



Updated:

6/20/16 @ 12:45pm

Added Draft May 23, 2016 Planning Commission Minutes

Added communications for Item 2 - Rezoning 1220 Oread Ave

6/14/16 @ 4:30pm

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
JUNE 20 ~~& 22~~, 2016 6:30PM - 10:30PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of May 23, 2016.

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.
Affidavit regarding notice of a vacation hearing before the County Commission for Greenspace, Pedestrian & Recreational Path Easements in the unincorporated part of the county.
http://lawrenceks.org/assets/agendas/cc/2016/06-07-16/ca_baldwin_creek_trail_memo.html
- 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 2016-2017

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 20, 2016) MEETING
PUBLIC HEARING ITEMS:**

****WITHDRAWN****

**~~ITEM NO. 1 — CONDITIONAL USE PERMIT; VINLAND FAIRGROUNDS; 1736 N 700 RD
(BJP)~~**

~~Vinland Fairgrounds: CUP-16-00152: Consider a Conditional Use Permit for Vinland Fairgrounds, located at 1736 N 700 Rd. Submitted by Vinland Fair Association, property owner of record. Joint meeting with Baldwin City Planning Commission.~~

ITEM NO. 2 RM32 TO GPI; .78 ACRES; 1220 OREAD AVE (JSC)

City Water Tanks: **Z-16-00145**: Consider a request to rezone approximately .78 acres from RM32 (Multi-Dwelling Residential) District to GPI (General Public and Institutional Use) District, located at 1220 Oread Ave. Submitted by the City of Lawrence, property owner of record.

ITEM NO. 3 GPI TO IG; 7.7 ACRES; 711 E 23RD ST (MKM)

USD 497 Vehicle Storage: **Z-16-00147**: Consider a request to rezone approximately 7.7 acres located at 711 E 23rd St from GPI (General Public and Institutional Use) District to IG (General Industrial) District. Submitted by Lawrence Public Schools USD #497 and BG Consultants, Inc. on behalf of Douglas County, property owner of record.

ITEM NO. 4 IG TO CS; 1.56 ACRES; 706 E 23RD ST (MKM)

Microbrewery: **Z-16-00154**: Consider a request to rezone approximately 1.56 acres located at 706 E 23rd St from IG (General Industrial) District to CS (Strip Commercial) District. Submitted by Lockwood Craft Brewing, Co. LLC, for Lawrence Brothers LLC, property owner of record.

ITEM NO. 5 CONDITIONAL USE PERMIT; CLEAN RUBBLE FILL; 1736 E 1550 RD (MKM)

Clean Rubble Fill: **CUP-16-00105**: Consider a Conditional Use Permit for clean rubble landfill, on approximately 40 acres located at 1736 E 1550 Rd. Submitted by Grob Engineering Services, LLC, for Nunemaker-Ross, Inc., property owner of record.

NON-PUBLIC HEARING ITEMS:

ITEM NO. 6 EXTENSION REQUEST FOR PRELIMINARY PLAT FOR GOING SOUTH ADDITION; 2726 O'CONNELL RD & 2700 BLOCK O'CONNELL RD (SLD)

Extension request for PP-13-00343, a Preliminary Plat for Going South Addition, located at 2726 O'Connell Rd and 2700 Block O'Connell Rd. Submitted by Grob Engineering Services, for Going South LLC and Heart of America, Teen Challenge, Inc., property owners of record.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

May 2016						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June 2016						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July 2016						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

PCCM Meeting:

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

Sign up to receive the Planning Commission agenda via email:

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

2016
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM <i>** alternate day/time</i>	Mid-Month Topics	Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 13	Article 9 text amendments - Parking	Jan 25	Jan 27
<i>Feb 18 ** Thursday 6:00 PM meeting</i>	<i>Joint meeting with HRC – Oread Design Guidelines</i>	Feb 22	Feb 24
<i>Mar 9 ** Wednesday 5:30 PM meeting</i>	<i>Joint meeting with Sustainability Advisory Board [Meeting Room C – Lawrence Public Library – 707 Vermont Street]</i>	Mar 21	Mar 23
Apr 13	Retail Market Study	Apr 25	Apr 27
May 11	APA Conference recap & Nonconformities 101	May 23	May 25
Jun 8	<i>Cancelled</i>	Jun 20	Jun 22
Jul 13	<i>TBD</i>	Jul 25	Jul 27
Aug 10	<i>TBD</i>	Aug 22	Aug 24
Sep 14	<i>TBD</i>	Sep 26	Sep 28
Oct 12	<i>TBD</i>	Oct 24	Oct 26
Nov 2	<i>TBD</i>	Nov 14	Nov 16
Nov 30	<i>TBD</i>	Dec 12	Dec 14
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>New County Zoning Codes</i> <i>Tour City/County Facilities</i> <i>Water Resources</i>	<i>Communication Towers – Stealth Design, # of co-locations, notice area</i> <i>WiFi Connectivity & Infrastructure Planning</i> <i>Oread Overlay Districts & Design Guidelines</i> <i>Comprehensive Plan – Goals & Policies</i> <i>Affordable Housing</i> <i>Retail Market Impacts</i> <i>Case Studies</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.		
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds			

2016 PLANNING COMMISSION ATTENDANCE

	Jan 25 2016	Feb 22 2016	Mar 21 2016	April 25 2016	May 23 2016	June 20 2016	July 25 2016
Britton	Yes	Yes	Yes	Yes	Yes		
Butler	Yes	Yes	Yes	Yes			
Carpenter	Yes	Yes	Yes	Yes	Yes		
Culver	No	Yes	Yes	Yes	Yes		
Denney	Yes	Yes					
Harrod							
Kelly	Yes	Yes	Yes	Yes	Yes		
Liese	Yes	Yes	No	Yes	Yes		
Sands	Yes	Yes	Yes	Yes	Yes		
Struckhoff	Yes	Yes	Yes	Yes	Yes		
von Achen	Yes	Yes	Yes	Yes	Yes		
Willey							

2016 MID-MONTH ATTENDANCE

	Jan 13 2016	Feb 18 2016	Mar 9 2016	April 13 2016	May 11 2016	June 8 2016	July 13 2016
Britton	Yes	Yes	Yes	Yes	Yes	-	
Butler	No	No	Yes	No	No	-	
Carpenter	Yes	Yes	Yes	Yes	Yes	-	
Culver	Yes	Yes	Yes	Yes	Yes	-	
Denney	Yes	Yes					
Harrod						-	
Kelly	Yes	Yes	Yes	Yes	No	-	
Liese	No	No	No	No	Yes		
Sands	No	Yes	No	No	Yes	-	
Struckhoff	Yes	No	No	Yes	Yes	-	
von Achen	Yes	Yes	Yes	Yes	Yes	-	
Willey						-	



PLANNING COMMISSION MEETING
May 23, 2016
Meeting Action Summary

May 23, 2016 – 6:30 p.m.

Commissioners present: Britton, Carpenter, Culver, Kelly, Liese, Sands, Struckhoff, von Achen

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

GENERAL BUSINESS

Recognize Commissioner Bruce Liese and former Commissioner Jim Denney for their years of service on Planning Commission.

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary minutes from the Planning Commission meeting of April 25, 2016.

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to approve the April 25, 2016 Planning Commission minutes.

Unanimously approved 8-0.

COMMITTEE REPORTS

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Receive written communications from staff, Planning Commissioners, or other commissioners.
- No ex parte.
- No Abstentions.

PC Minutes 5/23/16

**ITEM NO. 4 CONDITIONAL USE PERMIT; CLEAN RUBBLE FILL; 1736 E 1550 RD
(MKM)**

Clean Rubble Fill: **CUP-16-00105**: Consider a Conditional Use Permit for clean rubble landfill, on approximately 40 acres located at 1736 E 1550 Rd. Submitted by Grob Engineering Services, LLC, for Nunemaker-Ross, Inc., property owner of record.

STAFF PRESENTATION

Mr. Scott McCullough said the applicant wanted more time to review transportation routes and was seeking a deferral.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Liese, to defer the item to the June Planning Commission agenda.

Motion carried 8-0

PC Minutes 5/23/16

**ITEM NO. 1 FINAL DEVELOPMENT PLAN FOR SIXTH & MONTEREY WAY PCD
MORGAN ADDITION (MKM)**

Morgan Addition: **FDP-16-00107**: Consider a Final Development Plan for Phase 1 of Sixth & Monterey Way PCD Morgan Addition, a one-lot development of a *Construction Sales and Service* use and an addition to the existing *Detached Dwelling*. The site, located at 800 Monterey Way, contains approximately 0.6 acres. Submitted by Allen Belot Architect, for Robert J. and Beverly G. Morgan, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

The applicant was not present.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Culver, to approve the Final Development Plan, FDP-16-00107, based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Provision of an executed Site Plan Performance Agreement prior to the recording of the Final Development Plan.
2. The final plat for the subject property, Morgan Addition, shall be recorded with the Register of Deeds, prior to the recordation and release of the Final Development Plan.

Unanimously approved 8-0.

PC Minutes 5/23/16

ITEM NO. 2 FINAL DEVELOPMENT PLAN FOR BAUER FARM; 4661 BAUER FARM (SLD)

Bauer Farm: **FDP-16-00104**: Consider a Final Development Plan for Zaxby's, a Fast Order Food with Drive-In, located at 4661 Bauer Farm Dr. Submitted by Carter Engineering Consultants, Inc., for JULI, LLC, contract purchaser, Free State Holdings Inc, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Dillon Cowing, Kaw Valley Engineering, agreed with the staff report and was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen inquired about screening.

Ms. Day said the property west of Champion had a screening wall but the lots to the east of Champion were not constructed with a wall. She said they would be required to have appropriate landscaping, just not a wall. She showed a picture on the overhead. She said there would be trees and shrubs instead of the wall. She said the wall was dropped from the Burger King final plan.

Commissioner Kelly said the lack of a screening wall troubled him. He thought there was supposed to be less vehicular movement. He was concerned about the wall being left off the final plan for Burger King and as the reason for no wall at this site.

Commissioner Carpenter felt this was going to be a cautionary tale to approving something like this in the future. He said when Bauer Farm was originally proposed there was supposed to be screening all along the front. He said this was supposed to be new urbanism but was turned into an elongated strip mall of fast food restaurants. He did not understand how the wall was dropped from the final Burger King site and used as an explanation as to why this site wouldn't have a wall.

Mr. McCullough said Planning Commission was well within their authority to require the wall as a condition of approval for this project.

Commissioner Carpenter asked how they could guarantee no more creep of additional drive-thru restaurants.

Mr. McCullough said it was almost built out but there was no guarantee that it could not be intensified in some fashion.

Commissioner von Achen asked if Burger King was so close to 6th Street that the wall was too late to require.

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

<http://www.lawrenceks.org/boards/planning-commission/agendas>

Ms. Day said she did not think spacing was the issue, it was not included on the final development plan for Burger King. She was not sure where it got dropped. The way it was built currently complied with the final plan.

Commissioner Britton said this had been a little frustrating every time there is a request to change Bauer Farm but they also wanted it to be a successful development and not vacant. He said it was tough to compromise the new urbanism concept that was originally designed. He said the wall was an aesthetic thing and he did not have a strong feeling that it must be there but also not a big deal for the developer to build it.

Commissioner Sands asked if the parcel to the east was part of the apartment complex.

Ms. Day said no, it was part of the commercial piece.

Commissioner Kelly said he did not agree the wall was an aesthetic. He said it provided a practical purpose of enclosing the drive-thru traffic.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to approve the Final Development Plan, FDP-16-00104, based on the staff report and subject to the following conditions:

1. Execution of a site plan performance agreement.
2. Submission of a revised Final Development Plan to show the following notes and changes:
 - a. Revise sanitary sewer service line location to meet City design standards per the approval of the City Utility Engineer.
 - b. Show additional pedestrian ramps for sidewalk connections between building and Bauer Farm Drive.
 - c. Show the deed book and page of separately recorded document for shared access and cross access for this property.
3. Filing of the Minor subdivision with the Register of Deeds Office.
4. Submission of a revised Final Development Plan to include a screening wall along w. 6th Street per the approved Preliminary Development Plan.

Unanimously approved 8-0.

PC Minutes 5/23/16

ITEM NO. 3 FINAL DEVELOPMENT PLAN FOR WESTRIDGE WASH, LUBE, & AUTO SALES; 3530 W 6TH ST (KES)

Westridge Wash, Lube, & Auto Sales: **FDP-16-00103**: Consider a Final Development Plan for Westridge Wash, Lube, & Auto Sales, located at 3530 W 6th St. Submitted by Grob Engineering Services, LLC, for Westridge Lawrence LLC, property owner of record.

STAFF PRESENTATION

Ms. Katherine Simmons presented the item.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering Services, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen asked what was in the open space.

Mr. Grob said grass and one tree. He pointed on the overhead map to show where it was located.

Commissioner Kelly asked if the cemetery property was not owned by Henry T's.

Mr. Grob, said that was correct.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Struckhoff, to approve the Final Development Plan, FDP-16-00103, based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Provision of an executed Site Plan Performance Agreement prior to the recording of the Final Development Plan.

Unanimously approved 8-0.

PC Minutes 5/23/16

**ITEM NO. 5 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; VALET PARKING
(SLD)**

TA-16-00128: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 17 and related sections of Article 9, for revisions related to the use and design standards for Valet Parking. *Initiated by the City Commission on 3/28/16.*

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Liese wondered what other municipalities did.

Ms. Day said there were not many municipal code examples. She said majority that staff looked at were from bigger cities. She said this was taking those best practices into the Code.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelly, to approve the proposed text amendment, TA-16-00128, amending Article 17 and sections of Article 9 of the Lawrence Land Development Code to establish *Valet Parking* as a type of parking and forward to the City Commission with a recommendation for approval.

Commissioner von Achen asked how many fewer parking spaces there would be if a parking lot was converted to self-parking.

Ms. Day said conventional parking versus valet picked was about a 30% difference.

Commissioner Carpenter wondered how lost parking would impact occupancy.

Mr. McCullough said there would be impacts to lost parking, just like any project use.

Ms. Day said one of the elements looked at would be site plan review.

Commissioner Britton felt it was a good idea to clarify where valet parking would be used and to have a public process.

Commissioner Kelly inquired about a fee for valet parking. He wondered if expensive valet parking would kick cars back out into the neighborhood.

Commissioner Carpenter said that should be part of the original discussion instead of coming out later like with the HERE project.

Commissioner Britton said any place that charges a fee to park would have that same issue.

Mr. McCullough said there were private buildings in town that charged a fee. He said City Commission would see any proposal for valet parking and could be part of the discussion at that level. He said it was a balancing act for developers too.

Commissioner Sands asked if any parking lot change involving valet parking would require a site plan.

Ms. Day said yes.

Mr. McCullough clarified that there were valet operators currently in Lawrence using self-parked designed lots. He said they could do that without an operation or business license. He gave the examples of the Oread Hotel, Eldridge Hotel, and Lawrence Memorial Hospital that had valet services that used the self-park system like a self-parker would.

Commissioner Sands asked if the option existed for a developer to go from self-park to valet.

Mr. McCullough said it could be an option. He said anyone wanting to go to a valet system would go through the site plan process to the City Commission.

Ms. Day said if an existing business had a self-park parking lot and wanted to add valet services, without changing the parking lot, it could be reviewed administratively.

Commissioner Sands asked if an existing site plan had valet parking but wanted to convert back to self-park would it still need to be reviewed under a site plan.

Ms. Day said yes.

Commissioner Struckhoff said the HERE project was way different than what they agreed to at the beginning. He said one of the issues was the continuing encroachment of private institutional parking into the public right-of-way. He said the HERE project also increased in scope and the parking was moved from the garage to the street. He said he would support the motion but felt the HERE project should be a cautionary tale for future projects.

Commissioner Kelly asked if the text amendment mentioned a fee for valet parking.

Mr. McCullough said the text amendment only addressed the physical aspects.

Unanimously approved 8-0.

PC Minutes 5/23/16

ITEM NO. 6 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; PARKING & ACCESS STANDARDS (SMS)

TA-13-00235: Continue discussion related to proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards. Discussion will focus on Sections 20-908 & 20-915 related to Location, Driveways and Access, including parking configurations for duplex dwellings. *Action on this item will not occur until after the commission completes their discussion on several of the elements of the code language and a final draft is available for their review.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

Ms. Candice Davis, Lawrence Association of Neighborhoods, expressed concern about duplexes and staked parking.

Ms. Marci Francisco expressed concern about trash dumpster locations.

COMMISSION DISCUSSION

Mr. McCullough said when the congregate living text amendment was created a few years ago there was a lengthy discussion about this. He said staff's understanding of how Solid Waste handled dumpsters in alleys of neighborhoods like Oread was if there wasn't a place site planned on the property they would negotiate a place for the dumpster based on their operations on how the block moved in terms of intensity. He said there was no requirement for single-family or duplex to site plan for dumpsters and that they would have conventional trash carts.

Ms. Stogsdill showed aerials on the overhead to show church locations in residential areas. She said in today's code a parking lot in a residential area was required to provide 25' of setback in order to be similar to residences.

Commissioner Carpenter asked if stormwater runoff was part of the consideration.

Ms. Stogsdill said it was probably the result of that design but wasn't necessarily the reason for that setback. She said stormwater was looked at by how much building and pavement was proposed and that would equate to some amount of detention provided. She showed diagrams on the overhead.

Commissioner Kelly felt there should be 25' setback within residential areas to be similar to houses. He felt it should match the area.

Commissioner Britton said 25' made sense. He said RM zoning was more likely to be adjacent to commercial and he could see being less concerned with the setback in those areas. He said exceptions could be made if needed.

Commissioner von Achen asked if there was an advantage to having different setbacks.

Mr. McCullough said staff was looking for direction on whether drive isles should be included with the parking spaces.

Commissioner Britton felt drive isles should be included as part of the parking area that needed to be set back 25'.

Commissioner Kelly asked if there would ever be a limit to the number of bedrooms in a duplex.

Mr. McCullough said duplexes were typically accommodated with the RM12D zoning. He said the RM district allowed four unrelated occupants in four bedroom units with eight bedroom structures.

Ms. Stogsdill said they could consider having a different standard for a one or two bedroom duplex versus a three or four bedroom.

Ms. Davis urged Planning Commissioners to drive down Overland Drive and note the congestion with stacked parking.

Ms. Francisco expressed concern about trash locations.

Mr. Steve Braswell, Pinckney Neighborhood, supported the Lawrence Association of Neighborhoods comment about duplexes needing to be looked at as multi-family.

NO ACTION TAKEN

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 QUORUM EVENT

A possible quorum of the Planning Commission may convene after the meeting to socialize.

Mr. McCullough said the June Planning Commission Mid-Month meeting was canceled. He also stated that Commissioner Britton would host a Planning Commission orientation social at his house after the annual Planning Commission training session, to be determined for a future date.

ADJOURN 9:02PM

Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

- [Horizon 2020](#)
- [Sector/Area Plans](#)
- [Transportation 2040](#)
- [2012 Retail Market Study](#)

Development Regulations

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

Online Mapping

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

Planning Commission

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

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS**

IN THE MATTER OF THE VACATION OF THAT CERTAIN
PERMANENT GREENSPACE AND PEDESTRIAN AND
RECREATIONAL PATH EASEMENT LOCATED ON,
UPON, UNDER, OVER AND THROUGH PORTIONS OF
THE SOUTHWEST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 20, TOWNSHIP 12 SOUTH,
RANGE 19 EAST OF THE 6th P.M.; AND THE NORTHEAST
QUARTER OF THE SOUTHEAST QUARTER OF SECTION
20, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6th
P.M., ALL IN DOUGLAS COUNTY, KANSAS

Petition of Rebecca J. Finney, Trustee of Rebecca J. Finney Revocable Trust dated March 26, 1993, Compton Farms, LLC, and the City of Lawrence, Kansas, filed May 23, 2016 with the Douglas County Clerk.

AFFIDAVIT OF SERVICE

State of Kansas)
 :ss
County of Douglas)

R. Scott Wagner, of lawful age, being first duly sworn on this 8th day of June, 2016, on his oath state:

That he is a Management Analyst for the Petitioner, City of Lawrence, Kansas, a municipal corporation, that he served a copy of the attached Notice of Hearing on the 8th day of June, 2016, and more than twenty (20) days prior to the date scheduled for the Hearing of the Petition filed herein, addressed to the following:

Name: Clay Britton (Chair)

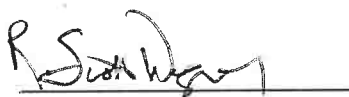
Address: Lawrence-Douglas County Planning
Commission

6th E 6th Street, City Hall

Lawrence, KS 66044

Such person being the only person or entity required to be served pursuant to K.S.A. 58-2613.

Further Affiant Saith Not.


R. Scott Wagner

ACKNOWLEDGMENT

STATE OF KANSAS)

:SS

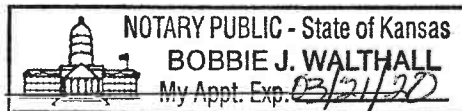
COUNTY OF DOUGLAS)

BE IT REMEMBERED, that on this 8th day of June, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid came R. Scott Wagner, acting on behalf of the City of Lawrence, who is personally known to me to be the same person who executed the within and foregoing instrument of writing, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.


