



Updated:

5/18/15 @ 11:45am

Added Communications regarding the following items:

Item 1 - Conditional Use Permit 1743 N 200 Rd

Item 2 - Conditional Use Permit 702 E 1747 Rd

5/12/15 @ 3:45pm

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
MAY 18 & 20, 2015 6:30PM - 10:30PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of April 20, 2015.

COMMITTEE REPORTS

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

COMMUNICATIONS

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

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

REGULAR AGENDA (MAY 18, 2015) MEETING

PUBLIC HEARING ITEMS:

Recess LDCMPC

Convene Joint Meeting with Baldwin City Planning Commission

ITEM NO. 1 CONDITIONAL USE PERMIT FOR A MICRO-DISTILLERY; 1743 N 200 RD (MKM)

CUP-15-00060: Consider a Conditional Use Permit for a micro-distillery, a *Value-added Agricultural Business*, located on approximately 20 acres at 1743 N 200 Rd, Baldwin city. Submitted by William R. Murphy for Sunwise Turn Farms, LLC, a.k.a. Maple Leaf Orchards, LLC, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

ITEM NO. 2 CONDITIONAL USE PERMIT FOR FLORY DAIRY EQUIPMENT; 702 E 1747 RD (MKM)

CUP-15-00113: Consider a Conditional Use Permit for Flory Dairy Equipment at Vinland School, located on approximately 3.9 acres at 702 E 1747 Rd, Baldwin City. Submitted by Flory Dairy Equipment, Inc, contract purchaser of the property, for Rural High School District No. 1/Unified School District No. 348, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

**Adjourn Joint Meeting
Reconvene LDCMPC**

NON-PUBLIC HEARING ITEMS:

ITEM NO. 3 PRELIMINARY PLAT FOR THE RESERVE AT ALVAMAR; 1733 BOBWHITE DR (KES)

PP-15-00114: Consider a Preliminary Plat for The Reserve at Alvarado #4, located at 1733 Bobwhite Dr. Submitted by Landplan Engineering PA on behalf of Christopher & Amanda Storm, property owners of record.

****DEFERRED****

ITEM NO. 4 ~~FINAL DEVELOPMENT PLAN FOR BAUER FARM; XPRESS WELLNESS URGENT CARE; 4700 OVERLAND DR (MKM)~~

FDP-15-00108: Consider a Final Development Plan for Bauer Farm, Xpress Wellness Urgent Care Walk-In Clinic, located at the northwest corner of 6th St. and Folks Rd. Submitted by Kerr 3 Design Group, Inc., for Free State Holdings, Inc., property owner of record.

****DEFERRED****

ITEM NO. 5 ~~FINAL DEVELOPMENT PLAN FOR BAUER FARM MULTI-FAMILY; 4700 OVERLAND DR (MKM)~~

FDP-15-00066: Consider a Final Development Plan for Bauer Farm Multi-Family, a 150-unit multi-dwelling residential development containing approximately 4.47 acres, located at 4700 Overland Dr. Submitted by Treanor Architects, for Bauer Farms Residential LLC, property owner of record.

****DEFERRED****

ITEM NO. 6 ~~FINAL PLAT FOR BAUER FARM SEVENTH PLAT; 4700 OVERLAND DR (MKM)~~

PF-15-00094: Consider a Final Plat for Bauer Farm Seventh Plat, a 5 lot planned residential and office subdivision containing approximately 14.569 acres, located at 4700 Overland Drive. Submitted by Treanor Architects, for Bauer Farms Residential LLC and Free State Holdings, Inc., property owners of record.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 MINOR SUBDIVISION VARIANCE FOR BELLA SERA AT THE PRESERVE; 4500 BOB BILLINGS PKWY (SLD)

Minor Subdivision, MS-15-00096, variance request to reduce the right-of-way for a principal arterial street from 150' to 100' per section 20-813(g) of the Land Development Code for property located at 4500 Bob Billings Parkway.

MISC NO. 2 PC ORIENTATION TRAINING SESSION & UPDATES TO MID-MONTH CALENDAR

Establish Planning Commission Orientation Training Session (Friday, July 10 or Friday, August 14, 2015) and receive updates to the Mid-Month Calendar.

MISC NO. 3 RV/TRAILER PARKING LOCATIONS & SINGLE-AXLE VS DUAL AXLE IMAGES

Follow-up discussion from May 6, 2015 Mid-Month Meeting regarding RV/Trailer parking locations and Single-Axle vs. Dual Axle Images.

MISC NO. 4 ELECTION OF OFFICERS FOR 2015-2016

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

ADJOURN

CALENDAR

April 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

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>

2015
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM (*Friday Meeting)	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 14	Work Plan & Topics for 2015		Jan 26	Jan 28
Feb 11	Entrepreneur Incubator Spaces		Feb 23	Feb 25
Mar 11	Legal Review – Open Meetings & Communication Issues		Mar 23	Mar 25
Apr 8	Article 9 - Parking Amendments		Apr 20	Apr 22
May 6	Article 9 – Parking Amendments	APA Conference Updates	May 18	May 20
Jun 10	Discussion of Future Land Uses at Iowa Street/K-10 interchange	Health Impact Assessments - Charlie Bryan, LDCHD		Jun 24
Jul 8 or 10	TBD – Orientation?		Jul 20	Jul 22
Aug 12 or 14	TBD – Orientation?		Aug 24	Aug 26
Sep 9	TBD		Sep 21	Sep 23
Oct 7	TBD		Oct 19	Oct 21
Nov 4	TBD		Nov 16	Nov 18
Dec 2	TBD		Dec 14	Dec 16
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Joint meeting with other Cities' Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>New County Zoning Codes</i> <i>Tour City/County Facilities</i> <i>Water Resources</i>		<i>Communication Towers – Stealth Design, # of co-locations, notice area</i> <i>WiFi Connectivity & Infrastructure Planning</i> <i>Oread Overlay Districts & Design Guidelines</i> <i>Comprehensive Plan – Goals & Policies</i> <i>Sustainability</i> <i>Affordable Housing</i> <i>Retail Market Impacts</i> <i>Cultural Plan/9th Street Corridor</i> <i>Case Studies</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

2015 PLANNING COMMISSION ATTENDANCE

	Jan 26 2015	Feb 23 2015	March 23 2015	April 20 2015	May 18 2015		
Britton	Yes	Yes	Yes	Yes			
Butler				Yes			
Culver	Yes	No	Yes	Yes			
Denney	Yes	Yes	Yes	Yes			
Graham	Yes	Yes	Yes	No			
Josserand	Yes	Yes	Yes	Yes			
Kelly	Yes	Yes	No	Yes			
Liese	Yes	Yes	Yes	Yes			
Struckhoff	Yes	Yes	Yes	Yes			
von Achen	Yes	Yes	Yes	Yes			

2015 MID-MONTH ATTENDANCE

	Jan 14 2015	Feb 11 2015	March 11 2015	April 8 2015	May 6 2015		
Britton	Yes	Yes	No	Yes	Yes		
Butler					No		
Culver	Yes	Yes	Yes	Yes	Yes		
Denney	Yes	Yes	Yes	Yes	Yes		
Graham	No	No	No	Yes	Yes		
Josserand	No	No	Yes	No	Yes		
Kelly	Yes	No	Yes	Yes	Yes		
Liese	Yes	Yes	No	No	Yes		
Struckhoff	Yes	Yes	Yes	No	Yes		
von Achen	Yes	Yes	Yes	Yes	Yes		



PLANNING COMMISSION MEETING

April 20, 2015

Meeting Minutes DRAFT

April 20, 2015 – 6:30 p.m.

Commissioners present: Britton, Butler, Culver, Denney, Josserand, Kelly, Liese, Struckhoff, von Achen

Staff present: Stogsdill, Day, Larkin, Pepper, Ewert

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of March 23, 2015.

Motioned by Commissioner Struckhoff, seconded by Commissioner Denney, to approve the March 23, 2015 Planning Commission minutes.

Motion carried 7-0-2, with Commissioners Butler and Kelly abstaining.

COMMITTEE REPORTS

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

Commissioner Britton said the Horizon 2020 Steering Committee was working on revisions for a new plan. He said the committee met today. He said they were discussing various issues and would be working on an issues action report. He said then staff would write a report.

Commissioner Culver said the Metropolitan Planning Organization (MPO) would have two new City Commissioners join the committee. He said at their meeting last week they received project updates regarding the regional pedestrian plan, safe routes to school plan, and regional ITS architecture. He said the next meeting was May 21st.

Commissioner Josserand said he was unable to attend the most recent Oread Design Guidelines meeting.

Commissioner Culver said the Oread Design Guidelines met and went over the draft guidelines and tried to work through a few pending topics that had been previously discussed. He said staff was working on revisions and edits. He said there would be another process of public input on that draft.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

PC Minutes 4/20/15 **DRAFT**

ITEM NO. 1 CS TO RS5; 0.2689 ACRES; 832 OHIO ST (BJP)

Z-15-00063: Consider a request to rezone approximately .2689 acres from CS (Commercial Strip) District to RS5 (Single-Dwelling Residential) District, located at 832 Ohio St. Submitted by Old West Lawrence Properties LLC, property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Mr. Dan Schriner was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Britton, to approve the request to rezone (Z-15-00063) approximately 0.2689 acres, from CS (Commercial Strip) District to RS5 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 9-0.

PC Minutes 4/20/15 **DRAFT**

ITEM NO. 2 SPECIAL USE PERMIT FOR LAKE VIEW VILLAS @ ALVAMAR; 2250 LAKE POINTE DR (SLD)

SUP-15-00065: Consider a Special Use Permit for Lake View Villas @ Alvamar, a residential development including 11 existing four-plex buildings, 8 proposed duplex buildings and 24 detached dwelling units on approximately 16 acres, located at 2250 Lake Pointe Dr. Submitted by CFS Engineers, for CornerBank, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item. She also responded to the letter received from the League of Women Voters. She said one of the comments was to rezone the property with a PD Overlay. She said in this particular project it would not gain very much by doing that. She said it was an existing development and they were not altering access, utility, or easements. She stated the project did not alter the owner's responsibility to maintain the common grounds and access. She said there was no real gain to having a subdivision approval that would reestablish something that already existed and was platted.

APPLICANT PRESENTATION

Mr. Lance Johnson, Johnson Group, said the market was speaking to this and the plan represented that. He said there was a current active homeowners association in place that was responsible for maintenance. He said the homeowners association voted and adopted about a year ago to revise their bylaws to allow for single-family, duplex, triplex, and four-plex to be built at this location. He said they did not have a plan in place to vote upon at that time.

PUBLIC HEARING

Mr. Jerry Rutledge inquired about consideration for guest parking within the subdivision. He said when he purchased his home building 27 was not even shown as a possibility of being constructed. He questioned the placement of that building.

Mr. Johnson said the parking was not changing. He stated the infrastructure was put in for 104 units. He said the development would be reduced to 84 units. He said there was guest parking there now and there would be garages and driveways for residents. He said the density would be reduced. He said the placement of building 27 would be looked at and if it would not work from an engineering standpoint they were prepared to lose it. He felt there was enough room to fit building 27.

Mr. Rutledge said the home owners association restricted the use of driveways for social function. He said it might be wise to look at existing parking and felt it was not sufficient for guest parking.

Ms. Cille King, League of Women Voters, said there was no legal precedent for this type of land use. She referenced an old City Commission decision for Williamsburg Place. She requested denial or a Planned Overlay District to help pay for maintenance on the private drive.

APPLICANT CLOSING COMMENTS

Mr. Johnson said this was an existing project that was approved. He said the way that the project was set up there were multiple dwelling units on a single piece of ground. He said there were other precedents in the city that allowed for it. He said the owners were governed by the bylaws that addressed how property was to be conveyed. He did not want to change conditions for people already living there. He said they were not changing the project from its original conception. He said Ms. King's comments may be valid but it would change the entire complexity of the project and

would affect the existing property owners. He said the benefit district was a funny mechanism in place and he could not speak to what the City would or would not do in the future. He said the homeowners association, current and new members, would pay the dues.

COMMISSION DISCUSSION

Commissioner Liese asked staff to respond to the PD Overlay.

Ms. Day said she did not have anything more to add without doing a lot more research. She said they would not gain any more ability to enforce compliance of the property.

Mr. Randy Larkin, staff attorney, said nothing would be gained in this situation with the existing project. He said there were several throughout the city that were set up this way and that it could be done this way.

Commissioner von Achen asked if the dwellings built and the existing ones were not owned by the residents.

Ms. Day said each unit was owner occupied. She said the applicant's intent was for the new units to be owner occupied as well.

Commissioner Von Achen said the League of Women Voters letter talked about structures and land being owned by a single entity.

Ms. Day said the homeowners association owned the common ground.

Commissioner von Achen asked if the homes and yards were owned by the occupants.

Mr. Johnson said the land under the units and walls of the unit were resident owned. He said the individual unit owners did not own the yard and that it was common area maintained by the homeowners association. He said rentals were not allowed.

Commissioner von Achen asked if there was no legal issue with this.

Mr. Larkin said not from the City's standpoint.

Commissioner Josserand inquired about Kansas law that regulated condos.

Mr. Johnson said he was not an attorney and did not know.

Commissioner Josserand asked if there was presumed assumption for maintenance. He asked who would take care of siding that might get blown off from a hail storm, for example.

Mr. Johnson said that would be the homeowner associations responsible. He said the homeowners association had an executive committee that met monthly to address those types of issues.

Commissioner Josserand asked if the homeowners association was part of the deed.

Mr. Johnson said that was correct.

Commissioner Josserand asked if the duplexes had 2 parking spots in the garage and 2 in the driveway.

Mr. Johnson said yes.

Commissioner Josserand asked if the streets were wide enough for on-street parking.

Ms. Day said a 25' street width would take it down to a single lane.

Commissioner Josserand asked Mr. Rutledge if he was active in the home owners association.

Mr. Rutledge said he was in the past.

Commissioner Josserand asked Mr. Rutledge if his issue was parking.

Mr. Rutledge said there were other issues but it was primarily parking.

Commissioner Josserand asked if the homeowners association had a good relationship with Mr. Johnson.

Mr. Rutledge said Mr. Johnson was a newbie on the block and that the home owners association had mainly been dealing with CornerBank. He said the homeowners association would not become a bonafide entity until 85% of the units were sold.

Commissioner von Achen asked staff to comment about sidewalks.

Ms. Day showed an aerial on the overhead. She said the project pre-dates the sidewalk requirements in the Code. She said sidewalks were required along all of the public streets and typically the Code would have required connectivity into the development. She said there was a public sidewalk along Lake Pointe Drive and it includes a little piece of sidewalk that goes into the initial part of the development. She said this was an existing access way and was not built to the full city street standard. She said if it were a new project it would have sidewalk through it.

Commissioner Britton said his perspective was that the Special Use Permit was needed because they were down zoning. He said this was already approved to an extent and could be built out as already approved. He said the parking was approved with 20 more units than what would actually be built. He said the homeowners association could change the rules about guests parking on the driveway if they wanted to. He stated there was already dedicated visitor parking at the entrance of the development. He said it was strange to think about multiple detached dwellings on a single lot. He said it seemed like a distinction without a difference. He felt the best thing they could do for the property was to allow it to be built out as intended to strengthen the homeowners association.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Culver, to approve a Special Use Permit (SUP-15-00065) for a residential development including 11 existing four-plex buildings, 8 proposed duplex buildings and 24 detached dwelling units on approximately 16 acres, located at 2250 Lake Pointe Dr. and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Prior to release of the Special Use Permit for issuance of a building permit:
 - a. Submission and approval of public improvement plans for sanitary sewer extension.
 - b. Execution of a site plan performance agreement.

2. The applicant shall submit a revised Special Use Permit drawing showing a second access point to the development, located from the northwest cul-de-sac to Lake Pointe Drive, per the approval of the City Fire Prevention Division.

Commissioner Kelly asked when the parking for the development was originally approved if it included stacked parking in the driveways.

Ms. Day said yes.

Commissioner Josserand said his thoughts about the project were flavored by the issue of stacked parking. He said the Code required that when new development was created there be one parking spot per bedroom. He said in general it was bad planning to utilize too much stacked parking, especially for structures created for non-related residents, such as students. He said if this had been proposed as a new project he would vote against it just for the parking. He said he was pleased that they had language in the homeowner association by-laws regarding non-renters.

Commissioner Kelly agreed that had it been a new project he may not have been supportive of stacked parking. He said regarding the question about unit 27 was a challenge because Planning Commission does not look at individual units. He said he could not consider in his decision specifically unit 27 but rather the entire Special Use Permit.

Commissioner Culver said he supported and agreed with a lot of the comments made by Planning Commission. He said there was an existing plan and development in place and they were having to adapt to the market and that was what they were doing with this. He said if the plan was changed dramatically now it would be a disservice to the current homeowner association owners. He said the density would go down with this scenario. He was sympathetic to parking concerns but that the parking met the requirements of the Code.

Commissioner Struckhoff said he supported infill development. He said in this case, despite his concerns about parking, the requirements had been met. He supported the motion.

Unanimously approved 9-0.

PC Minutes 4/20/15 **DRAFT**

ITEM NO. 3 PRELIMINARY PLAT FOR DREAM HAVEN ADDITION II; 2910 PETERSON RD (MKM)

PP-15-00067: Consider a Preliminary Plat for Dream Haven Addition II, a 7 lot residential subdivision containing approximately 9.3 acres, located at 2910 Peterson Road and adjacent parcels, and associated variances from the lot design and right-of-way width requirements in Section 20-810 of the Subdivision Regulations. Submitted by Treanor Architects, for David A. and Anne K. Gnojek and Dream Haven II LLC, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Steve Maline, Treanor Architects, was present for questioning.

Mr. Roger Dale, land surveyor, was also present for questioning.

PUBLIC HEARING on Variances Only

No public comment.

COMMISSION DISCUSSION

Commissioner Josserand asked who would be responsible for the pond.

Mr. Dale said a home owners association would maintain the pond.

Commissioner Josserand asked if there would be common ownership of the pond.

Mr. Dale said it would be the homeowners association. He said it would be a common area.

Commissioner Josserand asked how the requirements would be set.

