

Updated:

3/25/19 @ 12:30pm

Added the following:

Item 1 - Comprehensive Plan 2040 - Staff Memo and communications

Item 3 - Special Use Permit 545 Ohio St - Communications

Items 10A-10B - CPA/Rezoning 2314 Tennessee St & 305-307 W 23rd St - Communications Item 11A-11B - SUP 1040 Massachusetts, 1041 & 1000 New Hampshire – Staff Memo, Revised Staff Report and Communications

Item 13 - Rezoning 2210, 2240, 2270 Wakarusa Dr - Communications

3/20/19 @ 4:00pm

February 2019 Planning Commission Minutes will be added when available

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS MARCH 25 & 27, 2019 6:30PM - 10:30PM

GENERAL BUSINESS:

PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of December 17 & 19, 2018.

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of February 25 & 27, 2019.

COMMITTEE REPORTS

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

COMMUNICATIONS

- a) Receive written communications from the public.

 Letter from Candice Davis regarding short-term rental
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.
- f) General public comment.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION REGULAR AGENDA (MARCH 25, 2019) MEETING

PUBLIC HEARING ITEMS:

ITEM NO. 1 COMPREHENSIVE PLAN 2040

Continue discussion regarding the Comprehensive Plan 2040 for unincorporated Douglas County and the city of Lawrence. Topic discussion will include Growth & Development and Natural Resources.

Recess LDCMPC

Convene as the Airport Zoning Commission

ITEM NO. 2A SITE PLAN FOR LAWRENCE MUNICIPAL AIRPORT; 1910 N AIRPORT RD (SLD)

Airport Zoning Commission: Site Plan, SP-19-00029, for 1910 N Airport Rd. Submitted by Landplan Engineering Services and Hetrick Air Services Inc, on behalf of the City of Lawrence, property owner of record.

ITEM NO. 2B VARIANCE FOR LAWRENCE MUNICIPAL AIRPORT ADDITION NO. 3; 1910 N AIRPORT RD (SLD)

MS-19-00035: Sidewalk variance associated with a Minor Subdivision for Lawrence Municipal Airport Addition No. 3, located at 1910 N Airport Rd. Submitted by Landplan Engineering Services and Hetrick Air Services Inc., on behalf of the City of Lawrence, property owner of record.

Adjourn Airport Zoning Commission Reconvene LDCMPC

ITEM NO. 3 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 545 OHIO ST (KEW)

SUP-19-00019: Consider a Special Use Permit for a non-owner occupied short-term rental, located at 545 Ohio St in RS5 (Single-Dwelling Residential) Zoning District. Submitted by Al Un and Lyndsie Un on behalf of Hui C. Un and Yung Y. Un, property owners of record.

ITEM NO. 4 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 921 MISSOURI ST (LRM)

SUP-19-00026: Consider a Special Use Permit for a non-owner occupied short-term rental located at 921 Missouri St in RM12D-UC (Multi-Dwelling Residential-Urban Conservation Overlay) Zoning District. Submitted by William L Fuerst and Lisa L Ottinger, property owners of record.

ITEM NO. 5 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 941 RHODE ISLAND ST (KCK)

SUP-19-00030: Consider a Special Use Permit for a non-owner occupied short-term rental located at 941 Rhode Island St in RM12 (Multi-Dwelling Residential) Zoning District. Submitted by Sofiana Olivera, property owner of record.

ITEM NO. 6 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 843 ½ MASSACHUSETTS ST (KCK)

SUP-19-00043: Consider a Special Use Permit for a non-owner occupied short-term rental located at 843 ½ Massachusetts St in CD-UC (Downtown Commercial-Urban Conservation) Zoning District. Submitted by Furse LC, property owner of record.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 SHORT-TERM RENTAL LICENSE MAP

The City of Lawrence <u>residential rental license map</u> has been updated to include short-term rental licenses. Both layers of long-term rental and short-term rental licenses are shown on the online interactive map, located on the City's website <u>www.lawrenceks.org/maps</u>

Recess until 6:30pm on March 27, 2019

BEGIN PUBLIC HEARING (MARCH 27, 2019):

COMMUNICATIONS

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

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION REGULAR AGENDA (MARCH 27, 2019) MEETING

PUBLIC HEARING ITEMS:

DEFERRED

ITEM NO. 7 COMPREHENSIVE PLAN 2040

Continue discussion regarding the Comprehensive Plan 2040 for unincorporated Douglas County and the city of Lawrence. Topic discussion will include Growth & Development and Natural Resources.

Recess LDCMPC

Convene Joint Meeting with Lecompton Planning Commission

ITEM NO. 8 CONDITIONAL USE PERMIT FOR KANWAKA TOWNSHIP; 1707 E 550 RD (MKM)

CUP-19-00013: Consider a Conditional Use Permit for a 3,510 sq ft equipment storage building for Kanwaka Township, located on approximately 2.54 acres at 1707 E 550 Rd (also known as 548 N 1700 Rd). Submitted by Kevin Sontag, Douglas County Public Works, on behalf of Kanwaka Township, property owner of record. *Joint meeting with Lecompton Planning Commission*.

Adjourn Joint Meeting with Lecompton Planning Commission

DEFERRED

1TEM NO. 9 PRELIMINARY PLAT FOR NORTH LAWRENCE RIVERFRONT ADDITION; N 2ND-ST (SLD)

PP-18-00504: Consider a two-lot Preliminary Plat for North Lawrence Riverfront Addition, located at 311, 317, 401, 409, 415, 501, & 505 N 2nd St for mixed use development including residential and commercial uses. Variances related to block length and right-of-way dedication for N. 2nd Street as a principal arterial. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

ITEM NO. 10A COMPREHENSIVE PLAN AMENDMENT; 2314 TENNESSEE ST & 305-307 W 23RD ST (BJP)

CPA-19-00032: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapter 3, related to the rezoning of 2314 Tennessee St & 305-307 W. 23rd St. Submitted by Allen Belot Architect.

ITEM NO. 10B REZONING 1.47 ACRES FROM RS7 TO RM12; 2314 TENNESSEE ST & 305-307 W 23RD ST (BJP)

Z-18-00566: Consider a request to rezone approximately 1.47 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 2314 Tennessee St & 305-307 W. 23rd St. Submitted by Allen Belot Architect on behalf of William & Sharon Elkins, property owner of record.

ITEM NO. 11A SPECIAL USE PERMIT FOR THE HUB; 1040 MASSACHUSETTS ST & 1041 NEW HAMPSHIRE ST (BJP)

SUP-18-00502: Consider a Special Use Permit for ground floor dwelling units, The Hub at Lawrence, located at 1040 Massachusetts St, and 1041 New Hampshire St. Submitted by Core Lawrence Massachusetts LLC on behalf of Allen Press Inc and Allen Realty Inc, property owners of record.

ITEM NO. 11B SPECIAL USE PERMIT FOR THE HUB; 1000 NEW HAMPSHIRE ST (BJP)

SUP-19-00033: Consider a Special Use Permit for ground floor dwelling units, The Hub at Lawrence, located at 1000 New Hampshire St Block 1. Submitted by Core Lawrence Massachusetts LLC on behalf of Allen Realty Inc, property owner of record.

DEFERRED

ITEM NO. 12 REZONING 2.22 ACRES FROM PCD-2 TO PCD-2; 3809 & 3821 W 6TH ST (MKM)

Z-19-00031: Consider a request to rezone approximately 2.22 acres from PCD-2 (Planned Commercial Development) District to PCD-2 (Planned Commercial Development) District with revised use restrictions, located at 3809 & 3821 W 6th St. Submitted by Landplan Engineering, PA on behalf of Marguerite H. Ermeling, Dalton M. Paley Trustee, and Rio Azul LLC, property owners of record.

ITEM NO. 13 REZONING 5.046 ACRES FROM PCD-2 TO PCD-2; 2210, 2240, 2270 WAKARUSA DR (MKM)

Z-19-00044: Consider a request to rezone approximately 5.046 acres from PCD-2 (Planned Commercial Development) District to PCD-2 (Planned Commercial Development) District with revised use restrictions, located at 2210, 2240, and 2270 Wakarusa Dr. Submitted by Tim A Herndon Planning & Design on behalf of Off-Piste Inc, property owner of record.

ITEM NO. 14A REZONING 21.254 ACRES FROM OS TO GPI; 5100 OVERLAND DR (BJP)

Z-19-00036: Consider a request to rezone approximately 21.254 acres from OS (Open Space) District to GPI (General Public and Institutional) District, located at 5100 Overland Drive. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

ITEM NO. 14B PRELIMINARY PLAT FOR LAWRENCE POLICE HEADQUARTERS; 5100 OVERLAND DR (BJP)

PP-19-00034: Consider a Preliminary Plat for Lawrence Police Headquarters, 2 lots and 2 tracts, located at 5100 Overland Dr. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

ITEM NO. 14C SPECIAL USE PERMIT FOR LAWRENCE POLICE HEADQUARTERS; 5100 OVERLAND DR (BJP)

SUP-19-00071: Consider a Special Use Permit/Institutional Development Plan for Lawrence Police Headquarters, located at 5100 Overland Dr. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

ITEM NO. 15 TEXT AMENDMENT TO CITY CODE; AFFORDABLE HOUSING (SLD)

TA-18-00467: Consider a Text Amendment to the City of Lawrence Code, regarding proposed changes to multiple chapters of the City Code to facilitate affordable housing development options and including density bonus. *Initiated by City Commission on 10/16/18*.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 VARIANCE FOR 1694 E 800 RD

CSU-19-00136: Consider a variance request per Section 20-804 of the Subdivision Regulations to allow a cluster development certificate of survey on approximately 45 acres at 1694 E. 800 Road without a build out plan or cross access easement and maintenance agreement. Submitted by Tanking Survey, for Todd E. Catlin and Marla G. Catlin, property owners of record.

MISC NO. 2 UPCOMING CALENDAR EVENTS

A possible quorum of the Planning Commission may attend the following event:

City Hall Riverfront Open House - 1 Riverfront Plaza, Suites 310 & 320 Tuesday, April 16, 2019 from 4:00pm-6:00pm

ADJOURN

CALENDAR

Febr	uary				2	2019
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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28	29	30				

PCCM Meeting:

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

Sign up to receive the Planning Commission agenda or weekly Planning Submittals via email: http://www.lawrenceks.org/subscriptions

2019 LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays	Mid-Month	Mee	Planning Commission Meetings 6:30 PM,		
7:30 – 9:00 AM			Monday and	Wednesday	
Jan 9	STAR Rating/LEED for Cit	es & Communities		Jan 23	
Feb 13	Water Resou	Feb 25	Feb 27		
Mar 13	Affordable Housin	ng (AHAB)	Mar 25	Mar 27	
Apr 10	Food System	Plan	Apr 22	Apr 24	
May 8	Akins Prairie Visit/Tour – 1 http://www.klt.org/akin-cons		May 20	May 22	
Jun 12	Soils & Agric	ulture	Jun 24	Jun 26	
Jul 10			Jul 22	Jul 24	
Aug 14			Aug 26	Aug 28	
Sep 11			Sep 23	Sep 25	
Oct 9			Oct 21	Oct 23	
Nov 6			Nov 18	Nov 20	
Dec 4			Dec 16	Dec 18	
	Suggested topics for future meetings: New County Zoning Codes Bus Tour – Development Patterns	Retail Market			
Meeting Locations	The Planning Commission meetings are held in the Massachusetts Streets, unless otherwise noticed.	City Commission meeting room on th	e 1 st floor of City Hall, 6 ^{tl}	^h &	

Revised 3/26/19

	019 PLAI Jan 23		Feb 27			
	2019	2019	2019	2019	2019	
Ashworth	Yes	Yes	Yes			
Butler	Yes	Yes	No			
Carttar	Yes	Yes	Yes			
Carpenter	Yes	Yes	Yes			
Paden	Yes	Yes	Yes			
Sands	Yes	Yes	Yes			
Sinclair	Yes	Yes	Yes			
Struckhoff	Yes	Yes	Yes			
Weaver	Yes	Yes	Yes			
Willey	Yes	Yes	Yes			
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	Jan 9 2019	9 MID-N Feb 13 2019		ATTENE April 10 2019	DANCE	
Ashworth	Jan 9	Feb 13	Mar 13	April 10	DANCE	
Ashworth Butler	Jan 9	Feb 13 2019	Mar 13 2019	April 10	DANCE	
	Jan 9 2019	Feb 13 2019 Yes	Mar 13 2019 Yes	April 10	DANCE	
Butler	Jan 9 2019 No	Feb 13 2019 Yes No	Mar 13 2019 Yes Yes	April 10	DANCE	
Butler Carttar	Jan 9 2019 No Yes	Feb 13 2019 Yes No Yes	Mar 13 2019 Yes Yes No	April 10	DANCE	
Butler Carttar Carpenter	Jan 9 2019 No Yes Yes	Feb 13 2019 Yes No Yes Yes	Mar 13 2019 Yes Yes No Yes	April 10	DANCE	
Butler Carttar Carpenter Paden	Jan 9 2019 No Yes Yes Yes	Feb 13 2019 Yes No Yes Yes No	Mar 13 2019 Yes Yes No Yes Yes	April 10	DANCE	
Butler Carttar Carpenter Paden Sands	Jan 9 2019 No Yes Yes Yes No	Feb 13 2019 Yes No Yes Yes No No	Mar 13 2019 Yes Yes No Yes Yes Yes	April 10	DANCE	
Butler Carttar Carpenter Paden Sands Sinclair	Jan 9 2019 No Yes Yes Yes No Yes	Feb 13 2019 Yes No Yes Yes No No	Mar 13 2019 Yes Yes No Yes Yes Yes Yes	April 10	DANCE	



PLANNING COMMISSION MEETING December 17 & 19, 2018 Meeting Action Summary

December 17, 2018 – 6:30 p.m.

Commissioners present: Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey

Staff present: McCullough, Crick, Ewert, A. Miller

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of November 12 & 14, 2018.

Motioned by Commissioner Kelly, seconded by Commissioner Sinclair, to approve the November 12 & 14, 2018 Planning Commission action summary minutes.

Willey had a correction to the name of 'Thad Holcombe.'

Motion carried 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

COMMITTEE REPORTS

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

Commissioner Sands said the Metropolitan Planning Organization (MPO) released a list of future federally funded projects.

COMMUNICATIONS/EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Receive written communications from staff, Planning Commissioners, or other commissioners.
 Scott McCullough said at the January 9, 2019 7:30am Planning Commission Mid-Month meeting will have a topic that relates to the comprehensive plan natural resources chapter.
 He said Jasmin Moore, Sustainability Coordinator, would be presenting the STAR rating program. He said it was a way to benchmark the things the City might be doing well.
- Ex parte:
 - Commissioner Sands said he spoke with Thad Holcombe about the correspondence he submitted.
 - Commissioner Paden said she spoke with Kim Bellemere about the environmental chapter of the comprehensive plan.

Commissioners Butler and Sinclair both spoke with Danielle Davey, Lawrence Board of Realtors, regarding the boards opposition of the requirement for a community benefit for annexations from tier 2 to tier 3.

No abstentions.

GENERAL PUBLIC COMMENT

No general public comment.



ITEM NO. 1 COMPREHENSIVE PLAN 2040

Continue discussion regarding the Comprehensive Plan 2040 for unincorporated Douglas County and the city of Lawrence. Topic discussion will include an introduction and Growth & Development.

STAFF PRESENTATION

Jeff Crick presented the item.

PUBLIC HEARING

<u>Thad Holcombe</u>, Lawrence Ecology Teams United in Sustainability (LETUS), spoke about the consequences of climate change. He felt a climate adaption plan should be adopted. He said Lawrence needed to become a 100% renewable energy city.

<u>Danielle Davey</u>, Lawrence Board of Realtors, expressed concern about the following language in the comprehensive plan:

Chapter 2 (3.2) 'The City shall require property owners to annex to receive city water, sanitary sewer, and/or sanitation service.'

Chapter 2 (2.2) 'Tier 2 land shall only be annexed if the need to accommodate demand is established, and if a community benefit is provided. Consider community land use inventories, market sector health, and residential valuation to income ratio, among other factors, when assessing need for annexation.'

She said the policy was telling developers that if they want to build housing in tier 2 and want their units to have access to city services they must annex and provide a community benefit. She said the Board of Realtors concern was the additional requirement would encourage builders to pass the cost to market buyers with higher priced houses or deter development all together. She said the community had a noticeable gap of moderately priced homes between \$100,000-\$250,000. She said the median purchase price in Lawrence had almost doubled and that there were a significant percentage of rentals in Lawrence. She asked the mandate be removed or language changed to be an incentive instead of a requirement.

<u>Hugh Carter</u>, Lawrence Chamber of Commerce, agreed with Danielle Davey's comments. He felt there should be more public input. He said most of the public did not know about the comprehensive plan. He did not feel policies should be implemented that would hinder efforts to produce affordable housing.

<u>Nick Kuzmyak</u>, 417 Alabama, supported the comprehensive plan. He talked about infill in Minneapolis.

<u>Bobbie Flory</u>, Lawrence Home Builders Association, said the Chapter 2 language changed the role of the City to make market related decisions on private investment. She said the City's role should remain that infrastructure and services are in place or planned to serve existing and newly developing areas. She said the plan discouraged growth by requiring community benefits be provided as a condition of annexation. She said the policies should include incentives.

<u>Pennie von Achen</u> talked about the benefits of floodplains. She said the benefits were lost when they were allowed to be developed. She urged Planning Commission to prohibit development in the floodplain.

<u>Tom Birt</u>, 930 Missouri, said environmentally sensitive lands were only protected if they were designated so. He felt environmentally sensitive areas needed a broader definition. He read the letter he submitted that was included in the packet which discussed renewable energy.

<u>Michael Almon</u>, Sustainability Action Network, said the comprehensive plan did not mention climate disruption and it needed to be emphasized in every section. He showed a map of capability I and II soils in Douglas County. He said Lawrence was physically constrained from growth on three sides by prime soils, floodplain and floodways. He referenced the letter he wrote that was included in their packet regarding the 3-tier growth map being an inappropriate depiction of future urban growth.

<u>Matt Gough</u> provided a PowerPoint presentation. He said he would like to see the population increase and he did not believe the comprehensive plan would allow for growth. He said the plan imposes artificial barriers that reduce opportunities for growth. He said Plan 2040 treated the urban growth area completely different than Horizon 2020. He did not think infill should be prioritized to the detriment of annexation. He asked Planning Commission to consider eliminating restrictions on annexation.

Hank Guarisco, 929 Connecticut St, wondered about the application of the comprehensive plan.

Quint Cole wondered why regulations were loosened.

COMMISSION DISCUSSION

Commissioner Willey inquired about the introduction statement of the plan establishing policies. She asked if this was the highest level policy and other policies would follow.

McCullough said yes, the policies of the comprehensive plan would essentially be carried out through the sector/area plans and then development proposals for review. He said the comprehensive plan establishes policies but sets up Code and other policies in the future related to land development issues and codes. He said it was intended to advise sector plans, Development Code, plats, etc.

Commissioner Paden said Horizon 2020 looked at environments holistically. She felt on page 2 of Plan 2040, under the section of Purpose of the Plan, should have a more holistic approach instead of just talking about economic gain of natural resources.

Holcombe provided language for a community vision of "strive to give priority to the sustainability of the natural environment (earth or soil, air, water, flora, fauna) with a vibrant economy and equitable society."

Commissioner Kelly wondered how to word natural resources in a way that doesn't make it sound like a commodity to be traded.

Holcombe suggested the wording of environmental stewardship with the gifts of soil, air, water, flora, and fauna.

Commissioner Willey suggested the following language changes to page 2, Purpose of the Plan: 'It establishes policies that guide our future growth while carefully managing prioritizing our natural resources environment, improving public health and safety, and bolstering our economic vitality.'

Commissioner Weaver said on page 3, Our Community Vision, the first part of the sentence 'Our citizens value preserving and enhancing....' could be incorporated into the Purpose of the Plan to make the two paragraphs more consistent.

McCullough said it would be best if Planning Commission could land on specific language.

Commissioner Willey suggested using 'preserving and enhancing' on page 2, Purpose of the Plan: 'It establishes policies that guide our future growth while carefully managing preserving and enhancing our natural resources environment, improving public health and safety, and bolstering our economic vitality.'

Commissioner Kelly said they would need to revisit the forth bullet point on page 4, Live, after they discuss Chapter 2, Growth & Development.

Commissioner Weaver suggested on page 4, Work, second bullet point, that the word 'environmental' be included:

'A robust agricultural sector valued for its economic, environmental, health and cultural contribution, including the emerging local and regional food system.'

Commissioner Willey suggested removing the word 'natural' on page 5, Play, second bullet point: 'Conservation, protection, and promotion of our natural rural recreation and open spaces, as well as our growing agritourism opportunities.'

Commissioner Sands asked if State law mandated a comprehensive plan be adopted.

McCullough said a comprehensive plan was needed for Subdivision Regulations.

Carpenter said the 2006 Land Development Code filled in some of the gaps and made parts of Horizon 2020 redundant.

Commissioner Carttar asked for a brief explanation about the change in the format of the plan.

McCullough referenced the companion transition document.

Commissioner Kelly said the teeth was in the supporting documents, such as the Land Development Code.

Commissioner Sinclair suggested the following change on page 12, Chapter 2, Growth & Development, Vision:

'Our vision is to manage growth within the city by capitalizing on in-fill opportunities and directing growth to new areas where infrastructure is planned to be cost-effective and sustainable, while maintaining existing residents' quality of life. Our vision is to manage growth within rural Douglas County by encouraging agricultural uses and accommodating the demand for other compatible uses while protecting environmental resources natural environment.'

Commissioner Carpenter said this was a bigger conversation they would have to revisit.

McCullough said the language 'natural resources' instead of 'environment' was used for a specific reason. He said there had been interesting land use proposals in the last decade such as sand

dredging and quarry's that fall into a grey area in the comprehensive plan in terms of how to treat them. He said natural resources needed their own policies in the comprehensive plan. He said natural resources were vital to a region's economy and sustainability. He said it may conflict with environmental interests but they need to be balanced and work together. He said when it talks about managing natural resources it means managing economically viable natural resources that help build roads and buildings.

Commissioner Paden said that seemed all the more reason Chapter 6 was poorly titled. She said they do not only want to pay attention to natural resources.

Commissioner Willey said 'natural resources' gets to the economic aspect and 'natural environment' does not. She said they were separate and valid ways of discussing them.

Commissioner Willey suggested the following change on page 12, Chapter 2, Growth & Development, Goals:

1.2 'Seek conservation of identified natural resources sensitive lands that define Douglas County's rural character.'

Commissioner Weaver wondered about how to identify how those goals would be accomplished.

Commissioner Willey said Planning Commission should review the Appendix at their final meeting of the comprehensive plan.

Commissioner Carttar said goals 1 and 2 had no implementation associated with them in the Appendix.

Amy Miller said not every goal had a specific implementation step. She said there were a lot of code policies and other policies that happen in other documents that are represented by some of the goals. She said if that was the case and nothing new or remarkable needed to happen then it was not in implementation. She said there was a section in the beginning of implementation that explains it a little.

McCullough said it was not intended to be every action step.

Commissioner Carttar wondered about population calculation changes with tier boundary line adjustments.

Crick said the model could be reset to add or subtract a variable to it. He said if land was excluded it would start to try and grow in a different direction. He said if it was cut off on one part it was going to want to add it to another part in some way. He said it was a matter of how many variables were changed. He said the model excludes floodways.

Commissioner Willey said she liked the map of growth tiers 1, 2, 3 model because it gave organizations an idea of where to prioritize growth. She said Michael Almon has brought up multiple times the south of K-10/59 Hwy area. She wondered about excluding areas and recognizing them as areas that the community does not want to develop.

Almon said it had been asserted that the teeth of the comprehensive plan was in other documents, such as FEMA floodplain regulations, but that was not true. He said the Planning Director could issue a floodplain fill permit at will. He said the area was not protected by the subset of documents.

Commissioner Willey said there were no protections in Horizon 2020 about building in the floodplain.

Almon said Horizon 2020 stated additional commercial uses would not occur south of 59 highway.

McCullough said that change was made with the revised Southern Development Plan and Plan 2040 was being updated to reflect that. He said the growth tier map was not a zoning map or a sector plan map, it's a map that shows general opportunity for development.

Commissioner Kelly said growth tier 1, 2, and 3 map was a good guide and needed to stay flexible. He was worried they may be relying on a technological model. He said it should guide goals but not set policy.

McCullough said as development reaches the periphery of tier 2 there are ways to develop without extending services at a high cost to the community. He said the plan reflects an area within the urban growth area. He said the map reflects the inputs into tier 2.

Commissioner Carttar said the sidebar on page 12 was helpful in describing the assumptions made in defining the tiers. He said the map would change over time so maybe it should be date stamped.

Commissioner Willey said she loved the model but it wouldn't take the place of intuition. She inquired about a floodplain discussion regarding the southern area.

McCullough said that conversation could happen at the sector plan level.

Commissioner Sands said a community benefit, page 13, had a broad definition when it comes to providing service.

McCullough said the annexation should be good for the community as well for the developer. He said from one perspective it was okay to ask the private sector to help solve a community need and every property can do that in some way. He said some property may have an ability to provide some infrastructure enhancement. He said it was a quality of life for the community. He said there was a growing need to disperse affordable housing throughout the community.

Commissioner Willey said one of the reasons she liked the discussion about community benefit was there was no strong way to protect identified prairie parcels in tier 2 and 3 and this gives one avenue to do that.

Bobbie Flory talked about taxes for new subdivisions paid for homeowners in that subdivision.

McCullough said those same subdivisions paying taxes will need parks, government services, and other infrastructure down the road. He said all homeowners pay the same tax rate based on the value of the home.

Commissioner Weaver said he was comfortable with the concept of community benefit.

Commissioner Sands said community benefit was written in such a way to provide options but the options cut both ways. He said a governing body may not find it sufficient. He said the community does not have the housing inventory layers needed to provide affordable housing. He did not know that having a specific policy fixes it or encourages a fix. He felt there were too many interactions of variables.

McCullough said it was complex. He said even if lots were donated they would need someone to build the units. He said this allows the opportunity for the development community to participate in the solution upfront.

Commissioner Paden said tier 1 states to build up first and tier 2 talks about annexing. She felt it was a promising approach.

Commissioner Sands said it wasn't an either or situation. He said the community as a whole didn't view it as out or up.

McCullough said the plan proposes both up and out to accommodate the growth projection. He said it was designed growth outward after giving priority to infill.

Commissioner Carttar said this was a policy tool that had precedent and applied elsewhere with some success. He said it was an alternative to planning for the last 20-25 years with unfettered annexation. He said the infrastructure still had to built at the cost of the City. He said he supported the policy.

Commissioner Carpenter said the first filter was when the developer speaks with staff. He said the plan was focused more inside to stay within means. He said by focusing inward they could reduce environmental impacts.

Commissioner Willey said Planning Commission was agreeing on the language as proposed for the time being and could revisit the discussion later if needed.

Commissioner Willey asked for comment on page 13, Chapter 2, Proposed Annexations, (3).

Commissioner Kelly said the definition of rural development on page 13, Chapter 2 (3.4), seemed broad.

McCullough said new land divisions would agree not to protest future annexation.

Commissioner Kelly asked why the language on page 13, Chapter 2, Growth & Development, Proposed Annexations (3.4) did not say 'Require those who have requested a certificate of survey rural development not annexed in Tiers 2 and 3 to agree not to protest future annexation.'

McCullough said the language was meant to be general and capture any development in the growth area that was not seeking urban services. He said there may be other ways to do rural development, such as commercial development, versus a certificate of survey. He said there may be a better way to word it, such as 'Require land divisions rural development not annexed in Tiers 2 and 3 to agree not to protest future annexation.'

Commissioner Willey said she would be more comfortable with making the word 'development' plural 'developments.' She said not all land divisions would fall within a certificate of survey in tier 3. She did not see any danger with the current language.

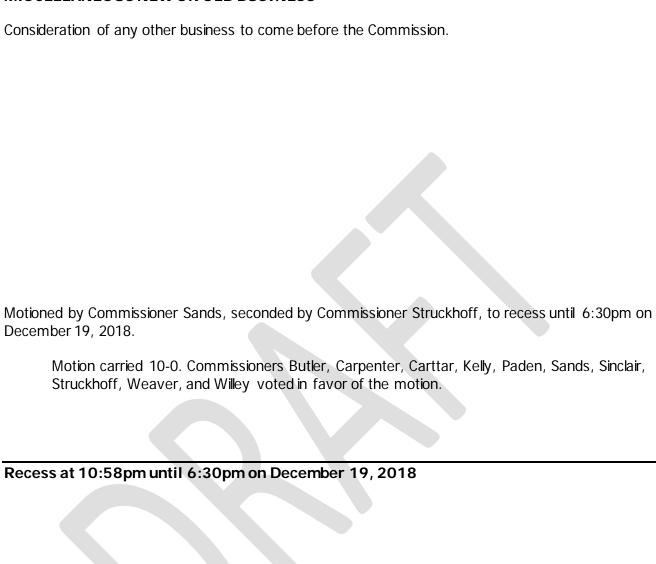
Motioned by Commissioner Willey, seconded by Commissioner Struckhoff, to end the meeting discussion at page 16 of *Plan 2040*.

Motion carried 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

Planning Commission agreed not to make any changes to the lower half of page 13.



MISCELLANEOUS NEW OR OLD BUSINESS



Reconvene December 19, 2018 – 6:30 p.m.

Commissioners present: Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver,

Willey

Staff present: McCullough, Crick, Day, Ewert, Kobe, M. Miller, Weik

DECIN DUDI ICLIEADING (DECEMBED 10, 2010).

BEGIN PUBLIC HEARING (DECEMBER 19, 2018):

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

Ex parte:

Commissioner Sands said he spoke Ted Boyle, North Lawrence Improvement Association, regarding the North Lawrence Riverfront project.

• Abstentions:

Commissioner Kelly said he would abstain from items 5, 6, and 7. He said one of the business owners for item 5 was someone he directly supervises. He said item 6 would go to County Commission and he would be a County Commissioner starting in January. He said item 7 would be owned by the County so he would abstain from it since he would be a County Commission starting in January.

GENERAL PUBLIC COMMENT

No general public comment.

ITEM NO. 2A REZONING 16.116 ACRES FROM OS, CS, IG TO CD-PD; 311, 317, 401, 409, 415, 501, 505 N 2ND ST (SLD)

Z-18-00505: Consider a request to rezone approximately 16.116 acres from OS (Open Space) District, CS (Strip Commercial) District, & IG (General Industrial) District to CD-PD (Downtown Commercial with Planned Development Overlay) District, and to affirm the findings for publication of PCR-1-1-12 and CPA-11-8-11 expanding the identified boundaries of Downtown Lawrence, located at 311, 317, 401, 409, 415, 501, & 505 N 2nd St. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

ITEM NO. 2B PRELIMINARY PLAT FOR NORTH LAWRENCE RIVERFRONT ADDITION; 311, 317, 401, 409, 415, 501, 505 N 2ND ST (SLD)

PP-18-00504: Consider a one-lot Preliminary Plat for North Lawrence Riverfront Addition, located at 311, 317, 401, 409, 415, 501, & 505 N 2nd St for mixed use development including residential and commercial uses. Variances related to block length and right-of-way dedication for N. 2nd Street as a principal arterial. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

ITEM NO. 2C PRELIMINARY DEVELOPMENT PLAN FOR NORTH LAWRENCE RIVERFRONT; 311, 317, 401, 409, 415, 501, 505 N 2ND ST (SLD)

PDP-18-00506: Consider a Preliminary Development Plan for North Lawrence Riverfront, located at 311, 317, 401, 409, 415, 501, & 505 N 2nd St. The project includes multiple phases and mixed residential and commercial development. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

STAFF PRESENTATION

Sandra Day presented items 2A-2C together.

APPLICANT PRESENTATION

Paul Werner, Paul Werner Architects, discussed the vision of the project and showed pictures on the overhead. He said he agreed with the staff report but wanted a few minor tweaks made to the conditions. He said he was motivated to get the parking correct. He stated there was plenty of land to deal with parking if it were to become a problem. He said he would like to tweak condition 1(d) in the Preliminary Development Plan staff report. He asked that the condition only apply to the four buildings within 250' of the train depot instead of the entire project. He discussed access points and parking.

PUBLIC HEARING

<u>Ted Boyle</u>, North Lawrence Improvement Association, spoke in favor of the project. He spoke about stormwater issues in North Lawrence. He felt the buildings on N. 2nd Street should look like the depot.

Ron Renz spoke in favor of the project. He felt the project would help the local economy.

<u>Michael Almon</u> expressed concern that the project was presented as an extension of downtown. He felt having downtown parking zoning without the benefits was a problem. He felt the minimum parking requirements needed to be lowered to increase multi-modal transportation. He said people needed incentives to walk and bicycle. He felt the Metropolitan Planning Organization staff should be present at the meeting. He expressed concern about a second entrance and felt circulation needed to be looked at further.

<u>Randy Warren</u>, 216 Lincoln, spoke in favor of the development. He said the site needed bicycle and pedestrian access. He suggested a bridge to create pedestrian/bicycle connection.

APPLICANT CLOSING COMMENT

Werner said Ted Boyle was correct, stormwater was a huge concern. He said he submitted a stormwater study to City Engineer Matt Bond. He said the boardwalk would not have cars and would be a great place for bicyclists and runners. He said he would like to work with the Kansas Department of Transportation (KDOT) in improving the bridge. He said more progress could be made once the plan was approved by the City.

COMMISSION DISCUSSION

Commissioner Butler asked the applicant about the minor tweaks to the staff report condition.

Werner suggested the following changes to the Preliminary Development Plan, PDP-18-00506, staff report condition 1(d):

Provision of a note on the face of the preliminary development plan that states, "Prior to the submission approval of a final development plan for any phase of the development the site project buildings within the environs of the Depot shall demonstrate compliance with applicable conditions for building height, massing, and scale as approved by the Historic Resources Commission."

Commissioner Butler inquired about parking spaces and asked if the only entrance was at the intersection.

Werner said the only full access entrance was at the light. He said there was a right-out heading south and an emergency access. He said the traffic study included buildings 1-7 and a 150 room hotel and the intersection worked. He also said an expensive soil study was conducted for the site. He said the Corps of Engineer wanted to know how viable the project was before reviewing it.

Sands inquired about the process of getting approval with the railroad for at-grade access.

Werner said the railroad's number one criteria for an at-grade crossing was that there were no other options.

Commissioner Sands asked if it would be an emergency access only.

Werner said he would like for it to be an option for emergency access, construction entrance, and ultimately a third access option to the site.

Commissioner Willey inquired about bicycle and pedestrian access.

Werner said there was an argument too much parking was being provided and not incentivizing people to use other transportation methods. He said it was a fair point to be more aware of bicycle paths. He said he could look at more ways for how bicycles could enter the site. He said a bicycle and pedestrian path across the river would be great.

McCullough said the area has been included in the Downtown Master Plan process. He said access from downtown to North Lawrence was a necessary discussion item. He said the process could identify issues and provide some solutions and options. He stated this was a large project and would take multiple steps of review to get where it needs to be.

Commissioner Kelly asked about the garage parking.

Werner said the garage parking would be for the residents.

Commissioner Kelly asked if there was enough residential parking for the residents.

Day said she would need the correct base number to know. She said by the time the Final Development Plan was submitted she would know.

McCullough said it would have CD zoning but would not enjoy the benefit of the public providing the parking. He said there was enough land area to supply adequate parking. He said parking was best addressed at the Final Development Plan stage when the uses would be known since there were a range of parking calculations to apply.

Sands asked staff to speak about the controls with the overlay district.

McCullough said this was an important location. He said the planned overlay was the first step and provided protection. He said anything that changes in the plan goes back through the full public hearing process.

Willey asked if the public improvement would include stormwater.

Day said all the studies were being submitted and looked at by staff. She said there would be information provided with the Preliminary Plat. She said the technical design of each plan would be submitted with the final plat.

Sands asked about why the comprehensive plan amendment needed to be reaffirmed.

McCullough said procedurally it made sense since it had been seven years but that a full presentation was not necessary. He said the comprehensive plan amendment expanded the downtown area of the comprehensive plan.

Sinclair asked if Planning Commission had what they needed to be able to reaffirm what was previously approved was true today.

Complete audio & video from this meeting can be found online: https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/

McCullough said with the original application the applicant was required to submit the comprehensive plan amendment to take advantage of the CD district. He said Planning Commission and City Commission supported it but it was not made effective. He said the Downtown Master Plan shows it as part of downtown based on that approval. He said it was project specific and it lays the foundation for the zoning today.

Kelly said it seemed they needed to either look at the comprehensive plan amendment all over again and vote on it or say the comprehensive plan amendment now applies to the project. He said he was conflicted on the idea that it sort of applied and Planning Commission should confirm it so the entire conversation doesn't have to happen again.

McCullough said in seven years nothing had changed what Planning Commission voted on. He said a retail market study would be published soon.

Commissioner Willey asked if the decision from 2011 would stand.

McCullough said it was not published into the comprehensive plan because it had a pending rezoning related to a specific project.

Commissioner Kelly asked how confident staff was that the comprehensive plan amendment addressed the new version of the project.

McCullough said staff was confident it supported the project.

Sands said he read the previous minutes and Downtown Lawrence Inc., the Chamber of Commerce, and several others had comments. He said all the folks who had comments then were not here now to provide comment. He said the comprehensive plan amendment passed by City Commission in 2012 did not effect vacancy rate. He wondered once the project was built out if there would be an effect.

McCullough said the item was published as an agenda item. He said the staff report from 2011 showed the language that was approved by the governing body to support this project at that time.

Kelly said it didn't speak to the zoning of the area, just included it as part of the downtown. He said in that way he was comfortable.

McCullough said it basically described the area and said it should be considered as an extension of downtown but didn't get into the details that were before Planning Commission tonight.

Commissioner Kelly struggled with the idea of reaffirming something that was already done but not published because the project wasn't there.

McCullough said page 80 of the packet was the meat of the criteria that was approved which is being reflected in the plan.

Commissioner Willey wished the comprehensive plan amendment had been a separate item with its own discussion but she did not have a problem with reaffirming the work that previously had a full public process.

Commissioner Sands said Planning Commission could vote for the comprehensive plan amendment as a separate item. He said he was comfortable reaffirming the comprehensive plan amendment.

Commissioner Carpenter asked the applicant what he needed to proceed with the railroad about the third access point.

Werner said a preliminary plan approved by Planning Commission and City Commission.

Commissioner Willey said she liked the topic of the shared parking.

Commissioner Sands read Planning Commission minutes from 2012. He said there were many published articles about removing parking minimums.

McCullough said staff would be bringing a comprehensive rewrite of parking code in a few months to Planning Commission.

Commissioner Carttar inquired about the timing of the Downtown Area Plan and the anticipated timeline of this project. He expressed concern about the externalities around the circulation of cars, cyclists, and pedestrians.

McCullough said the Downtown Master Plan should be complete by the end of 2019. He said this project would be a multi-year project. He said anything in the Downton Master Plan that is a capital item would need to be in a Capital Improvement schedule. He said he hoped the applicant and the City could talk about improvements and enhancements to the area. He said there was more work to be done.

Commissioner Carttar expressed concern about the final plan and the circulation of pedestrians, bicyclists, and automobiles. He felt limited access points needed to be clearly signed so that private automobiles and rideshares have clear ideas of where they can go in and out.

McCullough said the final development plan would be administratively approved and Planning Commission would not see it.

Commissioner Sands expressed concern about a bus drop-off for public transit and how it would work with the site.

McCullough said some of the questions had not been answered yet because there was work to be done with the transit system. He said it would be part of the overall process.

Commissioner Willey felt this would be a great addition to downtown and she would like to see it move forward.

ACTION TAKEN ON ITEM 2A

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to approve the request to rezone approximately 16.116 acres, from IG (General Industrial), CS (Commercial Strip) and OS (Open Space) Districts to CD-PD (Downtown Commercial - Planned Development Overlay) District and to affirm the findings for publication of PCR-1-1-12 and CPA-11-8-11 expanding the identified boundaries of Downtown Lawrence, located at 311, 317, 401, 409, 415, 501, & 505 N 2nd St., based

on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Kelly said he would reaffirm the comprehensive plan amendment with hesitation. He said he would have liked to have considered the comprehensive plan separately first.

Commissioner Sinclair said for the same reason he would oppose the reaffirmation of the comprehensive plan amendment.

Commissioner Carpenter shared reservation.

Commissioner Struckhoff said he would support reaffirming the comprehensive plan amendment with reservation. He said the site needed a bus stop that would not impede traffic.

Motion carried 9-1, with Commissioner Sinclair voting in opposition. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

ACTION TAKEN ON ITEM 2B

Item deferred.

ACTION TAKEN ON ITEM 2C

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve Preliminary Development Plan, PDP-18-00506, North Lawrence Riverfront, based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the following conditions, with an amendment to condition 1(d):

- 1. The applicant shall provide a revised preliminary development plan drawing with the following notes and changes:
 - a. Provision of a note on the face of the preliminary development plan that states, "Offstreet parking shall be required and approved for all uses per the approved preliminary and final development plans for this development."
 - b. Provision of a note on the face of the preliminary development plan that states, "Prior to the development of buildings, IX, X, or XI the developer shall submit a revised preliminary development plan for review and approval per Section 20-1304 of the Land Development Code."
 - c. Provision of a note on the face of the preliminary development plan that states, "Provision of a local floodplain permit is required for review and approval for phases that impact levee and regulatory floodplain and shall be submitted concurrently with an application for a final development plan."
 - d. Provision of a note on the face of the preliminary development plan that states, "Prior to the submission approval of a final development plan for any phase of the development the site project shall demonstrate compliance with applicable conditions for building height, massing, and scale as approved by the Historic Resources Commission."
 - e. Provision of a revised plan showing building footprints comply with the maximum 25,000 square feet standards per Section 20-210.

Approved 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor of the motion.



ITEM NO. 3 REZONING .18 ACRES FROM PCD TO CS; 3235 OUSDAHL (MKM)

Z-18-00508: Consider a request to rezone approximately 0.18 acres from PCD (Planned Commercial Development) District to CS (Strip Commercial) District, located at 3235 Ousdahl. Submitted by Paul Werner Architects, for Fraternal Investors LLC, property owner of record.

STAFF PRESENTATION

Mary Miller presented the item.

APPLICANT PRESENTATION

Joy Rhea, Paul Werner Architects, agreed with the staff report and was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Sands asked if there were any conditions that Planning Commission needed to revisit.

Miller said no.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Carttar, to approve the rezoning request for approximately 0.18 acres from PCD-[Pine Ridge Plaza] (Planned Commercial Development) 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.

Unanimously approved 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

ITEM NO. 6 CONDITIONAL USE PERMIT; NW OF N 1200 RD & E 1150 RD (KEW)

CUP-18-00501: Consider a Conditional Use Permit for a rugby/soccer complex, located northwest of the intersection of N 1200 Rd & E 1150 Rd. Submitted by Paul Werner Architects, for Westwick LC, property owner of record.

STAFF PRESENTATION

Katherine Weik presented the item.

APPLICANT PRESENTATION

Rick Renfro was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Sands asked if there were any issues with adding a second access.

Weik said the County Engineer did not see an issue with adding a second access.

Commissioner Carttar inquired about the timeline for installing the septic system. He wondered if there was a penalty for failing to install it.

Weik said the staff condition indicated a timeline to get the septic system installed. She said the Conditional Use Permit would cease to exist if not installed.

Commissioner Willey asked the applicant about the timing of the septic system even if Phase III was not ready yet.

Renfro said there were a few options. He said they could build the restroom now and then possibly build a second one after the completion of the phases.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve the Conditional Use Permit, CUP-18-00501, for a Rugby/Soccer Complex, located northwest of the intersection of N 1200 Rd & E 1150 Rd, with the following conditions:

- Local and State floodplain permits will be required for all phases of development.
- The east entrance for the proposed Phase III parking lot will need to be upgraded to County Standards. A Douglas County entrance permit will be required for work in the Route 458 right-of-way.
- Existing conditions and restrictions for the previous CUP will remain or be revised by the County Commission if alternatives are proposed.
 - 1. Septic System was to be installed one year after construction of the playing fields.
 - a. Original deadline was July 1, 1996.
 - b. County Commission approved (in October of 1996) the extension of this deadline to the summer of 1998.

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- c. A septic system has not yet been installed according to the Lawrence Douglas County Health Department.
- d. A septic system is proposed to be installed with Phase III of the improvements.
- e. Staff recommends a deadline of 1 year from the date of resolution publication for the installation of an approved septic system with the approval of this Conditional Use Permit.
- 2. Field use only between the hours of 8 AM and 9 PM.
- 3. Ancillary activities proposed only between the hours of 8 AM and 10 PM.
- 4. The use of the fields is restricted to rugby, soccer, football, lacrosse, softball, baseball and team sports involving the use of a Frisbee. Any other activity must be approved as a Temporary Business Permit granted by the Board of County Commissioners.
- 5. On-site structures can only be used for ancillary uses associated with the allowed restricted activities and only during the approved hours for ancillary use.
- 6. Consumption of alcohol and cereal malt beverages is limited to the confines of a club house or within a 25 foot X 25 foot designated an area adjacent to the club house building. The area shall be delineated with a wooden fence.
- 7. The goal post for each playing field shall be no closer than 175 feet to any adjoining property line.
- 8. The applicant shall provide locking gates with a sign stating the restrictions of the facility and who to contact regarding questions about the use of the facility.
- 9. No sales or vending is allowed on the premises.
- 10. No public address system or loud speakers are permitted.
- 11. Lighting is to be shielded from view off the property.

Motion carried 9-0-1, with Commissioner Kelly abstaining. Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

ITEM NO. 7 SPECIAL USE PERMIT; 1000 W 2ND ST (SLD)

SUP-18-00518: Consider a Special Use Permit/Institutional Development Plan for the development of residential housing to include a 12 bedroom *Group Home* and 10 one-bedroom apartments, located at 1000 W. 2nd Street. Submitted by TreanorHL, for Douglas County, property owner of record.

STAFF PRESENTATION

Sandra Day presented the item.

APPLICANT PRESENTATION

Brian Kemp, TreanorHL, agreed with the staff report and was present for questions.

PUBLIC HEARING

<u>Bart Littlejohn</u>, Pinckney Neighborhood Association, said the neighborhood association met with the applicant in February. He said the project helped fill a vital need for the community. He said some of the neighbors were apprehensive of the speed of the project. He asked that the neighborhood association be included in continued discussions.

<u>Joe Andrew</u> expressed concern about pedestrian traffic through the neighborhood.

<u>Shannon Oury</u>, Lawrence-Douglas County Housing Authority, said she would be meeting with the neighborhood association again in January. She said she wanted neighbors to be involved to help address concerns.

COMMISSION DISCUSSION

Commissioner Willey asked the applicant to provide details of services.

Matthew Faulk, Bert Nash, said staff would be onsite 24 hours a day. He said residents would be required to be actively engaged in services, based on their needs. He said it would operate like a home so residents would make and eat meals there. He said predominately during the day the residents would be working with their mental health providers. He said staff would provide transportation. He said the goal was to make it more of a residential setting and less of a clinical facility. He said there would be a curfew and behavioral rules, based on the client's needs. He said there were consequences for residents who did not follow the guidelines.

Oury said the Housing Authority would be operating a permanent supportive housing. She said it would be independent living and would not have a curfew. She said individuals in this level of housing have demonstrated they are capable of having less restrictions.

Commissioner Carttar wondered where the individuals that would be receiving care at this site living now.

Faulk said some are living independently in apartments around town. He said some may be living at home with their families. He said the type of consumer using the housing could be anybody at any time in their life. He said it was not a set group of people needing the support.

Sands inquired about the future expansion.

Jill Jolicoeur, Douglas County Behavioral Health, said the future expansion would be part of the crisis center. She said the transitional housing provided the flexibility to individuals for six days or six months.

Commissioner Sands inquired about the open space area to the east of the Tier III apartments. He asked if that would expand.

Oury said that land had a hill and was in the floodplain.

McCullough said the current plans did not include that.

Jolicoeur said there were no plans to expand the housing in the neighborhood. She said the best plan was to distribute housing throughout the community.

Sands asked what could be done with the vacant floodplain area.

Day said floodplain could be developed with certain limitations and restrictions. She said part of the project included public improvement plans so the applicant was looking at using some of that area for possible detention, stormwater mitigation, or rain gardens. She said if the applicant wanted to expand housing they would revisit the institutional development plan aspect of the project.

Butler said she was in favor of the Special Use Permit and the use was needed in the community. She said having mental staff onsite was a huge benefit.

Commissioner Willey inquired about people accessing the site.

Faulk said it was rare for clients to have a vehicle. He said the vehicles coming and going would predominately be staff. He said staff would provide transportation for the clients the go to the store and appointments. He said part of the site plan included a sidewalk on that side of the street. He said part of the wellness plan clients would be encouraged to get out and engage in physical activity.

Commissioner Carpenter said he was in favor of the Special Use Permit.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Sinclair, to approve the Special Use Permit located at 1000 W. 2nd Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following condition:

1. Prior to recording of the Institutional Development Plan with the Register of Deeds Office the applicant shall provide a photometric plan to the Planning staff for review and approval per Section 20-1103 of the Land Development Code

Commissioner Willey said she was in favor of the waivers from setbacks and bufferyards.

Motion carried 9-0-1, with Commissioner Kelly abstaining. Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

ITEM NO. 4 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; CONDITIONAL ZONING (SLD)

TA-18-00430: Consider a Text Amendment to the City of Lawrence Land Development Code, to define and clarify the use of conditional zoning. *Initiated by Planning Commission on 8/22/18*.

STAFF PRESENTATION

Sandra Day presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Carpenter said the text amendment addressed all of the issues he had raised over the years. He was happy a definition was included and a set of procedures. He suggested adding language to the definition of conditional zoning.

ACTION TAKEN

Motioned by Commissioner Carpenter, seconded by Commissioner Willey, to approve Text Amendment, TA-18-00430, amending Article 13 of the Lawrence Land Development Code and forwarding to the City Commission with a recommendation of approval, with the addition of language to the definition of conditional zoning:

Conditional Zoning: The attachment of special conditions or restrictions to a rezoning when all other reasonable options have been exhausted. Conditions can include, but are not limited to restrictions as to use, size, design, density or intensity of development and/or development timing as a means to mitigate potential adverse impacts that could be expected to occur without imposing such conditions.

Commissioner Willey said conditional zoning was an important tool and the text amendment provided context for when it was appropriate and when they need to look for other solutions.

Approved 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

ITEM NO. 5 REZONING 2.7 ACRES FROM IBP TO IL; 1900 WAKARUSA DR (KEW)

Z-18-00495: Consider rezoning approximately 2.7 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1900 Wakarusa Dr. Submitted by Home Sweet Home on behalf of Larry McElwain, property owner of record.

STAFF PRESENTATION

Katherine Weik presented the item.

APPLICANT PRESENTATION

Anthony Barnett, Home Sweet Home, provided a presentation on the overhead. He said he was expanding his business with a 'pet campus' to meet the community need. He said the pet campus would include the pairing of for-profit and non-profit entities of Home Sweet Home, Pawsh Wash, Lawrence Humane Society, and Symbiotic Behavioral Treatment Center.

Amber Nickle, Pawsh Wash, said that she was looking to expand her business and services.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Sands asked if staff did an analysis on whether this conditional zoning would fit the new standards.

Weik said no.

Commissioner Sands felt Planning Commission should take the language from the conditional zoning text amendment into consideration.

Commissioner Willey said she liked seeing local businesses grow.

Commissioner Carttar inquired about the specific uses that required a zoning change. He said there was an existing veterinary office near the proposed site.

Weik said the veterinary office he was referring to had an accessory kennel use as part of the veterinary clinic and was permitted in the IBP zoning district. She said the kennel use on its own was not permitted in the IBP zoning district. She said sales and grooming fell under the Animal Services category as well.

Commissioner Carttar inquired about the zoning of the existing Home Sweet Home location.

Weik said she believed it was IL zoning.

Commissioner Sands said going from IBP to IL was not a lesser change. He said because it was not a lesser change it fulfilled the conditions that must be met with conditional zoning. He felt the project, under new conditional zoning standards, would apply.

Commissioner Carpenter said the application was submitted under the old standards, prior to the conditional zoning text amendment that Planning Commission just recommended approval of. He said he would vote in favor of it.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Carttar, to approve the request to rezone approximately 2.7 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, with use restrictions, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report, subject to the following condition: Permitted uses are limited to those listed below:

- a. College/University
- b. Day Care Center
- c. Event Center, Small
- d. Event Center, Large
- e. Postal & Parcel Service
- f. Public Safety
- g. Active Funeral and Interment
- h. Temporary Shelter (Special Use only)
- i. Social Service Agency
- j. Community Meal Program (Special Use only)
- k. Utilities, Minor (Special Use only)
- I. Utilities and Service, major (Special Use only)
- m. Health Care Office, Health Care Clinic
- n. Active Recreation
- o. Participant Sports & Recreation, Indoor
- p. Participant Sports & Recreation, Outdoor
- q. Passive Recreation
- r. Nature Preserve/Undeveloped
- s. Veterinary
- t. Kennel
- u. Sales & Grooming
- v. Accessory Bar (Accessory Use only)
- w. Restaurant, Quality
- x. Administrative and Professional (Office)
- y. Financial, Insurance & Real Estate (Office)
- z. Payday Advance, Car Title Loan Business
- aa. Office, Other
- bb. Parking Facility, Commercial
- cc. Business Equipment
- dd. Business Support
- ee. Maker Space, Limited
- ff. Maker Space, Intensive
- gg. Manufacturing & Production, Ltd.
- hh. Manufacturing & Production, Tech.
- ii. Research Service
- jj.Exterior Storage (Accessory Use only)
- kk. Wholesale Storage & Distribution, Light
- II. Mini-warehouse
- mm. Agriculture, Crop
- nn. Agricultural, small animal (Accessory Use Only)
- oo. Farmer's Market
- pp. On-site agricultural sales (Accessory Use only)
- qq. Amateur & Receive-Only Antennas (Accessory Use Only)

- rr. Broadcasting Tower
- ss. Communications Service Establishment
- tt. Wireless Facility Antenna (Accessory Use only)
- uu. Wireless Support Structure (Special Use only)
- vv. Satellite dish (Accessory Use only)
- ww.Recycling Facilities, Small Collection

Motion carried 9-0-1, with Commissioner Kelly abstaining. Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.



ITEM NO. 8 SPECIAL USE PERMIT; 1040 MASSACHUSETTS ST, 1041 NEW HAMPSHIRE ST & 1000 NEW HAMPSHIRE BLOCK 1 (BJP)

SUP-18-00502: Consider a Special Use Permit for ground floor dwelling units, The Hub at Lawrence, located at 1040 Massachusetts St, 1041 New Hampshire St, and 1000 New Hampshire Block 1. Submitted by Core Lawrence Massachusetts LLC on behalf of Allen Press Inc and Allen Realty Inc, property owners of record.

Item No. 8 was deferred prior to the meeting.



PC Minutes 12/19/18

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

McCullough said staff would speak with the Planning Commission Chair and Vice-Chair about the comprehensive plan review schedule.

Commissioner Willey said perhaps Planning Commission could look at options during the next Mid-Month meeting.



From: Davis Candice < cdavis.chc@gmail.com>
Sent: Tuesday, March 12, 2019 1:32 PM

To: carpenter jim <jcarpenterlaw@gmail.com>; struckhoff eric <eric.c.struckhoff@gmail.com>; Jeff Crick

<<u>ircick@lawrenceks.org</u>>; sands rob <<u>Robert.c.sands@gmail.com</u>>; butler julia <<u>julia.v.butler@gmail.com</u>>; willey karen <<u>karenwilley1@gmail.com</u>>; paden erin <<u>earthpaden@gmail.com</u>>; weaver jim <<u>jimweaver217@gmail.com</u>>; sinclair luke

<sincluke@gmail.com>; carttar david <david.carttar@gmail.com>

Cc: Scott McCullough < smccullough@lawrenceks.org >

Subject: Air B/B

Dear Planning Commissioners, I am enclosing a letter that I sent to the City Commission today. I realize you made a decision to approve this Air B/B prior to it going to the CC but would like to share my point of view with you as someone who is exposed to "creative" forms of rentals in my own neighborhood. I have been witness to speculators year after year who try to take advantage of city codes. Perhaps this will give you some insight as you may visit this topic again in the future. I appreciate the CC turning down this request.

Thank you for your dedication and hard work, Candice Davis - Oread Neighborhood resident

Dear City Commissioners,

3-12-19

Thank you for denying the recent Air B/B permit on Holiday Drive. While I believe that Air B/B's have their place in the rental market, allowing one that is over sized for the neighborhood would have been regretful and would have signaled permission for other such oversized units. A house with 5 bedrooms is not in keeping with the affordable housing in an area that typically has 2-3 BRs nor does it respect the city code that only allows a rental density of 3 unrelated individuals in a single-family zoned area. Rental neighborhoods that allow for no more than 4 unrelated individuals should also be respected by city codes and Air B/Bs guidelines. Any attempt to get around allowable rental density requirements should be suspicious. The idea that an owner outside of the neighborhood or county would be a vigilant landlord is unrealistic.

Unfortunately there are often people who are willing to push code/regulation limits for their own financial interests. It would be helpful if all Air B/B's were owned and operated by those living on the property or those living in the neighborhood. Out-of-town owners should be off limits.

The city deserves much respect and appreciation for having had the foresight to develop Air B/B code requirements. The respect the City Commission showed to the Holiday Drive neighbors was also noteworthy.

Thank you for your work on behalf of our city,

Candice Davis, Oread Neighbor, home owner, and landlord.

Planning Commission Key Links



Plans & Documents

- o Horizon 2020
- o <u>Sector/Area Plans</u>
- o Transportation 2040
- o Retail Market Study & Multi-Dwelling Inventory Report

Development Regulations

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

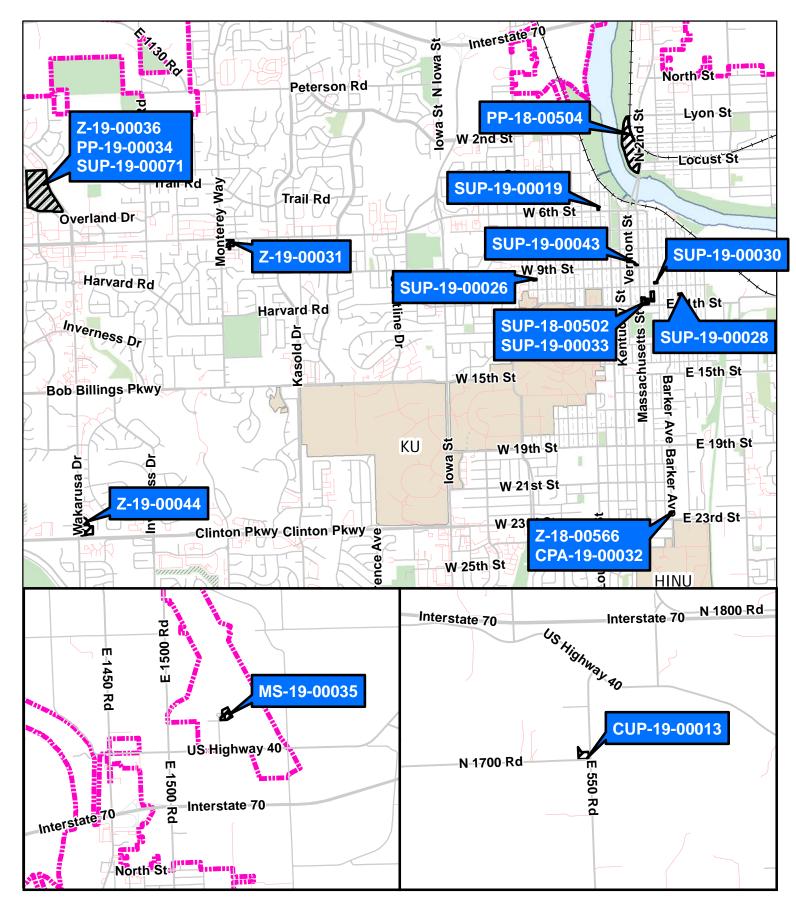
Online Mapping

- o <u>City of Lawrence Interactive GIS Map</u>
- o <u>Douglas County Property Viewer</u>
- o Submittals to the Planning Office
- o Short-Term Rental License Map

Planning Commission

- o <u>Bylaws</u>
- o <u>Mid-Months & Special Meetings</u>
- o <u>Minutes</u>
- o <u>Planning Commission Schedule/Deadlines</u>

Page 1 of 1 Planning Commission: Key Links Revised: March 13, 2019



Lawrence-Douglas County Planning Commission March 2019 Public Hearing Agenda Items



Memorandum City of Lawrence/Douglas County Planning and Development Services

TO: Lawrence – Douglas County Planning Commission

FROM: Jeff Crick, Planning Manager

CC: Scott McCullough, Director, Planning and Development Services

Amy Miller, Assistant Director, Planning and Development Services

Date: March 25th, 2019

RE: Plan 2040: Growth & Development Chapter – Community Benefit

At the December 2018 Planning Commission meeting, a request was made to note other municipalities that have some form of community benefit connections as part of their growth and development processes. While these connections to each community's processes and requirements can take many forms, and may include a variety of parties, the overall concept would not be unique to our community if it is adopted as recommended in *Plan 2040*.

<u>Horizon 2020</u> was adopted with a Growth Management chapter (Ch. 4) establishing the urban growth area. As both Douglas County and Lawrence have grown since 1998, the community's expectations regarding infrastructure, environmental considerations, and agriculture have also evolved. <u>Plan 2040</u> was drafted to accommodate Lawrence's continued growth, while balancing the community's vision and expectations towards the rural and agricultural character of Douglas County.

One form of agreement that is employed by many municipal governments nationwide is an annexation or pre-annexation agreement. A pre-annexation agreement is a contract between a municipality and a property owner requesting annexation to establish the relationship and expectations of both parties, and to provide for the future development before a property is annexed into a municipality. In most states, this type of agreement is not required, but the parties seek to work out a formal agreement to manage such expectations. Annexation agreements provide a means to permit an orderly and deliberate completion of a community's long-range planning. Many communities have found that this allows for more logical development of property and the community, without burdening citizens with undue costs or inadequate infrastructure.

Community benefit agreements (CBA) were developed in the early 2000s as a means to address disparities and issues that were being created by developments throughout the United States. A CBA is an agreement that can be signed by various parties, including governing bodies, that requires a development to provide specific amenities for certain

requests. They can take numerous forms and have a variety of parties included into the agreement. They can play an important role in directing services and investment to ensure that development provides benefits to the whole community.

In many instances, a CBA can provide advantages to both parties. They can create an opportunity for an open dialogue so all parties are aware of the limitations and the intents of all parties. Creating this up-front communication allows all parties to better understand the project. Essentially, this type of an agreement is a way to recognize that continued growth and development is important for the community's continued prosperity, while ensuring that the agreement is beneficial to all parties and the community as a whole.

Communities of all sizes have utilized community benefit agreements. Some communities that have negotiated, utilized, or studied them in some manner include:

- Atlanta, GA (Atlanta Beltline)
- Boulder, CO
- Buffalo, NY (Buffalo Niagara Medical Campus)
- Camden, NJ (Cramer Hill Redevelopment)
- · Chicago, IL (Obama Presidential Library)
- Denver, CO (Gates Cherokee)
- Los Angeles, CA (LAX, Staples, Hollywood & Vine, Hollywood & Highland, Marlton Square, NoHo Commons, SunQuest Industrial Park, LAX Airport Expansion)
- Miami, FL (Worldcenter)
- Milwaukee, WI (Park East Corridor)
- · Minneapolis, MN (Longfellow, Minneapolis Digital Inclusion, WiFi Plan)
- Nashville, TN (MLS Stadium)
- New Haven, CT (Yale Cancer Center)
- New Orleans, LA (Lincoln Beach)
- New Rochelle, NY
- New York City, NY (Atlantic Yards, Columbia University expansion, Gateway Center at Bronx Terminal, Yankee Stadium)
- Oakland, CA (Oakland Army Base, Oak to 9th)
- · Pittsburgh, PA (Hill District, Penguins Arena-One Hill)
- San Diego, CA (Ballpark Village)
- San Francisco, CA (Hunter's Point)
- San Jose, CA (CIM Project)
- Seattle, WA (Dearborn Project)
- Southampton, NY

- · <u>Syracuse, NY</u> (School Reconstruction Job Shadowing)
- · Washington, D.C. (Shaw District)
- · Wilmington, DE (Peninsula Compost Co.)

Memorandum City of Lawrence-Douglas County Planning & Development Services

TO: Lawrence-Douglas County Metropolitan Planning Commission

FROM: Planning Staff

DATE: March 26th, 2019

RE: Draft Comprehensive Plan 2040

At their November 12, 2018 and December 17, 2018 meetings the Lawrence-Douglas County Metropolitan Planning Commission took public comment and discussed the draft of <u>Plan 2040</u>, A Comprehensive Plan for Unincorporated Douglas County & The City of Lawrence. The Planning Commission decided to dedicate time monthly to review and discuss each chapter in the plan. Topic discussion to date has included Chapter 1: Introduction, and a portion of Chapter 2: Growth & Development, and Chapter 6: Natural Resources.

Planning Commission will continue public comment and discussion during their monthly meetings, tentatively scheduled as follows:

Monday, April 22, 2019 Continue Chapter 2: Growth & Development, and

Chapter 3: Lawrence Neighborhoods & Housing

Wednesday, April 24, 2019 Chapter 4: Transportation, and

Chapter 5: Economic Development

Monday, May 20, 2019 Chapter 7: Community Resources

Chapter 8: Appendix

Wednesday May 22, 2019 Final work & consideration

Action on the *Plan 2040* will not occur until after the commission completes their review as outlined above.

Memorandum City of Lawrence Planning and Development Services

TO: Lawrence – Douglas County Planning Commission

FROM: Planning Staff

DATE: For the February 25th, 2019 Planning Commission meeting

RE: Connection Mapping of *Horizon 2020,* Ch. 16: Environment to *Plan 2040*

During the Planning Commission's *Plan 2040* discussion, this connection mapping memo was completed to review the transition of the existing policies in Chapter 16 of <u>Horizon 2020</u> to the current draft of *Plan 2040*. This memo links the goals and action items of *Plan 2040* to the goals and policies in Chapter 16 of *Horizon 2020*, which is the most equal comparison possible between the two documents.

One of the eight priority items the Steering Committee identified was enhancing the readability of the plan. Creating a comprehensive plan that is accessible, concise, and clearly written is a goal of both the community and of the Steering Committee. (<u>Issue Action Report</u>, p.8) To help set the formatting, syntax, and design of *Plan 2040*, the Steering Committee reviewed the redesign at their <u>June 13th</u>, <u>2016 Steering Committee meeting</u>.

The overall intent of *Plan 2040* is to strongly integrate the Community Vision and its principles throughout the plan as a whole, which include: "preserving and enhancing the natural environment for our enjoyment and for future generations." (draft *Plan 2040*, p.3) Certain values and concepts were singularly contained in Chapter 16 of *Horizon 2020*. Within *Plan 2040*, staff intentionally diffused those concepts and values throughout the document, while also reframing policy statements to read less like code in order to allow for more ways to implement a goal of policy.

Any given goal or policy from *Horizon 2020* may not appear verbatim in *Plan 2040*; however, the spirit and intent of that goal may take many forms to become a common concept throughout the plan. Similarly, other goals and policies were revised to: address readability, improve practicality and appropriateness, and strengthen their connection to the community's vision and values.

A deliberate decision was made to omit the strategies level elements of *Horizon 2020* for this connection mapping analysis. There were several reasons for this:

- · Many of these items read as a hybrid of land use plan language and code language
- Plan 2040 is intended to be a collection of higher policy level statements
- Whereas, Horizon 2020 utilized action/implementation language throughout the document; Plan 2040 is conceived as a way to prioritize goals and objectives while leaving methods and tools to more appropriate documents and best management practices

Elements from *Plan 2040* that correspond with elements from *Horizon 2020* are identified in one of four ways:

Direct	Near verbatim carry overs from <i>Horizon 2020</i> or are conceptually identical.
Indirect	A citation in <i>Plan 2040</i> that encompasses the spirit and intent of the item
mairect	listed in <i>Horizon 2020</i> .
	The Chapter 16 Goal or Policy was consciously omitted because it was
Outside of scope	
	type/level, or to be out of alignment with the goals of <i>Plan 2040</i> .
Not addressed	The goal or policy was omitted unintentionally.

There are notes attached to some of the goals and policies that expand on broad definitions.

Diagram detailing the naming conventions for citations from Plan 2040:

2.A.1.3

When reading this document, note that each goal or policy indicated in bold is taken directly from Chapter 16 of *Horizon 2020*. The table below each is divided into Direct and Indirect connections with goal and action item statements from *Plan 2040*. The reference style of the noted connections follows the format described immediately preceding this paragraph. The connections within each are grouped by chapter into rows. Goals or policies that have no direct or indirect connections are indicated with either 'Outside of scope' or 'Not addressed.'

Connection Type	Ch. 2	Ch. 3	Ch. 4	Ch. 5	Ch. 6	Ch. 7	Count
Direct	74	6	3	0	37	3	123
Indirect	376	53	6	7	18	190	650
Outside of scope							4
Not addressed							0
Total	450	59	9	7	55	193	773

WATER RESOURCES AND MANAGEMENT

Water Quality | Flooding | Recreation

Goal 1: Properly manage all water resources, including Drainage Areas, Surface Watercourses, Wetlands, Sub-surface Waterways, Floodplain areas, and Stormwater runoff, in order to protect natural habitats, mitigate hazards, and ensure water quality.

Direct	2.B.2.2, 2.B.5.2, 2.C.3.9, 2.D.1.6, 2.D.4.2
	6.1
Indirect	2.A.1, 2.A.1.2, 2.A.2, 2.B.2.4, 2.B.3, 2.B.4, 2.B.5.3, 2.B.6, 2.B.6.1, 2.B.6.2, 2.B.8.5, 2.C.1,
	2.C.3.2, 2.C.3.3, 2.C.3.7, 2.D.1.1, 2.D.1.4, 2.D.1.7, 2.D.2, 2.D.2.1, 2.D.2.2, 2.D.3.4,
	3.5.1
	Chapter 4: Transportation
	5.3.6
	7.A.2.1, 7.B.2, 7.B.2.1, 7.B.2.2, 7.B.3, 7.B.3.1, 7.B.3.3, 7.B.3.5, 7.B.3.6, 7.B.4, 7.B.4.1,
	7.B.4.3, 7.B.4.4, 7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3
Notes	Transportation 2040 is incorporated by reference into Plan 2040.

Policy 1.1: Planning at the watershed level should be implemented to mitigate development impacts on a large scale. This could include development of a county wide drainage area plan that would identify the drainage areas and set out goals and policies specific to each area.

Outside of scope
Outside of scope

Policy 1.2: Preserve and protect natural surface watercourses.

Direct	2.B.2.2, 2.B.5.2, 2.C.3.9, 2.D.1.6, 2.D.4.2
	6.1.3
Indirect	2.A.1, 2.A.1.2, 2.A.2, 2.B.2.4, 2.B.5.3, 2.B.6, 2.B.6.1, 2.B.6.2, 2.C.3.3, 2.D.1.4, 2.D.1.7,
	2.D.2.1, 2.D.2.2
	6.1.4, 6.1.5
	7.B.4, 7.B.4.1, 7.B.4.3, 7.B.4.4, 7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3
Notes	

Policy 1.3: Improve and maintain water quality, particularly sources of public drinking water, through watershed protection measures.

Direct	6.1.1, 6.1.6
Indirect	2.B.2.2, 2.B.5.2, 2.C.3.3, 2.C.3.9, 2.D.1.4, 2.D.1.6, 2.D.1.7, 2.D.4.2
	6.1.10
Notes	

Policy 1.4: Preserve and protect wetlands and the various functions they serve.

Direct	2.B.2.2, 2.B.5.2, 2.C.3.9, 2.D.1.6, 2.D.4.2
	6.1.7
Indirect	2.A.1, 2.A.1.2, 2.A.2, 2.B.2.4, 2.B.5.3, 2.B.6, 2.B.6.1, 2.B.6.2, 2.C.3.3, 2.D.1.7, 2.D.2.1, 2.D.2.2
	7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3
Notes	

Policy 1.5: Protect sub-surface water resources.

Direct	6.1.9
Indirect	2.A.1.2, 2.B.2.2, 2.B.5.2, 2.C.3.9, 2.D.1.6, 2.D.4.2
Notes	

Policy 1.6: Protect floodplain areas to maintain the carrying capacity of the floodplain and mitigate potential hazards to human life.

Direct	2.B.2.2, 2.B.5.2, 2.C.3.9, 2.D.1.4, 2.D.1.6, 2.D.4.2
	6.1.8
Indirect	2.A.1.2, 2.B.2.4, 2.B.5.3, 2.B.6, 2.B.6.1, 2.B.6.2, 2.D.2.1, 2.D.2.2
	7.B.3.5, 7.B.4, 7.B.4.1, 7.B.4.3, 7.B.4.4, 7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3
Notes	

Policy 1.7: Develop stormwater management policies and programs in a manner that ensures water quality and properly controls runoff.

Direct	6.1.10
Indirect	2.B.2.2, 2.B.2.4, 2.B.5.2, 2.B.5.3, 2.C.3.3, 2.C.3.9, 2.D.1.4, 2.D.1.6, 2.D.1.7, 2.D.4.2
Notes	

LAND RESOURCES AND MANAGEMENT

Open Space Network | Agricultural Soils

Goal 2: Properly manage all land resources, including soils, woodlands, native prairies, wildlife habitats, viewsheds and open spaces, to maintain the functions they provide, ensure the sustainability of the resources, and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Direct	2.B.2.2, 2.B.5.2, 2.C.3.9, 2.D.1.6, 2.D.4.2
	6.2, 6.2.6
Indirect	2.A.1, 2.A.1.1, 2.A.1.2, 2.A.1.4, 2.A.1.5, 2.A.1.6, 2.A.2, 2.B.1.1, 2.B.1.3, 2.B.2, 2.B.2.3, 2.B.2.4, 2.B.3, 2.B.3.3, 2.B.4, 2.B.5.3, 2.B.6, 2.B.6.1, 2.B.6.2, 2.B.7.8, 2.B.7.9, 2.B.8.5, 2.C.1, 2.C.1.6, 2.C.3.2, 2.C.3.3, 2.D.1.1, 2.D.1.7, 2.D.2, 2.D.2.1, 2.D.2.2, 2.D.3.4 3.1.4, 3.4.4, 3.4.8, 3.5.1
	Chapter 4: Transportation
	5.3.6
	7.A.2.1, 7.B.1.1, 7.B.2, 7.B.2.1, 7.B.2.2, 7.B.3, 7.B.3.1, 7.B.3.3, 7.B.3.6, 7.B.4, 7.B.4.1,
	7.B.4.3, 7.B.4.4, 7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3
Notes	Transportation 2040 is incorporated by reference into Plan 2040.

Policy 2.1: Development should maintain the natural benefits of existing topography. Development on steep slopes (above 15%) should be done in a manner that encourages the use of the existing topography with minimal grading to minimize adverse effects.

Direct	2.B.2.2, 2.B.2.4, 2.B.5.2, 2.B.5.3, 2.C.3.9, 2.D.1.6, 2.D.4.2
	6.2.1
Indirect	2.D.1.5
Notes	

Policy 2.2: Preserve and sustain woodlands within Douglas County.

Direct	2.B.2.2, 2.B.5.2, 2.C.3.9, 2.D.1.6, 2.D.4.2
	6.2.2, 6.2.3
Indirect	2.A.1, 2.A.1.1, 2.A.1.2, 2.A.2, 2.B.2, 2.B.2.4, 2.B.5.3, 2.B.6, 2.B.6.1, 2.B.6.2, 2.C.3.3, 2.D.2.1, 2.D.2.2
	7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3
Notes	

Policy 2.3: Preserve and protect native prairie.

Direct	2.B.2.2, 2.B.5.2, 2.C.3.9, 2.D.1.6, 2.D.4.2
	6.2.4
Indirect	2.A.1, 2.A.1.1, 2.A.1.2, 2.A.2, 2.B.2, 2.B.2.4, 2.B.5.3, 2.B.6, 2.B.6.1, 2.B.6.2, 2.C.3.3, 2.D.2.1, 2.D.2.2
	7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3
Notes	

Policy 2.4: Preserve and protect natural habitats.

Direct	2.B.2.2, 2.B.5.2, 2.C.3.9, 2.D.1.6, 2.D.4.2
	6.2.5, 6.2.9
Indirect	2.A.1, 2.A.1.1, 2.A.1.2, 2.A.2, 2.B.2, 2.B.2.4, 2.B.5.3, 2.B.6, 2.B.6.1, 2.B.6.2, 2.C.3.3,
	2.D.2.1, 2.D.2.2
	7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3
Notes	

Policy 2.5: Along with community members in Douglas County, identify and define important features that contribute to viewsheds, as well as establish possible protections for viewsheds. At such time, further policies relating to viewsheds may need to be addressed.

Direct	
Indirect	2.A.1, 2.A.1.1, 2.A.1.2, 2.B.2.2, 2.B.2.4, 2.B.5.2, 2.B.5.3, 2.C.1, 2.C.3.9, 2.D.1.6, 2.D.2,
	2.D.4.2
	3.3.1
	Chapter 7
Notes	While Chapter 7 makes numerous references to the concepts of this policy, it would be
	best if a specific plan was considered in the future, which could be incorporated by
	reference into <i>Plan 2040</i> .

Policy 2.6: Preserve existing open space and create new open space areas to preserve and expand a sustainable green infrastructure system.

Direct	2.B.2, 2.B.2.2, 2.B.3.3, 2.B.5.2, 2.B.7.8, 2.C.3.9, 2.D.1.6, 2.D.4.2
	3.1.4, 3.4.8
	7.B.2, 7.B.3
Indirect	2.A.1, 2.A.1.2, 2.A.1.5, 2.B.2.4, 2.B.5.3, 2.B.7.7, 2.B.7.9, 2.C.3, 2.C.3.3, 2.D.1, 2.D.1.7, 2.D.1.8, 2.D.4
	3.4.4, 3.5.2
	7.B.1.1, 7.B.2.2, 7.B.3.3, 7.B.3.5, 7.B.3.6, 7.B.4, 7.B.4.1, 7.B.4.3, 7.B.4.4, 7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3
Notes	

Policy 2.7: Encourage the protection of High Quality Agricultural Land in Douglas County for current and future agricultural use.

Direct	2.A.1.4, 2.A.1.5, 2.A.1.6, 2.B.2.2, 2.B.5.2, 2.C.3.9, 2.D.1.6, 2.D.4.2
	6.2.7, 6.2.8
Indirect	2.A.1, 2.A.1.1, 2.A.1.2, 2.A.2, 2.B.1.1, 2.B.1.3, 2.B.2, 2.B.2.3, 2.B.2.4, 2.B.5.3, 2.B.6,
	2.B.6.1, 2.B.6.2, 2.D.2.1, 2.D.2.2
	7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3
Notes	

AIR RESOURCES AND MANAGEMENT

Outdoor Air Pollution | Excessive Greenhouse Gases | Indoor Air Pollution

Goal 3: Improve indoor and outdoor air quality in order to mitigate impacts to human, animal and plant life in Douglas County.

Direct	6.3
Indirect	3.4.3
Notes	

Policy 3.1: Improve air quality through reduction in emissions from vehicle exhaust by reducing the number of vehicle miles traveled.

Direct	6.3.1
Indirect	2.B.4, 2.B.6, 2.B.6.1, 2.B.6.2, 2.B.6.4, 2.B.7.7, 2.B.7.8, 2.B.7.10, 2.C.1, 2.C.1.4, 2.C.1.7,
	2.C.3.5, 2.C.3.6, 2.C.3.7, 2.D.1.8, 2.D.1.10, 2.D.2, 2.D.2.1, 2.D.2.2, 2.D.3.4
	3.1.1, 3.1.4, 3.1.5, 3.4, 3.4.4, 3.4.8, 3.4.11, 3.5.1, 3.5.2
	Chapter 4: Transportation
	5.3.6
	6.3.2, 6.3.3
	7.A.2.1, 7.C.1, 7.C.1.1, 7.C.1.2, 7.C.1.3, 7.C.1.4
Notes	Transportation 2040 is incorporated by reference into Plan 2040.

Policy 3.2: Reduce emissions from vehicle exhaust and encourage the use of more energy efficient vehicles.

Direct	6.3.6
Indirect	6.3.3
Notes	

Policy 3.3: Reduce emissions of non-vehicular air toxics as listed by the EPA.

Direct	6.3.3
Indirect	6.3.2, 6.3.6
Notes	

Policy 3.4: Adopt and implement the standards in the Federal Clean Air Mercury Rule to reduce the mercury emissions in the area.

Outside of scope

Policy 3.5: Develop Land Use Planning regulations and incentives to reduce greenhouse gas emissions to acceptable levels.

Direct	6.3.2
Indirect	2.A.1, 2.A.2, 2.B.2.1, 2.B.3, 2.B.4, 2.B.6, 2.B.6.1, 2.B.6.2, 2.B.6.4, 2.B.7.7, 2.B.7.8,
	2.B.7.10, 2.C.1.4, 2.C.3.6, 2.C.3.7, 2.D.1.8, 2.D.1.10, 2.D.2.1, 2.D.2.2, 2.D.3.4
	3.1.1, 3.1.4, 3.4, 3.4.4, 3.4.8, 3.5.1, 3.5.2
	Chapter 4: Transportation
	5.3.6
	6.3.1, 6.3.3, 6.3.5
	7.A.2.1, 7.C.1, 7.C.1.4
Notes	Transportation 2040 is incorporated by reference into Plan 2040.

Policy 3.6: Improve indoor air quality to maintain and improve the health of our community.

Direct	6.3.4
Indirect	
Notes	

Policy 3.7: Work with agencies to implement the above policies in order to keep Douglas County from becoming a non-attainment area as defined by the Environmental Protection Agency.

Direct	T2040
Indirect	
Notes	Transportation 2040 is incorporated by reference into Plan 2040.

RESOURCE MANAGEMENT

Resources

Goal 4: Properly manage marketable resources to ensure the sustainability of the resources and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Direct	6.4
Indirect	2.A.1, 2.A.1.4, 2.B.2.4, 2.B.5.3
Notes	

Policy 4.1: Identify and properly manage marketable natural resources.

Direct	6.4.1, 6.4.2
Indirect	2.A.1.4, 2.B.2.4, 2.B.5.3
	6.4.3
Notes	

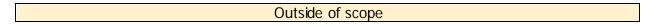
WASTE MANAGEMENT

Waste Management

Goal 5: Properly manage all waste, including solid and hazardous waste, in order to reduce, reuse and recycle the majority of the waste that is produced in Douglas County.

Direct	6.5
Indirect	
Notes	This connection is intended to serve as the indicator that the Waste Management subsection corresponds entirely and exclusively with Chapter 6, Goal 5 and its subsequent action items.

Policy 5.1: Manage solid waste through a program that emphasizes the principles of Reduce, Reuse, and Recycle.



Policy 5.2: Maintain support for and improve the Lawrence-Douglas County Household Hazardous Waste Program to ensure that household hazardous waste is disposed of properly.

Outside of scope

HUMAN AND BUILT ENVIRONMENT

Sustainability | Healthy and Active Lifestyles | Local/Regional Food

Goal 6: Mitigate negative impacts to the human and built environment caused by noise pollution, light pollution and development activities in order to promote a sustainable, healthy, and active lifestyle for the residents of Douglas County.

Direct	
Indirect	2.A.1, 2.B.2, 2.B.2.1, 2.B.2.3, 2.B.2.7, 2.B.3.3, 2.B.5.6, 2.B.6, 2.B.6.1, 2.B.6.2, 2.B.6.4, 2.B.7.7, 2.B.7.8, 2.B.7.9, 2.B.7.10, 2.B.8.5, 2.C.1.4, 2.C.1.7, 2.C.2.1, 2.C.2.2, 2.C.3, 2.C.3.2, 2.C.3.5, 2.C.3.6, 2.C.3.7, 2.D.1, 2.D.1.1, 2.D.1.8, 2.D.1.10, 2.D.2.1, 2.D.2.2, 2.D.3.4, 2.D.4 3.1.1, 3.1.4, 3.1.5, 3.4, 3.4.3, 3.4.4, 3.4.8, 3.4.11, 3.5.1, 3.5.2 Chapter 4: Transportation 5.3.6 6.6 7.A.2.1, 7.B.1.1, 7.B.2, 7.B.2.1, 7.B.2.2, 7.B.3, 7.B.3.1, 7.B.3.3, 7.B.3.6, 7.B.4, 7.B.4.1, 7.B.4.3, 7.B.4.4, 7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3, 7.C.1, 7.C.1.1, 7.C.1.2, 7.C.1.3, 7.C.1.4,
	7.C.2.1, 7.C.2.2, 7.C.2.3
Notes	Transportation 2040 is incorporated by reference into Plan 2040.

Policy 6.1: Mitigate noise pollution by using appropriate land use buffers, limits on noise levels, and limits on operating hours.

Direct	2.C.2.1
	6.6.2
Indirect	2.A.1, 2.B.2.7, 2.B.5.6, 2.C.2.2, 2.C.3, 2.D.1, 2.D.1.8, 2.D.4
	7.C.2.3
Notes	

Policy 6.2: Continue to develop and implement standards that will limit light trespass, glare and sky glow, by establishing design guidelines for the type and placement of industrial, commercial and residential lighting.

Direct	2.C.3, 2.D.1, 2.D.4
	6.6.2
Indirect	2.A.1, 2.A.1.1, 2.C.1.6, 2.C.2.2, 2.D.1.1, 2.D.1.8, 2.D.3.4
Notes	

Policy 6.3: The City of Lawrence and Douglas County should encourage the promotion of healthy and active lifestyles for its residents through the use of standards regarding transit options, pedestrian connectivity, multi-use recreational paths, increased open space preservation, etc. Those standards should also include tools, such as Health Impact Assessment, that measure the long-term health effects of projects.

Direct	2.B.7.7, 2.B.7.8
	3.1.4, 3.4.8, 3.5.3
	Chapter 4: Transportation
	6.6.3, 6.6.4
Indirect	2.B.2, 2.B.2.1, 2.B.2.2, 2.B.3, 2.B.3.3, 2.B.5.2, 2.B.6, 2.B.6.1, 2.B.6.2, 2.B.6.4, 2.B.7.1,
	2.B.7.9, 2.B.7.10, 2.C.1.4, 2.C.1.7, 2.C.3, 2.C.3.2, 2.C.3.3, 2.C.3.5, 2.C.3.6, 2.C.3.7,
	2.C.3.9, 2.D.1, 2.D.1.1, 2.D.1.6, 2.D.1.7, 2.D.1.8, 2.D.1.10, 2.D.2.1, 2.D.2.2, 2.D.3.4,
	2.D.4, 2.D.4.2
	3.1.1, 3.1.5, 3.4, 3.4.3, 3.4.4, 3.4.11, 3.5.1, 3.5.2
	7.A.2.1, 7.B.1.1, 7.B.2, 7.B.2.1, 7.B.2.2, 7.B.3, 7.B.3.1, 7.B.3.3, 7.B.3.5, 7.B.3.6, 7.B.4,
	7.B.4.1, 7.B.4.3, 7.B.4.4, 7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3, 7.C.1, 7.C.1.1, 7.C.1.2, 7.C.1.3,
	7.C.1.4, 7.C.2.1, 7.C.2.2, 7.C.2.3
Notes	Transportation 2040 is incorporated by reference into Plan 2040.

Policy 6.4: Develop a sustainable transportation system.

Direct	2.C.1.7, 2.D.1.10
	3.4.11
	Chapter 4: Transportation
	6.6.4
Indirect	2.A.2, 2.B.2, 2.B.2.1, 2.B.3, 2.B.3.3, 2.B.4, 2.B.6, 2.B.6.1, 2.B.6.2, 2.B.6.4, 2.B.7.7, 2.B.7.8, 2.B.7.9, 2.B.7.10, 2.B.8.5, 2.C.1, 2.C.1.4, 2.C.3, 2.C.3.2, 2.C.3.5, 2.C.3.6, 2.C.3.7, 2.D.1, 2.D.1.1, 2.D.1.8, 2.D.2, 2.D.2.1, 2.D.2.2, 2.D.3.4, 2.D.4 3.1.1, 3.1.4, 3.1.5, 3.4.3, 3.4.4, 3.4.8, 3.5.1, 3.5.2 5.3.6 6.6.3
	7.A.2.1, 7.C.1, 7.C.1.1, 7.C.1.2, 7.C.1.3, 7.C.1.4, 7.C.2.1, 7.C.2.2, 7.C.2.3
Notes	Transportation 2040 is incorporated by reference into Plan 2040.

Policy 6.5: Promote sustainable building practices.

Direct	6.6.5, 6.6.6
Indirect	6.6.8, 6.6.9
	7.C.1, 7.C.1.1, 7.C.1.2, 7.C.1.3, 7.C.1.4
Notes	

Policy 6.6: Promote the responsible use and conservation of energy, water and other natural resources.

Direct	6.6.5, 6.6.6
Indirect	2.A.1.2, 2.A.1.4, 2.A.1.5, 2.A.2, 2.B.1.1, 2.B.2, 2.B.2.1, 2.B.2.2, 2.B.3.3, 2.B.5.2, 2.B.6, 2.B.6.1, 2.B.6.2, 2.B.7.9, 2.B.8.5, 2.C.3.3, 2.C.3.9, 2.D.1.6, 2.D.1.7, 2.D.2.1, 2.D.2.2, 2.D.3.4, 2.D.4.2
	3.5.1, 3.5.2
	Chapter 4: Transportation
	5.3.6
	6.6.8, 6.6.9
	7.A.2.1, 7.B.1.1, 7.B.2, 7.B.2.1, 7.B.2.2, 7.B.3, 7.B.3.1, 7.B.3.3, 7.B.3.5, 7.B.3.6, 7.B.4,
	7.B.4.1, 7.B.4.3, 7.B.4.4, 7.B.5, 7.B.5.1, 7.B.5.2, 7.B.5.3, 7.C.1, 7.C.1.1, 7.C.1.2, 7.C.1.3,
	7.C.1.4
Notes	Transportation 2040 is incorporated by reference into Plan 2040.

Policy 6.7: As the community develops a local/regional food program, the City of Lawrence and Douglas County should work with stakeholders (local merchants, farmers, landowners, institutions, consumers, etc.) to assist in developing that program.

Direct	2.B.2.3
	6.6.7
	7.E.1
Indirect	2.A.1.4, 2.B.2.5, 2.B.5.1, 2.B.5.4
	7.E.1.1, 7.E.1.2, 7.E.1.3, 7.E.1.4, 7.E.1.5, 7.E.1.6, 7.E.1.7
Notes	

PLAN 2040

A Comprehensive Plan for Unincorporated Douglas County & The City of Lawrence

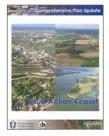




Steering Committee Draft Plan (August 2018)



Interactive Map Gallery



<u>Issue Action Report</u>



Comprehensive Plan Update Guide



Planning Commission Orientation
Staff Presentation Video



Horizon 2020 Steering Committee Website

From: JoAnn F < sent: Sunday, November 4, 2018 5:02 PM

To: City Hall email < CityHallemail@lawrenceks.org>

Subject: Please IMPROVE Horizon 2040

To the Planning Commission:

I have some concerns about the new Horizon 2040 plan.

Before we bought land to build a home in rural Douglas County, I met with staff in the planning department to see what might be planned in terms of development that could impact the area we wanted to buy and build on and we counted on clear, specific and detailed plans laid out in Horizon 2020 to inform the biggest investment most of us ever make.

Several years later, I came to further appreciate just how important these long term planning documents are when Lawrence developers sought to island annex and then zone heavy industrial, a parcel of land near my home in rural Douglas county. The developers sought to do this, even though it was actually outside the planned area of growth as outlined in H2020 and they very nearly got away with this.

Had they been successful THEY ALONE would have altered the direction of growth in the county in a way that would have diverted resources from things that made much more long term sense for the county as a whole, while costing taxpayers a lot-- not to mention this would have been extremely unjust to those who already built homes and would have seen their value plummet.

Given the new Kansas Law that seeks to dis-empower residents trying to protect their property value and quality of life from large animal confinement operations setting up next door, (The "tyson Law") which also makes it easier for such operations to unfairly use egregious amounts of limited resources like water, while forcing taxpayers to subsidize extra infrastructure and services that become necessary as a result, while contaminating and dirtying the air, water and soil, it is even more important than ever before, that Horizon 2040 contain extremely detailed, specific, and forward thinking measures to help our community have the best chance of having a livable, just place for those who have already moved here...or those considering moving here -- who want a safe healthy home and assurances that the largest investment they may ever make, won't take a huge economic hit, because a CAFO suddenly came to town.

The 2040 plan appears to have only a fraction of the details spelled out in H2020...when it is more important than ever, that the environmental section be EXPANDED.

Please make sure H2040 has extremely detailed goals articulated that will protect streams, forests, air quality, prevent noise, air and light pollution in rural residential neighborhoods. Encourage conservation of all natural resources, encourage home gardening and local organic plant-farming and use of native plant species for restoration and landscaping, reduce erosion -- and whatever other things help to make places livable and loved by those who actually live there and raise families.

Also --- even if some details as I request may be located in other sections, I urge you to ALSO have these things spelled out in the environment section as that will be the most user friendly and accessible to citizens seeking to understand the goals and scope.

Thank you, JoAnn Farb

Memorandum

To: Lawrence/Douglas County Metropolitan Planning Commission

From: Douglas County Heritage Conservation Council

Cathy Dwigans (Chair), Lindsay Crick (Vice-Chair), Michael Delaney, Shelley Hickman-

Clark, Kimberly Mahanna-Bellemere, Julia Manglitz, Douglas McKean

Re: Plan 2040: A Comprehensive Plan for Unincorporated Douglas County and the City

of Lawrence

The members of the Douglas County Heritage Conservation Council have reviewed the August 2018 Draft of Plan 2040, particularly Chapter 6, Natural Resources, and Chapter 7, Community Resources.

The Heritage Conservation Council (HCC) was established by the Douglas County Board of Commissioners in 2011 (Resolution No. 11-19), with authority and responsibilities set forth in the Douglas County Heritage Conservation Plan (HR-13-11-4). The purposes of the Heritage Conservation Plan are to:

- (A) Ensure the conservation of the County's natural and cultural resources.
- (B) Identify, conserve and promote the County's natural resources, prehistoric, historic and cultural heritage through ongoing surveys and studies of natural and cultural heritage resources.
- (C) Implement the strategies and goals contained in Chapter 11 of Horizon 2020 for the protection, development and utilization of historic resources.
- (D) Foster civic pride and promote tourism, particularly as related to the natural resources, pre-settlement history, settlement history, and the themes encompassed in Freedom's Frontier National Heritage area.
- (E) Work in concert with the State Historic Preservation Officer and observe the State Preservation Act, contained at K.S.A. 75-2701 et seq., as amended.
- (F) Support education programs to increase public awareness of and support for the County's historic environment.

As part of the Heritage Conservation Plan, the HCC is responsible for complying with all requirements of the State Historic Preservation Officer to maintain its status as a Certified Local Government.

To further the purposes of the Heritage Conservation Plan, we believe the Douglas County Heritage Conservation Council should be included as an advisory board for Chapter 6, Natural Resources, and Chapter 7, Community Resources, A. Historic Resources and B. Parks, Recreation and Open Space. The HCC also should be notified of other activities governed by Plan 2040 and affecting natural and cultural resources in unincorporated Douglas County.

Thank you for your consideration of these changes.

Cc: Jan Shupert-Arick, Heritage Coordinator, Douglas County

From: Thad Holcombe < tjholcombe@gmail.com > Sent: Tuesday, November 6, 2018 4:23 PM

To: City Hall email < CityHallemail@lawrenceks.org>

Subject: Submission of Comments regarding 2040 Comprehensive Plan

To: Planning Commission From: Thad Holcombe

Moderator for LETUS (Lawrence Ecology Teams United in Solidarity - an interfaith network of eight "green" teams representing Muslim, Jewish, Catholic, Protestant faith communities) Lawrence faith communities

I will be elaborating my request for amendments when presenting at either November or December dates established for public comment. I do want to express appreciation for the time, effort, and expertise demonstrated in the 2040 Comprehensive Plan. I will be asking that the Commission consider re-visiting the 2020 Comprehensive Plan. particularly the Environment section. My remarks will focus on rationale for the Commission to consider replacing the 2040 chapter on Environment and section on land, with an amended version of the 2020 Overview on the Environment and Land Resource and Management.

Briefly, my reasons for such an amendment are as follows:

- + The context for a Comprehensive Plan would be strengthened by affirming priority being given to the natural environment as having integral value and not "resource".
- + The Environment Overview is especially relevant given our present need to address the consequences of climate change.
- + The Environment Overview, as amended, provides a more substantial basis for making decisions that effect the land, water and air. Granted, it does ask the reader to spend more time and effort, but the importance of understanding why land, air and water have intrinsic value and not simple "commodities" may begin re-consideration of the way predominant culture has neglected such an affirmation.
- + My request is based on science as well as philosophical and theological rationale.

important.				
important.	·			
+ Moving the Environment Sect	ion to be in first part of Compr	enensive Plan sends a messa	age that the environmen	t is

HORIZON 2020 16-1 ENVIRONMENT

CHAPTER SIXTEEN - ENVIRONMENT

"The care of the earth is the most ancient and most worthy, and after all our most pleasing responsibility. To cherish what remains of it and to foster its renewal is our only hope."

- Wendell Berry -

OVERVIEW

Douglas County has a rich and valuable heritage that is characterized by a variety of environmental and natural conditions. Prairies, rivers, forests, wetlands, agricultural soils, and other natural features provide scenic beauty, recreation, natural habitats, flood protection, and opportunities for interpretation, appreciation, and education.

Protecting and enhancing Douglas County's environment, including its built environment, is the focus of this chapter. A livable community must first of all give the protection of the natural environment as first priority. If not, there is the risk of the land, water and air becoming simply "resources" and treated as commodities to be traded. The built environment that is developed is therefore secondary to protecting and enhancing the natural conditions described. The recommendations are intended to foster a healthy environment that contributes to a a livable community for all species of life. This concept provides a more comprehensive understanding of sustainability that was stated as the goal

of Horizon 2020 (see Chapter 1): "We will strive to ensure the sustainability of our physical environment, both natural and built, the health of our economy and the efficient and effective functioning of our community."

Environmental quality and the built environment can be at odds if if the physical environment is given priority in planning. Appropriate use of natural "resources" with this understanding can mitigate unnecessary negative effect on natural environment, thus practicing sustainability in practical way that encourages a quality of life for all, including. Douglas County residents. Protection and preservation of natural environment is an important component in planning for growth and development in Douglas County since all development activities create some level of impact on the air, water and land mentioned in this chapter. While land development is important to economic vitality, land, water and air and climate protection are increasingly recognized as equally important to the health and vitality of the community and must be protected for future generations. The responsible way to achieve the mutual goals of environmental protection and planned growth is to develop in a sustainable manner, one that is capable of being continued with minimal long term effects on the environment.

There are already a few programs in place that aim to achieve some of the sustainability goals of this chapter, such as the county-wide ECO₂ program which is a tool used to promote the dual goal of open space preservation and economic development. The program uses a concept of net equity that states an amount equal to a portion of the investment of public funds for industrial development be used for open space preservation. In addition, the City of Lawrence adopted a Land Development Code in 2006 which addresses some recommendations of this chapter, including standards for impervious surface coverage, open space requirements, and landscaping. The City and Douglas County also have recently revised the subdivision regulations which include provisions for land divisions which contain environmentally sensitive features. The City of Lawrence also has multiple efforts currently underway with similar goals as presented in this chapter, including work by the Sustainability Advisory Board, the Mayor's Climate Protection Task Force, and the Peak Oil Task Force. These advisory boards review issues and make recommendations to the Lawrence City Commission. Douglas County has recently established a ? (incomplete sentence in PDF)

My focus is on 16-11 in Horizon 2020 and can be compared to 2040 draft......Horizon 2020 is a more adequate and informative chapter than in the 2040 draft. Serious consideration of adopting this chapter instead of proposed one in 2040 is being asked.

HORIZON 2020 16-11 ENVIRONMENT

LAND MANAGEMENT

"We shall never achieve harmony with land, anymore than we shall achieve absolute justice or liberty for people in there higher aspirations. The important thing is not to achieve, but to strive."

- Aldo Leopold -

This section discusses Douglas County's various land features, which consist of rural woodlands and urban forests, native prairies, and agricultural soils. These provide wildlife habitats, viewsheds, and open spaces, as well as, serving as 'Green Infrastructure', as they provide benefits to the natural and built environments. Like many other parts of the country, land within Douglas County is being impacted by development pressures and agricultural practices. Benefits of preserving and managing diversity of land include growth management, flood control, improved water quality, protection of wildlife habitat, and economic advantages to the community, such as a lower cost to the community for development.

Summary of Issues:

1) Open space network. The creation of an open space network or green infrastructure system minimizes the fragmentation of natural areas and benefits the community by protecting natural habitats, providing appropriate stormwater management, providing open-air recreation areas and promoting sustainable development practices. Open space networks can include:

Topography: Developing on steep slopes can be costly and permanently alters the natural slope of the land which may have detrimental effects on other natural features, stormwater runoff and habitats.

Rural Woodlands and Urban Forests: The trees in rural woodlands and urban forests provide many valuable benefits ranging from:

- Ecological (improving air and water quality),
- Biological (providing wildlife habitat),
- Physical (serving as 'green infrastructure' by providing shade and screening),
- Social (providing areas of scenic beauty and areas for recreation), and
- Cultural (establishing and maintaining the character of the area).

Native Prairies: The tallgrass prairie has an intrinsic value as an endangered ecosystem which is a feature of our national heritage. The prairies provide recreational and educational opportunities, as well as providing habitats for wildlife and plant species. In addition, native prairies play a valuable role in controlling sedimentation, aiding groundwater recharge, and absorbing stormwater runoff.

Endangered Species and Wildlife Habitats: The protection of critical habitats is a principal means of protecting rare and endangered species and also serves to protect other species that use the same habitat. Because development has resulted in fragmentation of wildlife habitats, corridors connecting them should be maintained and protected. The Kansas Wildlife Conservation Plan2 includes protection measures for rare and endangered species and is geared toward practices and policies that would help keep common species from being endangered.

2 http://www.kdwp.state.ks.us/news/Other-Services/Wildlife-Conservation-Plan

2) Agricultural soils. High Quality Agricultural Land is recognized as having exceptional quality and fertility, and in Douglas County is generally described as having Capability Class (non-irrigated) I and II soils as defined by the National Resources Conservation Service. This High Quality Agricultural Land is a finite resource that is important to the regional economy. This land requires less intervention to produce high yields of crops with high nutrition and should be protected, preferably for food production.

Goals and Policies:

Goal 2: Properly manage all............ soils, woodlands, native prairies, wildlife habitats, viewsheds and open spaces, to maintain the functions they provide, ensure their sustainability, and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Policy 2.1 Development should maintain the natural benefits of existing topography. Development on steep slopes (above 15%) should be done in a manner that encourages the use of the existing topography with minimal grading to minimize adverse effects.

Policy 2.2 Preserve and sustain woodlands within Douglas County.

- a. The City and County shall partner with other agencies and institutions to inventory and map woodlands within the county. The inventory and map should identify the different types of woodlands ('high quality natural areas', woodlands which form, or could form, corridors or greenways and riparian woodlands) and provide a ranking system in priority order for protection.
- a.1 Develop regulations and incentives that provide different levels of protection for the different types of woodlands.
- a.2 Encourage environmentally sensitive site design practices which minimize the unnecessary physical and visual impacts upon the surrounding landscape caused by removal of woodlands.
- a.3 Develop regulations and incentives for the protection, maintenance, and improvement of riparian woodlands which include an ordinance defining the stream setbacks and the activity which may occur in the riparian area.
- a.4 Develop public outreach and educational programs to increase public awareness concerning the importance of woodlands.

HORIZON 2020 16-13 ENVIRONMENT

- b. Protect and increase the urban forest in Lawrence.
- b.1 The City shall conduct an inventory of the Urban Forest.
- b.2 Adopt an Urban Forestry Master Plan and associated policies, programs, and incentives for the preservation and enhancement of Lawrence's urban forest on both public and private property, through development and zoning codes, emphasizing the use of trees appropriate to the climate of this region.
- b.3 Adopt standards for tree care activities and the regulation of tree maintenance contractors that will prevent the serious damage that inappropriate pruning practices cause to Lawrence's trees. Partner with utility agencies regarding appropriate tree location and pruning practices.
- b.4 Establish educational programs to foster public/community awareness of, support for, and contribution to Lawrence's urban forestry initiatives, which are directed at establishing the maximum urban tree canopy, maintaining it in a healthy condition and promoting its conservation.

Policy 2.3 Preserve and protect native prairie.

- a. Partner with the Kansas Biological Survey, other agencies, and individuals to inventory and map the remaining native prairie remnants within Douglas County.
- b. Develop regulations, planning guidelines, management techniques, and incentives for preserving native prairies. The native prairie should be preserved and used as parks and/or open space either through purchase or the use of conservation easements.

Policy 2.4 Preserve and protect natural habitats.

- a. Identify and map areas of `critical habitat', key habitats, and wildlife corridors, including areas that could link together to increase connectivity throughout the City and County.
- b. Develop incentives to encourage on-site and off-site habitat connections and/or enhancement of natural areas as part of development projects.
- c. Develop regulations that permit only low-impact development with environmentally sensitive design in areas of 'critical habitat'.
- d. Increase awareness of the species and loss of habitat through educational and outreach programs.
- e. Treat areas identified as key habitats as high priority areas for preservation and protection in the development of regulations, protection standards, and incentives.

HORIZON 2020 16-14 ENVIRONMENT

- f. Develop regulations and incentive programs for the protection and maintenance of wildlife corridors and key habitat areas.
- g. Regulate the placement of roads, trails and utilities with development or infrastructure projects to minimize creation of fragmented natural areas
- h. Develop a program to encourage and incentivize the connectivity of natural areas whether they are on a particular development site or offsite.
- i. Develop a combination of educational programs, incentives, and development standards that recognize and promote sound management practices by private land owners to maintain the health of natural habitats on private property.
- Policy 2.5 Along with community members in Douglas County, identify and define important features that contribute to viewsheds, as well as establish possible protections for viewsheds. At such time, further policies relating to viewsheds may need to be addressed.

Policy 2.6 Preserve existing open space and create new open space areas to preserve and expand a sustainable green infrastructure system.

- a. To maximize the advantages to the community that the natural and built environments provide, open space preservation shall remain a goal especially as it relates to protecting and preserving natural features discussed in the comprehensive plan. This should be done through:
- a.1 Maintaining and enhancing existing open space.
- a.2 Creating new designated open space areas.
- a.3 Creating a large interconnected network of open space.
- b. Incorporate open space evaluation into long range plans to determine in advance of development proposals what areas are suitable for development and what areas would serve better as open space.
- c. The acquisition and continued maintenance of open space that is publicly accessible shall be strongly encouraged.
- d. Promote and encourage eco-tourism to sustain open space and natural areas.

HORIZON 2020 16-15 ENVIRONMENT

Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current and future agricultural use.

- a. The protection of High Quality Agricultural Land shall be used as a key assumption in the sector planning process.
- b. Establish tools to protect High Quality Agricultural Land for farming and make its protection economically feasible for the land owner, such as an agricultural easement program, development incentives that encourage the protection of this resource, public/private partnerships, or other funding mechanisms.
- c. Maintain an inventory of High Quality Agricultural Land in Douglas County and track the amount lost to urbanization.
- d. Encourage and develop policies that support agri- and eco-tourism, as well as sustainable local/regional food supply.

From: Pat Miller < urvilemiller@gmail.com>
Sent: Monday, November 5, 2018 7:54 PM

To: City Hall email < CityHallemail@lawrenceks.org>

Subject: Comments on Plan 2040

Lawrence/Douglas County Planning Office:

I am writing this letter to comment on Chapter 6, Section 3 of <u>Plan 2040: A Comprehensive</u> <u>Plan for Unincorporated Douglas County & Lawrence Kansas</u>. This section addresses air quality.

With the exception of subsection 3.5 "Continue conducting the Lawrence-Douglas County Sustainability Office community-wide greenhouse gas inventory every 5 years." the subsections of this section do not state specific actions for meeting the goals.

I would like to see the actions recommended in Horizon 2020, Chapter 16 pages 18-20 that pertain to the appropriate subsections of Section 3 added to them. Policy 3.1 a-g could be added to subsection 3.1, Policy 3.5 a-f to subsection 3.2, Policy 3.3 a-b and Policy 3.4 to subsection 3.3 and Policy 3.6 to subsection 3.4.

I hope you will consider these changes.

Pat Miller 255 N. Michigan St. Apt 25 Lawrence, KS

November 5, 2018

Comprehensive Plan Committee Members c/o Jeff Crick, Planner Lawrence-Douglas County Planning Commission 6 East Sixth Street, Lawrence KS 66044

Dear Comprehensive Plan Committee Members:

The need for water affects every aspect of life in Kansas, from the irrigation that supports agriculture to the drinking water that people use daily in their homes and places of work. The future of the state is tied up in sustainability of safe and accessible water sources, and the Governor's 50-Year Vision For The Future of Water in Kansas reflects a state-level acknowledgement of the vital role of water in our lives. But even this recognition of a great need for sustainable and safe water sources has only yielded a long-term policy that is mostly voluntary. If we are to reach goals of sustainable water use within Douglas County, it is paramount that we craft a clear, structured, and well-defined planning vision that allows us to be good stewards locally, even if the plan is to serve as a guideline rather than a policy.

The current version of Plan 2040 has reduced thirty-one goals and actions down to eleven general recommendations or suggestions. None of the suggestions have measurable, quantifiable outcomes, which are of critical importance in defining local policy going forward. Without measurable, actionable goals, any deliberation over a disputed project will not be informed by strong and specific plan language to help resolve differences. Horizon 2020 has often been cited or referred to by policy makers, planners, developers, and community members when discussing proposed projects, and in instances where language was weak or clear policy definition was lacking, we as a community struggled and got bogged down in dispute. Therefore, we must make every effort to ensure we add more definition rather than trend toward more generalities in our guidelines as we plan for the future of our community.

Here follows some examples:

Horizon 2020, Policy 1.2 aims to "[p]reserve and protect natural surface watercourses". Examples of specific goals to support this policy are Policy 1.2a, "[d]evelop stream setback regulations for both the City of Lawrence and Douglas County to establish stream corridors which provide a buffer that stabilizes stream banks, reduces erosion, preserves riparian areas, mitigates flood hazards, and ensures water quality." Also, Policy 1.2d, "[e]ncourage continued alignment with the Kansa Water Plan, which lists the following measures:...", and then lists specific actions for landscape plants, chemical and water use on lawns, and vegetative filters and distances of livestock operations from watercourses.

Horizon 2020, Policy 1.3 states the intention to "Improve and maintain water quality, particularly sources of public drinking water, though watershed protection measures". It follows with such important and specific goals as Policy 1.3a: "The City and County shall participate in applicable Watershed Restoration and Protection Strategy (WRAPS) programs, focusing on the protection of the Upper Wakarusa and Lower Kansas Watersheds." And, Policy 1.3b, "The City and County shall identify and map priority wetlands, surface water buffer areas, and riparian areas within each watershed." Policy 1.3c is a specific action, namely that "[t]he City of Lawrence should continue participation in the Community Rating System (CRS) program and increase their level of participation in order to achieve a greater discount to citizens on their flood insurance rates. Douglas County should investigate participating in the program as well."

Horizon 2020, Policy 1.7 tasks the community to "[d]evelop stormwater management policies and programs in a manner that ensures water quality and properly controls runoff." Policy 1.7c makes a specific regulatory reference, recommending that, "[a]s part of the City of Lawrence's overall stormwater management strategy, maintain regulations and policies that are consistent with the provisions and goals of the Clean Water Act, including its National Pollutant Discharge Elimination System (NPDES) Program, and other federal, state, and local requirements for water quality and environmental preservation."

These are very specific goals and actions that support clearly defined and crucial policy pieces. Any pertinent regulatory documents or policies are cited.

Compare this to Plan 2040's Chapter 6 on Natural Resources. Goal 1 states: "Manage all water resources to protect natural habitats, mitigate hazards, and ensure water quality". More specific policies governing all aspects of water stewardship outlined in Horizon 2020 have been condensed under this more all-encompassing and more general heading. The list of goals that follow lack any specificity or definition for any of the terms listed and give no clear guidelines on how these goals might be accomplished or measured.

Consider, for example, Goal 1.1, which states that, presumably, the Lawrence-Douglas County Planning Commission will "[e]valuate development proposals for their impacts on critical water sources providing drinking water for Lawrence and Douglas County." What are the evaluation criteria? Are they already in existence, and are they updated regularly? What, if any, regulations exist to govern this? Where would we find them? Could they be referenced here, or could links be provided?

Or consider Goal 1.7, "[i]dentify, preserve, and protect wetlands". First, did the City and County identify and map wetlands, surface water buffer areas, and riparian areas as stated in Policy 1.3b of Horizon 2020? If so, this should be referenced. And, clearly, if some assessment already exists, then we have clearer action items that should be referenced.

While I understand the desire to create a stand-alone plan that is easy to read, I feel that it is imperative a new comprehensive plan acknowledges the context of its existence on a continuum that includes the document and works that came before it. What goals, if any, remain undone from Horizon 2020? What accomplishments and resources were created under Horizon 2020's tenure? These should be referenced and documented.

Especially when people's livelihoods are so tied up in water use, instituting a comprehensive plan that is overly general or with guidelines that are obscure or vague will encourage the tendency of people making decisions with short-term personal benefits. As benefits accrue for the individual, costs are incurred by the environment and by the community as a whole. Therefore, it is critical that any replacement for Horizon 2020 be detailed and clear enough to chart the way forward. I heartily encourage you to take these next weeks to do a constructively critical "walk" around this plan and carefully consider and incorporate the recommendations and concerns of the public rather than simply assure us that our concerns are already addressed. We have an opportunity to create a living document that will guide us well and thoughtfully. Thank you for your stewardship of this process, for the sake of our community.

Most sincerely,



P.O. Box 1064, Lawrence KS 66044 a Kansas 501(C)(3) not-for-profit

Karen Willey, Chair Lawrence-Douglas County Planning Commission Lawrence City Hall 6 East 6th St. Lawrence KS 66044

re: Horizon 2040 update

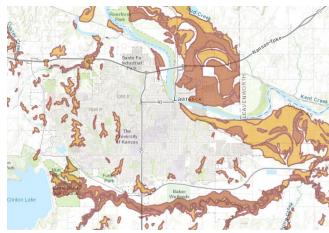
Chair Willey and Commission:

I would like to reiterate our concern that the previously unvetted or reviewed "3-tier growth map" is an inappropriate depiction of the Lawrence future urban growth area. While a 3-tier methodology is an interesting construct, the problem with it is how it places the second tier at a level of disproportionate importance. The first tier is a given; the third tier is nothing more than the current UGA. But the second tier is specifically targeted for urban expansion to take place.

This becomes problematic in areas of 100 year flood plain and the Capability I and II prime soils. Let me point out the shift in prevailing attitudes and actions in recent years regarding flood plain and prime soils protections. First of all, consider how the maps below show how the "peninsula" of Lawrence is constrained on three sides – north, east, and south – by flood plain and prime soils.



FEMA Regulatory Flood Plain & Floodway



Douglas County Capability I and II Soils

It is admirable, in two notable instances, how Lawrence and Douglas County officials have disapproved major urban developments in these sensitive lands.

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- And just east of Lawrence, the case of the 94 acre expansion of the East Hills Business Park into the 100 year floodplain and prime soils illustrates even more dramatically the change of official attitudes to protect flood plains and soils. Initially approved in 2000, officials de-annexed and downzoned the 94 acres in 2014, committing Lawrence to growth out of the flood plain.

12 November 2018

I hope you fully grasp how these decisions have changed fundamental values from that of bottom lands being readily developable to that of protecting them as ecological services and economic assets. Because the "3-tier growth map" flies in the face of this new-found wisdom where it earmarks about 215 acres of the Wakarusa floodplain, wetlands, and prime soils as "Tier 2 – planned and expected to urbanize", south from K-10 Hwy all the way to the Wakarusa River (Plan 2040 draft, Chapter 2 goals, page 18).

The current 2017 edition of Horizon 2020 categorically prohibits expansion of the south Iowa commercial area south of K-10 Hwy – "K-10 provides a physical barrier and edge to the commercial corridor that has developed. Additional retail commercial uses <u>shall not occur</u> south of the highway, except for the possible location of an Auto-Related Commercial Center" (page 6-15).

The 215 acres of Tier 2 opens the floodgates south of K-10 Hwy for "planned and expected urbanization", completely reversing the Horizon 2020 protections, as well as recent historical precedent that would protect 100 year flood plain and prime soils on the south edge of Lawrence.

The Planning Director has demurred on the threat of the 3-Tier Growth Map, claiming that Tier 2 indicates only "a potential for growth", that flood plains are "protected by Federal Flood Plain Regulations" as well as "sensitive lands are protected through the site planning process", and that "the Southern Development Plan (SDP) has land use protections built into it" (27 June 2018 Planning Comm). Not true.

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- As Planning Director, again he himself can administratively issue a site plan, with or without any protections of sensitive lands.
- The Southern Development Plan proved to be no protection at all when the 2015 Planning Commission amended the SDP and H2020, granting regional commercial zoning south of K-10 Hwy.

Please reject the 3-Tier Growth Map as a part of Plan 2040. It has not been authorized in public hearing by either the Planning Commission, the City Commission, nor the County Commission. Just because the 3-Tier Growth Map was accepted as unnecessarily detailed growth projections in Transportation 2040 does not mean that action validates this map for use in Plan 2040. It's role in Plan 2040 to target areas for "planned and expected urbanization" has far reaching implications that need full vetting and review on it's own merits (or lack thereof).

Please set aside the 3-Tier Growth Map for a later discussion, as several Commissioners requested at the 27 June 2018 Planning Commission meeting.

Thank you,

Michael Almon

P.O. Box 394 • Shawnee Mission, Kansas 66201

Commission members developing PLAN 2040: A Comprehensive Plan for Unincorporated Douglas County & the City of Lawrence:

Our comment on the plan follows:

Grassland Heritage Foundation preserves prairies in eastern Kansas through education, stewardship, and land protection. We believe that prairies are fundamental elements of our ecological, cultural, and economic heritage. As unique reservoirs of biological diversity and providers of ecological services, prairies must be maintained for future generations.

We applaud the intentions of the Plan 2040 to better manage future development and ensure continued quality of life for the residents, which includes protecting the area's natural resources using concrete actions, as opposed to vague principals. We believe that Plan 2040 should include the following:

--measures to have the city and county identify high-quality prairies and other sensitive natural areas. Such information may be acquired from the Kansas Biological Survey, or other sources.

-- measures to ensure that planning staff at both the city and county level are aware of available information identifying high-quality prairies and other sensitive natural areas and use that information to limit developments that would damage or destroy such areas

Board of Governors of Grassland Heritage Foundation

www.grasslandheritage.org

From: Delisle, Jennifer < jdelisle@ku.edu Sent: Thursday, November 08, 2018 10:33 AM

To: Jeff Crick < jcrick@lawrenceks.org>

Cc: Karen Willey < <u>karenwilley1@gmail.com</u>> **Subject:** Comments on Comprehensive Plan

Hi Jeff;

I have attached our comments on Plan 2040.

I hope you will find these comments useful. Let me know if you have any questions about them.

Jennifer

Jennifer M. Delisle, Research Associate Kansas Biological Survey Takeru Higuchi Bldg. 2101 Constant Ave. Lawrence, KS 66047 785-864-1538 jdelisle@ku.edu

Chapter	Goal	Action item Suggested changes
2A	1	1.5 Add 'and other sensitive lands' after ' agricultural lands'
2A	1	1.6 Add 'and other sensitive lands' after ' high-quality agricultural soils'
2B	1	1.5 (new) add "Revise residential development regulations to better protect sensitive lands'
6	1	Intro Reword: 'Water plays a vital role in both our natural and built environments. Managing water resources ensures that water quality is maintained for drinking sources, for wildlife, and for recreational purposes. It also is vital to manage water quantity to limit and mitigate flooding throughout our community
6	1	1.4 Reword: 'Develop stream corridor buffers to preserve riparian habitat, protect water quality, and reduce soil erosion.'
6	2	Intro Add: 'and ecosystem services such as flood control, climate regulation, water purification, and pollination' after 'wildlife habitats and open space'
6	2	2.2 Remove the word 'sustain'
6	2	2.4 Change to 'Preserve native prairies through the development of regulations and incentives.'
6	2	2.5 Change to 'Establish corridors of wildlife habitat connecting parks and open spaces'
6	Sensitive Lands sidebar	See definition below
6	2	2.9 Possible wording: 'Address invasive species on municipal and county lands, with priority given to non-chemical methods'
6	2	2.10 Add new item: 'Establish a Douglas County Open Space program to protect sensitive lands'
6	4	4.1 Change 'harvesting' to 'extraction'
6	4	4.2 Change first instance of the word 'extraction' to 'use'
7B		Vision Change to 'Create and maintain a variety of active and passive open spaces to protect sensitive lands and to provide options for residents of all ages to lead a healthy and active lifestyle
7B	2	2.1 Replace 'land dedications' with 'conservation easements'
7B	2	2.2 Change 'key natural and historic areas' to 'sensitive lands and key historic areas.'
7B	2	2.4 Add new item: 'Establish a Douglas County Open Space program to protect sensitive lands'
7B	3	Intro Change to 'Creating active and passive open spaces as the community grows is necessary'
7B	3	3 Change to 'Expand existing active and passive open space systems'
7B	3	3.4 Reword: 'Locate active open spaces near community facilities'
7B	4	4.1 Define 'community'.
7B	4	4.4 Change to 'Connect lands that provide continuity for floodplains and watercourses and as wildlife corridors'
7B	5	5 Change to 'Preserve and restore'
7B	5	5.1 Change to 'Promote sensitive land protection through conservation easements and other voluntary mechanisms'
7B	5	5.2 Change to 'Incorporate sensitive lands into development proposals as preserved features.'
7B	5	What is a Steep Slope? Add 'or more' after 15 percent.

Sensitive Lands are places that have unique environmental attributes worthy of retention or special care. They are critical to the maintenance of ecosystem services and healthy plant and wildlife populations. Protection of Sensitive Lands reduces vulnerability to natural hazards, and enhances the quality of places where people live, work, and play. These lands include:

- strive Lands are places that nave unique enviror
 Floodways and floodplains
 High quality agricultural soils
 Steep slopes
 Wetlands and stream corridors
 Habitats for rare plants and animals

- Native prairies
 Urban forests and rural, high-quality, native woodlands

Comments about the suggested change

Bold type indicates two concepts to include in statement. Complete sentences provided as suggestion. These are the usual benefits of stream buffers.

meaning is vague; does it mean 'manage'? If so, who is doing the management? uses same wording as 2.2.

Invasive species are a problem in areas other than 'native ecosystems.' But surely the Plan doesn't mean to address the issue of invasives on private lands?

Mimics definition of open Spaces in sidebar; refers to a defined term "sensitive lands" meaning of 'land dedications' is vague.

key natural areas' is not defined. Use 'sensitive lands' which is defined in the document.

Mimics use of the defined term 'Open Spaces' rather than introducing the term 'parkland'.

Remove 'Identify' because presumably these areas already are known. Provides continuity by using terms already defined. Park and recreation areas are included in the definition of Activ
It is not desireable to locate passive open spaces such as nature preserves and scenic overlooks near community facilities.

Does 'community' refer only to Lawrence? Should It?

Conservation easements are not a program. provides continuity throughout the document by using the defined term 'sensitive lands'.

Dear Chairwoman Willey and Lawrence Douglas County Planning Commissioners,

I would like to commend Jeff Crick and the Plan 2040 Steering Committee for all their efforts and long hours spent on the Comprehensive Plan revision. However, I do have concerns.

My comments are restricted to Chapter 6, "Natural Resources", although I think some could be applied to other chapters as well.

My concerns stem not so much from what is IN Chapter 6, 2040, as from what is NOT in it. On the face of it, Ch. 6 may seem adequate. However, when compared to what is being lost from Horizon 2020, concerns may become more apparent.

My concerns fall into five categories:

- 1. LACK OF SPECIFICITY: Despite Plan 2040's own explanation in Ch.1, that ".... action items "Are more specific statements providing measureable strategies", the action items are often vague, broadly written and incomplete. As written, many are actually goals, with no specific means to achieve them. They rarely "provide measureable strategies". This lack of specificity and clarity will likely result in conflicts between various stakeholders, since they are open to interpretation.
- 2. **IMPORTANT POLICIES AND STRATEGIES OMITTED**: A number of important policies and action strategies from Horizon 2020 were omitted from 2040. The following are a few of many examples:
- A. H2020 Policy 1.2d1: "Use native plants in yards and gardens: they need fewer chemicals and water". (Additionally we now understand that using native plants in landscaping is essential for the food web in a world of diminishing natural areas).
- B. H2020 Policy 1.2d3: "Separate livestock operations from streams with a vegetated filter and adequate distance".
- C. H2020 Policy 1.3b: "...identify and map priority wetlands, surface water buffer areas, and riparian areas within each watershed".
- D. H2020 Policy 1.4b: "Develop a wetland policy which promotes protection, enhancement and restoration...".
- E. H2020 Policy 1.7e: "Use nonstructural or natural approaches to storm water system design...rain barrels, rain gardens, bio-retention swales, pervious paving materials and limit use of impervious paving surfaces".
- F. H2020 Policy 1.7g: "Encourage environmentally sensitive farming methods, such as terracing, buffering, the use of no-till farming practices, etc., near surface watercourses to reduce pollution, stabilize stream banks and prevent erosion".
- G. H2020 Policy 2.4g: "Regulate placement of roads, trails and utilities...to minimize creation of fragmented natural areas".
- 3. <u>INFORMATION SCATTERED AND DIFFICULT TO ACCESS</u>: In a letter I submitted to the steering committee in October, 2017, I expressed my concerns that the draft plan removed "specific policies, strategies for implementation and recommendations for incentives, regulations and education....". The Planning Office responded that "Special Land Use Plans and incorporated policy plans were used to a higher degree, thus reducing the number of policies required in the main body of the Plan." I wholeheartedly agree that this information should be incorporated in other relevant plans, chapters and documents. But they should not be removed from this chapter. To do so makes it next to impossible to follow the thread from vision to goal to implementation strategy. I could not find any of the Ch 6 related information I sought in Special Land Use Plans. One of the primary goals of this Comp

Plan revision was that it be more accessible to the general public. However this manner of organizing, which scatters related information between chapters and different documents, makes it next to impossible to find the information one seeks. If one is looking for information on Natural Resources, they should be able to find it in the Natural Resources chapter. It should be included in the Natural Resources chapter as well as incorporated in other relevant chapters and plans.

4. OVERVIEW INFORMATION OMITTED: Horizon 2020 included an Overview at the beginning of each chapter giving background, context and rationale of that chapter. It also contained useful strategies . Some of this was highly valuable in understanding the chapter, but have been completely eliminated from 2040.

Strategies listed in the Overview included "Establish effective incentives and regulations that promote sustainable and efficient management of environmental resources", and "Develop educational programs to foster community awareness.....". The next page states "Code regulations shall be developed to achieve the policies discussed in this chapter". I doubt many incentives or regulations or educational programs have been developed at this time, and yet, while occasionally mentioned in 2040, they are largely omitted. Have we abandoned those necessary goals?

5. NEED FOR ROBUST CLIMATE CHANGE PLAN: Within the past month, the U.N. International Panel on Climate Change was released. It revealed a grim prognosis for the planet, worse than previously thought. It concluded that if we don't cut our greenhouse gasses emissions by 46% in the next 12 years the cost to humanity is enormous and irreversible. The effort needed to limit global warming requires aggressive action at all governmental levels. Action item 6.1 recommends adopting a climate change adaptation plan. This plan should include prevention as well as adaptation. And it should be initiated immediately!

I encourage you to compare Ch 16 "Environment" of Horizon 2020 with Ch 6 "Natural Resources", of Plan 2040. Which is truly "Comprehensive"? If you learned that a large development was proposed to be built next door to your home, which would be most helpful to you? Which would be most helpful to you as a Planning Commissioner? Horizon 2020 isn't perfect. Plan 2040 has much to commend. I'm not suggesting we keep H2020, nor that we disregard 2040, but I am suggesting that in an attempt to abbreviate the Plan we have gutted some important guidelines and strategies, while at the same time created a plan that is difficult for the general public to navigate. I fear that many substantial environmental protections have been lost.

The Environment chapter of H2020, went further than any other such document had ever gone to outline the need for environmental protection in Douglas County. It suggested necessary goals and the concrete means to achieve them. It was imperfect but it was an enormous step in "Consider(ing) the impact upon environmental and natural resources in planning and development efforts".* Approval of that chapter was a contentious, hard fought battle. Let's not lose what was so difficult to achieve.

Sincerely, Pennie von Achen

Horizon 2020, Chapter 16, page 16-2.



P.O. Box 1064, Lawrence KS 66044 a Kansas 501(C)(3) not-for-profit

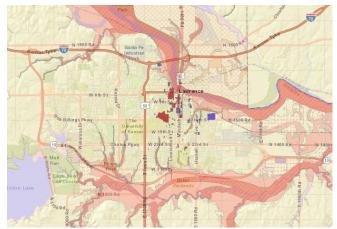
Karen Willey, Chair Lawrence-Douglas County Planning Commission Lawrence City Hall 6 East 6th St. Lawrence KS 66044 12 November 2018

re: Horizon 2040 update, combined 2017 and 2018 comments

Chair Willey and Commission:

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Thank you,

Michael Almon

Comprehensive Plan Committee C/O Jeff Crick, Planner Lawrence Douglas County Planning Commission 6 East 6th St. Lawrence KS 66044

re: H2020 Update Draft, comments

Committee Members:

I do not find this draft document to be a plan as much as a vision statement and promotional piece. While it has the typical plan elements of vision and goals, it lacks the effective means to accomplish those goals. Unlike the existing Horizon 2020 which, for the most part, contains clear and detailed policies and protections to promote equitable development and avoid damaging consequences, this 2017 draft is heavy on generalities, which can readily be nuanced in ways that give a free hand to to do almost anything that land speculators choose to do.

For one thing, the draft writers chose to "streamline" this draft, ostensibly to make it more accessible than the existing "cluttered" Comprehensive Plan, by gutting the content by 75%. The new draft is a "manageable" 116 pages, while the existing Plan is 321 pages. On the face of it, that is a 64% cut to the Plan. But a good 33% of those 116 pages consist of lovely "vision" photos, which instill in the reader a sense of purpose that is little reflected in the actual depleted text. That fragment of remaining text equals a 75.7% reduction from the existing Horizon 2020 Plan.

The word "shall", which means that a stated provision of the Plan must be adhered to, appears only 24 times in the H2020 draft, whereas in the current H2020, the word "shall" requires compliance a total of 377 times. This one aspect of the new draft might be the single most significant change. The vast majority of goals and action items in the already greatly diminished draft Plan are essentially optional. Without enumerating all the ways the draft is toothless, I will give one example.

In the current H2020 Plan, Chapter Six: Commercial Land Use, page 6-15 refers to the existing commercial area of "South Iowa St., 23rd St. to the South Lawrence Trafficway". The wording clearly states:

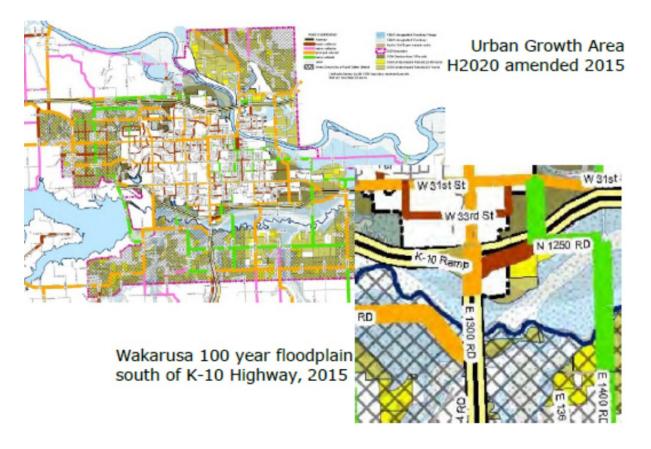
K-10 provides a physical barrier and edge to the commercial corridor that has developed. Additional retail commercial uses shall not occur south of the highway, except for the possible location of an Auto-Related Commercial Center. Two of the four corners of the intersection have existing auto-related uses. Located at the northwest corner is a hotel and an automobile dealership is located on the northeast corner. Because of access to two major highways (K-10 and US-59) the area south of K-10 could be a location for an Auto-Related Commercial Center.

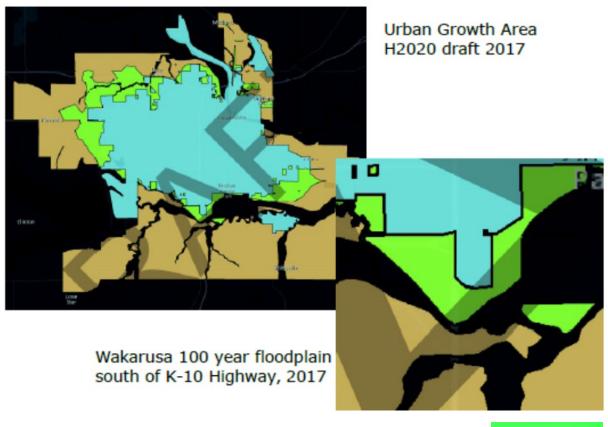
Both corners are an appropriate location for an Auto-Related Commercial Center, provided that the floodplain issues for the southwest corner can be addressed.

The KTen Crossing Regional Commercial Center proposes to build 2.7 million square foot of retail south of the South Lawrence Trafficway (K-10 Highway). Because the proposal is in direct violation of the above restriction to such a use south of K-10, they unabashedly want to delete the entire paragraph from the Comprehensive Plan.

Although Policy 1.6 of the current H2020 Plan calls for limiting new development from encroaching into the regulatory floodplain, and says that floodplains and riparian ways are a constraint to urban development, the key phrase prohibiting the KTen Crossing is "commercial uses <u>shall not</u> occur south of the highway". This development has been proposed four times since 2014, has been litigated in court, and has not succeeded in having the "south of K-10 barrier" deleted from H2020. The newly proposed H2020 draft does delete that phrase, and conveniently will open the floodgates for excessive intrusion into the 100-year floodplain and the Wakarusa Wetlands.

These implications of the new H2020 draft are not idle speculation, but are backed up by the new Urban Growth Area (UGA) map. The area along South lowa St. south of K-10 Highway is targeted for urban expansion of Tier 2 growth all the way to the Wakarusa River. Below is a comparison of the current UGA map which mostly keeps growth out of the floodplain, and the new UGA map which calls for paving over hundreds of acres of wetlands.





2017 H2020 Draft Plan: Tier 2 of Urban Growth Area -

Regardless of any other elements in the draft H2020 that claim to manage and safeguard our community assets, such as protecting sensitive lands, maintaining floodplains, promoting central city density rather than sprawling into rural areas, or ensuring that any new proposal will not negatively impact the existing market, this map demonstrates how deleting that one phrase "commercial uses <u>shall not</u> occur south of the highway" changes the entire thrust of urban expansion.

Please remove all but 1% of the pretty pictures from the draft document, and reinstate the policies and protections that have been deleted from the existing version of Horizon 2020. Re-establish a liberal use of the admonition "shall" in the document so the Plan has some hope of accomplishing the lofty vision and goals that are well represented throughout.

thank you,

Michael Almon

From: Sandy Beverly <sbeverly@sunflower.com>
Sent: Wednesday, December 12, 2018 9:04 AM
To: City Hall email <<u>CityHallemail@lawrenceks.org</u>>
Subject: To Planning Commission re: Plan 2040

Dear Planning Commissioners:

I'm writing to express concerns about the Natural Resources chapter in Plan 2040. The new chapter lacks specific goals, implementation strategies, and recommendations for regulations, incentives, and education. It is very incomplete and will be ineffective. In short, it lacks specificity and "teeth." I stand with LETUS, whose representatives will speak at the Dec 17 meeting. I will be in the audience to show my solidarity with LETUS.

For contextual information, I urge you to read the following:

https://streets.mn/2018/11/07/everyones-2040-plan-sucks/?utm_source=Sightline%20Institute&utm_medium=webemail&utm_campaign=Sightline%20News%20Selections

https://www.newyorker.com/magazine/2018/11/26/how-extreme-weather-is-shrinking-the-planet

Thank you for your volunteer service to Lawrence and Douglas County.

Sincerely,

Sandy Beverly

Denny Ewert

From: Delisle, Jennifer <jdelisle@ku.edu>
Sent: Thursday, January 17, 2019 5:48 PM

To: Denny Ewert Cc: Karen Willey

Subject:comments on Plan 2040 from the Kansas Biological SurveyAttachments:DG_County_Comp_plan_suggestions_KBS-15Oct2018.xlsx

Hi Denny;

Karen Willey asked that I send you our comments on Plan 2040; see attached. Let me know if you need any more information from me!

Jennifer

Jennifer M. Delisle, Research Associate Kansas Biological Survey Takeru Higuchi Bldg. 2101 Constant Ave. Lawrence, KS 66047 785-864-1538 jdelisle@ku.edu

Chapter	Goal	Action item Suggested changes	Comments about the suggested change
2A	1	1.5 Add 'and other sensitive lands' after ' agricultural lands'	
		Add 'and other sensitive lands' after ' high-quality	
2A	1	1.6 agricultural soils'	
2B	1	1.5 (new) add "Revise residential development regulations to better	
		Reword: 'Water plays a vital role in both our natural and built	Bold type indicates two concepts to include in statement.
6	1	Intro environments. Managing water resources ensures that water	Complete sentences provided as suggestion.
6	1	1.4 Reword: 'Develop stream corridor buffers to preserve riparian	These are the usual benefits of stream buffers.
		Add: 'and ecosystem services such as flood control, climate	
		regulation, water purification, and pollination.' after	
6	2	Intro 'wildlife habitats and open space'	
			meaning is vague; does it mean 'manage'? If so, who is doing
6	2	2.2 Remove the word 'sustain'	the management?
6	2	2.4 Change to 'Preserve native prairies through the development	uses same wording as 2.2.
6	2	2.5 Change to 'Establish corridors of wildlife habitat connecting	
6	Sensitive Lands sidebar	See definition below	
			Invasive species are a problem in areas other than 'native
		Possible wording: 'Address invasive species on municipal and	ecosystems.' But surely the Plan doesn't mean to address the
6	2	2.9 county lands, with priority given to non-chemical methods.'	issue of invasives on private lands?
6	2	2.10 Add new item: 'Establish a Douglas County Open Space	
6	4	4.1 Change 'harvesting' to 'extraction'	
6	4	4.2 Change first instance of the word 'extraction' to 'use'	
		Change to 'Create and maintain a variety of active and passive	· · ·
7B		Vision open spaces to protect sensitive lands and to provide options	
7B	2	2.1 Replace 'land dedications' with 'conservation easements'	meaning of 'land dedications' is vague.
		Change 'key natural and historic areas' to 'sensitive lands	key natural areas' is not defined. Use 'sensitive lands' which is
7B	2	2.2 and key historic areas.'	defined in the document.
7B	2	2.4 Add new item: 'Establish a Douglas County Open Space	
		Change to 'Creating active and passive open spaces as the	Mimics use of the defined term 'Open Spaces' rather than
7B	3	Intro community grows is necessary'	introducing the term 'parkland'.
			Remove 'Identify' because presumably these areas already are
		Change to 'Expand existing active and passive open space	known. Provides continuity by using terms already defined.
7B	3	3 systems.'	Park and recreation areas are included in the definition of
			It is not desireable to locate passive open spaces such as
		Reword: 'Locate active open spaces near community	nature preserves and scenic overlooks near community
7B	3	3.4 facilities'	facilities.

Chapter	Goal	Action item	Suggested changes	Comments about the suggested change			
7B	4	4.1	Define 'community'.	Does 'community' refer only to Lawrence? Should it?			
7B	4	4.4	Change to 'Connect lands that provide continuity for				
7B	5	5	Change to 'Preserve and restore'				
7B	5	5.1	Change to 'Promote sensitive land protection through	Conservation easements are not a program.			
			Change to 'Incorporate sensitive lands into development	provides continuity throughout the document by using the			
7B	5	5.2	proposals as preserved features.'	defined term 'sensitive lands'.			
7B	5	What is a Steep Slope?	Add ' or more ' after 15 percent.				
Sensitive Lands are							
places that have							
unique environmental							
attributes worthy of							
retention or special							
care. They are critical							
to the maintenance of							
ecosystem services							
and healthy plant and							
wildlife populations.							
Protection of							
Sensitive Lands							
reduces vulnerability							
to natural hazards,							
and enhances the							
quality of places							
where people live,							
work, and play. These							
lands include:							
-	Floodways and floodplains						
· · · · · · · · · · · · · · · · · · ·							
• Steep slopes							
Wetlands and stream corridors							
Habitats for rare plants and animals							
	The state of the s						
Urban forests and rural, high-quality, native woodlands							

From: Tom Birt < birt.tom@gmail.com >
Sent: Sunday, December 16, 2018 10:21 PM
To: City Hall email < CityHallemail@lawrenceks.org >

Subject: P2040 + oil and gas in NE sector

see attached or December 15, 2018

Planning Commissioners,

Please consider that the Introduction and Growth chapters of P2040 should demonstrate our town's commitment to get us off fossil fuels and commit to 100% reliance upon renewable energy. Why? It's good for growth and good Press. Also, it demonstrates our commitment to being a resilient community in the face of Climate Chaos.

It would be bad for all of us (and bad Press) if the City of Lawrence and Douglas County ignored the danger posed by current and past activities of the oil and gas industry. For example, according to Kansas Geological Service maps, there are oil wells (http://maps.kgs.ku.edu/oilgas/index.cfm) within the boundary of Plan 2040's NE Sector. As you can see from the KGS map, these wells are ESE of the intersection N 1620 Rd and E 1600 Rd which is very close to the Kansas river. These wells are in the "Lawrence Oil Field" of the now infamous Squirrel formation. The KGS map shows four currently producing oil wells. Additionally, the map shows one "inactive" well (with no plugging date), a dry and abandoned well (with no plugging date) and a gas well on a lease named "Community" that was completed in 1945 (again, no plugging date).

In Douglas county SE of Lawrence the density of oil and gas wells increases. And if you look at the KGS map you'll see that this is an issue throughout east central Kansas. After all, the first oil well west of the Mississippi was drilled one mile east of Paola in 1860 (https://aoghs.org/petroleum-pioneers/kansas-mid-continent-oil-fields/).

Finally, page 6 of P2040's introduction states: "If a [development] proposal does not comply with Comprehensive Plan requirements, then the applicant must pursue a plan amendment". Does this mean that a developer would only "pursue a plan amendment" if their plan didn't comply with a P2040 **requirement**?

Our town's Sustainability Advisory Board, the Climate Protection Task Force, and LETUS suggest a *shared* vision for Lawrence and Douglas County.

Thank you for your consideration,

Tom Birt 930 Missouri St. Lawrence, Ks

Commissioners,

Page 6 of P2040's introduction states: "If a (development) proposal does not comply with Comprehensive Plan **requirements** (emphasis added), then the applicant must pursue a plan amendment".

Does this mean that a developer would only "pursue a plan amendment" if their plan didn't comply with a P2040 requirement? This draft of P2040 requires very little but it does have a lot suggestive language.

According to the Kansas Geological Survey there are oil wells within the boundary of the NE Sector. there are 5 are oil http://maps.kgs.ku.edu/oilgas/index.cfm
The Lawrence Oil Field within the Squirrel formation
Tufte Enterprises, LLC operates 1 "recompleted well".
Circle E Investments operates 4 producing wells./
1 dry and abandoned well (Chas Wise lease) that was spudded in 1940.

http://www2.ljworld.com/weblogs/town_talk/2018/feb/02/t o-the-surprise-of-neighbors-bulldozer-b/

get the town off fossil fuels by building local food, energy, and economic infrastructure toward this revolutionary notion of resilience and being ab le to bounce back from unexpected changes. environmentally responsible manner" page 14

"Sensitive Lands are part of the natural environment that provide habitat for wildlife, endangered ecosystems, or presently unique settings that are rare in Douglas County. By protecting these designated spaces we can protect natural habitats, provide recreation areas, and help minimize development impacts in sensitive areas. These include: • Endangered Species Habitats • Floodway and Floodplain • High Quality Agricultural Soils • Native Prairies • Rural Woodlands and Urban Forests • Wetlands & Stream Corridors • Steep Slopes" page 67

- 2.6 Consider the complete natural system in identifying and preserving sensitive lands as individual developments occur to maintain continuity throughout the ecosystem. page 68
- 3.9 Protect environmentally sensitive lands as new and existing areas develop or redevelop.
- 1.4 Sites shall primarily be out of regulatory floodplains. 1.5 Sites shall contain minimal slopes. 1.6 Protect environmentally sensitive lands as new and existing areas develop or redevelop. Chap 2 page 31

Staying ahead of new trends and needs requires a proactive market response for new developments to a constantly changing environment. Chapter 2 page 32.

From page 24 of the Climate Protection Task Force Plan: This CPTF Climate Protection Report was modeled on the Climate Action Plan for Norman, OK, a city of similar size and demographics to Lawrence, KS. Norman Oklahoma is working towards having 100% of its energy come from renewable sources.

Chapter 8 Appendix page 102 Implementation of Chapter 6 Natural Resource

D: Implementation

From: Thad Holcombe < tjholcombe@gmail.com > Sent: Friday, December 14, 2018 11:57 AM

To: City Hall email < CityHallemail@lawrenceks.org>

Subject: To Planning Commission - Comments one 2040 Comprehensive Plan for Dec. 17 Meeting

To Planning Commission Members:

I will be speaking during public comment at the Dec. 17 meeting. At that time, I hope to again elaborate on these comments and some of the concerns that LETUS (Lawrence Ecology Teams United in Sustainability) has regarding the 2040 Comprehensive Plan. I will repeat to some extent what was presented at the November meeting of the Planning Commission. Since that meeting, the information on how urgent it is to act regarding consequences of climate change has seemed to exponentially increased! Most likely you have all been sent the following essays and newspaper articles:

https://streets.mn/2018/11/07/everyones-2040-plan-sucks/?utm_source=Sightline%20Institute&utm_medium=webemail&utm_campaign=Sightline%20News%20Selections

https://www.newyorker.com/magazine/2018/11/26/how-extreme-weather-is-shrinking-the-planet

(This is a difficult read...I had to take a break to finish it. I would like to lift up a very small portion of it, but one that is very important -

"Humans share the planet with many other creatures, of course. We have already managed to kill off sixty percent of the world's wildlife since 1970 by destroying their habitats, and now higher temperatures are starting to take their toll." (pages 50-51) This statement is certainly worth of consideration when planning for "growth".

I would also like to add the comments made by the Sustainability Advisory Board (These were sent to you previously.):

SAB Comments on Comp Plan.pdf

LETUS would like to be in support of these comments. We particularly would like to emphasize the following suggestions made by SAB:

Adoption of a Climate Adaptation Plan

Additional goals for "Natural Resource" ("Environmental Stewardship) - Chapter 6: Make Lawrence 100% renewable energy city Promote deconstruction industry and more efficient recycling of building materials

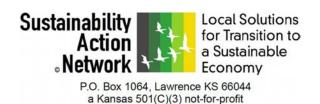
Understand "role of sustainability in our community's development"along with inclusion of "sustainability". For a definition go to https://lawrenceks.org/sustainability/about.

We also agree that a major concern in growth are threats of unsustainable traffic congestion and affordable housing - these need to be addressed.

The rest of the SAB report is important as well, esp. comments on Chapter 7: Community Resources and Chapter 8: Implementation.

Certainly the task of the Planning Commission is occurring at a historic time, given the growing recognition of climate change consequences. We would like to continue supporting your endeavor.

Thad Holcombe Moderator of LETUs



Plan 2040, Chapter 6, Natural Resources, August 2018 draft Proposed amendments (in red)

6. Strengthen environmental protection through ecologically sustainable development of the built/urban environment.

[existing language]

6.1 Adopt a climate change adaptation plan incorporating potential climate change scenarios and identifying specific actions to reduce risk and exposure from hazards.

[proposed fact based correction]

6.1 Accept the global scientific consensus that Earth's life support ecosystems are at risk of collapse within a generation, and follow the recommendations to reduce risk and exposure as enumerated in the Climate Protection Plan and the Peak Oil Response Plan, adopted respectively on 31 March 2009 and 30 September 2011.

[here are the links]

https://assets.lawrenceks.org/assets/agendas/cc/2009/03-31-09/03-31-09h/cptf_final_draft_report.pdf (NOTE: staff has never bothered to upload a version without the "draft" watermark across the pages)

https://assets.lawrenceks.org/assets/agendas/cc/2011/12-13-11/ Peak_Oil_Final_Report_93011.pdf

Proposed changes of critical linguistics and concept framing In this chapter, and the balance of the document.

Substitute the word "ecology" for "environment" and "ecological" for "environmental" in all instances that refer to natural ecosystems.

Explanation:

In many City of Lawrence documents, including the Land Development Code, the word "environment" or environmental" is used to mean "surrounds" as in the area around a building or a site. This is either intentionally or inadvertently confusing, and should not continue.

Proposed change to the name of this Chapter.

Substitute the title "Food Production and Ecosystem Services" for "Natural-Resources".

Explanation:

The Earth is not a resource to be solely exploited by the human species. Earth is life support for us and all species, providing innumerable ecosystem services for our survival, such as water purification, pollination, coral reefs, and ocean phytoplankton which is the foundation of the food chain for all marine life, and produces 50% of planetary oxygen.

Food production is not a natural resource, but rather the largest human construct, interrupting natural ecosystems, and being responsible for between 31% and 37% of global greenhouse gas emissions.

From: Tom Birt < birt.tom@gmail.com > Sent: Monday, February 18, 2019 11:38 AM

To: City Hall email < CityHallemail@lawrenceks.org>

Subject: Lawrence Douglas County Joint Planning Commission

February 18, 2019

Commissioners,

According to Kansas Geological Survey maps, there are oil wells (http://maps.kgs.ku.edu/oilgas/index.cfm) within the boundary of Plan 2040. For example, ESE of the intersection N 1620 Rd and E 1600 Rd there are wells quite close to the Kansas river. These wells are in the "Lawrence Oil Field" of the now infamous Squirrel formation. The KGS map shows four currently producing oil wells. Additionally, the map shows one "inactive" well (with no plugging date), a dry and abandoned well (with no plugging date) and a gas well on a lease named "Community" that was completed in 1945 (again, no plugging date). Southeast of Lawrence and directly south of the Crown Lake Ski Club there are numerous active and abandoned oil and gas wells.

The city of Paola has an active pump jack on a well that was spudded in 1913. It is surrounded by houses. Did they plan for this? I don't know.

By Kansas statute counties can not regulate the oil and gas industry. Cities in Kansas are constitutionally guaranteed the the right to "home rule". We need a plan that considers the impact of the oil and gas industry on the part of the ecosphere into which we are growing.

Our Sustainability Advisory Board, the Climate Protection Task Force, and LETUS suggest a *shared* vision for Lawrence and Douglas County. P2040 should demonstrate our town's commitment to get us off fossil fuels and commit to 100% reliance upon renewable energy. Why? It's good for growth and good Press. Also, it demonstrates our commitment to being a resilient community in the face of climate chaos.

Sincerely,

Tom Birt 930 Missouri St. Lawrence, Ks From: Clark Coan <<u>clarkcoan@yahoo.com</u>>
Sent: Thursday, February 21, 2019 1:27 PM
To: Jeff Crick <<u>jcrick@lawrenceks.org</u>>

Subject: Plan 2040: A Comprehensive Plan for Unincorporated Douglas County and the City of Lawrence

To Whom it May Concern:

Please accept these comments on Plan 2040.

Over the last three decades Douglas County has lost most of its remaining native prairie due to development and lack of proper prairie management. Woodlands are also under the threat by exurban development. As the population continues to grow in the region and county over the next two decades, the remaining tracts of prairie and woodland will disappear unless something is now. That is why I would like to urge that a Douglas County Open Space Program be inserted in the plan.

Perhaps the best way to protect sensitive lands and provide public lands for recreation is the creation of a conservation district with taxing authority or a dedicated funding source. McHenry County, Illinois has such a conservation district and it has conserved over 25,000 acres since its inception in the early 1970s.

Thank you for paying attention to my comments.

Clark Coan 114 Pawnee Ave. Lawrence, KS 66046 From: Becki DeRusseau < becki.derusseau@gmail.com >

Sent: Thursday, February 21, 2019 7:29 AM
To: Jeff Crick < <u>icrick@lawrenceks.org</u>>
Subject: Comment on Comprehensive Plan

Dear Planning Committee Members and Commissioners:

Please consider the importance of natural areas such as old growth forest and prairie remnants when creating the Comprehensive Plan and include strong language to protect them. These natural areas are important to me, personally, and to the wildlife of our county, including bees and other pollinators.

Thank you,

Becki Farrell DeRusseau 66044

----Original Message-----

From: Dan Huffman < lifes4livin@me.com > Sent: Monday, February 18, 2019 9:45 AM To: Jeff Crick < icrick@lawrenceks.orq >

Subject: Native prairie importance to Kansas residents

Dear Lawrence-Douglas County Metropolitan Planning Commission:

I am contacting you to express my thoughts regarding the inclusion of protections in your long-range plan for the preservation of natural undisturbed areas in Douglas County, especially remnant or native Kansas prairie areas. My wife, Susie, and I are fortunate to have native prairie on our 3-acre property at 898 N.1850 Road, in the northwest corner of Douglas County about a mile south of the Kansas River, with approximately half of our 3-acres native prairie. Our prairie site has had Kansas biological surveys for plant species done by botanists from KU over the years, called for both by the previous owners of our ground, and now my wife and I, who purchased our home and the land in 2013. The surveys have all confirmed the dozens upon dozens of plant species and plant communities that are unique, and we've been told, irreplaceable, given the interdependent relationships existing where the plant species and native soil have never been disturbed by a plow. I cannot overemphasize how meaningful and humbling it is for my wife and I to be able to enjoy the four seasons of change that sweep across our prairie meadow, while knowing the sights we enjoy are a glimpse into the wild beauty of Kansas that greeted Native Americans in their journeys across the plains, and later, the settlers who chose Kansas for the possibilities of a better life on its prairies. In a real sense, my wife and I feel we have been allowed to become stewards of a vital piece of Kansas natural history, one that should be preserved for its own sake as a piece of Kansas's biological identity. We've read that only 3% of the original Great Plains native prairie remains, and as a former elderly neighbor stated, "they're not making any more of it". My wife and I have shared our prairie with friends as well as faculty and students from KU and plan to continue to do so and wish to extend an invitation (please call us at 785-842-6779) to any members of the Metropolitan Planning Commission who would be interested, though it might be best to wait until late Spring and early summer when the wildflowers are in bloom.

We are also fortunate as our two new neighboring families, who in the past four years have purchased over 160 acres surrounding our 3-acre property, have both made commitments to preserving and even restoring some of the native plants that once covered their ground. Our neighbor to the northeast has an even larger acreage than ours of native prairie, as well as a beautiful stand of old-growth Kansas forest. He has invested "sweat-equity" as well as considerable expense to clear additional non-remnant acres and replant them with native plants and wildflowers. Our neighbor to the northwest is interested in preserving areas of his 90-plus acres for wildlife habitat, and last year he and his wife had the rare opportunity to spy a mountain lion crossing his old-growth forest ground in the northern reach of his land, one of many wild Kansas species that live within range of the Kansas River just a mile north.

I remain uncertain how many future generations in Douglas County will be able to visit, let alone own remnant prairie or old-growth forest, but I believe with proper planning by the owners of such natural areas, as well as the thoughtful attention by groups such as yours, all future generations of Douglas County will be able to visit and thus appreciate these wild, undisturbed places that are like precious gems within one of the most beautiful counties in Kansas. I humbly request that you prioritize the protection and long-term preservation of such natural ares in Douglas County in your planning efforts.

Respectfully, Dan and Susie Huffman Pennie von Achen 1346 E. 2350 Road Eudora, Kansas February 21, 2019

Lawrence Douglas County Metropolitan Planning Commission Lawrence City Hall 6th & Massachusetts St Lawrence, Ks

Dear Chairwoman Willey and Commissioners,

The primary purpose of writing new comprehensive plans every few years is to update it. Each plan should build on its predecessor, developing new goals and new strategies to meet the current conditions and needs. But there is very little that's new in Chapter 6 of Plan 2040. Most of the goals and action items are simply abbreviated versions of those in H 2020. And in many cases, vital information was lost in the abbreviated form. So while we have gained little we have lost much in the way of substance.

This comes at a time when the problems facing our environment, and therefore us, have never been greater. The stunning and ongoing loss of biodiversity, the dual problems of water: quality and scarcity, and the grim impacts of climate change are just three examples that pose unprecedented threats. The UN Intergovernmental Panel on Climate Change recently issued a report that says we must reduce our greenhouse gas emissions by 40-50% by 2030 to avoid a humanitarian crisis like the planet has never known. Many say it can't be done. It requires aggressive and creative action. What role can the new Comprehensive Plan serve in addressing these problems?

First, we must look to the goals and strategies we already have in H 2020 and Plan 2040. Surprisingly, several strategies from H2020 that could help mitigate climate change have been omitted from Plan 2040. A few of those are listed:

Policy 3.1a: Recommend land use and transportation design standards that encourage the use of alternative forms of transportation, encourage development in areas that are served or could be served by transit facilities and provide efficient connections from one mode of transportation to another. Policy 3.1b: Encourage and provide incentives for mixed use districts which provide live/work/shop opportunities within walkable distance.

Policy 3.1g: Develop a walkable complete street program, stressing connectivity and street design that safely accommodates all users including non-motorized vehicular traffic.

Policy 3.3a: The City and County should strive to minimize power usage, promote alternate fuel sources, and use environmentally friendly building design and mechanical systems (often referred to as "green building") in their government buildings to serve as a model to the community.

Policy 3.5a: Develop and implement policies to inventory and INCREASE (my emphasis) the amount of urban forest that will help reduce the amount of CO2 in the air.

Policy 6.4b: In a fiscally responsible manner, the City and County shall use the most environmentally friendly (i.e. fuel efficient) vehicles available on the market for government vehicles, including the publicly-owned transit fleet.

Policy 6.5a: The City of Lawrence and Douglas County should lead the way by REQUIRING (my emphasis) that all new public facilities and substantial remodels of existing public facilities be built according to sustainable or green industry accepted standards and programs.

Policy 6.6f: The City and County governments shall take the lead and set an example of reducing energy consumption for the community in a fiscally responsible manner, and examples may include:

- f.4: Taking steps to reduce energy consumption in governmental buildings (using an energy audit system).
 - f.5: Utilizing energy efficient building materials and designs on new facilities.

But these goals and strategies are only the starting place. We as a community and you as leaders, must heed the sense of urgency in these growing ecological crises and recognize that our traditional solutions are inadequate to meet the challenges we now face. With that in mind, I recommend the following:

- 1. Re-examine the language in H2020 and find where abbreviating sentences or paragraphs has resulted in lost information. Incorporate that omitted language into Plan 2040. (see the last page for more of those examples)
- 2. Prioritize the adoption of the Climate Change PREVENTION (my addition) and Adaptation Plan in Plan 2040 (6.1). Set a date for its implementation. Ideally at least some of the participants should have expertise in this area.
- 3. Finally, given the gravity, complexity, and urgency of these multi-faceted concerns, I would urge you to solicit the assistance of a person with professional expertise to advise us on what further steps we should include in Plan 2040. Hopefully he/she could help us find those creative, nontraditional strategies we may be missing. It would be well worth it to be sure we are doing all we can to build a healthy, vibrant and sustainable community.

Due to recent surgery I may be unable to attend Monday's meeting. Thank you for the long hours you are spending on the Comprehensive Plan!

Sincerely, Pennie von Achen Following are a few examples of goals or action steps found in H2020 that did not make it into Plan 2040, or some important parts were omitted:

Policy 1.2d.1 Use native plants in yards and gardens: they need fewer chemicals and water. (This could be encouraged on projects that come before the Planning Commission, and on government landscapes) Policy 1.4b: Develop a wetland policy which promotes protection, enhancement, and restoration of existing high priority wetlands and effective mitigation of wetlands when disturbed.

Policy 1.5c: If important areas of groundwater recharge are identified through the inventory, prepare a wellhead protection plan.

Policy 1.6a.Consider further limiting new development from encroaching into the regulatory floodplain by adopting regulations that promote no adverse impact in flood hazard areas.

Policy 1.7E: Use nonstructural or natural approaches to storm water system design and management. Encourage storm water management that uses natural features, rain barrels, rain gardens, bio-retention swales, pervious paving materials, and limits the use of imperious surfaces, etc.

Policy 2.2a: Develop regulations and incentives that provide DIFFERENT LEVELS (my emphasis) of protection for the different types of woodlands.

Policy 2.4g: Regulate the placement of roads, trails and utilities with development or infrastructure projects to minimize creation of fragmented natural areas.

Policy 2.4h: Develop a program to encourage and incentivize the connectivity of natural areas whether they are on a particular development site or off-site.

Policy 5.1c: Encourage the recycling of construction and demolition debris.

Policy 6.6d: Provide incentives for building and facility design which minimizes water usage such as water efficient plumbing fixtures, and reuse of gray water for irrigation.

P.O. Box 1064, Lawrence KS 66044 a Kansas 501(C)(3) not-for-profit

Karen Willey, Chair Lawrence-Douglas County Planning Commission Lawrence City Hall 6 East 6th St. Lawrence KS 66044

re: Plan2040 draft

Chair Willey and Commission:

For anyone interested in looking, there are innumerable scientific references to be found describing how humanity is fouling our own nest, to our own detriment and that of all other species. Ocean fisheries are collapsing, the Brazilian rainforest is being decimated, agriculture runoff is causing a 5,780 square mile dead zone in the Gulf of Mexico, and we have entered the sixth mass extinction on the Earth, with 16-33 percent of invertebrates now endangered.

It's sometimes difficult to put these facts into a local perspective, but much of the global damage to ecosystems is caused by land use conversion by humanity. In that regard, I want to share with you some observations by Dr. Hope Jahren, a full professor of Geobiology at the University of Oslo. Please include strong protections for wetlands and prime soils in the Growth and Development chapter and the Natural Resources chapter of the Plan2040 draft.

"A forest experiences many disturbances like lightening kills, windfalls, death from aging, and fires. Humans can disturb like nothing else. We plow, pave, burn, chop, and dig. The edges and disturbances of our cities support only one kind of plant, a weed, which grows fast and reproduces aggressively. A plant living where we don't want it is a pest. A plant thriving where we don't want it is a weed. Humans are actively creating a world where only weeds can live, and then feigning shock and outrage at finding so many.

"For several billion years, the whole of the Earth's land surface was completely barren. After the first jawed and jawless fish appeared, sixty million more years passed before there was life on land that constituted any more than a few single cells stuck together within the cracks of a rock. Once the first plant did somehow make its way onto land, however, it took only a few million years for all of the continents to turn green, first with wetlands, and then with forests.

"Three billion years of evolution have produced only one life form that can reverse this process and make our planet significantly less green. Urbanization is decolonizing the surface that plants painstakingly colonized four hundred million years ago, turning them back into hard and barren lands. The amount of urban area in the U.S. is expected to double during the next forty years, displacing a total area of protected forest the size of Pennsylvania."

thank you,

Michael Almon

25 February 2019



Kansas Riverkeeper® & Executive Director

Dawn Buehler

Development Director *Michael Norris*

Education Director

Laura Calwell

Education Specialist *Denise Kidder*

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Friends of the Kaw

P.O. Box 1612 Lawrence, KS 66044 785-312-7200

Report River Pollution: 1-866-RIV-KEEP

Email: riverkeeper@kansasriver.org

Website:

www.kansasriver.org

February 21, 2019

City of Lawrence Unincorporated Douglas County CompPlanUpdate@lawrenceks.org

Re: Comprehensive Plan Public Comment

City of Lawrence & Unincorporated Douglas County:

I represent the Friends of the Kaw, Inc., a 501(c)(3), grassroots, conservation organization, the mission of which is to protect and preserve the Kansas River (locally known as the Kaw) for present and future generations. I am also an active member of the Kansas Basin Regional Advisory Committee for the Kansas Water Plan and Vision, which involves the efforts of many people across Kansas to address the water problems of our state.

