



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Updated:

11/13/17 @ 1:30pm

Added Communication for Item 2 - Rezoning NW of 31st & Haskell

11/10/17 @ 4:30pm

Added the following:

Additional narrative information for Item 1- CUP 1332 E 1600 Rd

Communications for Item 3 - Rezoning 5275 W 6th St

Misc 1 - 2018 Planning Commission Meeting Dates & Submittal Deadlines

11/8/17 @ 5:00pm

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
NOVEMBER ~~13~~ & 15, 2017 6:30PM - 10:30PM**

GENERAL BUSINESS:

PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of October 25, 2017.

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 (NOVEMBER 15, 2017) MEETING**

ITEM NO. 1 CONDITIONAL USE PERMIT FOR TEEN CHALLENGE GROUP HOME; 1332 E 1600 RD (MKM)

CUP-17-00499: Consider an amended Conditional Use Permit to renew the Conditional Use approval and to add a work program to the Teen Challenge Group Home, a *Non-Profit, Religious, Educational and Philanthropic Institution* use, located on approximately 17.4 acres at 1332 E 1600 Rd. Submitted by Heart of America Teen Challenge, Inc., property owner of record.

ITEM NO. 2 REZONING FROM IG TO IL; NW OF 31ST & HASKELL (SLD)

Z-17-00534: Consider a request to rezone approximately 8.745 acres, from IG (General Industrial) District to IL (Limited Industrial) District, located northwest of the intersection of 31st & Haskell Ln, 800 E 30th St, 3035 Haskell Ln, 930 E 30th St, 2910 Haskell Ln. Submitted by Paul Werner Architects, for Stanley R & Lois J Zaremba Trustee, Zaroco Inc, and Glen Hunter LLC, property owners of record.

ITEM NO. 3 REZONING FROM UR TO RMO; 5275 W 6th ST (KEW)

Z-17-00471: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential-Office) District, located at 5275 W 6th St. Submitted by Allen Belot Architect on behalf of Beckmeisters LLC, property owner of record.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 2018 PLANNING COMMISSION MEETING CALENDAR

Review and consider adopting the 2018 Planning Commission meeting dates and submittal calendar.

ADJOURN

CALENDAR

October 2017						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2017						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2017						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

PCCM Meeting:

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

2017
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Monday and Wednesday	
Jan 11	CANCELLED		Jan 23	Jan 25
Feb 8	Douglas County Natural Areas Assessment – Kelly Kindscher		--	Feb 22
Mar 8	East Lawrence Rezoning	Dg Co Food System Assessment & Plan	Mar 13	Mar 15
Apr 12	Development Review Process – Planning 101		Apr 24	Apr 26
May 10	CANCELLED		May 22	May 24
Jun 14	APA Conference recap		Jun 26	Jun 28
Jul 12	Michael Davidson – Explore Lawrence Hotel Market & Short Term Rentals		Jul 24	Jul 26
Aug 9	Transportation 2040 Update		Aug 21	Aug 23
Sep 13	Draft Comprehensive Plan		Sep 25	Sep 27
Oct 11	CANCELLED		Oct 23	Oct 25
Nov 17 *Friday	PC Orientation – all day		Nov 13	Nov 15
Dec 6			Dec 18	Dec 20
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>New County Zoning Codes</i> <i>Tour City/County Facilities</i> <i>Water Resources</i>		<i>Communication Towers – Stealth Design, # of co-locations, notice area</i> <i>WiFi Connectivity & Infrastructure Planning</i> <i>Oread Overlay Districts & Design Guidelines</i> <i>Comprehensive Plan – Goals & Policies</i> <i>Affordable Housing</i> <i>Retail Market Impacts</i> <i>Case Studies</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

Revised 10/3/17

2017 PLANNING COMMISSION ATTENDANCE

	Jan 25 2017	Feb 22 2017	Mar 15 2017	April 24 2017	April 26 2017	May 24 2017	June 28 2017	July 26, 2017	Aug 23 2017	Sept 27 2017	Oct 25 2017
Britton	Yes	Yes	Yes	Yes	Yes	Yes					
Butler	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes
Carpenter	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kelly	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Paden								No	Yes	Yes	Yes
Sands	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes
Sinclair							No	Yes	Yes	Yes	Yes
Struckhoff	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
von Achen	Yes	Yes	Yes	Yes	Yes	Yes					
Weaver		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Willey	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

2017 MID-MONTH ATTENDANCE

	Jan 11 2017	Feb 8 2017	Mar 8 2017	April 12 2017	May 10 2017	June 14 2017	July 12 2017	Aug 9 2017	Sept 13 2017	Oct 11 2017	
Britton	-	Yes	Yes	No	-						
Butler	-	No	Yes	No	-	No	No	No	No	-	
Carpenter	-	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	-	
Culver	-	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	-	
Kelly	-	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	-	
Paden							No	No	Yes	-	
Sands	-	No	Yes	No	-	Yes	No	No	Yes	-	
Sinclair							Yes	Yes	Yes	-	
Struckhoff	-	Yes	Yes	Yes	-	Yes	No	Yes	Yes	-	
von Achen	-	Yes	Yes	Yes	-						
Weaver	-	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	-	
Willey	-	Yes	Yes	Yes	-	Yes	No	Yes	Yes	-	



PLANNING COMMISSION MEETING
September 27, 2017
Meeting Action Summary

October 25, 2017 – 6:30 p.m.

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

Staff present: McCullough, Stogsdill, Day, Larkin, Mortensen, Ewert

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of September 27, 2017.

Motioned by Commissioner Willey, seconded by Commissioner Paden, to approve the September 27, 2017 Planning Commission action summary minutes.

Approved 8-0-2, with Commissioners Butler and Weaver abstaining.

COMMITTEE REPORTS

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

COMMUNICATIONS

Received Staff Memo regarding Landmark Nomination for Santa Fe Depot.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No Abstentions.

PC Minutes 10/25/17

ITEM NO. 1 FINAL DEVELOPMENT PLAN FOR 6WAK ADDITION; 545 WAKARUSA (SLD)

FDP-17-00445: Consider a Final Development Plan for 6Wak Addition Phase II, Old Chicago, located at 545 Wakarusa Dr. Submitted by SMH Consultants, for 6Wak Land Investments LLC c/o First Management Inc, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Applicant not present.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Sands inquired about the right-in only access.

Ms. Day said the actions approved to date that allowed that access to happen was the approval of the minor subdivision with the access break. She said the conceptual plan was for the construction of the turn lane and minor modification to adjust parking numbers.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner Culver, to approve the Final Development Plan, FDP-17-00445, for 6WAK Addition Phase II, Old Chicago based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Prior to release of the Final Development Plan for issuance of a building permit, the Minor Subdivision, MS-16-00549, revising the legal description of the lot and revising interior easements, shall be recorded with the Douglas County Register of Deeds Office.
2. Provision of a signed Site Plan Performance Agreement prior to the recording of the Final Development Plan with the Register of Deeds Office.

Unanimously approved 10-0.

PC Minutes 10/25/17

ITEM NO. 2 VARIANCE; 1703 & 1711 W 6TH ST (SLD)

MS-17-00554: Consider a variance from the right-of-way width for a Minor Subdivision (lot combination) for Casey's Subdivision, located at 1703 & 1711 W 6th St. Submitted by Casey's Retail Company on behalf of Harold Shephard and Marla J. Webster, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Jeff Laubach, SBB Engineering, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Willey said the corridor within the neighborhood already had 100' right-of-way. She asked if newer development moving west would become 150' right-of-way.

Ms. Day said it would depend. She said there was much wider right-of-way much further west. She said there was wider right-of-way closer to the intersections but the bulk of the arterial street was at 100' right-of-way.

Commissioner Willey asked if the City Engineer was comfortable with it.

Ms. Day said yes.

Commissioner Struckhoff wondered if right-of-way requirements would be applied to new development in the 23rd Street corridor.

Ms. Day said the 23rd Street Corridor Plan does not envision a boulevard treatment which was where that 150' right-of-way would be taken. She said the bigger challenge for 23rd Street was that many of the lots were shallow with parking and buildings pushing the encroachment.

Commissioner Sinclair said approving this variance would be consistent with the corridor but he wondered what the unnecessary hardship to the applicant would be.

Ms. Day said this was probably the only property that would need to dedicate that additional right-of-way. She said the boundaries and depth of the commercial areas were not changing and it was not fair for the applicant to have to make that dedication.

Mr. McCullough said the reason for larger right-of-way with newer development was due to a lot of competition for space with utilities, street trees, multimodal elements, lighting, street trees, etc. He said the variances that Planning Commission was seeing come forward was pre-existing development. He said newer development would need space to maintain new safety measures and new space for new utilities, such as fiber. He said more often than not they were vacating right-of-way to allow development to match existing conditions and give more property back to the private development.

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

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Willey, to approve the variance requested for a Minor Subdivision, MS-17-00554, to reduce the right-of-way, required per Section 20-810(a)(5) for a principal arterial street, from 150' to 100' in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at 1703 and 1711 W. 6th Street.

Unanimously approved 10-0.

DRAFT

PC Minutes 10/25/17

ITEM NO. 3 REZONING FROM UR TO RMO; 5275 W 6th ST (KEW)

Z-17-00471: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential-Office) District, located at 5275 W 6th St. Submitted by Allen Belot Architect on behalf of Beckmeisters LLC, property owner of record.

Item No. 3 was deferred prior to the meeting.

DRAFT

PC Minutes 10/25/17

ITEM NO. 4A COMPREHENSIVE PLAN AMENDMENT TO H2020 (JSC)

CPA-17-00264: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapters 6 and 14, Revised Southern Development Plan, related to the KTen Crossing development, located at 3500 Iowa St. Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC.

ITEM NO. 4B ANNEX 95.442 ACRES; SE CORNER US HWY 59 & N 1250 RD (SLD)

A-17-00265: Consider a request to annex approximately 95.442 acres located at the SE corner of US Hwy 59 & N 1250 Rd (3500 Iowa St). Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

ITEM NO. 4C REZONING FROM RS10 & A TO CR-PD; 3500 S IOWA ST (SLD)

Z-17-00260: Consider a request to rezone approximately 91.602 acres from RS10 (Single-Dwelling Residential) District and County A (Agricultural) District to CR-PD (Regional Commercial with Planned Development Overlay) District, located at 3500 Iowa St. Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

ITEM NO. 4D REZONING FROM A TO CR-PD-FP; 3500 S IOWA ST (SLD)

Z-17-00261: Consider a request to rezone approximately 23.02 acres from County A (Agricultural) District to CR-PD-FP (Regional Commercial with Planned Development and Floodplain Overlay) District, located at 3500 Iowa St. Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

ITEM NO. 4E REZONING FROM RS10 TO OS-PD-FP; 3500 S IOWA ST (SLD)

Z-17-00262: Consider a request to rezone approximately 8.499 acres from RS10 (Single-Dwelling Residential) District to OS-PD-FP (Open Space with Planned Development and Floodplain Overlay) District, located at 3500 Iowa St. Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

ITEM NO. 4F REZONING FROM A & VC TO OS-PD-FP; 3500 S IOWA ST (SLD)

Z-17-00263: Consider a request to rezone approximately 52.294 acres from County A (Agricultural) District and VC (Valley Channel) District to OS-PD-FP (Open Space with Planned Development and Floodplain Overlay) District, located at 3500 Iowa St. Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

ITEM NO. 4G PRELIMINARY DEVELOPMENT PLAN FOR KTen CROSSING; 3500 S IOWA ST (SLD)

PDP-17-00266: Consider a Preliminary Development Plan for KTen Crossing, a regional commercial center development located at 3500 S Iowa St. The 130 acre development will include 72 acres of regional commercial center and 58 acres of open space. Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

Items No. 4A-4G were deferred prior to the meeting.

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

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 UPCOMING CALENDAR EVENTS

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

Planning Commission Social at the Vice-Chair's residence on Friday, November 3, 2017.

Annual Planning Commission Orientation on Friday, November 17, 2017.

ADJOURN 6:55pm

Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

- [Horizon 2020](#)
- [Sector/Area Plans](#)
- [Transportation 2040](#)
- [2015 Retail Market Study](#)

Development Regulations

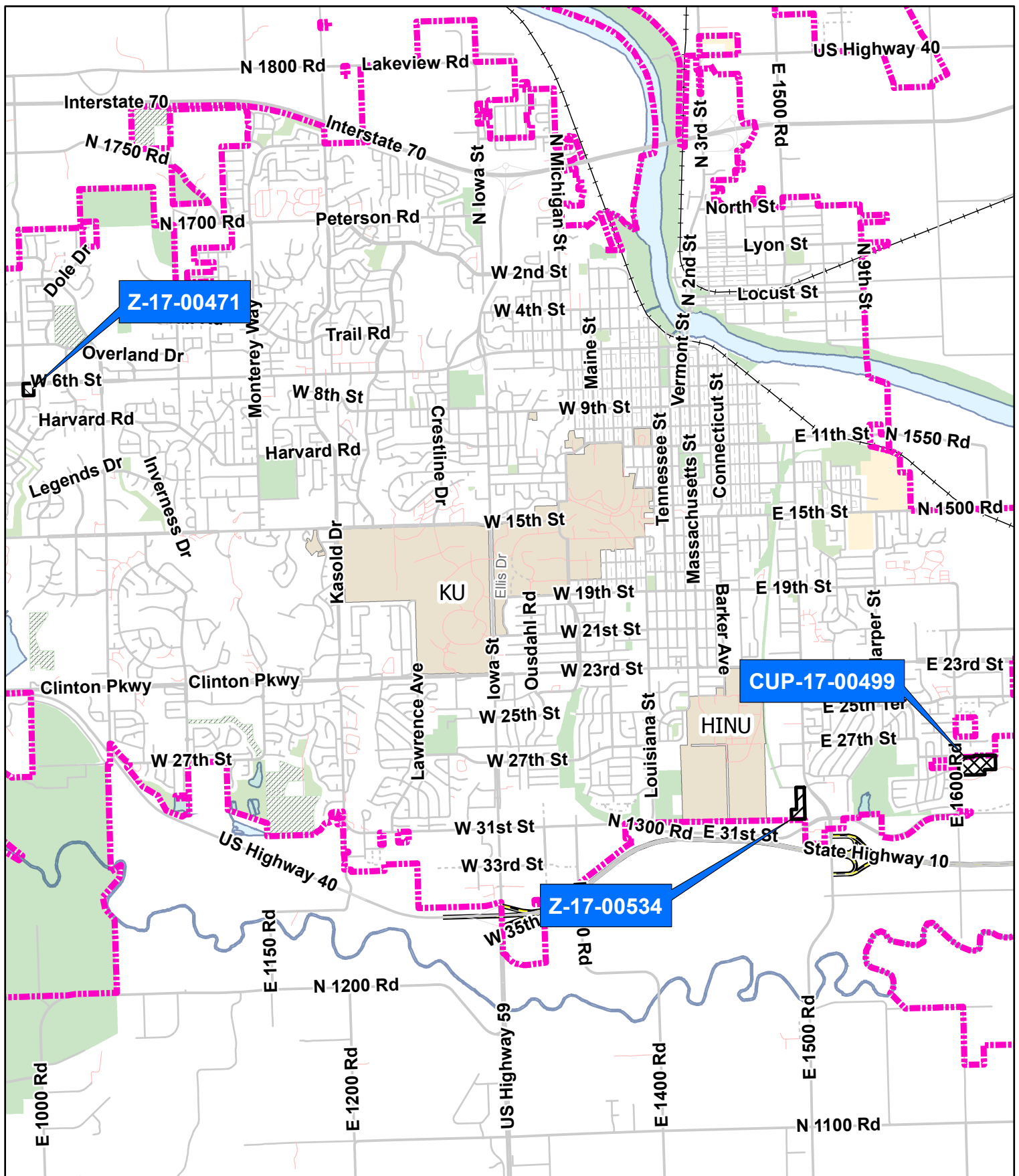
- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [City Land Development Code](#)
- [Subdivision Regulations](#)

Online Mapping

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

Planning Commission




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



Lawrence-Douglas County Planning Commission
November 2017 Public & Non-Public Hearing Agenda Items

Lawrence-Douglas County Planning Office
November 2017

Subject Properties

-  CUP-17-00499
-  Z-17-00534
-  Z-17-00471



PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
11/15/17

**ITEM NO. 1 CONDITIONAL USE PERMIT FOR TEEN CHALLENGE GROUP HOME;
1332 E 1600 RD (MKM)**

CUP-17-00499: Consider an amended Conditional Use Permit to renew the Conditional Use approval and to add a work program to the Teen Challenge Group Home, a *Non-Profit, Religious, Educational and Philanthropic Institution* use, located on approximately 17.4 acres at 1332 E 1600 Rd. Submitted by Heart of America Teen Challenge, Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit to add a work program to the Heart of America Teen Challenge facility and to renew the Conditional Use approval subject to the following conditions:

1. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department.
2. The CUP approval shall remain valid for 10 years after approval by the Board of County Commissioners and shall expire at that time unless an extension request, submitted prior to that deadline, is approved.
3. Addition of the following notes to the 2009 approved CUP plan:
 - a. *"A work-program involving the recycling of pallets, or similar activity, is approved for the group home facility provided that:*
 - i. *All materials or products associated with the work program that are stored outdoors shall be screened with a combination of fencing and landscaping (cedar trees on the west side of the fence, planted every 6 ft) and shall be located in the general area shown below.*



- ii. *Most pick-ups and deliveries for the work program shall be made with Teen Challenge's pick-up and trailer. If a large pick-up or delivery is planned which requires the use of a larger vehicle, or a vehicle not owned by the facility, the applicant shall notify the Zoning and Codes Office prior to its use. This will allow the Zoning and Codes Office to monitor the frequency of the alternate vehicles."*

Reason for Request:

Applicant's Response:

To be able to continue our work experience program.