Mr. Dale said through covenant restrictions over the area.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Struckhoff, to approve the variance requested from Section 20-810(e)(5)(i) subject to the following condition:

The plat shall be revised to note that a variance from the right-of-way width required in Section 20-810(e)(5) of the Subdivision Regulations was granted by the Planning Commission to allow the right-of-way on the subject property side of the center line to remain at 50 ft and list the date of approval.

Unanimously approved 9-0.

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to approve the variance requested from Section 20-810(a)(2)(i) subject to the following condition:

The plat shall be revised to note that a variance from the Lot design requirement in Section 20-810(a)(2)(i) of the Subdivision Regulations was granted by the Planning

Commission to allow the creation of 2 lots with 30 ft of frontage on Durham Court provided the lots utilize a shared access.

Unanimously approved 9-0.

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to approve the Preliminary Plat (PP-15-00067) of Dream Haven II subject to the following conditions:

1. Provision of a drainage study/dam rehab plan and Downstream Sanitary Sewer Analysis per City approval.
2. Applicant shall provide a revised preliminary plat with the following changes:
 - a. Access points on Peterson Road revised per the City Engineer's approval.
 - b. Sewer mains extended to touch each lot, per City Utility Division approval.
 - c. Addition of notes reflecting any variances that are approved.

Unanimously approved 9-0.

PC Minutes 4/20/15 **DRAFT**

**ITEM NO. 4 FINAL DEVELOPMENT PLAN FOR BAUER FARM; 4700 OVERLAND DR
(MKM)**

FDP-15-00066: Consider a Final Development Plan for Bauer Farm, a 150 unit multi-dwelling residential development containing approximately 4.47 acres, located at 4700 Overland Dr. Submitted by Treanor Architects, for Bauer Farms Residential LLC, property owner of record.

Item 4 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 7:51pm

Complete audio from the meeting can be found online:

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

Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

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

Development Regulations

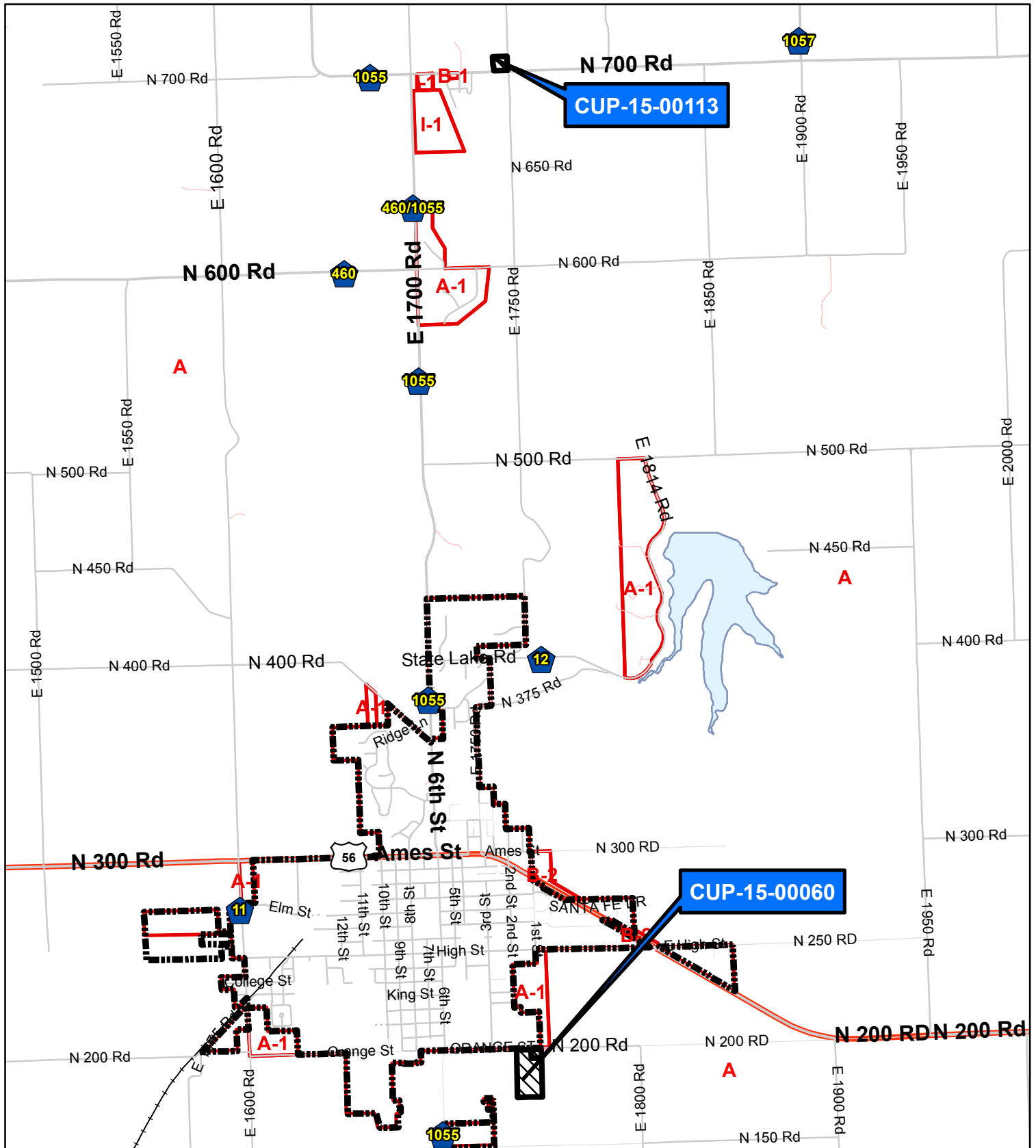
- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [Land Development Code](#)
- [Subdivision Regulations](#)

Online Mapping

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

Planning Commission

- [Bylaws](#)
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- [Minutes](#)
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Lawrence-Douglas County Planning Commission May 2015 Public Hearing Agenda Items



PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
5/18/15

ITEM NO. 1 CONDITIONAL USE PERMIT FOR A MICRO-DISTILLERY; 1743 N 200 RD (MKM)

CUP-15-00060: Consider a Conditional Use Permit for a micro-distillery, a *Value-added Agricultural Business*, located on approximately 20 acres at 1743 N 200 Rd, Baldwin city. Submitted by William R. Murphy for Sunwise Turn Farms, LLC, a.k.a. Maple Leaf Orchards, LLC, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a micro-distillery, a *Value-added Agricultural Business* use, subject to the following conditions:

1. The following standards apply to the use:
 - a. A maximum of 4 full-time equivalent employees are permitted.
 - b. The total area of the structures used for operation, production, or storage may not exceed 10,000 sq ft.
 - c. Noise, light, vibration, or odor associated with the production may not be perceptible beyond the site boundary/property lines.
 - d. The process must comply with EPA water and air quality standards.
 - e. All equipment used in production shall be located wholly within a building or structure or be screened from the public rights-of-way and adjacent residential buildings.
 - f. Product shall be enclosed within a building or structure so that it is not visible from the property lines.
 - g. Deliveries from vehicles with a GVW (Gross Vehicle Weight) that exceeds 5 tons in capacity are limited to no more than 2 trips (to and from the site) per day.
2. Provision of a revised CUP plan with the following changes:
 - a. Identify the areas where storage for the aging process may occur and add the following note *"If storage is to occur in any structure other than the Morton building, the Zoning and Codes Office shall be notified, all necessary building permits obtained, and the structure shall be brought into compliance with current building codes before use."*
 - b. Add the following notes:
 - i. *"The Conditional Use Permit will be administratively reviewed by the Zoning and Codes Office every 5 years following approval."*
 - ii. *"Prior to the commencement of the use, an additional septic system shall be installed for the Morton building or the Morton building will be connected to the existing septic system."*

Reason for Request:

(Applicant's Response)

"The Douglas County zoning regulations were modified in 2012 to encourage growth of farm wineries and micro-breweries. However, "micro-distilleries" have never been specifically addressed at all in the regulations. Our understanding is that we need to request a "conditional use permit" under these circumstances. We respect the Boards input and want to work with the Board to get this project underway."

KEY POINTS

- The subject property is located on, and takes access from, N 200 Road which is classified as a Minor Collector in the Douglas County Access Management Road Classification Map.
- The subject property is located within the Urban Growth Area of Baldwin City. A joint Baldwin City and Lawrence-Douglas Metropolitan Planning Commission meeting will be held on this request as it is within 3 miles of the city limits of Baldwin City.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval of the Conditional Use by the Board of County Commissioners.
- Applicant shall obtain a permit for the Conditional Use from the Zoning and Codes Office prior to commencing the use.
- Applicant shall obtain a building permit from the Zoning and Codes Office for any structures used in the micro-distillery business, except those which are solely for storage of commodities.

ATTACHMENTS

- CUP plans
- Supplemental information on the micro-distillery use

GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) District; *Residential Detached Dwelling*, *Agriculture*, and woodland.

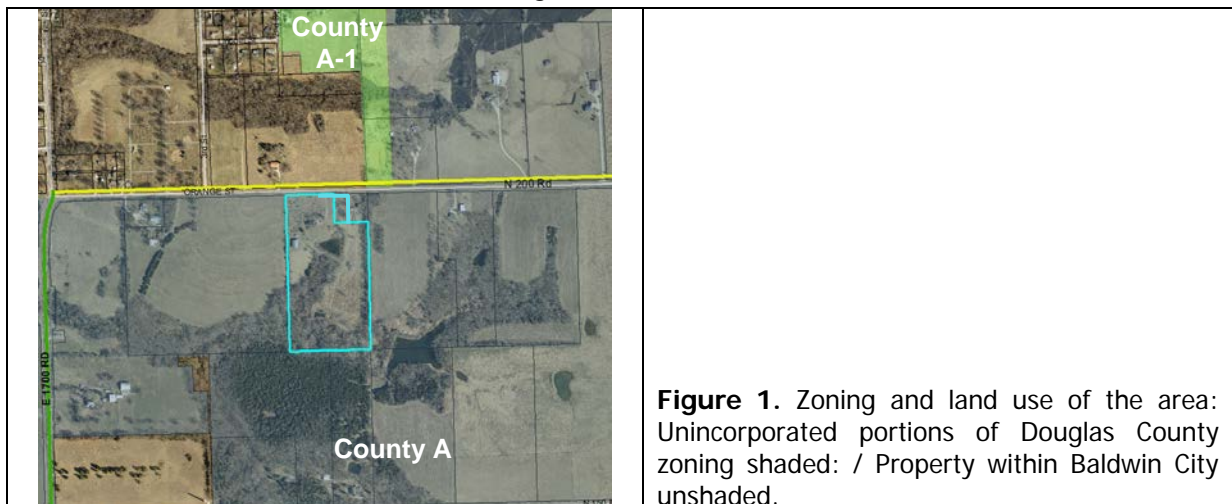
Surrounding Zoning and Land Use:

To the west, south, and east: A (Agricultural) District; *Residential Detached Dwellings*, *Agriculture*, and woodland.

To the north: Property to the north is located within the city limits of Baldwin City and has the Baldwin City Zoning Designation of RLD (Residential Low Density); *Residential Detached Dwelling* and woodland.

Property to the northeast is located in the unincorporated portion of Douglas County and is zoned A-1 (Suburban Home Residential) and A (Agricultural); *Residential Detached Dwelling*, and *Agriculture*.

(Figures 1 and 2)



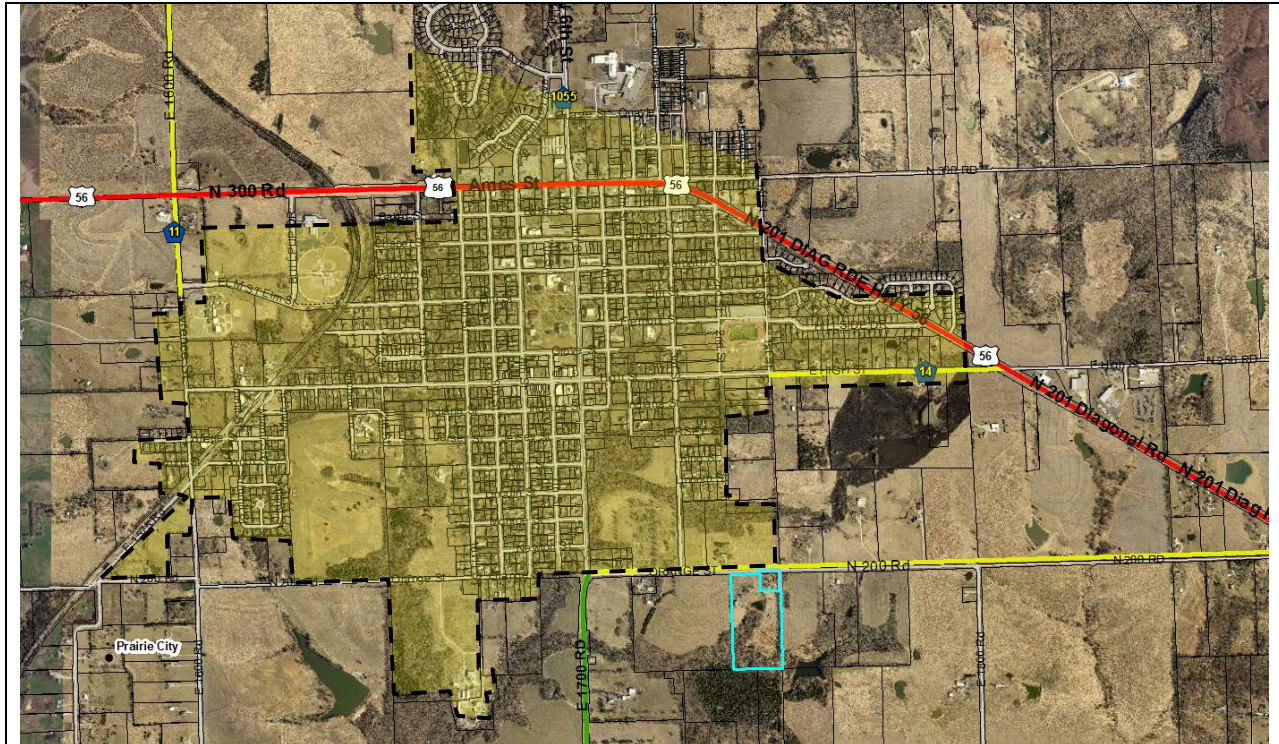


Figure 2: Location in relation to Baldwin City. Areas within the city limits are highlighted yellow. Subject property is outlined in blue.

Site Summary

Subject Property: Approximately 20 acres, with a 3 acre apple orchard
Structure for Micro-distillery: 2,520 sq ft

Summary of Request

The Conditional Use Permit is requested to accommodate a *Value-added Agricultural Business* on the subject property. The proposed use, a micro-distillery, meets the definition of *Value-added Agricultural Business* provided in Section 12-319-7.35 of the County Zoning Regulations:

"A business that economically adds value to an agricultural product as a result of a change in the physical state of an agricultural commodity that is not produced on the site, by manufacturing value-added products for end users instead of producing only raw commodities. Value-added products may include:

- a. A change in the physical state or form of the product (such as milling wheat into flour or making strawberries into jam).*
- b. The physical segregation of an agricultural commodity or product in a manner that results in the enhancement of the value of that commodity or product (such as an identity preserved marketing system)."*

The proposed micro-distillery will result in a change in the physical state of the product and fits example 'a' of the definition above.

The property consists of 2 separately deeded parcels. The larger parcel contains approximately 18.3 acres and includes an orchard, farmhouse and an outbuilding (commonly referred to as a Morton building). The property has been in operation as an orchard since the early 1960s. The applicant is working to reclaim the orchard and has approximately 80

remaining trees and have recently planted 24 additional trees. The applicant intends to plant about 100 apple trees this spring as well as other fruit trees.

The applicant plans to distill the hard apple cider into 500 to 1000 gallons of apple brandy a year and plans on branching out to other fruit brandies in the future. The smaller parcel contains approximately 1.7 acres and has several agricultural outbuildings. The applicant indicated they may be interested in using a basement on this parcel, or the basement of the residence for the storing/aging of the finished product. Building permits would be required for this use and the structures would need to comply with current building code. (Figure 3)



Figure 3. Buildings on the property include agricultural buildings on the smaller parcel, and a residence and outbuilding, proposed for micro-distillery, on the larger parcel.

The applicant provided the following information regarding the proposed use:

- They will use a 250 gallon copper pot still with an electrical heating element.
- The workforce is currently 2 part-time employees (the business owners) and one full-time employee. The applicant indicated that the business would require one or two more full-time employees at the most. This would be compliant with the *Value-added Agricultural Business* CUP limit of 4 full-time equivalent employees.

The applicant plans on producing all the apples and fruit needed for production and several hundred apple trees will be planted in the future; however, the trees will take time to mature and it may be necessary to purchase fruit when there are late freezes or other weather related issues. The apples will be pressed, and the cider stored in barrels and vats in the Morton Building. The cider will be distilled in a copper pot still and then aged in wooden barrels. The aging process may occur in the Morton Building if they can control the temperature or may occur in another structure on the property. The plan should identify where the aging process may occur and note that structures that are to be used for storage will require a building permit and shall be brought into compliance with current building codes before use.

In addition, the applicant provided the materials in Attachment B explaining the micro-distillery use and noted that additional information could be found in the Handbook for

Microdistilleries prepared by the Kansas Department of Revenue/Alcoholic Beverage Control at <http://www.ksrevenue.org/pdf/hbmicrodistilleries.pdf>

Future plans include Agritourism activities such as tours of the micro-distillery and a tasting room. Depending on the scale of the activities being proposed these could be permitted by a variety of processes: through registration with the Zoning and Codes Office, County Commission approval of a site plan, or a Special Event Permit or Conditional Use Permit for large scale activities.

DISCUSSION OF USE.

There are several use categories in the Zoning Regulations that are similar to a Micro-Distillery.

Winery

A winery and a tasting room can occur without site planning or obtaining a Conditional Use Permit due to the State's determination that a winery is an Agricultural use and therefore is not subject to the Zoning Regulations. When other uses are proposed, such as musical events or meals, additional approvals are required.

