECOMMENDATION: Staff recommends approval of a Conditional Use Permit for the expansion of the Baldwin Creek Substation on approximately 14.7 acres, located at 1703 E 902 Rd subject to the following conditions:

1. Provision of an executed Annexation Agreement prior to release of the CUP plans.
2. Dedication of 40’ of right-of-way for E 902 Road by separate instrument prior to release of the CUP plans.

Reason for Request: “The property owner would like to expand the existing substation on site.”

KEY POINTS
- A Conditional Use Permit for the substation (CUP-9-5-98) was approved by the County Commission in 1998. The subject CUP is for an expansion to the existing station.
- The property is located within Service Area 2 of the Lawrence Urban Growth Area and is adjacent to properties that have submitted annexation requests. The property owner has agreed to annex following annexation of the adjacent properties.
- No time limit is proposed for this CUP.

ATTACHMENTS
- Attachment A: CUP Plan
- Attachment B: Annexation information

ASSOCIATED CASES
- CUP-9-5-98; CUP for an electrical substation at this location. Approved by Board of County Commissioners on November 11, 1998.

OTHER ACTION REQUIRED
- County Commission approval of the Conditional Use Permit.
- The applicant shall obtain all necessary permits for the facility expansion from the Douglas County Zoning and Codes Office prior to construction.

Summary of Request
This Conditional Use Permit application proposes the expansion of the Westar Baldwin Creek Electric Substation located at 1703 E 902 Road. The facility will be gated and fenced with security fencing. This is an unmanned facility; employees will only be on the site to perform maintenance or repairs. The expansion will utilize most of Westar’s property. Westar (a.k.a. Western Resources) intends to
purchase additional land from the property owner to the west to accommodate this expansion and provide a substantial buffer area.

‘Utilities as approved by the County Commission’ are permitted in the A District with approval of a site plan. The substation was determined to be of significant scale and scope in 1998 and approval through the Conditional Use Permit (CUP) process was required. The expansion of the substation requires an amendment to the CUP.

I. ZONING AND USES OF PROPERTY NEARBY

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; existing electric substation, a Utility.

Surrounding Zoning and Land Use: A (Agricultural) District in all directions; surrounding uses include agriculture and rural residences. An annexation and rezoning application to the IL, RS5, and RS7 Districts have been submitted for properties to the west, east, and north. These items will be considered at the June Planning Commission meeting.

GPI (General Public and Institutional Use) District to the southeast. This area is within the City limits and is proposed Phase 2 of the Rock Chalk Park regional sports and recreation facility. (Figure 1)

The subject property is zoned A (Agricultural) District as is the surrounding area. The F-W and F-F (Floodway and Floodway Fringe) Overlay Districts are north of the subject property. Land to the

Figure 1a. Zoning of the area. County zoning designations in black print, City in red. Floodplain shown in dark red (Floodway) and light red (Floodway Fringe).

Figure 1b. Land Use in the area. Land with active annexation and rezoning requests to urban districts are outlined in red—with the proposed zoning districts noted.
southeast is within the city limits and is zoned GPI (General Public and Institutional Use) District. It was annexed and rezoned with the Rock Chalk Park KU regional sports and recreation facility property in 2012 and was proposed as a future phase of the facility. (Figure 1) The immediate area contains agricultural land uses and a rural residence. Annexation and rezoning requests have been submitted for adjacent property to the west for development as a mini-warehouse and for adjacent property to the north for development of a single-dwelling subdivision.

**Staff Finding** - The subject property and surrounding area is zoned A (Agricultural) with Baldwin Creek and its associated floodplain also zoned F-W and F-F (Floodway and Floodway Fringe) Overlay Districts. Current land uses are primarily agriculture and rural residential; however, annexation and rezoning applications have been submitted for development of a mini-warehouse to the west and a single-dwelling residential subdivisions to the north and east (Figure 1b). The expansion of the utility is compatible with existing and proposed land uses in the area.