ATTACHMENTS

Attachment A: Narratives regarding the Teen Challenge group home and the work program

Attachment B: Zoning violation letter

KEY POINTS

- Zoning and Codes staff notified the property owner that they had received complaints about the exterior storage and deliveries associated with their work program and provided a Zoning Regulations Violation Letter, included with this report as Attachment B.
- The Conditional Use Permit (CUP) is being amended to add the work program component to bring the CUP into compliance with the regulations.
- The Amended Conditional Use Permit was approved in 2009 with a condition that the approval would expire in 10 years (Dec 31, 2019) unless an application for renewal was submitted prior to that deadline. This CUP amendment also requests to renew the Conditional Use approval.
- The conditions of the CUP limit the occupancy of the group home to 11 residents 16 years and older and to 3 on-site employees/counselors. Mark Halford, Executive Director of Heart of America Teen Challenge, noted they currently have 10 students (residents) and 2 staff members.

ASSOCIATED CASES

- **CUP-12-18-97** Conditional Use Permit for the establishment of the Teen Challenge facility was approved by the Board of County Commissioners on February 18, 1998.
- **CUP-06-07-09** Conditional Use Permit to amend the CUP removing the requirement to plat the property was approved by the Board of County Commissioners on March 23, 2010.

OTHER ACTION REQUIRED

- County Commission approval of amended Conditional Use Permit application.

PUBLIC COMMUNICATION

No public communication was received prior to the printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) District; Heart of America Teen Challenge Group Home, *Non-profit, Religious, Educational And Philanthropic Institution*.

Surrounding land use:

To the east and south, and west: A (Rural Zoning: Agricultural) District; *Residential Detached Dwelling* to the west, property to the east and south, O'Connell Youth Ranch, *Non-profit, Religious, Educational And Philanthropic Institution*.

To the north: RM 15, (City Zoning: Multi-Dwelling Residential), *Undeveloped*; (Was annexed into the City of Lawrence in 2013 and has preliminary approvals (Preliminary Plat) for multi-dwelling residential development.

To the west: RS7 (City Zoning: Single-Dwelling Residential) District; *Detached Dwellings*.

(Figure 1)

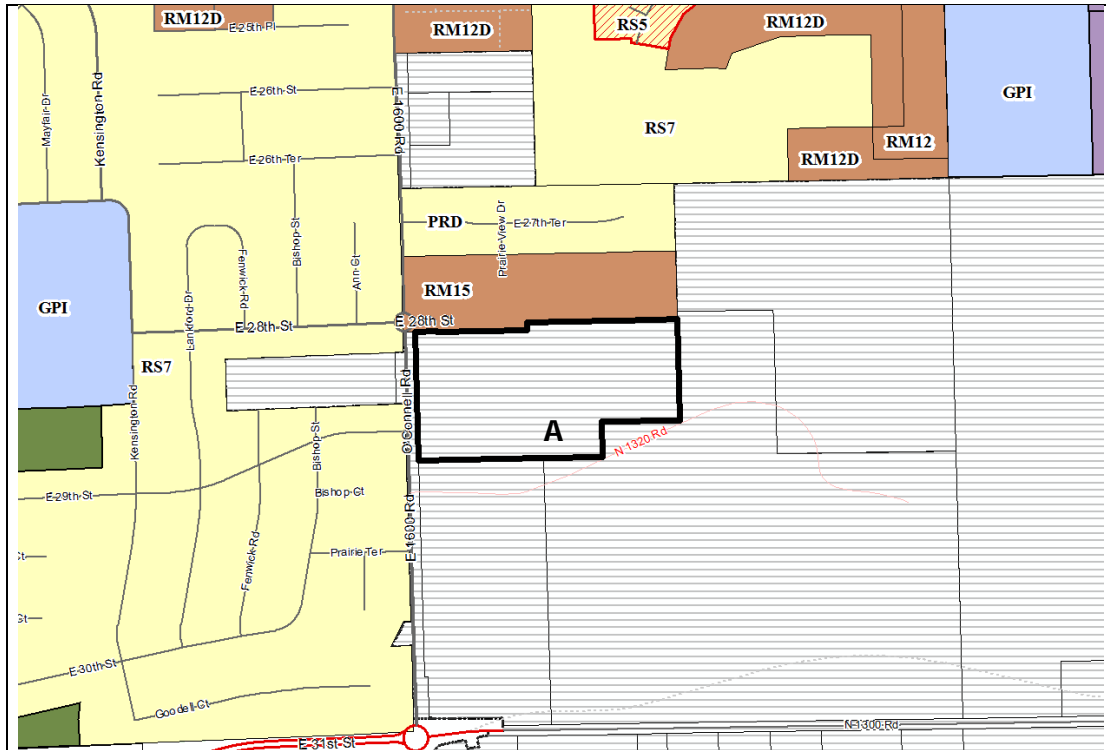


Figure 1a. Zoning in the area. Subject property outlined. (Property outside the city limits: A –Agricultural District, shown with stripes)

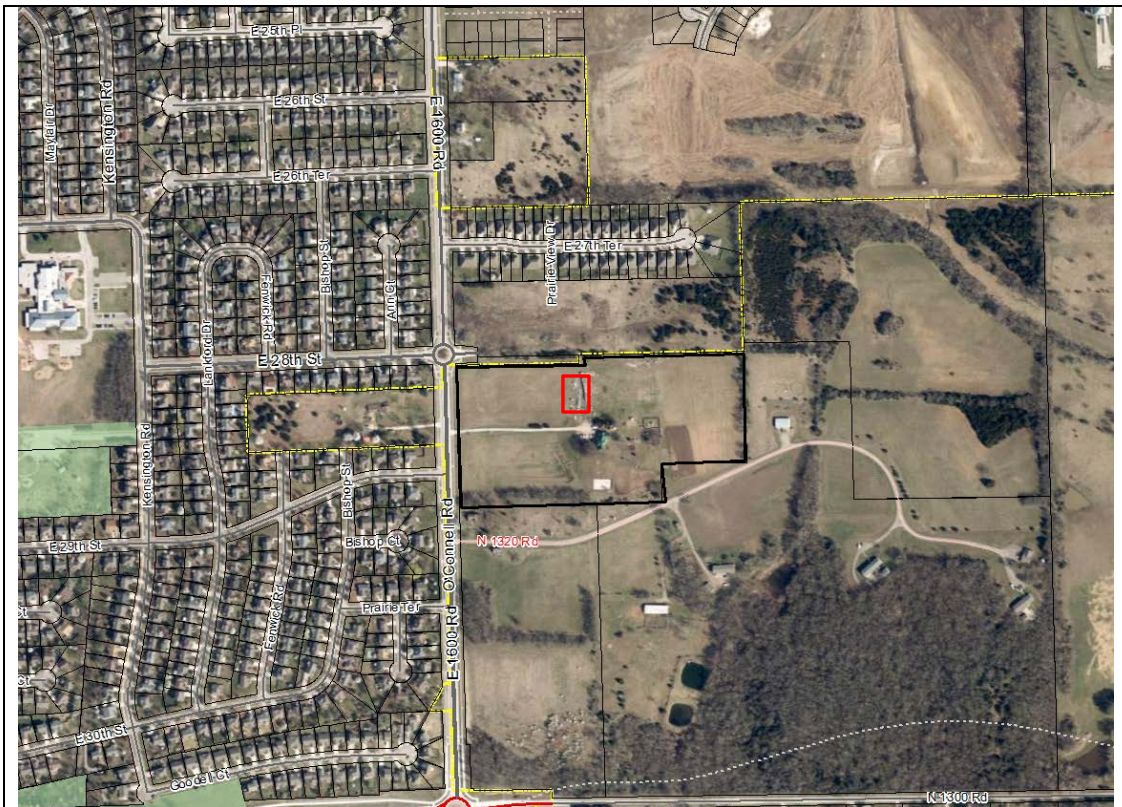


Figure 1b. Land use/development in the area. City limits shown in dashed yellow line. General area with stored pallets outlined in red.

Background

The Heart of America Teen Challenge group home was approved with a Conditional Use Permit in 1998, CUP-12-18-1997, as a *Non-Profit, Religious, Educational, or Philanthropic Institution*. A Conditional Use Permit was necessary as the facility does not meet the state definition of a 'Group Home' in which the residents have disabilities and the facility is registered with one of a list of state regulatory agencies (such as the State Board of Healing Arts, and Dept. of Social and Healing Arts). The purpose of the Heart of America Teen Challenge group home is to provide assistance to young men in need. Teen Challenge provided a summary of their overall program along with a narrative describing their work program. These are included with this report as Attachment A.

The CUP was originally approved in 1998 subject to a condition that the property owner would file a final plat with the Register of Deed's Office prior to February 1, 2000. The Zoning and Codes Director notified the property owner and the Planning Office in 2009 that this condition had not been met. As the property is within Service Area 1 of the Urban Growth Area platting of the property would require annexation into the City limits, per the City Annexation Policy.

Annexation posed several challenges for the property. The City Utility Engineer noted that it would be possible to extend utilities to the property but that it may be cost prohibitive. Another challenge was that there was no corresponding use in the City Development Code for the *Non-Profit Religious, Educational, or Philanthropic Institution* use. The Development Code defines *Group Homes* but doesn't contain a use category for homes that don't meet the State definition of a group home (aren't registered with health-related state agencies). Based on these challenges with platting, the property owner submitted an application to amend the CUP to remove the requirement to plat. This amendment was approved by the County Commission on March 23, 2010.

The number of residents had increased from 8 to 11 by 2009 and a note was added to the CUP plan that a further increase in residents would require an amendment to the CUP. The facility is in compliance with this requirement with 10 residents at the current time. A condition was applied to the CUP in 2009 that the approval would expire in 10 years, December 31, 2019 unless an application for renewal is approved by the County Commission prior to that date. This application for an amended CUP includes a request for the renewal of the Conditional Use approval.

Summary of Request

As part of their operations, the Heart of America Teen Challenge facility established a work program which is explained in detail in Attachment A. They pick up pallets from a business and the group home residents unload the pallets. Un-useable pallets are discarded or burnt, as permitted by the Fire Marshall, and the useable pallets are either resold whole or are disassembled and used for various projects.

Zoning and Codes staff received a complaint about exterior storage associated with the work program and determined that the use was in violation of the Conditional Use Permit. The Zoning and Codes Director mailed a violation letter to the property owner, Attachment B, who then contacted the Planning Office to submit an application to amend the CUP and bring the site into compliance. The 2009 approval of the CUP placed a 10 year expiration date on the Conditional Use. The current CUP amendment is intended to bring the work program into compliance with the CUP and to extend the CUP approval timeframe.

I. ZONING AND USES OF PROPERTY NEARBY

The subject property is zoned A (Agriculture) and is located at the eastern edge of the Lawrence City limits. This urban fringe area has a variety of zonings with A (Agricultural) District being the predominate zoning outside the City limits and residential zoning districts (RS7, RM15, PRD) being

the predominate zoning for nearby properties within the City limits. The subject property and approximately 120 acres to the east and south are used for group home type uses for young men.

Staff Finding –The area is at the eastern boundary of Lawrence and is a mix of urban/rural lands and uses. Residential land uses are the predominate uses in this area, with detached dwellings and townhomes being located within the City of Lawrence and group homes on large parcels, with associated accessory uses, including agriculture on properties outside the city limits.

II. CHARACTER OF THE AREA

The area contains a blend of urban and rural uses. To the west of O'Connell Road, the principal land use is detached dwellings within the City of Lawrence with some rural residences on properties that are outside the city limits. Some development is occurring east of O'Connell Road with a residential development to the north. The parcel to the north of Teen Challenge was annexed and rezoned in 2013, but has not yet developed. The remainder of the area to the east of O'Connell Road contains group home type uses on large parcels (approximately 15 and 120 acres in area)

Staff Finding – The area contains a blend of urban/rural uses, with O'Connell Road being a general demarcation line between the two types of uses. Urban residential is the predominate use on the west side of O'Connell and rural group home facilities are the predominate uses on the east side.

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

Applicant's Response:

"Very suited. 18 acres with substantial setback."

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

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

The property is also well suited to the existing use. The Teen Challenge group home facility is set back from the road and functions as a typical residence. The work program includes an exterior storage component which differentiates it from the nearby urban residences. With proper screening of the stored materials for the work program, the property remains well suited to the use.

Staff Finding –The property is suitable for the uses which are permitted within the A (Agricultural) District as well as the existing Conditional Use, with proper screening of the exterior storage.

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

Staff Finding – County Zoning Regulations were adopted in 1966; this property has been zoned "A (Agricultural)" since that adoption. This property is not vacant, but has been used as a group home since the approval of the Conditional Use Permit in 1997.

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

Applicant's Response:

"Should have no effect."

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 existing use is included in the Conditional Uses enumerated in Section 12-319-4.37 of the Zoning Regulations for the Unincorporated Territory of Douglas County as a *Small Scale Industrial Use*.

The group home facility has been in place since 1997 with no complaints, with the exception of the recent complaint regarding the exterior storage. Based on these complaints, and the proximity of the facility to other residences, any exterior storage associated with a work program should be effectively screened to limit any visual impact on nearby property owners or residents.



Figure 2. Exterior storage picture provided with violation letter.

The applicant noted that they typically use their own pick-up and trailer to pick up and deliver the pallets or products made from the pallets. The truck they use is shown in Figure 3.



Figure 3. Vehicle typically used for pick-up and deliveries of pallets.

The activity associated with the work program is set back approximately 500 ft from the road. They are developing screening with fencing made from the recycled pallets and will be planting 28 cedar trees on the west side of the wall about 6 ft apart. (Figure 4) This should provide an effective screen, particularly when the trees have grown. The storage is screened from the properties to the north and east by existing vegetation and by the Teen Challenge residence.

Staff Finding –The work program is low intensity in that it doesn't involve the use of any large power tools or large equipment. Deliveries and pick-ups are primarily made by the facility in their pick-up truck and trailer. The pallets are stored on the site and could visually impact nearby land uses; therefore, the exterior storage will be screened with a fence and landscaping.

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

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

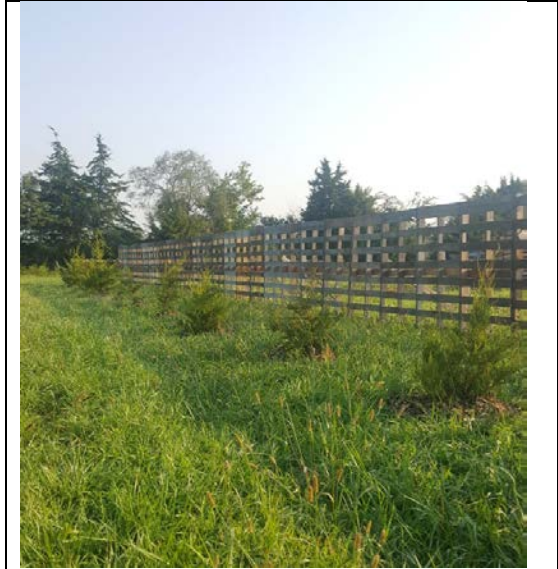


Figure 4. Example of screening

Approval of this request would allow the facility to continue with its work program as part of their curriculum for their residents. Requiring the exterior storage to be screened will reduce potential negative impacts on nearby properties. The facility currently uses their vehicles for most of the deliveries and pick-ups associated with this use. A condition should be applied to the CUP to insure this practice continues.

Staff Finding –The approval of this request will allow the work program for the residents to continue. As conditioned the work program would have little, if any, negative impact on nearby properties; therefore, denial of the request would provide no benefit to the public health, safety or welfare.

VII. CONFORMANCE 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*. A Conditional Use Permit provides additional review for uses which may be desirable in an area, but could have negative impacts. This tool allows development to occur in harmony with the surrounding area and to address specific land use concerns.

Staff Finding – The Conditional Use was found to be in conformance with the Comprehensive Plan when originally approved in 1998. This request is to add an accessory use to the facility and would not alter the conformance with the Comprehensive Plan.

CONCLUSION

The proposed amendment to the CUP to add a work program as an accessory use to the group home facility complies with the review and approval criteria in Section 12-319-1 of the Zoning Regulations as shown in this report. Screening of any exterior storage areas and a condition limiting most pick-ups and deliveries to Teen Challenges' pick-up and trailer should minimize any off-site impacts. If a large pick-up or delivery is planned which requires the use of a larger vehicle, or a vehicle not owned by the facility, the applicant shall notify the Zoning and Codes Office prior to its use. No approval is necessary for this pick-up or delivery, but the Zoning and Codes Office can monitor the frequency of the alternate vehicles and limit as necessary to insure compatibility with nearby land uses.

The CUP was revised in 2009 to remove a platting requirement and at that time a 10 year expiration date of December 31, 2019 was established. Given the slow pace of development in this area, and the fact that the negative impacts of the exterior storage will be effectively mitigated, in staff's opinion it would be appropriate to extend the approval for 10 years, to expire 10 years following the date of the County Commission's approval of the amended CUP.

BRIEF OVERVIEW OF TEEN CHALLENGE

TEEN CHALLENGE works on a holistic model of recovery over Life-controlling issues. This means that we are concerned with the body, mind, and spirit of those who come to our addiction recovery centers. We endeavor to help people become mentally sound, emotionally balanced, socially adjusted, physically well, and spiritually alive.

HOW THE CENTERS THAT MAKE UP ADULT AND TEEN CHALLENGE USA APPROACH HOLISTIC RECOVERY

We, at Adult and Teen Challenge USA, are confident that a restored relationship with God, through Jesus Christ, can transform those who suffer from addiction into vibrant, free, and sober followers of the Lord.