Notary Public

My Commission Expires:



Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

Shanice Varnado of the Legal Dept. of the Lawrence Daily Journal-World being first duly sworn, deposes and says:

That this daily newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a daily basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Lawrence Daily Journal-World

Said newspaper is published daily 365 days a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Lawrence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days/weeks the first publication thereof being made as aforesaid on 06/01/2016 with publications being made on the following dates:

06/01/2016



Subscribed and sworn to before me this



Notary Public

My Appointment expires: March 15, 2019

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$283.32
	<u>\$283.32</u>

(First published in the Lawrence Daily Journal- World
June 1, 2016)

58-2613
BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF THAT CERTAIN PERMANENT GREENSPACE AND PEDESTRIAN AND RECREATIONAL PATH EASEMENT LOCATED ON, UPON, UNDER, OVER AND THROUGH PORTIONS OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6th P.M.; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6th P.M., ALL IN DOUGLAS COUNTY, KANSAS

NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS WHO ARE OR MAY BE CONCERNED:

Take notice that on the 6th day of July, 2016, at 4 o'clock p.m. or as soon thereafter as the matter can be heard, the Board of County Commissioners of Douglas County, Kansas, will convene in the Commission Room located on the second floor of the Douglas County, Kansas, Court House, located at Eleventh and Massachusetts Street, Lawrence, Kansas, for the purpose of conducting a hearing on the petition of The City of Lawrence, Kansas, Compton Farms LLC by: Douglas J. Compton, manager, and Rebecca J. Finney, Trustee of the Rebecca J. Finney Revocable Trust, dated March 26, 1993. Wherein prayer is made to vacate that certain Permanent Greenspace and Pedestrian and Recreational Path Easement which was created as a part of the Permanent Utility Easement and Permanent Greenspace and Pedestrian and Recreational Path Easement, set forth in Exhibits "A" and "B" to the petition filed herein, and particularly described as follows:

Tract "A"

A strip of land 40 feet wide in the Northeast Quarter of the Southeast Quarter of Section 20, Township 12 South, Range 19 East of the Sixth Principal Meridian, Douglas County, Kansas, said strip lying 20 feet on each side of the centerline of a sanitary sewer pipeline as laid, said centerline described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence along the east line of said Southeast Quarter on an assumed bearing of S01°45'02"E, 696.84 feet to the Point of Beginning of said centerline; thence S63°06'22"W, 80.78 feet; thence S64°53'40"W, 420.00 feet; thence S22°58'26"W, 305.00 feet; thence S48°42'49"W, 229.76 feet to a point on the south line of the Northeast Quarter of said Southeast Quarter 763.50 feet west of the Southeast Corner of said Northeast Quarter and being the point of termination of said cen-



Affidavit in Proof of Publication

STATE OF KANSAS

Douglas County


Shanice Varnado of the Legal Dept. of the Lawrence Daily Journal-World being first duly sworn, deposes and says:

That this daily newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a daily basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Lawrence Daily Journal-World

Said newspaper is published daily 365 days a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Lawrence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days/weeks the first publication thereof being made as aforesaid on 06/01/2016 with publications being made on the following dates:

06/01/2016



Subscribed and sworn to before me this



Notary Public

My Appointment expires: March 15, 2019

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$283.32
	<u>\$283.32</u>

terline; the sidelines of said strip being extended or shortened to terminate at the south and east lines of said Northeast Quarter; except existing East 1000 Road right-of-way from said strip.

The above described strip contains 39,908 square feet, more or less; and

Tract "B"

A strip of land 40 feet wide in the Southwest Quarter of the Southeast Quarter of Section 20, Township 12 South, Range 19 East of the Sixth Principal Meridian, Douglas County, Kansas, said strip lying 20 feet on each side of the centerline of a sanitary sewer pipeline as laid, said centerline described as follows:

Commencing at the Northeast Corner of said Southwest Quarter, thence along the east line of the Southwest Quarter on an assumed bearing of S01°57'59"E, 183.31 feet to the Point of Beginning of said centerline; (Course One) thence S46°09'24"W, 150.79 feet; (Course Two) thence S37°18'33"W, 220.00 feet; (Course Three) thence S53°15'03"W, 270.00 feet; (Course Four) thence S83°03'23"W, 420.00 feet; (Course Five) thence S05°40'19"W, 220.00 feet; (Course Six) thence S33°39'13"W, 365.00 feet; (Course Seven) thence S44°54'18"W, 170.00 feet; (Course Eight) thence N80°58'01"W, 98.32 feet to a point on the west line of said Southwest Quarter 76.14 feet north of the Southwest Corner of said Southwest Quarter and being the point of termination of said centerline; the sidelines of said strip being extended or shortened to terminate at the east and west line of said Southwest Quarter; together with:

A strip of land 40 feet wide in the Southwest Quarter of said Southeast Quarter, said strip lying 20 feet on each side of a sanitary sewer pipeline as laid, said centerline described as follows:

Beginning at the point of termination of Course Six as described above; thence S16°59'27"E, 180.26 feet to a point on the south line of said Southwest Quarter 267.90 feet east of the Southwest Corner of said Southwest Quarter and being the point of termination of said centerline; the sidelines of said strip being extended or shortened to terminate at said south line and at the easterly line of the above described strip.

The above described strips together contain 1.903 acres, more or less.

The petitioners also have, as a part of the prayer of their petition, prayed that the Permanent Utility Easement portion of the above-described Permanent Utility Easement and Permanent Greenspace and Pedestrian and Recreational Path Easement be retained and not vacated.

That said petition been filed in the office of the County Clerk of Douglas County, Kansas, and has been referred



Affidavit in Proof of Publication

STATE OF KANSAS

Douglas County

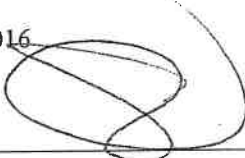
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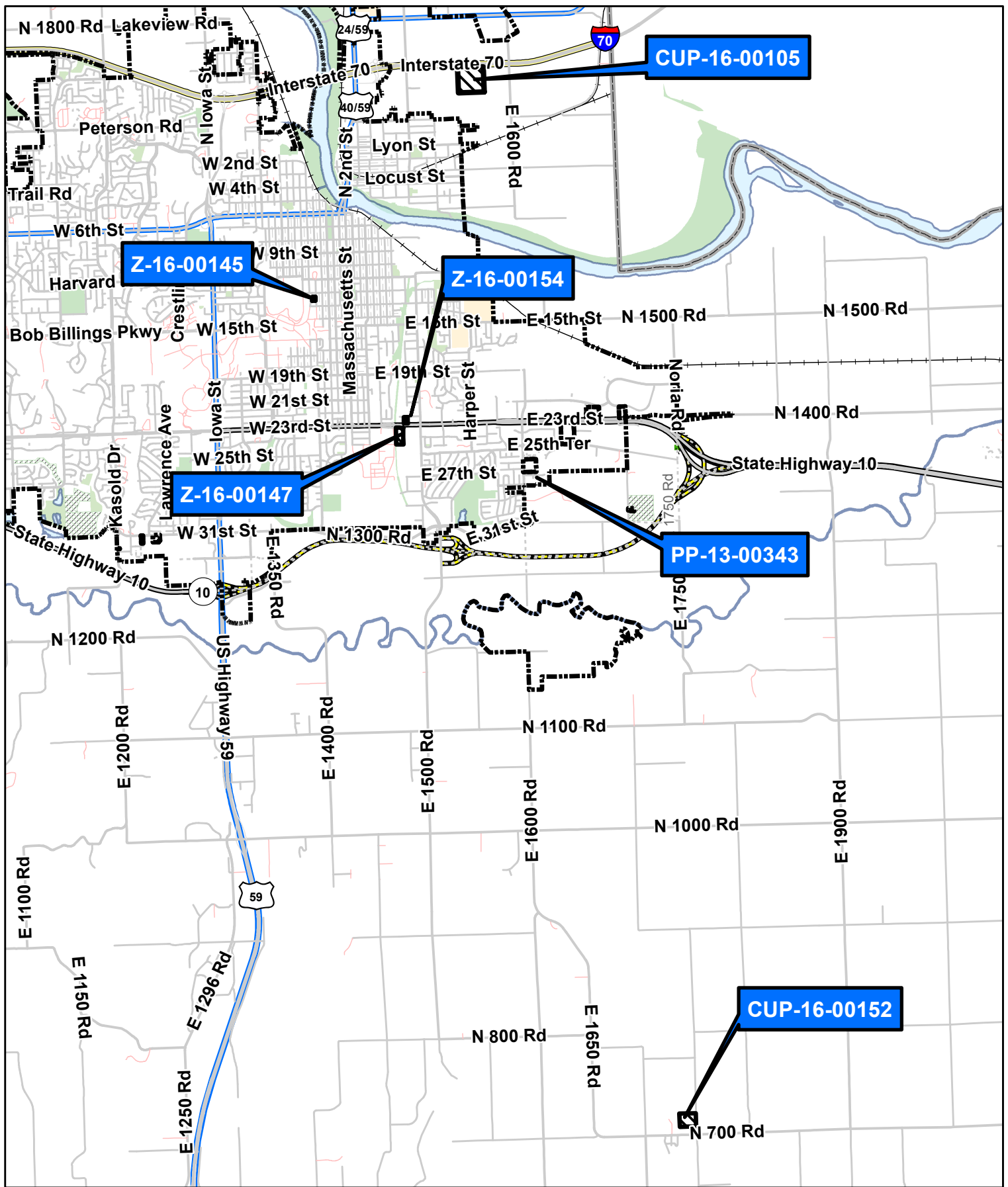
to the Board of County Commissioners of Douglas County, Kansas, for hearing and determination. That at said time and place all interested persons can appear and be heard under said petition.

Rebecca J. Finney
Revocable Trust
Dated March 26, 1993

Compton Farms LLC
Douglas J. Compton, Manager

City of Lawrence, Kansas
a Municipal Corporation





Lawrence-Douglas County Planning Commission
June 2016 Public & Non-Public Hearing Agenda Items



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
06/20/2016

**ITEM NO. 2 Z-16-00145: RM32 (Multi-Dwelling Residential) District TO GPI
(General Public and Institutional Use) District; 1220 Oread Avenue
(JSC)**

Z-16-00145: Consider a request to rezone approximately 0.78 acres from RM32 (Multi-Dwelling Residential) District to GPI (General Public and Institutional Use) District, located at 1220 Oread Avenue. Submitted by Philip Ciesielski with City of Lawrence Department of Utilities, for the City of Lawrence, Kansas, the property owner of record.

STAFF RECOMMENDATION

Staff recommends approval of the request to rezone approximately 0.78 acres from RM32 (Multi-Dwelling Residential) District to GPI (General Public and Institutional Use) 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:

The requested GPI zoning did not exist at the time of original construction at the site. The requested rezoning from RM32 to GPI more appropriately reflects the land use as a public utility facility.

KEY POINTS

- The Board of Zoning Appeals granted variances to reduce the 5 acre minimum site area requirement to a minimum of 0.78 acres; to reduce the 40 foot minimum front and rear setback requirement to a minimum of 27 feet, and to reduce the 40 foot minimum interior side setback to a minimum of 20 feet from the north property line, and 15 feet from the southern property line on May 5th, 2016
- Water storage facilities have existed at this site since 1931.
- The proposed rezoning would align the long-term use of this site with the recent creation of the GPI District in 2006 Land Development Code.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- B-16-00132; Front, Interior Side, Rear setback variances and Minimum Site Area Requirement
- SP-16-00143; Major Site Plan Application to construct 2 water storage tanks and a booster pump station.
- Minor Subdivision for lot combination is required

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

- None

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary

Proposed request is to rezone this property from RM32 (Multi-Dwelling Residential – 32 Dwelling Units per Acre) to GPI (General Public and Institutional Use District). The GPI District is a special purpose base district that accommodates a narrow or distinct set of uses or for special purposes beyond the conventional residential, commercial, industrial, and agricultural districts. Examples include government and public institutional uses.

The present public water storage facility located on the top of Mount Oread was initially constructed in the early 1930s. Since that time, the use of the property has been the same, with minor upgrades and additions over the decades. Due to the age of the existing tanks, the City of Lawrence Utilities Department is applying to rezone the property to GPI as part of the site's overall reconstruction process. The site is planned to be reconstructed containing two water storage tanks and a booster pump station. Similar structures are presently located on this site.



Figure 1: Subject Location

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The proposed land use after rezoning is consistent with the existing land use as a public utility facility.*

Similar to other land uses such as residential and commercial, *Horizon 2020* recommends infill development over new annexation and expansion of utilities at the edges of Lawrence when possible. It also strives to ensure that adequate public infrastructure is created to allow for continued residential, commercial, and other infill uses. *Horizon 2020* principally discusses facilities

like these in Chapter 10: Community Facilities. Specifically, it notes that, “Plans should emphasize utility improvements and extensions that provide the highest level of service within existing service areas, particularly public water and wastewater treatment and collection.” (Horizon 2020, p. 10-10) Utilizing the existing site and infrastructure would continue to provide the level of service from this location, while ensuring that the service is an infill type project. The placement of water storage facilities is a complex land use consideration, not just from a use compatibility aspect, but also from a service and infrastructure facet. The siting requirements for a public water storage facility include specific technical elements, such as being located at a proper elevation in relation to its coverage area, specialized utility system connections and services, and an ability to provide required water pressures leaving the facility for both daily use/demand and fire service protection.

Horizon 2020 also includes policies that would be applicable to this proposed project and rezoning. These include Policy 1.1 (b) which encourages the City to, “Maintain or upgrade existing facilities and services where necessary to serve existing development.”

Staff Finding: The proposed request is consistent with the land use recommendations in *Horizon 2020*, and represents a realignment of the base zoning to match the historical long-term use of this property to today's Land Development Code.

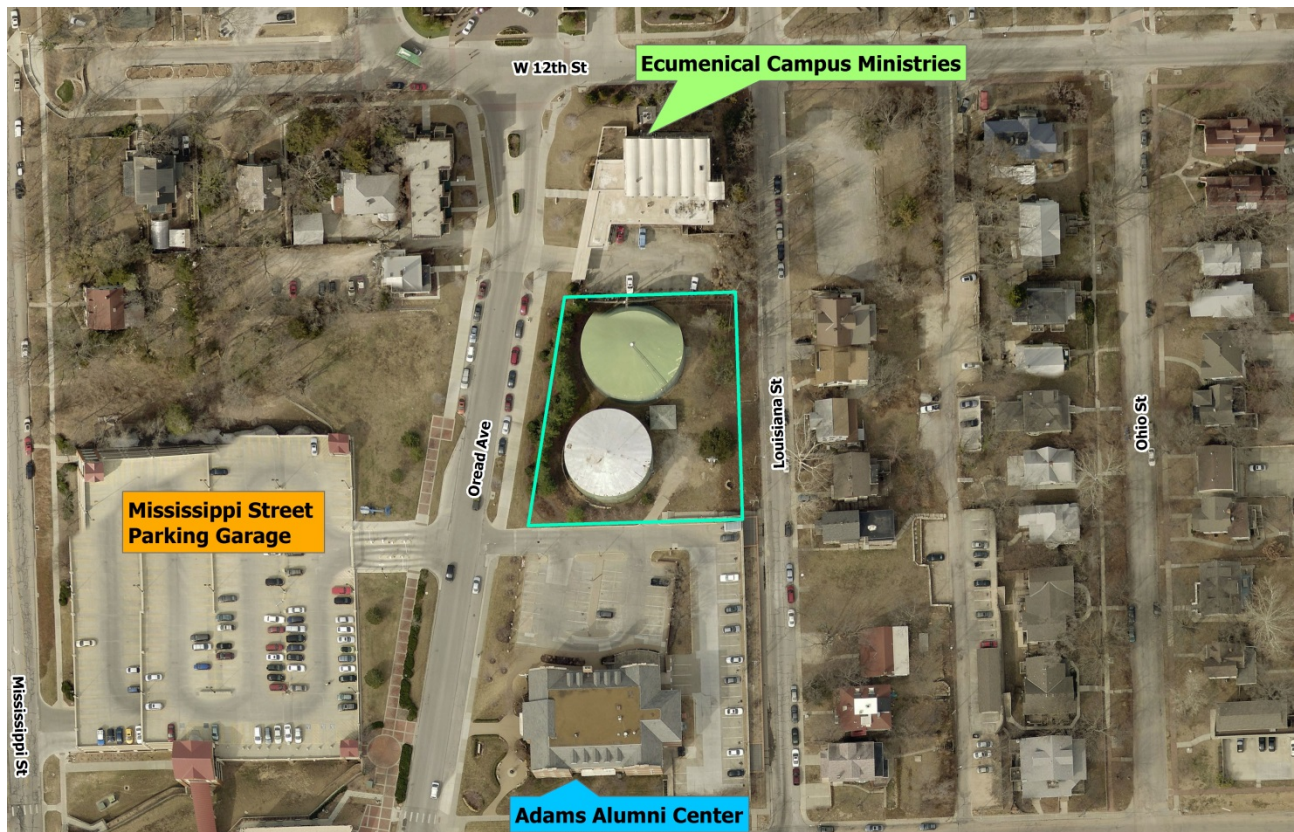


Figure 2: Subject Site & General Area

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

Current Zoning and Land Use:	RM32 (Multi-Dwelling Residential – 32 Dwelling Units per Acre) District; Utilities and Service, Major. Existing public utility water storage facility.
Surrounding Zoning and Land Use:	RM32 (Multi-Dwelling Residential District) District to the north; Ecumenical Campus Ministries. RM32 (Multi-Dwelling Residential District) District to the south; University of Kansas Adams Alumni Center. RM32 (Multi-Dwelling Residential District) District to the east; Single and Multi-Dwelling residential structures. U-KU (University – Kansas University) District to the west; Mississippi Street Parking Garage, Multi-Dwelling residential structures, and vacant land.

Staff Finding: The subject property is bounded on the western side by Oread Avenue and by The University of Kansas' Mississippi Street Parking Garage and vacant land; on the eastern side by Louisiana Street with various residential structures. Ecumenical Campus Ministries is adjacent to the north, and the University of Kansas Adams Alumni Center is adjacent to the south. The site's use as a public utility water storage facility predates the surrounding nonresidential uses.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Mix of residential, commercial, multifamily and the University of Kansas.*

This property is adjacent to, but not included in, the Oread Neighborhood Association and Oread Residents Association boundaries. The area has evolved since its initial development in the early 20th Century as the University of Kansas, and its corresponding ancillary uses, have developed around this utility installation. Many of the adjacent uses are either related to the University or another institutional use. The remaining uses include the Oread Hotel, and both single and multi-dwelling residential structures. The proposed request would bring the underlying zoning for the Oread water storage facility in-line with the Land Development Code, while not changing the use of the site.

Staff Finding: The proposed request does not substantially change or alter the character of the immediate neighborhood.

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

This property is not located within the boundary of an adopted Sector Plan. The site is adjacent to the *Oread Neighborhood Plan*, which anticipates a mixture of Medium-Density and High-Density residential uses next to this location.

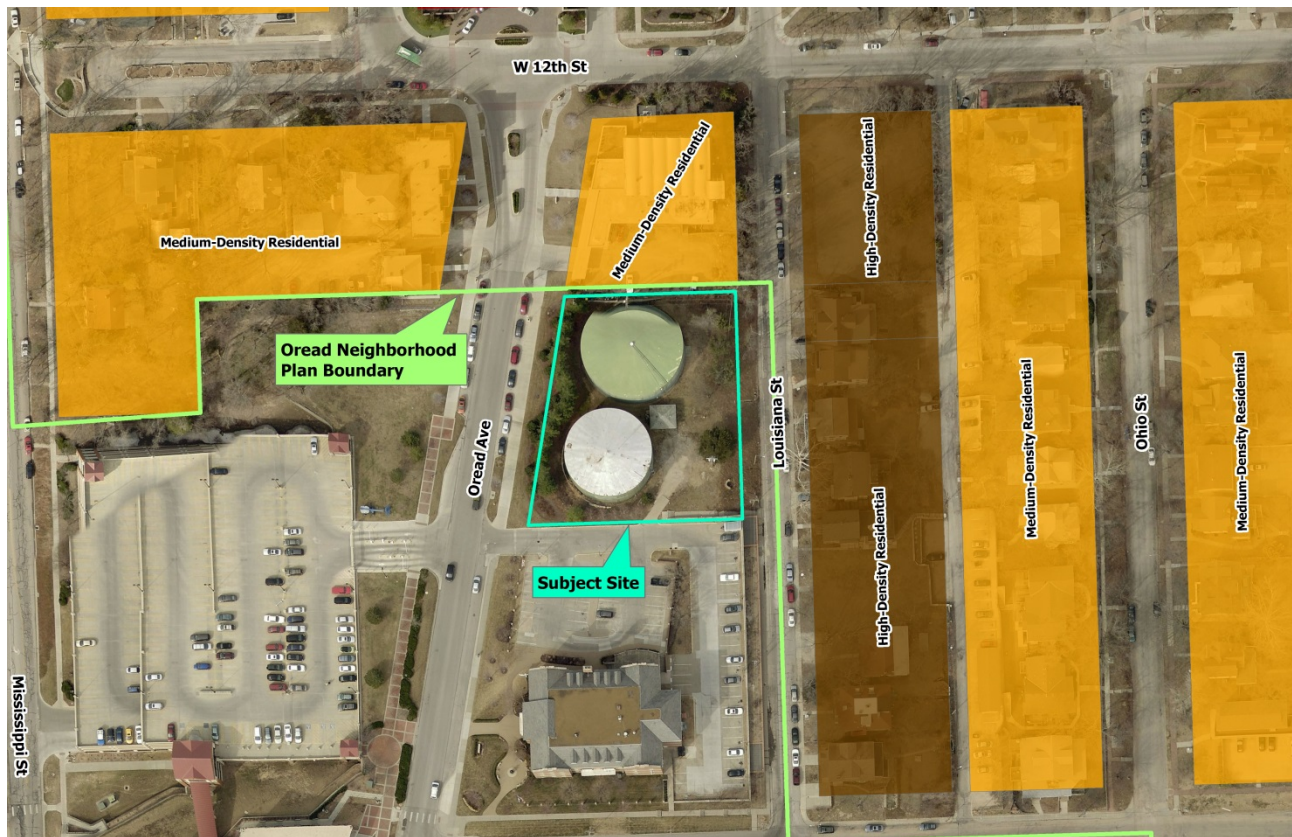


Figure 3: Adopted Oread Neighborhood Plan & Subject Site

Overall, the proposed zoning change does not impact the present density or use for this location. The proposed rezoning is consistent with the intent of the Land Development Code, bringing the zoning in-line with the site's use as a public water storage facility.