**II. CHARACTER OF THE AREA**

The area is bounded on the west by K-10 Highway, which is classified in the Major Thoroughfares Map as a Freeway, and on the north by N 1750 Road, which is classified as a Principal Arterial. Future Collector Streets connect N 1750 Road to W 6th Street/Highway 40 to the south and provide east/west connections to E 1000 Rd and Wakarusa Drive, Principal Arterials. The area has access to the major transportation network. (Figure 2)

Current land uses in the area are agriculture, rural residential, woodlands, and utility; however urban and rural properties in the area are in various stages of development. Construction of the KU/regional sports center, Rock Chalk Park, and the City Recreation Center is nearly complete. The Mercato development to the south of Rock Chalk Park and the Links at Lawrence, a multi-dwelling development proposed to the east of Rock Chalk Park have preliminary development approvals. Approximately 115 acres in the area have active annexation and rezoning requests for future mini-warehouse and single-dwelling residential development.

The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area. Open space is available in the area in the form of City parklands, with the Rock Chalk Park to the southeast of the subject property and a future City parkland to the northeast.

**Staff Finding** - This is a rural area in close proximity to the City of Lawrence. Properties within the city are developing and applications to annex and rezone properties for future warehouse and residential uses have been submitted. As the substation use is an established use, the proposed expansion should not affect its compatibility with the area.

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

Applicant's response:

“The existing site is already acting as a substation, so the use of the site would not change from the existing use.”

This property is zoned A (Agricultural) District. The purpose of this district is identified in Section 12-306 of the County Zoning Regulations and states: “…The purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the deprecating
effect of objectionable, hazardous and unsightly uses.” This district is associated with a majority of the unincorporated portion of Douglas County.

The A district permits agricultural uses in addition to residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. The location of the property is suited to agricultural uses; however, the property is not suitable for any of the uses permitted in the A District due to the fact that it has been developed with an electric substation. The expansion of the substation will not alter the suitability of the property.

Staff Finding - The property is not suitable for the uses to which it is restricted with the A zoning due to the fact that it has been developed with an electric substation. The expansion of the substation will not alter the suitability.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding - The subject property is not vacant but was developed with a utility use following approval of the CUP in 1998.

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

Applicant's Response:
“The surrounding properties are undeveloped except for a house to the northeast. The expansion of the substation should not have a detrimental effect on surrounding properties.”

Section 12-319-01.01 of the County Zoning Regulations recognize that “certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.” The proposed use falls under Section 12-319-4.11 of the Zoning Regulations for the Unincorporated Territory of Douglas County, ‘Public Utilities’.

Western Resources will be purchasing property from the property owner to the west to accommodate the expansion. This area will serve as a buffer and allow for the relocation of a gas line. The property owner to the west has submitted a rezoning request to the IL District in preparation for development of this property with a mini-warehouse. The expansion will be to the north of the existing substation. A 150 ft Westar transmission line easement along the north property line will provide buffering from development to the north. An existing tree row buffers the facility from the property to the south.

Staff Finding - The larger facility could have a negative impact on nearby residential development but Western Resources has been working with the owner of adjacent property to the west. Westar will purchase land to provide a buffer between the facility and the property to the west and a 150 ft easement along the north property line will buffer the facility from the property to the north. The coordination between Westar and the owner of the adjacent properties resulted in future development proposals that were designed based on the expansion proposal.
VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant’s Response:
“The substation is a utility that serves the area. As the area grows in population, so will the utilities serving the area. By increasing the substation in size, the owner will be able to adequately serve their customers.”

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

Denial of this request would prevent the expansion of the substation and would require Westar to locate another substation in the area to improve service. As the substation and transmission lines are in place in this location, and Westar and the adjacent property owner have coordinated their development proposals, there would be no benefit to the public health, safety, or welfare by the denial of the CUP request.

Approval of the request would allow Westar to increase their service with a facility expansion in an existing location.

Staff Finding – Approval of this request would benefit the public health, safety, and welfare by allowing the utility to improve its service through expansion of an established facility, in a location that has been determined to be compatible with the surrounding area. Denial of the request would require the applicant to find another location for a substation and would provide no benefit to the public health, safety, and welfare.

VI. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant’s Response:
“This property is located in the Urban Growth Area and is not included within the Future Land Use Map from the Horizon 2020 document.”

This property is located in Service Area 2 of Lawrence’s Urban Growth Area. Chapter 10 of Horizon 2020, Community Facilities, provides the following recommendations:

Policy 1.1b “Maintain or upgrade existing facilities and services where necessary to serve existing development.”

Policy 2.4a “Choose locations and design sites in a manner which minimizes the impact on adjacent properties.”