We base the curriculum and community of our addiction recovery centers on God's Word—the Bible. Our Centers offer practical, appropriate, and accessible Bible-based courses to facilitate the transition from alcoholism and substance abuse to a life of freedom in Christ. At Adult and Teen Challenge USA, we offer a chance to start over, become a new person, live a godly life, and find freedom through a restored purpose and an eternal hope. We do this through classes, individual study, personal mentoring, work ethics training, and involvement in the Christian community.

ADULT AND TEEN CHALLENGE USA LOCATIONS

There are over 200 Adult and Teen Challenge USA residential programs throughout the United States. These Centers offer a variety of programs that include drug addiction help, alcohol recovery, and services for youth, adults and families. Admission requirements, fees, and tuition costs vary from program to program. Teen Challenge USA (a 501(3)(c)) is diligent to provide cost-effective programs, however, the significant resources required to provide training, lodging, meals, supervision, and other expenses necessitate the generous support of our friends, faith communities, and society.

FAITH, COMMUNITY, AND HEALTH

Addiction destroys more than just the body, so it should be no surprise that Adult and Teen Challenge USA's addiction recovery centers consider all aspects of their students' lives. Because addiction starts as a way to fulfill a void that only God can fill, a strong relationship with the Lord is foundational to our program. We construct this foundation in our students by teaching them the Word of God and by placing them in an environment where they can bond with other growing disciples.

HEART OF AMERICA TEEN CHALLENGE OF GREATER KANSAS CITY, INC.

Heart of America Teen Challenge of Greater Kansas City, Inc. opened our residential Center in Douglas County, Kansas in 2000. Since the time of our opening we have taken in over 300 students into our residential facility. We have seen dramatic changes occur in lives of those previously battling Life-Controlling issues.

At our facility just outside of Lawrence, KS we offer 24 hour supervision and counsel for students enrolled in our yearlong residential program. Not only do our students experience Christian counsel and classes they also participate in our Work Experience Program where they learn good work habits and attitudes.

From: [Mark Halford](#)
To: [Mary Miller](#)
Subject: Work Program at Heart of America Teen Challenge
Date: Friday, August 04, 2017 12:03:17 PM

Mary Miller;

As you requested here is a brief narrative of the Heart of America Teen Challenge work program regarding wooden pallets on property.

First of all, the work program at Heart of America Teen Challenge is an essential part of our training. The HOATC work experience program emphasizes good work habits and attitudes. We attempt to instill a positive work attitude into all of our students so they can become productive members of society. We offer several different work experience opportunities including working with pallet processing.

What is Pallet Processing? Heart of America Teen Challenge in coordination with a business in New Century, KS picks up pallets from their business location. The business makes a contribution to HOATC for picking up there pallets. The guys load and unload the pallets and as they are unloaded they are neatly stacked on our property to be processed. We will then go through the pallets and separate the bad pallets from the good ones. The bad pallets will be burnt (as permitted by the fire Marshall). The good pallets will either be left whole to be sold (We just sold 300 pallets to a farmer for his hay), or carefully disassembled to be used for various projects. Some projects previously done with pallet lumber include: Coffee Table, Porch Bench, Temporary fencing for Goats, Rack, Goat Shed, Garden Stakes, Rabbit Hutch, Etc.

It is sad that someone would complain about these pallets which we have been working with for years now. We keep our property mowed and our pallets neatly organized far away from any neighboring properties and as I previously shared, they provide teaching work projects for our students.

Thank-you for your help with this issue.

Mark L. Halford; Executive Director



DOUGLAS COUNTY ZONING & CODES

3755 East 25th Street
Lawrence, KS 66046
785.331.1343

July 31, 2017

Heart of America
Teen Challenge Inc.
PO Box 738
Baldwin City, KS 66006

RE: Zoning Violation: 1332 E 1600 Rd

To whom it may concern,

We have received continual complaints that the property referenced above is being used to stockpile off-site materials. We inspected your property on July 27, 2017 and acknowledged wood pallets are being delivered to your property from other locations.

Photos of these conditions are attached. Your property is located in an A- Agricultural Zoning District which does not allow for the operation of stockpiling off-site materials. Dumping of these materials from a contractor, generated from a place other than your own property, requires a conditional use permit. A conditional use permit application can be obtained through Mary Miller, Douglas County Planning Division at 785-832-3147. The conditional use process requires neighbor notification and an open public hearing to voice support and/or concerns. The planning commission makes recommendation to the county commissioners for approval or denial.

Please be advised that violations of the Douglas County Zoning Regulations are subject to judicial review. You have thirty (30) days from the date of this letter to remove the stockpiled off-site materials or apply for a conditional use permit with the Douglas County Planning Division.

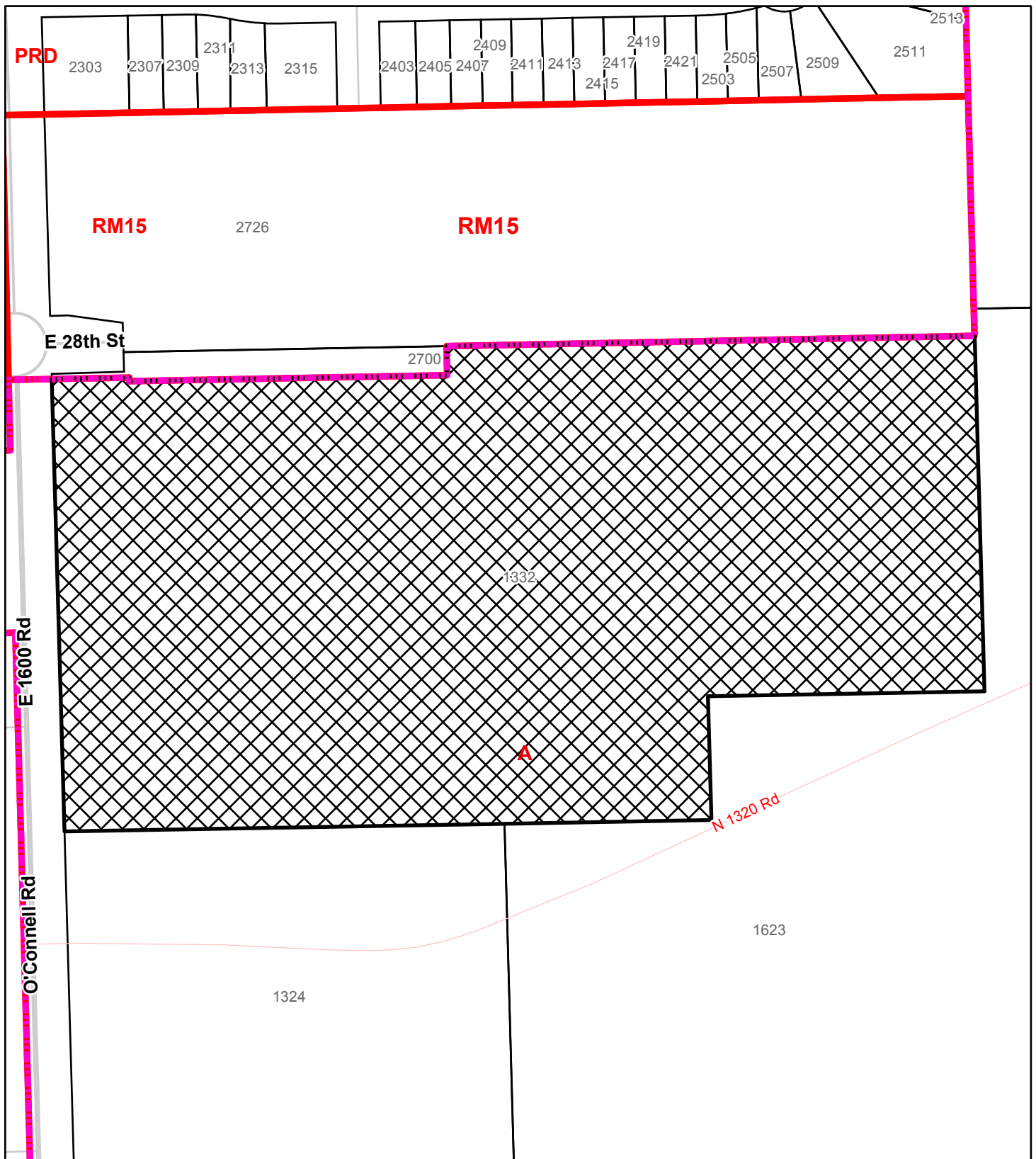
Please contact me at 785-331-1343 if I can be of any assistance.

Sincerely,

Tonya Voigt
Planning & Zoning Coordinator



cc: Sean Reid, Director of Zoning & Codes



CUP-17-00499: Consider an amended Conditional Use Permit to renew the Conditional Use approval and to add a work program to the Teen Challenge Group Home, a Non-Profit, Educational, and Philanthropic Institution Use, located at 1332 E 1600 Rd



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
11/15/2017

ITEM NO. 2 REZONING FROM IG TO IL; NW OF 31ST & HASKELL (SLD)

Z-17-00534: Consider a request to rezone approximately 8.745 acres, from IG (General Industrial) District to IL (Limited Industrial) District, located northwest of the intersection of E. 30th Terrace & Haskell Lane, 800 E 30th St, 3035 Haskell Ln, 930 E 30th St, 2910 Haskell Ln. Submitted by Paul Werner Architects, for Stanley R & Lois J Zarembo Trustee, Zaroco Inc, and Glen Hunter LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 8.745 acres, from IG (General Industrial) District to IL (Limited Industrial) District, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request:	<i>The existing property to the east of Haskell Lane is zoned IL. Under a separate preliminary plat application, the Haskell Lane right-of-way would be submitted for vacation. Once this occurs, it would be beneficial to have all properties along the previous Haskell Lane zoned for the same use in order to provide a more continuous planned corridor. The corridor would include amenities to serve the existing employees and residents in the area in addition to providing services such as gas and fuel sales for travelers on K-10.</i>
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KEY POINTS

- Specific development proposal is not included with this request but would provide an opportunity to established any of the commercial uses permitted in the IL zoning district.
- Request seeks to amend base zoning only.
- Conceptual plans include vacation of existing right-of-way and reconfiguration of lot arrangements and access within area.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the Rezoning and adoption/publication of ordinance.
- No other applications have been submitted at this time.
- Future application for Preliminary Plat, Final Plat, Public Improvement Plans, Site Plans.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning.
- *Drainage Study* – Not required for rezoning.
- *Retail Market Study* – Not applicable to this request.

ATTACHMENTS

1. Area Map
2. Concept Plan
3. List of Allowed Uses
4. Burroughs Creek Area Map
5. Industrial Zoning Map and fact sheet

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Property Owner of 920 E. 30th Street has contacted staff requesting additional information on application.

Project Summary:

Proposed request is only for the rezoning of land adjacent to the Haskell Lane /E. 30th Terrace intersection from the IG District to the IL District. The application assumes future approval of the vacation of right-of-way. To date, the applicant has not submitted a preliminary plat to the Planning Office. The applicant has provided a conceptual development plan with this application. The review of this application is not an assessment of a specific development proposal. The question the Planning Commission is asked to answer is *"should the property included in this request be rezoned from IG to IL, thus permitting both industrial and certain commercial uses at this property?"*

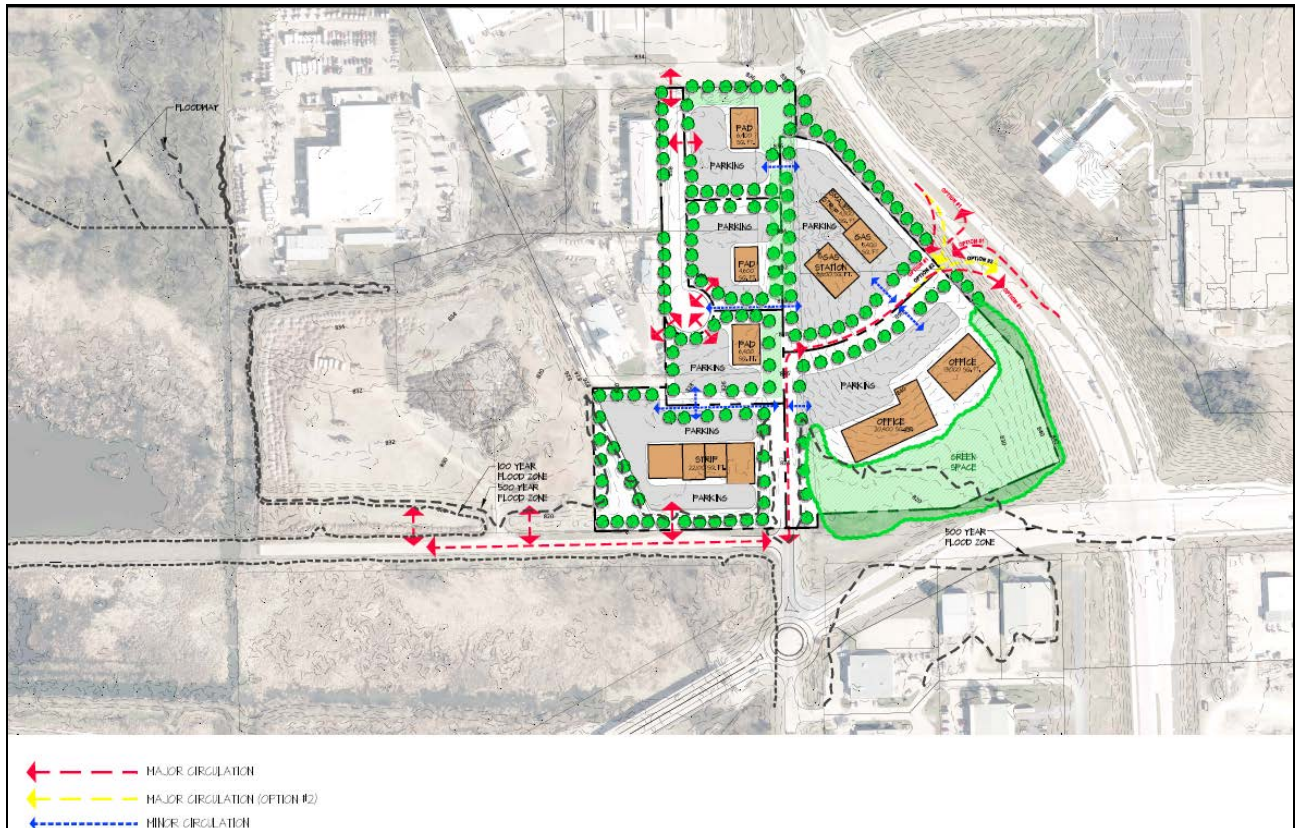


Figure 1: Applicant's Concept Development Plan

The concept plan shown above is provided for context. Approval of this request does not convey approval of the development shown in the conceptual image above.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 per map 3-2 shows the property as being zoned Office Research/Industrial Warehouse/Distribution. The proposed IL zoning meets this requirement.*

Horizon 2020 discusses Industrial and Employment Related Uses in Chapter 7. It states: "...there is a recognized need that more industrial and business development is necessary to provide local job opportunities. Of particular interest to the community is the attraction of industries and employment-related uses that are based in biosciences, agricultural and natural resources, technology, and telecommunications." [Pg. 7-1 Horizon 2020]

Key Strategies include:

- Protect, enhance, and retain existing industrial-related land use areas serving the community.
- Encourage site availability, site improvements, and community amenities, which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development.
- Minimize impacts to the natural environment in the identification of new industrial and business development areas or in the redevelopment of existing areas. Whenever possible, industrial and business development should encourage the retention of open space to serve a variety of purposes, including stormwater management, preservation of wildlife habitat and ecological functions, recreation opportunities, and reduction of visual impacts on surrounding areas.

Horizon 2020 differentiates Industrial Land Uses from Employment Related Land Uses. Table 1 lists the uses by Land Use.

Table 1: Industrial and Employment Related Land Use Categories

Industrial Land Use Categories	Employment Related Land Use Categories
Warehouse and Distribution	Office
Industrial	Office Research
Work-live Campus-type Center	Work-Live Campus-type Center
Industrial/Business/Research park	Industrial/Business/Research park

The request to rezone this property to the IL Zoning District continues allowing for industrial uses, while also permitting the area to provide community amenities to support the existing industrial and other uses, including residential and educational uses, in the surrounding area. The IL Zoning District creates a bridge between a pure industrial zoning district, such as IG or IM Districts, and a pure commercial zoning district like the CO or CN2 Districts. While the IL District allows for limited retail/food service uses, it also continues to permit both general and specialized industrial uses.

Allowing a limited and incidental amount of retail/food service uses would be in keeping with *Horizon 2020's* encouragement of industrial site availability and providing commercial/retail community amenities responding to current development patterns present in this area of our community. This proposed rezoning is in keeping with the overall goal to allow for both industrial users, but also provide a variety of other supporting and beneficial uses to support this existing industrial area.

Goal 1: Development in Established Industrial and Employment Related Areas [pg. 7-11]

Encourage the retention, redevelopment and expansion of established industrial and employment-related areas.

Specific policies include the consolidation of land to provide infill sites for redevelopment and expansion; maintenance of appropriately zoned supply of industrial land; improvement of services to support redevelopment opportunities including stormwater management, vehicular and pedestrian access, and water and wastewater infrastructure.

Goal 2 is not discussed as it pertains to location criteria for new industrial and employment related land. The property included in the request is within an identified existing industrial area described in *Horizon 2020* as the Burroughs Creek Corridor. The boundary of the district extends to the centerline of Haskell Lane north of E. 30th Street. The following goals and policies are applicable to this request.

Goal 3: Compatible Transition from Industrial and Employment-Related Development to Less Intensive Uses. [pg. 7-15].

Encourage a compatible transition between industrial and employment-related developments and less intensive land uses.