Nano-Brewery

The *Value-added Agricultural Business* Conditional Use Permit standards were developed following a request for a relatively large scale business use, which would compress straw into heating bricks. One of the standards was that the property must have access on a full-maintenance road. A text amendment was initiated for a proposed *Value-added Agricultural Business* use that was very small in scope, a nano-brewery. The nano-brewery was to be located on property that has access from a Private Road; therefore, it did not meet the conditions of the *Value-added Agricultural Business* CUP. A CUP use for nano-brewery was established, with standards, which included the possibility for access from a private road when approved by the County Engineer based on the anticipated traffic and the condition and configuration of the road, all properties with access to the private road sign an agreement, and a maintenance agreement is executed. The conditions for the nano-brewery use were geared to insuring that the use remained small in scope and scale.

Agritourism

Agritourism uses could be associated with the micro-distillery, such as tours, U-pick 'em activities, demonstrations, etc. These uses involve bringing tourists to the site. The micro-distillery is a producing business which would not, in itself, bring tourists to the site.

Home Occupation

The use may fit into the home occupation use category, but the applicant does not reside on the property full-time at this time. Applicants may choose to seek approval of a use as a Conditional Use rather than a Home Occupation as the CUP approvals are typically for longer time frames than Home Occupations which must be renewed annually.

I. ZONING AND USES OF PROPERTY NEARBY

The subject property is located in close proximity to Baldwin City. Property to the west, south, east and northeast are located in the unincorporated portion of the County and are primarily zoned A (Agriculture) with a small amount of A-1 (Suburban Home Residential) Districts. This area contains rural residences, agricultural land uses, and woodland. The property to the north and northwest, is within the limits of Baldwin City and is zoned RLD (Baldwin City zoning designation for Low Density Residential Development). A residence is located to the north of the

property, across N 200 Road/Orange Street and a city cemetery is located to the northwest. Agriculture and rural residential are the primary land uses in the area. Given the small scale of the proposed micro-distillery use, it would be compatible with the zoning and uses of nearby properties.

Staff Finding – The area is at the boundary of Baldwin City Limits and contains low density residential City zoning, and agricultural and residential County zoning. The primary uses in the area are low density residential and agriculture. Given the small scale of the proposed micro-distillery, the use would be compatible with the zoning and uses of nearby properties.

II. CHARACTER OF THE AREA

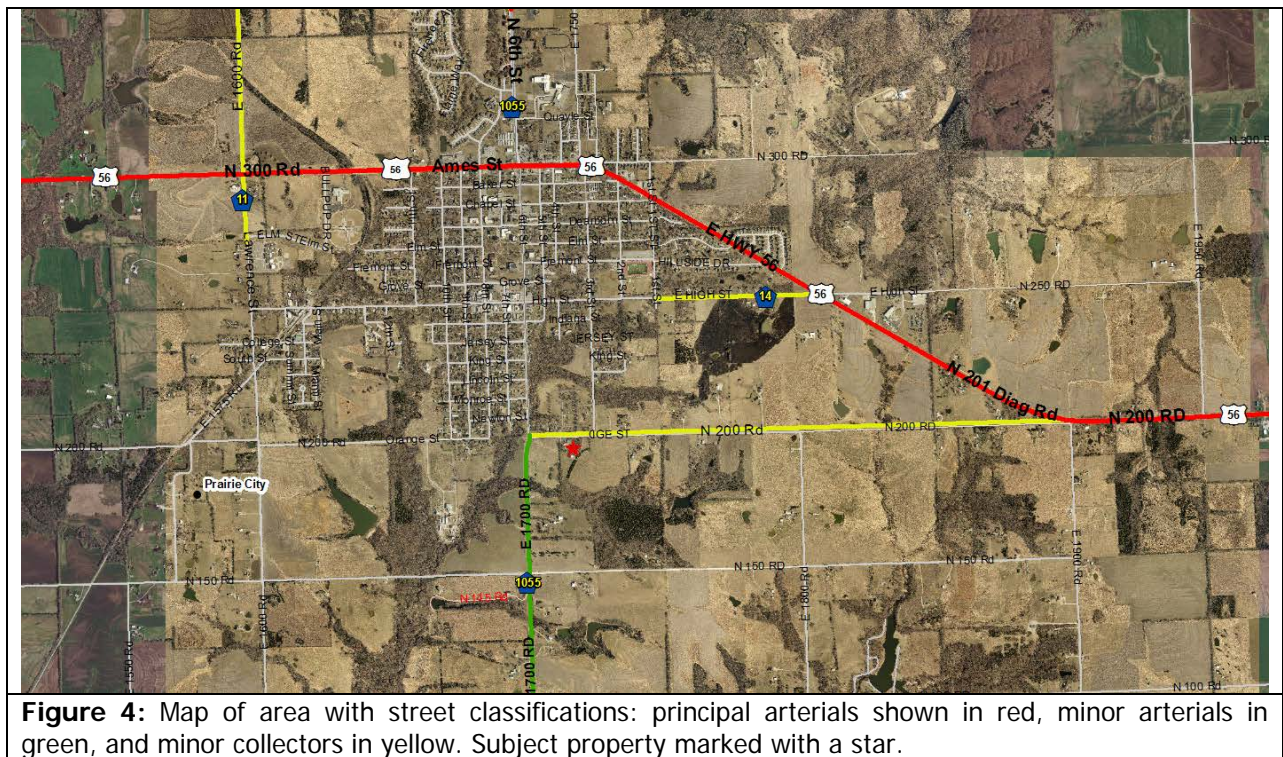


Figure 4: Map of area with street classifications: principal arterials shown in red, minor arterials in green, and minor collectors in yellow. Subject property marked with a star.

The subject property is in close proximity to the city of Baldwin City and is located on a minor collector road, N 200 Road, which provides convenient access to Highway 56 to the east, a principal arterial, and to E 1700 Road/County Route 1055 to the west, a minor arterial. The immediate area is rural in nature, with most of the urban development of Baldwin City being northwest of the intersection of N 200 Road/Orange Street and E 1700 Road (Figure 4). As noted earlier, the property is within the Urban Growth Area of Baldwin City. Figure 5 is the Future Land Use Map from the Baldwin City Comprehensive Plan. The subject property, marked with a red star, is in an area that is designated for single-family residential land uses.

Staff Finding – This is a rural area near the city limits of Baldwin City. Major thoroughfares in the area provide good access to the major transportation network. The proposed use would be compatible with the current land uses and character of the area.

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

Applicant's response:

"Maple Leaf Orchards is a 20-acre farm that has been operated as an orchard for many decades, with some interruptions. It has a 3 bedroom farmhouse and several outbuildings, including a 42' x 60' Morton Building, a small smokehouse in which previous owners smoked meat for sale and a 16' x 24' greenhouse/utility building that was previously used for the sale of herbs, flowers, food and various retail items. It was also operated in the past as a U' Pick-Em orchard and watermelon patch with family attractions such as a pumpkin patch, hay rides, bean bag tosses, amusing photo opportunities, a butterfly gazebo and other family entertainment activities. It is located just outside the city limits of Baldwin City, and it once attracted many visitors during the annual Maple Leaf Festival. Visitors from Lawrence, Kansas City, Johnson County and Lee's Summit during its heyday sought its premium apples and a rural farm experience. Maple Leaf Orchards once boasted hundreds of apple trees of various varieties as well as pears, cherries and peaches, but later fell into disrepair. The restoration efforts of the current owners have managed to preserve eighty of the 160 fruit trees that were still alive when their efforts began in 2009. 24 new trees have been planted thus far, and the current owners are in the process of a major orchard replanting. This will consist of various fruit types, but primarily heritage apple varieties, especially cider cultivars. Eventually, a small vineyard may also be planted."

The subject property is zoned A (Agricultural) District. Section 12-306 of the County Zoning Regulations notes "...the purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses." The A District is associated with a majority of the unincorporated portion of Douglas County.

Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. In addition, uses enumerated in Section 12-319 which are not listed as permitted uses in the A District, may be permitted when approved as Conditional Uses. The property has been developed with a residence and is well suited for uses which are permitted in the A District.

The existing outbuilding on the larger parcel will be converted for the Micro-distillery use, but no new structures are required for the new use. Given the small scale of the proposed facility, the property is also well suited for the proposed conditional use, *Value-added Agricultural Business*. A Conditional Use Permit (CUP) does not change the base, underlying zoning.

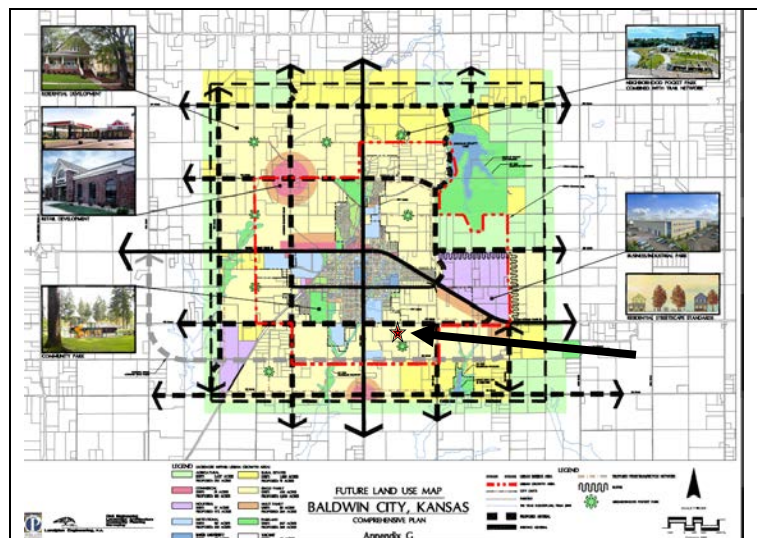


Figure 5. Subject property shown on the Future Land Use Map of Baldwin City, with red star. The area is designated for single family residences with a pocket park proposed to the southeast.

As the property is located within the Urban Growth Area of Baldwin City, urbanization is expected in the future. A neighborhood park is recommended in this area and the apple orchard and tourism activities that have been suggested along with the micro-distillery should be compatible with the recommended future land uses.

Staff Finding – The property is suitable for the uses which are permitted within the A (Agricultural) District. The property is also suitable for the proposed *Value-added Agricultural Business* use, a micro-distillery, when approved as a Conditional Use, given the small scale of the facility.

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

Staff Finding – The Douglas County Appraiser's records indicate that the residence was built in 1966, which was the year Zoning Regulations were adopted in the unincorporated portions of Douglas County. The outbuildings were constructed in 1980, a farm storage shed, and in 2011, a utility building. The property has been developed with residential and accessory structures since the adoption of zoning in the County.

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

Applicant's Response:

"We can't envision any detrimental effects which would be caused by approving the proposed use. Douglas County zoning regulations currently allow properties such as Maple Leaf Orchards to be utilized by microbreweries and farm wineries. The proposed micro-distillery would actually be a smaller operation than either of those. The Douglas County zoning regulations simply do not address the question of micro-distilleries because nobody has ever asked before, as we understand it. It would be reasonable to say that, if either of those uses are appropriate, then there is no reason why using the property for a micro-distillery would be inappropriate. These uses amount to essentially the same thing, for all intents and purposes. It is a question of semantics, really."

Section 12-319-1.01 of the County Zoning Regulations recognize that *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The proposed use is included in the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as a *Value-added Agricultural Business*.

The applicant provided information outlining the proposed use, which is included with this report as an attachment. Production would be fairly low, up to about 1,000 gallons of apple brandy per year, and would expand to include smaller batches of various fruit brandies in the future. The long term plans for the property include Agritourism activities, including tours of the micro-distillery and, if permitted, a small tasting room.

The subject property is adjacent to, and takes access from, a minor collector road with connections to a principal and minor arterial nearby. All processing will occur indoors and there will be no exterior storage of products or commodities. The applicant indicated that the by-product from the distilling process is in the form of pressed pulp which can be fed to livestock or composted.

Staff Finding – The use is small scale and should have no negative impacts to the adjacent properties.

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:

"According to our understanding, the proposed use would pose no adverse effects to public health, safety or welfare. As far as that goes, there is reason to believe that the proposed use would improve local land values and might even benefit local businesses. Micro-distilleries have had that sort of impact in other parts of the country where they have sprung up in the last decade.

It is reasonable to consider whether the peace and privacy of our neighbors might be disturbed by the traffic of visitors to Maple Leaf Orchards (should we be successful). That seems improbable to us. We would be surprised (but happy) if Maple Orchards were to receive even half as many visitors as it formerly received during its heyday as a U-Pick-Em orchard and farm experience. That would only occur if the local area were to undergo a lengthy process of development involving wineries, micro-breweries and micro-distilleries, such that a weekend tourist trail of those attractions became popular, along the lines of Napa Valley, or the Kentucky Bourbon Trail. If that were to happen someday, any minor inconveniences would definitely be offset by the innumerable positive financial impacts which would occur simultaneously."

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

Approval of this request would allow the landowners to process apples they grow on the property, in addition to apples or other fruits that are produced off-site, as a *Value-added Agricultural Business*.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request as the business operation is small scale, a low traffic generator and would be located on a minor collector in close proximity to a principal arterial.

Staff Finding – In staff's opinion, the approval of this request will result in a compatible project that will not harm the public health, safety or welfare. Denial of the request would provide no benefit to the public health, safety or welfare.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The micro-distillery would make use of the concept of "apples to bottle" within the confines of the orchard, depending on apples produced by the orchard. To this end, we plan on putting in more apple trees that would in turn enhance the rural nature of the area. Every attempt will be made to landscape the area around the orchard to look as natural as possible. We have researched the different native prairie grasses (silver bluestem, switch grass or foxtail millet) that are currently growing on our property. Working with a landscape architect, we plan to make beds along the road

and leading to the farmstead that would blend the various structures with the natural surroundings. Our goal is to be eco-friendly, to get an "organic" designation, and to be conservative with what nature has to provide."

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not directly address Conditional Use Permits; however it does contain recommendations for properties within the Urban Growth Area in Chapter 4, Growth Management. At the time the comprehensive plan was written, Lawrence was the only city with an Urban Growth Area. Baldwin City has since established an Urban Growth Area and the recommendations would apply to this area as well. The plan recommends that the Urban Growth Area not be developed to urban densities until infrastructure is in place and recommends that developing properties be annexed. The CUP proposal will maintain the existing rural residence and agricultural uses and add a *Value-added Agricultural Business* use which would not require the extension of infrastructure. The proposed uses are compliant with the comprehensive plan recommendations for properties within an Urban Growth Area.

Staff Finding –A Conditional Use Permit can be used to allow specific uses that are not permitted in a zoning district with the approval of a site plan. This tool allows development to occur in harmony with the surrounding area and to address specific land use concerns. The proposed CUP is compliant with the recommendations in the comprehensive plan as it will maintain the rural/agricultural character of the area and won't require the extension of City infrastructure.

CUP PLAN REVIEW

The proposal is to convert the Morton Building on the property to a micro-distillery. No external site improvements are proposed at this time.

Parking and Access:

The site has 2 access drives, one to the parcel in the northeast which had previously been used for the sale of agricultural products and the other to the residence. Deliveries would occur on the parking lot on the small parcel to the northeast. The applicant indicated that fruit deliveries would be very infrequent and would occur only during the harvest season. Product would be delivered with a pick-up truck.

The employee parks in the residential driveway. The applicant indicated he may consider extending the drive to the Morton Building in the future but has concerns with how this would affect the aesthetics of the property. Given the small scale, and non-public use of the facility, an access to the building is not necessary at this time.

Utilities

Waterlines will be extended to the building for washing and processing, but there will not be a restroom installed. The employees will use the existing restroom in the residence. The Douglas County Health Department indicated that a small septic system should be installed to manage the wastewater or the Morton building should be connected to the existing septic system.

Landscape and Screening: The equipment and materials used in the business will be stored inside; therefore, no landscaping or screening is required.

Limits and Conditions:

The standards for the *Value-added Agricultural Business* use apply to this use and these are listed on the plan. Due to the long-term investment, it is not appropriate to impose an end date on this CUP. Five year administrative reviews are recommended to provide regular opportunities to assess changes in operation.

Conclusion

The *Value-added Agricultural Business* standards should insure compatibility with surrounding properties. A permit required for the Conditional Use may be obtained from the Douglas County Zoning and Codes Office following approval of the Conditional Use and release of the plans to the Zoning and Codes Office. The building used for the *Value-added Agricultural Business* must comply with minimum building code standards for non-residential uses and a building permit will be required for changes to the structure.



General Notes:

1. Site: 1743 N 200 Road and adjacent parcel
2. Site Area: Approximately 20 acres
3. Existing Zoning: A (Agricultural) District
4. Current Use: Residential and Agricultural
5. Proposed Use: Residential, Agricultural and Value-added Agricultural Business (Micro-Distillery)
6. Legal Description: 18.327 ACRES; SECTION 10 TOWNSHIP 15S RANGE 20E; EAST 10 ACRES OF NORTHEAST 1/4 OF NORTHWEST 1/4, LESS 1.673 ACRE D 291/420; ALSO W 10 ACRES OF E 1/2 OF NORTHEAST 1/4 OF NORTHWEST 1/4 TCW82

CUP CONDITIONS:

1. A maximum of 4 full-time equivalent employees are permitted.
2. The total area of the structures used for operation, production, or storage may not exceed 10,000 sq ft.
3. Noise, light, vibration, or odor associated with the production may not be perceptible beyond the site boundary/property lines.
4. The process must comply with EPA water and air quality standards.
5. All equipment used in production shall be located wholly within a building or structure or be screened from the public rights-of-way and adjacent residential buildings.
6. Product shall be enclosed within a building or structure so that it is not visible from the property lines.
7. Deliveries from vehicles with a GVW (Gross Vehicle Weight) that exceeds 5 tons in capacity are limited to no more than 2 trips (to and from the site) per day.
8. The CUP will be administratively reviewed every 5 years following approval.

