LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
MAY 23 & 25, 2016  6:30PM - 10:30PM

GENERAL BUSINESS:
Recognize Bruce Liese and Jim Denney for their years of service on Planning Commission.

PLANNING COMMISSION MINUTES
Receive and amend or approve the minutes from the Planning Commission meeting of April 25, 2016.

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

COMMUNICATIONS
a) Receive written communications from the public.
b) Receive written communications from staff, Planning Commissioners, or other commissioners.
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 23, 2016) MEETING
NON-PUBLIC HEARING ITEMS:
ITEM NO. 1  FINAL DEVELOPMENT PLAN FOR SIXTH & MONTEREY WAY PCD MORGAN ADDITION (MKM)

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

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

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

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

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

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

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

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

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

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

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

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 QUORUM EVENT

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

ADJOURN

CALENDAR

April 2016

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PCCM Meeting: (Generally 2\textsuperscript{nd} 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
<table>
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<tr>
<th>Mid-Month Meetings, Wednesdays 7:30 - 9:00 AM **alternate day/time</th>
<th>Mid-Month Topics</th>
<th>Planning Commission Meetings 6:30 PM, Mon &amp; Wed</th>
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<tr>
<td>Jan 13</td>
<td>Article 9 text amendments - Parking</td>
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<td>Feb 18 ** Thursday 6:00 PM meeting</td>
<td>Joint meeting with HRC - Oread Design Guidelines</td>
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<td>Mar 9 ** Wednesday 5:30 PM meeting</td>
<td>Joint meeting with Sustainability Advisory Board [Meeting Room C - Lawrence Public Library - 707 Vermont Street]</td>
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**Suggested topics for future meetings:**
- How City/County Depts interact on planning issues
- Stormwater Stds Update - Stream Setbacks
- Overview of different Advisory Groups - potential overlap on planning issues
- Joint meeting with other Cities’ Planning Commissions
- Joint meeting with other Cities and Townships – UGA potential revisions
- New County Zoning Codes
- Tour City/County Facilities
- Water Resources

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

**Planning & Development Services | Lawrence-Douglas County Planning Division | 785-832-3150 | www.lawrenceks.org/pds**

Revised 05/03/15
### 2016 Planning Commission Attendance

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PLANNING COMMISSION MEETING
April 25, 2016
Meeting Minutes

April 25, 2016 – 6:30 p.m.
Commissioners present: Britton, Butler, Carpenter, Culver, Kelly, Liese, Sands, Struckhoff, von Achen
Staff present: McCullough, Stogsdill, Day, Ewert, Larkin, M. Miller, Pepper, Simmons

PLANNING COMMISSION MINUTES
Receive and amend or approve the minutes from the Planning Commission meeting of March 21, 2016.

Motioned by Commissioner Struckhoff, seconded by Commissioner Kelly, to approve the March 21, 2016 Planning Commission minutes.

Motion carried 7-0-1, with Commissioner Liese abstaining. Commissioner von Achen was not present for the vote.

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST
- Receive written communications from staff, Planning Commissioners, or other commissioners.
- No ex parte.
- No Abstentions.

Complete audio & video from this meeting can be found online: http://www.lawrenceks.org/boards/planning-commission/agendas
ITEM NO. 1  CONDITIONAL USE PERMIT; STONY POINT HALL; 1514 N 600 RD (MKM)

Stony Point: CUP-16-00035: Consider the renewal of a Conditional Use Permit for Stony Point Hall, a reception and banquet hall, on approximately 13.98 acres, located at 1514 N 600 Rd, Baldwin City. Submitted by Russell and Lucretia Carlson, property owners of record. (Joint meeting with Baldwin City Planning Commission)

STAFF PRESENTATION
Ms. Mary Miller presented the item.

APPLICANT PRESENTATION
Mr. and Ms. Russell and Lucretia Carlson were present for questioning.

PUBLIC HEARING
Mr. Hank Booth, Baldwin City Chamber of Commerce, supported the Conditional Use Permit.

ACTION TAKEN
Motioned by Commissioner Liese, seconded by Commissioner Butler, to approve the Conditional Use Permit, CUP-16-00035, for Stony Point Hall, a Recreation Facility use, 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 subject to the following condition:

The Conditional Use shall be administratively reviewed every 5 years

Commissioner Britton inquired about the removal of the 10 year expiration time frame.

Ms. Miller said the time limit was a good tool for a use that may not be compatible with an area or if the use has impacts that need to be tracked. She said the previous Board of County Commissioners used it pretty much on every Conditional Use Permit. She said the current Board of County Commissioners was a little more selective and used it when they felt there may be an issue down the road.

Unanimously approved 8-0. Commissioner von Achen was not present for the vote.
ITEM NO. 2 Preliminary Plat for Walnut Addition; 775 Walnut St (BJP)

Walnut Addition: PP-16-00057: Consider a Preliminary Plat for Walnut Addition, a 7 lot residential subdivision containing 2.018 acres, located at 775 Walnut St. Submitted by Grob Engineering Services LLC, for Lawrence Habitat for Humanity, property owner of record.

STAFF PRESENTATION
Ms. Becky Pepper presented the item.

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

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Liese, seconded by Commissioner Carpenter, to approve the Preliminary Plat, PP-16-00057, of Walnut Addition, located at 775 Walnut St.

Unanimously approved 8-0. Commissioner von Achen was not present for the vote.
ITEM NO. 3 PRELIMINARY PLAT FOR FREESTATE DENTAL ADDITION; 4111 W 6TH ST (BJP)

Freestate Dental: PP-16-00073: Consider a Preliminary Plat for Freestate Dental Addition, a one lot residential-office subdivision containing 0.850 acres, located at 4111 W 6th St. Submitted by Landplan Engineering, PA, for Freestate Dental Building LLC, property owner of record.

STAFF PRESENTATION
Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION
Mr. Brian Sturm, Landplan Engineering, was present for questioning.

PUBLIC HEARING on Variance
Mr. Doug Garber property owner directly to the east. expressed concern about stormwater runoff.

APPLICANT CLOSING COMMENTS
Mr. Sturm said there was an approved drainage study that staff looked at and it spoke to how the drainage would be handled. He said water would generally be collected and conveyed to the north greenspace and out to the storm sewer system.

COMMISSION DISCUSSION
Commissioner Kelly inquired about the Board of Zoning Appeals variance and if it was related to the right-of-way variance they were looking at tonight.

Mr. McCullough said no, they were two separate issues. He stated the Board of Zoning Appeals variance had been withdrawn.

ACTION TAKEN on Variance
Motioned by Commissioner Liese, seconded by Commissioner Culver, to approve the variance requested from Section 20-810(e)(5)(i) subject to the following condition:

1. 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 8-0. Commissioner von Achen was not present for the vote.

ACTION TAKEN on Preliminary Plat
Motioned by Commissioner Liese, seconded by Commissioner Culver, to approve the Preliminary Plat, PP-16-00073, for Freestate Dental Addition, subject to the following condition:

1. The plat shall be revised to include the following note:
   a. Revise the plat to show the 50’ Parking and Building Setback along W 6th Street.

Unanimously approved 8-0. Commissioner von Achen was not present for the vote.
ITEM NO.  4  CONDITIONAL USE PERMIT; PINE FAMILY TREE NURSERY; 1782 E 1500 RD (SLD)

Pine Family Tree Nursery: CUP-16-00070: Consider the renewal of a 30.5 acre Conditional Use Permit for Pine Family Tree Nursery, Landscape Center, Retail Nursery, located at 1782 E 1500 Rd. Submitted by Landplan Engineering PA, for Pine Family Investments LC, and Sue A Pine, Trustee property owners of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
Mr. CL Maurer, Landplan Engineering, was present for questioning.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Liese, seconded by Commissioner Kelly, to approve the Conditional Use Permit, CUP-16-00070, for a Retail Nursery and forwarding it to the County Commission with a recommendation for approval subject to the following condition(s):

1) Provision of a revised site plan to include the following notes:
   “Changes to the site to add additional covered storage may be amended by a future site plan approved administratively. Changes to add retail sales on this site should be amended by a revised site plan approved by the County Commission with notice to surrounding property owners.”

   Unanimously approved 8-0. Commissioner von Achen was not present for the vote.
ITEM NO. 5A  A & VC TO I-3; 77.5 ACRES; N 1300 RD & E 1750 RD (MKM)

King’s Recycle Center: Z-16-00067: Consider a request to rezone approximately 77.5 acres from County A (Agricultural) District and VC (Valley Channel) District to County I-3 (Heavy Industrial) District, located at N 1300 and E 1750 Rds. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

ITEM NO. 5B  PRELIMINARY PLAT FOR KING’S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

King’s Recycle Center: PP-16-00068: Consider a Preliminary Plat for Four King’s Subdivision, an industrial subdivision containing approximately 77.5 acres, located at N 1300 Rd & E 1750 Rd. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

ITEM NO. 5C  CONDITIONAL USE PERMIT; KING’S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

King’s Recycle Center: CUP-16-00069: Consider a Conditional Use Permit for King’s Recycling Center, located at N 1300 Rd & E 1750 Rd. The CUP proposes the operation of a borrow pit and recycling of construction materials, as well as continued residential and agricultural uses on the property. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

STAFF PRESENTATION
Ms. Mary Miller presented items 5A-5C at the same time.

APPLICANT PRESENTATION
Mr. CL Mauer, Landplan Engineering, said the King Family had been in the area for 30 years. He said the area had already been disturbed. He said it contained clay and that there were very few places in Lawrence to get borrow pit material. He said the highway was 30’ higher and created a natural berm. He said it created a visual berm for power lines along the South Lawrence Trafficway (SLT). He said ducks were visible on the ponds during the highway construction and not bothered by noise. He talked about the decibel levels on the trafficway and took several readings on his phone while sitting on the SLT near the turnpike entrance. He stated noise would be there whether this project was approved or not. He showed pictures and video on the overhead. The video showed what a driver would visually see driving east and west on the highway.

Mr. Kent King, King Construction, said they wanted to keep the area as rural as possible. He said lean clay was important to the construction trade and that it was a benefit to be able to recycle construction materials. He said it was a resource instead of going to the landfill. He said the crushing machine had a magnet to pull out the steel and would be no louder than the South Lawrence Trafficway (SLT). He said the area had been changed by the SLT. He said Mr. Maurer talked to the neighbors and that they were not against this but did ask for a berm, which would be included.

PUBLIC HEARING

Complete audio & video from this meeting can be found online:
http://www.lawrenceks.org/boards/planning-commission/agendas
Ms. Karen Heeb, South Siders Neighborhood Association, said she was not against the King family but felt the location for rock crushing recycling was not appropriate. She agreed with the information in the staff report. She did not feel that the use fit the Horizon 2020 plan. She said RD Johnson had a recycling plant less than a mile from this location. She expressed concern about increased traffic and noise.

Mr. Joe Comparato, Jambars Futbol Club, said he had no objections to the business but expressed concern about rezoning to industrial for future uses.

**APPLICANT CLOSING COMMENTS**

Mr. Maurer said regarding the zoning of the area, everything south was zoned VC (Valley Channel) so no other industrial use could be out there.

Mr. Brian King responded to Ms. Heeb’s comment about their recycling center being so close to another one by stating that most towns have recycling centers located near each other. He said Topeka had three recycling centers next to each other.

Ms. Taylor Norris responded to the comments about increased traffic. She said their primary working hours would be 7:00am-4:00pm Monday-Friday so the soccer traffic would not be at the same time.

**COMMISSION DISCUSSION**

Commissioner Pennie von Achen arrived at the meeting at 7:57pm.

Commissioner Sands asked if the area plan extended into this section and what the recommendation was.

Ms. Miller said the area plan did extend to this area but had no recommendations. She said she assumed that was because the South Lawrence Trafficway was proposed to be there.

Commissioner Kelly said the city had already zoned a large portion of the area north of this property for industrial. He asked the applicant if he was making the most of the property for the borrow pit. He wondered if the applicant had interest in moving to the area zoned along K-10 highway.

Mr. King said no.

Commissioner Britton asked if the recycling use had a time limit.

Ms. Miller said it would be an allowed use.

Commissioner Britton wondered about building in a time frame for review or expiration.

Mr. McCullough said the applicable process would be the site plan process through the County Commission if it is rezoned to industrial. He said any use would have to comply with the zoning district and any improvements would go through the site plan process.

Commissioner Sands asked about plans for sector plans along the South Lawrence Trafficway.
Mr. McCullough said there were plans for most of the South Lawrence Trafficway. He said it was not anticipated for this property to urbanize.

Commissioner Sands inquired about the area north of 1300 Rd that looked to be temporary in nature for the purpose of supporting the construction of the highway extension.

Ms. Miller said it was owned by KDOT. She said that site had a former Conditional Use Permit for a recycling facility.

Commissioner Kelly said he was struggling with the concept of gateway. He stated the Comprehensive Plan did not provide much guidance to determine a gateway. He said the argument was challenging.

Commissioner Britton said the plan just identifies that it is a gateway. He said it was hard to draw the line of where it starts and stops. He said the soccer fields were a bonus to the aesthetics of a gateway. He said Mr. Maurer’s video of what people would see from the South Lawrence Trafficway was enlightening.

Commissioner Kelly said part of their job was planning. He said this may not be taking the best use of planning. He said this industrial use may be okay but other uses would be permitted.

Commissioner Carpenter expressed concern about limitations of water. He said potential uses could pollute ground water. He said this area was near floodplain and in an isolated area.

Commissioner Butler asked where the other recycling center near this location was at.

Mr. Maurer pointed on the map displayed on the overhead. He said it was a mile north of the site they were talking about.

Commissioner Butler asked how long the King’s had owned the property.

Mr. Maurer said three years.

Commissioner Carpenter said the property was not in the city and did not have stormwater. He said it would be reliant on possible future rural water and septic system. He expressed concern about a septic system with the other potential uses of industrial.