This goal and related policies relate to district edges where one district abuts a less intensive zoning. This request for rezoning is self-contained within an existing industrial area. Transitional treatment would be applicable along E. 30th Terrace where the property abuts the City Limit line (Figure 2). The area south of E. 30th Terrace is part of the *Revised Southern Development Plan*. That area is intended as open space. These transitional standards are administered through the Land Development Code and through the Community Design Guidelines to address building orientation, setbacks, parking and landscape elements. Approval or denial of the request will not alter the design requirements as they relate to this specific comprehensive plan goal.

The area included in this request is part of the existing industrial land inventory. The property included in the concept plan includes an adjacent six-acre parcel of land that is covered with a contiguous stand of mature trees and vegetation (Figure 3). That parcel is undeveloped and currently zoned IL.

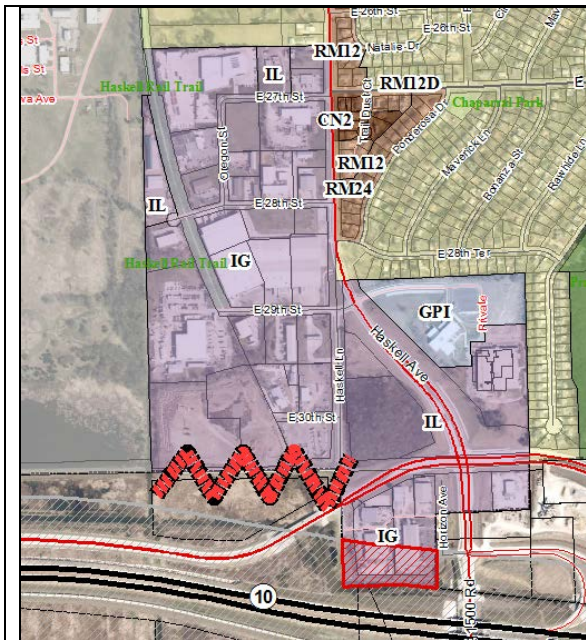


Figure 2: South Industrial District Boundary

Red line shows the district edge.

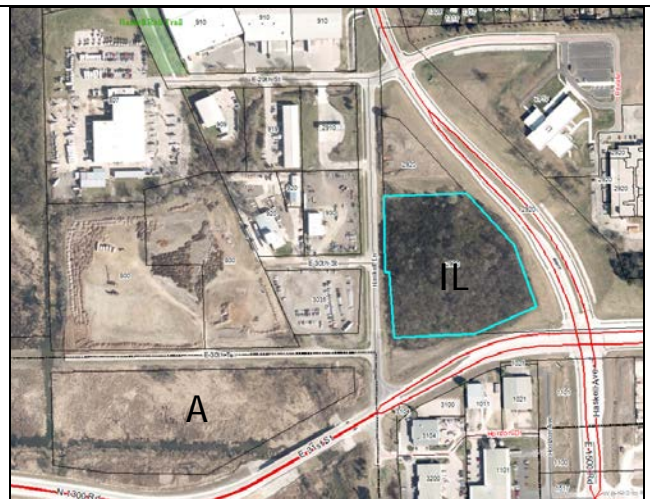


Figure 3: Woodland Parcel Included in Concept Plan

Area labeled IL is included in the concept plan but not this rezoning application. Area is densely wooded and undeveloped.

Area labeled A has not been annexed into the City Limits. Future Land use is shown on the Revised Southern Development Plan as Open Space.

Goal 4: Transportation Considerations [pg. 7-19].

Promote a multi-modal transportation system that provides or improves access and circulation within and adjacent to industrial and employment-related areas.

Policies in this section address the needs related to minimum levels of service, traffic impact evaluations as well as vehicular circulation and access. The applicant's plan for the submission

of a future preliminary plat, including vacation of right-of-way would have an impact on the overall vehicular circulation in the area and for individual properties.

Haskell Avenue and E. 31st Street are both designated arterial streets. The existing street network provides a direct connection to K-10 Highway at the Haskell Avenue intersection. In addition to Haskell Avenue, several local streets provide individual access to the existing industrial development in this immediate area.

The applicant states that map 3-2 included in *Horizon 2020* shows the property as being designated Office Research/Industrial Warehouse/Distribution. It should be noted that the map included in *Horizon 2020* was prepared in 1997 as part of the original plan adoption. The map is intended to convey broad and collapsed land uses. The "Office Research/ Industrial/ Warehouse/Distribution" title used in the map encompasses all types of industrial and employment related land uses. The text descriptions included in *Horizon 2020* categorize the property included in this request as part of the Burroughs Creek Corridor and as part of the existing Industrial Land Use inventory.

Staff Finding – The property included in this application is part of an existing Industrial District and included in the industrial land use inventory. The comprehensive plan provides a range of development typologies within both the Industrial Land Use Category and the Employment-Related Land Use Category. The plan recommends the conservation and protection of industrial land. The proposed rezoning maintains a strong range of industrial uses, while also permitting limited commercial/retail uses to support the existing industrial land uses. The plan recommends the conservation and protection of industrial land. The plan specifically states: *"Future development of this area should be in accordance with the Burroughs Creek Corridor Plan."* The proposed rezoning maintains the industrial zoning and land uses and allows development in conformance with the plan.

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

Current Zoning and Land Use:



IG (Industrial General) District; existing developed lots and vacant land. Existing uses include vacant land and *Vehicle Sales and Services uses, Gas and Fuels Sales, Heavy Equipment Sales and Rentals and Fleet Storage.*

Figure 4: Subject Properties

Surrounding Zoning and Land Use:

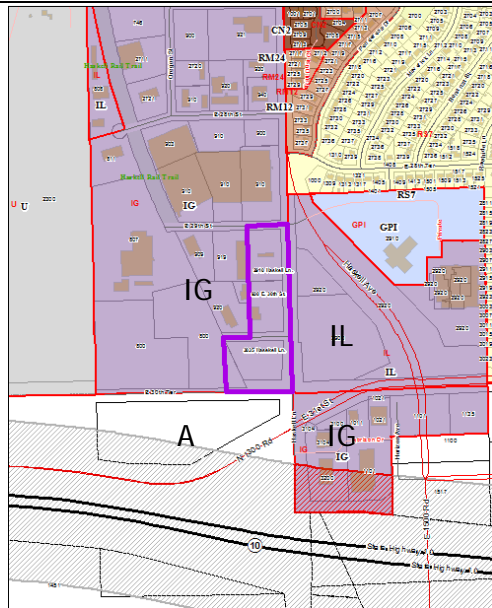


Figure 5: Existing Zoning

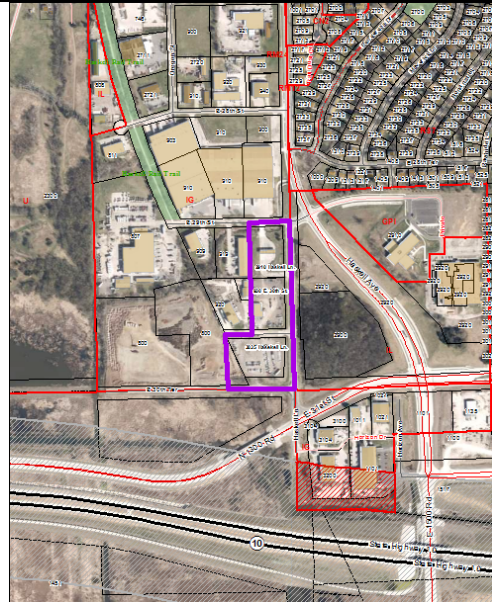


Figure 6: Existing Land Use

IG (Industrial General) District; existing warehouse building to the north along the north side of E. 29th Street. *Warehouse Distribution* Building (former E and E Display manufacturing] - 910 E. 29th Street.

IL (Limited Industrial) District to the east; undeveloped land located between Haskell Lane and Haskell Avenue. Land is included in applicant's concept plan for redevelopment.

A (Agricultural) County District to the south, south of E. 30th Terrace. *Open Space* owned by the University of Kansas.

IG (Industrial General) District to the southeast, on the southeast corner of Haskell Lane and E. 31st Street. Existing *Warehouse and Office* buildings.

IG (Industrial General) District to the west between E. 29th Street and E. 30th Terrace. Existing businesses east of old railroad right-of-way.

- *Warehouse* building- 919 E. 29th Street.
- Kirk Welding – 909 E. 29th Street.
- Eagle Trailer *Manufacturing* – 920 E. 30th Street.
- West of RR ROW undeveloped

Staff Finding – The surrounding zoning, within the city limits is zoned IG along the west side of Haskell Lane and to the southeast and developed with existing manufacturing, warehouse, and distribution uses. The area on the east side of Haskell Lane, within the City Limits, is zoned IL and is undeveloped land. Farther to the east includes both IL and GPI zoning. These two properties are developed with the Lawrence College and Career Center and the Peaslee Technical Training Center. Both are education oriented uses. The A zoning to the south is unlikely to be developed. It is owned by the University of Kansas and is currently part of the wetlands mitigation area for the K-10 Highway project.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The site is situated at the south end of an industrial area. Much of the property in the developed area was recently adjusted for the 31st Street and K-10 improvements. Access to the area was previously limited however; the road improvements provide possibilities for amenities to serve this area and the community. To the east of the site lies the Dwayne Peaslee Technical Training Center and the Hyper business. To the northeast of the property is the edge of the Prairie Park neighborhood and to the Northwest are more industrial uses.*

The property included in this request is uniquely situated with respect to several formal and informal neighborhoods. The Prairie Park Neighborhood is located on the east side of Haskell Avenue and the north side of E. 30th Street. The neighborhood specifically excludes the Lawrence College and Career Center and Peaslee Technical Training Center.

The property is north of the Revised Southern Development Plan Boundary and within close proximity to the K-10 Highway corridor. The property is also east of the Haskell Indian Nations University Campus and within the Burroughs Creek Corridor plan.

Haskell Avenue has traditionally been the dividing line between the residential and non-residential areas in this portion of southeast Lawrence. The area is shaped by the location of the street and highway right-of-way and the former railroad corridor. Uses to the west of Haskell Avenue are generally non-residential with the notable exception of an area one block north and south of E. 25th Street along the west side. Local streets provide direct access to non-residential uses within the immediate area. Uses in this area are industrial in nature and include *Manufacturing, Warehouse, Storage and Distribution, Construction Sales and Service* uses as well as *Vehicle Sales and Service* uses.

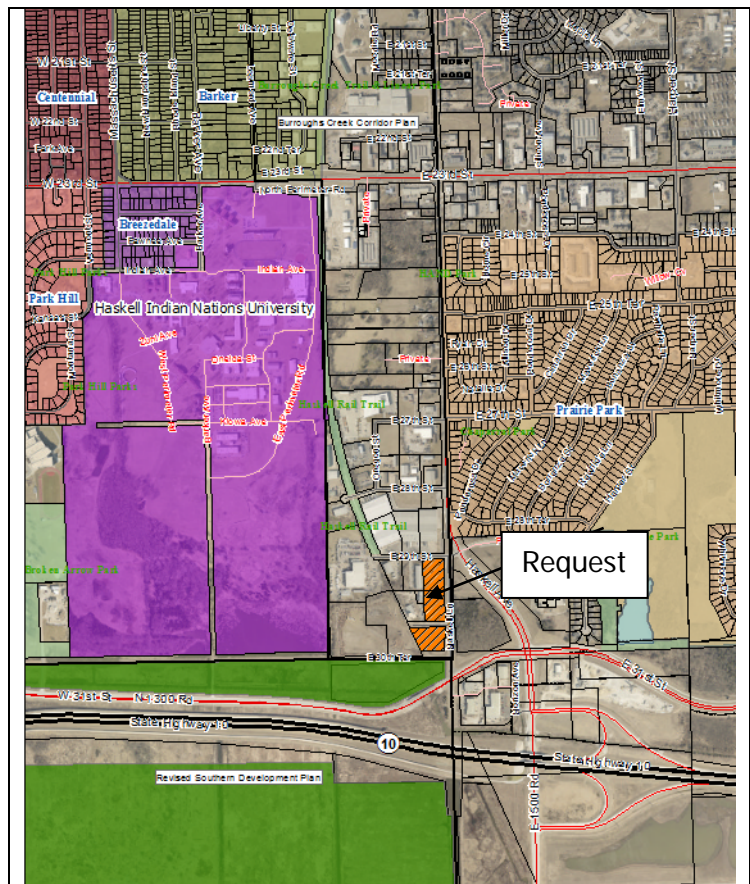


Figure 7: Surrounding Neighborhoods

Staff Finding – This property is located within an existing industrial area with direct proximity to an arterial street and a state highway.

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

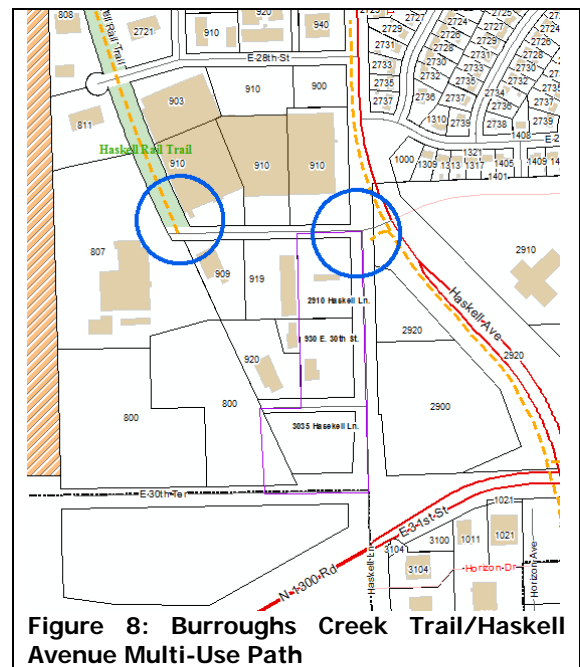
The property included in this request is within the boundary of the Burroughs Creek Plan. As noted in the section above, the Prairie Park Neighborhood is located to the northeast and the Haskell Indian Nations University is located to the west. Burroughs Creek extends as far north as E. 9th Street and as far south as E. 31st Terrace. The plan extended 500' in all directions along the

abandoned Burlington Northern Santa Fe railroad right-of-way. Haskell Avenue is the eastern boundary. The western boundary varies by segment. The report focuses on the southern portion of the corridor between E. 23rd Street and the south boundary. The area within the plan boundary between E. 23rd and E. 30th Terrace is zoned IG with exceptions.

Within the more residential portions of the Plan area, recommendations included infill and rezoning consistent with the residential development pattern. A key goal of the plan was designating areas related to the extension of the “rails-to-trails” linear park system.

The City Burroughs Creek Trail is located along the western boundary of the Plan area at 23rd Street and follows the curving right-of-way that terminates at E. 29th Street. The trail continues on Haskell Avenue and extends south to E. 31st Street and the South Lawrence Trafficway. Assuming a connection is made between these two points (sidewalk, multi-use path, or other facility) the trail would extend across the north side of the subject property. Future development of the area should include coordination with the planned improvements in the area.

The Burroughs Creek Plan does not provide specific land use recommendations for the southern portion of the corridor. As vacant properties develop or redevelopment applications are considered, the relationship of the land uses to the surrounding area and proximity to residential uses must be considered for impact.



This application seeks to rezone property from a more intensive industrial district to a less intensive industrial district.

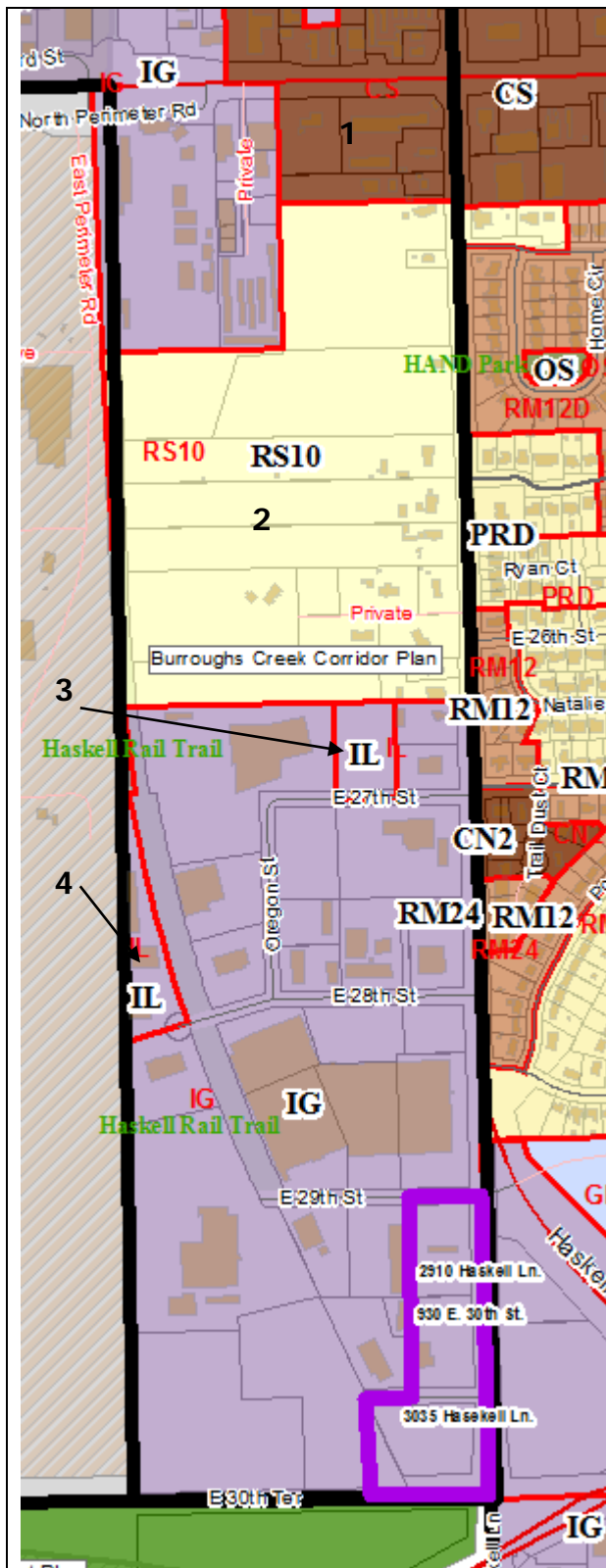


Figure 9: Southern Portion - Burroughs Creek Plan Boundary

1. CS (Commercial Strip) District; 900 Block along E. 23rd Street.
2. RS10 (Single Dwelling Residential) District; Block of residential E. 24th Street to E. 26th Street.
3. IL (Industrial Limited) District; 800 block E. 27th Street (M-2 prior to 2006) Z-5-9-12 IG to IL; to allow VFW (Lodge, Fraternal & Civic Assembly use not permitted in the IG District. Site Plan (SP-12-00296) submitted but withdrawn by applicant.
4. IL (Industrial Limited) District; 808 E. 28th Street (M-2 prior to 2006) Z-15-00332 IG to IL; purpose to add resident manager use (Work/Live Unit) for security. Residential use in IG not permitted. No change to scope or intensity of existing uses of the site.