Staff Finding – The expansion of the existing substation is compliant with the recommendation in the Comprehensive Plan to maintain or upgrade existing facilities. Selecting the existing site for an expansion rather than selecting a second site minimizes the impact on adjacent properties as the utility use has been established in this area. Coordinating the development with the adjacent property owner in this case also reduces the impact.
STAFF REVIEW

The CUP was submitted for the expansion of the existing Baldwin Creek Substation to improve electric service for the area. The substation will be expanded from approximately 1.75 acres to 5.36 acres. (Figure 2) The substation will utilize most of the Westar owned property so additional property will be purchased to provide a buffer area to the west. A 150 ft Westar Transmission Line easement is located north of the property. This easement will serve as a buffer for the property to the north and Westar has agreed to allow the use of the easement to access the property to the west. This is noted on the plan.

The subject property is within Service Area 2 of the Lawrence Urban Growth Area (UGA). When properties in the UGA develop, annexation is encouraged. Westar is not currently adjacent to the city limits; however, annexation requests for adjacent properties have been submitted. If these properties are annexed, the Westar property would be adjacent to the City limits and Westar has agreed to annex at that time. (Attachment B) An annexation agreement should be executed and provided to the City. When the property is annexed the CUP will convert to a City Special Use Permit, SUP.

Landscape and Screening:
While screening the substation isn’t possible because of the height of the equipment, landscaping (a variety of evergreen trees) will buffer the facility from adjacent uses. (Figure 3) A buffer is not required along the south property line as the existing vegetation provides an adequate buffer.
**Lighting:**
The plan notes that site lighting will be wall or pole mounted and full cut-off fixtures will be used. Emergency lighting for repairs may be utilized which are not full cut-off.

**Parking and Access:** The substation is unmanned; employees will be on site only for maintenance and repairs. Adequate space is available on the access drive for maintenance vehicles to park off the roadway. Access is currently taken from E 902 Road from an access drive on the south side of the facility. An additional access point will be installed with the expansion. The access drives are located approximately 250 ft apart which meets County Access Management Standards.

**Lot/parcel dimensions:** The fence and the structure do not encroach into the required setbacks. The maximum height permitted in the A District is 35 ft but exceptions are provided in Section 12-321-3.01 Zoning Regulations. In staff's opinion, the exception from the height regulations applies to the substation as it is similar to some of the listed uses such as smoke stacks and cooling towers.

The property is not a platted lot. It is not necessary to plat at this time, but following annexation it may be necessary to plat the property through the Major Subdivision process if a major development is proposed.

**Right-of-Way:** E 902 Road, classified as a ‘Collector’ in the Major Thoroughfares Map, requires 80 ft of right-of-way. The right-of-way shall be dedicated by separate instrument as platting of the property is not required at this time.

**Conclusion**
The expansion of the substation will improve electric service in the area with minimal impacts to the area. The property is not required to plat; however, additional right-of-way will be dedicated for E 902 Road by separate instrument. The property owner has agreed to annex into the City if the annexation requests for the adjacent properties are approved. The CUP request, as conditioned, is compliant with the Zoning Regulations and staff recommends approval.
EXISTING SUBSTATION OWNERS: GARBER ENTERPRISES INC.

EXISTING TREES TO REMAIN

14.69 Ac.

639,769 SF

1.84 Ac.

79,988 SF

0.46 Ac.

19,998 SF

0.28 Ac.

11,998 SF

50' EXISTING RIGHT OF WAY

60' DEDICATED RIGHT OF WAY (BY INSTRUMENT)

CONSTRUCT 3' BERM AS SHOWN

SITE PLAN

LOT 1 EXISTING SITE SUMMARY

EXISTING BUILDING: 259 SF (0.01 AC.)
EXISTING PAVEMENT: 0 SF (0.00 AC.)
TOTAL IMPERVIOUS: 0 SF (0.00 AC.)
EXISTING PERVIOUS: 639,637 SF (14.68 AC.)
TOTAL PROPERTY AREA: 639,896 SF (14.69 AC.)

LOT 1 NEW SITE SUMMARY

EXISTING/PROPOSED BUILDING: 259 SF (0.01 AC.)
EXISTING/PROPOSED PAVEMENT: 0 SF (0.00 AC.)
PROPOSED IMPERVIOUS: 0 SF (0.00 AC.)
PROPOSED PERVIOUS: 639,637 SF (14.68 AC.)
TOTAL PROPERTY AREA: 639,896 SF (14.69 AC.)

