



Updated:

11/14/18 @ 11:45am

Added Items Misc 1, Misc 2, Misc 3

11/12/18 @ 11:30am

Added communication for Item 1 - Comprehensive Plan 2040

11/9/18 @ 4:30pm

Added the following items:

Item 5A - Comprehensive Plan Amendment to H2020, Chp 6

Item 5B - Rezoning 2110, 2120, 2130 Exchange Ct

11/8/18 @ 4:15pm

Added Item 6 - Rezoning 1314 Research Park Drive

11/7/18 @ 4:30pm

The following items will be added when available:

Item 5A - Comprehensive Plan Amendment to H2020, Chp 6

Item 5B - Rezoning 2110, 2120, 2130 Exchange Ct

Item 6 - Rezoning 1314 Research Park Drive

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
MONDAY & WEDNESDAY, NOVEMBER 12 & 14, 2018 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 September 26, 2018.

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.
- f) General public comment.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION
REGULAR AGENDA (NOVEMBER 12, 2018) MEETING

PUBLIC HEARING ITEM:

ITEM NO. 1 COMPREHENSIVE PLAN 2040

Discussion regarding the Comprehensive Plan 2040 for unincorporated Douglas County and the city of Lawrence.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Recess until 6:30pm on November 14, 2018

BEGIN PUBLIC HEARING (NOVEMBER 14, 2018):

COMMUNICATIONS

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

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION REGULAR AGENDA (NOVEMBER 14, 2018) MEETING

NON-PUBLIC HEARING ITEM:

ITEM NO. 2 PRELIMINARY PLAT FOR HERITAGE TRACTOR; 1110 E 23RD ST (MKM)

PP-18-00440: Consider a Preliminary Plat for Heritage Tractor, a one-lot commercial subdivision of approximately 3.58 acres located at 1110 E 23rd St. Submitted by Davidson Architecture & Engineering on behalf of Muth Properties LLC, property owner of record.

PUBLIC HEARING ITEMS:

ITEM NO. 3 TEXT AMENDMENT TO CITY OF LAWRENCE CODE; SYNTHETIC TURF (BJP)

TA-18-00466: Consider a Text Amendment to the City of Lawrence Code, Chapter 18 & 20, regarding the use of synthetic turf. *Initiated by City Commission on 10/16/18.*

ITEM NO. 4 CONDITIONAL USE PERMIT FOR TOP SOIL REMOVAL & LANDFILL; NE CORNER OF E 1600 RD & N 1250 RD (MKM)

CUP-18-00432: Consider a Conditional Use Permit for *Top Soil Removal* and *Landfill* (clean rubble) on approximately 44.88 acres located at the NE Corner of E 1600 Rd & N 1250 Rd. Submitted by RD Johnson Excavating Company LLC, property owner of record.

ITEM NO. 5A COMPREHENSIVE PLAN AMENDMENT TO H2020, CHAPTER 6, COMMERCIAL LAND USE (SLD)

CPA-18-00365: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapter 6, Commercial Land Use, and to Chapter 14 Specific Plans, to amend the Southeast Area Plan to include the southeast corner of the intersection of E. 23rd Street and O'Connell Road related to development located at 2110, 2120 & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

ITEM NO. 5B REZONING 4.31 ACRES FROM CO TO CC200; 2110, 2120, 2130 EXCHANGE CT (SLD)

Z-18-00364: Consider a request to rezone approximately 4.31 acres from CO (Office Commercial) District to CC200 (Community Commercial) District excluding and prohibiting specific uses within the CC200 District, located at 2110, 2120 & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

ITEM NO. 6 REZONING 1.6 ACRES FROM IL TO IBP; 1314 RESEARCH PARK DR (SLD)

Z-18-00481: Consider rezoning approximately 1.6 acres from IL (Limited Industrial) District to IBP (Industrial/Business Park) District, located at 1314 Research Park Drive. *Initiated by City Commission on 11/6/18.*

****DEFERRED****

~~ITEM NO. 7~~ ~~TEXT AMENDMENT TO LAND DEVELOPMENT CODE; CONDITIONAL ZONING (SLD)~~

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

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 2018 PLANNING COMMISSION MEETING CALENDAR

Receive revised 2018 Planning Commission meeting dates and submittal calendar.

MISC NO. 2 2019 PLANNING COMMISSION MEETING CALENDAR

Review and consider adopting the 2019 Planning Commission meeting dates and submittal calendar.

MISC NO. 3 RESOLUTION REGARDING ETHICS POLICY

Receive Resolution No. 7269, adopted by City Commission on 11/6/18. The resolution is an updated ethics policy which applies to City employees, elected officials, and appointed officials, including advisory board members.

ADJOURN

CALENDAR

October 2018						
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 2018						
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 2018						
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)

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

2018
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 10	Strategic Plan	Affordable Housing Update	Jan 22	Jan 24
Feb 7	Annexation Process		--	Feb 21
Mar 14	Bufferyard & Sensitive Land Code Standards		Mar 26	Mar 28
Apr 11	Cancelled		Apr 23	Apr 25
May 9	Community Design Manual & Design Guidelines		May 21	May 23
Jun 13	Residential Lot Inventory		Jun 25	Jun 27
Jul 11	Cancelled		Jul 23	Jul 25
Aug 8	Conditional Zoning		Aug 20	Aug 22
Sep 12	Downtown Master Plan Scope	Housing Study	Sep 24	Sep 26
Oct 19 *Friday	PC Orientation – all day		Oct 22	Oct 24
Nov 7	Cancelled		Nov 12	Nov 14
Dec 5	Cancelled		Dec 17	Dec 19
	Suggested topics for future meetings: Affordable Housing New County Zoning Codes Water Resources		Retail Market Bus Tour – Development Patterns Native Prairie Visit/Tour	
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 11/7/18

2018 PLANNING COMMISSION ATTENDANCE													
	Jan 24 2018	Feb 21 2018	Mar 28 2018	April 23 2018	April 25 2018	May 23 2018	June 27 2018	July 25 2018	August 22 2018	Sept 26 2018	Oct 24 2018	Nov 12 2018	Nov 14 2018
Butler	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-		
Carttar							Yes	Yes	Yes	Yes	-		
Carpenter	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-		
Culver	Yes	Yes	Yes	Yes	Yes	Yes							
Kelly	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	-		
Paden	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-		
Sands	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	-		
Sinclair	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-		
Struckhoff	Yes	Yes	Yes	No*	Yes	Yes	Yes	Yes	Yes	Yes	-		
Weaver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	-		
Willey	Yes	Yes	Yes	No*	Yes	Yes	Yes	No	Yes	Yes	-		
			*APA Conf										
2018 MID-MONTH ATTENDANCE													
	Jan 10 2018	Feb 7 2018	Mar 14 2018	April 11 2018	May 9 2018	June 13 2018	July 11 2018	Aug 8 2018	Sept 12 2018	Oct 19 2018	Nov 7 2018		
Butler	Yes	Yes	Yes	-	No	Yes	-	Yes	Yes	Yes	-		
Carttar						No	-	Yes	Yes	Yes	-		
Carpenter	Yes	Yes	Yes	-	Yes	Yes	-	Yes	Yes	Yes	-		
Culver	Yes	Yes	Yes	-	Yes								
Kelly	Yes	Yes	Yes	-	Yes	Yes	-	Yes	Yes	Yes	-		
Paden	Yes	Yes	Yes	-	Yes	No	-	Yes	Yes	Yes	-		
Sands	Yes	Yes	Yes	-	No	Yes	-	No	Yes	Yes	-		
Sinclair	Yes	No	Yes	-	Yes	No	-	Yes	Yes	Yes	-		
Struckhoff	Yes	Yes	Yes	-	Yes	Yes	-	Yes	Yes	Yes	-		
Weaver	Yes	Yes	No	-	Yes	Yes	-	Yes	Yes	Yes	-		
Willey	Yes	Yes	Yes	-	Yes	Yes	-	Yes	Yes	Yes	-		



PLANNING COMMISSION MEETING
September 26, 2018
Meeting Action Summary

September 26, 2018 – 6:30 p.m.

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

Staff present: McCullough, Crick, Day, Ewert, M. Miller, Pepper

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of August 22, 2018.

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve the action summary (minutes) from the Planning Commission meeting of August 22, 2018.

Motion carried 8-0-1, with Commissioner Kelly abstaining. Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Willey voted in the affirmative.

COMMITTEE REPORTS

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

Commissioner Struckhoff said the Metropolitan Planning Organization (MPO) Policy Board met and approved a slight change in the Unified Planning Work Program.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

GENERAL PUBLIC COMMENT

No general public comment.

PC Minutes 9/26/18

ITEM NO. 1 REZONING .150 ACRE FROM CS TO RS5; 829 MISSISSIPPI (BJP)

Z-18-00355: Consider a request to rezone approximately .150 acre from CS (Commercial Strip) District to RS5 (Single-Dwelling Residential) District, located at 829 Mississippi St. Submitted by Homes with Heart LLC, property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Ms. Bonita Yoder was present for questioning.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Kelly inquired about the lot line and distance between houses.

Ms. Pepper said the standard interior side setback would be 5'. She said the setback could be less on one side if the other side exceeded the 5' setback. She said bay windows could be included in the setback.

Commissioner Sands asked if this would require the property line be changed after the rezoning.

Ms. Pepper said RS5 zoning would be an administrative change.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Paden, to approve the request to rezone approximately 0.150 acres, from (Commercial Strip) District to RS5 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Willey said it was a good fit and solved a problem in the neighborhood.

Unanimously approved 9-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, and Willey vote in favor.

PC Minutes 9/26/18

ITEM NO. 2 SPECIAL USE PERMIT FOR LAWRENCE MEMORIAL HOSPITAL; 325 MAINE ST (SLD)

SUP-18-00363: Consider a Special Use Permit/Institutional Development Plan revision for the Lawrence Memorial Hospital for a 6,924 square foot Sterile Processing & Distribution Addition on the east side of the hospital building, located at 325 Maine St. Submitted by Landplan Engineering on behalf of Lawrence Memorial Hospital, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. C.L. Maurer, Landplan Engineering, agreed with staff and was present for questioning.

PUBLIC COMMENT

Mr. Ernest Richardson, 215 Arkansas, said there was not adequate parking around the hospital.

COMMISSION DISCUSSION

Commissioner Kelly asked Mr. Richardson if parking was limited on certain days.

Mr. Richardson said parking was limited on Tuesday, Wednesday, and Thursday. He said it was limited on Tuesday and Wednesday due to the imaging machine taking up 18 parking spaces.

Mr. Maurer said part of the addition would include the imaging machine so it would no longer take up parking spots. He said the imaging machine would be transferred to the east side near the surgery center.

Commissioner Willey asked how many parking spaces the imaging machine currently blocked.

Mr. Maurer said about 18-20 parking spaces.

Commissioner Willey asked Mr. Richardson his thoughts about the imaging machine no longer taking parking spaces.

Mr. Richardson said it was something he would have to wait and see. He asked where the construction workers would park vehicles and construction equipment during the construction process.

Mr. Bob Bosley, ACI Boland Architects, said contractors are required to park off-site.

Mr. Richardson said it would be nice if the construction could stage equipment and park at the nearby vacant school property.

Commissioner Paden inquired about the non-motorized access and connectivity with the Lawrence Loop. She wondered if a 6' wide sidewalk could be required.

Ms. Day said a study was completed and presented to City Commission but that there was still discussion about what the ultimate alignment would be. She said there seemed to be a preference to

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

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

take the loop further north than through the LMH property. She said putting the sidewalk in as proposed was the short term solution.

Commissioner Kelly inquired about the institutional plan.

Ms. Day said the institutional plan becomes the master plan and typically gets brought forward when there is a specific project. She said if this had been approved in 2017 the building addition would have been processed as a site plan.

Mr. McCullough said the idea of the institutional development plan is to lay out the plan that has the potential to develop over time. He stated those plans change over time. He said the hospital had been trying to balance the parking issue for years.

Commissioner Kelly asked the applicant about the parking.

Mr. Maurer said time and money has impacted the parking. He said some of the services would be moved to the new west campus location.

Commissioner Carpenter asked how high the new addition would be.

Mr. Bosley said single story.

Commissioner Carpenter said he did not see the parking getting better for the neighborhood.

Commissioner Sands inquired about the Lawrence Loop connection crossing the hospital property and why it was mentioned in the staff report.

Ms. Day said the project still reserved space for the Loop to go through there if that was the ultimate alignment.

Commissioner Willey said she valued the community hospital and recognized they have many moving parts. She hoped the west campus would help reduce parking strain on the main campus. She said the hospital was aware of the parking difficulties. She said she would vote in favor of the Special Use Permit.

Commissioner Sands said he was in favor of the Special Use Permit but wished there was a long-term solution to the parking issue.

Commissioner Kelly said the plan met the Code for hospital parking and that was the purview of Planning Commission.

Commissioner Struckhoff said he was generally in favor of the Special Use Permit. He said he was hesitant to approve additional parking at the site unless there was a study conducted of the employee driving behavior to the hospital. He felt the number of cars driving to the hospital should be reduced.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Sinclair, to approve a Special Use Permit, SUP-18-00363, for Lawrence Memorial Hospital, located at 325 Maine Street, and forwarding

the request to the City Commission with a recommendation of approval, subject to the following condition:

1. Prior to recording of the Institutional Development Plan with the Register of Deeds Office the applicant shall provide an exhibit/map (watershed map) indicating which table in the surface summary corresponds to the provided pervious/impervious table breakdown per the approved of the City Stormwater Engineer

Unanimously approved 9-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, and Willey vote in favor.

DRAFT

PC Minutes 9/26/18

**ITEM NO. 3A COMPREHENSIVE PLAN AMENDMENT TO H2020, CHAPTER 6,
COMMERCIAL LAND USE (SLD)**

CPA-18-00365: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapter 6, Commercial Land Use, related to development located at 2110, 2120 & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

**ITEM NO. 3B REZONING 4.31 ACRES FROM CO TO CC200; 2110, 2120, 2130
EXCHANGE CT (SLD)**

Z-18-00364: Consider a request to rezone approximately 4.31 acres from CO (Office Commercial) District to CC200 (Community Commercial) District, located at 2110, 2120 & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

Items 3A-3B were deferred prior to the meeting.

PC Minutes 9/26/18

ITEM NO. 4 TEXT AMENDMENT TO ZONING REGULATIONS; RESIDENTIAL DEVELOPMENT PARCELS (MKM)

TA-18-00251: Text Amendment to the Zoning Regulations revising the frontage and width requirements for Residential Development Parcels which front on, and take access from, a principal arterial to allow the creation of two Residential Development Parcels with a minimum of 1,320 ft of frontage; provided they share an access point on the roadway. *Initiated by Planning Commission on 5/23/18.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Willey inquired about the property that prompted the text amendment. She said that applicant was wanting to divide land into two parcels with each having separate access. She said that scenario wouldn't fall under this text amendment.

Ms. Miller said it would still come to Planning Commission for the variance.

Commissioner Willey wondered how many applicants requested a certificate of survey but it wasn't allowed due to the requirement that the text amendment would change.

Ms. Miller said she hadn't kept track but that there had been quite a few requests of people looking to divide their land on a principal arterial with lots of acreage but not much frontage so they weren't able to divide at all.

Commissioner Willey asked about the number of parcels allowed if access was limited to only one access within ¼ mile.

Ms. Miller said only two Residential Development Parcels (RDP) no matter how many acres.

Commissioner Willey inquired about the difference between a shared driveway and shared access.

Ms. Miller said shared driveways were no longer allowed unless with a Cluster Certificate of Survey but were called a cross-access easement. She said in the rural area shared access could only occur in the right-of-way.

Commissioner Struckhoff asked if the shared access would be on the lot line between the two parcels.

Ms. Miller said yes, it would have to be on the lot line, or if the topography did not allow them to be on the lot line they would dedicate additional right-of-way.

Commissioner Kelly wondered how many people had been turned away and if there would be more applications to divide property with this change.

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

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

Ms. Miller said not all of the people who had inquired had the ¼ mile frontage. She said some of the property owners only had 200' of frontage. She said the only way they could do a certificate of survey that way would be with a variance and the county engineer would have to approve it. She said property with ¼ mile of frontage was limited.

Commissioner Kelly wondered if there would be more rural subdivisions because of this.

Ms. Miller said there may be some but that she did not expect a dramatic increase.

Commissioner Willey inquired about subdivisions outside of the urban growth area.

Ms. Miller said subdivisions were no longer allowed unless in the A-1 or R-1 zoning districts. She said cluster certificates of survey were allowed in the urban growth area.

Commissioner Willey inquired about how corner properties were figured.

Ms. Miller said a person owns to the center line of the road.

Commissioner Willey said as Planning Commission moves into discussions of the new comprehensive plan there will be conversations about what kind of growth they want to see in the rural areas and what Planning Commission's role will be. She did not want to make a change before Planning Commission had a chance to discuss it further. She did not want to create a hardship for people but felt this was not quite the time to change it.

Commissioner Struckhoff said the county engineer's comments about a maximum of two RDP's while maintaining access distance seemed alright and would probably be alright in a future discussion regarding the comprehensive plan.

Commissioner Kelly said his interpretation of the county engineer's comments was regarding safety but it may not take into account development patterns and planning. He said they may end up with more rural subdivisions than they intended. He said he would like to have more discussions during the comprehensive plan process.

Mr. McCullough said it was a great discussion to have about how much division they want in the unincorporated county, how a code amendment would impact that, and what controls growth in the unincorporated county. He said growth could be controlled with access restrictions and the number of RDP's. He said the comprehensive plan may not hit this topic at a deep level. He recommended continuing the discussion with a deferral.

Commissioner Willey said she would be comfortable with a deferral to gain more information.

Commissioner Carpenter wondered how the text amendment would impact rural growth and how the city expands.

Commissioner Carttar wondered about a demand analysis of what the drivers were for lot splits to understand what types of parcels were most at risk for this type of subdivision.

Ms. Miller said she could try and figure out where the parcels were located that physically could be divided. She said there were many reasons why people divide land.

Commissioner Willey said this would only be on principal arterials; county highways and county routes.

Commissioner Carpenter asked if there were any other roads that were anticipated to be designated as major arterial roads over the next 20 years.

Ms. Miller referenced the Douglas County future maps.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner Carpenter, to defer the text amendment to the November Planning Commission.

Motioned carried 9-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, and Willey voted in the affirmative.

PC Minutes 9/26/18

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 Chair's residence on Friday, October 12, 2018.
Start time of 6:30pm

Annual Planning Commission Orientation on Friday, October 19, 2018

ADJOURN 7:41pm

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](#)

PLAN 2040

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



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



[Steering Committee Draft Plan \(August 2018\)](#)



[Interactive Map Gallery](#)



[Issue Action Report](#)



[Comprehensive Plan Update Guide](#)



[Planning Commission Orientation Staff Presentation Video](#)



[Horizon 2020 Steering Committee Website](#)

From: JoAnn F <sepiaspirit@hotmail.com>
Sent: Sunday, November 4, 2018 5:02 PM
To: City Hall email <CityHallemail@lawrenceks.org>
Subject: Please IMPROVE Horizon 2040

To the Planning Commission:

I have some concerns about the new Horizon 2040 plan.

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

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

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

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

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

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

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

Thank you,
JoAnn Farb

November 5, 2018

Memorandum

To: Lawrence/Douglas County Metropolitan Planning Commission
From: Douglas County Heritage Conservation Council
Cathy Dwigans (Chair), Lindsay Crick (Vice-Chair), Michael Delaney, Shelley Hickman-Clark, Kimberly Mahanna-Bellemere, Julia Manglitz, Douglas McKean
Re: **Plan 2040: A Comprehensive Plan for Unincorporated Douglas County and the City of Lawrence**

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

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

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

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

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

Thank you for your consideration of these changes.

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

From: Thad Holcombe <tjholcombe@gmail.com>
Sent: Tuesday, November 6, 2018 4:23 PM
To: City Hall email <CityHallemail@lawrenceks.org>
Subject: Submission of Comments regarding 2040 Comprehensive Plan

To: Planning Commission

From: Thad Holcombe

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

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

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

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

HORIZON 2020 16-1 ENVIRONMENT

CHAPTER SIXTEEN - ENVIRONMENT

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

OVERVIEW

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

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

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

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

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

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

HORIZON 2020 16-11 ENVIRONMENT

LAND MANAGEMENT

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

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

Summary of Issues:

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

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

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

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

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

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

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

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

Goals and Policies:

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

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

Policy 2.2 Preserve and sustain woodlands within Douglas County.

a. The City and County shall partner with other agencies and institutions to inventory and map woodlands within the county. The inventory and map should identify the different types of woodlands ('high quality natural areas', woodlands which form, or could form, corridors or greenways and riparian woodlands) and provide a ranking system in priority order for protection.

a.1 Develop regulations and incentives that provide different levels of protection for the different types of woodlands.

a.2 Encourage environmentally sensitive site design practices which minimize the unnecessary physical and visual impacts upon the surrounding landscape caused by removal of woodlands.

a.3 Develop regulations and incentives for the protection, maintenance, and improvement of riparian woodlands which include an ordinance defining the stream setbacks and the activity which may occur in the riparian area.

a.4 Develop public outreach and educational programs to increase public awareness concerning the importance of woodlands.

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b. Protect and increase the urban forest in Lawrence.

b.1 The City shall conduct an inventory of the Urban Forest.

b.2 Adopt an Urban Forestry Master Plan and associated policies, programs, and incentives for the preservation and enhancement of Lawrence's urban forest on both public and private property, through development and zoning codes, emphasizing the use of trees appropriate to the climate of this region.

b.3 Adopt standards for tree care activities and the regulation of tree maintenance contractors that will prevent the serious damage that inappropriate pruning practices cause to Lawrence's trees. Partner with utility agencies regarding appropriate tree location and pruning practices.

b.4 Establish educational programs to foster public/community awareness of, support for, and contribution to Lawrence's urban forestry initiatives, which are directed at establishing the maximum urban tree canopy, maintaining it in a healthy condition and promoting its conservation.

Policy 2.3 Preserve and protect native prairie.

a. Partner with the Kansas Biological Survey, other agencies, and individuals to inventory and map the remaining native prairie remnants within Douglas County.

b. Develop regulations, planning guidelines, management techniques, and incentives for preserving native prairies. The native prairie should be preserved and used as parks and/or open space either through purchase or the use of conservation easements.

Policy 2.4 Preserve and protect natural habitats.

a. Identify and map areas of 'critical habitat', key habitats, and wildlife corridors, including areas that could link together to increase connectivity throughout the City and County.

b. Develop incentives to encourage on-site and off-site habitat connections and/or enhancement of natural areas as part of development projects.

c. Develop regulations that permit only low-impact development with environmentally sensitive design in areas of 'critical habitat'.

d. Increase awareness of the species and loss of habitat through educational and outreach programs.

e. Treat areas identified as key habitats as high priority areas for preservation and protection in the development of regulations, protection standards, and incentives.

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- f. Develop regulations and incentive programs for the protection and maintenance of wildlife corridors and key habitat areas.
- g. Regulate the placement of roads, trails and utilities with development or infrastructure projects to minimize creation of fragmented natural areas.
- h. Develop a program to encourage and incentivize the connectivity of natural areas whether they are on a particular development site or off-site.
- i. Develop a combination of educational programs, incentives, and development standards that recognize and promote sound management practices by private land owners to maintain the health of natural habitats on private property.

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

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

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

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

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

From: Pat Miller <urvilemiller@gmail.com>
Sent: Monday, November 5, 2018 7:54 PM
To: City Hall email <CityHallemail@lawrenceks.org>
Subject: Comments on Plan 2040

Lawrence/Douglas County Planning Office:

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

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

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

I hope you will consider these changes.

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

Sara L. Taliaferro

2145 New Hampshire Street, Lawrence, KS 66046 | 785-842-9754 | saratally.st@gmail.com

November 5, 2018

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

Dear Comprehensive Plan Committee Members:

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

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

Here follows some examples:

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

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

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

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

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

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

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

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

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

Most sincerely,

Sara L. Taliaferro

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

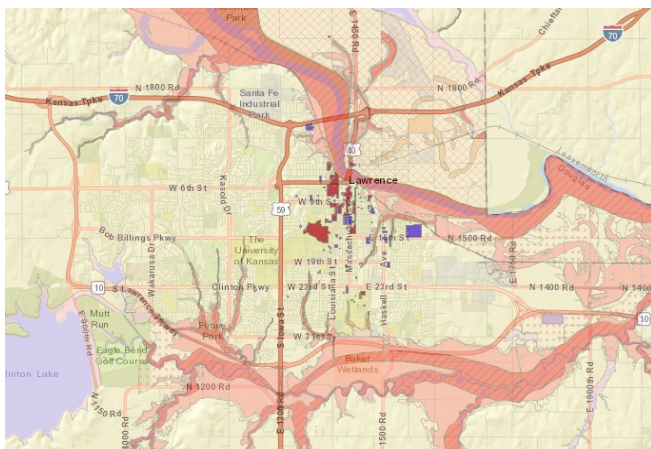
12 November 2018

re: Horizon 2040 update

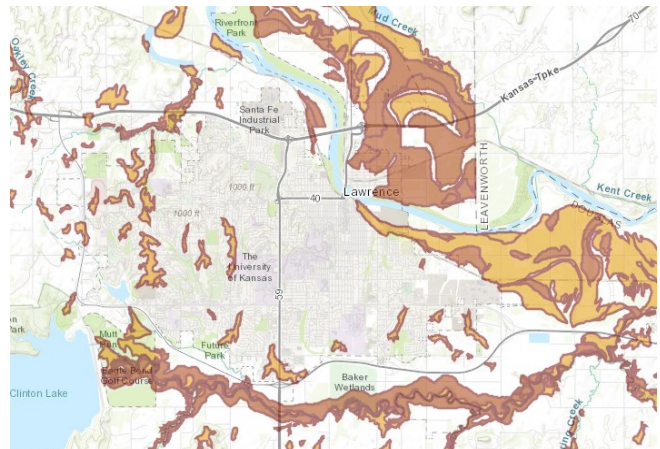
Chair Willey and Commission:

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

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



FEMA Regulatory Flood Plain & Floodway



Douglas County Capability I and II Soils

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

- North of the Kansas River, the 145 acre Airport Industrial Park proposal met with opposition by citizens concerned about flooding, wetlands, and loss of prime soils. The plan was not approved. From it came the Prime Agricultural Soils Map and a Northeast Sector Plan protecting these natural assets.
- And just east of Lawrence, the case of the 94 acre expansion of the East Hills Business Park into the 100 year floodplain and prime soils illustrates even more dramatically the change of official attitudes to protect flood plains and soils. Initially approved in 2000, officials de-annexed and downzoned the 94 acres in 2014, committing Lawrence to growth out of the flood plain.

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

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

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

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

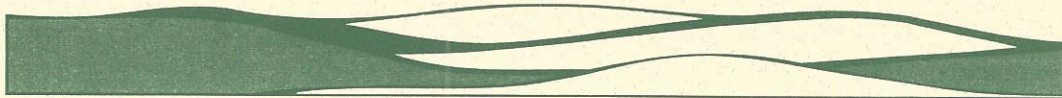
- Tier 2 as “planned and expected to urbanize” says far more than a mere “potential for growth”.
- As Flood Plain Administrator, the Planning Director himself can administratively grant a fill permit under the Federal Flood Plain Regulations.
- As Planning Director, again he himself can administratively issue a site plan, with or without any protections of sensitive lands.
- The Southern Development Plan proved to be no protection at all when the 2015 Planning Commission amended the SDP and H2020, granting regional commercial zoning south of K-10 Hwy.

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

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

Thank you,

Michael Almon



GRASSLAND HERITAGE FOUNDATION

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

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

Our comment on the plan follows:

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

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

- measures to have the city and county identify high-quality prairies and other sensitive natural areas. Such information may be acquired from the Kansas Biological Survey, or other sources.
- measures to ensure that planning staff at both the city and county level are aware of available information identifying high-quality prairies and other sensitive natural areas and use that information to limit developments that would damage or destroy such areas

Board of Governors of Grassland Heritage Foundation

www.grasslandheritage.org

From: Delisle, Jennifer <jdelisle@ku.edu>
Sent: Thursday, November 08, 2018 10:33 AM
To: Jeff Crick <jcrick@lawrenceks.org>
Cc: Karen Willey <karenwilley1@gmail.com>
Subject: Comments on Comprehensive Plan

Hi Jeff;

I have attached our comments on Plan 2040.

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

Jennifer

Jennifer M. Delisle, Research Associate
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Chapter	Goal	Action Item	Suggested changes	Comments about the suggested change
2A	1	1.5	Add 'and other sensitive lands' after '... agricultural lands'	
2A	1	1.6	Add 'and other sensitive lands' after '... high-quality agricultural soils'	
2B	1	1.5 (new)	add "Revise residential development regulations to better protect sensitive lands."	
6	1	Intro	Reword: 'Water plays a vital role in both our natural and built environments. Managing water resources ensures that water quality is maintained for drinking sources, for wildlife, and for recreational purposes. It also is vital to manage water quantity to limit and mitigate flooding throughout our community'	Bold type indicates two concepts to include in statement. Complete sentences provided as suggestion.
6	1	1.4	Reword: 'Develop stream corridor buffers to preserve riparian habitat, protect water quality, and reduce soil erosion.'	These are the usual benefits of stream buffers.
6	2	Intro	Add: 'and ecosystem services such as flood control, climate regulation, water purification, and pollination' after '... 'wildlife habitats and open space...'	
6	2	2.2	Remove the word 'sustain'	meaning is vague; does it mean 'manage'? If so, who is doing the management?
6	2	2.4	Change to 'Preserve native prairies through the development of regulations and incentives.'	uses same wording as 2.2.
6	2	2.5	Change to 'Establish corridors of wildlife habitat connecting parks and open spaces'	
6	Sensitive Lands sidebar		See definition below	
6	2	2.9	Possible wording: 'Address invasive species on municipal and county lands, with priority given to non-chemical methods'	
6	2	2.10	Add new item: 'Establish a Douglas County Open Space program to protect sensitive lands'	
6	4	4.1	Change 'harvesting' to 'extraction'	
6	4	4.2	Change first instance of the word 'extraction' to 'use'	
7B		Vision	Change to 'Create and maintain a variety of active and passive open spaces to protect sensitive lands and to provide options for residents of all ages to lead a healthy and active lifestyle'	
7B	2	2.1	Replace 'land dedications' with 'conservation easements'	Mimics definition of open Spaces in sidebar; refers to a defined term "sensitive lands"
7B	2	2.2	Change '...key natural and historic areas' to 'sensitive lands and key historic areas.'	meaning of 'land dedications' is vague.
7B	2	2.4	Add new item: 'Establish a Douglas County Open Space program to protect sensitive lands'	key natural areas' is not defined. Use 'sensitive lands' which is defined in the document.
7B	3	Intro	Change to 'Creating active and passive open spaces as the community grows is necessary..'	
7B	3	3	Change to 'Expand existing active and passive open space systems'	Mimics use of the defined term 'Open Spaces' rather than introducing the term 'parkland'.
7B	3	3.4	Reword: 'Locate active open spaces near community facilities..'	Remove 'Identify' because presumably these areas already are known. Provides continuity by using terms already defined. Park and recreation areas are included in the definition of Activ
7B	4	4.1	Define 'community' .	It is not desirable to locate passive open spaces such as nature preserves and scenic overlooks near community facilities.
7B	4	4.4	Change to 'Connect lands that provide continuity for floodplains and watercourses and as wildlife corridors'	Does 'community' refer only to Lawrence? Should it?
7B	5	5	Change to 'Preserve and restore...'	
7B	5	5.1	Change to 'Promote sensitive land protection through conservation easements and other voluntary mechanisms'	
7B	5	5.2	Change to 'Incorporate sensitive lands into development proposals as preserved features.'	
7B	5		What is a Steep Slope? Add 'or more' after 15 percent.	Conservation easements are not a program. provides continuity throughout the document by using the defined term 'sensitive lands'.

Sensitive Lands definition

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

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

Dear Chairwoman Willey and Lawrence Douglas County Planning Commissioners,

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

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

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

My concerns fall into five categories:

1. **LACK OF SPECIFICITY**: Despite Plan 2040's own explanation in Ch.1, that "... action items "Are more *specific statements providing measureable strategies* " , the action items are often vague, broadly written and incomplete. As written, many are actually goals, with no specific means to achieve them. They rarely "provide measureable strategies". This lack of specificity and clarity will likely result in conflicts between various stakeholders, since they are open to interpretation.

2. **IMPORTANT POLICIES AND STRATEGIES OMITTED**: A number of important policies and action strategies from Horizon 2020 were omitted from 2040. The following are a few of many examples:

A. H2020 Policy 1.2d1: "Use native plants in yards and gardens: they need fewer chemicals and water". (Additionally we now understand that using native plants in landscaping is essential for the food web in a world of diminishing natural areas).

B. H2020 Policy 1.2d3: "Separate livestock operations from streams with a vegetated filter and adequate distance".

C. H2020 Policy 1.3b: "...identify and map priority wetlands, surface water buffer areas, and riparian areas within each watershed".

D. H2020 Policy 1.4b: "Develop a wetland policy which promotes protection, enhancement and restoration...".

E. H2020 Policy 1.7e: "Use nonstructural or natural approaches to storm water system design...rain barrels, rain gardens, bio-retention swales, pervious paving materials and limit use of impervious paving surfaces".

F. H2020 Policy 1.7g: "Encourage environmentally sensitive farming methods, such as terracing, buffering, the use of no-till farming practices, etc., near surface watercourses to reduce pollution, stabilize stream banks and prevent erosion".

G. H2020 Policy 2.4g: "Regulate placement of roads, trails and utilities...to minimize creation of fragmented natural areas".

3. **INFORMATION SCATTERED AND DIFFICULT TO ACCESS**: In a letter I submitted to the steering committee in October, 2017, I expressed my concerns that the draft plan removed "specific policies, strategies for implementation and recommendations for incentives, regulations and education....". The Planning Office responded that "Special Land Use Plans and incorporated policy plans were used to a higher degree, thus reducing the number of policies required in the main body of the Plan." I wholeheartedly agree that this information should be incorporated in other relevant plans, chapters and documents. But they should not be removed from this chapter. To do so makes it next to impossible to follow the thread from vision to goal to implementation strategy. I could not find any of the Ch 6 related information I sought in Special Land Use Plans. One of the primary goals of this Comp

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

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

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

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

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

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

Sincerely,
Pennie von Achen

Horizon 2020, Chapter 16, page 16-2.

PLANNING COMMISSION REPORT
Regular Agenda – Non-Public Hearing Item

PC Staff Report
11/14/2018

ITEM NO. 2: PRELIMINARY PLAT FOR HERITAGE TRACTOR; 1110 E. 23RD STREET
(MKM)

PP-18-00440: Consider a Preliminary Plat for Heritage Tractor Subdivision, a one-lot commercial subdivision on approximately 3.58 acres located at 1110 E. 23rd Street. Submitted by Davidson A. & E., for Muth Properties, LLC, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat for Heritage Tractor Subdivision subject to the following condition:

1. Applicant shall provide a revised preliminary plat with the following change:
 - a. Show the waterline within the 15 foot wide utility easement being provided along the east side of the lot

Reason for Request: Platting is required prior to redevelopment of property.

KEY POINT

- The subject property is not platted. Platting of the property is required to accommodate the redevelopment after the building was damaged by a fire to the point that it had to be removed.

SUBDIVISION CITATIONS TO CONSIDER

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

ASSOCIATED CASE

- SP-18-00439; site plan for proposed redevelopment of the site to replace the farm implement/machinery dealership. The site plan is currently under review. Administrative action on the site plan is contingent upon the platting of the property.

OTHER ACTION REQUIRED

- Submittal and administrative approval of final plat.
- City Commission acceptance of dedication of rights-of-way and easements shown on the final plat.
- Submittal and approval of public improvement plans and means of assurance of completion for public improvements required with this plat.
- Recording of the final plat with the Douglas County Register of Deeds.
- Administrative approval and release of site plan to Development Services for processing of building permits.
- Applicant shall obtain building permits prior to development.

PLANS AND STUDIES REQUIRED

- *Traffic Impact Study* – A seven step Traffic Impact Study is required, but as there is no change proposed in use, the study can be provided with the site plan.
- *Downstream Sanitary Sewer Analysis* – A Sanitary Sewer Capacity Analysis is required with the redevelopment of the site but can be provided with the site plan rather than the preliminary plat, based on the fact that the redevelopment does not propose a change in use.
- *Drainage Study* – The drainage study dated 9-10-2018 meets the specified requirements and is approved.

PUBLIC COMMENT

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

SUBDIVISION SUMMARY

Gross Area: 3.66 acres
Existing Right-of-Way: 0.43 acres
Additional Right-of-Way: 0.07 acres
Proposed Lot: 3.59 acres

GENERAL INFORMATION

Current Zoning and Land Use: CS (Community Strip) District; *Undeveloped*, formerly housed the Heritage Tractor Dealership, *Heavy Equipment Sales/Rental*

Surrounding Zoning and Land Use: To the north: RM12 (Multi-Dwelling Residential) District; *Multi-Dwelling Structures*

To the west: CS (Community Strip) District; *Health Care Office/Clinic* with site plan for an additional use, *Mini-Warehouse*, currently under review.

To the South: CS (Community Strip) District; Vacant property serving as temporary display area for Heritage Tractor inventory and equipment company, *Heavy and Light Equipment Sales/Rentals*,

To the east: CS (Community Strip) District, auto dealership, *Light Equipment Sales/Rentals*
(Figure 1)

STAFF REVIEW

The subject property contains approximately 3.59 acres and is located on the north side of E. 23rd Street, northwest of the intersection of E. 23rd Street and Silicon Avenue. This area is developed with a mix of uses including: *Gas and Fuel Sales; Car Wash; Light and Heavy Equipment Sales/Rentals, General Retail Sales; Financial, Insurance, and Real Estate Offices.*

The subject property was developed with a Heritage Tractor farm equipment dealership, a *Heavy Equipment Sales/Rentals* use. A recent fire destroyed the building to the extent that it had to be demolished. The property has never been platted and the submittal of the preliminary plat is the first step in the redevelopment of the site. The property owner intends to rebuild a new Heritage Tractor dealership on the property.

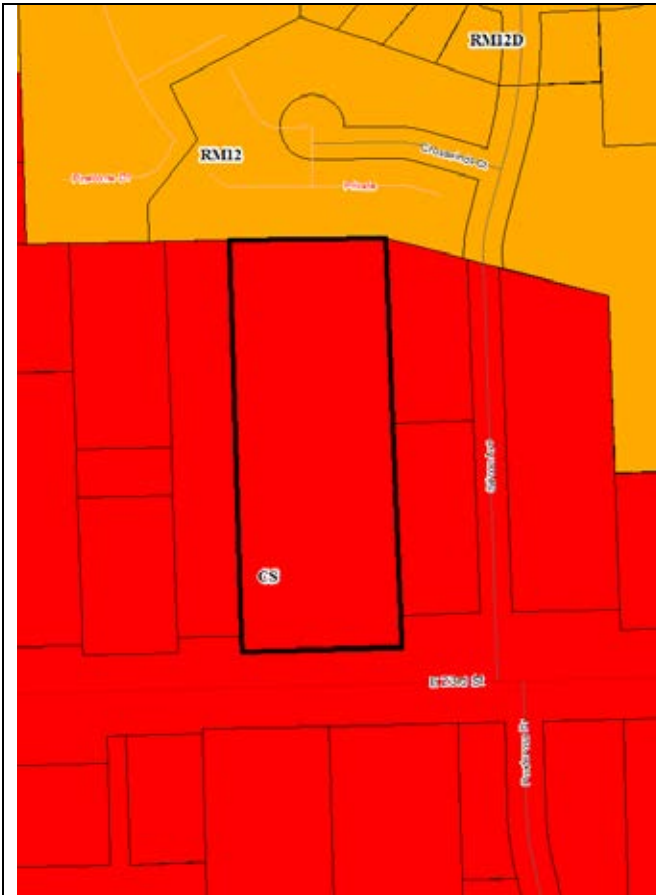


Figure 1a. Zoning in the area. (Subject property is outlined)



Figure 1b. Land use/development in the area.

Changes occurring with this plat include the dedication of additional right-of-way to meet the design standards in Section 20-810(e)(5)(ii) of the Subdivision Regulations and the addition of two utility easements, on the north and east sides of the property.

Compliance with Zoning Regulations for the CS District

Per Section 20-809(d)(2) of the Subdivision Regulations, each lot must conform with the minimum lot size and other dimensional requirements in the applicable zoning district. The following table compares the proposed lot with the density and dimensional requirements of the CS District.

	Lot Area	Lot Width
CS Density and Dimensional Requirements (Minimum)	5,000 square feet	100 feet
Lot 1	133,206.48 feet (3.058 acres)	249.39 feet

Streets and Access

The property currently has two access points on E. 23rd Street. The western access point will be removed with this project. Additional right-of-way is being dedicated for E. 23rd Street so that 75 feet of right-of-way is provided on the subject side of the property. Section 20-810(e)(5) of the Subdivision Regulations require 150 feet of right-of-way for a principal arterial, with half on each side of the street centerline. Per Section 20-811(c) of the Subdivision Regulations, a 6 foot sidewalk

is required on each side of a principal arterial. A six foot wide sidewalk is currently located in the E. 23rd Street right-of-way.

A 7-step Traffic Impact Study is required with any development, such as this preliminary plat. The study will indicate if the traffic levels are high enough to warrant a new tis and if any changes are needed to the nearby roadway and intersections. The City Engineer indicated that the traffic impact study could be provided with the site plan, based on the fact that the size of the dealership may be increased with this redevelopment but no other change is being proposed to the use.

Utilities and Infrastructure

There are no utility easements on the property at this time. A 10 foot wide utility easement is proposed along the north side of the lot. This is the extension of a 10 foot wide utility easement on adjacent properties to the west and east. The plat notes that underground phone lines are located in this easement.

Water and sanitary sewer mains serving the property are located in the E. 23rd Street right-of-way. An additional water main is located to the east of the subject property, along the west side of Silicone Avenue. A 15 foot wide utility easement will be dedicated with this plat along the east side of the lot to accommodate the extension of the water main from Silicon Ave to the main on E. 23rd Street to accommodate the creation of a looped system. Public improvement plans will be required with the final plat for the extensions of these mains.

Easements and Rights-of-way

The plat provides a 10 foot wide utility easement along the north property line and a 15 foot wide utility easement along the east side of the lot with this plat. E. 23rd Street, a principal arterial, has approximately 120 feet of right-of-way; however, 150 feet are required by code, with 75 feet being provided on each side of the centerline. An additional 15 feet of right-of-way is being dedicated with this plat to provide the full 75 feet on the subject side of the centerline. The City Engineer indicated the full right-of-way width was necessary to accommodate future improvements which are planned for this portion of E. 23rd Street.

Preliminary Plat Conformance

The preliminary plat is the first step in platting property into lots to allow for development. A final plat will be submitted following approval of the preliminary plat.

The Preliminary Plat, as conditioned, is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

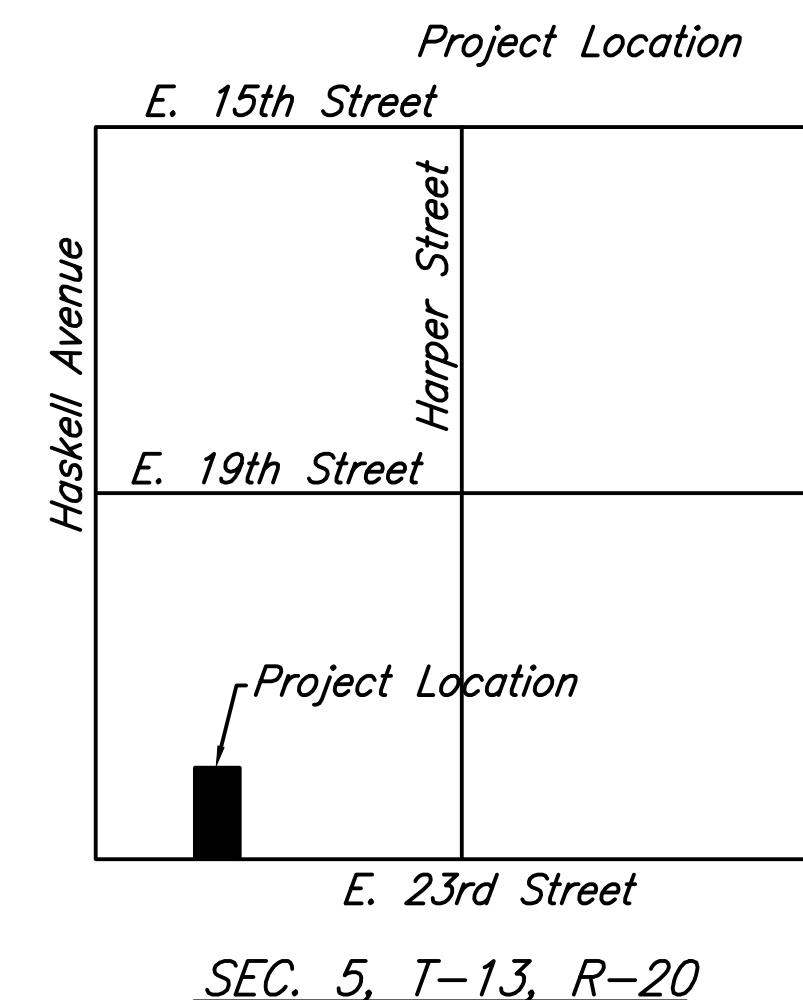
PRELIMINARY PLAT
HERITAGE TRACTOR
A SUBDIVISION IN LAWRENCE,
DOUGLAS COUNTY, KANSAS

DESCRIPTION:
The East half of a tract of land described as follows: Beginning at a point 474 feet East and 6.3 feet North of the Southwest corner of Section 5, Township 13 South, Rang 20 east, to a point on the North R/W of State Highway #10; thence North parallel with the West line of said Quarter Section 641.8 feet; thence South degrees East 497.4 feet, thence South parallel with Wes line of said Quarter Section 641.75 feet, more or less to the North R/W of State Highway #10; thence West along the North R/W of said Highway #0, a distance of 497.4 feet, more or less to the point of beginning, Douglas County, Kansas.