It is very important that we take this opportunity to comment on the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County. We are providing public comment in regards to the Natural Resources section. Please find our comments attached to this letter.

The Kansas River is a drinking water source for over 800,000 Kansans and is a National Water Trail. We all must do what we can to protect the watershed and this valuable resource. Thank you for your time, thank you for serving your community, and thank you for your hard work to set a plan for the future.

Sincerely,

FRIENDS OF THE KAW

Dawn Buehler

Kansas Riverkeeper® & Executive Director

Duchler

KANSAS RIVERKEEPER®



Public Comment from Friends of the Kaw

City of Lawrence & Unincorporate Douglas County Comprehensive Plan 2040 February 21, 2019

Comment about suggest

Chapter	Goal	Action Item	Suggest Changes	change
			Sidebar: Definition of Watershed: A watershed is an area of land	Current example is not entirely
	6		that drains to a single point.	accurate
			Sidebar: Watersheds are importantneeds to be rewritten.	
			Suggestion: We all live in a watershed. Watersheds consist of	
			surface waters such as rivers, streams, lakes and wetlands, as	
			well as all of the groundwater under the soil. Watershed	
			protection is a means of protecting all of those waters that drain	
			into the watershed. A watershed is more than a drainage area in	
			and around our communities, it provides drinking water for people	
			and wildlife, diverse native landscapes, wildlife habitat, nourishes	
			our gardens, produces energy and is the basic foundation for life.	
1			Protection of our natural resources and our watershed is essential	
	6		to maintain the health of all living things.	Watersheds are more inclusive.
			Suggested revision: To protect, enhance and restore our rich	
	6 Vision		natural heritage and environment.	
			Suggested revision: Managing all water resources to ensure that	
			water quality is maintained for a <u>health watershed</u> , drinking water,	We must think holistically and
	6	1 Intro	and recreational purposes.	look at the entire system.
			Suggested revision: Manage the watershed and all water	
1			resources to protect natural habitats, mitigate hazards and ensure	
[6	1	water quality.	
			Comment: in order to evaluate development proposals that	
			impact the drinking water for Lawrence & Douglas Co., that will	The watershed extends far
	6	1 1.1	require that the entire watershed is monitored.	beyond Douglas County.
			Suggested revision rewrite: Develop a stream setback policy that	The County could really take a
			works to protect, preserve and enhance the hydrologic, biological,	step here and become the leader
1			ecological, aesthetic, and recreation functions that river and	across the state on the protection
	6	1 1.4	stream corridor buffers provide to the community.	of water.

			Suggested revision: Encourage minimal and appropriate use of	
			fertilizer, pesticides and other chemicals within the watershed.	
			Train city and county staff on appropriate use of these chemicals,	Would like to see the County &
			especially surrounding water bodies and during wet weather	City stop spraying on the bridges
6	1	1.6	conditions.	over waterways.
			Suggested revision: Inventory and protect groundwater resources,	
			their recharge lands, and understand their connections to surface	
6	1	1.9	streams.	
			Suggested revision: Promote voluntary water usage reductions.	
6	1	1.11	(by itself)	
			Suggested addition: Encourage best management practices in all	
6	1	1.12	work that touches sensitive lands, lands and water.	
				We don't want to maintain lands
			Suggested revision: Manage land resources to maintain or restore	as they are if they have invasives
			their native, historical functions and ensure their sustainabiltiy for	and don't hold soil, we want to
6	2		the future.	restore them.
				Best Management Practices are
			Suggested revision: Adopt regulations requiring grading permits	critical to protecting the
6	2	2.1	and require best management practices in all development.	watershed
			Suggested revision: Properly manage natural resources to ensure	Make sure the community
			sustainability, marketability, environmental protection, and value	receives the best value when the
6	4		for the community.	mining is from a community asset
			Suggested revision: Work with partner agencies and the	
			community to develop sustainable harvesting standards and an	Need community involvement
6	4	4.1	effective reclamation plan that benefits the community.	when we destroy lands
			·	Make sure there is appropriate
6	4	4.3	Suggested addition: and involve the community	public comment periods



Lawrence Board of REALTORS®

3838 W. SIXTH ST., LAWRENCE, KANSAS 66049 / (785) 842-1843 <u>www.LawrenceRealtor.com</u>

February 22, 2019

Lawrence-Douglas County Metropolitan Planning Commission

Dear Planning Commissioners,

Thank you for the opportunity to speak, albeit very briefly, at the December 17, 2018 meeting about the Lawrence Board of Realtors® concerns regarding the community benefit policy contained in Chapter 2 of Plan 2040. Unfortunately, due to time and format constraints, there remains much more that went unsaid but should be considered.

City staff summarily claimed that many other jurisdictions have had success with policies similar to the community benefit policy in Chapter 2. However, after extensive research, including requesting assistance from our national organization, we are unable to locate any jurisdiction in the country that has instituted a policy like the community benefit mandate in Chapter 2.

City staff also referred to successes Boulder, Colorado has experienced in creating additional affordable housing. However, what staff failed to mention is that Boulder's plan is an inclusionary housing program that requires 25% of all housing development within the city limits to be set aside as permanently affordable housing, or a payment-in-lieu of \$18,000 per unit. First, this kind of inclusionary housing program has been expressly prohibited by statute in Kansas so Boulder's system is not comparable. Further, as reported in a 2014 Boulder newspaper article (attached), developers acknowledge passing on the costs of complying with Boulder's inclusionary housing program to market buyers by building more expensive market rate housing. This is precisely the result LBOR and others have been warning against. When developers incur additional costs and pass those on by building more expensive market rate housing it adds inventory to a price point that is already sufficiently represented in the Lawrence market and does absolutely nothing to address the established need for moderately priced workforce housing in Lawrence.

This underscores the semantic problem that exists when we are talking about affordable housing. Most of us think of affordable housing in terms of housing that is publicly subsidized through rent vouchers, down payment assistance, or development of permanently affordable housing through grant funding with assistance of agencies like Tenants to Homeowners. This is undoubtedly an important public need and requires our attention.

But when we focus on this definition of affordable housing, we lose sight of a growing population of residents who make too much to qualify for public assistance, but not enough to afford a house that costs more than \$250,000. These people make up a significant portion of

the Lawrence workforce and we know from the recent housing study that there are nearly 3,000 of these residents who currently rent and want to own but Lawrence simply doesn't have enough affordable inventory to accommodate them. As a result, we have a population of employed, tax paying Lawrence residents who are being priced out of home ownership. So when LBOR talks about housing affordability, we are talking about both the population that qualifies for public subsidy and this more moderate income population that is being left behind.

It is also worth noting that of the 25% of housing required by Boulder's program to be permanently affordable, 80% should be affordable to low/moderate income households and 20% affordable to middle income households. That allotment of housing to meet middle income housing needs is noticeably absent from Lawrence's proposal and City staff have expressly indicated that meeting a community housing need is not, in and of itself, a sufficient community benefit under this policy.

In short, Boulder obtained their success through an enforcement mechanism that is not available to us in Kansas and experienced the very consequence that LBOR and others have been cautioning against for months.

The median sales price for housing in Lawrence has already jumped over 13% in 2018. Affordable housing is quickly becoming out of reach for more and more Lawrence residents. The Lawrence Board of Realtors® believes that everyone in Lawrence should have access to safe, affordable housing and that everyone should be able to experience home ownership within their means. To that end, we would encourage City Leadership to look at housing affordability in Lawrence as it pertains to all Lawrence residents and adopt policies which will incentivize and encourage the growth that Lawrence needs rather than deterring it with additional costly requirements.

Thank you for your consideration of these issues.

01111

Sincerely,

Danielle N. Davey

Governmental Affairs Director

Lawrence Board of Realtors®

Boulder: Is affordable housing working?

Strategy to provide more workforce housing expected to be finalized next year

By Erica Meltzer

Camera Staff Writer Boulder Daily Camera

Posted:Sat Dec 13 11:00:00 MST 2014

Back in 2000, Cecily Wilson was a newly divorced single mother with limited education and not much work experience.

Through Boulder Housing Partners, she was able to find a three-bedroom apartment where she could pay a percentage of her limited income and maintain some consistency for her children, keeping them in their schools.

A lot has changed in Wilson's life since then. She went back to school. Her boys grew up and went off to college. She is now an orthopedic nurse manager at a local surgery center where she earns roughly \$55,000 a year. But she still lives in housing managed by Boulder Housing Partners, a two-bedroom in the Foothills Community in northwest Boulder for which she pays \$1,010 a month.

"It's a great job," she said of her nurse manager position. "It might sound like enough to move into market-rate housing, but you add up school loans, college assistance for my kids; I'm not in any position to jump into market-rate for the same size."

Wilson belongs to the large "middle-income" population that works in Boulder but increasingly struggles to find housing here that doesn't break the bank.

Affordable housing in Boulder

There are now 3,336 permanently affordable housing units in the city of Boulder. Another 283 affordable units have received city funding and are in various stages of development. Boulder also has more than 900 Section 8 vouchers, which are available through a lottery system.

Boulder's affordable housing stock includes 203 shelter beds, 300 public housing units, 1,857 rental units and 822 ownership units.

The city has a goal of having 10 percent of its housing stock be permanently affordable.

"Affordable" means that a resident would not have to spend more than 30 percent of his or her income on housing. Rents and prices on affordable units are designed to meet a variety of income levels, depending on the type of housing project and the funding sources.

Area median income in Boulder is \$67,750 for a single adult and \$96,800 for a family of four. Most affordable housing is restricted to 80 percent of area median income or lower, or \$44,750 for a single adult and \$63,900 for a family of four. There are 99 ownership units available to people earning up to 120 percent of AMI.

Boulder Housing Partners has a variety of housing types, from public housing and Section 8 communities, where residents pay 30 percent of their income in rent, to affordable apartments available at reduced rent, to market-rate apartments open to all. Of a total 1,112 housing units, 345 are reserved for the elderly or disabled, and 31 are for the chronically homeless.

The wait list for public housing is closed. Section 8 vouchers are available through an annual lottery. Affordable rental units are listed as they become available.

For more information, go to boulderhousing.org.

Thistle Communities is a developer and property manager of affordable housing in Boulder. Thistle manages affordable rental units, usually for people at 60 percent of AMI or lower, and develops deed-restricted ownership units that sell for amounts that would be affordable to people at moderate and low incomes.

For more information, go to thistlecommunities.org.

Boulder's inclusionary housing ordinance, in place since 2000, requires that new residential projects make at least 20 percent of the units permanently affordable or pay cash-in-lieu to the city's affordable housing fund, which uses those funds as well as federal, state and local money to pay for affordable housing projects.

For more information, go to bouldercolorado.gov

Affordable housing projects are usually developed through a combination of public and private financing.

Boulder is in the midst of developing a comprehensive housing strategy that would identify policy changes, whether in the provision of affordable housing or in the city's land use policies, that would provide more "workforce" housing. The strategy is expected to be finalized in 2015.

That discussion has run smack into the broader debate about growth and development, with many on both sides seeing the call for more affordable housing as a proxy for density and urbanization.

Proponents of greater urbanism — from John Tayer at the Boulder Chamber to Sue Prant at Community Cycles — have said new development provides housing for workers and reduces in-commuting. Opponents of development point to the high price points of new units and ask what, exactly, the city is getting from all this building.

"In our new development, are we truly getting development that houses our workforce? I don't think we are," Councilwoman Lisa Morzel said in September as the City Council briefly considered a moratorium on new development.

Requiring affordability

A centerpiece of the city's affordable housing policy since 2000 has been the inclusionary housing ordinance, which requires that developers of residential projects make 20 percent of their units permanently affordable through deed restriction or pay cash to the city instead. Developers also have the option of building affordable units off-site in a separate project.

The stated preference of the program is that developers build on-site housing so that affordable units are integrated with other housing, but developers have flexibility in how they comply.

Of the 24 major residential projects to come through the site review process since 2009, 13 have paid cash to the city, three have done a combination of on-site housing and cash, three have built off-site affordable housing and five have built affordable housing on-site, according to information provided by the city of Boulder's Housing Division.

Of those five, four were developed by Boulder Housing Partners, the city's housing authority, or Thistle Communities, a developer and manager of affordable housing projects, or were annexations, in which the city has more leverage and usually requires at least 50 percent affordable housing on-site. Kalmia Estate Residences, for example, includes 26 affordable homes out of 57.

Just one did not meet those conditions: Depot Square in Boulder Junction. That project is 100 percent affordable through an agreement with Pedersen Development by which the \$5.4 million cash-in-lieu paid by the Solana, on the other side of Pearl Parkway, goes to subsidize the affordable units in Depot Square.

Three projects still in the early stages of moving through the process — two as part of Boulder Junction and the other the proposed redevelopment of the Armory site in north Boulder — call for on-site affordable housing.

Housing Division Manager Jeff Yegian said that overall, the inclusionary housing ordinance is serving its purpose, but the lack of on-site affordable housing has been a concern for several years.

"One challenge of the program, with the legal environment we are operating in, is having the affordable housing integrated on-site," he said. "Having housing on-site creates a more cohesive community. Through the program design, there is a strong preference for having on-site units, and developers have to pay an increased cash-in-lieu amount if fewer than half the required units are built on-site."

Nonetheless, developers have opted to pay almost \$19 million to the city since 2009 instead of building on-site.

Why have so many developers made that choice?

Michelle Allen, Boulder's inclusionary housing program manager, said cash isn't the easy choice it might look like from the outside. That money is due when developers pull their building permits, which means they have to find a way to finance it before they've sold or leased a single unit.

However, lenders and investors often balk at including permanently affordable units on-site because it changes a project's profit margin significantly. Allen said there have been numerous projects that started out calling for on-site affordable units, only to change because they couldn't get financing that way.

A more significant barrier in recent years has been the state's prohibition on rent control. Most of the large projects coming through the site review process in recent years have been apartment buildings, not condos, and the city cannot require the units to be rented for a set amount.

"It's much harder to do rental units on-site," she said. "It's nearly impossible."

More recently, the city has developed certain workarounds. If the developer enters into a voluntary agreement with the city, if the city provides a subsidy for the affordable units, if the developer provides more units or deeper affordability than strictly required by the ordinance, if the developer can find an affordable housing partner to take over the units after completion, then the project can include permanently affordable rental units with capped rents on-site.

"Almost all developers are willing to talk with us," Allen said. "They want to get their project built. What's changed is the evolution of how we can make it happen."

Off-site options

Off-site housing has been the least-used option because it would require having land and taking a separate project with its own affordable housing obligation through the city's approval process.

Two recent projects in Gunbarrel have been able to piggyback on land and plans that were already in the works to add 130 units of permanently affordable housing that would be managed by Thistle Communities.

Gunbarrel Center, a 251-unit mixed-use development at 6685 Gunpark Drive, contributed toward the construction of 69 affordable apartments at 2685 28th St.

Apex 5510, a 232-unit apartment project at 5460 Spine Road, contributed toward the construction of 61 affordable apartments at 2810 and 2850 29th St.

Brad Blash, manager partner of Crossbeam Concierge, which developed the Apex project, said his company is used to working with affordable housing requirements in expensive cities. There's always a way to make it work.

"Our company has been in the workforce housing business for 40 years," he said. "We understand and have done mixed-income housing for years. The concept is not unfamiliar. We understand that a lot of high-cost markets, it's a program that you're going to have to deal with to get your project off the drawing board."

Apex put up 10 percent of its per-unit project cost to fill a financing gap in an affordable housing project being put together by Andy Allison, an affordable housing developer who frequently works with Thistle Communities. If the project came in under budget, Apex would get back any extra money.

Asked if Apex ended up paying less money than it would have if it had done straight cash-in-lieu, Blash said building off-site was "more efficient."

"The city's ability to look at all three options allows the private market to be creative, and in this case, produced more units than we would have otherwise built," he said. "I think it's a win-win."

And when developers do pay cash-in-lieu, that money goes to other affordable housing projects.

With a few exceptions, it's hard to draw a direct line between specific market-rate projects' contributions and specific affordable housing projects. The cash-in-lieu is mingled with federal, state and local affordable housing money in one budgetary pool.

Between 2009 and 2014, the city has given out more than \$22 million for 481 new permanently affordable housing units, both ownership and rental. Another \$11.7 million has gone toward rehabilitation of 827 existing affordable housing units.

The city has a total of 3,336 affordable housing units and has roughly \$7 million available for new projects in 2015.

'We can develop so much more'

Asked if the inclusionary housing ordinance is working, Betsey Martens, Boulder Housing Partners executive director, answered with an emphatic: "I do."

Martens said affordable housing developers such as Boulder Housing Partners and Thistle Communities can leverage \$4 to \$6 in other financing for every dollar they receive from the cash-in-lieu contributions.

"We can develop so much more affordable housing than we would get if it were built on-site," she said.

Since 2009, Boulder Housing Partners has created 79 units of family housing at Red Oak Park, the former site of Boulder Mobile Manor; 59 units of senior housing at High Mar in south Boulder; 31 units for the chronically homeless on Lee Hill Drive; and 34 units of rental housing through the acquisition of West View Apartments. Another 62 units are planned at Twin Lakes in Gunbarrel. City money went to help acquire the land.

Martens said Boulder Housing Partners historically has provided housing for very low-income people and "hard-to-house" populations, such as the disabled and the formerly homeless, as well as administering Section 8 vouchers through a lottery. The waiting list for public housing is closed because there are so many people on it.

The organization constantly tries to balance the need for housing for working families with those more specialized populations, Martens said.

"We could do nothing but build housing for seniors for the next 10 years, and we wouldn't come close to meeting the needs," Martens said.

Mary Golden, 70, one of the residents of High Mar, said she had been looking for a roommate when she had the opportunity to move into a two-bedroom apartment there.

Two years earlier, she gave up her condo after getting laid off and not finding new full-time work. She moved in with a relative who needed medical care and was searching for a new place when a spot opened up at High Mar.

Now she uses the second bedroom at her High Mar apartment as an office for her part-time contract work and volunteer job encouraging low-income children to pursue science.

The unit isn't cheap. At almost \$1,000 a month, it's two-thirds of her income. But she feels much more secure.

"It doesn't sound secure, but I feel more secure," she said. "When you're in shared housing, unless you're the one on the lease who goes out and finds the other people, your housing situation is not secure."

She has found a new community at High Mar and also been able to maintain the connections she developed in Boulder since moving here in 1999 to be near her daughter and grandchildren.

She said she hopes the city finds a way to support more housing for working people and renters.

"You don't want this to be a city where you can't afford to live here if you work here," she said.

As Boulder Housing Partners develops a new long-term strategy in conjunction with the city's comprehensive housing strategy, Martens said the most important thing is to know what the community wants.

Building housing for families will cost more because the units need to be larger. Some expensive cities limit their subsidies to the more needy, and middle-income professionals move to less expensive suburbs.

"There is an undeniable tension between maximizing assistance and supporting community," Martens said.

Yegian said the comprehensive housing strategy may identify priorities for the use of city affordable housing dollars or continue the current approach. Building more "market-affordable" housing — housing that isn't subsidized but is relatively affordable for professionals — will most likely have to come from changing land use regulations, not spending city money, he said.

Developers pass on the costs

Developer Lou Della Cava said he believes the inclusionary housing ordinance itself contributes to the higher cost of housing.

Lenders want a certain return on investment, and if developers can't show a certain profit margin — one that can absorb some uncertainty — they won't get financing. To absorb the inclusionary housing requirements, developers build more expensive market-rate units than they otherwise would have, he said.

"Some people think by this mechanism you are getting developers to pay for it," he said. "Developers are not paying anything that they can't pass on to someone else."

Della Cava said developers' opposition to building on-site is overstated. He pointed to three projects he is involved with currently: Kalmia Estate, Northfield Commons, with 86 of its 192 homes being affordable, and Northfield Village, with 60 of its 132 homes being affordable. All three projects were annexations where the city insisted on high levels of affordability. The city is also contributing toward Habitat for Humanity homes within Northfield Village.

Nonetheless, the price of the market-rate homes is higher to offset the cost of the affordable units, he said.

Della Cava said other public goods such as streets and sewers are paid for collectively. It would be fairer and produce few unintended consequences if affordable housing were funded through a citywide tax, he said. Such a tax has never made it to the ballot.

"The city's voters never bought into the idea of paying for housing for poor people," Della Cava said.

Mary Duvall, CEO of Thistle Communities, which has developed mixed affordable and market-rate homeownership projects in Boulder, said she believes Della Cava has a point.

"The developer is paying most of the cost," she said. "Philosophically, that is not entirely correct."

Even for Thistle, an entity dedicated to affordable housing and with access to tax-credit financing to make those projects happen, it's hard to make the math work, Duvall said.

"Because our city has high standards, you don't get a break for building something more affordable," she said. "The cost of the land and the construction materials and the permits are the same. It doesn't cost that much less. The market has to subsidize the affordable."

What is at stake is clear in who is renting at the apartments built in conjunction with the Apex project on 29th Street, which is managed by Thistle. It's not service industry workers, but professionals.

"They're earning a good wage, but it's not a living wage in Boulder," Duvall said. "There was no shortage of qualified applicants. They were saying, 'This is my first place, the first time I could live without roommates, the place that's going to let me stay in Boulder."

Wilson, the orthopedic nurse manager, is on the edge of earning too much to stay in the apartment she's had for seven years. She considers it her home, and it's the place her sons come home to when they visit.

If she has to move outside Boulder, any money she saves on rent will be more than lost on transportation costs.

Wilson said she knows she isn't owed an affordable place to live, and she's grateful for what the city and Boulder Housing Partners have provided for her in the years since her divorce.

But she also hopes she can keep contributing to the community she calls home.

"We don't want to be ousted because we've been successful," she said. "I'm just hopeful that they see our value in contributing to the workforce here in Boulder and that maybe we also contribute to the diversity in Boulder. I can't expect them to accommodate people like me, but I am so appreciative that they have, and I hope I get to stay here."

Erica Meltzer: 303-473-1355, meltzere@dailycamera.com or twitter.com/meltzere

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February 24, 2019

Lawrence/Douglas County Metropolitan Planning Commission c/o Jeff Crick 6 East 6th St.
Lawrence, KS 66044

Dear Planning Commission Members,

Grassland Heritage Foundation is a local 501(c)3 organization whose mission is to preserve tallgrass prairie in Northeast Kansas through education, stewardship, and land protection. Once covering close to 85% of Douglas County, prairie is now highly endangered with only .5% of the pre-settlement acreage remining (Kansas Biological Survey data). Nationally, less than 4% of the pre-settlement prairie still exists, mostly in the Kansas Flint Hills and scattered small remnant properties. The preservation of these remnants in Douglas County provides many benefits including rainwater retention and filtration, prevention of soil erosion, nutrient cycling, habitat for pollinators and other wildlife, carbon sequestration, and opportunities for citizens to enjoy the outdoors.

We appreciate the Planning Commission's efforts to address the preservation of prairie and other ecosystems in the 2040 Comprehensive Plan. After reviewing Chapter 6 of the most recent plan draft, we would like to make a few suggested revisions which are listed below. Also included are suggested steps for implementation of specific plan components. It is possible that we will submit additional comments in the future as the Planning Commission addresses additional chapters.

General Comments and Suggestions:

- 1. Include the Kansas Biological Survey and the Douglas County Heritage Conservation Council on the list of Advisory boards that will be consulted on matters relating to this chapter.
- 2. Adopt the definition of Sensitive Lands recommended by the Kansas Biological Survey in their comments from Nov. 2018 (with modifications):

Sensitive Lands are places that have unique environmental attributes worthy of retention or special care. They are critical to the maintenance of ecosystem services and healthy plant and wildlife populations. Protection of Sensitive Lands reduces vulnerability to natural hazards, and enhances the quality of places where people live, work, and play. These lands would be identified in consultation with the appropriate advisory boards and would include:

Floodways and floodplains
High quality agricultural soils

Steep slopes
Wetlands
Stream corridors
Habitats for rare plants and animals
Native prairies
Urban forests and rural, high-quality, native woodlands

- 3. Specific rules and regulations should be created and enforced which protect Sensitive Lands, particularly native, untilled prairie. Rules and regulations protecting Sensitive Lands should apply to both commercial and residential development and should be incorporated into Specific Land Use Policies and city/county code as appropriate.
- 4. Create a Natural Resources Conservation Plan similar to that outlined for historic preservation in Chapter 7, Goal 1.3. Such a plan should include landowner incentives to preserve sensitive lands. The plan could be adopted as a Specific Land Use Plan or be incorporated into a Douglas County Open Space Plan.
- 5. The Public Benefit provision as outlined in Chapter 2 should be preserved. We encourage its use as a means to preserve sensitive lands including native tallgrass prairie.
- 6. We encourage the city of Lawrence to support Douglas County in creating and adopting an Open Space Plan which will insure the preservation of native prairie remnants and watersheds and provide landowners with options to sell or preserve their property.
- 7. The city and county should work with the Kansas Biological Survey and other professionals trained in grassland or wetland ecology to identify and review all sites which might contain Sensitive Lands prior to development.
- 8. The city and county should establish funding priorities for evaluation and protection for natural resources.

Recommendations for specific changes to plan:

Section 2, Land Resources

- 2. Implementation strategies should include the creation of management plans which account for the unique needs of specific Sensitive Lands, provide training for city and county staff, and be incorporated into the corresponding Specific Land Use Plans.
- 2.2 Include native prairies.
- 2.4 Must be conducted in collaboration with professional ecologists.

- 2.5 Reword to say: "Identify wildlife habitats in conjunction with the Kansas Biological Survey and other professional ecologists and establish rules and regulations prioritizing their protection and conservation to establish corridors."
- 2.9 Implementation strategies should include training for city and county staff on invasive species management techniques specific to Sensitive Lands.

Section 6, Urban Environment

6.1 Implementation strategies should include the prioritization of native ecosystems as a component of any climate adaptation plan.

Add provision 6.11 stating:

Promote pollinator health and sustainable landscaping practices by increasing the use of native plants in city and county landscaping and eliminating the use of pesticides which harm pollinator populations.

Thank you for your time and effort in writing and reviewing this plan. If you have any questions about our suggested revisions, please feel free to contact me at 913-449-3621 or by email at sholc@comcast.net.

Sincerely,

Sue Holcomb, President

On behalf of the Board of Governors

Sue Holsomb

----- Forwarded message -----

From: Thad Holcombe < tiholcombe@gmail.com>

Date: Sat, 23 Feb 2019 11:33:53 -0600

Subject: Comments for Lawrence/Douglas County Metropolitan Planning Commission

To: Commission Members From: Thad Holcombe

Moderator, LETUS (Lawrence Ecology Teams United in Sustainability - an interfaith network of Catholic, Protestant, Jewish,

Muslim "green teams")

My comments are regarding the "Natural Resources" chapter of 2040 proposed plan. I am suggesting the Climate Protection Task Force Report of 2009 as a good resource for addressing several concerns. In that report, actions were recommended to achieve greenhouse gas emissions reduction goals - the following is the timeline and the seven strategies developed to meet reduction timeline:

"The Climate Protection Task Force's overarching goal is to achieve an 80% reduction in greenhouse gas (GHG) emissions measured in carbon dioxide equivalence (CDE) by 2050, using baseline data from 2005.

CPTF suggests the following timeline for achieving incremental GHG reductions:

30% reductions by 2020

50% reductions by 2030

70% reductions by 2040

80% reductions by 2050

Many actions are needed to achieve this emissions reduction goal. CPTF believes the following seven strategies can have an immediate impact and will help the City of Lawrenc

1.

1) Provide dedicated staffing and adequate funding to support climate protection and sustainability initiatives.

2.

2) Strengthen energy conservation policies and building standards.

3.

3) Incorporate the goal of reducing greenhouse gas emissions into land

use planning.

- 4.
- 4) Develop transportation policies and programs to consume less energy and reduce emissions.

5.

5) Establish outreach and education programs on emission reduction issues.

6.

6) Expand source reduction and waste reduction programs and initiatives.

7.

7) Exercise leadership by prioritizing efforts to reduce greenhouse gas emissions in municipal operations.

These recommended strategies have been prioritized based on their potential impact to the goal of greenhouse gas reduction. Each strategy will have an immediate impact and can help the City of Lawrence effectively reduce GHG emissions from both government operations and the community as a whole. They are not linear, and can be undertaken concurrently. However, the amount of time required to implement these strategies effectively will depend on the implementation of Strategy #1 (the application of appropriate human and financial resources) and the priority City government gives to achieving these goals. CPTF recognizes the importance of leadership in implementing the seven strategies. Based on the success factors of like programs in similar communities, CPTF strongly recommends providing dedicated staffing and adequate funding as the highest priority.

Through the reduction of local GHG emissions, the City of Lawrence can recognize cost savings, attract environmentally friendly businesses to the area, and help Lawrence establish a leadership role in climate risk mitigation in Kansas."

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(Personal Note: *These strategies can be also applied to Douglas County.* These goals could be accomplished sooner than indicated if renewable energy and energy conservation were made more of a priority.)

It is beyond the stated mission of the 2040 Plan to instigate all areas listed, but the seven strategies recognize climate disruption/change that is occurring and the need to include ways to address it. As stated, the "CPTF" strongly recommends providing dedicated staffing and adequate funding as the highest priority." (Fortunately, a Sustainability Coordinator was employed.) *It is for this reason and others, that we ask the Commission to strongly consider moving Chapter 6 of the 2040 Plan to being Chapter 2, b

---- Message truncated -----

22 February 2019

Lawrence/Douglas County Planning Commission c/o Jeff Crick 6 East Sixth Street Lawrence KS 66044



Dear Commission members;

The Jayhawk Audubon Society is the chapter of the National Audubon Society that serves Lawrence, Douglas County, and surrounding communities in eastern Kansas. Our mission is to provide opportunities for greater understanding and appreciation of birds and other wildlife, to encourage sustainable practices, and to advocate for actions and policies which result in protection and preservation of intact ecosystems. We have been reviewing the August 2018 draft of Plan 2040: A Comprehensive Plan for Unincorporated Douglas County and the City of Lawrence and would like to provide the comments below. We anticipate providing additional comments in the future as we continue our review.

Comments pertaining to specific parts of the Plan:

- 1) Introduction: "Our Community Vision". Insert "We recognize that the natural environment is important to our wellbeing as individuals and as a community. We celebrate our natural and cultural heritage by protecting our remaining remnants of native prairie and woodlands, and endeavoring to restore native plants to the built environment" right before the sentence starting "Our citizens value preserving..."
- 2) Chapter 2A Growth and Development: Growth Management. Goal 2 Item 2.2. We support retaining the Community Benefit provision as a mechanism for preserving Sensitive Lands, with special consideration given to the few remaining tracts of high-quality native prairie. We support using the Community Benefit mechanism to encourage inclusion of public green space in new residential developments.
 - Providing housing in and of itself does not meet the definition of a Community Benefit since its main objective is to provide benefits to the developer, not the community. Ordinances and policies establishing baseline community benefits should be established to ensure that the community shares in the benefits of development projects that encroach upon the rural character of the County.
- Resources, and Community Resources. The Plan should provide guidance on mitigating the loss of native ecosystems through policies that encourage the use of native plants in new developments, in city and county-owned parks, along trails such as the Lawrence Loop, along roadways, and in landscaped areas around City and County buildings. Relevant policies and codes should dictate that native plants always be given first consideration. Native plants are heat and drought-tolerant, and have deep roots that improve water infiltration thereby reducing storm water runoff, and are hosts to our native pollinators. Landscaping with native plants provides visual separation between the built and natural environments.

Examples of sections where such language can be inserted:

Chapter 2B – Growth and Development: Residential. Goal 7. Add new item 7.11. 'Mitigate the loss of native ecosystems through policies that encourage the use of native plants in new residential developments.'

Chapter 2B – Growth and Development: Commercial. Goal 3. Add new item 3.10. 'Mitigate the loss of native ecosystems through policies that encourage the use of native plants in new commercial developments.'

Chapter 2B – Growth and Development: Industrial. Goal 4. Add new item 4.4. 'Mitigate the loss of native ecosystems through policies that encourage the use of native plants in new industrial developments.'

4) Chapter 6 – Natural Resources. Goal 2. Add new item 2.10. 'Establish a Douglas County Open Space program to protect sensitive lands and provide public lands for recreation.'

We urge the County to move forward on establishing a program to protect Sensitive Lands and provide public access for recreation throughout the County, both inside and outside the urban growth area. Parks and open space boost land values and property taxes, attract a skilled workforce and retirees, preserve ecosystem services such as carbon sequestration and reducing storm water runoff, and reduce health costs by promoting an active lifestyle.

An Open Space program should protect watersheds by protecting land prone to flooding and creating buffers along stream corridors. An Open Space program should provide options to private landowners who want to protect their land. An Open Space program should include a mechanism to generate voluntary conservation easements on private land, with priority given to high-quality native prairies and woodlands.

5) Chapter 6 – Natural Resources. Goal 2. Items 2.2 and 2.4. Combine into a single item that reads 'Preserve all sensitive lands through the development of regulations and incentives.'

Develop rules and regulations for the protection of Sensitive Lands, and provide links to those in the Plan. One of the major criticisms of Plan 2040 is that it lacks the specificity of Horizon 2020. We recognize Plan 2040 as a 'vision' document but citizens need to see how the vision will be implemented. Many parts of the Plan refer to Specific Land Use Plans but there is no such plan that specifically guides implementation of the natural resource chapter. We support creating a comprehensive Natural Environment Management Plan.

6) **Chapter 6 – Natural Resources**. Sidebar. Redefine Sensitive Lands following recommendations by the Kansas Biological Survey (slightly modified):

Sensitive Lands are places that have unique environmental attributes worthy of retention or special care. They are critical to the maintenance of ecosystem services and healthy plant and wildlife populations. Protection of Sensitive Lands reduces vulnerability to natural hazards, and enhances the quality of places where people live, work, and play. These lands would be identified in consultation with the appropriate advisory boards and would include:

- Floodways and floodplains
- High quality agricultural soils
- Steep slopes
- Wetlands
- Stream corridors
- Habitats for rare plants and animals
- Native prairies
- Urban forests and rural, high-quality, native woodlands

General comments:

- Create a Natural Resources Advisory Council as an official board.
- Include the Kansas Biological Survey as an advisory board for Chapter 6, Natural Resources, and Chapter 7,
 Community Resources, B. Parks, Recreation and Open Space.

Respectfully submitted,

James F. Bresnahan, President Jayhawk Audubon Society

P.O. Box 3741, Lawrence, KS 66046

To Whom It May Concern,

Hello, and thank you for your service and commitment to the betterment of our community. The very concept of a 20 year planning guide is a testament to the forward-looking that is necessary for us to end up somewhere where we'd like to be instead of ending up where we didn't necessarily want to be because we didn't have a plan.

My name is Ken Lassman and I was born and raised in Lawrence, went to its schools and am a two-time graduate of KU. My sisters hold 3 KU degrees, my Mom graduated from KU and my Dad was a longtime employee of Lawrence High School. I'm also the 5th generation to live in Douglas County, with my great granddad being in the third party of the New England Emigrant Society that arrived in October 1854. So I can say with confidence that I'm a Lawrencian, a Douglas Countian and a Kansan.

In 2007 I wrote a book called *Wild Douglas County* which outlines the natural history and seasonal cycles that typify the landscape our community is embedded in, a landscape that is full of life and history that puts our community in an important context from which to consider whenever considering the future of Lawrence and Douglas County. When my kids have kids, they will be the proverbial 7th generation that has resided here, and I think it is truly a useful perspective to consider: what can we do today to ensure for the NEXT 7 generations that they will have access to the biological and natural heritage that still surrounds us today?

It is with this in mind that I will be bringing by a copy of my book to each city commissioner and also a copy for the Planning Department. I think it is inherent to citizens concerned about our future to consider the natural heritage that still unfolds every day around us, and I believe that documents such as the 2040 plan should be done with these things in mind. What will be important steps for our community to take today to ensure that after the next 165 years has passed, in 2184, that the same natural cycles that we share the land with today will still be nurtured and strong?

I think my book has some clues to answering this question, and so I offer it for your long term perusal. One thing to consider: how best to connect the wildlife areas we already have to each other? Consider creating and strengthening links between the Kaw River, Clinton, the Wakarusa River, Baker Wetlands, and the Baldwin Woods.

I know that you have much to sift through, and I could go on about how to mitigate and adapt to the changing climate that we'll be facing, etc. but want to keep this simple and want to thank you once again for looking at the big picture an encourage you to look even bigger and longer into our future as a community.

Thanks so much,

Ken Lassman

<u>www.kawvalleyalmanac.com</u>, <u>wilddouglascounty@gmail.com</u>, 785-843-0253, 1357 N 1000 Road, Lawrence, KS 66046

February 24, 2019

Lawrence/Douglas County Planning Commission c/o Jeff Crick 6 E. 6th Street Lawrence, Kansas 66044



Dear Commission Members,

Thank you for providing an opportunity for public comment as you draft the 2040 Comprehensive Plan. I have been fortunate to work on public and private land throughout Douglas County, surveying and restoring prairies and forests. My work has allowed me to discuss these sensitive spaces with hundreds of landowners, volunteers, non-profits, city staff, and elected officials. We all have one opinion in common – we are proud of the natural landscapes of Douglas County and we want to see them protected.

Douglas County is gifted with a great variety of ecosystems that must be conserved as our communities grow. Our prairies, woodlands, river, and wetlands are under threat due to the rapid growth of our cities. As we are plan for growth, I support the development of laws and regulations that protect our sensitive lands and the ecosystem services they provide. Those services are innumerous. Remnant prairies and old growth forests harbor diversity that we cannot recreate. They protect our wildlife and provide spaces for recreation and education. Native vegetated stream buffers help to filter the water running into our river and anchor the soil in streambanks. Wetlands provide protection from heavy rain events and floods, while serving as vital habitat to birds and other wildlife. In past developments, these important natural areas have been replaced with man-made spaces that will not provide the ecosystem services lost. However, new development in our county can consider our sensitive lands, incorporate them and embrace their services – providing long-lasting resources for wildlife, our residents, and visitors to Douglas County.

Please guide future development by preserving the Community Benefit provision, as it will help us work with developers to protect sensitive lands. I ask that you also encourage the use of native plants in all new developments, as they provide important resources and protections. In addition, please consider the development of an Open Space Program that assists in the protection of private and public lands, in order to protect the remaining natural resources in our county and encourage the addition of native vegetation.

As an ecologist, small business owner, and resident of Lawrence, I support the position of the professionals working at state agencies and non-profits including the Kansas Biological Survey, Grassland Heritage Foundation, Friends of the Kaw, and Jayhawk Audubon Society. I have reviewed their commentary on the 2040 Comprehensive Plan and I agree with their suggested revisions.

If I may be of any assistance in your review process, please feel free to reach out. I appreciate your time and thoughtful consideration of the feedback you have received on this chapter of the plan.

Respectfully,

Courtney Masterson, Owner/Ecologist Native Lands, LLC

Mastuson

Native Lands, LLC 419 Lyon Street Lawrence, KS 66044 24 February 2019

Lawrence/Douglas County Planning Commission c/o Jeff Crick 6 East Sixth Street Lawrence, Kansas 66044

Dear Commission members:

I apologize for the last-minute timing of this comment. I have been studying with concern the portion of Plan 2040 that involves the area west of K-10. I live on a 40-acre remnant of a farm that has been in my family since Kansas Territory, located west of the intersection of K-10 and Bob Billings Parkway. With the aid of the Kansas Land Trust, I have placed a conservation easement on this property, which includes 10 acres of native prairie. Upon my death it will become the Colman Biological Preserve, managed by the Kansas Biological Survey under the terms of the conservation easement, which does not allow development on any of the acreage. My trust directs that, if the University of Kansas cannot manage the property within the specified conservation values, the land will become the property of the City of Lawrence as undeveloped green space, still protected by the conservation easement. At least one other conservation easement, also held by the Kansas Land Trust, exists within the planning area. I do not see these designated on any of the land use maps, perhaps because of scale, but the planning commission must be cognizant of them.

I realize that development is inevitable. However, I believe that natural and historic cultural areas enrich a community in ways that cannot be measured in monetary terms. The Community Benefit provision, mentioned in Chapter 2A, appears to be a common sense mechanism for preserving Sensitive Lands and encouraging inclusion of public green space within residential developments. In my view there could be no greater Community Benefit than preserving native prairie and woodlands, landscaping with native plants that reduce water runoff and host native pollinators, and retaining some of the rural character of the area.

I am hopeful that the Planning Commission will create an open space program to protect Sensitive Lands, providing options to private landowners who want to protect their lands with voluntary conservation easements. Our community is very fortunate to have many knowledgeable scientists at the Kansas Biological Survey and citizen scientists in organizations, such as the Jayhawk Audubon Society and Native Plant Society, who should be included in an official natural resources advisory council.

Sincerely,

Virginia A. Wulfkuhle
Virginia A. Wulfkuhle
840 North 1500 Road

Lawrence, Kansas 66049

785-843-0846

maplehillfarm1854@gmail.com

From: Marilyn Smith <msmith835@gmail.com>
Sent: Monday, February 25, 2019 9:58 AM
To: Jeff Crick <iordinates of the comments o

24 February 2019

Lawrence/Douglas County Planning Commission c/o Jeff Crick 6 East Sixth Street Lawrence KS 66044

To the Commission members;

I would like to comment regarding the August 2018 draft of "Plan 2040: A Comprehensive Plan for Unincorporated Douglas County and the City of Lawrence" prior to the 25Feb19 Commission meeting. Considering the assumption that global climate change has already begun, and water reserves in Kansas rivers and aquifers already have begun to change, the future of native prairie and woodlands deserve discussion.

Comments pertaining to specific parts of the Plan:

- 1) Chapter 2A Growth and Development: Growth Management: Goal 2 Item 2.2. I support the retention of the Community Benefit provision as a mechanism for preserving Sensitive Lands, with special consideration given to the few remaining tracts of high-quality native prairie. We support using the Community Benefit mechanism to encourage inclusion of public green space in new residential developments. Ordinances and policies specifying baseline community benefits should be established, with the goal of ensuring that the Lawrence community shares in the benefits of development projects that affect the rural character of Douglas County.
- Community Resources: As development continues, the Plan should provide guidance on mitigating the loss of native ecosystems through policies that encourage the use of native plants in new developments, in city and county-owned parks, along trails such as the Lawrence Loop, along roadways, and in landscaped areas around City and County buildings. Relevant policies and codes should dictate that native plants always be given first consideration. Native plants are heat and drought-tolerant, and have deep roots that improve water infiltration thereby reducing stormwater runoff, and are hosts to our native pollinators. These plants have long histories in our environment and are the most suited to it without requiring extensive irrigation; this will contribute to conserving our water resources. In addition, the use of native plants around developments and city or county facilities will provide an integration of the buildings into the surrounding natural environments.

Chapter 2B, Goal 7: Text should be incorporated into sections on Growth and Development: Residential. "'Mitigate the loss of native ecosystems through policies that encourage the use of native plants in new residential developments." Likewise, into Growth and Development: Commercial and Industrial sections, "Mitigate the loss of native ecosystems through policies that encourage the use of native plants in new commercial/industrial developments".

3) **Chapter 6 – Natural Resources**. Goal 2: Add new item 2.10. 'Establish a Douglas County Open Space program to protect sensitive lands and provide public lands for recreation.' I strongly urge the County to establish a program to protect Sensitive Lands and provide public access for recreation throughout the County. Parks and open space boost the value of neighborhoods by raising property taxes and attract skilled employees as well as retirees. Such open spaces preserve the ecosystem by increasing carbon sequestration, reducing stormwater runoff, and also reduce health costs by promoting a more active lifestyle.

As climate change has already shown, extreme weather events are becoming more common; this includes storms producing heavy rainfall and flooding. An Open Space program should protect watersheds by protecting land prone to flooding and by creating buffers along stream corridors. Such buffers would also serve to keep housing and other buildings away from flood damage, reducing effects of disasters. An Open Space program should provide options to private landowners who want to protect their land; this should include procedures to generate voluntary conservation easements on private land, with priority given to high-quality native prairies and woodlands.

- 4) Chapter 6 Natural Resources. Goal 2. Items 2.2 and 2.4. Combine into a single item that reads "Preserve all sensitive lands through the development of regulations and incentives." I support creating a comprehensive Natural Environment Management Plan. Develop rules and regulations for the protection of Sensitive Lands and provide links to those in the Plan. Many parts of the Plan refer to Specific Land Use Plans, but we need a plan that specifically guides implementation of the natural resource chapter.
- 5) **Chapter 6 Natural Resources**. Redefine Sensitive Lands following recommendations by the Kansas Biological Survey (slightly modified):

Sensitive Lands are places that have unique environmental attributes worthy of retention or special care. They are critical to the maintenance of ecosystem services and healthy plant and wildlife populations. Protection of Sensitive Lands reduces vulnerability to natural hazards, and enhances the quality of places where people live, work, and play. These lands would be identified in consultation with the appropriate advisory boards and would include:

- Floodways and floodplains
- High quality agricultural soils
- Steep slopes
- Wetlands
- Stream corridors
- Habitats for rare plants and animals
- Native prairies
- Urban forests and rural, high-quality, native woodlands

General comments: Include the Kansas Biological Survey as an advisory board for Chapter 6, Natural Resources, and Chapter 7, Community Resources, B. Parks, Recreation and Open Space. Create a Natural Resources Advisory Council as an official board.

Marilyn Smith 4800 W. 26th St Lawrence, KS 66047 From: Thad Holcombe <tjholcombe@gmail.com>

Sent: Monday, February 25, 2019 3:29 PM

To: Denny Ewert <dewert@lawrenceks.org>; Jeff Crick <jcrick@lawrenceks.org>

Cc: Thad Holcombe <tjholcombe@gmail.com>

Subject: Addendum to Comments Sent Sat., Feb. 23 by Thad Holcombe

I realized this will not be going to the Planning Commission in time for tonight's meeting, but ask that it be sent and understood to be related to previous comment...thanks!

Thad Holcombe

Re: Mechanism for inventorying Green House Gases:

(This is a comment sent to me by Ken Lassman as a suggestion - worthy of consideration if applicable.)

If you want to reduce GHG by a certain percentage along a timetable, is there a mechanism for inventorying those GHG? It takes time and money to do so, and maybe this is being done, but I don't know about it. Without monitoring emissions in some fashion, setting percentage reductions makes no sense, so I just wanted to make sure that this is either being done or there are plans to inventory GHG now and into the future. If there are no such plans/protocols, I recommend using international standards that have been worked up for cities to do just that, which you can read about here: https://www.citylab.com/equity/2014/11/how-will-cities-measure-greenhouse-gas-emissions/382583/. The Global Protocol for Community-Scale Greenhouse Gas Emission Inventories is available here: https://ghgprotocol.org/greenhouse-gas-protocol-accounting-reporting-standard-cities. I haven't looked in-depth at these, and know that the cities that are using them are really big ones, so I don't know how applicable they are. One possibility is to recommend that planning staff/Sustainability Coordinator adapt these international protocols to come up with locally adapted protocols, perhaps even coordinating with the World Resource Institute who developed them in the first place: they might help us do that, for all I know.

Kirk McClure 707 Tennessee Street Lawrence, Kansas 66044-2369

mcclurefamily@sbcglobal.net (785) 842.8968

March 22, 2019

Lawrence-Douglas County Metropolitan Planning Commission City Hall 6 East 6th Street Lawrence, Kansas 66044

Re: Comments on Draft Comprehensive Plan 2040, Chapter 2, Growth and Development

Commissioners,

The growth and development chapter of the draft Comprehensive Plan 2040 outlines many admirable goals. It states, "Our vision is to manage growth within the city by capitalizing on in-fill opportunities and directing growth to new areas where infrastructure is planned to be cost-effective and sustainable, while maintaining existing residents' quality of life."

The plan indicates that the vision is to "manage growth," but the implementation of the plan seeks to manage growth through the provision of infrastructure. Using infrastructure as the mechanism to manage growth has proven to be very inexact and prone to error. Too many times in the city's history, development has grown faster than demand for that development, whether the infrastructure was in place or not.

Development is Prone to Overbuilding

The development industry tends to build real estate faster than the growth in demand for that real estate.

In a well-disciplined market, the supply would respond to changes in demand in the correct direction (expansion or contraction) and in approximately the correct amount. For example, if the population grows by 100 households the stock would grow by about 103 housing units to absorb the growth and maintain the inventory of vacant units.

Housing: During the period of 2000 to 2009, Lawrence's housing market became unstable, building units faster than growth of demand could support. Demand grew by 3,446 households, while supply grew by 4,562 units, resulting in a surplus growth of 1,116 homes. This surplus is approximately 124

units per year. This is equivalent to about one surplus 60-unit subdivision and one surplus 60-unit apartment building per year, every year for nearly a decade. This pattern is clear evidence of systematic overbuilding.

During the post-bubble recovery period, the Lawrence housing market did not correct its behavior. Rather than slowing the pace of growth sufficiently to absorb the surplus stock, the supply continued to expand faster, not slower, than the pace of household growth. During the recovery period of 2009 to 2016, the surplus of stock growth over household growth was 924 units, a surplus of 132 units per year.

Commercial Space: During the period of 2006 to 2015, the Lawrence's sales tax revenues grew at 1.0 percent per year, adjusted for inflation. This is a good indicator of the growth in demand for retail space. During this same period, the supply of commercial space grew by 3.1 percent per year. These numbers mean that developers expanded the supply of retail space at more than three times the expansion of demand for that space, again, clear evidence of a pattern of overbuilding.

The price of allowing developers to overbuild markets is that older neighborhoods and older shopping districts lose value and deteriorate. As new space pulls demand away from older properties, they lose the ability to attract the needed investment to keep them in good condition.

Growth Management though Active Planning

Communities can achieve balance between the growth in demand and the growth in supply by adopting simple growth management techniques. This is commonly done by calling for the planning staff to report to the Planning Commission on an annual basis on the most recent growth in demand for various sectors of the real estate market. For example, the staff could report the growth in households who are owner-occupants as well as the growth in households who are renters. These counts should be used by the Planning Commission as a target figures for the number of new housing units approved during the next year. At the end of each year, the planning staff should then report on the performance of the Planning Commission is coming close to its target. Error in hitting the target would guide subsequent decisions. If the Planning Commission allows apartments to be overbuilt in one year, the community will be well served by correcting that error in the following year.

Experience demonstrates that passive planning will not cause the pace of development to closely match the pace of growth in demand for that development. Overbuilding results from passive planning which harms the community and inhibits its ability to direct growth toward the infill and renovation of already developed areas. Active planning should be adopted so as to better manage the pace of growth, to prevent sprawl, and to preserve the enormous existing investment in the community's existing neighborhoods and shopping districts.

Sincerely

Kirk McClure

From: Fox Run Wolf < <u>jarbwolf39@gmail.com</u>>
Sent: Monday, March 25, 2019 8:41 AM

To: smmcullough@lawrenceks.org; Jeff Crick < jcrick@lawrenceks.org>; jcarpenter@gmail.com; eric.c.struckhoff@gmail.com; robert.c.sands@gmail.com; julia.v.butler@gmail.com; karenwilley1@gmail.com; earthpaden@gmail.com; jimweaver217@gmail.com; sincluke@gmail.com; davidcattar@gmail.com; Sharon Ashworth <sharonashworth97@gmail.com>

Subject: Letter to Planning Commission re Growth & Development and Natural Resources in 2040 Plan

Dear Planning Commissioners and Planning Staff Members:

I had hoped to bring a hard copy of this letter to the office this morning; however, last night my printer jammed and we were unable to fix it before having to leave this morning for a dentist appointment. I trust that this is an acceptable substitute for a hard copy. The letter that I would have brought is pasted below.

Thank you so much for your taking time to consider my thoughts and comments.

March 24, 2019

To: Members of the Lawrence/Douglas County Planning Commission

Re: H-2040 comments on agenda item #1: Growth & Development and Natural Resources

As Lawrence continues to develop to the west, I think it will be important to identify ahead of time where any remaining high-quality prairie tracts are located and refrain from developing them. Native prairies have an amazing variety of flora and serve as hosts to pollinators as well as carbon sinks. The Kansas Biological Survey has established a Natural Heritage Inventory, which identifies the location of remnant prairies and other significant areas that should be preserved for future generations. I think Lawrence and Douglas County should avail themselves of this expertise and find ways to ensure the long-term viability of these areas – perhaps using conservation easements in perpetuity, which can provide tax benefits to those who enroll their property in such a program.

One of the other things that is important regarding the county's natural resources is keeping sediment out of Clinton Lake, which is one of the sources of drinking water for both Lawrence and surrounding Rural Water Districts. Compared to other federal reservoirs in Kansas, Clinton Lake has been fortunate in keeping excessive sediment from washing into the lake during storm events. Nevertheless, we still need to ensure that we encourage landowners to maintain vegetative buffers in the waterways that drain into the lake. This is especially true for those who live in the Wakarusa River watershed and of its tributaries. Owners of properties which are part of these watersheds should be given priority to get County, State and/or Federal funds to finance conservation practices such as: installation of grass strips in cropped fields (ideally planted with prairie grasses and native forbs); maintenance of riparian buffers along creeks and streams; and other practices which have been shown to be effective in keeping soil intact and less prone to erosion during rain events. Johnson County has a wonderful system of turning these streamside corridors into a county-wide network of recreational trails. It is my understanding that a Stream Buffer Ordinance is to be developed soon in Douglas County. Adoption of a system similar to Johnson County's streamside recreational trails would afford Lawrence and Douglas County with flood prevention, sediment control, and add significantly to the recreational opportunities for our community, and go a long way in preventing flooding of structures.

Having lived adjacent to Naismith Park for several years, I can attest to the attractiveness of being able to enjoy that open space right in town! Not only do these areas become valuable as sources for passive recreation, but I still remember during the massive flood of 1993, little damage was done to homes in the area from the rapidly expanding creek. That's why it's so important to refrain from building in the floodplain of any river, stream or creek. Another point that needs to be added here is that within the last few years, a significant amount of open space on the KU Campus has been covered with new buildings (the area that used to be practice fields north of 19th Street and West of Naismith Drive is in that watershed and is now filled with large structures). There are experts at KU, either in the Geology Department or Geography Department that could develop models predicting where the new floodplain along Naismith Creek

downstream from these new buildings will be. It seems to me that it will take less rainfall to increase the flows of the creek to reach flood stage; Lawrence should adopt stringent standards to ensure that the floodplain is not infringed upon in Naismith Creek or other major creeks in town.

One other point I'd like to make is related to the 1993 flood event. At least one house that is at the end of a cul-de-sac was down gradient from the street. Unfortunately, the storm sewers were not able to keep up with the amount of rain that happened in a very short amount of time, so that water ended up flowing into the garage and out the rear door of the house. Let's take this opportunity to prevent such things from happening again. As lots are platted in newly developing areas, I strongly feel that if a similar situation happens, (i.e., the end of the cul-de-sac is at the bottom of the hill), that lot should not be considered "buildable" and remain as open space to ensure that any homeowner is not placed at risk of major damage to their home and yard.

I appreciate the time you've spent reading this letter and taking these suggestions into consideration. I also value the time you devote to making decisions that help ensure the livability of Lawrence and Douglas County.

Sincerely,

Joyce A Wolf

1605 East 318 Road

Lecompton, KS 66050

PS – I wish I could attend the Planning Commission meeting in person; however, I am program chair for Jayhawk Audubon Society and March 25th is the regularly scheduled meeting night and I need to attend that meeting. Thank you again for your consideration of these comments.

----- Forwarded message -----

From: **Scott Zaremba** < <u>scott@zarcousa.com</u>>

Date: Fri, Mar 22, 2019, 4:20 PM

Subject: RE: Comp Plan

To: Karen Willey < karenwilley 1@gmail.com>

Karen, thanks for the note. You know I have been very vocal throughout the P2040 process that we are over-regulated. All those regulations come with costs that ultimately are passed on, if they allow the project to move forward at all. As a business owner and property owner, my ability to come up desirable opportunities for both the city and my business are hampered if not stifled. New businesses are discouraged from locating in Lawrence. Yesterday I was confronted with property owner that has property zoned for acceptable uses, but that are challenged by the city over regulation and requirements even though it is zoned properly. This whole idea of community benefits is just one more way staff has found to shift community costs onto the backs of property owners. The process to get anything done now has grown to years of negotiation with staff, it should be weeks or few months tops!

FYI, the property owner that corned me, said "I'm done dealing with Lawrence" he is selling his properties and moving. This sounds extreme, but it's not. People are tired of the city over reaching and making what would be a great project one that will not move forward. I had one of the local large developers also tell me 3 weeks ago he is done.

Thanks

Scott Z

From: Karen Willey < karenwilley 1@gmail.com>

Sent: Friday, March 15, 2019 4:22 PM **To:** Scott Zaremba < scott@zarcousa.com>

Subject: Comp Plan

Hi Scott,

Did you have any more thoughts on the comp plan, or were you happy with the version that came out of the steering committee? I'm especially interested if you were content with the "community benefit" requirement for annexation.

Thanks!

Karen Willey Chair, PC 785.979.9455

Memorandum City of Lawrence Planning and Development Services

TO: Lawrence Douglas County Metropolitan Planning Commission

Airport Zoning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: March 25, 2019

RE: Item No. 2A: SP-19-00029, for 1910 Airport Road. Submitted by Landplan

Engineering and Hetrick Air Services, on behalf of the City of Lawrence, property

owners of record.

Attachment A: Administrative Determination

Attachment B: Site Plan SP-19-00029

Background

The Planning Director administratively approved site plan, SP-19-00029, Attachment B, for construction of a hangar building located at 1910 Airport Road, subject to the *Airport Zoning Commission's (AZC)*, approval of the permit.

Per Section, 20-302 (j) of the Land Development Code, the Lawrence/Douglas County Metropolitan Planning Commission will be the Airport Zoning Commission for the City of Lawrence and has the responsibility for administering and enforcing the regulations of this section.

20-302 (j)(1) In particular, the Airport Zoning Commission shall review all permit applications and determine if such should be granted. If an applications found to confirm to all the Airspace Overlay District regulations, the Airport Zoning Commission shall grant the permit.

The Airspace Overlay District is a zoning classification that establishes additional restrictions and standards to uses permitted in the base district. The Airspace Overlay District regulations apply to all land or water areas laying within the established airport control instrument approach zones. Non-instrument approach zones, transition zones, horizontal zones, and conical zones are shown on the Airspace Control Zones overlay map. The AZC shall review all permit applications and determine if they should be granted and if the application conforms to the Airspace Overlay District regulations.

Performance standards are listed in Section 20-302 (g) and are applicable to all development activity within the Airspace Overlay District. Because the project is located within the airport proper, these design standards are also addressed in the lease agreements for use of the land. Standards address communication interference, above ground storage of petroleum and

1 | Page SP-19-00029

explosive materials, emissions of smoke or odor, interference with airport navigational lighting, or "otherwise endangers the landing, taking-off, or maneuvering of aircraft."

The City has been working with the applicant and the City's the airport consultant, ADG (Airport Development Group), regarding the proposed development located on the east side of the terminal building for several month. The project has been reviewed and approved by FAA.

- A concurrent application for a minor subdivision (MS19-00035) has been submitted.
- The site plan does not include any above ground storage tanks.
- The proposed building complies with the minimum building setbacks for the district and as they particularly apply to the runway and taxiway setbacks.

STAFF RECOMMENDATION

Staff recommends the Airport Zoning Commission find that the application conforms to the Airport Overlay District Regulations and the proposed site plan be approved.



City of Lawrence ADMINISTRATIVE DETERMINATION

STANDARD DEVELOPMENT PROJECT SITE PLAN March 12, 2019

SP-19-00029: A site plan for construction of a hangar at Lawrence Municipal Airport, located at 1910 Airport Rd. Submitted by Landplan Engineering and Hetrick Air Services, on behalf of the City of Lawrence, property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Site Plan subject to approval of the site plan by the Lawrence Douglas County Metropolitan Planning Commission sitting as the Airport Zoning Commission per Section 20-302.

ASSOCIATED CASES

- Lawrence Municipal Airport Addition (November 2001)
- Lawrence Municipal Airport Addition No. 2 (May 2010)
- SP-11-65-84; Airport Terminal Building and parking 1915 Airport Road
- SP-7-65-89 Kohlman Aviation
- SP-3-11-96 New hangar Stuber Executive Hangar; 1915 Airport Road
- SP-1-1-99; Dream Wings Aircraft Manufacturing. Expired not constructed.
- SP-2-12-99; Hangar west of terminal building 1915 Airport Road.
- SP-8-61-02; T-hanger; 830 Taylorcroft Road
- SP-4-24-03; LifeStar Air Ambulance Service; renovation of existing building and pavement improvements.
- SP-4-34-06; Great Planes Hangar Addition 1915 Airport;
- N-4-01-06; Non-conforming use registration for Great Planes Hangar Addition 1915 Airport Road
- Z-4-5-09; GPI to IG Lawrence Municipal Airport.
- FP-17-00238; Local Floodplain Development Permit, Wildlife hazard fence.
- SP-17-00236; Wildlife hazard fence.

KEY POINTS

- This hangar/office building would be a new facility to the airport.
- A building permit is required for the construction of the building
- The project has been reviewed and accepted by Federal Aviation Administration (FAA)

OTHER ACTION REQUIRED

 Planning Commission approval of the site plan as the Airport Zoning Commission (AZC) per Section 20-302.

PLANS AND STUDIES REQUIRED

- Traffic Study Accepted
- Downstream Sanitary Sewer Analysis Accepted.
- Industrial Design Guidelines Applicable to project.
- Drainage Study Not applicable to this project.
- Retail Market Study Not applicable to this project.
- Alternative Compliance Applicable to this project.
 - o Reduction in off-street parking from 12 spaces to 7 spaces

Reduction in parking lot setback from 15 feet to 9 feet.

COMMUNICATIONS RECEIVED

1. none

SUMMARY OF REQUEST

The property is located on the east side of the airport with direct access to the taxiway on the north side of the property. The building will provide hangar space and a small office area. Offstreet parking is provided on the south side of the lot with access to Airport Road. This project represents new construction and an expansion of the Hetrick Air Services operation.

The most recent airport improvement was the addition of a wildlife hazard fence added in 2017 to prevent wildlife from causing hazards to airport operations. The fence will be modified with this project maintaining the integrity of the secure nature of the airport.

GENERAL INFORMATION

Current Zoning and Land Use: Airport property is located within City Limits.

- IG (General Industrial) District. Existing Lawrence Municipal Airport. Buildings include terminal building, a maintenance hangar, general and private hangars, and associated businesses.
- Two tracts of land along the east and west sides of the airport were acquired from KU Endowment and have been annexed into the City but have not been rezoned to a City district.



Figure 1: Existing Zoning

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County A (Agricultural) District in all directions with exceptions noted below. The surrounding area is used for agricultural uses with scatted rural residential uses and some limited non-residential uses.

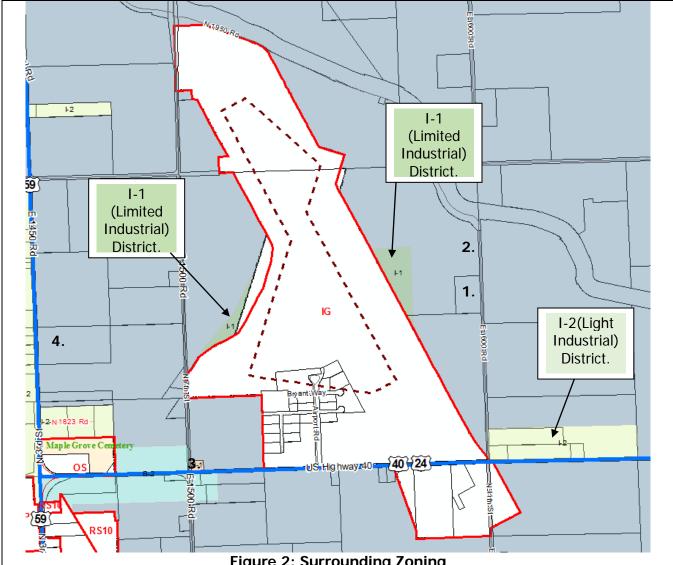


Figure 2: Surrounding Zoning

Surrounding Land Use include scattered rural residential homes along county roads and:

- 1. Prairie Moon School 1853 E. 1600 Road to the east.
- 2. KU Student Farm
- 3. The Fete 1804 E. 1500 Road to the south.
- 4. Chestnut Charlie's

STAFF REVIEW

The proposed project is located within the airspace overlay district and subject to approval of the Airport Zoning Commission. Depending on the size of the plane, the hangar can house 1-3 aircraft. The site plan shows a 2,043 square feet office space adjacent to the hangar.

ACCESS

Vehicular access to this site is provided from Airport Road for the main activities associated with the airport. Access to the KU facility, on the west side of the airport property is accessed from E. 1500 Road (N 7th Street). This application is submitted concurrently with a minor subdivision application that reconfigures the platted lots. Proposed lot 1 abuts Airport Road along the west property line. The other lot abuts Airport Road along the west property line and Bryant Way along the south property line. The development is organized to allow for the optional expansion

to the adjacent lot in the future. The site design located the driveway and parking lot on the south side to facilitate a shared or expanded development on the adjacent lot in the future.

The project includes entrance gates at various locations for access to the airport property for maintenance purposes. Public access at these additional entrances is not permitted.

PARKING SUMMARY

The parking lot is accessed from Airport Road. The parking lot is located on the south side of the lot and is designed to be expanded and shared with the property to the south as either a separate development or a future expansion of this proposed development.

Off Street Parking Required

- Warehouse Use 20,001 to 120,000 square feet at 1 space per 5,000 square feet
 - o 21,488 square feet = 4.29 spaces (5 spaces)
- Office Use 1 space per 300 square feet

o 2043 square feet = 7 spaces Total Required spaces = 12 spaces Spaces Proposed = 7 spaces

Off-Street parking is provided either in or near hangar buildings and is shared with the public parking areas located near the terminal building. A warehouse building 20,001 – 120,000 square feet is required to provide parking at a ratio of one space per 5,000 square feet. However, hangars are a somewhat different use requiring a larger area to house aircraft. Most hangars are designed for 1-2 aircraft depending on the size of the aircraft. Long-term parking of vehicles often occurs within the hangar when the aircraft is in use. There has been no new development at the airport since the adoption of the Land Development Code in 2006, except for the wildlife fence addition. The attached parking table summarizes the development and off-street parking provided for airport development.

The applicant has indicated that the hangar will house 1-3 aircraft parking for the hangar use is substantially less than a traditional warehouse use. Uses at the airport are strictly regulated by the FAA and agreements with the City limiting general industrial and warehouse uses. Unless a use is directly related to aircraft operations then it is unlikely to be permitted.

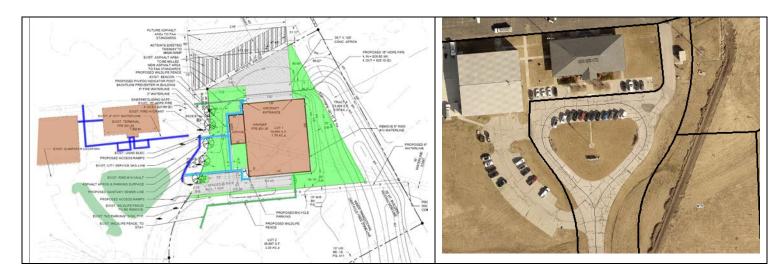
Off-Street Parking Reduction

The required off-street parking for this use is 12 spaces, accounting for the combined warehouse/hangar space and the office space. The site plan shows compliance with the number of required off-street parking spaces for the office use but not the warehouse use. Section 20-1305 (b) (3) (v) provides the authority for the Planning Director to; waive certain standards for good cause shown. The off-street parking reduction is nominal in this case with ample available public parking provided in the immediate area near the terminal building. Staff supports the request to reduce the number of off-street parking spaces for this use.

The hangar will be used for storing of aircraft with separate office space provided for pilots. Passengers will board and disembark the planes through the terminal building. A separate maintenance building is located to the west of the terminal building for major aircraft maintenance and repair as part of the Hetrick Air Service operations. Minor maintenance for stored aircraft can be accommodated in the building as necessary and for pre-flight checks. Passengers would use the existing public parking spaces, as needed, located south and west of the terminal building.

Parking Lot Design

Section 20-908 requires off-street parking to be setback 15 feet from the right-of-way for nonresidential zoning districts. The site plan shows the parking lot setback more than 15 feet on the northwest corner of the lot. Public parking along the terminal building is not setback from the right-of-way. The spaces are accessed directly from the north loop of Airport Drive. These parking areas provide spaces for passengers as needed separate from this proposed building.



Development of the property to the south would provide an opportunity to expand off-street parking as necessary. The overall wider width of the lot will allow compliance with building and parking lot setback standards easier. Given the unique shape of the property and the restricted development area, the proposed request for the setback reduction is reasonable.

Landscaping and Screening

The airport property is generally devoid of trees. Shrubs and ornamental trees may be found near buildings, but are generally not appropriate for this use. Understory and ornamental trees are recommended along Airport Road between the building entrance and the parking lot. The area north of the building entrance along Airport Road is generally restricted access. While part of the public right-of-way, it does not function as a public street north of the front building line of the terminal building. Tress and landscaping are not proposed along this segment of Airport Road.

Interior parking lot landscaping is not required for lots with less than 11 parking spaces. The proposed development requires 12 off-street parking spaces. The site plan shows 7 spaces. As proposed interior landscaping is not required. This determination assumes that the off-street parking reduction is approved. The parking lot is screened from Airport Road as required by the Land Development Code.

Lighting

A photometric plan has not been submitted at this time. There are no immediate plans to provide exterior lighting. The airport includes only very limited lighting as to not be confused with other navigational lighting related to airport operations. This project is subject to compliance with Section 20-1103 with regard to parking lot lighting if lighting is added in the future. Lighting will also be reviewed for compliance with regulations to ensure that any future lighting does not conflict with navigation or with airport operations.

Industrial Design Standards

The property is zoned IG (General Industrial) District. The proposed building is intended to provide enclosed storage for aircraft. Buildings housing aircraft are necessarily large open use buildings. The proposed building includes office space on the west side, facing Airport Road. Doors open to the airfield area on the north side. A small mechanical room for heating (labeled Boiler Room) is located on the east side of the building. The plans show window openings on the east, west, and south elevations. The north elevation is reserved for the hangar doors. The overall appearance of the building is consistent with similar structures located at the airport.

The proposed building complies with the intent of the Community Design Manual as it pertains to industrial buildings. Staff recognizes the limitations of applying design guidelines to this type of building.

The north and south side of the building provide functional access to the building. The east side of the building faces the runway and does not necessarily require a high level of detail. The west side of the building includes the office and is the visible, publically accessible and visible side of the building. Moderate design aesthetics are applied to the office portion of the building provides some level of pedestrian scale.

High windows are provided on all sides that provide natural light to the interior, but also provide visual interest to the exterior facades of the building.

The IG District permits a maximum building height of 75 feet. Building height within the airport area and operational distance from the runways is highly regulated. The maximum height of the proposed building is 37.75 feet at the center of the building with a low-sloping roof. The FAA has reviewed and approved the proposed building for compliance with height and setback.

Pedestrian Connectivity

The site plan shows construction of a public sidewalk along a portion of Airport Road and a pedestrian pathway form the parking area and the public sidewalk to the front of the building. This is the only segment of Airport Road that would have a sidewalk other than the area immediately adjacent to the terminal building. This sidewalk also provides access to the public parking located on the north side of Airport Road. A separate variance request associated with public sidewalks is discussed in the body of the staff report for the minor subdivision.



Figure 3: Existing and Proposed Sidewalk

Floodplain

The airport includes areas located within the regulatory floodplain. The floodplain is generally located on the west side of the airport. The lots located along the east and west sides of Airport Road are not encumbered by the regulatory floodplain. A local floodplain development permit is not required for this project.

Findings

Per Section 20-1305, staff shall first find that the following criteria have been met:

1) The Site Plan shall contain only platted land;

The property is being replatted concurrently with the site plan application.

2) The site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plan;

Except for the number of parking spaces and the location of the parking lot setback from Airport Road, the project complies with the Land Development Code and applicable City policies.

3) The proposed use shall be allowed in the district in which it is located or be an allowed nonconforming use;

The property is zoned IG (General Industrial) District. Airports (*Major Utilities and Services*) are permitted use in this district subject to the approval of a special use permit. The airport, including the terminal building, runways, and tie-down area, was developed prior to this requirement. Therefore, per Section 20-1306 (b), the property was granted automatic special use permit approval with the adoption of the Land Development Code. The proposed hangar building is a permitted use, as a *Warehouse Use*, in the IG district and does not require a special use permit.

4) Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or access management policies and;

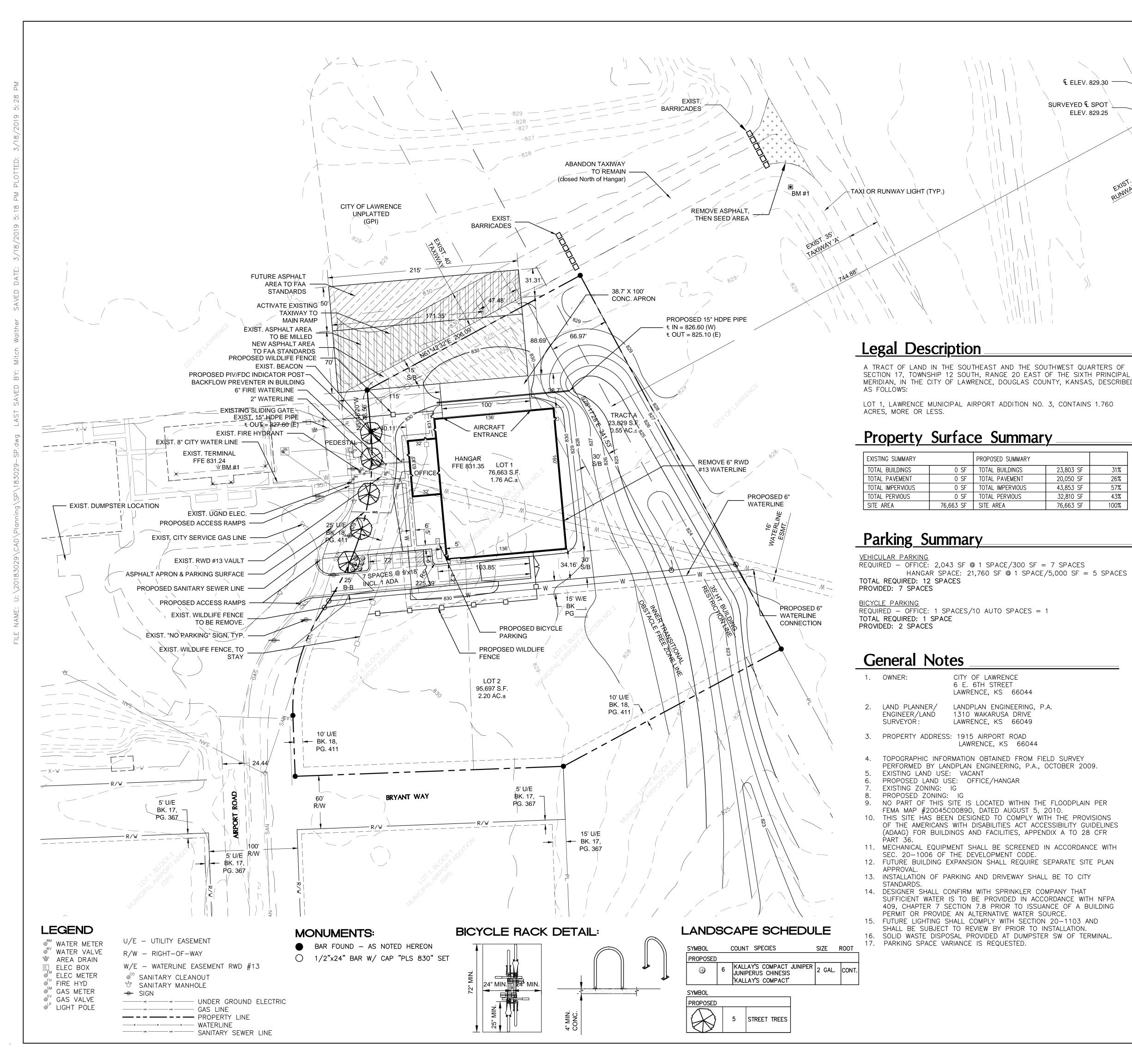
Access to the property is provided via an existing public street. Airport Road was constructed without curbs, gutters, or sidewalks similar to a county road profile. Access to the lot is accommodated via a driveway to a small parking lot. Vehicular circulation of the site is preserved with this application.

5) The site plan provides for the safe movement of pedestrians within the site;

The purpose of this construction of a hangar building and small office space. The project includes construction of a public sidewalk along a portion of Airport Road and some internal pedestrian pathways to serve the use.

Conclusion

The proposed hangar/office construction is a new development for the airport campus. The project is designed to accommodate expansion to the south or an independent development of the southern lot. Because the property is located within the boundary of the airport, the site plan requires the Airport Zoning Commission to make a finding that the requested proposal conforms to the regulations of Section 20-302.



Location Map

23,803 SF

20,050 SF

43,853 SF

32,810 SF

76,663 SF

31%

26%

57%

43%

100%

SURVEYED & SPOT

ELEV. 828.80

£ ELEV. 829.30

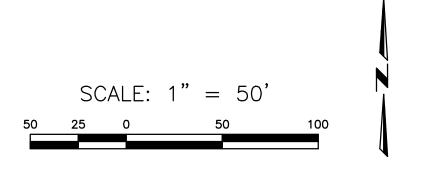
SURVEYED & SPOT ELEV. 829.25

SEC. 17-12-20 CITY OF LAWRENCE DOUGLAS COUNTY, KANSAS NOT TO SCALE

US HWY 24/40

Benchmarks

- BM1 NGS MONUMENT IN CONCRETE "LLOYD" 30' WESTERLY FROM TAXIWAY 'A' 30' SOUTHERLY FROM TAXIWAY 'B'. ELEV.=828.75
- BM2 FFE INSIDE SOUTH DOOR OF AIRPORT TERMINAL BUILDING. ELEV.=831.24



A Site Plan for North Entrance

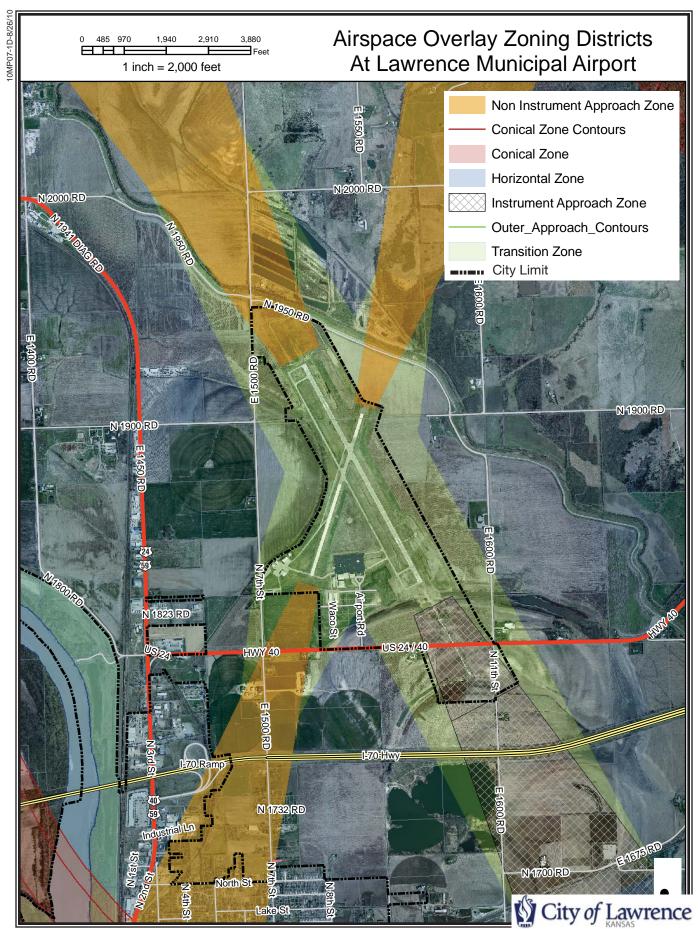
Hetrick Air Services, Inc.

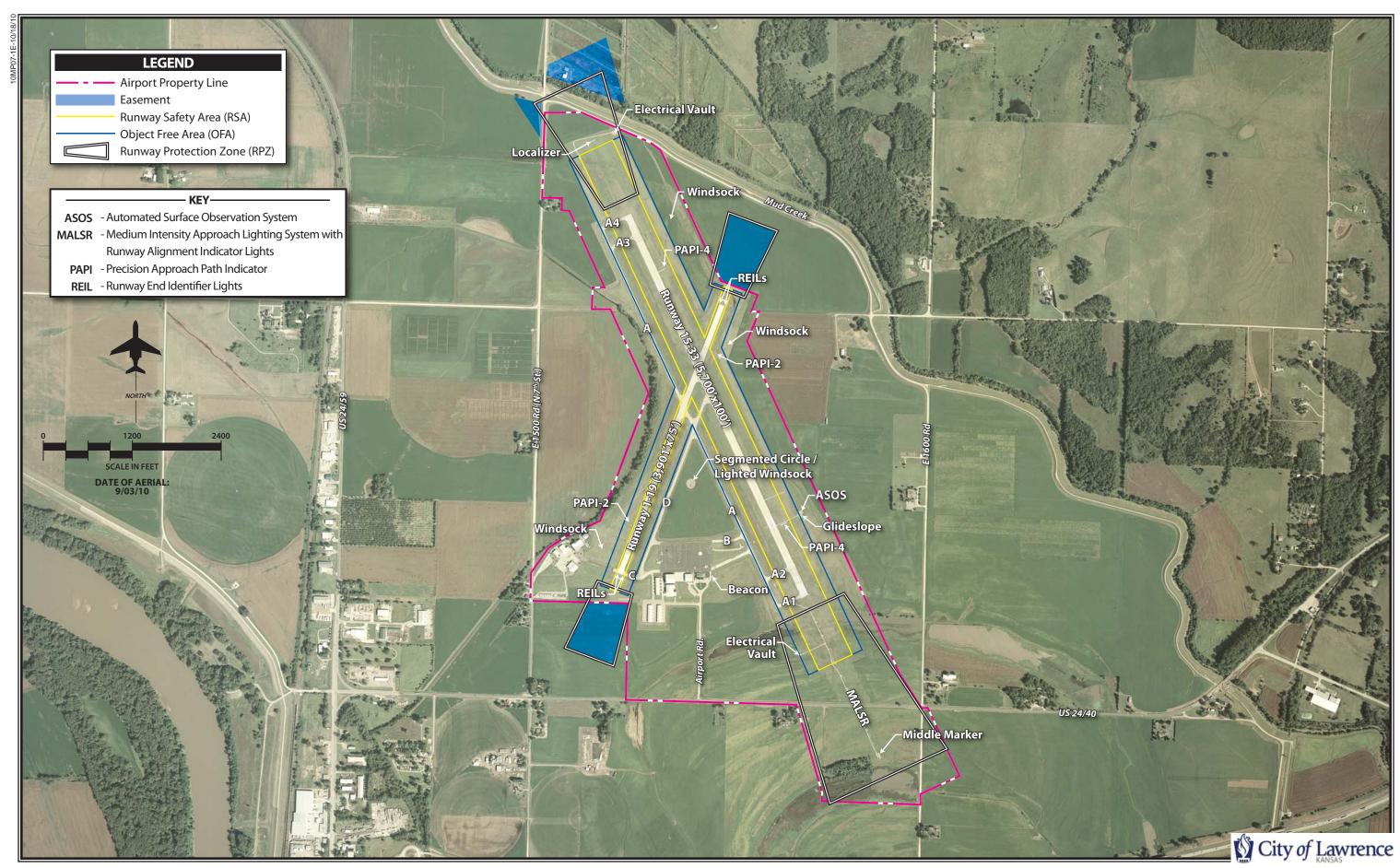
Lawrence, Kansas

PROJECT NO.: **DESIGNED BY:** DRAWN BY: CHECKED BY: SHEET NO.

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ISSUE







Airport Off-Street Parking Table

Pro	ject	Parking		
•	Lawrence Municipal Airport Addition (November 2001) Lawrence Municipal Airport Addition No. 2 (May 2010) SP-11-65-84; Airport Terminal Building and parking; 1930 Airport Road	46 spaces provided – Public Parking		
•	SP-7-65-89 Kohlman Aviation – Not built	Shared city parking 0 spaces required		
	SP-3-11-96 New hangar – Stuber Executive Hangar; 1905 Airport Road	1 employee 8 spaces provided		
•	SP-1-1-99; Dream Wings Aircraft Manufacturing (former Gutworks); 1930 N. 7 th Street. Not built	8 spaces required 8 spaces provided		
	SP-2-12-99; T-Hangar, 1925 Airport Road. 14,440 GSF; 10,080 SF	10 spaces required 10 spaces provided		
•	SP-8-61-02; T-hanger; 830 Taylorcroft Road	0 spaces required 20 spaces provided		
	SP-4-24-03; LifeStar Air Ambulance Service; 1930 N. 7 th Street; renovation of existing building and pavement improvements.	11 spaces required 19 spaces provided		
	SP-4-34-06; Great Planes Hangar Addition; 1970 N. 7 th Street; N-4-01-06; Non-conforming use registration	0 spaces required 0 spaces provided		
	2006 GPI Z-4-5-09; GPI to IG Lawrence Municipal Airport.	0 spaces required 0 spaces provided		
	FP-17-00238; Local Floodplain Development Permit. SP-17-00236; Wildlife hazard fence	0 spaces required 0 spaces provided		





1310 WAKARUSA DRIVE | LAWRENCE, KANSAS 66049 | 785.843.7530 (p) | 785.843.2410 (f) | info@landplan-pa.com

January 29, 2019

David Cronin, P.E., City Engineer City of Lawrence Public Works Department 720 West 3rd Street Lawrence, Kansas 66044

RE: Hangar Project - North Entrance

Hetrick Air Services, Inc.

Traffic Analysis

Mr. Cronin:

The proposed Airport Hanger is located at 1930 North Airport Road. The improvements to the site includes; construction of a 23,088 s.f. hangar building, small office space and some pavement (taxiway) improvements. As part of the permit process, we are submitting this letter and attached traffic analysis as required by the City of Lawrence's administrative policy AP-76.

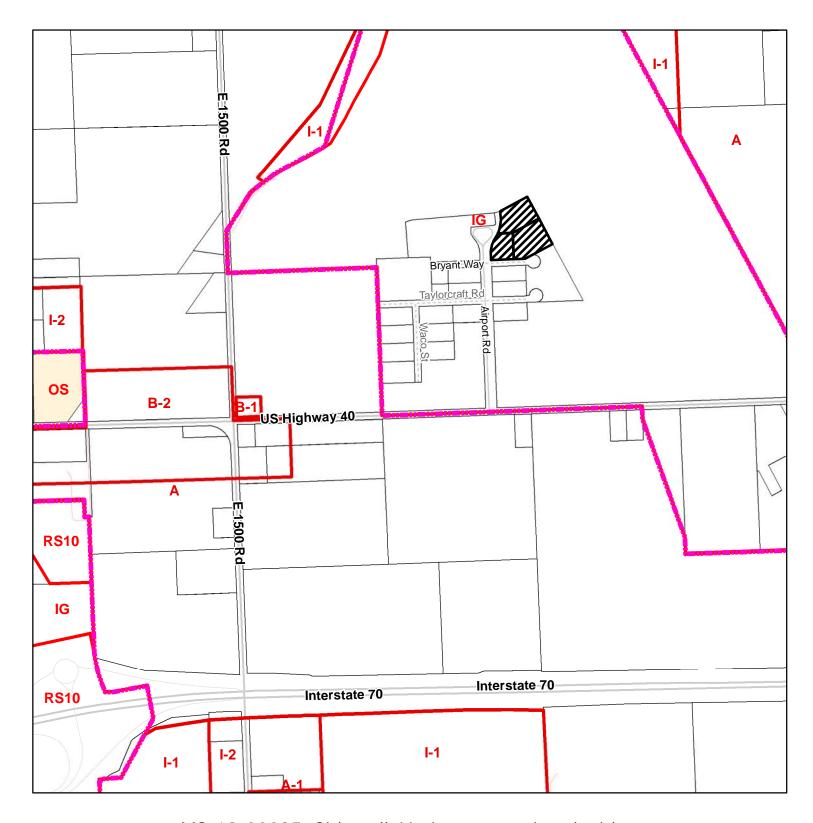
The current land use for the lot is vacant and proposed to be Office / Hanger in the future. The proposed building will add 7 additional parking spaces in the post-developed condition. The proposed hangar will store private plans for 48 hours only. There will only be one or two employees in the office area. Therefore, the small number of people using the facilities and office area will generate a very minimal a.m / p.m. peak hour average trip generation rate and total traffic count.

Please call me at (785) 843-7530 if you have any questions or comments regarding this study as submitted.

Sincerely,

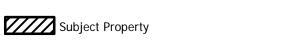
Shawn R. Bryan, P.E., CFM Landplan Engineering, P.A.

17899 129/19 AANSAS



MS-19-00035: Sidewalk Variance associated with a Minor Subdivision for Lawrence Municipal Airport No. 3, located at 1910 N Airport Road

Airport Zoning Commission Item: SP-19-00029 Site Plan Application for 1910 N Airport Road



Memorandum
City of Lawrence
Planning and Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: March 25, 2019

RE: Item No. 2B: MS-19-00035: Consider a variance from the requirement to

construct a public sidewalk for a minor subdivision for Lawrence Municipal Airport Addition No. 3, located at 1910 Airport Road. Submitted by Landplan Engineering and Hetrick Air Services, on behalf of the City of Lawrence, property owners of

record.

Variance requested:

Requirement to construct public sidewalk along public right-of-way.

Attachment A: Minor Subdivision MS-19-00035

Attachment B: Original Subdivision Plat

Attachment C: Area Map

Background

Minor subdivisions are processed administratively; however, the Planning Commission's approval is required for variances from the subdivision design standards. No other Planning Commission action related to the proposed minor subdivision is required.

The Subdivision Regulations state that an applicant may request a variance from the design standards in accordance with the variance procedures outlined in Section 20-813(g). This memo provides background information on the variance request, evaluates the request for compliance with the approval criteria, and summarizes staff's recommendation.

Section 20-811 lists the public improvements that are required with a subdivision submitted in the City of Lawrence. The regulations currently require public sidewalks on both sides of new streets with new street construction. Airport Road predated the existing subdivision regulations and was constructed without curbs, gutters, or public sidewalks. There are no plans to improve Airport Road with these design elements.

The land south of Bryant Way was platted in 2001, Lawrence Municipal Airport Addition. The areas east and west of the terminal building were platted in 2010. The street segment constructed to the west of Airport Road includes curbs on both sides and a public sidewalk on only one side of the street. The constructed portion of Bryant Way was completed prior to the adoption of the 2006 Land Development Code requiring sidewalks on both sides of the street.

It was common practice to construct streets as development occurred or by phase, not immediately upon completion of a final plat. The current practice and regulations require an applicant provide a guarantee for all public improvements shown on a subdivision prior to recording the subdivision with the Register of Deeds Office. Because street construction was

deferred until a particular development phase required access, most of the platted right-of-way within the Airport property has not been constructed.

Subdivisions platted after 2006 require sidewalks on both sides of the street per section 20-811 (c). This section also grants authority to the Planning Commission to consider variances per Section 20-813 (g) of the Subdivision Regulations as applicable.

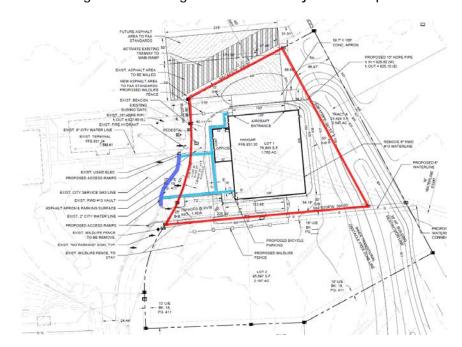
VARIANCE: The applicant proposes to develop one of two lots shown on the minor subdivision. A public sidewalk is proposed along only a portion of Airport Road for Lot 1. No development of Lot 2 is proposed at this time. Bryant Way was not constructed and a public sidewalk was not constructed, affecting only lot 2 of the proposed minor subdivision.

Code Citations

- 20-811 (c) (1) (i) 5 foot wide sidewalks are required on both sides of a local street.
- 20-811 (iv) Sidewalks required to be constructed within the same right-of-way as the street being paved shall be constructed concurrently with the paving of the adjacent roadway or within the first phase of development of a multiple-lot subdivision, adjacent to any improved street.

The proposed development request does not include the construction of Bryant Way to the east of Airport Road and does not include any improvements to the existing Airport Road. Some sidewalk is proposed along Airport Road, but not the full length of the developing lot. Sidewalk construction along Bryant Way is deferred until the future development is proposed for Lot 2.

The following graphic highlights the location of the proposed public sidewalk along a portion of Airport Road shown in dark blue. The private sidewalk area connecting the public sidewalk to the building is shown in light blue and is subject to site plan review.



REVIEW CRITERIA:

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

The City of Lawrence owns the property. Development of the Airport property is a long-term project. The applicant would execute a lease with the City for use of the property including site development. The site plan shows the construction of a partial sidewalk along Airport Road. The north portion of Lot 1, abutting Airport Road is generally restricted past the face of the Terminal Building. The street provides airport access, but does not function as a public street to preserve airport security.

There are no identifiable prospects interested in development for the existing platted lots, at this time. The area has been approved for use as a parachute landing area. There are no physical improvements associated with the parachute drop zone. Airport development is not typically a pedestrian-oriented development. The terminal building represents the most public building anticipated for development within the overall property. Appropriate pedestrian connections between parking lots and buildings is required and recommended for this development and all future developments.

The proposed development does not extend to Bryant Way. Development of the lot, extension of the street, and construction of the public sidewalk along Bryant Way is generally deferred with this development request including the site plan. This variance request is not intended to completely forto the requirement to construct a sidewalk but does remove the requirement from the subdivision process. The construction of Bryant Way and the corresponding public sidewalks would be considered and reviewed as part of a future development application of proposed Lot 2.

STAFF FINDING: Strict application of the regulations would require the property owner (the City) to construct a public street, with the required public sidewalks on both sides of Bryant Way, an unplanned budget expense. There are no near-term development applications be considered that would require the construction of Bryant Way east of Airport Road that would benefit development.

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

The airport property is unique and owned by the City of Lawrence. The developer is responsible for costs associated with a particular project. The property was originally platted, with a corresponding street network identified to facilitate leases and marketing of the developable area south of the terminal building. Lots are generally arranged to be combined or further subdivided as necessary. The development of public streets and the corresponding public sidewalks was, until 2006 with the adoption of the Land Development Code and Subdivision Regulations, based on phasing.

The request for a minor subdivision that reconfigures platted lots and associated public infrastructure requires compliance with the Subdivision Regulations. The unintended consequence for the applicant is the requirement to address infrastructure that was planned but not constructed as part of the original development applications.

The nature of the request is to defer the construction of the street and public sidewalk until a more fully formed development application can be identified for Lot 2. The status of Bryant Way is an existing condition of the Airport development.

STAFF FINDING: Granting this variance from the requirement to construction Bryant Way and the associated public sidewalk is reasonable given the unique nature of the airport as a land use and development and site plan activity associated with it.

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

Only Lot 1 is proposed for development at this time. The need to reconfigure the lot to accommodate the proposed development requires the inclusion of lots located along the north side of Bryant Way. Depending on the needs of the next developer, the lot configuration could be changed, including the location of the planned street (Bryant Way east of Airport Road). By leaving the streets undeveloped, the City provides the greatest flexibility in order to respond to airport-related development requests. This is a situation unique to airports and should not be assumed for other industrially zoned properties.

Airport development requires strict separation of vehicle and aircraft with very different requirements for access and travel lane width. Streets do not have to accommodate clearance for aircraft wings. Taxiways and ramp areas must be sufficiently wide enough to safely maneuver aircraft on site and protected from vehicular traffic activity. The needs of each developer/tenant located at the airport must be evaluated independently.

STAFF FINDING: Granting this variance to allow a deviation from the requirement to construct a sidewalk the full length of Airport Road and to, in essence, defer construction of Bryant Way and the corresponding public sidewalks. This variance will not harm the public health, safety, or welfare. These public aspirations will continue to be protected though the site development process.

STAFF RECOMMENDATION

Approval of the variance requested for a minor subdivision, MS-19-00035, to allow partial construction of a public sidewalk along Airport Road and to defer the requirements to construct Bryant Way and the corresponding public sidewalk along the south side of proposed Lot 2.

City of Lawrence Douglas County PLANNING & DEVELOPMENT SERVICES

ADMINISTRATIVE DETERMINATION

MINOR SUBDIVISION

March 19, 2019

MS-19-00035: Lawrence Municipal Airport Addition No. 3, a minor subdivision/replat of Lots 1, 2, and 4, in Block 2, Lawrence Municipal Airport Addition No. 2, a subdivision in the City of Lawrence, Douglas County, Kansas. Submitted by Landplan Engineering, PA, on behalf of Hetrick Air Services, City of Lawrence, property owners of record.

Dedication of easements to be accepted by the City Commission.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the minor subdivision.

KEY POINT

- Application proposes reconfiguring lot lines to create a more desirable development parcel for a large hangar/office building.
- The subdivision includes three platted lots and proposes two lots and one tract.
- Rural Water District 13 has existing facilities located on airport property that must be relocated as part of the proposed site development.
- A separate easement for the rural water district will be dedicated from the City to the rural water district as part of this development.
- Airport Road is an existing street; no changes are proposed to the street alignment.
- Sidewalks were required on only one side of the public street at the time the original subdivision was approved. Airport Road existed prior to the original platting of the property and was not constructed with a sidewalk on either side of the street.
- Streets were platted but not constructed with the original subdivision plat. Streets will be developed as needed within the airport campus.
- There are no plans to construct Bryant Way at this time. This construction is deferred until development of adjacent lots is proposed in the future.

SUBDIVISION CITATIONS TO CONSIDER

- The Subdivision Regulations for Lawrence and Unincorporated Douglas County.
- Section 20-811 (c) regarding sidewalk requirements
- Section 20-811 (h) regarding completion of public improvements/construction of public streets

COMMUNICATIONS

none

ASSOCIATED CASES

- Z-4-5-09; GPI to IG CC approved 7/14/09 Ord. # 8425.
- PP-1-2-10; approved by the Planning Commission on 3/22/10. Easement and rights of way accepted by the City Commission on 4/6/10.
- PF-01-02-10; Lawrence Municipal Airport Addition No. 2
- SP-19-00029; 1910 Airport Road office/warehouse (hangar) construction

OTHER ACTION REQUIRED

Submittal of a signed copy of the minor subdivision, an executed master street tree plan, and

document recording fees for recording with the Douglas County Register of Deeds.

Attachments

Attachment A: Proposed minor subdivision drawing

GENERAL INFORMATION			
Current Zoning and Land Use	IG (General Industrial) District; vacant land located east of terminal building.		
Surrounding Zoning and	IG (General Industrial) District in all directions.		
Land Use	Tarmac and taxi-way to the north,		
	Open space and primary runway to the east		
	Vacant lots to the south		
	Terminal building to the west.		
Number of Existing Lots: 3	Lot 1: 1.625 acres (1910 Airport Road- new development parcel)		
lots	Lot 2: 1.883 acres (920 Bryant Way)		
	Lot 4: .996 acres (910 Bryant Way)		
Number of Proposed Lots: 2	Tract A: .547 acres (portion of original Lot 1)		
lots and one tract.	Lot 1: 1.760 acres (1910 Airport road – new development parcel)		
	Lot 2: 2.197 acres (Original Lots 2 and 4)		

BACKGROUND

The Lawrence Municipal Airport has operated in this location since 1929. The University of Kansas originally owned the property. Runway 1-19, the primary runway, was reconstructed and extended from a turf runway to an asphalt surface in 1958. The University of Kansas deeded the airport to the City of Lawrence in 1977. In the 1960's several hangars were constructed and an aircraft tiedown apron was added. The existing terminal building was constructed in 1986.

The City constructed Airport Road in 1982 as a rural road rather than to a standard city street. A collection of buildings are located on the west side of the airport property accessed from E. 1500 Road (N. 7th Street extended). Cross-vehicular access is possible between this area and the main development via a taxiway. Vehicular access using the taxiway is restricted to airport operations. Airport Road provides the primary access to the facility. Several other streets have been platted south of the terminal building that branch east and west off Airport Road. Bryant Way, west of Airport Road, was constructed in 2003.

Section 20-808 (c)(1) allows property to be both subdivided up to 4 or fewer platted lots using the minor subdivision/replat procedures. This application consolidates and reconfigures property by creating two development parcels and one tract that is not a buildable lot.

STAFF REVIEW

This proposed minor subdivision modifies interior lot lines to accommodate this specific proposed development. The rear portion of existing Lot 1 is encumbered by a regulatory setback directly associated with the airport operations. The rear 35 feet of the lot restricts building height to keep the parallel taxiway area clear of obstructions. Since this area is not buildable, the developer is not interested in leasing the area. Therefore, the rear area that is affected by the extraordinary setback is proposed as a tract in this minor subdivision. Lot 1 is expanded to the south into original lots 2 and 4 to create a desirable development parcel. The remaining portion of lots 2 and 4 are combined into a single lot for future development. There are no known projects for the remaining property within the boundary of the minor subdivision.

The property is not located within any historic district and is not located in a regulatory floodplain.

DIMENSIONAL REQUIREMENTS

Per Section 20-601(a) of the Land Development Code, the IG (General Industrial) District requires a minimum lot area of 5,000 square feet and a minimum lot width of 50 feet for lots platted after the July 1, 2006 effective date. The lots included in this minor subdivision exceed the minimum requirements for lot area and width for this zoning district.

ZONING AND LAND USE

The property is zoned IG (General Industrial) District. A wide variety of uses are permitted in this district. The property is vacant and located on the east side of the terminal building. Because the property is located in the Airspace Overlay District (20-302) additional considerations are required to develop. The site plan (SP-19-00029) is subject to review by the Planning Commission as the Airport Zoning Commission per section 20-301.

UTILITIES/EASEMENTS

Water and sanitary sewer services are available to this area and can be extended from main lines located along Airport Road as needed. Rural Water District 13 has a transmission line that crosses the airport property and encumbers the proposed lots as shown on the proposed minor subdivision.

The minor subdivision shows the rural water district line being relocated and a corresponding new utility easement to accommodate the relocated line. The rural water district required the easement to be exclusively dedicated. The minor subdivision shows the easement will be dedicated by separate instrument. That dedication requirs separate city action. The applicant will work with City legal staff to prepare the necessary document for this separate dedication. This new easement is shown graphically on the minor subdivision.

There are no public improvements associated with this project. The rural water district will prepare their own plans and reconstruct the

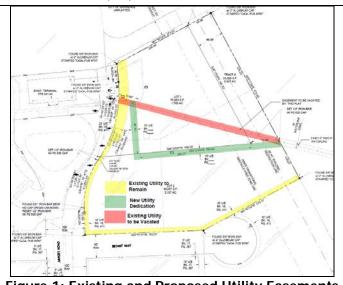


Figure 1: Existing and Proposed Utility Easements

water line. The City does not have a responsibility for review and approval of this water transmission line. It is owned and managed by the rural water district.

Per Section 20-808 (c)(1)(ii), there are no vacations of streets, alleys, setback lines, or access control associated with this minor subdivision. The project does include both the vacation of existing easement and the dedication of new easements. Per sub section iii, the minor subdivision may be placed on the governing body's agenda for approval of the subject vacation or acceptance of the additional dedications after mailed notice is provided. This property is surrounded by property owned by the City of Lawrence. Due notice has been provided to allow the City Commission to consider the proposed changes to the easements as allowed by the code.

ACCESS AND RIGHT-OF-WAY

- Lot 1 adjacent to Airport Road
 - North of Bryant Way excess of 100 feet wide
 - o South of Bryant Way 100 feet wide

- Lot 2 adjacent to Airport Road and Bryant Way (not constructed)
 - o Bryant Way 60 wide

Lots are adjacent to a public rights-of-way. Only Airport Road has been constructed. Other streets within the airport campus would be constructed when adjacent properties are developed. Bryant Way, west of Airport Road, has been constructed. There are no plans to construct Bryant Way east of Airport Road at this time. Access to the proposed development will be provided via Airport Road. The project is being designed to accommodate a shared driveway with the lot to the south if or when that lot develops.

The project abuts dedicated public right-of-way along the south and west property lines. A portion of Airport Road along the north side of Lot 1 is only 50 feet wide. This segment of the right-of-way provides vehicular access to the apron, but is not accessible to the public. This area could be effectively vacated in the future if needed. Airport Road was constructed with a large green space island at the north end, with parking located on the north side of the green space, within the right-of-way. The street was constructed with a loop to accommodate turn-round traffic, rather than a conventional cul-de-sac.

Dedication of new right-of-way is not required for this project. Per Section 20-808 (c)(1)(i) no new street or extension of an existing street is created.

Per Section 20-808 (d)(3) each lot must have access to an existing public street or road that meets the adopted access and public improvement standards or will meet such standards as a result of improvements required as a condition of approval of the minor subdivision. Each lot has direct access to Airport Road, an existing public street.

The proposed minor subdivision does not alter the approved street network pattern for this area or the ability for Bryant Way to be constructed in the future.

MASTER STREET TREE PLAN

Street trees are required at a rate of one tree

2 23 2 23 3 2 23

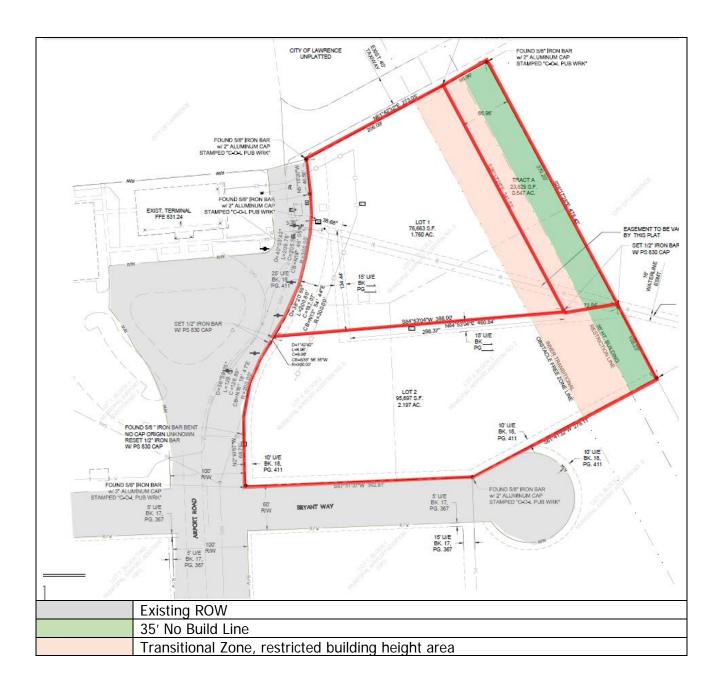
Figure 2: Airport Road with On-Street Parking

per 40 feet of frontage. Trees pose an inherent risk to airport operations. Trees planted within the boundary of the airport are, by necessity, ornamental and small. Staff will review the location of trees and other landscape material placement at the time of site planning to ensure there are no conflicts.

SUMMARY

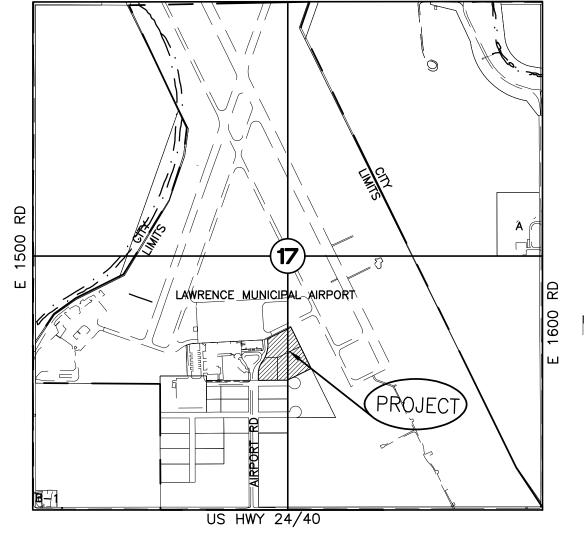
The proposed lot and all aspects of the proposed minor subdivision conform to the current comprehensive plan of Lawrence and Douglas County.

Conclusion: The minor subdivision meets the approval criteria in Section 20-808(d) of the Subdivision Regulations. All lots created the minor subdivision/replat process conform to the lot size requirements of the zoning district.



SET 1/2" IRON BAR W/ PS 830 CAP CITY OF LAWRENCE FOUND 5/8" IRON BAR UNPLATTED w/ 2" ALUMINUM CAP STAMPED "C-O-L PUB WRK" FOUND 5/8" IRON BAR w/ 2" ALUMINUM CAP STAMPED "C-O-L PUB WRK" 23,829 S.F. 0.54 λ AC. FOUND 5/8" IRON BAR w/ 2" ALUMINUM CAP STAMPED "C-O-L PUB WRK" 76,663 S.F. EASEMENT TO BE VACATED BY THIS PLAT SET 1/2" IRON BAR W/ PS 830 CAP ____ EXIST 6" RWD #13 72.84 N84°53'04"E 460.84' SET 1/2" IRON BAR W/ PS 830 CAP 15' U/E D=1°42'4/2" CB=\$33° 56' 35"W FOUND 5/8" IRON BAR w/ 2" ALUMINUM CAP STAMPED "C-O-L PUB WRK" LOT 2 95,697 S.F. 2.197 AC. FOUND 5/8 " IRON BAR BENT NO CAP ORIGIN UNKNOWN PG. 411 RESET 1/2" IRON BAR W/ PS 830 CAP - BK. 18, ` PG. 411 ► BK. 18, PG. 411 FOUND 5/8" IRON BAR FOUND 5/8" IRON BAR w/ 2" ALUMINUM CAP w/ 2" ALUMINUM CAP STAMPED "C-O-L PUB WRK" STAMPED "C-O-L PUB WRK" BK. 17, PG. 367 BK. 17, PG. 367 ____R/W___________ _____R/<u>W</u> ______ 15' U/E BK. 17, PG. 367 5' U/E R/W PG. 367

Location Map



SEC. 17-12-20
CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS
NOT TO SCALE

LEGEND

U/E - UTILITY EASEMENT (P) - PLATTED

MONUMENTATION:

SECTION CORNER

R/W - RIGHT-OF-WAY

- SET 1/2" x 24" REBAR W / "PS 830" CAP
- FOUND IRON BAR AS NOTED

SCALE: 1" = 50' 50 25 0 50 100

BENCHMARKS:

- BM1 NGS MONUMENT IN CONCRETE "LLOYD" 30'
 WESTERLY FROM TAXIWAY 'A' 30' SOUTHERLY
 FROM TAXIWAY 'B'.
 ELEV.=828.75
- BM2 FFE INSIDE SOUTH DOOR OF AIRPORT TERMINAL BUILDING. ELEV.=831.24

GENERAL NOTES:

- SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 20045C0089D, WITH A DATE OF IDENTIFICATION OF AUGUST 5, 2010, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED. THE PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD ZONE.
- 2. ERROR OF CLOSURE = 1: 715,020.00
- 3. BASIS OF BEARINGS: KANSAS STATE PLANE NORTH ZONE 1501.

LEGAL DESCRIPTION:

ALL OF LOTS 1, 2 AND 4, BLOCK 2, LAWRENCE MUNICIPAL AIRPORT ADDITION NO. 2, A RECORDED SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, CONTAINING 196,190 SQUARE FEET OR 4.504 ACRES, MORE OR LESS.

DEDICATION:

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDER S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "LAWRENCE MUNICIPAL AIRPORT ADDITION NO. 3" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "ACCESS EASEMENT" OR "A/E" AND "UTILITY EASEMENT" OR "U/E".

TOM MARKUS DATE
CITY MANAGER, CITY OF LAWRENCE

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF _____

BE IT REMEMBERED THAT ON THIS ___ DAY OF ______, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID DOUGLAS COUNTY AND KANSAS, CAME TOM MARKUS, CITY MANAGER, CITY OF LAWRENCE, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC MY COMMISSION EXPIRES

STATE OF _____

ENDORSEMENTS:

COUNTY OF _

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY

SCOTT McCULLOUGH DATE
DIRECTOR, PLANNING & DEVELOPMENT SERVICES

APPROVAL OF OF EASEMENTS:

STUART BOLEY DATE SHERRI RIEDEMANN DA

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005:

KEVIN R. SONTAG, P.S. #1640 DATE DOUGLAS COUNTY SURVEYOR

FILING RECORD:

STATE OF KANSAS COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF

DEEDS ON THIS ___ DAY OF ______, 2019, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK _____ PAGE ____

REGISTER OF DEEDS
KAY PESNELL

CERTIFICATION:

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION NOVEMBER 15, 2018. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

JIM STICKLER, P.S. 830, 1310 WAKARUSA DRIVE, SUITE 100, LAWRENCE, KS 66049 785.843.7530

LAWRENCE MUNICIPAL AIRPORT ADDITION NO. 3

A MINOR SUBDIVISION/REPLAT OF LOTS 1, 2, AND 4, IN BLOCK 2, IN LAWRENCE MUNICIPAL AIRPORT ADDITION NO. 2, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

NW 1/4, SEC. 17-T12S-R20E

LEGAL DESCRIPTION

A tract of land in the Southeast Quarter of the Southwest Quarter of Section 17, Township 12 South, Range 20 East of the Sixth Principal Meridian, in the city of Lawrence, Douglas County, Kansas more particularly described as follows:

Commencing at the Southeast corner of the Southwest corner of said Section 17; thence South 87°56'48" West, along the South line of said Southwest Quarter, a distance of 302.88 feet to a point; thence North 02°03'12" West, perpendicular to said South line, a distance of 33.00 feet to a point on the North right of way line of State Highway 24/40 as it now exists, said point being the POINT OF BEGINNING of subject tract; thence South 87°56'48" West, along said North right of way line and parallel with said South line, a distance of 100.00 feet to a point; thence North 02°10°57" West, parallel with the East line of said Southwest Quarter, a distance of 770.57 feet to a point; thence South 87'49'03" West, perpendicular to said East line, a distance of 260.00 feet to a point; thence South 02°10'57" East, parallel with said East line, a distance of 320.00 feet to a point; thence South 87°49'03" West, perpendicular to said East line, a distance of 300.00 feet to a point: thence South 0210'57" East, parallel with said East line, a distance of 190.00 feet to a point; thence South 87'49'03" West, perpendicular to said East line, a distance of 364.23 feet to a point on the West line of the East half of said Southwest Quarter: thence North 02°08'41" West. along said West line and the extension thereof, a distance of 1,107.12 feet to a point; thence North 87'49'03" East, perpendicular to the East line of said Southwest Quarter, a distance of 483.50 feet to a point; thence South 02°10'57" East, parallel with said East line, a distance of 47.12 feet to a point; thence North 87°49'03" East, perpendicular to said East line, a distance of 842.81 feet to a point on the East line of said Southwest Quarter: thence South 0270'57" East, along said East line, a distance of 550.00 feet to a point; thence South 87'49'03" West, perpendicular to said East line, a distance of 302.81 feet to a point; thence South 02°10'57" East, parallel with said East line, a distance of 770.80 feet to the The above described tract of land contains 1,111,128.50 square feet or 25.508 acres more or less.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "LAWRENCE MUNICIPAL AIRPORT ADDITION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON. CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E" AND "DRAINAGE EASEMENT" OR "D/E".

LAWRENCE MUNICIPAL AIL ORT

ACKNOWLEDGEMENT

STATE OF KANSAS COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS ____ DAY OF CONTROL OO1, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME Mike Wildgen, City manager for Lawrence municipal Airport. WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTURMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

RIGHT-OF-WAY AND EASEMENTS

ACCEPTED BY

MIKE RUNDLE

CITY COMMISSION

LAWRENCE, KANSAS

FRANK S. REEB

LAST WRITTEN ABOVE.



ENDORSEMENTS

APPROVED BY LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION DOUGLAS COUNTY, KANSAS

Jane Belleman 92601 JANE BATEMAN

REVIEWED BY:

Whihae Blell Sept. 21, 2001 MICHAEL D. KELLY, P.L.S. #869 DATE DOUGLAS COUNTY SURVEYOR

FILING RECORD

STATE OF KANSAS COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 12th DAY OF November. 2001, AND IS DULY RECORDED AT 9:19 AM (PM), IN PLAT BOOK 17 PAGE 367

SUE NEUSTIFTER

CERTIFICATION STATE OF KANSAS

COUNTY OF DOUGLAS

I, the Undersigned, do hereby certify that I am a registered land surveyor with the firm of BUCHER, WILLIS & RATLIFF CORPORATION; that the heretofore described property was surveyed by me, or under my direct supervision; and that all of the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

Date of surveys October 23, 2000

les 15 257 us PLAT PREPARED APRIL, 2001 KENNETH J. TURNER, R.L.S. 297

7920 WARD PARKWAY 6 64114-2021 (816) 363-2696

NOTE

1. Lots 1 and 2, Block 1; Lots 1 and 5, Block 2; Lot 1, Block 4 and Lot 1, Block 5 shall not have direct access to Airport Road.

Northwest Corner

- 2. Buildings shall be limited to single story structures and shall comply with maximum height limitations per FAA and Section 20—1100 of the City Zoning Regulations.
- 4. All Bearings Shown Hereon are Based Upon GPS Static Observations Derived from NGS Station LLOYD, PID KE1085. All Bearings are Grid Bearings Referenced to the Kansas State Plane Coordinate System, North Zone. All Coordinates Shown Hereon are Ground Coordinates. Grid Factor = 0.99993135
- 5. Individual lot pins shall be set and verified (using a site certification process) prior to issuance of individual building permits or construction (grading work) on individual lots.

Center Corner Section 17-12-20 Northeast quarter Southwest Quarter Set PK Nail and Section 17-12-20 Aluminum Washer #1067 (Mathmatical Location) on South edge of Main Taxiwav N 87.49'b3" L 842.81 N 87.49'03" 25' U/E S 87'49'03" W Stintson Ave. S 87'49'03" W 3. Zoned M-2 (General Industrial District) Ordinance No. 7105, June 29, 1999 55'Radius Temporary 150.00 Turn Around Lot #2 Util. Easements 150.00 S 87'49'03" W 7 87'49'03" W Lot #2 Lot #5 Lot #4 Master Street Tree Plan Book 741 Page 1108 S 87'49'03" W Taylorcraft Rd. S 87'49'03" W S 87'49'03" W S 87'49'03" W 260.00' 5' U/E_ 300.00 303.79 Lot #1 260.00° 300.00' 15' SANITARY SEWER EASEMENT TS 87.49'03" W 302.81 260.00 S 87°49'03" W S 87'49'03" W 5' U/E **Lot #3** 300.00° 10° WATERLINE EASEMENT S 87'49'03" W Lot #3 **Lot Summary** BLOCK Lot # FFE (FT.) Area (Acres) / S.F. 830.00 (0.8) / 34.848 87°49'03" W 300.00 S 87'49'03" W 829.50 (0.8) / 34.848 832.50 (0.9) / 39.204 (0.5) / 21,780 831.50 Temporary Turn Around 830.00 (4.0) / 174,240 Easement 831.00 (0.5) / 21,780 832.00 (0.9) / 39,204 831.00 (1.0) / 43,560 830.00 (1.0) / 43,560 828.00 (1.0) / 43,560 829.00 (1.0) / 43,560 829.00 (0.7) / 30,492 831.00 (0.8) / 34,848 830.00 (1.0) / 43,560 Set ½"x 24" Iron bar with cap on North Right of 828.00 (1.0) / 43,560 -POINT OF BEGINNING 825.00 (0.8) / 34.848 Way Line as offset to State Highway 24/40 Southwest Corner Point of Commencement Section 17-12-20 Southeast Corner Found-1/2" Iron Bar Southwest Quarter Land Survey Reference Southwest Corner Section 17-12-20 Report No. 988189 Southeast Quarter Set 1/2"x12" Iron Bar Southwest Quarter on top of Limestone Section 17-12-20 with 3" Brass Cap FINAL PLAT OF Land Survey Reference Report No. 91796 LAWRENCE MUNICIPAL O Set 1/2" x 24" IB w/ Cap #1067 ▲ Found Monument as Noted AIRPORT ADDITION -BLOCK #1, LOTS 1 AND 2 -BLOCK #2, LOTS 1 THRU 5 -BLOCK #3, LOTS 1 THRU4 -BLOCK #4, LOTS 1 THRU 4 Highway 24/40 Scale in Feet Project Location— -BLOCK #5, LOT 1

LEGEND

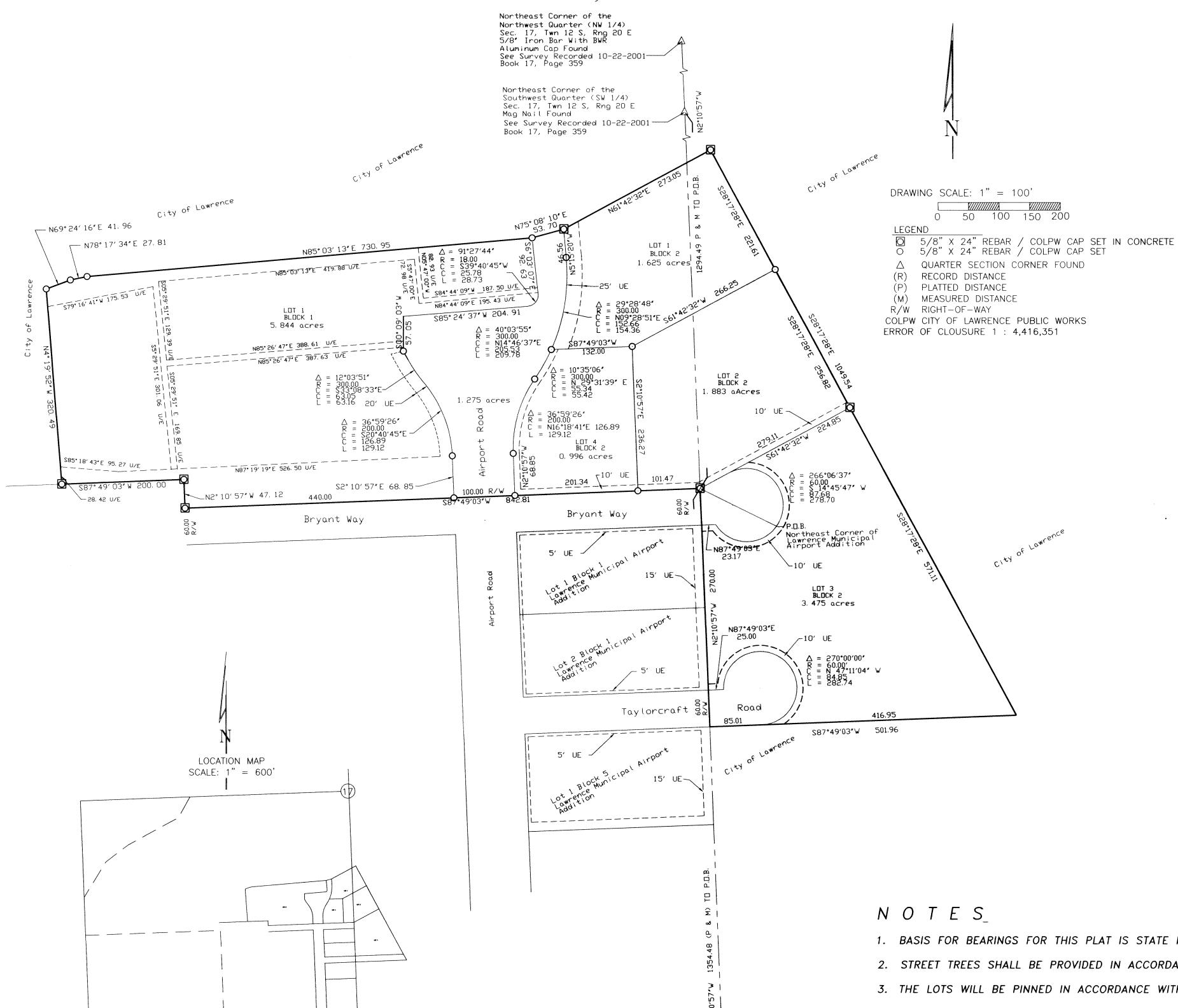
Section Line Right of Way Line Easement Line Boundary Line

Location Map No Scale

BUTT BUCHER, WILLIS & RATLIFF CORPORATION 920 WARD PARKWAY, KANSAS CITY, MISSOURI 64114 818-363-269

A FINAL PLAT OF LAWRENCE MUNICIPAL AIRPORT ADDITION NO. 2

A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



Southeast Corner of the Southwest Quarter (SW 1/4) Sec. 17, Twn 12 S, Rng 20 E Mag Nail set over Brass Cap (Origin Unknown)

SE COR. SW 11/4 SECTION 17 TWP. 12 S. RNG. 19 E.

U.S. HIGHWAY 24/40 LOCATION MAP

SW 1/4 OF SECTION 17

TWP. 12 S. RNG. 20 E.

D E S C R I P T I O N

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 17. TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE SOUTH 02°10'57" EAST ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 17, A DISTANCE OF 1294.49 FEET FOR THE POINT OF BEGINNING SAID POINT BEING THE NORTHEAST CORNER OF LAWRENCE MUNICIPAL AIRPORT ADDITION; THENCE SOUTH 87°49'03" WEST, A DISTANCE OF 842.81 FEET; THENCE NORTH 02°10'57" WEST, A DISTANCE OF 47.12 FEET; THENCE SOUTH 87°49'03" WEST, A DISTANCE OF 200.00 FEET: THENCE NORTH 04°19'52" WEST. A DISTANCE OF 320.49 FEET: THENCE NORTH 69°24'16" EAST. A DISTANCE OF 41.96 FEET; THENCE NORTH 78°17'34" EAST, A DISTANCE OF 27.81 FEET; THENCE NORTH 85°03'13" EAST, A DISTANCE OF 730.95 FEET; THENCE NORTH 75°08'10" EAST, A DISTANCE OF 53.70 FEET; THENCE NORTH 61°42'32" EAST, A DISTANCE OF 273.05 FEET; THENCE SOUTH 28°17'28" EAST, A DISTANCE OF 1049.54 FEET; THENCE SOUTH 87°49'03" WEST, A DISTANCE OF 501.96 FEET: THENCE NORTH 02°10'57" WEST. A DISTANCE OF 390.00 FEET TO THE POINT OF BEGINNING CONTAINING 15.70 ACRES MORE OR LESS ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS SUBJECT TO RIGHTS OF WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

S U R V E Y O R ' S C E R T I F I C A T E

I HEREBY CERTIFY THAT THE PLATTED AREA SHOWN HEREON IS THE TRUE AND ACCURATE RESULT OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN NOVEMBER, 2009, AND THAT THE PLAT IS A CLOSED TRAVERSE. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

WALTER P. WARD P.L.S. #606

D E D I C A T I O N

BE IT KNOWN TO ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF A FINAL PLAT OF LAWRENCE MUNICIPAL AIRPORT ADDITION NO. 2, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS. THE EASEMENTS ARE DEDICATED TO THE PUBLIC FOR UTILITY AND DRAINAGE PURPOSES.

) and h. orlin DAVID L. CORLISS, CITY MANAGER CITY OF LAWRENCE DATE

$oldsymbol{A}$ $oldsymbol{C}$ $oldsymbol{K}$ $oldsymbol{N}$ $oldsymbol{O}$ $oldsymbol{W}$ $oldsymbol{L}$ $oldsymbol{E}$ $oldsymbol{D}$ $oldsymbol{G}$ $oldsymbol{E}$ $oldsymbol{M}$ $oldsymbol{E}$ $oldsymbol{N}$ $oldsymbol{U}$

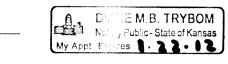
STATE OF KANSAS

COUNTY OF DOUGLAS

BE IT REMEMBERED, THAT ON THIS 🧣 DAY OF APRIL , 2010, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME DAVID L. CORLISS, CITY OF LAWRENCE, KANSAS, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.





JAN 22,2012

MY COMMISION EXPIRES

E N D O R S E M E N T S

RIGHTS-OF-WAY AND EASEMENTS ACCEPTED BY

CITY COMMISSION LAWRENCE, KANSAS

1 // 4.27.16 MIKE AMYX MAYOR DATE

4 27/10 JONATHAN M. DOUGLASS CITY CLERK DATE

FILING RECORD

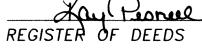
STATE OF KANSAS COUNTY OF DOUGLAS APPROVED BY LAWRENCE DOUGLAS COUNTY PLANNING COMMISSION DOUGLAS COUNTY, KANSAS

28 AFRIL 2010 / Yava GREG MOÖRE CHAIRMAN

> REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005.

Wichall April 27, 2010 MICHAEL D. KELLY, P.L.S. #869 DOUGLAS COUNTY SURVEYOR

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 6th DAY OF May , 2010, AND IS DULY RECORDED. AT 1:40 PM IN PLAT BOOK P-18 PAGE 411.

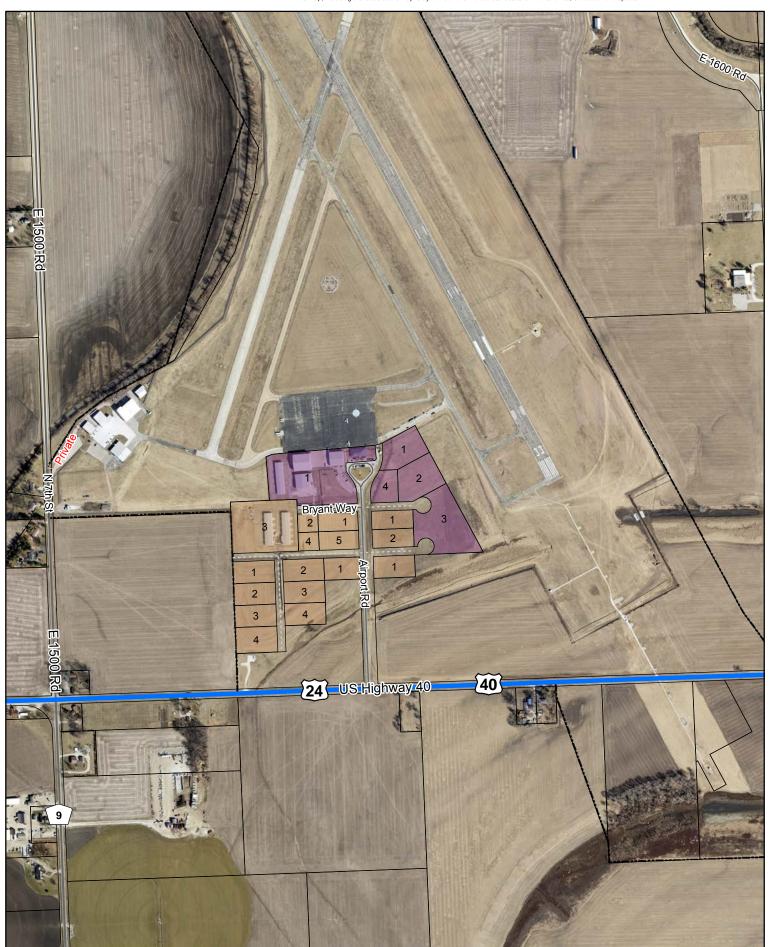


- 1. BASIS FOR BEARINGS FOR THIS PLAT IS STATE PLANE COORDINATES KANSAS NORTH ZONE.
- 2. STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS. BOOK 1061 . PAGE 1850
- 3. THE LOTS WILL BE PINNED IN ACCORDANCE WITH SECTION 20-811-8-ii-a.
- 4. NATIONAL GEODETIC SURVEY VERTICAL BENCHMARK IS A DISK MARKED "LLOYD" SET IN CONCRETE; THE DISK IS 54.5 FEET SOUTHEAST OF A TAXIWAY, 50.0 FEET SOUTHWEST OF THE TAXIWAY RUNNING PARALLEL WITH RUNWAY 15/33. ELEVATION = 828.75 FT.
- 5. PROPERTY IS NOT LOCATED WITHIN FLOODPLAIN ZONE X PER FEMA MAP # 20045C0030C EFFECTIVE DATE: NOVEMBER 7, 2001. PER FEMA MAP, "THIS AREA IS PROTECTED FROM THE ONE PERCENT ANNUAL CHANCE (100-YEAR) FLOOD BY LEVEE, DIKE, OR OTHER STRUCTURES SUBJECT TO POSSIBLE FAILURE OR OVERTOPPING DURING LARGER FLOODS." SINCE PROPERTY IS PROTECTED FROM THE 100-YEAR STORM, NO MEBO'S WILL BE DESIGNATED.
- 6. HEIGHT RESTRICTIONS SHALL BE LIMITED BY ARTICLE 3 OF THE LAND DEVELOPMENT CODE AS APPLICABLE TO THE AIRPORT OVERLAY ZONING.

WALTER P. WARD 2429 JASU DRIVE LAWRENCE, KANSAS 66046-4456 785-842-8103

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: 3/7/2019



PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report 03/25/2019

ITEM NO. 3 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 545 Ohio Street (KEW)

SUP-19-00019: Consider a special use permit for a non-owner occupied short-term rental located at 545 Ohio Street in the RS5 (Single-Dwelling Residential) District. Submitted by Al Un and Lyndsie Un on behalf of Hui C. Un and Yung Y. Un, property owners of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a special use permit for a non-owner occupied *Short Term Rental* use located at 545 Ohio Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

- 1. Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* Use shall comply with the occupancy limits of the zoning district in which the property is located. The subject property is zoned RSO (Single-Dwelling Residential) District. The zoning district in this area is single-family residential; therefore, a maximum of 3 unrelated occupants are permitted per dwelling unit.
- 2. Per Section 20-601 of the Land Development Code, the maximum number of available guest rooms associated with the non-owner occupied Short-Term Rental use may not exceed the number of off-street vehicle parking spaces available on the property. The off-street parking available for the subject property is an existing non-conforming parking configuration for a detached dwelling which would require 2 spaces; therefore, the maximum number of guest rooms that may be rented on a short-term basis is limited to two.
- 3. Per Section 20-554(3)(iii), the dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
- 4. Per Section 6-13A04(a) of the City Code, a short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use application.

Applicant's Reason for "Consider a Special Use Permit for the property located at 545 Ohio Request: "Street for short term rental."

ASSOCIATED CASES/OTHER ACTION REQUIRED

• B-19-00068; Variance request for 0 off-street parking spaces. The BZA denied the variance request on March, 7, 2019.

Other Action Required

- · City Commission approval of special use permit and adoption of ordinance.
- Publication of special use permit ordinance.
- · Submission and approval of the short-term rental license application.

PLANS AND STUDIES REQUIRED

- Traffic Study Not required.
- Downstream Sanitary Sewer Analysis Not required.
- Drainage Study Not required.

KEY POINTS

The maximum number of dwelling units permitted on a property (density) and the maximum number of occupants permitted in a dwelling is determined by the property's zoning. The subject property is located within the RS5 (Single-Dwelling Residential) District. Per Section 20-601(d) of the Land Development Code an RS5 (Single-Dwelling Residential) District is permitted a maximum occupancy of 3 adults, if any one of the adults is unrelated to the others. The maximum occupancy of this short term rental unit would be 3 unrelated adults.

BACKGROUD

- Section 20-1781 of the Land Development Code defines the *Short-Term Rental* use as "a use where all or part of a dwelling unit may, in exchange for consideration, accommodate transient guests for a period of time less than 30 consecutive days. The use may be considered an accessory use when the dwelling unit is concurrently owner-occupied. For the purpose of this definition, a dwelling unit shall include all legally established dwelling unit, but shall exclude *Dormitory, Fraternity or Sorority House, Group Home (General or Limited), Motel, Hotel, Extended Stay,* and *Bed and Breakfast uses.*"
- The two types of short-term residential rental property include owner occupied and non-owner occupied. A short-term rental property is classified as owner occupied when the dwelling unit being rented is occupied by the owner more than 182 days per calendar year. In cases where the owner resides in the dwelling unit less than 183 day per calendar year, the short-term residential rental property is classified as non-owner occupied.
- A non-owner occupied dwelling unit requires a special use permit (SUP) to be granted for the Short-Term Rental use before the dwelling unit can be rented as a short-term residential rental property.
- On October 2, 2018, the City Commission adopted Ordinance No. 9481, which amended the Land Development Code, by establishing text amendments to the Transient Accommodation use category to permit dwelling units to be used as a short-term residential rental property throughout the City of Lawrence. The text amendments included use specific standards (Section 20-554) that provide the criteria used to evaluate the appropriateness of a *Short-Term Rental* use.
- Per Section 20-1306(a) of the Land Development Code, the Special Use Permit review and approval procedures provide a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure entails public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that the proposed Special Use Permit will not have a significant adverse impact on the surrounding uses or on the community at-large.

ATTACHMENTS

Attachment A: Site Plan/Aerial

Attachment B: Public Communication

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

• Staff received two phone calls from neighbors asking general questions about the short-term rental use and the special use permit application.

GENERAL INFORMATION

Current Zoning and Land Use: RS5 (Single-Dwelling Residential) District. Current land use:

single-dwelling structure.

Surrounding Zoning and Land To the north, west, south and east: RS5 (Single-Dwelling

Residential) District

Use: (Figure 1)





Figure 1a. Zoning and land use of surrounding area. Residential.

Figure 1b. Development of surrounding area. Subject property outlined.

SUMMARY OF SPECIAL USE

This special use permit application proposes the using the detached dwelling located at 545 Ohio Street as a *Short-Term Rental* use. The property will not be owner occupied and, therefore, requires approval of a special use permit. As the property is currently developed as an *Office/Residence with an accessory structure and apartment above.* There are no physical changes being proposed to the site, an aerial photograph serves as the plan for the new use.

Characteristics of the property

- **§** Legal use: Single-Dwelling Residence
- § Zoning: RS5 (Single-Dwelling Residential Dwelling) District
- **§** Permitted occupancy limit: Maximum of 3 unrelated occupants per dwelling unit.
- **§** Number of existing off-street parking spaces: 0
- **§** Number of existing guest rooms: 3
- **§** Number of proposed guest rooms: 3

The amount of off-street parking required to be provided for the non-owner occupied *Short-Term Rental* use is 1 parking space per guest room. In this case, the property has an existing non-conforming parking arrangement for the detached dwelling which requires 2 off-street parking spaces. Current parking for the structure is on-street parking. The non-conformity for 2 spaces would be permitted to continue without a use change or intensification of parking demand. The number of guest rooms is more than the number of available off-street parking spaces. Parking is discussed in more detail in Section 1 below.

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

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

Applicant's Response: "The neighborhood is residential and our guest typically visit the city and university related to seeing students or faculty events."

A. Occupancy Compliance

Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* use shall comply with the occupancy limits established in Section 20-601(d). The subject property is zoned RS5 (Single-Dwelling Residential) District. A maximum of 3 unrelated occupants are permitted per dwelling unit in the RS5 Districts. The applicant indicates that the dwelling contains 3 bedrooms and the applicant is proposing a 3 bedroom short-term rental. This request complies with the occupancy limit requirements.

B. Access and Parking

On-site Parking:

Per Section 20-902-Shedule A of the Land Development Code, the parking requirement for the non-owner occupied *Short-Term Rental* use is 1 vehicle space per guest room. The owner indicated that the maximum number of guest rooms available to rent is 3. The number of off-street parking is 0 spaces. The amount of available off-street parking does not meet the off-street parking requirement. There is an existing non-conforming parking arrangement for the detached dwelling. The parcel and structure were created before there were zoning codes that regulated the number of off-street parking spaces. The non-conformity would be permitted to continue if the use and parking requirement were not intensified. Therefore, the property could support a 2 guest room short-term rental as no additional parking would be required.

The property is zoned RS5 (Single-Dwelling Residential) District. Detached dwelling use is permitted in the RS5 zoning district, and short-term rental use is permitted only by a special use permit when the unit is not occupied by the owner. Because the structure was built prior to 1927, parking on the property was not required. The parking required to serve the existing detached dwelling would not be impacted if the structure was to be continued to be used as a detached dwelling. Because the detached dwelling use came into existence prior to off-street parking requirements for detached dwellings, the lot would not be required to add parking for the detached dwelling use. The applicant would also not be required to add additional parking if proposing to rent 2 guest rooms as part of the short-term rental use since that would not be an intensification of parking requirements to the permitted detached dwelling parking requirements.

The applicant requested a variance from the Board of Zoning Appeals to reduce the required parking from 3 spaces to 0 spaces. The request was heard at the March 7, 2019 Board of Zoning Appeals meeting and was denied with a vote of 4-0. Because a variance has not been granted for a

reduction of parking spaces, 3 spaces would be required to support a 3 guest room short-term rental.



0 parking spaces available on the parcel. 2 on-street parking spaces would be permitted.

Access: There is no vehicular access to the site and no off-street parking. Parking for the existing detached dwelling is on street parking. There are no changes to the existing access proposed with this request.

C. Lighting

Per Section 20-554(3)(ii), the addition of commercial-like exterior lighting is not permitted. Section 20-1103(b)(2) also prohibits spot lights and flood lights that create a glare on neighboring properties.

D. Floodplain

The property is not located within the regulatory floodplain and is not subject to a local floodplain development permit.

E. Historic Resources Review

The property is located within the Pinckney I Historic District but the applicant is not altering any exterior features of the structure or the site; therefore it is not subject to review by the Historic Resources Commission. The historic review as part of the special use permit process has been administratively approved. Any changes to the site would require review by the Historic Resource Commission.

Staff Finding – The proposed *Short-Term Rental* use, as conditioned, is compliant with all applicable provisions of the Land Development Code as an allowed use in the RS5 (Single-Dwelling Residential) District subject to a special use permit.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING

HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: "The size of the house is a 3 bedroom and short term rentals target families looking for a more comfortable setting for their children that are traveling with them or wanting to have amenities more similar to a home setting. We request a variance to allow for off street parking for our guest which would be no more impact if our rental was a long term lease. We have not experienced any additional contention of parking as most of our guests stay on the weekends.

Section 20-554 of the Land Development Code provides the site-related standards to ensure compatibility with the surrounding area. An evaluation of these standards as they apply to the proposal is provided below.

Occupancy Limits

All properties containing a *Short-Term Rental* use shall comply with the occupancy limits of the zoning district in which the property resides. The subject property is zoned RS5 (Single-Dwelling Residential) District, which permits a maximum number of 3 unrelated occupants per dwelling unit.

Residential Appearance

The dwelling unit and the site are required to remain residential in appearance and characteristics. Internal and external changes that would make the dwelling unit and the site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.

There are no proposed changes to the building and the property proposed with this special use permit. The property contains an existing residential use and the request does not alter the residential nature of the property.

Legally Established Dwelling Unit

Any dwelling unit used for a *Short-term Rental* use shall be a legally established dwelling unit or shall obtain registration of nonconforming use. This short-term rental will be located in the primary residential structure which was constructed circa 1900.

Signs

Signs shall comply with the provisions outlined in Chapter 5, Article 18 of the City Code. Approval of a special use permit does not constitute approval of any associated signs on the property. An application for a sign permit must be approved prior to installation of signs.

Parking

Parking for non-owner occupied *Short-Term Rental* use must be provided at a rate of 1 parking space per guest room. Current parking for the existing detached dwelling is in the street. No offstreet parking exists on this parcel. The parcel and the structure were created prior to zoning regulations that required off-street parking. This existing non-conformity would be permitted to continue for the two parking spaces currently required for the detached dwelling use or a 2 guest room rental.

Staff Finding – The subject property contains a detached dwelling. The project does not include exterior modifications or changes to the site that would alter the residential nature of the property. The *Short-Term Rental* use is restricted to the same occupancy limits of the zoning district in which

the property is located. Also, the number of guest rooms available for rent is limited to the number of off-street parking spaces available. The occupancy limit of 3 unrelated adults will ensure that the use is similar in nature to the surrounding uses, with the exception of the rental term. The parking provided is only sufficient to accommodate a two guest room short-term rental. The use, if approved for two guest rooms, should be compatible with surrounding land uses.

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

Applicant's Response: "The use of short term rentals does not diminish property values. Short term rental has actually increased our awareness of upkeep and condition of the property due to guests frequency."

The subject property contains detached dwelling. The use standards for the *Short-Term Rental* use regulate the appearance and characteristics of the site. Specifically, Section 20-545(3)(iii) of the Land Development Code dictates that internal or external changes to the dwelling unit or the site which reduce the residential character or function are prohibited. Examples of prohibited alterations include construction of parking lots, paving of required setbacks, and the addition or commercial-like exterior lighting.

Also, as discussed above, the level of intensity will be restricted by the occupancy limits permitted in the applicable zoning district and the amount of off-street parking provided.

Staff Finding – Substantial diminution of other property values in the area is not anticipated.

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

As an existing legal use, the property already has safety, transportation, and utility infrastructure in place and no the *Short-Term Rental* use will not trigger a need for additional services or infrastructure.

Staff Finding – The subject property contains an existing residential use. Adequate public facilities and transportation access is provided for the proposed *Short-Term Rental* use.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to occupancy limits and off-street parking. Adequate assurances of continued maintenance are inherent in the use and the special use permit approval process.

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

Applicant's Response: "There is no additional modification or alterations on the property. The house is fully furnished and rented as a single unit."

Staff Finding – The proposed use is subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances. The subject property is developed and the project does not propose changes to the site. There are no significant adverse impacts on the natural environment associated with the proposed *Short-Term Rental* use.

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

The special use permit associated with the *Short-Term Rental* use is tied with the subject property. If the applicant relocates to a different property, the special use permit will not transfer to the new property; however, any future owners of the subject property may maintain the *Short-Term Rental* use approved with the special use permit, if desired.

A short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use permit application.

Staff Finding –Staff does not recommend a time limit on the special use permit.

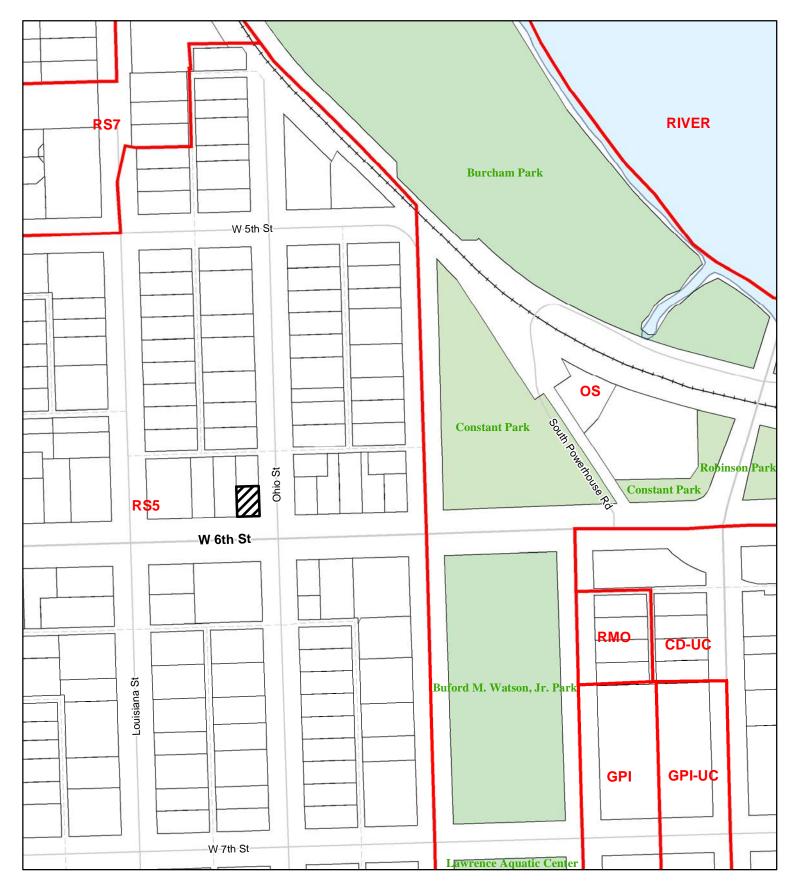
CONCLUSION

The subject property is zoned RS5 (Single-Dwelling Residential) District and contains a detached dwelling on site. The short-term rental is proposed for the dwelling. The RS5 District permits a maximum number of 3 unrelated occupants per dwelling unit. The applicant indicated that the maximum number of guest rooms available to rent is 3 and the number of off-street parking provided is 0 parking spaces. Based on the findings of fact in this staff report, staff is only able to recommend approval for a 2 guest room short-term rental. The existing non-conforming parking arrangement for the detached dwelling would be permitted to continue for the short-term rental as long as the demand for parking is not increased. The applicant requested a variance from the Board of Zoning Appeals to reduce the required number of parking spaces to 0, which was denied at the March 7, 2019 Board of Zoning Appeals meeting.

The proposed special use permit for the *Short-Term Rental* use, if approved for 2 guest rooms, aligns with the occupancy limits of the zoning district and meets the off-street parking requirement.

Based on the findings in this report, and as conditioned, staff recommends approval of the special use permit for a maximum of 2 quest rooms.





SUP-19-00019: Special Use Permit for a non-owner occupied short-term rental, located at 545 Ohio Street in the RS5 (Single-Dwelling Residential) Zoning District.





6 East 6th St. P.O. Box 708 Lawrence, KS 66044 http://lawrenceks.org/pds

Phone 785-832-3150 Tdd 785-832-3205 Fax 785-832-3160

20 March 2019

Al Un and Lyndsie Un 3620 SW Kings Forest Road Topeka, KS 66610

Sent via email: <u>unnyproperties@gmail.com</u>

RE: **B-19-00068**: Variance from the parking standards requiring minimum number of off-street parking spaces for a non-owner occupied short-term rental; 545 Ohio Street

Mr. & Ms. Un:

On 7 March 2019, the Board of Zoning Appeals conducted a public hearing to consider your above referenced request for a variance from the parking standards requiring a minimum number of off-street parking spaces for a non-owner occupied short-term rental located at 545 Ohio Street, reducing the parking spaces required for a 3 guestroom short-term rental from 3 spaces to 0 spaces, per Section 20-1309 of the City Land Development Code.

Upon conclusion of the public hearing, the Board voted X-X to deny/approve the variance described above for the property addressed as 545 Ohio Street based upon the evidence and testimony provided at the hearing, staff's report, and a determination that the review and decision making criteria of Section 20-1309(g)(1) of the City Code were/were not met with this request.

The decision from the Board is final regarding your application for this variance. Section 20-1309(I) in the City Code provides guidelines for appealing a decision from the Board of Zoning Appeals. An appeal may be filed in District Court within 30 days of the date of the Board's action challenging the reasonableness of the final decision.

If you have questions concerning the variance, please feel free to contact me at (785) 832-3162 or kweik@lawrenceks.org.

Respectfully,

Katherine Weik Planner II

C opy :

Sherri Riedemann, City Clerk Randy Larkin, Senior City Attorney Brian Jimenez, Code Enforcement Manager Adrian Jones, Senior Plans Examiner Janet Smalter, Plans Examiner



VARIANCE FROM THE PARKING STANDARDS REQUIRING A MINIMUM NUMBER OF OFF STREET PARKING SPACES FOR A NON-OWNER OCCUPIED SHORT-TERM RENTAL; 545 OHIO STREET [KEW]

B-19-00068: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from the parking standard required by Section 20-902 of the City Code requiring a minimum number of off-street parking spaces to be provided from a required 3 spaces to 0 spaces for a non-owner occupied short-term rental. The property is located at 545 Ohio Street. Submitted by Al Un and Lyndsie Un on behalf of Hui Un and Yung Un, property owners of record.

B. REASON FOR REQUEST

Applicant's Request - "We are requesting a variance to require no on-property parking for our house so it may be used as a Short Term Rental located at 545 Ohio Street in Lawrence. We are requesting this variance for many reasons: 1. Our property in its current state and as we purchased it, never had onproperty parking nor a cut in to a driveway from either street (it sits on the corner of Ohio and 6th streets). We did not remove or cover over any existing parking as owners. 2. Being that the location is on the corner of Ohio and 6th Street there is also no alley behind or to the side of the property. 3. It is a small lot with little room to add a driveway, let alone three of them (as would be required as it is a 3 bedroom house.) 4. Before the city created the licensing process for short term rentals, we were already using this property for the purpose in which the Special Use Permit is required. We did not short term rent each "quest room" separately but rather rented the entire house as a whole. Therefore, unlike some other short term rental properties with the same number of "guest rooms", our property rarely attracts more than 2 cars, since all three rooms are rented by the one group or guest reserving the entire house. Each quest room does not have a separate entrance or even separately keyed or locked doors. Everyone shares two bathrooms and the same kitchen. 5. We have never had complaints about quest not having room to parking in the street near the house and have never had neighbors complain to us about extra cars on the street due to our guest. We may even argue that creating three parking spaces as required by the Short Term Rental License process on our tiny light may adversely affect our neighbors more greatly than a granted variance would. Should the variance be denied and we remain with a requirement to create three parking spaces on-property we feel it would negatively affect the neighbors by convenience issues with accessing the intersection, new traffic patterns and aesthetic value, since it would basically pave the majority of the front yard and green space of the home. Since our land does not permit compliance with these new licensing regulations we constitute an unnecessary hardship of decreased property value as compared to other homeowners since we would in effect be unable to attain the Short Term Rental License that other homeowners would be able to obtain, making their property advantaged and more attractive and valuable in resale, especially considering its close walkable distance to many popular Mass Street businesses and proximity to the University."

C. ZONING AND LAND USE

Current Zoning & Land Use: RS5 (Single-Dwelling Residential) District; detached-

dwelling use.

Surrounding Zoning and Land Use: RS5 (Single-Dwelling) District to the north, east, south and

west; detached-dwelling use.

D. ZONING ORDINANCE REQUIREMENTS

20-902 OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly stated in this article, off-street parking spaces shall be provided in accordance with the minimum ratios of the following, Schedule A.

Transient Accommodation

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Short-Term Rental (non owner-occupied)	1 per guest room	None

E. SPECIFIC ANALYSIS

Section 20-1309(g)(1) in the Land Development Code lists the five requisite conditions that have to be met for a variance to be approved.

1. The variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.

Applicant response: "Our property sits directly on the corner of Ohio and 6th Streets. It has no alley behind or to the side of it. It is locked in on all sides by neighboring property or the street. There is currently no driveway cut in from either street to our land, meaning there is no on-property parking spot. It is a much smaller lot than most on its street. Usually in the same zoning, there is alley access with plenty of land behind or in front of the property. Usually in the same zoning there is one cut in from the street to the property indicating an on-property parking spot. This is not the case for this property. We have made no changes to this house since its purchase. We did not cover up an already existing parking spot.

In staff's opinion, the existing conditions of the subject property are not unique to the property and can be found in other locations located in the same zone and district. The request arises from the owner's desire to rent three guest rooms as part of the short-term rental use, which requires more parking than would be required for a detached dwelling use. While the lot is a portion of a platted lot, it has existed in this configuration since prior to 1919. Currently, no off-street parking exists on site, and the requirement of off-street parking for a detached dwelling use as permitted by right in the zoning district is at a rate of two off-street parking spaces per unit. A variance request from additional parking that is a result of an intensification of the use requiring a special use permit that has additional parking requirements, is a condition that is created by the applicant's action.

The subject property, 545 Ohio Street was legally established as a parcel of record in its current configuration prior to at least 1919, as confirmed by the Register of Deeds office. There were no zoning regulations at the time so there were no parking requirements for the detached dwelling. The structure on the subject property was built in 1900 as a 2 bedroom detached dwelling and the County Appraiser's office still lists the structure as a 2 bedroom dwelling. Staff was unable to located permit history on file for modification of interior space. The only permit history found consisted of service changes and a porch remodel.

This property is also located in the Pinckney I Historic District and in the environs of the Dillard House, located at 520 Louisiana Street. The intensification of use to a short-term rental is administratively reviewed to comply with the design standards that apply to the district and the Historic Resource Commission has the opportunity to comment on Board of Zoning Appeals applications in the district. The Historic Commission had no comment on the variance request. The Historic Resource Commission also had no comment on the special use permit application that is in process. The special use permit application did not propose off-street parking spaces.

The City of Lawrence recently amended Chapter 20 of The Land Development Code via Ordinance No. 9481 establishing the short-term rental use. Prior to this ordinance, which took effect on November 1, 2018, a short-term rental use was not identified as a permitted land use.

The Land Development Code requires off-street parking for a short-term rental (non owner-occupied) use at a minimum rate of 1 space per guest room per Section 20-902. The applicant is proposing to rent the structure as a three guest room short-term rental. This would require three off-street parking spaces to be provided. The property is zoned RS5 (Single-Dwelling Residential) District. Detached dwelling use is permitted in the RS5 zoning district, and short-term rental use is permitted only by a special use permit when the unit is not occupied by the owner. Because the structure was built prior to 1927, parking on the property was not required. The parking required to serve the existing detached dwelling would not be impacted if the structure was to be continued to be used as a detached dwelling.

These conditions are not solely unique to this property due to a zoning or platting requirement; they are applicable to other properties located in similar zoning districts that were constructed before the adoption of the 1927 City Code and do not have off-street parking serving a detached dwelling. These parcels may qualify as legal non-conforming lots and could allow for reduced parking for uses granted by right in the district, such as a detached dwelling as permitted in Section 20-907 of the Land Development Code.

Based on the requirements for the short-term rental use, as enumerated in the staff report, staff cannot support the intensity proposed for the subject property.

See following page for map of subject property.



Map 1: 545 Ohio Street is located at the corner of Ohio Street and 6th Street.

2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

Applicant response: "Before the city created the licensing process for short term rentals, we were already using the property for the purpose in which the Special Use Permit is required. We did not short term rent each "guest room" separately but rather rented the entire home as a whole. Therefore, unlike some other short term rental properties with the same number of guestrooms, our property rarely attracts more than two cars, since all three rooms are rented by the one group (or guest) reserving the entire house. Each "guest room" does not have a separate entrance or even separately keyed or locked doors. Everyone shares two bathrooms and the same kitchen. Often the cars at our property were fewer and less frequent than most long term rental housing, since our rentals would mostly occur over a weekend. We have never had complaints about guests not having room to park along the street near the house and I have never had neighbors complain us about extra cars on the street due to our visitors. We may even argue that creating three parking spots on our tiny lot may adversely affect our neighbors more greatly than a granted variance would.

In staff's opinion, allowing the variance from the off-street parking requirements for the short-term rental use identified in Section 20-902 of the Land Development Code does not adversely affect the rights of adjacent property owners or residents. The intensity of use is increased which requires additional parking to accommodate the proposed intensity of this use. Staff's opinion regarding the existing parking serving the property being located on the street is that it does not adversely affect the rights of adjacent property owners or residents. The structure has been used as a detached dwelling since it was constructed and the parking to serve that use appears to have always been located on the street.

At the time this report was written, staff has not heard from any nearby property owners or neighbors regarding this variance request.

3. That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Applicant response: "Unlike most other property owners applying for Short Term Use Licenses through a Special Use Permit, we do not have land available on our property to allocate for 3 new on-property parking spots. As previously mentioned, our property in its current state, and as we purchased it, never had on-property parking nor a cut in to a driveway from either street (it sits on the corner of Ohio and 6th streets). Being that the location is on the corner, there is also no alley behind or to the side of the property. It is a small lot with little room to add a driveway, let alone three of them, which would be the requirement without a variance granted since it is currently a 3 bedroom house. Before the city created the licensing process for short term rentals, we were already using this property for the purpose in which the Special Use Permit is required. We did not short term rent each "guest room" separately (as some other homeowners may be doing), but rather rented the entire house as a whole. Therefore, unlike some other short term rental properties with the same number of guest rooms, our property rarely attracts more than 2 cars, since all three rooms are rented by one quest or related group of quests, reserving the entire house. Each "guest room" does not have a separate entrance or even separately keyed or locked doors. Everyone shares 2 bathrooms and the kitchen. Since our land does not permit compliance with these new licensing regulations, we constitute and unnecessary hardship of decreased property value, since we would in effect be unable to attain the Short Term Rental License that other homeowners would be able to obtain making their property more attractive in value and resale, especially considering the walkable distance to many popular Mass Street businesses and proximity to the University. Also, should we be required to create e parking spaces on our tiny lot, there would in essence, no longer be a front yard, decreasing the aesthetic value the property currently holds.

In staff's opinion, strict application of the code standard requiring off-street parking for a short-term rental use would not be an unnecessary hardship. All uses permitted in the district by right would still be permitted. This particular use is classified under transient accommodation as a short-term rental (non-owner occupied) use. The short-term rental use is a higher intensity use in terms of code required parking. The short-term rental use requires parking at a rate of 1 off-street parking space per guest room while the detached dwelling use requires 2 off-street parking spaces per dwelling unit regardless of the number of bedrooms. While the lot is smaller in size than other lots in the district, which may constitute a hardship for ingress and egress onto the site, changing the intensity of the use which is only permitted by special use permit at the discretion of the applicant/owner does not constitute an unnecessary hardship.

An unnecessary hardship must be due to an exceptional condition or application of the Land Development Code that is specific to the property, not due to the general zoning district requirements, or the broader

context of the area/neighborhood. Merely demonstrating some hardship is insufficient to satisfy the Land Development Code's unnecessary hardship definition. The owner's request to intensify the use may be impacted by the request to provide parking, and may be a hardship for that particular site, but it does not rise to a level of being an unnecessary hardship. The requirement for providing parking is consistently applied throughout all zoning districts, and the Land Development Code does provide options for potentially seeking shared and off-site parking, subject to meeting the conditions and requirements of that section.

The structure was initially established as a detached dwelling use and has been utilized as such since it was constructed. The existing detached dwelling use would not be required to provide additional off-street parking by code since it is permitted in the district and it came into existence prior to the establishment of codes requiring off-street parking for a detached dwelling. The intensity of a transient accommodation use is triggering a higher parking requirement. Meeting the parking requirements to add a short-term rental use to the property will not interfere with the basic private property ownership rights or make it impossible to utilize the property for a conforming use. It would also not prohibit the owner from using the property as a short-term rental under a special use permit process if the owner chose to rent it as a 2 guest room short-term rental.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Applicant response: "Before the city created the licensing process for short term rentals, we were already using the property for the purpose in which the Special Use Permit is required. We did not short term rent each "guest room" separately, but rather rented the entire house as a whole. Therefore, unlike other short term rental properties with the same number of "guest rooms", our property rarely attracts more than 2 cars, since all three rooms are rented by one group (or guest) reserving the entire house. Each "guest room" does not have a separate entrance or even separately keyed or locked doors. Everyone shares 2 bathrooms and the same kitchen. Often the cars out our property were fewer and less frequent than long term rental housing, since our rentals would mostly occur over a weekend. We have never had complaints about guests not having room to park along the street near the house and have never had neighbors complain to use about extra cars on the street due to our visitors. We may even argue that creating three parking spots on our tiny lot may adversely affect our neighbors more greatly than a granted variance would. Should we not be granted the variance, but rather be required to create three parking spots on-property we feel it would negatively affect the neighbors by convenience issues with accessing the intersection, traffic patterns, and aesthetic value, since it would basically pave the front yard of the home and eliminate the majority of the green space."

In staff's opinion, granting this variance to the off-street parking requirements for the short-term rental use may marginally affect the convenience of the public due to the intensity of parking requirement and potential for additional vehicles. On street parking already exists given there are no off-street parking spaces to serve the detached dwelling. Intensifying would create additional demand for on street parking in the neighborhood. Staff does not feel the variance would rise to the level of affecting public health, safety, morals order, prosperity or general welfare.

5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.