**Conditional Use Permit
Maple Leaf Orchards
Micro-Distillery
1743 N 200 Road**

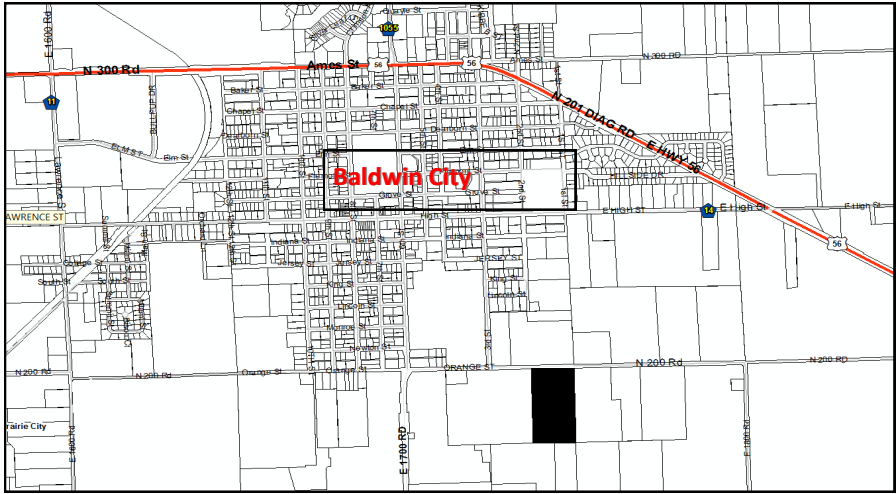
Parking Summary:

Required parking: 1 space per 2 employees
1 employee: 1 parking space
Parking provided: 1 parking space

Site Summary:

Site area: ~ 20 acres
Micro-Distillery Structure: 2,520 sq ft

GENERAL LOCATION



November 4, 2014

Hi Mr. Sherman,

Thanks so much for getting back to me on this.

My wife and I bought a 20 acre apple orchard/farm outside of Baldwin City about five years ago. This place had been known as Maple Leaf Orchards for decades. It was once a thriving orchard and "kiddie farm" destination, with a pumpkin patch, hay wagon rides and so on. Many locals have shared happy memories about their visits there! They are very excited that we are rehabilitating the orchard, for it had become very neglected and run-down.

Paul and Helene Gesink were the previous owners. Paul grew crops and sold produce, U-pick-'em fruit, hot dogs, slushies, bird feeders and so on from one of the buildings on the smaller parcel. The property actually consists of two separately deeded parcels. The 18.5 acre tract includes the orchard, farmhouse and a Morton Building. It has been in operation as an orchard since the early 60's. My understanding is that it has always been taxed and zoned as Agricultural land. The 1.5 acre tract was taxed as commercial land by the State until a few months before we bought it in 2009. My understanding is that it had some sort of mixed-use business zoning back then. Helene taught elementary school. The place fell apart after they divorced.

Our original intention was to plant grape vines and begin the process of establishing a winery while we waited for the vines to mature. (As you probably know, it generally takes 3-5 years for grape vines to produce.) As we evaluated the property and began designing the vineyard/winery - selecting grape varietals (mostly Crimson Cabernet, like Dennis Reynolds over at Somerset Ridge), acquiring tools and materials to build trellises, testing the soil, and so on - we discovered that the farm was in even worse shape than we thought.

The orchard, in particular, was more of a jungle than anything else, with hundreds of vines up to 4" in diameter covering the canopies and pulling the trees to the ground. Partly out of sympathy for the poor trees and partly in order to have fruit (even if not grapes) available to ferment sooner, rather than later, we began to rescue the orchard. Approximately 80 out of 160 trees survived the vine-clearing process and subsequent drought. We have since planted 24 additional trees, including some pears and cherries. We intend to plant at least 100 more apple trees this Spring, as well as a smaller number of plum and other fruit trees. You see, we had a change of plans along the way! My wife is a gardener and lifelong tree-lover. She fell in love with the orchard!

I am a physician who will be retiring in a few years. I will need a small retirement income to augment Social Security. Two years ago, we made about 50 gallons of hard apple cider, which is currently aging. Last year, a series of unusually warm March days alternating with freezing nights took out our entire crop. This summer, we had a good crop and fermented another 90-100 gallons. I can't make a profit selling hard apple cider

though, especially with so many large companies mass producing it these days. I just can't compete with their economies of scale. My price per bottle would simply be too high.

A micro-distillery is a different story. They are very popular these days! More and more of them are opening around the country every year. There is a growing market for boutique (aka "artisan") brandies. Our plan is to distill our hard apple cider into apple brandy. Eventually, we would like to distill 500-1000 gallons of brandy annually. According to my projections, that would result in \$10-20K revenue after expenses annually. We would make smaller batches of various fruit brandies (probably plum and pear to begin with) someday.

We are also interested in making the orchard a place for families to visit again. The details about that are still under consideration. We would like to offer tours of the micro-distillery and, if permitted, have a small tasting room. We are confident that we would attract many visitors during the annual Maple Leaf Festival in Baldwin City (we are just outside the city limits). It is likely to take a little longer to develop a plan for attracting Agritourists from greater distances. Our efforts in that direction thus far have included studying the State's Agritourism website and beginning to build relationships with other orchards and wineries. We plan to visit the two micro-distilleries currently operating in Kansas.

Our primary fruit processing, fermentation and distillation facility will be an existing 42' x 60' Morton Building on the large property, built in 2011. It is on the back half of the property and only partly visible from the road. We have been discussing electrical service with Baldwin City Public Works and interior finishing with the Morton Building people who constructed the barn. I have made inquiry with the manufacturer of a small hydraulic apple grinder/press. There are several options for a still.

Apple brandy has traditionally been distilled in 250 gallon batches using copper pot stills sometimes called alembics. In Normandy, where they call apple brandy "Calvados", portable pot stills are hauled from farm to farm where they are heated over wood-burning fires. Farmers will produce one or two barrels of "Calvados" annually, which they sell or trade to other farmers. The majority of farms in that part of France have a small orchard which generates this small but important income for them. Industrial distilleries are very different. There, column stills utilize an entirely different "continuous" distillation process. This continuous feed (as opposed to single batch) process enables them to produce tens of thousands of gallons (or even more!) of grain alcohol daily.

I hope I have been able to convey the difference between a distillery and a micro-distillery. What we have in mind is a micro-distillery. We would use a 250 gallon (possibly smaller, depending on cost) copper pot still with an electrical heating element. I believe our operation would be smaller than most micro-breweries and farm wineries in Kansas. Our current workforce consists of the two of us (part-time) and one full-time

employee. I would expect to hire one or two more full-time employees at the most, and that would happen only if we are successful.

Of course, all of this is dependent upon our ability to obtain a distillery permit from the TTB. They do not issue permits until the facility and machinery are all in place, have been approved by the appropriate local, county and state agencies and have passed TTB inspection. We have been encouraged by members of the Baldwin City Council to move forward. I have put all of these projects and purchases on hold pending a decision from you/the Douglas County Zoning department.

I have never been involved with a project like this in my life and am eager to obtain your guidance as to how to do things properly from the County's point of view. How should I proceed? Since micro-distilleries are not even specifically addressed in the zoning regulations currently, but are closer to micro-breweries or farm wineries than anything else, is it a matter left to your discretion? Or would a micro-distillery fall under the general category of distillery even though they are actually very different? If that is the case, I fear I must abandon the project entirely, for distilleries are allowed only in heavy industrial zones.

Thank you for your time in reading this and for any guidance you may give me. Please let me know if you have any questions. I would be more than happy to show you around the orchard, if that would be helpful to you.

Sincerely,

(William) Rory Murphy, MD
913-484-4045 - cell phone



FOR IMMEDIATE RELEASE

Huber's Starlight Distillery Celebrates Grand Opening of New Stillhouse

STARLIGHT, Indiana (December 5, 2014) Today, Huber's Starlight Distillery announced their official opening to a large crowd of supporters during a public open house. The grand opening & ribbon cutting ceremonies celebrated the expansion into a new 12,000 square foot "stillhouse" facility on the Huber's Orchard, Winery, and Vineyard property in Starlight, Indiana.

The development of a distillation process for spirits and opening of a stillhouse was a logical step for Huber's after Indiana Governor Mike Pence signed a new craft artisan permit into law in 2013. State Rep. Ed Clere, R-New Albany, authored the legislation and said, "Indiana wineries and breweries have done a lot for economic development and revitalization, tourism, and job creation in communities throughout the state. There are similar opportunities with distilling, and this expansion is a significant step for the Huber family."

The law grants permission to wineries who want to diversify their business model to include the production of the spirit, such as vodka, gin, whiskey, and bourbon. In response, Huber's released their Starlight Distillery Vodka this past June and in October, Starlight Distillery Gin.

Ted Huber, President, Co-Owner, and Master Distiller of Starlight Distillery noted that the agriculture and tourism aspects of their operation have always been a priority for the family and the tours demonstrating their production process are becoming more popular with visitors. "It's a priority for us to be grain to glass with our spirits like we are vineyard to bottle with the majority of our wines," said Huber. "Our tradition started in 1843 with a family farm and our agricultural heritage still remains a priority today."

The Huber family hopes the expansion into spirit production will be an investment in the local community and partnerships with local companies such as Vendome from Louisville, KY, Libs Paving and Koetter Construction of Floyds Knobs, Indiana were a priority in the construction of the facility.

The event was planned as a celebration of National Repeal Day, an annual affair honoring the day when Prohibition was repealed in 1933. It included a blessing of the new facility, surprise fireworks, spirit tastings and hors d'oeuvres.

"The reaction from the public has been overwhelmingly positive, especially now that Huber's guests have a choice between enjoying the new Vodka and Gin craft artisan cocktails available on property along with Huber's award winning wines," said Samantha Huber, Retail Manager of Huber's Winery.

Huber's is an active member of the American Craft Spirits Association (ACSA) as well as the Distilled Spirits Council of the United States (DISCUS). The brand, Starlight Distillery, was founded in 2001 with the production of their brandy and is a division of Huber's Orchard, Winery, & Vineyards. Currently, all wines and spirits are available for purchase. Huber's Winery is open Monday through Saturday, 10 a.m. – 6 p.m. and Sundays, 12-6 p.m. For more information about the distillery and the products, visit www.starlightdistillery.com.

Media Contact: Dana Huber, dhuber@huberwinery.com; (800) 345-9463 or (502) 817-0064 (cell).



P.O. Box 86, 803 Eighth St., Baldwin City, KS 66006 (785) 594-6427 FAX: 594-6586

May 14, 2015

Lawrence/Douglas County Planning Commission
6 East 6th Street
Lawrence, KS 66044

Dear Chairman Liese & Lawrence/Douglas County Planning Commission Members:

The Baldwin City Planning Commission has received and reviewed the Conditional Use application for Mr. and Mrs. Murphy to operate a micro-distillery at 1743 N. 200 Road, Baldwin City, Kansas. It is the opinion of the Baldwin City Planning Commission that the operation of a micro-distillery will have a positive impact on the County and its agri-tourism efforts and will offer a distinctive economic opportunity for the City of Baldwin City. We fully support the approval of the Murphy family's Conditional Use application and recommend that you do as well.

Respectfully,

Richard DeChant
Baldwin City Planning Commission Chair



Matt Kirby
Planning Commission Member



Ted Madl
Planning Commission Member



Joe Salb
Planning Commission Member



Casey Simoneau
Planning Commission Member



PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
5/18/15

**ITEM NO. 2 CONDITIONAL USE PERMIT FOR FLORY DAIRY EQUIPMENT; 702 E
1747 RD (MKM)**

CUP-15-00113: Consider a Conditional Use Permit for Flory Dairy Equipment at Vinland School, located on approximately 3.9 acres at 702 E 1747 Rd, Baldwin City. Submitted by Flory Dairy Equipment, Inc, contract purchaser of the property, for Rural High School District No. 1/Unified School District No. 348, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a dairy equipment sales office, repair and accessory storage, classified as *Office and Research Facility and Farm Implement Repair Service*, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report and subject to the following conditions:

1. The following actions shall occur prior to the release of the permit for the Conditional Use:
 - a. Applicant shall obtain an easement from the affected property owners for the long-term use of the off-site lagoon.
 - b. Applicant shall obtain a permit or easement from Douglas County for the pipe under E 1750 Road which accesses the lagoon prior to the release of the permit for the Conditional Use.
 - c. KDHE approval of the off-site lagoon, or release of the lagoon to the Douglas County Health Department.
 - d. A revised CUP plan must be provided to the Planning Office with the following changes:
 - i. Recording information for the easement for the lagoon noted on the plan.
 - ii. The ADA parking space identified on the plan.
 - iii. Total building area noted on the plan with the following note: *"Any expansion of the use or addition of a new use into the unused portion of the building will require CUP approval."*
 - iv. Label the portions of the building that are to be used for office, repair/storage, and warehouse.
 - v. Addition of the following note: *All dairy equipment repairs shall occur within the structure.*
2. The following actions shall occur prior to the release of a Certificate of Occupancy:
 - a. Repair of the lagoon fencing which include the patching of a hole in the north side of the fence and reattachment of the gate to the posts.
 - b. Reconstruction of the access on N 700 Road per County Engineer's plans and approval.
 - c. Removal of E 1747 access point on E 1750 Road per County Engineer's approval.

Reason for Request: *"We would like to move Flory Dairy Equipment from current location of 762 E 1250 Road.*

KEY POINTS

- The property is located within 3 miles of the city limits of Baldwin City; therefore, a joint meeting will be held with the Lawrence-Douglas County Metropolitan and Baldwin City Planning Commissions.

- The previous use, Vinland School, utilized an off-site lagoon. The Health Department indicated this may be used for the proposed use, with KDHE approval. An easement must be dedicated for this off-site lagoon and the pipe under E 1750 Road.

ATTACHMENTS

- A --CUP Plans
- B --Sewer Line graphic

ASSOCIATED CASES

- SP-03-18-02: Site plan for addition of a gymnasium to the school facility was approved by the Board of County Commissioners on March 29, 2002. Attachment B is the exhibit provided with this site plan for the location of the sewer line under E 1750 Road.

OTHER ACTION REQUIRED

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

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; *School*, the vacant Vinland Elementary School.

Surrounding Zoning and Land Use: A (Agricultural) District in all directions; *Residential Detached Dwellings, Rural Home Occupations, Agriculture, and Non-Profit, Non-Governmental, Public Recreation Facility and Community Buildings* (Vinland Fair Grounds north of the subject property).

F-F (Floodway Fringe Overlay) District to the east and southeast.
(Figure 1)

Summary of Request

The applicant currently operates a dairy equipment supply and repair business at 762 E 1250 Road as a Rural Home Occupation. If the CUP is approved, he will move the business to the subject property.

The subject property was developed with an elementary school which consisted of three buildings: two buildings (5,000 sq ft and 12,328 sq ft) for offices and classrooms, and a 3,226 sq ft gymnasium for a total building area of 20,554 sq ft. The proposed use will consist of 5,000 sq ft of office, 1,900 sq ft of repair and storage, and 6,500 sq ft of warehouse for a total of 13,400 sq ft and the remainder of the building will remain unused at this time. Any expansion of the use or addition of a new use into the unused portion of the building will require CUP approval.

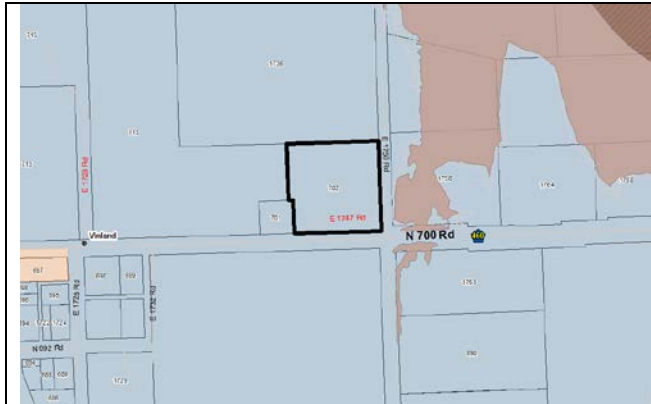


Figure 1a. Zoning of the area: Unincorporated portions of Douglas County zoning shaded: blue-A (Agriculture), brown-B-1 (Neighborhood Business) Districts.



Figure 1b. Land use in the area. Off-site lagoon is circled.

The proposed uses are may be permitted with a Conditional Use Permit, as noted below:

12-319-4.26 Offices and Research Facilities, provided those facilities are located in an existing structure.

The facility, including the *Office* uses, will be located within the existing school buildings. Accessory storage will be provided in the existing structure for their products.

12-319-4.25 Farm Implement Repair Service.

The 'Dairy Sales and Service' use is very similar to 'Farm Implement Repair' in that the company is selling and servicing farm equipment. The business does some repairs, on site and at their facility, and will keep their tools on the site. In staff's opinion, the storage and repair portion of the facility fit into this use category.

The dairy equipment supply and service business would be a good reuse of the school building with an agriculturally based use. The CUP process allows the Commission to be very specific about the new use that is being permitted, rather than allowing the broad range of uses which would be permitted with rezoning.

USE INFORMATION

The following information was taken from the 5 year plan submitted with the application:

- Shop (repair and cleaning parts): approximately 1,900 sq ft
- Office & Storage: approximately 5,000 sq ft
- Warehouse: approximately 6,500 sq ft

The warehouse will be used for loading and unloading products and for layout out equipment and supplies for various dairies and jobs. The storage area will be used for unused equipment, office supplies, tools, etc. The gravel area is for truck maneuvering area and to provide additional space for loading and unloading. No exterior storage is proposed.

While the number of employees may vary, the company currently has one full-time employee who will be on the premises Monday through Friday and has multiple technician and delivery employees who will periodically be in the building seven days a week. The weekend activity would primarily be the loading of tools or equipment for an emergency service call.