ACREAGE:
Gross Lot Area 156,362.74
Less Additional Right of Way 3,116.7
Net Lot Area 156,246.04 sq. ft. or 3.59 acres

LEGEND

- POWER POLE
- ⊗ WATER VALVE
- TRANSFORMER
- ⊕ WATER METER
- MANHOLE
- ⊙ STREET LIGHT
- ⊙ GAS METER
- ⊙ FIRE HYDRANT
- P — OVERHEAD POWER LINES
- EXISTING REBAR
- TELEPHONE PEDESTAL
- ⊙ YARD LIGHT
- + EXISTING "+" CUT IN CONCRETE
- X — EXISTING FENCE
- FO — UNDERGROUND FIBER OPTIC
- E — UNDERGROUND POWER LINE
- SS — EXISTING SANITARY SEWER
- S — EXISTING STORM SEWER
- W — EXISTING WATER LINE
- TW — UNDERGROUND CABLE LINE
- WF — UNDERGROUND PHONE LINE
- SET 1/2" REBAR & PLASTIC CAP
KS PLS #854



SCALE: 1"=40'

DATE: SEPTEMBER 5, 2018

CONTROL POINTS:

CP#1:
Set MAG Nail
N 234,103.89
E 2,102,742.76
Elev.=893.94

CP#2:
Set MAG Nail
N 234,397.61
E 2,102,909.81
Elev.=899.67

PROPERTY ADDRESS:
1110 EAST 23RD STREET
LAWRENCE, KANSAS 66046

OWNER:
MUTH PROPERTIES LLC
26201 W. 108TH
OLATHE, KANSAS 66061

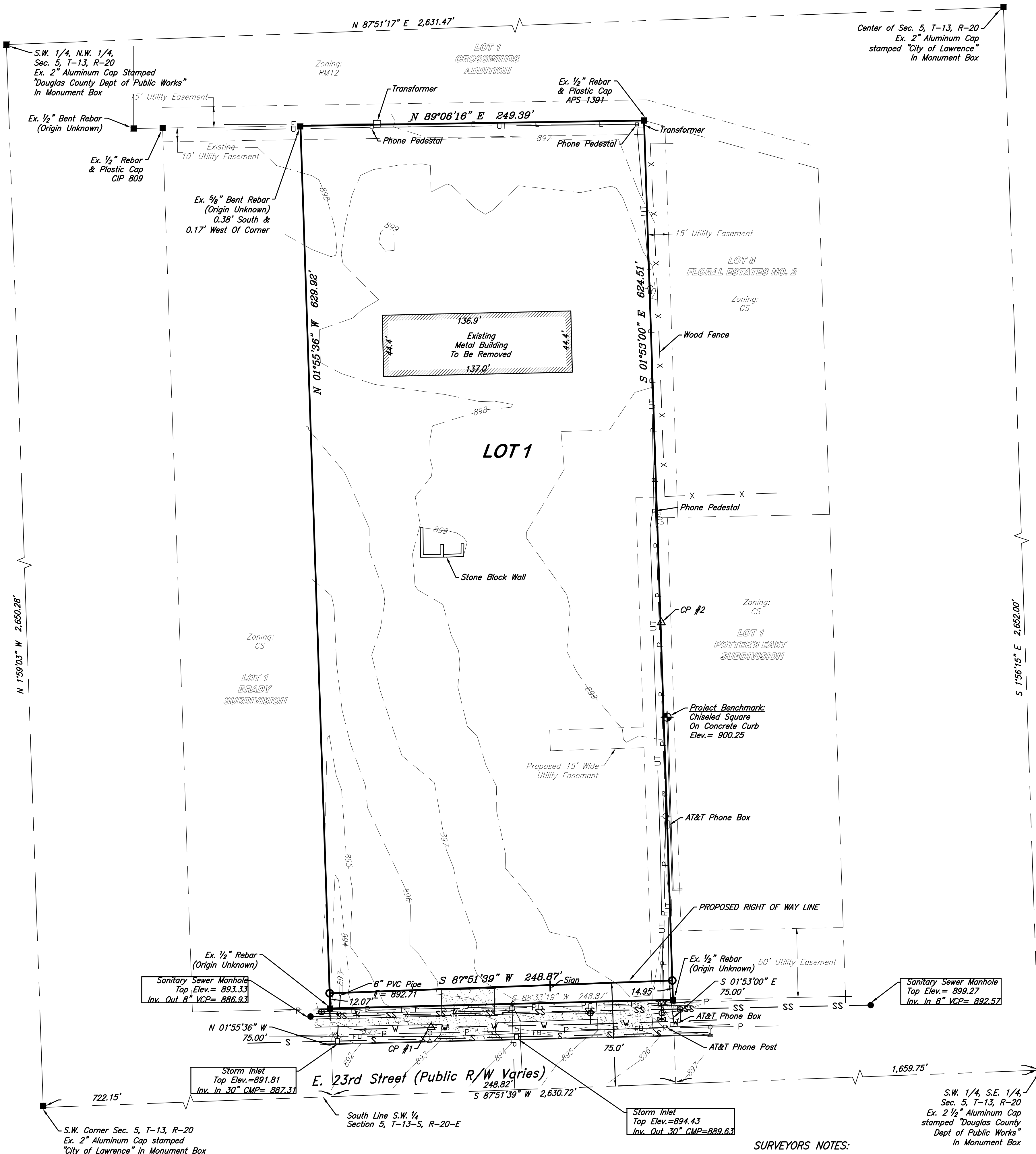
NOTES:

1. Total gross acreage= 155,999.98 sq. ft. or 3.58 acres
2. Acreage in additional Right of Way= 3,362.75 sq. ft. or 0.08 acres
3. 1 Building Lot
4. No Phasing will be required
5. No public improvements are proposed
6. All new telephone, cable television and electrical lines (except high voltage lines) must be located underground when in the City of Lawrence or Lawrence UGA
7. Developer is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed subdivision
8. Zoning of Property: CS
9. Soil Types: Woodson silt loam 1 to 3 percent slopes
10. The detention basin will be privately-owned and maintained. The landowner is responsible for the maintenance of the detention basin and establishing ownership and maintenance of same via individual owner maintenance. Failure to maintain the detention basin will result in the loss of the storm water detention credit. The detention basin is to remain free of anything other than clean storm water runoff including but not limited to silt, sediment, trash, grass clippings, leaves, tree limbs and sand.

Thomas Clemons
Area Surveyors

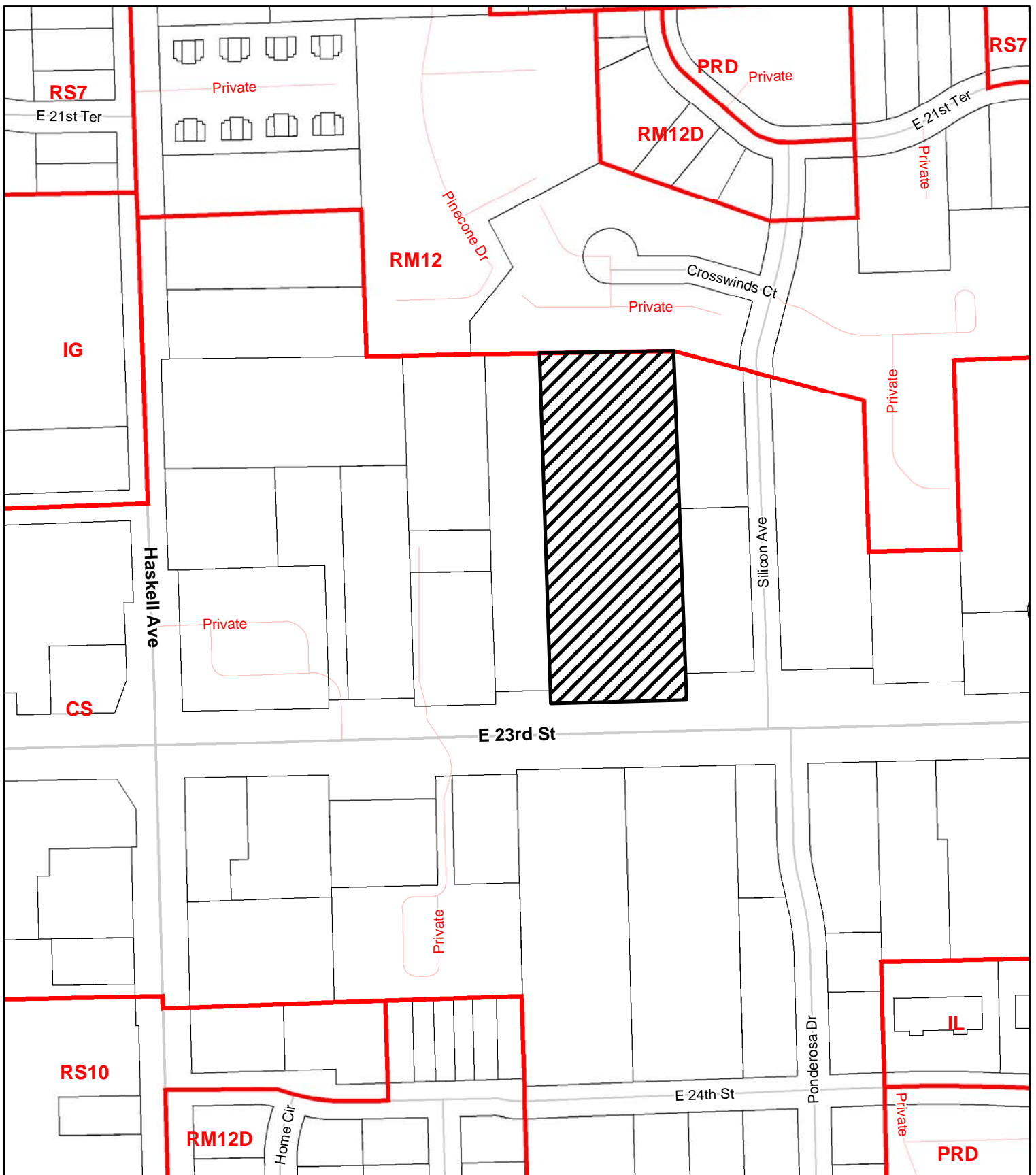
2800 Robinson Pike Road
P.O. Box 324 Grandview, Missouri 64030
(816) 941-7557 survey@kc.rr.com

THOMAS W. CLEMONS P.L.S. KS. NO. 854



SURVEYORS NOTES:

1. The bearings shown are in accordance with the State Plane Coordinate System, Kansas North Zone, NAVD88 datum.



PP-18-00440: Consider a Preliminary Plat
for Heritage Tractor, a one-lot commercial subdivision of
approximately 3.58 acres located at 1110 E. 23rd St.



PLANNING COMMISSION REPORT
Regular Agenda: Public Hearing Item

PC Staff Report
11/14/2018

ITEM NO. 3 TEXT AMENDMENT TO CITY OF LAWRENCE CODE; SYNTHETIC TURF (BJP)

TA-18-00466: Consider a Text Amendment to the City of Lawrence Code, Chapter 18 & 20, regarding the use of synthetic turf. *Initiated by City Commission on 10/16/18.*

RECOMMENDATION: Staff recommends the Planning Commission forward the proposed amendment to the City of Lawrence Code, Chapter 18 & 20, regarding the use of synthetic turf to the Lawrence City Commission with a recommendation for approval.

Reason for Request: The City Commission initiated this text amendment to the City of Lawrence Code, Chapter 18 & 20, at their October 16, 2018 meeting to consider revising the language of the Code regarding the body responsible for approving the use of synthetic turf.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to publication.

ATTACHMENTS

- Attachment A: Revised City of Lawrence Code sections

BACKGROUND

At their March 6, 2012 meeting, the City Commission approved a text amendment, TA-4-6-11, to permit the use of synthetic turf with approval by the City Commission. Prior to that decision, synthetic turf was not included in the Land Development Code as an allowed landscape material. The intent of the previous text amendment was to allow the use of synthetic turf in limited and specific situations where it is deemed appropriate.

Since the addition of synthetic turf as an allowed landscape material, Planning staff has received 6 requests, which are outlined below. The three most recent requests have been related to the use with outdoor dog areas.

- **SP-14-00169**; Request for the use of synthetic turf for a 20,925 square feet outdoor athletic training area at 701 E. 19th Street. Approved by the City Commission at their June 17, 2014 meeting.
- **SP-14-00466**; Request for the use of synthetic turf for a 3,000 square feet interior courtyard at Schwegler Elementary School. Approved by the City Commission at their March 2, 2015 meeting.

- **FDP-17-00267**; Request for the use of approximately 2,874 square feet of synthetic turf for golf practice purposes adjacent to the Alvamar Practice building and adjacent to the University Golf Practice Facility, associated with the Final Development Plan for Alvamar Phase 4, located at 1800 and 1810 Birdie Way. Approved by the City Commission at their January 8, 2018 meeting.
- **SP-18-00169**; Request to install approximately 285 square feet of artificial turf for a fenced residential dog run at a residence located at 1713 Inverness Drive. Approved by the City Commission at their May 1, 2018 meeting.
- **SP-18-00356**; Request for approximately 3,369 square feet of synthetic turf for a fenced outdoor play area for a dog day care/kennel facility at 1519 W. 23rd Street. Approved by the City Commission at their September 4, 2018 meeting.
- **SP-18-00408**; Request for approximately 6,110 square feet of synthetic turf for a fenced outdoor area for a dog day care/kennel facility at 1735 Haskell Avenue. Approved by the City Commission at their September 18, 2018 meeting.

The regulations regarding the use of synthetic turf are provided in Chapter 18, Article 4, Section 18-402 of the City of Lawrence Code. The section states that the use of synthetic turf is not permitted unless it is of limited and small-scale use, and it is approved by the City Commission.

The use of synthetic turf is also addressed in Section 20-1009(b) of the Land Development Code. That section references Chapter 18, Section 18-402(b) of the City of Lawrence Code, which states that the use of synthetic turf is permitted with approval by the City Commission.

On October 16, 2018, the City Commission initiated a text amendment to revise the language of the City of Lawrence Code changing the approval body from the City Commission to the Planning Director. Staff was also directed to outline language regarding an appeal process of the Planning Director decision.

OVERVIEW OF PROPOSED AMENDMENT

Suggested changes to the text are shown below and noted in red. Additions are underlined and deleted text is ~~struck-through~~.

1. Chapter 18, Article 4, Section 18-402(b)(ii)

(ii) after application is made for such use to the Lawrence-Douglas County Planning Department, such use is specifically approved by the ~~City Commission~~ Planning Director, with any appeal of the Planning Director's decision being submitted to the Board of Zoning Appeals per Chapter 20, Article 13, Section 20-1311.

2. Chapter 20, Article 10, Section 20-1009(b)

(b) Artificial Plants

No artificial plants or vegetation may be used to meet any standards of this section, with the exception of synthetic turf, provided that the use of synthetic turf is approved by the ~~City Commission~~ Planning Director in accordance with Chapter 18, Article 4, Section 18-402(b) of the City Code. Any appeals of administrative decisions shall be submitted to the Board of Zoning Appeals per Section 20-1311.

CRITERIA FOR REVIEW AND DECISION-MAKING

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

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

The text amendment is intended to address a changing situation and provide a more streamlined process. The purpose of the text amendment is to change the approving body from the City Commission to the Planning Director. As discussed above, since 2011 when synthetic turf was added to the City of Lawrence Code as a possible landscaping material, only 6 requests for the material have been made. Three of those requests have been made most recently in regards to outdoor dog areas associated with two dog day care centers and one residential use. Requests for synthetic turf have met the requirement that they be limited in scope and that they serve a specific purpose. Staff has not seen requests for use of the material in situations where natural materials would be more appropriate. Given this, it is reasonable to change the approval body and allow a more responsive and efficient review process, eliminating the delay to schedule these requests for the City Commission's consideration. Like the City Commission, the Planning Director will continue to evaluate requests for synthetic turf based on their scale and their appropriateness. Additionally, this process would ensure that an appeal process identical to other appeals of administrative orders established by the Land Development Code, allowing the Board of Zoning Appeals to review the administrative decision to determine whether it was based on the code standards and would not be opposed to the general spirit and intent of the code.

2. Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Code (Sec. 20-104)

Horizon 2020 does not specifically address synthetic landscaping materials; however, it does recommend the use of natural landscaping materials. This proposed text amendment does not change the nature of if/when synthetic turf can be used. The proposed text amendment is only to change the approval body from the City Commission to the Planning Director and to provide guidance on appealing a decision. The intent is to streamline the process and to lighten the work load of the City Commission by removing the item from their agenda and making the approval process more efficient for applicants. The proposed text amendment will be consistent with the comprehensive plan in that the Planning Director will still be evaluating synthetic turf requests on their scale and appropriateness.

Conclusion

Staff recommends the Planning Commission forward the proposed amendment the City of Lawrence Code, Chapter 18 & 20, regarding the use of synthetic turf to the Lawrence City Commission with a recommendation for approval.

ARTICLE 4. SYNTHETIC TURF

18-401 PURPOSE. The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of the City of Lawrence, Kansas, it is necessary to regulate various activities, including the use of synthetic turf. (Ord. 8709)

18-402 SYNTHETIC TURF DISFAVORED.

(A) All synthetic turf installed within the City prior to the effective date of this ordinance shall be deemed, in accordance with the terms of this Code, an approved use, provided that such synthetic turf shall be maintained and replaced as necessary to comply with the approved landscape plan for the property and other provisions of the City Code. (Ord. 8709)

(B) After the effective date of this ordinance, no synthetic turf shall be installed within the City unless: (Ord. 8709)

(i) it is of limited, small-scale use; and

(ii) after application is made for such use to the Lawrence-Douglas County Planning Department, such use is specifically approved by the ~~City Commission~~ Planning Director, with any appeal of the Planning Director's decision being submitted to the Board of Zoning Appeals per Chapter 20, Article 13, Section 20-1311.

18-403 SEVERABILITY. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. (Ord. 8709)

20-1009 LANDSCAPE MATERIAL STANDARDS

The following standards are the minimum required planting standards for all trees and Landscape Material.

(a) Plant Quality

Plants installed to satisfy the requirements of this Article shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and adapted to the local area.

(b) Artificial Plants

No artificial plants or vegetation may be used to meet any standards of this section, with the exception of synthetic turf, provided that the use of synthetic turf is approved by the ~~City Commission~~ Planning Director in accordance with Chapter 18, Article 4, Section 18-402(b) of the City Code. Any appeals of administrative decisions shall be submitted to the Board of Zoning Appeals per Section 20-1311.

(c) Trees**(1) Types****(i) Required**

Where required or permitted, trees shall be of Ornamental Trees, Evergreen Trees, or large Deciduous types, such as oak, maple, ash, hickory, or thornless honey locust. Use of the following trees is discouraged and may not be used to satisfy the standards of this Article: box elder, soft maple, hackberry, American elm, poplar, ailanthus (tree of heaven), willow or mimosa.

(ii) Species Mix

When more than ten (10) trees are required to be planted to meet the standards of this Article, a mix of species shall be provided. In order to promote diversity in the urban forest, the number of species to be planted varies according to the overall number of trees required to be planted in accordance with the following requirements:

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41+	6

(2) Sizes**(i) Shade Trees**

Shade Trees planted to satisfy the standards of this Article shall have a minimum Caliper size of two and one-half (2½) inches.

(ii) Ornamental Trees

Ornamental Trees planted to satisfy the standards of this Article shall have a minimum Caliper size of one and three-fourths (1¾) inches.

(iii) Upright Evergreens and Conifers

Upright **Evergreen Trees** planted to satisfy the standards of this article shall have a minimum planted height of six (6) feet above **Grade**.

(d) Shrubs (Deciduous, Broadleaf and Evergreen)

Shrubs shall have a minimum planted height of 24 inches above **Grade**. **Deciduous** and Broadleaf **Shrubs** shall be a minimum container size of 2 gallons. Evergreens shall be a minimum 5-gallon container size or balled and burlapped.

(e) Ground Treatment

The ground area within required landscape areas shall receive appropriate landscape treatment and present a finished appearance and reasonably complete coverage upon planting. The following standards apply to the design of ground treatment:

(1) Ground Cover

Ground Cover appropriate for the area may be planted in lieu of turf grass. **Ground Cover** shall be of a size and spacing to provide a minimum of 50% coverage after the first full **Growing Season** and complete coverage at maturity. Edging material shall be provided for all **Ground Cover**.

(2) Mulch

Mulch shall be installed and maintained at a minimum depth of 2 inches and a maximum depth of 4 inches on all planted areas except where **Ground Cover** plants are fully established. **Mulch** may be used as a permanent ground treatment in those landscape designs where **Ground Cover** or grass is inappropriate.

(3) Grass Seed and Sod

Turf areas shall be planted with species suitable as permanent lawns in Lawrence. Turf areas may be sodded or seeded.

- (i)** In areas where grass seed is used, maintenance shall be provided until coverage is complete, and complete coverage shall be provided after the first full **Growing Season**.
- (ii)** Erosion control methods shall be installed in drainage swales and areas with a gradient of 5 percent (5%) or greater. The method of erosion control shall be approved by the City Engineer prior to obtaining a **Building** Permit.

(f) Fences and Walls

Fences and walls used to meet the standards of this Article shall be of uniform appearance and design throughout the subject development.

PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
11/14/18

**ITEM NO. 4 CONDITIONAL USE PERMIT FOR TOP SOIL REMOVAL & LANDFILL;
NORTHEAST CORNER OF E. 1600 RD & N. 1250 RD (MKM)**

CUP-18-00432: Consider a Conditional Use Permit for *Top Soil Removal* and *Landfill* (clean rubble) on approximately 44.88 acres located at the northeast corner of E. 1600 Rd & N. 1250 Rd. Submitted by RD Johnson Excavating Company LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit application referenced above subject to the following conditions:

1. The plan shall be revised with the following changes:
 - a. Deadlines for the reclamation phases listed: May 31, 2019 for the 1st phase and November 30, 2019 for the 2nd phase and the area in each phase noted.
 - b. Note regarding the burning of trees and brush and the area shown for this activity removed from the plan.
2. The following conditions apply to the use. Note these on the plan:
 - a. Only materials that are included in the KDHE definition of Clean Rubble may be disposed of in the landfill. These materials are: *"...the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."* Materials which do not meet this definition, including trees and brush, shall not be brought to the site.
 - b. The current drainage pattern with drainage flowing through a culvert under N. 1250 Road, northward across the subject property and under K-10 Highway, shall be maintained.
 - c. When filled, the borrow pit shall be graded to no more than 6 inches of the final elevation shown on the reclamation plan. When grading is complete, 6 inches of top soil shall be applied and the property shall be seeded. Reclamation is considered complete when vegetation has been established.
 - d. The Conditional Use Permit is subject to a 5 year administrative review and will expire 10 years after the date of the Commission's approval, unless an extension request, submitted before the deadline, is approved by the Board of County Commissioners.
3. A reclamation / closure plan shall be submitted to the Zoning and Codes Office by December 31st of each year, beginning in 2019. The plan shall show the following:
 - a. The portion that has been reclaimed (graded and final seeded and vegetation has been established) and reclamation has been approved by the Zoning and Codes Office; the portion that has been filled and graded (and seeded, if seeding has occurred but vegetation hasn't been established); the portion that is open and soil is being removed from, and the portion that has not yet been disturbed.
 - b. The area of each section shall be noted on the plan.
 - c. The plan shall note the estimated timeframe for the completion of reclamation of any phases where borrowing is complete.
 - d. As reclamation occurs, the plan shall include the surveyed elevation points of the areas that have been final graded and seeded to insure that the finished elevation is less than or equal to that which existing prior to borrowing, as shown on the approved CUP plan.

Reason for Request: *“R. D. Johnson would like to borrow dirt from the property for various projects around Lawrence. We will also use the area that is dug out for a waste area for approved materials and return it to original field.”*

KEY POINTS

- The property was used as a borrow pit for the construction of the southern portion of K-10 Highway. To accommodate the Kansas Department of Transportation (KDOT) schedule for the construction of the highway, the Board of County Commissioner's adopted Home Rule Resolution No. HR-13-9-3 on September 25, 2013. This resolution approved temporary business permits for borrow pits necessary for the construction of the highway, rather than requiring each borrow pit to obtain a conditional use permit (CUP). A copy of this resolution is included with this report. The temporary business permits were valid from the date of publication of the resolution until October 31, 2016. As fill activity was occurring on the site beyond this date, the property owner was notified that the operation was in violation of the Zoning Regulations for the Unincorporated Territory of Douglas County. The property owner submitted this CUP application to bring the landfill into compliance with the Zoning Regulations and to allow additional removal of soil on the eastern portion of the site.
- The subject property contains approximately 44.88 acres. The reclamation/closure plan provided indicates that approximately 4 acres of the original borrow pit has been filled and will be reclaimed by spring of 2019. An additional 5 acres of the original borrow pit has not yet been filled, but they anticipate having this filled by fall of 2019.

OTHER ACTION REQUIRED

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

PUBLIC COMMENT

- A manager of the farm to the south contacted the Planning Office to express concern with the potential of the landfill to disrupt the drainage pattern from his farm. The stormwater flows north off the farm, through a culvert under N. 1250 Road, across the subject property and northward. A condition has been applied to insure this drainage pattern is maintained.

GENERAL INFORMATION

Current Zoning and Land Use: V-C (Valley Channel) District with F-W (Floodway) and F-F (Floodway Fringe) Overlay Districts; a pond resulting from a borrow pit associated with the construction of K-10 Highway

Surrounding Zoning and Land Use: To the north: V-C (Valley Channel) and A (Agricultural) Districts with F-F (Floodway Fringe) Overlay District; K-10 Highway and right-of-way adjacent to the property. North of the highway: *Agriculture, and Residential Detached Dwellings,*

To the west: V-C (Valley Channel) District with F-W (Floodway) Overlay District; Baker Wetlands, including ponds resulting from borrow pits which are part of the mitigation measures for the Baker Wetlands implemented with the highway construction

To the east: V-C (Valley Channel) District with F-W (Floodway) and F-F (Floodway Fringe) Overlay Districts; *Agriculture*. Another borrow pit/land fill associated with the KS Highway 10 construction, approved with CUP-16-00069, is located further to the east

To the south: V-C (Valley Channel) District and GPI (City-General Public and Institutional Uses) Districts with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts; *Agriculture*, Wakarusa River corridor, and the Wakarusa Wastewater Treatment Plant, a *Major Utility* (Figure 1)

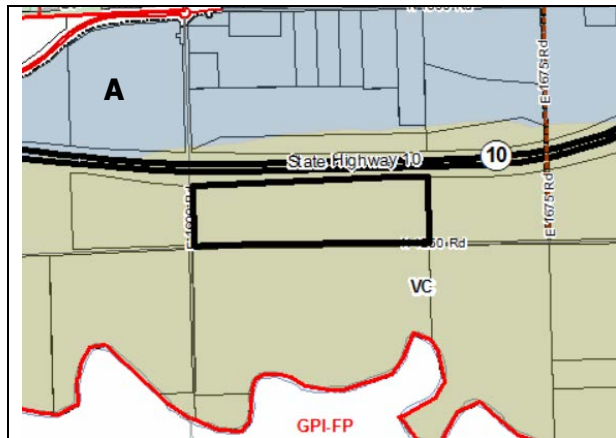


Figure 1a. Zoning in the Area. Subject property outlined.

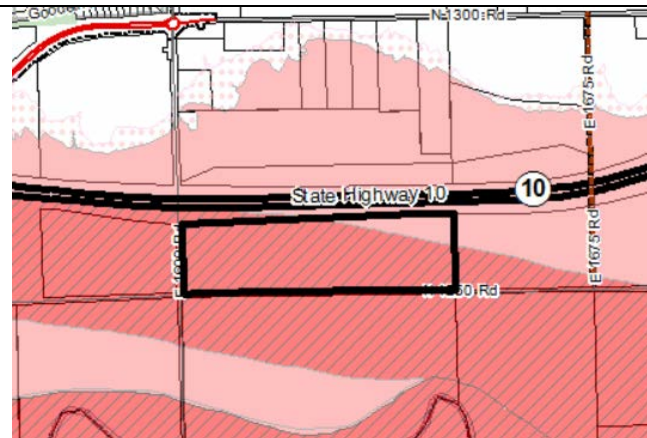


Figure 1b. Floodplain in the area. Red: Regulatory floodway; Pink: Regulatory floodway fringe.

Summary of Request

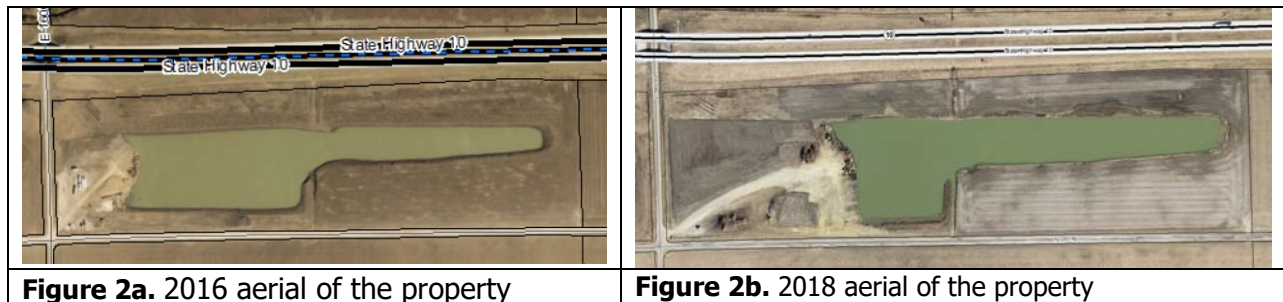
The subject property at 1600 N. 1250 Road, approximately 44.88 acres, contains a pond which was the result of a borrow pit which provided soil for the construction of K-10 Highway adjacent to the property on the north. In 2013, the Board of County Commissioners approved Home Rule Resolution No. HR-13-9-3, which allowed a group of borrow pits to be approved as temporary business uses, rather than requiring a conditional use permit for each one, to accommodate KDOTs construction schedule for the highway. Typically borrow pits require a conditional use permit for either excavation/mining or removal of top soil for sale—depending on the scale of the project.



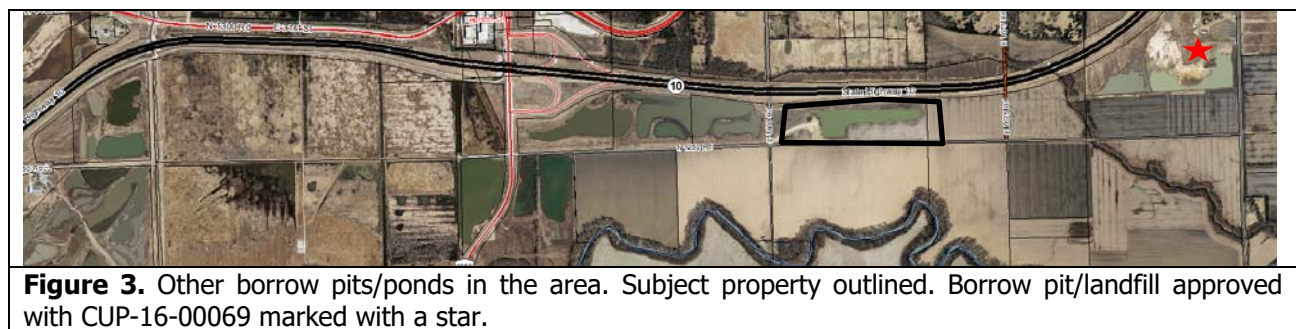
Figure 1c. Land use/development in the area.

The temporary business permit allowed the borrow pits to move forward and accommodated the highway construction schedule but did not include provisions for the reclamation of the borrow pits. The temporary business permits expired on October 31, 2016. In 2018, Zoning and Codes staff noticed that a portion of the borrow pit was being filled and notified the property owner that the landfill activity wasn't permitted in the A District without approval of a conditional use permit. The property owner submitted this conditional use permit application to allow the borrow pit to be used as a clean rubble landfill and to allow additional borrowing to occur on the eastern portion of the site. These activities, the use of the property as a landfill to reclaim the borrow pit and the excavation and reclamation of a new borrow pit, require approval of a conditional use permit.

Figure 2 show the property in 2016, which was the year the temporary business use permit expired, and in 2018. The landfill activity has been placed on hold pending the outcome of this application. The proposed conditional use permit would allow additional removal of top soil in the southeast corner of the site and the reclamation of the entire site as a clean rubble landfill.



Other ponds in the area were borrow pits for the highway construction, Figure 3. These would also require approval of a conditional use permit for a *Landfill* if they are to be reclaimed through the addition of fill. The borrow pits to the west of the subject property, outlined, are owned by the Kansas Department of Transportation or are within KDOT right-of-way. These are included in the Baker Haskell wetlands as part of the wetland mitigation program for the impacts associated with the highway. A conditional use permit, CUP-16-00069, was approved in March of 2017 for the borrow pit to the east, marked with a star, for a clean rubble landfill and additional borrowing on a remaining portion of the property; similar to this application.



CONDITIONAL USES:

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

12-319-4.12 Landfill

12-319-4.14 Stripping of Top Soil For Sale

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

I. ZONING AND USES OF PROPERTY NEARBY

The subject property and nearby properties are zoned V-C (Valley Channel) with the F-W (Floodway) and F-F (Floodway Fringe) Overlay Districts. Other properties to the east and west, adjacent to K-10 Highway have also been developed with ponds as a result of removal of fill dirt for the construction of the K-10 Highway. These were processed with temporary business permits to accommodate KDOTs construction schedule. Ponds to the west were included as part of the mitigation measures for the highway's impact on the Baker Wetland. *Agriculture* is the principal land use on the nearby properties, with mitigated wetland to the west.

The Zoning Regulations provide the following information for development in the V-C District, which was developed to protect flood-prone areas prior to the establishment of the Regulatory Floodplain:

Premises in the Valley Channel District shall not be filled with any material nor shall any structure be built that will cause an obstruction to the conveyance of a flow of 220,000 cubic feet per second in the Kansas River, measured at Lecompton, Kansas; and to the conveyance of a flow of 36,000 cubic feet per second in the Wakarusa River measured at U.S. Highway 59, that are necessary to insure said flows in the respective rivers, and such areas shall be designed as lying within encroachment zones, and only those uses specified in Section 12-314-3 shall be permitted. (Section 12-314-2)

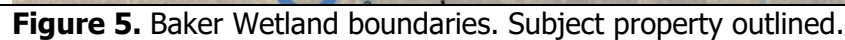
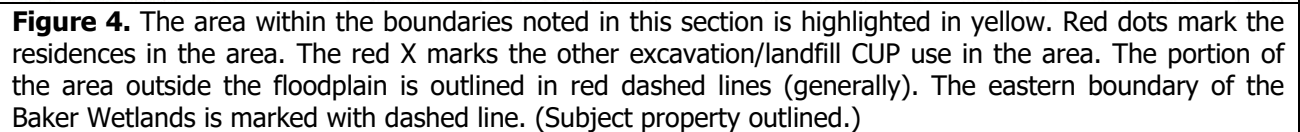
The County Engineer and the County Floodplain Manager indicated that fill would be acceptable provided the final elevation was no higher than that which occurred prior to excavation. The conditional use permit plans show the original elevation and the reclamation plans will require final elevation points to be surveyed to ensure compliance with this requirement.

Staff Finding – The area is zoned V-C (Valley Channel) and surrounding land uses are agricultural in nature. Open space is available in the area in the form of the Baker Wetlands. The proposed conditional use, as conditioned, should be compatible with the zoning and uses in the area as the final elevation will be no higher than that of the site prior to excavation and fill.

II. CHARACTER OF THE AREA

The area is bounded by K-10 Highway on the north, the Wakarusa River on the south by, E. 1500 Road/County Route 1055 on the west, and E. 1750 Road to the east. (Figure 4) The area is heavily encumbered with floodplain associated with the Wakarusa River. Open space, the Baker Wetlands, is located in the western portion of the area (Figure 5). Agriculture is the principal land use outside the wetlands. A large portion of the area lies within the regulatory floodway, the remainder is within the regulatory floodway fringe with the exception of a parcel in the southwest corner of the intersection of K-10 Highway and E. 1750 Road. This property was also used for a borrow pit, with a temporary business permit, with the construction of K-10 Highway and has an approved conditional use permit for an additional borrow pit and a landfill.

Staff Finding – The Baker Wetlands extend into the western portion of this area. Most of the area is encumbered with regulatory floodplain. Property outside the Baker Wetlands is primarily used for agriculture. The proposed use should be compatible with the character of the area provided conditions are applied as necessary, due to the location of the property within the floodplain.



Applicant's Response:

"It is farm ground and we intend on returning it to farm ground."

The subject property is zoned V-C (Valley Channel). As noted earlier, this district was established prior to the adoption of the FEMA floodplain maps. The district was intended to provide protection to flood-prone areas and uses permitted within the district are limited.

Permitted uses in the V-C District include agriculture, hunting, fishing, recreation facilities, and preserves. The subject property is well suited to the uses that are permitted in the V-C District. However, given the existence of an unfilled borrow pit, it is also suited to the proposed use of *Top Soil Removal for Sale* and a *Landfill* to reclaim the area.

Staff Finding – The property is well suited for the uses to which it is restricted with the V-C district due to the large amount of floodway and floodway fringe on the property. The property is also well suited to the proposed use, as it would be a continuation of the previously approved borrow pit and the landfill will result in the reclamation of the borrow pit.

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

Staff Finding – The property has been in agricultural use since the adoption of the Zoning Regulations in 1966. The ponds were installed in 2013 to 2016 as part of the K-10 Highway construction.

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

Applicant's Response:

"There should be no impact to nearby properties."

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

The proposed conditional use permit would allow excavation of the southeastern portion of the site to remove soil for construction projects in the area. This area and the former borrow pit will be filled as a clean rubble landfill as part of the reclamation. There will be no blasting involved in the excavation. As shown in Figure 4, there are no residences nearby. The only impact anticipated to the nearby properties would be the impact on the road network by vehicles delivering and removing materials. Wakarusa Township expressed concern with the use of E. 1750 or N. 1250 Roads for truck traffic. The truck route for this facility would be to use only E. 1600 Road, which is noted on the plan.

The application notes that this will be a clean rubble fill. KDHE provides the following definition: *"Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."* The conditions will limit the fill to 'clean rubble'. The applicant had been interested in bringing trees and brush to the site to burn and dispose of within the landfill. Trees and brush are permitted items in a 'construction and demolition waste' landfill but are not considered 'clean rubble'. The Zoning Regulations prohibit landfills in the regulatory floodplain, with the exception of clean rubble landfills. The burning and disposal of trees and brush are not permitted activities with this clean rubble landfill.

The activity associated with the filling of the borrow pit would be trucks accessing the site to dump the clean rubble and heavy equipment moving the fill into place and grading the site. The noise associated with this heavy equipment should not impact nearby properties as they are in agricultural use, with the exception of K-10 Highway to the north and the mitigated wetlands for Baker Wetland to the west. No exterior lighting is being proposed. The plan notes that if any exterior lighting is proposed, a lighting plan shall be provided to the Planning Office for

consideration/approval prior to installation. Impacts to the wetland west of the subject property would need to be considered with any lighting plan review.

The Planning Office received a public comment regarding the potential of the landfill to disrupt the drainage pattern in the area. The County Engineer noted that state statutes prohibit blocking the natural drainage pattern. He noted that by restoring the property to the previous elevations, the drainage pattern should be maintained. To insure this, a condition requiring that the existing drainage pattern be maintained would be applied to the conditional use permit. (Figure 6)



Figure 6. Aerial of subject property with drainage pattern marked.

Conditional use permits are typically required to be administratively reviewed by the Zoning and Codes Office every 5 years to insure compliance with the restrictions of use and conditions. Expiration dates are often applied to conditional use permits so they may be re-evaluated to determine if they remain compatible with the development in the area. As this is expected to be a short-term use, a 5 year administrative review is recommended along with a 10 year expiration date, from the date of the County Commission's approval. If the activity hasn't been completed within that time frame, an extension can be requested from the Board of County Commissioners. The extension request would need to be provided in writing to the Planning Office prior to the expiration date.

Staff Finding – Activities associated with a landfill and borrow pit could have negative impacts on nearby properties. The heavy equipment and earthwork required for the landfill are not expected to have negative impacts due to the limited hours of operation and lack of residential uses in the area. The truck traffic to and from the site is limited to E. 1600 Road to prevent an impact to the nearby township roads. The borrow pit/landfill is expected to be temporary and a 10 year expiration date is recommended, with the possibility of an extension by the Board of County Commissioners. These conditions should mitigate the impacts of the proposed use on nearby properties.

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

Applicant's Response:

"The dirt that will be borrowed from the property will be delivered to various projects throughout the county."

Approval of this conditional use permit would allow the borrow pit to be filled to the former elevation and reclaimed for agricultural use. It would also allow additional excavation and removal of soil which would be used in local construction projects. This would result in the loss of high quality Class 1 and 2 soils. (Figure 7) High quality soils are not identified for protection in the zoning regulations and are not considered one of the environmentally sensitive lands that requires protection when land divisions occur.



Figure 7. High quality Class 1 Soils shown in green on subject property, outlined.

Denial of the landfill conditional use permit request would not allow the pit to be reclaimed and would remove that area from agricultural production. Denial of the excavation request would not allow additional removal of soil for construction activities, but would retain the high quality, Class 1 and 2 soils identified on the site. The property is within the City of Lawrence's Urban Growth Area and is planned to be annexed into the city and developed with urban land uses at some point.

As negative impacts should be mitigated with conditions on the conditional use permit, the only benefit to be gained from denial of the borrow pit would be the retention of Class 1 and 2 soils.

Staff Finding – In staff's opinion, the gain to the public health, safety, and welfare by the denial of the request for the conditional use permit for the removal of top soil on the east side of the parcel would be the retention of high quality soils. As these are not listed in the Zoning Regulations or other portion of the County Code as resources that should be protected staff has no basis to recommend denial based on this factor. The hardship to the applicant would be the need to search for a new source of dirt for construction projects within the area.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The property is located in the Urban Growth Area which promotes development."

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

The comprehensive plan does contains recommendations regarding high quality agricultural land. Chapter Seven of *Horizon 2020*, the Industrial & Employment Chapter, provides the following recommendation on high quality agricultural land:

"The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are capability class (non-irrigated) I and II, as identified by the National Resources Conservation Service."

"Future Industrial and Employment land use sites not included on Map 7-2, Potential Locations for Future Industrial and Employment Related Development, should balance the agricultural significance on the site against the need for industrial and employment related development." (Page 7-8, Horizon 2020)

Chapter Sixteen, the Environment Chapter, encourages the *"responsible use of marketable natural resources within Douglas County through proper extraction and reclamation methods. They are essential to sustainable development activity, primarily in the form of low cost raw materials, such as sand, gravel, oil gas, and stone, etc."*

The comprehensive plan recommends the protection of high quality soils and encourages the responsible use of marketable natural resources. This conditional use application proposes the expansion of a borrow pit that was approved in 2013, but will utilize additional high quality agricultural soils. The application is in conformance with Chapter 16 of the comprehensive plan, but compliance with Chapter 7 requires the balancing of the agricultural significance of the site against the need for industrial and employment related development. Factors to consider in this balancing include:

- 1) The high quality soils are located on the fringe of a large area of high quality soils.
- 2) A portion of the high quality soils were included in the previously approved borrow pit on this site.
- 3) The property will be reclaimed for agricultural use, following the soil removal and landfill activity.

The previously approved temporary business use permit can be seen as setting the precedent for this property when evaluating the agricultural significance of the site against the need for the development. At that time, the need for construction materials was seen as more significant than the preservation of the high quality soils.

Until regulations are developed in the Zoning Regulations pertaining to high quality soils, the determination of compliance must be made on a case-by-case basis.

Staff Finding –The proposed conditional use permit is in compliance with recommendations in the comprehensive plan in that the need for soil with the highway construction project was seen as more significant than the preservation of the high quality soils. The development of each parcel with high quality soils must be made on a case-by-case basis using the balancing criteria in Chapter 7 of the comprehensive plan until regulations or standards have been developed and included in the Zoning Regulations.

CUP PLAN REVIEW

No new buildings are being proposed and there is no parking required for the use. The plan notes that only equipment being used to fill and grade the property will be stored on site. Employees will park their cars on site, and no parking is permitted on the roadway. No utilities are required for the proposed conditional use.

Screening the use is not necessary as the property is bounded on the west by the Baker Wetland, on the north by K-10 Highway and on the east and south by agricultural land.