Staff Finding – This property is located within the boundary of the Burroughs Creek Corridor Plan. The plan does not include any specific land use recommendations for this portion of the plan area. Redevelopment of the property included in this request would be subject to review for compliance with other design regulations including the Subdivision Regulations and the Industrial Design Guidelines in addition to the Land Development Code.

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

Applicant's Response: *The subject property is suitable for the existing zoning and the old traffic alignment of Haskell Lane. However, with the planned future vacation of Haskell Lane it would be beneficial to have the IL zoning on the East side of the existing Haskell Lane extended across the vacated right-of-way to capture the existing gas station and equipment rental business as well as the vehicle storage lot to the west.*

This application includes multiple parcels located on the west side of Haskell Lane between E. 29th Street and E. 30th Terrace.

Table 2: Existing Uses

Parcels Included in Request	Existing Use	Permitted Zoning District
2910 Haskell Lane	Vehicle Sales and Services -Gas and Fuel Sales	Permitted in IG and IL
930 E. 30 th Street	Vehicle Sales and Services – Heavy Equipment Sales and Rentals	Permitted in IG and IL
3035 Haskell Lane	Vehicles Sales and Services – Fleet Storage	Permitted in IG and IL
Portion of unplatted land on the North side of E. 30 th Street west of the RR ROW.	Vacant Land	Permitted in IG and IL

Additional land use entitlements will be required for the properties to redevelop. Approval of the request will not result in the existing businesses becoming non-conforming per Article 15 of the Land Development Code. Approval of the proposed request alters the allowed uses but retains the property within the community Industrial Inventory.

The IG District purpose is intended to *accommodate moderate and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation access and public facilities and services. (Section 20-217)*. The IL District purpose is intended to *accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land uses. (20-215)*.

Staff assessed the uses permitted in the IL and IG Districts. Generally, most Industrial Uses permitted in the IG District would also be permitted in the IL District with the exception of *Explosive Storage* and *Intensive Industrial* uses which are not permitted in the IL District. The IL and the IG Districts both permit all types of *Wholesale, Storage, and Distribution* Uses except that *Heavy* Uses in the IL District require a Special Use Permit.

All *Vehicle Sales and Services* uses permitted in the IG District are also permitted in the IL District, except *Truck Stop* Uses. They are only permitted in the IG District with a Special Use Permit. The *Vehicle Sales and Services* use group includes *Gas and Fuel Sales, with or without convenience stores*.

The primary distinction between the IL and the IG Districts with regard to permitted use is in the Commercial Use Group. Permitted commercial uses in the IL District include the following. This

report lists typical uses to help clarify the use category and definition. The Land Development Code defines specific uses in detail in Article 17.

COMMERCIAL USES

Use Group: Eating and Drinking Establishments

Accessory Bar
Fast Order Food
Fast Order Food, Drive-In
Quality Restaurant

Use Group: Office

Finance, Insurance, and Real Estate
Payday Advance, Car Title Loan

Use Group: Parking Facility

Commercial

Use Group: Retail Sales and Services

Business Equipment, Sales, and Service:

Typical Uses: office equipment and supply, machine repair.

Food and Beverage Sales:

Typical Uses: for home consumption, grocery store, convenience store, package liquor stores.

Mixed Media Store:

Typical Uses: business offering goods for sale or rent that is not a sex shop or sexually oriented media store but includes more than 10 of GFA or more than 10% of stock in trade that is devoted to sexually oriented media.

Personal Convenience Services:

Typical Uses: convenience stores, drugstores, smoke shops, laundromats, dry cleaners, beauty/barber shops.

Personal Improvement Services:

Typical Uses: fine arts studios, martial arts centers, yoga studios.

Consumer Repair Services:

Typical Uses: appliance repair, locksmiths, shoe and apparel repair, musical instrument repair.

Retail Sales, General:

Typical Uses: maximum 65,000 GSF of floor area, merchandise, apparel, furniture

Use Group: Transient Accommodation

Hotel, Motel, Extended Stay

PUBLIC AND CIVIC USE GROUPS

Use Group: Medical Facilities

Extended Care Facility, General
Health Care Office, Health Care Clinic

Use Group: Recreation Facilities

Indoor Participant Sports:
Typical Uses: bowling alleys, billiards parlors, physical fitness centers.
Outdoor Participant Sports:
Typical Uses: driving ranges, miniature golf, swimming pools

If the goal is to accommodate service uses that support industrial and employment activities then the IG District is not suitable. Approving the proposed request expands the IL District on the northwest corner of Haskell Avenue and E. 31st Street. This would allow uses such as fast order

food, restaurants, and personal services to develop and serve the surrounding neighborhood residents and industrial area employees.

Staff Finding – The property as zoned is suitable for the existing uses. However, the ability to provide services in the immediate area to the surrounding businesses is restricted by the existing zoning district that limits commercial and services uses. Approval of the request allows an expansion of uses and retains the property within the community industrial inventory.

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

Applicant's Response: *A portion of the property has been developed and the remaining vacant land has never been developed.*

Development as an industrial area initiated with subdivision in 1967 of area. The area initially developed between 1966 and 1976. The area includes a mix of developed and undeveloped land. This area has also been impacted by major construction projects related to SLT. The specific properties included in this request have been zoned for intensive industrial uses since 1966.

Staff Finding – This property has been zoned for industrial uses since 1966. The majority of parcels have been developed for over 40 years.

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

Applicant's Response: *The properties are already zoned IG. Down zoning to IL would allow more uses than currently allowed however, heavy industrial uses would not intensify. By vacating Haskell Lane, right-of-way traffic flow would be simplified through the sight. Traffic flow to the area will likely increase since a vacant lot is being developed however; the surrounding streets are well suited to address traffic increases.*

Approval of the request would introduce uses, such as fast-food restaurants, personal services and retail uses to the area. The construction of the Haskell interchange with K-10 Highway adds an opportunity for destination uses with accompanying traffic to the area. How traffic is addressed is a function of the development patterns that may be established through lot consolidation and redevelopment of the area.

Staff Finding – Changes to traffic patterns should be anticipated if the property is redeveloped with uses that are attractive to passenger vehicle traffic. The proximity to the Highway interchange is attractive to both commercial uses as well as uses associated with industrial truck traffic. This mix of traffic may be considered undesirable by some businesses in the area or commercial traffic may conflict with truck traffic. Careful attention to vehicular circulation will be required as part of any future development application to ensure compatibility between vehicle types and other modes of transportation and to mitigate conflicts.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *The gain to the public would be the ability to provide amenities to better serve the employees and residents in the area and additionally to travelers along the newly developed Haskell and K-10 interchange in the form of businesses such as gas and fuel sales.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

- Denial of the request would not affect the existing land uses as they can continue to operate in the IG District.
- Approval of the request can potentially consolidate the existing IL (located between Haskell Lane and Haskell Avenue) into a contiguous district. This would accommodate redevelopment of the property per the applicant's concept including the future vacation of the Haskell Lane right-of-way.
- Approval of the request would permit the development of small-scale retail uses that would support the employees/students, users of the Burroughs Creek Trail, and residents in the surrounding area, as well as serve motorists on K-10 Highway.
- Redevelopment of multiple parcels can be coordinated and designed to provide opportunities for community open space (floodplain and woodland areas) and pedestrian and shared use paths in the area.

Staff Finding – Community gains include activating vacant and underutilized property along the Haskell Avenue corridor. Development/redevelopment should be balanced with public benefits to protect natural resources (open spaces and floodplain) and provide enhancements to street, sidewalk, and multi-use paths in the area.

9. PROFESSIONAL STAFF RECOMMENDATION

Haskell Lane (old Haskell Avenue south of E. 29th Street) separates the Burroughs Creek Industrial area from the IL District to the east. Prior to the construction of the South Lawrence Trafficway, Haskell Avenue was the dividing line between the industrial and residential district with the exception of the property located on the northeast corner of Haskell Avenue and E. 31st Street. HiPer Technology, a manufacturing use included the entire northeast corner of Haskell Avenue and 31st Street. The land was divided because of the highway improvement project that realigned Haskell Avenue to the east (Figure 10). The east side of Haskell Avenue has been developed as the Lawrence College and Career Center and the Dwayne Peaslee Technical Training Center. An additional use will be the Boys and Girls Club facility in the future. The career center is zoned GPI reflecting its public institution use while the Peaslee Center is zoned IL which accommodates a range of uses located in the building. These uses add employment/student population to the area that did not exist prior to the original development of the area.

The parcel of land located on the west side of Haskell Avenue and east side of Haskell Lane is the undeveloped remnant property of the original parcel. This parcel would be incorporated into the proposed IL zoning that is shown on the concept plan.

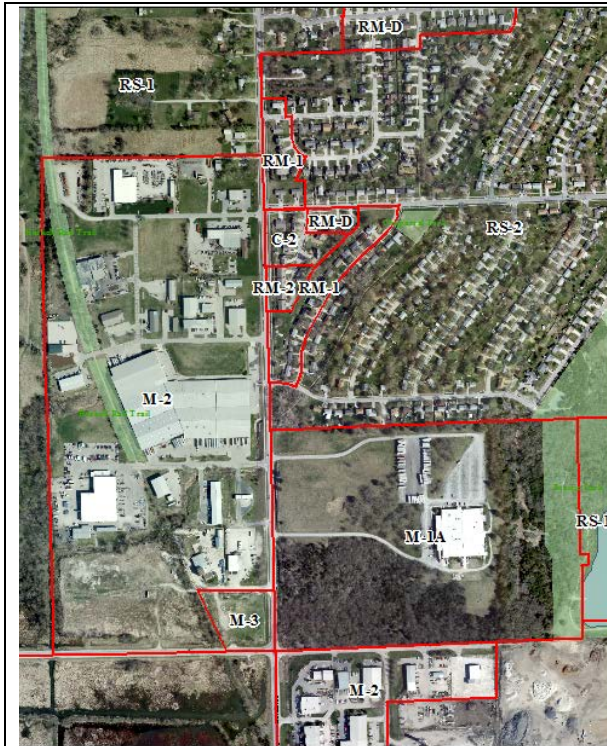


Figure 10: Zoning and Development Pattern 2006

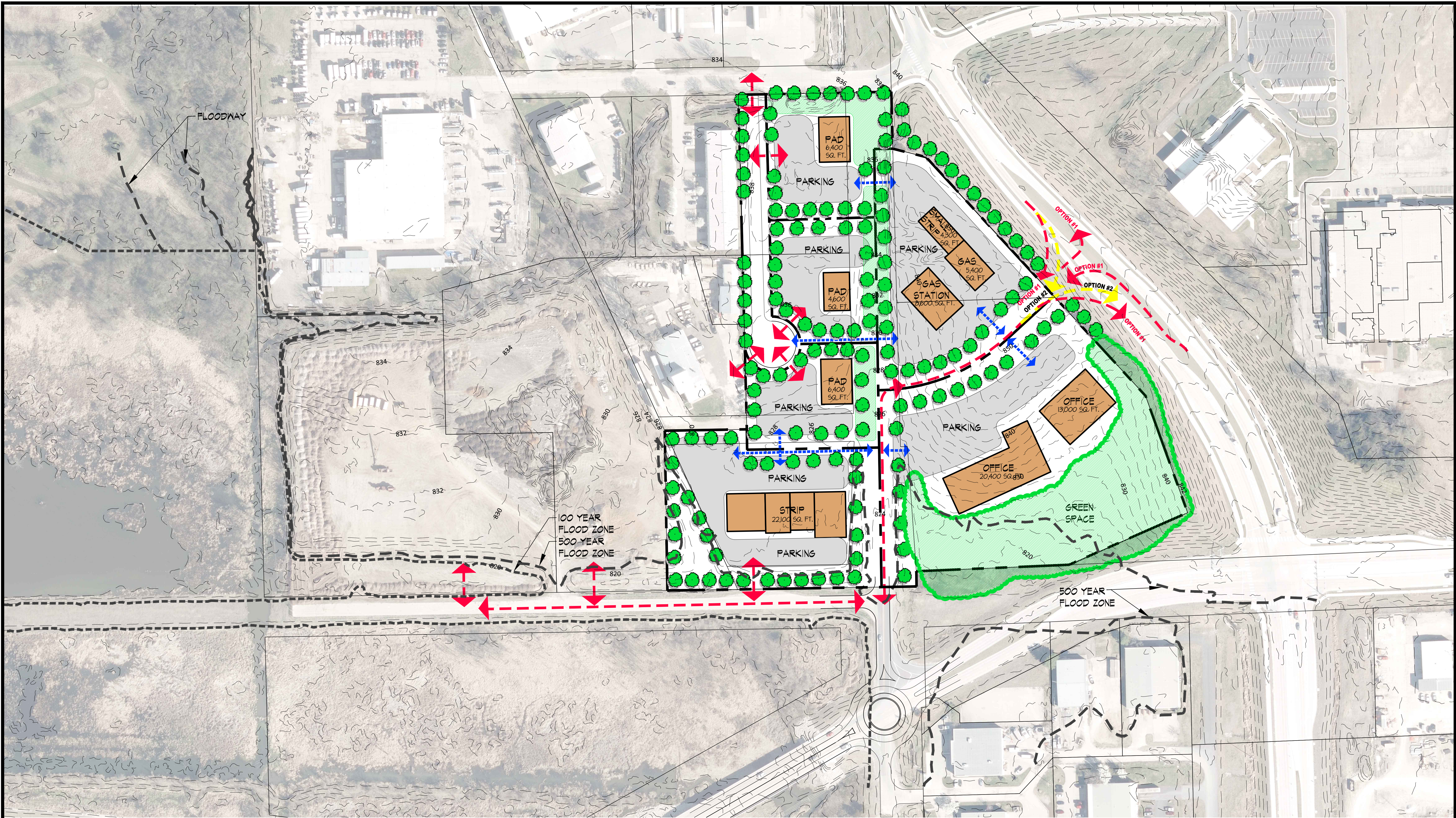


Figure 11: Zoning and Development Pattern 2017

The applicant's argument states that upon vacation of Haskell Lane it "would be beneficial to have all properties along the previous Haskell Lane zoned for the same use in order to provide a more continuous planned corridor." It should not be assumed that all or a portion of the street will be vacated. Additional land use entitlements are required.

CONCLUSION

This application is the first step required for redevelopment of the area with the addition of commercial and services uses to support the area. The proposed request retains the property within the community industrial inventory but allows for the provision of services uses to support employment activity in the area. The area has the advantage of proximity to the highway to capture pass-by and destination traffic within the area.



- MAJOR CIRCULATION
- MAJOR CIRCULATION (OPTION #2)
- MINOR CIRCULATION

CONCEPT PLAN

SCALE: 1" = 100'-0"

0

50

100

200

300

NORTH

paulwerner
ARCHITECTS

123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044

OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

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31ST AND HASKELL
LAWRENCE, KANSAS

PROJECT # 216-100

RELEASE: DATE:

Use Comparison Table

0 is equal to Not Permitted

1 is equal to permitted as accessory

2 is equal to permitted as SUP

3 is Permitted

Use Group		Residential	IL	IG	CS
House Hold Living	1	Accessory Dwelling	0	0	0
	2	attached Dwelling	0	0	0
	3	cluster Dwelling	0	0	0
	4	Detached Dwelling	0	0	0
	5	Duplex	0	0	0
	6	Manufactured Housing	0	0	0
	7	Mobile Home	3	3	0
	8	Mobile Home Park	0	0	0
	9	Multi-Dwelling	0	0	3
	10	Non-Ground Floor Dwelling	0	0	3
	11	Work/Live Unit	3	0	3
	12	Zero Lot Line Dwelling	0	0	0
	13	Home Occupation	0	0	0
Group Living	14	Assisted Living	0	0	0
	15	Congregate Living	0	0	0
	16	Dormitory	0	0	0
	17	Fraternity or Sorority house	0	0	0
	18	Group Home, General	0	0	3
	19	Group Home, Limited	0	0	0

Residential uses are generally prohibited in industrial zoning districts. A key difference between the Industrial Zoning Districts and the CS district is the ability for multi-dwelling residential development to occur. The IG and IL industrial districts allow *Mobile Homes* though none of the three district listed above permit a Mobile Home park. Mobile Homes in the IL or IG district would mostly likely be used for on-site residence/security or related to another primary use. Only the IL district permits a work/Live unit in any of the Industrial zoning Districts (IL, IM, or IG). The work/Live unit use is also permitted in the CS district.