Mr. Maurer said there were detention ponds in the area. He said the Rural Water District had already purchased an easement from the King’s at the corner of 31st Street and 1750 Road. He said the King’s would have minimal water usage. He said the crusher and water trucks would use pond water. He said he would prefer to only have a Conditional Use Permit but it required rezoning to I-3.

Commissioner Britton asked why the rezoning was necessary versus a Conditional Use Permit.

Ms. Miller said the use was most similar to concrete plants. She said it was not just like quarrying because it was bringing material to the site.

Commissioner Liese reiterated the staff report findings.

Complete audio & video from this meeting can be found online:  
http://www.lawrenceks.org/boards/planning-commission/agendas
ACTION TAKEN on Item 5A
Motioned by Commissioner Liese, seconded by Commissioner Carpenter, to deny the rezoning request, Z-16-00067, for approximately 77.5 acres County A (Agricultural) District to County I-3 (Heavy Industrial) District and forwarding the request to the Board of County Commissioners with a recommendation for denial based on the findings of fact found in the body of the staff report.

Commissioner Britton felt denial was the appropriate call due to potential industrial uses in the future. He said he heard good arguments to have this operation but that it was for County Commission to determine. He said he was inclined to follow the staff recommendation of denial.

Commissioner Culver said it was a unique piece of land and that rezoning it to heavy industrial was concerning for the long term.

Commissioner Sands felt they had a responsibility to consider what this would look in 10 years.

Commissioner Carpenter said he was not opposed to the King business. He wished there was some other way to continue the use without rezoning this location.

Commissioner Struckhoff said he would support the motion for denial mainly due to the non-contiguous I-3 rezoning request and the possibilities that extend there. He appreciated the recycled materials that the King’s produced. He wanted to support the business, but not the zoning at this location.

Motion carried 7-1-1, with Commissioner Butler voting against the motion. Commissioner von Achen abstained due to her late arrival at the meeting.

ACTION TAKEN on Item 5B
Motioned by Commissioner Kelly, seconded by Commissioner Liese, to deny the Preliminary Plat, PP-16-00068, for Four King’s Subdivision, located at N 1300 Rd & E 1750 Rd, based on the findings of fact found in the body of the staff report.

Commissioner Kelly withdrew his motion for denial, seconded by Commissioner Liese to withdraw the motion for denial.

Motioned by Commissioner Liese, seconded by Commissioner Britton, to defer the Preliminary Plat, PP-16-00068, for Four King’s Subdivision, located at N 1300 Rd & E 1750 Rd, until the Board of County Commissioners acts on the rezoning.

Motion carried 8-0-1, with Commissioner von Achen abstaining due to her late arrival at the meeting.

ACTION TAKEN on Item 5C
Motioned by Commissioner Kelly, seconded by Commissioner Liese, to approve the Conditional Use Permit, CUP-16-00069, for King’s Recycling Center, located at N 1300 Rd & E 1750 Rd, subject to the conditions in the staff report.
Commissioner Culver asked if condition 3 would still apply to this Conditional Use Permit since it was related to the recycling facility.

Commissioner Kelly amended the motion, seconded by Commissioner Liese, to approve the Conditional Use Permit, CUP-16-00069, for King’s Recycling Center, located at N 1300 Rd & E 1750 Rd, subject to the conditions in the staff report, except for conditions 3 and 6 which were related to the recycling facility.

1. The Conditional Use Permit shall be administratively reviewed every 5 years. The Conditional Use Approval for the borrow pit use shall expire 10 years from the date of the Board of County Commissioner’s approval.
2. Commercial truck traffic to the facility is limited to the following roads:
   - E 1750 Road/Noria Road; N 1400 Road (Old K-10 Highway); E 1700 Road; K-10 Highway east or west.
3. Only clean construction rubble shall be stockpiled or processed on the site.
4. Well water usage is limited to the office and employees until the property is serviced by a Rural Water District.
5. The borrow pit shall be excavated no deeper than Elev. 800 Ft. (NAVD).
6. Provision of a revised CUP plan with the following changes to the landscaping, per Planning approval:
   - Provide a mix of evergreen and deciduous trees for screening landscaping along N 1300 Road.
   - Revise the landscaping shown along E 1750 Road to include evergreen trees west of the street trees that are shown and to extend the landscaping to the north property line.
   - Label the species of the trees along E 1750 Road to match those listed on the Master Street Tree Plan, when approved.
   - List Conditions No. 1-5 on the plan.

Motion carried 8-0-1, with Commissioner von Achen abstaining due to her late arrival at the meeting.
ITEM NO. 7  IG TO CS; 3.82 ACRES; 1235 N 3RD ST (KES)

Z-16-00066: Consider a request to rezone approximately 3.82 acres from IG (General Industrial) District to CS (Strip Commercial) District, located at 1235 N 3rd St. Submitted by Allen Belot Architect, for Don E. Westheffer Trustee and Wanda L. Westheffer Trustee, property owners of record.

STAFF PRESENTATION
Ms. Katherine Simmons presented the item.

APPLICANT PRESENTATION
Mr. Allen Belot, Allen Belot Architect, said the property had been cleaned up significantly in the past few years. He said the property owner wanted to take advantage of the Event Center use.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the rezoning request, Z-16-00066, from IG (General Industrial) District to CS (Commercial Strip) District, located at 1235 N 3rd Street, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 9-0.
ITEM NO. 6 TEXT AMENDMENT TO ZONING REGULATIONS & SUBDIVISION REGULATIONS; ACCESSORY DWELLING UNITS (MKM)

TA-15-00461: Consider Text Amendments to the Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas and the Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS to add Accessory Dwelling Units as a permitted use and to establish standards for the use. Initiated by County Commission on 9/2/15.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the proposed amendment, TA-15-00461, to revise Sections 12-303, 12-306, 12-307, 12-308, and to add Section 12-319.9 in the Zoning Regulations and to revise Sections 11-104 and 11-106 in the Subdivision Regulations [20-804 and 20-806, City Code] and that the Planning Commission forward a recommendation for approval to the Board of County Commissioners.

Commissioner Kelly asked why rental was allowed but not bed and breakfast.

Ms. Miller said it could be permitted as an agritourism use or under certain zoning districts. She said having someone different stay every night was seen as more of a commercial use and not compatible with that zoning district. She said long-term rentals were allowed.

Commissioner von Achen said it seemed like a reasonable step to take and asked why this text amendment had not come before now.

Ms. Miller said there had been public inquiries. She stated it had been discussed and was in the works. She said it did not come to the point of a text amendment until recently.

Commissioner Britton inquired about notice to surrounding neighbors.

Ms. Miller said if there was a home business or Conditional Use Permit on the property there would be mailed notice.

Unanimously approved 9-0.

MISCELLANEOUS NEW OR OLD BUSINESS
Consideration of any other business to come before the Commission.

Complete audio & video from this meeting can be found online:
http://www.lawrenceks.org/boards/planning-commission/agendas
MISC NO. 1  OREAD DESIGN GUIDELINES

Receive staff memo regarding Oread Design Guidelines.

Motioned by Commissioner Britton, seconded by Commissioner Struckhoff, to initiate a text amendment to correct and clarify Article 13 of the Land Development Code to clearly cite and delineate the intended notice requirements.

Motion carried 9-0.

Mr. McCullough reminded Planning Commission about the May 11, 2016 Mid-Month meeting. He said Commissioner Carpenter would provide a brief summary about the American Planning Association conference that he attended. He said they would also have a discussion about non-conformities and the impact from a lending perspective.

ADJOURN 9:41PM
Planning Commission
Key Links

Planning Commission

Key Links

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**Plans & Documents**
- Horizon 2020
- Sector/Area Plans
- Transportation 2040
- 2012 Retail Market Study

**Development Regulations**
- Community Design Manual
- County Zoning Regulations
- Land Development Code
- Subdivision Regulations

**Online Mapping**
- City of Lawrence Interactive GIS Map
- Douglas Co. Map Viewer
- Submittals to the Planning Office

**Planning Commission**
- Bylaws
- Mid-Months & Special Meetings
- Minutes
- Planning Commission Schedule/Deadlines
PC Staff Report
05/23/16

ITEM NO. 1

FINAL DEVELOPMENT PLAN FOR SIXTH & MONTEREY WAY PCD
MORGAN ADDITION (MKM)

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

STAFF RECOMMENDATION: Planning staff recommends approval of the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

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

Applicant’s Reason for Request: This property has been part of the original PCD since its inception. In the current iteration this current PDP has been approved for 32 multi-family dwelling units only. The owners now wish to continue living in the existing and expanded single family residence located at the far eastern area of the property. They also wish to demolish the existing structurally deteriorating contractors shed located west of the single family residence and construct a combination automobile garage/contractors shop immediately adjacent to the existing house. For the remainder of the property, they want to continue with the previously approved multi-family use.

Design Standards to Consider
- Consistency with approved Preliminary Development Plan, PDP-15-00378.
- Consistency with Article 10 of the 1966 Zoning Ordinance.
- Consistency with standards in the 2006 Development Code.

KEY POINTS:
- Final Development Plans for projects with preliminary approvals prior to the adoption of the 2006 Development Code require Planning Commission approval.
- The most recent approved Preliminary Development Plan for Sixth & Monterey Way PCD [PDP-15-00378] modified the previously approved plan for four apartment buildings on the property, identified as Phase A-2, to reduce the number of apartment buildings to three (on Lot 2) while retaining the existing residence on the east side of the property and relocating (and rebuilding) the construction shop to the south of the residence (on Lot 1).
• The proposed development is in substantial conformance with the approved Preliminary Development Plan, PDP-15-00378. The Preliminary Development Plan did not indicate the project would be phased but, due to the development preferences of the owners of the existing residence, the eastern portion of the project, being platted as Lot 1, Morgan Addition, is included in this Final Development Plan and the western portion, being platted as Lot 2, Morgan Addition will be a future phase.

ASSOCIATED CASES
• PDP-15-00378, Sixth & Monterey Way PCD Preliminary Development Plan for Phase A-2. The development plan provided a site plan of the proposed development, revised the use restrictions placed on Phase A-2 to allow Detached Dwelling, and Construction Sales and Services uses, and also serves as the Preliminary Plat for the property. The Preliminary Development Plan was recommended for approval by the Planning Commission on September 21, 2015 and approved by the City Commission on October 10, 2015.

• PF-15-00380, Morgan Addition Final Plat. This plat will complete the platting of the Sixth & Monterey Way PCD. The plat was approved by the City Commission on October 20, 2015.

OTHER ACTION REQUIRED
• The final plat shall be recorded at the Register of Deeds prior to the release of the Final Development Plans.
• When conditions have been met, the Final Development Plan will be recorded at the Douglas County Register of Deeds Office and released to Development Services for processing of building permits.
• Submittal of building permit application and construction plans. Construction may commence only after building permits have been issued.

PUBLIC COMMENT
• No public comment was received prior to the printing of this staff report.

PLANS AND STUDIES REQUIRED
• Traffic Study – Study was not required as the proposed development was similar to that shown on previously approved Preliminary Development Plan.
• Downstream Sanitary Sewer Analysis - Provided and accepted with preliminary development plan.
• Drainage Study – Provided and accepted with preliminary development plan.

GENERAL INFORMATION
Current Zoning and Land Use: PCD-[6th and Monterey Way] (Planned Commercial Development) District; Detached Dwelling.

Surrounding Zoning: To the west: PCD-[6th and Monterey Way] (Planned Commercial Development) District; Undeveloped, this property was included in the approved Preliminary Development Plan for Multi-Dwelling Residential uses and will be developed as a future phase.
To the north: PCD-[6th and Monterey Way] (Planned Commercial Development) District; Multi-Dwelling Structures.

To the east: PCD-[6th and Monterey Way] (Planned Commercial Development) District; Construction Sales and Services.

To the south: RM24 (Multi-Dwelling Residential) District; Duplexes. (Figure 1)

Figure 1a  Zoning in the area. Subject property is outlined.  Figure 1b. Land use in the area.

STAFF SUMMARY
A Preliminary Development Plan, PDP-15-00378, revised the permitted uses in Phase A-2 of the 6th and Monterey Way Planned Commercial Development to include the proposed uses: Detached Dwelling and Construction Sales and Services. The Preliminary Development Plan retained the Multi-Dwelling Structure use which had been approved for the parcel with previous Preliminary Development Plans and revised the development on the east side of the parcel, which is being platted as Lot 1, Morgan Addition to retain the existing residence. Proposed changes to this site with this phase of the project include an addition to the Detached Dwelling, and construction of a contractor shop, Construction Sales and Services, to the south of the house.

The Preliminary Development Plan shows the parcel being divided into two lots. The property is being platted in phases and the subject of this Final Development Plan is being platted as Lot 1, Morgan Addition. The remainder of the property is still planned for apartment development and a Final Plat and a Final Development Plan will need to be submitted and approved prior to that phase of the project.

The Planning Commission approved a variance from the setback requirements to allow the single-story contractor shop to be located within 21 ft of the south property line and for the existing residence to maintain the existing 12 ft 4 in. setback that is currently provided from the east property line. This variance was approved subject to the condition that a screening fence be maintained along the south and east property lines. The plan shows a 6 ft cedar fencing in this area. These variances are noted on the plan.
PARKING SUMMARY
The Detached Dwelling use requires 2 parking spaces and these are provided in a two car garage. Additional parking could also occur on the access drive. The Construction Sales and Service use requires parking at a rate of 1 space for every 500 sq ft of floor area and 1 space for every acre of exterior storage or assembly. The plan does not include any exterior storage or assembly area for this use. The table below summarizes the parking requirements and the amount of parking that is provided. Parking is being provided for this project in compliance with the Parking Regulations in the 2006 Development Code.