A time-frame for the completion of reclamation should be noted on the reclamation/closure plan. This should all be completed within the 10 year life span of the conditional use permit.

A principal factor with any extraction land use is the reclamation. A reclamation/closure plan was provided with the application. This should be updated yearly and provided to the Zoning and Codes office at the end of each calendar year.

Conclusion

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

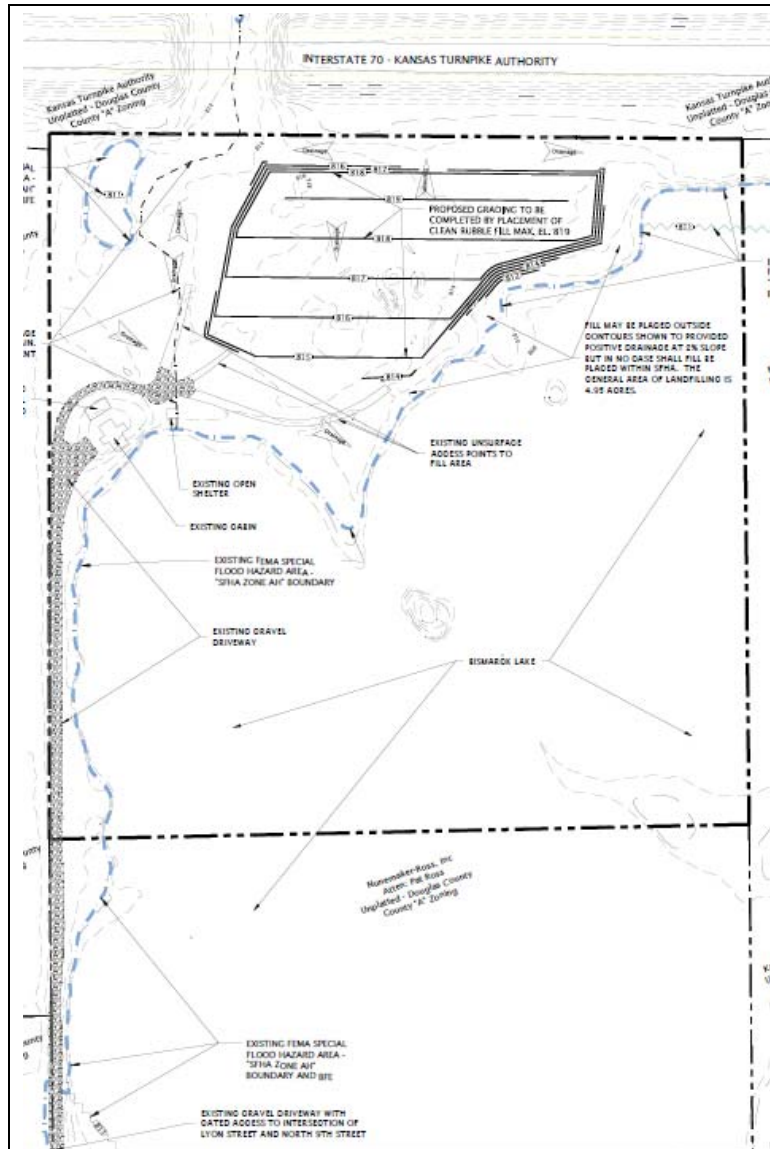


Figure 8. CUP/Site Plan showing approximate area for placement of fill.



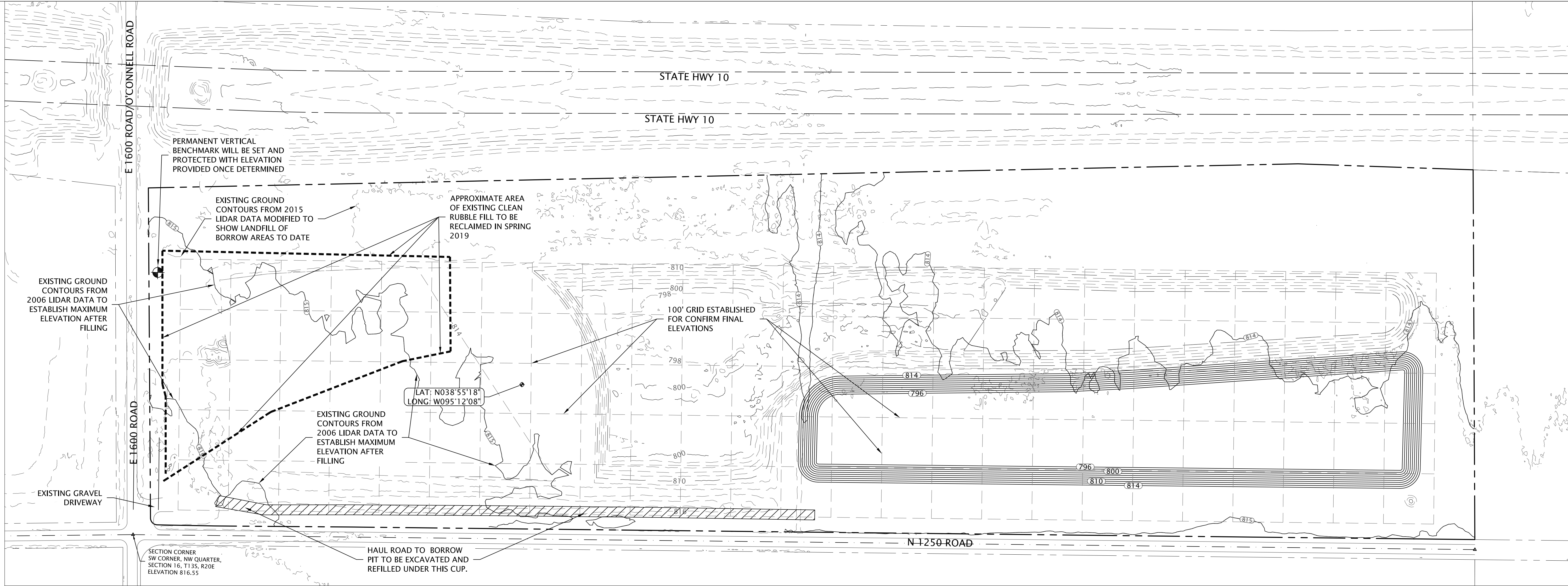
Figure 9. Current sections:

Red section, approximately 4 acres, reclamation to be completed by May 30, 2019

Green section, approximately 5 acres, reclamation to be completed by November 30, 2019

Purple section, approximately 9.5 acres, reclamation to occur throughout the life of the CUP.

Yellow section, approximately 7 acres, borrowing and reclamation to occur throughout the life of the CUP.

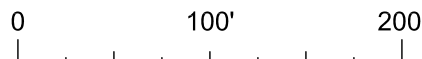


CLOSURE NOTES

1. This Conditional Use Permit (CUP) Site Plan was developed to allow soil borrowing and clean rubble landfilling activities as outlined in the Kansas Department of Health and Environment, Bureau of Waste Management Construction and Demolition Wastes and Clean Rubble, Technical Guidance Document SW-1994-G2. Clean rubble landfilling activities are to refill existing borrow areas excavated as part of the Kansas State Highway 10 construction project as well as refilling borrow areas excavated as part of the CUP. Landfilling will NOT include construction and demolition (C&D) wastes as outline in the above referenced document. Unlike a C&D landfill, state statues do not require a solid waste permit for operation of a site that only accepts clean rubble. Reclamation shall include 4 to 6" of topsoil. The clay and rubble fill shall be held to an elevation 4"-6" below final grades to allow for topsoil placement.
2. Landfilling shall be limited to an elevation equal too or less than elevations shown to exist prior to soil borrowing activities. Elevation contours are shown on this CUP.
3. The property/landfill area will have controlled access. Access to/from this property will be via an existing driveway(s) on E 1600 Road..
4. The entire property is located within the Special Flood Hazard Area (SFHA) Zone AE per FEMA Map # 20045C0187D Effective Date: August 5, 2010 with a Base Flood Elevation of 816.00±. The SFHA is delineated on this Conditional Use Permit - Site Plan. No portion of the activities associated with this CUP include filling above the elevations determined by the 2006 LIDAR topography created by Douglas County within the regulated SFHA illustrated on this Conditional Use Permit - Site Plan. As part of site reclamation, final fill elevations shall be surveyed by a licensed land surveyor to illustrate that grades do not exceed the existing ground contours from 2006 LIDAR data.
5. Drainage arrows and proposed contours are shown on the plan to indicate general drainage patterns.
6. National Geodetic Survey vertical benchmark is a disk marked "F 276 Reset 2004" set in top of concrete at the intersection of 31st Street and Haskell Avenue. The disk is 81.0 feet east of the center line of the Haskell Avenue, 2.33 feet south of 3rd Powerline Pole south of intersection, Elevation = 815.5 ft.
7. All fill areas will be restored with 4" - 6" topsoil and all disturbed areas shall be tillable for crop farming or reseeded with fescue or brome type grasses and otherwise restored to their original condition.
8. A symetrical grid has been established for locations of topographic elevations for conformation that final grades after reclamation.
9. This plan shall be updated yearly to illustrate areas of full reclamation.



SCALE: 1" = 100'



CONDITIONAL USE PERMIT CLOSURE PLAN for
SOIL BORROW/CLEAN RUBBLE LANDFILL - 1600 N 1250 ROAD

GES

GROB
ENGINEERING
SERVICES, LLC

3210 Mesa Way, Suite A * Lawrence, Kansas 66049
Phone 785 856-1900 * Fax 785 856-1901

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CONDITIONAL USE PERMIT - CLOSURE PLAN for
SOIL BORROW/CLEAN RUBBLE LANDFILL
1262 E 1600 ROAD
LAWRENCE, KANSAS

DESIGNED BY

JDG

CHECKED BY

JDG

ISSUE DATE

October 29, 2018

REVISIONS

SHEET

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1

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DESIGNED BY	JDC
CHECKED BY	

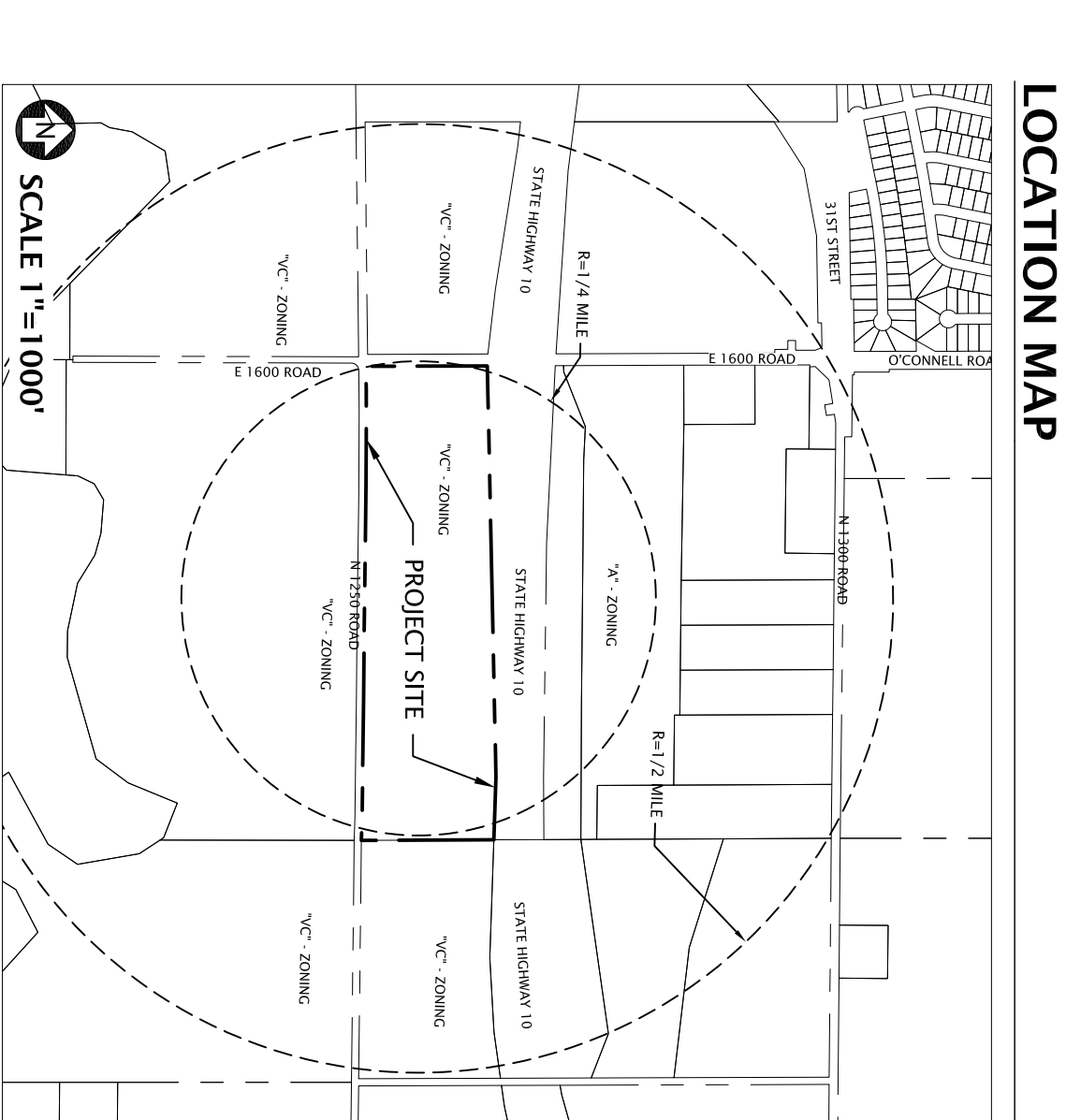
ISSUE DATE

August 5, 2018

October 12, 201
October 29, 201

October 29, 201

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 SCALE 1"=1000



 SCALE 1"=600'

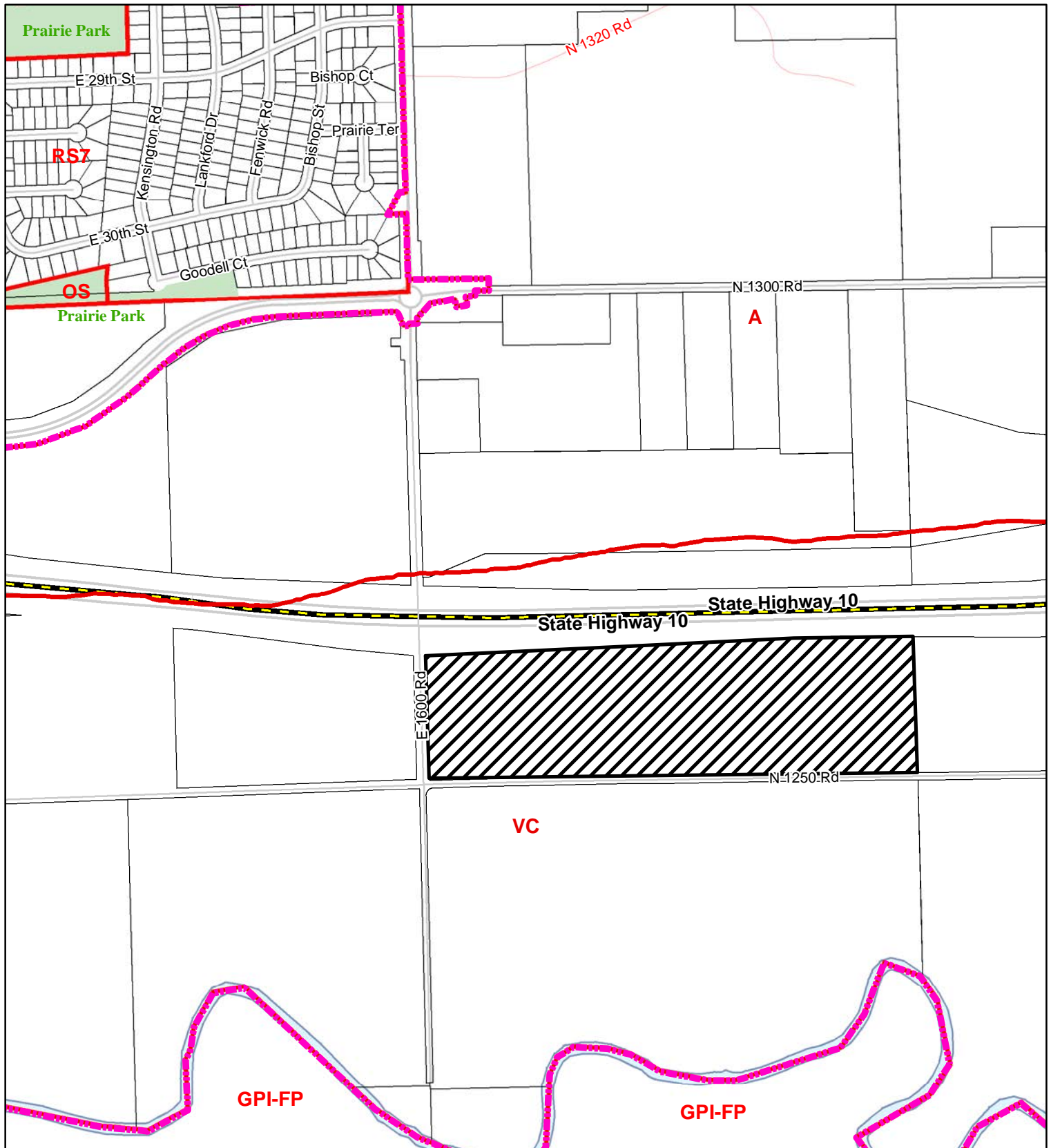
OF THE NORTHWEST QUARTER OF S&D SECTION 16 AND CORNER 3, MARKED BY A 5/8" REBAR, THENCE SOUTH 01°54'55" EAST 756.81 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF S&D SECTION 16 AND CORNER 3, MARKED BY A 1/2" REBAR, THENCE SOUTH 89°05'30" WEST 2671.38 FEET TO THE POINT OF BEGINNING.

OWNER: R D Johnson Excavating Company, LLC
1705 N. 1399 Road
Lawrence, Kansas 66046
Attention: Jason Dahl
Land Planner/Engineer: Grob Engineering Services, LLC
3210 Mesa Way, Suite A

1. This Conditional Use Permit (CUP) Site Plan was developed to allow soil borrowing and clean rubble landfilling activities, as outlined in the Kansas Department of Health and Environment, Bureau of Waste Management Construction and Remediation Wastes and Clean Rubble Technical Guidance Document SW-1994-02. Clean rubble landfilling activities are to refill existing borrow areas excavated as part of the above referenced highway I-20 construction project as well as refilling borrow areas excavated as part of the CUP. Landfilling will NOT include construction and demolition (CBD) wastes as outlined in the above referenced document. Unlike a CBD landfill, state statutes do not require a solid waste permit for operation of a site that only accepts clean rubble. This facility is not open to the general public. Disposal of other rubble/fill will be restricted to authorized personnel and vehicles. Reclamation shall include 4 to 6' of topsoil. The clay and rubble fill shall be held to an elevation 4'-6" below final grade to allow for topsoil placement.
2. Landfilling shall be limited to an elevation equal to or less than elevations shown to exist prior to soil borrowing activities. Elevation contours are shown on this CUP.
3. The property/landfill area will have controlled access. Access to/from this property will be via an existing driveway(s) on E 1600 Road.
4. Aerial photograph information used for this document was obtained from mapping completed by the City of Lawrence and Douglas County 2006, 2015, 2016 & 2018.
5. Existing Land Use: Agriculture/Soil Borrow/Clean Rubble Fill Site
6. Proposed Land Use: Agriculture/Soil Borrow/Clean Rubble Fill Site
7. Current Zoning: VC Valley Channel
8. The entire property is located within the Special Flood Hazard Area (SFHA) Zone AE per FEMA Map # 200455C01 87D Effective Date: August 5, 2010 with a Base Flood Elevation of 816.00+. The SFHA is delineated on this Conditional Use Permit - Site Plan. No portion of the activities associated with this CUP include filling above the elevations determined by the 2006 USDA topography created by Douglas County within the regulated SFHA illustrated on this Conditional Use Permit - Site Plan. As part of site reclamation, final fill elevations shall be surveyed by a licensed land surveyor to illustrate that grades do not exceed the existing ground contours from 2006 USDA LIDAR data.
9. Existing utility locations, elevations, and sizes are shown for reference only. No additional utilities will be constructed as part of this CUP.
10. This Site Plan has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, appendix A to 28 CFR, part 36. Drainage around and proposed contours are shown on the plan to indicate drainage patterns.
11. National erodent survey vertical benchmark is a disk marked "476 Rese 2004" set in top of concrete at the intersection of 31st Street and Haskell Avenue. The disk is 81.0 feet east of the center line of the Haskell Avenue. 2.33 feet south of 3rd Poudreline Hole south of intersection. Elevation = 815.5 ft.
12. No water or septic waste services will be required as part of this CUP.
13. No trash enclosures or outdoor storage areas will be constructed as part of this CUP. Trash disposal will be by owner off-site.
14. No parking areas are designated as part of this CUP. Only farm/imaging equipment used on this project will be kept on the site. The site will not be used for storage of equipment not directly involved with the project.
15. All fill material will be deposited with 4"-6" topsoil and all distributed fill shall be suitable for crop farming and/or landscaping. No fill material will be placed on the site. Any trucks, trailers, and equipment assigned to their original condition.
16. Truck traffic associated with this CUP shall use E 1600 Road/O'Connell Road and NOT N 1250 Road as the main thoroughfare/access to this site. See Truck Route Map on this sheet.
17. Facility hours of normal operation will be from 7:00 am to 5:00 pm M-F with limited Saturday hours. While hours of operation may slightly exceed those prescribed by the company, there will be no planned night time or Sunday operations. Night-time activities that require lighting will require the submittal of a lighting plan to the planning office for review and approval prior to commencement of the activity.
18. This CUP will include "Open Burning of Trees and Brush" in accordance with Kansas Department of Health & Environment rules and regulations. A KDEH permits shall be provided to Douglas County prior to any open burning. To the greatest extent possible, residue from burning operations will be incorporated in areas being reclaimed. No unburned trees or brush will be deposited in the landfilling area. This facility is NOT open to the general public for disposal of trees and brush. Disposal of clean rubble fill will be restricted to authorized personnel and vehicles. Burning will occur no more often than twice a month depending on the collection.
19. See Stormwater Pollution Prevention Plan for erosion control BMPs to be installed.

CONDITIONAL USE PERMIT SITE PLAN for

SOIL BORROW/CLEAN RUBBLE LANDFILL - 1600 N 1250 ROAD



CUP-18-00432: Consider a Conditional Use Permit
for Top Soil Removal and Landfill use (clean rubble) on
approximately 44.88 acres located at the NE corner of
E. 1600 Rd. & N. 1250 Rd.



PLANNING COMMISSION REPORT
Regular Agenda – Action Item

ITEM NO. 5A: COMPREHENSIVE PLAN AMENDMENT TO *HORIZON 2020*
CHAPTER 6, COMMERCIAL LAND USE (SLD)

CPA-18-00365: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapter 6, Commercial Land Use, and to Chapter 14 Specific Plans, to amend the *Southeast Area Plan* to include the southeast corner of the intersection of E. 23rd Street and O’Connell Road related to development located at 2110, 2120, & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to Horizon 2020, and forwarding that recommendation to the Lawrence City Commission to amend Chapter 14, and the Southeast Area Plan, to expand the Community Commercial Center to incorporate this proposed area.

STAFF RECOMMENDATION: If appropriate, approve and authorize the Chair to sign Planning Commission Resolution PCR-18-00552.

KEY POINTS

1. The subject parcel has been undeveloped since *Horizon 2020’s* Future Land Use map was adopted in 1998.
2. *Horizon 2020* identifies the intersection of E. 23rd Street and O’Connell Road as a future Community Commercial Center (CC200) node.
3. The property included in this request is located on the southwest corner of the E. 23rd Street and O’Connell Road intersection (southwest quadrant of the node).
4. The amendment is requested by the applicant to expand the CC200 district west of O’Connell Road with associated zoning restrictions to mitigate the impact on the adjacent residential development.
5. Other Community Commercial (CC200) designated land is located immediately east of the proposed request.
6. This property was included in the development application requests in 2003 that included annexation and rezoning.
7. Proposal could have an effect on the timing of development for other entitled, but undeveloped, CC200 zoned land on the east side of O’Connell Road.
8. The CO district has a corresponding comprehensive plan designation of Office or Office-Research per Section 20-201 of the Land Development Code.
9. The City is engaged in the final steps of preparing and adopting an updated comprehensive plan that will have impacts on commercial zoning districts in the future.

The applicant has requested an amendment to:

- 1) *Horizon 2020: Chapter 6, Commercial Land Use*, to change the designation from Higher Density Residential to expand the Community Commercial Center.

- 2) *Chapter 14, Specific Plans: Southeast Area Plan* to expand the plan boundary to include the southwest quadrant of the E 23rd Street and O'Connell Road node and to revise the future land uses designations from higher-density residential to commercial use.

Applicant's Statement: *The proposed amendment would extend the community commercial zoning (CC200) from the southeast corner of E. 23rd Street and O'Connell Road to the southwest corner see Map 6-1). The Fairfield Farms West Addition No. 2 would require rezoning from CO to CC200. For the Southeast Area Plan, Map 3-1 would extend the community commercial zoning (CC200) from the southeast corner of East 23rd Street and O'Connell Road to the southwest corner. Under Commercial (page 3-4); Applicable Aras, of Section 3.11 Land Use Descriptions will be revised to read:*

"Areas southeast and southwest of the intersection of E. 23rd Street and O'Connell Road. (Community commercial Center)."

SUMMARY

The applicant has requested an amendment to *Horizon 2020*: Chapter 14: Specific Plans, amending the *Southeast Area Plan* to revise the Future Land Use Map (Map 3-1) at the southwest corner of O'Connell Road and E. 23rd Street. The reason for this comprehensive plan amendment is to request the incorporation of the currently zoned CO (Office Commercial) District to CC200 (Community Commercial Centers) District, as requested by the Zoning Map Amendments application Z-18-00364. This amendment proposes expanding the current boundary of the *Southeast Area Plan* to parcels on the north side of Exchange Court, incorporating them formally into the designated node, designating them as Community Commercial land use in the sector plan's future land use map. This would then permit the rezoning of the parcels currently addressed as 2110, 2120, and 2130 Exchange Court to CC200 (Community Commercial Centers) District or another compatible zoning designation.

Currently, *Horizon 2020* designates this intersection as a potential location for a new CC200 center (p. 6-21). To expand the CC200 zoning to the southwest quadrant of the intersection, *Horizon 2020* notes that, "A nodal plan shall be completed before a proposal for a Neighborhood Commercial Center goes before the Planning Commission." (p. 6-33) The *Southeast Area Plan* currently contains a plan for this recommended commercial node, and this amendment would expand the node and the Sector Plan boundary to encompass this other quadrant. At this time, the northern portion of this intersection is part of the *Farmland Industries Redevelopment Plan*, which is also incorporated into Chapter 14: Specific Plans.

The request is for an amendment to *Horizon 2020*, Chapter 6: Commercial Land Use, to revise Map 3-2 "Lawrence Future Land Use" from High Density Residential to Office or Commercial. The reason for this Comprehensive Plan Amendment is to bring [*Horizon 2020*](#) into alignment with the requested rezoning.

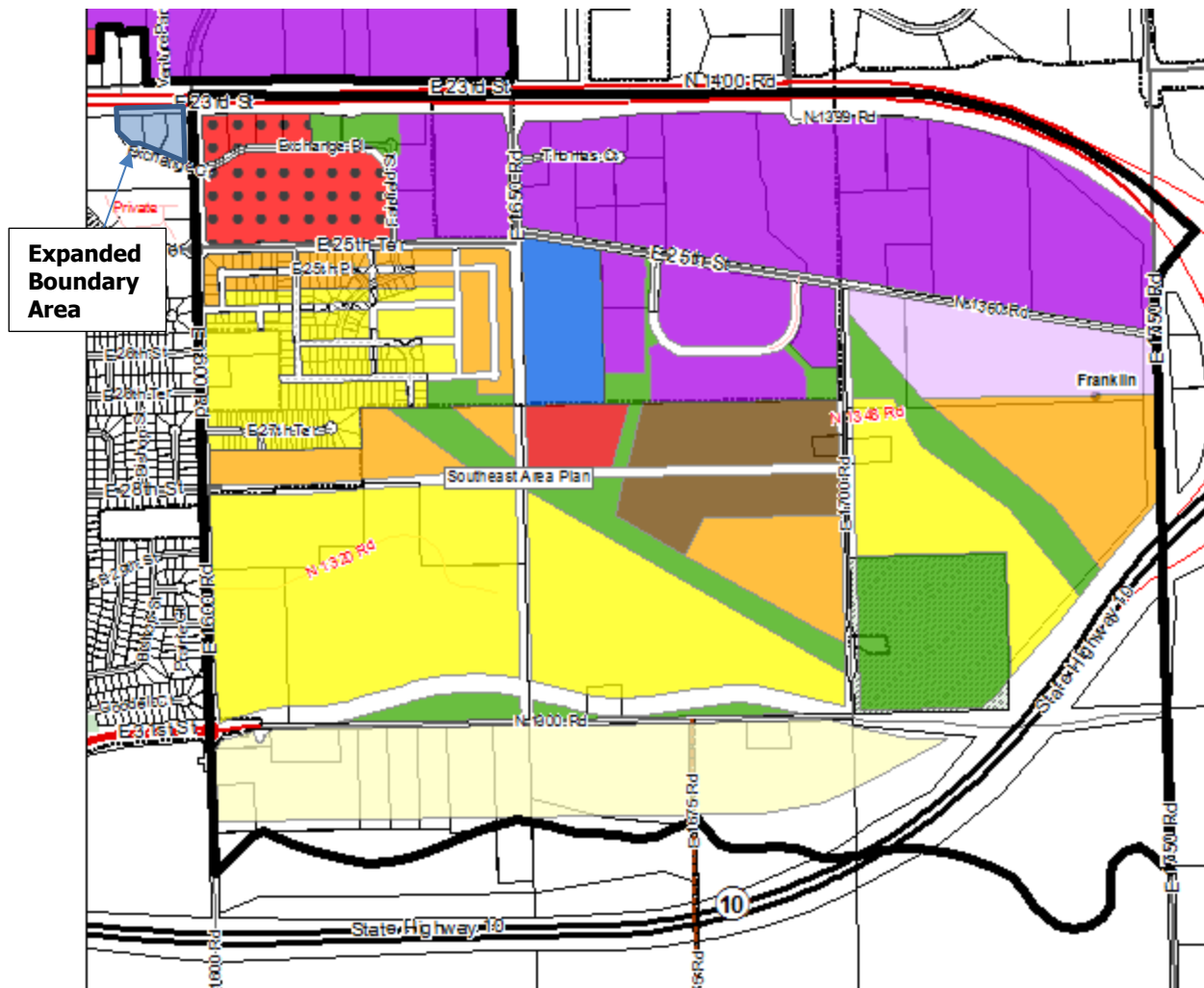


Figure 1: Existing Boundary - Southeast Area Plan

Items related to this Comprehensive Plan Amendment include:

- **Z-18-00364:** Consider a request to rezone approximately 4.31 acres from CO (Office Commercial) District to CC200 (Community Commercial) District, located at 2110, 2120 & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

STAFF REVIEW

The applicant is requesting revisions to Chapter 14: Specific Plans to include this quadrant of the node be incorporated into the Southeast Area Plan. The request would allow for expansion of higher-intensity commercial zoning along Exchange Court. At this time there is no specific development request; however, the applicant will be required to seek further development specific approvals. This request affects the commercial node designation for the intersection of E. 23rd Street and O'Connell Road. *Horizon 2020* designates this intersection as a future community Commercial Center (CC200). Specific land use recommendations are not included for the node. The *Southwest Area Plan* provides specificity only for the southeast quadrant of the node. The *Farmland Industries Redevelopment Plan* governs the northwest and northeast quadrants of the node.

The proposed request would facilitate the extension of the existing Community Commercial zoning to the west along E. 23rd Street and across O'Connell Road. *Horizon 2020* defines types of

commercial uses in Chapter 6. The following figures generally show the existing and proposed boundary.

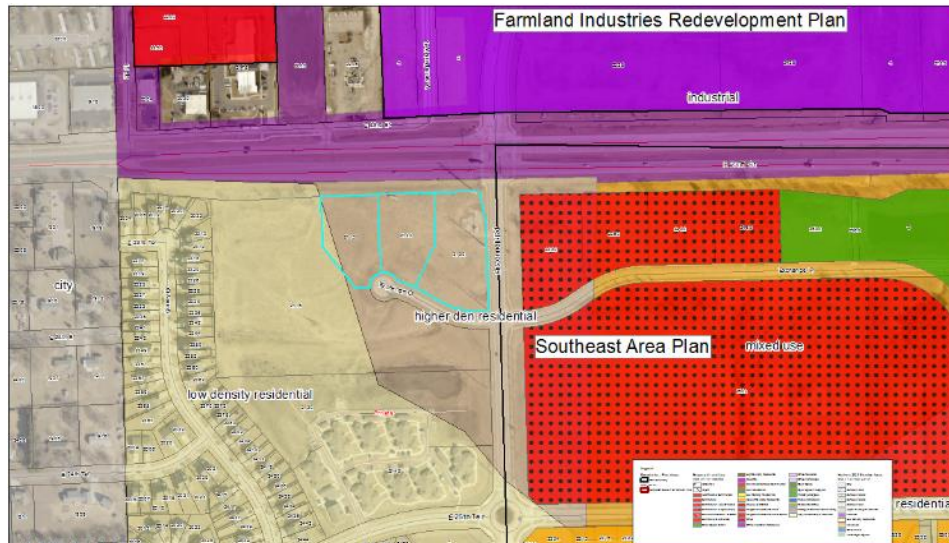


Figure 2: Currently Adopted *Horizon 2020*: Future Land Use Map 3-2

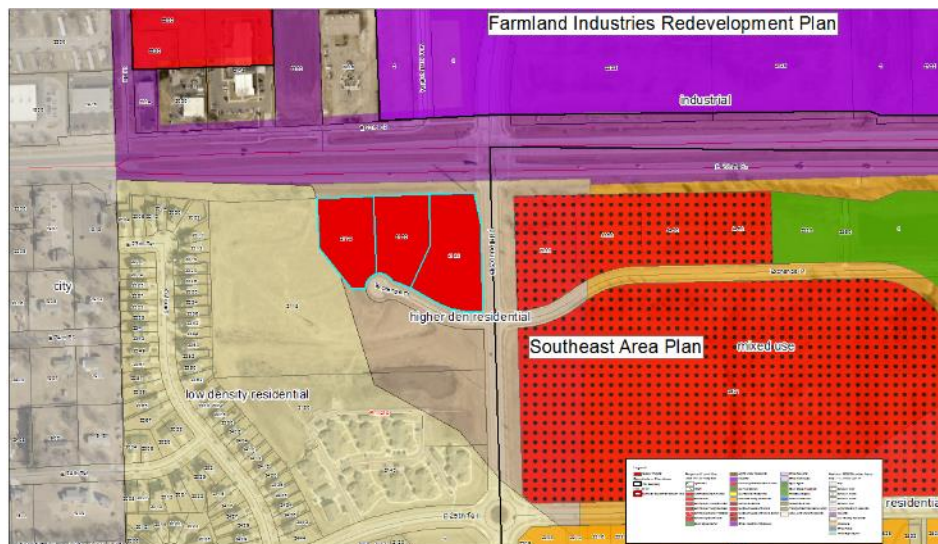


Figure 3: Proposed Modification to *Horizon 2020*: Future Land Use Map 3-2

The total land area included in the request is 4.3 acres, excluding the adjacent right-of-way. The property is platted into lots with basic infrastructure available making the property “development ready”.

Staff reviewed this amendment based upon the Comprehensive Plan Amendment review criteria listed below and as identified in Chapter 17 (Implementation) of *Horizon 2020*. The applicant’s responses are also provided below:

COMPREHENSIVE PLAN AMENDMENT REVIEW

- 1. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?**

Applicant's response: Yes. The fact that only the SE corner is zoned CC200 was a completely arbitrary submission on the part of the developer in the mid-2000s. In other words, there was no planning reason that the designation was only on one corner instead of both. The developer thought at the time (a few years before the recession) that there was sufficient demand in the market to fill all the office availability on the SW corner and all of commercial availability on the SE corner. Nearly 15 years later, there has not been a single user on either corner.

Staff's response: At the time of Map 3-2 adoption in 1998 ([Ordinance 6990](#)) there were different market forces and considerations than those at work today. Staff agrees with the applicant that significant land use considerations have been made since the adoption of future land use maps for the area.

- Adopted area plans include; *The Southeast Area Plan* and *Farmland Industries Redevelopment Plan*.
- The South Lawrence Trafficway has opened and provides improved transportation circulation in and around the community.
- The area to the west and southwest are developing with residential uses.
- The property immediately surrounding the request is currently vacant and zoned RM15 (Multi-Dwelling Residential) District. A development application for the adjacent property has been submitted for medium-density residential development and is being processed.

A significant investment in economic development is being made on the northeast corner of E. 23rd Street and O'Connell Road as part of the Lawrence Venture Park. The construction of phase 1 of VanTrust is expected to generate employment in the area¹.

Since the original adoption of the Future Land Use Map 3-2 the demand for office zoning has not performed per community expectations as evidenced by the lack of building permits for this land and the lack of applications for new CO zoning. The increase in permit activity within this node and the residential subdivisions in the southwest and southeast quadrants of the node, bolster an argument that this proposed land use designation could provide conveniences and services for the expanding employment and residential uses in the area. The following graphic show the land area included in a recent development application that expanded the commercial zoning to accommodate redevelopment of a site that is being developed as a *Hotel Use*.

An excerpt from that staff reports stated:

The existing *Farmland Industries Redevelopment Plan* noted that, "Limited commercial should be allowed to support the needs of the workers in the area. Commercial of a neighborhood, community, or regional nature shall not be allowed. Commercial shall not be permitted along the frontage of K-10 Highway as the Plan discourages strip commercial development along K-10." However, the commercial that is adjacent to VenturePark was already zoned and used for commercial uses prior to the plan's adoption. [CPA-16-00443 Staff Report Excerpt]

¹ Additional detail regarding the VanTrust project is available in the 2017, annual Economic Development Report. <https://assets.lawrenceks.org/assets/ecodev/2017-ed-report-05-31.pdf>



The change squared up the parcel of land creating a lot that could be more efficiently developed with little or no harm to the purpose or intent of the larger planning area. This application is similar in intent to expand the commercial opportunity to the southeast quadrant of the node.

Horizon 2020 anticipated medium-density residential development to occur and occupy transitional locations between single-family neighborhoods and office/commercial areas. The plan also anticipated compatibility with existing land uses, which include use, building type, density, and intensity of use, architectural style, scale, access, relationship to the neighborhood, and the amount and treatment of screening and open space. These site and architectural design facets will be considered as part of a specific development request through the site plan review process.

Horizon 2020 identifies E. 23rd Street and O'Connell Road as a node appropriate for a future Community Commercial Center (page 6-21). This amendment would revise the *Southeast Area Plan* to include the lots along the north side of Exchange Court as part of that Area Plan Boundary. This change is a refinement of the node and absorbs the remaining commercial zoned undeveloped lots into a specific area plan.

2. Does the proposed amendment advance a clear public purpose?

Applicant's response: Yes. The owner has been in talks with the City to ensure that any future development in the area is beneficial to all parties involved and to allow for more development options.

Staff's response: The adjacent area to the west and south of this site is designated and/constructed with medium-density and low-density residential development. One of the stated features of *Horizon 2020* is to support "infill development and redevelopment that will provide a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas." The subject properties are part of the larger nodal development. Appropriate land uses include development that serves the growing residential and employment land uses that are also part of, and adjacent to, the node.

The subject parcels are part of an area currently designed for “Higher Density Residential land use” in *Horizon 2020*. Another stated feature of *Horizon 2020* is to provide a progression of land uses to help achieve a transition in land use and intensity levels, and to help avoid major or abrupt changes in density and building type.

The proposed amendment would expand the *Southeast Area Plan* boundary. The amendment completes the land use planning for the only unplanned quadrant of this designated community commercial node. The benefit to the amendment is that it would provide clear development expectations to this designated commercial node. Instrumental to this compatibility will be the base zoning district designation and subsequent development application reviews to ensure compatibility with the surrounding neighborhood instead of what would be possible by-right in a higher intensity commercial zoning district

3. Is the proposed amendment consistent with the long-range goals and policies of the plan?

Applicant’s response: Yes. We believe that by extending the CC200 zoning west to incorporate Fairfield Farms West Addition No. 2; the developer will have more options to meet the City’s goals of developing this intersection.

Staff’s response: Staff acknowledges the changing market preferences for office developments throughout the community. The applicant’s response is narrowly focused to a specific intent and expectation. The question to be answered is how this change relates to the goals and policies for Community Commercial Center development and Nodal Development. Specifically, Policy 3.8 in Chapter 6: Commercial Residential Land Use encourages the progression of land uses between low-density residential development and higher intensity commercial development through land use transitions. This goal may be implemented through the designation of specific zoning districts, as well through site design.

The comprehensive plan supports infill development and redevelopment that provides a range of residential, commercial, office, industrial, and public uses within these parcels that is consistent and compatible with the established land use pattern in surrounding areas.

Below are goals and policies from *Horizon 2020*:

Goal 2: Encourage compatible transition from commercial development to residential neighborhoods and other less intensive land uses.

Policy 2.1: Use appropriate Transition Methods.

This policy addresses physical development such as site orientation, building relationships, landscape buffering and similar techniques to *minimize adverse impacts on adjacent residential areas.*

The criteria for locating commercial development is listed in Goal 3 and the following policies. Key among these criteria are providing scaled development to meet community needs. Commercial development shall occur in nodes at major intersections such as E. 23rd Street (arterial) and O’Connell Road (collector). Additionally, *commercial nodes shall be located where they can efficiently utilize local resources, where there adverse impacts on adjacent uses are minimized, and where they will effectively provide the community with desired products, services, and employment opportunities.* Policy 3.1 F.

Specific policies pertaining to development criteria for Community Commercial Centers are included in policy 3.8 A – M. Generally, these criteria seek to establish a framework to help mitigate the impacts based on the size of either individual commercial locations or the combined commercial space for the entire node/area.

“New or existing CC200 Centers shall not encroach or expand into surrounding residential or lower-intensity uses.” (Policy 3.8 G).

Horizon 2020 previously designated the intersection of E. 23rd Street and O’Connell Road as a “Future Community Commercial Center”. Not all four quadrants of these nodes are intended to be devoted to commercial uses (page 6-7). Other uses such as “office, employment-related uses, public and semi-public uses, parks and recreation uses, multi-family residential etc.” can and should make up other corners. This is reflected in the alignment of the future land uses as designated in both the *Southeast Area Plan* and the *Farmland Industries Redevelopment Plan*. The expectation is that a range of uses, serving multiple neighborhoods, are accommodated within these community commercial centers. The node must include multiple zoning districts to implement these policies. When the community commercial center/node interfaces with the lower intensity land uses appropriate transition techniques are deployed through zoning and design regulations.

The premise of many of these policies strives to create and preserve neighborhoods as a fundamental community building block. The healthiest neighborhoods include services that are conveniently located in proximity to homes as well as to places of employment, designed to integrate into the neighborhood fabric. The proposed request to expand the planning boundary as defined in the *Southeast Area Plan* is consistent with goals and policies of the plan.

4. Does the proposed amendment result from a clear change in public policy?

Applicant’s response: No, There has been no change in public policy. However, these 3 lots have garnered zero interest from the market in 15 years, in spite of being professionally marketed by four different Lawrence and Kansas City brokerage firms.

Staff’s response: At present, there has not been a change in public policy. The policies to ensure adequate consideration and design of transitional features is a key component of *Horizon 2020* and are implemented through the Land Development Code. Policy changes are expected to be discussed by various commissions as part of their deliberations on the draft of *Plan 2040*. The application of nodal commercial concepts is not expected to change. This request does not propose a change to this policy only to more clearly define the parameters of an already designed Community Commercial Center.

Site design criteria, such as the location and size of open areas, sensitive land preservation, and utilizing architectural design to mitigate building heights, and intensity transitions will be considered. There is no specific development application associated with this request. Specific site analysis for this proposal will be completed as part of a development plan application and other subsequent planning review processes.

In addition, the following shall be considered for any map amendments:

5. Will the proposed amendment affect the adequacy of existing or planned facilities and services?

Applicant's response: No. A previous drainage study and downstream sanitary sewer analysis were performed with this property zoned as commercial. A change from CO to CC200 would have no effects on storm, sanitary sewer or other facilities.

Staff's response: Site-specific infrastructure development will be required as individual lots are developed and connected to the existing infrastructure serving this node. Further analysis, regarding details of traffic impacts and infrastructure capacity will be addressed with future site development applications. Basic infrastructure is available to the property. The lots included in the request are developable regardless of changes to the comprehensive plan or zoning district.

6. Will the proposed change result in reasonably compatible land use relationships?

Applicant's response: Yes. The property to the east of O'Connell is already zoned CC200. The change from CO to CC200 keeps the land commercial and would provide flexibility in development options at this site. It would also provide commercial options to serve the growing eastern Lawrence community.