Staff Finding: The proposed rezoning represents an alignment of the Land Development Code to the site's existing and continued use as a public water storage facility.

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

Applicant's Response: The requested GPI zoning did not exist at the time of original construction at the site. The requested rezoning from RM32 to GPI more appropriately reflects the land use as a public utility facility.

The use of this site in some capacity as a water public utility has existed before the City of Lawrence adopted its first zoning code in 1927. Under previous editions of the zoning code, this location has been consistently zoned for higher-intensity residential development, but continually used for a public water storage facility since at least 1897. With the adoption of the Land Development Code in 2006, the new code contained a specific zoning district that accommodated public facilities and infrastructure installations, such as the Oread water storage facility. By rezoning the property to the GPI District, the continued use of this site as a public water storage facility will then conform to the new district established in 2006.

Staff Finding: The proposed rezoning is suitable for the existing and continued use of this site for a public water storage facility, and rezoning would be consistent with the intent of the Land Development Code.

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

Applicant's Response: *The property is not vacant.*

Based on available Sanborn Fire Insurance Maps, the site has been used for public water sources since at least 1897. The existing water storage tanks have been at this location since 1931.

Staff Finding – This property has been in use as a water supply source since 1897, while being residentially zoned since 1927.

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

Applicant's Response: *The rezoning will not detrimentally affect the nearby properties. The land use after zoning will be the same as the land use under the current zoning.*

The immediately surrounding area is developed with a variety of residential, institutional, university, and commercial uses. The use of this for a public water storage facility site will not change as a result of the rezoning.

Staff Finding: There are no anticipated detrimental effects for nearby property.

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: *Continued use of the site as public utility storage facility for the storage and pumping of potable drinking water.*

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 the anticipated impacts of the rezoning request on the public health, safety, and welfare.

Rezoning the property would allow for the tanks to be reconstructed in the defined zoning district created for these uses as prescribed in the Land Development Code. The two water storage tanks and booster pump station provide drinking water to University of Kansas and a large area around Downtown Lawrence, while also providing required pressure and supply for fire protection. Approval of the zoning request would permit the City of Lawrence Utilities to meet the required zoning and land use considerations, while maintaining the site's use and the subsequent public service it provides. If denied, the same development type could be accommodated through a Special Use Permit; however, this would result in an excessive process for the applicant, as well as the public.

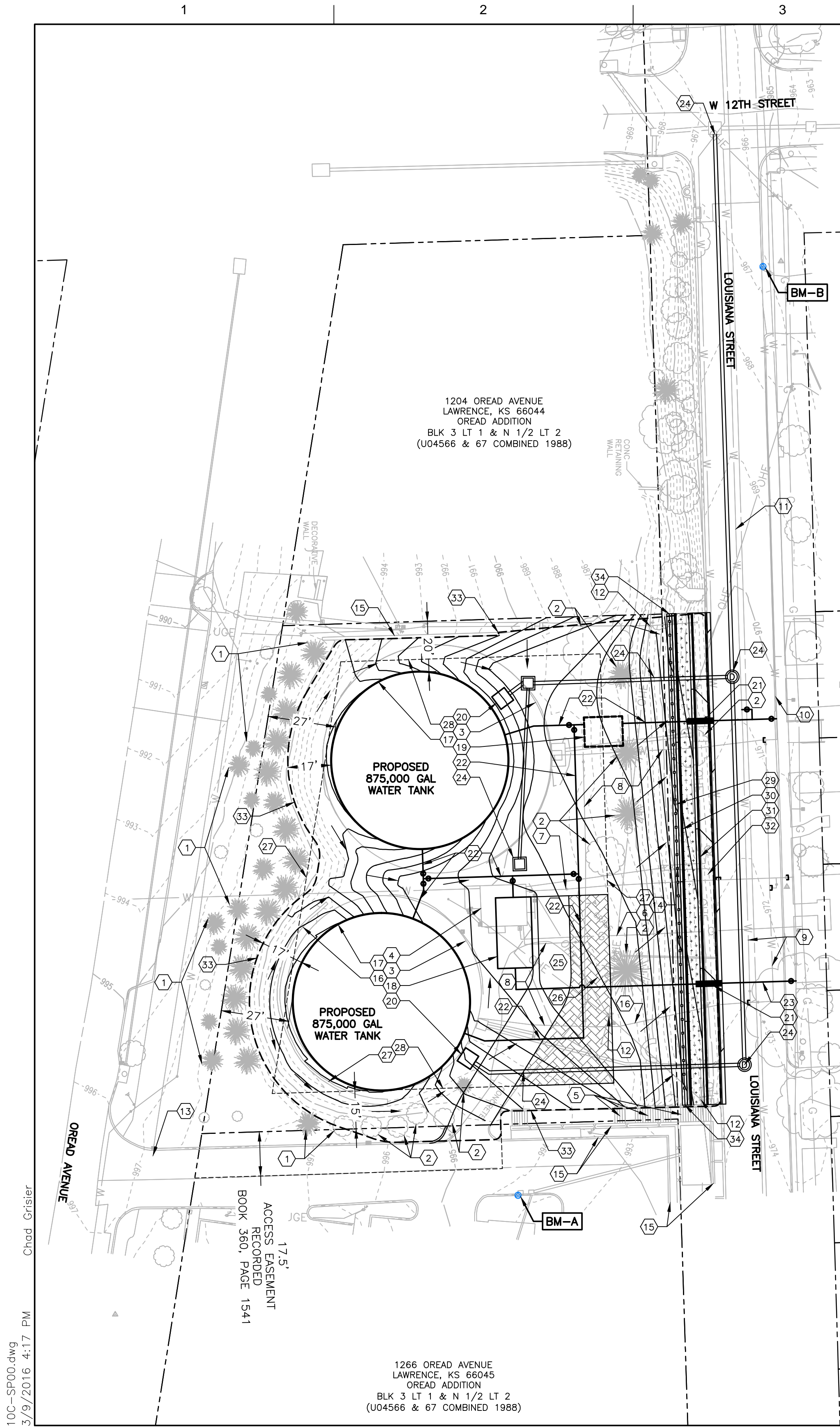
Staff Finding: Approval of the proposed rezoning request to the GPI District facilitates the continued use of this site for a public utility to serve the residents of Lawrence.

9. PROFESSIONAL STAFF RECOMMENDATION

This request is consistent with the Land Development Code's intended zoning designation for such a use, and is consistent with the surrounding area. The proposed zoning designation change would align the zoning designation with the existing and intended future use of this property.

CONCLUSION

Staff recommends approval of the proposed rezoning to the GPI District for this property based on the findings in this report.



SITE PLAN NOTES

- 1 EXISTING TREES TO REMAIN.
- 2 EXISTING TREES TO BE REMOVED.
- 3 EXISTING WATER TANK TO BE DEMOLISHED.
- 4 EXISTING SINGLE STORY PUMP STATION TO BE DEMOLISHED.
- 5 EXISTING SITE STAIRS (TO REMAIN).
- 6 EXISTING GAS LINE TO BE REPLACED AS NECESSARY.
- 7 EXISTING 16" WATERLINE (TO BE ABANDONED)
- 8 EXISTING 12" WATERLINE (TO BE ABANDONED).
- 9 EXISTING 16" WATER MAIN (TO BE REPLACED).
- 10 EXISTING 12" WATER MAIN (TO REMAIN).
- 11 EXISTING 8" WATER MAIN (ABANDONED).
- 12 EXISTING OVERHEAD ELECTRIC (TO BE RELOCATED.)
- 13 EXISTING CURB CUT & SHARED ACCESS DRIVE (TO REMAIN).
- 14 EXISTING CONCRETE DITCH (TO BE REMOVED).
- 15 EXISTING RETAINING WALL (TO REMAIN).
- 16 EXISTING RETAINING WALL (TO BE REMOVED).
- 17 PROPOSED 875,000 GALLON WATER STORAGE TANK.
- 18 PROPOSED SINGLE STORY PUMP STATION.
- 19 PROPOSED CONTROL VALVE VAULT (FUTURE).
- 20 PROPOSED OVERFLOW STRUCTURE.
- 21 PROPOSED WATERLINE CASING UNDERNEATH PROPOSED RETAINING WALL.
- 22 PROPOSED 16" WATERLINE
- 23 PROPOSED 12" WATERLINE
- 24 PROPOSED 16" STORAGE TANK OVERFLOW AND STORM DRAIN SYSTEM, CONNECT TO EXISTING PUBLIC STORM SYSTEM AT 12TH & LOUISIANA.
- 25 PROPOSED CONCRETE PAVING PER CITY OF LAWRENCE STD.
- 26 PROPOSED GRASS PAVER SURFACING.
- 27 25' BUILDING SETBACK
- 28 15' BUILDING SETBACK
- 29 PROPOSED 4' METAL PICKET RAILING WITH CONCRETE MOW STRIP.
- 30 PROPOSED 5.5' HIGH MODULAR RETAINING WALL.
- 31 PROPOSED 4' HIGH MODULAR RETAINING WALL.
- 32 PROPOSED CONCRETE SIDEWALK (5' WIDTH).
- 33 CONSTRUCTION LIMITS

SITE IMPERVIOUS SUMMARY

THE DATA WITHIN THE FOLLOWING TABLE REPRESENTS THE PROPOSED TOTAL QUANTITIES PER LOT/PHASE IN THE DEVELOPMENT.			
Lot 1	AREA (SQ. FT.)		AREA (SQ. FT.)
EXISTING BUILDINGS	337.33	PROPOSED BUILDINGS	392.00
EXISTING WS TANKS	11,059.54	PROPOSED WS TANKS	7,807.26
EXISTING PAVEMENT	2,387.34	PROPOSED PAVEMENT	3,158.34
EXISTING IMPERVIOUS	SUBTOTAL: 13,784.21	PROPOSED IMPERVIOUS	SUBtotal: 11,357.60
EXISTING PERVIOUS	20,198.93	PROPOSED PERVIOUS	22,555.54
PROPERTY AREA	33,913.14		33,913.14

PLANT MATERIALS LIST

TREES

NO NEW PLANTINGS PROPOSED

SHRUBS / PERENNIALS / GRASSES

NO NEW PLANTINGS PROPOSED

LANDSCAPE MATERIALS

GRASS AREA = 17,675 SF (FESCUE SOD) (NON-IRRIGATED)

RIVER ROCK AREA = 975 SF

GRASS PAVER AREA = 1,593 SF

INTERIOR PARKING LOT LANDSCAPING

PARKING LOT LANDSCAPING NOT APPLICABLE

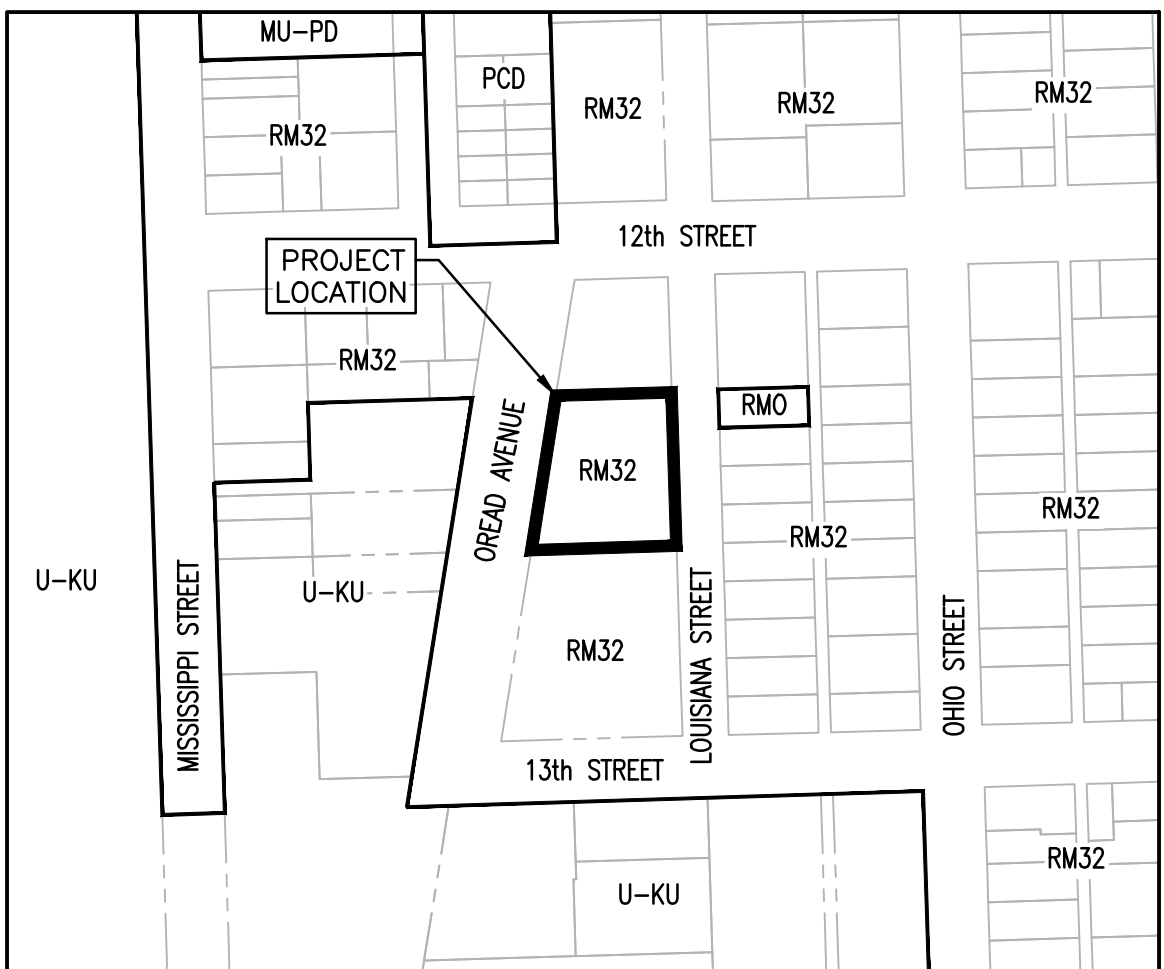
PERIMETER PARKING LOT LANDSCAPING

PERIMETER PARKING LOT LANDSCAPING NOT APPLICABLE

BUFFER YARDS

BUFFER NOT APPLICABLE

LOCATION MAP



LEGAL DESCRIPTION

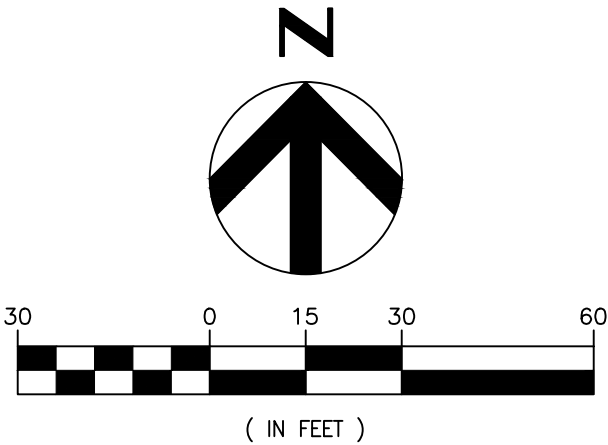
OREAD ADDITION BLOCK 3 & THE SOUTH 1/2 LOT 2; ALL LOT 3 & THE NORTH 1/2 LOT 4 (U04567-01,68 & 68-01 COMBINED 1988)

GENERAL NOTES

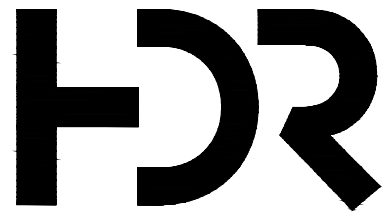
- 1. EXISTING ZONING: RM32
- 2. PROPOSED ZONING: RM32
- 3. CURRENT USE: UTILITIES MINOR
- 4. PROPOSED USE: UTILITIES MINOR
- 5. TOPOGRAPHIC SURVEY PERFORMED BY: ABOVE GROUND WATER STORAGE FACILITY
- 6. PROFESSIONAL ENGINEERING CONSULTANTS, P.A., 11/2015.
- 7. PARKING INFORMATION: TOTAL PARKING REQUIRED= N/A
- 8. ACCESSIBLE PARKING REQUIRED: N/A
- 9. ACCESSIBLE CAR PARKING STALLS= N/A
- 10. PARKING PROVIDED: PARKING STALLS PROVIDED= 0 PARKING STALL
- 11. ACCESSIBLE PARKING STALLS= 0 (AUTO)
- 12. PROPOSED SIDEWALK PAVEMENT TO BE 4" PORTLAND CEMENT CONCRETE ON COMPACTED SUBGRADE UNLESS OTHERWISE NOTED.
- 13. PROPOSED GRASS PAVER SYSTEM TO BE PRECAST CONCRETE PAVER SYSTEM ON COMPACTED AGGREGATE BASE AND SUBGRADE.
- 14. WALL MOUNTED LIGHTING SHALL BE LOCATED AT BUILDING ENTRANCES.
- 15. ALL LIGHTING SHALL BE SHIELDED TO PREVENT GLARE OFF-SITE.
- 16. EXTERIOR GROUND-MOUNTED OR BUILDING-MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED FROM VIEW OF ADJACENT PROPERTIES AND FROM STREET RIGHTS-OF-WAY (AS MEASURED 6 FT. ABOVE GROUND LEVEL). SCREENING SHALL BE IN THE FORM OF LANDSCAPE PLANTINGS OR AN ARCHITECTURAL TREATMENT COMPATIBLE WITH THE ARCHITECTURE OF THE PRINCIPAL BUILDING.

VERTICAL CONTROL POINTS

BM-A
CHISELED SQUARE ON TOP OF CURB ON THE EAST SIDE OF A DOUBLE CURB INLET ON THE SOUTH SIDE OF DRIVE IN THE NORTH PORTION OF ALUMNI PARKING LOT AT 1266 OREAD AVE.
EI=994.20
BM-B
CHISELED SQUARE ON TOP OF EAST CURB OF LOUISIANA ST. ON NORTH SIDE OF ENTRY TO LOT 120 IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF W. 12TH ST. AND LOUISIANA ST.
EI=967.23



A SITE PLAN FOR
**OREAD WATER STORAGE
TANK REPLACEMENT**
LAWRENCE, KANSAS



HDR
MISSOURI CERTIFICATE OF
AUTHORITY #: 000856
3741 NE TROON DRIVE
LEE'S SUMMIT, MO 64064
816-347-1100

ISSUE	DATE	DESCRIPTION

PROJECT MANAGER	
PROJECT NUMBER	00000000270286

NOT FOR CONSTRUCTION



City of Lawrence, Kansas
Oread Avenue
Booster Pumping & Storage



0 1" 2"
FILENAME 10C-SP00.dwg
SCALE 1" = 30'

SHEET
10C-SP00

Oread Water Storage Tank Replacement
Elevation View of East Side of Property from Louisiana Street



Oread Water Storage Tank Replacement

Elevation View of South Side of Property from the Adams Alumni Center Parking Lot



Oread Water Storage Tank Replacement
Elevation View of West Side of Property from Oread Avenue





City of Lawrence

THOMAS M. MARKUS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
LESLIE SODEN
STUART BOLEY
MATTHEW J. HERBERT
LISA LARSEN

June 20, 2016

Lawrence Douglas County Planning Commission
6 E 6th Street
Lawrence, KS 66044

Dear Planning Commissioners,

In accordance with Chapter 22-205(B)(12) of the City Code, the Lawrence Historic Resources Commission (HRC) elected to comment on the proposed zoning amendment for 1220 Oread Avenue (Z-16-00145) from RM32 to GPI.

The HRC directed staff to communicate to the Planning Commission that the change in zoning will not adversely impact listed historic properties. However, the commission was of the opinion that the proposed construction of the new water tanks associated with the zoning request may affect designated landmarks within 250' of the project site, specifically the Ecumenical Christian Ministries building located on the adjacent property to the north.