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Dwelling</td>
<td>2 per dwelling</td>
<td>2 spaces required</td>
<td></td>
</tr>
<tr>
<td>Construction Sales &amp; Services</td>
<td>1 space per each 500 sq ft of floor area PLUS 1 space per acre of outdoor storage or assembly</td>
<td>1200 sq ft building / 3 spaces No outdoor storage or assembly</td>
<td>5 spaces</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td>5 spaces</td>
</tr>
<tr>
<td>Bicycle</td>
<td>1 per 10 auto spaces</td>
<td>1 space</td>
<td>1 space</td>
</tr>
<tr>
<td>ADA</td>
<td>Detached Dwelling: not required Construction Sales &amp; Services: none required as business does not include customer activity on site</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

SITE SUMMARY

<table>
<thead>
<tr>
<th>Lot 1 Morgan Addition</th>
<th>Existing</th>
<th>Proposed</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>25,900 sq ft</td>
<td>25,900 sq ft</td>
<td>--</td>
</tr>
<tr>
<td>Building Coverage</td>
<td>2,011 sq ft</td>
<td>3,605 sq ft</td>
<td>+1,594 sq ft</td>
</tr>
<tr>
<td>Pavement Coverage</td>
<td>2,380 sq ft</td>
<td>7,470 sq ft</td>
<td>+5,090 sq ft</td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>4,391 sq ft (16.95%)</td>
<td>11,075 sq ft (42.76%)</td>
<td>+6,684 sq ft</td>
</tr>
<tr>
<td>Pervious Coverage</td>
<td>21,509 sq ft</td>
<td>14,825 sq ft</td>
<td>-6,684 sq ft</td>
</tr>
</tbody>
</table>

STAFF REVIEW
The property addressed as 800 Monterey Drive includes both phases of this development and is currently developed with a contractor’s shop and a residence. These uses were not included in the list of permitted uses for the subject area, identified as Area A-2 on the plan, with the conditions of the previous Preliminary Development Plans for the Development. The original plan was to replace them with apartments.

As the property owner’s plans changed, the Preliminary Development Plan was revised to add these uses to the A-2 Area and to show the Contractor’s Shop use (classified as Construction Sales and Services in the 2006 Development Code) being relocated to the east side of the property with the residence. This portion of the property is being platted as Lot 1, Morgan Addition. The west portion of the property was shown as Lot 2, Morgan Addition with the
Preliminary Development Plan and was designed for apartment development. A Final Plat and a Final Development Plan will need to be submitted and approved prior to development of Lot 2.

Several Development Plans have been approved for portions of the development. The highlighted area in Figure 2 is the overall planned development. Phase 1 of Area A-2 is marked with a star. The remainder of the parcel to the west is Phase 2.

**Common Open Space**
Per Section 20-701(j) of the Development Code, a minimum of 20% of the total site area must be provided as Common Open Space. This is defined as being open space that is available for the use and enjoyment of all the tenants of the development. The plan identifies the Common Open Space for this property (Figure 3).

Approximately 22% of the lot is set aside as Common Open Space; however, as the property is developed with a Detached Dwelling the Common Open Space on this property would be more suitable for use by the residents of the dwelling. The apartment development on Lot 2 will also provide 20% of Common Open Space for the residents.

**Access and Circulation**
The property will have two access points on Morgan Lane, a private street which accesses Monterey Way to the west. One access will serve the residence and the other will serve the shop. This will separate the different types of traffic on the site. The extension of Morgan Lane and the sidewalk to Comet Lane will occur with the Multi-Dwelling development of Lot 2.

**Pedestrian Connectivity**
A walkway connects the residence to the garage and also to the access drive. The amount of pedestrian connectivity is similar to other detached dwellings in the city. Pedestrian traffic is not expected with the shop; therefore, no walkways are provided. A sidewalk linking to Comet Lane will be installed with the extension of Morgan Lane in Phase 2 to provide linkage between the apartments and Comet Lane.

**Lighting**
No exterior lighting is being proposed with this plan.
**Landscaping**
Street trees are not specifically required as the property is adjacent to a private street, but landscaping should be provided to create an attractive streetscape along Morgan Lane. Trees are located along Morgan Lane and a six foot wood fence currently surrounds the residence on the sides, rear, and along Morgan Lane. New fencing will be installed along the shop's drive and access to screen it from the street.

**BUILDING ELEVATIONS**
The commercial use, the *Contractor Sales and Service* use, will be located behind the garage and will be built with a peaked roof and will have a residential character. The house and the shop appear as a unified development. The structures will have a maximum height of 19.75 ft.

**Conclusion**
The development proposed with this Final Development Plan conforms with the approved Preliminary Development Plan and is compliant with the provisions of the Development Code.

![Figure 5. Elevation of proposed Phase 1](image)
FDP-16-00104: Consider a Final Development Plan for Zaxby's, a Fast Order Food with Drive-In, located at 4661 Bauer Farm Dr. Submitted by Carter Engineering Consultants, Inc., for JULI, LLC, contract purchaser, Free State Holdings Inc, property owner of record.

**STAFF RECOMMENDATION:** Planning staff recommends approval of the Final Development Plan based upon the findings of fact presented in the body of the Staff Report, subject to the following conditions:

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

**Attachment:**
A. Proposed Final Development Plan.

**Design Standards to Consider**
- Consistency with approved Preliminary Development Plan, PDP-14-00055.

**KEY POINTS:**
- Final Development Plans for projects with preliminary approvals prior to the adoption of the 2006 Land Development Code require Planning Commission approval.
- A revised Preliminary Development Plan for Bauer Farms [PDP-15-00529] was approved by the Planning Commission on December 14, 2015 and by the City Commission on January 6, 2016.

**ASSOCIATED CASES**
- PDP-15-00529; Bauer Farm Preliminary Development Plan.
- PF -15-00094; Bauer Farm 7th Plat
- MS-16-00126; Minor Subdivision

**OTHER ACTION REQUIRED**
- Applicant shall apply for and obtain Building Permits prior to development.
PUBLIC COMMENT
• No public comment was received prior to the printing of this staff report.

PLANS AND STUDIES REQUIRED
• Traffic Study - a Revised Traffic Impact Study (TIS) was provided and accepted with the Preliminary Development Plan. An updated letter was received on March 16, 2016 with this application. Summary was accepted by staff.
• Downstream Sanitary Sewer Analysis – The downstream sanitary sewer analysis and cover letter dated January 20, 2010 from Landplan Engineering was previously accepted for the Bauer Farm Development Plan to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76. The proposed project meets the land use description used in the DSSA for this location.
• Drainage Study – The drainage study dated 2-20-2014 meets the specified requirements and is approved.
  o City of Lawrence Right of Way Permit will be needed to tie the proposed storm sewer line into the south side of the existing junction box on Bauer Farm Drive.
• Retail Market Study – Not applicable to application.

GENERAL INFORMATION
Current Zoning and Land Use: PCD [Bauer Farm] (Planned Commercial Development) District; developing mixed use project.

Surrounding Zoning and land use: To the north, east and west:
PCD [Bauer Farm] (Planned Commercial Development) District. A Theater is located on the north side of Bauer Farm Drive. A Fast Order Food, Drive-In use building located to the west known as Burger King. Undeveloped lot is located to the east

To the south:
PCD [Westgate] (Planned Commercial Development) located on the south side of W 6th Street; existing multi-tenant retail commercial building.

STAFF SUMMARY
This Final Development Plan proposes the development of a 3,662 SF single story Fast Order Food, Drive-In on approximately 39,940 sq ft parcel [Proposed Lot 1, Bauer Farm Eighth Plat] located on the south side of Bauer Farm Drive. This proposed use is consistent with the approved Preliminary Development Plan.

STAFF REVIEW
The Bauer Farm Development was proposed and planned as a New Urbanism type of development which would utilize several Traditional Neighborhood Design concepts. The waivers which were approved by the Planning Commission were necessary to accommodate these TND concepts such as smaller lots, narrower rights-of-way, and reduced peripheral setbacks. Several Development Plans have been approved for both the commercial and residential portions of the development. The Planning Commission approved revised waivers with their consideration of the 2015 revised Preliminary Development Plan, PDP-15-00529, based on the type of development being proposed. The proposed use is located on the south
side of Bauer Farm Drive. Uses on the south side were intended for more auto-oriented access with pedestrian sidewalks connecting uses within the development.

A development item related to this application is a pending Minor Subdivision. The Minor Subdivision has been submitted and is being processed. The subdivision review shall be completed and the document recorded prior to the issuance of a building permit for this property.

**Off-Street Parking**

In the pre-2006 Zoning Code off-street parking is calculated at a different ratio and an alternative methodology was specifically applicable to Planned Developments. Per the 1966 Code, parking was based on net square feet of building space rather than gross square feet in the current Code. Additionally, Planned Development off-street parking was calculated at a rate of 1 space per 200 net square feet regardless of use. The following table summarizes the off-street parking shown on the approved Preliminary Development Plan and the proposed Final Development Plan.

<table>
<thead>
<tr>
<th></th>
<th>Approved PDP</th>
<th>Proposed FDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building SF: 3,803 SF</td>
<td>Building SF:</td>
<td></td>
</tr>
<tr>
<td>Required Parking at 1:200 = 11 Spaces</td>
<td>Required Parking at 1:100 Customer Service Area + 1 per employee = 29 spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,826 SF Customer Service Area (19 spaces)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10 employees at largest shift (10 spaces)</td>
<td></td>
</tr>
<tr>
<td>Proposed Parking: 46 Spaces</td>
<td>Proposed Parking: 44 spaces</td>
<td></td>
</tr>
</tbody>
</table>

This plan provides a parking summary based on the current parking design requirements. The proposed development will result in excess spaces but two fewer than the approved Preliminary Development Plan.

The approved Preliminary Development Plan shows parking along Bauer Farm Drive. This parking is not shown on this proposed Final Development Plan. The on-street parking will be provided by the developer of Bauer Farm at a future date with the development of the adjacent
lot to the east. The proposed development exceeds the required off-street parking for this use and is consistent with the approved Preliminary Development Plan.

**REVIEW CRITERIA**

The Planning Commission is responsible for the final decision-making of a Final Development Plan of the pre-2006 Code. Applications submitted for Final Development Plan approval must be in substantial compliance with the approved Preliminary Development Plan. This section of the report provides a summary of the proposed development’s “substantial compliance the approved Preliminary Development Plan” based on the 1966 Zoning Code for which it was originally approved and for the current Land Development Code standards.

**Section 20-1013 (b) of the 1966 Zoning Code** states that a plan submitted for final approval shall be in substantial compliance with the plan previously given preliminary approval and that modifications may not:

1. Increase gross residential density or intensity by more than 5% or involve a reduction in the area set aside for common open space.
2. Increase the total floor area proposed for non-residential or commercial uses by more than 10%.
3. Increase the total ground area covered by a building by more than 5% or involves a substantial change in the height of buildings.

The proposed Final Development Plan:

1. Does not include any residential use or include a reduction in common open space within the phase or development.
2. The proposed building is slightly smaller than the building shown on the Preliminary Development Plan.
   a. The approved plan included a 3,803 SF building.
   b. The proposed plan includes a 3,652 SF building.
3. The proposed final development plan does not increase the ground covered by a building. The proposed building is smaller than the building shown on the approved Preliminary Development Plan. The building height is not altered by this request.

The proposed development meets the requirements of being in substantial compliance with the plan previously given preliminary approval. The approved Preliminary Development Plan included a Fast Order Food, Drive-In use.

This application complies with the 1966 Zoning Code for consideration of a Final Development Plan. A new public hearing is not required. The 1966 Code requires the Planning Commission to approve a Final Development Plan as the determining authority.

**Drive thru Uses in Bauer Farm Planned Development**

A significant feature of the Traditional Neighborhood Design concept is the limited number of vehicle oriented uses, specifically drive-thru uses. The development plan, including all the areas zoned PCD, PRD and POD, was modified in 2008 to restrict drive-thru uses to the following mix:

- Three restaurant uses (3)
- One Bank (1)
- One other non-restaurant such as a pharmacy (1)
The plan included automotive service uses that did not count toward these “drive-thru” restrictions.

The CVS, 4841 Bauer Farm Drive, and Taco Bell, 4721 Bauer Farm Drive, buildings were the first in the area to be developed with a drive-thru. To date, two other restaurant uses have been developed with a drive-thru: 4701 Bauer Farm Drive, Starbucks and 4671 Bauer Farm Drive, Burger King.

The Preliminary Development Plan was modified in 2015 to increase the total number of drive-thru uses, excluding automotive service uses, within the Bauer Farm Planned Development (inclusive).

- Four restaurant uses (4)
- Two bank uses (2)
- One other non-restaurant such as a pharmacy (1)

Development of this site will result in the final allowable drive-thru restaurant use for the Bauer Farm Planned Development. One remaining non-restaurant drive-thru use (bank) may be developed on the northwest corner of Folks Road and W. 6th Street (4431 Bauer Farm Drive).

**Common Open Space**
A minimum of 20% of the area in the Planned Development is required to be placed into Common Open Space. The majority of common open space for the Bauer Farm Planned Development is located within the residential portions of the project. Open space for individual commercial lots is located along the perimeter of the lots and along the street frontages. The proposed development includes 22% of the total lot as open space.

**Access and Circulation**
Vehicular access to this site is provided from Bauer Farm Drive and is consistent with that approved on the Preliminary Development Plan. Access to the site is shared with the adjacent properties to the east and west. Access driveways are centered on the shared property lines.

**Pedestrian Connectivity**
A pedestrian walkway connects the building with the sidewalks on Bauer Farm Drive. The walkway provides access to the building entrance.

**Lighting**
A photometric plan including a point by point illumination array has been provided. The lighting levels and fixture type are compliant with the standards in Section 20-1103(d) (3).

**Landscaping**
Peripheral boundary buffer yards are not required between PUDs in the same development. Parking lots are also required to be screened. The original Preliminary Development Plan included a screening wall located along the south side of the commercial properties along W. 6th Street. This screening wall was not constructed along the Burger King site or where the buildings west of Champion Lane abut W. 6th Street.
Use of landscaping to screen the parking lot is an acceptable solution and will provide a unifying appearance along W. 6th Street east of Champion Lane.