PROJECT OWNER/DEVELOPER

WESTAR ENERGY (WESTERN RESOURCES, INC.)
800 KANSAS - LL
PO BOX 889
TOPEKA, KS 66601

DESCRIPTION:

PART OF THE E 1/2 OF THE SE 1/4 SECTION 19 TOWNSHIP 12 SOUTH RANGE 19 EAST.

GENERAL NOTES:
1. EXISTING ZONING: LOT 1 - RESIDENTIAL
2. CURRENT ZONING #2: ADDING STREETS AND THE REST OF THE PROPERTY IS UNZONED - USE SUBDIVISION
3. HOSPITAL AND RETAIL STORE INFORMATION WERE FROM SURVEY AND MAPS OF HOSPITAL & RETAIL STORE OWNER
4. CONSTRUCTION TO BE MADE TO FIT AS PROVIDED, ALL LANDINGS SHALL BE PROVIDED TO FULL PROPERTY.
5. THAT AREA TO BE U-1 ZONED UNLESS OTHERWISE SPECIFIED.
6. THE PROPERTY WILL ALWAYS BE ACCESSIBLE FOR MAINTENANCE TENANTS, TRUCKS WILL NOT BE PROJECT ON THE SURROUNDING CUL-DE-SAC. MAJOR TRUCKS WILL NOT BE PROJECT.

SITE PLAN CALLOUTS:
1. EXISTING NO. 3 EX. DISCHARGE POINT

SITE SUMMARY:

LOT 1: EXISTING SITE SUMMARY

EXISTING BUILDING: 259 SF (0.01 AC.)
EXISTING PAVEMENT: 0 SF (0.00 AC.)
TOTAL IMPERVIOUS: 0 SF (0.00 AC.)
EXISTING PERVIOUS: 639,637 SF (14.68 AC.)
TOTAL PROPERTY AREA: 639,896 SF (14.69 AC.)

LOT 1: NEW SITE SUMMARY

EXISTING/PROPOSED BUILDING: 259 SF (0.01 AC.)
EXISTING/PROPOSED PAVEMENT: 0 SF (0.00 AC.)
PROPOSED IMPERVIOUS: 0 SF (0.00 AC.)
PROPOSED PERVIOUS: 639,637 SF (14.68 AC.)
TOTAL PROPERTY AREA: 639,896 SF (14.69 AC.)
1. GENERAL CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM DATE OF PLANTING. IF NOT SATISFACTORY, REPLACE AT CONTRACTOR'S EXPENSE.
2. ALL PLANT MATERIAL SHALL BE SUBMITTED FOR REVIEW PRIOR TO PLANTING.
3. NO PLANT MATERIAL SHALL BE PLANTED UNTIL THE GENERAL CONTRACTOR HAS RECEIVED THE OWNER'S APPROVAL TO BEGIN.
4. NO PLANT MATERIAL SHALL BE PLANTED UNTIL THE GENERAL CONTRACTOR HAS RECEIVED THE OWNER'S APPROVAL TO BEGIN.
5. LANDSCAPE CONTRACTOR SHALL COORDINATE ALL WORK WITH OTHER CONTRACTORS.
6. ALL TREE PLANTING AREAS SHALL BE EXCAVATED AND BACK-FILLED WITH PLANT MIX.
7. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL PLANTED OR TURF AREAS THROUGHOUT THE WARRANTY PERIOD AND SHALL PERFORM OPERATIONS SUCH AS MOISTENING, MULCHING, AND PRUNING AS REQUIRED.
8. ALL TREE PLANTING AREAS SHALL BE EXCAVATED AND BACK-FILLED WITH PLANT MIX.
9. PLANT MIX SHALL CONSIST OF TOPSOIL COMPLETELY FREE OF DEBRIS, ROCK IN EXCESS OF 1" IN DIAMETER, STICKS AND CLAY. MIX 80% TOPSOIL WITH 20% CITY COMPOST.
10. LANDSCAPE CONTRACTOR SHALL SUBMIT ALL PLANT MATERIAL FOR A PREMIUM OF ONE YEAR FROM DATE OF PLANTING. IF NOT SATISFACTORY, REPLACE AT CONTRACTOR'S EXPENSE.
11. ALL PLANT MATERIAL SHALL BE SUBMITTED FOR REVIEW PRIOR TO PLANTING.
12. NO PLANT MATERIAL SHALL BE PLANTED UNTIL THE GENERAL CONTRACTOR HAS RECEIVED THE OWNER'S APPROVAL TO BEGIN.
13. NO PLANT MATERIAL SHALL BE PLANTED UNTIL THE GENERAL CONTRACTOR HAS RECEIVED THE OWNER'S APPROVAL TO BEGIN.
14. LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL PLANTED OR TURF AREAS THROUGHOUT THE WARRANTY PERIOD AND SHALL PERFORM OPERATIONS SUCH AS MOISTENING, MULCHING, AND PRUNING AS REQUIRED.
15. ALL TREE PLANTING AREAS SHALL BE EXCAVATED AND BACK-FILLED WITH PLANT MIX.
16. PLANT MIX SHALL CONSIST OF TOPSOIL COMPLETELY FREE OF DEBRIS, ROCK IN EXCESS OF 1" IN DIAMETER, STICKS AND CLAY. MIX 80% TOPSOIL WITH 20% CITY COMPOST.
17. LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL PLANTED OR TURF AREAS THROUGHOUT THE WARRANTY PERIOD AND SHALL PERFORM OPERATIONS SUCH AS MOISTENING, MULCHING, AND PRUNING AS REQUIRED.
May 21, 2014