Respectfully submitted,

Lynne Braddock Zollner, AICP
Historic Resources Administrator

on behalf of

Lawrence Historic Resources Commission

c: Scott McCullough, Director, Planning and Development Services



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
06/20/16

ITEM NO. 3: GPI TO IG 7.7 ACRES; 711 E 23RD STREET (MKM)

Z-16-00147: Consider a request to rezone approximately 7.7 acres located at 711 E 23rd Street from GPI (General Public and Institutional Uses) District to IG (General Industrial) District. Submitted by Lawrence Public Schools USD #497 and BG Consultants, Inc. for Douglas County, the property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 7.7 acres from GPI (General Public and Institutional Uses) District to IG (General 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.

REASON FOR REQUEST

Applicant's Response:

"Lawrence Public Schools is in the process of purchasing this property from the County. They would like to have the option of storing fleet vehicles on the site. That use requires IG zoning. The new County shops were built in the IG zoning."

KEY POINTS

- The previous uses, the DG County Public Works Facility and the Household Hazardous Waste Facility, were installed on the site when the property was zoned M-2 (General Industrial) District. The property was rezoned to the GPI (General Public and Institutional Uses) District with the adoption of the 2006 Development Code.
- The School District plans to use this site for their Operations and Facilities and as a parking area for the school busses. The parking of the school busses is classified in the Development Code as *Fleet Storage*. *Fleet Storage* is not an allowed use in the GPI District but is permitted in commercial and industrial districts. The overall nature of the previous use and the proposed use, Lawrence Public Schools Facilities and Operations Headquarters, are industrial in nature; therefore, industrial zoning is appropriate.
- The property is not located within the boundaries of a registered neighborhood association but was included in the planning boundary for the Burroughs Creek Corridor Plan.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and approval of a site plan application for any proposed site improvements.
- Submittal of construction plans to Development Services for processing of building permits. Building Permit must be obtained prior to construction activity.

PUBLIC COMMENT

The owner of the adjacent property to the east inquired about the future use and provided an email to Planning noting that the School District would be a good neighbor and he had no concerns with the rezoning which would allow them to park school busses on their property.

Project Summary

The property at 711 E 23rd Street contains approximately 7.7 acres and was previously used by Douglas County as their Public Works Facility and the Household Hazardous Waste Facility. The Public Works Facility and the Household Hazardous Waste Collection Facility were recently relocated and the property has been unused since that time. The School District Facilities and Operations would be relocated to the subject site from the current location at 146 Maine Street. (Figure 1) The current site has access on W 2nd Street, which is classified as a Local Street. The proposed site has access on E 23rd Street / K10 Hwy, a Principal Arterial. The use is very similar to the former use; however, the school district also



Figure 1. Current USD # 497 Facilities and Operation site.

plans on moving the bus system to the property. This use, *Fleet Storage*, is not permitted in the GPI District; therefore, rezoning to an industrial district has been requested.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The request is in compliance with the Comprehensive Plan."

Recommendations in *Horizon 2020* are discussed below, with staff comments in red.

The property is located within the boundaries of the Burroughs Creek Corridor. The Comprehensive Plan recommends that future development of this area be in accordance with the Burroughs Creek Corridor Plan. (Page 7-4, *Horizon 2020*)

The recommendations of the Burroughs Creek Corridor Plan will be discussed in Section 4 of this report.

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 (Page 7-11, *Horizon 2020*)

The proposed rezoning will accommodate the reuse of the facility which is located within an Industrial and Employment-Related Area, (Figures 2a and 2b)

Staff Finding – The proposed rezoning and reuse of the facility is compliant with recommendations in *Horizon 2020*.

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

Current Zoning and Land Use: GPI (General Public and Institutional Uses) District; former Douglas County Public Works Facility and Household Hazardous Waste Facility, uses included: *Exterior Storage, Light and Heavy Equipment Repair, Recycling Processing Facility*, and Accessory Office.

Surrounding Zoning and Land Use:

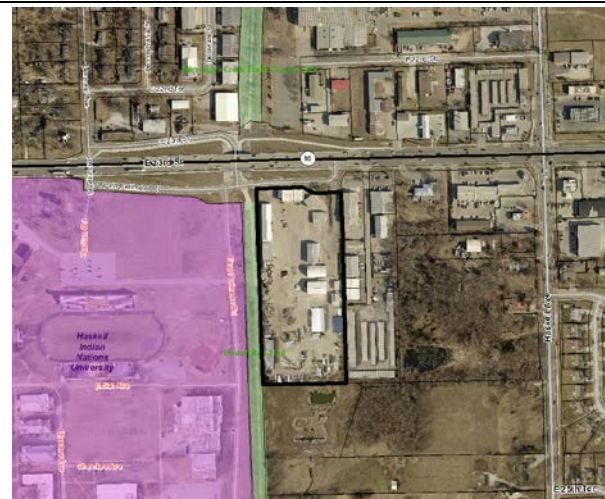
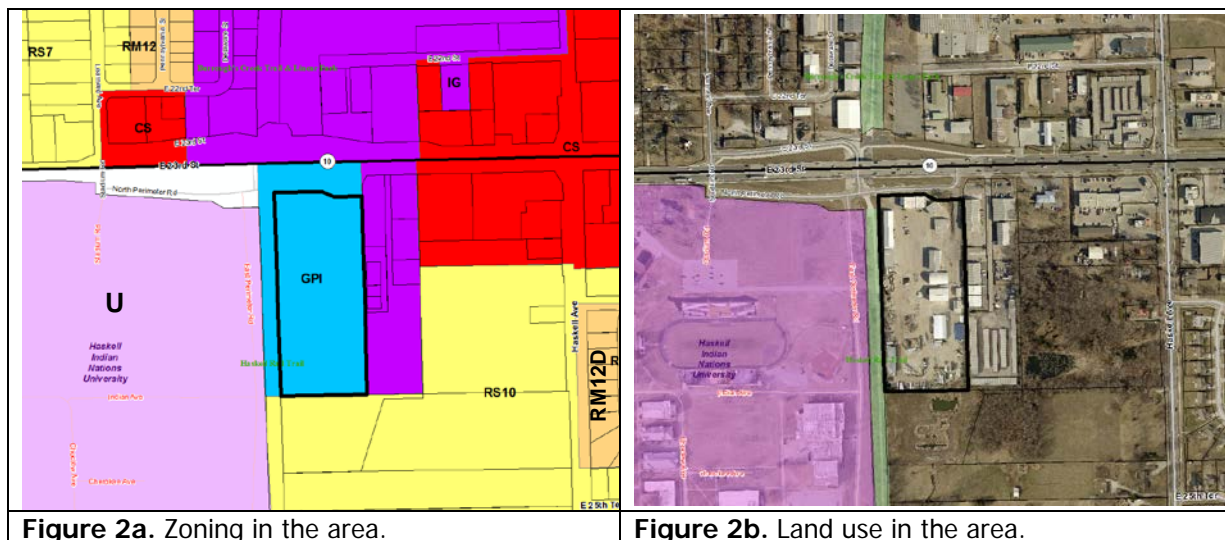
To the north:
IG (General Industrial) District; *Construction Sales and Services*

To the west:
U (University-Haskell Indian Nations University) District; University

To the east:
IG (General Industrial) District; *Manufacturing and Production, Limited; Mini-Warehouse*

To the south:
RS10 (Single-Dwelling Residential) District; property is owned by City of Lawrence and designed to filter stormwater runoff from the facility before it discharges into the wetlands to the south.

(Figure 2)



Staff Finding – The area contains a mix of zonings and land uses. The subject property is part of the industrial Burroughs Creek Corridor and is surrounded on the east and north by property that is zoned and used for industrial land uses, on the west by Burroughs Creek Trail, a linear park and beyond that, the Haskell Indian Nations University. The property to the south is zoned residential, but is used as stormwater management for the subject

property. The proposed zoning is compatible with the existing zoning and land uses in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The property fronts on K-10 highway and has IG zoning on the north and east sides. Haskell University is located to the west along with the Burroughs Rail Trail. The south portion of the property is adjacent to an undeveloped area that is currently zoned RS10."

The term 'neighborhood' in this case refers to the area surrounding the subject property. For the purpose of this evaluation the neighborhood is bounded generally by Massachusetts Street on the west and Silicon Avenue on the east, E 27th Street on the south and E 20th Street (extended) on the north. (Figure 3)

This area is divided north and south by E 23rd Street / K10 Highway, a principal arterial, and east and west by the Burroughs Creek Trail, a multi-use path for pedestrians and bicyclists. Haskell Indian Nations University is a principal feature of the area.

Land Uses listed with the Douglas County Appraiser's Office are mapped in Figure 4. The principal land use west of Learnard Street is residential. Residential uses to the east of Learnard Avenue are set back from E 23rd Street/K10 Highway. Industrial uses border the Burroughs Creek Trail and a mix of industrial and commercial uses border East 23rd Street/K10 Highway, east of Learnard.

Staff Finding – This is a mixed use neighborhood which has the Haskell Indian Nations University as a key feature. Residential, industrial, and commercial uses are the other predominate uses in the area. Residential uses are located primarily in the west and southeast portion of the neighborhood and commercial uses are concentrated along 23rd Street/ K10 Highway east of the corridor. Industrial uses are located along the Burroughs Creek Corridor and are interspersed with the commercial uses. Rezoning to the IG District will maintain the industrial land use of the property and maintain the character of the neighborhood.

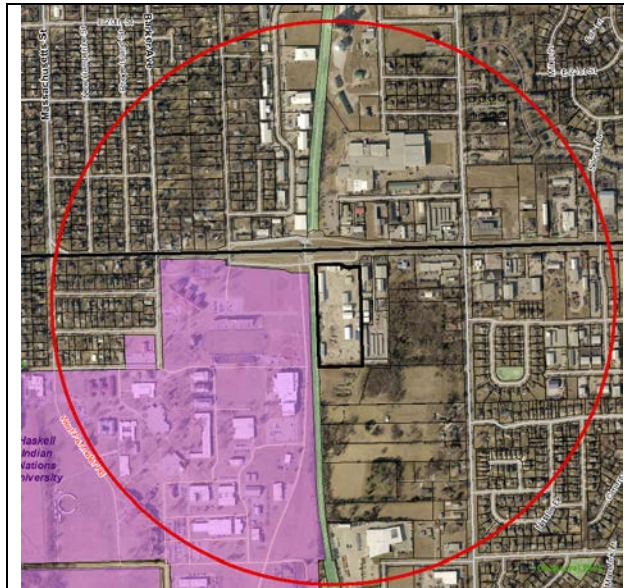


Figure 3. Neighborhood Area

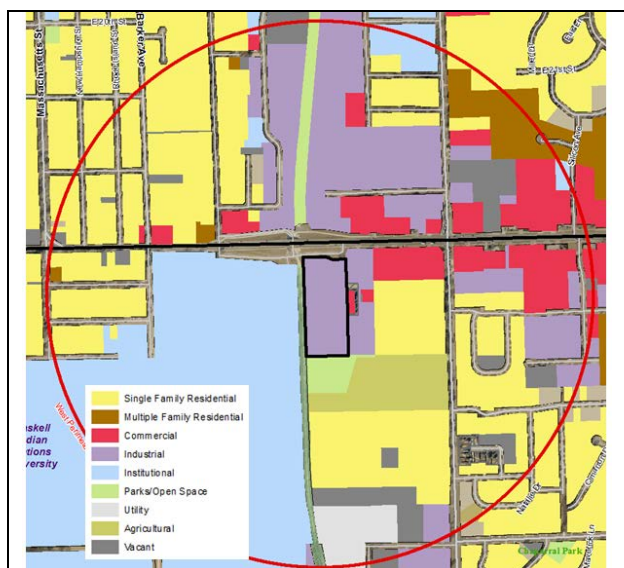


Figure 4. Land Uses in the area, per the DG County Appraisers records.

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

The property is located within the boundaries of the Burroughs Creek Corridor Plan. This plan was requested by the Old East Lawrence, Barker, and Brook Creek Neighborhood Associations. The plan notes that the neighborhoods would like to emphasize residential infill and neighborhood friendly redevelopment of industrial and commercial areas that are presently underutilized. A large part of the redevelopment they would like to see is the transition of the railroad right-of-way to a linear park and recreation trail. The plan does not provide specific land use recommendations for properties in the planning area but recommends that when redevelopment of industrially zoned areas is proposed, these areas should be scrutinized for neighborhood compatibility. (Page 14, *Burroughs Creek Corridor Plan*) Any redevelopment of the site will require site plan approval and the plans will be reviewed for compatibility with nearby uses and the character of the neighborhood. The *Burrough Creek Corridor Plan* listed properties that were recommended for rezoning to residential, commercial, or office uses. The subject property was not included in that list.

Staff Finding – The rezoning will allow for the reuse of the former Douglas County Public Works Facility site. The *Burroughs Creek Corridor Plan* stressed neighborhood compatibility with the redevelopment of industrial sites. As recommended by the plan, any site plan submitted for changes to the site will include a review for neighborhood compatibility and may include additional screening or buffering if necessary.

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

Applicant's Response:

"The existing zoning does not permit the future owner from utilizing the space to provide fleet parking for buses."

The property is well suited to many of the uses of an industrial nature which are permitted in the GPI District, based on its current development. While the individual uses included in the Public Works Facility were allowed in the GPI District, the intent of the District is to accommodate institutional uses. Rezoning to the IG District will allow a broader spectrum of industrial uses on the property and will remove the institutional uses such as *College, Cultural Center, Lodge, School, Community Mental Health Facility, Health Care Office, and Outpatient Care Facility* that the property, as developed, is not suited for.

Staff Finding – The property has been developed for uses of an industrial nature. Many of these uses are permitted in the current GPI Zoning. The property, as developed, is not appropriate for the various institutional and community facility uses that are permitted in the GPI District; but is well suited for the uses which are permitted in the IG District.

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

Applicant's Response:

"Approximately 2 years."

Staff Finding – The Douglas County Public Works Facility and the Household Hazardous Waste Facility were relocated in 2014. Most of the equipment and materials were removed by August, 2015.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"The rezoning will not detrimentally affect nearby properties. The proposed use will be similar to the former use and the rezoning will allow the transfer of property to USD 497 which will keep the property from sitting vacant."

The removal of restrictions that would occur with this rezoning will allow the property to be used in a similar fashion as before with the additional use of *Fleet Storage*. The addition of this use will allow the school bus system to be relocated to the site. The addition of the bus system will increase the traffic load on this portion of E 23rd Street / K10 Highway at certain times of the day. The busses currently access E 23rd Street/K10 Highway near the intersection with Harper Street. When the facility is site planned, any impact the additional traffic would have at this location will be evaluated through the review of a Traffic Impact Study. If the traffic was found to be significant enough to have a negative impact, mitigation measures, if necessary, would be determined based on the study. This review at the site plan stage will insure the additional traffic at this location does not have a negative impact on nearby properties.

The site is screened from Haskell Indian Nations University to the west by the Burroughs Creek Corridor Trail and its bordering vegetation and from properties to the south by the open space parcel that provides stormwater management. (Figure 5) The property to the east is developed in a similar fashion and is compatible with the facility.



Figure 5. Haskell Indian Nations University's athletic field and open space is located to the west of the subject property and other industrial uses are located to the east.

Staff Finding – The removal of the restrictions will allow *Fleet Storage* on the property which could result in additional traffic on this portion of E 23rd Street/K10 Highway. The impact of the additional traffic will be evaluated and mitigated, if necessary, at the site plan review stage through the review of a Traffic Impact Study. The property, as developed, is

compatible with the surrounding properties to the west, south, and east. The removal of restrictions should have no negative impact on nearby properties.

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:

"If the rezoning is approved, the property will be redeveloped to serve as the Lawrence Public Schools Facilities and Operations headquarters. If the rezoning is denied, the property will remain vacant and continue to deteriorate."

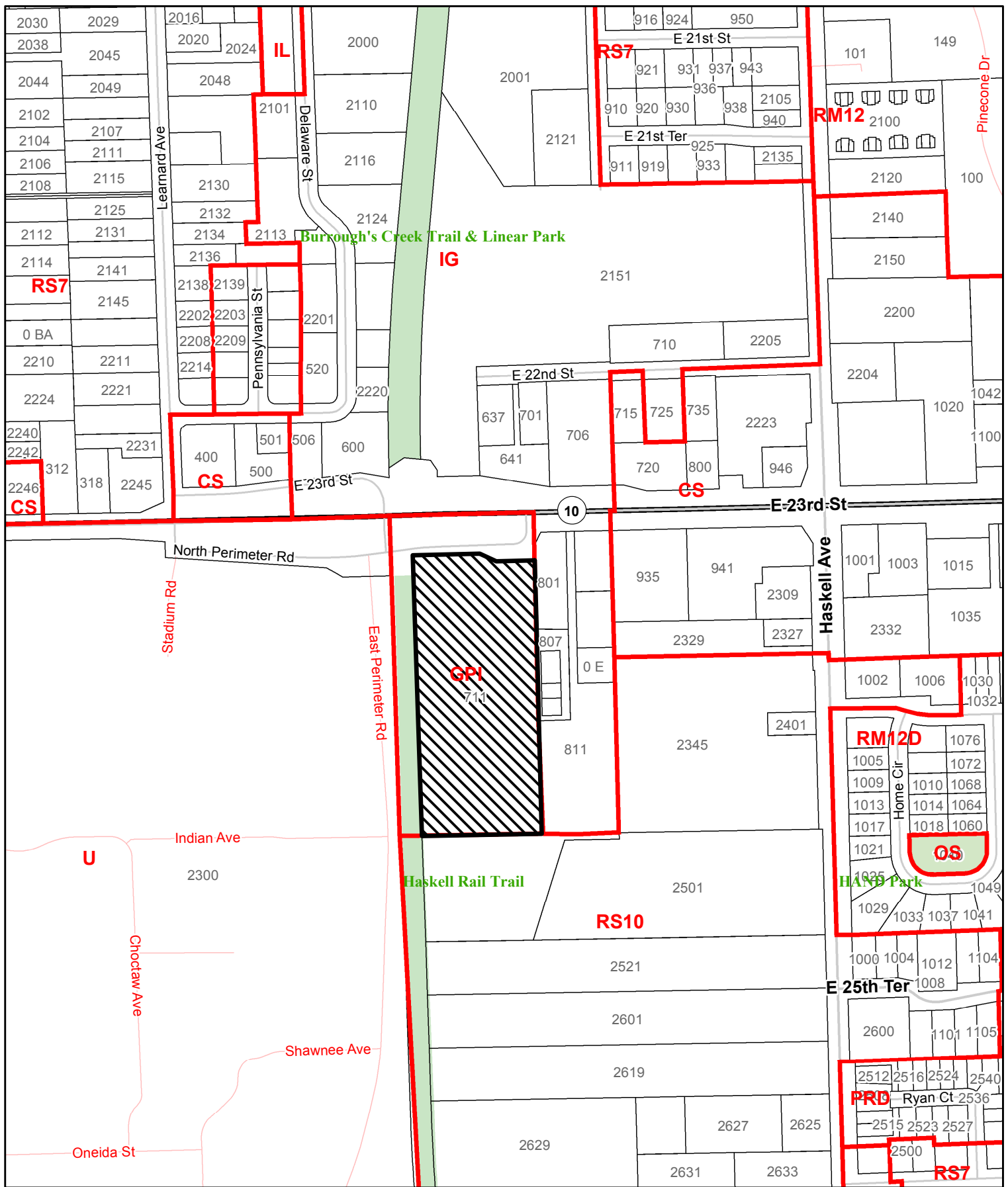
If approved, the property would provide one location for the School District Facilities and Operations and their bus system. Facilities and Operations currently operate out of an approximately one acre property at the intersection of W 2nd Street and Maine Street, both local streets. Moving the facility to the proposed location of 7.7 acres will provide more space in a more central location with access to a principal arterial street. In addition, the property currently has shops that were designed for vehicle repair which could be used for servicing the school busses. Approval of the rezoning request would increase the efficiency of the School District operations and provide a centralized location. If the request is denied, the School District would need to maintain the Facilities and Operations and bus storage in their current locations or look for another site to consolidate the facilities.

Staff Finding – Approval of the rezoning request would benefit the public health, safety, and welfare by allowing the reuse of the property for the consolidation of the School District's Facilities and Operations and Bus System. The rezoning would provide a more appropriate location for the Facilities and Operations on a Principal Arterial rather than a Local Street and would result in efficiencies due to the shared use of the property for the Facilities and Operations and Bus System.

PROFESSIONAL STAFF RECOMMENDATION


This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development.

Staff recommends approval of the rezoning request for approximately 7.7 acres from GPI (General Public and Institutional Use) District to IG (General 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.



**Z-16-00147: Rezone Approximately 7.7 acres from GPI District to IG District
Located at 711 E. 23rd Street**

Lawrence-Douglas County Planning Office
June 2016

 Subject Property



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
06/20/16

ITEM NO. 4: IG to CS 1.56 ACRES; 706 E 23RD STREET (MKM)

Z-16-00154: Consider a request to rezone approximately 1.56 acres located at 706 E 23rd Street from IG (General Industrial) District to CS (Commercial Strip) District. Submitted by Lockwood Craft Brewing Co., LLC for Lawrence Brothers, LLC, the property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 1.56 acres from IG (General Industrial) District to (CS) Commercial Strip 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:

"The applicant desires to build a microbrewery with an attached taproom and other retail sales on the property. The current zoning IG (Industrial General) would permit the microbrewery but not the taproom or retail sales use. Rezoning to CS (Commercial Strip) allows General Retail Sales and Bar or Lounge uses with site plan approval and the Limited Manufacturing and Production use is permitted when approved with a Special Use Permit."