The plan notes that all mechanical equipment will be building mounted and will be screened per City Code.

Solid Waste is accommodated in a screened storage area located along Bauer Farm Drive as shown on the plan. The location and design have been approved by the City Solid Waste Division.

**Commercial Design Guidelines**
Planned Developments provide the developer greater flexibility to achieve their desired design and development. They also allow for greater control over the aesthetics of a site. Proposed
building elevations include variation in material, building planes, a varied roof line and a strongly defined main entry. The proposed building meets the intent of the Design Guidelines.

**Infrastructure Improvements**
Much of the needed infrastructure exists for this site. The applicant will be responsible for connecting service lines between the building and the water and sanitary sewer main lines. Sidewalk is located along Bauer Farm Drive and W. 6th Street. This project will relocate the sidewalk along Bauer Farm Drive in anticipation of construction of the on-street parking along the south side of Bauer Farm Drive. The City Traffic Engineer noted that “Pedestrian pathway to Bauer Farm Drive needs ramps where appropriate.” The plan should be revised to show the ramps as noted.

![Figure 4: Location for additional pedestrian ramps](image)

The on-street parking as noted will be a future site improvement made by the development group with the development of the adjacent lot to the east.

The City Stormwater Engineer has noted that a right-of-way permit will be needed to connect to the City Storm Sewer. This requirement will be managed through the building permit process.

**Conclusion**
The development proposed with this Final Development Plan is consistent with the intent of the development that was approved with the Preliminary Development Plan and is compliant with the provisions of the Development Code.
SITE DEVELOPMENT PLANS

ZAXBY'S FOR

JULI, LLC

BAUER FARM PCD

4661 BAUER FARM DRIVE

CITY OF LAWRENCE

DOUGLAS COUNTY, KANSAS

FEBRUARY 5, 2016

LOCATION MAP

SCALE: 1" = 200'

SITE DEVELOPMENT PLANS

ZAXBY'S

FOR

JULI, LLC

BAUER FARM PCD

4661 BAUER FARM DRIVE

CITY OF LAWRENCE

DOUGLAS COUNTY, KANSAS

FEBRUARY 5, 2016

LOCATION MAP

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4661 BAUER FARM DRIVE

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DOUGLAS COUNTY, KANSAS

FEBRUARY 5, 2016

LOCATION MAP

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ZAXBY'S

FOR

JULI, LLC

BAUER FARM PCD

4661 BAUER FARM DRIVE

CITY OF LAWRENCE

DOUGLAS COUNTY, KANSAS

FEBRUARY 5, 2016

LOCATION MAP

SCALE: 1" = 200'

SITE DEVELOPMENT PLANS

ZAXBY'S

FOR

JULI, LLC

BAUER FARM PCD

4661 BAUER FARM DRIVE

CITY OF LAWRENCE

DOUGLAS COUNTY, KANSAS

FEBRUARY 5, 2016

LOCATION MAP

SCALE: 1" = 200'

SITE DEVELOPMENT PLANS

ZAXBY'S

FOR

JULI, LLC

BAUER FARM PCD

4661 BAUER FARM DRIVE

CITY OF LAWRENCE

DOUGLAS COUNTY, KANSAS

FEBRUARY 5, 2016

LOCATION MAP

SCALE: 1" = 200'
Know what's below
Call before you dig
dial 811

PROJECT NUMBER:

PROJECT NAME:

LOCATION MAP
SCALE: 1" = 200'

SITE DEVELOPMENT PLANS
for JUILL, LLC
BAUER FARM PCO

CARTER ENGINEERING CONSULTANTS

CARTER

DATE

REVISED

REVISE BOUNDARY PER SURVEY

EX. CONCRETE SIDEWALK

SIDEWALK

CONCRETE

ASPHALT

U.S. HWY40 (W 6TH ST.)

LOT 1 CHAMPION ADDITION

LOT 1 BAUER FARM 8TH PLAT

LOT 2

U.S. HWY40 (W 6TH ST.)

 Know what's below
 Call before you dig
dial 811

SIDEWALK

CONCRETE

ASPHALT

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LOT 1 CHAMPION ADDITION

LOT 1 BAUER FARM 8TH PLAT

LOT 2

U.S. HWY40 (W 6TH ST.)

 Know what's below
 Call before you dig
dial 811
Containers which will not be in an enclosure but should be 4" diameter heavy steel posts set in below 40' of unobstructed width and overhead level plane when connecting to the container due to the fixed height of the attachment point.

Properly placed bumper blocks around the container on the pick-up forks. Operating that equipment and personnel is not at risk.

Provisions must be made to prevent the container from being pushed into the wall.

All enclosures must be protected from impact being pushed into the wall.

Width: 24 feet minimum; Depth: 12 feet Minimum; Height: 7 feet minimum

Approach lanes to the container sites must provide 12 feet of unobstructed width and overhead level plane when connecting to the container due to the fixed height of the attachment point.

Collection crews will not be able to lift containers if the container include chains, bumper blocks, members.

Customers are responsible for any container unattended. Wind, animals, children, adults, or other factors may cause the container to roll and get out of position.

Collection staff will not be able to lift containers if the container include chains, bumper blocks, members.

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EROSION CONTROL NOTES:

1. Site Development Plans (S.D.P.) shall be reviewed by the City of Lawrence for Departmental comments. Submit S.D.P. for approval.
2. All site grading, temporary and permanent, shall be performed in accordance with the proposed plans. All site grading shall be maintained at all times.
3. All site grading shall be inspected by the City of Lawrence.
4. All construction activities shall be performed in accordance with the approved plans.
5. All construction activities shall be performed in compliance with the approved plans.

INFORMATION:

- The proposed disturbance is less than 1.0 acre.
- The proposed disturbance is located at 4661 Bauer Farm Drive, Lawrence, KS 66044.
- Site Development Plans (S.D.P.) shall be reviewed by the City of Lawrence for Departmental comments.
- Submit S.D.P. for approval.
- All site grading, temporary and permanent, shall be performed in accordance with the approved plans.
- All site grading shall be maintained at all times.
- All site grading shall be inspected by the City of Lawrence.
- All construction activities shall be performed in accordance with the approved plans.
- All construction activities shall be performed in compliance with the approved plans.

DISTURBANCE NOTE:

THE PROPOSED DISTURBANCE IS LESS THAN 1.0 ACRE.
SITE DEVELOPMENT PLANS

for

JULI, LLC
BAUER FARM PCD

PROPOSED ZAXBY'S
70 SEATS / 3,652 S.F.
(REFER TO ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS)

F.F.E. = 1013.5'

ONE-WAY

H/C RAMP
5' X 5' LEVEL LANDING AT EACH DOOR. MAX 1.0% SLOPE IN ANY DIRECTION

PAINT CURB YELLOW IN TRANSITION AREA

TYPE I 11'X19' H/C PARKING SPACE w/5' UNLOADING

CONCRETE WHEEL STOP (TOP)

LEVEL LANDING

PARKING SPACE

ACCESSIBLE PARKING SPACES, ACCESS AISLES AND PASSENGER LOADING ZONES SHALL HAVE SURFACE SLOPES NOT STEEPER THAN 1:67 (1.5%) IN ANY DIRECTION.

ADA ACCESS PLAN

GRADING PLAN
SCALE: 1" = 10'

SITE PLAN
SCALE: 1" = 10'

02/05/16

REVISED PER CITY COMMENTS 02/29/16
ADDRESS COMMENTS 03/16/16
REVISE BOUNDARY PER SURVEY 04/29/16
PROPOSED ZAXBY'S 02/05/16
INITIAL SUBMITTAL 02/05/16
Traffic Impact Study

for

Revised Bauer Farm PCD
6th St., between Wakarusa Dr. and Folks Rd.

Lawrence, Kansas

Prepared for
Treanor Architects P.A.

Prepared By

MGineering Solutions
Serving Communities Through Excellence
Kansas - Missouri - Michigan - California

Mehrdad Givechi, P.E., P.T.O.E.

February 2014
### Trip Generation Summary - Proposed Changes (Jan 2014) + Undeveloped

Average Weekday Driveway Volumes

<table>
<thead>
<tr>
<th>Project: Entire Bauer Farm Development (Revised)</th>
<th>Open Date: 1/14/2014</th>
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<tr>
<td>Alternative: Proposed Changes (Jan 2014) + Undeveloped</td>
<td>Analysis 1/14/2014</td>
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#### Average Weekday Driveway Volumes

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<tr>
<th>ITE</th>
<th>Land Use</th>
<th>Enter</th>
<th>Exit</th>
<th>Total</th>
<th>AM Peak Hour Enter</th>
<th>Exit</th>
<th>Total</th>
<th>PM Peak Hour Enter</th>
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<td>826</td>
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<td>29 Gross Leasable Area 1000 SF</td>
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#### Unadjusted Driveway Volume

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<tr>
<th></th>
<th>Enter</th>
<th>Exit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unadjusted Driveway Volume</td>
<td>4325</td>
<td>4320</td>
<td>8645</td>
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<tr>
<td>Unadjusted Pass-By Trips</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>Internal Capture Trips</td>
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<td>755</td>
<td>1510</td>
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#### Adjusted Driveway Volume

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<tr>
<th></th>
<th>Enter</th>
<th>Exit</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>Adjusted Driveway Volume</td>
<td>3570</td>
<td>3565</td>
<td>7135</td>
</tr>
<tr>
<td>Adjusted Pass-By Trips</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Adjusted Volume Added to Adjacent Streets</td>
<td>3570</td>
<td>3565</td>
<td>7135</td>
</tr>
</tbody>
</table>

Total AM Peak Hour Internal Capture = 0 Percent

Total PM Peak Hour Internal Capture = 13 Percent
PLANNING COMMISSION REPORT
Public Hearing Item

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

FDP-16-00103: Consider a Final Development Plan for Westridge Wash, Lube & Auto Sales. The site, located at 3530 W. 6th Street, contains approximately 0.77 acres. Submitted by Grob Engineering Services, LLC, for Westridge Lawrence, LLC, the property owner of record.

STAFF RECOMMENDATION: Planning staff recommends approval of the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:
1. Provision of an executed Site Plan Performance Agreement prior to the recording of the Final Development Plan.

Applicant’s Reason for Request: The owner desires to move an existing building and construct a new building where the easement is located.

Design Standards to Consider
• Consistency with approved Final Development Plan, FDP-04-08-04.
• Consistency with Article 10 of the 1966 Zoning Ordinance.
• Consistency with standards in the 2006 Development Code.

KEY POINTS:
• The property is zoned PCD (Planned Commercial Development).
• The Final Development Plan is a revision to the previously approved Final Development Plan.
• Final Development Plan for projects with previous approvals prior to the adoption of the 2006 Land Development Code require Planning Commission approval.

ASSOCIATED CASES
• Raco Westridge Addition: Final Development Plan.
• LS-04-03-05: Lot Split, Westridge Number Six Subdivision.

OTHER ACTION REQUIRED
• When conditions have been met, the Final Development Plan will be recorded at the Douglas County Register of Deeds Office and released to Development Services for processing of building permits.
• Submittal of building permit application and construction plans. Construction may commence only after building permits have been issued.

PUBLIC COMMENT
No public comment was received prior to the printing of this staff report.

PLANS AND STUDIES REQUIRED

- Traffic Study – Study was not required as the proposed development was similar to that shown on previously approved Preliminary Development Plan.
- Downstream Sanitary Sewer Analysis – Study was not required.
- Drainage Study – Study was not required.

GENERAL INFORMATION

Current Zoning and Land Use: PCD-[Westridge] (Planned Commercial Development) District; Westridge Wash and Lube.

Surrounding Zoning:

- North: RS7 (Single-Dwelling Residential) District; Detached Dwellings and PDC-[Westridge]; Multi-Dwellings.
- East: PCD-[Westridge] (Planned Commercial Development) District; Restaurant; Bank.
- South: CS (Commercial Strip) District; Commercial Strip Center; Westlake Hardware.
- West: GPI (General Public and Institution) District; Fire Station.

(Figure 1)
The revision to the previously approved Final Development Plan (FDP-04-08-04), proposes a new 36’ X 70’ service building on the northeast portion of the lot. The placement of the new structure will be an encroachment into open space which means there will be a reduction in the common open space that was approved on the previous Final Development Plan per Section 1013(b), Article 10 of the 1966 Zoning Ordinance. A reduction in common open space requires the revision to be heard by the Planning Commission.

**SITE SUMMARY**

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use:</td>
<td>Developed Car Wash</td>
<td>Car Wash, Lube and Sales</td>
<td>No</td>
</tr>
<tr>
<td>Land Area:</td>
<td>33,528 sq. ft.</td>
<td>33,528 sq. ft.</td>
<td>---</td>
</tr>
<tr>
<td>Total Building:</td>
<td>4,693 sq. ft. (13%)</td>
<td>5,719 sq. ft. (17%)</td>
<td>+ 1,026 sq. ft.</td>
</tr>
<tr>
<td>Total Pavement:</td>
<td>19,814 sq. ft. (59%)</td>
<td>19,814 sq. ft. (59%)</td>
<td>---</td>
</tr>
<tr>
<td>Total Impervious Area :</td>
<td>24,507 sq. ft. (74%)</td>
<td>25,133 sq. ft. (75%)</td>
<td>+ 626 sq. ft.</td>
</tr>
<tr>
<td>Total Pervious Area:</td>
<td>8,983 sq. ft. (26%)</td>
<td>8,395 sq. ft. (26%)</td>
<td>- 588 sq. ft.</td>
</tr>
</tbody>
</table>
STAFF REVIEW
The property addressed as 3530 W. 6th Street includes an existing Car Wash. The proposed development includes relocating two vacuum bays and constructing a new 36’ X 70’ service building on the north portion of the lot just to the west of the open space. (Figure 2)

There is a cross-access/utility easement that was dedicated in a previous plat but has not been used. Replatting has split the property and the access was blocked by a dumpster and privacy fence. A vacation of easement request accompanies the Final Development Plan application and is scheduled for the June 7th City Commission meeting.