Mary Miller  
Planning & Development Services  
6 East Sixth Street  
Lawrence, KS 66044

RE: Baldwin Creek Substation Planning Request  
1703 E 902 Road, Lawrence, KS  
CUP-14-00167

Dear Mary:

This letter is in response to the comments received on May 14, 2014 regarding the Baldwin Creek Substation Conditional Use Permit. Bartlett & West along with the owner, Westar Energy, Inc., have reviewed the comments and would like to request an alternative to the comment below:

1. “At the pre-application meeting staff noted that an annexation agreement would be required with the CUP so that annexation could occur when appropriate.  
Recently, annexation requests were submitted to the Planning Office for properties to the west and north of the substation.  
Given the current development and the recent annexation requests in the area, staff recommends annexation of the Westar property into the City at this time. 
Annexation would require the platting of the property through the Major Subdivision process, rezoning to an appropriate urban zoning district, and site planning the use through the Special Use Permit process (which is similar to the County CUP process).”

Bartlett & West, on behalf of the owner, would request that the Baldwin Creek Substation property wait to be annexed into the City of Lawrence until the adjacent properties are annexed into the City. Upon the approval of the adjacent properties, the Baldwin Creek Substation property, owned by Westar Energy, Inc., will be required to be annexed into the City with the proper rezoning application. We would also request that platting not be required for the annexation and only be required in the future if any changes to the property and/or site plan require a plat.

Sincerely,

BARTLETT & WEST, INC.

Casey Colbern, PE

cc: Cindy Risch
CUP-14-00167: Conditional Use Permit for Expansion of Westar Energy's Baldwin Creek Substation
Located at 1703 E 902 Road

Lawrence-Douglas County Planning Office
June 2014

Subject Property
Memorandum
City of Lawrence
Planning & Development Services

TO: Planning Commission
FROM: Mary Miller, Planning Staff
CC: Scott McCullough, Planning and Development Services Director
Date: For June 23, 2014 meeting

RE: Agenda Item No. 5: Extension request for PP-10-5-09 A Revised Preliminary Plat for lots 7, 8 and 9 Block Four and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06

Attachments: A—Extension Request
B—Approved Preliminary Plat
C—Graphic showing the area in the approved Mercato Final Plats and the area included in subject preliminary plat
D—Table with all development approvals for the Mercato Development

BACKGROUND
The revised preliminary plat referenced above was submitted in 2009 in conjunction with a rezoning request for 24 acres to the CC400 District, Z-10-17-09, to allow additional commercial uses in the Mercato development. The revised preliminary plat proposed an additional access onto W 6th Street and the construction of a street along the west perimeter of the property, in the area that at that time was KDOT right-of-way for the K-10 Bypass. A copy of the revised preliminary plat is included with this memo as an attachment.