Staff's response: The property is immediately adjacent to medium-density residential zoning to the west and south. Existing CC200 zoning is located to the east across O'Connell Road. These lots are platted with direct access to Exchange Court. This street terminates in a cul-de-sac that also provides access to the adjacent residential property. The southwest corner of O'Connell Road and E. 23rd Street is an integrated unit separate from the southeast corner of the same intersection.

Necessarily, intensity of development for the southwest quadrant of the node would need to transition to a more neighborhood-scale development pattern and intensity to be compatible with the adjacent residential uses. Inclusion of the property as part of the Community Commercial Center does not assume a particular zoning designation, though is most often considered a CC, (Community Commercial Centers) District. The *Southeast Area Plan* also notes that other commercial zoning districts may be compatible with this land use designation, such as CN2 (Neighborhood Commercial Center District) or PD (Planned Development Overlay). (*Southeast Area Plan*, p. 3-4)

The southwest quadrant of the node is unique in its exclusion from both of the Sector Plans adopted for the other three quadrants of this node. Because it is generally smaller in geographic area, and given the development activity occurring in other portions of this node, it has the potential to be compatibly developed in a way that is consistent with both the commercial node and the existing residential development. This would be carried out through the application of the base zoning district designation and through the site planning process to ensure reasonable and appropriate land use relationships are created.

7. Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?

Applicant's response: Yes. The owner of the land has been working closely with City staff to ensure that the site is developed with the interests of the citizens of Lawrence and Douglas County as a top priority.

Staff's response: This proposed amendment could provide expanded commercial services for the community, conveniences for the developing and existing neighborhoods, and for employment uses in the surrounding vicinity.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020*, and forwarding that recommendation to the Lawrence City Commission to amend Chapter 14, and the *Southeast Area Plan*, to expand the Community Commercial Center to incorporate this proposed area.

HORIZON 2020

The Comprehensive Plan for Lawrence and Unincorporated Douglas County

8/20/2018 <DATE PENDING>
Amendment

Plan prepared by the Lawrence/Douglas County Metropolitan Planning Office based upon recommendations from the HORIZON 2020 Steering Committee.

Adopted by the Planning Commission on May 22, 1996.

Adopted by the City Commission January 28, 1997.

Douglas County Board of County Commissioners May 18, 1998.

HORIZON 2020

The Comprehensive Plan
for Lawrence and
Unincorporated Douglas County

1998 Revised Edition

HORIZON 2020 ADOPTED:

Lawrence/Douglas County Metropolitan Planning Commission	May 22, 1996
Lawrence City Commission	January 28, 1997
Douglas County Board of County Commissioners	May 18, 1998

AMENDMENTS SINCE ADOPTION:

1. Map 3-2-Inset, Future Land Use - City of Lawrence
Lawrence-Douglas County Metropolitan Planning Commission - December 17, 1997
Lawrence City Commission - February 17, 1998
2. Regarding Rural Development Issues and the Urban Growth Area Boundary (including a revised format)
Lawrence-Douglas County Metropolitan Planning Commission - April 29, 1998
Douglas County Board of County Commissioners - May 18, 1998
Lawrence City Commission - June 9, 1998
3. Extend the Urban Growth Area east of Noria (E1750) Rd
Lawrence-Douglas County Metropolitan Planning Commission - March 15, 2000
Douglas County Board of County Commissioners - March 22, 2000
Lawrence City Commission - April 11, 2000
4. Adding public health facilities text to Chapter Ten, Section Twelve concerning "Municipal Buildings and Facilities, Health Services"
Lawrence-Douglas County Metropolitan Planning Commission - February 28, 2001
Douglas County Board of County Commissioners - March 28, 2001
Lawrence City Commission - March 27, 2001
5. Updating of population projections in Chapter Two and modification of Table of Contents and Table and Figure listing
Lawrence-Douglas County Metropolitan Planning Commission - May 23, 2001
Douglas County Board of County Commissioners - August 15, 2001
Lawrence City Commission - June 12, 2001
6. Update to Chapter Twelve – Economic Development
Lawrence-Douglas County Metropolitan Planning Commission – October 22, 2003
Douglas County Board of County Commissioners - November 19, 2003
Lawrence City Commission - November 18, 2003
Effective date - December 1, 2003
7. Adoption of Revised Major Thoroughfares Maps - (Pages 8-5 and 8-6)
Lawrence-Douglas County Metropolitan Planning Commission – November 19, 2003
Douglas County Board of County Commissioners - December 15, 2003
Lawrence City Commission - December 30, 2003
Effective date - January 4, 2004
8. Expansion of the Urban Growth Area - (Pages 3-3, 3-5, and 4-3)
Lawrence-Douglas County Metropolitan Planning Commission – December 17, 2003
Douglas County Board of County Commissioners - November 19, 2003
Lawrence City Commission - January 20, 2004
Effective date - January 31, 2004

9. Update to Chapter Six – Commercial Land Use
Lawrence-Douglas County Metropolitan Planning Commission – October 22, 2003
Douglas County Board of County Commissioners - November 19, 2003
Lawrence City Commission - November 18, 2003
Effective date - March 16, 2004
10. Amendment to Chapter Six – Commercial Land Use
Lawrence-Douglas County Metropolitan Planning Commission – March 15, 2006
Douglas County Board of County Commissioners – September 11, 2006
Lawrence City Commission – August 8, 2006
Effective date – December 15, 2006
11. Update to Chapter Nine – Parks, Recreation and Open Space
Lawrence-Douglas County Metropolitan Planning Commission – September 25, 2006
Douglas County Board of County Commissioners – October 9, 2006
Lawrence City Commission - October 10, 2006
Effective date – January 5, 2007
12. Amendments to Chapters Four – Growth Management and Chapter Five – Residential Land Use
Lawrence-Douglas County Metropolitan Planning Commission – August 21, 2006
Douglas County Board of County Commissioners – October 18, 2006
Lawrence City Commission - December 19, 2006
Effective date – January 19, 2007
13. Amendments to Chapters Five –Residential Land Use (Figure 5-1)
Lawrence-Douglas County Metropolitan Planning Commission – February 26, 2007
Douglas County Board of County Commissioners – April 18, 2007
Lawrence City Commission – April 4, 2007
Effective date – May 4, 2007
14. Addition of Chapter Fourteen –Specific Plans
Lawrence-Douglas County Metropolitan Planning Commission – June 27, 2007
Douglas County Board of County Commissioners – August 20, 2007
Lawrence City Commission – August 14, 2007
Effective date – September 14, 2007
15. Amendment to Chapter Fourteen – Revised Southern Development Plan
Lawrence-Douglas County Metropolitan Planning Commission – November 28, 2007
Douglas County Board of County Commissioners – January 7, 2008
Lawrence City Commission – December 18, 2007
Effective date – January 18, 2008
16. Amendment to Chapter Fourteen – Southeast Area Plan
Lawrence-Douglas County Metropolitan Planning Commission – November 28, 2007
Douglas County Board of County Commissioners – January 28, 2008
Lawrence City Commission – January 15, 2008
Effective date – February 12, 2008
17. Amendment to Chapter Fourteen - Farmland Industries Redevelopment Plan
Lawrence-Douglas County Metropolitan Planning Commission – November 28, 2007
Douglas County Board of County Commissioners – March 31, 2008
Lawrence City Commission – March 11, 2008
Effective date – April 5, 2008

18. Amendments to Chapter Six – Commercial Land Use
Lawrence-Douglas County Metropolitan Planning Commission – February 27, 2008
Douglas County Board of County Commissioners – April 28, 2008
Lawrence City Commission – April 1, 2008
Effective date – May 21, 2008
19. Amendments to Chapter Six – Mixed Use District
Lawrence-Douglas County Metropolitan Planning Commission – April 23, 2008
Douglas County Board of County Commissioners – June 16, 2008
Lawrence City Commission – May 13, 2008
Effective date – July 9, 2008
20. Amendment to Chapter Fourteen – Amend the Southeast Area Plan
Lawrence-Douglas County Metropolitan Planning Commission – May 21, 2008
Douglas County Board of County Commissioners – July 14, 2008
Lawrence City Commission – June 24, 2008
Effective date – July 21, 2008
21. Amendment to Chapter Fourteen – Amend the Southeast Area Plan
Lawrence-Douglas County Metropolitan Planning Commission – September 22, 2008
Douglas County Board of County Commissioners – November 10, 2008
Lawrence City Commission – October 7, 2008
Effective date – December 1, 2008
22. Amendment to Chapter Six – Neighborhood Commercial Centers
Lawrence-Douglas County Metropolitan Planning Commission – October 20, 2008
Douglas County Board of County Commissioners – December 8, 2008
Lawrence City Commission – November 11, 2008
Effective date – December 18, 2008
23. Amendment to Chapter Six – Renumber Goal 3
Lawrence-Douglas County Metropolitan Planning Commission – October 20, 2008
Douglas County Board of County Commissioners – December 8, 2008
Lawrence City Commission – November 11, 2008
Effective date – December 18, 2008
24. Amendment to Chapter Fourteen – K-10 & Farmer's Turnpike Plan
Lawrence-Douglas County Metropolitan Planning Commission – November 17, 2008
Douglas County Board of County Commissioners – January 7, 2009
Lawrence City Commission – December 9, 2008
Effective date – January 11, 2009
25. Amendment to Chapter Six – Inner-Neighborhood Commercial Centers
Lawrence-Douglas County Metropolitan Planning Commission – November 17, 2008
Douglas County Board of County Commissioners – February 9, 2009
Lawrence City Commission – December 2, 2008
Effective date – March 1, 2009
26. Addition of Chapter Fifteen – Place Making Elements
Lawrence-Douglas County Metropolitan Planning Commission – May 21, 2008
Douglas County Board of County Commissioners – February 23, 2009
Lawrence City Commission – January 27, 2009
Effective date – March 17, 2009

27. Amendment to Chapter Fourteen – Lawrence SmartCode Infill Plan
Lawrence-Douglas County Metropolitan Planning Commission – May 21, 2008
Douglas County Board of County Commissioners – February 23, 2009
Lawrence City Commission – January 27, 2009
Effective date – March 17, 2009
28. Amendment to Chapter Fourteen – West of K-10 Plan
Lawrence-Douglas County Metropolitan Planning Commission – March 25, 2009
Douglas County Board of County Commissioners – May 6, 2009
Lawrence City Commission – June 9, 2009
Effective date – June 21, 2009
29. Update to Chapter Seven – Industrial and Employment-Related Land Use
Lawrence-Douglas County Metropolitan Planning Commission – April 22, 2009
Douglas County Board of County Commissioners – August 5, 2009
Lawrence City Commission – June 9, 2009
Effective date – August 15, 2009
30. Amendment to Chapter Four- Growth Management & Chapter Six – Rural Tourism Facilities
Lawrence-Douglas County Metropolitan Planning Commission – May 18, 2009
Douglas County Board of County Commissioners – June 24, 2009
Lawrence City Commission – August 18, 2009
Effective date – August 29, 2009
31. Amendment to Chapter Three – General Plan Overview-Remove Land Use Categories Table
Lawrence-Douglas County Metropolitan Planning Commission – September 21, 2009
Douglas County Board of County Commissioners – November 18, 2009
Lawrence City Commission – October 27, 2009
Effective date – November 25, 2009
32. Renumber the Implementation Chapter to Chapter Seventeen
Lawrence-Douglas County Metropolitan Planning Commission – September 21, 2009
Douglas County Board of County Commissioners – November 18, 2009
Lawrence City Commission – October 27, 2009
Effective date – November 25, 2009
33. Amendment to Chapter Fourteen – Oread Neighborhood Plan
Lawrence-Douglas County Metropolitan Planning Commission – January 27, 2010
Lawrence City Commission – September 21, 2010
Effective date – October 1, 2010
34. Amendment to Chapter to Chapter Fourteen – Chapter 13 reference
Lawrence-Douglas County Metropolitan Planning Commission – June 23, 2010
Douglas County Board of County Commissioners – October 27, 2010
Lawrence City Commission – October 19, 2010
Effective date – November 1, 2010
35. Amendment to Chapter to Chapter Seven – Add reference to K-10 & Farmer’s Turnpike Plan
Lawrence-Douglas County Metropolitan Planning Commission – July 26, 2010
Douglas County Board of County Commissioners – October 27, 2010
Lawrence City Commission – October 19, 2010
Effective date – November 1, 2010

36. Update to Chapter Eight - Transportation
Lawrence-Douglas County Metropolitan Planning Commission – September 20, 2010
Douglas County Board of County Commissioners – January 26, 2011
Lawrence City Commission – December 21, 2010
Effective date – February 7, 2011
37. Addition of Chapter Sixteen - Environment
Lawrence-Douglas County Metropolitan Planning Commission – August 23, 2010
Douglas County Board of County Commissioners – April 13, 2011
Lawrence City Commission – June 7, 2011
Effective date – June 23, 2011
38. Amendment to Chapter Fourteen – Southeast Area Plan Update
Lawrence-Douglas County Metropolitan Planning Commission – August 24, 2011
Lawrence City Commission – September 27, 2011
Douglas County Board of County Commissioners – November 19, 2011
Effective date – October 22, 2011
39. Amendment to Chapter Fourteen – Inverness Park District Plan
Lawrence-Douglas County Metropolitan Planning Commission – July 27, 2011
Lawrence City Commission – September 20, 2011
Douglas County Board of County Commissioners – November 12, 2011
Effective date – October 22, 2011
40. Amendment to Chapter Fourteen – Inverness Park District Plan
Lawrence-Douglas County Metropolitan Planning Commission – April 23, 2012
Lawrence City Commission – May 15, 2012
Douglas County Board of County Commissioners – June 13, 2012
Effective date – June 22, 2012
41. Amendment to Chapter Fourteen – 6th and Wakarusa Area Plan & Chapter Six – Commercial Land Use
Lawrence-Douglas County Metropolitan Planning Commission – June 25, 2012
Lawrence City Commission – July 10, 2012
Effective date – July 20, 2012
42. Amendment to Chapter Fourteen – Northeast Sector Plan
Lawrence-Douglas County Metropolitan Planning Commission – May 21, 2012
Lawrence City Commission – September 11, 2012
Douglas County Board of County Commissioners – June 13, 2012
Effective date – September 21, 2012
43. Amendment to Chapter Six – Auto Related Commercial Center Policies
Lawrence-Douglas County Metropolitan Planning Commission – January 28, 2013
Lawrence City Commission – March 12, 2013
Douglas County Board of County Commissioners – April 10, 2013
Effective date – April 26, 2013
44. Amendment to Chapter Fourteen – West of K-10 Amendment & Remove 6th & SLT Nodal Plan, & Chapter Six – CC600
Lawrence-Douglas County Metropolitan Planning Commission – February 27, 2013
Lawrence City Commission – March 26, 2013
Douglas County Board of County Commissioners – April 10, 2013
Effective date – May 10, 2013

45. Amendment to Chapter Six – Lawrence Existing Commercial Areas, S. Iowa Street (23rd Street to K-10) & Chapter Fourteen – Revised Southern Development Plan
Lawrence-Douglas County Metropolitan Planning Commission – May 20, 2013
Lawrence City Commission – June 18, 2013
Douglas County Board of County Commissioners – June 12, 2013
Effective date – June 28, 2013
46. Update to Chapter Eight – Transportation
Lawrence-Douglas County Metropolitan Planning Commission – August 26, 2013
Lawrence City Commission – October 8, 2013
Douglas County Board of County Commissioners – September 25, 2013
Effective date – October 28, 2013
47. Amendment to Chapter Six – Lawrence Existing Commercial Areas, W. 6th Street and Wakarusa Drive & Chapter Fourteen – An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive
Lawrence-Douglas County Metropolitan Planning Commission – April 21, 2014
Lawrence City Commission – May 13, 2014
Effective date – May 16, 2014
48. Amendment to Chapter Fourteen – West of K-10 Plan
Lawrence-Douglas County Metropolitan Planning Commission – December 15, 2014
Douglas County Board of County Commissioners – January 14, 2015
Lawrence City Commission – January 20, 2015
Effective date – February 3, 2015
49. Amendment to Chapter Fourteen – An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive
Lawrence-Douglas County Metropolitan Planning Commission – January 26, 2015
Lawrence City Commission – February 17, 2015
Effective date – February 26, 2015
50. Amendment to Chapter Fourteen – K-10 and Farmer's Turnpike Plan
Lawrence-Douglas County Metropolitan Planning Commission – March 21, 2016
Lawrence City Commission – April 19, 2016
Douglas County Board of County Commissioners – April 20, 2016
Effective date – April 24, 2016
51. Amendment to Chapter Fourteen – Farmland Industries Redevelopment Plan
Lawrence-Douglas County Metropolitan Planning Commission – November 16, 2016
Lawrence City Commission – December 13, 2016
Effective date – December 18, 2016
52. Amendment to Chapter Seven – Amendment to the Oread West Research Park Boundary
Lawrence-Douglas County Metropolitan Planning Commission – April 24, 2017
Lawrence City Commission – August 8, 2016
Effective date – August 12, 2016
53. Amendment to Chapter Eight – Transportation
Lawrence-Douglas County Metropolitan Planning Commission – June 27, 2018
Lawrence City Commission – August 14, 2018
Douglas County Board of County Commissioners – August 8, 2018
Effective date – August 19, 2018

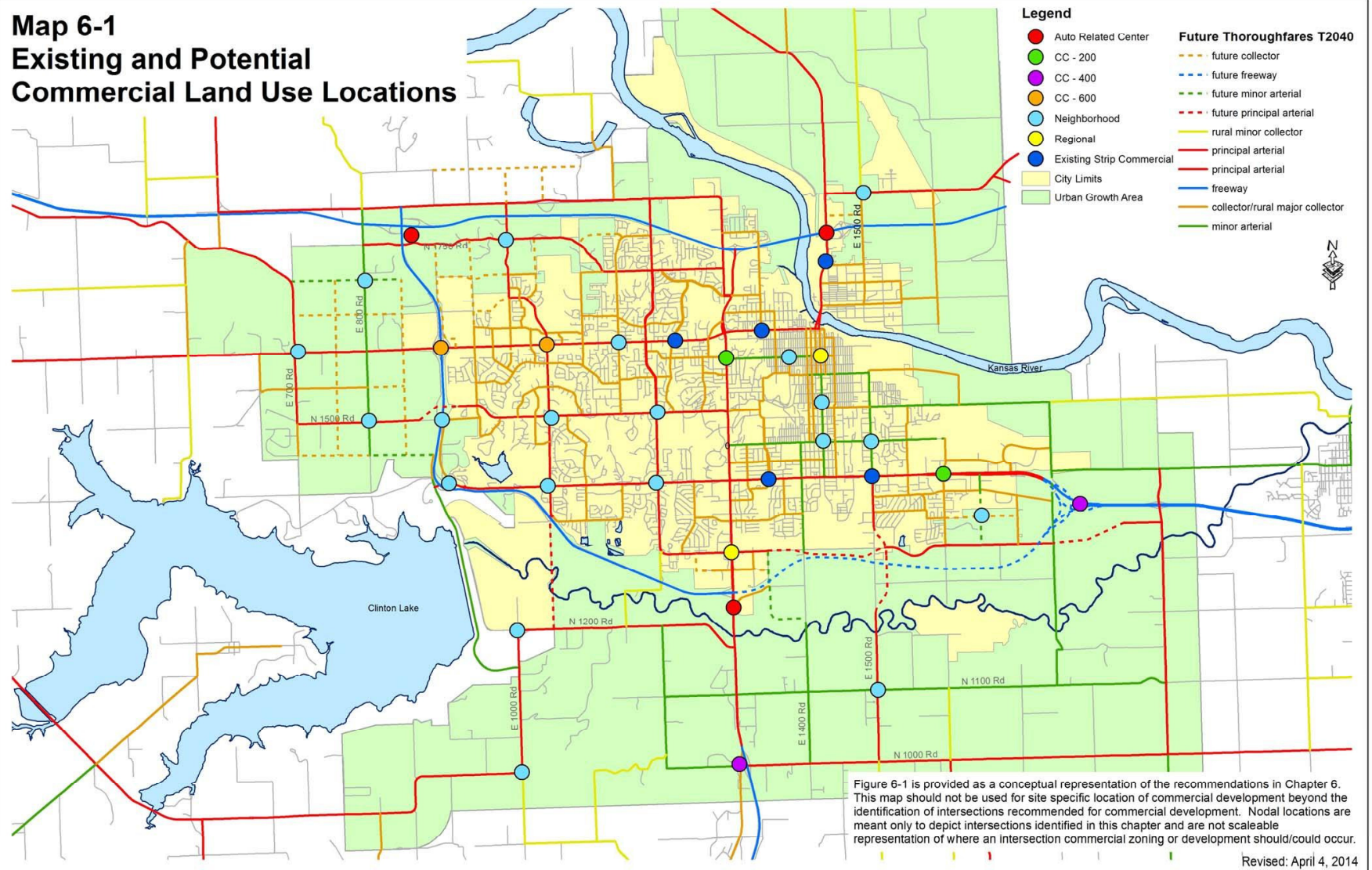
54. Amendment to Chapter Fourteen – Southeast Area Plan

Lawrence-Douglas County Metropolitan Planning Commission – <DATE PENDING>

Lawrence City Commission – <DATE PENDING>

Effective date – <DATE PENDING>

Map 6-1 Existing and Potential Commercial Land Use Locations



Southeast Area Plan

Map 3-1 Future Land Use

Legend

- City Limits
- Area Boundary

Major Thoroughfares

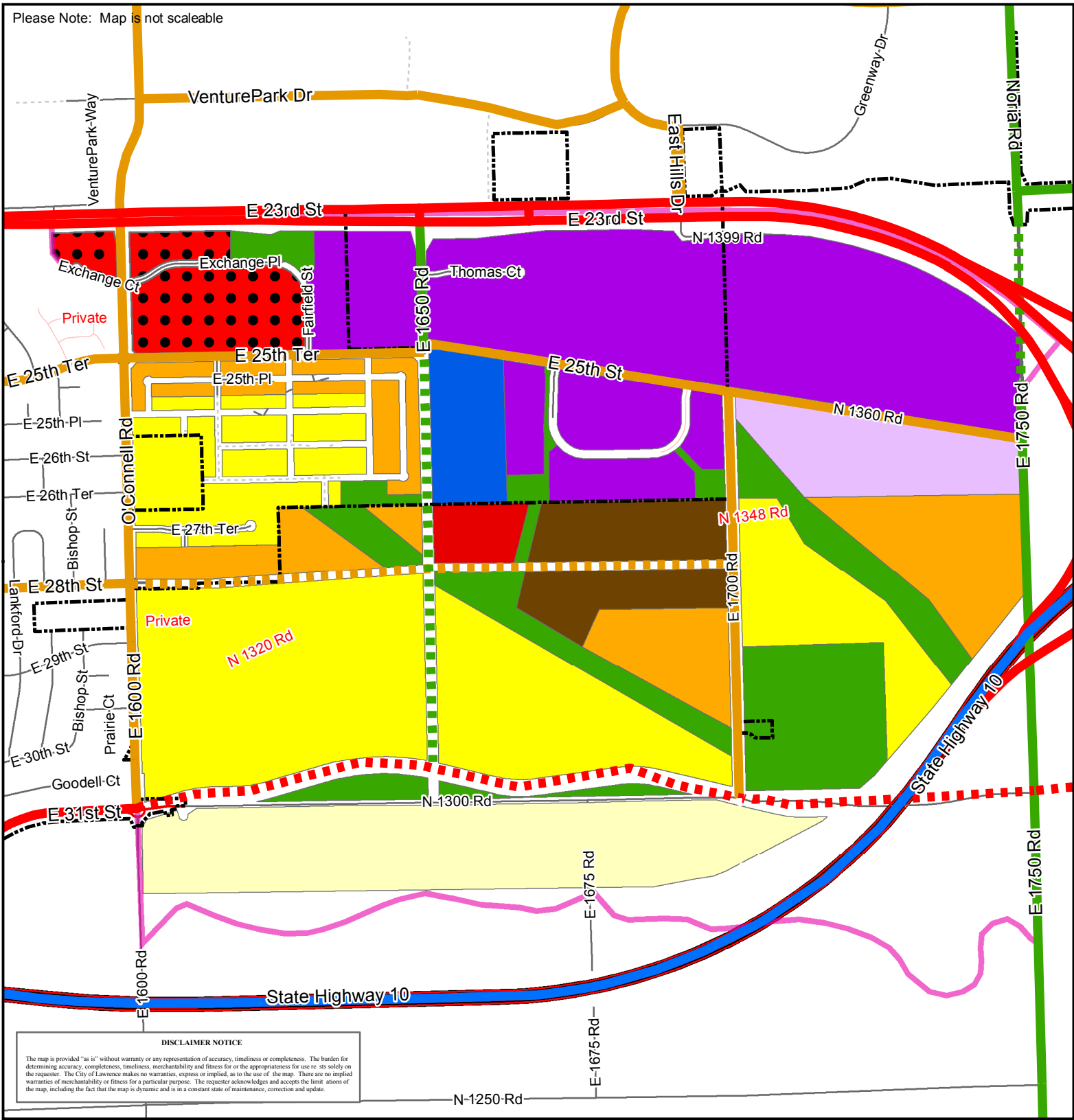
- freeway
- principal arterial
- minor arterial
- collector
- future freeway
- future arterial
- future minor arterial
- future collector
- future local

Future Land Use

- Very Low-Density Residential
- Low-Density Residential
- Medium-Density Residential
- High-Density Residential
- Neighborhood Commercial
- Community Commercial
- Office/Warehouse
- Industrial
- Public/Institutional
- Park/Open Space

Map Date: 11/6/2018

Please Note: Map is not scaleable



Southeast Area Plan

Approved by Lawrence-Douglas County Planning Commission 11/28/07
Approved by the Lawrence City Commission 1/8/08
Approved by the Douglas County Board of Commissioners 1/28/08

Revised 7/21/08; 12/1/08; <DATE PENDING>

Update Approved by the Planning Commission 8/24/11
Approved by the Lawrence City Commission 9/27/11
Approved by the Douglas County Board of Commissioners 11/19/11

Update Approved by the Planning Commission <DATE PENDING>
Approved by the Lawrence City Commission <DATE PENDING>
Approved by the Douglas County Board of Commissioners <DATE PENDING>

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Section 1 - Introduction

1.1 Background & Purpose

The development of a *Southeast Area Plan* began in 1997. The primary issues at that time were: timing of development (land uses), connectivity of the major street network, the location and timing of the eastern leg of the South Lawrence Trafficway/K-10 Highway (SLT/K-10 Highway), and the timing of city sanitary sewer and water lines to the planning area. Meetings were held with the area property owners to gather their input. Planning staff created a draft land use map for the planning area on August 13, 1997, it was presented to the Planning Commission, and a plan and a summary of the process followed. The Planning Commission forwarded the *Southeast Area Plan* to the County Commission for direction on the access points shown in the plan to the SLT/K-10 Highway. The County Commission deferred the discussion because of issues due to an ongoing study of the eastern alignment of the SLT/K-10 Highway. After this deferral, the plan was not approved or adopted by any of the three Commissions.



Area Plan drafted in 1997.

New information regarding traffic routes and specific corridor planning along with the closing of the Farmland Industries Plant and the update of the city's wastewater master plan has created renewed interest in developing a plan for the Southeast Area. Development concerns for the area were essentially the same as they were in 1997: sanitary sewer, major roads, appropriate land uses, and the SLT/K-10 Highway alignment. While there has been some additional development in the area, the physical conditions of the planning area were substantially unchanged from the conditions that existed in the *Southeast*

The planning process continued in 2004 with various drafts of future land use maps and text. Two future land use maps were given as options but a consensus could not be reached by the Commissions. Since then, various things have changed. The ECO² Commission has completed the first phase of their plan, development has occurred within the planning area, and the Wakarusa Water Reclamation Facility is tentatively set to be operational 2017-2022, south of the planning area and south of the Wakarusa River, which will provide additional sanitary sewer capacity to this area. The ECO² plan is a long-term plan for the identification, evaluation, and selection of land for the advancement of industrial/business park and open space preservation.

The recommendations contained within this plan are intended to guide the area's growth patterns as the development of the Southeast Area occurs. A plan's purpose is to provide a closer look at the specifically described area while being consistent with the overall adopted comprehensive plan for the community. The plan should fit like a puzzle piece into the larger context of the surrounding street, utility, and land use network of the entire community. Logical connections between the planning area and adjacent neighborhoods are a key factor in the development of the plan.

1.2 Description of Planning Area

The *Southeast Area Plan* encompasses all of Section 9, the west half of Section 10, and portions of Sections 15 and 16 in Wakarusa Township. The planning area boundaries are: E 1750 Road (Noria Road) to the east, the Wakarusa River floodplain as depicted on the 2001 FEMA maps to the south, O'Connell Road to the west, and E. 23rd Street/K-10 Highway to the north. The majority of the planning area is located within the urban growth area service area 1¹. The properties south of N 1300 Road (E. 31st Street) are located in Service Area 4. Roughly two thirds of the planning area lie outside of the city limits of Lawrence but within the urban growth area as identified in *Horizon 2020*.



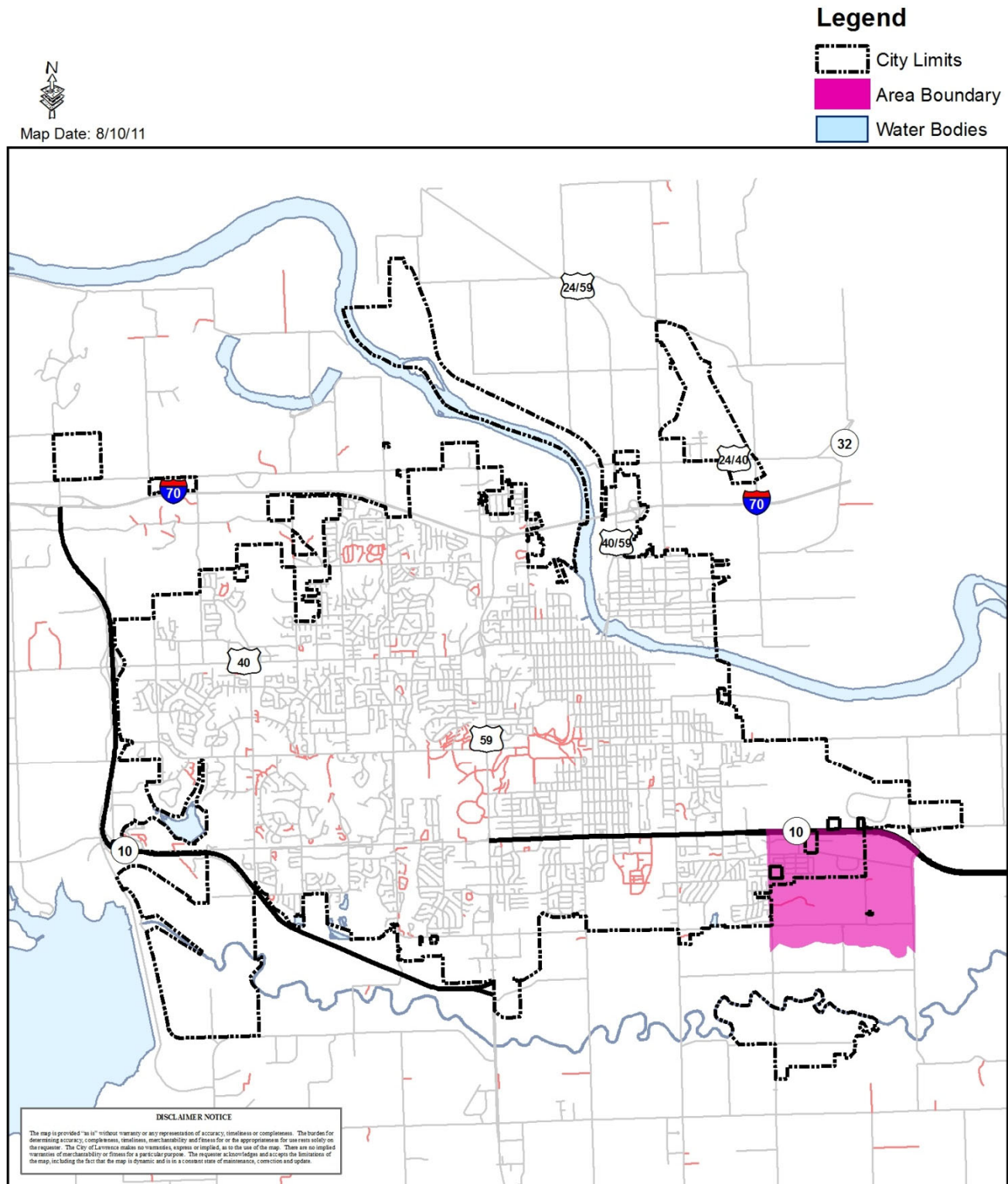
Diverse uses surround the planning area. The Prairie Park Neighborhood is located directly to the west of the planning area and has been developed within the last ten years, predominately with single-family residences. Land uses north of the planning area are comprised of large industrial properties including the vacant Farmland fertilizer plant and East Hills Business Park, all north of E. 23rd Street/K-10 Highway. South and east of the planning area is the Wakarusa River, the Wakarusa Floodplain, and agricultural uses. While the areas described are outside of the planning area boundaries, they have significant influence on the land use development patterns within the Southeast Area. Key influences are the vacant Farmland Industries property, the expansion of East Hills Business Park, and the communities' need to have sufficient wastewater capacity for future industrial uses in these areas.

The planning area contains approximately 1,300 acres with a wide range of ownership parcel sizes. Two parcels are larger than 100 acres, nine parcels are between 30 and 100 acres, and fourteen parcels are between 10 and 29 acres. The remaining parcels, approximately 321, are less than 10 acres in size. Because of the ownership patterns, a coordinated effort on behalf of the property owners is necessary to develop benefit districts to construct the major portions of the required infrastructure. The planning area boundaries and parcel composition are illustrated in Map 1-1 and Map 1-2.

¹ Service Area 1 "This area includes lands which are proximate to the existing city limits and can be readily served by community facilities and services."

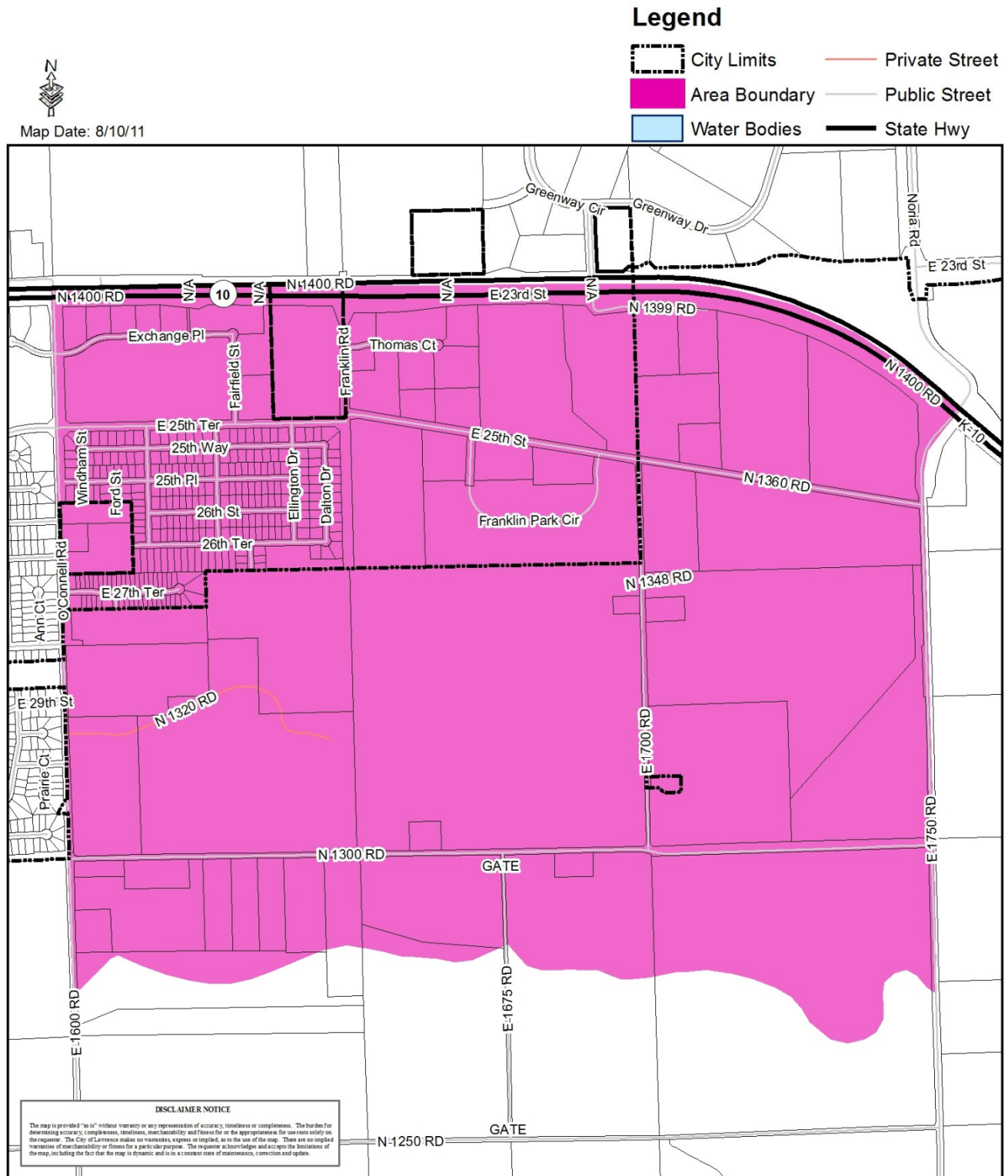
Southeast Area Plan

Map 1-1 Planning Area Boundary in Relation to Lawrence



Southeast Area Plan

Map 1-2 Planning Area Boundary and Parcels



1.3 Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans provide the general “umbrella” policies under which this plan is developed. Listed, these plans are:

- *Horizon 2020*, The Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998 as amended.
- Transportation 2030, Lawrence/Douglas county Long Range Transportation Plan. Lawrence-Douglas County Metropolitan Planning Office. April 16, 2009. *Lawrence-Douglas County Bicycle Plan*, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan*. Leon Younger & PROS. 2000.
- Preliminary Alignment Study for 31st Street (North 1300 Road) East of 1600 Road to County Road 1057. Wilson & Company, Inc. September 29, 2010 *City of Lawrence, Kansas Water Master Plan*. Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan*. Black & Veatch. December 2003.
- *23rd Street Corridor Study*, Lawrence-Douglas County Metropolitan Planning Office. September 2002.

Section 2 - Existing Conditions

The inventory and analysis of existing conditions in this plan are intended to serve as a resource and background for the recommendations included at the end of this plan.

2.1 Land Uses

There are currently a wide range of land uses within the planning area. The existing land use summary and map are based on the County Appraisers' land use code and updated by planning staff, as the source information for this portion of the plan. Agricultural uses, in the form of row crops, pasturelands, and farms are the prominent land uses. As the area urbanizes, these agricultural uses will dissolve and be reused for more intensive land use types. This category is not carried forward to the future land use map. Remaining open spaces in an urbanized environment are referred to as park or open space.



The second largest land use category is the public/institutional use which is a mix of public and privately owned uses. The publicly owned uses are the Douglas County Jail located at the southeast corner of Franklin Road and E. 25th Street and the sanitary sewer pump station located on the edge of the future park northeast of the intersection of N 1300 Road (E. 31st Street) and E 1700 Road (Kitsmiller Road). The two private institutional uses include the O'Connell Youth Ranch and Teen Challenge facility located at the northeast corner of O'Connell Road and N 1300 Road (E. 31st Street).

This does not include the identified future park located at the northeast corner of N 1300 Road (E. 31st Street) and E 1700 Road (Kitsmiller Road).

Within the planning area, there has been some residential home development. There is an area platted and developed with duplex type uses located along E. 27th Terrace. There is also a large portion of the area south of N 1300 Road (E. 31st Street) that is developed with large lot, single-family uses.

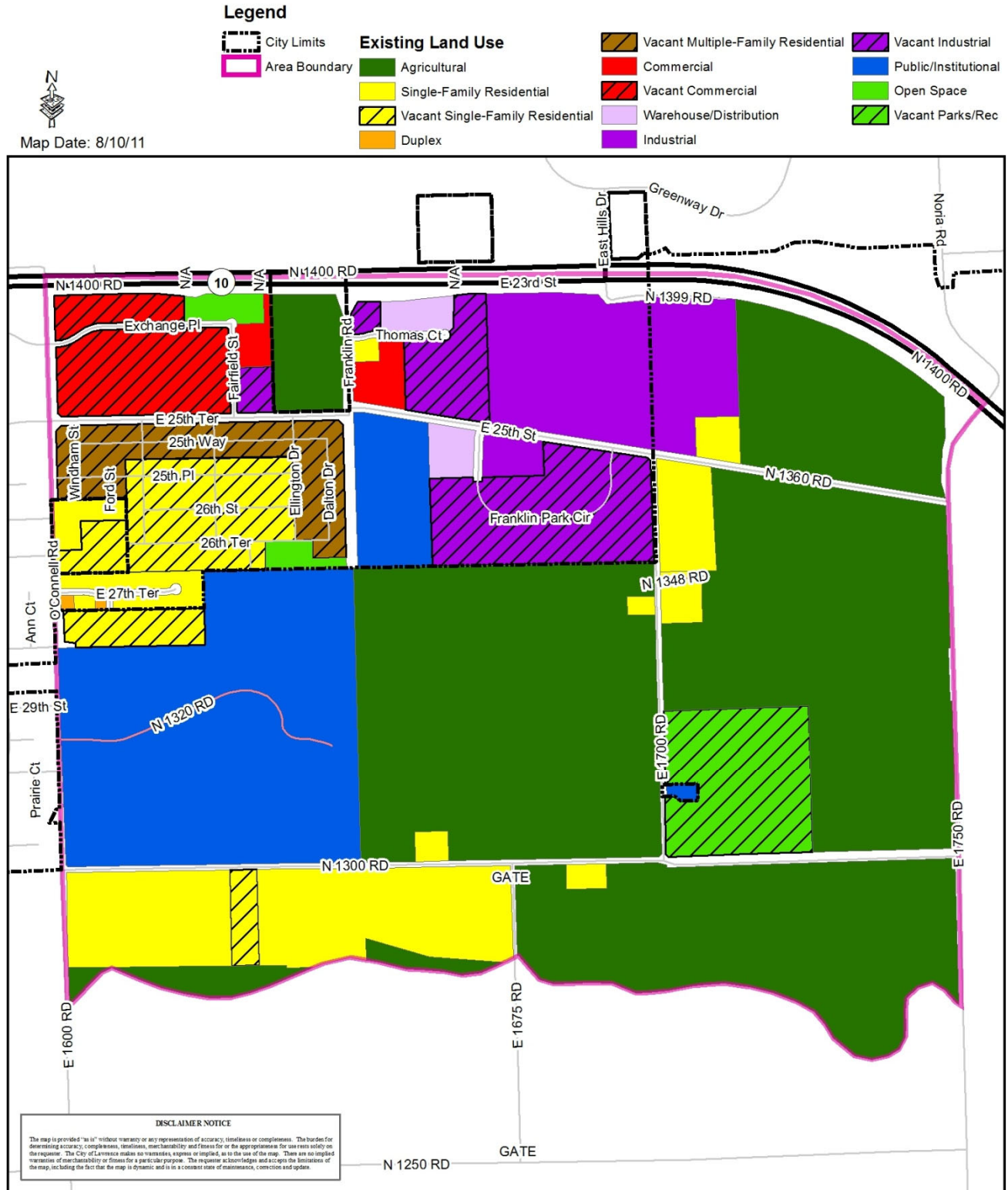
The remaining land is designated a variety of uses ranging from open space to industrial. A variety of uses are categorized as "vacant" uses. Many of these areas are within the city and are already platted and/or zoned for a specific use. The existing land uses are shown on Map 2-1.

Table 2-1 Existing Land Use Summary (August 2011)

Land Use	Acres
Agricultural	489.27
Single-Family Residential	105.56
Vacant Single-Family Residential	52.69
Duplex	0.65
Vacant Multiple-Family Residential	32.15
Commercial	8.55
Vacant Commercial	33.65
Warehouse/Distribution	8.47
Industrial	68.08
Vacant Industrial	59.74
Public/Institutional	160.33
Open Space	6.99
Vacant Parks/Rec	38.07
TOTAL	1064.19

Southeast Area Plan

Map 2-1 Existing Land Use



2.2 Zoning Patterns

The planning area encompasses approximately 1,154 acres. The majority is within the unincorporated portions of Douglas County and is mainly zoned A (Agricultural). Additional county zoning districts within the planning area occur predominately along E. 23rd Street/K-10 Highway and include: I-1 (Limited Industrial) District, I-2 (Light Industrial) District, and I-3 (Heavy Industrial) District. The county zoning districts shown on Map 2-2 are described in Table 2-2.

There are a number of city zoning districts within the planning area. Planned Residential Development (PRD-Prairie View) zoning is located along E. 27th Terrace, on the east side of O'Connell Road. This area is developed with low-density residential structures in the form of duplexes and is reflected on the Existing Land Use Map as low-density residential. There is also a platted subdivision east of O'Connell Road, abutting the Prairie View PRD to the north, called Fairfield Farms East Addition No. 1. This subdivision is a mix of single-dwelling and multi-dwelling zoning.