Use Comparison Table

Use Group		Public and Civic	IL	IG	CS
	1	college/University	3	3	3
	2	<i>Cultural Center/Library (OS or GPI only)</i>	0	0	0
	3	Day Care Center	3	3	3
	4	<i>Day Care Home (Residential Zone Use)</i>	0	0	3
	5	Detention Facilities	3	3	0
	6	Event Center, Small	3	0	3
	7	Event Center, Large	3	0	3
	8	Lodge, Fraternal/Civic Assembly	3	1	3
	9	Postal & Parcel Services	3	3	3
	10	public Safety	3	3	3
	11	School	0	0	3
	12	Active Funeral and Internment	3	0	3
	13	Passive Funeral and Internment	1	0	1
	14	Temporary Shelter	2	2	2
	15	Social Service Agency	3	3	3
	16	Community Meal Program	2	2	2
	17	Utilities, Minor	3	3	3
	18	Utilities and Services, Major	2	3	2
Medical Facilities	19	<i>Community Mental Health (GPI only)</i>	0	0	0
	20	Extended Care, General (Residential Component)	0	0	2
	21	Extended Care, Limited (Residential Component)	0	0	0
	22	Health Care Office/Clinic	3	0	3
	23	<i>Hospital (Only Permitted in H District)</i>	0	0	0
	24	Outpatient Care Facility	0	0	3
Recreational Facilities	25	Active Recreation	3	2	3
	26	Entertainment & spectator Sports, General	0	0	3
	27	Entertainment & spectator Sports, Limited	0	0	3
	28	Participant Sports and Rec., Indoor	3	0	3
	29	Participant Sports and Rec, Outdoor	3	0	3
	30	Passive Recreation	3	3	3
	31	Nature Preserve/Undeveloped	3	3	3
	32	Private Recreation	0	0	3
Religious Assembly	33	Campus or community Institution	3	0	3
	34	Neighborhood Institution	3	0	3

The **Public and Civic Use** category includes *Medical Facilities*, *Recreational Facilities*, and *Religious Assembly* Uses. Some of the uses are prohibited in all non-residential zoning districts except those for exclusive “community” use districts such as the H (Hospital) or GPI (General Public and Institutional) Districts. The sub-use group mostly likely to include a commercial component are the *Recreational Facility* Uses. Many of the open space recreation uses are permitted in all districts. The distinguishing uses permitted in the IL/CS districts but not the IG District are *Participant Sports and Recreation, Indoor and Outdoor*. Industrial buildings with high ceilings may be desirable for indoor recreation uses such as basketball, volleyball, batting cages, indoor climbing gyms, and gymnastics

Use Comparison Table

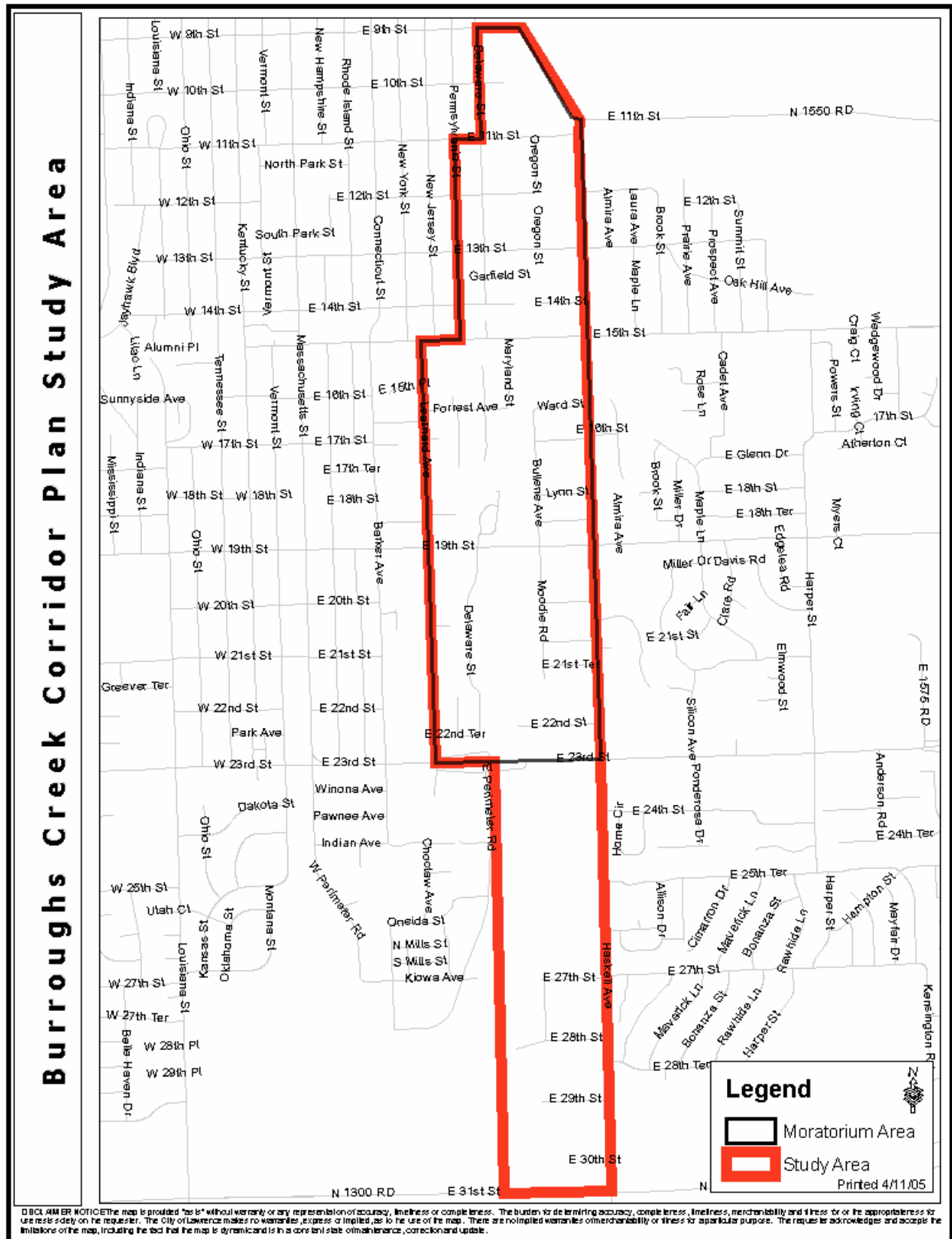
Use Group		Commercial	IL	IG	CS
Animal Services	1	Kennel	3	3	3
	2	Livestock Sale	3	3	2
	3	Sales and Grooming	3	3	3
	4	Veterinary	3	3	3
Eating and Drinking	5	Accessory Bar	1	0	1
	6	Accessory Restaurant	0	0	0
	7	Bar or Lounge	0	0	3
	8	Brewpub	0	0	3
	9	Fast Order Food	3	0	3
	10	Fast Order Food, Drive-In	3	0	3
	11	Nightclub	0	0	3
	12	Private Dining Establishment	0	0	0
	13	Restaurant Quality	3	0	3
Office	14	Admin. And Prof.	3	3	3
	15	F.I.R.E	3	0	3
	16	Payday Advance, Car Title Loan	3	0	3
	17	Other	3	3	3
Parking Facility	18	Accessory	1	1	1
	19	Commercial	3	0	3
Retail Sales and Services	20	Agricultural Sales	3	3	3
	21	Building Maintenance	3	3	3
	22	Business Equipment	3	0	3
	23	Business Support	3	3	3
	24	Construction Sales	3	3	3
	25	Food and Beverage	3	0	3
	26	Mixed Media Store	3	0	3
	27	Personal Convenience Services	3	0	3
	28	Personal Improvement Services	3	0	3
	29	Repair Service, Consumer	3	0	3
	30	Retail Sales, General	3	0	3
	31	Retail Sales, Large	0	0	2
	32	Retail Establishment, Medium	0	0	3
	33	Retail Establishment, Specialty	0	0	3
Sexually Oriented Businesses	34	Sexually Oriented Media Store	0	0	0
	35	Physical Sexually Oriented Business	0	0	0
	36	Sex Shop	0	0	3
	37	Sexually Oriented Theater	0	0	3
Transient Accommodations	38	Bed and Breakfast	0	0	0
	39	Campground	0	0	3
	40	Hotel, motel, Extended Stay	3	0	3
Vehicle Sales and Services	41	Cleaning	3	3	3
	42	Fleet Storage	3	3	3
	43	Gas and Fuels Sales	3	3	3
	44	Truck Stop	0	2	0
	45	Heavy Equipment Repair	3	3	3
	46	Heavy Equipment Sales/Rental	3	3	3
	47	Inoperable Vehicles Storage	3	3	3
	48	Light Equipment Repair	3	3	3
	49	Light Equipment Sales/Rental	3	3	3
	50	RV and Bot Storage	3	3	3

Some degree of **Commercial Uses** are permitted in non-residential and even some residential zoning districts. The CS zoning district permits a broad range of uses including some residential uses and all but the most intensive industrial uses listed in the Development Code. With the exception of Truck Stops, all *Vehicle Sales and Service* uses are permitted in both the IL and IG Districts. The IL District allows some *Eating and Drinking* Uses as well as *Hotel, Motel and Extended Stay* uses that are not permitted in the IG District.

Use Comparison Table

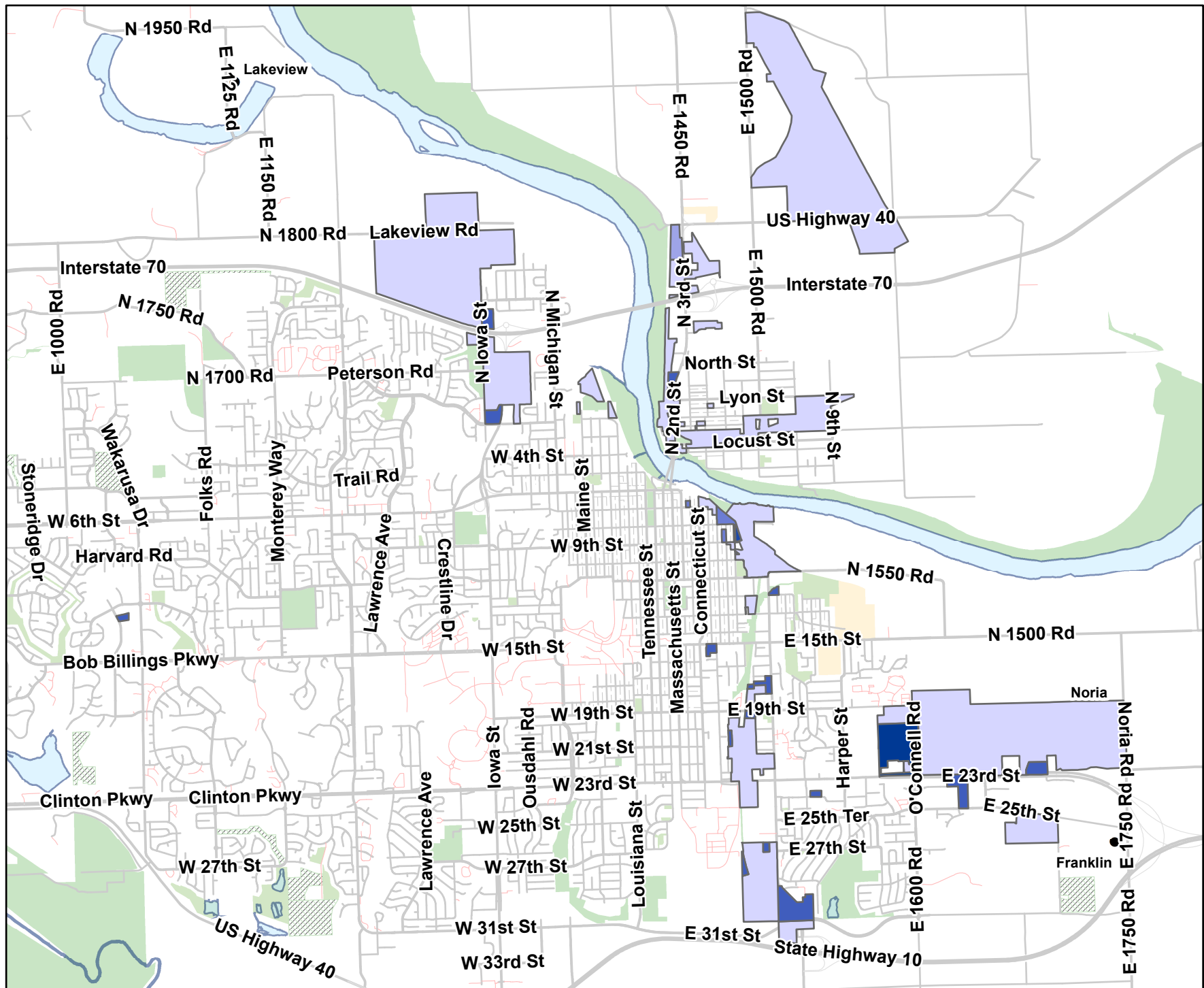
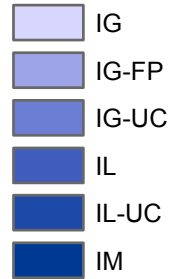
Use Group		Industrial	IL	IG	CS
Industrial Facilities	1	Explosive Storage	0	3	0
	2	Industrial, General	3	3	0
	3	Industrial, Intensive	0	3	0
	4	Laundry Service	3	3	3
	5	Maker Space, Limited	3	3	3
	6	Maker Space, Intensive	3	3	2
	7	Manufacturing & Production, Limited	3	3	2
	8	Manufacturing & Production, Tech	3	3	3
	9	Research Services	3	3	3
	10	Scrap and Salvage	2	2	0
Wholesale, Storage & Distribution	11	Exterior Storage	1	1	1
	12	Heavy	2	3	2
	13	Light	3	3	3
	14	Mini-Warehouse	3	3	3

Use Group		Other Uses	IL	IG	CS
Adaptive Reuse	1	Designated Historic	2	2	2
	2	<i>Greek Housing (Only permitted in RMG)</i>	0	0	0
Urban Agricultural	3	Ag. Crop	3	3	3
	4	Ag, Large Animal	0	0	0
	5	Ag. Small Animal	1	1	1
	6	Farmers Market	3	2	3
	7	On-Site Ag. Sales	1	1	1
	8	Urban Farm	3	3	0
Communications Facilities	9	Amateur and Receive- only Antennas	1	1	1
	10	Broadcasting Tower	3	3	0
	11	Communications Service	3	3	3
	12	Wireless Facility- Antenna	1	1	1
	13	Wireless Support Structure	2	2	2
	14	Satellite Dish	1	1	1
Mining	15	Mining	0	2	0
Recycling	16	Large Collection	3	3	3
	17	Small Collection	3	3	3
	18	Processing Center	2	2	0



Z-17-00534

Industrial Zones

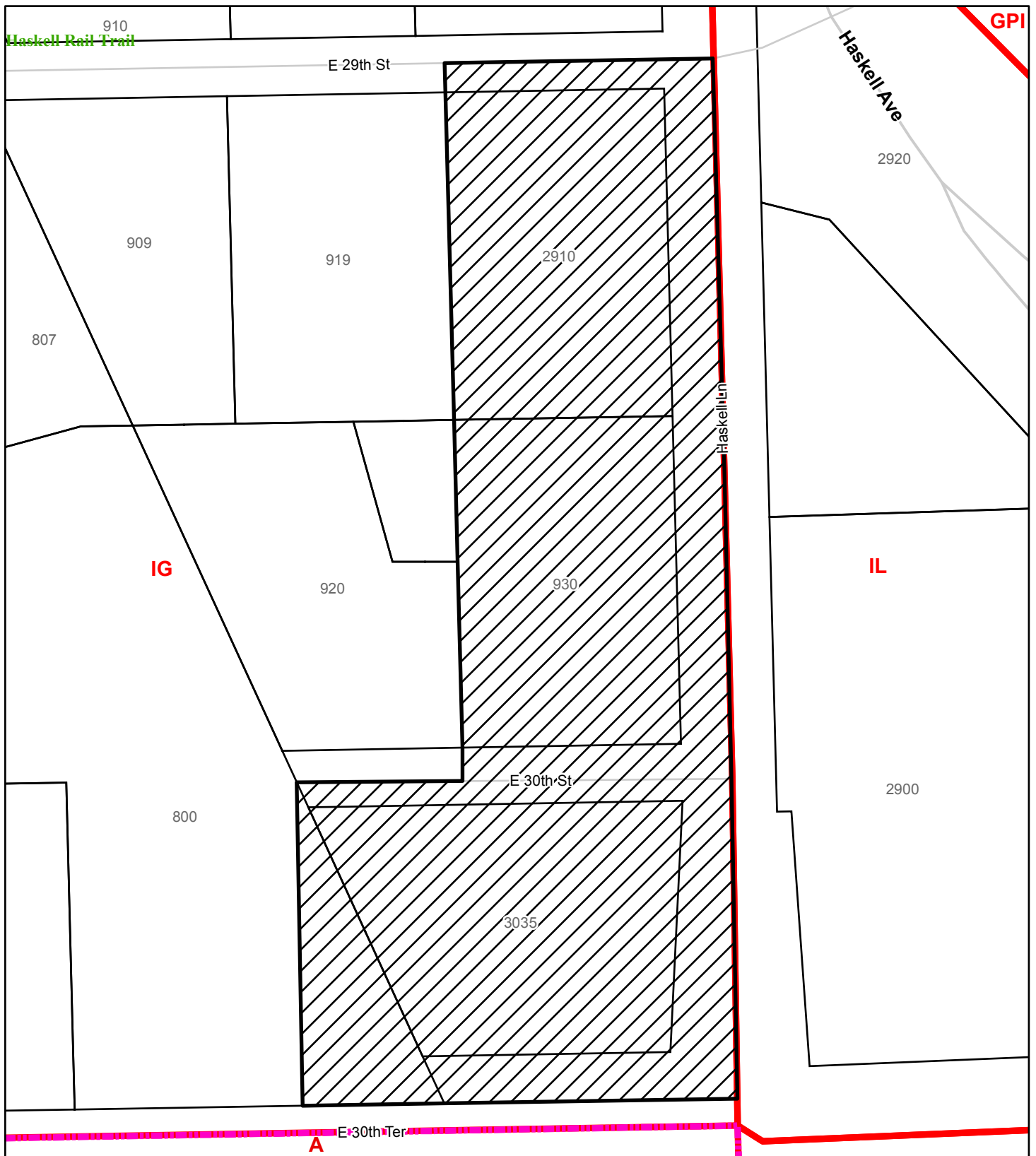


City of Lawrence
PLANNING & DEVELOPMENT SERVICES

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Industrial Zoned Districts Fact Sheet						
District	# of Parcels	Total Acreage	Built Parcels	Vacant Parcels	Built Parcel total Acreage	Vacant Lot Total Acreage
IG	376	1789.357188	254	122	1327.35102	462.006168
IG-FP	1	11.999475	1	0	11.999475	0
IG-UC	8	4.814736	5	3	3.73936	1.075376
IG Total	385	1806.171399	260	125	1343.089855	463.081544
IL	51	79.172218	38	13	39.604836	39.567382
IL-UC	1	1.872615	1	0	1.872615	0
IL Total	52	81.044833	39	13	41.477451	39.567382
IM	9	47.066619	2	7	7.947606	39.119013
IM Total	9	47.066619	2	7	7.947606	39.119013



Z-17-00534: Request to rezone approximately 8.745 acres from IG (General Industrial) District to IL (Limited Industrial) District, located northwest of the intersection of 31st & Haskell Ln, 800 E 30th st, 3035 Haskell Ln, 930 E30th st, 2910 Haskell Ln





Eagle Trailer Co., Inc.