The Planning Commission approved the preliminary plat on December 14, 2009 and forwarded it to the City Commission for acceptance of dedications. The City Commission approved the rezoning to the CC400 District and accepted the dedications shown on the preliminary plat at their January 5, 2010 meeting. Attachment B contains the preliminary plat as conditionally approved by the City Commission and Attachment C shows the various plats for the Mercato development and the changes being proposed with the subject preliminary plat.

EXTENSION REQUEST
The applicant’s extension request is included with this memo as an attachment. The preliminary plat was approved subject to the following conditions:

1) The preliminary plat shall be revised as follows:
   a. The dimension of the western width of right-of-way for Overland Drive shall be noted on the plat.
   b. The plat shall be revised to clearly identify the Southern Star easement which is being proposed for vacation.
c. The plat shall show the relocation of the Southern Star gas line to the south rather than extending through the easement which is to be vacated.
d. The extension of the Southern Star gas line off-site to tie into the existing gas line to the southeast must be approved by Southern Star.

2) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that right-of-way for Renaissance Drive is available prior to final approval of the plat.

3) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that Southern Star approves the relocation of the gas line and easement between Lots 1 and 2 of Block Two and the relocation of the off-site gas line to tie into the existing line.

4) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that Southern Star approves the design of Renaissance Drive in relation to the gas line location.

5) Prior to recording the final plat for the remainder of the Mercato Development (PF-03-04-07), the applicant shall revise the previously approved preliminary plat (PP-01-02-06) and final plat (PF-03-04-07) to reflect the changes approved with this preliminary plat.

6) Prior to recording the final plat, the applicant shall gain approval of an access permit from the Kansas Department of Transportation to access W. 6th Street (Hwy 40).

7) Prior to recording the final plat, the rezoning request [Z-10-17-09] from UR (RMO pending) to CC400 District shall be adopted and published.

The applicant worked with KDOT and the City to finalize the transfer of the right-of-way necessary for the construction of Renaissance Drive and the City Commission accepted the dedication of this right-of-way at their September 14, 2010 meeting. The applicant indicated that development of this area has been slower than anticipated due in part to the slow economy and the delayed construction of the South Lawrence Trafficway. The applicant is requesting a two-year extension to meet the conditions of approval and submit a final plat.

STAFF REVIEW
Per Section 20-809(j) of the Subdivision Regulations, Planning Commission approval of a preliminary plat shall expire within 24 months after the approval date unless a final plat has been submitted. If the cause of the failure to submit a final plat within that time frame is beyond the subdivider's control, the Planning Commission may approve a 24 month extension. The applicant noted the delay in the submittal of the final plat was due to the delayed construction of the South Lawrence Trafficway, the slow economy, and the need to install public and private improvements to serve the property.

Plat approvals have time limits so that the approvals can be reassessed to insure they remain compatible with the area as it has developed and with the current City Codes. Recent changes to the Subdivision Regulations do not impact this plat. The plat remains in compliance with the current City Code. As shown in Figure 1, there has been some development activity in the area since the Preliminary Plat was approved in 2009. Rock Chalk Park and the City Recreation Center are currently under development to the north of the subject property. Phase 1 of the Hunter's Ridge Apartments to the east has been
completed. There have been preliminary approvals for other residential development in the area and approximately 145 acres to the west was annexed into the City and rezoned to the CC600 District. The proposed Mercato development remains compatible with the development, both completed and proposed, in the area.

The Preliminary Plat approval is valid until June 30, 2014 unless an extension is granted. Extension requests have been submitted for other items related to the Mercato Development (two final plats and the Preliminary Development Plan). The extension for the Final plats were approved administratively, contingent upon the extensions for the other items. The extension for the Preliminary Development Plan will be considered by the City Commission as part of their June 17, 2014 agenda.