Applicant response: "There is no change in the intent of the development code of RS5 with parking, living or rental situation. Most of the guests are related family members who are traveling to Lawrence to visit other family members or have a community connection with the City of Lawrence or university. Our

renters are looking for a comfortable and quiet place to stay for the weekend as intended for the surrounding neighborhood. House rules are accepted by guests not to have large parties, underage drinking, or illegal drugs as part of their stay. This would be the same for any family or owner of a rental as in the spirit or intent of the neighborhood.

In staff's opinion, granting the variance for the off-street parking requirements for a short-term rental use through the special use permit is opposed to the spirit and intent of the Code. As previously mentioned, the code requires parking at the rate of 1 space per guest room for short-term rental (non-owner-occupied) use. The intent of the code is to ensure that through the special use permit process, each property is evaluated independently based on its own context and if the additional parking or other code standards required are able to be met.

Staff is aware that this particular lot is a portion of the platted lot and does not currently provide any off-street parking. Because the detached dwelling use came into existence prior to off-street parking requirements for detached dwellings, the lot would not be required to add parking for the detached dwelling use, which is permitted by right in the district. The applicant would also not be required to add additional parking if proposing to rent 2 guest rooms as part of the short-term rental use since that would not be an intensification of parking requirements to the permitted detached dwelling parking requirements.

<u>Conclusions:</u> Staff's analysis finds the applicant's request, for the removal of off-street parking for the short-term rental use, does not satisfy the five conditions set forth in Section 20-1309(g)(1) of the Land Development Code the Board must find existing to approve a variance.

Recommendation:

Staff recommends denial of the variance request to vary the off-street parking standards identified in Section 20-902 of the Land Development Code.

BZA Staff Report March 5, 2019 Item No. 3; Page 8 of 8 Dr. Amanda Jay and Mr. Jeffrey MacFarland 523 Louisiana Street Lawrence, KS 66044 March 5, 2019

City of Lawrence Douglas County
Planning & Development Services – Board of Zoning Appeals
6 East 6th Street
P.O. Box 708
Lawrence, KS 66044

Dear Recipient Name:

We are unable to attend the Lawrence Board of Zoning Appeals meeting on March 7, 2019. However, we would like to share our views regarding item B-19-00068 and the property at 545 Ohio Street.

We strongly oppose the request for a variance from the parking standard of off-street parking spaces for the property at 545 Ohio Street, a non-owner occupied short-term rental. We don't see any reason why individuals with a short-term rental should be granted a variance from the parking standard required by Section 20-902 of the City Code.

As a given, most of the houses in this part of the Pinckney neighborhood have small lots and a one-car garage, if any garage at all. The owners of 545 Ohio Street must have known that when they purchased the property.

Parking is already at a premium in this neighborhood and people more or less have their "assigned spots" where they unload their kids, bring in groceries, etc. Ohio Street is already <u>full</u> of cars parked on both sides of the streets between 5th and 6th. This makes it hard to find parking spots when you need one for your own car or a visitor/friend.

In addition, there are a number of families with young children on bikes/scooters and pedestrians who cross Ohio Street by the alley near the 545 Ohio Street property as they walk to the park or Downtown. This is part of the charm and the reason we moved to the Tenn-Oh-La (i.e., Tennessee Street, Ohio Street, Louisiana Street) part of the Pinckney neighborhood. The last thing we need are more parked cars on the street which create visual barriers as kids are trying to cross the street.

To us, it boils down to the question – Why would we provide a variance to the parking standard for individuals who do not live and contribute to the character and community of our neighborhood?

Sincerely,

Amanda Jay and Jeffrey MacFarland Homeowners – 523 Louisiana Street

Re: 545 Ohio St., Special Use Permit

Dear Planning Commission,

We, the undersigned, urge the Planning Commission to deny a Special Use Permit for a non-owner occupied short-term rental located at 545 Ohio St. We are property owners in the neighborhood on Louisiana St. between 5th and 6th Streets.

We are against this permit for a number of reasons.

- 1. In recent years, we have seen a dramatic increase in the number of short-term rentals ("Airbnb's") in our neighborhood. There is a general concern that too many short-term rentals threaten the character of our quiet neighborhood, which is primarily composed of single-family residences and only a few rental properties.
- 2. The specific concern about this particular short-term rental is its "purpose-built" nature. We as neighbors of this property were intially pleased to see that its new owners were carefully fixing it up and restoring its historic character. But, we were surprised to find out that this renovated house is now being used in essence as a small hotel. We feel that this use of the house is entirely inappropriate.

Thank you for hearing our concerns.

Sincerely,

Andrea Wellborn and Robert Irving (508 La.)

Amanda Jay and Jeff MacFarland (523 La.)

Susan Scioli (500 La.)

Ben and Michelle Andrews (516 La.)

Ben Andrews (516 La.)

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report 03/27/2019

ITEM NO. 4 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 921 Missouri Street (LRM)

SUP-19-00026: Consider a special use permit for a non-owner occupied short-term rental located at 921 Missouri Street in the RM12D-UC (Multi-Dwelling Residential Urban Conservation Overlay) District. Submitted by Lisa L. Ottinger and William L. Fuerst, property owners of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a special use permit for a non-owner occupied *Short Term Rental* use located at 921 Missouri Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

- 1. Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* Use shall comply with the occupancy limits of the zoning district in which the property is located. The subject property is zoned RM12D-UC (Multi-Dwelling Residential Urban Conservation Overlay) District. The zoning district in this area is multi-dwelling residential; therefore, a maximum of 4 unrelated occupants are permitted per dwelling unit.
- 2. Per Section 20-601 of the Land Development Code, the maximum number of available guest rooms associated with the non-owner occupied *Short-Term Rental* use may not exceed the number of off-street vehicle parking spaces available on the property. The off-street parking available for the subject property is three spaces; therefore, the maximum number of guest rooms that may be rented on a short-term basis is limited to three.
- 3. Per Section 20-554(3)(iii), the dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
- 4. Per Section 6-13A04(a) of the City Code, a short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use application.

Applicant's Reason for Request: "Use of property as a short-term rental property with listing agent like AirBnB. No new construction is required. The quality features and location of this property near Mass Street and KU will provide visitors a positive lodging experience in our city".

ASSOCIATED CASES/OTHER ACTION REQUIRED

No active cases

Other Action Required

- · City Commission approval of special use permit and adoption of ordinance.
- Publication of special use permit ordinance.
- · Submission and approval of the short-term rental license application.

PLANS AND STUDIES REQUIRED

- Traffic Study Not required.
- Downstream Sanitary Sewer Analysis Not required.
- Drainage Study Not required.

KEY POINTS

The maximum number of dwelling units permitted on a property (density) and the maximum number of occupants permitted in a dwelling is determined by the property's zoning. The subject property is located within the RM12D-UC (Multi-Dwelling Residential Urban Conservation Overlay) District. Per Section 20-601(d) of the Land Development Code a detached dwelling in the (Multi-Dwelling Residential Urban Conservation Overlay) District is permitted a maximum occupancy of 4 adults, if any one of the adults is unrelated to the others. The maximum occupancy of this short term rental unit would be 4 unrelated adults.

BACKGROUD

- Section 20-1781 of the Land Development Code defines the Short-Term Rental use as "a use where all or part of a dwelling unit may, in exchange for consideration, accommodate transient guests for a period of time less than 30 consecutive days. The use may be considered an accessory use when the dwelling unit is concurrently owner-occupied. For the purpose of this definition, a dwelling unit shall include all legally established dwelling unit, but shall exclude Dormitory, Fraternity or Sorority House, Group Home (General or Limited), Motel, Hotel, Extended Stay, and Bed and Breakfast uses."
- The two types of short-term residential rental property include owner occupied and non-owner occupied. A short-term rental property is classified as owner occupied when the dwelling unit being rented is occupied by the owner more than 182 days per calendar year. In cases where the owner resides in the dwelling unit less than 183 day per calendar year, the short-term residential rental property is classified as non-owner occupied.
- A non-owner occupied dwelling unit requires a special use permit (SUP) to be granted for the Short-Term Rental use before the dwelling unit can be rented as a short-term residential rental property.
- On October 2, 2018, the City Commission adopted Ordinance No. 9481, which amended the Land Development Code, by establishing text amendments to the Transient Accommodation use category to permit dwelling units to be used as a short-term residential rental property throughout the City of Lawrence. The text amendments included use specific standards (Section 20-554) that provide the criteria used to evaluate the appropriateness of a *Short-Term Rental* use.

Per Section 20-1306(a) of the Land Development Code, the special use permit review and approval procedures provide a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure entails public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that the proposed special use permit will not have a significant adverse impact on the surrounding uses or on the community at-large.

ATTACHMENTS

Attachment A: Site Plan/Aerial provided to applicant.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

No public comment received prior to printing.

GENERAL INFORMATION

Current Zoning and Land Use: RM12D-UC (Multi-Dwelling Residential Urban

Conservation Overlay) District. Current land use:

Detached Dwelling Residential use.

Surrounding Zoning and Land Use: RM12D-UC (Multi-Dwelling Residential Urban

Conservation Overlay) District to the north, south, east, and west. *Detached Dwelling Residential* use to the

north, south, east, and west.



Figure 1a. Zoning of surrounding area. Subject property outlined. Subject property surrounded by RM12D-UC (Multi-Dwelling Residential Urban Conservation Overlay) District. Oread Neighborhood Urban Conservation District shaded in pink.



Figure 1b. Land use/development of surrounding area. Subject property outlined. Subject property surrounded by *Detached Dwelling Residential* use. *Duplex* and *Multi-Dwelling Residential* uses exist nearby.



Figure 2: Aerial image of subject property. Image taken March, 2018.

SUMMARY OF SPECIAL USE

This special use permit request accommodates a non-owner occupied *Short-Term Rental* use at 921 Missouri Street. The subject property contains a detached dwelling unit and is zoned RM12D-UC (Multi-Dwelling Residential Urban Conservation Overlay) District. The applicant indicated that the maximum number of guest rooms available to rent is three. The applicant also indicated that the number of off-street parking available is three spaces.

Characteristics of the property

- **§** Legal use: *Detached Dwelling* use
- § Zoning: RM12D-UC (Multi-Dwelling Residential Urban Conservation Overlay) District
- § Permitted occupancy limit: Maximum of 4 unrelated occupants per dwelling unit.
- § Number of existing off-street parking spaces: 3
- **§** Number of existing guest rooms: 3
- **§** Number of proposed quest rooms: 3

The amount of off-street parking required to be provided for the non-owner occupied *Short-Term Rental* use is 1 parking space per guest room. The number of guest rooms is equal to the number of available off-street parking spaces. Parking is discussed in more detail in Section 1 below.

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

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

Applicant's Response: "It is an existing residency".

A. Occupancy Compliance

Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* use shall comply with the occupancy limits established in Section 20-601(d). The subject property is zoned RM12D-UC (Multi-Dwelling Residential Urban Conservation Overlay) District. A maximum of 4 unrelated occupants are permitted per detached dwelling in the RM12D-UC District. The applicant indicates that the dwelling unit contains 3 guest rooms. This request complies with the occupancy limit requirements.

B. Access and Parking

On-site Parking:

Per Section 20-902-Shedule A of the Land Development Code, the parking requirement for the non-owner occupied *Short-Term Rental* use is 1 vehicle space per guest room. The applicants have indicated that the maximum number of guest rooms available to rent is 3. The subject property has three off-street parking spaces accessed from a rear alley.

The subject property is located within the Oread Neighborhood and is subject to the Oread Neighborhood Design Guidelines. The existing three off-street parking spaces are accessed via a rear alley. The spaces are not stacked and are set back from the primary structure. The subject property's parking spaces are in compliance with the Oread Neighborhood Design Guidelines' parking guidelines.

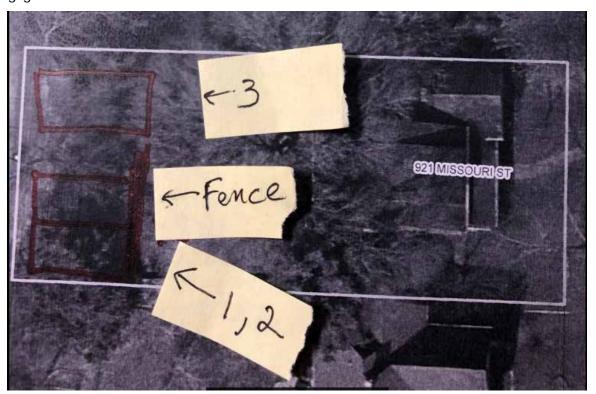


Figure 2: The subject property has three off-street parking spaces located in the rear of the lot. Access is taken via an alley. Image provided by the applicant.

Access: Access to this site is provided via the alley at the rear of the structure. There are no changes to the existing access proposed with this request.

C. Lighting

Per Section 20-554(3) (ii), the addition of commercial-like exterior lighting is not permitted. Section 20-1103(b) (2) also prohibits spot lights and flood lights that create a glare on neighboring properties. The applicant has indicated there are no proposed lighting improvements.

D. Floodplain

The property is not located within the regulatory floodplain and is not subject to a local floodplain development permit.

E. Historic Resources Review

The property is located within the Oread Neighborhood Urban Conservation Overlay District; therefore, it is subject to review by the Historic Resources Commission. The HRC had no comment on the subject property's non-owner occupied short-term rental SUP application at the 02/21/2019 meeting. The historic review as part of the special use permit process has been administratively approved.

Staff Finding – The proposed *Short-Term Rental* use, as conditioned, is compliant with all applicable provisions of the Land Development Code as an allowed use in the RM12D-UC (Multi-Dwelling Residential Urban Conservation Overlay) District subject to a special use permit.

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

Applicant's Response: "It is an existing residency".

Section 20-554 of the Land Development Code provides the site-related standards to ensure compatibility with the surrounding area. An evaluation of these standards as they apply to the proposal is provided below.

Occupancy Limits

All properties containing a *Short-Term Rental* use shall comply with the occupancy limits of the zoning district in which the property resides. The subject property is zoned RM12D-UC (Multi-Dwelling Residential Urban Conservation Overlay) District, which permits a maximum number of 4 unrelated occupants per dwelling unit.

Residential Appearance

The dwelling unit and the site are required to remain residential in appearance and characteristics. Internal and external changes that would make the dwelling unit and the site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.

There are no proposed changes to the building and the property proposed with this special use permit. The property contains an existing residential use and the request does not alter the residential nature of the property.

Legally Established Dwelling Unit

Any dwelling unit used for a *Short-term Rental* use shall be a legally established dwelling unit or shall obtain registration of nonconforming use. This short-term rental will be located in a detached-dwelling unit. A detached-dwelling residential structure is a special use in the RM12D-UC zoning district. Per Douglas County Appraiser's Office records, the subject property came into existence in 1900; therefore, it was legally established prior to the adoption of zoning in Lawrence in 1927. Standards for a detached-dwelling unit in an RM district are listed in Section 20-508 of the Land Development Code.

Signs

Signs shall comply with the provisions outlined in Chapter 5, Article 18 of the City Code. Approval of a special use permit does not constitute approval of any associated signs on the property. An application for a sign permit must be approved prior to installation of signs. The applicant has indicated there are no proposed signage improvements.

Parking

Parking for non-owner occupied *Short-Term Rental* use must be provided at a rate of 1 parking space per guest room.

Staff Finding — The subject property contains an existing residential use. The project does not include exterior modifications or changes to the site that would alter the residential nature of the property. The *Short-Term Rental* use is restricted to the same occupancy limits of the zoning district in which the property is located. Also, the number of guest rooms available for rent is limited to the number of off-street parking spaces available. The occupancy limit of 4 unrelated adults will ensure that the use is similar in nature to the surrounding uses, with the exception of the rental term. There are three off-street parking spaces accessed from a rear alley; therefore, the parking is considered adequate for the legal *detached dwelling* and *Short-Term Rental* uses. The use is compatible with adjacent land uses in terms of size, massing, orientation, hours of operation and other external impacts.

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

Applicant's Response: "No".

The subject property contains a residential use. The use standards for the *Short-Term Rental* use regulate the appearance and characteristics of the site. Specifically, Section 20-545(3)(iii) of the Land Development Code dictates that internal or external changes to the dwelling unit or the site which reduce the residential character or function are prohibited. Examples of prohibited alterations include construction of parking lots, paving of required setbacks, and the addition or commercial-like exterior lighting.

Also, as discussed above, the level of intensity will be restricted by the occupancy limits permitted in the applicable zoning district and the amount of off-street parking provided.

Staff Finding – Substantial diminution of other property values in the area is not anticipated.

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

As an existing legal use, the property already has safety, transportation, and utility infrastructure in place within the Missouri Street right-of-way and the rear alley. The *Short-Term Rental* use will not trigger a need for additional services or infrastructure.

Staff Finding – The subject property contains an existing residential use. Adequate public facilities and transportation access is provided for the proposed *Short-Term Rental* use.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to occupancy limits and off-street parking. Adequate assurances of continued maintenance are inherent in the use and the special use permit approval process.

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

Applicant's Response: "No".

Staff Finding – The proposed use is subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances. The subject property is developed and the project does not propose changes to the site. There are no significant adverse impacts on the natural environment associated with the proposed *Short-Term Rental* use.

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

The special use permit associated with the *Short-Term Rental* use is tied with the subject property. If the applicant relocates to a different property, the special use permit will not transfer to the new property; however, any future owners of the subject property may maintain the *Short-Term Rental* use approved with the special use permit, if desired.

A short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use permit application.

Staff Finding –Staff does not recommend a time limit on the special use permit.

CONCLUSION

The subject property is zoned RM12D-UC (Multi-Dwelling Residential Urban Conservation Overlay) District and contains a detached dwelling. The RM12D-UC District permits a maximum number of 4

unrelated occupants per detached dwelling. The applicant indicated that the maximum number of guest rooms available to rent is 3. The code requires off-street parking spaces at rate of one space per guestroom. The subject property has three off-street parking spaces accessed from a rear alley.

The proposed special use permit for the *Short-Term Rental* use aligns with the occupancy limits of the zoning district and meets the off-street parking requirement.

Based on the findings in this report, and as conditioned, staff recommends approval of the special use permit.

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.

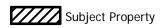
Date: 1/17/2019





SUP-19-00026: Special Use Permit for a non-owner occupied short-term rental, located at 921 Missouri Street in the RM12D-UC (Multi-Dwelling Residential-Urban Conservation Overlay)

Zoning District.



PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report 3/27/2019

ITEM NO. 5 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 941 RHODE ISLAND STREET (KCK)

SUP-19-00030: Consider a special use permit for a non-owner occupied short-term rental located at 941 Rhode Island Street in RM12 (Multi-Dwelling Residential) Zoning District. Submitted by Sofiana Olivera, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a special use permit for a non-owner occupied *Short Term Rental* use located at 941 Rhode Island Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

- 1. Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* Use shall comply with the occupancy limits of the zoning district in which the property is located. The subject property is zoned RM12 (Multi-Dwelling Residential) District, which allows a maximum number of 4 unrelated occupants per dwelling unit.
- 2. Per Section 20-901 of the Land Development Code, the maximum number of available guest rooms associated with the non-owner occupied *Short-Term Rental* use may not exceed the number of off-street vehicle parking spaces available on the property. The off-street parking available for the subject property is 4 spaces; therefore, the maximum number of guest rooms that may be rented on a short-term basis is 4.
- 3. Per Section 20-554(3)(ii), the dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
- 4. Per Section 6-13A04(a) of the City Code, a short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use permit application.

Applicant's Reason for *"To use the apartment as an Airbnb."* **Request:**

ASSOCIATED CASES/OTHER ACTION REQUIRED

No active cases

Other Action Required

- · City Commission approval of special use permit and adoption of ordinance.
- · Publication of special use permit ordinance.

· Submission and approval of the short-term rental license application.

PLANS AND STUDIES REQUIRED

- Traffic Study Not required
- Downstream Sanitary Sewer Analysis Not required
- Drainage Study Not required

KEY POINTS

- The maximum number of dwelling units permitted on a property (density) and the maximum number of occupants permitted in a dwelling is determined by the property's zoning. The subject property is located within the RM12 (Multi-Dwelling Residential) District. Per Section 20-601(d) of the Land Development Code a detached dwelling in a RM12 (Multi-Dwelling Residential) District is permitted a maximum occupancy of 4 adults, if any one of the adults is unrelated to the others. The maximum occupancy of this short term rental unit would be 4 unrelated adults.
- The applicant has indicated that there are two bedrooms available in the unit, and both would be used as guest rooms.

BACKGROUND

- Section 20-1781 of the Land Development Code defines the *Short-Term Rental* use as, "a use where all or part of a dwelling unit may, in exchange for consideration, accommodate transient guests for a period of time less than 30 consecutive days. The use may be considered an accessory use when the dwelling unit is concurrently owner-occupied. For the purpose of this definition, a dwelling unit shall include all legally established dwelling units, but shall exclude *Dormitory*, *Fraternity or Sorority House*, *Group Home (General or Limited)*, *Motel*, *Hotel*, *Extended Stay*, and *Bed and Breakfast uses*."
- The two types of short-term residential rental property include owner occupied and non-owner occupied. A short-term rental property is classified as owner occupied when the dwelling unit being rented is occupied by the owner more than 182 days per calendar year. In cases where the owner resides in the dwelling unit less than 183 day per calendar year, the short-term residential rental property is classified as non-owner occupied.
- A non-owner occupied dwelling unit requires a special use permit (SUP) to be granted for the Short-Term Rental use before the dwelling unit can be rented as a short-term residential rental property.
- On October 2, 2018, the City Commission adopted Ordinance No. 9481, which amended the Land Development Code, by establishing text amendments to the Transient Accommodation use category to permit dwelling units to be used as a short-term residential rental property throughout the City of Lawrence. The text amendments included use specific standards (Section 20-554) that provide the criteria used to evaluate the appropriateness of a *Short-Term Rental* use.
- Per Section 20-1306(a) of the Land Development Code, the special use permit review and approval procedures provide a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure entails public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that the proposed special use permit will not have a significant adverse impact on the surrounding uses or on the community at-large.

ATTACHMENTS

Attachment A: Site Plan/Aerial

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

No public inquiries received

GENERAL INFORMATION				
Current Zoning and Land Use:	RM12 (Multi-Dwelling Residential) District. Current land use: Duplex.			
Surrounding Zoning and Land Use:	To the north: RM12 (Multi-Dwelling Residential) District. Current Land Use: Detached Dwelling			
	To the south: RM12 (Multi-Dwelling Residential) District. Current Land Use: Detached Dwelling			
	To the east: RM12 (Multi-Dwelling Residential) District. Current Land Use: Detached Dwelling			
	To the west: CD-UC (Downtown Commercial) District, Current Land Use: Salvation Army Church			



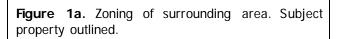




Figure 1b. Land use/development of surrounding area.

SUMMARY OF SPECIAL USE

This special use permit request accommodates a non-owner occupied *Short-Term Rental* use at 941 Rhode Island Street. The subject property contains a *Duplex* and is zoned RM12 (Multi-Dwelling Residential) District. The applicant indicated that the maximum number of guest rooms available to rent is 2. The applicant also indicated that the number of off-street parking available is 4 spaces.

The property that this proposal is located on functions as a Duplex use. The application proposes to repurpose one of the long-term rental units (the bottom floor apartment) into a *short-term rental* use. Both floors of the unit have rental licenses in good standing at the time of application.

Characteristics of the property

· Legal use: *Duplex*

· Zoning: RM12 (Multi-Dwelling Residential) District

- · Permitted occupancy limit: Maximum of 4 unrelated occupants per dwelling unit
- Number of existing off-street parking spaces: 2 parking spaces for each dwelling unit (4 offstreet parking spaces total)
- · Number of existing guest rooms: 2 guest rooms in the subject dwelling unit
- · Number of proposed guest rooms: 2 guest rooms in the subject dwelling unit

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

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

Applicant's Response: "Yes"

A. Occupancy Compliance

Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* use shall comply with the occupancy limits established in Section 20-601(d). The subject property is zoned RM12 (Multi-Dwelling Residential) District, which permits a maximum number of 4 unrelated occupants per dwelling unit. The applicant indicated that the dwelling unit contains 2 guest rooms.

B. Access and Parking *On-site Parking:*

Per Section 20-601 of the Land Development Code, the parking requirement for the non-owner occupied *Short-Term Rental* use is one vehicle space per guest room. The owner indicated that the maximum number of guest rooms available to rent is two. Therefore, the required number of offstreet parking is two spaces for the subject dwelling unit. The long term rental unit on the second floor also requires two off street parking spaces. There are four off street parking spaces available on site. The amount of available off-street parking meets the off-street parking requirement.



Figure 2. Aerial of property showing off-street parking spaces associated with 941 Rhode Island Street.

Access: Access to this site is provided via the alley to the rear of the property, between Rhode Island Street and New Hampshire Street. There are no changes to the existing access proposed with this request.

C. Lighting

Per Section 20-554(3)(iii), the addition of commercial-like exterior lighting is not permitted. Section 20-1103(b)(2) also prohibits spot lights and flood lights that create a glare on neighboring properties.

D. Floodplain

The property is not located within the regulatory floodplain and is not subject to a local floodplain development permit.

E. Historic Resources Review

The property is listed as a contributing structure to the North Rhode Island Historic District and is listed in the local registry as the Hendry House. The Historic Resources Commission had no comment at their meeting on 21 February 2019.

Staff Finding – The proposed *Short-Term Rental* use complies with the applicable provisions of the Land Development Code as an allowed use in the RM12 (Multi-Dwelling Residential) District subject to a special use permit.

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

Applicant's Response: "Yes"

Section 20-554 of the Land Development Code provides the site-related standards to ensure compatibility with the surrounding area. An evaluation of these standards as they apply to the proposal is provided below.

Occupancy Limits

All properties containing a *Short-Term Rental* use shall comply with the occupancy limits of the zoning district in which the property resides. The subject property is zoned RM12 (Multi-Dwelling Residential) District, which permits a maximum number of 4 unrelated occupants per dwelling unit. The applicant indicated that the maximum number of guest rooms available to rent is 2, which is compatible with the occupancy limits.

Residential Appearance

The dwelling unit and the site are required to remain residential in appearance and characteristics. Internal and external changes that would make the dwelling unit and the site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.

There are no proposed changes to the building and the property proposed with the special use permit. The property contains an existing residential use and the request does not alter the residential nature of the property.

Legally Established Dwelling Unit

Any dwelling unit used for a *Short-Term Rental* use shall be a legally established dwelling unit or shall obtain a registration of nonconforming use. The *Short-Term Rental* will be located in a Duplex, which was built in 1858. The *Duplex* use is a permitted use in the RM12 zoning district.

Signs

Signs shall comply with the provisions outlined in Chapter 5, Article 18 of the City Code. Approval of a special use permit does not constitute approval of any associated signs on the property. An application for a sign permit must be approved prior to installation of signs.

Parking

Parking for a non-owner occupied *Short-Term Rental* use must be provided at a rate of 1 parking space per guest room. The applicant indicated that the maximum number of guest rooms available to rent is 2, which complies with the number of off-street parking spaces provided.

Staff Finding – The subject property contains an existing residential use. The project does not include exterior modifications or changes to the site that would alter the residential nature of the property. The *Short-Term Rental* use is restricted to the same occupancy limits of the zoning district in which the property is located. Also, the number of guest rooms available for rent is limited to the number of off-street parking spaces available. The proposed use is compatible with the adjacent uses in terms of size, massing, orientation, hours of operation and other external impacts.

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

Applicant's Response: "No"

The subject property contains a residential use. The use standards for the *Short-Term Rental* use regulate the appearance and characteristics of the site. Specifically, Section 20-545(3)(iii) of the Land Development Code dictates that internal or external changes to the dwelling unit or the site which reduce the residential character or function are prohibited. Examples of prohibited alterations include construction of parking lots, paving of required setbacks, and the addition or commercial-like exterior lighting.

Also, as discussed above, the level of intensity will be restricted by the occupancy limits permitted in the applicable zoning district and the amount of off-street parking provided.

Staff Finding – Substantial diminution of other property values in the area is not anticipated.

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

As an existing legal use, the property already has safety, transportation, and utility infrastructure in place and no the *Short-Term Rental* use will not trigger a need for additional services or infrastructure.

Staff Finding – The subject property contains an existing residential use. Adequate public facilities and transportation access is provided for the proposed *Short-Term Rental* use.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to occupancy limits and off-street parking. Adequate assurances of continued maintenance are inherent in the use and the special use permit approval process.

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

Applicant's Response: "No"

The proposed use is subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances. The subject property is developed and the project does not propose changes to the site.

Staff Finding – There are no significant adverse impacts on the natural environment associated with the proposed *Short-Term Rental* use.

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

The special use permit associated with the *Short-Term Rental* use is tied with the subject property. If the applicant relocates to a different property, the special use permit will not transfer to the new property; however, any future owners of the subject property may maintain the *Short-Term Rental* use approved with the special use permit, if desired.

A short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use permit application.

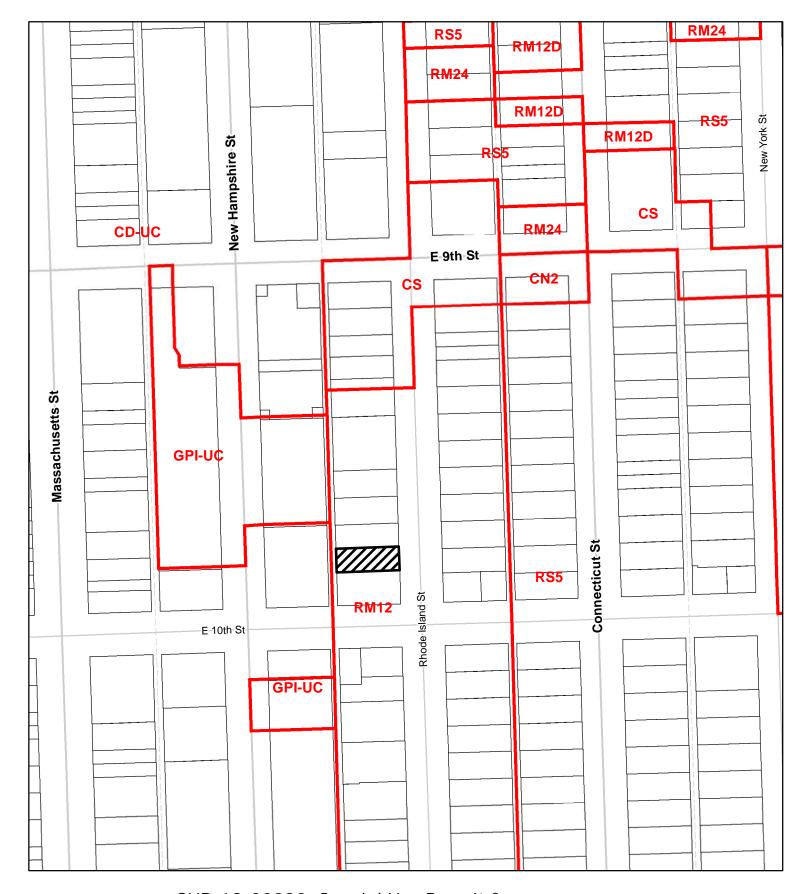
Staff Finding –Staff does not recommend a time limit on the special use permit.

CONCLUSION

The subject property is zoned RM12 (Multi-Dwelling Residential) District and contains a residential use. The RM12 District permits a maximum number of 4 unrelated occupants per dwelling unit. The applicant indicated that the maximum number of guest rooms available to rent is 2 and the number of off-street parking provided is 2 parking spaces. The proposed special use permit for the *Short-Term Rental* use aligns with the occupancy limits of the zoning district and meets the off-street parking requirement.

Based on the findings in this report, and as conditioned, staff recommends approval of the special use permit.





SUP-19-00030: Special Use Permit for a non-owner occupied short-term rental, located at 941 Rhode Island Street in the RM12 (Multi-Dwelling Residential) Zoning District.



PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report 3/27/2019

ITEM NO. 6 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 843 1/2 MASSACHUSETTS STREET (KCK)

SUP-19-00043: Consider a special use permit for a non-owner occupied short-term rental located at 843 ½ Massachusetts Street in CD-UC (Downtown Commercial-Urban Conservation) Zoning District. Submitted by Furse LC, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a special use permit for a non-owner occupied *Short Term Rental* use located at 843 ½ Massachusetts Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

- 1. Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* Use shall comply with the occupancy limits of the zoning district in which the property is located. The subject property is zoned CD-UC (Downtown Commercial with Conservation Overlay) District, which allows a maximum number of 4 unrelated occupants per dwelling unit.
- 2. Per Section 20-901 of the Land Development Code, the maximum number of available guest rooms associated with the non-owner occupied *Short-Term Rental* use may not exceed the number of off-street vehicle parking spaces available on the property. Off-street parking is not required in the CD district per Section 20-901(f); therefore, the maximum number of guest rooms that may be rented on a short-term basis is not limited by parking.
- 3. Per Section 20-554(3)(ii), the dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
- 4. Per Section 6-13A04(a) of the City Code, a short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use permit application.

Applicant's Reason for "Want to be short term rental, 2 guest room loft with Downtown Request: "Parking."

ASSOCIATED CASES/OTHER ACTION REQUIRED

No active cases

Other Action Required

- · City Commission approval of special use permit and adoption of ordinance.
- Publication of special use permit ordinance.

· Submission and approval of the short-term rental license application.

KEY POINTS

- The maximum number of dwelling units permitted on a property (density) and the maximum number of occupants permitted in a dwelling is determined by the property's zoning. The subject property is located within the CD-UC (Downtown Commercial with Conservation Overlay) District. Per Section 20-601(d) of the Land Development Code housing types other than a detached dwelling in a commercial zoning district is permitted a maximum occupancy of 4 adults, if any one of the adults is unrelated to the others. The maximum occupancy of these short term rental units is 4 unrelated adults per unit.
- The applicant has indicated that there are two bedrooms available in the unit, and both would be used as guest rooms.

BACKGROUND

- Section 20-1781 of the Land Development Code defines the Short-Term Rental use as, "a use where all or part of a dwelling unit may, in exchange for consideration, accommodate transient guests for a period of time less than 30 consecutive days. The use may be considered an accessory use when the dwelling unit is concurrently owner-occupied. For the purpose of this definition, a dwelling unit shall include all legally established dwelling unit, but shall exclude Dormitory, Fraternity or Sorority House, Group Home (General or Limited), Motel, Hotel, Extended Stay, and Bed and Breakfast uses."
- The two types of short-term residential rental property include owner occupied and non-owner occupied. A short-term rental property is classified as owner occupied when the dwelling unit being rented is occupied by the owner more than 182 days per calendar year. In cases where the owner resides in the dwelling unit less than 183 day per calendar year, the short-term residential rental property is classified as non-owner occupied.
- A non-owner occupied dwelling unit requires a special use permit (SUP) to be granted for the Short-Term Rental use before the dwelling unit can be rented as a short-term residential rental property.
- On October 2, 2018, the City Commission adopted Ordinance No. 9481, which amended the Land Development Code, by establishing text amendments to the Transient Accommodation use category to permit dwelling units to be used as a short-term residential rental property throughout the City of Lawrence. The text amendments included use specific standards (Section 20-554) that provide the criteria used to evaluate the appropriateness of a *Short-Term Rental* use.
- Per Section 20-1306(a) of the Land Development Code, the Special Use Permit review and approval procedures provide a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure entails public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that the proposed Special Use Permit will not have a significant adverse impact on the surrounding uses or on the community at-large.

ATTACHMENTS

Attachment A: Site Plan/Aerial

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

No communication received.

GENERAL INFORMATION

Current Zoning and Land Use: CD-UC (Downtown Commercial with Conservation Overlay)

District. Current Land Use: Mixed Use Structure

Surrounding Zoning and Land

Use:

To the north, east, west, and south:

CD-UC (Downtown Commercial with Conservation Overlay) District; Mixed Use Structures.



Figure 1a. Zoning of surrounding area. Subject property outlined.



Figure 1b. Land use/development of surrounding area.

SUMMARY OF SPECIAL USE

This special use permit request accommodates a non-owner occupied *Short-Term Rental* use at 843 ½ Massachusetts Street. The subject property contains a mixed use structure and is zoned CD-UC (Downtown Commercial with Urban Conservation Overlay) District. The applicant indicated that the maximum number of guest rooms available to rent is 2. The applicant also indicated that the number of off-street parking available is 0 spaces.

Characteristics of the property

- Legal use: Mixed Use Structure
- · Zoning: CD-UC (Downtown Commercial with Conservation Overlay) District
- · Permitted occupancy limit: Maximum of 4 unrelated occupants per dwelling unit
- Number of existing off-street parking spaces: 0
- · Number of existing guest rooms: 2
- · Number of proposed guest rooms: 2

The amount of off-street parking required to be provided for the non-owner occupied *Short-Term Rental* use is 1 parking space per guest room. The CD zoning district, due to the unique nature of the district, has a parking exemption. Section 20-901(f) of the Land Development code (Exemption

for CD District) exempts permitted uses from parking requirements in this district. No parking is required for these units. Parking is discussed in more detail in Section 1 below.

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

1. WHETHER THE PROPOSED USE COMPLIES WITHALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response: Yes."

A. Occupancy Compliance

Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* use shall comply with the occupancy limits established in Section 20-601(d). The subject property is zoned CD-UC (Downtown Commercial with Conservation Overlay) District, which permits a maximum number of 4 unrelated occupants per dwelling unit. The applicant indicated that the dwelling unit contains 2 quest rooms. This request complies with the occupancy limit requirements.

B. Access and Parking

On-site Parking:

Per Section 20-601 of the Land Development Code, the parking requirement for the non-owner occupied *Short-Term Rental* use is 1 vehicle space per guest room. The owner indicated that the maximum number of guest rooms available to rent is 2. Permitted uses in the CD district are exempted from parking requirements. The availability of off-street parking and the intensity of use or demand for parking remains the same.

Access: The structure is located on the northwest corner of Massachusetts Street and West 9th Street. There are no changes to the existing access proposed with this request.

C. Lighting

Per Section 20-554(3)(ii), the addition of commercial-like exterior lighting is not permitted. Section 20-1103(b)(2) also prohibits spot lights and flood lights that create a glare on neighboring properties.

D. Floodplain

The property is not located within the regulatory floodplain and is not subject to a local floodplain development permit.

E. Historic Resources Review

The property is listed as a contributing structure to Lawrence's Downtown Historic District and is located within the urban conservation overlay district for the Downtown Historic District. The proposal is not altering any exterior features of the structure of the site; therefore it will not be necessary to apply the Downtown Design Guidelines for this case. The Historic Resources Commission had no comment at their meeting on 21 February 2019.

Staff Finding – The proposed *Short-Term Rental* use complies with the applicable provisions of the Land Development Code as an allowed use in the CD-UC (Downtown Commercial with Urban Conservation Overlay) District subject to a special use permit.

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

Applicant's Response: "Yes."

Section 20-554 of the Land Development Code provides the site-related standards to ensure compatibility with the surrounding area. An evaluation of these standards as they apply to the proposal is provided below.

Occupancy Limits

All properties containing a *Short-Term Rental* use shall comply with the occupancy limits of the zoning district in which the property resides. The subject property is zoned CD-UC (Downtown Commercial with Conservation Overlay) District, which permits a maximum number of 4 unrelated occupants per dwelling unit for housing types other than detached dwellings. The applicant indicated that the maximum number of guest rooms available to rent is 2, which is compatible with the occupancy limits.

Residential Appearance

The dwelling unit and the site are required to remain residential in appearance and characteristics. Internal and external changes that would make the dwelling unit and the site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.

There are no proposed changes to the building and the property proposed with the special use permit. The property contains an existing residential use on the second floor. The proposal does not alter the mixed use (commercial and residential) nature of the site.

Legally Established Dwelling Unit

Any dwelling unit used for a *Short-Term Rental* use shall be a legally established dwelling unit or shall obtain a registration of nonconforming use. The *Short-Term Rental* will be located in a Mixed Use Structure, which was built in 1890. The mixed use structure is a permitted use in the CD-UC zoning district.

Sians

Signs shall comply with the provisions outlined in Chapter 5, Article 18 of the City Code. Approval of a special use permit does not constitute approval of any associated signs on the property. An application for a sign permit must be approved prior to installation of signs.

Parking

Parking for a non-owner occupied *Short-Term Rental* use must be provided at a rate of 1 parking space per guest room; however, this property falls under the parking exemption in Section 20-901(f) for the CD zoning district and does not require parking.

Staff Finding – The subject property contains an existing mixed/residential use. The project does not include exterior modifications or changes to the site that would alter the residential nature of the property. The *Short-Term Rental* use is restricted to the same occupancy limits of the zoning district in which the property is located. Also, the number of guest rooms available for rent is the same as available currently as long-term rental. The occupancy limit of 4 unrelated adults will ensure that the use is similar in nature to the surrounding uses, with the exception of the rental term. The parking provided complies with the code for the use in the zoning district. The use should be compatible with surrounding land uses as it is a residential use.

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

Applicant's Response: "No."

The subject property contains a residential use. The use standards for the *Short-Term Rental* use regulate the appearance and characteristics of the site. Specifically, Section 20-545(3)(iii) of the Land Development Code dictates that internal or external changes to the dwelling unit or the site which reduce the residential character or function are prohibited. Examples of prohibited alterations include construction of parking lots, paving of required setbacks, and the addition or commercial-like exterior lighting.

Also, as discussed above, the level of intensity will be restricted by the occupancy limits permitted in the applicable zoning district and the amount of off-street parking provided.

Staff Finding – Substantial diminution of other property values in the area is not anticipated.

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

As an existing legal use, the property already has safety, transportation, and utility infrastructure in place and no the *Short-Term Rental* use will not trigger a need for additional services or infrastructure.

Staff Finding – The subject property contains an existing residential use. Adequate public facilities and transportation access is provided for the proposed *Short-Term Rental* use.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to occupancy limits and off-street parking. Adequate assurances of continued maintenance are inherent in the use and the special use permit approval process.

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

Applicant's Response: "No."

The proposed use is subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances. The subject property is developed and the project does not propose changes to the site.

Staff Finding – There are no significant adverse impacts on the natural environment associated with the proposed *Short-Term Rental* use.

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

The special use permit associated with the *Short-Term Rental* use is tied with the subject property. If the applicant relocates to a different property, the special use permit will not transfer to the new

property; however, any future owners of the subject property may maintain the *Short-Term Rental* use approved with the special use permit, if desired.

A short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use permit application.

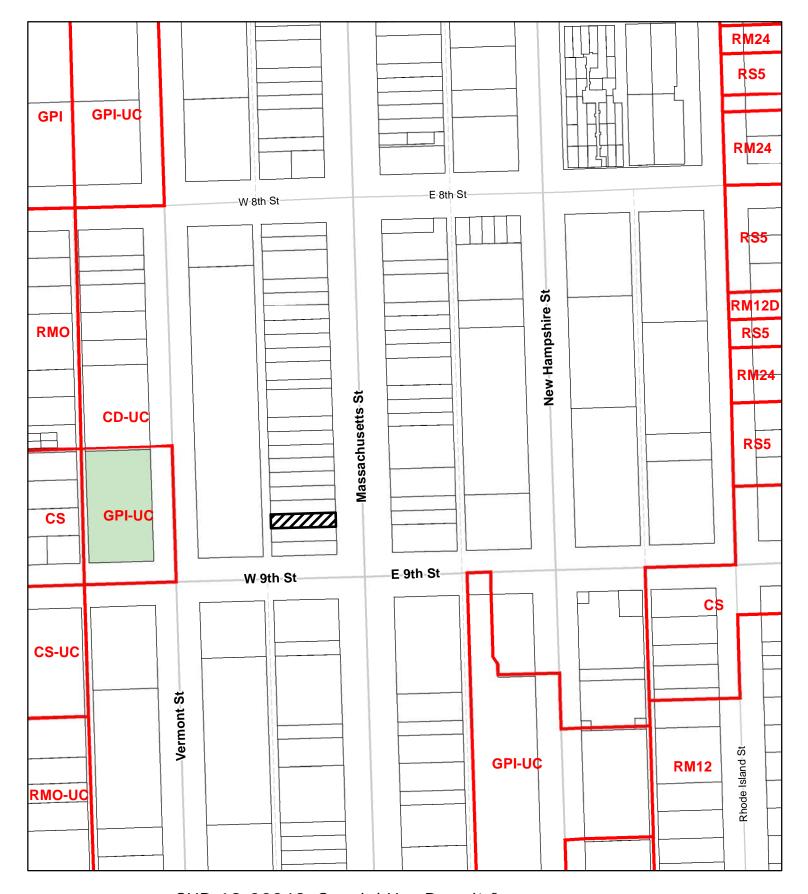
Staff Finding – Staff does not recommend a time limit on the special use permit.

CONCLUSION

The subject property is zoned CD-UC (Downtown Commercial with Conservation Overlay) District and contains a residential use. The CD-UC District permits a maximum number of 4 unrelated occupants per dwelling unit. The applicant indicated that the maximum number of guest rooms available to rent is 2 and off street parking is not required in the district. The proposed special use permit for the *Short-Term Rental*use aligns with the occupancy limits of the zoning district and meets the off-street parking requirement.

Based on the findings in this report, and as conditioned, staff recommends approval of the special use permit.





SUP-19-00043: Special Use Permit for a non-owner occupied short-term rental, located at 843 1/2 Massachusetts Street in the CD-UC (Downtown Commercial-Urban Conservation!) Zoning District.



PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report 3/27/2019

ITEM NO. 8 CONDITIONAL USE PERMIT FOR KANWAKA TOWNSHIP; 1707 E. 550 RD (MKM)

CUP-19-00013: Consider a conditional use permit for a 3,510 square foot equipment storage building for Kanwaka Township, located on approximately 2.54 acres at 1707 E 550 Rd (also known as 548 N. 1700 Rd). Submitted by Kevin Sontag, Douglas County Public Works, on behalf of Kanwaka Township, property owner of record. *Joint meeting with Lecompton Planning Commission*

STAFF RECOMMENDATION: Staff recommends forwarding the conditional use permit for a 3,510 square foot equipment storage building to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

Applicant's reason for request:

"Amendment request is to add a 65 ft x 54 ft equipment storage building for Kanwaka Fire Station to the existing CUP approved in 1990/1997."

KEY POINT

Changes made with the Arlo Jay Minor Subdivision, MS-18-00065, increased the area of the
township property at 1707 E. 550 Road by approximately 1 acre to accommodate the
development of additional facilities. The development of an additional storage building are
typically processed with a site plan; however, since the area of the township property has
changed, it is necessary to amend the conditional use permit for this development.

ASSOCIATED CASES

- MS-18-00065. Arlo Jay Minor Subdivision relocating the interior property lines between the subject property and the residential property to the west expanding the township site from 1.60 acres to 2.54 acres; recorded at the Register of Deeds on April 6, 2018.
- Z-18-000069, Rezoning request from the A/A-1 (Agricultural and Suburban Home Residential) Districts to the A (Agricultural) District to provide uniform zoning on the expanded township property following the lot reconfiguration. Approved by the Board of County Commissioners on May 16, 2018 with adoption of Resolution No. 18-14.
- SP-16-00120, Site plan for construction of a 1,800 square foot building addition on the north side of the fire station. Approved administratively on June, 2016.
- SP-4-28-98, Site plan to add salt and sand storage building for Douglas County Public Works. Approved by the Board of County Commissioners on May 20, 1998.
- CUP-9-13-97, Amended conditional use permit for Kanwaka Fire Station Equipment Building.
 Approved by the Board of County Commissioners on October 27, 1997.

 CUP-3-1-90, Original conditional use permit for Kanwaka Township Fire Station. Approved by the Board of County Commissioners on May 16, 1990.

OTHER ACTION REQUIRED

- Approval of conditional use permit by the Board of County Commissioners.
- Applicant shall obtain a permit for the conditional use and a building permit for the new building from the Zoning and Codes Office prior to construction.

PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

Project Summary:

Kanwaka Township proposes to construct a 3,510 square foot building for equipment storage on the west side of their property and to install an exterior storage area in the northwest corner of the property.

The township recently purchased a strip of land, approximately 0.94 acres, from the owner of the adjacent residential property to the west, 540 N 1700 Road, to enlarge the size of the township lot in preparation for these changes. (Figure 1) In 2018 the lot was expanded with a minor subdivision, MS-18-00065, and was rezoned with Z-18-00069 to provide uniform A (Agricultural) zoning throughout the lot. This conditional use permit application is one of the last steps in their goal to construct this storage building.



Figure 1. Expanded township lot shown in dashed white line. 2018 rezoning resulted in the A zoning over entire township lot.

The property contains the township fire station and road maintenance facility. This use, classified as "Public or Governmental Buildings" in the Zoning Regulations, is permitted in the A District with approval of a conditional use permit. A new building or other site change that doesn't increase the intensity of the use can be processed as a site plan, but in this case an amended conditional use permit is necessary as the area within the conditional use permit has been revised. (Figure 1)

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

Current Zoning and Land use A (Agricultural) District. *Public Utilities* (Kanwaka Township Road and Fire Department).

Surrounding Zoning and Land Use To the north and west: A-1 (Suburban Home Residential) District with the F-F (Floodway Fringe Overlay) District to the west; Single Family

Dwellings and woodland.

To the east and south: A (Agricultural) District; Agriculture in all directions, with a Residential Detached Dwelling to the south and woodland to the southeast.

(Figure 2)



Figure 2a. Zoning in the area. Pink area is the Floodway Fringe Overlay District. (Subject property outlined)

Figure 2b. Land use/development in the area.

Staff Finding – The majority of the area is zoned A (Agricultural) with platted residential development to the north and west being zoned A-1 (Suburban Home Residential). The Floodway Fringe Overlay District is located along stream corridors through the area. Principal land uses in the area are *Agriculture, Single Family Dwellings, Residential Detached Dwellings,* and woodland. The amended conditional use permit will allow the construction of an equipment storage building and an exterior storage area on the recently expanded township property.

II. CHARACTER OF THE AREA

The area is bounded on the north by Highway 40, classified on the Douglas County Access Management Map as a principal arterial, and is bisected east and west by E. 550 Road/County Route 1029, classified on the access management map as a major collector road. Agriculture and rural residences are the predominate land uses in the area, with more intense residential development located in the northwest corner of the intersection of N. 1700 Road and E. 550 Road/County Route 1029. Woodlands are also located throughout the area, adjacent to stream corridors.

Staff Finding – This is an agricultural area with rural residential development of varying intensities, with the more dense development being in the platted subdivision adjacent to the township property.

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

Applicant's Response:

"The township fire station is permitted in the A District with the approval of a Conditional use Permit. The uses on the site have been approved through the CUP process. No change in use is being proposed."

Staff Finding – The subject property is not suited to many of the uses permitted in the A District as it has been developed with a township fire station and a road maintenance facility. The subject property is well suited for the township use, which is permitted in the A District when approved as a conditional use.

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

Staff Finding – This property is not vacant. A conditional use permit for the township facility was approved by the County Commission in 1990 and the Douglas County Appraiser's Office files indicate that a structure was constructed in 1990.

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

Applicant's response:

"The addition will be on the interior of the property and should have no impact on adjacent land uses."

The new building will be on the west side of the property and will be oriented away from the residential property to the west. The facility will continue to take access to N. 1700 and E. 550 Roads. The building and exterior storage area will allow for more equipment storage on the site but should not increase the intensity of use. The subject property and the adjacent property contain stands of trees in this area that should buffer the facility from the residence to the west. The plan shows a 6 foot tall privacy fence along the exterior sides of the exterior storage area that is to be installed in the event the existing vegetation on the adjacent property is removed or damaged to the extent that the Zoning and Codes Director determines it no longer provides an effective screen.

Staff Finding – The proposed building will be oriented away from the nearby residential property. The exterior storage area will be located in the northwest corner of the site. Currently, the vegetation on the adjacent properties provide an adequate screen for the exterior storage area, but privacy fencing shall be added in the event that the off-site vegetation is removed or damaged to the point that the Zoning and Codes Director determines it does not provide an effective screen.

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 township will be able to serve the public more efficiently and effectively by providing a centralized location for storage of equipment."

Evaluation of these criteria includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on the owner of the

subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety, and welfare.

Approval of the conditional use permit application would allow the township to expand the storage at the facility, which could result in more efficient operations. As no detrimental effects are anticipated with the proposed change, denial of the application would not provide any benefit to the public health, safety, or welfare. If the application is denied, the township may need to find another location to store some of their equipment, which could result in less efficient operations.

Staff Finding – Approval of the application will allow the township to expand its equipment storage on the property and could allow it to function more efficiently. There would be no benefit to the public health, safety, and welfare by the denial as the new structure and exterior storage are not expected to have any detrimental effects to nearby property.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Horizon 2020 supports the expansion and improvement of community facilities to better serve the community."

The township CUP was found to be in conformance with the recommendations in *Plan '95,* the comprehensive plan in place at the time. *Horizon 2020* was adopted in May of 1998 so the following is a review of the township use with the recommendations of the current comprehensive plan, with staff comments in red:

The township facility is classified as a 'Community Facility'. Recommendations in Chapter 10 of *Horizon 2020* include:

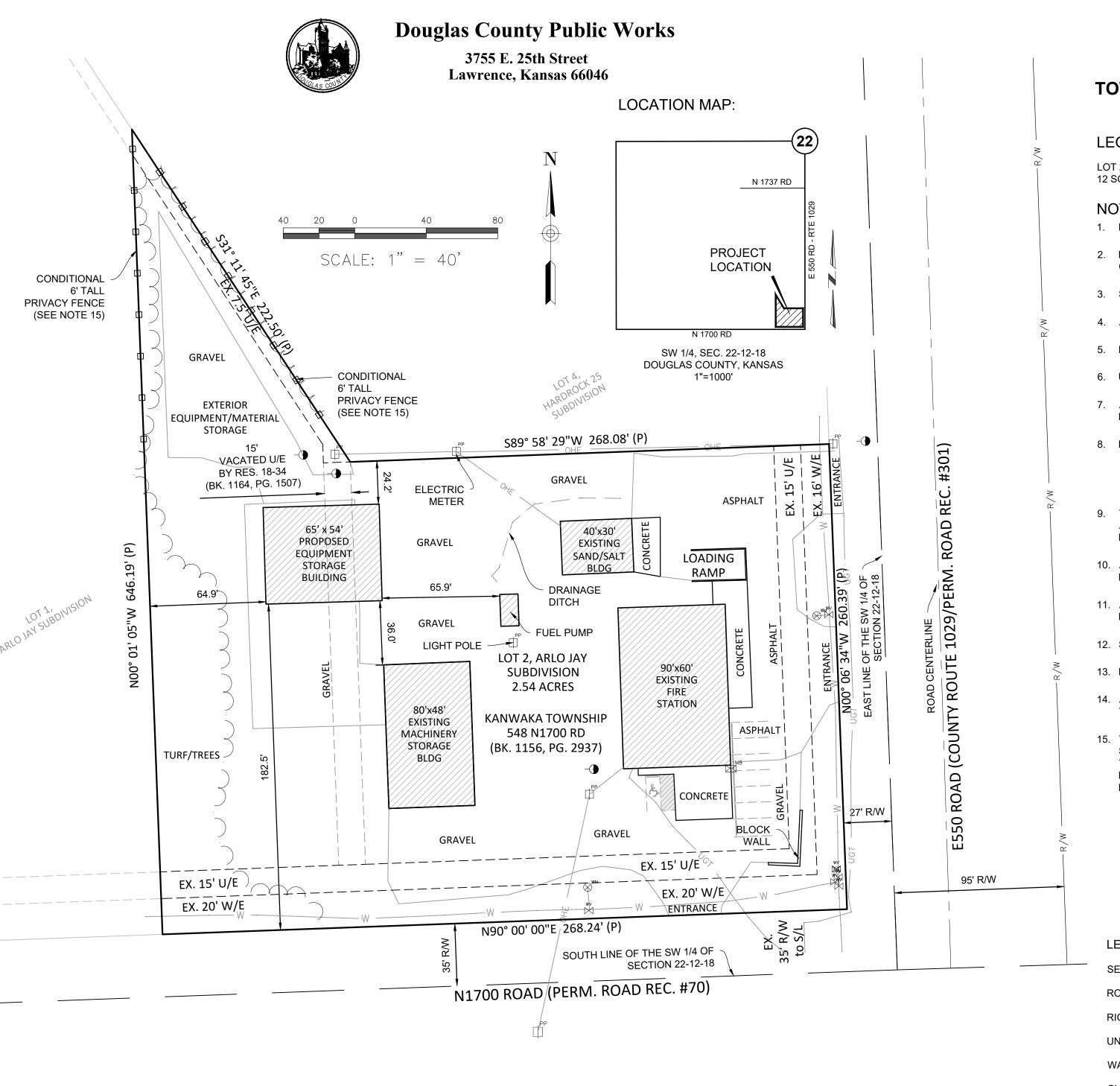
Goal 1, Policy 1.1, b: *Maintain or upgrade existing facilities and services where necessary to serve existing development.* (Page 10-16, *Horizon 2020*)

The amended conditional use permit will accommodate the expansion of the Kanwaka Township Fire Department and road maintenance facility that serves existing development in the area.

Staff Finding –The conditional use permit is in conformance with the comprehensive plan, specifically the recommendation to maintain or upgrade existing facilities where necessary to serve existing development.

VIII. PROFESSIONAL STAFF RECOMENDATION

Staff recommends approval of the amended conditional use permit for the construction of a 3,510 square foot equipment storage building on the expanded township site, 2.54 acres, at 548 N. 1700 Road.



SITEPLAN

LOT 2, ARLO JAY SUBDIVISION, IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 12 SOUTH, RANGE 18 EAST OF THE SIXTH P.M., DOUGLAS COUNTY, KANSAS

LEGAL DESCRIPTION:

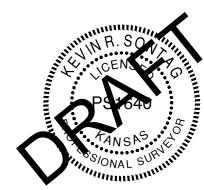
LOT 2, ARLO JAY SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 12 SOUTH, RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS.

NOTES:

- 1. BASIS OF BEARINGS: ARLO JAY SUBDIVISION (PLAT BK. 19, PAGE, PAGE 231).
- 2. DEED OF RECORD: QUIT CLAIM DEED AS RECORDED IN BOOK 1156, PAGE 2937 AT THE DOUGLAS COUNTY REGISTER OF DEEDS.
- 3. SUBJECT PROPERTY IS ZONED 'A'.
- 4. ADDRESS: 548 N1700 RD, LAWRENCE, KS 66049.
- 5. LOT SIZE: 2.54 ACRES.
- 6. USE: PUBLIC OR GOVERNMENTAL BUILDINGS.
- 7. ANY TOPOGRAPHIC AND/OR SURVEY INFORMATION SHOWN IS BASED ON ARLO JAY SUBDIVISION AS RECORDED IN PLAT BK. 19. PAGE 231.
- 8. PARKING INFORMATION:

TYPICAL PARKING SPACE: 10 FT. X 18 FT.
PARKING REQUIRED: 4 (ONE SPACE PER TWO EMPLOYEES)
PARKING PROVIDED: 7

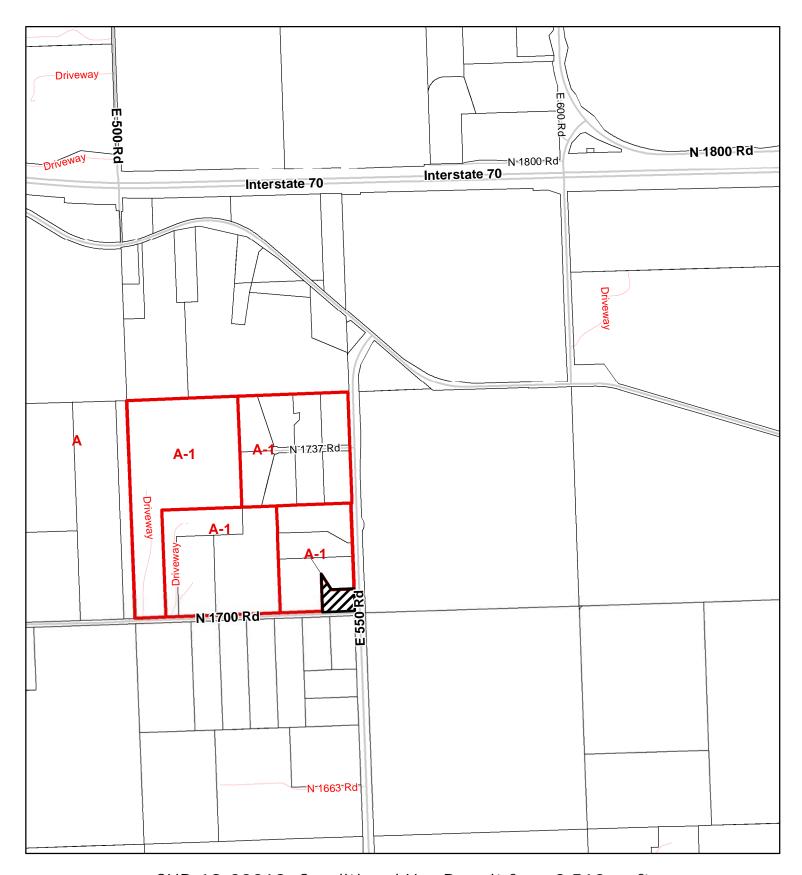
- THIS SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH APPLICABLE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX TO 28 CFR PART 36.
- 10. A POSSIBLE EXTERIOR LIGHT IS PROPOSED FOR THE SOUTH FACE OF THE PROPOSED BUILDING. IF INSTALLED, LIGHT WILL BE SHIELDED AND POINTED DOWNWARD.
- 11. ALL TURF AREAS DISTURBED DURING CONSTRUCTION SHALL BE FERTILIZED, SEEDED WITH K-31 FESCUE, AND MULCHED.
- 12. SOME SETBACKS WERE ESTABLISHED WITH THE KANWAKA TOWNSHIP FINAL PLAT.
- 13. MAXIMUM HEIGHT OF PROPOSED BUILDING IS 35 FT.
- 14. A 20' WIDE BUFFER OF TREES WILL BE PRESERVED ALONG THE WEST PROPERTY LINE, SOUTH OF THE EXTERIOR STORAGE AREA.
- 15. THE EXTERIOR STORAGE AREA ON THE NORTHWEST CORNER OF THE PROPERTY SHALL BE SCREENED ALONG THE WEST AND EAST SIDES WITH A 6 FOOT TALL PRIVACY FENCE IN THE EVENT THE EXISTING VEGETATION ON THE ADJACENT PROPERTY IS REMOVED OR DAMAGED TO THE EXTENT THAT THE ZONING AND CODES DIRECTOR DETERMINES IT NO LONGER PROVIDES AN EFFECTIVE SCREEN.



LEGEND

6' TALL PRIVACY FENCE

SECTION LINE			
ROAD CENTERLINE		FIRE HYDRANT	w∨ ⊠
RIGHT OF WAY LINE	R/W	WATER VALVE	⊗ ^{WM}
UNDERGROUND TELEPHONE	UGT	WATER METER	PP
WATER LINE	W	POWER POLE	-3
OVERHEAD ELECTRIC LINE	OHE	GUY ANCHOR	
PROPERTY LINE			
TREE LINE			



CUP-19-00013: Conditional Use Permit for a 3,510 sq ft equipment storage building for Kanwaka Township, located on approximately 2.54 acres at 1707 E 550 Road also known as 548 N 1700 Road



PLANNING COMMISSION REPORT Regular Agenda – Action Item

ITEM NO. 10A COMPREHENSIVE PLAN AMENDMENT; 2314 TENNESSEE ST & 305- 307 W 23^{RD} ST (BJP)

CPA-19-00032: Consider a Comprehensive Plan Amendment to *Horizon 2020*, Chapter 3, related to the rezoning of 2314 Tennessee St & 305-307 W. 23rd Street, to revise Map 3-2 at this location from Very Low/Low Density Residential Land Use to Medium/High Density Land Use. Submitted by Allen Belot Architect.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to *Horizon 2020*, applying the medium-density residential development polices to future developments, and forwarding that recommendation to the Lawrence City Commission to amend Chapter 3 to revise Map 3-2 at this location from Very Low/Low Density Residential Land Use to Medium/High Density Land Use.

STAFF RECOMMENDATION: If appropriate, approve and authorize the Chair to sign Planning Commission Resolution PCR-19-00112.

KEY POINTS

- 1. The amendment is requested by the applicant to allow for the construction of three attached dwelling structures, totaling 16 units, at a density of 10.8 dwelling units per acre.
- 2. The proposal would add the Medium/High Density land use on Map 3-2 Future Land Use Map, which currently identifies the subject property from Very Low/Low Density Residential land use and land uses to the west as Office and/or Commercial and land uses to the east as Very Low/Low Density Residential land uses (although the property to east is developed with medium density residential uses).
- 3. The subject parcel is developed with three structures and includes 2 single-family residences and 1 detached garage. The single-family residences are addressed as 2314 Tennessee Street and 305 W. 23rd Street. Through research completed for this proposed request, it was determined that an address point of 307 W. 23rd Street was applied to the detached garage to assist emergency responders. The detached garage was not converted to a residence and remains an accessory structure for the residential structure at 2314 Tennessee Street. (Figure 1)
- 4. The requested Future Land Use designation would be consistent with *Horizon 2020's* enumerated land use transition policies.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

Staff met with the property owners of 232 and 306 Dakota Street, who provided concerns regarding stormwater drainage, increased traffic, building height, noise, lighting and property value changes. In particular, the property owners noted concerns related to the affects the proposed development would have to stormwater drainage issues for the properties to the south on Dakota Street. The property owners also noted concern that residents of the proposed development may avoid turning left on 23rd Street by using Vermont Street and

Dakota Street to access Louisiana Street. Staff noted that platting and site plan approval will be required prior to development. The site plan will be reviewed for compliance with the Land Development Code on standards related to these concerns. Approval of a drainage study and traffic impact study will be required prior to site plan approval.

• Prior to publication of the report, staff also received a communication from Mr. Tuttle. This communication is provided as an attachment to this report.

SUMMARY

The request is for an amendment to *Horizon 2020*, Chapter 3: General Plan Overview, to revise Map 3-2 "Lawrence Future Land Use" from Very Low/Low Density Residential Use to Medium/High Density Residential.

The reason for this comprehensive plan amendment is to bring <u>Horizon 2020</u> into alignment with the proposed residential development.

Items related to this comprehensive plan amendment include:

Z-18-00566: Consider a request to rezone approximately 1.47 acres from RS5 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District located at 2314 Tennessee Street and 305-307 W. 23rd Street. Submitted by Allen Belot Architect on behalf of William and Sharon Elkins, property owner of record.



Figure 1: Subject Site

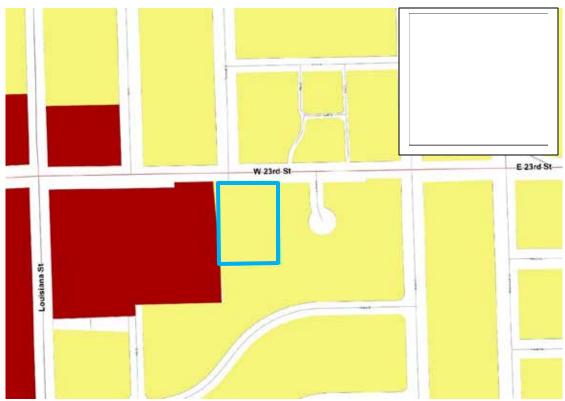


Figure 2: Currently Adopted *Horizon 2020*: Future Land Use Map 3-2



Figure 3: Zoning of surrounding area.

STAFF REVIEW

The applicant is requesting revisions to the adopted Lawrence Future Land Use Map (Map 3-2) in Chapter 3: General Plan Overview of *Horizon 2020*. The request would modify Map 3-2 allowing for a proposed multi-dwelling residential development. The development concept entails the construction of 3 townhome structures with 16 total units, at a density of 10.6 dwelling units per acre.

The subject property is currently identified as Very Low/Low Density Residential land use in the Lawrence Future Land Use Map (Map 3-2). The area to the west of the subject property is identified as Office and/or Commercial Land Use, and the area to the east is identified as Very Low/Low Density Residential Land Use. The applicant is requesting that the Lawrence Future Land Use map be revised to identify the subject property as Medium/High Density Residential Land Use. Horizon 2020 defines this residential land use as:

Medium-Density Residential Development

Medium-density residential development, reflecting an overall density of 7 to 15 dwelling units per acre, is recommended as clustered development at selected locations along major roadways, near high-intensity activity areas, and when adjacent to important natural amenities. This type of land use may be a likely choice for cluster development where density can be transferred from the natural area to the remainder of the property to creatively retain natural features which will enhance the overall development.

Medium-density residential areas are intended to promote a mix of housing types within planned development areas. Medium-density areas should include a mix of single-family detached and attached homes, cluster homes, townhouses and similar housing types, designed and arranged to create compatible and attractive new residential environments. Extensive concentrations of the same housing type or development pattern should be avoided.

Most of the sites recommended for new medium-density residential development occupy transitional locations between single-family neighborhoods and office/commercial areas. Some sites are recommended near large open space or natural areas. In addition to providing attractive new housing options within the city, these areas should be designed to help avoid major and abrupt changes in density or use. Existing and planned medium-density residential development is widely scattered throughout the city. (Horizon 2020, p 5-4 - 5-5)

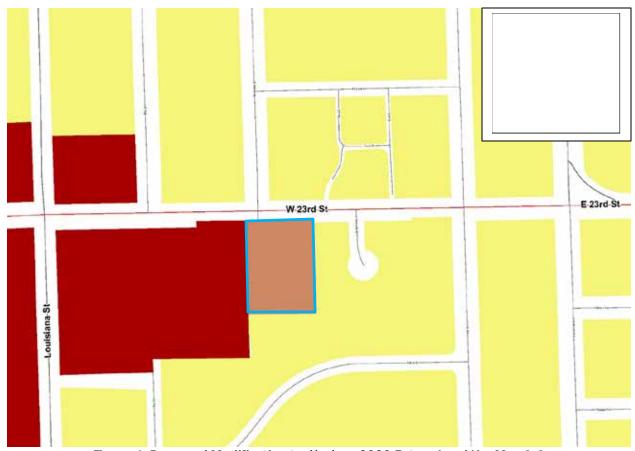


Figure 4: Proposed Modification to Horizon 2020: Future Land Use Map 3-2

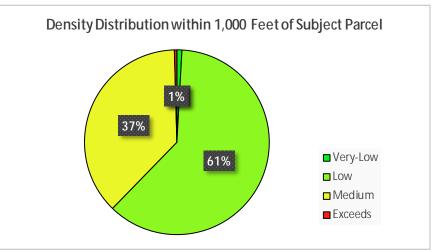
A key difference between the Land Development Code and *Horizon 2020* is the definition of the upper bounds on density. While *Horizon 2020* defines the upper limit of residential density at 21 dwelling units per acre, the Land Development Code permits a maximum residential density of 32 dwelling units per acre. This deviation also existed between *Horizon 2020* and the 1966 Zoning Code, which permitted a maximum residential density of 54 units per acre.

Horizon 2020 Residential Density Increments (Ch.5)			
Residential Density	_		
Development	per Acre		
Very Low	≤ 1		
Low	1 to 6		
Medium	7 to 15		
High	16 to 21		

The Residential Land Use chapter of *Horizon 2020* notes that both medium and high density housing should be encouraged so as to provide a range of housing types. (p. 5-5) Figure 4 below shows the parcel densities of properties within 1,000 feet of the subject property. In the figure, the 1,000 foot boundary is represented by the red diagonal area. Any adjacent properties that touch the boundary are included in the area. In examining the density of the 228 properties within 1,000 feet of the proposed site, a wide variety of densities is found ranging from 0.35 dwelling unit per acre to 24.6 units per acre. Overall, the area has an average density of 4.9 dwelling units per acre, with 62% of the properties falling within the bands for Very-Low/Low Density and 37%

within the Medium/High Density definitions. One property (2411 Louisiana Street) exceeds *Horizon 2020's* upper value for High Density with 24.6 dwelling units per acre.

Horizon 2020 states that,
"Most of the sites
recommended for new
medium-density residential
development occupy
transitional locations
between single-family



neighborhoods and office/commercial areas." (p. 5-5). The plan envisions medium-density residential areas as a means to promote a mixture of housing types within planned development areas, which include a mix of single-family detached dwellings and attached homes (e.g. cluster homes and townhomes) designed and arranged to create compatible and attractive new residential environments. It notes that an extensive concentration of the same housing type or development pattern should be avoided. The plan also contains a policy that in addition to providing attractive new housing options within the city, these areas should be designed to help avoid major and abrupt changes in density or use.

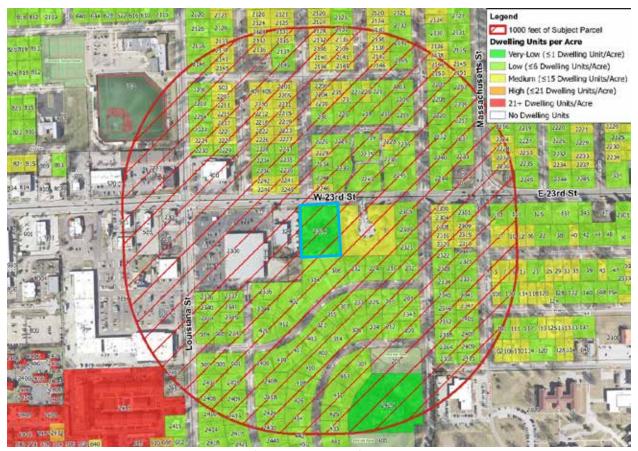


Figure 5: Dwelling Units per Acre (As of: June 2018) with Proposed Subject Site Included

Principally, most of the medium density development has been constructed to the north of W. 23rd Street and to the east of the subject property. In the surrounding area, the majority of the housing types are single-family residential; however the property to the east of the subject property is developed with duplexes.

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

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

Applicant's response: This parcel has been in the applicants' family since before Plan 95 was adopted. And although both Plan 95 and Horizon 2020 designated the three parcels of land along West 23rd as low density residential, during this span of time the Owners have seen the old Rusty's Grocery Store, at 23rd and Louisiana, be demolished and replaced with the existing Checkers Grocery Store and the existing single family structure immediately to the west be demolished and replaced with an auto parts store. Throughout those years, this property has remained the same with three single family structures and various outbuildings. Over the past few years the applicant

has been unable to rent or sell this property and it has remained vacant for the past three years and this might be an indication that the market and Horizon 2020 are not in alignment. Of the three parcels facing West 23rd Street and designated Low Density Residential, this is the only one that has remained residential (RS5) with the property to the east zoned multi-family (RM12) and the property to the west zoned neighborhood commercial (CN2) both inconsistent with the goals set out in Horizon 2020.

Staff's response: At the time of Map 3-2 adoption in 1998 (Ordinance 6990) there were different market forces and considerations present than those at work today. Staff agrees that some significant land use considerations have occurred in the 21 years since the adoption of this future land use map. Other circumstances and conditions have not changed since the plan was adopted and include the commercial nature and intensity of the W. 23rd Street corridor and the varying level of residential development that parallels the commercial corridor. It should be noted that W. 23rd Street, east of Iowa Street, was subject to the Kansas Department of Transportation turn back agreement that occurred with the completion of K-10 highway.

While the existing designation of Very Low/Low Density Residential is compatible at the subject location, *Horizon 2020* anticipated medium-density residential development to occur and occupy transitional locations between single-family neighborhoods and office/commercial areas. The plan also anticipated compatibility with existing land uses, which include use, building type, density and intensity of use, architectural style, scale, access, relationship to the neighborhood, and the amount and treatment of screening and open space. These site and architectural design facets of the project will be considered as part of a future site plan review process.

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

Applicant's response: Looking to the future, which is a must in this situation, the most recently presented draft of Plan 2040 Commercial Map shows this parcel commercial, not low density residential, but commercial and in the Accommodating Growth section this parcel would be a Tier 1, Prioritizing Infill Development, candidate most certainly. This amendment request is caught between the soon to be obsolete Horizon 2020 where amendment is required ad Plan 2040 where it appears that it would not be required.

Staff's response: One of the stated features of *Horizon 2020* is to support infill development and redevelopment that will provide 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. While the proposal is a different land use than presently adopted for this site, the applicant's proposed use is consistent with *Horizon 2020's* location criteria for medium-density residential land uses.

The amendment arguably advances the public purpose to help strengthen a compatible transition from the higher-intensity commercial uses located to the west along W. 23rd Street, buffering the Very-Low/Low Density Residential area from the commercial land uses as currently designated within the comprehensive plan along W. 23rd Street from the existing residential neighborhood to the east.

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

Applicant's response: Yes, please see response to No. 2 above.

Staff's response: The requested amendment is consistent with the spirit of *Horizon 2020*. The applicant's request is substantially consistent with the overarching goals the comprehensive plan, and acknowledges the changing market preferences for both very low/low density residential and medium/high density residential developments throughout the local market. Specifically, Policy 3.2 in Chapter 5: Residential Land Use encourages the integration of medium-density residential development through compatible design with low-density residential areas and more intensive land uses using Medium/High Density Residential development as a transitional land use as development progresses westerly from the W. 23rd Street commercial area towards the Very Low/Low-Density residential areas.

One of the noted key policies of *Horizon 2020* encourages the development of neighborhoods in a range of densities to provide a sense of community. The comprehensive plan also supports infill development and redevelopment that 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. In many respects, the proposed project is meeting these intents of the plan.

Below is the goal for medium/high density residential land uses from *Horizon 2020*, and its associated criteria:

Goal 1: Criteria for Location of Medium- and Higher-Density Residential Development Adopt criteria which will ensure that livability, property values, open space, safety and the general welfare are sustained.

Policy 1.1: Consider Land Use Relationships

a. Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space.

Staff Finding: Submittal of a site plan application for the proposed multi-dwelling residential development is required prior to development. The site plan will be reviewed against this policy. The intent of this comprehensive plan amendment and corresponding rezoning request is for a multi-dwelling residential development with a total of 16 units at a density of 10.8 dwelling units per acre. The property to the east is developed with multi-family residential structures, totaling 16 dwelling units, at a density of 13.5 dwelling units per acre.

The requested RM12 zoning permits a maximum building height of 35 feet, which is the same maximum building height permitted under the existing RS7 zoning district. Access to the subject property would continue to be provided from W. 23rd Street and should not

impact the neighborhood. A traffic impact study is a required component of a site plan application.

Other potential impacts to the neighborhood will be mitigated through landscaping requirements, review of a photometric plan, and stormwater detention requirements. The requested RM12 zoning requires a landscape bufferyard when adjacent to a single-family zoning district. The purpose of the bufferyard is to mitigate the potential impacts such as noise, dust/debris, and glare from lighting. The photometric plan would be reviewed for compliance with lighting standards that prohibit spillover light onto R-zoned properties from exceeding 0.2 foot-candles, measured at the property line. Finally, approval of a drainage study by the Stormwater Engineer would be required as part of the site plan review.

b. Careful attention shall be given to the transition areas between different housing types and different densities and intensities of use so as to ensure compatibility of uses.

Staff Finding: The subject property represents a transition from W. 23rd Street, an arterial street, to the single-family residences to the south. The property also represents a transition from the commercial uses located to the west and the residential land uses to the east along W. 23rd Street. However, the existing single-family development on the subject property, and the current land use designation identified in Map 3-2, do not provide an appropriate transition between different housing types, densities, and land use intensities.

c. Encourage integrated compatible community facilities such as schools and churches within neighborhoods.

Staff Finding: This criterion is not applicable to this project proposal.

Policy 1.2: Protect Areas Planned for Medium- and Higher-Density Development

a. In newly developing areas, special attention shall be given to integrating housing types so that uses are of compatible density and scale and are appropriately mixed in a given area.

Staff Finding: The subject property is not located within a newly developing area; however, it is arguably an underutilized property given its location on an arterial street and adjacent to commercial uses.

b. Avoid reducing medium- and higher-density residential areas designated on the Future Land Use Map (as depicted on Map 3-1) by allowing encroachment of non-residential land uses which are not typically allowed in residential districts.

Staff Finding: The proposal is consistent with this criterion.

c. Avoid reducing medium- and higher-density residential areas designated on the Future Land Use Map (as depicted on Map 3-1) by allowing encroachment of low-density residential land uses within these planned transition areas.

Staff Finding: The proposal is consistent with this criterion.

Policy 1.3: Identify Suitable Sites

Medium- and higher-density developments should be arranged in small clusters as transitions from more intensive land uses, or located at the intersection of major street/roads.

Staff Finding: The proposal is consistent with this criterion.

Policy 1.4: Limit Development beyond Growth Service Areas

Encourage the development of housing to be located in areas to maximize the use of existing infrastructure and minimize the cost of expanding community facilities and services.

Staff Finding: The proposal is consistent with this criterion.

Policy 1.5: Ensure Adequate Infrastructure

Ensure that medium- and higher-density development occurs in areas which can be adequately and efficiently served by infrastructure facilities.

Staff Finding: The proposal is consistent with this criterion.

Policy 1.6: Consider Access

a. Ensure adequate vehicular circulation within medium- and higher-density residential developments.

Staff Finding: Submittal of a site plan application for the proposed multi-dwelling residential development is required prior to development. The site plan will be reviewed against this policy.

b. Higher-density residential developments shall be located adjacent to arterial, access or frontage roads.

Staff Finding: W. 23rd Street is currently designated as a principal arterial. The proposal is consistent with this criterion.

c. Provide sidewalks on one side of local street/roads (public and private) and both sides of collector and arterial street/roads.

Staff Finding: Sidewalk exists within the adjacent W. 23rd Street right-of-way.

Policy 1.7: Adhere to Designated Land Uses

Require a traffic impact study for development proposals which increase the amount of medium- and higher-density residential areas beyond areas designated on the Future Land Use Map (as depicted on Map 3-1).

Staff Finding: A traffic impact study will be required as part of the submittal of a site plan application for the proposed multi-dwelling residential development, which is required prior to development.

In 2016, Planning Staff completed the <u>Multi-Dwelling Inventory Report</u> which concluded there were approximately 21 years of multi-dwelling zoning capacity available currently within the City of Lawrence.

Using the average annual number of permits issued over a 10-year period against the amount of undeveloped land zoned for multi-dwelling construction, assuming an average density of 18 units per acre, there is an estimated 20.79 years of inventory presently within the Lawrence city limits, though not all of this inventory may be available for development. Rezoning this property and immediately constructing the project would have a negligible effect on the multi-dwelling balance. If the project was rezoned and not constructed, the project would add less than 1 months of supply to the existing balance, increasing the estimated capacity to 20.85 years.

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

Applicant's response: Yes, please see response to No. 2 above.

Staff's response: At present, there has not been a change in public policy per se, though recommendations in the draft *Plan 2040* encourage consideration of higher densities on infill lots at appropriate locations. The policies to ensure adequate consideration and design of transitional features is a key component of the Land Development Code. The concept of using medium/high density residential to buffer very-low/low density residential from higher intensity uses, such as commercial, have been a key component of both *Horizon 2020* as well as other planning documents since the plan's adoption in the 1990s.

The concept includes key site and design considerations to ensure that lower-density residential areas will be screened from higher-density developments through such means as natural barriers, dense vegetation, and/or berms.

Other design site criteria such as the location and size of open areas, sensitive land preservation, and utilizing architectural design to mitigate building heights that are taller than neighboring structures as the development approaches intensity transitions should also be considered. Specific site analysis for this proposal will be completed as part of a future site plan application review.

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

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

Applicant's response: No, all utilities required are existing at the property lines and extend into the property, easements are in place to connect any proposed development into the existing stormwater infrastructure and West 23rd Street is currently being upgraded with the addition of a center turn lane that will make ingress and egress from this property safer.

Staff's response: Infrastructure exists to serve the proposed development. Further analysis regarding the details of traffic impacts and infrastructure capacity will be addressed in the associated site plan and final plat approvals.

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

Applicant's response: Yes, it will make it identical with the zoning immediately to the east, create a land use buffer between the neighborhood commercial immediately to the west from the more intense grocery store further to the west. Also, it will allow for an acceptable buffer between 23rd Street and the single family neighborhood to the south.

Staff's response: The site is adjacent to an existing Very-Low/Low Density Residential land use designated area to the east, and Office and/or Commercial land use to the west. The recommended land use designation of Medium/High Density Residential development is consistent with the plan's land use transition policies and objectives.

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

Applicant's response: If being consistent with at least two of the major goals of the about to be adopted Plan 20140, this would be consistent in advancing the interests of the citizens Lawrence and Douglas County and the public will in adopting this planning document.

Staff's response: This proposed amendment does not necessarily advance the interests of the citizens of Lawrence and Douglas County as a whole, but neither does it harm them. This change seeks to revise the future land use first ascribed to this area in the 1990s to a different land use based on the property's vacancy and in response to changing market conditions. The requested amendment does not seek to expand the use beyond the existing site into other adjacent land uses, and is compatible with the existing surrounding land uses. Site planning and other design considerations will be further reviewed in the associated rezoning and preliminary development plans for compatibility and integration considerations.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020*, applying the medium-density residential development polices to future developments, and forwarding that

recommendation to the Lawrence City Commission to amend Chapter 3 to revise Map 3-2 at this location from Very Low/Low Density Residential Land Use to Medium/High Density Land Use.

This recommendation acknowledges that the design and site layout of any future developments will adhere to the transitional nature and policies of the medium-density residential land use designation.

HORIZON 2020

The Comprehensive Plan for Lawrence and Unincorporated Douglas County

2/6/2019 < DATE PENDING >
Amendment

HORIZON 2020

The Comprehensive Plan for Lawrence and Unincorporated Douglas County

1998 Revised Edition

HORIZON 2020 ADOPTED:

Lawrence/Douglas County Metropolitan Planning Commission
Lawrence City Commission
Douglas County Board of County Commissioners

May 22, 1996 January 28, 1997 May 18, 1998

AMENDMENTS SINCE ADOPTION:

1. Map 3-2-Inset, Future Land Use - City of Lawrence

Lawrence-Douglas County Metropolitan Planning Commission - December 17, 1997 Lawrence City Commission - February 17, 1998

2. Regarding Rural Development Issues and the Urban Growth Area Boundary (including a revised format)

Lawrence-Douglas County Metropolitan Planning Commission - April 29, 1998 Douglas County Board of County Commissioners - May 18, 1998 Lawrence City Commission - June 9, 1998

3. Extend the Urban Growth Area east of Noria (E1750) Rd

Lawrence-Douglas County Metropolitan Planning Commission - March 15, 2000 Douglas County Board of County Commissioners - March 22, 2000 Lawrence City Commission - April 11, 2000

4. <u>Adding public health facilities text to Chapter Ten, Section Twelve concerning "Municipal Buildings</u> and Facilities, Health Services

Lawrence-Douglas County Metropolitan Planning Commission - February 28, 2001 Douglas County Board of County Commissioners - March 28, 2001 Lawrence City Commission - March 27, 2001

5. <u>Updating of population projections in Chapter Two and modification of Table of Contents and Table and Figure listing</u>

Lawrence-Douglas County Metropolitan Planning Commission - May 23, 2001 Douglas County Board of County Commissioners - August 15, 2001 Lawrence City Commission - June 12, 2001

6. <u>Update to Chapter Twelve – Economic Development</u>

Lawrence-Douglas County Metropolitan Planning Commission – October 22, 2003 Douglas County Board of County Commissioners - November 19, 2003 Lawrence City Commission - November 18, 2003 Effective date - December 1, 2003

Adoption of Revised Major Thoroughfares Maps - (Pages 8-5 and 8-6)
 Lawrence-Douglas County Metropolitan Planning Commission – November 19, 2003
 Douglas County Board of County Commissioners - December 15, 2003
 Lawrence City Commission - December 30, 2003
 Effective date - January 4, 2004

8. Expansion of the Urban Growth Area - (Pages 3-3, 3-5, and 4-3)

Lawrence-Douglas County Metropolitan Planning Commission – December 17, 2003 Douglas County Board of County Commissioners - November 19, 2003 Lawrence City Commission - January 20, 2004 Effective date - January 31, 2004

9. Update to Chapter Six - Commercial Land Use

Lawrence-Douglas County Metropolitan Planning Commission – October 22, 2003 Douglas County Board of County Commissioners - November 19, 2003

Lawrence City Commission - November 18, 2003

Effective date - March 16, 2004

10. <u>Amendment to Chapter Six – Commercial Land Use</u>

Lawrence-Douglas County Metropolitan Planning Commission - March 15, 2006

Douglas County Board of County Commissioners - September 11, 2006

Lawrence City Commission - August 8, 2006

Effective date - December 15, 2006

11. <u>Update to Chapter Nine – Parks, Recreation and Open Space</u>

Lawrence-Douglas County Metropolitan Planning Commission - September 25, 2006

Douglas County Board of County Commissioners - October 9, 2006

Lawrence City Commission - October 10, 2006

Effective date - January 5, 2007

12. Amendments to Chapters Four – Growth Management and Chapter Five – Residential Land Use

Lawrence-Douglas County Metropolitan Planning Commission – August 21, 2006

Douglas County Board of County Commissioners - October 18, 2006

Lawrence City Commission - December 19, 2006

Effective date - January 19, 2007

13. Amendments to Chapters Five –Residential Land Use (Figure 5-1)

Lawrence-Douglas County Metropolitan Planning Commission – February 26, 2007

Douglas County Board of County Commissioners - April 18, 2007

Lawrence City Commission - April 4, 2007

Effective date - May 4, 2007

14. Addition of Chapter Fourteen -Specific Plans

Lawrence-Douglas County Metropolitan Planning Commission - June 27, 2007

Douglas County Board of County Commissioners - August 20, 2007

Lawrence City Commission - August 14, 2007

Effective date – September 14, 2007

15. Amendment to Chapter Fourteen – Revised Southern Development Plan

Lawrence-Douglas County Metropolitan Planning Commission - November 28, 2007

Douglas County Board of County Commissioners - January 7, 2008

Lawrence City Commission - December 18, 2007

Effective date - January 18, 2008

16. Amendment to Chapter Fourteen - Southeast Area Plan

Lawrence-Douglas County Metropolitan Planning Commission - November 28, 2007

Douglas County Board of County Commissioners - January 28, 2008

Lawrence City Commission – January 15, 2008

Effective date - February 12, 2008

17. Amendment to Chapter Fourteen - Farmland Industries Redevelopment Plan

Lawrence-Douglas County Metropolitan Planning Commission - November 28, 2007

Douglas County Board of County Commissioners - March 31, 2008

Lawrence City Commission - March 11, 2008

Effective date - April 5, 2008

18. Amendments to Chapter Six - Commercial Land Use

Lawrence-Douglas County Metropolitan Planning Commission – February 27, 2008 Douglas County Board of County Commissioners – April 28, 2008 Lawrence City Commission – April 1, 2008 Effective date – May 21, 2008

19. Amendments to Chapter Six – Mixed Use District

Lawrence-Douglas County Metropolitan Planning Commission – April 23, 2008 Douglas County Board of County Commissioners – June 16, 2008 Lawrence City Commission – May 13, 2008 Effective date – July 9, 2008

20. Amendment to Chapter Fourteen - Amend the Southeast Area Plan

Lawrence-Douglas County Metropolitan Planning Commission – May 21, 2008 Douglas County Board of County Commissioners – July 14, 2008 Lawrence City Commission – June 24, 2008 Effective date – July 21, 2008

21. Amendment to Chapter Fourteen – Amend the Southeast Area Plan

Lawrence-Douglas County Metropolitan Planning Commission – September 22, 2008 Douglas County Board of County Commissioners – November 10, 2008 Lawrence City Commission – October 7, 2008 Effective date – December 1, 2008

22. <u>Amendment to Chapter Six – Neighborhood Commercial Centers</u>

Lawrence-Douglas County Metropolitan Planning Commission – October 20, 2008 Douglas County Board of County Commissioners – December 8, 2008 Lawrence City Commission – November 11, 2008 Effective date – December 18, 2008

23. Amendment to Chapter Six - Renumber Goal 3

Lawrence-Douglas County Metropolitan Planning Commission – October 20, 2008 Douglas County Board of County Commissioners – December 8, 2008 Lawrence City Commission – November 11, 2008 Effective date – December 18, 2008

24. Amendment to Chapter Fourteen - K-10 & Farmer's Turnpike Plan

Lawrence-Douglas County Metropolitan Planning Commission – November 17, 2008 Douglas County Board of County Commissioners – January 7, 2009 Lawrence City Commission – December 9, 2008 Effective date – January 11, 2009

25. Amendment to Chapter Six – Inner-Neighborhood Commercial Centers

Lawrence-Douglas County Metropolitan Planning Commission – November 17, 2008 Douglas County Board of County Commissioners – February 9, 2009 Lawrence City Commission – December 2, 2008 Effective date – March 1, 2009

26. Addition of Chapter Fifteen – Place Making Elements

Lawrence-Douglas County Metropolitan Planning Commission – May 21, 2008 Douglas County Board of County Commissioners – February 23, 2009 Lawrence City Commission – January 27, 2009 Effective date – March 17, 2009

27. Amendment to Chapter Fourteen - Lawrence SmartCode Infill Plan

Lawrence-Douglas County Metropolitan Planning Commission — May 21, 2008 Douglas County Board of County Commissioners — February 23, 2009

Lawrence City Commission - January 27, 2009

Effective date - March 17, 2009

28. Amendment to Chapter Fourteen – West of K-10 Plan

Lawrence-Douglas County Metropolitan Planning Commission – March 25, 2009 Douglas County Board of County Commissioners – May 6, 2009

Lawrence City Commission – June 9, 2009

Effective date - June 21, 2009

29. <u>Update to Chapter Seven – Industrial and Employment-Related Land Use</u>

Lawrence-Douglas County Metropolitan Planning Commission - April 22, 2009

Douglas County Board of County Commissioners - August 5, 2009

Lawrence City Commission - June 9, 2009

Effective date - August 15, 2009

30. Amendment to Chapter Four- Growth Management & Chapter Six - Rural Tourism Facilities

Lawrence-Douglas County Metropolitan Planning Commission - May 18, 2009

Douglas County Board of County Commissioners – June 24, 2009

Lawrence City Commission - August 18, 2009

Effective date - August 29, 2009

31. Amendment to Chapter Three – General Plan Overview-Remove Land Use Categories Table

Lawrence-Douglas County Metropolitan Planning Commission - September 21, 2009

Douglas County Board of County Commissioners - November 18, 2009

Lawrence City Commission - October 27, 2009

Effective date - November 25, 2009

32. Renumber the Implementation Chapter to Chapter Seventeen

Lawrence-Douglas County Metropolitan Planning Commission - September 21, 2009

Douglas County Board of County Commissioners - November 18, 2009

Lawrence City Commission - October 27, 2009

Effective date - November 25, 2009

33. Amendment to Chapter Fourteen – Oread Neighborhood Plan

Lawrence-Douglas County Metropolitan Planning Commission – January 27, 2010

Lawrence City Commission – September 21, 2010

Effective date - October 1, 2010

34. Amendment to Chapter to Chapter Fourteen - Chapter 13 reference

Lawrence-Douglas County Metropolitan Planning Commission – June 23, 2010

Douglas County Board of County Commissioners - October 27, 2010

Lawrence City Commission - October 19, 2010

Effective date - November 1, 2010

35. Amendment to Chapter to Chapter Seven - Add reference to K-10 & Farmer's Turnpike Plan

Lawrence-Douglas County Metropolitan Planning Commission – July 26, 2010

Douglas County Board of County Commissioners - October 27, 2010

Lawrence City Commission – October 19, 2010

Effective date - November 1, 2010

36. <u>Update to Chapter Eight - Transportation</u>

Lawrence-Douglas County Metropolitan Planning Commission – September 20, 2010

Douglas County Board of County Commissioners - January 26, 2011

Lawrence City Commission - December 21, 2010

Effective date - February 7, 2011

37. Addition of Chapter Sixteen - Environment

Lawrence-Douglas County Metropolitan Planning Commission – August 23, 2010

Douglas County Board of County Commissioners - April 13, 2011

Lawrence City Commission - June 7, 2011

Effective date - June 23, 2011

38. Amendment to Chapter Fourteen - Southeast Area Plan Update

Lawrence-Douglas County Metropolitan Planning Commission - August 24, 2011

Lawrence City Commission – September 27, 2011

Douglas County Board of County Commissioners - November 19, 2011

Effective date - October 22, 2011

39. <u>Amendment to Chapter Fourteen – Inverness Park District Plan</u>

Lawrence-Douglas County Metropolitan Planning Commission – July 27, 2011

Lawrence City Commission - September 20, 2011

Douglas County Board of County Commissioners - November 12, 2011

Effective date - October 22, 2011

40. <u>Amendment to Chapter Fourteen – Inverness Park District Plan</u>

Lawrence-Douglas County Metropolitan Planning Commission - April 23, 2012

Lawrence City Commission - May 15, 2012

Douglas County Board of County Commissioners - June 13, 2012

Effective date – June 22, 2012

41. <u>Amendment to Chapter Fourteen – 6th and Wakarusa Area Plan & Chapter Six – Commercial Land Use</u>

Lawrence-Douglas County Metropolitan Planning Commission – June 25, 2012

Lawrence City Commission - July 10, 2012

Effective date - July 20, 2012

42. Amendment to Chapter Fourteen - Northeast Sector Plan

Lawrence-Douglas County Metropolitan Planning Commission – May 21, 2012

Lawrence City Commission – September 11, 2012

Douglas County Board of County Commissioners - June 13, 2012

Effective date – September 21, 2012

43. Amendment to Chapter Six - Auto Related Commercial Center Policies

Lawrence-Douglas County Metropolitan Planning Commission - January 28, 201

Lawrence City Commission - March 12, 2013

Douglas County Board of County Commissioners - April 10, 2013

Effective date - April 26, 2013

44. <u>Amendment to Chapter Fourteen – West of K-10 Amendment & Remove 6th & SLT Nodal Plan, & Chapter Six – CC600</u>

Lawrence-Douglas County Metropolitan Planning Commission - February 27, 2013

Lawrence City Commission - March 26, 2013

Douglas County Board of County Commissioners - April 10, 2013

Effective date - May 10, 2013

45. <u>Amendment to Chapter Six – Lawrence Existing Commercial Areas, S. Iowa Street (23rd Street to K-10) & Chapter Fourteen – Revised Southern Development Plan</u>

Lawrence-Douglas County Metropolitan Planning Commission – May 20, 2013

Lawrence City Commission - June 18, 2013

Douglas County Board of County Commissioners - June 12, 2013

Effective date - June 28, 2013

46. Update to Chapter Eight – Transportation

Lawrence-Douglas County Metropolitan Planning Commission – August 26, 2013

Lawrence City Commission - October 8, 2013

Douglas County Board of County Commissioners - September 25, 2013

Effective date - October 28, 2013

47. <u>Amendment to Chapter Six – Lawrence Existing Commercial Areas, W. 6th Street and Wakarusa Drive & Chapter Fourteen – An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive</u>

Lawrence-Douglas County Metropolitan Planning Commission - April 21, 2014

Lawrence City Commission - May 13, 2014

Effective date - May 16, 2014

48. Amendment to Chapter Fourteen – West of K-10 Plan

Lawrence-Douglas County Metropolitan Planning Commission - December 15, 2014

Douglas County Board of County Commissioners - January 14, 2015

Lawrence City Commission - January 20, 2015

Effective date - February 3, 2015

49. <u>Amendment to Chapter Fourteen – An Area Plan for the Intersection Area of West 6th Street &</u> Wakarusa Drive

Lawrence-Douglas County Metropolitan Planning Commission – January 26, 2015

Lawrence City Commission – February 17, 2015

Effective date - February 26, 2015

50. Amendment to Chapter Fourteen – K-10 and Farmer's Turnpike Plan

Lawrence-Douglas County Metropolitan Planning Commission - March 21, 2016

Lawrence City Commission - April 19, 2016

Douglas County Board of County Commissioners - April 20, 2016

Effective date - April 24, 2016

51. Amendment to Chapter Fourteen – Farmland Industries Redevelopment Plan

Lawrence-Douglas County Metropolitan Planning Commission – November 16, 2016

Lawrence City Commission - December 13, 2016

Effective date - December 18, 2016

52. Amendment to Chapter Seven - Amendment to the Oread West Research Park Boundary

Lawrence-Douglas County Metropolitan Planning Commission - April 24, 2017

Lawrence City Commission - August 8, 2016

Effective date - August 12, 2016

53. Amendment to Chapter Eight – Transportation

Lawrence-Douglas County Metropolitan Planning Commission – June 27, 2018

Lawrence City Commission - August 14, 2018

Douglas County Board of County Commissioners - August 8, 2018

Effective date - August 19, 2018

54. <u>Amendment to Chapter Fourteen – Southeast Area Plan</u>

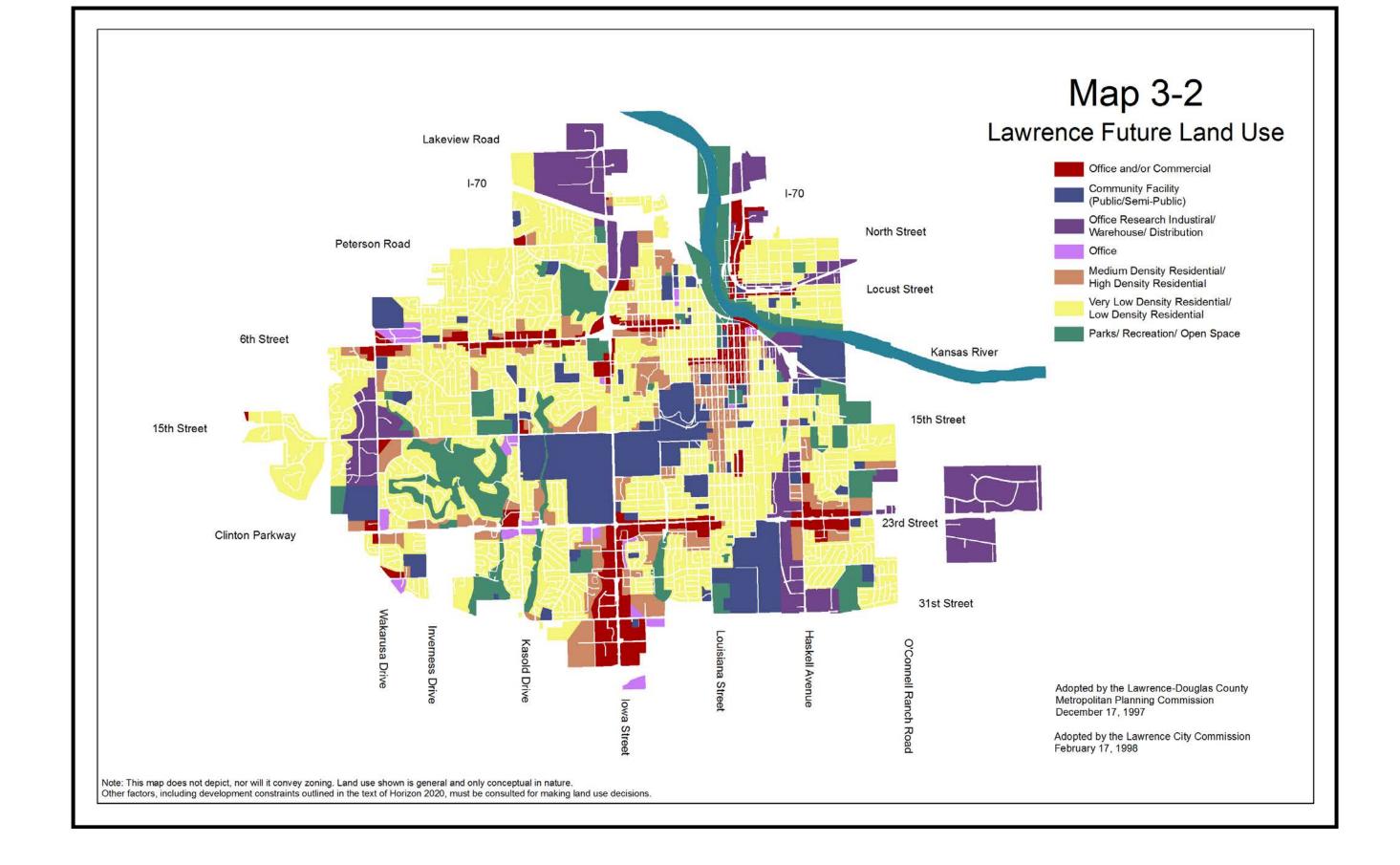
Lawrence-Douglas County Metropolitan Planning Commission – November 14, 2019 Lawrence City Commission – January 8, 2019 Douglas County Board of County Commissioners – February 6, 2019 Effective date – February 10, 2019

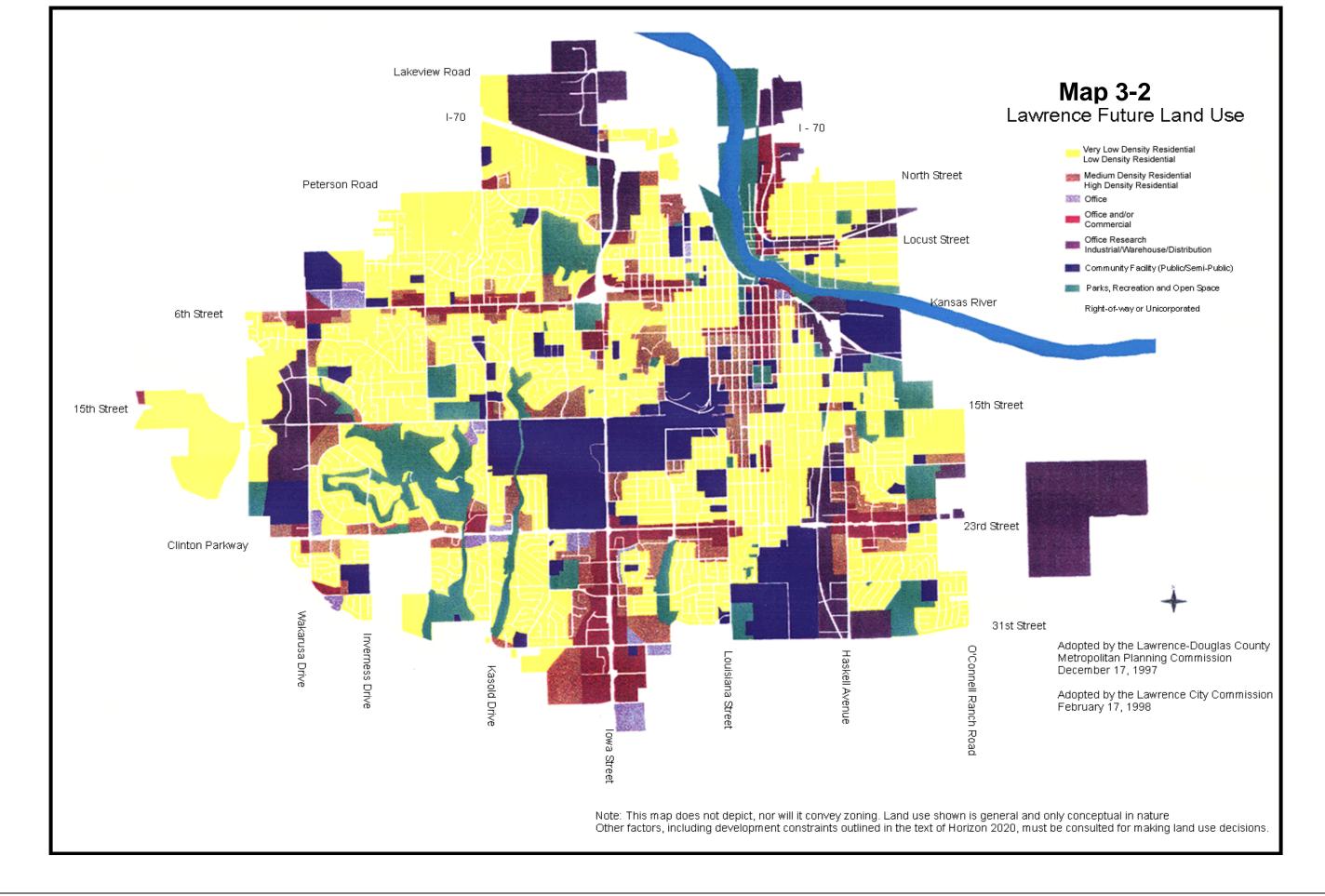
55. <u>Amendment to Chapter Six – Commercial Land Use</u>

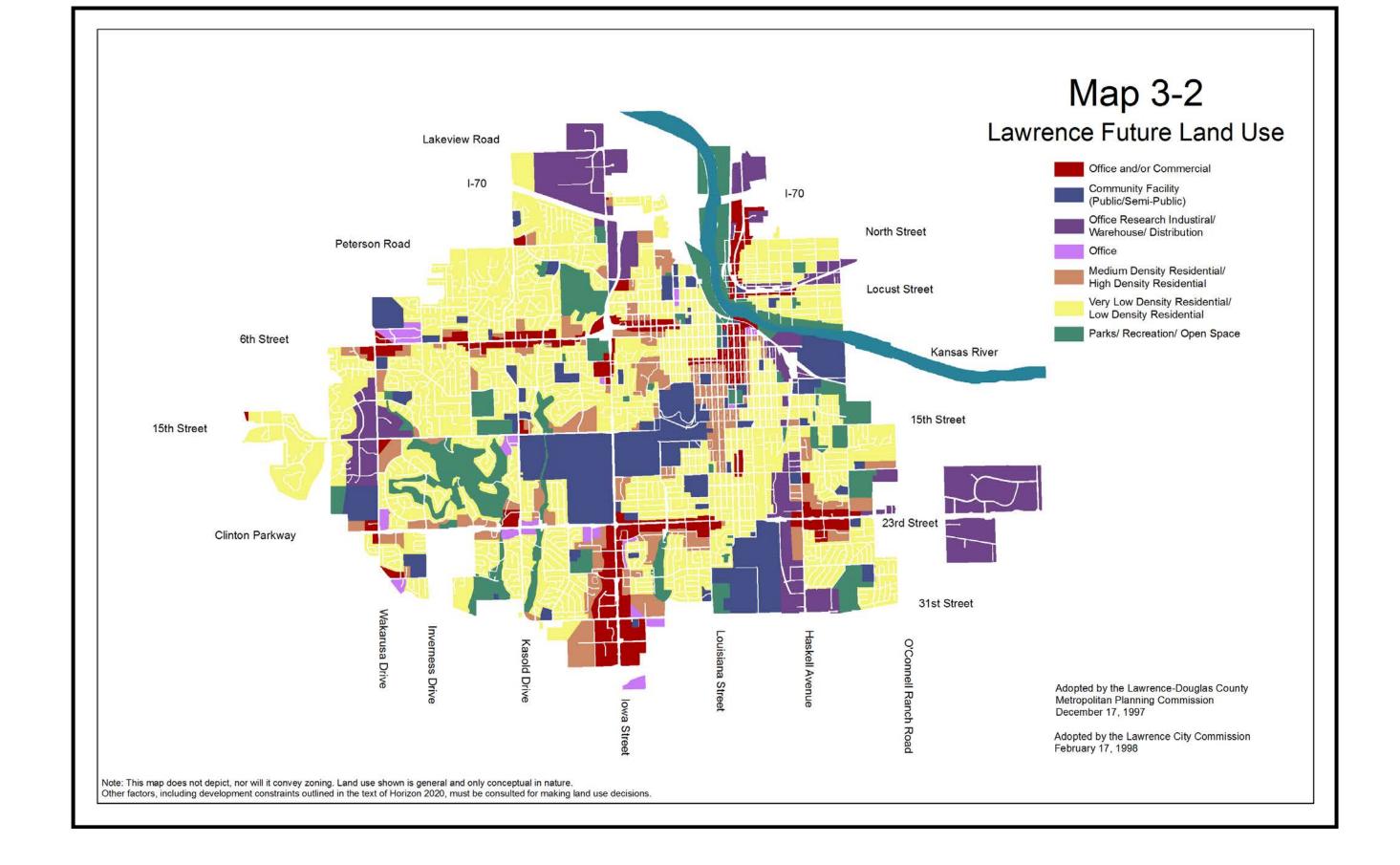
Lawrence-Douglas County Metropolitan Planning Commission — <DATE PENDING> Lawrence City Commission — <DATE PENDING> Effective date — <DATE PENDING>

<u>56. Amendment to Chapter Three – General Plan Overview</u>

<u>Lawrence-Douglas County Metropolitan Planning Commission – <DATE PENDING></u>
<u>Lawrence City Commission – <DATE PENDING></u>
<u>Effective date – <DATE PENDING></u>







PCR-19-00112

A RESOLUTION OF THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION ADOPTING AND RECOMMENDING ADOPTION OF A PROPOSED AMENDMENT TO HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, AMENDING CHAPTER 3 – GENERAL PLAN OVERVIEW.

WHEREAS, the City of Lawrence, Kansas, and Douglas County, Kansas, in order to promote the public health, safety, morals, comfort, and general welfare and to conserve and to protect property values in the City and the County, are authorized by K.S.A. 12-741, *et seq.*, to prepare, adopt, amend, extend, and execute a comprehensive plan;

WHEREAS, the City of Lawrence, Kansas, Douglas County, Kansas, and the Lawrence-Douglas County Metropolitan Planning Commission, in order to coordinate development in accordance with the present and future needs of the City and the County, to conserve the natural resources of the City and the County, to ensure efficient expenditures of public funds in the City and the County, and to promote the health safety, convenience, prosperity, and the general welfare of the residents of the City and the County, have adopted *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County; and

WHEREAS, on March 27, 2019, after giving lawful notice by publication in the official City and County newspaper, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing regarding a proposed amendment of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report, CPA-19-00032, amending Chapter 3 – General Plan Overview.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if set forth in full.

SECTION 2. Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission hereby adopts and recommends to the governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, that they adopt the proposed amendment to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report, CPA-19-00032, amending Chapter 3 – General Plan Overview.

SECTION 3. The revised and updated Chapter 3 – General Plan Overview, affixed hereto as Exhibit 1 and incorporated herein by reference, shall, upon adoption by governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, be incorporated into *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County.

SECTION 4. This Resolution, together with a certified copy of the proposed amendment to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the March 27, 2019, public hearing, shall be transmitted to the governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, as appropriate.

ADOPTED by the Lawrence-Douglas Co March, 2019.	unty Metropolitan Planning Commission this 27th day o
Karen Willey, Chair Lawrence-Douglas County Metropolitan Planning Commission	
James Carpenter, Vice-Chair Lawrence-Douglas County Metropolitan Planning Commission	
Scott McCullough, Secretary Lawrence-Douglas County Metropolitan Planning Commission	

Becky Pepper

From: Andy Tuttle <astuttle4611@gmail.com>
Sent: Monday, March 18, 2019 8:25 PM

To: Becky Pepper Subject: Rezoning

Follow Up Flag: Follow up Flag Status: Flagged

Dear Ms. Pepper,

I am writing today to lodge my strong opposition to CPA-19-00032 and Z-18-00566. We should not rezone this property from single family to multi-dwelling and Horizon 2020 be not be amended to allow this development.

There are already serious issues with water and drainage coming off 23rd st onto Dakota st., where we have lived since 2003. Developing those lots with townhouses would only make that problem worse. In addition, traffic on 23rd st. would be made worse than it already is, especially since there is no light and many of those people would be making left turns.

In addition I am concerned what this development would mean for our property value and the esthetics of the neighborhood. Lawrence does not need this and neither do the property owners in the Parkhill Neighborhood and on Dakota st.

Sincerely,

Andrew Tuttle 785-979-9974

To the Lawrence-Douglas County Metropolitan Planning Commission

Re: CPA-19-0032: Consider an amendment to H2020 related to the rezoning of 2314 Tennessee St. and 305-307 W, 23rd St. submitted by Allen Belot Architect

Re: Z-18-00566: Consider a request to rezone 1.47 acres from RS7 (Single dwelling Residential) to RM12 (Multi-Dwelling Residential)

March 25, 2019

The Parkhill neighborhood is bounded by South Louisiana Street, 23^{rd} Street, and Vermont Street. The proposed rezoning is part of the Parkhill neighborhood. Parkhill is a very stable neighborhood. There are approximately 210 single-family homes including the homes on this lot. The homes vary in value and many are affordable. Even homes that are rented function as single family. Residents stay in their homes for a very long time, and sometimes pass them down to the next generation. There are many pedestrians and cyclists. The walkability score is 74 (very walk-able).

We live on Dakota Street and previously lived on Nebraska Street, which is one block south of Dakota Street. On both streets, the houses have significant flooding problems from storm water runoff from 23rd Street and ground water that seeps up into our basements. Homeowners spend a lot of money on foundation repair and redirecting storm water.

I object to the rezoning proposal for the following reasons:

- There is not enough allowed open space to absorb the storm water runoff. The location of the retention pond does not benefit and could be detrimental to the homeowners to the south of the proposed development. This flooding affects more than just the abutting properties. It affects all the homes south of this property.
- The townhomes should be owner-occupied like the rest of the neighborhood. Even the townhomes on Kentucky Court have individual valuations. It is not clear what the target population for these townhomes would be.
- The multi-dwelling zone is not a sensible zone for property on Parkhill's border. Note that a zone for townhomes (Kentucky Court) was removed from the comprehensive plan. Infill in a residential area should more carefully coexist with the existing environs.
- The placement of off-the-shelf townhomes maximizes the use of the property, but the plan totally ignores the character of the surrounding area. The number of housing units would be increased by roughly 8% with this proposal. The density and appearance are shocking and encroach on the neighborhood.
- Lastly, since this project would add significant traffic to 23rd Street, the Transportation Commission should review the proposal.

Unlike the redevelopment of George's Hobby Shop farther west, this developer made no attempt to communicate with the neighborhood. Infill and urbanization are exciting concepts, but that does mean that established neighborhoods should accept a token effort at infill development. The property was listed at \$525,000 last spring. The developer should not need so many units to clear a profit, and the developer should work with the neighborhood.

Sincerely,

Carol Bowen 403 Dakota Street Lawrence 66046 carolb@sunflower.com

PLANNING COMMISSION REPORT Regular Agenda - Public Hearing Item

PC Staff Report 03/27/2019

ITEM NO. 10B REZONING 1.47 ACRES FROM RS7 TO RM12; 2314 TENNESSEE ST & 305-307 W 23RD ST (BJP)

Z-18-00566: Consider a request to rezone approximately 1.47 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 2314 Tennessee Street & 305-307 W. 23rd Street. Submitted by Allen Belot Architect on behalf of William & Sharon Elkins, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.47 acres, from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Request:

Applicant's Reason for The subject parcel fronts on West 23rd Street and is sandwiched between RM12 zoning (Kentucky Court four-plexes) to the east and CN2 zoning (O'Reilly Auto Parts) to the west. The subject parcel is no longer desirable for single family use as has been evidenced by the Owners not being able to attracted either single-family buyers or renters for the past three years. Thus, the Owners wish to rezone this parcel to a zoning district that is more compatible with the surrounding zoning development and as an ideal location for infill development.

KEY POINTS

- The subject property contains three structures; two single-family residences and a detached garage.
- The intent of the rezoning request is for a multi-dwelling residential development (townhomes) with a total of 16 units. The property is approximately 1.47 acres which would permit a maximum of 17 dwelling units under the RM12 Zoning District.
- The parcel consists of one platted lot, vacated platted cul-de-sac right-of-way, and unplatted property. Submittal and approval of a major subdivision would be required prior to the proposed development.
- The property is located in the Park Hill Neighborhood.

ASSOCIATED CASES/OTHER ACTION REQUIRED

The following item is being considered by the Planning Commission at their March 27, 2019 meetina:

CPA-19-00032: Consider a comprehensive plan amendment to Horizon 2020, Chapter 3, related to the rezoning of 2314 Tennessee St & 305-307 W. 23rd St. Submitted by Allen Belot Architect.

Item No. 10B- 2

Other Action Required

- City Commission approval of the comprehensive plan amendment, CPA-19-00032.
- · City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning ordinance.

PLANS AND STUDIES REQUIRED

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

ATTACHMENTS

Attachment A: Concept Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Staff met with the property owners of 232 and 306 Dakota Street, who provided concerns regarding stormwater drainage, increased traffic, building height, noise, lighting and property value changes. In particular, the property owners noted concerns related to the affects the proposed development would have to stormwater drainage issues for the properties to the south on Dakota Street. The property owners also noted concern that residents of the proposed development may avoid turning left on 23rd Street by using Vermont Street and Dakota Street to access Louisiana Street. Staff noted that platting and site plan approval will be required prior to development. The site plan will be reviewed for compliance with the Land Development Code on standards related to these concerns. Approval of a drainage study and traffic impact study will be required prior to site plan approval.
- Prior to publication of the report, staff also received a communication from Mr. Tuttle. This communication is provided as an attachment to this report.

Project Summary:

The proposed rezoning request would accommodate a multi-dwelling residential development that would consist of a total of 16 units on one lot. This request is being considered concurrently with a comprehensive plan amendment, CPA-19-00032, to amend the Lawrence Future Land Use Map (Map 3-2) in Chapter 3 of *Horizon 2020*.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: Horizon 2020 designates this parcel and the parcel to the east as Low Density Residential, however the parcel to the east is currently zoned Medium Density Residential, which is inconsistent with the current Land Use Map. It would be consistent with the current policy to encourage infill development in lieu of development on the fringe of the city limits.

This staff report assumes approval of the concurrent request for a comprehensive plan amendment, CPA-19-00032.

Horizon 2020 – Chapter 5 – Residential Land Use identifies several development strategies including the support of infill residential development, providing a mix of housing types, creating compatible densities and providing appropriate land use transitions. The proposed request for residential development is generally consistent with these development strategies.

The subject property is located along the 23rd Street corridor and is comprised of three structures that include two single-family residences and a detached garage with supporting infrastructure. The property is surrounded by existing development consisting of commercial land uses to the west, multi-dwelling residential uses to the east, and single-dwelling residential uses to the south.

Staff Finding – The proposed request is consistent with the residential land use policies of *Horizon 2020* and is consistent with the residential land use development pattern of the surrounding area.

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

Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; Detached

Dwellings

Surrounding Zoning and Land Use: To the north: RS5 (Single-Dwelling Residential) District;

Detached Dwellings

To the south: RS7 (Single-Dwelling Residential) District;

Detached Dwellings

To the east: RM12 (Multi-Dwelling Residential) District;

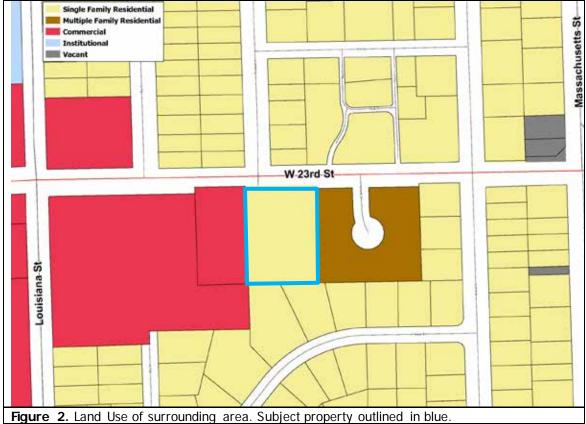
Multi-Dwelling Structure and Duplexes

To the west: CN2 (Neighborhood Commercial Center)

District; Retail Sales, General



Figure 1. Zoning of surrounding area. Subject property outlined in blue.



Staff Finding – The surrounding zoning is residential to the north, east, and south and non-residential to the west. As proposed, the subject property will be uniformly zoned similar to development property located to the east.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: East: two single-family structures that have been converted to duplexes and six duplex structures on all the same platted lot. West: commercially developed auto parts store with extended hours. South: backing up to two existing single-family lots. North: facing single-family residences on either side of Tennessee Street and that face Tennessee Street.

The property proposed to be rezoned is located in the Park Hill neighborhood, which is predominately residential. Commercial uses are located to the west of the subject property and multi-family residences are located to the east.

Staff Finding – The property is located along the W. 23rd Street corridor with multi-family residential uses to the east and commercial uses to the west. The proposed rezoning and subsequent development will provide an appropriate transition between the existing commercial and residential land uses along the corridor.

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

Staff Finding – The subject property has not been included in a specific area or sector plan. *Horizon 2020* is the guiding plan for this area.

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

Applicant's Response: Granting the zoning would accomplish two goals; 1. provide an in-fill development with all utility and transportation improvements already in place and consistent with the city infill development policy; 2. Allow this property to develop to its highest and best use in the context of the surrounding existing uses.

The property is currently zoned RS7 which permits low density residential development with a minimum lot area of 7,000 square feet. Other uses which are permitted in the RS7 District include *Religious Assembly, Neighborhood Institution; Cemeteries; Extended Care Facility, Limited; Passive Recreation; Nature Preserve; Private Recreation;* and *Crop Agriculture*. Below, Table 1 lists the uses which are permitted in the RS7 and RM12 Districts. Uses that are permitted in the RM12 District but not the RS7 District are shown in **bold**.

Uses permitted in the RM12 District are similar to those in the RS7 District with the addition of *Attached Dwelling, Duplex, Multi-Dwelling Structures, Assisted Living, Congregate Living, Adult Day Care,* and *Extended Care Facility, General.* The property is also well suited for the uses which would be permitted with the RM12 Zoning.

Land Use	RS7	RM12
Attached Dwelling	S	Р
Cluster Dwelling	Р	Р
Detached Dwelling	Р	S
Duplex	-	Р
Manufactured Home	-	S
Manufactured Home, Residential Design	Р	S
Multi-Dwelling Structure	-	Р
Zero Lot Line Dwelling	Р	Р
Assisted Living	S	Р
Congregate Living	-	Р
Group Home, General	S	S
Group Home, Limited	Р	Р
Adult Day Care	S	Р
College/University	S	S
School	S	S
Cultural Center/Library	S	S
Day Care Center	S	S
Day Care Center Home, Class B	S	S
Lodge, Fraternal & Civic Assembly	S	S
Public Safety	S	S
Utilities, Minor	P/S	P/S
Utilities, Major	S	S
Extended Care Facility, General	-	Р
Extended Care Facility, Limited	Р	Р
Active Recreation	S	S
Passive Recreation	Р	Р
Nature Preserve/Undeveloped	Р	Р
Private Recreation	Р	Р
Neighborhood Institution (Religious Institution)	Р	Р
Private Dining Establishment	S	-
Bed and Breakfast	S	S
Agriculture, Crop	Р	Р
Urban Farm	S	-

Table 1: Comparison of uses permitted in the RS7 and RM12 Districts. Uses permitted only in the RM12 District are shown in **bold**.

Staff Finding – The subject property is suitable for the uses to which it is currently restricted under the RS7 zoning district. The requested rezoning would align with the existing RM12 zoning district and multi-family development to the east, and would provide a transition to the commercial uses to the west.

Item No. 10B- 7

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

Applicant's Response: *Three years*.

Staff Finding – The property is developed with three structures that include two single-family residences and one detached garage. The Douglas County Appraiser's records indicate that the residences were built in 1920 and 1925, and the garage was built in 1959. The applicant indicated that the structures have been unoccupied for at least 3 year.

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

Applicant's Response: There should be no detrimental influences on the surrounding properties since it would be a continuation of the 30+ year existing zoning/development to the east and significantly lower in intensity than the commercial development to the west.

If this rezoning is approved, site plan and platting approval will be required prior to development. The site plan will be reviewed for compliance with the Land Development Code to ensure compatible arrangement of buildings, off-street parking, lighting, landscaping, pedestrian connectivity, access, and stormwater drainage. A landscape bufferyard will be required between the subject property and the single-family residences to the south. The purpose of the bufferyard is to mitigate the potential impacts such as noise, dust/debris, and glare from lighting. Also, access to the site will continue to be provided from W. 23^{rd} Street and should have little effect on the neighbors to the south.

Staff Finding – Rezoning the property to the RM12 District will not detrimentally affect the surrounding area.

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: This land would be significantly underutilized and out of character with the surrounding developed properties if this rezoning were no approved. Were it to be approved, it would allow this property to be developed compatibly with its surrounding neighbors and provide appropriate buffer for the single-family residences to the south and allow infill development consistent with the current city policies.

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

The proposed rezoning is not creating an allowed use of the property in a manner that would be detrimental to public health, safety, and welfare. The proposed rezoning would allow the development of an infill parcel with a similar density as the property to the immediate east. The proposed development will be subject to plat and site plan approvals to ensure the project is compatible with the surrounding area.

Staff Finding – Approval of the rezoning request will allow a multi-dwelling residential development similar in intensity and compatibility with the development in the surrounding

Item No. 10B-8

area. There would be no gain to the public health, safety, and welfare through the denial of the rezoning request.

9. PROFESSIONAL STAFF RECOMMENDATION

With approval of the comprehensive plan amendment, CPA-19-00032, the rezoning request is compliant with *Horizon 2020* and the Golden Factors, and would permit a development that will be compatible with the surrounding area.

Staff recommends approval of the request to rezone approximately 1.47 acres, from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.



Township Court Townhomes 313 West 23rd Street

Allen Belot Architect

PROJECT # 1813 DATE: OTFEBIG DRAWN BY: CHECKED BY: REVISIONS:

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All drawn and written information
duplicated disclosed or otherwise
appearing herein shall not be
used without written consent of
ALLEN BELOT ARCHITECT

PROPOSED SITE LAYOUT

Sheet

A010

of Sheets



CPA-19-00032: Comprehensive Plan Amendment to Horizon 2020, Chapter 5, related to the rezoning of 2314 Tennessee Street & 305-307 W. 23rd Street.

Z-18-00566: Request to rezone approximately 1.47 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 2314 Tennessee Street & 305-307 W. 23rd Street. RM12 Zoning to extend to W. 23rd Street centerline.



Becky Pepper

From: Andy Tuttle <astuttle4611@gmail.com>
Sent: Monday, March 18, 2019 8:25 PM

To: Becky Pepper Subject: Rezoning

Follow Up Flag: Follow up Flag Status: Flagged

Dear Ms. Pepper,

I am writing today to lodge my strong opposition to CPA-19-00032 and Z-18-00566. We should not rezone this property from single family to multi-dwelling and Horizon 2020 be not be amended to allow this development.

There are already serious issues with water and drainage coming off 23rd st onto Dakota st., where we have lived since 2003. Developing those lots with townhouses would only make that problem worse. In addition, traffic on 23rd st. would be made worse than it already is, especially since there is no light and many of those people would be making left turns.

In addition I am concerned what this development would mean for our property value and the esthetics of the neighborhood. Lawrence does not need this and neither do the property owners in the Parkhill Neighborhood and on Dakota st.

Sincerely,

Andrew Tuttle 785-979-9974

To the Lawrence-Douglas County Metropolitan Planning Commission

Re: CPA-19-0032: Consider an amendment to H2020 related to the rezoning of 2314 Tennessee St. and 305-307 W, $23^{\rm rd}$ St. submitted by Allen Belot Architect

Re: Z-18-00566: Consider a request to rezone 1.47 acres from RS7 (Single dwelling Residential) to RM12 (Multi-Dwelling Residential)

March 25, 2019

The Parkhill neighborhood is bounded by South Louisiana Street, 23^{rd} Street, and Vermont Street. The proposed rezoning is part of the Parkhill neighborhood. Parkhill is a very stable neighborhood. There are approximately 210 single-family homes including the homes on this lot. The homes vary in value and many are affordable. Even homes that are rented function as single family. Residents stay in their homes for a very long time, and sometimes pass them down to the next generation. There are many pedestrians and cyclists. The walkability score is 74 (very walk-able).

We live on Dakota Street and previously lived on Nebraska Street, which is one block south of Dakota Street. On both streets, the houses have significant flooding problems from storm water runoff from 23rd Street and ground water that seeps up into our basements. Homeowners spend a lot of money on foundation repair and redirecting storm water.

I object to the rezoning proposal for the following reasons:

- There is not enough allowed open space to absorb the storm water runoff. The location of the retention pond does not benefit and could be detrimental to the homeowners to the south of the proposed development. This flooding affects more than just the abutting properties. It affects all the homes south of this property.
- The townhomes should be owner-occupied like the rest of the neighborhood. Even the townhomes on Kentucky Court have individual valuations. It is not clear what the target population for these townhomes would be.
- The multi-dwelling zone is not a sensible zone for property on Parkhill's border. Note that a zone for townhomes (Kentucky Court) was removed from the comprehensive plan. Infill in a residential area should more carefully coexist with the existing environs.
- The placement of off-the-shelf townhomes maximizes the use of the property, but the plan totally ignores the character of the surrounding area. The number of housing units would be increased by roughly 8% with this proposal. The density and appearance are shocking and encroach on the neighborhood.
- Lastly, since this project would add significant traffic to 23rd Street, the Transportation Commission should review the proposal.

Unlike the redevelopment of George's Hobby Shop farther west, this developer made no attempt to communicate with the neighborhood. Infill and urbanization are exciting concepts, but that does mean that established neighborhoods should accept a token effort at infill development. The property was listed at \$525,000 last spring. The developer should not need so many units to clear a profit, and the developer should work with the neighborhood.

Sincerely,

Carol Bowen 403 Dakota Street Lawrence 66046 carolb@sunflower.com

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report 03/27/2019

ITEM NO. 11A SPECIAL USE PERMIT FOR THE HUB; 1040 MASSACHUSETTS ST & 1041 NEW HAMPSHIRE ST (BJP)

SUP-18-00502: Consider a special use permit for ground floor dwelling units, The Hub at Lawrence, located at 1040 Massachusetts Street and 1041 New Hampshire Street. Submitted by Core Lawrence Massachusetts LLC on behalf of Allen Press Inc and Allen Realty Inc, property owners of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of ground floor dwelling units at the Hub at Lawrence project, and forwarding the request to the City Commission with a recommendation for approval, subject to the following conditions:

- 1. There shall be no ground floor dwelling units with exterior frontage on New Hampshire Street and E. 11th Street.
- 2. The total square footage of the first floor residential shall not exceed 50% of interior square footage of the first floor structure on New Hampshire Street.

Request:

Applicant's Reason for The applicant is proposing a mixed use retail and multi-family residential structure. The structure includes ground floor residential units on New Hampshire Street. Ground floor residential uses require a Special Use Permit, per Section 20-5017(3)(ii). Applicant proposes two limitations on the special use permit: (1) there shall be no ground floor residential with exterior frontage on New Hampshire street; and (2) the total square footage of first floor residential shall not exceed 50% of interior square footage of first floor structure on New Hampshire.

ASSOCIATED CASES/OTHER ACTION REQUIRED **Associated Cases**

• DR-18-00505: Lawrence Historic Resource Commission, 1040 Massachusetts Street, 1041 New Hampshire Street, and east side 1000 Block New Hampshire Street.

The following items are being considered by the Planning Commission at their March 27, 2019 meetina:

SUP-19-00033: Consider a special use permit for ground floor dwelling units, The Hub at Lawrence, located at 1000 New Hampshire Street Block 1. Submitted by Core Lawrence Massachusetts LLC on behalf of Allen Realty Inc, property owner of record.

Other Action Required

- City Commission approval of special use permit and adoption of ordinance.
- Publication of the special use permit ordinance.
- Submittal and administrative approval of a site plan application.
- Submittal and administrative approval of a minor subdivision.
- City Commission approval of demolition of the existing buildings at 1040 Massachusetts Street and 1041 New Hampshire Street.
- City Commission approval of a license agreement for the use of alley right-of-way.

- Submission and administrative approval of public improvement plans.
- Submittal of construction plans to Development Services for processing of building permits. Building permits must be obtained prior to construction activity.

KEY POINTS

- This special use permit application was submitted for proposed ground floor dwelling units that are a component of a mixed-use development, The Hub at Lawrence. While the special use permit request is a part of an overall project, the item under consideration with this request is only for the ground floor dwelling units. The other elements of the overall project require review and approval by different reviewing bodies. The Historic Resource Commission reviews the project in terms of size, scale, massing, materials, and design. The City Commission will consider a request for demolition of the existing buildings at 1040 Massachusetts Street and 1041 New Hampshire Street, a license agreement for the use of alley right-of-way, and the special use permit applications. The technical site components of the project will be reviewed by staff through the site plan process for compliance with the Land Development Code. Appeals of the decision made by the Historic Resource Commission or the site plan administrative determination would also go to the City Commission for their consideration.
- Per Section 20-517(ii) of the Land Development Code, multi-dwelling structures require a special use permit in the CD District when ground floor residential uses are proposed along numbered streets, Vermont Street, or New Hampshire Street. Staff believes the intent of this standard is to activate streets in the downtown area with commercial and/or office uses and associated exterior design elements. This special use permit application proposes ground floor dwelling units near, but with no frontage on, New Hampshire Street, along the north portion of the building and internal to the project. The ground floor dwelling units proposed with this special use permit are shown colored blue and outlined in red in Figure 1 below.

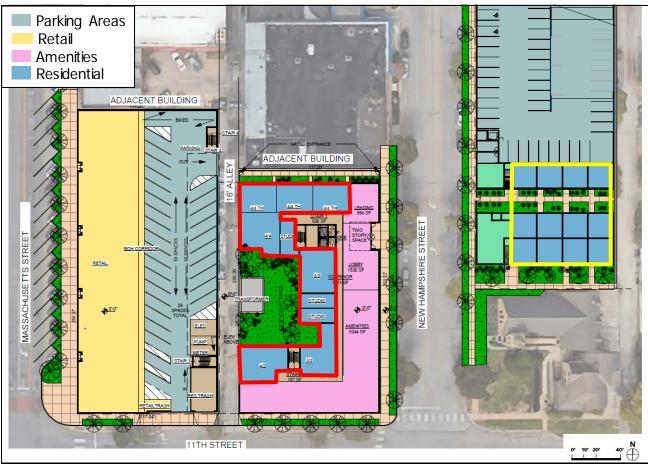


Figure 1: First floor of the proposed development. The ground floor dwelling units associated with this special use permit request are outlined in red. The ground floor dwelling units proposed with SUP-19-00033 are outlined in yellow.

- The special use permit request is one component of the overall project, the details for which are provided for context. The overall project would include the demolition of the existing buildings at 1040 Massachusetts Street and 1041 New Hampshire Street, and the construction of a mixeduse 5-story structure.
- The uses contained within the overall project will include retail, office, apartment amenities, and residential. These uses are permitted by right in the CD District and are reviewed for compliance with the Land Development Code through the site plan process. Submittal of a site plan application for review and approval will be required prior to development.
- The development also proposes a 3-level parking garage and mixed-use structure on the east side of New Hampshire Street (1000 New Hampshire Block 1). The mixed use building would contain office space on the ground floor immediately adjacent to New Hampshire Street and residential uses in the remainder of the space. A second special use permit application was submitted for the ground floor dwelling units associated with this space and are also being considered at the March 27, 2019 Planning Commission meeting.
- The subject property is located in the Downtown Conservation Overlay District and subject to the Downtown Design Guidelines. On November 15, 2018, the building design was reviewed by

the Historic Recourse Commission (HRC). The HRC voted to defer action on the building design and to refer the project to the Architectural Review Committee (ARC) for design refinement that will produce a design that meets the intent of the Downtown Design Guidelines. The design was discussed at the January 9 and January 31, 2019 ARC meetings. The item is schedule to go back to the HRC for their consideration on March 21, 2019.

• At their November 15, 2018 meeting, the HRC provided a recommendation for approval of the special use permit for ground floor dwelling units along the north side of the building and interior to the site associated with this request.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Mr. Maceli spoke with staff regarding the affects that closing the alley during construction would have on this business. He recommended that the city plan to repave the rest of the alley with this project to minimize future impacts. He also said that more public parking is needed in the area. Mr. Maceli suggested angled parking be added to New Hampshire street as a means to increase public parking and to act as a traffic calming measure.
- Darryl Graves, JD wrote in support of redevelopment of the area.
- Linda Watts wrote with concerns over the appearance and size of the development, lack of adequate parking, and recommended that this development not be considered before completion of the downtown master plan.
- Nick Kuzmyak wrote with a suggestion that the city purchase the property, demolish it, and subdivide the property into similar size lots as the rest of downtown, add utility service, and sell the lots.

ATTACHMENTS

- 1. Hub at Lawrence design package
- 2. Revised unit matrix
- 3. Level one layout for 1040 Massachusetts Street and 1041 New Hampshire Street

To the west:

Zoning and Land Use Pertaining to the Mixed Use Structure at 1040 Massachusetts Street and 1041 New Hampshire Street

Current Zoning and Land Use: CD-UC (Downtown Commercial – Urban Conservation Overlay)

District; vacant buildings and surface parking.

Surrounding Zoning and Land

Use:

CD-UC (Downtown Commercial – Urban Conservation Overlay) District; Restaurant, Quality, Bar or Lounge, and Personal Convenience Services.

OS-UC (Open Space – Urban Conservation Overlay) District; Japanese Friendship Garden, City Park.

GPI – UC (General Public and Institutional Use – Urban Conservation Overlay) District; *Cultural Center* (Watkins Museum of History)

To the north: CD (Downtown Commercial – Urban Conservation

Overlay) District; Fast Order Food, Event Center,

Personal Convenience Services, and Office.

To the south: GPI (General Public and Institutional Use) District;

Institutional (Douglas County Courthouse and Douglas County Judicial and Law Enforcement

Center).

To the east: CD (Downtown Commercial – Urban Conservation

Overlay) District; Office and surface parking.



Figure 2. Surrounding zoning. Subject area of this special use permit request is outlined in black. The subject area of the concurrent special use permit, SUP-19-00033, is outlined in blue.



Figure 3. Surrounding land use. Subject area of this special use permit request is outlined in black. The subject area of the concurrent special use permit, SUP-19-00033, is outlined in blue.

Summary of Request

The special use permit application was submitted for ground floor dwelling units associated with the mixed-use development, The Hub at Lawrence. This special use permit application proposes ground floor dwelling units near, but not immediately adjacent to, New Hampshire Street, along the north portion of the building and internal to the project. Per Section 20-517(3)(ii), ground floor dwelling units are permitted in the CD (Downtown Commercial) District with approval of a special use permit. This requests pertains only to the ground floor dwelling units. The other uses associated with the development (commercial, amenities, and non-ground floor residential) are permitted in the CD District with approval of a site plan.

This special use permit application would facilitate 10 units/29 beds located on the first floor of the proposed building. The total number of units and beds associated with the development (including the structure on the east side of New Hampshire) is 215 units and 610 beds.

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

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

Applicant's Response: Yes, residential units in the CD district are commonplace, and permitted as a special use on the ground floor. Approval of this special use is subject to the approval of a site plan that complies with applicable City Code and the Downtown Design Guidelines, which will ensure that the overall structure will comply with the Development Code.

Section 20-517(ii) of the Land Development Code stipulates that ground floor dwelling units in the CD (Downtown Commercial) District are permitted with approval of a special use permit. Approval of the special use permit is contingent on approval of a site plan application for the entire project. Applicable provisions of the Land Development Code, such as access, parking, landscaping, and screening, will be reviewed for compliance with the future site plan application.

On November 15, 2018, the Historic Recourse Commission (HRC) reviewed the size, scale, massing, materials, and building design of the overall project. At that meeting, the HRC also reviewed the special use permit request for compliance with the Downtown Area Design Guidelines. Specifically, guideline 6.1 of Part Two states that "buildings should have retail and commercial uses at street level." The HRC found that because the ground floor dwelling units do not have exterior street frontage, the ground floor dwelling units meet the intent of the Downtown Design Guidelines. Given this, the HRC provided a recommendation for approval of the special use permit for ground floor dwelling units along the north side of the building and interior to the site.

At their November 15th meeting, the HRC also voted to defer action and to refer the project to the Architectural Review Committee (ARC) for refinement that would produce a design that meets the intent of the Downtown Design Guidelines. The design was discussed at the January 9 and January 31, 2019 ARC meetings. The item is schedule to go back to the HRC for their consideration on March 21, 2019.

Staff Finding – With approval of the special use permit application, the ground floor dwelling units would be permitted in the CD District. All other applicable provisions of the Land Development Code will be reviewed with a future site plan application.

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

Applicant's Response: The proposed ground floor residential units on New Hampshire Street are shown in the renderings and plans attached to the Historic Resources Commission Review application and incorporated here by reference. Ground floor residential uses is compatible with adjacent uses because residential use is already permitted and is a less intense use than adjacent commercial and government uses. The applicant anticipates a weak demand for retail or office space, whereas ground floor, two-story, four bedroom "rowhouses" would be among the most popular units offered as part of the overall project. With direct street access, the rowhouses would create an appropriate amount of activity during the day, and would contribute to the urban feel of the area.

This request is for a mixed-use building that will contain ground floor dwelling units. Section 20-517(3)(ii) of the Land Development Code dictates that ground floor dwelling units are permitted with approval of a special use permit. Specifically, the Land Development Code states:

Section 20-517(3)(ii)

A Multi-Dwelling Structure and Work/Live Units require a Special Use Permit in the CD District when ground floor residential uses are proposed along number streets, Vermont or New Hampshire Streets.

The application does not propose ground floor dwelling units fronting on New Hampshire Street or E. 11th Street. The proposed ground floor dwelling units will be located on the north side of the

building and interior to the structure. New Hampshire Street is developed with other mixed-use structures that contain commercial and office uses on the ground floor, and non-ground floor residential uses. The most recent mixed-use developments have been located at 730 New Hampshire Street (Hobbs Taylor Lofts), 800 New Hampshire Street (800 Lofts), 888 New Hampshire Street (888 Lofts Apartments), and 901 New Hampshire Street (901 Lofts). The proposed special use permit would align with the existing development along New Hampshire Street, with the recommended condition that the proposed ground floor dwelling units be restricted to not have exterior frontage on New Hampshire Street and E. 11th Street. With approval of that condition, the requested special use permit is compatible with the area and the existing development. The frontage along New Hampshire Street and E. 11th Street is proposed to be amenities associated with the residential use (such as a gym and leasing office).

Staff Finding – The proposed ground floor dwelling units are compatible with the adjacent uses. The Historic Resource Commission will review the proposed project in terms size, scale, massing, materials, and building design.

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

Applicant's Response: No, the approval and construction of the proposed project will have a positive impact on the value and desirability of other properties in the 1000 block of New Hampshire.

The special use permit request is for ground floor dwelling units that is a component of a larger project. The overall project will revitalize vacant and underused property at 1040 Massachusetts Street and 1041 New Hampshire Street.

Staff Finding – Substantial diminution of other property values in the area is not anticipated with approval of the ground floor dwelling units.

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

Applicant's Response: No, the proposed uses will have a positive impact on the natural environment by converting a former industrial space to an infill, walkable, residential hub that is part of a larger project, and which makes significant design improvements to the south downtown gateway.

The proposed development would be located in an urban developed area. Infrastructure is available to provide service to this development. Public safety and transportation access will continue to be part of the future site plan review for the overall project.

Staff Finding – Adequate public facilities and transportation access is accommodated for this development. The uses do not preclude the ability to service the existing uses with respect to public safety, transportation, and utilities.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The special use permit and subsequent site plan provide enforceable tools to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking.

Staff Finding – Adequate assurances of continued maintenance are inherent in the use and the special use permit approval process.

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

Applicant's Response: The existing wooded area will be removed from the center of the site, however, the tree cover on the west property line will remain as a buffer for the neighborhood to the west. Adverse impacts on the natural environment are not anticipated and new trees will be provided with the new development.

No, the proposed uses will have a positive impact on the natural environment by converting a former industrial space to an infill, walkable, residential hub that is part of a larger project, and which makes significant design improvements to the south downtown gateway.

The proposed project is located within the existing urban area. The property does not contain sensitive lands and is not encumbered by regulatory floodplain.

Staff Finding – The proposed development is subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances.

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

Time limits are established on special use permits to permit a periodic review to determine if the use remains compliant with the area. Approval of the special use permit would allow ground floor dwelling units, with a restriction on exterior frontage on New Hampshire Street and E. 11th Street. The use should maintain its compatibility with the surrounding area and a time limit is not necessary.

Staff finding – If approved, staff does not recommend a time limit on the special use permit.

CONCLUSION

Section 20-517(3)(ii) of the Land Development Code requires a special use permit in the CD District when for ground floor units are proposed along numbered streets, Vermont Street, or New Hampshire Street. Based on the findings in this report, and as conditioned, staff recommends approval of the proposed special use permit for ground floor dwelling units.

Memorandum City of Lawrence Planning and Development Services

TO: Lawrence Douglas County Planning Commission, Lawrence City Commission

CC: Jeff Crick, Planning Manager

Scott McCullough, Director Planning and Development Services

FROM: Lynne Braddock Zollner, Historic Resources Administrator

DATE: March 25, 2019

RE: SUP-18-00502 and SUP-19-00033

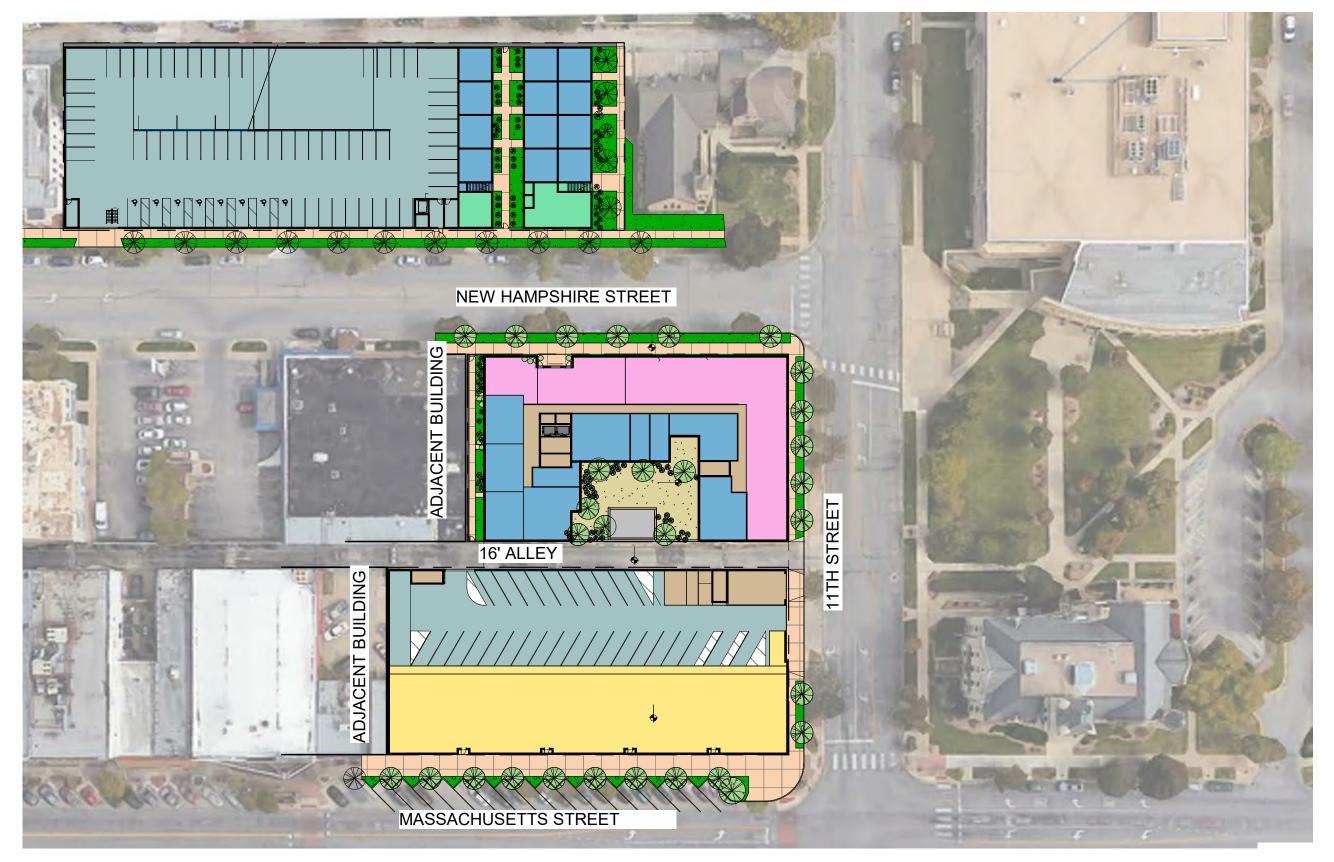
Historic Resources Comment

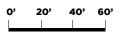
Chapter 22 (Section 22-505(B)(12)) of the City Code provides for the Historic Resources Commission (HRC) to comment on special use permits for properties subject to historic review under Chapter 22. At their March 21, 2019 meeting, the Lawrence Historic Resources Commission voted unanimously to send the following comment to the Lawrence-Douglas County Planning Commission and the Lawrence City Commission:

The ground floor residential uses as shown on the revised plans do not harm the environs of the listed properties. Because the ground floor units are not adjacent to the primary street (New Hampshire Street) and are only minimally visible from the primary street, the ground floor units as shown on the revised drawings meet the intent of the Downtown Design Guidelines.





