Planned Industrial Development (PID-LRM Industries, PID-Franklin Park and PID-Mt. Blue) zoning is located along E. 23rd Street/K-10 Highway, E. 25th Street and N 1360 Road. Approximately 58 acres of these planned industrial developments remain undeveloped. Some of the industrial uses developed in the area include a concrete and asphalt plant, the Douglas County Jail, a self-storage business, and a towing company. These uses are representative of the area shown as existing industrial land use within the planning area, the exception being the public institutional use of the jail. The city zoning districts shown on Map 2-2 are described in Table 2-3.



Table 2-2 County Zoning Classifications

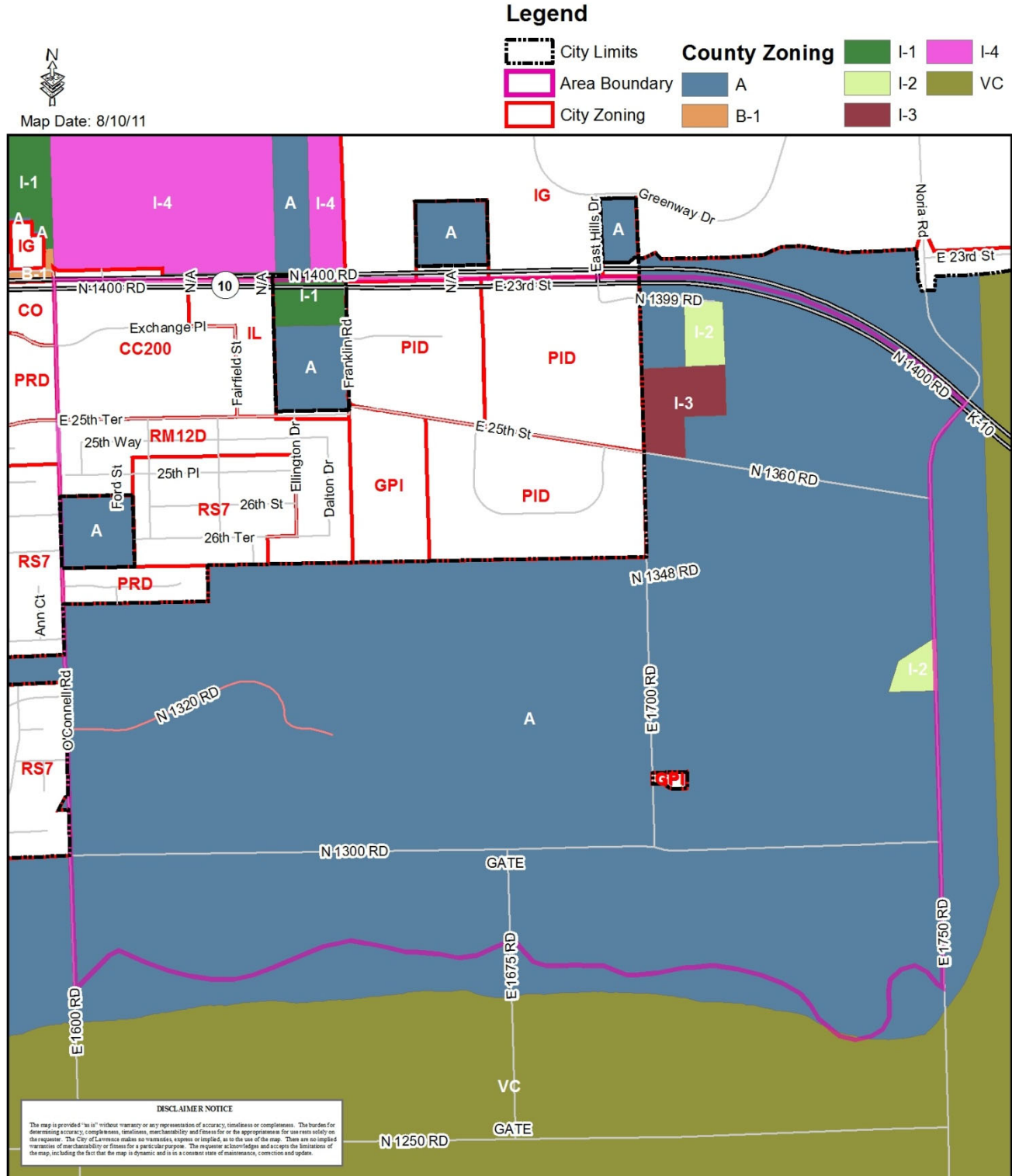
County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
B-1	Neighborhood Business District	Neighborhood Commercial
I-1	Limited Industrial District	Office Research
I-2	Light Industrial District	Warehouse and Distribution
I-3	Heavy Industrial District	Industrial
I-4	Heavy Industrial District	Industrial
VC	Valley Channel District	N/A

Table 2-3 City Zoning Classifications

City Zoning	District Name	Comprehensive Plan Designation
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	Low-Density Residential
RM12D	Multi-Dwelling Residential Duplex (12 dwelling units per acre)	Medium-Density Residential
PRD	Planned Residential District	N/A
CO	Office Commercial	Office or Office/Research
CC200	Community Commercial District (200,000 gross square feet of commercial)	Community Commercial Center
PID	Planned Industrial District	N/A
IL	Limited Industrial District	Warehouse and Distribution or Industrial
IG	General Industrial	Warehouse and Distribution or Industrial
GPI	General Public and Institutional	N/A

Southeast Area Plan

Map 2-2 Existing Zoning



2.3 Infrastructure

2.31 Water and Wastewater Infrastructure

A summary of the existing water and wastewater utilities are shown on Map 2-3. Municipal water and wastewater is provided to those properties that are within the current city limits. Properties that are within the planning area, but outside the city limits, are served by non-municipal water and septic systems.

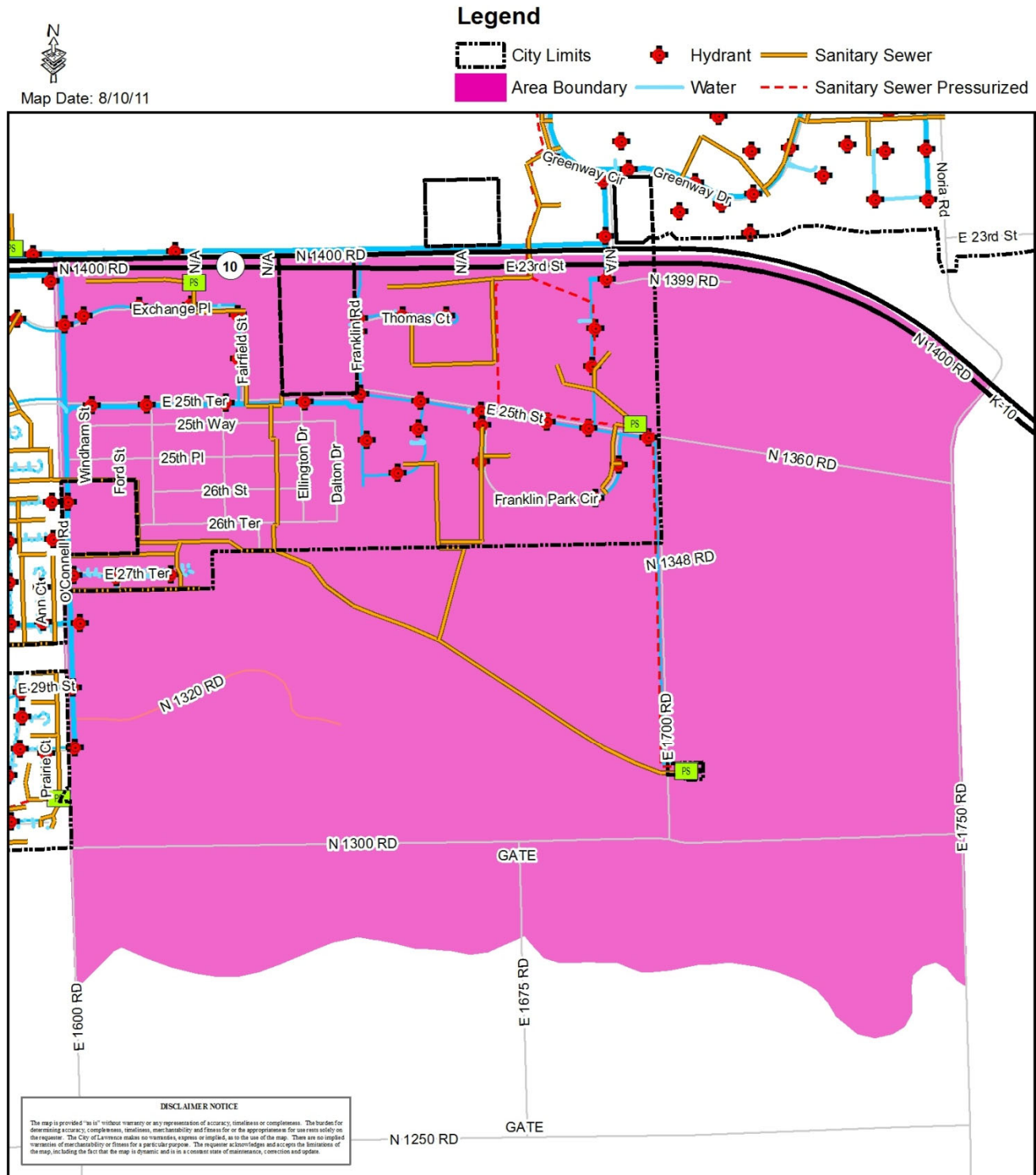
In 2008 a pump station was completed within the planning area located on the city's future park property on the northeast corner of E 1700 Road (Kitsmiller Road) and N 1300 Road (E. 31st Street). The lines from the pump station extend service into the area northwest of the pump station location. Sanitary sewer service to areas generally north and east of the pump station location will require additional interceptor lines to be constructed. This pump station allows for city sanitary sewer service for future development within the planning area.

2.32 Stormwater Infrastructure

A summary of the existing stormwater utilities, channels, and natural streams are shown on Map 2-4. There is a small amount of stormwater collected by an enclosed stormwater pipe system within the planning area. The majority of the stormwater is handled by open channels and streams. The stormwater drains to the southeast, out of the planning area by way of the tributaries, to the Wakarusa River.

Southeast Area Plan

Map 2-3 Existing Water and Sanitary Sewer Facilities



Legend

- City Limits (dashed black line)
- Area Boundary (solid magenta area)
- Stormwater Pipe (solid green line)
- Stormwater Channel (dotted green line)
- Stream (dashed blue line)

Map Date: 8/10/11

The map displays a large magenta-colored area representing the project boundary, situated within city limits indicated by a dashed black line. The area is bounded by N 1400 RD to the north, E 23rd St to the east, and various other roads to the south and west. Key streets include N 1400 RD, E 23rd St, N 1399 RD, N 1360 RD, N 1348 RD, N 1700 RD, E 1750 RD, E 1675 RD, N 1250 RD, E 1600 RD, O'Connell Rd, V/N, N/A, N 1400 RD, E 23rd St, N 1399 RD, N 1360 RD, N 1348 RD, N 1700 RD, E 1750 RD, E 1675 RD, N 1250 RD, E 1600 RD, O'Connell Rd, V/N, N/A, N 1400 RD, E 23rd St, N 1399 RD, N 1360 RD, N 1348 RD, N 1700 RD, E 1750 RD, E 1675 RD, N 1250 RD, E 1600 RD, O'Connell Rd, V/N, N/A.

Water features include Naismith Creek flowing through the southern portion of the area, and several stormwater channels and pipes labeled with sizes such as 18" RCP, 24" RCP, 30" CMP, 36" CMP, 40" RCP, 48" RCP, 66" CMP, and 0"x0". A stream labeled "Kitsmiller Tributary" is also shown. Other labels include "GATE", "PS", "Thomas Ct", "Franklin Park Cir", "E 25th Ter", "N 1320 RD", "N 1300 RD", "Dalton Dr", "Ellington Dr", "Ford St", "25th Way", "25th Pl", "26th St", "26th Ter", "Greenway Cir", "Greenway Dr", "Noria Rd", "E 23rd St", "K-10", "Fairfield St", "0"x0", "15" RCP", "18" RCP", "24" CMP", "40" RCP", "48" RCP", "66" CMP", "N 1400 RD", "E 23rd St", "N 1399 RD", "N 1360 RD", "N 1348 RD", "N 1700 RD", "E 1750 RD", "E 1675 RD", "N 1250 RD", "E 1600 RD", "O'Connell Rd", "V/N", "N/A", "N 1400 RD", "E 23rd St", "N 1399 RD", "N 1360 RD", "N 1348 RD", "N 1700 RD", "E 1750 RD", "E 1675 RD", "N 1250 RD", "E 1600 RD", "O'Connell Rd", "V/N", "N/A".

DISCLAIMER NOTICE

This map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The borders for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriate use for users solely on the user's request. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

2.33 Transportation

2.331 Streets

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-5. The classification system can be described as a hierarchy from the lowest order, (local streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.

T2030 identifies gateways into the city and truck routes. E. 23rd Street/K-10 Highway is classified as a major gateway into Lawrence and a truck route into and out of Lawrence.

2.332 Transit

Lawrence has a public transportation system (The T) which operates throughout the city. This system allows people to travel to other areas of the city without relying on a personal automobile. The city transit system has one route that travels through the planning area. Route 5 (31st & Iowa to East Hills Business Park) travels along E. 23rd Street/K-10 Highway to the East Hills Business Park, northeast of the planning area. There are currently no bus shelters within the planning area.

2.333 Bicycle Facilities

Lawrence and Douglas County have a joint bicycle plan for the community, the *Lawrence-Douglas County Bicycle Plan*. This plan identifies existing and future bicycle routes, lanes, and shared use paths. A bicycle route is a network of streets to enable direct, convenient and safe access for bicyclists. A bicycle lane is a separate space designated with striping, signage or pavement markings for exclusive use by bicycles within a street. A shared use path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

Currently, there are two existing bicycle facilities within the planning area. O'Connell Road is identified as having an existing bike lane and E. 25th Terrace is identified as a bike route. These facilities are shown on Map 2-6.

Southeast Area Plan

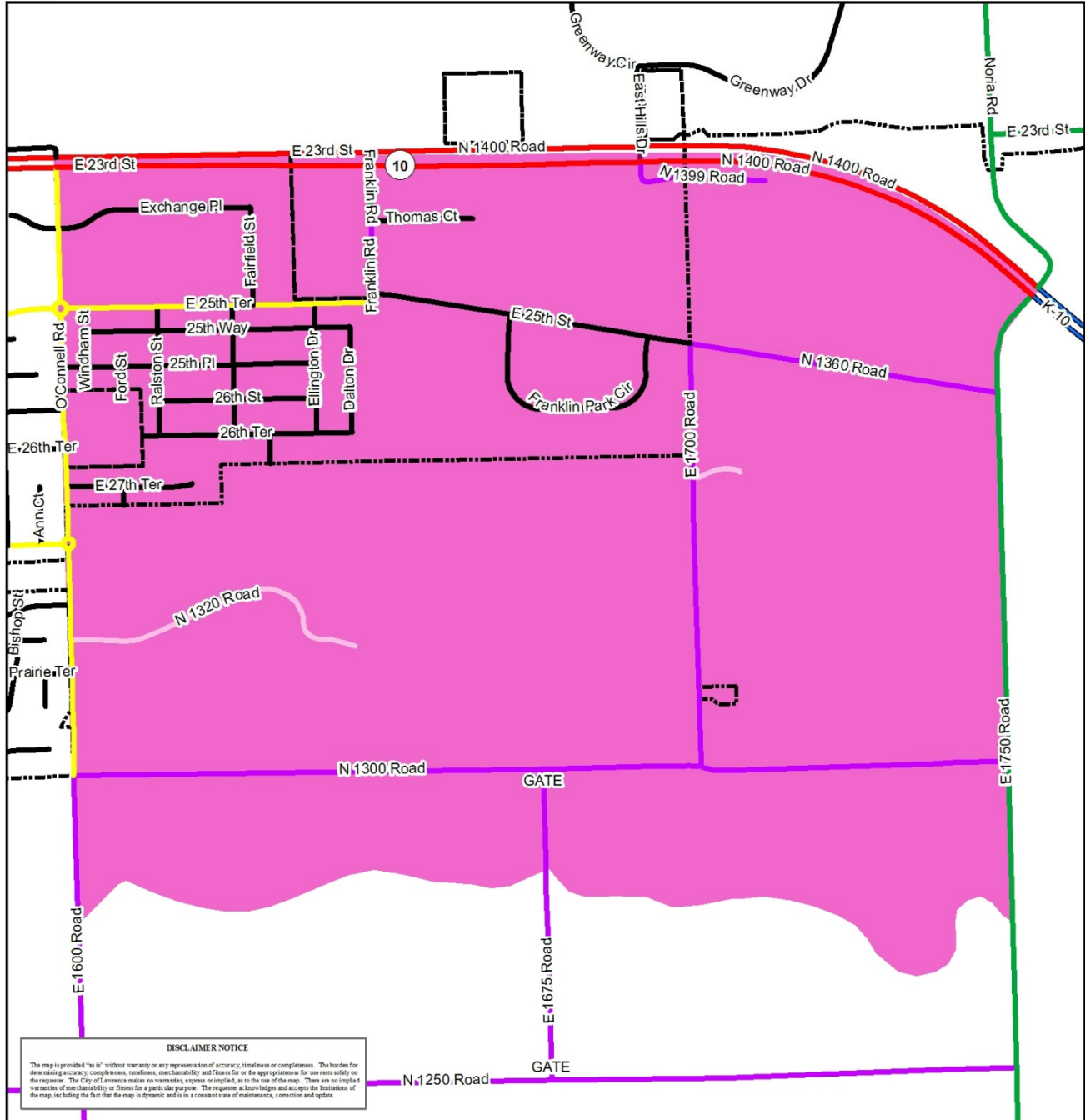
Map 2-5 Existing Street Classification

Legend

 City Limits	 freeway	 private
 Area Boundary	 principal arterial	 street
	 minor arterial	 rural
	 collector	

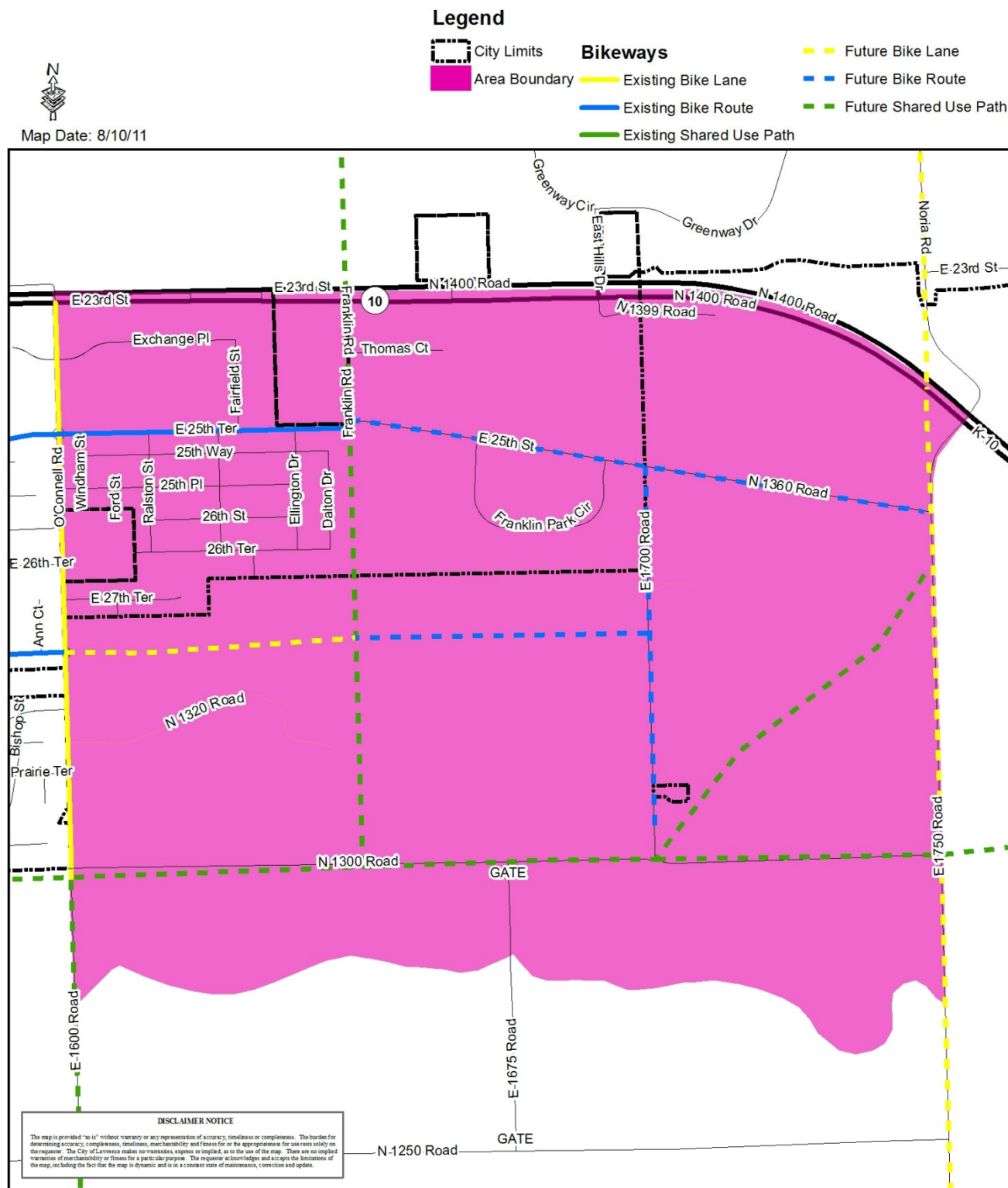


Map Date: 8/10/11



Southeast Area Plan

Map 2-6 Existing and Future Bicycle Facilities



2.4 Environmental Conditions

The planning area has seven drainage basins that drain to either the Kansas River or the Wakarusa River. The Farmland and the East Hills drainage basins drain to the north to the Kansas River. The O'Connell, Kitsmiller, Franklin, Noria, and the Naismith Creek drainage basins drain to the south to the Wakarusa River by way of two significant drainageways. There is Federal Emergency Management Agency (FEMA) designated floodplain located within the planning area along the southern border of the planning area. The floodplain within the planning area includes 500 year, and 100 year floodplain. The 100 year floodplain means that there is a 1% chance of flooding each year and the 500 year floodplain means that there is a .2% chance of flooding each year. The floodplain is shown in Map 2-7.

The majority of slopes within the planning area are in the 0-3 percent range as identified in the Soil Survey of Douglas County, Kansas. Some areas of 3-7 percent slope can be found in the northeast and southwest corners of the planning area. A lack of steep slopes is considered to be a beneficial factor for urban development. Detailed topographic surveys will be required as individual properties are developed.

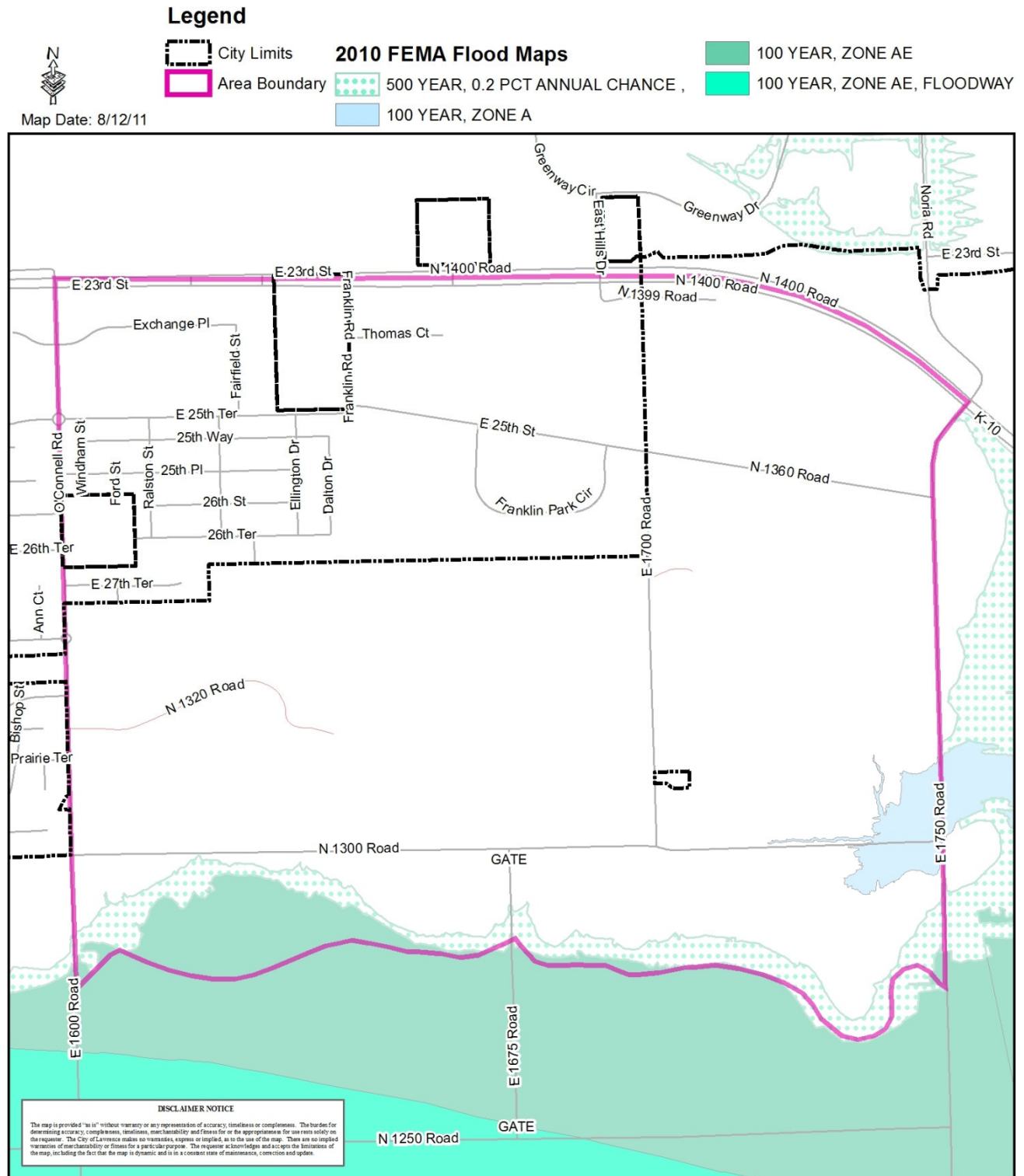
The majority of the undeveloped land within the planning area is used for either row crop or pasture land. There is a minimal amount of woodland areas within the planning area. Existing woodland is found mainly in two areas: in the northeast corner of the planning area, and in the southwest corner.

Map 2-8 illustrates the existing environmental features of the planning area.



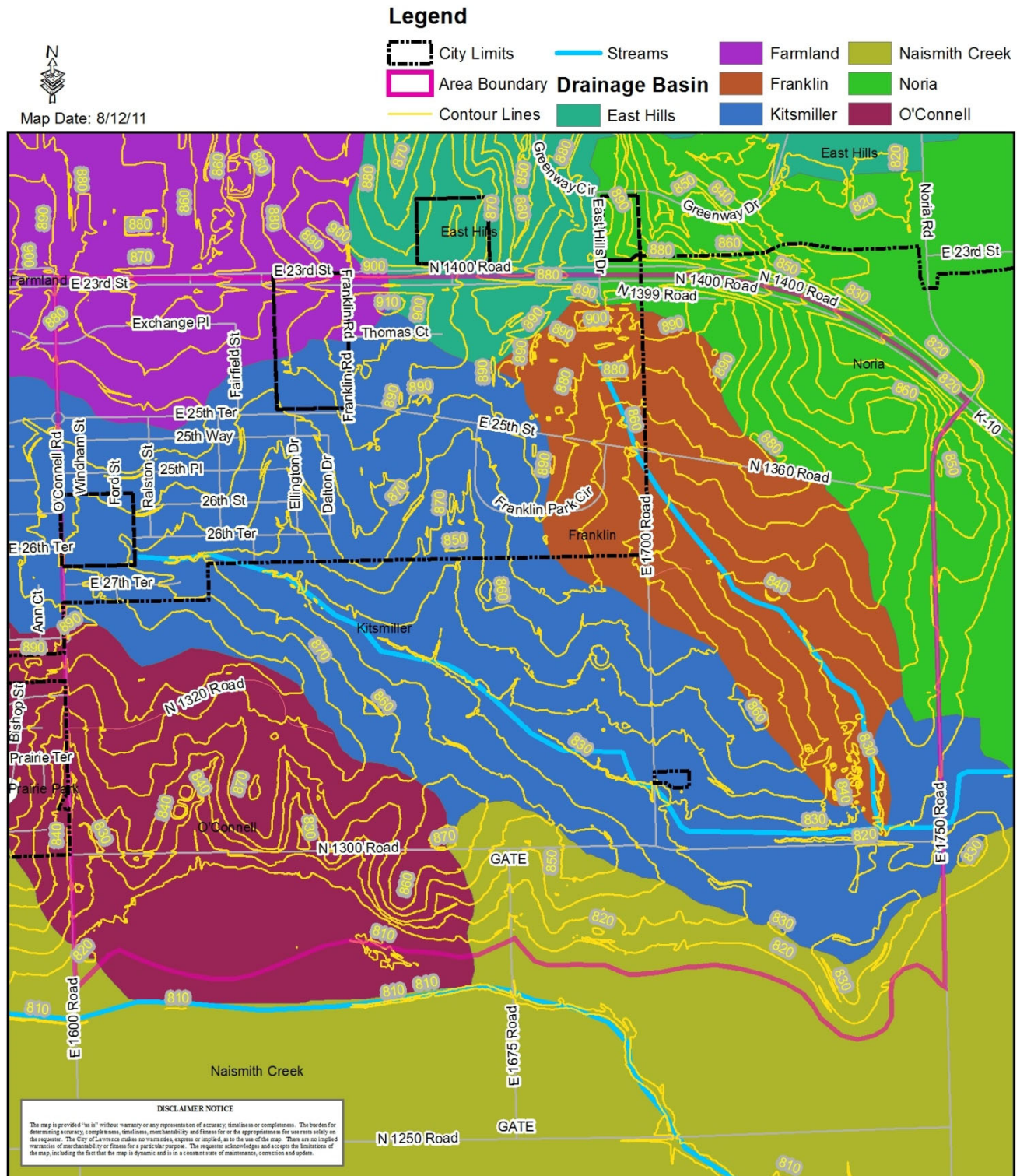
Southeast Area Plan

Map 2-7 Existing Floodplain



Southeast Area Plan

Map 2-8 Existing Environmental Features



2.5 Public Services/Facilities

All urban public services, schools, fire/medical, police, developed parks, etc., are located to the west and north of the planning area.

The entire planning area is located within the Lawrence Public School District (USD 497). The students within this area currently attend Prairie Park Elementary School, South Middle School, and Lawrence High School. The need for a new elementary school is determined by the School Board based on residential population projections. The school district does not currently have plans to build a school within this planning area though they own property north of the future park along E 1700 Road (Kitsmiller Road).

Currently, there are four public or institutional land uses within the planning area. These uses include O'Connell Youth Ranch, Teen Challenge, and Douglas County Jail, as well as the undeveloped city park property. It is anticipated that O'Connell Youth Ranch and Teen Challenge will redevelop in the future as the area urbanizes. The county jail site was developed with expansion in mind and will remain a public facility within the planning area. The undeveloped park property is likely to be developed as the planning area urbanizes. Douglas County is currently in the process of purchasing property east of the jail for the location of the county public works facility.



Douglas County Jail



Fire & Medical Station No. 2

The planning area will be served partially by Fire & Medical Station Number 2, an existing facility located on Harper Street north of E. 23rd Street/K-10 Highway and partially by the Wakarusa Township Fire Department. A future Fire & Medical station location has conceptually been identified by Fire & Medical staff as being necessary, east of the current Station No. 2 location, in order to serve the larger southeast extent of the urban growth area. A more in-depth study will need to be conducted to ultimately

locate the facility and to address emergency response time issues as this portion of the community develops. Generalized future locations have been identified through departmental studies and a timeline for development has not been identified.

Section 3 - Recommendations

The Southeast Area is anticipated to develop with a wide range of uses and intensities that extend from very low-density residential to industrial uses. The more intensive industrial and commercial use areas are recommended where they are in close proximity to E. 23rd Street/K-10 Highway, and arterial and collector streets. Residential uses are generally located in the southern portion of the planning area.

3.1 Land Use

This section outlines the recommended land uses for the planning area. The future land use map and land use descriptions are explained on the subsequent pages. The map is an illustration to help visually identify the different areas as they are designated. The land use descriptions are more detailed information regarding the different land use categories. These are recommended uses within the planning area. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the *Land Development Code* for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area.

Map 3-1 provides a general concept for the location of recommended land uses in the Southeast Area. It is not intended to provide a scaleable map for determining specific land use/zoning boundaries within this area.

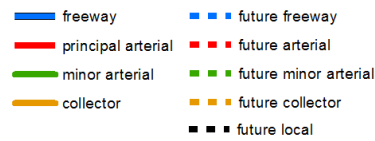
Southeast Area Plan

Map 3-1 Future Land Use

Legend



Major Thoroughfares

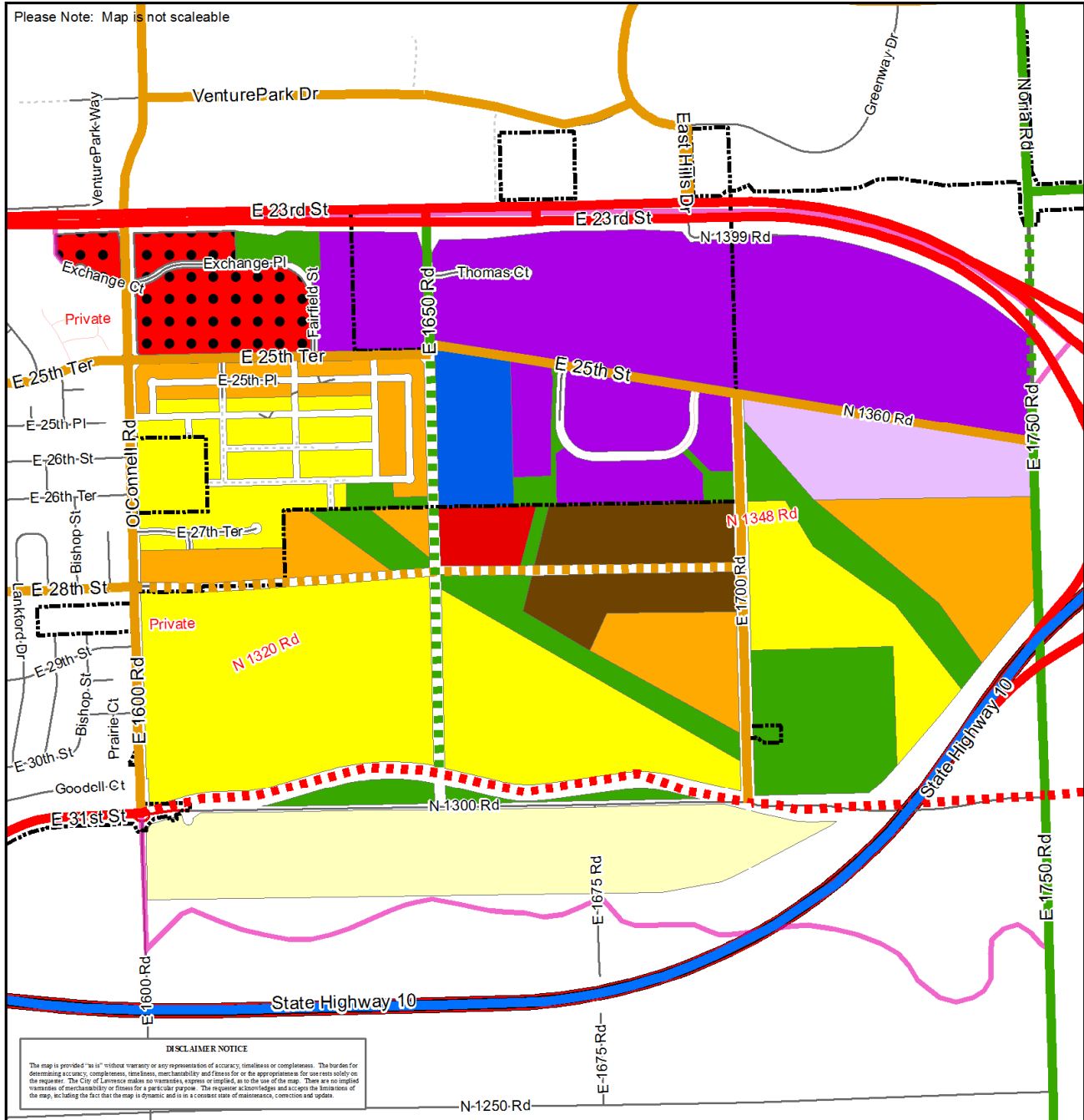


Future Land Use



Map Date: 11/6/2018

Please Note: Map is not scaleable



3.11 Land Use Descriptions

Very Low-Density Residential:

The intent of the very low-density residential use is to allow for large lot, single-dwelling type uses.

Density: 1 or fewer dwelling units per acre

Intensity: Very low

Applicable Area:

- Area south of N 1300 Road (E. 31st Street) between O'Connell Road and E 1750 Road (Noria Road).

Zoning Districts: RS40 (Single-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, group home, public and civic uses

Low-Density Residential:

The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses.

Density: 6 or fewer dwelling units per acre

Intensity: Low

Applicable Areas:

- Area east of O'Connell Road, generally along the following streets: 25th Place, 26th Street, 26th Terrace, E. 27th Terrace, Ralston Street, Fairfield Street, and Ellington Drive.
- Area surrounded by O'Connell Road, E. 28th Street extended, Franklin Road extended, and N 1300 Road (E. 31st Street).
- Area east of Franklin Road extended, north of N 1300 Road (E. 31st Street), west of E 1700 Road (Kitsmiller Road), and south of the Kitsmiller tributary.
- Area east of E 1700 Road (Kitsmiller Road), north and east of the city future park property, and south of the tributary green space.

Zoning Districts: RS10 (Single-Dwelling Residential), RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, attached dwellings, duplex, group home, public and civic uses

Medium-Density Residential:

The intent of the medium-density residential use is to allow for a variety of types of residential options for the area.

Density: 7-15 dwelling units per acre

Intensity: Medium

Applicable Areas:

- Area east of O'Connell Road, generally along the following streets: 25th Way, Ralston Street, Windham Street, Ellington Drive, and Dalton Drive.
- Area east of O'Connell Road, north of E. 28th Street extended, and west of Franklin Road.
- Area west of E 1700 Road, north of the Kitsmiller Tributary, and just south of E. 28th Street extended.
- Area west of E 1750 Road (Noria Road), north of the future alignment of the SLT/K-10 Highway, and east of the tributary green space.

Zoning Districts: RS5 (Single-Dwelling Residential), RS3 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), RM15 (Multi-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, attached dwellings, duplex, multi-dwelling structures, group home, civic and public uses

High-Density Residential:

The intent of the high-density residential use is to allow for compact residential development.

Density: 16+ dwelling units per acre

Intensity: High

Applicable Areas:

- Area northwest of the intersection of E. 28th Street extended and E 1700 Road (Kitsmiller Road).
- Area southwest of the intersection of E. 28th Street extended, E 1700 Road (Kitsmiller Road), and east of the Kitsmiller Tributary.

Zoning Districts: RM24 (Multi-Dwelling Residential), RM32 (Multi-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Multi-dwelling structures, group home, civic and public uses

Commercial:

The intent of the commercial use is to allow for retail and service uses. A Community Commercial Center provides goods and services to several different neighborhood areas. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level.

Intensity: Medium-High

Applicable Areas:

- Area south~~east~~ of the intersection of E. 23rd Street/~~K-10 Highway~~ and O'Connell Road. (Community Commercial Center)
 - Southeast of E. 23rd Street and O'Connell Road – Community Commercial scale development, specifically the CC200 (Community Commercial District)
 - Southwest of E. 23rd Street and O'Connell Road - Neighborhood Commercial scale development, compatible with residential uses/development, specifically the CN2 (Neighborhood Commercial Center District)
- Area northeast of the intersection of Franklin Road extended and E. 28th Street extended. (Neighborhood Commercial Center)

Zoning Districts: CC200 (Community Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: Civic and public uses, medical facilities, eating and drinking establishments, general office, retail sales and services, fuel sales, car wash

Office/Warehouse:

The intent of the office/warehouse use is to allow for low-impact employment and warehouse uses that would be minimally evasive to nearby residential uses.

Intensity: Low-Medium

Applicable Area:

- Area south of N 1360 Road between E 1700 Road (Kitsmiller Road) and E 1750 Road (Noria Road).

Zoning Districts: IBP (Industrial and Business Park District), IL (Limited Industrial District), PD (Planned Development Overlay)

Primary Uses: Civic and public uses, health care offices/clinics, animal services, general office, business equipment sales, business support services, communication sales and services, building maintenance sales and services, construction sales and services, vehicle sales and services, research services, manufacturing and production limited and technology, light wholesale, storage and distribution, mini-warehouse

Industrial:

The intent of the industrial use is to allow for moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing E. 23rd Street/K-10 Highway for materials transportation.

Intensity: Medium-High

Applicable Area:

- Area northwest of the intersection of 25th Terrace and Franklin Road.
- Area east of Franklin Road, north of E 25th Street and N 1360 Road, west of E 1750 Road (Noria Road), and south of E. 23rd Street/K-10 Highway.
- Area north and south of Franklin Park Circle.

Zoning Districts: IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Civic and public uses, animal services, general office, building maintenance services, business support services, construction sales and service, vehicle sales and service, industrial facilities, general office, wholesale, distribution, and storage

Public/ Institutional:

The intent of the public/institutional use is to allow for public, civic, and utility uses.

Intensity: Variable

Applicable Area:

- Area southeast of the intersection of Franklin Road and E. 25th Street. (Douglas County Jail)

Zoning Districts: GPI (General Public and Institutional)

Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services

Park/ Open Space:

The intent of the park/open space use is to provide space for public recreational facilities and natural area preservation.

Intensity: Low

Applicable Areas:

- Area at the northeast intersection of E 1700 Road (Kitsmiller Road) and N 1300 Road (E. 31st Street).
- Kitsmiller Tributary and the unnamed tributary, east of E 1700 Road (Kitsmiller Road).
- Platted drainage easements.

- Area between the E. 31st Street alignment and N 1300 Road (E. 31st Street)

Zoning Districts: GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve)

Primary Uses: crop agricultural, cultural center, schools, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation

3.2 Policies

Policies are guiding principles that provide direction for decisions to be made regarding the planning area. These policies are in addition to the policies in *Horizon 2020* and are only applicable to the property within the Southeast Area planning area.

3.21 Residential Land Use

1. Residential uses shall maintain a "back-to-back" relationship to more intense uses. Buffering shall include use of green space as a primary transition tool.
2. Residential streets shall be extended to undeveloped property and shall use a grid or modified grid pattern.
3. Medium-density residential development shall take the form of small lot, detached, attached, or cluster type housing.
4. The medium-density residential use is not intended to provide for large scale apartment development.

3.22 Commercial Land Use

1. The Community Commercial Center shall be designed in accordance with policies and standards of *Horizon 2020*.
2. The Neighborhood Commercial Center shall be no larger than 10 acres and with no more than 15,000 gross square feet of commercial space.
3. Commercial development shall be designed to facilitate pedestrian and non-motorized access from abutting areas is recommended.

3.23 Public Facility/Open Space Land Use

1. Smaller parks should be located throughout the planning area.
2. If the need arises for an elementary school to be located within the planning area, the city and school district should work together to develop a joint use facility.
3. Open space areas should be provided and/or acquired along major thoroughfares and along drainage ways for development of pedestrian and bicycle trails.

3.24 Gateway

1. Development shall enhance the gateway along E. 23rd Street/K-10 Highway by creating an aesthetically pleasing view into the city.
2. Gateway treatments shall be a priority in development and redevelopment along E. 23rd Street/K-10 Highway and shall reflect the goals and policies stated in *Horizon 2020*.
3. Aesthetically pleasing landscaped entryways along E. 23rd Street/K-10 Highway should be required. Both public and private property owners are responsible for achieving and maintaining this aesthetically pleasing landscaping.

3.25 Transportation Facilities and Corridors

1. The widening of E. 31st Street (N 1300 Road) should be designed in a manner as to minimally disturb existing dwellings.
2. A frontage road should be considered along the widened E. 31st Street (N 1300 Road) to allow existing dwellings to maintain individual access drives.
3. Sufficient area, outside of the required street rights-of-way, should be required to provide screening along major thoroughfares corridors. This area shall be restricted in use to provide for: utility, berming, and landscaping needs.

4. Subsequent long-range transportation plans, once adopted, shall supersede any recommendations, actions, or policies referenced in *Transportation 2030*.

3.26 General

1. Encourage maximum efficiency, low wattage, downward directional exterior lighting. The point source shall be screened from view off-site.
2. Fencing installations along street rights-of-way and between uses shall incorporate continuous landscaping at the base and edges of the fence to integrate the fence with the site and landscaping.
3. High quality, aesthetically pleasing building materials should be used.
4. Pedestrian friendly connectivity between land uses and properties shall be incorporated.
5. Development of an implementation/capital improvement program to extend water and wastewater infrastructure to serve the area is recommended.
6. Mature trees and stands of mature trees should be preserved and protected.