<table>
<thead>
<tr>
<th>Use</th>
<th>Req. per Sec. 20-902</th>
<th>Parking Required</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Wash</td>
<td>2 spaces per service bay</td>
<td>4 Service Bays 1 Car wash 324 sq. ft. open sales (2 spaces)</td>
<td>8 spaces/service 2 spaces/wash 1 space /sales Total 11 Spaces</td>
</tr>
<tr>
<td>Bicycle</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>ADA Spaces</td>
<td>Req. per Sec. 20-912</td>
<td>1 accessible space</td>
<td>1 provided</td>
</tr>
</tbody>
</table>

PARKING SUMMARY
Common Open Space

Per Section 20-701(j) of the Development Code, a minimum of 20% of the total site area must be provided as Common Open Space. This is defined as being open space that is available for the use and enjoyment of all the tenants of the development. The plan identifies the Common Open Space that was approved with the previous plat on this lot. (Figure 2).

Figure 2. Proposed development and common open space encroachment. (shaded darker green) Remaining open space on the lot is lighter green.
The proposed building and dumpster location will encroach into the common open space set aside on the previously approved Final Development Plan. The building encroaches by approximately 5’ X 70’ along the edge of the existing open space resulting in a reduction of roughly 350 sq. ft. of open space. The new dumpster location will also encroach into the open space for an additional reduction of approximately 120 sq. ft. The total reduction in open space will be 470 sq. ft. (Figure 2).

Access and Circulation
The property access will remain the same. Parking is being provided to the west of the proposed service building.

Pedestrian Connectivity
A sidewalk connection is to existing sidewalk on W. 6th St. has been included with this proposal.

Lighting
No exterior lighting is being proposed with this plan.

Landscaping
No proposed changes to landscaping. The existing landscaping is to remain.

Conclusion
The development proposed with this Final Development Plan conforms with the previously approved Final Development Plan and is compliant with the provisions of the Development Code.
This Final Development Plan is intended to depict the existing and proposed conditions for Lot 1, Block One, Raco-Westridge Addition only. The improvements shown are based on the existing conditions of the Property.

1. The improvements shown are for information only and are not intended to represent actual field and elevations on plans. All contour lines are based on field notes.

2. The proposed utility locations, elevations, and sizes are preliminary and will be finalized during final design of improvements.

3. Proposed private drives and parking areas that fall within City of Lawrence standards, all proposed doors and parking areas not to exceed 10' in any dimension, shall be finished with a finished concrete surface at least 24" wide and 2" thick. All doors shall be finished with a finished concrete surface at least 15" wide and 2" thick.

4. Existing parking lot lighting will remain. Existing lights will be shielded by Sanborn Mapping for the City of Lawrence and Douglas County 2006 Aerial and topographic information obtained from aerial survey performed September 2, 2015.

5. The improvements shown as part of this Site Plan include parking stalls (2 EA.) located at the rear of property and proposed overland stormwater flow at the site. Only limited grading and proposed utility improvements, shall be performed for the proposed new building to provide positive drainage.

6. Any proposed building shall be designed and constructed in accordance with all existing regulatory requirements and shall be performed in accordance with the provisions of the City of Lawrence Codes Enforcement Division.

7. All existing mature trees shall be preserved as much as possible during construction of private improvements. Existing trees that are dead, damaged, severely stressed, or otherwise unsightly shall be replaced.

8. Trash enclosure is to be screened with min. 6' high fence.

9. Trash enclosure is to be painted and signed with ADA standard markings.

10. No Public Improvements will be completed as part of this Site Plan.

11. Proposed utility locations, elevations, and sizes are preliminary and will be finalized during final design of improvements.

12. Proposed parking stalls and parking areas that fall within City of Lawrence standards, all proposed doors and parking areas not to exceed 10' in any dimension, shall be finished with a finished concrete surface at least 24" wide and 2" thick. All doors shall be finished with a finished concrete surface at least 15" wide and 2" thick.

13. Proposed utility locations, elevations, and sizes are preliminary and will be finalized during final design of improvements.

14. A FINAL DEVELOPMENT PLAN for WESTRIDGE WASH, LUBE & AUTO SALES 3520 W 6TH STREET LAWRENCE, KANSAS has been designed to comply with the provisions of the Code. Article 17, Section 20-1701 of the City of Lawrence Land Development Code. No part of the property is located within a SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% CHANCE FLOOD per FEMA Map Revised September 2, 2015.

15. All Public Improvements on the subject property are for information only and are not intended to represent actual field and elevations on plans. All contour lines are based on field notes.

16. No new exterior lighting is proposed for this development. The existing parking lot lighting will remain. Existing lights will be shielded.
ITEM NO. 4  CONDITIONAL USE PERMIT; CLEAN RUBBLE LANDFILL; 1736 E 1550 ROAD

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

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

1. Prior to the placement of this item on the Board of County Commissioner’s agenda, the applicant will work with Grant Township and the County Engineer to determine an acceptable truck route from Hwy 24 to the site and establish maintenance provisions.
2. Truck traffic associated with this use is not permitted on City streets except to access the nearest State or Federal Highway.
3. Only ‘Clean Rubble’ which meets the KDHE definition of: “…the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary.” shall be used to fill the Borrow Pit.
4. When the Borrow Pit has been filled as shown on the plan, top soil shall be applied and the property seeded with brome or fescue type grasses. Top soil application and seeding shall be completed within 1 year following the completion of filling and grading activities on the site.
5. The Conditional Use Permit will be subject to a 5 year administrative review and will expire 10 years after the date of the Board of County Commissioners approval.
6. Submittal of a revised plan which lists the Conditions and Restrictions of Use 2-4 listed above and includes the approved truck route and maintenance measures.

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

KEY POINTS
- The property had been used as a borrow pit for improvements to I-70 in 2009 through 2010.
- A borrow pit is classified as a Mining and Excavation use and requires approval of a Conditional Use Permit (CUP); however, a CUP was not obtained for this borrow pit. A borrow pit CUP would include steps for the reclamation of the pit and note whether it would be converted into a pond or filled. In the absence of a CUP for the borrow pit, the addition of fill to the site will be processed as a landfill.
- The Zoning Regulations contain a list of land uses which are allowed with a Conditional Use Permit. Uses which are similar in nature and operational characteristics to the listed uses are generally included as a conditional use under that classification, even though they vary from the listed use. The landfill use proposed is most similar to the Conditional Use classification of a ‘Sanitary Landfill’.
- The subject property contains approximately 40 acres. With this CUP, clean rubble fill would be placed on approximately 4.95 acres of the subject property.
OTHER ACTION REQUIRED
• Approval of the Conditional Use application and plan by the Board of County Commissioners.
• Applicant shall obtain a permit for the Conditional Use from the Zoning and Codes Office prior to commencing the use.

PUBLIC COMMENT
• No public comment was received prior to printing this report.

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

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

To the west: I-1 (Limited Industrial) District; Agriculture.

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

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

Figure 1a. Zoning: A (Agricultural), I-1 (Limited Industrial), IG (City-General Industrial) Districts. General location of proposed landfill marked with a star.
Figure 1b. Floodplain in the area.
Figure 1c. Land Use in the area. Lake is result of a sand pit in the area. A CUP for a landfill to stabilize the banks of the sand pit was approved in 1992.
Summary of Request
The subject property at 1736 E 1550 Road, approximately 40 acres, contains a depression of approximately 5 acres that was the result of a borrow pit for I-70 improvements in 2009 through 2010, a residence, several accessory structures, and a portion of a large lake which was developed with the reclamation of a sand pit. (Figure 2) The borrow pit operated without the required Conditional Use Permit; therefore, reclamation was not addressed. Reclamation of the pit through filling requires approval of a Conditional Use Permit. Adding clean rubble to the site to fill the borrow pit has been determined to be similar in nature and operational characteristics to the Conditional Use ‘Sanitary Landfill’ which is listed in Section 12-319-4 of the Zoning Regulations as a use which may be approved in any district in which it is not permitted as a Conditional Use. The CUP is strictly for the addition of fill to the abandoned borrow pit.

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

12-319-4.12 Sanitary Landfill

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

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

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

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

Staff Finding - The area is predominately agricultural in character but contains urban uses to the west and southwest within the city limits.
III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

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

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

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

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

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

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

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

Applicant’s Response:
“The removal of restrictions should have minimal affect on nearby property as the owner owns the property on 2 sides and the Kansas Turnpike Authority owns the property on the other 2 sides.”

Section 12-319-1.01 of the County Zoning Regulations recognize that “certain uses may be desirable when located in the community, but that these uses may be incompatible with other
uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.”

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

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

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

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

The City Public Works Director indicated that the city streets proposed for a route to the landfill were not designed to accommodate heavy truck traffic. He noted the standard route for trucks with destinations outside the City limits (Figure 5) should be used to exit the City and that large trucks are permitted to use local streets only to access the highway system.
The County Engineer noted that E 1600 Road is also not designed to handle heavy truck traffic and that a maintenance agreement would need to be entered into with Grant Township before E 1600 Road could be used for trucks to access the site. The CUP will be placed on the Board of County Commissioners agenda for consideration when the truck route has been determined and a maintenance agreement has been reached.

Conditional Uses are typically required to be administratively reviewed by the Zoning and Codes Office every 5 years to insure compliance with the standards of the Conditional Use Permit. Expiration dates are often applied to Conditional Uses so they may be re-evaluated to determine if they remain compatible with the development in the area. The landfill is compatible with the current development, but may become incompatible as the area develops further. A ten-year expiration period is recommended to allow for variation in the delivery schedule.

**Staff Finding** - The heavy equipment and earthwork required for the landfill are not expected to have negative impacts on nearby properties as a lake and I-70 are neighbors on 2 sides and other nearby properties are in agricultural production. The truck traffic to and from the site could negatively impact the uses along the truck route and the roads themselves if a large number of trucks would access the site daily. Heavy truck traffic is restricted to the highways within the City of Lawrence and may use city streets only to access the nearest highway. It would be necessary to use E 1600 Road to access the site, but this would require the township’s approval and the execution of a maintenance agreement. The landfill is expected to be temporary and a 10 year expiration date is recommended.

**VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS**

**Applicant’s Response:**

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

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

Denial of the request would benefit the public in that it would prevent the additional truck traffic along E 1600 Road, a fairly narrow township road (Figure 6).
**Staff Finding** - In staff’s opinion, the gain to the public health, safety, and welfare by the denial of the request for the Conditional Use for the reclamation of the borrow pit, a landfill use, would be the prevention of heavy truck traffic on E 1600 Road. The damage of the heavy truck traffic could be mitigated if the property owner executes a maintenance agreement with the township; however, the narrowness of the road could present a safety issue. The hardship to the property owner of denial would be that the borrow pit could not be reclaimed.

### VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

**Applicant’s Response:**

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

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

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

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

### CUP PLAN REVIEW

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

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

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

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

A time-frame for the completion of reclamation should be established. Top soil application and seeding should be completed within 1 year following the completion of filling and grading activities on the site. This should all be completed within the 10 year life span of the Conditional Use Permit.

**Conclusion**

The Conditional Use proposed complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020*. The use, as conditioned, should be compatible with the surrounding land uses provided a road maintenance agreement is executed with the township to insure the damage done by the heavy trucks is repaired at the applicant's cost.

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

M = Existing Landfill

M1 = Landfill Area

SCALE: 1" = 100'

LEGAL DESCRIPTION

ALL IN DOUGLAS COUNTY, KANSAS.

LEGAL DESCRIPTION

All in Douglas County, Kansas.

CONDITIONAL USE PERMIT - SITE PLAN

1736 E 1550 ROAD

CLEAN RUBBLE LANDFILL

LOCATION MAP

GENERAL NOTES

1. Land Planner/Engineer: Grob Engineering Services, LLC

2. This Conditional Use Permit (CUP) Site Plan was developed to allow clean rubble landfilling activities as outlined in the Kansas Department of Health and Environment Bureau of Solid Waste Management Technical Guidance Document SW-1994-G2, to perform construction and demolition (C&D) waste on the above referenced site. The Site Plan shall be designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, appendix A to 28 C.F.R. Part 36, 2010.

3. The property/landfill area will have controlled access. Access to/from this property will be via an existing driveway that is gated at the entrance on E 1550 Road near the intersection of Evans Street and H Drive.

4. No fill placement will be outside the regulated SFHA illustrated on this Conditional Use Permit - Site Plan. No portion of the activities associated with this CUP shall include filling within the regulated SFHA illustrated on this Conditional Use Permit - Site Plan.

5. The existing septic waste lateral field from the existing cabin will remain and no changes are proposed with this CUP Site Plan.

6. Drainage arrows and proposed contours are shown on the plan to indicate general drainage patterns.

7. This Site Plan has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, appendix A to 28 C.F.R. Part 36, 2010.

8. The SFHA is delineated on this Conditional Use Permit - Site Plan. No portion of the activities associated with this CUP will include filling within the regulated SFHA illustrated on this Conditional Use Permit - Site Plan. (The SFHA is delineated on this Conditional Use Permit - Site Plan).

9. No fill placement will be outside the regulated SFHA illustrated on this Conditional Use Permit - Site Plan. No portion of the activities associated with this CUP shall include filling within the regulated SFHA illustrated on this Conditional Use Permit - Site Plan. (The SFHA is delineated on this Conditional Use Permit - Site Plan).

10. Existing utility locations, elevations, and sizes are shown for reference only. No additional utilities will be construed as part of this CUP.

11. The Site Plan has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, appendix A to 28 C.F.R. Part 36, 2010.

12. Existing septic waste lateral field from the existing cabin will remain and no changes are proposed with this CUP Site Plan.