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																		The F	ub at Lav	vrence, K	ansas // Mi	ked-Use [Development		FEBUA	RY 4, 2019																			
												UNIT	COUNT																			BED	COUNT											BATHROOM	
LEVEL	4/4.5TH	4/4 T	н 4	/3 TH /	1/2.5 TH	3/3 TH	2/2 1		BEDS / 4 BATHS	4 BEDS / 3 BATHS	4BED/ 2BATH	3BED, 3BATH	/ H 3BED)/ 2BATH	2+2 /2		2BED/ 2BATH	2BED/ 1BATH	1+1/1	1 BED	STUDIO	MICRO	TOTAL UNIT	r s 4/4.5 TH	1 4/4 TH	4/3TH	4/2.5T	н 3/3ТН	2/2TH	4BED/ 4BATH	4BED/ 3BATH	4BED/ 2BATH	3BED/ 3BATH	3BED/ 2BATH	2+2/2	2+1/2	2BED/ 2BATH	2 BED/ 1BATH	1+1 / 1	1 BED	STUDIO	MICRO	O TOTAL BEDS	VS BEDS	LEVEL
5	0	0		0	0	0	0		3	0	5	1		4	9	0	2	0	7	1	4	1	37	0	0	0	0	0	0	12	0	20	3	12	36	0	4	0	14	1	4	1	107		5
4	0	0		0	0	0	0		5	1	5	1		5	8	0	3	2	7	0	6	3	46	0	0	0	0	0	0	20	4	20	3	15	32	0	6	4	14	0	6	3	127		4
3	0	0		0	0	0	0		5	1	5	1		5	8	0	3	2	7	0	7	2	46	0	0	0	0	0	0	20	4	20	3	15	32	0	6	4	14	0	7	2	127		3
2/P3	0	0		0	0	0	0		5	0	5	1		3	7	0	3	0	3	1	9	2	39	0	0	0	0	0	0	20	0	20	3	9	28	0	6	0	6	1	9	2	104		2/P3
MEZ/P2	0	4		0	0	2	3		1	0	3	1		2	1	0	1	0	2	0	5	0	25	0	16	0	0	6	6	4	0	12	3	6	4	0	2	0	4	0	5	0	68		MEZ/P
1/P1	0	3		0	13	0	0		1	0	1	1		1	0	0	0	0	0	0	3	0	23	0	12	0	52	0	0	4	0	4	3	3	0	0	0	0	0	0	3	0	81		1
	0	7		0	13	2	3		20	2	24	6		20	33	0	12	4	26	2	34	8	216	0	28	0	52	6	6	80	104	96	18	60	132	0	24	8	52	2	34	8	614		
	0	1%	3%	0%	6%	19	%	1%	9%	19	6 1	1%	3%	9%	15%	0%	6%	2%	12%	1%	16	% 4	% 10	0%	1%	5%	0%	8%	1%	1%	3% 1	7% 16	% 3%	10%	219	% 0	6 4%	19	% 89	0%	69	% 1	1% 100%	0	
E MIX		0	0	0	0		0	0	5		5	52	0	0	19	0	12	. 28	9	?		9 3	169	1	60	160	.60	160 1	.60	60	160 1	.60 1	38 42	2			14	1 2	.2		1	.0	13 60	9	
FRENCE		0	7	0	12		2	3	15		2	28	6	20	1/	0		2/	17			25 2	2 47	160	122	160	108	15/	15/	80	56	92	24	60	122	0	10	1/1	52		24	5	5		

							UNI	T TYPE AND	BATHROC	M RATIO										
							4 BEDS / 4	4 BEDS / 3	4BED/	3BED/				2BED/	2BED/					TOTAL
	4/4.5 TH	4/4 TH	4/3 TH	4/2.5 TH	3/3 TH	2/2 TH	BATHS	BATHS	2BATH	3BATH	3BED/ 2BATH	2+1/2	2+1 /2	2BATH	1BATH	1+1 / 1	1 BED	STUDIO	MICRO	BATHROOMS
Bath Per Unit	4.5	4	3	2.5	3	2	4	3	2	3	2	2	2	2	1	1	1	1	1	
Unit Type Count	0	7	0	13	2	3	20	2	24	6	20	33	0	12	4	26	2	34	8	
	0.0	28.0	0.0	32.5	6.0	6.0	80.0	6.0	48.0	18.0	40.0	66.0	0.0	24.0	4.0	26.0	2.0	34.0	8.0	429

Bath-to-Bed Ratio 69.8% Bed-to-Bath Ratio 1.43

												BEDF	OOM COU							
LEVEL							4 BEDS / 4	4 BEDS / 3	4BED/	3BED/				2BED/	2BED/					
	4/4.5 TH	4/4TH	4/3 TH	4/2.5 TH	3/3 TH	2/2 TH	BATHS	BATHS	2BATH	3BATH	3BED/ 2BATH	2+1 /2	2+1 /2	2BATH	1BATH	1+1 / 1	1 BED	STUDIO	MICRO	TOTAL UNITS
5	0	0	0	0	0	0	12	0	20	3	12	18	0	4	0	7	1	4	1	82
4	0	0	0	0	0	0	20	4	20	3	15	16	0	6	4	7	0	6	3	104
3	0	0	0	0	0	0	20	4	20	3	15	16	0	6	4	7	0	7	2	104
2/P3	0	0	0	0	0	0	20	0	20	3	9	14	0	6	0	3	1	9	2	87
MEZ/P2	0	16	0	0	6	6	4	0	0	0	0	0	0	0	0	0	0	5	0	37
1/P1	0	12	0	52	0	0	4	0	0	0	0	0	0	0	0	0	0	3	0	71
	0	28	0	52	6	6	80	8	80	12	51	64	0	22	8	24	2	34	8	485
%																				

* NORTH EAST TOWNHOUSES AT EAST PARCEL INCLUDED IN CALCULATIONS

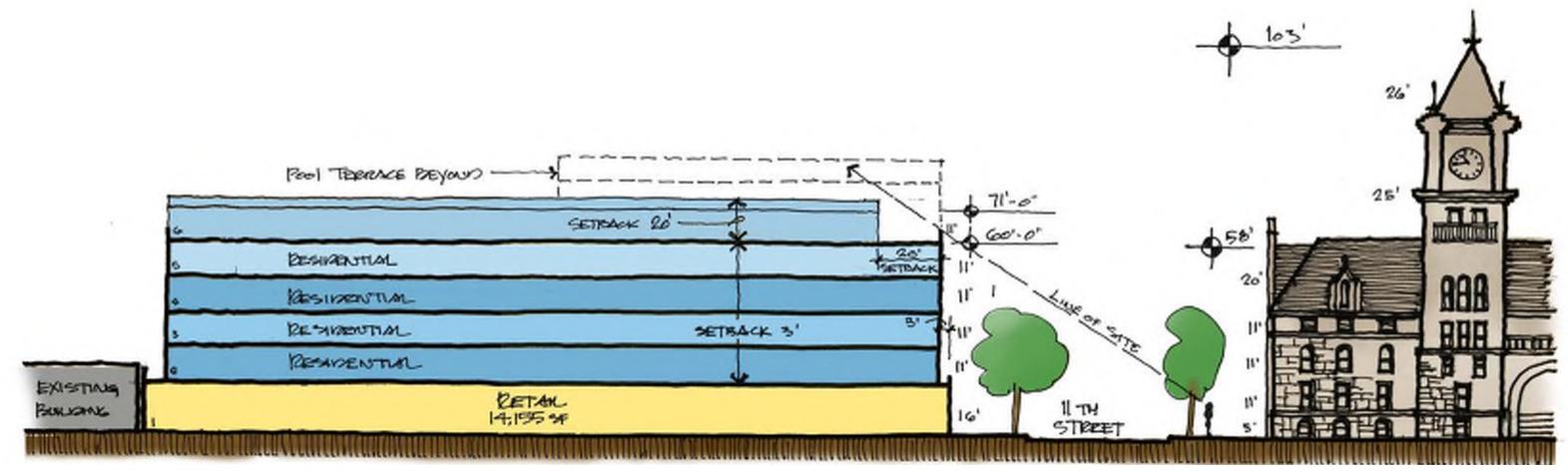
UNIT TYPE B	Y ZONING ORDINANCE
TYPE	COUNT
TYPE A - 825 SF+	75
TYPE B - 650-824 SF	16
TYPE C - 470-649SF	26
TYPE D - under 470sf	-
Efficiencies under	42

				The Hu	ub at Lawre	ence, Kans	sas // Mixe	d-Use Dev	elopment l	Main build	ing	FEBU	ARY 4, 2019				
PROJECT AREA AN	IALYSIS 4	- 6 STORY 4	49 - 76 FT.														
	FI 00D	OVED ALL				COMMERCIA	AL - OFFICE				RETAIL	/ B.O.H.	PARKING	LOADING	Total GSF		
LEVEL	FLOOR HEIGHT	OVERALL HEIGHT	COMMON	AMENITIES	RSF	Public Terrace	Private Terrace / Balcony	OFFICE	BEDS	UNITS	RETAIL /	COMMON\ LOADING	AREA	SPACES	W/O BALCONIES	Total GSF	FAR area
POOL TERRACE/ MECH. PENTHOUSE	15'	80'	1,408		-	5,448				-		2,500			3,908	9,356	3,908
5	11'	65'	6,204		32,659	6,430	700		107	37					38,863	45,993	38,863
4	11'	54'	6,468		38,850		700		127	46					45,318	46,018	45,318
3	11'	43'	6,448		39,153	-	700		127	46					45,601	46,301	45,601
2	11'	32'	6,453		35,849	4,451	1,200		104	39					42,302	47,953	42,302
MEZ		21'	2,621		20,025				61	22					22,646	22,646	22,646
1	21'	21'	4,897	7,759	8,225	3,296	500		33	11	14,083	-	12,898	29	47,862	51,658	34,964
BUILDING TOTALS	80		34,499	7,759	174,761	19,625	3,800		559	201	14,083	2,500	12,898	29	246,500	269,925	233,602

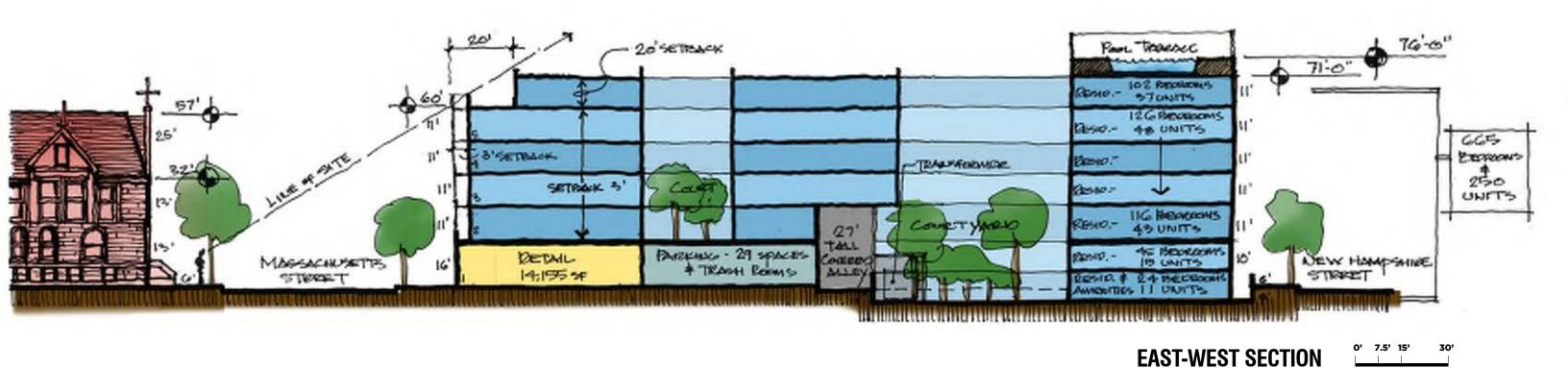
							PA	RKING - A	T EAST PA	RCEL							
						COMMERCI	AL - OFFICE				RETAIL	/ B.O.H.	PARKING/	LOADING	Total GSF		
LEVEL	FLOOR HEIGHT	OVERALL HEIGHT	COMMON	AMENITIES	RSF	Public Terrace	Private Terrace / Balcony	OFFICE	BEDS	UNITS	RETAIL /	COMMON\ LOADING	AREA	SPACES	W/O BALCONIES	Total GSF	FAR area
3	10'-0"		691										23,827	79	24,518	24,518	691
2	10'-0"		687										26,712	89	27,399	27,399	687
1	10'-0"	0'-0"	661									-	26,173	75	26,834	26,834	661
BUILDING TOTALS			2,039	-	-	-	-		-	-	-	-	76,712	243	78,751	78,751	2,039

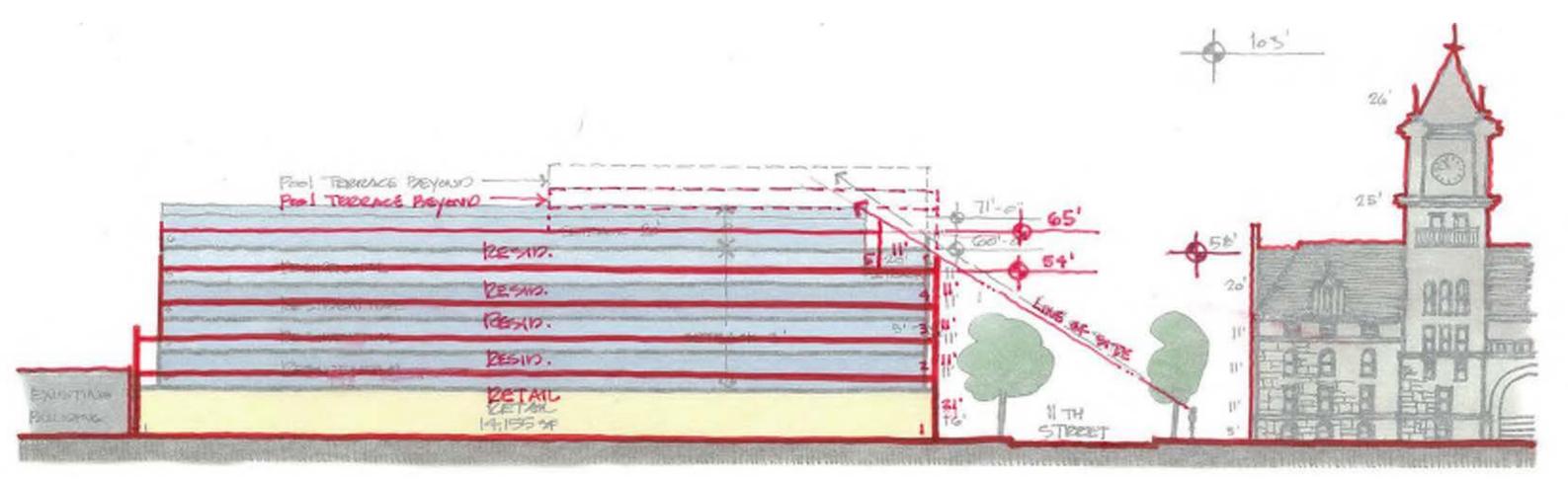
						NO	RTH EAST	г тоwnно	USES - AT	EAST PAI	RCEL						
						COMMERCIA	AL - OFFICE				RETAIL	/ B.O.H.	PARKING	/LOADING	Total GSF		
LEVEL	FLOOR HEIGHT	OVERALL HEIGHT	COMMON	AMENITIES	RSF	Public Terrace	Private Terrace / Balcony	OFFICE	BEDS	UNITS	RETAIL /	COMMON\ LOADING	AREA	SPACES	W/O BALCONIES	Total GSF	FAR area
3	10'-0"				7,321										7,321	7,321	7,321
2	10'-0"				7,074				7	3					7,074	7,074	7,074
1	10'-0"	0'-0"	70		5,461			1,756	48	12					7,287	7,287	5,531
BUILDING TOTALS			70	-	19,856	-	-	1,756	55	15	-	-	-	-	21,682	21,682	19,926

								TO [*]	TALS								
						COMMERCIA	L - OFFICE				RETAIL	/ B.O.H.	PARKING/	LOADING	Total GSF		
LEVEL	FLOOR HEIGHT	OVERALL HEIGHT	COMMON	AMENITIES	RSF	Public Terrace	Private Terrace / Balcony	OFFICE	BEDS	UNITS	RETAIL /	COMMON\ LOADING	AREA	SPACES	W/O BALCONIES	Total GSF	FAR area
PROJECT TOTALS			36608	7759	194617	19625	3800	1756	614	216	14083	2500	89610	272	346,933	370,358	255,567

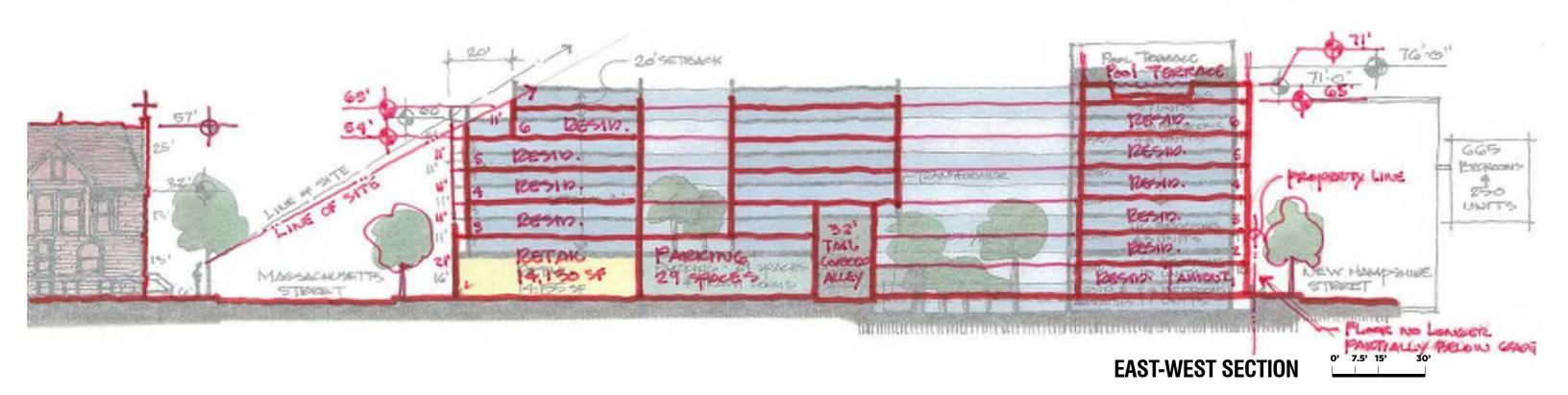


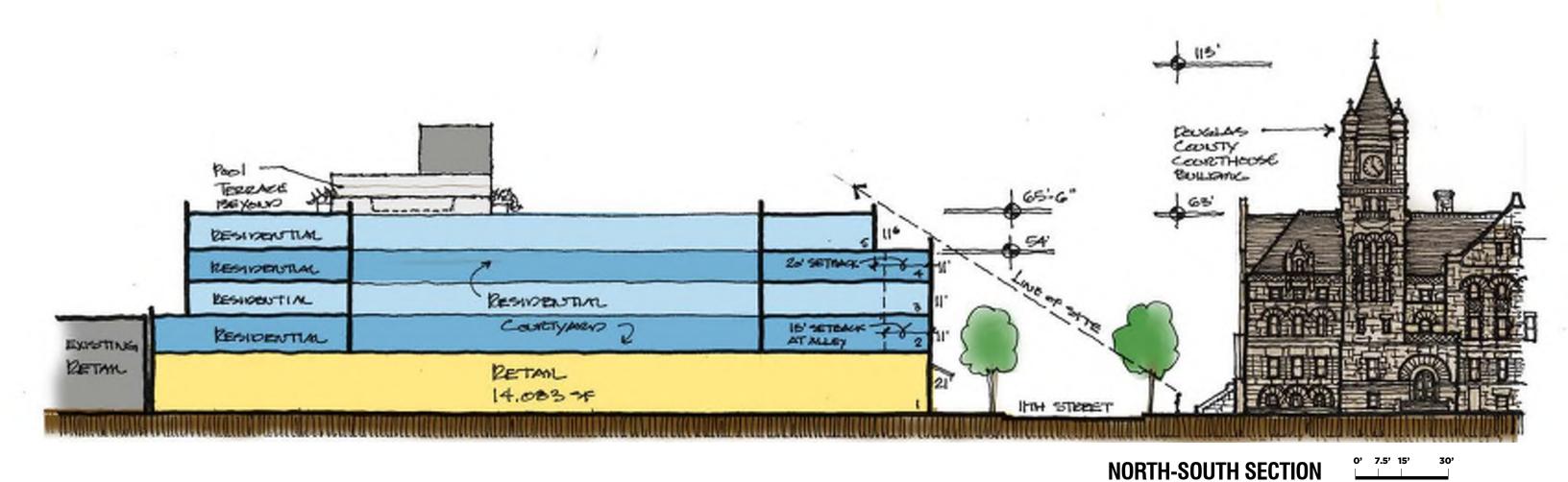


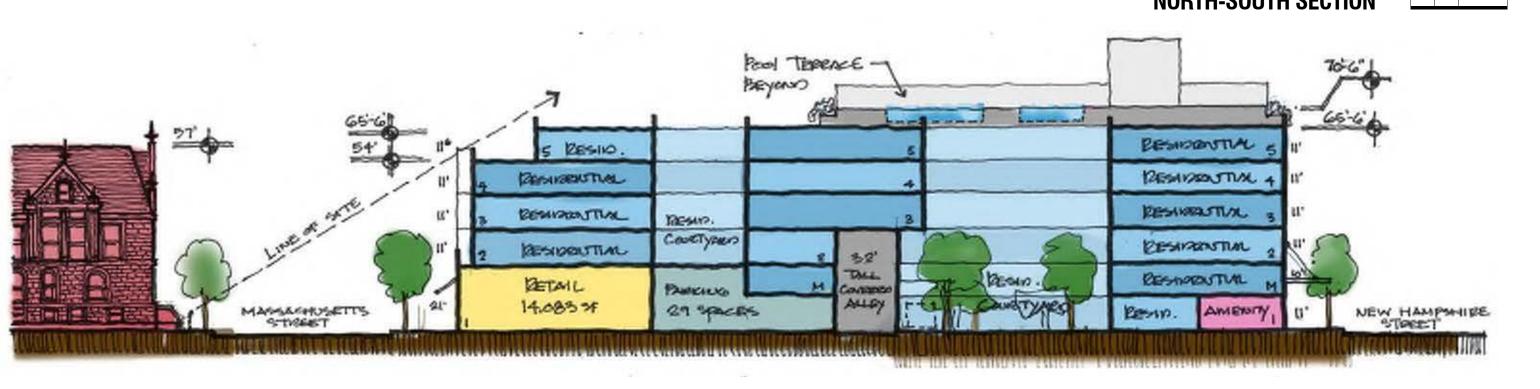




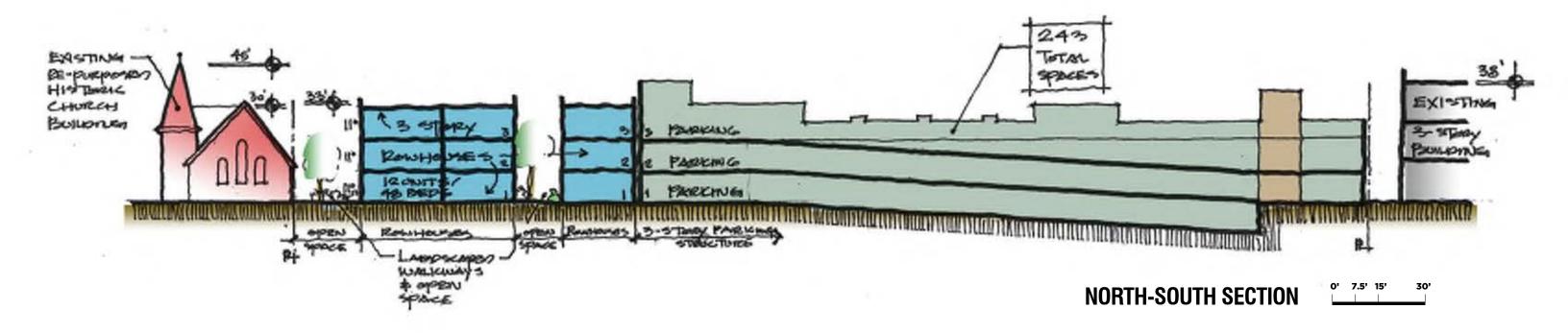
NORTH-SOUTH SECTION 0' 7.5

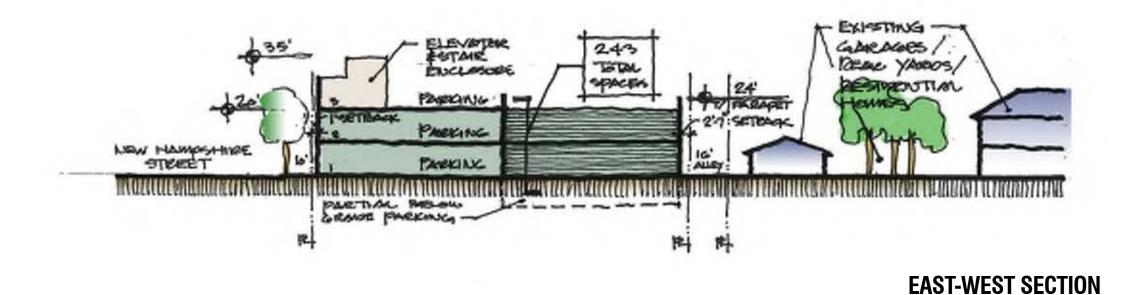


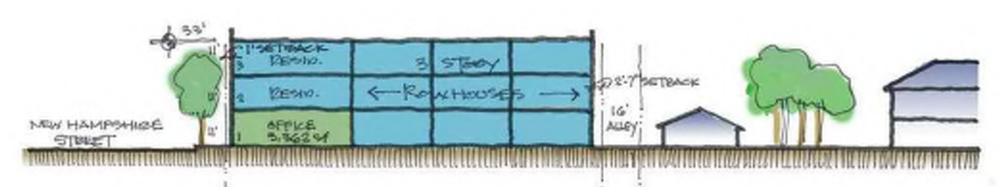




EAST-WEST SECTION





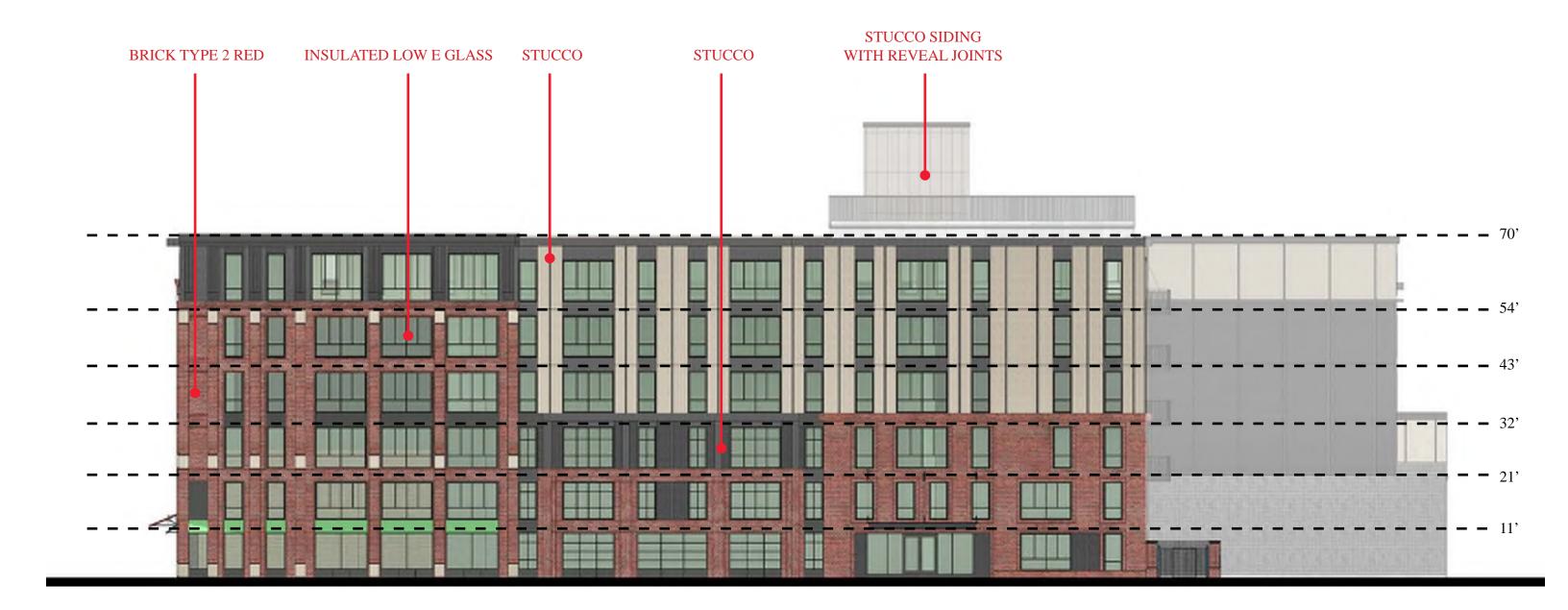


EAST-WEST SECTION AT OFFICE / RESIDENTIAL BUILDING

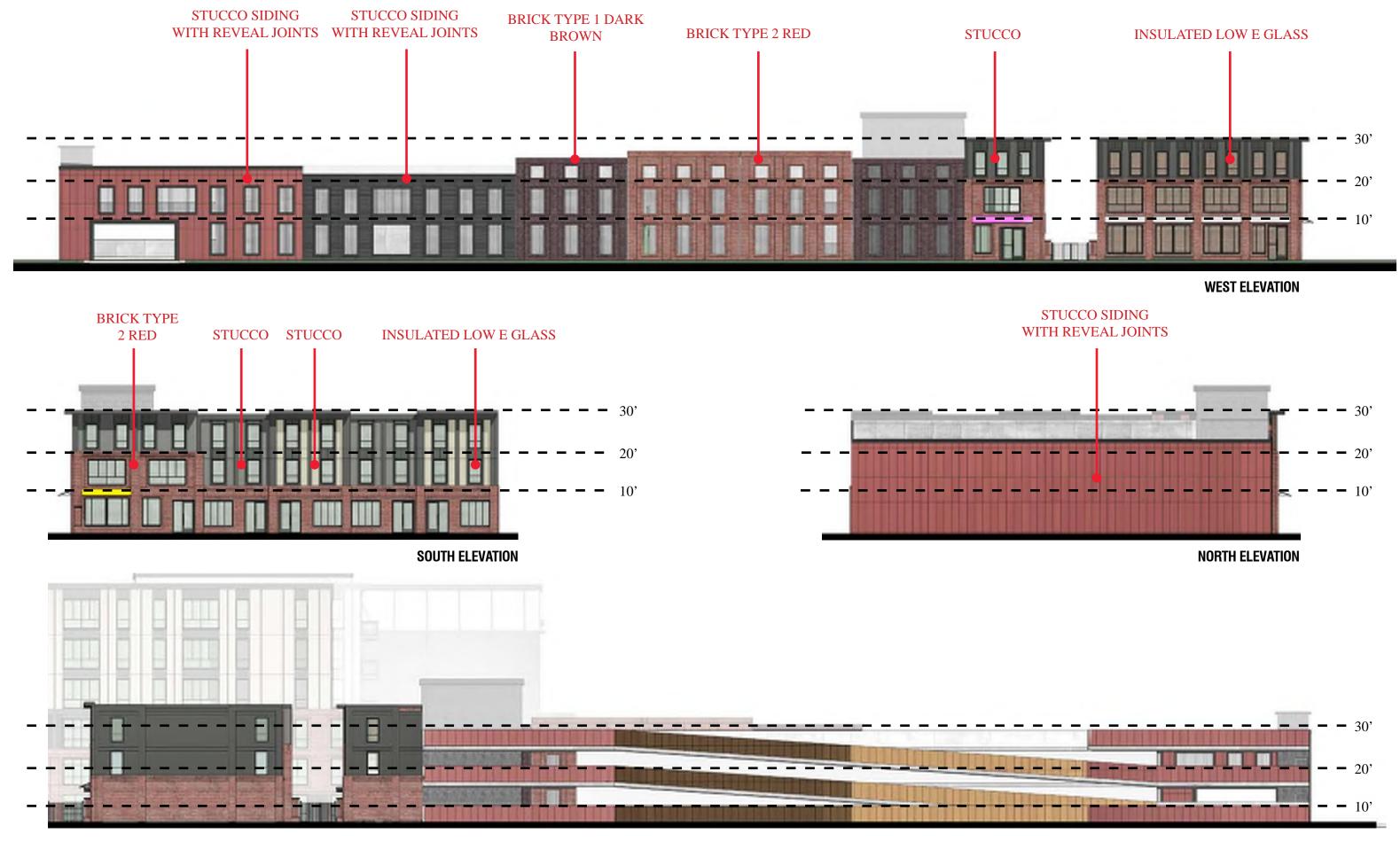
0' 7.5' 15' 30'











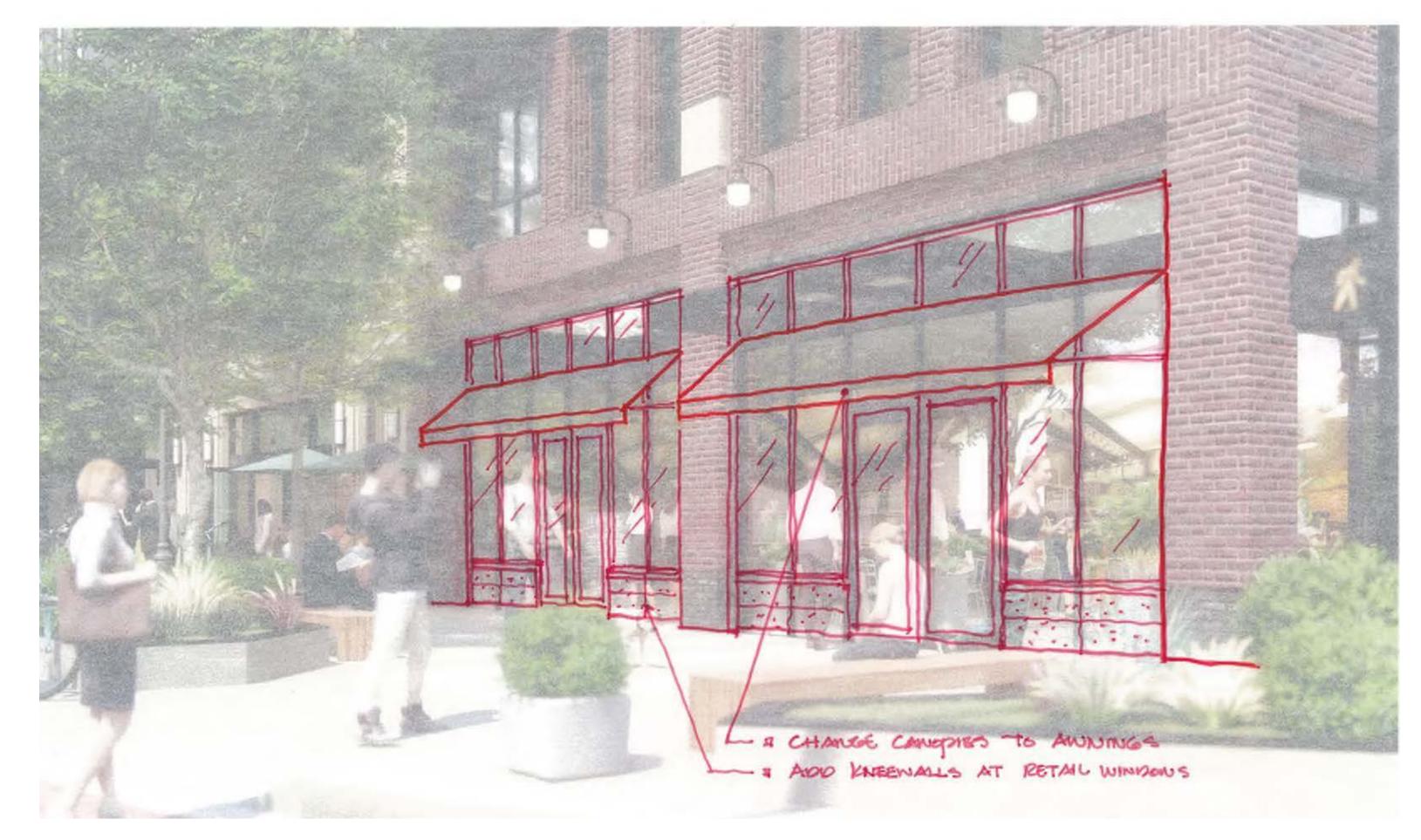










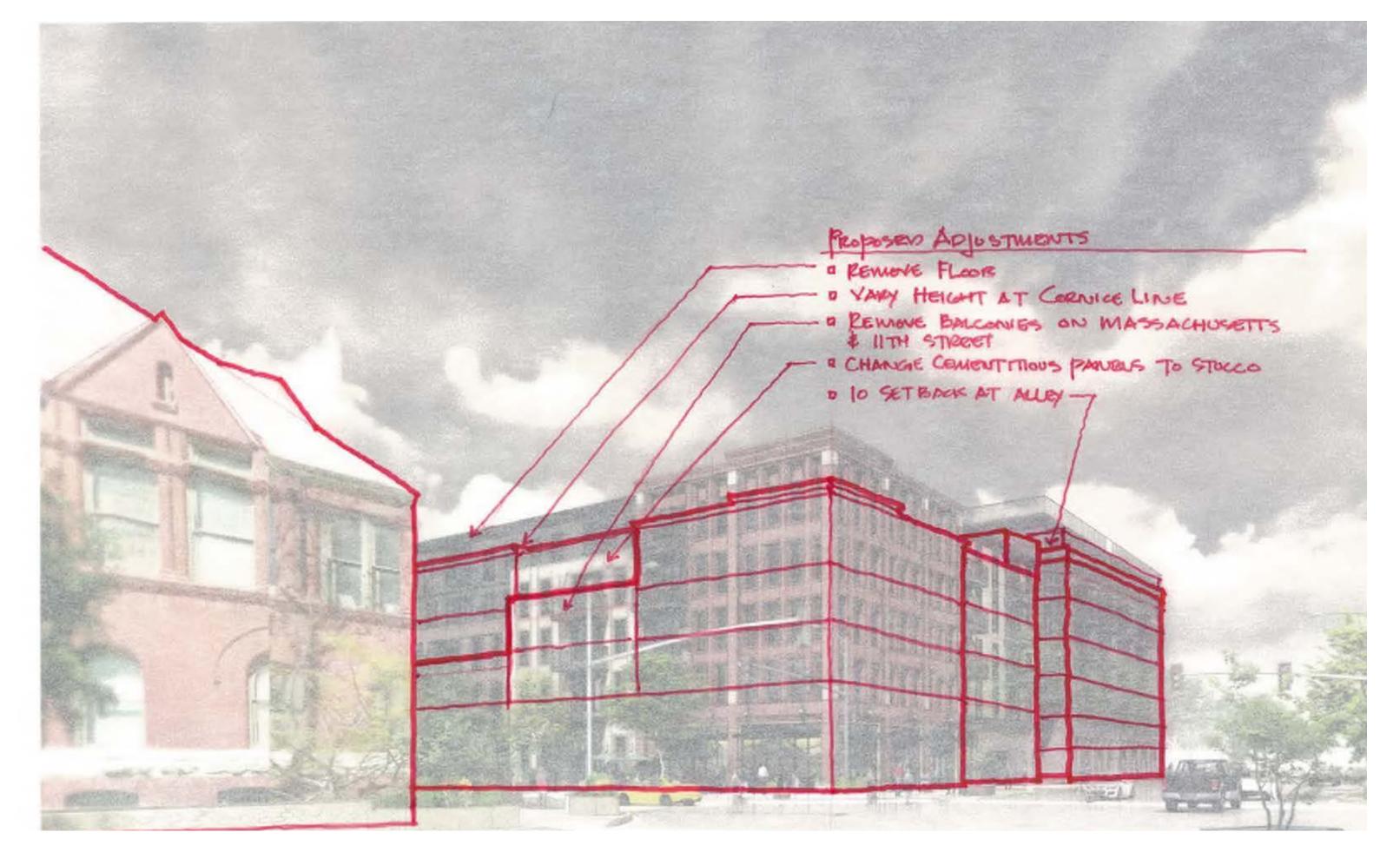












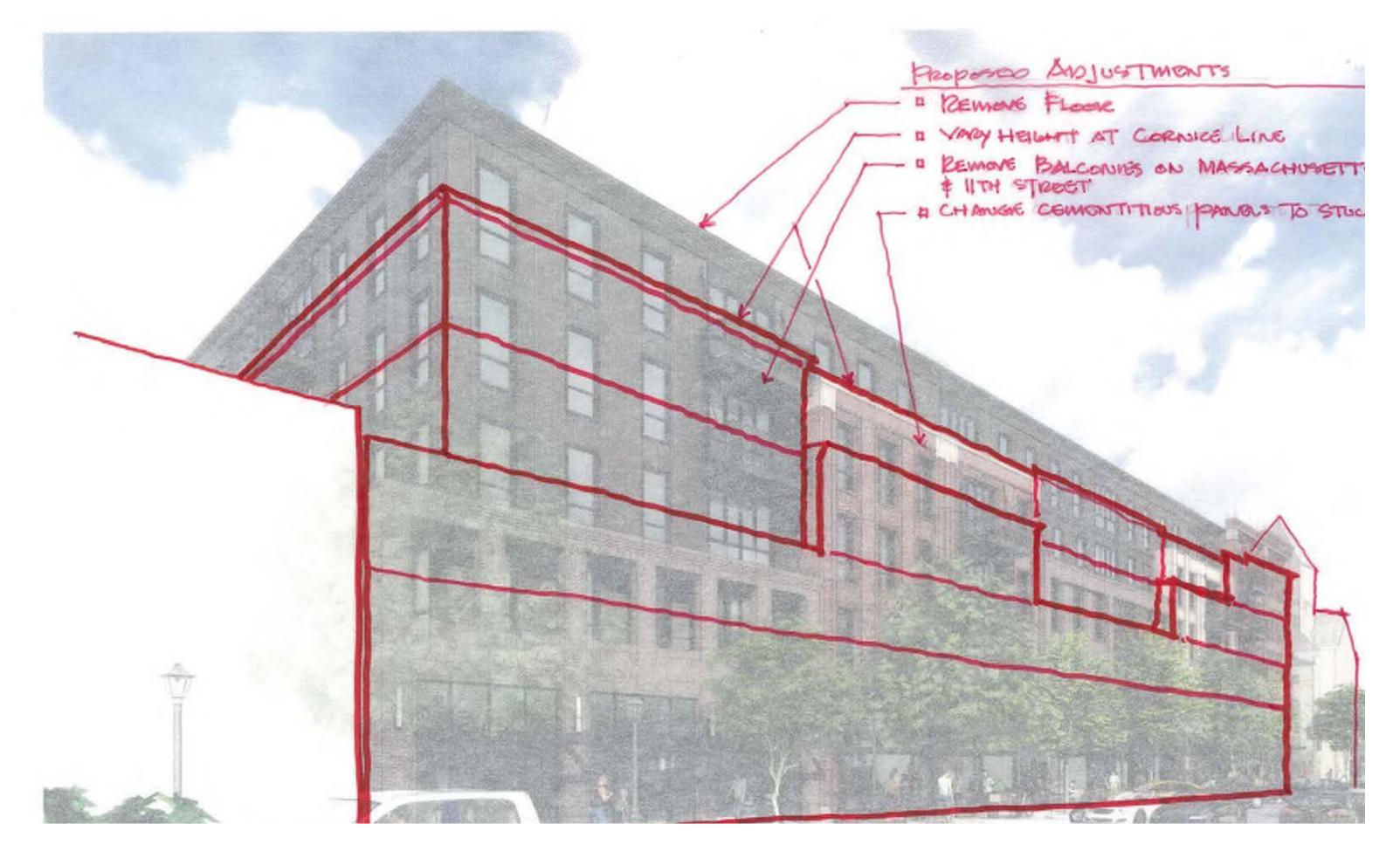




PROPOSED CONCEPTUAL RENDERING

36



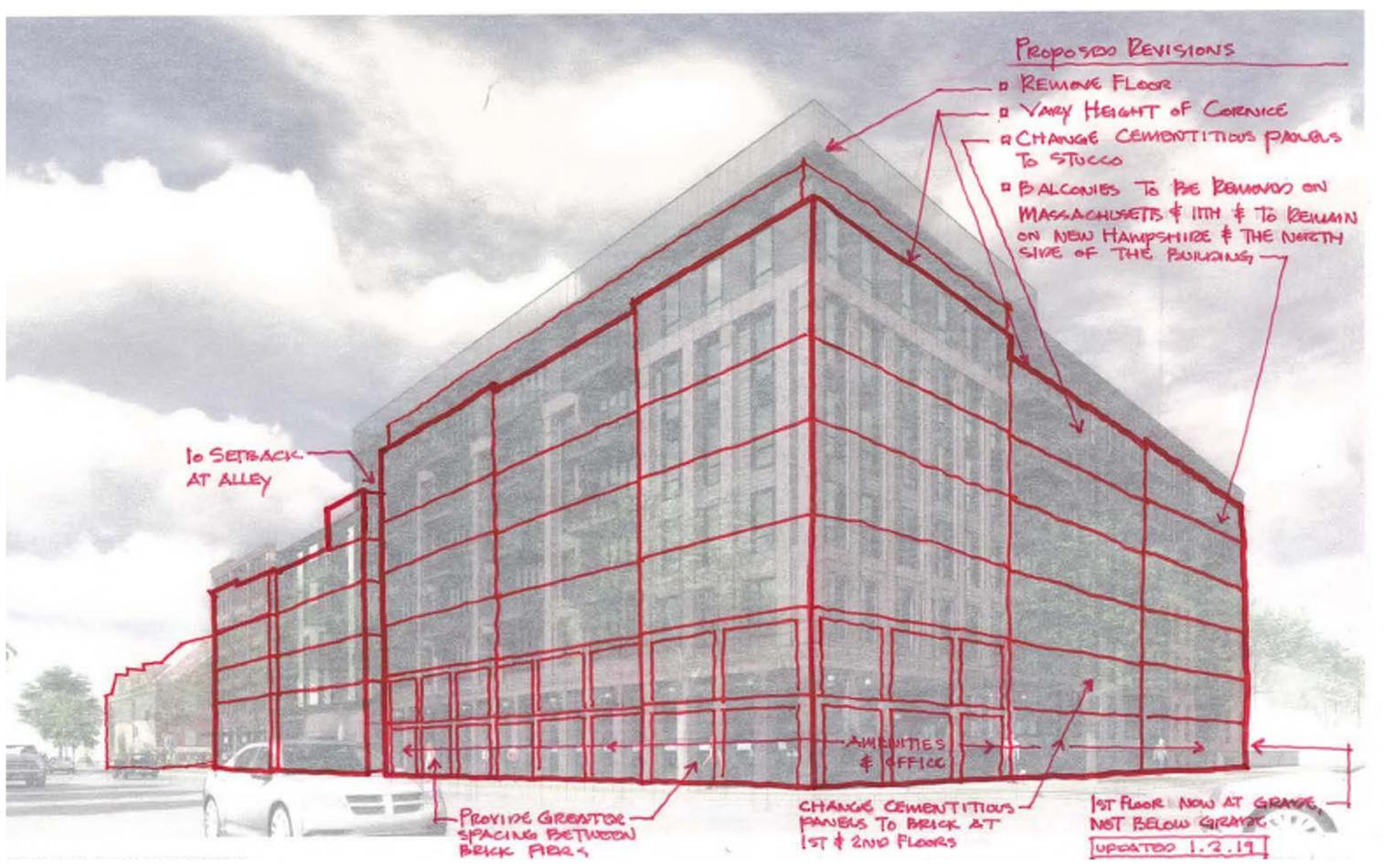




PROPOSED CONCEPTUAL RENDERING







CITY COMMENTS















																UNIT	MAT	RIX M	AIN E	BUILDIN	١G																			
														The H	ub at Lav	rence, Ka	ınsas // M	ixed-Use De	velopmen	t	FEBUAR	Y 28, 2019																		
										UNIT C	OUNT																		BED CO	TNUC										
LEVEL							4 BEDS / 4	4 BEDS / 3	4BED/	3BED/				2BED/	2BED/														4BED/	3BED/	3BED/		2BE	D/ 2 BE	D/					LEVEL
	4/4.5TH	4/4 TH	4/3 TH	4/2.5 TH	3/3 TH	2/2 TH	BATHS	BATHS	2BATH	3BATH	3BED/ 2BATH	2+2 /2	2+1 /2	2BATH	1BATH	1+1/1	1 BED	STUDIO	MICRO	TOTAL UNITS	4/4.5 TH	4/4 TH	4/3TH	4/2.5TH	3/3TH	2/2TH	4BED/ 4BATH	H 4BED/ 3BATH	2BATH	3BATH	2BATH	2+2/2 2	+1/2 2BA	TH 1BA	TH 1+1/1	1 BED	STUDIO	MICRO TOTA	L BEDS	
5	0	0	0	0	0	0	3	0	5	1	4	9	0	2	0	7	1	4	1	37	0	0	0	0	0	0	12	0	20	3	12	36	0 4	0	14	1	4	1 :	.07	5
4	0	0	0	0	0	0	5	1	5	1	5	8	0	3	2	7	0	6	3	46	0	0	0	0	0	0	20	4	20	3	15	32	0 6	4	14	0	6	3 :	.27	4
3	0	0	0	0	0	0	5	1	5	1	5	8	0	3	2	7	0	7	2	46	0	0	0	0	0	0	20	4	20	3	15	32	0 6	4	14	0	7	2 :	.27	3
2	0	0	0	0	0	0	5	0	5	1	3	7	0	3	0	3	1	9	2	39	0	0	0	0	0	0	20	0	20	3	9	28	0 6	0	6	1	9	2 :	.04	2
MEZ	0	4	0	0	1	1	1	0	3	1	2	1	0	1	0	2	0	5	0	22	0	16	0	0	3	2	4	0	12	3	6	4	0 2	. 0	4	0	5	0	51	MEZ
1	0	3	0	0	0	0	1	0	1	1	1	0	0	0	0	0	0	3	0	10	0	12	0	0	0	0	4	0	4	3	3	0	0 0	0	0	0	3	0	29	1
	0	7	0	0	1	1	20	2	24	6	20	33	0	12	4	26	2	34	8	200	0	28	0	0	3	2	80	104	96	18	60	132	0 24	4 8	52	2	34	8 .	55	

																Ul	NIT N	IATF	RIX TO	NWC	HOUS																				
														T	he Hub	at Lawrer	ice, Kansa	as // Mix	ed-Use Dev	/elopment	t	FEBUAR	RY 28, 2019																		
		UNIT COUNT BED COUNT 4 8EDS / 3 48EDS / 3 48EDS / 3 8EDS / 3 8EDS / 2 8EDS / 2 8EDS / 3 8EDS / 2 8EDS / 3 8E															/																								
LEVEL									S / 3 4BE						ED/ 2															4BED/	3BED/	3BED/			2BED/ 2 BE	.D/		4	4		LEVEL
	4/4.5TH	4/4 TH	4/3 TH	4/2.5 TH	3/3 TH	2/2 TF	H BATHS	BAT	THS 2BA	TH 3BAT	H 3BED/ 2	2BATH 2	+2 /2 2	+1 /2 2B/	ATH 1	BATH 14	1/1 1	BED	STUDIO	MICRO	TOTAL UNITS	4/4.5 TH	4/4 TH	4/3TH	4/2.5TH	3/3TH	2/2TH	4BED/ 4BATH	4BED/3BATH	2BATH	3BATH	2BATH	2+2/2	2+1/2	2BATH 1BA	.TH 1+	L/1 1 BEC	STUDIO	MICRO	TOTAL BEDS	
3																					0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 0	,	0 0	0	0	0	3
2					1	2															3	0	0	0	0	3	4	0	0	0	0	0	0	0	0 0	,	0 0	0	0	7	2
1				12																	12	0	0	0	48	0	0	0	0	0	0	0	0	0	0 0	,	0 0	0	0	48	1
	0	0	0	12	1	2	0	0	0	0	0)	0	0	0	0	0	0	0	0	15	0	0	0	48	3	4	0	104	0	0	0	0	0	0 0		0 0	0	0	55	
				_	-																																				
DEVELOPMENT TOTALS	0	7		12		2	3	20	2	24	6	20	33	0	12	4	26	2	34	8	215	(28	(48	3	6 6	80	208	96	18	60	132	0	24	8	52	2 3	4 8	610	
	•		•			•		•							•										•	•	•	•													





SUP-19-00033: Special Use Permit for ground floor dwelling units, The Hub at Lawrence, located at 1000 New Hampshire Street, Block 1

SUP-18-00502: Special Use Permit for ground floor dwelling units, The Hub at Lawrece, located at 1040 Massachusetts
Street and 1041 New Hampshire Street





DARRYL GRAVES

A PROFESSIONAL LAW CORPORATION

DARRYL GRAVES, JD Managing Partner

1040 NEW HAMPSHIRE STREET LAWRENCE, KANSAS 66044 (785) 843-8117; FAX (785) 843-0492 office@dgraves-law.com LAURA WILSON, BA, MLS
Office Manager

City of Lawrence Planning & Development Services Attn: Becky Pepper P.O. Box 708 Lawrence, KS 66044

RE: SUP-18-00502

DFC 1 4 2018

City County Planning Office Lawrence, Kansas

Dear Ms. Pepper:

I rent an office on New Hampshire Street across from 1041 New Hampshire Street. My comments about the special use permit being requested by Core Lawrence Massachusetts, L.L.C. are as follows:

- 1) The present building at 1041 New Hampshire Street is vacant and exceedingly ugly. It has been that way for decades;
- 2) The 1040 Massachusetts Street property is the worst looking building on Massachusetts Street:
- I am in hopes that you will not discourage ANY building on this location, because anything is better than the current buildings;
- 4) A new building will produce a higher rate of property tax revenue for the city than the buildings that are currently on the sites;
- As for the proposal concerning the parking lot on the East side of New Hampshire Street, I have heard that some people do not want a parking garage, however, there is currently a gravel lot, and I believe a garage will be much more attractive.

I support encouraging the developer in any way the city can to establish a new and modern building instead of the vacant and unattractive buildings currently on the sites.

Sincerely,

Darryl Graves

December 12, 2018

From: Nick Kuzmyak < nick.kuzmyak@gmail.com >

Date: Mon, Mar 11, 2019, 1:54 PM

Subject: Correspondence to Planning Commission, re: 11th & Mass proposal

To: Karen Willey < karenwilley 1@gmail.com >

Cc: <earthpaden@gmail.com>

Good afternoon Commissioner Willey,

Though I do not recall whether the Planning Commission has already deliberated over the proposed mixed-use development and associated parking garage at 10th and Massachusetts (Hub on Campus), it will be going before the Historic Resources Commission soon. This development has caused quite a bit of consternation among the Lawrence community, by both neighbors and the general public. Therefore, I have a proposal to consider, after a bit of background.

I should note that I'm not opposed to the development: downtown retail streets need about 1200-1500 nearby dwelling units per block to be economically sustainable, so this is the kind of project that will help ensure the future success of the area by bringing far more people to where commerce actually happens.

However: I realize the project faces a steep uphill battle to get approved. Complaints already abound from excess height/rent/massing/student population, to not enough parking, and simply being "super ugly and depressing". Many of these complaints align with the "immaculate conception" theory of cities, which states that all old buildings are good, and all new development is bad. It's a fascinating theory, if you want to read more about it: http://cityobservatory.org/the-immaculate-conception-theory-of-your-neighborhoods-origins/.

The most valid concern, which is not being addressed by most reactionary opponents, is that of concentration of wealth in the hands of a few. Historical development was fine-grained, with each building often being owned by one of its tenants. This allowed for community wealth building, while also offering a lower barrier to entry for those who could not buy a whole block.

The reason I write, then, is a proposal I believe should be considered given the opposition to block-sized buildings juxtaposed with the clear need for downtown housing. It is admittedly radical, but not unfeasible: direct the City to <u>purchase</u> the Allen Press property, <u>demolish</u> it, <u>subdivide</u> the lot into similar sizes as the rest of downtown, add <u>utility</u> service, and <u>sell</u> the lots.

This could be accomplished through a public-private partnership between the Planning and Development Department (this project would satisfy both sides) and a local developer. A few goals could then be accomplished:

- 1. Distribute ownership to many more citizens.
- 2. Create small-scale retail, office, and residential spaces that can be more individually tailored by their owners.
- 3. Avoid concerns of block-sized buildings.
- 4. Remove the unsightly beige warehouse that's currently there.
- 5. Give the city more of what it wants (Downtown) in the only place it'll allow it (Downtown).

I cc'd Erin on this since she seemed interested, so I was hoping that one of you could perhaps bring up this idea during the Commission Items segment of the next meeting.

Also, if you've made it this far and are up for further discussion, I'd love to meet up to have a conversation on traditional urbanism and how we can still achieve it despite the financial/political infrastructure that generally forbids it.

Sincerely, Nick Kuzmyak 785-304-1483 ----- Forwarded message -----

From: Linda Watts < <u>lindajoywatts@icloud.com</u>>

Date: Mon, Feb 25, 2019, 12:34 PM Subject: Proposed HUB Project

To: <<u>jimweaver217@gmail.com</u>>, <<u>julia.v.butler@gmail.com</u>>, <<u>karenwilley1@gmail.com</u>>,

<earthpaden@gmail.com>, <jecarpenter15@gmail.com>, <sincluke@gmail.com>

Cc: <david.carttar@gmail.com>, <robert.c.sands@gmail.com>, <eric.c.struckhoff@gmail.com>,

<sharon.ashworth.dgks@gmail.com>

Looking ahead at the meeting when you will consider the proposed housing project (HUB) as requested for Mass. street and 11th, I have several concerns including the appearance of such a large construction. Lawrence wants to maintain it's historical downtown. Do visitors really want to approach downtown and see a modern apartment building that might dwarf the historical buildings? The lack of adequate parking spaces and the number needed for such a large complex will not go over well with east side residents who live close to downtown. Are these living units really needed for students? We do have need for affordable housing but not more student housing.

The city has hired a consultant to give input on a downtown master plan and I would want to see this plan considered before a decision on this proposed construction is made.

Thank you for you continuing work (volunteer time) for the community of Lawrence. Your efforts are time consuming and rarely get the reserved recognition.

Linda Watts 1817 Learnard Ave. From: Melissa Meyer < melrmeyer@gmail.com > Sent: Wednesday, March 20, 2019 9:04 AM

To: City Hall email

Subject: Re: Historic Resources Commission | January 17, 2019

Hello,

I'm writing to express my concern about the proposed project, "The Hub at Lawrence" at 11th and Mass. Lawrence is bloated with cheap and unbecoming apartments as it is. There is plenty of on campus housing for students and that is where we should encourage students to live so they are near to their classrooms and libraries. Lawrence does not need another complex like this or to have an outside company take advantage of the city again.

Thanks for your consideration,

Melissa Meyer

From: Kerry Altenbernd < kerryaltenbernd@gmail.com>

Sent: Thursday, March 21, 2019 12:45 PM
To: Lynne Zollner < | zollner@lawrenceks.org >

Subject: Opposition to to Core Spaces' "The Hub" project

Lynne,

I'm writing to add my name to the growing list of those who are opposed to the ill-conceived The Hub" project that Core Spaces is proposing for downtown Lawrence. It's totally out of character with the historic downtown area and would irredeemably destroy it. Such an architectural assault on downtown Lawrence must never be approved or built.

Thanks.

Kerry

From: Kerry Altenbernd < kerryaltenbernd@gmail.com>

Sent: Sunday, March 24, 2019 12:23:49 PM

To: Jeff Crick; julia.v.butler@gmail.com; earthpaden@gmail.com; jecarpenter15@gmail.com;

<u>sincluke@gmail.com</u>; <u>david.carttar@gmail.com</u>; <u>eric.c.struckhoff@gmail.com</u>; robert.c.sands@gmail.com; jimweaver217@gmail.com; karenwilley1@gmail.com;

sharon.ashworth.dgks@gmail.com

Subject: Opposition to items on March 27th Planning Commission agenda

To the Lawrence-Douglas County Metropolitan Planning Commission

Dear Commissioner:

I am writing to you in opposition to two related items on the agenda for the March 27th meeting of the Planning Commission, Items 11A and 11B, special use permits for The Hub at Lawrence, submitted by Core Lawrence Massachusetts LLC for 1040 and 1041 Massachusetts Street, and for 1000 New Hampshire Street, respectively.

City staff has apparently interpreted that Section 20-517(ii) of the Land Development Code only prohibits ground-floor dwelling units along certain downtown streets in order to ensure that those spaces are reserved for commercial use, and since the proposed units would not occupy such spaces, city staff has concluded that they should be allowed. Protection of commercial space may be one aspect of the intent of the section, but I submit that in addition to securing commercial space, its intent is to also restrict all ground-floor dwelling units in the downtown area to ensure that tenements, row houses, and other structure not conforming to the historic building patters in downtown will not be allowed to be constructed.

Even though the proposed ground-floor dwelling units in SUP-18-00502 are along the alley and north facing wall of the building, and the proposed ground-floor dwelling units in SUP-19-00033 are along the north and south facing walls, they are still ground-floor dwelling units in an areas where ground-floor dwelling units have not historically been allowed.

One might argue that there would not be the option in the code to allow ground-floor dwelling units with a SUP unless that were an acceptable configuration to the framers of the code, but I contend that this is not the case, and that the SUP option was included solely to ensure that future commissions would not be tied to old rules if attitudes changed in the future. These attitudes have not changed, so an SUP for ground-floor dwelling units downtown should not be allowed, whatever their configuration.

In addition, approval of the requested SUPs, and thus allowing construction of ground-floor dwelling units in downtown, would set a dangerous precedent that could someday be used in court against the city by a developer whose plans for such units were to be disapproved by future planning and city commissions.

I see no good reason for these special use permits to be approved, so I therefore request that you deny both of them.

Thank you.

Sincerely,

Kerry Altenbernd 431 Forrest Avenue Lawrence, KS 66044-3729 LAW OFFICES

BARBER EMERSON, L.C.

1211 MASSACHUSETTS STREET

POST OFFICE BOX 667

LAWRENCE, KANSAS 66044

(785) 843-6600

FACSIMILE (785) 843-8405

LINDA K. GUTIERREZ MATTHEW J. ROGERS*

RICHARD A. BARBER

Matthew S. Gough Email: mgough@barberemerson.com

March 20, 2019

VIA E-MAIL ONLY

RICHARD L. ZINN

CALVIN J. KARLIN

JANE M. ELDREDGE

MARK A. ANDERSEN*

MATTHEW S. GOUGH*

CATHERINE C. THEISEN

*ADMITTED IN KANSAS AND MISSOURI

TERRENCE J. CAMPBELL*

Lawrence Historic Resources Commission; Lynne Zollner, Staff Liaison

Re:

DR-18-00503 (the "Application") - Environs Review

The Hub at Lawrence (the "Project")

Commissioners:

I am writing on behalf of Core Spaces (the "Applicant"). As discussed at the HRC meeting on November 15, 2018, Chapter 22 of the City Code (the "Code") has a very specific and limited definition of the term "Environs." That definition plays an outcome determinative role in your application of the proper standard of review, and the Applicant requests that you apply it to the Project.

The Subject Property is Not Part of the "Environs" of Any Landmark or District.

A threshold question in any environs review is whether the subject property is, in fact, part of the "Environs" of a historic property or district. It is a two-step analysis, and not every property within 250 feet of a historic structure is part of that structure's Environs. In fact, the Code's reference to 250 feet is meant to *exclude* properties from the definition of "Environs," not cause an otherwise insignificant property to become part of a landmark's "Environs." Section 22-105 provides the following definitions of "Environs" and "Contributing:"

Environs - Any structure, object, or site that directly contributes to the architectural and/or historical significance of a landmark or historic district. The environs area shall not include structures, objects, or sites which are not located in part, or in their entirety, within 250 feet of the boundaries of a landmark or historic district designated pursuant to this Chapter. The environs is not an extension of the boundaries of an historic district or landmark. For this reason, an application for a certificate of appropriateness for a project within the environs area shall receive the least stringent scrutiny when the Commission applies its Standards for Review as set forth in section 22-504 [sic], and there shall be a presumption that the application should be approved.

* * *

<u>Contributing (or Contributory)</u> - A significant building, site, structure, or object which adds to the architectural qualities, historic association, or archeological values of an historic district <u>because</u>:

- (1) It was present during the pertinent historic time; or
- (2) It possesses integrity and reflects its significant historic character or is capable of yielding important information about the pertinent historic period.

(Emphasis added).

The existing improvements on the subject property do not "contribute," nor are they "contributory," to any historic district, because they were neither in existence during the pertinent historic time nor do they reflect any historic character. The existing property does not "directly contribute to the architectural and/or historical significance of a landmark or historic district." Therefore, no part of the subject property is in the "Environs" of a landmark or district, the Project's proximity to registered properties is irrelevant, and no Environs review is required.

Even if the Subject Property Were Part of the "Environs" of a Landmark, the Presumption of Appropriateness Has Not Been Rebutted

Applying the Code's plain meaning to the Staff Report's factual findings, even if the Project were part of the "Environs" of a landmark, HRC should approve the Certificate of Appropriateness. The Staff Report, which is a subjective interpretation of the Code, states in several places that the proposed project will "damage the environs" of the pertinent landmarks. See, e.g., Staff Report, p. 5 ("The development project as a whole encroaches upon, damages, and destroys the environs of the Watkins Bank Building, the Douglas County Courthouse, and the English Lutheran Church." (emphasis added)). Even if that is accurate (the Applicant believes otherwise), damage to the environs of a landmark does not rebut the presumption of appropriateness – there must be "significant" encroachment on, damage to, or destruction of a landmark. Section 22-505(4). There is no physical damage or destruction to any landmark. The Project does not encroach upon any landmark, because they are all buffered by public rights-of-way ranging from 80 to 100 feet in width.

The design of the Project, thanks to the input and guidance of Staff, ARC and stakeholders, has undergone a multitude of material refinements over the last eight months. The Applicant has been a cooperative participant in this process. This Project represents a significant opportunity to redevelop an underutilized gateway to Downtown. Please apply Chapter 22 of the City Code and approve the Certificate of Appropriateness.

Sincerely,

BARBER EMERSON, L.C.

Hatthen f. Hrugh Matthew S. Gough ----Original Message----

From: Noah Benham < noahbenham1@gmail.com >

Sent: Thursday, March 21, 2019 7:55 AM

To: dave.evans@gouldevans.com; kentfry@gmail.com; mveatch@gmail.com; Lynne Zollner

<lzollner@lawrenceks.org>; brenna.buchanan@me.com; kelly.erby@gmail.com;

abailey@sloanlawfirm.org

Subject: [old ci.lawrence.ks.us] HRC: The Hub

HRC,

As a Lawrence native, I'm concerned to hear of requests to build a large student apartment complex at the corner of 11th and Massachusetts.

New residential development can help spur growth and progress, and is becoming necessary in some cases to replace aging retail space losing its vitality in the age of online shopping. However, the commercial space of downtown is unlike that of other cities. Our restaurants & shops are well trafficked and loved by transient and long-term residents.

Existing buildings this developer, Core Spaces, has erected do not fit the aesthetic and quality we should demand and deserve from our tenets. The prominent location of this apartment complex will worsen traffic flow and harm surrounding structures' integrity.

Downtown Lawrence is the shining star of our city. It's what makes Lawrence unique, quirky and a place I'm proud to call my hometown. I urge you to uphold our high quality standards and respect for historic spaces.

Sincerely, Noah Benham noahbenham1@gmail.com **From:** Cynthia Bond < cynthia.delay.bond@gmail.com>

Date: March 20, 2019 at 1:18:55 PM CDT

To: dave.evans@gouldevans.com, kentfry@gmail.com,

mveatch@gmail.com, lzollner@ci.lawrence.ks.us, brenna.buchanan@me.com,

kelly.erby@gmail.com, abailey@sloanlawfirm.org

Cc: "Moreno, James" < <u>moreno@ku.edu</u>>

Subject: [old <u>ci.lawrence.ks.us</u>] Please Do Not Approve the Hub Project

Dear Members of the Historic Resource Commission: We are writing to oppose the "Hub at Lawrence" proposal.

My husband and I (a professor at KU and cc'ed here) own a home and reside in East Lawrence. Originally from Chicago, we appreciate the thriving downtown Lawrence offers. One of the strengths of that downtown is the healthy contingent of townspeople on the sidewalks and in the Massachusetts Street businesses. As you well know, Massachusetts St. owes its vitality not simply to throngs of KU students, but to a mix of folks from various walks of life. To add the massive, student-centered structure of the "Hub" to this vital civic space would do a great disservice to Lawrence's downtown. The shift towards a more KU-centered, transient population in the heart of downtown undermines Lawrence's quality of life and unique identity as a town that is not solely encompassed by the University. And this impact is likely to be felt beyond downtown, with increased congestion in surrounding East Lawrence.

In addition, we are concerned about the adverse aesthetic and ahistorical impact this project will have on Downtown Lawrence. We echo Tom Harper's concerns in his letter in the Lawrence Journal World: "The height, scale & mass of the apartment complex will harm the integrity & environs of three historic buildings: Watkins Museum, the Douglas County Court House & English Lutheran Church....Furthermore, the design lacks strong and imaginative design elements for such an important intersection. On-line research of reviews for Core Spaces buildings reveals subpar construction & poor management as common themes."

We urge you to reject the Hub proposal for downtown Lawrence.

Thank you for your time,

Cynthia Bond James Moreno

Douglas County Historical Society

1047 Massachusetts Lawrence, KS 66044-2923 Phone 785-841-4109 Fax 787-841-9547 www.watkinsmuseum.org

Board of Directors

March 8, 2019

Officers
Kathryn Tuttle

Historic Resources Commission

President

City of Lawrence

Michael Delaney

c/o Lynne Braddock Zollner Historic Resources Administrator

Vice-president

City Hall

Kurt Falkenstien Treasurer 6 East 6th Street PO Box 708

Lawrence, KS 66044

Tess Banion

Secretary Re: Proposed Project "The Hub at Lawrence"

Jeannette Blackmar Past President Dear Members of the Historic Resources Commission:

Members Shawn Alexander The Board of the Douglas County Historical Society and the Watkins Museum of History wish to express our concerns about the proposed project, "The Hub at Lawrence," at 1040

Massachusetts Street, 1041 New Hampshire Street, and 1000 New Hampshire Street

which will come before you on March 21, 2019.

Eric Anderson

Abby Ehling

The proposed project is directly across the street from the Watkins Museum, the Douglas

County Courthouse, and the English Lutheran Church. These three buildings are

Sandra Gautt landmark properties on the Lawrence Register of Historic Places, as well on the National

Register of Historic Places. The Watkins Building, built in 1888 to house the Watkins Land Mortgage Company and National Bank, has been home to the history museum for

Lawrence and Douglas County operated by the Douglas County Historical Society since

1975. Before that, the building served as Lawrence City Hall, from the time the Watkins

businesses closed in 1929 to 1970.

Tom Harper

Pat Kehde

Web Golden

Charles Jones

We have noted the request of the Historic Resources Commission for the developers to

follow the Downtown Design Guidelines. Members of the DCHS Board of Directors

have attended the meeting of the developers with the City's Architectural Review

Committee in which some of the design guidelines were addressed by the developers. We

appreciate their willingness to consider some changes.

John Nalbandian

Mica Mendez

Mick Ranney

However, the proposed changes do not affect the overall size, scale, and mass of the

proposed structure. We believe that the height, scale and mass of the building at 1040 Massachusetts Street and 1041 New Hampshire Street would encroach upon, damage, or

destroy the environs of the three listed historic properties.

Lauren Taylor

Sean Williams

Deanell Tacha

There is no other structure as massive as the proposed structure in the environs of the

Watkins Museum. The proposed height of the Hub building is 12 feet taller than the

Watkins Building. Its scale and mass are significantly greater than the existing street

scape of commercial buildings in the 1000 block of Massachusetts Street. Finally, while the proposed reduction of the Hub building to five stories along Massachusetts Street, but with a sixth story set back 20 feet, reduces the building's apparent height at street level, the sixth story will be plainly visible from the Watkins Museum's third floor.

We urge the Historic Resources Commission to deny the project's request for a Certificate of Appropriateness. We urge that the project be redrawn to significantly reduce the height, scale and mass of the building so that it does not overwhelm the historic architecture of the Watkins Museum or the other two listed buildings, and preserves the historic appearance of the downtown commercial district in the 1000 block of Massachusetts Street.

Thank you for your consideration.

Sincerely,

Kathryn Nemeth Tuttle

President

Steven J. Nowak Executive/Director March 21, 2019

Historic Resources Commission via email to: Izollner@lawrenceks.org

City of Lawrence Planning Commission via email to: jcrick@lawrenceks.org

City of Lawrence City Commission via email to: smccullough@lawrenceks.org



Dear Commissioners,

On behalf of our association of Downtown businesses, please accept this letter of support for the development project proposed by Core Spaces. As you know, our organization represents more than 200 local businesses in Downtown Lawrence. Our mission includes the commitment to preserve, protect, and promote Downtown Lawrence.

The single most effective way to support the current business mixture Downtown is to increase residential density within walking distance. Local retailers need local consumers. It is a reality that can be seen in the headlines each month. The density proposed by Core Spaces would grow the everyday supply of consumers to our Downtown businesses, supporting traditionally slower days for our retail and hospitality sectors. The addition of new commercial space will promote modern retail opportunities and will apply downward pressure on the overall Downtown lease rates. The location will activate one of the most underutilized portions of the district.

Downtown Lawrence is unique for both the charming historic aesthetics and the local businesses. Just as the businesses benefit from the architectural integrity of the buildings, the historic aesthetic is complemented by the goods and services offered by the local businesses. Empowering one of these characteristics over the other could easily damage the district as a whole. We have experienced a collaborative approach from Core Spaces, and appreciate the design accommodations made thus far at the recommendation of the Historic Resources Commission. We trust the City bodies will continue to work with Core Spaces to ensure the building complements the historic fabric of Downtown Lawrence.

Best Regards,

Downtown Lawrence, Inc.

Sally Zogry, Executive Director

Emily Peterson, President – Merchants Pub & Plate

Codi Bates, Vice President –The Burger Stand at the Casbah; Bon Bon

Patrick Watkins, Secretary – The Watkins Law Office

K. Meisel, Treasurer – Ameriprise Financial

Andrew Madl, Past President – The Sandbar

Kelly Corcoran – Love Garden

Maren Ludwig – Mass Street Soda

Meredith Moore – Wonder Fair

From: Tai Edwards <taisedwards@gmail.com> **Sent:** Thursday, March 21, 2019 9:30 AM

To: sharon.ashworth.dgks@gmail.com; karenwilley1@gmail.com; jimweaver217@gmail.com; robert.c.sands@gmail.com; eric.c.struckhoff@gmail.com; david.carttar@gmail.com; sincluke@gmail.com; jecarpenter15@gmail.com; earthpaden@gmail.com; julia.v.butler@gmail.com;

Jeff Crick < jcrick@lawrenceks.org>

Cc: Denny Ewert <dewert@lawrenceks.org> **Subject:** No to HUB apartments on Mass. St.

I am writing to voice **my opposition to building the "HUB" apartment complex** at 1040 Massachusetts St. (and beyond).

- No one comes to Mass. St to see apartment complexes. The community and the tourists attracted to this historic and signficant part of our city come for shopping, food, and events. Again, they don't come to see apartment complexes.
- What evidence is there that **student housing demands** are not being met in the city? What evidence is there that HUB will solve this problem? Numerous other student-centric housing options exist a few blocks away from this location. Are they full? What is the benefit of adding HUB housing in the same neighborhood? Would it be better suited elsewhere? HUB housing does not appear to be affordable either (if student housing challenges are based upon expense).
- For a **city that has struggled** in recent years to fully vet projects that benefit developers and land owners rather than community members and tax payers, this project seems especially alarming, unneeded, and problematically located.

Again, I oppose this development in this location.

Regards, Dr. Tai Edwards Member of Barker Huddle 3211 Nottingham Ct. Lawrence KS 66049 To the Historic Resources Commission

RE: ELNA Position on HUB Project

March 11, 2019

To the Historic Resources Commission,

The majority of the Board of the East Lawrence Neighborhood is asking that the HRC deny the HUB Project. This Project does not follow our Downtown Guidelines. This massive project is too close to residences within our neighborhood boundaries and it will have a negative impact on those residences. This project will also have a negative impact on downtown and the surrounding historic structures. This will also greatly impact our downtown culture that we have invested so much into as a City. Cultural impact is an important factor that is often not reflected in today's planning concepts. It should be.

Parking is also a significant concern. That is an issue that is on the City to reform before the next massive bedroom development downtown. The Courthouse parking lot will become a nightmare as will all parking within 2-3 blocks of this development, including blocks within our neighborhood boundaries.

The City is also embarking on a new master plan for how downtown transitions into the neighborhoods. Allowing this building at this time would seriously limit the impact that the findings from this task force will recommend.

Thank you for your consideration,

Phil Collison

The East Lawrence Neighborhood Association.

From: Bert Haverkate-Ens < berthens@yahoo.com >

Sent: Thursday, March 21, 2019 9:00 AM

To: dave.evans@gouldevans.com; kentfry@gmail.com; mveatch@gmail.com; Lynne Zollner

<lzollner@lawrenceks.org>; brenna.buchanan@me.com; kelly.erby@gmail.com;

abailey@sloanlawfirm.org

Subject: [old ci.lawrence.ks.us] 11th and Mass - Stubbs Building remodel counters the idea that

developers can't make money here

Please do what you can to preserve the downtown feel of Mass St. Perhaps the best solution is to somehow break up the conglomeration of lots catercorner. Preventing massive projects like Core from going through is a place to start. Thank you.

Bert Haverkate-Ens 1525 New Hampshire From: "Flory, Kirsten" < Kirsten.Flory@colliers.com>

Date: March 20, 2019 at 4:31:53 PM CDT

To: "kentfry@gmail.com" < kentfry@gmail.com>, "lzollner@lawrenceks.org" < lzollner@lawrenceks.org>, "kelly.erby@gmail.com" < kelly.erby@gmail.com>, "mveatch@gmail.com" < mveatch@gmail.com>, "abailey@sloanlawfirm.org"

<a href="mailto:<a href="mailto:me.com" on "chad.c.foster@outlook.com", "dave.evans@gouldevans.com"dave.evans@gouldevans.com

Cc: "Flory, Kirsten" < <u>Kirsten.Flory@colliers.com</u>>

Subject: HRC - The Hub Project

Dear Historic Resources Commission,

I want to share my support of "The Hub" proposed project by Core Spaces that is under consideration at 11th and Massachusetts. This project brings forth an opportunity to redevelop an underutilized, and quite frankly unsightly, end cap that is at the southern entrance to our Downtown Lawrence corridor.

This project will bring residential opportunities that will further enhance the retail support of our Downtown Lawrence merchants. As a commercial real estate agent, I understand first hand how residential growth positively impacts retail success. By creating additional opportunities for individuals to live, work and shop in our beautiful Downtown area creates a win-win for our community. As I evaluate the other new projects that have come online over the past few years, namely the developments along New Hampshire, as well as the new Treanor Architects building on Vermont and also the newly remodeled Marsh Building at 623 Massachusetts, all of these projects have created designs that have fit in with the look and feel of the Downtown Lawrence landscape.

I encourage your support of this project and the advantages it brings to the Lawrence Community.

Sincerely,

Kirsten Flory

Associate | Lawrence Direct +1 785 865 3821 | Main +1 785 865 5100

Fax <u>+1785 865 3842</u> <u>kirsten.flory@colliers.com</u>

Colliers International

805 New Hampshire, Suite C | Lawrence, KS 66044 | USA www.colliers.com

----- Forwarded message -----

From: **Suzan Hampton** < <u>suzanhampton@gmail.com</u>>

Date: Mon, Mar 25, 2019, 1:28 AM

Subject: Opposed to the proposed 'The Hub' development at 11th and Mass

To: <<u>jcrick@lawrencks.org</u>>, <<u>julia.v.butler@gmail.com</u>>, <<u>earthpaden@gmail.com</u>>,

<jecarpenter15@gmail.com>, <sincluke@gmail.com>, <david.carttar@gmail.com>,

<<u>eric.c.struckhoff@gmail.com</u>>, <<u>robert.c.sands@gmail.com</u>>, <<u>jimweaver217@gmail.com</u>>,

<karenwilley1@gmail.com>, <sharon.ashworth.dgks@gmail.com>

Cc: Suzan Hampton < suzanhampton@gmail.com >

Hi Commissioners,

I'm an architectural and urban designer who lives in East Lawrence and am writing to express my opinion about the proposed project "The HUB" at 11th and Mass. Due to the unique character of this specific site, I'm not in favor of this project and here's why:

1. The design has no relationship to its context. It is generic in its use of materials, form, massing, and function. This development could be found anywhere: Portland, Tokyo, Wichita...why here? What makes this building reflect the historical and cultural heritage of Lawrence, Kansas as a unique place, and the significance of that corner, specifically, as one-of-a-kind? How does this design tell the story of why Lawrence is special? How does it reinforce what's already here?

It doesn't. Its neutral design detracts from the strength of the surrounding buildings' character and diminishes the importance and stature of the entire corner. It's like putting Ross Dress for Less next to City Hall, or a Hy-Vee next to the White House. There's nothing wrong with Ross or with Hy-Vee, but put them in the wrong location and they suddenly become pretty wrong.

- 2. The design is not special enough for such an important location in downtown Lawrence. I'm not criticizing the design, but there is nothing noteworthy about it: it's designed to be as cheap as possible to build and to appeal to college-age students right now and for the next maybe 5-10 years, max. It's very likely a rehash of a design done for a different college town that the developer paid to have "tweaked" to conform to local building code and to the constraints of that site. I've done design work for developers and I know that if there is any way to repurpose a design that has already been paid for, they will do it: it's good business because they spend less money on design and it's faster.
- 3. I'm a big fan of increasing density and of increased residential density downtown because I believe it helps local economy and the environment. Done right, adding residential could help counter the negative impact of online shopping for our downtown businesses.

That said, this type of development with this specific target market will increase revenues for the bars and restaurants downtown, from property taxes, and from parking fines for the City. But I'm not convinced it will help retail revenues at all. Generation Z (and those coming after) shop online and get purchases delivered because they demand vast selection, personalization, and convenience. They don't shop retail much anymore and I don't see that trend reversing itself. They are looking for "experiences" in public, physical spaces: not shopping.

Such a special site downtown deserves a special building or other program. If the other buildings on that corner represent "heritage", "faith", and "governance", then a park could embody "free speech", a farmer's market "commerce", or a well-designed, well-integrated residential complex "community". It's my opinion that whatever structure or program that eventually inhabits this location should attempt one of two strategies:

- 1) either fit in with the overall scale, materials, massing, quality construction, public space, and setbacks of the surrounding urban fabric out of respect for and to strengthen the significance of what's already there, or
- b) highlight the uniqueness and stature of that specific corner by being different and embodying a truly world-class design. Examples of this strategy that come to mind are the Steven Holl addition to the Nelson Gallery in Kansas City and I.M. Pei's Pyramide at the Louvre in Paris. Both are stunning and elevate the historic context *and* the new structures by their world-class design. They inspire dialog and thought, they create great, activated public spaces, and by the juxtaposition of the old with the new, they make a strong statement about culture, the passage of time, and the meaning of Place.

Thank you for your service, and for protecting our historic and cultural heritage at that very special downtown corner.

Suzan Hampton

--

Suzan Hampton, LEED AP bd+c landscape | architecture | urbanism 415-745-0182

Delaware Street Commons 1218 Delaware St. #1 Lawrence, KS 66044 **From:** Tom Harper < tomharper@stephensre.com >

Date: March 19, 2019 at 8:56:57 PM CDT

To: < <u>dave.evans@gouldevans.com</u>>, Kent Fry < <u>kentfry@gmail.com</u>>, Matt Veatch < <u>mveatch@gmail.com</u>>, Lynne Zollner < <u>lzollner@ci.lawrence.ks.us</u>>, Brenna Buchanan < <u>brenna.buchanan@me.com</u>>, < <u>kelly.erby@gmail.com</u>>, "<u>abailey@sloanlawfirm.org</u>" < <u>abailey@sloanlawfirm.org</u>>, Stuart Boley < <u>sboley@lawrenceks.org</u>>, Lisa Larsen < <u>llarsen@lawrenceks.org</u>>, Leslie Soden < <u>lsoden@lawrenceks.org</u>>, Matthew Herbert < <u>matthewjherbert@gmail.com</u>>, Jennifer Ananda < <u>jennifer.d.ananda@gmail.com</u>>

Subject: [old ci.lawrence.ks.us] Core Spaces- The HUB

Good evening- Ms. Zollner and Commissioners, thank-you for your service and protecting the historic integrity of our downtown.

I am writing to ask you to deny the request below by Core Spaces for the proposed project "The HIJB".

The request is to demolish the two structures on the site and construct a mixed use structure that will cover 1040 Massachusetts Street (Lots 108, 110, 112, 114, 116) and 1041 Hew Hampshire Street (Lots 109, 111, 113, 115), two mixed use structures and a parking garage on the east side of New Hampshire Street (Lots 100, 102, 104, 106, 108, 110, 112).

Below is the letter to the editor I wrote. It was published in todays Lawrence Journal World. If you would include this email in the HRC packet on Thursday night I would appreciate it.

The proposed project, "The Hub at Lawrence" by Chicago based Core Spaces should cause great concern for anyone who appreciates the historic nature of downtown Lawrence. Core Spaces designs & builds apartment complexes in college towns for students. The location for this massive apartment complex is 11th& Massachusetts Street, the gateway to downtown. The height, scale & mass of the apartment complex will harm the integrity & environs of three historic buildings: Watkins Museum, the Douglas County Court House & English Lutheran Church. Such a massive apartment complex will house hundreds of transient students/residents resulting in increased vehicle traffic that will congest the entrance to downtown and compounds the existing congestion in adjoining East Lawrence neighborhood. Furthermore, the design lacks strong and imaginative design elements for such an important intersection. On-line research of reviews for Core Spaces buildings reveals subpar construction & poor management as common themes. This apartment complex is not conducive to a healthy downtown. We should not give 11th& Massachusetts away for such little return and great risk. The City, Historic

Resource Commission, Planning Commission & City Commissions are in place to protect us from developers that will harm our community. If you care about the integrity and life of our historic downtown, now is the time to speak up. Our community deserves a better neighbor then what Core Spaces is offering.

Sincerely, Tom Harper From: Tom Harper < tomharper@stephensre.com >

Sent: Sunday, March 24, 2019 7:23:20 AM

To: Jeff Crick; julia.v.butler@gmail.com; julia.v.butler@gmailto:julia.v.butler@gmailto:julia.v.butler@gmailto:julia.v.butler@gmailto:julia.v.butler@gmailto:j

<u>sincluke@gmail.com</u>; <u>david.carttar@gmail.com</u>; <u>eric.c.struckhoff@gmail.com</u>; robert.c.sands@gmail.com; jimweaver217@gmail.com; karenwilley1@gmail.com;

sharon.ashworth.dgks@gmail.com; Stuart Boley; Lisa Larsen; Matthew Herbert; Jennifer Ananda; Leslie

Soden

Subject: ITEM NO. 11A -SUP-18-00502:

Dear Commissioners and Mr. Crick, thank-you for your service to our community.

If this could be placed in your packet I would appreciate it.

I am writing to urge you to deny the SUP for ground floor dwelling units for Core Spaces proposed development, the HUB located at 11th and Massachusetts Street.

As you are aware, the HRC unanimously denied Core Spaces the Certificate of Appropriateness last week. The public sentiment was overwhelmingly against this project due to the harm it will cause to our historic downtown.

The size, mass & scale are overwhelming to three historic buildings: The Watkins Museum, the Douglas County Court House and the English Lutheran Church. The number of transient students and lack of parking will cause more congestion downtown and spill over into East Lawrence neighborhood. The design is unimaginative. The corner of 11th and Massachusetts is precious and deserves a marque building we can be proud of for the next 100 years. The HUB would be an embarrassment for our community.

On-line reviews reveal that Core Spaces has a poor track record across the United States with sub par construction practices & poor management. Attached are 8 pages of online reviews I gathered a couple months ago. I could have easily added more pages/reviews.

Lawrence deserves better and this particular corner, the gateway to our downtown certainly deserves a better building and better neighbors then an apartment complex that serves as a dormitory for students.

Lawrence is relying on you to deny the SUP and protect our historic downtown.

I'm hoping for another unanimous vote Wednesday.

Sincerely,

Tom Harper

The HUB Tucson 11

SCAM BUSINESS! Our son lived here last year for his freshman year. They don't have models for parents to look at and now we know why-because the apartments are shit holes. The place was dirty when him and his roommates moved in, their washing machine didn't work and it took the complex weeks to fix it. When they all moved out, we had the place professionally cleaned and we just got the invoice from them and they kept the entire \$500 deposit!! Obviously they're in the business to rip off college students and their parents.

With the amount of units they have and the number of college kids they put in each unit and the high living cost they charge that place should be a immaculate. They don't put any money back into the units from the money they get for rent. Plus they make you pay a full 12 month lease even though UofA is Aug-May.

Please do not put your kids in this shit hole. There are so many actual homes near and on campus that are rented strictly to students and are well maintained, clean, bigger living spaces, bigger rooms and less expensive! Our son is in one of these homes now for his second year and he couldn't be happier and we are saving so much money!

Be forewarned if you are thinking about leasing an apartment here. You will never see your security deposit again and you most likely will be charged more for items like repainting the apartment for new tenants, which quite frankly the landlord should do in between tenants, e especially after collecting \$50,000 a year for a 4 bedroom apartment. When my daughter moved in the couch was filthy and they had to complain over and over again to get clean cushions, then when she moved out they charged her and her roommates for new barstools only to learn that the new tenants moved in with the old barstools still there. They were eventually replaced months later but only after they complained over and over again. They also tried to charge my daughter for new carpet for her bedroom when her carpet had been professionally cleaned before she moved out. They did waive that fee when she showed them her receipt but the reality is the new tenants had already moved in, clearly not with new carpet put in even though they tried to charge my daughter \$600 for it. Her new apartment is \$400 a month less, the landlord holds social functions for them by the pool with food, and the shuttle runs like clockwork to the University so she finds it just as convenient. There are better places to live that value their tenants and treat them with respect.

DO NOT LIVE HERE. They will take your money for no reason. Scratch in the wall? That's \$500. This place is a shit hole. The laundry machines barley work. The dishwasher never works. The couches are the ugliest things and feel like you are sitting on a rock. I ADVISE ANYONE LOOKING TO LIVE HERE TO NEVER LIVE HERE. EVER. and do not live at hub speedway. It is run by the same corrupted people. Im living here now and would rather move out next semester than have to deal with this shitty management again next semester. I would give o stars but I can't.

-

All 4 of these complexes (Sol y Luna, Hub and Hub 2) are in the business of scamming college students, these focusing on wealthier families. They bait you in with a beautiful model then when you arrive in your room, you get furniture that falls apart, appliances that don't work, shower heads that fall off.

This place was hastily made and it shows. Also charging students 1500\$+ to live in these complexes without utilities is ludachris! Avoid at all costs!

Buyer beware. If I could prevent one parent or student from renting from this place, I will have done my good deed for the day. My son rented from this place for a year and I grateful it is over.

Apartment was filthy when we moved in and was left spotless (professionally cleaned) and received none of our \$500 security deposit back. Complete abuse.

While we never got to renting a place, it was very clear these guys are dirtbags. I wish we would have looked at Yelp first (next time). They told us we had seven days to get our paperwork in. Two days later, after I took the morning off from work to get the lease notarized, I sent the payment and lease paperwork... everything was confirmed and seemed fine during conversation. My daughter was stoked. Then I get the call an hour later... "sorry we booked a group of four yesterday in that room." The next available room offered was double the monthly rate - right! They then offered to put us on a waiting list (like it exists) but could not tell us how many were on that list. Stay away or be prepared for some level of disappointment!

Would not recommend anyone to live at HUB at Tucson--would give it o stars if I could. This company scams students and parents into paying ridiculous rent for crappy apartments that aren't as advertised. Staff is usually not friendly/accommodating. Moved into a completely trashed apartment with a broken sink and toilet. Wifi never works. Paid a \$500 security deposit and only received \$100 back with made up miscellaneous fees and "turnover cleaning" fees (no damage was done to my room or the apartment besides normal wear and tear which should not be deducted from a security deposit). My roommate got her room professionally cleaned and she got hit with the same exact fees on move-out day making it apparent that they charge every student regardless of conditions. If you want to come home to elevators filled with trash and two-week old throw up in your hallway then HUB just might be the place for you.

Although it made for a fun social atmosphere full of college students, HUB takes advantage of tenants by overcharging for inferior living. The wi fi was never functional and never fixed, maintenance was bad, the building was dirty on move in, and after move out they sent a bill full of made up charges. They try and make money off of you anyway they can. Don't waste the time or money on the HUB.

If I could I would give them zero stars. Very poor quality, complete waste of my money. Customer service is also not even a category of concern for them.

Two kids, three years and a chunk of change down the drain!!! The only good thing about this place was the location. Rates were phenomenally high, but it seemed like a safe place for our kids to live, so we went for it. Let me tell you....It is a colossal rip off!!!! The first year the Hub opened, our oldest child moved in and the apartment still had wet paint on the walls during move in day,

because construction was so behind schedule. After numerous requests throughout the school year, a laundry list of items needing repair were NEVER done. And security deposits were not returned in full, regardless of how clean the apartment was. Move in during the second year at the Hub wasn't much better, with complete incompetence and chaos with the management. We had to ask them to have the carpets cleaned, which were not done at move out the previous year. And again, they were touching up the paint on the walls, while the kids were moving their furniture and belonging into their rooms. It was no surprise that the carpets were never cleaned all year, as had been promised. Various other things were broken and never repaired. Wifi was sketchy at best. And at the end of the second year, we still had most of our deposit withheld, despite the chaotic state that her apartment was turned over to us in the beginning of the school year. Year three, our younger child moved in, with the hopes that the Hub would have worked out some of the problems. And like the two previous years, the apartment was once again filthy and unacceptable. We implored the management to have their unit cleaned properly, which required a cleaning crew to scrape and scrub who knows what off the vinyl floors. This all occured while we were trying to move in all 6 of the roommates. The rent from the first year to third year increased quite dramatically as well. And the kicker for year three security deposit.... receiving only \$13 out \$500 for each of the six deposits. UNBELIEVABLE!!! What a joke!! The Hub management requires each apartment's tenants to professionally clean their carpet. Explain to anyone how it is reasonable or even possible to expect 6 college students (6 roommates in our case) to coordinate this, when each student is in the middle of final exams and/or moving out at completely different days/times. Should this responsibility fall on the last student in the apartment, when most are in the midst of final exams and packing their belongings to move out for good? Like the three extra months of rent students pay between May and August won't cover the wear and tear of the other nine months! This company is greedy and shady to it's core!!! Why can't management figure in the cost of normal wear and tear into the cost of the apartment rent? Why not be up front about it all? We are disgusted at how this company holds every renter's security deposit hostage for the entire year, knowing all along that they have no intention of refunding it. Based on how incompetent the management is, the money is probably already spent. Kind of like a Ponzi scheme! This place is the biggest SCAM going in university apartment living.

The James in Madison WI

The building was built in a very cost effective manner (cheap). The walls are thin and sound travels easily, the units lack storage, although you can rent a storage unit for an additional fee, and the bedroom closets are devoid of any type of organizers, so bring your own. The basic theme of cheaping out resonates throughout.

As a parent paying my student's rent at this place, my advice to other parents is "just sat no." It's a poorly (read cheaply) constructed luxury priced building. Lots of things breaking or not installed correctly in this their first year open. When the new owners took over, they exploited a loophole in the contract and effectively upped the rent (adding renter payment for water). And the basics are NOT taken care of. Move in/ out bins broken? We'll wait to buy more until the next years move in, leaving those of you that have paid us an exorbitant year of rent to carry out your boxes one at a time. Your student will be dazzled by the rooftop pool and ingore the tiny bedroom. Just say "no."

Consistent negligence, carelessness, and irresponsibility are a few words that come to mind.

I've had one of the worst experiences living at the James-- and I thought I'd give it a try for a second year as it was their initial year and my other option was filled too quickly (which was a mistake, nonetheless). The amount of TIME I spent just fixing their mistakes, preventing greater problems, and simply complaining could probably pay for a months' rent.

If I could give o stars I would. Incredibly poor communication and rude management. DO NOT LIVE HERE. The leasing manager Kristina L. is difficult to work with and has the worst customer service skills. Save your sanity & take my word and do not sign with this building!!!

Retweet, if I could give this negative stars I would. The amenities are cool but literally everything that can break will break. If you wanna live here, just be warned, living without a different necessity all the time because something breaks every week (it takes them 3 weeks to fix it) sucks. Also, if you have a balcony, your doors might get stuck locked and not allow you to use it so have fun paying extra for some cool locked doors. If you already signed here, I wish you the best but you made a horrible mistake.

This place actually is the worst. If zero stars was an option, I would do it. For one, the entire year the staff was so rude while doing their job. Like, I'm sorry I asked you to get me a package even though it's your job?? The place was always dirty, don't think they ever cleaned the hallways, staircases, etc. Also the hot tub was absolutely disgusting and so cloudy you couldn't even see the bottom. The utilities bill at the end of the month at the end of the year was 4x the price. Also the security deposits were literally stolen from us for such bullshit reasons. Last place I would ever live again.

Let me start off by saying, I do not live in The James. However, my girlfriend does, and this place is a mess! I don't even know where to start!! Back in the early spring, one of the three elevators stopped working with 10 residents inside. Now, this does happen from time to time in large apartments, but the way the management handled it was pitiful. Instead of letting other residents know about the problem with signs in the elevators or an email sent out to everyone, they decided to completely bury the issue. We only found out about the issue through a local news story (madison.com/news/local/c...). As if that weren't bad enough, the rules with the rooftop hot tub aren't explicitly advertised. Back at the end of the fall semester and at the beginning of this summer the hot tub was completely shut off without any warning to residents that it would be off. On top of these specific events, the protocol with charging residents for water appears to be entirely random with no system to let people know where the bill is coming from. Anytime there is a problem, the management seems to take ages to fix it. None of the issues brought up seem to actually matter to

them. Needless to say, my girlfriend is not returning for another year, and I have advised all of my friends who have considered this place to avoid it at all costs!!

Dont get suckered into the Roof top pool and other amenities. You will hate The James. After some time being here you will feel like your in prison. The concrete box feel apartments are depressing. The management sucks. The pool and hot tub is always qhetto trash in it. Any friends you have visit you will have to take elevator to let them in and then take them out. It's a fire hazard. You could get trapped if the key phob system doesnt work. You're on camera everywhere you go. The grills sound cool too but there always broke and gross

I had hoped that when TheJames was taken over by American Campus that the place would be run a little better but I have been greatly disappointed. For the past few weeks the steam room has smelled like mildew/mold an now it has been shut down indefinitely for repairs. The printer in the study lounge has been broken for 2+ weeks during finals and they just put a piece of paper over it that says "out of service." Finally, tonight after leaving the gym my access key stopped working for no apparent reason (I had nothing else in my pockets) and the person on call could only let me up into my room and suggest that I take it to the office tomorrow. Without my access key I cannot get in the front door, press the button in the elevator for my floor, or get into my room and there is no backup plan for if this happens. For the past two months I have been bombarded with lease renewal letters but there's a reason I'm not signing them to continue paying \$1300 a month for this. Figure it out

Update: It took 2 days for me to get a new keycard. Management was out of town and said they would not answer their phones or let anyone working onsite make a key. They never answered my emails and did not apologize at all. It is unbelievable that they do not have some protocol for situations like this or if an issue happens after normal business hours.

STATE ON CAMPUS Norman OK

The only thing that is a joke is the Management. Everything about the place is nice but I would not live there again because of the new management. The updates are nice and I just can't stress how awful the management is. It was so much better when it was the Reserve.

State on Campus is a very nice apartment complex the perfect distance from campus. I had no problems living there other than my inconsiderate neighbors whom ultimately ruined my experience. The buildings are poorly insulated, so you can hear

everything your neighbors are saying. Such a shame because I would've renewed my lease in a heartbeat.

Slow to fix most issues that are wrong but overall nice place. Room doesn't look like model room though so very unexpected

The reserve on Stinson seemed like it would be nice quiet, out of the way place to live for my third year at OU. I soon realized that the reason it was so quiet and so few people lived here is because it's a nightmare, they claim to be a happy community for student living, but the staff does not have the slightest idea when it comes to a helpful community, the charge you for every little-suspected thing without proof or speaking to a resident, they make mistakes on your bills and then charge you late fees on top of it for THEIR mistake. not to mention for the first month and a half of living here my apartment was crawling with ant the inside and out, I keep a clean apartment, no food left out but they were everywhere. the only reason they were no longer in my apartment is because i finally went and bought some home defense bug spray myself. on top of that when i moved in it was like no one checked out the room from when the last person lived here. the blind slide to the patio didn't work, the patio was filthy like someone was blowing leaves and dirt onto it the blinds in my room didn't work, the door in my bathroom had been punched in. the shower drained slow and the washer was the loudest I'd ever heard and the dryer to this day doesn't work and they've come to "fix it" three times.... this place is terrible which explain why when I moved in they were only at around 35% capacity. this place is not worth the amount of rent the charge, and not maintained well enough for them to charge for every little violation. the staff doesn't and if that's not enough I can hear the guy above me every time he flushes the toilet or walks in his room. i would not recommend this place to anyone unless you're made of money to waste or this is your only possible option. even then I'd? rather pitch a damn tent and shower at the huff before living here again.

The Reserve at Stinson is, without a shadow of a doubt, the single most horrendous business I have ever had the privilege to lay eyes on. I mean really, you read books about people like this, and think: "Wow, there's no way anyone could possibly be this inhumane", but here at 730 Stinson Street, they'll go out of their way to go above and beyond. Move in day? Don't expect help with furniture, expect cockroaches. Cockroaches EVERYWHERE. You get used to them; Those six-legged arthropods crawling around while you sleep, getting in your backpack and laying eggs in your sink. We made sure to keep all our stuff in the refrigerator lest we wake up to an all you can eat cockroach buffet (Yes that is a double entendre). Don't get too cozy though; just when you start getting used to your uninvited roommates BAM! apartment floods. Three times actually. Turns out that shoddy old plumbing tend to break, who knew?!?! But don't worry, those kind, caring people down at the office have just the thing for you. Split up the roommates, shove 'em in the decrepit old

rooms twenty feet from the railroad tracks and call it a day. What's that? You like sleep and don't want those rooms by the train tracks? Well here's a clause in your contract saving they can move you to whatever old flat they see fit whenever they want, so better get used to your cozy new accommodations. But I gotta say, the thing that really gives The Reserve its charm are all those fine folk that work day and night to give your stay that personal flavor. At The Reserve on Stinson, you'll get to meet great people; like the lone maintenance guy who's trying to single-handedly maintain 216 apartments that are all falling into a deep state of disrepair. During your stay, you'll also get a chance to meet ALL the managers, who I'm pretty sure enjoy sending out eviction notices more than just about anything else. Weird auto-payment system didn't work? Here's an eviction notice. Can't get in your mailbox? Here's a new lease to sign. Didn't get the new lease? Here's an eviction notice. If you're pumped to get a chance to be a part of the glorious tradition they have here at the Reserve, then by all means get ready to put your \$666 dollars where your mouth is and jump on this year-long whirlwind of a ride in which there is absolutely. no. way. out. Alternatively, you could just skip all the paperwork and sell your soul to ---directly; your call. Ladies and Gentlemen I give you "The Reserve on Stinson -Elevate your Living" (to slightly below water level).

Very bad management! The management just want to steal money from tenants. They don't care about tenants' needs and requests. All they want is money. Only after tenants pay for the money, the management would consider tenants' requests.

This by far was the worst apartment experience I had while attending OU and living in the area. I had PEST PROBLEMS to the MAX. I lived in a 2x2 and paid way too much for creatures to visit almost daily more specifically during the summer. I killed multiple scorpions and lizards/geckos; the office said it was because of our proximity to the water. That still didn't help the situation. It was horrible and maintenance did little to nothing about the problem (placed sticky traps by the doors) and had an exterminator come out. Yet, the exterminator himself explained there was nothing he could do about the scorpions because they were coming through gaps in the exterior. Needless to say, avoid this place.

The reserves has been a humbling experience where quantity of money did not equal quality service. Any issue comes down to management issues and poor staffing. The staff can be helpful and kind but only if your issue concerns them. For example, I had roommate problems that also caused them problems. They swiftly took care of that which seemed like concern for the renter but was in fact concern for themselves. Other issues like ac repair, small maintenance (garbage disposal, drain issues, broken appliances), and noise complaints are swept under the rug. They'll call you when they know more. Don't ask follow y questions as they do not listen. They will only answer what they're allowed to say in different words. There are obviously nice employees, but overall I find them rude, they intentionally withhold information, and generally Can't handle the workload. Perhaps if they had more staff and better communication amongst them you would feel like they wanted to help you, but overall they seem annoyed that you want them to answer your questions. Or as I view it, annoyed that I pay them to ensure a quality of living which I pay for.

The furniture is horrible, the management staff doesn't return phone calls, good luck getting your deposit back and the list goes on and on.

I ABSOLUTELY WOULD NOT RECOMMEND THIS APARTMENT COMPLEX TO ANYONE. During the time I resided at the Reserve on Stinson (Summer of 2012; only 2 months) I had a terrible experience. Appliances in my apartment were constantly breaking (a/c, dishwasher) and it would take weeks for the maintenance to finally come (only to temporarily fix whatever was broken). Our a/c was broken every other week while I lived there (5 times during a 2 month lease!); during the summer our apartment was 85 degrees and I had to sleep at a friend's house because it was unbearably hot. When I moved in our recliner was completely broken, the garbage disposal was clogged full of food and it was incredibly dirty. Then after moving out I was billed over \$100 for things that were already broken upon my arrival. I disputed the charges but was unable to get them dropped completely. I would rather be homeless than live at the Reserve again.

This was the worst place I have ever lived! The grounds and the apartments were nice, but the staff was the worst I have ever dealt with. They were rude and never accommodating. They will not speak with you once you have moved out either. I had a question about a bill I received and I called the office. The girl who answered the phone told me that they will not help me if I came in to speak with them. She literally stated "We will not speak with you if you come in". She stated that I had to write them a letter and that they would get back to me. The maintenance dept was constantly entering my apt without notice and they also were very rude. My shower and hot water heater were broke almost the entire time I lived there. The pool area was always dirty and the hot tub was broke and nasty (health violation?) I do not recommend this apt to anyone... even students!

Douglas County Historical Society

1047 Massachusetts Lawrence, KS 66044-2923 Phone 785-841-4109 Fax 787-841-9547 www.watkinsmuseum.org

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March 8, 2019

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c/o Lynne Braddock Zollner Historic Resources Administrator

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City Hall

Kurt Falkenstien Treasurer 6 East 6th Street PO Box 708

Lawrence, KS 66044

Tess Banion

Secretary Re: Proposed Project "The Hub at Lawrence"

Jeannette Blackmar Past President Dear Members of the Historic Resources Commission:

Members Shawn Alexander The Board of the Douglas County Historical Society and the Watkins Museum of History wish to express our concerns about the proposed project, "The Hub at Lawrence," at 1040

Massachusetts Street, 1041 New Hampshire Street, and 1000 New Hampshire Street

which will come before you on March 21, 2019.

Eric Anderson

Abby Ehling

The proposed project is directly across the street from the Watkins Museum, the Douglas

County Courthouse, and the English Lutheran Church. These three buildings are

Sandra Gautt landmark properties on the Lawrence Register of Historic Places, as well on the National

Register of Historic Places. The Watkins Building, built in 1888 to house the Watkins Land Mortgage Company and National Bank, has been home to the history museum for

Lawrence and Douglas County operated by the Douglas County Historical Society since

1975. Before that, the building served as Lawrence City Hall, from the time the Watkins

businesses closed in 1929 to 1970.

Tom Harper

Pat Kehde

Web Golden

Charles Jones

We have noted the request of the Historic Resources Commission for the developers to

follow the Downtown Design Guidelines. Members of the DCHS Board of Directors

have attended the meeting of the developers with the City's Architectural Review

Committee in which some of the design guidelines were addressed by the developers. We

appreciate their willingness to consider some changes.

John Nalbandian

Mica Mendez

Mick Ranney

However, the proposed changes do not affect the overall size, scale, and mass of the

proposed structure. We believe that the height, scale and mass of the building at 1040 Massachusetts Street and 1041 New Hampshire Street would encroach upon, damage, or

destroy the environs of the three listed historic properties.

Lauren Taylor

Sean Williams

Deanell Tacha

There is no other structure as massive as the proposed structure in the environs of the

Watkins Museum. The proposed height of the Hub building is 12 feet taller than the

Watkins Building. Its scale and mass are significantly greater than the existing street

scape of commercial buildings in the 1000 block of Massachusetts Street. Finally, while the proposed reduction of the Hub building to five stories along Massachusetts Street, but with a sixth story set back 20 feet, reduces the building's apparent height at street level, the sixth story will be plainly visible from the Watkins Museum's third floor.

We urge the Historic Resources Commission to deny the project's request for a Certificate of Appropriateness. We urge that the project be redrawn to significantly reduce the height, scale and mass of the building so that it does not overwhelm the historic architecture of the Watkins Museum or the other two listed buildings, and preserves the historic appearance of the downtown commercial district in the 1000 block of Massachusetts Street.

Thank you for your consideration.

Sincerely,

Kathryn Nemeth Tuttle

President

Steven J. Nowak Executive/Director From: ransom jabara < ransomjabara@gmail.com >

Sent: Thursday, March 07, 2019 11:25 AM **To:** Lynne Zollner < lzollner@lawrenceks.org

Subject: The Hub

Hello,

In a recent East Lawrence Neighborhood Association newsletter, we were encouraged to weighin on the proposed apartment development at 11th and Mass. I think the hope was that we'd voice concerns in opposition to the project, but from my perspective, I'd rather a too-tall building be erected (or I guess "out of scale" is the vernacular) than continue with the current blight. I've been living-in or visiting Lawrence for the past twenty years and I can't recall a time when that corner hasn't been an eyesore. I'd hate for something - anything - to be nixed because the building is tall-ish. Or because folks who choose to live near the city center are concerned about it getting too dense or noisy.

My two cents.

Thanks, Ransom Jabara property owner at 1023 New York St. Please Forward to the Planning Commissioners

March 20, 2019

Lawrence-Douglas County Planning Commission

City Hall

c/o bpepper@lawrenceks.org

Dear Planning Commissioners:

I am writing to urge you not to approve the request from Core Lawrence Massachusetts LLC for two Special Use Permits (SUP-18-00502) and (SUP-19-00033). These SUPS would allow ground floor dwelling units in the proposed project of apartments for students, called The HUB, at 1040 Mass. and 1041 New Hampshire.

The city code does not allow dwelling units on the ground floor in the Downtown because downtown is supposed to be commercial and business uses along the street level. The zero setbacks for most downtown buildings means that the pedestrian activity on the sidewalks adjacent the HUB building is within inches of a private living room or bedroom of a rental.

While I believe from the drawings that the present design for the HUB calls for the private dwelling spaces to be on the ground floor but not adjacent to the street, I wonder what happens if those front spaces cannot be rented for retail? The owners could, with this SUP, simply move student renters into the front spaces. Or if the building interior is reconfigured in the future, this SUP change would again allow for private bedrooms and living spaces to be on eye level with pedestrians and cars.

It seems like a really bad idea both in the short term and long term to change the zoning for a downtown property. And of course, it sets a precedent that will be hard to keep in check.

P	lease vote	"no" on	SLIP-18.	-00502	and SLIP-1	19-00033
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Sincerely.

Pat Kehde

From: Sacie Lambertson < sacie.lambertson@gmail.com >

Sent: Monday, March 11, 2019 9:30 AM **To:** Lynne Zollner < |zollner@lawrenceks.org>

Cc: David Lambertson dflambertson@gmail.com; Lisa Larsen llarsen@lawrenceks.org; Jennifer

Ananda < <u>jananda@lawrenceks.org</u>>; Leslie Soden < <u>lsoden@lawrenceks.org</u>>; Stuart Boley

<sboley@lawrenceks.org>; Matthew Herbert <matthewjherbert@gmail.com>

Subject: Core Development plan for 11th and Mass.

Good morning Lynne, I understand the upcoming HRC meeting will look at the Core Development's proposed plan for the corner of 11th and Massachusetts.

While on one hand I applaud good development in downtown Lawrence, I strongly object to ANY new changes until the process begun by our city council to develop an overall 'Downtown Plan' is completed.

The city hired a Chicago firm to help them and the citizens of Lawrence envision how downtown might look over the next twenty years. The Chicago group made it clear this process will take some months to complete, six months or more they suggest. In the meantime it makes NO sense to agree to any development in downtown or its adjacent areas until that process is complete and there is good agreement on the plan.

Further, I also understand the city is encouraged to promote a plan for the East Lawrence area, one that will guide development in this area immediately adjacent to the downtown. Clearly this plan needs to be coordinated with any new downtown plan.

Therefore any plans for the large southeast corner at 11th and Mass must wait until an overall plan is on the books. That corner has been 'available' for development for a long time now and a relatively short wait that will allow building there to mesh properly with an overall plan entirely makes sense.

Further, the specific Core plan suggested for that corner, is entirely monolithic with all the negative physical connotations implied. Changing the surface areas of a building that is too large for the site, to theoretically mask its size, is a ridiculous effort to overcome the obvious. There are other ways to design this. Moreover, given that the main building is intended to house students but offers only one third of the parking customarily used by students, suggests a nightmare of downtown parking, one that will no doubt spill over and negatively impact the East side residential area.

I like blending old and new. I would not object to contemporary design mixed with traditional. Further, encouraging a larger residential and business downtown population is exactly what the city needs, specially if doing so will discourage shopping mall development at the edges of town. Now that larger buildings have gone up along New Hampshire, a development strategy is suggested and should be further encouraged. But IMO the size and look of continued development along Mass. Street should be in keeping with the scale of that street as it is already.

But to repeat, until an overall plan for downtown is in place, any further development for the immediate area should be tabled.

Best, Sacie Lambertson 715 New York Street 785 217 6215 From: Melissa Meyer < melrmeyer@gmail.com > Sent: Wednesday, March 20, 2019 9:04 AM

To: City Hall email

Subject: Re: Historic Resources Commission | January 17, 2019

Hello,

I'm writing to express my concern about the proposed project, "The Hub at Lawrence" at 11th and Mass. Lawrence is bloated with cheap and unbecoming apartments as it is. There is plenty of on campus housing for students and that is where we should encourage students to live so they are near to their classrooms and libraries. Lawrence does not need another complex like this or to have an outside company take advantage of the city again.

Thanks for your consideration,

Melissa Meyer

From: Jenny Trucano Muller < itrucano@gmail.com >

Subject: Hub on Campus project

Dear Becky,

I'm writing to ask you to oppose the Hub on Campus project that is proposed for downtown. With its tree-lined streets, historic architecture, and mix of small businesses and restaurants, <u>Massachusetts Street was the most visited attraction in Kansas last year</u>.

While I love the idea of the empty lot on the corner of 11th and Mass being turned into a multi-use space, I'm concerned about Hub on Campus for the following reasons:

- As noted by the HRC, the aesthetics of the project don't fit with downtown and would detract the appeal of Mass St.
- With new housing for students going up along 19th St., I'm not convinced there's a need for extra student housing.
- I would like to see Lawrence offer more affordable housing for residents, which the Hub does not do.
- With more beds than parking, there will be an overflow of cars onto nearby streets. Although I support more dense urban development in Lawrence, it needs to come with smart planning for transportation. Adding more cars will put more pressure on parking for people who go downtown to shop and dine and will likely discourage some visitors. I would be more supportive of the project if it incentivized students to not bring cars or provided a robust plan for parking nearby. (What I think would be really great to see is for Mass to go completely car-free and get a trolley instead, but that's a separate issue.)

Thank you,

Jenny

Jenny Trucano Muller 1801 Barker Lawrence, KS 66044 605 645 0313 ----Original Message----

From: J Rasmussen < <u>ir.cornerstone@yahoo.com</u>>

Sent: Thursday, March 21, 2019 2:30 PM
To: Lynne Zollner < lzollner@lawrenceks.org>

Subject: HUB Apartment complex

Lynne,

I have been a resident of east Lawrence for over 15 years.

I live at 1406 New Jersey Street in Lawrence.

I will not be able to attend the planning commission meeting tonight because of prior commitments.

I wanted on comment on agenda item #6 regarding the HUB apartment complex that is proposed to be built downtown at 11th and New Hampshire.

I am strongly against this project.

It is a very large apartment complex that is not only tall but also has a huge footprint.

It will dwarf all the other buildings downtown simply by its sheer size.

It will not only have a negative impact on the three registered historic building of the Old English Church, Watkins Museum and the courthouse, it will have a negative impact on the whole nature of that part of downtown.

I do not like the fact that it will bridge the alley-way essentially crating a tunnel for an alley.

This feature will not only be unsightly and trashy but will attract homeless people and Graffiti artists at night and Junior high students during the day.

I am very concerned that it is intended to house 615 students but only has parking for 272 cars.

This will have a very negative impact on the neighborhood.

If this company is touting itself as a safe place for young college women to live, I do not think it is very safe to expect those college women to have to walk out into the dark of an east Lawrence neighborhood to get her car just because there is not enough space in the building's parking garage.

I do not believe the developers when they say they need to make it this big to make it economically feasible. I simply do not believe that line.

I think other similar buildings that are a similar example are the HERE apartment complex near the football staduim.

That is a big ugly box

Also the Oread Hotel that changed the skyline of lawrence looks like a factory with its boxy architecture and smokestack looking cell towers.

Please do not approve the construction of the monolith Say no to another ----

H uge U gly B uilding

John Rasmussen 1406 New Jersey From: Roitman, Judy <<u>iroitman@ku.edu</u>>
Sent: Sunday, March 10, 2019 8:59 PM
To: Lynne Zollner <<u>Izollner@lawrenceks.org</u>>

Subject: Allen Press site; Historic Resource Commission

Dear Historic Resource Commission,

I am writing to encourage the HRC to *not* recommend the HUB project at 11th and Massachusetts/New Hampshire streets.

The HUB project is, by Lawrence standards, huge. It is adjacent to three historical buildings, the Douglas County Courthouse and the Watkins Museum, both designed to be magisterial in the context of their surroundings, and the extraordinarily graceful and relatively small English Lutheran Church. All of these buildings would be visually overpowered by the sheer mass of the HUB project. Plus we would lose much of an alley, itself a historic loss.

Lawrence is a very special place. The HRC is tasked with protecting the specialness that comes from the visual evidence of our history. Three buildings exemplifying our architectural history are adjacent to the northeast corner of 11th and Massachusetts. That corner badly needs development, but only in a way that respects what has come before. The HUB project does not meet this criterion.

Thank you for listening,

Judy Roitman

----Original Message----

From: Jack and Martha Rose jrose@sunflower.com>

Sent: Sunday, March 17, 2019 6:43 PM

To: Lynne Zollner < lzollner@lawrenceks.org> Subject: History Resource Commission--the HUB

To the commission members:

The Downtown Master Plan commissioned by city officials is underway. Please do not vote on the HUB project before that plan is revealed.

I have lived in Lawrence many years. I love the history connected to the corner with the court house, Watkins Museum and Stubbs building.

I feel we should give the Master Plan a look before approving a massive building on that corner. The heritage of Lawrence is at stake.

Let's let professional planners give us their ideas about the aesthetics of a building overshadowing the historical buildings and the logistics of a unit rented to owners of cars who want to have a parking place near their living quarters.

Thank you for considering my request of holding back on a vote before the master plan is known.

Martha Lawrence Rose

From: bob ingle < iambingle@gmail.com Sent: Wednesday, March 20, 2019 7:16 AM

To: Scott McCullough < smccullough@lawrenceks.org>

Subject: Core

This needs to be NO

https://corespaces.com/projects/

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report 03/27/2019

ITEM NO. 11B SPECIAL USE PERMIT FOR THE HUB: 1000 NEW HAMPSHIRE ST (BJP)

SUP-19-00033: Consider a Special Use Permit for ground floor dwelling units, The Hub at Lawrence, located at 1000 New Hampshire St Block 1. Submitted by Core Lawrence Massachusetts LLC on behalf of Allen Realty Inc., property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of ground floor dwelling units at the Hub at Lawrence project, and forwarding the request to the City Commission with a recommendation for approval, subject to the following conditions:

1. There shall be no ground floor dwelling units with exterior frontage on New Hampshire Street.

Request:

Applicant's Reason for The application is in conjunction with SUP-18-00502. Applicant proposes a standalone mixed use structure on the south [150] feet of the subject property that includes ground floor residential units. Applicant requests an SUP to permit ground floor residential on the south 105 feet of the property, conditioned upon no ground floor access facing New Hampshire.

ASSOCIATED CASES/OTHER ACTION REQUIRED **Associated Cases**

DR-18-00505: Lawrence Historic Resource Commission, 1040 Massachusetts Street, 1041 New Hampshire Street, and east side 1000 Block New Hampshire Street.

The following items are being considered by the Planning Commission at their March 27, 2019 meeting:

• SUP-18-00502: Consider a special use permit for ground floor dwelling units, The Hub at Lawrence, located at 1040 Massachusetts Street, and 1041 New Hampshire Street. Submitted by Core Lawrence Massachusetts LLC on behalf of Allen Press Inc and Allen Realty Inc, property owners of record.

Other Action Required

- City Commission approval of special use permit and adoption of ordinance.
- Publication of the special use permit ordinance.
- Submittal and administrative approval of a site plan application.
- Submittal and administrative approval of a minor subdivision.
- City Commission approval of demolition of the existing buildings at 1040 Massachusetts Street and 1041 New Hampshire Street.
- City Commission approval of a license agreement for the use of alley right-of-way.
- Submission and administrative approval of public improvement plans.
- Submittal of construction plans to Development Services for processing of building permits. Building permits must be obtained prior to construction activity.

Staff Summary: The following report is largely identical to that of SUP-18-00502. The property included in this request is part of the overall mixed-use development proposal, The Hub at Lawrence. This special use permit request is associated with the property located at 1000 New Hampshire Street Block 1. The concurrent special use permit request, SUP-18-00502, is associated with the properties located at 1040 Massachusetts Street and 1041 New Hampshire Street.

Language added to this staff report that is different from that included in SUP-18-00502 is shown in orange text.

KEY POINTS

- This special use permit application was submitted for proposed ground floor dwelling units that are a component of a mixed-use development, The Hub at Lawrence. While the special use permit request is a part of an overall project, the item under consideration with this request is only for the ground floor dwelling units. The other elements of the overall project require review and approval by different reviewing bodies. The Historic Resource Commission reviews the project in terms of size, scale, massing, materials, and design. The City Commission will consider a request for demolition of the existing buildings at 1040 Massachusetts Street and 1041 New Hampshire Street, a license agreement for the use of alley right-of-way, and the special use permit applications. The technical site components of the project will be reviewed by staff through the site plan process for compliance with the Land Development Code. Appeals of the decision made by the Historic Resource Commission or the site plan administrative determination would also go to the City Commission for their consideration.
- Per Section 20-517(ii) of the Land Development Code, multi-dwelling structures require a special use permit in the CD District when ground floor residential uses are proposed along numbered streets, Vermont Street, or New Hampshire Street. Staff believes the intent of this standard is to activate streets in the downtown area with commercial and/or office uses and associated exterior design elements. This special use permit application proposes ground floor dwelling units near, but with no frontage on, New Hampshire Street in the structure proposed on the east side of New Hampshire Street. The ground floor dwelling units proposed with this special use permit are shown colored blue and outlined in yellow in Figure 1 below.

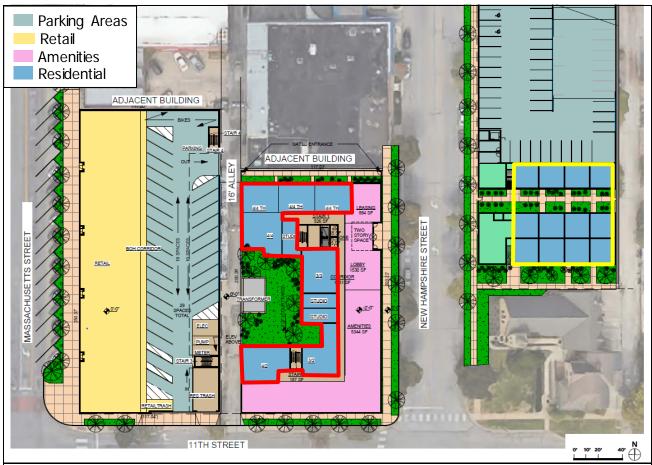


Figure 1: First floor of the proposed development. The ground floor dwelling units associated with this special use permit request are outlined in yellow. The ground floor dwelling units proposed with SUP-18-00502 are outlined in red.

- The special use permit request is one component of the overall project, the details for which are provided for context. The development proposes a 3-level parking garage and mixed-use structures on the east side of New Hampshire Street (1000 New Hampshire Block 1). The mixed use buildings would contain office space on the ground floor immediately adjacent to New Hampshire Street and residential uses in the remainder of the space.
- The development also proposes the demolition of the existing buildings at 1040 Massachusetts Street and 1041 New Hampshire Street, and the construction of a mixed-use 5-story structure. A second special use permit application was submitted for the ground floor dwelling units associated with this space and are also being considered at the March 27, 2019 Planning Commission meeting.
- The uses contained within the overall project will include retail, office, apartment amenities, and residential. These uses are permitted by right in the CD District and are reviewed for compliance with the Land Development Code through the site plan process. Submittal of a site plan application for review and approval will be required prior to development.
- The subject property is located in the Downtown Conservation Overlay District and subject to the Downtown Design Guidelines. On November 15, 2018, the building design was reviewed by

the Historic Recourse Commission (HRC). The HRC voted to defer action on the building design and to refer the project to the Architectural Review Committee (ARC) for design refinement that will produce a design that meets the intent of the Downtown Design Guidelines. The design was discussed at the January 9 and January 31, 2019 ARC meetings. The item is schedule to go back to the HRC for their consideration on March 21, 2019.

At their November 15, 2018 meeting, the HRC reviewed the request for ground floor dwelling
units associated with SUP-18-00505 and provided a recommendation for approval of the special
use permit for ground floor dwelling units along the north side of the building and interior to the
site. This special use permit application was not submitted at that time so the HRC did not
consider the request for ground floor dwelling units located in the proposed mixed-use structure
on the east side of New Hampshire Street. The HRC will consider this request at their March 21,
2019 meeting.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Mr. Maceli spoke with staff regarding the affects that closing the alley during construction would have on this business, that the city plan to repave the rest of the alley with this project to minimize future impacts, and that more public parking is needed. Mr. Maceli suggested angled parking be added to New Hampshire street as a means to increase public parking and to act as a traffic calming measure.
- Darryl Graves, JD wrote in support of redevelopment of the area.
- Linda Watts wrote with concerns over the appearance and size of the development, lack of adequate parking, and that this development should not be considered before completion of the downtown master plan.
- Nick Kuzmyak wrote with suggestion that the city purchase the property, demolish it, and subdivide the property into similar size lots as the rest of downtown, add utility service, and sell the lots.

ATTACHMENTS

- 1. Hub at Lawrence design package
- 2. Revised unit matrix
- 3. Level one layout for 1000 New Hampshire Street Block 1

Zoning and Land Use Pertaining to the Mixed Use Structure at 1000 New Hampshire Street Block 1

Current Zoning and Land Use: CD-UC (Downtown Commercial – Urban Conservation Overlay)

District; surface parking.

Surrounding Zoning and Land

Use:

To the west: CD-UC (Downtown Commercial – Urban

Conservation Overlay) District; Office, Event Center, Personal Convenience Services, vacant

building, and surface parking.

To the north: GPI (General Public and Institutional Use – Urban

Conservation Overlay) District; Office (also former

space of Municipal Court).

To the south: CD-UC (Downtown Commercial – Urban

Conservation Overlay) District; Office.

To the east: RM12 (Multi-Dwelling Residential) District; Detached Dwellings and Multi-Dwelling Structures.



Figure 2. Surrounding zoning. Subject area of this special use permit request is outlined in blue. The subject area of the concurrent special use permit, SUP-18-00502, is outlined in black.



Figure 3. Surrounding land use. Subject area of this special use permit request is outlined in blue. The subject area of the concurrent special use permit, SUP-18-00502, is outlined in black.

Summary of Request

The special use permit application was submitted for ground floor dwelling units associated with the mixed-use development, The Hub at Lawrence. This special use permit application proposes ground floor dwelling units near, but not immediately adjacent to, New Hampshire Street in the structure proposed on the east side of New Hampshire Street. Per Section 20-517(3)(ii), ground floor dwelling units are permitted in the CD (Downtown Commercial) District with approval of a special use permit. This requests pertains only to the ground floor dwelling units. The other uses associated with the development (commercial, office, amenities, and non-ground floor residential) are permitted in the CD District with approval of a site plan.

This special use permit application would facilitate 12 units/48 beds located on the first floor of the proposed building. The total number of units and beds associated with the development (including the structure on the east side of New Hampshire) is 215 units and 610 beds.

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

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

Applicant's Response: Yes, residential units in the CD district are commonplace, and permitted as a special use on the ground floor. Approval of this special use is subject to the approval of a site plan that complies with applicable City Code and the Downtown Design Guidelines, which will ensure that the overall structure will comply with the Development Code.

Section 20-517(ii) of the Land Development Code stipulates that ground floor dwelling units in the CD (Downtown Commercial) District are permitted with approval of a special use permit. Approval of the special use permit is contingent on approval of a site plan application for the entire project. Applicable provisions of the Land Development Code, such as access, parking, landscaping, and screening, will be reviewed for compliance with the future site plan application.

On November 15, 2018, the Historic Recourse Commission (HRC) reviewed the size, scale, massing, materials, and building design of the overall project. At that meeting, the HRC also reviewed the special use permit request, SUP-18-00502, for compliance with the Downtown Area Design Guidelines. Specifically, guideline 6.1 of Part Two states that "buildings should have retail and commercial uses at street level." The HRC found that because the ground floor dwelling units do not have exterior street frontage, the ground floor dwelling units meet the intent of the Downtown Design Guidelines. Given this, the HRC provided a recommendation for approval of the special use permit for ground floor dwelling units along the north side of the building and interior to the site. This special use permit application was not submitted at that time so the HRC did not consider the request for ground floor dwelling units located in the proposed mixed-use structure on the east side of New Hampshire Street. The HRC will consider this request at their March 21, 2019 meeting.

At their November 15th meeting, the HRC also voted to defer action and to refer the project to the Architectural Review Committee (ARC) for refinement that will produce a design that meets the intent of the Downtown Design Guidelines. The design was discussed at the January 9 and January 31, 2019 ARC meetings. The item is schedule to go back to the HRC for their consideration on March 21, 2019.

Staff Finding – With approval of the special use permit application, the ground floor dwelling units would be permitted in the CD District. All other applicable provisions of the Land Development Code will be reviewed with a future site plan application.

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

Applicant's Response: The proposed use of ground floor residential units at this site is compatible with the adjacent properties and is an appropriate use of this section of New Hampshire given its proximity to residences. This building creates a desirable buffer between the historic church property and the parking garage.

This request is for a mixed-use building that will contain ground floor dwelling units. Section 20-517(3)(ii) of the Land Development Code dictates that ground floor dwelling units are permitted with approval of a special use permit. Specifically, the Land Development Code states:

Section 20-517(3)(ii)

A Multi-Dwelling Structure and Work/Live Units require a Special Use Permit in the CD District when ground floor residential uses are proposed along number streets, Vermont or New Hampshire Streets.

The application does not propose ground floor dwelling units fronting on New Hampshire Street. New Hampshire Street is developed with other mixed-use structures that contain commercial and office uses on the ground floor, and non-ground floor residential uses. The most recent mixed-use

developments have been located at 730 New Hampshire Street (Hobbs Taylor Lofts), 800 New Hampshire Street (800 Lofts), 888 New Hampshire Street (888 Lofts Apartments), and 901 New Hampshire Street (901 Lofts). The proposed special use permit would align with the existing development along New Hampshire Street, with the recommended condition that the proposed ground floor dwelling units be restricted to not have exterior frontage on New Hampshire Street. With approval of that condition, the requested special use permit is compatible with the area and the existing development. The frontage along New Hampshire Street is proposed to be office uses.

Staff Finding – The proposed ground floor dwelling units are compatible with the adjacent uses. The Historic Resource Commission will review the proposed project in terms size, scale, massing, materials, and building design.

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

Applicant's Response: No, the approval and construction of the proposed project will have a positive impact on the value and desirability of other properties in the 1000 block of New Hampshire.

The special use permit request is for ground floor dwelling units that is a component of a larger project. The overall project will revitalize vacant and underused property at 1040 Massachusetts Street and 1041 New Hampshire Street.

Staff Finding – Substantial diminution of other property values in the area is not anticipated with approval of the ground floor dwelling units.

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

Applicant's Response: The proposed construction of a mixed use building has no significant adverse impacts on the natural environment.

The proposed development would be located in an urban developed area. Infrastructure is available to provide service to this development. Public safety and transportation access will continue to be part of the future site plan review for the overall project.

Staff Finding — Adequate public facilities and transportation access is accommodated for this development. The uses do not preclude the ability to service the existing uses with respect to public safety, transportation, and utilities.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The special use permit and subsequent site plan provide enforceable tools to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking.

Staff Finding – Adequate assurances of continued maintenance are inherent in the use and the special use permit approval process.

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

Applicant's Response: The existing wooded area will be removed from the center of the site, however, the tree cover on the west property line will remain as a buffer for the neighborhood to the west. Adverse impacts on the natural environment are not anticipated and new trees will be provided with the new development.

The proposed construction of a mixed use building has no significant adverse impacts on the natural environment.

The proposed project is located within the existing urban area. The property does not contain sensitive lands and is not encumbered by regulatory floodplain.

Staff Finding – The proposed development is subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances.

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

Time limits are established on special use permits to permit a periodic review to determine if the use remains compliant with the area. Approval of the special use permit would allow ground floor dwelling units, with a restriction on exterior frontage on New Hampshire Street. The use should maintain its compatibility with the surrounding area and a time limit is not necessary.

Staff finding – If approved, staff does not recommend a time limit on the special use permit.

CONCLUSION

Section 20-517(3)(ii) of the Land Development Code requires a special use permit in the CD District when for ground floor units are proposed along numbered streets, Vermont Street, or New Hampshire Street. Based on the findings in this report, and as conditioned, staff recommends approval of the proposed special use permit for ground floor dwelling units.

Memorandum City of Lawrence Planning and Development Services

TO: Lawrence Douglas County Planning Commission, Lawrence City Commission

CC: Jeff Crick, Planning Manager

Scott McCullough, Director Planning and Development Services

FROM: Lynne Braddock Zollner, Historic Resources Administrator

DATE: March 25, 2019

RE: SUP-18-00502 and SUP-19-00033

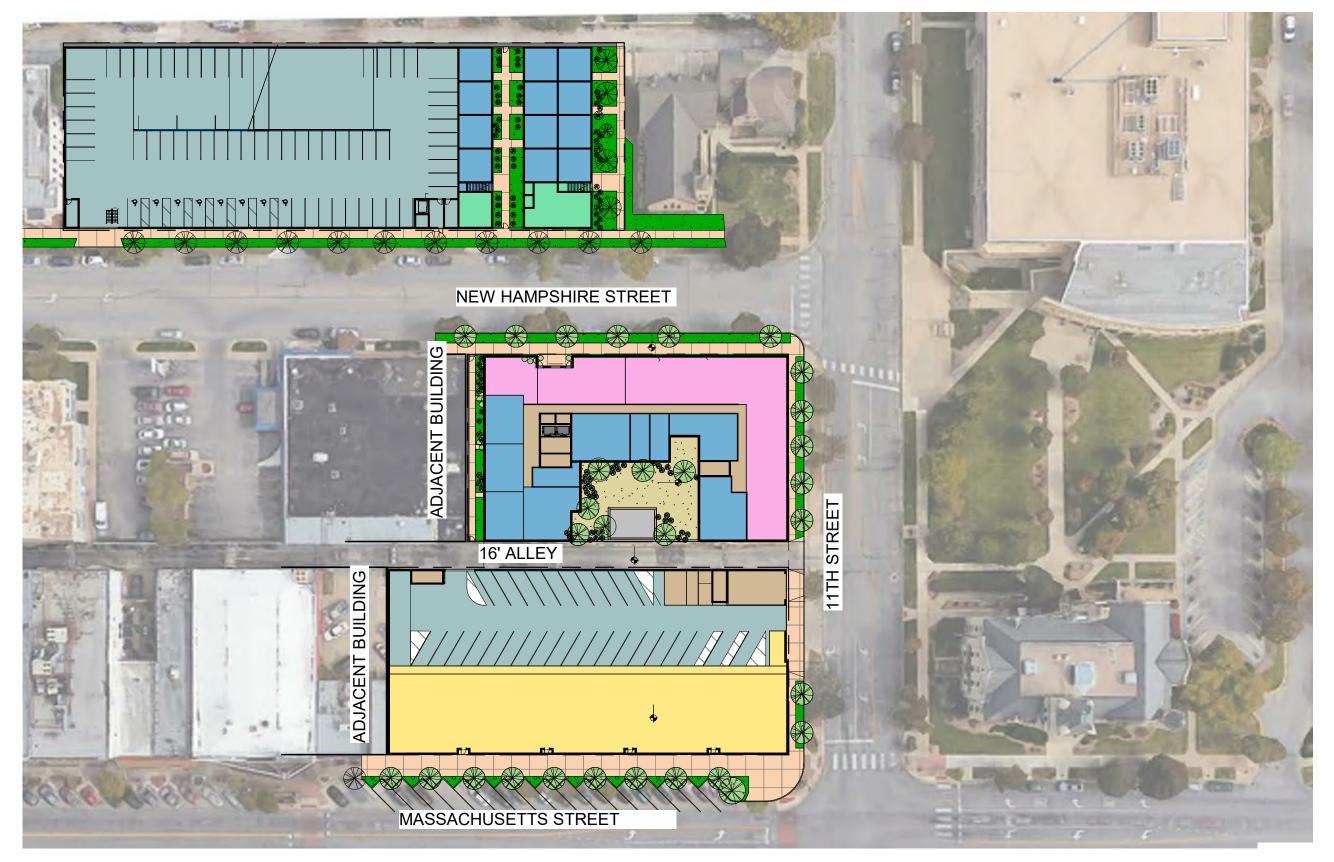
Historic Resources Comment

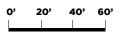
Chapter 22 (Section 22-505(B)(12)) of the City Code provides for the Historic Resources Commission (HRC) to comment on special use permits for properties subject to historic review under Chapter 22. At their March 21, 2019 meeting, the Lawrence Historic Resources Commission voted unanimously to send the following comment to the Lawrence-Douglas County Planning Commission and the Lawrence City Commission:

The ground floor residential uses as shown on the revised plans do not harm the environs of the listed properties. Because the ground floor units are not adjacent to the primary street (New Hampshire Street) and are only minimally visible from the primary street, the ground floor units as shown on the revised drawings meet the intent of the Downtown Design Guidelines.





























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Bath Per Unit	4.5	4	3	2.5	3	2	4	3	2	3	2	2	2	2	1	1	1	1	1	
Unit Type Count	0	7	0	13	2	3	20	2	24	6	20	33	0	12	4	26	2	34	8	
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4	0	0	0	0	0	0	20	4	20	3	15	16	0	6	4	7	0	6	3	104
3	0	0	0	0	0	0	20	4	20	3	15	16	0	6	4	7	0	7	2	104
2/P3	0	0	0	0	0	0	20	0	20	3	9	14	0	6	0	3	1	9	2	87
MEZ/P2	0	16	0	0	6	6	4	0	0	0	0	0	0	0	0	0	0	5	0	37
1/P1	0	12	0	52	0	0	4	0	0	0	0	0	0	0	0	0	0	3	0	71
	0	28	0	52	6	6	80	8	80	12	51	64	0	22	8	24	2	34	8	485
%																				

* NORTH EAST TOWNHOUSES AT EAST PARCEL INCLUDED IN CALCULATIONS

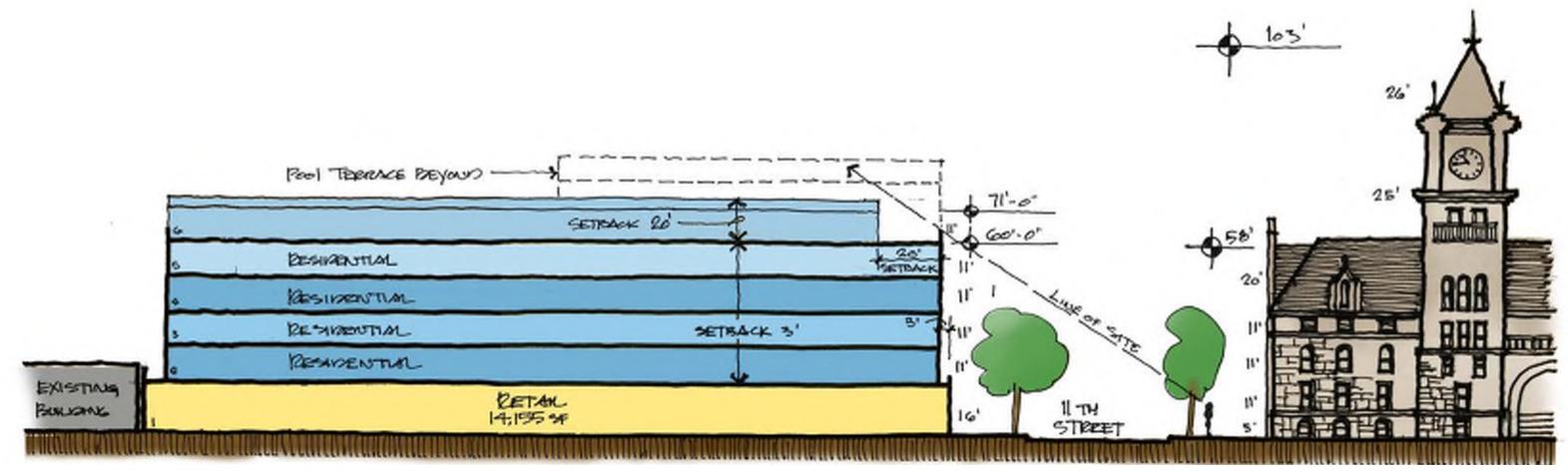
UNIT TYPE B	Y ZONING ORDINANCE
TYPE	COUNT
TYPE A - 825 SF+	75
TYPE B - 650-824 SF	16
TYPE C - 470-649SF	26
TYPE D - under 470sf	-
Efficiencies under	42

				The Hu	ub at Lawre	ence, Kans	sas // Mixe	d-Use Dev	elopment l	Main build	ing	FEBU	ARY 4, 2019				
PROJECT AREA AN	IALYSIS 4	- 6 STORY 4	49 - 76 FT.														
	FI 00D	OVED ALL				COMMERCIA	AL - OFFICE				RETAIL	/ B.O.H.	PARKING	LOADING	Total GSF		
LEVEL	FLOOR HEIGHT	OVERALL HEIGHT	COMMON	AMENITIES	RSF	Public Terrace	Private Terrace / Balcony	OFFICE	BEDS	UNITS	RETAIL /	COMMON\ LOADING	AREA	SPACES	W/O BALCONIES	Total GSF	FAR area
POOL TERRACE/ MECH. PENTHOUSE	15'	80'	1,408		-	5,448				-		2,500			3,908	9,356	3,908
5	11'	65'	6,204		32,659	6,430	700		107	37					38,863	45,993	38,863
4	11'	54'	6,468		38,850		700		127	46					45,318	46,018	45,318
3	11'	43'	6,448		39,153	-	700		127	46					45,601	46,301	45,601
2	11'	32'	6,453		35,849	4,451	1,200		104	39					42,302	47,953	42,302
MEZ		21'	2,621		20,025				61	22					22,646	22,646	22,646
1	21'	21'	4,897	7,759	8,225	3,296	500		33	11	14,083	-	12,898	29	47,862	51,658	34,964
BUILDING TOTALS	80		34,499	7,759	174,761	19,625	3,800		559	201	14,083	2,500	12,898	29	246,500	269,925	233,602

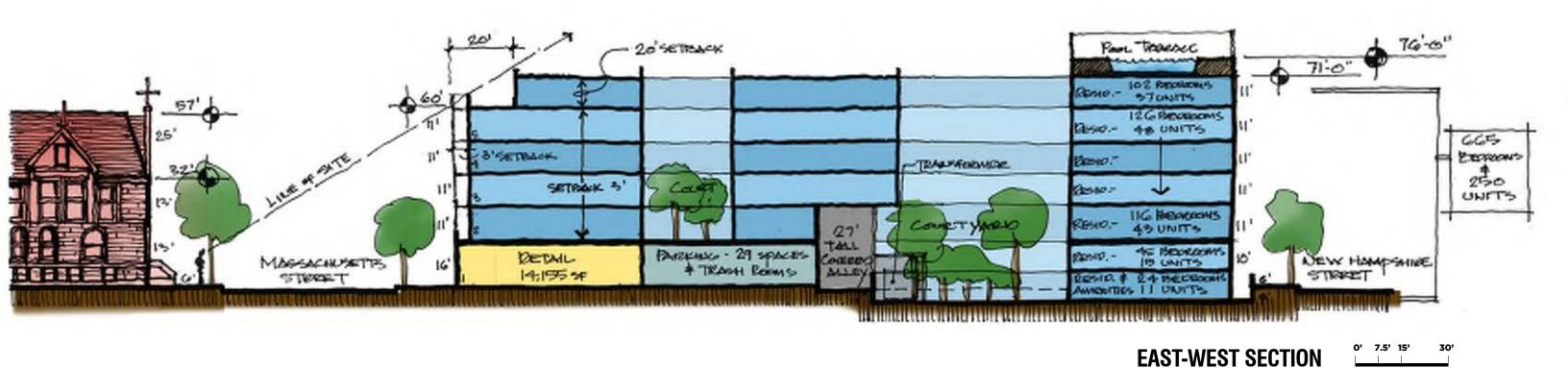
							PA	RKING - A	T EAST PA	RCEL							
						COMMERCI	AL - OFFICE				RETAIL	/ B.O.H.	PARKING/	LOADING	Total GSF		
LEVEL	FLOOR HEIGHT	OVERALL HEIGHT	COMMON	AMENITIES	RSF	Public Terrace	Private Terrace / Balcony	OFFICE	BEDS	UNITS	RETAIL /	COMMON\ LOADING	AREA	SPACES	W/O BALCONIES	Total GSF	FAR area
3	10'-0"		691										23,827	79	24,518	24,518	691
2	10'-0"		687										26,712	89	27,399	27,399	687
1	10'-0"	0'-0"	661									-	26,173	75	26,834	26,834	661
BUILDING TOTALS			2,039	-	-	-	-		-	-	-	-	76,712	243	78,751	78,751	2,039

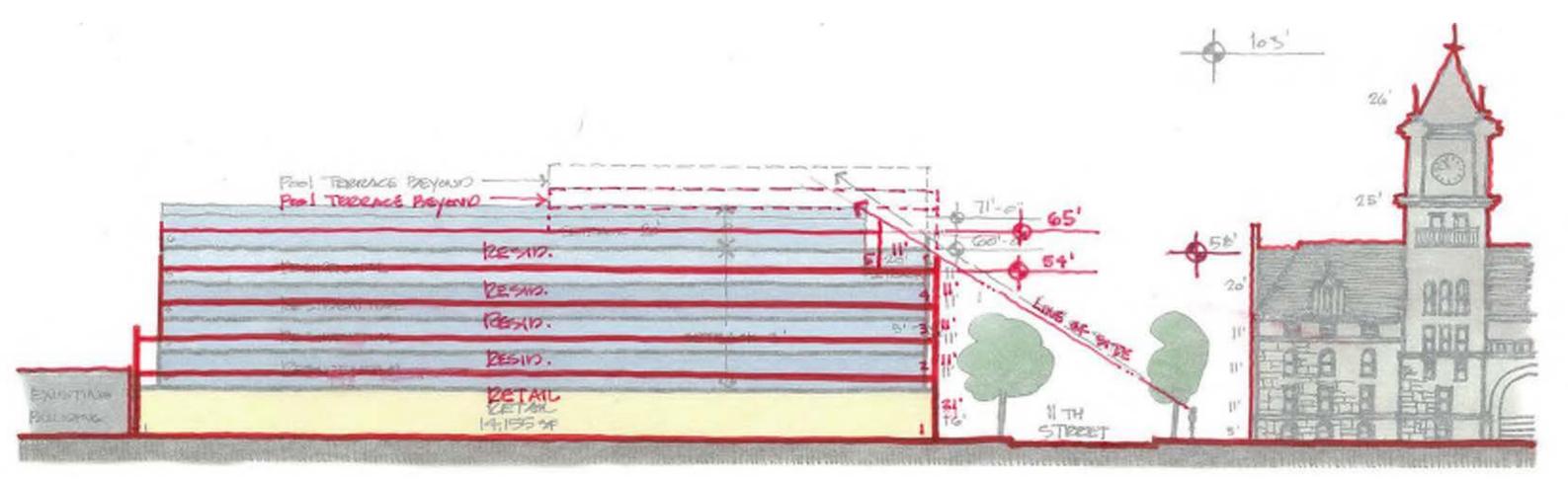
						NO	RTH EAST	г тоwnно	USES - AT	EAST PAI	RCEL						
						COMMERCIA	AL - OFFICE				RETAIL	/ B.O.H.	PARKING	/LOADING	Total GSF		
LEVEL	FLOOR HEIGHT	OVERALL HEIGHT	COMMON	AMENITIES	RSF	Public Terrace	Private Terrace / Balcony	OFFICE	BEDS	UNITS	RETAIL /	COMMON\ LOADING	AREA	SPACES	W/O BALCONIES	Total GSF	FAR area
3	10'-0"				7,321										7,321	7,321	7,321
2	10'-0"				7,074				7	3					7,074	7,074	7,074
1	10'-0"	0'-0"	70		5,461			1,756	48	12					7,287	7,287	5,531
BUILDING TOTALS			70	-	19,856	-	-	1,756	55	15	-	-	-	-	21,682	21,682	19,926

								TO [*]	TALS								
						COMMERCIA	L - OFFICE				RETAIL	/ B.O.H.	PARKING/	LOADING	Total GSF		
LEVEL	FLOOR HEIGHT	OVERALL HEIGHT	COMMON	AMENITIES	RSF	Public Terrace	Private Terrace / Balcony	OFFICE	BEDS	UNITS	RETAIL /	COMMON\ LOADING	AREA	SPACES	W/O BALCONIES	Total GSF	FAR area
PROJECT TOTALS			36608	7759	194617	19625	3800	1756	614	216	14083	2500	89610	272	346,933	370,358	255,567

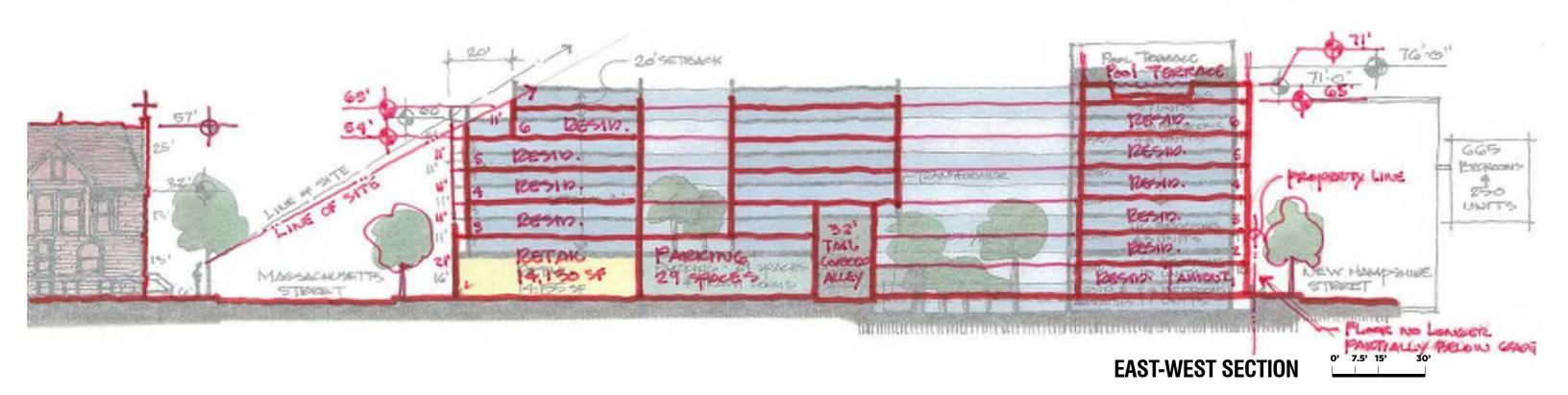


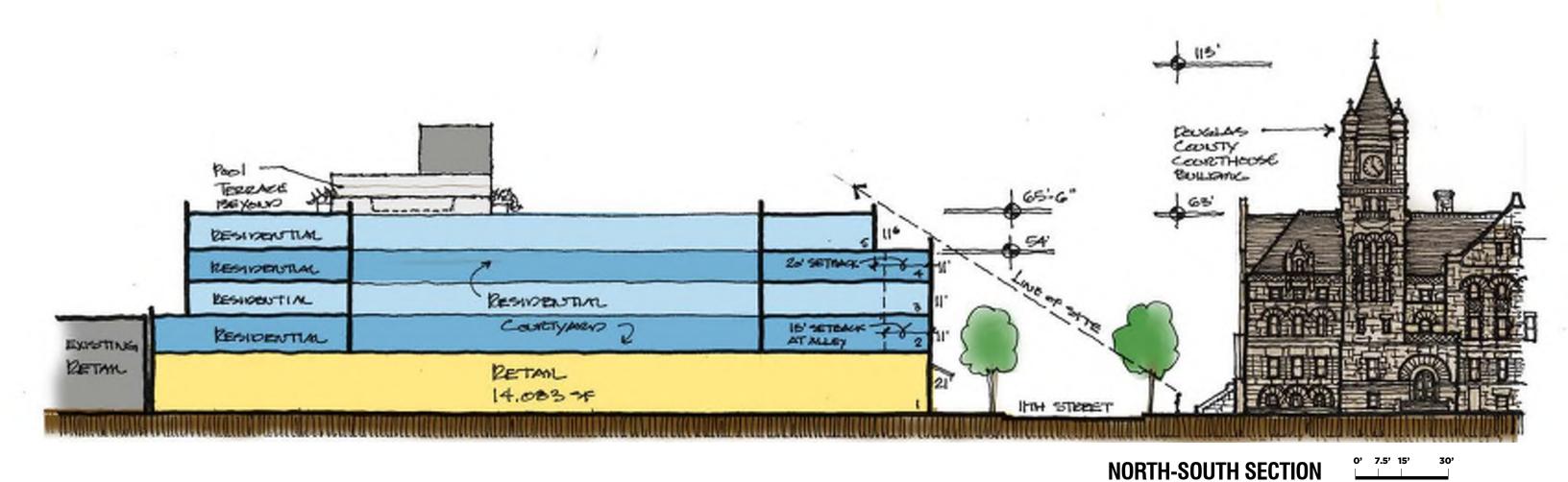


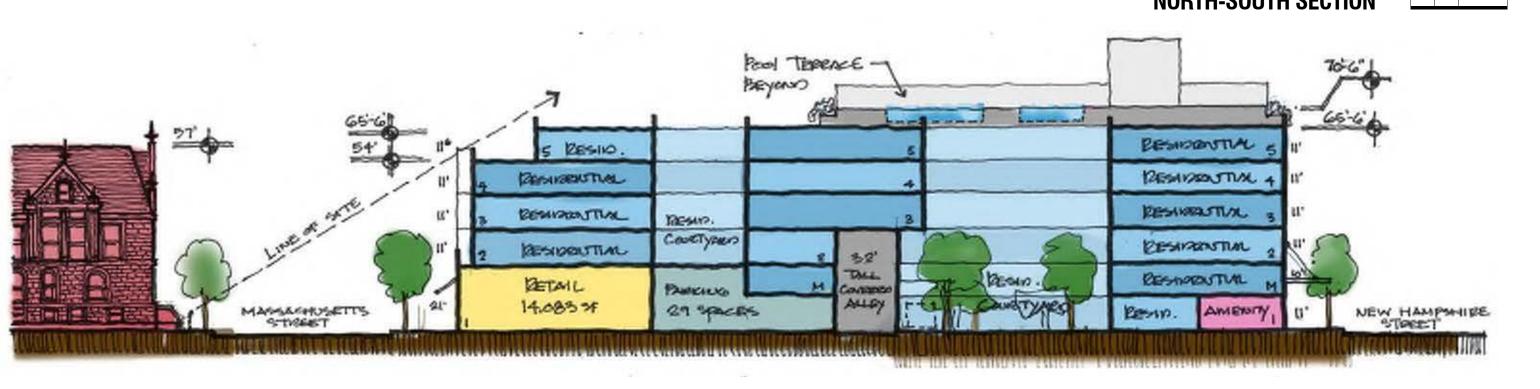




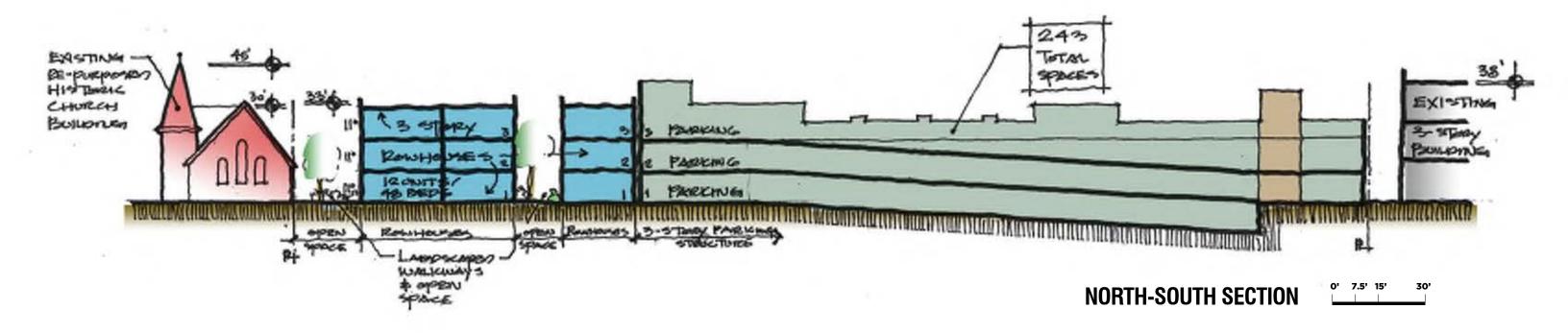
NORTH-SOUTH SECTION 0' 7.5

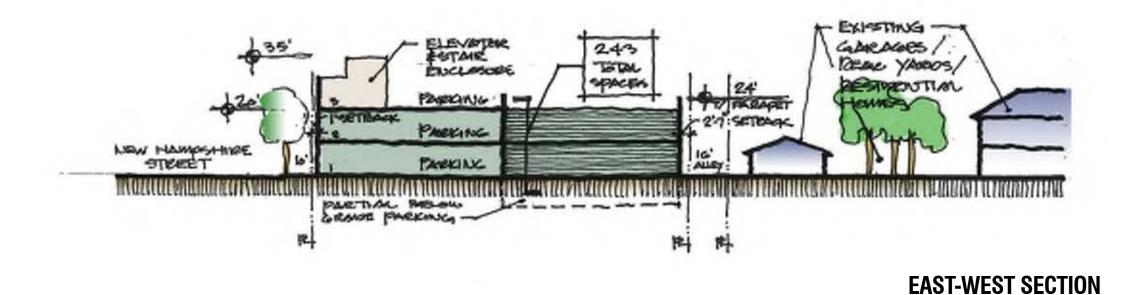


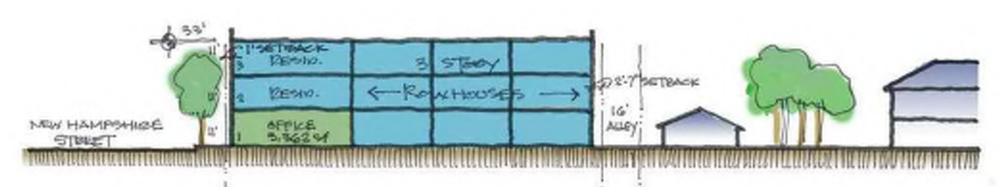




EAST-WEST SECTION





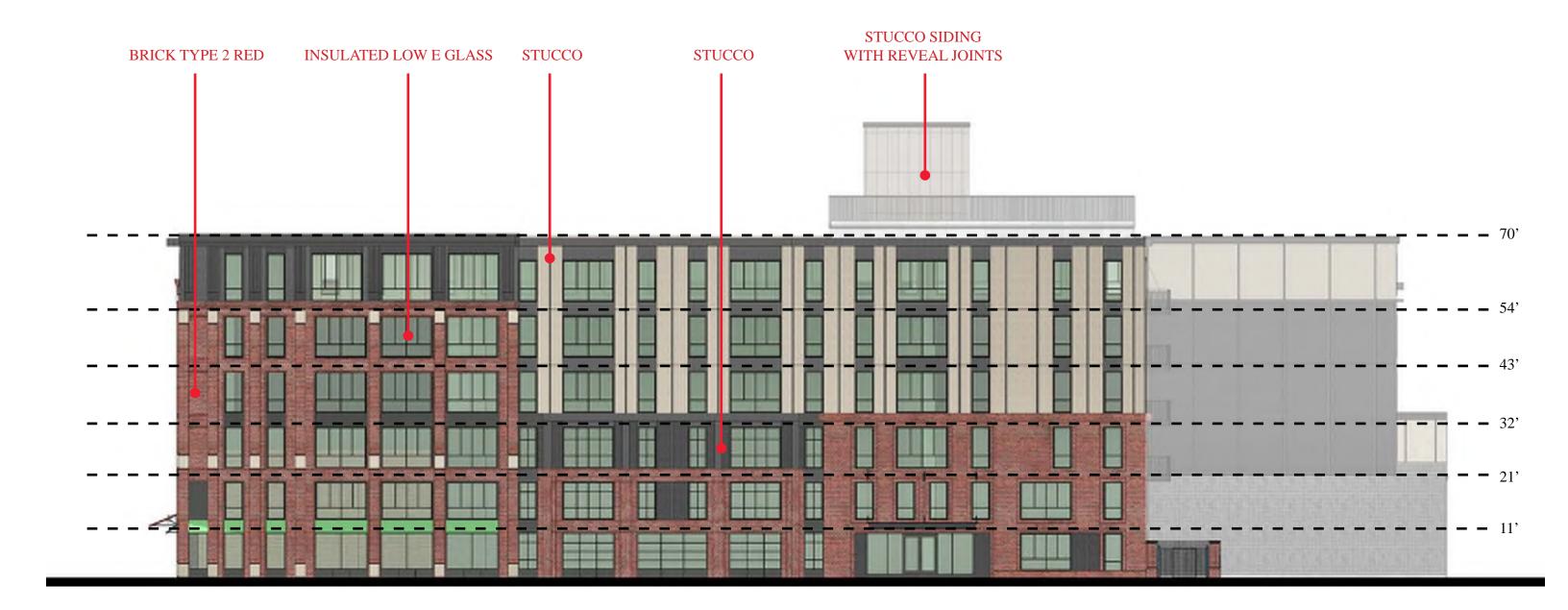


EAST-WEST SECTION AT OFFICE / RESIDENTIAL BUILDING

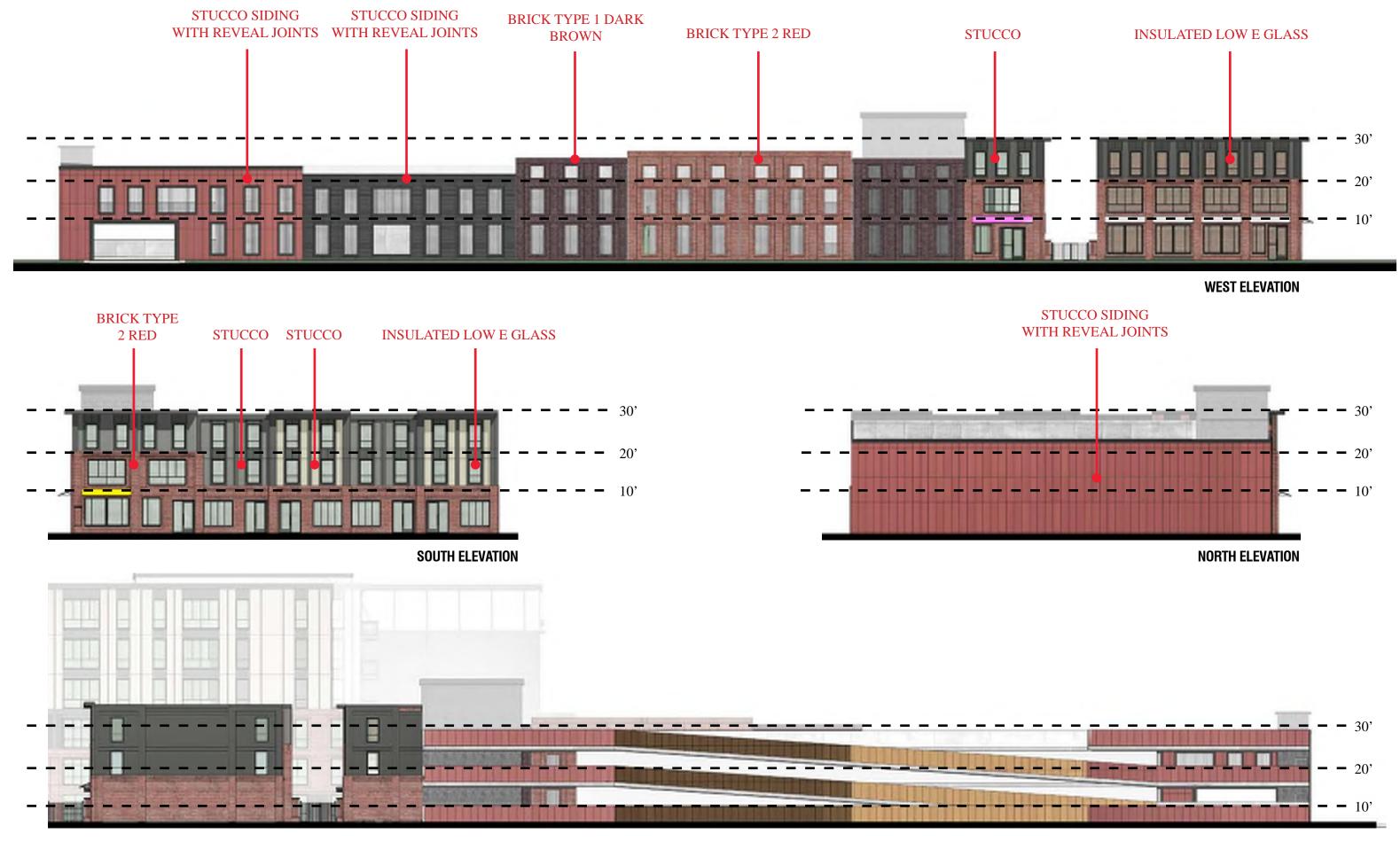
0' 7.5' 15' 30'











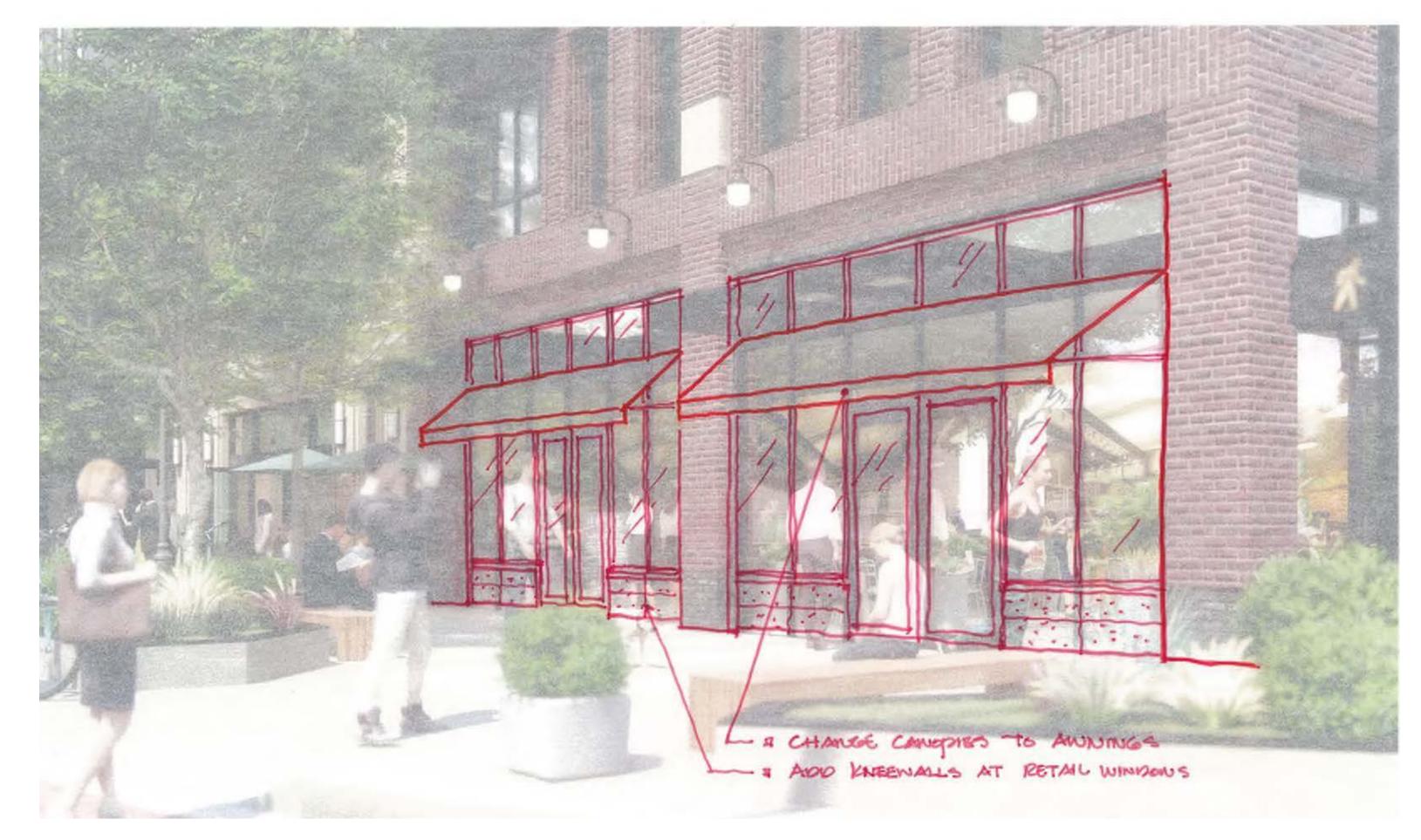










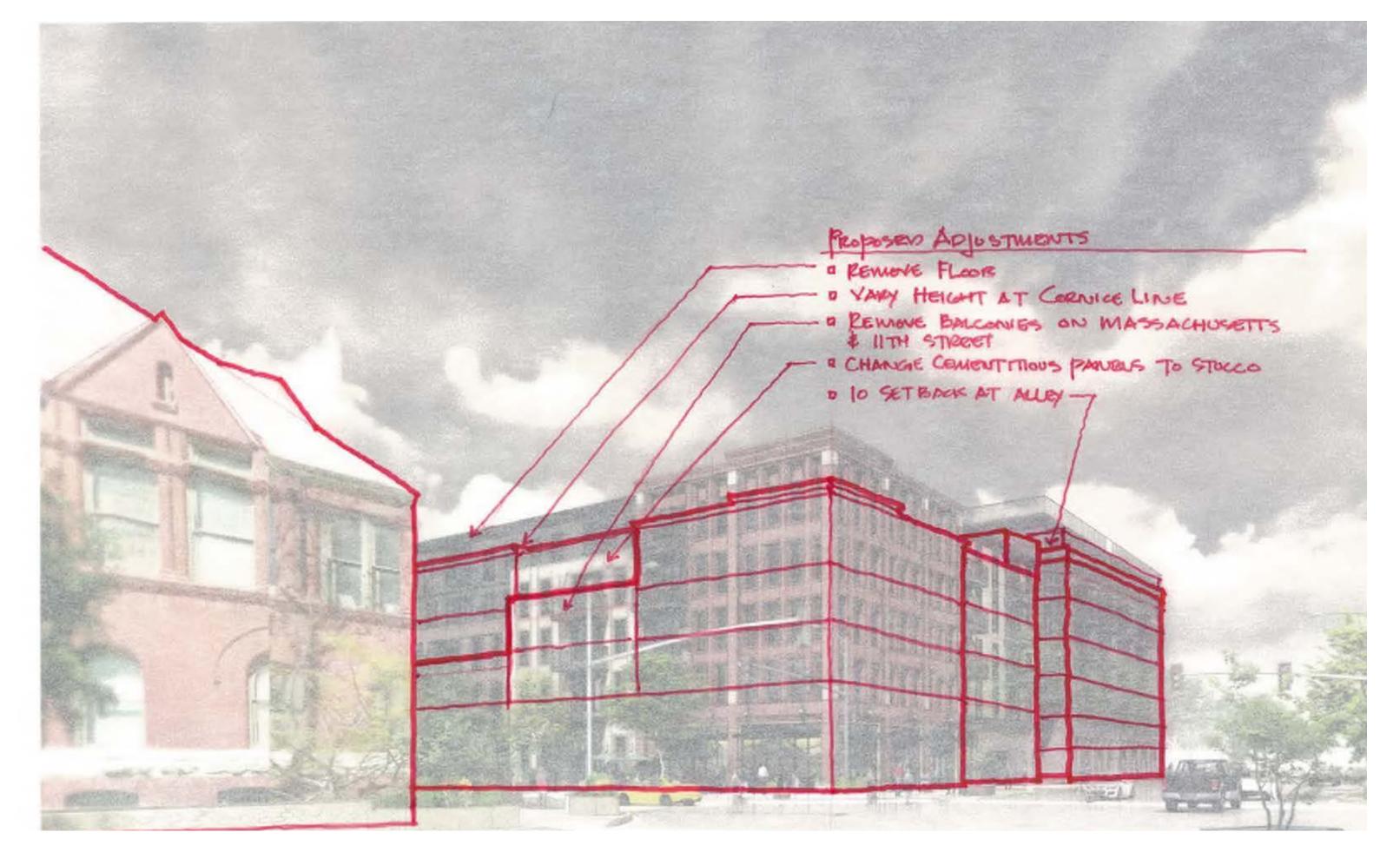












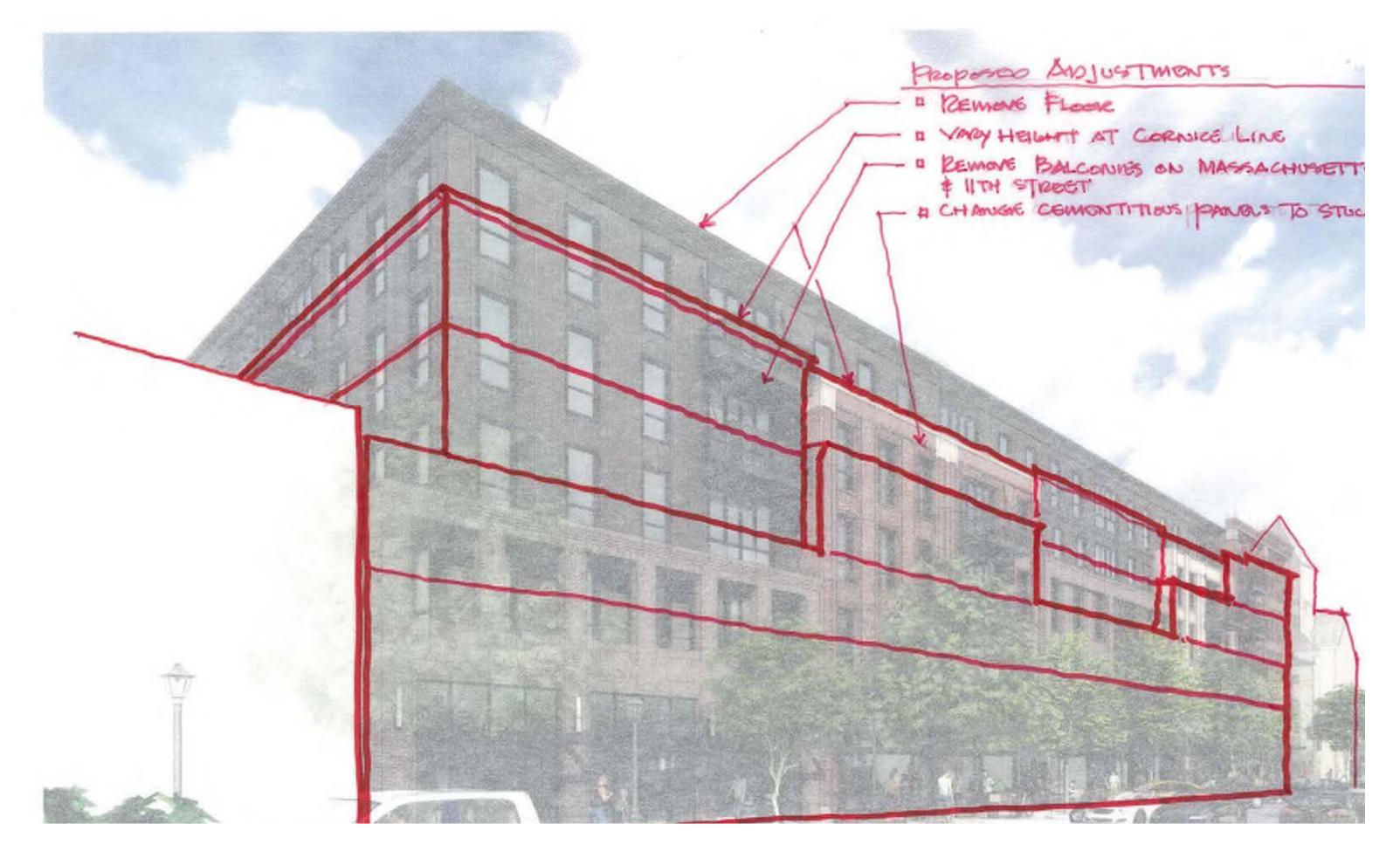




PROPOSED CONCEPTUAL RENDERING

36



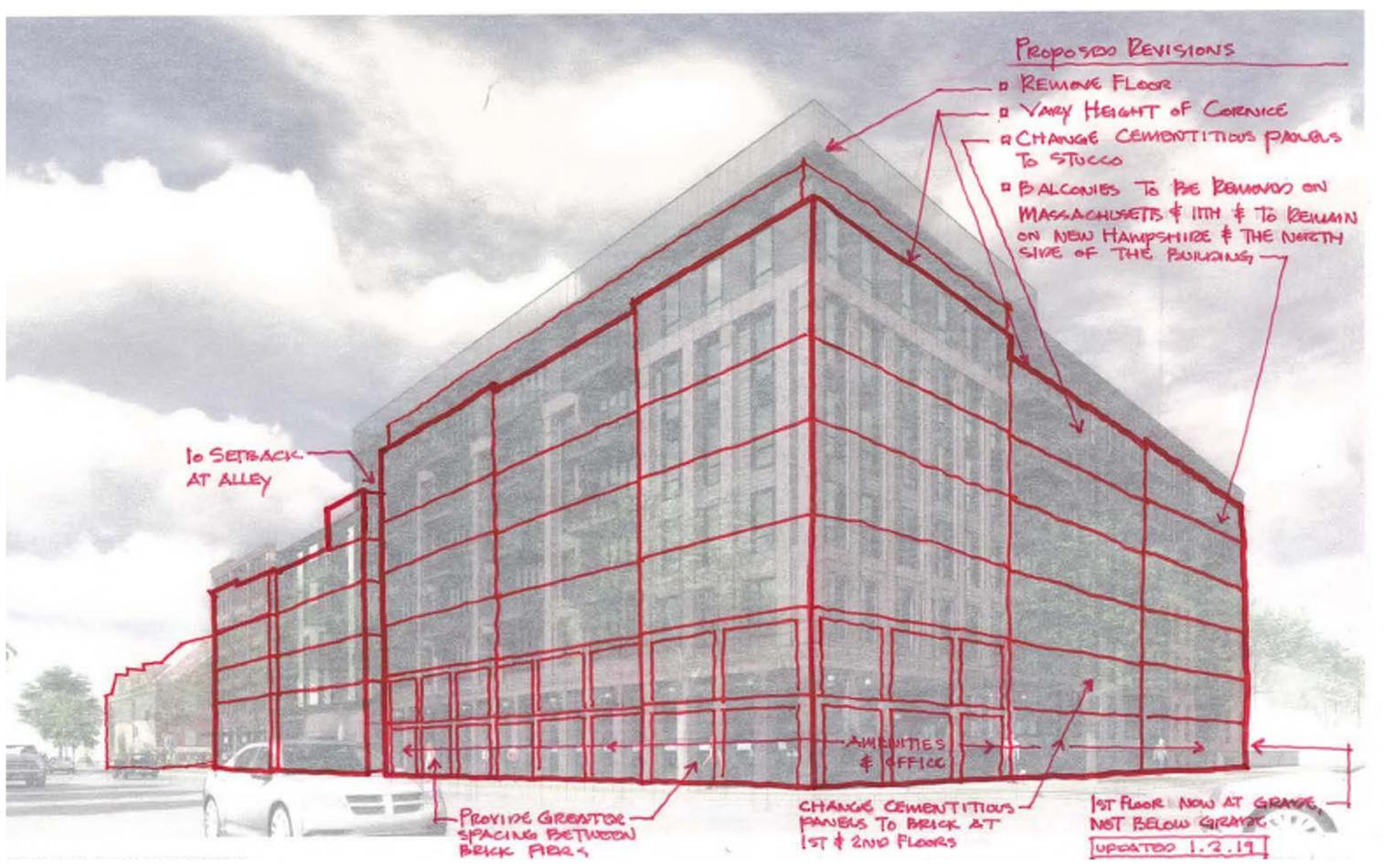




PROPOSED CONCEPTUAL RENDERING







CITY COMMENTS















																UNIT	MAT	RIX M	AIN E	BUILDIN	١G																			
														The H	ub at Lav	rence, Ka	ınsas // M	ixed-Use De	velopmen	t	FEBUAR	Y 28, 2019																		
										UNIT C	OUNT																		BED CO	TNUC										
LEVEL							4 BEDS / 4	4 BEDS / 3	4BED/	3BED/				2BED/	2BED/														4BED/	3BED/	3BED/		2BE	D/ 2 BE	D/					LEVEL
	4/4.5TH	4/4 TH	4/3 TH	4/2.5 TH	3/3 TH	2/2 TH	BATHS	BATHS	2BATH	3BATH	3BED/ 2BATH	2+2 /2	2+1 /2	2BATH	1BATH	1+1/1	1 BED	STUDIO	MICRO	TOTAL UNITS	4/4.5 TH	4/4 TH	4/3TH	4/2.5TH	3/3TH	2/2TH	4BED/ 4BATH	H 4BED/ 3BATH	2BATH	3BATH	2BATH	2+2/2 2	+1/2 2BA	TH 1BA	TH 1+1/1	1 BED	STUDIO	MICRO TOTA	L BEDS	
5	0	0	0	0	0	0	3	0	5	1	4	9	0	2	0	7	1	4	1	37	0	0	0	0	0	0	12	0	20	3	12	36	0 4	0	14	1	4	1 :	.07	5
4	0	0	0	0	0	0	5	1	5	1	5	8	0	3	2	7	0	6	3	46	0	0	0	0	0	0	20	4	20	3	15	32	0 6	4	14	0	6	3 :	.27	4
3	0	0	0	0	0	0	5	1	5	1	5	8	0	3	2	7	0	7	2	46	0	0	0	0	0	0	20	4	20	3	15	32	0 6	4	14	0	7	2 :	.27	3
2	0	0	0	0	0	0	5	0	5	1	3	7	0	3	0	3	1	9	2	39	0	0	0	0	0	0	20	0	20	3	9	28	0 6	0	6	1	9	2 :	.04	2
MEZ	0	4	0	0	1	1	1	0	3	1	2	1	0	1	0	2	0	5	0	22	0	16	0	0	3	2	4	0	12	3	6	4	0 2	. 0	4	0	5	0	51	MEZ
1	0	3	0	0	0	0	1	0	1	1	1	0	0	0	0	0	0	3	0	10	0	12	0	0	0	0	4	0	4	3	3	0	0 0	0	0	0	3	0	29	1
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	4/4.5TH	4/4 TH	4/3 TH	4/2.5 TH	3/3 TH	2/2 TF	H BATHS	BAT	THS 2BA	TH 3BAT	H 3BED/ 2	2BATH 2	+2 /2 2	+1 /2 2B/	ATH 1	BATH 14	1/1 1	BED	STUDIO	MICRO	TOTAL UNITS	4/4.5 TH	4/4 TH	4/3TH	4/2.5TH	3/3TH	2/2TH	4BED/ 4BATH	4BED/3BATH	2BATH	3BATH	2BATH	2+2/2	2+1/2	2BATH 1BA	.TH 1+	L/1 1 BEC	STUDIO	MICRO	TOTAL BEDS	
3																					0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 0	,	0 0	0	0	0	3
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1				12																	12	0	0	0	48	0	0	0	0	0	0	0	0	0	0 0	,	0 0	0	0	48	1
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				_	-																																				
DEVELOPMENT TOTALS	0	7		12		2	3	20	2	24	6	20	33	0	12	4	26	2	34	8	215	(28	(48	3	6 6	80	208	96	18	60	132	0	24	8	52	2 3	4 8	610	
	•		•			•		•							•										•	•	•	•													



LEVEL 1 EAST PARCEL

1041 NEW HAMPSHIRE ST LAWRENCE KS



SUP-19-00033: Special Use Permit for ground floor dwelling units, The Hub at Lawrence, located at 1000 New Hampshire Street, Block 1

SUP-18-00502: Special Use Permit for ground floor dwelling units, The Hub at Lawrece, located at 1040 Massachusetts
Street and 1041 New Hampshire Street





DARRYL GRAVES

A PROFESSIONAL LAW CORPORATION

DARRYL GRAVES, JD Managing Partner

1040 NEW HAMPSHIRE STREET LAWRENCE, KANSAS 66044 (785) 843-8117; FAX (785) 843-0492 office@dgraves-law.com LAURA WILSON, BA, MLS
Office Manager

City of Lawrence Planning & Development Services Attn: Becky Pepper P.O. Box 708 Lawrence, KS 66044

RE: SUP-18-00502

DFC 1 4 2018

City County Planning Office Lawrence, Kansas

Dear Ms. Pepper:

I rent an office on New Hampshire Street across from 1041 New Hampshire Street. My comments about the special use permit being requested by Core Lawrence Massachusetts, L.L.C. are as follows:

- 1) The present building at 1041 New Hampshire Street is vacant and exceedingly ugly. It has been that way for decades;
- 2) The 1040 Massachusetts Street property is the worst looking building on Massachusetts Street:
- I am in hopes that you will not discourage ANY building on this location, because anything is better than the current buildings;
- 4) A new building will produce a higher rate of property tax revenue for the city than the buildings that are currently on the sites;
- As for the proposal concerning the parking lot on the East side of New Hampshire Street, I have heard that some people do not want a parking garage, however, there is currently a gravel lot, and I believe a garage will be much more attractive.