KEY POINTS

- The property had previously been used as a lumber yard but has been vacant, or partially utilized for a number of years. The last known tenant in the building vacated in 2009.
- The property is not located within the boundaries of a registered neighborhood association but is included in the planning boundary of the *Burroughs Creek Corridor Plan*.
- The property is unplatted. The property would need to be platted through the Major Subdivision Process prior to development.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of the property through the Major Subdivision process (preliminary and final plat).
- Submittal and approval of a Special Use Permit application and site plan for proposed site improvements and the change in use. Planning Commission recommendation and City Commission approval required for the Special Use Permit application and adoption/publication of ordinance.
- Submittal of construction plans to Development Services for processing of building permits. Building permits must be obtained prior to construction activity.

PUBLIC COMMENT

Staff received no public comment on this item prior to the publication of the staff report.

Project Summary

The property at 706 E 23rd Street is an unplatted parcel of approximately 1.56 acres. The property was originally developed with a lumber store and yard which is now vacant. There is no floodplain on the property and it is not located within the environs of any registered historic property. The property has an access on E 23rd Street which is shared with the property to the east. (Figure 1a)

The applicant proposes to add a secondary access on E 22nd Street and a parking area on the west side of the existing building. A micro-brewery would occupy the majority of the building with a tap room for the sale of alcohol for on-site consumption. They will also sell merchandise such as branded clothing. A small kitchen will be located in the building; however, the majority of the food will be provided by food trucks in the parking area. (Figure 1b)

Proposed Use/ Classification	Zoning Districts*
Micro-brewery/ <i>Limited Manufacturing and Production</i>	MU, IBP, IL, IM, IG With SUP in CD, CC, CR, CS
Tap Room/ <i>Bar or Lounge</i>	CD, CC, CR, CS With SUP in CN2, MU
Sale of merchandise/ <i>General Retail Sales</i>	CN1, CN2, MU, CO, CD, CC, CR, CS, IL

*The Districts that permit all the uses proposed with this project are listed in **bold**. The project will require Commercial Zoning.

Limited Manufacturing and Production is the only proposed use that is permitted in the current IG zoning. As shown in the chart above, *General Retail Sales* could be accommodated with a rezoning to IL (Light Industrial); however, the *Bar or Lounge* use requires commercial zoning. While the micro-brewery would be permitted in the current zoning by right, it will require approval through a Special Use Permit in the CS Zoning.

The subject property is adjacent to CS (Commercial Strip) Zoning. The Development Code notes that the CS District is primarily intended to provide for existing commercial strip development along the City's major arterial streets. The Code does not recommend rezoning undeveloped property to the CS District unless it is adjacent to an existing CS District, as in this case.



Figure 1. Subject property

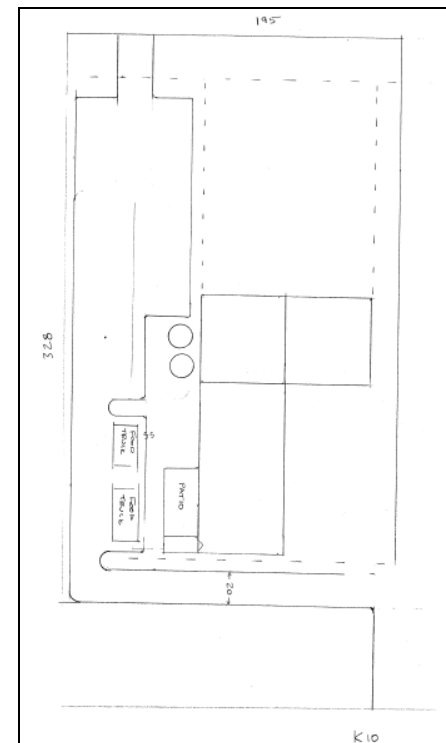


Figure 1b. Concept plan

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The request generally conforms to Horizon 2020 on both commercial and industrial uses within the East 23rd Street corridor. Plan encourages redevelopment of established compatible property. Given the size of the property, it is more compatible for CS than IG in addition to having direct access to 23rd."

Recommendations in *Horizon 2020* are discussed below, with staff comments in red.

"The plan supports infill development and redevelopment which provides a range of residential, commercial, office, industrial, and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas." (Page 3-1, *Horizon 2020*)

The proposal is an infill redevelopment project which will reuse a vacant building. The proposed use will be consistent with the established land use pattern as shown in Figure 2b.

The plan discusses innovative tools that should be developed to assist owners of lots within the existing strip commercial areas to develop. One of these tools is the combination of access points and the creation of cross access between lots to minimize the need for individual lot access to arterial streets. (Page 6-11, *Horizon 2020*)

The property currently utilizes a shared access on E 23rd Street with the property to the east. This access will be maintained. In addition the development proposal includes an additional access point on E 22nd Street to remove some potential traffic from 23rd Street.

The plan identifies E. 23rd Street as an 'Existing Strip Commercial Development' and notes that infill opportunities are available along the entire corridor. The plan recommends that this area maintain a community commercial focus. (Page 6-16, *Horizon 2020*)

Policy 3.7(C): *Existing Strip Commercial areas shall not expand into surrounding lower-intensity zoning areas.* (Page 6-34, *Horizon 2020*)

The proposal will expand the CS District to the west and will replace IG zoning with CS. Properties on the north side of E 23rd Street/K10 Hwy from Learnard Avenue to the east are zoned CS (Commercial Strip) or IG (General Industrial) The subject property is located within an area that is developed with primarily industrial and commercial businesses. Rezoning the property to CS will expand the area that is zoned commercially, but will not expand the existing strip commercial area into a lower-intensity zoning area.

Staff Finding – The rezoning request is compliant with the recommendations of the comprehensive plan. E 23rd Street is identified in the plan as an existing commercial strip area. Rezoning the property from IG (General Industrial) to CS (Commercial Strip) is compliant with recommendations in the plan for infill redevelopment in this area that is consistent and compatible with the surrounding land use patterns.

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

Current Zoning and Land Use: IG (General Industrial) District; vacant lumber store and yard.

Surrounding Zoning and Land Use:

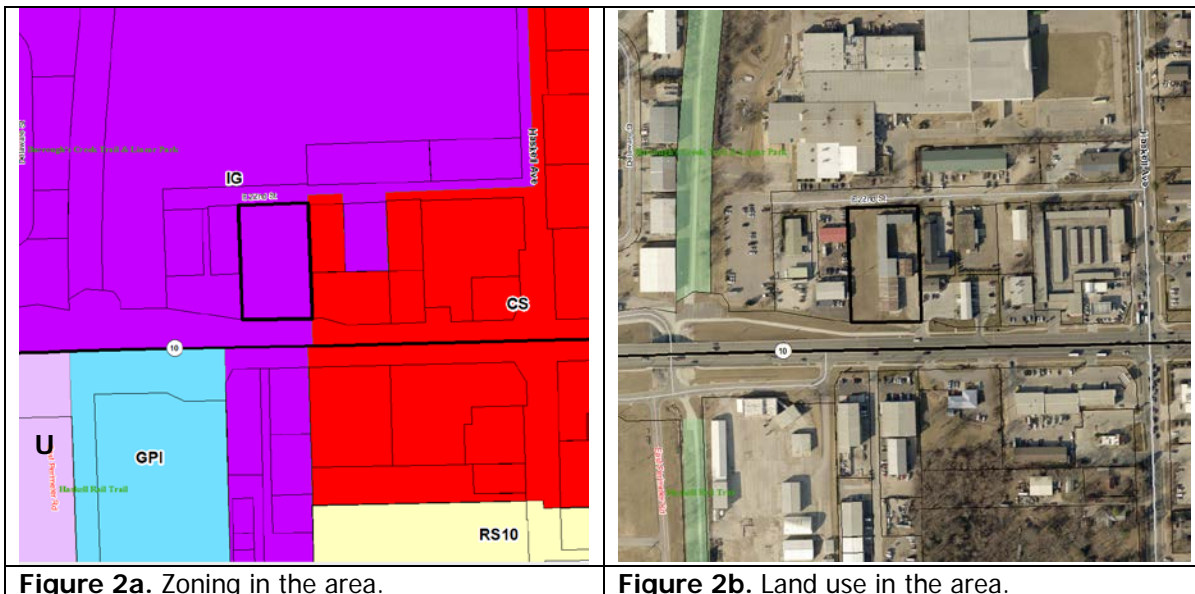
To the north:
IG (General Industrial) District; *Light Wholesale Storage and Distribution* and *General Industrial*

To the west:
IG (General Industrial) District; *Construction Sales and Services* and *Manufacturing and Production, Limited*

To the east:
CS (Commercial Strip) District; *Car Wash, Light Equipment Repair*

To the south: IG (General Industrial) and CS (Commercial Strip) south of K-10; *Veterinarian, Light Equipment Repair*

(Figure 2)



Staff Finding – The predominate zonings and land uses in this mixed-use area are industrial and commercial. The subject property is located at the boundary of the IG and CS Zoning. The GPI district shown in Figure 2a contains the former Douglas County Public Works facilities shop and yard. A rezoning request to the IG (General Industrial) District has been submitted for this property so that it can be used for the School District Operations and Facilities Headquarters.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"East 23rd Street is a well-used travel corridor and commercial business district. Second tier properties are mostly light industrial and small business offices."

E 23rd Street/K10 Highway, a principal arterial, passes through the area from the west to the east, and the Burroughs Creek Trail, a linear park, provides a bike/pedestrian connection to the north and south through the area. Properties to the west of the Burroughs Creek Trail are industrial and commercial in nature near the trail, but are primarily residential further to the west. Haskell Indian Nations University is located south of E 23rd Street/K10 and west of

Burroughs Creek Trail. The neighborhood area, an area of approximately one-half mile in all directions from the subject property, is shown in Figure 3 and the land uses in this area are shown in Figure 4.

The periphery of this neighborhood area consists of residential land uses and the Haskell Indian Nations University, with the exception of the Burroughs Creek Corridor which contains primarily industrial uses. The land uses along E 23rd Street/K10 Highway to the east of Learnard Avenue are a mix of industrial and commercial uses. The proposed rezoning and the proposed mix of commercial and industrial land uses on the subject property would be compatible with and would maintain the character of the area.



Figure 3. Neighborhood Area outlined in red

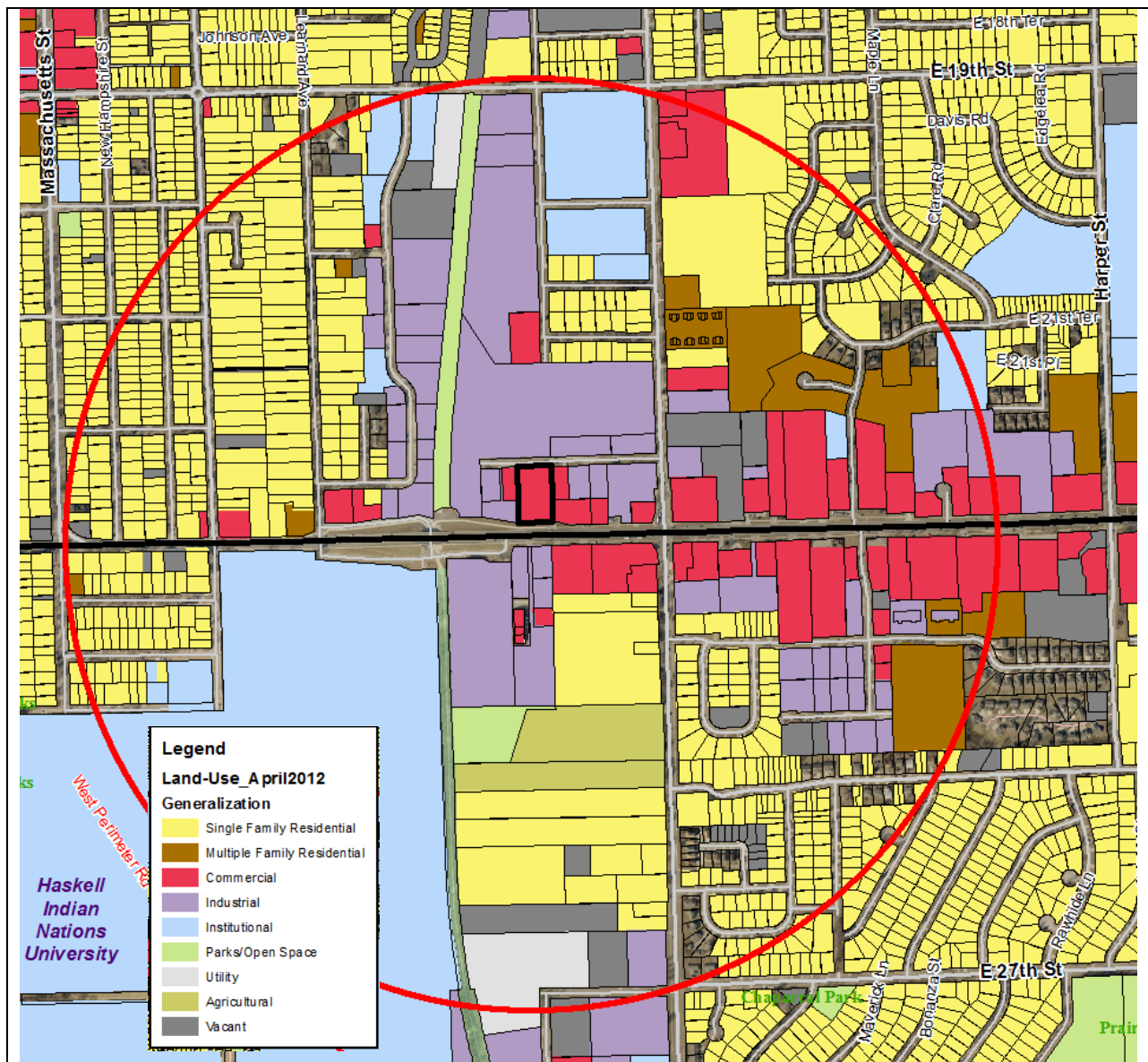


Figure 4. Land uses in the neighborhood area.

Staff Finding – This is a mixed use neighborhood with the predominate uses in the nearby area being commercial and industrial. The proposed rezoning and mix of commercial and industrial uses is compatible with the existing uses in the area and will maintain the established commercial/industrial nature of 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 property is located within the boundaries of the *Burroughs Creek Corridor Plan*. This plan was requested by the Old East Lawrence, Barker, and Brook Creek Neighborhood Associations. The plan notes that the neighborhoods would like to emphasize residential infill and neighborhood friendly redevelopment of industrial and commercial areas that are presently underutilized. (Page 1-2, *Burroughs Creek Corridor Plan*) Any redevelopment of the site will require site plan approval and the plans will be reviewed for compatibility with nearby uses and the character of the neighborhood.

Staff Finding – The rezoning will allow for the reuse of the former lumber yard site. The *Burroughs Creek Corridor Plan* recommended the development of neighborhood friendly commercial uses. Any site plan submitted for changes to the site will include a review for neighborhood compatibility.

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

Applicant's Response:

"The subject property is highly suitable for the CS designation due to its location on East 23rd Street. Most properties on East 23rd Street are currently zoned CS. The property is of adequate size for the proposed retail establishment and parking and the East 23rd Street frontage favors retail and commercial over industrial uses."

Various uses are permitted in the IG (General Industrial) District. These include limited Commercial uses such as animal services, construction sales and service, building maintenance, building equipment, and all Vehicle Sales and Services Uses: car wash, fleet storage, gas and fuel sales, heavy and light equipment repair, sales, and rentals, as well as all industrial uses that are permitted in the City.

The Development Code notes that the purpose of the IG District is primarily to accommodate moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation access. The subject property has access on E 23rd/K10 but this is limited to one shared access point. The limited access and the size of the lot, approximately 1.5 acres, would not be suitable for the heavy industrial uses which are allowed in the IG District.

Staff Finding – The property is not suited to the uses to which it is restricted with the current IG Zoning due to the limited access on the Principal Arterial Street and the small size of the parcel.

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

Applicant's Response:

"Greater than 12 months."

Staff Finding – Our records do not indicate when the building was vacated; however, the lumberyard stopped business in about 2001 and the building has been vacant or only partially utilized since then. Planning files indicate the last tenant vacated the building in 2009. The rezoning will permit the redevelopment of a site that has been underutilized for several years.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"There is no foreseen detrimental affect to nearby properties. The parcels on east boundary line are currently zoned CS which is consistent with the use and development of the East 23rd Street corridor. The parcels on the west and north boundary are currently zoned IG. The mixed use of IG and CS has been consistent on the East 23rd Street corridor over time."

The removal of restrictions will allow commercial uses on the property that were not permitted with the IG Zoning. The rezoning will also prohibit some of the heavy industrial uses that are currently permitted on the property. The commercial uses may generate more traffic than the industrial uses. The amount of traffic generated will be evaluated with a Traffic Impact Study with the site plan review and mitigation measures, if needed, will be determined at that time. The property is located on a Principal Arterial and is surrounded by industrial and commercial uses; in staff's opinion, the removal of restrictions through the rezoning to the CS District should not detrimentally affect nearby properties.

Staff Finding – The property is surrounded by industrial and commercial uses and is located on a principal arterial street; the removal of restrictions through the rezoning to the CS District should not detrimentally affect nearby properties.

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 public benefits by the conversion of a vacant, blighted, property into a vibrant and growing business use. A microbrewery would create 10 to 20 new jobs in Lawrence as well as provide an entertainment option and positive cultural experience. The microbrewery and taproom would increase tourism and generate substantial tax revenues for the community. Rezoning allows the property to pass into new ownership and payment of back taxes at closing."

Approval of the rezoning request would benefit the public health, safety, and welfare by allowing the reuse of the former lumberyard. This site has been vacant or partially utilized for several years. The redevelopment will enhance the aesthetics of E 23rd Street and will effectively utilize the property. Denial of the rezoning request will leave the building vacant or underutilized. The hardship of denial on the future landowner is that they would need to find another location for their business.

Staff Finding – Denial of the rezoning request would require the applicant to find another suitable site for their business. Denial would not benefit the health, safety, or welfare of the public as it would prevent the redevelopment and reuse of the vacant site and would leave

the site vacant or underutilized until another development was proposed. With the limited access to E 23rd Street/K10 Highway and the small size of the lot, it is not well suited for industrial uses and it may be some time before another development is proposed.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development. The rezoning complies with recommendations in *Horizon 2020*, and with the Burroughs Creek Corridor Plan.

Staff recommends approval of the rezoning request for approximately 1.56 acres from IG (General Industrial) District to CS (Commercial Strip) 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.