13. Drainage arrows and proposed contours are shown on the plan to indicate general drainage patterns.

14. This Site Plan has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, appendix A to 28 C.F.R. Part 36, 2010.

15. No fill placement will be outside the regulated SFHA illustrated on this Conditional Use Permit - Site Plan. No portion of the activities associated with this CUP shall include filling within the regulated SFHA illustrated on this Conditional Use Permit - Site Plan. (The SFHA is delineated on this Conditional Use Permit - Site Plan).
CUP-16-00105: Conditional Use Permit for a Clean Rubble Landfill
Located at 1736 E 1550 Road

Lawrence-Douglas County Planning Office
May 2016

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

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

RECOMMENDATION: Staff recommends that the Planning Commission forward the proposed amendment, TA-16-00128, amending Article 17 and sections of Article 9 of the Lawrence Land Development Code to establish Valet Parking as a type of parking to the City Commission with a recommendation for approval.

Reason for Request: The City Commission initiated a text amendment at their April 5, 2016 meeting to consider adding valet parking to the Lawrence Land Development Code.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None received

ATTACHMENTS
Attachment A – Draft Language

BACKGROUND
As part of the review and design of the HERE at Kansas mixed use development and in response to the loss of mechanical parking for the development, the project developers proposed providing comparable parking using a human rather than mechanical valet parking option. The design of that specific project includes a full-service valet operation and parking stalls and access aisles that are narrower than conventional self-parking lots. There are currently no design standards for valet parking.

The general purpose of Article 9, Parking, Loading and Accessis, “intended to ensure that the off-street parking, loading and access demands of various land use will be met without adversely affecting surrounding areas. The regulations are also intended to help maintain a safe and efficient transportation system and advance other planning goals related to land use and the environment. In recognition of the fact that different approaches may be appropriate in different settings, the regulations allow flexibility in addressing vehicle parking, loading and access demand.”

The existing Land Development Code provides design standards for parking lots (and structured parking). The standards assume that those using the parking lots are “self-parkers”. The code assigns authority to the City Engineer to approve all off-street parking areas (20-913(b)).

Minimum dimensions for parking lot elements include width and length of the parking space, width of the access aisle, and overhang of vehicles beyond the stall length (20-913 (f)). This section also grants authority to the City Engineer to approve reductions as noted below.
"Where natural and/or man-made obstacles, obstructions or other features such as but not limited to Landscaping, support columns, or grade difference exist, the City Engineer may approve a reduction in stall width, stall length and/or module width in all instances where a reduction is requested, attention to emergency vehicle access shall be considered and incorporated into the parking lot design."

The City Commission concluded that it would be appropriate to include the specific activity – valet parking-- in the Land Development Code with applicable design standards and process for implementation for future projects.

<table>
<thead>
<tr>
<th>Full Service Valet Parking</th>
<th>Self-Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>No public access to parking area.</td>
<td>Full public access to parking area.</td>
</tr>
<tr>
<td>Fewer drivers accommodate narrower access aisles.</td>
<td>Two way traffic circulation required.</td>
</tr>
<tr>
<td>Access to one side (driver side) of vehicle for valet staff. Allows vehicles to be parked closer.</td>
<td>Access to both sides of parking to accommodate driver side and passenger side access. Requires standardized parking spaces.</td>
</tr>
<tr>
<td>Requires on-site attendant for service</td>
<td>Does not require on-site attendant.</td>
</tr>
</tbody>
</table>

OVERVIEW OF PROPOSED AMENDMENT
The following is a summary listing of the proposed changes:

1. Article 17: Terminology
2. Article 9: Parking Loading and Access

The portions of the Code being revised are attached to this staff report.

CRITERIA FOR REVIEW AND DECISION-MAKING
Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) **Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition;**

The purpose of this proposed text amendment is to provide a clear definition for a type of parking that was not contemplated in the Land Development Code. Lacking any clear land use regulations the use currently operates without any regulatory oversight and is a changing condition in the community.

2) **Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Code (Sec. 20-901)**

*Horizon 2020* articulates broad design standards that acknowledge the importance of infill development, appropriate land use transitions and the importance of good design, building and parking lot orientations and integration of land uses. These values are further articulated in the Community Design Manual: Commercial Development:

“*Ensure that parking areas provide safe and efficient access to buildings, but do not*
dominate the overall site design (2-9)"

Horizon 2020 supports the concepts of Mixed Use development, and designs that rely less on automotive connectivity and more strongly on pedestrian connectivity. Valet parking, with or without reduced parking spaces, can be utilized to meet these goals in specific project developments.

**Conclusion**

The addition of valet parking standards are in response to a recent land development application and the acknowledgement of the existence of the practice within the community. These standards will provide clarity in the Code and insure compatibility with nearby land uses through an appropriate review process.
### Article 17– Terminology

<table>
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<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street, Local</td>
<td>Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street should be discouraged.</td>
</tr>
<tr>
<td>Street, Marginal Access</td>
<td>A Street that is generally parallel and adjacent to an Arterial Street or other limited-access Street and that is designated to provide direct Access to adjacent property. Marginal Access Streets are commonly known as &quot;Frontage Roads.&quot;</td>
</tr>
<tr>
<td>Street, Private</td>
<td>Any tract of land or access easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general public.</td>
</tr>
<tr>
<td>Street, Public</td>
<td>A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys.</td>
</tr>
<tr>
<td>Street, Ultimate Design</td>
<td>The Street design that is based on the planned carrying capacity of the roadway consistent with its functional classification on the Major Thoroughfares Maps in the Comprehensive Plan.</td>
</tr>
<tr>
<td>Street Line</td>
<td>The line separating the Street right-of-way from the abutting property.</td>
</tr>
<tr>
<td>Street Tree and Furniture Zone</td>
<td>An area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.</td>
</tr>
<tr>
<td>Streetscape</td>
<td>The built and planned elements of a street that define the street's character.</td>
</tr>
<tr>
<td>Structural Alteration</td>
<td>Any change in the supporting or structural members of a Building, including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or Building openings.</td>
</tr>
<tr>
<td>Structure</td>
<td>A Building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes.</td>
</tr>
<tr>
<td>Subsurface Utility Zone</td>
<td>A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.</td>
</tr>
<tr>
<td>Thoroughfare</td>
<td>Any public right-of-way that provides a public means of Access to abutting property.</td>
</tr>
<tr>
<td>Tract (of land)</td>
<td>An area, Parcel, site, piece of land or property that is the subject of a development application or restriction.</td>
</tr>
<tr>
<td>Transitional Use</td>
<td>A permitted use or Structure that, by nature or level and scale of activity, acts as a transition or buffer between two (2) or more incompatible uses.</td>
</tr>
<tr>
<td>Tree Protection</td>
<td>Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after construction projects.</td>
</tr>
<tr>
<td>Trip Generation</td>
<td>The total number of vehicle trip ends produced by a specific land use or activity.</td>
</tr>
<tr>
<td>Unnecessary Hardship</td>
<td>The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship.</td>
</tr>
<tr>
<td>Vertical Mixed Use Structure</td>
<td>See Mixed Use Structure, Vertical</td>
</tr>
<tr>
<td>Valet Parking</td>
<td>An operational system in which attendants (aka Valets) park and retrieves automobiles. Valet parking allows more automobiles to be parked in an area and may be used to resolve parking shortages or improve customer service where parking might only be available at long walking distances. Valet Parking May employ tandem and/or stacked parking layouts.</td>
</tr>
<tr>
<td>Valet Parking Plan</td>
<td>A document, submitted concurrently with a development application proposing the use of Valet Parking, that includes, but is not limited to the summarizing the layout and dimensions of the on-site parking area, on-site drop-off, operations of the service including hours of operation and maximum and minimum staffing level.</td>
</tr>
<tr>
<td>Woodlands</td>
<td>Natural hardwood forests, whether or not actively forested.</td>
</tr>
<tr>
<td>Working Days</td>
<td>Monday through Friday, 8AM to 5PM excluding city holidays</td>
</tr>
</tbody>
</table>
20-913 PARKING AND LOADING AREA DESIGN STANDARDS

The design standards of this section apply to all Parking Areas, including commercial parking lots and “non-required” Parking Areas.

(a) General Layout Principles
There shall be safe, adequate, well-lit, and convenient arrangement of pedestrian pathways, bikeways, roads, Driveways, and off-street parking and loading spaces within off-street Parking Areas. Streets, pedestrian walks, and Parking Areas shall be designed as integral parts of an overall site design, which shall be properly related to existing and proposed Buildings, adjacent uses and landscaped areas. There shall be defined pedestrian ways connecting all public entrances of Buildings to all modules of the Parking Area, to the required Bicycle Parking Area, to any adjacent bus stop and to the nearest public sidewalks. Such pedestrian ways shall, to the maximum extent practicable, be separated from driving lanes with curbs or other devices. At locations where walkways cross Driveways or travel lanes, the crossings shall be clearly marked with both signage and pavement markings.

(b) Approval
The layout and design of all off-street Parking Areas shall be approved by the City Engineer prior to the issuance of a Building Permit. Before approving any off-street parking plan, the City Engineer shall find that the spaces provided are useable and that they comply with the City’s standard design criteria.

(c) Appearance
The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be easily maintained and designed to be indicative of their function.

(d) Maintenance
Parking lots shall be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be continuously maintained and kept free of debris and hazards. Striping and other pavement markings shall be maintained in an easily readable condition.

(e) Surfacing
(1) All off-street Parking Areas and Driveways, including those serving Attached Dwellings, Detached Dwellings and Duplexes, shall be surfaced with a minimum of one of the following:

(i) 4 inches of reinforced Portland cement concrete;

(ii) 5 inches of granular rock base with 2 inches of asphalt;

(iii) 7 inches of granular rock with a double asphaltic prime and seal;

(iv) 5 inches of full depth asphalt; or

(v) 4 inches of compacted gravel for residential Driveways constructed in Floodplains areas with a paved Driveway Apron constructed to city residential Driveway standards.

(2) As an alternative to the surfacing required in the preceding paragraph, all off-street parking for uses allowed by right within residential Districts or areas of low off-street parking use as determined by the City Engineer (such as fire safety lanes or overflow Parking Areas), may be surfaced with the following alternative methods of paving. The surfacing shall be installed per the manufacturer’s recommendations, with the pavement and base designed by a professional engineer licensed in the State of Kansas. The pavement cross-section shall demonstrate the structural ability to support the anticipated vehicle loads for the use. The pavement design shall be reviewed and approved by the City Engineer.
(i) Grid unit pavers with grass; or
(ii) Concrete, brick, or clay interlocking paver units.

(3) Private Streets shall be built to City Street standards and maintained by the Landowner.

(4) Driveway approaches (aprons) shall be built to City standards, including, where applicable, the Residential Driveway Requirements adopted by the City Commission on July 10, 1996 as amended, and maintained by the Landowner.

(f) Dimensions
(1) Automobile Parking
All off-street Parking Areas shall comply with the following dimensional standards:

<table>
<thead>
<tr>
<th>Dimensional Feature (all dimensions in feet)</th>
<th>Diagram</th>
<th>Parking Angle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stall width (parallel to aisle)</td>
<td>A</td>
<td>0</td>
</tr>
<tr>
<td>Stall length</td>
<td>B</td>
<td>24.0</td>
</tr>
<tr>
<td>Stall length of line</td>
<td>C</td>
<td>9.0</td>
</tr>
<tr>
<td>Aisle width between stall lines</td>
<td>D</td>
<td>12.0</td>
</tr>
<tr>
<td>Stall depth, interlock</td>
<td>E</td>
<td>9.0</td>
</tr>
<tr>
<td>Module, wall to interlock</td>
<td>F</td>
<td>30.0</td>
</tr>
<tr>
<td>Module, interlocking</td>
<td>G</td>
<td>30.0</td>
</tr>
<tr>
<td>Module, interlock to curb face</td>
<td>H</td>
<td>30.0</td>
</tr>
<tr>
<td>Bumper overhang (typical)</td>
<td>I</td>
<td>0.0</td>
</tr>
<tr>
<td>Offset</td>
<td>J</td>
<td>—</td>
</tr>
<tr>
<td>Setback</td>
<td>K</td>
<td>24.0</td>
</tr>
<tr>
<td>Cross-aisle, one-way</td>
<td>L</td>
<td>18.0</td>
</tr>
<tr>
<td>Cross-aisle, two-way</td>
<td>—</td>
<td>24.0</td>
</tr>
</tbody>
</table>

Where natural and/or man-made obstacles, obstructions or other features such as but not limited to Landscaping, support columns or Grade difference exist, the City Engineer may approve a reduction in stall width, stall length and/or module width. In all instances where a reduction is requested, attention to emergency vehicle Access shall be considered and incorporated into the Parking lot design.
(2) Loading
Required loading spaces shall have a minimum vertical clearance of 15.5 feet. See Section 20-906 for other dimensional standards.

(g) Bicycle Parking
Every Bicycle Parking Space, whether used publicly or privately and including a commercial Bicycle Parking Space, shall be designed, built and maintained in accordance with the following specifications:

(1) Surfacing
A Bicycle Parking Space shall be surfaced with a minimum of:

   (i) 4 inches of concrete, or
   (ii) 4 inches of asphalt, or
   (iii) 2 inches of concrete with a 2-inch brick overlay, or similar material for overlay.

(2) Lighting
Bicycle Parking Space shall be located within a lighted area and within clear view of passersby.

(3) Barriers
If Bicycle and automobile Parking Areas or Accessways abut each other, there shall be provided a physical barrier between the Bicycle and automobile areas to prevent a Bicycle or its operator from being hit by a motor vehicle.

(4) Structure
Each Bicycle Parking Space shall provide for a secure method of locking a Bicycle and be located to accommodate Bicycle Parking in a manner that is convenient to use and does not interfere with other uses of the property.