I support encouraging the developer in any way the city can to establish a new and modern building instead of the vacant and unattractive buildings currently on the sites.

Sincerely,

Darryl Graves

December 12, 2018

From: Nick Kuzmyak < nick.kuzmyak@gmail.com >

Date: Mon, Mar 11, 2019, 1:54 PM

Subject: Correspondence to Planning Commission, re: 11th & Mass proposal

To: Karen Willey < karenwilley 1@gmail.com >

Cc: <earthpaden@gmail.com>

Good afternoon Commissioner Willey,

Though I do not recall whether the Planning Commission has already deliberated over the proposed mixed-use development and associated parking garage at 10th and Massachusetts (Hub on Campus), it will be going before the Historic Resources Commission soon. This development has caused quite a bit of consternation among the Lawrence community, by both neighbors and the general public. Therefore, I have a proposal to consider, after a bit of background.

I should note that I'm not opposed to the development: downtown retail streets need about 1200-1500 nearby dwelling units per block to be economically sustainable, so this is the kind of project that will help ensure the future success of the area by bringing far more people to where commerce actually happens.

However: I realize the project faces a steep uphill battle to get approved. Complaints already abound from excess height/rent/massing/student population, to not enough parking, and simply being "super ugly and depressing". Many of these complaints align with the "immaculate conception" theory of cities, which states that all old buildings are good, and all new development is bad. It's a fascinating theory, if you want to read more about it: http://cityobservatory.org/the-immaculate-conception-theory-of-your-neighborhoods-origins/.

The most valid concern, which is not being addressed by most reactionary opponents, is that of concentration of wealth in the hands of a few. Historical development was fine-grained, with each building often being owned by one of its tenants. This allowed for community wealth building, while also offering a lower barrier to entry for those who could not buy a whole block.

The reason I write, then, is a proposal I believe should be considered given the opposition to block-sized buildings juxtaposed with the clear need for downtown housing. It is admittedly radical, but not unfeasible: direct the City to <u>purchase</u> the Allen Press property, <u>demolish</u> it, <u>subdivide</u> the lot into similar sizes as the rest of downtown, add <u>utility</u> service, and <u>sell</u> the lots.

This could be accomplished through a public-private partnership between the Planning and Development Department (this project would satisfy both sides) and a local developer. A few goals could then be accomplished:

- 1. Distribute ownership to many more citizens.
- 2. Create small-scale retail, office, and residential spaces that can be more individually tailored by their owners.
- 3. Avoid concerns of block-sized buildings.
- 4. Remove the unsightly beige warehouse that's currently there.
- 5. Give the city more of what it wants (Downtown) in the only place it'll allow it (Downtown).

I cc'd Erin on this since she seemed interested, so I was hoping that one of you could perhaps bring up this idea during the Commission Items segment of the next meeting.

Also, if you've made it this far and are up for further discussion, I'd love to meet up to have a conversation on traditional urbanism and how we can still achieve it despite the financial/political infrastructure that generally forbids it.

Sincerely, Nick Kuzmyak 785-304-1483 ----- Forwarded message -----

From: Linda Watts < <u>lindajoywatts@icloud.com</u>>

Date: Mon, Feb 25, 2019, 12:34 PM Subject: Proposed HUB Project

To: <<u>jimweaver217@gmail.com</u>>, <<u>julia.v.butler@gmail.com</u>>, <<u>karenwilley1@gmail.com</u>>,

<earthpaden@gmail.com>, <jecarpenter15@gmail.com>, <sincluke@gmail.com>

Cc: <david.carttar@gmail.com>, <robert.c.sands@gmail.com>, <eric.c.struckhoff@gmail.com>,

<sharon.ashworth.dgks@gmail.com>

Looking ahead at the meeting when you will consider the proposed housing project (HUB) as requested for Mass. street and 11th, I have several concerns including the appearance of such a large construction. Lawrence wants to maintain it's historical downtown. Do visitors really want to approach downtown and see a modern apartment building that might dwarf the historical buildings? The lack of adequate parking spaces and the number needed for such a large complex will not go over well with east side residents who live close to downtown. Are these living units really needed for students? We do have need for affordable housing but not more student housing.

The city has hired a consultant to give input on a downtown master plan and I would want to see this plan considered before a decision on this proposed construction is made.

Thank you for you continuing work (volunteer time) for the community of Lawrence. Your efforts are time consuming and rarely get the reserved recognition.

Linda Watts 1817 Learnard Ave. From: Melissa Meyer < melrmeyer@gmail.com > Sent: Wednesday, March 20, 2019 9:04 AM

To: City Hall email

Subject: Re: Historic Resources Commission | January 17, 2019

Hello,

I'm writing to express my concern about the proposed project, "The Hub at Lawrence" at 11th and Mass. Lawrence is bloated with cheap and unbecoming apartments as it is. There is plenty of on campus housing for students and that is where we should encourage students to live so they are near to their classrooms and libraries. Lawrence does not need another complex like this or to have an outside company take advantage of the city again.

Thanks for your consideration,

Melissa Meyer

From: Kerry Altenbernd < kerryaltenbernd@gmail.com>

Sent: Thursday, March 21, 2019 12:45 PM **To:** Lynne Zollner < | zollner@lawrenceks.org >

Subject: Opposition to to Core Spaces' "The Hub" project

Lynne,

I'm writing to add my name to the growing list of those who are opposed to the ill-conceived The Hub" project that Core Spaces is proposing for downtown Lawrence. It's totally out of character with the historic downtown area and would irredeemably destroy it. Such an architectural assault on downtown Lawrence must never be approved or built.

Thanks.

Kerry

From: Kerry Altenbernd < kerryaltenbernd@gmail.com>

Sent: Sunday, March 24, 2019 12:23:49 PM

To: Jeff Crick; julia.v.butler@gmail.com; earthpaden@gmail.com; jecarpenter15@gmail.com;

<u>sincluke@gmail.com</u>; <u>david.carttar@gmail.com</u>; <u>eric.c.struckhoff@gmail.com</u>; robert.c.sands@gmail.com; jimweaver217@gmail.com; karenwilley1@gmail.com;

sharon.ashworth.dgks@gmail.com

Subject: Opposition to items on March 27th Planning Commission agenda

To the Lawrence-Douglas County Metropolitan Planning Commission

Dear Commissioner:

I am writing to you in opposition to two related items on the agenda for the March 27th meeting of the Planning Commission, Items 11A and 11B, special use permits for The Hub at Lawrence, submitted by Core Lawrence Massachusetts LLC for 1040 and 1041 Massachusetts Street, and for 1000 New Hampshire Street, respectively.

City staff has apparently interpreted that Section 20-517(ii) of the Land Development Code only prohibits ground-floor dwelling units along certain downtown streets in order to ensure that those spaces are reserved for commercial use, and since the proposed units would not occupy such spaces, city staff has concluded that they should be allowed. Protection of commercial space may be one aspect of the intent of the section, but I submit that in addition to securing commercial space, its intent is to also restrict all ground-floor dwelling units in the downtown area to ensure that tenements, row houses, and other structure not conforming to the historic building patters in downtown will not be allowed to be constructed.

Even though the proposed ground-floor dwelling units in SUP-18-00502 are along the alley and north facing wall of the building, and the proposed ground-floor dwelling units in SUP-19-00033 are along the north and south facing walls, they are still ground-floor dwelling units in an areas where ground-floor dwelling units have not historically been allowed.

One might argue that there would not be the option in the code to allow ground-floor dwelling units with a SUP unless that were an acceptable configuration to the framers of the code, but I contend that this is not the case, and that the SUP option was included solely to ensure that future commissions would not be tied to old rules if attitudes changed in the future. These attitudes have not changed, so an SUP for ground-floor dwelling units downtown should not be allowed, whatever their configuration.

In addition, approval of the requested SUPs, and thus allowing construction of ground-floor dwelling units in downtown, would set a dangerous precedent that could someday be used in court against the city by a developer whose plans for such units were to be disapproved by future planning and city commissions.

I see no good reason for these special use permits to be approved, so I therefore request that you deny both of them.

Thank you.

Sincerely,

Kerry Altenbernd 431 Forrest Avenue Lawrence, KS 66044-3729 LAW OFFICES

BARBER EMERSON, L.C.

1211 MASSACHUSETTS STREET

POST OFFICE BOX 667

LAWRENCE, KANSAS 66044

(785) 843-6600

FACSIMILE (785) 843-8405

LINDA K. GUTIERREZ MATTHEW J. ROGERS*

RICHARD A. BARBER

Matthew S. Gough Email: mgough@barberemerson.com

March 20, 2019

VIA E-MAIL ONLY

RICHARD L. ZINN

CALVIN J. KARLIN

JANE M. ELDREDGE

MARK A. ANDERSEN*

MATTHEW S. GOUGH*

CATHERINE C. THEISEN
*ADMITTED IN KANSAS AND MISSOURI

TERRENCE J. CAMPBELL*

Lawrence Historic Resources Commission; Lynne Zollner, Staff Liaison

Re:

DR-18-00503 (the "Application") - Environs Review

The Hub at Lawrence (the "Project")

Commissioners:

I am writing on behalf of Core Spaces (the "Applicant"). As discussed at the HRC meeting on November 15, 2018, Chapter 22 of the City Code (the "Code") has a very specific and limited definition of the term "Environs." That definition plays an outcome determinative role in your application of the proper standard of review, and the Applicant requests that you apply it to the Project.

The Subject Property is Not Part of the "Environs" of Any Landmark or District.

A threshold question in any environs review is whether the subject property is, in fact, part of the "Environs" of a historic property or district. It is a two-step analysis, and not every property within 250 feet of a historic structure is part of that structure's Environs. In fact, the Code's reference to 250 feet is meant to *exclude* properties from the definition of "Environs," not cause an otherwise insignificant property to become part of a landmark's "Environs." Section 22-105 provides the following definitions of "Environs" and "Contributing:"

Environs - Any structure, object, or site that directly contributes to the architectural and/or historical significance of a landmark or historic district. The environs area shall not include structures, objects, or sites which are not located in part, or in their entirety, within 250 feet of the boundaries of a landmark or historic district designated pursuant to this Chapter. The environs is not an extension of the boundaries of an historic district or landmark. For this reason, an application for a certificate of appropriateness for a project within the environs area shall receive the least stringent scrutiny when the Commission applies its Standards for Review as set forth in section 22-504 [sic], and there shall be a presumption that the application should be approved.

* * *

<u>Contributing (or Contributory)</u> - A significant building, site, structure, or object which adds to the architectural qualities, historic association, or archeological values of an historic district <u>because</u>:

- (1) It was present during the pertinent historic time; or
- (2) It possesses integrity and reflects its significant historic character or is capable of yielding important information about the pertinent historic period.

(Emphasis added).

The existing improvements on the subject property do not "contribute," nor are they "contributory," to any historic district, because they were neither in existence during the pertinent historic time nor do they reflect any historic character. The existing property does not "directly contribute to the architectural and/or historical significance of a landmark or historic district." Therefore, no part of the subject property is in the "Environs" of a landmark or district, the Project's proximity to registered properties is irrelevant, and no Environs review is required.

Even if the Subject Property Were Part of the "Environs" of a Landmark, the Presumption of Appropriateness Has Not Been Rebutted

Applying the Code's plain meaning to the Staff Report's factual findings, even if the Project were part of the "Environs" of a landmark, HRC should approve the Certificate of Appropriateness. The Staff Report, which is a subjective interpretation of the Code, states in several places that the proposed project will "damage the environs" of the pertinent landmarks. See, e.g., Staff Report, p. 5 ("The development project as a whole encroaches upon, damages, and destroys the environs of the Watkins Bank Building, the Douglas County Courthouse, and the English Lutheran Church." (emphasis added)). Even if that is accurate (the Applicant believes otherwise), damage to the environs of a landmark does not rebut the presumption of appropriateness – there must be "significant" encroachment on, damage to, or destruction of a landmark. Section 22-505(4). There is no physical damage or destruction to any landmark. The Project does not encroach upon any landmark, because they are all buffered by public rights-of-way ranging from 80 to 100 feet in width.

The design of the Project, thanks to the input and guidance of Staff, ARC and stakeholders, has undergone a multitude of material refinements over the last eight months. The Applicant has been a cooperative participant in this process. This Project represents a significant opportunity to redevelop an underutilized gateway to Downtown. Please apply Chapter 22 of the City Code and approve the Certificate of Appropriateness.

Sincerely,

BARBER EMERSON, L.C.

Hatthen f. Hrugh Matthew S. Gough ----Original Message----

From: Noah Benham < noahbenham1@gmail.com >

Sent: Thursday, March 21, 2019 7:55 AM

To: dave.evans@gouldevans.com; kentfry@gmail.com; mveatch@gmail.com; Lynne Zollner

<lzollner@lawrenceks.org>; brenna.buchanan@me.com; kelly.erby@gmail.com;

abailey@sloanlawfirm.org

Subject: [old ci.lawrence.ks.us] HRC: The Hub

HRC,

As a Lawrence native, I'm concerned to hear of requests to build a large student apartment complex at the corner of 11th and Massachusetts.

New residential development can help spur growth and progress, and is becoming necessary in some cases to replace aging retail space losing its vitality in the age of online shopping. However, the commercial space of downtown is unlike that of other cities. Our restaurants & shops are well trafficked and loved by transient and long-term residents.

Existing buildings this developer, Core Spaces, has erected do not fit the aesthetic and quality we should demand and deserve from our tenets. The prominent location of this apartment complex will worsen traffic flow and harm surrounding structures' integrity.

Downtown Lawrence is the shining star of our city. It's what makes Lawrence unique, quirky and a place I'm proud to call my hometown. I urge you to uphold our high quality standards and respect for historic spaces.

Sincerely, Noah Benham noahbenham1@gmail.com **From:** Cynthia Bond < cynthia.delay.bond@gmail.com>

Date: March 20, 2019 at 1:18:55 PM CDT

To: dave.evans@gouldevans.com, kentfry@gmail.com,

mveatch@gmail.com, lzollner@ci.lawrence.ks.us, brenna.buchanan@me.com,

kelly.erby@gmail.com, abailey@sloanlawfirm.org

Cc: "Moreno, James" < <u>moreno@ku.edu</u>>

Subject: [old ci.lawrence.ks.us] Please Do Not Approve the Hub Project

Dear Members of the Historic Resource Commission: We are writing to oppose the "Hub at Lawrence" proposal.

My husband and I (a professor at KU and cc'ed here) own a home and reside in East Lawrence. Originally from Chicago, we appreciate the thriving downtown Lawrence offers. One of the strengths of that downtown is the healthy contingent of townspeople on the sidewalks and in the Massachusetts Street businesses. As you well know, Massachusetts St. owes its vitality not simply to throngs of KU students, but to a mix of folks from various walks of life. To add the massive, student-centered structure of the "Hub" to this vital civic space would do a great disservice to Lawrence's downtown. The shift towards a more KU-centered, transient population in the heart of downtown undermines Lawrence's quality of life and unique identity as a town that is not solely encompassed by the University. And this impact is likely to be felt beyond downtown, with increased congestion in surrounding East Lawrence.

In addition, we are concerned about the adverse aesthetic and ahistorical impact this project will have on Downtown Lawrence. We echo Tom Harper's concerns in his letter in the Lawrence Journal World: "The height, scale & mass of the apartment complex will harm the integrity & environs of three historic buildings: Watkins Museum, the Douglas County Court House & English Lutheran Church....Furthermore, the design lacks strong and imaginative design elements for such an important intersection. On-line research of reviews for Core Spaces buildings reveals subpar construction & poor management as common themes."

We urge you to reject the Hub proposal for downtown Lawrence.

Thank you for your time,

Cynthia Bond James Moreno

Douglas County Historical Society

1047 Massachusetts Lawrence, KS 66044-2923 Phone 785-841-4109 Fax 787-841-9547 www.watkinsmuseum.org

Board of Directors

March 8, 2019

Officers Kathryn Tuttle

Historic Resources Commission

President

City of Lawrence

Michael Delanev

c/o Lynne Braddock Zollner Historic Resources Administrator

Vice-president

City Hall

Kurt Falkenstien

6 East 6th Street

PO Box 708 Treasurer

Lawrence, KS 66044

Tess Banion

Re: Proposed Project "The Hub at Lawrence" Secretary

Jeannette Blackmar

Dear Members of the Historic Resources Commission:

Past President

Members

The Board of the Douglas County Historical Society and the Watkins Museum of History wish to express our concerns about the proposed project, "The Hub at Lawrence," at 1040

Massachusetts Street, 1041 New Hampshire Street, and 1000 New Hampshire Street

which will come before you on March 21, 2019.

Shawn Alexander

Eric Anderson

Sandra Gautt

Web Golden

Charles Jones

The proposed project is directly across the street from the Watkins Museum, the Douglas Abby Ehling

County Courthouse, and the English Lutheran Church. These three buildings are

landmark properties on the Lawrence Register of Historic Places, as well on the National

Register of Historic Places. The Watkins Building, built in 1888 to house the Watkins Land Mortgage Company and National Bank, has been home to the history museum for

Lawrence and Douglas County operated by the Douglas County Historical Society since

1975. Before that, the building served as Lawrence City Hall, from the time the Watkins

businesses closed in 1929 to 1970.

Tom Harper

We have noted the request of the Historic Resources Commission for the developers to Pat Kehde

follow the Downtown Design Guidelines. Members of the DCHS Board of Directors

have attended the meeting of the developers with the City's Architectural Review Committee in which some of the design guidelines were addressed by the developers. We

appreciate their willingness to consider some changes.

John Nalbandian

Mica Mendez

However, the proposed changes do not affect the overall size, scale, and mass of the Mick Ranney

proposed structure. We believe that the height, scale and mass of the building at 1040 Massachusetts Street and 1041 New Hampshire Street would encroach upon, damage, or

destroy the environs of the three listed historic properties.

Lauren Taylor

Sean Williams

Deanell Tacha

There is no other structure as massive as the proposed structure in the environs of the

Watkins Museum. The proposed height of the Hub building is 12 feet taller than the

Watkins Building. Its scale and mass are significantly greater than the existing street

scape of commercial buildings in the 1000 block of Massachusetts Street. Finally, while the proposed reduction of the Hub building to five stories along Massachusetts Street, but with a sixth story set back 20 feet, reduces the building's apparent height at street level, the sixth story will be plainly visible from the Watkins Museum's third floor.

We urge the Historic Resources Commission to deny the project's request for a Certificate of Appropriateness. We urge that the project be redrawn to significantly reduce the height, scale and mass of the building so that it does not overwhelm the historic architecture of the Watkins Museum or the other two listed buildings, and preserves the historic appearance of the downtown commercial district in the 1000 block of Massachusetts Street.

Thank you for your consideration.

Sincerely,

Kathryn Nemeth Tuttle

President

Steven J. Nowak Executive/Director March 21, 2019

Historic Resources Commission via email to: Izollner@lawrenceks.org

City of Lawrence Planning Commission via email to: jcrick@lawrenceks.org

City of Lawrence City Commission via email to: smccullough@lawrenceks.org



Dear Commissioners,

On behalf of our association of Downtown businesses, please accept this letter of support for the development project proposed by Core Spaces. As you know, our organization represents more than 200 local businesses in Downtown Lawrence. Our mission includes the commitment to preserve, protect, and promote Downtown Lawrence.

The single most effective way to support the current business mixture Downtown is to increase residential density within walking distance. Local retailers need local consumers. It is a reality that can be seen in the headlines each month. The density proposed by Core Spaces would grow the everyday supply of consumers to our Downtown businesses, supporting traditionally slower days for our retail and hospitality sectors. The addition of new commercial space will promote modern retail opportunities and will apply downward pressure on the overall Downtown lease rates. The location will activate one of the most underutilized portions of the district.

Downtown Lawrence is unique for both the charming historic aesthetics and the local businesses. Just as the businesses benefit from the architectural integrity of the buildings, the historic aesthetic is complemented by the goods and services offered by the local businesses. Empowering one of these characteristics over the other could easily damage the district as a whole. We have experienced a collaborative approach from Core Spaces, and appreciate the design accommodations made thus far at the recommendation of the Historic Resources Commission. We trust the City bodies will continue to work with Core Spaces to ensure the building complements the historic fabric of Downtown Lawrence.

Best Regards,

Downtown Lawrence, Inc.

Sally Zogry, Executive Director

Emily Peterson, President – Merchants Pub & Plate

Codi Bates, Vice President –The Burger Stand at the Casbah; Bon Bon

Patrick Watkins, Secretary – The Watkins Law Office

K. Meisel, Treasurer – Ameriprise Financial

Andrew Madl, Past President – The Sandbar

Kelly Corcoran – Love Garden

Maren Ludwig – Mass Street Soda

Meredith Moore – Wonder Fair

From: Tai Edwards <taisedwards@gmail.com> **Sent:** Thursday, March 21, 2019 9:30 AM

To: sharon.ashworth.dgks@gmail.com; karenwilley1@gmail.com; jimweaver217@gmail.com; robert.c.sands@gmail.com; eric.c.struckhoff@gmail.com; david.carttar@gmail.com; sincluke@gmail.com; jecarpenter15@gmail.com; earthpaden@gmail.com; julia.v.butler@gmail.com;

Jeff Crick < jcrick@lawrenceks.org>

Cc: Denny Ewert <dewert@lawrenceks.org> **Subject:** No to HUB apartments on Mass. St.

I am writing to voice **my opposition to building the "HUB" apartment complex** at 1040 Massachusetts St. (and beyond).

- No one comes to Mass. St to see apartment complexes. The community and the tourists attracted to this historic and signficant part of our city come for shopping, food, and events. Again, they don't come to see apartment complexes.
- **Parking** will be deeply problematic. The HUB is building parking for less than half of the beds its units will include. As I assume they intend to charge extra for those parking spots, many residents may choose to not purchase that parking regardless of its existence. Estimates indicate at least 340 cars will need parking in the vicinity. Where will they go? Parking is already challenging enough for community members and tourists. Other cities have faced this problem after allowing HUB development and others have prevented HUB developments as a result (read https://example.com/here.
- What evidence is there that **student housing demands** are not being met in the city? What evidence is there that HUB will solve this problem? Numerous other student-centric housing options exist a few blocks away from this location. Are they full? What is the benefit of adding HUB housing in the same neighborhood? Would it be better suited elsewhere? HUB housing does not appear to be affordable either (if student housing challenges are based upon expense).
- For a **city that has struggled** in recent years to fully vet projects that benefit developers and land owners rather than community members and tax payers, this project seems especially alarming, unneeded, and problematically located.

Again, I oppose this development in this location.

Regards, Dr. Tai Edwards Member of Barker Huddle 3211 Nottingham Ct. Lawrence KS 66049 To the Historic Resources Commission

RE: ELNA Position on HUB Project

March 11, 2019

To the Historic Resources Commission,

The majority of the Board of the East Lawrence Neighborhood is asking that the HRC deny the HUB Project. This Project does not follow our Downtown Guidelines. This massive project is too close to residences within our neighborhood boundaries and it will have a negative impact on those residences. This project will also have a negative impact on downtown and the surrounding historic structures. This will also greatly impact our downtown culture that we have invested so much into as a City. Cultural impact is an important factor that is often not reflected in today's planning concepts. It should be.

Parking is also a significant concern. That is an issue that is on the City to reform before the next massive bedroom development downtown. The Courthouse parking lot will become a nightmare as will all parking within 2-3 blocks of this development, including blocks within our neighborhood boundaries.

The City is also embarking on a new master plan for how downtown transitions into the neighborhoods. Allowing this building at this time would seriously limit the impact that the findings from this task force will recommend.

Thank you for your consideration,

Phil Collison

The East Lawrence Neighborhood Association.

From: Bert Haverkate-Ens < berthens@yahoo.com >

Sent: Thursday, March 21, 2019 9:00 AM

To: dave.evans@gouldevans.com; kentfry@gmail.com; mveatch@gmail.com; Lynne Zollner

<lzollner@lawrenceks.org>; brenna.buchanan@me.com; kelly.erby@gmail.com;

abailey@sloanlawfirm.org

Subject: [old ci.lawrence.ks.us] 11th and Mass - Stubbs Building remodel counters the idea that

developers can't make money here

Please do what you can to preserve the downtown feel of Mass St. Perhaps the best solution is to somehow break up the conglomeration of lots catercorner. Preventing massive projects like Core from going through is a place to start. Thank you.

Bert Haverkate-Ens 1525 New Hampshire From: "Flory, Kirsten" < Kirsten.Flory@colliers.com>

Date: March 20, 2019 at 4:31:53 PM CDT

To: "kentfry@gmail.com" < kentfry@gmail.com>, "lzollner@lawrenceks.org" < lzollner@lawrenceks.org>, "kelly.erby@gmail.com" < kelly.erby@gmail.com>, "mveatch@gmail.com" < mveatch@gmail.com>, "abailey@sloanlawfirm.org"

<a href="mailto:<a href="mailto:me.com" on "chad.c.foster@outlook.com", "dave.evans@gouldevans.com"dave.evans@gouldevans.com

Cc: "Flory, Kirsten" < <u>Kirsten.Flory@colliers.com</u>>

Subject: HRC - The Hub Project

Dear Historic Resources Commission,

I want to share my support of "The Hub" proposed project by Core Spaces that is under consideration at 11th and Massachusetts. This project brings forth an opportunity to redevelop an underutilized, and quite frankly unsightly, end cap that is at the southern entrance to our Downtown Lawrence corridor.

This project will bring residential opportunities that will further enhance the retail support of our Downtown Lawrence merchants. As a commercial real estate agent, I understand first hand how residential growth positively impacts retail success. By creating additional opportunities for individuals to live, work and shop in our beautiful Downtown area creates a win-win for our community. As I evaluate the other new projects that have come online over the past few years, namely the developments along New Hampshire, as well as the new Treanor Architects building on Vermont and also the newly remodeled Marsh Building at 623 Massachusetts, all of these projects have created designs that have fit in with the look and feel of the Downtown Lawrence landscape.

I encourage your support of this project and the advantages it brings to the Lawrence Community.

Sincerely,

Kirsten Flory

Associate | Lawrence Direct +1 785 865 3821 | Main +1 785 865 5100

Fax <u>+1785 865 3842</u> <u>kirsten.flory@colliers.com</u>

Colliers International

805 New Hampshire, Suite C | Lawrence, KS 66044 | USA www.colliers.com

----- Forwarded message -----

From: **Suzan Hampton** < <u>suzanhampton@gmail.com</u>>

Date: Mon, Mar 25, 2019, 1:28 AM

Subject: Opposed to the proposed 'The Hub' development at 11th and Mass

To: <<u>jcrick@lawrencks.org</u>>, <<u>julia.v.butler@gmail.com</u>>, <<u>earthpaden@gmail.com</u>>,

<jecarpenter15@gmail.com>, <sincluke@gmail.com>, <david.carttar@gmail.com>,

<<u>eric.c.struckhoff@gmail.com</u>>, <<u>robert.c.sands@gmail.com</u>>, <<u>jimweaver217@gmail.com</u>>,

<karenwilley1@gmail.com>, <sharon.ashworth.dgks@gmail.com>

Cc: Suzan Hampton < suzanhampton@gmail.com >

Hi Commissioners,

I'm an architectural and urban designer who lives in East Lawrence and am writing to express my opinion about the proposed project "The HUB" at 11th and Mass. Due to the unique character of this specific site, I'm not in favor of this project and here's why:

1. The design has no relationship to its context. It is generic in its use of materials, form, massing, and function. This development could be found anywhere: Portland, Tokyo, Wichita...why here? What makes this building reflect the historical and cultural heritage of Lawrence, Kansas as a unique place, and the significance of that corner, specifically, as one-of-a-kind? How does this design tell the story of why Lawrence is special? How does it reinforce what's already here?

It doesn't. Its neutral design detracts from the strength of the surrounding buildings' character and diminishes the importance and stature of the entire corner. It's like putting Ross Dress for Less next to City Hall, or a Hy-Vee next to the White House. There's nothing wrong with Ross or with Hy-Vee, but put them in the wrong location and they suddenly become pretty wrong.

- 2. The design is not special enough for such an important location in downtown Lawrence. I'm not criticizing the design, but there is nothing noteworthy about it: it's designed to be as cheap as possible to build and to appeal to college-age students right now and for the next maybe 5-10 years, max. It's very likely a rehash of a design done for a different college town that the developer paid to have "tweaked" to conform to local building code and to the constraints of that site. I've done design work for developers and I know that if there is any way to repurpose a design that has already been paid for, they will do it: it's good business because they spend less money on design and it's faster.
- 3. I'm a big fan of increasing density and of increased residential density downtown because I believe it helps local economy and the environment. Done right, adding residential could help counter the negative impact of online shopping for our downtown businesses.

That said, this type of development with this specific target market will increase revenues for the bars and restaurants downtown, from property taxes, and from parking fines for the City. But I'm not convinced it will help retail revenues at all. Generation Z (and those coming after) shop online and get purchases delivered because they demand vast selection, personalization, and convenience. They don't shop retail much anymore and I don't see that trend reversing itself. They are looking for "experiences" in public, physical spaces: not shopping.

Such a special site downtown deserves a special building or other program. If the other buildings on that corner represent "heritage", "faith", and "governance", then a park could embody "free speech", a farmer's market "commerce", or a well-designed, well-integrated residential complex "community". It's my opinion that whatever structure or program that eventually inhabits this location should attempt one of two strategies:

- 1) either fit in with the overall scale, materials, massing, quality construction, public space, and setbacks of the surrounding urban fabric out of respect for and to strengthen the significance of what's already there, or
- b) highlight the uniqueness and stature of that specific corner by being different and embodying a truly world-class design. Examples of this strategy that come to mind are the Steven Holl addition to the Nelson Gallery in Kansas City and I.M. Pei's Pyramide at the Louvre in Paris. Both are stunning and elevate the historic context *and* the new structures by their world-class design. They inspire dialog and thought, they create great, activated public spaces, and by the juxtaposition of the old with the new, they make a strong statement about culture, the passage of time, and the meaning of Place.

Thank you for your service, and for protecting our historic and cultural heritage at that very special downtown corner.

Suzan Hampton

--

Suzan Hampton, LEED AP bd+c landscape | architecture | urbanism 415-745-0182

Delaware Street Commons 1218 Delaware St. #1 Lawrence, KS 66044 **From:** Tom Harper < tomharper@stephensre.com >

Date: March 19, 2019 at 8:56:57 PM CDT

To: < <u>dave.evans@gouldevans.com</u>>, Kent Fry < <u>kentfry@gmail.com</u>>, Matt Veatch < <u>mveatch@gmail.com</u>>, Lynne Zollner < <u>lzollner@ci.lawrence.ks.us</u>>, Brenna Buchanan < <u>brenna.buchanan@me.com</u>>, < <u>kelly.erby@gmail.com</u>>, "<u>abailey@sloanlawfirm.org</u>" < <u>abailey@sloanlawfirm.org</u>>, Stuart Boley < <u>sboley@lawrenceks.org</u>>, Lisa Larsen < <u>llarsen@lawrenceks.org</u>>, Leslie Soden < <u>lsoden@lawrenceks.org</u>>, Matthew Herbert < <u>matthewjherbert@gmail.com</u>>, Jennifer Ananda < <u>jennifer.d.ananda@gmail.com</u>>

Subject: [old ci.lawrence.ks.us] Core Spaces- The HUB

Good evening- Ms. Zollner and Commissioners, thank-you for your service and protecting the historic integrity of our downtown.

I am writing to ask you to deny the request below by Core Spaces for the proposed project "The HIJB".

The request is to demolish the two structures on the site and construct a mixed use structure that will cover 1040 Massachusetts Street (Lots 108, 110, 112, 114, 116) and 1041 Hew Hampshire Street (Lots 109, 111, 113, 115), two mixed use structures and a parking garage on the east side of New Hampshire Street (Lots 100, 102, 104, 106, 108, 110, 112).

Below is the letter to the editor I wrote. It was published in todays Lawrence Journal World. If you would include this email in the HRC packet on Thursday night I would appreciate it.

The proposed project, "The Hub at Lawrence" by Chicago based Core Spaces should cause great concern for anyone who appreciates the historic nature of downtown Lawrence. Core Spaces designs & builds apartment complexes in college towns for students. The location for this massive apartment complex is 11th& Massachusetts Street, the gateway to downtown. The height, scale & mass of the apartment complex will harm the integrity & environs of three historic buildings: Watkins Museum, the Douglas County Court House & English Lutheran Church. Such a massive apartment complex will house hundreds of transient students/residents resulting in increased vehicle traffic that will congest the entrance to downtown and compounds the existing congestion in adjoining East Lawrence neighborhood. Furthermore, the design lacks strong and imaginative design elements for such an important intersection. On-line research of reviews for Core Spaces buildings reveals subpar construction & poor management as common themes. This apartment complex is not conducive to a healthy downtown. We should not give 11th& Massachusetts away for such little return and great risk. The City, Historic

Resource Commission, Planning Commission & City Commissions are in place to protect us from developers that will harm our community. If you care about the integrity and life of our historic downtown, now is the time to speak up. Our community deserves a better neighbor then what Core Spaces is offering.

Sincerely, Tom Harper From: Tom Harper < tomharper@stephensre.com >

Sent: Sunday, March 24, 2019 7:23:20 AM

To: Jeff Crick; julia.v.butler@gmail.com; julia.v.butler@gmailto:julia.v.butler@gmailto:julia.v.butler@gmailto:julia.v.butler@gmailto:julia.v.butler@gmailto:j

<u>sincluke@gmail.com</u>; <u>david.carttar@gmail.com</u>; <u>eric.c.struckhoff@gmail.com</u>; robert.c.sands@gmail.com; jimweaver217@gmail.com; karenwilley1@gmail.com;

sharon.ashworth.dgks@gmail.com; Stuart Boley; Lisa Larsen; Matthew Herbert; Jennifer Ananda; Leslie

Soden

Subject: ITEM NO. 11A -SUP-18-00502:

Dear Commissioners and Mr. Crick, thank-you for your service to our community.

If this could be placed in your packet I would appreciate it.

I am writing to urge you to deny the SUP for ground floor dwelling units for Core Spaces proposed development, the HUB located at 11th and Massachusetts Street.

As you are aware, the HRC unanimously denied Core Spaces the Certificate of Appropriateness last week. The public sentiment was overwhelmingly against this project due to the harm it will cause to our historic downtown.

The size, mass & scale are overwhelming to three historic buildings: The Watkins Museum, the Douglas County Court House and the English Lutheran Church. The number of transient students and lack of parking will cause more congestion downtown and spill over into East Lawrence neighborhood. The design is unimaginative. The corner of 11th and Massachusetts is precious and deserves a marque building we can be proud of for the next 100 years. The HUB would be an embarrassment for our community.

On-line reviews reveal that Core Spaces has a poor track record across the United States with sub par construction practices & poor management. Attached are 8 pages of online reviews I gathered a couple months ago. I could have easily added more pages/reviews.

Lawrence deserves better and this particular corner, the gateway to our downtown certainly deserves a better building and better neighbors then an apartment complex that serves as a dormitory for students.

Lawrence is relying on you to deny the SUP and protect our historic downtown.

I'm hoping for another unanimous vote Wednesday.

Sincerely,

Tom Harper

The HUB Tucson 11

SCAM BUSINESS! Our son lived here last year for his freshman year. They don't have models for parents to look at and now we know why-because the apartments are shit holes. The place was dirty when him and his roommates moved in, their washing machine didn't work and it took the complex weeks to fix it. When they all moved out, we had the place professionally cleaned and we just got the invoice from them and they kept the entire \$500 deposit!! Obviously they're in the business to rip off college students and their parents.

With the amount of units they have and the number of college kids they put in each unit and the high living cost they charge that place should be a immaculate. They don't put any money back into the units from the money they get for rent. Plus they make you pay a full 12 month lease even though UofA is Aug-May.

Please do not put your kids in this shit hole. There are so many actual homes near and on campus that are rented strictly to students and are well maintained, clean, bigger living spaces, bigger rooms and less expensive! Our son is in one of these homes now for his second year and he couldn't be happier and we are saving so much money!

Be forewarned if you are thinking about leasing an apartment here. You will never see your security deposit again and you most likely will be charged more for items like repainting the apartment for new tenants, which quite frankly the landlord should do in between tenants, e especially after collecting \$50,000 a year for a 4 bedroom apartment. When my daughter moved in the couch was filthy and they had to complain over and over again to get clean cushions, then when she moved out they charged her and her roommates for new barstools only to learn that the new tenants moved in with the old barstools still there. They were eventually replaced months later but only after they complained over and over again. They also tried to charge my daughter for new carpet for her bedroom when her carpet had been professionally cleaned before she moved out. They did waive that fee when she showed them her receipt but the reality is the new tenants had already moved in, clearly not with new carpet put in even though they tried to charge my daughter \$600 for it. Her new apartment is \$400 a month less, the landlord holds social functions for them by the pool with food, and the shuttle runs like clockwork to the University so she finds it just as convenient. There are better places to live that value their tenants and treat them with respect.

DO NOT LIVE HERE. They will take your money for no reason. Scratch in the wall? That's \$500. This place is a shit hole. The laundry machines barley work. The dishwasher never works. The couches are the ugliest things and feel like you are sitting on a rock. I ADVISE ANYONE LOOKING TO LIVE HERE TO NEVER LIVE HERE. EVER. and do not live at hub speedway. It is run by the same corrupted people. Im living here now and would rather move out next semester than have to deal with this shitty management again next semester. I would give o stars but I can't.

-

All 4 of these complexes (Sol y Luna, Hub and Hub 2) are in the business of scamming college students, these focusing on wealthier families. They bait you in with a beautiful model then when you arrive in your room, you get furniture that falls apart, appliances that don't work, shower heads that fall off.

This place was hastily made and it shows. Also charging students 1500\$+ to live in these complexes without utilities is ludachris! Avoid at all costs!

Buyer beware. If I could prevent one parent or student from renting from this place, I will have done my good deed for the day. My son rented from this place for a year and I grateful it is over.

Apartment was filthy when we moved in and was left spotless (professionally cleaned) and received none of our \$500 security deposit back. Complete abuse.

While we never got to renting a place, it was very clear these guys are dirtbags. I wish we would have looked at Yelp first (next time). They told us we had seven days to get our paperwork in. Two days later, after I took the morning off from work to get the lease notarized, I sent the payment and lease paperwork... everything was confirmed and seemed fine during conversation. My daughter was stoked. Then I get the call an hour later... "sorry we booked a group of four yesterday in that room." The next available room offered was double the monthly rate - right! They then offered to put us on a waiting list (like it exists) but could not tell us how many were on that list. Stay away or be prepared for some level of disappointment!

Would not recommend anyone to live at HUB at Tucson--would give it o stars if I could. This company scams students and parents into paying ridiculous rent for crappy apartments that aren't as advertised. Staff is usually not friendly/accommodating. Moved into a completely trashed apartment with a broken sink and toilet. Wifi never works. Paid a \$500 security deposit and only received \$100 back with made up miscellaneous fees and "turnover cleaning" fees (no damage was done to my room or the apartment besides normal wear and tear which should not be deducted from a security deposit). My roommate got her room professionally cleaned and she got hit with the same exact fees on move-out day making it apparent that they charge every student regardless of conditions. If you want to come home to elevators filled with trash and two-week old throw up in your hallway then HUB just might be the place for you.

Although it made for a fun social atmosphere full of college students, HUB takes advantage of tenants by overcharging for inferior living. The wi fi was never functional and never fixed, maintenance was bad, the building was dirty on move in, and after move out they sent a bill full of made up charges. They try and make money off of you anyway they can. Don't waste the time or money on the HUB.

If I could I would give them zero stars. Very poor quality, complete waste of my money. Customer service is also not even a category of concern for them.

Two kids, three years and a chunk of change down the drain!!! The only good thing about this place was the location. Rates were phenomenally high, but it seemed like a safe place for our kids to live, so we went for it. Let me tell you....It is a colossal rip off!!!! The first year the Hub opened, our oldest child moved in and the apartment still had wet paint on the walls during move in day,

because construction was so behind schedule. After numerous requests throughout the school year, a laundry list of items needing repair were NEVER done. And security deposits were not returned in full, regardless of how clean the apartment was. Move in during the second year at the Hub wasn't much better, with complete incompetence and chaos with the management. We had to ask them to have the carpets cleaned, which were not done at move out the previous year. And again, they were touching up the paint on the walls, while the kids were moving their furniture and belonging into their rooms. It was no surprise that the carpets were never cleaned all year, as had been promised. Various other things were broken and never repaired. Wifi was sketchy at best. And at the end of the second year, we still had most of our deposit withheld, despite the chaotic state that her apartment was turned over to us in the beginning of the school year. Year three, our younger child moved in, with the hopes that the Hub would have worked out some of the problems. And like the two previous years, the apartment was once again filthy and unacceptable. We implored the management to have their unit cleaned properly, which required a cleaning crew to scrape and scrub who knows what off the vinyl floors. This all occured while we were trying to move in all 6 of the roommates. The rent from the first year to third year increased quite dramatically as well. And the kicker for year three security deposit.... receiving only \$13 out \$500 for each of the six deposits. UNBELIEVABLE!!! What a joke!! The Hub management requires each apartment's tenants to professionally clean their carpet. Explain to anyone how it is reasonable or even possible to expect 6 college students (6 roommates in our case) to coordinate this, when each student is in the middle of final exams and/or moving out at completely different days/times. Should this responsibility fall on the last student in the apartment, when most are in the midst of final exams and packing their belongings to move out for good? Like the three extra months of rent students pay between May and August won't cover the wear and tear of the other nine months! This company is greedy and shady to it's core!!! Why can't management figure in the cost of normal wear and tear into the cost of the apartment rent? Why not be up front about it all? We are disgusted at how this company holds every renter's security deposit hostage for the entire year, knowing all along that they have no intention of refunding it. Based on how incompetent the management is, the money is probably already spent. Kind of like a Ponzi scheme! This place is the biggest SCAM going in university apartment living.

The James in Madison WI

The building was built in a very cost effective manner (cheap). The walls are thin and sound travels easily, the units lack storage, although you can rent a storage unit for an additional fee, and the bedroom closets are devoid of any type of organizers, so bring your own. The basic theme of cheaping out resonates throughout.

As a parent paying my student's rent at this place, my advice to other parents is "just sat no." It's a poorly (read cheaply) constructed luxury priced building. Lots of things breaking or not installed correctly in this their first year open. When the new owners took over, they exploited a loophole in the contract and effectively upped the rent (adding renter payment for water). And the basics are NOT taken care of. Move in/ out bins broken? We'll wait to buy more until the next years move in, leaving those of you that have paid us an exorbitant year of rent to carry out your boxes one at a time. Your student will be dazzled by the rooftop pool and ingore the tiny bedroom. Just say "no."

Consistent negligence, carelessness, and irresponsibility are a few words that come to mind.

I've had one of the worst experiences living at the James-- and I thought I'd give it a try for a second year as it was their initial year and my other option was filled too quickly (which was a mistake, nonetheless). The amount of TIME I spent just fixing their mistakes, preventing greater problems, and simply complaining could probably pay for a months' rent.

If I could give o stars I would. Incredibly poor communication and rude management. DO NOT LIVE HERE. The leasing manager Kristina L. is difficult to work with and has the worst customer service skills. Save your sanity & take my word and do not sign with this building!!!

Retweet, if I could give this negative stars I would. The amenities are cool but literally everything that can break will break. If you wanna live here, just be warned, living without a different necessity all the time because something breaks every week (it takes them 3 weeks to fix it) sucks. Also, if you have a balcony, your doors might get stuck locked and not allow you to use it so have fun paying extra for some cool locked doors. If you already signed here, I wish you the best but you made a horrible mistake.

This place actually is the worst. If zero stars was an option, I would do it. For one, the entire year the staff was so rude while doing their job. Like, I'm sorry I asked you to get me a package even though it's your job?? The place was always dirty, don't think they ever cleaned the hallways, staircases, etc. Also the hot tub was absolutely disgusting and so cloudy you couldn't even see the bottom. The utilities bill at the end of the month at the end of the year was 4x the price. Also the security deposits were literally stolen from us for such bullshit reasons. Last place I would ever live again.

Let me start off by saying, I do not live in The James. However, my girlfriend does, and this place is a mess! I don't even know where to start!! Back in the early spring, one of the three elevators stopped working with 10 residents inside. Now, this does happen from time to time in large apartments, but the way the management handled it was pitiful. Instead of letting other residents know about the problem with signs in the elevators or an email sent out to everyone, they decided to completely bury the issue. We only found out about the issue through a local news story (madison.com/news/local/c...). As if that weren't bad enough, the rules with the rooftop hot tub aren't explicitly advertised. Back at the end of the fall semester and at the beginning of this summer the hot tub was completely shut off without any warning to residents that it would be off. On top of these specific events, the protocol with charging residents for water appears to be entirely random with no system to let people know where the bill is coming from. Anytime there is a problem, the management seems to take ages to fix it. None of the issues brought up seem to actually matter to

them. Needless to say, my girlfriend is not returning for another year, and I have advised all of my friends who have considered this place to avoid it at all costs!!

Dont get suckered into the Roof top pool and other amenities. You will hate The James. After some time being here you will feel like your in prison. The concrete box feel apartments are depressing. The management sucks. The pool and hot tub is always qhetto trash in it. Any friends you have visit you will have to take elevator to let them in and then take them out. It's a fire hazard. You could get trapped if the key phob system doesnt work. You're on camera everywhere you go. The grills sound cool too but there always broke and gross

I had hoped that when TheJames was taken over by American Campus that the place would be run a little better but I have been greatly disappointed. For the past few weeks the steam room has smelled like mildew/mold an now it has been shut down indefinitely for repairs. The printer in the study lounge has been broken for 2+ weeks during finals and they just put a piece of paper over it that says "out of service." Finally, tonight after leaving the gym my access key stopped working for no apparent reason (I had nothing else in my pockets) and the person on call could only let me up into my room and suggest that I take it to the office tomorrow. Without my access key I cannot get in the front door, press the button in the elevator for my floor, or get into my room and there is no backup plan for if this happens. For the past two months I have been bombarded with lease renewal letters but there's a reason I'm not signing them to continue paying \$1300 a month for this. Figure it out

Update: It took 2 days for me to get a new keycard. Management was out of town and said they would not answer their phones or let anyone working onsite make a key. They never answered my emails and did not apologize at all. It is unbelievable that they do not have some protocol for situations like this or if an issue happens after normal business hours.

STATE ON CAMPUS Norman OK

The only thing that is a joke is the Management. Everything about the place is nice but I would not live there again because of the new management. The updates are nice and I just can't stress how awful the management is. It was so much better when it was the Reserve.

State on Campus is a very nice apartment complex the perfect distance from campus. I had no problems living there other than my inconsiderate neighbors whom ultimately ruined my experience. The buildings are poorly insulated, so you can hear

everything your neighbors are saying. Such a shame because I would've renewed my lease in a heartbeat.

Slow to fix most issues that are wrong but overall nice place. Room doesn't look like model room though so very unexpected

The reserve on Stinson seemed like it would be nice quiet, out of the way place to live for my third year at OU. I soon realized that the reason it was so quiet and so few people lived here is because it's a nightmare, they claim to be a happy community for student living, but the staff does not have the slightest idea when it comes to a helpful community, the charge you for every little-suspected thing without proof or speaking to a resident, they make mistakes on your bills and then charge you late fees on top of it for THEIR mistake. not to mention for the first month and a half of living here my apartment was crawling with ant the inside and out, I keep a clean apartment, no food left out but they were everywhere. the only reason they were no longer in my apartment is because i finally went and bought some home defense bug spray myself. on top of that when i moved in it was like no one checked out the room from when the last person lived here. the blind slide to the patio didn't work, the patio was filthy like someone was blowing leaves and dirt onto it the blinds in my room didn't work, the door in my bathroom had been punched in. the shower drained slow and the washer was the loudest I'd ever heard and the dryer to this day doesn't work and they've come to "fix it" three times.... this place is terrible which explain why when I moved in they were only at around 35% capacity. this place is not worth the amount of rent the charge, and not maintained well enough for them to charge for every little violation. the staff doesn't and if that's not enough I can hear the guy above me every time he flushes the toilet or walks in his room. i would not recommend this place to anyone unless you're made of money to waste or this is your only possible option. even then I'd? rather pitch a damn tent and shower at the huff before living here again.

The Reserve at Stinson is, without a shadow of a doubt, the single most horrendous business I have ever had the privilege to lay eyes on. I mean really, you read books about people like this, and think: "Wow, there's no way anyone could possibly be this inhumane", but here at 730 Stinson Street, they'll go out of their way to go above and beyond. Move in day? Don't expect help with furniture, expect cockroaches. Cockroaches EVERYWHERE. You get used to them; Those six-legged arthropods crawling around while you sleep, getting in your backpack and laying eggs in your sink. We made sure to keep all our stuff in the refrigerator lest we wake up to an all you can eat cockroach buffet (Yes that is a double entendre). Don't get too cozy though; just when you start getting used to your uninvited roommates BAM! apartment floods. Three times actually. Turns out that shoddy old plumbing tend to break, who knew?!?! But don't worry, those kind, caring people down at the office have just the thing for you. Split up the roommates, shove 'em in the decrepit old

rooms twenty feet from the railroad tracks and call it a day. What's that? You like sleep and don't want those rooms by the train tracks? Well here's a clause in your contract saving they can move you to whatever old flat they see fit whenever they want, so better get used to your cozy new accommodations. But I gotta say, the thing that really gives The Reserve its charm are all those fine folk that work day and night to give your stay that personal flavor. At The Reserve on Stinson, you'll get to meet great people; like the lone maintenance guy who's trying to single-handedly maintain 216 apartments that are all falling into a deep state of disrepair. During your stay, you'll also get a chance to meet ALL the managers, who I'm pretty sure enjoy sending out eviction notices more than just about anything else. Weird auto-payment system didn't work? Here's an eviction notice. Can't get in your mailbox? Here's a new lease to sign. Didn't get the new lease? Here's an eviction notice. If you're pumped to get a chance to be a part of the glorious tradition they have here at the Reserve, then by all means get ready to put your \$666 dollars where your mouth is and jump on this year-long whirlwind of a ride in which there is absolutely. no. way. out. Alternatively, you could just skip all the paperwork and sell your soul to ---directly; your call. Ladies and Gentlemen I give you "The Reserve on Stinson -Elevate your Living" (to slightly below water level).

Very bad management! The management just want to steal money from tenants. They don't care about tenants' needs and requests. All they want is money. Only after tenants pay for the money, the management would consider tenants' requests.

This by far was the worst apartment experience I had while attending OU and living in the area. I had PEST PROBLEMS to the MAX. I lived in a 2x2 and paid way too much for creatures to visit almost daily more specifically during the summer. I killed multiple scorpions and lizards/geckos; the office said it was because of our proximity to the water. That still didn't help the situation. It was horrible and maintenance did little to nothing about the problem (placed sticky traps by the doors) and had an exterminator come out. Yet, the exterminator himself explained there was nothing he could do about the scorpions because they were coming through gaps in the exterior. Needless to say, avoid this place.

The reserves has been a humbling experience where quantity of money did not equal quality service. Any issue comes down to management issues and poor staffing. The staff can be helpful and kind but only if your issue concerns them. For example, I had roommate problems that also caused them problems. They swiftly took care of that which seemed like concern for the renter but was in fact concern for themselves. Other issues like ac repair, small maintenance (garbage disposal, drain issues, broken appliances), and noise complaints are swept under the rug. They'll call you when they know more. Don't ask follow y questions as they do not listen. They will only answer what they're allowed to say in different words. There are obviously nice employees, but overall I find them rude, they intentionally withhold information, and generally Can't handle the workload. Perhaps if they had more staff and better communication amongst them you would feel like they wanted to help you, but overall they seem annoyed that you want them to answer your questions. Or as I view it, annoyed that I pay them to ensure a quality of living which I pay for.

The furniture is horrible, the management staff doesn't return phone calls, good luck getting your deposit back and the list goes on and on.

I ABSOLUTELY WOULD NOT RECOMMEND THIS APARTMENT COMPLEX TO ANYONE. During the time I resided at the Reserve on Stinson (Summer of 2012; only 2 months) I had a terrible experience. Appliances in my apartment were constantly breaking (a/c, dishwasher) and it would take weeks for the maintenance to finally come (only to temporarily fix whatever was broken). Our a/c was broken every other week while I lived there (5 times during a 2 month lease!); during the summer our apartment was 85 degrees and I had to sleep at a friend's house because it was unbearably hot. When I moved in our recliner was completely broken, the garbage disposal was clogged full of food and it was incredibly dirty. Then after moving out I was billed over \$100 for things that were already broken upon my arrival. I disputed the charges but was unable to get them dropped completely. I would rather be homeless than live at the Reserve again.

This was the worst place I have ever lived! The grounds and the apartments were nice, but the staff was the worst I have ever dealt with. They were rude and never accommodating. They will not speak with you once you have moved out either. I had a question about a bill I received and I called the office. The girl who answered the phone told me that they will not help me if I came in to speak with them. She literally stated "We will not speak with you if you come in". She stated that I had to write them a letter and that they would get back to me. The maintenance dept was constantly entering my apt without notice and they also were very rude. My shower and hot water heater were broke almost the entire time I lived there. The pool area was always dirty and the hot tub was broke and nasty (health violation?) I do not recommend this apt to anyone... even students!

Douglas County Historical Society

1047 Massachusetts Lawrence, KS 66044-2923 Phone 785-841-4109 Fax 787-841-9547 www.watkinsmuseum.org

Board of Directors

March 8, 2019

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Kathryn Tuttle

Historic Resources Commission

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City of Lawrence

Michael Delaney

c/o Lynne Braddock Zollner Historic Resources Administrator

Vice-president

City Hall

Kurt Falkenstien Treasurer 6 East 6th Street PO Box 708

Lawrence, KS 66044

Tess Banion

Secretary Re: Proposed Project "The Hub at Lawrence"

Jeannette Blackmar Past President Dear Members of the Historic Resources Commission:

Members Shawn Alexander The Board of the Douglas County Historical Society and the Watkins Museum of History wish to express our concerns about the proposed project, "The Hub at Lawrence," at 1040

Massachusetts Street, 1041 New Hampshire Street, and 1000 New Hampshire Street

which will come before you on March 21, 2019.

Eric Anderson

Abby Ehling

The proposed project is directly across the street from the Watkins Museum, the Douglas

County Courthouse, and the English Lutheran Church. These three buildings are

Sandra Gautt landmark properties on the Lawrence Register of Historic Places, as well on the National

Register of Historic Places. The Watkins Building, built in 1888 to house the Watkins Land Mortgage Company and National Bank, has been home to the history museum for

Lawrence and Douglas County operated by the Douglas County Historical Society since

1975. Before that, the building served as Lawrence City Hall, from the time the Watkins

businesses closed in 1929 to 1970.

Tom Harper

Pat Kehde

Web Golden

Charles Jones

We have noted the request of the Historic Resources Commission for the developers to

follow the Downtown Design Guidelines. Members of the DCHS Board of Directors

have attended the meeting of the developers with the City's Architectural Review

Committee in which some of the design guidelines were addressed by the developers. We

appreciate their willingness to consider some changes.

John Nalbandian

Mica Mendez

Mick Ranney

However, the proposed changes do not affect the overall size, scale, and mass of the

proposed structure. We believe that the height, scale and mass of the building at 1040 Massachusetts Street and 1041 New Hampshire Street would encroach upon, damage, or

destroy the environs of the three listed historic properties.

Lauren Taylor

Sean Williams

Deanell Tacha

There is no other structure as massive as the proposed structure in the environs of the

Watkins Museum. The proposed height of the Hub building is 12 feet taller than the

Watkins Building. Its scale and mass are significantly greater than the existing street

scape of commercial buildings in the 1000 block of Massachusetts Street. Finally, while the proposed reduction of the Hub building to five stories along Massachusetts Street, but with a sixth story set back 20 feet, reduces the building's apparent height at street level, the sixth story will be plainly visible from the Watkins Museum's third floor.

We urge the Historic Resources Commission to deny the project's request for a Certificate of Appropriateness. We urge that the project be redrawn to significantly reduce the height, scale and mass of the building so that it does not overwhelm the historic architecture of the Watkins Museum or the other two listed buildings, and preserves the historic appearance of the downtown commercial district in the 1000 block of Massachusetts Street.

Thank you for your consideration.

Sincerely,

Kathryn Nemeth Tuttle

President

Steven J. Nowak Executive/Director From: ransom jabara < ransomjabara@gmail.com >

Sent: Thursday, March 07, 2019 11:25 AM **To:** Lynne Zollner < lzollner@lawrenceks.org

Subject: The Hub

Hello,

In a recent East Lawrence Neighborhood Association newsletter, we were encouraged to weighin on the proposed apartment development at 11th and Mass. I think the hope was that we'd voice concerns in opposition to the project, but from my perspective, I'd rather a too-tall building be erected (or I guess "out of scale" is the vernacular) than continue with the current blight. I've been living-in or visiting Lawrence for the past twenty years and I can't recall a time when that corner hasn't been an eyesore. I'd hate for something - anything - to be nixed because the building is tall-ish. Or because folks who choose to live near the city center are concerned about it getting too dense or noisy.

My two cents.

Thanks, Ransom Jabara property owner at 1023 New York St. Please Forward to the Planning Commissioners

March 20, 2019

Lawrence-Douglas County Planning Commission

City Hall

c/o bpepper@lawrenceks.org

Dear Planning Commissioners:

I am writing to urge you not to approve the request from Core Lawrence Massachusetts LLC for two Special Use Permits (SUP-18-00502) and (SUP-19-00033). These SUPS would allow ground floor dwelling units in the proposed project of apartments for students, called The HUB, at 1040 Mass. and 1041 New Hampshire.

The city code does not allow dwelling units on the ground floor in the Downtown because downtown is supposed to be commercial and business uses along the street level. The zero setbacks for most downtown buildings means that the pedestrian activity on the sidewalks adjacent the HUB building is within inches of a private living room or bedroom of a rental.

While I believe from the drawings that the present design for the HUB calls for the private dwelling spaces to be on the ground floor but not adjacent to the street, I wonder what happens if those front spaces cannot be rented for retail? The owners could, with this SUP, simply move student renters into the front spaces. Or if the building interior is reconfigured in the future, this SUP change would again allow for private bedrooms and living spaces to be on eye level with pedestrians and cars.

It seems like a really bad idea both in the short term and long term to change the zoning for a downtown property. And of course, it sets a precedent that will be hard to keep in check.

P	lease vote	"no" on	SLIP-18.	-00502	and SLIP-1	19-00033
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Sincerely.

Pat Kehde

From: Sacie Lambertson < sacie.lambertson@gmail.com >

Sent: Monday, March 11, 2019 9:30 AM **To:** Lynne Zollner < |zollner@lawrenceks.org>

Cc: David Lambertson dflambertson@gmail.com; Lisa Larsen llarsen@lawrenceks.org; Jennifer

Ananda < <u>jananda@lawrenceks.org</u>>; Leslie Soden < <u>lsoden@lawrenceks.org</u>>; Stuart Boley

<sboley@lawrenceks.org>; Matthew Herbert <matthewjherbert@gmail.com>

Subject: Core Development plan for 11th and Mass.

Good morning Lynne, I understand the upcoming HRC meeting will look at the Core Development's proposed plan for the corner of 11th and Massachusetts.

While on one hand I applaud good development in downtown Lawrence, I strongly object to ANY new changes until the process begun by our city council to develop an overall 'Downtown Plan' is completed.

The city hired a Chicago firm to help them and the citizens of Lawrence envision how downtown might look over the next twenty years. The Chicago group made it clear this process will take some months to complete, six months or more they suggest. In the meantime it makes NO sense to agree to any development in downtown or its adjacent areas until that process is complete and there is good agreement on the plan.

Further, I also understand the city is encouraged to promote a plan for the East Lawrence area, one that will guide development in this area immediately adjacent to the downtown. Clearly this plan needs to be coordinated with any new downtown plan.

Therefore any plans for the large southeast corner at 11th and Mass must wait until an overall plan is on the books. That corner has been 'available' for development for a long time now and a relatively short wait that will allow building there to mesh properly with an overall plan entirely makes sense.

Further, the specific Core plan suggested for that corner, is entirely monolithic with all the negative physical connotations implied. Changing the surface areas of a building that is too large for the site, to theoretically mask its size, is a ridiculous effort to overcome the obvious. There are other ways to design this. Moreover, given that the main building is intended to house students but offers only one third of the parking customarily used by students, suggests a nightmare of downtown parking, one that will no doubt spill over and negatively impact the East side residential area.

I like blending old and new. I would not object to contemporary design mixed with traditional. Further, encouraging a larger residential and business downtown population is exactly what the city needs, specially if doing so will discourage shopping mall development at the edges of town. Now that larger buildings have gone up along New Hampshire, a development strategy is suggested and should be further encouraged. But IMO the size and look of continued development along Mass. Street should be in keeping with the scale of that street as it is already.

But to repeat, until an overall plan for downtown is in place, any further development for the immediate area should be tabled.

Best, Sacie Lambertson 715 New York Street 785 217 6215 From: Melissa Meyer < melrmeyer@gmail.com > Sent: Wednesday, March 20, 2019 9:04 AM

To: City Hall email

Subject: Re: Historic Resources Commission | January 17, 2019

Hello,

I'm writing to express my concern about the proposed project, "The Hub at Lawrence" at 11th and Mass. Lawrence is bloated with cheap and unbecoming apartments as it is. There is plenty of on campus housing for students and that is where we should encourage students to live so they are near to their classrooms and libraries. Lawrence does not need another complex like this or to have an outside company take advantage of the city again.

Thanks for your consideration,

Melissa Meyer

From: Jenny Trucano Muller < itrucano@gmail.com >

Sent: Sunday, March 24, 2019 11:58 PM **To:** Becky Pepper < begin{align*} **Description** becky Pepper | begin{align*} **To:** Becky Pepper | be

Subject: Hub on Campus project

Dear Becky,

I'm writing to ask you to oppose the Hub on Campus project that is proposed for downtown. With its tree-lined streets, historic architecture, and mix of small businesses and restaurants, <u>Massachusetts Street was the most visited attraction in Kansas last year</u>.

While I love the idea of the empty lot on the corner of 11th and Mass being turned into a multi-use space, I'm concerned about Hub on Campus for the following reasons:

- As noted by the HRC, the aesthetics of the project don't fit with downtown and would detract the appeal of Mass St.
- With new housing for students going up along 19th St., I'm not convinced there's a need for extra student housing.
- I would like to see Lawrence offer more affordable housing for residents, which the Hub does not do.
- With more beds than parking, there will be an overflow of cars onto nearby streets. Although I support more dense urban development in Lawrence, it needs to come with smart planning for transportation. Adding more cars will put more pressure on parking for people who go downtown to shop and dine and will likely discourage some visitors. I would be more supportive of the project if it incentivized students to not bring cars or provided a robust plan for parking nearby. (What I think would be really great to see is for Mass to go completely car-free and get a trolley instead, but that's a separate issue.)

Thank you,

Jenny

Jenny Trucano Muller 1801 Barker Lawrence, KS 66044 605 645 0313 ----Original Message----

From: J Rasmussen < <u>ir.cornerstone@yahoo.com</u>>

Sent: Thursday, March 21, 2019 2:30 PM
To: Lynne Zollner < lzollner@lawrenceks.org>

Subject: HUB Apartment complex

Lynne,

I have been a resident of east Lawrence for over 15 years.

I live at 1406 New Jersey Street in Lawrence.

I will not be able to attend the planning commission meeting tonight because of prior commitments.

I wanted on comment on agenda item #6 regarding the HUB apartment complex that is proposed to be built downtown at 11th and New Hampshire.

I am strongly against this project.

It is a very large apartment complex that is not only tall but also has a huge footprint.

It will dwarf all the other buildings downtown simply by its sheer size.

It will not only have a negative impact on the three registered historic building of the Old English Church, Watkins Museum and the courthouse, it will have a negative impact on the whole nature of that part of downtown.

I do not like the fact that it will bridge the alley-way essentially crating a tunnel for an alley.

This feature will not only be unsightly and trashy but will attract homeless people and Graffiti artists at night and Junior high students during the day.

I am very concerned that it is intended to house 615 students but only has parking for 272 cars.

This will have a very negative impact on the neighborhood.

If this company is touting itself as a safe place for young college women to live, I do not think it is very safe to expect those college women to have to walk out into the dark of an east Lawrence neighborhood to get her car just because there is not enough space in the building's parking garage.

I do not believe the developers when they say they need to make it this big to make it economically feasible. I simply do not believe that line.

I think other similar buildings that are a similar example are the HERE apartment complex near the football staduim.

That is a big ugly box

Also the Oread Hotel that changed the skyline of lawrence looks like a factory with its boxy architecture and smokestack looking cell towers.

Please do not approve the construction of the monolith Say no to another ----

H uge U gly B uilding

John Rasmussen 1406 New Jersey From: Roitman, Judy <<u>iroitman@ku.edu</u>>
Sent: Sunday, March 10, 2019 8:59 PM
To: Lynne Zollner <<u>Izollner@lawrenceks.org</u>>

Subject: Allen Press site; Historic Resource Commission

Dear Historic Resource Commission,

I am writing to encourage the HRC to *not* recommend the HUB project at 11th and Massachusetts/New Hampshire streets.

The HUB project is, by Lawrence standards, huge. It is adjacent to three historical buildings, the Douglas County Courthouse and the Watkins Museum, both designed to be magisterial in the context of their surroundings, and the extraordinarily graceful and relatively small English Lutheran Church. All of these buildings would be visually overpowered by the sheer mass of the HUB project. Plus we would lose much of an alley, itself a historic loss.

Lawrence is a very special place. The HRC is tasked with protecting the specialness that comes from the visual evidence of our history. Three buildings exemplifying our architectural history are adjacent to the northeast corner of 11th and Massachusetts. That corner badly needs development, but only in a way that respects what has come before. The HUB project does not meet this criterion.

Thank you for listening,

Judy Roitman

----Original Message----

From: Jack and Martha Rose jrose@sunflower.com>

Sent: Sunday, March 17, 2019 6:43 PM

To: Lynne Zollner < lzollner@lawrenceks.org> Subject: History Resource Commission--the HUB

To the commission members:

The Downtown Master Plan commissioned by city officials is underway. Please do not vote on the HUB project before that plan is revealed.

I have lived in Lawrence many years. I love the history connected to the corner with the court house, Watkins Museum and Stubbs building.

I feel we should give the Master Plan a look before approving a massive building on that corner. The heritage of Lawrence is at stake.

Let's let professional planners give us their ideas about the aesthetics of a building overshadowing the historical buildings and the logistics of a unit rented to owners of cars who want to have a parking place near their living quarters.

Thank you for considering my request of holding back on a vote before the master plan is known.

Martha Lawrence Rose

From: bob ingle < iambingle@gmail.com Sent: Wednesday, March 20, 2019 7:16 AM

To: Scott McCullough < smccullough@lawrenceks.org>

Subject: Core

This needs to be NO

https://corespaces.com/projects/

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report 3/27/19

ITEM NO. 13: REZONING 5.046 ACRES FROM PCD-2 TO PCD-2; 2210, 2240, 2270 WAKARUSA DR (MKM)

Z-19-00044: Consider a request to rezone approximately 5.046 acres from PCD-[Stoneridge Plaza], PCD-2 (Planned Commercial Development) District to PCD-[Stoneridge Plaza], PCD-2 (Planned Commercial Development) District with revised use restrictions, located at 2210, 2240, and 2270 Wakarusa Dr. Submitted by Tim A. Herndon Planning & Design on behalf of Off-Piste Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 5.046 acres from PCD-[Stoneridge Plaza] PCD-2 to PCD-[Stoneridge Plaza] PCD-2 with revised uses subject to the following conditions:

- 1. Uses permitted in the revised PCD zoning shall be limited to the following: Multi-Dwelling Structures, Non-Ground Floor Dwellings, Uses permitted in the following use groups from the 1966 Zoning Ordinance: Use Groups 7, 8, 9, 9A, 11, and 12 (with the exception of Pawnshops), and Athletic Club included in Use Group 15.
- 2. The maximum area of commercial/retail use permitted in the district is limited to 12,700 square feet with the balance of the project to be residential and office uses.

REASON FOR REQUEST

Applicant's Response:

"Following discussions with Staff, the owner has generally agreed to rezone from 'PCD-2' to 'PCD-2 with Use Changes' to accommodate development of Lot 1. Rezoning is necessary to accommodate proposed residential uses on the subject site, pending further confirmation."

KEY POINTS

The property was zoned PCD-[Stoneridge Plaza], PCD-2 with restrictions on the commercial uses to comply with the recommendations provided in the comprehensive plan for a neighborhood commercial center. The rezoning ordinance did not include residential uses as a permitted use; therefore, the subject rezoning is being requested to allow multi-dwelling residential uses on the property.

ASSOCIATED CASES

Z-10-30-97: Rezoning of approximately 5.046 acres from RO-1 (Residence-Office District) to PCD-2 (Planned Commercial Development). Staff recommended denial of the rezoning request based on recommendations in the comprehensive plan for a neighborhood commercial development in this area. The Planning Commission voted to approve the rezoning conditioned upon restriction of uses to uses permitted in the PCD-1 District, with the exception of a *Pawn Shop*, plus the addition of *Athletic Club*, from Use Group 15. The rezoning also restricted the amount of commercial/retail uses to a maximum of 12,700 square feet with the balance of the project to be office uses. The City Commission

approved the zoning request on February 17, 1998 subject to the conditions listed in Ordinance No. 6989, attached.

- A preliminary development plan for Stoneridge PCD was recommended for approval by the Planning Commission on December 17, 1997 and approved by the City Commission on January 6, 1998.
- A final development plan for Stoneridge PCD was approved by the Planning Commission on April 22, 1998. As the project did not commence within 18 months of approval, the final approval became null and void.
- Z-01-02-06: Rezoning request for approximately 5.05 acres from PCD-2 to PCD-2 with additional allowable uses to expand the list of commercial uses for this development. Staff recommended denial based on concern that did not comply with the comprehensive plan recommendations for Neighborhood Commercial Centers. This application was recommended for denial by the Planning Commission on 3/13/06 and denied by the City Commission on 5/2/06.
- PDP-01-03-06 Preliminary Development Plan for Miracon Plaza. Approved by the City Commission on August 15, 2006.
- FDP-01-02-07 Final Development Plan for Miracon Plaza, approved by the City Commission on February 26, 2007.
- Two-year extension requests were submitted and approved in 2008, 2010, 2012, 2014, 2016, and 2018 for the final development plan. The approval of the final development plan is valid to August 26, 2020. If a building permit has not been obtained for the project at that time, the approval will be considered null and void unless a written extension request, for good cause shown, has been submitted prior to the expiration date.

OTHER ACTION REQUIRED

- · City Commission approval of rezoning request and adoption/publication of ordinance.
- · Submittal of revised preliminary development plan.
- · Submittal and approval of final development plan.
- Submittal and approval of public improvement plans.
- Building permits shall be obtained prior to development.

ATTACHMENTS

Attachment A: Zoning map

Attachment B: Public communication

Attachment C: Approved final development plan

Attachment D: Concept plan

Attachment E: List of permitted uses

PUBLIC COMMENT

Several members of the public contacted the planning office for information on the rezoning request and to express concern regarding changes to the vegetated drainage easement along the east side of the property and the potential impact of the proposed development on the neighborhood. An email from one property owner is included with this report.

Project Summary

The property is currently zoned PCD-2 with restricted uses. The following uses are permitted:

- Use Groups permitted in the PCD-1 District: 7, 8, 9, 11, 12-with the exception of pawnshops; and
- Athletic club, permitted in Use Group 15.

The total area allowed to develop with commercial uses is limited to 12,700 square feet, with the balance of the project to be office use. This rezoning would revise the permitted uses to add *Multi-Dwelling Structures* and *Non-Ground Floor Dwelling* residential uses and to allow the balance of the site, beyond the 12,700 square feet of commercial use, to be developed with office or residential uses.

The concept plan in Figure 1 illustrates the development proposed for the northern lot, Lot 1. No changes are being proposed to the development that has been approved for the southern lots. A 10,000 square foot building is proposed on Lot 1. The first floor, 5,000 square feet, would be a mix of office/retail uses and the second floor, 5,000 square feet, would be developed with 5 two-bedroom apartments.

The addition of the residential use is not expected to reduce the amount of commercial/retail uses that is permitted on the site. The applicant noted they intend to revise Lot 1 to remove the convenience store which was approved with the final development plan and replace it with a multi-tenant office/retail building with apartments on the second floor. The change will result in greater building area, but perhaps the same or less intensity of use given the change from convenience store to a mixed use building of office, retail, and residential uses. The development of Lot 1 as shown in the concept plan and the approved development plan is compared in Figure 4 of this report.

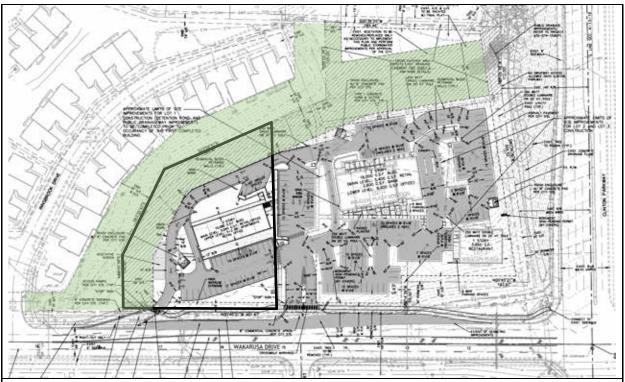


Figure 1. Concept plan for Miracon Plaza, Lot 1 is outlined, generally, drainage easement highlighted in green.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The comprehensive plan acknowledges a commercial node and multi-family use at the intersection of Wakarusa Drive & Clinton Parkway."

The rezoning request is reviewed in this section for compliance with general recommendations of the comprehensive plan. Policies from the comprehensive plan are below, with staff comments in red.

The Future Land Use Map, Map 3-2, recommends *Office* as the future land use for the subject property. (Page 3-4, *Horizon 2020*) Chapter 7, Industrial and Employment, identifies the *Office* category of employment-related land uses as an area generally characterized by a predominance of professional offices and service uses that are typically located in commercial areas. (Page 7-9, *Horizon 2020*) The comprehensive plan recommends that a mix of uses be established for these areas in a planned and unified manner.

The existing zoning permits a mix of office and commercial uses on the property, with a maximum limit of 12,700 square feet of commercial uses, but does not permit residential uses. This rezoning would increase the mix of uses by adding residential uses but would not permit additional commercial uses.

The comprehensive plan notes that the intersection of Clinton Parkway and Wakarusa Drive is an existing neighborhood commercial center with a nodal development pattern and does not recommend expanding the commercial uses beyond the existing commercially zoned property. (Page 6-18, *Horizon 2020*)

A 1997 rezoning request, Z-10-30-97, revising the zoning from RO-1 (Residence-Office District) to PCD-2 (Planned Commercial Development) was approved with restricted uses to permit a limited amount of commercial uses, 12,700 square feet, on the subject property as part of a mixed-use office development. A later rezoning request, Z-01-01-06, seeking to add commercial uses to the property was denied based on the determination that the request was not in conformance with the comprehensive plan.

The subject rezoning request is not proposing any changes to the commercial uses which are permitted on the site but is requesting that multi-dwelling residential uses be added to the list of permitted uses. The PCD-2 District typically permitted detached, attached (multi-dwelling), and mixed residential uses; however, these uses were not listed in the rezoning ordinance. The proposed development includes a two-story building on the northern lot with multi-tenant retail office uses on the ground floor and 5 two-bedroom multi-dwelling residential units on the second floor. The addition of the multi-dwelling residential use to the district would increase the mix of uses that are possible without increasing the amount of commercial development that is permitted.

The comprehensive plan encourages infill as a means of providing a variety of compatible housing types within neighborhoods. Recommendations for infill development include maintaining the open space patterns and front, side, and rear yards characteristic of the neighborhood, maintaining a compatible building height (especially with adjacent residences)

and avoiding concentrations of high-density multiple-family infill. Policy 3.3. (Page 5-15, Horizon 2020)

Five multi-dwelling units are being proposed with this project. This will increase the variety of housing types, but will not result in a concentration of high-density multi-dwelling infill. The open space pattern of the area is the vegetated drainageway, that separates the existing residences from the commercial center. The vegetated drainageway is intended to remain. The approved final development plan showed some improvements to the drainageway which are necessary to allow it to function properly and minimize erosion; however, the intent is to maintain the vegetation as much as possible to help manage the flow of stormwater. If any changes are necessary to accommodate the project, they will be discussed with the review of the preliminary development plan. This plan will include public notice and will be considered by the Planning Commission and referred to the City Commission for action.

Staff Finding - The rezoning request would add multi-dwelling residential uses to the list of uses permitted on the property. The addition of residential uses would allow a mixed use development that is compliant with the comprehensive plan recommendation for a neighborhood commercial center in this area with limited commercial uses. The addition of residential uses is also compliant with the comprehensive plans recommendation for infill development to increase the variety of housing types in the area. The building and site design will be evaluated during the review of the preliminary development plan to ensure compatibility with nearby residential uses in the area.

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

Current Zoning and Land Use: PCD-[Stoneridge Plaza1 (Planned Commercial

Development, PCD-2); Undeveloped

Surrounding Zoning and Land Use: To the north:

RMO (Multi-Dwelling Residential-Office) District; Multi-

Dwelling Structures.

To the west:

GPI (General Public and Institutional Uses) District;

City fire station, Public Safety, and

PCD-[Wakarusa Centerl (Planned Commercial Development) District; self-service car wash, Cleaning (Car Wash), Undeveloped, and Greenhouse and

Nursery, General Retail Sales

To the east:

RMO (Multi-Dwelling Residential-Office) District; Multi-

Dwelling Structures, and

RS7 (Single-Dwelling Residential) District; Detached **Dwellings**

To the south:

PRD-[Parkway Apartments] (Planned Residential Development); Multi-Dwelling Structures.

To the southwest:

PCD-[Stoney Point] (Planned Commercial Development) District, convenience store, Gas and Fuel Sales, other retail uses include Fast Order Food, General Retail Sales, and Personal Convenience
(Figure 2)

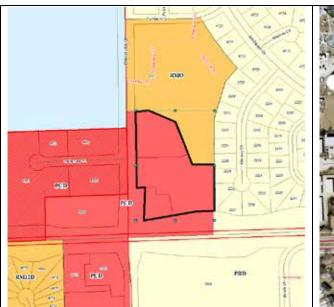


Figure 2a. Zoning in the area. (Subject property outlined)



Figure 2b. Land use/development in the area. City parkland highlighted in green, future parkland in green hatched area.

Staff Finding – The subject property is located in the northeast corner of the intersection of Clinton Parkway and Wakarusa Drive. The properties in the northwest and southwest corner of the intersection are also zoned for commercial uses and have been developed. The remainder of the area is zoned RMO (Multi-Dwelling Residential-Office), RS7 (Single-Dwelling Residential), and PRD (Planned Residential Development) and are developed with multi-dwellings and detached dwellings. The proposed change will not alter the zoning of the subject property but would expand the permitted uses to include multi-dwelling residences.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"At the intersection, the northwest corner is presently a retail garden store; the southwest corner is a convenience store and in-line retail complex; the southeast corner is a multi-family residential development, and the northeast (subject) corner abuts multi-family and single-family residential to the north and east. A shared 100-foot drainageway separates the subject site from adjacent private properties."

As shown in Figure 2, the neighborhood has a mix of uses including a fire station, city water treatment plant, communication tower, mini-storage facility, nursery/greenhouse and a convenience store with a strip retail center. These uses are located to the west of Wakarusa Drive. The properties to the east of Wakarusa Drive are primarily multi-dwelling residences and detached dwellings. The subject property is divided from the residential uses to the east by a 100 foot wide drainage easement which is currently heavily vegetated. This separation

links the property more to the other uses at the intersection than to the residential uses to the north and east.

Property owners in the area commented on the vegetated drainage easement and noted that it is an important component of the character of the area for the adjacent residences to the east. The City stormwater engineer noted that the intent is to maintain the drainage easement as a vegetated drainageway with the development of the property; however, some improvements will be needed to accommodate the proposed flow and prevent erosion. The subject rezoning request will allow residential uses on the property. When the preliminary development plan is revised to include the residential use, the building and site design will be evaluated to minimize the impact on the vegetated drainageway.

Staff Finding – This area contains a mix of uses including city utilities, public safety, ministorage, general retail, multi-dwelling and single-dwelling uses. The subject property is currently undeveloped but has an approved final development plan for development of commercial and office uses. The property is set apart from the residences to the north and east by a 100 foot wide vegetated drainage easement which is intended to be maintained as much as possible with the future development to provide a buffer between the commercial property and the adjacent residential. The proposed rezoning and development are compatible with the character 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

Staff Finding – The subject property is not located within the boundary of any adopted area or sector plans.

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

Applicant's Response:

"The subject is not necessarily 'unsuitable', under existing regulations. Simply stated, the subject site is not presently zoned to accommodate residential use, which is found to be suitable for this site and context, and conforms with the comprehensive plan.

The property has challenging topography but has been determined to be suitable for development of office and commercial uses as shown on the approved final development plan, FDP-01-02-07, which is included with this staff report as an attachment. The fact that the property has not developed since the original approval in 1998 indicate that the topographic challenges may be a deterrent to development; however, the applicant noted that the mixed retail/residential development being planned for Lot 1, the northern lot, is expected to be developed shortly. The addition of residential uses with this rezoning would result in a mixed use development that would be suitable for this property.

Staff Finding – The property is suitable for the uses to which it is restricted; however, the length of time the subject has remained undeveloped may bring that into question. The property is well suited for the wider mix of uses that would be possible when residential uses are added to the list of permitted uses.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED Applicant's Response:

"The property was zoned PCD-2 in 1998, and has to date remained undeveloped."

Staff Finding – The property has remained vacant with the current PCD-2 zoning since it was rezoned in 1998.

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

Applicants Response:

"No detrimental impact is identifiable."

The rezoning, if approved, will allow residential uses to be included with the office uses and the limited range of commercial uses that are permitted on the property, resulting in a mixed-use development. The rezoning should have no detrimental impact on nearby properties; however, property owners in the area have contacted the Planning Office to express concern with potential changes to the vegetated drainage easement between their homes and the development that could occur when the property is developed. (Figure 3)

The City stormwater engineer noted that the intent is to keep the drainage easement vegetated to prevent erosion. The approved development plan for the property shows improvements at each end of the drainage easement to accommodate drainage and reduce erosion. These improvements may require the removal of

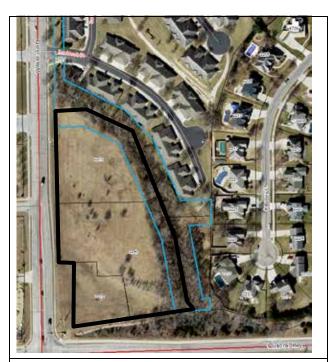
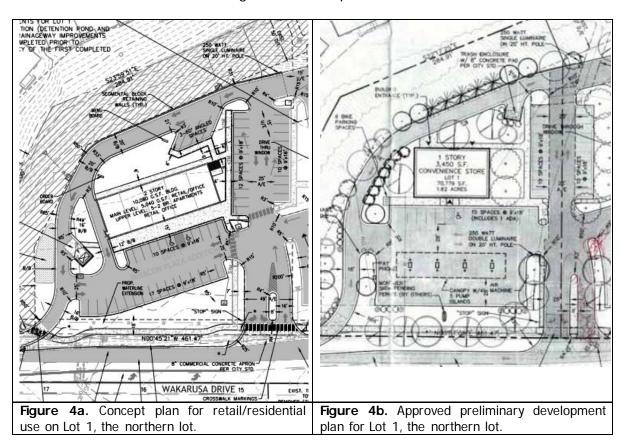


Figure 3. Subject property and nearby residences. The vegetated drainage easement is outlined in blue, subject property outlined in black.

some vegetation in those locations; however, no change is being proposed to the drainage easement with this rezoning. If the rezoning is approved a revised development plan will be submitted for review. The site drainage will be evaluated with the revised development plan and any improvements needed to the drainage easement will be determined at that time. Property owners within 400 feet of the subject property will be mailed notice of the revised development plan and it will be brought before the Planning Commission for consideration.

Figure 4 compares the proposed concept plan with the approved development plan. An access drive borders the vegetated drainage easement in each plan. (The preliminary development plan includes landscaping which is not included on the concept plan. A landscaping plan will be provided and evaluated with the revised preliminary development plan.) The basic site layout remains the same. The one-story, 3,450 square foot convenience store would be replaced with a two-story, 10,000 square foot mixed use building with retail stores on the ground floor and 5 two-bedroom apartment dwelling units on the second floor. The principal change being proposed is the taller building in place of the convenience store.

When the development plan is submitted the design will be evaluated for compatibility with nearby properties with particular attention paid to exterior lighting, the size of the building, and maintenance of established vegetation where possible.



Staff Finding – The rezoning would add a residential component to the development but would have no impact on the drainage easement or other physical features in the area. No negative impacts to nearby properties are anticipated with this rezoning. The project will be evaluated with the preliminary development plan to minimize negative impacts to the nearby residential 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:

"Approval of 'PCD-2 with Use Changes' zoning will allow existing proposed uses to generally remain, and will allow residential uses to compliment the proposed mixed-use site and enable desired design changes. Denial of the application will unnecessarily exclude residential use from the development."

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

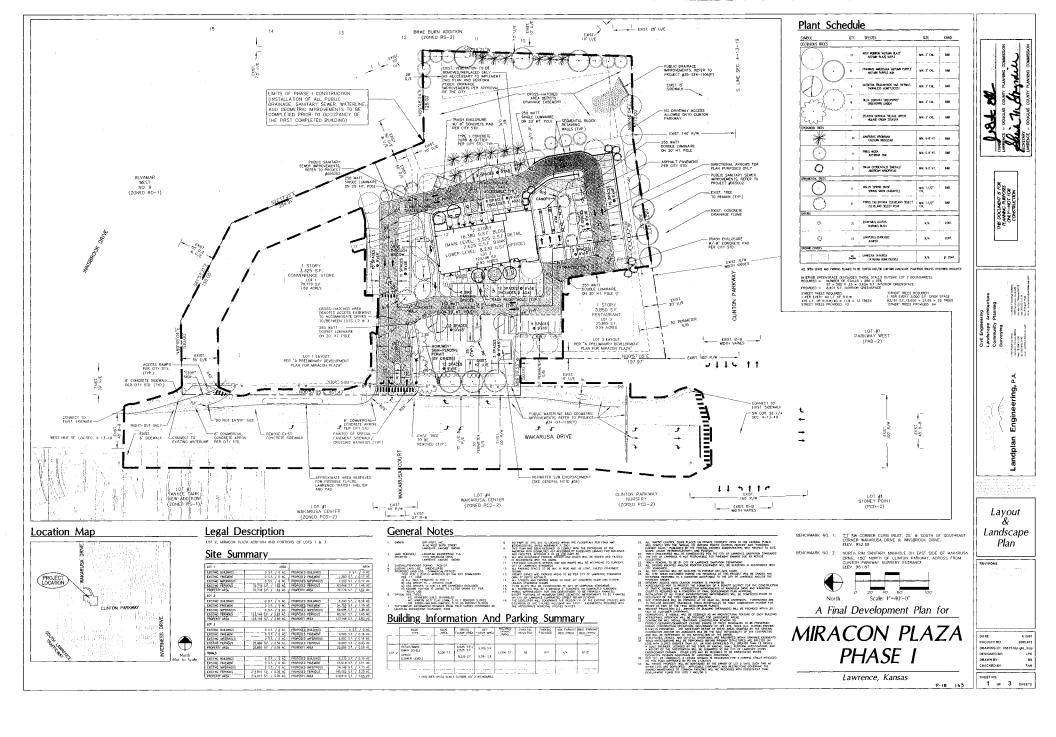
The addition of the residential component to the development would result in a broader mix of uses. This may result in a more vibrant development, but it would neither provide any gain or harm to the public, health, safety, or welfare.

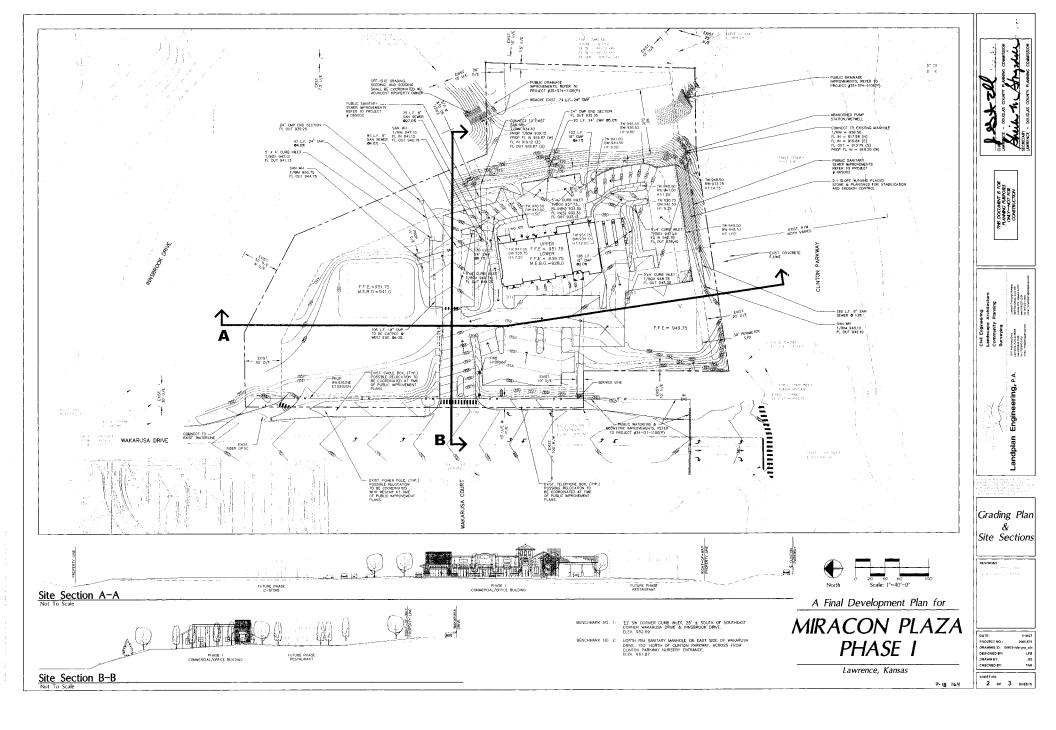
If the rezoning were denied, it would remove the ability for a mixed use development on the site. The hardship to the developer would be the limitation of development options on the site.

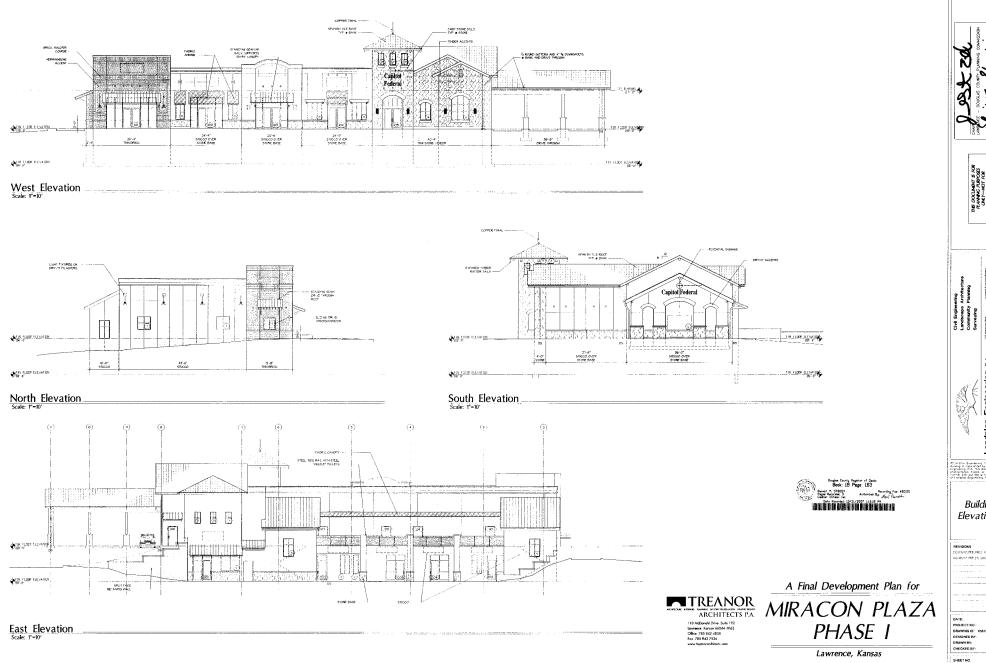
<u>Staff Finding</u> – The rezoning would increase the development options for the property but there would be no benefit to the public health, safety, and welfare due to the approval or the denial of the application.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the comprehensive plan and the Golden Factors, as well as the compatibility of the proposed use with surrounding development. The addition of a residential use to the proposed development is compliant with recommendations in *Horizon 2020*, meets the Golden Factors, and should be compatible with the surrounding land uses; therefore, staff recommends approval of the rezoning request.







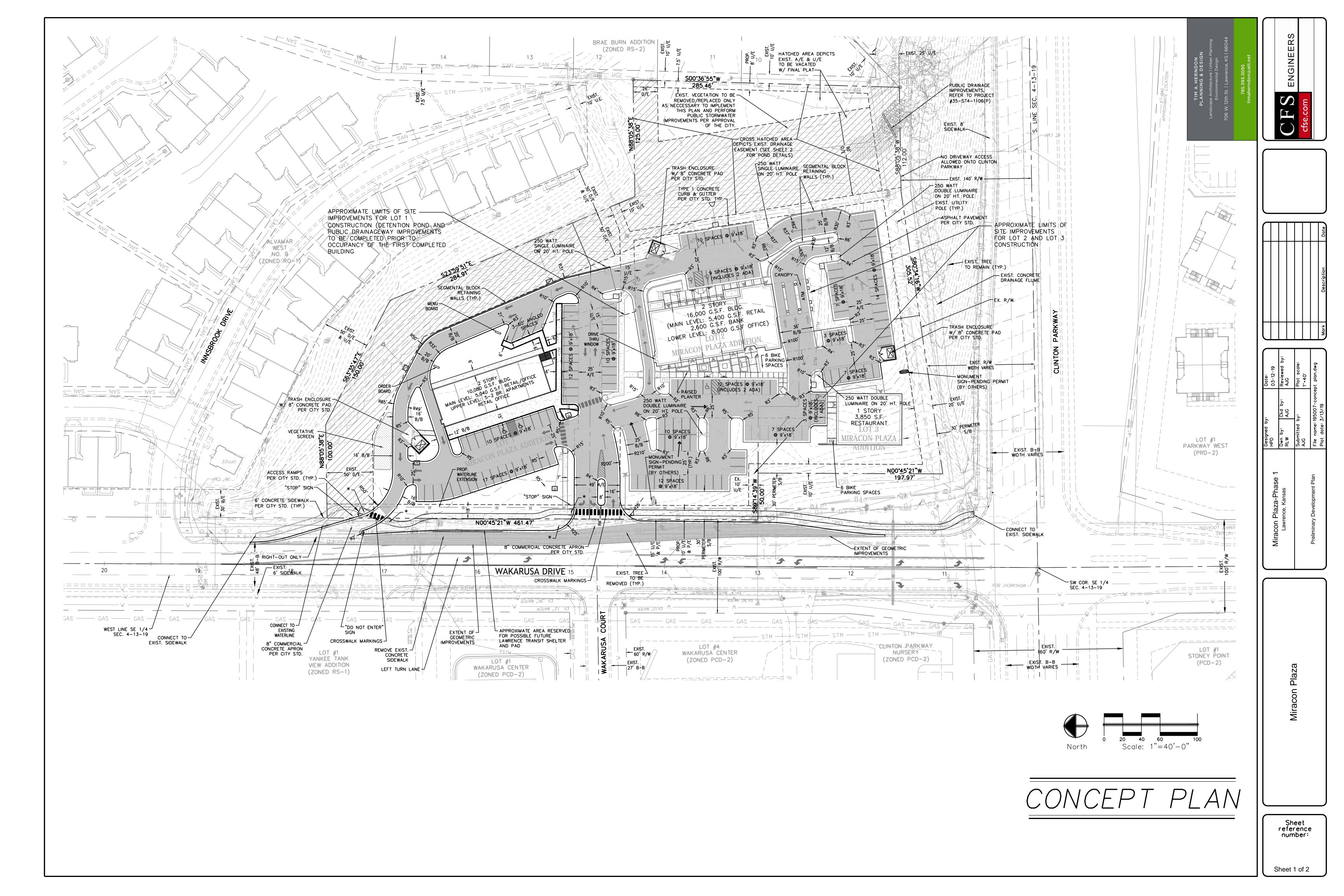




Building Elevations

REVISIONS 62/03/07 PER INFL CONVENTS 69/28/07 PER INC. CONCENTES

SHEET NO. 3 SHEETS



Multi-Dwelling Structure
Non-Ground Floor Dwellings
USE GROUP 7: COMMUNITY FACILITIES – PUBLIC UTILITIES
COMMUNITY FACILITIES COMMUNITY FACILITIES
Adaptive reuse of properties listed as a landmark on the Lawrence, State, or National Registers of
Historic Places or included in the Lawrence or National Register of Historic Districts.
Art gallery or museum
Cemetery, columbarium, or mausoleum
Child care center
Child care home – occupant primary provider
Child care home – occupant primary provider Child care home – non-occupant primary provider
Church or other place of worship, including student center
Club or lodge, private, except those whose chief activity is carried on as a business
Communication Towers
Community building, public
Golf course, but not including commercially operated driving range, pitch and putt course, or
miniature golf course
Halfway house or service-oriented rehabilitation center or residence
Health center, government operated
Hospital, general, not including animal
Institution for children and aged, nonprofit
Library or museum: public or private, open to public without charge
Monastery, convent, or similar institution of religious training
Mortuary, funeral parlor, or undertaking establishment
Nursing home or rest home
Parish house, nunnery, rectory, etc.
Park, playground, or playfield, public
Private recreation facility (exclusive of family swimming pools and swimming pools that are
accessory uses to hotels, motels, and apartments)
Rehabilitation center for persons with disabilities
Sanitarium
School, public, parochial, or private, non-profit
Studio for professional work or for teaching of any form of fine arts
Swimming pool, if accessory
Theatre, live (if indoors)
PUBLIC UTILITIES
Electrical substation
Gas regulator station
Radio or television transmitter or tower
Sewage disposal plant, private
Telephone exchange, but not including garage, shop, or service
Water filtration plant, pumping station, elevated storage, or reservoir
USE GROUP 8. TEMPORARY USES
Automobile parking lot, for special event
Batching plant, asphaltic or Portland cement, concrete, non-commercial

Uses Permitted in the PCD-[Stoneridge Plaza]-PCD-2 Zoning Additional uses proposed with this rezoning request are shown in red

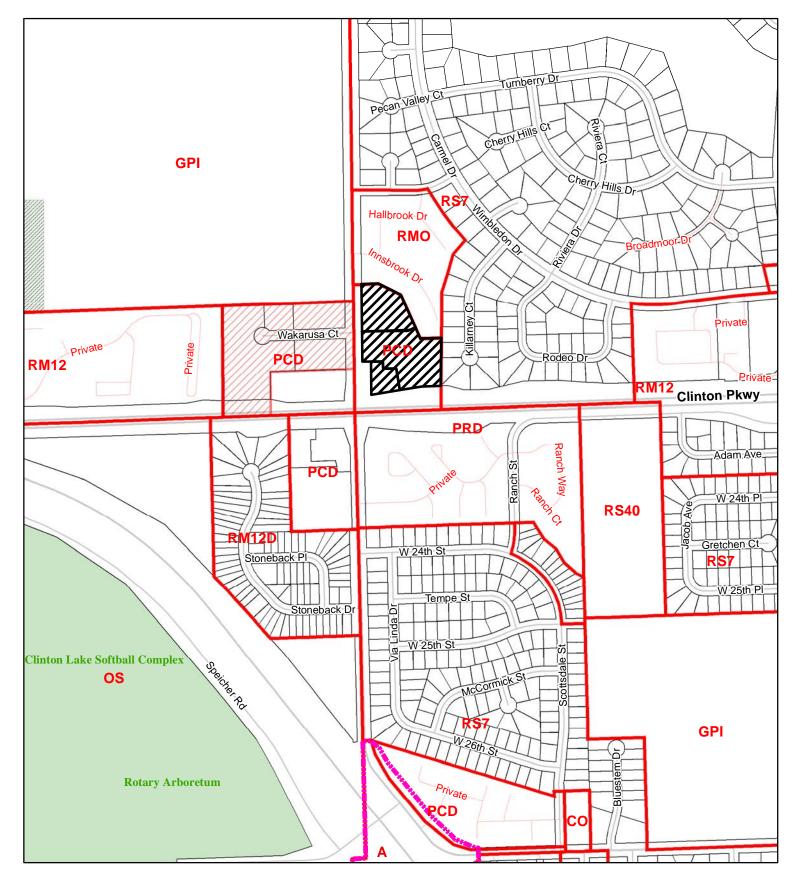
Construction building and/or yard
Earth moving and excavation; depositing construction materials, clay, earth, gravel, minerals, rock,
sand, or stone on the ground
Off-street parking and loading
Tract office
Special events
Temporary outdoor sales area as an accessory use to an established commercial operation
USE GROUP 9. PROFESSIONAL OFFICES
Medical and related offices
Chiropody, chiropractic, dental, electrology, medical, optical, optometric, osteopathic, including a
clinic
Ambulatory (outpatient) surgery center
Professional and governmental offices
Accounting, architecture, engineering, governmental, insurance sales, law, real estate and sales
and brokerage, motion picture studios (enclosed)
Veterinarian Office and incidental boarding, with no open kennel or yard where animals are
confined or exercised
Financial institutions
Studio for professional work or for teaching of any form of fine arts
Other offices
Other offices
USE GROUP 9A. LIMITED SERVICES
Bank, savings & loan, and trust company
Dry cleaning outlet store
Freestanding automated banking or dispensing facility
Funeral home, mortuary or undertaking establishment
Laboratory, medical or dental
Loan Office
Personnel services
Photographic studio
Post Office branch facility
Professional cleaning services
Radio and television studio
Recording studio
School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive
odor, noise, dust, glare, heat, vibration, or other objectionable factors
Secretarial service
Studio for professional work or for teaching of any form of fine arts
Telephone answering service
USE GROUP 11. INNER NEIGHBORHOOD COMMERCIAL USES
Bicycle sales, rental or repair
Book store, new or used
Dry cleaning outlet store
Food store, not including 24 hr. convenience store

Uses Permitted in the PCD-[Stoneridge Plaza]-PCD-2 Zoning Additional uses proposed with this rezoning request are shown in red

Hair care establishment
Laundry, self-serve
Professional offices (excluding medical and veterinarian offices and clinics)
Quick copy center
Restaurant, not including one with drive-up facilities or service to automobiles
Retail bakery
Reverse vending machines (recycling)
Shoe repair service
Small collection facilities (recycling)
Studio for professional work or for teaching of any form of fine arts
USE GROUP 12. RETAIL STORES – PERSONAL SERVICES
Altering, pressing, repairing of wearing apparel
Antique sales
Appliance, furniture, home furnishings, sales, rental repair
Art supply sales
Automobile service stations
Bank, savings & loan and trust company
Barber or beauty shop
Bicycle sales, rental, repair
Book sales
Bowling alley
Camera or photographic supply sales
Clothing sales
Club or lodge, whose chief activity is carried on as a business
Computer store; sales, service and equipment
Confectionary store
Department store
Drug store
Dry cleaning
Eating place, enclosed, without dancing or entertainment and not providing service in automobiles
Florist shop and greenhouse
Food convenience store, including gasoline sales and single-bay auto wash
Food store, including retail bakery
Furrier shop, including storage of furs
Garden supply sales
Gift, novelty, souvenir sales
Hardware store and small tool rental, but not including sales of lumber or industrial hardware
Hat blocking and repair
Hobby supply sales
Ice vending machine
Interior decorating shop
Jewelry sales and repair
Laundry pick-up station
Laundry, self-service only
Licensed premises

Uses Permitted in the PCD-[Stoneridge Plaza]-PCD-2 Zoning Additional uses proposed with this rezoning request are shown in red

Liquor, wine, and beer sales, for consumption off the premises
Loan office
Locksmith, key shop
Mail order agency
Music, musical instrument and phonographic record sales
Newsstand
Nursery stock sales
Optical goods, sales
Orthopedic or medical appliance sales
Paint and wall paper sales
Pawnshop
Photographic processing
Photographic studio
Post office
Quick copy or duplicating center
Radio and television studio
Reading room
Sewing machine sales and repair
Shoe repair and sales
Sporting goods sales
Surgical and dental supply sales
Theatre, indoor commercial
Variety store
Video store, sale or rental of video equipment, movies and games parlor
USE GROUP 15 – AMUSEMENT, RECREATIONAL, AND CULTURAL FACILITIES
Athletic Club



Z-19-00044: Request to rezone approximately 5.046 acres from PCD-2 (Planned Commercial Development) District to PCD-2 (Planned Commercial Development) District, at 2210, 2240, and 2270 Wakarusa Dr



Mary Miller

From: J Patrick Guilfoyle <joepatgil@yahoo.com>

Sent: Friday, March 15, 2019 2:23 PM

To: Mary Miller
Cc: Matt Bond

Subject: Re: proposal for Miracon Plaza at the corner of Clinton Parkway and Wakarusa Drive

Thanks for the plan Mary.

First, I was shocked by the scope of the plan. It's not close to the plan approved by the city in 2006. It's massive in concept and is invasive in the dominance it projects over the neighboring single family homes directly to the east.

Second, keep in mind the elevation from the storm drain to Wakarusa street is 40 to 60 feet. This means the back of the development at its highest point may be 100-120 feet or so above the houses on the east side of the tree line, or what would be left of it. Even if the trees were not taken out the buildings would rise above the trees anyway.

The lighting of the property looks intense and will probably shine over the top of the tree line to illuminate our properties all night every night. How would you like to have a spot light shinning on your house all night? Plus we would be looking up to the trash dumpsters and congestion and parking noise projected by the structures. Oh boy. I can bet my property value will take a dive, how far, I'm afraid to think. Who would want to sit out on the deck at night and be entertained by noise and sight pollution?

Talk about a privacy, noise and sight breech, this new plan has it all. Do you think the county will reduce our property taxes because of reduced value of our homes? No. They will do a study of home sales for 5 years to determine that. Maybe. Realtors do comps when determining property value. If my home value drops when up for sale all the neighboring properties do too when they go up for sale. Presumably hundred of thousands in lost value. Is the city prepared to treat us like that?

I have talked to a few neighbors and they are not happy. We are organizing now and looking into a protest petition or what ever the legal process may be to make sure the city is as concerned for the property owners as they are of sales tax revenue. We are not naive. We know the city wants to accommodate reasonable growth. That's all good but this structure will harm, in its current plan, the peace, privacy and value of our neighborhood. My opinion anyway.

File this note away as my personal input when you consider approval. If I'm in town I will attend the meeting and so will many of my concerned neighbors. Thanks for your consideration on this.

Sincerely

JP Guilfoyle

On Wednesday, March 13, 2019, 2:48:32 PM PDT, Mary Miller mmiller@lawrenceks.org wrote:

Hello.

Matt Bond, the City stormwater engineer, forwarded an email he sent to you regarding the drainage easement. There is an active application to rezone the property to permit residential uses as well as the commercial and office uses that are currently permitted.

I've attached the approved development plan for the plaza and the concept plan so you could see the potential changes to the development. If the rezoning is approved, an application for a revised preliminary development plan would be submitted for review. Neighbors within 400 feet of the subject property would receive notice of the Planning Commission meeting for the development plan, just as for the rezoning.

Any changes to the drainage easement would be discussed/determined with the review of the revised preliminary development plan when it is submitted.

I hope this information is helpful. Please feel free to contact me if you have any questions regarding the rezoning or the proposed development.

Thanks,

Mary

Mary K Miller, AICP City/County Planner II - mmiller@lawrenceks.org

Planning Division / www.lawrenceks.org/pds

P.O. Box 708 Lawrence, KS 66044

Office (785)-832-3147

1 Riverfront Plaza, Suite 320

"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey: http://lawrenceks.org/pds/survey/satisfaction

To the Lawrence City Commissioners:

We are writing in response to the notification we received concerning the request by Off-Piste Development Group, to rezone lot 2 Alvamar West number 9 from commercial to commercial/residential. Our property is adjacent to the lot in question. We have read the letter that my neighbor, J. Patrick Guilfoyle submitted to you. We agree with every objection raised by Mr. Guilfoyle to the proposed rezoning. We would like to expound on a few of his objections.

We have had people cut across our property from the south end of Killarney Court across the storm drainage canal to get to Wakarusa Drive. With a residential development on the lot, the problem will only be exacerbated. We realized that our property's value would be affected if/when the lot was developed. We were OK with that because we knew what the prospects were. We will be faced with a whole new set of problems if the lot is re-zoned.

We think it would be unfair to affect so many homeowners, simply to monetarily support a development group that was unable to utilize the lot for what it was originally intended. We don't see how more unnecessary apartments are going to better the city of Lawrence, especially at the cost of the current homeowners along Innsbrook Drive and Killarney Court.

We ask that you not allow the rezoning.

Sincerely, Alan and Nancee Beilgard 2229 Killarney Ct Lawrence, KS

PLANNING COMMISSION REPORT Regular Agenda - Public Hearing Item

PC Staff Report 03/27/2019

ITEM NO. 14A REZONING 21.254 ACRES FROM OS TO GPI; 5100 OVERLAND DR (BJP)

Z-19-00036: Consider a request to rezone approximately 21.254 acres from OS (Open Space) District to GPI (General Public and Institutional) District, located at 5100 Overland Drive. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 21.254 acres from OS (Open Space) District to GPI (General Public and Institutional) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

KEY POINTS

- The subject property is a portion of the property, approximately 29.050 acres, located at the northwest corner of Wakarusa Drive and Overland Drive.
- The preliminary plat application is being considered by the Planning Commission at their March 27, 2019 meeting to create two lots and two tracts. The proposed lots would be used for a future city park (Lot 2) and the City of Lawrence police headquarters facility (Lot 1). This rezoning request includes the tracts and Lot 1. Lot 2 will remain zoned OS (Open Space) District.
- The proposed future city park is a permitted use in the OS District; therefore Lot 1 does not require rezoning and is not included in this request.
- The Land Development Code classifies the GPI District as a "Special Purpose Base District", which is defined as a district established to accommodate a narrow or special set of uses that go beyond conventional residential, commercial, and industrial districts. Government and public institutional uses are examples provided by the Land Development Code for uses that should be included in a special purpose base district. The GPI District is intended to accommodate institutional uses, such as the City of Lawrence police headquarters facility, that occupy a large land area. The district regulations are designed to ensure that the uses developed within the district are compatible with the adjoining land uses.

ASSOCIATED CASES

- PP-19-00034: Consider a preliminary plat for Lawrence Police Headquarters, 2 lots and 2 tracts, located at 5100 Overland Dr. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.
- SUP-19-00071: Consider a special use permit/institutional development plan for Lawrence Police Headquarters, located at 5100 Overland Dr. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

OTHER ACTION REQUIRED

- · City Commission approval of rezoning request and adoption/publication of ordinance.
- · Planning Commission approval of preliminary plat, PP-19-00034.
- · Planning Commission consideration of special use permit application, SUP-19-00071.
- City Commission approval of special use permit application, SUP-19-00071, and adoption/publication of ordinance.
- · Submittal and administrative approval of site plans prior to release of building permits.
- Administrative approval of the final plat.
- · Recording of the final plat with the Douglas County Register of Deeds.
- · Application and release of building permits prior to development.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

· No public comment was received prior to the printing of this staff report.

REASON FOR REQUEST

Applicant's Response: Required for use of property as public safety campus.

Project Summary:

The project includes the rezoning of approximately 21.254 acres located at the northwest corner of Wakarusa and Overland Drives from OS (Open Space) to GPI (General Public & Institutional). The property is being rezoned and replatted to accommodate the development of the proposed City of Lawrence police headquarters. The proposed use, *Public Safety*, is not a permitted use in the current OS zoning. The purpose of the OS District is to enhance open space and for the development of park areas. Because the property proposed to be rezoned to GPI exceeds ten acres, an institutional development plan approved through the special use permit process is required in Section 20-1307 of the Land Development Code.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: Growth is anticipated to the west. This location is well suited for placement of a police facility.

A review of the comprehensive plan recommendations follows.

Chapter 10 – Community Facilities

The introduction to Chapter 10 notes that public and semi-public uses are often difficult land uses to project in the future. Needs arise and the community must seek the appropriate locations for such uses dependent upon the populations they will serve.

The plan recommends the location of a police department substation near the western portion of the South Lawrence Trafficway to accommodate population growth occurring to the west.

Policy 1.4: Combine Facilities, recommends grouping of public facilities throughout the community to improve accessibility and promote efficient delivery of services. The proposed rezoning would facilitate the development of the City of Lawrence police headquarters on the south portion of the property. A future public park is planned for the northern portion of the property.

Policy 2.1: General Locational Criteria, states that public facilities that serve the community should be located on arterial, collector, or frontage streets in nonresidential areas. The subject property is located near the northwest corner of Overland Drive and Wakarusa Drive and is adjacent to commercial and community uses to the south and west. The property is also located near

residential uses to the west and southwest; however, the property is not located in a residential area. The *Major Thoroughfares Map of Transportation 2040* identifies Overland Drive as a collector and Wakarusa Drive as a principal arterial.

Staff Finding – The proposed rezoning conforms to *Horizon 2020* policies related to community facilities.

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

GENERAL INFORMATION

Current Zoning and Land Use: OS (Open Space) District; vacant.

Surrounding Zoning and Land To the north:

Use: OS (Open Space) District; vacant.

To the south:

RM15 (Multi-Dwelling Residential) District; Multi-Dwelling

Structure.

OS (Open Space) District; drainage easement.

PCD-[6Wak] (Planned Commercial Development) District;

Retail Sales, General (Wal-Mart).

CO (Office Commercial) District; Health Care Office, Health

Care Clinic.

To the east:

GPI (General Public and Institutional Use) District; School

(Free State High School).

To the west:

PRD (Planned Residential Development) District; Multi-

Dwelling Structure.



Figure 1. Zoning of the surrounding area. Subject property outlined in black and proposed rezoning area in shown with diagonal pattern.



Figure 2. Land use of the surrounding area. Subject property outlined in black and proposed rezoning area in shown with diagonal pattern.

Staff Finding – The area contains nonresidential uses to the south, east, and north, and residential uses to the southwest and west. The adjacent residential development consists of multi-family residences. The nonresidential uses consists of retail, a medical facility, a high school, and a future public park.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: Multi-family and single-family residential located west of the site. Commercial to the south. The high school is located to the east. Open space zoning for park use will remain north of the police facility lot. A substantial amount of the existing mature trees and the existing natural drainage way will be preserved.

Commercial and community uses are located near the intersection of Wakarusa Drive and Overland Drive; however, the properties to the west and southwest of the subject property are most recognizable as residential with *Multi-Dwelling Structures*. The proposed Lawrence police headquarters facility would be located on the fringe, but not within, a neighborhood.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the area immediately south and east of the subject property is developed primarily with nonresidential uses. Given this, the character of the neighborhood will not be affected.

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

Staff Finding – The subject property has not been included in a specific area or sector plan. *Horizon 2020* is the guiding plan for this area.

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

Applicant's Response: Property is suited for proposed use as a police facility site with the remaining open space reserved for park use.

The request is to rezone the subject property from the OS District to the GPI District. The intent of the rezoning is to facilitate the development of the Lawrence police headquarters facility, a *Public Safety* use. The *Public Safety* use is permitted in a variety of zoning districts, such as commercial and industrial districts; however, the GPI District is the most suitable zoning district give that the purpose of the district is to accommodate institutional uses located on large land areas.

Below, Table 1 lists the uses which are permitted in the OS and GPI Districts. Uses that are permitted in the GPI District but not the OS District are shown in **bold**.

Land Use	os	GPI
Attached Dwelling	-	Р
Detached Dwelling	-	Р
Manufactured Home	-	Р
Mobile Home	-	Р
Multi-Dwelling Structure	-	S
Assisted Living	-	S
College/University	-	Р

Cultural Center/Library	S	Р
Detention Facility		S
Event Center, Small and Large	-	S
Lodge, Fraternal, & Civic Assembly	-	Р
Postal & Parcel Service	-	Р
Public Safety	-	Р
School	-	Р
Temporary Shelter	-	S
Social Service Agency	-	Р
Community Meal Program	-	S
Utilities, Minor	P/S	P/S
Utilities and Service, Major	S	Р
Community Mental Health Facility	-	Р
Extended Care Facility, Limited	-	S
Health Care Office, Health Care Clinic	-	Р
Outpatient Care Facility	-	Р
Active Recreation	S	A/S
Entertainment & Spectator Sports, General	-	S
Entertainment & Spectator Sports, Limited	S	Р
Participant Sports & Recreation, Indoor		GPI
Participant Sports & Recreation, Outdoor		A/S
Passive Recreation	Р	Р
Nature Preserve/Undeveloped	Р	Р
Private Recreation	Р	Р
Administrative and Professional Office	-	Р
Commercial Parking Facility	-	Р
Campground	S	-
Maker Space, Limited and Intensive	-	A/S
Light Wholesale, Storage, and Distribution	-	S
Designated Historic Property	S	S
Agriculture, Crop	Р	Р
Farmer's Market	S	Α
Communications Services Establishment	-	Р
Wireless Support Structure	S	Α
Training Commission of the com		D:

Table 1: Comparison of uses permitted in the OS and GPI Districts. Uses permitted only in the GPI District are shown in **bold**.

Staff Finding – The subject property is suitable for the uses to which it is currently restricted under the OS zoning district. The requested rezoning would facilitate the development of the Ciy of Lawrence police headquarters facility, which is compatible with the surrounding area.

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

Applicant's Response: Unknown.

Staff Finding – The subject was annexed in 1998. The property was vacant at the time of annexation and development has not occurred on the site since that time.

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

Applicant's Response: No detrimental effect to adjacent properties.

The proposed GPI District provides safeguards to the abutting residential properties with a 40 foot setback requirement. The associated preliminary plat also proposes tracts along the west and east property lines that will provide further buffering from the adjacent properties. The potential uses in the GPI District are compatible with the existing land uses in the area.

Staff Finding – Rezoning the property to the GPI District will not detrimentally affect the surrounding area.

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: Improved efficiency of public safety service to the community at large. Denial would require selection of an alternative site for the police facility and result in project delays.

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

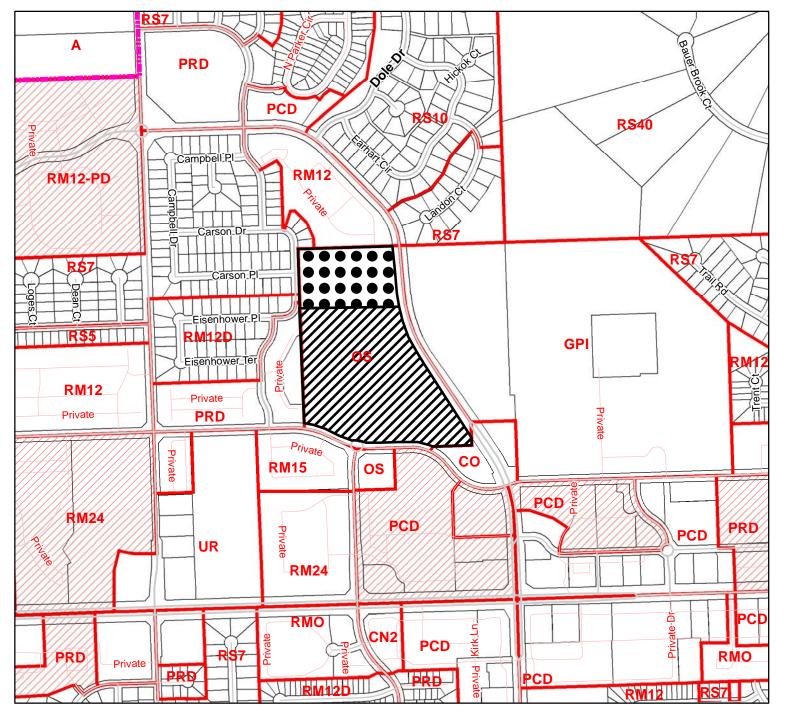
The proposed City of Lawrence police headquarter facility cannot be developed in the current OS zoning district. The use is compatible with the nearby residential and nonresidential uses. Rezoning to GPI allows the development while providing increased safeguards to the abutting residential properties with the larger setback restriction in the proposed district.

Staff Finding – Approval of the rezoning request will facilitate the development of the City of Lawrence police headquarters facility, which is compatible with the existing uses in the area. There would be no gain to the public health, safety, and welfare through the denial of the rezoning request.

9. PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed request for its compliance with the comprehensive plan, the Golden Factors, and compatibility with surrounding development. The Land Development Code classifies the GPI District as a "Special Purpose Base District", which is defined as a district established to accommodate a narrow or special set of uses that go beyond conventional residential, commercial, and industrial districts. Government and public institutional uses are examples provided by the Land Development Code for uses that should be included in a special purpose base district. The GPI District is intended to accommodate institutional uses, such as the City of Lawrence police headquarters facility, that occupy a large land area. The district regulations are designed to ensure that the uses developed within the district are compatible with the adjoining land uses.

Staff recommends approval of the request to rezone approximately 21.254 acres from OS (Open Space) District to GPI (General Public and Institutional) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

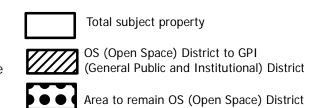


Z-19-00036: Request to rezone approximately 21.25 acres from OS (Open Space) District to GPI (General Public and Institutional)

District, located at 5100 Overland Drive.

PP-19-00034: Preliminary Plat for Lawrence Police Headquarters, two lots and two tracts, located at 5100 Overland Drive.

SUP-19-00071: Special Use Permit for Lawrence Police Headquarters, located at 5100 Overland Drive.





PLANNING COMMISSION REPORT Regular Agenda — Non-Public Hearing Item

PC Staff Report 03/27/2019

ITEM NO. 14B PRELIMINARY PLAT FOR LAWRENCE POLICE HEADQUARTERS; 5100 OVERLAND DR (BJP)

PP-19-00034: Consider a preliminary plat for Lawrence Police Headquarters, 2 lots and 2 tracts, located at 5100 Overland Dr. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the preliminary plat of Lawrence Police Headquarters.

KEY POINTS

- The subject property is currently unplatted.
- · Platting is a required pre-development step.
- The plat proposes 2 lots and 2 tracts. The tracts would be located along the west and east property lines and would remain undeveloped and accommodate a pedestrian trail through Tract A to a future city park.
- This request is being considered concurrently with an application for rezoning [Z-19-00036], which includes the proposed Lot 1, Tract A, and Tract B, and a special use permit for an institutional development plan [SUP-19-00071] for the City of Lawrence police headquarters facility.

SUBDIVISION CITATIONS TO CONSIDER

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

Attachments

Attachment A: Preliminary Plat

ASSOCIATED CASES

- Z-19-00036: Consider a request to rezone approximately 21.254 acres from OS (Open Space) District to GPI (General Public and Institutional) District, located at 5100 Overland Drive. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.
- SUP-19-00071: Consider a special use permit/institutional development plan for Lawrence Police Headquarters, located at 5100 Overland Dr. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

OTHER ACTION REQUIRED

- Planning Commission consideration and recommendation of rezoning request, Z-19-00036.
- · City Commission approval of rezoning request and adoption/publication of ordinance.
- Planning Commission consideration and recommendation of special use permit application, SUP-19-00071.

Item No. 14B - 2

- · City Commission approval of special use permit application and adoption/publication of ordinance.
- · Administrative approval of the final plat.
- Recording of the final plat with the Douglas County Register of Deeds.
- · Application and release of building permits prior to development.

PLANS AND STUDIES REQUIRED

- Traffic Study The 7 step traffic impact analysis dated January 21, 2019 was approved.
- Downstream Sanitary Sewer Analysis The sanitary sewer study dated January 21, 2019 was approved.
- Drainage Study The drainage study dated January 16, 2019 was approved.
- Retail Market Study Not required for this project.

PUBLIC COMMENT

· No public comment was received prior to publication of this staff report.

Site Summary	
Gross Area:	29.050 acres
Additional Right-of-Way (acres):	0.282 acres
Number of Proposed Lots:	2
Number of Proposed Tracts:	2
Minimum Lot Area:	7.796 acres
Maximum Lot Area:	14.072 acres

Item No. 14B - 3

GENERAL INFORMATION

Current Zoning and Land Use: OS (Open Space) District; vacant.

Surrounding Zoning and Land To the north:

Use: OS (Open Space) District; vacant.

To the south:

RM15 (Multi-Dwelling Residential) District; Multi-

Dwelling Structure.

OS (Open Space) District; drainage easement.

PCD-[6Wak] (Planned Commercial Development)

District; Retail Sales, General (Wal-Mart).

CO (Office Commercial) District; Health Care Office,

Health Care Clinic.

To the east:

GPI (General Public and Institutional Use) District;

School (Free State High School).

To the west:

PRD (Planned Residential Development) District; Multi-

Dwelling Structure.

STAFF REVIEW

The subject property is located near the northwest corner of Overland Drive and Wakarusa Drive. The request is to plat property that is currently unplatted. The preliminary plat is a predevelopment step and will facilitate development of the proposed Lot 1 with the City of Lawrence police headquarters facility.

Compliance with Zoning Regulations for the proposed GPI District and OS District

Lot 1 contains approximately 14 acres, exceeding the minimum 5 acre lot size in the GPI District. The property is not encumbered by the regulatory floodplain. Minimum setbacks are established in Article 6 of the Land Development Code and are considered in the institutional development plan review.

Lot 2 is currently zoned OS and contains approximately 7.796 acres. There is not a minimum lot size requirement in the OS District.

The proposed lots comply with the Dimensional Standards in Section 20-601(b).

Streets and Access

The property is located near the northeast corner of Overland Drive and Wakarusa Drive. The Major Thoroughfares Map of *Transportation 2040* identifies Overland Drive as a collector and Wakarusa Drive as a principal arterial.

LOT 1

The preliminary plat shows an existing drive on Lot 1 that would provide access from the existing roundabout at Overland Drive and Congressional Drive. The plat also shows an additional drive on Overland Drive that will be constructed with the City of Lawrence police headquarters facility. A future drive is shown that will provide access to Lot 1 from Wakarusa Drive.

LOT 2

The preliminary plat shows two future access drives for Lot 2. With future development of a proposed city park, the lot will be accessed from Carson Place, located to the west, and Wakarusa Drive.

Utilities and Infrastructure

Water, sanitary sewer, and stormwater infrastructure exists to serve the proposed lots. In figure 1 below, the sanitary sewer line is identified by the orange line, the water line in blue, and the stormwater line in green.

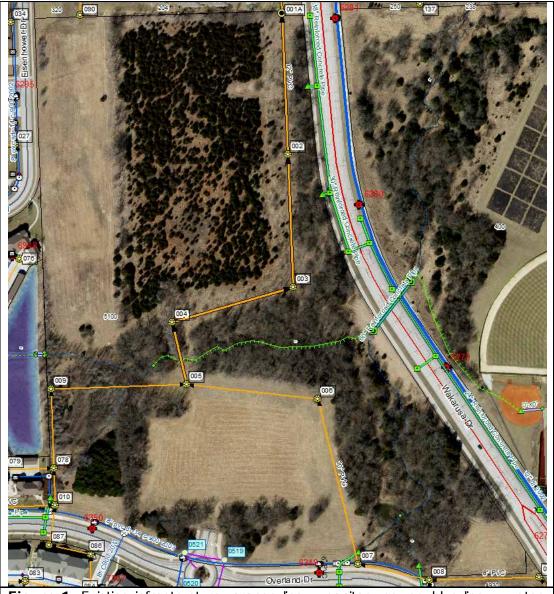


Figure 1. Existing infrastructure; orange line = sanitary sewer, blue line = water, green line = stormwater.

Easements and Rights-of-way

The dedication of easements and right-of-way are shown on the plat. The plat shows an easement dedicated for the existing sanitary sewer. The easement will be 20 feet wide near the proposed police headquarters facility, and 30 feet wide on the portion of the sanitary sewer line that extends to the north. The plat also shows a 15 foot easement for the water line that will loop the proposed police headquarters facility, and a 10 foot easement along Overland Drive.

Approximately 0.282 acres of right-of-way will be dedicated at the existing drive at Overland Drive and Congressional Drive. This right-of-way is necessary to keep the intersection in the public street right-of-way.

Sensitive Lands

The subject property is undeveloped and contains stands of mature trees. While Section 20-1101 provides protection standards for this type of sensitive lands, this section is applicable to development in all RS (Single-Dwelling Residential) and RM (Multi-Dwelling Residential) Districts, but is not applicable to non-residential zoning districts. The property is zoned OS District (with a portion proposed to be rezoned to the GPI District) and as such this standard does not apply to the proposed development. However, the preliminary plat proposes two tracts along the west and east property lines of Lot 1. The purpose of these tracts is to maintain the open space and existing vegetation.

Compliance with Major Subdivision Regulations

The preliminary plat conforms to the review criteria provided in Section 20-809(d) of the Land Development Code.

Conformance

This preliminary plat conforms to the standards and requirements of the Subdivision Regulations, and the land use plans of the area. Staff recommends approval of the preliminary plat for Lawrence Police Headquarters.

HOEFER WYSOC

11460 Tomahawk Creek Parkway, Suite 400, Leawood, Kansas 667

POLICE HEADQUARTE

COPYRIGHT © BY HOEFER WYSOCKI ARCHITECTS, LLC

3.06.19-CITY REVIEW COMMENTS
3.19.19-CITY REVIEW COMMENTS
3.20.19-CITY REVIEW COMMENTS

PROFESSIONAL SEAL

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EXISTING SITE CONDITIONS

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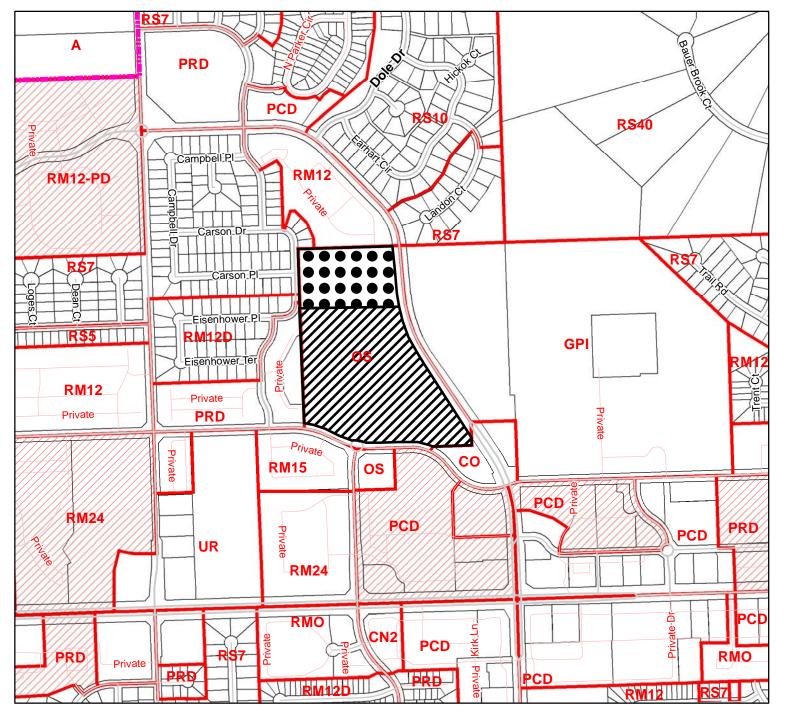
PROFESSIONAL SEAL

ISSUE DATE: 06 February 2019 HOEFER WYSOCKI#: 188061

PRELIMINARY SITE DEVELOPMENT PLAN

3.20.19-CITY REVIEW COMMENTS

PROFESSIONAL SEAL ISSUE DATE: 06 February 2019 HOEFER WYSOCKI #: 188061

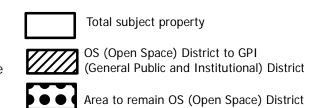


Z-19-00036: Request to rezone approximately 21.25 acres from OS (Open Space) District to GPI (General Public and Institutional)

District, located at 5100 Overland Drive.

PP-19-00034: Preliminary Plat for Lawrence Police Headquarters, two lots and two tracts, located at 5100 Overland Drive.

SUP-19-00071: Special Use Permit for Lawrence Police Headquarters, located at 5100 Overland Drive.





PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report 05/27/19

ITEM NO. 14C SPECIAL USE PERMIT FOR LAWRENCE POLICE HEADQUARTERS; 5100 OVERLAND DR (BJP)

SUP-19-00071: Consider a special use permit/institutional development plan for Lawrence Police Headquarters, located at 5100 Overland Drive. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of a special use permit for the City of Lawrence Police Headquarters, a *Public Safety* use, located at 5100 Overland Drive based upon the findings presented in the body of the staff report.

Applicant's Reason for Request: Required for use of property as public safety campus.

KEY POINTS

- This property is proposed to be rezoned to the GPI (General Public & Institutional) District and contains more than 10 acres. Therefore, approval is required through a special use permit per Section 20-1307 of the Development Code.
- This site plan shows both Lots 1 and 2 of the proposed subdivision, PP-19-00034 (Item No. 14B on this agenda). The proposed improvements will be located on Lot 1. Lot 2 will be developed as a city park in the future.

ASSOCIATED CASES

- PP-19-00034: Consider a preliminary plat for Lawrence Police Headquarters, 2 lots and 2 tracts, located at 5100 Overland Drive. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.
- Z-19-00036: Consider a request to rezone approximately 21.254 acres from OS (Open Space)
 District to GPI (General Public and Institutional) District, located at 5100 Overland Drive.
 Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

OTHER ACTION REQUIRED

- Planning Commission approval of preliminary plat, PP-19-00034.
- Planning Commission consideration of rezoning request, Z-19-00036.
- · City Commission approval of rezoning request and adoption/publication of ordinance.
- · City Commission approval of the special use permit and adoption/publication of ordinance.
- Administrative approval of a final plat.
- The approved final plat must be recorded with the Douglas County Register of Deeds Office prior to release of the special use permit for issuance of a building permit.
- Submittal and approval of public improvement plans by city staff prior to issuance of a building permit.
- Release of special use permit site plan to Development Services for building permits.

Item No. 14C - 2

ATTACHMENTS

- 1. Special Use Permit/Institutional Development Plan
- 2. Traffic Study
- 3. Downstream Sanitary Sewer Analysis
- 4. Drainage Study
- 5. Parking Study

PLANS AND STUDIES REQUIRED

- Traffic Study The 7 step traffic impact analysis dated January 21, 2019 was approved.
- Downstream Sanitary Sewer Analysis The sanitary sewer study dated January 21, 2019 was approved.
- Drainage Study The drainage study dated January 16, 2019 was approved.
- Retail Market Study Not required for this project.

PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use: Surrounding Zoning and Land **To the north**: Use:

OS (Open Space) District; vacant.

OS (Open Space) District; vacant.

To the south:

RM15 (Multi-Dwelling Residential) District: Multi-Dwelling Structure.

OS (Open Space) District; drainage easement.

PCD-[6Wak] (Planned Commercial Development) District; Retail Sales, General (Wal-Mart).

CO (Office Commercial) District; Health Care Office, Health Care Clinic.

To the east:

GPI (General Public and Institutional Use) District; School (Free State High School).

To the west:

PRD (Planned Residential Development) District; Multi-Dwelling Structure.

Summary of Special Use

This special use permit facilitates the development of the City of Lawrence police headquarters at 5100 Overland Drive. Concurrent applications were submitted to plat the property into 2 lots and 2 tracts, and to rezone the future police facility property from OS to GPI District. This special use permit staff report assumes approval of the preliminary plat and the rezoning requests.

The purpose of the GPI District is to accommodate institutional uses, such as the proposed *Public Safety* use, that occupy a large land area as a means to ensure compatibility with the surrounding area. Developments within the GPI District are subject to a requirement to provide an institutional development plan for all property contained in the district. When sites are over 10 acres in size, the institutional development plan is reviewed through the special use permit process to provide public review of the proposed uses and site layout.

Section 20-1307 states the purpose of the institutional development plan (IDP) is "to provide a community vision for the long-term use and development of public institutional space and lands so that they are designed to be compatible with surrounding land uses and contribute to the neighborhood and character of the area in which they are located. Providing this community vision for institutional buildings and sites also allows adjacent and nearby property owners to anticipate future non-residential development patterns and plan for the use and enjoyment of their property accordingly."

Section 20-1307(c) of the Land Development Code also provides standards for institutional site development as a means to ensure long-term compatibility of use, consistency with the character of the area, and to minimize negative impacts on the surrounding area. A review of the projects compliance with these standards is provided later in this report.

As shown on this institutional development plan, Lot 1 includes a proposed two-story police headquarters facility, a one-story vehicle storage facility, and off-street parking. Lot 2 will include a future city park. The plan also includes 2 open space tracts provided with the intent of preserving the existing natural vegetation and providing a landscape bufferyard. A proposed trail is also shown in Tract A which will provide access from the public sidewalk on Overland Drive to the future city park.

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

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

Applicant's Response: Yes.

This section of the staff report assesses the impact and compliance of the improvements associated with the proposed City of Lawrence police headquarters facility with the Land Development Code.

A. Site Summary

LOT 1	Existing	Proposed	Change
Land Area (square feet):	925,841	925,841	0
Total Building (square feet)	0	32,873	32,873
Total Impervious Area (square feet): % Impervious	6,705 1%	142,361 15%	135,656 14%
Total Pervious Area (square feet): % Pervious	919,136 99%	783,780 85%	-135,356 -14%

The setbacks in the GPI District are as follows: Front—40 feet; abutting R Districts—40 feet; abutting non-R Districts—40 feet. The site plan shows that the location of the proposed City of

Lawrence police headquarters facility and vehicle storage building will exceed the setback requirements. The vehicle storage building, which is located closer to the west property line than that police headquarters facility, will be located 82.65 feet from the west property line. The police headquarters facility will be located 171.6 feet from the south property line, and 86.61 feet from the east property line.

B. Access and Parking

One entrance drive exists which provides access from Overland Drive, a collector street. This drive will provide the main access to the City of Lawrence police headquarters facility. A second access from Overland Drive will be constructed to the east of the existing drive. The plan also shows a proposed future access provided from Wakarusa Drive, a principal arterial, further to the north. The existing and proposed ingress and egress, and the vehicle circulation within the site, will provide for safe, efficient and convenient movement and will comply with access management standards.

There is a public sidewalk along the south side of Overland Drive and the east side of Wakarusa Drive. A shared use path exists immediately adjacent to the site on the north side of Overland Drive and the west side of Wakarusa Drive. There will also a pedestrian connection from the shared use path along Overland Drive to the building entrance. The plan also shows trails in Tract A to provide a pedestrian connection from Overland Drive to the future city park.

The parking requirement for the *Public Safety* use is per Section 20-905, Schedule D. The Land Development Code states that, "Schedule D uses have a widely varying parking demand characteristics making it difficult to specify a single off-street parking standard." As such, the off-street parking requirement for Schedule D uses is determined by the Planning Director based on a parking study prepared by the applicant. The parking study indicated that 126 parking spaces are needed to accommodate patrol staff, patrol vehicle parking, and full-time employees. The study also recommended 11 additional spaces to accommodate future growth. In addition, the study recommends 19 parking spaces for public parking. The parking study, dated March 6, 2019, was approved by the Planning Director. A breakdown of the parking requirements is provided below.

- Vehicle parking provided: 157 spaces
- Accessible parking spaces require/provided: 6 spaces required/7 spaces provided
- Bicycle parking: Not required for the *Public Safety* use.

C. Design Standards

The proposed City of Lawrence police headquarters facility is a two-story building with a façade comprised of large window expanses, and a mix of materials providing both vertical and horizontal variation. The building is not subject to the Community Design Manual for commercial or industrial design standards.



Figure 1. South elevations of the proposed City of Lawrence Police Headquarters.

D. Landscaping and Screening

Street Trees

Lot 1 is adjacent to Overland Drive and requires 1 shade tree per 40 feet of street frontage. As shown in the table below, the street tree requirement per Section 20-1002 is met.

Street	Requirement	Required	Provided
Overland Drive	1 shade tree per 40 feet of street frontage	680 feet / 40 = 17 Trees	17

Interior Parking Lot Landscaping

As shown in the calculations below, the interior landscaping requirements per Section 20-1003 are met.

	Required	Provided
157	Landscaping Area: 157 stalls X 40 square feet = 6,280 square feet	11,883 square feet
parking	Trees: 157 stalls / 10 = 16 X 1 = 16 trees	16 trees
spaces	Shrubs: 157 stalls / 10 = 16 X 3 = 48 shrubs	93 shrubs

Perimeter Parking Lot Landscaping

Per Section 20-1004 of the Land Development Code, parking lots shall be landscaped and screened from view of street rights-of-way with a minimum of one shade or ornamental tree per 25 linear feet of parking lot frontage. In addition to trees, the screening must also include either a solid masonry wall, a berm, or a continuous row of shrubs. The required street trees may be counted toward this requirement. The number of street trees provided meets the perimeter parking lot landscaping requirement.

The site plan proposes a parking area adjacent to Overland Drive. The site plan shows perimeter parking lot landscaping for this area provided by a 2 to 3 foot tall berm, existing vegetation, and the proposed street trees.

Bufferyard Requirements

Section 20-1307(c)(2)(i)(a) requires a bufferyard for institutional site development. As discussed earlier in this report, the proposed City of Lawrence police headquarters facility and vehicle storage building are shown located on the plan in areas that greatly exceed the setback requirements. In addition, a concurrent preliminary plat application proposes creating two adjacent open space tracts. The intent of the tracts is to preserve the existing natural vegetation in the area and provide a buffer between the adjacent uses. A note on the plan indicates that if the trees within these tracts are destroyed or damaged they must be replaced by native species on a 1:1 basis.

Mechanical Equipment

The site plan includes a note indicating that exterior ground-mounted or building mounted equipment will be screened from view of the adjacent properties and street right-of-way.

E. Lighting

A point-by-point photometric plan for the development was provided. The lighting levels are compliant with the standards in Section 20-1103(d)(3). Section 20-1307(c)(2)(vi) indicates that exterior lighting may be prohibited between the hours of 10:00 P.M. and 7:00 A.M.; however, the Planning Director determined that given the nature of the use, and that the development accommodates 24-hour shifts, it is not appropriate to prohibit exterior lighting at night. The photometric plan shows that lighting will not be visible at the property lines, with the exception

of lighting provided at the access drives on Overland Drive. At these locations, the maximum measured spillover lighting is 1 foot-candle, which is less than the 3 foot-candle measurement permitted to spillover into public street right-of-way.

F. Floodplain

The property is not located within the regulatory floodplain and is not subject to a local floodplain development permit.

Staff Finding – The use complies with the applicable provisions of the Land Development Code.

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

Applicant's Response: Yes.

The proposed City of Lawrence police headquarters facility will be located on a large parcel, with adequate buffering and distance from adjoining uses. The proposed development is also appropriately scaled for its size and use. Section 20-1307(c) provides standards for institutional site development to ensure long-term compatibility of use, consistency with the character of the area, and to minimize negative impacts from the institutional development on the surrounding area. As discussed previously, one standard requires bufferyards. The open space tracts proposed to the east and west of the police headquarters facility will provide screening to the adjacent properties. In addition, the proposed police headquarters facility and vehicle storage building will both greatly exceed their required 40 foot setback. The increased setbacks and open space tracts will provide an adequate buffer to mitigate potential impacts to the surrounding area.

The proposed development meets the other standards applicable to an institutional site development, which are listed below. Staff response is provided in *italics*.

- Access, planned for entire site with at least two points of access
 Two access points will be provided from Overland Drive. A future access point is
 proposed from Wakarusa Drive.
- Public sidewalks, provided along all street frontages

 Pedestrian facilities are located on both sides of the adjacent streets. Overland Drive contains a sidewalk on the south side and a shared use path on the north side. Wakarusa Drive contains a sidewalk on the east side and a shared use path on the west.
- Bicycle lanes and recreation paths be planned and provided as part of the plan The north side of Overland Drive and the west side of Wakarusa Drive contain an existing shared use path. A recreation path is also planned for Tract A which will provide a connection from Overland Drive to the future city park.
- Sports fields and large traffic generation activities be located away from RS zoned area The subject property is not adjacent to RS zoned areas.
- Exterior lighting may be prohibited between 10:00 P.M. and 7:00 A.M. Planning Director determined that given the nature of the use, and that the development accommodates 24-hour shifts, it is not appropriate to prohibit exterior lighting at night.

The photometric plan shows that lighting will not be visible at the property lines, with the exception of lighting provided at the access drives on Overland Drive. At these locations, the maximum measured spillover lighting is 1 foot-candle, which is less than the 3 foot-candle measurement permitted to spillover into public street right-of-way

- Parking facilities, designed to be shared among uses and incorporated with environmentally sensitive lands.
 - The plan includes 2 open space tracts provided with the intent of preserving the existing natural vegetation, stands of mature trees, and a natural drainageway.
- Bus stops shall be included in the planning and development of the site

 An existing bus route is located along Overland Drive, with a bus stop near the intersection of Overland Drive and Wakarusa Drive.

Staff Finding – The proposed use is compatible with the adjacent uses in terms of size, massing, orientation, hours of operation, and other external impacts.

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

Applicant's Response: No.

The proposed City of Lawrence police headquarters facility will enhance a community-wide service. The location allows the facility to be easily accessed and will provide increased investment to the community.

Staff Finding – Substantial diminution of other property values in the area is not anticipated.

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

The Lawrence police headquarters, a *Public Safety* use, will serve the community. This property is located within city limits and is adjacent to Overland Drive, a collector street, and Wakarusa Drive, an arterial street. Public infrastructure, such as water, sanitary sewer, and stormwater mains, is available to provide service to this development.

Staff Finding – Sufficient safety, transportation and utility facilities will be available to serve the subject property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The proposed development will be owned and operated by the City of Lawrence. City staff is responsible for continuing site maintenance. The special use permit provides the overall scope for the development. The proposed request provides an enforceable tool to address the use and continued maintenance. If approved, the institutional development plan will be recorded with the Douglas County Register of Deeds office as a public record of the improvements for the site.

Staff Finding – Adequate assurances of continued maintenance are inherent in the use and the special use permit/institutional development plan approval process.

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

Applicant's Response: No. The existing drainage way and a significant amount of the existing tree growth will be preserved. Outdoor lighting will be selected to minimize impacts to the surrounding natural environment.

The corresponding preliminary plat, PP-19-00034, shows two open space tracts to be located to the west and east of the subject property. The intent of the tracts is to retain the existing vegetation and to utilize it for screening and buffering purposes.

There is no designated regulatory floodplain that encumbers the property.

Staff Finding – The proposed use should not cause significant adverse impacts on the natural environment.

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

Time limits are established on special use permits to permit a periodic review to determine if the use remains compliant with the area or if a rezoning would be appropriate. This special use permit review process is required because the property proposed to be rezoned to the GPI District exceeds 10 acres. The institutional development plan serves as the master plan for this facility and provides the public with a long-range view of the site development. It would not be appropriate to place a time limit on this use.

Staff Finding – The special use permit process is required by the Land Development Code due to the size and zoning of the property. It would not be appropriate to place a time limit on this use.