**Staff Recommendation:**

The proposed Mercato development remains compatible with the surrounding area, is compliant with current City Codes, and the delay in the submittal of the final plat was due in large part to factors outside of the property owner’s control: the economy and the delay in the construction of the South Lawrence Trafficway; therefore, Planning Staff recommends that the Planning Commission approve the 24 month extension request which would permit the plat approval to remain valid until **June 30, 2016.**
K 10/40 DEVELOPMENT, L.C.
2601 Dover Square
Lawrence, Kansas 66049

May 15, 2014

Scott McCullough, Director
Lawrence-Douglas County Metropolitan Planning Office
6 East Sixth Street
Lawrence, Kansas 66044

Re: Mercato Preliminary Development Plan, Preliminary Plat (PP-10-05-09), Final Plat of Mercato Addition First Plat (PF-06-015-06) and Final Plat of Mercato Addition Second Plat (PF-03-04-07)

Dear Mr. McCullough:

We are requesting the extension of the Mercato preliminary development plan, the preliminary plat and the two final plats from June 30, 2014 to June 30, 2016. These extensions are necessary primarily because of the recession that hit our country shortly after the approvals had been granted for the Mercato property. Our recession caused a significant slow down of retail expansion in Lawrence and Douglas County, which along with the delayed completion of the SLT and the installation of the necessary private and public improvements caused us significant delays in the development of Mercato.

Now we must request the extension of each of the prior development approvals to June 30, 2016 in accordance with Article 13 of the Development Code and the Subdivision Regulations.

Thank you for your consideration. If you have any questions or need any additional information, please contact us.

Sincerely,

Steve Schwada

Timothy Fritzell
Colored area shows the changes that are proposed with preliminary plat, PP-10-05-09 which include the following:

- Combination of 4 lots, 1 tract and areas of right-of-way into 1 lot (red).
- Creation of 2 lots from Lot 8, Block 4, (blue).
- Reconfiguration of lot for proposed Mercato Lane right-of-way (yellow).
<table>
<thead>
<tr>
<th>Application</th>
<th>File No.</th>
<th>Date Approved</th>
<th>Description</th>
<th>Area (app.)</th>
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<tr>
<td>Rezonings</td>
<td>Z-01-10-05</td>
<td>May 9, 2006</td>
<td>A to RS7 (previous designation: RS-2)</td>
<td>25.82 acres</td>
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<td>Z-01-11-05</td>
<td>May 9, 2006</td>
<td>A to RM12D (previous designation: RM-D)</td>
<td>7.63 acres</td>
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<td>Z-01-12-05</td>
<td>May 9, 2006</td>
<td>A to RM24 (previous designation: RM-2)</td>
<td>12.77 acres</td>
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<td>Z-03-05-06</td>
<td>May 9, 2006</td>
<td>A to PCD[Mercato] PCD[Mercato]PCD-2</td>
<td>45.31 acres</td>
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<td>Z-03-06-06</td>
<td>May 9, 2006</td>
<td>A to RMO (previous designation: RO-1A)</td>
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<td>Z-10-17-09</td>
<td>Jan 5, 2010</td>
<td>UR to CC 400</td>
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<td>Plats</td>
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<td>April 27, 2006</td>
<td>Mercato</td>
<td></td>
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<td></td>
<td></td>
<td>75 single-dwelling lots (RS7); 18 duplex lots (RM12D); 1 multi-dwelling lot (RM24); 6 residence/office lots (RMO); 9 commercial lots (PCD[Mercato])</td>
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<tr>
<td></td>
<td>PF-06-15-06</td>
<td>April 17, 2007</td>
<td>Mercato Addition First Plat</td>
<td>49.67 acres</td>
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<td></td>
<td>18 duplex lots (RM12D); 75 single-dwelling lots (RS7); 1 multi-dwelling lot (RM24)</td>
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<td><strong>Extension to June 30, 2016 administratively approved contingent upon extensions for other items.</strong></td>
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<td>PF-03-04-07</td>
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<td>Mercato Addition 2nd Plat</td>
<td>72.66 acres</td>
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<td></td>
<td></td>
<td>6 residence/office lots (RMO); 10 commercial lots (PCD[Mercato])</td>
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<td><strong>Extension to June 30, 2016 administratively approved contingent upon extensions for other items.</strong></td>
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<td>PP-10-05-09</td>
<td>Dec 14, 2009</td>
<td>Revised Preliminary Plat for Lots 7, 8 and 9, block Four, and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06</td>
<td>28.89 acres</td>
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<tr>
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<td><strong>Extension Request to June 30, 2016 considered by Planning Commission on June 23, 2014</strong></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>4 commercial lots</td>
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<td>Development Plans</td>
<td>PDP-08-08-06</td>
<td>April 17, 2007</td>
<td>Mercato Planned Commercial Development</td>
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<td></td>
<td></td>
<td><strong>Extension request to June 30, 2016 on City Commission June 17, 2014 agenda</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table 1. Approvals associated with the Mercato Development. Subject extension request is highlighted. Extension requests have been submitted for the final plats for administrative approval, and for the Preliminary Development Plan which requires City Commission approval.
Memorandum
City of Lawrence
Planning and Development Services