K10

20

PATIO

FOOD
TRUCK

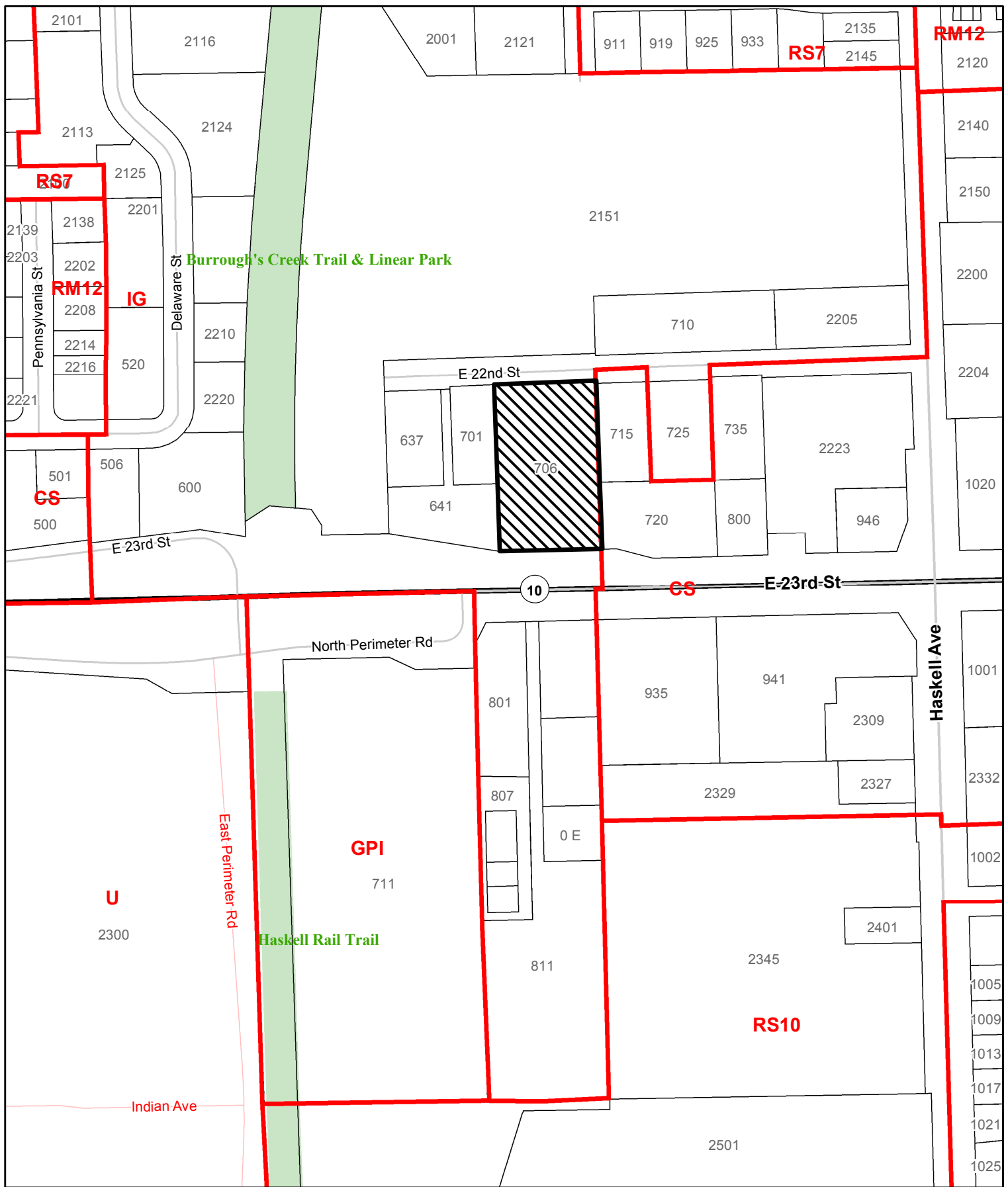
FOOD
TRUCK

5

Lockwood Microbrewery
706 E. 23rd Street


195

328



**Z-16-00154: Rezone Approximately 1.56 acres from IG District to CS District
Located at 706 E. 23rd Street**

Lawrence-Douglas County Planning Office
June 2016

 Subject Property



PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
6/20/16

ITEM NO. 5 CONDITIONAL USE PERMIT; CLEAN RUBBLE LANDFILL; 1736 E 1550 ROAD

CUP-16-00105: Consider a Conditional Use Permit for clean rubble landfill, on approximately 40 acres located at 1736 E 1550 Rd. Submitted by Grob Engineering Services, LLC, for Nunemaker-Ross, Inc., property owner of record. *Deferred by the Planning Commission on May 23, 2016 at the property owner's request.*

STAFF RECOMMENDATION: Staff recommends approval of the CUP request for a clean rubble landfill at 1736 E 1550 Road subject to the following conditions:

1. Truck traffic associated with this use is not permitted on City streets except to access that portion of 9th Street as part of the following approved route: Hwy 40/59 – Hwy 24/40 – E 1600 Rd – N 1650 Rd – N 9th Street
2. Only 'Clean Rubble' shall be used to fill the Borrow Pit. 'Clean Rubble' shall be defined using the Kansas Department of Health and Environment's definition as follows: *"....the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."*
3. When the Borrow Pit has been filled as shown on the plan, top soil shall be applied and the property seeded with brome or fescue type grasses. Top soil application and seeding shall be completed within 1 year following the completion of filling and grading activities on the site.
4. The Conditional Use Permit shall expire 5 years after the date of the Board of County Commissioners approval. The approval may be extended by the County Commission if a written request showing good cause is submitted prior to the expiration date.
5. Submittal of a revised plan which lists Conditions 1-4 above as the Conditions and Restrictions of Use.

Reason for Request: *"The owner would like to fill a depressed area where soil had previously been removed."*

KEY POINTS

- The property had been used as a borrow pit for improvements to I-70 from 2009 through 2010.
- A borrow pit is classified as a *Mining and Excavation* use and requires approval of a Conditional Use Permit (CUP); however, a CUP was not obtained for this borrow pit. A borrow pit CUP would have included measures for the reclamation of the pit and noted whether it would be converted into a pond or filled. In the absence of a CUP for the borrow pit, the addition of fill to the site will be processed as a landfill.
- The Zoning Regulations contain a list of land uses which are allowed with a Conditional Use Permit. Uses which are similar in nature and operational characteristics to the listed uses are generally included as a conditional use under that classification, even though they vary from the listed use. The landfill use proposed is most similar to the Conditional Use classification of a *'Sanitary Landfill'*.

- The subject property contains approximately 40 acres. With this CUP, clean rubble fill would be placed on approximately 4.95 acres of the subject property.

OTHER ACTION REQUIRED

- Approval of the Conditional Use application and plan by the Board of County Commissioners.
- Applicant shall obtain a permit for the Conditional Use from the Zoning and Codes Office prior to commencing the use.

PUBLIC COMMENT

- No public comment was received prior to printing this report.

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) District with F-F (County-Floodway Fringe Overlay) District; *Residential Detached Dwelling* and a lake which resulted from a sand pit. A CUP for the stabilization of the sand pit banks was approved in 1992.

Surrounding Zoning and Land Use: To the north: A (Agricultural) District with F-F (Floodway Fringe) Overlay District / and IG (City-General Industrial) District; I-70 Highway and right-of-way adjacent to the property. North of the highway: *Agriculture, Residential Detached Dwelling*, and the municipal airport in the City IG District. To the west: I-1 (Limited Industrial) District; *Agriculture*.

To the south: A (Agricultural) and I-3 (Heavy Industrial) Districts with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts; *Agriculture* and *Residential Detached Dwelling*.

To the east: A (County-Agricultural) District with F-F (Floodway Fringe) Overlay District; *Agriculture* and a lake resulting from sand pit.

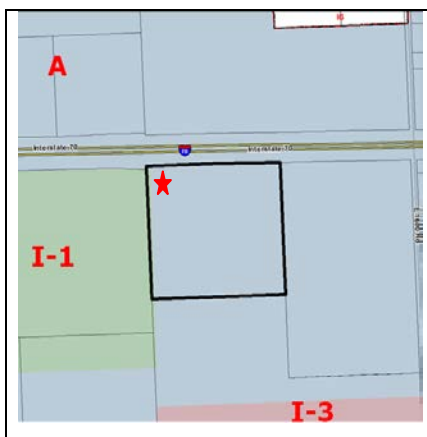


Figure 1a. Zoning: A (Agricultural), I-1 (Limited Industrial), IG (City-General Industrial) Districts. General location of proposed landfill marked with a star.

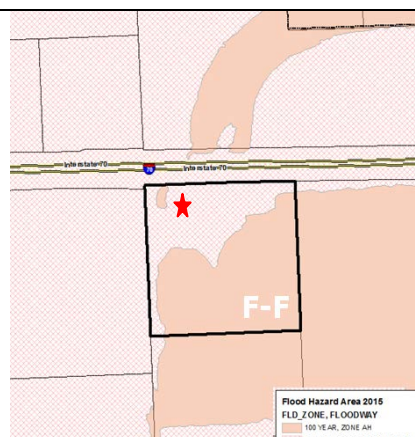


Figure 1b. Floodplain in the area.



Figure 1c. Land Use in the area. Lake is result of a sand pit in the area. A CUP for a landfill to stabilize the banks of the sand pit was approved in 1992.

Summary of Request

The subject property at 1736 E 1550 Road, approximately 40 acres, contains a depression of approximately 5 acres that was the result of a borrow pit for I-70 improvements in 2009 through 2010, a residence, several accessory structures, and a portion of a large lake which was developed with the reclamation of a sand pit. (Figure 2) The borrow pit operated without the required Conditional Use Permit; therefore, reclamation was not addressed. Reclamation of the pit through filling requires approval of a Conditional Use Permit. Adding clean rubble to the site to fill the borrow pit has been determined to be similar in nature and operational characteristics to the Conditional Use '*Sanitary Landfill*' which is listed in Section 12-319-4 of the Zoning Regulations as a use which may be approved in any district in which it is not permitted as a Conditional Use. The CUP is strictly for the addition of fill to the abandoned borrow pit.



Figure 2. Aerial of subject property with general area of landfill circled.

CONDITIONAL USES:

The following proposed use is permitted in the A District when approved with a Conditional Use Permit, as noted below:

12-319-4.12 Sanitary Landfill

The proposed conditional use has been reviewed with the following criteria provided in Section 12-319-1.02 of the Zoning Regulations:

I. ZONING AND USES OF PROPERTY NEARBY

Nearby property is zoned A (Agricultural), I-1 (Limited Industrial), I-3 (Heavy Industrial), and F-F (Floodway Fringe Overlay) Districts and is used primarily for *Agriculture, Residential Detached Dwellings* and contains a large lake. This lake was created with the reclamation of a sand pit which was in operation prior to the adoption of the 1966 Zoning Regulations.

Staff Finding – Surrounding land uses are predominantly agricultural in nature. Open space is available in the area in the form of a large lake. The proposed Conditional Use should be compatible with the zoning and uses in the area.

II. CHARACTER OF THE AREA

The property is located within the Urban Growth Area of the City of Lawrence and is approximately one-half mile north of the city limits. The area is bounded on the north by Interstate 70, on the south by the railroad, on the west by E 1500 Road (N 7th Street) and on the east by the boundary of the Urban Growth Area. The subject property is located on the north boundary of this area which includes a mix of urban residential, commercial and industrial land uses within the City limits and primarily agricultural or rural residential land uses in the rural area.

Staff Finding – The area is predominately agricultural in character but contains urban uses to the west and southwest within the city limits.

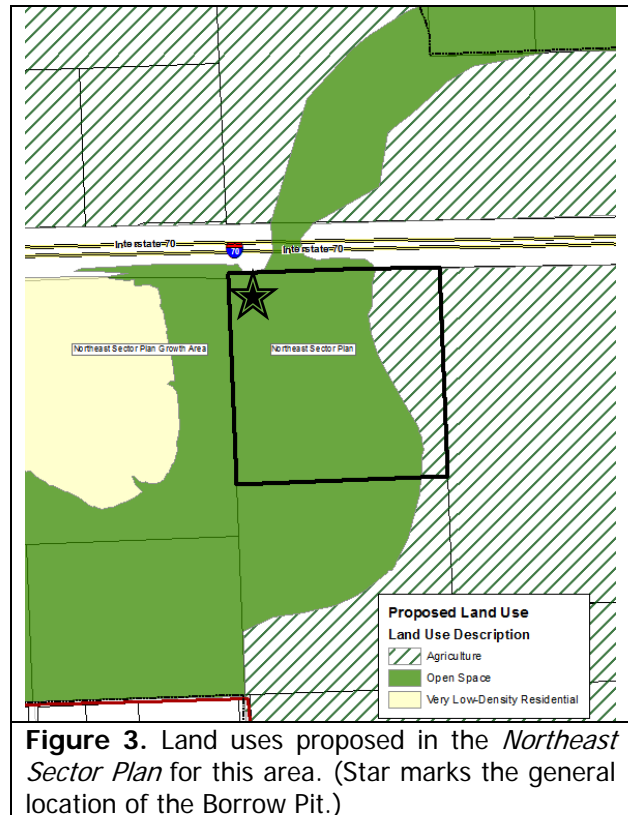
III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response:

"The depressed area is not uniform in shape to hold a sustainable pool of water and thus allow weeds to grow without a good means of keeping the area mowed. Property could remain as is, but not desirable."

The subject property is zoned A (Agricultural). Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations.

A lake covers the majority of the property leaving land along the west boundary and in the northwest portion of the parcel. The abandoned borrow pit creates an uneven area in the northwest portion that is not usable for agriculture. The applicant noted that the grade change makes it difficult to maintain the property. Filling this area and grading and seeding it will make it more suitable for use. The approved plan for the area, the *Northeast Sector Plan* recommends open space uses for this area. (Figure 3)



Staff Finding – The property is not well suited for the uses to which it is restricted with the A district due to the large lake on the property and the uneven terrain caused by the abandoned borrow pit. Filling the borrow pit and seeding it will result in an area that is suitable for uses permitted within the A District as well as the open space use recommended in the *Northeast Sector Plan*.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The property is not vacant. The Douglas County Appraiser's records indicate that the residence on the property was built in 1997. A sand pit which operated on this property to facilitate the paving of I-70 before the adoption of the Zoning Regulations in 1966 was reclaimed as a large lake.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response:

"The removal of restrictions should have minimal affect on nearby property as the owner owns the property on 2 sides and the Kansas Turnpike Authority owns the property on the other 2 sides."

Section 12-319-1.01 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 CUP will allow a landfill use for the reclamation of a Borrow Pit. The Borrow Pit, if properly permitted, would have included a reclamation plan. Reclamation typically includes the development of a pond or filling of the depression. When filling is proposed, it is important to determine the type of fill that will be utilized and to consider the impacts of the truck traffic on properties along the delivery route. Filling the pit will result in a more level grade that will facilitate mowing and other maintenance activities, as well as preventing standing water.

The application notes that this will be a clean rubble fill. KDHE provides the following definition: "Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary." This restriction on the type of fill should be included with the CUP as a condition.

The activity associated with the filling of the borrow pit would be trucks accessing the site to dump the clean rubble and heavy equipment to move the fill into place and to grade the site. The noise associated with this heavy equipment should not impact nearby properties as they are in agricultural use, with the exception of Interstate 70 to the north. No exterior lighting is being proposed. Truck traffic to and from the site could impact residents along the truck route. The application notes that truck traffic will utilize the following route to access the property: N 2nd Street/Hwy 40/59 then east on Lyon Street or Locust Street, then north on E 1550 Road/N 9th Street. (Figure 4)

The applicant estimated that it would take 1,500 to 2,000 truckloads to fill the pit. The owner will not be paying for fill material so it will be delivered when contractors choose to deposit. Traffic to the site will vary with construction activity; there could be 30 to 40 trucks a day to the site, and then weeks with none. E 1550 Road/N 9th Street is gated approximately 188 ft north of the intersection with Lyon Street (Figure 4). Loads would be delivered by appointment only.

The City Public Works Director indicated that the city streets proposed for a route to the landfill were not designed to accommodate heavy truck traffic. He noted the standard route for trucks with destinations outside the City limits (Figure 5) should be used to access the facility and that large trucks are permitted to use local streets only to access the highway system.



Figure 4. Proposed truck route shown with red arrows. Dotted lines show route past the gate on E 1550 Road. White line is a gate on E 1550 Road/N 9th Street.

The Grant Township Trustee indicated the truck route was acceptable and that a maintenance fee would not be required with the additional traffic. He noted that it is Grant Township's policy that when chip and seal roads are damaged they are replaced with gravel.

Conditional Uses are typically required to be administratively reviewed by the Zoning and Codes Office every 5 years to insure compliance with the standards of the Conditional Use Permit. Expiration dates are often applied to Conditional Uses so they may be re-evaluated to determine if they remain compatible with the development in the area. The landfill is compatible with the current development, but may become incompatible as the area develops further. A five-year expiration period is recommended as that matches the time frame the applicant estimates for the filling of the pit. The Commission could extend the approval, if necessary, provided the applicant provides a written request showing good cause prior to the expiration date.

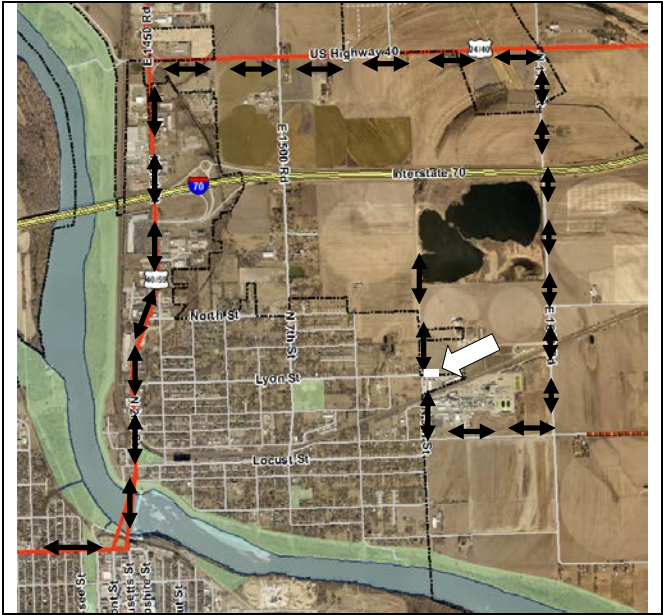


Figure 5. Route for trucks accessing and leaving the facility.

Staff Finding – The heavy equipment and earthwork required for the landfill are not expected to have negative impacts on nearby properties as a lake and I-70 are neighbors on 2 sides and other nearby properties are in agricultural production. The truck traffic to and from the site could negatively impact the uses along the truck route and the roads themselves if a large number of trucks would access the site daily. Heavy truck traffic is restricted to the highways within the City of Lawrence and may use city streets only to access the nearest highway. It would be necessary to use E 1600 Road and N 9th Street to access the facility and the Grant Township Trustee and the City of Lawrence Public Works Director have approved the use of these roads for this use. The landfill is expected to be temporary and a five year expiration period is recommended.

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 depressed area is not uniform in shape to hold a sustainable pool of water and thus allows weeds to grow and provides breeding ground for mosquitoes and is somewhat unsightly. Clean rubble fill will not destroy the value of the owner's land nor any adjoining land."

Approval of the request for the Conditional Use would allow the abandoned borrow pit to be filled and reclaimed to a more level grade. Denial of the request would not allow the pit to be reclaimed so it would remain uneven which leaves it relatively unusable for the property owner.

Denial of the request would benefit the public in that it would prevent the additional truck traffic along E 1600 Road, a fairly narrow township road (Figure 6).

Staff Finding – In staff’s opinion, the gain to the public health, safety, and welfare by the denial of the request for the Conditional Use for the reclamation of the borrow pit, a landfill use, would be the prevention of heavy truck traffic on E 1600 Road. The damage of the heavy truck traffic could be mitigated if the property owner executes a maintenance agreement with the township; however, the narrowness of the road could present a safety issue. The hardship to the property owner of denial would be that the borrow pit could not be reclaimed.



Figure 6. E 1600 Road, between I-70 and the subject property. (Google Maps)

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Generally filling on property is not outlined in the Comprehensive Plan. As the property is not a solid waste landfill, it complies with the Comprehensive Plan."

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not directly address Conditional Use Permits; however it does contain recommendations for properties within the Urban Growth Area in Chapter 4, Growth Management. The plan recommends that the Urban Growth Area not be developed to urban densities until infrastructure is in place and recommends that developing properties be annexed.

Specific plans are incorporated into *Horizon 2020* in Chapter 14. The subject property is located within the planning boundary of the *Northeast Sector Plan*, approved in 2012. The plan recommends that this property be used as Open Space. The filling of the borrow pit would create a more even terrain which could make the property more usable as Open Space.

Staff Finding –The proposed Conditional Use is in compliance with recommendations in the Comprehensive plan regarding development within the *Northeast Sector Plan*.

CUP PLAN REVIEW

Height, Area, and Density Standards: No new buildings are being proposed.

Parking and Access: There is no parking associated with the use. The trucks will deliver the fill and leave. Access is provided from E 1550 Road, which is the extension of N 9th Street. E 1550 Road is gated approximately 190 ft north of the intersection with Lyon Street. Deliveries will be by appointment only and the property owner will open the gate to allow access to the property at those times.

Water/Sewage Management: The residence on the property is served by rural water and a septic system. No utilities are required for the proposed Conditional Use.

Screening: Screening the use is not necessary as the property is bounded on the west by agricultural land, under the same ownership, and on the east and south by a large lake. The fill area will be visible from I-70 to the north. Given the height of the highway in relation to the property, screening would be difficult to accomplish. In staff’s opinion, screening from I-70 is not

necessary based on the practical difficulties in providing screening and the fact that this is a temporary use.

Reclamation is an important component of the landfill as the application of top soil and the establishment of vegetation will return the area to a natural appearance. Top soil application, seeding, and the establishment of vegetation should be completed within 1 year following the completion of filling and grading activities on the site. This should all be completed within the five year life span of the Conditional Use Permit.

Conclusion

The Conditional Use proposed complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020*. The use, as conditioned, should be compatible with the surrounding land uses.