Conclusion

As planned, the use is compatible with this location. Based on the findings in this report, staff recommends approval of the special use permit.

www.hoeferwysocki.com

913.307.3710

LAWRENCE POLICE HEADQUARTERS

5100 OVERLAND DRIVE LAWRENCE, KS 66049

SPECIAL USE PERMIT

06 FEBRUARY 2019 HOEFER WYSOCKI #:188061



DRAWING INDEX				
SHEET#	SHEET NAME			
CS C1.00 C1.01 L1.01 AS1.31 A2.00 A2.13 E1.10	COVER SHEET SPECIAL USE PERMIT PLAN SPECIAL USE PERMIT GRADING PLAN LANDSCAPE PLAN SITE DETIALS COLOR EXTERIOR ELEVATIONS EXTERIOR ELEVATIONS SITE PHOTOMETRICS			

OWNER

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ARCHITECT

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HOEFER WYSOCKI ARCHITECTURE 11460 TOMAHAWK CREEK PARKWAY, SUITE 400 LEAWOOD, KANSAS 66211

CONSTRUCTION MANAGER

TURNER CONSTRUCTION COMPANY 1220 WASHINGTON STREET, SUITE 100 KANSAS CITY, MO 64105 P: 816.283.0555

CIVIL

MCCLURE ENGINEERING 11250 CORPORATE AVENUE LENEXA, KS 66219 P: 913.307.2522

STRUCTURAL ENGINEER

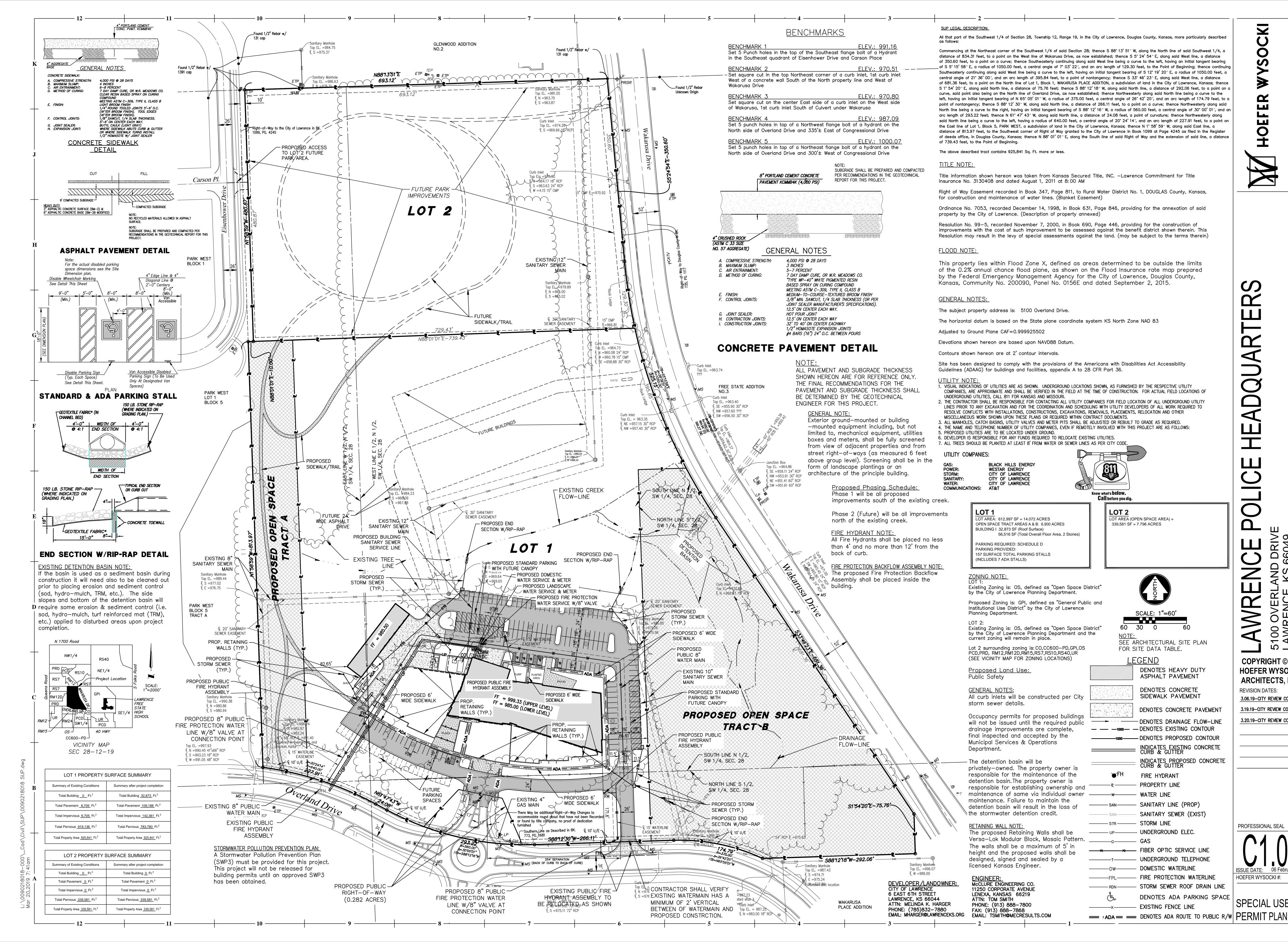
J&S STRUCTURAL ENGINEERS 14221 METCALF AVENUE, SUITE 119 OVERLAND PARK, KS 66223 P: 913.549.4701

MEP ENGINEER

BRANCH PATTERN 7400 COLLEGE BLVD., SUITE 150 OVERLAND PARK, KS 66210 P: 913.951.8311

LANDSCAPE ARCHITECT

LANDWORKS STUDIO 102 S. CHERRY STREET, 2ND FLOOR OLATHE, KS 66061 P: 913.780.6707



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3.19.19-CITY REVIEW COMMENTS 3.20.19-CITY REVIEW COMMENTS

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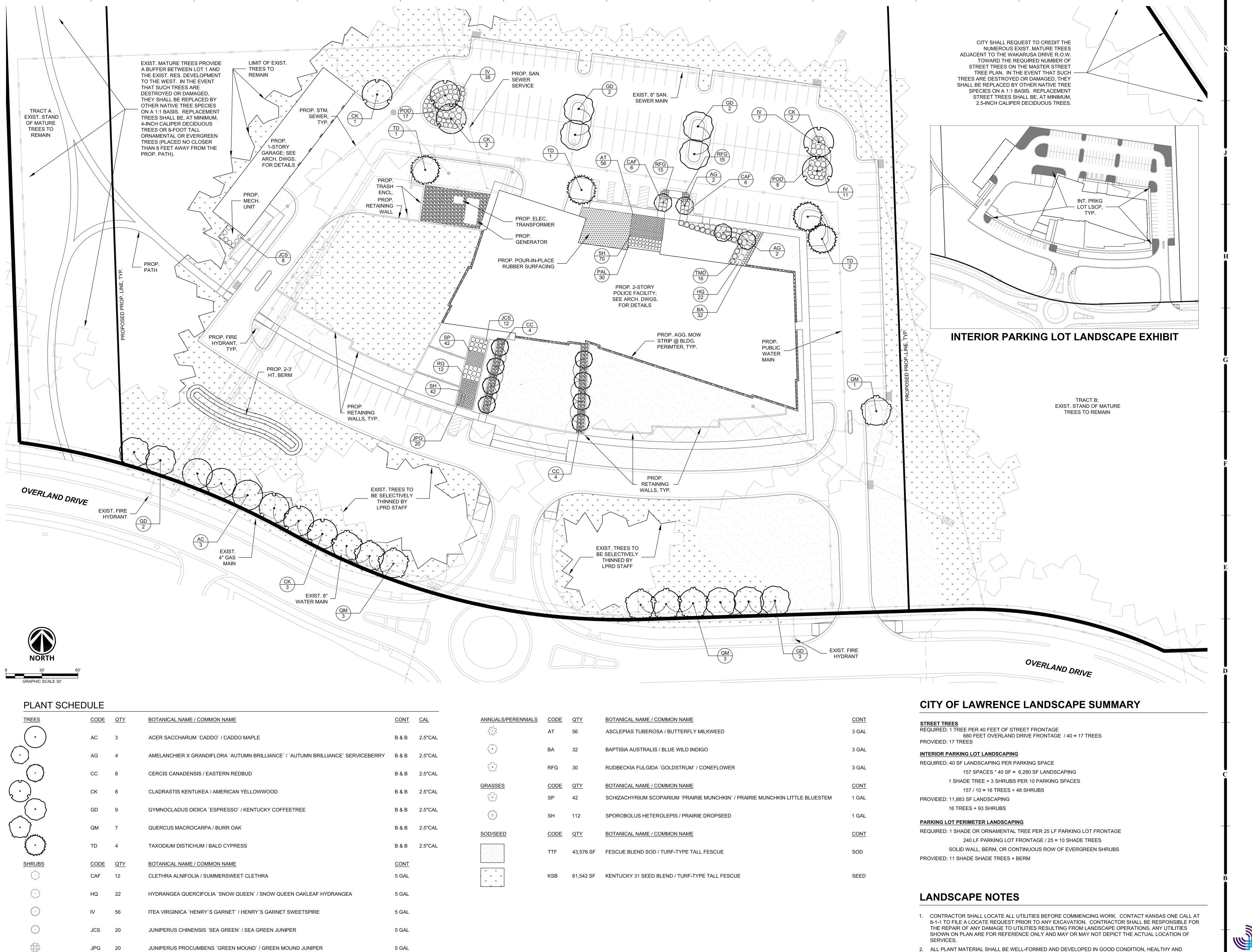
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REVISION DATES:

102 S. CHERRY STREET. 2ND FLOOR OLATHE, KS 66061 | TEL: 913-780-6707

DISEASE-FREE, AND BE TYPICAL OF THE SPECIES. PLANTS SHALL COMPLY WITH ACCEPTABLE STANDARDS

AS SET FORTH IN THE LATEST EDITION OF THE "AMERICAN STANDARD FOR NURSERY STOCK."

SODDED, OR LANDSCAPED WITH PLANT MATERIALS.

20-811(g)(2)(ii)(d) OF THE CITY OF LAWRENCE LAND DEVELOPMENT CODE.

20-1006(b) OF THE CITY OF LAWRENCE LAND DEVELOPMENT CODE.

3. UNLESS OTHERWISE NOTED, ALL AREAS NOT DESIGNATED AS PAVEMENT OR BUILDING WILL BE SEEDED,

4. TREES SHALL BE PLANTED NO CLOSER THAN 8 FEET FROM EXISTING AND PROPOSED UTILITY LINES, WHERE PRACTICAL AND APPROVED BY THE PLANNING DIRECTOR, IN ACCORDANCE WITH SECTION

5. ALL GROUND MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED IN ACCORDANCE WITH SECTION

HOEFER WYSOCKI #: 188061 LANDSCAPE ARCHITECTURE + DESIGN

LANDSCAPE PLAN

PROFESSIONAL SEAL

PEROVSKIA ATRIPLICIFOLIA `LACEY BLUE` / RUSSIAN SAGE

PHYSOCARPUS OPULIFOLIUS 'DIABLO' / DIABLO NINEBARK

RHUS AROMATICA 'GRO-LOW' / GRO-LOW FRAGRANT SUMAC

TAXUS X MEDIA 'DENSIFORMIS' / DENSE YEW

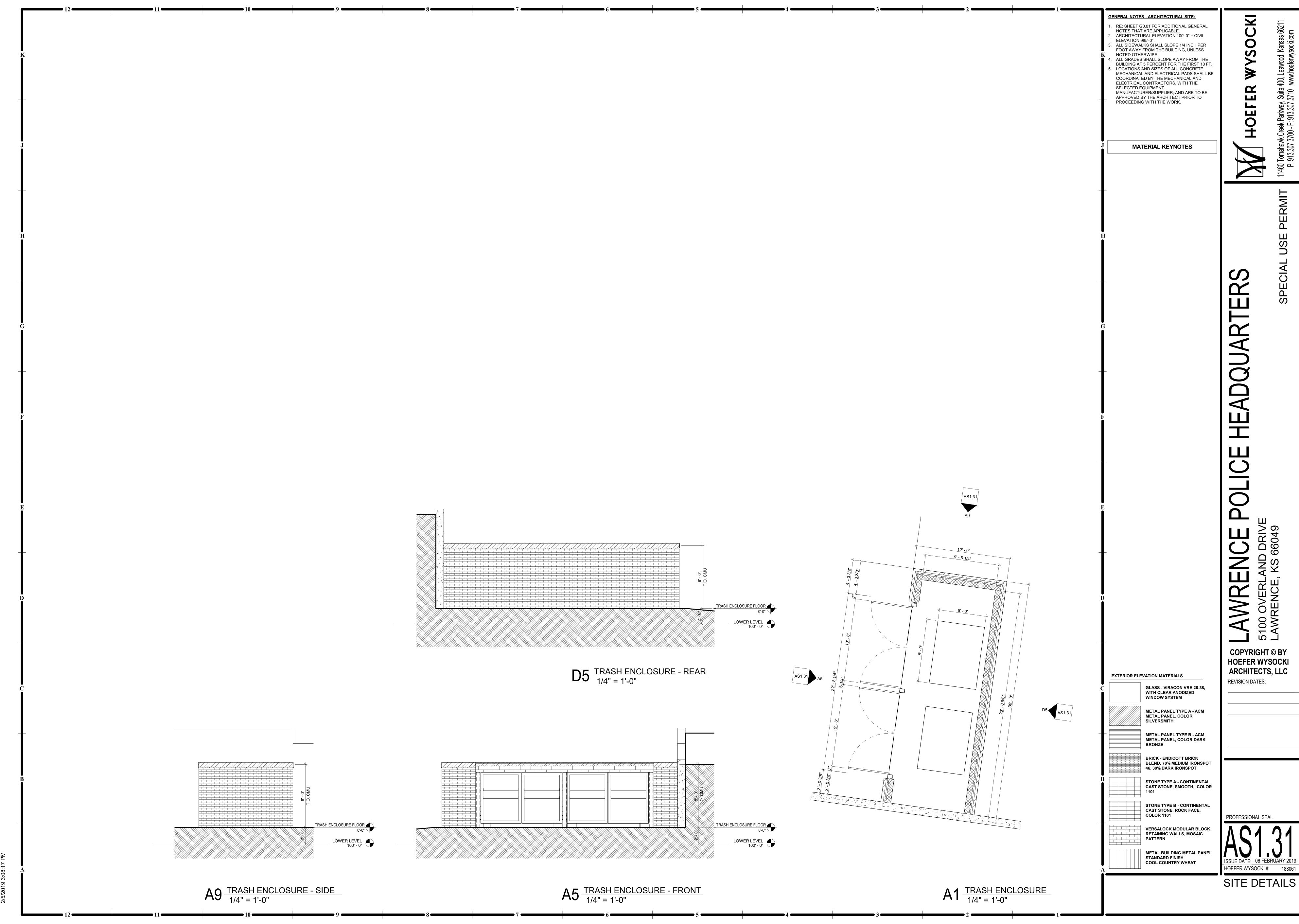
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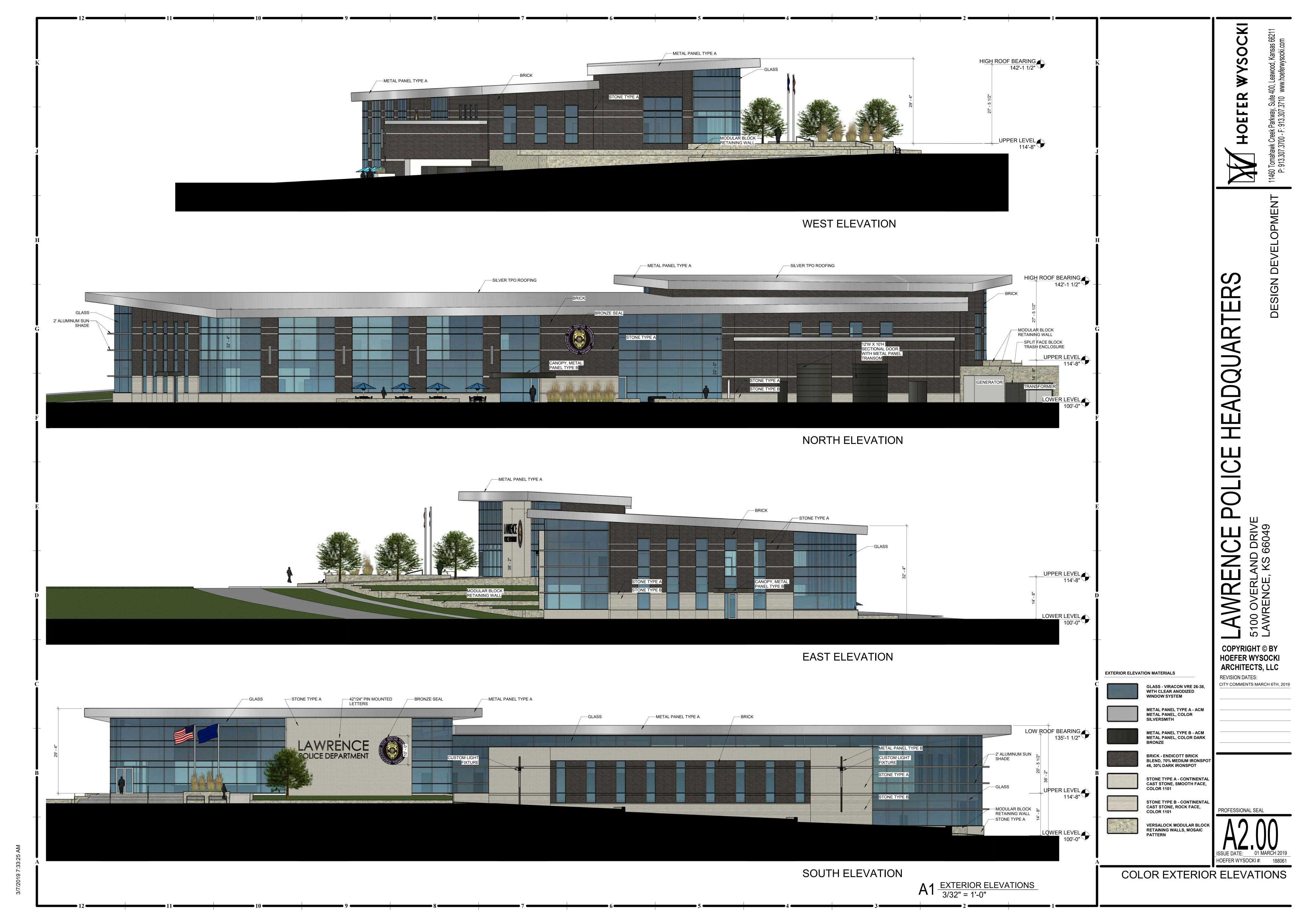
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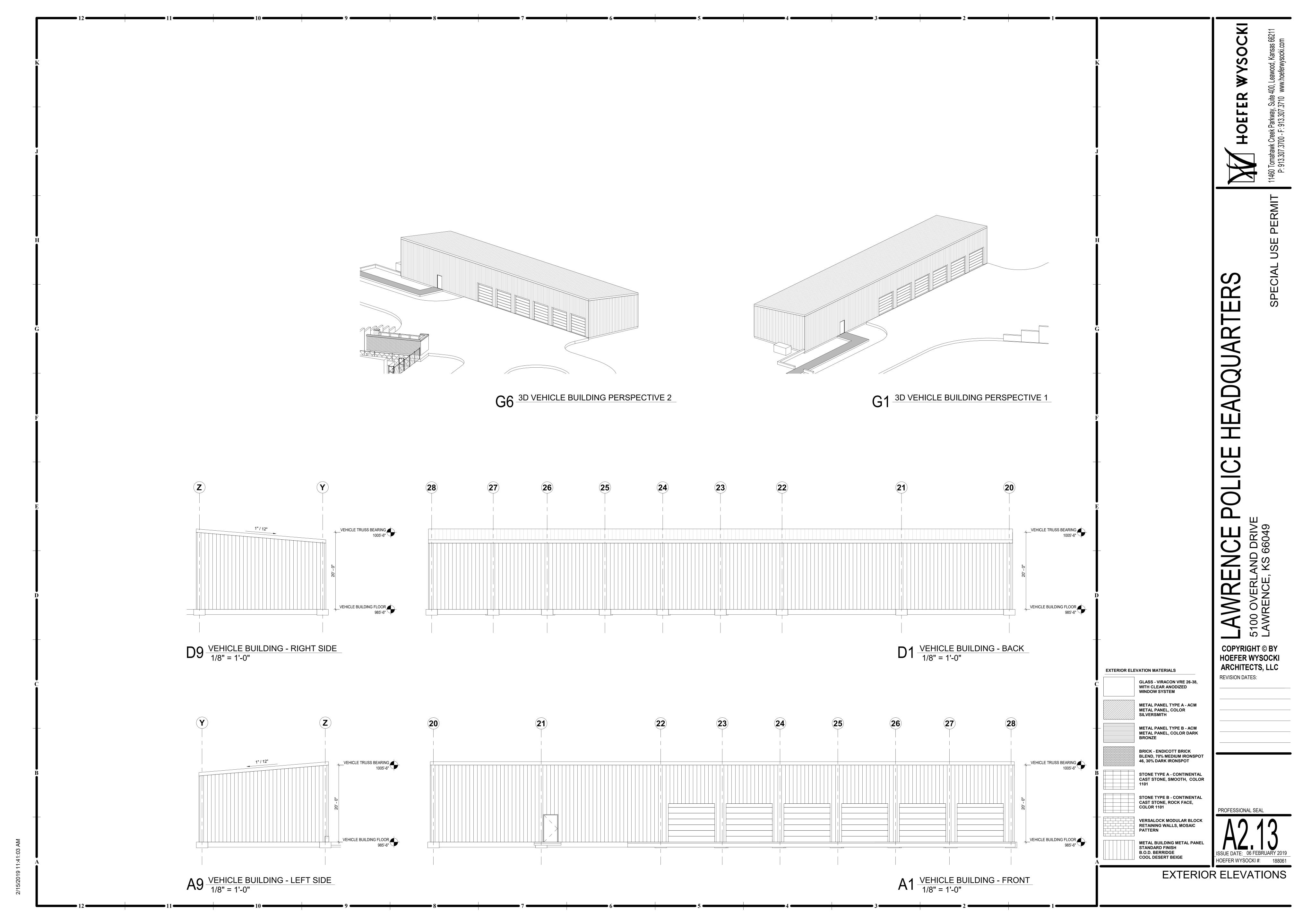
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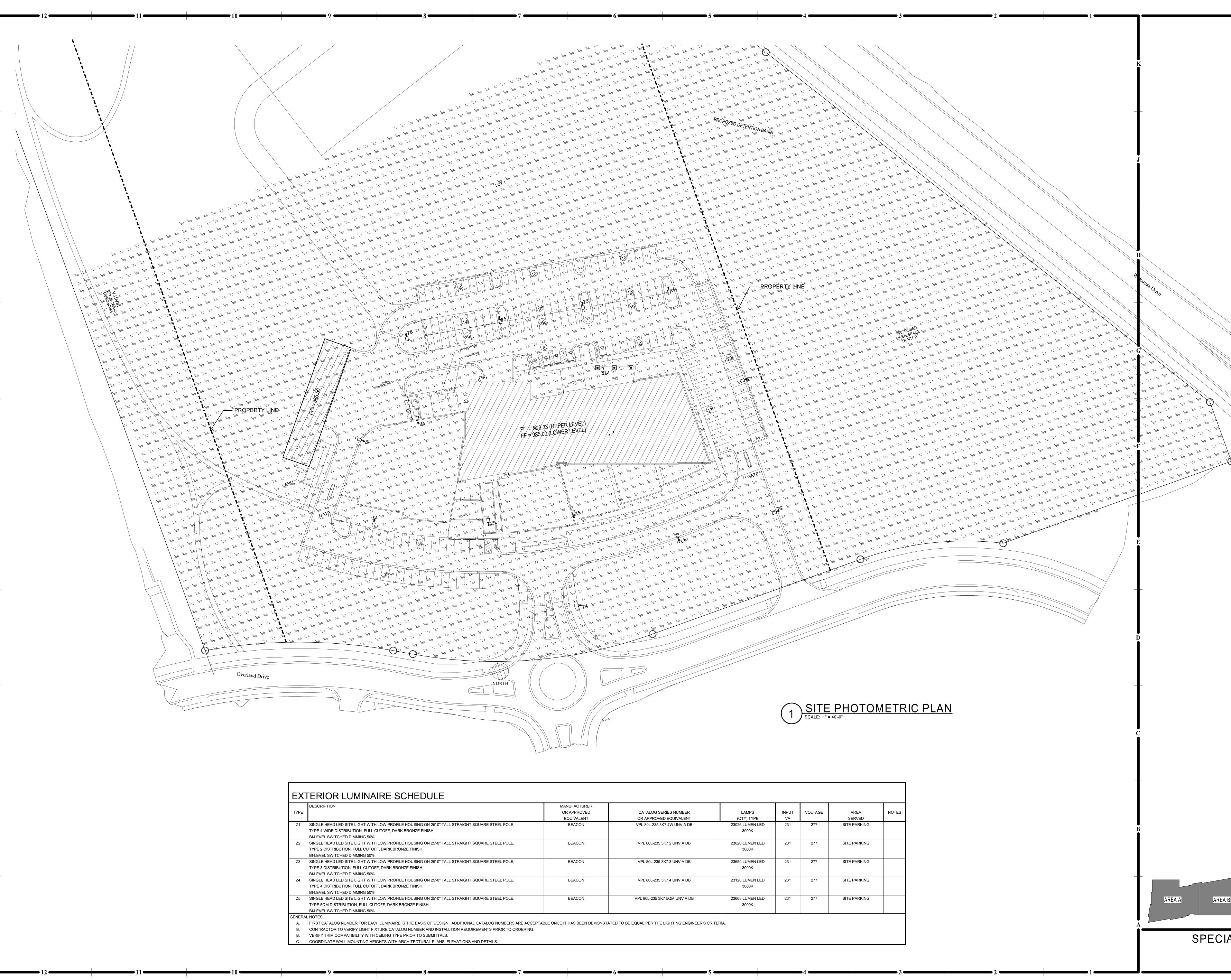
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REVISION DATES:

1 CITY COMMENTS 03-06-2019

HOEFER WYSOCKI #: 188061 SPECIAL USE PERMIT SITE PHOTOMETRICS

7 Step Traffic Impact Analysis

Lawrence Police Headquarters

Proposed Zoning Category Change

Overland Drive & Congressional Drive

CITY OF LAWRENCE

January 21, 2019

Prepared for:

HOEFER WYSOCKI

Prepared by:

McClure

BORNHEASE 23715 23715 PARIS SONAL EXCENSES SONAL EX

January 21, 2019

Date)

Chef Lyn Borkin Killey Jane

__January_21, 2019

Cheryl Lynn Bornheimer Kelley

My license renewal date is April 30, 2020.

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Engineer's Report titled:

Lawrence Police Headquarter TIS

Introduction

This 7 step Traffic Impact Analysis has been prepared for the support of the proposed Lawrence Kansas Police Headquarters. The study has been prepared in accordance with the City of Lawrence's Traffic Impact Study Guidelines. The zoning of the proposed 21-acre site will be changed from OS (open space) to GPI (general public and institutional use). This site will consist of a new police headquarters with a separate garage and two parking lots (public parking and employee parking). The existing parcel is 29 acres, it will be parceled out into two parcels, with the remainder 8-acre parcel to remain OS zoning.

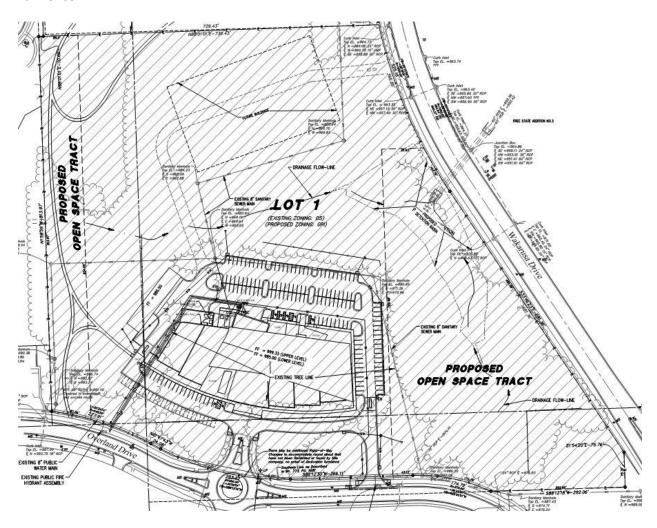
The changes in the traffic generated by the changing in the zoning category revealed that a full traffic study could be warranted in the future depending on the proposed size of the facility. A proposed Open Space Tract was dedicated on the east side of the parcel to retain existing trees and a "park feel". While standard trip generation rates are provided by documents such as the ITE Trip Generation, these documents do not provide standard rates for police stations. Therefore, it was necessary to estimate daily, and peak hour trip generation based on a "person-trip" analysis for time periods. This person-trip analysis consists of estimating the anticipated number of one-way person trips by time of day, then factoring by travel mode and vehicular occupancy to forecast the number of vehicle-trips. The number of one-way person trips was estimated by interviewing the City of Lawrence Police Department shift manager and reviewing staff schedules. The resulting analysis yielded an AM peak hour estimate of 48 vehicles per hour (vph) while the PM peak hour would yield 71 vph. Since the maximum volume of site generated traffic during the peak hour, 71 vph, is less than 100 vph, this 7 Step Analysis would satisfy the City of Lawrence's Development Code. The new access driveway will connect to the existing northerly quadrant of the roundabout located on Overland Drive and Congressional Drive. The analysis of the proposed development does not indicate that there would be any appreciable change in traffic volumes as a result of this project.



Aerial View of City of Lawrence Police Headquarters Site

Step 1: Specific Development Plan and Land Uses

The proposed site is planned to host the new City of Lawrence Police Headquarters. The site will have two structures, the main facility and a separate garage. The public parking lot provides 19 parking spaces, with two of those dedicated to handicap parking and with the potential of an additional 26 future public parking spaces. The gated employee parking area contains 137 parking spaces with 5 dedicated handicap parking stalls. Majority of the parking within the gate will be dedicated for storage on City owned vehicles. The site will include new curb, new landscaping, ADA accessibility, and gated entrances for employees. Below is an image of the site's layout. To the west of the site is Camson Properties, which houses executive Villas and townhomes. To the southwest of the site is also Camson Properties with townhomes and apartments. Directly south of the site is Walmart Supercenter. To the southeast of the site is Family Centered Medicine, a medical walk-in facility. To the east of the site is Free State High School. To the north of the site is the existing open space which is own by the City of Lawrence.



Proposed City of Lawrence Police Headquarters

Step 2: Land Uses Shown in Horizon 2020 for the Proposed Development

As shown in Horizon 2020, The Comprehensive Plan for Lawrence and Unincorporated Douglas County Amendment 10-19-2018, the zoning category for the site will change from OS to GPI. This area is within the incorporated city limits. The flood map for the selected area is number 20045C0156E, effective on 9/2/2015, showed that the site was located outside of the 500-year flood zone.

Step 3: Functional Classification of the Public Streets Bordering the Site

As shown in Transportation 2040 developed by the Metropolitan Transportation Plan of Lawrence and Douglas County, the functional classification of the surrounding streets are as follows:

- Overland Drive Major Collector (access)
 - o Speed Limit of 35 mph
- Congressional Drive Major Collector (access)
 - o Speed Limit of 35 mph
- Wakarusa Drive Principal Arterial (no access)
 - o Speed Limit of 45 mph

There are no known programmed improvements or future planned improvements for any of the roadways listed above in the region directly surrounding the City of Lawrence Police Headquarters development site.

Step 4: Allowable Access to the Development

All traffic headed to the site will arrive and depart from either Overland Drive or Congressional Drive. The site is assumed to have an even split of arrivals and departures from both roadways, as there is an equal distance from two major principal arterial routes. It is noted that majority of traffic on Overland Drive is assumed to use the east access and the all traffic from Congressional Drive will utilize the roundabout access at the intersection of the two roadways.

Congressional Drive has dedicated bike lanes, while Overland Drive is dedicated as a shared use path for bike use. The City of Lawrence Bus Route 6, Downtown to Sports Pavilion Lawrence, includes Overland Drive and already provides access to the site.

Step 5: Current Public Street Characteristics Adjacent to the Site

The two roadways adjacent to the site are Overland Drive and Congressional Drive. Overland Drive is a two-lane roadway with one thru lane in each direction with a posted speed limit of 35 mph. It is 31 ft wide between the edges of the pavement, has a curb and gutter system, sidewalk on the south side and a trail system on the north, and is designated as a shared-use path for bicycles. Congressional Drive is a three-lane roadway with one thru lane in each direction, a two-way left-turn lane, and bike lanes for each direction with a non-posted speed limit of 35 mph. It is 48 ft wide between the edges of pavement, has a curb and gutter system, and has sidewalks on both sides of the street. The intersection of Overland Drive and Congressional Drive is a single lane roundabout and is approximately 1,200 feet away from both major principal arterials of W 6th Street to the south and Wakarusa Drive to the east. The existing roundabout does not have any sight obstructions and utilizes center splitter islands to split entering and exiting traffic. The intersections will also be used as one of the two accesses to the proposed site. Pedestrian crosswalks are already installed at the existing intersection.

Step 6: Proposed Access Compared with AASHTO Criteria

One new access driveway is being proposed on Overland Drive with the main access utilizing the north quadrant of the existing roundabout at the intersection of Overland Drive and Congressional Drive. The proposed new access to the site will meet AASHTO criteria and the City of Lawrence Access Management Guidelines. The distance between the proposed access point and the intersection of Overland Drive and Congressional Drive is approximately 300 ft, exceeding the 250 ft minimum requirement from the City. The driveway width will be 26 ft and the throat length will exceed 50ft which also meets the requirements of Access Management Guidelines. The access point is not likely to require a left-turn or right-turn auxiliary lane. There are no sight obstructions or sight distance issues at the driveway.

Step 7: Estimate of Trips Generated by Existing and Proposed Development

The existing land is vacant with no traffic. For evaluating impacts from new land developments, traffic engineers typically utilize the Trip Generation Manual (10^{th} Edition) published by the Institute of Transportation Engineers (ITE). The 10^{th} Edition is the most current manual and covers a diverse assortment of commercial, residential, industrial and specialty types of land developments. While standard trip generation rates are provided by the 10^{th} Edition, it does not provide standard rates for police stations. Therefore, it was necessary to estimate daily, and peak hour trip generation based on a "person-trip" analysis for time periods. This person-trip analysis consists of estimating the anticipated number of one-way person trips by time of day, then factoring by travel mode and vehicular occupancy to forecast the number of vehicle-trips. The number of one-way person trips was estimated by interviewing the City of Lawrence Police Department shift manager and reviewing staff schedules. Volumes are shown in the table provided below. The resulting analysis yielded an AM peak hour estimate of 48 vehicles per hour (vph) while the PM peak hour would yield 71 vph.

lour Beginning	Administration	Specialists - Detectives	Specialist - Narcotics	Resources Specialist	Animal Control	Patrol	Patrol - Early	Patrol - Mid	Patrol - Late	Utility ¹	Visitors	Total Vehicle
1:00 AM	0	0	0	0	0	0	0	2	1	0	0	
2:00 AM	0	0	0	0	0	0	0	2	2	0	0	
3:00 AM	0	0	0	0	0	0	0	1	10	0	0	1:
4:00 AM	0	0	0	0	0	0	0	1	0	0	0	
5:00 AM	0	1	1	0	0	0	0	1 -	0	0	0	
6:00 AM	4	2	2	0	0	13	0	1	0	0	0	23
7:00 AM	12	5	5	0	0	1	0	13	0	0	0	36
8:00 AM	6	8	8	6	2	2	0	0	0	0	16	48
9:00 AM	4	6	6	0	0	1	0	0	0	2	20	3:
10:00 AM	0	3	3	0	0	2	10	0	0	0	12	30
11:00 AM	0	2	2	2	0	2	1	0	0	2	8	19
12:00 PM	8	5	5	6	2	2	1	0	0	0	20	49
1:00 PM	2	2	2	2	0	1	2	0	0	0	16	27
2:00 PM	0	1	1	0	0	1	1	0	0	2	8	14
3:00 PM	0	3	3	2	0	2	1	0	0	0	12	23
4:00 PM	4	4	4	3	0	2	1	0	10	0	16	44
5:00 PM	6	10	10	6	2	13	2	0	2	0	20	7:
6:00 PM	6	2	2	2	0	0	1	0	1	0	10	24
7:00 PM	0	1	1	0	0	0	1	0	1	0	0	
8:00 PM	0	0	0	0	0	0	1	13	1	0	0	15
9:00 PM	0	0	0	0	0	0	10	1	2	0	0	13
10:00 PM	0	0	0	0	0	0	0	1	1	0	0	
11:00 PM	0	1	1	0	0	0	0	1	1	0	0	
12:00 AM	0	1	1	0	0	0	0	1	1	0	0	
Total Trips	52	57	57	29	6	42	32	38	33	6	158	510

Source: Lawrence Police Department, December 2018

Note 1: Utility trips consist of a daily linen truck, daily UPS delivery, and a daily rug cleaning truck

Highlighting indicates the peak hour

These estimated volumes are relatively small and are not anticipated to significantly change the traffic patterns of the local street network. Pass-by traffic was not estimated for the assumed land use category.

Summary

The estimated generated trips for the proposed City of Lawrence Police Headquarters would be as follows: the AM peak hour yields approximately 48 vph while the PM peak hour yields 71 vph. As the maximum volume is less than 100 vph, this 7 Step Analysis satisfies the City of Lawrence's Development Code. The analysis of the proposed development does not indicate that there would be any appreciable increase in traffic volumes as a result of the proposed change in zoning category.





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SANITARY SEWER STUDY

FOR CITY OF LAWRENCE, KS

Police Department Facility Overland Drive & Wakarusa Drive Douglas County, KS

> Prepared by: Pat Kullberg, P.E. McClure Engineering Company

January 21, 2019





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Project Description

The proposed project consists of a new building for the City of Lawrence Police Department at a site located northwest of the intersection of Overland Drive and Wakarusa Drive in the southwest quarter of Section 28-12-19 in the City of Lawrence, Douglas County, Kansas. The proposed building contains 56,516 square feet of floor area.

Design Criteria

The sanitary sewer calculations have been performed in accordance with the State of Kansas Department of Health and Environment Minimum Standards of Design for Water Pollution Control Facilities.

Sanitary Sewer Calculations

The proposed building will connect to the existing sewer manhole SW281219-004 located north of the proposed building as shown on Exhibit 1. The existing developed area draining to this manhole is 42.4 acres (Exhibit 2). The remainder of the drainage area tributary to this manhole is undeveloped. The proposed sanitary flow from the site is calculated based on actual water usage from a building that has a similar use. The water usage data is attached (Exhibit 3). The existing sanitary sewer flow to the receiving main has been calculated according to the attached table that is part of the KDHE design standards (Exhibit 4).

Existing Flow:

```
Commercial -(14.7 \text{ acres})(.0077 \text{ cfs/ac.}) = 0.1132 \text{ cfs}
Multi-Family Residential -(27.7 \text{ acres})(0.0084 \text{ cfs/ac.}) = 0.2327 \text{ cfs}
Total Existing Flow = 0.1132 + 0.2327 = 0.3459 \text{ cfs}
```

```
Proposed Flow (Municipal Office Building) –
Average Daily Flow = (29 gpd/1000 SF)(56,516 SF) = 1,639 gpd
Peak Flow = (1,639 gpd)(3) = 4,917 gpd = 0.0076 cfs
Proposed flow is 2.2% of existing flow
```

```
Total Design Flow = 0.3459 + 0.0076 = 0.3535 cfs
```

```
Flow in existing 12" sewer at 0.64% slope (See Exhibit 5) – Actual Depth = 0.24'
Actual Velocity = 2.47 fps
Velocity at 50% full = 3.63 fps
Full Flow Capacity = 2.85 cfs
```



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Summary and Recommendations

The project will increase the sewer flow to the existing main by 0.0076 cfs (2.2%). The proposed depth of flow is less than 67% of full flow depth and the velocity is in excess of 2 fps. The existing main is in accordance with KDHE design criteria and we recommend that the proposed building be allowed to connect to the existing sewer main as proposed.

P:\0090218018-000\Project Management\Engineering\Civil\Lawrence PD Sanitary Sewer Study.doc





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Appendix

BE RELOCATED AS SHOWN

SEC 28-12-19

لسا للبا

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PROFESSIONAL SEAL HOEFER WYSOCKI #: 188061

PRELIMINARY SITE DEVELOPMENT PLAN

ArcGIS Web Map

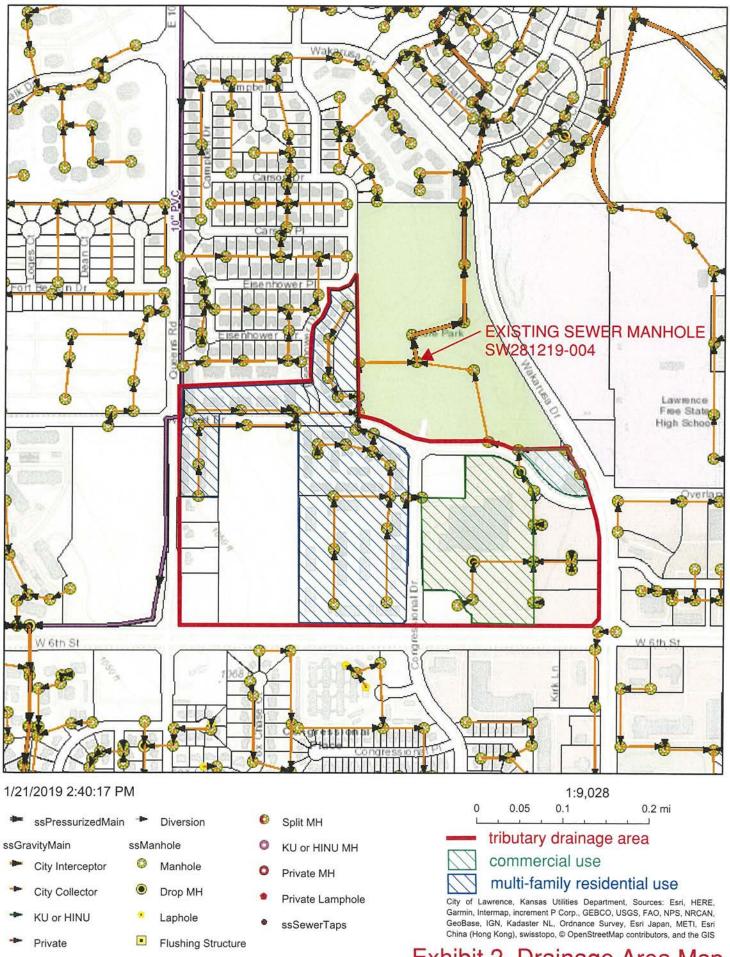


Exhibit 2, Drainage Area Map

MUNICIPAL OFFICE

	OP JUSTICE CENTER	
	12400 FOSTER	
SF BLDG	74,497	
	*GPD	Month/Year
	1,897	12/6/2007
	2,000	11/6/2007
	3,033	10/6/2007
	17,323	9/6/2007
	23,903	8/6/2007
	23,276	7/6/2007
	23,152	6/6/2007
	18,100	5/6/2007
	6,444	4/6/2007
	2,176	3/6/2007
	1,929	2/6/2007
	1,828	1/6/2007
	2,172	12/5/2007
	2,219	11/5/2007
	13,138	10/5/2007
	16,000	9/5/2007
	18,600	8/5/2007
	25,533	7/5/2007
AVG. GPD	2156.75	
GPD/1000 SF	28.95	

AVERAGE GPD PER 1000 SF OF BUILDING AREA =

28.95 GPD/1000SF

MINIMUM BASIS OF DESIGN

		TYPE OF DEVELOPMENT	PMENT			
Pipe Size and Flow	Single Family	Multi-Family (Medium Density)	Multi-Pamily (High Density)	Commercial	Industrial	1
*Design Q	0.0046 cfs/scre	0.0084	0.0139	0.0077	0.0155	
A**Actual Q	0.0058 cfa/acre	0.0106	0.0176	. 2600.0	0.0196	
**Dealgn Q	0,0046	0.0084	0.0139	0,0077	0,0155	
Larger than 18" ***Actual Q	0.0051	0.0092	0.0153	0.0085	0.0170	

*Pipe to carry design flow at 0.67 depth of flow (see Item 2 below) **Pipe to carry design flow at 0.75 depth of flow (see Item 3 below) ***Actual Q = Full Fipe Flow

1. Assumptions include 100 gpcd, peak flow is 3 x Aversge Dry Weather Flow, minimum grades.

Single Family - 3-3.5 units/acre, 3 people/unit, 10 people/acre

Multi-Family (Medium Density) - 4-5 units/acre, 3 people/unit, 18 people/acre

Multi-Family (High Density) - 6-12 units/scre, 2.5 people/unit, 30 people/acre

Commercial - 5000 gpd/acre

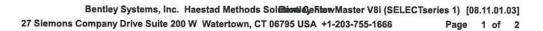
Industrial - 10,000 gpd/acre

- .. Pipe size 8" 18" to carry design flow at 0.67 depth of flow.
- 3. Pipe size larger than 18" to carry design flow at 0.75 depth of flow.
- Example Calculation Single Family, 8'' 18'' sewers, pipe to carry design flow at 0.67 depth of flow, Design Q = 0.79 Actual Q (Full Pipe Flow).

Q Deatgn = 100 gpcd x 10 x 3.0 x 1.547 = 0.00464 cfs/acre 1,000,000

Q Actual = 0.0046 = 0.0058 cfs/acre

Project Description	Lawrence PD - Sanita	
Friction Method	Manning Formula	
Solve For	Normal Depth	
Input Data		AMERICA STREET
Roughness Coefficient	0.013	
Channel Slope	0.00640	ft/ft
Diameter	1.00	ft
Discharge	0.35	ft³/s
Results		
Normal Depth	0.24	ft -
Flow Area	0.14	ft²
Wetted Perimeter	1.02	ft
Hydraulic Radius	0.14	ft
Top Width	0.85	ft
Critical Depth	0.24	ft
Percent Full	23.6	%
Critical Slope	0.00566	ft/ft
Velocity	2.47	ft/s -
Velocity Head	0.09	ft
Specific Energy	0.33	ft
Froude Number	1.06	
Maximum Discharge	3.07	ft³/s
Discharge Full	2.85	ft³/s
Slope Full	0.00010	ft/ft
Flow Type	SuperCritical	
GVF Input Data		
Downstream Depth	0.00	ft
Length	0.00	ft .
Number Of Steps	0	
GVF Output Data		
Upstream Depth	0.00	ft
Profile Description		
Profile Headloss	0.00	ft
Average End Depth Over Rise	0.00	%
Normal Depth Over Rise	23.65	%
Downstream Velocity	Infinity	ft/s







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STORMWATER DRAINAGE STUDY

FOR CITY OF LAWRENCE, KS

Police Department Facility Overland Drive & Wakarusa Drive Douglas County, KS

> Prepared by: Pat Kullberg, P.E. McClure Engineering Company

January 16, 2019





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Report General.....3 Proposed Improvements4-5 Summary & Recommendations5 **Appendix** Aerial Photo Soil Map Flood Map Drainage Map - Offsite Drainage Map - Existing Drainage Map - Proposed PondPack Calculations



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General

Project Description

The proposed project consists of a new building and parking lot for the City of Lawrence Police Department at a site located northwest of the intersection of Overland Drive and Wakarusa Drive in the City of Lawrence, Douglas County, Kansas. The project drains to an unnamed tributary to Baldwin Creek and is located in the southwest quarter of Section 28-12-19. The area of the site is 29.0 acres.

Design Criteria

The stormwater management design criteria consists of the City of Lawrence Stormwater Management Criteria dated February 1996. Runoff volumes and hydrographs were generated using the SCS TR-55 method within Bentley's Pondpack program.

Existing Conditions

Existing Cover & Drainage Patterns

The site is currently undeveloped. The attached aerial photograph (Appendix A) and Existing Conditions Drainage Map (Appendix B) reflects the existing site conditions. The site consists of grass cover and woods with several drainage channels crossing through the site.

The site drains to the east. The majority of the site discharges to the inlet of an existing 2-60" RCP culvert that crosses under Wakarusa Drive. The northern portion of the site drains directly on to Wakarusa Drive and into storm sewer that connects to the above described culvert.

A significant amount of offsite area enters the site from the south and the west. The offsite drainage area is 130 acres and is partially developed with buildings, parking lots and public street improvements. The offsite area flows through the site in multiple drainage channels and exits at the 2-60" culvert. The offsite area contains multiple detention basins. Because the offsite area is detained, the offsite runoff is calculated based on the undeveloped condition.



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Soil Types

The Natural Resources Conservation Service soil maps were referenced to determine the types and characteristics of on-site soils. According to the maps, the majority of site soils belong to hydrologic soils groups (HSG) "C/D" and "D". Soils designated Type "C/D" are Type "D" in their natural condition. A small portion of the site near the culvert inlet consists of Type"B" soils. A map of the on-site soils can be found in Appendix A.

Flood Zone

According to the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the project lies within Zone X and is outside of the FEMA regulated floodplain. The flood map is included in Appendix A.

Runoff

Calculations for the allowable site release rate are shown below. The allowable release from the site is 1.8 cfs/acre in the 100 year storm with the offsite runoff added to that. The portion of the site that drains east in the existing condition is 26.7 acres. The 2.3 acres of the site that drains north is not included in the allowable release rate calculations. Calculations for the runoff hydrographs developed for the offsite area are included in Appendix C.

Site Area Draining East = 26.7 acres

Site Allowable Release Rate = (26.7)(1.8 cfs/acre) = 48.1 cfs

Q₁₀₀ from Offsite = 756.6 cfs

Allowable Release Rate = 756.6 + 48.1 = 804.7 cfs

Existing Q₁₀₀ from onsite and offsite area = 809.5 cfs (hydrographs combined)

100 year water surface elevation at 2-60" culvert inlet = 965.86

Existing Storage Volume provided upstream of culvert inlet = 5.381 ac.-ft.

Proposed Improvements

The site will be developed with new buildings and associated parking and drives. The parking lot will consist of impervious pavement. A detention basin will be constructed to mitigate the runoff impacts of the proposed development. Proposed conditions are shown on the Proposed Conditions Drainage Map included in Appendix B.

Runoff

The existing drainage patterns will be maintained although there is a slight increase to the drainage area that discharges to the inlet of the 2-60" culvert and a corresponding decrease to



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the north drainage area that discharges directly to the Wakarusa right-of-way. Runoff from the proposed development that drains directly to the 2-60" culvert will be collected with drainage inlets and buried storm sewer pipe and conveyed to the existing drainage channels that cross through the site. Runoff from the offsite drainage area will drain through the site as it does currently.

Detention storage volume will be provided by excavating in the low area of the site upstream of the existing 2-60" culvert. The excavation will occur above the ordinary high water mark so a permit from the Corps of Engineers will not be required for this work. The required peak runoff mitigation was achieved by providing the additional storage volume. Modification to the 2-60" culvert is not necessary.

Stormwater models were developed utilizing Bentley's Pondpack program with the integrated SCS TR55 method to simulate on-site and offsite runoff conditions. The 100 year storm using a Type II 24 hour distribution was modeled.

The proposed site release rate and detention design information are shown below. Runoff from the 2.3 acre area that drains northwest is not included. Further details can be found in Appendix C of this report.

Proposed Runoff & Detention Design Information:

Existing Q_{100} from onsite and offsite area = 809.5 cfs (hydrographs combined, see above) Allowable Release Rate = 804.7 cfs (see above) Proposed Q_{100} from onsite and offsite area = 793.2 cfs (hydrographs combined) 100 year water surface elevation at 2-60" culvert inlet = 965.82 Proposed Storage Volume provided upstream of culvert inlet = 5.622 ac.-ft. Additional Detention Storage Volume provided = 5.622 – 5.381 = 0.241 ac.-ft.

Summary and Recommendations

The site is currently undeveloped. The proposed project involves the construction of a new Police Department facility that will include new buildings and parking. This will result in an increase in impervious area. To mitigate the resulting increase in stormwater runoff, detention storage volume will be provided by excavating upstream of the existing site outlet.

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Appendix A Existing Conditions Maps Aerial Photo

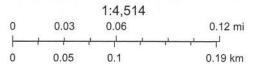
Aerial Photo Soil Map Flood Map

ArcGIS Web Map



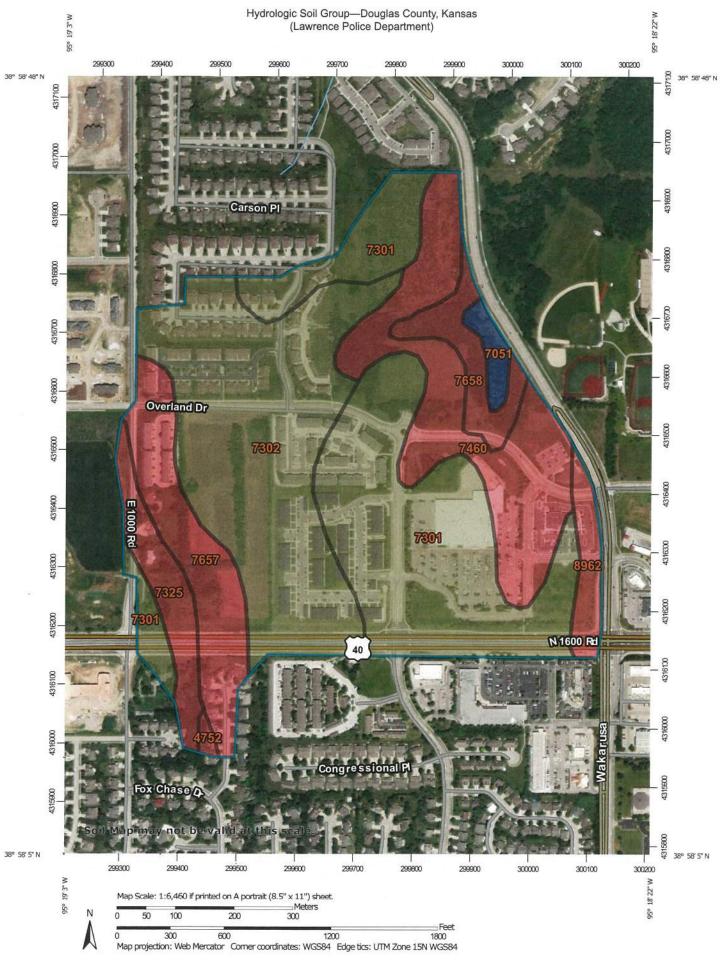
1/16/2019 8:13:04 AM

Parcels



Site Aerial Photo

Douglas County, KS GIS Division, Surdex Corporation



Not rated or not available Streams and Canals Interstate Highways Aerial Photography Major Roads Local Roads US Routes C/D Water Features Transportation Background MAP LEGEND ŧ Not rated or not available Not rated or not available Area of Interest (AOI) Soil Rating Polygons Area of Interest (AOI) Soil Rating Points Soil Rating Lines AD B/D C/D C/D AND B/D 4 . ł Soils

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas

Survey Area Data: Version 15, Sep 12, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 27, 2016—Aug 3, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

AD

B/D

Page 2 of 4

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
4752	Sogn-Vinland complex, 3 to 25 percent slopes	D	0.4	0.3%
7051	Kennebec silt loam, frequently flooded	В	1.7	1.3%
7301	Martin silty clay loam, 1 to 3 percent slopes	C/D	41.1	31.3%
7302	Martin silty clay loam, 3 to 7 percent slopes	C/D	39.4	29.9%
7325	Martin-Oska silty clay loams, 3 to 6 percent slopes	D	6.2	4.7%
7460	Oska silty clay loam, 3 to 6 percent slopes	D	21.5	16.3%
7657	Vinland-Martin complex, 7 to 15 percent slopes	D	12.5	9.5%
7658	Vinland-Rock outcrop complex, 15 to 45 percent slopes	D	5.3	4.0%
8962	Woodson silt loam, 1 to 3 percent slopes	D	3.4	2.6%
Totals for Area of Inter	est		131.5	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

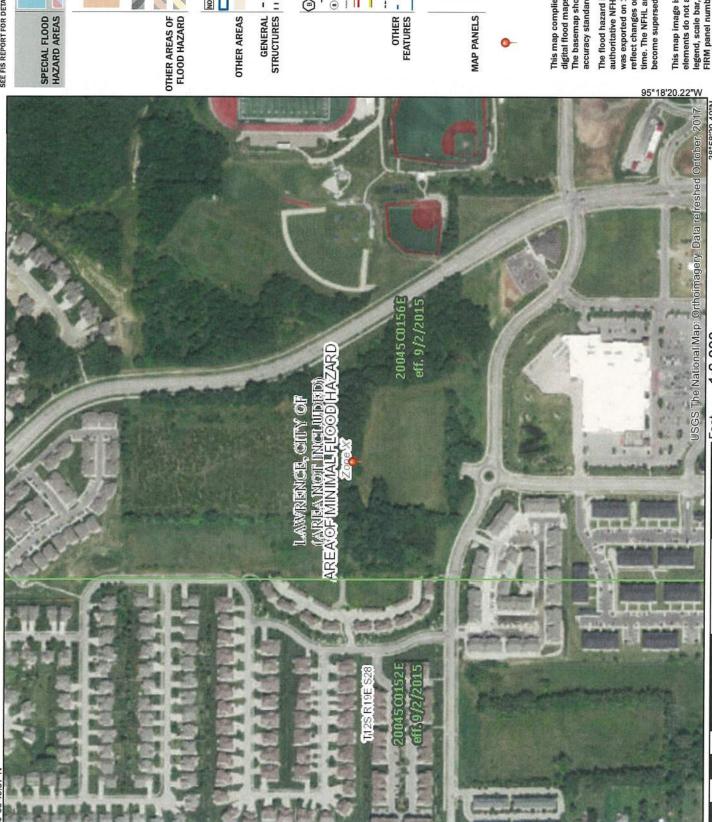
Rating Options

Aggregation Method: Dominant Condition Component Percent Cutoff: None Specified

Tie-break Rule: Higher

National Flood Hazard Layer FIRMette





Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

With BFE or Depth Zone AE, AO, AH, VE, AR Without Base Flood Elevation (BFE) Regulatory Floodway

of 1% annual chance flood with average 0.2% Annual Chance Flood Hazard, Area depth less than one foot or with drainag areas of less than one square mile Zone

Future Conditions 1% Annual Chance Flood Hazard Zone

Area with Flood Risk due to Levee Zone D Area with Reduced Flood Risk due to Levee, See Notes, Zone >

No screen Area of Minimal Flood Hazard Zone X

Effective LOMRs

Area of Undetermined Flood Hazard Zone

OTHER AREAS

Channel, Culvert, or Storm Sewer STRUCTURES | 111111 Levee, Dike, or Floodwall Cross Sections with 1% Annual Chance

Water Surface Elevation

Base Flood Elevation Line (BFE) Coastal Transect Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline Profile Baseline

OTHER FEATURES

Hydrographic Feature

Digital Data Available

No Digital Data Available

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represe an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

authoritative NFHL web services provided by FEMA. This map reflect changes or amendments subsequent to this date and was exported on 1/14/2019 at 2:11:50 PM and does not time. The NFHL and effective information may change or The flood hazard information is derived directly from the become superseded by new data over time. This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for legend, scale bar, map creation date, community identifiers, regulatory purposes

1,500

1,000

500

250

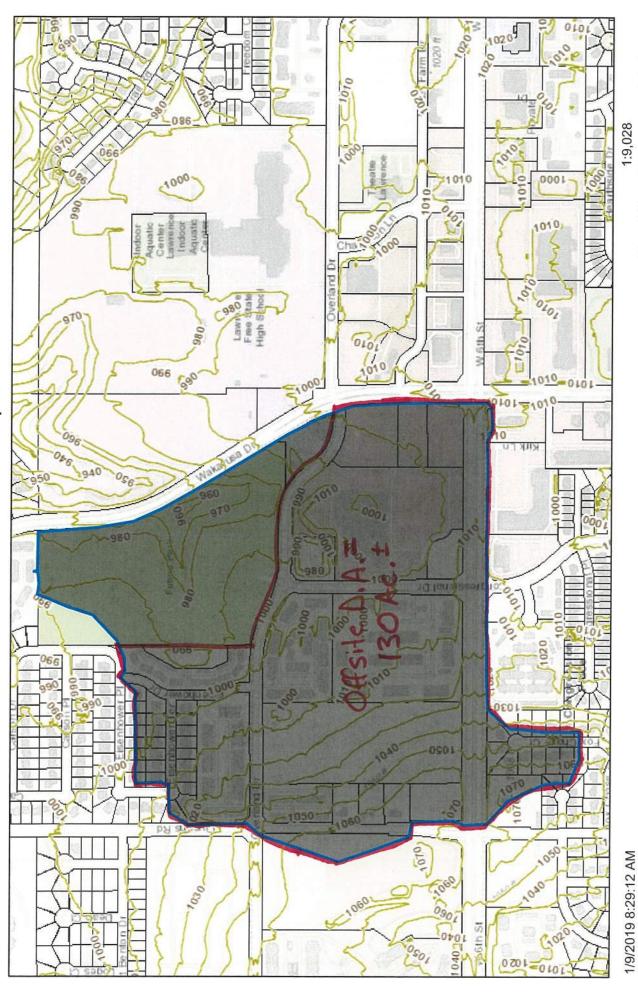


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Appendix B

Maps
Drainage Map - Offsite
Drainage Map - Existing Drainage Map - Proposed ArcGIS Web Map



Drainage Map-Offsite

Parcels

FEMA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO,
Web AppBuilder for ArcGIS
City of Lawrence Kansas

0.2 mi

0.1

0.05

0.3 km

0.15

0.07

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REVISION DATES:

PROFESSIONAL SEAL

PROPOSED CONDITIONS DRAINAGE MAP





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Appendix C Drainage Calculations PondPack Calculations



Project Summary		•
Title	Lawrence Police Department	•
Engineer		
Company		
Date	1/9/2019	
Notes	Existing Conditions	

Scenario: Douglas County, 100 yr

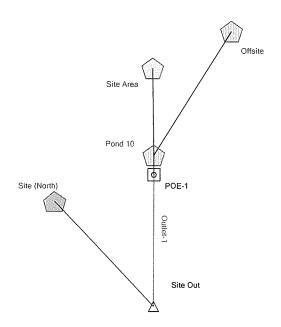


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Subsection: Master Network Summary

Catchments Summary

Label	Scenario	Return Event (years)	Hydrograph Volume (ac-ft)	Time to Peak (hours)	Peak Flow (ft³/s)
Offsite	Douglas County, 100 yr	100	60.952	12.100	756.58
Site (North)	Douglas County, 100 yr	100	2.806	12.000	43.07
Site Area	Douglas County, 100 yr	100	8.879	12.000	143.31

Node Summary

Label	Scenario	Return Event (years)	Hydrograph Volume (ac-ft)	Time to Peak (hours)	Peak Flow (ft³/s)
Site Out	Douglas County, 100 yr	100	72.611	12.150	809.51

Pond Summary

Label	Scenario	Return Event (years)	Hydrograph Volume (ac-ft)	Time to Peak (hours)	Peak Flow (ft³/s)	Maximum Water Surface Elevation (ft)	Maximum Pond Storage (ac-ft)
Pond 10 (IN)	Douglas County, 100 yr	100	69.831	12.050	870.75	(N/A)	(N/A)
Pond 10 (OUT)	Douglas County, 100 yr	100	69.831	12.150	785.63	965.86	5.381

Subsection: Time-Depth Curve Return Event: 100 years Label: Douglas County Storm Event: 100 yr

Time-Depth Curve: 100 yr	
Label	100 yr
Start Time	0.000 hours
Increment	0.100 hours
End Time	24.000 hours
Return Event	100 years

CUMULATIVE RAINFALL (in) Output Time Increment = 0.100 hours Time on left represents time for first value in each row.

Time (hours)	Depth (in)	Depth (in)	Depth (in)	Depth (in)	Depth (in)
0.000	0.0	0.0	0.0	0.0	0.0
0.500	0.0	0.0	0.1	0.1	0.1
1.000	0.1	0.1	0.1	0.1	0.1
1.500	0.1	0.1	0.1	0.2	0.2
2.000	0.2	0.2	0.2	0.2	0.2
2.500	0.2	0.2	0.2	0.3	0.3
3.000	0.3	0.3	0.3	0.3	0.3
3.500	0.3	0.3	0.3	0.4	0.4
4.000	0.4	0.4	0.4	0.4	0.4
4.500	0.4	0.4	0.5	0.5	0.5
5.000	0.5	0.5	0.5	0.5	0.5
5.500	0.6	0.6	0.6	0.6	0.6
6.000	0.6	0.6	0.7	0.7	0.7
6.500	0.7	0.7	0.7	0.8	0.8
7.000	0.8	0.8	0.8	0.8	0.8
7.500	0.9	0.9	0.9	0.9	0.9
8.000	0.9	1.0	1.0	1.0	1.0
8.500	1.0	1.1	1.1	1.1	1.1
9.000	1.2	1.2	1.2	1.2	1.3
9.500	1.3	1.3	1.3	1.4	1.4
10.000	1.4	1.5	1.5	1.5	1.6
10.500	1.6	1.7	1.7	1.7	1.8
11.000	1.9	1.9	2.0	2.1	2.1
11.500	2.2	2.4	2.8	3.4	4.5
12.000	5.2	5.4	5.5	5.6	5.7
12.500	5.8	5.9	5.9	6.0	6.0
13.000	6.1	6.1	6.2	6.2	6.3
13.500	6.3	6.3	6.4	6.4	6.4
14.000	6.5	6.5	6.5	6.6	6.6
14.500	6.6	6.6	6.7	6.7	6.7
15.000	6.7	6.8	6.8	6.8	6.8
15.500	6.9	6.9	6.9	6.9	6.9
16.000	7.0	7.0	7.0	7.0	7.0
16.500	7.0	7.1	7.1	7.1	7.1

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Subsection: Time-Depth Curve
Label: Douglas County

Return Event: 100 years
Storm Event: 100 yr

CUMULATIVE RAINFALL (in) Output Time Increment = 0.100 hours Time on left represents time for first value in each row.

Time (hours)	Depth (in)	Depth (in)	Depth (in)	Depth (in)	Depth (in)
17.000	7.1	7.1	7.2	7.2	7.2
17.500	7.2	7.2	7.2	7.2	7.3
18.000	7.3	7.3	7.3	7.3	7.3
18.500	7.3	7.4	7.4	7.4	7.4
19.000	7.4	7.4	7.4	7.4	7.5
19.500	7.5	7.5	7.5	7.5	7.5
20.000	7.5	7.5	7.5	7.6	7.6
20.500	7.6	7.6	7.6	7.6	7.6
21.000	7.6	7.6	7.6	7.7	7.7
21.500	7.7	7.7	7.7	7.7	7.7
22.000	7.7	7.7	7.7	7.7	7.8
22.500	7.8	7.8	7.8	7.8	7.8
23.000	7.8	7.8	7.8	7.8	7.8
23.500	7.9	7.9	7.9	7.9	7.9
24.000	7.9	(N/A)	(N/A)	(N/A)	(N/A)

Subsection: Time of Concentration Calculations Return Event: 100 years
Label: Offsite Storm Event: 100 yr

Time of Concentration Results

Time of Concentration Results				
Segment #1: TR-55 Sheet Flow				
Hydraulic Length	100.00 ft			
Manning's n	0.1S0			
Slope	0.010 ft/ft			
2 Year 24 Hour Depth	3.6 in			
Average Velocity	0.14 ft/s			
Segment Time of Concentration	0.203 hours			
Segment #2: TR-55 Shallow Conce	ntrated Flow			
Hydraulic Length	6S0.00 ft			
Is Paved?	False			
Slope	0.060 ft/ft			
Average Velocity	3.9S ft/s			
Segment Time of Concentration	0.046 hours			
Segment #3: Length and Velocity				
Hydraulic Length	2,300.00 ft			
Velocity	7.00 ft/s			
Segment Time of Concentration	0.091 hours			
Time of Constanting (Constanting (Constantin				
Time of Concentration (Composite)				
Time of Concentration (Composite)	0.340 hours			

Subsection: Time of Concentration Calculations Return Event: 100 years

Label: Offsite Storm Event: 100 yr

==== User Defined Length & Velocity

Tc = (Lf / V) / 3600

Tc= Time of concentration, hours

Where: Lf= Flow length, feet

V= Velocity, ft/sec

==== SCS Channel Flow

R = Qa / Wp

Tc = V = (1.49 * (R**(2/3)) * (Sf**-0.5)) / n

(Lf / V) / 3600

R= Hydraulic radius

Aq= Flow area, square feet

Wp= Wetted perimeter, feet

Where: V= Velocity, ft/sec Sf= Slope, ft/ft

n= Manning's n

Tc= Time of concentration, hours

Lf= Flow length, feet

==== SCS TR-55 Shallow Concentration Flow

Unpaved surface:

V = 16.1345 * (Sf**0.5)

Tc = Paved Surface:

V = 20.3282 * (Sf**0.5)

(Lf / V) / 3600

V= Velocity, ft/sec

Sf= Slope, ft/ft

Where: Tc= Time of concentration, hours

Lf= Flow length, feet

Subsection: Time of Concentration Calculations

Label: Site (North)

Return Event: 100 years Storm Event: 100 yr

Time of Concentration Results

Segment #1: TR-55 Sheet Flow	
Hydraulic Length	100.00 ft
Manning's n	0.150
Slope	0.020 ft/ft
2 Year 24 Hour Depth	3.6 in
Average Velocity	0.18 ft/s
Segment Time of Concentration	0.154 hours
Segment #2: TR-55 Shallow Con	centrated Flow
Hydraulic Length	545.00 ft
Is Paved?	False
Slope	0.040 ft/ft
Average Velocity	3.23 ft/s
Segment Time of Concentration	0.047 hours
Time of Concentration (Composite	e)
Time of Concentration (Composite)	0.201 hours

Subsection: Time of Concentration Calculations Return Event: 100 years Label: Site (North) Storm Event: 100 yr

==== SCS Channel Flow

R = Qa / Wp

V = (1.49 * (R**(2/3)) * (Sf**-0.5)) / nTc =

> (Lf / V) / 3600 R= Hydraulic radius Aq= Flow area, square feet Wp= Wetted perimeter, feet

V= Velocity, ft/sec Where:

Sf= Slope, ft/ft n= Manning's n

Tc= Time of concentration, hours

Lf= Flow length, feet

==== SCS TR-55 Shallow Concentration Flow

Unpaved surface:

V = 16.1345 * (Sf**0.5)

Tc = Paved Surface:

V = 20.3282 * (Sf**0.5)

(Lf / V) / 3600 V= Velocity, ft/sec

Sf= Slope, ft/ft Where:

Tc= Time of concentration, hours

Lf= Flow length, feet

Subsection: Time of Concentration Calculations Return Event: 100 years Label: Site Area Storm Event: 100 yr

Time of Concentration Results

Time of Concentration Results				
Segment #1: TR-55 Sheet Flow				
Hydraulic Length	100.00 ft			
Manning's n	0.150			
Slope	0.040 ft/ft			
2 Year 24 Hour Depth	3.6 in			
Average Velocity	0.24 ft/s			
Segment Time of Concentration	0.117 hours			
Segment #2: TR-55 Shallow Conc	entrated Flow			
Hydraulic Length	440.00 ft			
Is Paved?	False			
Slope	0.050 ft/ft			
Average Velocity	3.61 ft/s			
Segment Time of	,			
Concentration	0.034 hours			
Segment #3: Length and Velocity				
Hydraulic Length	430.00 ft			
Velocity	7.00 ft/s			
Segment Time of	0.017 hours			
Concentration	0,017 1,0013			
Time of Concentration (Composite)				
Time of Concentration (Composite)	0.168 hours			

Subsection: Time of Concentration Calculations Return Event: 100 years
Label: Site Area Storm Event: 100 yr

==== User Defined Length & Velocity

Tc = (Lf / V) / 3600

Tc= Time of concentration, hours

Where: Lf= Flow length, feet

V= Velocity, ft/sec

==== SCS Channel Flow

R = Qa / Wp

Tc = V = (1.49 * (R**(2/3)) * (Sf**-0.5)) / n

(Lf / V) / 3600 R= Hydraulic radius Aq= Flow area, square feet

Wp= Wetted perimeter, feet

Where: V = Velocity, ft/sec Sf = Slope, ft/ft

n= Manning's n

Tc= Time of concentration, hours

Lf= Flow length, feet

==== SCS TR-55 Shallow Concentration Flow

Unpaved surface:

V = 16.1345 * (Sf**0.5)

Tc = Paved Surface:

V = 20.3282 * (Sf**0.5)

(Lf / V) / 3600 V= Velocity, ft/sec

Where: Sf= Slope, ft/ft
Tc= Time of concentration, hours

Lf= Flow length, feet

Subsection: Runoff CN-Area Return Event: 100 years Label: Offsite Storm Event: 100 yr

Runoff Curve Number Data

Soil/Surface Description	CN	Area (acres)	C (%)	UC (%)	Adjusted CN
Impervious Area	98.000	9.600	0.0	0.0	98.000
Pervious Area - Grassland	80.000	120.400	0.0	0.0	80.000
COMPOSITE AREA & WEIGHTED CN>	(N/A)	130.000	(N/A)	(N/A)	81.329

Subsection: Runoff CN-Area Return Event: 100 years Label: Site (North) Storm Event: 100 yr

Runoff Curve Number Data

Soil/Surface Description	CN	Area (acres)	C (%)	UC (%)	Adjusted CN
Woods - good - Soil D	77.000	1.000	0.0	0.0	77.000
Pasture, grassland, or range - good - Soil D	80.000	5.100	0.0	0.0	80.000
COMPOSITE AREA & WEIGHTED CN>	(N/A)	6.100	(N/A)	(N/A)	79.508

Subsection: Runoff CN-Area Return Event: 100 years Label: Site Area Storm Event: 100 yr

Runoff Curve Number Data

Soil/Surface Description	CN	Area (acres)	C (%)	UC (%)	Adjusted CN
Woods - good - Soil D	77.000	9.300	0.0	0.0	77.000
Pasture, grassland, or range - good - Soil D	80.000	9.600	0.0	0.0	80.000
Woods - good - Soil B	55.000	1.700	0.0	0.0	55.000
COMPOSITE AREA & WEIGHTED CN>	(N/A)	20.600	(N/A)	(N/A)	76.583

Subsection: Elevation-Area Volume Curve Return Event: 100 years

Label: Pond 10 Storm Event: 100 yr

Elevation (ft)	Planimeter (ft²)	Area (acres)	A1+A2+sqr (A1*A2) (acres)	Volume (ac-ft)	Volume (Total) (ac-ft)
954.20	0.0	0.000	0.000	0.000	0.000
956.00	0.0	0.031	0.031	0.019	0.019
958.00	0.0	0.115	0.206	0.137	0.156
960.00	0.0	0.344	0.658	0.439	0.594
962.00	0.0	0.609	1.411	0.940	1.535
964.00	0.0	1.000	2.389	1.593	3.128
964.50	0.0	1.130	3.193	0.532	3.660
966.00	0.0	1.440	3.846	1.923	5.583

Subsection: Outlet Input Data

Return Event: 100 years

Label: Outlet 1

Storm Event: 100 yr

Requested Pond Water Surface Elevations					
Minimum (Headwater)	954.20 ft				
Increment (Headwater)	1.00 ft				
Maximum (Headwater)	966.00 ft				

Outlet Connectivity

Structure Type	Outlet ID	Direction	Outfall	E1 (ft)	E2 (ft)
Culvert-Circular	Culvert - 1	Forward	TW	954.20	966.00
Irregular Weir	Weir - 1	Forward	TW	964.60	966.00
Tailwater Settings	Tailwater			(N/A)	(N/A)

Subsection: Outlet Input Data Return Event: 100 years

Label: Outlet 1 Storm Event: 100 yr

•	
Structure ID: Culvert - 1 Structure Type: Culvert-Circular	
Number of Barrels	2
Diameter	60.0 in
Length	165.00 ft
Length (Computed Barrel)	165.04 ft
Slope (Computed)	0.023 ft/ft
Outlet Control Data	
Manning's n	0.013
Ke	0.500
Kb	0.004
Kr	0.000
Convergence Tolerance	0.00 ft
Inlet Control Data	
Equation Form	Form 1
Κ	0.0098
М	2.0000
С	0.0398
Υ	0.6700
T1 ratio (HW/D)	1.149

1.295

-0.500

Use unsubmerged inlet control 0 equation below T1 elevation.

Use submerged inlet control 0 equation above T2 elevation

In transition zone between unsubmerged and submerged inlet control,

T2 ratio (HW/D)

Slope Correction Factor

interpolate between flows at T1 & T2...

T1 Elevation	959.94 ft	T1 Flow	153.67 ft³/s
T2 Elevation	960.68 ft	T2 Flow	175.62 ft³/s

Subsection: Outlet Input Data

Return Event: 100 years

Label: Outlet 1

Storm Event: 100 yr

Structure ID: Weir - 1 Structure Type: Irregular Weir

Station (ft)	Elevation (ft)
0.00	966.00
45.00	964.60
75.00	965.00
130.00	966.00

Structure ID: TW

Structure Type: TW Setup, DS Channel

Tailwater Type	Free Outfall		
Convergence Tolerances			
Maximum Iterations	40		
Tailwater Tolerance (Minimum)	0.01 ft		
Tailwater Tolerance (Maximum)	0.50 ft		
Headwater Tolerance (Minimum)	0.01 ft		
Headwater Tolerance (Maximum)	0.50 ft		
Flow Tolerance (Minimum)	0.001 ft ³ /s		
Flow Tolerance (Maximum)	10.000 ft ³ /s		

Subsection: Composite Rating Curve Return Event: 100 years
Label: Outlet 1 Storm Event: 100 yr

Composite Outflow Summary

Water Surface Elevation (ft)	Flow (ft³/s)	Tailwater Elevation (ft)	Convergence Error (ft)
954.20	0.00	(N/A)	0.00
955.20	11.73	(N/A)	0.00
956.20	44.54	(N/A)	0.00
957.20	94.62	(N/A)	0.00
958.20	157.97	(N/A)	0.00
959.20	229.80	(N/A)	0.00
960.20	305.52	(N/A)	0.00
961.20	378.99	(N/A)	0.00
962.20	427.06	(N/A)	0.00
963.20	470.26	(N/A)	0.00
964.20	509.83	(N/A)	0.00
964.60	524.81	(N/A)	0.00
965.20	579.77	(N/A)	0.00
966.00	829.82	(N/A)	0.00

Contributing Structures

	Contributing Structures
	None Contributing
	Culvert - 1
	Culvert - 1 + Weir - 1
i	Culvert - 1 + Weir - 1
	Culvert - 1 + Weir - 1

Subsection: Elevation-Volume-Flow Table (Pond)

Return Event: 100 years

Label: Pond 10

Storm Event: 100 yr

Infiltration			
Infiltration Method (Computed)	No Infiltration		
Initial Conditions			
Elevation (Water Surface, Initial)	954.20 ft		
Volume (Initial)	0.000 ac-ft		
Flow (Initial Outlet)	0.00 ft ³ /s		
Flow (Initial Infiltration)	0.00 ft ³ /s		
Flow (Initial, Total)	0.00 ft ³ /s		
Time Increment	0.050 hours		

Elevation (ft)	Outflow (ft³/s)	Storage (ac-ft)	Area (acres)	Infiltration (ft³/s)	Flow (Total) (ft³/s)	2S/t + O (ft³/s)
954.20	0.00	0.000	0.000	0.00	0.00	0.00
955.20	11.73	0.003	0.010	0.00	11.73	13.27
956.20	44.54	0.025	0.037	0.00	44.54	56.83
957.20	94.62	0.080	0.075	0.00	94.62	133.48
958.20	157.97	0.180	0.132	0.00	157.97	245.32
959.20	229.80	0.363	0.238	0.00	229.80	405.47
960.20	305.52	0.665	0.367	0.00	305.52	627.59
961.20	378.99	1.094	0.494	0.00	378.99	908.69
962.20	427.06	1.660	0.644	0.00	427.06	1,230.53
963.20	470.26	2.396	0.832	0.00	470.26	1,629.90
964.20	509.83	3.333	1.051	0.00	509.83	2,122.92
964.60	524.81	3.774	1.149	0.00	524.81	2,351.36
965.20	579.77	4.499	1.270	0.00	579.77	2,757.49
966.00	829.82	5.583	1.440	0.00	829.82	3,531.85

Subsection: Level Pool Pond Routing Summary Return Event: 100 years

Label: Pond 10 (IN)

Storm Event: 100 yr

` ,			
Infiltration			
Infiltration Method (Computed)	No Infiltration		
Initial Conditions			
Elevation (Water Surface, Initial)	954.20 ft		
Volume (Initial)	0.000 ac-ft		
Flow (Initial Outlet)	0.00 ft ³ /s		
Flow (Initial Infiltration)	0.00 ft ³ /s		
Flow (Initial, Total)	0.00 ft ³ /s		
Time Increment	0.050 hours		
Inflow/Outflow Hydrograph S	ummary		
Flow (Peak In)	870.75 ft ³ /s	Time to Peak (Flow, In)	12.050 hours
Flow (Peak Outlet)	785.63 ft³/s	Time to Peak (Flow, Outlet)	12.150 hours
Elevation (Water Surface, Peak)	965.86 ft		
Volume (Peak)	5.381 ac-ft		
Mass Balance (ac-ft)	W-11-00-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-		
Volume (Initial)	0.000 ac-ft	••••	
Volume (Total Inflow)	69.831 ac-ft		
Volume (Total Infiltration)	0.000 ac-ft		
Volume (Total Outlet Outflow)	69.831 ac-ft		
Volume (Retained)	0.000 ac-ft		
Volume (Unrouted)	0.000 ac-ft		
Error (Mass Balance)	0.0 %		

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Lawrence Police Department Proposed Condition

Project Summary		
Title	Lawrence Police Department	
Engineer		
Company		
Date	1/9/2019	
Notes	Proposed Condition	s

Scenario: Douglas County, 100 yr

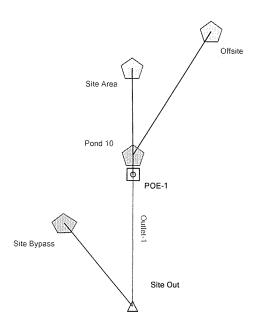


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Lawrence Police Department Proposed Condition

Subsection: Master Network Summary

Catchments Summary

Label	Scenario	Return Event (years)	Hydrograph Volume (ac-ft)	Time to Peak (hours)	Peak Flow (ft³/s)
Offsite	Douglas County, 100 yr	100	60.952	12.100	756.58
Site Area	Douglas County, 100 yr	100	10.892	11.950	185.14
Site Bypass	Douglas County, 100 yr	100	2.490	12.000	38.08

Node Summary

Label	Scenario	Return Event (years)	Hydrograph Volume (ac-ft)	Time to Peak (hours)	Peak Flow (ft³/s)
Site Out	Douglas County, 100 yr	100	74.307	12.150	793.19

Pond Summary

Label	Scenario	Return Event (years)	Hydrograph Volume (ac-ft)	Time to Peak (hours)	Peak Flow (ft³/s)	Maximum Water Surface Elevation (ft)	Maximum Pond Storage (ac-ft)
Pond 10 (IN)	Douglas County, 100 yr	100	71.844	12.050	870.82	(N/A)	(N/A)
Pond 10 (OUT)	Douglas County, 100 yr	100	71.844	12.150	772.14	965.82	5.622

Subsection: Time-Depth Curve Return Event: 100 years Label: Douglas County Storm Event: 100 yr

Time-Depth Curve: 100 yr	
Label	100 yr
Start Time	0.000 hours
Increment	0.100 hours
End Time	24.000 hours
Return Event	100 years

CUMULATIVE RAINFALL (in) Output Time Increment = 0.100 hours Time on left represents time for first value in each row.

Time (hours)	Depth (in)	Depth (in)	Depth (in)	Depth (in)	Depth (in)
0.000		0.0	0.0	0.0	0.0
0.500	4	0.0	0.1	0.1	0.1
1.000	1	0.1	0.1	0.1	0.1
1.500	1	0.1	0.1	0.2	0.2
2.000		0.2	0.2	0.2	0.2
2.500	1	0.2	0.2	0.3	0.3
3.000	i	0.3	0.3	0.3	0.3
3.500	0.3	0.3	0.3	0.4	0.4
4.000	0.4	0.4	0.4	0.4	0.4
4.500	0.4	0.4	0.5	0.5	0.5
5.000	0.5	0.5	0.5	0.5	0.5
5.500	0.6	0.6	0.6	0.6	0.6
6.000	0.6	0.6	0.7	0.7	0.7
6.500	0.7	0.7	0.7	0.8	0.8
7.000	0.8	0.8	0.8	0.8	0.8
7.500	0.9	0.9	0.9	0.9	0.9
8.000	0.9	1.0	1.0	1.0	1.0
8.500	1.0	1.1	1.1	1.1	1.1
9.000	1.2	1.2	1.2	1.2	1.3
9.500	1.3	1.3	1.3	1.4	1.4
10.000	1.4	1.5	1.5	1.5	1.6
10.500	1.6	1.7	1.7	1.7	1.8
11.000	1.9	1.9	2.0	2.1	2.1
11.500	2.2	2.4	2.8	3.4	4.5
12.000	5.2	5.4	5.5	5.6	5.7
12.500	5.8	5.9	5.9	6.0	6.0
13.000	6.1	6.1	6.2	6.2	6.3
13.500	6.3	6.3	6.4	6.4	6.4
14.000	6.5	6.5	6.5	6.6	6.6
14.500	6.6	6.6	6.7	6.7	6.7
15.000	6.7	6.8	6.8	6.8	6.8
15.500	6.9	6.9	6.9	6.9	6.9
16.000	7.0	7.0	7.0	7.0	7.0
16.500	7.0	7.1	7.1	7.1	7.1

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Subsection: Time-Depth Curve Return Event: 100 years Label: Douglas County Storm Event: 100 yr

CUMULATIVE RAINFALL (in) Output Time Increment = 0.100 hours Time on left represents time for first value in each row.

Time (hours)	Depth (in)	Depth (in)	Depth (in)	Depth (in)	Depth (in)
17.000	7.1	7.1	7.2	7.2	7.2
17.500	7.2	7.2	7.2	7.2	7.3
18.000	7.3	7.3	7.3	7.3	7.3
18.500	7.3	7.4	7.4	7.4	7.4
19.000	7.4	7.4	7.4	7.4	7.5
19.500	7.5	7.5	7.5	7.5	7.5
20.000	7.5	7.5	7.5	7.6	7.6
20.500	7.6	7.6	7.6	7.6	7.6
21.000	7.6	7.6	7.6	7.7	7.7
21.500	7.7	7.7	7.7	7.7	7.7
22.000	7.7	7.7	7.7	7.7	7.8
22.500	7.8	7.8	7.8	7.8	7.8
23.000	7.8	7.8	7.8	7.8	7.8
23.500	7.9	7.9	7.9	7.9	7.9
24.000	7.9	(N/A)	(N/A)	(N/A)	(N/A)

Subsection: Time of Concentration Calculations

Return Event: 100 years Label: Offsite Storm Event: 100 yr

Time of Concentration Results

I Ime of Concentration Results	
Segment #1: TR-55 Sheet Flow	
Hydraulic Length	100.00 ft
Manning's n	0.150
Slope	0.010 ft/ft
2 Year 24 Hour Depth	3.6 in
Average Velocity	0.14 ft/s
Segment Time of Concentration	0.203 hours
Segment #2: TR-55 Shallow Cor	ncentrated Flow
Hydraulic Length	650.00 ft
Is Paved?	False
Slope	0.060 ft/ft
Average Velocity	3.95 ft/s
Segment Time of Concentration	0.046 hours
Segment #3: Length and Velocit	у
Hydraulic Length	2,300.00 ft
Velocity	7.00 ft/s
Segment Time of Concentration	0.091 hours
Time of Concentration (Composit	e)
Time of Concentration (Composite)	0.340 hours

Subsection: Time of Concentration Calculations Return Event: 100 years Label: Offsite Storm Event: 100 yr

==== User Defined Length & Velocity

Tc = (Lf / V) / 3600

Tc= Time of concentration, hours

Where: Lf= Flow length, feet

V= Velocity, ft/sec

==== SCS Channel Flow

R = Qa / Wp

Tc = V = (1.49 * (R**(2/3)) * (Sf**-0.5)) / n

(Lf / V) / 3600 R= Hydraulic radius Aq= Flow area, square feet Wp= Wetted perimeter, feet

V= Velocity, ft/sec

Where: V= velocity, n/set
Sf= Slope, ft/ft
n= Manning's n

Tc= Time of concentration, hours

Lf= Flow length, feet

==== SCS TR-55 Shallow Concentration Flow

Unpaved surface:

V = 16.1345 * (Sf**0.5)

Tc = Paved Surface:

V = 20.3282 * (Sf**0.5)

(Lf / V) / 3600 V= Velocity, ft/sec Sf= Slope, ft/ft

Where: Tc= Time of concentration, hours

Lf= Flow length, feet

Subsection: Time of Concentration Calculations Return Event: 100 years

Label: Site Area Storm Event: 100 yr

Time of Concentration Results

Segment #1: User Defined Tc	
Time of Concentration	0.083 hours
Segment #2: Length and Velocity	
Hydraulic Length	700.00 ft
Velocity	7.00 ft/s
Segment Time of Concentration	0.028 hours
Time of Concentration (Composite)	
Time of Concentration (Composite)	0.111 hours

Subsection: Time of Concentration Calculations Return Event: 100 years Label: Site Area Storm Event: 100 yr

==== User Defined

Tc = Value entered by user

Where: Tc= Time of concentration, hours

==== User Defined Length & Velocity

Tc = (Lf / V) / 3600

Tc= Time of concentration, hours

Where: Lf= Flow length, feet

V= Velocity, ft/sec

Subsection: Time of Concentration Calculations

Label: Site Bypass

Return Event: 100 years Storm Event: 100 yr

Time of Concentration Results

(Composite)

Time of concentration results	
Segment #1: TR-55 Sheet Flo	W
Hydraulic Length	100.00 ft
Manning's n	0.150
Slope	0.020 ft/ft
2 Year 24 Hour Depth	3.6 in
Average Velocity	0.18 ft/s
Segment Time of Concentration	0.154 hours
Segment #2: TR-55 Shallow C	oncentrated Flow
Hydraulic Length	545.00 ft
Is Paved?	False
Slope	0.040 ft/ft
Average Velocity	3.23 ft/s
Segment Time of Concentration	0.047 hours
Time of Concentration (Compo	site)
Time of Concentration	0.201 hours

Subsection: Time of Concentration Calculations Return Event: 100 years
Label: Site Bypass Storm Event: 100 yr

==== SCS Channel Flow

R = Qa / Wp

Tc = V = (1.49 * (R**(2/3)) * (Sf**-0.5)) / n

(Lf / V) / 3600 R= Hydraulic radius Aq= Flow area, square feet Wp= Wetted perimeter, feet

Where: V= Velocity, ft/sec

Sf= Slope, ft/ft n= Manning's n

Tc= Time of concentration, hours

Lf= Flow length, feet

==== SCS TR-55 Shallow Concentration Flow

Unpaved surface:

V = 16.1345 * (Sf**0.5)

Tc = Paved Surface:

V = 20.3282 * (Sf**0.5)

(Lf / V) / 3600

V= Velocity, ft/sec

Where: Sf= Slope, ft/ft

Tc= Time of concentration, hours

Lf= Flow length, feet

Subsection: Runoff CN-Area Return Event: 100 years Label: Offsite Storm Event: 100 yr

Runoff Curve Number Data

Soil/Surface Description	CN	Area (acres)	C (%)	UC (%)	Adjusted CN
Impervious Area	98.000	9.600	0.0	0.0	98.000
Pervious Area - Grassland	80.000	120.400	0.0	0.0	80.000
COMPOSITE AREA & WEIGHTED CN>	(N/A)	130.000	(N/A)	(N/A)	81.329

Subsection: Runoff CN-Area Return Event: 100 years

Label: Site Area Storm Event: 100 yr

Runoff Curve Number Data

Soil/Surface Description	CN	Area (acres)	C (%)	UC (%)	Adjusted CN
Woods - good - Soil D	77.000	7.100	0.0	0.0	77.000
Pasture, grassland, or range - good - Soil D	80.000	3.000	0.0	0.0	80.000
Woods - good - Soil B	55.000	1.700	0.0	0.0	55.000
Impervious Area	98.000	9.600	0.0	0.0	98.000
COMPOSITE AREA & WEIGHTED CN>	(N/A)	21.400	(N/A)	(N/A)	85.093

Subsection: Runoff CN-Area Return Event: 100 years
Label: Site Bypass Storm Event: 100 yr

Runoff Curve Number Data

Soil/Surface Description	CN	Area (acres)	C (%)	UC (%)	Adjusted CN
Pasture, grassland, or range - good - Soil D	80.000	4.000	0.0	0.0	80.000
Impervious Area	98.000	0.400	0.0	0.0	98.000
Woods - good - Soil D	77.000	0.900	0.0	0.0	77.000
COMPOSITE AREA & WEIGHTED CN>	(N/A)	5.300	(N/A)	(N/A)	80.849

Subsection: Elevation-Area Volume Curve

Return Event: 100 years

Label: Pond 10

Storm Event: 100 yr

Elevation (ft)	Planimeter (ft²)	Area (acres)	A1+A2+sqr (A1*A2) (acres)	Volume (ac-ft)	Volume (Total) (ac-ft)
954.20	0.0	0.000	0.000	0.000	0.000
956.00	0.0	0.031	0.031	0.019	0.019
958.00	0.0	0.115	0.206	0.137	0.156
960.00	0.0	0.344	0.658	0.439	0.594
962.00	0.0	0.609	1.411	0.940	1.535
964.00	0.0	1.110	2.541	1.694	3.229
964.50	0.0	1.240	3.523	0.587	3.816
966.00	0.0	1.550	4.176	2.088	5.904

Subsection: Outlet Input Data

Return Event: 100 years

Label: Outlet 1

Storm Event: 100 yr

Requested Pond Water Surface Elevations					
Minimum (Headwater)	954.20 ft				
Increment (Headwater)	1.00 ft				
Maximum (Headwater)	966.00 ft				

Outlet Connectivity

Structure Type	Outlet ID	Direction	Outfall	E1 (ft)	E2 (ft)
Culvert-Circular	Culvert - 1	Forward	TW	954.20	966.00
Irregular Weir	Weir - 1	Forward	TW	964.60	966.00
Tailwater Settings	Tailwater			(N/A)	(N/A)

Subsection: Outlet Input Data

Return Event: 100 years

Label: Outlet 1

Storm Event: 100 yr

Structure ID: Culvert - 1 Structure Type: Culvert-Circular	
Number of Barrels	2
Diameter	60.0 in
Length	165.00 ft
Length (Computed Barrel)	165.04 ft
Slope (Computed)	0.023 ft/ft
Outlet Control Data	
Manning's n	0.013
Ke	0.500
Kb	0.004
Kr	0.000
Convergence Tolerance	0.00 ft
Inlet Control Data	
Equation Form	Form 1
K	0.0098
М	2.0000
С	0.0398
Υ	0.6700
T1 ratio (HW/D)	1.149
T2 ratio (HW/D)	1.295
Slope Correction Factor	-0.500

Use unsubmerged inlet control 0 equation below T1 elevation.

Use submerged inlet control 0 equation above T2 elevation

In transition zone between unsubmerged and submerged inlet control,

interpolate between flows at T1 & T2...

T1 Elevation	959.94 ft	T1 Flow	153.67 ft³/s
T2 Elevation	960.68 ft	T2 Flow	175.62 ft³/s

Subsection: Outlet Input Data

Return Event: 100 years

Label: Outlet 1

Storm Event: 100 yr

Structure ID: Weir - 1 Structure Type: Irregular Weir

Station (ft)		Elevation (ft)	
	0.00		966.00
	45.00		964.60
	75.00		965.00
	130.00		966.00

Lowest Elevation	964.60 ft
Weir Coefficient	3.00 (ft^0.5)/s

Structure ID: T\	N
Structure Type:	TW Setup, DS Channel
Tailwater Type	Free Out

Tailwater Type	Free Outfall
Convergence Tolerances	
Maximum Iterations	40
Tailwater Tolerance (Minimum)	0.01 ft
Tailwater Tolerance (Maximum)	0.50 ft
Headwater Tolerance (Minimum)	0.01 ft
Headwater Tolerance (Maximum)	0.50 ft
Flow Tolerance (Minimum)	0.001 ft ³ /s
Flow Tolerance (Maximum)	10.000 ft ³ /s

Subsection: Composite Rating Curve Return Event: 100 years
Label: Outlet 1 Storm Event: 100 yr

Composite Outflow Summary

Water Surface Elevation (ft)	Flow (ft³/s)	Tailwater Elevation (ft)	Convergence Error (ft)
954.20	0.00	(N/A)	0.00
955.20	11.73	(N/A)	0.00
956.20	44.54	(N/A)	0.00
957.20	94.62	(N/A)	0.00
958.20	157.97	(N/A)	0.00
959.20	229.80	(N/A)	0.00
960.20	305.52	(N/A)	0.00
961.20	378.99	(N/A)	0.00
962.20	427.06	(N/A)	0.00
963.20	470.26	(N/A)	0.00
964.20	509.83	(N/A)	0.00
964.60	524.81	(N/A)	0.00
965.20	579.77	(N/A)	0.00
966.00	829.82	(N/A)	0.00

Contributing Structures

None Contributing Culvert - 1		
Culvert - 1		None Contributing
Culvert - 1		Culvert - 1
Culvert - 1		Culvert - 1
Culvert - 1		Culvert - 1
Culvert - 1	-	Culvert - 1
Culvert - 1 Culvert - 1 Culvert - 1 Culvert - 1		Culvert - 1
Culvert - 1 Culvert - 1 Culvert - 1	İ	Culvert - 1
Culvert - 1 Culvert - 1		Culvert - 1
Culvert - 1	1	Culvert - 1
		Culvert - 1
Culvert - 1 + Weir - 1	١	Culvert - 1
		Culvert - 1 + Weir - 1
Culvert - 1 + Weir - 1		Culvert - 1 + Weir - 1
Culvert - 1 + Weir - 1		Culvert - 1 + Weir - 1

Subsection: Elevation-Volume-Flow Table (Pond)

Return Event: 100 years

Label: Pond 10

Storm Event: 100 yr

Infiltration	
Infiltration Method (Computed)	No Infiltration
Initial Conditions	
Elevation (Water Surface, Initial)	954.20 ft
Volume (Initial)	0.000 ac-ft
Flow (Initial Outlet)	0.00 ft ³ /s
Flow (Initial Infiltration)	0.00 ft ³ /s
Flow (Initial, Total)	0.00 ft ³ /s
Time Increment	0.050 hours

Elevation (ft)	Outflow (ft³/s)	Storage (ac-ft)	Area (acres)	Infiltration (ft³/s)	Flow (Total) (ft³/s)	2S/t + O (ft³/s)
954.20	0.00	0.000	0.000	0.00	0.00	0.00
955.20	11.73	0.003	0.010	0.00	11.73	13.27
956.20	44.54	0.025	0.037	0.00	44.54	56.83
957.20	94.62	0.080	0.075	0.00	94.62	133.48
958.20	157.97	0.180	0.132	0.00	157.97	245.32
959.20	229.80	0.363	0.238	0.00	229.80	405.47
960.20	305.52	0.665	0.367	0.00	305.52	627.59
961.20	378.99	1.094	0.494	0.00	378.99	908.69
962.20	427.06	1.661	0.652	0.00	427.06	1,230.94
963.20	470.26	2.430	0.892	0.00	470.26	1,646.30
964.20	509.83	3.456	1.161	0.00	509.83	2,182.55
964.60	524.81	3.941	1.260	0.00	524.81	2,432.30
965.20	579.77	4.733	1.380	0.00	579.77	2,870.46
966.00	829.82	5.904	1.550	0.00	829.82	3,687.51

Subsection: Level Pool Pond Routing Summary Return Event: 100 years

Label: Pond 10 (IN) Storm Event: 100 yr

Infiltration			
Infiltration Method (Computed)	No Infiltration		
Initial Conditions			
Elevation (Water Surface, Initial)	954.20 ft		
Volume (Initial)	0.000 ac-ft		
Flow (Initial Outlet)	0.00 ft ³ /s		
Flow (Initial Infiltration)	0.00 ft ³ /s		
Flow (Initial, Total)	0.00 ft ³ /s		
Time Increment	0.050 hours		
Inflow/Outflow Hydrograph S	ummary		
Flow (Peak In)	870.82 ft³/s	Time to Peak (Flow, In)	12.050 hours
Flow (Peak Outlet)	772.14 ft³/s	Time to Peak (Flow, Outlet)	12.150 hours
Elevation (Water Surface, Peak)	965.82 ft		
Volume (Peak)	5.622 ac-ft		
Mass Balance (ac-ft)	***************************************	_	
Volume (Initial)	0.000 ac-ft		
Volume (Total Inflow)	71.844 ac-ft		
Volume (Total Infiltration)	0.000 ac-ft		
Volume (Total Outlet Outflow)	71.844 ac-ft		
Volume (Retained)	0.000 ac-ft		
Volume (Unrouted)	0.000 ac-ft		
Error (Mass Balance)	0.0 %		

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11460 Tomahawk Creek Parkway, Suite 400 Leawood, Kansas 66211 (913) 307.3700 info@hoeferwysocki.com

March 6°, 2019

Katherine Waldrop Hoefer Wysocki 11460 Tomahawk Creek Parkway, Suite 400 Leawood, KS 66211

Re: Lawrence Police Headquarters Parking Summary Hoefer Wysocki Project No. 188061

Dear Mrs. Pepper,

As requested by the City of Lawrence per Section 20-905 of the Land Development Code please see the below parking summary for the proposed Lawrence Police Headquarters located at 5100 Overland Dr. The below quantities of staff have been provided by Captain Anthony Brixius.

Patrol Vehicle Parking

Staff Parking

		ratiot venicte i arking	
<u>7am-5pm</u>			
Patrol Shift 1	average 11	Patrol Vehicle (80% of total pool)	60 stalls
<u>11am-8pm</u>			
Patrol Shift 2	average 8	8am-5pm Full Time Staff	
<u>5pm-3am</u>		Front Desk/ Teleserve	8
Patrol Shift 3	average 9	Detectives/ Crime Scene	22
<u>9pm-7am</u>		Evidence	4
Patrol Shift 4	average 12	Information Technologies	4
Total at peak hours 4-5pm	28 stalls	Total	38 stalls

Total stalls needed: 126 stalls

Total stalls proposed for future growth: 137 stalls (5 ADA stalls)

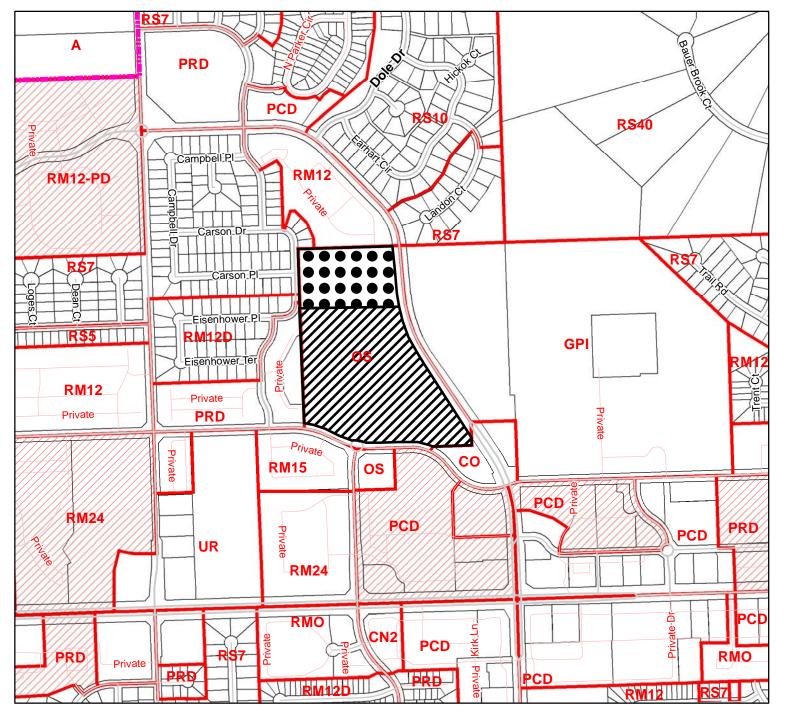
Public Parking

Parking for public to pay fines, report crimes and interview. Future additional parking to be added with the addition of a community gathering space.

Total stalls proposed 19 stalls (2 ADA stalls)

Best regards,

Katherine Waldrop; Senior Associate – Hoefer Wysocki

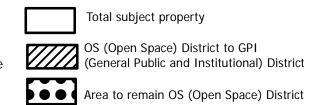


Z-19-00036: Request to rezone approximately 21.25 acres from OS (Open Space) District to GPI (General Public and Institutional)

District, located at 5100 Overland Drive.

PP-19-00034: Preliminary Plat for Lawrence Police Headquarters, two lots and two tracts, located at 5100 Overland Drive.

SUP-19-00071: Special Use Permit for Lawrence Police Headquarters, located at 5100 Overland Drive.





PLANNING COMMISSION REPORT Regular Agenda: Public Hearing Item

PC Staff Report 03/27/2019

ITEM NO. 15 TEXT AMENDMENT TO CITY OF LAWRENCE CODE; AFFORDABLE HOUSING (SLD)

TA-18-00466: Consider a text amendment to the City of Lawrence Land Development Code, regarding changes to multiple articles of the code to facilitate affordable housing development options and including density bonus. *Initiated by City Commission on 10/16/18*.

RECOMMENDATION: Staff recommends the Planning Commission provide additional direction regarding the definition of "permanently affordable" and clarify if one or both dwellings on a lot must meet the affordability definition

The City Commission initiated this text amendment to the City of

Reason for Request: Lawrence Code, at their October 16, 2018 meeting to provide affordable

housing options.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None received prior to publication.

ATTACHMENTS

- Attachment A: Affordable Housing Advisory Board minutes
- Attachment B: Lawrence Housing Market Analysis: Final Report
- Attachment C: Affordable Housing Advisory Board retreat summary
- Attachment D: Tenants to Homeowners request for density increase and concept plan
- Attachment E: Map of RS5 and RS7 zoning districts
- Attachment F: Link to the Affordable Housing Advisory Board's housing toolkit

BACKGROUND

Tenants to Homeowners, Inc. submitted a request for a text amendment to consider modifications that would enable increasing the amount of permanently affordable housing throughout the community. Their proposal is to consider allowing permanently affordable housing to be constructed at a greater density than the property's current base zoning district; specifically, to permit by right the ability to construct two primary dwellings in RS base zoning districts on a single lot.

Staff believes other policies may also be worth pursuing, and requested that this initiation permit a broader review of the city code to explore other options and solutions to provide opportunity to create permanently affordable housing. The Affordable Housing Advisory Board reviewed this request at their September 10, 2018 meeting and voted unanimously to forward this request to the City Commission. The City Commission considered the request and initiated the text amendment on October 16, 2018. The Affordable Housing Advisory Board reviewed draft language at their meeting on March 11, 2019.

OVERVIEW OF PROPOSED AMENDMENT

The proposed text amendment is modeled after the specific request made by Tenants to Homeowners, Inc. and would allow a second detached dwelling on a RS (Single-Dwelling Residential) District lot when both dwellings are *permanently affordable*. The current regulations make the distinction that only one detached dwelling is permitted on a lot in the RS Districts. The specific sections proposed for modification by this request include, Article 5, Use Standards; Article 6, Density and Dimensional Standards; and Article 17, Definitions.

A key change to the code is redefining detached dwelling and adding a new definition for *permanently affordable* housing. A second detached dwelling is not an accessory dwelling unit. An accessory dwelling unit is a unit that is restricted in its occupancy as it relates to the primary dwelling; it may be located in in required side and rear yards and must be owned by the property owner of the primary dwelling on the same lot. A second dwelling, on a lot, would need to comply with the building setbacks of the base district but could be occupied by family the same as the first dwelling unit on the lot. It may be owned individually from the other dwelling on the same lot. Section 20-1734 "Household Living," was reorganized to include all of the applicable household living uses in one group similar to other use groups contained in this section. Currently, the household living uses are spread throughout the code.

Article 5, Use Regulations, was revised to add specific standards for affordable housing developments.

Article 6, Density and Dimensional Standards, was revised to allow developments in the RS District with two detached dwellings, as part of a permanently affordable project to exceed the density of the base zoning district (Minimum Lot area per Dwelling Unit standard). The proposed language is also intended to allow detached dwellings in RM districts.

AHAB

The board discussed this proposed text amendment at their meeting on March 11, 2019. The Board discussed an option allowing only one of the homes on the lot to be affordable and not both. This option may allow private developers to more easily participate in the program.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1. Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition;

The proposed changes are intended to address a policy to provide affordable housing units within the community. Affordable housing has been identified as a significant need in the community.

2. Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Code (Sec. 20-104)

Key strategies of the plan, regarding residential development state:

- A mixture of housing types, styles, and economic levels should be encouraged for new residential and infill developments.
- Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential uses and nonresidential land uses.
- The character and appearance of existing residential neighborhoods should be protected and

- enhanced. Infill development, rehabilitation, or reconstruction should reflect architectural qualities and styles of existing neighborhoods.
- Design, site improvements, and infrastructure shall be consistent with adopted neighborhood plans, with the development of a neighborhood concept and with area plans and sector plans.

The plan provides defining characteristics of neighborhoods that include mixed housing types. The plan states: *Design, site improvements and infrastructure shall be consistent with adopted neighborhood plans, with the development of a neighborhood concept and with area plans and sector plans.*

Conclusion

Staff anticipates discussion on this topic. Staff is seeking specific direction regarding the definition of *Permanently Affordable Dwelling Unit* and on the concept of requiring one or both units on the lot to be permanently affordable.

DRAFT City of Lawrence Affordable Housing Advisory Board March 11, 2019 minutes

MEMBERS PRESENT: Susan Cooper, Ron Gaches, Edith Guffey, Patrick Kelly, Paul

Nuzum, Dana Ortiz, Shannon Oury, Monte Soukup, Sarah

Waters, Erika Zimmerman

MEMBERS ABSENT: Andrew Brown, Rebecca Buford, Thomas Howe

STAFF PRESENT: Diane Stoddard, Assistant City Manager; Scott McCullough,

Director of Planning and Development Services; Danielle Buschkoetter, Budget and Strategic Initiatives Manager;

Danelle Walters, Community Development Manager; Jeff Crick,

Planning Manager

Chair Oury called the meeting to order at 11:00 am. ENTIRE VIDEO

1. General Public Comment VIDEO

Heather Hoy, representing the Douglas County Community Foundation, spoke to the board about the upcoming April 24, 2019 meeting at the Lawrence Public Library.

Mike Reading, representing Pine Tree Townhomes, spoke to the board about cooperative housing.

2. Approve Minutes from February 11, 2019 meeting VIDEO

Zimmerman moved Approve <u>minutes from the February 11, 2019 meeting</u>. Oury seconded the motion. The motion passed 8-0.

3. Monthly Financial Report VIDEO

The monthly financial report is available on the <u>City of Lawrence opengov.com</u> website. (Soukup arrived at 11:15)

4. Review affordable housing text amendment VIDEO

(Cooper arrived at 11:20)

Sandra Day, Planner, presented the board with the item and the following attachments:

- City Commission initiation of text amendment
- Draft Article 17 Terminology
- Draft Article 5 Use Regulations
- Draft Article 6 Density and Dimensional Standards
- Tenants to Homeowners, Inc. Smart Density Bonus diagram
- RS Zoning map
- RS7 and RS5 Zoning combined map

The board provided feedback to staff regarding the proposed text amendment. The board expressed a desire to see permanent affordability, as well as a consideration of an option allowing only one of the homes on the lot to be affordable and not both. Staff will continue to seek feedback from boards and commissions and a revised draft of the text amendment will be brought back to the AHAB at a future meeting.

(Kelly left the meeting at 12:40)

5. Review draft RFP and sample matrices VIDEO

Buschkoetter presented the board with the <u>draft RFP</u> and the following attachments:

- Current AHAB matrix
- · Current AHAB matrix for non-capital projects
- Staff Example 2019 Application for Capital Projects Funding
- Justice Matters recommended matrix
- Nashville matrix
- Fort Collins guidance chart

The board discussed the items, made some suggestions, and asked staff to bring the RFP/application as well as the matrix discussion back to the AHAB at the April meeting for further discussion.

6. Quick Updates

a. AHAB ordinance changed to reflect HOME grant recommendation VIDEO Stoddard informed the group that the proposed changes to the Community Development Advisory Committee (CDAC) regarding the HOME funding have been approved by the City Commission.

7. Other New Business VIDEO

There was no new business. (Guffey left the meeting at 1:05)

8. Next Meeting / Future Agenda Items VIDEO

The next meeting will be on April 8, 2019.

9. Public Comment (added item) VIDEO

Mike Reading provided some final comments to the board regarding Pine Tree Townhomes.

10.Adjourn VIDEO

Ortiz moved to adjourn the meeting. Oury seconded the motion. The motion passed 8-0.

Future Meeting Dates / Tentative Agenda items

April 8, 2019 - Continue review of draft RFP and sample matrices May 13, 2019
June 10, 2019
July 8, 2019
August 12, 2019
September 9, 2019
October 14, 2019
November 11, 2019
December 9, 2019

Draft City of Lawrence Affordable Housing Advisory Board September 10, 2018 minutes

MEMBERS PRESENT: Andrew Brown, Rebecca Buford, Susan Cooper, Ron Gaches,

Edith Guffey, Thomas Howe, Dana Ortiz, Shannon Oury, Monte Soukup, Tim Stultz, Nancy Thellman, Sarah Waters, Erika

Zimmerman

MEMBERS ABSENT:

STAFF PRESENT: Diane Stoddard, Assistant City Manager; Scott McCullough,

Director of Planning and Development Services; Danelle

Dresslar, Community Development Manager; Jeff Crick, Planner

II; Brad Karr, Community Development Programs Analyst;

Danielle Buschkoetter, Strategic Projects Manager

Chair Oury called the meeting to order at 11:03 am.

1. Public Comment

There was no public comment.

2. Approve Minutes from August 13, 2018 meeting

Gaches moved to approve the <u>minutes from the August 13, 2018 meeting</u>. Stultz seconded the motion. The motion passed 9-0.

3. Monthly Financial Report

The monthly financial report is available on the City of Lawrence opengov.com website.

4. Housing Market Study

Heidi Aggeler, Managing Director of BBC Research & Consulting, gave the board a <u>presentation</u> on the <u>Housing Market Analysis</u>.

Buford and Howe arrived at the meeting.

The presentation reviewed the data previously gathered, provided a suggested dashboard depicting short-term and long-term indicators of success, and a suggested roadmap detailing how to achieve the success measures depicted by the dashboard.

Brown arrived at the meeting.

Thellman arrived at the meeting.

The presentation also provided several sample distribution charts to meet the housing needs and dashboard goals.

Soukup asked how much was currently being spent on programs for existing housing stock. Karr said about \$400,000 in CDBG funds between the Comprehensive Rehabilitation program, the Emergency Loan program, the Furnace Loan program, the Weatherization program, and the Accessible Housing program. Oury asked for a copy of the current Investment Summary of proposed 2018 CDBG and HOME allocations. Soukup asked if these current programs need to be supplemented from the Affordable Housing Trust Fund (AHTF), or if those funds would be better spent elsewhere. Oury said the amount of federal funding varied greatly each year, so in some years the programs might need to be supplemented by the AHTF. Zimmerman said the City is not the only program that does rehab, so she felt there was a need for an AHTF allocation for renovation, accessibility, and rehab. Buford agreed and said they all do some sort of rehab to provide affordable housing, but felt any allocation needed to have some type of permanent affordability component, to not lose the subsidy later to the open market.

Gaches said some programs needed an infusion of money, while others only needed policy changes. Aggeler said the roadmap tried to pair policy initiatives with other things the City could do to leverage additional funding. McCullough said the draft housing toolkit would contain policy decisions to explore and would marry that with funding ideas to examine.

Brown asked if there was an inventory of city property that could be used for affordable housing. McCullough said there was not very much available for development, some areas are designated for parks or some were purchased for stormwater drainage reasons; some available lots the city did have in the past were dealt out in the name of affordable housing. Stoddard said there were privately held vacant lots scattered around the city, which could present an opportunity to develop a request to see who would perhaps be interested in selling the lots to the city. Stoddard said some of the largest plots the city owned were parking lots in the downtown area, and the upcoming Downtown Master Plan creation process might seek to see if those lots could be used as something else.

Brown asked about currently subsidized apartments that soon would no longer be required to have affordable units. Oury said there were several properties that would soon go market rate, such as Prairie Commons. Soukup asked about buying an extension to the length of the period the owner is required to offer the affordable units. Oury said she had never heard of that happening, but it could be explored.

Stoddard presented the board with a staff memo about Suggested Next Steps for the Housing Study.

Soukup felt the board was not anywhere close to being settled on the funding allocations recommended in the housing study.

Gaches felt having an annual roadmap lacked the direction that comes from creating longer term goals. Stoddard agreed, and said the Housing Study dashboard and roadmap contained the longer term goals. Gaches asked if the board voted to recommend approval of the study to the City Commission, was that also an endorsement of the suggested goals. Soukup felt the goals in the study were broad,

but the annual roadmap of recommendations would be the real work for the board. Stoddard said she felt the market analysis was a snapshot in time with a lot of data and ideas, but more refining would need to go into it to be reflective of the board, the City Commission, and the community; the board could indicate that in a statement along with the acceptance of the study.

Howe said he had a quibble with the underlying data, specifically from his point of being a realtor. He did not agree with the report projection of the median house price in ten years to be \$375,000; his data using the MLS would project the price to be \$290,000 in ten years. Aggeler said she would send Howe the spreadsheet BBC used for projections, based on the MLS data over the last ten years. Soukup asked, even if the projection was off, would that impact the number of people wanting to purchase a home but could not find an affordable unit. Aggeler said no, the number of people wanting to purchase a home was driven by the resident survey data, not the median price of a home in ten years.

Gaches said he felt the board had not had enough of an in depth discussion around the goals yet, and did not know if the goals listed in the study were aimed at the right targets. Ortiz said BBC was asked to take a stab at establishing some recommended goals, and the AHAB adoption of the study could say the goals would need further evaluation. Howe agreed the board needed to frame in the proposed acceptance that further evaluation of the goals was needed. Cooper said the board could accept the goals as recommendations, instead of accepting the recommendations.

Gaches moved to accept the Housing Market Analysis from BBC Research & Consulting and recommend adoption of the broad roadmap included in the report, with subsequent specific goals to be recommended later from the Affordable Housing Advisory Board. Ortiz seconded the motion. The motion passed 13-0.

5. Additional \$200,000 in Affordable Housing Trust Fund from 2018 budget

Stoddard said the City Commission added an additional \$200,000 to the AHTF from the 2018 budget, and moved to direct the AHAB to consider a RFP for non-capital supportive assistance and services that were not allowed to apply on the last funding application offered, due to that funding source requiring only capital assets. Stoddard suggested the item be placed on the October meeting agenda for discussion and direction on how the board wished to proceed with the RFP.

Ortiz asked if the funds could be used for case management. Stoddard said the City Commission motion was pretty broad; non-capital services or assistance that was not eligible in last year's application.

Stoddard said staff would provide a draft of the RFP for the October meeting.

6. Other New Business

Buford spoke to the board about the <u>correspondence from The Lawrence Community Housing Trust</u> (LCHT).

Oury asked if the board was being directed to comment on the correspondence. Stoddard said the board could make a recommendation to pass the letter to the City Commission and ask them to

proceed with the requested code changes described in the letter. Howe asked if the changes asked for in the request would only apply to non-profit developers. Buford said it does not exclude any developer, as long as the housing units are made permanently affordable.

Stoddard said the letter would introduce the topic and process, and then a lot of details would have to go into the actual code changes. McCullough said if the process is initiated by the City Commission, staff would draft the text amendment to the code. The code changes would have to go before the Planning Commission, possibly back to the AHAB, and ultimately back to the City Commission for final approval.

Howe moved to forward the letter from The Lawrence Community Housing Trust to the City Commission with board approval of the suggested code changes. Gaches seconded the motion. The motion passed 12-0 with Buford abstaining.

Stultz spoke to the board about the correspondence from the Lawrence Home Builders Association.

McCullough said the direction from the AHAB was to put all stakeholder input ideas into the draft housing toolkit being created. These ideas from the LHBA would be included in the draft toolkit for the board to review and discuss.

Stultz said he has heard comments at the Chamber of Commerce meetings about workforce employees needing down payment assistance to be able to purchase homes; the LHBA would like to see a revolving loan fund for workforce housing down payment assistance. Buford said the City currently had a homebuyer assistance program, with the LCHT; she asked if the board wanted to fund a loan program without the permanent affordability required by the LCHT. Zimmerman said it did not necessarily have to be down payment assistance, but could be another type of financial assistance such as a subsidy to the developer to build a home for a qualified family. Stoddard said no action was required on this letter; staff would incorporate the ideas into the draft toolkit.

Oury said the LDCHA was recently awarded nineteen additional vouchers targeted for the non-elderly, disabled.

Ortiz discussed the upcoming <u>"Housing in Lawrence and Douglas County Today: A Public/Private Partnership"</u> event scheduled for September 13, 2018.

7. Next Meeting / Future Agenda Items

The next meeting will be on October 8, 2018.

Soukup said Justice Matters would be presenting the findings from their seven city study on affordable housing.

8. Adjourn

Cooper moved to adjourn the meeting. Soukup seconded the motion. The motion passed 13-0.

Future Meeting Dates / Tentative Agenda items

October 8, 2018 – Draft RFP for non-capital supportive assistance and services; Justice Matters seven city survey results

November 12, 2018

December 10, 2018

These minutes were approved by the Board:



Housing Market Analysis

City of Lawrence

Draft Report

August 30, 2018

Housing Market Analysis

Prepared for

City of Lawrence City Manager's Office Planning & Development https://lawrenceks.org/

Prepared by

BBC Research & Consulting Housing and Community Development 1999 Broadway, Suite 2200 Denver, Colorado 80202-9750 303.321.2547 fax 303.399.0448 www.bbcresearch.com



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Appendix A. Acronyms

Executive Summary

Lawrence Housing Market Analysis

EXECUTIVE SUMMARY

In late 2017, the City of Lawrence contracted with BBC Research & Consulting (BBC) to conduct a Housing Market Analysis. The primary purpose of the housing study was to conduct a Comprehensive Housing Market Study, updating and expanding the scope of the 2005.CHAT (Community Housing Assessment Team) Report to identify housing needs in the city, and to inform the allocation of the city's new Affordable Housing Trust Fund.

This study is a critical policy document because it serves as a housing needs assessment for the City and stakeholders providing an analysis of household affordability throughout all population segments of the community. The study highlights expected demographic trends, future demands for housing, regulations, and obstacles preventing the market from effectively responding to this demand, and an inventory of the assets and programs currently available to help the community address these challenges.

This Executive Summary presents the findings from that study. It begins with a discussion about why housing needs exist—and the benefits of addressing needs.

Why Work to Address Housing Needs?

Housing markets are complex, largely because a wide variety of factors influence pricing.

For example, the cost of housing is dependent upon

- Interest rates, which fluctuate with global economic conditions;
- Corporate tax rates, which incentivize investors to participate in affordable housing developments;
- The costs of labor and materials required to build housing; and
- Demographic shifts, which determine housing demand.

Unlike many goods, which can quickly adjust to changes in market demand, the physical development of housing (supply) lags behind the factors that create demand. Housing development, therefore, is slow to react to needs.

Addressing housing needs is a lot of work. Yet the return on the housing investments can be significant for the public, as well as the private, sector. Recent studies have found consistent, long-term benefits (and lower public sector costs) for children who live in stable housing environments. Housing is also a critical element of community culture and identity, an important tool for local economic development.

Last, but not least, reducing housing costs provides households additional discretionary income to invest in local communities—saving for retirement, patronizing restaurants, providing their children with educational enrichment, and recreating. More than half of residents in Lawrence

said they cut back on entertainment and going out to manage housing costs. Lawrence residents with \$300 more to spend per month said they would:

- > Save more (46%);
- \triangleright Reduce debt (18%);
- ➤ Go out more locally (15%);
- ➤ Food/improve how we eat (15%);
- ➤ Take a vacation/travel (13%);
- Make house repairs/improvements/décor (11%); and
- > Buy a car (10%).

Organization of Housing Market Analysis

The Lawrence Housing Market Study is organized around the following sections:

- **Section I. Demographic Profile** provides a general overview of the demographic and economic environment to set the context for the housing market analysis.
- Section II. Housing Profile and Market Analysis provides an analysis of Lawrence's housing market including a discussion of housing stock, trends in the owner and rental markets, and an analysis of affordability. The section concludes with a gaps analysis to examine mismatches in supply and demand of housing.
- **Section III. Community Input** describes the findings from the public participation component of the housing study, which included surveys of residents, students, employers and property owners; focus groups with community stakeholders; and presentations to the public, the Affordable Housing Advisory Board, and City Commissioners. More than 3,000 residents participated in community engagement opportunities. The public input process was designed to assess community culture and community perceptions of housing issues.
- **Section IV. Findings and Recommendations** summarizes housing needs and the resources available to address needs. It concludes with recommendations for allocating resources and a "dashboard" for monitoring impact.

Key Findings from the Housing Market Analysis

Demographic shifts

- Lawrence's K-12, college student, and 35-44 year old cohorts have grown in the past 20 years. Shifting age cohorts suggest a pattern where students leave the city after graduation, perhaps to find employment in larger cities, resulting in an out-migration of young adults. Consistent with national trends, the city's Baby Boomers have aged into senior age cohorts.
- The city's growth between 2010 and 2020 is likely to replicate 1990 to 2000 in numbers. The city will have gained 14,000 residents by 2020.

- The most predictable future demographic change in Lawrence is the aging of younger seniors and stability in the number of middle age families. It is difficult to tell if young adults will continue to leave the city, given the dynamics of the current economy. More young adults may find ways to remain in the city (e.g., starting businesses, pursuing work from home employment), given its high desirability.
- Lawrence's income profile resembles that of similar cities with large universities, except for Boulder, Colorado which has shifted toward higher income residents as housing affordability has declined. Nineteen percent of Boulder's households earn more than \$150,000, compared to Lawrence's 9 percent.

Market trends and affordability

- Rising prices have been most burdensome on renters, including low and moderate income renters who want to buy. Since 2000, the number of low income renters has declined, suggesting that renters have experienced slight income increases or left the city. Students have had a greater ability to adjust to rising rents due to family help.
- The private rental market in Lawrence largely serves renters earning between \$25,000 and \$50,000 per year: 65 percent of rental units are priced within that group's affordability range, with rents between \$625 and \$1,250 per month. Publicly subsidized housing provides the majority of the units affordable to households earning less than \$20,000/year.
- Twenty-three percent of renters (about 4,500 households) living in Lawrence earn less than \$15,000 per year. Another 1,900 renters earn between \$15,000 and \$20,000 per year. Of these, 5,272 cannot find rental units that are affordable (renting for less than \$500 per month) and are cost burdened. ¹ An estimated 2,500 of these renters are students.
- The ownership market is more strongly influenced by cash purchases today than in 2001.
 2018 has lower inventory and homes spend far fewer days on the market before being sold.
- An estimated 2,300 renters would like to buy; these renters typically earn \$35,000 to \$75,000 per year and are employed. They have few units to choose from (fewer than 300 units), especially considering units that are bought with cash (accounting for non-cash purchases the inventory drops to just 100 units). Most of the for sale product these households could afford to buy is older and small—but on relatively large lots. Condos and townhomes offer other affordable options, but are less likely to offer long term equity gains.

Needs expressed by residents and stakeholders

■ Extremely low income residents are almost twice as likely as higher income residents to rate their housing condition as fair or poor (29% v. 16%). Nearly half receive financial support from family/friends to pay for housing costs.

-

¹ The "shortage" shown in the gaps model for high income renters (earning more than \$50,000 per year) suggests those renters are spending less than 30 percent of their income on housing—perhaps in order to save for a down payment on a home purchase

- 1 in 4 residents with disabilities live in housing that does not meet their accessibility needs. 1 in 3 are extremely low income. More than 1 in 10 live with family or friends due to a lack of affordable housing to rent. Affordable, accessible housing is extremely difficult to find.
- Seniors who rent applied for public assistance (29%), avoided medical treatment (29%), cut back on medication (24%), or got food from a food bank (24%), in order to afford housing costs. About 1 in 10 seniors overall worry they won't be able to stay in their home due to financial issues, health issues, or rent increases.
- 1 in 3 students receive financial support from family or others to pay housing costs and 1 in 3 sought additional employment, 13 percent used other debt/credit cards, 10 percent avoided medical treatment.
- Families with children are more likely to experience displacement due to rent/housing cost increases or high utility costs.
- Households with any type of special need have a very difficult time finding affordable housing. Products that are lacking in Lawrence include: housing and supportive services for persons with mental illnesses; affordable, accessible housing for persons with disabilities; and transitional housing for domestic violence survivors and youth aging out of foster care.

HOUSING NEEDS BY THE NUMBERS

Renters who cannot afford their current rentals and who are cost-burdened	,	5,200 household:
Renters who want to buy and could be candidate ownership	tes for	2,000
Families experiencing homelessness/at-risk of homelessness		700
Households with disabilities with accessibility modification needs		500
Renters with units in poor or fair condition		2,950
Owners with units in poor or fair condition		500
Subset of renters with needs, by resident type	Seniors	2,000
	Persons with disabilities	1,500
	Single mothers	1,300
	Students	1,000

Strategic Plan for Addressing Housing Needs

The Dashboard. The dashboard below depicts short-term and long-term indicators of success, and estimated project costs, based on the outcomes developed by the AHAB and current and future housing needs.

Dashboard to Monitor and Measure Success, City of Lawrence

Short term (1-5 years)	2019-2023
1. Stabilize the rental gap for non-student renters earning < \$25,000/year	100 new affordable rental units
Low and moderate income renters who want to become owners have more options for purchasing affordable units	100 more units are affordable to low and moderate income renters who are qualified to become owners
3. Persons with accessibility needs are able to get the improvements they need and/or find visitable and accessible housing	25 renter households that receive accessibility modifications annually
Residents in unstable housing situations have more permanent affordable and supportive housing options	45 tenant based rental assistance vouchers available annually
5. Residents living in housing in poor condition have improvements made	70 homes and apartments brought into good condition annually
Long term (5-10 years)	2024-2028
1. Reduce the rental gap by 7.5% by adding new units affordable to non-student renters earning < \$25,000/year	500 new affordable rental units
Low and moderate income renters who want to become owners have more options for purchasing affordable units	200 more units are affordable to low and moderate income renters who are qualified to become owners
Unit accessibility for persons with disabilities is increased through rehabilitation and creation of visitable housing	25 renter households that receive accessibility modifications annually
Residents in unstable housing situations have more permanent affordable and supportive housing options	70 tenant based rental assistance vouchers available annually
5. Residents living in housing in poor condition have improvements made	70 homes and apartments brought into good condition annually

Note: The proposed goal numbers are based on the renter and owners gaps analysis and needs identified by residents through the survey and are rounded for simplicity.

Roadmap for Addressing Needs. The "roadmap" presented below details how to achieve the measures of success depicted by the dashboard. It is organized by recommended year for action.

Roadmap to Meet Dashboard Goals, City of Lawrence

Dashboard G	ioals				
Short term (1-5 years)	2020-2023	Target Population	Roadmap		
1. Stabilize the rental gap for non-student renters earning < \$25,000/year by creating new deeply, permanently affordable rental units, Note: Affordable rentals could take a variety of forms, depending on the land and nature of the land or property (traditional public housing, transitional housing for victims of domestic violence, senior housing, cooperative housing, scattered site complexes). Ideally, housing for all vulnerable resident groups should have supportive services and foster community support.	100 new affordable rental units renting for less than \$500/month	Persons with disabilities, persons with mental illness/behavioral challenges; seniors, single parents, victims of domestic violence, persons with criminal histories, immigrants with no rental history/credit	Step 1. Determine available land and property: a. Inventory city land, especially under-utilized parcels such as parking lots, and determine appropriateness for new housing developments. b. Working with a local (preferably volunteer) commercial and residential real estate agent, inventory non-city owned and underutilized commercial and residential properties that could be purchased and converted to permanently affordable housing. Step 2. Examine the sites for potential residential development. Determine redevelopment costs and potential affordability mix (both rental and ownership housing, a mix of MFI levels, land trust and coop potential). Step 3. Acquire land/property. Step 4. Issue an RFP for a nonprofit or private partner to repurpose the land or property acquired by city or owned by the partner into permanent affordable housing, guided by the potential mix in Step 2. Assumes partner receives additional grants to offset construction costs of development.		
Create more ownership options for low and moderate income renters who want to become owners	affordable to low and moderate income renters who are qualified to become owners, priced between \$100,000 and \$260,000	Residents, workforce, small households; 50-100% MFI renters who want to become owners	Could be achieved through several approaches: 1) Follow Roadmap for creating affordable units (above). In that case, it is recommended that the for sale communities be a combination of land trust (deeply affordable), cooperative, and modified shared equity products. 2) Use density bonuses, potentially through an overlay district, to create more value in land for private developers. Units created through density bonuses would likely be attached homes serving 80-100% MFI. 3) Long term: Negotiate affordable for sale unit creation as part of annexations. The proportion may vary depending on the development proposed but should not be less than 10%.		

Note: The proposed goal numbers are based on the renter and owners gaps analysis and needs identified by residents through the survey and are rounded for simplicity.

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Roadmap to Meet Dashboard Goals, City of Lawrence (Continued)

Dashboard G	oals		
Short term (1-5 years)	2020-2023	Target Population	Roadmap
3. Persons with accessibility needs are able to get the improvements they need and/or find visitable and accessible housing	25 rental households assisted with accessibility modifications (benchmark is 11 annually)	Persons with disabilities who desire to live independently; includes many types of disabilities, including cognitive and self care	1) Increase number of rental households with disabilities who receive grants from the city for accessibility improvements; 2) Consider enhancing this program to provide additional rehabilitation and weatherization to private property owners who agree to keep units affordable for a period of time (10-15 years, depending on amount of grant); 3) Engage private sector developers in a discussion about incentives to increase visitability in housing and consider implementing solutions
Residents in unstable housing situations have more permanent affordable and supportive housing options	25 more vouchers available	Persons with disabilities, persons with mental illness/behavioral challenges; seniors, single parents, victims of domestic violence, persons with criminal histories, immigrants with no rental history/credit	1) Increase TBRA to supplement Section 8 program; buy down units in \$625-\$875 range. 2) Consider creating an incentive fund for property owners who agree to rent to voucher holders. This fund could cover the costs of damage, wear and tear, and weatherization improvements.
5. Residents living in housing in poor condition have improvements made	70 number of homes and apartments brought into good condition (benchmark is 35 annually)	Residents living in substandard housing; includes persons with disabilities living in inaccessible housing	1) Increase funding for home modifications and weatherization. Fund with housing trust funds to increase grant effectiveness and overall funding by removing regulatory inefficiencies; Supplement with incentive programs proposed above. 2) Evaluate the City's current rental inspection sampling program, using guidance from the survey data in the Housing Needs Assessment, to ensure that the City's process has the ability to detect condition problems reported by residents. 3) Evaluate if energy codes and programs are adding unnecessary costs to housing payments.

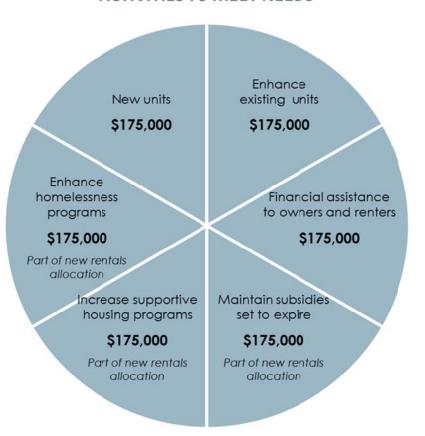
Note: The proposed goal numbers are based on the renter and owners gaps analysis and needs identified by residents through the survey and are rounded for simplicity.

Roadmap to Meet Dashboard Goals, City of Lawrence (Continued)

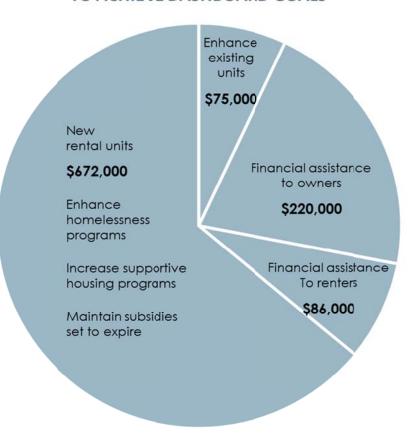
	ard Goals		
Long term (5-10 years)	2024-2028	Target Population	Roadmap
1. Reduce the rental gap by 7.5% by adding new units affordable to non-student renters earning less than \$25,000/year	500 new affordable rental units	Persons with disabilities, persons with mental illness/behavioral challenges; seniors, single parents, victims of domestic violence, persons with criminal histories, immigrants with no rental history/credit	
Low and moderate income renters who want to become owners have more options for purchasing affordable units	200 more units are affordable to low and moderate income renters who are qualified to become owners	Residents, workforce, small households; 50-100% MFI renters who want to become owners	
Unit accessibility for persons with disabilities is increased through rehabilitation and creation of visitable housing	25 annual rental households that receive accessibility modifications (benchmark is 11 annually)	Persons with disabilities who desire to live independently; includes many types of disabilities, including cognitive and self care	
Residents in unstable housing situations have more permanent affordable and supportive housing options	50 more vouchers available	Persons with disabilities, persons with mental illness/behavioral challenges; seniors, single parents, victims of domestic violence, persons with criminal histories, immigrants with no rental history/credit	
5. Residents living in housing in poor condition have improvements made	70 number of homes and apartments brought into good condition (benchmark is 35 annually)	Residents living in substandard housing; includes persons with disabilities living in inaccessible housing	

Note: The proposed goal numbers are based on the renter and owners gaps analysis and needs identified by residents through the survey and are rounded for simplicity.

FUNDS AMONG HOUSING ACTIVITIES TO MEET NEEDS



PROPORTIONATE DISTRIBUTION BASED ON COSTS OF ACTIVITIES TO ACHIEVE DASHBOARD GOALS



Note: Enhance existing units includes activities of accessibility improvements, weatherization, and emergency loans.

Financial assistance includes vouchers and first time homebuyer assistance.

SECTION I.

Demographic and Economic Profile

SECTION I.

Demographic and Economic Profile

This section provides an overview of Lawrence's demographic and economic environment to set the context for the housing market analysis. The discussion is organized around population levels and trends, household diversity, and economic health.

Lawrence Demographic Profile

Similar to national trends, Kansas has experienced a population shift toward more urban areas of the state. In 2016, more people moved into Douglas County than moved away—particularly college-aged adults. Lawrence's diverse economy and large student population play important roles in its growth. The County is projected to grow at a steady rate over the next few decades and as people continue to seek out more affordable urban areas, Lawrence will likely grow at a similar rate, if not faster. These trends and other defining characteristics of the city are explored in this section.

Population. According to Lawrence's Planning and Development Services Department, the city's population increased by more than 10,000 people since 2010—the most recent population estimate was 99,496.

Figure I-1 shows the population trends for Lawrence, Douglas County, and nearby Kansas City MSA. The city has grown modestly in the last 20 years, with an average growth rate of 1.5 percent. Lawrence experienced slightly higher growth compared to the Kansas City MSA overall.

Figure I-1.
Population Trends, City of Lawrence, Douglas County, and Kansas City MSA, 1990, 2000, 2010, and 2017

	1990	2000	2010	2017	Total Growth (1990 to 2017)	Compound Annual Growth Rate (1990-2017)
Kansas City, MO	435,146	441,545	459,787	488,943	53,797	0.4%
Lawrence, KS	65,608	80,098	87,643	96,892	31,284	1.5%
Manhattan, KS	37,712	44,831	52,281	54,832	17,120	1.4%
Topeka, KS	119,883	122,377	127,473	126,587	6,704	0.2%
Wichita, KS	304,011	344,284	382,368	390,591	86,580	0.9%
Dougle County, KS	81,798	99,962	110,826	120,793	38,995	1.5%
Kansas City MSA	1,566,280	1,776,062	2,009,342	2,128,912	562,632	1.1%

Source: 1990, 2000, and 2010 U.S. Census, 2017 Population Estimates, and City of Lawrence Planning and Development Services.

Full time students. Lawrence is home to the University of Kansas (KU) and Haskell Indian Nations University (HINU)—both of which influence the city's population. Residents associated with these institutions may not be included in population totals because it is unclear how many of these students claim Lawrence residency in the Census. KU's 2017 enrollment for fall

semester reached 24,891 and HINU enrolls about 1,000 students per semester. Enrolled students comprise roughly one quarter of the residents in Lawrence.

More than half of the enrolled students at KU moved from within Kansas, while the remaining students moved from other states or countries (almost 10 percent of KU students are international). Twenty percent of KU students live on-campus and the other 20,000 students live off-campus. Students play a key role in the city's demographic makeup, as well as the housing market. Section II will examine housing trends in more detail of students and other residents living in Lawrence.

Migration. During 2015, more people moved into Douglas County than moved out. The County gained nearly 1,500 individuals from other Kansas counties and lost almost 1,000 individuals to other states. The majority of residents moving into Douglas county came from Sedgwick County (i.e. Wichita), followed by Texas, New York, and California.

Some in-migration is attributed to enrollment at KU and HINU. According to KU's Office of Institutional Research & Planning, over 10,000 students moved from other states or countries.

KU is also the largest employer in Lawrence and employs over 2,800 faculty members. Combined with the city's diverse economy, the universities attract many young adults and families.

Figure I-2 examines annual in-migration into Lawrence by age for 2016. As shown, much of the city's annual in-migration is attributed to the college age and young adult populations who are likely enrolled at KU.

Figure I-2.
Residents by Age Moving into Lawrence from Outside Douglas County, Lawrence, 2016

Note:
This includes residents that moved from outside the county, state, or the U.S.
Source:

2016 ACS 5-year estimate.

Age Cohort	Total
Infants and toddlers (0 to 4)	3%
School aged children (5 to 17)	5%
College aged adults (18 to 24)	64%
Young adults (25 to 44)	19%
Baby boomers (45 to 64)	6%
Seniors (65 and olders)	3%
	100%

According to the 2016 United Van Lines Movers Study, the top reason people moved to and away from Kansas was for a job, followed by family. Inbound movers were most likely to make between \$100,000 and \$150,000 and outbound movers were most likely to make over \$150,000.

Age. College students and young adults comprise the majority of residents in Lawrence, but are not the fastest growing age cohorts. Figure I-3 compares the age distribution of Lawrence residents since 2000.

The largest growth in population occurred in school aged children and seniors.

Figure I-3. Age Trends, Lawrence, 2000, 2010, and 2016

Source:

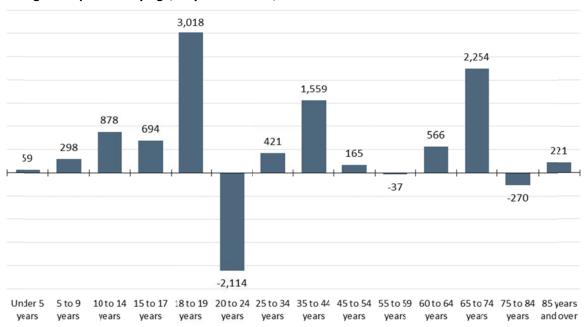
2000 and 2010 U.S. Census, 2016 1-year ACS, and BBC Research & Consulting.

	2000	2010	2016	2010-2016 Percent Change
Infants and toddlers (0 to 4)	4,345	4,827	4,863	1%
School aged children (5 to 17)	10,526	10,549	12,396	18%
College aged adults (18 to 24)	24,569	25,108	26,032	4%
Young adults (25 to 44)	22,800	24,063	26,032	8%
Baby boomers (45 to 64)	12,103	16,110	16,782	4%
Seniors (65 and olders)	5,755	6,986	9,249	32%

Figure 1-4 presents the change in residents by age group from 2010 to 2016. As shown, the largest change in population occurred in residents aged 18 to 19, incoming freshman and sophomores, and 65 to 74.

Although Lawrence gained a large number of 18 to 19 year olds, the city also lost residents between 20 and 24, indicating that a large share of students do not stay in Lawrence after they graduate. It is likely that some Lawrence residents moved to the Kansas City MSA—which saw a 5 percent increase in 20 to 24 year old residents during the same time period.

Figure I-4.
Change in Population by Age, City of Lawrence, 2010 to 2016

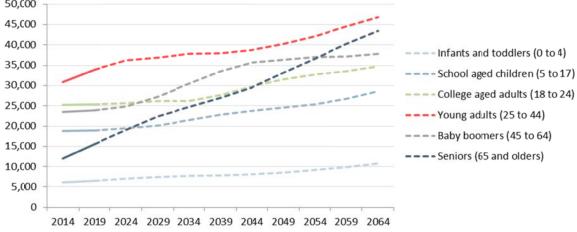


Source: 2010 U.S. Census, 2016 1-year ACS, and BBC Research & Consulting.

Projections. The Center for Economic Development and Business Research (CEDBR) provides population projections for Douglas County through 2064. Over the next 50 years, the County is projected to have over 200,000 residents—an average annual growth rate of 1.2 percent.

Figure I-5 depicts population projections by age. Almost all age cohorts are projected to have slow or steady growth, except for seniors. Residents aged 65 and older will become the second largest age cohort.

Figure I-5.
Population Projection by Age, Douglas County, 2014 to 2064



Source: The Center for Economic Development and Business Research and BBC Research & Consulting.

As the city ages, accessible housing demand and needs will increase as age and disability are correlated. Seniors often require assistance with home maintenance and transportation to ensure they maintain a high quality of life while aging in place.

Household composition. Lawrence's household composition has remained relatively unchanged since 2000. As the population increased, each household type grew and their share of the total households changes slightly. The share of non-family households (e.g. students) increased by 2 percentage points.

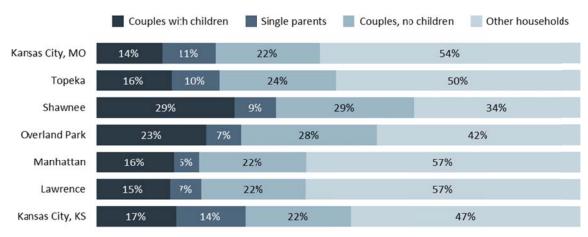
Figure I-6. Household Composition, City of Lawrence, 2000, 2010, and 2010

Source: 2000 and 2010 U.S. Census, 2016 1-year ACS, and BBC Research & Consulting.

	2000		20	016
	Number	% Total Households	Number	% Total Households
Family households	15,944	51%	17,865	49%
Husband and wife families	12,414	39%	13,218	36%
with children under 18	5,807	18%	6,049	17%
without children under 18	6,607	21%	7,169	20%
Male householder, no wife	964	3%	1,111	3%
with children under 18	476	2%	507	1%
without children under 18	488	2%	604	2%
Female householder, no husband	2,566	8%	3,536	10%
with children under 18	1,717	5%	2,039	6%
without children under 18	849	3%	1,497	4%
Non-family households	15,491	49%	18,641	51%
Total households	31,435		36,506	

Lawrence's overall household composition is similar to other towns hosting a major university. For example, 57 percent of Manhattan's (Kansas State University) households are non-family. Other nearby communities such as Kansas City KS, Overland Park, and Shawnee contain a larger proportion of family households than in Lawrence.

Figure I-7. Household Composition by Place, 2016



Source: 2016 5-year ACS and BBC Research & Consulting.

Household size. The average size of Lawrence's households has changed somewhat in the last 10 years. In 2000, the average household size was 2.28; in 2010, it was 2.41. Average family size also increased from 2.91 to 3.12 in the same time period.

Income and poverty. This section examines household and family income in Lawrence, as well as the prevalence of poverty among the city's residents.

In 2016, the median household income in Lawrence was \$54,243 and the median income for families was \$80,042. Married-couple families had the highest median income (over \$100,000) and college-aged adults, single mothers, Asian residents, and Native American residents had the lowest median incomes, all below \$30,000.

Median household income has steadily increased since 2000 (when it was \$34,734), by an annual growth rate of 2.7 percent. Figure I-8 shows income trends since 2000 for both owners and renters.

Figure I-8. Income Trends for Owners and Renters , Lawrence, 2000 and 2016

Source:

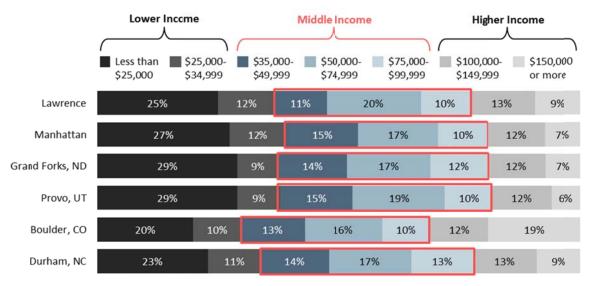
2000 U.S. Census, 2016 1-year ACS, BBC Research & Consulting.

	2000	2016	Percentage Point Change	Numerical Change
Owners				
Less than \$25,000	14%	8%	-6%	-638
\$25,000-\$50,000	28%	10%	-19%	-2,506
\$50,000-\$75,000	26%	24%	-1%	345
\$75,000-\$100,000	15%	13%	-1%	78
\$100,000+	17%	44%	27%	4,824
Total	100%	100%		2,103
Renters				
Less than \$25,000	56%	39%	-17%	-1763
\$25,000-\$50,000	31%	33%	2%	1,363
\$50,000-\$75,000	9%	16%	6%	1547
\$75,000-\$100,000	3%	7%	5%	989
\$100,000+	1%	5%	4%	832
Total	100%	100%		2,968

Lawrence experienced a loss in owners and renters making under \$25,000 over the last fifteen years, either because those households moved away or household incomes increased. The biggest income gains during this time period occurred for Lawrence households making over \$100,000.

Figure 1-9 shows the income distribution for all Lawrence residents and compares it to similar college towns.

Figure I-9. Income Distribution by Place, Lawrence and Similar Communities, 2016



Note: 1-year estimates were unavailable for Grand Forks and Manhattan.

Source: 2016 1-year ACS and 5-year ACS and BBC Research & Consulting.

More than one third of the city's households earn less than \$35,000 annually (37%). This is not surprising, given that the figure includes the city's student population.

Lawrence's income distribution is similar to other college towns like Manhattan and Grand Forks, North Dakota—the largest income categories are residents making less than \$25,000, followed by middle income residents (making between \$50,000 and \$75,000).

Poverty. The city's poverty rate in 2011 was 11.4 percent, after adjusting for the student population. The overall poverty rate including KU and HINU students is much higher at 23.1—more than a 10 percentage point difference. College students are more likely to be low income compared to other residents while they are in school. It is important to examine the poverty rate for all individuals and the non-student population to determine whether high poverty is caused by students or some other reason.

As demonstrated in Figure I-10, Lawrence's poverty rate is heavily linked to the student population, similar to nearby college town, Manhattan.

Figure I-10. Poverty, Lawrence, 2011

	Total Population	Poverty Rate (All People)	Poverty Rate (Excluding Students)	Difference in Poverty Rate
Kansas City, MO	453,542	19.0	18.1	-0.9
Lawrence, KS	79,861	23.1	11.4	-11.7
Manhattan, KS	46,151	27.9	11.9	-16.0
Topeka, KS	124,045	21.7	20.5	-1.2
Wichita, KS	377,688	17.0	16.3	-0.7
Dougle County, KS	102,397	19.3	9.9	-9.4
Kansas	2,770,338	13.6	12.4	-1.1

Note: Students are included in the ACS poverty rates. Only data from 2011 was available for poverty rate excluding students.

Source: 2009-2011 ACS 3-year estimates and BBC Research & Consulting.

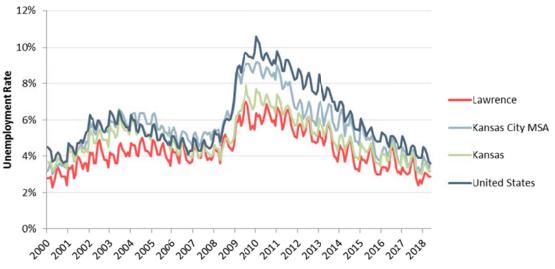
Lawrence has one of the lowest adjusted poverty rates compared to the state and other nearby cities, such as Topeka (20.5) and Kansas City, Missouri (18.1).

Economic Profile

This section discusses key components of the city's economy, which affect the demand for and price of housing.

Labor force and unemployment. Figure I-11 presents unemployment rates for Lawrence, Kansas City MSA, the State of Kansas, and the U.S. from 2000 to the 2nd quarter of 2018. Lawrence and the State of Kansas have consistently boasted some of the lowest unemployment rates in the country for the last 10 years. While Lawrence was not immune to the economic downturn in 2008 and 2009, the city and the state faired far better than Kansas City MSA and the U.S. As of May 2018, Lawrence's unemployment rate was 2.9 percent, compared with 3.6 percent for Kansas City MSA and the U.S.

Figure I-11.
Unemployment Rates, Lawrence, Kansas City MSA, Kansas, and United States, 2000 to June 2018



Source: Bureau of Labor Statistics.

Job and wages by industry. Figure I-12 compares Douglas County's job composition by industry for 2006 and 2016—the Bureau of Labor Statistics (BLS) does not provide employment data by city.

Figure I-12. Average Employment, Douglas County, 2006 and 2016

Note: Federal, state, and local government employment data unavailable for Douglas County.

Source:
Bureau of Labor
Statistics and BBC
Research & Consulting.

	200	6	201	6
	Employment	% of Total	Employment	% of Total
Goods Producing (Private)	6,591	14%	5,653	11%
Natural Resources and Mining	66	0%	103	0%
Construction	2,474	5%	1,681	3%
Manufacturing	4,050	8%	3,870	8%
Service Producing (Private)	29,936	62%	31,321	64%
Trade, Transportation, and Utilities	7,924	16%	8,116	16%
Information	1,039	2%	777	2%
Financial Activities	1,947	4%	1,575	3%
Professional and Business Services	5,382	11%	5,576	11%
Education and Health Services	4,855	10%	5,650	11%
Leisure and Hospitality	6,456	13%	7,063	14%
Other Services	2,332	5%	2,565	5%
Total Private Employment	36,526	76%	36,974	75%
Total Employment	48,093	100%	49,208	100%

Douglas County has slowly become more reliant on service producing industries and less reliant on goods producing industries. In fact, the area lost nearly 1,000 goods producing jobs in the last 10 years; most of these jobs were in construction and manufacturing. The education and health services industry gained the most jobs, followed by Leisure and Hospitality—two of the lowest paid industries.

Figure I-13 presents wage information by industry for jobs in Douglas County in 2006 and 2016. Manufacturing jobs pay the highest annual average wages, followed by the information and financial activities industries.

Figure I-13. Employment and Average Wages, Douglas County, 2006 and 2016

Note

Federal, state, and local government employment data unavailable for Douglas County.

Source:

Bureau of Labor Statistics and BBC Research & Consulting.

	2006	5	2016	;
	Weekly Employment	Annual Total	Weekly Employment	Annual Total
Goods Producing (Private)	\$750	\$39,024	\$934	\$48,581
Natural Resources and Mining	\$433	\$22,494	\$645	\$33,528
Construction	\$684	\$35,589	\$867	\$45,060
Manufacturing	\$796	\$41,393	\$971	\$50,510
Service Producing (Private)	\$459	\$23,844	\$563	\$29,300
Trade, Transportation, and Utilities	\$465	\$24,165	\$558	\$29,016
Information	\$634	\$32,950	\$896	\$46,611
Financial Activities	\$710	\$36,911	\$868	\$45,144
Professional and Business Services	\$571	\$29,672	\$749	\$38,944
Education and Health Services	\$516	\$26,824	\$591	\$30,706
Leisure and Hospitality	\$203	\$10,534	\$283	\$14,691
Other Services	\$480	\$24,892	\$604	\$31,390
Total Private Employment	\$511	\$26,584	\$620	\$32,248
Total Employment	\$575	\$29,896	\$715	\$37,159

Occupations. According to the ACS, there are 56,601 residents 16 years and older employed in Lawrence. Most residents are employed in management, business, science, and arts occupations (44%). The other top occupations in Lawrence are sales and office occupations (22%) and service occupations (22%). The least common occupations held by Lawrence residents include production, transportation and material moving (8%), as well as natural resources, construction and maintenance (3%).

Top employers. The University of Kansas has historically provided stable employment to the Lawrence and the region. The college provides more than 9,000 jobs to the area. The second largest employer in the region is Lawrence Public Schools.

Figure I-14 shows the top employers in Lawrence and Douglas County. Although education dominates the local economy, there is a diverse set of employers and industries that contribute to the region's stable economic activity.

Figure I-14.

Top Employers, Lawrence and Douglas County

Employer	Product/Service	Number of Employees
The University of Kansas	Education	9,881
Lawrence Public Schools	Education	1,800
City of Lawrence	Government	1,455
Lawrence Memorial Hospital	Medical	1,322
Berry Plastics	Manufacturer	739
Hallmark Cards, Inc.	Manufacturer	525
Baker University	Education	496
Amarr Garage Doors	Manufacturer	461
Douglas County	Government	435
Boston Financial Data Services	Data Services	394
The Olivia Collection	Hospitality	320
K-Mart Distribution Center	Distribution Center	320
DCCCA	Not for profit	295
Allen Press	Printing Services	275
Community Living Opportunities	Not for profit	263
Haskell Indian Nations University	Education	250
Cottonwood, Incorporated	Manufacturer	240
Eudora School District	Education	232
Lawrence Paper Company	Manufacturer	209
Bert Nash Community Mental Health Center	Not for Profit	179
Westar Energy	Utility	170
ICL Performance Products LP	Manufacturer	161
HP Pelzer	Manufacturer	160
Big Heart Pet Brands	Manufacturer	160
Schlumberger	Manufacturer	150
PROSOCO	Manufacturer	92
Golf Course Superintendents Association of America	Corporate Headquarters	85

Source: EDC of Lawrence & Douglas County and BBC Research & Consulting.

The state of Kansas has low to moderate tax burden on residents and businesses, which also contributes to its stable economy. According to WalletHub's latest Tax Burden by State study, Kansas ranks number 25 compared to all other U.S. states for tax burden. Although very low state taxes may sound appealing initially, it does not promote long-term economic growth. On the other hand, excessively high state tax burden limits economic growth. Kansas is unique because it provides adequate revenues for schools, infrastructure, and public services, while not burdening residents or businesses with high tax rates. If the state continues to have a balanced tax structure, it will foster more economic growth.

SECTION II.

Housing Profile and Market Analysis

SECTION II. Housing Profile and Market Analysis

This section provides an analysis of Lawrence's housing market. It examines housing supply and availability, development trends, affordability of rental and ownership housing, and housing demand. The analysis is tailored to Lawrence's unique market which is affected by the city's high desirability, two institutions of higher education and large presence of students, proximity to a major metropolitan area, and land and development constraints.

The section begins with a definition of affordability and how affordability is typically measured. This follows with a discussion of price trends and affordability in both the rental and ownership markets. The section concludes with estimated housing needs.

Defining and Measuring Housing Affordability

The most typical definition of affordability is linked to the idea that households should not be **cost burdened** by housing. A cost burdened household is one in which housing costs—the rent or mortgage payment, plus taxes and utilities—consumes more than 30 percent of monthly gross income.

The 30 percent proportion is derived from historically typical mortgage lending requirements. Thirty-percent allows flexibility for households to manage other expenses (e.g., child care, health care).

Recently, the 30 percent threshold has been questioned as possibly being lower than what a household could reasonably bear. Indeed, the U.S. Department of Housing and Urban Development has considered raising the contribution expected of Housing Choice ("Section 8") Voucher holders to 35 percent of monthly income. However, most policymakers maintain that the 30 percent threshold is appropriate, especially after taking into account increases in other household expenses such as health care.

It is generally accepted that households should not pay more than 50 percent of their incomes in housing costs. This "severe" level of cost burden puts households at high risk of homelessness—and also restricts the extent to which households can contribute to the local economy.

Federal definition of affordability:

- 1) Housing costs are "affordable" if they do not exceed 30% of household's gross monthly income
- 2) "Costs" include basic utilities, mortgage insurance, HOA fees and property taxes

Households paying >30% for housing are "cost burdened"

>30%

Households paying >50% for housing are "severely cost burdened"



Figure II-2 shows the income thresholds typically used, based on Lawrence's median income. Median Family Income, or MFI, is defined annually based on HUD market studies. The figure provides the maximum affordability for households at each MFI level, as well as the housing types that serve the households in the MFI range.

It is important to note that MFI is based on earned income or public assistance and does not factor in personal wealth and other forms of financial support. Students are often represented in the 0-30 percent MFI category yet have access to other sources of income (e.g., parental support) that reduce housing cost burden. Similarly, seniors living on fixed incomes fall in the 0-30 percent category yet have very low housing cost burden if they own their homes outright or have low outstanding mortgage balances. (They may, however, struggle to afford maintenance costs). For example, seniors in Lawrence report their average mortgage as \$865 per month, compared to \$1,500 for all homeowners.

Figure II-2. Income Thresholds and Target Housing

"extremely" low income =< \$21,400 per year, poverty level



Public housing, Section 8, tenant-based rental assistance, transitional housing, other deeply subsidized rentals.

"very" low income \$21,400-\$35,600 per year

30-50% MFI



Public housing, Section 8, rental tax credit developments, other rental products. Shared equity and land trust for homeownership.

"low" income \$35,600-\$57,000 per year

50-80% MFI



Generally live in privately provided rental housing. Ownership with shared equity, land trust, other deed-restricted products, attached homes, homes in affordable areas.







Privately provided rental housing. General target for homeownership programs. At 120%, can often buy without assistance in affordable areas.

Note: MFI = HUD Median Family Income, 3-person household.

Source: BBC Research & Consulting and HUD 2018 income limits.

Other common indicators of housing affordability include:

- **Housing costs v. income**. Many indices used to monitor affordability trends compare housing costs to income levels. At the most simplistic level, these compare median home prices to median incomes. Although such indices are useful in comparing markets, they fail to capture the uniqueness of some markets (e.g., how property taxes affect housing costs).
- **Housing gaps.** A housing gaps model compares the supply of housing at various price points to demand, using income as a proxy. This model allows an examination of housing affordability challenges by income range. The gaps approach is used in this section to examine affordability in Lawrence.

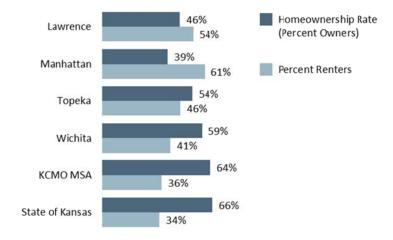
Existing Housing Stock

The U.S. Census counts approximately 40,000 housing units in Lawrence, with 54 percent of those renter-occupied and the balance, 46 percent, owner-occupied. This is relatively unchanged from 2000, when 53 percent of units were renter-occupied and 47 percent were owner-occupied.

As shown below, Lawrence's homeownership rate of 46 percent is higher than Manhattan's and lower than other Kansas communities and the Kansas City-Missouri (KCMO) metropolitan statistical area (MSA).

Figure II-3. Homeownership Rate, City of Lawrence and Surrounding Cities, 2016

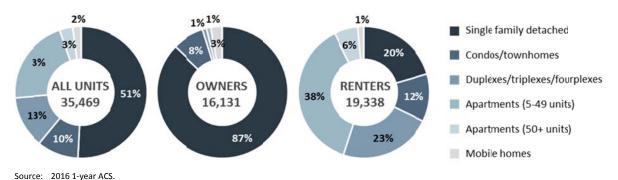
Source: 2016 1-year ACS.



Housing type. Just over half of Lawrence's housing stock is made up of single family detached homes. Another 10 percent is condominium and townhomes. Thirteen percent is duplexes/triplexes/fourplexes and just 2 percent mobile homes. The balance, about 25 percent, is apartments, most of which are in small to medium sized apartment buildings.

The vast majority of Lawrence owners (87%) live in single family detached houses and the vast majority of renters (80%) live in attached units. Figure II-4 displays housing type by "tenure" for Lawrence. In the housing industry, tenure means the status of renter- or homeownership.

Figure II-4.
Occupied Housing by Type and Tenure, City of Lawrence, 2016



Compared to Manhattan, Lawrence has a larger proportion of single family detached and attached homes and fewer larger apartment complexes. Manhattan has a relatively large proportion of mobile homes compared to Lawrence and other communities. As expected, both Lawrence and Manhattan have fewer proportions of single family detached homes and higher proportions of attached and apartment units, driven by student demand for housing.

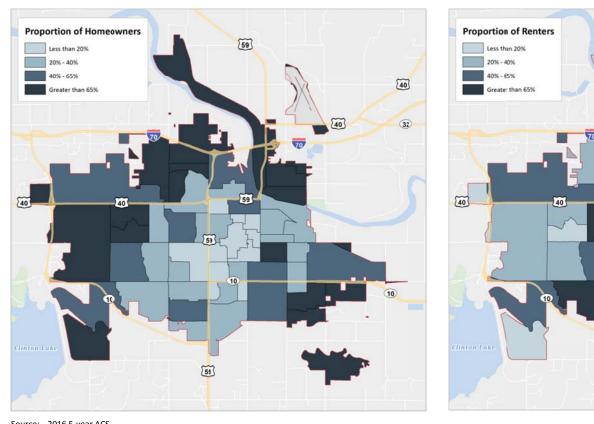
Figure II-5.
Comparative
Housing Type by
Tenure, City of
Lawrence and
Surrounding
Kansas Cities,
2016

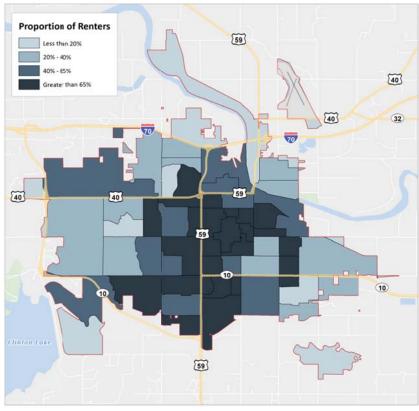
Source:
2016 5-year ACS.

	Lawrence	Manhattan	Topeka	Wichita	ксмо
Single family detached	51%	44%	68%	71%	71%
Condos/townhomes	10%	8%	4%	3%	6%
Duplexes/triplexes/fourplexes	13%	10%	6%	7%	6%
Apartments (5-49 units)	21%	30%	14%	13%	11%
Apartments (50+ units)	3%	3%	5%	3%	3%
Mobile homes	2%	4%	2%	3%	2%
Total	100%	100%	100%	100%	100%

Figure II-6 shows the geographic distribution of renters and owners in Lawrence. Rental units are concentrated in the central and south central part of the city. Homeownership is highest in neighborhoods on the outer ring of Lawrence, except for south Lawrence.

Figure II-6. Proportion of Homeowners and Renters by Census Block Group, City of Lawrence, 2016





Source: 2016 5-year ACS.

BBC RESEARCH & CONSULTING SECTION II, PAGE 6 **Household size and bedrooms.** The average household size in Lawrence is 2.41 people per unit. Owner-occupied units have an average size of 2.76; renters, a much lower 2.12.

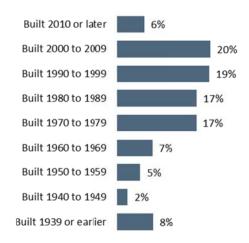
Most homes in Lawrence are good-sized. The median number of rooms per housing unit in Lawrence is 5.2, according to the Census. Nearly 40 percent of housing units have 3 bedrooms; this is the most common size of unit. Twenty percent of units have 4 and 5 bedrooms; 14 percent are 1 bedroom units; and 25 percent are 2 bedroom units. Only 2 percent of units are studios.

Age of housing stock. Figure II-7 shows the distribution of Lawrence's housing stock by age. Almost half of the city's housing stock was built between 1970 and 1999. This explains the larger sized units that are characteristic of the city, as homes and apartments built in those decades typically had more square footage than older units.

Figure II-7.
Age of Housing Stock, City of Lawrence, 2016

Source

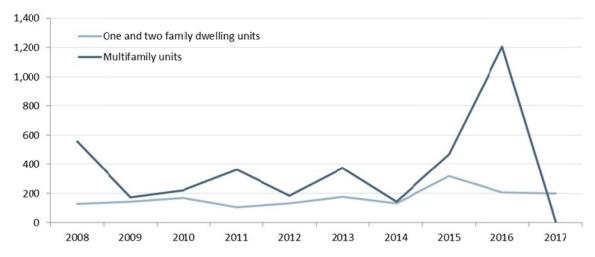
2016 1-year ACS and BBC Research & Consulting.