3.3 Implementation

1. Amend *Horizon 2020* Chapter 14, Specific Plans, to include the *Southeast Area Plan* by reference. Completed February 12, 2008
2. Amend *Horizon 2020* Chapter 6, Commercial Land Use, to update the identified Neighborhood Commercial Center on the southeast corner of O'Connell Road and E. 23rd Street/K-10 Highway to be identified as a Community Commercial Center. Completed May 21, 2008
3. Amend *Horizon 2020* Chapter 6, Commercial Land Use, to identify a Neighborhood Commercial Center on the southeast corner of Franklin Road extended and E. 28th Street extended. Completed May 21, 2008
4. Amend *Horizon 2020* Chapter 6, Commercial Land Use, to remove the Neighborhood Commercial Center on the northwest corner of Franklin Road extended and N. 1300 Road (E. 31st Street). Completed May 21, 2008
5. Amend *Horizon 2020* Chapter 3, General Plan Overview, Map 3-1 Lawrence Urban Growth Area Service Areas & Future Land Use, to reflect the adopted future land use.

PCR-18-00552

A RESOLUTION OF THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION ADOPTING AND RECOMMENDING ADOPTION OF A PROPOSED AMENDMENT TO *HORIZON 2020*, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, AMENDING CHAPTER 14 – SPECIFIC PLANS, TO AMEND THE *SOUTHEAST AREA PLAN*.

WHEREAS, the City of Lawrence, Kansas, and Douglas County, Kansas, in order to promote the public health, safety, morals, comfort, and general welfare and to conserve and to protect property values in the City and the County, are authorized by K.S.A. 12-741, *et seq.*, to prepare, adopt, amend, extend, and execute a comprehensive plan;

WHEREAS, the City of Lawrence, Kansas, Douglas County, Kansas, and the Lawrence-Douglas County Metropolitan Planning Commission, in order to coordinate development in accordance with the present and future needs of the City and the County, to conserve the natural resources of the City and the County, to ensure efficient expenditures of public funds in the City and the County, and to promote the health safety, convenience, prosperity, and the general welfare of the residents of the City and the County, have adopted *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County; and

WHEREAS, on November 14, 2018, after giving lawful notice by publication in the official City and County newspaper, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing regarding a proposed amendment of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report, CPA-18-00552, amending Chapter 14 – Specific Plans, to amend the *Southeast Area Plan*.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if set forth in full.

SECTION 2. Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission hereby adopts and recommends to the governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, that they adopt the proposed amendment to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report, CPA-18-00552, amending Chapter 14 – Specific Plans, to amend the *Southeast Area Plan*.

SECTION 3. The revised and updated Chapter 14 – Specific Plans, affixed hereto as Exhibit 1 and incorporated herein by reference, shall, upon adoption by governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, be incorporated into *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County.

SECTION 4. This Resolution, together with a certified copy of the proposed amendment to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the November 14, 2018, public hearing, shall be transmitted to the governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, as appropriate.

ADOPTED by the Lawrence-Douglas County Metropolitan Planning Commission this 14th day of November, 2018.

Karen Willey, Chair
Lawrence-Douglas County Metropolitan
Planning Commission

James Carpenter, Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission

Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission



**Z-18-00364: Rezone Approximately 4.31 acres
from CO (Office Commercial) District to
CC200 (Community Commercial) District,
located at 2110, 2120 & 2130 Exchange Court**

**CPA-18-00365: Comprehensive Plan Amendment
to Horizon 2020, Chapter 6, Commercial Land Use,
related to development at 2110, 2120 & 2130 Exchange Court**



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
11/14/2018

**ITEM NO. 5B Z-18-00364 CO (OFFICE COMMERCIAL) DISTRICT TO CC200
(COMMUNITY COMMERCIAL) DISTRICT; 4.31 ACRES (SLD)**

Z-18-00364: Consider a request to rezone approximately 4.31 acres from CO (Office Commercial) District to CC200 (Community Commercial) District, located at 2110, 2120, & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 4.31 acres, from CO (Office Commercial) District to an applicable commercial district based on the lesser change table set out in Section 20-1303(c), recommending approval of CN2 (Neighborhood Commercial Center) District and forwarding the recommendation to the City Commission with a recommendation for approval to CN2.

Applicant's Reason for Request: *The conditional rezoning from CO to CC200 would allow for more flexibility in the commercial development of lots. The SE corner was zoned CC200 and the SW corner was zoned CO in the mid-2000s. The developer thought at the time (a few years before the recession) that there was sufficient demand in the market to fill all the office availability on the SW corner and all of the commercial availability on the SE corner. Nearly 15 years later, there has not been a single user on either corner.*

KEY POINTS

- This application is submitted concurrently with a request for comprehensive plan amendment to expand the commercial node to the west side of O'Connell Road per CPA-18-00365.
- Section 20-1303(l)(ii) requires that a plan shall be prepared when the rezoning request is not consistent with adopted plans.
- A specific development application is not included with this request.
- The property is located on the southwest corner of the E. 23rd Street and O'Connell Road intersection.
- The property is not included in a specific area, sector or nodal plan.
-

ASSOCIATED CASES/OTHER ACTION REQUIRED

- CPA-18-00365 to amend Chapter 6: Commercial Land Use and Chapter 14: Specific Plans, *Southeast Area Plan* to expand the CC200 node to include area west of O'Connell Road.
- A-8-12-03; 55.45 acre annexation
- PP-8-10-03; Fairfield Farms West Preliminary Plat Planning Commission approved on September 24, 2003.
- PDP-12-12-03; Farmland Northwest Addition
- FDP-8-13-05; Farmland Northwest Addition
- Z-8-27-07; 23.94 acre request to RM-D [RM12D Land Development Code in 2006]
- Z-8-28-03; 8.6 acre request to RS-2 [RS7 Land Development Code in 2006]
- Z-8-29-03; 27.24; acre request to RO-1B (revised to O and PRD-2)
- Z-12-52-02; 17.95 acre request to PRD-2

2115 Exchange Court

- Z-17-00157; 8.566 acres from PRD to RM15.

- MS-17-00704; Fairfield Apartments Addition No. 1
- SP-17-00703; 2115 Exchange Ct. Pending development application for multi-dwelling residential development.

2101 Exchange Court

- Z-15-00243; 9.8 acres from PRD to RM15.
- SP-15-00371; Bethel Estates
- MS-15-00370 Bethel Estates of Lawrence no. 1

Other Action Required

- Approval and adoption of Comprehensive Plan Amendment by governing bodies.
- City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning ordinance.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning.
 - The 7-step TIS is accepted for rezoning request and a future TIS will be required with a more specific development project. Access will be provided from Exchange Court.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning.
 - The downstream sanitary sewer analysis cover letter dated July 19, 2018 provided by CFS Engineers has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76. The proposed density and calculated wastewater discharge for the site will not change the impact to the downstream sanitary sewer capacity and is consistent with the previously approved Fairfield Farms design calculations.
- *Drainage Study* – Not required for rezoning.
- *Retail Market Study* – Not applicable to residential request.
-

ATTACHMENTS

Attachment A: Traffic Impact Study

Attachment B: Proposed use restrictions provided by applicant.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No comment received prior to publication of staff report.

Project Summary:

The proposed request is for rezoning of three undeveloped lots located on the north side of Exchange Court from CO (Office-Commercial) District to CC200 (Community Commercial) District. The application is submitted concurrently with a comprehensive plan amendment request CPA-18-00365.

The applicant has not submitted a specific development application with this request. The request is intended to alter the marketing dynamics of the property by expanding the list of possible uses for this site. The applicant proposes to restrict uses to align the future development with a neighborhood scale commercial development. This project includes an assessment of permitted uses in the existing CO (Office Commercial) zoning district and a restricted CC200 (Community Commercial) zoning district. Staff has also assessed this request against an alternative neighborhood commercial district, CN2 (Neighborhood Commercial Center) District.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The conditional zoning will be accomplished both within the constraints and while meeting the goals of the Comprehensive Plan. Specifically, existing conditions are favorable to meet Goal 2-Compatible Transition. The adjacent RM15 zoning meets policy 2.3 'Higher Density Residential Development as a Transitional use'. The policy also states that not all corners at a CC200 intersection shall be devoted to commercial uses which is met with the industrial area on the north side. Access to the site is in-line with the Horizon 2020 guidelines for CC200. Primary access will occur from 23rd Street to O-Connell, while secondary access will occur from Exchange Court. This will allow traffic to access the area without exiting the neighborhood. To address concerns over typically allowed CC200 uses at the corner, the proposed conditional constraints are provided in the attached "Removed Uses" document.*

The area included in the proposed rezoning is not currently included in any specific area, sector, neighborhood, or nodal plan. Development of the site is generally based on the land use principles included in *Horizon 2020*. The area is included as part of a designated "Higher Density Residential Area" as shown in the Future Land Use Map (3-2).

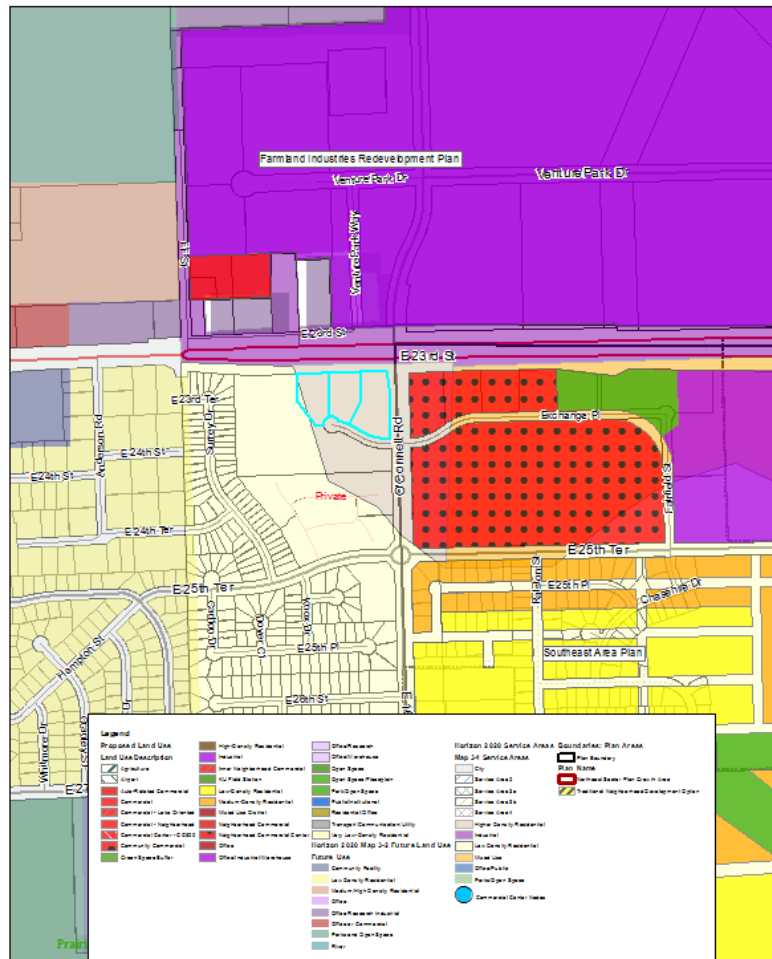


Figure 1: Future Land Use Map - Horizon 2020.

The area has generally developed to be consistent with this recommended land use pattern, with the exception of the lots located along the north side of Exchange Court, which remain undeveloped.

Staff Finding – Approval of the request to a lesser commercial zoning district would result in applicable neighborhood conservation and compatibility while expanding the potential uses within this node.

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

This property is located at the intersection of a principal arterial street and collector street (E. 23rd Street and O'Connell Road). The zoning on three sides of the intersection are more intense than the subject property. The area to the south and west of the proposed request is developed residentially. The area immediately to the south and west is currently undeveloped but zoned for medium density residential development, and a development application for multi-dwelling residential development is being processed. The property is part of the southwest corner of the node. This node is characterized with lower intensity land uses and transitions to low-density residential neighborhood to the west and south.

GENERAL INFORMATION

Current Zoning and Land Use: CO (Office Commercial) District. Vacant land

Surrounding Zoning and Land Use: CS (Commercial Strip) District and IG (General Industrial) District to the north. Knights of Columbus Site/Wireless Communication Tower, vacant lots, and developing industrial uses in the northeast and northwest quadrants of the node.

CC200 (Community Commercial) District to the east. Vacant land in the southeast node quadrant.

RM15 (Multi-Dwelling Residential) District to the south and west. Vacant land, pending development application for multi-dwelling residential use – SP-17-00703.

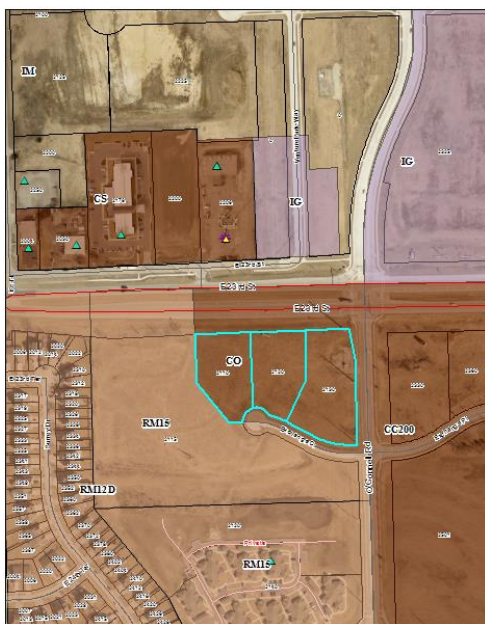


Figure 2: Surrounding Zoning

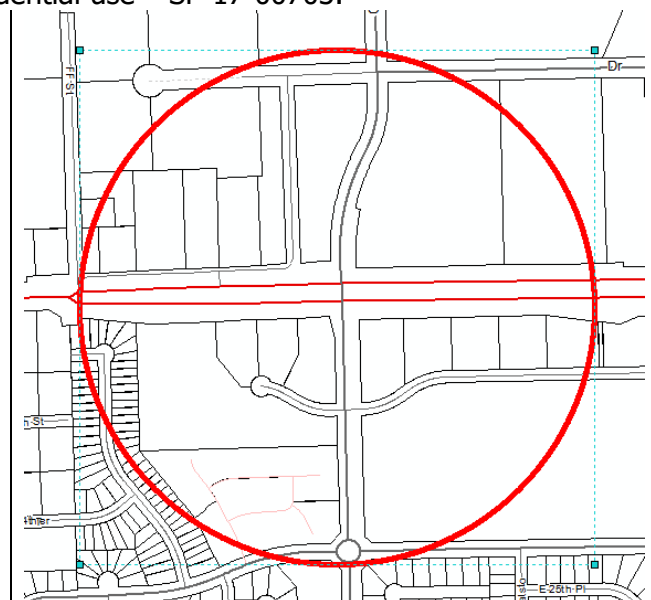


Figure 3: E. 23rd Street and O'Connell Road Node

Staff Finding – This property is surrounded by a variety of zoning districts including intensive commercial, industrial, and medium-density residential uses depending on location within the quadrant of the node. The north side of the node completely includes non-residential uses and zoning.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood area is multi-family residential to the west and south. The areas to the east (CC200) and north (IM) are currently being developed.*

These three lots were included in a 55-acre annexation request in 2003. That request expanded the Prairie Park Neighborhood. At the time of annexation, the neighborhood boundary extended only to O'Connell Road. The development pattern, expressed through the zoning and subdivision plats, extended the neighborhood pattern. The planned development included detached residential zoning, duplex zoning, and residential office zoning.

The existing neighborhood boundary extends to E. 1700 Road/Kitsmiller Road to the east and Haskell Avenue to the west. E. 23rd Street is the north boundary of the neighborhood. The south boundary of the neighborhood is the existing city limits.

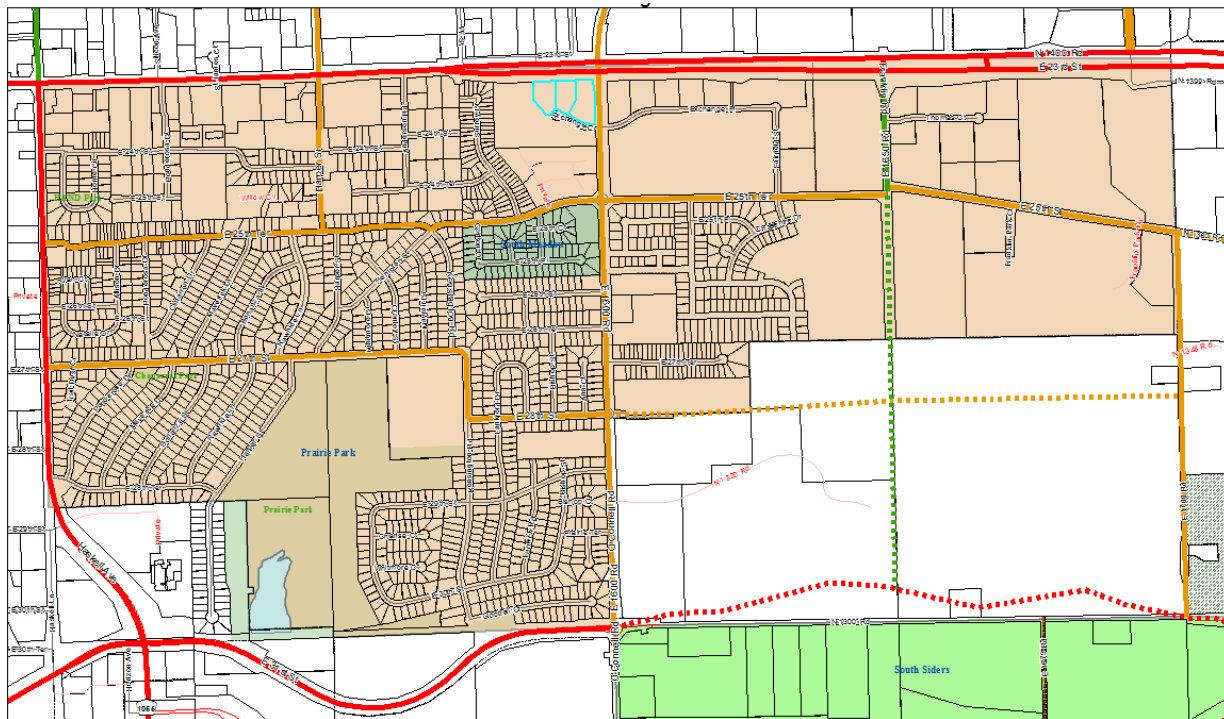


Figure 4: Prairie Park Neighborhood Boundary Map

The area has developed consistent with the platted subdivisions and zoning established in the early 2000's with the exception of these Exchange Court lots.

The neighborhood development pattern established on the west side of O'Connell Road is defined by the subdivision plats, creating the framework for the neighborhood. This pattern is repeated on the east side of O'Connell Road for the residential development south of E. 25th Terrace.

Staff Finding – The subject property is located within a node that includes a range of permitted uses. A majority of the immediate intersection area has not been developed at this time. Each intersection quadrant is distinct and should each developed in a means that ensure compatibility to the other quadrants of the intersection and also to their immediately adjacent land uses and neighborhoods.

The area located west of O'Connell Road is part of the Prairie Park Neighborhood and is not included in an adopted area, sector, neighborhood, or nodal plan. The eastern half of the Prairie Park Neighborhood, located east of O'Connell Road, is included in the *Southeast Area Plan*. The subject property is adjacent to but outside of the *Southeast Area Plan* boundary. The property is part of the O'Connell Road/E. 23rd Street node identified in *Horizon 2020* as a "Community Commercial" area.

[illegible]

Staff Finding – The approved area plans do not address the southwest quadrant of this node regarding development expectations. Planning and land use expectations were identified in 2003

with the initial annexation, rezoning, and subdivision entitlements. The property is part of the O'Connell Road/E. 23rd Street node identified in Horizon 2020 as a "Community Commercial" area.

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

Applicant's Response: *The existing zoning classification is/will remain commercial. Conditional rezoning will provide more flexibility in development options. We believe that there is a unique consideration for this particular corner to be community commercial in that many retailers are focused on morning traffic (in this case eastbound), and the ease of getting into the near-side corner is important to many of these users. To ensure that use concerns are addressed, the owner has voluntarily developed a "Removed Uses" document (attached) to further restrict development types to meet City concerns.*

Attached to this report is a list of proposed use restrictions created by the applicant. This section of the report summarizes the comparison of the proposed change and restrictions in the context of the Land Development Code. This finding is a pivotal consideration. At the heart of this request is an assertion that the CO District is intended to function as a medium-intensity office zoning district. This district would prevent strip commercial development by allowing office uses, but not allowing other higher-intensity commercial uses serving as a buffer between arterial or collector streets and residential neighborhoods (Section 20-209). The City's historic use of the CO District has been only as a transfer base zoning district from the O-1 (Office) District in the 1966 Zoning Code to this comparable Land Development Code designation in 2006. No CO zoning has been added to the inventory since the adoption of the Land Development Code.

The CC District is intended to implement the comprehensive plan's community commercial policies at a community scale serving multiple neighborhoods per Section 20-211 of the Land Development Code. The intersection of E. 23rd Street and O'Connell Road is identified in *Horizon 2020* as suitable for a new CC200 Community Commercial center. The existing zoning on the east side of O'Connell Road implements this land use policy.

Staff recognizes the need to evaluate several of the commercial zoning districts following the adoption of the comprehensive plan update to align districts and uses with the draft comprehensive plan's vision and intent.

Staff concurs that the CO District has not performed as desired in this location, evidenced by the lack of development of these remaining parcels. The CC200 District greatly expands the amount of permitted uses, and the applicant's response has been to propose specific restrictions to mimic a neighborhood-scale commercial development. This expanded list would permit by right many commercial uses that are prohibited in the CO District or would require a special use permit in the CN2 District.

Assessment of permitted uses in the CO, restricted CC200, and CN2 Districts.

Use Groups that are unaffected by the proposed change:

1. Communication Facilities
2. Urban Agricultural
3. Adaptive Reuse

4. Sexually Oriented Businesses¹
5. Religious Assembly
6. Office
7. Parking Facilities
8. Recycling
9. Group Living
10. Community Facility Uses ²

RESIDENTIAL USES

The CO District does not allow residential uses. The Proposed CC200 would permit various forms of *Multi-Dwelling Residential* uses. The same result can be achieved with the CN2 District.

OTHER USES

The proposed change to CC200 would add *Recycling* as a use that is currently prohibited. The applicant proposes use restrictions to this group that would nullify the intensity of this use if approved.

INDUSTRIAL USES

Industrial facilities that are generally associated as low external/exterior uses or have a strong office component are permitted to some degree in the CO District. The proposed CC District permits more uses by right than the CO district, which requires a special use permit for some uses. The CN2 District is more restrictive in this group of uses than the CO and the proposed CC District. The applicant proposes to restrict all uses in the *Wholesale, Storage & Distribution* use group if approved. These uses are not be permitted in any neighborhood-scale zoning district.

VEHICLE SALES AND SERVICES

The proposed change permits a range of uses related to automotive activities that are currently prohibited by the existing CO District. Uses including *Car Wash, Fleet Storage, Gas and Fuel Sales, Light and Heavy Auto Sales, Rental, Service and Repair, and RV and Boat Sales* would be permitted as proposed. The applicant proposes to restrict *Inoperable Vehicle Storage* uses. The CN2 District permits *Car Wash, Gas and Fuels Sales, and Light Equipment Repair* uses as Special Uses. *Light Equipment Sales and Rental* uses would be permitted by right in the CN2 District.

RETAIL SALES AND SERVICES

Commercial uses permitted in this group are substantially expanded by the proposed CC200 District request. The applicant proposes to restrict only *Retail Establishment, Large* uses. The CO District allows *Food and Beverage Sales* and *General Retail Sales* uses with restrictions when included in mixed use *Office* developments. The CN2 district does not require a mix of uses as the CO District does, but does limit the total square footage that may be included in a commercial development.

TRANSIENT ACCOMMODATIONS

The proposed change would add *Hotel, Motel, and Extended Stay* uses that are currently prohibited in all neighborhood-scale zoning districts. This use would be allowed in the existing CC District to the east, and in the CS and IL Districts located on the north side of E. 23rd Street within the node.

¹ The CC District allows some SOB uses. The applicant proposes restrictions that would prohibit uses making the impact of the change nil for this use group.

² There are only nominal differences between the CO and CC Districts for this use group.

ANIMAL SERVICES

Animal Service uses are moderately expanded in the CC District adding *Kenel* and *Livestock Sales* uses as a Special Use Permit. There is no difference between the existing CO District and alternatively the CN2 District regarding this use group.

EATING AND DRINKING ESTABLISHMENTS

This group of uses includes a range of establishment types from Bars and Lounges, to Brew Pubs, to *Fast Order Food*, with or without a *Drive-In* element. Traditional *Restaurant* uses are included in this use group. The CO District allows a limited number of *Eating and Drinking Establishments* and specifically excludes intensive uses such as a *Bar or Lounge* and *Fast Order Food, Drive-In* uses. The CC District assumes a draw from multiple surrounding neighborhood and therefore is more accommodating to an expanded range of uses. The district generally permits auto-centric uses and services that are not generally suitable for a neighborhood-scale district.

The applicant proposes no restrictions that limit uses consistent with neighborhood-scale zoning. The request as proposed would expand service uses including convenience food uses and services within the node.

MEDICAL FACILITIES

The existing CO District allows a variety of medical related uses that would not be permitted if rezoned to CC200. Uses with an office component would be permitted, but those with a predominantly residential character (*Extended Care*) would not be permitted. *Extended Care* uses are a reasonable type of transition use appropriately located at the edges of neighborhood and in some cases may be appropriate within the interior of a neighborhood. Medical uses currently permitted in the CO District would also be permitted in the CN2 District.

RECREATIONAL FACILITIES

The CO District permits *Parks and Open Space* uses and *Active Recreation* uses as a Special Use. *Participant Sports (Indoor and Outdoor)*, and *Entertainment and Spectator Sport (Limited and General)* are not permitted in the CO District. The applicant proposes to restrict the two more intensive uses, *Entertainment and Spectator Sports - General* and *Participant Sports & Recreation, Outdoor*, to align with a neighborhood-scale development. Comparatively, the CN2 District allows, by right, the same uses as the proposed CC200 restricted District.

Staff Finding – Staff concurs that the CO District is not suitable given that it has not been developed. The existing CO District, as currently codified, has not resulted in neighborhood-scale development despite the development activity in the area. The site is desirable and suitable for service type uses with direct access to the street network and existing infrastructure. The proposed change, CC200 with restrictions, expands the opportunity to develop the site to meet the service needs in the southwest quadrant of the node. It also expands uses beyond those that would typically be suitable at a neighborhood-scale. The CN2 District would achieve the goal of providing an expanded list of uses, but at a neighborhood-scale suitable to the location and its surrounding context.

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

Applicant's Response: *15-16 years. These 3 lots have garnered zero interest from the market in this time, in spite of being professionally marketed by four different Lawrence and Kansas City brokerage firms.*

The area was included in a 2003 annexation. Zoning and preliminary plat development applications extended the neighborhood land use pattern to O'Connell Road. The three parcels were rezoned to CO (Office Commercial) in 2006 with the adoption of the Land Development Code. The property has remained vacant since annexation in 2003.

- 1966-2003: A Agricultural Zoning
- 2003: per Z-08-29-03A zoned A to O (Office) District
- 2006: per adoption of Land Development Code CO (Office Commercial) District

Staff Finding – The property has been zoned for a transitional land use since the property was annexed in 2003. The property is undeveloped.

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

Applicant's Response: *The conditional rezoning will give nearby residents much-needed commercial options and serve future growth in the area. As mentioned in the above paragraph, access zoning transitions, and specific development restrictions are being considered and addressed. A public meeting was held notifying the surrounding property owners. The fact that not one neighbor attended shows there is little concern with this change.*

(Applicant's reference to "the above paragraph" refers to their response to the question how does the request conform with the Comprehensive Plan.)

Approval of this request would expand the roster of permitted uses for these properties, and marginally limit uses to ensure neighborhood-scale compatibility as proposed. Staff concurs that there is a growing need for conveniently located services for the area's expanding residential neighborhoods and the developing employment district.

The change of permitted uses must balance the impact to the immediately adjacent neighborhood to the southwest and the available, but undeveloped, commercially zoned lots to the east. There may be a risk of impacting the existing commercial lots by allowing the same or substantially similar uses at this quadrant of the node.

This request presumes a more feasible development opportunity for the southwest quadrant of the node by rezoning the property to a base zoning district that permits more use by-right than the current base zoning district.

This site is immediately adjacent to medium and low-density residential developments. Any development of this site must mitigate negative impacts through appropriate site design, building and parking orientation, lighting, and landscaping. By design, the CC District is not a neighborhood-scale zoning district. A change to a neighborhood-scale zoning district, such as CN2, would be more compatible, which would allow a substantially similar set of land uses while preserving the neighborhood-scale development expectations. The drawback in this instance is that some potential uses would require special use permit approval prior to development than being permitted by-right.

Staff Finding – Approving the change as proposed by the applicant instills a limited degree of protections for the adjacent residential neighborhood by limiting certain uses. Approval of the request as proposed may also have effects to the timing of development for land currently zoned CC200 on the east side of O’Connell Road.

A compromise zoning district, CN2, provides substantially similar uses to the proposed restricted CC District while preserving the neighborhood-scale development expectations.

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 developer is working closely with the City to identify a commercial use that would benefit all parties involved and provide public value. The conditional zoning from CO to CC200 will provide more options for community improvement and future growth. Denial, the property to remain CO could result in the property remaining vacant for the foreseeable future.*

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.

There is no identifiable public gain by rezoning the property to CC200 with or without restrictions. The property is undeveloped, and this request is speculative since there is no specific development application associated with this request. Staff recognizes the status of office uses within the community and the limited development desirability evidenced by the lack of requests for the CO District in other parts of the community.

The request as proposed by the developer includes uses that are not compatible in a “transitional” location and do not integrate with the immediately adjacent residential uses.

A compromise to this request that both expands the commercial use options while respecting and enhancing the neighborhood structure would be to rezone the property to the CN2 District. Some desirable uses, *Gas and Fuel Sales, Fast Order Food, Drive In, Bar or Lounge* and *Various Retail* uses require a Special Use permit or are otherwise restricted in size by code. The hardship to certain development options would be the requirement to seek additional land use entitlements (Special Use Permit) prior to development.

Denial of the request leaves the property in a state with limited development options. Approval of CN2, per the lesser change table, expands the possible uses and provides some assurances to the neighborhood that certain uses would require special use permit to be reviewed and approved.

Staff Finding – Approving the CN2 District for the property is a reasonable compromise to expand the development opportunities to activate the land while affirming the neighborhood context that defines the southwest quadrant of the node.

9. PROFESSIONAL STAFF RECOMMENDATION

Neither the *Southeast Area Plan* nor the *Farmland Industries Redevelopment Plan* included a specific assessment, analysis, or recommendation for this quadrant of the node. Two significant factors go

into staff's analysis of this request; the recognition that the CO District has not performed as intended and the length of time the property has remained vacant given the surrounding development activity.

Staff concurs that an expansion of possible commercial uses is appropriate for this portion of the node with limitations that are better administered through the CN2 District than the proposed restricted CC200 District.

The Land Development Code provides a mechanism for the Planning Commission to consider an alternative to an affirmative or negative action on the specific request. The Planning Commission may consider and recommend a zoning district that is less intense than the request without requiring a new public hearing per the lesser change table found in Section 20-1303 of the Land Development Code.

CONCLUSION

Staff supports the request for an expansion of uses for the property to spur additional development that would serve both the surrounding neighborhood and commercial/industrial land uses. The Land Development Code would require in some cases a Special Use Permit to ensure compatibility with the surrounding neighborhood instead of what would be possible by-right in a higher intensity commercial zoning district.

CC200 Removed Uses - SWC of 23rd & O'Connell

Event Center, Large

Entertainment &
Spectator Sports - General

Participant Sports &
Recreation, Outdoor

Retail Establishment
-Large

Sex Shop

Sexually Oriented
Theater

Campground

Inoperable Vehicle Storage

Manufacturing & Production, Tech

Wholesale, Storage & Distribution
-Exterior Storage
-Heavy Use
-Light
-Mini-Warehouse

Recycling Facilities
-Large Collection

20-402 NONRESIDENTIAL DISTRICT USE TABLE

RESIDENTIAL USE GROUP

Key:
A = Accessory
P = Permitted
S = Special Use
*** = Standard Applies
- = Use not allowed

		CN1	CN2	CO	CD	CC	CR	CS
Household Living	Accessory Dwelling	P*	-	-	-	-	-	-
	Attached Dwelling	P*	-	-	-	-	-	-
	Cluster Dwelling	-	-	-	-	-	-	-
	Detached Dwelling	P*	-	-	-	-	-	-
	Duplex	P*	-	-	-	-	-	-
	Manufactured Home	-	-	-	-	-	-	-
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-
	Mobile Home	-	-	-	-	-	-	-
	Mobile Home Park	-	-	-	-	-	-	-
	Multi-Dwelling Structure	-	P*	-	P*/S*	P*	-	P*
	Non-Ground Floor Dwelling	P*	P*	-	P*	P*	-	P*
	Work/Live Unit	P*	P*	-	P*/S*	P*	-	P*
	Zero Lot Line Dwelling	P*	-	-	-	-	-	-
	Home Occupation, Type A or B	-	-	-	-	-	-	-
Group Living	Assisted Living	-	-	-	-	-	-	-
	Congregate Living	-	-	-	-	-	-	-
	Dormitory	-	-	-	-	-	-	-
	Fraternity or Sorority House	-	-	-	-	-	-	-
	Group Home, General (11 or more)	S	S	S	S	S	S	S
	Group Home, Limited (10 or less)	P	-	-	-	-	-	-

Commercial Districts / Corresponding Comprehensive Plan Designation

CN1 (Inner Neighborhood Commercial) / None

CN2 (Neighborhood Shopping Center) / Neighborhood Commercial Center

CO (Commercial Office) / Office or Office/Research

CD (Downtown Commercial) / Regional Commercial Center

CC (Community Commercial) /Community Commercial Center

CR (Regional Commercial) / Regional Commercial Center

CS (Strip Commercial) / None

CO vs. CC Residential

- CC allows residential uses, which are not permitted in the CO District.

The applicant does not propose any use restrictions for the *Residential Use Groups*

20-402 NONRESIDENTIAL DISTRICT USE TABLE

PUBLIC AND CIVIC USE GROUP								
Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		CN1	CN2	CO	CD	CC	CR	CS
Community Facilities	College/University	S	P	P	P	P	P	P
	Cultural Center/ Library	S	P	S	P	P	-	-
	Day Care Center	S*	P*	S*	S*	P*	P*	P*
	Day Care Home, Class A	P	P	-	P	P	-	P
	Day Care Home, Class B	S*/A*	P*	-	P	P	-	P
	Detention Facilities	-	-	-	-	-	-	-
	Event Center, Small	S	S	P	P	P	P	P
	Event Center, Large	-	-	S	P	P	P	P
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	P*	P*	P*	P*
	Postal & Parcel Service	-	P	P	P	P	P	P
	Public Safety	S	P	P	P	P	P	P
	School	P	P	P	P	P	P	P
	Active Funeral and Interment	-	P*	P*	P*	P*	P*	P*
	Passive Funeral and Interment	A*	A*	A*	A*	A*	A*	A*
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*
	Social Service Agency	P	P	P	P	P	P	P
	Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*
	Utilities, Minor	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*
	Utilities and Service, Major	S	S	S	S	S	S	S
Medical Facilities	Community Mental Health Facility	-	-	-	-	-	-	-
	Extended Care Facility, General	-	S	S	-	-	-	-
	Extended Care Facility, Limited	P	P	P	-	-	-	-
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P
	Hospital	-	-	-	-	-	-	-
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*

PUBLIC AND CIVIC USE GROUP								
Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		CN1	CN2	CO	CD	CC	CR	CS
Recreational Facilities	Active Recreation	S	P	S	S	P	P	P
	Entertainment & Spectator Sports, General	-	-	-	P	P	P	P
	Entertainment & Spectator Sports, Limited	-	P	-	P	P	P	P
	Participant Sports & Recreation, Indoor	-	P	-	P	P	P	P
	Participant Sports & Recreation, Outdoor	-	-	-	-	P	P	P
	Passive Recreation	P	P	P	P	P	P	P
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P
	Private Recreation	P	P	-	P	P	-	P
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*

CO vs. CC Public and Civic Use Group

- Community Facility uses are comparable for the CO and CC districts.
- The CO district allows a wider range of medical facility uses.

Applicant proposes to restrict:

- Event Center,
- Large and Entertainment & Spectator Sports, General
- Participant Sports & Recreation, Outdoor

20-402 NONRESIDENTIAL DISTRICT USE TABLE

COMMERCIAL USE GROUP								
Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		CN1	CN2	CO	CD	CC	CR	CS
Animal Services	Kennel	-	-	-	-	P	P	P
	Livestock Sale	-	-	-	-	S	S	S
	Sales and Grooming	P	P	P	P	P	P	P
	Veterinary	-	P	P	P	P	P	P
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*
	Accessory Restaurant	-	-	-	-	-	-	-
	Bar or Lounge	-	P/S*	-	P*	P*	P*	P*
	Brewpub	-	P*	-	P*	P*	P*	P*
	Fast Order Food	P*	P*	P*	P*	P*	P*	P*
	Fast Order Food, Drive-In	-	S	-	-	P	P	P
	Nightclub	-	-	-	P*	-	P*	P*
	Private Dining Establishments	P*	P*	P*	P*	P*	P*	P*
Office	Restaurant, Quality	P*	P*	P*	P*	P*	P*	P*
	Administrative and Professional	P*	P	P	P	P	P	P
	Financial, Insurance & Real Estate	P*	P	P	P	P	P	P
	Payday Advance, Car Title Loan Business	P*	P	P	P	P	P	P
	Other	P	P	P	P	P	P	P
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*
	Commercial	-	S	S	S	P	P	P
Retail Sales & Service	Agricultural Sales	-	-	-	-	P	P	P
	Building Maintenance	-	P	-	P	P	P	P
	Business Equipment	-	P	-	P	P	P	P
	Business Support	-	P	P	P	P	P	P
	Construction Sales and Service	-	-	-	-	P	P	P
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*
	Personal Convenience Services	P*	P	-	P	P	P	P

COMMERCIAL USE GROUP								
Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		CN1	CN2	CO	CD	CC	CR	CS
	Personal Improvement Services	P*	P	-	P	P	P	P
	Repair Service, Consumer	P*	P*	-	P*	P*	P*	P*
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*
	Retail Establishment, Large	-	-	-	-	P*	P*	P*
	Retail Establishment, Medium	-	P*	-	P*	P*	P*	P*
	Retail Establishment, Specialty	-	P*	-	P*	P*	P*	P*
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	-	-	-	-	-
	Physical Sexually Oriented Business	-	-	-	-	-	-	-
	Sex Shop	-	-	-	-	P*	P*	P*
	Sexually Oriented Theater	-	-	-	-	P*	P*	P*
Transient Accommodation	Bed and Breakfast	P*	-	-	-	-	-	-
	Campground	-	-	-	-	P	P	P
	Hotel, Motel, Extended Stay	-	-	-	P	P	P	P
Vehicle Sales & Service	Cleaning (Car Wash)	-	S	-	-	P	P	P
	Fleet Storage	-	-	-	-	P	P	P
	Gas and Fuel Sale	-	S	-	-	P	P	P
	Truck Stop	-	-	-	-	-	S	-
	Heavy Equipment Repair	-	-	-	-	P	P	P
	Heavy Equipment Sales/Rental	-	-	-	-	P	P	P
	Inoperable Vehicles Storage	-	-	-	-	P	P	P
	Light Equipment Repair	-	S	-	S	P	P	P

20-402 NONRESIDENTIAL DISTRICT USE TABLE

COMMERCIAL USE GROUP								
Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed								
	CN1	CN2	CO	CD	CC	CR	CS	
Light Equipment Sales/Rental	-	P*	-	S	P	P	P	
RV and Boats Storage	-	-	-	-	P	P	P	

CO vs. CC Commercial Use Groups

- The CC district allows a wider range of animal services uses.
- The CC district allows a wider range of eating and drinking establishments including Fast Order Food, Drive-Thru.
- The CO district permits the same office and parking facility uses allowed in the CS district.
- Some Retail Sales and Service uses are permitted in the CO district with a restriction not to exceed 10% of the total gross floor area of the office building or office complex in which it is located.
- A full range of retail sales uses are permitted in the CC district with the restriction sales establishments shall not exceed the gross floor areas of 65,000 square feet.
- The CO district does not allow sexually oriented businesses, transient accommodations, or vehicle sales and services use.

The applicant proposes to restrict:

- *Retail Establishment, Large*
- *Sex Shop*
- *Sexually Oriented Theater*
- *Campground*
- *Inoperable Vehicle Storage*

INDUSTRIAL USE GROUP								
Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed								
	CN1	CN2	CO	CD	CC	CR	CS	
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	
	Industrial, General	-	-	-	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	
	Laundry Service	-	-	-	P	P	P	
	Maker Space, Limited	P	P	P	P	P	P	
	Maker Space, Intensive	-	S	S	S	S	S	
	Manufacturing & Production, Ltd.	-	-	-	S	S	S	
	Manufacturing & Production, Tech.	-	-	-	P	P	P	
	Research Service	-	-	S	P	P	P	
	Scrap and Salvage Operation	-	-	-	-	-	-	
Wholesale, Storage & Distribution	Exterior Storage	-	-	-	A*	A*	A*	
	Heavy	-	-	-	S	S	S	
	Light	-	-	-	P	P	P	
	Mini-Warehouse	-	-	-	P	P	P	

CO vs. CC Industrial Use Groups

- The CO district allows only maker spaces and Research Service Uses.
- The CC district allows a wide range of industrial uses excluding the most intensive use.
- The CO district prohibits Wholesale, Storage and Distribution uses. The CC district allowed all types of uses including exterior storage and mini-warehouse uses.

The applicant proposes to restrict:

- *Manufacturing & Production, Tech*
- *Exterior Storage*
- All uses in the *Wholesale, Storage & Distribution* use group

20-402 NONRESIDENTIAL DISTRICT USE TABLE

OTHER USES GROUP								
Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		CN1	CN2	CO	CD	CC	CR	CS
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*
	Greek Housing Unit	-	-	-	-	-	-	-
Urban Agriculture	Agriculture, Crop	P	P	P	P	P	P	P
	Agriculture, Large Animal	-	-	-	-	-	-	-
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*
	Farmers Market	P	P	P	P	P	P	P
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	A*	A*
	Urban Farm	-	-	-	-	-	-	-
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*
	Broadcasting Tower	-	-	-	S	-	-	-
	Communications Service Establishment	P	P	P	P	P	P	P
	Wireless Facility - Antenna	A*	A*	A*	S*	A*	A*	A*
	Wireless Support Structure	S*	S*	S*	S*	S*	S*	S*
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*
Mining	Mining	Use not permitted in any commercial district						
Recycling Facilities	Large Collection	-	-	-	-	P	P	P
	Small Collection	P	P	P	P	P	P	P
	Processing Center	-	-	-	-	-	-	-

CO vs. CC Other Use Groups

- The CO and CC districts allow the same uses except that the CC district also allows large collection, Recycling Facilities.

The applicant proposes to restrict:

- Recycling Facilities, Large Collection



FAIRFIELD FARMS WEST ADDITION NO.2 DEVELOPMENT

Proposed Zoning Category Change

Exchange Court & O'Connell Road/E 1600 Road

Lawrence, Kansas 66046

CFS Project No. 185162

7 Step Traffic Impact Analysis

July 20, 2018

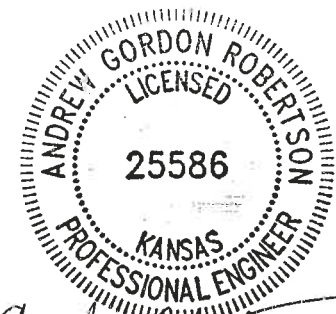
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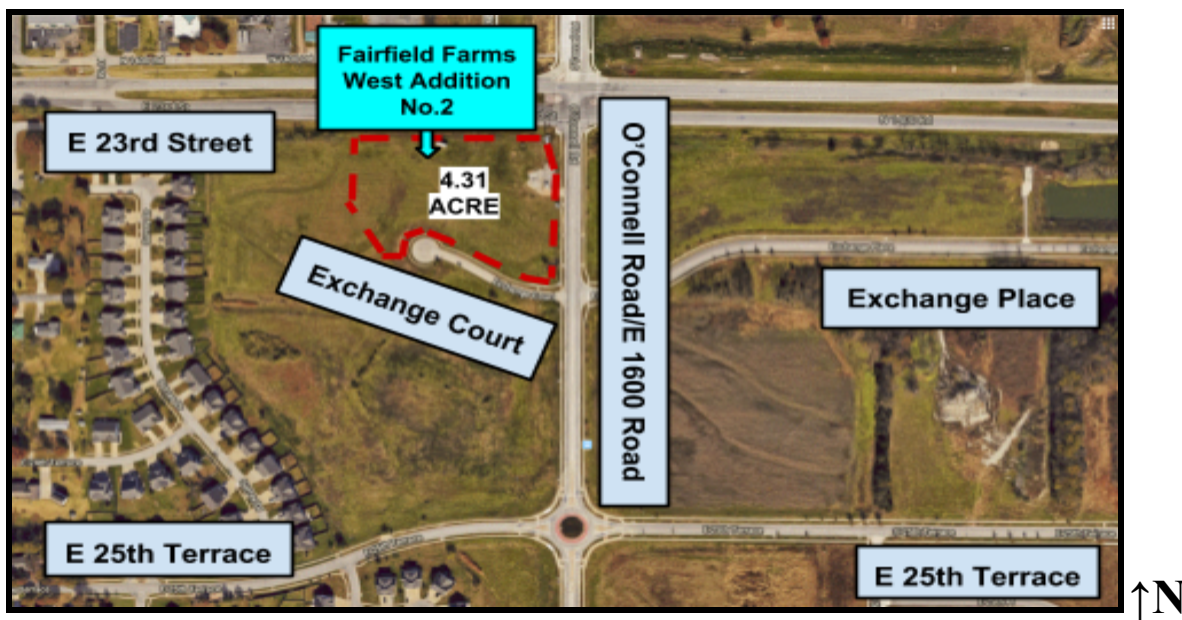
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Introduction

This 7 Step Traffic Impact Analysis has been prepared for the support of the proposed zoning change for the Fairfield Farms West Addition No.2 in Lawrence, Kansas. The study has been prepared in accordance with the City of Lawrence's Traffic Impact Study Guidelines. The zoning of the proposed 4.31 acre site will be changed from CO (office commercial) to CC200 (community commercial). This site does not currently have a proposed development plan, but it is likely to consist of a retail building with a parking lot. Once the building size and specific land use is determined, then a comprehensive traffic study will be prepared to address all necessary details relatant to accommodating traffic.