920 East 30th Street

Lawrence, KS 66046

1-785-841-3200

November 9, 2017

Sandra Day, AICP
City of Lawrence
Planning and Development Services
6 East 6th Street,
Lawrence, KS 66044

RE: Z-17-00534

Dear Sandy,

Lisa and I would like to express the concern we have about the above referenced zoning request and its potential effect on our company, Eagle Trailer Co., located at 920 East 30th Street.

The proposed change to the zoning and the potential for development could negatively affect the business' value and well as restrict access to the property. The concept development plan and the project summary both refer to vacating Haskell Lane and possibly 30th Street. These are the only access to our property and any replacement would need to provide adequate access to semi-trucks as well as our average customer which would be pulling a trailer.

We have recently dealt with restricted traffic to our property during the construction/closing of Haskell Avenue and 31st Street. This made it challenging for the companies that delivered materials and the customers trying to find us. It had a profound effect on the business that we do not want repeated.

Sincerely,

Kevin Fredrickson

President

Eagle Trailer Co.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
11/15/17

ITEM NO. 3 **UR TO RMO; 2.5 ACRES; 5275 W. 6th Street (KEW)**

Z-17-0071: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential Office) District, located at 5275 W. 6th Street. Submitted by Allen Belot Architect, on behalf of Beckmeisters LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential Office) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

Applicant's Response:

"The new purchasers of this property have an established business in the community offering care services for seniors needing more intensive care. They would like to develop this property with a variety of multi-family buildings for the more independent senior population and use their existing resources from the more dependent services operation to manage this development upon completion."

KEY POINTS

- The property is located at the southeast corner of W. 6th Street and Queens Road and is currently zoned UR (Urban Reserve) District.
- Rezoning requires submittal of a Concept Plan with the rezoning application. (attached)
- The maximum density for the proposed RMO (Multi-Dwelling Residential Office) District is 22 dwelling units per acre.
- The property was annexed in 2001 under Ordinance 7404.
- The property has been zoned UR (Urban Reserve) District since 2006 with the adoption of the Land Development Code.
- The application will rezone the property from the Urban Reserve (District) which is a special purpose district for newly annexed land intended to prevent premature and inappropriate development in areas that may not yet be adequately served by infrastructure and into a conventional zoning district that conforms with Area Plans.
- The proposed rezoning will allow development consistent with the area and fit within the goals of the comprehensive plan and the current Land Development Code.

ASSOCIATED CASES

Ordinance 7404 – Annexation of the property in 2001.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submission and approvals of Preliminary and Final Plats and a Site Plan.

- Submittal and approval of Public Improvement Plans for utility/infrastructure extensions.
- Application and release of building permits prior to development.

PUBLIC COMMENT

Phone Call, in person and email correspondence with Concerned Citizen regarding the rezoning. Forwarded all application materials and submitted concept plan. Items of concern include:

1. Distances to property lines and setbacks.
2. Retaining trees on the property and landscaping plan.
3. More detailed plan with legend.
4. Questions regarding HOA easement regarding fence maintenance.
5. Locations and regulations regarding garbage collection.
6. Lighting.
7. Waterline, sanitary line and easement locations.

These are all items that are addressed through the Platting and Site Plan review processes. There is opportunity for public comment during the process.

Project Summary

The project proposal is to rezone the UR (Urban Reserve) District to the RMO (Multi-Family Residential Office) District to accommodate a future development that includes the combination of duplexes, triplexes and four-plexes for moderate priced independent senior living. The primary purpose of the RMO (Multi-Family Residential Office) District is to accommodate Mixed Use development of low and moderate-intensity Administrative and Professional Offices that are compatible with the character of medium- and high-density residential neighborhoods. The District is also intended to be used as a transitional zoning district between higher-intensity commercial areas and residential neighborhoods. The district allows Residential uses and Administrative and Professional Office uses, which may be combined.

RMO (Multi-Dwelling Residential Office) District is generally appropriate along Collector or Arterial Streets. West 6th Street is classified as a major arterial street.

The request complies with the Comprehensive Plan land use projections in the area. The area remains residential and the maximum density of 22 dwelling units per acre.

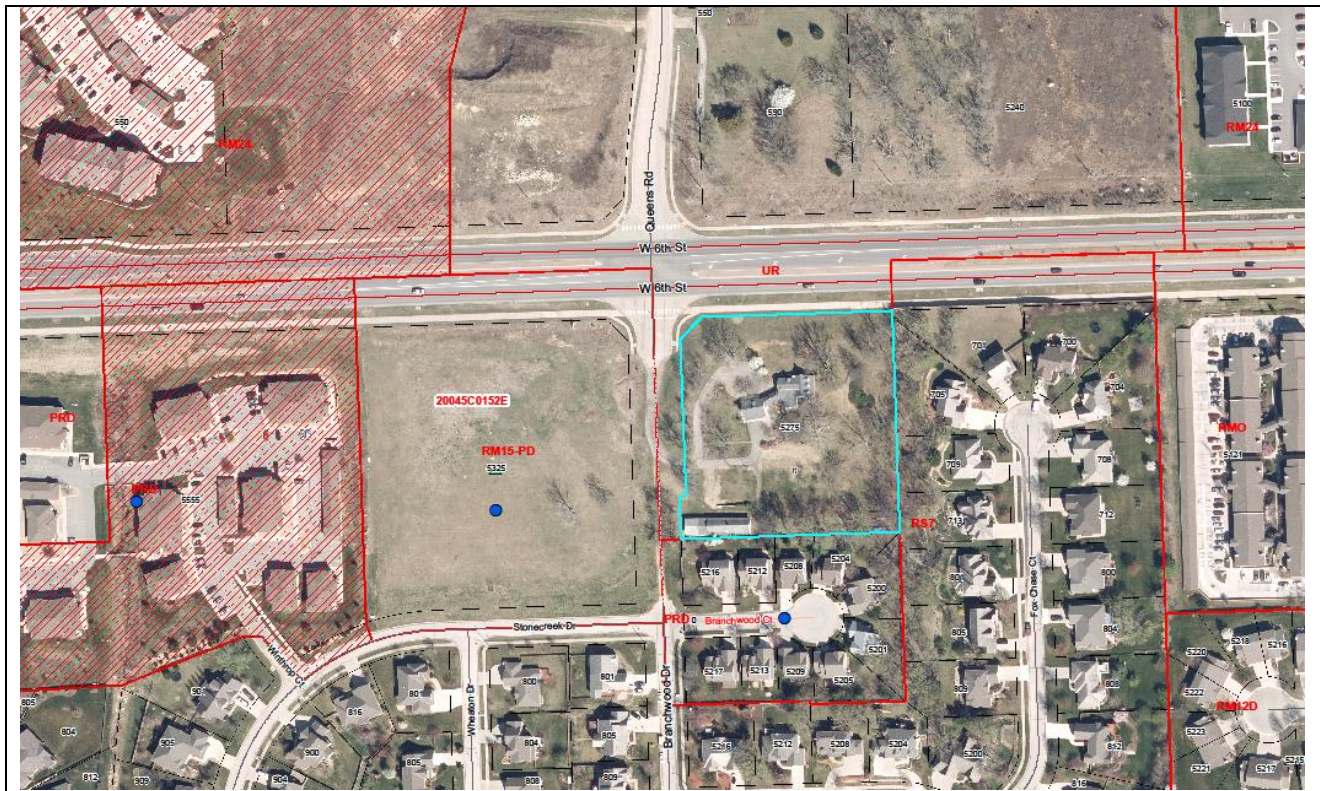


Figure 1. Zoning and land use in the area. Subject property is outlined.

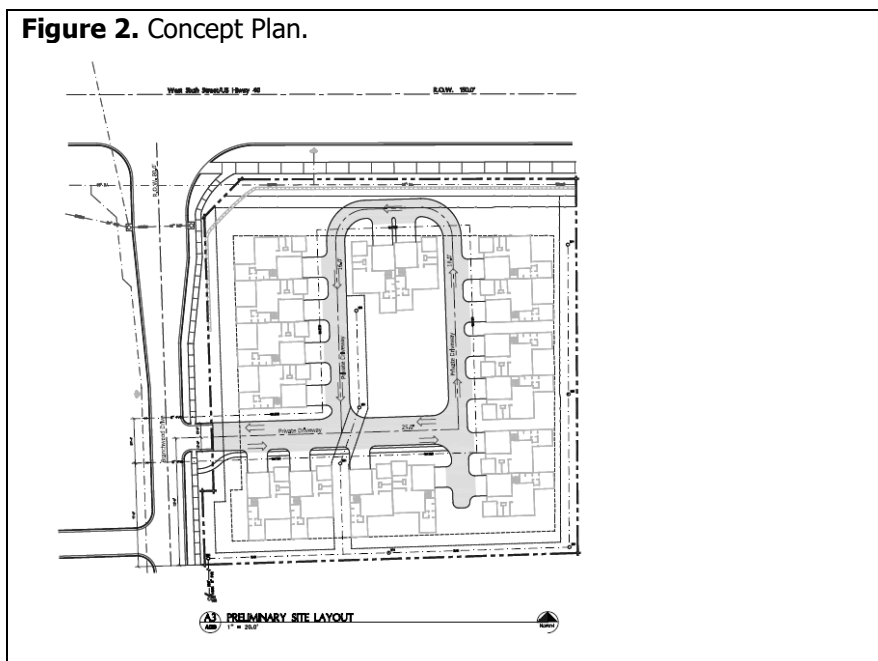
Per Code, prior to development the property must be platted and have an approved Site Plan. This parcel is currently un-platted and rezoning is the first step in the development process. A concept plan for the proposed use related to this rezoning request proposes multi-family structures. Section 20-517 outlines standards for development in the RMO (Multi-Family Residential Office) District. The multi-family units will need to be part of a mixed use development. (Figure 2)

REVIEW & DECISION- MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's response:
*"West 6th Street corridor
 West of Wakarusa
 Drive. The
 Comprehensive Plan
 recommends for this
 corridor to be developed
 as Medium to High
 Density Residential, and
 in fact, most to the
 surrounding properties
 have been developed in*

Figure 2. Concept Plan.



accordance with this recommendation."

Staff Finding – The proposed rezoning does not change the overall character of development in the area and the request is in conformance with the residential land use recommendations in the Comprehensive Plan.

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

Current Zoning and Land Use: UR (Urban Reserve) District; *Existing Single-Dwelling Residential as annexed into the City in 2001.*

Surrounding Zoning and Land Use: To the west: RM15-PD (Multi-Dwelling Residential) with a Planned Development Overlay District; *developed with medium density apartments and units in the Village Cooperative project under construction.*

To the south: PRD (Planned Residential Development) District; *developed with Single-Dwelling detached homes.*

To the east: RS7 (Single Dwelling Residential) District; *developed with Single-Dwelling detached homes.*

To the northwest and northeast: RM24 (Multi-Dwelling Residential) District; *developed with high density apartments.*

To the north: UR (Urban Reserve) District; *Undeveloped.*

The property is currently zoned UR (Urban Reserve) District. A rezoning to the RMO (Multi-Dwelling Residential Office) District is requested to zone the parcel to a compatible zoning district for the area. Adjacent zoning to the west is RM15-PD (Multi-Dwelling Residential District) which is currently being developed with medium density apartments. Nearby zoning to the northwest and northeast is RM24 (Multi-Dwelling Residential) District and developed as high density apartments. North of the subject property is also zoned UR (Urban Reserve) District and the remaining surrounding zoning is RS7 (Single Dwelling Residential) District and PRD (Planned Residential Development) District and developed as single-dwelling homes. The compatibility of any specific development proposal will be evaluated through the Plat and Site Plan process.

Staff Finding – The subject property is adjacent to properties zoned for low, medium and high density residential uses. The Urban Reserve zoned properties are currently un-platted and undeveloped or developed as a Single-Dwelling use as they were when annexed into the city. The proposed rezoning is compatible with the zoning and land uses, existing and approved, in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"North: Urban Reserve undeveloped

Northwest & Northeast: RM24 high density apartments, developed

East: RS7 single family detached, developed

South: PRD single family detached, developed

West: RM15-PD high density apartments, developed

This property is located at the corner of an arterial/collector street intersection. The surrounding area is currently developed as a neighborhood with a mix of multi-dwelling and Single-Dwelling Residences. The parcels immediately north remain undeveloped.

Staff Finding – This property is located at an undeveloped intersection designated for medium to high density residential uses. Multi-dwelling and Single-Dwelling residences are located around the subject property. The proposed rezoning would result in a development that is compatible with the character of the area.

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

This property is not located within a specific neighborhood or sector plan area. *Horizon 2020* identifies parcels at the intersections of major streets as appropriate for medium density development as a transition to lower density parts of a neighborhood.

Staff Finding – The rezoning request is consistent with long term plans for the area. The RMO District permits medium density, housing types and office uses.

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

Applicant's response:

"Urban Reserve zoning is a special purpose base district primarily intended to provide suitable classification to land newly annexed into the City and is intended to prevent premature or inappropriate development that is not served by adequate infrastructure or community services. Since this property fronts on a major arterial, is served by all utilities, has a full selection of community services within walking distance and is almost completely surrounded on all sides and beyond with existing development, it no longer is in need of the protections afforded by the current zoning district classification."

Staff Finding – The property is not well suited to the uses to which it is restricted under the existing zoning regulations. The UR (Urban Reserve) District only permits crop agriculture and any lawful uses in existence immediately prior to annexation. The current property is developed with a Single-Dwelling structure. Without rezoning the property would be restricted to the Single-Dwelling Residential use or converted back to crop agriculture.

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

Applicant's Response:

"The property has not been vacant and has existed in this zoning district since the adoption of the current Land Development Code in July of 2006."

The property is developed with a Single-Dwelling structure and has been zoned UR since the adoption of the current Land Development Code. According to the Douglas County Appraiser's records, the home was built circa 1920 and several outbuildings were added in the 1980s.

Staff Finding – The area has development around the existing home. The proposed zoning is consistent with the Comprehensive Plan and the recommended development of the West 6th Street corridor west of Wakarusa Drive. The proposed rezoning is compatible with the density of the surrounding area.

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

Applicant's Response:

"There should not be any detrimental effect on surrounding single family properties already developed to the east and south because the RMO zoning requested is considered a Transitional Zoning District in the Land Development Code to act as buffer zoning to the high density residential developments to the west and northwest of this property."

Staff Finding – The RMO zoning is compatible with the nearby properties and recommendations in the Comprehensive Plan. The West 6th Street corridor west of the Wakarusa recommends this corridor be developed as Medium to High Density Residential. The rezoning would allow for a proposed use that would be similar to the nearby uses and should have no detrimental effect. Future development is subject to Preliminary and Final Plats and Site Plan approval.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response:

"The land would be seriously underutilized and out of character with the surrounding developments if this zoning application were not approved. On the other hand, were it to be approved it would allow this property to be developed compatibly with its surroundings and provide an appropriate buffer for the single family residences to the east and south."