Building permits. The city's Planning & Development Services Department provides monthly building permit reports, as well as annual analyses of permit activity. The figure below shows one, two, and multifamily permitting activity from 2008 through 2017. Until 2017, more units in multifamily dwellings had been issued, with multifamily permitting exhibiting wider fluctuations. 2015 saw a surge in one- and two-family permits; these have remained historically high.

According to the department's reports, since 1993, there have been 11 years in which the number of multifamily units permitted exceeded one- and two-family dwelling units: first in 1996, then not until 2007, and in subsequent years until 2017.

Figure II-8.
Building Permit Trends, One, Two, and Multifamily Residential Units, City of Lawrence, 2008 – 2017



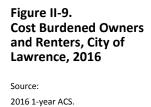
Source: 2017 Building Permit Activity and Trends Report.

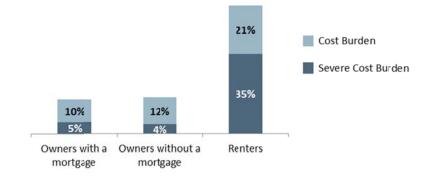
Permits issued through April 2018 show a continued development preference for single family units: 0 multifamily permits had been issued compared to 46 single family permits and 4 duplex permits.

Altogether, permits issued between 2013 and April 2018 totaled 327 single family homes and duplexes, compared to 1,102 multifamily units. Until 2018, multifamily units averaged 360 units per year.

Cost burden. Altogether, 56 percent of all Lawrence renters, more than 10,000 renter households, are cost burdened, spending 30 percent or more of their income on housing costs. Of these, most (6,000 households) are severely cost burdened, paying more than 50 percent of their income on housing costs.

Owners face much lower rates of cost burden, with 15 percent of owners with a mortgage and 16 percent of owners without a mortgage facing cost burden. This suggests that maintenance of homes is as much of a burden on owners as is the mortgage payment.





Ownership Market Trends

This section discusses ownership affordability in Lawrence, beginning with price trends, and concluding with an estimate of current and future gaps between ownership demand and supply.

Price increases. Similar to most housing markets across the country, Lawrence has experienced substantial increase in home prices since 2000. As shown in the figure below, the median price of sold and listed homes was \$129,900 in 2001. By 2018, this had risen to \$239,700—an increase of 85 percent.

By home type, single family homes and homes in rural subdivisions increased the most during this period, with prices doubling.

Figure II-10.

Median Price, Sold and Listed Homes, Lawrence, 2001 to 2018

	2001	2006	2016	2017	2018	Change 2001-2018
All	\$129,900	\$164,950	\$186,900	\$190,204	\$239,700	85%
Single Family Detached	\$134,700	\$174,900	\$199,900	\$215,000	\$259,900	93%
Condominium	\$74,000	\$82,000	\$83,000	\$84,400	\$88,950	20%
Townhome	\$110,000	\$138,750	\$135,000	\$141,750	\$167,000	52%
Rural Residential	\$196,700	\$274,500	\$275,000	\$336,500	\$330,000	68%
Rural Subdivision	\$204,900	\$305,000	\$369,000	\$279,900	\$427,250	109%

Note: The Rural Subdivision category had fewer than 20 homes sold or listed each year and only 4 in 2018. Rural residential and condominium categories also had few listings and sales, averaging 30-40 annually.

Source: Lawrence Multiple Listing Service, Lawrence Board of Realtors.

Price increases were not uniform, however. Consistent with national trends, home prices were stable (and even declined for townhomes) between 2006 and 2016, then began to rise. Price increases in the past year have been very significant for all product types except condominiums and rural residential properties.

2001-2006 2017-2018 2016-2017 53% 26% 22% 21% 18% 10% 8% 8% 5% 6% 5% 5% 5% 2% -2% -24% ΑII Condominium **Rural Subdivision** Single Family Townhome Rural Residential

Figure II-11.
Annual Price Increases by Home Type, 2001 to 2018

Source: Lawrence Multiple Listing Service, Lawrence Board of Realtors.

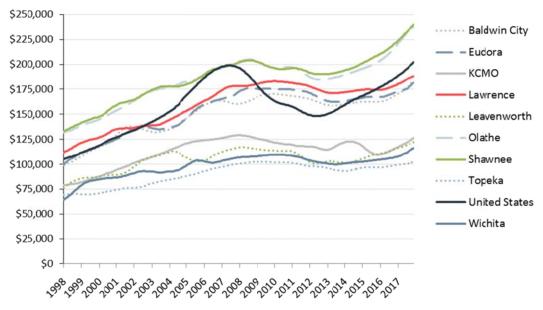
Detached

As shown in the price trend graph below, Lawrence's for sale price trends have been most similar to the nearby communities of Baldwin City and Eudora. Lawrence's home prices, although lower, also track trends of the western Kansas City suburbs of Olathe and Shawnee. Lawrence is much more expensive than the Kansas City-Missouri region (KCMO) overall, and Wichita.

The graphic also demonstrates how Lawrence and surrounding communities avoided the price bubble (2005-2008) of the U.S. overall.

Figure II-12a.

Median Sale Price of All Homes, Lawrence and Surrounding Communities, 1998 to 2017



Note: Includes both single family detached and condo units. Trend data were not available for Manhattan. The first quarter 2018 Zillow Median List Price reports Manhattan's median at \$215,000, compared to \$260,000 for Lawrence. This compares to \$180,000 for the KCMO area overall.

Source: Zillow Home Value Index and BBC Research & Consulting.

Figure II-12b.

Median Sale Price Compared to Median Income, Lawrence and Surrounding Communities, 1998 to 2017



Note: Includes both single family detached and condo units. Trend data were not available for Manhattan. The first quarter 2018 Zillow Median List Price reports Manhattan's median at \$215,000, compared to \$260,000 for Lawrence. This compares to \$180,000 for the KCMO area overall.

Source: Zillow Home Value Index and BBC Research & Consulting.

Impact on affordability. Curiously, because of the drop in mortgage loan interest rates during the recession, a household can afford to buy more in 2018 than they could in 2001—thus softening the blow of price increases. Yet higher priced homes require larger downpayments, which interest rate declines do not address.

The table below shows what households at various income levels could afford in 2001 and 2018—based on average mortgage interest rates in those years—as well as 2019, based on projections for interest rate increases. Affordability will drop slightly in 2019 due to rate increases; however, households will still be able to buy more than they could in 2001.

Figure II-13. Homeownership Affordability, City of Lawrence, 2001, 2018, and 2019

Note:

Interest rates assumed = 8.0% in 2001, 4.625% in 2018. 2019 assumes interest rate of 5.5%. Adjusted for changes in property taxes.

Source:

BBC Research & Consulting.

	Affordably Priced Home							
Household Income	2001	2018	2019					
\$36,000 (50% MFI) \$57,000 (80% MFI) \$71,000 (100% MFI) \$86,000 (120% MFI)	\$82,000 \$150,000 \$196,000 \$240,000	\$110,000 \$201,000 \$262,000 \$324,000	\$100,000 \$180,000 \$240,000 \$290,000					

Interest rates also fail to address the problem of lack of affordable housing to buy, which is discussed in the following section.

Renters who want to buy. According to the survey conducted for this study, nearly 50 percent of non-student renters want to buy homes. This compares to just 11 percent of student renters.

Those non-student renters who want to buy:

- Earn between \$35,000 and \$75,000 per year (about 50 to 100% of the HUD MFI);
- Can afford homes priced between \$110,000 and \$262,000;
- Are between the ages of 35 and 44, employed full time (61%) or part time (10%), do not have children, and have small household sizes (2.2 persons per household).
- These want-to-be owners would be well served by attached products that serve smaller families in prime working years looking for low-maintenance living.

Other residents in the market to buy would be those who want to move. The resident survey asked about the desire to move. Those residents who want to move are young adults (18-24), living with roommates (2.7 per household size), with earnings in the \$25,000 to \$35,000 range, and working full (41%) and part (30%) time. Residents who want to stay in their homes are those who would be in the market for moving up in ownership—ages 45-54, with children, larger household sizes, employed—but are not expressing strong demand to do so.

Supply of affordable homes to buy. A household's current choices for ownership by price and type are shown in the table below. This is based on homes that were listed or for sale between January and April 2018.

For very low income households—new college graduates, teachers, workers in service and retail, public servants beginning their careers—34 homes were on the market that were affordable. About one-third was single family homes; one third was condominiums; and one third was townhomes.

Households earning roughly between \$35,000 and \$57,000—the income range of the typical renter who wants to buy—have many more options for buying a single family home. Townhomes also serve this market segment.

Households earning \$70,000 and above can afford a variety of for sale product.

Overall, Lawrence's condo market serves the lower income households who want to become owners. Townhomes serve a broader income range with very affordable to higher end products. Single family detached homes are mostly affordable to households earning \$57,000 and more.

Figure II-14.
Current Affordability by Price Point and AMI, 2018

Number of homes listed/sold by price point in 2018								
	Less than \$110,000	\$110,000 - \$201,000	\$201,000 - \$262,000	\$262,000 - \$324,000	\$324,000 - \$416,000	Over \$416,000		
Affordable to	Very low income (50% MFI)	Low income (80% MFI)	Median income (100% MFI)	Moderate income (120% MFI)	High income	Highest income	Total	Percent Affordable to 80% AMI
All Homes	34	185	77	77	75	86	534	41%
City-Condo	14	0	1	0	2	3	20	70%
City-Single Famil	y 10	130	68	58	65	75	406	34%
City-Townhouse	10	53	7	14	3	0	87	72%
Rural Residential	0	2	1	4	4	6	17	12%
Rural Subdivision	n 0	0	0	1	1	2	4	0%

Source: Lawrence Multiple Listing Service, Lawrence Board of Realtors.

Product differentiation. The type of home households can buy at various price ranges varies by size, age, and amenities, as shown in the following figures.

The data in the figures demonstrate that:

- Condo and townhome affordability are highly correlated with age. The median price of condos and townhomes built in the past 20 years is far higher than the median price of older units.
- Similarly, older single family detached homes offer more affordability. The median price of a newly built single family home in 2018 is \$70,000 higher than a home just 1-5 years old.
- The most affordable units are between 1,000 and 1,500 square feet, which is small for a family.
- Square footage has been declining for all price points.

All units, even the most affordable, have relatively large lots. In many markets, lot sizes of 4,000 to 5,000 square feet, designed around courtyards and/or walkable to neighborhood parks, are in highest demand. These lot sizes can offer more affordability due to overall neighborhood density.

Figure II-15. Median Price by Year Built and Type, City of Lawrence, 2001, 2006, 2016, 2017, 2018

Note:

The number of sales for rural products is typically very low.

Source:

Lawrence Multiple Listing Service, Lawrence Board of Realtors.

	2001	2006	2016	2017	2018
Median Price, Sold &	Listed Homes				
All Homes	\$129,900	\$164,950	\$186,900	\$190,204	\$239,700
Condo	\$74,000	\$82,000	\$83,500	\$84,400	\$88,950
Single Family	\$134,700	\$174,900	\$199,900	\$215,000	\$259,900
Townhouse	\$110,000	\$138,750	\$135,000	\$141,750	\$167,000
Rural Residential	\$196,700	\$274,500	\$275,000	\$336,500	\$330,000
Rural Subdivision	\$204,900	\$305,000	\$369,000	\$279,900	\$427,250
Median Price, new co		+,	7000,000	+ =: 0,000	¥,
All Homes	\$145,900	\$251,900	\$342,650	\$339,900	\$349,500
Condo	γ1 +3,300	\$357,000	γ 5 -12, 050	\$722,500	7 3-7,500
Single Family	\$193,000	\$299,500	\$369,900	\$382,450	\$429,950
Townhouse	\$123,900	\$182,058	\$259,900	\$169,450	\$269,900
Rural Residential	\$193,500	\$349,950	7233,300	7105,450	7203,300
Rural Subdivision	\$270,000	\$297,500			
Median Price, 1-5 ye		Ç237,300			
All Homes	\$138,000	\$189,900	\$340,000	\$318,556	\$358,000
Condo	\$130,000	\$109,900	\$340,000	\$318,330	\$795,000
Single Family	\$142,450	\$219,000	\$340,000	\$329,000	\$358,000
Townhouse	\$142,450	\$152,450	\$340,000	\$324,300	\$290,950
Rural Residential					\$290,950
Rural Subdivision	\$219,900 \$205,950	\$215,000 \$399,900		\$406,250	
		\$399,900			
Median Price, 6-10 y		ć4 7 0.000	¢276.450	¢200 000	¢200.000
All Homes	\$136,900	\$179,900	\$276,450	\$296,000	\$299,000
Condo	\$107,200	\$79,150	\$432,000	\$1,425,000	¢202 750
Single Family	\$143,000	\$196,000	\$299,950	\$297,950	\$293,750
Townhouse	\$103,000	\$136,850	\$141,950	\$145,000	\$355,000
Rural Residential	\$345,000	\$265,000	\$505,000	\$450,000	\$699,950
Rural Subdivision	\$169,500	\$323,950		\$442,500	
Median Price, 11-20		4450.000	4044 ==0	4000.050	4044.000
All Homes	\$129,950	\$159,900	\$211,750	\$226,250	\$311,000
Condo	\$105,250	\$88,750	\$103,000	\$355,000	\$465,000
Single Family	\$153,900	\$185,500	\$240,000	\$275,000	\$338,500
Townhouse	\$93,000	\$130,000	\$145,500	\$149,900	\$158,900
Rural Residential	\$162,450	\$350,000	\$415,000	\$386,500	\$425,000
Rural Subdivision	\$259,000	\$303,225	\$374,900	\$479,000	\$499,000
Median Price, 21-40	· ·	4		4	
All Homes	\$120,500	\$158,000	\$174,950	\$177,700	\$207,500
Condo	\$58,250	\$76,500	\$80,200	\$81,400	\$76,000
Single Family	\$124,900	\$163,400	\$190,000	\$212,450	\$240,000
Townhouse	\$68,500	\$104,900	\$123,000	\$127,000	\$149,700
Rural Residential	\$215,000	\$289,500	\$275,250	\$324,900	\$300,000
Rural Subdivision	\$151,450	\$257,500	\$437,000	\$275,950	\$484,500
Median Price, 40+ ye					
All Homes	\$104,950	\$137,000	\$155,550	\$160,000	\$174,950
Condo	\$74,000		\$68,500	\$74,000	\$80,390
Single Family	\$104,950	\$135,900	\$158,000	\$163,000	\$178,050
Townhouse		\$127,000	\$90,500	\$104,250	\$94,250
Rural Residential	\$127,000	\$174,900	\$205,000	\$180,000	\$282,250
Rural Subdivision		\$315,000	\$229,900	\$160,000	\$324,750

Figure II-16.
Square Footage and Lot Size, City of Lawrence, 2001, 2006, 2016, 2017, 2018

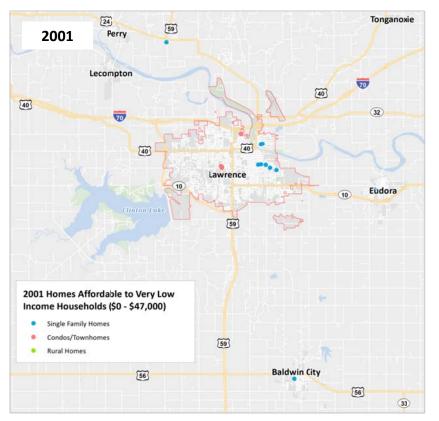
	Median square footage							
All Homes	Less than \$110,000	\$110,000 to \$201,000	\$201,000 to \$262,000	\$262,000 to \$324,000	\$324,000 to \$416,000	Over \$416,000		
2001	1,113	1,670	2,406	3,017	3,748	4,154		
2006	996	1,496	2,198	2,596	2,957	4,275		
2016	1,036	1,483	2,264	2,661	3,101	3,788		
2017	1,023	1,450	2,044	2,547	3,032	3,738		
2018	978	1,443	1,948	2,374	2,959	3,703		
Change 2001-2018	(135)	(227)	(458)	(643)	(789)	(451)		
			Median lo	t size (sq ft)				
All Homes	Less than \$110,000	\$110,000 to \$201,000	\$201,000 to \$262,000	\$262,000 to \$324,000	\$324,000 to \$416,000	Over \$416,000		
2001	6,540	9,125	11,045	14,392	13,502	20,440		
2006	6,250	8,276	10,494	12,331	11,817	18,003		
2016	6,288	8,092	9,600	10,671	11,446	15,046		
2017	6,119	7,500	9,838	10,018	11,900	13,939		
2018	6,138	7,850	9,208	9,920	10,800	14,487		

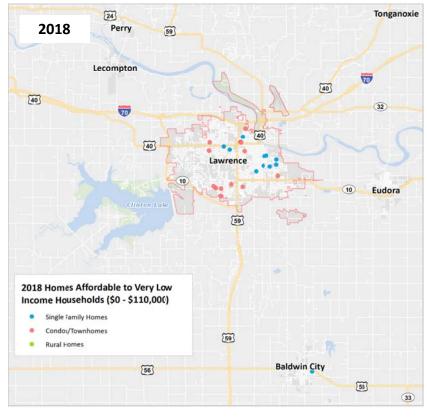
Source: Lawrence Multiple Listing Service, Lawrence Board of Realtors.

Geographic distribution. The maps below show the distribution of homes for sale for six different income ranges, in 2001 and 2018. The maps show:

- Very few options for very low income buyers in 2001 and slightly more, but still very limited product, in 2018;
- Considerably more options once households reach the low income level (earning \$57,000 and above). 2018 shows a wider geographic distribution of homes to buy.
- Units that are only affordable to the highest income households are clustered in Western Lawrence.
- The maps also demonstrate that condominiums—which are shown by red dots—remain a very affordable ownership option and can be found in Western Lawrence, which is more limited for affordable single family product.

Figure II-17.
Homes Affordable to Very Low Income Households, City of Lawrence and Surrounding Area, 2001 and 2018





Source: Lawrence Multiple Listing Service, Lawrence Board of Realtors.

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Figure II-18.

Homes Affordable to Low Income Households, City of Lawrence and Surrounding Area, 2001 and 2018

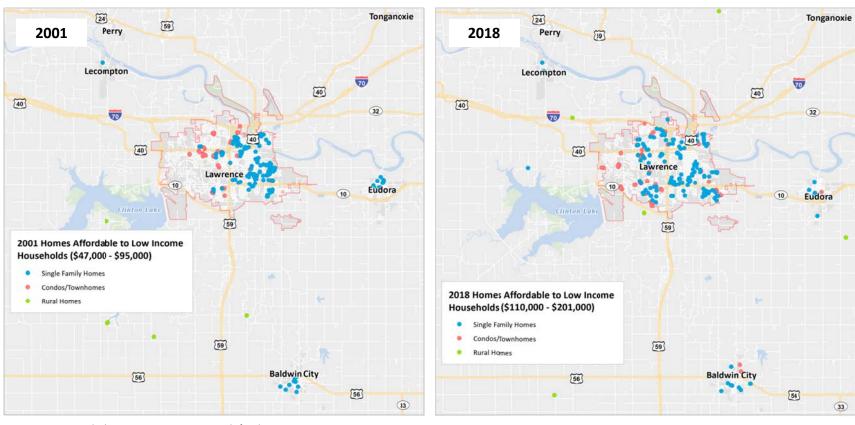


Figure II-19.

Homes Affordable to Median Income Households, City of Lawrence and Surrounding Area, 2001 and 2018

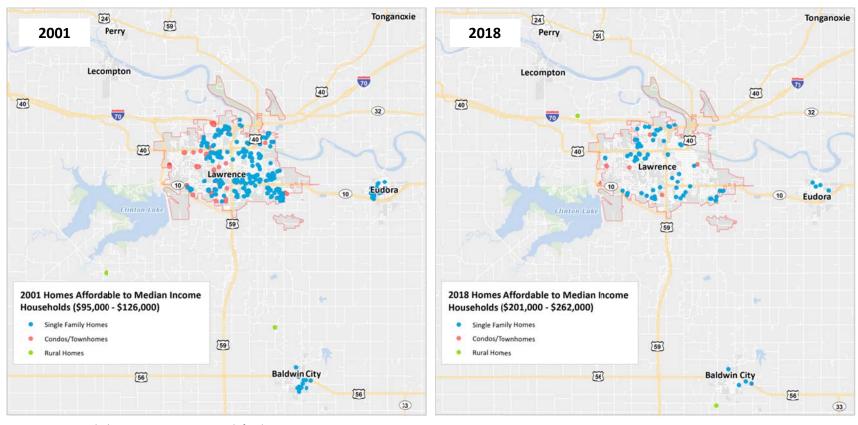


Figure II-20.
Homes Affordable to Moderate Income Households, City of Lawrence and Surrounding Area, 2001 and 2018

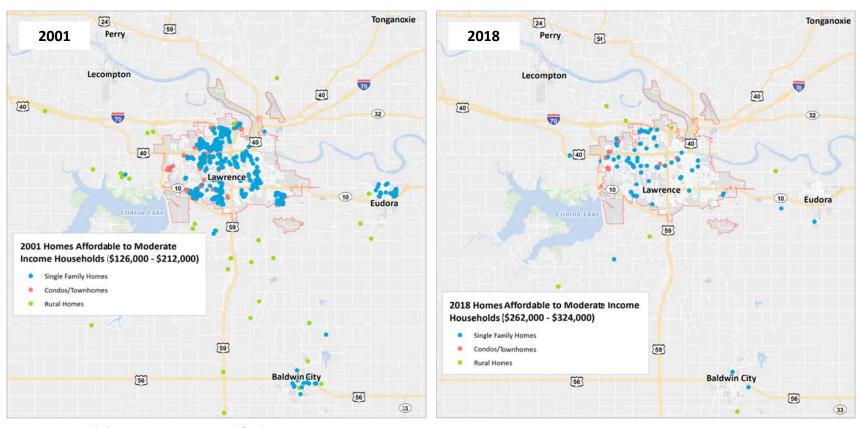
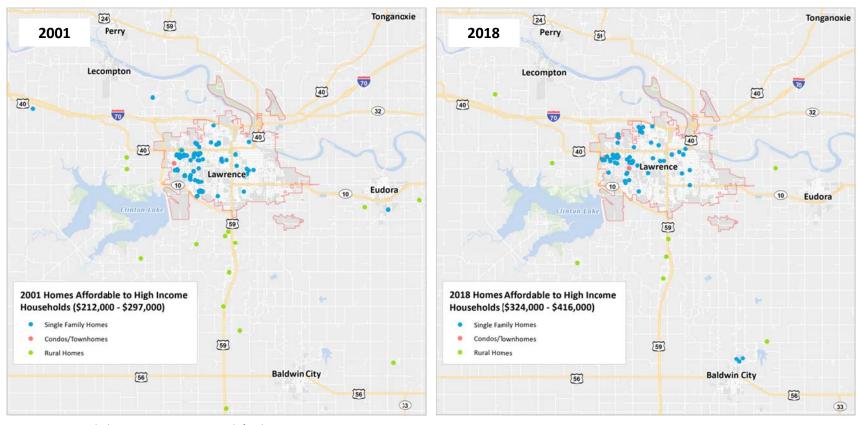
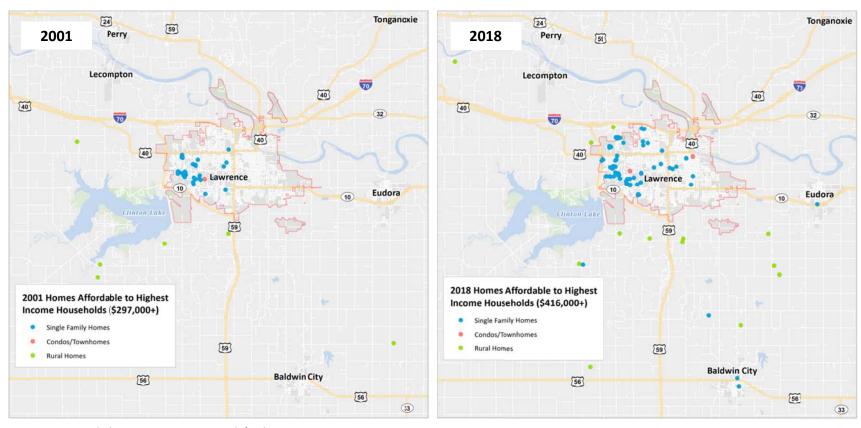


Figure II-21.
Homes Affordable to High Income Households, City of Lawrence and Surrounding Area, 2001 and 2018



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Figure II-22.
Homes Affordable to Highest Income Households, City of Lawrence and Surrounding Area, 2001 and 2018



A changing market. A growing challenge for renters looking to buy is the presence of cash buyers and investors. Cash buyers may be households moving from higher priced markets who have equity to reinvest; investors who find Lawrence's market to be attractive and relatively affordable; and parents who are purchasing homes for their children to rent.

Cash purchases have increased from 5 percent of all sales in the market in 2001 to 16 percent in 2018. This is much lower than the percentage of cash purchases nationally, which ranges between 20 and 30 percent.

As shown in the table below, most cash purchases were for single family homes (117 sales). And most were for very affordable homes, priced at \$200,000 and less. The highest proportion of cash sales occur in the very most affordable range, homes priced less than \$110,000.

A continued increase in the proportion of cash purchases is of concern, as they could lead to a reduction in supply of affordable and starter homes, assuming most cash sales will be converted to rental properties.

Figure II-23. Cash Purchases, 2018

Source:

Lawrence Multiple Listing Service, Lawrence Board of Realtors.

Homes for sale	Cash	Total Sold	% Sold for Cash
Price Range			
Less than \$110,000	6	16	38%
\$110,000 - \$201,000	12	71	17%
\$201,000 - \$262,000	2	20	10%
\$262,000 - \$324,000	0	19	0%
\$324,000+	5	26	35%
Туре			
Condo	2	7	29%
Single Family	19	117	16%
Townhome	4	24	17%
Rural	0	4	0%
All Homes	25	152	16%

The table below reports other indicators of a challenging market. Homes are staying on the market for less time, and this shift occurred very quickly, in 2017 and 2018. Homes are not yet being bid over asking price; however, that is likely to occur if price increases continue and supply diminishes.

Figure II-24. Market Demand Indicators

Source:

Lawrence Multiple Listing Service.

	2001	2016	2018
Sold homes, median amount over asking price	\$0	(\$1,000)	\$0
Sold homes, median % over asking price	0%	-1%	0%
No. sold for cash only	56	181	25
% sold for cash only	5%	17%	16%
Median days on the market	23	22	8
Range (low-high) days on the market	0-309	0-538	0-110

Ownership gaps and future needs. This gap between interest in buying and available product is demonstrated by the owners gaps analysis shown below. It is important to note that the gaps accounts only for units that fall within the affordability range of the MFI. The "cumulative gap"—which is a better measure of need—allows buyers to purchase homes that are priced at less than their affordability range.

The owners gaps models should be interpreted as:

- There are 211 extremely low income renters who would like to buy a home and have no inventory to purchase.
- Another 512 very low income renters would also like to buy. These renters have only 34 homes from which to choose. Both these and the 211 extremely low income renters are unlikely to become owners except through sweat equity or land trust programs that target very low income households.
- 890 renters earn between \$35,600 and \$57,000 and would also like to own homes. Another 334 earn between \$57,000 and \$71,250 would like to buy. Together, these approximately 1,225 renters comprise the target market for ownership that could be achievable with adequate product and some level of subsidy (downpayment assistance, interest rate subsidy, silent second mortgage. "Silent seconds" are often used to support the downpayment for low income households, are provided by housing nonprofits or agencies, and are forgiven if a household occupies the home for a certain portion of time).
- The biggest challenge in achieving ownership for this target group is lack of supply. As the cumulative gap indicates, there is a shortage of affordable homes for these renters: just 293 homes were affordable.
- In sum, if every renter who wanted to buy was qualified to buy, the Lawrence market would need to add 1,681 homes for sale to accommodate demand.
- To accommodate just 10 percent of renters who want to be owners, the market would need to add 168 homes; 20 percent of demand would require more than 300 new units. (These numbers assume that existing inventory satisfies the demand for some of the renters who want to buy). The movement from renter- to ownership would also benefit the rental market, which also has unmet demand, as discussed below.
- Demand for ownership products is from smaller households, who likely desire lower maintenance homes with a community aspect, and, for older adults, accessibility features (small lot, patio homes).
- Overall, there is **one home for sale for every four renters who want to buy**. By income range, there is:
 - > One home for every 100 renters who want to buy and earn less than \$35,000;
 - > One home for every 8 renters who want to buy and earn less than \$57,000; and
 - > One home for every 6 renters who want to buy and earn less than \$71,250.

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Figure II-25.
Gaps in Units for Purchase, 2018

					Affordable Homes on Market, 2018						
Renters by MFI Level	Income Range	Maximum Home Price	Renter Households	Proportion Who Want to Buy*	Potential Buyers	Single Family Detached Homes		Townhomes	Total Units	Gap	Cumulative Gap
Extremely low income	\$0-\$21,400	\$48,752	6,442	3%	211	0	0	0	0	(211)	
Very low income	\$21,401-\$35,600	\$109,479	4,982	10%	512	10	14	10	34	(478)	(689)
Low income	\$35,600-\$57,000	\$200,996	3,811	23%	890	130	0	53	183	(707)	(1,396)
Median income	\$57,000-\$71,250	\$262,203	1789	19%	334	68	1	7	76	(258)	(1,654)
Moderate income	\$71,250-\$85,500	\$323,411	1,077	13%	141	58	0	14	72	(69)	(1,723)
High income	\$85,500+	\$415,222	1,891	6%	106	140	5	13	148	42	(1,681)
			19,991		2,194	406	20	87	513		

Note: *Based on survey data. The gaps model does not include rural for sale properties, as the inventory of affordable units was very small, and these properties add commute costs for low and moderate income owners.

Source: BBC Research & Consulting.

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How is the ownership market likely to shift? By 2028, if home prices continue to rise at the same rate as they did between 2001 and 2018, median home prices will be as shown below.



This increase will reduce the proportion of homes affordable to 80 percent MFI households to 29 percent, from 41 percent now. By 2028, nearly half of affordable units would be attached, as shown below.

Figure II-27. Changes in Affordability at 80% MFI

Source:

BBC Research & Consulting.

	2018	2028
80% MFI Income Threshold	\$57,000	\$70,567
Affordable Home Price	\$201,000	\$249,000
Numer Homes Affordable (based on 2018 inventory)	219	160
Percent Homes Affordable	41%	30%
Percent of Affordable that are Attached	35%	48%

Rental Market Trends

The Census reported Lawrence's median rent at \$850 per month in 2016, which is very similar to the median rent reported by survey respondents. Compared to other communities, Lawrence's median rent was relatively high, but lower than Manhattan's.



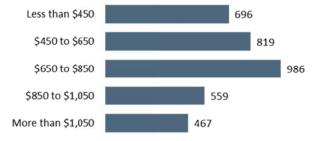
Since 2000, rents have increased by \$300 per month, or by \$3,600 per year. This compares with an increase in median income of a renter of \$8,000. Nearly half of the increase in renter median income is now going toward rent.

Residents responding to the surveys available for this study were asked to report their monthly rent. Overall, the median rent was \$840 per month. Rents by sub-group difference, with seniors paying the least at \$660 per month. Students reported paying the most, at \$825 per month.

An analysis of rental units posted on Craigslist between January and May 2018 found many for single family rooms for rent. The average price of a single room rental was \$378 per room. The average rent for apartments and houses was \$852, consistent with the rents reported by both survey respondents and the Census.



Source: Craigslist.



Gaps in the rental market. Figure II-30 compares the number of renter households in Lawrence in 2016, their income levels, the maximum monthly rent they could afford without being cost burdened, and the number of units in the market that were affordable to them. The "Rental Gap" column shows the difference between the number of renter households and the number of affordable rental units. Negative numbers (in parentheses) indicate a shortage of units at the specific income level; positive units indicate an excess of units.

Figure II-30.
Gaps in Rental Market, City of Lawrence, 2016

	Maximum Rent			2000					2016			2000	-2016 Chan	ge
Renter	+ Utilities per	Renter Ho	useholds	Rental	Units		Renter Ho	useholds	Renta	Units		Renter	Rental	
Incomes	Month	Number	Percent	Number	Percent	Gap	Number	Percent	Number	Percent	Gap	Households	Units	Gap
Less than \$5,000	\$125	1,757	10%	351	0%	(1,407)	1,321	7%	-	0%	(1,321)	(436)	(351)	86
\$5,000-\$9,999	\$250	2,021	12%	1,188	7%	(834)	1,155	6%	359	2%	(796)	(866)	(829)	38
\$10,000-\$14,999	\$375	2,012	12%	3,035	18%	1,023	2,022	10%	97	0%	(1,926)	10	(2,938)	(2,948)
\$15,000-\$19,999	\$500	1,869	11%	5,122	31%	3,253	1,944	10%	715	4%	(1,230)	75	(4,407)	(4,482)
\$20,000-\$24,999	\$625	1,853	11%	3,038	18%	1,185	1,307	7%	1,995	10%	688	(546)	(1,044)	(498)
\$25,000-\$34,999	\$875	2,762	16%	2,910	17%	148	3,675	18%	6,809	35%	3,134	913	3,900	2,987
\$35,000-\$49,999	\$1,250	2,482	15%	847	5%	(1,636)	2,932	15%	5,881	30%	2,949	450	5,034	4,584
\$50,000-\$74,999	\$1,875	1,591	9%	97	1%	(1,494)	3,138	16%	2,552	13%	(586)	1,547	2,455	908
\$75,000-\$99,999	\$2,500	454	3%	13	0%	(441)	1,443	7%	692	4%	(751)	989	679	(310)
\$100,000+	\$2,500+	222	1%	42	0%	(180)	1,054	5%	609	3%	(445)	832	567	(265)
		17,023	100%	16,640	100%		19,991	100%	19,707	100%		2,968	3,067	

Source: 2015 5-year ACS and BBC Research & Consulting.

The gaps analysis in Figure II-30 shows that:

Twenty-three percent of renters (about 4,500 households) living in Lawrence earn less than \$15,000 per year. These renters need units that cost less than \$375 per month to avoid being cost burdened. Just 2 percent of rental units (456 units) in the city rent for less than \$375/month (including subsidized rental units). This leaves a "gap," or shortage, of 4,000 units for these extremely low income households.

- About 1,900 renters earn between \$15,000 and \$20,000 per year. There are 700 rental units priced at their affordability range (between \$375 and \$500/month), leaving a shortage of about 1,200 units.
- Altogether, the city has a shortage of 5,272 rental units priced affordably for renters earning less than \$20,000 per year. ¹

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¹ The "shortage" shown in the gaps model for high income renters (earning more than \$50,000 per year) suggests those renters are spending less than 30 percent of their income on housing—perhaps in order to save for a down payment on a home purchase

The private rental market in Lawrence largely serves renters earning between \$25,000 and \$50,000 per year—65 percent of rental units are priced within that group's affordability range, with rents between \$625 and \$1,250 per month.

Publicly subsidized housing provides the majority of the units affordable to households earning less than \$20,000/year. Without subsidized housing, the rental gap would be 6,600 units (v. 5,272 currently).

Student effect. In fall 2017, the University of Kansas enrolled nearly 25,000 students at the Lawrence campus.² Of these, the vast majority—20,000 students—live off campus—according to the university's Housing Patterns of Students report. The number of students living off campus has consistently been in the 20,000 to 21,000 range during the past 10 years.

Students, therefore, make up a significant proportion of the renters in Lawrence. And 40 percent of the students surveyed reported incomes of less than \$20,000 per year, meaning that many are represented in the rental gaps analysis.

Applying this proportion of low income students to the gaps, assuming a household size of 2.12 students per unit (based on the student survey), and removing the students who receive parental assistance for housing, an estimated 2,500 of the 5,272 renters in the gaps with needs are students. Conversely, about 2,800 of the renters with needs represented by the gaps are not students.

Students affect the rental market in many ways, other than creating demand. They also influence unit pricing in unique ways:

- Students more commonly have additional (parent or guardian) support to pay rent. Indeed, according to the survey conducted for this study, 44 percent of students receive help from their parents for rent.
- Students may be perceived as higher-risk renters, which the private sector factors into rental pricing. Students do pay more in rent than non-students, according to the survey.
- Students are frequent movers, which allow property owners to more frequently raise rental prices in response to the wear and tear and transactional costs of tenant moves. The survey found that 67 percent of students moved in the past year.

The 2,800 non-student households with affordability needs that are reflected in the rental gaps are largely:

- ▶ Residents who need publicly subsidized housing and earn about \$15,000/year on average. These residents can afford to pay \$500 per month in rent and utilities—rents which the private sector cannot provide.
- Female heads of household (70%); seniors (38%); residents with disabilities (30%); and single mothers (25%).

² This number includes the Edwards Campus in Johnson County, which has approximately 1,800 students.

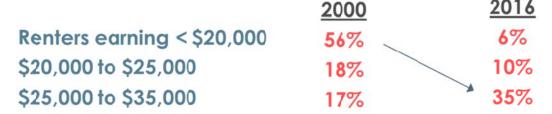
Change in the rental gaps. A comparison of the rental gaps in 2000 shows a significant shift in the past 16 years. This shift is mostly due to a loss of affordable rentals. In 2000, one-quarter of rentals were priced to accommodate households earning \$15,000 per year. By 2016, this was just 2 percent. The number of lower income renters also declined during this period; however, most of the increase in the gap is due to a decline in affordable rentals.

Figure II-31. Why Did the Gaps Increase?

Increase is largely due to a dramatic shift in the number of units priced at less than \$500/mo (affordable to renters earning < \$20,000/year

Impact is partially offset by a decline in low income renters

Units affordable to:



Source: BBC Research & Consulting.

Wait lists. During the past several years, members of the Justice Matters Affordable Housing and Homelessness Working Group have collected data on households on wait lists for housing from affordable housing providers.

The latest estimate from the group is 738 unduplicated households on wait lists for affordable housing, including Housing Choice, or Section 8, Vouchers. This is a significant increase from the 624 households on wait lists in 2015. The vast majority of households are waiting for affordable rentals or rental assistance (679 of the 738, 92%); the balance are waiting for homeownership programs.

Households on the wait lists are a mix of low income families, with about 100 seniors and 50 people experiencing homelessness.

These wait lists translate into:

- A two year wait list for affordable rentals for seniors; and
- A 6-8 month wait list for accessible units in publicly-provided housing.

How is the rental market likely to shift? Based on the survey of property owners conducted for this study and expected growth in renter households we anticipate that:

- Rental increases in 2018 should average 3.5%
- The erosion of units in the \$500-\$625 range—and the movement of these units in to higher priced rental categories—will continue. The 2000-2016 "loss rate" of affordable units averaged 5 percent of units per year.
- In the next few years, new rental units are expected to be priced between \$875 and \$1,250.
- Given these changes, the City of Lawrence needs approximately 112 rental units priced at less than \$500 per month to accommodate growth in low income renters by 2020. Assuming there is little growth in the student population, these would all be non-students. If the city would like to reduce the rental gap by 15 percent, 1,200 affordable rentals would be needed.

Zoning and Land Use Analysis

The private sector plays a critical role in meeting housing needs. The private sector creates and maintains a significant portion of the housing stock, an estimated 90 percent of the rental units and nearly all for-sale homes. Cities typically use land use planning, zoning and development incentives to encourage private sector development of housing that supports community needs and values.

A number of studies, including a 2006 book by Jonathan Levine (Zoned Out), have documented the impact of zoning regulations on the supply of affordable housing.^{3, 4} Common zoning regulations negatively impacting affordable development include:

- Minimum house size, lot size, or yard size requirements;
- Prohibitions on accessory dwelling units;
- Restrictions on land zoned and available for multifamily and manufactured housing; and
- Excessive subdivision improvement standards.

Lawrence's development code was reviewed to determine if any of these could be creating barriers to affordable housing development.

Considerations. Based on the strengths and challenges of the housing market in Lawrence, this study recommends the following considerations for the city's land use planning. Many of these increase the value embedded in Lawrence's relatively large lots and address inefficient land uses. For example, larger lots can be used to increase affordability through additions, Accessory

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³ Levine, Jonathan, Zoned Out (RFF Press, Washington, D.C., 2006).

⁴ Colorado Deportment of Local Affairs, *Reducing Housing Costs through Regulatory Reform* (Denver: Colorado Department of Local Affairs, 1998).

Dwelling Units (ADUs) to rent and offset mortgage costs, and splits to add additional, standalone affordable homes.

- Expand where duplexes and attached dwellings (townhomes, rowhomes) are allowed by right. Duplexes and attached homes are a natural product to address the need for more affordable ownership housing, which is needed to accommodate Lawrence's workforce. The market for these products is growing with increased preferences for low maintenance living. Duplexes and attached dwellings could be incorporated in an aesthetically pleasing manner into nearly all residential districts (the exception would be RS40 and RS20) and also placed in underutilized areas in commercial and light industrial corridors.
- Define "public benefit" in PUDs to specifically include affordable housing, defined according to the needs in this study. This would effectively create a density bonus for affordable housing.
- Consider allowing Accessory Dwelling Units (ADUs) in RS5. ADUs can be placed above garages on small lots.
- Relax the restriction that requires a single lot for every detached or attached unit. Allowing multiple homes on single lots addresses emerging trends in residential living and can facilitate certain forms of cooperative living. The city's current restrictions on mobile home parks and placement may discourage similar, intentionally affordable, cooperative uses.
- Ensure that limits on unrelated resident occupancy do not create barriers to people living together in cooperative environments, including residents who do not gender identify. Unrelated occupant limits are quite common in university towns where overcrowded student housing can disrupt neighborhoods. Waivers could be granted for special occupancy purposes.

It should be noted that Lawrence is close to build out and does not have a great deal of vacant land for development. As such, it is important that the city add flexibility in existing land uses and unit occupancy to accommodate housing needs, as these cannot be fully addressed by adding housing supply in greenfields.

SECTION III.

Community Input

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This section describes the findings from the public participation component of the housing study. The public input process was designed to assess community culture and community perceptions of housing issues through surveys and stakeholder focus groups.

Community Participation Opportunities

The city of Lawrence housing study surveys and focus groups provided opportunities for community participation and collected data about the housing market and resident housing preferences. Surveys (n=number of participants) included:

- Resident survey (n=472 phone and n=1,978 online);
- Employer survey (n=57); and
- Rental property owner/manager survey (n=392).

In addition to the surveys, stakeholders participated in focus groups; participants included AHAB members, local housing providers, social and human service providers. Populations served by focus group participants include very low or extremely low income residents, residents with disabilities, persons experiencing homelessness, domestic violence survivors, youth aging out of foster care and other vulnerable populations. Members of the public provided comments about the study during public comment periods at AHAB and City Council meetings, and others contacted the consulting team directly by phone or email.

Resident survey. The resident survey consisted of two separate sampling methodologies and data collection methods. The intention was to field a survey that would represent the experiences and preferences of Lawrence residents (telephone survey) and to allow all interested residents to participate in the process (online survey). City of Lawrence staff and members of the AHAB reviewed the draft survey instrument. The survey gathered information about residents' housing choices and experiences, future housing choice, opinions about Lawrence's housing spectrum, and demographic and socioeconomic characteristics.

Sampling note. The telephone survey is a statistically valid random sample of Lawrence residents; sampling included both landline and mobile phone numbers and was available in English and Spanish. Results from the telephone survey are weighted by respondent age and housing tenure (i.e., homeowner/renter). Proportions from the resident survey are statistically valid and replicable at the 95 percent confidence level with a margin of error of +/- 5 percentage points. The telephone survey is representative of the experiences and preferences of Lawrence residents.

Responses to the online survey derived from convenience sampling and snowball sampling methods. Convenience sampling refers to promoting the survey to known individuals or organizations through direct contact (e.g., email invitation) or public relations and social media. Snowball sampling is when a respondent to the survey promotes the survey to their peers or social networks (e.g., sharing the survey link by email or social media). Due to the nature of the sampling methodology, the online survey responses are used to examine the preferences and experiences of segments of the Lawrence population rather than the population overall. Students are over-represented in the online survey and under-represented in the unweighted telephone survey. The same is true for renters. Despite differences in sampling methods and respondent composition, responses to the online survey are very similar to the weighted telephone survey results.

Figure III-1 presents selected characteristics of the unweighted telephone and online survey respondents.

Figure III-I.
Survey Respondent Characteristics

	Phone survey (unweighted)	Online survey (unweighted)
Homeowner	63%	26%
Employment status	Employed full time 50% Full time student 2%	Student (full or part time) 59%
Median household size	2 people	2 people
Live with spouse & children	1 in 4	1 in 10
Percent Hispanic	5%	5%
Income less than \$25,000	14%	45%

Note: For the analyses, phone survey data are weighted to adjust for city's homeowner/renter proportion and by age. For the phone survey, n= n=472 and n=1,978 for the online survey.

Source: BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey and Resident Online Survey.

Current Housing Choice

Determining where to live within a community is a complex function of personal and household preferences, income, cost of housing, credit history, market availability of desired housing types across neighborhoods, and more.

Most important factor in choosing current home. When asked to identify the factors most important in choosing their current home, the majority of Lawrence residents named "cost/I could afford it" as an important factor. Proximity to college/university was a top factor among many resident groups, as was the type of neighborhood and number of bedrooms. Figure III-2 presents the most important factors in choosing their current home for all Lawrence residents as well as key segments of the city population including, homeowners and renters, students, seniors, families with children and others.

- Homeowners and families with children were more likely than other groups to rate "being close to quality public schools/district" as one of the most important factors in their housing choice.
- Non-student renters value pet friendly rental policies;
- Among residents with disabilities, few identified a home's accessibility features as one of their most important factors in housing choice. Most identified cost, proximity to the university, and size of unit/number of bedrooms as their top three factors.
- In addition to cost and proximity to the university, African American residents prioritized housing that is close to work or job opportunities.
- Access to public transportation was among the three most important factors to Hispanic residents.

Figure III-2.
Top 3 Most Important Factors in Choosing Current Home

Cost/I could afford it	Close to college/university	Like the neighborhood	
All Lawrence residents	All Lawrence residents	Homeowners	
Homeowners	Renters	Families with children	
Renters	Students	Seniors	
Families with children	Non-student renters	Non-students	
Seniors			
African American residents	Number of bedrooms	Close to quality public	
Asian residents	All Lawrence and Loren	schools/district	
Hispanic residents	All Lawrence residents	Homeowners	
White residents	Renters	Families with children	
Students	Seniors	ramilles with children	
Non-students	Students	Allows pets/dogs	
	Non-student renters		

"All Lawrence residents", "renters" and "homeowners" results are derived from the weighted telephone survey and are representative of the city overall; all other results are from the online survey, which yielded sufficiently large enough samples (n>40) for crosstabulation by demographic and socioeconomic characteristics.

Source: BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey and Resident Online Survey.

Housing condition. Overall, one in four Lawrence residents rate their housing to be in *fair* or *poor* condition. Homeowners are less likely than renters to think their housing is in fair or poor condition. As shown in Figure III-3, two in five renter families with five or more members (large families) consider their housing to be in fair or poor condition; a significantly higher rate than renters overall.

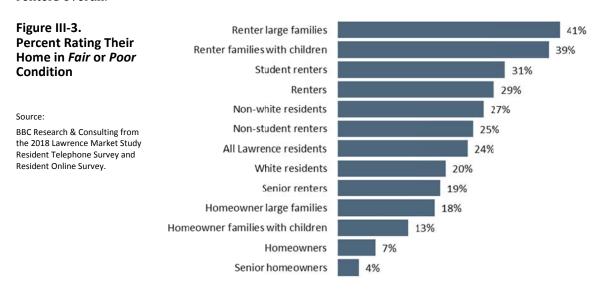


Figure III-4 presents respondents' assessment of their home's condition by selected household characteristics. As shown, most of the differences in condition are between homeowners and renters. Overall, the greatest proportion of homeowners across groups rate their home to be in good condition; only among seniors do a majority consider their home in excellent condition. Similar to homeowners, the greatest proportion of renters across groups rate their homes to be in good condition.

About the same share of white residents, African American residents, and Hispanic residents assess their home's condition as fair or poor; a smaller proportion than Asian residents. Higher income households are more likely than lower income households to consider their home in excellent condition and are much less likely to rate their home's condition as fair.

Figure III-4. Housing Condition by Selected Household Characteristics

Note:

Income refers to household income. Disability figures refer to households that include a member with a disability.

Source:

BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey and Resident Online Survey.

		Housing C	ondition	
	Excellent	Good	Poor	Fair
All Lawrence residents	31%	45%	22%	2%
Homeowners	44%	50%	6%	1%
Renters	20%	51%	24%	5%
Senior homeowners	51%	45%	4%	0%
Senior renters	33%	48%	19%	0%
Student renters	20%	50%	26%	5%
Non-student renters	21%	53%	21%	4%
Homeowner families with children	34%	53%	11%	2%
Renter families with children	15%	46%	32%	7%
Homeowner large family	32%	50%	14%	4%
Renter large family	17%	42%	38%	3%
Homeowners with a disability	22%	69%	7%	1%
Renters with a disability	18%	54%	21%	7%
African American residents	20%	60%	18%	3%
Asian residents	14%	48%	32%	6%
Hispanic residents	23%	51%	19%	7%
White residents	30%	50%	18%	2%
Income less than \$25,000	21%	51%	23%	5%
Income \$25,000 up to \$50,000	22%	53%	23%	2%
Income \$50,000 up to \$75,000	30%	58%	10%	1%
Income \$75,000 up to \$100,000	37%	47%	14%	2%
Income \$100,000 or more	48%	45%	6%	1%

Figure III-5 considers housing condition by tenure and the type of housing unit. Renters living in detached single family homes are less likely than renters in other product types to rate their home in excellent condition and are more likely to assess the home's condition as poor. Owners of attached single family homes (e.g., townhomes, duplexes) are most likely to rate their home's condition as excellent.

Figure III-5. Housing Condition by Tenure and Type of Unit

Note:

*Too few owners of condo units in multifamily buildings responded to report condition data.

Source:

BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey and Resident Online Survey.

	Housing Condition					
	Excellent	Good	Poor	Fair		
All Lawrence residents	31%	45%	22%	2%		
Homeowners	44%	50%	6%	1%		
Renters	20%	51%	24%	5%		
Detached single family home	36%	49%	13%	2%		
Owner detached single family home	43%	51%	5%	1%		
Renter detached single family home	15%	49%	31%	5%		
Attached single family home	29%	48%	20%	3%		
Owner attached single family home	47%	45%	9%	0%		
Renter attached single family home	24%	48%	23%	5%		
Renter in multifamily building*	21%	54%	21%	4%		
On-campus dorms/student housing	23%	50%	23%	4%		

Repair needs. Overall, 41 percent of Lawrence residents with homes in fair or poor condition need repairs to improve their home's condition. When asked to identify the most important repair needed for their home, the greatest proportion of respondents identified:

- Weatherization (26%);
- Roof (8%);
- Heating/cooling (8%); and
- Bathroom plumbing (8%).

None of the respondents with repair needs explicitly shared concerns about indoor air quality or health impacts they may experience due to fair/poor housing conditions; however, the significant need for weatherization, roofing, and HVAC repairs may indicate some households experience health impacts due to housing conditions.

When asked why these important repairs have not yet been made:

- Three in four homeowners (75%) haven't made needed repairs because they cannot afford them; and
- Nearly three in five renters (57%) have landlords who refuse or have yet to make needed repairs despite requests.

Overall, 16 percent of renters who participated in the survey live in single family homes. Nearly three in 10 renters (28%) who said their landlord refused or had yet to make needed repairs despite requests live in single family homes, almost twice the expected proportion. Similarly, renters living in multifamily buildings comprise 54 percent of all renters participating in the survey but only 41 percent of those who have a landlord that needs to make a repair. Renters who have unmet repair needs are also more likely to have household incomes of \$35,000 to \$50,000 compared to other renters (17% v. 11%), to have children under 18 in the home (15% v. 8%), and to have five or more members in the household (18% v. 7%).

Accessible housing. One in four Lawrence residents with disabilities (24%) live in housing that does not meet their accessibility needs. Among the residents whose homes need accessibility modifications, two in three need a ramp, half need grab bars in bathrooms, and half need wider doorways.

In focus groups, stakeholders serving residents with disabilities described shared that finding a home that is affordable *and* that meets the resident's accessibility needs is nearly impossible in Lawrence. Few market rate rentals have accessible units due to when the buildings were constructed (pre-ADA). Overall, units that are affordable to residents relying on disability income are extremely rare. This results in residents with disabilities resorting to securing housing that does not meet their accessibility needs but is housing they can afford.

Housing costs. Figure III-6 presents median monthly housing costs for Lawrence renters and homeowners overall and for selected household types. Overall, the median rent paid by all Lawrence renters participating in the resident survey is \$840 per month plus \$200 in utilities.

Homeowners spend \$1,500 on their mortgages, including insurance and taxes, plus \$300 per month in utilities.

Figure III-6.

Median Monthly Rent, Mortgage and Utility Costs, All Residents and Selected Household Types

	Renter I	Renter Households		wners
Household Type	Median Rent	Median Utilities	Median Mortgage	Median Utilities
Large families	\$1,150	\$200	\$1,300	\$350
All Lawrence residents	\$840	\$200	\$1,500	\$300
Students	\$825	\$150	\$1,000	\$280
Families with children under 18	\$775	\$230	\$1,173	\$300
Disability	\$710	\$200	\$1,000	\$350
Seniors	\$660	\$160	\$865	\$265

Source: BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey and Resident Online Survey.

Figure III-7 examines monthly housing cost data based on the number of years that a resident has lived in their *current* home. Renters who have lived in their unit for less than one year have the highest monthly rent, and those who have lived in their unit for 10 or more years pay the lowest monthly rent. This is not surprising, as long-term tenants often benefit from no to small monthly rent increases compared to rates charged to new tenants, especially in markets with stable vacancy rates. Unit turnover provides property owners frequent opportunities to increase rents if demand for rentals is strong.

Figure III-7.

Median Monthly Rent, Mortgage and Utility Costs by Tenure and Number of Years in the Home

Number of Years	Renter H	Households	Homeowners			
in Current Home	Median Rent	Median Utilities	Median Mortgage	Median Utilities		
Less than 1 year (2017-present)	\$870	\$150	\$1,053	\$250		
1 year up to 5 years (2012-2017)	\$771	\$190	\$1,070	\$280		
5 years up to 10 years (2007-2012)	\$750	\$250	\$664	\$275		
10 years or more (Prior to 2007)	\$590	\$180	\$1,095	\$300		

Source: BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey and Resident Online Survey.

Rental property owners and managers who participated in the rental survey report that vacant units fill quickly. One in three rental owners/managers increased rents in 2017 and 36 percent plan 2018 increases. The median increase in 2018 is expected to be 1 to 5 percent. Despite the low vacancy rate and short amount of time units are available, some believe that amenity-rich large developments targeting student renters is being overbuilt.

Strategies to afford housing costs. When housing costs rise or incomes fall, residents respond by cutting costs or seeking additional income. Lawrence residents most vulnerable to housing insecurity employed a number of strategies to be able to afford housing costs.

■ **Households with incomes less than \$20,000** received financial support from family or friends (46%), had to find additional employment (28%), used credit card or other debt to

pay for housing costs (17%), and avoided needed medical treatment (16%) in order to afford housing. Less than 16 percent of extremely low income households reported that their income was sufficient to afford housing costs.

- **Seniors** who rent applied for public assistance (29%), avoided medical treatment (29%), cut back on medication (24%), or got food from a food bank (24%), in order to afford housing costs. About 1 in 10 seniors overall worry they won't be able to stay in their home due to financial issues, health issues, or rent increases.
- Nearly three in 10 residents with disabilities receive financial support from family or friends (27%), sought additional employment (25%), avoided needed medical treatment (23%), cut back on or stopped taking prescriptions or medicine (16%), used credit card or other debt to pay for housing (16%) in order to afford housing costs. More than 1 in 10 live with family or friends due to a lack of affordable housing to rent.
- One in three students receive financial support from family or others to pay housing costs and the same proportion—33 percent—sought additional employment, 13 percent used other debt/credit cards, and 10 percent avoided medical treatment in order to pay housing costs.

Displacement vulnerabilities. In the past three years, one in 10 Lawrence renters experienced displacement—having to move from a home when they did not want to move. Figure III-8 presents the proportion of Lawrence renters who experienced displacement in the past three years by selected household characteristics. As shown, renters with children and non-student renters were most likely to have experienced displacement in the past three years. Students and higher income households were less likely to experience displacement.

Figure III-8.
Households Experiencing
Displacement in the Past
Three Years

Source:

BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey and Resident Online Survey.

Renter Household Type	Percent Displacement
All Lawrence renters	10%
Renters with children	17%
Non-student renters	16%
Senior renters	14%
Renters with a disability	14%
African American renters	14%
Asian renters	12%
Renters with household income \$25,000 up to \$50,000	12%
Renters with large families	11%
Hispanic renters	10%
Renters with household income less than \$25,000	8%
White renters	6%
Student renters	6%
Renters with household income \$75,000 up to \$100,000	6%
Renters with household income \$100,000 or more	6%
Renters with household income \$50,000 up to \$75,000	3%

The most common reasons for why displaced renters had to move include:

- Rent increased; couldn't afford to stay (23%);
- Cost of utilities; couldn't afford to pay utilities (16%);
- Personal reasons (16%);
- Change in household size (11%);
- Owner sold rental unit (10%); and
- Condition issues such as mold, pests or rodents (8%).

A review of electricity costs compiled by the U.S. Energy Information Administration shows that, since 2008, residential use costs for electricity have increased by 14 percent (as measured by cents per kilowatt hour) compared to just 4 percent for commercial use and a decline for industrial use. Trends are not readily available at small geographic levels; however, if Lawrence costs are similar to those in the U.S., rising utilities costs have been a factor in higher housing costs.

Disproportionate housing needs of Non-White residents. In many communities across the country, Non-White residents often experience disproportionate housing needs—higher proportion of cost-burdened households, higher rates of poor housing conditions, higher rates of overcrowding. Often these disproportionate housing needs reflect a lack of access to economic opportunity and other impediments to fair housing choice.² The resident survey presents an opportunity to explore the extent to which the housing experience of Non-White Lawrence residents is different from White residents.

Housing condition. Among students, there are no meaningful differences in how Non-White and White residents assess their housing condition. For example, Non-White student renters are as likely as White student renters to rate their housing condition as fair/poor (29% v. 30%). For those student renters living in units that need some type of repair, weatherization is the most typical need. When asked why repairs had not yet been made, the same proportion of Non-White and White student renters (57%) said their landlord refuses to make repairs.

Among non-students, there are differences in housing condition ratings between Non-White and White residents, both overall and by tenure. Overall, 28 percent of Non-White non-student residents consider their housing condition to be fair/poor compared to 11 percent of White non-student residents. Although sample sizes by tenure are small, the data suggest that both Non-White non-student homeowners and renters are more likely to rate their housing condition fair/poor than White residents.

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¹ https://www.eia.gov/electricity/monthly/epm_table_grapher.php?t=epmt_5_3#menu

 $^{^2}$ In 2017, with Douglas County and the Housing Authority, the City of Lawrence prepared an Assessment of Fair Housing which considered fair housing issues in depth. https://assets.lawrenceks.org/assets/agendas/cc/2017/10-17-17/Lawrence-Assessment-of-Fair-Housing-final-v2.pdf

Strategies to afford housing costs. Overall, 80 percent of students used one or more strategies to afford housing cost. Parents of two in five White students pay all or a portion of the rent; Non-White students are somewhat less likely to receive this specific type of parental financial support (33%). There are no other meaningful differences between White and Non-White students in the strategies used to afford housing costs.

Among non-students, 59 percent of White residents and 77 percent of Non-White residents used one or more strategies to afford housing costs. For both groups, cutting back on entertainment and going out was the most common strategy. Compared to White non-student residents, Non-White non-student residents are more likely to have:

- Received financial support from friends/family (30% of Non-White non-students v. 16% of White non-students);
- Had to find additional employment (27% v. 14%);
- Had to get food from a food bank (23% v. 5%);
- Cut back on classes/job training (14% v. 7%);
- Applied for public assistance (13% v. 5%);
- Cut back on or stopped taking needed medications (13% v. 6%); and
- Been at risk of eviction (11% v. 1%).

These findings suggest that non-student Non-White residents, who are also more likely than White residents to be renters, experience disproportionate housing needs associated with housing costs, and may also experience disparities in access to economic opportunity.

Homeownership. Among non-students, Non-White Lawrence residents who responded to the survey are less likely to be homeowners (44% compared to 68% of White respondents). When asked for the top two reasons they have not yet bought a home, there were no meaningful differences in the responses between White and Non-White non-student renters who want to buy. For both groups, a lack of affordable housing to buy was the primary factor. Among students, there are no meaningful differences in homeownership rates (4% of Non-White students compared to 5% of White students).

Students. Students play a large role in Lawrence's rental market. Among the students participating in the resident survey:

- Most (75%) are renters; 4 percent are homeowners, and the remainder live in student housing, including fraternities and sororities;
- Nearly half (47%) have help from parents or guardians to pay for housing;
- Half live with roommates and 21 percent live alone;
- Slightly fewer than one in 10 have children under the age of 18 living in their home (8%);
- The majority (62%) have lived in their current home for less than one year, and 32 percent have been in their home from one year up to five years;

- More than two in five (45%) live in multifamily buildings, 18 percent in on-campus student housing, 17 percent in detached single family homes and 11 percent live in attached single family homes;
- Nearly three in 10 students (28%) live in housing they consider to be fair or poor;
- One in 10 live with family or friends due to a lack of housing; and
- Three in four plans to move in the next five years.

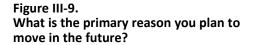
Future Housing Plans

The resident survey included a section asking respondents about their future housing plans.

Want to move. Overall, six in 10 Lawrence residents plan to move at some point in the next five years, and 36 percent plan to stay in their current home for as long as possible. One in 20 want to stay in their current home but worry they won't be able to.

- Renter households are most likely to plan to move in the next five years—75 percent of renters compared to 28 percent of homeowners. A slightly higher proportion of non-student renters (79%) plan to move.
- Younger respondents are much more likely than older respondents to plan to move in the next five years. For example, 65 percent of 25 to 34 year olds plan to move, compared to 18 percent of 65 to 74 year olds.
- Households with children under 18 are less likely to want to move than other households (38% compared to 60%).

Figure III-9 presents the top reasons why residents plan to move in the next five years. About one in 10 want to move into a larger home and the same proportion want to move out of Lawrence. Seven percent of those planning to move rent and want to buy. Most prospective movers think that Lawrence offers the type of housing they would like to move to (79%).



Note:

n=258 residents planning to move in the next five years.

Source

BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey.



Most prospective movers think that Lawrence offers the type of housing they would like to move to (79%).

Want to buy. About 29 percent of non-student renters plan to move because they want to buy a home. The non-student renters who want to become homeowners:

- Are primarily between the ages of 25 and 34 (44%) or 35 to 44 (24%);
- Have household incomes of \$25,000 up to \$50,000 (41%), \$50,000 up to \$75,000 (24%), or \$75,000 or more (28%); and
- One in five have children under age 18 in the household (22%).

Non-student renters who want to buy but haven't offered a number of reasons why they have not yet bought. Reasons identified by at least 10 percent of non-student renters who want to buy are:

- Housing is not affordable to buy where I want to live (25%);
- Can't come up with a down payment (24%);
- Income too low to qualify for a mortgage (16%);
- I don't want to buy/live in Lawrence (15%);
- There is no affordable housing I want to buy (13%);
- Bad credit/low credit score (10%); and
- Affordable housing isn't available at all—I would live anywhere in the city (10%).

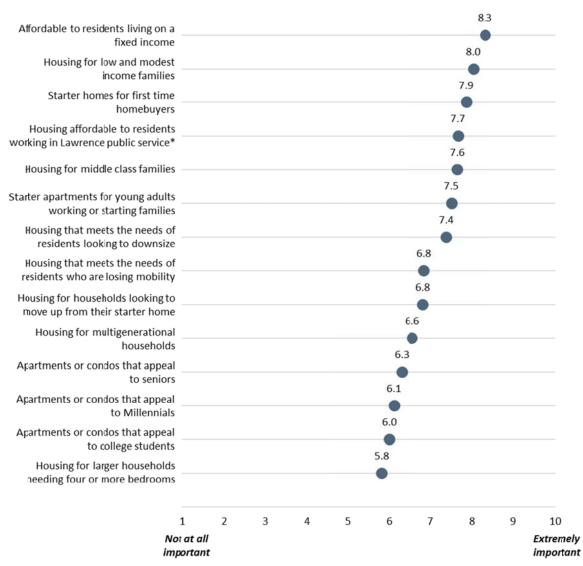
Lawrence's Housing Spectrum

To understand residents' preferences for the composition of Lawrence's housing supply across housing types as well as housing products and affordability for different types of households, the survey posed two key questions. The first asked residents to rate the importance to them personally that the housing supply included housing for different types of residents. The second asked where different types of housing products would be appropriate in Lawrence (if at all).

Composition of Lawrence's housing supply. Residents rated the importance to them that Lawrence's housing supply included housing that would appeal to or be suitable for a number of different types of households. Figure III-10 presents those ratings; higher values indicate higher average importance. On the whole, residents' ratings suggest that they prefer Lawrence's housing supply to offer suitable and affordable housing for a diversity of resident life stages and incomes. It is most important to Lawrence residents that the city's housing supply includes housing that is affordable to residents on a fixed income, low and modest income families, first time homebuyers, workers employed in public service and retail/services, middle class families, and young adults or families.

Figure III-10.

On a scale of 1 to 10, where 10 means extremely important and 1 is not at all important, how important to you is it that Lawrence's housing supply includes the following types of homes?



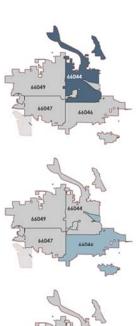
Note: *E.g., grocery stores, librarians, teachers.

Source: BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey.

Figure III-11 presents the three most important housing types that should be present in Lawrence based on the respondent's ZIP code of residence. Across ZIP codes, residents value housing for a mix of household incomes, seniors, and first-time homebuyers.

Figure III-11.

Top 3 Most Important Housing Types that Should be Present in Lawrence, by Respondent's ZIP Code

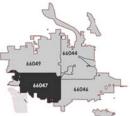


66044

- 1) Housing affordable to residents on a fixed income
- 2) Housing affordable to residents working in public service
- 3) Starter homes for first-time homebuyers(tie)
- 3) Housing for middle class families (tie)

66046

- 1) Housing affordable to residents working in public service
- 2) Housing affordable to residents on a fixed income
- 3) Housing for low and modest income families



66047

- 1) Housing affordable to residents on a fixed income
- 2) Housing affordable to residents working in retail jobs
- 3) Starter homes for first-time homebuyers



66049

- 1) Housing affordable to residents working in retail jobs
- 2) Housing for low and modest income families
- 3) Housing for middle class families (tie)
- 3) Housing affordable to residents on a fixed income (tie)

Source: BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey.

Appropriate locations for different housing product types. Residents were asked to consider whether or not different housing types were appropriate in their neighborhood, other Lawrence neighborhoods, or not appropriate in Lawrence. Figure III-12 presents these results; the shaded housing types are the top five rate by the greatest proportion of residents as being appropriate "in my neighborhood". These housing types—medium single family homes, townhomes with the same setback, height as neighboring homes, duplex homes on the same lot size as single family homes, small single family homes, and medium lots—are similar to most of the city's single family and lowest density neighborhoods, and suggest an appetite for allowing

some increased density through attached products that fit with the scale and setbacks of existing single family homes.

Figure III-12.
Appropriate Locations for Housing Types

Housing Type	Appropriate in my neighborhood	Appropriate in other Lawrence neighborhoods	Not appropriate in Lawrence	Don't know
Medium single family homes (1,500-3,000 sq ft)	63%	34%	1%	2%
Townhomes with same setback, height as neighboring homes	53%	33%	11%	3%
Duplex homes on same lot size as single family homes	51%	39%	9%	2%
Small single family homes (<1,500 sq ft)	51%	40%	5%	4%
Medium lots (6,000-10,000 sqft)	43%	29%	24%	4%
ADU/granny flat	42%	39%	13%	6%
Small lots (<5,000 sqft)	41%	40%	7%	12%
Tiny homes (<500 sqft)	35%	44%	17%	5%
Apartment buildings with 5+ stories by bus/major roads	32%	52%	15%	2%
Small apartment building with <10 units	31%	49%	15%	5%
Large single family homes (5,000 sqft+)	26%	55%	17%	3%
Apartment buildings up to 5 stories by bus/major roads	23%	63%	11%	3%
Large lots (10,000+ sq ft)	12%	41%	44%	4%

Source: BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey.

Figure III-13 presents the top five housing types residents identified as "appropriate in my neighborhood" by the respondent's ZIP code. The composition of the top five housing types varies somewhat by ZIP code, reflecting the character of those neighborhoods and resident preferences.

Figure III-13.

Appropriate Housing in My Neighborhood, by Respondent's ZIP Code



66044

- 1) Townhomes with same setback, height as neighboring homes
- 2) Duplex homes on same lot size as single family homes
- 3) ADU/granny flat
- 4) Medium single family homes (1,500-3,000 sq ft)
- 5) Small lots (<5,000 sqft)



66046

- 1) Medium single family homes (1,500-3,000 sq ft)
- 2) Small single family homes (<1,500 sq ft)
- 3) Medium lots (6,000-10,000 sq ft)
- 4) Townhomes with same setback, height as neighboring homes
- 5) Apartment buildings with 5+ stories by bus/major roads



66047

- 1) Duplex homes on same lot size as single family homes
- **2)** Townhomes with same setback, height as neighboring homes
- 3) Small lots (<5,000 sq ft)
- **4)** Medium lots (6,000-10,000 sq ft)
- 5) Medium single family homes (1,500-3,000 sq ft)



66049

- 1) Medium single family homes (1,500-3,000 sq ft)
- 2) Large single family homes (5,000 sq ft+)
- 3) Townhomes with same setback, height as neighboring homes
- 4) Medium lots (6,000-10,000 sq ft)
- 5) Small lots (<5,000 sq ft)

Source: BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey.

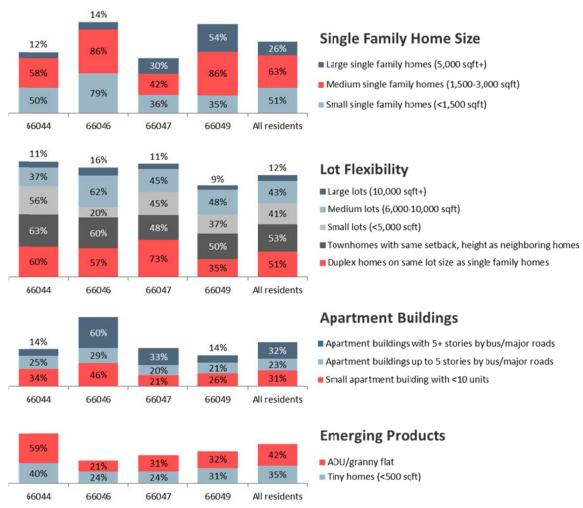
Appetite for density. Figure III-14 looks at housing types residents considered appropriate in their neighborhood by the respondent's ZIP code and in categories of housing types—single family home size, lot flexibility, apartment buildings, and emerging products. The types of housing deemed appropriate in a given ZIP code ("my neighborhood") vary.

■ With respect to single family homes, nearly four in five 66046 residents consider small single family homes appropriate in their neighborhood, nearly twice that of residents in

- 66047 and 66049. Fewer than one in five residents of 66044 and 66046 think that large single family homes are appropriate, compared to half of residents living in the 66049 area.
- With respect to lot flexibility, residents are least likely to think large lots are appropriate in their neighborhood across all ZIP codes. Townhome and duplex products are considered appropriate by at least half of residents in most areas.
- With respect to apartment buildings, residents of 66046 were the most likely to say that apartment buildings with five or more stories were appropriate in their neighborhood by bus routes or on major roads.
- Residents of 66044 were most likely to think ADUs are appropriate in their neighborhood.

Figure III-14.

Appetite for Density, by ZIP Code



Note: Percent responding yes, the housing type is appropriate in their neighborhood.

Source: BBC Research & Consulting from the 2018 Lawrence Market Study Resident Telephone Survey.

Stakeholder Perspectives

In addition to the stakeholder feedback incorporated above, focus group participants offered additional insight into the housing needs and challenges of hard-to-house and vulnerable populations in Lawrence.

Residents who have felony drug charges and persons in recovery are particularly vulnerable in tight rental markets. Families with parents in recovery need stable, affordable housing to support their recovery—which is very difficult to find. The city's new housing fund would be ideal for addressing this gap in need and funding (federally funded properties have very strict requirements for criminal history).

People with criminal histories find housing through informal networks. Lawrence has many good-hearted property owners providing this housing, but there is no guarantee they will continue this service to the community.

From the perspective of stakeholders, the incentives for rental property owners to accept Housing Choice Vouchers (HCV) and house lower income tenants have diminished significantly, due to several factors:

- Property taxes have increased, yet low income persons cannot pay additional rents to cover those increases; and
- Funding for HCVs has declined.

Property owners would benefit from an insurance fund that compensates them for damage caused by tenants perceived as "risky" (a fund akin to private mortgage insurance, or PMI, which lenders require of higher risk homebuyers).

Stakeholders who assist victims of domestic violence and who were interviewed for the study agreed that the most significant need for their clients is transitional housing and support to move from the emergency shelter into stable independent living Lawrence has sufficient emergency assistance/shelter beds for domestic violence to meet demand; the gap exists for transitional housing. These households are often 0-30% income; finding an adequate, affordable place to rent is very difficult. The city's PHA has 10 24-month transitional vouchers for domestic violence and would benefit from additional vouchers.

Persons with disabilities face multiple barriers to finding the housing they need, some of which are related to federal fair housing accessibility requirements:

- Renters with disabilities do not have the resources to pay for needed accessibility modifications unless they receive grant assistance; as such, they usually go without modifications.
- Federal requirements do not require that units be affordable. Because many people with disabilities live on fixed incomes, they cannot afford to pay market rents, especially newly constructed buildings.

- Federal requirements state that accessibility modifications must be removed when the tenant with a disability leaves the property and cannot interfere with the marketability of the property. Property owners who perceive modifications as affecting the marketability of their properties may refuse rents to people with disabilities; require that leases contain a provision that the modification be removed; and/or remove interior and exterior modifications before they try to rent to another tenant with a disability.
- Housing with supportive services is needed for persons with mental illnesses. Property owners have no incentive to rent to populations perceived as "hard to house."
- Affordable, accessible housing is *extremely* difficult to find. Many seniors are "over" housed in less than ideal homes. Accessibility requirements in the Fair Housing Act are inadequate to meet needs of persons with disabilities.
- Rental property owner/manager requirements that tenants demonstrate earning three times the rent (3X the rent) is all but impossible for residents living on disability or social security income to obtain private rental market housing. Even residents with assets, such as a senior with proceeds from a home sale, are unable to meet the 3X income requirement. The 3X rent income rules disproportionately impact seniors and residents with disabilities on disability income, and may be a disparate impact on the basis of disability under the Fair Housing Act.

Stakeholders identified the greatest housing needs in the city as:

- Transitional housing/support to transition from the emergency shelter into a program or stable independent living;
- Rental housing for larger families;
- Housing with supportive services for residents with mental health and cognitive disabilities;
- Lack of housing accessible to persons with disabilities; and
- Affordable low/no maintenance homes for seniors who are currently "over" housed.

Employer perspectives. Most employers who participated in the employer survey think it is fairly easy for employees to find housing to rent in Lawrence (10% very easy, 52% easy). The remainder (38%), think it is difficult for employees to find housing to rent. Conversely, nearly three in four employers think it is difficult or very difficult for their employees to find housing to buy in Lawrence (43% difficult, 29% very difficult). One in five employers report having difficulty recruiting employees due to housing conditions in Lawrence.

Employers reported that the most common ways their employees adjust when they cannot find housing to meet their affordability needs and/or preferences include:

- Live in another part of the county and drive (19% of employers);
- Live with family (18%);
- Get more roommates (11%); and
- Live in housing in poor condition (11%).

Rental property owner/manager perspectives. Property owners and managers who participated in the rental property survey provided information about the rental market, anticipated rent increases and perspectives on issues related to occupancy and the rental registration system.

- Half (52%) of landlords rent available units in *less than 1 week;*
- The median number of rental applications received for each available rental unit is three applications;
- One-third increased rents in 2017, and 36 percent plan 2018 increases;
- The median 2018 increase expected to be one to five percent;
- Many would like to see 3-unrelated rule increased to 4-unrelated;
- Many are concerned rental market is being overbuilt, particularly amenity-rich larger developments targeting student renters; and
- Several local rental property owners participated in focus groups and spoke at the City Council meeting where preliminary study results were presented. Their primary concern was the treatment of properties that had been split into multiple units in the past and, as a result of licensing renewals and/or financing, are required to conform with current zoning. These property owners view these actions as reducing the stock of much needed rentals.

Section Summary

- Affordability is one of the top factors for choosing a home for all residents and across resident demographic groups.
- Most residents consider their home to be in excellent/good condition. Renters are more likely than homeowners to live in housing they consider to be in fair/poor condition, especially renters of detached single family homes. Renters with children and renters with large families are more likely than other renter households to live in fair/poor condition homes.
- Weatherization is the repair need identified by the greatest proportion of respondents. Most homeowners who need repairs have not made them because they cannot afford to make repairs.
- Affordable and accessible housing is extremely difficult for residents with disabilities to find.
- Renters with children, non-student renters, and senior renters are most vulnerable to displacement, compared to other renters.
- For non-student renters who want to own, a lack of affordable housing in the areas they want to live and/or a lack of a downpayment are the most common barriers to owning.
- Lawrence residents value a housing supply that serves residents of all incomes and life stages. Based on their survey responses, a majority or plurality of residents in most areas believe that products that may increase affordability—low density attached housing, small and medium lots and home sizes—are appropriate in their neighborhoods.

SECTION IV.

Findings and Recommendations

SECTION IV. Findings and Recommendations

This section evaluates the resources and options available to Lawrence to address the housing challenges identified in prior sections of this report. These resources include direct allocations of funding for housing, as well as other effective contributions (e.g., zoning and land use modifications to incentivize development).

The primary focus of this section is recommendations for strategies to address needs. This is presented in the form of a "dashboard" for measuring progress and a "road map" to get there.

These recommendations were informed by best practices in similar communities—yet are unique to Lawrence. They focus on how to retain what makes Lawrence a special place for a variety of residents to call home.

Resources

The City of Lawrence is fortunate to have a number of direct financial resources that support housing investments. Most impressive is the new dedicated housing fund, which was approved by voters in late 2017. Housing trust funds not only provide additional resources to communities with fewer requirements than federal or state sources, they can be used to leverage other resources, bringing more private and public investment into a community. This is important because many foundations and businesses base investment decisions on the demonstrated commitment, which includes contribution of local resources.

According to the Center for Community Change, there are nearly 800 housing trust funds in the United States—yet these are not distributed according to needs. Most housing trust funds exist on the East Coast, followed by California. Areas with some of the greatest needs—e.g., rural America with little economic development and aging populations—lack housing trust funds.¹ Lawrence's housing fund is a strong testament to the unique and committed community culture the city has fostered and supported.

Lawrence's current resources available to address housing needs include:

- In January 2017, the City incorporated **affordable housing requirements** into the City's economic development policy regarding any mixed-use project which creates four or more housing units.
- New dedicated housing fund. In November 2017, Lawrence residents voted in favor of a proposed retailers' sales tax for "the purposes of providing and improving the quality, availability, and affordability of housing in Lawrence; acquiring land for future affordable

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¹ http://housingtrustfundproject.org/housing-trust-funds/

housing units; investing in private/public partnerships for the provision of affordable housing; and such other related affordable housing purposes as may be in the best interest of the City.."². The tax is the five one-hundredths of 1 percent (0.05%), equivalent to one cent on a \$20 purchase. Collection begins on April 1, 2019 and will sunset in 10 years. The City estimates that the tax will generate \$10.5 million over the 10 year period.

- Direct allocations of the Community Development Block Grant (CDBG) and HOME Investment Partnerships Fund (HOME) from the U.S. Department of Housing and Urban Development (HUD)—approximately \$900,000 annually. These funds are currently used for home rehabilitation for low income homeowners (\$200,000 in 2018 program year to assist two households); first time homebuyer assistance (\$90,000 for three households); weatherization and emergency repairs for homeowners (\$115,000 for 35 households); accessibility improvements to rental housing (\$33,000 for 11 households); tenant based rental assistance (\$171,000 for 20 households); and subsidies for affordable housing construction (\$50,000 for two households); as well as public infrastructure improvements that support neighborhood revitalization (sidewalk repairs, public facility projects), and funds to support the operations of nonprofit service providers.
- The federal **Emergency Shelter Grant** (ESG)—received through the State Kansas Housing Resources Corporation. ESG dollars are available to help families at-risk of or experiencing homelessness find temporary and permanent housing.
- The City of Lawrence received a total of \$1,312,384 from the State of Kansas for the Neighborhood Stabilization Program (NSP1). This grant began with an original formula allocation to the City in 2009, and later included several subsequent applications to access Program Income from the State within the NSP1 program. The program was closed in late 2017 and ultimately provided 12 new units of affordable rental housing to the community. The households that reside in these units fall between 50% AMI and 80% AMI. The units were constructed by and are managed by the Lawrence Community Housing Trust.
- **Rental licensing program**—The goal of the city's rental licensing program is to ensure that renters live in safe and habitable housing. Effective January 1, 2015, all rental properties in Lawrence must maintain a valid rental license and undergo periodic inspections in compliance with <u>City Ordinance 8840</u>.

Past housing investments. Lawrence has invested in affordable housing through general fund allocations and leveraging partnerships:

■ **2005 Housing Trust Fund Projects.** In 2005, the City allocated \$570,000 to emergency rental assistance, a homeless management information system, construction of nine affordable elderly housing units, acquisition/ development of property for Habitat for Humanity, the Homeless to Housed program, and to land acquisition for the Community Housing Trust.

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² Text in quotation is directly from the ballot question.

- Housing Demonstration Project. Through this partnership between the City of Lawrence, Tenants to Homeowners, Habitat for Humanity, Family Promise, Lawrence Douglas County Housing Authority, and Willow Domestic Violence Center, \$100,000 of city funds were leveraged to construct three permanently affordable homes in 2017.
- Transitional Housing Voucher Program. Through this program, the Lawrence Douglas County Housing Authority received \$100,000 from the City to provide housing vouchers to help families move from the Lawrence Community Shelter into transitional housing in 2017.

The City is also fortunate to have an **Affordable Housing Advisory Board** (AHAB) that was established in mid-2015. The role of the AHAB is to:

- Advise the Governing Body regarding issues affecting affordable housing and supportive services in the community;
- Oversee and facilitate the purpose of the Affordable Housing Trust Fund, which is to support the acquisition, rehabilitation, and development of affordable housing and supportive services so that all persons in the community have access to independent living with dignity;
- Make recommendations to the Governing Body regarding the expenditure of money from the Affordable Housing Trust Fund in order to fund projects, as reviewed and approved by the Board, that are consistent with the purpose of the Affordable Housing Trust Fund; and
- Make recommendations to the Governing Body regarding the cultivation and maintenance of steady and various streams of income to fund the Affordable Housing Trust Fund. However, the Board shall not apply for any grant without prior approval of the Governing Body; nor shall it accept any gift or donation without prior approval of the Governing Body.

The Board represents a variety of interests and includes:

- Two representatives of the City of Lawrence, appointed by the Governing Board;
- One representative of Douglas County, appointed by the Board of County Commissioners;
- One representative of the Lawrence-Douglas County Housing Authority, or any successor in interest, appointed by the Governing Body;
- One representative of Family Promise of Lawrence, appointed by the Governing Body;
- One representative of Lawrence Habitat for Humanity, appointed by the Governing Body;
- One representative of Tenants to Homeowners, Inc., appointed by the Governing Body;
- One representative who is a current or former resident of subsidized housing, appointed by the Governing Body;

- One representative of Justice Matters of Lawrence, appointed by the Governing Body;
- One representative of the Lawrence Home Builders Association, appointed by the Governing Body;
- One representative of the University of Kansas, appointed by the Governing Body;
- One representative of the Lawrence Chamber of Commerce, appointed by the Governing Body; and
- One representative of the Lawrence Board of Realtors, appointed by the Governing Body.

Addressing Needs

Sections II and III of this report the data and information analyzed for this study. This information was provided to the AHAB, Lawrence citizens, and the City Commission as it was developed, through consultant presentations in April, May, and June 2018.

The city's housing needs, by type and population most affected, include:

HOUSING NEEDS BY THE NUMBERS

Renters who cannot afford their current rentals, and who are cost-burdened Renters who want to buy and could be candidates for ownership		5,200 households
		2,000
Families experiencing homelessness/at-risk of homelessness		700
Households with disabilities with accessibility modification needs		500
Renters with units in poor or fair condition		2,950
Owners with units in poor or fair condition		500
Subset of renters with needs, by resident type	Seniors	2,000
	Persons with disabilities	1,500
	Single mothers	1,300
	Students	1,000

On June 4, 2018, a workshop was held with the AHAB to prioritize the city's housing needs; the meeting was open to and attended by many members of the public. The workshop began with a recap of the findings from the analysis and community engagement.

During the workshop, the AHAB developed a set of guiding principles for determining the prioritization of needs and allocating the housing trust fund:

Guiding principles.

- 1. The City of Lawrence's role in addressing housing needs should be "reasonable and broad." The city's role should focus on facilitating new affordable development, incentivizing and partnering with the private sector, enacting reasonable regulations, and evaluating progress.
- 2. "There is no silver bullet." The housing market is dynamic and ever-changing. Housing needs will always exist in some form. Housing programs and policies should allow flexibility adjust to unmet demand as the city changes.
- 3. "We can ask the private sector to help in this endeavor." Public sector investments and entitlements provide value to the private sector. It is appropriate to ask for affordable housing contributions in return.
- 4. Housing investments should be focused on the areas where the market is unable to meet the housing needs that exist.

Successful outcomes. The AHAB also considered a range of outcomes for the Affordable Housing Trust Fund. These outcomes would help Lawrence retain what is special about the city, address the most severe housing needs, and ensure that all types of residents can continue to call the city home.

SUCCESSFUL OUTCOMES FROM THE HOUSING TRUST FUND

Workers in Lawrence can live in Lawrence Low and moderate income renters can become owners if they desire and are qualified. Ownership products include land trust homes, cooperative/shared housing, condos and townhomes, and single family detached homes The gap between affordable rentals and the number < \$25,000 households needing affordable rentals is reduced Lawrence has more housing and supportive service options for persons transitioning out of homelessness Persons with disabilities have more options for housing that is accessible, affordable, and facilitates independent living Seniors can age in place

The Dashboard. The dashboard below depicts short-term and long-term indicators of success, and estimated project costs, based on the outcomes developed by the AHAB and current and future housing needs.

Dashboard to Monitor and Measure Success, City of Lawrence

Short term (1-5 years)	2019-2023
1. Stabilize the rental gap for non-student renters earning < \$25,000/year	100 new affordable rental units
Low and moderate income renters who want to become owners have more options for purchasing affordable units	100 more units are affordable to low and moderate income renters who are qualified to become owners
3. Persons with accessibility needs are able to get the improvements they need and/or find visitable and accessible housing	25 renter households that receive accessibility modifications annually
Residents in unstable housing situations have more permanent affordable and supportive housing options	45 tenant based rental assistance vouchers available annually
5. Residents living in housing in poor condition have improvements made	70 homes and apartments brought into good condition annually
Long term (5-10 years)	2024-2028
1. Reduce the rental gap by 7.5% by adding new units affordable to non-student renters earning < \$25,000/year	500 new affordable rental units
Low and moderate income renters who want to become owners have more options for purchasing affordable units	200 more units are affordable to low and moderate income renters who are qualified to become owners
3. Unit accessibility for persons with disabilities is increased through rehabilitation and creation of visitable housing	25 renter households that receive accessibility modifications annually
, .	25 renter households that receive accessibility modifications annually70 tenant based rental assistance vouchers available annually

Note: The proposed goal numbers are based on the renter and owners gaps analysis and needs identified by residents through the survey and are rounded for simplicity.

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Roadmap for Addressing Needs. The "roadmap" presented below details how to achieve the measures of success depicted by the dashboard. It is organized by recommended year for action.

Roadmap to Meet Dashboard Goals, City of Lawrence

Dashboard Goals			
Short term (1-5 years)	2020-2023	Target Population	Roadmap
1. Stabilize the rental gap for non-student renters earning < \$25,000/year by creating new deeply, permanently affordable rental units, Note: Affordable rentals could take a variety of forms, depending on the land and nature of the land or property (traditional public housing, transitional housing for victims of domestic violence, senior housing, cooperative housing, scattered site complexes). Ideally, housing for all vulnerable resident groups should have supportive services and foster community support.	100 new affordable rental units renting for less than \$500/month	Persons with disabilities, persons with mental illness/behavioral challenges; seniors, single parents, victims of domestic violence, persons with criminal histories, immigrants with no rental history/credit	Step 1. Determine available land and property: a. Inventory city land, especially under-utilized parcels such as parking lots, and determine appropriateness for new housing developments. b. Working with a local (preferably volunteer) commercial and residential real estate agent, inventory non-city owned and underutilized commercial and residential properties that could be purchased and converted to permanently affordable housing. Step 2. Examine the sites for potential residential development. Determine redevelopment costs and potential affordability mix (both rental and ownership housing, a mix of MFI levels, land trust and coop potential). Step 3. Acquire land/property. Step 4. Issue an RFP for a nonprofit or private partner to repurpose the land or property acquired by city or owned by the partner into permanent affordable housing, guided by the potential mix in Step 2. Assumes partner receives additional grants to offset construction costs of development.
Create more ownership options for low and moderate income renters who want to become owners	affordable to low and moderate income renters who are qualified to become owners, priced between \$100,000 and \$260,000	Residents, workforce, small households; 50-100% MFI renters who want to become owners	Could be achieved through several approaches: 1) Follow Roadmap for creating affordable units (above). In that case, it is recommended that the for sale communities be a combination of land trust (deeply affordable), cooperative, and modified shared equity products. 2) Use density bonuses, potentially through an overlay district, to create more value in land for private developers. Units created through density bonuses would likely be attached homes serving 80-100% MFI. 3) Long term: Negotiate affordable for sale unit creation as part of annexations. The proportion may vary depending on the development proposed but should not be less than 10%.

Note: The proposed goal numbers are based on the renter and owners gaps analysis and needs identified by residents through the survey and are rounded for simplicity.

Roadmap to Meet Dashboard Goals, City of Lawrence (Continued)

Dashboard Goals			
Short term (1-5 years)	2020-2023	Target Population	Roadmap
3. Persons with accessibility needs are able to get the improvements they need and/or find visitable and accessible housing	25 rental households assisted with accessibility modifications (benchmark is 11 annually)	Persons with disabilities who desire to live independently; includes many types of disabilities, including cognitive and self care	1) Increase number of rental households with disabilities who receive grants from the city for accessibility improvements; 2) Consider enhancing this program to provide additional rehabilitation and weatherization to private property owners who agree to keep units affordable for a period of time (10-15 years, depending on amount of grant); 3) Engage private sector developers in a discussion about incentives to increase visitability in housing and consider implementing solutions
Residents in unstable housing situations have more permanent affordable and supportive housing options	25 more vouchers available	Persons with disabilities, persons with mental illness/behavioral challenges; seniors, single parents, victims of domestic violence, persons with criminal histories, immigrants with no rental history/credit	1) Increase TBRA to supplement Section 8 program; buy down units in \$625-\$875 range. 2) Consider creating an incentive fund for property owners who agree to rent to voucher holders. This fund could cover the costs of damage, wear and tear, and weatherization improvements.
5. Residents living in housing in poor condition have improvements made	70 number of homes and apartments brought into good condition (benchmark is 35 annually)	Residents living in substandard housing; includes persons with disabilities living in inaccessible housing	1) Increase funding for home modifications and weatherization. Fund with housing trust funds to increase grant effectiveness and overall funding by removing regulatory inefficiencies; Supplement with incentive programs proposed above. 2) Evaluate the City's current rental inspection sampling program, using guidance from the survey data in the Housing Needs Assessment, to ensure that the City's process has the ability to detect condition problems reported by residents. 3) Evaluate if energy codes and programs are adding unnecessary costs to housing payments.

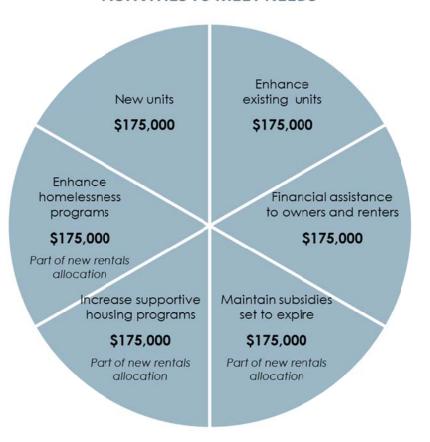
Note: The proposed goal numbers are based on the renter and owners gaps analysis and needs identified by residents through the survey and are rounded for simplicity.

Roadmap to Meet Dashboard Goals, City of Lawrence (Continued)

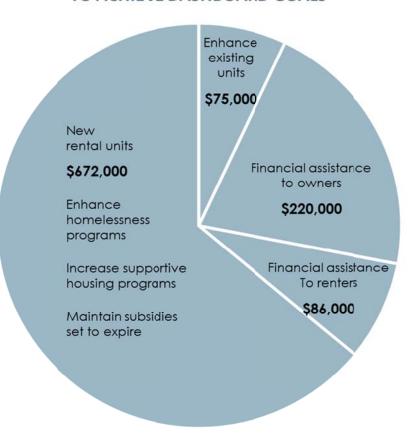
Dashboard Goals			
Long term (5-10 years)	2024-2028	Target Population	Roadmap
1. Reduce the rental gap by 7.5% by adding new units affordable to non-student renters earning less than \$25,000/year	500 new affordable rental units	Persons with disabilities, persons with mental illness/behavioral challenges; seniors, single parents, victims of domestic violence, persons with criminal histories, immigrants with no rental history/credit	
Low and moderate income renters who want to become owners have more options for purchasing affordable units	200 more units are affordable to low and moderate income renters who are qualified to become owners	Residents, workforce, small households; 50-100% MFI renters who want to become owners	
Unit accessibility for persons with disabilities is increased through rehabilitation and creation of visitable housing	25 annual rental households that receive accessibility modifications (benchmark is 11 annually)	Persons with disabilities who desire to live independently; includes many types of disabilities, including cognitive and self care	
Residents in unstable housing situations have more permanent affordable and supportive housing options	50 more vouchers available	Persons with disabilities, persons with mental illness/behavioral challenges; seniors, single parents, victims of domestic violence, persons with criminal histories, immigrants with no rental history/credit	
5. Residents living in housing in poor condition have improvements made	70 number of homes and apartments brought into good condition (benchmark is 35 annually)	Residents living in substandard housing; includes persons with disabilities living in inaccessible housing	

Note: The proposed goal numbers are based on the renter and owners gaps analysis and needs identified by residents through the survey and are rounded for simplicity.

FUNDS AMONG HOUSING ACTIVITIES TO MEET NEEDS



PROPORTIONATE DISTRIBUTION BASED ON COSTS OF ACTIVITIES TO ACHIEVE DASHBOARD GOALS



Note: Enhance existing units includes activities of accessibility improvements, weatherization, and emergency loans.

Financial assistance includes vouchers and first time homebuyer assistance.

APPENDIX A.

Acronyms

Acronyms used in Housing Studies

Commonly used acronyms in housing market analyses and referred to in this report include:

ACS – American Community Survey

ADA – Americans With Disabilities Act

AFFH – Affirmatively Further Fair Housing

AFH - Assessment of Fair Housing

AI – Analysis of Impediments to Fair Housing

AMI/MFI – Area Median Income / Median Family Income

CDBG – Community Development Block Grant

CIL – Center for Independent Living

ESG – Emergency Solutions Grant

FHA – Fair Housing Act (sometimes referred to as the Federal Fair Housing Act, or FFHA, to distinguish from the Federal Housing Administration)

HMA – Housing Market Analysis

HOME – HOME Investment Partnership Program

HUD – U.S. Dept. of Housing and Urban Development

LIHTC - Low Income Housing Tax Credit

MLS - Multiple Listing Service

MSA – Metropolitan Statistical Area

NIMBY – "Not In My Back Yard"

NOAH – Naturally Occurring Affordable Housing

PHA – Public Housing Agency



Tenants to Homeowners, Inc. dba The Lawrence Community Housing Trust
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842.5494 ◆ FAX 785.842.7570 ◆ <u>lawrencelandtrust@yahoo.com</u> ◆ www.tenants-to-homeowners.org

Lawrence City Commission c/o Tom Markus PO Box 708 Lawrence, KS 66044

Dear City Commissioners,

I am writing to request that the Lawrence City Commission direct the Planning Department to draft an Affordable Housing Density Bonus Ordinance. The proposed ordinance would allow affordable housing developers to reasonably increase density for permanently affordable units.

Ever rising lot costs have become one of the greatest challenges to affordable development. A reasonable density bonus would reduce lot costs and demand affordable housing developers pass that savings on through reduced prices and rents.

Over the past year, LCHT has been working with Scott McCullough and the Planning staff to identify approaches to increase density for affordable developments. We have tried utilizing the accessory code, but since LCHT uses a unique shared-equity ownership approach to protect our affordable subsidy, the accessory code would not allow us to build an accessory dwelling unit. Because the organization owns the land under all its affordable housing units, we could not even sell a home and ADU to the same family, under the current code.

While the RS3 zoning is available as an option for new development, this does not lower land costs as efficiently as allowances for affordable housing density bonus' on infill development. First, because new development requires streets, sewers and all the other costs that add to the price of a lot. Even with increased density options like RS3 zoning, there is no current RS3. Creating a new development of RS3 zoning is an option, but requires a big project. Therein lies the problem—Every study suggests that the best way to develop affordable housing is to disperse it throughout all neighborhoods in a community. This provides neighbors opportunities to learn from each other, allows natural social supports for those with limited resources and provides opportunities for mentoring and educating the next generation. Lawrence tries to be an equitable community, but our affordable housing tends to be bunched together and highly concentrated in some neighborhoods instead of evenly scattered in all neighborhoods. We can do better.

An increasing number of residents (millennial and our aging population) are seeking minimal square footage, intergenerational housing, increased affordability, and energy efficiency. These are national trends and Lawrence is no different. The houses being proposed by LCHT (750 sq. foot) would be built two to a lot maintaining all current

requirements for setbacks, mass, scaling, and architectural design. If we can build two separate shared-equity ownership houses on one lot or housing with an ADU on LCHT stewarded lots, we would create affordability without additional subsidy. We understand that even if the city supports our affordable housing goals, we do not want to create unwanted density or development which does not create permanently affordable housing. So LCHT requests that the commission direct city manager Tom Markus and staff to look at best practices and create an ordinance or text amendment that would allow permanently affordable housing projects to be eligible to build at greater than the base density of any current lot.

The numbers cannot be argued. LCHT homes currently have an average of \$31,000 worth of subsidy in them to make them affordable. If we can build two smaller houses on a single lot costing \$50,000—we just cut our lot cost from 50,000 to 25,000 (per house) and created the subsidy we needed along with the lower cost of a smaller footprint floorplan. With this reasonable density, someone making less than 80% of Median Family Income for a household of 1 can have a new, energy-efficient small house at \$25,000 below market value. This creates affordability without additional subsidy and would be retained by the community permanently. The Lawrence public recognizes the need for affordable housing and expects us to deliver units. We need a multifaceted approach that includes reasonable increases on density (like smaller houses). The ability to develop two small homes on one lot would allow affordable housing developers like LCHT to maximize resources, including the new sales tax funding.

LCHT has served the Lawrence community for 26 years helping over 400 families become homeowners. LCHT currently stewards 81 trust homes throughout Lawrence and has never had a foreclosure. Neighborhoods are exceptionally pleased with LCHT new construction. One homeowner who lived on a block where LCHT developed 5 new family homes said, "You have brought life back to our neighborhood."

We propose a density bonus policy that would serve the families that meet the definitions of affordability already adopted by the city. In an effort to limit increased density to serve an affordable housing purpose, we would request a permanent affordability requirement to ensure that the value created by the increased density is passed on to families who need housing and continue to work for the community in perpetuity. In practicality, this means there would have to be a steward of any ownership program and rentals would have to serve targeted incomes to maintain the density. Many organizations in Lawrence do this well and if for-profit developers used the density bonus they could partner with organizations like LCHT to steward these resources.

The proposed density bonus is a win-win for the community. It supports development of more affordable housing without overtaxing limited resources—both subsidy dollars and city infrastructure. Smart density allows for a greater number of people to be housed with fewer resources. Small, green, owner-occupied homes make perfect sense for Lawrence.

Sincerely,

Rebecca Buford

Executive Director of the Lawrence Community Housing Trust

Thinking Smaller

Density bonus incentives for affordable housing

From Spokane to L.A., from Denver to Washington D.C. municipalities across the country are making way for greater infill and new development through small-home zoning and density bonus incentives.

Density bonuses being used by these communities create incentives for developers to provide public amenities in exchange for greater density than allowed under existing zoning.

Spokane Washington, a city of 211,000 residents is currently working on promoting tiny homes and cottage developments while also loosening setback requirements and amending floor area ratio standards. Tiny home and cottage housing developments are creating denser infill via density bonuses.

Spokane city council president Ben Stuckart sees this approach as a key way to create denser infill, bolster the tax base and improve affordability all while creating mixed income neighborhoods. "In addition, density and infill are less taxing than sprawl on your physical services –water. Police, fire, roads, it's always cheaper to provide those services within the city"

Stuckart says the tiny house density bonus is meant primarily to serve nonprofit affordable housing developers who might now be able to build affordable housing villages.

Langley Washington is following in the footsteps of Utah by adopting the 2018 international Residential Code for one and two family dwellings. The draft policy document includes provisions for small houses and addresses dimensions of habitable lofts, as well as ways to safely access and exit them.

Langley also developed the first contemporary pocket neighborhood setting the stage for all others that followed. It demonstrated that eight smaller cottages have less impact than four large homes on the same site. It also confirmed there is a market for cottages designed for one and two person households in a community-oriented setting.

Langley's "Third Street Cottages" is a community of eight detached cottages located on four standard single-family lots. The homes are approximately 650sf with lofts up to 200 sf, and are conveyed as condominium ownership. They are situated around a shared garden with a Commons building and toolshed. Parking is detached and open and every resident has a storage room.

The American Planning Association's Smart Codes: Model Land Development Regulations suggests two models for affordable housing ordinances:

- 1. A mandatory alternative in which affordable housing is required in all development that produces new residential units.
- 2. An incentive-based approach in which a density bonus of one additional unit for each affordable unit is offered as of right.

Density Bonus

The United States Supreme Court has established a test to determine the constitutionality of zoning ordinances. (7) Under the test, a zoning ordinance must not be arbitrary and unreasonable and it must have a substantial relationship to the public health, safety, morals or general welfare. (8)

Density bonuses create incentives for developers to provide public amenities in exchange for greater density level than allowed under existing zoning.

TOOL DESCRIPTION

A density bonus is an incentive-based tool that permits developers to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals.

Increasing development density may allow for increases in developed square footage or increases in the number of developed units. This tool works best in areas where growth pressures are strong and land availability limited or when incentives for attaining the goals outweigh alternative development options.

Center for Land Use Education: https://www.uwsp.edu/cnr-ap/clue/Documents/PlanImplementation/Density Bonus.pdf

Low Income Housing

Density bonuses are often used to increase the supply of affordable housing for low income or senior households. Density bonus ordinances permit developers to increase the square footage or number of units allowed on a piece of property if they agree to restrict the rents or sales prices of a certain number of the units for low income or senior households. The additional cash flow from these bonus units offsets the reduced revenue from the affordable units.

Center for Land Use Education: https://www.uwsp.edu/cnr-ap/clue/Documents/PlanImplementation/Density Bonus.pdf













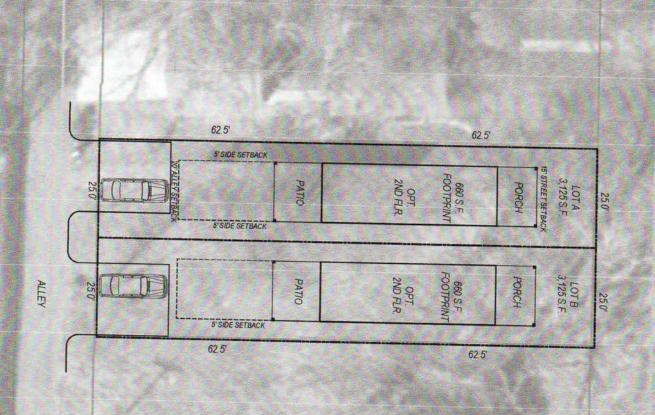












REZONE TO RS-3
FRONT TO BACK SPLIT

MIN. LOT AREA = 3,000 S.F.
ACTUAL LOT AREA = 3,125 S.F.
MIN LOT WIDTH = 25 FEET
ACTUAL LOT WIDTH = 25 FEET
MIN. LOT FRONTAGE = 25 FEET
ACTUAL LOT FRONT SETBACK = 15 FEET
ACTUAL FRONT SETBACK = 15 FEET
MINIMUM FRONT SETBACK = 20 FEET
MINIMUM REAR SETBACK = 20 FEET
MINIMUM REAR SETBACK = 44 FEET
NO VARIANCES REQUIRED



VARIANCES REQUIRED ZERO FRONTAGE LOT?

ACTUAL REAR SETBACK

= 15 FEET = 15 FEET = 20 FEET = 20 FEET

ACTUAL FRONT SETBACK MINIMUM REAR SETBACK

MINIMUM FRONT SETBACK

ACTUAL LOT FRONTAGE

= 50 LOT A, 0'LOT B

MIN. LOT FRONTAGE

ACTUAL LOT WIDTH

REZONE TO RS-3 SIDE TO SIDE SPLIT TREAT ALLEY AS STREET

MIN. LOT AREA = 3,000 S.F.ACTUAL LOT AREA = 3,000 S.F. & 3,250 S.F.

= 3,000 S.F. = 3,000 S.F. & 3,250 S.F = 25 FEET = 50 FEET = 25 FEET

MIN LOT WIDTH

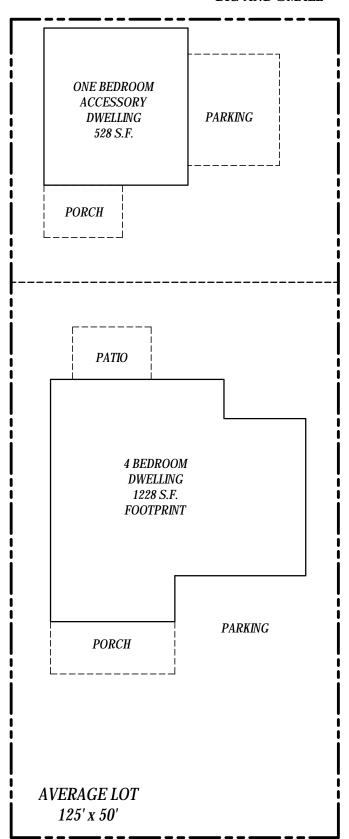
Smart Density Bonus

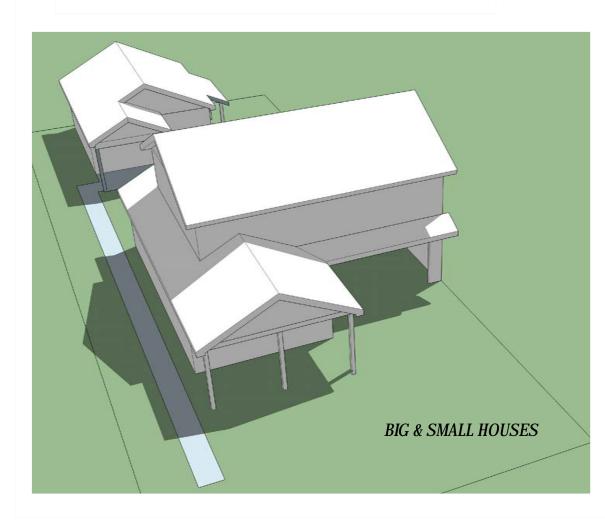
What is a Density Bonus?

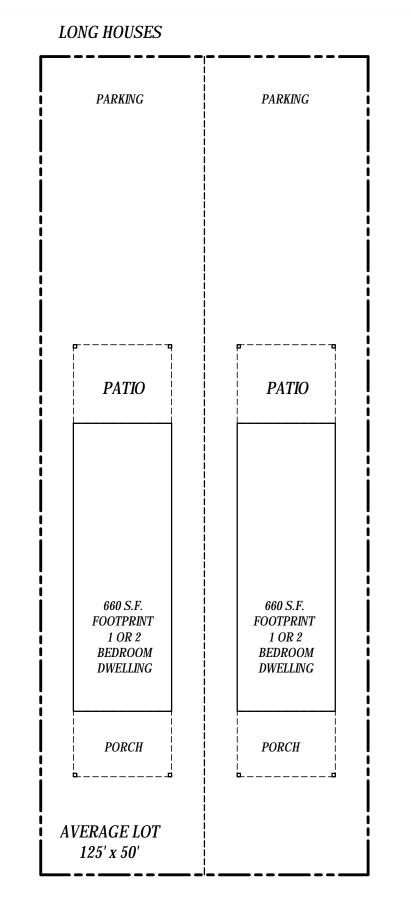
Density bonuses are utilized by municipalities often in the form of Building Code or Text Amendments to create incentives for developers to provide public amenities in exchange for greater density levels than allowed under existing zoning.

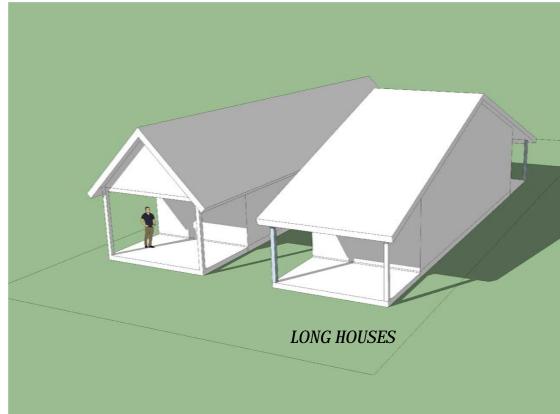
Smart Density Bonuses uplift a specific community goal (like permanently affordable housing) as the public amenity incentive.

BIG AND SMALL





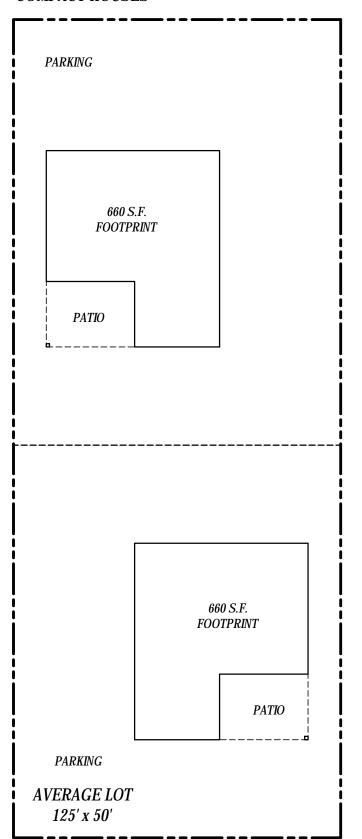




A Smart Density Bonus is a win-win for the Lawrence community. It supports development of more affordable housing without overtaxing limited resources-both subsidy dollars and city infrastructure. Smart density allows for a greater number of people to be housed with fewer resources. Small, green, owner-occupied homes make perfect sense for Lawrence.

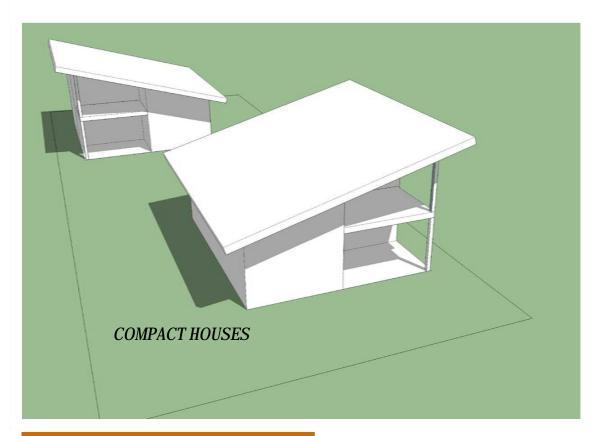
Tenants To Homeowners Inc. The Lawrence Community Housing Trust

COMPACT HOUSES



Lawrence's Smart Density Bonus Goals:

- 1. Create a Lawrence city ordinance that would allow permanently affordable housing projects to be eligible to build at greater than the base density of any current lot.
- 2. Reduce lot costs and demand affordable housing developers pass that savings on through reduced prices and rents.
- 3. Develop intergenerational housing that suits the needs (reduced square footage, energy efficiency, increased affordability) of our aging and millennial populations.

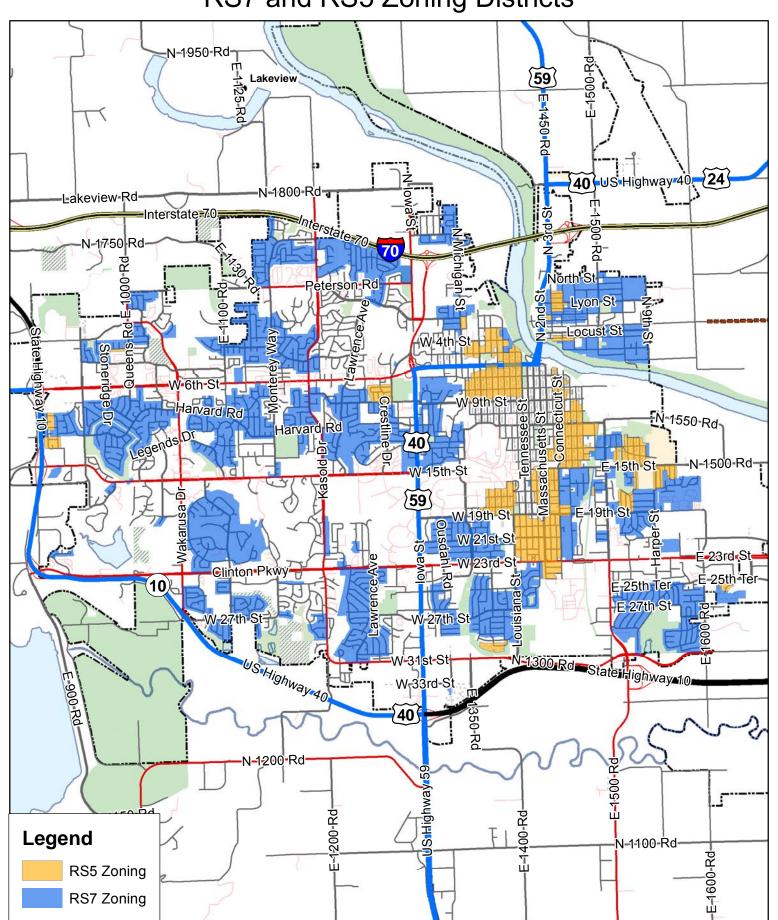




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Date: 3/4/2019

RS7 and RS5 Zoning Districts



ARTICLE 5. USE REGULATIONS

20-501	Adaptive Reuse of Designated Historic Property
20-502	Agriculture, Large Animal
20-503	Attached Dwellings
20-504	Bed and Breakfast Establishment
20-505	Funeral and Interment
20-506	(Reserved)
20-507	Day Care Establishments
20-508	Detached Dwelling
20-509	Eating and Drinking Establishments
20-510	Financial, Insurance and Real Estate (F.I.R.E.) Services,
	Payday Advance and Car Title Loan Businesses
20-511	Food and Beverage Sales
20-512	Lodge, Fraternal and Civic Assembly
20-513	Manufactured Homes, Residential-Design
20-514	Mobile Home Parks
20-515	Mining
20-516	Mixed Media Stores
20-517	Multi-Dwelling Structure, Non-Ground Floor Dwelling
	Units and Work/Live Units
20-518	Office, Administrative and Professional
20-519	Outpatient Care Facility
20-520	Personal Convenience Services
20-521	Personal Improvement Services
20-522	Religious Assembly
20-523	Repair Service, Consumer
20-524	Restaurant, Quality
20-525	Retail Sales, General
20-526	Retail Establishments
20-527	Scrap and Salvage Operations
20-528	Sexually Oriented Businesses
20-529	Wireless Facilities
20-530	Utility, Minor
20-531	Zero Lot Line Housing
20-532	Accessory Uses and Accessory Structures; Purpose
20-533	General Standards for Accessory Structures
20-534	Accessory Dwelling Units
20-535	Accessory Parking
20-536	Amateur Radio and Receive-Only Antennas
20-537	Home Occupations
20-538	Exterior Storage
20-539	General Standards for Private Dining Establishments
20-540	Small and Large Collection Recycling Facilities
20-541	Work/Live Units
20-542	Non-Ground Floor Dwelling Units
20-543	Office, Other
20-544	Temporary Shelters
20-545	Light Equipment Sales/Rental
20-546	Congregate Living
20-547	Animal Agriculture, Small
20-548	Crop Agriculture
20-549	Farmers Markets
20-550	On-Site Agricultural Sales
20-551	Urban Farm

20-501 ADAPTIVE REUSE OF DESIGNATED HISTORIC PROPERTY

- (1) Special Use approval may be granted in any Zoning District for an Adaptive Reuse provided the property is listed individually or as a contributing Structure to a historic district in one or more of the following: the Lawrence Register of Historic Places; the Register of Historic Kansas Places; or the National Register of Historic Places.
- (2) Only properties that meet criteria (i) or (ii) below and the additional criteria below are eligible to pursue Adaptive Reuse:
 - (i) When such use can facilitate active renovation or restoration of the property and when the request for the Adaptive Reuse is submitted prior to the renovation or restoration commencing.
 - (ii) When such use can maintain an otherwise adequate property that has an existing Adaptive Reuse Special Use Permit.
 - (iii) When the property is located in a nonresidential Zoning District.
 - (iv) When the property is located in a single-dwelling residential Zoning District and the structure was built primarily for any use other than Detached Dwelling that has been substantiated through archival records, tax records, City directories, or other physical evidence and when the property is not being converted from Detached Dwelling to Adaptive Reuse.
 - (v) When the property is located in a multi-dwelling residential Zoning District and where the Structure on the property was built for any use other than Detached Dwelling that has been substantiated through archival records, tax records, City directories, or other physical evidence or where the Structure on the property has a minimum of 4,000 square feet of Gross Floor Area in living space. (Square footage shall include all finished living space excluding porches and garages).
- (3) Adaptive Reuse of a property shall not include a reduction in area or dimension of the existing Front Yard or Exterior Side Yard;
- (4) Adaptive Reuse of a residentially-designed Structure shall maintain the residential quality and character of the property;
- (5) Adaptive Reuse of a Building shall maintain the architectural character of the historic property, as established by the Historic Resources Commission, and the historic context within the neighborhood environs;
- (6) Prior to public hearing of an application for a Special Use for Adaptive Reuse by the Planning Commission, the Special Use application shall first be reviewed and a recommendation made by the Lawrence Historic Resources Commission at a regular meeting of the Lawrence Historic Resources Commission and, when applicable, the State Historic Preservation Officer. Mailed notice of the Historic Resources Commission's meeting shall be provided pursuant to Section 20-1301(q)(3).

- (7) In addition to the Special Use review procedures of Section 20-1306, the following criteria shall apply:
 - (i) conformance with the regulations for redevelopment established in Chapter 22 of the City Code, as determined by the Lawrence Historic Resources Commission when the project is on the Lawrence Register of Historic Places;
 - (ii) compliance with the Secretary of Interior Standards for Rehabilitation, as determined by the Historic Resources Commission and/or State Historic Preservation Officer, when a State or National Register property is involved; and.
 - (iii) adherence to other criteria established in this Development Code, as appropriate to the use proposed, when so determined by the Planning Director or the Historic Resources Administrator.
- (8) After the appropriate recommendation has been made pursuant to Section 20-501(6), the Special Use application shall be scheduled for public hearing before the Planning Commission.
- (9) The recommendations of the Historic Resources Commission and the Planning Commission will be forwarded to the City Commission for consideration.

20-502 AGRICULTURE, LARGE ANIMAL

- (1) Animal husbandry, dairying, and pasturage, but not including the keeping of swine, shall have a minimum Lot Area of not less than five (5) acres and shall have not less than one (1) acre of Lot Area for each head of Livestock kept on the Premises. No feedlots shall be allowed.
- (2) No Large Animal Agriculture uses shall be located nearer than 150 feet to any R District or nearer to an adjoining Lot Line than 100 feet.
- (3) Applicants shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.

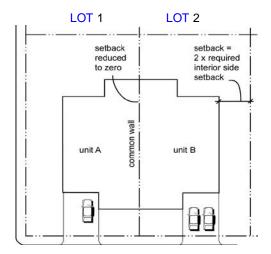
20-503 ATTACHED DWELLINGS

(1) General

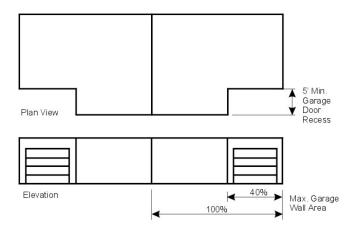
- (i) The common or abutting wall shall be shared for at least 50% of the length of the side of the Dwelling Units and shall have a maintenance agreement for the sharing of a common wall filed at the Register of Deeds.
- (ii) Attached Dwellings shall comply with the Density and Dimensional Standards of Article 6, except where such standards are expressly modified by the provisions of this section.
- (iii) Attached Dwelling developments in RS Districts are subject to the Site Plan Review procedures of Section 20-1305 and Special Use Permit (SUP) requirements of Section 20-1306.
- (iv) Attached Dwelling developments in the MU District are subject only to the Site Plan Review procedures of Section 20-1305.
- (2) Standards that Apply in RS-10, RS-7 and RS-5 Districts

The following standards apply to Attached Dwellings in the RS-10, RS-7 and RS-5 Districts.

- (i) No more than 2 units may be attached by a common wall. Structures containing 3 or more Attached Dwelling Units are prohibited in these Districts.
- (ii) Each Attached Dwelling shall be on a Lot that complies with the Lot Area and width standard for new Lots in the Base District.
- (iii) The minimum required Interior Side Setback on the side of the Dwelling Unit containing the common wall is reduced to zero. The minimum required Interior Side Setback on the side of the Dwelling Unit opposite the common wall shall be at least double the Interior Side Setback standard of the Base District.



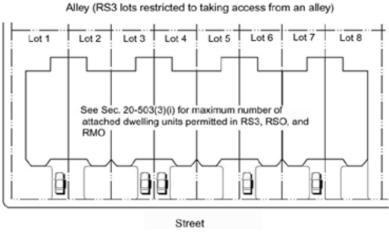
- (iv) On Corner Lots, either the Rear Setback or Interior Side Setback may be reduced to zero. However, the remaining interior Side or Rear Setback shall comply with the interior Side or Rear Setback standards of the Base District.
- (v) No more than 40% of the width of the front Facade of an Attached Dwelling may be comprised of garage door area, and all garage doors shall be recessed at least 5 feet from the front Building plane. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature on the front of the Structure.



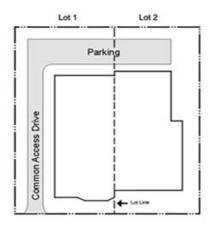
(3) Standards that Apply in the RS3, RSO, and RMO Districts

The following standards apply to Attached Dwellings in the RS3, RSO and all RMO Districts.

(i) Up to 2 Dwelling Units may be attached (have common walls) in the RS3 District. Structures containing 3 or more Attached Dwelling Units are prohibited in the RS3 District. Up to 8 Dwelling Units may be attached (have common walls) in the RSO District. Structures containing 9 or more Attached Dwelling Units are prohibited in the RSO District. Up to 12 Dwelling Units may be attached (have common walls) in the RMO District. Structures containing 13 or more Attached Dwelling Units are prohibited in the RMO District. Each Attached Dwelling shall be on a Lot that complies with the Lot Area and width standard for new Lots in the Base District.



- (ii) The Density and Lot size (area and width) requirements of the Base District apply. Commonly owned areas, including Common Open Space, Driveway, or Parking Areas apply toward the overall Density standard.
- (iii) The front, side, and Rear Setback standards of the Base District apply around the perimeter of the project.
- (iv) The Interior Side Setback on the side containing a common wall is reduced to zero.
- (v) On Corner Lots, either the Rear Setback or Interior Side Setback may be reduced to zero. However, the remaining interior side or Rear Setback shall comply with the Rear Setback standards of the Base District.
- (vi) The roof of each Attached Dwelling shall be distinct from the others through separation of roof pitches or direction, or other variation in roof design.
- (vii) A common Access Drive providing Access to the Rear of the Lots for shared or individual Parking is required and shall take the form of a public right-ofway or private Easement. Common Access Drives shall be at least 12 feet wide if designed for one-way traffic and 20 feet wide if designed for two-way traffic.



(viii) All Parking Areas other than the common Access Drives are prohibited in the front and side Street Yards.

(4) Standards that Apply in the MU District

The following standards apply to Attached Dwellings in the MU District.

- (i) Up to 12 Dwelling Units may be attached (have common walls) in the MU District. Each Attached Dwelling shall be on a Lot that complies with the Lot Area and width standard for new Lots in the Base District.
- (ii) Attached Dwellings shall be constructed in accordance with the form standards of the applicable zone, as per Section 20-1108(j).
- (iii) Vehicular Access to lots containing Attached Dwellings shall be from a rear Alley.

20-504 BED AND BREAKFAST ESTABLISHMENT

- (1) A Bed and Breakfast with 3 or fewer guest bedrooms shall be operated as an incidental use to the Principal Use of an Owner-occupied Structure.
- (2) A Bed and Breakfast establishment with 4 or more guest bedrooms is considered a Bed and Breakfast Inn.
 - (i) A Bed and Breakfast Inn shall have a full-time resident manager or Owner on the site and be licensed by the State of Kansas to do business.
 - (ii) A Bed and Breakfast Inn shall only be permitted if it is adjacent to or within ready Access to an Arterial or Collector Street.
- (3) Bed and Breakfast establishments operated as part of an adaptive reuse within a Registered Historic Landmark or within a property located within a Registered Historic District shall not be restricted to a number of bedrooms.

20-505 FUNERAL AND INTERMENT

Funeral and Interment Services that are subject to this standard shall have direct Access to an Arterial Street, with ingress and egress so designed as to minimize traffic congestion.

(1) Active Funeral and Interment

(i) Structures used for Cremation services, when located in an OS District, may not be located within 50 feet of any R District.

(2) Passive Funeral and Interment

- (i) Cemeteries and Passive Interment improvements are permitted in residential districts when accessory to a permitted Religious Institution, following site plan approval.
- (ii) Cemeteries and Passive Interment improvements shall include a wall or fence at least 4 feet in height along the perimeter of the cemetery use.
- (iii) Funeral and Interment facilities, such as funeral homes and mortuaries, are only permitted in the OS District when accessory to a Cemetery use.
- **(iv)** Cemeteries shall be managed by a Cemetery Corporation to the extent such is required under K.S.A 17-1301 *et seq.*, as amended.
- (v) Cemeteries and Passive Interment improvements shall be accompanied by a management and disposition plan.

20-506 (RESERVED)

20-507 DAY CARE ESTABLISHMENTS

(1) Day Care Homes

- (i) Class A Day Care Homes are permitted as an Accessory Use in the MU and R Districts, provided that written notification is given by the operator to all adjacent Landowners before beginning operation of the Day Care home. The notice shall State the proposed use and times of operation.
- (ii) Class B Day Care Homes require Special Use approval in all R Districts and in the MU and CN1 Districts.

(2) Day Care Centers

Day Care Centers shall maintain a wall or fence at least 4 feet in Height between any play area and any other property in the CN1 and MU District or any R District. Day Care Centers require Special Use approval in the CN1 and MU District and all R Districts, except when they are an Accessory Use to a permitted School, religious institution, or allowed as a Community Facility (see Section 20-402).

20-508 DETACHED DWELLING

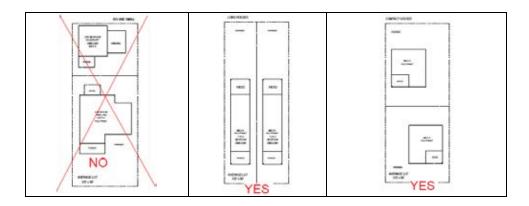
Only one Detached Dwelling is permitted on a lot unless otherwise specified by this code. Accessory Dwelling Units are not considered Detached Dwelling units. Residential Design Manufactured Home structures, as defined in Section 20-1734 and meeting the design standards of 20-513 shall be considered Detached Dwellings.

(1) Standards that apply to Detached Dwelling in the RM Districts

(i) A Detached Dwelling shall only be permitted to be constructed in an RM or RMO district, after the Effective Date, by approval of a Special Use Permit except that a Detached Dwelling may be permitted to be constructed without approval of a Special Use Permit if it is located on its own platted Lot, and if the majority of the properties on the Block Face are constructed as Detached Dwellings.

(2) Standards that apply to Detached Dwelling in the RS Districts

- (i) Only one Detached Dwelling is permitted on a lot with the following exception:
 - a. A second Detached Dwelling shall be permitted to be constructed on the same Lot as another Detached Dwelling, for a total of no more than two (2) Detached Dwellings, when both Detached Dwellings are constructed and maintained as permanently affordable Detached Dwellings as defined in Section 20-1701. The following standards shall apply:
 - (i) Construction of a second Detached Dwelling must meet all of the dimensional standards specified for the base zoning district in Section 20-601 except that the combined Dwellings shall not be required to meet the Minimum Lot Area per Dwelling Unit (sq. ft.) standard of Section 20-601.
 - (ii) Off street parking for both Detached Dwellings shall be met per Article 9 of the Land Development Code.
 - (iii) Accessory Dwelling Units are prohibited.
 - (iv) A second Detached Dwelling shall not be permitted on a lot that does not meet the minimum Lot Area and Lot Width for the Base District. A second Detached Dwelling is only permitted on lots that conform to the lot size, area, and width requirements of Section 20-601 for the base zoning district.
 - (v) Each Detached Dwelling on a Lot shall have separate utility services. The dedication of easement(s) for utility services shall be required as applicable.
 - (vi) Each Detached Dwelling shall comply with the Occupancy Limits of Section 20-601(d).
 - (vii) The owner of each Detached Dwelling shall submit an annual report to the city demonstrating compliance with the definition of "permanently affordable Detached Dwelling."
 - (viii) Front doors of each Detached Dwelling shall face the street and shall not be located facing the rear of another unit.



20-509 EATING AND DRINKING ESTABLISHMENTS

The restrictions in (1) and (2) shall apply to a Licensed Premises use. The Fast Order Food establishments in 3 and 4 are not permitted to be a Licensed Premise:

(1) Accessory Uses to Hotels

A hotel with 50 or more rooms may have a restaurant as an Accessory Use; a restaurant may be permitted as a second Principal Use on the same property as a smaller hotel, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

A hotel with 100 or more rooms may have a Bar as an Accessory Use, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

A hotel with 150 or more rooms may have a Nightclub or other live entertainment as an Accessory Use.

(2) Accessory Bars

In any Zoning District allowing a Restaurant as a permitted use and allowing an Accessory Bar, the Accessory Bar shall be allowed only subject to the following standards:

- (i) the Accessory Bar shall not constitute more than 25% of the Floor Area of the eating & drinking establishment;
- (ii) the Accessory Bar shall not have a separate Street entrance; and
- (iii) if at any time the sales of alcoholic beverages in the eating & drinking establishment constitute more than 55% of gross sales for any two months or longer measuring period, the Bar shall be deemed to be a Principal Use and the operator shall be subject to penalties under this Development Code for operation of an unlawful use.

(3) Standards that Apply in CN1 and CN2 Districts

- (i) Fast Order Food establishments shall be permitted in CN1 and CN2 Districts provided the Gross Floor Area shall not exceed 3,000 square feet.
- (ii) Bar or Lounge establishments shall be permitted by right in the CN2 District provided the Gross Floor Area, including any outdoor area, does not exceed 3,000 gross square feet.
- (iii) Bar or Lounge establishments may be permitted with a Special Use Permit in the CN2 District if the Gross Floor Area, including any outdoor area, exceeds 3,000 gross square feet.

(4) Standards that Apply in CO District

Fast Order Food establishments are permitted in the CO District provided that the total Floor Area does not exceed 10 percent (10%) of the total Gross Floor Area of all floors of the office Building or of all Buildings in the office complex in which the use is located.

(5) Standards that Apply in CD District

The following restrictions apply to Licensed Premises in the CD district:

(i) The Licensed Premises use in CD shall be required to derive from the sales of food for consumption on the Premises not less than 55% of all the Licensed Premises' gross receipts for a calendar year from sales of food and beverages on such Premises.

- (ii) The City Manager or his/her designee shall establish an administrative procedure for the investigation and enforcement of this requirement that shall include the annual reporting of appropriate sales and receipt information from Licensed Premises governed by this Section.
- (iii) The expansion, extension, enlargement, or alteration of a non-conforming use created by these restrictions shall be governed by Article 15 of this Code.

(6) Standards that Apply in the MU District

A Bar or Lounge use shall only be allowed for property applying and approved for a zoning map amendment to the MU District after July 1, 2010. A Bar or Lounge use shall be prohibited for all property with MU District zoning granted prior to July 1, 2010.

20-510 FINANCIAL, INSURANCE AND REAL ESTATE (F.I.R.E.) SERVICES, PAYDAY ADVANCE AND CAR TITLE LOAN BUSINESSES

(1) Standards that Apply in RSO, RMG and RMO Districts

- (i) Uses in this category shall be permitted in the RSO, RMG and RMO Districts provided that the Gross Floor Area shall not exceed 5,000 square feet.
- (ii) No external drive-thru automated teller machine, drive-through windows, or night drop windows shall be permitted for uses created after July 1, 2006.
- (iii) Walk-up ATMs are permitted.

(2) Standards that Apply in CN1 Districts

- (i) Uses in this category shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.
- (ii) No external drive-thru automated teller machine, drive-through windows, or night drop windows shall be permitted.
- (iii) Walk-up ATMs are permitted.

20-511 FOOD AND BEVERAGE SALES

(1) Standards that Apply in MU, CN1 and CN2 Districts

Food and Beverage Sales establishments shall be permitted in MU, CN1 and CN2 Districts provided the Gross Floor Area shall not exceed 3,000 square feet.

(2) Standards that Apply in CO District

Food and Beverage Sales establishments are permitted in the CO District provided that the total Floor Area does not exceed 10 percent (10%) of the total Gross Floor Area of all floors of the office Building or of all Buildings in the office complex in which the use is located.

20-512 LODGE, FRATERNAL AND CIVIC ASSEMBLY

- (1) Where permitted in R Districts, Lodge, Fraternal and Civic Assembly uses shall comply with the Religious Assembly supplemental design standards of Section 20-522.
- (2) A Lodge, Fraternal and Civic Assembly use in an R District shall be limited to a seating capacity of no more than 500 persons.
- (3) A swimming pool, tennis court, or other recreational facility that is accessory to a Lodge, Fraternal and Civic Assembly use may not be located nearer to other

property in an R District than the required Setback for a Principal Building, and wherever this type of facility is located in a Yard abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in Height.

20-513 MANUFACTURED HOMES, RESIDENTIAL-DESIGN

The following standards apply to Residential-Design Manufactured Homes.

- (1) Such Structures shall provide all of the accommodations necessary to be aDwelling Unit and shall be connected to all utilities in conformance with applicable City Regulations.
- (2) Such Structures shall be on a permanent-type, enclosed perimeter foundation.
- (3) The Structure shall have an entrance on the side of the Structure facing the Front Lot Line.
- (4) The roof shall be predominantly double-pitched and have a minimum vertical rise of 2.5 inches for every 12 inches of horizontal run, and shall be covered with material that is customarily used on site-built Dwellings, including but not limited to approved wood, asphalt composition shingles, clay or concrete title, slate or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches, which may include a gutter.
- (5) Exterior siding shall be of a non-reflective material customarily used on site-built Dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with City-adopted Building codes.
- (6) The Structure shall be installed in accordance with the recommended installation procedure of the manufacturer and Chapter 5 of the City Code. The running gear, tongue, axles and wheels shall be removed from the unit at the time of installation. The Structure shall be permanently mounted on either a Basement or foundation that complies with Chapter 5 of the City Code.
- (7) On level sites, the main floor shall be no greater than 24 inches above the finished Grade at the foundation. On sloping or irregular sites, the main floor at the side closest to Grade shall not be greater than 24 inches above the finished Grade at the foundation.
- (8) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards of Chapter 5 of the City Code and attached permanently to the primary Structure and anchored permanently to the ground.
- (9) If 70% or more of the Structures on the Block Face, and the Block Face opposite where the home is to be located, have attached garages, a garage constructed according to the provisions of Chapter 5 of the City Code (Building Code) shall be required to be attached to the Residential-design Manufactured Home.

20-514 MOBILE HOME PARKS

(1) Purpose

The purpose of these standards is to ensure and promote an acceptable living environment for occupants of Mobile Home Parks with Mobile Home spaces offered for

rental or lease. No use shall be allowed other than those uses considered as an integral part of the Mobile Home Park as shown on the approved development plan.

(2) Interpretation

Nothing in this subsection shall be interpreted to prohibit a Manufactured Home, Manufactured Homes, Residential Design from being located in a Mobile Home Park.

(3) Size of Park

The minimum size of a Mobile Home Park shall be 5 acres.

(4) Roads

All Mobile Homes shall front upon a private road Easement within the Mobile Home Park.

(5) Gross Density

The Gross Density of a Mobile Home Park (including Streets and sidewalks) may not exceed 12 Mobile Home spaces per acre.

(6) Access

A Mobile Home Park shall have Access to an Arterial or direct Access to a Collector Street.

(7) Mobile Home Park Plan

A site plan on a scale of one inch (1") equaling 30 or 40 feet shall be submitted as part of the Special Use application. The site plan shall show roads, Buildings, land use, zoning, and other features inside and outside the park within 300 feet of the exterior boundaries. The site plan shall comply with the following design requirements:

(i) Natural Features

The design of the park shall preserve natural features.

(ii) Spaces

Each Mobile Home Park shall clearly define the Mobile Home spaces, and each such space shall have a minimum area of at least 3,000 square feet. There shall be a minimum distance of 20 feet between Mobile Homes.

(iii) Private Roadways

- a. Internal roadways shall be provided and all Mobile Home spaces shall face or abut a roadway. A roadway shall have at least 22 feet of unencumbered travel way.
- **b.** Such roadways shall be surfaced with 4 inches of Portland cement concrete or 5 inches of rock with 2 inches of asphalt.
- **c.** A minimum 50 foot radius paved turn-around shall be provided at the terminus of Dead-End roadways, sufficient to accommodate emergency vehicles.

(iv) Sidewalks

A minimum sidewalk width of 4 feet shall be provided on both sides of Accessway leading from Mobile Home spaces to service and recreational areas.

(v) Lighting

Both roadways and sidewalks shall be adequately lighted. Roadways shall be lighted with a minimum of one Street light at each roadway intersection and one Street light at the end of each Cul-de-sac that is three hundred feet or more from a

roadway intersection. These lights shall meet the code requirements in Section 20-1103.

(vi) Setbacks and Landscaping

Mobile Homes shall be set back a minimum of 50 feet along the Street Frontage of Arterial Streets and a minimum of 25 feet from all other Lot Lines. This Setback shall be planted with a Type 2 Bufferyard that has a mixture of grass, trees, and Shrubs to provide a park-like appearance. The interior of the Mobile Home Park shall have adequate grass, trees, and Shrubs to provide a dust-deterrent and shaded park-like atmosphere.

(vii) Office and Management

An area near the main entrance of the park shall be for office and management use only, with accessory off-Street Parking.

(viii) Facilities

Adequate provision shall be made for public water supply, sanitary sewers, fire protection, refuse collection and other necessary facilities to satisfy State and local codes, ordinances, and specifications.

(ix) Emergency Shelters

One or more Emergency Shelters shall be provided, with fifteen square feet of floor space for each Mobile Home space. An existing Building that complies with these provisions may serve as an Emergency Shelter. An Emergency Shelter shall:

- **a.** be a Building complying with Chapter 5 of the City Code and with the Association Standard for the Design, Construction, and Performance of Storm Shelters produced by the National Storm Shelter Association;
- **b.** be clearly marked with a sign at or near its entrance; and
- **c.** be accessible at all times, either by being kept unlocked or by a person with Access being present at the Mobile Home Park at all times.

(x) Recreational Space

One or more recreational areas shall be provided and equipped with suitable play equipment and other Recreational Facilities. There shall be at least 200 square feet of developed recreation area per Mobile Home space. Calculations of Recreational Open Space shall not include the minimum Setbacks required in Section 20-514(7)(vi) above.

(xi) Boat and Trailer Storage

Each Mobile Home Park shall provide Screened areas with an aggregate size of at least 100 square feet per Mobile Home space for the storage of boats and trailers (travel, horse, or utility). This requirement shall be waived if the covenants filed for the Mobile Home Park prohibit the storage of boats and trailers.

20-515 MINING

Mining, including extraction of clay, gravel, or sand; quarrying of rock or stone; earth moving and excavation, including removal of topsoil; and depositing of construction material, clay, earth, gravel, minerals, rock, sand or stone on the ground, will not be construed to be an allowed use in any District but IG, except as provided below:

(1) A Special Use Permit for a temporary basis.

Mining may be approved as a Special Use that is to be allowed on a temporary basis in accordance with the Special Use procedures of Section 20-1306. Such a Special Use approval is revocable and valid for specified periods of time, to permit Mining or extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or Building or construction materials; and.

(2) The following activities shall not be considered Mining:

- (i) Excavations for the foundation or Basement of any Building or for a swimming pool for which a Building Permit has been issued, or deposits on the earth of any Building or construction materials to be used on-site in a Structure for which a Building Permit has been issued.
- (ii) Grading of any Parcel of land for a permitted use where no bank of more than 4 feet in vertical Height is left standing and exposed.
- (iii) Grading in a subdivision that has been approved by the City in accordance with Article 8, Subdivision Regulations, of this development code and any amendments thereto.
- (iv) Temporary crushing of excavated stone on-site for use within the development or hauled off-site for another construction-related use.
- (v) Any extractive operation existing and operating as such on the Effective Date shall conform to the provisions set forth herein within one year of the Effective Date.

20-516 MIXED MEDIA STORES

(1) Standards that Apply in CN1 District

In addition to the district standards, a Mixed Media Store shall be permitted in the CN1 District; however, no drive-through windows shall be permitted.

(2) Standards that Apply in CO District

In addition to the district standards, a Mixed Media Store shall be permitted in the CO District provided that the Gross Floor Area shall not exceed 5,000 square feet.

20-517 MULTI-DWELLING STRUCTURE, NON-GROUND FLOOR DWELLING UNITS AND WORK/LIVE UNITS

(1) Standards that Apply in RMO District

A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units shall only be permitted in the RMO District provided that the residential units are constructed as part of a Mixed-Use project when at least 25% of the Gross Floor Area is developed with nonresidential uses.

(2) Standards that Apply in CN2 District

(i) A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units shall only be permitted in the CN2 District provided that the residential units are constructed as part of a Mixed-Use project when at least 50% of the Gross Floor Area is developed with nonresidential uses.

(3) Standards that Apply in CD District

- (i) A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units shall be permitted in the CD District provided that the residential units are situated above the Ground Floor when located on Massachusetts Street.
- (ii) A Multi-Dwelling Structure and Work/Live Units require a Special Use Permit in the CD District when Ground Floor residential uses are proposed along numbered streets, Vermont or New Hampshire Streets.

(4) Standards that Apply in CC and CS District

A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units shall only be permitted in the CC and CS Districts provided that the residential units are constructed as part of a Mixed-Use project when at least 50% of the Gross Floor Area is developed with nonresidential uses.

(5) Standards that Apply in the MU District

- (i) A Multi-Dwelling Structure shall only be permitted within designated Primary Zone of the MU District if it is a part of a Vertical Mixed Use Structure.
- (ii) A Multi-Dwelling Structure shall only be permitted within a designated Tertiary Zone of the MU District if surrounding existing development consists of multi-Dwelling residential uses.

20-518 OFFICE, ADMINISTRATIVE AND PROFESSIONAL

(1) Standards that Apply in RSO and CN1 Districts

- (i) An Administrative and Professional Office shall be permitted in the RSO and CN1 Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.
- (ii) No external automated teller machine, drive-through windows, or night drop window shall be permitted.

(2) Standards that Apply in RMO and RMG Districts

- (i) An Administrative and Professional Office shall be permitted in the RMO and RMG Districts.
- (ii) No external automated teller machine, drive-through windows, or night drop window shall be permitted.

(3) Standards that Apply in the MU District

(i) In designated Primary Zones, such offices shall be permitted to be located on the ground level of a Structure only when they do not occupy the Building Frontage.

20-519 OUTPATIENT CARE FACILITY

An Outpatient Care Facility shall be permitted in the MU, RMO, RSO, and CN1 Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.

20-520 PERSONAL CONVENIENCE SERVICES

(1) Standards that Apply in RSO and RMO Districts

- (i) A Personal Convenience Services use shall be permitted in RSO and RMO Districts, provided that the Gross Floor Area shall not exceed 3,000 square feet.
- (ii) No external automated teller machines, drive-through windows, or night drop windows shall be permitted.

(2) Standards that Apply in the CN1 District

- (i) A Personal Convenience Services use shall be permitted in the CN1 District, provided that the Gross Floor Area shall not exceed 3,000 square feet.
- (ii) No external automated teller machines, or drive-through windows shall be permitted.
- (iii) Walk-up pick-up/drop-off windows shall be permitted.

20-521 PERSONAL IMPROVEMENT SERVICES

(1) Standards that Apply in RMO, RSO and RMG Districts

(i) No external automated teller machines, drive-through windows, or night drop windows shall be permitted.

(2) Standards that Apply in CN1 District

(i) A Personal Improvement Services use shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

20-522 RELIGIOUS ASSEMBLY

(1) Neighborhood Religious Institutions

- (i) Size
 - **a.** A Neighborhood Religious Institution in an R District shall be limited to a seating capacity of no more than 500 persons in the sanctuary or other principal place of worship or assembly; and
 - **b.** The seating capacity of the sanctuary or other principal worship or assembly space shall not exceed a number equal to the Lot Area (expressed in square feet) divided by 100.

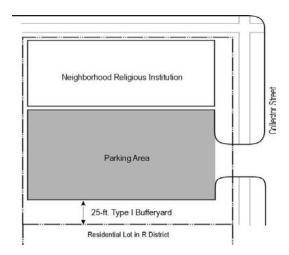
(ii) Supplemental Design Standards

a. In R Districts

The following supplemental design standards shall apply only to a Neighborhood Religious Institution in an R District:

1. the nearest edge of an on-site Parking Area shall be set back at least 25 feet from the nearest residential Lot in an R District;

- where practicable, Access to the on-site Parking Area will be to a Collector Street;
- the on-site Parking Area will be buffered from any adjoining Lot in an R District by a Type 1 Bufferyard, as set forth in Section 20-1005(d); and
- 4. outdoor lighting shall meet the standards of Section 20-1103(d).



b. In Other Base Districts

A Neighborhood Religious Institution located in any other Base District shall be subject to the Density, dimensional and design standards applicable to other uses in that Base District.

c. A swimming pool, tennis court, or other recreational facility that is accessory to a Neighborhood Religious Institution use may not be located nearer to other property in an R District than the required Setback for a Principal Building, and wherever this type of facility is located in a Yard abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in Height.

(iii) Accessory Uses Permitted by Right

Subject to the Lot Area, Density and Dimensional and Parking standards, the following Accessory Uses shall be permitted by right to a Neighborhood Religious Institution:

a. a Temporary Shelter with no more than 20 occupants (15 shelter clients and five support staff) that shall only be operated for up to 120 days in either consecutive or non-consecutive order per calendar year.

(iv) Accessory Uses Permitted Only with a Special Use Permit

The following Accessory Uses may only be permitted with a Special Use Permit as an accessory use to any Neighborhood Religious Institution:

- a. a Temporary Shelter that exceeds the shelter occupant or calendar day limitations of Section 20-522(1)(iii)(a). Such Temporary Shelter shall meet the requirements of Section 20-544; or
- **b.** a community meal program.

(2) Campus or Community Religious Institution

(i) Size

The seating capacity of the sanctuary or other principal worship or assembly space shall not exceed a number equal to the Lot Area (expressed in square feet) divided by 100. Accessory Uses shall require additional Lot Area to meet the dimensional, intensity, parking and design standards applicable to the use and the Base District.

(ii) Accessory Uses Permitted by Right

- **a.** Subject to the Lot Area, Density and Dimensional and Parking standards, the following Accessory Uses shall be permitted by right to a Campus or Community Religious Institution if they comprise a gross square footage of 25% or less of the Principal Use on the site:
 - all Accessory Uses permitted on a Lot where the Principal Use is a detached residence;
 - 2. any other use permitted as a Principal Use or an Accessory Use in the Base District in which the institution is located, subject to applicable Density, parking and dimensional standards.
 - 3. educational uses incidental to the Religious Assembly;
 - 4. Schools;
 - 5. colleges;
 - 6. day-care centers;
 - 7. Group Living incidental to the religious institution;
 - 8. indoor Recreational Facilities not used for commercial purposes;
 - **9.** dormitories incidental to any School, college or other educational use on the property; and
- **b.** Subject to the Lot Area, Density and Dimensional and Parking standards, the following Accessory Uses shall be permitted by right to a Campus or Community Religious Institution:
 - a Temporary Shelter with no more than 20 occupants (15 shelter clients and five support staff) that shall only be operated for up to 120 days in either consecutive or non-consecutive order per calendar year.

(iii) Accessory Uses Permitted with Special Use Permit

Subject to the Lot Area, Density and Dimensional and Parking standards, the Accessory Uses set forth in Section 20-522(2)(ii)(a)(1-9) shall be permitted by Special Use Permit to a Campus or Community Religious Institution if they comprise a gross square footage of more than 25% of the Principal Use on the site.

(iv) Accessory Uses Permitted Only with a Special Use Permit

Regardless of the proposed size of the following Accessory Uses, they may only be permitted with a Special Use Permit as an accessory use to any Campus or Community Religious Institution:

- a. outdoor Recreational Facilities not used for commercial purposes, provided that these facilities shall be buffered from any adjoining property in an R District by a Type 2 Bufferyard, Section 20-1005(e);
- **b.** a Temporary Shelter that exceeds the shelter occupant or calendar day limitations of Section 20-522(2)(ii)(b)(1). Such Temporary Shelter shall meet the requirements of Section 20-544; or
- **c.** a community meal program.
- (v) A swimming pool, tennis court, or other recreational facility that is accessory to a Campus or Community Religious Institution may not be located nearer to other property in an R District than the required Setback for a Principal Building, and wherever this type of facility is located in a Yard abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in Height.

20-523 REPAIR SERVICE, CONSUMER

A Consumer Repair Service shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

20-524 RESTAURANT, QUALITY

(1) Standards that Apply in CN1 and IBP Districts

A Quality Restaurant is permitted in the CN1 and IBP Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.

(2) Standards that Apply in CO District

A Quality Restaurant is permitted in the CO District provided that the total Floor Area does not exceed 10 percent (10%) of the total Gross Floor Area of the office Building or of all Buildings in the office complex in which the use is located.

20-525 RETAIL SALES, GENERAL

(1) Standards that Apply in CN1 District

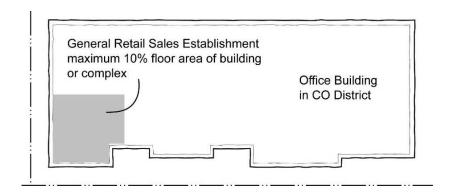
A General Retail Sales establishment shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

(2) Standards that Apply in CC District

A General Retail Sales establishment shall be permitted in the CC District provided that the Gross Floor Area shall not exceed 65,000 square feet.

(3) Standards that Apply in CO District

A General Retail Sales establishment is permitted in the CO District provided that the total Floor Area does not exceed 10 percent (10%) of the total Gross Floor Area of the office Building or of all Buildings in the office complex in which the use is located.



20-526 RETAIL ESTABLISHMENTS

(1) Purpose

These standards are intended to ensure that development of Retail Establishments, including large, medium, and specialty sales establishments, is compatible with its surrounding area and contributes to the unique community character of Lawrence. All development and redevelopment of Retail Establishments shall exhibit uniform design characteristics based on commercial development design standards adopted by the City Commission.

Market Impact Analysis

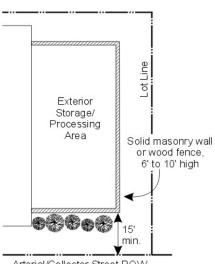
A Commercial Center proposed for more than 50,000 gross square feet of commercial space is required to have a market impact analysis submitted at the time of application for rezoning in accordance with Section 20-1107.

Standards that Apply in the MU District

Retail Establishments, Medium and Retail Establishments, Specialty shall be permitted in the MU District provided that such establishments are located in a Vertical Mixed Use Structure in a designated Primary Zone.

20-527 SCRAP AND SALVAGE OPERATIONS

All Exterior Storage and processing areas abutting an Arterial or Collector Street shall be screened by a solid masonry wall or solid wood fence at least 6 feet in Height and be designed and located to prevent visibility of stored or stacked material and such fence shall be located no closer than 15 feet to any Street right-of-way. The fence shall have a gate to permit Access for maintenance of property and Landscaping on both sides of the fence. In no case shall the Height of the solid fence exceed 10 feet and no stored or stacked material shall exceed the Height of the fence. Fencing shall be placed along the side and rear of all processing areas and may be of any approved type including live Screening where deemed appropriate.



Arterial/Collector Street ROW

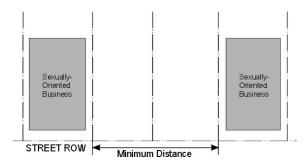
No open burning of junked, salvaged, or discarded materials is permitted. Incinerators may be used for burning of wastes or the conducting of salvage operations if such incinerators are of a type approved by the Kansas State Department of Health and Environment.

(3) A Special Use Permit is required for the operation of this type of use.

20-528 SEXUALLY-ORIENTED BUSINESSES

(1) Minimum Distance & Location

- (i) No Sexually Oriented Business may be located within 1,500 feet of another Sexually Oriented Business, regardless of whether such uses are located in the same facility or separate facilities.
- (ii) No Sexually Oriented Business may be located on the same Block as property in an R Zoning District, or a Religious Assembly, School, Day Care, Community Recreation, or Cultural Exhibits and Libraries use, and shall also be at least the following distances from said Zoning Districts and uses:
 - a. for a Sexually Oriented Media Store, 600 feet;
 - **b.** for a Sex Shop, 800 feet; and
 - **c.** for a Sexually Oriented Theater, 1,000 feet.
- (iii) The distances mandated above shall be measured in a straight line along Street rights-of-way between the Lot Lines of the two relevant properties. For leased spaces in multi-tenant properties, the measurements shall be from the outer boundaries of the leased space, projected to ground level, if applicable. For leased space in single-tenant properties, the measurements shall be from the Lot Lines.



- (iv) All Sexually Oriented Businesses, except Mixed Media Stores, shall be located along State highways.
- (v) Pursuant to the provisions of K.S.A. 12-770, Sex Shops not located along a State highway shall have until July 30, 2005 (five years from the enactment of Ordinance No. 7226) to comply with the provisions of this Development Code.

(2) Display Standards for Mixed Media Stores

The Owner or operator of a Mixed Media Store shall have the affirmative duty to prevent the display of Sexually Oriented Media at or within the portions of the business open to, or visible by, the general public. A store conforming to these standards shall be considered a Mixed-Media Store and shall not be considered a Sexually Oriented Business. Failure to conform to the standards set forth in this section shall result in classification of the store as a Sexually Oriented Media Store, which is a Sexually Oriented Business. Sexually Oriented Media in a Mixed Media Store shall be kept in a separate room or section of the store, which room or section shall:

(i) not be open to any person under the age of 18;

- (ii) be physically and visually separated from the rest of the store by an opaque wall reaching at least eight feet high or to the ceiling, whichever is less;
- (iii) be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and
- (iv) have Access controlled by electronic or other means to provide assurance that persons under age 18 will not gain admission and that the general public will not accidentally enter such room or section.

(3) Additional District Standards for Sexually Oriented Media Stores

(i) Standards that Apply in CC and CR Districts

In addition to the standards above, a Sexually Oriented Media Store shall be permitted in the CC and CR Districts provided that the Gross Floor Area shall not exceed 5,000 square feet.

(ii) Additional District Standards for Sex Shops and Theaters

In addition to the standards above, a Sex Shop or theater shall be permitted in the CC and CR Districts provided that the Gross Floor Area shall not exceed 5,000 square feet.

20-529 WIRELESS FACILITIES

(1) Purpose

The Governing Body recognizes that facilitating the development of wireless service technology benefits both the residents and the economic development of the City of Lawrence. The purpose of these standards is to ensure that residents, businesses, and industry within the City enjoy reliable access to wireless telecommunications networks, while, at the same time, safeguarding the health, safety, welfare, and aesthetics of the community. Accordingly, these standards are intended to ensure that the location, installation, construction, and modification of Wireless Facilities within the City comply with all Federal and State laws and regulations and are consistent with the City's Land Development Code.

(2) Definitions

The following words, terms, and phrases, when used in this Section, shall, except where the context clearly indicates otherwise, have the following meanings:

- **(A)** Accessory Equipment means any equipment serving or being used in conjunction with Wireless Facilities or Wireless Support Structures, including but not limited to utility or transmission equipment, power supplies, generators, batteries, cables equipment buildings, cabinets and storage sheds, shelters, or similar structures.
- **(B)** Antenna means telecommunications equipment that transmits or receives radio waves necessary for the provision of Wireless Services.
- **(C) Co-location** means the mounting or installation of Wireless Facilities, including Antennas, on a building, structure, Wireless Support Structure, utility pole, or other existing structure for the purposes of transmitting or receiving radio waves for telecommunications purposes.
- **(D)** Disguised Wireless Facility means any Wireless Facility that is integrated as an architectural feature of a structure so that the existence of the Wireless Facility is not readily apparent to the casual observer, or any Wireless Support Structure

that is disguised to resemble a tree, flag pole, steeple, clock tower, or other similar building element.

- **(E) Major Modification** means any improvement that results in a substantial change to a Wireless Facility or to a Wireless Support Structure. Major modifications include, but are not limited to increasing the height of the Wireless Support Structure by more than ten feet or ten percent, whichever is greater, expansion of the area of Accessory Equipment, and any similar improvement. Colocation of new Wireless Facilities, including Antennas, on an existing Wireless Support Structure shall not be deemed a Major Modification.
- **(F) Minor Modification** means any improvement that results in some material change to a Wireless Facility or a Wireless Support Structure, but of a level, quantity, or intensity that is less than a Major Modification.
- **(G) Monopole** means a single, free-standing, pole-type structure supporting Wireless Facilities, including Antennas.
- **(H) Ordinary Maintenance** means maintenance to ensure that Wireless Facilities, Wireless Support Structures, and Accessory Equipment are maintained in safe operating condition. Ordinary Maintenance shall include, but not be limited to inspections, modifications of Wireless Facilities and Wireless Support Structures to ensure structural integrity, exchanging Antennas or Accessory Equipment on a like-for-like basis, relocating Antennas already in place, or other similar actions that fall short of being a Minor Modification.
- (I) Wireless Facility means any equipment at a fixed location that enables wireless telecommunications between user telecommunications devices and telecommunications networks.
- (J) Wireless Service Provider means a provider of Wireless Services.
- **(K) Wireless Service** means "personal wireless services," "personal wireless service facilities," and "commercial mobile services" as those terms are defined at 47 U.S.C. § 332(c)(7)(C) and (d), as amended, which are provided to telecommunications devices through the implementation and use of Wireless Facilities.
- **(L) Wireless Support Structure** means any freestanding structure, such as a Monopole, or other self-supporting tower, or other suitable structure designed to support or capable of supporting Wireless Facilities, including Antennas. Wireless Support Structures do not include telephone poles, electrical utility poles, or any towers used for the distribution or transmission of electrical services.

(3) Approvals Required

- **(A) Special Use Permit.** No new Wireless Facility, no new Wireless Support Structure, no Co-location that results in a Major Modification of an existing Wireless Facility or Wireless Support Structure, and no Major Modification of an existing Wireless Facility or Wireless Support Structure shall be allowed in any zoning district of the City absent the issuance, upon application, of a Special Use Permit in accordance with the procedures established at Section 20-1306 of this Chapter, as amended.
- **(B) Site Plan Approval.** No Co-location that is a Minor Modification of an existing Wireless Facility or Wireless Support Structure and no Minor Modification of an existing Wireless Facility or Wireless Support Structure shall be allowed in any

zoning district of the City absent approval, upon application, of a Site Plan in accordance with the procedures established at 20-1305 of this Chapter, as amended.

(4) Terms of Approval; Renewal; Limits

- **(A) Term.** Any Special Use Permit or Site Plan Approval issued hereunder, assuming all conditions of approval are met and maintained, shall be valid for a period of ten years. Any renewal thereof, which shall be subject to administrative approval, shall be for a period of five years. At the time of renewal, the Owner/Applicant shall demonstrate to the Planning Director that the Wireless Facility or Wireless Support Structure remains in compliance with the original conditions of approval.
- **(B)** Limits. Commencing on the date of issuance of any Special Use Permit or Site Plan Approval hereunder, the Owner/Applicant shall have a period of one year in which to commence construction or installation of the Wireless Facility or Wireless Support Structure and shall thereafter diligently pursue construction or installation to its completion. Failure to commence construction or installation within one year of receiving a permit or approval or failure to diligently pursue construction or installation to its completion shall cause the Special Use Permit or Site Plan Approval to lapse and to be deemed null and void.

(5) Application

At the time of application for a Special Use Permit or for Site Plan Review for any Wireless Facility or Wireless Support Structure, the Owner/Applicant shall submit the following:

- **(A)** A completed Application, on a form supplied by the Planning Director, signed by the Owner(s) of the subject property or signed by an Applicant if accompanied by written authorization of the Owner(s) granting to the Applicant the authority to submit the Application in behalf of the Owner.
- **(B)** Elevation drawings showing the height of the proposed Wireless Facility including Antennas (and any lightning rod or lightning arrester), and all Accessory Equipment, including any buildings and structures.
- **(C)** A Site Plan, drawn to scale, including: **(i)** the information required by Section 20-1305(f) of the City Code, as amended; **(ii)** the location of existing or proposed Wireless Facilities or Wireless Facility Support Structures; **(iii)** other existing or proposed structures; **(iv)** the location of Accessory Equipment and/or other Accessory Uses; **(v)** the location of access road(s), access road surface materials, and any parking area; **(vi)** the height, location, and construction materials of fences or other barriers; **(vii)** a Landscape Plan, in accordance with Section 20-1001(d) of the City Code, as amended; **(viii)** land elevation contours; and **(ix)** zoning and uses of properties neighboring the subject property.
- (D) If the project involves a new Wireless Support Structure, a signed and sealed report from a qualified professional engineer, licensed to practice in the State of Kansas, that includes: (i) the height and design of the proposed Wireless Support Structure; (ii) the height for all potential mounting positions for Antennas and the minimum separation distances between Antennas; (iii) the capacity of the Wireless Support Structure, including the number and types of Antennas that can be accommodated; (iv) a statement that the Wireless Support Structure is designed, in accordance with this Section, to collapse upon itself in the event of failure, including the projected fall zone of any such Wireless Support Structure; and (v) any other information that may be necessary or requested by the Planning Director to evaluate the Application.