The changes in traffic generated by changing the zoning category revealed that a full traffic study could be warranted in the future depending on the proposed size of the development. Given the space available, if more than 14% of available land would be used as the footprint for a building, then a full traffic study would be warranted. Using an example building size of 13.5% of the available land (approximately 25,348 sq ft), then the AM peak hour would yield 24 vehicles per hour (vph) while the PM peak hour would yield 97 vph. Since the maximum volume of site generated traffic during a peak hour, 97 vph, is less than 100 vph, this 7 Step Analysis would satisfy the City of Lawrence's Development Code. The new access driveway will potentially connect to the cul-de-sac on Exchange Court. The analysis of the proposed development does not indicate that there would be any appreciable change in traffic volumes as a result of this project.



Aerial View of Fairfield Farms West Addition No.2, Lawrence, Kansas

Proposed Fairfield Farms West Addition No.2, Lawrence, Kansas

STEP 2: Land Uses Shown in Horizon 2020 for the Proposed Development

As shown in the Horizon 2020, The Comprehensive Plan for Lawrence and Unincorporated Douglas County Amendment 8-8-2017, the zoning category for the site will change from CO (office commercial) to CC200 (community commercial). The current land use is vacant, and the proposed land use is undecided at this time; therefore, a shopping center land use was used as an example for the analysis. This area is within the incorporated city limits. The flood map for the selected area is number 20045C0179E, effective on 09/02/2015, showed that the site was located outside of the 500 year flood zone.

STEP 3: Functional Classification of the Public Streets Bordering the Site

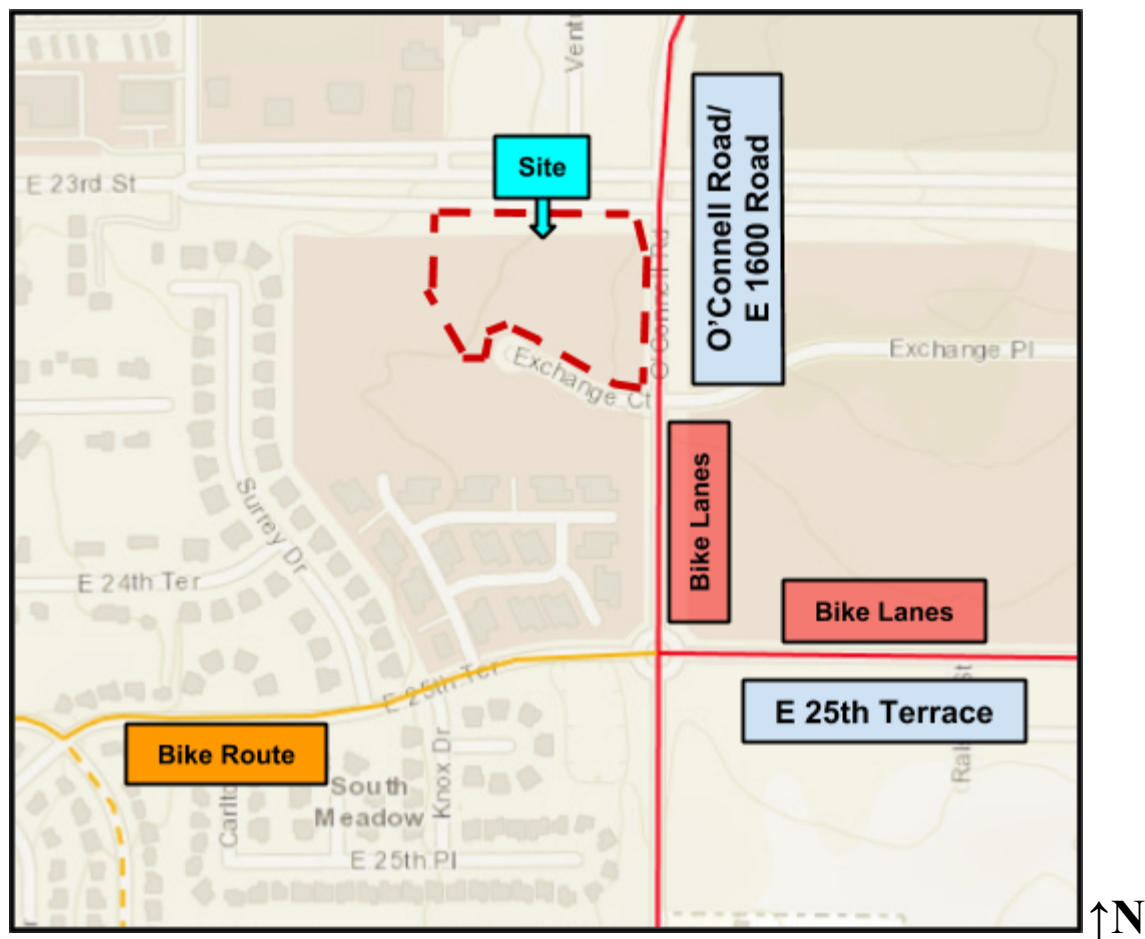
As shown in the Transportation 2040 developed by the Metropolitan Transportation Plan of Lawrence and Douglas County, the functional classification of the surrounding streets are as follows:

- E 23rd Street/N 1400 Road - Minor Arterial
 - Speed limit of 55 mph to the east of O'Connell Road/E 1600 Road
 - Speed limit of 45 mph to the west of O'Connell Road/E 1600 Road
 - Average daily volume was 31,100 vehicles in 2012
- O'Connell Road/E 1600 Road - Major Collector
 - Speed limit of 35 mph
- E 25th Terrace - Local Road
 - Speed limit of 35 mph
- Exchange Place - Local Road
 - Speed limit of 35 mph
- Exchange Court - Local Road
 - Speed limit of 30 mph

There are no known programmed improvements or future planned improvements for any of the roadways listed above in the region directly surrounding the Fairfield Farms West Addition No.2 development site.

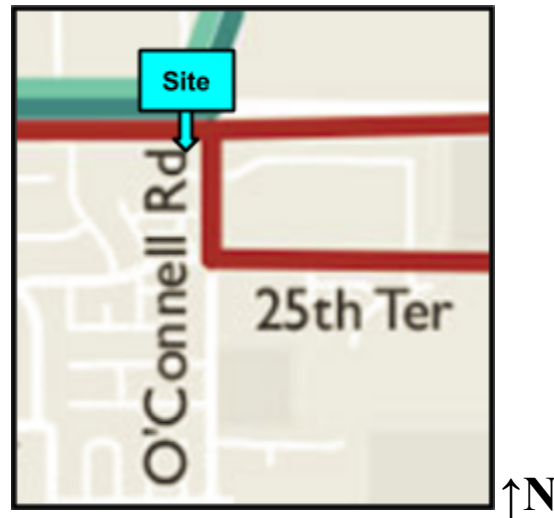
STEP 4: Allowable Access to the Development

Most of the traffic headed to the site will most likely arrive and depart via E 23rd Street/N 1400 Road and O'Connell Road/E 1600 Road since the land to the east of the site is largely undeveloped. O'Connell Road/E 1600 Road and 25th Terrace to the east both have bike lanes (shown in red), and 25th Terrace to the west of O'Connell Road/E 1600 Road is designated as a bike route (shown in orange). The surrounding bike network provides accessibility to the site, and bicycle parking is proposed at the site to encourage ridership.



Bike Facilities near Fairfield Farms West Addition No.2, Lawrence, Kansas

The City of Lawrence Bus Route 1 (shown in maroon), Downtown to East Lawrence, includes O'Connell Road/E 1600 Road and already provides access to the site.



Bus Route 1 near Fairfield Farms West Addition No.2, Lawrence, Kansas

STEP 5: Current Public Street Characteristics Adjacent to the Site

The three roadways adjacent to the site are O'Connell Road/E 1600 Road, Exchange Court, and E 23rd Street/N 1400 Road. O'Connell Road/E 1600 Road is a three-lane roadway with one thru lane each direction, a two-way left-turn lane, and bike lanes for each direction with a posted speed limit of 35 mph. It is 44 ft wide between the edges of pavement, has a curb and gutter system, has sidewalks on both sides of the street, and has "No Parking" signs along both sides of the street. Exchange Court is a two-lane local roadway with a 30 mph speed limit that connects to O'Connell Road/E 1600 Road. It is 22 ft wide between the edges of pavement and has a curb and gutter system and a sidewalk on the northern side of the street. The intersection of O'Connell Road/E 1600 Road & Exchange Court is 500 ft away from the nearest arterial which is E 23rd Street/N 1400 Road, and there are no sight obstructions or sight distance issues at the intersection. The E 23rd Street/N 1400 Road is four-lane divided minor arterial roadway. The signalized intersection of E 23rd Street/N 1400 Road & O'Connell Road/E 1600 Road has 6 street lights and video detection cameras to monitor each approach. ADA accessible pedestrian crosswalks and pedestrian signals have also been installed at this intersection.

STEP 6: Proposed Access Compared with AASHTO Criteria

Once the building size and specific land use for the Fairfield Farms West Addition No.2 final development have been determined, at least one new access driveway will be proposed on Exchange Court with the main access driveway most likely connecting to the existing cul-de-sac. The proposed access point(s) to the site will meet AASHTO criteria and the City of Lawrence Access Management Guidelines. The distance between the proposed access point and the intersection of O'Connell Road/E 1600 Road & Exchange Court will exceed the 50 ft minimum requirement. The driveway width will be 24 ft and the throat length will exceed 50 ft which also meets the requirements of Access Management Guidelines. The access points are not likely to require a left-turn or right-turn auxiliary lane. There are no sight obstructions or sight distance issues at the driveway intersections.

STEP 7: Estimate of Trips Generated by Existing and Proposed Development

The existing site is a vacant area of land with no traffic. For evaluating traffic impacts from new land developments, transportation engineers typically utilize the Trip Generation Manual (10th Edition) published by the Institute of Transportation Engineers (ITE). The 10th Edition is the most current manual and covers a diverse assortment of commercial, residential, industrial and specialty types of land developments. An example ITE category was used for this study. For the zoning change from CO (office commercial) to CC200 (community commercial), it was assumed that the ITE Code 710 (General Office Building) would be a good comparison for office commercial, and ITE Code 820 (Shopping Center) would be a good comparison for the community commercial zoning category. Given the space available, if more than 14% of available land would be used as the footprint for a building, then a full traffic study would be warranted. Using an example building size of 13.5% of the available land (approximately 25,348 sq ft), the building size was multiplied by the ITE Average Trip Generation Rates to determine the increased traffic volumes. Volumes were calculated as follows for the daily total and the AM and PM Peak Hours on a typical weekday:

ITE Trip Generation Manual (10th Edition) Generation Rates and Directional Distributions

Assumed Land-Use		Average Trip Generation Rate	Total Traffic	Traffic Entering	Traffic Exiting
ITE Land Use 710 (General Office Building)	Weekday Total	9.74 vpd/ksf	246	123 (50%)	123 (50%)
	AM Peak Hour	1.16 vph/ksf	30	26 (86%)	4 (14%)
	PM Peak Hour	1.15 vph/ksf	29	4 (16%)	25 (84%)
ITE Land Use 820 (Shopping Center)	Weekday Total	37.75 vpd/ksf	956	478 (50%)	478 (50%)
	AM Peak Hour	0.94 vph/ksf	24	15 (62%)	9 (38%)
	PM Peak Hour	3.81 vph/ksf	97	47 (48%)	50 (52%)

These estimated volumes are relatively small and are not anticipated to significantly change the traffic patterns of the local street network. Pass-by traffic was not estimated for the assumed land use category.

Summary

Depending on the land-use type and size of building for the final development, the associated change in zoning category and site generated traffic volumes could warrant further investigation. Estimating a 13.5% usage of the available land and a shopping center land-use, the generated trips would be as follows: the AM peak hour yields approximately 24 vehicles per hour (vph) while the PM peak hour yields approximately 97 vph. As the maximum volume is less than 100 vph, this 7 Step Analysis satisfies the City of Lawrence's Development Code. The analysis of the proposed development does not indicate that there would be any appreciable increase in traffic volumes as a result of the proposed change in zoning category.



**Z-18-00364: Rezone Approximately 4.31 acres
from CO (Office Commercial) District to
CC200 (Community Commercial) District,
located at 2110, 2120 & 2130 Exchange Court**

**CPA-18-00365: Comprehensive Plan Amendment
to Horizon 2020, Chapter 6, Commercial Land Use,
related to development at 2110, 2120 & 2130 Exchange Court**



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
11/14/2018

ITEM NO. 6 IL TO IBP; 1314 RESEARCH PARK DR. (SLD)

Z-18-00481: Consider a request to rezone approximately 1.685 acres from IL (Limited Industrial) District with conditions to IBP (Industrial/Business Park) District, located in the 1314 Research Park Drive. Initiated by the City Commission on November 6, 2018. Wakarusa Plaza, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.685 acres from IL (Limited Industrial) District with use restrictions, to IBP (Industrial/Business Park) 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: *The City Commission directed staff to process a text amendment to consider climate controlled self-storage uses in the IBP District and if appropriate rezone the subject property back to IBP (Industrial/Business Park) District as appropriate.*

KEY POINTS

- Property was previously zoned IBP.
- Oread West Research Park District is described in Chapter 7 of *Horizon 2020* as part of the industrial inventory.
- A text amendment defining self-storage uses, establishing what zoning district such uses are permitted in, and establishing minimum design standards for self-storage uses, was approved per Ordinance No. 9514.
- On November 6th, 2018, City Commission initiated this rezoning based on the adoption of Ordinance No. 9514.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Final Plat Oread West No. 10.
- TA-18-00150 and Ordinance No. 9514, amended the Lawrence Land Development Code's definitions for certain types of storage uses; Mini-Warehouse, self-storage, climate-controlled self-storage and similar uses, and permitted some uses in the IBP (Industrial/Business Park) District.
- Z-17-00689 and Ordinance No. 9446 rezoned 1314 Research Park Drive from IBP to IL
- Site Plan, SP-18-00067, for development of a climate-controlled self-storage use.

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. Ordinance No. 9446: Rezoning from IBP to IL with conditions
3. Ordinance No. 9514: Amendments to Mini-Warehouse Uses
4. City Commission Minutes from March 20, 2018
5. City Commission Minutes from April 3, 2018
6. City Commission Item: Initiate rezoning Z-18-00481

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone calls from residents in neighborhood and nearby property owners requesting clarification and intent of proposed change.

Project Summary:

This proposed rezoning is being processed at the direction of the City Commission following a discussion related to the rezoning of the property and the development of criteria for self-storage as a permitted use in the IBP (Industrial Business Park) District. Recent changes to the Land Development Code now permit *Climate Controlled Self Storage* uses in the IBP district. This change negates the need for conditional zoning as it pertains to this property and use.

On March 20, 2018, the City Commission approved Z-17-00689 ([Ordinance No. 9446](#)), which rezoned this property from IBP (Industrial Business Park) District to IL (Limited Industrial) District, with conditions. Additionally, the City Commission directed staff to review the mini-warehouse use in the Land Development Code to determine if it was an appropriate use to include in the IBP zoning district.

Text Amendment TA-18-00150, was completed and adopted in August 2018 ([Ordinance No. 9514](#)), defining certain types of storage uses and permitting some of those uses in the IBP (Industrial Business Park) District. The Commission also directed staff to process a rezoning for this property included in Ordinance No. 9446 back to the IBP (Industrial Business Park) District, if the Land Development Code were revised to allow the warehouse use in the IBP district.

As this revision was completed and adopted by ordinance, the City Commission initiated this rezoning at their [November 6th, 2018 meeting](#), scheduling it for a public hearing by the Planning Commission's consideration.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The City is the applicant in this request.*

Industrial and Employment-Related Land Uses are discussed in Chapter 7 of *Horizon 2020*. Specific strategies are listed in Chapter 7 and include: increase the number and diversity of jobs available, protect, enhance, and retain existing industrial-related land use areas; continue to address the needs of existing businesses and industries to ensure their retention in the community; and to help facilitate expansion plans of those businesses and industries for the future.

Horizon 2020 divides industrial land use into two groups (See Table 1). The plan includes both existing and future areas designated for these land uses as described in Chapter 7. *Horizon 2020* identifies The Oread West Research Park as an existing Employment Related Area (Page 7-10).

Table 1 INDUSTRIAL LAND USE CATEGORIES (HORIZON 2020)

	Industrial Land Use	Employment Related Land Use
Land Use Categories	<ul style="list-style-type: none">• Warehouse and Distribution• Industrial• Work-live Campus-type Center• Industrial/Business/Research Park	<ul style="list-style-type: none">• Office• Office Research• Work-live Campus-type Center• Industrial/Business/Research park

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

Industrial and Employment-Related Land Use (Chapter 7, *Horizon 2020*)

Goal 1: Development in Established Industrial and Employment-Related Areas

Policy 1.1 Retain Established Development and Encourage New Development in Existing Industrial and Employment Related Areas.

This policy discusses the need to market and develop existing areas designated for industrial and employment related uses. The previously approved rezoning was restricted to specific uses facilitating development of this site. Text amendment TA-18-00150 refined the definitions for self-storage uses and established design criteria to facilitate development that is context sensitive to the base zoning district. The text amendment additionally reorganized self-storage uses in the various industrial districts, including the IBP District. These changes to the Land Development Code preserve the integrity of the industrial zoning districts consistent with the various applicable policies.

Policy 1.2: Ensure Compatibility of Development

“Encourage best management practices for site planning and design that include, but are not limited to, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacing with adjacent neighborhoods and development, and appropriate accommodation of the design to the site’s natural features.”

A site plan (SP-18-00067) for the property was submitted prior to the adoption of the design criteria established by TA-18-00150. Staff has been reviewing the proposed site plan for conformance with these new design standards. Generally site plans are reviewed for compliance with the standards of the Land Development Code, which will include compatibility with the arrangement of buildings, off-street parking, lighting, landscaping, pedestrian walkways and sidewalks, ingress and egress, and stormwater drainage of the surrounding area. Staff will also review development applications for conformance with the Community Design Manual – Industrial Design Standards. The review ensures that, by meeting the Land Development Code standards, the development is compatible with the surrounding area.

Policy 1.3: Concentrate Industrial and Employment-Related Development

"Maintain an appropriate supply of industrially zoned land so that site choices are available and infrastructure expansion can occur in an efficient and orderly manner."

This rezoning maintains the industrially zoned land in the Oread West Research Park as designated in varying forms. The rezoning request returns the property to its previous base zoning district, IBP District, since Text Amendment TA-18-00150, was completed and adopted in August 2018 (Ordinance No. 9514) defining certain types of storage uses and to permit some uses in the IBP (Industrial Business Park) District. The previous rezoning with restrictions aligns with the overall area, as does this proposed rezoning back to the IBP District, given the adjustments made to the Land Development Code as adopted under Ordinance No. 9446. With the adoption of the text amendment, the current IBP District allows the desired use and achieves the same purpose and effect as the previous rezoning to the IL District with conditions.

Goals 2, 3, and 4

The goals and policies included in the rest of the chapter address criteria for the location of new industrial and employment-related development, compatible land use transitions, and transportation considerations. Only policies specific to site design and access would be applicable to this request since the property is currently included in the industrial land inventory.

Staff Finding – Rezoning the subject property to the IBP District would be in conformance with *Goal 1: Development in Established Industrial and Employment Related Area of Horizon 2020*. The proposed rezoning would conform to the comprehensive plan. Approval of the request does not alter the property's inclusion in the industrial inventory or proposed desired use.

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

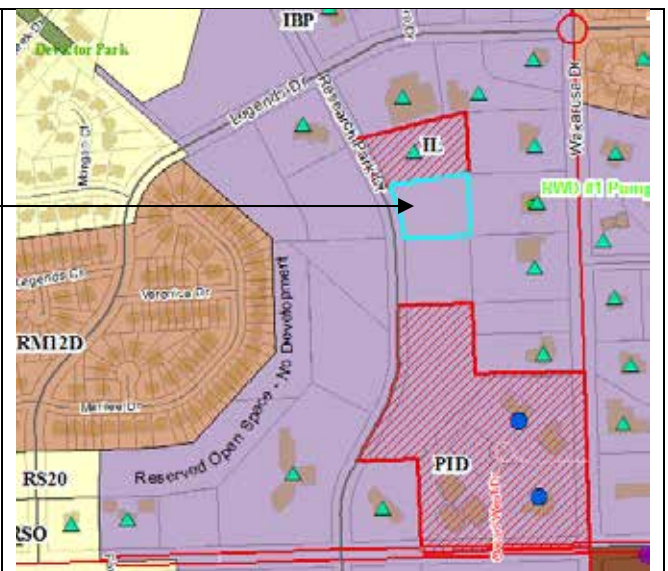
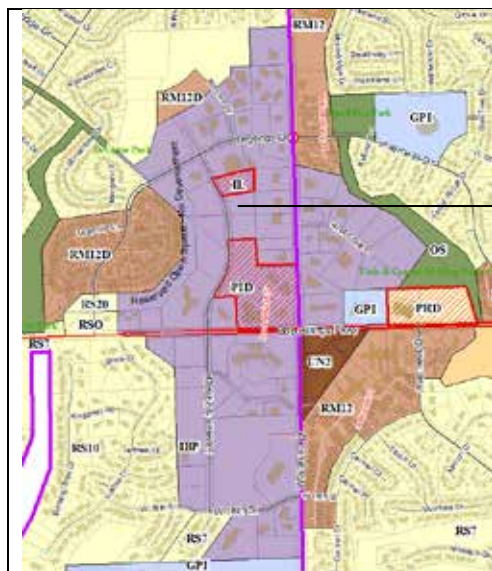
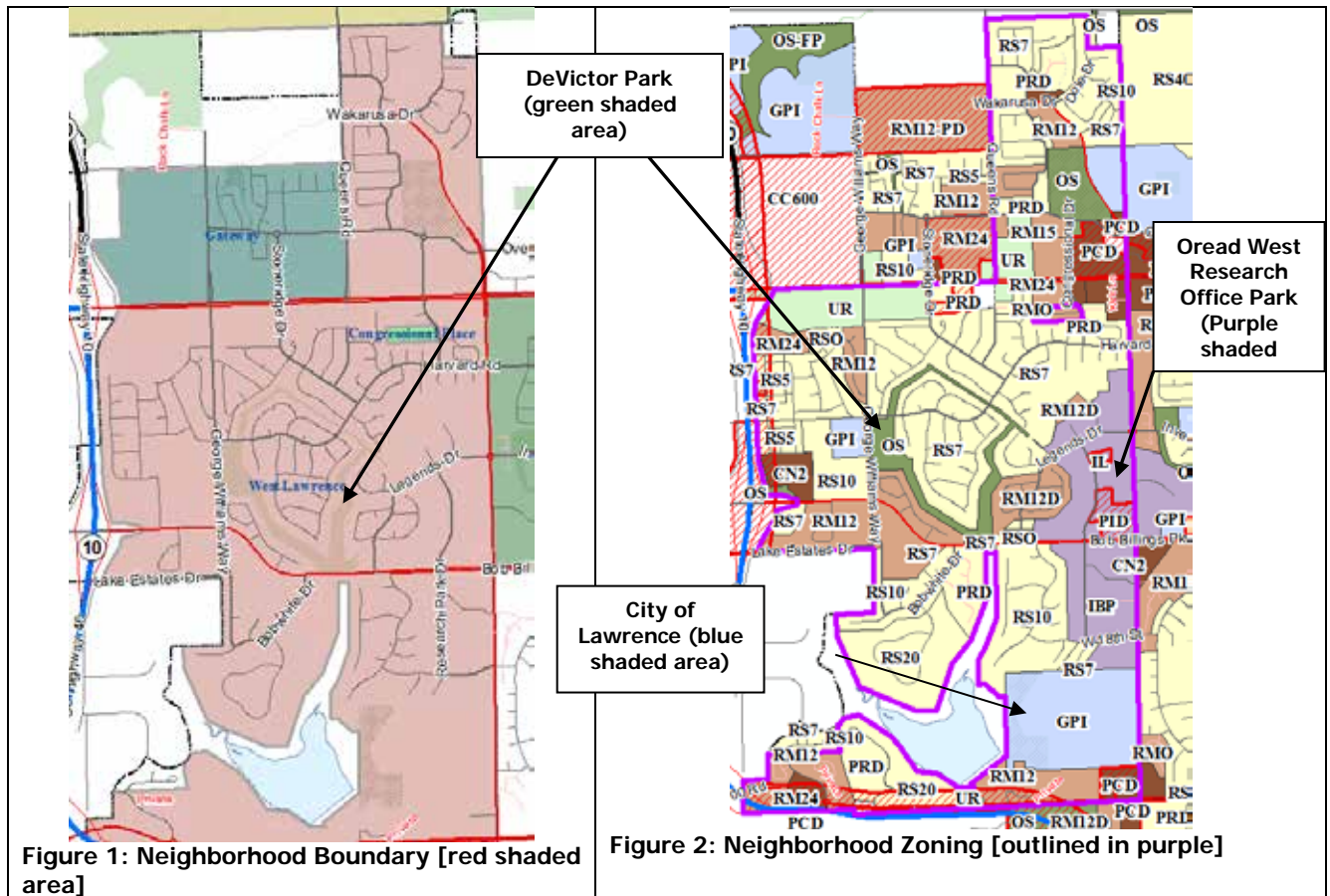
Current Zoning and Land Use:	IL (Limited Industrial) District; vacant unplatted land.
Surrounding Zoning and Land Use:	IL (Limited Industrial) District to the north; with restrictions. <i>Construction Sales and Service</i> – Rainbow International Restoration (1310 Research Park Drive). IBP to the south, east, and west; Oread West Office Park. Immediately surrounding lots to the south and west are vacant. Lot to the east (1311 Wakarusa Drive) is developed with a <i>Healthcare Office</i> .

Staff Finding – The subject property is adjacent to IBP zoning to the east, west, and south. IL zoning, with conditions, is located to the north. The lots along the middle section of Research Park Drive are currently undeveloped.

3. CHARACTER OF THE NEIGHBORHOOD

The property is included in the West Lawrence Neighborhood (Figure 1). The neighborhood includes area north of W. 6th Street to Peterson Road and south to Clinton Parkway. The neighborhood is located entirely on the west side of Wakarusa Drive. Land uses along Wakarusa Drive include commercial uses at W. 6th Street and Clinton Parkway. Between these two points, the area includes the *Oread West Business Park* (IBP, PID, and IL zoning) and approximately 118 acres zoned GPI (City of Lawrence Water Treatment Plant, Fire Station, Public Works fueling station, and future

parkland). Open space as well as back-to-back zoning relationships are used to transition between uses. Figure 2 shows the location of significant land uses in the neighborhood.



The property included in this rezoning is located within the central portion of the business park. A portion of the business park extends east of Wakarusa Drive along Quail Crest Place. Vacant

property is located to the south and west of this property. This section of the business park, between Legends Drive and Bob Billings Parkway, is predominantly developed with office and medical office uses. These uses anchor the neighborhood and provide services to the surrounding area.

Staff Finding – The majority of the West Lawrence neighborhood is residential. Non-residential uses are located along the arterial streets that surround the neighborhood. The Oread West Research Office Park is located in the east-central portion of the neighborhood and includes a mix of office, industrial, and commercial uses.

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

There are no adopted area plans or sector plans that include this property. The development pattern has been established through the annexation, zoning, subdivision approvals, and extensions of infrastructure over time. The original IBP District was much larger but has been reduced over time.

Staff Finding – The subject property has not been included in a specific area or sector plan. The development pattern of the area has been established through the land use entitlement process.

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

The property is currently zoned IL with restrictions to accommodate the proposed climate-controlled self-storage use, which was not previously permitted in the IBP District. The restrictions were tailored to meet community needs and ensure compatibility of the surrounding development pattern. Uses in this area are generally low-impact employment and manufacturing uses. The recent text amendments to the Land Development Code eliminated the need for the use restrictions conditions. Rezoning the property to IBP clears the property of encumbrances established through the conditional zoning.

Staff Finding – The proposed change does not alter the suitability of the property for future development of uses that are of a similar low-impact manufacturing, research-office related activities generally permitted in the IBP District. The change would remove any encumbrance of the property associated with conditional zoning.

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

The property is currently vacant, although a site plan has been submitted and is in-process for development of a climate-controlled self-storage facility. The property was rezoned to IBP (Industrial Business Park) District in 2006 with the adoption of the Land Development Code. Prior to 2006 the property was zoned M-1 (Research Industrial) District. The M-1 District was established through multiple annexation and rezoning requests from 1983 to 2003. This property was included in the application for rezoning Z-15-13-83. This property was later included in preliminary plats in 1989 and 1994. The property was rezoned in 2017, Z-17-00689, to facilitate development of vacant land. This request restores the property to its previous IBP zoning designation.

Staff Finding – The subject property has been zoned for industrial development in the current configuration since 1983. The property is undeveloped.

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

The proposed change will not cause a detrimental effect. The impact of the request is to restore the property to the previous zoning, IBP, consistent with the majority of the surrounding area.

Staff Finding – Approval of the IBP along with the changes to the Land Development Code adopted per TA-18-00150, renders the conditional IL zoning obsolete.

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

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.

This IBP District is unique in the City of Lawrence. This area is the only industrial node with this specific designation. The area was developed incrementally and the district boundary has fluctuated with respect to various development demands. Infrastructure is adjacent to the subject property.

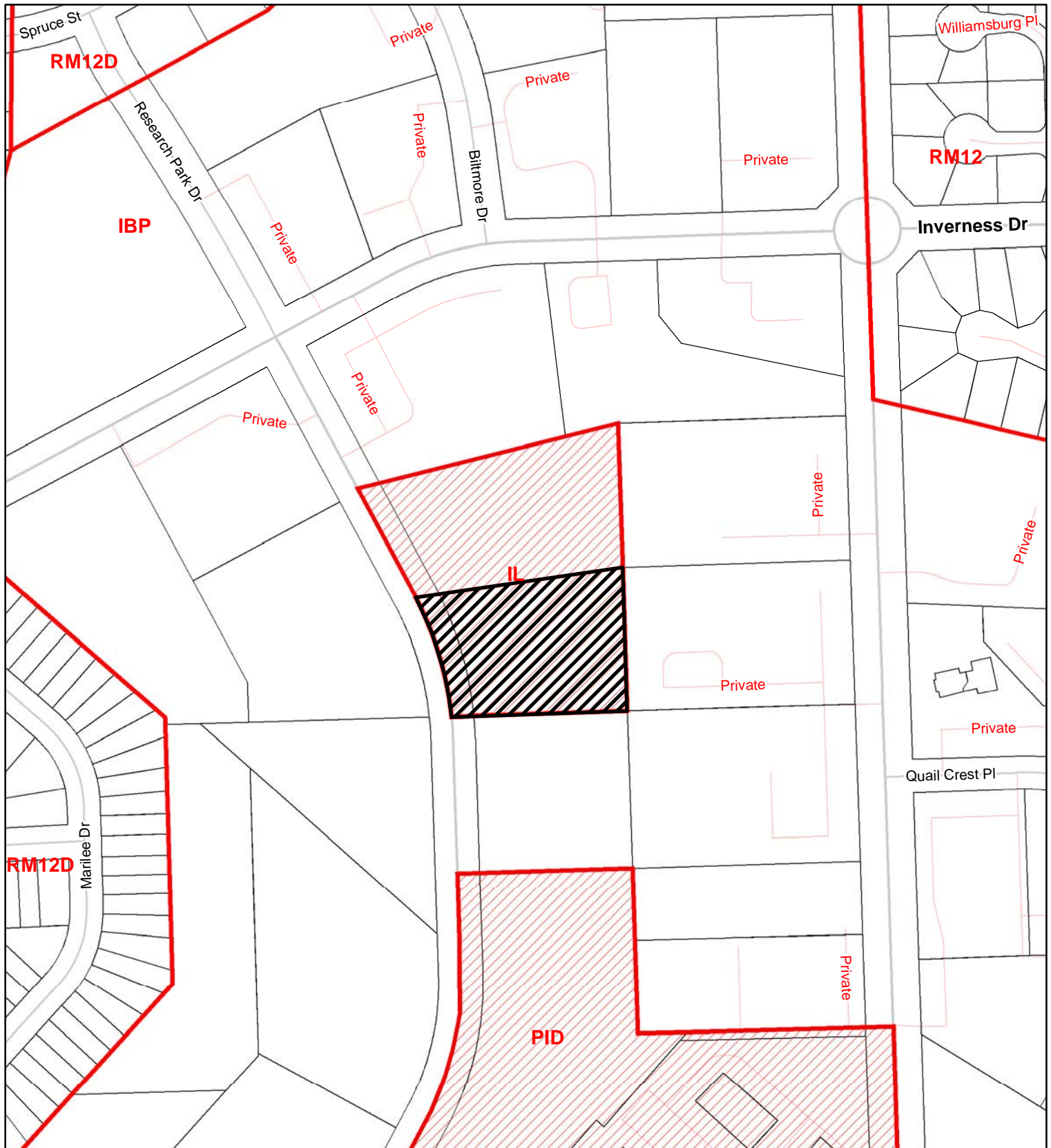
Staff Finding – Denial of the rezoning leaves the approved use restrictions in place. Approval of the request restores the district to one uniform district within the larger neighborhood. Approval of this request also affirms the City's commitment to the low-intensity development pattern established within the business park portion of the neighborhood.

9. PROFESSIONAL STAFF RECOMMENDATION

The intent of the developers' 2017 request (Z-17-00689) was to retain the uses permitted in the IBP district, while expanding to allow the *Mini-Warehouse* use. This application was a catalyst for staff and the commissions to the review self-storage uses in all industrial districts resulting in Ordinance No. 9514.

CONCLUSION

This rezoning does not alter the processing of the site plan submitted for this site or the proposed use of a climate-controlled self-storage facility.



Z-18-00481: Consider rezoning approximately 1.6 acres from IL (Limited Industrial) District to IBP (Industrial/Business Park) District, located at 1314 Research Park Drive.



ORDINANCE NO. 9446

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 1.685 ACRES FROM IBP (INDUSTRIAL BUSINESS PARK) DISTRICT TO IL (LIMITED INDUSTRIAL) DISTRICT AND AMENDING THE CITY'S "OFFICIAL ZONING DISTRICT MAP," INCORPORATED BY REFERENCE INTO THE CITY CODE AT CHAPTER 20, ARTICLE 1, SECTION 20-108 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The base zoning district classification for the following legally described real property, located in the City of Lawrence, Douglas County, Kansas, to-wit:

Lot 4, in Block 3, in Oread West No. 10, a Subdivision in the City of Lawrence,
Douglas County, Kansas,

is hereby changed from IBP (Industrial Business Park) District to IL (Limited Industrial) District, as such district is defined and prescribed in Chapter 20 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto.

SECTION 2. The rezoning granted in Section 1, *supra*, in addition to being subject to the general conditions established in Chapter 20 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is also subject to the following special conditions:

(a) Permitted uses are limited to those listed below:

- (1) College/University
- (2) Day Care Center
- (3) Event Center, Small
- (4) Event Center, Large
- (5) Postal & Parcel Service
- (6) Public Safety
- (7) Active Funeral and Interment
- (8) Temporary Shelter (Special Use only)
- (9) Social Service Agency
- (10) Community Meal Program (Special Use only)
- (11) Utilities, Minor (Special Use only)
- (12) Utilities and Service, major (Special Use only)
- (13) Health Care Office, Health Care Clinic
- (14) Active Recreation
- (15) Participant Sports & Recreation, Indoor
- (16) Participant Sports & Recreation, Outdoor
- (17) Passive Recreation
- (18) Nature Preserve/Undeveloped
- (19) Veterinary
- (20) Accessory Bar (Accessory Use only)
- (21) Restaurant, Quality
- (22) Administrative and Professional (Office)
- (23) Financial, Insurance & Real Estate (Office)
- (24) Payday Advance, Car Title Loan Business

- (25) Office, Other
- (26) Parking Facility, Commercial
- (27) Business Equipment
- (28) Business Support
- (29) Maker Space, Limited
- (30) Maker Space, Intensive
- (31) Manufacturing & Production, Ltd.
- (32) Manufacturing & Production, Tech.
- (33) Research Service
- (34) Exterior Storage (Accessory Use only)
- (35) Wholesale Storage & Distribution, Light
- (36) Mini-warehouse
- (37) Agriculture, Crop
- (38) Agricultural, small animal (Accessory Use Only)
- (39) Farmer's Market
- (40) On-site agricultural sales (Accessory Use only)
- (41) Amateur & Receive-Only Antennas (Accessory Use Only)
- (42) Broadcasting Tower
- (43) Communications Service Establishment
- (44) Wireless Facility - Antenna (Accessory Use only)
- (45) Wireless Support Structure (Special Use only)
- (46) Satellite dish (Accessory Use only)
- (47) Recycling Facilities, Small Collection

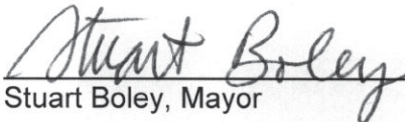
SECTION 3. The "Official Zoning District Map," which is adopted and incorporated into the City Code by reference at City of Lawrence, Kan., Code § 20-108 (Jan. 1, 2018), is hereby amended by showing and reflecting thereon the new zoning district classification for the subject property as described in more detail in Section 1, *supra*.

SECTION 4. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.


SECTION 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 3rd day of April, 2018.

APPROVED:


Stuart Boley, Mayor

ATTEST:


Sherri Riedemann, City Clerk



APPROVED AS TO FORM:



Toni R. Wheeler, City Attorney

ORDINANCE NO. 9514

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AMENDING CHAPTER 20, ARTICLE 4, SECTION 20-403, AND ARTICLE 17, SECTION 20-1737 AND ENACTING CHAPTER 20, ARTICLE 5, SECTION 20-553, OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, PERTAINING TO THE LAND DEVELOPMENT CODE, MINI-WAREHOUSE USES IN NON-RESIDENTIAL DISTRICTS, USE STANDARDS, AND DEFINITIONS, AND REPEALING EXISTING SECTIONS 20-403 AND 20-1737.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. Chapter 20, Article 4, Section 20-403, of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended to read as follows:

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key:		Base Zoning Districts															Use-Specific Standards (Sec.)		
		CN1	CN2	MU (PRIMARY / SECONDARY)	MU (TERTIARY)	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI		H	
		RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	534	
	Attached Dwelling	P*	-	P*	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503	
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702	
	Detached Dwelling	P*	-	-	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508	
	Duplex	P*	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	503	
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A		
	Manufactured Home, Residential-Design	P*	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	513	
	Mobile Home	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	A		
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Multi-Dwelling Structure	-	P*	P*	P*	-	P*/S*	P*	-	P*	-	-	-	-	-	-	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	A*	A*	-	-	-	-	-	-	-	-	-	-	-	-	-	537

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- = Use not allowed																		
Group Living	Assisted Living	-	-	P	P	-	-	-	-	-	-	-	-	-	-	S	S	
	Congregate Living	-	-	P*	S*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	S	-	-	-	-	-	S	A	
	Group Home, Limited (10 or less)	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-P	-	
PUBLIC AND CIVIC USE GROUP																		
Community Facilities	College/University	S	P	P	S	P	P	P	P	P	P	P	-	P	-	P	A	
	Cultural Center/ Library	S	P	P	S	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	A*	A*	-	P	P	-	P	-	-	-	-	-	-	-	507
	Day Care Home, Class B	S*/A*	P*	S*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507
	Detention Facilities	-	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	
	Event Center, Small	S	S	P	S	P	P	P	P	P	P	P				S		
	Event Center, Large			S	-	S	P	P	P	P	P	P				S		
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	S*	P*	P*	P*	P*	-	P*	-	-	-	P*	-	512
	Postal & Parcel Service	-	P	P	-	P	P	P	P	P	P	P	P	P	-	P	-	
	Public Safety	S	P	P	S	P	P	P	P	P	P	P	P	P	-	P	-	
	School	P	P	P	S	P	P	P	P	P	-	-	-	-	-	P	-	
	Active Funeral and Interment	-	P*	-	-	P*	P*	P*	P*	P*	P*	P*	-	-	A*	-	-	505
	Passive Funeral and Interment	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	-	-	P*/A*	A*	-	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	-	S*	-	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Community Meal Program	S/A*	S/A*	S/A*	A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	-	S	-	S	S/A*	522
	Utilities, Minor	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	-	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	S	P	P	S	P	-	
Medical	Community Mental Health Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Extended Care Facility, General	-	S	P	S	S	-	-	-	-	S	-	-	-	-	-	A	

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	Extended Care Facility, Limited	P	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	P	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	A*	519
Recreational Facilities	Active Recreation	S	P	P	S	S	S	P	P	P	P	P	-	S	S	A*/S*	A	532
	Entertainment & Spectator Sports, General	-	-	-	-	-	P	P	P	P	-	-	-	-	-	S	-	
	Entertainment & Spectator Sports, Limited	-	P	P	-	-	P	P	P	P	-	-	-	-	S	P	-	
	Participant Sports & Recreation, Indoor	-	P	P	-	-	P	P	P	P	P	P	-	-	-	P	A	
	Participant Sports & Recreation, Outdoor	-	-	S	-	-	-	P	P	P	P	P	-	-	-	A*/S*	-	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	S*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	522
COMMERCIAL USE GROUP																		
Animal Services	Kennel	-	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Livestock Sale	-	-	-	-	-	-	S	S	S	-	P	-	P	-	-	-	
	Sales and Grooming	P	P	P	S	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar or Lounge	-	P/S*	S*	-	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509

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	Fast Order Food	P*	P*	P	-	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511/509
	Fast Order Food, Drive-In	-	S	-	-	-	-	P	P	P	-	P	-	-	-	-	-	
	Nightclub	-	-	-	-	-	P*	-	P*	P*	-	-	-	-	-	-	-	509
	Private Dining Establishments	P*	P*	P	S	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	S	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	P*	P	P*	P*	P	P	P	P	P	P	P	A	P	-	P	A	518
	Financial, Insurance & Real Estate	P*	P	P	P	P	P	P	P	P	P	P	-	-	-	-	A	510
	Payday Advance, Car Title Loan Business	P*	P	P	P	P	P	P	P	P	P	P	-	-	-	-	A	510
	Other	P	P	P*	P*	P	P	P	P	P	P	P	A	P	-	-	-	543
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	S	S	-	S	S	P	P	P	P	P	P	P	-	P	A	
Retail Sales & Service	Agricultural Sales	-	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Building Maintenance	-	P	S	-	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	S	-	P	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	P	S	P	P	P	P	P	P	P	P	P	-	-	A	
	Construction Sales and Service	-	-	-	-	-	-	P	P	P	-	P	-	P	-	-	A	
	Food and Beverage	P*	P*	P*	-	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511
	Mixed Media Store	P*	P*	P*	-	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	516/528
	Personal Convenience Services	P*	P	P	P	-	P	P	P	P	-	P	-	-	-	-	A	520
	Personal Improvement Services	P*	P	P	P	-	P	P	P	P	-	P	-	-	-	A	A	521
	Repair Service, Consumer	P*	P*	P*	S*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523

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	Retail Sales, General	P*	P*	P*	S*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	525
	Retail Establishment, Large	-	-	-	-	-	-	P*	P*	S*	-	-	-	-	-	-	-	526
	Retail Establishment, Medium	-	P*	P*	-	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
	Retail Establishment, Specialty	-	P*	P*	-	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	528
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	528
	Sex Shop	-	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
	Sexually Oriented Theater	-	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
Transient Accommodation	Bed and Breakfast	P*	-	P*	S*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	-	P	P	P	P	-	P	-	-	-	-	A	
Vehicle Sales & Service	Cleaning (Car Wash)	-	S	-	-	-	-	P	P	P	-	P	A	P	-	-	-	
	Fleet Storage	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	A	
	Gas and Fuel Sales	-	S	S	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Truck Stop	-	-	-	-	-	-	-	S	-	-	-	-	S	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Heavy Equipment Sales/Rental	-	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Light Equipment Repair	-	S	-	-	-	S	P	P	P	-	P	-	P	-	-	-	
	Light Equipment Sales/Rental	-	P*	-	-	-	S	P	P	P	-	P	-	P	-	-	-	545

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RV and Boats Storage		-	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
INDUSTRIAL USE GROUP																		
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Laundry Service	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Maker Space, Limited	P	P	P	S	P	P	P	P	P	P	P	P	P	-	A/S	-	
	Maker Space, Intensive	-	S	S	-	S	S	S	S	S	P	P	P	P	-	A/S	-	
	Manufacturing & Production, Ltd.	-	-	P	S	-	S	S	S	S	P	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	-	S	P	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	P	S	S	S	P	P	P	P	P	P	P	-	-	-	
	Scrap and Salvage Operation	-	-	-	-	-	-	-	-	-	-	S*	-	S*	-	-	-	527
Wholesale, Storage & Distribution	Exterior Storage	-	-	-	-	-	-	A*	A*	A*	A*	A*	A*	A*	-	A*	A*	538
	Heavy	-	-	-	-	-	-	S	S	S	-	S	-	P	-	-	-	
	Light	-	-	-	-	-	-	P	P	P	P	P	P	P	-	S	-	
	Mini-Warehouse	-	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Mini-Warehouse, Climate Controlled	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	552
	Mini-Warehouse, Exterior	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	552
	Mini-Warehouse, Self-Storage Containers	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	552
	Garage Condos	-	-	-	-	-	-	-	-	-	S	P	P	P	-	-	-	552
OTHER USES GROUP																		
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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Urban Agriculture	Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	533, 548
	Agriculture, Large Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	533, 547
	Farmers Market	P	P	P	S	P	P	P	P	P	P	P	S	S	S	A	-	549
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	550
	Urban Farm	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	-	-	533, 554
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	-	-	-	-	-	S	-	-	-	P	P	P	P	-	-	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Wireless Facility - Antenna	A*	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Wireless Support Structure	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515
Recycling Facilities	Large Collection	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	S*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	

SECTION 2. Chapter 20, Article 5, Section 20-552, of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby enacted to read as follows:

20-552 **MINI-WAREHOUSE**

(1) **Applicability**

These standards apply to mini-warehouse buildings in any Base District, except that they do not apply to any mini-warehouse use that is contained entirely within an enclosed Building and that does not include any covered or uncovered Exterior Storage areas for boats, recreational or similar vehicles, or other equipment. Such uses are subject only to the Community Design Manual. Properties that include covered or uncovered Exterior Storage areas or conventional self-storage units, with overhead doors, accessible from access drive aisles, are subject both to these use standards and the Community Design Manual.