TO: Planning Commission
FROM: Planning Staff
CC: Scott McCullough, Planning and Development Services Director
Date: June 13, 2014

RE: Miscellaneous Item No. 1: MS-14-00231 – Variances associated with Minor Subdivision for Else Addition, located at 708 & 712 Rhode Island Street, Lawrence, KS.

Variances requested:
- Create lots with less than 6,000 square feet
- Create lots narrower than 50 feet wide in an RM24-zoned district.

Attachment A: Minor Subdivision MS-14-00231 (preliminary submission)

Minor Subdivisions are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-14-00231) is still undergoing staff review. However, a copy of the proposed Minor Subdivision is included with this memo for context; no action is required for Minor Subdivision approval.

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 that must be met in order for a variance to be approved. The requested variances are evaluated for compliance with the approval criteria below.

VARIANCE NO. 1: Reduction in the minimum lot size requirement for 6,000 square feet as identified in Section 601(a) for lots in the RM24 District. Section 20-810(2)(a) states lots shall be designed to comply with all applicable zoning district regulations.

VARIANCE NO. 2: Reduction in the minimum lot width requirement for 50 feet as identified in Section 601(a) for lots in the RM24 District. Section 20-810(2)(a) states lots shall be designed to comply with all applicable zoning district regulations.
Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the subdivider.

Applicant Response:

The property was originally platted in 1863. The lots on Rhode Island Street were platted as 50’ x 117’ lots. Since initial planning, numerous lots have been divided into narrower and wider lots by metes and bounds descriptions and deeds. Some lots are less than the required 6000 square feet minimum area and some exceed the minimum. These properties are the subject of a minor subdivision request to accommodate a lot line adjustment to correct a circumstance where an accessory structure was built over the property line. Sufficient right-of-way and easements exist to accommodate the Minor Subdivision of this property and correct the issue of a structure over a property line.

Strict application of the regulations would limit the owner’s ability to correct the situation of a structure over the property line which would cause deed/title problems in the future.

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

Applicant Response:

As defined above, there are numerous lots that have been divided, by deed, in a similar manner within the original townsite plat so division of this property would be in harmony with the neighborhood and the intended purpose of these regulations.

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

Applicant Response:

The public health, safety, and welfare will be protected in as much as they are under the presently configured Plat. As all public utilities are available for the proposed lots, the reduced size will not diminish the public health, safety and welfare.
STAFF FINDING: Variance No. 1
The subject properties are located at 708 & 712 Rhode Island Street. Both lots are currently nonconforming in their current lot sizes. The lot at 708 Rhode Island is currently 5,890 sq. ft. (approximately) while the lot at 712 Rhode Island is 3,754 sq. ft. (approximately) in lot area. The proposed lot line adjustment changes the lot sizes to 5,690 sq. ft. and 3,930 sq. ft. The Else Addition proposes to move a lot line which is currently encumbered by an accessory structure, built over the lot line and increases the lot size of the smallest lot (Lot 2). Granting this requested variance from the minimum lot size is not opposed to the purpose and intent of the regulations.

STAFF FINDING: Variance No. 2
Moving the lot line reduces the nonconforming status of the lot at 712 Rhode Island Street by increasing the lot width from 32’ to 33’, while making the lot at 708 Rhode Island 49’ wide from its current width at 50’, making it nonconforming. Although the lot line change makes another lot nonconforming, staff finds this lot line adjustment is necessary to eliminate the garage encroachment. Granting this requested variance from the minimum lot width is not opposed to the purpose and intent of the regulations.

STAFF RECOMMENDATION

1. Approve the variance requested from Section 20-801(a)(2) to allow the creation of lots that do not meet the minimum lot size requirement of 6,000 square feet for lots in the RM24 District as identified in Section 20-601(a).
2. Approve the variance requested from Section 20-801(a)2) to allow the creation of lots that do not meet the minimum lot width requirement of 50 feet for lots in the RM24 District as identified in Section 20-601(a).