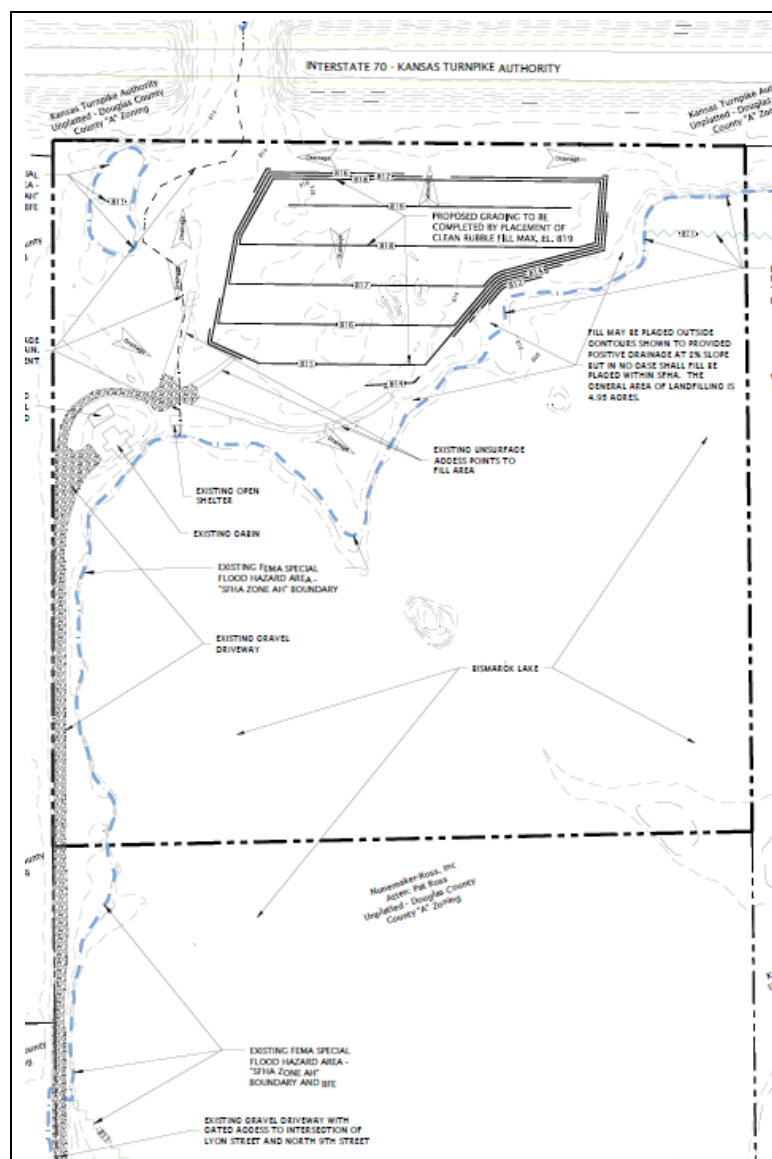
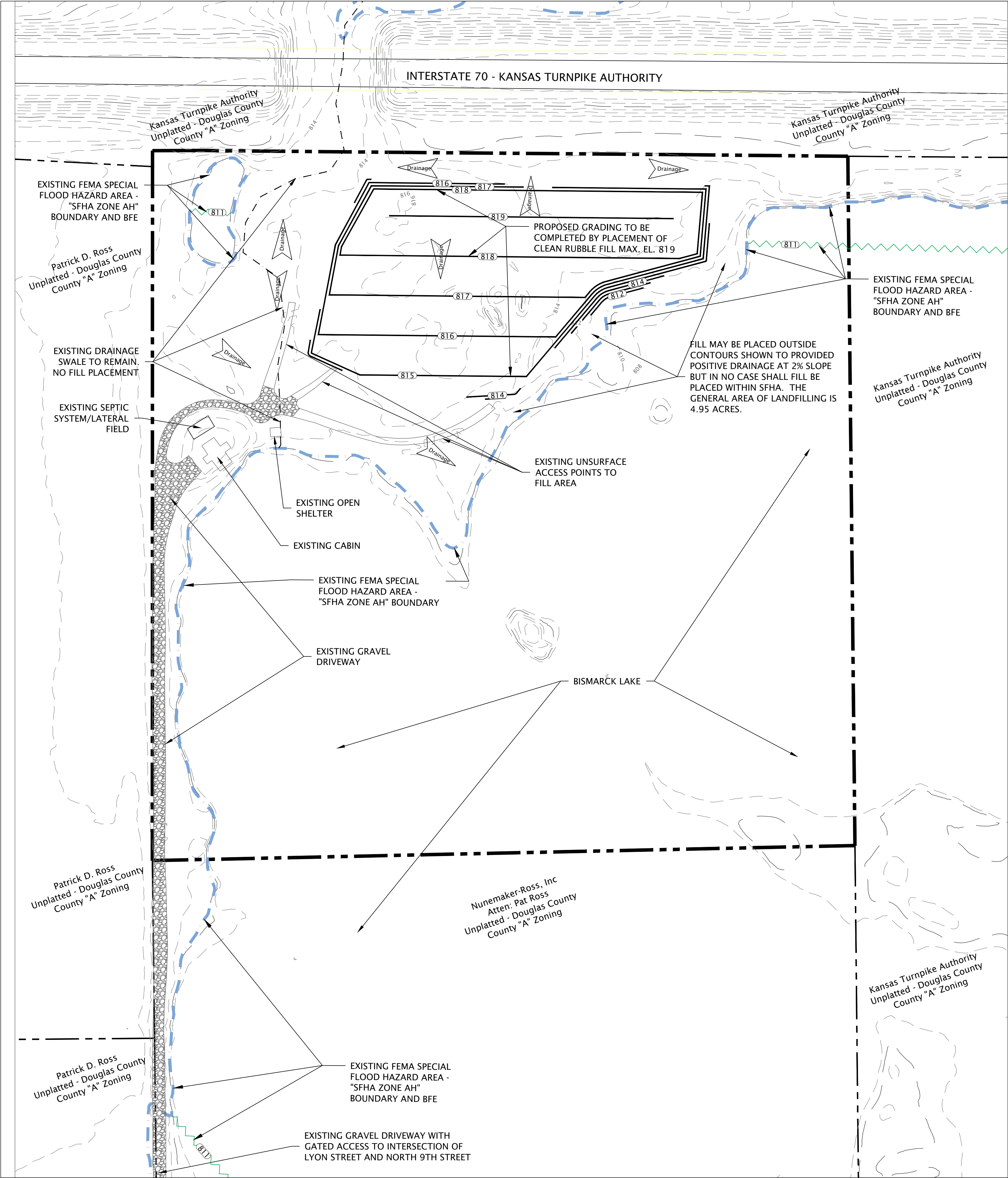


Figure 7. CUP/Site Plan showing approximate area for placement of fill.



LEGAL DESCRIPTION

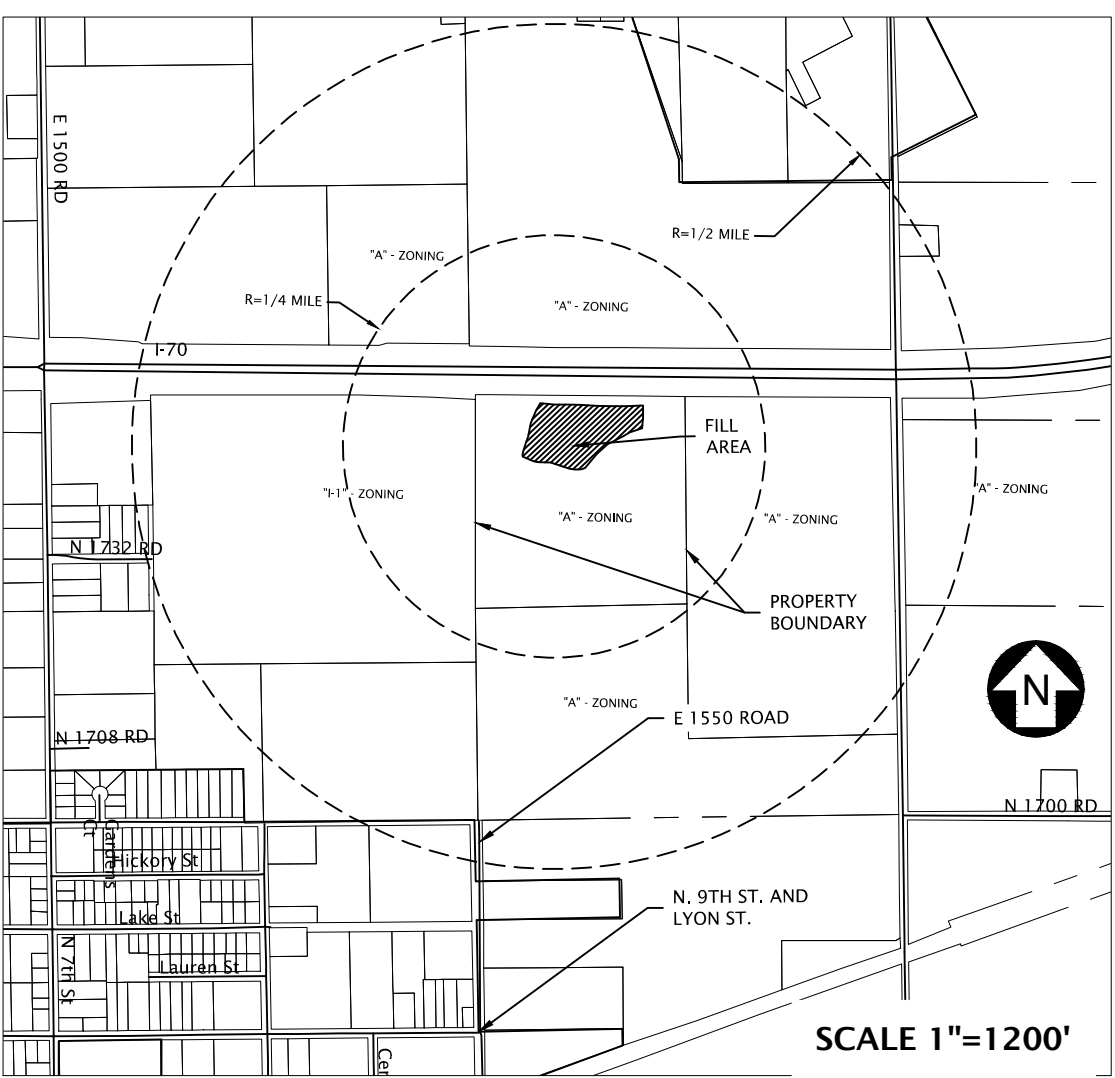
THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWENTY (20), TOWNSHIP TWELVE (12) SOUTH, RANGE TWENTY (20) EAST OF THE 6TH P.M. CONTAINING 40 ACRES MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

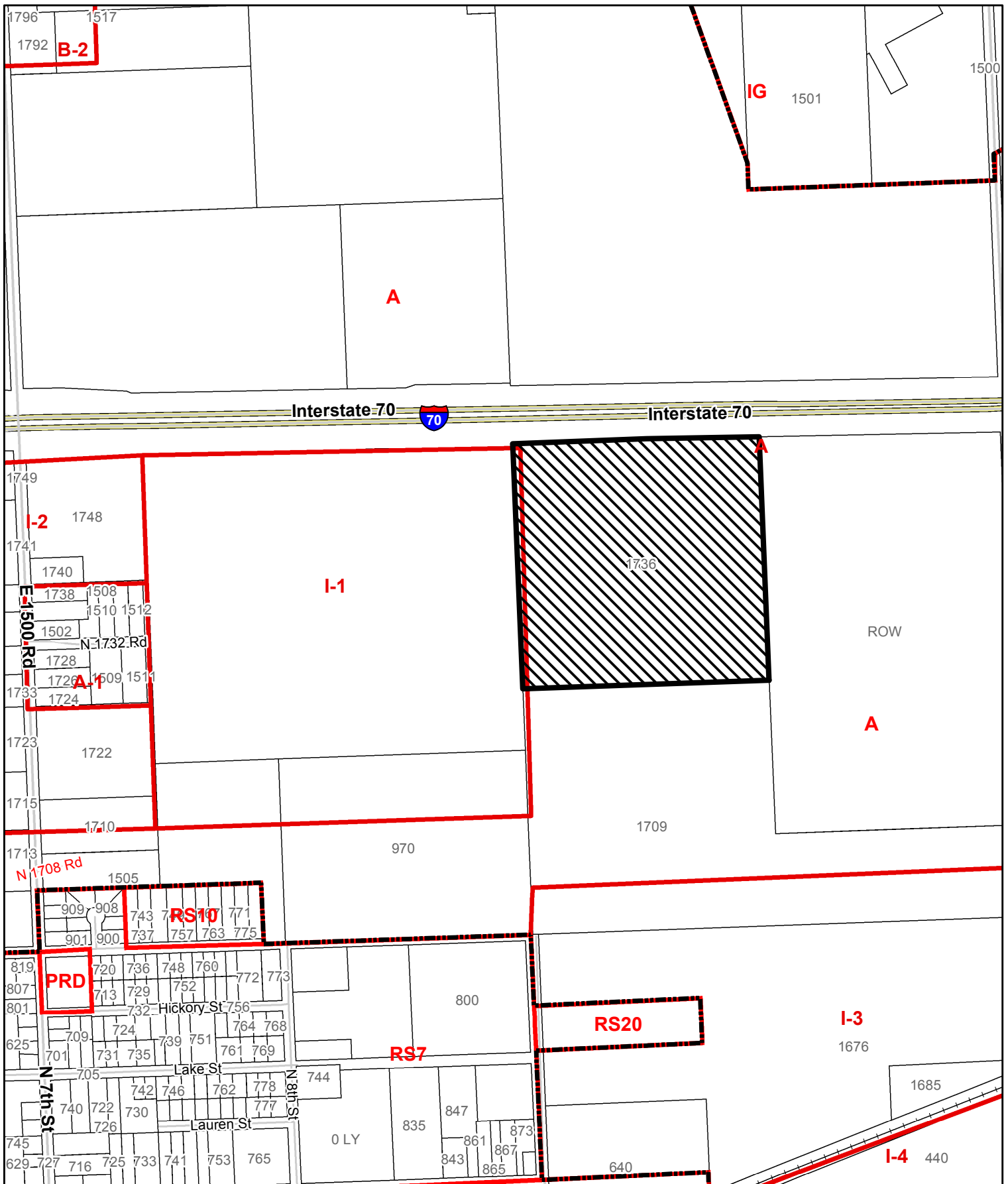
GENERAL NOTES

- OWNER: Nunemaker-Ross Inc.
1687 E 1600 Road
Lawrence, Kansas 66044
Attention: Patrick D. Ross
- Land Planner/Engineer: Grob Engineering Services, LLC
3210 Mesa Way, Suite A
Lawrence, Kansas 66049
 - This Conditional Use Permit (CUP) Site Plan was developed to allow clean rubble landfiling activities as outlined in the Kansas Department of Health and Environment, Bureau of Waste Management Construction and Demolition Wastes and Clean Rubble, Technical Guidance Document SW-1994-G2, to be performed to raise and level an area with depressions. Landfilling will NOT include construction and demolition (C&D) wastes as outline in the above referenced document. Unlike a C&D landfill, state statues do not require a solid waste permit for operation of a site that only accepts clean rubble.
 - The property/landfill area will have controlled access. Access to/from this property will be via an existing driveway that is gated at the entrance on E 1550 Road near the intersection of Lyon Street and North 9th Street.
 - Access to the site will be via Lyon Street and Locust Street which are defined as "Truck Delivery Routes" within the city limits and E 1550 Road within the county.
 - Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2006 and 2013.
 - Typical Soil Type: Ev - Eudora-Kimo Complex
 - Existing Land Use: Residential Detached Dwelling
 - Proposed Land Use: Residential Detached Dwelling
 - Current Zoning: A Agriculture
 - A large portion of the property is located within the Special Flood Hazard Area (SFHA) Zone AH per FEMA Map # 20045C0177E Effective Date: September 2, 2015 with a Base Flood Elevation of 811.00. The remaining portion of the property is located within the Special Flood Hazard Area (SFHA) Zone X per FEMA Map # 20045C0177E Effective Date: September 2, 2015. The SFHA is delineated on this Conditional Use Permit - Site Plan. No portion of the activities associated with this CUP include filling within the regulated SFHA illustrated on this Site Plan.
 - Existing utility locations, elevations, and sizes are shown for reference only. No additional utilities will be constructed as part of this CUP.
 - This Site Plan has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, appendix A to 28 CFR, part 36.
 - Drainage arrows and proposed contours are shown on the plan to indicate general drainage patterns.
 - The existing septic waste lateral field from the existing cabin will remain and no changes are proposed with this CUP Site Plan.
 - National Geodetic Survey vertical benchmark is a disk marked "B 276 Reset 1956" set in a concrete headwall at the intersection of Highways 40, 59, and 24. The disk is 74.0 feet east of the center line of the northbound lane of Highway 59, in the top of the northeast end of the south headwall of a 6-foot concrete culvert, Elevation = 816.37 ft. On-site bench mark is "4" on the top of the south end of the west headwall of culvert under E 1400 Road, Elevation = 839.82 ft.
 - No additional water service will be required as part of this CUP.
 - No trash enclosure or outdoor storage areas will be constructed as part of this CUP. Trash disposal will be by owner off-site.
 - No parking areas are designated as part of this CUP.
 - All fill areas will be restored with topsoil and all disturbed areas shall be reseeded with fescue or brome type grasses and otherwise restored to their original condition.

LEGEND			
— OHW —	OVERHEAD WIRE	⊙	SANITARY SEWER MANHOLE
— OHE —	OVERHEAD ELECTRICAL	⊙	STORM MANHOLE
— UCT —	UNDERGROUND TELEPHONE	⊙	STORM DRAIN
— GAS —	GAS	⊙	GUY ANCHOR
— W —	WATERLINE	⊙	UTILITY POLE
— SAN —	SANITARY SEWER LINE	⊙	WATER METER
— SS —	SANITARY SEWER LATERAL	⊙	WATER VALVE
— STM —	STORMWATER LINE	⊙	FIRE HYDRANT
— BSR —	BUILDING SETBACK	⊙	TRAFFIC SIGNAL STR.
—	SECTION LINE	⊙	GAS VALVE
—	CENTER LINE	⊙	GAS METER
—	PROPERTY LINE	⊙	LIGHT POLE
—	EASEMENT	⊙	SIGN
—	FEATURE LINE	⊙	ELECTRIC BOX
—	NO ACCESS TO LOT	⊙	CABLE TV BOX
NOTE: "X" IN UTILITY DENOTES EXISTING FEATURE			
B/B	BACK OF CURB TO BACK OF CURB		
ROW	RIGHT-OF-WAY		
C/L	CENTERLINE		
D/E	DRAINAGE EASEMENT		
U/E	UTILITY EASEMENT		
(D)	DEEDED		
(M)	MEASURED		
(CA)	CALCULATED FROM MEASUREMENTS		
(SR)	REFERENCED SURVEY		
⊙	2" X 24" BAR SET W/CAP "APS 1391"		
⊙	BUILDING INGRESS/EGRESS		
⊙	BUILDING ILLUMINATION		


LOCATION MAP





**CUP-16-00105: Conditional Use Permit for a Clean Rubble Landfill
Located at 1736 E 1550 Road**

Lawrence-Douglas County Planning Office
May 2016

 Subject Property



Memorandum

City of Lawrence

Planning & Development Services

TO:	Lawrence Douglas County Metropolitan Planning Commission
FROM:	Sandy Day, Planning Staff
CC:	Scott McCullough, Planning and Development Services Director
Date:	June 13, 2016
RE:	ITEM NO. 6 EXTENSION REQUEST FOR PRELIMINARY PLAT FOR GOING SOUTH ADDITION; 2726 O'CONNELL RD & 2700 BLOCK O'CONNELL RD (SLD) Extension request for PP-13-00343, a Preliminary Plat for Going South Addition, located at 2726 O'Connell Rd and 2700 Block O'Connell Rd. Submitted by Grob Engineering Services, for Going South LLC and Heart of America, Teen Challenge, Inc., property owners of record.

Attachments: A—Location Map
B—Extension Request
C—Preliminary Plat
D—Staff Report with updates
E—Planning Commission Minutes
F—Concept Development Plan

The attached preliminary plat was approved by the Planning Commission on January 27, 2014 by a vote of 8-0-1. There were no conditions of approval related to the Preliminary Plat. Mailed notice of the request for extension/re-approval was sent to all property owners within 200' in the City limits and 1000' in the unincorporated area.

Per Section 20-809 (j) of the Development Code, Approval of a preliminary plat by the Planning Commission shall expire 24 months from the date approval was granted, unless a complete application for final plat is submitted by that approval date. Requests for extension maybe considered by the Planning Commission. In the event of expiration then the Preliminary plat must be reconsidered by the Planning Commission.

Staff Discussion:

The property was annexed and zoned in 2013. The Preliminary Plat was approved without conditions. No changes to the area have occurred that impact the proposed development.

Staff Recommendation:

Planning Staff recommends re approval of the 24 month extension of the Preliminary Plat approval for PP-13-00343 to June 20, 2018.

Revised June 20, 2016

Item No. 6

**PLANNING COMMISSION REPORT
NON PUBLIC HEARING ITEM**

PC Staff Report

1/27/14

Revised June 20, 2016

ITEM NO 6: PRELIMINARY PLAT FOR GOING SOUTH ADDITION (SLD)

PP-13-00343: Consider a 2 lot Preliminary Plat for Going South Addition, located at 1338 E 1600 Rd/O'Connell Rd for multi-dwelling residential development. Submitted by Grob Engineering Services, for Going South, LLC, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat for Going South Addition.

Reason for Request:

Predevelopment requirement. Planned multi-dwelling residential development.

KEY POINTS

- Platting required as pre-development step.
- Medium density residential development planned for this property.

SUBDIVISION CITATIONS TO CONSIDER

- This application was reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 10, 2012.

ATTACHMENTS

Attachment A: Preliminary Plat

Attachment B: Conceptual Development Plan

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- A-13-00291; annexation of 10.684 acres. Planning Commission recommended approval on 11/18/13, City Commission approved on 12/10/2013
- Z-13-00290 A to RM15. City Commission approved on 12/10/2013 Ordinance No. 8946.

Other Action Required:

- Submittal of final plat for administrative approval and recordation.
- City Commission acceptance of dedication of easements and rights-of-way on the Final Plat.
- Submittal and approval of public improvement plans and provision of means of assurance of completion shall be submitted prior to the recording of the Final Plat.
- Submittal and approval of building plans prior to release of building permits for development.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* – The downstream sanitary sewer analysis and cover letter dated December 18, 2013 provided by Grob Engineering Services has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.

Revised June 20, 2016

Item No. 6

- *Drainage Study* – Not provided at this time. Will be required prior to future development of this property.
- *Traffic Study* – Accepted by Staff

PUBLIC COMMENT

Phone calls from public requesting clarification of reason for preliminary plat.