(h) Striping
To facilitate movement and to help maintain an orderly parking arrangement, all Parking Spaces shall be clearly striped, with a minimum width of 4 inches. The width of each Parking Space shall be computed from the centers of the striping.
(i) **Curbs**
The perimeter of the parking lot shall have a curb and gutter in accordance with City standards for concrete curbs.

(j) **Large Parking Lots**

(1) Parking lots of 220 Parking Spaces or more shall be divided into smaller Parking modules containing no more than 72 spaces. Landscape strips, Peninsulas, or Grade separations shall be used to reduce the adverse visual impacts of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walks. Protected pedestrian walkways, leading to Building entrances, shall be provided within such parking lots.

(2) Parking lots of 450 Parking Spaces or more shall place Landscaping and trees on both sides of entrance drives to create tree-lined entrances, to direct vehicles into and out of the site, and to provide adequate space for vehicle stacking at exits onto perimeter roadways.

(k) **Pedestrian Connections**
Parking lots shall be designed to provide designated walkways for pedestrians. Walkways shall connect Building entrances with Parking Areas and with public sidewalks along adjacent streets.

(l) **Valet Parking**

Valet Parking does not require individual striping and may take into account the tandem or mass storage of vehicles. Use of Valet Parking is permitted in the following instances.

(1) when proposed as part of a development project and in conformance with the design standards of Section 20-913 (f) (1) without variances or exceptions may be permitted administratively as part of a site plan.

(2) When proposed as part of a development project and not in full compliance with the design standards of Section 20-913(f)(1) use of Valet Parking shall require the submission of a Valet Parking plan and shall require City Commission approval.

(i) Valet Parking Plan shall include the following:

(a) layout and dimensions of the parking spaces and drive aisles showing sufficient parking and maneuverability for a variety of passenger automobiles, motor vehicles, and light trucks,

(b) on-site drop-off for vehicles using the parking services with sufficient queuing for vehicles that do not block the public right-of-way.

(c) If Valet Parking Plan includes parking spaces that are required for a specific use, Valet Parking services must be provided for those parking spaces during all operating hours of the use.

(ii) Changes to a Valet Parking lot or facility to a Self-Parking lot or facility.

(a) changes to a parking lot or facility with Valet Parking that are changed to be self-parking shall require a revised site plan per Section 20-1305 to show compliance with the parking lot design standards of Section 20-913 (f)(1)
Valet parking is an operational system in which attendants (aka valets) park and retrieve automobiles. Valet parking usually allows more automobiles to be parked in an area and often is used to resolve parking shortages or improve customer service where parking might otherwise only be available at long walking distances. Valet parking often employs tandem and/or stacked parking layouts. For most operational needs, and in particular the time to return the automobile, it is preferable to have to move only one automobile to retrieve another. A hybrid approach, called direct automobiles to park in parallel along one side of the aisle. The driver gives the keys to the attendant, who moves the automobile if the driver of a blocked automobile returns to depart, and then parks the blocking automobile in the newly vacant stall. In addition to the service to the public, valet parking typically increases parking capacity in areas of limited parking. The efficiency of parking is significantly improved; in Figure 13-10, the valet assist layout increases the capacity from 72 spaces to 95 spaces, an increase of over 30%. The valet/tandem layout increases the capacity to 104, an increase of nearly 45%.

Figure 13-10. Alternative Parking Layouts Reflecting Operational Characteristics

Source: Walker Parking Associates
Memorandum  
City of Lawrence  
Douglas County  
Planning & Development Services  

TO: Planning Commission  
FROM: Scott McCullough, Sheila Stogsdill  
Date: For May 23, 2016 meeting  
RE: Item No. 6: TA-13-00235 -  
Revisions to Development Code, Article 9 – Parking,  
Sections 20-908 and 20-915  
Attachments: Proposed Sections 20-908 & 20-915  

Sections 20-908 and 20-915 address standards related to where parking areas may be located on property and standards specifically related to driveways and access. As previously presented, these amendments are intended to address several items.  

20-908 - Parking Lot Locations:  
• Establishes setbacks for parking lots serving various types of land uses  
  Policy Question: Should setbacks for parking lots in RS Districts (such as for churches or day care centers) be different than when those nonresidential uses are located in RM Districts? Currently the code requires all parking lots in all residential districts to be located 25 feet from street right-of-way. Should access aisles for a parking lot be permitted within the 25 foot setback?  
• Establishes a setback from adjacent nonresidential property lines for parking lots that are located in nonresidential zoning districts  
• Relocates standards related to the location of driveways to Section 20-915  

20-915 - Driveways and Access Management Standards:  
Section 20-915 has been reorganized and revisions incorporated to clarify and specifically identify which standards apply to different types of development (low-density residential or non-residential uses).  

When the 2006 code was adopted and the RS5 & RS3 districts were created, a 12’ limitation on residential driveways was also adopted. This standard was intended to limit suburban width driveways in neighborhoods where narrow drives were predominant. There have been a number of variance requests from this standard where wider driveways already existed in RS5 areas. The revisions include an administrative waiver (instead of a BZA variance) where the narrow standard is not the norm.
Chapter 16 of the City Code provides standards related to driveways for single-family and duplex lots. When the Development Code was adopted in 2006, changes were made to Chapter 20 which resulted in lack of consistency in the regulations. According to Chapter 16 residential lots which have at least 100' of frontage are permitted two curb cuts. The Development Code changed that requirement to 200' which is double the widest lot width the code requires in residential zoning districts. Staff has found the requirement to be burdensome and has seen numerous variance requests. The proposed revisions align with the existing provisions in Chapter 16.

This section also includes modifications to street design standards including turn lanes, sight distance and driveway spacing. Waivers from access standards are proposed as an administrative process after consultation with the City Engineer.

This section has also been reorganized to include the following changes:

- Consolidates all locational criteria for residential driveways in one section
- Inserts standard driveway details from Chapter 16 of the City Code for Detached Dwellings and Duplex Dwellings
- Clarifies the lot frontage requirements for second curb cuts in various situations
- Includes a preference for alley access to residential lots when an alley is available
- Suggests a standard layout for parking along alleys for Duplex Dwellings (based on recommended configuration presented in the draft Oread Design Guidelines)
  - prohibits on tandem (stacked) parking
  - limits garage size to a two-car bay

Policy Questions: Should this standard be applied City wide where alleys are constructed or limited to certain areas?
Should Duplex Dwellings constructed on an alley be limited to only one two-car garage?
20-908  OFF-STREET PARKING LOT LOCATION

(a) General
Except as otherwise expressly provided in this section, required off-street parking and loading spaces shall be located on the same Lot as the Principal Use (See Section 20-909 for possible exceptions).

(b) Residential Districts
(1) No part of a Parking Area including access aisles, but excluding other than a Driveway, may be located within 25 feet of a Street right-of-way in any residential Zoning District.

(2) Parking lots serving residential uses shall be setback a minimum of 5 feet from side or rear property lines when adjacent to other residentially-zoned property.

(3) Parking lots serving nonresidential uses permitted in residential districts shall be setback a minimum of 10 feet from side or rear property lines when adjacent to residentially-zoned property.

(4) Bufferyard standards set out in Section 20-1005 may affect parking lot locations.

(1) No more than 4 vehicles may be parked on Driveways or turnarounds within the required Front or Side Setback of any Lot in a residential Zoning District.

(2) Single or double Driveways and turnarounds may not be used to provide required off-street parking within the required Front or Exterior Side Setback, with the exception of when they are serving a Duplex or Detached House Dwelling.

a. With Planning Director permission, approval, a parking area may be permitted closer than 25 feet to an adjacent street in an exterior side yard if the orientation of the structure allows the principal building to be located closer than 25 feet to the adjacent street.

(3) No parked vehicles required off-street parking spaces shall overhang extend into the right-of-way or block a portion of the any sidewalk.

4.7 ADD REFERENCE TO 2' OFF SIDE PROPERTY LINES AND SKETCH?

(5) Where alleys are available, parking shall be provided along the alley in accordance with the following diagrams:

INSERT DIAGRAMS FROM CODE INTERPRETATION

(6) Driveway widths may not exceed 26 feet in residential Districts. All Driveway cuts into the Street require a permit and must be approved by the City Engineer in conformance with the standards outlined in Chapter 16, Article 3 of the City Code.

7 In RS3 and RS5 Districts, residential Driveways may be constructed a maximum of 12' wide to reduce pavement width and maintain the character of the neighborhood.
(c) Nonresidential Districts

The location of off-street Parking Areas in Commercial and Industrial Nonresidential Zoning Districts shall comply with the adopted city design standards and the following standards:

<table>
<thead>
<tr>
<th>District</th>
<th>Allowed Location</th>
<th>Minimum Setback (feet)**</th>
</tr>
</thead>
<tbody>
<tr>
<td>CN1</td>
<td>Not allowed between the Facade of the Building with the main entrance and the Street, when new/major development projects are proposed.</td>
<td></td>
</tr>
<tr>
<td>CO</td>
<td>No restriction except as specified in Article 5.</td>
<td></td>
</tr>
<tr>
<td>CN2</td>
<td>Prohibited between a Building and any Street</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>Prohibited in the Primary Development Zone and prohibited between a Building and any Street in a Secondary Development Zone. No restriction in a Tertiary Development Zone.</td>
<td>15</td>
</tr>
<tr>
<td>CC</td>
<td>No restriction except as specified in Article 5.</td>
<td></td>
</tr>
<tr>
<td>CR</td>
<td>No restriction except as specified in Article 5.</td>
<td></td>
</tr>
<tr>
<td>CS</td>
<td>No restriction except as specified in Article 5.</td>
<td></td>
</tr>
<tr>
<td>IBP</td>
<td>Prohibited between a Building and any Street</td>
<td></td>
</tr>
<tr>
<td>IL</td>
<td>Prohibited between a Building and any Street</td>
<td></td>
</tr>
<tr>
<td>IM</td>
<td>Prohibited between a Building and any Street</td>
<td></td>
</tr>
<tr>
<td>IG</td>
<td>Prohibited between a Building and any Street</td>
<td></td>
</tr>
<tr>
<td>H</td>
<td>Prohibited between a Building and any Street</td>
<td></td>
</tr>
<tr>
<td>GPI</td>
<td>Prohibited between a Building and any Street</td>
<td></td>
</tr>
<tr>
<td>OS</td>
<td>Prohibited between a Building and any Street</td>
<td></td>
</tr>
<tr>
<td>MU</td>
<td>Prohibited between a Building and any Street</td>
<td></td>
</tr>
</tbody>
</table>

** Setbacks may also be affected by required Bufferyards as identified in Section 20-1005.

*** Unless reduced through approval of a site plan or development plan.

WHAT IS SETBACK FROM NONRESIDENTIAL LOT LINES?
PROPOSED 20-915

20-905  
**DRIVEWAYS AND ACCESS**  
The standards of this section apply to all Driveways providing Access to multi-Family or nonresidential uses developments as indicated below.

(a) General Standards

1. **Vehicular Access** to property from the adjacent street frontage is allowed only by way of Driveways. No other portion of the Lot Frontage may be used for vehicle ingress or egress. No portion of the Lot Frontage may be used for vehicle ingress or egress, nor may any Parking Area or Access Drive be arranged so that any vehicle may back directly onto a Street. All Driveway cuts into the Street shall require a permit from the Public Works department unless approved through site or development plan approval.

2. When available, **Alley Access** is encouraged and preferred. Alley parking for Detached Dwellings and Duplex Structures shall conform to the locational standards established in Section 20-915 (b) and (c).

3. Driveways shall intersect the Street at right angles, unless approved by the City Engineer.

4. All Driveway curb cuts require a permit from the Public Works Department unless the Driveway is approved through a building permit, site plan or development plan.

5. Driveway designs shall allow an entering vehicle turning speed of 15 miles per hour to help reduce interference with through Street traffic. Radii of Driveway shall be sufficient to achieve this standard for the types of vehicles that the Driveway is intended to serve.

6. There shall be sufficient on-site space to accommodate queued vehicles waiting to park or exit, without interfering with Street traffic.

7. Provisions for circulation between adjacent Parcel should be provided through coordinated planning or Cross Access Agreements.

8. Driveways shall be placed and designed so that loading and unloading activities will not hinder vehicle ingress or egress, and that vehicles entering the Driveway from the Street will not encroach upon the exit lane of a two-way Driveway. Also, a right-turning exiting vehicle shall be able to use only the first through-traffic lane available without encroaching into the adjacent through lane.

9. No Lots that is less than 51 feet in width and that was created (by subdivision or re-plat subdivision) after the Effective Date with widths of 50 feet or less, shall only have a Driveway Access to a Public Street. Driveway Access to such a Lot shall be from an Alley or by a Shared Driveway.

10. Driveways serving residential properties shall be located at least 2 feet from side property lines.

11. No more than 4 vehicles may be parked on Driveways or turnarounds within the required Front or Side Yard Setback of residentially-zoned properties.
(7) Driveways shall intersect the Street at right angles.

(b) Driveways serving Detached Dwellings

(1) Driveways may not exceed 26 feet in width at the property line except in and shall conformance with the design standards outlined in Chapter 16, Article 3 of the City Code (see diagram below) or as limited below:

(i) In RS3 and RS5 Districts, Driveways shall be a maximum of 12 feet wide to reduce pavement width and maintain the character of the neighborhood.

(ii) However, in RS3 and RS5 Districts, Driveways may be constructed wider than 12 feet when the Planning Director has determined that a majority of the Driveways in the same block are more than 12 feet wide.

(2) Driveways within the required Front or Exterior Side Yard Setback may be used to provide the required off-street parking spaces for Detached Dwellings.

(3) Tandem or stacked parking spaces on Driveways may be utilized to provide the required off-street parking spaces for Detached Dwellings.
(c) Driveways serving Duplex Dwellings

(1) Driveways shall conform to the design standards established in Chapter 16, Article 3 of the City Code for access from streets to Duplex Structures (see diagram below):

(2) Tandem or stacked parking spaces may only be utilized on Driveways accessed from a street to provide the required off-street parking spaces for Duplex Dwellings.