(2) **Architectural Standards**

The Community Design Manual shall be applied to all mini-warehouse uses, as follows:

- (i) For any mini-warehouse use located in a commercial zoning district, the building and site shall be subject to the Commercial Design Guidelines.
- (ii) For any mini-warehouse use located in an industrial zoning district, the building and site shall be subject to the Industrial Design Guidelines.

(3) **Building entrances and openings**

- (i) No door openings for any mini-warehouse storage unit shall be constructed facing any public right of way or any residentially zoned and/or used property.
- (ii) All mini-warehouse sites shall include a prominent public entryway oriented to the public street.

(4) **Accessory Exterior Storage**

All uncovered or partially covered storage shall not be visible from any public right of way or residentially zoned and/or used property.

(5) **Screening Required**

- (i) When abutting arterial or collector streets, mini-warehouse uses shall be screened by a solid fence in accordance with the Community Design Manual, based on their Zoning District.
- (ii) When located adjacent to residential uses or residential zoning, additional screening shall be provided for mini-warehouse uses in the form of a solid 8-foot tall fence.

(6) **Surfacing Required**

- (i) In all Base Districts, required Parking and Loading Area Design Standards shall be paved in compliance with City Standards.
- (ii) Exterior Storage areas located in Industrial Base Districts may be located on compacted gravel surfaces. Driveways and Driveway Aprons providing Access to these areas shall be paved in compliance with City Standards.

(7) **Parking**

- (i) Parking shall be provided by parking/driving lanes adjacent to the buildings/units. Such lanes shall be at least twenty-feet (20') wide for one-way access lanes and at least twenty-six-feet (26') wide for two-way access lanes.
- (ii) Required customer/user parking spaces may not be rented or used for the storage of boats, recreational or similar vehicles, other vehicles, or similar uses. See requirements for accessory uses.

(8) **Accessory uses**

- (i) Residential caretaker/on-site manager.
 - (a) This use is permitted only as an accessory use when permitted as part of a site plan or special use permit when allowed in the base district.
- (ii) Uncovered parking of personal recreational vehicles such as boats, recreational vehicles, and similar equipment shall be permitted only in designated storage areas that are shown on approved site plans, when permitted as an approved accessory use, and only when located on paved surfaces.
 - (a) The outdoor storage of boats, recreational vehicles, vehicles, and similar equipment shall, in no case, be displayed or advertised for sale without prior site plan approval. Outdoor storage shall be accessory and subordinate to the site's principal use.
 - (b) Cleaning and washing of boats, recreational vehicles, vehicles, or any other stored material shall be prohibited unless in a designated area meeting all minimum stormwater pollution control/stormwater runoff requirements.

(iii) Accessory/incidental retail sales.

(a) Sales and rental of moving and packing supplies, to include small and medium trucks and trailers, may be permitted with site plan approval.

SECTION 3. Chapter 20, Article 17, Section 20-1767, of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended to read as follows:

20-1767 WHOLESALE, STORAGE, AND DISTRIBUTION

Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

(1) **Mini-Warehouses Climate-Controlled Mini-Warehouses**

~~Storage or warehousing service within a Building for individuals to store personal effects. Incidental uses in a mini warehouse may include the repair and maintenance of stored materials by the tenant; but in no case shall storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, retail sales or similar uses. Human occupancy shall be limited to that required to transport, arrange and maintain stored materials.~~

A Building or group of buildings containing varying sizes of individual, compartmentalized, and controlled-access stalls, lockers, or units designed for the individual access of storage units from within an access-controlled area, accessed by individuals for the storage of household and personal property within an enclosed building that is climate-controlled with central heating or air conditioning. Storage units shall not be used for workshops, hobby shops, manufacturing, retail sales, or similar uses. Human occupancy shall be limited to that required to transport, arrange, and maintain stored materials.

Storage units are not permitted for human occupancy and shall not be used for commercial activities or for personal and/or commercial transactions. Storage units shall be accessed from interior hallways and shall not be accessed from individual exterior overhead doors. Buildings may or may not be multi-story.

(2) **Exterior Mini-Warehouses**

A Building, or group of buildings containing varying sizes of individual, compartmentalized, and controlled-access stalls, lockers, or units designed for the individual access of storage units from within an access-controlled area, accessed by individuals for the storage of household and personal property. Storage units are not climate-controlled and exclude power and other utility connections. Storage units shall be single story and shall only be accessible from ground-level. Storage units shall not be used for workshops, hobby shops, manufacturing, retail sales, or similar uses. Human occupancy shall be limited to that required to transport, arrange, and maintain stored materials.

(3) **Self-Storage Containers**

Containers or a collection of containers placed on a site for more than 30 days as permeant structures intended to be used and accessed by individuals for the storage of household and personal property. Containers are typically shipping containers placed or organized on site to create an appearance of a single building or multiple buildings on a site. Access to individual storage units is accommodated by doors or overhead doors. Storage units shall be single story and only accessible from ground-level.

(4) **Garage Condos**

Enclosed storage facility located in a building that is compartmentalized into units intended for individual ownership and used for the storage of personal property with limited ability for personal, residential/hobby type shop tools such as automotive, carpentry, and artist studio. Individual units are not intended to be residentially occupied and do not have sanitary sewer capacity, but may be provided with individual power. Associated site accessory uses may include office support services and other gathering spaces, such as a private clubhouse, for use by the facility's members.

(2)(5) **Light**

Wholesaling, storage, and warehousing services within enclosed Structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms. Customer access to stored materials is not generally provided.

(3)(6) **Heavy**

Open-air storage, distribution, the handling of materials and equipment or bulk storage of fuel. Typical uses include monument or stone yards, train yards, grain elevators and large-scale fuel storage.

SECTION 4. Existing Sections 20-403 and 20-1767 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, are hereby repealed in their entirety, it being the intent of the Governing Body that Section 1 and Section 3 of this ordinance supersede them.

SECTION 5. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining part of this ordinance.

SECTION 6. This ordinance shall take effect and be in force after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 7th day of August 2018.

APPROVED:


Stuart Boley
Mayor

ATTEST:



Sherri Riedemann
City Clerk



APPROVED AS TO FORM:



Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

Publish once and return one Proof of Publication to the City Clerk and one to the City Attorney.



City of Lawrence

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CITY COMMISSION

MAYOR
STUART BOLEY

COMMISSIONERS
LISA LARSEN
JENNIFER ANANDA, JD, MSW
MATTHEW J. HERBERT
LESLIE SODEN

April 3, 2018

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Mayor Boley presiding and Vice Mayor Larsen, Commissioner Ananda, Commissioner Herbert and Commissioner Soden present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaim the week of March 31 – April 7, 2018 as the 31st Anniversary of the Pelathe District Boy Scouts, Scouting for Food.
2. Proclaim the week of April 2-8, 2018 as Public Health Week.
3. Proclaim the month of April 2018 as Child Abuse Prevention Month.
4. Proclaim the month of April 2018 as Sexual Assault Awareness Month.
5. Proclaim the month of April 2018 as Mathematics Awareness Month.
6. Proclaim the month of April 2018 as Fair Housing Month.
7. Proclaim Tuesday, April 3, 2018 as National Service Recognition Day.
8. Proclaim the month of April 2018 as Parkinson's Disease Awareness Month.

B. CONSENT AGENDA:

Commissioner Herbert requested removal of item 8(a) for a separate vote.

A member of the public requested removal of items 8(d) and 9 for a separate vote.

Moved by Vice Mayor Larsen, seconded by Commissioner Herbert, to approve the consent agenda as below except for items 8(a), 8(d) and 9. Motion carried unanimously.

1. Approve City Commission meeting minutes from 03/20/18.
2. Receive minutes from various boards and commissions:

Affordable Housing Advisory Board meeting of 02/12/18

Aviation Advisory Board meeting of 12/14/17

Historic Resources Commission meeting of 02/15/18

Horizon 2020 Steering Committee meeting of 11/27/17

Lawrence-Douglas County Housing Authority meeting of 01/22/18



We are committed to providing excellent city services that enhance the quality of life for the Lawrence Community

Mental Health Board meeting of 02/27/18
 Public Health Board meeting of 01/16/18
 Senior Resource Center for Douglas County meeting of 02/27/18
 Transportation Commission meeting of 02/05/18

3. Approve claims in the amount of \$5,652,435.07 to 350 vendors.
4. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment	Expires
Pie Five Pizza Co KC Pie LLC 2500 Iowa St	03/23/18
Nagoya Japanese Cuisine Y G Nagoya Inc 711 W 23 rd St, Ste 24	04/12/18
Drinking Establishment/Caterer	Expires
Double Tree by Hilton Hulsing Hotels Kansas Inc 200 McDonald Dr	03/20/18
Street Vendor License – pending department approvals	Location
Coney Island Hot Dogs	NE Corner of 8 th and Massachusetts

5. Approve appointments as recommended by the Mayor.

MPO Policy Board: Appoint Commissioner Jennifer Ananda to serve as a City Commission Representative. Commissioner Ananda will replace Vice-Mayor Larsen. Commissioner Matthew Herbert continues to serve as the other City Commission Representative.

Extend the terms of members of various construction code advisory boards through June 30, 2019.

Building Code Board of Appeals: Extend the term of Michael Brunin to 06/30/19.

Electrical Code Board of Appeals: Extend the terms of Michael Wessel, Verlon Myers, and Eric Heathcoat to 06/30/19.

Fire Code Board of Appeals: Extend the terms of Jay Zimmerschied and Tracy Green to 06/30/19.

Mechanical Code Board of Appeals: Extend the terms of Laura Blanchard, P.E., L.C., Chris Champagne, and Sara Jane Scott, to 06/30/19.

Plumbing Code Board of Appeals: Extend the term of Brian Landon and Daniel Poull to 06/30/19

6. Bid and purchase items.

- a) Award Bid for Lawrence Arts Center Roof Repair (CIP# PW18B6), to JB Turner & Sons, in the amount of \$106,242, and authorize the City Manager to enter into an agreement.
7. Adopt on first reading, the following ordinance(s):
- a) Ordinance No. 9455, allowing the sale, possession, and consumption of alcohol on the public right-of-way on the 300 block of West 7th Street, on Saturday, April 28, 2018 from 3:00 p.m. – 7:00 p.m. in Watson Park for the Rockin' Red Music Fest event.
 - b) Ordinance No. 9441, authorizing the issuance of up to \$90,000,000 in hospital revenue bonds for Lawrence Memorial Hospital to provide funds to finance its new west facility and other improvements, and refund and redeem other outstanding bonds. (PIRC recommended approval 6-0 on 02/13/18).
8. Adopt on second and final reading, the following ordinance(s):
- a) **REMOVED FOR SEPARATE VOTE:** Ordinance No. 9442, rezoning (Z-17-00471) approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential-Planned Development Overlay) District, located at 5275 W. 6th Street. (PC Item 3A; approved 9-0 on 2/21/18)
 - b) Ordinance No. 9443, rezoning (Z-17-00688) approximately 1.33 acres located at 3900 W. 6th Street from CN2 (Neighborhood Commercial Center) District & PCD (Planned Commercial Development-Monterey Center) District to CN2 (Neighborhood Commercial Center) District. (PC Item 4A; approved 9-0 on 2/21/18)
 - c) Ordinance No. 9444, for Special Use Permit (SUP-17-00690) for Tommy's Car Wash, on approximately 1.33 acres located at 3900 W 6th Street. (PC Item 4B; approved 9-0 on 2/21/18)
 - d) **REMOVED FOR SEPARATE VOTE:** Ordinance No. 9445, rezoning (Z-17-00694) approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E. 23rd Street. (PC Item 2A; approved 9-0 on 2/21/18)
 - e) Ordinance No. 9446, rezoning (Z-17-00689) approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1300 Research Park Drive. (PC Item 1; approved 7-2 on 2/21/18)
9. **REMOVED FOR SEPARATE VOTE:** Adopt the following resolution(s):
- a) Resolution No. 7224, pertaining to the membership and term limits for the Transient Guest Tax Grant Program Advisory Board.
10. Approve a Special Event Permit, SE-18-00132, for the Kansas Relays Pole Vault Competition on April 18, 2018 from 10:00 a.m.-11:00 p.m., located at 4931 W. 6th Street. Submitted by Salty Iguana for Cherry Hill Properties, LLC, property owner of record

11. Traffic System Requests:
 - a) Prohibit parking on the east side of Ousdahl Road, 75' in each direction, from 19th Terrace, 20th Street, and 20th Terrace, and adopt on first reading, Ordinance No. 9449, prohibiting the parking (TC item #7; recommend approval 9-0 on 3/5/18).
 - b) Deny a request for a stop sign on 8th Street at Delaware Street (TC item #8; recommend denial 9-0 on 3/5/18).
12. Authorize the Mayor to execute a Performance Agreement between the City of Lawrence and Plastikon Healthcare, LLC, related to the Phase I and II expansions of the Company's facility in East Hills Business Park.
13. Authorize the Fire Chief to execute a Memorandum of Understanding between the Kansas State Fire Marshal's Office and the Lawrence-Douglas County Fire Medical Department to grant agency participation in the Kansas Search and Rescue Response System.
14. Authorize the City Manager to execute a Memorandum of Understanding between the Bert Nash Community Mental Health Center and the Lawrence Police Department, in reference to the Mental Health Team.
15. Approve travel expense statement for Commissioner Jennifer Ananda to attend the League of Kansas Municipalities Governing Body Institute & Mayors Conference, April 20-21, 2018 in Topeka, KS.
16. Approve travel expense statements for Commissioner Jennifer Ananda and Leslie Soden from the National League of Cities Congressional Cities Conference, March 11 – 14, 2018.
17. Receive the Social Services Funding Advisory Board 2017 Annual Report.
18. Authorize the Mayor to sign a Release of Mortgage for James L Feurt and Sherry A. Feurt, 508 Dakota Street.

ITEMS REMOVED FOR SEPARATE VOTE:

8. Adopt on second and final reading, the following ordinance(s):
 - a) Ordinance No. 9442, rezoning (Z-17-00471) approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential-Planned Development Overlay) District, located at 5275 W. 6th Street. (PC Item 3A; approved 9-0 on 2/21/18)

Katherine Simmons, Planner, presented the staff report.

Moved by Vice Mayor Larsen, seconded by Commissioner Ananda, to adopt on second and final reading Ordinance No. 9442, rezoning (Z-17-00471) approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential-Planned Development Overlay) District, located at 5275 W. 6th Street. Motion carried unanimously.

- d) Ordinance No. 9445, rezoning (Z-17-00694) approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E. 23rd Street. (PC Item 2A; approved 9-0 on 2/21/18)

Moved by Commissioner Herbert, seconded by Vice Mayor Larsen, to adopt on second and final reading Ordinance No. 9445, rezoning (Z-17-00694) approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E. 23rd Street. Motion carried unanimously.

9. Adopt the following resolution(s):

- a) Resolution No. 7224, pertaining to the membership and term limits for the Transient Guest Tax Grant Program Advisory Board.

Porter Arneill, Director of Communications and Creative Resources, presented the staff report.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to defer adoption of Resolution No. 7224, pertaining to the membership and term limits for the Transient Guest Tax Grant Program Advisory Board. Motion carried unanimously.

C. PUBLIC COMMENT:

The Commission heard public comment on items and issues not scheduled on the agenda.

D. REGULAR AGENDA ITEMS:

1. Consider authorizing the City Manager to execute the consulting contract with GHD, Inc., in the amount of \$226,182.00, for the Farmland Remediation Project.

Dave Wagner, Utilities Director, and Sarah Graves, Utilities Project Engineer, presented the staff report.

Moved by Commissioner Ananda, seconded by Vice Mayor Larsen, to authorize the City Manager to execute the consulting contract with GHD, Inc., in the amount of \$226,182 for the Farmland Remediation Project, excluding the stakeholder engagement provisions; and, direct staff to bring back revised stakeholder engagement provisions for approval by the City Commission. Motion carried unanimously.

2. Consider motion to recess into executive session.

Moved by Commissioner Herbert, seconded by Commissioner Soden, to recess into executive session for approximately 20 minutes to discuss upcoming employer-employee negotiations pursuant to the employer-employee negotiations exception set forth in K.S.A. 75-4319(b)(3). The justification for the executive session is to keep employer-employee negotiation matters confidential at this time. At the end of the executive session, the City Commission will resume its regular meeting in the City Commission Room. Motion carried unanimously.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to recess into executive session for approximately 15 minutes to discuss upcoming employer-employee

negotiations pursuant to the employer-employee negotiations exception set forth in K.S.A. 75-4319(b)(3). The justification for the executive session is to keep employer-employee negotiation matters confidential at this time. At the end of the executive session, the City Commission will resume its regular meeting in the City Commission Room. Motion carried unanimously.

The regular meeting reconvened at 8:11 p.m. The City Commission had nothing to report.

E. COMMISSION ITEMS:

Moved by Vice Mayor Larsen, seconded by Mayor Boley, to place on a future agenda a work session to discuss increasing the age for the purchase of tobacco products in Lawrence from 18 to 21. Motion carried unanimously.

F. CITY MANAGER'S REPORT:

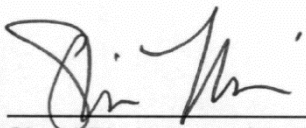
Tom Markus, City Manager, presented information on the following items: Bike Share Program to be Launched at the University of Kansas, Strategic Plan Webpage Updated, Upcoming events and services hosted by the Solid Waste Division, Planning & Development Services Monthly Project Report, Request by Local High School Students to Raise the Age to 21 to Purchase Tobacco Products, Downtown Solid Waste Rate Structure, GFOA Distinguished Budget Presentation Award Received for 2018, Future Agenda Items and Future Work Session Items.

G. CALENDAR:

The Commission reviewed calendar items.

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to adjourn at 8:32 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON APRIL 10, 2018.



Sherril Riedemann, City Clerk



City of Lawrence

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CITY COMMISSION

MAYOR
STUART BOLEY

COMMISSIONERS
LISA LARSEN
JENNIFER ANANDA, JD, MSW
MATTHEW J. HERBERT
LESLIE SODEN

March 20, 2018

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Mayor Boley presiding and Vice Mayor Larsen, Commissioner Ananda, Commissioner Herbert and Commissioner Soden present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. None.

B. CONSENT AGENDA:

Commissioner Soden requested removal of item 9 for a separate vote.

Commissioner Ananda requested removal of item 21 for a separate vote.

A member of the public requested removal of item 18 for a separate vote.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to approve the consent agenda as below except for items 9, 18 and 21. Motion carried unanimously.

1. Approve City Commission meeting minutes from 03/06/18.

2. Receive minutes from various boards and commissions:

Affordable Housing Advisory Board meeting of 01/08/18

Board of Zoning Appeals meetings of 08/03/17, 09/07/17, 10/20/17, 12/07/17, and 01/04/18

Community Development Advisory Committee meeting of 01/25/18

Historic Resources Commission meetings of 08/17/17, 09/21/17, 10/19/17, 11/16/17, and 01/18/18

Mental Health Board meeting of 01/23/18

Planning Commission meetings of 11/15/17 and 01/24/18

Public Incentives Review Committee meeting of 11/14/17

Public Transit Advisory Committee meeting of 01/08/18

Senior Resource Center for Douglas County, Inc. Board meeting of 01/23/18

Sister Cities Advisory Board meetings of 11/08/17, 12/13/17, and 01/10/18

Social Services Funding Advisory Board meeting of 10/23/17

Sustainability Advisory Board meeting of 01/10/18

Transportation Commission meetings of 12/04/17 and 12/14/17

3. Approve claims in the amount of \$7,509,526.89 to 348 vendors.



4. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment	Expires
Tres Mexicanos El Sol Lawrence LLC 1800 E 23 rd St, Ste H	03/10/18
Jazzhaus of Lawrence Richard E McNeely 926 ½ Massachusetts St	03/16/18
The Hawk Jayhawk Café Inc 1340 & 1342 Ohio St	03/21/18
The Bottleneck MT Bottle Enterprises INC 737 New Hampshire	03/31/18
Retail Liquor Store	Expires
Kansas Crown Discount Liquor Jennifer L Ankenbauer 1215 W 6 th St	03/11/18

5. Approve appointments as recommended by the Mayor.

Lawrence Cultural Arts Commission: Appoint Rachel Black to a position that expires 01/31/19.

Public Health Board: Appoint Verdell Taylor to a term that expires 03/31/21. Reappoint Sandy Praeger to an additional term that will expire 03/31/21. Ms. Praeger is a Joint City/County appointment. The County appointed Ms. Praeger on March 6, 2018.

Public Library Board: Reappoint Kevan Vick and Judy Keller to additional terms that expire 04/30/22.

6. Bid and purchase items.

- a) Authorize the purchase of one (1) articulated loader for the Public Works Department, from Roadbuilders Machinery, in the amount of \$162,595.00, utilizing the HGAC purchasing contract.
- b) Authorize the sole source purchase for the VirTra Systems 180 degree LE-5 Simulator, in the amount of \$205,609.41, for Project No. PD1802CIP, and authorize the City Manager to execute the contract.

7. Adopt on first reading, Ordinance No. 9448, authorizing the sale, possession and consumption of alcoholic liquor on the 100 block of E 8th Street and the intersection of 8th St and New Hampshire Street from 12:00 p.m. – 11:00 p.m. on Friday April 20, 2018, associated with the Downtown Shotgun event.
8. Adopt on second and final reading, Ordinance No. 9447, prohibiting the possession of glass bottles and other glass containers in the downtown district during specified hours.

9. **REMOVED FOR SEPARATE VOTE:** Adopt on first and second reading, Ordinance No. 9454 restricting rooftop access on Massachusetts Street from 6th Street to 11th Street, during specified hours for the final four celebrations.
10. Approve a Special Event Permit, SE-18-00094, for the sale of KU merchandise beginning on March 25, 2018 through April 8, 2018 in the Checkers parking lot located at 2300 Louisiana Street. Submitted by Sun Creations, Inc., on behalf of 2300 Louisiana Co, LLC, property owner of record. The event will include a sales stand in the event that the University of Kansas Basketball team reaches the NCAA Final Four.
11. Approve a Special Event Permit, SE-18-00010, for the Grinder Nationals bike races at 400 N. 1st Street Block 3, 300 Massachusetts Street, 100 Elm Street Block 1, and Plate N06425B on April 7, 2018, from 6:00 a.m. - 6:00 p.m. Submitted by Troy Farrar of United States Endurance Cycling Federation, with permission of the City of Lawrence, KS, property owner of record.
12. Approve a Special Event Permit, SE-18-00103, for an outdoor event adjacent to The Granada, located at 1020 Massachusetts Street, on March 31, April 2 and April 5, 2018. Submitted by Mike Logan, on behalf of Allen Press, property owner of record. The weekend event on the dates listed will include a small band, video screens, local vendors, food truck, and beer garden.
13. Approve rezoning, Z-17-00471, approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential-Planned Development Overlay) District, located at 5275 W. 6th Street. Submitted by Grob Engineering Services, LLC, on behalf of Beckmeisters LLC, property owner of record. Adopt on first reading, Ordinance No. 9442, rezoning (Z-17-00471) approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential-Planned Development Overlay) District, located at 5275 W. 6th Street. (PC Item 3A; approved 9-0 on 2/21/18)
14. Approve a Preliminary Development Plan, PDP-17-00695, for a multi-family residential development located at 5275 W. 6th Street. Submitted by Grob Engineering Services LLC on behalf of Beckmeisters LLC, property owner of record. (PC Item 3B; approved 9-0 on 2/21/18)
15. Accept dedication of easements associated with Minor Subdivision/Replat, MS-17-00692, for Monterey No. 8 Addition, a two-lot commercial subdivision of approximately 4.26 acres located at 3900 and 4000 W. 6th Street. Submitted by George Butler Associates, LLC for Lawrence Monterey Investors, LLC, property owners of record.
16. Approve rezoning, Z-17-00688, approximately 1.33 acres located at 3900 W. 6th Street from CN2 (Neighborhood Commercial Center) District & PCD (Planned Commercial Development-Monterey Center) District to CN2 (Neighborhood Commercial Center) District. Submitted by Wild Pines Ventures LLC, for Lawrence Monterey Investors LLC, property owner of record. Adopt on first reading, Ordinance No. 9443, rezoning (Z-17-00688) approximately 1.33 acres located at 3900 W. 6th Street from CN2 (Neighborhood Commercial Center) District & PCD (Planned Commercial Development-Monterey Center) District to CN2 (Neighborhood Commercial Center) District. (PC Item 4A; approved 9-0 on 2/21/18)

17. Approve a Special Use Permit, SUP-17-00690, for a car wash use, on approximately 1.33 acres located at 3900 W. 6th Street. Submitted by Wild Pines Ventures LLC, for Lawrence Monterey Investors LLC, property owner of record. Adopt on first reading, Ordinance No. 9444, for Special Use Permit (SUP-17-00690), on approximately 1.33 acres located at 3900 W. 6th Street. (PC Item 4B; approved 9-0 on 2/21/18)
18. **REMOVED FOR SEPARATE VOTE:** Approve rezoning, Z-17-00694, approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E. 23rd Street. Submitted by Grob Engineering Services LLC on behalf of Hedge Tree, LLC, property owner of record. Adopt on first reading, Ordinance No. 9445, rezoning (Z-17-00694) approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E. 23rd Street. (PC Item 2A; approved 9-0 on 2/21/18)
19. Approve Site Plan SP-17-0562, and sidewalk dining and hospitality license for Alchemy Coffee and Bake House located at 816 Massachusetts Street. Submitted by Hernly Associates, Inc., for Alan Terry, property owner of record.
20. Receive request from the Affordable Housing Advisory Board to add one (1) additional City appointee to the Board with requested attention to diversity with the appointment. Direct staff to prepare an ordinance to consider this change.
21. **REMOVED FOR SEPARATE VOTE:** Receive a request from the Economic Development Corporation of Lawrence/Douglas County regarding its appointment to the Public Incentives Review Committee (PIRC) and authorize staff to prepare an ordinance to consider the change requested and authorize the continuation of its current representative to PIRC until the requested change is processed.
22. Approve Public Incentive Review Committee bylaws as approved by the Public Incentive Review Committee by unanimous vote on February 13, 2018.
23. Approve 2018 Community Arts Grants as recommended by the Lawrence Cultural Arts Commission.
24. Authorize the City Manager to execute a 6-month lease extension for Municipal Court, located at 1006 New Hampshire.
25. Authorize the Mayor to sign a letter to EPA Administrator, Scott Pruitt, with 240 other Mayors from U.S. Cities and territories, urging him to reconsider his actions to dismantle the Clean Power Plan.
26. Authorize the Mayor to sign a Release of Mortgage for Chester Schmitendorf, 2014 Hillview Road.

ITEMS REMOVED FOR SEPARATE VOTE:

9. Adopt on first and second reading, Ordinance No. 9454 restricting rooftop access on Massachusetts Street from 6th Street to 11th Street, during specified hours for the final four celebrations.

Moved by Vice Mayor Larsen, seconded by Mayor Boley, to adopt on first and second reading, Ordinance No. 9454 restricting rooftop access on Massachusetts Street from 6th Street to 11th Street, during specified hours for the final four celebrations. Motion carried unanimously.

18. Approve rezoning, Z-17-00694, approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E. 23rd Street. Submitted by Grob Engineering Services LLC on behalf of Hedge Tree, LLC, property owner of record. Adopt on first reading, Ordinance No. 9445, rezoning (Z-17-00694) approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E. 23rd Street. (PC Item 2A; approved 9-0 on 2/21/18)

Mary Miller, Planner, presented staff report.

Commissioners declared Ex Parte Communications.

Moved by Commissioner Herbert, seconded by Vice Mayor Larsen, to approve rezoning, Z-17-00694, approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E. 23rd Street. Submitted by Grob Engineering Services LLC on behalf of Hedge Tree, LLC, property owner of record. Adopt on first reading, Ordinance No. 9445, rezoning (Z-17-00694) approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E. 23rd Street. (PC Item 2A; approved 9-0 on 2/21/18). Motion carried unanimously.

21. Receive a request from the Economic Development Corporation of Lawrence/Douglas County regarding its appointment to the Public Incentives Review Committee (PIRC) and authorize staff to prepare an ordinance to consider the change requested and authorize the continuation of its current representative to PIRC until the requested change is processed.

Diane Stoddard, Assistant City Manager, presented the staff report.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to receive a request from the Economic Development Corporation of Lawrence/Douglas County regarding its appointment to the Public Incentives Review Committee (PIRC) and authorize staff to prepare an ordinance to consider the change requested and authorize the continuation of its current representative to PIRC until the requested change is processed. Motion carried unanimously.

C. PUBLIC COMMENT:

The Commission heard public comment on items and issues not scheduled on the agenda.

D. REGULAR AGENDA ITEMS:

1. **Conduct a public hearing regarding a Cereal Malt Beverage license for Archibowls, 125 E. 10th Street.**

Sherri Riedemann, City Clerk, presented the staff report.

Moved by Commissioner Ananda, seconded by Vice Mayor Larsen, to open the public hearing. Motion carried unanimously.

Moved by Commissioner Soden, seconded by Vice Mayor Larsen, to close the public hearing. Motion carried unanimously.

Moved by Commissioner Herbert, seconded by Commissioner Soden, to find that the proximity of the sale of cereal malt beverages are not averse to the public welfare or safety, and grant a distance limitation waiver. Motion carried unanimously.

2. **Consider approving a request for rezoning (Z-17-00689) for approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1300 Research Park Drive. Submitted by Landplan Engineering PA on behalf of Wakarusa Plaza LC, property owner of record. Consider adopting on first reading, Ordinance No. 9446, rezoning (Z-17-00689) approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1300 Research Park Drive. (PC Item 1; approved 7-2 on 2/21/18) Commissioners will need to declare Ex Parte Communications. A protest petition was not submitted for this application.**

Commissioners declared Ex Parte Communications. A protest petition was not submitted for this application.

Sandra Day, Planner, presented the staff report.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to approve rezoning (Z-17-00689) 1.685 acres from IBP to IL located at 1300 Research Park Drive and adopt on first reading, Ordinance No. 9446; and, direct staff return to the commission a memo requesting the initiation of a text amendment adding interior storage to IBP and to consider options for rezoning the subject property back to IBP if the text amendment is approved. Aye: Mayor Boley, Vice Mayor Larsen, Commissioner Ananda, Commissioner Herbert. Nay: Commissioner Soden. Motion carried 4-1.

3. **Consider the following items related to the city leasing space at the Riverfront Mall, 1 Riverfront Plaza:**

- a) **Consider taking a walking tour of the west-side, top floor of the Riverfront Mall, 1 Riverfront Plaza. Commissioners, staff, and any public that want to participate, will be able to walk over to the Riverfront Mall to tour the space. The tour will take approximately 20-30 minutes and Commissioners and staff will return to the Commission Room for the remaining agenda items. Any members of the public who require accommodation, please contact the City Manager's Office by noon on March 20, 2018.**

Scott McCullough, PDS Director, presented the staff report on item a.

The Commission, staff and members of the public took a walking tour of the west-side, top floor of the Riverfront Mall, 1 Riverfront Plaza, at 7:44 p.m.

The Commission returned to the City Commission Chambers at 8:07 p.m.

- b) Consider approving the City's lease of 21,385 square feet of the west-side top floor of the Riverfront Mall, 1 Riverfront Plaza, to establish City offices; and
- c) Consider authorizing the City Manager to enter into an agreement with TreanorHL for architectural design and construction management services to complete tenant improvements at the property at a cost not to exceed \$64,000.

Scott McCullough, PDS Director, presented the staff report on items b and c.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to approve the City's lease of 21,385 square feet of the west-side top floor of the Riverfront Mall. Motion carried unanimously.

Moved by Commissioner Herbert, seconded by Vice Mayor Larsen, to authorize the City Manager to enter into an agreement with TreanorHL for architectural design and construction management services at a cost to not exceed \$64,000. Motion carried unanimously.

- 4. Consider motion to recess into executive session for approximately 30 minutes for the purpose of consultation with attorneys for the City to discuss pending legal matters. The justification for the executive session is to keep attorney-client matters confidential at this time. At the end of the executive session, the City Commission will resume its regular meeting in the City Commission Room.

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to approve motion to recess into executive session for approximately 30 minutes at 8:38 p.m. for the purpose of consultation with attorneys for the City to discuss pending legal matters. Motion carried unanimously.

The regular meeting reconvened at 9:08 p.m. The City Commission had nothing to report.

E. COMMISSION ITEMS:

Commissioner Soden and Commissioner Ananda discussed their trip to the National League of Cities Congressional City Conference.

Commissioner Soden inquired about the status of a work session related to the use of cameras in the downtown area.

Commissioner Ananda discussed opportunities for attracting innovative and technologically driven businesses.

F. CITY MANAGER'S REPORT:

Tom Markus, City Manager, presented information on the following items: VanTrust Project in Lawrence VenturePark Commencing – Added 03/19/18, Update Statement of Substantial Interests Form, February Utility Billing Report, General Fund 2017 Activity, Advisory Board Membership Voluntary Demographic Survey Distributed, Benefit/Cost Model Update, February Monthly Permit Reports, Rental Licensing and Inspection Program 2017 Annual Report, Informational Briefing on Valuation of Large Commercial Properties, City of Lawrence signs on to

letter supporting expansion of KanCare, Common Ground Lease 2017 Annual Report, Douglas County Food Policy Council 2017 Annual Report, Future Agenda Items and Future Work Session Items.

G. CALENDAR:

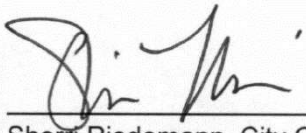
1. Receive request for a joint work session with the Transportation Commission and provide direction to staff.

Moved by Vice Mayor Larsen, seconded by Commissioner Soden, to direct staff to add a joint work session with the Lawrence Transportation Commission to a future agenda. Motion carried unanimously.

The Commission reviewed calendar items.

Moved by Vice Mayor Larsen, seconded by Commissioner Herbert, to adjourn at 9:36 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON APRIL 3, 2018.



Sherril Riedemann, City Clerk

CITY COMMISSION AGENDA ITEM



City of Lawrence

Department: Planning & Development Services **Commission Meeting Date:** November 6, 2018

Staff Contact: Sandy Day, Planner II

Recommendations/Options/Action Requested:

Initiate rezoning, Z-18-00481, approximately 1.6 acres from IL (Limited Industrial) District with restrictions to IBP (Industrial Business Park) District, located at 1314 Research Park Drive.

Executive Summary:

On March 20, 2018, the City Commission approved Z-17-00689 (Ordinance No. 9446), which rezoned this property from IBP (Industrial Business Park) District to IL (Limited Industrial) District, with conditions. Additionally, staff was directed to review the mini-warehouse use in the Land Development Cod to determine if it was an appropriate use to include in the IBP zoning district. Text Amendment, TA-18-00150, was completed and adopted in August 2018 (Ordinance No. 9514) defining certain types of storage uses and to permit some uses in the IBP (industrial Business Park) District.

The Commission also directed staff to process a rezoning of the property included in Ordinance No. 9446, commonly known as 1314 Research Park Drive back to IBP (Industrial Business Park) District as appropriate. This rezoning application is tentatively scheduled for a public hearing by the Planning Commission on November 14, 2018.

**Strategic Plan
Critical Success
Factor**

Effective Governance/Professional Administration
Safe, Healthy, and Welcoming Neighborhoods
Collaborative Solutions
Economic Growth and Security

**Fiscal Impact
(Amount/Source):**

none

Attachments:

Ordinance 9446
CC Minutes

Reviewed By:
(for CMO use only)

☐ TM
☐ DS
☐ CT
☐ BM

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 1	Apr 11	Apr 18
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 21	Aug 21	Aug 8	Aug 15
Jun 18	Aug 20	Aug 22	Sep 18	Sep 18	Sep 5	Sep 12
Jul 23	Sep 24	Sep 26	Nov 6	Nov 6	Oct 10	Oct 17
Aug 20	Oct 22	Oct 24	Nov 20	Nov 20	Nov 7	Nov 14
Sep 10	Nov 12	Nov 14	Dec 18	Dec 18	Nov 28	Dec 5
Oct 15	Dec 17	Dec 19	Jan 15, 2019	Jan 15, 2019	Jan 2, 2019	Jan 9, 2019
Nov 19	--	Jan 23, 2019	Feb 19, 2019	Feb 19, 2019	Feb 6, 2019	Feb 13, 2019
Dec 17	Feb 25, 2019	Feb 27, 2019	Mar 19, 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

2019
CITY OF LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MEETINGS AND SUBMITTAL DEADLINES

Submittal Deadline Monday 3:00pm *Tues		Planning Commission Meetings 6:30pm Monday & Wednesday	City Commission Meetings 1 st & 3 rd Tuesday **	County Commission Meetings Wednesday **			
Nov 19		--	Jan 23	Feb 19	Feb 6	Feb 13	
Dec 24		Feb 25	Feb 27	Mar 19	Mar 13	Mar 20	
Jan 22*		Mar 25	Mar 27	May 7	Apr 10	Apr 17	
Feb 19*		Apr 22	Apr 24	May 21	May 8	May 15	
Mar 18		May 20	May 22	Jun 18	Jun 5	Jun 12	
Apr 22		Jun 24	Jun 26	Aug 6	Jul 10	Jul 17	
May 20		Jul 22	Jul 24	Aug 20	Aug 7	Aug 14	
Jun 24		Aug 26	Aug 28	Oct 11	Sep 11	Sep 18	
Jul 22		Sep 23	Sep 25	Nov 5	Oct 9	Oct 16	
Aug 19		Oct 21	Oct 23	Nov 19	Nov 6	Nov 13	
Sep 16		Nov 18	Nov 20	Dec 17	Dec 4	Dec 11	
Oct 14		Dec 16	Dec 18	Jan 21, 2020	--	Jan 8, 2020	
Nov 18		--	Jan 22, 2020	Feb 18, 2020	Feb 5, 2020	Feb 12, 2020	
Dec 23		Feb 24, 2020	Feb 26, 2020	Apr 7, 2020	Mar 11, 2020	Mar 18, 2020	
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Planning & Development Services City of Lawrence-Douglas County Planning Division www.lawrenceks.org/pds							

RESOLUTION NO. 7269

A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, ADOPTING AN ETHICS POLICY FOR MEMBERS OF THE GOVERNING BODY, APPOINTED OFFICIALS, AND EMPLOYEES OF THE CITY OF LAWRENCE, KANSAS, AND REPEALING RESOLUTION NO. 5403.

WHEREAS, the Governing Body of the City of Lawrence, Kansas, recognizes that the proper working of a representative and democratic government requires that elected officials, appointed officials, and employees of the City be independent, impartial, and responsible to the citizens of Lawrence, that government decision and policy be made appropriately and in accordance with the law, that public office or employment not be used for personal gain, and that the public have confidence in the integrity of its government; and

WHEREAS, in order to accomplish those goals and to promote and to further ethical and professional conduct on the part of elected officials, appointed officials, and employees of the City, the Governing Body hereby adopts the following Ethics and Professional Conduct Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The Governing Body hereby adopts the following as its Ethics and Professional Conduct Policy:

City government exists to provide services to the public. Public acceptance of those services is based on public trust in elected officials, appointed officials, and City employees. Public trust is established through the effective operation of government and appropriate conduct by elected officials, appointed officials, and City employees. To that end, the City strives to foster an organizational culture based on honesty, integrity, professionalism, fairness, and accountability.

The City, through this policy, expects elected officials, appointed officials, and City employees to conduct the City's business fairly, impartially, ethically, and in full compliance with all applicable laws, ordinances, regulations, and policies. The City further expects that all elected officials, appointed officials, and City employees will comport themselves in such a fashion that their conduct will not create or foster questions regarding the City's honesty, integrity, impartiality, and reputation, or that will otherwise cause embarrassment to the City.

Accordingly, no elected official, appointed official, or City employee shall do any of the following:

- (1) Take any action in violation of the United States Constitution, the Kansas Constitution, federal law, federal regulations, state law, state regulations, local ordinance, local regulations, or City policy.
- (2) Give special consideration, treatment, or advantage to any person beyond that which is available to every other person.
- (3) Solicit, accept, or collect any fee, gift, or valuable thing from any person, organization, corporation, or other entity, which is involved directly or indirectly in doing business or seeking to do business with the City. Examples include, but are not limited to gifts of money, gift cards, meals, tickets (or payments for tickets) for banquets, sporting events, or entertainment events, other tangible items, sales discounts, or special sales.

- (a) The foregoing shall not include promotional items of *de minimis* value. Examples include, but are not limited to mugs, hats, t-shirts, pins, books, or other items that might be given to elected officials, appointed officials, or City employees by persons or other entities appearing before or being recognized by the City.
- (4) Use information obtained as an elected official, appointed official, or City employee to advance personal, financial, or other private interests.
- (5) Represent a third party or any entity appearing before any City board, commission, or body upon which the appointed official or City employee currently serves. Elected officials are prohibited from representing a third party or any entity appearing before **any** City board, commission, or body.
- (6) Selling, bartering, or trading with the City, acting as a contractor for the City, making any contract with the City, or acting on any matter for which the elected official, appointed official, or employee would have a conflict of interest in violation of the State's Conflict of Interest laws, codified as amended at K.S.A. 75-4301a, *et seq.*
 - (a) For City employees, the prohibition of acting as a contractor or entering into any contract with the City shall extend for a period of one year, commencing on the date of said employee's separation from the City.
- (7) Appropriating City-owned property for personal use.
- (8) Holding one's self out as acting in behalf of the City, without having such authority or when one is not actually acting within the scope of his or her office or employment.
- (9) Harassing or treating any person differently on the basis of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, or gender identity.
- (10) Retaliating against any person reporting any alleged violation of this policy.

Any City employee determined to be in violation or to have acted in violation of this policy may be subject to discipline, including the possible termination of employment.

Any appointed official found to be in violation or to have acted in violation of this policy may be subject to removal from office.

Any elected official found to be in violation or to have acted in violation of this policy may be subject to censure by the Governing Body and may be subject to those remedies that may be available under State law, including but not limited to recall or ouster.

SECTION 2. Effective January 1, 2019, existing Resolution No. 5403 is hereby repealed in its entirety.

SECTION 3. After adoption by the Governing Body, this Resolution shall be in full force and effect commencing January 1, 2019.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 6th day of November, 2018.

APPROVED:

Stuart Boley
Stuart Boley, Mayor

ATTEST:

Sherri Riedemann

Sherri Riedemann, City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler

Toni R. Wheeler, City Attorney