The business anticipates the following delivery traffic:

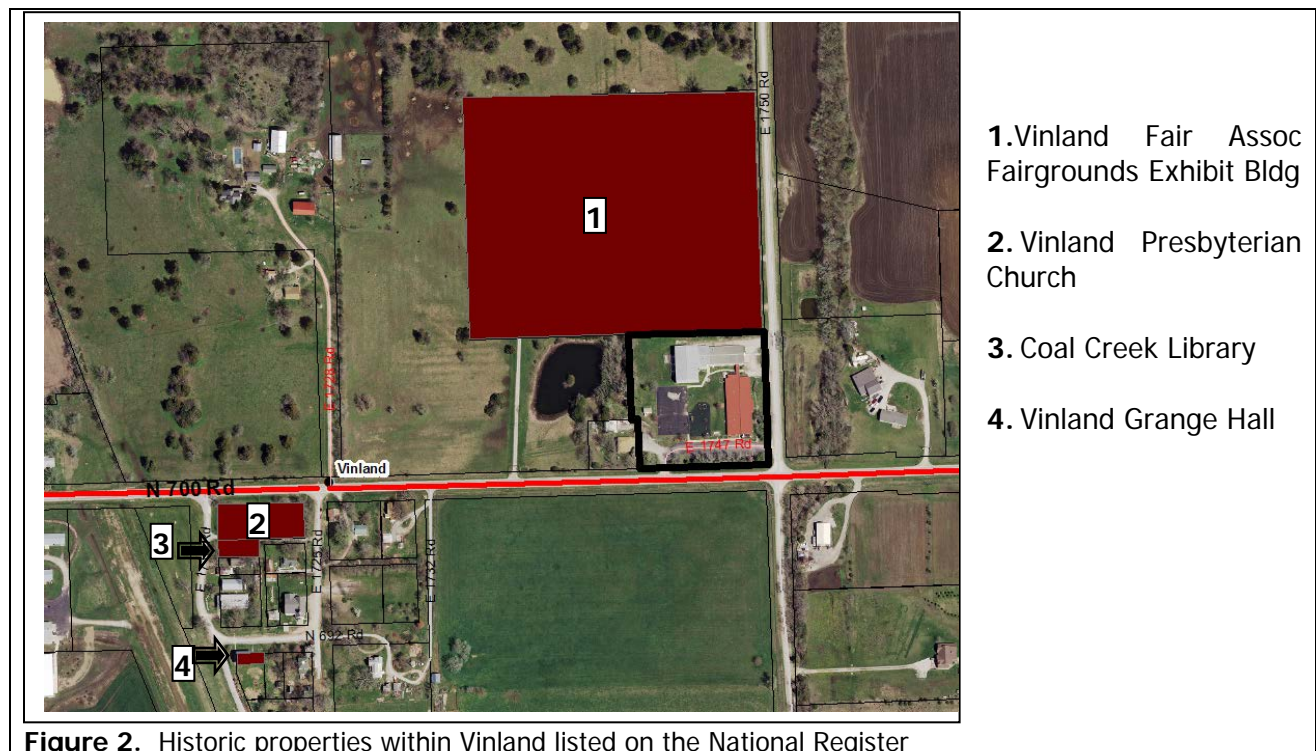
- 1 UPS truck per day
- 1 semi-truck per week
- Flory Dairy Equipment delivery truck 3 times per week

Sales people will drive company vehicles to and from work and their vehicles will be on site when they are in the office. The business currently has five employees that will park on site; however, the applicant noted that it would be unusual for all five to be there at the same time. There would typically be 2 employees on the site at one time.

I. ZONING AND USES OF PROPERTY NEARBY

The subject property is located in close proximity to the unincorporated town of Vinland. The property and surrounding area are located in the unincorporated portion of the County which is zoned A (Agriculture). There is floodplain and the F-F (Floodway-Fringe Overlay) District to the east and southeast. The area contains rural residences, rural home occupations, and agricultural land uses as well as the Vinland Fairgrounds to the north. There is a property to the west, within Vinland, that is zoned B-1 and is developed with a *detached residence*. The town of Vinland is zoned A, but has various uses including residences, and a church. Several of the buildings and the Vinland Fairgrounds are listed on the National Register of Historic Places (Figure 2)

To the west of Vinland is the Vinland Airport. The hangars and buildings used for the aviation industry are zoned I-1 (Light Industrial) District. The dairy services and supplies business would be permitted on property that was zoned for industrial uses; however, the broad spectrum of uses that are permitted in the industrial districts may not be appropriate for the subject property, given the close proximity of residential land uses. The CUP allows for a specific use to be identified and conditions can be applied, if needed, to insure compatibility and appropriate reuse of the existing vacant school facilities.



Staff Finding –Surrounding uses are predominantly rural residential and agricultural. The proposed use would consist primarily of offices, storage for dairy equipment and supplies, and a repair facility. Given the limited scope of the proposed use, and the property's location on N 700 Road/County Route 460 (a principal arterial) the use is a good fit for the area. It should be compatible with the surrounding properties.

II. CHARACTER OF THE AREA

The area contains a mix of uses, with the small lot residences and other uses within the town of Vinland, the industrial uses associated with the Vinland Airport, various Home Business Occupations, agriculture, rural residences, and a fairground. Floodplain associated with Coal Creek is located in the area to the east of the subject property. The area has the intersection of 2 principal arterials: E 1700 Road/County Route 460/1055 and N 700 Road/County Route 460. The property was previously developed with an elementary school and few site changes are being proposed with the new use. Proposed changes include the addition of a gravel area in the northwest portion and the addition of 2 gravel drives. At some point in the future, a loading dock is planned on the north side of the north building. The minor changes proposed to the site and the low intensity of the proposed use would not alter the character of the area. (Figure 3)

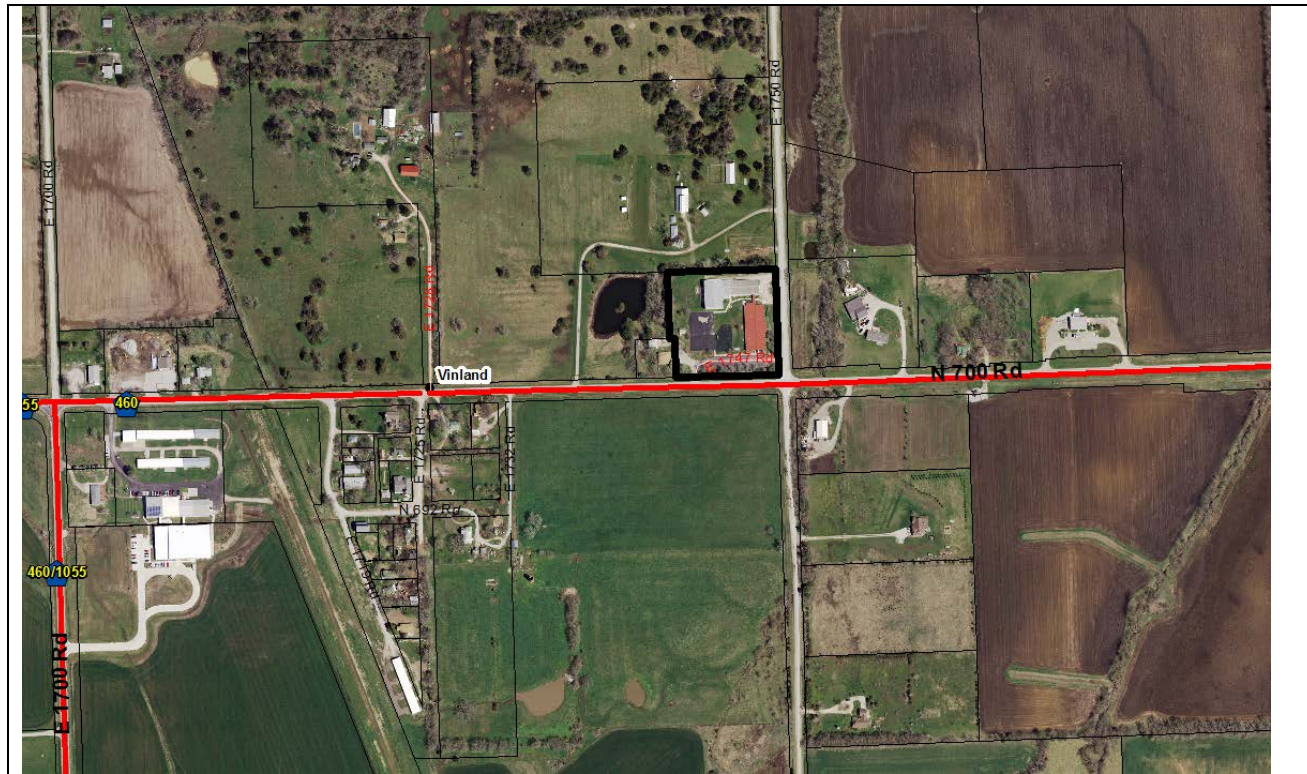


Figure 3. Aerial photo of surrounding area.

Staff Finding – The area is rural in character and is zoned A (Agricultural) District with land to the east zoned F-F (Floodway Fringe Overlay) and F-W (Floodway Overlay) Districts for the floodplain associated with Coal Creek. Several nearby properties are listed on the National Register of Historic Places, including the Vinland Fair Ground to the north. The minor changes proposed to the site should maintain compatibility with the nearby historic properties and the area.

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

The subject property is zoned A (Agricultural) District. Section 12-306 of the County Zoning Regulations notes *"...the purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."* The A District is associated with a majority of the unincorporated portion of Douglas County.

Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. In addition, uses enumerated in Section 12-319 which are not listed as permitted uses in the A District, may be permitted when approved as Conditional Uses. The property has been developed with a school and is suited for use as a school and could be suitable for use as a church but is not well suited for other uses to which it is restricted in the A District. The property is suitable for the proposed use, which is permitted in the A District when approved as a Conditional Use.

Staff Finding – The property has been developed with a school and would be suitable for a school or church use but is not well suited for other uses which are permitted within the A (Agricultural) District. The property is suitable for the proposed use, when approved as a Conditional Use.

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

Staff Finding – The property was developed with a school in 1994. The school closed in May of 2011 and has been vacant since that time.

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

Applicant's Response:

"This shall not effect nearby properties."

Section 12-319-1.01 of the County Zoning Regulations recognize that *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The proposed use is included in the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as *Office and Farm Implement Repair*.

The applicant currently operates his business at his residence at 762 E 1250 Road as a Rural Home Business Occupation. He proposes moving it to this location so that the larger buildings can be used. A Rural Home Business Occupation is limited to no more than 3,500 sq ft in a structure outside the residence. The Conditional Use would also allow a larger number of employees. The move from a Rural Home Business Occupation would allow the business to grow, while the

Conditional Use will allow conditions to be applied to insure the use is compatible with nearby land uses.

The proposed location is adjacent to a Principal Arterial. Delivery trucks will access the site through the large drive area on E 1750 Road, which was used by school busses previously. The sales people and other employees will use the access on N 700 Rd/County Route 1055. Access to this road is provided via the private road E 1747 Road. This road provides access to the school and to the residence at 701 E 1747 Road.

The amount of traffic generated by the site should be fairly similar to, or less than, the traffic generated by the school.



Figure 4. Company delivery vehicle.

To insure compatibility with the surrounding land uses, the following conditions are recommended:

1. All equipment and materials used in the business must be stored indoors.
2. Any new parking areas shall be screened from view of adjacent road rights-of-way or residences.
3. No retail sales of product shall occur on the site.
4. Deliveries from trucks with a GVWR (Gross Vehicle Weight Rating) of more than 5 tons are limited to no more than 2 per day. This does not apply to incidental deliveries such as Fed Ex, and UPS.
5. All dairy equipment repairs shall occur within the structure.

These standards have been noted on the face of the plan with the exception of No. 5. This should be added to the plan.

Staff Finding – The use will reuse an existing building for a dairy supply and service business. The primary on-site use will be *Office* and the warehousing of supplies. Some equipment repair will occur on site, within the structure. The majority of the traffic anticipated each day consists of employees in company vehicles coming to work in the office or to pick up equipment for delivery. The proposed conditions should insure compatibility with nearby land uses.

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

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

Approval of this request would accommodate the reuse of the vacant school building with an existing agricultural based business in the area. This will allow the business to grow while maintaining the agricultural character of the area. Approving the CUP rather than rezoning the

property to an Industrial zoning district allows particular uses to be permitted and conditions to be applied to insure compatibility with nearby land uses.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request as the business operation is small scale, a low traffic generator, and would be located on a principal arterial.

Denial of the request would require the applicant to seek rezoning of the property to an industrial zoning district or to relocate the business into a city. The B2 District (General Business) would permit the proposed use; however, the location is not compliant with recommendations in the Comprehensive Plan for Commercial Zoning. The plan recommends only one new location for B2 zoning in the county and that is in the southeast portion of the county.

Staff Finding – In staff's opinion, the approval of this request, with the proposed conditions will result in a use that would be compatible with the nearby land uses. Approval would allow the reuse of the vacant school with an agricultural based business, which would maintain the agricultural character of the area. Denial of the request would require rezoning of the property to an industrial district prior to the installation of the use, or location of the use on industrially or commercially zoned property.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas and that uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses. The subject property is not located within an identified urban growth area and is currently developed with a vacant elementary school. The only physical changes being proposed is the addition of a graveled area for truck maneuvering, the improvement of the access point on N 700 Road and the removal of an access point on E 1750 Road. The proposed use, as conditioned, would result in the reuse of an existing building with an agriculturally related use that would be compatible with agricultural production and uses.

Staff Finding –A Conditional Use Permit can be used to allow specific uses that are not permitted in a zoning district with the approval of a site plan. This tool allows development to occur in harmony with the surrounding area and to address specific land use concerns. As conditioned, the proposed use is in compliance with the Comprehensive Plan.

CUP PLAN REVIEW

The proposal is to convert the vacant school on the property to a dairy supply and service business. Proposed site improvements include the addition of a graveled area to provide area for loading and unloading and truck turning maneuvers and the addition of graveled drives through the property.

Parking and Access: The property was developed with 20 parking spaces adjacent to E 1747 Road.

Parking Summary			
USE	REQUIREMENT	REQUIRED	PROVIDED
Office	1 sp per 400 sq ft	5,000/400=13 spaces	20 spaces
Repair	1 sp per 3 employees	*3 spaces	
Warehouse	1 sp per 2 employees		
ADA	1 space for 25 spaces	1 space	1 space

- The repair and warehouse uses include the same employees. The more stringent parking requirement, 1 space per 2 employees, was used to cover both uses.

Access: The property has 2 access points on E 1750 Road and a private road E 1747 Road accesses both N 700 and E 1750 Road. This private road provides access for both the proposed use and the detached dwelling to the west. Per the County Engineer's recommendation the access point for E 1747 on E 750 Road will be removed. This access point is approximately 50 ft from the intersection and the removal will improve the safety of the intersection. The private road's access on N 700 Road will need to be improved to county standards with this project and the radius increased to accommodate turning traffic. The County Engineer indicated the Public Works Department would prepare the plans for these improvements and these would need to be completed prior to the issuance of a Certificate of Occupancy for the use.

Landscape and Screening: The equipment and materials will be stored inside. No new parking areas are proposed at this time. If a new parking area is proposed in the future, screening will be required.

Utilities: Water is provided by Rural Water District No. 4. An off-site lagoon was used for sewage management with the school use. The easement for the use of the lagoon was tied to the school use/ownership of the property; therefore, the applicant must obtain an easement from the property owners for the off-site lagoon. The County Health Official inspected the lagoon site and determined that minor repairs were needed to the fencing; otherwise, the lagoon was in good working condition. He indicated that KDHE approval may be necessary for the continued use of the lagoon. The County Engineer recommended that a permit or easement be obtained for the sewer line which is located under E 1750 Road.

Limits and Conditions:

Conditions listed earlier in this report are recommended to insure compatibility with the nearby residential uses. The use should be administratively reviewed by the Zoning and Codes Office every 5 years to insure compliance with the standards of the Conditional Use Permit. Expiration dates are often applied to Conditional Uses so they may be re-evaluated to determine if they remain compatible with the development in the area. Given the low intensity of this use and its agricultural nature, staff does not recommend an expiration date. This requirement for a 5 year review is noted on the plan.

Conclusion

The proposal complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020* and the standards placed on the Conditional Use should insure compatibility with surrounding properties. The building must comply with minimum building code standards for non-residential uses and a building permit will be required for changes to the structure. The use requires a Conditional Use Permit which shall be obtained from the Douglas County Zoning and Codes Office.



LEGAL DESCRIPTION: 3.92 Acres; Beginning at a point 25.3 rods west of the Southeast corner of the Southwest Quarter of Section Ten (10), Township Fourteen (14), Range Twenty (20), thence North 175 feet, thence West 125 feet, thence South 175 feet, thence East 125 feet, to the point of beginning.

General Notes:

1. Site: 702 E 1747 Road
2. Site Area: Approximately 3.9 acres
3. Existing Zoning: A (Agricultural) District
4. Current Use: Vacant School
5. Proposed Use: *Office, Farm Implement Repair* and associated storage/warehousing (Dairy Supply and Service Business)

CUP CONDITIONS:

- 1) Commercial vehicles that exceed 5 tons (gvw) in capacity are limited to 2 trips (to and from the site) per day. This does not apply to incidental deliveries such as Fed Ex, and UPS.
- 2) All equipment and materials used in the business must be stored indoors.
- 3) Any new parking areas shall be screened from view of adjacent properties.
- 4) Product shall be enclosed within a building or structure so it is not visible from the site boundary lines. No retail sales of product shall occur on the site.
- 5) An easement for the offsite lagoon has been recorded at the Register of Deeds at Book_____, Page _____
- 6) The CUP will be administratively reviewed every 5 years following approval.
- 7) E 1747 Road's east access to E 1750 Road will be closed and the access to N 700 Road will be improved per the County Engineer's plans and approvals prior to the release of a Certificate of Occupancy.