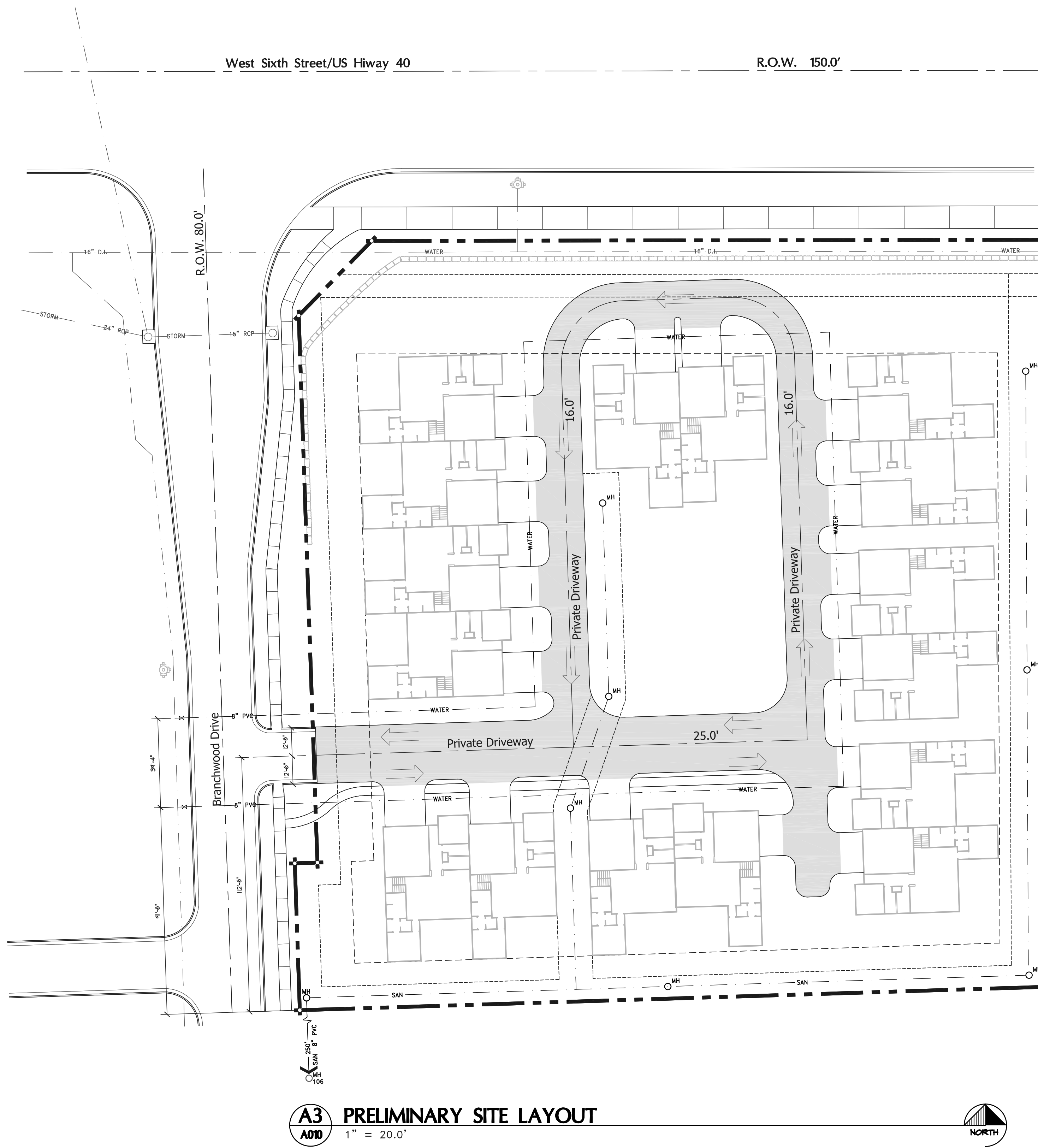
Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

The proposed rezoning is not creating an allowed use of the property in a manner that would be detrimental to public health, safety and welfare. The proposed rezoning allows the development of an infill parcel with a similar density to the surrounding area. The proposed development will be subject to plat and plan approvals to ensure the project is compatible with the Comprehensive Plan and recommended development pattern for the major arterial corridor.

Staff Finding - Approval of the rezoning request will allow multi-dwelling residential development similar in intensity and compatible with development in the surrounding area. The Land Development Code was adopted to encourage development in conventional zoning districts with increased landscape and bufferyard standards. There would be no gain to the public health, safety, and welfare through the denial of the rezoning request.

PROFESSIONAL STAFF RECOMMENDATION

The rezoning request is compliant with the Comprehensive Plan and the Golden Factors and would permit the development that will be compatible with surrounding development. Staff recommends approval of the rezoning request.




A3 PRELIMINARY SITE LAYOUT
1" = 20.0'



A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS:

POINT OF BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 33-12-19, THENCE EAST ALONG SAID SECTION LINE 329.92 FEET, THENCE SOUTH 1°57'55" EAST, 409.99 FEET, THENCE SOUTH 88°12'21" WEST, 360.00 FEET, THENCE NORTH 1°57'13"W ALONG THE CENTER LINE OF BRANCHWOOD DRIVE, 409.93 FEET TO SAID SECTION LINE. THENCE EAST 30 FEET TO POINT OF BEGINNING, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY KANSAS, CONTAINS 3.388 ACRES, MORE OR LESS.

For Review
Purposes
Only



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785-843-4670
allen@allenbelotarchitect.com

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Wilson Farm
5275 West Sixth Street
Lawrence, KS 66049

PROJECT # 1718
DATE: 02NOV17
DRAWN BY:
CHECKED BY:
REVISIONS:

**PRELIMINARY
SITE
LAYOUT**

Sheet
A010
of Sheets

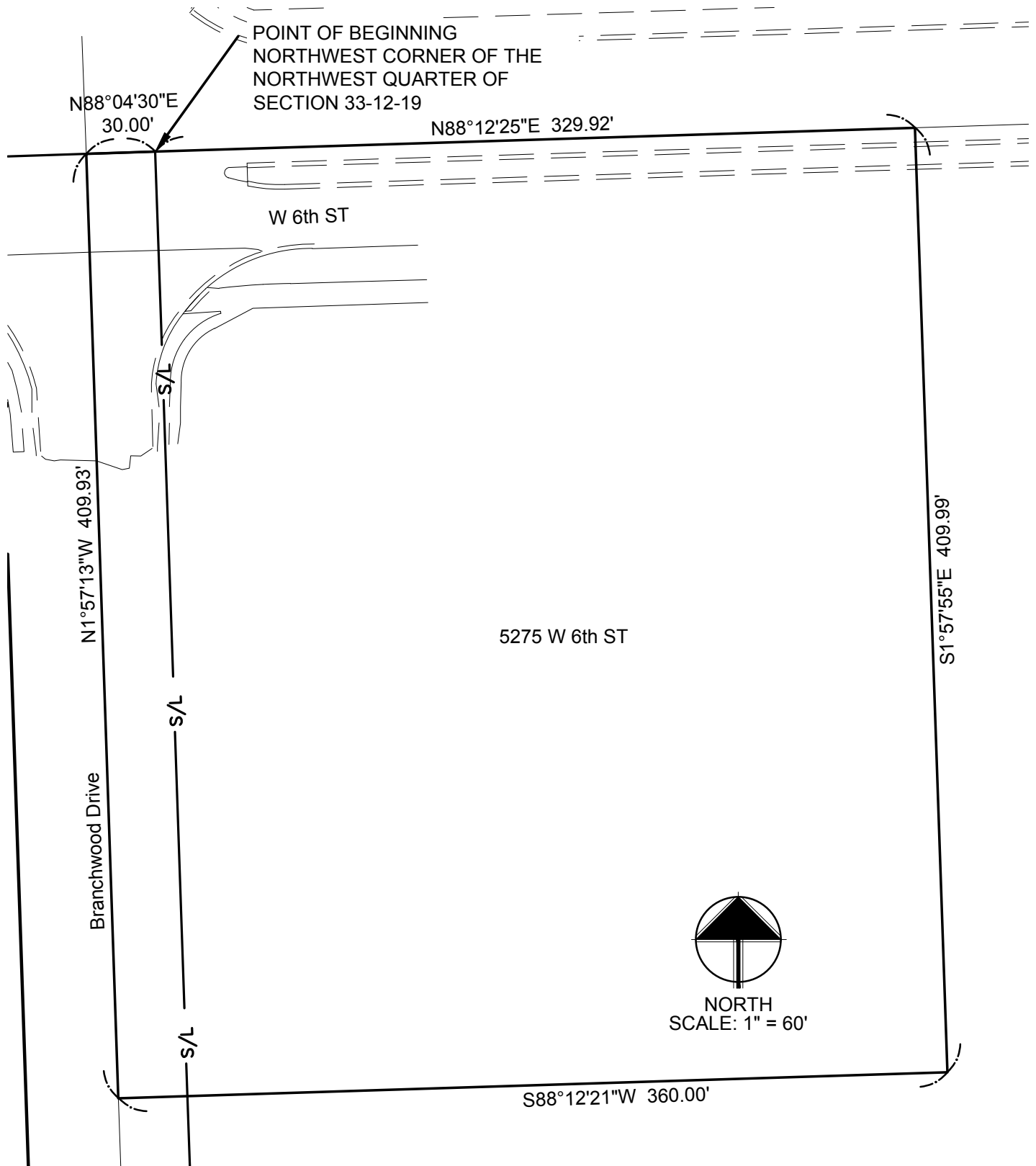


Exhibit for

5275 W 6th ST

Lawrence, Kansas



**LANDPLAN
ENGINEERING** PA

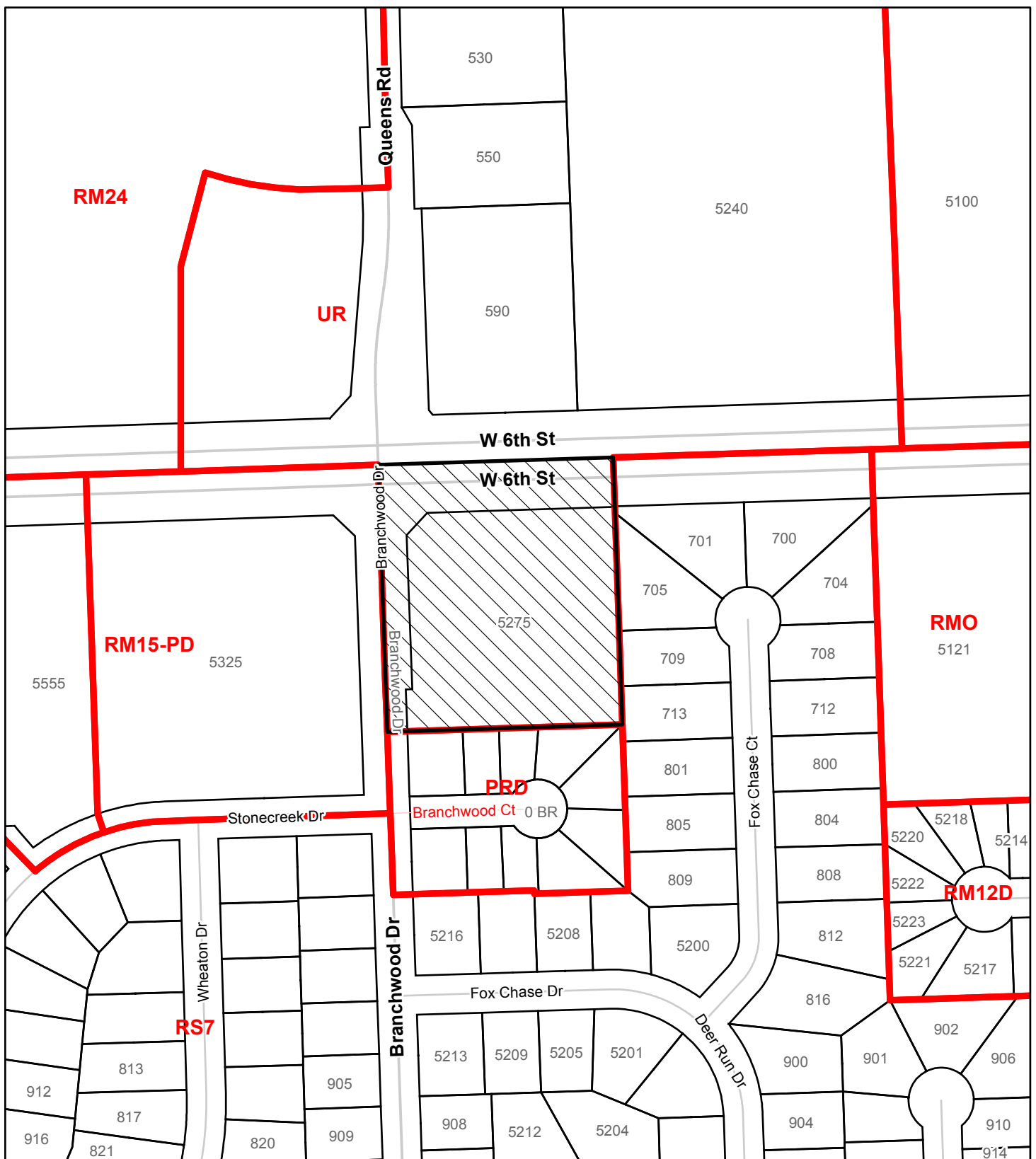
Lawrence, KS • Kansas City, MO • The Woodlands, TX

1310 Wakarusa Drive, Suite 100

Lawrence, Kansas 66049

785.843.7530(p) | 785.843.2410(f)

info@landplan-pa.com | www.landplan-pa.com



Z-17-00471: Request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential-Office) District, located at 5275 W 6th St



-----Original Message-----

From: Thomas [<mailto:carlson@sunflower.com>]

Sent: Thursday, November 09, 2017 3:21 PM

To: Katherine Weik <kweik@lawrenceks.org>

Subject: Rezoning 5275 6th St.

Katherine,

I have only one response from our HOA, see below. Some others have voiced support for my list, but did not offer any other comments. If anything changes before Nov 15th, please let me know and I will alert others in the HOA.

Tom

* * * * *

It looks like there is a plan for 16 units. That seems like a very high density for a property that is approximately only 1/4 acre larger than our neighborhood. Like you we assume that the southern most construction will meet the City's requirements for set backs from adjacent property lines.

Is the age limit still 62+ years? Most seniors prefer living on one level. Will the units be 1 story, 2 story, or a mix. Will there be an income level to meet the City's desire for more affordable housing? Will the lower income units back up to 6th Street or our property line?

Has the developer/contractor built similar neighborhoods elsewhere? If so, do they have exterior construction / elevation renderings available? If not, does the new, local owner & contractor have architectural renderings of the final plan?

Trees:

- 1) Are all trees along our fence line going to be removed?
- 2) If all trees are going to be removed, what is the developer's plan for landscaping around their neighborhood, and our adjoining properties, that would enhance our view of their property?

Fence:

- 1) Will our fence be the common fence between the properties? If so, the developer should help pay for a new fence and future maintenance and repair.

BOTTOM LINE: WE WANT GOOD NEIGHBORS WHO WILL PROVIDE AN ATTRACTIVE ADDITION TO THE NEIGHBORHOOD AND NOT LOWER OUR PROPERTY VALUES.

2018
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MEETINGS AND SUBMITTAL DEADLINES

Submittal Deadline Monday 3PM <small>*Tuesdays</small>	Planning Commission Meetings 6:30 PM		City Commission Meetings Tuesdays **		County Commission Meetings Wednesdays **	
	Monday	& Wednesday				
Nov 20	Jan 22	Jan 24	Feb 6	Feb 20	Feb 7	Feb 14
Dec 18	--	Feb 21	Mar 6	Mar 20	Mar 7	Mar 14
Jan 22	Mar 26	Mar 28	Apr 17	May 7	Mar 25	Apr 4
Feb 20*	Apr 23	Apr 25	May 15	June 5	May 9	May 16
Mar 19	May 21	May 23	Jun 5	Jun 19	Jun 6	Jun 13
Apr 23	Jun 25	Jun 27	Jul 17	Aug 7	Jul 11	Jul 18
May 21	Jul 23	Jul 25	Aug 7	Aug 21	Aug 8	Aug 15
Jun 18	Aug 20	Aug 22	Sep 4	Sep 18	Sep 5	Sep 12
Jul 23	Sep 24	Sep 26	Oct 16	Nov 6	Oct 10	Oct 17
Aug 20	Oct 22	Oct 24	Nov 6	Nov 20	Nov 7	Nov 14
Sep 10	Nov 12	Nov 14	Dec 4	Dec 18	Nov 28	Dec 5
Oct 15	Dec 17	Dec 19	Jan 15, 2019	Feb 5, 2019	Jan 2, 2019	Jan 9, 2019
Nov 19	Jan 21, 2019	Jan 23, 2019	Feb 5, 2019	Feb 19, 2019	Feb 6, 2019	Feb 13, 2019
Dec 17	--	Feb 20, 2019	Mar 5, 2019	Mar 19, 2019	Mar 6, 2019	Mar 13, 2019

	Complete applications submitted by the deadline day will be <i>tentatively</i> placed on the agenda as shown. More complex projects may take additional time. Deficiencies in submitted plans will be discussed at the applicant's review meeting and revised plans must be submitted by the deadline established by project planner to remain on the scheduled agenda.
	Deadlines pertain to submittal of completed applications including fees, property owner list, plan and electronic copies. Extensions will not be granted. Deadlines are on Tuesdays if the designated Monday is a holiday.
**	Public Hearing items which have 14 day protest period will not be forwarded to Governing Body prior to dates listed and contingent upon PC meeting minutes preparation. Governing Body dates subject to change.
Written Communications	Written communications must be received by the Planning Office by 10:00AM on the Monday of the week in which the Planning Commission meeting is scheduled. If the designated Monday is a holiday, then written communications must be received by 10:00am on the Tuesday of the week in which the Planning Commission meeting is scheduled.
Deferred Items	<i>New information or revised plans for deferred items must be submitted to the Planning Office for review by the submittal deadline dates established above to be place on a future PC meeting agenda.</i>
Meeting Locations	The Planning Commission and City Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets. The Board of County Commissioners meetings are on the 2 nd floor of the County Courthouse located on the southeast corner of 11 th & Massachusetts Streets.

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