- **(E)** If the project involves a new Wireless Support Structure, the application shall include: **(i)** line-of-sight diagrams or photo simulations showing the proposed Wireless Support Structure against the skyline and viewed from at least three different vantage points within the surrounding area; **(ii)** a statement that the Owner/Applicant considered Co-location, where it considered Co-location, and why Co-location would not meet the Owner/Applicant's needs; and **(iii)** a statement that the proposed Wireless Support Structure will be made available to other Wireless Service Providers for Co-location at commercially reasonable rates, or a statement that the Owner/Applicant is seeking a waiver of the Co-location requirement and why such waiver is being sought.
- **(F)** If the project involves Co-location on an existing structure, a signed and sealed report from a qualified professional engineer, licensed to practice in the State of Kansas, that establishes that the existing building or structure is structurally sound and can safely accommodate the proposed Co-location.
- **(F)** If the project involves a new Wireless Support Structure or a Major Modification of an existing Wireless Support Structure, a fee, not to exceed \$2,000, as established by the Governing Body, which amount shall recapture the City's costs of processing the application.
- **(G)** If the project involves a Co-location or anything else that is not a Major Modification, a fee, not to exceed \$500, as established by the Governing Body, which amount shall recapture the City's costs of processing the application.

(6) General Standards

(A) Co-location:

- (i) Wireless Support Structures shall be designed to accommodate at least three Wireless Service Providers. The compound area supporting the Wireless Support Structure likewise shall be of adequate size to accommodate Accessory Equipment for at least three Wireless Service Providers.
- **(ii)** Whenever it is economically and technically feasible, and it is aesthetically appropriate, as determined by the Governing Body, the Planning Commission, or the Planning Director, Disguised Wireless Facilities shall be designed to accommodate the Co-location of other Wireless Service Providers.
- (iii) Upon written request of the Owner/Applicant. the Governing Body, the Planning Commission, or the Planning Director may waive the City's Colocation requirements if it is determined, as demonstrated by technical evidence presented by the Owner/ Applicant, that Co-location at the site is non-essential to the public interest, that construction of a shorter Wireless Support Structure with fewer Wireless Facilities, including Antennas, will promote community compatibility or interests, or that Co-location would cause interference with other existing Wireless Facilities.
- **(B) Building Permits:** All new Wireless Support Structures, all Major Modifications of existing Wireless Facilities, and all Accessary Equipment shall not be installed or constructed without the issuance of a Building Permit in accordance with Chapter V, Article 1 of the City Code.
- **(C)** Replacement of Existing Wireless Facilities: The replacement of any existing Wireless Facility or Wireless Support Structure shall require compliance with the terms of this Section and shall require, as may be pertinent, either

approval and issuance of a Special Use Permit in accordance with the procedures established at Section 20-1306 of this Chapter, as amended, or approval of a Site Plan in accordance with the procedures established at Section 20-1305 of this Chapter, as amended.

(D) Setbacks:

- (i) Non-residential Zoning Districts. Unless otherwise provided herein, Wireless Support Structures shall be set back from all property lines a distance equal to fifty percent of the height of the proposed Wireless Support Structure, as measured from its base to its highest point (excluding the height of any lightning rod or lightning arrester). In addition, where the Wireless Support Structure is located on property zoned for non-residential use that is adjacent to property zoned for residential use, the Wireless Support Structure must be setback from any such residential property line a distance equal to the height of the Wireless Support Structure, as measured from its base to its highest point (excluding the height of any lightning rod or lightning arrester). Setbacks for Accessory Equipment and other structures shall be governed by the underlying zoning district.
- (ii) Residential and Mixed-use Zoning Districts. Unless otherwise provided herein, Wireless Support Structures shall be set back from all property lines a distance equal to the height of the Wireless Support Structure, as measured from its base to its highest point (excluding the height of any lightning rod or lightning arrester). Setbacks for Accessory Equipment and other structures shall be governed by the underlying zoning district.
- (iii) Waiver. The Planning Commission may recommend and the Governing Body may approve a waiver from these setback requirements if it finds that all of the following conditions are met: (a) that the waiver will not adversely affect the public health, safety, or general welfare of the community; (b) that the waiver will not adversely affect the rights of adjacent property owners or residents; (c) that strict application of the provisions of this section would constitute unnecessary hardship on the Owner/Applicant; and (d) that waiver is appropriate under the circumstances.

(E) Height:

- **(i)** Non-residential Zoning Districts. Unless otherwise provided herein, Wireless Support Structures shall have a maximum height of one hundred fifty feet, measured from the base of the Wireless Support Structure to its highest point (excluding the height of any lightning rod or lightning arrester).
- (ii) Residential and Mixed-used Zoning Districts. Unless otherwise provided herein, Wireless Support Structures shall have a maximum height of one hundred twenty feet, measured from the base of the Wireless Support Structure to its highest point (excluding the height of any lightning rod or lightning arrester).

(F) Separation Requirements:

- (i) All new Wireless Facilities, except Disguised Wireless Facilities, shall be located a minimum of 1,000 feet from existing Wireless Support Structures. The distance shall be measured from the base of the existing Wireless Support Structure to the base of the proposed Wireless Facility.
- (ii) The Planning Commission may recommend and the Governing Body may grant a waiver from the 1,000-foot separation requirement if the

Owner/Applicant demonstrates that a waiver will not adversely affect the public health, safety, or general welfare of the community and that strict application of this section would constitute unnecessary hardship.

(7) Design Standards

(A) Access: Paved access shall be provided to all Wireless Facilities, Wireless Support Structures, and Accessory Equipment. The Governing Body, the Planning Commission, or the Planning Director may, upon a finding that it constitutes an unnecessary hardship, waive this requirement. Paved access shall not be required for Co-locations.

(B) Accessory Equipment:

- (i) All Accessory Equipment that are buildings, cabinets, storage sheds, and shelters shall be used only to store equipment and other supplies necessary for the operation of the Wireless Facility or Wireless Support Structure. Equipment not used in direct support of such operation shall not be stored on the site.
- (ii) All Accessory Equipment that are buildings or structures shall meet all Building design standards, as listed in this Chapter, shall require a Building Permit, and shall conform to Height and Setback restrictions established for the zoning district in which the site is located.
- (iii) All Accessory Equipment shall be designed to be compatible with and to blend into its surrounding environment through the use of color, camouflage, screening, landscaping, and architecture.
- **(iv)** Lighting of Accessory Equipment for basic security purposes is permitted. However, such lighting shall be shielded and shall be directed downward. Floodlights are prohibited.
- (v) The addition of related equipment to any building or structure that is Accessory Equipment shall not increase the height of said building or structure (a) more than 20% of the height of the existing building or structure or (b) more than the maximum height allowed in the zoning district in which the site is located, whichever is less.

(C) Antennas:

- (i) No Antenna may be attached to any Wireless Support Structure or Colocated on any other structure, unless the Wireless Support Structure or other structure is at least forty feet in height.
- (ii) The addition or Co-location of any Antenna on a Wireless Support Structure or any other structure shall not increase the height of said building or structure (a) more than 20% or (b) more than the maximum height allowed in the zoning district in which the site is located, whichever is less.
- (iii) Antennas Co-located on existing structures shall not be subject to Setback requirements.
- (iv) No Antenna may be Co-located on any structure designated by the City as an historic structure, or on any structure located within an Historic District Overlay District or an Urban Conservation Overlay District unless the Historic Resources Commission first approves the location and the design.

- (v) To the extent that it is feasible and the engineer's report demonstrates that the roof is structurally sound and can safely accommodate it, any Accessory Equipment to an Antenna Co-located on an existing structure shall be located on the roof of the existing building or structure. However, said Accessory Equipment shall not occupy more than 25% of the total roof area. Such Accessory Equipment shall be shielded from view from neighboring properties and rights of way.
- **(D) Cables/Conduit:** All cable runs should be through portals and maintained within the Wireless Support Structure. Where cable or conduit is required to be located on the outside of any Wireless Support Structure, the cable or conduit shall be painted or covered by material to match the color of the Wireless Support Structure.
- **(E) Color:** Unless otherwise required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the City, Wireless Support Structures, excluding Disguised Wireless Facilities, shall have a galvanized gray or light blue finish.

(F) Disguised Wireless Facilities:

- (i) A Disguised Wireless Facility must be enclosed, camouflaged, screened, obscured, or otherwise not apparent to the casual observer. A Disguised Wireless Facility must be integrated into another structure as an architectural facility or must be designed to resemble an object or structure that does not have the appearance of a monopole or other Wireless Facility.
- (ii) The Disguised Wireless Facility must meet the requirements of the underlying zoning district, including, but not limited to height, setback, and use restrictions.
- **(G) Landscaping:** The Wireless Facility shall comply with all landscaping requirements of Article 10 of this Chapter and shall be maintained by the Owner/Applicant. In cases where the property is not visible from adjacent properties or rights of way or where landscaping is not necessary, appropriate, or feasible, the Governing Body, the Planning Commission, or the Planning Director may waive this requirement.
- **(H) Lighting and Marking:** Wireless Facilities and Wireless Support Structures shall not be lighted or marked unless required by the FCC, the FAA, or the City.
- (I) Security and Fencing: Ground-mounted Accessory Equipment and related structures shall be secured and enclosed within fencing not less than six feet in height. Fencing shall be constructed with materials that are designed to be compatible with and to blend in to the surrounding areas. Every Wireless Facility shall be protected from trespass by unauthorized persons to discourage climbing of structures.
- **(J) Signage:** No advertising or other display shall be permitted on any Wireless Facility or Wireless Support Structure, unless such is required by the FCC, the FAA, or the City.

(K) Wireless Support Structures:

(i) All new Wireless Support Structures shall be of monopole design. Guyed and lattice towers are prohibited.

- (ii) All new Wireless Support Structures located in districts zoned residential or mixed use, or located within 500 feet of any property or district zoned residential or mixed use, shall be Disguised Wireless Facilities as defined in this Section.
- (iii) All Wireless Support Structures shall be designed and constructed such that if a failure does occur, the Wireless Support Structure will collapse on itself and will not collapse on structures at or near the site.
- (iv) No Wireless Support Structure shall, except during construction, have a platform, crow's nest, or like structure surrounding it or attached to it.
- **(v)** No Wireless Support Structure may be located in a designated Historic District Overlay District or Urban Conservation Overlay District unless the Historic Resources Commission first approves the location and the design.

(8) Final Decision

- **(A) Time Limits.** Within 150 calendar days of receiving an application for a new Wireless Support Structure or within 90 calendar days of receiving any other application hereunder, the City shall:
 - (i) review the application in light of the standards of this Section and applicable provisions of the Land Development Code;
 - (ii) make a final decision to approve or disapprove the application;
 - (iii) advise the Owner/Applicant by written notice of the City's final decision, which final decision shall be supported by written substantial evidence in the record. Such final decision shall be deemed effective on the date of the written notice.
- **(B) Commencement of Time.** The time limits for final decision shall commence upon the City's acceptance of a complete application. If an application is incomplete, the City shall notify the Owner/Applicant within thirty days of its deficiencies and, in such case, the time limits shall not commence until a complete application has been submitted and accepted by the City. Alternatively, the time limits may commence upon a date agreed upon in writing by the City and the Owner/Applicant.
- **(C)** Effect of Lapse of Time. Unless otherwise agreed upon by the Owner/Applicant and the City, an application shall be deemed approved if (i) the City fails to issue a final decision with the time limits established at subsection 7(A) and (ii) the Owner/Applicant provides to the City written notice that the applicable time limits have lapsed.
- **(D) Appeal.** Any party aggrieved by the City's final decision approving or disapproving an application or any party aggrieved by the Owner/Applicant's written notice that the time limits have lapsed may appeal said result to the District Court of Douglas County, Kansas, in accordance with K.S.A. 60-2101(d), as amended.

(9) Miscellaneous Provisions

(A) Abandonment and Removal. Any Wireless Facility or Wireless Support Structure that is not operated for a period of one year shall be deemed abandoned. The Owner/Applicant shall remove any abandoned Wireless Facility or Wireless Support Structure at his, her, or its expense within 180 days after

abandonment. If the structure is not removed within that time frame, then the City may remove the structure and, to the extent allowed by law, assess the costs of removal against the property.

- **(B) Interference.** All Wireless Facilities shall be constructed, installed, operated, and maintained in accordance with all applicable federal, state, and local laws, ordinances, and regulations so as not to interfere or cause interference with existing telecommunications, including but not limited to radios, televisions, computers, and City and/or County emergency broadcast systems.
- **(C) Nonconforming Wireless Facilities.** Wireless Facilities and Wireless Support Structures that were legally permitted on or before the effective date of this Ordinance shall be considered lawful nonconforming structures. Major Modifications and Minor Modifications to nonconforming structures shall be permitted in accordance with the provisions of this Section. Replacement of any nonconforming structure shall be with a structure that complies with the provisions of this Section. If any nonconforming facility or structure is damaged by more than 60% of its fair market value, it shall only be replaced by a conforming facility or structure if it is legal to do so.
- **(D) Ordinary Maintenance.** Ordinary Maintenance, as defined herein, shall be exempt from the permitting and approval requirements of this Section.

(10) Exemptions

- **(A)** The provisions of this Section shall not apply to the following:
 - (i) Any Wireless Facility, including Amateur and Receive-only Antennas, that are:
 - (a) less than 75 feet in height;
 - (b) located in the Rear Yard of a residentially zoned Parcel; and
 - **(c)** Owned and operated by a federally licensed amateur radio operator.
 - **(d)** Wireless Facilities that are exempt under this Subsection shall not be considered, be deemed available, or be used for Co-location.
 - (ii) Broadcast Towers; and
 - (iii) Satellite Dishes.

20-530 UTILITY, MINOR

A minor utility that serves a specific development is permitted by right. All other Minor Utilities require special use approval.

20-531 ZERO LOT LINE DWELLINGS

(1) General

Zero Lot Line Dwellings shall comply with the Density and Dimensional Standards of Article 6, except where those standards are expressly modified by the provisions of this section.

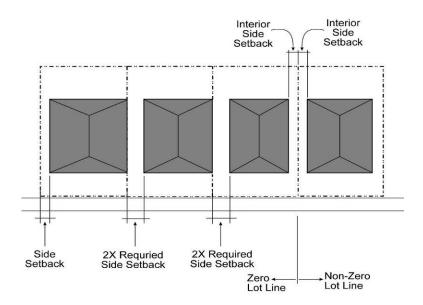
(2) Approval Procedure

Review for compliance with the standards of this section will occur during the subdivision platting process if platting is required. If platting has already occurred, the Zero Lot Line

development will be subject to Site Plan Review in accordance with Section 20-1305. Restrictions that assure the minimum distance between Detached Dwellings and any required Easements shall be noted on the subdivision plat, or in a separate instrument in a form approved by the City, that is recorded with the Register of Deeds. Proof of recording shall be submitted with the Building Permit application.

(3) Standards

- (i) The Side Setback on one side of the Detached Dwelling may be reduced to zero. Exterior Side Setbacks or Interior Side Setbacks adjacent to Lots that are not part of the Zero Lot Line project may not be reduced.
- (ii) The minimum distance between all Detached Dwellings in the project shall be equal to twice the required Interior Side Setback required by the applicable Base and Overlay Zoning District. A deed restriction shall be recorded with the Register of Deeds to ensure continued compliance with this Setback. [See Section 20-531(2)]
- (iii) Eaves and other (e.g., fireplaces, bay windows, Juliet balconies) Building projections on the side of a Detached Dwelling with a reduced Setback may project a maximum of 18 inches over the adjacent Lot Line if they are located at least 9 feet above the ground. In this case, an Easement for the projection shall be noted on the plan and recorded with the Register of Deeds. [See Section 20-531(2)]



- (iv) An Easement between the two Landowners to allow for maintenance or repair of the Detached Dwelling is required when the eaves or side wall of the Detached Dwelling are 4 feet or closer to the adjacent Lot Line. The Easement on the adjacent property shall provide at least Five (5) feet of unobstructed space between the furthermost projection of the Structure (including the eave) and the edge of the Easement.
- (v) If the side wall of the Detached Dwelling is on the Lot Line, or within three (3) feet of the Lot Line, windows or other openings that allow for visibility into the Side Yard of the adjacent Lot are not allowed. Windows that do not allow

visibility into the Side Yard of the adjacent Lot, such as a clerestory window or a translucent window, are allowed.

20-532 ACCESSORY USES AND ACCESSORY STRUCTURES, PURPOSE

This section regulates uses and Structures that are incidental to Principal Uses and Buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary Access around Structures, help maintain privacy to abutting Lots, and maintain open Front Setbacks.

(1) A use which is permitted in the GPI District as an Accessory Use must be accessory to a Principal Use on the site. Two or more institutions may enter into a partnership to utilize the site without affecting the accessory status of the use; further, an institution may partner with a non-institutional entity as long as the Institutional Use remains the Principal Use on the site.

20-533 GENERAL STANDARDS FOR ACCESSORY STRUCTURES

The standards of this subsection apply to all Accessory Uses and Structures.

(1) Time of Construction

Accessory Structures shall be constructed in conjunction with or after the Principal Building. They shall not be built prior to the construction of the Principal Building.

(i) No Principal Building is required for structures that are accessory to a Crop Agriculture or Urban Farm use.

(2) Subordinate Nature

- (i) Accessory Uses shall be a subordinate part of a Principal Use and be clearly incidental to a Principal Use.
- (ii) Accessory Structures shall be of secondary importance and subordinate in size and Scale to the Principal Building on a site.

(3) Density and Dimensional Standards

Unless otherwise expressly stated, the Setback, Height, and Building coverage standards of the Base District apply to both principal and Accessory Structures (See Density and Dimensional Standards, Article 6). Accessory Structures in residential districts shall be located to the rear of the front Building line and may be located as close as 5' to interior and Rear Lot Lines. Setbacks from interior Side Lot Lines shall not apply to accessory Buildings placed on lots that abut Alleys. An Accessory Structure may be located up to the rear property line when the Lot abuts an Alley and when the doors to the Building do not open directly onto the Alley. There shall be no Setback required between an Accessory Structure and an Alley when Access to the Structure is parallel to the Alley, except that no part of the Structure shall overhang or otherwise encroach onto the Alley.

(i) These setback requirements apply to structures used for a Small Animal Agriculture or Crop Agriculture use, unless a different setback is specified at Sections 20-547 or 20-548.

(4) **Building Coverage**

- (i) A detached Accessory Structure may not have a larger footprint than the Building footprint of the Principal Building.
- (ii) The combined footprint of all Accessory Structures may be equal to the footprint of the Principal Building or 20% of the Lot Area, provided the total

footprint of all Structures does not exceed the maximum Building coverage as permitted by Sec. 20-601(a) or (b) for the corresponding Zoning District.

(iii) Seasonal Crop Agriculture structures used to extend the growing season, such as cold frames, low tunnels, and hoop houses that are exempt from building permit requirements are exempt from these Building Coverage regulations.

(5) Height of Accessory Structures

Unless otherwise expressly stated, Accessory Structures may not exceed 25 feet in Height, or the Height of the Principal Building on the same Lot, whichever is less.

20-534 ACCESSORY DWELLING UNITS (Permitted only in RS40, RS20, RS10, RS7, MU and CN1)

(1) Purpose

Accessory Dwelling Units are allowed in certain situations to:

- create new housing units while preserving the look and Scale of single-Family Detached Dwelling neighborhoods; subject to the procedures established in Section 20-534(2)(xi);
- (ii) allow more efficient use of the City's existing housing stock and Infrastructure;
- (iii) provide a mix of housing types that responds to changing Family needs and smaller households;
- (iv) provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- (v) provide a broader range of accessible and more affordable housing.

(2) Design Standards

(i) Purpose

These design standards are intended to ensure that Accessory Dwelling Units:

- a. are compatible with the desired character and livability of the Zoning Districts;
- **b.** respect the general Building Scale and placement of Structures to allow sharing of common space on the Lot, such as Driveways and Yards; and
- **c.** are 960 square feet or smaller in size.

(ii) Generally

The design standards for Accessory Dwelling Units are stated in this section. If not addressed in this section, the Base District standards apply.

(iii) Methods of Creation

An Accessory Dwelling Unit may only be created through one of the following methods:

 a. converting existing living area within a Detached Dwelling, Attached Dwelling (e.g., attic, Basement or attached garage); or

- **b.** adding Floor Area to an existing Detached Dwelling, Attached Dwelling or detached garage; or
- **c.** constructing a new Detached Dwelling, Attached Dwelling or detached garage with an internal Accessory Dwelling Unit.

(iv) Owner Occupancy Required in RS Districts

Either the principal Dwelling Unit or the Accessory Dwelling Unit must be occupied by one or more of the persons who is/are the record Owner of the Premises.

If at any time, neither of the Dwelling Units in a Building that contains an Accessory Dwelling Unit is the principal residence of one of the Owner of the property, then the property shall be considered a Duplex. If a Duplex is not permitted in the Zoning District in which the property is located, the Owner shall be subject to penalties for a zoning violation and to an abatement order requiring restoration of the Premises to lawful status, conforming with the uses permitted in the Zoning District.

(v) Number of Residents

The total number of individuals that reside in both units (principal + accessory) may not exceed Occupancy Limit established for the Principal Building in Section 20-601(d), plus one additional person.

(vi) Other Uses

An Accessory Dwelling Unit is prohibited in a house with a Type B Home Occupation.

(vii) Location of Entrances

- a. Only one entrance to the Principal Building may be located on the front Facade that faces the Street, unless the Principal Building contained an additional Street-facing entrance before the Accessory Dwelling Unit was created.
- **b.** When the Accessory Dwelling Unit is located behind the rear wall of the Principal Building, the accessory Dwelling entrance shall face the Front Lot Line.
- **c.** An exception to subsection (b), above, is Dwelling Units that do not have Access from the ground such as Dwelling Units with entrances from balconies or elevated decks.

(viii) Parking

The following Parking requirements apply to Accessory Dwelling Units.

- **a.** Lots containing Accessory Dwelling Units shall contain a minimum of two off-Street Parking Spaces.
- b. If the Lot containing the Accessory Dwelling Unit abuts only a Local Street and the pavement of the Local Street is at least 27 feet wide, no additional Parking Space is required for the Accessory Dwelling Unit.
- c. If the Lot containing the Accessory Dwelling Unit abuts only a Local Street and the pavement of the Local Street is less than 27 feet wide, or if the Accessory Dwelling Unit is created at the same time as the principal Dwelling Unit, one additional Parking Space is required for the Accessory Dwelling Unit.

d. One additional Parking Space is required for the Accessory Dwelling Unit if the Lot containing the Accessory Dwelling Unit abuts only a Collector or Arterial Street.

(ix) Size

The maximum size of an Accessory Dwelling Unit may be no more than (33%) of the living area of the Detached Dwelling or Attached Dwelling, or 960 square feet, whichever is less.

(x) Floor Area Additions

Accessory Dwelling Units created through the addition of habitable Floor Area to an existing Structure shall comply with the following standards:

- the exterior finish material shall be the same or visually match in type, size and placement, the exterior finish material of the house or existing Structure;
- **b.** the roof pitch shall be the same as the predominant roof pitch of the house or existing **Structure**;
- c. trim on edges of elements on the addition shall be the same in type, size and location as the trim used on the rest of the house or existing Structure;
- **d.** windows shall match those in the house in proportion (relationship of width to Height) and orientation (horizontal or vertical);and
- **e.** eaves shall project from the Building walls the same distance as the eaves on the rest of the house or existing Structure.

(xi) Registration; Affidavit

- a. Accessory Dwelling Units shall be registered with the Planning Director prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing Accessory Dwelling Units; that the City has all information necessary to evaluate whether the Accessory Dwelling Unit initially meets and continues to meet Development Code requirements; and that the distribution and location of Accessory Dwelling Units is known.
- b. At the time of registration, the applicant shall submit an affidavit pledging agreement to the Accessory Dwelling Unit standards of this section. The affidavit shall specify which of the Dwelling Units will be occupied by an Owner of the property; if at any time such Owner moves to the other Dwelling Unit, the Owner shall be responsible for filing an updated affidavit, recording such change.
- **c.** Permits for Accessory Dwelling Units may be issued after the Planning Director determines that the proposal complies with all applicable Development Code requirements.

20-535 ACCESSORY PARKING

Accessory Parking shall be located in the same Zoning District as the use to which it is accessory. Accessory Parking may be permitted in a different Zoning District by site plan approval, subject to the following limitations:

- (1) accessory Parking for a nonresidential use shall in no case be allowed in an RS Zoning District;
- (2) accessory Parking for a use permitted in a C Zoning District may be permitted in an RO or RM Zoning District, provided that the total area of such Parking shall not be greater than 10,000 square feet; and
- approval of any such accessory Parking in a different Zoning District shall be made subject to appropriate Bufferyard or other Screening requirements to limit the impact of the accessory Parking on the other Zoning District.

20-536 AMATEUR RADIO AND RECEIVE-ONLY ANTENNAS

(1) Amateur Radio and Receive-Only Antennas

Amateur Radio and Receive-Only Antenna may be installed and operated as permitted Accessory Uses, subject to the following conditions:

- (i) a single ground or Building mounted Receive-Only Antenna including any mast, for the sole use of the principal occupant(s) of the residential Parcel on which the Receive-Only Antenna is located; with a Receive-Only Antenna Height not exceeding twenty-five feet (25') or the Building Height allowed in the Zoning District, whichever is higher;
- (ii) a ground, Building, or tower mounted Amateur Radio Antenna if the Height (post and Antenna) does not exceed thirty-five feet (35'); and
- (iii) a ground, Building, or tower-mounted Amateur Radio or Receive-Only Antenna up to 75 feet tall as a Special Use, subject to the following additional standards:
 - the applicant shall provide certification from a civil engineer licensed in Kansas that the tower design is such that it will not fall on adjacent property or on any Building on the property on which it is located;
 - **b.** the tower installation shall include a Type 2 BufferYard to Screen it from any adjoining property in an RS zone that is located within 20 feet of the proposed tower site; and
 - c. the tower may be limited to a Height of less than 75 feet if the Planning Commission finds that it will otherwise protrude above the tree Canopy or otherwise create an unnecessary and unacceptable visual impact.

(2) Satellite Dishes

(i) General

- **a.** No Satellite Dish shall block any entrance or required emergency egress of any Building.
- **b.** Any Satellite Dish in a HL or HD Overlay District shall be subject to Chapter 22 of the City Code, and shall specifically require a Certificate of Appropriateness under Chapter 22.

(ii) Satellite Dishes One Meter or Smaller

Satellite Dishes one meter or less in diameter are a permitted Accessory Structure in all Base Districts.

(iii) Satellite Dishes Two Meters or Smaller

Satellite Dishes more than one meter, up to and including two meters, in diameter are a permitted Accessory Structure in all Commercial and Industrial Zoning Districts and a Special Use (under Section 20-1306) in all Residential Zoning Districts, and are subject to the following:

- a. such a Satellite Dish shall not be located in the Front Setback or Front Yard;
- **b.** such a Satellite Dish shall not be located in a Side Setback; and
- c. such a Satellite Dish in a Residential or Commercial Zoning District, or the IBP Zoning District, shall be Screened from view off Premises by a fence, wall, Berm, or Landscaping.

(iv) Satellite Dishes Larger Than Two Meters

Satellite Dishes more than two meters in diameter are a permitted Accessory Structure in all Industrial Zoning Districts and all Commercial Zoning Districts except for CN1. Such Satellite Dishes are a Special Use (under Section 20-1306) in any Residential Zoning District or in the CN1 Zoning District. Such Satellite Dishes are subject to the following:

- Such a Satellite Dish shall not be located in a Front Setback or Front Yard;
- **b.** such a Satellite Dish shall not be located in a Side or Rear Setback; and
- c. such a Satellite Dish in a Commercial Zoning District or the IBP Zoning District, or where adjoining property is in a Residential or Commercial Zoning District or the IBP Zoning District, shall be Screened from view off Premises by a fence, wall, Berm, or Landscaping.

20-537 HOME OCCUPATIONS

(1) Purpose

Home Occupations are activities accessory to uses in the Household Living category. Special regulations apply to such activities to ensure that Home Occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations are intended to ensure that the Home Occupation remains subordinate to the residential use, and that the residential viability of the Dwelling is maintained. The regulations recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

(2) Applicability

Uses are allowed as Home Occupations only if they comply with all of the requirements of this section.

(3) Exemptions

(i) Day Care Homes

Day Care homes are not regulated as a Home Occupation and are exempt from the Home Occupation regulations of this section.

(ii) Bed and Breakfast and Bed and Breakfast Inns

Bed and Breakfasts and Bed and Breakfast Inns are not regulated as Home Occupations and are exempt from the regulations of this section.

(4) Description of Type A and Type B Home Occupations

There are two types of Home Occupations: Type A Home Occupations and Type B Home Occupations.

(i) Type A

A Type A Home Occupation is one where residents use their home as a place of work, with no employees or customers/clients coming to the site. Examples include artists, crafts people, writers, and consultants.

(ii) Type B

A Type B Home Occupation is one where an employee and/or customers/clients come to the site. Examples are counseling, tutoring, and hair cutting/styling.

(5) Use-Related Regulations

(i) Allowed Uses

The intent of the regulations of this section is to establish performance standards for all Home Occupations rather than to limit uses and activities to a specific list. Home Occupations that comply with the performance standards of this section are allowed by-right unless otherwise expressly stated.

(ii) Prohibited Uses

- a. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to vehicles and their parts is prohibited.
- **b.** Home Occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
- **c.** Funeral and Interment Services are not allowed as Home Occupations.
- d. Animal Services are not allowed as Home Occupations.
- **e.** Restaurants are not allowed as Home Occupations; catering for off-premise consumption is not prohibited.
- **f.** A Type B Home Occupation is prohibited on a Lot where an Accessory Dwelling Unit exists.
- **g.** More than two garage sales within a calendar year is a prohibited use.

(6) Site-Related Standards

(i) Signs

One non-animated, non-illuminated, accessory identification sign of no more than 2 square feet in area shall be permitted. The allowed sign shall be placed flat against a wall or door, displayed in a window, or within ten feet (10') of the Building entrance.

(ii) Outdoor Activities

- **a.** All activities shall be in completely enclosed Structures.
- **b.** Exterior Storage or display of goods or equipment is prohibited.

(iii) Appearance

The Dwelling and site shall remain residential in appearance and characteristics. Internal or external changes that will make the Dwelling appear less residential in character or function are prohibited. Examples of such prohibited alterations include construction of Parking Lots, paving of required Setbacks, or the addition of commercial-like exterior lighting.

(7) Impact-Related Standards

(i) Hazardous Substances

Hazardous substances are prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Sec. 171.8.

(ii) Noise

The maximum noise level associated with a Home Occupation shall not violate the provisions of the City's noise ordinance.

(iii) Trucks and Vehicles

No more than one vehicle advertising or displaying the name of the Home Occupation may be parked at the site. The maximum size of a vehicle that may be parked in association with a Home Occupation is a Light Truck.

(iv) Deliveries

Truck deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the Home Occupation only from 7 a.m. to 9 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.

(8) Additional Type B Home Occupation Regulations

The following are additional regulations that apply to Type B Home Occupations. Waivers or variances from this section of the regulations are prohibited.

(i) Hours

Customers or clients may visit the site only during the hours of 7 a.m. to 7 p.m.

(ii) Nonresident Employees

One nonresident employee is allowed with a Type B Home Occupation. For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-Owner, or other person affiliated with the Home Occupation who does not live at the site but who regularly visits the site as part of the Home Occupation.

(iii) Customers/Clients

Only 10 customers or clients may visit the site in a day.

(iv) Retail Sales

Retail sales of goods shall be entirely accessory to any services provided on the site (such as hair care products sold to hair cutting clients).

(v) Number

No more than one Type B Home Occupation is permitted per Dwelling Unit.

(9) Type B Home Occupation Permit

(i) Purpose

Permits for Type B Home Occupations shall be obtained, prior to their establishment, from the Planning Director. The permit requirements are intended to ensure:

- **a.** that the applicant is aware of the provisions of this Development Code governing Home Occupations;
- **b.** that the City has all information necessary to evaluate whether the proposal initially meets, and continues to meet, Development Code regulations; and
- **c.** that the distribution and location of Type B Home Occupations is known.

(ii) Procedure and Renewal Process

Type B Home Occupations are required to register with the Planning Director prior to their establishment. At the time of registration, the applicant shall provide an affidavit pledging compliance with the standards, conditions and the documentation that the proposal is a Type B Home Occupation. A Home Occupation permit for Type B Home Occupations will be issued by the Planning Director for a 2-year period. It is the responsibility of the applicant to obtain the permit every 2 years. The permit is tied to the applicant and to the Lot occupied by the Type B Home Occupation. Permits are not transferable to other sites or to other operators. The applicant shall also demonstrate at the time of registration compliance with the following neighborhood notice requirements.

(iii) Neighborhood Notice

- **a.** The purpose of this requirement is to notify the Registered Neighborhood Association and nearby Landowners of the establishment of a Type B Home Occupation, the type of activities that will occur, and the regulations under which the use shall operate.
- **b.** The applicant shall prepare a notice that describes the standards set forth in this section, the type of business activities to take place at the site, the hours of operation, and either the existence of a nonresident employee or the expected number of customers/clients on a daily basis.
- c. The applicant shall send notice to all Registered Neighborhood Associations whose boundaries include the site and to all Owner of property within 200 feet of the subject site. At the time of application submittal, the applicant shall submit to the Planning Director a list of the Owner and addresses notified, a copy of the notice that was sent, and a signed Statement verifying that notice requirements have been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.
- **d.** The notice shall provide information on the proposed Home Occupation and at least the following additional information:

Notice of Proposed Home Occupation

This letter is being sent to Landowners, or a Registered Neighborhood Association, near the site of a proposed Home Occupation. It is being sent for the purpose of informing the Landowner and other interested parties about the proposed home-based business. This letter does not grant the recipient and/or Landowner any legal rights to challenge the proposed development, instead, it is being provided solely to inform nearby Landowners of the proposed plans of one of your neighbors. For further information, contact the applicant's designated

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representative at (xxx) xxx-xxxx or the Lawrence-Douglas County Planning Department at (785) 832-XXXX.

(iv) Revocation

A Type B Home Occupation permit may be revoked for failure to comply with the regulations of this section, through the procedures identified in Section 20-1605(e). When a Type B Home Occupation permit has been revoked, a new Type B Home Occupation permit will not be issued to the applicant or other persons residing with the applicant for 2 years.

20-538 EXTERIOR STORAGE

(1) Purpose

Exterior Storage areas are permitted as an accessory to a Principal Use in specific nonresidential Zoning Districts to provide space for the outdoor storage of materials related to the Principal Use. Outdoor storage of materials not related to the business of the Principal Use is prohibited.

(2) Applicability

Exterior Storage is defined as the outdoor storage of any and all materials related to the Principal Use of the Lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. Exterior Storage is permitted as an Accessory Use in the CR, CS, CC, IBP, IL, IM, IG, GPI and H Districts to any Principal Use permitted in these districts. The standards for Exterior Storage areas exclude dumpsters and trash receptacles and mechanical equipment, which themselves have Screening requirements in Section 20-1006.

(3) Location of Exterior Storage on a Site

(i) Location in Rear Yard

Exterior Storage areas may be located in the provided Rear Yard of a property but must adhere to the minimum setbacks as required by Article 6 in addition as to what is required by Subsection (iv) below.

(ii) Location in Side Yard

Exterior Storage areas may be located in any Side Yard of a property not adjacent to a street right-of-way, except in the IL and IG Districts where they may be located in any Side Yard, regardless of the presence of adjacent street right-of-way. The location of Exterior Storage areas in any Side Yard must adhere to the minimum setbacks as required by Article 6 in addition to what is required by Subsection (iv) below. When located in a Side Yard, Exterior Storage areas shall be located to the rear of the front Building Facade of the principal Structure, except in the IL, IM and IG Districts where they may encroach into the Front Yard.

(iii) Location in Front Yard

Exterior Storage areas are prohibited from being located in the provided Front Yard of any property in all Zoning Districts, with exception of the IL, IM and IG Zoning Districts where Exterior Storage areas may be located in the Front Yard.

(iv) Minimum Setbacks

Minimum setbacks apply to the location of Exterior Storage areas depending upon adjacent property's zoning classification. To determine the Setback required, first identify the zoning of the site planned for Exterior Storage and the zoning of all adjacent sites. Find where the zoning of the site for Exterior Storage and each adjacent site intersect on the table. This is the required minimum Setback from the property line.

Zoning of Exterior Adjacent Site's Zoning Adjacent

Storage Area	CN1, CN2	CR, CS, CC	IBP, IL, IM, IG, GPI, H	to ROW		
CR, CS, CC	15′	15′		50′[1]		
IBP, IL, IM, IG, GPI, H	15′		10′	25′[1]		
[1] or behind the front Building façade whichever is the greater distance.						

(4) Screening Required

To protect the Public Safety and promote aesthetic quality, all Exterior Storage areas are required to be screened from adjacent properties and the public right-of-way in the form of a landscaped Bufferyard. To determine the type of Bufferyard required, first identify the zoning of the site planned for Exterior Storage and the zoning of all adjacent sites. Find where the zoning of the site for Exterior Storage and each adjacent site intersect on the table. This is the required type of Bufferyard. For detailed provisions on each type of Bufferyard, see Sec. 20-1005.

Zoning of Exterior Storage Area	Adjacent Site's Zoning			Adjacent
	CN1, CN2	CR, CS, CC	IBP, IL,, IM, IG, GPI, H	to ROW
CR, CS, CC	2		1	3
IBP, IL, IM, IG, GPI, H	3	2		3

(5) Area

The area of Exterior Storage uses shall be limited to 50% of the Floor Area of the principal Structure. Exterior Storage areas may only exceed 50% of the Floor Area of the associated principal Structure with approval of a Special Use Permit.

(6) Surfacing Required

- (i) In CR, CS, and CC Districts

 Exterior Storage areas located in these Districts shall be located upon any of the paved surfaces as provided in Sec. 20-913.
- (ii) In IBP, IL, IM, IG, GPI, and H Districts

 Exterior Storage areas located in these districts may be located on compacted gravel surfaces. Driveways and Driveway Aprons providing Access to these areas shall be paved to City Standards.
- (iii) Exterior Storage areas in Floodplains
 Exterior Storage areas located in the Floodplain, regardless of the site's zoning, may be surfaced with compacted gravel.

20-539 GENERAL STANDARDS FOR PRIVATE DINING ESTABLISHMENTS

- (1) The operation of a Private Dining Establishment in RS, RSO and RMO Districts shall be limited to:
 - (i) Service to no more than 30 guests per seating.
 - (ii) One seating per service day.

- (iii) 5 service days in a standard 7-day week.
- (iv) Service shall be provided to the general public by reservation only.
- (v) Shall be located in Mixed-Use neighborhoods.
- (vi) No drive-in, drive-through or carry-out facilities are permitted.
- (vii) The service of beverages may include alcoholic beverages subject to approval of a City Liquor License.
- (viii) The Planning Commission and City Commission have the discretion to place additional restrictions upon the use or the site based upon the Review and Decision-Making Criteria set forth in Sec. 20-1306(i), but shall not be precluded from consideration from other factors which may be relevant to a particular application including but not limited to hours of operation, lighting, and noise.

(2) Off-street Parking

(i) Principal Residential Use

Off-street parking shall be provided in accordance with the applicable provisions of Article 9 of Chapter 20 of the Development Code for the primary use as a residence.

(ii) Accessory Private Dining Use

The Planning Commission and City Commission shall have the discretion to adjust the amount of parking required and/or the permitted location and site design of off-street Parking Facilities dedicated to Private Dining Establishments as a condition of Special Use Permit approval.

(iii) Standards for the Location of Off-Street Parking

Off-street parking shall be provided in such a way as to maintain the residential pattern and character of the neighborhood in which the use is proposed to occur.

(3) Site-Related Standards

(i) Owner-Occupancy Required

A Private Dining Establishment shall be accessory to an Owner-occupied principal residential use.

(ii) Location

- a. The use shall be contained in neighborhoods that include Mixed Use Lots, Tracts, Parcels or Buildings or Structures as the term Mixed Use is defined in Sec. 20-1701. Neighborhoods which are predominantly single-Dwelling residential in nature shall not be considered for Private Dining Establishments. The use shall be contained within or adjacent to Blocks with non-residential uses in a neighborhood with Mixed Uses or Zoning Districts.
- **b.** The use shall have direct Access to a Public Street or right-of-way. Private Dining Establishments shall not be permitted on Private Streets.

(iii) Screening

The Planning Commission shall have the discretion to require Landscaping and Screening as deemed necessary given the operational, neighborhood and site characteristics for the use as a condition of Special Use Permit approval.

(iv) Appearance

- a. The exterior of the residence shall remain consistent with the primary function as a Dwelling Unit.
- No exterior signage or advertising material permitted in residential districts.

(v) Operating Characteristics

The Planning Commission and City Commission shall have the discretion to determine if the serving and consumption of any food and/or beverage may occur outdoors.

20-540 SMALL AND LARGE COLLECTION RECYCLING FACILITIES

(1) Purpose

Small and Large Collection Recycling Facilities are centers or facilities for the acceptance by donation, redemption, or purchase, of Recyclable Materials from the public. Special regulations apply to such centers or facilities to ensure public and user safety as well as to ensure adequate and on-going maintenance of such facilities and general aesthetic appeal. Areas designated for such facilities shall obtain site plan approval by the Planning Director.

(2) Applicability

Uses are allowed as Small or Large Collection Recycling Facilities only if they comply with all of the requirements of this section.

(3) Exemptions

Any indoor Small or Large Collection Recycling Facility located within a Building.

(4) Use-Related Regulations

(i) Allowed Uses

The intent of the regulations of this section is to establish performance and use standards for all Small and Large Collection Recycling Facilities. Such Facilities which comply with the performance and use standards of this section are permitted by-right upon site plan review and approval by the Planning Director.

(ii) Allowed collection facilities

- **a.** Mobile collection units such as all-weather roll-off containers, bins or boxes, which are not permanently affixed to the ground;
- b. Reverse vending machines or kiosks that may include permanent Structures. Reverse vending machines and kiosks may be located indoors or outdoors adjacent to the main entryway of a Building and are not required to be located within the area designated on the site plan for the Small or Large Collection Recycling Facility.
- **c.** Indoor facilities, ancillary to the primary activity of a business or organization which is exempt from these standards.

(5) Site-Related Standards

(i) Area

One Small or one Large Collection Recycling Facility shall be permitted per property or Parcel(s) or Tract(s) of land under common Ownership. In the case of a commercial/shopping center with multiple tenants and/or multiple property Owners, only one Small or Large Collection Recycling Facility may be permitted. Small and

Large Collection Recycling Facilities shall be limited to one area per property, Parcel(s) or Tract(s) of land under common Ownership dedicated to such facilities. Small Collection Facilities are limited to 500 square feet in area whereas Large Collection Facilities may contain a larger area.

Any use meeting the definition of a Small or Large Collection Recycling Facility shall be located within the designated area as shown on the approved site plan or development plan. Kiosks and reverse vending machines may be located outside the designated area when located adjacent to the public entrance of the principal Structure.

(ii) Location and Placement

- **a.** Small or Large Collection Recycling Facilities shall be located on a paved surface.
- **b.** All Density and Dimensional Standards as provided in Article 6, such as Building setbacks, shall apply to the placement and location of areas designated for Small or Large Collection Recycling Facilities.
- **c.** Whenever possible, Small or Large Collection Recycling Facilities should not be located between the public right-of-way and the front façade of a Building.
- **d.** Small or Large Collection Recycling Facilities shall not be located in Parking Lots when its placement in such a location will result in a reduction in available parking below the amount required for the Principal Use of the property or site.
- e. Small or Large Collection Recycling Facilities shall not be located in Parking Lots when its placement in such a location will result in impeding safe and orderly pedestrian and vehicular movement.
- f. The location and placement of the area designated for Small or Large Collection Recycling Facilities shall be safe for public use. Prior to site plan approval, the applicant shall provide evidence to the Planning Department that the designated site is safely accessed by the general public.

(iii) Appearance

a. Screening

The designated area for Small or Large Collection Recycling Facilities may be screened from public rights-of-way by a landscape Screen or Berm. Such Screening may be required to obtain site plan approval and is encouraged in all instances. Screening, regardless of the method, shall not exceed 4 feet in Height, at any time, for security and Public Safety purposes.

b. Maintenance

The designated area for Small or Large Collection Recycling Facilities shall be kept clean from debris, Recyclable Materials, or garbage at all times. Collection of Recyclable Materials shall occur only within mobile collection units, reverse vending machines and kiosks which include permanent Structures. All facilities, collection units, vending machines, and kiosks shall be properly maintained.

(iv) Site Plan Review

Small and Large Collection Recycling Facilities shall only be permitted upon site plan review and approval by the Planning Director.

20-541 WORK/LIVE UNITS

(1) Purpose

Work/Live Units are distinguished from Home Occupations in that in the case of Home Occupations, the business or commercial use is accessory to the residential use. In the case of Work/Live Units, the residential use is accessory to the business or commercial use. Work/Live Units are permitted in certain Zoning Districts to:

- (i) Provide for the appropriate development of units that incorporate both living and working space;
- (ii) Encourage the development of new business by allowing a business Owner to live in the same location as the business;
- (iii) Provide opportunities for people to live in mixed-use areas;
- (iv) Ensure that the exterior design of Work/Live Buildings is compatible with the exterior design of commercial, industrial, and residential Buildings in the area.

(2) Standards

- (i) Work/Live Units shall consist of a nonresidential use, permitted in the Base District and a residential Dwelling.
- (ii) Work/Live Units shall be designed to accommodate a permitted nonresidential use, such as a business and the residential Dwelling of the business Owner or operator.
- (iii) The residential Dwelling shall have direct internal Access to the permitted nonresidential use.

20-542 NON-GROUND FLOOR DWELLING UNITS

- (1) Non-Ground Floor Dwellings shall be located in a Vertical Mixed Use Structure, either above ground level or below ground level. Such Dwelling Units shall not have direct internal Access to a nonresidential use within the Structure. For Dwelling Units which are accessory to or have direct internal Access to a nonresidential use, see Work/Live Unit.
- (2) Non-Ground Floor Dwelling Units are commonly considered to be apartments, lofts, condominiums or flats located above or below a nonresidential use within the same Structure. Non-Ground Floor Dwelling Units are distinguished from multi-Dwelling Units or Multi-Dwelling Structures, as defined in Section 20-1724, on the basis that Multi-Dwelling Structures must contain at least three (3) Dwelling Units. Structures containing Non-Ground Floor Dwelling Units may contain more or less Dwelling Units based on density, dimensional and parking standards of the particular Zoning District in which they are proposed.

20-543 OFFICE, OTHER

(1) Standards that Apply in the MU District

In designated Primary Zones, such offices shall be permitted to be located on the ground level of a Structure only when they do not occupy the Building Frontage.

20-544 TEMPORARY SHELTERS

(1) Purpose

The purpose of this subsection is to set forth standards for the location and operation of Temporary Shelters.

(2) Exemptions

i. Residential Uses

Any permitted residential use listed in Section 20-402 shall be exempt from the regulations of this subsection.

(3) Standards for Temporary Shelters

i. Use Standards

Temporary Shelters require a Special Use Permit in accordance with the procedures of Section 20-1306. In addition to the standards of Section 20-1306, the following standards shall apply to all Special Use Permits granted for Temporary Shelters:

- **a.** At least once every five (5) years the operator shall make a presentation to the City Commission and the Commission shall review the Special Use Permit for compliance with original conditions of approval and use standards.
- b. A minimum of 1 toilet per 15 beds shall be provided.
- **c.** Shall be staffed in compliance with the staffing requirements of the approved management plan.
- **d.** All uses and activities conducted outdoors shall be shown on the site plan.

(4) Management Plan

The operator of a Temporary Shelter shall create a management plan. The management plan shall become binding upon approval of the Special Use Permit or site plan. The management plan shall, at a minimum, address the following:

- i. Narrative description of the nature and characteristics of the use and descriptions of all services provided.
- ii. Interior floor plan showing sleeping areas, common areas, emergency exits and bathrooms.
- Rules of conduct for guests.
- iv. Maintenance plan that establishes standards for regular building and site maintenance, including regular removal of litter.
- v. Communications plan that establishes how the shelter will regularly communicate with neighbors and police.
- vi. Response plan for emergencies that may occur at the site.
- vii. Adequate staffing levels given the number of guests served and the nature of the facility and population served.

(5) Design Standards

Temporary Shelter site design shall incorporate design features that contribute to the livability and safety for guests, efficient use of space, ease of emergency access, and compatibility with nearby land uses. In furtherance of this purpose, the following design standards shall apply, to the extent practicable, to Special Use Permits granted for Temporary Shelters:

- i. Building entrances shall be clearly defined and visible from the public right-ofway or from an occupied area of the building such as administrative offices or staffed reception areas.
- ii. Building entrances, outdoor children/adult recreational areas and sidewalks shall be well-lit with pedestrian-scaled, low-glare lighting shielded downward.
- **iii.** Outdoor children/adult recreational areas, if not clearly visible from the public right-of-way, shall be clearly visible from an occupied area of the building such as administrative offices or staffed reception areas.
- iv. Parking areas shall be located adjacent to the building and shall be clearly visible from an occupied area of the building, such as administrative offices or staffed reception areas.
- v. The exterior of the building shall be designed to ensure that all outside areas surrounding the building are clearly visible either from public right-of-way or through the use of design features such as windows or video surveillance.
- vi. Landscaping shall be designed to not obstruct the view of sidewalks, parking areas or outdoor children/adult recreational areas.
- **vii.** Effort through design to minimize loitering in the vicinity of the shelter through careful site design, building design, or by providing site features or amenities on the property which attract guests to a specific location on the property.

20-545 LIGHT EQUIPMENT SALES/RENTAL

(1) Purpose

The purpose of these use-specific standards are to ensure that Vehicle Sales and Service uses permitted in the CN2 District conform to the intent of the purpose of the CN2 District as set forth in Section 20-208 of this Development Code.

(2) Applicability

The use-specific standards of this section shall apply to any Vehicle Sales and Service uses listed below.

(3) Light Equipment Sales/Rental

- (i) Shall be limited to automobile sales and/or rental.
- (ii) Shall permit a maximum of 12 vehicles to be stored onsite for sale or rental.
- (iii) Accessory vehicle wash bays are permitted but may not be made available for public use and shall be limited to one wash bay.
- (iv) Accessory vehicle wash bays shall be located within enclosed Structures.
- (v) Automobile Cleaning and detail activity shall be conducted in enclosed Structures.

20-546 CONGREGATE LIVING

(1) Applicability

The use-specific standards of this section shall apply to any Congregate Living use or structure.

(2) Standards

- (i) A Congregate Living use shall be permitted only with site plan approval.
- (ii) Limitations on Expansion

- a. At the time of its conversion to the Congregate Living use and for the life of a Congregate Living use upon its establishment, the building footprint of a Structure containing a Congregate Living use shall not be enlarged greater than 20% of its existing building footprint, measured at grade and including covered (roofed) decks, patios, and porches.
- **b.** A site plan for a Congregate Living use is not eligible for approval if the building footprint, measured at grade and including covered (roofed) decks, patios, and porches, of an existing Structure proposed to contain the use has been expanded greater than 20% within three years of submitting the site plan application for the Congregate Living use.
- **c.** This section does not apply to expansions in building footprint occurring prior to February 11, 2011 (the effective date of this section).
- (iii) A trash receptacle area compliant with the Development Code, the City Code, and amendments thereto, and with policies established by the Solid Waste Division of the City shall be designated on the site plan and either used or reserved for use on the site to accommodate waste generated by the residents.

20-547 ANIMAL AGRICULTURE, SMALL

(1) General

(i) Structures

- **a.** Structures shall comply with the Accessory Structure Standards in Section 20-533, except where expressly stated.
- **b.** Any coop, shelter, or enclosure shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.
- c. The facilities used to house the animals shall be of adequate design to keep the animals confined and reasonably safe from predators, and provide enough shelter and room to provide humane conditions as defined at Section 3-102 of the City Code.

(ii) Maintenance

The site shall be maintained in accordance with the City's Property Maintenance Code. At a minimum, the property shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

(iii) Excluded Animals

Pigs are not considered *Small Agricultural Animals* and may not be kept within the City pursuant to an Urban Agricultural use. Vietnamese Pot-Bellied Pigs are considered domesticated pets and are subject to regulations established at Chapter 3, Article 1, Section 3-104(D) of the City Code.

(2) Standards that apply in the CO, CD, CS, CC, and CR District

Small Animal Agriculture permitted in these commercial districts is limited to beekeeping, insects, and aquatic organisms. This restriction does not apply to pet stores or similar permitted uses in these districts.

(3) Bees

(i) Africanized honey bees are prohibited.

- (ii) Up to 2 Colonies may be located on a lot of ¼ acre or less; 4 Colonies on lots between ¼ and ½ acre; 6 Colonies on lots of ½ to full acre. 8 Colonies are permitted on any property larger than an acre (except that additional Colonies are permitted when they are set back at least 200 feet from all property lines.)
 - a. For every 2 Colonies permitted on a tract there may be maintained upon the same tract one nucleus Colony in a hive structure not exceeding one standard 9 5/8 inch depth 10-frame hive body with no supers, the part of the beehive that is used to collect honey, attached as required from time to time for swarm management.
 - **b.** Each such nucleus Colony shall be moved to another tract or combined with another Colony on the subject tract within 30 days after the date made or acquired.
- (iii) Every person owning a hive, stand, box or apiary on property other than their residence shall identify such hive, stand box or apiary by a sign or other prominent marking stating in letters at least one inch high on a contrasting background the name and phone number of the owner of such equipment.
- (iv) The following locational requirements apply to all hives:
 - **a.** No hive shall exceed 20 cubic feet in volume.
 - b. Hives are permitted only in the Side and Rear Yards, unless roof-mounted.
 - **c.** No hive shall be located closer than 3 feet from any property line.
 - **d.** No hive shall be located closer than 10 feet from a public sidewalk or 25 feet from a Principal Building on an abutting lot. (Hives must be relocated as needed as abutting lot develops.)
 - **e.** If a hive is within 10 feet of a property line and is located less than 10 feet off the ground, a flyway barrier is required.
- (v) A flyway barrier, when required, shall be at least 6 feet tall and extend 10 feet beyond the colony location on each side. It can be solid, vegetative, or any combination of the two that forces the bees to cross the property line at a height of at least 6 feet.
- (vi) The beekeeper shall promptly re-queen the Colony if the Colony exhibits unusual defensive behavior without due provocation.
- (vii) A constant supply of water shall be provided for all hives within 25 feet of each hive between March 1 and October 31 of each year.
- (viii) Bee Hotels are not subject to these regulations.
- (4) Fowl
 - (ix) Fowl, defined herein as female chickens and ducks, see Section 20-1701, may be kept on a property only as an accessory use to a permitted primary use.
 - (x) The maximum number of Fowl is limited to:
 - a. One Fowl per 500 square feet of lot size, rounded down; and

- **b.** No more than 20 Fowl, regardless of the size of the lot.
- (xi) Any person who owns, keeps, or harbors Fowl, *i.e.* chickens and ducks, shall provide a coop or other similar shelter.
 - **a.** Any coop or shelter shall be screened or walled in a manner that allows the Permitted Fowl to be reasonably protected from predators.
 - **b.** Any coop or shelter shall be a minimum of 3 square feet in size per fowl if the Fowl have an enclosed outdoor run, or 10 square feet in size per fowl if the Fowl do not have an enclosed outdoor run.
 - c. Any coop or shelter shall be constructed in a manner that is consistent with the requirements of this section. In the event that the coop or shelter qualifies as an *Accessory Structure* then all requirements regarding placement and setbacks for *Accessory Structures* in Section 20-533 must be met.
 - **d.** In no event shall any coop or shelter be located nearer than 5 feet from any neighboring property line.
 - **e.** Any coop or shelter shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.
 - f. A roost shall be provided for each chicken, with a minimum length of 10 inches per chicken and a minimum size of 8 square inches. A roost is not required for ducks.
 - g. For every three chickens, a minimum of one laying box space, with a minimum size of one square foot, shall be provided. Each laying box shall contain adequate clean bedding material such as hay or other soft material. A laying box is not required for ducks.

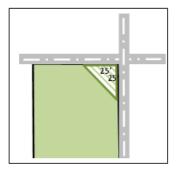
(5) Goats and Sheep

- (i) Goats and sheep may be kept on a property only as an Accessory Use to a permitted primary use.
- (ii) Only small goats and sheep are permitted as *Small Animal Agriculture*. Breeds which would be considered small goats include Pygmy Goats, Nigerian Dwarf Goat, and Miniature Dairy Goats. Breeds which would be considered small sheep include Harlequin Sheep, North American Shetland Sheep, and Cheviot Sheep.
 - **a.** Breeds are limited to those that do not exceed 24" at the withers.
- (iii) Male goats over the age of four weeks must be neutered.
- (iv) The following standards regulate the number of goats or sheep that may be kept on a property.
 - **a.** A minimum of 2 goats or 2 sheep may be kept on a property. A single goat or a single sheep is not permitted.
 - **b.** 2 goats or 2 sheep may be kept on a property with a minimum of 10,000 square feet of area.
 - c. Up to 4 goats and sheep may be kept on a property with a Lot Area of 20,000 square feet or more.

- **d.** Nursing offspring of goats and sheep permitted through the provisions of this Code may be kept until weaned, no longer than 12 weeks from birth, without violating the limitations of this sub-section.
- **e.** The maximum number of goats and sheep that can be kept on an *Urban Farm* would be established through the Special Use Permit process.
- (v) The following standards apply to any Structure used to house goats and sheep:
 - **a.** Goats and sheep shall be housed in a predator-resistant, covered Structure with an open air enclosure.
 - **b.** The Structure shall be located a minimum of 50 feet from any off-site Dwelling.
 - **c.** The Structure shall be located in the Rear Yard and a minimum of 15 feet from adjacent properties.
 - **d.** The Structure shall provide a minimum of 10 square feet of living area per goat or sheep.
 - **e.** A fenced open air enclosure shall be provided which has a minimum area of 150 square feet per goat or sheep.

20-548 CROP AGRICULTURE

- Crops may be grown within the public right-of-way adjacent to the property without a use of right-of-way permit. However, the use shall be temporary and any such crops shall be subject to removal by the City, at its discretion, when street or infrastructure repairs or improvements are undertaken in the right-of-way.
- (2) The following locational requirements apply to all crops:
 - (i) Crops may not exceed 3 feet in height when located within 8 feet of the roadway to avoid interference with visibility for Driveways and other access points.
 - (ii) If a sidewalk on the property is more than 8 feet from the roadway, crops may not exceed 3 feet in height between the sidewalk and the roadway.
 - (iii) Crops may not exceed 3 feet in height within 3 feet either side of a sidewalk to allow for visibility.
 - (iv) Crops may not be planted within 1 foot on either side of the sidewalk and may not be allowed to grow onto the sidewalk.
 - (v) Crops taller than 3 feet are not permitted within the sight distance triangle (area created by connecting the endpoints of two 25 feet lines, measured along the curb line, from the intersection of two adjacent streets). See figure.
- (3) The following maintenance requirements apply to all *Crop Agriculture* uses:
 - (i) The site shall be designed and maintained so as to prevent the free flow of stormwater, irrigation



water, chemicals, dirt, or mud across or onto adjacent Lots, properties, Public Streets, sidewalks, or Alleys.

(ii) The site shall be kept free of debris or high grass or weeds, taller than 12 inches, (*Crop Agriculture* plants are not considered weeds as defined in Section 18-302(f) of the City Code and are exempt from the weed provisions in Section 18-304 of the City Code.)

20-549 FARMERS MARKETS

The following standard applies in the RS, RM, and GPI Zoning Districts:

(1) Farmers Markets may be permitted, through approval of a site plan, when accessory to one of the following uses: Schools, Religious Institutions, Cultural Center/Library, Day Care Center, College/University, Lodge, Fraternal & Civic Assembly; Social Service Agency, and Adaptive Reuse of a Registered Historic Property, provided that adequate parking is provided.

20-550 ON-SITE AGRICULTURAL SALES

(1) General Standards

- (i) Only unprocessed items: eggs, honey, or whole, uncut (except as necessary for harvesting), fresh produce and/or horticultural products may be donated, sold on-site, or distributed through Community Supported Agriculture (CSA) pick-ups as On-Site Agricultural Sales.
 - a. On-site sales refers to products grown or produced on the Premises or products that are grown or produced on another site within the City that is maintained by the operator of the sales site, but only when sold in conjunction with products grown or produced on the Premises.
- (ii) On-Site Agricultural Sales may occur between 8:00 AM and 8:00 PM.
- (iii) Exterior display of product is permitted during sale hours.
- (iv) Any stands used for the display or sale of products shall be located a minimum of 20 feet from the curb or roadway and shall be temporary; being removed and stored when sales are not in progress.
- (v) The sales area may include a retail sales area (stand and/or display area) as noted below:
 - **a.** Sales area of up to 100 square feet permitted for lots up to 7,000 square feet in area.
 - **b.** Sales area of up to 150 square feet permitted for lots up to 10,000 square feet in area.
 - **c.** Sales area of up to 300 square feet permitted for lots larger than 10,000 square feet in area.
- (vi) One temporary, unilluminated sign advertising only food or horticultural products may be displayed during sales.
 - **a.** The sign must be located a minimum of 20 feet from the curb or roadway or it may be placed flat on a wall or door or displayed in a window.

b. The sign face may not exceed 2 square feet in area and the sign may not be more than 3 feet in height.

(2) Urban Farms

- (i) On-Site Agricultural Sales are permitted on Urban Farms in Residential Districts subject to area and locational standards established with the Special Use Permit.
 - **a.** *Urban Farms* in residential districts which were in existence prior April 26, 2016, and are operating under an automatic SUP shall comply with the general *On-Site Agricultural Sales* standards in this section.

20-551 URBAN FARM

(1) Special Use Permit for *Urban Farms* in Residential Districts

- (i) An Urban Agriculture use is considered an *Urban Farm* when it includes uses permitted as *Crop Agriculture* and/or *Small* or *Large Animal Agriculture* but exceeds the standards set by the Code for these uses. These standards include, but are not limited to, the maximum number of animals per size of Lot, the maximum permitted size of the on-site sales area, hours of on-site sales, and accessory activities on the site such as educational sessions.
- (ii) An *Urban Farm* that was in existence in a residential zoning district prior to April 26, 2016, will be deemed to have an automatic Special Use Permit. It will be necessary for owners/operators of *Urban Farms* to register the use with the Planning Office by January 1, 2017, to qualify for the automatic Special Use Permit. Any alteration or expansion of the *Urban Farm* use are subject to the Special Use Amendment procedures of Section 20-1306 with the provisions included in the following subsection.
- (iii) Given the nature of an Urban Farm use, an aerial photo may be used as the basis of the Special Use Permit plan. The plans are not required to be developed by a design professional, but must clearly show the details/dimensions necessary to insure Setbacks are met, required screening is provided, and that Parking Areas and drive aisles meet the parking standards in Article 9.

(3) Accessory Uses Permitted by Right

(i) Agricultural Processing

- **a.** The primary agricultural product being processed must be grown or produced on the premises.
- **b.** Potentially offensive external effects shall be mitigated to insure compatibility with nearby land uses.
- c. Off-Street Parking is required at the same rate as the Limited Manufacturing and Production use in Article 9.
- (ii) Education/Training/Outreach Programs.
- (iii) Employment

a. An *Urban Farm* in a residential district may have employees that exceed the *Home Occupation* limit.

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ARTICLE 6. DENSITY AND DIMENSIONAL STANDARDS

20-601 Density and Dimensional Standards Tables and Occupancy Limits Tables 20-602 Measurement of and Exceptions to Density and Dimensional Standards

20-601 DENSITY AND DIMENSIONAL STANDARDS; OCCUPANCY LIMITS

(a) Residential Districts

Unless otherwise expressly stated, all development in R Districts shall comply with the Density and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.) [7]	40,000	20,000	10,000	7,000	5,000	3,000							-
Max. Dwelling Units per acre							15	12	15	22	24	32	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):	Min. Setbacks (ft.):												
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

^[1] Minimum garage entrance Setback = 20 feet

^[2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line. Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line.

^[3] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot.

^[4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage.

^[5] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.

^[6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.

^[7] Minimum Lot Area per Dwelling Unit (sq.ft.) may be exceeded when the lot is developed with Permanently Affordable Detached Dwellings per Section 20-508.

(b) Nonresidential Districts

Unless otherwise expressly stated, all development in the Commercial and Industrial Districts shall comply with the Dimensional Standards of the following table:

Standard	CN1	CO	CN2	CD	CC	CR	CS	IBP [10]	IL/IM	IG	OS
Min. Site Area	5,000 sq. ft	5,000 sq.ft.	2 Ac.	2,500	5 Ac.	40 Ac	-	5 Ac.	20,000 sq.ft.	5,000 sq.ft.	-
Max. Site Area	1 Ac.	_	15 Ac.	-	_	_	-	-	-	-	_
Min. Lot Area (sq. ft.)	5,000	5,000	20,000	2,500	20,000	20,000	5,000	20,000	20,000	5,000	_
Min. Lot Width (ft.) [12]	50	50	100	25	100	150	50/100	200	100	50	_
Min. Setbacks (ft.)											
Front [9]	[6]	20	20	0	25	25	25	[1]	[1]	[1]	[3]
Side (Exterior) [2] [9]	[3]/20	[3]/20	[3]/20	[3]/0	[3]/20	[3]20	[3]15	[1]	[1]	[1]	35
Side (Interior-adj. R) [9]	10	20	20	20	25	45	12	[1]	[1]	[1]	20
Side (Interior-adj. Non-R)	0	5	0	0	0	0	0	[1]	[1]	[1]	15
Rear [4] [9]	20/25	15/25	20/25	0	12/25	30	12/25	[1]	[1]	[1]	0
Max. Front Setback	[6]	NA	NA	5[7]	20	0	NA	NA	NA	NA	NA
Max. Lot Coverage (%)	65 [5][11]	65 [5][11]	75 [5][11]	100	85 [5][11]	80 [5][11]	80 [5][11]	65 [5][11]	85 [5][11]	85 [5][11]	NA
Max. Impervious Lot Cover (%)	75 [5][11]	75 [5][11]	80 [5][11]	100	80[5] [8][11]	75[5] [8][11]	80 [5][11]	75 [5][11]	75 [5][11]	75 [5][11]	NA
Min. Outdoor Area (per unit)											
Area (sq. ft.)	50	-	50	_	_	-	50 [5][11]	-	_	_	-
Dimensions (ft.)	5	_	5	_	_	-	5 [5][11]	-	-	-	-
Max. Height (ft.) [13]	25	50	45	90 [7]	50	75	45	60	45	75	35

[1] Minimum Setbacks are as follows:

	Abu	utting Street Right-o	Abutting Other Lot Lines			
		Across From Non- R District		Abutting R		
District	District Across From R District	Arterial	Collector	District or Lawrence SmartCode District	Abutting Non-R District	
IBP [10]	40	40	40	40	15	
IL/IM	50[14]	50	25	20[15]	15	
IG	50 [14]	50	25	50 [15]	15	

- [2] First number represents minimum Exterior Setback to an abutting Side Lot Line. Second number represents minimum Exterior Setback to an abutting Rear Lot Line
- [3] Same as Front Yard of abutting Lot
- [4] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot
- [5] Applies only to Lots platted after the Effective Date.
- [6] Setback of Building constructed after the Effective Date shall be within 1 foot of the average Setback of existing Buildings on the same Block on the same side of the Street.
- [7] Subject to location and Height limitations in Downtown Design Guidelines and Downtown Design Standards.
- [8] Maximum Building coverage in CC and CR districts is 25%.
- [9] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
- [10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.
- [11] Applies to any Significant Development Project.
- [12] First number represents the minimum existing Lot Width. The second number represents the required Lot Width for a Lot platted after the Effective

Date

- [13] Maximum Height may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.
- [14] Setback shall be 25 feet for all IG and IL properties zoned M-2 under the previous zoning code.
- [15] Setback shall be 20 feet for all IG and IL properties zoned M-2 under the previous zoning code.

(c) Mixed Use District

Unless otherwise expressly stated, all new development in a Mixed Use District shall comply with the Density and Dimensional Standards of the following table. The standards are not applicable to existing development rezoned to the district:

Standard	Mixed	Mixed Use District Development Zones				
Stal Idal d	Primary	Secondary	Tertiary			
Min. Site Area (sq. ft)		20,000				
Max. Site Area (acres)		20				
Min. Lot Area (sq. ft.)		3,000				
Min. Lot Width (ft.) [12]		25				
Max. Dwelling Units (per acre)	32	15	12			
Setback Range: Minimum to Maximum (in feet)						
Front	0-10 [1]	0-20 [1]	0-25 [1]			
Side (Exterior)	0-10 [1]	0-20 [1]	0-25 [1]			
Side (Interior)	0-5	0-5	0/5 [2]			
Rear (when abutting Alley)	0-10 [3]	0-20	10-30 [4]			
Rear (no Alley) [5]	20/0-10 [1]	20/0-20 [1]	20/10-30 [1]			
Max. Building Coverage (% of Lot)	100 [6]	85 [6]	75 [6]			
Max. Impervious Coverage (% of Lot)	100 [6]	95 [6]	85 [6]			
Max. Height (ft.)	48 [7]	36 [7]	24 [7]			
Minimum Outdoor Area (per Dwelling Unit)						
Area (sq. ft.)	50 [8]	50 [8]	50 [8]			
Dimensions (ft.)	4 [8]	4 [8]	4 [8]			
Min. Dimensions of Ground Level Nonresidential Sp	oaces in Mixed Use Buildings					
Floor to Floor Height (ft.) [9]	12	12	12			
Area (sq. ft.) [9]	800 [10]	600 [10]	500 [10]			

- [1] Corresponding Public Frontages shall be designed for each Development Zone.
- [2] First number represents the required Setback for all attached Structures, second number represents the required Setback for detached Structures.
- [3] May be up to 25 feet to accommodate service/delivery uses.
- [4] Setback may be reduced to zero feet for garages or garages with internal Accessory Dwelling Units.
- [5] First number represents the minimum Rear Setback for a Single Frontage Lot. Second number range represents minimum/maximum Rear Setback for double Frontage (through) Lots. The Rear Yard for double-Frontage lots shall be considered a Public Frontage and shall be designed as such in accordance with Section 20-1108(j).
- [6] Applies only to Lots platted after the Effective Date.
- [7] Maximum Height may only be increased by redemption of Development Bonuses as per the standards of Section 20-1108(h) or by Special Use Permit.
- [8] Minimum Outdoor Area is not required for each Dwelling Unit onsite if a public park is located within ¼ of a mile of the site. If not available, the Outdoor Area shall be provided as per the standards of Section 20-602(g).
- [9] Minimum dimensions for the floor to floor Height and Gross Floor Area for ground level nonresidential uses are necessary in order to ensure that the dimensions of the space meet the needs of nonresidential tenants.
- [10] Or 20% of the Lot Area when located on Lots whose width is less than 50 feet, whichever is greater.

(d) Occupancy Limits

(i) Occupancy means residing or sleeping at a Dwelling Unit the majority of a person's time. Unless otherwise expressly stated herein, all Dwelling Units shall comply with the Occupancy Limits of the following table:

Zoning District	Maximum Number of Unrelated[1] Occupants per Dwelling Unit
RS	3
RSO	3
RM	4
RMG	NA
RMO	4
Commercial	Detached Dwelling – 3 All other housing types – 4
Industrial	Detached Dwelling – 3 All other housing types – 4
MU	4
GPI	3
Н	3
PUD[name]	Detached Dwelling – 3 All other housing types – 4
PRD[name]	Detached Dwelling – 3 All other housing types – 4
PC D[name]	Detached Dwelling – 3 All other housing types – 4
PID[name]	Detached Dwelling – 3 All other housing types – 4
POD[name]	Detached Dwelling – 3 All other housing types – 4
UR	Detached Dwelling – 3 All other housing types – 4
U/U-KU	Detached Dwelling – 3 All other housing types – 4
OS	Detached Dwelling – 3 All other housing types – 4
Lawrence SmartCode	Per SmartCode
Overlay	Determined by base zoning district
[1] Persons not related by blood, n	narriage, or adoption.

- (ii) Occupancy Limits established by this Section shall not apply to the following Uses: Congregate Living, Dormitory, Fraternity or Sorority House, Group Home (General or Limited), Motel, Hotel, Extended Stay, and Bed and Breakfast.
- (iii) The Occupancy Limits established by this subsection shall be effective commencing August 1, 2015. Until August 1, 2015, the Occupancy Limits in effect as of January 1, 2013, as set forth in the Code of the City of Lawrence, 2011 Edition, and amendments thereto, shall remain in effect.

ARTICLE 17. TERMINOLOGY

Section 1701 was intended to define "general terms" used in the development code. Specific uses are defined starting in Section 20-1702. The code currently includes multiple definitions for "dwelling units" that introduce confusion in the code and will make the task of administrating the code as it pertains to affordable housing more difficult. The following proposed text amendments move definitions associated with dwelling units to a common section. In some case new or revised definitions are proposed. The primary purpose is to define uses were there are two "detached dwellings" permitted on a single lot to facilitate affordable housing.

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20-1746	Parking Facilities
20-1747	Parking Lot
20-1748	Personal Convenience Services
20-1749	Personal Improvement Services
20-1750	Postal & Parcel Services
20-1751	Public Safety
20-1752	Recycling Facilities
20-1753	Religious Assembly
20-1754	Repair Services, Consumer
20-1755	Recreational Facilities
20-1756	Research Services
20-1757	Retail Sales and Service
20-1758	Retail Sales, General
20-1759	School
20-1760	Scrap and Salvage Operations
20-1761	Sexually Oriented Businesses
20-1762	Sports and Recreation, Participant
20-1763	Transient Habitation
20-1764	Utilities and Services, Major
20-1765	Utilities, Minor
20-1766	Vehicle Sales and Service
20-1767	Wholesale, Storage, and Distribution
20-1768	Wireless Facilities
20-1769	Institutional Use
20-1770	Community Mental Health Facilities
20-1771	Maker Space
20-1772	Event Center
20-1773	Agricultural Processing
20-1774	Agricultural Sales
20-1775	Agriculture, Animal
20-1776	Agriculture, Crop
20-1777	Farmers Market
20-1778	On Site Agricultural Sales
20-1779	Urban Agriculture
20-1780	Urban Farm

20-1701 GENERAL TERMS

Term	Definition
Access	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
Access, Cross	A service drive providing vehicular Access between two or more contiguous sites so the driver need not enter the public Street system.
Access Management	The process of managing Access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.
Accessory Dwelling	A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use, when
Unit	the Principal Building or use is a Dwelling. Term relocated and combined in Household Living Definition-Section 20-1734.
Accessory Structure	A subordinate Structure, the use of which is clearly incidental to, or customarily found in connection with, and located on the same Lot as the Principal Building or use.
Accessory Use	A use that is clearly incidental to, customarily found in connection with, and (except in the case of off- Street Parking Space) located on the same Lot as the Principal Use to which it is related.
Accessway, also	Any Driveway, Street, turnout or other means of providing for the movement of vehicles to or from the
Access Drive	public roadway system.
Adult Care Home	See Group Home
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
Airport/Lawrence Municipal Airport	The location from which take-offs and landings may be made by any manned aircraft, excluding free balloons, within the corporate limits of the City of Lawrence, Kansas.
Airport Hazard	Any Structure or tree or use of land that obstructs the airspace required for the flight of aircraft in
	landing or taking off at any Airport or is otherwise hazardous to such landing or taking off of aircraft.
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to abutting property.
Antenna	Any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an Antenna support Structure or attached to the exterior of any Building. The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower or
Antenna, Receive-Only	other Antenna support Structure. An Antenna capable of receiving but not transmitting electromagnetic waves, including Satellite Dishes.
Antenna, Amateur	An Antenna owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio
Radio	Antenna.
Arterial	A Street classified as an Arterial in the Lawrence/Douglas County MPO Transportation Plan, as amended.
Arterial Street, Minor	A Street which is anticipated to have 2-4 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Arterial Street, Principal	A Street which is anticipated to have 4-6 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Assisted Living	Building or group of Buildings containing Dwellings designed for occupancy by persons 55 years or older where the Dwelling Units are independent but include special support services such as central dining and limited medical or nursing care.
Basement	Any floor level below the first Story in a Building, except that a floor level in a Building having only one floor level shall be classified as a Basement unless such floor level qualifies as a first Story as defined herein.
Base Density	The number of dwelling units that can be developed on a subject property, rather than the number of dwelling units that are permitted for the zoning district. Base density is the number of dwelling units that can be developed given the size of the parcel, the area required for street rights-of-way or infrastructure, the density and dimensional standards of Section 20-601(a), the environmental protection standards, as well as topographical or other features unique to the property.
Base District	Any Zoning District delineated on the Official Zoning District Map under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of Buildings, or use of land, and other regulations relating to the development or maintenance of existing uses or Structures, are uniform; but not including Overlay Zoning Districts.

Term	Definition
Base District, Special Purpose	A District established to accommodate a narrow or special set of uses or for special purposes. The use of this term in the Development Code applies to Districts beyond the conventional residential, commercial, industrial and agricultural districts. Examples include government and public institutional uses, open space uses, hospital use, planned unit developments that pre-date the Effective Date of this Development Code or newly annexed urban reserve areas.
Bee Hotel	Places for solitary pollinator bees to make their nests. These bees live alone, not in hives, and typically do not make honey. A bee hotel is similar to a birdhouse.
Berm	An earthen mound at least two feet (2') above existing Grade designed to provide visual interest, Screen undesirable views and/or decrease noise.
Bicycle	A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.
Bicycle- Parking Space	An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.
Big Box	See Retail Establishment, Large.
Block	A Parcel of land entirely surrounded by public Streets, highways, railroad rights-of-way, public walks, parks or green strips, or drainage channels or a combination thereof.
Block Face	That portion of a Block or Tract of land facing the same side of a single Street and lying between the closest intersecting Streets.
Bufferyard	A combination of physical space and vertical elements, such as plants, Berms, fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other.
Build-to-Line (minimum Building setback)	An imaginary line on which the front of a Building or Structure must be located or built and which is measured as a distance from a public right-of-way.
Building	Any Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a Structure is divided into separate parts by one or more walls unpierced by doors, windows, or similar openings and extending from the ground up, each part is deemed a separate Building, except as regards minimum Side Setback requirements as herein provided.
Building Envelope	The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District, or as modified pursuant to a Variance, a site review, or prior City approval.
Building Frontage	That portion of a Building or Structure that is adjacent to or faces the Public Frontage.
Building, Principal	A Building in which is conducted the Principal Use of the Building site on which it is situated. In any residential District, any Dwelling shall be deemed to be the Principal Building on the site on which the same is located.
Building Type (also referred to as housing type)	A residential Structure defined by the number of Dwelling Units contained within.
Caliper	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch Caliper size, and as measured at 12 inches above the ground for larger sizes. Measure here for trees over 4" caliper Under 4" caliper 12"
Cemetery Corporation	Any individual or entity required to maintain permanent maintenance funds pursuant to K.S.A 17-1312f, as amended.
City Regulations	Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.
Cross Access Agreement	A document signed and acknowledged by Owner of two or more adjoining pieces of property establishing Easements, licenses or other continuing rights for Access across one property to one or more other properties.

Term	Definition
Collector Street	A Street which is anticipated to have two (2) travel lanes designed for speeds ranging from 25-35mph and which serves a collecting function by distributing traffic between local neighborhood Streets and
	Arterial Streets.
Collector Street, Minor	See Collector, Residential
Collector Street, Residential	Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.
Collector Street System	A system of one (1) or more Collector Streets that allow traffic to be distributed to at least two (2) Arterial Streets.
Colony	An aggregate of worker bees, drones, and a queen living together in a hive or other dwelling as one social unit. When used in this article, the term 'colony' refers to bees that live in a beehive.
Common Open Space	Land, water, water course, or drainageway within a development that is designed and intended for the use or enjoyment of all the residents and Landowners of the Development. Common Open Space, except for Common Open Space designated as Environmentally Sensitive may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Development. Common open space shall not include space devoted to streets, alleys, and parking areas. While required setbacks may function as common open space, they may not be used to meet the minimum requirements.
Community Garden	An area of land managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (such as tool storage sheds) maintained and used by the group.
Community Supported Agriculture	A member organization in which individuals or households become members by purchasing a share or agreeing to volunteer work for a share of the agricultural producer's output. The share is committed to in advance and the member then receives, in return, food items from the producer on a regular schedule throughout the season and sometimes all year.
Comprehensive Plan also Comprehensive Land Use Plan	The Lawrence/Douglas County Comprehensive Plan, also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission, as amended or superceded by adoption of a replacement plan from time to time.
Congregate Living	A Dwelling Unit that contains sleeping units where 5 or more unrelated residents share a kitchen and communal living areas and/or bathing rooms and where lodging is provided for compensation for persons who are not transient guests. Congregate Living is commonly referred to as a lodging house, boarding house, rooming house, or cooperative but is not considered a Dormitory, fraternity or sorority house, Assisted Living, Extended Care Facility, Group Home or similar group living use.
Conservation Easement	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. §58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this Development Code.
Deciduous	A tree or Shrub with foliage that is shed annually.
Deferred Item	An item that has been deferred from a published agenda by the Planning Director, Planning Commission or the City Commission (City or County Commission), or by the applicant.
Density	A measure of the number of Dwelling Units contained within a given area of land, typically expressed as units per acre.
Density Bonus	An incentive-based tool that permits property owners to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals, such as protection of environmentally sensitive areas.
Density Cap	Maximum density levels set by the Comprehensive Plan. Low-density (6 dwelling units per acre); medium density (15 dwelling units per acre) and high density (24 dwelling units per acre).
Density, Gross	The numerical value obtained by dividing the total number of Dwelling Units in a development by the total area of land upon which the Dwelling Units are proposed to be located, including rights-of-way of publicly dedicated Streets.
Density, Net	The numerical value obtained by dividing the total number of Dwelling Units in a development by the area of the actual Tract of land upon which the Dwelling Units are proposed to be located, excluding rights-of-way of publicly dedicated Streets.

Term	Definition						
Designated Transit	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels						
Route	transit system.						
Development Activity	Any human-made change to Premises, including but not limited to:						
	(a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration, or partial or total demolition of Buildings and Structures;						
	(b) the subdivision of land;						
	(c) changing the use of land, or Buildings or Structures on land; or						
	(d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of						
	water on land.						
Development Project,	Any development proposing the following:						
Major							
(Ord. 8465)	a. Any Development Activity on a site that is vacant or otherwise undeveloped; or						
	b. Any Significant Development Project on a site that contains existing development, defined as:						
	 Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 						
	 In the IM or IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 						
	3. In any zoning district other than IM or IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or						
	4. Separate incremental Building additions below 50% for IM or IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or						
	 The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage. 						
Development Project, Minor (Ord. 8465)	Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.						

Torm	Definition
Term Development Project,	Definition a. For any property containing existing development which does not have an approved site plan on
Standard (Ord. 8465)	 a. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:
	a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or
	A change in use to a more intensive use regardless of whether modifications to the site are proposed; or
	3. the substantial modification of a site, defined as:
	 a. The construction of any new Building(s) on the site; or b. The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or c. Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or d. The addition of Impervious Surface coverage that exceeds 10% of what exists; or e. Any modification determined by the Planning Director to be substantial.
	b. For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:
	any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or
	2. any modification of a site which meets the following criteria or proposes the following:
	 a. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or b. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the Community Design Manual; or c. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or d. In the IM or IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or e. In any zoning district other than IM or IG, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or f. In the IM or IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or g. In any zoning district other than IM or IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or h. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development.
Dependent Living Facility	See Extended Care Facility

Term

Definition

Director Diagnine	Con Diagning Director
Director, Planning	See Planning Director The chartest hadisantal distance measured between the wortest wells of two Structures as barsing
Distance Between	The shortest horizontal distance measured between the vertical walls of two Structures as herein
Structures	defined perpendicular to an axis, all points along which are midway between the vertical walls.
District, Zoning	A portion of the territory of the City of Lawrence within which certain uniform regulations and
Dormitory	requirements or various combinations thereof apply under the provisions of this Chapter. A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or
Dominiory	without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping
	accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time
	and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to
	and egress from all rooms is made through an inside lobby or office supervised by a person in charge
	at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants
	of the Building, provided that the main entrance to these facilities is from within the Building.
Drip Line	An imaginary ground line around a tree that defines the limits of the tree canopy.
Driveway	A private drive or way providing Access for vehicles to a single Lot or facility.
Driveway, Joint-Use	A privately-owned Driveway that provides Access to 2 or more Lots in a commercial or industrial
Driveway, John Osc	Development, such as in a shopping center (with out lots) or a business or industrial park.
Driveway, Shared	A single Driveway serving two or more adjoining Lots.
Driveway, Shared Driveway Apron (or	The Driveway area or approach located between the sidewalk and the curb. When there is no
Approach)	sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back
1	of the curb toward the Lot Line.
Dwelling	A Building or portion thereof designed or used exclusively as the residence or sleeping place of one or
	more persons, but not including a tent, trailer, or Mobile Home.
Dwelling Unit	One room, or a suite of two or more rooms, designed for living and sleeping purposes and having only
	one kitchen or kitchenette.
Easement	A grant by a property Owner to the use of land by the public, a corporation, or persons for specific
	purposes such as the construction of utilities, drainageways, pedestrian Access, and roadways.
Effective Date	The date the ordinance adopting this Development Code takes effect.
Elderhostel	A Building occupied as the more-or-less temporary abiding place of individuals who are either: 1)
	participating in a travel-study program for senior citizens offered by a university or college; or 2)
	participating in a visiting faculty program at a university or college. These individuals are lodged with
	or without meals. These Buildings typically contain more than eight (8) sleeping rooms or 16 sleeping
	accommodations. The rooms are let on a weekly or monthly basis or for greater period of time, but are
	not available to the general public on a nightly basis, as distinguished from a hotel. Ingress to and
	egress from all rooms is made through an inside lobby or office supervised by a person in charge at all
	hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building, provided that the main entrance to these facilities is from within the Building.
Evergreen	An Evergreen Tree, usually of pine, spruce or juniper genus, bearing cones and generally used for its
(Coniferous) Tree	Screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five (5) feet in
(30111161043) 1166	Height when planted and reaches a mature Height of at least 20 feet.
Extended Care Facility	A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a
(Dependent Living or	disability who require the provision of health care services under medical supervision for twenty-four
Nursing Care Facility),	(24) or more consecutive hours and who need not be related by blood or marriage. An Extended Care
General	Facility must be licensed by one (1) or more of the following regulatory agencies of the State:
	Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing
	Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or
	mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a
	record of having such impairment; or (c) being regarded as having such impairment. Such term does
	not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the
	Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of
	skilled nursing care, hospice care and similar services.

These terms are highlighted for reference and discussion.

Term	Definition
Extended Care Facility	A long term facility or a distinct part of an institution occupied by not more than ten (10) persons,
(Dependent Living or	including eight (8) or fewer persons with a disability who need not be related by blood or marriage, and
Nursing Care Facility),	who require the provision of health care services under medical supervision for twenty-four (24) or
Limited	more consecutive hours, and also not to be occupied by more than two (2) staff residents who need
	not be related by blood or marriage to each other or to other residents of the home. An Extended Care
	Facility must be licensed by one (1) or more of the following regulatory agencies of the State:
	Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing
	Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or
	mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a
	record of having such impairment; or (c) being regarded as having such impairment. Such term does
	not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the
	Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of
	skilled nursing care, hospice care and similar services.
Extended Stay	A Building, including a single-Family residence, or group of Buildings providing living and sleeping
Lodging	accommodations for short-term occupancy, typically three (3) months or less. Bed & Breakfasts,
3 3	hotels and motels are not considered extended stay facilities, although hotels and motels may provide
	this service. Extended stay facilities using single-Family Dwellings are not considered rental housing
	and are not subject to the rental licensing provisions of the City.
Exterior Storage	Outdoor storage of any and all materials related to the principal use of the Lot or site, not including
	areas for special events, temporary outdoor events or seasonal events, transient merchant sales
	areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor.
	Outdoor storage and sales areas, open to the public and in which transactions may occur are not
	considered Exterior Storage areas.
Facade	Exterior face (side) of a Building which is the architectural front, sometimes distinguished by
EL LL	elaboration or architectural or ornamental details.
Floodplain	The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by
Floor Area	an approved Hydrologic & Hydraulic Study.
Floor Area	The sum of the horizontal areas of each floor of a Building, measured from the interior faces of the
Floor Area, Gross	exterior walls or from the centerline of walls separating two Buildings. The sum of the horizontal areas of the several stories of a Building, measured from the exterior faces
I IUUI AI Ea, UI USS	of exterior walls, or in the case of a common wall separating two Buildings, from the centerline of such
	common wall.
Floor Area, Net	The horizontal area of a floor or several floors of a Building or Structure; excluding those areas not
r 1001 / 11 Ca, TVCt	directly devoted to the principal or Accessory Use of the Building or Structure, such as storage areas
	or stairwells, measured from the exterior faces of exterior or interior walls.
Floor Area Ratio	The sum of the horizontal areas of the several floors inside the exterior walls (excluding basements) of
(F.A.R.)	a Building or a portion thereof divided by the Lot Area.
Foot-candle	A unit of measurement referring to the illumination incident to a single point. One (1) Foot-Candle is
	equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
Fowl	For the purposes of these regulations, 'Fowl' shall mean only ducks and female chickens.
Frontage	All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or
	terminating), or if the Thoroughfare is Dead-Ended, then all of the property abutting on one side
	between an intersecting Thoroughfare and the Dead-End.
Frontage Road, Private	Any thoroughfare that is not publicly owned and maintained and that is parallel and adjacent to any Lot
· ·	Frontage as defined above.
Grade	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area
	between the Building and the Lot Line or, when the Lot Line is more than 5 feet from the Building,
	between the Building and a line five feet from the Building.
Greek Housing	A group living Structure occupied by a university approved fraternity or sorority, certified by the
	Panhellenic Association or Intrafraternity Council at KU. Residential occupancy by the majority of
	residences primarily follows the academic calendar for fall and spring semesters each year.
Ground Cover	Living Landscape Materials or living low-growing plants other than turf grasses, installed in such a
	manner so as to provide a continuous cover of the ground surface and which, upon maturity, normally
0 151	reach an average maximum Height of not greater than 24 inches.
Ground Floor	A level of Building floor which is located not more than 2 feet below nor 6 feet above finished Grade.

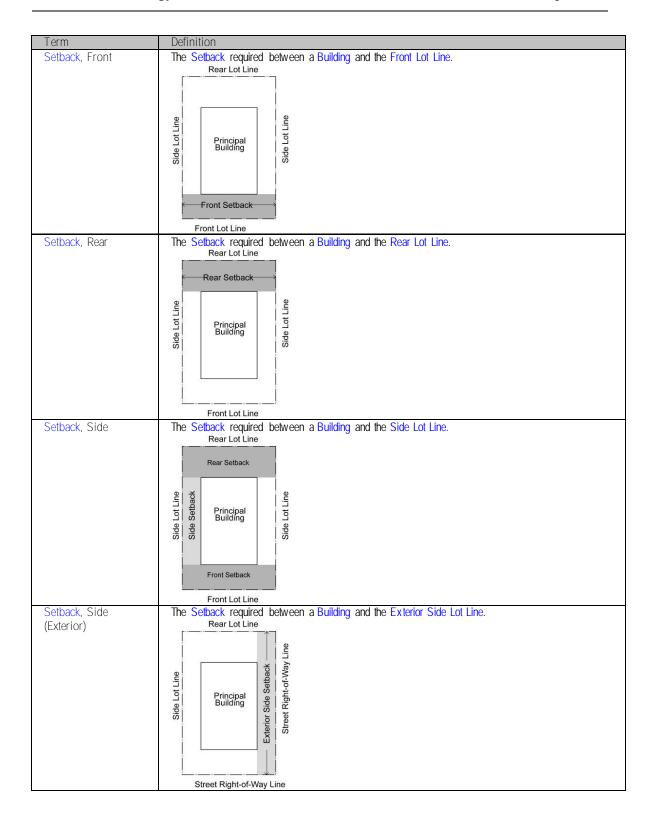
Term	Definition
Group Home (or Adult	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who
Care Home), General	need not be related by blood or marriage and staff residents who need not be related by blood or
	marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more
	of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral
	Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person:
	(a) a physical or mental impairment which substantially limits one (1) or more of such person's major
	life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment.
	Such term does not include current illegal use or addiction to a controlled substance, as defined in
	Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before
Group Home (or Adult	operation of the home can begin.
Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who
Care Home), Limited	need not be related by blood or marriage to each other or to other residents of the home. The Dwelling
	is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and
	Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means,
	with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more
	of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as
	having such impairment. Such term does not include current illegal use or addiction to a controlled
	substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).
Growing or Planting	From the beginning of March to the end of June and from the beginning of September to the beginning
Season	of December.
Height (Building)	Refers to the vertical distance from the finished Grade, or base flood elevation where applicable, to the
	highest point of the coping of: a flat roof, the deck line of a mansard roof, or the average Height of the
	highest gable of a pitch or hip roof.
Historic Resources	The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic
Commission (HRC)	Resources of the Code of the City of Lawrence
Home Occupation	An Accessory Use that complies with the provisions of Section 20-537.
Housing for the	See Assisted Living or Extended Care Facility
Elderly HRC	See Historic Resources Commission
Hydrologic and	See Hydrologic and Hydraulic Study definition in Section 20-1205
Hydraulic Study	See Try di ologic di la Try di dalle Stady dell'illabit. Il 1 See aoit 20 1203
Impervious Surface	That portion of developed property which contains hard-surfaced areas (primed and sealed AB3,
'	asphalt, concrete and Buildings) which either prevent or retard the entry of water into the soil material.
Inactive File	An application, either complete or incomplete, which has had no new information submitted within a
	period of twelve (12) or more months. New information within this context shall be information that
	responds to a request for additional information or that provides additional information essential to
	completing a review of the request in response to the land use review criteria, retail market information,
la Carata cata cara	or traffic impact analysis.
Infrastructure	Those man-made Structures which serve the common needs of the populations, such as: potable
	water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian
	sidewalks, paths or trails and transit stops.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory
Sarisarononai Wonalia	jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
Landowner	See Owner
Landscaped Peninsula	A concrete curbed planting area typically found in Parking Lots to provide areas for trees and Shrubs
1	between Parking Spaces and along the terminus of single and double Parking aisles.
Landscape Material	Such living material as trees, Shrubs, Ground Cover/vines, turf grasses, and non-living material such
	as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items
	of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc.
Landscaping	Any combination of living plants such as trees, Shrubs, plants, vegetative Ground Cover or turf
	grasses. May include structural features such as walkways, fences, benches, works of art, reflective
	pools, fountains or the like. Landscaping shall also include irrigation systems, Mulches, topsoil use,
Licensed Describes	soil preparation, re-vegetation or the preservation, protection and replacement of trees.
Licensed Premises	A Premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amondments, therefore is served or provided for consumption, or use on the
	by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the Premises with or without charge. This term shall include drinking establishments, Class A Private
	Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41,
	and amendments thereto and City Regulations.
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Light Court An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure. It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure. Light Truck A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single particle of rear wheels. Livestock Any animal customarily kept for producing food or fiber. A Street which is anticipated to have two (2) travel lanes at desirable speeds of up to 30mph and which provides Access to abutting properly and primarily serves local traffic. Local Street System A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood. Lot A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under sing Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed. Lot Area The total horizontal area within the Lot Lines of a Lot. See Frontage Lot, Corner A Lot abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an angle of more than 45° and of less than 135°. The point of intersection of the Street Lines is the corner. Any portion of a Corner Lot that is more than 10 feet from the point of intersection of the two Street Lines or the two tangents of the same Street shall not be considered a Corner Lot.	Light Court Light Truck Livestock Local Street Local Street System Lot Lot Area Lot Frontage
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Comer STREET	
Lot Through A let phytting two Ctrosts and at their intersection. Any let meeting the definition of Corner let sho	Let Through
Lot, Through A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shat not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a	Lot, Through
Corner Lot shall be considered a Through Lot.	
Control Edit Shall be considered a fillought Edit	
STREET	
SONGH LOT	
Single	
"	
STREET	
SINECI	
Lot Depth The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot.	Lot Donth
Lot Line A boundary of a Lot.	
Lot Line, Exterior Side A Side Lot Line separating a Lot from a Street other than an Alley.	
Lot Line, Front The Street Line at the front of a Lot. On Corner Lots, the Landowner may choose either Street	
Frontage as the Front Lot Line.	Lot Line, Front
Lot Line, Rear The Lot Line opposite and most distant from, and parallel or closest to being parallel to, the Front Lo	Lot Line, Rear
Line. A triangular Lot has no Rear Lot Line.	Lot Liftof Hour
Lot Line, Side A Lot Line that is not a Front Lot Line or Rear Lot Line.	Lot Line, Side
Lot Width Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setbac	
or chord thereof.	
Manufactured Home Any Structure that is manufactured to the standards embedied in the National Manufactured Home	Manufactured Home
Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant	
42 U.S.C. Sec. 5403, but does not comply with the standards and provisions of Section 20.513. TVI	
OF DETACHED DWELLING, PERMITTED AS A HOUSEHOLD LIVING USE. Term relocated and	
combined in Household Living Definition-Section 20-1734.	

Term	Definition
Manufactured Home,	Any Structure that is manufactured to the standards embodied in the National Manufactured Home
Residential Design	Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to
	42 U.S.C. Sec. 5403 and that also complies with the standards and provisions of Section 20 513. (Ord.)
	8098) TYPE OF DETACHED DWELLING, PERMITTED AS A HOUSEHOLD LIVING USE. Term
Magaina	relocated and combined in Household Living Definition Section 20-1734.
Massing Standard	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s).
Mature Trees, Stand of	An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-
	1101(d)(2)(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly
	continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP,
	National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)
Minimum Elevation of	The minimum elevation above sea level at which a Building located in the Floodplain may have a door,
Building Opening	window, or other opening.
Mixed Use	The development of a Lot, Tract or Parcel of land, Building or Structure with two (2) or more different
WIIACA OSC	uses including, but not limited to: residential, office, retail, public uses, personal service or
	entertainment uses, designed, planned and constructed as a unit.
Mixed Use Structure,	A Building or Structure containing both nonresidential and residential uses distributed horizontally
Horizontal	throughout the Structure.
Mixed Use Structure,	A Building or Structure, a minimum of two stories in height, containing both nonresidential and
Vertical	residential uses distributed vertically throughout the Structure.
Mobile Home	Any vehicle or similar portable Structure having no foundation other than wheels or jacks or skirtings
	and so designed or constructed as to permit occupancy for Dwelling or sleeping purposes. Mobile
	Home includes any Structure that otherwise meets this description, but that was not subject to the
	National Manufactured Home Construction and Safety Standards (generally known as the HUD Code),
	established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. Mobile Homes
M	are considered to be Dwelling Units only when they are parked in a Mobile Home Park.
Moderately-Priced	A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or
Dwelling Unit	less than 80% of the City of Lawrence's median household income, as defined by the most current
Mulch	U.S. Department of Housing and Urban Development (HUD) guidelines. Non-living organic material customarily used to retard soil erosion and retain moisture.
Native Prairie	Notriving organic material customanly used to retain soil erosion and retain moisture.
Remnants	Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties
rtomiants	are 'native prairies'. Native prairie remnants will be confirmed by the Kansas Biological Survey, or a
	consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of
	native grasses interspersed with native flowering plants. (These areas have not been planted, but are
	original prairies). A list of approved consulting firms for prairie determination is available in the
Natural Drainageway	Planning Office. Natural rivers, streams, channels, creeks or other areas that naturally convey Stormwater runoff or
Natural Drainageway	portions thereof that have not been channelized and which is unaltered and retains a predominantly
	natural character.
Natural Open Space	Common Open Space that includes undisturbed natural resources, such as Floodplains, Wetlands,
. latarar operropace	steep slopes, and Woodlands.
Nodal Development	A land use plan for all four corners of an intersection that applies to the redevelopment of existing
Plan	commercial center areas or new commercial development for neighborhood, community or regional
	commercial centers, as described in Horizon 2020, and is designed to avoid continuous lineal and
	shallow Lot Depth developments along Street corridors through the use of natural and man-made
	physical characteristics to create logical terminus points for the Node.
Node	An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar
	related uses.
Non-encroachable	That portion of a Lot or development set aside for enjoyment of the natural features or sensitive areas
Area	contained within it that cannot be encroached upon by Building or Development Activity, excluding
Nursing Core Feetilit	encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.
Nursing Care Facility	See Extended Care Facility A man or mans outlining the various Zening District boundaries of the City of Lawrence Kansas
Official Zoning District	A map or maps outlining the various Zoning District boundaries of the City of Lawrence, Kansas.
Map Open Porch	A roofed space attached to a Building on one side and open on the three remaining sides.
Open Use of Land	A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs,
Open use of Land	utilities, or Accessory Structures. Open uses of land include, but are not limited to, auction yards, auto
	wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and race tracks.
Ornamental Tree	A Deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a
Ornamontal 1700	mature Height generally under 40 feet.
	material margin gonorally under 10 1000

Term Outdoor Use Zone An area designated for outdoor use by a nonresidential or residential tenant within the Public Fin a Mixed-Use development. At ground level, Outdoor Use Zones may include sidewalk sidewalk sales, product demonstrations or any use accessory and incidental to a proper nonresidential use in the Mixed-Use District. Outdoor Use Zones may also include upper lev such as balconies or terraces as well as Building-mounted signs. Overlay Zoning District (or Overlay Zoning District regulations are found in Article 3 of this Development Code.	dining, ermitted el uses
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Zoning District)	/eriay
Owner An individual, association, partnership or corporation having legal or equitable title to land other	than
legal title held only for the purpose of security. For the purpose of notice, the Owner may be	
determined using the latest Douglas County Appraiser's assessment roll.	
Parcel A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled	by a
single entity.	
Parking Access Any public or private area, under or outside a Building or Structure, designed and used for parking the province of the parking of the parki	
motor vehicles including parking Lots, garages, private Driveways and legally designated areas	Oľ
public Streets.	
Parking Area An area devoted to off-Street Parking of vehicles on any one Lot for public or private use.	olo olly
Parking Space A space for the parking of a motor vehicle or Bicycle within a public or private Parking Area. Ty	Jically
Peak Hour Peak H	
Pedestrian Scale Means the proportional relationship between the dimensions of a Building or Building element, \$	Stroot
(human scale)	
account the perceptions and walking speed of a typical pedestrian.	110
For rental units – dwelling units with monthly rent and utilities not exceeding 110% of the HUD of	lefined
Permanently Fair Market Rent, as determined yearly by the Lawrence Douglas County Housing Authority.	iciii icu
Affordable Dwelling	
Unit For owner-occupied units – dwelling units for those owners earning up to 80% of Median I	amily
Income, as established yearly by HUD for Lawrence, KS Metropolitan Statistical Area.	,
A garden that is maintained by the property owner(s) or other person(s) with an interest	in the
Personal Garden property, typically on the same property as a dwelling unit. Food and non-food items are	raised
primarily for personal or family consumption and enjoyment.	
Planned Development Developments processed and considered in accordance with the procedures specified in the Pl	
Development Overlay Zoning District provisions of Sec. 20-701 and in the Cluster Housing Projection	
provisions of Sec. 20-702. Generally, an area of land controlled by the Landowner to be develo	
a single entity, commonly pursuant to an Overlay Zoning District, for a number of Dwelling Units	
uses, commercial uses, or combination thereof, if any, wherein a development plan detailing the	
proposed development and adjacent areas directly impacted thereby is reviewed and approved appropriate decision maker. In approving the development plan, the decision maker may	by the
simultaneously modify specified standards of the Base District.	
Planning Commission The Lawrence-Douglas County Metropolitan Planning Commission established by City Ordinance	.Θ
3951/ County Resolution 69-8 on March 24th, 1969.	
Planning Director The Director of the Lawrence-Douglas County Metropolitan Planning Commission or her or his	
designee.	
Premises A Lot, together with all Buildings and Structures thereon.	
Principal Building See Building, Principal	
Principal Use The primary purpose for which land or a Structure is utilized, based in part on the amount of Flo	
devoted to each identifiable use. The main use of the land or Structures as distinguished from a	ì
secondary or Accessory Use.	T
Public Frontage The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes	. Ihe
public frontage may include sidewalks, street planters, trees and other vegetated landscaping,	
benches, lamp posts, and other street furniture. Public Frontage, The Public Frontage along a designated Primary Development Zone. Primary Public Frontages	aro
Primary The Public Frontage along a designated Primary Development Zone. Primary Public Frontages Commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use	are
settings. They are commonly served by or are accessible to public transit and may contain med	ium to
high residential densities and Vertical Mixed Use Structures. Primary Public Frontages are design	
accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist	
sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage	
Right-of-way line, reserving space for street furniture.	

Term	Definition
Public Frontage,	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages
Secondary	are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are
	designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or
	clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture,
	and a landscaped strip with street trees between the back of curb of the Thoroughfare and the
	sidewalk or clear area.
Public Frontage,	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are
Tertiary	commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential
	settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to
	accommodate pedestrians who seek to walk to a nearby destination.
Recreational Open	Common Open Space that is improved and set aside, dedicated, or reserved for recreational facilities
Space	such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables.
Recyclable Materials	Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are
	intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable
	Materials do not include refuse or hazardous materials. Recyclable Materials may include used motor
Dogistored	oil collected and transported in accordance with environmental and sanitation codes.
Registered Neighborhood	A neighborhood or local interest group that represents a defined area of the City and that has
Neighborhood Association	registered with the Planning Director in accordance with the applicable registration procedures of the Planning Director.
Regulatory Flood	See Base Flood definition in Article 12.
Regulatory Floodplain	See Floodplain definition in Article 12.
Regulatory Floodway	See Floodway definition in Article 12.
Regulatory Floodway	See Floodway Fringe definition in Article 12.
Fringe	Sectional by Thinge achimion in Anicle 12.
Residential Collector	See Collector, Residential
Residential-Design	See Manufactured Home, Residential-Design
Manufactured Home	Oct Manadalod Tromo, Nosdoniad Dosign
Retail Establishment,	An establishment engaged in retail sales, where the aggregate of retail uses within a Building is
Large	100,000 or more gross square feet of Floor Area that may or may not include ancillary uses with
	internal Access from the Principal Use Building.
Retail Establishment,	An establishment engaged in retail sales, provided the aggregate of retail uses within a Building is less
Medium	than 100,000 gross square feet of Floor Area.
Retail Establishment,	An establishment engaged in retail sales where new or used goods or secondhand personal property
Specialty	is offered for sale to the general public by a multitude of individual vendors, usually from
	compartmentalized spaces within a Building. A specialty retail sales establishment shall not exceed
	100,000 gross square feet of Floor Area and may have an unlimited number of individual vendors
	within it.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones
	shall reserve space for the root system of street trees and landscaping planted in the Street Tree &
Cadamaaa-l-!-t!-	Furniture Zone.
Sadomasochistic Practices	Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound,
Practices Setallita Dich	or otherwise physically restrained on the part of one so clothed or naked.
Satellite Dish	A dish Antenna, with ancillary communications equipment, whose purpose is to receive communication
	or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a Building.
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Screen or Screening	A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use
Scroon of Scrooning	or Structure from another by fencing, walls, Berms, or densely planted vegetation, or other means
	approved by the Planning Director.
Setback	The minimum horizontal distance by which any Building or Structure must be separated from a street
	right-of-way or Lot line. (See also 20-602(e))
	1191 5 1147 5 Est 11101 (000 0100 20 002(0))



Term	Definition
Setback, Side (Interior)	The Setback required between a Building and the Interior Side Lot Line.
School, Side (Interior)	Rear Lot Line
	Rear Setback
	ay Lin
	Setbo
	Side Lot Line Right-of-Way
	Side Lot Line Interior Side Setback Brinding Building Bui
	Stree
	Front Setback
	FIGHT Setback
	Street Right-of-Way Line
Sexually Oriented	Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer
Media	images, or other media that are distinguished or characterized by their emphasis on matter depicting,
Sexually Oriented	describing or relating to Specified Sexual Activities or Specified Anatomical Areas. Instruments, devices or paraphernalia either designed as representations of human genital organs or
Novelties	female breasts, or designed or marketed primarily for use to stimulate human genital organs.
Shade Tree	Usually a Deciduous tree, rarely an Evergreen; planted primarily for its high crown of foliage or
	overhead Canopy.
Shared Parking	Development and use of Parking Areas on two (2) or more separate properties for joint use by the
Chrub	businesses or Owner of these properties.
Shrub	A Deciduous, Broadleaf, or Evergreen plant, smaller than an Ornamental Tree and larger than Ground Cover, consisting of multiple stems from the ground or small branches near the ground, which attains a
	Height of 24 inches.
Significant	1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian
Development Project	and vehicular circulation and traffic patterns that the Planning Director determines to be
	significant in terms of impacting adjacent roads or adjacent properties; or
	2. In the IM or IG zoning district, the construction of one or more Building(s) or building additions
	that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing
	Building(s); or
	3. In any zoning district other than IM or IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor
	Area of existing Building(s); or
	7 Tod of ortically Danially(0)/ or
	4. Separate incremental Building additions below 50% for IM or IG zoning and 20% for all other
	zoning districts of the Gross Floor Area of existing Buildings if the aggregate effect of such
	Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or
	20% (for all other zonling districts) threshold, or
	5. The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning
	districts of existing Impervious Surface coverage.
CIL D. I	
Slip Road	A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent
	properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads
	may also be known as access roads.
Special Purpose Base	See Base District, Special Purpose
District	
Specified Anatomical	(1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female
Areas	breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid State, even if completely and opaquely covered.
Specified Sexual	Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual
Activities	intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or
	female breast.

Term	Definition
Story	That portion of a Building included between the upper surface of any floor and the upper surface of the
3.0.7	floor next above, except that the topmost Story shall be that portion of a Building included between the
	upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly
	above a Basement or unused under-floor space is more than six (6) feet above Grade as defined
	herein for more than 50% of the total perimeter or is more than 12 feet above Grade as defined herein
	at any such point, or unused under-floor space shall be considered a Story.
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not
	ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not
	have a well-defined channel, similar to a drainage way.
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips
	with relatively high traffic volumes and high speeds for the context.
	Principal Arterials permit traffic flow through the urban area and between major destinations.
	Minor Arterials collect and distribute traffic from principal Arterials and expressway to Streets of lower
01 1 0 11 1	classification, and, in some cases, allow traffic to directly Access destinations.
Street, Collector	A Collector Street provides for land Access and traffic circulation within and between residential
	neighborhoods and commercial and industrial areas. They distribute traffic movements from these
	areas to the Arterial Streets. Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other
Jucci, Gui-uc-sac	end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	Any divided Street or highway with no Access from Abutting property and which has either separated
Stroot, Expressing)	or at-Grade Access from other public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and Grade separated interchanges with
	all other public Streets and highways.
Street, Limited Local	A Local Street providing Access to not more than eight Abutting single-Family residential Lots.
Street, Local	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an
	Arterial Street should be discouraged.
Street, Marginal	A Street that is generally parallel and adjacent to an Arterial Street or other limited-Access Street and
Access	that is designated to provide direct Access to adjacent property. Marginal Access Streets are
CL LD'L	commonly known as "Frontage Roads."
Street, Private	Any tract of land or access easement set aside to provide vehicular Access within a Planned
	Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general
	public.
Street, Public	A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other
	designation, which is improved to City standards, dedicated for general public use, and maintained by
	the City. The term shall also include alleys.
Street, Ultimate Design	The Street design that is based on the planned carrying capacity of the roadway consistent with its
	functional classification on the Major Thoroughfares Maps in the Comprehensive Plan.
Street Line	The line separating the Street right-of-way from the abutting property.
Street Tree and	An area designated within the Public Frontage in a Mixed-Use development. Such zones shall reserve
Furniture Zone	space for street trees and other landscaping as well as street furniture including, but not limited to
Strootecane	benches, street lights and transit stops. The built and planned elements of a street that define the street's character.
Structural Alteration	The built and planned elements of a street that define the street's character. Any change in the supporting or structural members of a Building including but not limited to begging
Structural Alteration	Any change in the supporting or structural members of a Building, including but not limited to bearing
	walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or Building openings.
Structure	A Building or anything constructed that requires permanent location on the ground or attachment to
Structure	something having a permanent location on the ground, including but not limited to fences, signs,
	billboards, and Mobile Homes.
Subsurface Utility	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones
Zone	shall reserve space for public utilities.
Thoroughfare	Any public right-of-way that provides a public means of Access to abutting property.
Tract (of land)	An area, Parcel, site, piece of land or property that is the subject of a development application or
	restriction.
Transitional Use	A permitted use or Structure that, by nature or level and scale of activity, acts as a transition or buffer
	between two (2) or more incompatible uses.
Tree Protection	Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing
Tala Canan II	trees from damage or loss during and after construction projects.
Trip Generation	The total number of vehicle trip ends produced by a specific land use or activity.

Term	Definition
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its
	environment that is so unreasonable as to become an arbitrary and capricious interference with the
	basic right of private property ownership, or convincing proof exists that it is impossible to use the
	property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect
	deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential
	financial advantage does not constitute Unnecessary Hardship.
Vertical Mixed Use	See Mixed Use Structure, Vertical
Structure	
Valet Parking	An operational system in which attendants (aka Valets) park and retrieves automobiles. Valet parking
	allows more automobiles to be parked in an area and may be used to resolve parking shortages or
	improve customer service where parking might only be available at long walking distances. Valet
Valet Derking Dien	Parking may employ tandem and/or stacked parking layouts. A document, submitted concurrently with a development application proposing the use of Valet Parking
Valet Parking Plan	
	that includes, but is not limited to the summarizing the layout and dimensions of the on-site parking area, on-site drop-off, operations of the service including hours of operation and maximum and
	area, ori-site drop-oil, operations of the service including hours of operation, and maximum and minimum staffing level.
Woodlands	Natural hardwood forests, whether or not actively forested.
Working Days	Monday through Friday, 8AM to 5PM excluding city holidays
Yard	Any Open Space located on the same Lot with a Building, unoccupied and unobstructed from the
	ground up, except for accessory Buildings, or such projections as are expressly permitted by these
	regulations. "Yard" refers to the actual open area that exists between a Building and a Lot Line, as
	opposed to the Required Yard or open area (referred to as a "Setback")
	*
	Rear Rear Yard
	Lot
	Line
	e_
	Side Lot Line Side Yard Side Lot Line
	Building P
	Side Side
	Street
	Line
	Front Yard
	RIGHT-OF-WAY
Yard, Front	A space extending the full width of a Lot between any Building and the Front Lot Line and measured
	perpendicular to the Building at the closest point to the Front Lot Line.
Yard, Rear	A space extending the full width of a Lot between the Principal Building and the Rear Lot Line and
	measured perpendicular to the Building at the closest point to the Rear Lot Line.
Yard, Required	The unobstructed Open Space measured from a point on a Principal Building to the Lot Line from the
,	ground upward, within which no Structure shall be located, except as permitted by this Development
	Code. It is the three-dimensional equivalent of the required Setbacks for every Lot.
Yard, Side	A space lying between the side line of the Lot and the nearest line of the Principal Building and
	extending from the Front Yard to the Rear Yard, or in the absence of either of such front or Rear
	Yards, to the front or Rear Lot Lines. Side-yard widths shall be measured perpendicular to the side Lot
Zanina Dialiti	Lines of the Lot.
Zoning District	A portion of the territory of the City of Lawrence within which certain uniform regulations and
	requirements or various combinations thereof apply under the provisions of this Chapter.

20-1702 USE CATEGORIES IN GENERAL

(1) Purpose

This section classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain other site factors. The use categories provide a systematic basis for assignment of present and future uses to Zoning Districts.

(2) Classification Considerations

- (1) Uses are assigned to the use category that most closely describes the nature of the Principal Use, based on the "Characteristics" description of each use category. Developments may have more than one Principal Use (see paragraph (3), below).
- (2) The following factors are considered to determine what use category the use is in, and whether the activities constitute Principal Uses or Accessory Uses:
 - **a.** The description of each activity in relationship to the characteristics of each use category;
 - **b.** The relative amount of site or floor space and equipment devoted to each activity;
 - c. Relative amounts of sales from each activity;
 - **d.** The customer type for each activity;
 - e. The relative number of employees in each activity;
 - **f.** Hours of operation;
 - **g.** Classification of the use in the North American Industry Classification System (NAICS);
 - **h.** Building and site arrangement;
 - i. Number and type of vehicles used with each activity;
 - **j.** The relative number of vehicle trips generated by each activity;
 - **k.** Signs;
 - I. How the use advertises itself; and
 - **m.** Whether each individual activity would be likely to be found independent of the other activities on the site.

(3) Developments with Multiple Principal Uses

When all Principal Uses of a development fall within one use category, then the development is assigned to that use category. When the Principal Uses of a development fall within different use categories, each Principal Use is classified in the applicable category and is subject to the regulations for that category.

20-1703 ADAPTIVE REUSE OF DESIGNATED HISTORIC PROPERTY

Conversion of a Structure listed individually or as a contributing Structure to a historic district in the National, State or local register to another specified use, with the intent of preserving the listed Structure.

20-1704 ADAPTIVE REUSE OF GREEK HOUSING

Conversion of a Greek Housing unit to another specified use, with the intent of preserving its architectural character and protecting nearby low-Density residential districts from incompatible developments.

20-1705 RESERVED

20-1706 RESERVED

20-1707 RESERVED

20-1708 RESERVED

20-1709 RESERVED

20-1710 ANIMAL SERVICES

The following are Animal Services use types:

(1) Sales and Grooming

Sales, grooming and day time care of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops. No overnight boarding is allowed.

(2) Kennels/Day Care

Kennel services for dogs, cats, and small animals, including day care and overnight care. Typical uses include boarding kennels and dog training centers.

(3) Veterinary

Typical uses include veterinary offices, pet clinics, and animal hospitals.

(4) Livestock Sales

Typical uses include Livestock auction sales.

20-1711 BIG BOX

Refer to Retail Establishments.

20-1712 BUILDING MAINTENANCE SERVICES

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

20-1713 BUSINESS EQUIPMENT SALES AND SERVICES

Sale, rental, or repair of office, professional, and service equipment and supplies to the firms themselves rather than to individuals. Excludes automotive, construction, and farm equipment.

Typical uses include office equipment and supply firms, small business machine repair shops, computer repair shops and hotel equipment and supply firms.

20-1714 BUSINESS SUPPORT SERVICES

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services and blueprint services. Also includes business or trade schools that do not involve any outdoor storage or manufacturing processes. Business or trade schools that do involve outdoor storage or manufacturing processes are classified as "Limited Manufacturing and Production."

20-1715 COMMERCIAL NODE

A node, which is located at the intersections of streets set forth in Chapter 6 of Horizon 2020, and which is designed to integrate commercial uses with the surrounding neighborhoods through Mixed-Use development.

20-1716 COMMUNICATIONS SERVICE ESTABLISHMENTS

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "Major Utilities and Services" and "Minor Utilities." Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.

20-1717 COMMUNITY FACILITIES

Community Facilities are uses of a public, publicly funded, nonprofit, or charitable nature, not including recreational uses, which provide a variety of services to the general public on a regular basis including but not limited to educational, technical or vocational training, day care, cultural, civic or social services, or utility services.

1) Temporary Shelter

A building operated by a public, publicly funded, nonprofit, charitable organization, or religious institution that provides day and/or overnight shelter to one or more persons who lack a fixed, regular, and adequate nighttime residence. The Temporary Shelter may provide accessory food services, social services, counseling, medical services, personal hygiene, life skills training, employment training and assistance, educational assistance, mail or delivery services, telephone or computer services, storage of personal belongings, and a workplace for shelter occupants that may consist of any use permitted by the zoning district in which it is located.

(2) Social Service Agency

A service operated by a, public, publicly funded, nonprofit, or charitable organization providing services undertaken to advance the welfare of citizens in need which typically includes supporting office uses. Typical uses include employment counseling, life skills training, counseling, food banks, and blood banks. Social Service Agencies shall not include Temporary Shelters, Group Homes, commercial uses such as medical, professional, financial, real estate offices, or religious institutions providing these services as accessory to their religious assembly use.

(3) Community Meal Program

A program operated and staffed by a public, publicly funded, nonprofit, or charitable or religious organization that provides prepared meals onsite on a regularly scheduled basis for the welfare of citizens in need.

20-1718 CONSTRUCTION SALES AND SERVICES

Construction activities and incidental storage on Lots other than construction sites. Also includes landscape contractors and landscape maintenance businesses and the retail or wholesale sale, from the Premises, of materials used in the construction of Buildings or other Structures including the retail sale of paint, fixtures, and hardware, but excludes those uses classified as "Automotive" and/or "Heavy Equipment" use types. Typical uses include Home Improvement or Building

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materials stores, tool and equipment rental or sales, Building contracting/construction offices with shops and/or outside storage yards and landscape maintenance/contractor offices with shops and/or outside storage yards.

20-1719 CULTURAL EXHIBITS AND LIBRARIES

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, live performances, art centers, or library collection of books, manuscripts, etc., for reading, studying and research.

20-1720 DAY CARE

Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are 3 types of Day Care uses:

(1) Day Care Home, Class A

The care of 12 or fewer individuals as an Accessory Use to an occupied residence in which the occupant is the primary provider of the care, not including the care of members of the provider's own Family. "Primary provider" means an individual who has the ongoing responsibility for the health, safety and well-being of individuals in care.

(2) Day Care Home, Class B

The care of 12 or fewer individuals as an Accessory Use to an occupied residence in which the occupant is not the primary provider of the care, not including the care of members of the provider's own Family. "Provider" means an individual who has the ongoing responsibility for the health, safety and well-being of individuals in care.

(3) Day Care Center

The care of 13 or more individuals. Typical uses include: Day Care Centers for children or adults, preschools, play groups, kindergartens not operated by public schools, and other establishments offering care to groups of children or adults for part or all of the day or night, with specific exclusion of temporary or seasonal religious instructional schools, including summer Bible school and church school classes.

20-1721 DETENTION FACILITIES

A detention facility is a facility for the housing of persons in the custody of a government agency awaiting trial or serving a sentence after being found guilty of a criminal offense.

20-1722 DWELLING, ATTACHED [RESERVED]

A Dwelling that is joined to another Dwelling at one or more sides by a party wall or walls.

20-1723 DWELLING, DETACHED [RESERVED]

A Dwelling that is entirely surrounded by open space on the same Lot.

20-1724 EATING AND DRINKING ESTABLISHMENTS

Sale of prepared food and beverages for on- and off-Premises consumption. The following are eating and drinking establishment use types:

(1) Accessory Restaurant

An accessory restaurant is not required to be separated by a permanent wall from the Principal Use to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. No sales of alcoholic beverages shall be permitted. Accessory restaurants include, but are not limited to, snack bars, school cafeterias, and supermarket delicatessens.

(2) Accessory Bar

An accessory bar is a part of a quality restaurant or high turnover restaurant offering alcoholic beverages. An accessory bar is not separated by a permanent wall from the restaurant to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. An establishment with an accessory bar will generally characterize itself in its signs, advertising and other promotions as a restaurant or food-service establishment rather than as a bar.

(3) Bar or Lounge

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

(4) Brewpub

A bar or accessory bar in a restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on Premises for either consumption on Premises in hand-capped or sealed containers in quantities up to one-half barrel or 15 and one-half gallons sold directly to the consumer.

(5) Nightclub

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

(6) Fast Order Food

An establishment whose primary business is the sale of food: a) primarily intended for immediate consumption; b) available within a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside the Premises where it is sold. This use category includes both establishments that have seating areas for consumption of prepared food on the Premises and those that provide food only for consumption off the Premises; this category does not include drive-in fast order food establishments.

(7) Fast Order Food, Drive-In

Sale of food directly to patrons in motor vehicles or to patrons that intend to use the motor vehicle as an eating area. Typically, this use is either dependent on a long Driveway that provides adequate room for vehicle stacking at a drive-up service window or on a Parking Area near a walk-up service window. This use category includes uses commonly called "drive-ins" or "drive-in restaurants," "drive-up restaurants," "drive-through food or beverage stands," and restaurants with "drive-through" facilities. If a fast-food establishment has both seating areas inside the establishment and drive-up or drive-through facilities, it shall be considered Fast Order Food, Drive-In for use purposes; parking standards, however, shall consider the inside dining area.

(8) Restaurant, Quality

An eating establishment where the principal business is the dispensing and consumption of prepared foods and/or beverage at tables, not including bars, brewpubs or nightclubs. Table service by food & beverage servers is available at "quality restaurants".

(9) Private Dining Establishment

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A dining establishment where the principal business is the dispensing and consumption of prepared food and/or beverage at tables, not including Bars or Lounges, Brewpubs or Nightclubs. A Private Dining Establishment is differentiated from other eating and drinking establishments on the basis that it is open to guests by invitation only and/or to the general public by reservation only and seats no more than 30 guests at once. Typically table service is provided by food and beverage servers.

20-1725 ENTERTAINMENT AND SPECTATOR SPORTS

Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings. For participant sports, see Section 20-1762. The following are spectator sports and entertainment use types:

(1) Limited

Those uses conducted within an enclosed Building with a capacity of 500 or less people. Typical uses include small theaters and meeting halls.

(2) General

Those uses generating an attendance of 501 or more people such as theaters (movie or legitimate), large exhibition halls, field houses, stadiums and sports complexes.

20-1726 EXPLOSIVE STORAGE

Storage of any quantity of explosives. Typical uses include storage in the course of manufacturing, selling, or transporting explosives, or in the course of blasting operations.

20-1727 FINANCIAL, INSURANCE AND REAL ESTATE [F.I.R.E.] SERVICES

Financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies and real estate firms.

(1) Financial Institutions

Banks, savings & loan banks, credit unions, and other similar facilities open to the public and engaged in deposit banking and related functions such as making loans and fiduciary activities.

(2) Other

All Financial, Insurance, and Real Estate Services that are not a Financial Institution.

20-1728 FOOD AND BEVERAGE RETAIL SALES

Retail sale of food and beverages for home consumption. Typical uses include grocery stores, convenience stores, butcher shops, and package liquor stores.

20-1729 FUNERAL AND INTERMENT SERVICES

Provision of services involving the care, preparation or disposition of the dead. The following are funeral and interment services use types:

(1) Active Funeral and Interment

(i) Cremating

Crematory services involving the purification and reduction of the bodies by fire. Typical uses include crematoriums.

(ii) Undertaking

Undertaking services, such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

(2) Passive Funeral and Interment Services

(i) Cemeteries

Land used for burial of the dead.

((ii) Interring

Interring services involving the keeping of human bodies or ashes, other than in cemeteries. Typical uses include columbariums and mausoleums.

20-1730 RESERVED

20-1731 GROUP LIVING

Residential occupancy of a Dwelling Unit by other than a "Household" and providing communal kitchen/dining facilities. Typical uses include occupancy of fraternity and sorority houses, Assisted Living, and Congregate Living.

20-1732 HEALTH CARE OFFICE; HEALTH CARE CLINIC

Medical facilities containing space for waiting rooms, patient rooms, laboratory space, or other necessary accommodations for use by physicians, dentists, therapists, and other similar health personnel in the provision of health services related to the prevention, diagnosis, treatment, rehabilitation, testing and analysis of medical conditions. Services provided in these facilities are typically rendered and completed in three (3) hours or less.

20-1733 HOSPITAL

Hospital means an institution that: (1) offers services more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

20-1734 HOUSEHOLD LIVING

Residential occupancy of a Dwelling Unit by a household with tenancy arranged on a month-tomonth or longer basis.

(1) ACCESSORY DWELLING UNIT

A Dwelling Unit that is incidental to and located on the same lot as the principal building or use, when the principal building or use is a Dwelling and complies with the standards and provisions of Section 20-534. [Staff note: This definition has not changed it has been relocated from Section 20-1701 General Terms to this section]

(1) ATTACHED DWELLING UNIT

A Dwelling Unit, located on its own Lot, that shares one or more common or abutting walls with two or more Dwelling Units. An Attached Dwelling does not share common floor/ceilings with other Dwelling Units. An Attached Dwelling is also called a townhouse or a row house.

CLUSTER DWELLING UNIT

A subdivision or development project containing Detached Dwellings where some or all Lots are smaller than the required minimum Lot Area and width requirements but the overall project complies with the maximum Density requirements of the applicable Base and Overlay Zoning Districts.

(4) (2) DETACHED DWELLING UNIT

A Dwelling Unit located on its own Lot that is not attached to any other Dwelling Unit and does not meet the definition of an Accessory Dwelling Unit, or a Manufactured Home. A Residential Design Manufactured Home is also a Detached Dwelling.

(4) DUPLEX DWELLING

A single Structure that contains two (2) primary Dwelling Units on one (1) Lot. The units may share common walls or common floor/ceilings.

Note: This is a type of Detached Dwelling that is only permitted in a Mobile Home Park.

Note: this is a type of

Detached Dwelling that

upon meeting design

standards is permitted

by right in RS Districts.

MANUFACTURING HOME

Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403, but does not comply with the standards and provisions of Section 20-513 and is not a Mobile Home. [Staff note: This definition has not changed it has been relocated from Section 20-1701 General Terms to this section?

MANUFACTURINGED HOME, RESIDENTIAL DESIGN

Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403 and that also complies with the standards and provisions of Section 20-513. (Ord. 8098) [Staff note: This definition has not changed it has been relocated from Section 20-1701 General Terms to this section]

(5) MULTI-DWELLING STRUCTURE

A Structure that contains three (3) or more Dwelling Units that share common walls or floor/ceilings with one (1) or more units. The land underneath the Structure is not divided into separate Lots, A Multi-Dwelling includes Structures commonly called garden apartments, apartments and condominiums

(9) (7) NON-GROUNDFLOOR DWELLING

Effective July 1, 2006

Residential Dwelling(s) permitted in any Vertical Mixed Use Structure which are located above the ground level or first level of the Structure or below the ground level or first level of a Structure and do not have direct internal access to a nonresidential use

(10) (8) WORK/LIVE UNIT

A space within a Building that consists of a Dwelling Unit which is accessory to a nonresidential use and has direct internal access to the nonresidential use.

(11) (6) ZERO LOT LINE DWELLING

Detached Dwellings that are located to one side of Lot on which they are located, in accordance with the standards of Section 20-531.

20-1735 INDUSTRIAL, GENERAL

Production, processing, assembling, packaging or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. General Industrial uses may require Federal air quality discharge permits, but do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:

- (i) continuous, frequent, or repetitive noises or vibrations;
- (ii) noxious or toxic fumes, odors, or emissions;
- (iii) electrical disturbances: or
- (iv) night illumination into residential areas.

(1) Exceptions

Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; noise detectable only as part of a composite of sounds from various off-site sources.

20-1736 INDUSTRIAL, INTENSIVE

Manufacturing, processing, or assembling of materials (for uses described above in the "General Industrial" use type classification) in a manner that would create any of the commonly recognized nuisance conditions or characteristics.

20-1737 LAUNDRY SERVICE

Laundering, dry cleaning, or dyeing services other than those classified as "Personal Convenience Services." Typical uses include laundry or dry cleaning agencies, diaper services and linen supply services.

20-1738 LODGE, FRATERNAL AND CIVIC ASSEMBLY

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

20-1739 MANUFACTURING AND PRODUCTION, LIMITED

Establishments generally employing fewer than 20 persons, do not involve outside storage of materials, do not require Federal air quality discharge permits, are compatible with nearby

residential uses because there are few or no offensive external effects, and are primarily engaged in one of the following:

- (1) On-site production of goods by hand manufacturing involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on-site, but if so, this is a subordinate part of total sales. Typical uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; or
- (2) Manufacturing or assembling of electronic components, medical and dental supplies, computers, computer components, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on-site, but if so, this is a subordinate part of total sales.
- (3) Manufacturing, processing, or packaging of small-scale food production operations with limited on-site retail sales. Typical uses include caterers, bakeries, bottling and beverage manufacturing operations.

20-1740 MANUFACTURING AND PRODUCTION, TECHNOLOGICAL

Production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical uses include manufacturing research instruments, electronic products, and surgical and medical instruments. This use type does not include uses that require Federal air quality discharge permits.

20-1741 MEDICAL FACILITIES (HEALTH CENTER, CLINIC, HOSPITAL)

Uses providing medical, physical rehabilitation or surgical care to patients. Some uses may offer overnight care.

20-1742 MINING

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

20-1743 MOBILE HOME PARK

Any Lot upon which are located one or more Manufactured Homes or Mobile Homes, occupied for Dwelling purposes, regardless of whether or not a charge is made for each accommodation.

20-1744 OFFICE, ADMINISTRATIVE AND PROFESSIONAL

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices and architectural, engineering or other professional consulting firms.

(1) Administrative and Professional

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices and architectural firms.

(2) Financial, Insurance and Real Estate Services

Financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies and real estate firms.

(3) Payday Advance and Car Title Loan Businesses

- (i) Payday Advance Businesses are short term loan businesses that make small consumer loans, usually backed by a postdated personal check or authorization to make an electronic debit against an existing financial account, where the check or electronic debit is held for an agreed-upon term, or until the loan recipient's next payday, and then cashed or electronically debited unless the loan recipient repays the loan and reclaims the check or the electronic debit authorization.
- (ii) Car Title Loan Businesses are businesses that make small consumer loans that leverage the equity value of an automobile or other vehicle as collateral, where the title to such automobile or other vehicle is unencumbered and owned free and clear by the loan recipient and where failure by the loan recipient to repay the loan or to make interest payments thereon grants to the establishment the right to take possession of the automobile or other vehicle.

(4) Other

Office uses for businesses that primarily provide administrative, consulting or other professional services that do not include construction space or equipment/storage yards.

20-1745 OUTPATIENT CARE FACILITIES

Medical facilities containing space for waiting rooms, patient rooms, operating rooms, recovery rooms, sleep clinics, laboratory space or other necessary accommodations for use by physicians, dentists, therapists, nurses, technicians and other similar health personnel in the provision of health services related to the prevention, diagnosis, treatment, rehabilitation, testing and analysis of medical conditions. Services provided in these medical facilities are typically more intense than those provided in a Health Care Office; Health Care Clinic, but are less intense than those available in a hospital. Services provided in these medical facilities are typically rendered and completed in more than three (3) hours, but in twelve (12) or less hours, and may include one (1) night of overnight care.

20-1746 PARKING FACILITIES

Commercial parking facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory Parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial parking use.

20-1747 PARKING LOT

An area used for or intended to be used for the off-street parking of operable motor vehicles on a temporary basis.

20-1748 PERSONAL CONVENIENCE SERVICES

Provision of small personal items or consumer-oriented, personal services in a small scale setting. These include various general retail sales and personal services of a small, neighborhood-scale. Typical uses include neighborhood convenience stores, drugstores,

hookah/retail smoke shops, laundromats/ dry cleaners, shoe repair and alteration/tailor shops, beauty salons and barbershops, tanning salons, nail salons, tattoo/body piercing shops, and massage therapy services.

20-1749 PERSONAL IMPROVEMENT SERVICES

Informational, instructional, personal improvement, and similar services of a nonprofessional nature typically provided in a group setting such as classes or meetings. It excludes services classified as "Spectator Sports and Entertainment", "Sports and Recreation, Participant" or "Transient Habitation." Typical uses include fine arts studios, martial arts centers, yoga or meditation studios, or diet centers.

20-1750 POSTAL & PARCEL SERVICES

Mailing services and processing as traditionally operated or leased by postal and Parcel service companies.

20-1751 PUBLIC SAFETY

Services that provide protection to a district or entity according to Fire, Life, and Safety Code Sections, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

20-1752 RECYCLING FACILITIES

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

(1) Collection Facilities

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

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

(2) Processing Center

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

20-1753 RELIGIOUS ASSEMBLY

Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques and churches.

(1) Neighborhood Religious Institution

A Neighborhood Religious Institution is an institution of which the primary use is holy day worship services, with incidental educational programs, some weekday services and accessory uses identified in Section 20-522. It is a small-scale use, seating 500 or fewer people. Accessory Uses are limited. The small scale of the institution and the limitation on extensive non-worship uses make the institutional use generally compatible with residential neighborhoods.

(2) Campus or Community Religious Institution

A Campus or Community Religious Institution is a religious institution of larger scale than a Neighborhood Religious Institution. Campus or Community Religious Institution uses shall have a minimum capacity of 501 persons, but may include a larger worship or assembly space, possibly seating several thousand people. It may include accessory uses identified in Section 20-522 including, but not limited to, extensive facilities for educational and recreational programming that is separate from or only loosely related to religious worship; on-site group living for students or for groups of religious leaders; and storage space for buses used to transport persons to and from programming at the institution.

20-1754 REPAIR SERVICES, CONSUMER

Provision of repair services to individuals and households but not to firms. Excludes "Automotive and Equipment" use types. Typical uses include appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

20-1755 RECREATIONAL FACILITIES

Recreational, social, or multi-purpose uses typically associated with parks, play fields, golf courses, or community recreation Buildings.

(1) Active Recreation

Areas and facilities used or designed for active or group sports and recreational activities, including spectator areas associated with such facilities. Such areas include but are not limited to:

- (i) athletic fields and courts, playgrounds and play apparatus;
- (ii) skating rinks and swimming pools;
- (iii) boat docks and launches;
- (iv) zoos;
- (v) community recreation Buildings, including but not limited to meeting rooms, class or lecture rooms, band shelters or gazebos, and gymnasiums; and
- (vi) Structures accessory to community recreation uses, such as public restrooms, refreshment stands, concession shops selling sporting goods, and miniature golf.

(2) Passive Recreation

Areas used or designed for passive and individual sports and recreational activities. Such areas include but are not limited to:

- (i) greens and commons;
- (ii) gardens, arboretums, and conservatories;
- (iii) pedestrian, Bicycle, and equestrian paths, trails and walkways;
- (iv) benches, plaza or seating areas, and picnic areas; and
- (v) golf courses.

(3) Nature Preserve/Undeveloped

Areas generally or predominantly remaining in a natural or undeveloped state, including natural wildlife and plant habitat areas. Such areas may include:

- (i) hiking, bicycling, and equestrian trails; and
- (ii) sitting and picnic areas.

(4) Private Recreational Area

Areas provided or set aside as open or recreational uses as part of a residential development, including but not limited to Common Open Space.

20-1756 RESEARCH SERVICES

Research of an industrial or scientific nature generally provided as a service or conducted by a public agency or private firm. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.

20-1757 RETAIL SALES AND SERVICE

Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or entertainment to the general public.

20-1758 RETAIL SALES, GENERAL

Businesses, not exceeding 65,000 gross square feet of Floor Area, involved in the sale, lease or rent of new or used products to the general public. Excludes "Agricultural Sales," "Animal Services," "Automotive and Equipment," "Business Equipment Sales and Services," "Construction Sales and Services", "Food and Beverage Retail Sales", "Gasoline and Fuel Sales" and "Swap Meets". Typical uses include general merchandise, apparel stores and furniture stores.

20-1759 SCHOOL

A public, private or parochial educational institution offering instruction in the branches of learning and study required to be taught in the public schools at the elementary, middle and senior high school levels.

20-1760 SCRAP AND SALVAGE OPERATIONS

Storage, sale, dismantling, or other processing of used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include automotive wrecking yards, junk yards, and salvage yards, but not including "Recycling Facilities."

20-1761 SEXUALLY ORIENTED BUSINESSES

Physical Sexually Oriented Business, Sexually Oriented Theater, Sex Shop, Sexually Oriented Media Store, and Mixed Media Store.

(1) Physical Sexually Oriented Business

(i) Massage Parlor

An establishment or business with a fixed place of business having a source of income or compensation derived from the practice of any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulation of external parts of the human body with the hands or with the aid of any mechanical, electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, Lotion, ointment or other similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity, provided that this term shall not include any establishment operated by a medical practitioner, professional physical therapist licensed by the State of Kansas, or a certified massage therapist.

(ii) Modeling Studio

An establishment or business that provides the services of modeling for the purposes of reproducing the human body, wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. These uses do not include fine arts studios where models are hired to meet program goals. Any other modeling establishment is not permitted by the zoning regulations in any district.

(iii) Motion Picture Arcade

An establishment or business containing one or more booths, cubicles, stalls or compartments that are designed, constructed or used to hold or seat patrons and used for presenting Sexually Oriented Media for observation by patrons therein.

(2) Sexually Oriented Theater

An establishment or business featuring primarily:

(i) Sexually Oriented Cabaret

Dancing or other live entertainment distinguished or characterized by an emphasis on exhibiting Specific Sexual Activities or Specified Anatomical Areas for observation by patrons therein; or

(ii) Sexually Oriented Motion Picture Theater

The display to an audience of films, tapes or motion pictures that are rated X by the Motion Picture Association of America (MPAA) and depict Specific Sexual Activities or Specified Anatomical Areas.

(iii) "Primarily"

Primarily refers to the entertainment that characterizes a particular establishment or business, and may be determined from a pattern of advertising as well as from actual performances or displays.

(3) Sex Shop

An establishment or business offering goods for sale or rent where:

- (i) it offers for sale items from any two of the following categories: Sexually Oriented Media, lingerie, or leather goods marketed or presented in a context to suggest their use for Sadomasochistic Practices; and the combination of such items constitute more than 10 percent (10%) of its stock in trade or occupies more than 10 percent (10%) of its gross public Floor Area;
- (ii) more than five percent (5%) of its stock in trade consists of Sexually Oriented Novelties; or
- (iii) more than five percent (5%) of its gross public Floor Area is devoted to the display of Sexually Oriented Novelties.

(4) Sexually Oriented Media Store

An establishment or business offering goods for sale or rent where:

- (i) more than 40% of the gross public Floor Area is devoted to Sexually Oriented Media;
- (ii) more than 40% of the stock in trade consists of Sexually Oriented Media; or
- (iii) it advertises or holds itself out in any forum as "XXX," "sexually oriented," "sex" or otherwise as a Sexually Oriented Business.

(5) Mixed Media Store

An establishment or business offering goods for sale or rent that is not a Sex Shop or Sexually Oriented Media Store but where:

- (i) more than 10 percent (10%) of the gross public Floor Area is devoted to Sexually Oriented Media; or
- (ii) more than 10 percent (10%) of the stock in trade consists of Sexually Oriented Media.

20-1762 SPORTS AND RECREATION, PARTICIPANT

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

(1) Indoor

Those uses conducted within an enclosed **Building**. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers.

(2) Outdoor

Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses and swimming pools.

20-1763 TRANSIENT HABITATION

Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are transient habitation use types:

(1) Campground

Transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreation vehicle parks.

(2) Bed and Breakfast

An establishment located within a **Detached Dwelling** that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests.

(3) Lodging

Provision of room or room and board. Typical uses include hotels and motels.

20-1764 UTILITIES AND SERVICES, MAJOR

Services and utilities that have substantial impacts. Such uses may be permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of the district for reasons of necessary location and community-wide interest. Typical uses include: water and wastewater treatment facilities, major water storage facilities, airports, and power generation plants.

20-1765 UTILITIES, MINOR

Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations, lift stations, telephone switching boxes, and water towers. Excludes "Wireless Telecommunication Facilities" use types.

20-1766 VEHICLE SALES AND SERVICE

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

(1) Cleaning

Washing and polishing of automobiles. Typical uses include car washes.

(2) Fleet Storage

Fleet storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include taxi fleets, buses, mobile-catering truck storage, and auto storage garages.

(3) Gas and Fuel Sales

Retail sale from the Premises of vehicular fuels with incidental sale of tires, batteries and replacement items, lubricating services, minor repair services and Food and Beverage Sales. Typical uses include vehicle service stations and gas stations with or without convenience stores.

(4) Truck Stop

A fuel dispensing facility designed to primarily accommodate the trucking industry. Accessory uses common to a truck stop may include a convenience store, restaurant, shower facilities, overnight parking areas for semis and other commercial vehicles and scale facilities.

(5) Heavy Equipment Repairs

Repair of trucks and other heavy equipment as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include engine repair shops, body shops and motor freight maintenance groups.

(6) Light Equipment Repairs

Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses

include tire repair and alignment, muffler shops, auto or motorcycle repair garages and auto glass shops.

(7) Heavy Equipment Sales/Rentals

Sale, retail or wholesale, and/or rental from the Premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

(8) Light Equipment Sales/Rentals (including automobiles)

Sale, retail, wholesale, or rental from the Premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies with accessory wash bays and vehicle storage and recreational vehicles sales and rental agencies.

(9) Storage of Non-operating Vehicles

Storage of non-operating motor vehicles. Typical uses include storage of private parking tow-a-ways and impound yards.

(10) Storage of Recreational Vehicles and Boats

Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles and boats.

20-1767 WHOLESALE, STORAGE, AND DISTRIBUTION

Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

(1) Mini-Warehouses

Storage or warehousing service within a Building for individuals to store personal effects. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant; but in no case shall storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, retail sales or similar uses. Human occupancy shall be limited to that required to transport, arrange and maintain stored materials.

(2) Light

Wholesaling, storage, and warehousing services within enclosed Structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.

(3) Heavy

Open-air storage, distribution, the handling of materials and equipment or bulk storage of fuel. Typical uses include monument or stone yards, train yards, grain elevators and large-scale fuel storage.

20-1768 WIRELESS FACILITIES

Any equipment at a fixed location that enables wireless telecommunications between user telecommunications devices and telecommunications networks. Wireless Facilities include, but are not limited to Accessory Equipment, Antennas, Co-locations, Disguised Wireless Facilities, and Wireless Support Structures:

(1) Accessory Equipment means any equipment serving or being used in conjunction with Wireless Facilities or Wireless Support Structures, including

but not limited to utility or transmission equipment, power supplies, generators, batteries, cables equipment buildings, cabinets and storage sheds, shelters, or similar structures.

- **(2) Antenna** means telecommunications equipment that transmits or receives radio waves necessary for the provision of Wireless Services.
- **(3) Co-location** means the mounting or installation of Wireless Facilities, including Antennas, on a building, structure, Wireless Support Structure, utility pole, or other existing structure for the purposes of transmitting or receiving radio waves for telecommunications purposes.
- **(4) Disguised Wireless Facility** means any Wireless Facility that is integrated as an architectural feature of a structure so that the existence of the Wireless Facility is not readily apparent to the casual observer, or any Wireless Support Structure that is disguised to resemble a tree, flag pole, steeple, clock tower, or other similar building element.
- **(5) Wireless Support Structure** means any freestanding structure, such as a Monopole, or other self-supporting tower, or other suitable structure designed to support or capable of supporting Wireless Facilities, including Antennas. Wireless Support Structures do not include telephone poles, electrical utility poles, or any towers used for the distribution or transmission of electrical services.
 - **(i) Monopole** means a single, free-standing, pole-type structure supporting Wireless Facilities, including Antennas.

20-1769 INSTITUTIONAL USE

A use, typically not for profit, of a governmental, educational, or cultural nature. An institution is typically operated by a government, utility, school, public agency, or tax-exempt organization.

20-1770 COMMUNITY MENTAL HEALTH FACILITY

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

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

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

20-1771 MAKER SPACE

A use consisting of multiple primary activities that include a public assembly component, retail or fabrication activities. These uses include collaborative groups organized around one or more common interest such as arts, electronics, crafting, or design of software, hardware, furniture, and rapid prototyping of three dimensional models.

Use also includes components commonly associated with gallery and display space, instructional space, collaborative meeting space, workshops and fabrication laboratories and studios that provide access to tools and equipment including but not limited to:

Computer Numerical Control (CNC), Computer Aided Design (CAD)- Computer Aided Manufacturing (CAM); hand tools; power tools found in cabinetry/woodworking, tools for glass work and metal work, including kilns and welding equipment.

Use provides space for development of innovative, original and prototypical products and works of art. These uses differ from manufacturing uses that produce, reproduce, fabricate or assemble multiple units of the same product other than prototypes or models, used for experimentation, research or as a demonstration product to "take to market". Prototype is defined as an original, model or pattern from which manufactured, fabricated or assembled products are developed or copied.

(1) Maker Space, Limited

An establishment within an enclosed Structure(s) that does not contain the following nuisance producing elements: frequent and heavy truck delivery, exterior storage, use of power tools found in workshops.

(2) Maker Space Intensive

An establishment that provides space similar to a Maker Space, Limited and engaged in collaborative, innovative meeting spaces but includes: one or more of the following elements: power tools, exterior storage of raw materials, exterior work spaces, and heavy truck access for deliveries.

Typical uses include Makerspaces, Hacklabs, Innovation Centers, Tech Shops, Fab Labs or Inventors Clubs and similarly named business operations. Within these uses, space is specifically provided for collaboration, access to basic tool and equipment and workshop, studio space with an emphasis on peers and mentors within the organization of the operation and creating with technology.

20-1772 EVENT CENTER

A structure and/or grounds that accommodates a variety of social events such as, but not limited to, banquets, weddings, receptions, parties, corporate events, community events, meetings, or any other gathering (formal or informal) that are intermittent and temporary in nature, that may or may not serve food, beverages, and alcoholic beverages for on-Premises consumption. This definition does not include religious institutions and similar congregations where a wedding or funeral is an ancillary use.

(1) Event Center, Small

Maximum occupancy less than or equal to 300, including staff.

(2) Event Center, Large

Maximum occupancy more than 301, including staff.

20-1773 AGRICULTURAL PROCESSING

A manufacturing process that increases the value of primary agricultural commodities. (This term does not include commercial slaughtering.)

20-1774 AGRICULTURAL SALES

The sale of feed, plants, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.

20-1775 AGRICULTURE, ANIMAL

Activities that primarily involve raising, producing, or keeping of animals to provide food, wool, and other products. Also referred to as Animal Husbandry.

- (1) Small Animal Agriculture is limited to small animals, which are more appropriate in a denser urban setting, such as bees, crickets, worms, rabbits, small goats, small sheep, fowl, and aquatic animals/organism, such as crayfish and fish. Domesticated animals such as cats and dogs are not considered Small Animal Agriculture. Cats and dogs are regulated through Article 2 of Chapter 3 of the City Code.
- (2) Large Animal Agriculture is limited to larger animals that are more commonly considered livestock and require more area such as cattle, horses, and goats/sheep that are taller than 24" at the withers (shoulders).

20-1776 AGRICULTURE, CROP

The management and maintenance of an area of land to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, sale, or donation. *Crop Agriculture* uses include, but are not limited to, personal gardens, community gardens, market gardens, rooftop gardens, tree farms, and hay meadows. Standard structures used for *Crop Agriculture* include hoop houses, cold-frames, greenhouses, equipment or planting sheds, composting and waste bins, and rain barrel systems.

20-1777 FARMERS MARKET

A temporary food market at which local farmers and producers sell products such as fruit and vegetables, meat, cheese, and bakery products directly to consumers.

20-1778 ON SITE AGRICULTURAL SALES

The sale of unprocessed agricultural products, such as plants, produce, eggs, or honey, grown or produced on the premises. This term also applies to agricultural products grown or produced offsite within the City that are sold in conjunction with products produced on the premises, if such are produced on a site within the City that is maintained by the operator of the sales site.

20-1779 URBAN AGRICULTURE

The growing, processing and distribution of plant and animal products — by and for the local community — within an urban environment. Urban Agriculture includes, but is not limited to: aquaculture, horticulture, permaculture, hydroculture, agroforestry, beekeeping, gardening, and animal husbandry. Complementary activities associated with Urban Agriculture include the distribution of food, the collection and reuse of food waste and rainwater, and public outreach activities such as education and employment. Urban Agriculture does not include such commercial activities as commercial dog kennels, dog breeding facilities, or livestock sales.

20-1780 URBAN FARM

An Urban Agricultural use which is operated primarily for commercial purposes. An *Urban Farm* is distinguished from other Urban Agriculture uses by scale.

- (1) An *Urban Farm* may have a larger retail sales area and/or more agricultural animals than permitted for *Crop Agriculture* and/or *Small* and *Large Animal Agriculture*.
- (2) An *Urban Farm* can include other uses such as an educational/training component and/or Agricultural Processing.

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----Original Message-----

From: Carol Bowen < <u>carolb@sunflower.com</u>> Sent: Tuesday, March 12, 2019 12:22 PM

To: Scott McCullough < smccullough@lawrenceks.org >

Subject: Affordable housing layout

Scott, I watched the affordable housing meeting yesterday. The layout of the two units on a lot was troubling. One house in front of another leaves no privacy for the house in front. In front of LHS there are homes perpendicular to each other giving shared but somewhat private open space. Just a thought.

In Parkhill, there are small homes on deep lots. That might be a possibility for more affordable housing. There's probably room to double up. Watershed could be a problem, though.

~ Carol's phone

Memorandum City of Lawrence-Douglas County Planning & Development Services

TO: Lawrence-Douglas County Metropolitan Planning Commission

FROM: Mary Miller, Planning Staff

Date: March 27, 2019

RE: Misc. Item No. 1, Variances for cluster development certificate of survey,

CSU-19-00136, located at 1694 E. 800 Road

Consider variance requests from Section 20-804 and 20-807 of the Subdivision Regulations to allow a certificate of survey on approximately 45 acres located at 1694 E. 800 Road without the submittal of a build out plan or a cross access easement and maintenance agreement. Submitted by Tanking Survey for Todd E. Catlin and Marla

G. Catlin, property owners of record.

Attachment: Certificate of Survey, CSU-19-00136

While certificates of survey are processed administratively, variances from the Subdivision Design Standards require Planning Commission approval. Variances have been requested for a recently submitted certificate of survey with approximately 45 acres at 1694 E. 800 Road, located within the Lawrence urban growth area. A copy of the certificate of survey is attached with this memo for context; however, no Planning Commission action is required on the certificate of survey.

The Subdivision Regulations state that an applicant may request a variance from the design standards in the regulations in accordance with the variance procedures outlined in Section 20-8139g) [11-113(g) County Code]. This section also lists the approval criteria for variances. The requested variances are evaluated in this memo for compliance with the approval criteria.

BACKGROUND

The subject property was part of an 80 acre parcel before the existing house and 35 acres were removed through a homestead exemption survey to accommodate the sale of the subject 45 acre parcel. (Figure 1) When land is divided through a homestead exemption survey, the developed parcel maintains the vested right to a building permit, but the parcel that is removed is not eligible for a building permit until it is divided through one of the processes in the Subdivision Regulations. Land divisions for residential uses must occur through the certificate of survey process. As the property is located with the urban growth area, a cluster development certificate of survey is required.

The cluster development certificate of survey requires a minimum of 40% of the property be set aside as a future development area. This area is to remain undeveloped until the property is annexed into the city. Residential development parcels are to be clustered on the remaining portion of the property and take access from one shared access drive with one access point on the adjacent road.

In this case, the land is being divided through the certificate of survey process to make the property eligible for a building permit for one residence. The property owner indicated they had no plans to further divide the property but wanted to live and farm on the property.



Figure 1. Aerial of the subject property. (outlined in red) The portion that was removed through the homestead exemption survey is outlined with dashed line.

Variance 1: Certificate of survey in the urban growth area without the submittal of a build out plan.

As properties within the urban growth area are expected to annex into the adjoining city in the future, the residential development parcels created with a certificate of survey are required to develop with respect to the future urban block layout shown on the build out plan. Section 20-807(d)(5)(ii) of the Subdivision Regulations [11-107(d)(5)(ii), County Code] requires that the build out plan illustrate a realistic future urban block layout, designed consistent with the future land use in the applicable city's comprehensive plan, with block level easements for utilities and stormwater drainage. The certificate of survey then includes building envelopes that exclude the future streets, easements and the required setbacks to insure the structures are located so they do not interfere with the efficient extension of streets and utilities following annexation.

In this case, one residence will be built on a 45 acre parcel, which consists of an 11.58 acre residential development parcel (RDP) and a 33.42 acre future development area (FDA). (Figure 2) The applicant requested a variance from the requirement to provide a build out plan, given the very-low density being proposed.

<u>Criteria 1. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.</u>

The certificate of survey would allow the development of one residence on approximately 45 acres. The certificate of survey includes a residential development parcel for residential development and a future development area that may not be developed until it has been annexed into the city.

The property owner intends to construct one residence. The build out plan is a planning tool to ensure development is clustered in a fashion that accommodates the efficient extension of city streets and utilities. The placement of one residence on the 45 acre parcel, within the area identified as RDP 1, should leave enough undeveloped land to allow for the efficient extension of city streets and utilities. If the land were to be further divided, through an amended certificate of survey, a build out plan would be required at that time to insure the placement of the houses accommodates the efficient extension of city streets and utilities upon annexation.

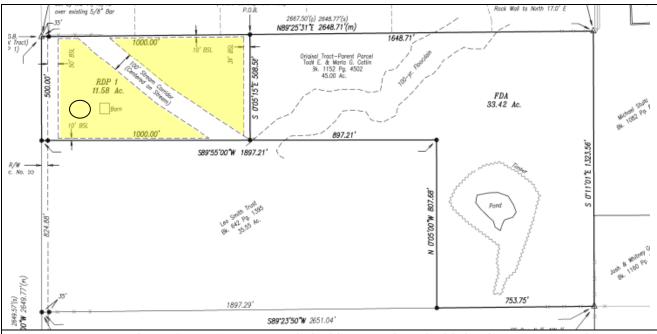


Figure 2. Proposed certificate of survey with building envelope highlighted. Approximate location of planned residence is circled.

Staff Finding:

The provision of a build out plan would be an unnecessary hardship as the certificate of survey is proposing very-low density development: one dwelling unit on a 45 acre tract, which should not impact the efficient extension of city streets and utilities. A build out plan will be required if additional land division and development were proposed on the property.

<u>Criteria 2.</u> The proposed variance is in harmony with the intended purpose of these regulations.

The Subdivision Regulations note that the purpose of the build out plan is to provide forethought and design considerations to identify the future urban-density development of the land and that based on these considerations, three acre or larger residential development parcels may be created when they allow for future divisions. The build out plan allows houses to be located so they will not conflict with street or utilities extension following annexation.

The cluster development is intended to allow higher-density residential development. The subject property is developing at a low density of one dwelling unit on 45 acres. The variance to allow this very-low density development to occur without a build out plan would be in harmony with the intended purpose of the Subdivision Regulations. It is important to note that the certificate of survey could be amended in the future to create additional residential development parcels. This variance, if approved, should be linked to the one residential development parcel shown on this certificate of survey, CSU-19-00136. Any future land divisions would require the submittal of a build out plan.

Staff Finding:

Given the low density being proposed, one dwelling unit per 45 acres, the approval of the variance would be in harmony with the purpose of the Subdivision Regulations; however, any additional land divisions would require the submittal and approval of a build out plan.

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

The build out plan protects the public health, safety, and welfare by restricting more dense residential development in the urban growth area to building envelopes that exclude future street and utilities extensions. In this case, the very-low density proposed removes potential conflict with the future extension of streets and utilities and in that way protects the public health, safety, and welfare. If the property were to be further divided with an amended certificate of survey, the build out plan should be provided to ensure placement of additional residences do not conflict with the efficient extension of streets and utilities.

Staff Finding:

Granting the variance will protect the public health, safety, and welfare as the very-low density proposed (one residence per 45 acres) leaves adequate area for future extension of street and utilities. Tying the variance to the current land division will defer the build out plan until a future time when more intense development is proposed.

Staff Recommendation:

Based on the findings in this memo, staff recommends that the variance from the requirement to provide a build out plan with the certificate of survey be approved, subject to the condition that any future land divisions through a certificate of survey will require the submittal of a build out plan.

Variance 2: Certificate of survey in the urban growth area without the submittal of a cross access easement and maintenance agreement.

The residential development parcels within a certificate of survey are expected to be clustered and to take access from a shared drive that accesses the public road in one location. This provision accommodates the more dense development in the urban growth area while maintaining the driveway separation standards in the access management standards and protecting a portion of the property as open space or future development area.

Section 20-804(c)(1)(ii) of the Subdivision Regulations [11-104(c)(1)(ii), County Code] notes:

- " Within the Cluster Development, each residential development parcel shall be designed and developed in accordance with the requirements in this sub-section:
- a. Clustered to take access from cross access easements to minimize access points to the adjacent public right(s) –of-way.

In this case, one residence will be built on the 45 acre parcel. The variance would allow the residence to utilize an individual driveway, rather than a shared drive in a cross access easement. Planning the location of the house and the driveway to accommodate the creation of additional residential development parcels in the future is an option available to the property owner; however, he noted that that he had no plans to further divide the property but intended to farm.

<u>Criteria 1. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.</u>

As noted earlier, a 45 acre parcel is being divided through the certificate of survey process to make the property eligible for a building permit for one residence.

The driveway will serve only one residence. The cross access easement allows owners of other residential development parcels to travel along one shared drive through parcels under other ownership to access the adjacent road. The easement also includes a maintenance agreement that establishes the maintenance responsibilities for the shared drive. The drive for the residence will not cross any other parcels to access the road and the property owner, being the only user of the drive, will be solely responsible for the maintenance. The driveway will require a driveway permit and will be required to comply with all applicable codes.

The cross access easement and maintenance agreement serves an important function for a certificate of survey with multiple residential development parcels; however, it isn't needed with a certificate of survey with one residential development parcel. Cross access isn't being proposed and the owner of the residential development parcel will be responsible for the maintenance of their individual drive.

Per Section 20-804(c)(1)(ii)(a)(2) of Subdivision Regulations [11-104(c)(1))ii)(a)(2), County Code], cross access easements are to be written so that, upon annexation into the city, they could become city street right-of-way. The property owner would need to construct a driveway on E. 800 Road in a location suitable for a future city street. While this measure is reasonable when a shared access drive is used, it is an unnecessary hardship when only one residence is to be developed on a property. The property owner should consider the potential for future development when designing the driveway and locating the residence so that the residence could utilize a shared drive in the event the property is further divided through an amended certificate of survey.

Staff Finding:

The provision of a cross access easement and maintenance agreement would be an unnecessary hardship as there will be no cross access occurring in this certificate of survey with only one residential development parcel and there are no other property owners to share maintenance responsibilities. It is important to note that in the event that the property is further divided to create more residential development parcels, the residential development parcel created with this certificate of survey would be required to take access from a cross access easement. The cross access easement and maintenance agreement would be deferred with this variance, but would be required with future land divisions to ensure the orderly use and maintenance of the shared drive.

<u>Criteria 2.</u> The proposed variance is in harmony with the intended purpose of these regulations.

The subdivision regulations are intended to provide for the harmonious and orderly development of land. The cross access easement and maintenance agreement ensures that the shared drives are installed where a future city street would be appropriate and makes provisions for the right-of-

way for the street to be dedicated upon annexation. The agreement also assigns maintenance responsibility for the shared access drive to insure it is maintained and the property owners utilizing the drive share in the maintenance.

One residence on a 45 acre parcel being served by an individual driveway would be in harmony with the intended purpose of the subdivision regulations; however, it is necessary to condition the variance so that in the event that the property is further subdivided with an amended certificate of survey the residential development parcel being created with this certificate of survey would utilize the shared drive and would be a party to the maintenance agreement.

Staff Finding:

As only one residence is being proposed, the approval of the variance would be in harmony with the purpose of the Subdivision Regulations. Any additional land divisions would require the submittal of a cross access easement and maintenance agreement and the residential development parcel being created with this certificate of survey would be required to take access from the shared drive and be a party to the maintenance agreement.

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

The cross access easement and maintenance agreement is intended to protect the public health, safety, and welfare by:

- 1) Limiting the number of access points to the adjacent roadway to one (unless additional access points are necessary to avoid damage to environmentally sensitive lands);
- Establishing responsibility for the maintenance of the shared drive within the cross access easement';
- 3) Insuring that the cross access easement is in a suitable location for a future city street and allowing for it to be dedicated as city street right-of-way upon annexation.

In this case, with only one residential development parcel, the number of access points on E. 800 Road will be limited to one and the property owner will be responsible for the maintenance of their individual drive without the cross access easement and maintenance agreement. It will be necessary to apply a condition to the variance requiring a cross access easement and maintenance agreement in the event the property is further subdivided and requires the existing residential development parcel to utilize the shared drive within the cross access easement at that time. In essence, this variance would defer the requirement to provide a cross access easement until the property is divided into more than one residential development parcel.

Staff Finding:

Granting of the variance will protect the public health, safety, and welfare as the development of a single residence can be served with a single driveway with one access point on the adjacent road and the property owner will be responsible for the maintenance of their individual driveway. The variance should be conditioned to require a cross access easement and maintenance agreement when the property is further subdivided and requires the existing residential development parcel to utilize the shared drive within the cross access easement at that time.