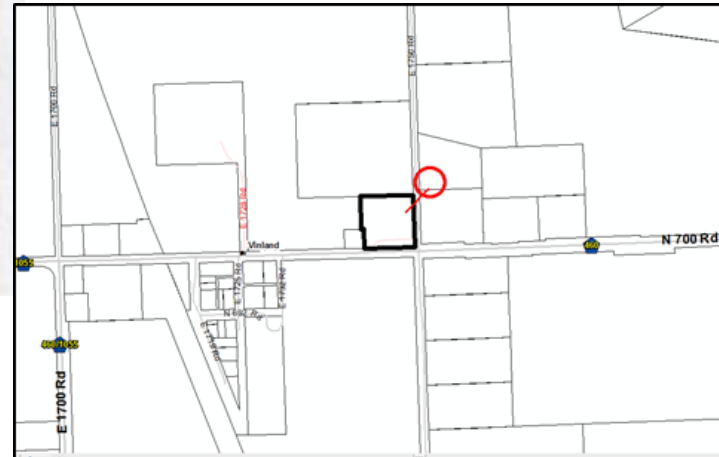
SITE INFO

Office: approximately 5,000 sq ft
Repair and Storage: approximately 1,900 sq ft
Associated Warehouse: approximately 6,500 sq ft
Total Building Area: XXXX sq ft

PARKING SUMMARY

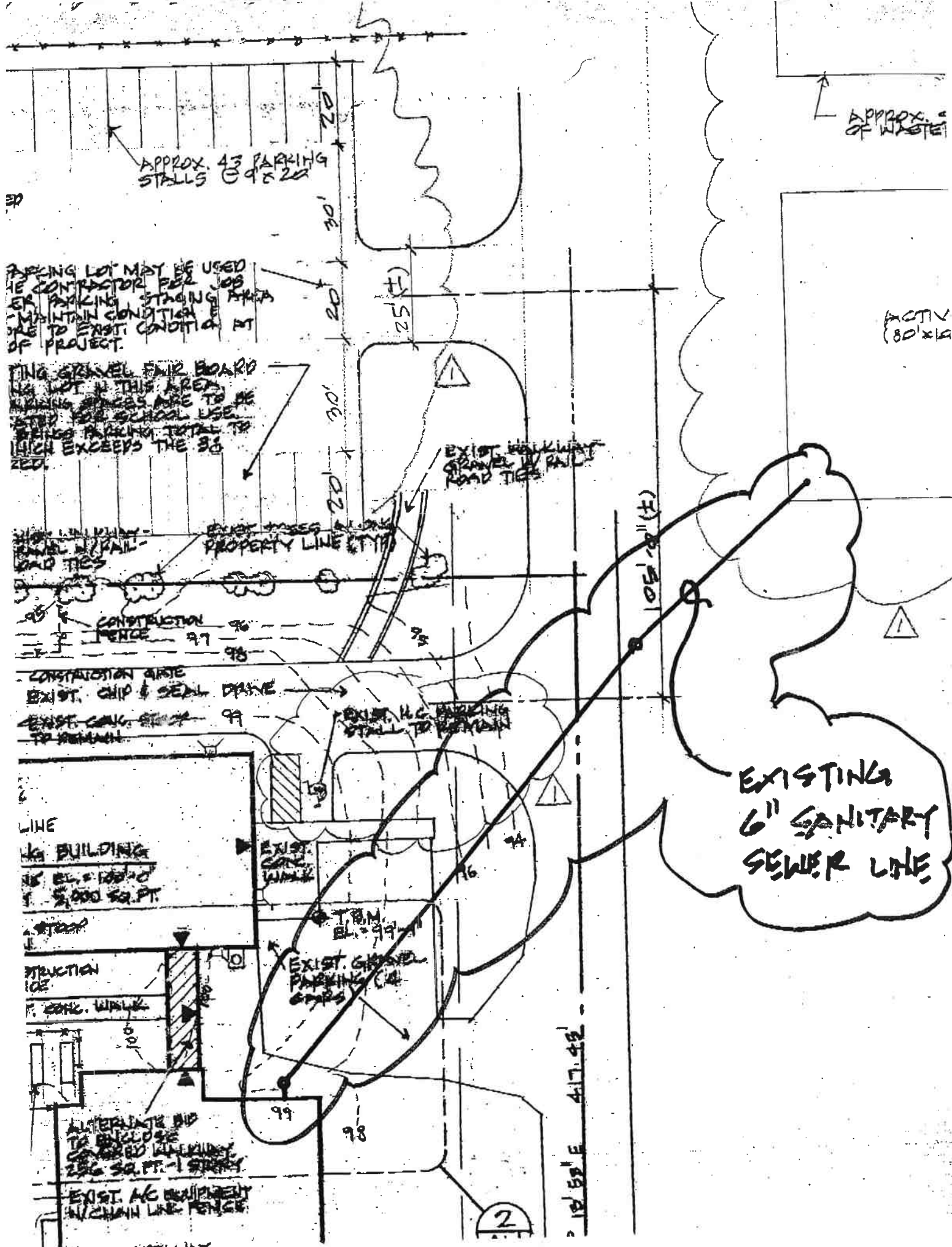
Office 1/400 sq ft area: 13 spaces
Repair and storage: 1/3 employees; Warehouse 1/2 employees
5 employees total: 3 parking spaces
Parking Required: 16 spaces
Parking Provided: 20 Spaces
ADA spaces required: 1 ADA spaces provided: 1

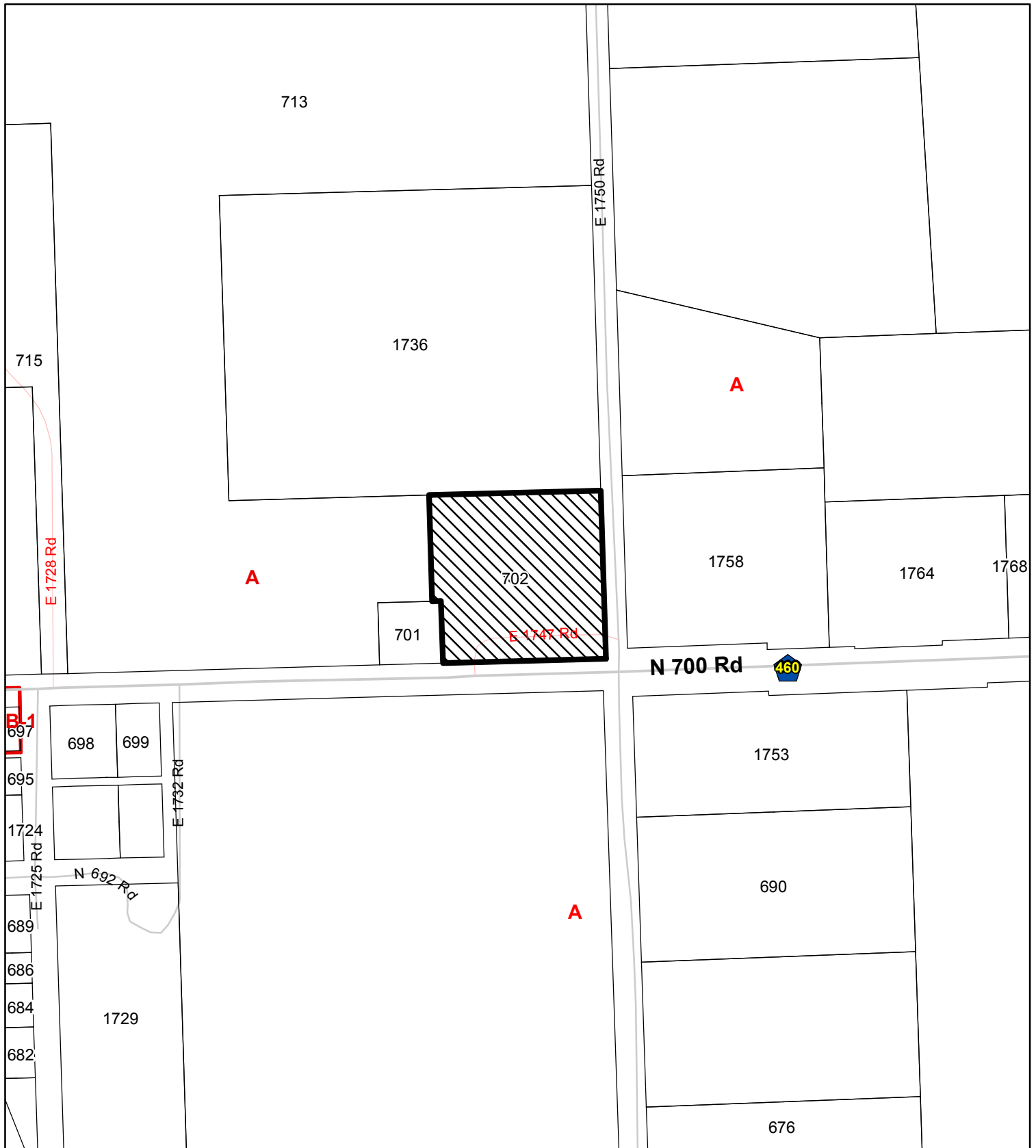
GENERAL LOCATION



- Approximate location of off-site lagoon and sewer line in red.


Conditional Use Permit
Flory Dairy Supply & Service
702 E 1747 Road





**CUP-15-00113: Conditional Use Permit for Flory Dairy Equipment
at the Former Vinland School Located at 702 E 1747 Road**

Lawrence-Douglas County Planning Office
May 2015

 Subject Property



From: jennifer flory [<mailto:darjenflo@gmail.com>]
Sent: Friday, May 15, 2015 11:04 AM
To: Mary Miller
Cc: darren floru
Subject: request to defer Flory Dairy Equip CUP

May 15, 2015

To the Planning Commission

This is a request to defer the decision of the CUP for Flory Dairy Equip regarding the Vinland School from May until the following meeting in June. I am unable to attend the May 18 meeting as it is also the Baldwin Junior High 8th grade promotion. I would appreciate having the discussion at a time when I would be able to be present.

Thank you,
Darren Flory

RECEIVED

MAY 14 2015

City County Planning Office
Lawrence, Kansas

May 15, 2015

City of Lawrence Douglas County Planning and Development Services

RE: Conditional Use Permit CUP-15-00113 for Flory Dairy Supply & Service

I, Bryan Stober, property owner at 701 E 1747 Rd Baldwin City, KS adjacent to the vacant Vinland Elementary School located at 702 E 1747 Rd have the following concerns:

1. Safety for my children in close proximity to the use of semi trucks and other utility trucks passing within 60 feet of my front door.
2. Fear that my property would lose market value due to having a road that semi trucks pass within 60 feet of our home, as well as having a business so close to a residence.
3. The concern that semi trucks will sit running during loading and unloading on the west side of the school will pollute my home with unwanted odor and carcinogenic diesel exhaust that could negatively affect my family's health.

Diesel Exhaust and Cancer by American Cancer Society.

<http://www.cancer.org/cancer/cancercauses/othercarcinogens/pollution/diesel-exhaust>

4. Noise pollution resulting from semi trucks entering and exiting within 60 feet of our home, including loud breaking, loud engine noise while idling during the loading and unloading process, knowing that a semi truck creates 90db noise, which is 10db louder than a jack hammer.
5. Knowledge that having this business and the traffic so close to our home would likely manifest the inability to resell my property and that the property value could dip below the amount I currently owe.
6. I have concerns regarding a gravel road within 60 feet of my front door and the proposed gravel parking lot would create undue dust that will create health problems and again make my property unattractive to prospective buyers.
7. The possibility that the owner could block the only access I have to my property, which could land-lock me to have limited access to driveway and parking area.

Thank you for your time and consideration regarding these very important concerns that my family has and we ask you to try to stand in our shoes being the closest residence to the proposed business that when we purchased this property 6 years ago we had chosen it based on the fact that it was a quiet rural home located next to an elementary school that our 7 year old daughter would attend and we had no idea it could become a distribution center that large semi trucks could be passing within 60 feet from our front door and

where we park our vehicles. This property is our only asset that we have and it's good standing value is key to my family's well being.

Sincerely,

Bryan Stober
Natalie Nall-Stober
Johna Stober
Brandon Jaiser

PLANNING COMMISSION REPORT
Regular Agenda – Non-Public Hearing Item

PC Staff Report
05/18/15

**ITEM NO. 3: PRELIMINARY PLAT FOR THE RESERVE AT ALVAMAR NO. 4. – 1733
BOBWHITE DR (KES)**

PP-15-00114: Consider a Preliminary Plat for The Reserve at Alvamar No. 4, a residential subdivision containing approximately .903 acres, located at 1733 Bobwhite Drive and associated easements. Submitted by LandPlan Engineering, for Christopher M. and Amanda M. Storm, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of The Reserve at Alvamar No. 4 subject to the following conditions:

1. Approval of the Downstream Sanitary Sewer Analysis (DSSA) by the Utilities Department.
2. Provision of a note on the Preliminary Plat that a variance has been requested from Section 19-214(B) of the City Code related to the location of a sanitary sewer service line across public right-of-way or drainage easement.
3. Relocation of the proposed sanitary sewer service line to the east outside of the regulatory floodplain.

Reason for Request: Subdivision is dividing one Tract into one Lot and one Tract prior to development of the property for a future Single-Dwelling structure on the resulting lot.

KEY POINTS

- This land division must be processed as a Major Subdivision as the criteria for a Minor Subdivision/Replat are not met. The property is not a platted lot and vacation of an existing drainage easement is proposed.
- To replat Tract A, The Reserve at Alvamar No. 3 into a new lot and tract.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 10, 2012.
- A variance is being requested from 19-214(B) which states that a private sanitary sewer service line shall not cross any public right-of-way or drainage easement. The applicant will provide this variance request to the Utility Department with the Final Plat.

ASSOCIATED CASES

- PP-12-39-00 Preliminary Plat: The Reserve at Alvamar No. 3
- PF-03-06-01 Final Plat: The Reserve at Alvamar No. 3 (Intersection of Bob White Dr. and George Williams Way)

OTHER ACTION REQUIRED

- Submittal and Administrative Approval of Final Plat.
- City Commission vacation of and acceptance of dedications of easements shown on the Final Plat.
- Approval of Public Improvement Plans.

- Recording of the Final Plat with the Douglas County Register of Deeds.
- Application and release of Building Permits prior to development. (The building permits will require review by the Fire Code Official to insure the driveway is constructed to accommodate Fire Protection vehicles.)

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required. Per Section 20-916 of the Development Code, a Traffic Impact Study is not required for residential developments with ten or fewer lots or dwelling units.
- *Downstream Sanitary Sewer Analysis* – A DSSA is required and a revised DSSA has been submitted to the Utilities Department for approval.
- *Drainage Study* – A drainage study is required prior to development. The drainage study has been provided with the Preliminary Plat.
- *Retail Market Study* – Not applicable to project.

PUBLIC COMMENT

No public comment was received prior to publication of this staff report.

Site Summary

Gross Area:	.903 acres
Number of Existing Tracts:	1 Tract
Number of Proposed Lots:	1 Lot and 1 Tract
Proposed Lot Area:	.661 acres (28,811 sq ft)
Proposed Tract Area:	.242 acres (10,529 sq ft)
Proposed Density:	1 dwelling unit / .661 acres: 1 dwelling unit per acre

GENERAL INFORMATION

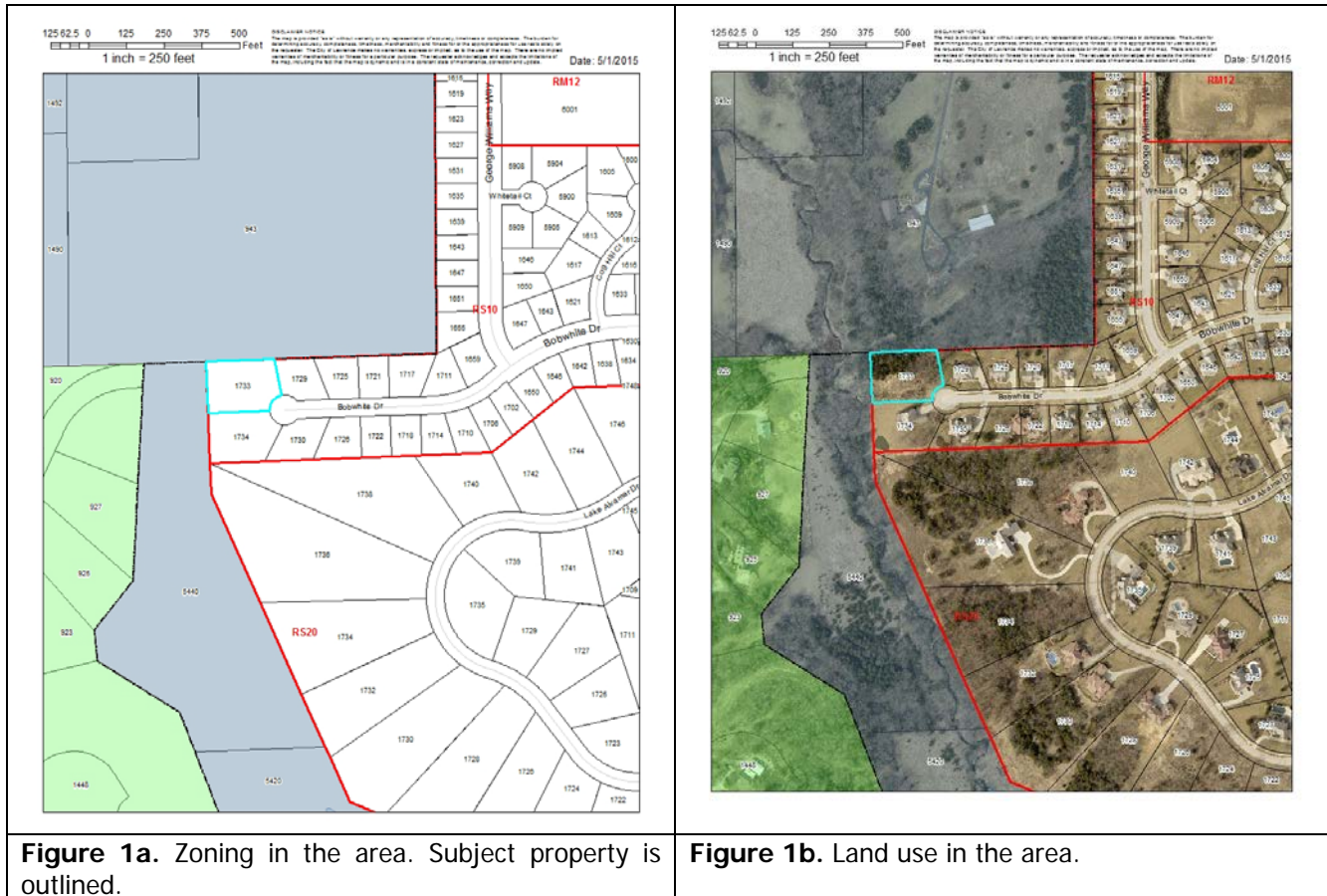
Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; *Vacant*

Surrounding Zoning and Land Use:

To the north and west:
Unincorporated area of Douglas County-A (Agriculture); *Detached Dwellings and Undeveloped*

To the south:
RS20 and RS7 (Single-Dwelling Residential) Districts; *Detached Dwellings*

To the east:
RS10 (Single-Dwelling Residential) District; *Detached Dwellings*
(Figure 1)



STAFF REVIEW

This property is located at the west end of Bobwhite Drive, a City street. It is encumbered by the regulatory floodplain but is not within the environs of a registered historic property. The property is currently vacant. This plat will divide the tract into a lot that will accommodate a single-dwelling structure and a tract that will retain the existing drainage easement and contain the regulatory floodplain. The intent is to create a buildable lot for a single-dwelling structure and create a tract that will accommodate the regulatory floodplain and drainage easement.