(3) Where alley access is available, parking for Duplex Dwellings shall be provided from the alley and a Driveway(s) to the abutting street shall not be constructed to support the Duplex Dwellings.

(i) Parking configurations permitted to support Duplex Dwellings accessed from alleys must conform to one of the following diagrams: (insert diagrams from Oread Guidelines)
(d) Driveways serving Multi-Dwelling, Group Living or Nonresidential Developments

1. No Parking Areas or Access drives shall be arranged so that vehicles may not back directly onto the Street.

2. Driveways shall be designed to provide a minimum vehicle turning radii of 15 feet. Greater radii may be required by the City Engineer if needed to accommodate the types of vehicles that the Driveway is intended to serve.

3. Access drives to Parking Areas shall be located to provide sufficient on-site space to accommodate queued vehicles waiting to park or exit without interfering with on-street traffic.

4. Provisions for circulation between adjacent Parcels on Collector and Arterial Streets should be provided through coordinated planning.

(i) Cross Access or Public Access Easements shall be dedicated to ensure coordinated access between properties when a property is platted or a site plan/development plan is approved.

(ii) Easements should be recorded at the County Register of Deeds office.
(b)(e) **Turn Lanes and Tapers**

Turn lanes and tapers are required, unless determined to be unnecessary by the City Engineer, when:

1. Driveways intersect Arterial Streets. Turn lanes shall be a minimum of 150 feet in length plus the taper;

2. Driveways serving Non-residential uses intersect Collector Streets.
   - (i) Left-turn lanes shall be a minimum of 100 feet in length plus the taper.
   - (ii) Right-turn lanes shall be required when the projected or existing right-turning volume equals or exceeds 100 vehicles in the peak per hour;

3. The City Engineer determines, based on a traffic impact analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions on the Public Street.

(e)(f) **Driveway Grade**

The Grade of a two-way, one-way or divided Driveway shall not exceed four percent (4%) for a minimum distance of 25 feet from the edge of the Street pavement.

(g) **Sight Distance**

1. Direct-Access Driveways shall be located to allow for the following minimum sight distance based on the intersection type (full or partial Access) and the Street type.

2. Sight distances shall be determined by a professional engineer licensed by the State of Kansas utilizing the most recent AASHTO Green Book Standards*, and shall be based on the design speed of the Street or on the 85th percentile speed, whichever is higher. (*A Policy on Geometric Design of Highways and Streets.)

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Speed</th>
<th>Minimum Sight Distance (in Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>miles per hour</td>
<td>feet per second</td>
</tr>
<tr>
<td>Arterial</td>
<td>45</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>40</td>
<td>64</td>
</tr>
<tr>
<td>Collector</td>
<td>35</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>44</td>
</tr>
<tr>
<td>Residential</td>
<td>25</td>
<td>32</td>
</tr>
</tbody>
</table>
(e) Driveway Spacing

All Direct Access to any Public Street shall be in accordance with the City’s adopted Access Management Policy, following standards:

1. **Multi-Dwelling, Group Living and Nonresidential Access**

2. **Arterial Streets**
   - Direct Access to an Arterial Street is discouraged, prohibited except:
     a. In redevelopment or infill situations where the subject property has no other reasonable Access to the Street system, the Access location shall be determined based on, and the City Engineer’s determination as that Access onto the Arterial Street, based on and considering the Street’s Ultimate Design, configuration, can be safely accommodated.
     b. When direct Access to an Arterial Street is approved by the City Engineer pursuant to the requirements of this section, the following standards apply. In the event that such standards cannot be met because of an unusually narrow or shallow Lot size, the City Engineer may reduce the spacing so long as the reduction does not result in an unsafe traffic condition. A Driveway Access allowed under this section shall be used only to serve a Detached Dwelling on the property or an existing business and will be reevaluated when the use or Lot size changes.

3. **Spacing from Signalized Controlled Intersections**
   All Driveways providing Access to Arterial Streets shall be constructed so that the curb line extended from point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 feet or beyond the limits of the area of influence of the intersection as defined in the accepted TIS, whichever is greater, from the perpendicular curb face of the intersecting Street.

4. **Spacing from Other (Non-signalized) Access Points**
   All Driveways providing Access to Arterial Streets shall be constructed so that the curb line extended point of tangency of the curb return radius closest to all non-signalized Street or Driveway intersections is at least 300 feet from the closest perpendicular curb face of the intersecting Street or Driveway intersection.

5. **Collector Streets**
   a. Direct Access to Collector Streets shall be regulated in accordance with the following standards. In the event that such standard cannot be met because of an unusually narrow or shallow Lot size, the City Engineer may reduce the spacing so long as the reduction does not result in an unsafe traffic condition.
(i) Direct Access to Collector Streets from Attached Dwellings, Detached Dwellings, and Duplex Lots is prohibited except when the subject property has no other reasonable Access to the Street system and the City Engineer determines that Access can be safely accommodated.

(ii) Spacing from Signalized Controlled Intersections
All Driveways providing Access to Collector Streets shall be constructed so that the curb line extended from point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 feet to the closest from the perpendicular curb face of an intersecting Arterial Street or at least 250 feet to the perpendicular curb face of an intersecting Collector or Local Street or Driveway.

(iii) Spacing from Other (Non-signalized) Access Points
All Driveways providing Access to Collector Streets shall be constructed so that the curb line extended from point of tangency of the curb return radius closest to a non-signalized Street or Driveway intersection is at least 250 feet from the closest perpendicular curb face of the intersecting Street or Driveway.

(2) Detached Dwelling, Attached Dwelling and Duplex Access to Local and Collector Streets
Direct Access to Collector Streets is prohibited except when the subject property has no other reasonable Access to the Street system and the City Engineer determines that Access can be safely accommodated.

(i) Detached Dwellings
(from Chapter 16) Each property containing a Detached Dwelling shall be allowed one Driveway curb cut with the following exceptions:

a. Interior lots will be allowed two Driveway curb cuts if the length of the lot line adjacent to the street is at least 100 feet.

b. Corner lots will be allowed two curb cuts if the length of either lot line adjacent to the street is at least 100 feet.

1. These two curb cuts may both be constructed along one lot line or one along each lot line; however, both curb cuts may only be constructed along one lot line if that lot line is at least 100 feet in length.

c. Through lots will be allowed two Driveway curb cuts if the length of the lot line adjacent to the each street frontage is at least 100 feet.

(ii) Attached Dwelling Lots
Driveway standards for Attached Dwelling Lots are provided in Section 20-503 of this Chapter.

(iii) Duplex Dwelling Lots
Two curb cuts are permitted on a Duplex Lot in accordance with Section 16-302, Sketch C of the City Code and as shown in Section 20-915(b) and (c).

(iv) **Lots with Alley Access**

Alley Access is permitted and a preferred Access alternative, where available.

(v) **Cul-de-Sac Lots**

Not more than one Driveway curb cut per lot is permitted on the bulb of a Cul-de-Sac as required in Section 16-302(A)(4).

(vi) **Distance from Intersecting Streets (from Chapter 16)**

- Driveway curb cuts on corner lots shall be at least 25 feet from the curb line extended of a Local Street.
- Driveway curb cuts on corner lots shall be at least 50 feet from the curb line extended of a Collector or Minor Arterial Street.
- Driveway curb cuts on corner lots shall be at least 75 feet from the curb line extended of a Major Arterial Street.

(vii) **Distance from Other Driveways**

Driveway curb cuts on the same lot shall have a minimum of 20 feet between the inner edge of the drives measured at the curb line.

(3) **Waivers**

(i) Waivers from Section 20-915 these Access standards may be approved by the Planning Director / City Engineer if the City Engineer determines that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway and only for infill or redevelopment projects where no other feasible option exists.

(ii) The burden of proof that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway will be on the applicant. The City Engineer may require that the applicant for a waiver submit a traffic impact study pursuant to Section 20-916 if it is determined that such an analysis is necessary in order to render a competent decision on the requested waiver.

(iii)(iv) Waivers from the Driveway standards outlined above may be reviewed by the Driveway Review Committee established in Chapter 16-302 of the City Code.

A Driveway Access allowed with a waiver shall be used only to serve an existing Detached Dwelling or business on the property and for no other purpose.

(iv)(v) The action of the City Engineer in granting or denying a waiver under this section shall be reported on the agenda of the next meeting of the Planning Commission after the action. Any party aggrieved may appeal the grant or denial of a waiver to the City Commission in writing within 14 days of the Planning Commission meeting at which the item appears on the agenda. The waiver shall not become effective until the expiration of the 14 days...
appeal period or, in case of an appeal, until the City Commission has acted on the appeal.

(vi) A Landowner granted an Access waiver shall submit a letter to the City Engineer acknowledging the waiver and the fact that if circumstances change such that the property can meet the city’s Access standards, the Access shall be immediately revised to comply with the city’s Access standards.

(f) Driveways per Parcel along Local and Residential Collector Streets

1. Unless otherwise specifically restricted, one Driveway opening shall be allowed per 200 feet of continuous Street Frontage. At least one Driveway shall be permitted for any Lot.

2. Parcel with 200 feet of Frontage or less may apply for a second Driveway if it is to be shared with an adjoining Parcel, provided that the required minimum spacing is maintained. In such cases, only one Joint-Use Driveway will be permitted.

3. Alleys are permitted and preferred Access alternatives.

(g) Use of Joint-Use Driveways

1. Joint-Use Driveways shall not be used as aisles for Access to Parking Spaces.
Dear Planning Commissioners,

The Lawrence Association of Neighborhoods (LAN) has been following the Text Amendments for Parking Standards for nearly one year. LAN requested that parking standards for duplexes be included in the Parking Text Amendment review. To date there has been no discussion that LAN is aware of regarding duplexes. More neighborhoods are coming forward regarding their concerns about problems created by stacked parking allowed for duplexes. LAN neighborhood representatives unanimously support removing stacked parking from the duplex parking standard, making the standard the same as all other multi-family dwelling units- one parking space per BR with NO stacked parking.

Building large duplexes has become a trend throughout the city. Stacked parking is a financial incentive for developers to add more renters, thus increasing the density by as much as 50% without providing adequate parking. Cars may be stacked, bumper-to-bumper, limiting adequate egress to the street. This is problematic and not practical.

Duplexes have in the past been allowed to have “stacked parking”, which may have been appropriate for families due to the shared use of cars and that families often have children who have not reached driving age. Duplex zoning is intended to be lower density transitional zoning from single-family zoned areas to multi-family zoned areas. Today duplexes are no longer primarily family oriented or modest in size but rather resemble small apartment complexes. Many are being built with 4 BR’s on each side. In many cases cars spill onto the streets, as parking is inconvenient, taking up shared public space and sometimes reducing emergency vehicle access.

Over-sized duplexes threaten the destruction of historic homes and degrade the livability and attractiveness to homeowners and tenants in all neighborhoods. A duplex is considered 2 units on one property that can house as many as 8 unrelated individuals in multi-family zoned areas and 6 unrelated individuals in single-family zoned areas. City code allows single dwelling units (usually a house) to have 4 unrelated individuals in multi-family zoned areas and 3 unrelated individuals in single-family zoned areas.

**Given the high density of duplex units today and that they no longer target families, they should have the same parking standard as all other multi-family and congregate living units- one parking space per BR with NO STACKED PARKING.**

Sincerely, Candice Davis LAN Chair
Dear Planning Commissioners,  

The Lawrence Association of Neighborhoods (LAN) has been concerned in recent years about the evolution of duplex zoning and its increasing negative impact on neighborhoods. We urge you to consider updating these regulations, especially with regard to parking.

**Problems with the present Duplex Zoning:**

**Density should increase incrementally from duplex, triplex, fourplex, and higher multi-dwelling units.** Problems have arisen because duplex parking codes allow stacked (tandem) parking. Stacked parking allows an increase in the number of occupants without providing adequate access and regress for vehicles. Additional logistical problems are created when located off of narrow allies versus wide city streets.

Current city parking codes for dwelling units require:

- **Single-family**-lowest density zoning (usually houses, family-living, can stack cars; often in driveways).
- **Duplex**—lowest density zoning in multi-family (can stack cars, may not be family-living).
- **Triplex**—one parking space per BR (no stacked parking).
- **Fourplex**—one parking space per BR (no stacked parking).
- **Larger multi-dwelling units**—one parking space per BR plus one space per 10 units for visitors and guests (no stacked parking).

**Duplex, triplex, fourplex** indicate the number of units on one lot (4 unrelated individuals can live in one unit in multi-zoned areas, 3 unrelated in one unit in single-family zoned areas). The number of BR’s is determined by the number of parking spaces that can be provided on each lot. Stacked parking can increase the number of BR’s by as much as 50%.

**Desirable property development that increase profits is now the 4 BR duplex=2 units=8BRs and the 3BR duplex=2units=6 BRs that allows stacked parking.** Four BR and three BR duplexes “game” duplex regulations. The two BR family-oriented units of the past have now become small apartment complexes, appealing to investors, but problems for neighborhoods. Duplex occupants crowd neighborhood streets when they avoid stacking their vehicles and instead use on-street parking spaces.

Duplexes have become high-density, non-family, units in what should be low-density zoned areas. Parking is an effective tool to control density. Why should a duplex be allowed to count stacked spaces as if they were legitimate parking spaces? Such a parking policy leads to an increase in density without providing adequate access and egress for vehicles. This has incentivized building large duplexes in low-density zoned areas.

LAN believes that duplexes should have the same parking requirement as all other multi-dwelling units, one parking space per BR. Updated planning that meets present day use helps promote stability and vitality in the city and in all neighborhoods by encouraging responsible development and redevelopment.

Sincerely, Candice Davis, Lawrence Association of Neighborhoods Chair; Oread Resident