Site Summary	
Gross Area:	10.15 acres
Additional Right-of-Way (acres):	2.071 – extension of Prairie View Drive to the south and E. 28 th Street to the east
Number of Proposed Lots:	2
Lot 1	2.988 acres
Lot 2	5.087 acres
Total Developable area	8.075 acres (121.125 units maximum development at 15 du/AC)

GENERAL INFORMATION

Current Zoning and Land Use:

RM15 (Multi-Dwelling Residential) District; vacant land

Surrounding Zoning and Land Use:

To the north:

PD [Prairie View PRD]; existing duplex development

To the east:

A (County-Agricultural); open space part of O'Connell Youth Ranch group home.

To the south:

A (County-Agricultural); Heart of America, Teen Challenge group home.

To the west:

RS7 (Single-Dwelling Residential); developed subdivision with detached residences.

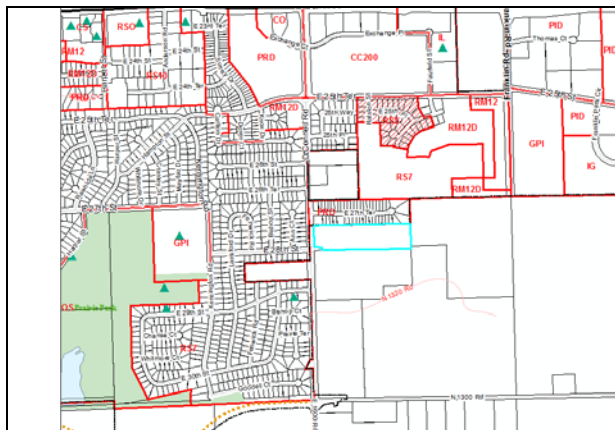


Figure 1a. Zoning of area.

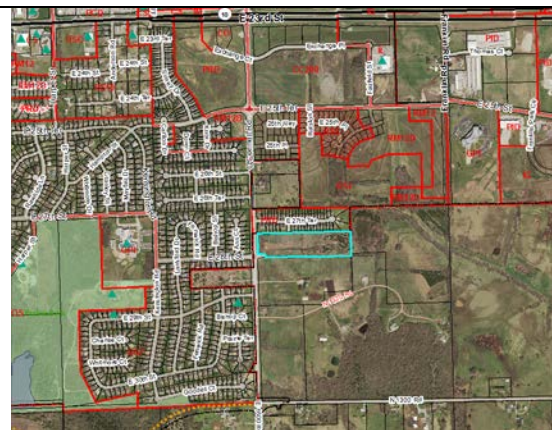


Figure 1b. Land use in area.

Item No. 6

This property is proposed to be platted as a two lot multi-dwelling residential subdivision. A floodplain development permit is not required for the development of this property. A specific development plan is not proposed at this time. A concept plan is included in the staff report for reference.

The property has recently been annexed and rezoned in anticipation of future development. A concept plan is provided with this application. This concept plan articulates the intensity of development planned for this property. It does not address in any detail the needs for infrastructure or compliance with minimum Land Development Code Regulations. This plan was also include with the previous annexation and zoning applications to show development intent.

Approval of this request includes the dedication of additional right-of-way for access to this property. Prairie View Drive will be extended south and intersect with E. 28th Street to be extended east of O'Connell Road.

Full development of this property will require dedication of the remaining street right-of-way. East of Prairie View Drive the subdivision proposes the dedication of only the north half of E. 28th Street. The south half will be dedicated when the adjacent property is developed in the future.

-

Utilities and Infrastructure

Revised June 20, 2016

Item No. 6

City sanitary sewer and water service lines will need to be extended to serve this property. The developer anticipates that creation of internal easements (within the lots) to serve the development. At this time, a final site plan is not available and the interior system has not been designed.

The applicant has been advised that a drainage study will be required with the submission of a specific development plan. The preliminary plat shows the location of detention ponds across the two lots based on a conceptual development. The applicant is working with the City Stormwater Engineer to assure that design standards are met. At this time, there are no additional easements that are needed for the Stormwater utility plan.

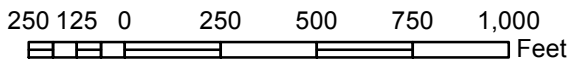
Easements and Rights-of-way

As noted above this site will include the dedication of right-of-way and utility easements. The current preliminary plat shows only the boundary streets and easements. As the site plan is fully developed internal easements will be established to coordinate with the planned routes for utility infrastructure.

This preliminary plat includes a 10' landscape easement east of the proposed 5' utility easement along O'Connell Road. This dedicated space will accommodate street trees as this property is developed. A type 1 buffer yard will be required along O'Connell Road. This landscape easement can be included in that area with future site specific development.

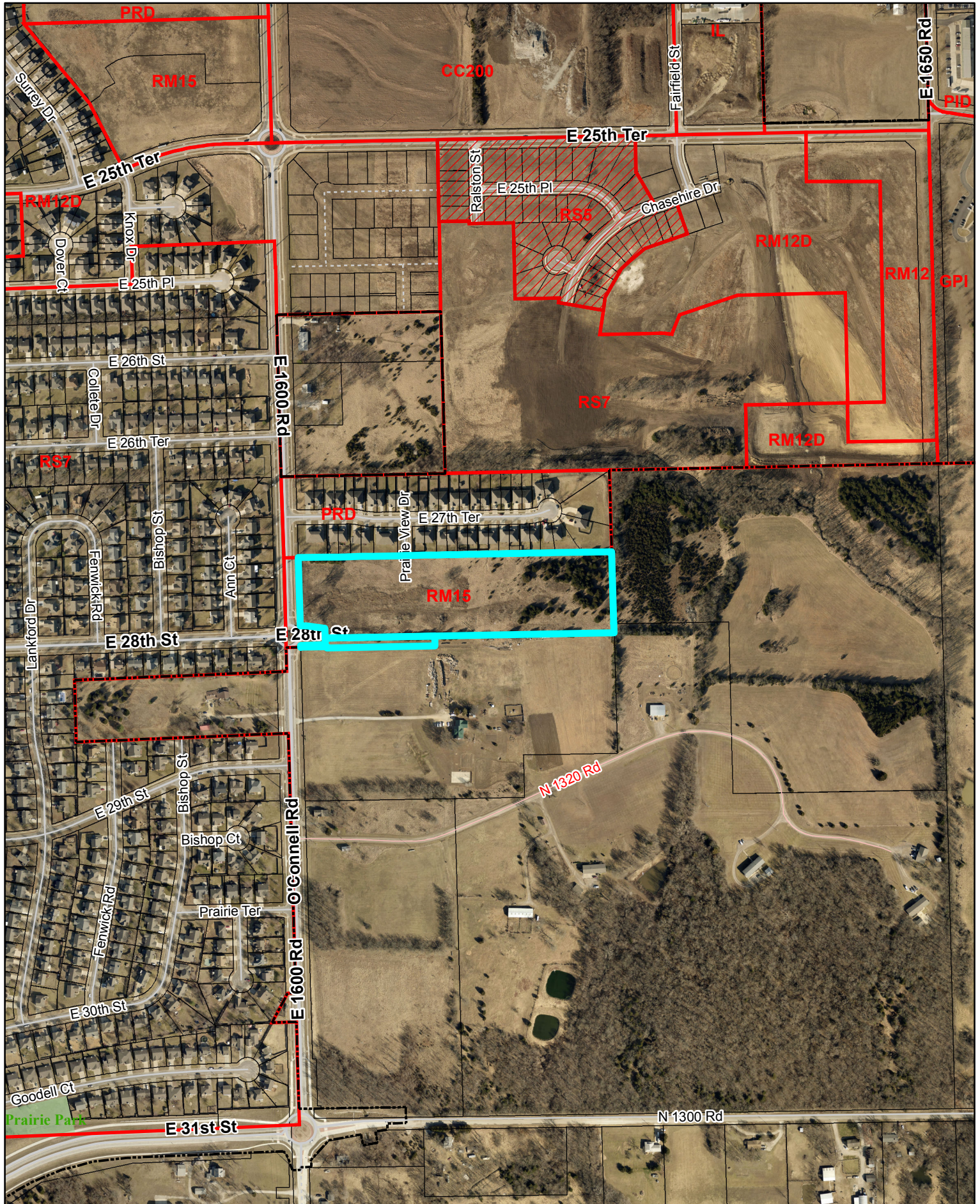
Conformance

The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.



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

Date: 6/13/2016





*Site Planning & Land Development
Civil Engineering, Design & Consulting*

May 16, 2016

Scott McCullough, Director
Lawrence Douglas County Planning Office
City of Lawrence, Kansas
P.O. Box 708
Lawrence, Kansas 66044

Re: Going South Subdivision
Request for Extension of Preliminary Plat

Dear Mr. McCullough,

On behalf of the property owners of Going South Subdivision, we respectfully request a 24 month extension to the Preliminary Plat approved by Planning Commission (PC) on January 27, 2014. As the owners and I were not cognizant of the expiration date approaching and now passed, failed to previously provide this request. We hope you will find this request reasonable and acceptable as the preliminary plat was approved by PC on an 8-0-1 vote with little discussion and no conditions of approval.

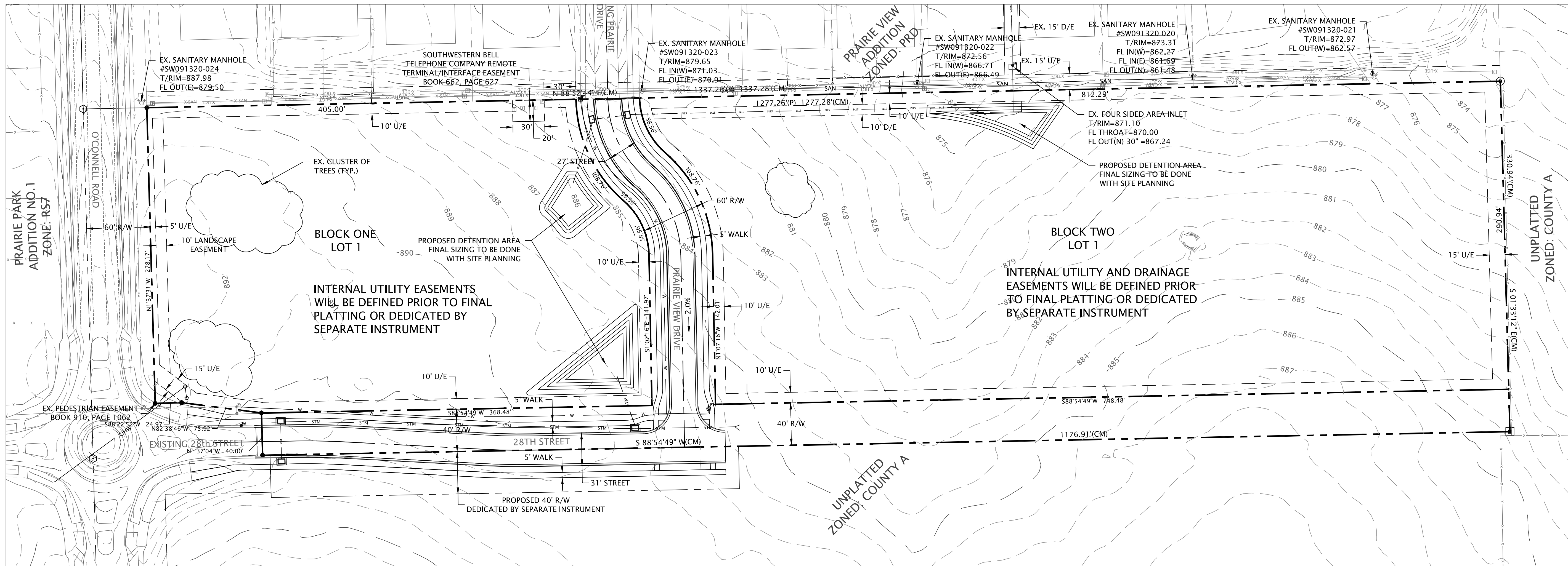
If you are in need of assistance or require additional information, please do not hesitate to call me at (785) 856-1900.

Very truly yours,

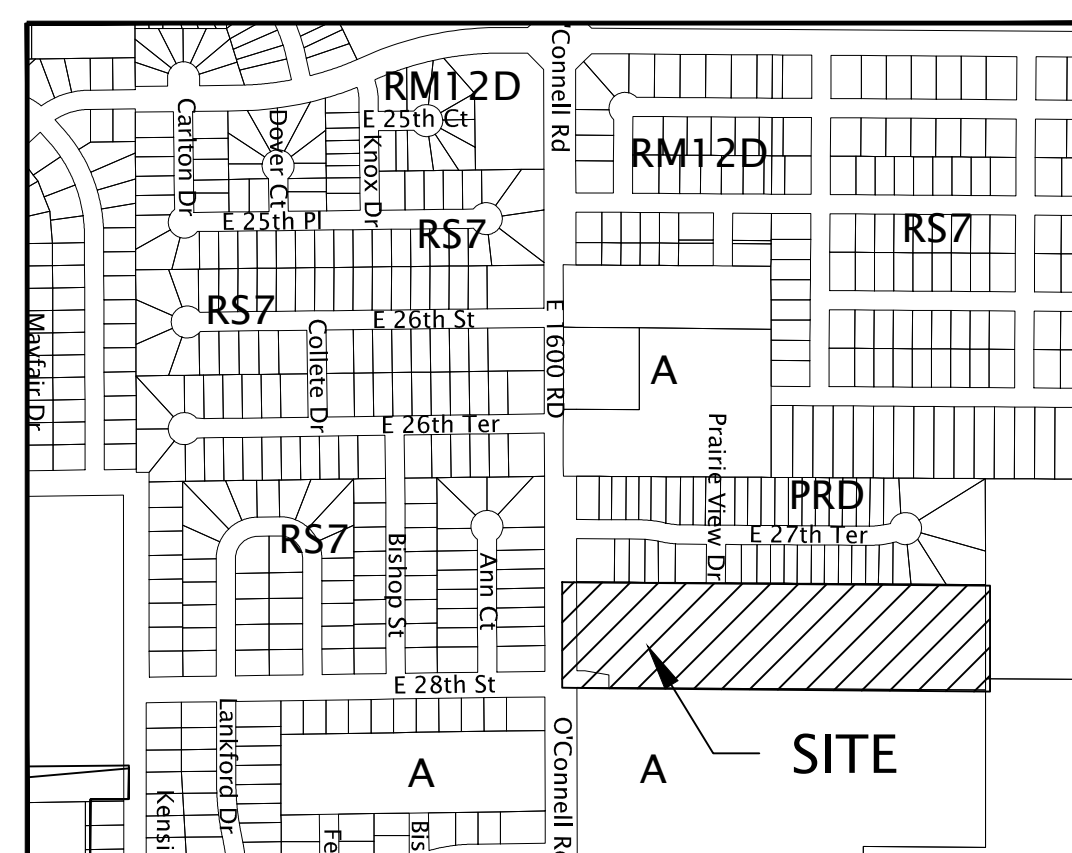
A handwritten signature in black ink that reads 'J. Dean Grob'.

J. Dean Grob, P.E.
Grob Engineering Services, LLC

cc: Owners, Going South Subdivision



LOCATION MAP



SCALE 1" = 600'

BENCHMARKS

BM1 - Chiseled square , top of East end north curb on 28th Street stub, East of O'Connell Road.
Elev=887.68

BM2 - Center of North fish on 5' x 7' area inlet located just North of SW corner of Lot 5, Prairie View Addition.
Elev=871.13

LEGAL DESCRIPTION

THE TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 01°37'04" EAST, ALONG THE WEST LINE OF SAID QUARTER SECTION, 330.14 FEET; THENCE NORTH 88°52'44" EAST, 60.00 FEET TO POINT OF BEGINNING; THENCE NORTH 88°52'44" EAST, 1277.26 FEET; THENCE SOUTH 01°33'12" EAST, 330.94 FEET; THENCE SOUTH 88°54'49" WEST, 1176.91 FEET; THENCE NORTH 01°37'04" WEST, 40.00 FEET; THENCE NORTH 82°38'44" WEST, 75.92 FEET; THENCE SOUTH 88°22'52" WEST, 24.99 FEET; THENCE NORTH 01°37'04" WEST, 279.26 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 10.15 ACRES, MORE OR LESS.

THE ABOVE CONTAINING 10.15 ACRES MORE OR LESS.

GENERAL NOTES

1. OWNER: Going South LLC - Heath Seitz, President, 1563 E 650 RD, Wakarusa TWP, Kansas 66049
2. LANDPLANNER: Grob Engineering Services LLC, 3210 Mesa Way, Suite A, Lawrence, Kansas 66049
3. SURVEYOR: Allpoints Surveying LLP, PO BOX 4444, Lawrence, Kansas 66044
4. Topography obtained by County Maps and boundary survey performed by Allpoints Surveying 2013.
5. Existing land use: Undeveloped
6. Existing zoning: County A; Proposed zoning: RM-15
7. Proposed land use: Multi Family Residential Development.
8. Typical soil types: Sogn-Vinland Complex, Kennebec Silt Loam, Oska Silt Clay Loam, Woodson Silt Loam.
9. This project is not located within the 100 year floodplain per FEMA map #20045C0187D. Effective date: August 5th, 2010.
10. All new telephone, cable television and electrical lines must be located underground.
11. Developer is responsible for the cost of relocation of existing utilities, if necessary to serve the proposed subdivision.

PROVISIONS OF FINANCING OF ROADS, SEWER, WATER AND OTHER PUBLIC SERVICES
















1. The subdivision will have public streets.
2. The subdivision will provide connections to existing City of Lawrence waterlines.
3. The subdivision will provide connections to an existing City of Lawrence sanitary sewer system.
4. Purchasers of the lots in the subdivision will not be subject to special assessments or other costs or fees specific to improvements within the subdivision.
5. Proposed improvements will not depend on a vote, petition or other collective action of property owners in the subdivision.
6. Financing for installation of the public improvements shall be guaranteed by either an escrow deposit or letter of credit.

SITE SUMMARY

GROSS AREA:	10.146 acres
RIGHTS-OF-WAY AREA:	2.071 acres
NET AREA:	8.075 acres

TOTAL NUMBER OF LOTS:	2 Lots
AVERAGE LOT SIZE:	4.037 acres
MINIMUM LOT SIZE:	2.988 acres
MAXIMUM LOT SIZE:	5.087 acres

LEGEND

OHV	OHV	OVERHEAD WIRE		SANITARY MANHOLE	B/B	BACK OF CURB TO BACK OF CURB
UE	UE	OVERHEAD ELECTRICAL		STORM DRAIN	ROW	RIGHT-OF-WAYS
UST	UST	UNDERGROUND TELEPHONE		STORM DRAIN	C	CENTERLINE
GA	GA	GAS		GUY ANCHOR	D/E	DRAINAGE EASEMENT
W	W	WATERLINE		UTILITY POLE	UE	UTILITY EASEMENT
SA	SA	SANITARY SEWER LINE		WATER METER	A/E	ACCESS EASEMENT
SS	SS	SANITARY SEWER SERVICE		WATER VALVE	(P)	PLATTED
STM	STM	STORMWATER LINE		FIRE HYDRANT	(M)	MEASURED
		PROPERTY LINE		TRAFFIC SIGNAL	COM	CALCULATED FROM MEASUREMENTS
		OFF SITE SURVEYED PROP.		GAS VALVE		
		CENTERLINE		GAS METER		FOUND BAR - ORIGIN UNKNOWN
		PAVEMENT		LIGHT POLE		
		UTILITY EASEMENT		SIGN		SET 2' x 24" REBAR
		BUILDING SETBACK LINE		ELECTRIC BOX		
SS	SS			CABLE TV BOX		

NOTE: "X" IN UTILITY LINE DENOTES EXISTING FEATURE

PC Minutes 1/27/14

**ITEM NO. 2 PRELIMINARY PLAT FOR GOING SOUTH ADDITION; 1338 E 1600 RD
(SLD)**

PP-13-00343: Consider a 2 lot Preliminary Plat for Going South Addition, located at 1338 E 1600 Rd/O'Connell Rd for multi-dwelling residential development. Submitted by Grob Engineering Services, for Going South, LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Liese asked Ms. Day to comment on the League of Women Voter's letter about parking.

Ms. Day said she spoke with Mr. David Woosley, City Traffic Engineer, and his comment was that there was nothing that he saw in the concept plan that was of a public safety concern. She the design was not unlike other multi-family projects.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering Services, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Kelly inquired about the lack of right-of-way to the east of the property. He said 28th Street appeared to be stubbed out to the east.

Ms. Day said the north half of the right-of-way was provided with this plat. The south half of the right-of-way would be provided when the adjacent property came into the city and was intended for development. She said the full piece of right-of-way needed to be provided with this project upfront because there needed to be two points of access. She said the access points were 28th Street on the south side and through Prairie View Drive. She stated 28th Street was a future collector street. She showed the streets on the overhead map. She said the drainage would have to be managed with some sort of culvert or bridge over some of the tributary.

Commissioner Josserand asked if Planning Commission would see the final plat.

Ms. Day said no, Planning Commission would not see the final plat.

Commissioner Josserand expressed concern about the distance between some of the units and adequate parking. He requested staff take a look at the issue because it could cause problems of some type.

Commissioner Liese inquired about formally expressing Commissioner Kelly and Josserand's concerns.

Mr. McCullough said the minutes would reflect their concerns. He said it was fairly conventional in terms of the layout but that a closer look could be taken based on their comments.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to approve the Preliminary Plat for Going South Addition, located at 1338 E 1600 Rd/O'Connell Rd.

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