Compliance with Zoning Regulations for the RS10 District

Per Section 20-809(d)(2) of the Development Code, each lot resulting from the division will conform with the minimum lot size and other dimensional requirements applicable to the property through the Zoning District regulations. Lots created in the RS10 District must have a minimum area of 10,000 sq ft, a minimum lot width of 70 ft and a minimum lot frontage of 40 ft, per the Dimensional Standards in Section 20-601(b) of the Development Code. The proposed lot meets these requirements.

Streets and Access

The resulting lot will take access from Bobwhite Drive. The lot will have approximately 42 ft of frontage.

An important aspect of subdivision design is insuring adequate access for Fire/Medical vehicles to the structures. In order to create a buildable lot, a driveway must be installed over the proposed drainage easement and drainage channel. This will result in a long access driveway, which may exceed Fire Code distance requirements. Appropriate fire access will be established with the review

of a building permit for the future structure. An example of a proposed driveway meeting this requirement is noted on the plat.

Utilities and Infrastructure

A water main is located along the frontage of the lot and tract and a service line will be located such that it can serve Lot 1 from this line.

Sanitary sewer service will be extended from the south to serve the new lot. The sanitary sewer main shown on the plat in the utility easement along the south side of the tract will be tapped for service and the service line will be routed through Tract A to the lot. City Code requires the public main to touch each lot. Staff recommends that the service line be located farther to the east, if possible, to eliminate a location within the regulatory floodplain. This is noted as a condition of approval.

A variance is being requested from section 19-214(B) of the city code does not permit a private sanitary sewer service line to cross any public right-of-way or drainage easement. As a separate process, the applicant will submit a variance request to provide sanitary sewer service from the existing main. The applicant will provide this variance request through the Utility Department with the Final Plat. [This variance does not require Planning Commission action.] Provision of a note regarding this requested variance is identified as a condition of approval.

Easements and Rights-of-way

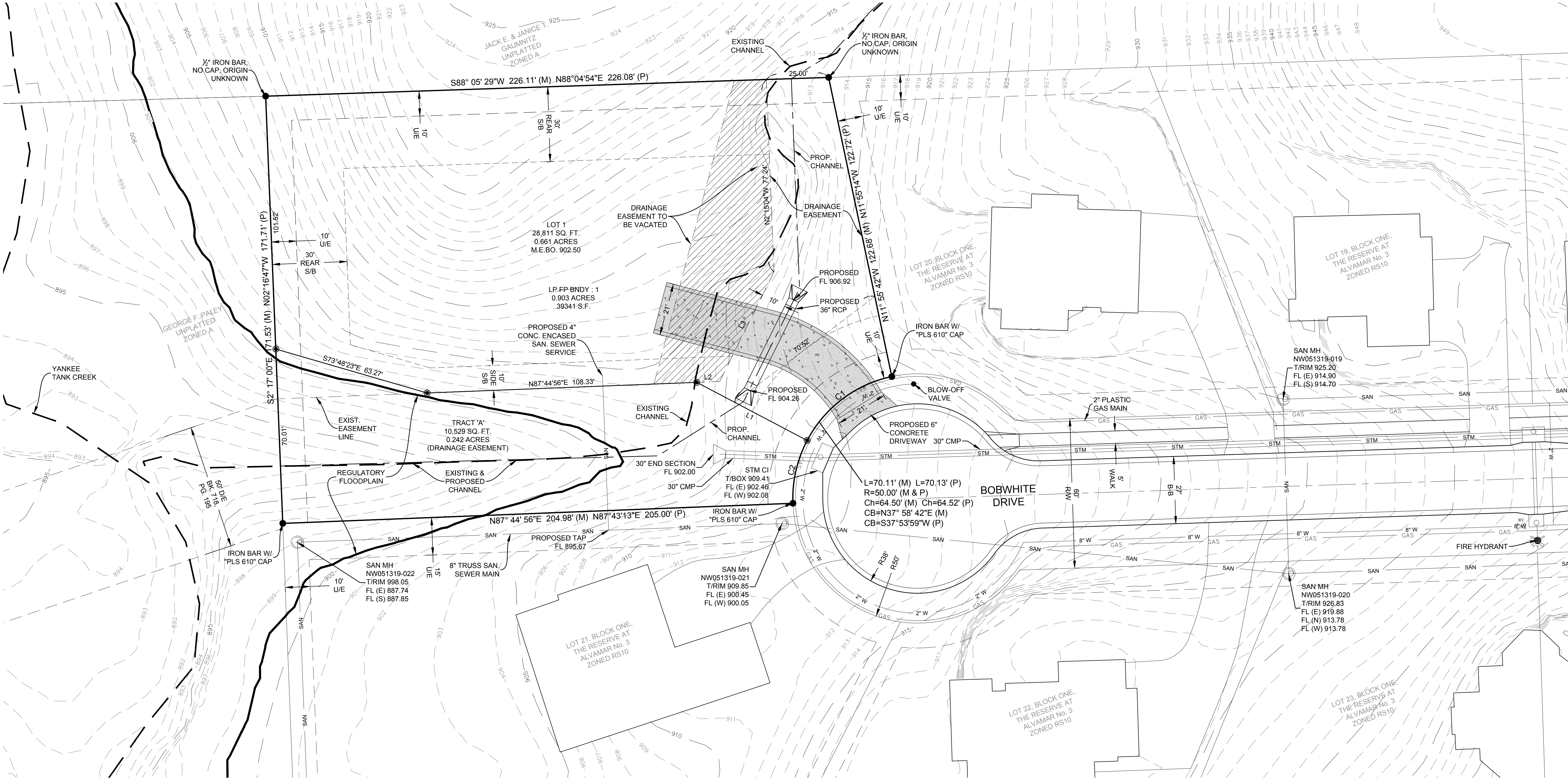
The following easements are provided on the plat:

- Utility easement along the north and west boundary of the property, as well as the utility easement along the street frontage of Lot 1 and Tract A to remain.
- Drainage channels in the east portion of Lot 1 and east portion of Tract A located in the designated drainage easement.
- Drainage easement vacated and realigned to 10' on the eastern portion of the property. This easement will be vacated with the Final Plat.
- Existing 50' drainage easement to remain within Tract A.

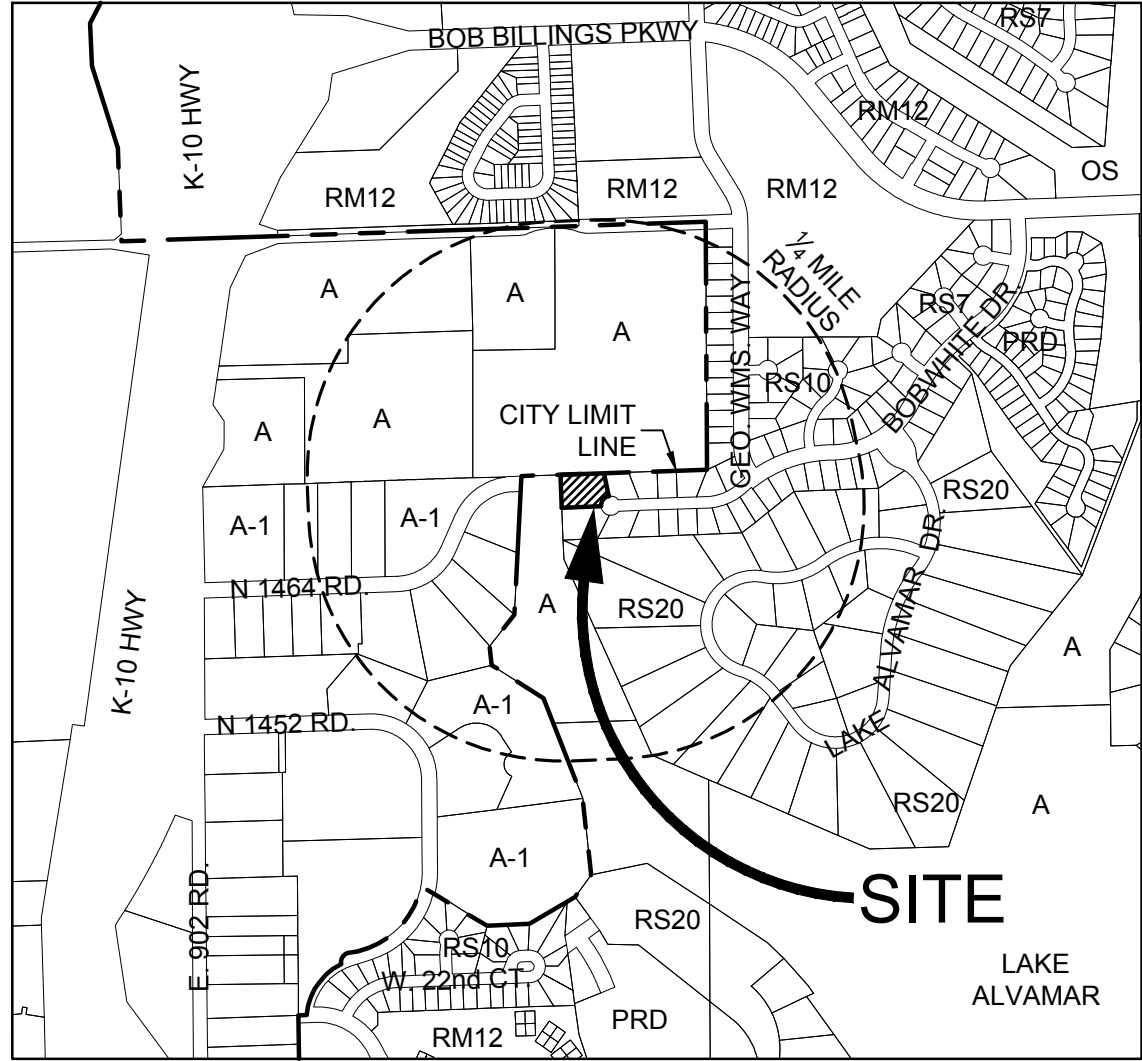
Bobwhite Drive right-of-way width is 60 ft. The subject property is located on the west side of a cul-de-sac at the end of Bobwhite Dr. The cul-de-sac dimension is 100 ft. This preliminary plat does not propose any changes in right-of-way.

Preliminary Plat Conformance

The preliminary plat will divide and reconfigure the existing tract into one lot and one tract to allow for the development of one new *Detached Dwelling*. With the noted conditions, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.



LOCATION MAP:



GENERAL NOTES:

- OWNER: CHRISTOPHER & AMANDA STORM
5719 WESTFIELD DRIVE
LAWRENCE, KANSAS 66049
- LAND PLANNER/
CIVIL ENGINEER/
SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, P.A., MARCH, 2015.
- EXISTING ZONING: RS10
- PROPOSED ZONING: RS10
- EXISTING LAND USE: VACANT
- PROPOSED LAND USE: LOW DENSITY RESIDENTIAL
- A PORTION OF THE SUBJECT PROPERTY DOES LIE WITHIN A DESIGNATED "SPECIAL FLOOD HAZARD AREA" AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM), PANEL NO. 154, MAP NUMBER 20045C0154D, DOUGLAS COUNTY, KANSAS, BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: KENNEBEC SILT LOAM, FREQUENTLY FLOODED; VINLAND-ROCK OUTCROP COMPLEX, 15 TO 45% SLOPES.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES. IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION, LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
- ALL UTILITIES WILL BE LOCATED UNDERGROUND, PER SECTION 20-809(f)(4)(v) OF THE CITY CODE.
- TRACT 'A' WILL BE A PRIVATELY OWNED AND DEDICATED DRAINAGE EASEMENT. THE PROPERTY OWNER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME.
- NO PERSON MAY CONSTRUCT, MAINTAIN OR ALLOW AND NATURAL OR NON-NATURAL STRUCTURE OR VEGETATIVE BARRIERS (INCLUDING BUT NOT

- LIMITED TO TREES, SHRUBBERY, BERMS, FENCES AND WALLS) UPON A DRAINAGE EASEMENT THAT THE DIRECTOR OF PUBLIC WORKS FINDS IMPEDES, DETAINS, RETAINS OR OTHERWISE INTERFERES WITH THE DRAINAGE OF STORMWATER REGARDLESS OF THE SOURCE OF STORMWATER.
- IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP.
 - A FLOODPLAIN DEVELOPMENT PERMIT SHALL BE INITIATED BY ANY PERSON, FIRM, CORPORATION OR UNIT OF GOVERNMENT PROPOSING ANY CONSTRUCTION, SUBSTANTIAL IMPROVEMENT OR OTHER DEVELOPMENT IN THE FLOODPLAIN OVERLAY DISTRICT BY THE FILING OF AN APPLICATION IN WRITING ON A FORM FURNISHED FOR THAT PURPOSE WITH THE FLOODPLAIN ADMINISTRATOR.
 - THE BASIS OF THE BEARINGS FOR THIS PLAT IS KANSAS STATE PLANE NORTH.

LEGAL DESCRIPTION:

TRACT 'A', BLOCK ONE, THE RESERVE AT ALAMAR NO. 3, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

SITE SUMMARY:

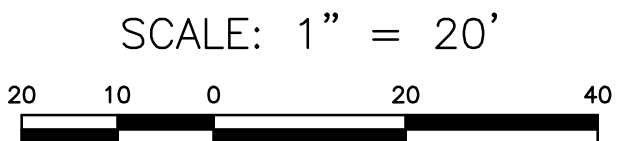
GROSS AREA: 39,340 SF / 0.903 AC
TRACT: 10,529 SF / 0.242 AC
NET AREA: 28,811 SF / 0.661 AC
TOTAL LOTS: 1
AVERAGE LOT SIZE: 28,811 SF / 0.661 AC
MINIMUM LOT AREA: 28,811 SF / 0.661 AC
MAXIMUM LOT AREA: 28,811 SF / 0.661 AC

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	43.97'	50.00'	42.57'	N52° 57' 06"E
C2	26.13'	50.00'	25.84'	N12° 47' 03"E

LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	50.08'	S62° 14' 33"E
L2	9.23'	N87° 44' 56"E
L3	49.07'	N26° 19' 55"E

PROVISION AND FINANCING OF ROADS, SEWER AND OTHER PUBLIC SERVICES:

- THE SUBDIVISION WILL NOT DEDICATE ANY NEW PUBLIC RIGHTS-OF-WAY. THE SUBDIVISION WILL TAKE ACCESS TO AND FROM EXISTING PUBLIC ROADS, NAMELY BOBWHITE DRIVE.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH MAIN LOCATED IN THE BOBWHITE DRIVE RIGHT-OF-WAY.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA AN EXISTING 8-INCH MAIN LOCATED IN A DEDICATED UTILITY EASEMENT ADJACENT TO THE SOUTH PROPERTY LINE OF THE SUBDIVISION.
- PURCHASERS OF THE LOT IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISION OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.



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THE RESERVE AT ALAMAR No. 4
LAWRENCE, DOUGLAS COUNTY, KANSAS
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	4/10/15	PER DEPT. COMMENTS

DATE: 3/16/15
PROJECT NO.: 20152002
DESIGNED BY: CMS
DRAWN BY: BS
CHECKED BY: CMS

Memorandum

City of Lawrence

Planning and Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: May 18, 2015

RE: **Miscellaneous Item No. 1:** MS-15-00096 – Variance associated with Minor Subdivision for A Replat of Lot 1, Bella Sera at the Preserve, located at 4500 Bob Billings Parkway, Lawrence, KS.

Variance requested: Reduction of Right-Of-Way for a Primary Arterial Street from 150' to 100'.

Attachment A: Minor Subdivision MS-15-00096

Attachment B: Administrative Determination

Minor Subdivisions are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-15-00096) is completed subject to Planning Commission approval of the reduced right-of-way. A copy of the Minor Subdivision is included with this memo for context; no action is required for Minor Subdivision approval.

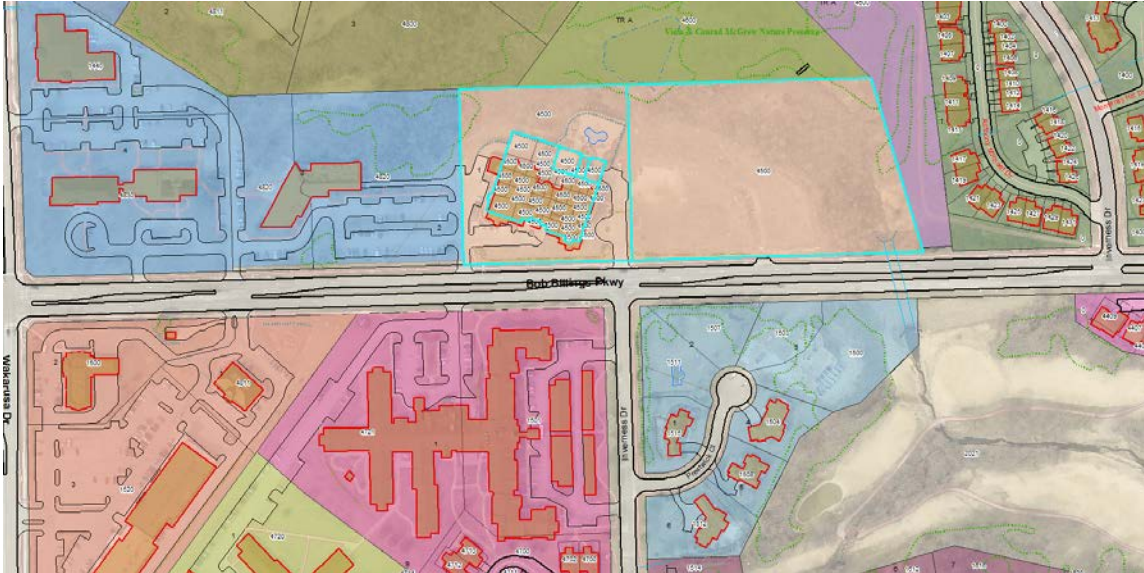
The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-813(g). This section lists the criteria that must be met in order for a variance to be approved. The requested variance is evaluated for compliance with the approval criteria below.

VARIANCE: Reduction in the width of right-of-way from 150' to 100' as required for a principal arterial street (Bob Billings Parkway) per Section 20-810 (e)(5).

Applicant Response: *"The standard for the required right-of-way width changed in 2006 from 100' to 150'. This area was almost fully developed at that time with the 100' right-of-way. It would serve no purpose to require the additional 50' of right-of-way to be dedicated as the existing right-of-way adjacent to this parcel is 100'. The 150' of required right-of-way is more applicable to new greenfield development rather than existing corridors."*

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

Development along this segment of the Bob Billings Parkway corridor is largely developed with both residential and non-residential uses with building and parking lot setbacks based on the existing property line/right-of-way line configuration. The undeveloped land located at 4500 Bob Billings Parkway has been approved for residential development based on the current parcel configuration. Original plans for this property included a phased residential development. Since Phase 1 construction the development group intends to subdivide the developed and undeveloped property into separate lots.



To date the applicant has received multiple development approvals. Related projects include

- PDP-12-14-04, approved by the Planning Commission on February 2, 2005 and the City Commission on February 22, 2005.
- FDP-5-6-05 approved by the Planning Commission on June 20, 2005 and recorded with the Register of Deeds Office on August 9, 2005.
- PDP-13-00477, approved by the Planning Commission on January 27, 2014 and the City Commission on February 11, 2014.

The 2014 approval modified the housing type proposed for the undeveloped, phase 2, and reduced the density but did not otherwise alter the development intent.

STAFF FINDING: Strict application of the regulations would limit the owner's ability to develop the property based on approved development plans for this property. Granting this requested variance from the required right-of-way dedication is not opposed to the purpose and intent of the regulations.

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

This design standard was adopted in 2006 with the Land Development Code. The wider right-of-width accommodates street design with boulevards, multiple lanes and amenities that may or may not exist along developed street segments within the community. A similar variance has

been granted for other projects located along developed urban corridors that are designated arterial streets. Some examples include:

1. PP-15-00067 Dream Haven regarding Peterson Road (4/20/15)
2. PP-14-00303 Schwegler Addition regarding Ousdahl Road, a collector street (9/22/15)
3. PP-13-00338 Menards Addition regarding 31st Street (11/8/13 and 10/21/13)
4. PP-13-00352 Burrough's Creek Addition regarding Haskell Avenue (10/21/13)

The proposed request does not alter the development pattern. The intent of the land division is to separate the developed and undeveloped parcels of land without changing the existing access locations. But for the change in design requirements in 2006 the applicant would be able to complete the planned development and divide the land administratively.

Section 20-810 (e)(1) provide general design criteria for streets. Subsection iii states "Arterial and collector streets shall be laid-out, arranged and designed in accordance with any adopted Major Thoroughfares Map or corridor plan." Bob Billings Parkway is identified as a principal arterial street and is an existing street. Granting the requested variance does not impact this design principal.

STAFF FINDING: Granting this requested variance from the required right-of-way is not opposed to the purpose and intent of the regulations.

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

The Public Works department is currently engaged in a study of the Bob Billings Parkway between Kasold and the South Lawrence Trafficway to assess the facility and identify improvements as needed. It is anticipated that a future traffic signal or roundabout could be required at Inverness Drive and Bob Billings Parkway. At this time there are no designs for an improvement at that intersection.

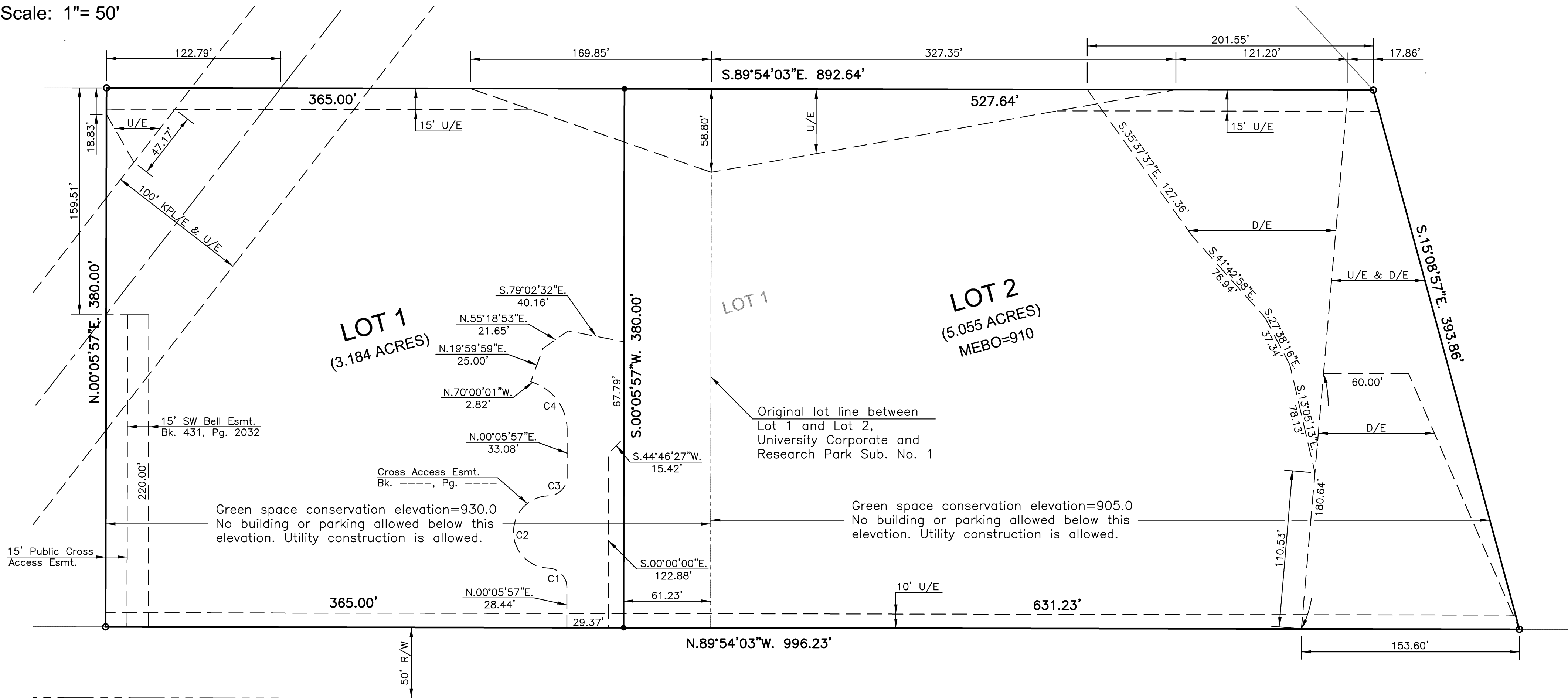
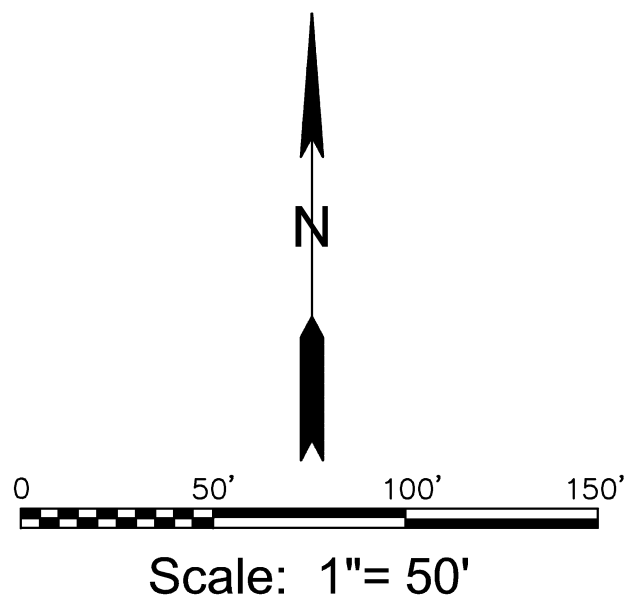
Bob Billings Parkway is a designated Principal Arterial Street. Its current width includes 100' of public right-of-way. The north side of Bob Billings Parkway includes an additional 10' of utility easement along the property line. The current subdivision regulations require principal arterial streets to include 150' of right-of-way. The current right-of-way is an existing condition of the site. New right-of-way was not proposed with the Minor Subdivision.

STAFF FINDING: Granting this requested variance from the required right-of-way will not harm the public health, safety or welfare. These public aspirations will continue to be protected though the planning of corridor improvements.

STAFF RECOMMENDATION

Approve the variance requested for a Minor Subdivision, MS-15-00096, variance request to reduce the right-of-way from Section 20-810(a)(5) for a principal arterial street from 150' to 100' per section 20-813(g) of the Land Development Code for property located at 4500 Bob Billings Parkway.

A REPLAT OF LOT 1, BLOCK ONE
BELLA SERA AT THE PRESERVE
A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	20.77'	13.50'	18.78'	N.43°58'02"W.
C2	78.45'	25.50'	50.97'	N.00°05'57"E.
C3	20.77'	13.50'	18.78'	N.44°09'56"E.
C4	42.82'	35.00'	40.20'	N.34°57'02"W.

SURVEYOR'S CERTIFICATE:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF KANSAS WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING, THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF DOUGLAS COUNTY, KANSAS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT, THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND THAT ALL THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE FIELD WORK WAS COMPLETED JANUARY 2015.

BY: ALBERT R. DIEBALL, P.S., #758

BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(785) 749-4474

COUNTY SURVEYOR

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005.

MICHAEL KELLY P.S. #869
COUNTY SURVEYOR

DATE

DEDICATION

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED PROPERTY, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME OF "A REPLAT OF LOT 1, BLOCK ONE, BELLA SERA AT THE PRESERVE" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOT(S) AS SHOWN AND FULLY DEFINED ON THIS PLAT.

BY:

WILL HAYES, MEMBER
BELLA SERA LLC

MARY LOCNISKAR, PRESIDENT
BELLA SERA COMMUNITY ASSOCIATION INC.

NOTARY CERTIFICATE:

(STATE OF KANSAS)
(COUNTY OF SEDGWICK) SS:

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT WILL HAYES, MEMBER, BELLA SERA LLC, ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF _____, A.D., 2015. MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

I, LINDSAY LANDIS, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT MARY LOCNISKAR, PRESIDENT, BELLA SERA COMMUNITY ASSOCIATION INC., ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF _____, A.D., 2015. MY COMMISSION EXPIRES 08-18-2018.

NOTARY PUBLIC

PLANNING DIRECTOR

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

SCOTT McCULLOUGH
PLANNING DIRECTOR

DATE

CERTIFICATE OF THE REGISTER OF DEEDS:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

THIS INSTRUMENT WAS FILED FOR RECORD, ON THE ____ DAY OF _____, A.D., 2015 AT ____ O'CLOCK ____M., AND DULY RECORDED IN BOOK ____ ON PAGE ____.

KAY PESNELL, REGISTER OF DEEDS

LEGEND

- SET 1/2" x 24" IRON BAR WITH PLASTIC CAP MARKED "BG CONS RLS-758"
- FOUND MONUMENT (1/2" IRON BAR BELIEVED SET FOR PARKVIEW 15 PLAT UNLESS NOTED OTHERWISE)
- (150') PLATTED BEARING/DISTANCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- KPL/E KPL EASEMENT

DESCRIPTION

ALL OF LOT 1, BLOCK ONE, BELLA SERA AT THE PRESERVE, A REPLAT OF PARKVIEW 15, A REPLAT OF LOTS 1 AND 2A, UNIVERSITY CORPORATE AND RESEARCH PARK SUBDIVISION NO. 1, PLATTED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

GENERAL NOTES

- THE BEARINGS HEREON ARE BASED ON THE FINAL PLAT OF PARKVIEW 15.
- FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS MAJOR SUBDIVISIONS, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION 20-808(c)(5)(i).
- THE DRAINAGE EASEMENT WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES AND WALLS).
- A BLANKET EASEMENT FOR THE (MOCKING BIRD HILL) WESTAR ENERGY POWER LINE IS RECORDED IN BOOK 156 ON PAGE 206. THERE ARE THREE "GRANT OF RIGHT OF WAY" DOCUMENTS RECORDED FOR THE 50 FOOT EASEMENTS ON EACH SIDE OF THE CENTERLINE. THE "GRANT OF RIGHT OF WAY" DOCUMENTS RECORDED IN BOOK 427, PAGES 1605 & 1607 ARE FOR THE SOUTHEAST 50 FOOT AND BOOK 427, PAGE 1598 IS FOR THE NORTHWEST SIDE OF THE CENTERLINE. THE PARKVIEW 15 FINAL PLAT, THE UNIVERSITY CORPORATE AND RESEARCH PARK SUBDIVISION No.1 PLAT AND THE OREAD WEST No. 4 PLAT ALL INDICATE A 50' EASEMENT ON EACH SIDE.
- COVENANTS PERTAINING TO THE BELLA SERA AT THE PRESERVE PLAT ARE ON FILE WITH THE DOUGLAS COUNTY REGISTER OF DEEDS IN BOOK 378, PAGE 781 AND BOOK 387, PAGE 1160.

FLOODPLAIN DATA

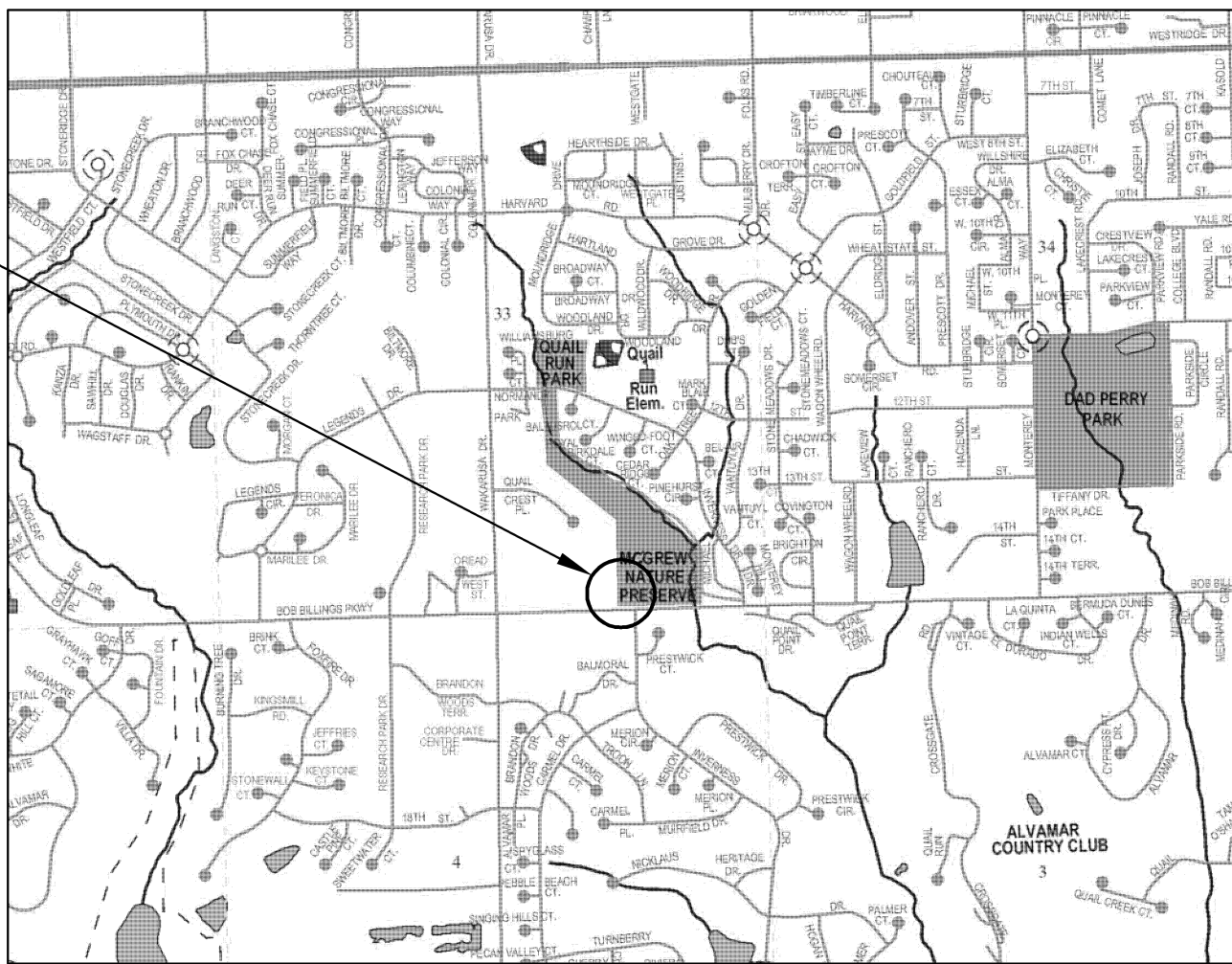
THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0158D, EFFECTIVE DATE AUGUST 5, 2010.

STREET TREES

STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE DOUGLAS COUNTY REGISTER OF DEEDS. BOOK _____, PAGE _____.

MIN. ELEV. OF BLDG. OPENING

THE MINIMUM ELEVATION OF BUILDING OPENING (MEBO) HAS BEEN SHOWN FOR EACH LOT. THE ELEVATIONS WERE DERIVED FROM THE FINAL PLAT OF BELLA SERA AT THE PRESERVE. REFERENCE THAT PLAT FOR VERTICAL CONTROL.



LOCATION MAP

A REPLAT OF LOT 1, BLOCK ONE
BELLA SERA AT THE PRESERVE

4500 BOB BILLINGS PARKWAY, LAWRENCE, KS 66049

MINOR SUBDIVISION

BG CONSULTANTS
engineers
architects
surveyors

Project No. 14-1376L
Date: Mar. 9, 2015
Revised: April 8, 2015

SHEET NO.

1

Memorandum

City of Lawrence

Douglas County

Planning & Development Services

TO: Planning Commission

FROM: Scott McCullough, Sheila Stogsdill

Date: For May 18, 2015 meeting

RE: Misc. Item No. 2: Mid-Month Calendar

Traditionally, the Planning Commission has held an all-day training/orientation session during the summer months. This session has been scheduled on a Friday in place of the typical Wednesday morning meeting for that particular month. The published calendar identified either Friday, July 10 or Friday, August 14 for these dates.

Once the training/orientation date is scheduled, Staff will make arrangements for presentations/updates on the following topics:

Sustainability Efforts in the Community – Eileen Horn,
Cultural Plan – Porter Arneill, Director of Arts & Culture
Communication Towers – industry representative
2015 Retail Market Study -- staff